



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council
DATE: July 22, 2015
SUBJECT: Briefing and Post-City Council Briefing Agenda for July 27, 2015
PREPARED BY: Don Tripp, City Manager

Please Note: Study Sessions and Post City Council briefings are open to the public, and individuals are welcome to attend and observe. However, these briefings are not intended to be interactive with the audience as this time is set aside for City Council to receive information, make inquiries, and provide Staff with Policy direction.

Looking ahead to Monday night's Briefing and Post-City Council meeting briefing, the following schedule has been prepared.

Dinner ***6:00 P.M.***

COUNCIL BRIEFING (The public is welcome to attend.) 6:30 P.M.

CITY MANAGER'S REPORT

POST BRIEFING (The public is welcome to attend.)

PRESENTATIONS

None at this time.

CITY COUNCIL REPORTS

None at this time.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY

1. City of Westminster Analysis of Impediments to Fair Housing Choice
2. Monthly Residential Development Report
3. Community Development: Development Review Audit Recommendations Implementation Update

Items may come up between now and Monday night. City Council will be apprised of any changes to the post-briefing schedule.

Respectfully submitted,

Donald M. Tripp
City Manager

NOTE: Persons needing an accommodation must notify the City Manager's Office no later than noon the Thursday prior to the scheduled Study Session to allow adequate time to make arrangements. You can call 303-658-2161/TTY 711 or State Relay) or write to mbarajas@cityofwestminster.us to make a reasonable accommodation request.



Staff Report

Information Only Staff Report
July 27, 2015



SUBJECT: City of Westminster Analysis of Impediments to Fair Housing Choice

PREPARED BY: Heather Ruddy, Community Development Program Planner

Summary Statement

This report is for City Council information only and requires no action by City Council.

Background Information

In June, 2014 the City contracted with BBC Research and Consulting, a Denver-based economic research and consulting firm with a specialty in housing studies, including fair housing, to conduct an Analysis of Impediments to Fair Housing Choice (AI) report. An AI is a U.S. Department of Housing and Urban Development (HUD) mandated review of impediments to fair housing choice in the public and private sector. The AI is required for the City to receive federal Housing and Community Development Block Grant (CDBG) funding. BBC provided a final draft copy to City staff in April, 2015, which is currently posted for a 30 day public comment period on the City's website. The last time the City completed an AI was in 2009.

According to HUD, "impediments to fair housing choice include any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choices." Impediments to fair housing choices also include "any actions, omissions, or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin."

In conducting the AI, BBC Research and Consulting completed the following:

- A review of the City's laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws, policies, and practices affect the location, availability, and accessibility of housing; and
- An assessment of public and private sector conditions affecting fair housing choice.

Additional information and discussion of BBC's scope of work and methodologies including the public participation process that informed the drafting of the report may be found beginning on page two of section I of the attached AI.

Through the completion of the AI, BBC found three fair housing impediments to be addressed by the City. The following provides a summary of each of these impediments and the proposed actions the City may take to address the impediments.

1. Impediment - Group home definition in City code may result in different treatment of group home residents (Westminster City Code, Title XI, §2.1 Definitions).

According to BBC, the City's land use regulations define group homes to include some (developmentally disabled and mentally ill) but not all disability types. These regulations may be interpreted to mean that facilities housing persons with other types of disabilities such as physical disabilities, persons with HIV/AIDs, etc. would not qualify as a group home, may not be allowed in a residential district by right, and/or may be subject to the City's unrelated persons occupancy standard.

Action – Staff will review the City code to ensure that definitions and provisions do not deny access to housing based on disability status or type of disability (i.e. regulations that are disability neutral). Based upon review, staff will propose necessary changes for City Council's consideration.

2. Impediment - Residents lack knowledge of fair housing protections and resources. Fair housing information can be hard to find.

Residents participating in the focus groups for the AI described housing situations that may have constituted fair housing violations, but their lack of knowledge about their rights and uncertainty of where to look for information limited their ability to take action. A lack of knowledge of the rights and protections afforded by the Fair Housing Act may contribute to the persistence of or mask instances of public and private discriminatory practices and limit residents' housing choice and access to opportunity.

Action – The City's rental inspection program provides a unique opportunity for City staff to directly engage landlords and tenants on fair housing matters. Staff is pursuing having CDBG staff work with the rental inspection program staff to provide landlords with fair housing education materials for both the landlord and tenant(s). Informational materials should be printed and distributed in both English and Spanish. CDBG staff, rental inspection program staff, as well as staff handling incoming calls from citizens should be trained on fair housing basics and will be provided with appropriate referral information for landlord or tenant inquires.

As a HUD requirement, staff will track the distribution of education materials to landlords as well as the number of inquiries regarding fair housing that are received. Analysis of the inquires received by staff may suggest a need for further research to estimate the nature or prevalence of housing discrimination in the City's rental market. Staff will review annually the impact of its efforts in distributing fair housing material to determine whether testing by a qualified fair housing provider is warranted.

Finally, Staff has updated the City's website to include more detailed information and resources regarding fair housing. This information may be found at: <http://www.ci.westminster.co.us/CityGovernment/CommunityDevelopment/FairHousing.aspx>.

3. Impediment – Rising rents may disproportionately impact certain protected classes in Westminster.

During the public participation process, Westminster residents with large families and Spanish-speaking residents expressed greater challenges finding affordable housing that met their needs, particularly larger sized units. These challenges are likely to increase if the rental market in the metro area remains competitive.

Action – BBC recommends that the City should examine its ability to support more affordable mixed-income rental developments, through more streamlined development processes, fee waivers, increased density, and making land that is appropriate for rental development, but not zoned for multifamily, easier to rezone. Staff will examine these alternatives and implement as appropriate.

Moderate Priority Impediment

BBC identified one impediment they labeled as “moderate priority,” this being that inequity may exist in the quality or access to some community amenities and programs, which are amplified by language barriers. Increasingly, affirmatively furthering fair housing encompasses access to opportunity within a community. When making housing choices, residents often look to much more than the home unit they may be purchasing or renting but also the placement of quality public amenities such as parks, ball fields, trails, and open space. It was stated in a focus group that there is a perception that parks in south Westminster are less well-maintained than parks in newer or more affluent neighborhoods. Moreover, language can be a barrier to accessing City programs and services when communications and promotions are delivered solely in English.

Action – BBC recommends that the City assess internally the extent to which perceived inequities in quality or access to public amenities or programming in south Westminster accurately represents residents’ experiences and staff’s experiences in the maintenance and provision of these amenities and programs.

Finally, the AI provides detailed information regarding the City’s demographic and housing profile, access to opportunity, and the fair housing environment. The AI in full is attached to this report for your review.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment – Analysis of Impediments to Fair Housing Choice Report



Analysis of Impediments to Fair Housing Choice

City of Westminster, Colorado

**FINAL REPORT
March 2015**

Final Report

April 2015

Westminster Analysis of Impediments to Fair Housing Choice

Prepared for

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SECTION I.

EXECUTIVE SUMMARY

SECTION I.

Executive Summary

This report is the 2014 Analysis of Impediments to Fair Housing Choice (AI) for the City of Westminster (City). This AI was prepared by BBC Research & Consulting (BBC) of Denver. BBC is an economic research and consulting firm with a specialty in housing studies, including fair housing.

Analysis of Impediments Background

An Analysis of Impediments to Fair Housing Choice, or AI, is a U.S. Department of Housing and Urban Development (HUD) mandated review of impediments to fair housing choice in the public and private sector. The AI is required for the City of Westminster to receive federal housing and community development block grant funding¹.

In general, the AI involves:

- A review of a city's laws, regulations, and administrative policies, procedures and practices;
- An assessment of how those laws, policies and practices affect the location, availability and accessibility of housing; and
- An assessment of public and private sector conditions affecting fair housing choice.

According to HUD, impediments to fair housing choice are:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choices.
- Any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin.

HUD's recent strategic plan notes that an inclusive community is one in which all people have access to quality housing, education, employment opportunities, health care, and transportation.² HUD seeks, through its strategies to affirmatively further fair housing choice,

¹ The City is also required to submit a Consolidated Plan for Housing and Community Development and an annual performance report to receive funding each year. These reports were prepared separately from the AI and are available from the City.

² http://portal.hud.gov/hudportal/HUD?src=/program_offices/cfo/stratplan

that jurisdictions ensure open, diverse, and equitable communities as well as expand families' choice of affordable rental homes located in a broad range of communities.

Fair Housing Acts and Ordinance

Federal Fair Housing Act. The Federal Fair Housing Act, passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, gender, familial status and disability. The Fair Housing Act covers most types of housing including rental housing, home sales, mortgage and home improvement lending, and land use and zoning. Excluded from the Act are owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.³ HUD has recently added protection from discrimination based on sexual orientation or gender status to federally funded housing programs, including loans.

HUD has the primary authority for enforcing the Fair Housing Act. HUD investigates the complaints it receives and determines if there is a "reasonable cause" to believe that discrimination occurred. If reasonable cause is established, HUD brings the complaint before an Administrative Law Judge. Parties to the action can also elect to have the trial held in a federal court (in which case the Department of Justice brings the claim on behalf of the plaintiff).⁴

State fair housing law. The State of Colorado has a state law that prohibits housing discrimination (Colorado Revised Statutes, Title 24, Article 34, Part 5 – Housing Practices).⁵ The state law offers the same protections as the Fair Housing Act, in addition to providing protections based on marital status, creed, ancestry and sexual orientation.

The Colorado Civil Rights Division (CCRD) maintains formal work-sharing agreements with HUD and, through this relationship, has the authority to investigate and resolve housing discrimination complaints.

CCRD has exclusive jurisdiction in situations in which Federal antidiscrimination laws do not apply—e.g., in enforcing cases involving sexual orientation as a basis for housing discrimination and in certain cases of discrimination related to lack of public accommodations and discriminatory advertising.

AI Methodology

BBC's approach to the City of Westminster AI was based on the methodologies recommended in HUD's Fair Housing Planning Guide, Vol. I; HUD's draft Assessment of Fair Housing template; our

³ This is a very general description of the Fair Housing Act and the actions and properties covered by the Act. For more detailed information on the Fair Housing Act, please see the full text, which can be found on the U.S. Department of Justice's website, www.usdoj.gov/crt/housing/title8.htm.

⁴ "How Much Do We Know? Public Awareness of the Nation's Fair Housing Laws", The U.S. Department of Housing and Urban Development, Office of Policy and Research, April 2002.

⁵ See <http://advisorfinancialservices.com/ColoradoCivilRightsStatutes.pdf>

experience conducting AIs for other cities; and the specific needs of the City according to project managers. The workscope consisted of the following:

Community participation. The Westminster AI community participation process included two resident focus groups, a stakeholder focus group and a public meeting.

Demographic and housing profile. In this task analyses of income, household composition, race and ethnicity, disability status, and English proficiency identify areas of concentrations of protected classes and concentrated areas of poverty.

Access to opportunity. Indicators of access to opportunity, such as community amenities, public transportation, employment and retail and good public schools, are analyzed in the context of the city's households by race, ethnicity and disability status.

Fair housing environment. The analysis of the fair housing environment includes:

- **Complaint and legal review.** Describes the legal environment and analyzes fair housing complaints and legal cases.
- **Lending analysis.** Examines data on mortgage lending approvals, subprime mortgages (from Home Mortgage Disclosure Act or HMDA data).
- **Zoning, land use and housing policy review.** Using a checklist distributed by a HUD regional office, BBC evaluated Westminster's zoning code and ordinances from a fair housing perspective.

Fair housing goals and policies.

- **Identification of impediments.** In this task, BBC compiled the fair housing concerns identified through public participation, data analysis and review of land use policies into impediments to fair housing choice.
- **Actions to address past and current impediments.** In this final task, BBC worked with the City to develop a recommended Fair Housing Action Plan (FHAP) for the City to use to address identified impediments.

2015 Barriers to Fair Housing Choice

The fair housing impediments found in this AI update include:

1. **Group home definitions in City code may result in different treatment of group home residents (Westminster City Code, Title XI, §2.1 Definitions)**⁶. The City's land use regulations define group homes to include some (developmentally disabled and mentally ill), but not all, types of disabilities. These regulations may be interpreted to mean that facilities housing persons with other types of disabilities—e.g., physical disabilities,

⁶ <http://www.ci.westminster.co.us/CityGovernment/CityCode/TitleXI/2Definitions.aspx>

recovering substance abusers and persons with HIV/AIDS—would not qualify as a group home, may not be allowed in a residential district by right and/or may be subject to the city’s unrelated persons occupancy standard.

- 2. Residents lack knowledge of fair housing protections and resources. Fair housing information can be hard to find.** Residents participating in the focus groups for the AI described housing situations that may have constituted fair housing violations—but their lack of knowledge about their rights and uncertainty of where to look for information limited their ability to take action. A lack of knowledge of the rights and protections afforded by the Fair Housing Act may contribute to the persistence of or mask instances of public and private discriminatory practices and limit residents’ housing choice and access to opportunity.

- 3. Rising rents may disproportionately impact certain protected classes in Westminster.** Often, lack of affordable housing is an “equal opportunity barrier” because it affects protected classes with similar economic situations the same. In Westminster’s case, however, residents with large families and Spanish-speaking residents expressed greater challenges finding affordable housing that met their needs, particularly larger sized units. These challenges are likely to increase if the rental market in the metro area remains tight. Adams County, including south Westminster, is increasingly seen as one of the only remaining affordable areas in the region. Efforts by the City and its regional partners to develop and preserve affordable housing, particularly in the neighborhoods undergoing revitalization resulting from City investment and FasTracks implementation will be important to maintaining economic diversity.

Moderate Priority Impediments

- 4. Inequity may exist in the quality or access to some community amenities and programs; this is amplified by language barriers.** Affirmatively furthering fair housing encompasses more than working to prevent overt discriminatory actions in the rental or sale of a housing unit. Increasingly, affirmatively furthering fair housing encompasses access to opportunity within a community (see Section IV). To residents, the placement and quality of public amenities such as parks, soccer or baseball fields, trails and open space is a visible manifestation of the value a city places on certain neighborhoods or residents. One example described in a focus group is a perception that parks in south Westminster are less well-maintained than parks in newer or more affluent neighborhoods. As described in Section II, language can be a barrier to accessing city programs and services when communications and promotions are delivered solely in English. The example raised by residents related that a parent with limited English proficiency would not learn about and may have difficulties registering a child to participate in City recreation programs.

2015 Recommended Fair Housing Action Plan

It is recommended that the City of Westminster consider the following Fair Housing Action Plan (FHAP) and activities for reducing fair housing impediments. A Fair Housing Action Plan matrix

presented at the conclusion of Section VI identifies actions, potential partners, timelines and outcomes.

Action Item 1 (high priority). The City of Westminster will review its zoning code to ensure that definitions and provisions do not deny access to housing based on disability status or type of disability (i.e., regulations that are disability neutral). The City of Westminster will:

- Bring this provision of the code (Title XI, §2.1 Definitions: Group Home for Developmentally Disabled Persons and Group Home for Persons With Mental Illness) to the attention of the City Attorney for review.
- Based on the City Attorney's determination, make necessary changes to address the impediment.

Examples.⁷ The American Bar Association's publication *Group Homes: Strategies for Effective and Defensible Planning and Regulation* by Brian J. Connolly and Dwight H. Merriam offers sample language for "Model Fair-Housing Ordinance Provisions" (Appendix E, pages 279-297). It includes the following sample definition of Group Home (page 281), "*Group Home*: A single dwelling unit, owned or operated by a nonprofit or a for-profit entity, providing health-care, rehabilitative, or other services to its residents, and that houses unrelated individuals temporarily or permanently."

As an alternative example, the City of Lakewood's Type 1 Group Home definition⁸ (see Lakewood Municipal Code, 18A.20.300-D) provides an inclusive definition of "handicap" that is similar to state and federal definitions of disability: "*Type 1 Group Home*. Publicly or privately operated living accommodations for related or unrelated individuals having handicaps, subject to compliance with all applicable federal, state, and/or local licensing requirements. For the purposes hereof, "handicap" shall mean a physical or mental impairment which substantially limits one or more of the person's major life activities, a record of having such an impairment, or being regarded as having such an impairment; however, the term does not include current, illegal use of or an addiction to a controlled substance."

Action Item 2 (high priority). The City of Westminster will provide fair housing education opportunities to frontline staff, local landlords and residents.

- The City of Westminster's Rental Property Maintenance Inspection Program⁹ and the Rental Property Licenses and Registration system provides a unique opportunity for one-to-one fair housing education from the City to landlords and by extension from landlords to tenants. Rental housing inspectors will provide landlords with fair housing education

⁷ Please note that BBC personnel are not lawyers, nor are we municipal code development professionals; we offer these alternatives purely as examples and leave specific guidance for how best to review the code from a Fair Housing perspective to the City's legal counsel.

⁸ <http://municode.cityoflakewood.us/>

⁹ <http://www.ci.westminster.co.us/CityGovernment/CommunityDevelopment/BuildingDivision/RentalPropertyMaintenanceInspectionProgram.aspx>

materials for both the landlord and the unit's tenant(s). Communication of fair housing information will also be distributed through the license and registration system.

Examples of fair housing information tailored for landlords can be found through HUD¹⁰ or fair housing organizations.¹¹ Materials for tenants should be provided in English and Spanish.

- The City of Westminster will track the distribution of education materials as well as the number of inquiries about fair housing received from landlords and tenants. Frontline staff will receive training in fair housing basics and will be provided with appropriate referral information for landlord or tenant inquiries.
- Analysis of the inquiries received may suggest a need for further research to estimate the nature or prevalence of housing discrimination in Westminster's rental market such as testing conducted by a qualified provider. The City of Westminster will annually review the impact of its efforts to determine whether testing is warranted. If testing is pursued, we suggest focusing tests on limited English proficiency; persons with disabilities and people of color.
- Evaluate the current fair housing content on the City's website and consider adding content relevant to residents and landlords. Explore opportunities to make this content easier to find. The information should be prominent and contain links to CCRD and HUD at:
 - <http://www.colorado.gov/cs/Satellite?c=Page&childpagename=DORA-DCR%2FDORALayout&cid=1251614735957&pagename=CBONWrapper>
 - http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp

Examples of local government websites with good fair housing information include:

- Douglas County: <http://www.douglas.co.us/cdbg/fair-housing/>
- City of Las Cruces: <http://www.las-cruces.org/Departments/Community%20Development/Sections/Planning%20and%20Neighborhoods/Housing%20and%20Family%20Services/Fair%20Housing.aspx>
- As appropriate, incorporate fair housing content in ongoing City of Westminster public outreach and engagement, particularly activities related to south Westminster revitalization and the development of the Westminster Station and outreach to the Spanish-speaking and immigrant Asian communities.

¹⁰ http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/marketing

¹¹ The Fair Housing Council of Oregon has brochures designed specifically for landlords (<http://www.fhco.org/pdfs/FHforLandlords.pdf>) and tenants (<http://www.fhco.org/pdfs/FHforConsBrochure.pdf>)

Action Item 3 (high priority). The City of Westminster will implement the 2013 Comprehensive Plan Update policies related to development and preservation of affordable housing (including, but not limited to policies LU-P-25 through LU-P-31).

Throughout metro Denver, rents have risen significantly in the past year. In January alone, rents rose by more than 10 percent. The metro area's rise in rents was the third highest in the country, behind San Francisco and San Jose. These increases are particularly difficult for low income renters to manage, who were already struggling to make ends meet before the rapid increases.

Many of Denver's suburban areas are looking at how they can modify policies and regulations to make rental development more affordable. Lakewood has taken the lead in this area by rezoning large parts of the city to allow denser multifamily developments and addressing condominium defects construction barriers. The City of Westminster should examine its ability to support more affordable mixed-income rental developments, through more streamlined development processes, fee waivers, increased density and making land that is appropriate for rental developments—but not zoned for multifamily—easier to rezone.

Action Item 4 (medium priority). The City of Westminster will determine the extent to which perceived inequities in quality or access to public amenities or programming in south Westminster accurately represent residents' experiences and staff's experiences in the maintenance and provision of these amenities and programs. If inequities are found, the City will work with the community and City staff to make improvements. Examples of methods to obtain the necessary information include:

- Convening frontline City staff from operations, maintenance, programming and customer service functions for City parks and recreation programs and other service areas to participate in a dialogue about their experience with residents regarding quality and access to public amenities;
- Surveying appropriate City staff about their experience with residents regarding quality and access to public amenities;
- Reviewing input or data collected from City planning or customer satisfaction surveys regarding access to amenities and programs and analyzing, where possible, differences between residents of south Westminster and other neighborhoods; and
- Reviewing how City resources are currently directed to public amenities and programs in south Westminster compared to other areas and future plans for investments in south Westminster facilities and programs.

Determining how the City can most efficiently and effectively make improvements to any disparities revealed in the process.

SECTION II.

Community Participation Process

SECTION II.

Community Participation Findings

The Westminster AI community participation process included two resident focus groups, a stakeholder focus group and a public meeting.

Outreach

Grant recipients of Westminster's Human Services Board were invited to participate in a stakeholder focus group. These include food banks, community organizers, homeless service providers, advocates for the disability community, health care providers, and affordable housing providers.

The community participation process included outreach to leaders of the city's emerging Asian communities (Hmong, Korean) located in south Westminster. In addition to providing information about the AI and opportunities to participate in the study, these conversations formed the basis of ongoing dialogue and future efforts to include members of these communities in public processes.

Growing Home, a Westminster provider of shelter and services to homeless families, hosted and recruited two focus groups with their clients—one in English and one in Spanish.

Representatives of the Legal Center for Persons with Disabilities shared their experience regarding fair housing and persons with disabilities in the Denver Metro area and Westminster in an interview with BBC.

Prominent Themes

Discussions in the focus groups and public meeting were wide-ranging and focused on the needs and experiences of the city's lowest income residents, particularly renters and Hispanics with limited English proficiency. The most common concerns about fair housing and equal treatment in the city included the following:

- Housing affordability is a top concern. Families who attended the focus groups for the AI have had a very hard time find rental units that are both affordable and large enough for their household size. As the affordability of market rate housing in Denver declines, additional pressures are placed on the existing affordable housing in nearby communities, such as Westminster.
- In general, Westminster's market rate affordable housing is located in south Westminster, one of the oldest parts of the city.
 - Stakeholders and residents raised concerns about the condition of much of this housing. Participants shared stories of infestations, leaks, unresponsive landlords or having to pay for repairs themselves. One resident with a persistent

black mold issue that a landlord refused to abate received help from Westminster's code enforcement staff. (The participant was let out of her lease, so she was free to move her household to different housing.)

- Housing that is affordable to Section 8 voucher holders, has a landlord willing to accept Section 8 *and* can pass the required inspection is very difficult to find.
- Some renters, particularly those that are recent immigrants are reluctant to pressure landlords to make repairs out of fear of retaliation.
- Residents who participated in focus groups did not understand their rights, either as tenants or under the protections of the Fair Housing Act. Residents with limited English proficiency may be more vulnerable to discriminatory acts or unfair landlord practices.
- Blatant housing discrimination is rare and subtle acts are difficult to prove. For example, one Hispanic participant was told by phone that a unit was available. When she arrived to look at the unit, she was told it had been rented. It was unclear if the landlord's response was discriminatory or if the unit had rented quickly, given the region's very tight market. Another resident was told she had to stay in an apartment in substandard condition after the building had experienced a fire because a replacement unit was not available. Other tenants were relocated.
- While Westminster generally has good access to public transportation, the cost of regularly using the bus is out of reach for many families.
- In the experience of some participants, parks located in south Westminster are less well-maintained than parks in the city's less diverse and more affluent neighborhoods. For example, Skyline Vista was described as having "trash" (including drug paraphernalia) on the grounds compared to the "immaculate" condition of Carrol Butts park.
- Some residents reported that information about City-sponsored activities, such as youth sports, is only provided in English, making it difficult for residents with limited English proficiency to access these opportunities. Spanish-speaking parents also shared challenges associated with communicating with school personnel, describing some schools as being unresponsive to concerns of Spanish Speakers
- Some south Westminster residents expressed concerns about crime and safety in their neighborhood. A participant described an encounter with law enforcement she deemed unfair and based on ethnicity.

SECTION III.

Demographic and Housing Profile

SECTION III.

Demographic and Housing Profile

This section of the AI:

- Provides an overview of Westminster’s demographics to set the context for the AI;
- Discusses racial and ethnic segregation/integration in Westminster; and
- Analyzes segregation/integration for persons with disabilities.

Demographic Summary

Westminster remains predominantly a family household community, with two-thirds of all households classified as family households. Since 2000, the number of Hispanic residents in the city grew over three times as fast as the overall population, but the percentage of limited English proficiency (LEP) speakers remained relatively stable. While slightly less than a quarter of Westminster’s residents are over the age of 55, this demographic is growing quickly due to the aging of the Baby Boomer generation. Highly correlated with an aging population is the number of residents living with disabilities, with one out of every three seniors (age 65 years and over) having at least one disability.

Population. The 2013 ACS reports that Westminster has a population of 110,940. As seen in Figure III-1, between 2000 and 2013 the city’s population increased by 10 percent—double the percentage point growth of Jefferson County overall, but significantly less than the nearly 30 percent growth Adams County experienced overall.

Figure III-1.
Population, City of Westminster, 1990, 2000 and 2013

	1990	2000	2013	2000-2013 Total Growth	2000-2013 Percent Change
Westminster	74,625	100,940	110,940	10,000	10%
Adams County	265,038	363,857	469,193	105,336	29%
Jefferson County	438,430	527,056	551,798	24,742	5%

Source: 1990 and 2000 U.S. Census, 2013 ACS.

Race and ethnicity. Figure III-2 presents the racial and ethnic composition of city residents and how the composition has changed since 2000.¹ The Hispanic population grew by almost 6,000 people, equating to a 37 percent increase. The Hispanic population comprises 19 percent of all Westminster residents, easily making it the largest minority group in the city. The Asian population is the second largest minority group with over 6,100 residents, accounting for six percent of all residents. The population of whites grew by 14 percent between 2000 and 2013, with 88 percent of all city residents identifying themselves as white.

**Figure III-2.
Race and Ethnicity, City of Westminster, 2000 and 2013**

	2000		2013		2000-2013 Numerical Change	2000-2013 Percent Change
	Number	Percent	Number	Percent		
Total population	100,940		110,940		10,000	10%
Race						
American Indian and Alaska Native	745	1%	1,025	1%	280	38%
Asian	5,534	5%	6,181	6%	647	12%
Black or African American	1,237	1%	1,355	1%	118	10%
Native Hawaiian and Other Pacific Islander	77	0%	37	0%	-40	-52%
White	84,983	84%	97,182	88%	12,199	14%
Two or more races	2,789	3%	2,645	2%	-144	-5%
Ethnicity						
Hispanic or Latino	15,369	15%	21,045	19%	5,676	37%
Non-Hispanic White	85,571	85%	89,895	81%	4,324	5%

Note: The ACS question on Hispanic origin was revised in 2008 to make it consistent with the 2010 Census Hispanic origin question. As such, there are slight differences in how respondents identified their origin between the 2000 Census and 2013 ACS.

Excludes "Some Other Race" category due to inconsistency of reporting between 2000 Census and 2013 ACS.

Source: 2000 U.S. Census, 2013 ACS.

The racial and ethnic composition is far from uniform throughout the city of Westminster. While the Hispanic community grew by a significant amount, this growth occurred primarily in the southern part of the city. This geographically isolated Hispanic growth coupled with the increase of white residents, primarily outside of the Hispanic populated areas, has led to individual neighborhoods/Census tracts becoming less racially and ethnically diverse.

Age. According to the 2013 ACS, the median age of residents in Westminster is 35.4, one year younger than the state median age (36.4) and in between that of Adams County (33.1) and Jefferson County (40.8). Figure III-3 shows that residents between the ages of 35 and 54 years old are the largest cohort in the city, representing 29 percent of the population. The second largest cohort consists of residents between the ages of 5 and 19 years old at 20 percent of the

¹ It should be noted that Census data on race and ethnic identification vary with how people choose to identify themselves. The U.S. Census Bureau treats race and ethnicity separately: the Bureau does not classify Hispanic/Latino as a race, but rather as an identification of origin and ethnicity. In 2010 the U.S. Census Bureau changed the race question slightly, which may have encouraged respondents to check more than one racial category.

population. The fastest growing age cohort between 2000 and 2013 were residents over the age of 64, increasing by 94 percent.

Figure III-3.
Age, City of Westminster, 2000 and 2013

	2000		2013		2000-2013 Numerical Change	2000-2013 Percent Change
	Number	Percent	Number	Percent		
Under 5 years	7,327	7%	7,914	7%	587	8%
5 to 19 years	22,394	22%	21,793	20%	-601	-3%
20 to 24 years	7,089	7%	7,698	7%	609	9%
25 to 34 years	17,742	18%	17,110	15%	-632	-4%
35 to 54 years	32,960	33%	31,937	29%	-1,023	-3%
55 to 64 years	6,846	7%	11,698	11%	4,852	71%
65 years and over	6,582	7%	12,790	12%	6,208	94%

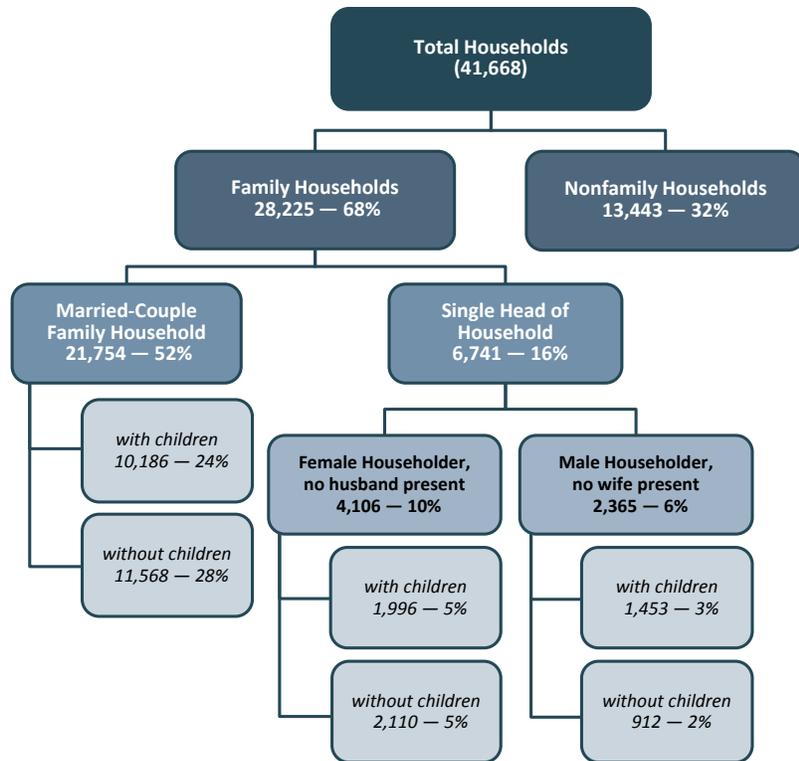
Source: 2000 U.S. Census, 2013 ACS.

The significant increase in Westminster residents over the age of 54 is due to the aging Baby Boomer generation. While the combined age cohorts of 55 to 64 years and 65 years and over currently make up around 23 percent of city residents, this number will continue to increase in coming years. Growth in this age demographic, especially among those ages 65 and older underscores the importance of housing and community policies and investments that incorporate the needs of older residents, including accessibility, public transportation availability, etc.

Household composition. According to the 2013 ACS, there are approximately 41,668 households in Westminster. Thirty-two percent of households in Westminster are non-family households, which include unrelated persons living together or individuals living alone. The remaining 68 percent of households are family households. The average household size is 2.7 people and the average family size is 3.2 people. Almost one-third of all households in Westminster have children (married couple and single head of household). Single parent households make up eight percent of all Westminster households. Figure III-4 displays the city's 2013 household composition.

**Figure III-4.
Household Composition,
City of Westminster, 2013**

Source:
2013 ACS.



National origin and limited English proficiency (LEP). The percentage of residents born in the United States remained unchanged between 2000 and 2013 at 91 percent; foreign born stayed the same at nine percent. Figure III-5 presents information related to national origin and limited English proficiency (LEP)—persons five years and over speaking English less than “very well”—for the city of Westminster. The percentage of individuals classified as LEP increased by one percentage point (6% to 7%) between 2000 and 2013. The majority of LEP persons in Westminster were Spanish speakers.

**Figure III-5.
National Origin and Limited English Proficiency, City of Westminster, 2000 and 2013**

	2000		2013		2000-2013 Percent Change	2000-2013 Percent Change
	Number	Percent	Number	Percent		
Born in US	92,081	91%	100,601	91%	8,520	9%
Born in Colorado	46,188	46%	51,777	47%	5,589	12%
Born outside Colorado	45,893	45%	48,824	44%	2,931	6%
Foreign Born	9,116	9%	10,339	9%	1,223	13%
Naturalized U.S. Citizen	3,680	4%	4,170	4%	490	13%
Not a U.S. Citizen	5,436	5%	6,169	6%	733	13%
Limited English Proficiency (LEP)	5,954	6%	6,691	7%	737	12%

Note: Limited English proficiency (LEP) is defined as persons 5 years and over speaking English less than “very well.”

Source: 2000 U.S. Census, 2013 ACS.

Disability. Figure III-6 presents the number of individuals by age group in Westminster living with a disability. Slightly more than 11 percent of all Westminster residents have a disability, with over a third of all seniors (65 years and over) living with at least one disability. Seniors are most affected by physical (ambulatory and hearing) disabilities and children are most affected by cognitive disabilities.

**Figure III-6.
Incidence of Disability
by Age**

Source:
2013 ACS.

	No. of Residents	% of Residents
Total Residents with a Disability	12,298	11%
Residents 5 years and younger	325	4%
Residents 5 to 17 years	1,221	6%
Hearing	96	1%
Vision	206	1%
Cognitive	974	5%
Ambulatory	309	2%
Self-care	90	1%
Population 18 to 64 years	6,255	9%
Hearing	1,833	3%
Vision	821	1%
Cognitive	2,463	4%
Ambulatory	2,745	4%
Self-care	655	1%
Independent living	1,375	2%
Population 65 years and over	4,497	36%
Hearing	2,569	21%
Vision	816	7%
Cognitive	1,345	11%
Ambulatory	2,554	20%
Self-care	1,066	9%
Independent living	1,493	12%

The high percentage of seniors living with disabilities, coupled with the significant population growth among this age group in Westminster (Figure III-3), suggests that the number of total residents living with a disability will increase in the future. Understanding the needs of seniors with disabilities, primarily with physical disabilities, in terms of housing and community resources will ensure that the City of Westminster is prepared and equipped to accommodate this growing community.

Segregation/Integration Analysis

This section discusses racial and ethnic segregation/integration in Westminster. HUD defines “integrated” geographic areas as those which do not contain high concentrations of protected classes when compared to the representation in a jurisdiction as a whole. “Segregation” occurs when concentrations of protected classes are a result of fair housing barriers or impediments.

Metrics. For this analysis, two measures are used to identify concentrations and segregation.

Concentrations are identified as:

- Census tracts in which the proportion of a protected class is 20 percentage points higher than that in the county overall, and
- Census tracts that are more than 50 percent minority. These include non-Hispanic residents of all races except for White plus Hispanic residents of any race.

Segregation is measured by the dissimilarity index. The dissimilarity index is a way to measure evenness in which two separate groups are distributed across geographic units—such as Census tracts—that make up a larger geographic area—such as a city. The index compares the proportion of the total population of a minority group in a Census tract and the proportion of the total number of whites in that same Census tract.

The dissimilarity index is measured between 0 and 1. An index of 0 indicates perfect distribution of racial groups across all Census tracts in a region. An index of 1 indicates complete segregation of racial groups across the region. The U.S. cities found to be the most segregated using the dissimilarity index (Milwaukee, New York and Chicago) have indices approaching 0.8.

Dissimilarity index. Figure III-7 presents the dissimilarity index for Westminster, as well as counties in the Denver metro area for context. Westminster’s dissimilarity index rating is “Low” (below 0.40) for all categories: minority, Hispanic, African American and Asian. As Westminster is located within parts of Adams and Jefferson counties, the dissimilarity index ratings for Westminster closely align with the county ratings, except for Adams County’s “Moderate” dissimilarity index rating for African American/non-Hispanic white.

Figure III-7.
Dissimilarity Index, City of Westminster, 2010

County	Minority/NHW		Hispanic/NHW		African American/NHW		Asian/NHW	
	Dissimilarity Index		Dissimilarity Index		Dissimilarity Index		Dissimilarity Index	
	Index	Rating	Index	Rating	Index	Rating	Index	Rating
Westminster	0.30	Low	0.37	Low	0.21	Low	0.23	Low
Adams County	0.32	Low	0.36	Low	0.49	Moderate	0.27	Low
Arapahoe County	0.36	Low	0.41	Moderate	0.47	Moderate	0.30	Low
Boulder County	0.28	Low	0.39	Low	0.18	Low	0.30	Low
Broomfield County	0.12	Low	0.21	Low	0.19	Low	0.20	Low
Clear Creek County	0.11	Low	0.18	Low	0.21	Low	0.09	Low
Denver County	0.49	Moderate	0.55	High	0.56	High	0.35	Low
Douglas County	0.12	Low	0.12	Low	0.17	Low	0.28	Low
Jefferson County	0.27	Low	0.32	Low	0.31	Low	0.27	Low

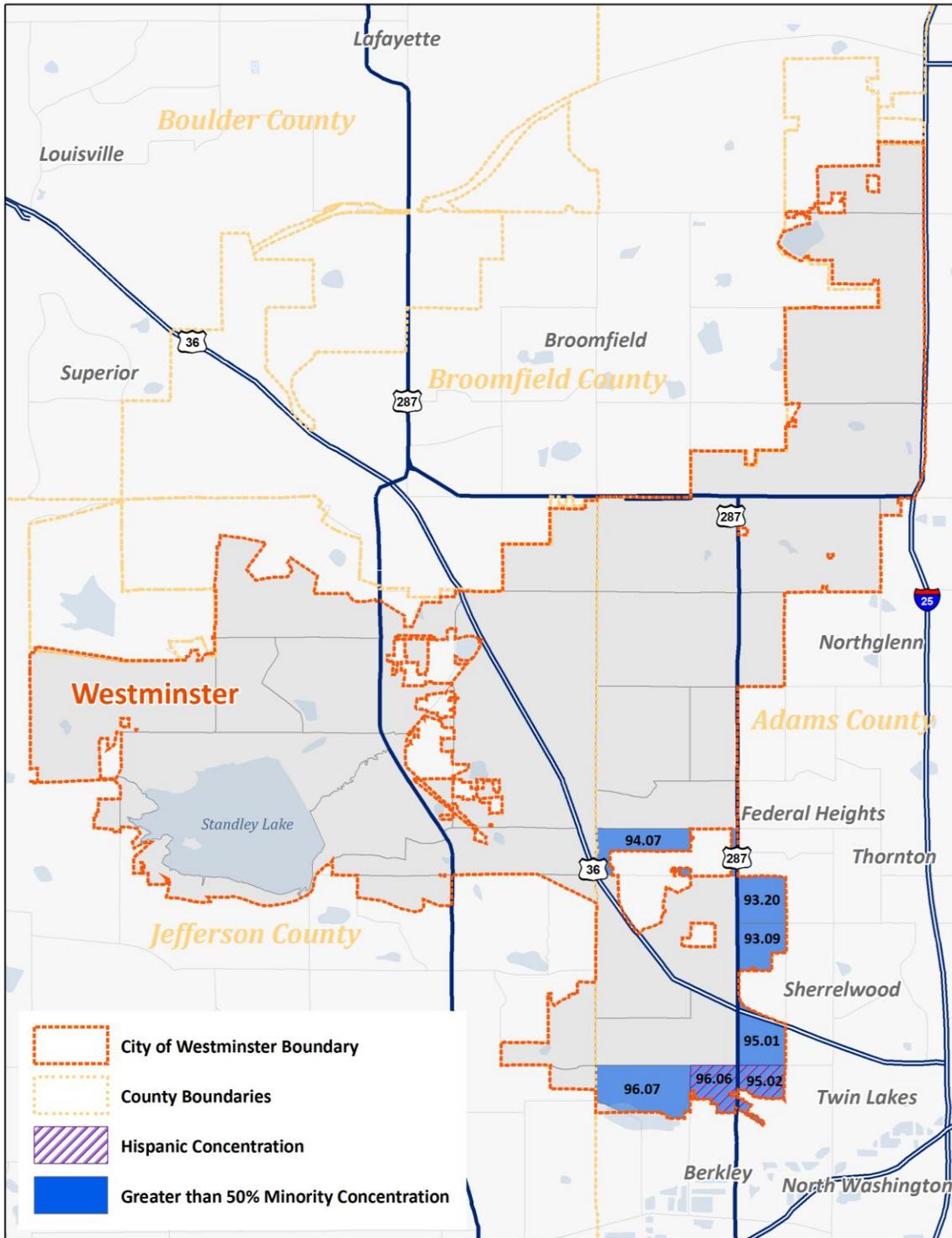
Note: NHW is non-Hispanic white.

Source: 2010 Census and BBC Research & Consulting.

Racial/ethnic concentrations and majority minority areas. A racial/ethnic concentration (a Census tract in which the proportion of a protected class is 20 percentage points higher than that in the county overall) is only found for Hispanics within the city of Westminster; there are no concentrations of African Americans or Asians. The two Census tracts containing Hispanic concentrations are not fully contained within the city of Westminster, as Census tracts can span multiple city boundaries. The Hispanic concentrated Census tracts are located near Federal Blvd (US 287) and 72nd Ave, as shown in the following map (Figure III-8).

Also presented in Figure III-8 are the majority minority Census tracts (Census tracts that are more than 50 percent minority). The two Census tracts identified as Hispanic concentrated are also majority minority Census tracts. None of the seven majority minority Census tracts are completely within the city of Westminster's boundaries. Four of the Census tracts are located east of Federal Blvd (US 287) from approximately 72nd Ave to 88th Ave. The northernmost Census tract, between US 36 and Federal Blvd (US 287), is roughly half within Westminster and half within Shaw Heights.

Figure III-8.
Hispanic Concentration and Majority Minority, City of Westminster, 2010



Source: 2010 Census and BBC Research & Consulting.

Racially and ethnically concentrated areas of poverty. A new component of fair housing studies is an analysis of the opportunities residents are afforded in “racially or ethnically concentrated area of poverty,” also called RCAPs and ECAPs. An RCAP or ECAP is a neighborhood with significant concentrations of high poverty and is majority minority.

HUD’s definition of an RCAP/ECAP is:

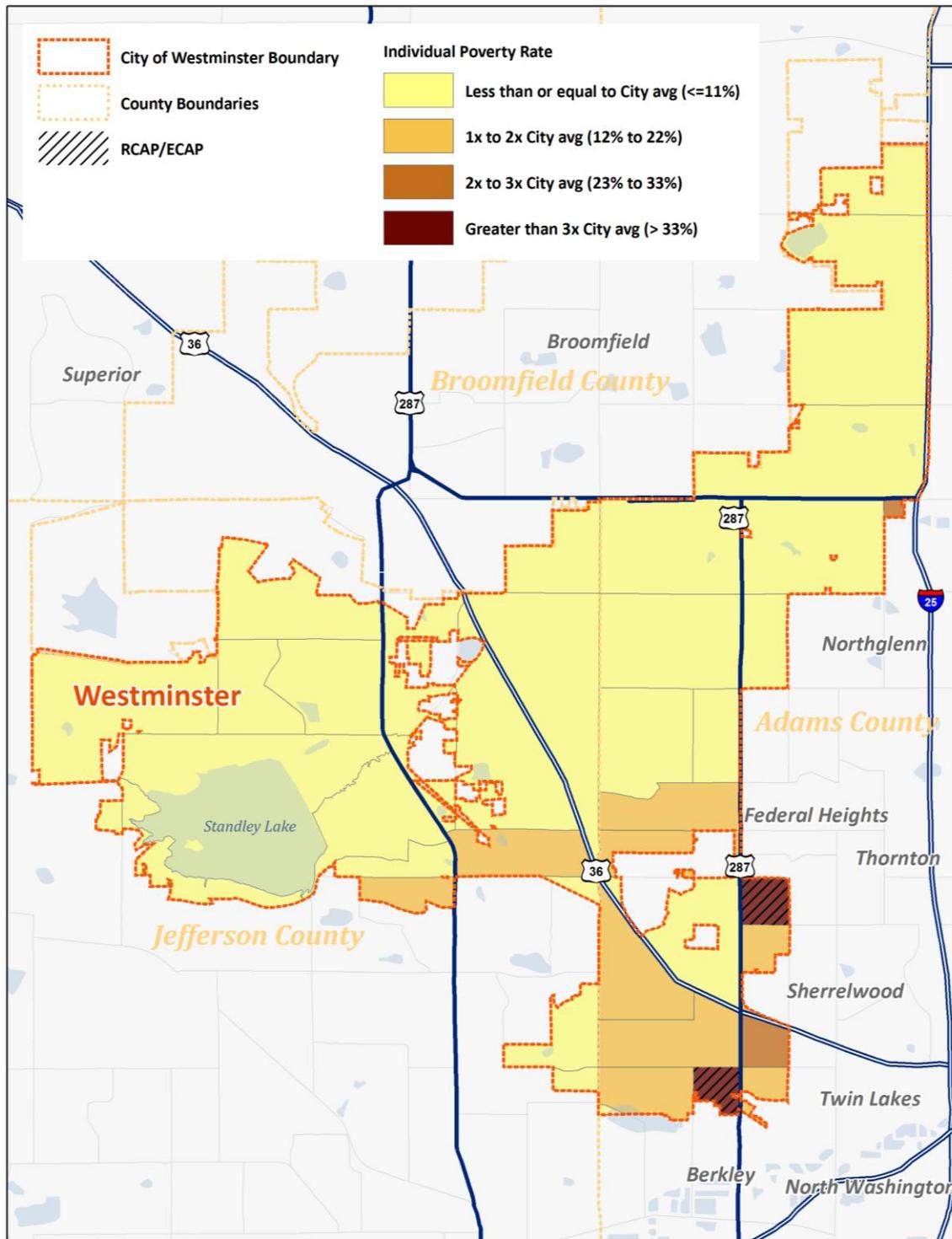
- A Census tract that has a non-white population of 50 percent or more AND a poverty rate of 40 percent or more; OR
- A Census tract that has a non-white population of 50 percent or more AND the poverty rate is three times the average tract poverty rate for the metro/micro area, whichever is lower.

The average individual poverty level across all Census tracts for Westminster was about 11 percent. Figure III-9 shows the individual poverty level in each Census tract relative to the city’s average. Areas experiencing individual poverty rates greater than the city average are concentrated in the south Westminster, especially along the Federal Blvd (US 287) corridor. These high poverty areas also largely correspond with Census tracts that have significant minority populations, especially Hispanics.

Figure III-9 also displays the R/ECAPs within Westminster. The two Census tracts that meet the R/ECAP criteria are both tracts that are only partially located within the city of Westminster. The tract north of US 36 and to the east of Federal Blvd (US 287) is partially located within Federal Heights. The tract south of US 36 and west of Federal Blvd (US 287) is primarily part of the census designated place Berkley, located in unincorporated Adams County.² This R/ECAP is also a Hispanic concentrated Census tract, as discussed above.

² A census designated place (CDP) is a concentration of population identified by the U.S. Census Bureau for statistical purposes. The CDP Berkley is separate from the Berkeley neighborhood located in the city of Denver.

Figure III-9.
Racially or Ethnically Concentrated Areas of Poverty, City of Westminster, 2010



Source: 2010 Census and BBC Research & Consulting.

Characteristics of majority minority and R/ECAP Census tracts. Figure III-10 presents additional characteristics of the seven majority minority Census tracts, two of which are also R/ECAPs. The individual poverty rate ranges from 16 percent to 36 percent. The highest percentage of families with children is 42 percent, while the lowest is 29 percent. One of the R/ECAP tracts possesses the highest percentage of single parent households in Westminster at 24 percent, noticeably higher than the city’s other tracts. All of the majority minority Census tracts contain LEP persons at or above the city average of seven percent, with the Census tract with the highest percentage of Hispanics (62%) containing a city high LEP rate of 15 percent.

Figure III-10.
Characteristics of Majority Minority and R/ECAP Census Tracts

Census Tract	% Minority	% Hispanic	% Individual Poverty Rate	% Family Households w/ Children	% Single Parent Households	% LEP
93.09	58.1%	44.8%	20.7%	32.7%	14.6%	6.9%
93.20*	55.4%	46.9%	33.1%	29.1%	17.1%	7.7%
94.07	51.3%	42.8%	16.9%	30.1%	5.4%	9.6%
95.01	63.1%	55.6%	27.6%	37.8%	11.8%	7.2%
95.02†	66.6%	60.0%	16.6%	41.0%	17.6%	6.8%
96.06*†	68.6%	61.7%	36.1%	42.0%	24.4%	15.4%
96.07	60.8%	45.5%	15.8%	28.8%	11.0%	15.3%

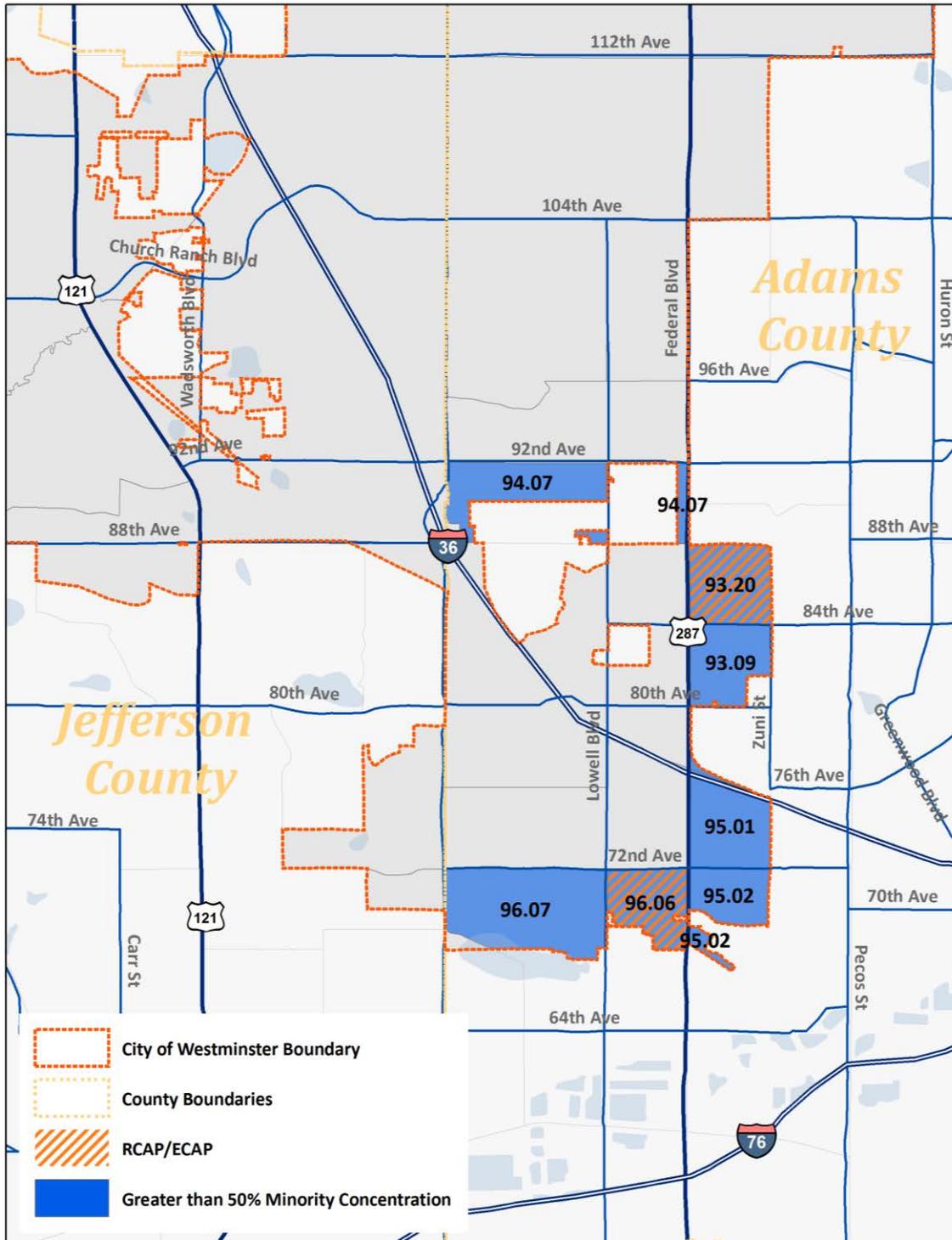
Note: * denotes Census tracts that are also R/ECAPs. † denotes Census tracts that are also Hispanic concentrated. Limited English proficiency (LEP) is defined as persons 5 years and over speaking English less than “very well.”

Source: 2010 Census, 2013 ACS, BBC Research & Consulting.

Compared to the average Census tract in Westminster, R/ECAP Census tracts are more ethnically concentrated, have higher rates of poverty, have a higher percentage of single parent households and contain a larger number of LEP speakers. All of the majority minority Census tracts, which the R/ECAPS are a subset of, are geographically clustered in the southern part of Westminster. With the exception of one Census tract, all Census tracts above 92nd Avenue have individual poverty rates at or below the city average, while each majority minority Census tract is between one and two times the city poverty average. All of these data suggest that there is a north-south divide in the city of Westminster with minority and lower socioeconomic status residents more likely to live in the city’s southern neighborhoods.

Figure III-11 shows the geographic location of Westminster majority minority and R/ECAP Census tracts.

Figure III-11.
Majority Minority and R/ECAP Census Tracts, City of Westminster, 2010



Source: 2010 Census and BBC Research & Consulting.

Disability Analysis

This section examines (a) the extent to which certain geographical areas have a concentration of persons with disabilities; and (b) the extent to which persons with disabilities are housed in the most integrated setting appropriate.

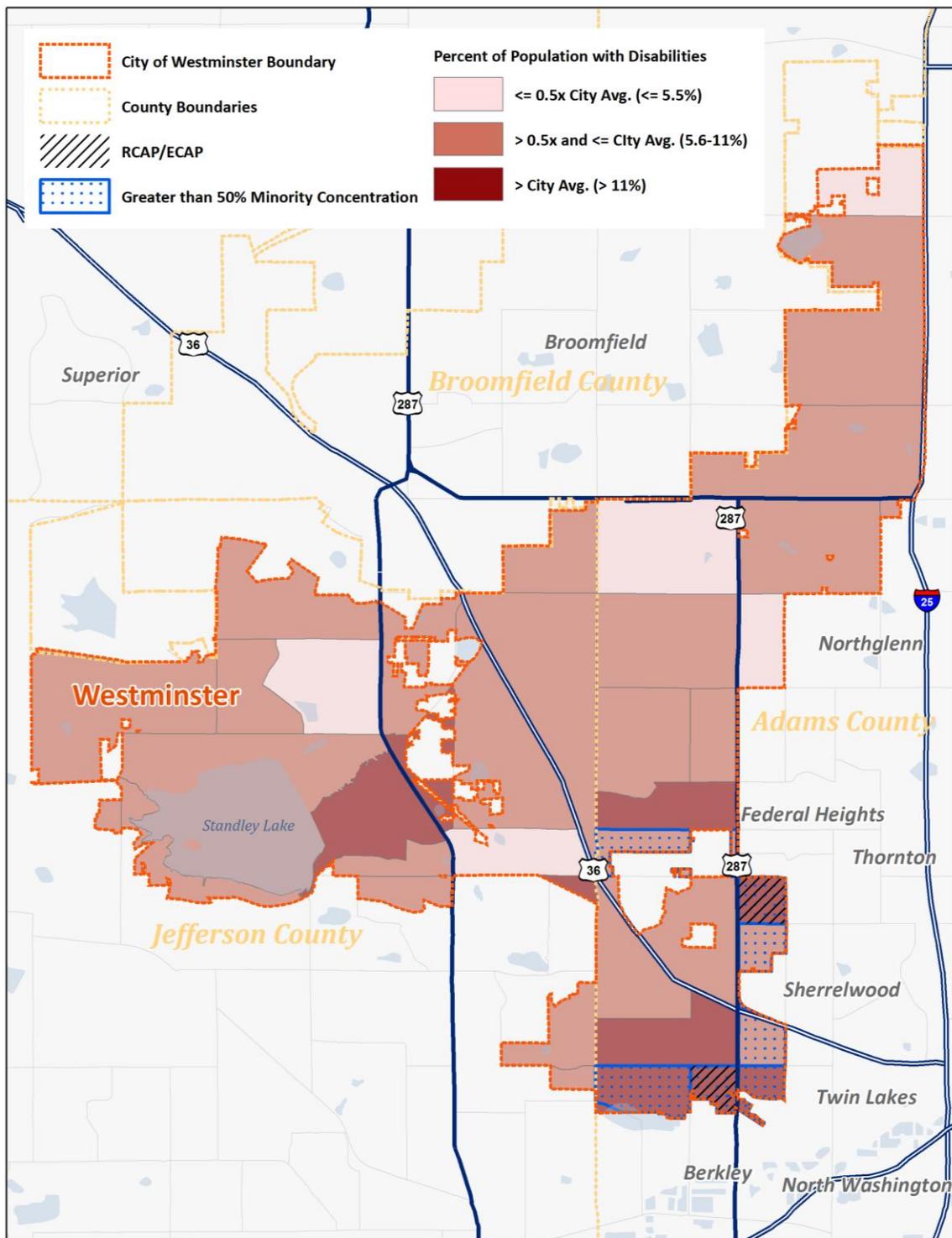
As specified in federal regulations: “The most integrated setting is one that enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible, consistent with the requirements of the Americans with Disabilities Act, 42 USC. 12101, et seq., and Section 504 of the Rehabilitation Act of 1973, 29 USC 794. See 28 CFR. part. 35, App. A (2010) (addressing 25 CFR 35.130).” Under this principle, derived from the Supreme Court’s decision in *Olmstead vs. L.C.*, institutionalized settings are to be avoided to the maximum possible extent in favor of settings in which persons with disabilities are integrated with nondisabled persons.

Different types of accommodations and/or services may be needed to allow individuals with disabilities to live in integrated settings. For example, persons with physical disabilities may need units with universal design or accessibility features, both within the public and assisted housing stock, specific to their needs. Persons with other types of disabilities may require access to services and support—e.g., transportation assistance, specific health services—they need to live independently. Many persons with disabilities need housing that is affordable, as well as accessible.

Persons with disabilities concentration analysis. Figure III-12 displays the percentage of persons with disabilities overlaid with the majority minority and R/ECAP Census tracts. The two R/ECAP areas are in line with Westminster’s disability average of 11 percent (12% and 13%).

Persons with disabilities are not geographically concentrated within Westminster and majority minority and R/ECAP areas do not have a disproportionate number of persons with disabilities. Because the senior citizen population is heavily affected by disability (Figure III-6), especially physical disability, Census tracts containing retirement communities or assisted living facilities typically have a higher percentage of persons living with disabilities. This is seen in Westminster with the two Census tracts with the highest percentages of persons with disabilities (17% and 14%) each containing a retirement community: San Marino Retirement Community (5000 W 75th Ave.) and Covenant Village of Colorado (9153 Yarrow St. – east of Standley Lake).

Figure III-12.
Persons with Disabilities in Relation to Majority Minority and R/ECAP Census Tracts, City of Westminster, 2010



Source: 2010 Census, BBC Research & Consulting.

SECTION IV.

Access to Opportunity

SECTION IV.

Access to Opportunities

While analyses of the geographic location protected classes living in of R/ECAPs, majority minority and concentrated census tracts, as well as their respective characteristics, provide information on the level of segregation/integration in the community, the AI also examines access to opportunity for protected classes. The extent to which protected classes have equitable access to different types of community assets greatly impacts the quality of life experienced by these residents, as well as the opportunity to advance socioeconomically.

Five measures informing access to opportunity are discussed in this section, first through the lens of race and ethnicity and second with a focus on persons with disabilities:

- Access to proficient schools;
- Access to transit;
- Proximity to community facilities;
- Labor market engagement and access to jobs; and
- Exposure to payday loan centers.

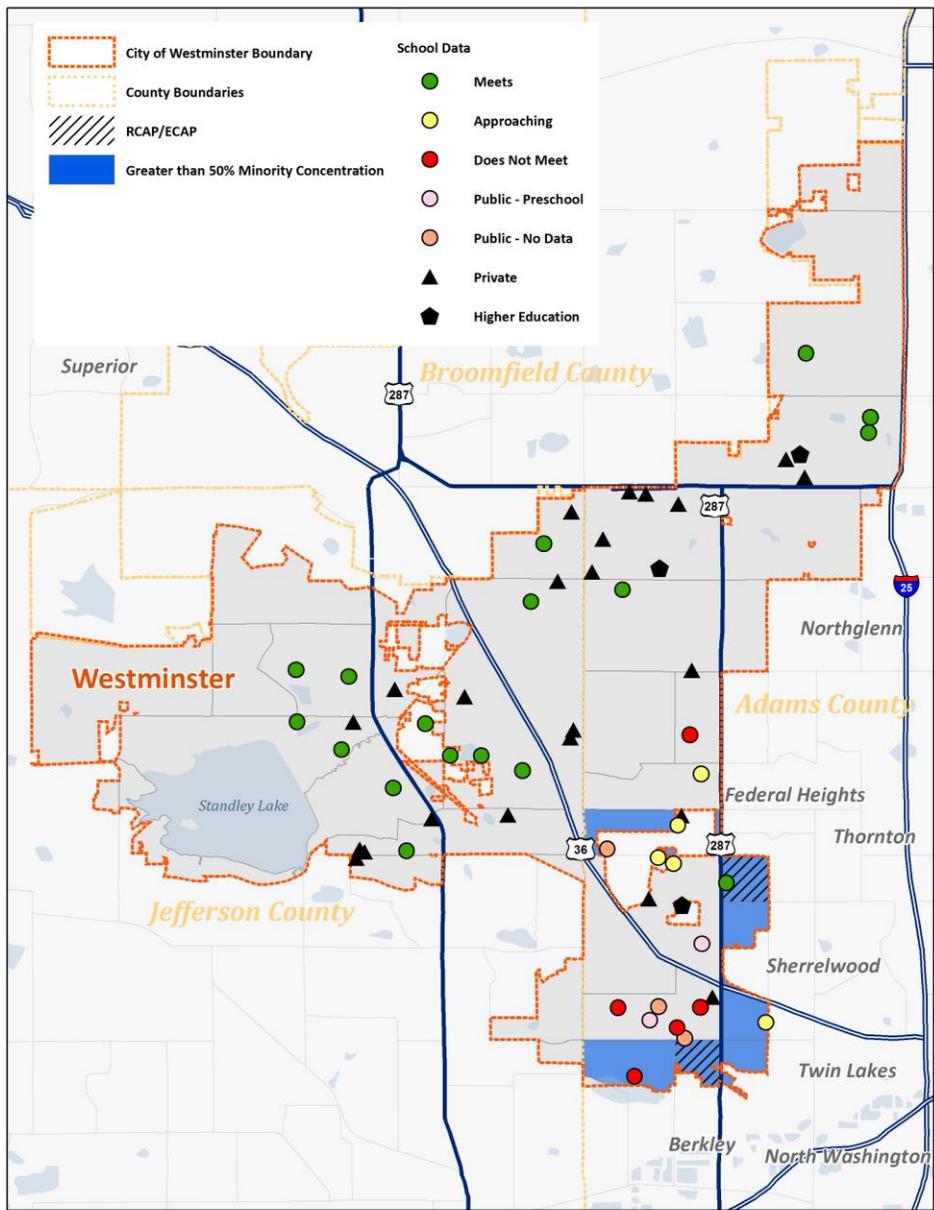
Access to Opportunity—R/ECAPs and Majority Minority Areas

Access to proficient schools, transit, community facilities, jobs and financial services are examined in the context of Westminster’s R/ECAP and concentrated neighborhoods.

Schools. Figure IV-1 presents the school performance framework (SPF) ratings for public schools. The SPF is a comprehensive system that uses a wide range of measures, including Transitional Colorado Assessment Program (TCAP) scores, to calculate ratings of how well each school supports student growth and achievement. The highest rating in Westminster is “Meets,” followed by “Approaching,” and then “Does Not Meet.” For schools without SPF data (preschools, private schools, etc.), their locations are only mapped.

School quality in Westminster, as categorized by the SPF, has a clear north-south distinction, with schools in the northern part of the city out-performing those in the southern part. This disparity in school quality follows the same pattern for minority and lower socioeconomic status census tracts existing exclusively in the southern part of Westminster. Only one school that achieved the “Meets” rating is located in south Westminster, compared to the 16 other “Meets” rated schools located in the north and west parts of the city.

Figure IV-1.
School Performance Framework (SPF) Ratings in Relation to Majority Minority and R/ECAP
Census Tracts, City of Westminster, 2010



Source: 2010 Census, 2013 SPF Ratings – Colorado Department of Education, BBC Research & Consulting.

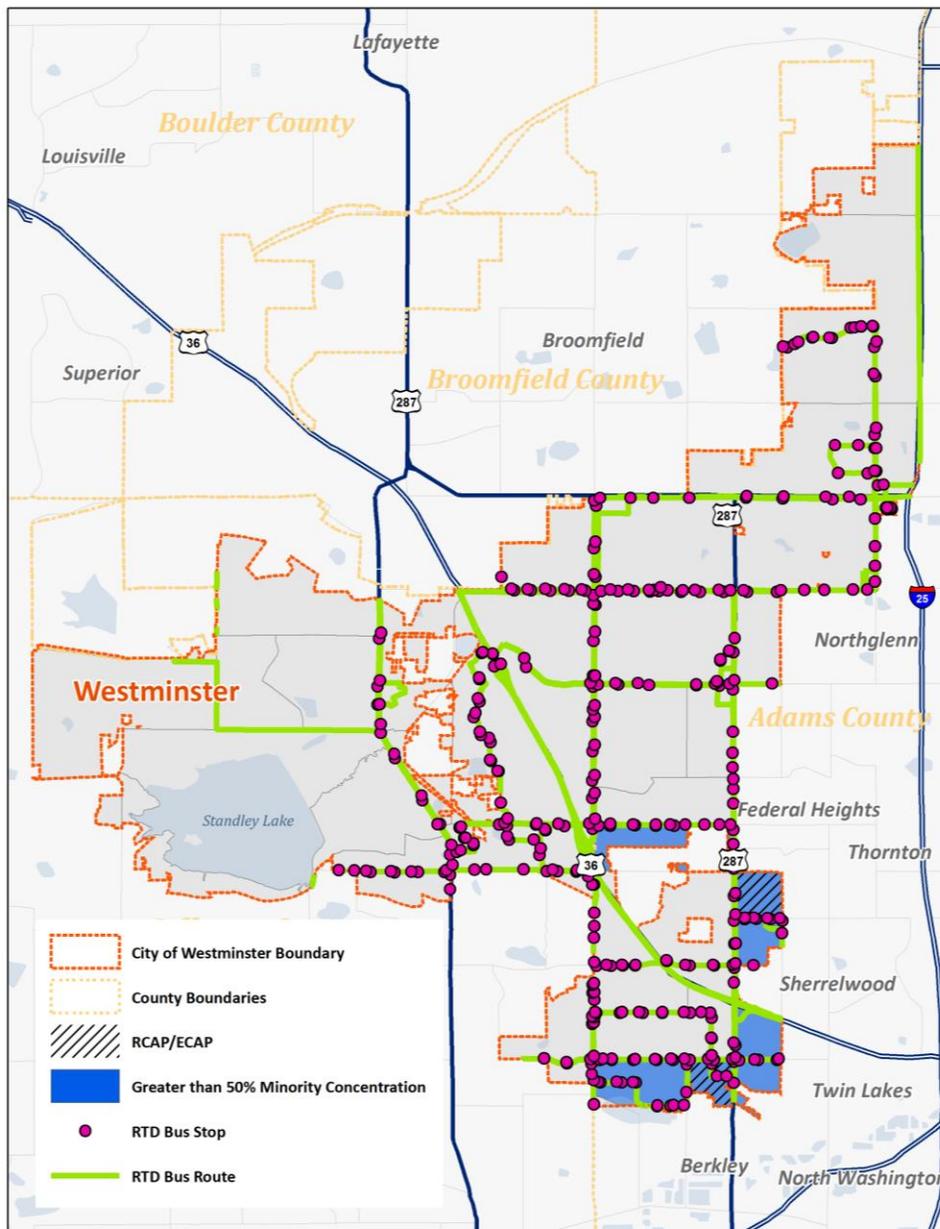
While Open Enrollment—the ability for resident and nonresident pupils of the school district to apply for enrollment in particular programs or schools—may mitigate the disproportionate impact low-performing schools has on majority minority and R/ECAP students, there is reason to believe that most students will attend schools in close proximity to their residence. Parents may lack the time or ability to transport their children to a more distant school or may be unaware of the school ratings all together. Additionally, high-performing schools may reject applications for enrollment due to crowding issues, inability to accommodate special needs, etc., thereby keeping students at their current schools.

A body of evidence suggests that low-performing schools lead to decreased educational attainment and lower earnings in the long-term, as well as higher risk for incarceration and teen pregnancy.¹ All of these outcomes associated with low-performing schools perpetuate the intergenerational transmission of poverty. The youth living in majority minority and R/ECAP census tracts are disproportionately more likely to attend low-performing schools compared to their peers residing in other parts of the city.

Public transportation. As shown in Figure IV-2, the city of Westminster is well serviced by RTD bus routes, with ample bus stops located throughout the city. Majority minority and R/ECAP census tracts have numerous bus stops along the main corridors adjacent to the tracts (92nd Ave, 72nd Ave, Federal Blvd-US 287, etc.), leading to equitable distribution of public transportation services throughout Westminster.

¹ Fryer, Jr., Roland G and Lawrence F. Katz. "Achieving Escape Velocity: Neighborhood and School Interventions to Reduce Persistent Inequality." *The American Economic Review*. Vol. 103, Number 3, May 2013, pp. 232-237.

Figure IV-2.
Public Transportation in Relation to Majority Minority and R/ECAP Census Tracts, City of Westminster, 2010



Source: 2010 Census, 2014 City of Westminister RTD data, BBC Research & Consulting.

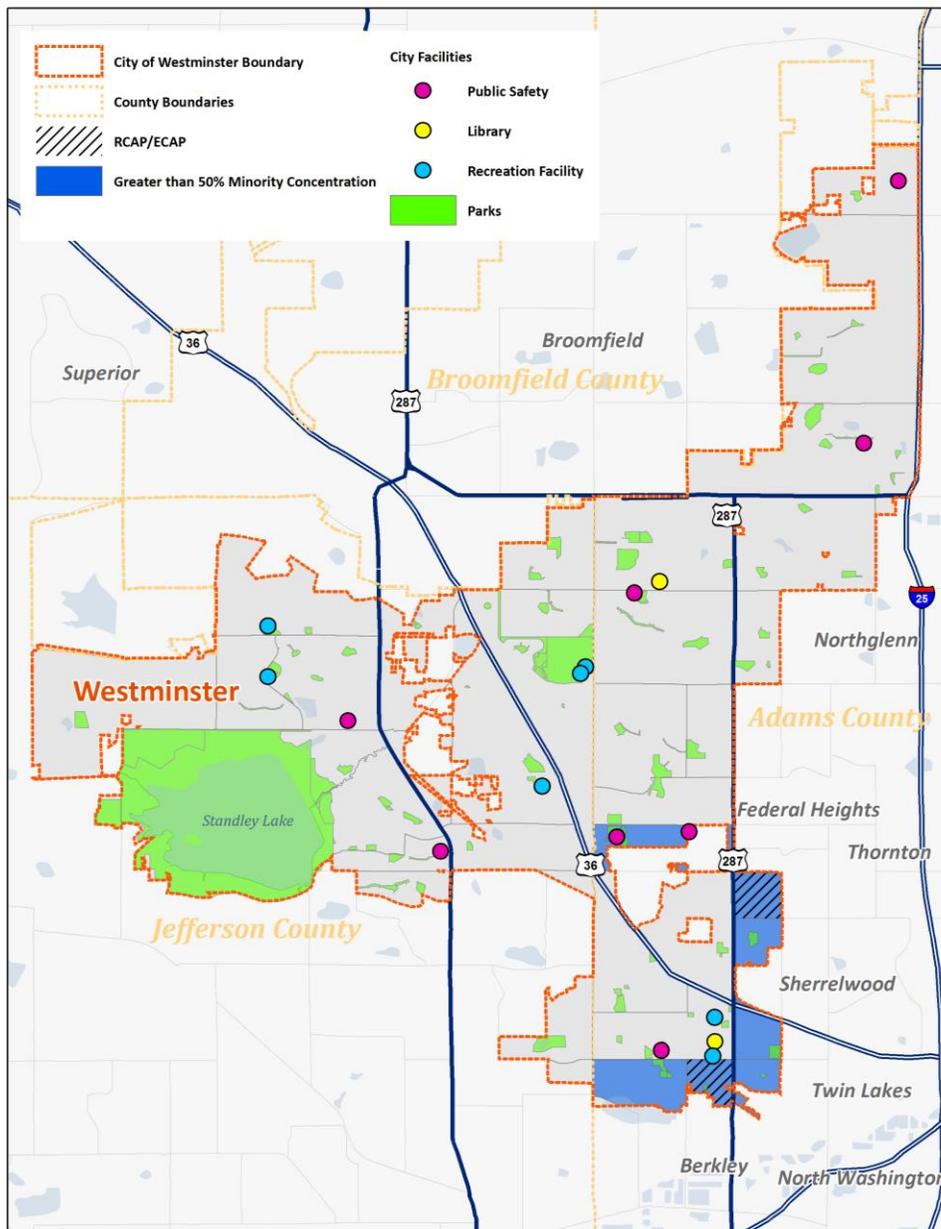
Access to public transportation is a vital element for many residents of majority minority and R/ECAP areas, as they may lack the necessary resources for private transportation. The ability to travel outside of one's neighborhood results in a geographically larger job market for Westminister residents and enables them access to grocery stores, community facilities (health care, library, etc.) and entertainment—all important components to quality of life. Majority

minority and R/ECAP residents in Westminster benefit from a well-connected public transportation system.²

Community facilities and parks. Community facilities are scattered throughout the city of Westminster but six of the 16 city facilities are located in close proximity to majority minority and R/ECAP areas (Figure IV-3). The six facilities include three public safety facilities, two recreation centers (one is a community facility that offers daily recreation classes) and a library branch. This distribution of community facilities around majority minority and R/ECAP census tracts is consistent with the rest of Westminster. For parks, the majority minority neighborhoods appear to have a similar proportion of park space compared to other areas of the city, excluding Standley Lake Park and Westminster City Park.

² The RTD public transportation system was not analyzed with respect to reliability, number of connections needed or travel times.

Figure IV-3.
City Facilities and Parks in Relation to Majority Minority and R/ECAP Census Tracts, City of Westminster, 2010

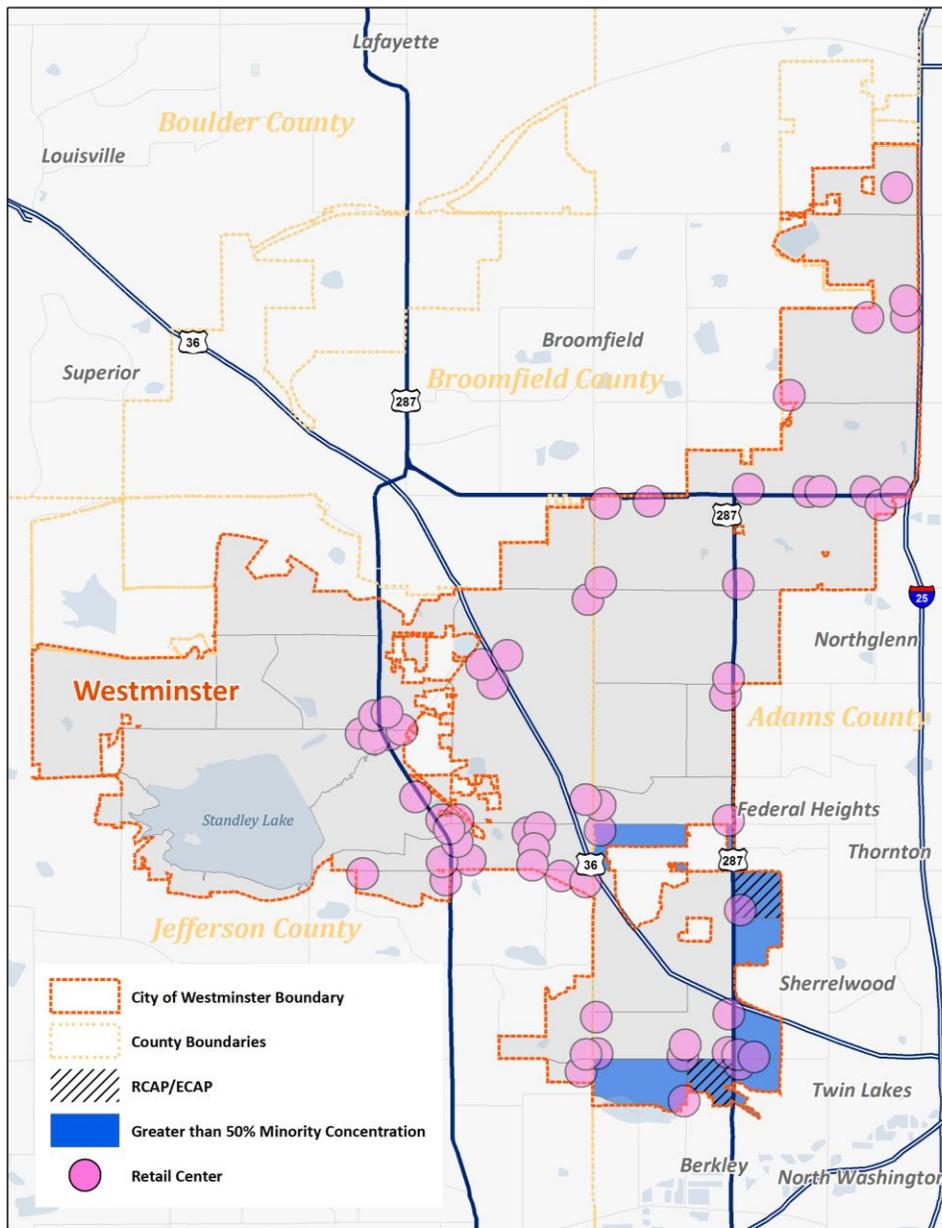


Source: 2010 Census, 2014 City of Westminister Parks and Recreation/Facilities data, BBC Research & Consulting.

Residing in close proximity to community facilities, in conjunction with the means to access them, has a direct impact on residents in both the short- and long-term. Public safety facilities provide peace of mind to residents. Libraries serve as a public resource and community gathering place. Recreation facilities and parks encourage and promote healthy and active lifestyles among residents. All Westminister residents have equitable access to these community facilities. As discussed in Section III, some residents perceive the quality of park maintenance in south Westminister to be inferior to parks elsewhere in the community.

Access to jobs. Figure IV-4 depicts the location of existing retail centers (a proxy for job opportunities for a lesser skilled workforce) relative to majority minority and R/ECAP areas. There is a clustering of retail centers in southern Westminster around Federal Blvd (US 287) and 72nd Ave, an area with multiple majority minority census tracts. Outside of the grouping of retail centers along Wadsworth Parkway (CO 121), the number of retail centers around the majority minority areas is comparable to the rest of the city.

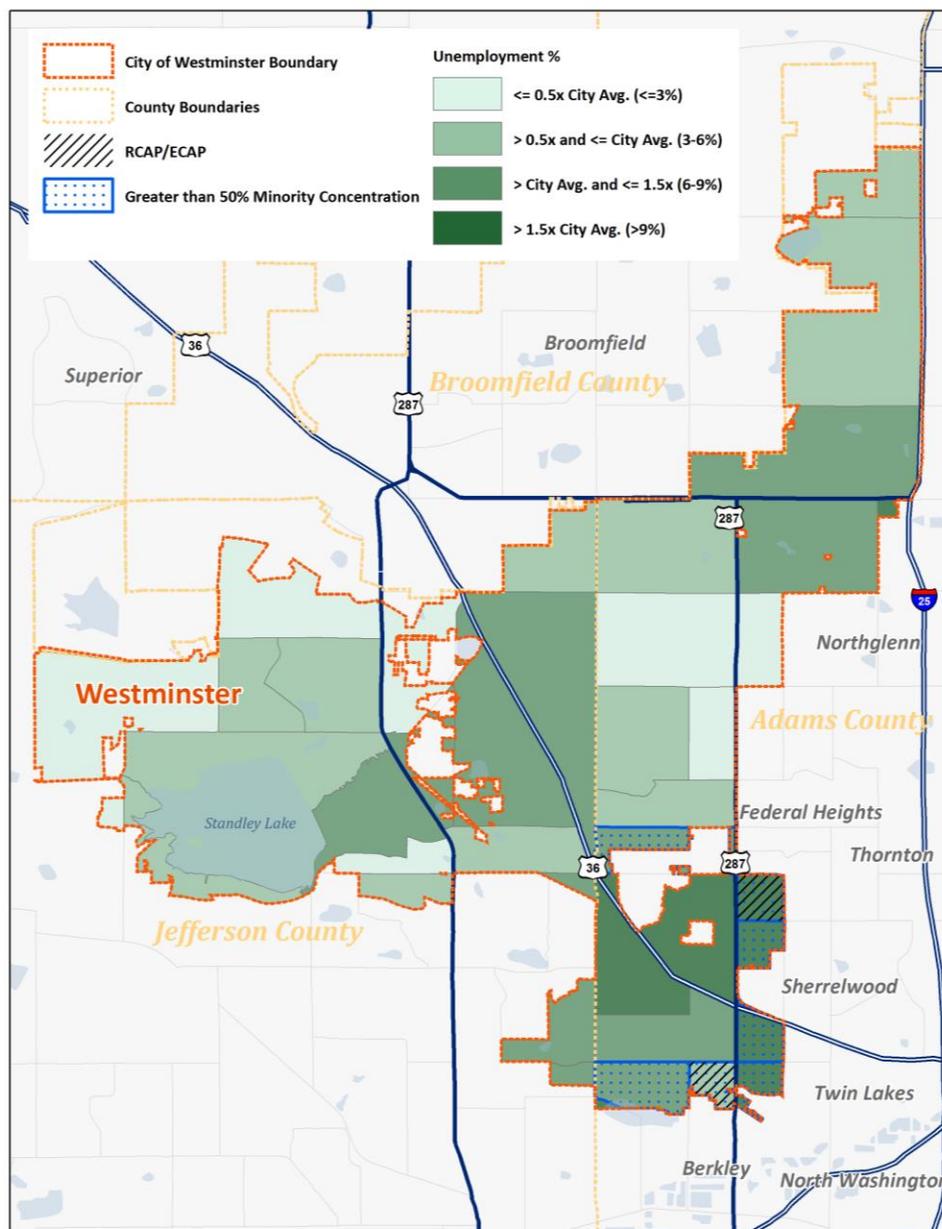
Figure III-14.
Retail Centers in Relation to Majority Minority and R/ECAP Census Tracts, City of Westminster, 2010



Source: 2010 Census, 2014 City of Westminster Retail Center data, BBC Research & Consulting.

Unemployment. Figure IV-5 shows the unemployment rate throughout the city relative to the city of Westminster's average of about six percent. While the highest levels of unemployment (1.5x city average—9%) are found in majority minority census tracts, unemployment rates below the city average also exist in these majority minority areas. Additionally, unlike many of the other socioeconomic characteristics analyzed, the unemployment rate varies significantly throughout the city and does not trend with race or ethnicity.

Figure IV-5.
Unemployment in Relation to Majority Minority and R/ECAP Census Tracts, City of Westminster, 2010

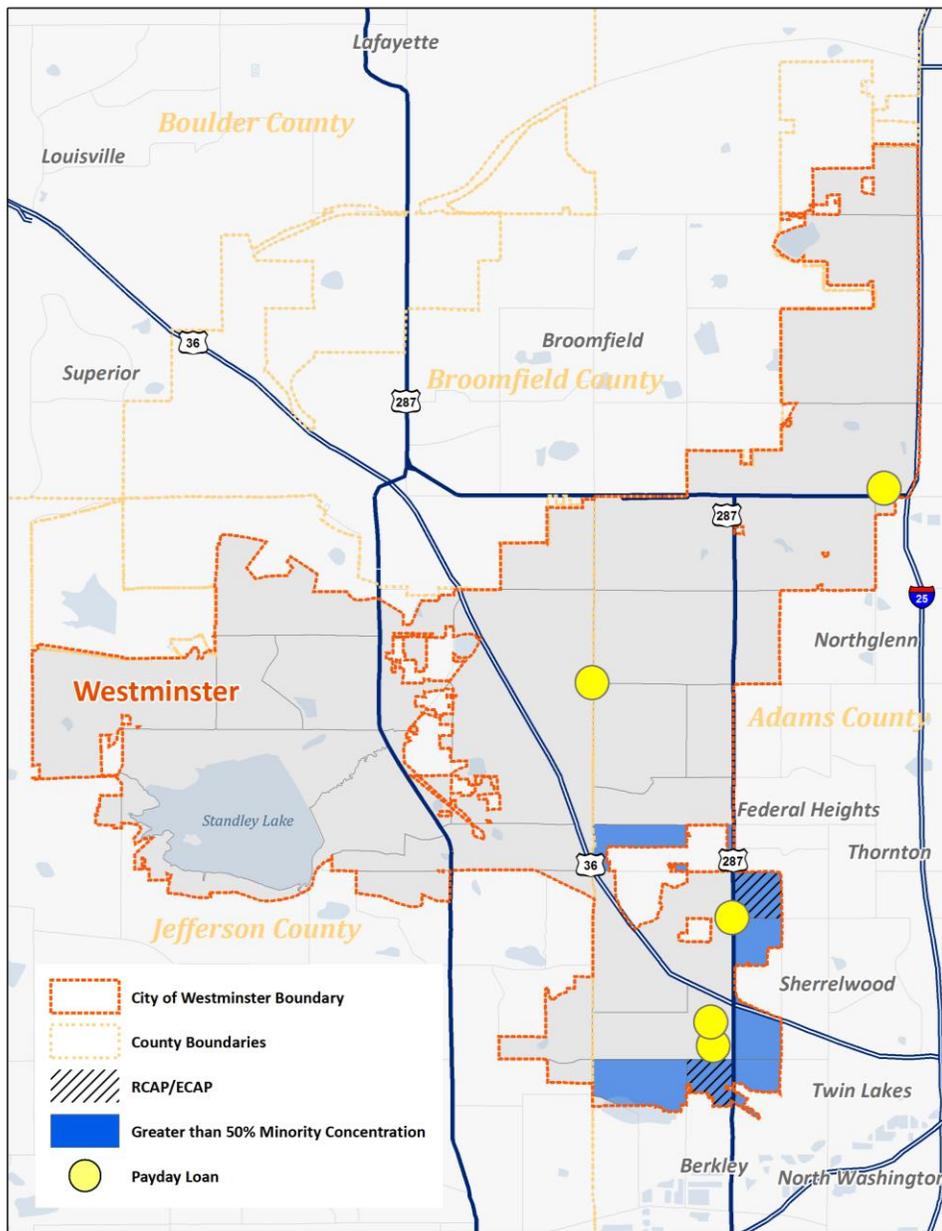


Source: 2010 Census, 2013 ACS, BBC Research & Consulting.

The number of retail centers located in close proximity is an important determinant of employment among lower socioeconomic status residents. Many of the employment opportunities found within retail centers tend to align with the skillsets possessed by these residents. Additionally, shorter commute times increase the likelihood that employees regularly attend work and remain employed, as well as retain time for household and community activities. The existence of retail centers around majority minority and R/ECAP areas in Westminster likely leads to lower unemployment rates.

Payday loans. Figure IV-6 plots the location of payday loan businesses in relation to majority minority and R/ECAP census tracts. Three of the five payday loan business locations are along Federal Blvd (US 287) and near majority minority and R/ECAP areas. The remaining two payday loan businesses are located in the northern part of Westminster.

Figure IV-6.
Payday Loan Locations in Relation to Majority Minority and R/ECAP Census Tracts, City of Westminster, 2010



Source: 2010 Census, 2014 Payday Loan Search data from Yelp, BBC Research & Consulting.

Payday loan businesses primarily serve households that are “unbanked or underbanked,” as these households lack the financial stability or do not meet the requirements to utilize conventional banks for their financial needs. Payday lenders generally have extremely high interest rates and unfavorable lending terms; often further reducing the financial stability of low-income households. The close proximity of the three payday lending businesses to lower socioeconomic status areas suggests a need for nontraditional financial products and services currently met solely by payday lenders.

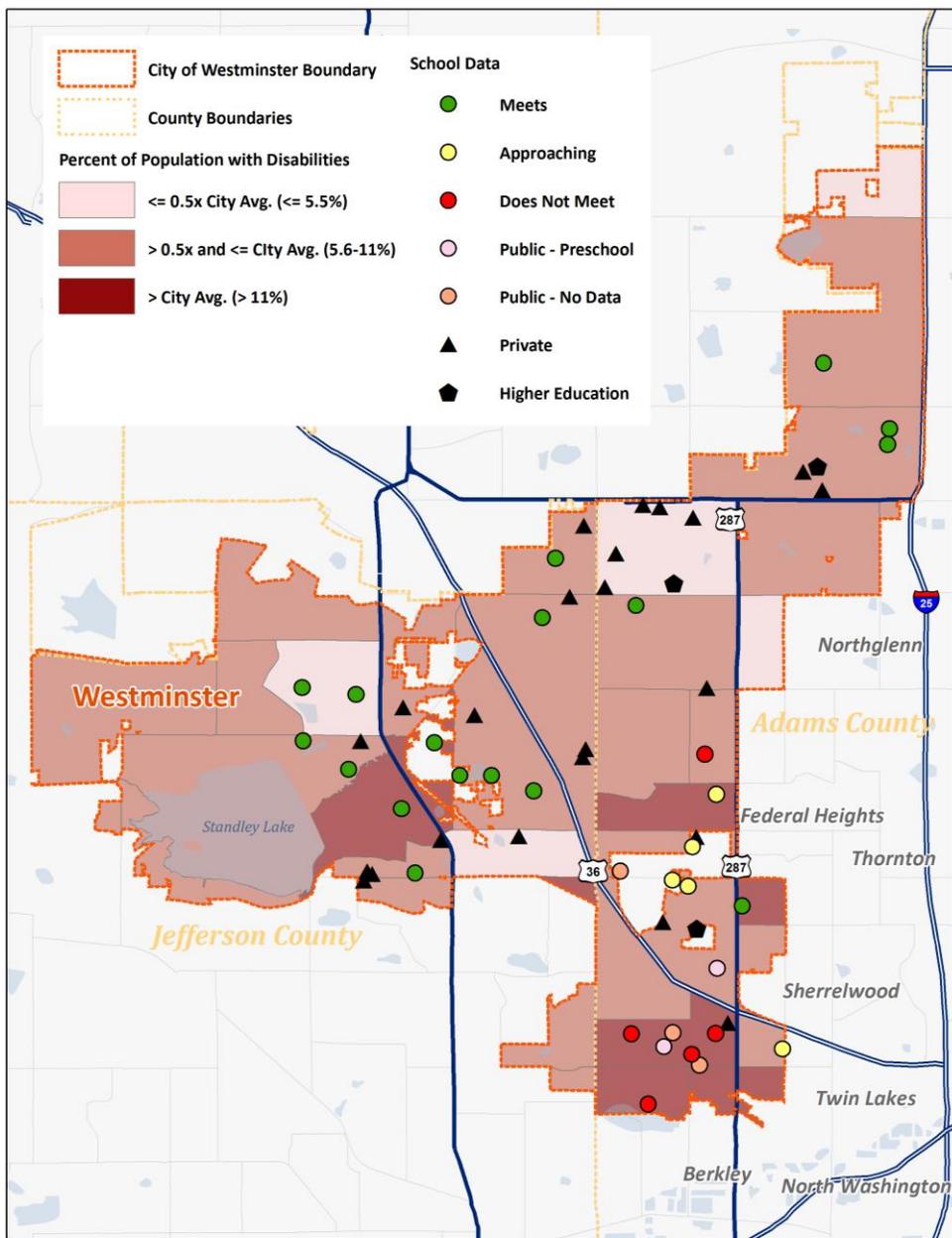
Conclusion. The majority minority and R/ECAP neighborhood residents of south Westminster are largely afforded the same access to community amenities as residents in other parts of the city. The one exception is the inequitable distribution of high-performing schools, with majority minority and R/ECAP students disproportionately attending underperforming schools. This is of concern because the quality of school attended is a predictor of long-term socioeconomic status; higher-performing school attendance equating to higher socioeconomic status. Westminster students attending a lower-performing school are confronted with additional challenges to ultimately achieving a higher socioeconomic status.

Access to Opportunity—Persons with Disabilities

As shown in Section III, persons with disabilities are not geographically concentrated in one area of Westminster. This section examines access to opportunity through the lens of persons with disabilities.

Schools. Westminster areas with high percentages of persons living with disabilities tend to contain underperforming schools according to the school performance framework (SPF) ratings. The noticeable exception is the census tract just east of Standley Lake (14% persons with disabilities), where all the schools in close proximity have SPF ratings of “Meets.” Figure IV-8 plots the SPF ratings overlaid with the number of persons with disabilities percentages.

Figure IV-8.
Persons with Disabilities in Relation to School Performance Framework Ratings, City of Westminister, 2010



Source: 2010 Census, 2013 SPF Ratings – Colorado Department of Education, BBC Research & Consulting.

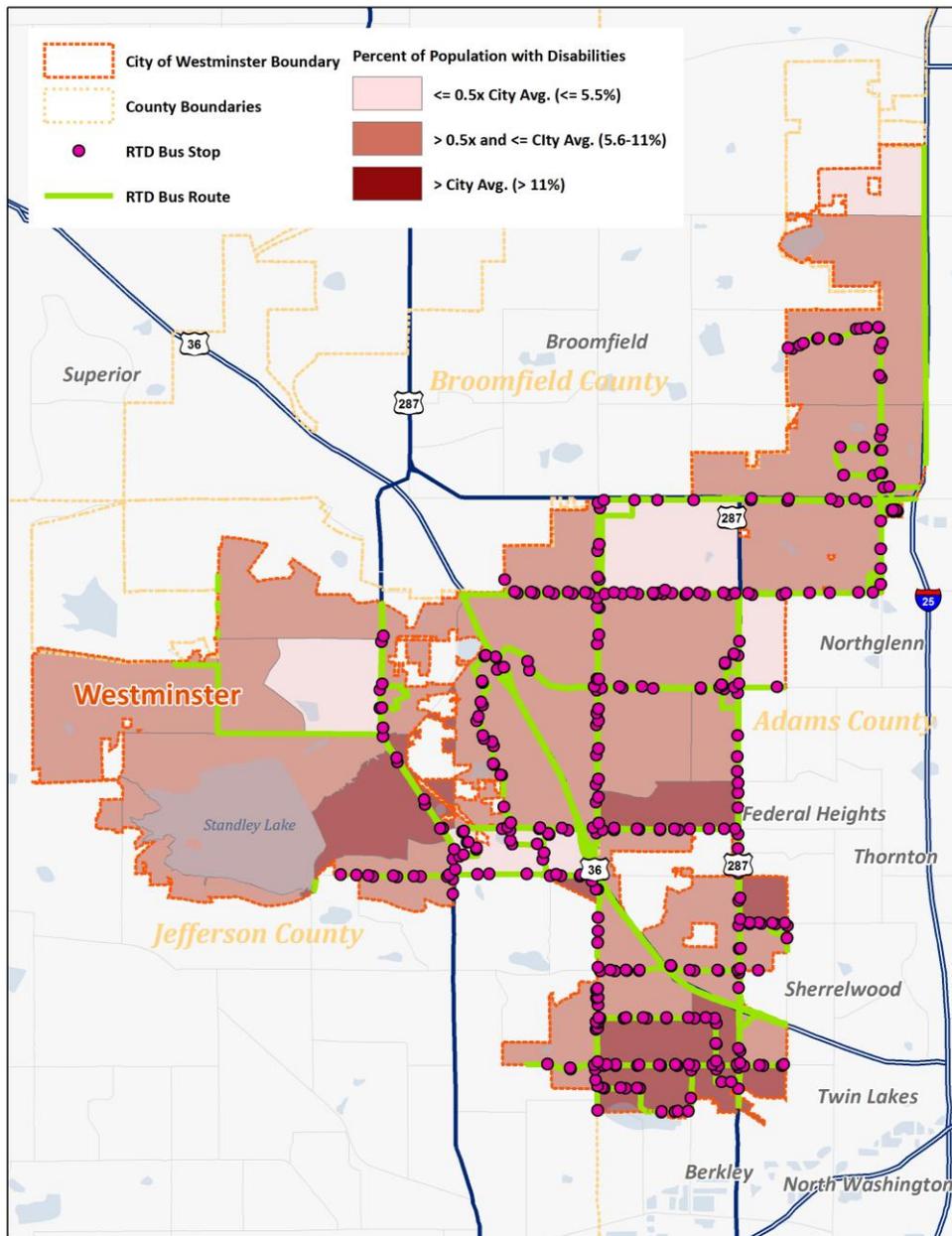
The relationship between school quality and the number of persons with disabilities is of importance for a number of reasons. The most important is the accessibility of high-performing schools to students with disabilities. A high-quality school is more likely to provide the necessary education and support services to students with disabilities, increasing these students' chances to succeed academically, in turn impacting employment outcomes.

The preceding figure presents the entire population of persons with disabilities, not just children/students, because school-age children who have a parent, or to a lesser extent grandparent—as they often play a significant role in child rearing—may be particularly reliant upon the public education system. Studies suggest a maternal disability can result in a “less enriching home environment,” while a paternal disability can reduce family and social activities.³ Additionally, parents with disabilities are less likely to transport their children to better performing schools, making the closest school the only viable option. The combination of low-performing schools and areas with higher than average residents with disabilities, potentially leading to weakened household learning environments, likely results in decreased student achievement in south Westminster.

Public transportation. Areas with a high percentage of individuals with disabilities are well served by the RTD system. Each tract with a persons with disabilities percentage greater than the city average (11%) has numerous stops located on a major corridor that borders the tract. Figure IV-9 displays the RTD system along with the persons with disabilities percentages.

³ Hogan, Dennis P., Carrie L. Shandra and Micahel E. Msall. “Family development risk factors among adolescents with disabilities and children of parents with disabilities.” *Journal of Adolescence*. Volume 30, Issue 6, pp. 1001-19. 2007.

Figure IV-9.
Persons with Disabilities in Relation to RTD Bus Stops and Bus Routes, City of Westminster, 2010



Source: 2010 Census, 2014 City of Westminster RTD data, BBC Research & Consulting.

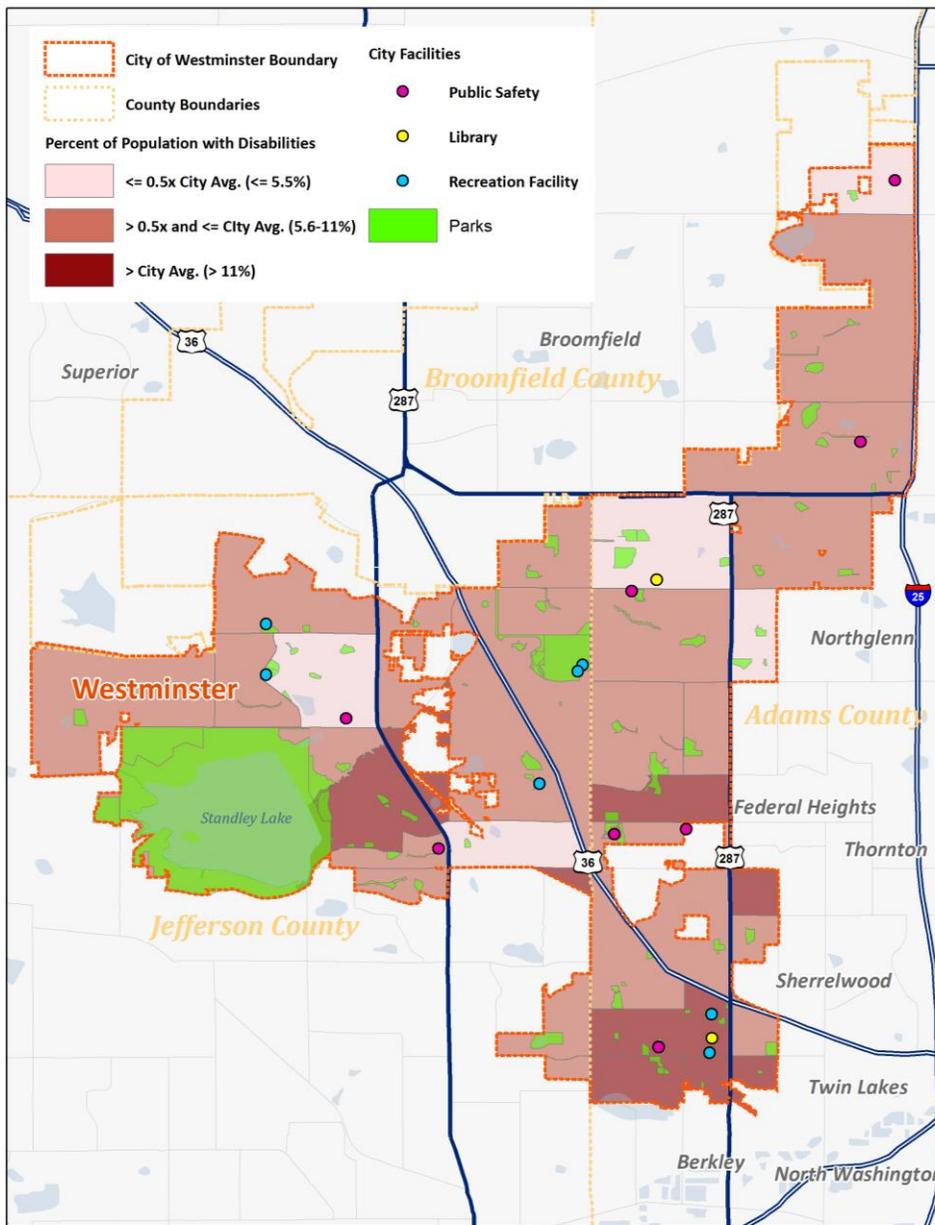
The ability for persons with disabilities to access public transit is a critical component in the creation of a truly accessible community. Persons with disabilities may be limited in their ability to use private transportation, instead depending on public transportation for mobility. A public transit system helps persons with disabilities integrate into the community; connecting areas of residence to employment centers, community facilities and entertainment areas. In addition to the standard RTD system, Access-a-Ride provides local bus transportation in Westminster, as

well as the Denver metro area, for people with disabilities.⁴ Westminster’s public transportation system displays the characteristics of a well-connected and accessible system for persons with disabilities. The number of fixed route bus stops is particularly important because Access-a-Ride services must be provided to residents within ¼ mile of a fixed route stop.

Community facilities and parks. Community facilities and parks are located throughout the city, including in, or bordering, areas with high percentages of persons with disabilities. The census tracts with above average percentages of persons with disabilities located along Federal Blvd (US 287) and below US 36 have two recreation centers, a library branch and several city parks.

⁴ www.rtd-denver.com/accessARide.shtml

Figure IV-10.
Persons with Disabilities in Relation to Community Facilities and Parks, City of Westminster, 2010



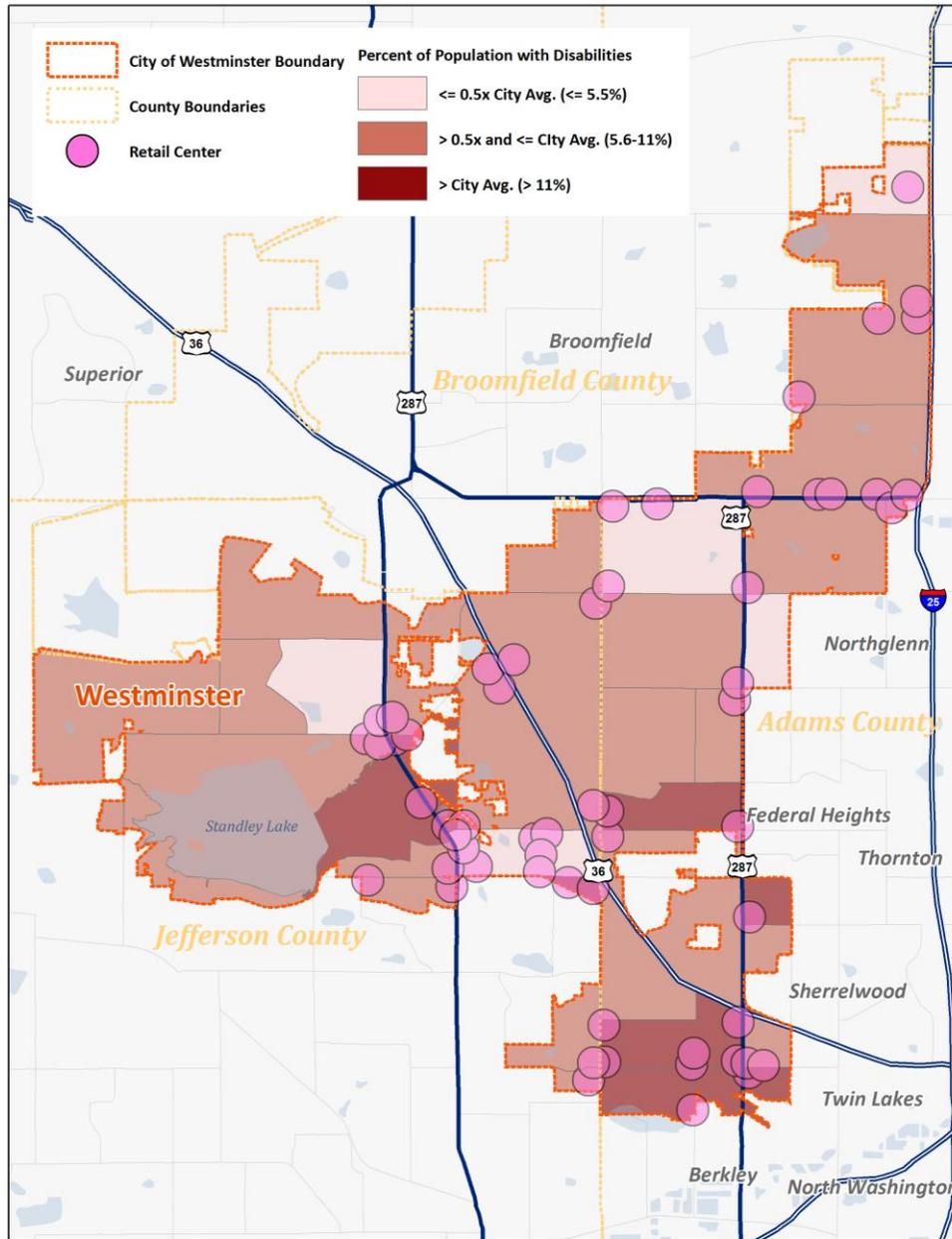
Source: 2010 Census, 2014 City of Westminster Parks and Recreation/Facilities data, BBC Research & Consulting.

Proximity of community facilities and parks to areas where persons with disabilities live is an important determinant in this demographic’s use of the amenities. Westminster’s even distribution of recreation centers, libraries and parks helps create an inclusive environment for all residents.⁵

⁵ City of Westminster facilities were not evaluated individually for accessibility, ADA Standards for Accessible Design compliance or Universal Design adoption.

Access to jobs/retail centers. Retail centers are located throughout the city of Westminster, generally along major thoroughfares. All neighborhoods with large communities of people with disabilities have at least one retail center located close by, and most have numerous retail centers.

Figure IV-11.
Persons with Disabilities in Relation to Retail Centers, City of Westminster, 2010



Source: 2010 Census, 2014 City of Westminster Retail Center data, BBC Research & Consulting.

Access to retail centers by persons with disabilities is important from an employment and quality of life perspective. Retail centers may provide employment opportunities to persons with disabilities that would otherwise be unable to find employment located near their place of

residence. Additionally, persons with disabilities benefit from a close retail center as it provides entertainment and leisure activities, important quality of life components. Westminster residents living with a disability live in similar proximity to retail centers as residents without disabilities.

SECTION V.

Fair Housing Environment

SECTION V.

Fair Housing Environment

This section of the Westminster AI assesses private and public barriers to housing choice within the context of existing fair housing laws, regulations and guidance. This analysis is informed by fair housing complaints; legal cases; data on mortgage lending practices; a review of relevant land use/public policies and practices; public housing policies and practices; and Westminster’s current fair housing activities, including Community Development Block Grant (CDBG) investments.

Legal Framework

Fair housing rights and protections are governed by the federal and state fair housing acts.

Federal Fair Housing Act. The Federal Fair Housing Act, passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, gender/sex, familial status and disability. The Fair Housing Act—Amended (FHAA) covers most types of housing including rental housing, home sales, mortgage and home improvement lending and land use and zoning. Excluded from the FHAA are owner-occupied buildings with no more than four units, single family housing units sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members and housing for older persons.¹

HUD has the primary authority for enforcing the FHAA. HUD investigates the complaints it receives and determines if there is a “reasonable cause” to believe that discrimination occurred. If reasonable cause is established, HUD brings the complaint before an Administrative Law Judge. Parties to the action can also elect to have the trial held in a federal court (in which case the Department of Justice brings the claim on behalf of the plaintiff).²

State ordinance. The State of Colorado has a state law that prohibits housing discrimination (Colorado Revised Statutes, Title 24, Article 34, Part 5 – Housing Practices).³ The state law includes additional protected classes’ marital status, creed, ancestry and sexual orientation. The Colorado Civil Rights Division (CCRD) enforces the state’s fair housing law. The CCRD:

- “Investigates complaints of discrimination, attempting early resolution, including settlement negotiations, and issues determinations as to whether there is probable cause to believe that illegal discrimination has occurred;
- Provides expert training and information on laws and issues regarding civil rights; and

¹ “How Much Do We Know? Public Awareness of the Nation’s Fair Housing Laws”, The U.S. Department of Housing and Urban Development, Office of Policy and Research, April 2002.

² *Ibid.*

³ See <http://www.dora.state.co.us/civil-rights/lawsandregulations.htm> for the actual text of the law.

- Intervenes and helps resolve intergroup, culturally based tensions.”⁴

The Division maintains formal work-sharing agreements with HUD and, through this relationship, has the authority to investigate and resolve housing discrimination complaints.

CCRD has exclusive jurisdiction in situations in which Federal antidiscrimination laws do not apply—e.g., in enforcing cases involving marital status as a basis for housing discrimination and in certain cases of discrimination related to lack of public accommodations and discriminatory advertising.

Course of Action

Citizens of Westminster who believe they have experienced discrimination in violation of the Federal Fair Housing Act (FHA) or state fair housing laws may report their complaints to the following entities:

- HUD’s Office of Fair Housing and Equal Opportunity (FHEO);
- The Colorado Civil Rights Division (CCRD);
- The Colorado Division of Real Estate (certain transactions);
- The Colorado Cross-Disability Coalition (CCDC), as qualified;
- Colorado Legal Services;
- The Legal Center for Persons with Disabilities and Older People; and
- Denver Metro Fair Housing Center (DMFHC).

Victims have one year from the date of the alleged discrimination to file a complaint. The following section discusses the investigation process by the various complaint-taking organizations.

Department of Housing and Urban Development (HUD). Housing discrimination complaints filed with HUD may be done online⁵; by calling toll free at 1-800-669-9777; or by contacting the Office of Fair Housing and Equal Opportunity in Washington D.C., or the HUD Denver Regional Office of Fair Housing and Equal Opportunity.

When HUD receives a complaint, HUD will notify the person who filed the complaint and will normally notify the alleged violator and allow that person to submit a response. The complaint will be investigated to determine whether there has been a violation of the Fair Housing Act.

A complaint may be resolved in a number of ways. First, HUD will try to reach an agreement between the two parties involved. A conciliation agreement must protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement has been breached. HUD will then recommend that the Attorney General file suit.

⁴ CCRD website at <http://www.dora.state.co.us/civil-rights/aboutthedivision.htm>

⁵ <http://www.hud.gov/complaints/housediscrim.cfm>.

If HUD has determined that a state or local agency has the same housing powers (“substantial equivalency”) as HUD, they will refer the complaint to that agency and will notify the complainant of the referral. CCRD is a substantially equivalent local agency (see the CCRD process in the following section). CCRD must begin work on the complaint within 30 days or HUD may take it back.

If during the investigative review and legal processes, CCRD or HUD finds that discrimination has occurred, the case will be heard in an administrative hearing within 120 days, unless either party prefers the case to be heard in Federal district court.

If a person needs immediate help to stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist as soon as a complaint is filed. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of the complaint, if irreparable harm is likely to occur without HUD's intervention and there is substantial evidence that a violation of the Fair Housing Act occurred.

Colorado Division of Civil Rights (CCRD). The Colorado Civil Rights Division is charged with enforcing the state's anti-discrimination laws in the areas of employment, housing and public accommodation.

Alleged victims must first complete a housing intake packet. The packet is available online⁶ or may be requested toll free at (800) 262-4845, and includes a housing intake form, a statement of discrimination and an authorization to release information. Once CCRD receives a fully completed intake packet, the housing intake staff will draft a charge of discrimination, which must be signed by the complainant. After CCRD receives a fully executed charge of discrimination, a copy is served promptly on the respondent and the investigative process is initiated. As part of the investigation, the respondent is asked to provide a written response to the allegation(s). The person filing the complaint will be provided with a copy of the respondent's position statement and will be afforded an opportunity to submit a rebuttal.

The Division also affords the parties the opportunity to participate in a voluntary mediation conference prior to the initiation of the investigation. If the parties wish to avail themselves of the mediation process they can contact CCRD's representative.

If mediation is not held or is unsuccessful, the case is assigned to a housing investigator. The investigator will analyze all information related to the case and may request information as needed. After the investigation is complete, the investigator writes a summary report and Letter of Determination.

The Letter of Determination states the facts of the case and provides an analysis of the case. If the preponderance of the evidence supports the allegation of discrimination, a finding of Probable Cause is issued. Conversely, if the evidence does not support the claim, a finding of No Probable Cause is issued. Along with the dismissal of the claim, the person filing the complaint is

⁶ <http://www.dora.state.co.us/civil-rights/index.htm>

issued a notice of Right to Sue. A Right to Sue Notice allows the person to proceed in court, if desired.

In a No Probable Cause finding, the complainant has the opportunity to appeal that decision to CCRD.

If a finding of Probable Cause is issued, Colorado law mandates that a conciliation conference be held. A conciliator is assigned to work with both parties to try to resolve the complaint. If successful, a formal agreement with the specifics of the settlement is drafted by the mediator and signed by both parties. If efforts to conciliate the case fail, the Director of the Division may issue a dismissal notice along with a Right to Sue letter, allowing the complainant to proceed to court. In some cases, CCRD may authorize the case for hearing before an Administrative Law Judge, with the administrative hearing to begin within 120 days after service of the written notice of hearing and complaint is filed.

In addition to investigative activities, CCRD staff have written educational curriculum on housing discrimination for licensed real estate agents. The staff also assists or provides training materials to relevant entities, such as human relation commissions, apartment associations and/or law firms.

Colorado Division of Real Estate. The Colorado Division of Real Estate takes complaints against real estate brokers, appraisers and/or mortgage brokers. Complaints can be filed online⁷ or complaint packets may be requested by calling the Division at 303-894-2166 or 303 894-2185. The Commission receives an average of 1000 written complaints per year against brokers, salespersons, subdivision developers and appraisers. Approximately 15 percent of those result in some form of disciplinary action. The following information regarding investigations is for the benefit of licensees and the public.

The processes for investigating a complaint differ slightly depending on if the complaint involves an appraiser, a broker or a real estate agent.

When a written complaint is received, it is reviewed and assigned to an investigator. The investigator determines the proper respondent(s) based on information on the complaint. Respondents are added or dismissed throughout the course of the investigation as additional information becomes available. A letter, with a copy of the complaint, is sent to the respondent(s), requesting a response within 14 days. At the same time, a letter is mailed to the complainant, acknowledging receipt of the complaint.

The investigator analyzes the complaint, response and pertinent documents to determine possible license law violations. All parties to the complaint, as well as witnesses, are interviewed. The investigator also contacts attorneys, mortgage companies, title company personnel and others who have knowledge of the situation. Additional documents may be sought from county offices and civil courts.

⁷ www.dora.state.co.us/real-estate/Complaints/Complaints

Upon completion of the investigation, the investigator prepares a written report concerning the facts that have been obtained. At that time the complaint may be dismissed on the basis of insufficient evidence of a license law violation or for lack of jurisdiction. If that is the case, all parties to the complaint will receive letters informing them of the disposition.

If, however, the facts obtained appear to indicate a violation of license law, the report is submitted to the appropriate Board or Commission for consideration. At this time, the Board/Commission may vote to dismiss, admonish the respondent(s), or refer the matter to a formal hearing. The Board/Commission has the discretion to summarily suspend the licensee if there appears to be an immediate danger to the public.

If the matter proceeds to a formal hearing, it is held in accordance with Colorado state law(s). After hearing the matter, the Administrative Law Judge makes an Initial Decision, which is forwarded to the parties and the Board/Commission for their review. The Initial Decision includes findings of fact and conclusion of law. The Board/Commission may or may not adopt the Initial Decision. The respondent licensee may file objections to the Board within 30 days after receiving the Initial Decision. After consideration of the Initial Decision and any objections that may be filed, the Board/Commission may vote to adopt the Initial Decision or it may vote to modify the Initial Decision by increasing or decreasing the penalty. The Board/Commission may also vote to remand the Initial Decision for clarification or rehearing.

After the Board has issued its order in the matter, the licensee may appeal the case to the Court of Appeals and, in some instances, appeal again to a higher court.

Colorado Cross-Disability Coalition (CCDC). The Colorado Cross-Disability Coalition, or CCDC, is dedicated to ensuring the independence, self-reliance and full participation of people with all types of disabilities in Colorado. CCDC can be contacted online⁸ or the Advocacy Program department can be reached by phone at 303-839-1775, option 2. The CCDC Legal Program brings lawsuits on behalf of CCDC and its members to enforce the Americans with Disabilities Act (ADA) and other statutes that protect the civil rights of persons with disabilities.

Colorado Legal Services/Center for Persons with Disabilities and Older People (Legal Services). Colorado Legal Services and the Center for Persons with Disabilities and Older People provide legal assistance to low income persons and seniors. In addition to various other types of cases, the organizations assist qualifying households with fair housing issues. Their services depend on the potential case, but range from advice from an attorney to legal assistance and representation in court. You may contact Legal Services by either going online (<http://www.thelegalcenter.org>) or by phoning them at 800-288-1376.

Each organization has established priorities for their cases, which determines the types of cases that are investigated if there is a need to prioritize. The Legal Center prioritizes its fair housing advocacy work to assist Coloradans with disabilities in obtaining affordable, accessible housing. The organization assists people with disabilities that are in jeopardy of losing their housing for

⁸ <http://www.ccdconline.org>.

reasons related to disability and accessibility, in addition to advocating for the provision of legally required accommodations.

Denver Metro Fair Housing Center (DMFHC). The Denver Metro Fair Housing Center, or DMFHC, is a nascent organization that works to eliminate housing discrimination. They focus on the promotion of housing choice for all people through education, advocacy and enforcement of fair housing law. The DMFHC periodically conducts investigations to measure the nature and extent of rental housing discrimination due to race, national origin and the presence of children in the home.

Analysis of Complaints and Legal Cases

Fair housing complaints filed within Westminster and recent legal cases are examined.

Fair housing complaints. HUD receives and investigates housing complaints and provided data on intakes between 2009 and 2014. HUD reported six fair housing cases in the city of Westminster during this period. Disability and race were each cited three times as the basis for the complaint. Two of the six complaints also included a sex-based complaint, one attached to a race-based complaint and the other to a disability-based complaint.⁹ The discriminatory treatment in the HUD complaints included (number of complaints in parentheses):¹⁰

- Deny or make housing unavailable (4);
- Failure to make reasonable accommodations (2);
- Discriminatory terms, conditions, privileges or services and facilities (2);
- Discriminatory refusal to sell (1);
- Discriminatory refusal to rent (1);
- Discriminatory advertising, statements and notices (1); and
- Discrimination in terms/conditions/privileges relating to rent (1).

All six housing complaints were closed without further action taking place, as two complaints were withdrawn by the complainant after resolution and the remaining four complaints had no cause of determination.

Legal case review. Through an inquiry to the City Attorney's Office, two city officials stated that they were unaware of any lawsuits filed with the city regarding fair housing and/or discrimination in the last 10 years. Additionally, three legal databases were searched for cases involving the City of Westminster or Westminster residents/businesses. These legal databases are: U.S. Department of Justice, Civil Rights Division, Housing & Civil Enforcement; National Fair Housing Advocate Online; HUD Charges – Fair Housing Act Enforcement Activity. No legal cases

⁹ HUD allows housing complaints to have multiple reasons for the basis of the complaint.

¹⁰ HUD allows housing complaints to have multiple issue codes associated with an individual complaint.

were identified in any of the database searches, reaffirming the claim of the City Attorney's Office.

Mortgage Lending Analysis

The inability of residents to obtain loans for home purchases, home improvements and mortgage refinancing not only creates barriers to choice for residents, but also has adverse effects on the neighborhoods in which private capital is limited. The Home Mortgage Disclosure Act (HMDA) data is the best source of information on lending practices to protected classes and in minority and low income neighborhoods. HMDA datasets contain loan application records with information on the race, ethnicity, gender, and income of the applicant, as well as loan terms.¹¹ The data are widely used to detect evidence of discrimination in lending practices, although analysis of the publicly available data is limited by lack of applicant credit information. In coming years, HMDA data will include information on credit scores, allowing for a more robust analysis of lending practices.

As shown in Figure V-1, 15 percent of residential loan applications were denied in 2013 in the city of Westminster. Home improvement loans were denied at a much higher rate than other types of loans (31%). Refinancing loans were denied at a higher rate (17%) than mortgage loans (9%).

For all but two loan purposes (African American home improvement applicants had a sample size of two), denial rates were higher for African Americans and Asians than for whites and higher for Hispanics than for non-Hispanics. Home improvement loans had the highest Asian/white denial disparity (2% points), while refinancing loans had the highest Hispanic/non-Hispanic disparity (9% points). African American applicants had the smallest disparity compared to white applicants.

Figure V-1.
Mortgage Loan Denials by Race and Ethnicity, City of Westminster, 2013

Loan purpose	Percent of Loan Applications Denied						Difference		
	All Race and Ethnicity	African American	Asian	White	Hispanic	Non-Hispanic	African American / White	Asian / White	Hispanic / Non-Hispanic
Home purchase	9%	10%	11%	9%	15%	8%	1%	3%	7%
Home improvement	31%	0%	54%	29%	31%	31%	-29%	24%	0%
Refinancing	17%	20%	21%	15%	24%	15%	4%	6%	9%
All loan purposes	15%	15%	18%	13%	21%	13%	2%	5%	8%

Source: FFIEC HMDA Raw Data, 2013 and BBC Research & Consulting.

¹¹ HMDA data includes information for mortgage loans, home improvement loans, and refinancing loans.

Land Use, Public Policies and Practices

BBC reviewed the City of Westminster's zoning codes, Comprehensive Plans and other land use policies to identify fair housing issues and/or policies that could disparately impact protected classes. The review was conducted using a HUD-developed checklist—the "Review of Public Policies and Practices (Zoning and Planning Code)" form produced by the Los Angeles office—that focuses on the most common regulatory barriers.

The following section summarizes the main findings from the review.

Land use summary. Overall, the City of Westminster's zoning and land use regulations do not appear to create barriers to housing choice. The City's codes are standard and straightforward and the City has taken many steps to encourage a variety of housing choices. The City's Planning Division website is easy to navigate and contains an interactive map of current development projects, zoning and comprehensive land use. The City's various community plans include goals to provide for diverse housing types and acknowledge that density is an important component to balanced housing development.

One aspect of the City's zoning regulations should be revised to reduce confusion about group home regulations. The City has two definitions of group facilities that house persons with disabilities: Group Homes for the Mentally Ill and Group Homes for the Developmentally Disabled. Currently, these two group home definitions, which are allowed by right in residential districts if housing fewer than eight individuals, are defined to include some (developmentally disabled and mentally ill), but not all, types of disabilities. The City's regulations suggest that facilities housing persons with other types of disabilities—e.g., physical disabilities, recovering substance abusers and persons with HIV/AIDS—would not qualify as a group home; instead, subject to the number of unrelated persons occupancy standard. This could have the effect of limiting housing opportunities for people with certain types of disabilities.

The City should establish clearer and consistent definitions for homes for persons with disabilities, broadening the definition beyond developmentally disabled and mentally ill, and make all subsequent types of group homes a residential use by right. Alternatively, adopt disability-neutral language.

Regulatory review.

- 1. Does the code definition of "family" have the effect of discriminating against unrelated individuals with disabilities who reside together in a congregate or group living arrangement?**
No. The City of Westminster's definition of family "shall mean a head of household plus, if applicable, any individuals related to the head of household by blood, marriage, adoption, or guardianship, including foster children placed by a state institution or a licensed child placement agency."
- 2. Is the Code definition of "disability" the same as the Fair Housing Act?** The City's code does not broadly define "disability," but does define "developmental disability" as a "disability that constitutes a substantial disability to the affected individual and that is attributable to mental retardation or related conditions that include cerebral palsy, epilepsy, autism, or other neurological conditions when those conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation."

3. ***Does the zoning ordinance restrict housing opportunities for individuals with disabilities and mischaracterize such housing as a “boarding or rooming house” or “hotel”?*** No. Group homes of not more than eight people living with developmental disabilities or mental illness are allowed for residential zoning.
4. ***Does the zoning ordinance deny housing opportunities for disability individuals with on-site housing supporting services?*** No.
5. ***Does the jurisdiction policy allow any number of unrelated persons to reside together, but restrict such occupancy, if the residents are disabled?*** No. Occupancy for unrelated persons is limited to four.
6. ***Does the jurisdiction policy not allow disabled persons to make reasonable modifications or provide reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing?*** No.
7. ***Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for disabled applicants and is the hearing only for disabled applicants rather than for all applicants?*** No.
8. ***Does the zoning ordinance address mixed uses?*** Yes, the code’s Planned Unit Development (PUD) district is defined as “a district where a maximum amount of flexibility is allowed in order to create a unified, innovative approach to mixed use design. Westminster’s 2013 Comprehensive Plan provides a framework for mixed use development within the city; emphasis placed on access to public transportation and high density development.
9. ***How are the residential land uses discussed?*** The City Zoning Code divides residential zones into varying densities, locations and requirements. The code includes regulations of the permitted residential structures for each zoning category and outlines the building code in regards to density, footprint, building height and setback requirements. The defined zoning districts include:
 - (RE) One-family residential—large-lot single-family detached dwelling units;
 - (R1) One-family residential—medium-lot single-family detached dwelling units;
 - (RA) One-family residential—single-family detached dwelling units;
 - (R2) Two-family residential—allowing mix of single-family detached dwelling units and duplexes;
 - (R3) Multiple-family residential—allowing a mix of single-family, duplex and low-density multi-family dwelling units;
 - (R4) Multiple-family residential—allowing a mix of single-family, duplex and low- and medium density multi-family dwelling units;
 - (R5) Mobile home district—specifically tailored for mobile home parks;
 - (T1) Transitional district—mixed-use district allowing both office and residential uses; and

- (PUD) Planned unit development—a maximum amount of flexibility is allowed in order to create a unified, innovative approach to mixed use design.

What standards apply? The City Zoning Code outlines permitted, assessor, special and conditional uses for each district. This also includes lot and building standards, setbacks, and other general requirements.

10. ***Does the zoning ordinance describe any areas in this jurisdiction as exclusive?*** No.
11. ***Are there any restrictions for Senior Housing in the zoning ordinance? If yes, do the restrictions comply with Federal law on housing for older persons (i.e., solely occupied by persons 62 years of age or older or at least one person 55 years of age and has significant facilities or services to meet the physical or social needs of older people)?*** Yes. Group homes for the aged (not including nursing facilities or institutions providing life care) may not be located within 750 feet of another such group home and may not have more than eight persons 60 years of age or older.
12. ***Does the zoning ordinance contain any special provisions for making housing accessible to persons with disabilities?*** The City of Westminster has adopted the 2009 International Building Code which includes provision for persons with disabilities and access to housing.
13. ***Does the zoning ordinance establish occupancy standards or maximum occupancy limits?*** Yes, for some uses. In Westminster, no more than one individual who is required to register as a sex offender under the provisions of the Colorado Sex Offender Registration Act shall occupy a dwelling unit.
14. ***Does the zoning ordinance include a discussion of fair housing?*** No, although the City of Westminster’s Comprehensive Plan discusses attainable housing goals and objectives.
15. ***Describe the minimum standards and amenities required by the ordinance for a multiple family project with respect to handicap parking.*** Handicapped parking is not directly discussed in the multifamily zoning district regulations.

The total off-street parking spaces required for multi-family development are:

- 1 space per efficiency and 1 bedroom units;
- 1.5 spaces per 2 or more bedroom units, plus one space per five units for guest parking; and
- 1 space per 3 bedroom units for guest parking.

16. ***Does the Zoning Code distinguish senior citizen housing from other single family residential and multifamily residential uses by the application of a conditional use permit?*** No.
17. ***Does the Zoning Code distinguish handicapped housing from other single family residential and multifamily residential uses by the application of a conditional use permit?*** No.
18. ***How is “special group residential housing” defined in the jurisdiction Zoning Code?*** City of Westminster has three definitions of homes which may house special populations: 1)

Group Home for the Aged, 2) Group Home for Persons with Mental Illness and 3) Group Home for Developmentally Disabled Persons.

A **Group Home for the Aged** is defined as a group living situation for the exclusive use of not more than eight (8) persons sixty (60) years of age or older. Group homes for the aged do not include nursing facilities or institutions providing life care.

A **Group Home for Persons with Mental Illness** is defined as a group living situation, licensed by the State, providing for the care and treatment and for the exclusive use of not more than eight (8) persons with mental illness, which shall not include persons who have committed a violent offense.

A **Group Home for Developmentally Disabled Persons** is defined as a group living situation for accommodating, and for the exclusive use of, at least four (4) but no more than eight (8) persons, licensed by the State as a community residential home, where services and support are provided to persons with developmental disabilities. For the purposes of this definition, “developmental disability” means a disability that constitutes a substantial disability to the affected individual and that is attributable to mental retardation or related conditions that include cerebral palsy, epilepsy, autism, or other neurological conditions when those conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation.

Group homes are permitted by right in residential districts. However, the City’s definition of conditional uses within residential districts specifies that Group Homes for the Aged and Group Homes for the Mentally Ill must not be located within 750 feet of a similarly defined group home.

- 19. Does the jurisdiction’s planning and building codes presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act?** There is no specific reference to the accessibility requirements in the FHA.

Minimum lot size. An important element of the Zoning Code in regard to fair housing choice is the minimum lot size and/or maximum density per lot requirement. Zoning codes should, ideally, include zoning regulation and minimum lot requirements that support all types of developments. Overly large lot requirements may discourage or hinder affordable housing development.

A variety of housing types. Allowing for a variety and mixture of housing types is important to ensure an array of homes in different price ranges. Encouraging, or, at a minimum, allowing for medium and high density residential dwellings, cluster developments, accessory dwelling units (ADUs) and mixed uses are all ways jurisdictions can provide a wide range of housing types at all income levels.

Parking requirements. A lower parking standard than the traditional standard of two parking spaces per dwelling unit may be reasonable in some communities, can lower costs for affordable housing development and is appropriate for multifamily housing, group housing and special needs housing. Parking requirements tend to increase the cost of providing housing by pulling

away resources that could be used to reduce overall development costs, in turn lower rents, or provide more services. The parking standards described previously reflect Westminster's recent decision (April 2015) to reduce parking requirements which should result in lower overall development costs.

Allowing lower parking requirements, especially for affordable and mixed-income multifamily housing, is a good practice that can reduce barriers to housing choice through cost reduction.

Planning, development and building fees. Overall, impact fees are determined by the number of housing units in a development and the assessed impact of the nature of the project. The City of Westminster assesses school impact fees and public land impact fees through land dedication. In lieu of land dedication, a comparable cash fee may be paid. Additionally, a park development fee is assessed by the City, with the amount determined by the housing type.

The fees will add to the cost of housing but do not have a disproportionate impact on any one or more protected class.

Occupancy requirements. Jurisdictions often define occupancy requirements in order to protect the health and safety of its residents by attempting to prevent overcrowding. Similarly, jurisdictions commonly establish a definition of "family" or "household."

Note that limiting the maximum number of unrelated persons to four persons can be viewed as restrictive, since it is lower than what is usually applied to group homes (six to eight persons, which allows for a larger supply of units for persons needing a group home setting without compromising the residential character of the group home or creating larger, institutional-like settings). This could have the effect of creating barriers to housing choice for unrelated individuals living together who do not need the services in a group home but benefit from the affordability and communal environment of a shared living environment.

NIMBYism. Not-in-My-Backyard Syndrome, or NIMBYism, can create significant barriers to housing choice for protected classes. NIMBY was not a factor identified as an impediment during the development of the AI.

Public Housing Policies and Practices

Public housing in Westminster is provided by the Adams County Housing Authority and the Jefferson County Housing Authority. Each is discussed in turn.

Adams County Housing Authority. The Adams County Housing Authority (ACHA) provides a variety of affordable apartment options for families, persons with disabilities and seniors. ACHA owns and manages more than 1,250 units of affordable housing, including publically subsidized rental units.

ACHA has 42 units of public housing for persons with disabilities and seniors, and administers more than 1,300 Section 8 Housing Choice Vouchers for county residents. ACHA supports approximately 17,211 residents who live in ACHA-owned, developed or administered housing units or who are accessing program services.

Within Westminster, ACHA has a total of 540 units at six properties. The majority of these units (414) are market rate or conventional apartment units. Among the AHCA's 126 income or program-restricted units located in Westminster, 83 are Project Based Section 8 units; 16 have income restrictions; and 27 units are subsidized through HOME program funds.

This section summarizes ACHA's policies and procedures related to fair housing.

Section 8 Housing Choice Voucher (HCV) Program. The HCV program is a lottery based application process. Although the dates for the lottery change each year, ACHA announces the dates in the legal section of the local newspaper. Applicants can also find program entry information and due dates on the ACHA website, or by calling the recorded lotto line. Lottery cards that are not selected within 12 months will be destroyed. Applicants must re-apply each year. Random drawings are held throughout the year. If an applicant's number is selected, they will be notified by mail.

This program allows participants to select their own rental housing (e.g., apartment, townhouse, duplex or single-family home), as long as the unit is located in Adams County, which include the following cities or towns:

- Commerce City
- Thornton
- Northglenn
- Westminster
- Federal Heights
- Watkins
- Bennett
- Strasburg
- Unincorporated Adams County

Once an applicant is notified that their lottery number has been drawn, they must provide proof of income eligibility, citizenship status, and pass a criminal background check. New admissions will also be required to sign a Declaration of Section 214 Status form, a Release of Information form, and a Criminal Background/Credit Check form.

When all of the eligibility criteria are met, and the applicant is approved, they will meet with a housing specialist to discuss the program's policies and procedures, as well as the renter's responsibilities.

Public housing policies. The ACHA has 900 units of affordable housing in 10 properties located throughout Adams County, that vary in size, design and location, that provides housing for people with incomes that range from 30% to 80% of Area Median Income. In addition, the ACHA also has 42 one-bedroom units of public housing at Casa Redonda De Vigil, reserved for residents who are disabled or 62 years of age or older.

Public housing assistance is available as long as the family/individual remains eligible and occupies the offered unit. Currently, public housing assistance through the ACHA is not transferable.

Tenant rent is based on 30% of the family's adjusted gross monthly income. Residents sign a dwelling lease for the unit and pay their portion of the rent directly to ACHA.

Applicants who meet program eligibility are placed on a waitlist. When an opening occurs, the next person is contacted and offered the unit, subject to verification of continued program eligibility.

Reasonable accommodation in housing for people with disabilities. The ACHA provides a policy to address reasonable accommodation in housing for applicants with a recorded physical or mental impairment that substantially limits one or more major life activities. The policy is in place to provide people with disabilities an equal opportunity to participate in, or benefit from, ACHA housing programs. This policy provides affordable housing to low-income persons, regardless of disability.

Persons with disabilities may request reasonable accommodation in writing at any time in the application process or after admission.

Jefferson County Housing Authority. The Jefferson County Housing Authority (JCHA) serves all of Jefferson County with administration of Section 8 vouchers (about 1,950) and provision of affordable housing. The housing authority does not own any public housing units. Instead, the housing authority owns and operates 20 affordable properties in Jefferson County: one is located in Westminster, five in Arvada, one in Evergreen, three in Golden, two in Lakewood and eight in Wheat Ridge.

The housing authority does not maintain a wait list for Section 8 vouchers. Three years ago the housing authority converted to a lottery system. The wait list has been closed for more than two years; the last time it was opened 2,500 people applied for assistance. The housing authority reports that one to two people visit every day asking for assistance.

Senior Housing Program. The JCHA owns and manages two senior subsidized housing facilities, located in Evergreen and Golden, Colorado. Applicants must be either 62 years of age or older and/or be disabled. Interested applicants are required to complete a preliminary application, after which, they will be placed on a waiting list. Priority for housing assistance is based on the time and date of application, and a preference is given to Jefferson County residents. When an applicant's name reaches the top of the waiting list, they will be notified in writing.

The housing authority staff describes the current rental market in the county as very tight and challenging for voucher holders. Many tenants are leaving the county for more affordable areas in the metro area (e.g., Adams County). Staff also cited accessible housing as a significant need in the county.

City of Westminster Fair Housing Activities

The City of Westminster actively promotes fair housing practices through provision of fair housing information on the City's website and in allocation of resources, such as the Community Development Block Grant (CDBG) program. Westminster uses CDBG funds to

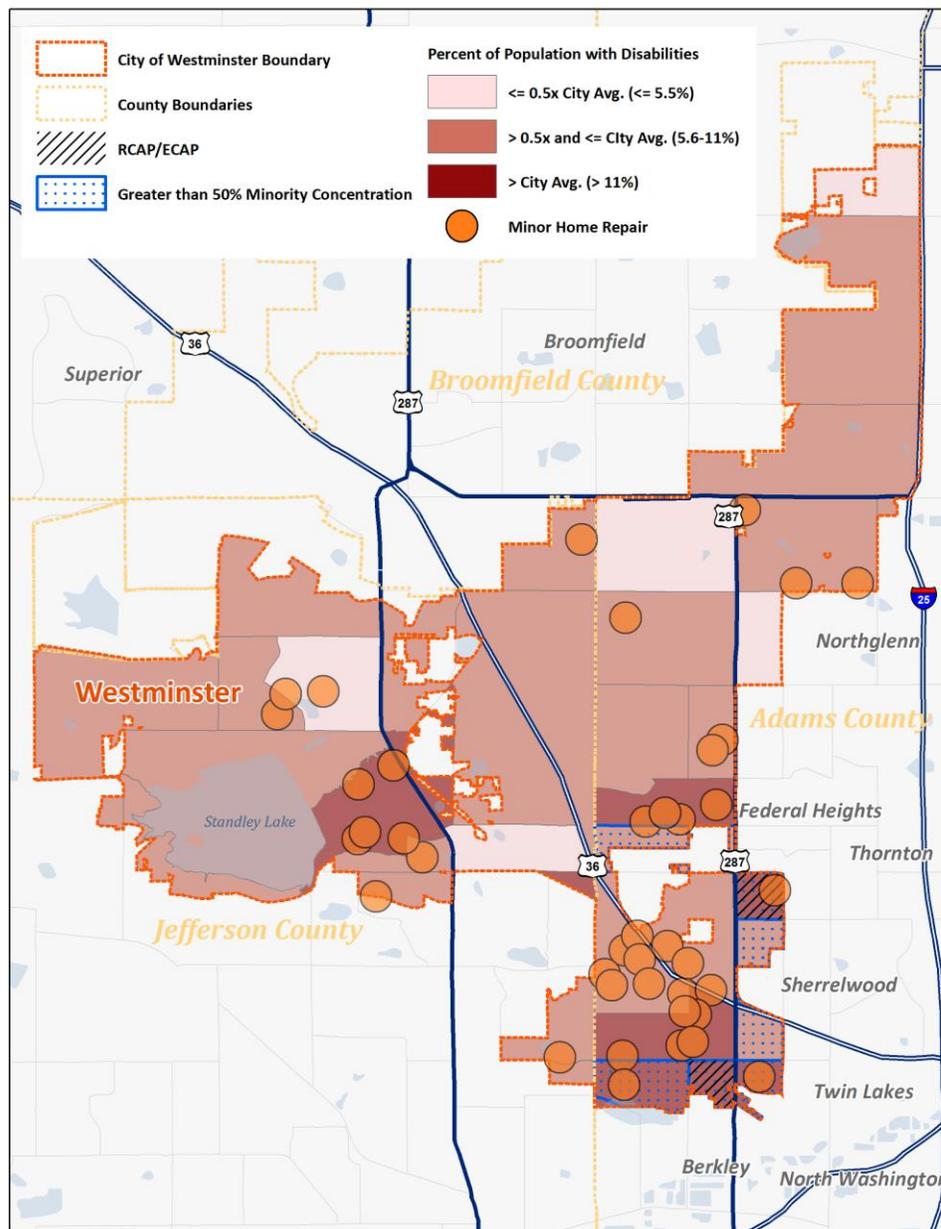
support programs that benefit residents of the city, with specific targeting of protected class and lower socioeconomic residents.

Minor home repair program. The City of Westminster uses CDBG funds to finance the Emergency and Essential Home Repair Program (Minor Home Repair). The program is intended to assist owner-occupied, low-income households in making repairs deemed essential to preserving the health, safety and welfare of the home's occupants.¹²

As shown in Figure V-2, there is a large clustering of minor home repair projects in south Westminster, but only a handful are located within majority minority census tracts, and only one of the 38 program homes is located in a R/ECAP area. At the same time, however, almost half of the minor home repair project locations are located within census tracts with a high percentage of persons with disabilities.

¹² Up to \$5,000 in eligible home repairs can be made free of charge to income-qualified households. The City's program is administered by the Jefferson County Housing Authority.

Figure V-2.
Minor Home Repair Project Locations in Relation to Majority Minority and R/ECAP Census Tracts and Persons with Disabilities, City of Westminster, 2010

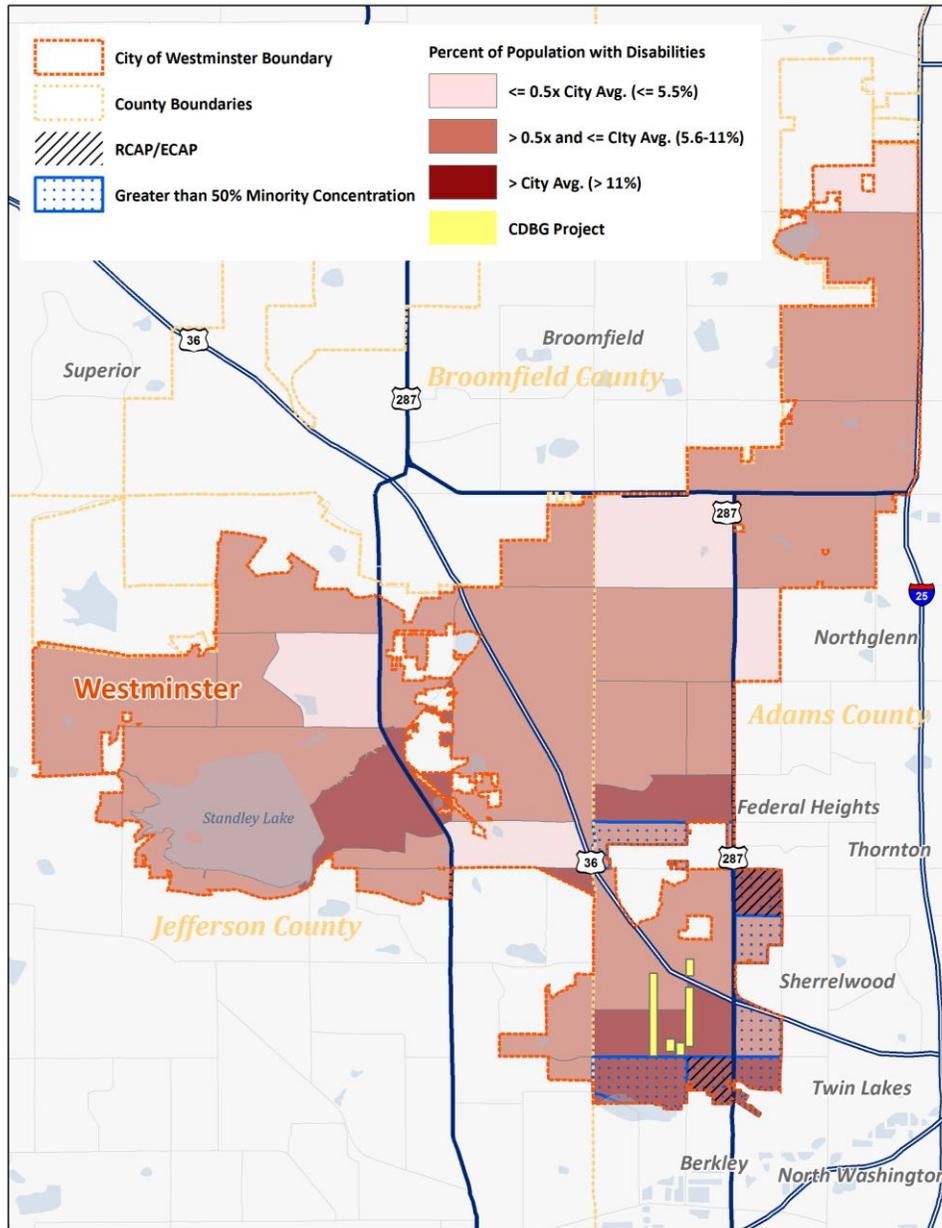


Source: 2010 Census, 2014 City of Westminster Minor Home Repairs data, BBC Research & Consulting.

Infrastructure projects. In addition to the Minor Home Repair Program, Westminster uses CDBG funds for community infrastructure projects. Between 2009 and 2014, the City performed streetscape improvements along Lowell Blvd., put in street lighting and planted trees on Bradburn Blvd., upgraded sidewalks on 76th Ave. and developed a community garden in Rodeo Market Park. As with the minor home repair projects, the CDBG projects are concentrated in south Westminster, benefitting the surrounding majority minority and R/ECAP neighborhoods,

as well as persons with disabilities. Figure V-3 shows the project locations in relation to persons with disabilities, as well as majority minority and R/ECAP areas.

Figure V-3.
CDBG Infrastructure Project Locations in Relation to Majority Minority and R/ECAP Census Tracts and Persons with Disabilities, City of Westminster, 2010



Source: 2010 Census, 2014 City of Westminster CDBG Infrastructure Project data, BBC Research & Consulting.

In addition to CDBG expenditures, Westminster has made infrastructure improvements (e.g., park and roadway improvements) in south Westminster valued at more than \$40 million in the

past 15 years.¹³ The City's current focus is in the area surrounding Westminster's future light rail station (near the intersection of 72nd Avenue and Federal Boulevard, part of the FasTracks program). The City's direct investments will include contributions to the station completion, a parking garage and a public plaza as well as a bus transfer facility and new roads. The Regional Transportation District (RTD) anticipates opening the station in spring 2015.

¹³ <http://www.ci.westminster.co.us/CityGovernment/CommunityDevelopment/SouthWestminsterRevitalization/SouthWestminsterRevitalizationProgress.aspx>

SECTION VI.

Fair Housing Goals and Policies

SECTION VI.

Fair Housing Goals and Policies

Consistent with HUD’s expectations of an Analysis of Impediments to Fair Housing Choice (AI) study and the new Assessment of Fair Housing (AFH), this section:

- Identifies and prioritizes fair housing issues arising from the AI; and
- Discusses fair housing goals and a Fair Housing Action Plan (FHAP) to mitigate and address the identified fair housing issues.

Fair Housing Issues and Prioritization

The fair housing impediments identified in the AI research and a review of the 2009 AI are discussed below. As specified in HUD’s AFH tool, the action items to address the impediments are assigned a priority ranking. The prioritization was based on:

- The significance of the barrier in contributing to segregation,
- The significance of the barrier in limiting housing choice, and
- Ease of implementation—i.e., the ability of the City and its partners to address the barrier, especially in the next 6-12 months.

2009 Impediments—Do they still exist? The impediments found in the 2009 AI include:

- **When it occurs, housing discrimination is an impediment.** By definition, acts of housing discrimination, whether explicit or implicit, impede fair housing choice. From 2004-2009, 13 fair housing complaints were filed with HUD regarding properties or actions occurring within Westminster. Six complaints were filed from 2009 to 2014. It is hoped that the decrease in complaints signals overall reductions in the incidence of discriminatory acts in Westminster, but there is no evidence to make such a determination. As described in Section II, participants in the stakeholder and resident focus groups for this study shared examples of potentially discriminatory acts by Westminster landlords or property management companies.
- **Development-related impediments. Lack of formally-adopted programs to support affordable housing. Limited supply of affordable housing.** Westminster’s 2013 Comprehensive Plan Update formalized land use policies to develop and preserve affordable housing within and throughout the city of Westminster. In addition to a focus on affordable units, land use policies specify that new affordable housing development will have access to transit and public and private services. Westminster’s ECAPs signal the need for more affordable housing units throughout Westminster, and rising rents exacerbate the problem.

encompasses more than working to prevent overt discriminatory actions in the rental or sale of a housing unit. Increasingly, affirmatively furthering fair housing encompasses access to opportunity within a community (see Section IV). To residents, the placement and quality of public amenities such as parks, soccer or baseball fields, trails and open space is a visible manifestation of the value a city places on certain neighborhoods or residents. One example described in a focus group is a perception that parks in south Westminster are less well-maintained than parks in newer or more affluent neighborhoods. As described in Section II, language can be a barrier to accessing city programs and services when communications and promotions are delivered solely in English. The example raised by residents related that a parent with limited English proficiency would not learn about and may have difficulties registering a child to participate in City recreation programs.

Fair Housing Action Plan

The recommended fair housing action plan (FHAP) for the City follows. These action items focus on what the City of Westminster can reasonably do to address the impediments and affirmatively further fair housing (AFFH) given its staff and financial capacity. Other public entities (e.g., Adams County), nonprofit and private sector partners can play a role and buttress the City's AFFH activities.

The action plan is contained in the matrix on the following page, which links the action items to the identified impediments, potential partners, timeline and outcomes.

- **Language.** The 2009 AI acknowledged the need for information to be provided in languages other than English and Spanish. As the city’s limited English proficient populations grow, the need for these services will continue to increase. Limitations on accessing community programs due to limited English proficiency were discussed by focus group participants (see Section II).

2015 Highest Priority Impediments

The fair housing impediments found in this AI update include:

1. **Group home definitions in City code may result in different treatment of group home residents (Westminster City Code, Title XI, §2.1 Definitions)¹.** The City’s land use regulations define group homes to include some (developmentally disabled and mentally ill), but not all, types of disabilities. These regulations may be interpreted to mean that facilities housing persons with other types of disabilities—e.g., physical disabilities, recovering substance abusers and persons with HIV/AIDS—would not qualify as a group home, may not be allowed in a residential district by right and/or may be subject to the city’s unrelated persons occupancy standard.
2. **Residents lack knowledge of fair housing protections and resources. Fair housing information can be hard to find.** Residents participating in the focus groups for the AI described housing situations that may have constituted fair housing violations—but their lack of knowledge about their rights and uncertainty of where to look for information limited their ability to take action. A lack of knowledge of the rights and protections afforded by the Fair Housing Act may contribute to the persistence of or mask instances of public and private discriminatory practices and limit residents’ housing choice and access to opportunity.
3. **Rising rents may disproportionately impact certain protected classes in Westminster.** Often, lack of affordable housing is an “equal opportunity barrier” because it affects protected classes with similar economic situations the same. In Westminster’s case, however, residents with large families and Spanish-speaking residents expressed greater challenges finding affordable housing that met their needs, particularly larger sized units. These challenges are likely to increase if the rental market in the metro area remains tight. Adams County, including south Westminster, is increasingly seen as the one of the only remaining affordable areas in the region. Efforts by the City and its regional partners to develop and preserve affordable housing, particularly in the neighborhoods undergoing revitalization resulting from City investment and FasTracks implementation will be important to maintaining economic diversity.

Moderate Priority Impediments

4. **Inequity may exist in the quality or access to some community amenities and programs; this is amplified by language barriers.** Affirmatively furthering fair housing

¹ <http://www.ci.westminster.co.us/CityGovernment/CityCode/TitleXI/2Definitions.aspx>

Proposed Fair Housing Action Plan (FHAP) for City of Westminster, 2015

Fair Housing Barrier	Prioritization of Fair Housing Issue	Fair Housing Goals/Activities	Fair Housing Partner	Timeline for Activities	Measurable Outcomes
1. Group home definition in City code may result in different treatment of group home residents.	High	The City of Westminster will review its zoning code to ensure that definitions and provisions do not deny access to housing based on disability status or type of disability (i.e., regulations that are disability neutral)			
		Bring this provision of the code (Title XI, §2.1 Definitions: Group Home for Developmentally Disabled Persons and Group Home for Persons With Mental Illness) to the attention of the City Attorney for review.	Westminster City Attorney	Jul-15	City Attorney review and determination of next steps
		Based on the City Attorney's determination, make necessary changes to address the impediment		Jan-16	To be determined by City Attorney review
2. Residents lack of knowledge of fair housing protections and resources. Fair housing information can be hard to find.	High	The City of Westminster will provide fair housing education opportunities to frontline staff and residents	To be determined by City of Westminster.		
		The City of Westminster's Rental Property Maintenance Inspection Program and the Rental Property Licenses and Registration system provides a unique opportunity for one-to-one fair housing education from the City to landlords and by extension from landlords to tenants. Rental housing inspectors will provide landlords with fair housing education materials for both the landlord and the unit's tenant(s). Communication of fair housing information will also be distributed through the license and registration system.		Ongoing	Number of residents, staff, landlords trained or receiving fair housing information.
		The City of Westminster will track the distribution of education materials as well as the number of inquiries about fair housing received from landlords and tenants. Frontline staff will receive training in fair housing basics and will be provided with appropriate referral information for landlord or tenant inquiries.		Ongoing	Additional information about fair housing questions and concerns from both landlords and residents.
		Analysis of the inquiries received may suggest a need for further research to estimate the nature or prevalence of housing discrimination in Westminster's rental market such as testing conducted by a qualified provider. The City of Westminster will annually review the impact of its efforts to determine whether testing is warranted. If testing is pursued, we suggest focusing tests on limited English proficiency; persons with disabilities and people of color.		Annual	Annual analysis of the fair housing landscape as found through landlord and resident inquiries; may suggest the need for testing before developing other activities to affirmatively further fair housing.
		Evaluate the current fair housing content on the City's website and consider adding content relevant to residents and landlords. Explore opportunities to make this content easier to find.		Q4 2015	Improved content and ease of finding content

		As appropriate, incorporate fair housing content in ongoing City of Westminster public outreach and engagement, particularly activities related to south Westminster revitalization and the development of the Westminster Station and outreach to the Spanish-speaking and immigrant Asian communities.		Ongoing	Developing a culture of access to opportunity, fair housing choice, and understanding of linkages of public investment and planning with opportunities for choice.
3. Rising rents may disproportionately impact certain protected classes in Westminster.		The City of Westminster will implement the 2013 Comprehensive Plan Update policies related to development and preservation of affordable housing (including, but not limited to policies LU-P-25 through LU-P-31)		Ongoing	
		The City of Westminster should examine its ability to support more affordable mixed-income rental developments, through more streamlined development processes, fee waivers, density bonuses and making land that is appropriate for rental developments—but not zoned for multifamily—easier to rezone		Q4 2016	
4. Inequity may exist in the quality of and access to some community amenities and programs; this is amplified by language barriers.	Medium	The City of Westminster will determine the extent to which perceived inequities in quality or access to public amenities or programming in south Westminster accurately represent residents' experiences and staff's experiences in the maintenance and provision of these amenities and programs.		Q2 2016	Review findings
		If inequities or opportunities to increase access are found, the City will work with the community and City staff to make improvements.		TBD	

APPENDIX A.

FHEO Crosscheck

APPENDIX A

Westminster AI FHEO Cross Check

Fair Housing Issue Area	How addressed in AI	Where addressed in AI	Notes
1. Date AI update was completed			
2. Data analysis of segregation	Analysis of Census data and mapping	Section I	
3. Review of unintended impacts of limiting housing choice for protected classes	Resident focus groups, including group in Spanish. Stakeholder focus group. Data analysis of access to opportunity.	Section II, Section IV	
4. Zoning regulations and code review	Code reviewed using HUD checklist	Section V	
5. Assessment of how regulations, policies, economics affect location, availability, accessibility of housing for protected classes	Data analysis, policy review, resident input	Throughout AI	
6. Demographic and housing market analysis	Analysis of demographic and housing data	Section III	
7. Review of housing stock in range of prices and unit sizes	Discussed in resident and stakeholder focus groups	Section VI	
8. Accessible housing availability	Expert interviews, resident and stakeholder focus groups	Section III	Data on the location and availability of accessible units is not available; would require separate study
9. Assessment of housing needs for persons with disabilities	Expert interviews, resident and stakeholder focus groups	Throughout AI	
10. Use of scientific methodology	Use of large, statistically sound data sets (Census, HMDA)	Throughout AI	
11. Avoid confusing barriers to affordable housing and impediments to housing choice	AI focuses on impediments, not just affordability	Section VI	
12. Impediments linked to protected classes	As much as possible throughout AI	Section VI	
13. Affordability barriers also impediments to fair housing choice	Affordability not primary barrier to choice	Section VI	
14. Fair Housing Action Plan		Section VI	
15. Areas of minority concentration and opportunity analysis	Analysis of Census data and opportunity variables	Section III, Section IV	
16. Determination of the presence of barriers based on protected class	As much as possible throughout AI	Section VI	
17. Activities of public housing authority	Review of Adams County and Jefferson County Housing authorities websites (interviews attempted)	Section V	
18. Public transportation plan	Access to public transit by residents with disabilities and those in R/ECAPs	Section IV	

19. School quality and access to housing	Neighborhood school quality and R/ECAPs, concentration of persons with disabilities	Section IV	
20. Source of income analysis			Data not available to assess; source of income testing or surveys have not been conducted in Westminster
21.& 22. Fair housing environment discussion	Complaint and legal analysis; review of access to fair housing resources	Section V	
23. Actions to ensure that affordable housing available to racial and ethnic minorities and persons with disabilities	Resident and stakeholder focus group discussions Representative of Adams County Housing Authority participated in stakeholder	Part of Fair Housing Action Plan in Section VI	
24. Findings shared with public housing authority	focus group	Section V Section VI is complete, to grantee's knowledge	The AI will be shared with the two housing authorities operating in Westminster.
25. Impediments not identified			
26. Environmental or infrastructure issues	Review of CDBG program spending; review of planned FasTracks implementation in Westminster	Section V	
27. Incorporation of findings into funding decisions, yearly planning (as demonstrated through Con Plan, Annual Action Plan, CAPER)	Past AI findings incorporated into Westminster's 2013 Comprehensive Plan Update, CAPER filings	Section VI	Ongoing
28. Identification of RCAPs and ECAPs	Census data analysis and mapping	Section III	
29. Public participation process	Surveys, focus groups, public meetings	Section II	
30. Segregation based on familial status	Discussed in resident and stakeholder focus groups	Section III	
31. Subrecipient monitoring			The City of Westminster does not allocate CDBG for public services.
32. Incorporation of findings into Consolidated Planning process		Ongoing	2015-2019 Consolidated Plan developed by the consortium concurrent to the 2015 AI process
33. Staff have a knowledge of fair housing	Assessed through city meetings, staff conversations	Section V, Section VI	
34. Communication of AI findings to subrecipients, partners, stakeholders			Will begin in 2015
35. Evidence of substantially equivalent fair housing ordinance			Confirm Westminster does not have a fair housing ordinance
36. Equal access based on sexual orientation, gender identity, marital status	Included and enforced in state law		
37. Integration of people with disabilities leaving institutional settings	Discussed in focus groups, expert interviews, data analysis	Section III, Section IV, Section VI	



Staff Report

Information Only Staff Report
July 27, 2015



SUBJECT: Monthly Residential Development Report

PREPARED BY: Walter G. Patrick, Planner

Summary Statement

This report is for City Council information only and requires no action by City Council.

- The following report updates 2015 residential development activity per subdivision (please see attachment) and compares 2015 year-to-date totals with 2014 year-to-date totals.
The table below shows a 314.3% increase in new residential construction for 2015 year-to-date totals when compared to 2014 year-to-date totals (87 units in 2015 vs. 21 units in 2014).
Residential development activity for the month of June 2015 versus June 2014 reflects an increase in single-family detached (32 units in 2015 versus 0 units in 2014), a decrease in single-family attached (0 units in 2015 versus 4 units in 2014), and no change in multiple-family or senior housing (0 units in both years).

NEW RESIDENTIAL UNITS (2014 AND 2015)

Table with columns for UNIT TYPE, JUNE (2014, 2015), % CHG, YEAR-TO-DATE (2014, 2015), and % CHG. Rows include Single-Family Detached, Single-Family Attached, Multiple-Family, Senior Housing, and TOTAL.

Background Information

In June 2015, there were 32 Service Commitments issued for new housing units.

The column labeled “# Rem.” on the attached table shows the number of approved units remaining to be built in each subdivision.

Total numbers in this column will change as new residential projects (awarded Service Commitments in the new residential competitions), Legacy Ridge projects, build-out developments, etc., receive Official Development Plan (ODP) approval and are added to the list. Conversely, projects with expired service commitments are removed from the list.

This report supports the City Council Strategic Plan goals of Vibrant & Inclusive Neighborhoods and Beautiful, Desirable, Environmentally Responsible City.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment – Active Residential Development Table

ACTIVE RESIDENTIAL DEVELOPMENT

Single-Family Detached Projects:

	May-15	Jun-15	2014 YTD	2015 YTD	# Rem.*	2014 TOTAL
Bradburn (120th & Tennyson)	0	0	0	0	0	0
Bradurn East (120th & Lowell)	1	0	0	1	54	0
CedarBridge (111th & Bryant)	0	0	0	1	2	0
Country Club Highlands (120th & Zuni)	0	18	12	28	27	16
Countryside Vista (105th & Simms)	0	0	0	0	9	0
Huntington Trails (144th & Huron)	0	2	2	4	15	4
Hyland Village (96th & Sheridan)	3	12	0	21	80	4
Legacy Ridge West F08 (107th & Leg. Ridge Pky)	8	0	0	10	79	0
Lexington (140th & Huron)	0	0	0	0	2	0
Shoenberg Farms (Berkely Homes)	0	0	0	3	49	0
Various Infill	0	0	1	0	7	1
Winters Property (111th & Wads. Blvd.)	0	0	0	0	8	0
Winters Property South (110th & Wads. Blvd.)	0	0	0	0	10	0
<i>SUBTOTAL</i>	<i>12</i>	<i>32</i>	<i>15</i>	<i>68</i>	<i>342</i>	<i>25</i>

Single-Family Attached Projects:

Alpine Vista (88th & Lowell)	0	0	0	0	84	0
Cottonwood Village (88th & Federal)	0	0	0	0	62	0
Hollypark (96th & Federal)	0	0	0	0	58	0
Legacy Ridge West F08 Patio Villas	0	0	0	2	62	0
Hyland Village (96th & Sheridan)	0	0	0	0	153	0
Legacy Village (113th & Sheridan)	0	0	0	8	14	8
South Westminster (East Bay)	3	0	0	3	50	0
Shoenberg Farms	0	0	0	0	8	0
Summit Pointe (W. of Zuni at 82nd Pl.)	0	0	0	0	58	0
Sunstream (93rd & Lark Bunting)	6	0	6	6	2	8
<i>SUBTOTAL</i>	<i>9</i>	<i>0</i>	<i>6</i>	<i>19</i>	<i>551</i>	<i>16</i>

Multiple-Family Projects:

Hyland Village (96th & Sheridan)	0	0	0	0	54	0
Orchard at Westminster	0	0	0	0	0	194
Prospector's Point (87th & Decatur)	0	0	0	0	24	0
South Westminster (East Bay)	0	0	0	0	28	0
South Westminster (Harris Park Sites I-IV)	0	0	0	0	6	0
<i>SUBTOTAL</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>112</i>	<i>194</i>

Senior Housing Projects:

Crystal Lakes (San Marino)	0	0	0	0	7	0
Mandalay Gardens (Anthem)	0	0	0	0	0	0
<i>SUBTOTAL</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>7</i>	<i>0</i>

TOTAL (all housing types)

21	32	21	87	1012	235
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* This column refers to the number of approved units remaining to be built in each subdivision.



Staff Report

Information Only Staff Report
July 27, 2015



SUBJECT: Community Development: Development Review Audit Recommendations – Implementation Update

PREPARED BY: Grant Penland, Principal Planner

Summary Statement

This report is for City Council information only and requires no action by City Council.

In March 2014, the Community Development Department conducted a study session with the City Council on the subject of how the City provides service relative to the processing and approval of new development in the City. At this study session, Councilors expressed concern that the City was not viewed favorably by the development community and expressed desire to make changes to the development review process.

As follow up to the concerns expressed, Council and staff concurred in hiring an independent consulting firm to do a review of the City's development review process and report back to the Council on their findings and propose recommendations for improvement. Matrix Consulting was hired in summer, 2014, and their final report regarding the development review process was published on January 29, 2015.

On April 13, 2015, staff categorized Matrix' recommendations for improvement into topical areas and provided a recommendation to City Council regarding how all of recommendations can be implemented. Due to staffing resources and implementation time, some of these recommendations are proposed to be instituted in 2016.

In order to keep City Council apprised with respect to audit recommendation implementation, staff will provide a report outlining the progress of implementation, every other month until all recommendations have been implemented. Attached Council will find a chart detailing the consultant's recommendations which have already been implemented.

Background Information

The following recommendations from the Matrix report have already been implemented as described below.

Consultant Recommendation	Implementation Action
The City should highly publicize the availability of Friday building inspections to address the perception of this service being unavailable.	The availability of Friday building inspections has been widely publicized, including the following: <ul style="list-style-type: none">◦ Publication in the Weekly Edition◦ Posted information on Building Division web page◦ Created handout for distribution at Building Division counter and during field inspections◦ Published article in the Building Division newsletter◦ Sent out e-mail blasts to approximately 3,500 addresses, including all licensed contractors, homeowners that have been issued building permits, and anyone else that had registered via Accela.
A monthly report showing performance against the adopted timeframes should be distributed to communicate staff performance against the adopted review standards.	Quarterly development review performance has begun to be published on the Planning Division's web page.
The City should increase the hours for submittal of applications. This can be accomplished either through an expansion of the hours to more than four per week, or assignment of a “Planner of the Day” who is responsible for all completeness reviews and intake of plans on the assigned day.	All project submittals are now accepted any day of the week with a weekly deadline of Thursday at noon. Applications, checklists, and materials have been updated to reflect the expanded project submittal timeframe.
A standard should be established for timely responses to all voicemails and emails to increase service provided to applicants.	Staff is regularly reinforcing the Department's one-business day target to return calls and emails.
All plan review comments issued by staff should reference the code, city requirement, or policy that it relates to in order to provide further direction and guidance to applicants on the basis of the comment.	Staff is providing specific references to codes, guidelines, etc. within development review comments.

A position of Development Review Coordinator should be considered to provide an individual focused on serving as the ombudsperson for applicants when issues arise regarding responsiveness of review staff, conflicting review comments issued by staff, or other issues related to an application. Applicants should be directed to this individual when questions arise. This position should also serve as a coordinating point for all development review applications to ensure staff are meeting review timeframes and to adjust work assignments as needed.

Staff has continued to convey role of the Principal Planner as "ombudsperson" to applicants, developers, etc.

The City should implement a single development review software that encompasses the entire development review process and not only the building permitting function. This software will address many concerns identified and provide much greater functionality to both staff and applicants including: electronic plan submittal by applicants, electronic plan review by staff, simpler and more timely compilation of development review comments by all reviews, ability for applicants to review status of applications and review specific staff comments online.

Community Development released a request for proposals on June 29, 2015, for a software system that will be used to efficiently manage workflows and record keeping related to a variety of building, engineering, planning and land use permits, contractor registration, code enforcement cases, periodic inspections, and enforcement programs.

The following recommendations from the Matrix report will be implemented within the next 30 days, as outlined below.

- The Community Development Department will be identifying a business improvement specialist to assist with workflow mapping and identification of efficiencies in the current development review processes. Findings from the business improvement specialist will be integrated into the software to assist the Department in reaching the proposed reduction in review times.
- Staff will begin review of the proposals due on August 3, 2015, regarding the development review software.

This report supports the City Council Strategic Plan goals of *Vibrant & Inclusive Neighborhoods* and *Beautiful, Desirable, Environmentally Responsible City*.

Respectfully submitted,

Donald R. Tripp
City Manager