

The Fair Housing Act: A Local Government's Obligations

IMLA Conference / October 20, 2018
Houston, Texas

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Presentation Outline

- Part 1: Overview of Fair Housing Law
- Part 2: Reasonable Accommodations
- Part 3: Affirmatively Furthering Fair Housing

Historical Context

- Congress approved the Fair Housing Act on April 11, 1968
  - 42 days after the Kerner Report was issued.
  - 7 days after Dr. Martin Luther King, Jr. was assassinated.
  - https://vimeo.com/86713229

PART 1
OVERVIEW OF FAIR HOUSING LAW

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Sources of Fair and Affordable Housing Law

- Federal
  - Constitutional limitations
    - Takings Clause, Equal Protection Clause, Due Process Clause
  - Civil rights laws
    - **Fair Housing Act of 1968, 42 U.S.C. § 3601 *et seq.***
    - **Fair Housing Amendments Act, 42 U.S.C. § 3601 *et seq.***
    - Rehabilitation Act, 29 U.S.C. § 701
    - Americans With Disabilities Act, 42 U.S.C. § 12101 *et seq.*
  - Funding sources
    - Housing and Community Development Act of 1974 (CDBG): 42 U.S.C. § 5301 *et seq.*
    - Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Investment Partnership Program): 42 U.S.C. § 12703 *et seq.*

Sources of Fair and Affordable Housing Law

- State
  - Constitutional limitations: mirror federal
  - Civil rights laws: mirror federal
  - Limitations on local government authority
    - "Group home" statutes
    - Rent control statutes
    - Housing Authority Laws
  - Consumer/landowner protection laws
  - Funding programs
    - Affordable housing construction grant programs or tax credits

Sources of Fair and Affordable Housing Law



Source: Zillow

- Local
  - Zoning codes
  - Building, housing codes
  - Mandatory inclusionary housing
  - Affordable housing funds
  - Public housing authorities

Fair Housing Act: Outline

Fair Housing Act outline:

- Who is protected?
- What types of housing are protected?
- Who must comply?
- Substantive prohibitions



Who is protected?

Protected classes under the Fair Housing Act include:

- Race
- Color
- Religion
- Sex
- Familial status
- National origin
- Handicap

-42 U.S.C. § 3604(a)-(f)

- **State fair housing laws may add classes**

Who is protected?

Familial status—*protects parents with children under 18 from discrimination*

- Protects foster families, recipients of Aid to Families With Dependent Children
- Not interpreted to ban housing restrictions in favor of households with children
- Licensed, age-restricted elderly living communities are exempted from compliance with prohibitions against discrimination based on familial status

-42 U.S.C. § § 3602(k), 3607(b)

Who is protected?

Handicap—*protects persons with disabilities or those associated with the disabled person*

- *"(1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance"*
- Disabilities under the FHA also include past drug or alcohol addictions and HIV infections

-42 U.S.C. § § 3602(h)

Who is protected?

Handicap—expanded definition in 24 C.F.R. § 100.201

- Physical or mental impairment
  - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine
  - Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

Who is protected?

- Major life activities
  - Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working
- Record of impairment
  - History of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities
- Regarded as having an impairment
  - A physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
  - A physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or
  - Is treated by another person as having such an impairment

Who is protected?

Handicap—*conditions not considered disabilities under the FHA*

- Emotional disturbance
- History of abuse
- Homelessness
- Past incarceration or criminal behavior
- Juvenile delinquency
- Current drug users

Who is protected?



Source: Common Dreams

Some key missing classes from federal Fair Housing Act protection…

- Income/economic class
- Source of income (*i.e. government support programs*)
- Orphanages, homeless persons
- Sexual orientation

What housing is covered?



Source: http://myemail.constantcontact.com/Shelter-from-the-Cold.html?soid=1103391372388&aid=SOqwdsMxsTc

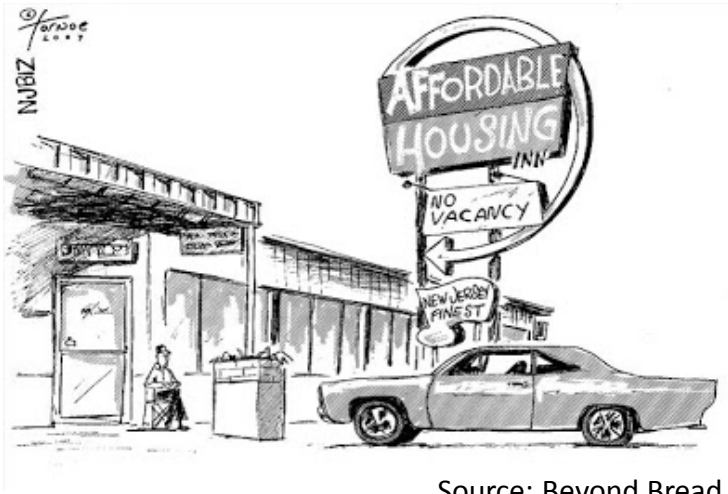
- FHA protections apply to dwellings:

"'Dwelling' means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof."

What housing is covered?

While it is generally easy to determine whether a place is a dwelling, some are not so easy…

- Temporary housing vs. transitional living facilities
- Homeless shelters
- Hotels/motels
- “Sell or rent”



Source: Beyond Bread

Who Must Comply?

- Private landowners (with some exceptions)
- Real estate agents
- Mortgage lenders
- Local governments



Source: WCPO.com

Prohibitions

"To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise ***make unavailable or deny,*** *a dwelling ..."*

-42 U.S.C. § 3604(a)

- Zoning or building regulations

"To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the ***provision of services or facilities*** *..."*

-42 U.S.C. § 3604(b)

- Local government services, such as utilities

Prohibitions

*"a refusal to permit, at the expense of the handicapped person, **reasonable modifications** of existing premises occupied or to be occupied by such person if such modifications may be **necessary to afford such person full enjoyment of the premises**"*

-42 U.S.C. § 3604(f)(3)(a)

- *Modification*—physical alterations of a property
  - Installation of ramps, railings, etc. <u>at the expense of the disabled person</u>
  - Landlord may require restoration of the alterations to the condition that existed prior to the alterations

Prohibitions

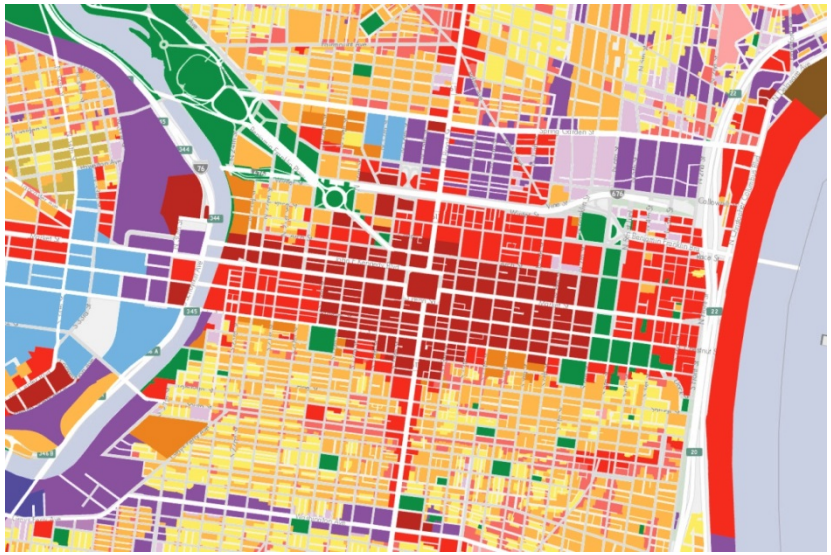
*"a refusal to make **reasonable accommodations in rules, policies, practices, or services**, when such accommodations may be necessary to afford [a disabled] person **equal opportunity to use and enjoy** a dwelling"*
-42 U.S.C. § 3604(f)(3)(b)

- Applies to both private and public rules, policies, practices or services
  - Private rules: homeowners' association rules, condo association rules, apartment policies
  - Public rules: zoning, building and other laws

Zoning and Fair Housing

Ways that regulations can violate the FHA:

- Disparate ***treatment***
- Disparate ***impact***
- Failure to reasonably accommodate (*disability cases only*)



Disparate Treatment

- Facial discrimination
  - *Example:* "Group homes for the mentally disabled shall not be located within 1,500 feet of a school zone"
  - May be permissible if the facially disparate treatment *benefits* the protected class
- Discriminatory intent
  - Focus mostly on perceived discriminatory animus in passing the regulation

Disparate Impact

- Looks at whether a particular action has greater ***effect*** on a particular protected group—it's a tough call!
- Three-pronged test:
  - (1) showing of impact; (2) government's interest in the decision; (3) is the government being compelled to provide housing, or just restrained from interfering with property owners' interests?

Reasonable Accommodation

- Applies in the disability context only
- Three components
  - *Reasonableness* of the accommodation
  - *Necessity* of the accommodation
  - *Equal enjoyment* by the disabled resident
- Requests for accommodation
- Lone exception: if the accommodation would cause a public safety problem (very limited)

Zoning and Fair Housing

Some issues…

- Family composition rules vs. maximum occupancy limits
  - Maximum occupancy limits rarely questioned, but family composition rules cannot discriminate
- Accommodating low-income persons
  - Direct correlations between protected classes and income
- Facility spacing or dispersal requirements
  - Use the minimum necessary to achieve treatment outcomes
- Special use permit requirements
  - Not a subterfuge for denial, based on planning-related concerns
- Utility service
  - Verify that municipal utilities are not discriminating

PART 2
REASONABLE ACCOMMODATIONS

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Reasonable Accommodations: Parameters

- The accommodation may be necessary to afford the individual with a disability an equal opportunity to use and enjoy a dwelling.
  - Right to live in the housing of your choice.

- Only unreasonable if the change/exception
  - creates an undue financial/administrative burden OR
  - fundamentally alters the nature of a jurisdiction's zoning and land use regulations.

Reasonable Accommodations: Examples from Cases

- Zoning issues
  - Occupancy limits based on relationship.
  - Conditional or special use permits.
  - Variances to construct larger homes
- Fire requirements
- Code enforcement issues.

Reasonable Accommodations: Avoiding Liability

- Educate your client.
- Avoid delays.
- Respect medical issues.
- Allow for an interactive process.
- Rely on subject matter experts.

Reasonable Accommodations: Austin's Experience

- City Council Resolution No. 20130808-049
  - Directs the City Manager to review the City's existing policies to request reasonable accommodations from housing-related code requirements.

- Austin City Ordinance No. 20160204-046
  - Authorizes City staff to grant reasonable accommodations.
  - Establishes the City's reasonable accommodations process.

Reasonable Accommodations: Key Drafting Considerations

- Purpose/Applicability/Effect
- Authority
- Definitions
- Process
- Decision Factors
- Interactive Process

Reasonable Accommodations: Purpose/Applicability/Effect

- Why does your city needs this process?
  - Comply with federal laws.
- What does an accommodation do?
  - Intent is to modify a specific City of Austin requirement to ensure an individual with a disability has an equal opportunity to use and enjoy a dwelling.
- What is the effect of granting a reasonable accommodation?
  - Controls over a conflicting City requirement

Reasonable Accommodations: Authority

- Who needs the authority?
- What is the scope of the authority?

Reasonable Accommodations: Definitions

- What are the critical definitions?
  - Eligible Individual
  - Requirement (substantive, procedural, or both?)

- Why do you need these definitions?
  - Allows you to incorporate federal definitions into your regulation.
  - Allows you to simplify the regulation.

Reasonable Accommodations: Process

- How do you document a request?
- When can a request be submitted?
- Who receives the requests?
- What information is required?
- What are the deadlines?

Reasonable Accommodations: Decision Factors

- What makes a request reasonable?
- What makes a decision defensible?
- Who makes the decision?

Reasonable Accommodations: Interactive Process

- How will your client engage in the interactive process?

- How will your client know if someone disagrees with an accommodation decision?

PART 3
AFFIRMATIVELY FURTHERING FAIR HOUSING

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HUD Regulations

- Analysis of Impediments (1994-2015)
  - Broad Requirements
  - Details in *Fair Housing Planning Guide*
  - Enforcement Episodic
- AFFH Rule (2015)
  - Specific Requirements, Driven by Data
  - HUD Guidance Forthcoming
  - Front-End Review and Enforcement Robust
  - Stronger Public Participation Requirements

Old Rule

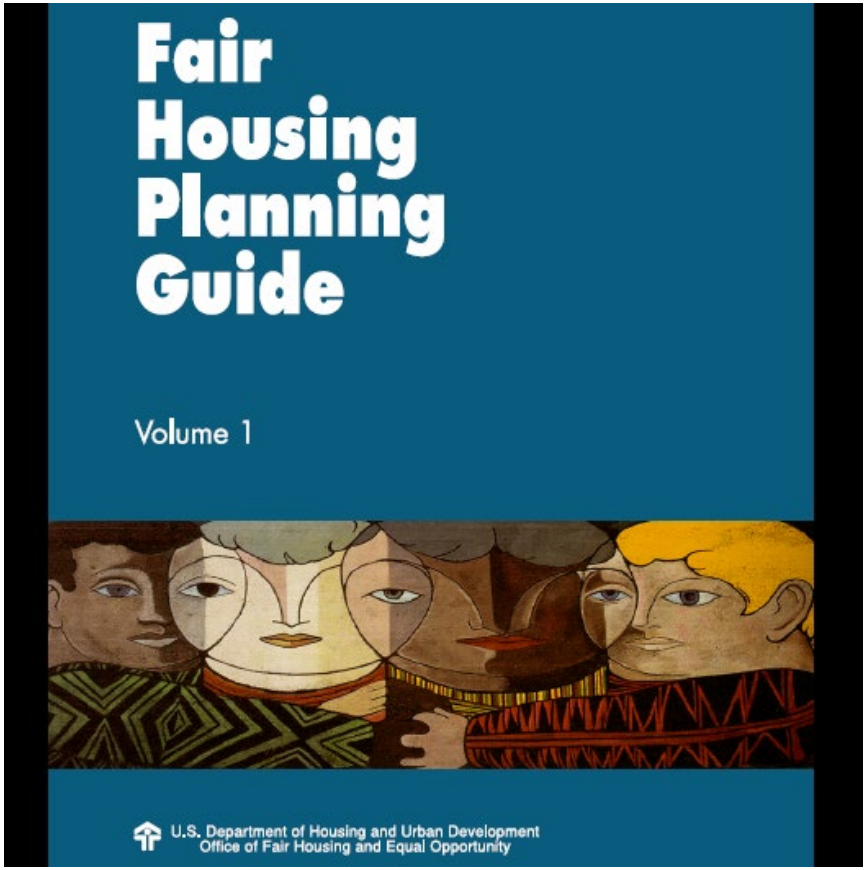
Reports Required by HUD from "Entitlement Jurisdictions"

- Consolidated Plan
- Annual Action Plan
- Consolidated Annual Performance and Evaluation Report (CAPER)
- Analysis of Impediments to Fair Housing Choice (AI)

CDBG/Con Plan AFFH Regs

- A grantee is "required to submit a certification that it will affirmatively further fair housing, which means that it will (1) conduct an analysis to identify impediments to fair housing choice within the jurisdiction; (2) take appropriate actions to overcome the effects of any impediments identified through that analysis; and (3) maintain records reflecting the analysis and actions in this regard."
  - 24 C.F.R. § 570.601(a)(2)
  - 24 CFR § 91.225(a).

HUD's
Fair Housing Planning Guide



Obligations Apply to All Funds

- "Although the grantee's AFFH obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area whether publicly or privately funded."
  - *Fair Housing Planning Guide* (1995), at p.1-3.

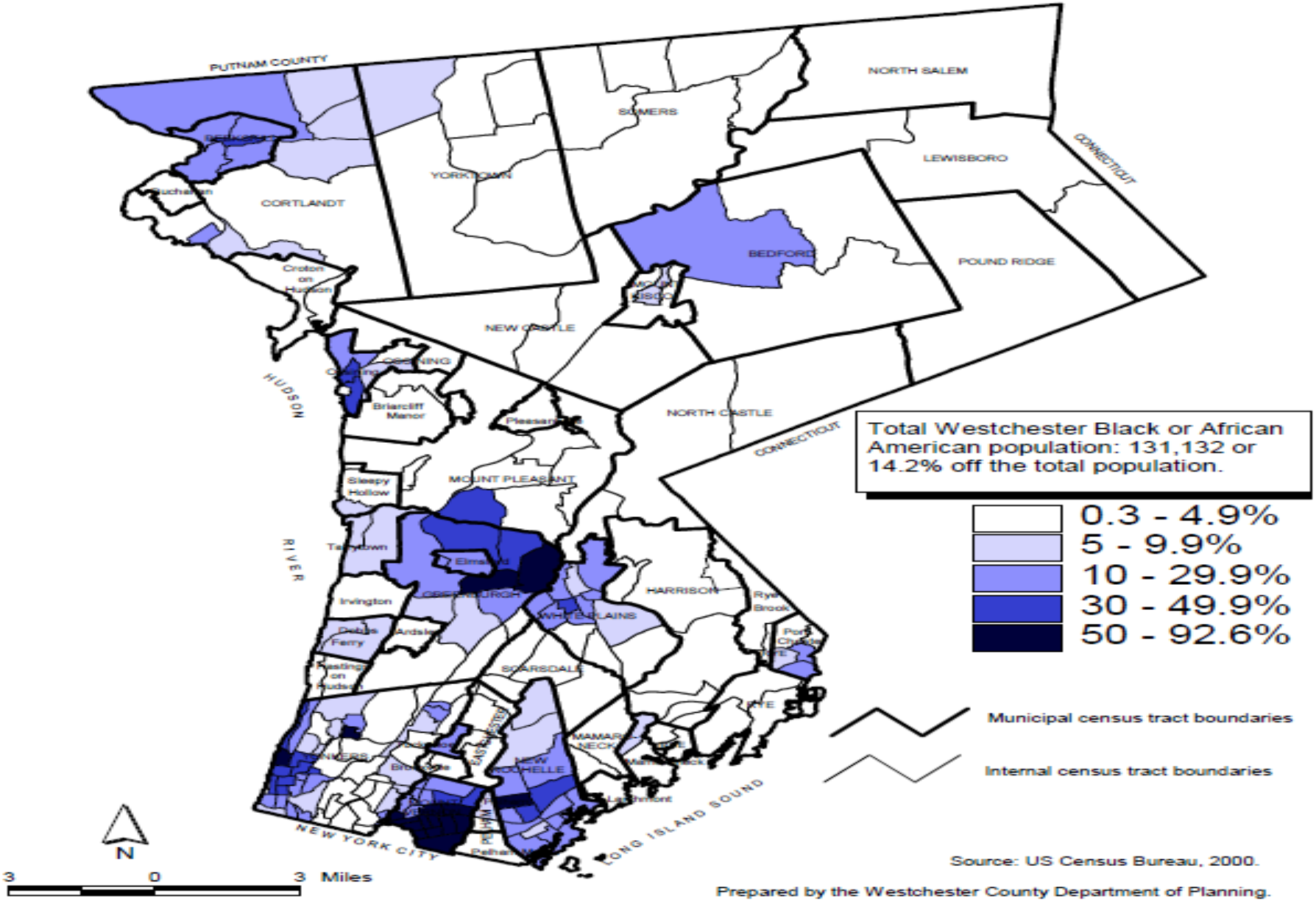
Impediment “Hot Spots”

- Zoning/Land Use
- Low Income Housing Tax Credits
- Residency Preferences/Requirements
- Funding
- Section 8
- Source of Income

Westchester Litigation: A Cautionary Tale

- County received $52 million+ in CDBG, HOME, ESG funds from 2000-2006
- Receipt of funds required repeated AFFH certifications
- Litigation brought under the False Claims Act: AFFH certifications were false because County did not consider race-based impediments to fair housing choice
  - Treble Damages
  - Share available to "relator"

WESTCHESTER COUNTY, NY



Westchester gov.com

Percent Black Persons

Westchester County Department of Planning
148 Martine Avenue, Room 428

Court Decision—2009

- "As a matter of logic, providing more affordable housing for a low income racial minority will improve its housing stock but may do little to change any pattern of discrimination or segregation. Addressing that pattern would at a minimum necessitate an analysis of where the additional housing is placed. *Id.* at 564.

Settlement Terms

- County required to ensure development of 750 affordable housing units, within 7 years, in the whitest neighborhoods
  - 660 units must be built in municipalities with African-American population of less than 3% and Latino population of less than 7%
  - Additional integrative criteria at the census block group level

Settlement Terms

- County Returns $30 Million to HUD
  - $21.6 Million to Fund Integrative Units
  - $7.5 Million to Pay "Relator's Share" for Ferreting Out False Claims
- County Must Supply an Additional $30 Million for Integrative Units
- County Pays $2.5 Million in Attorneys' Fees and Costs

Reviving AFFH Enforcement

- Deputy Secretary Ron Sims: "This is consistent with the president's desire to see a fully integrated society…. Until now, we tended to lay dormant. This is historic, because we are going to hold people's feet to the fire."

Progeny of *Westchester*

- *Texas Low Income Housing Information Service, et al. v. State of Texas*, Conciliation Agreement (May 25, 2010): https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_4305.pdf

Progeny of *Westchester*

- *Diamond State Community Land Trust v. Sussex County, Delaware,* Voluntary Compliance Agreement (November 28, 2012): http://housingforall.org/wp-content/uploads/2015/10/2012-11-28-voluntary-compliance-agreement.pdf Consent Decree (November 28, 2012): https://www.justice.gov/opa/pr/justice-department-settles-lawsuit-against-sussex-county-delaware-blocking-affordable-housing

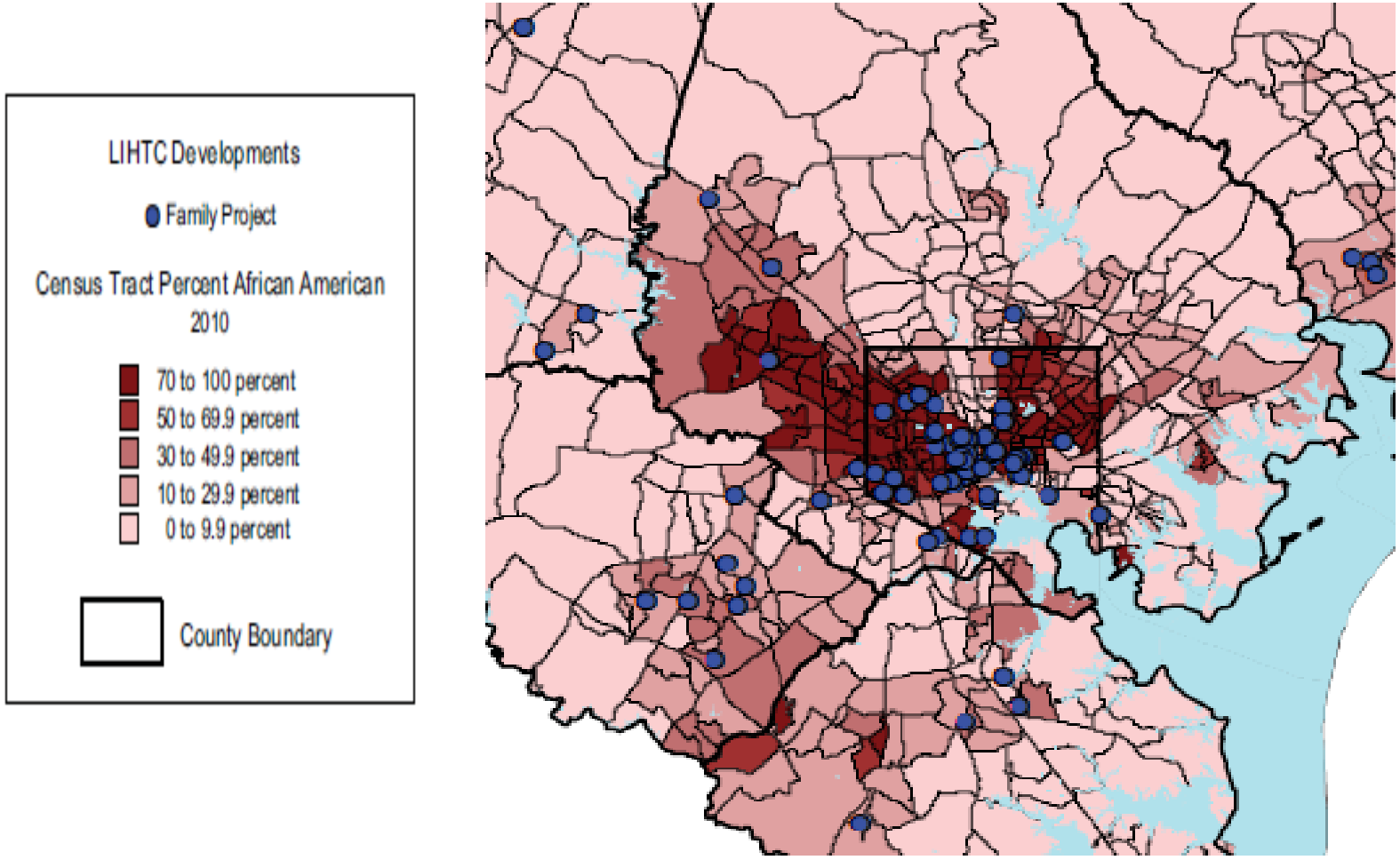
Progeny of *Westchester*

- *Latino Action Network,* Conciliation Agreement (May 30, 2014): http://www.relmanlaw.com/docs/NewJerseyAgreementsigned5-30-2014.pdf

State of Maryland

- Baltimore Regional Housing Campaign challenged State LIHTC "threshold criteria" requiring local approval/local contribution
  - Mapping demonstrates effect:
    - Lots of LIHTC family units in low-opportunity neighborhoods
    - Few LIHTC family units in high-opportunity neighborhoods

Map 1-2. LIHTC Family Projects by Census Tract Percent African American (2010) Baltimore Region, Maryland



BRHC v. Maryland: Settlement

- http://www.relmanlaw.com/docs/MarylandVCA_HUD_Material.pdf (9/28/17):
  - Eliminate local "pocket veto" provisions
  - Adopt policies supporting integration
  - Build 1500 family units in high opportunity areas
  - Higher LIHTC scores for larger bedrooms
  - $225,000 in monetary relief

New Rule*

- *On January 5, 2018, HUD published a Federal Register notice indefinitely suspending the obligation of more than 1000 local governments to conduct an Assessment of Fair Housing.
- NFHA and other civil rights groups sued under the APA and sought a preliminary injunction.
- On May 23, 2018, HUD published Federal Register notices withdrawing the Assessment Tool and instructing recipients to go back to the AI.
- On August 17, 2018, Court dismissed complaint.
- On Sept. 14, 2017, Plaintiffs moved to amend and for reconsideration.

AFFH: Change is Coming

- HUD'S new rule was published on July 16, 2015
  - https://www.huduser.gov/portal/affht_pt.html#final-rule
- New Assessment of Fair Housing ("Assessment" or "AFH") templates replacing old Analysis of Impediments
  - Jurisdiction template published December 2015
  - State template published for comment March 2016
  - Public Housing Agency template published March 2016
- New Guidebook to the AFH published December 2015
  - https://www.hudexchange.info/resource/4866/affh-rule-guidebook/
- New Data and Mapping Tool now available for jurisdictions
  - https://www.hudexchange.info/resource/4867/affh-data-and-mapping-tool/

AFFH

- ***Affirmatively furthering fair housing*** means:

[T]aking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics

One size does not fit all: Every community will define what its own pro-integration efforts look like.

AFFH

- Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.
- The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.

THE FOCUS

- The rule identifies categories of analysis that contain fair housing issues that program participants will assess:
  - Patterns of integration and segregation
  - Racially or ethnically concentrated areas of poverty
  - Disparities in access to opportunity
  - Disproportionate housing needs
  - Publicly supported housing analysis
  - Disability and access analysis
  - Fair housing resources

Community Participation Process

- Community participation must involve a robust group of interested groups
  - Especially those who have been historically under represented, including racial and ethnicity minorities, people with limited English, and people with disabilities
- Key process steps
  - Make data available to the public and agencies
  - Publish the proposed Assessment and accept comments
  - Have at least one public hearing
  - Provide at least thirty days to receive comments

Importance of the Ground Game

- Allen, *HUD's New AFFH Rule: The Importance of the Ground Game,* NYU Furman Center (September 2015): http://furmancenter.org/research/iri/essay/huds-new-affh-rule-the-importance-of-the-ground-game
  - "The success of the Final Rule will depend on this grassroots mobilization, on a community-by-community basis, all over the country. That means advocates, collectively, need to step up to the plate and provide the tools and resources for a sustained 'ground game.'"

Attorney-Client Privileged/Confidential

Use of HUD Data and Maps

- HUD has provided maps and tables of data for grantees to use in their Assessments
- Data
  - There are seventeen tables of data; some contain data at the jurisdiction level and some also include region-wide data
- Maps
  - There are twelve types of maps and each may be run at the local, regional or state level

Segregation

- Segregation
  - "Segregation" "means a condition, within the program participant's geographic area of analysis…. in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area." 24 C.F.R. § 5.152
  - "Integration" "means a condition, within the program participants geographic areas of analysis, as guided by the Assessment Tool, in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area."

Contributing Factors Affecting Patterns of Segregation

- Assessment asks to what extent these factors affect the patterns of general segregation:
  - Land use and zoning laws
  - Occupancy restrictions
  - Residential real estate steering
  - Patterns of community opposition
  - Economic pressures, such as increased rents, land/development costs
  - Major private investments
  - Municipal or State services and amenities
  - Foreclosure patterns, other

Assessment asks to what extent these factors affect the patterns of R/ECAPS

- Community opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination

Goals Must Lead to Meaningful Actions

- States, jurisdictions and PHAs are responsible for taking meaningful actions to achieve each of the fair housing goals identified.
  - Meaningful actions are "significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity."

Honest Conversations About Race and Segregation

- AFH process requires Program Participants to initiate and follow through on jurisdiction-specific community conversations about race, segregation and access to opportunity areas.

Objections/Complaints from the Public

- By enhancing the public participation requirements in the AFH, HUD invites members of the public to hold Program Participants accountable
- Flawed AFHs (or lack of public participation) can give rise to complaints and HUD compliance reviews

New AFFH Rule Governs All Funds, Not Just Federal Funds

- Proposed Rule emphasizes that a participant's AFFH obligation is not bounded by what it can do with the HUD funds it has received. The strategies and actions "will be accomplished primarily by making investments with federal *and other resources*…." §5.152; 78 Fed. Reg. 43716.

All Enforcement Options Remain

- The proposed Rule leaves in place HUD's enforcement powers with respect to the AFH and compliance with participants' AFFH obligations. *See, e.g.*, 24 C.F.R. §§91.500(b)(HUD approval action); 570.304 (making of grants); 570.485(c)(making of grants); 570.601 and 570.602 (civil rights certification requirements); 570.904 (equal opportunity and fair housing review criteria); 570.910—570.913 (corrective and remedial actions).

RESOURCES

Federal Laws and Regulations

- Fair Housing Act, 42 U.S.C. § 3601 et seq.
  - Federal Regulations: 24 CFR Part 100
- Rehabilitation Act, 29 U.S.C. § 701
- Americans With Disabilities Act, 42 U.S.C. § 12101 et seq.
- Housing and Community Development Act of 1974 (CDBG): 42 U.S.C. § 5301 et seq.
- Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Investment Partnership Program): 42 U.S.C. § 12703 et seq.

Case Law: Reasonable Accommodations

- City of Edmonds v. Oxford House, 514 U.S. 725 (1995).

  Applicability of FHA to zoning occupancy limits

- Smith & Lee Associates v. City of Taylor, 102 F.3d 781 (6th Cir. 1996).
- Brandt v. Village of Chebanse, 82 F.3d 172, 174 (7th Cir. 1996).
- Tsombanidis v. West Haven Fire Department, 352 F.3d 565 (2nd Cir. 2003).
- McGary v. City of Portland, 386 F.3d 1259 (9th Cir. 2004).

Case Law: Reasonable Accommodations

- Sharpvision, Inc. v. Borough of Plum, 475 F.Supp.2d 514 (W.D. Pa. Jan. 26, 2007)
- Oxford House, Inc. v. City of Baton Rouge, 932 F.Supp.2d 683 (M.D. La. 2013).
- Palm Partners, LLC v. City of Oakland Park, 102 F.Supp.3d 1334 (S.D. Fla. April 30, 2015).
- Oxford House, Inc. v. Browning, 266 F.Supp.3d 896 (M.D. La. July 24, 2017)

Federal Guidance

- Joint Statement by HUD and DOJ related to State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (November, 2016)

  https://www.justice.gov/opa/file/912366/download

- Joint Statement on Reasonable Accommodations by HUD and DOJ (May 17, 2004)
  https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf

Samples from the City of Austin

- Austin City Code Chapter 2-14 (Reasonable Accommodations)

  https://library.municode.com/TX/Austin/codes/code_of_ordinances?nodeId=TIT2AD_CH2-14REAC

- City of Austin Website

  http://www.austintexas.gov/reasonableaccomodations

- City of Austin Documents and FAQs

  http://www.austintexas.gov/sites/default/files/files/HR/One-page_reasonable_accommodation_form.pdf

  http://www.austintexas.gov/content/1332/FAQ/44873

Articles

- Group Homes: Strategies for Effective and Defensible Planning and Regulation: https://shop.americanbar.org/eBus/Store/ProductDetails.aspx?productId=215023
- Priced Out: The Housing Crisis for People with Disabilities: http://www.tacinc.org/media/52012/Priced%20Out%20in%202014.pdf

Resources

- Relman, Dane & Colfax AFFH resources: http://www.relmanlaw.com/affh/index.php
- HUD AFFH page: http://www.huduser.gov/portal/affht_pt.html#affh
- Smyth, Allen & Schnaith, "The Fair Housing Act: the Evolving Regulatory Landscape for Federal Grant Recipients and Sub-Recipients," 23 Journal of Affordable Housing 231 (Feb. 2015).
- Schwemm, "Overcoming Structural Barriers to Integrated Housing: A Back-to-the-Future Reflection on the Fair Housing Act's 'Affirmatively Further' Mandate," 100 KY. L.J. 125, 137–44 (2011–2012)