Fair Housing Activity Statement – Texas

Recognizing that each jurisdiction is unique, this Fair Housing Activity Statement - Texas is intended to be used in conjunction with the Analysis of Impediments, Phase I as a form to help the applying jurisdictions perform assessments of their impediments to fair housing choice, plan actions to address identified impediments, and communicate their plans to the State of Texas and HUD.

BEFORE beginning to fill out this form, each jurisdiction should:

(1) Participate in the regional FHAST Form training.
(2) Review the 2010 Texas Interim Phase I AI in detail;
(3) Gather relevant information (see instructions in Appendix A);
(4) Convene a FHAST Working Group to assess the data collected in #2 and fill out the FHAST form (see instructions in Appendix A.)

Impediment #1	Protected classes may experience disparities in home mortgage lending and high cost loans.

No local action is required at this time.

Impediment #2	There is inadequate information available to the real estate community, governments and the public about fair housing requirements and enforcement procedures.

No local action is required at this time.

Impediment #3	The public is not sufficiently aware of their Fair Housing rights and how to obtain the assistance necessary to protect those rights.

1. Consistent with the Fair Housing Act, the State of Texas, and funded sub-recipients should continue to promote and conduct events to celebrate April as Fair Housing Month, and direct sub-recipients to do the same. These events can demonstrate support for fair housing and build awareness.

X We will commit to undertake Fair Housing Month activities. (Check all that apply.)

X Passage of a resolution by our governing body.

☐ Activities in schools.

X Placing posters in public buildings.

☐ Governing body will hold a special hearing to solicit input from the community.

X Other. Please specify. The City of Silsbee will have available a 2010 demographic database (See Attached)

When will you undertake these activities? ☐ 2011 X 2012 ☐ 2013

☐ Not Applicable (Explain)

2. Consistent with the Fair Housing Act, the State of Texas and funded sub-recipients have historically conducted fair housing activities at various times of the year and should continue to fund, depending on sufficient appropriations, or collaborate with public and private agencies, organizations and groups to plan and conduct fair housing activities.

   X We will conduct/sponsor/fund in fair housing activities at various times of the year other than "April as Fair Housing Month". Attach a description of these activities and identify the organizations and agencies you have worked with.
   The City of Silsbee will place Fair Housing posters in appropriate locations through out the city (Library, city hall, website, public housing, etc.) and twice a year place a article in our local paper advocating fair housing.

   When will you do this? X Ongoing

   ☐ Not Applicable (Explain)

Impediment #4	"Not in my Backyard" (NIMBY) may be an impediment to fair housing in Texas communities.

1. NIMBY opposition needs to be anticipated and planning and outreach should occur on the front end of projects. To mitigate defensive and reactive responses, planning should include strategies for education, outreach and marketing that provide accurate information and promote the positive aspects and benefits of affordable housing to build support among community residents.[1]

2. The Department of Housing and Urban Development (HUD) provides extensive information about Fair Housing and examples at www.hud.gov. Generally communities should consider:
   - Working with local officials, editorial boards, religious and civic organizations and other community leaders to initiate education programs.
   - Seeking opportunities to present information to community organizations by requesting to be placed on their meeting agendas.
   - Including a visit to the Group Home residence as part of an education program.
   - Answering all questions.
   - Talking with local neighborhood leaders, including elected representatives, and setting up a neighborhood meeting.
   - Setting up a liaison committee consisting of advocates, group residents, and neighborhood residents to discuss issues.

- Identifying areas that meet AFFH targets where the community supports development, has worked with community groups and potentially uses funds to assist the development of multi-family affordable housing.

X We have developed an anti-NIMBYism action plan. [Attach a copy or description]

When will you do this? ☐ 2011 ☐ 2012 X 2013

☐ Not Applicable (Explain)

Impediment #5	Certain governmental policies and practices may not meet current HUD policy concerning affirmatively furthering fair housing. Jurisdictions should act to ensure that their policies and procedures affirmatively further fair housing, address mal-distribution of resources, and that they do not unnecessarily impact housing choice.

1. As part of certifying that a community is affirmatively furthering fair housing, jurisdictions that have long-term infrastructure plans should review them to determine if the plan promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes. While not intended to direct a community to hire a consultant, it is anticipated that a community will review its long-term infrastructure plans as part of this recommended action. In reviewing the project list (Appendix F of the Phase 1 AI) there are many projects that are listed as being of community-wide benefit. The records do not indicate the actual location of projects or provide adequate discussion of how the projects benefit the entire community.

   ☐ We have a long-term infrastructure plan and will review the plan to determine if it promotes racial concentrations or otherwise inadvertently results in disparate treatment of members of protected classes as it relates to the availability of housing.

   When will you do this? ☐ 2011

   X Not Applicable (Explain) The City of Silsbee is a relatively small community with a population of 6,800. The city also works with a very tight budget to adequately provide needed services to our citizens. We would certainly entertain the use of grant funds (if available) to complete an infrastructure study. Currently the city uses CDBG grant funds to replace failing sewer lines in our low/mod areas. CDBG requires that these projects be completed in low/mod areas. City staff is very knowledgeable of infrastructure issues within the city. We plan to address these issues in the round 2.2 grant process if it becomes available.

   X We have already collected information on the locations of protected populations and have adequate information for insuring that new projects with "citywide benefits" will not perpetuate illegal differences in treatment.

   X We will use the information in the AI to ensure that proposed projects do not perpetuate illegal differences in treatment.

When will you do this? X 2011

☐ Not Applicable (Explain)

2. As it has been determined under federal law that Fair Housing applies to all federal housing and community development funds, to reduce "siloing" the fair housing component into only housing-related programs, fair housing should be considered in all activities for all local community planning staff.

☐ We have determined that consideration of Fair Housing implications has already been incorporated into all aspects of planning in this jurisdiction. [Please attach supporting documentation.]

X We will review and insure that Fair Housing implications are addressed in all aspects of planning in this jurisdiction in a manner consistent with the guidelines provided by the state at the FHAST form training and maintain documentation of that review.

When will you do this? X Ongoing

☐ Not Applicable (Explain)

3. It would be beneficial for local elected officials to require senior staff of any sub recipient such as a city or county—including managers and attorneys—to receive available Fair Housing training within the first 12 months of their employment or engagement.

☐ We have a policy in place providing for all senior staff – including managers and attorneys – to receive Fair Housing training within their first 12 months on the job, and for long-term senior staff to receive regular updated training. [Attach copy of policy]

X We do not have such a policy and will develop and implement one. To the best of our knowledge there is not any local training opportunities available. If the training becomes available locally the listed staff would attend. Limited funds would not allow distant travel.

When will you do this? X 2013

☐ Not Applicable (Explain)

4. As part of what is usually a common initial training by the associations that provide education opportunities for newly-appointed board members or newly-elected council or commissioners court members of cities and counties, the state should request that training include specific information on the Fair Housing Act—with a discussion of affirmatively furthering fair housing obligations.

No local action is required at this time.

5. Local communities should consider limiting the concentration of infrastructure improvements like wastewater treatment, solid waste disposal, or similar necessary but not desirable infrastructure projects in residential areas where there are concentrations of protected classes.

☐ We have an official policy that limits the concentration of certain infrastructure improvements. [Attach a copy.]

☐ We have official policies and procedures that take the location of protected classes into account when deciding where to locate undesirable infrastructure improvements. [Attach a copy.]

☐ We do NOT have limits on the concentration of undesirable infrastructure improvements or policies and procedures that take the residential location of members of protected classes into account, but will develop formal limits or official policies and procedures.

When will you do this? ☐ 2011 ☐ 2012 ☐ 2013

X Not Applicable (Explain) The City of Silsbee currently has a south sewer plant and a north sewer plant. These two structures adequately provide wastewater treatment to the city. If additional capacity is needed in the future it is our plan to expand the existing sewer plant locations. Both of these treatment facilities are located in areas that do not adversely affect citizens of our city. If the city takes any future projects into consideration we will take into consideration any adverse conditions that would be placed on protected class citizens.

6. Communities electing to provide publicly financed housing incentives should be requested to call for recipients to engage in affirmative marketing.

X We have a policy requiring Affirmative Marketing Plans from developers seeking tax abatements or other supports for new housing. The city of Silsbee has a tax abatement policy in effect. The city also supports affirmative housing that qualifies for housing tax credits. Just recently the city supported a large public housing apartment complex that received tax credits. The value associated with the tax credit allows residences to be leased to qualified families at below market rate rentals.

☐ We do not have such a policy and will develop and implement one.

When will you do this? ☐ 2011

☐ Not Applicable (Explain)

7. If a jurisdiction is a non-entitlement community, when working in LMI areas to replace roads or other infrastructure, the jurisdiction should consider making application for

additional sources of funding to provide assistance to repair substandard housing associated with the project (i.e., TDHCA or HUD.)

☐ We formally consider accessing supplementary funds when infrastructure proposals are developed. [Attach policies.]

☐ We have not consistently done this in the past and we will develop a process to formally consider making housing funding applications when funds for infrastructure projects are sought.

When will you do this? ☐ 2011 ☐ 2012 ☐ 2013

X Not Applicable (Explain) The South East Texas Regional Planning Commission currently assists persons in our city with housing repairs and replacement. We assist this process and support it. The infrastructure grants we currently apply for do not allow for housing assistance.

8. Most infrastructure projects take into account items like curb cuts, sidewalks, hearing and visually impaired indicators at intersections. When approving non-federally funded projects, similar special needs construction should be required for infrastructure improvements. Projects should also address other legacy discrimination issues, such as accessibility in public areas like courthouses, community centers and other high traffic areas.

X We currently require that applications for non-federally-funded infrastructure projects are ADA compliant and address other legacy discrimination issues.

☐ We do not have such a requirement. We will develop one.

When will you do this? ☐2011

☐ Not Applicable (Explain)

9. Each jurisdiction applying for Community Development Block Grant funds or other federal housing and community development funds should submit a Fair Housing Activities Statement – Texas (FHAST) with their application, reviewing their infrastructure needs and housing needs and how the proposed activity promotes fair housing or results in more equitable treatment of protected classes. Projects with community-wide benefits should be accompanied by explicit commitments on the part of the local jurisdictions to undertake additional activities to affirmatively further fair housing along with a monitoring and reporting process.

X We submit a FHAST form.

When will you begin to do this? X Ongoing

☐ Not Applicable (Explain)

10. As part of the non-housing disaster recovery program, jurisdictions should consider low-income areas and areas populated principally by members of protected classes to determine the potential for flooding and consider making infrastructure expenditures to help protect the impacted communities—including colonias.

    X We have reviewed LMI areas and areas populated principally by members of protected classes, and prioritized infrastructure expenditures to help protect the impacted communities—including colonias.

    ☐ We have not done this in the past but will conduct such a review and consider these infrastructure projects in the future.

    When will you do this? X 2011

    ☐ Not Applicable (Explain)

11. If applicable, all policies should be reviewed regarding denying applicants' access to disaster recovery CDBG funds if their residence is located in the flood plain. If the policy does not allow participation by restricting building in flood plains, then the policy should be assessed to see if alternative housing programs could be implemented for the residents. Local jurisdictions should analyze the results and see if protected classes are more frequently harmed by flood plain restrictions. This action does not apply to the GLO CDBG Disaster Relief Fund that limits property purchase "unless TXCDBG receives satisfactory evidence that the property to be purchased was not constructed or purchased by the current owner after the property site location was officially mapped and included in a designated flood plain."

    X We have completed this review and analysis and will take action on our findings. The City of Silsbee actively participates in the National Flood Insurance Program. Our participation was mandatory so that residences in the flood zone could get insurance for flooding. FEMA required the city adopt and have the Department of Homeland Security's Federal Emergency Management Agency's Regional office approve floodplain management measures that satisfy 44 code of federal regulations section 60.3 of the national flood insurance program. The city was required to pass an ordinance adopting flood plain management measures that meet or exceed the minimum NFIP requirements. The city will consider all applications for construction in a flood zone area and utilize the guidelines set forth by FEMA for any approval.

    ☐ We have not completed this review and analysis. We will do so and take appropriate actions based on our findings for Round 2 programs.

    When will you do this? X 2011

    ☐ Not Applicable (Explain)

12. When an entire community is in a flood plain, the community should establish clear standards that allow for proper elevation or relocation, and that also allows for visitability/special needs considerations consistent with state[3] and federal law.

    ☐ We have established clear standards that allow for proper elevation of homes or for relocation, and also allow for visitability/special needs considerations consistent with state and federal law. [Attach documentation.]

    ☐ We have not developed these standards but will do so for Round 2 programs.

    When will you do this? ☐2011

    X Not Applicable (Explain) The City of Silsbee does not have entire communities located within a flood zone.

13. Local jurisdictions that accommodated the relocation of disaster survivors resulting in concentrations of protected class survivors in specific areas should establish Moving to Opportunity Programs and include renters in their Moving to Opportunity Programs as defined under Round 2.

    ☐ This action step applies to our jurisdiction. We will establish a Moving to Opportunity Program for disaster survivors as part of our Round 2 housing recovery program.

    When will you do this? ☐ 2011

    X Not Applicable (Explain) The City of Silsbee did not have any relocation/buyout of disaster survivors.

14. Consistent with the process established in the Conciliation Agreement, local jurisdictions and state agencies should work together to determine a demographic and economic profile of victims of the natural disaster and establish goals for assisting these populations in no less that the proportions they were impacted by the disaster. These goals should be performance goals and disaster recovery funds should be extended incrementally in a manner to ensure that these populations are equitably assisted with benefits.

    X We will cooperate with state agencies to carry out this action step.

    When will you do this? X Ongoing

    ☐ Not Applicable (Explain)

15. All infrastructure programs funded with disaster recovery funds should be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities.

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[3] Texas Government Code Section 2306.514

X We have established clear policies and procedures to insure that all infrastructure programs funded with disaster recovery funds will be designed so that any publicly accessible infrastructure projects and associated facilities are fully accessible to persons with disabilities. [Attach documentation.] The City of Silsbee has adopted by ordinance the 2009 International building Code for all our remodeling and new construction projects. ADA and persons with disabilities building standards are defined within this code. The city employees an inspector to insure these standards are enforced. (see attached ordinance)

☐ We have not developed these standards and policies; we will do so for Round 2 infrastructure projects. The person or entity responsible for developing these standards will be _____.

When will you do this? ☐ 2011

☐ Not Applicable (Explain)

16. Consistent with the Conciliation Agreement, family and elderly public housing units damaged or destroyed by the disaster should be reconstructed or repaired in a manner that affirmatively furthers fair housing utilizing disaster recovery funds within 24 months of approval of the initial application for disaster recovery assistance for the local jurisdiction.

☐ We affirm that family and elderly public housing units damaged or destroyed by the disaster will be reconstructed or repaired in a manner that affirmatively furthers fair housing utilizing disaster recovery funds within 24 months of submission of the initial application for disaster recovery assistance by the local jurisdiction.

X Not Applicable (Explain) The City of Silsbee infrastructure grant funds cannot be used for housing. The South East Texas Regional Planning Commission assists housing needs if they qualify for repairs. Any persons requesting assistance will be directed to that agency.

Impediment #6	Governmental entities at all levels do not appear to have been proactive in the enforcement of both the Fair Housing Act and the obligation to affirmatively further fair housing. The State and sub recipients should implement a robust and effective structure for identifying and pursuing suspected violations.

1. Given the potential for increase in Fair Housing enforcement action by federal and state agencies and private organizations, an ongoing fair housing testing program for areas that receive federal housing and community development funds could be beneficial to protect state agencies and sub-recipients from potential repayment. Fair housing enforcement is a valid use of CDBG funding and can be used to establish testing programs by agencies trained in HUD testing procedures. The state, or local jurisdictions combining together, should consider conducting tests in areas that include

the following: steering in sales and rental; the denial of and different terms and conditions based on race, national origin, familial status, and disability in sales and rental; predatory and disparate terms and conditions in lending and insurance; and foreclosure modification schemes targeting minority neighborhoods. The state should also consider education to applicable entities on self-testing and self-correction.

☐ We currently have a testing program for Fair Housing violations. For more information.

☐ We do not have a testing program for Fair Housing violations and plan to establish one.

When will you do this? ☐ 2011 ☐ 2012 ☐ 2013

X Not Applicable (Explain) Limited resources in the City of Silsbee does not allow for a testing program to be implemented at this time. We will however be receptive to assist any such program at the State level or Fair Housing level.

2. TDHCA should, as a pilot program, allocate funds to independent third parties or a combined jurisdiction team identified in point 1 of this section to provide similar testing to determine if additional enforcement is necessary.

No local action is required at this time.

3. Impacted agencies that provide certification that they are affirmatively furthering fair housing as required by federal law, should consider publishing a public document on enforcement that provides the public and communities with a clear description (and chart) of the state and Federal Fair Housing Act.

X On documents concerning housing and community development programs that are provided to the public, we will list fair housing enforcement contacts and procedures consistent with the State suggested language.

When will you do this? X Ongoing

☐ Not Applicable (Explain)

4. Each community should place on its website (if one is available) the contact, at the local, state, and federal levels, for reporting a Fair Housing complaint, if citizens believe they were victims of housing discrimination.

X We have published the contact information – at the local, state and federal levels – for reporting a Fair Housing complaint. [Attach a copy or URL.]

When will you do this? X 2013

5. Each local jurisdiction should publish on its website a clear statement, approved jointly by TDHCA, expressing the jurisdiction's obligation to affirmatively further fair housing and providing a method for reporting suspected noncompliance to the state and to HUD. The jurisdiction's contact person should be able to refer to clear local Fair Housing procedures for the complaint process, keep logs and records of all inquiries, allegations, complaints and referrals. These reports should be sent to the appropriate funding agency. Where these reports show that a jurisdiction has administered programs inconsistently with the AI and had the effect of discouraging applications from members of protected classes who are deemed eligible under the plan for assistance, affirmative marketing plans should be developed and submitted to the appropriate agency.

☐ We have published a policy statement expressing our jurisdiction's obligation to Affirmatively Further Fair Housing. [Attach a copy or URL.]

X We will publish a policy statement consistent with the language the State provides in 2011.

When will you do this? X 2013

☐ Not Applicable (Explain)

☐ We have developed clear procedures for the Fair Housing complaint process. [Attach a copy]

X We will develop clear procedures for the Fair Housing complaint process once more guidance in given by the State in 2013. We will also suggest to the South East Texas Regional Planning Commission that they establish regional referral process.

When will you do this? X 2014

☐ Not Applicable (Explain)

☐ We keep complete logs and records of all Fair Housing inquiries, allegations, complaints and referrals and have a policy statement about these legal records.

X We will begin keeping required logs and records.

When will you do this? ☐ Ongoing

☐ Not Applicable (Explain)

☐ We have remedial procedures for developers, landlords, home sellers and others whose actions may be inconsistent with Fair Housing laws and regulations.

☐ We do not have remedial procedures but will develop them. The agency or person who will be responsible for developing these procedures is _____.

When will you do this? ☐ 2011

☐ Not Applicable (Explain)

Impediment #7	Many local jurisdictions have zoning codes, land use controls, and administrative practices that may impede fair housing choice and fail to affirmatively further fair housing.

1. The law anticipates that ordinances creating disparate impact should also be reviewed for change. If a disparate impact is determined to exist by the local jurisdiction, it could repeal or amend the restriction, use public funds to offset the cost through homebuyer assistance programs, or waive fees or other offsets to make the home more affordable.

   X We recently conducted or updated a Fair Housing Review of our ordinances and codes.

   We have not done so but will conduct a review

   ☐ We have a policy statement/guidance for those responsible for developing codes/ordinances that reminds them to consider and document the Fair Housing/AFFH implications of any new rule.

   X We do not have such a policy/guidance but will develop one when suggested guidelines are provided by the State in 2013.

   When will you do this? X 2014

   ☐ Not Applicable (Explain)

2. To help limit concentrations that could be considered impediments to affirmatively furthering fair housing, jurisdictions that have long term planning documents for housing growth or redevelopment, or revitalization plans, should consider allowing or encouraging mixed income affordable housing in the plan and provide incentives for development of this type of housing in areas that are not concentrated.

☐ We recently conducted a Fair Housing Review and took/are taking appropriate action concerning our planning documents. [Attach a list of plans reviewed, a summary of findings, and actions you will take to remove impediments]

X We have not done so but will conduct a Fair Housing Review after the State provides suggested guidelines in 2013.

When will you do this? X 2014

☐ Not Applicable (Explain)

☐ We have identified residential areas that show concentrations or underrepresentation of protected groups, and we encourage mixed-income affordable housing and other strategies to widen housing choice throughout our jurisdiction.

X We have not done so but will include this in our FHAST plan once guidelines are provided by the State in 2013.

When will you do this? X 2014

☐ Not Applicable (Explain)

3. Local jurisdictions seeking CDBG Disaster Recovery funds from the state should consider offering expedited permitting and review processes for affordable housing projects within high opportunity target zones.

X We currently offer incentives to developers to locate affordable housing projects in high opportunity neighborhoods and prevent overconcentration. The City of Silsbee supports those developers who apply for tax credits with affordable housing.

☐ We have not done so but will.

When will you do this? ☐ 2011 ☐ 2012 ☐ 2013

☐ Not Applicable (Explain)

Impediment #8	Inadequate planning for re-housing after an emergency situation creates a situation where persons who are uninsured or under-insured, low income, or special needs can be displaced for long periods of time.

1. Some legislators, the Sunset Commission, and communities acknowledge that while temporary disaster housing is a federal program, Texas should continue to provide

guidance to local governments on additional planning that needs to be done as part of the emergency preparedness planning to most efficiently work with FEMA.

No local action is required at this time.

2. As much of what FEMA has previously offered is travel trailers or manufactured housing, local governments should review their zoning requirements or other land use provisions that restrict temporary housing or housing on an existing lot during the building process and look at potential waivers that do not risk or negatively impact health, safety, and welfare during a period after disasters so that low income persons can move back to their existing communities with temporary housing while waiting for redevelopment.

   X We have reviewed our zoning requirements and other land use provisions and have provided waivers or other accommodations for post-disaster housing.

   ☐ We have not done so but will review our zoning and look at potential waivers.

   When will you do this? ☐ 2011 ☐ 2012 ☐ 2013

   ☐ Not Applicable (Explain)

Impediment #9	There are impediments in public and private actions and private attitudes to housing choice for persons with disabilities.

1. To meet federal Fair Housing requirements for zoning and neighborhood uses, jurisdictions should look to determine if there are direct or indirect limitations in codes that would prevent facilities or personal residences from providing assistance or communities of choice or service-enriched environments that directly impact special needs persons.

2. Local jurisdictions should work to ensure that zoning or code requirements do not unnecessarily impose stricter commercial building requirements, such as emergency access or protection services, on group homes, thereby dramatically increasing housing costs for persons with special needs.

   X We have reviewed our codes and ordinances and have addressed/are addressing any impediments relating to special needs persons, including (1) rules that might prevent facilities or personal residences from providing assistance or communities of choice or service-enriched environments that directly impact special needs persons, and (2) rules that might unfairly increase the costs to special needs persons. The City of Silsbee has adopted by ordinance the 2009 International building code which is very precise on ADA, special needs persons and persons with disabilities. The State sets guidelines for remodeling and new construction and do not allow for variances. The Americans with Disabilities act set in stone these requirements and enforce the

requirements by completing an inspection on remodeling and new construction commercial buildings.

☐ We have not done so but will conduct a review and address any impediments identified once guidelines are provided by the State in 2011.

When will you do this? ☐ 2011

☐ Not Applicable (Explain)

3. Local jurisdictions should consider coordinating with the legislatively created Housing and Health Services Coordination Council for best practices on working with supportive services.

X We agree to coordinate with the legislatively created Housing and Health Services Coordination Council staffed by TDHCA for best practices on working with supportive services.

When will you do this? X Ongoing

☐ Not Applicable (Explain)

Impediment #10	There are barriers to mobility and free housing choice for Housing Choice Voucher holders including: inadequate tenant counseling services and mobility assistance, failure of PHAs to apply for the FMR pilot demonstration funds, and government policies, procedures, and regulations that tend to decrease participation by private housing providers and to restrict available housing to "racially or low-income populated neighborhoods" with little access to economic, educational, or other opportunity.

No local action beyond compliance with Round 2 Housing Guidelines is currently required but communities are encouraged to work with local public housing authorities to understand and overcome these impediments.

Impediment #11	Loss of housing stock in Hurricanes Dolly and Ike compounded the shortage of affordable housing in disaster recovery areas. This shortage is particularly acute in safe, low-poverty neighborhoods with access to standard public services, job opportunities and good schools.

No local action is required at this time. TDHCA will develop a statewide strategic plan including guidance for local jurisdictions on the following Action Steps in 2011.

1. To help offset the costs of developments that feature reduced rents without government support, local jurisdictions should consider establishing density

bonuses to allow for higher levels of units per site for multifamily developments and single-family developments that propose increased affordability.

2. TDHCA and HUD have developed programs that preserve affordable housing. Continuing in this vein, the state and local jurisdictions should work to preserve existing affordable housing development and discourage them from converting to market rate housing. Requirements should be included in all publicly funded developments providing tenants with early and clear notification of the intention of management to convert to market rate housing and providing first right of refusal to nonprofit and public entities and organizations to purchase units to maintain affordability.

3. The state and local jurisdictions should consider using CDBG funds to buy down the cost of land in high-cost and high-opportunity development areas to increase affordable housing options in these areas.

Impediment #12	Lack of financial resources for both individuals and housing providers limits Fair Housing choice. Using an effective program under Section 3 of the Housing and Urban Development Act of 1968 may help members of protected classes gain economic opportunities necessary to allow them to exercise fair housing choice.

1. The state is maximizing its resources in Round 2 of the Ike/Dolly funding to affirmatively further fair housing in single family and multi-family developments. As called for in the Conciliation Agreement, the state is looking to provide more integrated housing options for persons in racially concentrated or poverty concentrated neighborhood groups. In single-family programs, the state should require sub recipients to offer the opportunity to relocate out of floodplain areas, concentrations of racial minorities, or concentrations of poverty—through the Homeowner Opportunity Program. Any relocation should be into an area that does not result in simply relocating the high-concentration from one area to another.

   Local jurisdictions will be responsible for complying with Section 3 as part of their contract with the state.

2. Jurisdictions receiving federal funds from HUD, directly or indirectly, should ensure they have a compliant Section 3 program to meet HUD requirements regarding notification to LMI eligible persons of potential job creation at the impacted neighborhood level with federal funds.

   X We have in place a Section 3 program that meets the requirements of federal law and regulations regarding potential job creation at the impacted neighborhood level and the use of federal funds to hire local LMI eligible persons. We confirm that appropriate staff persons in this jurisdiction have already received training on Section 3, regarding job creation for local LMI persons including members of protected classes. [Attach Section 3 plan and list of staff names and training dates]

We have not done so but will develop a Section 3 program that meets the requirements of federal law and regulations and that ensure appropriate staff receive training.

When will you do this? X 2013

Impediment #13	Location and lack of housing accessibility and visitability standards within political jurisdictions limits fair housing choice for persons with disabilities.

1. Local jurisdictions should consider establishing incentives for affordable housing applicants to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA integrated housing rule.

2. TDHCA and local jurisdictions should consider adding proximity to medical facilities as a scoring incentive for competitive programs using federal funds for proximity to medical facilities.

3. TDHCA should require that all federally funded housing construction be built to accessibility standards found in Texas Government Code §2306.514.

☐ We have formally considered: 1) establishing incentives for affordable housing developers to create an increased set-aside of housing units for persons with disabilities or persons who are elderly without violating the existing TDHCA Integrated Housing Rule; 2) providing point incentives for units in proximity to medical facilities for competitive programs using federal funds; and 3)requiring new housing built with federal funds to be built with structures that allow for accessible features, regardless of whether the original occupant needs the features, as called for by state law. [Attach documentation of the review and resulting actions.]

We have not undertaken the above review, but plan to do so.

When will you do this? ☐ 2011 X 2012 ☐ 2013

X Not Applicable (Explain) The grant funds available to the City of Silsbee are for Infrastructure. Housing funds are handled through the SETRPC.We suppport all available housing efforts in our city.

Impediment #14	Many colonias residents live in developments that have insufficient infrastructure and protections against flooding and are impacted by flooding beyond events like Hurricanes Dolly and Ike.

1. The state, COGs, and local jurisdictions should examine the infrastructure needs in colonias, in particular the use of CDBG disaster recovery funds to provide drainage improvements to correct flooding problems in the wake of Hurricane Dolly, and the historical provision of public infrastructure and housing assistance to meet those needs in border and non-border colonias.

☐ We have identified the unserved infrastructure needs of colonias within our jurisdiction and whether these infrastructure improvements are eligible for disaster recovery funding and, if so, whether those projects will be funded.

☐ We have not undertaken the above review, but plan to do so.

When will you do this? ☐ 2011

X Not Applicable (Explain) The City of Silsbee does not have any colonias.

Impediment #15	Minority neighborhoods in disaster areas are primarily served by non-regulated insurance companies that do not adhere to underwriting guidelines and may be discriminated against in the provision of insurance. Texas has passed aggressive statues to prevent insurance "redlining." National research indicates that protected classes face unwarranted disparities in the cost of insurance, the amount of coverage, and cancellation of policies without notice to the homeowner.

No local action is required at this time.

Impediment #16	Many jurisdictions do not have adequate Analysis of Impediments to Fair Housing or Fair Housing Plans, and do not keep sufficient records of their activities.

1. Recipients of CDBG funds from HUD for housing should maintain records as required by the Fair Housing Act, HUD regulations, and the Conciliation Agreement in order to document that they are carrying out their commitments and affirmatively furthering fair housing.

   ☐ We currently maintain all required records to document our AFFH actions and compliance with Fair Housing laws, HUD and State regulations, and the Conciliation Agreement. [Attach details of the records now kept and identify the person or entity responsible for keeping these records.]

   We have not done so but do so in compliance with GLO guidance.

   When will you do this? ☐ 2011 X 2012 ☐ 2013

   X Not Applicable (Explain) The grant funds available to the City of Silsbee are for Infrastructure not housing.

2. As required under the Conciliation Agreement, the State will conduct a new Statewide AI after HUD approval of the Phase 1 AI. Entitlement communities should conduct new AIs or update current AIs to ensure that they address all recommended data and issues and specifically address issues related to all protected classes under the Fair Housing Act. Race and national origin, as well as the other protected classes, must be

identified independent of low and moderate-income categories in order to understand the impact of actions, practices, regulations, ordinances, and other factors on them.

☐ We recently completed a formal Analysis of Impediments, are currently updating an existing AI, or are conducting our first AI. [Attach most recent AI or draft.]

X We are using the FHAST form process to analyze our impediments to fair housing and plan how to address them.

When will you do this? X 2012

☐ Not Applicable (Explain)

Alternative or additional Local Action Steps developed by this jurisdiction: To address unique impediments to fair housing within each community, local jurisdictions are encouraged to develop alternative action steps to be adopted in lieu of or in addition to those set out in the State of Texas Interim Analysis of Impediments to fair housing. If your jurisdiction elects to propose alternative or additional action steps, please describe them below.

☐ We plan to take additional Action Steps, described in an Attachment.

☐ We will not take additional FH Action Steps at this time.

When will you do this? ☐ 2011 ☐ 2012 ☐ 2013

X Not Applicable (Explain) The City of Silsbee will address any and all issues regarding fair housing and implement any guidelines set forth by the State.