Legislation Details (With Text)

File #:	O-357-20	**Version:**	2	**Name:**	
Type:	Ordinance			**Status:**	Approved
File created:	8/27/2020			**In control:**	City Council
On agenda:	9/22/2020			**Final action:**	10/20/2020
Title:	Enacting Toledo Municipal Code Section 135.04, Affirmatively Furthering Fair Housing and Analysis of Impediments to Fair Housing Choice; and declaring an emergency.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Audio: Agenda Review 9/1/2020, 2. Audio: City Council 9/8/2020				

Date	Ver.	Action By	Action	Result
10/20/2020	1	City Council		
10/20/2020	1	City Council		
10/20/2020	1	City Council		
10/6/2020	1	City Council		
9/22/2020	1	City Council		
9/8/2020	1	City Council		

Council Members Gadus, Komives and Melden

Enacting Toledo Municipal Code Section 135.04, Affirmatively Furthering Fair Housing and Analysis of Impediments to Fair Housing Choice; and declaring an emergency.

SUMMARY & BACKGROUND:
The purpose of this Ordinance is to address the serious health, safety, and economic concerns related to fair housing, expand access to housing opportunities, and further the goals of the Fair Housing Act including residential desegregation and promotion of housing choice.

The U.S. Department of Housing and Urban Development (HUD) recently promulgated regulations that reduced and/or eliminated certain obligations of entitlement jurisdictions to report on and measure their progress toward affirmatively furthering the goals of the Fair Housing Act including analyzing impediments to fair housing choice and taking proactive steps to reduce segregation and improve access to housing opportunities for protected classes recognized under Fair Housing Act. These efforts are essential to build inclusive, vibrant neighborhoods where all residents have access to the resources they need to thrive.

The City of Toledo remains committed to affirmatively furthering fair housing as originally intended in and set forth as a goal within the Fair Housing Act. *See* 42 U.S.C. 3608. The City of Toledo wishes to commit itself to continue to measure progress toward achieving the goals of the Fair Housing Act as was previously required prior to HUD's recent regulatory changes. The City intends to not only comply with HUD's newly reduced regulatory requirements, but also affirmatively further fair housing through completing an Analysis of Impediments to Fair Housing Choice along with a fair housing action plan to address the impediments

identified in the analysis.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 135.04, "Affirmatively Furthering Fair Housing" is hereby enacted to read as follows:

135.04 Affirmatively Furthering Fair Housing

(a) Intent and Commitment to Fair Housing

(1) Background. On August 7, 2020, the U.S. Department of Housing and Urban Development (HUD) issued new regulations that significantly reduce the requirements for entitlement jurisdictions that receive federal funds from HUD to affirmatively further the goals of the Fair Housing Act. Importantly, HUD's regulations as set forth at 85 FR 47899 eliminated the requirement that entitlement jurisdictions conduct an Analysis of Impediments to fair housing choice and develop a fair housing action plan to reduce the impediments identified in the analysis.

(2) Commitment to Affirmatively Further Fair Housing. It is the intention of the City of Toledo to affirmatively further the goals of the Fair Housing Act. Any analysis of impediments and associated fair housing action plan already adopted will remain effective until its intended time of expiration at the end of five years. The City of Toledo intends to complete an Analysis of Impediments to Fair Housing choice every five years thereafter as would have occurred but for the regulations adopted by HUD as described above.

(3) Guidelines. The City further intends to continue to complete these steps by following the guidance that jurisdictions have used since 1996 as described in the publication "Fair Housing Planning Guide, Volume 1," U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity (1996).

(4) Review. If HUD later promulgates regulations that appropriately reestablish requirements to affirmatively further the goals of the Fair Housing Act, the City of Toledo shall revisit this law and consider actions to amend it.

(5) Nothing in this section shall be construed to require the City of Toledo to act in any way contrary to any federal regulations. Rather, the commitment to affirmatively further fair housing as set forth and required in this section shall be in addition to other requirements set forth in HUD's regulations or elsewhere.

(b) Processes for Analysis of Impediments and Action Plan

(1) Analysis of Impediments. The City of Toledo's Department of Neighborhoods shall cause to be conducted an analysis to identify impediments (AI) to fair housing choice within the jurisdiction as well as creation of a fair housing action plan to address the impediments identified in the AI.

(2) Action plan. The City of Toledo shall take actions to overcome the effects of any impediments identified through the analysis conducted under (1) above and as described in the associated action plan.

(3) The purpose and goal of the objectives described in (1) and (2) above shall be to:

(i) Analyze and eliminate housing discrimination in the jurisdiction;

(ii) Promote fair housing choice for all persons;

(iii) Provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability, national origin, gender identity, sexual orientation, military status, or any other protected classes recognized by federal, state, or local fair housing laws;

(iv) Proactively work to address residential segregation and other historic housing inequities;

(v) Promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities; and

(vi) Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

(4) Guidelines. The City of Toledo, or its designee, shall complete the above described actions in a manner that is substantially similar to the guidance provided in the publication "Fair Housing Planning Guide, Volume 1," U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, promulgated in 1996.

(i) The City of Toledo, or its designee, shall ensure that public participation and comment is completed in a manner that is substantially similar to the suggestions provided in the above referenced guidance.

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(5) Required elements. In completing the Analysis of Impediments and associated Action Plan, the City of Toledo must collect data and gather information to develop action plans to, at minimum, address the following.

(i) The current functioning of government services provided by the City and how they can be improved to affirmatively further the goals of the Fair Housing Act, including but not limited to, the housing and health codes of the City of Toledo and the manner in which they are enforced.

(ii) A review of how to direct government services provided by the City to more proactively address the needs of the community in order to affirmatively further the goals of the Fair Housing Act.

(iii) A comprehensive review of barriers that inhibit residents from acquiring the housing of their choice based on race, color, national origin, religion, sex, familial status, disability, military status, gender identity, sexual orientation, or any other protected classes recognized by federal, state, or local fair housing laws.

(iv) A comprehensive examination which includes, at minimum, the following:

1. community characteristics and demographics;
2. income and poverty;
3. transportation;
4. employment;
5. public and private policies that impact protected groups and vulnerable populations such as zoning, code enforcement, and real estate practices.

(6) Adoption. Upon completion of the Analysis of Impediments and associated Fair Housing Action Plan, City Council shall consider and adopt the AI and Fair Housing Action Plan as part of its regularly occurring five-year planning processes as would have normally occurred prior to adoption of the regulations referenced in Sec. 135.04(a).

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that it is necessary to assure that the City of Toledo maintains the highest standards of review and analysis of fair housing issues and maintains a system that furthers the goal of reducing impediments to fair housing for all individuals in the City.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____ _____
Clerk of Council President of Council

Approved: _____ _____
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council _____.

Attest: _____
Clerk of Council

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