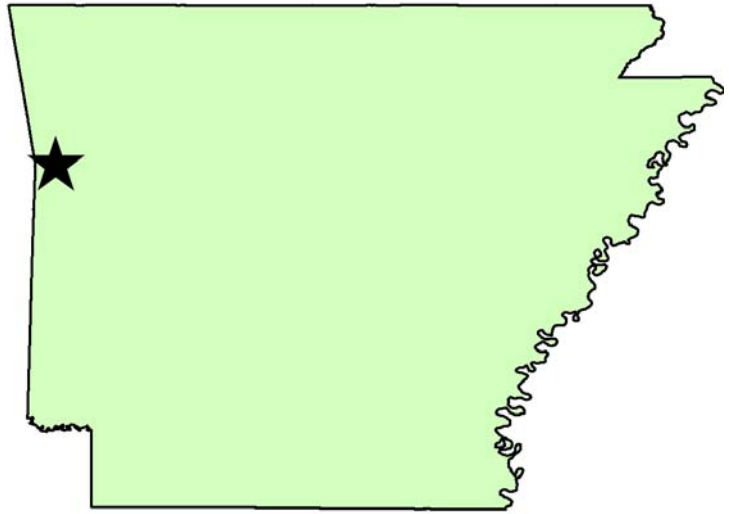


2010 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE CITY OF FORT SMITH, ARKANSAS



FINAL REPORT
NOVEMBER 1, 2010

2010 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE CITY OF FORT SMITH, ARKANSAS

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**Final Report
November 1, 2010**



HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

If you feel you have experienced discrimination in the housing industry, please contact:

Arkansas Fair Housing Commission
101 E. Capitol Avenue, Suite 212
Little Rock, AR 72201
Telephone: (501) 682-3247
Fax: (501) 682-3271
Toll Free: (800) 340-9108
<http://www.fairhousing.arkansas.gov/>

In the City of Fort Smith, you may also contact:
City of Fort Smith Fair Housing Hotline
(479) 784-2214

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EXECUTIVE SUMMARY

BACKGROUND

In exchange for federal funds, the City of Fort Smith is required to submit to the U.S. Department of Housing and Urban Development (HUD) certification that it is affirmatively furthering fair housing. This certification has three elements and requires that the City:

1. Complete an Analysis of Impediments to Fair Housing Choice (AI);
2. Take actions to overcome the effects of any impediments identified through the analysis; and
3. Maintain records reflecting the actions taken in response to the analysis.

HUD describes impediments to fair housing choice in terms of their applicability to local, state and federal law. In the federal Fair Housing Act, impediments are defined as:

- Any actions, omissions or decisions taken because of race, color, religion, sex, national origin, familial status, and mental or physical disability which restrict housing choices or the availability of housing choice for these protected classes.
- Any actions, omissions or decisions which have the effect of restricting housing choices or the availability of housing choice on the protected classes previously listed.

The AI process involves a thorough examination of a variety of sources related to housing, affirmatively furthering fair housing, the fair housing delivery system and housing transactions, particularly for persons who are protected under fair housing law. AI sources include census data, employment and income information, home mortgage application data, federal and state fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain.

An AI also includes an active and involved public input and review process via direct contact with stakeholders, a public forum to collect input from citizens and interested parties, distribution of draft reports for citizen review and a formal presentation of findings and actions to consider implementing in order to overcome the identified impediments.

OVERVIEW OF FINDINGS

Socio-Economic Context

The population in Fort Smith increased from 80,268 to 85,544 or by 6.6 percent between 2000 and 2009. During this time period, the largest increase in an age cohort group in Sebastian County was seen in those aged 55 to 64; this group increased by 3,415 during this time. The population of racial and ethnic minorities in the county also increased, with the largest growth seen in the Native Hawaiian/Pacific Islander population at 66.6 percent and the American Indian population at 30.9 percent. The Hispanic population grew

extremely fast, with the growth rate exceeding 90.0 percent over this time period. Minority racial and ethnic concentrations were somewhat concentrated in certain parts of Fort Smith. At the time of the 2000 census, the city had a disability rate of 23.3 percent, slightly higher than the 19.0 percent national rate at that time. The disabled population was concentrated in one census tract in the city.

The labor force in Fort Smith, defined as people either working or looking for work, rose from around 38,500 to 42,359 between 1990 and 2009. As a result of the increasing labor force, the unemployment rate increased dramatically, and in 2009 Fort Smith's unemployment rate stood at 7.7 percent. Average earnings per job in Sebastian County have been lagging over recent years, with this value standing at \$43,596 in 2008. In Fort Smith, the poverty rate in 2000 was 15.8 percent with 12,409 persons considered to be living in poverty, and this group was slightly concentrated in certain areas of the city.

The number of housing units in Sebastian County increased by 9.1 percent between 2000 and 2008. Of the 35,353 housing units reported in the 2000 census in Fort Smith, about 68.4 percent were single-family units. An additional 19.3 percent were apartments and 5.9 percent were duplexes. A total of 32,351 units were occupied housing units, and, of these, 18,240 percent were owner-occupied and 14,111 percent were renter-occupied. At the time that the 2000 census was taken, 2.8 percent of households were overcrowded and another 2.4 percent of units were severely overcrowded. In Fort Smith, 422 households were lacking complete kitchen facilities and 297 were lacking complete plumbing facilities. Additionally, 13.4 percent of households had a cost burden and 9.9 percent of households had a severe cost burden in 2000. Assisted housing projects were mostly located in the northern portion of the city and two projects were set to expire in 2010.

Lending Practices

Home Mortgage Disclosure Act (HMDA) data were used to analyze differences in denial rates in the city by race, ethnicity, income and geographic area. Evaluated home purchase loan applications from 2004 through 2008 showed that there were 6,190 loan originations and 1,419 loan denials, for an average five-year loan denial rate of 18.6 percent. These HMDA data also showed that American Indian, black and Hispanic applicants experienced higher rates of loan denials than white applicants, even after correcting for income. Further, some geographic areas of the city had significantly higher denial rates exceeding 55.0 percent, including areas with high concentrations of minority populations. Analysis of high interest rate loans showed that minority populations also received a disproportionate share of these lower quality loan products.

Evaluation of the Fair Housing Profile

A review of national fair housing studies revealed that despite efforts to curb fair housing discrimination in the U.S., problems still exist in terms of discrimination against racial and ethnic minorities, discrimination against persons with disabilities and residential

segregation resulting from some current fair housing efforts. Statewide fair housing studies and cases demonstrated issues of discrimination based on race, familial status and sex. Fair housing complaint data was collected from HUD and the Arkansas Fair Housing Commission. Data from these sources showed that more than 50 complaints were filed in Fort Smith from 1999 through March 2010. The most common bases for complaints were race and disability and the most prevalent issue was discriminatory terms and conditions in the rental market.

A fair housing survey regarding the state of fair housing throughout Fort Smith showed that many respondents had concerns about fair housing in the city and that they saw barriers to affirmatively furthering fair housing. Some respondents also found fair housing laws difficult to understand and noted that additional outreach and education efforts regarding fair housing are needed in Fort Smith.

IDENTIFIED IMPEDIMENTS TO FAIR HOUSING CHOICE

The 2010 Analysis of Impediments for the City of Fort Smith uncovered several issues that can be considered barriers to affirmatively furthering fair housing and, consequently, impediments to fair housing choice. These issues are as follows:

1. Historically, insufficient system capacity has resulted in:
 - A. Inadequate outreach and education efforts that have led to:
 - i. Insufficient community awareness of fair housing;
 - ii. Insufficient understanding of what constitutes affirmatively furthering fair housing; and
 - iii. Inadequate understanding of the complaint process;
 - B. Ineffective processing and resolution of fair housing complaints.
2. Rental markets in the city appear to demonstrate discriminatory actions by housing providers including:
 - A. Failure to make reasonable accommodation or modification,
 - B. Discriminatory terms, conditions, privileges, services, or facilities.
3. Disproportionately high home purchase loan denial rates exist for selected racial and ethnic minorities.
4. Home purchase loan denial rates are disproportionately high in lower-income areas.
5. Results from the fair housing survey showed that some respondents still believe that that land-use and development practices may not be in the spirit of affirmatively furthering fair housing.

SUGGESTED ACTIONS TO CONSIDER

In response to these listed impediments, the City of Fort Smith should consider taking the following actions:

1. Consider initiating a Fair Housing Committee within the Arkansas Community Development Association for efficient use of fair housing resources.
 - A. Contribute resources to central pool to assist with funding fair housing activities.
 - B. Consider additional partners to include in the Arkansas Community Development Association.
2. Increase knowledge and understanding of fair housing and affirmatively furthering fair housing through the following outreach and education efforts:
 - A. Offer meeting space and set up educational schedule for both consumers and providers of housing to be carried out by the Arkansas Fair Housing Commission (AFHC),
 - i. Assist in coordinating local delivery of educational services by the AFHC to local renters,
 - ii. Assist in coordinating local delivery of professional training services by AFHC to landlords, program managers, other rental housing providers,
 - B. Prominently display AFHC posters, flyers, and fair housing educational printed materials,
 - C. Distribute printed materials from the AFHC that present information regarding:
 - i. Definitions of reasonable accommodation and modification,
 - ii. Examples of discriminatory terms and conditions in rental markets,
 - iii. Differences between affirmatively furthering fair housing, affordable housing production and preservation, and landlord/tenant rights and responsibilities,
 - D. Consider updating the Fort Smith Fair Housing Resolution to be consistent with current state and federal fair housing laws and enhance the accessibility and awareness of this resolution,
 - E. Create improved referral system by distributing information about AFHC including how to file a complaint,
 - F. Create fair housing outreach e-mail distribution list for fair housing materials that might be distributed quarterly to all those who may be interested in fair housing,
 - G. Request that the AFHC establish its own Fair Housing Hotline for individuals to contact the AFHC and obtain immediate response to fair housing questions or concerns and also enhance the visibility of the City's existing fair housing hotline,
 - H. Request technical support from the state's Little Rock HUD office for outreach and education activities that might be targeted to racial and ethnic minority consumers of housing.
3. Establish baseline of the actual level and types of discrimination occurring in the community through audit testing activities,
 - A. Ask the AFHC to conduct, or conduct separately, a small sample of fair housing audit tests and record findings; this will again be done in five years to compare results,
 - i. For the City of Fort Smith, this is to include race and disability testing initially,
 - B. Request that the AFHC track complaint data more closely and use complaint data to compare year to year changes in fair housing activities,
 - i. While more complaints are likely to be filed if educational efforts are successful, the goal of this action is to decrease the *percentage* of complaints that are found

- to be without cause and increase the percentage of those that are amicably reconciled. An additional goal is the decrease of the number of persons who abandon the complaint process without resolution.
4. Coordinate renter, homebuyer and homeowner credit trainings with local bankers and Realtors,
 - A. Enhance understanding of credit, what leads to poor credit and the attributes of predatory lending,
 - B. Enhance the understanding of poor real estate business practices, such as steering, redlining, and blockbusting.
 5. More broadly inform the public of recent land use changes to exclusionary zoning and land use policies,
 - A. Consider how the public currently perceives zoning and land use policies,
 - B. Determine the best way to improve the public's understanding of zoning and land use in the city.
 6. Form local fair housing workgroup to meet periodically and address fair housing issues in the City. This group should be comprised of interested parties such as bankers, Realtors, property managers, fair housing advocates and representatives of the City.
 - A. Create and maintain database of contact information for this group and establish fair housing outreach e-mail distribution list.

SECTION I. INTRODUCTION

BACKGROUND

Title VIII of the 1968 Civil Rights Act, also known as the federal Fair Housing Act, made it illegal to discriminate in the buying, selling or renting of housing because of a person's race, color, religion or national origin. Sex was added as a protected class in the 1970s. In 1988, the Fair Housing Amendments Act added familial status, including pregnant women and families with children under age 18, and disability to the list, making a total of seven federally protected classes.

Federal fair housing statutes are largely covered by the following pieces of U.S. legislation:

- The Fair Housing Act,
- The Housing Amendments Act, and
- The Americans with Disabilities Act.

State or local government may enact fair housing laws that extend protection to other groups as well. In Arkansas, the Arkansas Fair Housing Act is equivalent to the federal Fair Housing Act and includes the following protected classes: race, color, national origin, religion, sex, familial status, and disability or handicap.

WHY ASSESS FAIR HOUSING?

Provisions to affirmatively further fair housing are long-standing components of the U.S. Department of Housing and Urban Development's (HUD) housing and community development programs. These provisions flow from Section 808(e) (5) of the Federal Fair Housing Act, which requires that the Secretary of HUD administer HUD's housing and urban development programs in a manner that affirmatively furthers fair housing.

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single preparation: the Consolidated Plan for Housing and Community Development. This document incorporates the plans for original consolidated programs, which include Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants¹ (ESG), and Housing Opportunities for Persons with AIDS (HOPWA), as well as encouraging additional program components that have been enacted.

As a part of the consolidated planning process, states and entitlement communities receiving such funds as a formula allocation directly from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing. This certification has three parts and requires:

- Completing an Analysis of Impediments to Fair Housing Choice (AI);

¹ Recently renamed as Emergency Solutions Grants

- Taking actions to overcome the effects of any impediments identified through the analysis; and
- Maintaining records reflecting the analysis and actions taken.

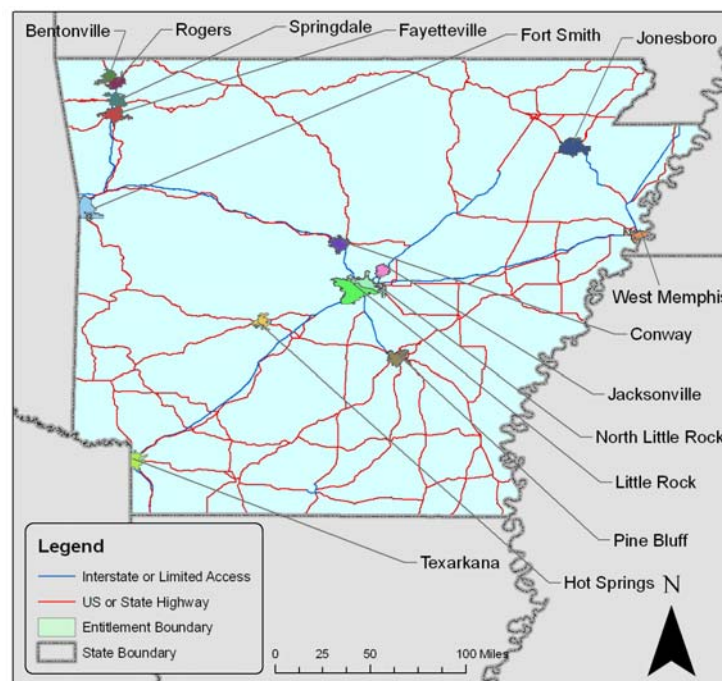
HUD interprets these three certifying elements to entail:

- Analyzing and working to eliminate housing discrimination in the jurisdiction;
- Promoting fair housing choice for all people;
- Providing opportunities for racially and ethnically inclusive patterns of housing occupancy;
- Promoting housing that is physically accessible to, and usable by, all people, particularly individuals with disabilities; and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.²

PURPOSE OF THIS RESEARCH

Thus, the purpose of the 2010 City of Fort Smith Analysis of Impediments to Fair Housing Choice is to identify impediments to fair housing choice in the city and to suggest actions that the City can consider in working toward eliminating, overcoming or mitigating the identified impediments. A map presenting the City of Fort Smith, along with the Arkansas Community Development Association which represents all other HUD-designated entitlement areas in Arkansas, is presented below.

Map I.1
Arkansas Community Development Association



² *Fair Housing Planning Guide*. U.S. Department of Housing and Urban Development. March 1996, pg.1-3.

Further, in order to operate more cost effectively in a time of limited resources, this research was conducted concurrently with five other entitlement cities in Arkansas: Conway, Fayetteville, Jacksonville, North Little Rock and West Memphis.

RESEARCH METHODOLOGY

The 2010 Fort Smith Analysis of Impediments to Fair Housing Choice offers a thorough examination of a variety of sources related to housing, such as demographic change, economic influences, and the state of the housing market, but also information pertaining to affirmatively furthering fair housing, the state of the fair housing delivery system and housing transactions affecting people throughout Fort Smith. This information was collected and evaluated through four general approaches that provided a rich data set for analyzing impediments to fair housing choice.

The four methodological research activities utilized in creating this AI were:

1. *Primary Research* – the collection and analysis of raw data that did not previously exist.
2. *Secondary Research* – the review of existing data and studies.
3. *Quantitative Analysis* – the evaluation of objective, measurable and numerical data.
4. *Qualitative Analysis* – the evaluation and assessment of subjective data, such as people’s beliefs, feelings, attitudes, opinions and experiences.

Some of the baseline secondary and quantitative data providing a picture of the City’s housing marketplace were drawn from the U.S. Census Bureau. Other data were drawn from records provided by the Bureau of Economic Analysis, the Bureau of Labor Statistics and a variety of other sources. The narrative below offers a brief description of other key data sources employed for the 2010 Fort Smith AI.

Home Mortgage Disclosure Act Data

To examine possible fair housing issues in the home mortgage market, Home Mortgage Disclosure Act (HMDA) data was analyzed. The HMDA was enacted by Congress in 1975 and has since been amended several times. It is intended to provide the public with loan data that can be used to determine whether financial institutions are serving the housing credit needs of their communities and to assist in identifying possible discriminatory lending patterns. HMDA requires lenders to publicly disclose the race, ethnicity and sex of mortgage applicants, along with loan application amounts, household income and census tract in which the home is located, and information concerning actions related to the loan application. For this analysis, HMDA data from 2004 through 2008 were analyzed, with the measurement of denial rates by geographic area and by race and ethnicity of applicants as well as the reasons for denial as the key research objectives. These data were also examined to identify the groups and locations most likely to encounter high interest rate loans.

Fair Housing Complaint Data

Housing complaint data was used to analyze complaints related to fair housing discrimination in the renting and selling of housing. HUD provided fair housing complaint data for the City of Fort Smith for the time period from January 1999 through March 2010. That information included basis of complaint, issues pursuant to the grievance and closure status of the alleged fair housing infraction. This review of fair housing complaints allowed for inspection of the tone and relative degree and frequency of certain types of unfair housing practices seen in the city and the degree to which they were found to be with cause, even while acknowledging that many individuals may be reluctant to step forward with a complaint. The Arkansas Fair Housing Commission also provided some complaint data for the state for the time period from January 2006 through February 2010.

2010 Fort Smith Fair Housing Survey

One of the methods HUD recommends for gathering public input about perceived impediments to fair housing is to conduct a survey. The City of Fort Smith elected to use a survey instrument to measure the degree of understanding of fair housing laws, awareness of actions made to affirmatively further fair housing, perceptions of state and local government policies that adversely affect fair housing including zoning requirements and development practices, as well as known practices in both public and private sectors that may deliberately or unwittingly affect housing choice due to protected class status. This step was a cost effective, efficient method to target research resources. The Fort Smith Fair Housing Survey, which was conducted entirely online, received a total of 175 responses.

The survey targeted individuals involved in the housing arena. The prospective contact list was assembled by the lead agency with experts in at least the following areas:

- Residential and commercial building codes and regulations;
- State, local, and federal occupancy standards;
- Residential health and safety codes and regulations (structural, water and sewer);
- State and local land use planning;
- Banking and insurance laws and regulations;
- Real estate development, real estate sales and management laws and regulations;
- Renter rights and obligations, including civil rights;
- Fair housing, disability, social service, and other advocacy organizations;
- Habitat for Humanity or similar housing providers.

The survey approach also assured that selected target populations, through their in-need service provider network or advocacy organizations, were well represented. Furthermore, these entities were utilized to help publicize fair housing planning activities and public involvement.

The survey protocol involved sending an e-mail announcement to each prospective respondent, introducing them to the upcoming survey, its purpose and intent. A link was provided that directed the respondent to the online survey. The e-mail message also urged

respondents to forward the survey announcement to any other individual or agency involved in fair housing. Furthermore, the announcement and survey link were posted on the lead agency's website and printed copies were distributed during public meetings.

As noted above, the survey was designed to address a wide variety of issues related to fair housing and affirmatively furthering fair housing. The following narrative summarizes key survey themes and data that were intended to be collected from each survey section.

Federal, State, and Local Fair Housing Law

Questions in this section related to awareness of fair housing laws, understanding of fair housing laws, including protected classes, availability of fair housing training and knowledge of the fair housing complaint referral process. Answers to this question provided a snapshot of understanding and awareness of fair housing in the city.

Fair Housing in Fort Smith

This section offered a number of open-ended questions that allowed respondents to identify: general concerns about fair housing in the city, possible barriers or constraints in the fair housing process, geographic areas with fair housing problems and also non-compliance issues with any private lenders or landlords in the city. The use of open-ended questions allowed respondents to address any number of concerns such as redlining, neighborhood issues, lease provisions, steering, sub-standard rental housing, occupancy rules, or other fair housing issues in Fort Smith.

State and Local Government Policies and Activities Related to Fair Housing

In this section, respondents were asked to offer insight into state or local government policies and activities related to fair housing in Fort Smith. More specifically, questions related to: planning, financing or administrative actions that may have adversely affected fair housing; awareness of non-compliance issues with public housing authorities in the city; codes or regulations, in relation to building, occupancy, health or safety, that may be barriers to fair housing; or public administrative actions or policies, including tax policy, that may represent barriers to fair housing choice. These questions were used to identify fair housing issues in the city in relation to zoning, building codes, accessibility compliance, subdivision regulations, displacement issues, development practices, residency requirements, property tax policies, land use policies, or NIMBYism.³

Fair Housing Activities in Fort Smith

The questions in this section were utilized to measure awareness of outreach and education activities, fair housing testing efforts, and a city fair housing plan. Respondents were also asked if they believed that fair housing laws in Fort Smith need to be changed, and, if so, how they should be changed. The purpose of this section was to gain insight

³ Not In My Backyard

into the effectiveness of current fair housing activities in the city and possible ways to improve the delivery of fair housing services in Fort Smith.

If limited input on a particular topic was received, it was assumed that the entirety of stakeholders did not view the issue as one of high pervasiveness or impact. This does not mean that this issue was non-existent in the city, only that there was not a large perception of its prevalence as gauged by this singular survey instrument.

LEAD AGENCY

The Fort Smith Community Development Department (CDD) is the lead agency for preparing the 2010 Analysis of Impediments to Fair Housing Choice. Western Economic Services, LLC, a Portland, Oregon-based consulting firm specializing in analysis and research in support of housing and community development planning, prepared this AI.

Commitment to Fair Housing

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the CDD certifies that it will *affirmatively further fair housing*. This statement means that CDD has conducted an AI within the City of Fort Smith, will take appropriate actions to overcome the effects of any impediments identified through that analysis, and will maintain records reflecting that analysis and actions in this regard.

PUBLIC INVOLVEMENT

The CDD conducted the public input process associated with this AI. The public notification, input and review process were conducted in line with the Citizen Participation Plan associated with the Consolidated Planning process. The key elements of public involvement activities included e-mail notifications, public notices and other announcements to citizens and stakeholders.

The CDD also held a public input meeting, or Fair Housing Forum, on August 16, 2010. This meeting was designed to offer the public the opportunity to offer commentary on fair housing in Fort Smith as well as provide feedback on the initial findings of the AI.

The draft report for public review was released for public review on September 15, 2010, which initiated a 30-day public review period, and a final presentation was made on September 20, 2010. The final report was released on November 1, 2010 and is available online at the CDD website at: <http://www.fsark.com/>. A copy of the proof of publication for the flyer that advertised the fair housing forum is presented on the following page.

PROOF OF
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Follows:

First Run: 8-4-10
Second Run: 8-11-10
Third Run:
Fourth Run:

2010 FORT SMITH FAIR HOUSING FORUM

Sponsored by the Fort Smith Community Development Department

The City of Fort Smith is currently undertaking
a study to evaluate fair housing, known as the

Analysis of Impediments to Fair Housing Choice

A fair housing forum will be held in Fort Smith
to discuss the importance of the study and preliminary findings

You are invited to attend!

Listen to preliminary findings of the study. Provide your knowledge, opinions and
feelings about fair housing choice. Offer your suggestions on how to eliminate
impediments to fair housing choice and ways we can work together to further fair
housing in our community.

*Federal and state fair housing laws prohibit discrimination in housing based on race,
color, religion, sex, national origin, disability and familial status.*

The Fort Smith Fair Housing Forum will be held:

**Monday, August 16, 2010 at 6:30 pm
The Oak Room at Elm Grove Community Center
1901 North Greenwood Road
Contact Person: Jamie Fout, (479) 784-2456**



For anyone in need of special
accommodations, please provide
advance notice of at least 48
hours by contacting the person
noted above.



Radonna Taylor
(Signature)

Sworn before me on the 12 day of Aug 2010

My Commission expires 4/10/2013

Johnnie L. Swain
Notary Public



SECTION II. SOCIO-ECONOMIC CONTEXT

INTRODUCTION

This section presents general demographic, economic and housing information collected from: the U.S. Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics and other resources, and the data were used to analyze a broad range of socioeconomic characteristics including population, race, ethnicity, disability, employment, poverty concentrations and housing trends. These data illustrate the underlying conditions that have helped shape housing market behavior and housing choice, as well as highlight potential impediments to fair housing choice.

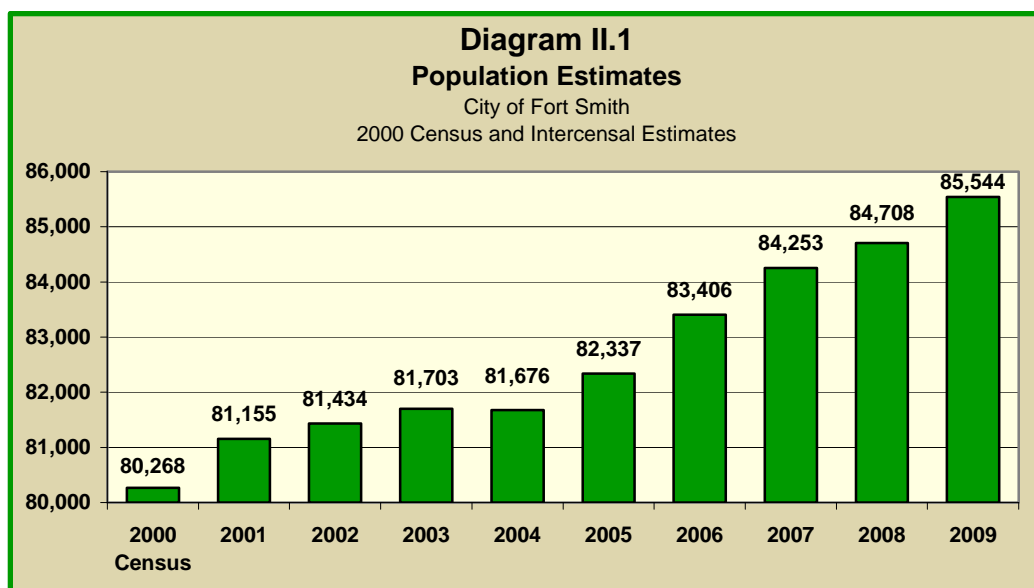
DEMOGRAPHICS

POPULATION DYNAMICS

Population estimates from the U.S. Census Bureau are presented in Table II.1, at right. This table shows that the population in the City of Fort Smith increased between 2000 and 2009 from 80,268 to 85,544. This was a total increase of 5,276 or 6.6 percent.

Population growth in the city is also presented in Diagram II.1. The population increase was steady throughout the time period, although there were a few more significant jumps in population growth, such as from 2005 to 2006.

Year	Population
2000 Census	80,268
2001	81,155
2002	81,434
2003	81,703
2004	81,676
2005	82,337
2006	83,406
2007	84,253
2008	84,708
2009	85,544
% Change 00 - 09	6.6%



Census data regarding population by age for the City of Fort Smith for 2000 is presented in Table II.2. The two largest age groups at this time were persons aged 35 to 54, with 22,553 persons counted, and persons aged 5 to 19, with 16,530 persons counted.

Age	Population
Under 5	6,083
5 to 19	16,530
20 to 24	5,681
25 to 34	11,454
35 to 54	22,553
55 to 64	6,966
65 and over	11,001
Total	80,268

Table II.3 presents intercensal population estimates by age for Sebastian County; intercensal estimates for this and other selected data sets are only available at a county level. Between 2000 and 2009, the county showed significant increases in all age cohorts, except for those aged 25 to 44. The greatest change was seen in the group aged 55 to 64, which increased by 32.6 percent, followed by the group aged 45 to 54, which increased by 14.5 percent.

Age	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	% Change 00 - 09
Under 14	24,818	24,994	25,183	25,270	25,407	25,711	26,266	26,798	27,087	27,454	10.6%
15 to 24	15,700	15,953	15,974	15,932	15,828	15,874	15,764	15,749	15,591	15,834	0.9%
25 to 44	33,934	33,763	33,432	33,110	32,798	32,785	33,044	33,172	33,032	32,844	-3.2%
45 to 54	15,222	15,994	16,121	16,298	16,533	16,718	17,003	17,168	17,191	17,430	14.5%
55 to 64	10,490	10,659	11,266	11,630	11,918	12,332	12,843	13,193	13,609	13,905	32.6%
65 & over	14,907	14,910	14,852	14,917	14,941	15,068	15,445	15,661	15,926	16,130	8.2%
Total	115,071	116,273	116,828	117,157	117,425	118,488	120,365	121,741	122,436	123,597	7.4%

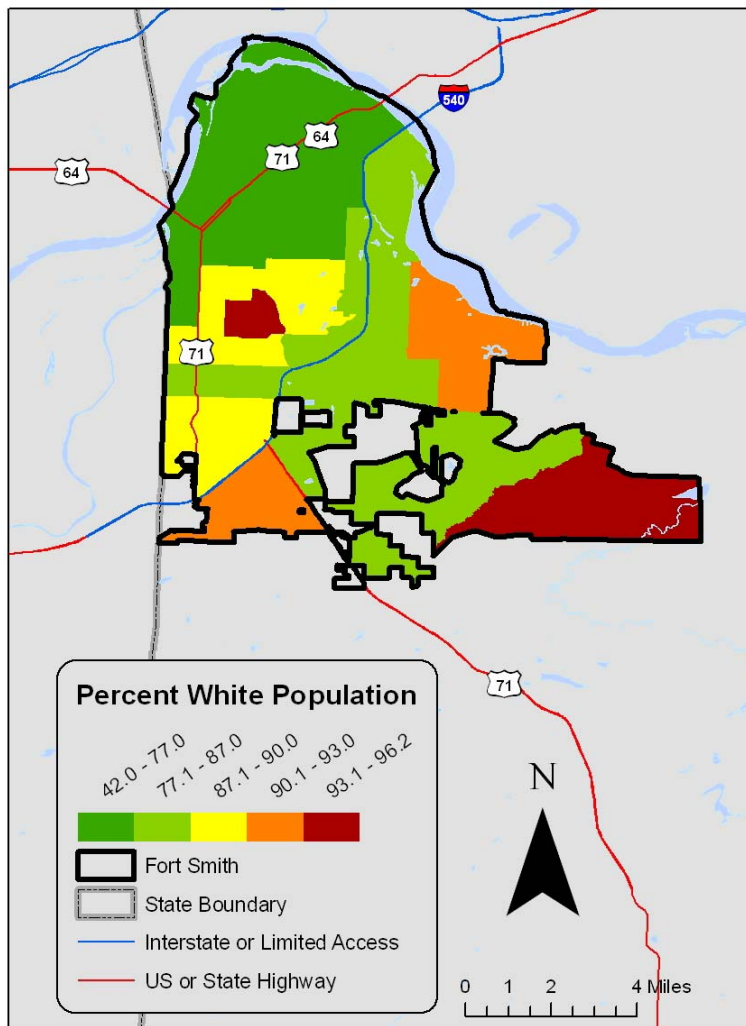
RACIAL AND ETHNIC COMPOSITION

At the time that the 2000 census was taken, the racial composition of the City of Fort Smith was predominantly white; this group comprised 77.0 percent of the total population at 61,798 persons. The next most populous group was black, at 8.6 percent or 6,943 persons, followed by Asian at 4.6 percent or 3,682. The Hispanic population equated to 8.8 percent of the population or slightly more than 7,000 persons. These data are presented at right in Table II.4.

Race	Population	Percent
White	61,798	77.0
Black	6,943	8.6
American Indian	1,358	1.7
Asian	3,682	4.6
Native Hawaiian/Pacific Islander	43	0.1
Other	4,040	5.0
Two or More Races	2,404	3.0
Total	80,268	100.0
Hispanic	7,048	8.8

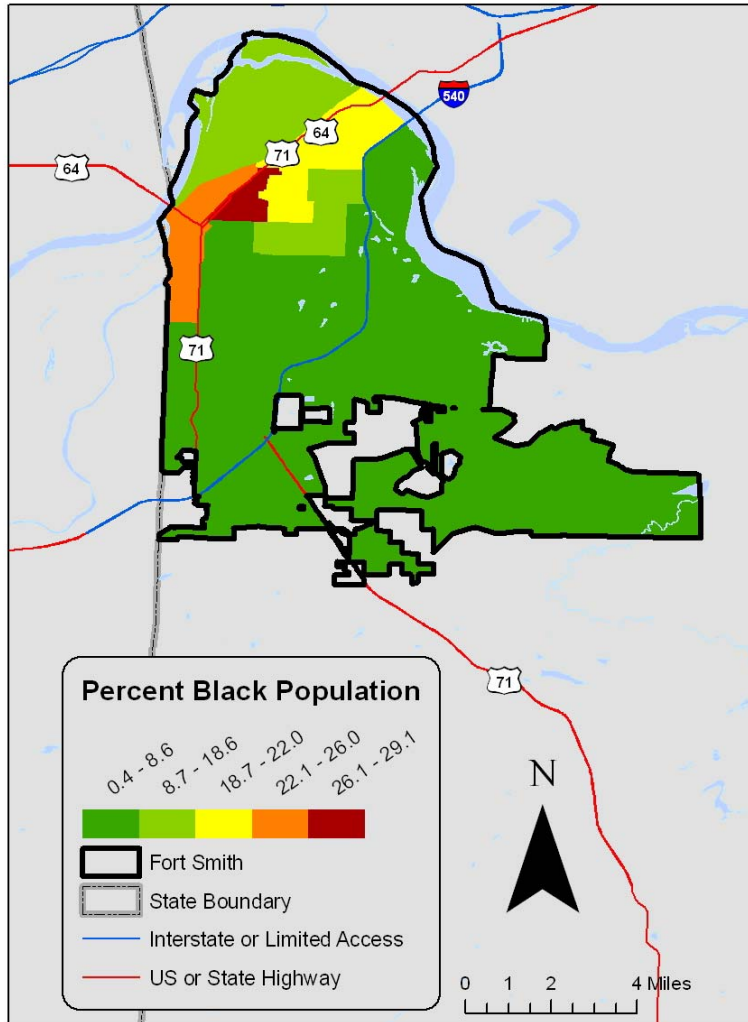
However, the geographic distribution of these racial and ethnic minorities was not even throughout the city. HUD defines a population as having a disproportionate share when the portion of that population is more than 10 percentage points higher than the jurisdiction average. For example, the citywide white population in Fort Smith in 2000 was 77.0 percent. Therefore, any area that had a white population higher than 87.0 percent displayed a disproportionate share of the white population. This analysis of racial distribution was conducted by calculating race as the percentage share of total population and then plotting the data on a geographic map of census tracts in Fort Smith. As Map II.1 illustrates, the white population in the city was disproportionately concentrated in the areas shaded in yellow, orange and red. In the red areas in the central and southeastern parts of the city the population was as high as 96.2 percent white.

Map II.1
Percent White Population by Census Tract
 City of Fort Smith
 2000 Census Data



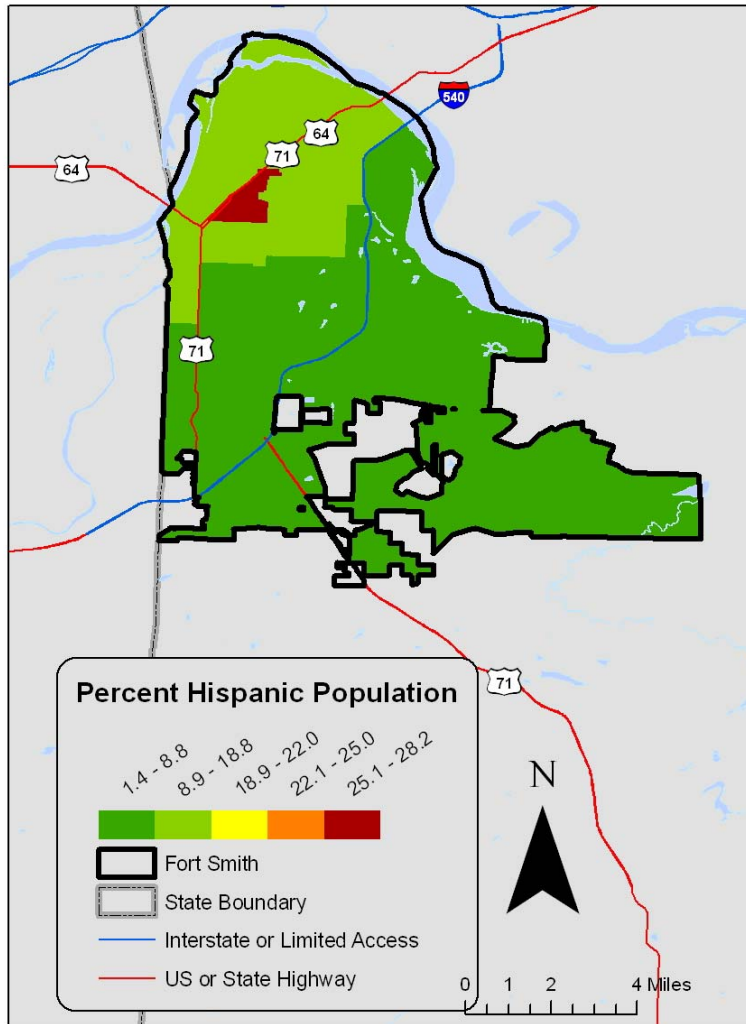
A similar evaluation was conducted for the black population in the city. Again, areas shown in yellow, orange or red represented census tracts with disproportionate shares of the black population in Fort Smith. This analysis revealed that the black population was concentrated in the northwestern part of the city, as shown in Map II.2, below.

Map II.2
Percent Black Population by Census Tract
City of Fort Smith
2000 Census Data



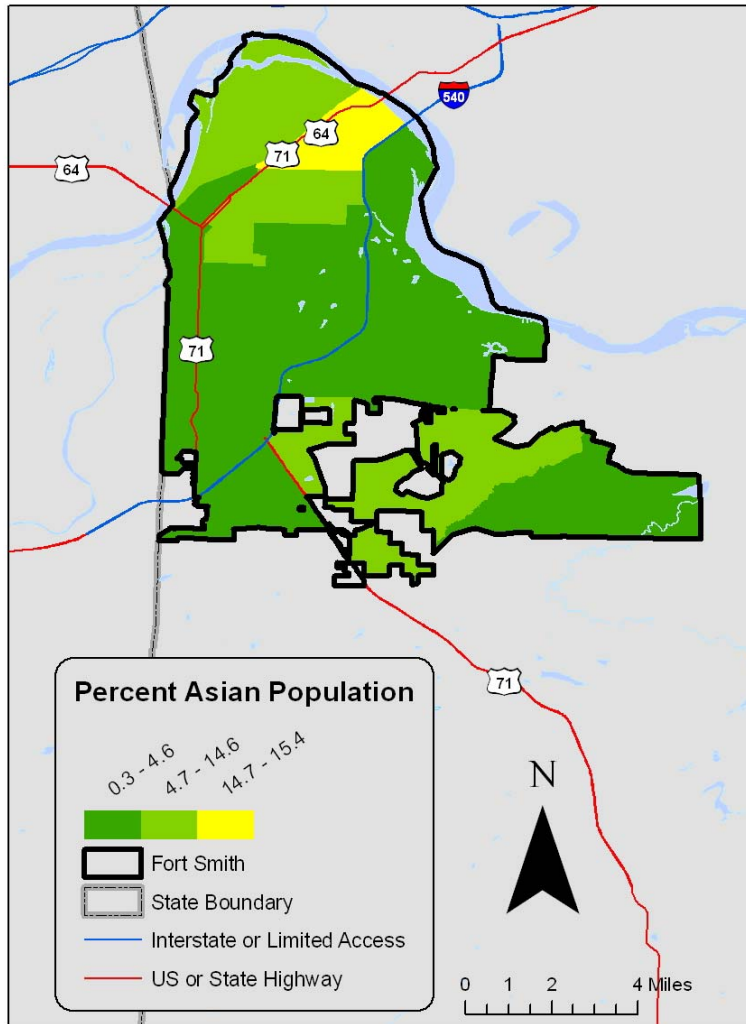
Analysis of the concentration of the Hispanic population at the time of the 2000 census revealed that one census tract in the city showed a disproportionate share of the Hispanic population at greater than 25.0 percent. This finding is shown in Map II.3, below.

Map II.3
Percent Hispanic Population by Census Tract
City of Fort Smith
2000 Census Data



The concentration of the Asian population in Fort Smith is presented in Map II.4, below. Again, one census tract in the northern part of the city showed a disproportionate share of the Asian population at as high as 15.4 percent.

Map II.4
Percent Asian Population by Census Tract
City of Fort Smith
2000 Census Data



More recent data regarding racial and ethnic populations in Sebastian County are presented in Table II.5, on the following page. From 2000 through 2009, the greatest growth in a racial group was seen in the Native Hawaiian/Pacific Islander group, which showed a growth of 66.7 percent, and the American Indian group, which showed a growth of 30.9 percent. In terms of ethnicity, the Hispanic population grew by 91.1 percent.

Table II.5
Intercensal Population Estimates by Race and Ethnicity
 Sebastian County
 U.S. Census Bureau Intercensal Estimates

Race	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	%Change 00-09
White	99,383	100,224	100,602	100,708	100,736	101,456	102,661	103,636	104,097	104,915	5.6%
Black	7,156	7,270	7,353	7,422	7,546	7,598	7,988	8,086	8,113	8,127	13.6%
American Indian	1,846	1,938	1,974	2,001	1,987	2,100	2,159	2,260	2,318	2,417	30.9%
Asian	4,142	4,220	4,214	4,277	4,340	4,425	4,567	4,665	4,724	4,807	16.1%
Native Hawaiian/ Pacific Islander	84	86	89	96	104	110	120	126	133	140	66.7%
Two or More Races	2,460	2,535	2,596	2,653	2,712	2,799	2,870	2,968	3,051	3,191	29.7%
Total	115,071	116,273	116,828	117,157	117,425	118,488	120,365	121,741	122,436	123,597	7.4%
Hispanic	7,710	8,577	9,265	10,014	10,627	11,421	12,430	13,255	14,001	14,732	91.1%

DISABILITY STATUS

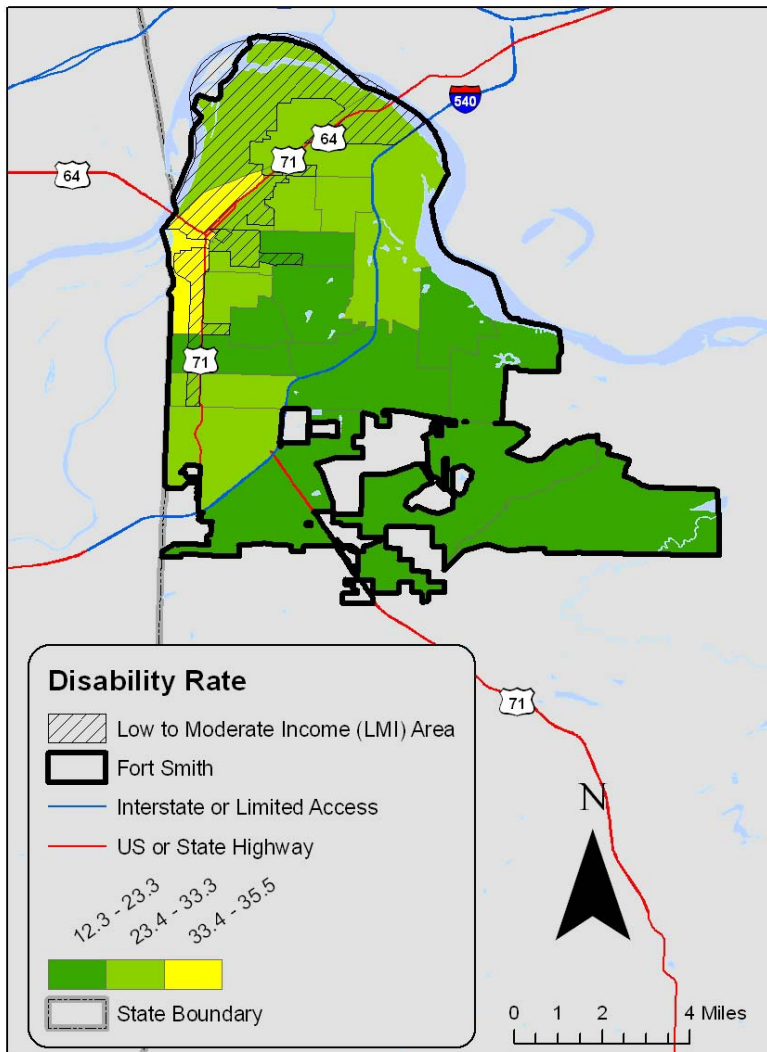
Disability is defined by the Census Bureau as a lasting physical, mental or emotional condition that makes it difficult for a person to conduct daily activities of living or impedes them from being able to go outside the home alone or to work.⁴ For all persons aged five or older, the city had a disability rate of 23.3 percent, above the national rate of 19.0 percent at that time. This rate represented 16,876 persons living with a disability in the city, as shown at right in Table II.6.

Table II.6 Disability by Age City of Fort Smith 2000 Census SF3 Data	
Age	Population
5 to 15	816
16 to 64	11,463
Over 65	4,597
Total	16,876
Disability Rate	23.3%

Map II.5, on the following page, reveals that one census tract in the city contained a disproportionate share of the disabled population or more than 33.3 percent of the total disabled population at the time of the 2000 census. This census tract was located in the western part of Fort Smith and was also located in a low- to moderate-income area.

⁴ The data on disability status were derived from answers to long-form questionnaire items 16 and 17 for the 1-in-6 sample. Item 16 asked about the existence of the following long-lasting conditions: (a) blindness, deafness, or a severe vision or hearing impairment, (sensory disability) and (b) a condition that substantially limits one or more basic physical activities such as walking, climbing stairs, reaching, lifting, or carrying (physical disability). Item 16 was asked of a sample of the population five years old and over. Item 17 asked if the individual had a physical, mental, or emotional condition lasting 6 months or more that made it difficult to perform certain activities. The four activity categories were: (a) learning, remembering, or concentrating (mental disability); (b) dressing, bathing, or getting around inside the home (self-care disability); (c) going outside the home alone to shop or visit a doctor's office (going outside the home disability); and (d) working at a job or business (employment disability). Categories 17a and 17b were asked of a sample of the population five years old and over; 17c and 17d were asked of a sample of the population 16 years old and over. For data products which use the items individually, the following terms are used: sensory disability for 16a, physical disability for 16b, mental disability for 17a, self-care disability for 17b, going outside the home disability for 17c, and employment disability for 17d. For data products which use a disability status indicator, individuals were classified as having a disability if any of the following three conditions was true: (1) they were five years old and over and had a response of "yes" to a sensory, physical, mental or self-care disability; (2) they were 16 years old and over and had a response of "yes" to going outside the home disability; or (3) they were 16 to 64 years old and had a response of "yes" to employment disability.

Map II.5
Percent of Population with a Disability by Census Tract
 City of Fort Smith
 2000 Census Data



ECONOMICS

LABOR FORCE AND EMPLOYMENT

Between 1990 and 2009, the labor force in the City of Fort Smith, defined as people either working or looking for work, rose from around 38,500 to 42,359. Over the same time period, the number of employed persons grew similarly from around 35,500 in 1990 to 38,977 in 2009, as seen in Diagram II.2, on the following page. Both of these figures have fallen significantly from 2008.

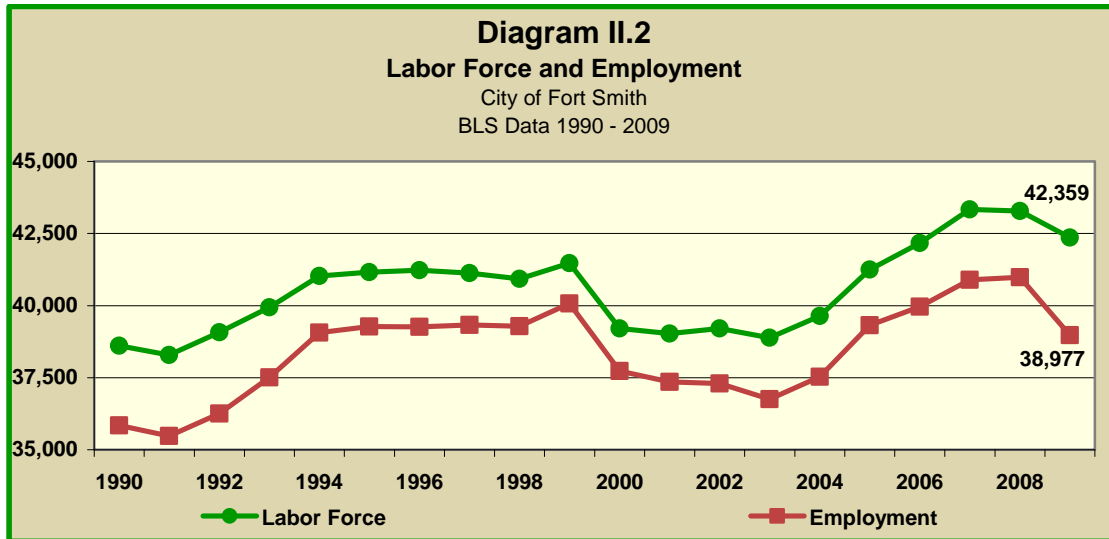
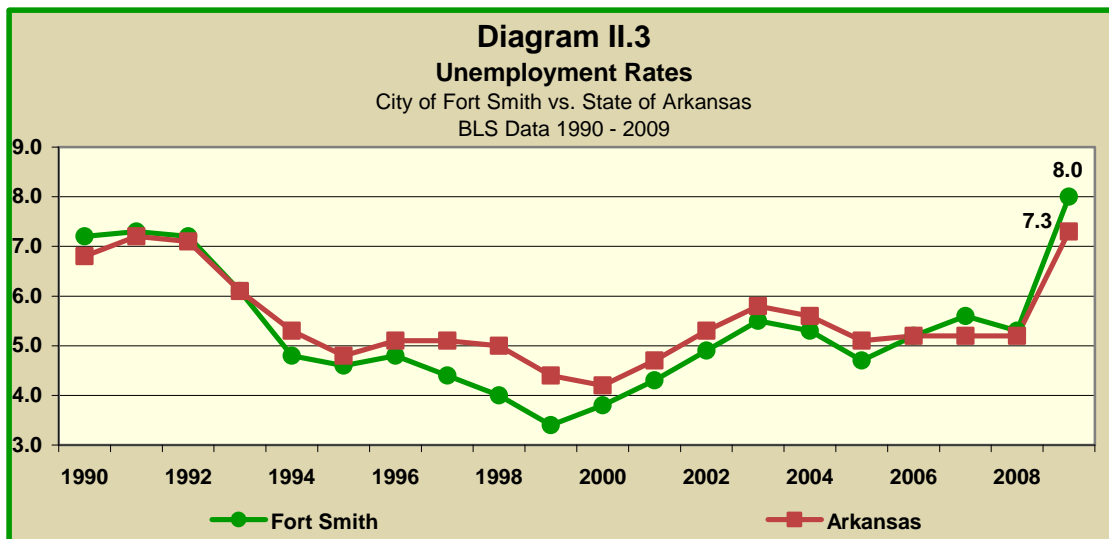
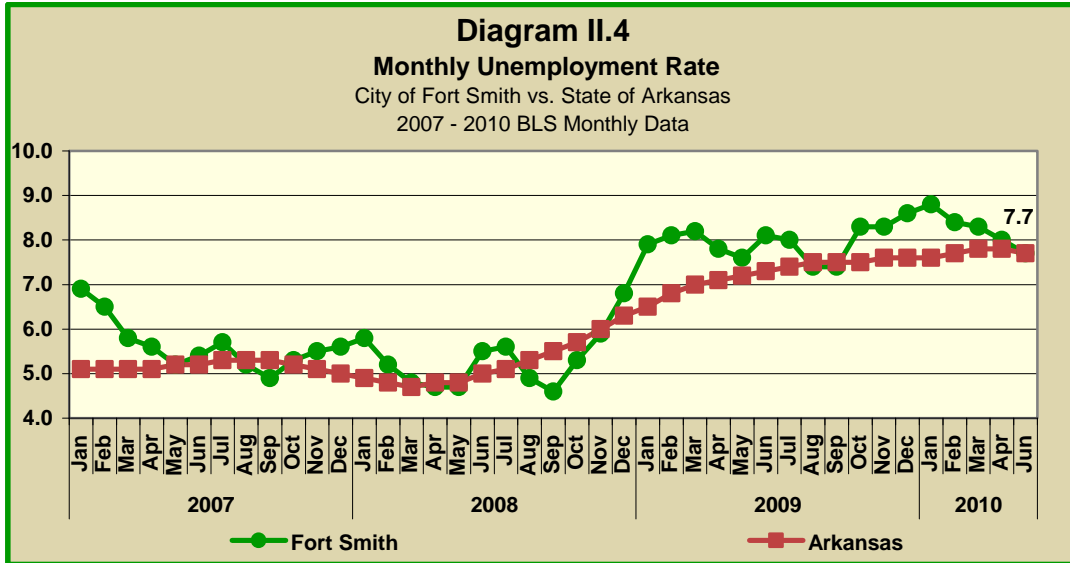


Diagram II.3 presents the unemployment rate in the City of Fort Smith and the State of Arkansas from 1990 through 2009.⁵ With the exception of the early 1990s, Fort Smith's unemployment rate remained below the state rate through 2006. In 2009, the unemployment rate in Fort Smith was 8.0 percent, as compared to 7.3 percent in the state as a whole.



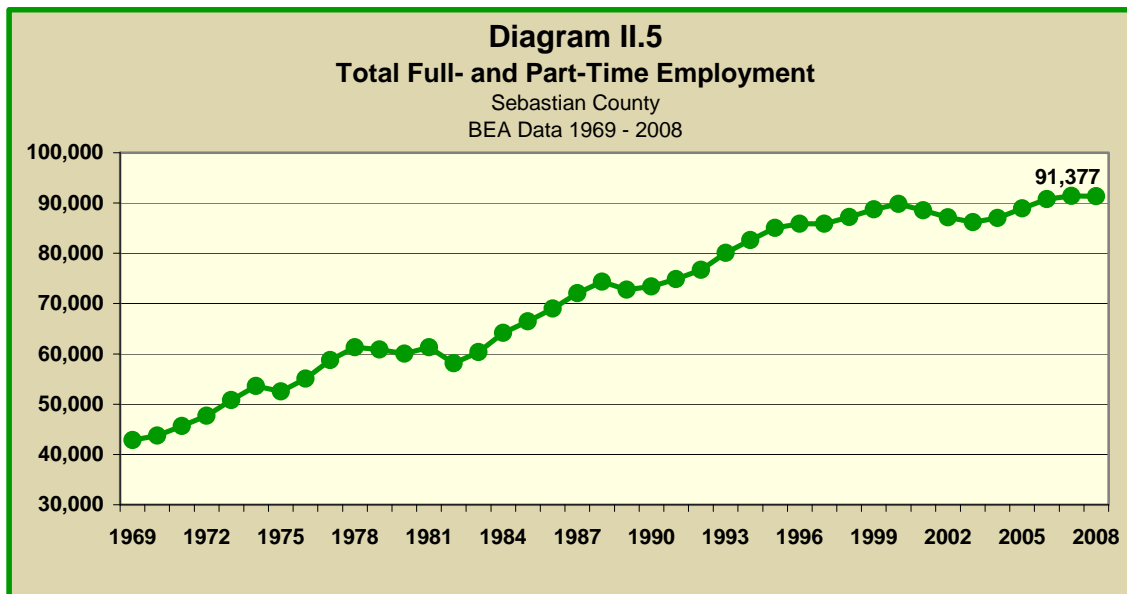
More recent unemployment rate data are presented in Diagram II.4, on the following page. As shown, the unemployment rate for Fort Smith has been fluctuating significantly from 2007 through 2009, from lows near 4.5 percent in 2008 to highs near 9.0 percent in the first part of 2010. As of June 2010, both the city rate and the state rate stood at 7.7 percent.

⁵ Local area unemployment statistics inputs were updated using the 2000 census, which caused a shift in the series after 2000.



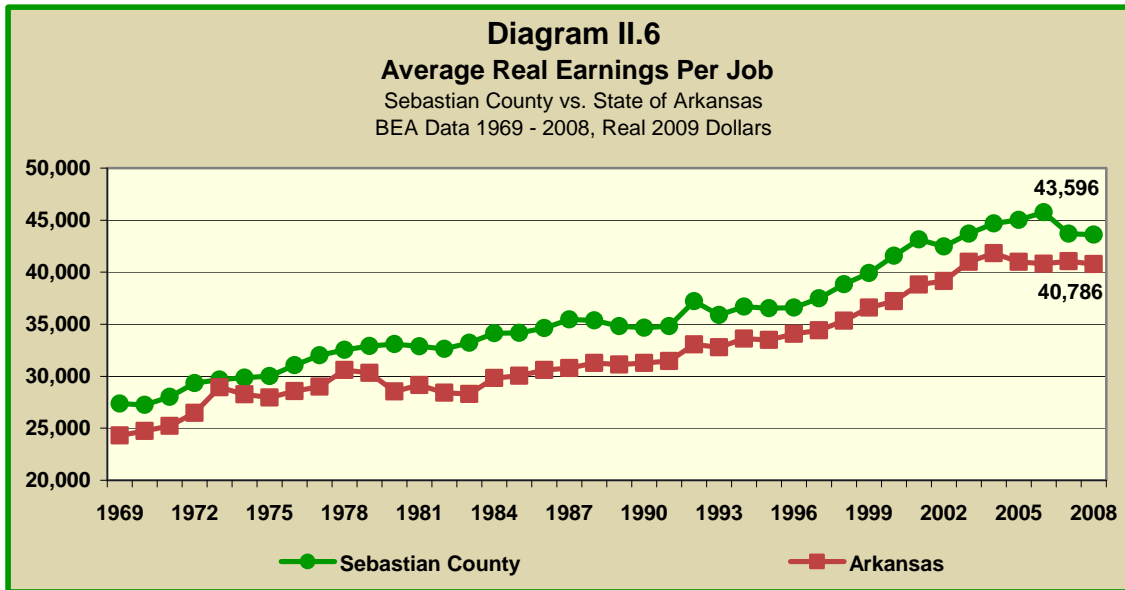
FULL- AND PART-TIME EMPLOYMENT AND EARNINGS

The Bureau of Economic Analysis (BEA) provides an alternate view of employment: a count of both full- and part-time jobs. Thus, a person working more than one job can be counted more than once. The total number of full- and part-time jobs in Sebastian County increased substantially from 1969 through 2008 from around 42,000 jobs to more than 91,377 jobs, as shown in Diagram II.5, below.⁶

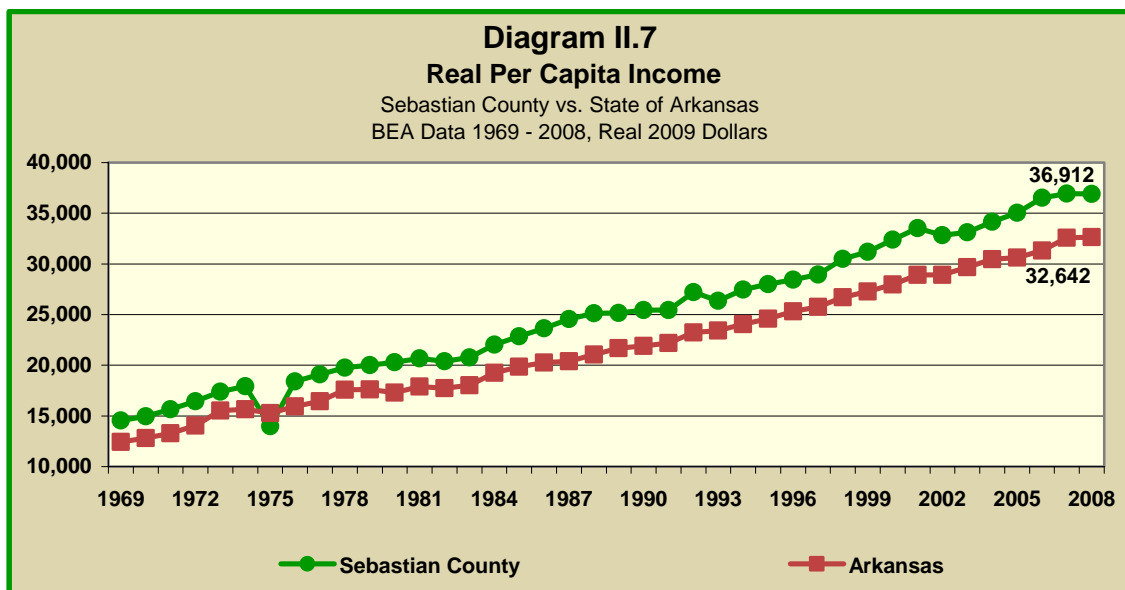


⁶ Data are, in part, from administrative records. The most current data available were through 2008.

When the total amount of earnings is divided by the number of jobs and then deflated to remove the effects of inflation, the average real earnings per job is determined. This figure can be compared to statewide figures. Unfortunately, average earnings per job in Sebastian County have been lagging over recent years along with the state average, as Diagram II.6, below, illustrates.



Another gauge of economic standing involves comparing the total of all forms of income: wages earned, transfer payments, and property income, such as dividends, interest and rents. When these data are added together and divided by population, per capita income is the result. Diagram II.7 compares real per capita income in Sebastian County to the State of Arkansas from 1969 through 2008 and shows that per capita income grew relatively steadily from around \$15,000 to \$32,642.



HOUSEHOLD AND FAMILY INCOME

Table II.7 presents the number of households by income range. As shown, the majority of households in Fort Smith, 6,982 households or 21.5 percent, had incomes less than \$15,000. In total, 12,326 households or 38.1 percent of all households had incomes less than \$25,000.

Table II.7 Households by Income City of Fort Smith 2000 Census SF3 Data	
Income	Households
Under 15,000	6,982
15,000 - 19,999	2,738
20,000 - 24,999	2,636
25,000 - 34,999	5,092
35,000 - 49,999	5,054
50,000 - 74,999	5,233
75,000 - 99,999	2,092
100,000 and above	2,618
Total	32,445

POVERTY

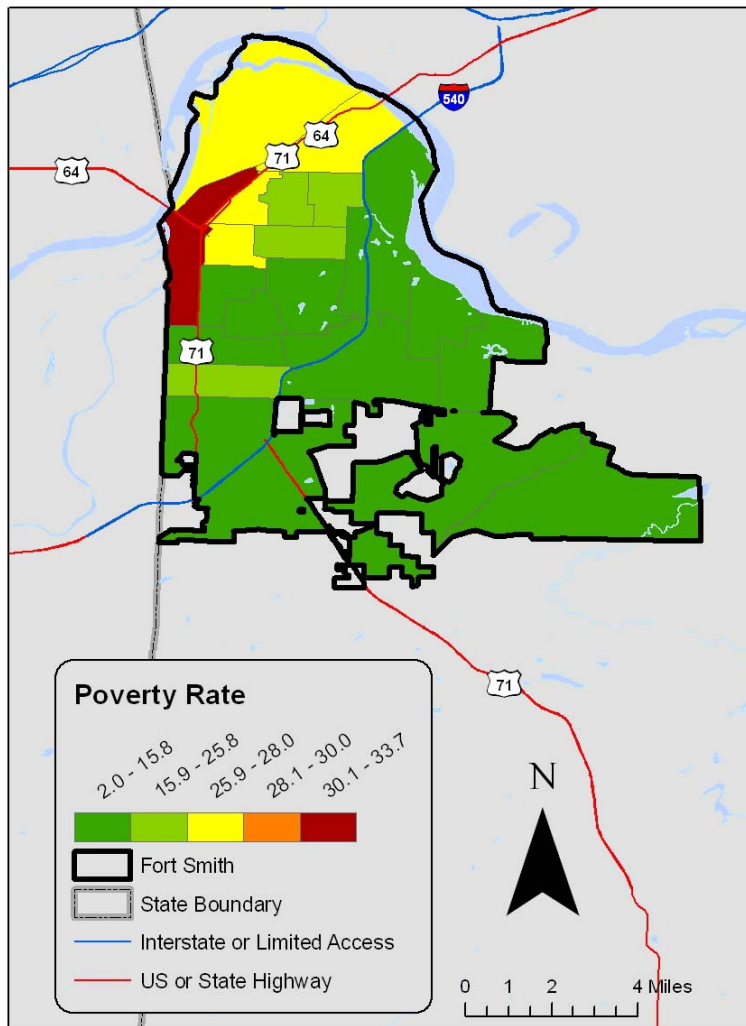
The Census Bureau uses a set of income thresholds that vary by family size and composition to determine poverty status. If a family's total income is less than the threshold for their size, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation using the Consumer Price Index. The official poverty definition counts income before taxes and does not include capital gains and non-cash benefits, such as public housing, Medicaid and food stamps. Poverty is not defined for people in military barracks, institutional group quarters or for unrelated individuals under age 15, such as foster children.

In Fort Smith, the poverty rate in 2000 was 15.8 percent with 12,409 persons considered to be living in poverty, as noted in Table II.8, at right. This rate was higher than the national average at that time of 12.4 percent. Persons in poverty included 2,128 children under age 5 and 962 persons 65 or older.

Table II.8 Poverty by Age City of Fort Smith 2000 Census SF3 Data	
Age	Population
5 and Below	2,128
6 to 18	2,470
18 to 64	6,849
65 and Older	962
Total	12,409
Poverty Rate	15.8%

Additionally, poverty was not spread evenly throughout the City of Fort Smith, as some census tracts had higher concentrations of poverty than others. Map II.6 presents a geographic representation of the Census 2000 poverty rate. Data have been segmented to illustrate the census tracts that had a disproportionate share of persons living in poverty or where more than 25.8 percent of persons were poor. This map shows that census tracts in the northern part of the city showed disproportionate shares of poverty. One census tract in the city, shown in red, had a poverty rate as high as 33.7 percent.

Map II.6
Percent of Population in Poverty by Census Tract
 City of Fort Smith
 2000 Census Data



HOUSING

Data regarding the number of housing units counted in Sebastian County for the years 2000 through 2009 are presented in Table II.9, at right. In total, the number of housing units in the city increased by 9.1 percent in this ten-year time period and rose from 49,311 units in 2000 to 53,790 units in 2009.

More detailed information regarding the attributes of the housing stock in the City of Fort Smith is available from 2000 census data. Of the 35,353 units counted in the city in the 2000 census, 24,190 units or 68.4 percent of all units were single-family type. An additional 19.3 percent were apartments, 5.9 percent were duplexes, and 5.0 percent were tri- or four-plexes. These data are presented at right in Table II.10.

The 35,353 housing units reported in the 2000 census can also be examined by tenure status. Most units, more than 32,000, were occupied housing units, and, of these, 18,240 were owner-occupied and 14,111 were renter-occupied. The portion of owner-occupied units, at 56.4 percent, was well below the national homeownership rate of 69.0 percent at that time. Slightly over 8.5 percent of the housing stock in Fort Smith was counted as vacant units, as shown in Table II.11, at right.

VACANT HOUSING UNITS

Data on the disposition of the 3,002 vacant units indicate that 1,330 units were for rent, 579 were for sale, 277 were rented or sold but unoccupied, 243 were for seasonal, recreational, or occasional use, and 573 were "other vacant" units. "Other vacant" units refers to units that are not for sale or rent and are generally not available to the marketplace. "Other vacant" units may also contribute to blight.

Year	Total Units
2000	49,311
2001	49,896
2002	50,250
2003	50,890
2004	51,326
2005	51,828
2006	52,515
2007	52,918
2008	53,435
2009	53,790
% Change	9.1%

Unit Type	Units
Single-Family Unit	24,190
Duplex	2,073
Tri- or Four-Plex	1,754
Apartments	6,811
Mobile Homes	509
Boat, RV, Van, Etc.	16
Total	35,353

Tenure	Units
Occupied Housing Units	32,351
Owner-Occupied	18,240
Renter-Occupied	14,111
Vacant Housing Units	3,002
Total Housing Units	35,353

Table II.12 Disposition of Vacant Units City of Fort Smith 2000 Census SF3 Data	
Disposition	Units
For Rent	1,330
For Sale	579
Rented or Sold, Not Occupied	277
For Seasonal, Recreational, or Occasional Use	243
For Migrant Workers	0
Other Vacant	573
Total	3,002

HOUSING PROBLEMS

While the 2000 census did not report significant details regarding the physical condition of housing units, some information can be derived from the one in six sample, also called SF3 data.⁷ These data relate to overcrowding, incomplete plumbing or kitchen facilities, and cost burdens.

Overcrowding is defined as having from 1.01 to 1.5 people per room per residence, with severe overcrowding defined as having more than 1.5 people per room. At the time that the 2000 census was taken, 2.8 percent of households in Fort Smith were overcrowded and 2.4 percent of households were severely overcrowded. This problem was more frequent in renter-occupied households than in owner-occupied households. These data are presented in Table II.13.

Table II.13 Overcrowding and Severe Overcrowding City of Fort Smith Census 2000 SF3 Data				
	No Overcrowding	Overcrowding	Severe Overcrowding	Total
Owner				
Households	17,800	248	192	18,240
Percent	97.6%	1.4%	1.1%	100.0%
Renter				
Households	12,875	644	592	14,111
Percent	91.2%	4.6%	4.2%	100.0%
Total				
Households	30,675	892	784	32,351
Percent	94.8%	2.8%	2.4%	100.0%

⁷ Summary File 3 (SF3) consists of 813 detailed tables of 2000 census social, economic and housing characteristics compiled from a sample of approximately 19 million housing units (about 1 in 6 households) that received the 2000 census long-form questionnaire. Source: <http://www.census.gov/Press-Release/www/2002/sumfile3.html>. These sample data include sampling error and may not sum precisely to the 100 percent sample typically presented in the 2000 census.

Incomplete plumbing and kitchen facilities are another indicator of potential housing problems. According to the Census Bureau, a housing unit is classified as lacking complete plumbing facilities when any of the following are not present: piped hot and cold water, a flush toilet, and a bathtub or shower. Likewise, a unit is categorized as deficient when any of the following are missing from the kitchen: a sink with piped hot and cold water, a range or cook top and oven, and a refrigerator. As shown at right in Table II.14, at the time of the 2000 census, a total of 442 units in Fort Smith were counted as lacking complete kitchen facilities and 297 were counted as lacking complete plumbing facilities.

Table II.14 Housing Units with Incomplete Plumbing or Kitchen City of Fort Smith 2000 Census SF3 Data	
Facilities	Units
Lacking Complete Kitchen Facilities	442
Lacking Complete Plumbing Facilities	297

The third type of housing problem reported in the 2000 census is cost burden. Cost burden is defined as gross housing costs that range from 30.0 to 50.0 percent of gross household income; severe cost burden is defined as gross housing costs that exceed 50.0 percent of gross household income. For homeowners, gross housing costs include property taxes, insurance, energy payments, water and sewer service, and refuse collection. If the homeowner has a mortgage, the determination also includes principal and interest payments on the mortgage loan. For renters, this figure represents monthly rent and selected electricity and natural gas energy charges.

Table II.15 shows that in Fort Smith, 13.4 percent of households had a cost burden and 9.9 percent of households had a severe cost burden in 2000. These figures were well below the national averages of 20.8 percent and 19.1 percent at that time, respectively. This housing problem was more common for renter than for homeowners with a mortgage or homeowners without a mortgage.

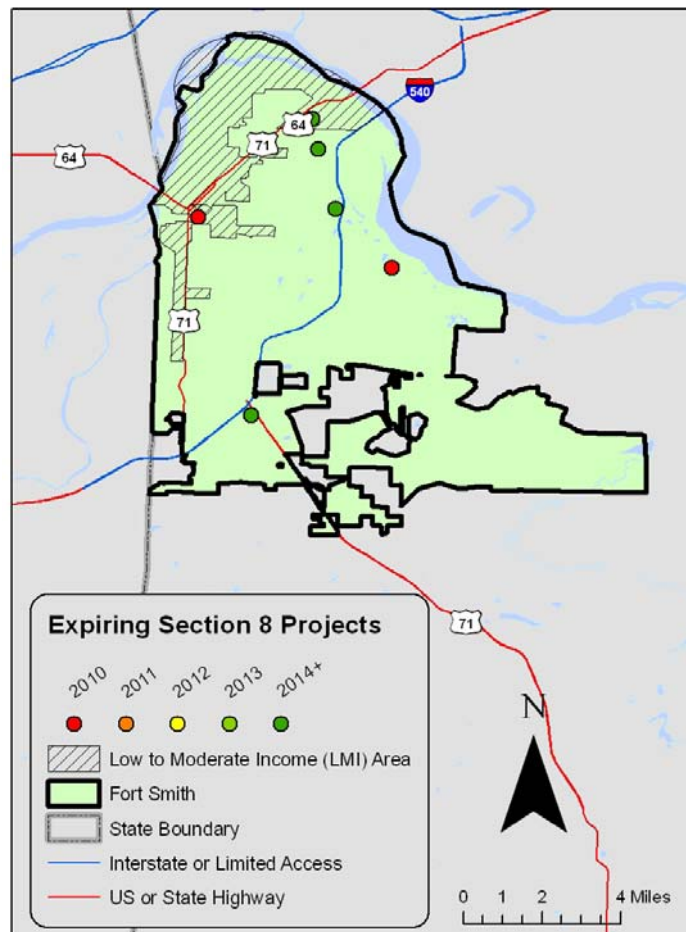
Table II.15 Percent of Income Spent on Housing City of Fort Smith Census 2000 SF3 Data					
	Less than 30.0%	31% - 50%	Above 50%	Not Computed	Total
Renter					
Households	8,569	2,457	2,135	943	14,104
Percent	60.8%	17.4%	15.1%	6.7%	100.0%
Owner With Mortgage					
Households	8,789	1,345	752	89	10,975
Percent	80.1%	12.3%	6.9%	0.8%	100.0%
Owner Without Mortgage					
Households	5,432	363	211	84	6,090
Percent	89.2%	6.0%	3.5%	1.4%	100.0%
Total					
Households	22,790	4,165	3,098	1,116	31,169
Percent	73.1%	13.4%	9.9%	3.6%	100.0%

People who experience a severe cost burden are at risk of homelessness. For example, cost-burdened renters who experience one financial setback are likely to have to choose between rent and food or rent and healthcare for their family. Similarly, such homeowners with a mortgage and just one unforeseen financial constraint, such as temporary illness, divorce or the loss of employment, may be forced to face foreclosure or bankruptcy. Furthermore, households that no longer have a mortgage yet still experience a severe cost burden may be unable to conduct periodic maintenance and repair of their home, contributing to dilapidation and blight. All three of these situations should be of concern to policy makers and program managers.

ASSISTED HOUSING

The location and availability of assisted housing available to citizens of Fort Smith was also geographically mapped. Map II.7, below, shows that there were six Section 8 housing voucher projects located mostly in the northern parts of the city and that two of these projects were set to expire in 2010.

Map II.7
Distribution of Section 8 Vouchers
 City of Fort Smith
 2010 HUD Data



SUMMARY

The population in Fort Smith increased from 80,268 to 85,544 or by 6.6 percent between 2000 and 2009. During this time period, the largest increase in an age cohort group was seen in those aged 55 to 64; this group increased by 3,415 during this time. Since 2000, the population of racial and ethnic minorities in the city increased, with the largest growth seen in the Native Hawaiian/Pacific Islander population at 66.7 percent and the American Indian population at 30.9 percent. The Hispanic population grew extremely fast, with the growth rate exceeding 90.0 percent over this time period. Racial and ethnic minority populations were somewhat concentrated in the city. At the time of the 2000 census, the city had a disability rate of 23.3 percent, slightly higher than the 19.0 percent national rate at that time, and this population was concentrated in one census tract in the city.

The labor force in Fort Smith, defined as people either working or looking for work, rose from around 38,500 to 42,359 between 1990 and 2009. As a result of the increasing labor force, the unemployment rate increased dramatically, and in 2009 Fort Smith's unemployment rate stood at 7.7 percent. Average earnings per job in the Sebastian County have been lagging over recent years, with this value standing at \$43,596 in 2008. In Fort Smith, the poverty rate in 2000 was 15.8 percent with 12,409 persons considered to be living in poverty, and this group was slightly concentrated in certain areas of the state.

The number of housing units in Sebastian County increased by 9.1 percent between 2000 and 2008. Of the 35,353 housing units reported in the 2000 census in Fort Smith, about 68.4 percent were single-family units. An additional 19.3 percent were apartment and 5.9 percent were duplexes. A total of 32,351 units were occupied housing units, and, of these, 18,240 percent were owner-occupied and 14,111 percent were renter-occupied. At the time that the 2000 census was taken, 2.8 percent of households were overcrowded and another 2.4 percent of units were severely overcrowded. In Fort Smith, 422 households were lacking complete kitchen facilities and 297 were lacking complete plumbing facilities. Additionally, 13.4 percent of households had a cost burden and 9.9 percent of households had a severe cost burden in 2000. Assisted housing units were located mostly in the northern parts of the city and two of these projects are set to expire in 2010.

SECTION III. LENDING PRACTICES

Since the 1970s, the federal government has enacted several laws aimed at promoting fair lending practices in the banking and financial services industries. A brief description of selected federal laws aimed at promoting fair lending follows:

The 1968 **Fair Housing Act** prohibits discrimination in housing based on race, color, religion or national origin. Later amendments added sex, familial status and disability. Under the Fair Housing Act, it is illegal to discriminate against any of the protected classes in the following types of residential real estate transactions: making loans to buy, build or repair a dwelling; selling, brokering or appraising residential real estate; or selling or renting a dwelling.

The **Equal Credit Opportunity Act** was passed in 1974 to prohibit discrimination in lending based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance or the exercise of any right under the Consumer Credit Protection Act.⁸

The **Community Reinvestment Act** was enacted in 1977 to require each federal financial supervisory agency to encourage financial institutions to help meet the credit needs of their entire community, including low- and moderate-income neighborhoods.

Under the **Home Mortgage Disclosure Act (HMDA)**, enacted in 1975 and later amended, financial institutions are required to publicly disclose the race, sex, ethnicity and household income of mortgage applicants by the census tract in which the loan is proposed, as well as outcome of the loan application. The analysis presented herein is from the HMDA data system.

HOME MORTGAGE DISCLOSURE ACT DATA ANALYSIS

The HMDA requires both depository and non-depository lenders to collect and publicly disclose information about housing-related loans and applications for such loans.⁹ Both types of lending institutions must meet a set of reporting criteria, as follows:

1. The institution must be a bank, credit union or savings association.
2. The total assets must exceed the coverage threshold.¹⁰
3. The institution must have had a home or branch office in a metropolitan statistical area (MSA).

⁸ *Closing the Gap: A Guide to Equal Opportunity Lending*, The Federal Reserve Bank of Boston, April 1993.

⁹ Data are considered "raw" because they contain entry errors and incomplete loan applications. Starting in 2004, the HMDA data made substantive changes in reporting. It modified the way it handled Hispanic data, loan interest rates, as well as the reporting of multifamily loan applications.

¹⁰ Each December the Federal Reserve announces the threshold for the following year. The asset threshold may change from year to year, based on changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers.

4. The institution must have originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one- to four-family dwelling.
5. The institution must be federally insured or regulated.
6. The mortgage loan must have been insured, guaranteed or supplemented by a federal agency or intended for sale to Fannie Mae or Freddie Mac.

For other institutions, including non-depository institutions, the reporting criteria are as follows:

1. The institution must be a for-profit organization.
2. The institution's home purchase loan originations must equal or exceed 10.0 percent of the institution's total loan originations, or more than \$25 million.
3. The institution must have had a home or branch office in an MSA or have received applications for, originated or purchased five or more home purchase loans, home improvement loans, or refinancing mortgages on property located in an MSA in the preceding calendar year.
4. The institution must have assets exceeding \$10 million or have originated 100 or more home purchases in the preceding calendar year.

HMDA data represent most mortgage lending activity and are thus the most comprehensive collection of information regarding home purchase originations, home remodel loan originations and refinancing available.

As presented in Table III.1, HMDA information was collected for the City of Fort Smith for 2004 through 2008. During this time, 30,555 loan applications were reported by participating institutions for home purchases, home improvements and refinancing mortgages. About 14,300 of these loan applications were specifically for home purchases.

Table III.1						
Purpose of Loan by Year						
City of Fort Smith HMDA Data 2004 - 2008						
Purpose	2004	2005	2006	2007	2008	Total
Home Purchase	2,949	3,252	3,277	2,613	2,245	14,336
Home Improvement	776	872	813	700	526	3,687
Refinancing	3,280	2,891	2,281	2,195	1,885	12,532
Total	7,005	7,015	6,371	5,508	4,656	30,555

Home purchases and access to the ability to enter into homeownership are the focus of this particular analysis because the other categories typically apply to units previously purchased and do not reflect the ability of an individual to engage in a homeownership opportunity. As seen in Table III.2, of the 14,336 home purchase loan applications, 12,379 were specifically for owner-occupied homes. The number of owner-occupied home purchase loan applications was highest in 2006 at 2,797.

Table III.2						
Owner Occupancy Status for Home Purchase Loan Application						
City of Fort Smith HMDA Data 2004 - 2008						
Status	2004	2005	2006	2007	2008	Total
Owner-Occupied	2,565	2,749	2,797	2,284	1,984	12,379
Not Owner-Occupied	361	476	458	311	246	1,852
Not Applicable	23	27	22	18	15	105
Total	2,949	3,252	3,277	2,613	2,245	14,336

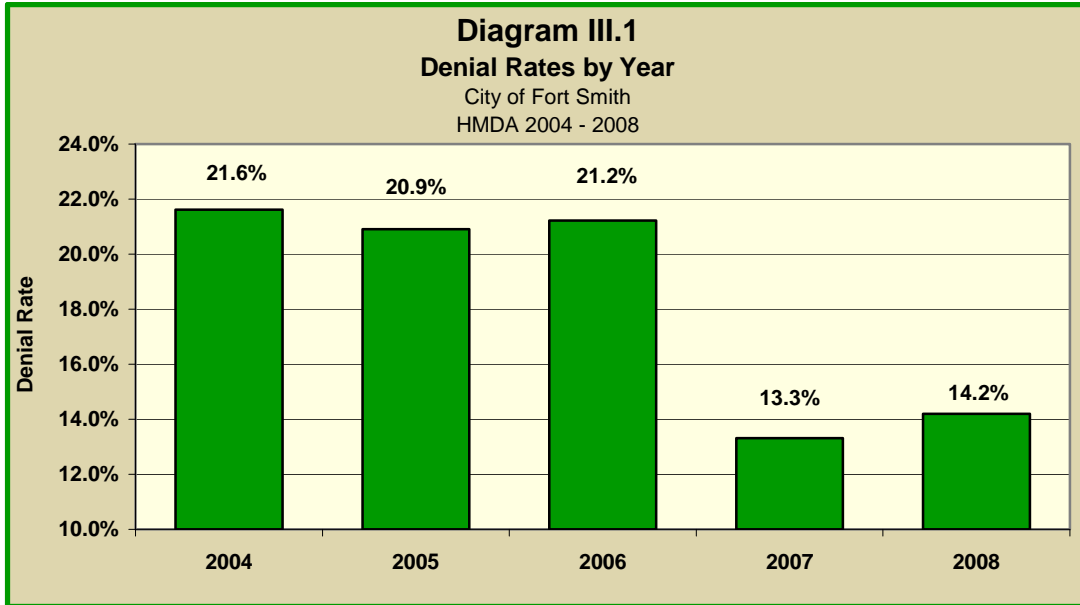
After a loan application is submitted, the financing institution makes one of several decisions:

- “Originated” indicates that the loan was made by the lending institution.
- “Approved but not accepted” notes loans approved by the lender, but not accepted by the applicant.
- “Application denied by financial institution” defines a situation where the loan application failed.
- “Application withdrawn by applicant” means that the applicant closed the application process.
- “File closed for incompleteness” means that the loan application process was closed by the institution due to incomplete information.
- “Loan purchased by the institution” indicates that the previously originated loan was purchased on the secondary market.

For this analysis, only loan originations and loan denials were inspected as an indicator of the underlying success or failure of home purchase loan applicants. Altogether, there were 6,190 loan originations and 1,419 loan denials for an average five-year denial rate of 18.6 percent, as seen in Table III.3.

Table III.3						
Owner-Occupied Home Purchase Loan Applications by Action Taken						
City of Fort Smith HMDA Data 2004 - 2008						
Action	2004	2005	2006	2007	2008	Total
Loan Originated	1,255	1,354	1,318	1,211	1,052	6,190
Application Approved But Not Accepted	78	70	96	63	37	344
Application Denied	346	358	355	186	174	1,419
Application Withdrawn By Applicant	163	213	145	90	85	696
File Closed for Incompleteness	34	45	33	17	30	159
Loan Purchased by the Institution	689	707	850	717	606	3,569
Preapproval Request Denied	0	2	0	0	0	2
Total	2,565	2,749	2,797	2,284	1,984	12,379
Denial Rate	21.6%	20.9%	21.2%	13.3%	14.2%	18.6%

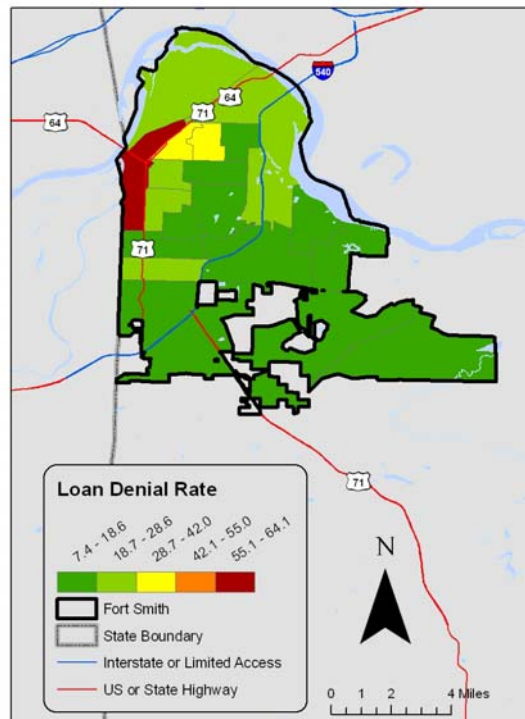
Denial rates fell appreciably in the last two years, as seen in Diagram III.1, on the following page. The number of loans denied in Fort Smith decreased in this five-year period and between 2004 and 2008 denial rates fell from 21.6 percent to 14.2 percent.



Importantly, denial rates were not evenly distributed throughout the city. As shown in Map III.1, below, numerous census tracts throughout the city had denial rates well above the city average of 18.6 percent. Tracts displayed in yellow and red represent those areas with census tracts that demonstrated a much higher share of loan denials.

Map III.1 HMDA Denial Rate by Census Tract

City of Fort Smith
HMDA Data 2004-2008



HMDA data were also used to determine denial rates by gender. Table III.4 shows that in those applications in which gender was provided by the applicant, denial rates were uneven with females experiencing higher denial rates as compared to males. On average, between 2004 and 2008 male applicants experienced a denial rate of 16.9 percent while female applicants experienced a denial rate 20.3 percent.

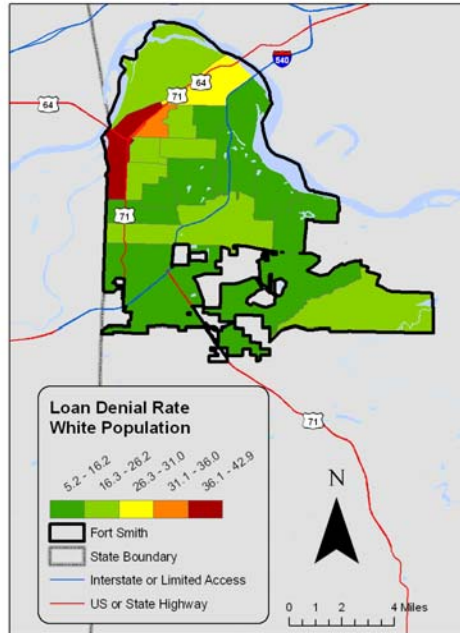
Table III.4					
Denial Rate for Owner-Occupied Home Purchase Loan Applications by Gender					
City of Fort Smith HMDA Data 2004 - 2008					
Year	Male	Female	Not Provided by Applicant	Not Applicable	Total
2004	20.4%	22.7%	43.6%	0.0%	21.6%
2005	17.1%	21.6%	61.1%	66.7%	20.9%
2006	19.4%	24.9%	24.4%	0.0%	21.2%
2007	12.4%	14.8%	25.0%	0.0%	13.3%
2008	13.9%	14.4%	22.7%	.	14.2%
Total	16.9%	20.3%	42.1%	25.0%	18.6%

Denial rates were calculated by race and ethnicity of the loan applicants as well and these data are presented in Table III.5. As shown therein, most minority racial and ethnic applicants had much higher denial rates than white applicants. American Indian applicants had the highest denial rate at 24.1 percent, compared to 16.2 percent for white applicants. Black and Hispanic applicants also had high denial rates at 22.0 percent and 21.8 percent, respectively.

Table III.5						
Percent Denial Rates by Race						
City of Fort Smith HMDA Data 2004 - 2008						
Race	2004	2005	2006	2007	2008	Total
American Indian or Alaskan Native	22.6%	24.7%	27.7%	23.5%	16.7%	24.1%
Asian	22.9%	13.3%	15.0%	3.7%	22.7%	15.8%
Black	28.0%	18.0%	29.7%	7.7%	22.2%	22.0%
White	18.9%	14.8%	19.9%	13.2%	13.1%	16.2%
Not Applicable	45.9%	67.4%	39.7%	29.3%	17.1%	48.7%
No Co-Applicant	20.0%	0.0%	.	0.0%	.	16.7%
Total	21.6%	20.9%	21.2%	13.3%	14.2%	18.6%
Hispanic (Ethnicity)	16.7%	21.5%	26.6%	20.0%	22.3%	21.8%

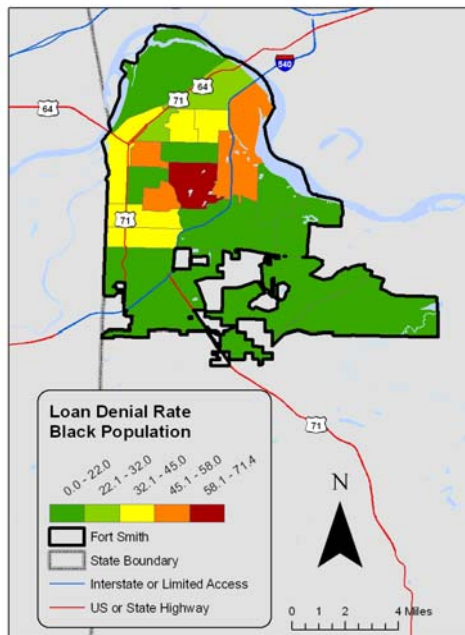
Denial rates by race and ethnicity were plotted on a map to examine geographic location of denial rates. For example, Map III.2, below, presents home loan application denial rates in Fort Smith for white applicants and shows that some parts of the city experienced denial rates above 26.3 percent, shown in yellow, orange and red.

Map III.2
Denial Rate for White Applicants by Census Tract
 City of Fort Smith
 HMDA Data 2004 - 2008



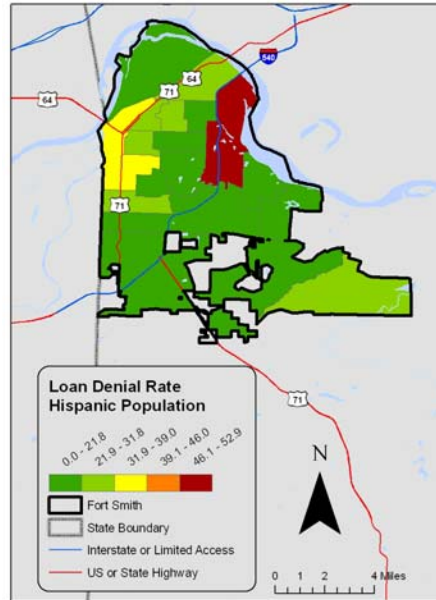
Map III.3 presents the geographic distribution of HMDA denial rates for black applicants in Fort Smith. Denial rates for this group were as high as 71.4 percent in areas in the central part of the city, shown in red.

Map III.3
Denial Rate for Black Applicants by Census Tract
 City of Fort Smith
 HMDA Data 2004 - 2008



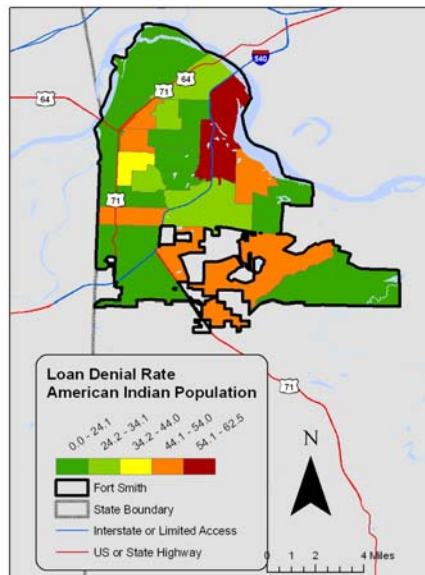
Map III.4 presents geographic data on denial rates for Hispanic applicants in Fort Smith. A few census tracts in the northeast part of the city showed denial rates in excess of 46.1 percent, shown in red.

Map III.4
Denial Rate for Hispanic Applicants by Census Tract
 City of Fort Smith
 HMDA Data 2004 - 2008



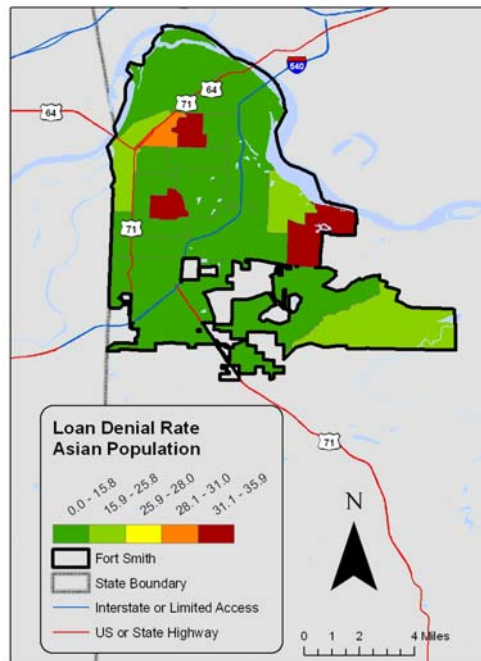
Map III.5 presents geographic data on denial rates for Native American applicants in Fort Smith. Numerous census tracts throughout the city showed denial rates above 34.2, shown in yellow, orange and red.

Map III.5
Denial Rate for American Indian Applicants by Census Tract
 City of Fort Smith
 HMDA Data 2004 - 2008



Data regarding denial rates for Asian applicants are presented in Map III.6 and show that census tracts in the city had denial rates exceeding 28.0 percent, in orange and red.

Map III.6
Denial Rate for Asian Applicants by Census Tract
 City of Fort Smith
 HMDA Data 2004 - 2008



Part of the HMDA data includes information about the reason for the loan denial, although financial institutions are not uniformly required to fill out this field. Nevertheless, the most frequently cited categories of denials were credit history and debt-to-income ratio, as shown in Table III.6. These problems could be rectified through enhancing programs for consumers to better understand credit and the importance of responsible spending.

Table III.6
Owner-Occupied Home Purchase Loan Applications by Reason for Denial
 City of Fort Smith
 HMDA Data 2004 - 2008

Denial Reason	American Indian	Asian	Black	White	Not Applicable	No Co-Applicant	Total	Hispanic (Ethnicity)
Debt-to-income Ratio	5	17	7	95	9	0	133	19
Employment History	1	1	1	24	4	1	32	8
Credit History	30	19	22	300	36	1	408	50
Collateral	2	1	1	36	7	0	47	2
Insufficient Cash	0	2	2	35	3	0	42	9
Unverifiable Information	3	2	1	17	1	0	24	4
Credit Application Incomplete	5	6	4	48	5	0	68	12
Mortgage Insurance Denied	0	1	0	2	1	0	4	0
Other	6	5	3	99	32	0	145	18
Missing	12	18	22	332	132	0	516	73
Total	64	72	63	988	230	2	1,419	195
% Missing	18.8%	25.0%	34.9%	33.6%	57.4%	0.0%	36.4%	37.4%

Table III.7 shows denial rates by income for Fort Smith. As one might expect, households with lower incomes tended to be denied for loans more often. Households with income from \$15,000 to \$30,000 were denied an average of 26.3 percent of the time, but those with incomes above \$75,000 were denied just 9.1 percent of the time.

Table III.7						
Percent Denial Rates by Income						
City of Fort Smith						
HMDA Data 2004 - 2008						
Income	2004	2005	2006	2007	2008	Total
<= \$15K	32.5%	59.7%	50.0%	28.3%	55.6%	45.4%
\$15K - \$30K	30.6%	26.9%	29.0%	21.1%	20.5%	26.3%
\$30K - \$45K	23.4%	24.3%	20.8%	11.2%	15.3%	19.5%
\$45K - \$60K	15.8%	14.0%	15.5%	12.1%	12.2%	14.0%
\$60K - \$75K	16.5%	12.4%	14.3%	11.0%	10.9%	13.0%
Above \$75K	10.2%	8.9%	12.9%	6.6%	5.9%	9.1%
Data Missing	23.3%	11.3%	24.5%	8.8%	9.4%	14.8%
Total	21.6%	20.9%	21.2%	13.3%	14.2%	18.6%

Table III.8 presents denial rates segmented by both race or ethnicity and income. However, when correcting for income, minority racial and ethnic applicants faced a lower loan denial rate than white applicants at lower income levels, and higher denial rates at higher income levels. For example, at income levels below \$15,000 black applicants had a denial rate of 33.3 percent compared to a denial rate of 46.2 percent for white applicants, and at incomes over \$75,000 black applicants had a denial rate of 17.2 percent compared to 8.1 percent for white applicants.

Table III.8								
Percent Denial Rates of Owner-Occupied Home Purchase Loans by Race by Income								
City of Fort Smith								
HMDA Data 2004 - 2008								
Race	<= \$15K	\$15K - \$30K	\$30K - \$45K	\$45K - \$60K	\$60K - \$75K	Above \$75K	Data Missing	Total
American Indian or Alaskan Native	23.1%	23.9%	28.8%	22.2%	10.0%	25.0%	20.0%	24.1%
Asian	28.6%	20.1%	13.9%	21.2%	2.9%	8.2%	10.5%	15.8%
Black	33.3%	24.7%	22.0%	10.5%	30.8%	17.2%	50.0%	22.0%
White	46.2%	22.7%	16.6%	12.6%	11.9%	8.1%	14.8%	16.2%
Not Applicable	71.4%	75.7%	57.8%	32.1%	30.3%	21.1%	15.2%	48.7%
No Co-Applicant	.	33.3%	25.0%	.	.	0.0%	0.0%	16.7%
Total	45.4%	26.3%	19.5%	14.0%	13.0%	9.1%	14.8%	18.6%
Hispanic (Ethnicity)	41.0%	23.3%	19.9%	11.5%	27.3%	6.1%	20.0%	21.8%

In addition to modifications implemented in 2004 for documenting loan applicants' race and ethnicity, the HMDA reporting requirements were changed in response to the Predatory Lending Consumer Protection Act of 2002, as well as the Home Owner Equity Protection Act (HOEPA). Consequently, loan originations are now flagged in the data system for three additional attributes:

1. If they are HOEPA loans;

2. Lien status, such as whether secured by a first lien, a subordinate lien, not secured by a lien, or not applicable (purchased loans); and
3. Presence of high annual percentage rate loans (HALs), defined as more than three percentage points for home purchases when contrasted with comparable treasury instruments, or five percentage points for refinance loans.

Originated owner-occupied home purchase loans qualifying as HALs were identified for 2004 through 2008. These high interest loans were considered predatory in nature. Table III.9 shows that between 2004 and 2008 there were 812 owner-occupied HALs originated in the city. Fortunately, the number of HALs decreased significantly over this time period and by 2008 the rate of HALs was down to 7.4 percent.

Table III.9						
Originated Owner-Occupied Loans by Purpose by Predatory Status						
City of Fort Smith HMDA Data 2004 - 2008						
Loan Type	2004	2005	2006	2007	2008	Total
Other Originated	1,105	1,143	1,068	1,088	974	5,378
High APR Loan	150	211	250	123	78	812
Total	1,255	1,354	1,318	1,211	1,052	6,190
Percent High APR	12.0%	15.6%	19.0%	10.2%	7.4%	13.1%

Still, this figure is a measure of the city's underlying foreclosure risk, and it is important to examine characteristics of those householders who purchased the roughly 812 HALs in the city over the five-year time period.

As seen in Table III.10, below, the group with the greatest number of HALs was white applicants, whose households had 589 such loans. Black applicants had 41 home purchase HALs, and Hispanic applicants had 93 home purchase HALs.

Table III.10						
Owner-Occupied Home Purchase HALs Originated by Race						
City of Fort Smith HMDA Data 2004 - 2008						
Race	2004	2005	2006	2007	2008	Total
American Indian	6	5	17	1	3	32
Asian	10	14	24	6	6	60
Black or African American	8	11	9	10	3	41
White	109	144	172	100	64	589
Not Applicable	17	36	28	5	2	88
No Co-Applicant	0	1	0	1	0	2
Total	150	211	250	123	78	812
Hispanic	10	21	36	17	9	93

On the other hand, further evaluation of the HMDA data revealed that an unusually high proportion of HALs was made to black applicants. While white applicants had 11.5 percent of owner-occupied loans as HALs and Asian applicants had 15.6 percent of loans as HALs, black applicants had an even higher rate at 18.4 percent. As seen in Table III.11, below, Hispanic and American Indian applicants also had a high rate of HALs at 13.3 percent and 15.8 percent, respectively.

Table III.11						
Percent of Predatory Owner-Occupied Home Purchase Loans Originated by Race						
City of Fort Smith HMDA Data 2004 - 2008						
Race	2004	2005	2006	2007	2008	Total
American Indian	12.5%	8.2%	36.2%	3.8%	15.0%	15.8%
Asian	11.0%	19.4%	26.4%	7.6%	11.8%	15.6%
Black or African American	14.8%	26.8%	20.0%	20.8%	8.6%	18.4%
White	11.0%	12.9%	15.8%	9.8%	7.0%	11.5%
Not Applicable	28.3%	60.0%	59.6%	12.2%	5.9%	36.4%
No Co-Applicant	0.0%	100.0%	.	100.0%	.	20.0%
Total	12.0%	15.6%	19.0%	10.2%	7.4%	13.1%
Hispanic	7.7%	13.4%	21.4%	12.5%	8.3%	13.3%

SUMMARY

Home Mortgage Disclosure Act (HMDA) data were used to analyze differences in denial rates in the city by race, ethnicity, income and area. Evaluated home purchase loan applications from 2004 through 2008 showed that there were 6,190 loan originations and 1,419 loan denials, for an average five-year loan denial rate of 18.6 percent. These HMDA data also showed that American Indian, black and Hispanic applicants experienced higher rates of loan denials than white applicants, even after correcting for income. Further, some geographic areas of the city had significantly higher denial rates exceeding 55.0 percent, including areas with high concentrations of minority populations. Analysis of high interest rate loans showed that minority populations also received a disproportionate share of these lower quality loan products.

SECTION IV. FAIR HOUSING AGENCIES AND PROGRAMS

The following narrative provides an enumeration of key agencies and organizations contributing to affirmatively furthering fair housing in Arkansas. It concludes with a succinct review of the complaint process within each organization.

MAJOR FAIR HOUSING ORGANIZATIONS

THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The United States Department of Housing and Urban Development (HUD) oversees, administers and enforces the Fair Housing Act. HUD's regional office in Fort Worth, Texas, oversees housing, community development and fair housing enforcement in Arkansas, as well as Louisiana, New Mexico, Oklahoma and Texas.¹¹ The Office of Fair Housing and Equal Opportunity (FHEO), within HUD's Fort Worth office, enforces the federal Fair Housing Act and other civil rights laws that prohibit discrimination in housing, mortgage lending and other related transactions in Arkansas. HUD also provides education and outreach, monitors agencies that receive HUD funding for compliance with civil rights laws, and works with state and local agencies under the Fair Housing Assistance Program and Fair Housing Initiative Program.

FAIR HOUSING ASSISTANCE PROGRAM

In the U.S., many agencies receive funding directly from HUD as Fair Housing Assistance Program (FHAP) participants. FHAPs require an ordinance or law that empowers a local or state governmental agency to enforce local fair housing laws; if HUD determines that the local entity can operate on a "substantially equivalent" level to federal agency enforcement activities, HUD contracts with that agency to process fair housing complaints and reimburses the jurisdiction on a per case basis.¹² FHAP grants are given to public, not private, entities and are given on a noncompetitive, annual basis to substantially equivalent state and local fair housing enforcement agencies.

To create a substantially equivalent agency, a state or local jurisdiction must first enact a fair housing law that is substantially equivalent to federal laws. In addition, the local jurisdiction must have both the administrative capability and fiscal ability to carry out the law. With these elements in place, the jurisdiction may apply to HUD in Washington D.C. for substantially equivalent status. The jurisdiction's law would then be examined, and the federal government would make a determination as to whether it was substantially equivalent to federal fair housing law.

When substantially equivalent status has been granted, complaints of housing discrimination are dually filed with the state (or local agency) and with HUD. The state or local agency investigates most complaints; however, when federally subsidized housing is

¹¹ <http://www.hud.gov/offices/fheo/aboutfheo/fhubs.cfm#hdcent>

¹² <http://www.hud.gov/offices/fheo/progdesc/title8.cfm>

involved, HUD will typically investigate the complaint. Still, the state or local agencies are reimbursed for complaint intake and investigation and are awarded funds for fair housing training and education.

FAIR HOUSING INITIATIVE PROGRAM

A Fair Housing Initiative Program (FHIP) participant may be a government agency, a private non-profit or a for-profit organization. FHIPS are funded through a competitive grant program which provides funds to organizations to carry out projects and activities designed to enforce and enhance compliance with fair housing laws. Eligible activities include education and outreach to the public and the housing industry on fair housing rights and responsibilities, as well as enforcement activities in response to fair housing complaints, including testing and litigation. The following FHIP initiatives provide funds and competitive grants to eligible organizations:

The Fair Housing Organizations Initiative (FHOI) provides funding that builds the capacity and effectiveness of non-profit fair housing organizations by providing funds to handle fair housing enforcement and education initiatives more effectively. FHOI also strengthens the fair housing movement nationally by encouraging the creation and growth of organizations that focus on the rights and needs of underserved groups, particularly people with disabilities.

Grantee eligibility:

Applicants must be qualified fair housing enforcement organizations with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the three years prior to the filing of their application.

Eligible activities:

The basic operation and activities of new and existing non-profit fair housing organizations.

The Private Enforcement Initiative (PEI) offers a range of assistance to the nationwide network of fair housing groups. This initiative funds non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices.

Grantee eligibility:

Fair housing enforcement organizations that meet certain requirements related to the length and quality of previous fair housing enforcement experience may apply for FHIP-PEI funding.

Eligible activities:

Conducting complaint-based and targeted testing and other investigations of housing discrimination, linking fair-housing organizations in regional enforcement activities, and establishing effective means of meeting legal expenses in support of fair housing litigation.

The Education and Outreach Initiative (EOI) offers a comprehensive range of support for fair housing activities, providing funding to state and local government agencies and non-profit organizations for initiatives that explain to the general public and housing

providers what equal opportunity in housing means and what housing providers need to do to comply with the Fair Housing Act.

Grantee eligibility:

State or local governments, qualified fair housing enforcement organizations (those with at least two years of experience), other fair housing organizations, and other public or private nonprofit organizations representing groups of people protected by the FHA may apply for FHIP-EOI funding.

Eligible activities:

A broad range of educational activities that can be national, regional, local or community-based in scope. Activities may include developing education materials, providing housing counseling and classes, convening meetings that bring together the housing industry with fair housing groups, developing technical materials on accessibility, and mounting public information campaigns. National projects that demonstrate cooperation with the real estate industry or focus on resolving the community tensions that arise as people expand their housing choices may be eligible to receive preference points.

The Administrative Enforcement Initiative (AEI) helps state and local governments who administer laws that include rights and remedies similar to those in the Fair Housing Act implement specialized projects that broaden an agency's range of enforcement and compliance activities. No funds are available currently for this program.

In 2006, the FHIP program awarded \$18.1 million: \$13.9 million for PEI grants and \$4.2 million for EOI. One organization in Arkansas received a FHIP grant in 2006:

Crawford Sebastian Community Development Council, Fort Smith
Education and Outreach Initiative – General Component
Award Amount: \$34,088

Crawford-Sebastian Community Development Council, Inc., (C-SCDC) used its low-income homeownership advocacy program to provide fair housing information. The program provided comprehensive information on mortgage loans and down payment assistance. Additionally, C-SCDC disseminated fair housing brochures and flyers to residents of Crawford and Sebastian counties.¹³

In 2007, the FHIP program awarded \$18.1 million: \$14 million for PEI and \$4.1 for EOI. One organization operating in Arkansas received FHIP grants that year.¹⁴

Arkansas Community Housing Corporation, Little Rock
Education and Outreach Initiative – General Component
Award Amount: \$99,948

Arkansas Community Housing Corporation (ACHC) will reach out to underserved populations in urban, suburban and rural areas of Central and Southeastern Arkansas, particularly neighborhoods with high loan denial rates, to inform them about their fair housing rights. Specific activities will include conducting workshops designed to increase minority homeownership, educating lenders about the need to address

¹³ <http://www.hud.gov/offices/fheo/partners/FHIP/fhip.cfm>

¹⁴ <http://www.hud.gov/news/releases/pr07-148.pdf>

impediments to homeownership, and increasing compliance with the Fair Housing Act by addressing regulatory barriers and increasing the number of fair housing complaints filed with HUD.

In 2008 the FHIP program awarded \$21.8 million: \$20 million for PEI and \$1.3 million for EOI. An additional \$500,000 was granted for an EOI Clinical Law School Component - \$500,000. No organizations in Arkansas received FHIP grants in 2008.¹⁵

No organizations in Arkansas received FHIP funding in 2009.

STATE AND LOCAL FAIR HOUSING ORGANIZATIONS AND ACTIVITIES

ARKANSAS FAIR HOUSING COMMISSION

The Arkansas Fair Housing Commission (AFHC) was established by the Arkansas Legislature as part of Act 1785 of 2001, the Arkansas Fair Housing Act. Since then, the AFHC has been established as a substantially equivalent agency or FHAP in Arkansas, meaning that it has been deemed capable by HUD of accepting and processing complaints in the same manner as the federal agency. HUD contracts with the AFHC to handle complaints within the state, and complaints that are filed with HUD may be contracted to the AFHC.

The AFHC serves to enforce the Arkansas Fair Housing Act and the federal Fair Housing Act, which offer the protections of: race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, or people securing custody of children under the age of 18), and disability.

This agency works to receive, investigate, conciliate and otherwise resolve fair housing complaints in the state that are in relation to discrimination against the protected classes listed above. Additionally the AFHC works to establish education and outreach programs to enhance the understanding of fair housing in the state and also provides technical and other assistance to federal, state, local and other public or private entities in order to eliminate discriminatory housing practices.

CITY OF FORT SMITH FAIR HOUSING PROGRAM

The City of Fort Smith, acting under the Fort Smith Fair Housing Resolution of 1980, also pursues the efforts of affirmatively furthering fair housing for residents of the city. Much of the focus on fair housing in the city stems from Resolution 2214, which was adopted in August 1980 and serves to establish a fair housing policy for Fort Smith and to affirm support for the federal Fair Housing Act. Specifically, the resolution endorses the protections of race, color, religion, national origin and sex and notes actions that the city will take to protect fair housing rights for these classes, including designating a fair housing officer. The responsibilities of the fair housing officer are to assist citizens in filing complaints, to facilitate coordination with other agencies, and to spearhead efforts to

¹⁵ <http://www.hud.gov/offices/ftheo/partners/FHIP/FY2008FHIP.cfm#mn>

educate the public regarding fair housing through: distribution of informational materials, placement of notices regarding fair housing in rental sections of local newspapers, and conducting radio and television interviews.

Currently, the City of Fort Smith Fair Housing Program is very active in promoting fair housing in the city. Through the city's fair housing program, Fort Smith has established an outreach and education effort that focuses on the importance of fair housing for residents. Some of the current actions that the city has taken in relation to the fair housing program are:

- Establishment and maintenance of a fair housing hotline to address concerns and also to refer callers to the proper avenues for filing housing complaints,
- Creation of a fair housing display in city offices to distribute fair housing information and provide complaint forms,
- Announcement of fair housing information broadcast daily on the local city access channel,
- Placement of billboards depicting fair housing scenarios situated throughout the city.

COMPLAINT AND COMPLIANCE REVIEW

COMPLAINT PROCESS FOR THE ARKANSAS FAIR HOUSING COMMISSION

The Arkansas Fair Housing Commission (AFHC) accepts fair housing complaints that occur within the state in relation to both state and federal fair housing laws. A complainant has one year from occurrence of the alleged act of discrimination to file with the agency. When a complaint is submitted, the complainant must submit details regarding the event including names and contact information for the parties involved, details about the alleged discriminatory incident like protected class status and discriminatory action involved, and location of the alleged discriminatory action. After a complaint is submitted, the agency contacts the complainant to discuss the complaint and the process of resolving the complaint. If the complainant does not receive contact from the agency within three weeks of submitting the complaint form, the complainant may inquire about the status of the complaint by calling the AFHC. The agency can be contacted by phone at 501-682-3205 or toll free at 800-340-9108.

The AFHC indicates that complaints should be submitted online by filling out the form located at the AFHC website. The address for the complaint form on the AFHC website is: <http://www.fairhousing.arkansas.gov/complaint/default.php>.

COMPLAINT PROCESS FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

While persons who contact HUD to file a complaint may be referred to the AFHC, according to the HUD website, any person who feels their housing rights have been violated may submit a complaint to HUD via phone, mail or the Internet. A complaint can be submitted to the national HUD office at:

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
Room 5204
451 Seventh St. SW
Washington, DC 20410-2000
(202) 708-1112
1-800-669-9777
<http://www.hud.gov/offices/fheo/online-complaint.cfm>

In Arkansas, the contact information for the regional HUD office in Fort Worth is:

Fort Worth Regional Office of FHEO
U.S. Department of Housing and Urban Development
801 Cherry Street, Unit #45
Suite 2500
Fort Worth, Texas 76102
(817) 978-5900
1-800-669-9777
TTY (817) 978-5595

There is also a HUD field office located in Little Rock. The contact information is:

Little Rock Field Office
425 West Capitol Avenue
Suite 1000
Little Rock, AR 72201-3488
(501) 324-5931

When a complaint is submitted, intake specialists review the information and contact the complainant in order to gather additional details and to determine if the case qualifies as possible housing discrimination. Complaints that are specific to a state or locality that is part of HUD's Fair Housing Assistance Program are referred to the appropriate parties, who have 30 days to address the complaint. If HUD is handling the case, the formal complaint is sent to the complainant for review and is then forwarded to the alleged violator for review and response.

Next, the circumstances of the complaint are investigated through conducting interviews and examining relevant documents. During this time, the investigator attempts to rectify the situation through mediation, if possible.

The case is closed if mediation of the two parties is achieved or if the investigator determines that there was no reasonable cause of discrimination. If reasonable cause is found, then either a federal judge or a HUD Administrative Law Judge hears the case and determines damages, if any.¹⁶ A respondent may be ordered:

¹⁶ <http://www.hud.gov/offices/fheo/complaint-process.cfm>

- To compensate for actual damages, including humiliation, pain and suffering.
- To provide injunctive or other equitable relief, for example, to make the housing available.
- To pay the Federal Government a civil penalty to vindicate the public interest. The maximum penalties are \$10,000 for a first violation and \$50,000 for an additional violation within seven years.
- To pay reasonable attorney's fees and costs.¹⁷

Section 504 Complaints

In addition to general fair housing discrimination complaints, HUD accepts specific complaints that violate Section 504 of the Rehabilitation Act of 1973, which prohibits programs or organizations that receive federal funds from discriminating against persons with disabilities. In relation to housing, this means that any housing program that accepts federal monies must promote equal access of units, regardless of disability status. Both mental and physical handicap are included in Section 504. An example of a Section 504 violation is a public housing manager who demands a higher housing deposit to a person in a wheelchair because of the anticipated damage that a wheelchair may cause. This violates Section 504 in that a person cannot be held to different standards or liabilities due to disability. Complaints that are in violation of Section 504 are filed and processed in the same manner as general fair housing complaints.¹⁸

SUMMARY

Two main organizations play a role in fair housing in Arkansas: the Arkansas Fair Housing Commission and the U.S. Department of Housing and Urban Development. In Fort Smith, the City of Fort Smith Fair Housing Program also offers education and outreach to residents regarding fair housing. These entities exist to address fair housing complaints and to rectify fair housing disputes as well as to offer education and advocacy for the general public.

¹⁷ <http://www.hud.gov/offices/fheo/FHLaws/yourrights.cfm>

¹⁸ <http://www.hud.gov/offices/fheo/disabilities/sect504faq.cfm>

SECTION V. EVALUATION OF THE FAIR HOUSING PROFILE

The following narratives present several perspectives about the status of the fair housing system including national and statewide fair housing studies and cases, statewide U.S. Department of Justice fair housing cases, local housing complaint data and results of the 2010 fair housing survey.

RELATED FAIR HOUSING STUDIES AND CASES

NATIONAL FAIR HOUSING STUDIES AND ARTICLES

In 2000, The United States Department of Housing and Urban Development (HUD) released a publication entitled “Discrimination in Metropolitan Housing Markets” (HDS2000), measuring the prevalence of housing discrimination based on race or color in the U.S. The third nationwide effort to measure discrimination against minority home seekers since 1977, HDS2000 measured discrimination in metropolitan areas with populations greater than 100,000 and with significant black, Hispanic and/or Native American minorities. The study found that discrimination persists in both rental and sales markets of large metropolitan areas nationwide, but that its incidence has generally declined since 1989. The exception was for Hispanic renters, who faced essentially the same incidence of discrimination in 2000 as they did in 1989.

In April 2002, HUD released, “How Much Do We Know?,” a national study which assessed public awareness of and support for fair housing law. The study found that only one-half of the general public was able to identify six or more of eight scenarios describing illegal conduct. In addition, 14.0 percent of the nationwide survey’s adult participants believed that they had experienced some form of housing discrimination in their lifetime. However, only 17.0 percent of those who had experienced housing discrimination had done something about it. Last, two-thirds of all respondents said that they would vote for a fair housing law.¹⁹

As a follow-up, HUD later released a study in February of 2006 called “Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law.” One aim of the study was to determine whether a nationwide media campaign had proven effective in increasing the public’s awareness of housing discrimination, as well as its desire to report such discrimination. Unfortunately, the study found that overall public knowledge of fair housing laws had not improved between 2000 and 2005. As before, just half of the public knew the law with respect to six or more illegal housing activities. In the 2006 report, 17.0 percent of the study’s adult participants claimed to have experienced discrimination when seeking housing; however, after reviewing descriptions of the perceived discrimination, it was determined that only about 8.0 percent of the situations might be covered by the Fair Housing Act. Four out of five individuals who felt they had been discriminated against did not file a fair housing complaint, indicating that they felt it “wasn’t worth it” or that it “wouldn’t have helped.” Others didn’t know where to complain, assumed it would cost

¹⁹ *How Much Do We Know?* United States Department of Housing and Urban Development, Office of Policy Development and Research, 2002. Document available at <http://www.huduser.org/Publications>.

too much, were too busy or feared retribution.²⁰ One positive finding of the survey was that public support for fair housing laws increased from 66.0 percent in 2000 to 73.0 percent in 2005.

In 2004, the U.S. General Accounting Office's (GAO) released a report titled "Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process." The GAO report found that, although the process had improved in recent years, between 1996 and 2003 the median number of days required to complete fair housing complaint investigations was 259 for HUD's Fair Housing and Equal Opportunity Offices and 195 for FHAP agencies. The report did find a higher percentage of investigations completed within the FHA's 100-day mandate.²¹ The GAO report also identified the following trends between 1996 and 2003:

- The number of fair housing complaints filed each year steadily increased since 1998. An increasing proportion of grievances alleged discrimination based on disability, and a declining proportion alleged discrimination based on race, though race was still the most cited basis of housing discrimination over the period.
- FHAP agencies conducted more fair housing investigations than FHEO agencies over the eight-year period. The total number of investigations completed each year increased somewhat after declining in 1997 and 1998.
- Investigation outcomes changed during this time, and an increasing percentage closed without a finding of reasonable cause to believe discrimination occurred. A declining percentage of investigations were resolved by the parties themselves or with help from FHEO or FHAP agencies.

In January 2005, the Center for Community Capital at the University of North Carolina at Chapel Hill reported that the following three predatory loan terms increase the risk of mortgage foreclosure in subprime home loans: prepayment penalties, balloon payments and adjustable rates. The study examined recent home mortgages while controlling for credit scores, loan terms and varying economic conditions.²² For example, in the prime lending market only 2.0 percent of home loans carry prepayment penalties of any length. Conversely, up to 80.0 percent of all subprime mortgages carry a prepayment penalty, which is a fee for paying off a loan early. An abusive prepayment penalty extends more than three years and/or costs more than six months' interest.²³ While previous studies have linked subprime lending with home loss, this study was the first to identify specific abusive terms that lead to foreclosure.

Released by the Poverty and Race Research Action Council in January 2008, "Residential Segregation and Housing Discrimination in the United States" asserts that many current governmental efforts to further fair housing actually result in furthering unfair housing practices across the U.S. This article suggests that fair housing efforts can cause residential

²⁰ *Do We Know More Now?* United States Department of Housing and Urban Development, Office of Policy Development and Research, 2006. Document available at <http://www.huduser.org/Publications>.

²¹ *Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process*, United States General Accounting Office, Report to Congressional Requesters, April 2004.

²² <http://www.kenan-flagler.unc.edu/assets/documents/foreclosurerelease.pdf>

²³ <http://www.responsiblelending.org/pdfs/2b003-mortgage2005.pdf>

segregation. For example, the majority of public housing residents are non-white and most public housing accommodations are grouped in the same census tracts, which results in residential segregation. Similarly, many Section 8 voucher holders are racial or ethnic minorities and most housing that accepts Section 8 vouchers is grouped in a few select areas, which again results in residential segregation. The report offers recommendations to curb such residential segregation, which include:

- Dispersing public housing developments throughout cities and communities; and
- Providing greater incentives for landlords with properties throughout an area to accept the coupons.²⁴

Published in 2009 by the National Fair Housing Alliance, “For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination” presented research on the prevalence of discriminatory housing advertisements on popular websites such as craigslist. According to the article, while newspapers are prohibited from publishing discriminatory housing advertisements, no such law exists for websites such as craigslist, as they are considered interactive internet providers rather than publishers of content. As such, they are not held to the same legal standards as newspapers. Currently, while individual landlords who post discriminatory advertisements may be held responsible, there are no such standards for companies, like craigslist, that post the advertisements that are discriminatory. Other publishers of content, like newspapers, are currently required to scan the advertisements they accept for publishing for content that could be seen as discriminatory such as phrases like “no children” or “Christian only” that violate provisions of the Fair Housing Act in their stated preferences that violate protected groups like families with children and religion.

OTHER CASES WITH NATIONAL IMPLICATIONS

In a landmark fraud case, Westchester County, New York, was ordered to pay more than \$50 million dollars to resolve allegations of misusing federal funds for public housing projects and falsely claiming their certification of furthering fair housing. The lawsuit, which was filed in 2007 by an anti-discrimination center, alleged that the County failed to reduce racial segregation of public housing projects in larger cities within the county and to provide affordable housing options in its suburbs. The County had accepted more than \$50 million from HUD between 2000 and 2006 with promises of addressing these problems. In a summary judgment in February of 2009, a judge ruled that the county did not properly factor in race as an impediment to fair housing and that the county did not accurately represent its efforts of integration in its analysis of impediments. In the settlement, Westchester County will be forced to pay more than \$30 million to the federal government, with roughly \$20 million eligible to return to the county to aid in public housing projects. The County must also set aside \$20 million to build public housing units in suburbs and areas with mostly white populations. The ramifications of this case are expected to affect housing policies of both states and entitlement communities across the nation, in which activities taken to affirmatively further fair housing will likely be held to

²⁴ <http://www.prrac.org/pdf/FinalCERDHousingDiscriminationReport.pdf>

higher levels of scrutiny to ensure that federal funds are being spent to promote fair housing and affirmatively further fair housing.

In 2008, 3 billion dollars of federal disaster aid was allotted to Texas State government to provide relief from damage caused by hurricanes Ike and Dolly. These storms ravaged homes in coastal communities, and many of these homes were owned by low-income families who could not afford to rebuild. However, instead of directing the federal funds to the areas most affected by the storms, the State spread the funds across Texas and let local planning agencies spend at will. In reaction to this, two fair housing agencies in the state filed a complaint with HUD stating that the plan violated fair housing laws as well as federal aid requirements that specify that half of the funds be directed to lower-income persons. In light of the complaint, HUD withheld 1.7 billion dollars in CDBG funds until the case could be resolved. A settlement was reached in June 2010. As part of the settlement, the State will redirect 55 percent of the amount of the original funds to aid poorer families who lost their homes. The State will also rebuild public housing units that were destroyed by the storms and offer programs to aid minority and low-income residents in relocating to less storm-prone areas or areas with greater economic opportunities.

RECENT ARKANSAS FAIR HOUSING CASES AND STUDIES

In 2007, a complaint regarding race and color discrimination in Arkansas was resolved. According to the complaint, which was filed with and investigated by the Arkansas Fair Housing Commission, owners and managers of an apartment complex in Little Rock refused to rent an apartment to a black man. Details of the case showed that the man had filed all appropriate paperwork to rent an apartment but that the apartment manager stalled in renting the apartment to the man and ultimately told him it was filled and then refused to refund his application fee. The defendants claimed that they chose not to rent to the complainant because of his poor credit score, but documents to support this claim could not be produced.²⁵

An article published in *The Arkansas Realtor* in 2009 reported that while the number of housing discrimination complaints reported to HUD increased nationwide, the number of housing complaints reported to HUD in Arkansas decreased. According to the article, while a record of more than 10,500 complaints were filed with HUD in 2008, the number of complaints filed in Arkansas in 2008 was down 5.0 percent from the previous year. This change was attributed to increased fair housing education efforts.²⁶

RECENT ARKANSAS SUITS FILED BY THE U.S. DEPARTMENT OF JUSTICE

The U.S. Department of Justice (DOJ) enacts lawsuits on behalf of individuals based on referrals from HUD. Under the Fair Housing Act, the DOJ may file lawsuits in the following instances:

²⁵ <http://www.fairhousing.arkansas.gov/cases/cases.php>

²⁶ <http://positiverealestateprofessionals.com/ara/2009/07/31/hud-reports-national-rise-in-housing-discrimination-complaints-drop-in-arkansas-filings/>

- Where there is reason to believe that a person or entity is engaged in what is termed a “pattern or practice” of discrimination or where a denial of rights to a group of people raises an issue of general public importance;
- Where force or threat of force is used to deny or interfere with fair housing rights;
- Where people who believe that they have been victims of an illegal housing practice file a complaint with HUD or file their own lawsuit in federal or state court.

In 2007, a consent decree was released in the case of *United States v. Adams*. The consent decree resolved a complaint filed in 2007 alleging that the owners and management of a Fort Smith apartment complex refused to rent based on familial status. Testing conducted by the Justice Department indicated that the defendants discriminated against people with children in violation of the Fair Housing Act. As part of the consent decree, the manager and owner of the complex were required to pay more than \$165,000 to compensate victims and \$20,000 in civil penalties to the United States and to attend fair housing training.

The United States filed a Fair Housing Act complaint against Bobby L. Hurt on March 13, 2009. The suit alleges a pattern or practice of sexual harassment in or around multiple West Memphis mobile homes the defendant formerly managed. Hurt allegedly entered females’ homes without permission, touched them inappropriately, and threatened to evict tenants who refused or objected to his advancements.²⁷

FAIR HOUSING COMPLAINTS

COMPLAINTS FILED WITH HUD

HUD maintains records of all complaints filed that represent violations of federal housing law. Over the 1999 through March 2010 time period, HUD reported a total of 51 fair housing complaints occurring from within the City of Fort Smith.²⁸ Table V.1, on the following page, presents HUD complaint data broken down by basis or the protected class alleged to have been aggrieved in the complaint. Complainants may cite more than one basis; hence the number of bases cited can exceed the total number of complaints. This table shows that 67 bases were cited in regard to the 51 complaints filed. The majority of the fair housing complaints filed with HUD in Fort Smith were filed on the basis of race, followed by disability and sex.

²⁷ <http://www.justice.gov/crt/housing/fairhousing/>

²⁸ The original data request placed before HUD requested data for 2004 through the present. Data from 1999 through 2010 was received, but some of the complaint data were missing elements such as date filed, basis, issue, or closure date. All of these have been identified as “missing” in subsequent data tables and are believed to be attributable to the early years of this data set.

Table V.1
Fair Housing Complaints by Basis
City of Fort Smith
HUD Data, 1999 - March 2010

Basis	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Missing	Total
Race	.	1	3	.	2	2	.	2	.	2	3	.	8	23
Disability	.	.	1	.	2	1	.	.	1	2	2	.	5	14
Sex	1	.	.	2	.	1	4
Retaliation	.	.	2	.	.	.	.	.	1	.	.	.	.	3
Family Status	1	1	.	1	3
Harassment	2	.	.	2
National Origin	1	.	.	1
Color	1	1
Other Origin	0
Religion	0
Missing	16	16
Total Basis	0	1	6	0	4	3	0	3	2	5	11	0	32	67
Total Complaints	0	1	3	0	4	2	0	2	2	4	6	0	27	51

The issue, or alleged discriminatory action, that was related to each complaint is presented in Table V.2, on the following page; similar to the way bases are reported, more than one issue may be counted per each complaint. In this case, 79 issues were cited in relation to the 51 complaints. Discriminatory terms, conditions or privileges relating to rental was cited most often, followed by discriminatory terms, conditions, privileges, or services and facilities and discriminatory refusal to rent.

Housing complaints filed with HUD can also be examined by closure status. Of the 51 complaints, 14 were found to have no cause. Five cases were closed with successful conciliation or settlement, three complaints were withdrawn by the complainant after resolution and one complaint was withdrawn by the complainant without resolution. These data are presented on the following page in Table V.3.

The fair housing complaints that were successfully settled were further examined. Table V.4, on the following pages, shows that most of these successfully resolved complaints were filed on the basis of race, followed by disability, familial status, sex, harassment and retaliation.

Table V.5, also on the following pages, presents the successful complaints broken down by issue. Again, discriminatory terms, conditions, or privileges relating to rental was cited along with discriminatory terms, conditions, privileges, or services and facilities and failure to make reasonable accommodation.

Table V.2
Fair Housing Complaints by Issue

City of Fort Smith
HUD Data, 1999 - March 2010

Issue	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Missing	Total
Discrimination in term, conditions or privileges relating to rental	.	.	3	.	2	.	.	.	.	.	3	.	7	15
Discriminatory terms, conditions, privileges, or services and facilities	2	1	.	1	1	3	1	.	3	12
Discriminatory refusal to rent	1	1	.	.	.	.	2	.	2	6
Discriminatory acts under Section 818 (coercion, etc.)	.	.	2	.	.	.	.	1	1	.	1	.	1	6
Failure to make reasonable accommodation	1	1	.	.	.	.	1	.	2	5
Discriminatory refusal to negotiate for rental	.	1	.	.	.	1	.	.	.	.	1	.	1	4
Discriminatory refusal to rent and negotiate for rental	1	.	2	3
Discrimination in terms, conditions, privileges relating to sale	1	.	.	.	.	.	.	1	2
Otherwise deny or make housing available	1	.	.	.	.	.	.	1	2
Other discriminatory acts	1	.	.	.	.	.	.	.	1	2
Discriminatory refusal to sell and negotiate for sale	1	.	.	.	.	.	1
Discriminatory advertising, statements and notices	1	.	.	1
False denial or representation of availability - sale	1	.	.	.	.	.	1
Discriminatory refusal to sell	1	1
False denial or representation of availability - rental	.	.	1	.	.	.	.	.	.	.	.	.	.	1
Discriminatory financing (includes real estate transactions)	1	.	.	.	1
Discrimination in the terms or conditions for making loans	1	.	.	.	1
Discrimination in services and facilities relating to sale	1	.	.	1
Using ordinances to discriminate in zoning and land use	1	1
Non-compliance with design and construction requirements (handicap)	.	1	.	.	.	.	.	.	.	.	.	.	.	1
Missing	12	12
Total	0	2	6	0	7	6	0	4	2	5	12	0	35	79
Total complaints	0	1	3	0	4	2	0	2	2	4	6	0	27	51

Table V.3
Fair Housing Complaints by Closure

City of Fort Smith
HUD Data, 1999 - March 2010

Closure	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Missing	Total
No cause determination	.	1	1	.	2	1	.	2	1	3	3	.	.	14
Conciliation/settlement successful	.	.	1	.	1	.	.	.	.	1	2	.	.	5
Complaint withdrawn by complainant after resolution	1	.	.	.	1	.	1	.	.	3
Complaint withdrawn by complainant without resolution	1	.	.	.	.	.	.	.	1
Complainant failed to cooperate	0
Dismissed for lack of jurisdiction	0
Unable to locate complainant	0
Untimely filed	0
Missing	.	.	1	.	.	.	.	.	.	.	.	.	27	28
Total	0	1	3	0	4	2	0	2	2	4	6	0	27	51

Table V.4
Successful Fair Housing Complaints by Basis

City of Fort Smith
 HUD Data, 1999 – March 2010

Basis	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Missing	Total
Race	.	.	1	.	1	.	.	.	.	1	.	.	.	3
Disability	1	.	.	.	1	.	1	.	.	3
Family Status	1	1	.	.	2
Sex	1	.	.	1
Harassment	1	.	.	1
Retaliation	.	.	1	.	.	.	.	.	.	.	.	.	.	1
National Origin	0
Other Origin	0
Color	0
Religion	0
Total Basis	0	0	2	0	2	0	0	0	1	2	4	0	0	11

Table V.5
Successful Fair Housing Complaints by Issue

City of Fort Smith
 HUD Data, 1999 - March 2010

Issue	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Missing	Total			
Discrimination in term, conditions or privileges relating to rental	.	.	1	.	1	.	.	.	.	.	2	.	.	4
Discriminatory terms, conditions, privileges, or services and facilities	1	.	.	.	1	1	.	.	.	3			
Failure to make reasonable accommodation	1	.	.	.	.	.	1	.	.	2			
Discriminatory refusal to rent	1	.	.	1			
Discriminatory refusal to negotiate for rental	1	.	.	1			
Discriminatory acts under Section 818 (coercion, etc.)	.	.	1	.	.	.	.	.	.	.	.	.	.	1
Non-compliance with design and construction requirements (handicap)	.	1	.	.	.	.	.	.	.	.	.	.	.	1
Total				0	1	2	0	3	0	0	0	1	1	5	0	0	13

COMPLAINTS FILED WITH THE ARKANSAS FAIR HOUSING COMMISSION

Some housing complaint data regarding number of complaints, basis and closure were received from the Arkansas Fair Housing Commission (AFHC), although these data were only available for the state as a whole. These data were relevant to 2006 through February 2010. As shown in Table V.6, a total of 398 complaints were filed with this agency in this time period, with a high of 141 in 2007 and a low of 26 in 2006, with 2010 data disclosed from this tally as a partial year total. In terms of the total bases cited, recalling that more than one basis can be cited per complaint, 464 bases were cited. The most common basis was race, followed by disability, sex, familial status and retaliation.

Table V.6 Fair Housing Complaints by Basis State of Arkansas AFHC Database, 2006 – Feb 2010							
Year	Race	Disability	Sex	Familial Status	Retaliation	Total Basis	Total Complaints
2006	17	6	1	3	.	27	26
2007	101	39	18	10	3	171	141
2008	61	44	16	12	4	137	115
2009	62	38	9	7	7	123	112
2010	4	.	2	.	.	6	4
Total	245	127	46	32	14	464	398

Table V.7 presents data on the closure status of the complaints filed. Nearly 40.0 percent of the complaints filed were found to be without cause; this was a fairly high percent of complaints that were dismissed. However, nearly 30.0 percent of the complaints were closed by conciliation, roughly 20.0 percent were voluntarily withdrawn by the complainant after resolution was reached and 5.0 percent were determined to be with cause.

Table V.7 Fair Housing Complaints by Closure State of Arkansas AFHC Database, 2006 – Feb 2010						
	2006	2007	2008	2009	2010	Total
No cause	15	57	44	35	.	151
Conciliation	4	41	36	33	1	115
Voluntarily withdrawn with resolution	1	19	23	31	3	77
Failure to cooperate	1	7	12	8	.	28
Cause	4	15	.	1	.	20
Proposed cause	0	1	.	1	.	2
Voluntarily withdrawn without resolution	1	.	.	3	.	4
Referred to Attorney General	0	1	.	.	.	1
Total	26	141	115	112	4	398

2010 FAIR HOUSING SURVEY

Additional evaluation of Fort Smith’s fair housing profile was conducted via a survey of stakeholders in the city. The purpose of the 2010 Fort Smith fair housing survey, a relatively more qualitative component of the analysis of impediments, was to gather the knowledge, experiences, opinions and feelings of stakeholders and interested citizens regarding fair housing, as well as to gauge the ability of our informed and interested parties to understand and affirmatively further fair housing. The survey served as a vehicle for gathering information on fair housing problems in the public sector, perceptions of public policies and practices and their impact on fair housing as well as any possible codes or regulations that might be perceived as barriers to fair housing choice in Fort Smith.

There were 175 persons in the city who completed the survey, which was conducted entirely online. Individuals solicited for participation included representatives of: housing groups, minority organizations, disability resource groups, real estate and property management associations, banking entities, and others groups involved in the fair housing arena.

Most questions in the survey required simple “yes,” “no,” or “don’t know” responses, although many questions allowed the respondent to offer written comments. While the numerical tallies are presented in this section along with summaries of some comment-driven questions, a complete listing of written responses is available in Appendix D of this report.

The first question in the survey asked for the respondent to identify their role in the housing industry. Responses are presented in Table V.8, at right, and show the majority of respondents identified their role in the housing industry as a concerned citizen, followed by real estate agent, advocate, and construction.

Respondents were then asked a series of questions relating to federal and city fair housing laws. Of those who answered this question, the overwhelming majority, 77.4 percent, noted that fair housing laws serve a useful purpose, and only 25.3 percent said that these laws are difficult to understand or follow. However, 42.7 percent of respondents noted that fair housing training is available. The results of this section are presented in Table V.9.

Role	Total
Concerned citizen	57
Real estate agent	26
Advocate	10
Construction	10
Mortgage lending	7
Other services	6
Property management	5
Bank/Financial services	4
Education/Educator	4
Housing developer	3
Missing	3
Architect	2
Insurance	2
Law/Legal services	2
Public safety	2
Welfare services	2
Business services	1
Financial management	1
Program manager	1
Other (please specify)	27
Total	175

Table V.9					
Survey Responses					
City of Fort Smith					
2010 Fair Housing Survey					
Questions	Responses				
	Yes	No	Don't Know	Missing	Total
Federal, City and Local Fair Housing Law					
Do these laws serve a useful purpose?	113	6	27	29	175
Are these laws difficult to understand or follow?	37	80	29	29	175
Is there a specific training process to learn about fair housing law?	62	19	64	30	175

The next section in the survey asked about the state of fair housing in Fort Smith. A significant number of respondents, 43, noted that they have concerns about fair housing in the city, and 32 respondents said that they could identify barriers to affirmatively furthering fair housing in Fort Smith, as seen in Table V.10, below. Specific examples of barriers to affirmatively furthering fair housing included:

- Lack of awareness and understanding of fair housing for both the general public and housing providers;
- Discrimination based on race, ethnicity, disability, gender, sex, substance abuse addiction, past felony conviction, low-income status, and sexual orientation;
- Lack of reporting of fair housing violations due to ignorance of discriminatory actions, lack of evidence or fear of retaliation;
- Lack of investigation of fair housing violations and enforcement of fair housing laws;
- Need for more accessible, affordable housing;
- Claims of NIMBYism and zoning restrictions;
- Lack of government commitment to affirmatively furthering fair housing.

Table V.10					
Survey Responses					
City of Fort Smith					
2010 Fair Housing Survey					
Questions	Responses				
	Yes	No	Don't Know	Missing	Total
Fair Housing in Your Community					
Do you have concerns about fair housing in your community?	43	82	12	38	175
Do you see barriers to affirmatively furthering fair housing in your community?	32	79	24	40	175
Are there geographic areas in your community that have fair housing problems?	31	46	57	41	175

Respondents were also asked to evaluate local government policies and activities in terms of their relationship to fair housing. A small number of respondents, 16, noted that they were aware of local government actions that had adversely affected fair housing, as seen in Table V.11, on the following page. When asked to elaborate, respondents suggested that a zoning policies and allocation of funds restrict fair housing. However, recently the City renewed an evaluation of its land use policies. Thus, it appears that citizens are not aware of the recent changes the City has made to improve local zoning issues

While fewer respondents cited non-compliance issues with public housing authorities, a similar number of respondents indicated knowledge of codes or regulations that are barriers to fair housing and comments suggested that Fort Smith’s stringent building codes are may be too strict.

Table V.11					
Survey Responses					
City of Fort Smith					
2010 Fair Housing Survey					
Questions	Responses				
	Yes	No	Don't Know	Missing	Total
Local Government Policies and Activities Related to Fair Housing					
Has local government taken actions which adversely affected fair housing choice?	16	60	50	49	175
Are there fair housing non-compliance issues with any public housing authorities?	9	87	29	50	175
Are there codes or regulations that represent barriers to fair housing choice?	22	84	21	48	175
Are there any public administrative policies that represent barriers to fair housing choice?	4	80	39	52	175

Table V.12 presents survey results regarding fair housing activities in Fort Smith. Survey results showed that most respondents were not aware of fair housing testing in the city or of a statewide fair housing plan, but a small number of respondents, 17, indicated that the fair housing laws in Fort Smith need to be changed. Comments related to this question showed that respondents felt that the list of protected classes should be expanded to include disabled veterans and the homeless. Additional comments also expressed the need to inspect rental housing and concerns over the substandard condition of the rental stock. There were 28 respondents who thought the Fort Smith could do more to affirmatively further fair housing. Comments related to this question suggested:

- Increase outreach and education of fair housing law,
- Increase enforcement of current fair housing laws,
- Increase low income and affordable housing,
- Enforce minimum standards of property maintenance for rental housing.

Table V.12					
Survey Responses					
City of Fort Smith					
2010 Fair Housing Survey					
Questions	Responses				
	Yes	No	Don't Know	Missing	Total
Fair Housing Activities in Your Community					
Are you aware of any fair housing testing in your community?	8	84	27	56	175
Are you aware of a statewide fair housing plan?	29	68	21	57	175
Do fair housing laws in Fort Smith need to be changed?	17	44	57	57	175
Is there something the city can do to affirmatively further fair housing?	28	30	58	59	175

The adequacy of fair housing outreach and education efforts were also evaluated in the survey, although few respondents chose to address this question. As shown in Table V.13,

49 respondents noted that there was too little outreach and education in Fort Smith, but 57 respondents chose not to answer this question and 35 said that they did not know.

Table V.13						
Survey Responses						
City of Fort Smith						
2010 Fair Housing Survey						
Questions	Responses					Total
	Too Little	Right Amount	Too Much	Don't Know	Missing	
Outreach and Education in Your Community						
Is there sufficient outreach and education regarding affirmatively further fair housing in your community?	49	32	2	35	57	175
Is there sufficient fair housing testing in your community?	23	13	0	40	99	175

Respondents were also asked to identify protected classes covered by fair housing law in the city. Race and disability were provided as examples of a protected class in the question and respondents were asked to provide a list of additional classes of persons that are protected by fair housing law in Fort Smith. As established previously, the federal Fair Housing Act and the Arkansas Fair Housing Act offer the protections of race, color, religion, national origin, sex, disability and familial status. Many respondents were correctly able to identify religion, familial status, national origin, color and sex, but fewer respondents were able to list disability or handicap. Many respondents also included groups on this list that are protected by neither federal or state fair housing laws including age, sexual orientation, creed, homelessness or income level. These tabulations are presented in Table V.14.

Table V.14	
Protected Classes Cited	
City of Fort Smith	
2010 Fair Housing Survey	
Status	Total
Religion	42
Family Status	33
National Origin	26
Color	25
Sex	24
Age	22
Sexual Orientation	11
Disability	8
Gender	7
Race	6
Creed	5
Handicap	4
Homeless	4
Income	3
Ethnicity	2
Other	46
Total	268

Additionally, respondents were asked to indicate where they would refer someone who had a fair housing complaint. Comments included proper referral entities, such as HUD and the Arkansas Fair Housing Commission, but suggestions also included housing authorities, the Attorney General's office or the Mayor. This finding suggests that there may be a lack of understanding of where to refer a person with a fair housing problem or complaint.

SUMMARY

A review of national fair housing studies revealed that despite efforts to curb fair housing discrimination in the U.S., problems still exist in terms of discrimination against racial and ethnic minorities, discrimination against persons with disabilities and residential segregation resulting from some current fair housing efforts. Statewide fair housing studies and cases demonstrated issues of discrimination based on race, familial status and sex.

Fair housing complaint data was collected from HUD and the Arkansas Fair Housing Commission. Data from these sources showed that more than 50 complaints were filed in Fort Smith from 1999 through March 2010. The most common bases for complaints were race and disability and the most prevalent issue was discriminatory terms and conditions in the rental market.

A survey regarding the state of fair housing throughout Fort Smith showed that many respondents have concerns about fair housing in Fort Smith and that they see barriers to affirmatively furthering fair housing. Some respondents also found fair housing laws difficult to understand and noted that additional outreach and education efforts regarding fair housing are needed in the city.

SECTION VI. IMPEDIMENTS AND SUGGESTED ACTIONS

Provisions to affirmatively furthering fair housing are long-standing components of HUD's housing and community development programs. In exchange for receiving federal funds from HUD, the City of Fort Smith certifies that it is affirmatively furthering fair housing. The requirements of such certification comprise the following elements:

1. Conduct an Analysis of Impediments to Fair Housing Choice;
2. Take actions to remedy impediments, if impediments are identified;
3. Maintain records of the analysis and actions taken.

The first element in the certification process noted above has resulted in the identification of selected impediments and specific actions that the City can consider to address these impediments. These items are outlined below.

IDENTIFIED IMPEDIMENTS TO FAIR HOUSING CHOICE

The 2010 Analysis of Impediments for the City of Fort Smith uncovered several issues that can be considered barriers to affirmatively furthering fair housing and, consequently, impediments to fair housing choice. These issues are as follows:

1. Historically, insufficient system capacity has resulted in:
 - A. Inadequate outreach and education efforts that have led to:
 - i. Insufficient community awareness of fair housing;
 - ii. Insufficient understanding of what constitutes affirmatively furthering fair housing; and
 - iii. Inadequate understanding of the complaint process;
 - B. Ineffective processing and resolution of fair housing complaints.
2. Rental markets in the city appear to demonstrate discriminatory actions by housing providers including:
 - A. Failure to make reasonable accommodation or modification,
 - B. Discriminatory terms, conditions, privileges, services, or facilities.
3. Disproportionately high home purchase loan denial rates exist for selected racial and ethnic minorities.
4. Home purchase loan denial rates are disproportionately high in lower-income areas.
5. Results from the fair housing survey showed that some respondents still believe that that land-use and development practices may not be in the spirit of affirmatively furthering fair housing.

SUGGESTED ACTIONS TO CONSIDER

In response to these listed impediments, the City of Fort Smith should consider taking the following actions:

1. Consider initiating a Fair Housing Committee within the Arkansas Community Development Association for efficient use of fair housing resources.
 - A. Contribute resources to central pool to assist with funding fair housing activities.
 - B. Consider additional partners to include in the Arkansas Community Development Association.
2. Increase knowledge and understanding of fair housing and affirmatively furthering fair housing through the following outreach and education efforts:
 - A. Offer meeting space and set up educational schedule for both consumers and providers of housing to be carried out by the Arkansas Fair Housing Commission (AFHC),
 - i. Assist in coordinating local delivery of educational services by the AFHC to local renters,
 - ii. Assist in coordinating local delivery of professional training services by AFHC to landlords, program managers, other rental housing providers,
 - B. Prominently display AFHC posters, flyers, and fair housing educational printed materials,
 - C. Distribute printed materials from the AFHC that present information regarding:
 - i. Definitions of reasonable accommodation and modification,
 - ii. Examples of discriminatory terms and conditions in rental markets,
 - iii. Differences between affirmatively furthering fair housing, affordable housing production and preservation, and landlord/tenant rights and responsibilities,
 - D. Consider updating the Fort Smith Fair Housing Resolution to be consistent with current state and federal fair housing laws and enhance the accessibility and awareness of this resolution,
 - E. Create improved referral system by distributing information about AFHC including how to file a complaint,
 - F. Create fair housing outreach e-mail distribution list for fair housing materials that might be distributed quarterly to all those who may be interested in fair housing,
 - G. Request that the AFHC establish its own Fair Housing Hotline for individuals to contact the AFHC and obtain immediate response to fair housing questions or concerns and also enhance the visibility of the City's existing fair housing hotline,
 - H. Request technical support from the state's Little Rock HUD office for outreach and education activities that might be targeted to racial and ethnic minority consumers of housing.
3. Establish baseline of the actual level and types of discrimination occurring in the community through audit testing activities,
 - A. Ask the AFHC to conduct, or conduct separately, a small sample of fair housing audit tests and record findings; this will again be done in five years to compare results,
 - i. For the City of Fort Smith, this is to include race and disability testing initially,
 - B. Request that the AFHC track complaint data more closely and use complaint data to compare year to year changes in fair housing activities,
 - i. While more complaints are likely to be filed if educational efforts are successful, the goal of this action is to decrease the *percentage* of complaints that are found to be without cause and increase the percentage of those that are amicably

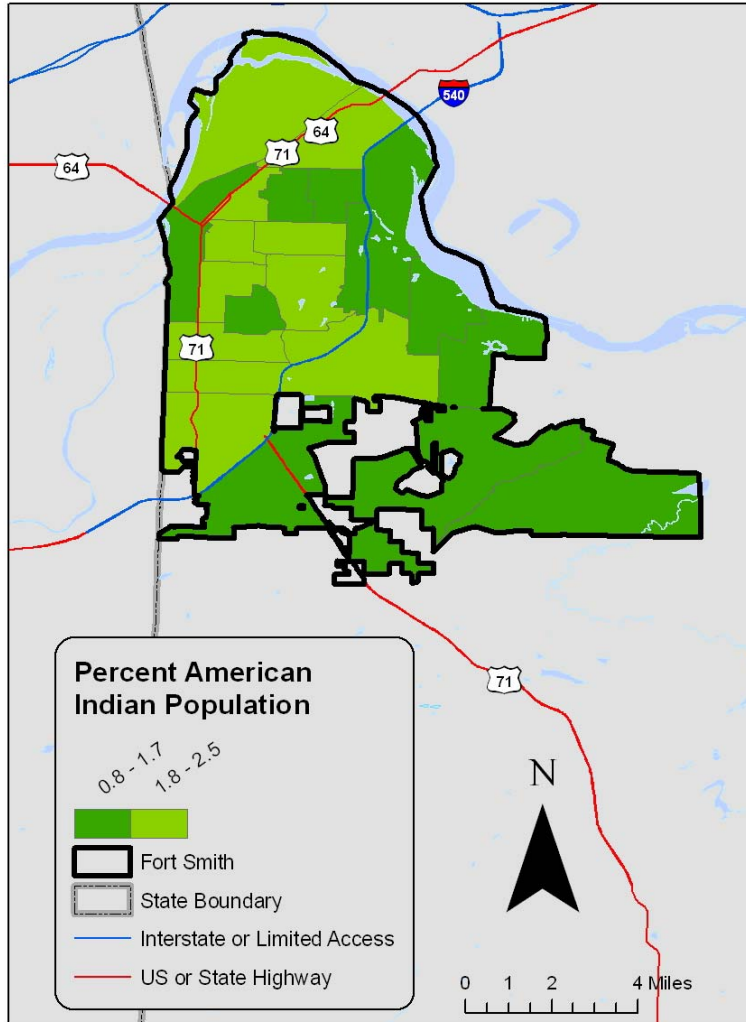
- reconciled. An additional goal is the decrease of the number of persons who abandon the complaint process without resolution.
4. Coordinate renter, homebuyer and homeowner credit trainings with local bankers and Realtors,
 - A. Enhance understanding of credit, what leads to poor credit and the attributes of predatory lending,
 - B. Enhance the understanding of poor real estate business practices, such as steering, redlining, and blockbusting.
 5. More broadly inform the public of recent land use changes to exclusionary zoning and land use policies,
 - A. Consider how the public currently perceives zoning and land use policies,
 - B. Determine the best way to improve the public's understanding of zoning and land use in the city.
 6. Form local fair housing workgroup to meet periodically and address fair housing issues in the City. This group should be comprised of interested parties such as bankers, Realtors, property managers, fair housing advocates and representatives of the City.
 - A. Create and maintain database of contact information for this group and establish fair housing outreach e-mail distribution list.

APPENDIX A: ADDITIONAL CENSUS DATA

Table A.1 Population by Ethnicity City of Fort Smith 2000 Census SF1 Data	
Ethnicity	Population
Hispanic	7,048
Non-Hispanic	73,220
Total Population	80,268
Percent Hispanic	8.78%

Table A.2 Group Quarters Population City of Fort Smith 2000 Census SF1 Data	
Group Quarters	Population
Institutionalized	
Correctional Institutions	571
Nursing Homes	618
Other Institutions	443
Total	1,632
Non-institutionalized	
College Dormitories	0
Military Quarters	0
Other Non-institutional Group Quarters	358
Total	358
Group Quarters Population	1,990

Map A.1
Percent American Indian Population by Census Tract
City of Fort Smith
2000 Census Data



APPENDIX B: ADDITIONAL BLS/BEA DATA

Table B.1 Total Employment and Real Personal Income Sebastian County BEA Data 1969 Through 2008, 2009 Dollars									
Year	1,000s of 2009 Dollars						Per Capita Income	Total Employment	Average Real Earnings Per Job
	Earnings	Social Security Contributions	Residents Adjustments	Dividends, Interest, Rents	Transfer Payments	Personal Income			
1969	1,173,876	86,770	-221,331	167,776	104,549	1,138,099	14,557	42,883	27,374
1970	1,191,313	87,029	-207,460	176,622	116,169	1,189,616	14,947	43,714	27,254
1971	1,279,708	96,612	-215,508	182,480	133,639	1,283,707	15,667	45,651	28,032
1972	1,399,292	110,890	-242,219	187,009	146,192	1,379,384	16,458	47,684	29,346
1973	1,508,032	137,815	-266,308	200,548	170,156	1,474,613	17,405	50,787	29,694
1974	1,600,656	150,668	-298,600	218,641	185,247	1,555,276	17,932	53,590	29,868
1975	1,576,360	144,794	-295,423	220,130	219,538	1,575,810	13,979	52,507	30,022
1976	1,710,296	161,608	-332,703	227,655	224,169	1,667,810	18,411	55,059	31,063
1977	1,880,833	179,622	-395,530	243,751	223,235	1,772,667	19,108	58,756	32,010
1978	1,994,325	195,998	-436,312	268,831	230,005	1,860,851	19,744	61,302	32,534
1979	2,003,061	202,942	-442,530	285,720	245,355	1,888,663	20,001	60,856	32,915
1980	1,988,189	197,627	-447,964	323,342	268,140	1,934,081	20,281	60,062	33,103
1981	2,016,183	215,209	-464,134	373,975	272,020	1,982,834	20,673	61,297	32,892
1982	1,897,540	206,944	-423,818	403,107	275,912	1,945,798	20,403	58,136	32,639
1983	2,004,858	223,318	-460,146	398,677	278,722	1,998,794	20,765	60,334	33,229
1984	2,191,758	252,344	-502,216	435,513	275,925	2,148,636	22,041	64,201	34,138
1985	2,271,603	263,304	-519,153	472,781	283,048	2,244,975	22,862	66,468	34,176
1986	2,390,446	277,876	-552,433	476,982	295,899	2,333,019	23,647	69,016	34,635
1987	2,554,876	291,927	-586,932	465,196	301,216	2,442,430	24,554	72,034	35,467
1988	2,628,431	309,279	-606,356	486,530	312,950	2,512,276	25,129	74,326	35,364
1989	2,532,365	296,842	-557,586	505,576	335,747	2,519,260	25,168	72,744	34,812
1990	2,543,621	313,710	-561,217	516,640	353,748	2,539,081	25,457	73,391	34,658
1991	2,606,459	322,074	-570,002	487,885	374,848	2,577,116	25,434	74,885	34,807
1992	2,854,713	349,850	-605,526	497,645	410,981	2,807,963	27,222	76,684	37,226
1993	2,874,502	359,428	-638,599	475,022	424,317	2,775,813	26,357	80,090	35,891
1994	3,032,120	383,767	-673,629	508,569	435,411	2,918,703	27,457	82,609	36,705
1995	3,105,787	388,698	-674,665	528,556	458,780	3,029,761	27,988	85,032	36,525
1996	3,142,603	390,098	-660,064	563,943	475,164	3,131,549	28,450	85,865	36,599
1997	3,218,496	398,607	-675,362	594,487	487,982	3,226,997	28,957	85,848	37,491
1998	3,388,668	417,769	-698,876	649,239	499,289	3,420,550	30,500	87,208	38,857
1999	3,543,435	431,626	-715,114	626,314	510,506	3,533,514	31,187	88,743	39,929
2000	3,734,215	445,517	-737,132	658,599	531,206	3,741,371	32,388	89,803	41,582
2001	3,820,373	440,501	-708,446	649,078	578,370	3,898,875	33,533	88,531	43,153
2002	3,700,988	427,285	-700,986	650,028	611,971	3,834,716	32,824	87,168	42,458
2003	3,767,839	427,138	-714,722	627,579	625,902	3,879,461	33,114	86,222	43,700
2004	3,890,400	435,344	-727,716	635,698	648,290	4,011,328	34,161	87,048	44,692
2005	4,005,178	449,759	-746,905	670,200	673,323	4,152,036	35,042	88,953	45,026
2006	4,153,464	469,357	-768,299	757,440	723,940	4,397,189	36,532	90,798	45,744
2007	3,993,617	453,712	-722,951	923,835	755,292	4,496,081	36,932	91,410	43,689
2008	3,983,695	465,467	-708,196	897,367	811,919	4,519,318	36,912	91,377	43,596

Table B.2 Labor Force Statistics City of Fort Smith Bureau of Labor Statistics 1990 - 2009				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
1990	38,610	35,839	2,771	7.2
1991	38,280	35,474	2,806	7.3
1992	39,078	36,249	2,829	7.2
1993	39,942	37,509	2,433	6.1
1994	41,029	39,061	1,968	4.8
1995	41,159	39,271	1,888	4.6
1996	41,228	39,257	1,971	4.8
1997	41,129	39,334	1,795	4.4
1998	40,923	39,288	1,635	4.0
1999	41,472	40,075	1,397	3.4
2000	39,203	37,730	1,473	3.8
2001	39,027	37,357	1,670	4.3
2002	39,211	37,294	1,917	4.9
2003	38,885	36,754	2,131	5.5
2004	39,637	37,534	2,103	5.3
2005	41,249	39,312	1,937	4.7
2006	42,169	39,963	2,206	5.2
2007	43,335	40,892	2,443	5.6
2008	43,283	40,986	2,297	5.3
2009	42,359	38,977	3,382	8.0

APPENDIX C: ADDITIONAL HMDA DATA

Table C.1
Owner-Occupied Home Purchase Loan Applications by Loan Type
 City of Fort Smith
 HMDA Data 2004 - 2008

Loan Type	2004	2005	2006	2007	2008	Total
Conventional	1,507	1,807	1,815	1,381	774	7,284
FHA - Insured	863	779	798	758	1,040	4,238
VA - Guaranteed	132	107	123	113	125	600
Rural Housing Service or Farm Service Agency	63	56	61	32	45	257
Total	2,565	2,749	2,797	2,284	1,984	12,379

Table C.2
Owner-Occupied Home Purchase Loan Applications by Selected Action Taken by Race
 City of Fort Smith
 HMDA Data 2004 - 2008

Race		2004	2005	2006	2007	2008	Total
American Indian or Alaskan Native	Originated	48	61	47	26	20	202
	Denied	14	20	18	8	4	64
	Denial Rate %	22.6%	24.7%	27.7%	23.5%	16.7%	24.1%
Asian	Originated	91	72	91	79	51	384
	Denied	27	11	16	3	15	72
	Denial Rate %	22.9%	13.3%	15.0%	3.7%	22.7%	15.8%
Black	Originated	54	41	45	48	35	223
	Denied	21	9	19	4	10	63
	Denial Rate %	28.0%	18.0%	29.7%	7.7%	22.2%	22.0%
White	Originated	994	1,119	1,088	1,016	912	5,129
	Denied	231	194	271	154	138	988
	Denial Rate %	18.9%	14.8%	19.9%	13.2%	13.1%	16.2%
Not Applicable	Originated	60	60	47	41	34	242
	Denied	51	124	31	17	7	230
	Denial Rate %	45.9%	67.4%	39.7%	29.3%	17.1%	48.7%
No Co-Applicant	Originated	8	1	0	1	0	10
	Denied	2	0	0	0	0	2
	Denial Rate %	20.0%	0.0%	.	0.0%	.	16.7%
Total	Originated	1,255	1,354	1,318	1,211	1,052	6,190
	Denied	346	358	355	186	174	1,419
	Denial Rate %	21.6%	20.9%	21.2%	13.3%	14.2%	18.6%
Hispanic (Ethnicity)	Originated	130	157	168	136	108	699
	Denied	26	43	61	34	31	195
	Denial Rate %	16.7%	21.5%	26.6%	20.0%	22.3%	21.8%

Table C.3							
Owner-Occupied Home Purchase Loan Applications by Selected Action Taken by Gender							
City of Fort Smith HMDA Data 2004 - 2008							
Gender		2004	2005	2006	2007	2008	Total
Male	Originated	869	900	897	851	733	4,250
	Denied	223	186	216	120	118	863
	Denial Rate %	20.4%	17.1%	19.4%	12.4%	13.9%	16.9%
Female	Originated	361	418	386	335	302	1,802
	Denied	106	115	128	58	51	458
	Denial Rate %	22.7%	21.6%	24.9%	14.8%	14.4%	20.3%
Not Provided by Applicant	Originated	22	35	34	24	17	132
	Denied	17	55	11	8	5	96
	Denial Rate %	43.6%	61.1%	24.4%	25.0%	22.7%	42.1%
Not Applicable	Originated	3	1	1	1	0	6
	Denied	0	2	0	0	0	2
	Denial Rate %	0.0%	66.7%	0.0%	0.0%	.	25.0%
Total	Originated	1,255	1,354	1,318	1,211	1,052	6,190
	Denied	346	358	355	186	174	1,419
	Denial Rate %	21.6%	20.9%	21.2%	13.3%	14.2%	18.6%

Table C.4								
Owner-Occupied Home Purchase Loan Applications by Reason for Denial								
City of Fort Smith HMDA Data 2004 - 2008								
Denial Reason	American Indian or Alaskan Native	Asian	Black	White	Not Applicable	No Co-Applicant	Total	Hispanic (Ethnicity)
Debt-to-income Ratio	5	17	7	95	9	0	133	19
Employment History	1	1	1	24	4	1	32	8
Credit History	30	19	22	300	36	1	408	50
Collateral	2	1	1	36	7	0	47	2
Insufficient Cash	0	2	2	35	3	0	42	9
Unverifiable Information	3	2	1	17	1	0	24	4
Credit Application Incomplete	5	6	4	48	5	0	68	12
Mortgage Insurance Denied	0	1	0	2	1	0	4	0
Other	6	5	3	99	32	0	145	18
Missing	12	18	22	332	132	0	516	73
Total	64	72	63	988	230	2	1,419	195
% Missing	18.8%	25.0%	34.9%	33.6%	57.4%	0.0%	36.4%	37.4%

Table C.5
Action of Owner-Occupied Home Purchase Loan Applications by Income:
Originated and Denied
 City of Fort Smith
 HMDA Data 2004 - 2008

Income Group		2004	2005	2006	2007	2008	Total
\$15,000 or less	Loan Originated	27	25	25	33	8	118
	Application Denied	13	37	25	13	10	98
	Denial Rate %	32.5%	59.7%	50.0%	28.3%	55.6%	45.4%
More than \$15,000 up to \$30,000	Loan Originated	309	365	314	261	217	1,466
	Application Denied	136	134	128	70	56	524
	Denial Rate %	30.6%	26.9%	29.0%	21.1%	20.5%	26.3%
More than \$30,000 up to \$45,000	Loan Originated	334	314	350	316	283	1,597
	Application Denied	102	101	92	40	51	386
	Denial Rate %	23.4%	24.3%	20.8%	11.2%	15.3%	19.5%
More than \$45,000 up to \$60,000	Loan Originated	202	221	223	196	194	1,036
	Application Denied	38	36	41	27	27	169
	Denial Rate %	15.8%	14.0%	15.5%	12.1%	12.2%	14.0%
More than \$60,000 up to \$75,000	Loan Originated	106	149	120	113	115	603
	Application Denied	21	21	20	14	14	90
	Denial Rate %	16.5%	12.4%	14.3%	11.0%	10.9%	13.0%
More than \$75,000	Loan Originated	254	225	249	240	206	1,174
	Application Denied	29	22	37	17	13	118
	Denial Rate %	10.2%	8.9%	12.9%	6.6%	5.9%	9.1%
Data Missing	Loan Originated	23	55	37	52	29	196
	Application Denied	7	7	12	5	3	34
	Denial Rate %	23.3%	11.3%	24.5%	8.8%	9.4%	14.8%
Total	Loan Originated	1,255	1,354	1,318	1,211	1,052	6,190
	Application Denied	346	358	355	186	174	1,419
	Denial Rate %	21.6%	20.9%	21.2%	13.3%	14.2%	18.6%

Table C.6
Percent Denial Rates by Income
 City of Fort Smith
 HMDA Data 2004 - 2008

Income	2004	2005	2006	2007	2008	Total
<= \$15K	32.5%	59.7%	50.0%	28.3%	55.6%	45.4%
\$15K - \$30K	30.6%	26.9%	29.0%	21.1%	20.5%	26.3%
\$30K - \$45K	23.4%	24.3%	20.8%	11.2%	15.3%	19.5%
\$45K - \$60K	15.8%	14.0%	15.5%	12.1%	12.2%	14.0%
\$60K - \$75K	16.5%	12.4%	14.3%	11.0%	10.9%	13.0%
Above \$75K	10.2%	8.9%	12.9%	6.6%	5.9%	9.1%
Data Missing	23.3%	11.3%	24.5%	8.8%	9.4%	14.8%
Total	21.6%	20.9%	21.2%	13.3%	14.2%	18.6%

Table C.7
Action of Owner-Occupied Home Purchase Loan Applications by Income By Race:
Originated and Denied

City of Fort Smith
HMDA Data 2004 - 2008

Race		<= \$15K	\$15K - \$30K	\$30K - \$45K	\$45K - \$60K	\$60K - \$75K	> \$75K	Data Missing	Total
American Indian or Alaskan Native	Loan Originated	10	118	37	14	9	6	8	202
	Application Denied	3	37	15	4	1	2	2	64
	Denial Rate %	23.1%	23.9%	28.8%	22.2%	10.0%	25.0%	20.0%	24.1%
Asian	Loan Originated	5	127	105	52	33	45	17	384
	Application Denied	2	32	17	14	1	4	2	72
	Denial Rate %	28.6%	20.1%	13.9%	21.2%	2.9%	8.2%	10.5%	15.8%
Black	Loan Originated	6	55	85	34	18	24	1	223
	Application Denied	3	18	24	4	8	5	1	63
	Denial Rate %	33.3%	24.7%	22.0%	10.5%	30.8%	17.2%	50.0%	22.0%
White	Loan Originated	93	1,131	1,318	898	520	1,042	127	5,129
	Application Denied	80	333	262	129	70	92	22	988
	Denial Rate %	46.2%	22.7%	16.6%	12.6%	11.9%	8.1%	14.8%	16.2%
Not Applicable	Loan Originated	4	33	49	38	23	56	39	242
	Application Denied	10	103	67	18	10	15	7	230
	Denial Rate %	71.4%	75.7%	57.8%	32.1%	30.3%	21.1%	15.2%	48.7%
No Co-Applicant	Loan Originated	0	2	3	0	0	1	4	10
	Application Denied	0	1	1	0	0	0	0	2
	Denial Rate %	.	33.3%	25.0%	.	.	0.0%	0.0%	16.7%
Total	Loan Originated	118	1,466	1,597	1,036	603	1,174	196	6,190
	Application Denied	98	524	386	169	90	118	34	1,419
	Denial Rate %	45.4%	26.3%	19.5%	14.0%	13.0%	9.1%	14.8%	18.6%
Hispanic (Ethnic)	Loan Originated	23	382	165	54	16	31	28	699
	Application Denied	16	116	41	7	6	2	7	195
	Denial Rate %	41.0%	23.3%	19.9%	11.5%	27.3%	6.1%	20.0%	21.8%

Table C.8
Percent Denial Rates by Income by White Applicant

City of Fort Smith
HMDA Data 2004 - 2008

Income	2004	2005	2006	2007	2008	Total
<= \$15K	31.3%	61.2%	50.0%	29.4%	56.3%	46.2%
\$15K - \$30K	28.2%	16.5%	28.2%	20.1%	19.7%	22.7%
\$30K - \$45K	20.9%	15.5%	20.3%	11.8%	13.3%	16.6%
\$45K - \$60K	13.8%	12.7%	13.4%	11.8%	11.0%	12.6%
\$60K - \$75K	13.2%	9.7%	13.6%	12.3%	11.0%	11.9%
Above \$75K	9.3%	5.9%	13.2%	6.1%	4.8%	8.1%
Data Missing	18.8%	16.3%	13.8%	12.8%	13.6%	14.8%
Total	18.9%	14.8%	19.9%	13.2%	13.1%	16.2%

Table C.9						
Percent Denial Rates by Income by Black Applicants						
City of Fort Smith						
HMDA Data 2004 - 2008						
Income	2004	2005	2006	2007	2008	Total
<= \$15K	50.0%	66.7%	0.0%	0.0%	0.0%	33.3%
\$15K - \$30K	25.0%	0.0%	47.1%	10.0%	25.0%	24.7%
\$30K - \$45K	32.3%	23.8%	16.7%	4.8%	33.3%	22.0%
\$45K - \$60K	11.1%	0.0%	14.3%	0.0%	28.6%	10.5%
\$60K - \$75K	50.0%	50.0%	16.7%	16.7%	0.0%	30.8%
Above \$75K	0.0%	0.0%	50.0%	16.7%	0.0%	17.2%
Data Missing	.	0.0%	100.0%	.	.	50.0%
Total	28.0%	18.0%	29.7%	7.7%	22.2%	22.0%

Table C.10							
Originated Owner-Occupied Loans by Loan Purpose by Predatory Status							
City of Fort Smith							
HMDA 2004 - 2008							
Loan Purpose		2004	2005	2006	2007	2008	Total
Home Purchase	Other Originated	1,105	1,143	1,068	1,088	974	5,378
	High APR Loan	150	211	250	123	78	812
	Percent High APR	12.0%	15.6%	19.0%	10.2%	7.4%	13.1%
Home Improvement	Other Originated	365	418	381	282	268	1,714
	High APR Loan	70	70	75	47	40	302
	Percent High APR	16.1%	14.3%	16.4%	14.3%	13.0%	15.0%
Refinancing	Other Originated	921	707	477	595	645	3,345
	High APR Loan	284	307	294	183	147	1,215
	Percent High APR	23.6%	30.3%	38.1%	23.5%	18.6%	26.6%
Total	Other Originated	2,391	2,268	1,926	1,965	1,887	10,437
	High APR Loan	504	588	619	353	265	2,329
	Percent High APR	17.4%	20.6%	24.3%	15.2%	12.3%	18.2%

Table C.11						
Owner-Occupied Home Purchase HALs Originated by Race						
City of Fort Smith						
HMDA Data 2004 - 2008						
Race	2004	2005	2006	2007	2008	Total
American Indian	6	5	17	1	3	32
Asian	10	14	24	6	6	60
Black or African American	8	11	9	10	3	41
White	109	144	172	100	64	589
Not Applicable	17	36	28	5	2	88
No Co-Applicant	0	1	0	1	0	2
Total	150	211	250	123	78	812
Hispanic	10	21	36	17	9	93

Table C.12
Originated Owner-Occupied Home Purchase Loans by Race by Predatory Status

City of Fort Smith
HMDA Data 2004 - 2008

Race	Loan Type	2004	2005	2006	2007	2008	Total
American Indian	Other Originated	42	56	30	25	17	170
	High APR Loan	6	5	17	1	3	32
	Percent High APR	12.5%	8.2%	36.2%	3.8%	15.0%	15.8%
Asian	Other Originated	81	58	67	73	45	324
	High APR Loan	10	14	24	6	6	60
	Percent High APR	11.0%	19.4%	26.4%	7.6%	11.8%	15.6%
Black or African American	Other Originated	46	30	36	38	32	182
	High APR Loan	8	11	9	10	3	41
	Percent High APR	14.8%	26.8%	20.0%	20.8%	8.6%	18.4%
White	Other Originated	885	975	916	916	848	4,540
	High APR Loan	109	144	172	100	64	589
	Percent High APR	11.0%	12.9%	15.8%	9.8%	7.0%	11.5%
Not Applicable	Other Originated	43	24	19	36	32	154
	High APR Loan	17	36	28	5	2	88
	Percent High APR	28.3%	60.0%	59.6%	12.2%	5.9%	36.4%
No Co-Applicant	Other Originated	8	0	0	0	0	8
	High APR Loan	0	1	0	1	0	2
	Percent High APR	0.0%	100.0%	.	100.0%	.	20.0%
Total	Other Originated	1,105	1,143	1,068	1,088	974	5,378
	High APR Loan	150	211	250	123	78	812
	Percent High APR	12.0%	15.6%	19.0%	10.2%	7.4%	13.1%
Hispanic	Other Originated	120	136	132	119	99	606
	High APR Loan	10	21	36	17	9	93
	Percent High APR	7.7%	13.4%	21.4%	12.5%	8.3%	13.3%

Table C.13
Originated Owner-Occupied Home Purchase Loans by Income by Predatory Status

City of Fort Smith
HMDA Data 2004 - 2008

Income Group		2004	2005	2006	2007	2008	Total
\$15,000 or less	Other Originated	24	20	22	30	7	103
	High APR Loan	3	5	3	3	1	15
	Percent High APR	11.1%	20.0%	12.0%	9.1%	12.5%	12.7%
More than \$15,000 up to \$30,000	Other Originated	268	306	249	219	191	1,233
	High APR Loan	41	59	65	42	26	233
	Percent High APR	13.3%	16.2%	20.7%	16.1%	12.0%	15.9%
More than \$30,000 up to \$45,000	Other Originated	294	264	279	283	266	1,386
	High APR Loan	40	50	71	33	17	211
	Percent High APR	12.0%	15.9%	20.3%	10.4%	6.0%	13.2%
More than \$45,000 up to \$60,000	Other Originated	178	181	183	182	182	906
	High APR Loan	24	40	40	14	12	130
	Percent High APR	11.9%	18.1%	17.9%	7.1%	6.2%	12.5%
More than \$60,000 up to \$75,000	Other Originated	96	129	101	104	109	539
	High APR Loan	10	20	19	9	6	64
	Percent High APR	9.4%	13.4%	15.8%	8.0%	5.2%	10.6%
More than \$75,000	Other Originated	226	195	208	223	190	1,042
	High APR Loan	28	30	41	17	16	132
	Percent High APR	11.0%	13.3%	16.5%	7.1%	7.8%	11.2%
Data Missing	Other Originated	19	48	26	47	29	169
	High APR Loan	4	7	11	5	0	27
	Percent High APR	17.4%	12.7%	29.7%	9.6%	0.0%	13.8%
Total	Other Originated	1,105	1,143	1,068	1,088	974	5,378
	High APR Loan	150	211	250	123	78	812
	Percent High APR	12.0%	15.6%	19.0%	10.2%	7.4%	13.1%

APPENDIX D: ADDITIONAL SURVEY DATA

Table D.1 What is your primary role in the housing industry? City of Fort Smith 2010 Fair Housing Survey	
Role	Observations
Advocate	10
Architect	2
Bank/Financial services	4
Business services	1
Concerned citizen	57
Construction	10
Education/Educator	4
Financial management	1
Housing developer	3
Insurance	2
Law/Legal services	2
Mortgage lending	7
Other (please specify)	27
Other services	6
Program manager	1
Property management	5
Public safety	2
Real estate agent	26
Welfare services	2
Missing	3
Total	172

Table D.2 Please cite any classes that are protected under fair housing law City of Fort Smith 2010 Fair Housing Survey	
Status	Obs
Religion	42
Family Status	33
National Origin	26
Color	25
Sex	24
Age	22
Sexual Orientation	11
Disability	8
Gender	7
Race	6
Creed	5
Handicap	4
Homeless	4
Income	3
Ethnicity	2
Missing	46
Total	268

Table D.3	
What is your primary role in the housing industry?	
City of Fort Smith 2010 Fair Housing Survey	
Role	
Appraiser	
Assist clients with housing options	
children's shelter	
City Director	
City Government	
Closing Company	
Engineer	
Engineering	
Government	
HAB	
homebuilder	
homeowner	
HOUSING AUTHORITY	
Housing Counselor	
Housing Trade Association	
local government	
none	
QUALIFY CLIENTS AND MAINTAIN FILES FOR AUDITS	
Residential care	
shelter	
Title & Closing company	
Title Company	
Title Industry	
Title Insurance Company	
Transitional Housing for people in Recovery	
Treatment with housing services	
Volunteer Organization	

Table D.4	
Where would you refer a victim of a fair housing violation?	
City of Fort Smith 2010 Fair Housing Survey	
Referral	Obs
HUD	33
City of Fort Smith	18
Housing Authority	15
Attorney	10
Don't Know	7
Fair Housing Commission	7
Fair Housing Commission	7
Mayor	4
EEOC	3
Department of Human Services	1
Fair Housing Hotline	1
Other	14
Total	120

Table D.5
What are your concerns about fair housing?

City of Fort Smith
2010 Fair Housing Survey

Comments

"Affordable" HUD home infill in areas where market values far exceed and conflict with HUD housing standards, size of residences & high-end construction features.
Arkansas Fair Housing Commission
Banks are more stringent on people of color when it comes to home loans.
Because I know people still discriminate based on race. Lenders, real estate agents, and etc.
Being Poor
Being treated fairly, with respect and like a human being.
discrimination
Discrimination against Hispanics.
discrimination based off of familial status and disability
For help on being a felon.
Fort Smith for a number of years has focused on housing developments in non-minority neighborhoods. The concentrated efforts of the city has not provided resources nor education to the residents who have tended to be less educated and of a lesser socioeconomic background.
Getting financing
Homeless and past drug felones
How would anyone with no source of income within a town with a low employment make fair housing?
I am concerned about the mixture of housing in our neighborhoods such as unkempt houses in otherwise well kept neighborhoods, the amount of unsightly businesses on North 6th Street past H Street, the continual decline of Midland Ave and the inability of poorer people being informed of assistance to upgrade their homes. During the 2008 hail storm there was nothing besides my insurance to help with the house I live in because it was church property, although I contacted FEMA
I AM CONCERNED THAT HOME BUYERS ARE DIRECTED TO CERTAIN PARTS OF TOWN BY REALTORS ACCORDING TO THEIR RACE.
I believe that the north side of town is not receiving as much attention as the south and east sides. Although new housing districts are coming up all over town, I think the north side residents are not getting their full benefit.
it is very difficult to find decent housing at affordable prices.
It seems that a lot of housing goes to poor people in the downtown area past C street where there are flooding concerns and neighborhood concerns
Ken Pyle's disregard for good ethics
lack of funds distributed in lower income neighborhoods
Limited housing available for those with modest incomes.
Not enough
Not enough low income housing.
Our city seems divided primarily by race and nationality.
Poor
Renters have no rights in Arkansas.
Sides of Town, North Side & South Side
Specifically, the FS Housing Authority and its' Board--its' members not truly doing what is in the best interests of our citizens.
Steering by realtors
That everyone is treated fairly and that any 'Loop holes" are dealt with properly
That it is fair to all
That people are informed about their rights
There is not enough available to low income families.
Too limited
too many homeless, are these people a product of the fair housing issues?
We lack enough affordable and SAFE housing in the Fort Smith area.
What determines who gets the fair housing and who doesn't

Table D.6
What are the barriers or constraints to affirmatively furthering fair housing?

City of Fort Smith
 2010 Fair Housing Survey

Comments

a lot of homeless in need of homes/shelters
 Access to complaints not published.
 always been
 availability
 Awareness by the public that fair housing protections exist and that it's illegal to discriminate
 because no one wants to face the fact that racism still exists.
 communicating to broad constituencies
 Disregard for good ethics
 Fort Smith has played by rules that suggest "shoulder tapping" and preferential treatment for a number of years. The public officials in past years have shown a consistent pattern of disregard for the deterioration of the "minority community" and the northside of Fort Smith, in particular. The constant flooding has not been addressed by the city and a failure by the city to provide the residents with a viable alternative is an embarrassment.
 I think a lot of the problem is "antiquated thought" on the part of our committee and board members.
 income
 job
 Lack of the use of unconventional media to target groups.
 lack of transitional long term help for drug offenders in the community especially women with children. lack of transitional long term assistance for the homeless
 Limited housing for low income families
 local resistance
 Make duplexes comply
 Need for low income housing
 Need more homeless shelters.
 Racing being a felon.
 Racism, socioeconomic classicism, and ignorance of diversity and accepting others.
 Some are unaware
 Some property owners pay ridiculous amounts for mowing done the contractors hired by the city, It is my understanding that some yard people try to bid for these jobs, have low bids and the city will not hire them
 the lack of information provided to people affected. So many meetings are held during the early afternoon when most residents are working
 The people in these particular roles of authority see color first.
 Too much of the rental stock is sub-standard leaving low income families with limited choices.
 We will need a new Mayor. Obviously this one has done nothing.

Table D.7
What geographic areas have fair housing problems?

City of Fort Smith
 2010 Fair Housing Survey

Comments

All areas of Fort Smith.
 i see a lot of problems on the north side of town, proper housing is needed.
 Lack of available land on the southside to build low income housing.
 Like any other place in the world. The rich want to be with the rich and don't want to give the middle or lower into their neighborhoods. So where ever it inconveniences the upperclass.
 low income area/North side
 Middle class
 north side of Fort Smith
 north side of town
 NORTH SIDE OF TOWN
 North side of town North of Grand from I-540 to the River. It is really hard to describe the area. My main concern is the declining neighborhoods off 50th and Kelley Hwy toward Spradling and west past sixth to the river.
 North side of town.
 Northside
 Northside of town
 Poor access race
 poor housing

South and east side of Fort Smith: Example: and Riley Farms & Fianna Hills
 South Fort Smith
 South side of Fort Smith
 southside of town
 Southside of town and towards Riley Farms area
 Southside, and the Northside is known for just having minorities so thus a lot of steering is occurring.
 Southside, Fianna Hills
 the city of fort smith disregards the northside of town even in regard to fixing sidewalks or anything of substance on the north side of town is always a last resort type of thing.
 the north side of Fort Smith in some areas, and the southwest side of Fort Smith
 The north side of Fort Smith, specifically, north of Garrison Avenue has been neglected for some time now. The programs available and upgrades made to infrastructure has been minimall at best.
 The north side of town.
 The Northside
 The northside of Ft Smith

Table D.8
What are the problems in these areas?

City of Fort Smith
 2010 Fair Housing Survey

Comments

Citizens are unaware
 demolition of low income housing
 Depends on the area:race, economy, ignorance
 Efforts to keep low income and "problem" groups on the North side of town.
 Funding
 IF WE HAVE DISCRIMINATION IN THE FORT SMITH AREA, IT WOULD BE LACK OF EDUCATION ON THE HOME BUYERS PART. WE HAVE GOOD RESOURCES TO PREVENT DISCRIMINATION.
 Ignorance
 irrational fears, local attitudes
 Less income in that area and how the community looks at that side of the community
 Low economic class
 low income
 not enough programs to get people off the streets/into training programs to help people get on their feet
 not sure
 Older areas, older homes
 Only th right kind of minority is welcome there
 People and their lack of education.
 People of color are more concentrated in that particular area.
 Poor income race
 poor to low income persons who are the propert owners and some owners who live in other areas who don't care about how the Northside looks
 POVERTY
 Preferential treatment and discrimination.
 Racism, socioeconomic classicism, and ignorance of diversity and accepting others.
 racist
 Richer neighborhoods
 same as my response in #10
 The lack of consideration for the infrastructure such as sidewalks and curbs and the insistence of manufacturing and other businesses to have a clean and well-kept appearance. I considered purchasing a house in the area a few months ago, but changed my mind when I realized that the person who was trying to sell me the house admitted that once their company left the area that all of the rules and contracts that had been signed by the homeowners in the community regarding maintenance, vehicles in the yard etc. would be meaningless and unenforceable. I did not want to go into a place that I could not get at least the value my house out of if I had to move within the next five years. My main concern was not the people but the appearance of the area. I did not like the ragged open drainage, the narrow streets and the large assortment of raggedy, vacant and deteriorating warehouses. Although, there was new housing going up near the community I was considering, the unkempt, trashy, overgrown vines, dead wood and debris in ditches along streets barely wider than an alley made me feel unsafe. Other communities going up do not have this same raggedy appearance. I looked out near Chaffee Crossing and it was such a different feel although the same contractor was building houses out there. The same houses were going for almost \$50,000 more.
 The wealthier areas do not want the low income to bring down their value.
 There is a lack of good ethics in the Fort Smith City Government. 90% of the city officials will say they are upstanding political, ethical and morally good people but their actions say the opposite.
 too many low income housing areas causing social problems
 Training

Table D.9
Has state or local government taken planning, financing or administrative actions that may have adversely affected fair housing choice?

City of Fort Smith
 2010 Fair Housing Survey

Comments

Being a felon.
 Being a typical Anglo-Saxon stereotypical person this town has plenty of.
 Fort Smith Local Government choses most of its people for positions by the good old boy system instead of choosing the right person for the job.
 grants, down payment asst. housing ...
 local, restrictions are too tight in some cases
 moneyvis used in higher and better neighborhoods, they control the money
 Move homeless location away from downtown Fort Smith
 redistricting
 STATE & LOCAL GOVERNMENTS GIVE TRAINING TO THOSE WHO MIGHT COME IN CONTACT WITH FAIR HOUSING ISSUES
 The City of Fort Smith Board of Directors and The Fort Smith Housing Authority
 too much money on the local level being spent on other things such as bringing museums, ineffective convention center rather than dealing with the social issues i.e. homelessness/ poor/out of work
 turn down
 Zoning regs which adversely affect the integrity of neighborhoods.

Table D.10
What are the fair housing non-compliance issues with any public housing authorities?

City of Fort Smith
 2010 Fair Housing Survey

Comments

again availability, Ragon Courts was torn down, what has replaced them has too high of a requirement for the people who need them.
 color barriers
 Emergency housing at Boardwalk: the apartment was filthy, bug infested, no screens on windows, smell of mold, etc.
 Member of FS Housing Authority benefiting from histenure on the Board.
 Mission
 NO, I WORK FOR THE FT SMITH HA, WE HAVE TRAINING AND PUT THAT TRAINING INTO DEALING WITH CLIENTS FOR RENTAL ASSISTANCE AND PURCHASING A HOME.
 Not doing what they should be doing.
 Read something in the paper about a law suit
 The failure to address sub-standard housing and offer programs that could provide upgrades and investments in the minority community. Additionally, the pursuit of both state and federal funds could have proved instrumental, had they been sought in a timely manner by the city.

Table D.11
What are the state or local codes or regulations that may represent barriers to fair housing choice?

City of Fort Smith
 2010 Fair Housing Survey

Comments

Accessibility, all codes are issued by city. Work= \$=improvement=success
 As stated before, the lower income people seem to buy into a flood plane and don't really have any recourse and often can't afford flood insurance.
 Building codes are very complex and getting the necessary permits is very time consuming.
 Building health and safety codes selectively enforced in certian areas of the city. i.e. parking and overgrown grass or "clutter" on property only enforced on north side of town.
 codes for flood plane
 Fix them better.
 fixing things
 FS has very restrictive/limited areas where mobile homes can be placed.
 Ft. Smith has some of the toughest building codes in the state.

Landlords who endanger their tenants by not following city health and safety regulations.
 not enough handicap accessible
 previous drug charges
 Rural Development is not available in most of Sebastian county
 Strongest code enforcement in the state, makes it expensive for the development of low-income housing.
 the city good neighbor program, only works for a few.
 the city needs to work on fixing up the north side of town all those housing that are in such need of repair/get ride of slum lords
 The power of Eminent Domain could result in a conflict with existing subdivision CC&R's. All lawful CC&R's must be protected.
 There are 'slumlord' properties throughout Fort Smith and sometimes because of economic situations people are limited to what they can afford.
 Violation of codes type issues and the lack of attention on making sure that an intentional focus has been placed on the areas of concern to residents not just elected and city officials.
 zoning regulations

Table D.12 What are the public administrative actions or policies, including tax policy, that may represent barriers to fair housing choice? City of Fort Smith 2010 Fair Housing Survey
Comment
Increase in property taxes parking lot spending money on ineffective repairs (paying people to repair bad work) rather than putting money into social issues when once those are mended, fort smith can bring in more businesses Taxing your own _____ in benefits such as SSI & unemployment.

Table D.13 How should fair housing laws be changed? City of Fort Smith 2010 Fair Housing Survey
Comment
Do more to accomodate disabled veterans. Get more shelter for homeless. Make them more _____ to accomodate the _____ of those with limited or little income. Making all but single family comply more stringent, not as free with our tax money people wont fix houses up and will rent out homes that are substandard Put the information out in whatever language is needed to reach the citizenry... Remove protected classes of people. There are too many protected classes to be considered "fair" There should be more inspections on people who rent out property. They should be regulated better in an effort to positively impact those who are not necessarily involved in politics or who may not be educated on how to make an impact on their individual or collective circumstance. They should do more. To be held accountable for the law and revise it to take into account todays challanges people have. To make the laws equally enforced for everyone, not just to one sector of the public. unknown but there are a lot of people falling between the cracks With a low minority count in the area, there needs to be more help for minorities and those willing to help them.

Table D.14 Is there something particular that can be done to further fair housing? City of Fort Smith 2010 Fair Housing Survey
Comment
Checking more often. communicate with television. Continue doing what they are doing - staff is knowledgeable, accessible and very willing to assist citizens. Develop and enforced minimum standards of property maintenance for rental housing. Specifically focusing on working appliances, ventilation and heating requirements as well as safety. Do more on educating the general public..... Educate and work to enforce the law.

education and training. Publicity
 Elect people that support and want to better things.
 Enforce the laws and actually send someone out to make sure the laws are being obeyed.
 Fort Smith
 Have better building code.
 hold meetings at times for working people
 Improve the stature of various community provide _____ with the old homes instead of letting our own _____ just to have a place to sleep- build up not tear down.
 Keep talking publicly about it and also put information in newspapers and the news cast
 lighten some of the restrictions
 Lower price.
 Make information like this survey available on different websites and the city access channel.
 Make sure people know the laws.
 More income based housing in various areas not just north side
 More low income housing
 More public awareness about the value of an open housing market; and that discrimination is illegal
 Place a concentrated focus on the North side of Fort Smith.
 provide education through the media about it..
 Seek greater input from the impact pops
 Send out more inspectors.
 Spend more time with north side residents (town meetings, door-to-door campaigns, etc.), to get their input to this question.
 support targeted block by block redevelopment rather than relying only on "in-fill" to make a significant impact on the availability of for sale and rental units.

Table D.15
Do you have any additional comments?

City of Fort Smith
 2010 Fair Housing Survey

Comments

Don't know enough about what to look for.
 Fair Housing is over used and is used as a club by special interests often where problems do not exist.
 From my responses, it is obvious that either no information is getting out about this, or this has not affected us or the clients we have served. I do think a basic information form of some sort should be made available to businesses like ours so we are more aware and know what to do should problems, questions arise.
 In Fort Smith there seems to be a division of the racially mixed areas, not on purpose, but it has always been divided North and South. The city has done lots of improvements to the Northside of town. The reputation of the schools has always seemed to have an impact, but now I see people in the Southside school district wanting to go to Northside. When I started in Real Estate 21 years ago we would have buyers asking where the the black areas were, but I never hear that today. To my knowledge there seems to be no problems in Fort Smith.
 The City's Community Development group and the Housing Authority seem to work well together and do a good job for the citizens of Fort Smith.
 We live in a world of altruistic thoughts, people who live either _____ placing idiosyncracies amongst the victims of the recession. We must become a nation of new egoistics and a country of copasitivity instead of place of burden.