

Fair Housing Plan
Including
Analysis of Impediments

Barnstable County HOME Consortium

January 2010



Statue in front of the Zion Union Heritage Museum, Hyannis. The plaque at the base of the statue reads:

“Journey”

The Cape and Islands enjoy a rich history created by people of color from the region. Many journeyed from across the ocean, and once here, continued journeys of another kind. We see the extraordinary roles and contributions of people of color spanning the eras of the slave trade, abolitionism, and more recently, the civil rights movement. People of color have been the backbone of the whaling and cranberry industries. Over the centuries, African-Americans, Cape Verdeans, and other people of color helped shape the Cape Cod of today.



John F. Kennedy Statue in downtown Hyannis

John Kennedy was a life long resident of Barnstable County. President John F. Kennedy created the CEEO (Commission on Equal Employment Opportunity). He put pressure on federal government organizations to employ more African Americans. He repeatedly said in his speeches that discrimination stained America.

In the Kennedy Administration, the Justice Department brought 57 lawsuits against local officials for obstructing African Americans who wished to register their right to vote.

Alabama was the last state to have desegregated universities. Kennedy sent in federal troops and federalized the National Guard to enforce the law.



Bust of John A. Peters, "Slow Turtle", Supreme Medicine Man, at Tribal council Headquarters, Mashpee

John A. Peters left a lucrative construction business to become the spiritual leader of the Wampanoag Nation in the 70's. Peters became a prominent Native American spiritualist and ambassador for American Indians throughout the world. "Slow Turtle" was also the first Executive Director of the Massachusetts Commission of Indian Affairs. He successfully initiated Congressional legislation to protect Native children in the adoption process and protected sacred American Indian rituals. "Slow Turtle" became a living symbol of the Mashpee Wampanoag identity and despite his world celebrity status he was a Mashpeeian first, loved dearly by his family and tribe.



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I. Executive Summary

A. Statement of Purpose

The Fair Housing Plan for Barnstable County examines whether all residents or potential residents of the County share equal access to housing regardless of their race, color, religion, sex, national origin, disability or familial status. These classifications were set in the (Federal) Fair Housing Act of 1968 and the Fair Housing Amendments of 1988. The Commonwealth of Massachusetts also has a fair housing law with additional protected classes. The law prohibits discrimination based on marital status, age, military or veteran status, sexual orientation, ancestry, genetic information, and the receipt of welfare, public assistance or rental subsidy. The Fair Housing Plan includes an Analysis of Impediments that identifies both barriers to fair housing and steps to remove these barriers.

The Barnstable County HOME Consortium, comprised of all 15 communities in the County, receives funding through the HOME Investment Partnerships Program which is administered by the Department of Housing and Urban Development (HUD). The purpose of the HOME program is to create and preserve affordable housing. Since 1994 the Consortium has received over \$11 million in HOME funds as an “entitlement community”. HUD requires that the HOME Consortium review public and private policies and practices to promote fair housing choice and to address any impediments to fair housing discovered through this review.

Working against housing discrimination is a critical mission of the Barnstable County HOME Consortium. Barnstable County, through the Cape Cod Commission, is the lead entity and administrator for the Consortium. The County is governed by a board of three elected Commissioners and an Assembly of Delegates, representing all of the 15 towns in the County. The operation of local services is managed by a County Administrator. The County organization also includes the Department of Human Services and the Barnstable County Human Rights Commission.

The administration of the HOME Consortium was delegated to the Cape Cod Commission by Barnstable County. The Commission is a regional planning and regulatory agency that was



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created in 1990. The Commission, with a staff of over 40 planners and support personnel, regulates Developments of Regional Impact and recommends designations of certain areas as Districts of Critical Planning Concern. The Commission's work is divided into three major areas: planning, technical assistance, and regulation. One of the legislative purposes of the Commission is the “development of an adequate supply of fair, affordable housing.” The Commission includes a department of affordable housing with an Affordable Housing Specialist. The HOME Consortium’s 17 member advisory board makes decisions on funding and recommendations to the County Commissioners on annual programmatic allocations.

In its annual, non-competitive application to HUD, the Consortium must certify that the community is affirmatively furthering fair housing. Specifically, the Consortium commits to:

- Complete an Analysis of Impediments to Fair Housing Choice (here known as a Fair Housing Plan);
- Take action to overcome impediments identified through the analysis; and
- Maintain records reflecting the analysis and actions taken.

Impediments to fair housing choice, as defined by HUD, 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; and
- 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.

B. Methodology

The Consortium last completed an “Analysis of Impediments” in 1997. The effort to complete a new document on fair housing began in July of 2009, when a consultant contract was awarded after a request for proposal was issued. Mr. Dan Cahill, a housing and community development consultant from Providence, Rhode Island, was retained at that time. Mr. Cahill's fee was paid by the Cape Cod Commission from local funds.

At the same time, the Cape Cod Commission convened a Fair Housing Plan Advisory Group consisting of a cross section of private, public and non-profit representatives. The members of the Advisory Group are:



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Beth Albert- Barnstable County Department of Human Services;
Coreen Brinckerhoff- Cape Organization for the Rights of the Disabled;
Nancy Davison- Housing Assistance Corporation;
Freddie Fitzgerald- Barnstable County HOME Consortium;
Karen Greene- Yarmouth Department of Community Development;
Gerry Loftus- Barnstable County HOME Consortium;
Susan Nagl- South Coastal Counties Legal Services;
Pam Parmakian- MB Management;
Sande Perry- Barnstable Housing Authority; and
Laura Shufelt- Falmouth Housing Corporation.

Minutes for meetings of the Fair Housing Plan Advisory Group are available at the HOME Consortium offices in the Cape Cod Commission.

Mr. Cahill presented his methodology for the Fair Housing Plan to the Advisory Group at its first meeting. In addition to working with the Advisory Group, the methodology had five primary elements:

- Public meetings and an advertised public hearing.
- Review of relevant available data, including Home Mortgage Disclosure Act (HMDA) data.
- Research of relevant public records.
- A Fair Housing Survey.
- Consultations.

Public Hearing

An advertised public hearing on Fair Housing was held on November 12, 2009 at the Cape Cod Commission. The location of the meeting was accessible for persons with physical disabilities. A “CART technician” displayed all spoken words on a visible screen and sign language interpreters were available. The hearing was advertised in the Cape Cod Times and on the web site of the Cape Cod Commission. A “blast” email notice also went out to the extensive Consortium mailing list. Public notices for the hearing were posted in English, Spanish and Portuguese and translators were available upon request.



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The November public hearing included the following topics:

- Reason for Plan
- Methodology
- Protected Classes
- Prohibited Actions
- Community Profile (housing, population data)
- Areas for Identification of Impediments

Information on the Consolidated Plan and affordable housing was also presented. An extended discussion period followed.

A public meeting was held on December 21, 2009 to review the findings of the Fair Housing Plan. This meeting was held at the Barnstable County Offices. Physical accessibility and language arrangements were the same as that for the earlier public hearing.

Minutes for both the November and December meetings are available at the HOME Consortium offices in the Cape Cod Commission. The announcements and minutes for the November public hearing are attached in Appendix 2.

Fair Housing Focus Groups

After reviewing the plan methodology with the consultant and staff, the Fair Housing Plan Advisory Group suggested additional outreach to members of “classified” groups that may have experienced discrimination. Subsequently, focus groups were scheduled and convened to effect that outreach.

On October 14, the first focus groups were hosted by the Cape Organization for the Rights of the Disabled (CORD). The group included people who had physical and mental disabilities, seniors and parents of disabled people. On the same date in October, a meeting was held with the NAACP Chapter in Hyannis. Specific issues concerning African Americans and other people of color, including Cape Verdeans, were discussed at this meeting.

On October 23, a focus group was hosted by the Community Action Committee of Cape Cod and the Islands. In attendance were people from single parent households, families and individuals receiving housing assistance, and larger families. On the same date in October, a meeting was held with representatives of the Mashpee- Wampanoag Tribal Council.



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On November 4, a meeting was held with representatives of the Cape Cod Immigrant Center, including recent immigrants to Barnstable County and service providers who work with immigrants.

In each of these meetings, a presentation was made to describe the purpose and structure of the HOME Consortium and then review Fair Housing information and issues. After the presentation, the discussion focused on affordability and fair housing issues. Minutes for these meetings are available at the HOME Consortium offices in the Cape Cod Commission.

The Fair Housing Plan reflects the results of the focus groups, other meetings, consultations and the close collaboration with the Affordable Housing Specialist at the Cape Cod Commission.

Barnstable County is Cape Cod, a region that is a national and international destination resort. People in the County do identify themselves by their town or village, but they also understand that they live on the Cape, land essentially identified by surrounding water. This sense of region helps the HOME Consortium implement its plans, including the Fair Housing Plan. The maps on the next pages help to further identify Barnstable County, with several examples of population segments.

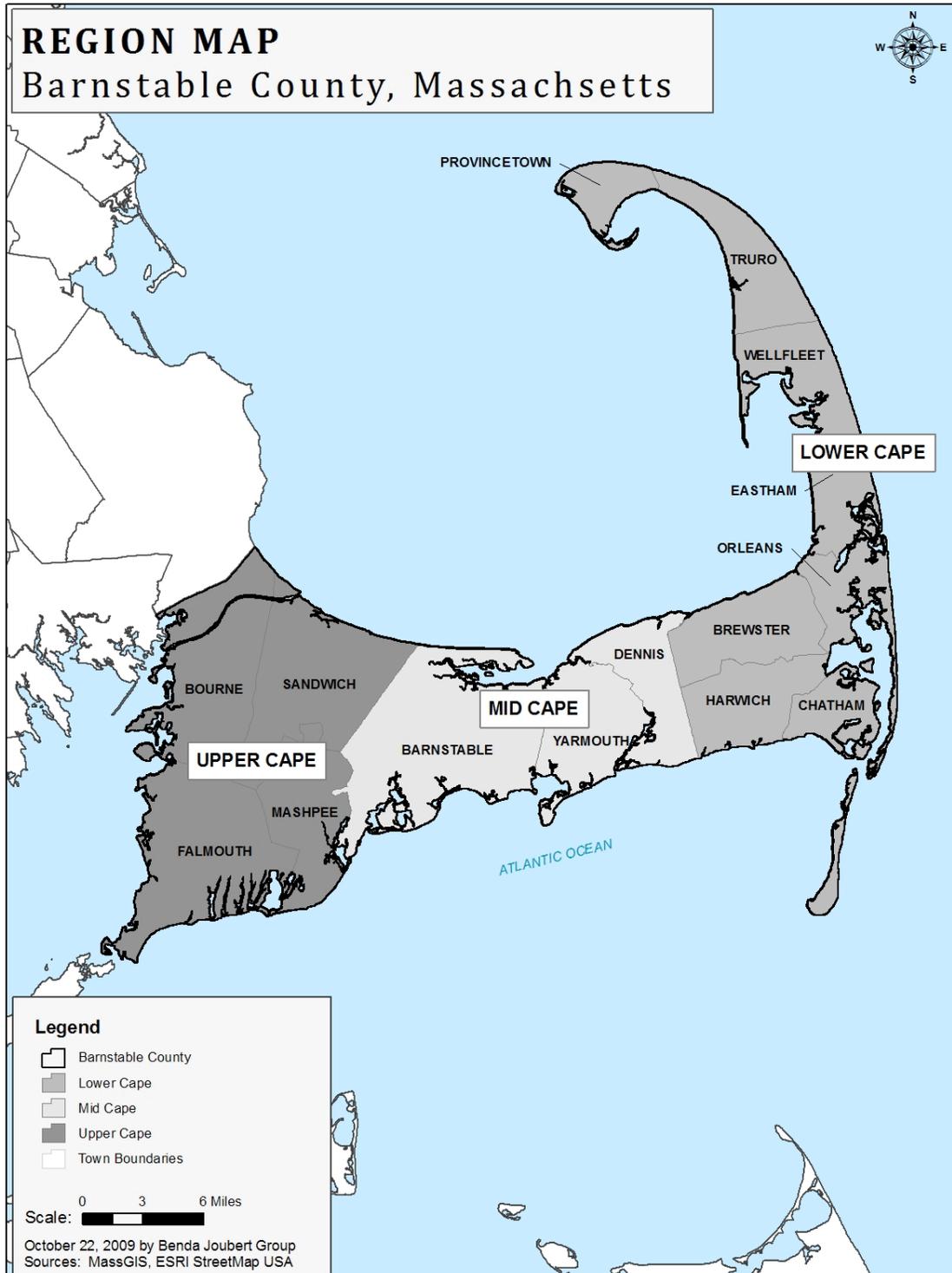


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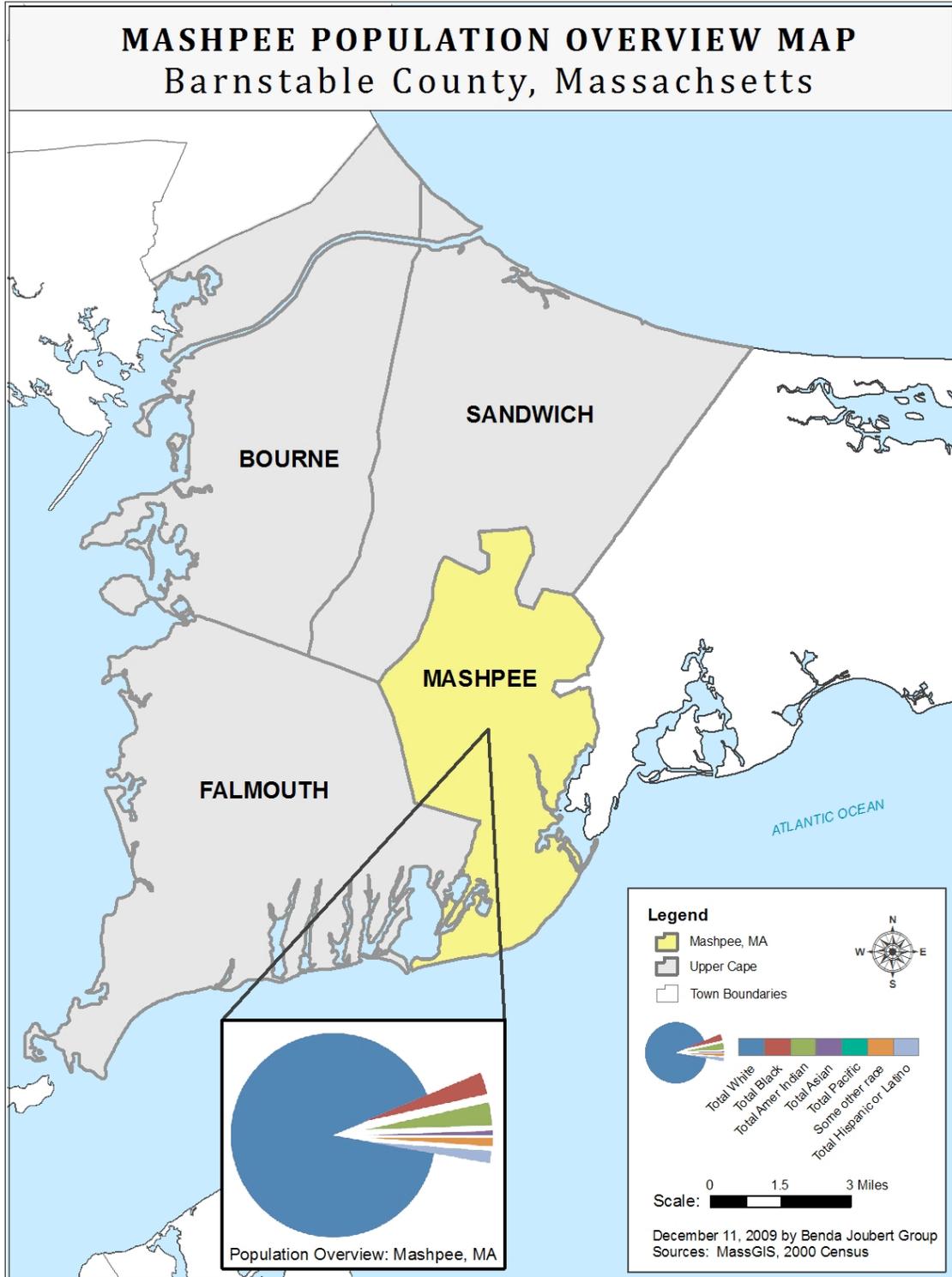


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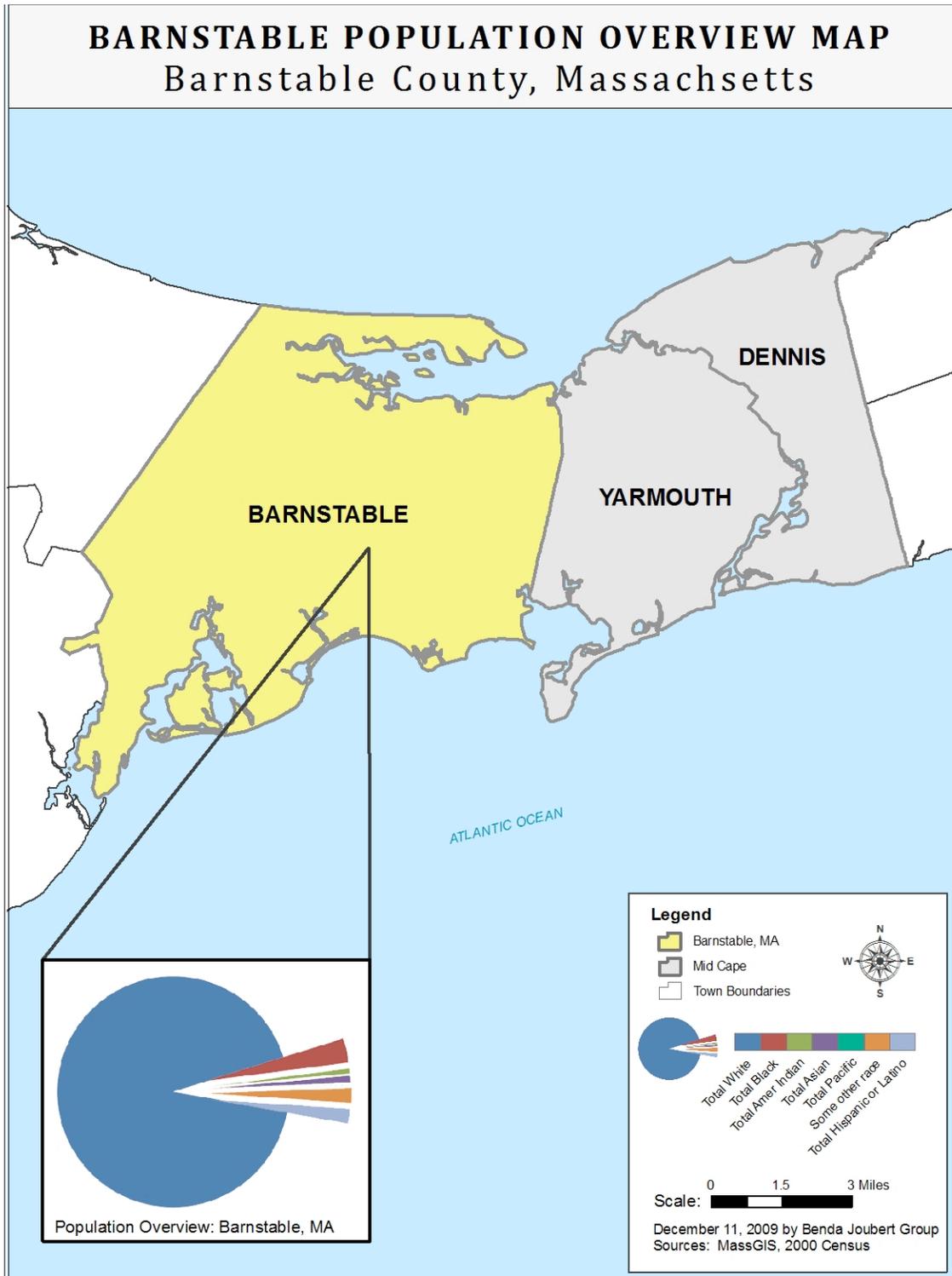


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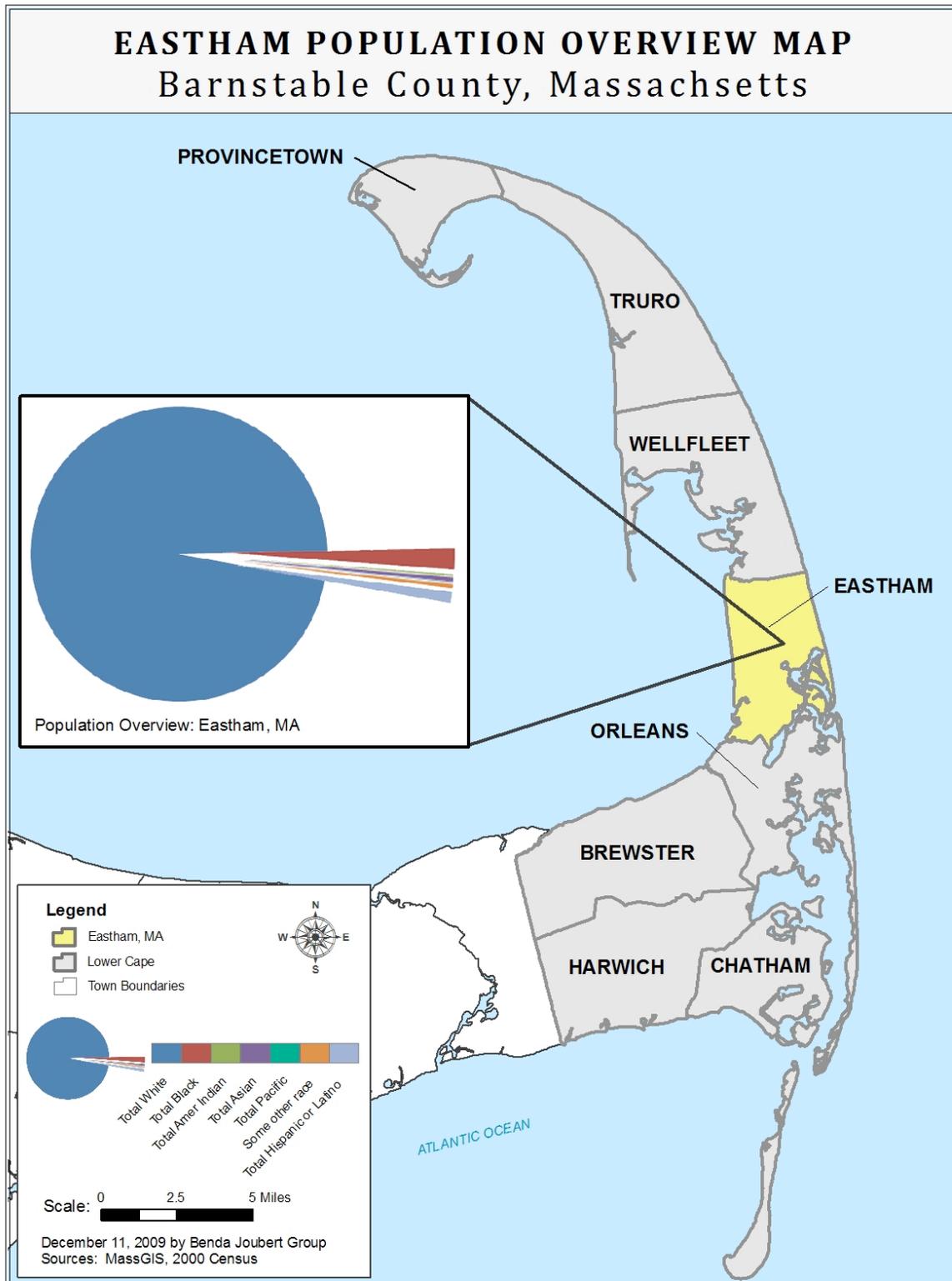


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C. Summary of Findings, Impediments

- A recent court ruling for Westchester County, New York found that the County had failed to meet its fair housing requirements. The U.S. Justice Department had joined the plaintiffs' fair housing organization. This ruling is widely regarded as precedent setting.
- The Barnstable HOME Consortium has financed diverse types of housing developments for renters and homeowners throughout all of its member communities.
- Housing discrimination exists in the County, a conclusion based on a survey administered by Barnstable County as well as information from consultations and focus groups.
- The Barnstable HOME Consortium does not have a formalized approach to Fair Housing.
- Widespread confusion characterizes the understanding of fair housing by people who are “gatekeepers” in the housing industry. However, there is also a sense of good will about these laws.
- Disabled people are stigmatized by some housing providers.
- Additional outreach on Fair Housing is needed.
- Information reported by mortgage lenders as part of the Home Mortgage Disclosure Act, indicated that minorities are turned down for home finance at a higher proportion than the general population.
- Decision making boards for land use regulations and tax policy do not reflect the diversity in towns' population.
- Minority populations are growing in Barnstable County. There were no concentrations of minorities found. But, linguistic barriers are prevalent in the affordable and assisted housing delivery system, presenting an impediment for some “protected” classes.



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D. Summary of Recommend Actions

- The Barnstable HOME Consortium should continue to support housing developments throughout the County for both renters and homeowners. This work for geographic diversity and diversity in housing types (e.g. rental, homeownership, 1, 2 and 3-bedroom units) creates housing choice, a critical dimension in fair housing.
- The Consortium should designate a fair housing sub-committee to the Consortium's 17 member advisory board.
- The Consortium should institute a fair housing information program.
- The Consortium should support the Barnstable Human Rights Commission and assist the Commission to continue to focus on fair housing.
- A program for fair housing testing should be initiated.
- Additional financial support should be sought for fair housing testing and fair housing outreach through the Fair Housing Initiative Program, funded by HUD.
- Barnstable County, the Cape Cod Commission and the Consortium's non-profit contractor(s) should address linguistic barriers for growing ethnically diverse populations through Limited English Proficiency Plans.
- Sensitivity training should be instituted for housing providers to address issues concerning the disabled, particularly those with mental disabilities.
- Fair housing training should be provided for staff and local boards that enforce land use regulations, particularly local zoning boards of appeals.
- Boards of Selectmen should make an affirmative outreach effort, striving to appoint more minorities to Planning Boards, Zoning Boards of Appeals, and Tax Assessor boards to reflect diversity in these groups that have critical decision making authority in housing matters.
- A new federal initiative allows disabled persons to designate friends/counselors/relatives to assist them in the qualification process for subsidized housing. The process implementing this new policy should be adopted and widely publicized.
- The Consortium should continue to explore working opportunities with the Mashpee-Wampanoag Tribal Council.
- Barnstable County and the Cape Cod Commission should provide telephonic facilities for the hearing impaired.
- Agencies outside of Barnstable County with fair housing expertise should be invited to partner with agencies in the County.

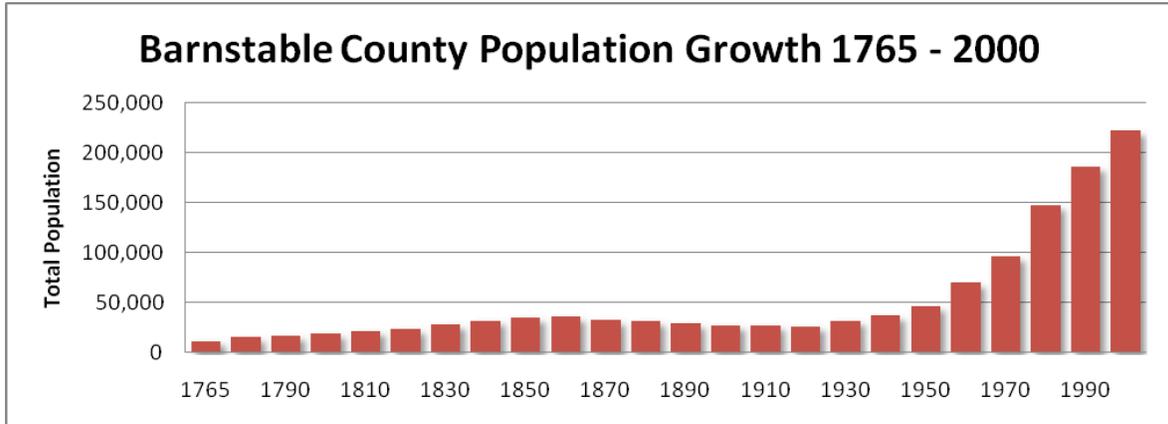


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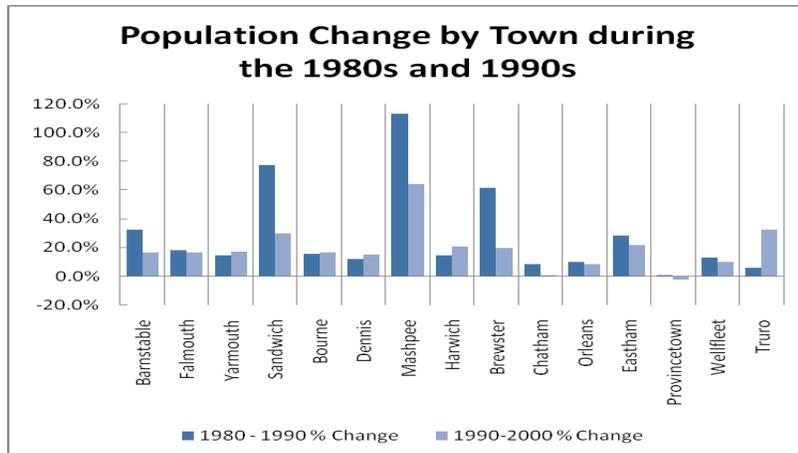
II. Barnstable Background Data

(Information for the following pages is from the U.S. Census, unless otherwise noted.)

Population



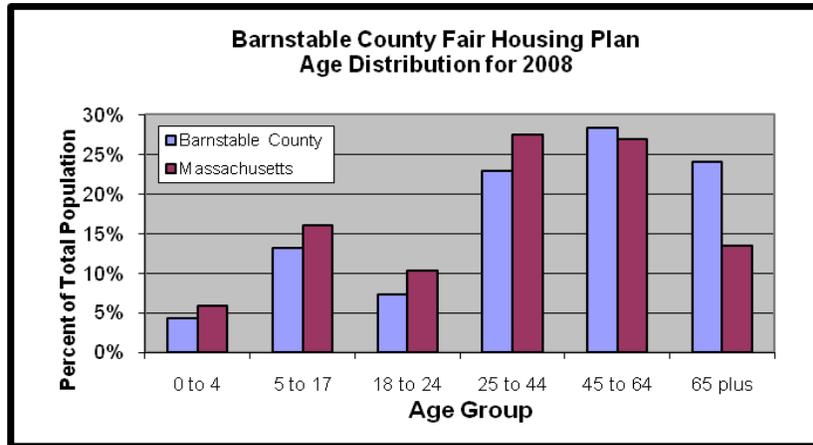
- In 2008, the total population of Barnstable County was 221,049 people, according to a Census estimate. This represented a slight reduction to the complete Census count in 2000 of 222,230. The information for these charts came from the Cape Cod Commission.
- The rate of increase from 1970 (population 96,656) was 129.9%, compared to 11.6% for Massachusetts.
- The fastest growing Town was Mashpee, from 7,884 people in 1990 to 12,946 in 2000, a grown rate of 64% for that period. Truro grew 33% during that time period and Sandwich grew 30%.



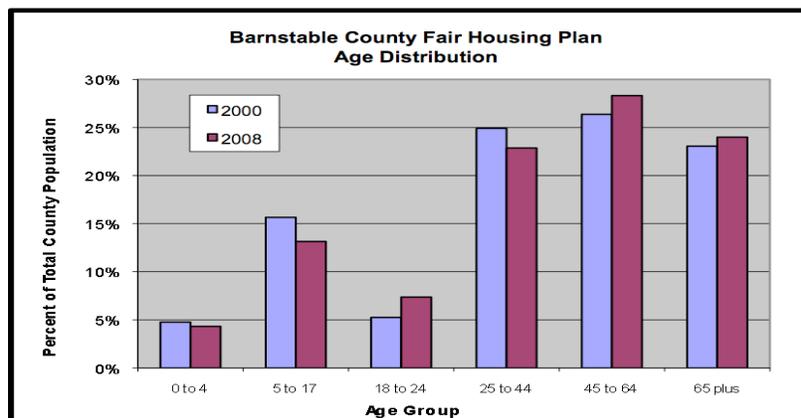


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Age Groups in Population



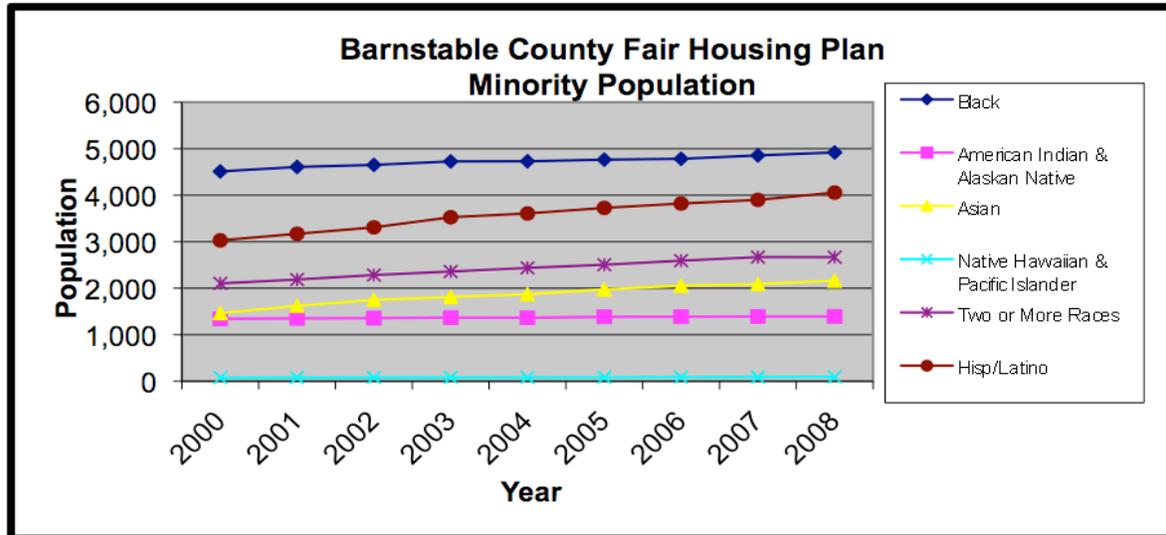
- Clearly, the age cohorts for Barnstable County are skewed toward older groups, reflecting the Cape’s reputation as a retirement destination. For instance, in 2008 the 25 to 44 age group (family formation stage) was 23% of the population in Barnstable compared to 27% for the state. The older population (65+) was 24% in Barnstable County compared to 13% for the state.
- A comparison of census figures for 2000 and 2008 suggests there is a trend for the increase of older people and the decrease of adults in the family formation stage (age 25 to 44). The young adult proportion was 25% in 2000, compared to the 23% in 2008. Anecdotal information, particularly from the Cape Community Survey, indicates that this trend will continue and the 2010 census will show that younger people in early stages of family formation are leaving Barnstable County for better economic opportunity and more reasonably priced housing elsewhere.





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Minority Population: ethnic and racial



- The racial and ethnic minority presence in Barnstable County is substantially less when compared to the state. In 2008 (American Community Survey), Black/African-Americans were 2.23% of Barnstable's population, compared to 7.02% for the State. Asians were 0.98% of Barnstable's population, compared to 4.94% for the State. Hispanics were 1.84% of Barnstable's population, compared to 8.57% for the State. The exception for this difference between the County and the State was the Native American population which was 0.63% of Barnstable's population, compared to 0.31% for the State.
- Clearly, the trend for some groups is an increase in population. Between 2000 and 2008, the African American population grew by 9%. The Hispanic population grew by 34%. The Asian population grew by 48%.
- Data and anecdotal information indicate that the two largest immigrant/foreign language groups in Barnstable County are Hispanic and Portuguese.
- The Center for Disease Control (CDC) indicates that, other than English, Portuguese (3,560 people) and Spanish (2,950 people) and are the most frequently spoken languages. French and German follow with populations over 1,000 people. After those languages, the CDC lists two additional languages spoken in Barnstable County, with substantially smaller numbers. The CDC data indicates that it relies on the 2000 Census, the (Census) American Community Survey and various CDC surveys.

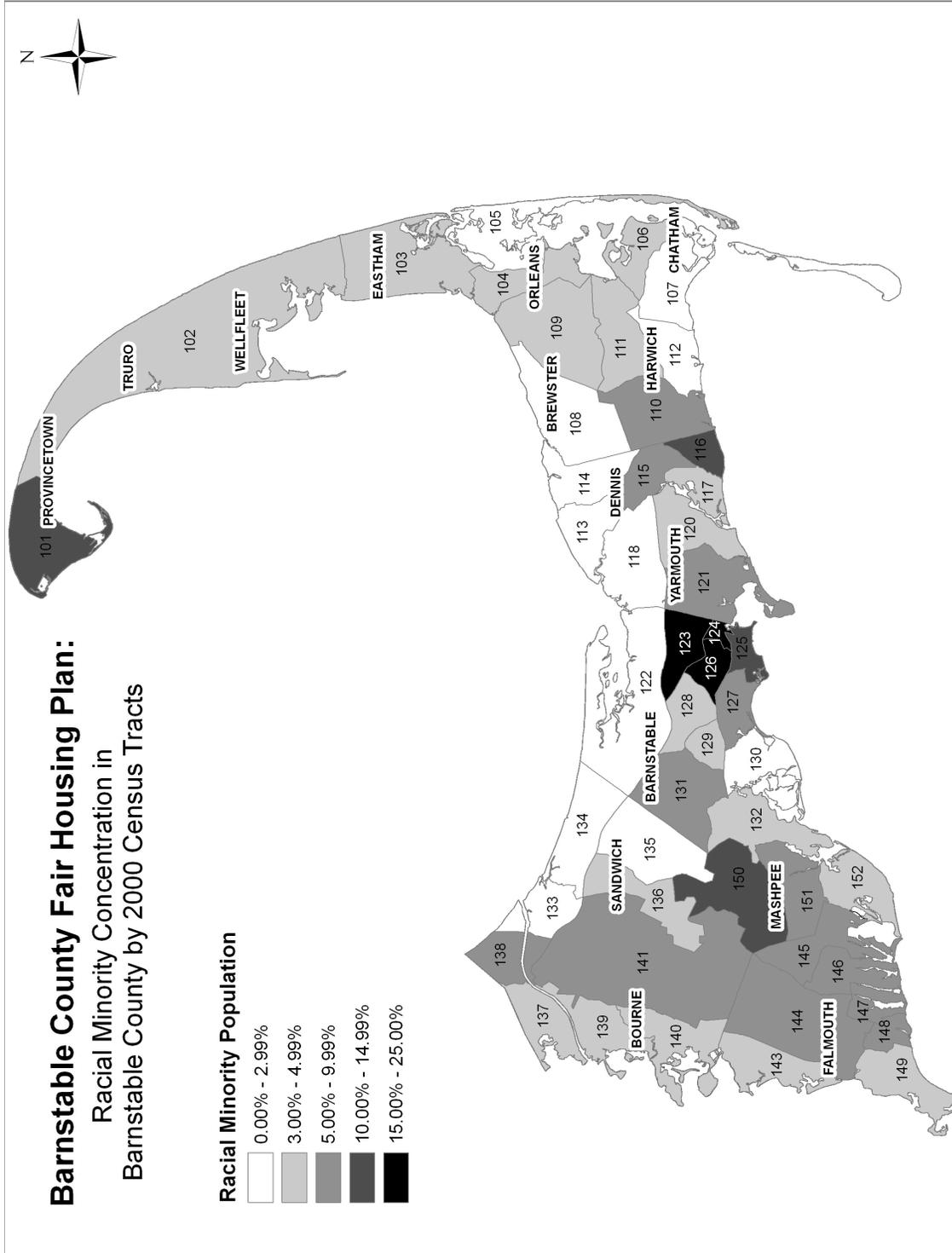


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- The maps on the next page (which correspond to the tables in the appendix) indicate minority representation by census tracts (CT). The 2000 census was used because that is the most recently available information by CT. The largest representations of minorities are in three CTs in the Town of Barnstable, CTs 124, 125, 126. This area of Hyannis is the site of a Historic African American neighborhood, according to information provided by the NAACP. The CT for Provincetown has the largest representation of racial minorities at 12%, including an African American population of 8%. Provincetown has a history of diversity, related partly to the fishing industry. The CT 150 in Mashpee has a minority population of 14%. This CT is the historic center of Mashpee and the Mashpee-Wampanoag tribe.
- The location of ethnic minorities parallels racial minorities. The CT in Provincetown has a Hispanic Population of 2.16%; in the Town of Barnstable, CTs 123, 124, 125, 126 have Hispanic populations of 3%, 5%, 3% and 3% respectively. Falmouth's CT 141 has a Hispanic population of 5%.

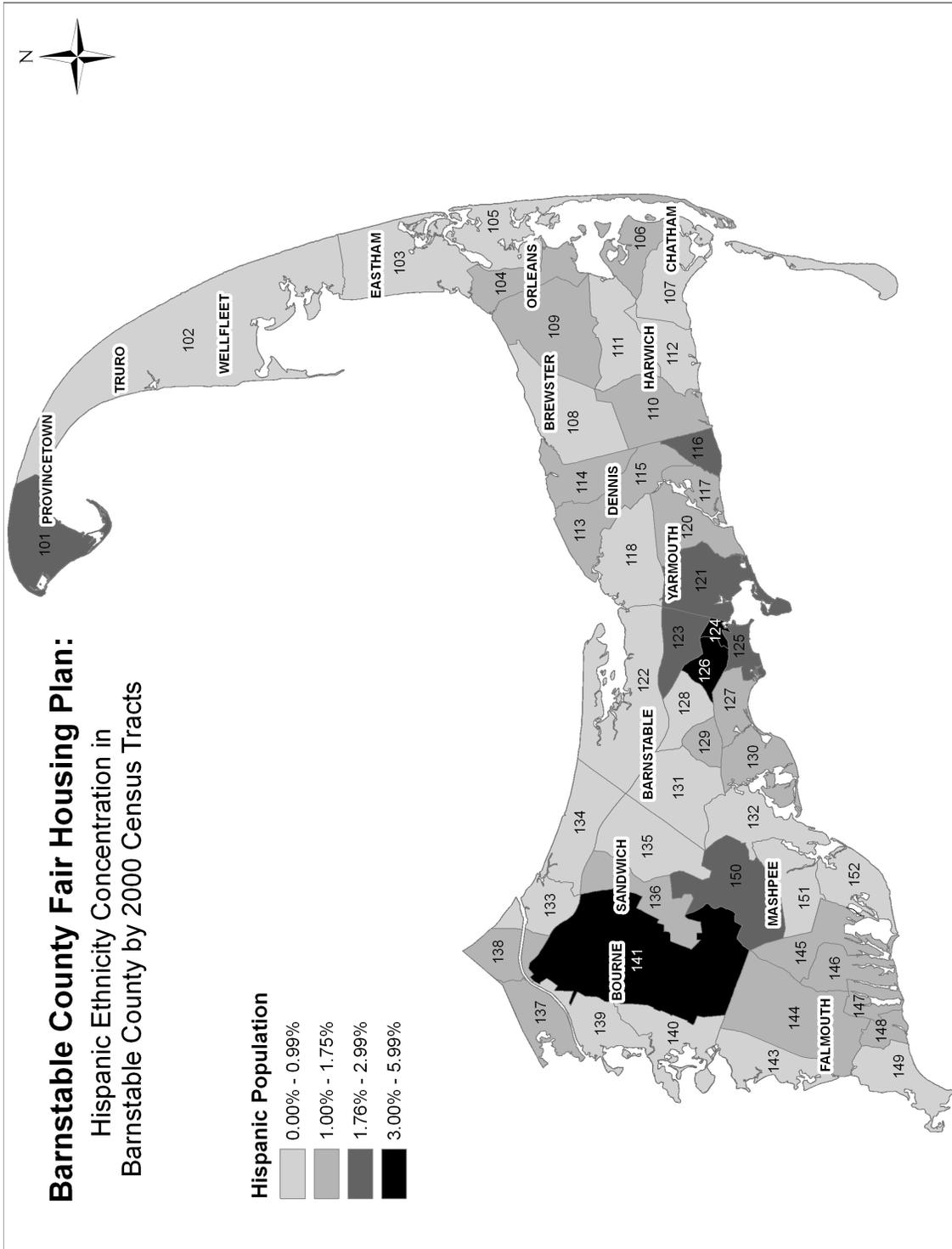


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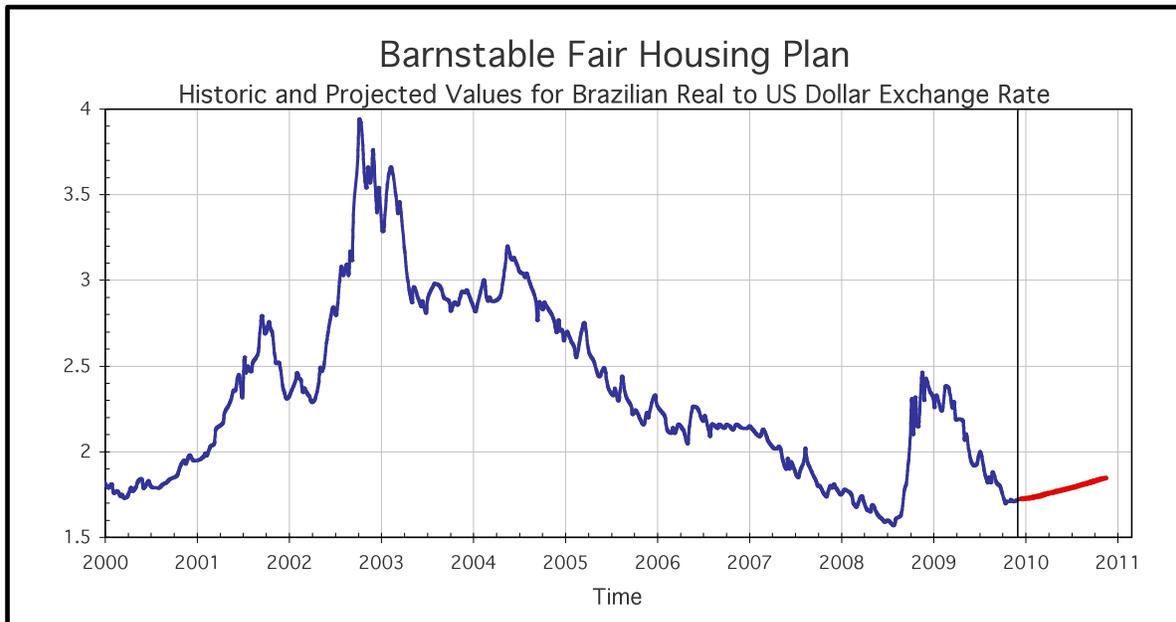
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Immigration

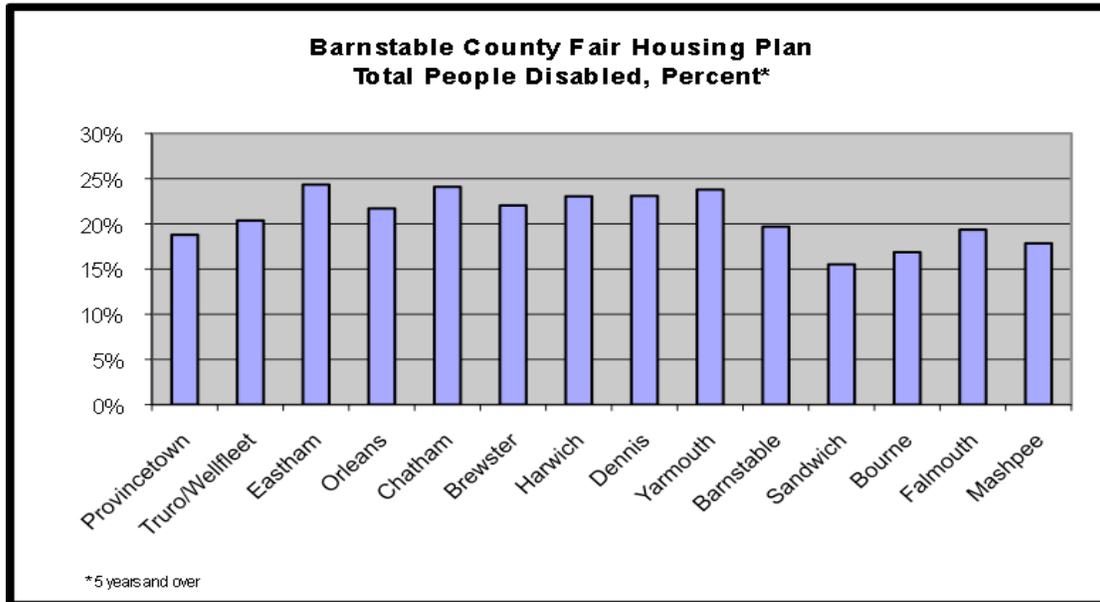


- The following is illustrative of forces that influence immigration to Barnstable County. The chart above is an indication of one variable of immigration: the exchange rate. Information from several sources indicated that Brazilian Portuguese immigrated to Barnstable County in substantial numbers in the early part of this decade and then returned in substantial numbers to Brazil. Several factors were initially attractive to these immigrants. The hospitality industry has a low barrier to entry and provided employment opportunity. Subprime lending offered financing for housing. And the exchange rate was very favorable (see above chart).
- The exchange rate between March 15, 2001 and January 1, 2007 was favorable from the U.S. dollar to the Brazilian Real (BRL) as it ranged between 1:2.15 (a dollar buys 2.15 BRLs) and 1:3.91. Starting January, 2007 the rate has been declining except for a short spike towards the end of 2008. It has been declining ever since, ranging between 1:2.05 and 1:1.71 during the last six months. The projected values for the next year are between 1:1.70 and 1:1.85.
- The decline of the BRL relative to the dollar was co-incidental with an avalanche of foreclosures of homes purchased through subprime financing. These factors led to the return of many of the Brazilian immigrants to Brazil.



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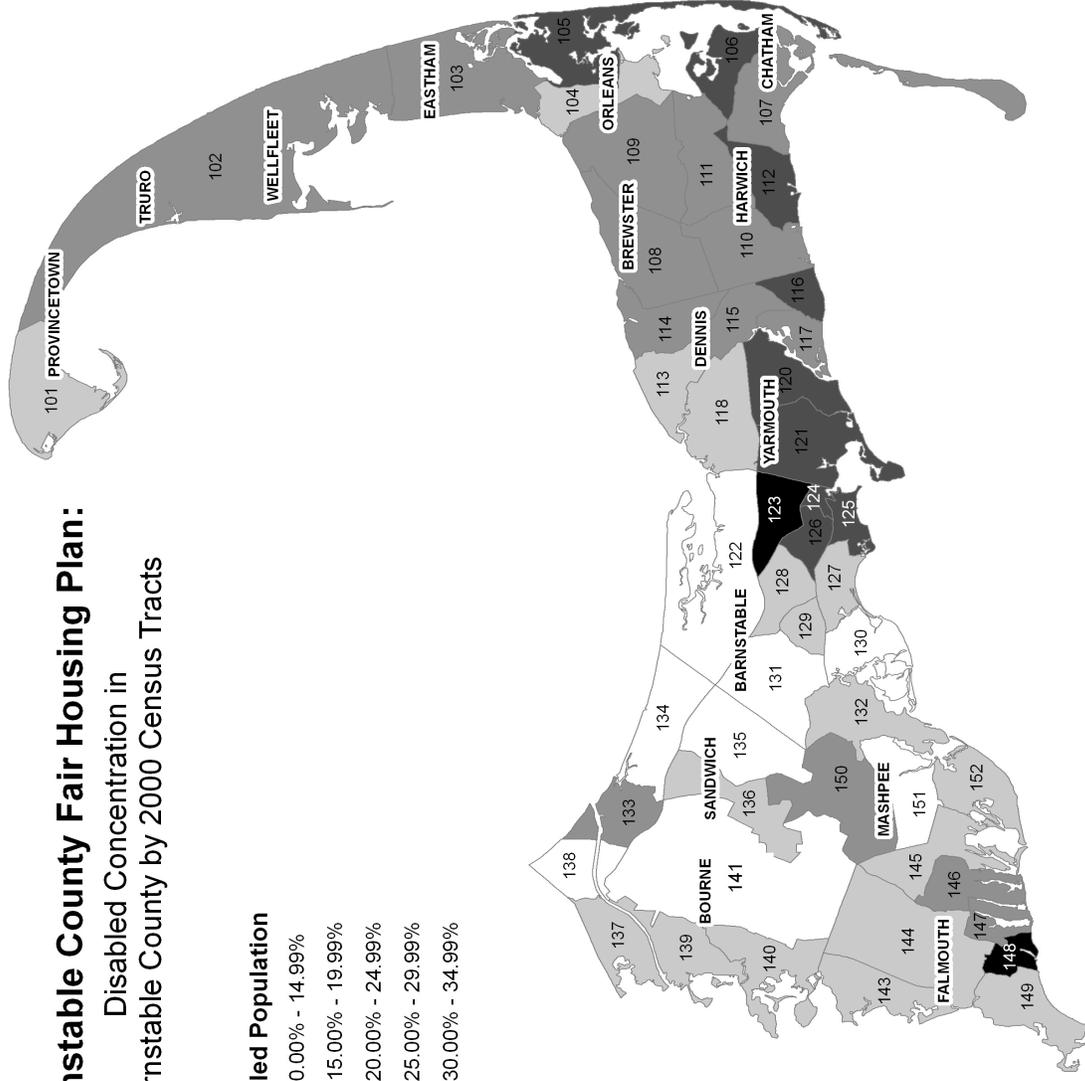
Disability



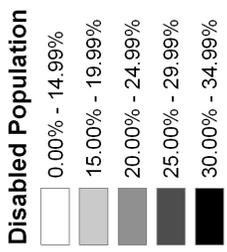
- According to the 2000 Census (most current census tract information for non-institutionalized persons) there was a disability rate of 20.3% for Barnstable County.
- Disability is defined by the Census Bureau as a lasting physical, mental or emotional condition that makes it difficult for a person to do activities or impedes them from being able to go outside the home alone or to work.
- The towns with the highest percentages were Chatham (24%), Eastham (24%), and Yarmouth (24%).
- As the age categories progress, there is a greater likelihood of disability. For instance, there were far more disabled people in Barnstable County in the 16 to 64 age group than in the age group 5 to 15 years of age.



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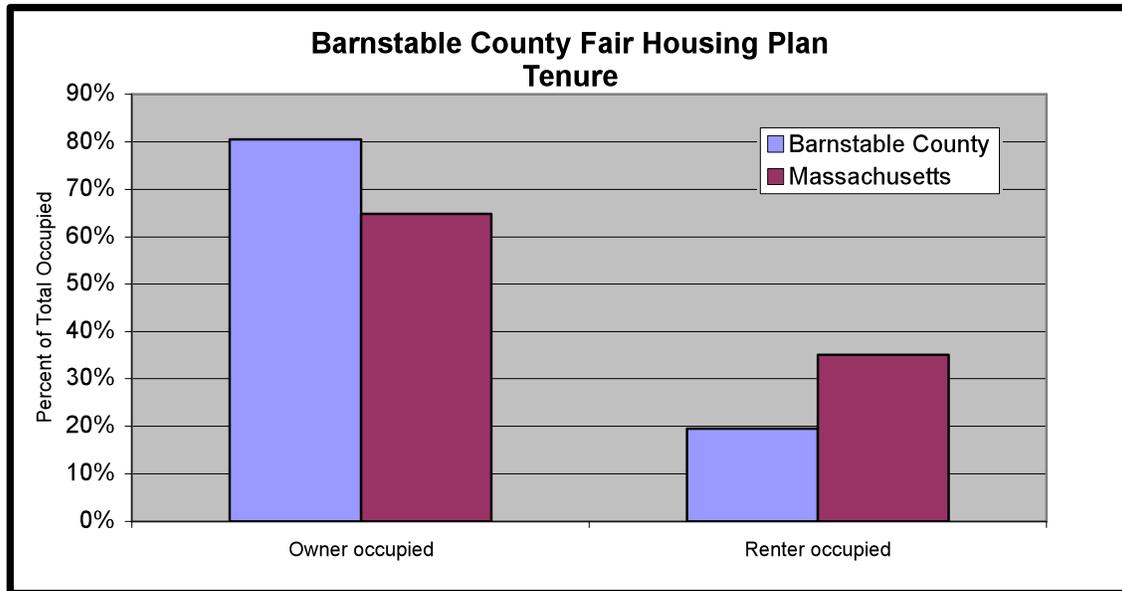
Barnstable County Fair Housing Plan:
 Disabled Concentration in
 Barnstable County by 2000 Census Tracts





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Housing - Tenure

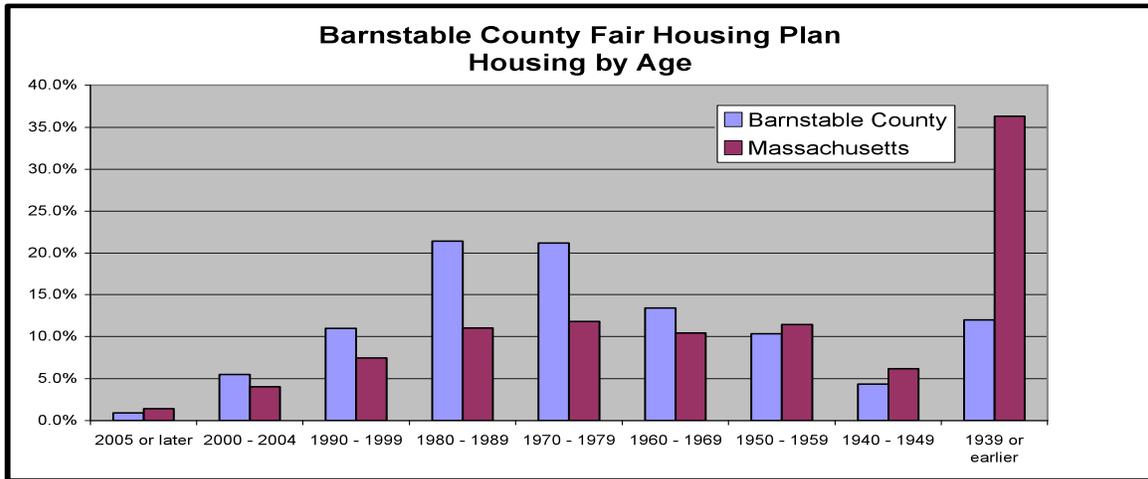


- The Census' American Community Survey (2006-2008) found that there were 77,910 housing units in Barnstable County occupied by owners and 18,912 units occupied by renters for a total of 96,822 units.
- This 80/20% split compares to a ratio of 65/35% for the State.
- For Barnstable County, there are more householders in the age group 15 to 34 that rent, 6,592 (35% of all renters) than own, 5,692 (7.2% of all owners). Conversely, there are far more householders in the age group over 65 that own, 28,628 (37% of all owners) than rent, 4,249 (22% of all renters).
- The 2000 Census reported that 35.5% of all homes were considered seasonal. According to background research done by the Cape Cod Commission for a housing survey in 2008 (University of Massachusetts Donahue Institute) that number was substantially higher with a total of 49,563 owning a second home in the County. This count was based on homeowners paying personal property tax.

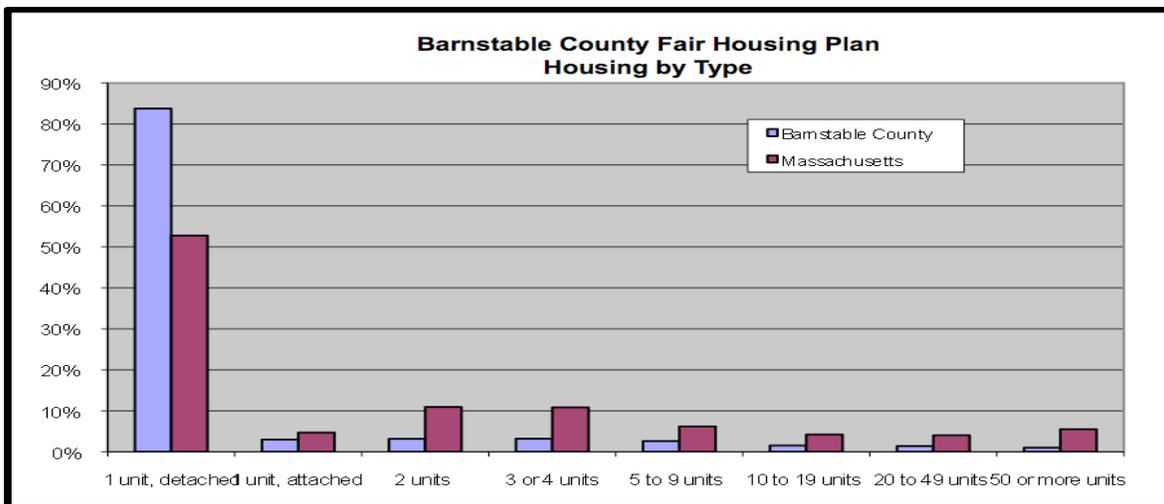


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Age of Housing, Type of Housing



- Clearly, the housing in Barnstable County is newer than housing elsewhere in the state. For instance, 12% of the units in the county were built before 1939, compared to 36% for the state. A building boom in the 1980s (just before Cape Code Commission, with additional regulatory authority, was instituted) means that 21% of the housing in the county was built then, compared to 11% for the state.
- A critical factor for the age of housing is lead paint. Homes built before 1979 have a very high likelihood of having lead paint, a hazard for young children. The state's housing stock has 76% of its housing built before 1979; the county has only 61% built before 1979.
- The County has far less diversity in its housing stock than the state: 84% of homes are single family detached, compared to 53% for the state.





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Economy and Employment

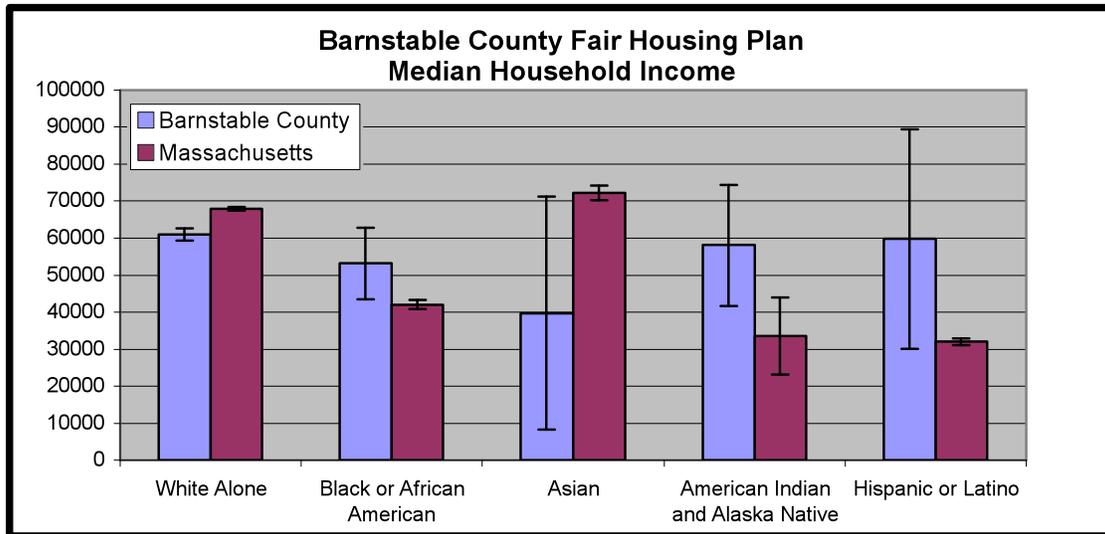
Industry Overview (2007) (by place of work)	Barnstable County		Massachusetts	
Covered Employment	Jobs	Avg. Wage	Jobs	Avg. Wage
Total	92,642	\$37,691	3,234,357	\$55,244
Manufacturing	2.40%	\$49,805	9.10%	\$69,573
Transportation and Warehousing	2.50%	\$37,519	2.90%	\$44,767
Retail Trade	17.70%	\$27,557	10.80%	\$27,599
Health Care, social Assist. - % of all jobs	15.90%	\$43,439	15.10%	\$47,441
Finance and Insurance	2.40%	\$61,392	5.60%	\$116,070
Professional Services	4.80%	\$58,126	7.70%	\$93,006
Accommodations & Food Service	15.20%	\$19,829	7.90%	\$18,840

- This most current available data, as referenced in the Comprehensive Economic Development Strategy (Cape Cod Commission, July, 2009), does not include public administration, construction, and educational services, each representing between 5 – 10% of employment on Cape Cod. There are also smaller industry sectors, each employing less than 5% of those working in the county.
- The two leading employment sectors in Barnstable County are closely tied to tourism: retail (18%) and accommodations & food service (15%). Both sectors seem to have an average wage higher than the state for those sectors. The other sectors had an average wage that was lower, usually significantly lower. The average wage for all employment in Barnstable was 31% lower than the state.
- The per capita income for Barnstable County in 2007 was \$47,640, compared to \$48,995 for the state in 2007. The total labor force in 2008 was 121,010.
- The ten largest employers in Barnstable County in 2009 and the number of employees by range are as follows. Between 1,000 and 4,999 employees: Cape Cod Healthcare, Wood Hole Oceanographic; between 500 and 999: Air National Guard, Falmouth Hospital, Nantucket Airlines Administration, Ocean Edge Resort and Golf Club, Woods Hole Steamship Authority; between 250 and 499: Barnstable County Sheriff's Department, Barnstable High School, Barnstable House of Correction.
- The recession has taken its toll in Barnstable County. The unemployment rate in October 2009 was 8% compared to 5.4% a year earlier. The rate for the state was 8.4% in October 2009 compared to 5.4% in October 2008.



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Household Income by Race



- Information on household income is from the Census' American Community Survey, 2006-2008.
- Median Household Income (MHI) for the white population was \$61,000, compared to \$69,000 for the state, a difference of 13%.
- The MHI was lower on average for racial and ethnic minorities when compared to the white population in Barnstable County. However, the MHI was higher for racial and ethnic minorities in Barnstable County when compared to the state.
- The census reported a significant margin of error, presumably because of the low sampling number for racial and ethnic minorities. The margin is signified on the chart by the vertical "I" lines.



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III. Barnstable County's Current Fair Housing Legal Status

The Fair Housing Act was originally enacted as Title VIII of the Civil Rights Act of 1968 and was amended by the Fair Housing Amendments Act of 1988. It prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status, and disability in the sale or rental of housing and in other real estate-related transactions, with certain limited exceptions. Persons who may be discriminated against because of those attributes are said to be in a protected class. The Act makes the following behaviors illegal:

- Refusing to sell to or negotiate with a person in a protected class
- Discriminating in the terms, conditions, or privileges of a sale or rental of a dwelling
- Denying that housing is available for inspection, sale or rental when, in fact, it is available
- Discriminating in advertising
- Inducing any person to sell or rent a dwelling by indicating that members of a protected class are moving into the neighborhood
- Discriminating in the provision of real estate service or facilities
- Discriminating in the provision of real estate services, including brokerages and multiple listing services
- Discriminating in the provision of housing financing by commercial lenders
- Steering members of a protected class to certain neighborhoods or parts of a residential complex
- Using intimidation, coercion or threats to keep person from enforcing their rights under the fair housing laws

The U.S. Department of Housing and Urban Development (HUD) is the federal agency with primary responsibility for enforcing the Fair Housing Act. HUD investigates jurisdictional complaints of discrimination and attempts to resolve each complaint informally, as required by the Fair Housing Act. When a complaint cannot be resolved through such informal conciliation, HUD completes its investigation and makes a determination on the merits. If HUD finds discrimination or reasonable cause to believe the law has been violated, HUD brings the matter before an Administrative Law Judge who may order injunctive relief, compensatory damages, and civil penalties.



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The Fair Housing Act of 1968 prohibits discrimination on a range of characteristics in the entire housing market, with certain exceptions. The Act was amended in 1988 and it sets forth prohibited bases of discrimination, the types of conduct that constitute discrimination, and provision for enforcement.

The federal Fair Housing Act prohibits discrimination based on race, color, national origin, religion, sex, familial status, and disability in virtually all housing-related transactions. The latter classes of familial status and disability were added by the 1988 amendment and are the newest protected characteristics to be included under the Fair Housing Act. Familial status means the presence or anticipated presence of children under 18 in a home. Those who live with children are considered members of this class. Persons with disabilities have a physical or mental impairment that substantially limits one or more major life's activities, have a record of such impairment, or are perceived by another as having a physical or mental impairment.

The Fair Housing Act covers most kinds of housing transactions, including rental, home sales, mortgage lending, home improvement, and zoning activities. However, there are some exemptions or limitations, depending on the type of transaction considered. For example, the Act exempts 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, and housing operated by organizations and private clubs that limit occupancy to members. Also, certain types of housing are excluded from the law in certain respects. For instance, within strict guidelines, housing that is intended for older persons can exclude families with children.

The Fair Housing Act does not prohibit all housing practices that some would consider unfair. It prohibits only those housing-related practices that discriminate on the basis of race, color, national origin, religion, sex, familial status, or disability. In addition, it is illegal to advertise or make any statement that indicates a limitation or preference on these characteristics. Finally, it is illegal for anyone to threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who are exercising that right.

Between its initial passage and its amendment, the Fair Housing Act allowed an individual to file a complaint with HUD, and the Department could facilitate a voluntary settlement between the aggrieved person and the person alleged to have discriminated. The Act also authorized the U.S. Department of Justice (DOJ) to file a civil action where there was a pattern or practice of



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discrimination or an issue of general public importance; it was entitled to obtain injunctive relief, but no monetary damages or penalties of any kind.

The amendment in 1988 strengthened the Fair Housing Act's enforcement provisions. The time allowed for filing housing discrimination complaints with HUD increased from 180 days to one year. To deal with the complaints, the amendments established a formal administrative process at HUD that requires HUD to investigate complaints within 100 days of filing unless it is impracticable to do so. After the investigation, HUD determines if there is either "reasonable cause" or "no reasonable cause" to believe that discrimination occurred. If reasonable cause is established, HUD issues a formal "charge" of discrimination and brings the complaint before a HUD Administrative Law Judge (ALJ) on behalf of the complainant.

A prevailing complainant in the HUD administrative process is entitled to injunctive relief and compensatory damages. The ALJ can also impose a civil penalty. Complainants, however, are not bound to go through this administrative mechanism. After HUD issues a formal "charge" following its investigation, either party (complainant or respondent) can elect to leave the ALJ hearing process for a trial in federal court. In that situation, DOJ brings the claim on behalf of the complainant. If the United States prevails on its claim, it may obtain injunctive relief, compensatory damages, and unlimited punitive damages.

In addition, under the amended Fair Housing Act, an aggrieved individual may bypass the Federal administrative process altogether and pursue a private right of action. A prevailing plaintiff can obtain injunctive relief, compensatory damages, punitive damages, and recover reasonable attorney's fees and costs. Finally, the Act grants DOJ the authority to bring "pattern and practice" lawsuits challenging discriminatory housing practices. If DOJ brings a claim on behalf of the United States, the department can win injunctive relief, monetary damages for any aggrieved person, and a civil penalty against the defendant. The Act stipulates that the penalty can be up to \$50,000 for a first violation and up to \$100,000 for any subsequent violations.

In Massachusetts, state law conforms to the federal Fair Housing Law, in general. The state law also increases the number of protected classes. The law prohibits discrimination based on marital status, age, military or veteran status, sexual orientation and the receipt of welfare, public assistance and rental subsidy. State law goes beyond the federal law for the type of housing covered. The only exemption to the Massachusetts Fair Housing Law is the two-family owner-



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occupied housing. However, even in that housing, the owner cannot refuse to rent to people on the basis of their receipt of public assistance or rental subsidy.

The Massachusetts Commission Against Discrimination (MCAD) enforces the Fair Housing Law in Massachusetts. The MCAD was created in 1946 as the Fair Employment Practices Commission to enforce state laws prohibiting discrimination in employment. In 1950, the Massachusetts Legislature added discrimination in housing to the list of prohibited actions.

According to its published mission statement, the MCAD ensures equality of opportunity by enforcing the Commonwealth's anti-discrimination laws in employment, housing, public accommodations, credit, mortgage lending, and education. As of their last annual report, MCAD's Enforcement division had 16 investigators, 6 supervisors, 6 attorney advisors, and 3 administrative assistants with offices in Springfield, Worcester and Boston.

In addition, MCAD recently reopened an office in New Bedford, which now covers Barnstable County. The office, which has been opened since July 27 of this year (2009), has received 77 complaints, 12 concerning housing as of December 1.

The Commission works to eliminate discrimination and advance the civil rights of the people of the Commonwealth of Massachusetts through law enforcement (filing of complaints, investigations, mediations and conciliations, hearings, and litigation) and outreach (training sessions, public education, and testing programs).

HUD also has an agreement with MCAD for enforcement of the federal Fair Housing Laws and regulations. The Commission also reviews and advises the Governor's Cabinet Offices concerning the state's affirmative mandates in employment, housing, construction contracting, and minority and women business enterprises.

In 2007 (latest available annual report), the MCAD reported receiving 3,400 filed cases, typical for several previous years. The highest three categories of complaints were: Disability (20%), Sex (17%), and Race (19%). Of the total complaints, 10% concerned housing, which was a slightly higher percentage than several previous years. In 2007, there 2,845 total cases resolved with a finding of probable cause for 710.

From 2004 to 2009, the MCAD had 40 filed cases in Barnstable County. Over that time, the housing complaints were fairly evenly spread, with the exception of 2004, as follows: 2004: 13; 2005: 4; 2006: 7; 2007: 5; 2008: 5; 2009: 6. On average, about 2% of housing cases filed with MCAD come from Barnstable County.



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MCAD records show that 5 cases (13%) are still active, 2 (5%) under judicial review, 4 (10%) were withdrawn or closed with a settlement and 29 cases (73%) were closed without a clear resolution. Of the latter closed cases, 27 were closed due to a lack of probable cause, 1 due to lack of jurisdiction, and 1 was withdrawn.

The majority of 40 cases were either disability based (43%) or race based (33%). A complete breakdown is as follows:

- 17 are disability based
- 13 are race based
- 4 are based on applicants' utilization of public assistance
- 3 are based on applicants' national origin
- 3 are based on applicants' sex
- 2 are based on applicants' sexual orientation
- 2 are based on applicants' marital status
- 2 are based on applicants' familial situation
- 2 are based on applicants' age
- 2 are based on "other"
- 1 is based on applicant having children
- 1 is based on the existence of lead paint

Of the 40 complaints filed, 14 were against public entities and 26 against private entities. There were ten cases filed against the following housing authorities: Falmouth, Barnstable, Chatham, and Yarmouth. All cases were closed. One case was withdrawn, one closed because the investigation was not authorized, and eight cases closed for lack of probable cause.

The Federal Department of Housing and Urban Development (HUD) received 31 complaints for fair housing violation in Barnstable County since 2004. In 2004, there were three complaints; 2005, 3; 2006, 7; 2007, 6; 2008, 4; and 2009, 8. Of the complaints during that five-year period, the great majority concerned disability with 56%, followed by complaints concerning race and color at 6%, and family status at 3%.

For that most recent five-year period, most cases were closed with "no cause determine", 18. Four cases were withdrawn by the complainant after resolution. One case went through conciliation with a successful settlement. The rest of the cases were in 2009 and 2008 and have not been closed.



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IV. Identification of Impediments to Fair Housing Choice

A. Public Sector in Barnstable County

1. Zoning and Site Selection

Land use control in Barnstable County is the responsibility of the regional planning agency, the Cape Cod Commission, and each of the 15 towns, which are also members of the HOME Consortium.

The Cape Code Commission has regulatory responsibility for proposed Developments of Regional Impact (DRI). These DRIs meet or exceed a size or other threshold specified in the Commission's regulations. The Commission has performance standards that the DRIs must meet. The Commission also has a program for Districts of Critical Planning Concern (DCPC) where special planning and regulatory efforts augment existing local regulations. The process to design a DCPC is usually initiated by a town in the County.

With one exception, the typical, relevant profile of a town in Barnstable County is one with four basic components. The Town meeting is convened once a year for critical decisions, which can include land use decisions related to planning and zoning. The Board of Selectmen (usually 3 or 5 member boards) meets several times a month and can make decisions within a certain purview. Professional staff usually includes a Planner, a Building Inspector and a Tax Assessor, among others. All towns have a town manager/administrator. Finally, there are volunteer boards with decision making authority, including the Planning Board, the Zoning Board of Appeals, the Conservation Commission, and the Board of Health. Members of these boards are typically appointed by the Board of Selectmen, although at least one planning board is elected.

The Master Plan (or Comprehensive Plan) sets general guidelines for land use; including geographic designations for certain zones with land use restrictions. The Zoning Ordinance is a more detailed approach with specifics concerning the land uses, and a special permit process for many uses that can be allowed. Health Board regulations and decisions also control land use to insure water potability and adequate sewerage treatment. There are few centralized sewerage systems in the County. The effect on the environment of septic tank disposal and drinkability of



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well water dictate density and lot size. Thus development throughout the County is at a low density, restricting housing choice.

Land use regulations can present an impediment to fair housing if requirements unduly restrict diversity in the housing stock which could provide a greater choice in housing. In particular this type of regulation or decision is a serious impediment if that decision is based on the presence of future occupants in classified categories. HUD's position is that boards making land use decisions should reflect diversity in the population.

Rather than a detailed review of each of the 15 towns in the County, practical limitations for the Fair Housing Plan led to an in-depth examination of a number of towns that were representative of Barnstable County communities. This effort included examination of local plans and ordinances and consultations with officials in the planning, tax assessor and building departments.

Two critical concerns for land use and other regulations in Barnstable County are the environment and issues that are defined as "nuisances" for settled neighborhoods. Goals for environmental protection often work against housing choices with higher density developments. Within that framework, local governments have instituted innovative approaches to housing choice. Several examples are:

- Accessory apartments. One town has enacted an ordinance providing for the lawful conversion of accessory apartments. The town has made provision that the occupants of the apartment are of moderate income. The ordinance has been used as a national model, and provides for additional housing choice.
- "Inclusionary zoning". This provision has been used at the local level where the developer provides affordable housing on site or contributes to an affordable housing fund.
- Use of vacant land. One town has recently passed an ordinance reducing barriers to development of odd-shaped lots, with a goal of more affordable housing and greater housing choice.

Other local actions or trends may have an unfavorable effect on the provision of housing choice or the protection of people in classified groups. For instance, one community enacted an ordinance for "comprehensive occupancy", in effect restricting occupancy of residential dwellings according to bedroom size. The ordinance also restricted overnight vehicle parking.



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Ostensibly the ordinance addressed neighborhood nuisances. However, the ordinance was enacted at a time when immigration of certain ethnic groups, specifically Brazilian, Portuguese and Hispanics, was at a high point. On the one hand, this could be an action aimed at those populations; however a review of the situation in a focus group indicated that it was not an issue with the immigrant community.

One local community also referenced “nimbysm” (not in my back yard) as a factor in the provision of affordable housing and housing choice. This statement reaffirms one finding in the 2009 UMass Donahue Institute/Citizens’ Housing and Planning Association poll (the Housing Poll, fourth poll in a series). The poll found that 57.7% of the respondents thought that affordable housing would lower property values. That poll, with results published in April 2009, also indicated that affordable housing was a priority issue second only to jobs. Also, 34.9% of respondents thought that availability of (affordable) housing was a consideration for moving out of Massachusetts.

Chapter 40B was established in 1969 in order to address the shortage of affordable housing in Massachusetts. Also known as the Comprehensive Permit Law, the law increases affordable housing production by decreasing local barriers present in zoning and other restrictions.

Prior to applying for a comprehensive permit, a proposal to build affordable housing must receive approval for Project Eligibility or Site Approval under a state or federal subsidy program. The application, containing the eligibility letter and preliminary development plans, is then filed with the local Zoning Board of Appeals. The board then notifies and seeks recommendations from other local regulatory boards, including the Planning Board, the Board of Health and the Conservation Commission. The Zoning Board of Appeals holds a public hearing to ensure that local concerns are properly addressed. The board can issue a single comprehensive permit, which subsumes all local permits and approvals normally issued by local boards. It can also issue a comprehensive permit with conditions or deny the permit. If a comprehensive permit is granted, the applicant, prior to construction, must normally present final, detailed construction plans to the building inspector or similar officials to ensure that the plans are consistent with the comprehensive permit and state requirements.

If an application for a permit is denied or granted with excessive conditions, which would make building uneconomic, the applicant may appeal the board's decision to the Massachusetts Housing Appeals Committee.



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In terms of the kind of housing units produced, many Chapter 40B developments are a combination of market rate and affordable single-family housing units. The majority of residents in the affordable housing units earn less than \$50,000 per year and are required to earn no more than 80% of the median household income. These can include a variety of age groups and family styles, such as students, singles, couples, families and seniors. The units can be either new or existing, homeownership or rental, single or multi-family, group homes or accessory apartments, as well as a number of other variations. Whatever the case, the property must be restricted with a deed rider ensuring affordability with each resale. Restrictions for affordability must run 30 years for new construction, although most communities impose a longer period. The Commonwealth requires that at least 10% of each community's housing inventory should be affordable and the state tracks this inventory with its Subsidized Housing Inventory.

A town, in adopting a state-approved housing action plan and producing ½% of its annual housing stock in affordable housing, can determine which 40B projects it will allow. Barnstable, Bourne, Falmouth, Mashpee, Sandwich and Truro each currently have approved housing action plans; Yarmouth has a plan under review by the Massachusetts Department of Housing and Community Development (DHCD); and Brewster and Harwich are developing plans.

The Comprehensive Permit Law has played a significant role in affordable housing in Barnstable County. In September of 2008, the Cape Cod Commission found that 40% of affordable housing units in Barnstable County were created through the Chapter 40B zoning process. This includes 84% of all new affordable housing units constructed since 2002. As of September 2008, there were 112 developments approved under Chapter 40B in Barnstable County with a total of 100,067 units. Fifty seven percent of these units were affordable and two thirds were rental units.

The production of affordable housing units is not automatically the same as addressing fair housing issues. However, this housing development provides for more housing choice. Also, assistance programs do require that developers implement an outreach plan that “affirmatively furthers fair housing”. HUD also recognizes that the development of affordable units provides diversity to the housing stock, helping to ensure fair housing.



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2. Neighborhood Revitalization

Communities in Barnstable County work toward neighborhood revitalization in numerous ways. For instance, the Community Preservation Act programs, instituted by each of the 15 towns in the County are a form of community and neighborhood revitalization (see program description on p. 45). Many of the zoning innovations, often with the goal of smart growth, are also revitalizing neighborhoods.

The Community Development programs in Yarmouth and Barnstable are two important efforts in the County. The source of funding for the Community Development Block Grant (CDBG) program is the Federal Department of Housing and Urban Development, which also funds the HOME Consortium.

The Town of Barnstable receives between \$300,000 and \$400,000 each year as an entitlement community in the CDBG program. Funded programs/projects include:

- Rehabilitation of accessory apartments for low and moderate income occupants
- Support for the Barnstable Housing Authority to acquire rental units for very low and low income families and individuals
- Reduction of architectural barriers for the disabled
- Facility improvements for an agency working with persons disabled by head injuries
- Assisting non-working disabled in workforce development; also benefiting downtown Hyannis neighborhood with maintenance activities with on-the-job training efforts

The Town of Yarmouth also receives between \$100,000 and \$200,000 each year as an entitlement community in the CDBG program. In their most recent action plan, the town targets its program funding for affordable housing and improvements to eliminate barriers for the physically disabled. Those barriers included sidewalks serving a neighborhood.

Both communities have been undertaking neighborhood revitalization activities that also serve a “classified” population, the disabled.



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3. Municipal Service, Transportation

Many of the Towns in Barnstable County provide a full range of municipal services, including fire and police, public works (street repair and snow plowing), and domestic water service. Some towns provide sewerage treatment services but a large portion of the Cape relies on individual septic tanks. In some communities, taxing districts provide fire protection and other services.

There was no evidence of discriminatory action in the provision of municipal service. There was no mention of such discriminatory action in the focus groups with “protected” classes.

Buses

Cape Cod Regional Transit Authority (CCRTA) serves Barnstable County with 80 vehicles. The CCRTA provides local service throughout the Cape with five routes. The frequency of service increases during the summer months and a seasonal trolley service is available from Woods Hole to Falmouth. One of the routes, between Harwich and Provincetown, is a “Flex” route and will pick up and drop off passengers up to $\frac{3}{4}$ mile from the regular route to serve people who have difficulty getting to a regular stop. (For map of CCRTA routes see Appendix 3). These routes provide transportation to employment locations throughout the state. CCRTA also provides paratransit transportation with a door-to-door shared-ride service for those qualified, disabled individuals who are unable to use the fixed route buses. All of CCRTA buses are “ADA” accessible for physically handicapped, equipped with a lift or a ramp.

CCRTA’s main “hub” is at the Hyannis Transportation Center where connecting bus service is available to Boston, Providence and New York. Two private companies also operate in Barnstable County. First, the Plymouth and Brockton Company has two routes connecting Boston and Provincetown. The first is between Hyannis and Provincetown, which operates four roundtrips daily during the summer and two times during the winter. It also provides discounted taxi service for Outer Cape passengers. The second is between Hyannis and different locations in Boston. On weekdays there are 24 bus roundtrips, of which 20 stop at South Station, eight stop at Park Square, and 16 stop at Logan International Airport (with some overlap). During weekends there are 15 bus roundtrips stopping at all stations. The frequency of service is increased during the summer to accommodate demand.



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The second bus company is Peter Pan/Bonanza Bus Lines and it has two routes serving Cape Cod. The one from Woods Hole to Boston runs seven times daily and stops at both Logan International Airport and South Station. There are nine returning trips, six of which include Logan International Airport. The second service is from Hyannis to Providence with a stop at Bourne allowing a bus connection between Woods Hole and Hyannis. This route allows for transfers in Providence to buses with various New England destinations and service to New York. It runs five roundtrips plus an additional one way trip from Hyannis to Providence early in the morning.

Ferries

There are five ports where ocean-going ferry services are available in Barnstable County. Hyannis, Woods Hole and Provincetown have more frequent service. Falmouth and Harwich have less frequent service.

As a transportation hub, Hyannis Transportation Center is within walking distance of the ferries in Hyannis that connect it to Martha's Vineyard and Nantucket. Two companies operate them.

The Woods Hole, Martha's Vineyard and Nantucket Steamship Authority is a public instrumentality created by the Massachusetts legislature to provide for adequate transportation to and from Nantucket and Martha's Vineyard. It provides two ferry services to passengers and their vehicles - from Hyannis to Nantucket and from Woods Hole to Martha's Vineyard. The steamship Authority operates nine vessels of various size and purpose such as commute and cargo transport. The Hyannis to Nantucket service runs three roundtrips daily with an increase to six trips during the May to August peak season. The service from Woods Hole to Martha's Vineyard runs 13 roundtrips daily with an additional trip on weekends and holidays. During the summer four or five of those trips go to Oak Bluffs instead of Vineyard Haven on Martha's Vineyard. The Steamship Authority piers in Woods Hole are also used as a bus terminal.

Hy-Line Cruises is a private company and has high-speed passenger-only (no vehicles) ferry services from Hyannis to Nantucket and Martha's Vineyard. Their ferry to Nantucket is year round with five daily roundtrips. An additional sixth trip is added during the summer. Hy-Line's service to Martha's Vineyard runs from May through October with daily trips ranging from two to six. The highest rate is in the middle of the summer with the peak season.



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MacMillan Pier is the transportation hub in Provincetown and is located at the intersection of Commercial Street and Ryder Street. It includes a bus depot, a ferry terminal, and a parking facility open daily. CCRTA's seasonal Provincetown Shuttle makes scheduled stops there. Ferry service to Plymouth and Boston is also available seasonally usually utilizing smaller high-speed catamaran vessels. One of the companies is Bay State Cruise Company and it runs four roundtrips from May through October. Another is Boston Harbor Cruises and it runs three daily roundtrips seasonally.

There is also a seasonal summer ferry from Falmouth to Oak Bluffs running from two to six roundtrips per day depending heavily on tourist traffic projections and with emphasis on weekend and holiday days. It is operated by Island Commuter Corp.

The last significant Cape Cod ferry transport location is Harwich. Freedom Cruise Line offers roundtrips to Nantucket there, May through September, once daily with three times during the summer. There are also many leisure and tourist attraction ferries along the coast of Cape Cod, many of which are seasonal.

Private Vehicular Travel and Journey to Work

The 2000 Census indicated that 81% of County residents drive alone to work, compared to 75% for the state as a whole. The higher percentage is caused by the predominance of single-family housing and lack of transit-oriented development.

Air Travel

There are two significant, civilian airports in Barnstable County, the Barnstable Municipal Airport and the Provincetown Municipal Airport. The Barnstable Airport is the 3rd busiest airport in Massachusetts. Cape Air, Colgen Air, Nantucket Air, and Nantucket Shuttle Airlines have regular service to Barnstable and schedule flights to the islands and Boston. Provincetown Airport has commercial and private service. This facility is approximately 3.3 miles from Provincetown Center.

Clearly, public transit is available in Barnstable County and frequency of carriers increases during the tourist season, thus providing an alternative journey to work. However, the County presents a large area to be covered for available bus service, reflecting the predominate single-family detached housing.



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4. Assisted Housing

Assisted and affordable housing in Barnstable County totals 5,173 or 5.17 % of the housing stock, according to the Massachusetts Department of Housing and Community Development which published the following chart in September, 2009. The state has set a goal of 10% affordable housing for each community. For all of the Towns in the County to make that goal, there would have to be approximately an additional 5,000 units of affordable housing. Town totals presently range from a low of 0.8% in Truro to a high of 8.86 % in Orleans. The lowest number is also in Truro (8 units) while Barnstable had the highest total of 1,346 units.

Community	Year Round Units 2000	Affordable Units 2001	% Affordable 10/1/2001	Affordable Units 2009	% Affordable 9/29/2009
Barnstable	20,266	953	4.70%	1,346	6.64%
Bourne	7,787	375	4.82%	560	7.19%
Brewster	4,379	200	4.57%	252	5.75%
Chatham	3,596	121	3.36%	174	4.84%
Dennis	8,079	272	3.37%	329	4.07%
Eastham	2,642	38	1.44%	49	1.85%
Falmouth	14,440	527	3.65%	835	5.78%
Harwich	5,862	214	3.65%	278	4.74%
Mashpee	5,578	183	3.28%	222	3.98%
Orleans	3,317	256	7.72%	294	8.86%
Provincetown	2,062	135	6.55%	117	5.67%
Sandwich	7,574	141	1.86%	272	3.59%
Truro	999	6	0.60%	8	0.80%
Wellfleet	1,430	40	2.80%	37	2.59%
Yarmouth	12,056	287	2.38%	400	3.32%
TOTAL	100,067	3,748	3.75%	5,173	5.17%



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Barnstable County HOME Consortium

A number of entities in Barnstable County provide assisted or affordable units included in the table above. The Barnstable County HOME Consortium program, started in 1994, is administered by the Cape Cod Commission, located in the town of Barnstable. Commission staff assigned to the Consortium includes the Affordable Housing Specialist and a HOME Program Assistant (part time).

An Advisory Council for the HOME program is made up of a representative from each of the 15 towns in the County, two at-large representatives and the Affordable Housing Specialist (ex-officio). The Council meets monthly to review the program and approve all applications, relevant documents, and budget funding.

The 2009 (July 1, 2009 –June 30, 2010) allocation of HOME funding for the Consortium is as follows:

Area/Program	Allocation	Goals – Units or Households Assisted
Administration- 10%	\$ 75,346	
CHDO Housing Production Projects- 15%	\$ 113,020	20 units
Housing Production	\$ 390,099	50 units
Down Payment/Closing Cost Program- DPCC	\$ 175,000	20 households
TOTAL	\$ 753,465	

The Consortium has received and distributed a total of \$11,455,000 since 1994.

The Housing Production Program, which provides below-market finance for the development of affordable housing, has supported 64 developments. On occasion there will be market rate units in these developments. More often, all units

are affordable as other programs are used to support the remainder units. Every town in the County has either a development financed by the Consortium or a commitment to finance a development. Thus, there is no concentration of supported units in any census tract or community. The Consortium has worked to insure geographic dispersal of its units as well as a response to homeownership and rental needs.



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In order to serve the wide variety of communities in the County, the program has supported the development of various types of housing, including single family homes,

	Total Units	Affordable Units	HOME Supported Units
Rental	824	798	333
Homeownership	209	142	108
Total	1033	940	441

condominiums, duplexes and apartment complexes. Program assistance is up to \$35,000 per unit and \$175,000 per project. The Consortium monitors the development for 20 - 50 years after closing to insure all regulations and agreements are followed including affordability and affirmative marketing. Each development formulates an affirmative marketing plan which specifies ways to reach out to the “classified” groups, including minority and disabled people. Typically, those plans include media contacts and notices to representative groups such as the NAACP and the Mashpee Wampanoag Tribal Council.

Approximately 50% of the housing developments supported by the HOME Consortium are “40B” Developments (see zoning and site selection, above). The Developments often have “layers” of below market finance from other support programs including: the Low Income Housing Tax Credit program, Section 8, Massachusetts Affordable Housing Trust Fund, Massachusetts Housing Partnership funding and other programs. In addition, private funds are invested in these developments. The Consortium, as of September 2009, had achieved a leveraging ratio of 24 (24 dollars of other financing for each dollar of HOME finance); compared to a leveraging ratio of 8 as a state average. Over 85% of the units financed as rentals are rented to low income residents (0-50% of median income). Since 2001, 34 of the units financed are handicapped accessible. Applications for development financing are accepted on a continuing basis.

The Consortium’s Down Payment/Closing Program (Down Payment Program) provides second mortgage financing for eligible home buyers and is administered by the Housing Assistance Corporation (HAC). This program has made loans in all of the towns in the County except Truro.

Since its inception, the Down Payment Program has served about 30 households a year. In the program year from July 1, 2008 to June 30 2009, that number was slightly lower and the program assisted 22 low-income first time homebuyers. The average loan was \$6,800, the average purchase price of a single family home was \$158,000, and the average purchase price of



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a condominium was \$149,000. Most of the households assisted (20) had income of between 51% and 80% of the median income. Two households were very low income (30-50% of area median income). Any household using the Down Payment Program is also required to complete homeowner education classes.

The Consortium contracts the administration of the Down Payment Program which is presently administered by the Housing Assistance Corporation (HAC – see description below). This program administrative contract is put out for bid periodically.

Over the past four years, 15% of the recipients of HOME assistance with all of its programs were minorities.

Soft Second Program

The Cape Cod Commission established the Barnstable County Soft Second Loan Program (SSLP) in 1992. State funding is provided through the Massachusetts Housing Partnership, which contracts with the Commission. The Commission, in turn, subcontracts to the Housing Assistance Corporation.

The program has assisted 525 homebuyers as of July 2009. These homebuyers who qualify by income are given a second mortgage for 20% of the purchase price. The principal on this mortgage is deferred for 10 years. The interest is subsidized during the first five years. Other costs are reduced as the SSLP eliminates the need for private mortgage insurance and participating banks discount the rate on the first mortgage, charge no points and reduce closing costs. In the second half of 2009 the following banks were participating: Citizens, Sovereign, Rockland Trust, and Bank of America.

Housing Agencies in Barnstable County

The total figures for assisted and affordable housing (chart of p 40 above) includes 1,281 public housing units administered by housing authorities in the County. There are 15 housing authorities, one for each town in the County. However, the Wellfleet, Truro and Eastham Housing Authorities have no staff. Eighty percent of those units (about 1,020) are in senior housing and the balance (about 260) is for families. Most of the units were built with state funding. The sizes of the housing authorities differ greatly. For instance, the Barnstable



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Housing Authority (BHA) has 360 units that it manages or owns. Eastham has fewer than 20 units.

The BHA's tenant selection preference is fairly typical for housing authorities in the County. Local residents are given a preference for both federally funded and state funded housing. Three categories take preference for federally funded housing owned or managed by the BHA: homeless, living in substandard housing, or paying more than 50% for housing (rent and utilities). For the state funded housing, veterans are given a preference at the BHA. There is a separate waiting list composed of disabled households for housing units modified for their use. The BHA is one of few housing authorities in the County that has a "504 Plan" that details accessibility and visibility improvements.

The BHA also administers a Section 8 rental subsidy program with 472 vouchers assigned to tenants to pay rent. In addition, the BHA administers 63 client-based vouchers with the Massachusetts Rental Voucher Program. During the briefings for voucher holders, the BHA has always stressed that landlord refusal because the applicant had a voucher was against the law. Historically, there has been a consistent trend with illegal refusal of vouchers. Voucher holders were counseled on methods dealing with this discrimination. Two facts have changed that trend over the past 12 to 18 months. First, the BHA has not been issuing many vouchers. Secondly, the rental market has changed and the voucher is seen as a source of rental stability and assured payment.

Other housing authorities (Bourne, Brewster, Chatham, Dennis, Falmouth, Harwich, Mashpee, Sandwich and Yarmouth) also administer Section 8 programs, as do several non-profits (see information on the Housing Assistance Corporation below). A total of over 2,000 housing units receive Section 8 assistance. There are less than 600 housing units assisted through the Massachusetts Rental Voucher Program (MRVP).

The Housing Assistance Corporation (HAC) administers the largest assisted leased housing program in Barnstable County. HAC is a multi-faceted non-profit entity that qualifies as a "community housing development organization" (CHDO) according to HUD's definition. HAC, employing over 150 people, administers the Consortium's Down Payment Program (see above) in addition to operating homeless shelters for adults and families, developing new affordable housing, and educating and training clients on housing issues. HAC has over 50 programs and services, with housing assistance as its core mission and principal revenue source. It has over



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775 Section 8 tenant based vouchers and over 55 MRVP vouchers. HAC has an open application process and currently has over 4,000 households on its waiting list. Approximately 12% of the rental voucher recipients are African-American; 3% American Indian; 1% Asian and 7% Hispanic.

Need for assisted housing clearly exceeds the number of available units. In 2009, housing authorities Cape-wide had over 1,200 people on waiting lists for both elderly and family housing in 2009. Family housing typically has an estimated wait list of five to ten years.

There are many housing authorities in the county that partner with social service and health agencies to provide services. A total of 140 units are owned by Housing Authorities and supported by the Department of Mental Retardation, Department of Mental Health, AIDS service organizations, or other agencies, which often assist in qualifying tenants. These include 52 units in Barnstable, 14 in Chatham, 8 in Dennis, 8 in Falmouth, 8 in Harwich, 20 in Orleans, 10 in Provincetown, 12 in Sandwich, and 8 in Yarmouth.

Many housing authorities have local preferences for applicants. That is, the local applicant goes to the top of the list when there is a vacant rental unit. If there are no minorities in the community, this means that it is less likely that minorities will access public housing. This local preference for public housing authorities is statutory. That is, the preference is set as a matter of state law.

New or rehabilitated, affordable, housing developments by private (including non-profit) developers may also have a local preference. However, it is more likely that a non-local household will get a rental unit since there are “pools” of applicants, set according to the Massachusetts Department of Housing and Community Development (DHCD) regulation. The local preference is not applied uniformly to all pools.

The local preference in Massachusetts has faced legal challenges, including one from HUD. Currently, the Massachusetts Housing Partnership is planning a study of the local preference approach to assigning rental units.



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Community Preservation Act

Another source of support for assisted housing is the Community Preservation Act (CPA) and the programs it enables at the town level. The CPA was enacted in 2000 in Massachusetts and allows local governments to create a Community Preservation Fund funded by a surcharge on real estate taxes. The amount of the surcharge is up to 3% and the Commonwealth also contributes a match, although not at 100%. The Act requires a minimum of 10% of funds raised to be committed to each of three categories of capital improvements: open space, historic preservation, and affordable housing. Each of the towns in Barnstable County has approved a Community Preservation Fund, with a 3% rate. Examples of projects funded are:

- Create housing and other forms of assistance for homeless individuals and families
- Buy down purchase prices of existing units, with provision for long-term affordability
- Support for development of new affordable units
- Support for HAC home ownership program
- Support housing authorities for creation of affordable rental units
- Support for rental assistance

The CPA program has been used to create a total of 634 affordable housing units in Barnstable County. Of those 397 were new housing units and 237 were rehabilitated units. Chatham has the largest number of new units at 71, followed by Provincetown with 53 and Yarmouth with 46. Mashpee had the largest number of rehabilitated units at 145.

5. Sale of Subsidized Housing

According to information tabulated by the Community Economic Development Assistance Corporation, 10 developments in Barnstable County are expected to have their assisted housing contracts expire within the next five years. A total of 755 assisted units are located in these developments. Most of these properties are owned by non-profit organizations and are expected to renew their commitment to affordable housing.

6. Property Tax Policies

Local tax assessors and tax assessment boards in Barnstable County use state regulations for virtually all assessment practices. Most boards are appointed by the Board of Selectmen. Previously, many of the assessor boards were elected but there was not a good quality or quantity



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of candidates. Now the boards are appointed. In one of towns reviewed, the Selectmen do undertake an outreach campaign and work to achieve diversity in the board's make up. Members of the assessor's board also are required to complete an 8-week course and become certified by the state.

The composition of the boards reviewed had gender diversity but no racial or ethnic minorities.

Significant board action, relative to real property tax includes:

- **Abatement.** Basically, the property owner is appealing a perceived inequity of the property assessment. The board is required to rule on abatement requests and typically does this after reviewing the tax assessor's review. Towns receive abatement requests in the hundreds each year.
- **Exemptions.** Individuals in certain categories can apply to the tax assessors' board to have their real estate tax reduced. This can be by percentage or specific amount. Categories for exemptions can include: elderly, paraplegic disabled veteran, surviving spouse, minor, blindness, and hardship. Qualifications can include an asset test or proof of disability. Typically, there are few applications for exemptions.

Decisions by the board of assessors can be appealed to the state Appellate Tax Board.

Towns conduct systematic re-evaluation as required by state law. Towns also update records and assessments more frequently based on current sales activity.

7. Planning and Zoning Boards

Members of the Zoning Board of Appeals are appointed by the Board of Selectmen in Barnstable County towns. Members of the Planning Board are either appointed or elected. For the purposes of the Fair Housing Plan, the composition of these boards for a number of towns was examined. While some of the boards had female members (a small number were women), none of the boards had any ethnic or racial minority members. One community did actually have a majority of its members in a protected class. While minority representation was minimal, there was no evidence that decisions of the examined boards were discriminatory.

In terms of general representation, several of the towns either presently or recently had minority representation on the Board of Selectmen. For instance, the Town of Mashpee (the



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Town) recently had a Mashpee-Wampanoag as a Selectman. The Town has been historically connected to the Mashpee-Wampanoag tribe.

In fact, the origins of the Town are that of a Tribal settlement, where the Mashpees maintained an entailment on all the lands of Mashpee. The entailment restricted the sale or lease or transfer of any land or resource without the consent of the entire tribe.

The Town had significant financial problems for 30 years, continuing to the middle part of the last century. Questions about the legal status of property remained. In the early 1960s, the development of New Seabury was permitted, in part to relieve the financial problem. Local officials in the Town at that time were all members of the Tribe. Court action in 1983 settled Tribal claims definitively such that property claims were clear and financial liens could be recorded without a cloud on the title. It was at this time that land development exploded and changed the nature of population. The Town underwent dramatic growth from the early 1960s when the total population was under 5,000 to today when there are over 14,000 people in the town. It has been the fastest growing town in Massachusetts.

Currently, there are no members of the Tribe in any official capacity. This includes the Board of Selectman (elected), Board of Assessors (appointed), Zoning Board of Appeals (appointed), and Planning Board (elected). There was a Tribal member who was a member of the Board of Selectman over the past five years, who was not re-elected.

In 2007, the Mashpee-Wampanoag Tribe was recognized as a Sovereign nation by the Bureau of Indian Affairs of the U.S. Government. The Town supported the Tribal Council's application. From available information, it appears that leadership elements among the Mashpee-Wampanoag are concentrating their efforts within the Tribal Council, as opposed to becoming appointed or elected officials within the Town.

8. Building Codes

The building codes used by most towns in Barnstable County are modeled after the Massachusetts building code. The Architectural Access Board (AAB) is a regulatory agency within the Massachusetts Office of Public Safety. Its legislative mandate states that it shall develop and enforce regulations designed to make public buildings accessible to, functional and safe for use by persons with disabilities. Multi-family housing is considered a public building. The AAB's regulations are incorporated in the Massachusetts building code as a "specialized



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code”, making them enforceable by all local and state building inspectors, as well as by the Board itself.

These regulations are designed to provide full and free use of buildings and facilities so that persons with disabilities may have the education, employment, living and recreational opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.

In addition to enforcing regulations stipulated by the AAB, building inspectors will often provide a flexible interpretation of other building and zoning regulations. For instance, each of the inspectors interviewed as part of the consultation process for the Fair Housing Plan would give an exemption or exception for set back requirements for an entrance ramp built to serve a disabled person.

B. Private Sector in Barnstable County

1. Home Rental and Sales Market

Barnstable County has a number of newspaper publications that carry classified advertising. Most are published weekly. Newspapers with the highest daily circulation are The Boston Globe and the Cape Cod Times. The Globe noticeably displayed the HUD Fair Housing notice in their classified sections. There were no ads in either daily publication that intended to “steer” clients on the basis of race, religion, familial status, or other protected classification.

To become licensed as a real estate salesperson or broker in Massachusetts a person must complete the pre-licensing education requirements. To start, a person must become a licensed salesperson before they become a broker. To do this, they must complete twenty-four hours of education at a Board approved school in Massachusetts, then pass the relevant examination and complete the appropriate licensing application. The education is in various subject matter areas, one of which is Fair Housing/Consumer Protection. For those salespersons interested in becoming a licensed broker they must first work for a broker for at least one year. They then must complete thirty hours of education at a Board approved real estate school, pass the relevant examination, followed by the appropriate licensing application. The education is in various subject matter areas, one of which is Fair Housing/Consumer Protection.



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All licensed real estate agents in Massachusetts must complete twelve hours of continuing education requirement as a prerequisite to renewing their license. This renewal occurs every two years. The continuing education requirement consists of twelve hours of instruction in various subject matter areas that were developed by the Board.

The Cape Cod Association of Realtors serves residential brokers in Barnstable County. Relevant course work, as described above, is offered at the Association's headquarters in the Town of Yarmouth.

2. Lending Policies and Practices

Mortgage lenders active in the Barnstable County market typically fall into one of three categories. Banks, including savings and loan associations, credit unions and mortgage companies do the great majority of mortgage lending in Barnstable County. First time homebuyers also turn to Mass Housing, a quasi-public agency charged with providing affordable housing to low and middle income residents. The agency issues tax-exempt bonds for home mortgages to borrowers qualified by income. Other lenders depend on "secondary markets" to purchase their mortgages, although some lenders retain the mortgages as well as the servicing. No individual lender has more than 10 percent of the mortgage market in Barnstable County.

The financial crisis that developed across the nation because of home mortgage lending practices has changed the face of home mortgage lending. Aggressive origination practices have meant that many households have defaulted on mortgage debt. This debt had been packaged by the quasi-public agencies, Freddie Mac and Fannie Mae, and many Wall Street firms. In early September 2008, the Federal government took over Freddie Mac and Fannie Mae, two agencies whose purpose was to purchase, hold, or sell mortgage loans that had been originated by private lenders. The effects on the finance industry and government rescue efforts are still evolving.

Sub-prime lending was prevalent in Massachusetts and particularly in low income areas and for minorities in the early years of this past decade. Responsible sub-prime lending is a legitimate, licensed business. Sub-prime lenders make credit available to borrowers otherwise unable to finance a home purchase. To do this, the sub-prime lender charges higher interest rates and fees. As a subset of sub-prime lenders, predatory lenders have deceptive sales practices, and charge excessively high rates and fees. Lending practices of predatory lenders often strips away



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accumulated equity of home owners who often do not understand their commitment. Many times the borrower loses their home.

In 2004, Massachusetts enacted an Anti-Predatory Lending Law designed to curb predatory lending practices in the state. The law's strongest protections are provided on what it defines as high-cost loans – loans that exceed its high-cost thresholds for either the 'points and fees' or the annual percentage rate (APR). The law's 'points and fees' threshold is set at 5% of the loan amount. Among other provisions, the law limits pre-payment penalties.

Another change that significantly affected the mortgage market in Barnstable County was that liquidity for the sub-prime market essentially evaporated and, coincidentally, so did sub-prime lending. At least at this time, predatory mortgage lenders are not active in the local market place. The beginning of the change was noted by the Massachusetts Community and Banking Council.

In their February 2009 report, *Changing Pattern XV: Mortgage Lending to Traditionally Underserved Borrowers and Neighborhood in Boston, Greater Boston and Massachusetts, 2007*, the Council noted a significant decline in Massachusetts in sub-prime lending, or as the report characterizes it, high-APR (Annual Percentage Rate) loans - HAL. The HAL shares of home-purchase loans fell by more than half in 2007, from 19% to 8.1% statewide. In this report, the Council noted that Black and Latino borrowers were much more likely to get HALs than were Whites. In the outreach activities for the Fair Housing Plan, anecdotal information was presented that immigrant groups in Barnstable County, particularly Brazilian immigrants, were susceptible to predatory lending practices. Many of those families, who did not understand the financial requirements of the mortgage, have now lost their homes.

The Council reported that in 2007, in Barnstable County, 15% of all mortgages closed were sub-prime. Certainly, change continued for an even more dramatic decline in 2008 and 2009 which will be reported by the Council starting in January 2010.

Sub-prime lending had an effect on the housing market in the County. The Register of Deeds for Barnstable County reported that in 2008, there were 599 mortgage foreclosures, up 72% from the previous year. The Register's report for October 2009 indicates a high level of foreclosure, but lower compared to the previous year. For instance, there were 47 foreclosures in Barnstable County in October 2009, compared to 53 in October 2008.



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The Home Mortgage Disclosure Act (HMDA) requires lending institutions to publically report residential loan data (for full review of HMDA background see Appendix 1).

The data is aggregated and reported by the Federal Financial Institutions Examination Council (FFIEC), which is a federal interagency body. The data considered below was from four years of HMDA reporting on Barnstable County loans.

HOME MORTGAGE DISCLOSURE ACT DATA APPLICATIONS BY PURPOSE 2005-2008				
YEAR	HOME PURCHASE	HOME IMPROVEMENT	REFINANCE	TOTAL LOAN APPLICATIONS
2005	11,271	2,886	20,590	34,747
2006	9,258	2,967	19,315	31,540
2007	7,905	2,191	15,060	25,156
2008	5,809	1,154	10,692	17,655
Total	34,243	9,198	65,657	109,098

This data is for mortgage applications, not closed loans. A percentage of these loans never closed. Data collected for the most current four years

of mortgage applications in Barnstable County has several characteristics, concerning time and place. The Cape is a retirement and vacation destination. Available data does not indicate if these are mortgages for second homes, and the assumption is that a large proportion are. The four years from 2005 to 2008 covered two different times in the business/economic cycle of the local market. In 2005, sub-prime lenders were operating at their peak. These lenders pushed the credit envelope, often with terms that were onerous. Rates were low, compared with previous years, spurring sales and refinancing. A recession started in 2008, partly because of issues concerning securitized mortgages. The sub-prime mortgage business basically disappeared because after the 2nd quarter of 2008, there was no secondary market for these instruments. Thus, there are only about half as many mortgage applications for Barnstable County in 2008 (17,655) as in 2005 (34,747).

These tables also include data for second mortgage applications which could have been used for home purchase. Aggressive lenders were writing second as well as first mortgages for home purchase in 2005 and 2006. Thus, there was 100% financed purchase with these loans.



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HOME MORTGAGE DISCLOSURE ACT DATA HOME PURCHASE MORTGAGE APPLICATIONS 2005-2008				
YEAR	OWNER OCCUPIED	NON-OWNER OCCUPIED	NOT AVAILABLE	TOTAL LOAN APPLICATIONS
2005	7,139	4,057	75	11,271
2006	5,788	3,378	92	9,258
2007	4,437	3,441	27	7,905
2008	3,031	2,770	8	5,809
Total	20,395	13,646	202	34,243

Mortgage lenders often do not report all categories of data for all mortgages. Often, the borrower may choose not to respond. The high percentage of non owner occupied applications is again indicative of the Cape as a retirement and vacation destination, where a residence may be purchased and rented out for part the year.

HOME MORTGAGE DISCLOSURE ACT DATA OWNER OCCUPIED HOME LOAN APPLICATIONS BY LOAN TYPE 2005-2008					
YEAR	CONVEN- TIONAL	FHA	VA	USDA- RURAL HOUSING OR FARM SERVICE	TOTAL LOAN APPLICATIONS
2005	26,854	83	26	1	26,964
2006	24,427	127	33	1	24,588
2007	18,323	263	31	0	18,617
2008	10,410	1,195	106	56	11,767
Total	80,014	1,668	196	58	81,936

Loan types represent a fairly standard distribution for the Cape. Ironically, the conventional category included sub-prime mortgages, which were hardly conventional in the ordinary sense of the word. The slight shift into FHA and VA mortgages represents to some degree the disappearance of the sub-prime mortgage lenders.



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HOME MORTGAGE DISCLOSURE ACT DATA ACTION TAKEN ON OWNER OCCUPIED HOME LOAN APPLICATIONS 2005-2008								
YEAR	LOAN ORIGIN- ATED	LOAN PURCHASED	APPROVED NOT ACCEPTED	DENIED	WITH- DRAWN BY APPLICANT	CLOSED AS IN- COMPLETE	TOTAL LOAN APPLICA- TIONS	DENIAL RATE
2005	13,218	3,820	1,333	4,098	3,929	566	26,964	15.20%
2006	11,551	4,163	1,445	4,233	2,594	602	24,588	17.22%
2007	8,094	3,630	1,316	3,660	1,385	532	18,617	19.66%
2008	5,500	2,154	708	2,166	978	261	11,767	18.41%
Total	38,363	13,767	4,802	14,157	8,886	1,961	81,936	17.28%

Mortgage lenders can take one of several actions after an application is received.

“Originated” means that the loan was accepted and closed. “Approved but not accepted” indicates that the loan was approved by the lender, but not accepted by the applicant. Often an applicant will find better terms at another lender or for other reasons not complete the transaction. “Application denied by financial institution” is self explanatory, as is “application withdrawn by applicant.” On occasion, an applicant will not complete an application or critical information cannot be obtained, leaving the application in the category “closed as incomplete”. “Loan purchased” means that the previously originated loan was purchased on the secondary market.

For Barnstable County the majority of loans were approved. Clearly the significant increase in denial rates, from 15.20% in 2005 to 19.66% in 2007 and 18.41% in 2008, is another indication of the decrease of sub-prime lending. Presumably that denial rate would be the same or even greater in 2009.



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HOME MORTGAGE DISCLOSURE ACT DATA DENIAL RATES ON HOME LOAN APPLICATIONS BY GENDER* 2005-2008					
Gender	2005	2006	2007	2008	Total
Male	15.03%	18.55%	24.32%	24.52%	18.75%
Female	17.56%	19.63%	23.43%	21.34%	19.87%
Total	15.91%	18.93%	23.93%	23.08%	19.17%

** Borrowers without co-borrower only*

Denial rates by gender, according to HUMDA records are roughly equal over the 4 year period of time researched.

HOME MORTGAGE DISCLOSURE ACT DATA DENIAL RATES ON HOME LOAN APPLICATIONS BY RACE/ETHNICITY					
Race/Ethnicity	2005	2006	2007	2008	Total
American Indian/Alaskan Native	21.43%	30.56%	38.37%	36.54%	28.87%
Asian	17.54%	19.47%	33.68%	18.97%	22.98%
Native Hawaiian or Pacific Islander	21.57%	20.00%	34.48%	23.08%	23.23%
Black or African American	18.74%	27.01%	32.57%	30.88%	25.07%
Hispanic or Latino (Ethnicity)	23.17%	33.56%	38.10%	38.66%	30.68%
White	15.27%	18.20%	20.26%	19.55%	17.61%
Other/ Not Provided	14.54%	13.80%	16.44%	13.47%	14.76%
Total	15.20%	17.22%	19.66%	18.44%	17.28%
<i>% of Loans with no data provided</i>	<i>23.33%</i>	<i>25.69%</i>	<i>24.12%</i>	<i>21.31%</i>	<i>24.37%</i>

The above table indicates the denial rates for Barnstable County by race and ethnicity. The two groups with the lowest denial rates are Whites and Asians, although the denial rate for Asians was high in 2007. The actual number of applications in categories other than white was low so the validity of any trend in those categories may be questionable and a slight shift of one or 2 applications could be a significant percentage changes.



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HOME MORTGAGE DISCLOSURE ACT DATA						
DENIAL REASONS BY RACE 2005-2008						
Denial Reason	Asian	Black	Hispanic	White	Other/ Not Provided	Total
Debt-to-income ratio	18	64	117	1,585	456	2,240
Employment history	1	3	12	149	19	184
Credit history	14	92	156	2,099	332	2,693
Collateral	10	43	127	1,630	233	2,043
Insufficient cash	3	2	10	175	27	217
Unverifiable information	7	11	79	567	62	726
Credit application incomplete	12	22	63	1,115	133	1,345
Mortgage insurance denied	1	0	5	28	2	36
Other	33	76	179	2,043	385	2,716
Missing Reason	27	89	145	1,395	301	1,957
Total	126	402	893	10,786	1,950	14,157
Percent Missing reason	21%	22%	16%	13%	15%	14%

HMDA reporting includes some data on loan denial reasons. Unfortunately, lenders are not required to complete this field so the data is incomplete. For the data received, the three categories that ranked high for denial of loan applications for Blacks and Hispanics were debt-to-income ratio, credit history and collateral. For the latter reason, typically, the loan amount exceeds the value of the property. The debt-to-income ratio indicates that either income is insufficient to support the debt payments or other debt (credit cards, car payments, etc.) along with the mortgage debt exceeds acceptable limits. Credit history likely indicates problems with existing mortgage, credit card or installment (car) payments.

Information from the HMDA reports clearly identifies the trend for less mortgage activity. Combined with other available information, the disappearance of the sub-prime market has led directly to this decrease. Although the sampling may have been small in some years, it appears that racial and ethnic minorities, particularly African-Americans (Black) and Hispanic face denials for homeownership more frequently than do whites. This fits a pattern for other parts of the state and nation and is happening even with upper and lower income categories. Credit history is given as the most frequent reason.



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(Note: For efforts in the public and private sector for Fair Housing Enforcement, Informational Programs and Visibility in Housing see Sections II and IV above and Section V to follow. Section V includes information on the Fair Housing Survey, which included mortgage lenders).

3. Affordability

Homeownership

The housing market has been defined in a “crises” situation for moderate and lower income population because of significantly increasing price of rental and homeownership housing.

CAPE COD HOMEOWNERSHIP AFFORDABILITY GAP					
Year	Median Price	% Increase	Median Family Income	Income Needed to buy Median Priced Home	Affordability Gap
1997	\$125,000		\$44,700	\$39,500	(\$5,200)
1998	\$135,000	8.00%	\$44,700	\$40,925	(\$3,775)
1999	\$147,900	9.60%	\$46,300	\$46,750	\$450
2000	\$176,000	19.00%	\$47,700	\$57,890	\$10,190
2001	\$219,850	24.90%	\$51,700	\$66,640	\$14,940
2002	\$265,950	21.00%	\$56,500	\$77,275	\$20,775
2003	\$310,000	16.60%	\$58,700	\$84,900	\$26,200
2004	\$353,225	13.90%	\$61,800	\$96,500	\$34,700
2005	\$379,900	7.60%	\$65,650	\$104,460	\$38,810
2006	\$369,000	-2.90%	\$66,800	\$106,400	\$39,600
2007	\$346,900	-6.00%	\$70,400	\$99,350	\$28,950
2008	\$333,850	-3.8%	\$73,500	\$93,100	\$19,600

*Sources: Bankers & Tradesman; Department of Housing and Urban Development, Cape Cod Commission
Assumptions: 5% down payment; 30% housing ratio; Freddie Mac annual average mortgage rate; real estate taxes, house insurance, and PMI at 1.5% of sales price*

The above affordability gap analysis indicates the median price of a single family home increased by as much as 21% on an annual basis between 1997 and 2005. The lowest increase during that period was at 7.60%. Clearly, the trend for increasing prices has reversed since 2006 and will continue. Those average decreases still leave an affordability gap of \$19,600 for a family with the median income in Barnstable County.



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Rental Housing

The National Low Income Housing Coalition completed a rental analysis in 2009 for Barnstable County. Among other calculations, the Coalition analyzed affordability according to wage rates.

In Barnstable County in 2009, the Fair Market Rent (FMR) for a two-bedroom apartment is \$1,192. In order to afford this level of rent and utilities, without paying more than 30% of income on housing, a household must earn \$3,973 monthly or \$47,680 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a Housing Wage of \$22.92.

A minimum wage worker in the County in 2009 earns an hourly wage of \$8.00. In order to afford the FMR for a two-bedroom apartment, a minimum wage earner must work 115 hours per week, 52 weeks per year. Or, a household must include 2.9 minimum wage earner(s) working 40 hours per week year-round in order to make the two-bedroom FMR affordable.

In Barnstable County, the estimated mean (average) wage for a renter is \$11.63 an hour. In order to afford the FMR for a two-bedroom apartment at this wage, a renter must work 79 hours per week, 52 weeks per year. Or, working 40 hours per week year-round, a household must include 2.0 worker(s) earning the mean renter wage in order to make the two-bedroom FMR affordable.

Clearly, this cost of housing is critical to the population in the County. The 2009 UMass Donahue Institute/CHAPA Housing Poll (published in April 2009) found that 63.4% of respondents identified housing affordability as an issue of significant concern, ranking with jobs as the public policy issues of greatest concern to Massachusetts residents.

C. Public and Private

1. County Survey

Surveys are valid planning tools for a community like Barnstable County because of its large geographic area and population. The Cape Cod Commission has had surveys completed to identify critical issues for residents. The 2005 survey included one housing issue: the availability of moderate and lower-priced housing. The issue ranked second as a serious problem for the Cape, second only to traffic.



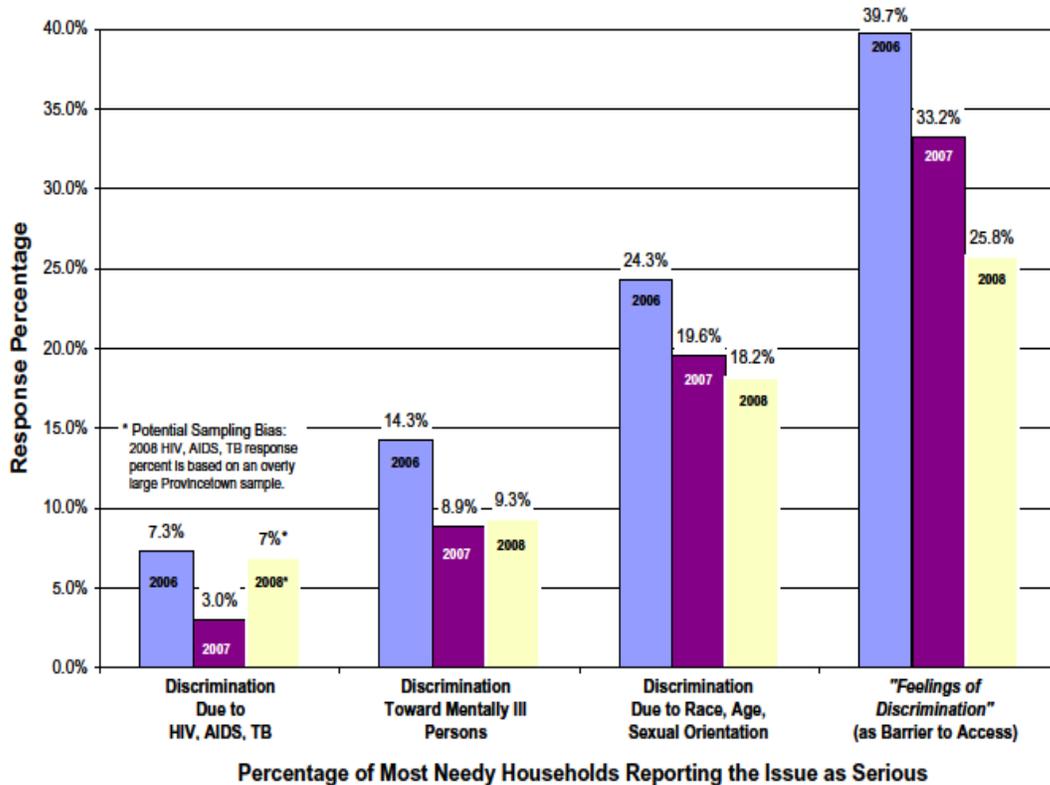
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Barnstable County Department of Human Services annually conducts an in-person survey and compiles a report, *Monitoring the Human Condition*. The fifth annual edition of *Monitoring the Human Condition* was published in 2009. The report uses current Census data with the results of the annual survey. The report is designed to answer the following three questions for residents of Barnstable County:

1. What Are the Human Needs?
2. How Serious Are The Human Needs?
3. Who Are The Needy?

Original research for the report is compiled from a survey in part utilizing volunteers approaching residents at random to complete a detailed set of questions. These questions are standard each year the survey is taken. In 2008, the Cape Cod Community Survey was completed by about 850 year round residents.

**Reports of Serious Discrimination in Barnstable County, MA
Most Needy Households: Years 2006/2007/2008**



Data Analyst,
Barnstable County Dept. of Human Services

November 3, 2009



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An important result of the 2008 survey indicated that 19% of the total respondents and 25.8% of the most needy respondents encountered discrimination as a barrier to service access. This included jobs and housing. This figure in 2008 is actually a decrease in respondents having feelings of discrimination: in 2006, it was 39.7%; in 2007, it was 33.2%.

2. Barnstable Fair Housing Survey

Methodology

The Barnstable Fair Housing Survey (the Survey) was conducted by The Center for Public Opinion Research Center at Merrimack College in early October 2009. The Center conducts academic and applied research for faculty, governmental agencies, non-profit organizations, private businesses, and media clients. The Center's Director, the consultant for the fair housing study and the Consortium's staff planned the survey and received advice from the Fair Housing Plan Advisory Group.

The telephone survey focused on "gatekeepers" in the housing industry working in Barnstable County, giving a qualitative element to the outreach for the fair housing plan, complementing the information obtained from the focus groups, consultations and public hearings. The survey's focus on gatekeepers complements the annual survey taken by the Barnstable County Department of Human Services (see page 58). The annual survey has a broader penetration of the general public.

The purpose of the survey was to measure the ability of the participants to understand the concept and regulation concerning fair housing and gauge the participants' ability to further fair housing goals. The survey included professionals in the following categories: licensed real estate brokers; residential property managers; residential mortgage lenders and brokers; town planners; housing authorities' staff, dealing directly with clients; and staff in non-profit agencies, dealing directly with clients. Town planners were selected for a representation of different sized communities. In addition to the tabulation of the total results, the difference between private (real estate brokers, property managers, mortgage bankers) and public (housing authorities, non-profit agencies, town planners) was cross-referenced. Although non-profit agencies are technically private, their purpose is publically oriented. The survey was designed and implemented with participation rates of 60% for the private sector and 40% for the public sector.



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Before the survey was conducted, letters were sent to potential participants by Mr. Paul Ruchinskas, the Affordable Housing Specialist at the Cape Cod Commission, who is responsible for administering the Barnstable County HOME Program. The letters notified participants of their selection explaining the effort as part of the Fair Housing Plan, asked for their cooperation, and insured confidentiality of response.

Survey Results

Table 1 What Role Do You Play in the Housing Industry?	
3%	Social service provider
12%	Housing program manager
19%	Property manager
28%	Realtor or Broker
13%	Housing Authority Representative
13%	Banker/Lender Builder/Developer
8%	Planning
4%	Advocate

Survey methodology insured geographic distribution. Both random and directed selection techniques were used. For instance, for the real estate brokers, a random selection was made from a media source advertising their services. Town planners were selected for a representation of different sized communities. The beginning of

the survey was intended to gauge the general impression of fair housing laws and a sense of the application of those laws.

The unanimous agreement of the respondents concerning the usefulness of the fair housing laws indicates widespread support. This response is significant in that there is a solid base of support, with a presumed favorable response to future outreach/training efforts.

Table 2 Fair Housing Laws serve a useful purpose?	
100%	Agree
0%	Disagree
0%	[VOL] Don't Know

Table 3 Fair Housing Laws are difficult to work with, understand or follow?	
32%	Agree
64%	Disagree
4%	[VOL] Don't Know

After a general favorable response to the general idea of the law, fully a third of the respondents are having some difficulty understanding what the law really means, or how to follow it. Here, the public and

private sector responses were very close. For the private sector, 67% disagreed and 60% in the public sector disagreed, indicating that a substantial majority think they know fair housing law and follow it.



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Table 4	
There is a specific training process to learn about Fair Housing Laws?	
68%	Agree
21%	Disagree
11%	[VOL] Don't Know

There again seems to be a substantial majority that agrees there is a training process available for understanding fair housing laws. The private sector appears to be doing a better job in making this kind of training available, since 76% of the private sector

respondents agreed, while only 57% of the public sector respondents agreed.

The next several questions are intended to measure the specific knowledge of the respondents in regard to the actual meaning of fair housing laws. For Table 5, multiple answers were accepted, so percentages total greater than 100. For this table, classes protected by the fair housing laws (minority, race, disabled, elderly, familial status, color, sexual orientation, Section 8 recipients) were listed. Clearly, a small minority of respondents picked the protected classes. Based on this response there is serious question concerning respondents/gatekeepers grasp of the concept of protected classes, essential to the understanding of fair housing law.

Table 5	
Who is protected by Fair Housing Laws?	
7%	Minorities
15%	Race
72%	Everybody
8%	Low Income
12%	Disabled
4%	Elderly
8%	Familial Status
5%	Color
4%	Sexual Orientation
3%	Immigrants
1%	Section 8 Voucher Recipients
12%	Other

Except for “everybody”, each of these categories represents a class of people protected by the fair housing laws. The low response rates for those protected classes indicates a general lack of understanding of the laws. Three times more public than private respondents indicated that a low income person/family was protected by the fair housing laws.



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Table 6	
Which of the following statements best describes the distinction between fair housing and affordable housing?	
7%	They are the same, there is no distinction
40%	Affordable housing has strict income requirements
31%	Fair housing refers to discrimination
1%	Affordable housing is run by the government
21%	I am not sure of the distinction

The best answer to this question is that “fair housing refers to discrimination”, although the second answer is not wrong. There is some general confusion between

discrimination issues and affordability issues, but there is a clear difference. There is a significant portion of the respondents that do not have a clear understanding of the distinction between fair and affordable housing. The private sector had 4% indicating that they were the same; the public sector 10%.

For the following table, multiple answers were accepted, so percentages will not sum to 100.

The best answers to this question would be: HUD, MCAD or the Fair Housing Center (although technically the Center doesn’t cover Barnstable County, they do on occasion get referrals and are a substantially equivalent entity to HUD). The other choices are better than the first option or doing nothing but the proper referral source is a critical element of the fair housing complaint process. A far greater number of the public sector respondents (56%) indicated HUD, MCAD,

Table 7	
Where would you refer someone who has Experienced housing discrimination?	
5%	Would try to judge first
7%	Don’t know
9%	HUD - Federal Department of Housing and Urban Development
13%	Attorney General
29%	MCAD - Massachusetts Commission Against Discrimination
4%	Neighborhood Legal services
4%	Fair Housing Center of Greater Boston
5%	Legal aid services
5%	DHCD - MA Dept. of Housing and Community Development
12%	An attorney
27%	Other entities cited

Center compared to private sector respondents (33%). This response underscores a need for education since MCAD should really be the preferred answer. With 27% indicating other entities are going to get the referral, training aimed at those agencies, probably housing providers, is also important.



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Table 8 Do you have concerns or reservations about fair housing?	
23%	Yes
77%	No

Table 9 What are these concerns or reservations	
77%	No concerns or reservation – No in Q6
5%	Discriminatory actions
7%	Fair housing laws don't work
1%	Restrictive regulations
1%	Lack of coordination
9%	Other
1%	Don't Know

For Table 9, multiple answers were possible, so the total percentages will not sum to 100. There is a mismatch of information here from the county survey indicating that a large portion of the population is experiencing discrimination.

This next set of questions concerned fair housing in general; if there were concerns, what were some specifics; and barriers to fair housing, including public policies. A clear majority (77%) had no concerns in

Table 10 Are there barriers or constraints to housing in your community?	
56%	Yes
39%	No
5%	[VOL] Don't Know

Table 9 – the system seems to be working well. The respondents from public sector had more concerns (37%) than the private sector (13%). The higher percentage responding that “fair housing laws don't work” indicates some frustration with the system.

Table 11 What are these barriers or constraints?	
44%	No barriers or constraints
47%	Availability of affordable units
5%	Discrimination
3%	Home Rule
3%	Ignorance
1%	Lack of Public Knowledge
3%	Lack of Will
5%	Other

Again, for Table 11, multiple answers were permitted. The clear majority of respondents indicated that there are barriers for housing. Public sector respondents were more emphatic with 73% indicating there are barriers or constraints. The clear reason is availability of affordable units. Again, the public sector was more emphatic on this response with 64%, compared to the private sector respondents at 37%.



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Table 12	
Do you know of specific instances of housing discrimination?	
17%	Yes
83%	No

Table 13	
Who did these instances of housing discrimination concern?	
83%	No instances of housing discrimination – No in Q9
3%	Minorities
4%	Race
1%	Low Income
3%	Disabled
1%	Elderly
4%	Familial Status (families with children, single parent family)
3%	Color
1%	Sexual Orientation
1%	Section 8 Recipients
3%	Other

Once again, for Table 13 multiple answers accepted, therefore percentages will not sum to 100.

The response rate for having knowledge of specific instance of housing discrimination was higher for the public sector at 27% and 11% for the private respondents. Race, color, minority status, familial status, and disability all ranked high as classes experiencing discrimination.

The Fair Housing Survey received responses of “gatekeepers” from both the public and private sectors. These are the professional that basically control access to

the housing market and housing assistance. One outstanding result of the survey that is positive: respondents have a sense of good will toward fair housing laws, that they serve a useful purpose. They were also aware that training may be available. “Gatekeepers” appear to be disposed toward receiving information that could correct perceptions that are working against fair housing: lack of knowledge of “classified parties” or an understanding of the extent of the problem.



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V. Assessment of Current Public and Private Fair Housing Programs and Activities in Barnstable County

As described above, a number of private and public agencies have outreach programs that either include or focus on Fair Housing. The Massachusetts Commission Against Discrimination (MCAD) has a specific public information program. The MCAD recorded relatively few complaints. The low level of complaints belies what could be incidents or perceptions of discrimination that go beyond the few recorded complaints. Nationwide testing indicates that there is significant racial and ethnic discrimination in both rental and sales markets.

HUD has conducted several national fair housing tests. The most recent, Housing Discrimination Study 2000 (HDS2000) was designed to “provide updated national estimates of adverse treatment against Blacks and Hispanics and to measure change in the incidence of differential treatment since 1989.” HUD did extensive testing as part of the 1989 Housing Discrimination Study. Phase one of this study conducted testing in twenty individual metropolitan areas to measure adverse treatment against Blacks and Hispanics. HDS2000 found that metropolitan areas throughout the country had some measure of discrimination in both rental and sales markets. However, there was a marked decline in discriminatory incidents from 1989. “The overall incidence of consistent white-favored treatment dropped by 4.8 percentage points, from 26.4 % in 1989 to 21.6 % in 2000.” Unfortunately, the rental market for Hispanics was the one area where there was not favorable change and whites were favored in 25.7 % of tests. The HDS also tested markets for discrimination concerning Native Americans and found they received consistently unfavorable treatment relative to whites in 28.5% of rental test.

As information from one of the agencies below indicates, fair housing laws are some of the strongest civil rights statutes on the books, but they are only as good as their enforcement. Since fair housing enforcement is complaint driven, it is critical that people who experience discrimination file complaints. This means people who may experience discrimination as well as advocates who work with them must be familiar with fair housing law and its enforcement. When people do not know their rights or the procedures for filing complaints, housing discrimination remains unreported and therefore uncorrected, allowing larger patterns of denial and limited housing access to remain unchanged.



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The following describes agencies and non-profit organizations working in the area of fair housing. Most are located in Barnstable County.

The Fair Housing Center

The nearest active fair housing, non-profit agency to Barnstable County is the Fair Housing Center of Greater Boston (the Center). The Center educates and performs outreach about fair housing issues to the general public, as well as housing providers. In addition, the Center takes complaints, performs investigative research, enforces fair housing laws through testing, assistance and legal action and advocates for fair housing laws and policies.

Although the Center is not active in Barnstable County, they have completed fair housing testing in other communities in Massachusetts, which revealed trends that are indicative for other parts of the state.

Testing

The Center, funded in part by HUD's Fair Housing Initiatives Program (FHIP), conducted multiple testing audits from 2000 – 2006. The Center tested housing providers in Boston and in its suburbs, including towns in Plymouth County. Two audits tested for discrimination based on race, national origin, familial status and source of income in rental housing. Two others tested for discrimination based on race and national origin in sales and mortgage lending. The Center also conducted location specific testing in the cities of Lowell and Newton. The Center's findings show that African American and Latino home-seekers experience discrimination in half of their attempts to rent, purchase, or finance homes in the Greater Boston area.

Education and Outreach

The Fair Housing Center conducts outreach to educate individuals, families, and housing professionals about fair housing rights and responsibilities through organizations they know, trust, and use. Current examples of these education and outreach programs in action include:

- Training for housing search advocates, Section 8 leasing staff, and homebuyer counselors on basic fair housing law; how to spot potentially discriminatory practices; and how to



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inform and advocate for their clients who are likely to be experiencing discrimination in their housing searches.

- Conducting fair housing training for real estate professionals through direct contracts with real estate firms as well as through the Greater Boston Real Estate Board's continuing education series.
- Hosting trainings for real estate professionals and property owners who must receive court mandated training.
- Releasing a series of studies in conjunction with the Harvard Civil Rights Project: "Toward Real Residential Choice in Segregated Metro Boston."

One of these studies with the Project, "More than Money," debunks the common misconception that people of color simply cannot afford to buy homes in the suburbs. The findings clearly demonstrate that people of color can afford to purchase homes in many more communities than they do. The implications of this analysis should have significant impact on state policy for housing development.

Enforcement

The Center's studies have documented discrimination against African Americans, Latinos, families with children, and rental subsidy holders in one half to two thirds of their attempts to find rental housing. Their growing case load of people pursuing discrimination complaints confirms these findings. The Fair Housing Center advocates for people who have experienced discrimination. The Center works through the HUD, MCAD or court systems, to bring about positive resolution.

Case outcomes have included financial settlements for families who were denied housing as well as training requirements for landlords and Realtors found in violation of the law. The Fair Housing Center itself has also received monetary settlements and affirmative relief from the *Boston Metro* and the *Revere Journal* newspapers for the publication of discriminatory advertisements.



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State Wide Agencies

Other agencies working throughout the state of Massachusetts are the Massachusetts Community Banking Council, the Boston Tenant Coalition, the Greater Boston Civil Rights Coalition, and the Massachusetts Association of Human Rights Commissions.

The Barnstable County Human Rights Commission

The Barnstable County Human Rights Commission (HRC) consists of nine members nominated by the Barnstable County Health and Human Services Advisory Council, and are appointed by the County Commissioners. The Commission also has a sixteen member Representation Council consisting of a representative from each town in Barnstable County and a representative from the Mashpee Wampanoag Tribe. The Commission has a part-time coordinator and an office in Hyannis.

Among other duties, the Commission is authorized to take complaints and mediate human rights issues; work with other agencies to eliminate discrimination; provide for community awareness and educate the public about human rights; make informal assessments and issue publications; and make recommendations to the Massachusetts Commission on Discrimination (MCAD).

Among other activities, the Commission has sponsored high school Human Rights Academy projects throughout the County; worked on a variety of immigrant issues including those with the Registry of Motor Vehicles, and opposed local legislation concerning undocumented immigrants. The Commission has maintained a presence at community events, co-sponsored a number of forums including that on justice forums and “knowing your rights”, and met with officials of police departments throughout the County. The Commission also instituted a Cornerstone Award program recognizing the contribution of local community members to the advancement of human rights and the elimination of discrimination.

In 2008, the Commission received 26 complaints of unlawful discrimination. Eleven complaints alleged discrimination based on immigrant status. Two complaints alleged discrimination based on skin color. Two complaints alleged discrimination based on gender. Two complaints alleged discrimination based on age and one was considered ‘other’, meaning it did not fit any of the 14 protected categories.



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One of the complaints has been archived and sent to MCAD. Eight cases were closed or resolved, one case was determined to be a criminal complaint, four cases were referred to the Attorney General, four cases were dropped by the complainants, three cases did not fit HRC parameters, and the balance of the cases are considered 'unknown' or that people may have moved, failed to maintain contact, or could not be located.

In 2008, the Commission sponsored a series of meetings with the MCAD. Dr. Jacqueline P. Fields, presently the Chairperson of the Commission, is a member of the MCAD Advisory Board. At the initial meeting in June, the MCAD officials received a briefing on the community profile in Barnstable County. At a follow up meeting in September, Human Rights Commission members from throughout the region presented issues to the MCAD.

The Cape Organization for the Right of the Disabled (CORD)

CORD, founded in 1984, is located in Hyannis and is one of 11 independent living centers in the state. The mission of CORD is to create opportunities for independence and to assist individuals with disabilities to achieve their maximum level of independent functioning within their families and communities. With a staff of 12 people, CORD is an advocacy and referral agency. Approximate 60 calls are fielded each month, with 30 ongoing issues. Fifty percent of initial calls concern a housing issue. Housing issues at CORD involve both initial placement and ongoing issues. CORD will often work to settle issues between a landlord and disabled tenant by offering advice or mediating between parties. Over the past year, CORD assisted 2 people with MCAD complaints. CORD also provides peer support, skill training, and referral service for job and vocational rehabilitation.

Disabilities Committees

Each town in Barnstable County has a Disabilities Committee. The stated mission of these Committees is to advise and guide the town regarding issues of accessibility in accordance with the Americans with Disabilities Act. Issues can include handicapped parking; accessibility of public buildings, facilities and equipment; and accessibility of privately owned commercial buildings in each town.



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NAACP

In 2009, the National Association for the Advancement of Colored People (NAACP) celebrated the 100th anniversary of its founding. At the national level, the NAACP fought for equal rights according to the Constitution with landmark civil cases. The Cape Cod Branch of the NAACP has a Housing Committee. Three Board members act as housing counselors in different areas of Barnstable County. At the meeting with the NAACP, there was an indication that “steering” had historically been an issue. “Steering” is when a real estate agent takes a client to an area they are pre-chosen for, say, people of color and not shown other areas, even though there are homes in same price range. The current problems involve predatory lending and landlord-tenant issues. The volunteer counselors deal with approximately 5 to 6 issues a year and often make referrals to the MCAD if they are unable to assist with a solution to the housing problem through advice or mediation. NAACP members have also appeared as advocates in local court concerning housing issues.

Mashpee Wampanoag Tribal Council

The Council has instituted a Housing Department, funded in part through HUD’s Indian Housing Block Grant. The housing staff assists tribal members with housing search, eviction prevention, down payment assistance, counseling for first-time homeowners and foreclosure prevention.

Historically, there was discrimination against Native Americans but the issues now have shifted. Tribal members, desiring to return to Mashpee where housing prices have been high, fell prey to predatory lenders. Now one area of work for the Council is foreclosure prevention. Staff works as a referral agency and at times assists members with legal representation. The Housing Department has also stressed homebuyer/homeowner education and subsidizes class attendance for tribal members. Cases have been referred to the MCAD but Tribal Members have found the process to be arduous, time consuming, and lengthy. This has discouraged complaints.

The Housing Department is now in the process of developing 51 units of affordable housing in Mashpee.



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South Coastal Counties Legal Services, Inc.

South Coastal Counties Legal Services, Inc. (SCCLS) serves clients on the Cape, Islands, Barnstable, Bristol, Dukes, and Plymouth Counties and the towns of Avon and Stoughton in Norfolk County in the Commonwealth of Massachusetts. In Barnstable County, SCCLS has an office in Hyannis. Approximately 22 attorneys and paralegals represent poor and elderly clients with high priority legal problems. SCCLS also provides group representation and community education.

Housing issues represent about 30 to 35% of SCCLS work. While SCCLS attorneys represent clients in court, they also act as advocates outside of court proceedings and are able to negotiate settlements and refer clients to agencies providing housing assistance. Staff also pursues complaints with MCAD. Client work has included foreclosure and eviction issues, housing assistance applications, and discrimination of individuals and families in classified groups according to fair housing law. The SCCLS also works on immigration issues.

The Cape Cod Mediation Center also works on court issues in Barnstable County. The Mediation Center, staffed principally with volunteer support, deals with eviction issues concerning non-payment of rent. They do not deal with fair housing law.



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VI. Conclusions and Recommendations

	Finding/Impediment:	Court ruling setting precedent for Counties in Fair Housing.
	Recommendation:	Continue critical geographic diversity for developments receiving Consortium support, support understanding of Fair Housing, including the recent “Westchester” decision.
	Responsibility:	Barnstable County HOME Consortium (the Consortium)
	Timeline:	Immediate and continuing.

In August 2009, a federal judge issued a judgment that Westchester County, New York had “utterly failed” to meet the requirement to affirmatively further fair housing, and thus claims made in the County’s Analysis of Impediments were “false and fraudulent.” The U.S. Justice Department had joined the plaintiff fair housing organization in their claim against Westchester County for defrauding U.S. Taxpayers. After the judgment, the County agreed to take action. The County will spend \$50 million to develop affordable housing in predominantly white communities to overcome residential segregation. The County will also override existing municipal barriers to the development of affordable housing.

Through the allocation of over \$11 million in HOME funds, the Barnstable County HOME Consortium has supported rental and ownership housing units in every town in the County. Building types supported by the Consortium have ranged from single family duplexes to medium sized apartment complexes; the Consortium has also financed group home and a “single room occupancy” project. The Consortium requires accessible units in HOME funded rental developments and has 15% minority (racial and ethnic) participation in its programs – approximately two times the County’s present minority population. It is critical, for a County recipient of HUD funding, like the Consortium, to continue to support a diversity of housing developments throughout the County, particularly in light of the Westchester ruling

The Consortium can also support Fair Housing training for local boards making land use decisions. “Nimbysm”, or not in my back yard, has been identified by one community as a significant factor in delaying the development of affordable and diverse housing types to increase housing access for a broader spectrum of households. This type of training can overcome the effects of that feeling in the community.



Barnstable HOME Consortium Fair Housing Plan

	Finding/Impediment:	The Barnstable HOME Consortium (the Consortium) does not have a formalized, general approach to Fair Housing.
	Recommendation:	The Consortium should designate a Fair Housing Subcommittee to the Advisory Council.
	Responsibility:	Consortium Advisory Council
	Timetable:	1st Quarter of 2010

This new Subcommittee could include Advisory Council members and individuals from other organizations representing classified groups, such as the NAACP and the Mashpee-Wampanoag Tribal Council. Another category for membership could be professional associations representing “gatekeepers”, such as the real estate industry and mortgage finance professionals. The Subcommittee should include a representative of the Barnstable County Human Rights Commission and the County Department of Human Services. The Subcommittee should meet at least quarterly

A primary focus of the Subcommittee will be to ensure that Fair Housing is a priority for the County. The Subcommittee will work on impediments identified in the Fair Housing Plan and continue to update the Plan. A diverse committee can add insight from the perspective of both the consumer and the housing industry. As a result, members of the committee will be better informed about Fair Housing and bring that information to their constituencies.

	Finding/Impediment:	The Barnstable HOME Consortium (the Consortium) does not have a formalized general approach to Fair Housing.
	Recommendation:	Identify staff resources to support Subcommittee and Fair Housing Plan.
	Responsibility:	HOME Consortium Advisory Council, Barnstable County, Cape Cod Commission.
	Timetable:	1 st Quarter of 2010

It would be difficult, without sufficient staff support, for the Fair Housing Subcommittee to proceed in a timely fashion to address impediments and to implement any action plan.



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Barnstable County has a statutory obligation for Fair Housing activities as part of the federally funded HOME program. A person needs to be appointed as the Fair Housing Officer for the HOME Consortium. The Affordable Housing Specialist would seem to be a logical choice, as a person who understands Fair Housing and the Fair Housing Plan.

	Finding/Impediment:	The Barnstable HOME Consortium (the Consortium) does not have a formalized general approach to Fair Housing.
	Recommendation:	Develop and implement a Fair Housing information program through the Fair Housing Subcommittee and other groups/agencies.
	Responsibility:	Fair Housing Subcommittee
	Timetable:	3 rd /4 th Quarter, 2010 and continuing.

A number of resources are available to implement an effective public information program on Fair Housing. Approaches are limited only by the imagination of the Fair Housing Subcommittee, which should have familiarity with the general marketplace in Barnstable County and their individual constituencies. The program can be implemented in partnership with the Barnstable County Human Rights Commission. The following are some activities:

- HUD has posters and printed material available for distribution through the local HUD field office in Boston. The HUD online resource is found at: <http://www.hud.gov/offices/fheo/index.cfm>. Speakers are available from the Massachusetts Commission Against Discrimination as well as other organizations.
- Distribution points for such information can include the offices of non-profit agencies working in housing. Often, public information programs are implemented at the local school level. Information on Fair Housing can be included when presentations are made about housing and community development programs. The County's website can incorporate Fair Housing information.

Some Housing Agencies are probably getting fair housing complaints on a referral basis, based on information in the Fair Housing Survey. An information program will redirect complaints to the correct agencies.



Barnstable HOME Consortium Fair Housing Plan

↪	Finding/Impediment:	Housing discrimination exists in the County.
◎	Recommendation:	The Consortium, the Barnstable Human Rights Commission and the Barnstable County Department of Human Services should coordinate their efforts to deal with housing discrimination.
☑	Responsibility:	The Consortium, the Commission and Department of Human Services.
🕒	Timetable:	3 rd Quarter and continuing.
\$	Funding	HUD’s Fair Housing Initiatives Program (FHIP)

Through the Department of Human Services, Barnstable County has studied Cape Cod’s “human environment” for over a decade. This Health and Human Services Needs Assessment (the Survey) is conducted annually, county-wide, covering all 15 towns. The Survey showed that the respondents who exhibited the highest needs encountered discrimination as a barrier to service (including housing and employment) in significant numbers. In 2008, 25.8% of survey respondents, exhibiting the highest needs, reported experiencing discrimination. Although the amount of discrimination seems to be decreasing, its continued presence was confirmed in focus groups conducted as part of the outreach for the Fair Housing Plan.

The Barnstable County Human Rights Commission was instituted in 2005. The Commission was charged with addressing housing discrimination issues, along with similar issues. The Commission recently replaced its first staff member. The Commission has strong connection with the Massachusetts Commission Against Discrimination and has started an outreach effort that the Consortium can support to accomplish Fair Housing goals. The Commission is eligible for a Fair Housing Initiatives Program Grant (FHIP).

Non-profit and government organizations are funded by HUD through FHIP to help clients identify agencies that handle housing discrimination complaints. They also conduct preliminary investigation of claims of discrimination, including testing programs. The FHIP has several grant elements. One is the Fair Housing Organizations Initiative (FHOI) which provides funding that builds the capacity and effectiveness of non-profit fair housing organizations.



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⇒	Finding/Impediment:	Housing discrimination exists in the County.
🎯	Recommendation:	Undertake Fair Housing testing in Barnstable County.
☑	Responsibility:	Barnstable HOME Consortium, Barnstable County Human Rights Commission, a non-profit entity or combination of those groups.
🕒	Timetable:	2011
💰	Funding:	HUD's Fair Housing Initiatives Program (FHIP)

A testing audit is a systematic investigation of discrimination in the housing market for the purpose of gauging the prevalence and types of discrimination in the market at a given point in time. Often these tests are conducted with a set of two matched testers, called a “paired test”. Testers are matched on personal and home-seeking characteristics so that the only significant difference between them is the factor being tested. In each pair, this subject tester is assigned a characteristic that will make him or her slightly more qualified than the control tester. For example, the person of color would have a higher mortgage amount approved than the white tester or the tester who is a parent would have a higher income than the childless tester. Any fair housing testing program should include a test of the mortgage application process in the County. Testing results will highlight any problems, which then can be addressed.

Another of the FHIP's program elements is The Private Enforcement Initiative (PEI) which offers a range of assistance to the nationwide network of fair housing groups. PEI funds non-profit fair housing organizations to carry out testing and enforcement activities to prevent or eliminate discriminatory housing practices.

PEI eligibility requires past experience with testing to receive testing funds. Therefore the applicant from Barnstable County would have to partner with past recipient (see below). When the testing is concluded, the information can be shared with professional groups (e.g. real estate agents), the media, general public and other constituencies.



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	Finding/Impediment: Housing discrimination exists in the County.
	Recommendation: Agencies outside of the Cape with fair housing expertise should be invited to partner with agencies in the County.
	Responsibility: Barnstable HOME Consortium, Barnstable County Human Rights Commission, a non-profit entity or combination of these groups.
	Timetable: 2010-2011 and continuing.

A number of non-profit organizations at the state and national level could be good partners for the Commission or other agencies in Barnstable County. These organizations have a depth of fair housing knowledge and their expertise will allow the Commission to jump start efforts dealing with housing discrimination. In particular this partnering arrangement would be important for fair housing testing, since eligibility for available funding from HUD through the Private Enforcement Initiative requires prior testing experience.

The nearest active fair housing agency to Barnstable County is the Fair Housing Center of Greater Boston (www.bostonfairhousing.org). The Fair Housing Center educates and performs outreach to the general public, as well as housing providers, about fair housing issues. In addition, the Center performs investigative research, enforces fair housing laws through testing, assistance and legal action and advocates for fair housing laws and policies.

The National Fair Housing Alliance (www.nationalfairhousing.org) is the primary organization in the country that receives FHIP funds to sponsor new fair housing programs. The Alliance, which is located in Washington, has partnered in the past with local groups.

The National Community Reinvestment Coalition (www.fairlending.com) also has a track record in fair housing testing. The Coalition is actually an association of more than 600 community-based organizations that promote access to banking services as well as work on affordable housing, job development and other community goals.



Barnstable HOME Consortium Fair Housing Plan

	Finding/Impediment:	Disabled people are stigmatized by some housing providers.
	Recommendation:	A new federal initiative allows people with disabilities to designate friends/counselors/relatives to assist them in the qualification process for subsidized housing
	Responsibility:	Barnstable HOME Consortium, Barnstable County Human Rights Commission, association of housing authorities in Barnstable County, non-profit agencies working in housing in Barnstable County, Cape Organization for Rights of the Disabled (CORD).
	Timetable:	3 rd Quarter of 2010 and continuing.

Barnstable County has a high percentage of disabled persons. According to the 2000 Census, the most current source for census tract information, slightly more than 20.3% of the County’s population has some type of disability. In several census tracts, the number of people who identified themselves as handicapped was over 30%. This figure includes physical and mental handicaps.

Meaningful information was given concerning stigmatization of the disabled by housing providers at a forum attended by people with disabilities. The attendees, who came from various areas in the County and had different types of disabilities, were unanimous and emphatic about this issue. The situation increases the stress involved with these disabilities, particularly mental disabilities.

Housing professionals consulted agreed that the qualification process can be a tedious, bureaucratic exercise. However, the employees of housing agencies have no choice: if forms are not completed, they cannot qualify an applicant.

In 2009, HUD initiated a new policy and procedure that allows disabled persons to designate another person to assist them in the qualification process for subsidized housing. This option should be adopted by all housing agencies and then widely publicized.

The HUD Form needed to implement the process is titled “Supplemental and Optional Contact Information for HUD-Assisted Housing Applicants,” and allows the applicant to identify a person or agency that can work directly with the housing provider on behalf of the applicant. Even though the applicant must still sign forms, this policy should alleviate stress. A third party may be more familiar with the process or at least not be in a position to have a personal reaction to the process.

The Consortium, the Commission, the association of housing authorities and CORD can all facilitate this dissemination of this form.



Barnstable HOME Consortium Fair Housing Plan

⇒	Finding/Impediment:	Disabled people are stigmatized by some housing providers.
◎	Recommendation:	Sensitivity training should be instituted for housing providers to address issues concerning the disabled, particularly those with mental disabilities.
☑	Responsibility:	Barnstable HOME Consortium, association of housing authorities in Barnstable County, Cape Organization for Rights of the Disabled (CORD).
\$	Funding:	Fair Housing Initiatives Program (FHIP), Cape Cod Commission planning grants.
🕒	Timetable:	2 nd half of 2010 and continuing.

Several agencies, including CORD, can accomplish this group training. Adaptive Environments (<http://www.adaptenv.org>) is a nationally recognized agency based in Boston which specializes in fair housing issues for people with disabilities. Nationally, Chicago-based Access Living (www.accessliving.org) also provides such training.

The financial incentive can come from the FHIP program or grants available from the HOME Consortium.

⇒	Finding/Impediment:	Mashpee-Wampanoags have a distinctive place in the current housing market.
◎	Recommendation:	The Consortium should continue to explore working opportunities with the Mashpee-Wampanoag Tribal Council.
☑	Responsibility:	Barnstable HOME Consortium
🕒	Timetable:	2010 and continuing.

The Mashpee Wampanoag Tribe is not the only minority group that has been effectively priced out of the housing market. However, the Tribe and Council have a historic link to the Town of Mashpee and, somewhat less so, to the County and other areas in the state as well. The Mashpee-Wampanoag Tribal Council has recently been recognized by the Federal government. The activity of the newly created Council’s Housing Department, including a new housing development in Mashpee, will present opportunities for support and investment to the Consortium.



Barnstable HOME Consortium Fair Housing Plan

	Finding/Impediment:	Minority applicants are denied home financing at a greater rate than white applicants.
	Recommendation:	Support for homeowner education programs should continue; fair housing testing.
	Responsibility:	HOME Consortium, Housing Assistance Corporation (HAC), Community Development Partnership, other agencies
	Timetable:	2010 and continuing
	Issue:	HMDA data indicates that minorities have substantially greater “turn-down” rates for home mortgages than the general population. Other studies show that minorities and recent immigrants have been subjected to predatory lending practices. This pattern was emphatically confirmed with focus groups.

As noted above, any fair housing testing program should include a test of the mortgage application process in the County.

Program support should continue for the HAC and Community Development Partnership certified homeownership counseling programs. For instance, when the HOME Consortium rebids the homeownership financing program, one of the criteria should continue to be the ability to directly provide this counseling or the ability to partner with an agency offering the education.



Barnstable HOME Consortium Fair Housing Plan

	Finding/Impediment:	Linguistic barriers are prevalent in the affordable and assisted housing delivery system, presenting an impediment for some “protected” classes.
	Recommendation:	Barnstable County, the Cape Cod Commission and the Consortium’s non-profit contractor(s) should address linguistic barriers for the growing ethnically diverse populations through Limited English Proficiency Plans.
	Responsibility:	Barnstable County, the Cape Cod Commission and the Consortium’s non-profit contractor(s).
	Timetable:	Complete plans by 4 th quarter, 2010 and start implementation.

The minority population in the County is growing. Repeated testimony, including that given at the focus group for immigrants, indicated that translators or translated material was not available at housing agencies. U.S. Executive Order 13166 was signed in 2000 for any agency receiving Federal funds to address the needs for those with limited English proficiency (LEP). This action is to ensure that programs and activities normally provided in English are accessible to LEP persons and that agencies do not discriminate on the basis of national origin. The LEP Plan will assess need and give specific steps for agencies to follow.

	Finding/Impediment:	Hearing barriers present an impediment for the disabled.
	Recommendation:	Barnstable County, the Cape Cod Commission and the Consortium’s non-profit contractor(s) should add telephonic facilities to address the problem.
	Responsibility:	Barnstable County, the Cape Cod Commission and the Consortium’s non-profit contractor(s).
	Timetable:	Facilities should be in place by the 3 rd Quarter of 2010.

The County and Cape Cod Commission should subscribe to a “relay” service or use a Telecommunications Device for the Deaf (TDD). The TDD and/or relay number should be displayed prominently on all County and Commission materials. All staff should be trained in the use of such services. Non-profits that contract with the HOME Consortium should also be providing similar facilities/services.



Barnstable HOME Consortium Fair Housing Plan

	Finding/Impediment:	Decision making boards for land use regulations and tax policy do not reflect the diversity in towns' population.
	Recommendation:	Boards of Selectmen should outreach and strive to appoint more minorities to Planning Boards, Zoning Boards of Appeals, and Tax Assessor boards to reflect diversity in these groups that have critical decision making authority in housing matters.
	Responsibility:	Board of Selectmen
	Timetable:	2010 and continuing.

There is noted lack of diversity on the Planning Boards, the Zoning Board of Appeals and the Assessor's Board in the Towns in Barnstable County. Appropriate appointments should come from the minority/disabled community when vacancies arise.

This process can be challenging since disabilities are not always visible, nor do disabled people always want to be recognized in this way. Also challenging is the simple fact that minorities are just not present in appreciable numbers in the County. Some minorities, such as undocumented immigrants, may not want to be recognized. Others may not have an interest or ability, for example taking courses for certification in tax assessing.

Nonetheless, a greater effort could be taken to reach out to minority groups that do exist in the community. The Fair Housing Subcommittee should monitor the situation and provide suggestions to the Cape Cod Commission to assist in this effort.



**Barnstable HOME Consortium
Fair Housing Plan**

VII. Signature Page

The undersigned County Commissioners hereby recognize the receipt of the Fair Housing Plan as of the indicated date.

Sheila Lyons, Chair

Mary Pat Flynn, Vice-Chair

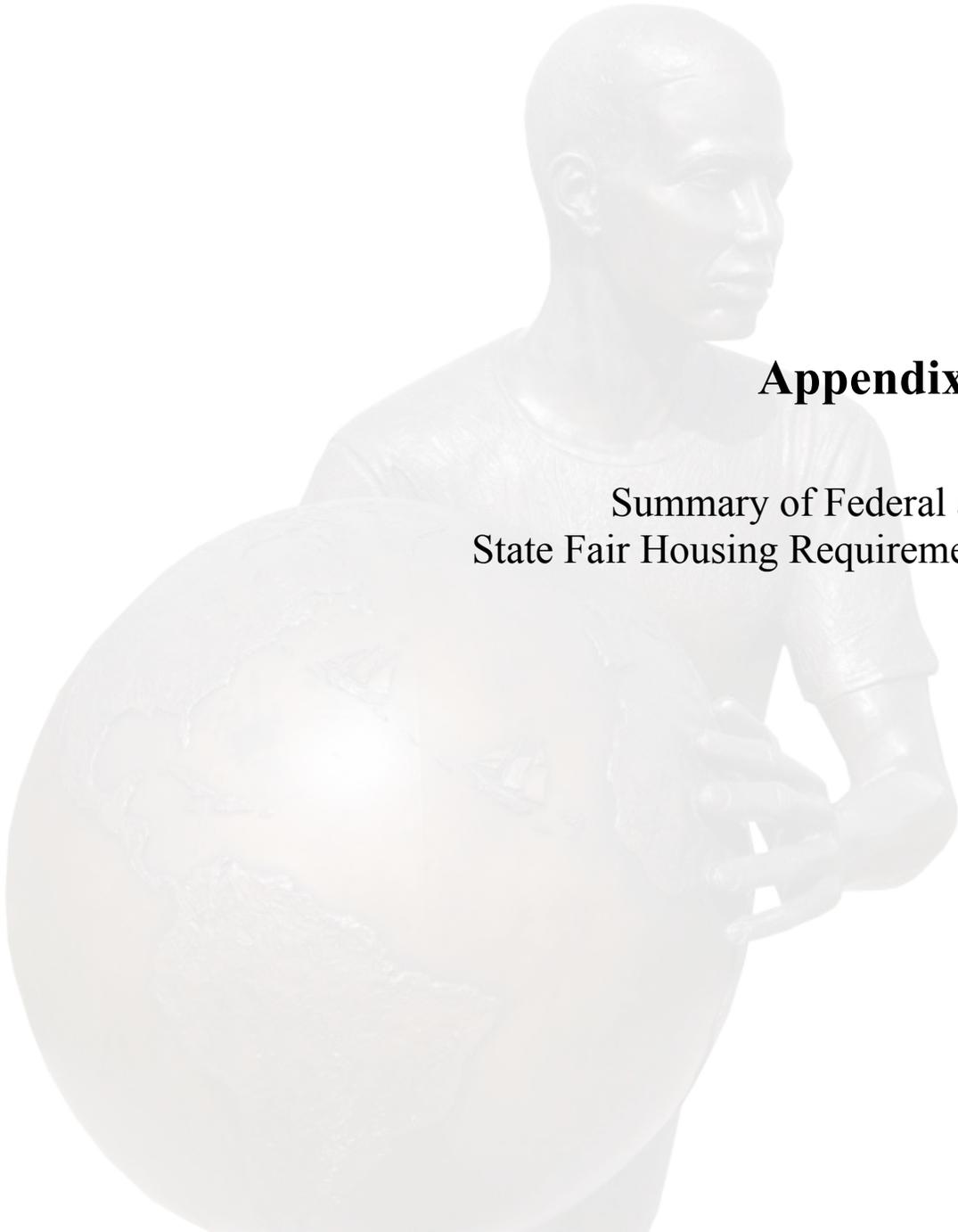
William Doherty, Commissioner



**Barnstable HOME Consortium
Fair Housing**

Appendix 1

Summary of Federal and
State Fair Housing Requirements





Barnstable HOME Consortium Fair Housing

Summary of Selected State and Federal Fair Housing Requirements

Summary of Selected Massachusetts Law

Massachusetts Fair Housing Act (ML Ch 151B)

Unlawful practice to discriminate against any person because of his race, religious creed, color, national origin, sex, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, ancestry, or marital status or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other handicap in the terms, conditions or privileges of such accommodations or the acquisitions thereof, or in the furnishings of facilities and services in connection therewith, or because such a person possesses a trained dog guide as a consequence of blindness, or hearing impairment

Summary of Selected Federal Laws

Fair Housing Act

Fair Housing Act is Title VII of the Civil Rights Act of 1968, as amended. The Act prohibits discrimination in housing and housing related services on the basis of color, race, religion, sex, national origin, and handicap or familial status.

Prohibited acts of discrimination include but are not limited to the following actions directed on the above “basis”:

- Refusing to sell, rent or lease housing
- Quoting different terms, conditions or privileges for the sale or rental of a dwelling
- Blockbusting
- Steering clients to certain areas based on the above attributes
- Denying access to or membership in a facility or service related to the sale or rental of housing
- Refusing to make a mortgage loan
- Refusing to provide information regarding the availability of loan products and services
- Redlining
- Discriminating in appraising property, or
- Setting different terms or conditions on the pricing of loan product.

The Act also provides affirmative requirements related to persons with disabilities. It is unlawful to refuse to make reasonable accommodations in rules, policies, practices or services, if such an accommodation is necessary for a handicapped person to use the housing. Further, landlords must allow reasonable modifications of a dwelling or common use areas, if necessary for the handicapped person to use the housing.



Barnstable HOME Consortium Fair Housing

The Fair Housing Act also contains requirements for multifamily dwellings containing four or more units ready for first occupancy after March 13, 1991. All ground floor units must have:

- An accessible route into and through the unit;
- Accessible lights switches, electrical outlets, thermostat, and other environmental controls;
- Reinforced bathroom walls to allow later installation of grab bars, and
- Kitchens and bathrooms that can be used by people in wheelchairs.

In addition, all public and common areas must be accessible to persons with disabilities and all doors and hallways must be wide enough for wheelchairs.

Reasonable Accommodations

The concept of “reasonable accommodations” under the fair housing act has been the subject of regulatory clarification and court action in the recent past. Basically, reasonable accommodations are changes in rules, policies, practices or services so that person with a disability can participate as fully in activities related to housing that a person with a disability can participate as fully in activities related to housing as a person without a disability could. For a physically handicapped person, that may mean certain architectural modifications to a building. On May 17, 2004, the Department of Housing and Urban Development (HUD) and the Department of Justice issued a joint memo concerning the subject. Courts have also ruled that zoning cannot otherwise make unavailable or deny a dwelling to a handicapped (physically or mentally) person. Certain restrictive regulations in zoning ordinance and building codes have been prohibited if they have the effect of excluding congregate living arrangement for persons with handicaps.

Executive Order for Fair Housing

Executive Order 11063 (Equal Opportunity in Housing) is directed to all departments and agencies in the executive branch of the Federal government, whose functions relate to the provision, rehabilitation, or operation of housing and related facilities. These departments are directed to prevent discrimination on the basis of race, color, religion, creed, sex or national origin. Agencies were directed to prevent discrimination in the sale, lease, rental or to the disposition of residential properties and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are:

- Owned or operated by the Federal government;
- Provided in whole or in part with the aid of loans, advances, grants, or contribution agreed to be made by the federal government;
- Provided in whole or in part by loans insured, guaranteed or otherwise secured by the credit of the federal government,
- Provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency receiving federal financial assistance for slum clearance or urban renewal with respect to such real property under a loan or grant contract.



Barnstable HOME Consortium Fair Housing

Agencies also were directed to prevent discrimination in lending practices with respect to residential property and related facilities of lending institutions to the extent that such practices relate to loans insured or guaranteed by the Federal government.

Title VI

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibits discrimination in federally assisted programs on the basis of race, color, or national origin. Title VI states that no person should be excluded from participation in, denied the benefit of, or subjected to discrimination in any program or activity receiving federal financial assistance.

An agency receiving federal assistance may not use the “basis” above to:

- Deny assistance;
- Offer unequal aid, benefit, or service;
- Provide any aid, benefit, or service that is not as effective;
- Aid or perpetuate discrimination by funding agencies that discriminate;
- Deny participation as a member of a planning or advisory board;
- Use discriminatory selection or screening criteria;
- Perpetuate the discrimination of another recipient.

Age Discrimination Act

The Age Discrimination Act of 1975 (42 U.S.C. 6101-07) stipulates that no person can be excluded because of their age for any program or activity receiving federal financial assistance.

The Age Discrimination Act does not apply to any age distinction contained in a federal, state or local statute or ordinance adopted by an elected, general purpose legislative body which provides any benefits or assistance to persons based on age. A grantee is also permitted to take an action otherwise prohibited if the action reasonably takes into account age as a factor necessary to the normal operation or statutory objective of any program.

Section 504

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), states that no person can be excluded because of their disability from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Section 504 covers any individual who has a physical or mental disability which for that individual constitutes or results in substantially limiting one or more major life activities. Current drug abusers and alcoholics who are not in recovery are not covered.



Barnstable HOME Consortium Fair Housing

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act, as amended (42 U.S.C. 12101) specifically refers to persons with disabilities. The ADA extends those disabled persons civil rights similar to those previously available on the basis of race, color, religion, sex, and national origin. The ADA prohibits discrimination in employment, services rendered by state and local governments, places of public accommodations, transportation and telecommunications. The ADA addresses services and activities of State and local governments, public transportation providers, public accommodations and businesses and services operated by private entities.

While the design and construction provisions of the Fair Housing Act do not cover many private residential properties built prior to March 13, 1991, those properties are not necessarily exempt from the design, construction and modification provisions of the ADA.

The ADA also includes affirmative requirements related to persons with disabilities. It is unlawful to refuse to make reasonable accommodations in rules. Further, landlords must allow reasonable modifications of a dwelling or common use areas if necessary for the person with disabilities to use the housing.

Equal Credit Opportunity Act

The Equal Credit Opportunity Act (ECOA) prohibits discrimination based on race, color, religion, national origin, sex, marital status or age in the granting of credit. It prevents lenders from discrimination against recipients of public assistance programs, such as food stamps and Social Security.

Home Mortgage Disclosure Act

The Home Mortgage Disclosure Act (HMDA) applies to depository institutions with total assets of \$10 million or more and which operate a branch or home office in a metropolitan area. That institution must report data on the number, total dollar amounts, and location of loans used for home purchase or home improvement.

Architectural Barriers Act of 1968

The Architectural Barriers Act of 1968, as amended, (42 U.S.C. 4151) requires that certain buildings financed with federal funds be designed and constructed to be accessible to persons with disabilities. The Architectural Barriers Act (ABA) covers: any building that is constructed or altered by or on behalf of the United States that is leased by the Federal Government; or which is financed in whole or in part by a grant or a loan made by the United States. In 1989 The HUD Secretary made a policy decision that the ABA would apply to programs and activities funded under the CDBG program.



Barnstable HOME Consortium Fair Housing

Section 3

The purpose of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 17017) is to ensure that low income and persons receiving public assistance for housing benefit from employment and economic opportunities generated by HUD financed projects. Section 3 requires that a grantee:

- Implement procedures to notify eligible residents within the community of training and employment opportunities generated by the grant award;

- Notify potential contractors and subcontractors of their responsibilities under this Act;

- Facilitate the training and employment of qualified residents;

- Insure that all contractors and subcontractors are in compliance with Section 3 requirements;

- Document all actions taken to comply, report any impediments encountered and the results of any actions taken as a result of Section 3 requirements.

Section 3 requirements must be met only for Section 3 covered assistance, which is defined as: Public and Indian Housing Assistance, Section 8 and other housing assistance, housing rehabilitation, housing construction; and other housing assistance.

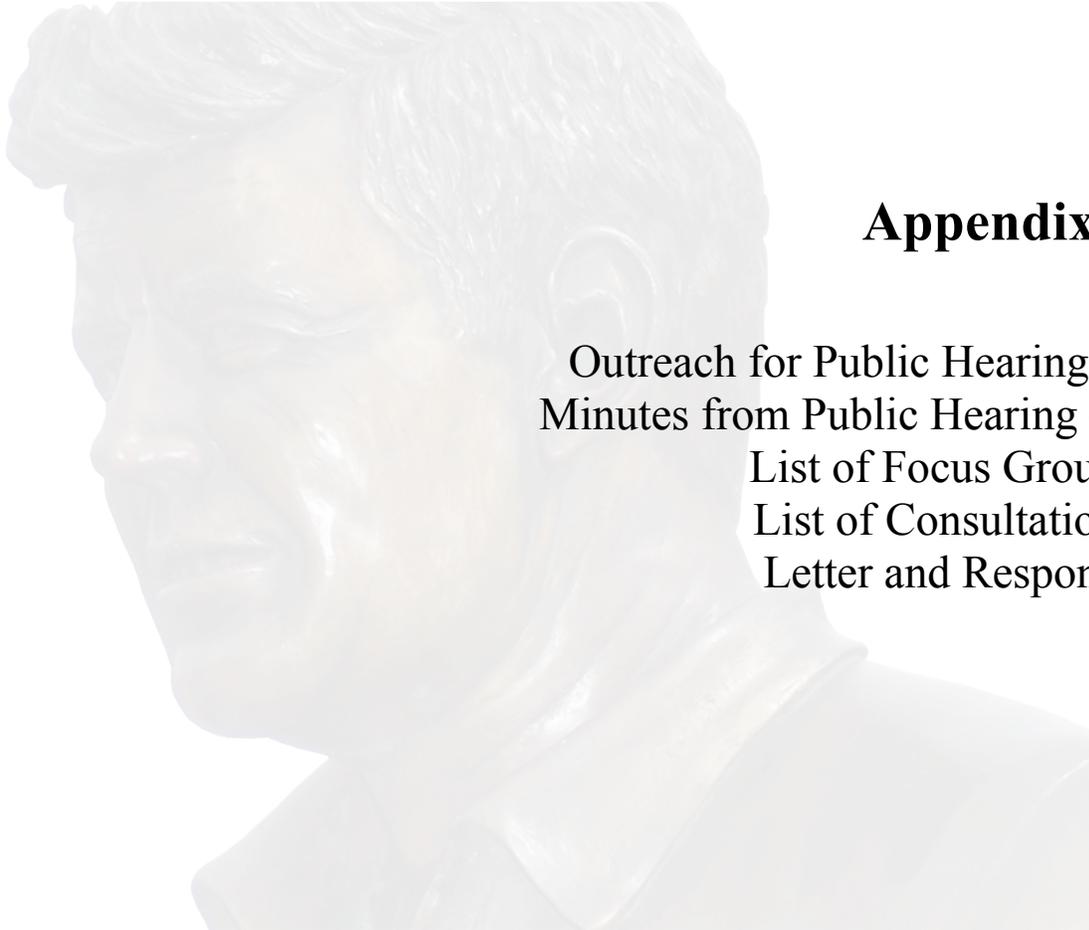
Both the grantee and subcontractors are covered if the grantee receives over \$200,000 and the subcontractor receives over \$100,000. Only the grantee is covered if the contractor or subcontractor receives less than \$100,000. All grantees, contractors and subcontractors receiving Public and Indian Housing Assistance MUST comply with Section 3 requirements regardless of the amount of the award.



**Barnstable HOME Consortium
Fair Housing**

Appendix 2

Outreach for Public Hearing(s)
Minutes from Public Hearing (s)
List of Focus Groups
List of Consultations
Letter and Response





Barnstable HOME Consortium Fair Housing



BARNSTABLE COUNTY HOME CONSORTIUM

PO Box 226, 3225 MAIN STREET
BARNSTABLE, MASSACHUSETTS 02630
(508)362-3828 • FAX (508)362-3136
EMAIL: housing@capecodcommission.org



NOTICE OF PUBLIC HEARING

Barnstable County HOME Consortium Fair Housing Plan

In accordance with the provisions of Title 24- Housing and Urban Development Part 91- Consolidated Submissions for Community Planning and Development Programs- and with the provisions of the Consortium's Citizen Participation Plan, notice is hereby given of the following proposed action to be undertaken by the Consortium.

The Barnstable County HOME Consortium is in the process of updating its Fair Housing Plan. Prior to publishing a final draft of the Fair Housing Plan for public review and comment, the Consortium will hold a public hearing:

Thursday, November 12, 2009- 5:30 PM
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

The location is handicapped accessible. If you need a reasonable accommodation, please contact Paul Ruchinkas at (508) 362-3828 by November 3, 2009.

The purpose of the hearing is to obtain from citizens, public agencies, community organizations, and interested parties comments, data, views, and verbal and/or written testimony relative to Barnstable County's fair housing needs, performance, and overall compliance with federal and state fair housing laws. Anyone unable to attend the hearing may submit written comments or questions on or before November 12, 2009 to the Cape Cod Commission, PO Box 226, Barnstable, MA 02630 Attention: Paul Ruchinkas or to pruchinkas@capecodcommission.org



Supporting affordable housing in the fifteen communities of Cape Cod



Barnstable HOME Consortium Fair Housing



BARNSTABLE COUNTY HOME CONSORTIUM

PO Box 226, 3225 MAIN STREET
BARNSTABLE, MASSACHUSETTS 02630
(508) 362-3828 • FAX (508) 362-3136
E-mail: housing@capecodcommission.org



ANÚNCIO DE AUDIÊNCIA PÚBLICA

Consórcio de CASA do Município de Barnstable Projeto de Moradia Adequada

Conforme as estipulações do Título 24 - Moradias e Desenvolvimento Urbano parte 91 - Submissões Consolidadas para Programas de Desenvolvimento e Planejamento de Comunidade - e com as estipulações do projeto de Participação de Cidadãos do Consórcio, é por este meio dado o anúncio da seguinte ação sugerido para ser empreendido pelo Consórcio.

O Consórcio de CASA do Município de Barnstable está no processo de atualizar seu Projeto de Moradia Adequada. Antes de publicar um desenho final do Projeto de Moradia Adequada para revisão e comentário público, o consórcio realizará uma audiência pública:

Quinta-feira, 12 de Novembro de 2009 - 5:30 DA NOITE
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

O local é acessível a pessoas deficientes. Se você precisar de uma acomodação razoável, por favor entre em contato com Paul Ruchinskas no (508) 362-3828 até 3 de Novembro de 2009.

O propósito da audiência é para obter de cidadãos, agências públicas, organizações de comunidades, e partes interessadas comentários, dados, visões, e depoimentos verbais e/ou escritos relativos as necessidades de moradia adequadas do Município de Barnstable, execução, e submissão total das leis federais e estaduais de moradia adequada. Qualquer um incapaz de comparecer a audiência pode submeter comentários ou perguntas escritas em ou antes de 12 de Novembro de 2009 para a Cape Cod Commission, P.O. Box 226, Barnstable, MA 02630
atenção: Paul Ruchinskas ou para pruchinskas@capecodcommission.org

Supporting affordable housing in the fifteen communities of Cape Cod





Barnstable HOME Consortium Fair Housing



BARNSTABLE COUNTY HOME CONSORTIUM

PO Box 226, 3225 MAIN STREET
BARNSTABLE, MASSACHUSETTS 02630
(508) 362-3828 • FAX (508) 362-3136
E-mail: housing@capecodcommission.org



AVISO DE AUDIENCIA PÚBLICA

Condado de Barnstable Consorcio de Hogar

Plan de Equidad de Vivienda

De conformidad con las disposiciones del Título 24 - Vivienda y Desarrollo Urbano Parte 91 - Peticiones Consolidadas de Planificación y Programas de Desarrollo y con las disposiciones del Ciudadano del Consorcio Plan de Participación, se hace constar de las siguientes propuestas de acción a ser emprendida por la Consorcio.

El condado de Barnstable Consorcio del Hogar está en proceso de actualizar su Plan de Vivienda Justa. Antes de la publicación de un borrador final del Plan de Equidad de Vivienda para su revisión y comentarios públicos, el Consorcio realizará una audiencia pública:

Jueves, 12 de noviembre 2009 - 5:30 PM

La Comisión de Cape Cod
3225 Main Street
Barnstable, MA 02630

La ubicación es accesible a discapacitados. Si usted necesita un acomodo razonable, por favor, póngase en contacto con Paul Ruchinskas al (508) 362-3828 para el 3 de noviembre de 2009.

El propósito de la audiencia es a obtener de los ciudadanos, organismos públicos, organizaciones comunitarias y las partes interesadas comentarios, datos, opiniones y testimonios verbales y/o escritos relativos a las necesidades de equidad de vivienda del condado de Barnstable, el rendimiento y el cumplimiento general federal y estatal de las leyes de vivienda justa. Cualquier persona puede asistir a la audiencia y podrán presentar por escrito sus observaciones o preguntas en o antes del 12 de noviembre 2009 a la Comisión de Cape Cod, PO Box 226, Barnstable, MA 02630. A la atención de: Paul Ruchinskas o al correo electrónico pruchinskas@capecodcommission.org

Supporting affordable housing in the fifteen communities of Cape Cod





Barnstable HOME Consortium Fair Housing

Minutes

PUBLIC HEARING
FAIR HOUSING PLAN/ HOME CONSORTIUM CONSOLIDATED PLAN
CAPE COD COMMISSION OFFICE- BARNSTABLE, MA.
NOVEMBER 12, 2009

Paul Ruchinskas, Affordable Housing Specialist, described the purpose of the hearing and introduced Dan Cahill, the consultant hired by the County to produce the regional Fair Housing Plan. Paul described the background and scope of both the Barnstable County HOME Consortium and of the Consolidated Plan. Dan presented an overview of the process and methodology involved with developing the fair housing plan along with some data on Barnstable County.

Public Comments:

1. The issue of allowing 70% local preference in projects with federal funds has the potential to be viewed as discriminatory.
2. It is difficult finding a good source to help with targeting the groups that you are trying to reach. Who is the best source for that? Possibly the Cape Cod Commission could provide a service for this by developing a list of contacts for people to use when trying to reach different groups of people in protected classes.
3. A possible new target for homeownership should be with households that are at 50-70% AMI. The USDA model has worked for years.
4. DHCD has made it a requirement when hiring for de-leading of a unit you must pay Davis-Bacon wages, which make it difficult to buy existing units.
5. The pricing target for home ownership should be 50% of area median income (AMI) rather than 70%. The Rental target should be at 30% rather than 60% AMI.
6. There needs to be more variety in the housing types. Right now there are too many single family homes. Potential homebuyers want to have a backyard, but not necessarily a condo. A possibility might be to build affordable house on small non-conforming lots. For example the town of Bourne has 84 of these lots.
7. The County should advertise the Fair Housing complaint process better so that it's understood by the public and people in the housing field.
8. The Cape will likely have different affordable housing needs as far as the Consolidated Plan goes and that should be reflected in DHCD policies, e.g. there seems to be a growing need for affordable one bedroom rentals that can accommodate single people, while DHCD funding prioritizes larger bedroom size units.



Barnstable HOME Consortium Fair Housing

Focus Groups/Meetings,
Barnstable County HOME Consortium Fair Housing Plan

October 4, 2009	Cape Organization for the rights of the Disabled
October 4, 2009	NAACP
October 23, 2009	Community Action Committee of Cape Cod and the Islands
October 23, 2009	Mashpee-Wampanoags
November 4, 2009	Cape Cod Immigrant Center



Barnstable HOME Consortium Fair Housing

Consultations

Barnstable County Department of Human Services
Barnstable Human Rights Commission
Cape Cod Commission
 Affordable Housing Specialist
 Economic Development Officer
 Transportation Planner

AIDS Support Group of Cape Cod
Bank of America
Barnstable Housing Authority
Cape Cod & Islands Association of Realtors, Inc.
Cape Cod Mediation Center
Cape Cod Property and Management Association
Cape Cod Regional Transit Authority
Cape Organization for Rights of the Disabled
Community Action Committee of Cape Cod & Islands, Inc
Community Development Partnership
Community Economic Development Assistance Corporation
Community Housing Resource Inc
Fair Housing Center of Greater Boston
Housing Assistance Corporation
Mashpee Wampanoag Tribal Council
Mass Housing
Massachusetts Commission Against Discrimination
Massachusetts Department of Housing and Community Development
MB Management
NAACP
Regan Realtors
South Coast Counties Legal Aid, Inc
Town of Barnstable
 Affordable Accessory Apartment Coordinator
 Community and Economic Development Coordinator
 Director of Assessing
 Director, Growth Management Department
 Senior Projects Coordinator, Affordable Housing
Town of Mashpee
 Building Commissioner
 Director of Assessing
 Human Resource Director
 Town Planner
Town of Provincetown
 Assistant Town Manager
 Building Commissioner
 Director of Assessing
Town of Yarmouth
U.S. Department of Housing and Urban Development, Equal Opportunity Office



Barnstable HOME Consortium Fair Housing

Letter and Response

December 28, 2009

The Plan is very nice. I have a few comments:

Pg 32 for your examples regarding housing choices, it reads as though only one town has accessory apartments ordinance/bylaw and only one town has vacant/affordable lots ordinance/bylaw. I don't think that was the intent. I would name the town(s) in the examples, or state that X number of towns have aff acc apartment bylaw/ordinance and X number have inclusionary zoning and X number have vacant lots/affordable lots bylaw/ordinance. Just makes it clearer and shows the good work completed to date.

Pg 47 first full paragraph "In fact, the origins of the Town are that of a tribal settlement, where the Mashpees maintained an entailment..." is that a typo?

Regarding your recommendations, pg 82, I would also recommend that information on how to volunteer/apply for a town committee/board or run for office be sent to minority groups. For example, the Town of Yarmouth has a talent bank form available on the Town's website and in the Town Administrator's office. Interested residents complete the form, check off committee/boards of interest and submit to the Town Administer, who brings them to the selectmen's appointments chair. Nomination papers for elections are available from the Town Clerk.

Response to letter of December 28

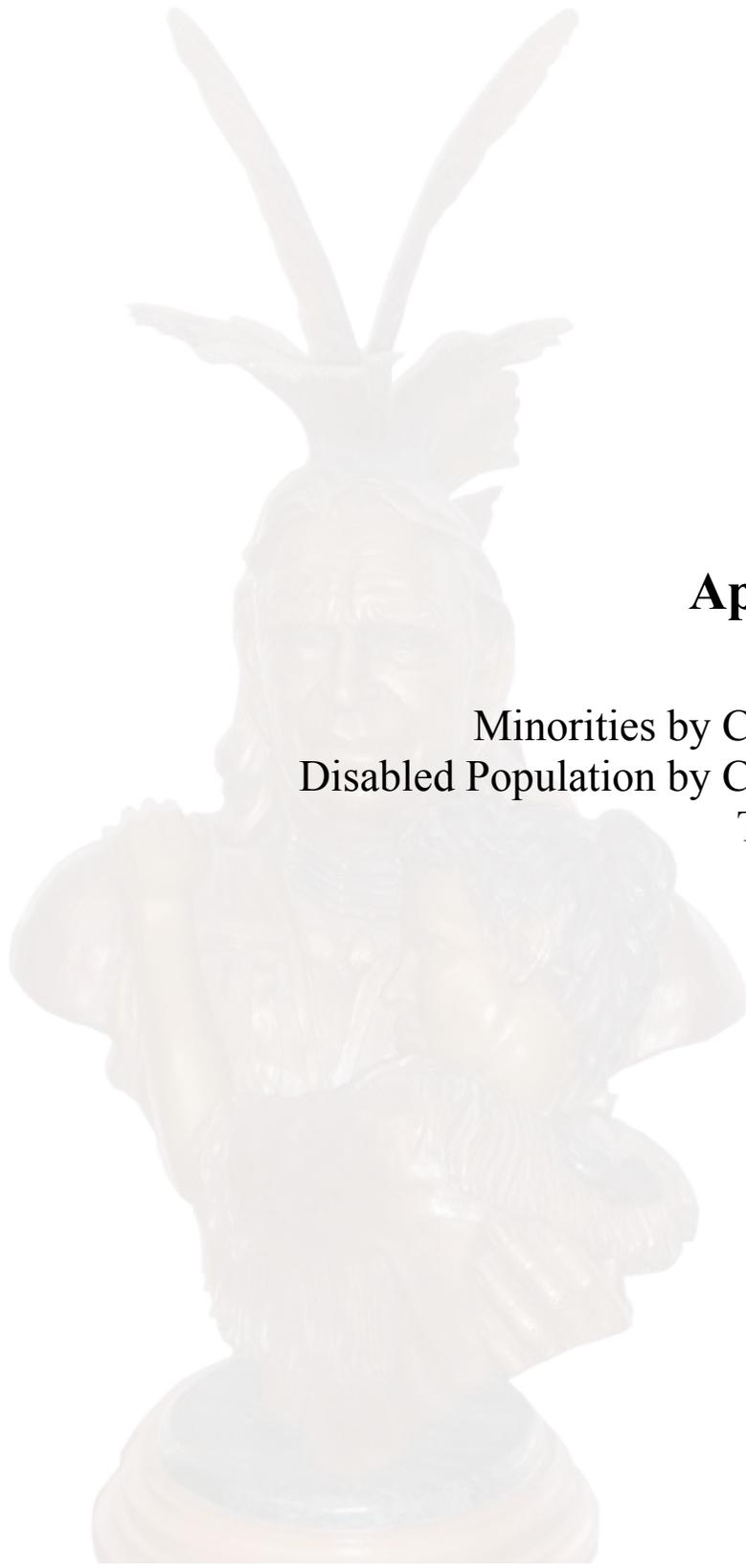
As referenced in the Plan, Barnstable, Mashpee and Provincetown were selected as representative of towns in the County. The presentation then, in this section was to be representative. Judging from the comments in the letter, this was true as a number of towns now have an "accessory apartment" program.

Entailment, as defined by Webster's Collegiate Dictionary, refers to the restriction of property by limiting the inheritance to the owner's lineal descendants or to a particular class thereof. For property in Mashpee, the entailment was in the favor of the Mashpee tribe.

To the best of its ability, the Barnstable Home Consortium and its Fair Housing Committee will work with local boards and the Barnstable Human Rights Commission to follow suggestion concerning notification to minority groups about positions on boards.



**Barnstable HOME Consortium
Fair Housing**



Appendix 3

Minorities by Census Tract
Disabled Population by Census Tract
Transit Map



Barnstable HOME Consortium Fair Housing

Barnstable County Fair Housing Plan — Racial Minority by Census Tract, Census 2000

Census Tract	Town	Total population in census tract	White	Black	AI & AN ¹	Asian	NH & PI ²	Some other race	More than one race	Total*	Hispanic or Latino
101	Provincetown	3,431	87.55%	7.52%	0.32%	0.50%	0.00%	1.08%	3.03%	12.45%	2.16%
Town total		3,431	87.55%	7.52%	0.32%	0.50%	0.00%	1.08%	3.03%	12.45%	2.16%
102	Truro/Wellfleet	4,836	95.95%	1.34%	0.35%	0.37%	0.06%	0.66%	1.26%	4.05%	0.89%
TOWN Total		4,836	95.95%	1.34%	0.35%	0.37%	0.06%	0.66%	1.26%	4.05%	0.89%
103	Eastham	5,453	96.31%	1.49%	0.15%	0.31%	0.04%	0.29%	1.41%	3.69%	0.83%
TOWN Total		5,453	96.31%	1.49%	0.15%	0.31%	0.04%	0.29%	1.41%	3.69%	0.83%
104	Orleans	3,191	96.99%	0.78%	0.13%	0.44%	0.00%	0.22%	1.44%	3.01%	1.32%
105	Orleans	3,150	98.16%	0.38%	0.22%	0.63%	0.00%	0.06%	0.54%	1.84%	0.22%
TOWN Total		6,341	97.57%	0.58%	0.17%	0.54%	0.00%	0.14%	0.99%	2.43%	0.77%
106	Chatham	3,336	95.05%	2.82%	0.21%	0.39%	0.03%	1.11%	0.39%	4.95%	1.11%
107	Chatham	3,289	97.02%	0.70%	0.15%	0.15%	0.00%	0.73%	1.25%	2.98%	0.88%
TOWN Total		6,625	96.03%	1.77%	0.18%	0.27%	0.02%	0.92%	0.82%	3.97%	1.00%
108	Brewster	5,049	98.06%	0.63%	0.28%	0.50%	0.00%	0.14%	0.40%	1.94%	0.83%
109	Brewster	5,045	96.41%	0.89%	0.18%	1.03%	0.06%	0.56%	0.87%	3.59%	1.29%
Town total		10,094	97.24%	0.76%	0.23%	0.76%	0.03%	0.35%	0.63%	2.76%	1.06%
110	Harwich	4,267	93.70%	1.12%	0.23%	0.09%	0.09%	2.86%	1.90%	6.30%	1.29%
111	Harwich	4,500	95.47%	0.60%	0.11%	0.27%	0.04%	1.91%	1.60%	4.53%	0.82%
112	Harwich	3,619	97.35%	0.36%	0.22%	0.30%	0.00%	1.22%	0.55%	2.65%	0.75%
TOWN Total		12,386	95.41%	0.71%	0.19%	0.22%	0.05%	2.03%	1.40%	4.59%	0.96%



Barnstable HOME Consortium Fair Housing

Census Tract	Town	Total population in census tract	White	Black	AI & AN ¹	Asian	NH & PI ²	Some other race	More than one race	Total*	Hispanic or Latino
113	Dennis	2,988	97.66%	0.27%	0.10%	0.74%	0.00%	0.30%	0.94%	2,344%	1.07%
114	Dennis	3,595	97.39%	0.81%	0.19%	0.08%	0.00%	0.72%	0.81%	2,611%	1.61%
115	Dennis	3,976	94.94%	1.51%	0.63%	0.35%	0.00%	0.83%	1.74%	5,066%	1.43%
116	Dennis	3,198	89.68%	4.88%	0.31%	0.44%	0.00%	1.94%	2.75%	10,322%	2.94%
117	Dennis	2,216	95.26%	2.48%	0.63%	0.27%	0.00%	0.45%	0.90%	4,744%	1.04%
Town total		15,973	94.99%	1.93%	0.37%	0.37%	0.00%	0.88%	1.46%	5,016%	1.65%
118	Yarmouth	6,710	98.12%	0.37%	0.13%	0.37%	0.03%	0.27%	0.70%	1,886%	0.91%
120	Yarmouth	9,129	95.18%	1.35%	0.27%	0.76%	0.08%	0.88%	1.49%	4,822%	1.51%
121	Yarmouth	8,968	93.11%	2.06%	0.52%	0.42%	0.01%	1.51%	2.36%	6,899%	1.77%
TOWN Total		24,807	95.23%	1.34%	0.33%	0.53%	0.04%	0.94%	1.59%	4,776%	1.44%
122	Barnstable	5,041	98.25%	0.52%	0.06%	0.36%	0.06%	0.08%	0.67%	1,755%	0.34%
123	Barnstable	585	80.85%	5.81%	0.34%	1.54%	0.17%	5.81%	5.47%	19,155%	2.74%
124	Barnstable	2,867	78.62%	7.88%	0.87%	1.40%	0.10%	5.02%	6.10%	21,388%	4.60%
125	Barnstable	3,726	85.94%	4.37%	0.48%	1.34%	0.03%	2.74%	5.10%	14,066%	2.66%
126	Barnstable	7,746	82.62%	6.57%	1.28%	1.46%	0.03%	3.60%	4.44%	17,388%	3.10%
127	Barnstable	5,173	93.97%	2.57%	0.87%	0.66%	0.08%	0.54%	1.31%	6,033%	1.66%
128	Barnstable	3,980	96.43%	0.68%	0.30%	0.63%	0.03%	1.03%	0.90%	3,577%	0.68%
129	Barnstable	4,155	96.13%	1.16%	0.19%	0.82%	0.00%	0.87%	0.84%	3,877%	1.18%
130	Barnstable	3,451	97.13%	0.61%	0.12%	0.41%	0.00%	0.61%	1.13%	2,877%	1.13%
131	Barnstable	6,076	94.63%	1.48%	0.59%	0.58%	0.03%	1.07%	1.61%	5,376%	0.97%
132	Barnstable	5,021	96.55%	0.64%	0.62%	0.30%	0.02%	0.90%	0.98%	3,455%	0.96%
TOWN Total		47,821	91.85%	2.74%	0.59%	0.81%	0.04%	1.67%	2.30%	8,155%	1.70%



Barnstable HOME Consortium Fair Housing

Census Tract	Town	Total population in census tract	White	Black	AI & AN1	Asian	NH & PI2	Some other race	More than one race	Total*	Hispanic or Latino
133	Sandwich	3,311	98.16%	0.21%	0.12%	0.45%	0.03%	0.45%	0.57%	1.84%	0.66%
134	Sandwich	3,943	98.76%	0.20%	0.08%	0.33%	0.03%	0.20%	0.41%	1.24%	0.76%
135	Sandwich	6,658	97.75%	0.33%	0.27%	0.59%	0.00%	0.30%	0.77%	2.25%	0.53%
136	Sandwich	6,213	96.89%	0.64%	0.60%	0.68%	0.00%	0.35%	0.84%	3.11%	1.17%
TOWN Total		20,125	97.75%	0.38%	0.31%	0.54%	0.01%	0.32%	0.69%	2.25%	0.80%
137	Bourne	4,158	95.07%	1.11%	0.70%	0.82%	0.00%	0.89%	1.42%	4.93%	1.11%
138	Bourne	4,658	93.41%	1.89%	0.54%	0.84%	0.02%	1.16%	2.15%	6.59%	1.74%
139	Bourne	4,381	96.17%	0.64%	0.46%	0.52%	0.00%	0.73%	1.48%	3.83%	0.78%
140	Bourne	3,936	95.86%	1.04%	0.56%	0.56%	0.00%	0.71%	1.27%	4.14%	0.66%
TOWN total		17,133	95.08%	1.18%	0.56%	0.69%	0.01%	0.88%	1.60%	4.92%	1.09%
141	Falmouth	1,599	90.87%	3.63%	0.25%	0.88%	0.06%	2.13%	2.19%	9.13%	5.44%
143	Falmouth	4,729	96.49%	0.89%	0.13%	0.76%	0.00%	0.76%	0.97%	3.51%	0.97%
144	Falmouth	6,469	92.80%	1.51%	0.43%	0.79%	0.02%	1.96%	2.49%	7.20%	1.02%
145	Falmouth	5,664	91.05%	3.05%	1.01%	0.65%	0.04%	1.66%	2.54%	8.95%	1.61%
146	Falmouth	4,212	91.60%	2.28%	0.78%	0.62%	0.00%	2.30%	2.42%	8.40%	1.66%
147	Falmouth	3,934	93.80%	1.55%	0.46%	0.79%	0.00%	1.35%	2.06%	6.20%	1.68%
148	Falmouth	3,601	93.39%	2.50%	0.50%	1.11%	0.00%	1.22%	1.28%	6.61%	1.11%
149	Falmouth	4,051	95.48%	0.81%	0.20%	1.95%	0.05%	0.44%	1.06%	4.52%	0.94%
TOWN total		34,259	93.27%	1.90%	0.50%	0.92%	0.02%	1.47%	1.92%	6.73%	1.47%



Barnstable HOME Consortium Fair Housing

Census Tract	Town	Total population in census tract	White	Black	AI & AN1	Asian	NH & PI2	Some other race	More than one race	Total*	Hispanic or Latino
150	Mashpee	7,189	86.47%	3.91%	4.52%	0.61%	0.03%	1.42%	3.05%	13.53%	2.41%
151	Mashpee	3,481	93.71%	2.13%	1.21%	0.49%	0.03%	0.92%	1.52%	6.29%	0.72%
152	Mashpee	2,276	96.88%	0.44%	0.44%	0.57%	0.00%	0.35%	1.32%	3.12%	0.62%
Town Total		12,946	90.24%	2.82%	2.91%	0.57%	0.02%	1.10%	2.33%	9.76%	1.64%
County Total		222,230	94.23%	1.79%	0.56%	0.63%	0.02%	1.11%	1.66%	5.77%	1.35%

¹ American Indian/Alaskan

Native

² Native Hawaiian/Pacific

Islander

* sum of Black, American Indian/Alaskan Native, Asian, Native Hawaiian/Pacific Islander, Some other race alone, and More than one race



Barnstable HOME Consortium Fair Housing

Barnstable County Fair Housing Percent Disabled Population, age 5 years and over
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Census Tract	Town	Total Population 5 years and over; Disabled	Percent Disabled
101	Provincetown	607	18.8%
Town total		607	18.8%
102	Truro/Wellfleet	946	20.4%
Town Total		946	20.4%
103	Eastham	1277	24.3%
Town Total		1277	24.3%
104	Orleans	561	18.3%
105	Orleans	755	25.1%
Town Total		1316	21.7%
106	Chatham	850	27.3%
107	Chatham	653	20.9%
Town Total		1503	24.1%
108	Brewster	941	20.3%
109	Brewster	1112	23.7%
Town total		2053	22.0%
110	Harwich	807	21.3%
111	Harwich	882	20.4%
112	Harwich	985	28.1%
Town Total		2674	23.0%
113	Dennis	454	15.7%
114	Dennis	850	24.4%
115	Dennis	892	23.4%
116	Dennis	832	27.6%
117	Dennis	509	23.9%
Town total		3537	23.1%
118	Yarmouth	1151	17.8%
120	Yarmouth	2199	25.5%
121	Yarmouth	2239	26.6%
Town Total		5589	23.8%
122	Barnstable	672	14.0%
123	Barnstable	189	34.9%
124	Barnstable	804	29.7%
125	Barnstable	1038	29.6%
126	Barnstable	1925	26.7%
127	Barnstable	861	18.7%
128	Barnstable	659	17.4%
129	Barnstable	644	16.5%
130	Barnstable	480	14.5%
131	Barnstable	771	13.5%
132	Barnstable	778	16.4%
Town Total		8821	19.7%
133	Sandwich	628	20.7%
134	Sandwich	515	13.7%
135	Sandwich	748	12.1%
136	Sandwich	1003	17.6%
Town Total		2894	15.5%



Barnstable HOME Consortium Fair Housing

Census Tract	Town	Total Population 5 years and over; Disabled	Percent Disabled
137	Bourne	611	15.9%
138	Bourne	587	14.2%
139	Bourne	782	18.8%
140	Bourne	706	18.7%
Town total		2686	16.9%
141	Falmouth	65	6.9%
143	Falmouth	706	16.0%
144	Falmouth	1043	17.0%
145	Falmouth	1015	19.0%
146	Falmouth	885	22.3%
147	Falmouth	761	20.1%
148	Falmouth	1015	30.2%
149	Falmouth	659	17.2%
Town total		6149	19.4%
150	Mashpee	1346	20.6%
151	Mashpee	390	12.4%
152	Mashpee	390	17.3%
Town Total		2126	17.8%
County Total		42,178	20.3%



Barnstable HOME Consortium Fair Housing

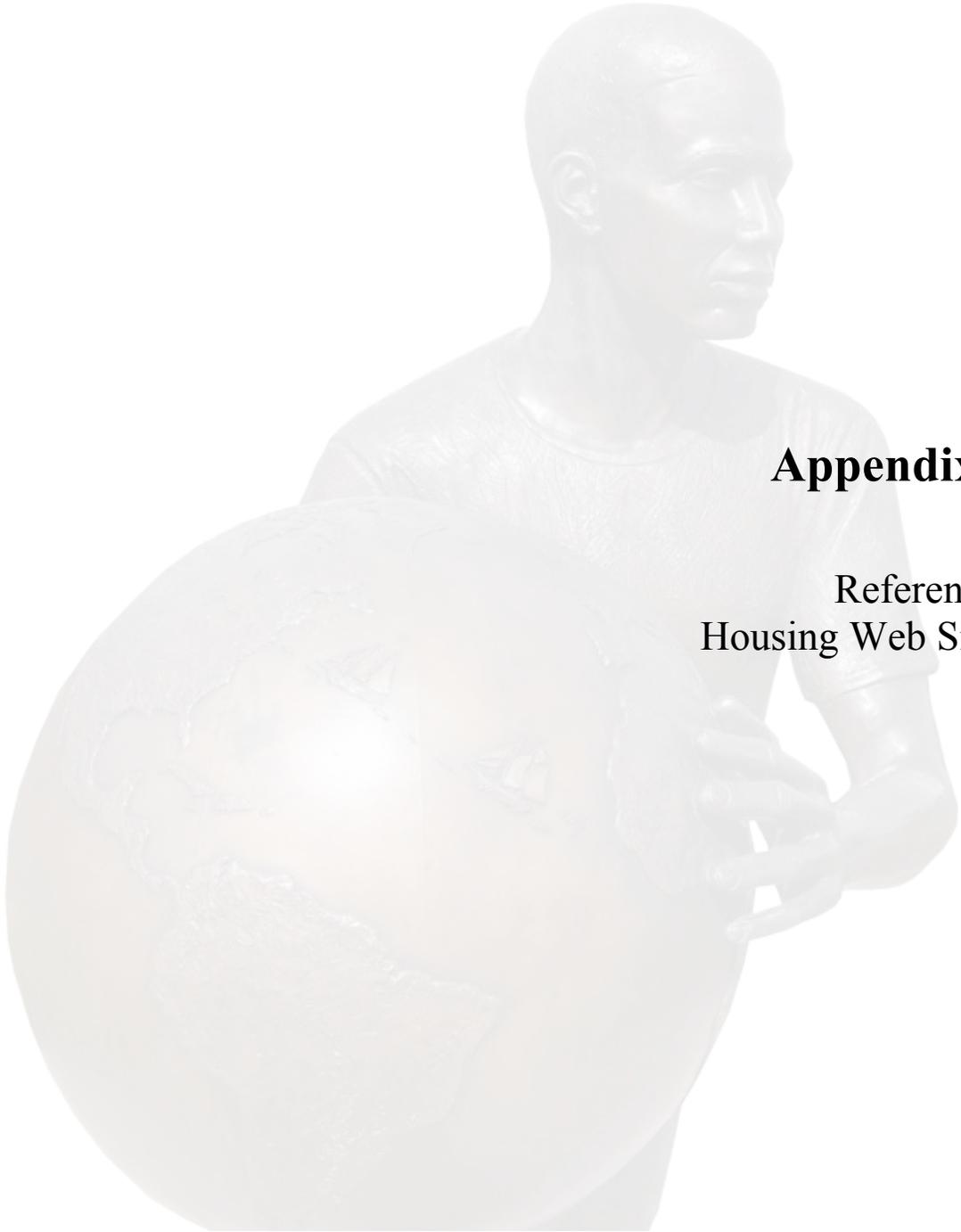
Transit Map

Cape Cod Regional Transit Authority Transportation Map





**Barnstable HOME Consortium
Fair Housing**



Appendix 4

References
Housing Web Sites



Barnstable HOME Consortium Fair Housing

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Barnstable HOME Consortium Fair Housing

Fair Housing Web Sites

Access Living

<http://www.accessliving.org/index.php>

Access Living programs and services focus on critical issues affecting people with disabilities and the community, including housing; personal assistance & health care; youth and education; civil rights; community & economic development; and arts & culture. Their website provides news and information on housing and other concerns for persons with disabilities as well as publications about housing rights for those with disabilities.

Alpha One

<http://www.alpha-one.org>

Alpha One, a non-profit organization, works to transform communities by promoting the abilities of all citizens, including those with a disability. Fair housing information is part of the web page.

Boston Tenant Coalition (BTC)

<http://www.bostontenant.org/>

The website of the Boston Tenant Coalition (BTC) is an Internet resource for the mass movement of tenants in Massachusetts. Broadly, bostontenant.org is a network to connect the concerned groups and individuals who are fighting to reverse the current tide of housing injustice in the state of Massachusetts.

This resource is also a library, where individuals can access information about their rights and how to organize for better and more affordable housing. bostontenant.org also serves as a phone book, so individuals can get in touch with people who can help them solve the housing-related problems they may face. Finally, the site acts as a newspaper, linking individuals to discussions regarding affordable housing along with many other pertinent issues.

Citizens' Housing and Planning Association (CHAPA)

<http://www.chapa.org/>

Citizens' Housing and Planning Association (CHAPA) is the non-profit umbrella organization for affordable housing and community development activities throughout Massachusetts. Established in 1967, CHAPA is the only statewide group which represents all interests in the housing field, including non-profit and for-profit developers, homeowners, tenants, bankers, real estate brokers, property managers, government officials, and others.

The Fair Housing Center of Greater Boston

<http://www.bostonfairhousing.org>

The Fair Housing Center of Greater Boston is the only private, non-profit organization solely focused on ending illegal housing discrimination in the greater Boston area. The Fair Housing Center serves the communities in Essex, Middlesex, Norfolk, Plymouth, and Suffolk counties.



Barnstable HOME Consortium Fair Housing

The Federal Reserve Bank of Boston

<http://www.bos.frb.org/commdev/index.htm>

The Federal Reserve Bank of Boston provides information on this website about community development and consumer affairs.

Home Mortgage Disclosure Act

<http://www.ffiec.gov/HmdaAdWebReport/about.htm>

Key information is provided on this web site on Home Mortgage Disclosure Act and subsequent reporting. The actual text of the Act itself is on this site as well as the text of Federal Reserve's Regulation C, which governs the reporting of HMDA data.

The Institute for Human Centered Design

<http://www.adaptenv.org/index.php?option=Home>

The Institute for Human Centered Design (formerly known as Adaptive Environments) promotes design that works for everyone across the spectrum of ability and age and enhances human experience. They have funded projects with target audiences, specific services and products and grant periods; provided consultation to public and private entities on accessible and universal or human-centered design; and provide technical assistance and education on the topics of accessibility and design. Their website includes educational materials on these topics, as well as opportunities for training, public policy initiatives and opportunities to get involved in their work.

The John Marshall Law School Fair Housing Legal Support Center

<http://www.jmls.edu/fairhousingcenter>

This is the web site for The John Marshall Law School Fair Housing Legal Support Center (FHLSC) which educates the public about fair housing law and provides legal assistance to those private or public organizations that seek to eliminate discriminatory housing practice.

Massachusetts Accessible Housing Registry

<http://www.massaccesshousingregistry.org/>

The Mass Accessible Housing Registry is a free program that helps individuals with disabilities find rental housing, primarily accessible and barrier-free housing, in Massachusetts. The Mass Access database keeps track of accessible and affordable apartments throughout the state and maintains information about their availability.

Massachusetts Affordable Housing Alliance (MAHA)

<http://www.mahahome.org>

Massachusetts Affordable Housing Alliance (MAHA) is a statewide non-profit coalition that works to increase public and private sector investment in affordable housing. Since the formation of MAHA in 1985, MAHA's campaigns have resulted in over \$2.2 billion of investment in affordable housing by government, banks, and insurance companies. MAHA staffs the grassroots Homebuyers Union, a group of low to moderate income tenants and homeowners who organize to break down the barriers to affordable homeownership.



Barnstable HOME Consortium Fair Housing

The Massachusetts Association of Human Rights and Relations Commissions (MAHRC)

<http://www.mahrc.org/>

The Massachusetts Association of Human Rights and Relations Commissions (MAHRC) is an organization of municipal and local agencies responsible for promoting human and civil rights and harmonious relationships among diverse groups at a local level. This website includes the Commission's Calendar of events, publications, information about its member organizations, and useful links.

The Massachusetts Community & Banking Council (MCBC)

<http://mcbc.info/>

The Massachusetts Community & Banking Council (MCBC) brings together community organizations and financial institutions to affect positive change in the availability of credit and financial services across Massachusetts by encouraging community investment in low and moderate income and minority group neighborhoods. This website contains information on the Council's various programs and committees as well as access to publications about community investment.

Massachusetts Department of Housing and Community Development

<http://www.mass.gov/dhcd/>

The Department of Housing and Community Development (DHCD) is a state agency that makes state and federal funds and technical assistance available to strengthen communities and help them to do the following: plan new developments, encourage economic development, revitalize older areas, improve local government management, build and manage public housing, stimulate affordable housing through the private sector, and respond to the needs of low-income people. The Office administers the state's public housing programs, coordinates its anti-poverty efforts, allocates federal community development programs and provides a variety of services to local government officials. The mission of DHCD is to strengthen cities, towns and neighborhoods to enhance the quality of life of Massachusetts residents. DHCD also is a resource for available funding and grants, as well as reports, plans and guides pertaining to the state of Massachusetts.

MassHousing

<http://www.masshousing.com>

MassHousing was created by an act of the legislature in 1966 as a self-supporting, independent public authority charged with increasing affordable rental and home ownership housing in Massachusetts. Since making their first loan in 1970, they have provided more than \$7.8 billion to finance more than 60,000 apartments and 50,000 home mortgages throughout the Commonwealth. MassHousing lends money at rates below the conventional market to support rental and homeownership opportunities for low-and moderate-income residents of the Commonwealth. MassHousing relies on private non-profit and for-profit developers to construct and operate the rental housing that they finance, as well as an extensive network of approved lenders to deliver home mortgage programs to first-time home buyers.



Barnstable HOME Consortium Fair Housing

The National Community Reinvestment Coalition

www.fairlending.com

The National Community Reinvestment Coalition also has a track record in fair housing testing. The Coalition is actually an association of more than 600 community-based organizations that promote access to banking services, work on affordable housing, job development and other community goals.

The National Fair Housing Advocate Online

<http://www.fairhousing.com>

The National Fair Housing Advocate Online is a resource designed to serve both the fair housing advocacy community and the general public with timely news and information regarding the issues of housing discrimination.

The National Fair Housing Alliance

www.nationalfairhousing.org

The National Fair Housing Alliance is the primary organization in the country that receives these funds to sponsor new fair housing programs. The Alliance, located in Washington, has partnered with local groups to implement information and testing programs.

The Tennessee Fair Housing Council

<http://www.fairhousing.com>

The Tennessee Fair Housing Council sponsors this site which provides current fair housing news including court cases. This web site also provides online forums and other research.

U.S. Department of Housing and Urban Development: Fair Housing

<http://www.hud.gov/offices/fheo/index.cfm>

This is the website for the Department of Housing and Urban Development's Fair Housing activities.