

MIAMI BEACH

Analysis of Impediments to Fair Housing Choice

December 2019

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I. INTRODUCTION

A. History and Purpose of the Analysis of Impediments (AI)

Section 808(e)(5) of the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended) requires the Secretary of the U.S. Department of Housing and Urban Development (the Department) to administer the Department's programs in a manner to affirmatively further fair housing (AFFH). Accordingly, localities that are direct recipients of Community Development Block Grant (CDBG) funds are required by the *Consolidated Plan* regulations, at 24 CFR Part 91, to certify they will meet their statutory obligation to affirmatively further fair housing as required by the Fair Housing Act, 42 U.S.C. 3608. This certification further requires the grantee to undertake Fair Housing Planning which consists of conducting an Analysis of Impediments to Fair Housing Choice (AI) within its jurisdiction, taking actions to overcome the effects of any impediments identified through the analysis, and maintaining records reflecting the analysis and actions taken in this regard. Grantees continue to certify that they will affirmatively further fair housing as a condition of continuing to receive federal funds. Although a grantee's AFFH obligation arises in connection with the receipt of federal funds, 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.¹

Grantees, such as the City of Miami Beach, meet their AFFH obligation by conducting an AI (which identifies those systemic or structural issues that limit the ability of people to take advantage of the full range of housing which should be available to them), developing *an Action Plan* (with milestones, timetables and measurable results) and implementing strategies that are designed to overcome the impediment to fair housing choice based on the grantees' history, circumstances, and experiences. HUD defines "impediments to fair housing choice" as any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices or any actions, omissions, or decisions which have the effect of restricting housing choices, or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

On July 8, 2015, HUD released a final rule on Affirmatively Furthering Fair Housing¹ clarifying and simplifying existing fair housing obligations for HUD grantees to analyze their fair housing landscape and set locally-determined fair housing priorities and goals through an Assessment of Fair Housing (AFH). Under the new rule, the AFH would replace the AI. The rule created a streamlined AFH planning process, which would help communities analyze challenges to fair housing choice and establish their own goals and priorities to address the fair housing

¹ U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, *Fair Housing Planning Guide*, Chapter 1, Section 1.2, 1-1

² http://www.huduser.org/portal/sites/default/files/pdf/AFFH_Final_Rule.pdf

barriers in their community. On January 5, 2018, HUD published a notice in the Federal Register² suspending most local governments' obligations under the 2015 Affirmatively Furthering Fair Housing (AFFH) rule to submit an Assessment of Fair Housing (AFH) until after October 31, 2020, and in many cases after 2025. During the suspension, HUD has indicated that it will evaluate the quality of the new format established by the AFFH Final Rule and the technical assistance that is being provided to local governments, as well as improve the AFFH Data and Mapping Tool and the AFH Assessment Tool User Interface to better support program participants. The City of Miami Beach's approximate due date for an AFH submission was January 4, 2018.

The legal obligation to affirmatively further fair housing continues until a local government is required to submit an AFH according to the suspension date. The AFFH obligation reverts to the previous process of certifying that they are affirmatively furthering fair housing by conducting an analysis of impediments (AI) to fair housing choice, taking appropriate actions to overcome the effects of any impediments, and keeping records reflecting the analysis and actions.

B. Entity Engaged to Conduct the 2019 AI

Housing Opportunities Project for Excellence, Inc. (HOPE) is a private fair housing, non-profit, Florida corporation established in 1988 dedicated to eliminating housing discrimination and promoting fair housing. HOPE's mission is to fight housing discrimination in Miami-Dade and Broward Counties and ensure equal housing opportunities throughout Florida. HOPE is the only private, full-service fair housing organization in Miami-Dade and Broward counties engaged in testing for fair housing law violations and pursuing the enforcement of meritorious claims. HOPE has completed AIs as consultants for twenty jurisdictions in Florida and has provided Fair Housing Planning services for more than two decades.

C. Methodology

The methodology in undertaking this Analysis of Impediments to Fair Housing Choice included the following:

- Consultation with jurisdiction staff
- Review of impediments found in prior AI and actions taken to address identified impediments
- Collection and review of data/maps available from the U.S. Census and American Community Surveys to compile all relevant demographic, economic, employment and housing market information

² <https://www.govinfo.gov/content/pkg/FR-2018-01-05/pdf/2018-00106.pdf>

- Review of data from City of Miami Beach' *Consolidated Plan FY 2018-2022 and Comprehensive Plan*
- Collection of foreclosure, eviction, and other relevant, housing-related data
- Review of Housing Authority of Miami Beach's Section 8 Housing Choice Voucher Administrative Plan
- Review of Housing Authority of Miami Beach's Public Housing Admissions and Continued Occupancy Policy
- Review of information regarding the jurisdiction's current housing and land use policies and programs that influence housing choice
- Analysis of lending data from the Home Mortgage Disclosure Act obtained and processed utilizing a web-based data mining and exploration tool
- Analysis of available data regarding compliance with local, state and federal Fair Housing Law, including the Home Mortgage Disclosure Act (HMDA), the Fair Housing Act; review of reported fair housing complaints and legal cases involving Fair Housing law.
- Administration of face-to-face surveys with residents of the jurisdiction and industry stakeholders. The survey was designed to gauge perceptions of housing discrimination, housing issues effecting the jurisdiction, and knowledge of fair housing laws and resolution options.

D. Funding

The project was funded through an administrative contract between the City of Miami Beach and HOPE. Community Development Block Grant funds were utilized in funding this effort.

E. Fair Housing Planning History

HOPE completed the *Analysis of Impediments to Fair Housing Choice* City of Miami Beach in 1996, 2004 and 2011. The 2011 *Analysis* identified the following impediments to fair housing choice:

1. Violations of federal, state, and local fair housing laws in the jurisdiction and immediate surrounding areas;
2. Lack of awareness of fair housing laws, issues, and resources;
3. Racial disparities in fair and equal lending;
4. A strongly segregated housing market; and
5. Limited funding availability for the creation of affordable housing opportunities.

F. Summary of Actions Taken Since Completion of Last AI

In addition to efforts to expand housing choices for residents through a variety of programs discussed herein, the City of Miami Beach has consistently dedicated funding for an ongoing Fair Housing Education & Outreach Initiative conducted throughout the jurisdiction and implemented by HOPE, that is designed to inform the general public, including community groups, housing industry, lenders, and special needs populations (such as disability advocacy groups) about the rights conferred by federal, state, and local fair housing laws. Specialized fair housing workshops are designed to educate the participants about fair housing laws, how to recognize discriminatory housing practices, and the avenues of redress available to them. The initiative benefits persons who are denied access to the housing of their choice because of their race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, disability, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, political affiliation, and any other classes of people protected under any and all applicable fair housing laws.

Training for housing providers has been conducted to promote compliance with fair housing laws and affirmative fair housing marketing requirements. Through its contracts with HOPE, the City has also provided individualized technical assistance in affirmative fair housing marketing and the adoption of fair housing policies to its subrecipients and the City of Miami Beach Service Partnership. Fair housing counseling is provided on the housing discrimination telephone “HELP LINE” which handles inquiries related to a myriad of housing discrimination-related issues.

From October 2014 to September 2019, there have been more than 136 events providing educational opportunities (including community presentations, housing provider trainings, and fairs) for 1,666 Miami Beach participants. Topics at these events included: fair housing laws/rights/responsibilities; how to recognize and report housing discrimination; predatory lending; disability rights/accommodations & modifications; and affirmative fair housing marketing, among others.

The tables below reflect, by race/ethnicity and income, beneficiaries of the activities undertaken under the Fair Housing Education and Outreach Initiative funded by City of Miami Beach in addressing impediments to fair housing choice identified in its Analysis of Impediments to Fair Housing Choice.

Note: Prior to October 1, 2015, homebuyer workshop registrants comprising the Fiscal Year 2014/2015 fair housing outreach participants were all classified as “Low Income” based on information obtained from the facilitators of homebuyer workshops.

Participants in Miami Beach Fair Housing Outreach (October 2014- September 2019)

Fiscal Year/CDBG Fair Housing Grant Term	Total Black	Black Hispanic	Total White	White Hispanic	Total Asian	Asian Hispanic	Total Other	Other Hispanic	Total Participants
October 1, 2014 - September 30, 2015	1	0	151	151			0	0	152
October 1, 2015 - September 30, 2016	25	1	152	98	2	0	8	3	187
October 1, 2016 - September 30, 2017	65	2	345	242	4	0	18	2	432
October 1, 2017 - September 30, 2018	65	6	364	245	7	0	6	0	442
October 1, 2018 - September 30, 2019	101	2	315	232	21	2	16	0	453

Fiscal Year/CDBG Fair Housing Grant Term	30% Very Low Income	50% Low Income	80% Moderate Income	Non Low-Moderate Income	Total Participants
October 1, 2014 - September 30, 2015	0	152*	0	0	152
October 1, 2015 - September 30, 2016	48	66	56	17	187
October 1, 2016 - September 30, 2017	41	236	141	14	432
October 1, 2017 - September 30, 2018	33	157	224	28	442
October 1, 2018 - September 30, 2019	22	107	304	20	453

II. JURISDICTIONAL AND COMMUNITY PROFILE

A. History & Government Structure

The City of Miami Beach was incorporated on March 26, 1915. The Miami Beach Code of Ordinances, Article 1, Section 1.01, defines the City of Miami Beach as a municipal corporation with a Commission-City Manager form of government. The Commission consists of a Mayor and six Commissioners who serve as the policy-making body of the City. The City Manager ensures that policies, directives, resolutions and ordinances adopted by the City Commission are enforced and implemented. The City Manager is also charged with the daily operations of the City.

The City is approximately 7.1 square miles and is grouped into three major areas: North Beach, Middle Beach and South Beach.



3

Fair Housing Implication(s): The receipt of CDBG funding from HUD requires the governing body of the jurisdiction to receive training to ensure that the City's mandated obligation to affirmatively further fair housing extends to all housing and housing-related activities in its jurisdiction, whether publicly or privately funded, particularly in light of the new HUD Affirmatively Furthering Fair Housing Rule.

³ <https://web.archive.org/web/20120605162944/http://www.miamibeachfl.gov/government/>

B. Population

Population, age, race and ethnicity are important demand factors that influence choice and location within local housing markets. According to the US Census Bureau, the 2018 Miami Beach population estimate was 91,718.⁴ Over time, the US population has grown steadily, including rising from 227 million in 1980 to 309 million in 2010.⁵ In Miami Beach, however, the population has not grown at nearly the same rate, actually going down from 96,298 in 1980⁶ to 87,779 in 2010.⁷

Race and Ethnicity

The majority of the City's population is White (70,457 or 76.4%). People who are Hispanic or Latino (50,650) represent 54.9% of the population. Non-Hispanics who are White alone (35,324) represent 38.3% of the population. Blacks/African Americans (3,597) represent 3.9% of the population. Asians (1,423) represent 1.5% of the population.

According to the *2013-2017 American Community Survey 5-Year Estimates*, 48,902 (or 53%) of the population is foreign born. Of those foreign born, 38,071 (or 78% of all foreign born) were born in Latin America.

Race and Hispanic Origin		
White alone	70,457	76.4%
Black or African American alone	3,597	3.9%
American Indian and Alaska Native alone	241	<1%
Asian alone	1,423	1.5%
Native Hawaiian and Other Pacific Islander alone	92	<1%
Some Other Race alone	14,357	15.6%
Two or More Races	2,020	2.2%
Hispanic or Latino (of any race)	50,650	54.9%
White alone, Not Hispanic or Latino	35,324	38.3%

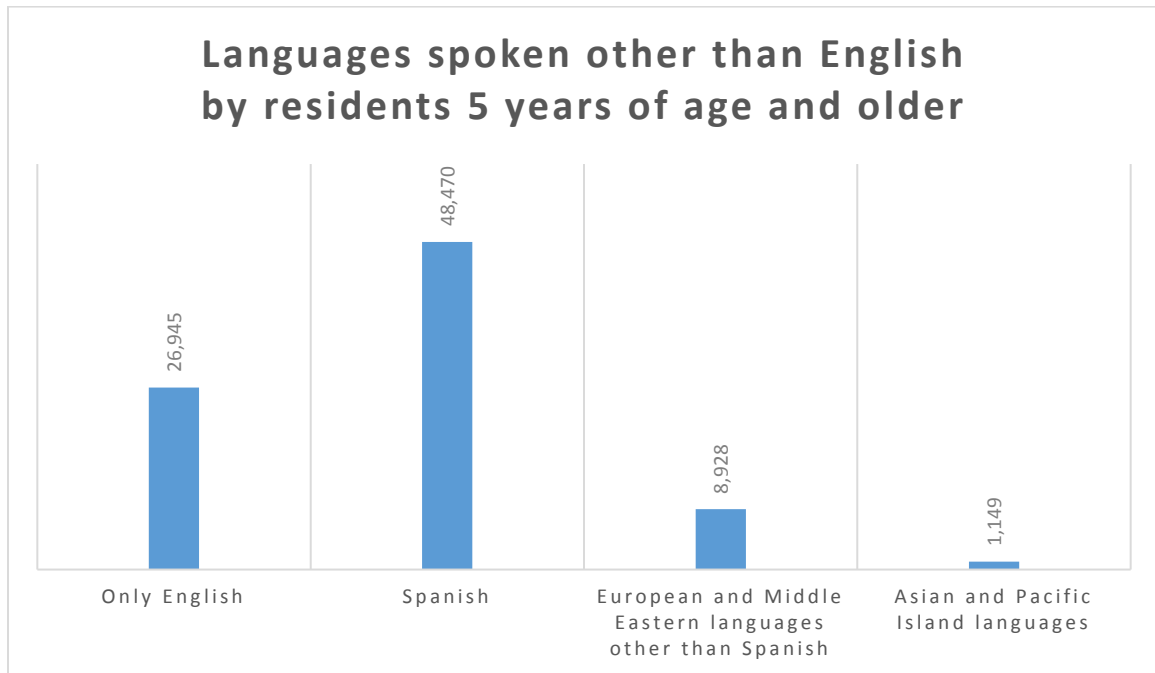
⁴ <https://www.census.gov/quickfacts/fact/table/miamibeachcityflorida/POP060210>

⁵ https://www.census.gov/newsroom/cspan/1940census/CSPAN_1940slides.pdf

⁶ https://www2.census.gov/prod2/decennial/documents/1980a_flABCs1-01.pdf

⁷ <https://www.census.gov/quickfacts/fact/table/miamibeachcityflorida/POP060210>

Of those 5 years of age and older (87,380), 60,435 speak a language other than English. 48,470 speak Spanish, 8,928 speak other Indo-European languages (Anatolian, Indo-Iranian, Greek, Italic, Celtic, Germanic, Armenian, Tocharian, Balto-Slavic and Albanian), and 1,149 speak Asian and Pacific Island languages.



Families with Children

Of the 47,168 total households in Miami Beach, 38.9% (or 18,350) are family households. A family household is one that has at least one member of the household related to the householder by birth, marriage, or adoption. Same-sex couple households are included in the family household category if there is at least one additional person related to the householder by birth or adoption. Of the 18,350 families, 37.8% (or 6,937) have children under the age of 18. Children under the age of 18 (13,559), represent 14.7% of the population.

People with Disabilities

An estimated 8.6% of the City of Miami Beach population has a disability, according to *2018 American Community Survey 5-Year Estimates*.⁸ The total number of residents with a

⁸ <https://data.census.gov/cedsci/table?q=&d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP02&tid=ACSDP5Y2018.DP02&y=2018&g=1600000US1245025&lastDisplayedRow=30&hidePreview=true>. These disability statistics cover the noninstitutionalized population, which is 99.2% of the population. <https://data.census.gov/cedsci/table?q=&d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP05&tid=ACSDP5Y2018.DP05&g=1600000US1245025&lastDisplayedRow=33&hidePreview=true>

disability is approximately 7,862, including 2,717 people under 65 and 5,145 people 65 and older.⁹ This means that 3.6% of the population under 65 has a disability compared to 34.7% of the population 65 and older.¹⁰ Types of disabilities registered in the U.S. Census include sensory, physical, mental and self-care.

Miami Beach's human immunodeficiency virus (HIV) rate is 97 times the national average and South Beach's rate is 167 times the national average (University of Miami, 2018). HIV infections have risen 71% in South Beach since 2011.

Fair Housing Implication(s):

Increased cultural diversity and significant number of persons who are foreign born indicates a continued need for culturally competent, multi-lingual fair housing information and services.

The significant number of households inhabited by children under 18 years of age and/or persons with disabilities indicates a need for educating these populations regarding their rights under federal, state, and local fair housing laws; particularly with regards to reasonable accommodations, reasonable modifications, accessible design and construction, as well as the appropriate application of the Housing for Older Persons provisions of the fair housing laws.

The proportion of households with children in Miami Beach is significantly less than the proportion of such households in the county, possibly creating perceived or actual barriers to housing opportunity.

⁹ <https://data.census.gov/cedsci/table?q=&d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP02&tid=ACSDP5Y2018.DP02&y=2018&g=1600000US1245025&lastDisplayedRow=30&hidePreview=true>

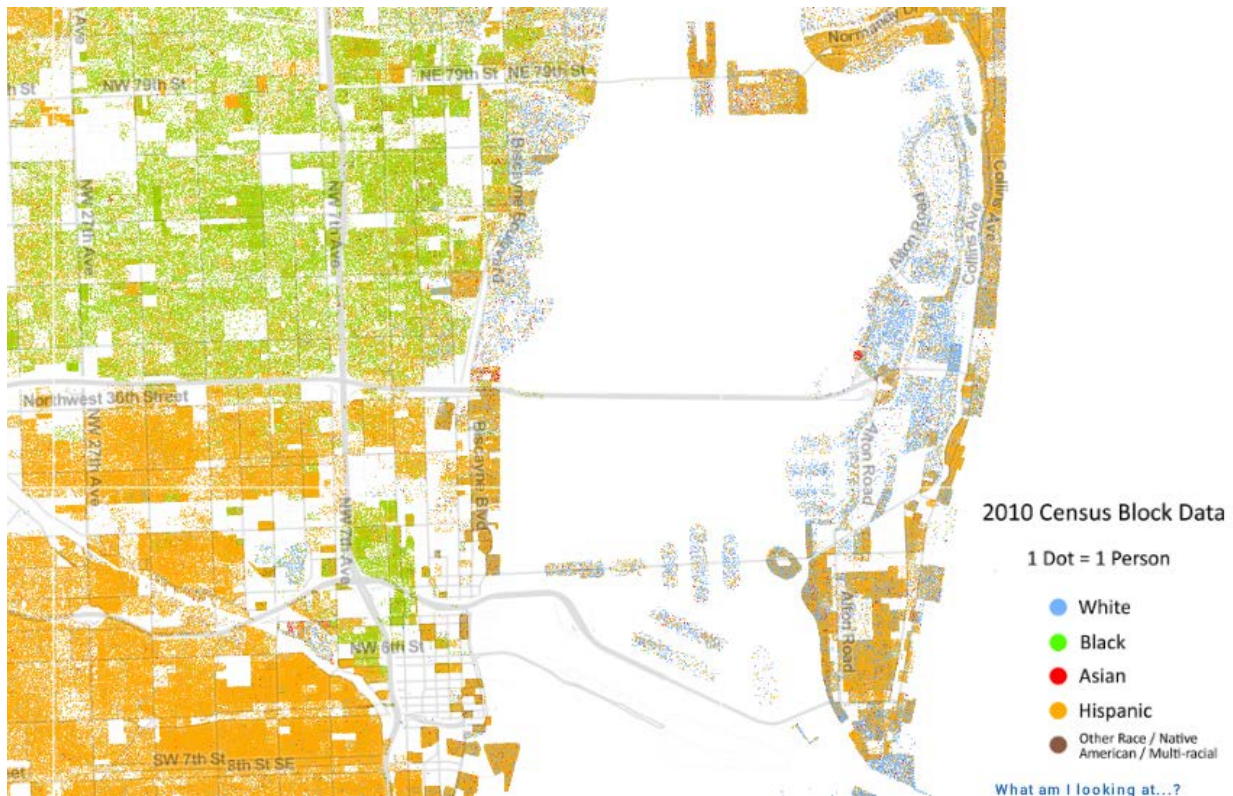
¹⁰ <https://data.census.gov/cedsci/table?q=&d=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP02&tid=ACSDP5Y2018.DP02&y=2018&g=1600000US1245025&lastDisplayedRow=30&hidePreview=true>

C. Geographic Segregation of Racial Groups

The Racial Dot Map from the Weldon Cooper Center for Public Service at the University of Virginia provides an accessible visualization of geographic distribution, population density, and racial diversity of the American people in every neighborhood in the entire country. The map displays dots, one for each person residing in the United States at the location where they were counted during the 2010 Census. Each dot is color-coded by the individual's race and ethnicity.

The following five racial categories are represented by the dots: non-Hispanic White, non-Hispanic Black, non-Hispanic Asian, Hispanic or Latino, and a category for all other racial categories including the multiracial identifications. The sum of all five categories equals the total population. The data displayed on the map is from the U.S. Census Bureau's 2010 Summary File 1 dataset made publicly available through the National Historical Geographic Information System. The data is based on the "census block," the smallest area of geography for which data is collected (roughly equivalent to a city block in an urban area).

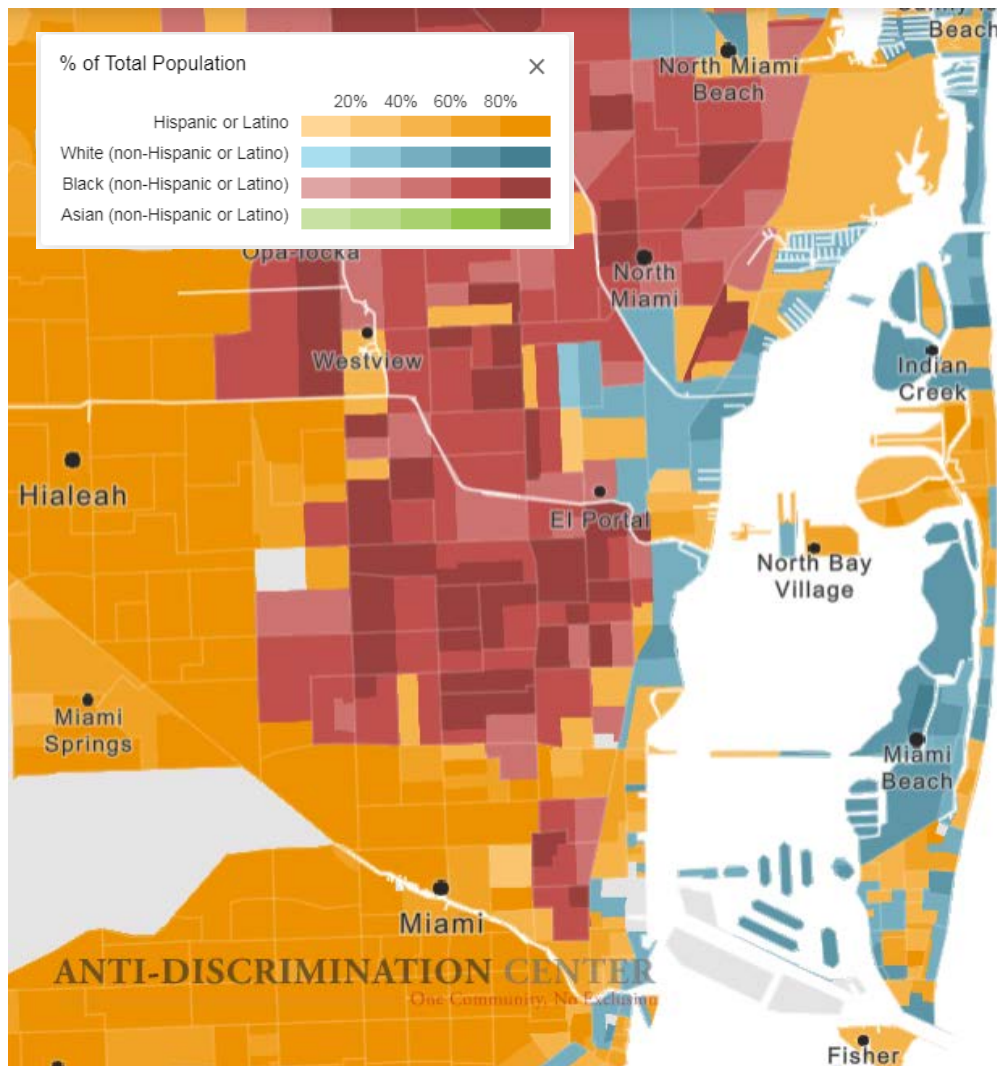
The map below demonstrates a diverse representation of races and ethnicities throughout Miami-Dade County, as well as the significant level of segregation. In Miami Beach, the Black population has remained under 3.6% since 1980. The Black population in Miami-Dade County is 15.8%, with a significant presence immediately west of Miami Beach. The map further demonstrates the concentration of Hispanic and Non-Hispanic White residents in Miami Beach.



The Anti-Discrimination Center, a not-for-profit civil rights organization, released another mapping tool illustrating areas of racial and ethnic group concentration and absences on May 3, 2018. The maps rely on Census Bureau tabulations of the 2012 to 2016 *American Community Survey (ACS)* and the 2010 Decennial Census, both available at www.census.gov. *Note: The ACS is subject to some sampling error because it is a sample.*

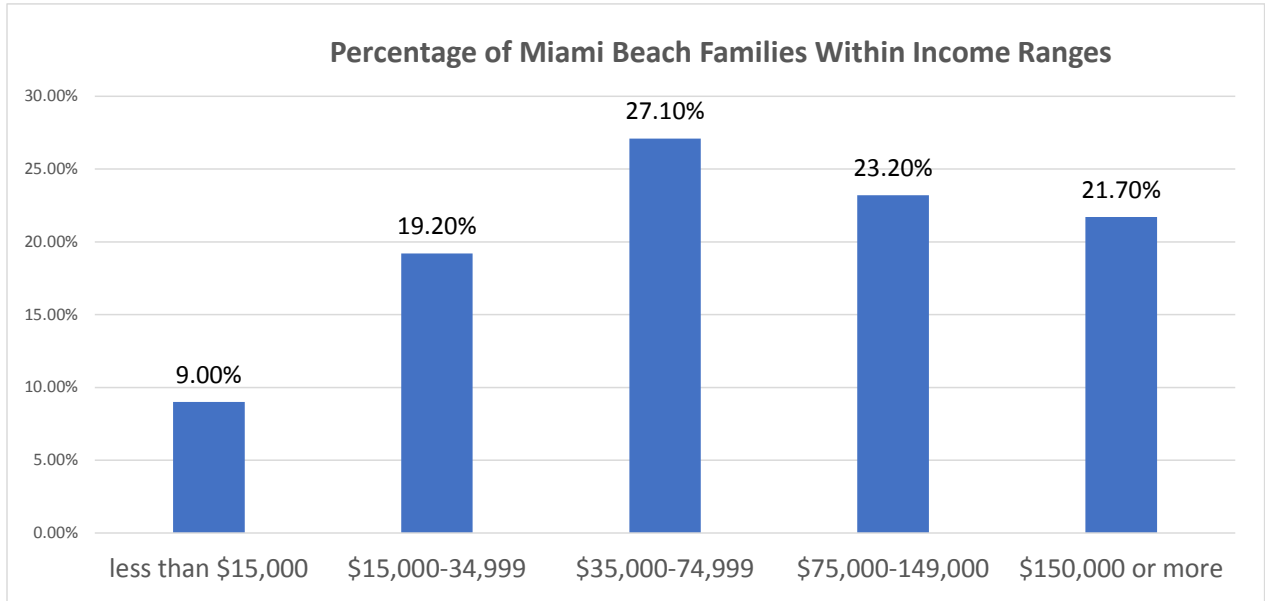
The color that is coded for the level of geography selected corresponds to the group that makes up the largest percentage within that geography. The stronger a group's domination of a geography, the more vivid the color on the map.

As shown in the map below, there are many pronounced areas of racial/ethnic domination throughout Miami-Dade County. The color coding of Miami Beach further demonstrates the segregation of Hispanic and Non-Hispanic White residents in Miami-Beach, as well as the Black demographic representation being significantly less than that of the county.



D. Income

According to the *2013-2017 American Community Survey 5-Year Estimates*,¹¹ the City of Miami Beach's median household income is \$50,193. Also, the prevalence of families with related children whose incomes were below the census-defined poverty level was estimated to be 16.1% of the population.



Each year, HUD updates its income limits for various Metropolitan Statistical Areas around the United States and these income limits are one of the factors used to determine the eligibility of applicants to HUD housing programs within subject areas.

HUD assigns the following names to designate the income limits of families (by family size) according to the percentage of Area Median Income (AMI) that the household earns:

- Extremely Low Income: $\leq 30\%$ of AMI
- Very Low: $\leq 50\%$ of AMI
- Low: $\leq 80\%$ of AMI
- Moderate: between 80% and 120% of AMI

E. Employment

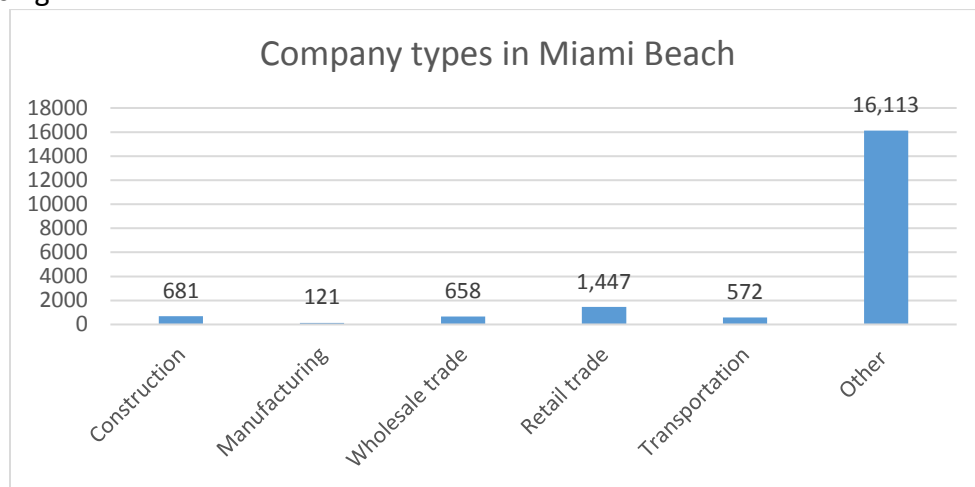
The City of Miami Beach's employed population 16 years and older is engaged in a variety of occupations:

¹¹ <https://data.census.gov/cedsci/table?id=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP03&tid=ACSDP5Y2017.DP03&g=1600000US1245025&lastDisplayedRow=33&hidePreview=true&q=>

City of Miami Beach Civilian employed population 16 years and over (2013-2017 American Community Survey 5-Year Estimates)	
Total	52,787
Agriculture, forestry, fishing and hunting, and mining	128
Construction	2,528
Manufacturing	1,240
Wholesale trade	1,905
Retail trade	4,756
Transportation and warehousing, and utilities	2,819
Information	1,629
Finance and insurance, and real estate and rental and leasing	5,679
Professional, scientific, and management, and administrative and waste management services	8,109
Educational services, and health care and social assistance	8,225
Arts, entertainment and recreation, and accommodation and food services	11,570
Other services, except public administration	3,207
Public administration	992

Of the population 16 years of age or older, 4.3% were estimated to have been unemployed.

According to the 2012 Census Survey of Business Owners, 19,592 companies are operating in the City of Miami Beach. Of these businesses, 681 are in construction, 121 are in manufacturing, 658 are in wholesale trade, 1,447 are in retail trade, and 572 are in transportation and warehousing.¹²



¹² <https://factfinder.census.gov/bkmk/table/1.0/en/SBO/2012/00CSA01/E600000US1208645025>

Transportation

Transportation moves people and creates the necessary connection that creates economic opportunities. According to *2013-2017 American Communities Survey Estimates*,¹³ 53.9 % of workers in the City of Miami Beach commute to work by driving alone. Only 9.5% use public transportation, excluding taxicabs. Motorized personal automobiles are the main mode of transportation into and within the City. Transportation into, out of, and throughout Miami-Dade County is primarily achieved through a well-developed network of roadway transportation corridors. Major highways traversing the County include the Florida Turnpike and Interstates 95, 195, 395, along with approximately 20 Florida State Roads, several “expressways” and a grid system of arterial surface streets.

The City of Miami Beach is composed of arterials, collectors, and local streets. The City has two (2) major North-South arterial roadways, Collins Avenue (providing connectivity throughout the City’s entirety) and Alton Road which provides access to the majority of the City. Other major arterials include four (4) East-West roadways within the City and are a continuity of the four causeways that connect the City to the mainland. These roadways are SR A1A/5th Street, Dade Boulevard, SR 112/Arthur Godfrey Road/W 41st Street, and SR 934/ 71st Street. The rest of the major roadways within the Miami Beach are collector roads. Most of them form a grid in the South Beach area, with Washington Avenue providing the most North-South connectivity and thus exhibiting large commercial activity around it.¹⁴ The state roads are aligned near the East and West edges of the City limits, primarily traveling North and South, as well as making connections to the MacArthur Causeway (I-395), Julia Tuttle Causeway (I-195), and John F. Kennedy Causeway. The majority of the local roads reside within the interior of this state road loop.¹⁵

Miami-Dade Transit (MDT) is the fifteenth largest transit system in the United States with a service area that covers approximately 306 square miles. It is composed of 34 individual municipalities with an urbanized population of approximately 2.6 million people. The accessible, fully integrated system has four transportation modes: Metrobus, Metrorail, Metromover, and Paratransit. With 893 ADA-compliant buses and more than 100 routes travelling over 29 million miles per year, Metrobus connects with Metrorail and Metro Mover with seven routes operating 24 hours a day. The bus network provides service throughout Miami-Dade County 365 days a year, connecting to parts of southern Broward County to the north and Monroe County to the south.¹⁶ Currently, Miami-Dade Transit (MDT) provides, maintains, and operates 13 regional bus

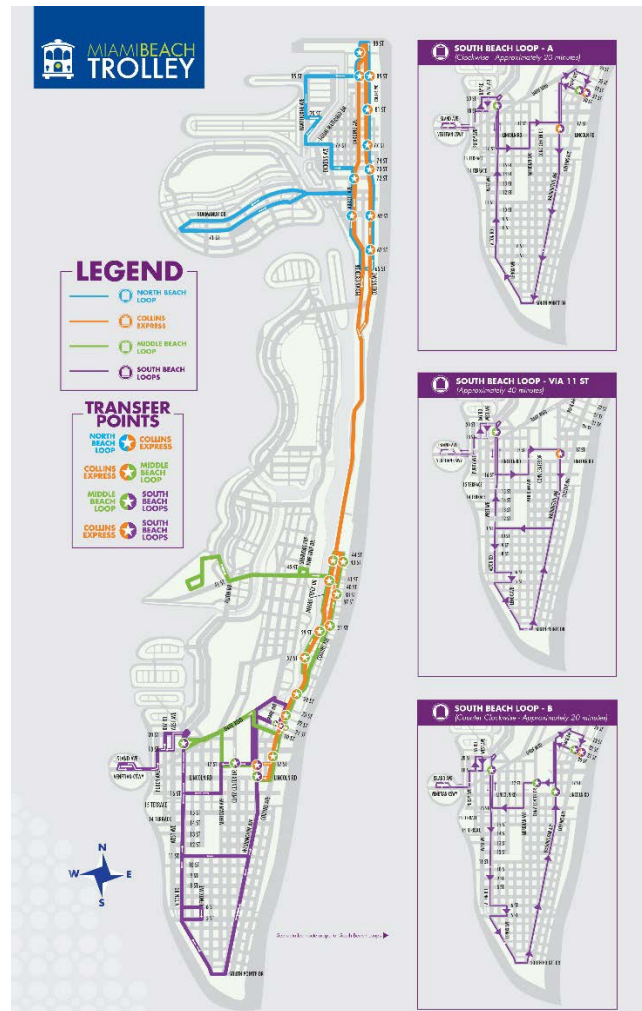
¹³ <https://data.census.gov/cedsci/table?id=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP03&tid=ACSDP5Y2017.DP03&g=1600000US1245025&lastDisplayedRow=33&hidePreview=true&q=>

¹⁴ <https://www.miamibeachfl.gov/wp-content/uploads/2018/07/Updated-Transportation-Master-Plan-Final-Report.pdf>

¹⁵ <https://www.miamibeachfl.gov/wp-content/uploads/2018/07/Updated-Transportation-Master-Plan-Final-Report.pdf>

¹⁶ http://www.miamidade.gov/transit/library/10_year_plan/2015-transit-dev-plan-fy-2014-2023/ch-2-mdt-tdp-exsiting-services-overview.pdf

routes that serve the City of Miami Beach across the four causeways from the mainland, and one local circulator. The City of Miami Beach has a network of city-wide transit circulators as a compliment to the regional service provided by MDT, along with access to “Park and Ride” locations. The Miami Beach Trolley system is a free, citywide, interconnected, transit system that provides a transportation alternative and connection to regional transit routes. Free of cost to users, the trolleys run seven days a week, with some trolleys arriving as frequently as every 15 minutes. All Trolleys are accessible to riders using wheelchairs and are ADA Compliant. The City of Miami Beach Disability Access Committee reviews, formulates, and coordinates information regarding programs for persons with disabilities. Disability-related complaints are received by the City’s ADA Coordinator.



The City of Miami Beach prohibits discrimination in its programs, services, and activities. The City has established a procedure for filing discrimination complaints with the City’s Title VI/Nondiscrimination Coordinator.¹⁷

The Paratransit division’s Special Transportation Service (STS) is the County’s complimentary service for the disabled per the requirements of the Americans with Disabilities Act (ADA). STS is a shared-ride service used through most of urbanized Miami-Dade County, Monroe County, and some parts of southern Broward County without restrictions or priorities based on trip purposes. All Miami-Dade senior citizens aged 65 years and older with Social Security benefits ride free with a *Golden Passport* pass. Veterans residing in Miami-Dade and earning less than \$22,000 annually ride free with the *Patriot Passport* transit pass. The public transportation system favorably affects mobility throughout the County, especially for low-income persons, enhancing fair housing choice.

¹⁷ <http://www.mbrisingabove.com/getting-around/miami-beach-trolley/>
<https://www.miamibeachfl.gov/city-hall/transportation/trolley/customer-rights/>

III. Housing Profile

A. Housing Stock & Tenure

The City of Miami Beach is a developed urban area, with very little vacant, buildable land available for residential development. According to the *2013-2017 American Community Survey* estimates, the City's housing inventory increased by 7,830 units since 2000.¹⁸

City of Miami Beach Housing Inventory 2013-2017 American Community Survey 5-Year Estimates	
Total housing units	70,628
1-unit, detached	6,473
1-unit, attached	1,044
2 units	459
3 or 4 units	4,036
5 to 9 units	4,808
10 to 19 units	9,311
20 or more units	44,321
Mobile home	176
Boat, RV, van, etc.	0

According to *2013-2017 American Community Survey 5-Year Estimates*, 44,475 (63%) of the City's housing units are occupied. The occupied units are composed of 16,621 (37.4%) owner units and 27,854 (62.6%) renter units. There are currently 26,153 vacant units in the City with an overall vacancy rate of 37%.¹⁹ These vacancies may become occupied and help to satisfy some of the housing demand, but they may also become sold or rented without being consistently occupied.²⁰ They may fill a number of functions, possibly being held for seasonal, recreational, or workforce housing, and thus remaining unavailable to the general population, which would continue to put a strain on the lack of housing stock.²¹ In terms of fair housing and housing choice smaller number of available units means fewer options for home-seekers and could lead to housing providers being more selective.

¹⁸ <https://data.census.gov/cedsci/table?id=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP04&tid=ACSDP5Y2017.DP04&g=1600000US1245025&lastDisplayedRow=27&hidePreview=true&q=>

¹⁹ <https://data.census.gov/cedsci/table?id=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP04&tid=ACSDP5Y2017.DP04&g=1600000US1245025&lastDisplayedRow=27&hidePreview=true&q=>

²⁰ https://www.huduser.gov/portal/publications/pdf/MiamiFL_comp_12.pdf

²¹ https://www.huduser.gov/portal/publications/pdf/MiamiFL_comp_12.pdf

Miami Beach Housing Unit Vacancy and Occupancy Status, 2013-2017 ²²								
For Rent	For Sale Only	Rented or Sold, Not Occupied	Seasonal, Recreational or Occasional Use	For Migrant Workers	Other Vacant	Total Vacant	Total Occupied	Total Units
1745	620	672	18072	0	5044	26153	44475	70628

The median property value in Miami Beach, FL was \$416,700 in 2017, which is 1.91 times the national average of \$217,600. Between 2016 and 2017, the median property value increased from \$398,600 to \$416,700, a 4.54% increase. The homeownership rate in Miami Beach is 37.4%, lower than the national average of 63.9%.²³

Miami Beach Homeownership Rate (%), 1990 through 2013-2017 ²⁴			
1990	2000	2010	2013-2017
28	37	39	37

As a result of the strong homeownership market, low- to moderate-income households are more likely to be renters and also face housing options with smaller units and fewer bedrooms (Shimberg Center at the University of Florida).

Sea-level rise presents another constraint on the Miami Beach housing stock. According to a report from *USA Today*, Miami Beach faces the following challenges regarding sea-level rise²⁵:

- Population with homes at risk of flooding in 2060: 39,547 (30.2%)
- Population with homes at risk of flooding in 2100: 97,375 (74.5%)
- Habitable land that will be underwater by 2060: 58.5%
- Habitable land that will be underwater by 2100: 94.1%
- Current property value at risk in 2060: \$19.3 billion

Again, with a dwindling housing stock, home-seekers are faced with having fewer options, thus housing providers can be increasingly selective.

The growing usage of short-term rentals like Airbnb has also decreased the Miami Beach housing stock. *The New York Times* reported that the Miami Beach Commission has passed laws to suppress the prevalence of short-term rentals, but the rentals have persisted.²⁶ Miami Beach staff members went from 592 short-term rental investigations in the 2013-2014 fiscal year to

²² <http://flhousingdata.shimberg.ufl.edu/affordability/results?nid=4348>

²³ <https://datausa.io/profile/geo/miami-beach-fl/>

²⁴ <http://flhousingdata.shimberg.ufl.edu/affordability/results?nid=4348>

²⁵ <https://www.usatoday.com/story/money/2019/06/18/climate-change-american-cities-that-will-soon-be-under-water/39533119/>

²⁶ <https://www.nytimes.com/2019/03/09/travel/airbnb-miami-beach-war.html>

1,737 investigations in 2017-2018.²⁷ These rentals are providing housing for visitors that may otherwise have been available to full-time residents, further reducing the options that full-time residents have.

B. Housing Cost and Affordability

The general definition of housing affordability is the capacity of households to consume housing services and the relationship between household incomes and prevailing housing prices and rents. The standard administered by the Department of Housing and Urban Development and most state agencies is that households should spend no more than 30% of their income on housing costs. Owner and renter households paying excess of 30% of their income on housing costs are considered “cost burdened.”

While cost burden in and of itself is a difficult challenge to overcome, the nature of our diverse population including its preponderance of immigrants, makes these challenges that much more difficult to overcome. As stated in an Urban Institute report issued in March 2017²⁸: “In addition to the cultural and language barriers, tens of thousands of immigrants who come to [the metro area] each year are extremely low income, resulting in overcrowding in many housing units. Consequently, affordable housing for LMI households in [the metro area] has to be considered within the context of language barriers, cultural sensitivities, as the limited resources new immigrants have when they arrive. These factors have important implications for equal access to housing information, gentrification and displacement, as well as how Miami funds for affordable housing are used to assist diverse and resource-constrained populations.” Please be reminded that the City’s *Comprehensive Plan* established a goal of creating 6,800 affordable housing units and has only achieved the creation of less than 5,000 units as of this writing (City’s *Comprehensive Plan*).

According to the City’s most recent *Consolidated Plan*, the most common housing problems in Miami Beach include:

- Affordability (cost burden);
- Availability (vacancy); and
- Size (to accommodate growing households)

To bring the crux of our community’s housing needs to the fore, it should be noted that 13,137 households or roughly 49.6% of all households paying rent are spending at least 35% of their household income on housing costs (Source: American Community Survey, 2016). This cost burden to maintain housing undermines a household’s ability to save for a home, acquire suitable insurance coverage, obtain higher education and provide economic stability, among other milestones.

²⁷ <https://www.nytimes.com/2019/03/09/travel/airbnb-miami-beach-war.html>

²⁸ https://www.urban.org/sites/default/files/publication/89311/miami_lmi_0.pdf

Miami Beach Households, Cost Burden by Income, 2016²⁹

Household Income	Amount of Income Paid for Housing		
	30% or less	30.1-50%	More than 50%
30% AMI or less	1677	1164	6012
30.1-50% AMI	1239	2244	4092
50.1-80% AMI	1701	4062	1884
80.1-120% AMI	7771	2976	1498
more than 120% AMI	12576	1441	379

Miami Beach Renter Households, Cost Burden by Income, 2016³⁰

Household Income	Amount of Income Paid for Housing		
	30% or less	30.1-50%	More than 50%
30% AMI or less	1513	640	4582
30.1-50% AMI	734	1629	2792
50.1-80% AMI	1024	3452	1066
80.1-120% AMI	5069	1742	335
more than 120% AMI	5734	389	44

Miami Beach Owner-Occupied Households, Cost Burden by Income, 2016³¹

Household Income	Amount of Income Paid for Housing		
	30% or less	30.1-50%	More than 50%
30% AMI or less	164	524	1430
30.1-50% AMI	505	615	1300
50.1-80% AMI	677	610	818
80.1-120% AMI	2702	1234	1163
more than 120% AMI	6842	1052	335

It should also be noted that according to the *2016 American Community Survey*, 56% of all housing units in the City have three or fewer rooms and 86% of all housing units in the City have two or fewer bedrooms.

²⁹ <http://flhousingdata.shimberg.ufl.edu/affordability/results?nid=4348>

³⁰ <http://flhousingdata.shimberg.ufl.edu/affordability/results?nid=4348>

³¹ <http://flhousingdata.shimberg.ufl.edu/affordability/results?nid=4348>

Fair Housing Implication(s):

The City's extensive need for increased affordable housing opportunities opens the door for landlords to be more selective, which can lead to more discriminatory housing practices. Individuals and families have fewer options when searching for a place to live, as a result of both a smaller housing stock and discrimination. Publicly-funded or subsidized housing opportunities must be affirmatively marketed to ensure availability to residents of all communities.

C. Public Housing & Assisted Housing

The Housing Authority of the City of Miami Beach (HACMB)'s mission is to provide those in need with quality affordable housing in economically mixed settings while promoting resident self-sufficiency and fostering strong neighborhoods. HACMB's Board of Commissioners establish operating policies, ensure that policies are followed, and adherence to its mission.

HACMB owns and operates the following housing developments:

Rebecca Tower South is a thirteen-story elderly designated Public Housing building constructed in 1975 with 200 units (120 efficiencies and 72 one-bedrooms, and 8 two-bedrooms). Under this program, U.S. HUD provides rental subsidies to eligible tenants 62 years of age or older. Residents pay approximately 30 percent of their adjusted income, calculated in accordance with U.S. HUD regulations, while U.S. HUD pays the remaining portion of the established contract rent.

Rebecca Tower North is a thirteen-story-elderly designated Section 8 New Construction building constructed in 1979 with 200 units (120 efficiencies and 80 one-bedrooms). Under this program, U.S. HUD provides rental subsidies to income-eligible tenants 62 years of age or older. Residents pay approximately 30 percent of their adjusted income, calculated in accordance with U.S. HUD regulations, while U.S. HUD pays the remaining portion of the established contract rent.

The Lois Apartments provides sixteen (16) units of quality affordable housing. The development, originally built in 1925, is located in the Ocean Beach Local Historic District and is an excellent example of Mediterranean Revival architecture. The Lois Apartments rehabilitation was completed in January 2013.

The Steven E. Chaykin Apartments provides thirty units of quality affordable housing for elderly disabled persons. Built with HOME funds, the development offers a combination of Low HOME- and High HOME-rent units. The Low HOME rent limit for an area is 30 percent of the annual income of a family whose income equals 50 percent of the area median income, adjusted for bedroom size. High HOME rents are the lesser of the HUD published fair market rent (FMR) or a rent that does not exceed 30 percent of the adjusted income of a family whose annual income equals 65 percent of the median income for the area as determined by HUD, adjusted for bedroom size. In addition, the Low HOME rent limit cannot exceed the High HOME rent limit.

The Leonard Turkel Residences provides twenty-one (21) units of quality affordable housing for elderly persons. The project is HOME-funded, as such twenty percent of the HOME-assisted units are occupied by families whose annual incomes do not exceed 50 percent of the median family income for the area; and the balance of HOME-assisted units must be occupied by families whose annual incomes do not exceed 60 percent of the median family income for the area.

The Henderson Court provides five units of quality affordable housing for the elderly. The development is owned by HACMB and its units are made available to Section 8 voucher holders. 211 Collins Avenue is also owned by HACMB and is made available to Section 8 voucher holders.

Voucher Programs

HACMB administers the Section 8 program for the jurisdiction defined as “Miami-Dade County, Florida, inside the incorporated cities of Surfside, North Bay Village, North Miami, North Miami Beach, Opa Locka, Miami, El Portal, Miami Lakes, Miami Shores, Hialeah Gardens, Miami Gardens, Coral Gables, Key Biscayne, Miami Springs, Bal Harbor, Bay Harbor Islands, Sunny Isles Beach, and Aventura, as well as any other area physically within ten miles of the City of Miami Beach, not including the City of Hialeah or areas that fall within Broward County.” HACMB’s Section 8 program includes the Housing Choice Voucher (HCV), Project-Based Voucher, Housing Choice Voucher-funded Homeownership Programs, Veterans Affairs Supportive Housing (VASH), Mod-Rehabilitation Program, Single Rental Occupancy (SRO), and Miami-Dade Homeless Trust Moving Up Program.

HCV is a tenant-based rental assistance program under which an eligible program household pays 30 percent of his or her monthly adjusted income toward the rent, and U.S. HUD pays the remainder. In the HCV Program, a participant is given a voucher and allowed to look for housing in the private rental market anywhere within HACMB’s jurisdiction, which covers Miami Beach and extends ten miles outside the city. HACMB currently administers 3,412 vouchers in the HCV Program.

The Section 8 Project-Based Voucher Program is a project-based rental assistance program under which an eligible program participant pays 30 percent of his or her monthly adjusted income toward the rent, and U.S. HUD pays the remainder. In the Project-Based Program, a participant may rent a unit in specified buildings located in Miami Beach. The rents for project-based units are pre-designated by contract.

The Section 8 Substantial Rehabilitation program is a project-based rental assistance program under which an eligible program participant pays 30 percent of his or her monthly adjusted income toward the rent, and U.S. HUD pays the remainder. The HACMB serves as the contract administrator for the buildings. In the Substantial Rehabilitation Program, a participant may rent a unit in specified buildings located in Miami Beach.

Fair Housing and Equal Opportunity

HACMB's most recent Administrative Plan for Section 8 was adopted by its Commission on December 11, 2018. Chapter 2 of the Plan describes HACMB's policies related to fair housing and equal opportunity, prohibiting discrimination on the basis of race, color, sex, religion, familial status, age, disability, national origin, marital status, gender identity, sexual orientation (actual or perceived), in addition to victims of domestic violence, dating violence, sexual assault or stalking as protected classes of persons. Further detailed are policies relating to persons with disabilities and limited English proficiency.

The Plan contains a written statement regarding its compliance with the appropriate civil rights-related program requirements, including Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern), Violence Against Women Reauthorization Act of 2005 (VAWA), and the Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule.

The PHA takes steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the PHA must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

HACMB is required to provide applicants/participants with information about how to file a discrimination complaint in accordance with 24 CFR 982.304. HACMB's policy provides for receipt of complaints of housing discrimination orally or in writing. HACMB attempts to remedy discrimination complaints made against it and provides a copy of a discrimination complaint form to the complainant. The complainant is also provided with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Persons with Disabilities

Posters and signage regarding the policies for reasonable accommodations and modifications are made available in locations throughout HACMB's office. The policy further provides examples of reasonable accommodations and outlines the process for handling requests, including verification of disability and approval/denial of requests. HACMB's intake application provides the following statement:

"If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact HACMB Section 8 Department."

The needs of persons with hearing impairments is met through the use of TTD/TTY (telephone display/teletype) communication. To meet the needs of persons with vision impairments, large-print and audio versions of key program documents are provided upon request. Alternative forms of communication are also provided, such as sign language interpretation or third-party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings. HACMB's policies also require take affirmative steps to communicate with people who need services or information in a language other than English.

HACMB generally ensures that the family is offered through other sources, competent oral interpretation services free of charge to limited English proficiency (LEP) persons. Where feasible, HACMB trains and hires bilingual staff to be available to act as interpreters and translators, shall pool resources with other PHA's, and shall standardize documents. Where feasible and possible, HACMB will encourage the use of qualified community volunteers. Where LEP persons desire, they are permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by HACMB. The interpreter may be a family member or friend. HACMB provides written translations of vital documents for each applicable, eligible LEP language group. Translation of other documents, if needed, are provided orally.

HACMB's Public Housing Admissions and Continued Occupancy Policy (ACOP) was adopted by its Commission on March 10, 2009 and made effective April 1, 2009. HACMB's Fair Housing and Equal Housing Opportunity policies embodied in Chapter 2 of its ACOP. The policy expressly required affirmative steps to be taken make certain that families are aware of all applicable fair housing and civil rights laws by incorporating the information into the orientation process. The policy is comprehensive and provides for nondiscrimination in its programs, policies related to persons with disabilities, procedures for processing reasonable accommodation requests, and program accessibility for persons with mobility, hearing, or visual impairments. The policy also provides for ensuring access to services for LEP persons (persons with limited English proficiency). Procedures for the filing of complaints with HACMB and/or US HUD's Office of Fair Housing & Equal Opportunity are also outlined in the policy.

Fair Housing Implication(s): Compliance of the PHA with 504, Title VI, and other Civil Rights Related Program Requirements is an active, ongoing requirement.

D. Housing Programs

The Miami Beach Code of Ordinances, Chapter 58 (Housing), Article II, creates and establishes the City's local housing assistance program, trust fund, partnership, and Affordable Housing Advisory Committee.

The intent of the local housing assistance program is to increase the availability of affordable housing units by combining local resources and cost-saving measures into a local housing

partnership and using private and public funds to reduce the cost of housing and promote leveraging of public and private funds to provide affordable housing to eligible persons. The Housing and Community Development Division of the City shall be responsible for implementation of the Local Housing Assistance Program.

The trust fund is established with a qualified depository. All moneys received from the state pursuant to the State Housing Initiative Partnership Act and any other funds received or budgeted to provide funding for the Local Housing Assistance Program are deposited into the Local Housing Assistance Trust Fund.

The local housing partnership utilizes funds received from the state pursuant to the State Housing Initiative Partnership Act to implement the Local Housing Assistance Program. The partnership includes, but is not limited to, city representatives, community-based organizations, for-profit housing developers, lending institutions, providers of professional services relating to affordable housing and service organizations working on behalf of persons with special housing needs and homebuilders. The partnership shall assist in the implementation of the local housing assistance program.

The Affordable Housing Advisory Committee consists of members appointed by resolution of the City Commission. The Committee reviews established policies and procedures, ordinances, land development regulations and adopted local comprehensive plan of the City and recommends specific initiatives to encourage or facilitate affordable housing, while protecting the property's ability to appreciate. The City meets monthly with the Affordable Housing Advisory Committee to evaluate the past and ongoing performance of activities and agencies funded by the City as well as identify and assess evolving community needs. The activities funded by the City benefit low- and moderate-income individuals, households and neighborhoods with a variety of services including delivered food to address food insecurity among elderly residents, rent and utility assistance to prevent homelessness, and programming for youth and elderly persons.

The City pursues and utilizes state and federal funds to assist in creating and/or preserving housing affordable to very low- to moderate-income households and for special need populations, including State Housing Initiatives Partnership (SHIP), CDBG, and HOME funds. The City cooperates with affordable housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the provision of affordable housing.

The City has worked to market its First-Time Homebuyer Program funded with SHIP and HOME funds to build its affordable rental housing stock to meet the needs of area workers, elder residents who have left the workforce, and entry-level workers in our area workforce who make low wages and may have to commute far distances to maintain their employment.

Fair Housing Implication(s): The receipt of CDBG and other housing related federal funding from U.S. HUD requires compliance with fair housing, civil rights related program requirements, affirmative fair housing marketing, and accessibility.

E. Planning & Zoning/Building Codes/Accessibility

Due to the built-out conditions within Miami Beach, the City emphasizes policies designed to preserve and/or rehabilitate existing housing. The City maintains a minimum of 40% of its land area that is designated so as to permit residential uses (excluding rights-of-way) and 25 % of the City's total land area (excluding rights-of-way) as areas in which land use policies are either designed to encourage, or mitigated to allow for, housing affordable to very low- to moderate-income families. To ensure adequate sites for group homes and other congregate living facilities, the City maintains a minimum of 20% of the City's total land area designated so as to permit "community residential homes" licensed or funded by the Florida Department of Children and Families and assisted living facilities for the elderly and other special need populations.

The Miami Beach Code of Ordinances, Chapter 58 (Housing), addresses affordable housing, fair housing, group homes, community residential homes, inclusionary zoning practices, and bonus densities for affordable housing. The City mitigates zoning regulations, such as reduced parking requirements or shared parking in the case of a mixed-use building, that impede housing affordability for very low- to moderate-income families in all zoning districts which permit multifamily housing.

The City Code contains policies intended to facilitate development of affordable housing for low- and/or moderate-income elderly persons. The initial regulations adopted in 2008 reduced the parking requirements and the minimum average unit size for projects in new and rehabilitated buildings in order to make such projects more affordable. In order to ensure that the purpose of the amendment was met, the ordinance contained specific definitions and mandatory criteria for such qualifying projects. In 2017, the Code was further modified to extend these policies to affordable housing projects certified for low- and/or moderate-income nonelderly persons. The minimum unit size was set at 400 square feet for rehabilitated buildings and 550 square feet for new construction.

In order to further facilitate the construction of affordable housing, ordinance 2017-4148 reduces the minimum and average unit size to 400 square feet across all zoning districts within the City where multifamily residential units are allowed. Parking requirements are also reduced from 0.5 spaces per unit to 0 for elderly housing, and from 1 space per unit to 0.5 for low- and/or moderate income non-elderly persons. The number of on-site affordable housing units within an existing building is allowed to be increased, both within an existing building and within any new construction on site, with no additional parking requirements.

The resident workforce is leaving the City in search of affordable housing and new employees are being deterred by the high cost of living. In order to address the critical shortage of affordable and workforce housing, the City's Code provides for the creation of workforce housing. The construction of workforce housing is intended to: (1) allow households with incomes at or below 140 % of the area-wide median income to have greater housing choices in the City; (2) increase the availability of housing in the City for public employees and other workers whose income cannot support the high cost of housing that is located close to their workplace

and who, as a result, are increasingly priced out of housing opportunities; (3) assist City employers in reducing critical labor shortages of skilled and semi- skilled workers by providing housing that will be accessible to the workers' workplaces; and (4) reduce traffic congestion by shortening commute distances for employees who work in the City but who otherwise would live elsewhere and encouraging more employees to live in the City rather than commute.

The Code also reduces the parking requirements for workforce housing units. Further, it allows workforce housing units to be established on a site with an existing building without providing parking for the existing or additional units.

The City's Land Development Regulations and housing activities are administered in accordance with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, the Florida Fair Housing Act, Chapter 760 F.S., and Section 62-88 of the City of Miami Beach Code of Ordinances.

In an effort to provide more affordable housing, non-traditional housing options are being considered. In 2019, the City's Land Use and Development Committee recommended, and the City Commission later approved, the rental of accessory dwelling units (ADUs) or "granny flats." ADUs are additional housing units on a residential property that are either attached to or detached from that property's main building. Micro housing units and co-living arrangements are also being contemplated.

The Planning Department, which includes zoning review, streamlines the housing approval and permitting process in coordination with the Building Department through the expedited processing of permits for affordable housing projects. This incentive gives priority to designated affordable housing projects when scheduling pre-design conferences with all relevant agencies. Priority is given to the plans once they are ready for permitting.

For metropolitan jurisdictions, serious consideration should be given to ways they can participate in cooperative, inter-jurisdictional planning for construction of assisted housing. Local government policies that, for example, limit or exclude housing facilities for persons with disabilities or homeless people from certain residential areas may violate the provisions of the Fair Housing Act by directly or indirectly limiting the housing opportunities of persons with disabilities and minorities. Building codes which require certain amenities or setbacks also affect the feasibility of providing low- and moderate-income housing development.

Fair Housing Implication(s): NIMBYism (Not in My Back Yard)

Even when other governmental zoning policies are permissive, neighborhood residents often resist placement of certain types of housing in their area and care must be taken to ensure that such limitations do not disproportionately impact the housing choices of people from protected classes. The development of new housing without parking units is also being taken into consideration. People with cars will be less likely to feel able or welcome to live in places where they do not have parking guaranteed, so the creation of parking-free residential

developments will reduce the housing options for these people. Furthermore, prohibiting parking solely for affordable housing developments could result in fair housing claims by those affected.

Accessibility

New dwelling units having all the living space on one floor and forming part of multi-family buildings comprised of four or more units, whether apartments, condominium or townhouses, must be accessible and must meet the following minimum requirements in accordance with the regulations of the Fair Housing Act which is part of the Florida Building Code, Chapter 11:

- At least one accessible building entrance on an accessible route
- Accessible and usable public and common use areas
- All doors designed to allow passage by wheelchair users
- Accessible route into and through the dwelling unit
- Light switches, electrical outlets, thermostats, and other environmental controls must be accessible
- Bathroom walls must contain reinforcements in the walls to allow later installation of grab bars around toilets, tubs, shower stalls and seats
- Kitchens and bathrooms must be accessible and contain adequate maneuvering space

Miami Beach's Human Rights Ordinance³² makes several requirements for multifamily dwellings submitted for building permit on or after March 1, 1990, and first occupied after March 13, 1991. These buildings must be designed and constructed in such a manner where the public use and common use areas are readily accessible to and usable by handicapped persons. Further, all of the doors must be sufficiently wide to allow passage by persons in wheelchairs, and the following adaptive design features must be present throughout the premises:

1. An accessible route into and throughout the dwelling;
2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
3. Reinforcements in the bathroom walls to allow later installation of grab bars; and
4. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

F. Homeless Needs

The Miami-Dade County Homeless Trust (Trust) serves as the lead agency for the Miami-Dade County Continuum of Care (CoC) which is governed by the Miami-Dade County Homeless Trust Board, comprised of broad-based membership which includes representation from the City.

³² (Ord. No. 92-2824, § 1(25A-7), 12-2-92; Ord. No. 2002-3343, § 6, 1-9-02; Ord. No. 2016-4034, § 1, 9-27-16)

Recommendations from sub-committees and Homeless Trust staff, as well as feedback from community meetings with providers, are utilized to guide policy development for the CoC. The Homeless Trust organizes and directs the Miami-Dade County Homeless Plan.

The City of Miami Beach’s Homeless Outreach Team provides homeless outreach, partially funded by the Trust, to those homeless in the City in accordance with the Trust’s Outreach, Assessment and Placement model. The model provides a standardized procedure for homeless persons to access the Continuum of Care and ensures they access services appropriate to their individual needs.

Miami Beach, like much of the country, has a significant number of homeless people. Unlike the rest of the country, the City has the shelter capacity to serve its population proactively. The City has been making gains in reducing its overall daily homeless population. While most major metropolitan cities face shelter shortages and often turn homeless people away because of space constraints, the City of Miami Beach has had an average daily shelter vacancy rate of 7.409 beds. The City has access to up to 40 beds funded by the Miami-Dade County Homeless Trust and purchases an additional 52 beds from three shelters: The Salvation Army, Miami Rescue Mission and Camillus House. While the City does not control service provision for the Trust-funded beds, the City requires shelters to provide care coordination services with City-purchased beds ensuring that clients are provided the tools and support to successfully transition to sustainable independence.

The official count of the City’s homeless population is measured through the annual Point-in-Time Homeless Census managed by the Miami-Dade County Homeless Trust and reported to the US Department of Housing and Urban Development. While a biannual census count is held, the winter (January) count is the one held as the formal, official homeless census.³³

Aug. 2009	232	Jan. 2012	173	Aug. 2014	156	Jan. 2017	133
Jan. 2010	149	Aug. 2012	186	Jan. 2015	193	Aug. 2017	143
Sept. 2010	196	Jan. 2013	138	Aug. 2015	196	Jan. 2018	124
Jan. 2011	177	Aug. 2013	106	Jan. 2016	156	Aug. 2018	183
June. 2011	218	Jan. 2014	122	Aug. 2016	208	Jan. 2019	153

The City of Miami Beach has created a comprehensive homeless strategy that emphasizes personal accountability, intradepartmental collaboration and innovation that responds to our community’s unique needs and assets. The City works alongside its partners, such as the Miami-Dade County Homeless Trust and the Continuum of Care providers, to align priorities and funding across the continuum for programs addressing the needs of Miami Beach residents experiencing or at-risk of homelessness.

³³ <http://www.homelesstrust.org/library/january-homeless-census-results-and-comparison-2018-2019.pdf>
<https://www.myflfamilies.com/service-programs/homelessness/docs/2019CouncilReport.pdf>

Historically, the City's goal has been to end homelessness. To achieve this, the homeless must transition into permanent housing and not return to the streets to panhandle or engage in illicit activity. The City's shelter beds, with an annual cost of \$623,123, are available for use by people prepared to end their homelessness. These beds are located at three different shelters to ensure that the City can offer placements appropriate to the homeless person seeking help:

- Camillus House for Single Men
- Miami Rescue Mission for Single Men
- The Salvation Army for Single Men, Single Women, Families w/Children

IV. HOUSING MARKET TRENDS

A. Lending Disparity Profile, 2014-2017

The Home Mortgage Disclosure Act (HMDA) requires that certain financial institutions (banks, savings associations, credit unions, and other mortgage lending institutions) make public a wide range of loan application data regarding loan approval decisions, borrower demographics, and property characteristics.

While HMDA is essential in understanding the mortgage climate, it should be noted that HMDA data does have its limitations. In particular, it does not take into consideration how the loan decisions were made. These and other issues must be taken into consideration when drawing conclusions about the findings.

In order to access HMDA data for specific geographical areas for analysis, LendingPatterns™³⁴ software was utilized in the preparation of this document. LendingPatterns™ is a web-based data mining and exploration tool that analyzes millions of records for thousands of lenders to produce reports on numerous aspects of mortgage lending in the United States. LendingPatterns™ allows the user to isolate a specific geographical area by census tract. The census tract locations for the HMDA data are based on the 2010 census and include all loans in the census tracts within the boundaries of Miami Beach.

Miami Beach lending data for a period of four years (2013-2017³⁵) was obtained in order to identify disparities in home mortgage lending. The following types of loans are the focus of the analysis:

- All lenders
- Loan Amount: Conforming and Jumbo
- Loan Status: Secured by First Lien

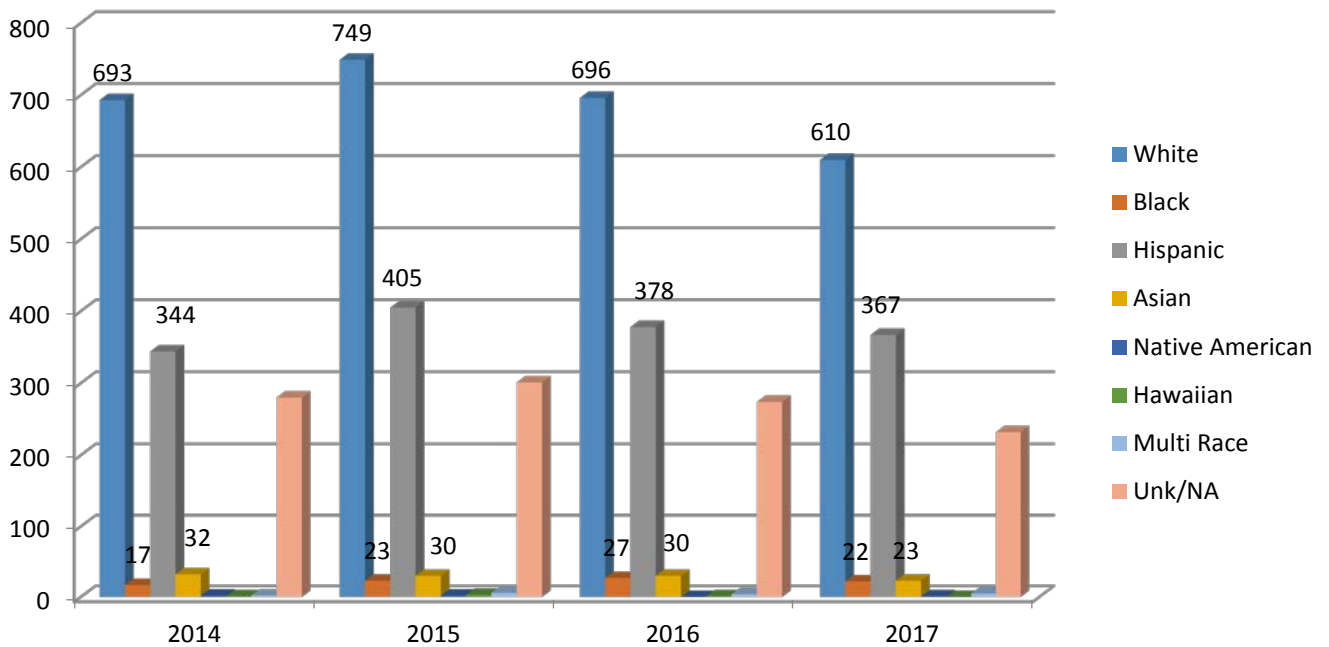
³⁴ More information about LendingPatterns™ software is available at www.lendingpatterns.com.

³⁵ 2017 represents the latest available year for complete HMDA data available at the time this document was prepared.

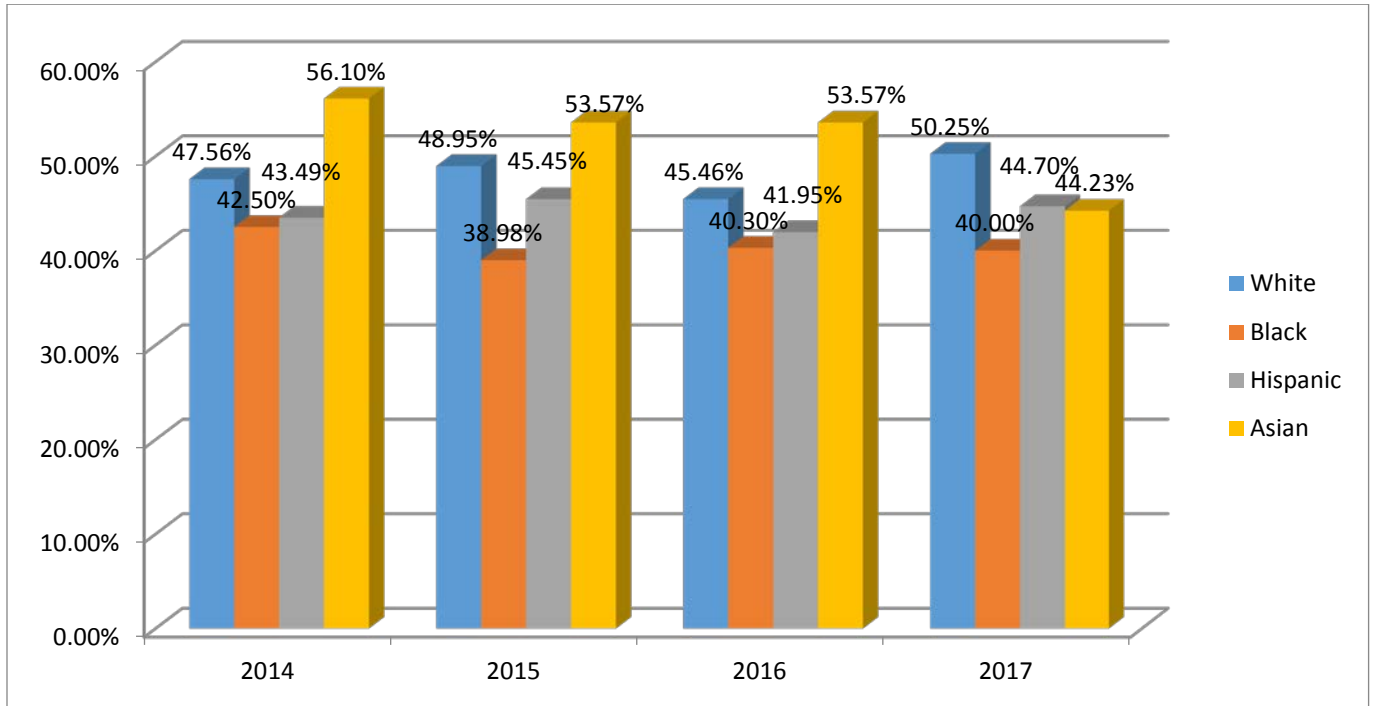
- Loan purpose: Home Purchase and Refinancing loans
- Property Type: 1-4 Unit Family
- Loan Type: Conventional, FHA and VA loans
- Occupancy Type: Owner Occupied and Non-Owner Occupied
- Spread: Reported and Not Reported

Over the four years from 2014 to 2017, Non-Hispanic White applicants consistently submitted the highest numbers of applications, followed by Hispanic applicants.

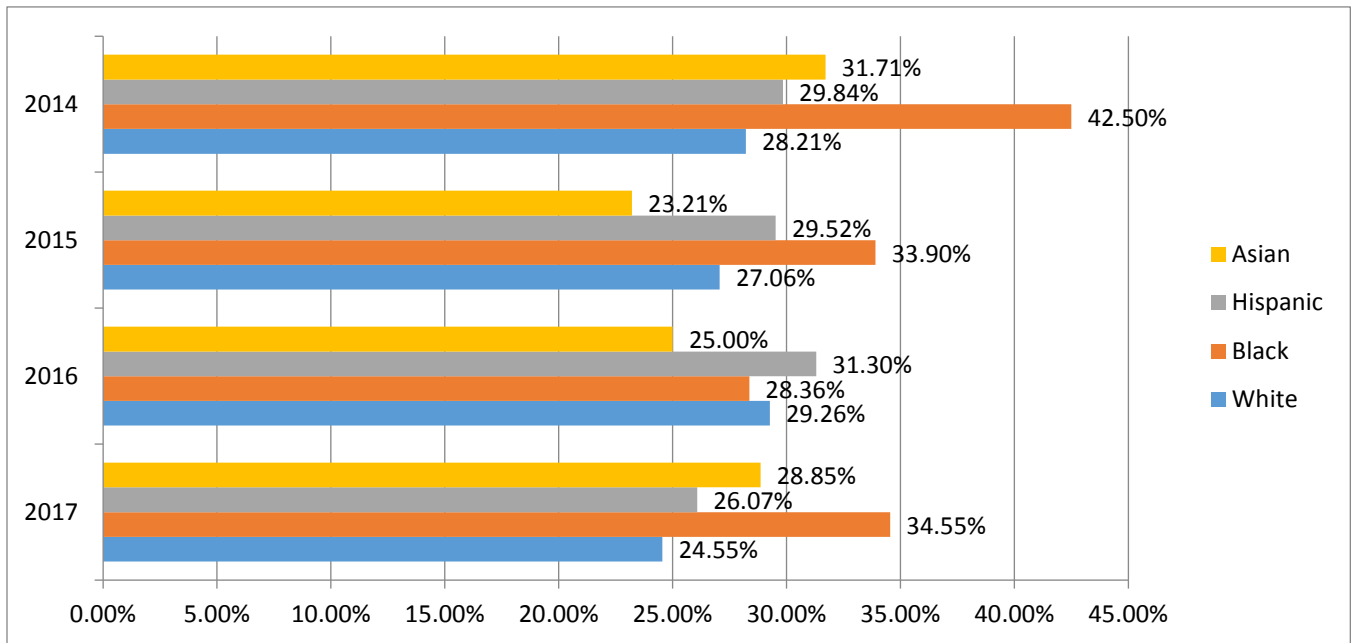
**Loan Origination Volume by Race- City of Miami Beach
2014-2017**



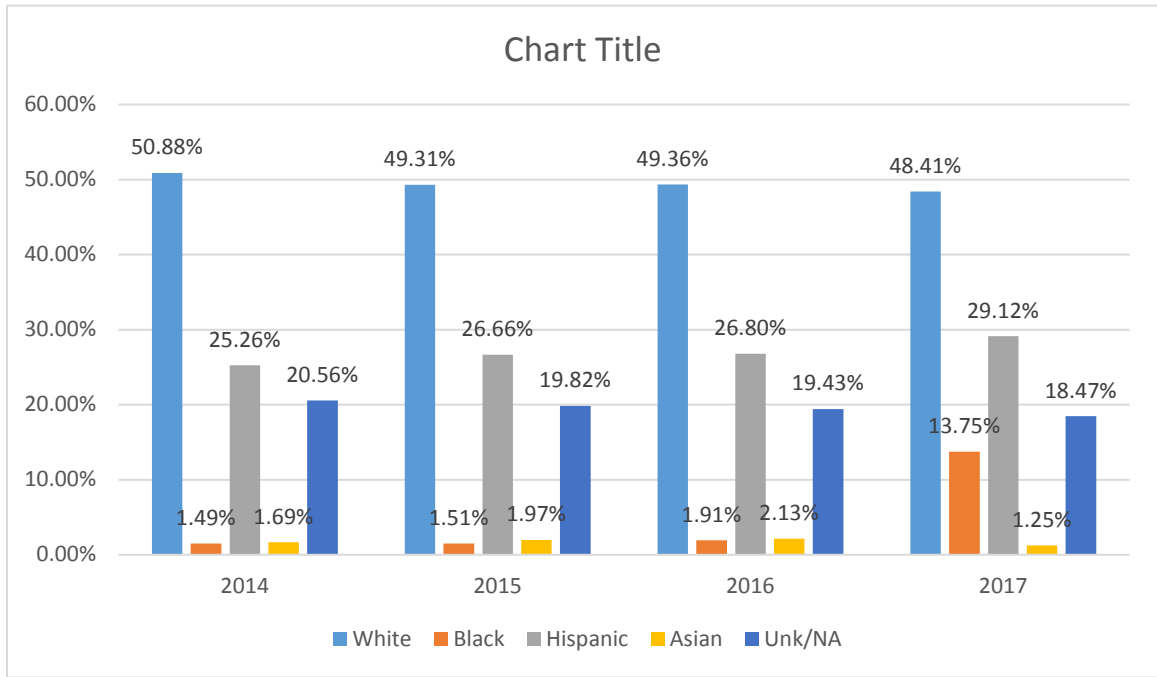
**Origination Rate by Race- Miami Beach
2014-2017**



**Denial Rate by Race- Miami Beach
2014-2017**



**Percent of All Loans Originated by Race
2014-2017**



In 2014, there were a total of 2,822 loan applications. Of all the loan applications, 1,362 or 48.26% were originated and 786 or 27.85% were denied. With respect to loan decisions by race and ethnicity, Asian applicants have the highest origination rate at 56.10%, however they represent only 1.45% of all loan applications and 1.69% of all loans originated. White applicants represent the largest volume of applications at 51.63% of all applications. Whites also represent 50.88% of all loans originated, with an origination rate of 47.56% (by race/ethnicity). When the numbers are analyzed individually by race and ethnicity, White (47.56%) and Asian (56.10%) applicants had a greater chance to have a loan originated than Black (42.50%) and Hispanic (43.49%). White (28.21%), Hispanic (29.84%), and Asian (31.71%) applicants were also less likely to be denied a loan (by race/ethnicity) than Black (42.50%), applicants.

All Loans 2014 Race	Originations		Denials		Total Applications
	#	%	#	%	
White	693	47.56	411	28.21	1,457
Black	17	42.50	17	42.50	40
Hispanic	344	43.49	236	29.84	791
Asian	23	56.10	13	31.71	41
Native American	2	40.00	1	20.00	5
Hawaiian	1	33.33	2	66.67	3
MultiRace	2	66.67	1	33.33	3
Unk/NA	280	58.09	105	21.78	482
Totals	1,362	48.26	786	27.85	2,822

In **2015**, there were a total of 3,162 loan applications. Of all the loan applications, 1,519 or 48.04% were originated and 855 or 27.04% were denied. With respect to loan decisions by race and ethnicity, Asian applicants have the highest origination rate at 53.57%, however represent only 1.77% of all loan applications and 1.97% of all loans originated. White applicants represent the largest volume of applications at 48.39% of all applications. Whites also represent 49.31% of all loans originated, with an origination rate of 48.95% (by race/ethnicity). When the numbers are analyzed individually by race and ethnicity, White (48.95%) and Asian (53.57%) applicants had a greater chance to have a loan originated than Blacks (38.98%) and Hispanic (45.45%). White (27.06%), Hispanic (29.52%), and Asian (23.21%) applicants were also less likely to be denied a loan (by race/ethnicity) than Black (33.90%) applicants.

All Loans 2015 Race	Originations		Denials		Total
	#	%	#	%	#
White	749	48.95	414	27.06	1,530
Black	23	38.98	20	33.90	59
Hispanic	405	45.45	263	29.52	891
Asian	30	53.57	13	23.21	56
Native American	2	50.00	2	50.00	4
Hawaiian	3	60.00	1	20.00	5
MultiRace	6	42.86	4	28.57	14
Unk/NA	301	49.92	138	22.89	603
Totals	1,519	48.04	855	27.04	3,162

In **2016**, there were a total of 3,125 loan applications. Of all the loan applications, 1,410 or 45.12% were originated and 928 or 29.70% were denied. With respect to loan decisions by race and ethnicity, Asian applicants have the highest origination rate at 53.57%, however represent only 1.79% of all loan applications and 2.13% of all loans originated. White applicants represent the largest volume of applications at 48.99% of all applications. Whites also represent 49.36% of all loans originated, with an origination rate of 45.46% (by race/ethnicity). When the numbers are analyzed individually by race and ethnicity, White (45.46%) and Asian (53.57%) applicants had a greater chance to have a loan originated than Blacks (40.30%) and Hispanics (41.45%). White (29.26%), Black (28.36%), and Asian (25%) applicants were also less likely to be denied a loan (by race/ethnicity) than Hispanics (31.30%), applicants.

All Loans 2016 Race	Originations		Denials		Total
	#	%	#	%	Apps
White	696	45.46	448	29.26	1,531
Black	27	40.30	19	28.36	67
Hispanic	378	41.95	282	31.30	901
Asian	30	53.57	14	25.00	56
Native American	0	0.00	0	0.00	0
Hawaiian	1	50.00	0	0.00	2
MultiRace	4	40.00	5	50.00	10
Unk/NA	274	49.10	160	28.67	558
Totals	1,410	45.12	928	29.70	3,125

In **2017**, there were a total of 2,635 loan applications. Of all the loan applications, 1,260 or 47.82% were originated and 684 or 25.96% were denied. White applicants represent the largest volume of applications at 47.82% of all applications and percentage of all loans originated (48.41%), with the highest origination rate of all loans at 50.25% (by race/ethnicity). When the numbers are analyzed individually by race and ethnicity, Whites (50.25%) had a greater chance to have a loan originated than Black (40.00%), Asian (44.23%), and Hispanic (45.45%) applicants. White (24.55%), Hispanic (26.07%), and Asian (28.85%) applicants were also less likely to be denied a loan (by race/ethnicity) than Black (34.55%) applicants.

All Loans 2017	Originations		Denials		Total
Race	#	%	#	%	#
White	610	50.25	298	24.55	1,214
Black	22	40.00	19	34.55	55
Hispanic	367	44.70	214	26.07	821
Asian	23	44.23	15	28.85	52
Native American	1	50.00	0	0.00	2
Hawaiian	0	0.00	2	100.00	2
MultiRace	5	55.56	1	11.11	9
Unk/NA	232	48.33	135	28.13	480
Totals	1,260	47.82	684	25.96	2,635

The above cited data from Lender Disparity Profile reports reveal that lenders originate significantly fewer loans for Black and “unknown race” applicants than Whites, deny significantly more Black than White loan applicants, and report people of “unknown” race as having chosen not to follow through with approved loans with locked rates more often than White applicants. Although this data does is not unequivocally indicative of discrimination, it clearly shows differential, inferior treatment of Black and “unknown” race applicants.

While HMDA is essential in understanding the mortgage climate, it should be noted that HMDA data does have its limitations. Of particular note, HMDA does not take into consideration how the loan decisions were made. These and other issues must be taken into consideration when drawing conclusions about the findings. The data does, however, provide information about possible trends in the City’s mortgage lending. The 2014-2017 HMDA data clearly shows a trend with respect to the high levels of denials of loans to Black applicants.

Black and Hispanic borrowers also face inequity in many of the main factors that lead up to applying for loans in the first place, including credit,³⁶ rental history/opportunities,³⁷ employment,³⁸ and banking.³⁹ And actually, even when applying for loans with the same creditworthiness (when those main factors are all the same), Black and Hispanic borrowers are

³⁶ <https://www.cnbc.com/2019/09/01/many-minorities-avoid-seeking-credit-due-to-decades-of-discrimination.html>

³⁷ <https://nationalfairhousing.org/wp-content/uploads/2019/10/2019-Trends-Report.pdf>

³⁸ <https://hbr.org/2017/10/hiring-discrimination-against-black-americans-hasnt-declined-in-25-years>

³⁹ https://d1y8sb8igg2f8e.cloudfront.net/documents/The_Racialized_Costs_of_Banking_2018-06-20_205129.pdf

still frequently given less favorable lending options and conditions, compared to White borrowers.⁴⁰ That is, one White person and one Black person coming to the mortgage application process with the same application are still likely to be subject to different loan decisions, with patterns of these decisions repeatedly falling along racial lines.⁴¹

Fair Housing Implication(s):

Disparities in lending practices indicate a need for industry training in Fair Housing and Fair Lending laws and consumer education regarding lending processes, access to credit for homeownership, and avoiding abusive lending practices.

B. Foreclosures & Related Trends

The relationship between housing discrimination and the foreclosure crisis of 2007 highlights the importance of foreclosure data as an index not only of the financial health of our communities, but also of the public well-being as regards fair housing/civil rights. The foreclosure crisis was one of the prime catalysts of the Great Recession of 2007. The chief cause of the Great Recession was the result of investors (particularly large banks and even Freddie Mac) unwisely investing in risky mortgage-backed securities which plummeted in value as risky loans defaulted in domino fashion resulting in a flood of foreclosures. Investment banks, financial companies and other large firms fell into bankruptcy or faced possible collapse, some only to be rescued by government bail outs.

Princeton University scholars conducted a 2019 study published in the *American Sociological Review* which argued that racial segregation, in addition to excessive home construction, high-risk lending methods, lenient lender regulation, and the steep decline of housing prices, was a significant causal force behind the foreclosure crisis. The writers Jacob S. Rugh and Douglas S. Massey recounted how segregation provided for a geographically identifiable market that was exploited by being selectively targeted with high-risk, subprime loans. Their statistical analyses generated evidence that Black segregation was a causal, rather than a coincidental, factor in the abundant foreclosures that precipitated the Great Recession.

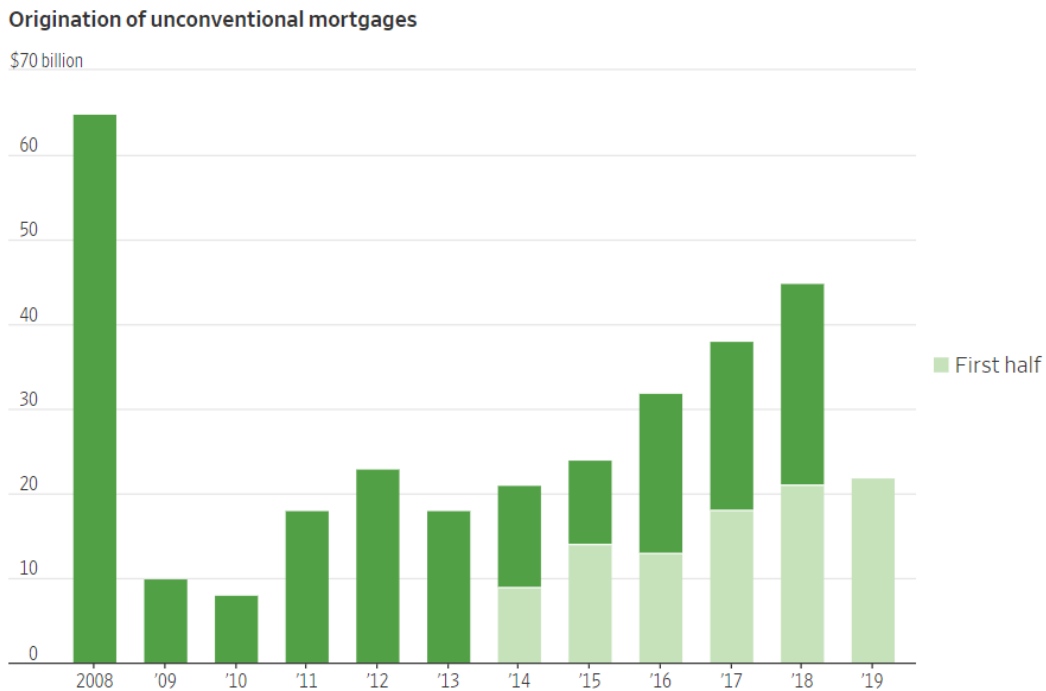
While the market has changed in the last decade following the foreclosure crisis, it is important to note the lessons of the past, lest we repeat them in the future. The HUD Office of Policy Development and Research online magazine, *PDR Edge*, indicated that unemployment is one of the causes of mortgage default. According to the March 2019 United States Department of Housing and Urban Development (US HUD) HUD *Comprehensive Housing Market Analysis, Miami-Miami Beach-Kendall*, unemployment is currently at 3.8% for the subject area as compared to the 11.1% unemployment existent at the end of the foreclosure crisis in our area. According to the study, sales for the period ending February 2019 were balanced, in stark contrast to the excessively turbulent, high-volume sales that heralded the foreclosure crisis.

⁴⁰ <https://ncrc.org/wp-content/uploads/2009/07/ncrc%20nosheild%20june%2009.pdf>

⁴¹ <https://ncrc.org/wp-content/uploads/2009/07/ncrc%20nosheild%20june%2009.pdf>

The reappearance of higher-risk loans is an important feature to monitor to ensure that a return to the practice of targeting people of color for these loan products is not an echo of the past that can lead to injustices as mentioned above. According to an August 2019 *Wall Street Journal* (WSJ) article, the bank regulations that were passed in response to the foreclosure crisis of almost a decade ago are progressively eroding. Although we no longer see the same kinds of risky loans as were prevalent in the run up to the crisis, other risky loan products (e.g. non-qualified loans) are beginning to be made available to home loan borrowers with low credit scores or large debt burdens. So far, these practices have not yet manifested in increased foreclosures nationwide, but the current march to curtail lender regulation only increases the potential for another such foreclosure crisis.

The graph below illustrates the rising trend in unconventional mortgages from 2008 to mid-2019:



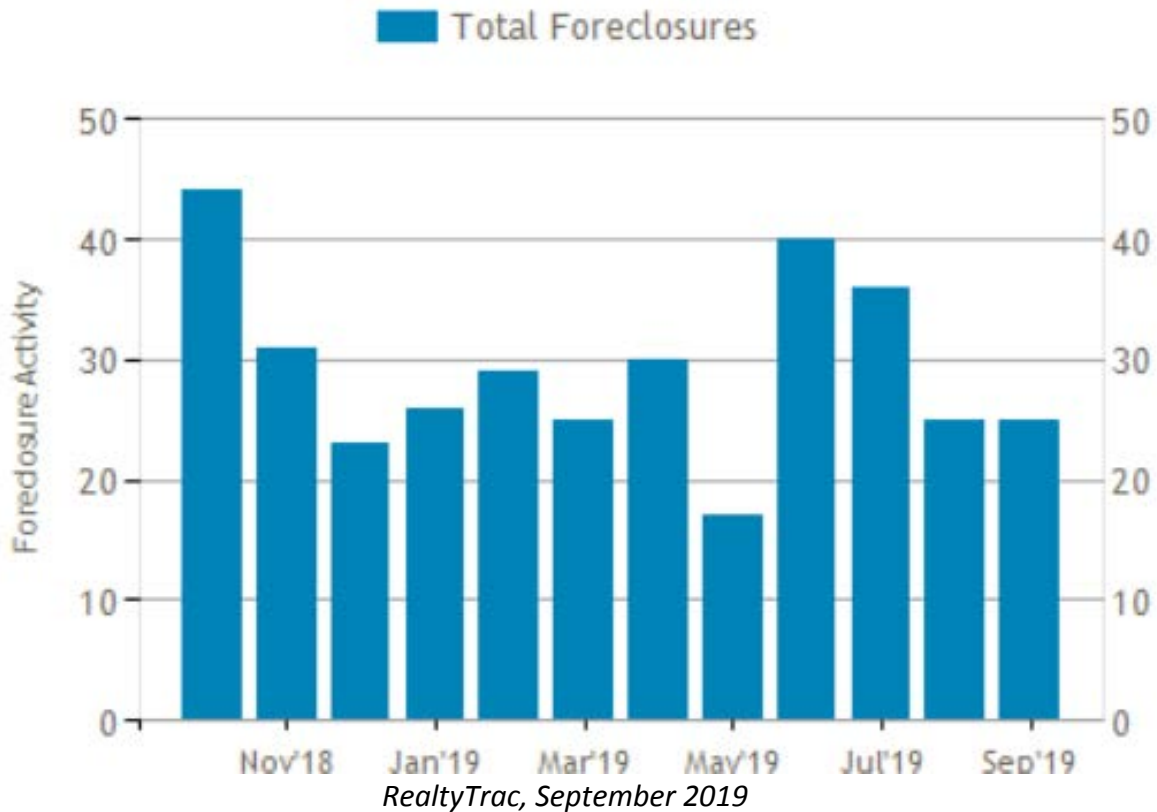
Source: *Inside Mortgage Finance* (as published August 21, 2019, WSJ)

RealtyTrac reported that in September 2019, US foreclosures were down 11% compared to the same time in 2018. Florida foreclosures were reported as being down 26%, Miami-Dade foreclosures were down 26% and Miami Beach foreclosures were down 7% compared to the same time last year. The report also indicated the following foreclosure data:

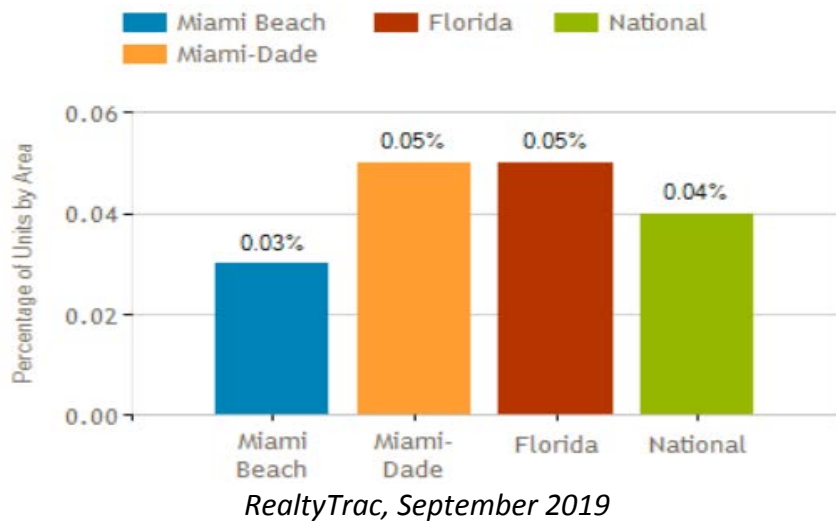
- 1 in every 2,767 homes in the United States is in foreclosure (.04% of US homes)
- 1 of every 2,006 homes in Florida (.05%) is in foreclosure
- 1 of every 1967 homes Miami-Dade County (.05%) is in foreclosure
- 1 of every 3456 homes in Miami Beach (.03%) is in foreclosure

Although the overall foreclosure rates for Florida and Miami-Dade County ranked higher than the national rate, Miami Beach’s overall foreclosure rate ranked lower than the US rate.

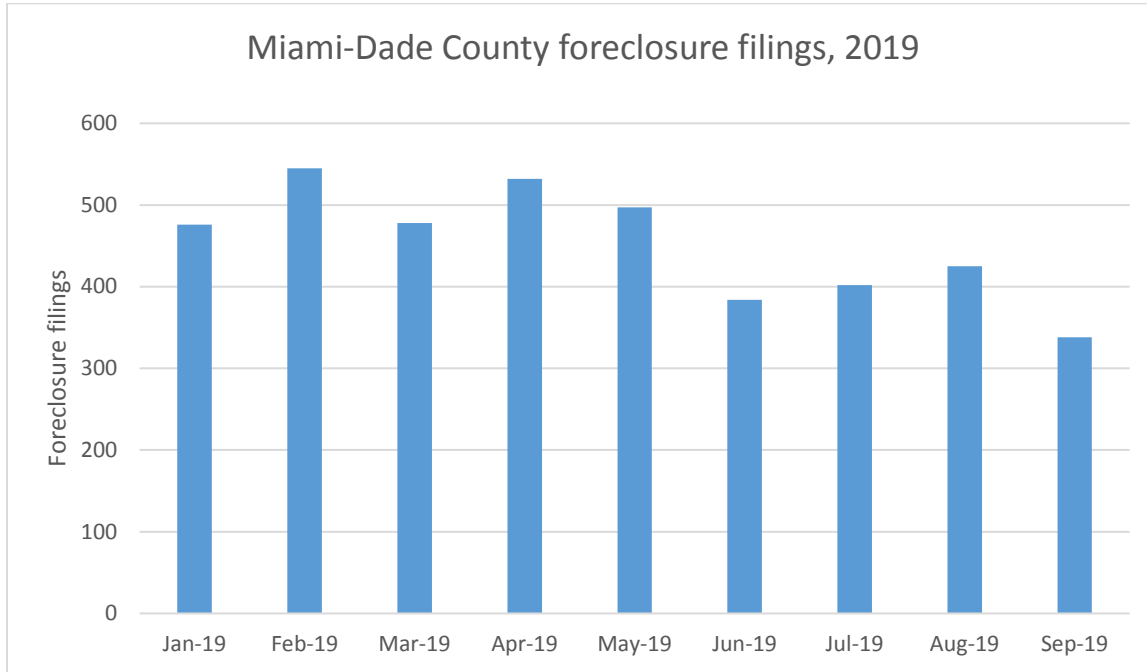
The following chart provides a graphic representation of the trend of decreasing Miami Beach foreclosures for the one-year period ending September 2019:



The following chart provides a comparison of the percentages of dwelling units, by area (city, county, state, national), that were in foreclosure as of September 2019:



Miami-Dade County’s Clerk of the Courts website (November 4, 2019) confirms the county-wide downward trend of foreclosure filings since the beginning of the calendar year: 476 in January, 545 in February, 478 in March, 532 in April, 497 in May, 384 in June, 402 in July, 425 in August, and 338 foreclosure filings in September 2019.



Despite these encouraging trends, it is important to monitor these trends to prevent the recurrence of pronounced civil rights abuses being perpetrated in the lending sector as well as the threat of another economic downturn resulting from such injustices.

Zillow describes the housing market temperature as the market condition based on three factors: “list-to-sale price ratio”, the “prevalence of price cuts on home listings” and “time-on-market.” According to data compiled by Zillow as of October 31, 2019, although the market temperature of both the United States and Florida is described as “very hot”, the market temperature of Miami Beach is described as “very cold”. This relative market slowdown could portend a future increase in foreclosures if at-risk sellers are unable to find buyers for their properties.

The median Miami Beach home value has gone up 2.3% over the past year compared with an increase of 4.1% for Florida and 4.7% for the entire United States.

Another factor that highlights the health of the Miami Beach real estate market is the community’s loan delinquency rate as compared to the state and nation. According to Zillow’s most recent data, the percentage of homes in Miami Beach that were delinquent on loans is 1.5% as compared to 1.4% for Florida and 1.1% for the United States.

Negative equity is the term used to describe the situation in which a homeowner owes more on her or his home than it is worth. Sometimes called “upside down” or “underwater” mortgages, these mortgages are also an indicator of housing market health and a predictive factor for foreclosures. According to HUD’s Office of Policy Development and Research online magazine, *PDR Edge*, negative equity mortgages affect wealth accumulation and financial freedom, restrict families’ abilities to relocate as they await market upturns, and result in mortgage defaults. The *PDR Edge* article also described how mortgage defaults exert a downward pressure on area home prices resulting in increased negative equity occurrences. Zillow reported that the delinquent mortgage rate for Miami Beach was 14.5% of area mortgages as compared to 7.0% for Florida and 8.2% for the entire region.

All told, the factors in Miami Beach that affect foreclosures, and foreclosures themselves, offer optimism in some areas and raise concerns in others. Unemployment in the city is much lower than it was prior to the Great Recession and the community’s housing market is considerably more stable now than it was then. Foreclosures are down in the city, but not nearly to the extent that they have decreased statewide and across the nation. Median home value in Miami Beach has increased, but again, not nearly as robustly as it has throughout the state and the nation. Mortgage delinquency is only marginally greater in the city as compared to the state, but it is approximately 50% greater than the rest of the country. Finally, homes with negative equity (“upside down” mortgages) are substantially more common in Miami Beach than the rest of the state or nation.

Fair Housing Implications: Delinquent mortgage rates in Miami Beach that exceed the state and regional rates show the greater pressure put on local homeowners and the need for increased homeownership education and training for consumers and providers alike.

C. Evictions

Evictions are involuntary expulsions of renters. Evictions most often are the result of non-payment of rent but may also occur because of occupancy by people not on the lease, property damage, or renters violating the law.⁴²

Evictions have great impact upon poor families. Nationally, low-income households (bottom quintile of the income distribution) typically spend more than half of their incomes on rent and are left with less than \$500 a month for other expenses.⁴³ Additionally, the percentage of income spent on rent for these households went up about 10% between 2000 and 2017.⁴⁴ While housing costs continue to escalate, wages for the poor remain stagnant. Affordable housing programs benefit only 25% of families who are eligible for such programs. Dealing with

⁴² <https://evictionlab.org/map/#/2016?geography=cities&bounds=-80.783,25.502,-79.509,26.078&type=er&locations=1245025,-80.14,25.817>

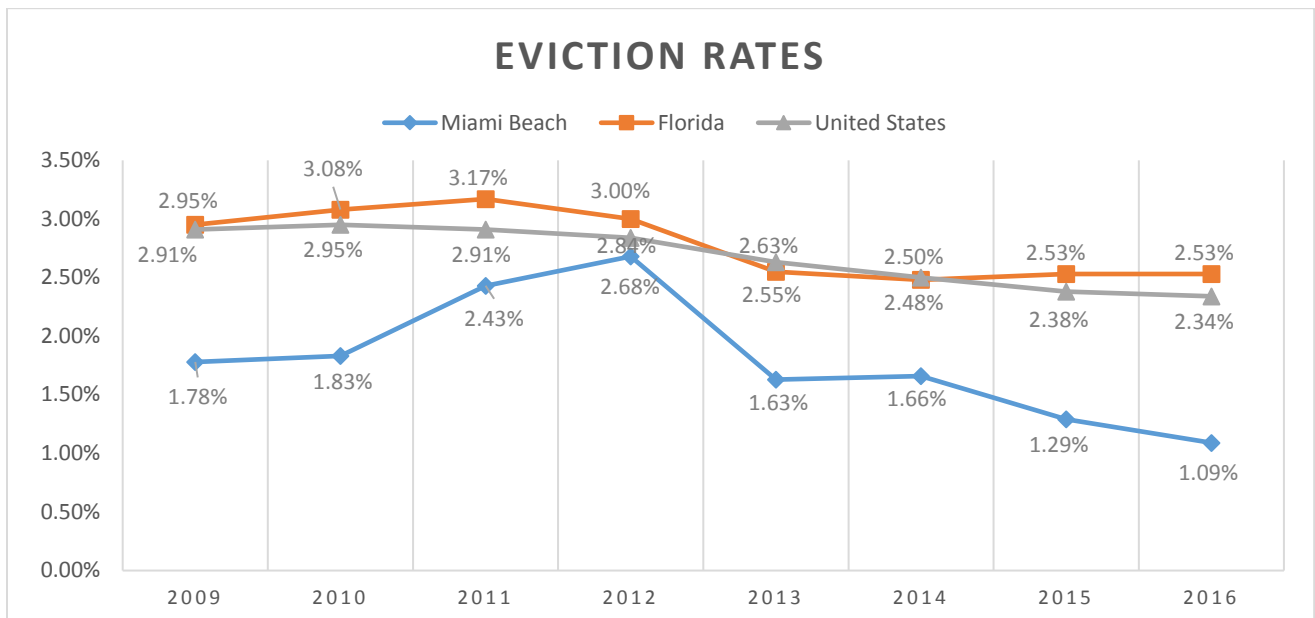
⁴³ <https://www.federalreserve.gov/econres/notes/feds-notes/assessing-the-severity-of-rent-burden-on-low-income-families-20171222.htm>

⁴⁴ <https://www.federalreserve.gov/econres/notes/feds-notes/assessing-the-severity-of-rent-burden-on-low-income-families-20171222.htm>

such housing affordability challenges, poor families find it particularly difficult to meet their housing cost obligations, especially because living on such tight budgets makes them more susceptible to eviction when confronted with unexpected expenditures.⁴⁵

Nationwide, poor women of color are at higher risk of eviction, as are victims of domestic violence and families with children. Evictions escalate the cycle of poverty. Once a renter is evicted, that eviction record makes it difficult to obtain rental housing in decent, safe and affordable housing because landlords use eviction records to screen tenants. Evictions also impact a family’s financial well-being when their possessions are ejected onto the curb by landlords and possessions placed in storage incur storage fees or are lost when such fees cannot be paid. Evictions have been shown to cause job loss and mental health problems.⁴⁶ A 2017 ACLU article cited a series of studies indicating that people of color represent 80% of those facing eviction.⁴⁷

There were 344 evictions in Miami Beach in 2016, amounting to 0.94 households evicted every day. 1.09 in 100 renter homes are evicted each year. Eviction rates in Miami Beach (the number of evictions per 100 renter-occupied households) have remained below the state and national rates for the years 2009 through 2016 as exemplified in the following graph:



Source: Eviction Lab at Princeton University

⁴⁵ <https://evictionlab.org/map/#/2016?geography=cities&bounds=-80.783,25.502,-79.509,26.078&type=er&locations=1245025,-80.14,25.817>

⁴⁶ Ibid

⁴⁷ ACLU, Unfair Eviction Screening Policies Are Disproportionately Blacklisting Black Women, Sandra Park, 3/30/17, <https://www.aclu.org/blog/womens-rights/violence-against-women/unfair-eviction-screening-policies-are-disproportionately>

V. JURISDICTION'S FAIR HOUSING PROFILE

A. Fair Housing Laws, Enforcement Agencies & Complaint Data

Federal Fair Housing Act/U.S. HUD, Office of Fair Housing & Equal Opportunity

The Federal Fair Housing Act⁴⁸ prohibits discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability. The U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, is charged with enforcing the Federal Fair Housing Act. The Act contains administrative enforcement mechanisms, with HUD attorneys bringing actions before administrative law judges (ALJs) on behalf of those facing housing discrimination and gives the Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts. In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multifamily dwellings developed for first occupancy on or after March 13, 1991.

HUD has had a lead role in administering the Fair Housing Act since its adoption in 1968. The 1988 amendments, however, have greatly increased the Department's enforcement role. First, the newly protected classes (disability and familial status) have proven significant sources of new complaints. Second, HUD's expanded enforcement role took the Department beyond investigation and conciliation into the mandatory enforcement area. Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated, then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party - - complainant or respondent -- may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action -- the ALJ proceeding or the civil action in federal district court -- is subject to review in the U. S. Court of Appeals.⁴⁹

Florida Fair Housing Act/Florida Commission on Human Relations

The Florida Fair Housing Act⁵⁰ was passed by the Florida Legislature in 1983 and amended in 1989. The Florida Fair Housing Act parallels the Federal Fair Housing Act. The Florida Commission on Human Relations (FCHR) is a Fair Housing Assistance Program (FHAP) agency and

⁴⁸ Title VIII of the Civil Rights Act of 1968, 42 USC 3601.

⁴⁹ <http://www.hud.gov/fairhousing>.

⁵⁰ State of Florida, Civil Rights Statutes, Title XLIX, Chapter 760.2.

enforces Florida’s state fair housing law. The Florida Fair Housing Act has been certified as substantially equivalent to the federal law. Substantial equivalency certification takes place when a state or local agency applies for certification and the U.S. Department of Housing and Urban Development (HUD) determines that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. Substantially equivalent agencies are eligible to participate in the Fair Housing Assistance Program (FHAP). FHAP permits HUD to use the services of substantially equivalent state and local agencies in the enforcement of fair housing laws, and to reimburse these agencies for services that assist in carrying out the spirit and letter of the federal Fair Housing Act.

When HUD receives a complaint alleging a violation of state or local fair housing laws administered by an interim certified or certified agency, HUD will generally refer the complaint to the agency for investigation, conciliation and enforcement activities. Fair housing professionals being based in the locality where the alleged discrimination occurred benefits all parties to a housing discrimination complaint. These individuals often have a greater familiarity with local housing stock and are in closer proximity to the site of the alleged discrimination, offering greater efficiency in case processing.

Housing discrimination complaint data received from HUD for the period beginning March 1, 2015 and ending July 31, 2019 includes 21 complaints investigated by Florida Commission on Human Relations (FCHR) and 9 complaints investigated by HUD. Disability complaints (16) represented the most common basis of discrimination, followed by national origin (8), and race (6). Half (15) of the cases resulted in a determination of no cause to believe housing discrimination occurred. Settlement was reached in 5 of the cases.

US HUD/FCHR Miami Beach Housing Discrimination Complaints- March 2015 to July 2019)

Case Number	HUD/FCHR	Filing Date	Closure Date	Bases	Issues	Case Disposition
04-15-0403-8	FCHR	03/12/15	06/04/15	Race	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.)	No cause determination
04-15-0436-8	FCHR	03/20/15	04/21/15	Disability	Discrimination in terms/conditions/privileges relating to rental; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation	No cause determination

04-15-0480-8	FCHR	04/02/15	06/30/15	National Origin	Discriminatory refusal to rent; Discriminatory terms, conditions, privileges, or services and facilities	No cause determination
04-16-0088-8	FCHR	10/28/15	02/05/16	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation	Complainant failed to cooperate
04-16-4454-8	FCHR	03/25/16	03/25/19	Disability	Discrimination in terms/conditions/privileges relating to sale; Failure to make reasonable accommodation	Conciliation/settlement successful \$40,000
04-16-4580-8	FCHR	04/25/16	07/26/16	Race	Discriminatory terms, conditions, privileges, or services and facilities; Other discriminatory acts; Discriminatory acts under Section 818 (coercion, Etc.)	No cause determination
04-16-5394-8	FCHR	09/22/16	03/22/17	Disability	Discriminatory refusal to rent; Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable	No cause determination
04-17-6036-8	FCHR	11/16/16	05/18/17	National Origin	Discriminatory terms, conditions, privileges, or services and facilities	No cause determination
04-17-6156-8	FCHR	11/17/16	03/17/17	Religion	Discriminatory advertising, statements and notices; Discriminatory terms, conditions, privileges, or services and facilities	Conciliation/settlement successful
04-17-7816-8	HUD	04/17/17	11/03/17	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Using ordinances to discriminate in zoning and land use; Failure to make reasonable accommodation	Conciliation/settlement successful-\$500,000

04-17-7978-8	FCHR	04/27/17	09/15/17	Color, National Origin	Discriminatory terms, conditions, privileges, or services and facilities	No cause determination
04-17-7994-8	FCHR	04/28/17	06/30/17	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation	Complainant failed to cooperate
04-17-8129-8	FCHR	05/11/17	09/29/17	Disability	Failure to make reasonable accommodation	Conciliation/settlement successful
04-17-9760-8	FCHR	09/28/17	08/07/18	National Origin, Religion	Discriminatory terms, conditions, privileges, or services and facilities	No cause determination
04-18-0860-8	FCHR	01/04/18	03/22/19	Disability	Discrimination in terms/conditions/privileges relating to rental; Failure to make reasonable accommodation	No cause determination
04-18-1217-8	HUD	01/31/18	05/31/19	Race, Familial Status	Discriminatory refusal to negotiate for sale; Discriminatory terms, conditions, privileges, or services and facilities	No cause determination
04-18-1240-8	HUD	02/01/18	05/07/19	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation	No cause determination
04-18-1242-8	HUD	02/02/18	12/14/18	National Origin, Disability	Discriminatory advertising, statements and notices; Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Discriminatory acts under Section 818 (coercion, Etc.)	No cause determination
04-18-1382-8	HUD	02/12/18	12/14/18	National Origin, Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation	No cause determination

04-18-1724-8	HUD	03/12/18	09/13/18	Sex	Discriminatory terms, conditions, privileges, or services and facilities	No cause determination
04-18-1933-8	FCHR	03/29/18	10/02/18	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation	Complainant failed to cooperate
04-18-3424-8	FCHR	07/25/18	11/01/18	Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation	Conciliation/settlement successful-\$4,592
04-18-3848-8	FCHR	08/22/18		Disability	Discriminatory terms, conditions, privileges, or services and facilities; Failure to make reasonable accommodation	
04-18-4051-8	FCHR	09/07/18		Race	Discriminatory terms, conditions, privileges, or services and facilities	
04-19-4585-8	FCHR	10/22/18		Race	Discrimination in terms/conditions/privileges relating to rental; Otherwise deny or make housing unavailable	
04-19-4685-8	FCHR	10/29/18		Sex, Disability	Discriminatory terms, conditions, privileges, or services and facilities; Discriminatory acts under Section 818 (coercion, Etc.); Failure to make reasonable accommodation	
04-19-6105-8	FCHR	03/13/19		Disability	Discriminatory terms, conditions, privileges, or services and facilities; Otherwise deny or make housing unavailable; Failure to make reasonable accommodation	
04-19-6566-8	HUD	04/12/19	06/19/19	Race	Discriminatory refusal to sell; Discriminatory terms, conditions, privileges, or services and facilities	No cause determination

04-19-7367-8	HUD	06/13/19	07/03/19	National Origin	Discriminatory refusal to rent; Discriminatory terms, conditions, privileges, or services and facilities	Conciliation/ settlement successful- \$100
04-19-7505-8	HUD	06/21/19		National Origin	Discriminatory terms, conditions, privileges, or services and facilities	

Miami-Dade County/Miami-Dade County Commission on Human Rights

Miami-Dade County's civil and human rights ordinance is codified as Chapter 11A of the Miami-Dade County Code, as amended.⁵¹ The ordinance prohibits discrimination against any person in Miami-Dade County in the area of employment, public accommodations, credit and financing practices, and housing accommodations on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, veteran status or source of income.

Unlike the state fair housing law, the Miami-Dade County ordinance currently does not have substantial equivalency certification from U.S. HUD. Substantial equivalency certification results in housing discrimination cases having the benefit of state or local complaint processing. At the same time, the process assures that the substantive and procedural strength of the federal Fair Housing Act will not be compromised.

The Miami-Dade County Commission on Human Rights is a quasi-judicial entity charged with the enforcement of Miami-Dade County's civil and human rights ordinance, codified as Chapter 11A of the Miami-Dade County Code, as amended. As part of the Office of Human Rights and Fair Employment Practices Department, the Miami-Dade County Commission on Human Rights promotes fairness and equal opportunity in employment, housing, public accommodations, credit and financing practices, family leave and domestic violence leave. The Commission on Human Rights receives, initiates, investigates, and conciliates complaints of discrimination under federal, state and local laws. The services provided by the Commission on Human Rights are available to all Miami-Dade County citizens.

From January 1, 2015 to December 31, 2018, the Miami-Dade County Commission on Human Rights received 8 complaints from Miami Beach. There were no complaints received in 2017. Of the 8 complaints received, 8 categories of protected classes of persons are represented. Most of the complaints received allege 2 or more protected classes for a total of 17 counts among the 8 categories. The 8 complaints also include 2 allegations of retaliation.

⁵¹ Miami Dade County Ordinance No.90-32, Chapter 11A, Article II.

**Miami-Dade County Commission on Human Rights
Housing Discrimination Complaints, Miami Beach
January 1, 2015 - December 31, 2018**

Federally Protected Classes							Additional Protected Classes under Miami-Dade County Ordinance				
	Race	Color	National Origin	Disability	Familial Status	Retaliation	Age	Marital Status	Sexual Orientation	Source of Income	Total
2015	2	1		1	1						3
2016	2		2								2
2017											0
2018	1					1				1	1
2019	1	1		1		2	1		1	1	2
Total	6	2	2	2	1	3	1		1	2	8

City of Miami Beach Human Rights Ordinance⁵²

Originally adopted on October 29, 1992, the City’s ordinance prohibits discrimination in employment, housing, and public accommodations and promotes said opportunities without regard to “actual or perceived differences of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, disability, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, or political affiliation. “In its declaration of policy, “(t)he city finds and declares that prejudice, intolerance, bigotry and discrimination and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the very institutions, foundations and bedrock of a free, democratic society.” (Ord. No. 2010-3669, § 1, 1-13-10; Ord. No. 2013-3828, § 1, 12-11-13; Ord. No. 2016-4034, § 1, 9-27-16)

The City of Miami Beach’s Human Rights Ordinance establishes its Human Rights Committee (MBHRC), whose duties include, amongst others, informing persons of the rights and remedies provided by the Human Rights Ordinance. The MBHRC receives discrimination complaints in employment, housing, and public accommodations based on race, color, national origin, religion, sex, gender identity, sexual orientation, marital and familial status, age or disability. MBHRC investigates complaints within 180 days of the alleged discriminatory conduct. Complaint forms are available in English, Spanish, and Creole and can be obtained online and at Miami Beach City Hall.⁵³

⁵² https://library.municode.com/fl/miami_beach/codes/code_of_ordinances

⁵³ <https://www.miamibeachfl.gov/city-hall/city-clerk/boards-and-committees/miami-beach-human-rights-committee/>

Private

While there are several housing counseling and other agencies in the jurisdiction that provide fair housing assistance, HOPE fills a unique void in this community as it is the only private, non-profit, full service, fair housing organization in Miami-Dade and Broward counties currently engaged in comprehensive education/outreach and enforcement activities.

The overall mission of HOPE is *to fight housing discrimination in Miami-Dade and Broward counties and to promote equal housing opportunities throughout Florida*. HOPE employs a three-tiered strategy of Education & Outreach, Intake & Counseling and Enforcement to accomplish its mission and operates *Fair Housing Programs* under three Initiatives:

- The *Education and Outreach Initiative* is designed to ensure that the general public and protected classes become knowledgeable concerning fair housing laws and the means available to seek redress for fair housing rights violations, and includes private housing industry provider education programs structured to furnish developers, real estate brokers, property managers, financial institutions, and the media/advertising industry with the most current information necessary to fully comply with federal, state and local fair housing laws.
- The *Private Enforcement Initiative* involves testing and investigation of alleged fair housing violations, the prevention and elimination of discriminatory housing practices, and enforcement of meritorious claims.
- The *Special Housing Initiative* is comprised of special projects that are usually the result of the settlement of fair housing cases. Project activities have included public and private relocation contracts, mobility counseling, accessible modifications for people with disabilities, down payment assistance for first-time homebuyers, and home rehabilitation for low-income families.

HOPE operates a Housing Discrimination HELP LINE that provides complaint intake, information and referral services, counseling services, and assistance to South Florida residents seeking housing opportunities in the private housing market. Below is a summary of the calls addressed January 2015 through September 2019.

**HOPE, Inc. Housing Discrimination Help Line
January 2015 – September 2019**

PROTECTED CLASS	HOUSING TRANSACTION						TOTAL
	Rental	Sales	Lending	Landlord Tenant	Section 8 and Low Income Housing	Other: 1 st Time Home Buyer, Home Owner Association, Foreclosure, Homelessness, etc	
Race	6	1					7
Disability	19						19
Familial Status	4						4
Sex	1						1
National Origin	3						3
Color							
Religion							
Age							
Sexual Orientation	5	1					6
Gender Identity/ Expression							
Marital Status	1						1
Source of income	4	1			1		6
Other				56	26	21	103
TOTAL	43	3		56	27	21	150

B. Fair Housing Cases

Below is a list of recent fair housing cases relevant to the City of Miami Beach:

Texas Department of Housing and Community Affairs v. The Inclusive Communities Project⁵⁴
The United States Supreme Court analyzed whether disparate impact claims are cognizable under the Fair Housing Act (FHA). Disparate impact is a legal theory of discrimination liability that holds entities accountable for practices that have discriminatory effects on groups protected under anti-discrimination laws, even when there is no intent to discriminate. This differs from disparate treatment, in which the discrimination is overt and intentional. In the 20 years following the FHA's enactment, every circuit court that addressed the question of disparate impact claims found they were cognizable under the FHA. The Inclusive Communities Project (ICP) is an affordable housing organization. The Texas Department of Housing and Community Affairs (THC) allocates federal tax credits for low-income housing in the state. In 2008, ICP filed suit against THC alleging it disproportionately allocated too many

⁵⁴ Supreme Court of the United States, Case No. 13-1371

tax credits "in predominantly black inner-city areas and too few in predominantly white suburban neighborhoods." To support their claim, ICP cited statistics that showed "92.29% of [low-income housing tax credit] units in Dallas were located in census tracts with less than 50% Caucasian residents." The District Court and the United States Court of Appeals ruled in favor of ICP, both holding that disparate impact claims are cognizable under the Fair Housing Act. THC appealed to the Supreme Court of the United States. On June 25, 2015, the United States Supreme Court held that Congress specifically intended to include disparate impact claims in the Fair Housing Act, but that such claims require a plaintiff to prove that any statistical disparity is directly linked to the defendant's policies.

Bank of America Corp. v. City of Miami, consolidated with Wells Fargo & Co. v. City of Miami⁵⁵
On December 13, 2013, the City of Miami sued several lending institutions, including Bank of America and Wells Fargo, in federal district court for discriminatory lending practices that Miami claims directly caused both a loss in property tax revenue and an increase in costs for providing police, fire, and other municipal services. The district court dismissed Miami's FHA claims, but the Eleventh Circuit Court of Appeals reversed, finding that Miami had standing to sue under the FHA and cause to proceed with the lawsuit. The United States Supreme Court analyzed whether the City of Miami met the statutory requirements to bring such a lawsuit under the Fair Housing Act (FHA). On May 1, 2017, the United State Supreme Court held that Miami qualified as an "aggrieved person" authorized to bring suit under the FHA. However, the case was remanded back to the 11th Circuit Court of Appeals to determine how proximate cause should be determined under the FHA and decide how that standard applies to the City's claims for lost property-tax revenue and increased municipal expenses. In a decision issued on May 3, 2019, the 11th Circuit Court of Appeals held that there is "some direct relation" between the City of Miami's tax revenue injuries and the banks' alleged violations of the FHA, further finding a "logical and direct bond between discriminatory lending as a pattern and practice applied to neighborhoods throughout the City and the reduction in property values."⁵⁶

DeFord v. Miami Beach Community Development Corporation⁵⁷

Ms. DeFord identifies as a transgender woman. She alleges that, due to her gender, she has faced abuse and discrimination from the employees of Miami Beach Community Development Corporation, in their role as property managers. Ms. DeFord filed a HUD administrative complaint. The case is pending.

Iglesias v. Carriage Club North Condominium Association et al.⁵⁸

Ms. Plasencia and Ms. Iglesias allege the following: they were living together when Ms. Plasencia suffered a subarachnoid hemorrhage on April 9, 2015 that rendered her particularly and painfully sensitive to noise. Their building was under construction, resulting in what the contractor called

⁵⁵ Supreme Court of the United States, Case No. 15-1111

⁵⁶ United States Court of Appeals for the 11th Circuit, Case. No. 14-14544

⁵⁷ HUD Administrative Case, Inquiry No. 535263

⁵⁸ US District Court, Southern District of Florida, Case No. 1:16-cv-24644

an “extreme amount of noise.” While Ms. Plasencia was still in the hospital, Ms. Iglesias made a request to the condominium association to be moved to another unit or another building. The relocation request was denied, and for the following year, Ms. Plasencia endured intense medical issues, repeatedly having to go to the hospital as a result of her body’s reaction to the noise. They had to leave their home on multiple occasions to escape the noise, including retreating to another home of theirs, out of state. All the while, other residents were being relocated because of the nuisance of the construction. Eventually, the Association agreed to accommodate Ms. Plasencia and Ms. Iglesias, so long as the Association would be absolved from facing any consequences for past acts. Ms. Plasencia and Ms. Iglesias rejected this agreement and condition and sued the association in the United States District Court for the Southern District of Florida.

Morgan v. 711 Condominium et al.⁵⁹

Ms. Morgan alleges that in February 2015, she obtained a prescribed support dog to assist with her seizure condition. She alleged that on February 14, 2015, a neighbor complained to the condo association that the dog was being kept as a pet and was being loud, though no other neighbors supported that claim. On June 15, 2015, a lawyer representing the neighbor and the condo association sent a letter to Ms. Morgan’s doctor requesting a detailed narrative report regarding Ms. Morgan’s need for the dog. Both Ms. Morgan and her doctor provided supplemental information to the association, but in July 2015, the association sent Ms. Morgan a letter that the dog was not going to be approved to live with her. Despite always responding with the information that was asked of her, Ms. Morgan was subjected to continued questioning and demands for proof regarding her dog and decided not to renew her lease as result of this harassment. Ms. Morgan sued the association in the United States District Court for the Southern District of Florida. The case settled.

Wick v. Belle Towers

Ms. Wick alleges she requested to have an emotional support animal at her home. Despite being provided with documentation regarding her need for the animal, the condo association denied the request. The non-profit disability rights law firm, Disability Independence Group, successfully obtained approval of the emotional support animal on her behalf after issuing a demand in 2014.

Bazemore v. Mirador 1200⁶⁰

In September 2017, Ms. Bazemore alleges that she was experiencing a months-long delay in response to her request for a handicapped parking spot for her home. Ms. Bazemore filed a HUD administrative complaint. The complaint is pending.

Garcia v. Enclave on the Bay Condominiums⁶¹

On September 12, 2016, Ms. Garcia contacted HOPE after she encountered a delayed process in her purchase of a condominium. Ms. Garcia alleges that she made an offer that was accepted,

⁵⁹ US District Court, Southern District of Florida, Case No. 1:16-cv-22990

⁶⁰ HUD Administrative Case, Inquiry No. 539219

⁶¹ US District Court, Southern District of Florida, Case No. 1:16-cv-24087

but she needed to get approval for a reasonable accommodation before her purchase was approved. Ms. Garcia uses a scooter for her mobility impairment. Due to the condominium's design, she would be required to construct a ramp at her own expense to enable her to enter her front door. Ms. Garcia alleges that she was advised that in order to proceed with the sale, and as a condition of the condo association's approval, the association would need to approve the modifications requested by her, and that approval would require an affirmative vote by at least 75% of the association members. Ms. Garcia filed a lawsuit in the United States District Court for the Southern District of Florida and the case settled.

Siler v. Abbott House⁶²

Ms. Siler alleges the following: In April 2016, she was hired for a new job, and as a result, relocated from Chicago and signed a lease to rent a unit. Ms. Siler uses a wheelchair due to a physical challenge. A condition on Ms. Siler's moving in was that she meet with the building's board of directors for approval. Ms. Siler met with the board of directors and was subjected to inappropriate questions about the nature of her physical challenge and personal assistants, as well as warnings and complaints about the board of directors not wanting to be liable for any financial or safety issues resulting from Ms. Siler's tenancy. The board ultimately decided to deny housing to Ms. Siler because, according to an agent of the board of directors, the building was not a "facility for people with disabilities." Ms. Siler sued the board of directors in the United States District Court for the Southern District of Florida.

Rogers v. Ocean Max Realty et al.

In early 2018, Mr. Rogers, a father, encountered an advertisement for a Miami Beach condo that was listed by the defendants. The advertisement included the condition, "no kids." The property is not a licensed senior living facility. Mr. Rogers sued in the United States District Court for the Southern District of Florida and the case settled.

Rogers v. Sasco Realty⁶³

Mr. Rogers, a father, encountered the defendant's advertisement for a unit. The advertisement included the condition, "NO children." The property is not a licensed senior living facility. Mr. Rogers sued in the United States District Court for the Southern District of Florida and the case settled.

Rogers v. Camelot House Condominium Association⁶⁴

The same Mr. Rogers as above, a father, encountered the defendant's advertisement for a unit. The advertisement included the condition, "Very peaceful building with restrictions: no kids." The property is not a licensed senior living facility. Mr. Rogers sued in the United States District Court for the Southern District of Florida and the case settled.

⁶² US District Court, Southern District of Florida, Case No. 1:16-cv-22991

⁶³ US District Court, Southern District of Florida, Case No. 1:14-cv-21421

⁶⁴ US District Court, Southern District of Florida, Case No. 1:15-cv-20325

Rogers v. Thanks Vacation Rentals et al.⁶⁵

The same Mr. Rogers as above, a father, encountered the defendant’s advertisement for 2 units. The advertisement included the condition, “no kid.” The property is not a licensed senior living facility. Mr. Rogers sued in the United States District Court for the Southern District of Florida and the case settled.

National Fair Housing Alliance, et al. v. Facebook⁶⁶

On March 27, 2018, HOPE joined the National Fair Housing Alliance (NFHA), the Fair Housing Justice Center of New York City, and the Fair Housing Council of Greater San Antonio in filing a lawsuit in federal court against Facebook for violating the advertising provisions of the Fair Housing Act. The suit alleged that Facebook enabled its members to create and post real estate ads that excluded families with children, women, people with disabilities and other protected classes by offering pre-populated lists that gave its housing advertisers the ability to “exclude” home seekers from viewing or receiving rental or sales ads. The lawsuit settled with an agreement setting new standards across the tech industry concerning company policies that intersect with civil rights laws. Facebook has created a new portal for advertising housing, employment, and credit opportunities. Housing advertisers will no longer be allowed to target consumers based on race, ethnicity, color, national origin, gender, age, religion, family status, disability, or sexual orientation. Housing advertisers will also be prevented from advertising based on zip code.

Fair Housing Implications: Documented incidents of housing discrimination evidenced by testing/litigation results indicate the need for housing providers to comply with fair housing laws and support public and private enforcement efforts.

C. Public Outreach- Community Surveys

Fair Housing surveys were completed anonymously by residents in Miami Beach from September to December 2019. A total of eighty-six (86) total surveys were collected. The responses are reflected below. Individuals completing the survey may not have provided responses to all questions of the survey.

What are the BEST things about your neighborhood? (please circle all that apply)

Access to jobs - 5

Access to public transportation - 7

Commute - 13

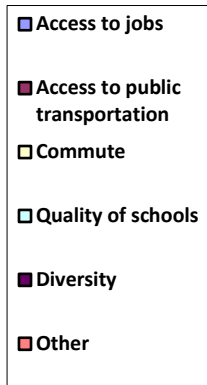
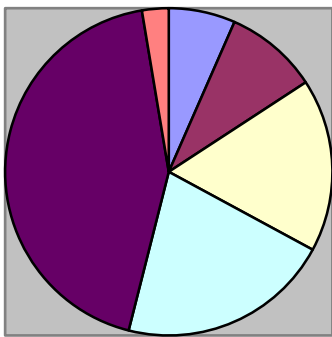
Quality of schools - 16

Diversity - 33

Other (please specify) - 2 (left unspecified)

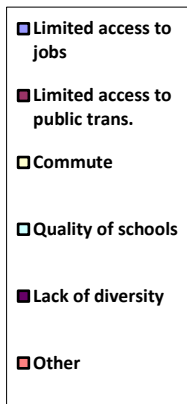
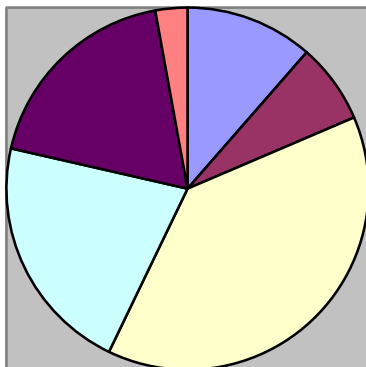
⁶⁵ US District Court, Southern District of Florida, Case No. 1:14-cv-24688

⁶⁶ US District Court, Southern District of New York, Case No. 1:18-cv-02689



What are the WORST things about your neighborhood? (please circle all that apply)

Limited access to jobs - 8
 Limited access to public transportation - 5
 Commute - 27
 Quality of schools - 15
 Lack of diversity - 13
 Other (please specify) – 2 (hotels, clubs, loud music, drugs)



Is your neighborhood racially segregated?

Yes - 29

No - 34

no opinion – 22

Do you prefer living in a racially segregated community?

Yes - 10

No - 68

No opinion – 8

Is it legal to deny somebody housing simply because she uses a Section 8 voucher?

Yes - 9

No - 65

Not sure - 12

Is it legal to deny somebody housing simply because he has children?

Yes - 4

No - 71

Not sure - 11

Is it legal to deny somebody housing simply because she has HIV?

Yes - 13

No - 63

Not sure - 10

Is it legal for a housing provider to ask to see medical records to confirm a claim of disability?

Yes - 14

No - 58

Not sure - 14

Have you faced any discrimination when looking for housing (renting or buying)?

Yes - 15

No - 49

Not sure - 22

If yes, what do you think was the reason? - Slumlord, color of skin, race, ethnicity, children

Do you know where to report housing discrimination?

Yes - 25

Not sure - 61

If so, where? - HOPE, police, Housing Dept. of Florida

What language(s) do you speak at home, other than English?

Spanish - 27

Italian - 1

Portuguese - 1

VI. CONCLUSIONS & RECOMMENDATIONS

A. Identified Impediments to Fair Housing Choice

- ❖ The need for on-going Fair Housing Education & Outreach efforts to reach the City's growing, diverse population
- ❖ A strongly segregated housing market
- ❖ A shortage of (and barriers to) affordable housing & homeownership
- ❖ Issues affecting people with disabilities and homeless persons
- ❖ Lending disparities
- ❖ Violations of federal, state, and local fair housing laws in the jurisdiction and immediate surrounding areas

B. Recommended Fair Housing Strategies

Continued Need for On-Going Fair Housing Education & Outreach Efforts to Reach the City's Growing, Diverse Population

- Strategy 1: Provide fair housing training at all housing-related workshops, including those for persons with limited English Proficiency.
- Strategy 2: Support intensive efforts to educate advocates and consumers about their rights and responsibilities under Fair Housing laws.
- Strategy 3: Provide training to the City's governing body to ensure that they are aware of the County's mandated obligation to affirmatively further fair housing and its application to all housing and housing-related activities in its jurisdiction, whether publicly or privately funded.
- Strategy 4: Provide fair housing training to all employees and develop mandatory fair housing training modules and schedules to ensure the education of new employees and re-training/up-dating of existing employees.
- Strategy 7: Conduct a public relations campaign promoting knowledge of fair housing laws and assistance programs, including but not limited to, print ads, public service announcements, and community forums.
- Strategy 8: Develop online survey to determine the public's knowledge of fair housing laws, means of redress, and levels of perceived discriminatory practices by providers.

Strongly Segregated Housing Market

- Strategy 1: Support/fund fair housing testing of real estate agents, rental housing providers, lending institutions, and mortgage brokers doing business in the jurisdiction in

- order to detect discrimination that may be prevalent, in particular, neighborhoods, rental communities, or condominium/homeowner associations.
- Strategy 2: Support intensive efforts to educate the public about the existence and assets of racially diverse neighborhoods in order to overcome stereotypes among both minority and white home seekers.
- Strategy 3: Expand affordable housing options in exclusive neighborhoods by exploring inclusionary zoning strategies and strategies that help low-income families with Housing Choice vouchers to move into opportunity rich neighborhoods.
- Strategy 4: Continue to evolve affirmative marketing efforts to reach additional residents in languages in addition to English, as needed, and monitor affirmative marketing efforts of sub-recipients, where appropriate.

Shortage of/Barriers to Affordable Housing & Homeownership

- Strategy 1: Continue to require and monitor affirmative fair housing marketing plans for all affordable housing developments.
- Strategy 2: Support and fund pre- and post-purchase counseling and down payment and closing cost assistance mechanisms for residents.
- Strategy 3: Continue to work in cooperation with other jurisdictions for the provision of economic opportunity.

Issues Affecting Persons with Disabilities and the Homeless

- Strategy 1: Support and monitor the Housing Authority of the City of Miami Beach's on-going effort to comply with Section 504 requirements to significantly increase the quality and quantity of accessible housing units throughout the jurisdiction.
- Strategy 2: Endorse, fund, and participate in the implementation of plans to eliminate homelessness and increase affordable housing alternatives fostered by the Miami-Dade County Homeless Trust and other advocacy groups.

Lending Disparities

- Strategy 1: Continue to educate residents through first-time homebuyer workshops on the identification of predatory lending practices and where to receive assistance if victimized by predatory lending practices.
- Strategy 2: Provide financial support for anti-predatory lending initiatives.
- Strategy 3: Require and monitor annual reports from lenders participating in City's housing programs that compare all home loan decisions (originations, approvals, denials) sorted by race/ethnicity.
- Strategy 4: Continue to evolve affirmative fair housing marketing efforts to reach additional residents in various languages in all program areas.
- Strategy 5: Initiate and support mass media campaigns promoting fair lending, including but not limited to, print ads, public service announcements, and community forums on cable TV and the City's website.

Violations of Federal, State, and Local Fair Housing Laws

- Strategy 1: Continue to implement referral process for Fair Housing Complaints that includes contact information to all private and public enforcement agencies.
- Strategy 2: Continue to provide fair housing education and training to housing providers (including condominium associations) to foster compliance with federal, state, and local laws.
- Strategy 3: Continue to review the City's ordinance for the consideration of enhanced protections under the local law and consider taking steps to make the local law "substantially equivalent" to the Federal Fair Housing Act.
- Strategy 4: Acknowledge the need for county-wide cooperation to eliminate barriers to fair housing choice; provide the leadership for development of specific inter-jurisdictional cooperative mechanisms to make fair and equal access to housing a reality.
- Strategy 5: Continue providing fair housing training to all City employees; develop mandatory fair housing training modules and schedules to ensure the education of new employees and re-training/up-dating of existing employees.

VII. Signature Page

Reviewed and accepted this _____ day of _____, 20__.

By:

City of Miami Beach
Chief Elected Official