

**LOUDOUN COUNTY
FIVE YEAR FAIR HOUSING PLAN
With**

**ANALYSIS OF IMPEDIMENTS
For the 2014-2018 Consolidated Plan**



**EFFORTS TO AFFIRMATIVELY FURTHER
FAIR HOUSING**

**Adopted by Board of Supervisors
April 2, 2014**

**Prepared by Fair Housing Management Consultants
And Department of Family Services**

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1. GENERAL BACKGROUND

Provisions to affirmatively further fair housing are principal and long standing components of the U.S. Department of Housing and Urban Development's (HUD) housing and community development programs. Section 104(b) (2) and 106(d) (5) of the Housing and Community Development Act of 1974, as amended, specifically require Community Development Block Grant (CDBG) program grantees to certify to "affirmatively further fair housing choice". Congress reiterated this obligation in Section 105(b) (13) of the National Affordable Housing Act (Act) of 1990.

Congress made it clear that one of the Act's principal objectives was to improve housing opportunities for all qualified people, particularly members of the protected classes on a non-discriminatory basis.

In order to comply with the above requirement to "affirmatively further fair housing choice," HUD mandated CDBG jurisdictions to certify, in their local Consolidated Housing and Community Development Plan, compliance to further fair housing choice. However, Congress decided that more than a certification was needed. The CDBG program contains a regulatory requirement to affirmatively further fair housing based on HUD's obligations under Section 808 of the federal Fair Housing Act. Therefore, the Fair Housing Planning Process was developed. This process requires CDBG program grantees to develop a local Fair Housing Plan (FHP) and a detailed Analysis of Impediments (AI) that prevent or hinder fair housing choice.

HUD requires jurisdictions to annually monitor progress and submit an annual performance summary report to HUD as part of the Consolidated Plan and Performance Report submissions.

The AI is a comprehensive review of a state's or local community's laws, regulations, administrative policies, procedures and practices. It requires an analysis of how these laws, policies, procedures and practices affect the location, availability and accessibility of housing, as well as an assessment of private and public conditions affecting housing choice. The Analysis of Impediments to Fair Housing in Loudoun County was conducted in accordance with HUD's *Fair Housing Planning Guide*. The following areas were reviewed for Loudoun County.

i. Socio-Demographics - such as census tract data, racial group concentrations, population size and anticipated growth or decline, economic status and income mix of the population, employment opportunities and availability of transportation;

ii. Housing Profiles - such as location (rural vs. urban areas of the County) new construction, population growth rates, age and condition of existing housing stock, costs and affordability, racial/ethnic mix of housing occupants, segregated areas, barrier or clustering of low-cost or affordable housing in certain areas, familial status, as well as accessibility for disabled persons;

iii. Political, Public, Private and Community Support or Lack of Support for Promoting Housing Choice - such as County ordinances and other regulations, policies, practices or procedures that might discourage housing choice, landlords, banking and lending institutions, citizen participation and education regarding rights to fair housing choice and other related activities;

iv. Physical Characteristics and Infrastructures - such as road conditions and/or existence of water, sewer and other utility availability.

2. INTRODUCTION AND JURISDICTIONAL BACKGROUND DATA

HUD requires jurisdictions to provide background data and other information that serve as the basis for identifying impediments to fair housing choice and reviewing fair housing performance. The following are highlights of the most current available data on Loudoun County's population, employment, transportation, and housing resources.

A. Community Profile Overview

Location

Loudoun County is located approximately 25 miles northwest of Washington, D.C., and is considered part of the Washington, DC-VA-MD-WV Metropolitan Statistical Area (MSA). The County is bordered by Fairfax County and the Potomac River to the east, the Potomac River to the north, Clarke County and Jefferson County, WV to the west, and Prince William County and Fauquier County to the south. It includes seven independent towns: Hamilton, Hillsboro, Leesburg, Lovettsville, Middleburg, Purcellville and Round Hill. Leesburg, the county seat, is the largest town by area and population.

Geography

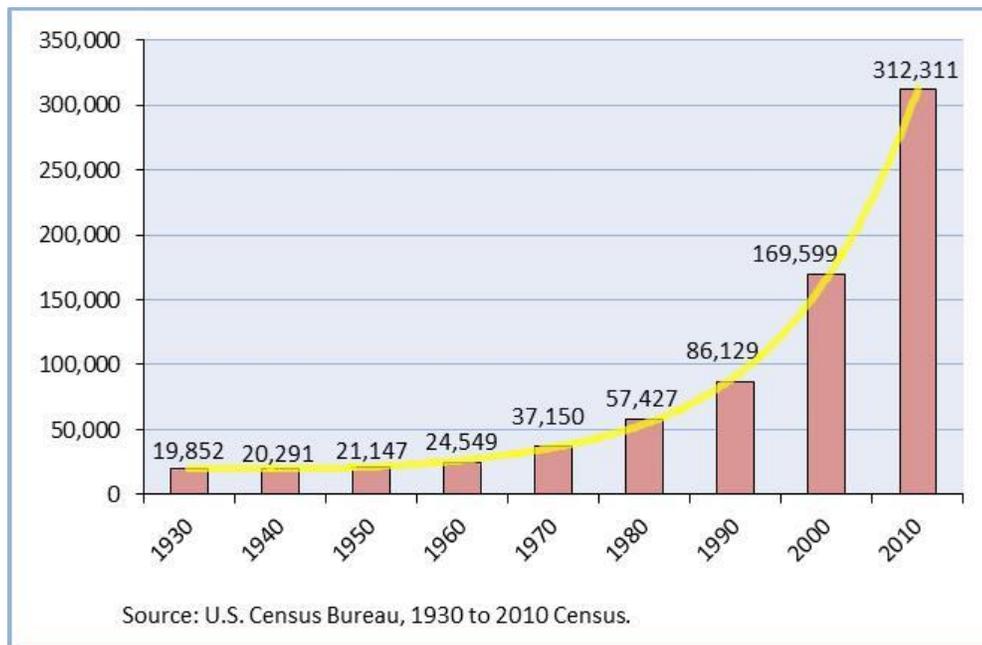
Loudoun County is an urbanizing county that encompasses 520 square miles and is physically diverse. Much of the western two-thirds of the County is rural, while the eastern third of the county is more densely populated and developed. The County's land use and housing development policies are based on rural, transitional and suburban designations for planning purposes.



Demographic and Economic Overview

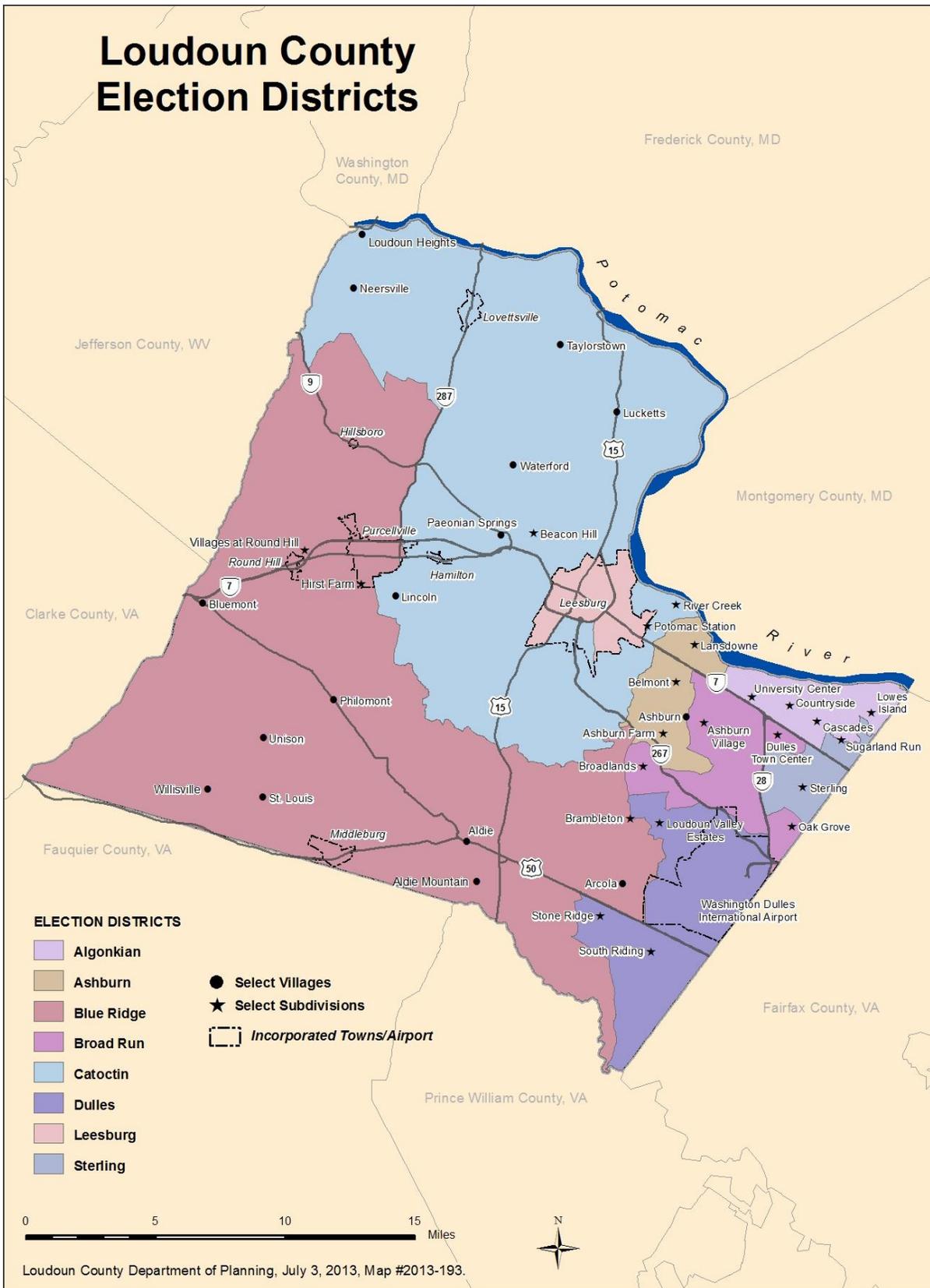
For more than two centuries following its founding in 1757, agriculture was the dominant way of life in Loudoun County. The County’s relatively constant population of about 20,000 began to change in the early 1960s when Washington Dulles International Airport began operations in the eastern part of the County. The airport brought public water and sewer to the eastern portion of the County and attracted scores of new businesses, workers and their families to the eastern portion of the County. At the same time, neighboring Fairfax County and the rest of the Washington, D.C., metropolitan area began a period of rapid growth. Major road improvements made commuting to and from the County much easier, attracting more and more businesses and residents to the eastern part of the County. The eastern portion of the County continues to develop rapidly as a result of its proximity to Dulles Airport and Washington D.C. The western portion of the County, bordered by the Blue Ridge Mountains to the west and the Potomac River to the north, maintains a rural and historical environment.

Population Trend of Loudoun County



Government Structure

Loudoun County is governed by a nine-member elected Board of Supervisors. The Chairman of the Board of Supervisors is elected by the voters at large. The other supervisors are elected from each of the eight election districts in the County, which are redefined once every ten years following the U.S. Census Bureau’s Decennial Census. The Board appoints a County Administrator who manages County operations.



B. Demographic Profile

Population Growth

Loudoun County was the 5th fastest growing county in the United States between 2000 and 2010 with its population increasing 84%¹. Between 2010 and 2012 Loudoun was ranked the 17th fastest growing county in the nation and number two for jurisdictions with populations over 100,000². According to estimates by the County, the County's April 1, 2013 population was 339,123, an increase of 8.6% since 2010³. The County's population is forecasted to grow to more than 388,000 by 2018⁴. Between 2010 and 2020, the County is expected to experience one of the highest population growth rates in the entire Washington D.C. MSA⁵.

Household Size and Composition

In 2013 there were an estimated 113,234 households in the County³, 87,004 owner-occupied (77%) and 26,230 renter occupied (23%)⁶. Loudoun County is a community that attracts a large number of families. According to the 2000 and 2010 Decennial Census, the average household size in Loudoun County increased from 2.82 in 2000 to 2.98 in 2010¹. This is unlike the United States' average household size, which decreased from 2.59 in 2000 to 2.58 in 2010¹. Loudoun County's average household size of owner-occupied houses increased from 2.92 to 3.05 between 2000 and 2010¹. The average household size of renter-occupied houses in Loudoun increased from 2.42 to 2.70 between 2000 and 2010¹.

Household composition as of 2011 was 76% family and 24% non-family, compared to the Washington D.C. MSA and USA which were both 66% family. The composition of Loudoun's family households includes 86% married-couple families and 14% non-married families. Loudoun's family households include 60% with children under eighteen years old, as compared to 48% and 45% of family households in the Washington D.C. MSA and nation respectively.⁶

Income

Household incomes in Loudoun County are among the highest in the nation. Loudoun County's median household income was ranked second in the nation according to the U.S. Census Bureau's 2007-2011 American Community Survey five-year averages, after the City of Falls Church, Virginia. Loudoun County's median household income has ranked highest in the nation since 2007 among jurisdictions with populations above 65,000 according to the U.S. Census Bureau's American Community Survey one-year estimates. In 2011 Loudoun's median was \$119,134, more than twice the national median of \$50,502, and nearly twice Virginia's median of \$61,882. Compared to the Washington, D.C. MSA median of \$86,680, Loudoun was 37% higher. In 2011, household income was received by means of wages and other earnings by 91% of households, 15% of households received retirement income other than Social Security, and 15% of households received social security income.⁶

¹ U.S. Census Bureau, *2000 and 2010 Census*.

² U.S. Census Bureau, *Annual Time Series Estimates: April 1, 2010 to July 1, 2012*, June 2013.

³ Loudoun County Department of Planning, *2013 Estimate Series*, May 2013.

⁴ Loudoun County Department of Planning, *Forecast Series*, January 17, 2013.

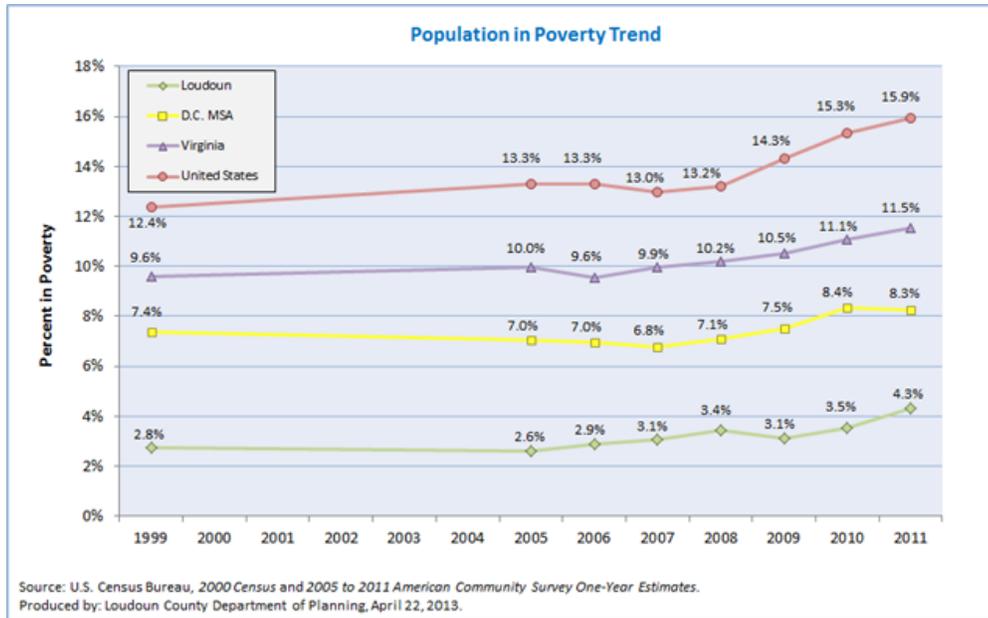
⁵ Metropolitan Washington Council of Governments, *Round 8.2 Cooperative Forecasts*, adopted July 2013.

⁶ U.S. Census Bureau, *2011 American Community Survey*.

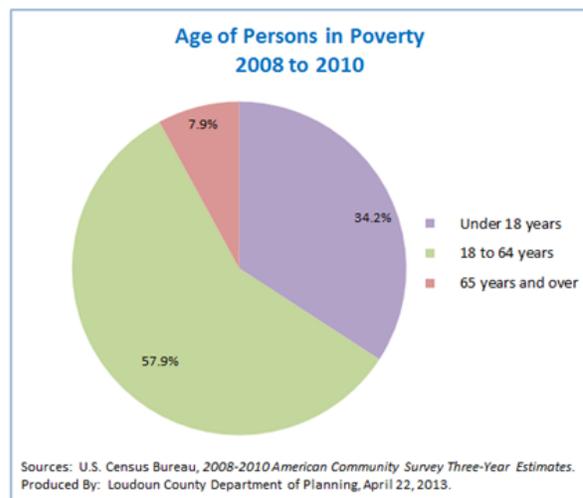
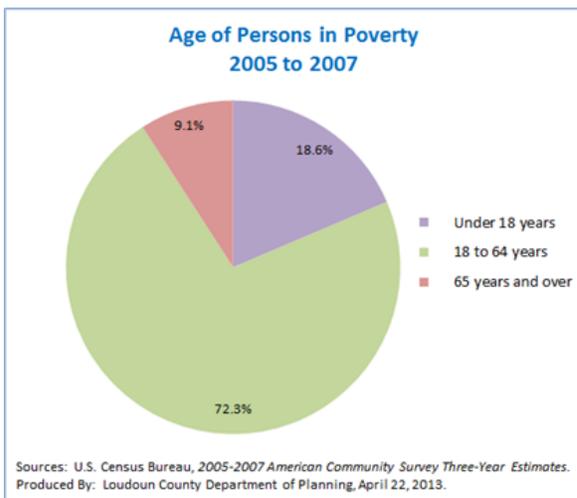
Poverty

Poverty has been on the rise in Loudoun County, particularly for children. The percentage of the County population in poverty was 4.3% in 2011. Loudoun’s population in poverty included on average 34.2% children during the three-year period of 2008 to 2010, compared to 18.6% on average during the prior three-year period of 2005 to 2007.

Population in Poverty Trend



Age of Persons in Poverty in Loudoun County

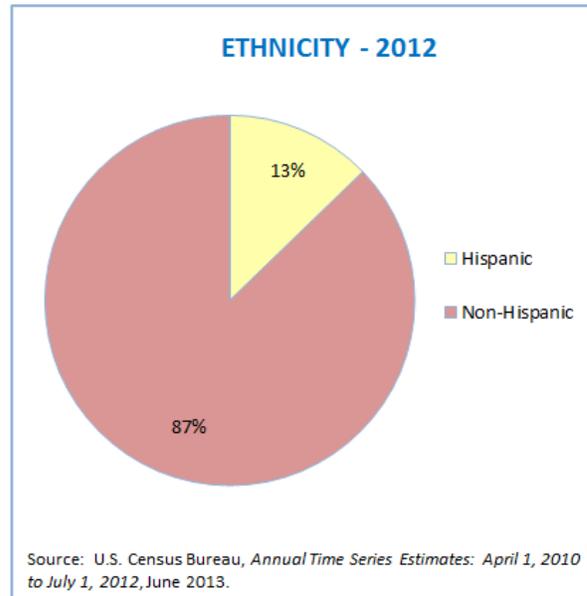
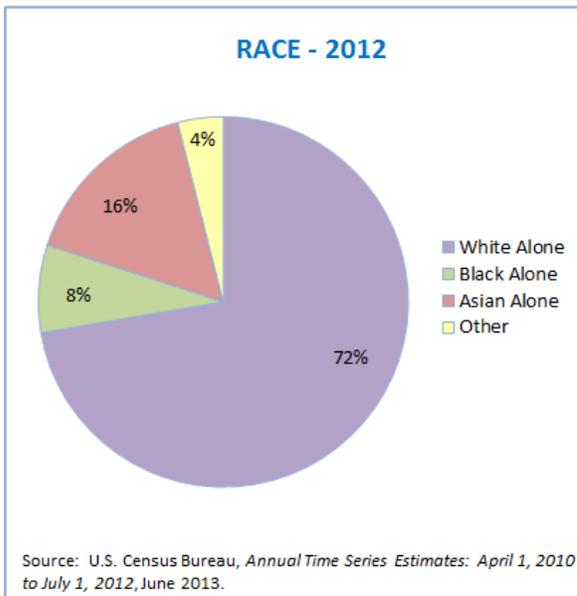


Population by Race and Ethnicity

Based on Census Bureau data, from 2000 to 2012 the white population had the largest amount of growth and the Asian population had the fastest rate of growth. The most recent estimates of the racial and ethnic composition of the County’s population for people of one or more races based on 2012 data are as follows: 72% White Alone, 8% Black or African American Alone, 16% Asian Alone, and 4% other. Thirteen percent of the people in Loudoun were Hispanic in 2012 (Note: “Hispanic” is a designation of ethnicity; people of Hispanic origin can be of any race).⁷

Based on Census Bureau data, the percentage of the County’s population that is minority increased from 20% in 2000 to 39% in 2012, reflecting national and regional trends in which minorities have followed jobs to suburban and exurban locations⁷. Approximately 23% of the County’s population in 2011 was foreign born⁸.

Population by Race and Ethnicity



Population by Age

The County’s population is relatively young. The median age of County residents in 2012 was 35.3 years compared to 37.4 for the nation. Approximately 32% of the County’s population is 19 years or younger and 7% is 65 years and older, while 26% of the nation’s population is 19 years or younger and 14% is 65 years and older.⁷

⁷ U.S. Census Bureau, *Annual Time Series Estimates: April 1, 2010 to July 1, 2012*, June 2013.

⁸ U.S. Census Bureau, *2011 American Community Survey*.

Population by Disability Status

The Triennial Needs Assessment Report (2009) prepared by the County Disability Services Board found that the incidence of disabilities approximates the national estimates compiled by the National Center for Health Statistics for hearing, visual and other impairments. The Census Bureau reported that in 2011, 5.1% of the County civilian non-institutionalized population reported a disability for a long-lasting physical (i.e. visual, hearing, and mobility), mental, or emotional condition⁹. Disability conditions can impede a person from being able to go outside the home alone or work at a job.

C. Economic Development, Employment and Public Transportation

Economic Development and Employment

The County's employment base is diverse, with services, retail trade, and government each representing a ten percent or greater share of employment as of the 2nd quarter of 2012. Transportation, construction, and technology-related employment also comprise a significant share of the County's major businesses. America Online, Raytheon, M.C. Dean, Orbital Sciences, Verizon Business, Loudoun Hospital Center, United Airlines, Loudoun County Public Schools and the County of Loudoun Government are among the largest employers in the County.¹⁰

At-place employment, which is the number of persons working at businesses and other organizations within the County, increased 43% between 2002 and 2012. Loudoun and the Washington region economies weathered the recession of December 2007 to June 2009 better than the national economy and many other regions. Data from the Virginia Employment Commission on at-place employment indicates that Loudoun's at-place employment dropped 2.4% in 2009 and grew 2.6%, 3.0%, and 3.1% from 2010 through 2012 respectively. The county's unemployment has consistently ranked among the lowest in Virginia and nationwide. Loudoun County residents have seen their unemployment rate drop from a peak of 5.6% in February 2010 to a rate of 4.2% in May 2013. The national rate in May 2013 was 7.3%. Employment in the service industries, accounting for 42% of Loudoun's employment as of the 2nd quarter of 2012, contributed to most of the County's employment growth during the recovery from the recession. The local and national economy show continuing signs of recovery.¹⁰

Forecasts of Loudoun County's at-place employment indicate that the County's at-place employment is expected to grow from 144,000 in 2010 to 198,000 in 2020, an increase of 38%. The County is expected to experience one of the highest employment growth rates in the Washington D.C. metropolitan area between 2010 and 2020.¹¹

Public Transportation

Public transportation is available but is limited. Virginia Regional Transit (VRT), a non-profit organization, provides local bus service within the County on weekdays. It provides regular, fixed-route bus service as well as limited on-demand transportation within the County. All buses are wheelchair accessible. Continued funding for VRT is uncertain due to

⁹ U.S. Census Bureau, *2011 American Community Survey*.

¹⁰ Virginia Employment Commission.

¹¹ Metropolitan Washington Council of Governments, *Round 8.2 Cooperative Forecasts*, adopted July 2013.

a loss of Federal funding beginning in Loudoun's fiscal year 2014. As such, the County initiated a study in early 2013 to evaluate the efficiency and effectiveness of the operations.

Loudoun County Transit operates express rush hour commuter service to and from several park and ride lots in the County and the West Falls Church Metrorail station, the Pentagon and employment centers in Arlington, VA and Washington, D.C. Upon Metrorail's opening of the Reston station in late 2013 or early 2014, Loudoun County Transit will add service to the Reston Metrorail station. Loudoun County Transit also provides reverse-commute bus service in the morning from the West Falls Church Metro to employment sites in the Loudoun communities of Ashburn, Sterling, Lansdowne and Leesburg and service to the West Falls Church Metro is provided in the evening.

D. Housing Profile

Housing Characteristics and Development Patterns

The housing stock in the County is diverse and is in good condition. According to estimates by the County, on April 1, 2013 the County had 118,443 housing units, an increase of 8.2% since 2010¹². The County's housing stock is forecasted to grow to more than 135,000 housing units by 2018¹³.

Much of the western two-thirds of the County's land is rural. The eastern third of the county, which is most proximate to Washington, D.C., is suburban and the most densely populated. Future residential development will largely be confined to the eastern third of the County as designated by the County's land use policies and the approved to-be-built housing projects.

Homeownership Rates

Loudoun County has a lower percentage of renters and a higher percentage of owners than the region and nation. In 2011 households in the County were 77% owner-occupied and 23% renter occupied¹⁴. The households in the Washington D.C. MSA and nation were 64% and 65% owner-occupied respectively.

Housing Costs and Affordability

Owner and rental housing in the County has become less affordable with time. Housing that was bought in the early 1990s and earlier required much less income than those homes that have been purchased and built in the 2000s. For example a 2,880 square foot single-family detached house built in Ashburn in 1994 had an assessed value of \$210,700, whereas in 2013 the same house was assessed at \$477,740. Homes in new neighborhoods are priced higher than those in older neighborhoods that are similarly sized. For instance, a 2,874 square foot single-family detached house built in Ashburn in 2011 had an assessed value of \$538,820 in 2013, whereas the 1994 home noted above had an assessed value that was 13% lower in 2013. Today's prices are a burden to many households in Loudoun. A household is considered "burdened" if the household spends more than 30 percent of their income on home ownership or rental costs. A household that has housing costs that exceed 30 percent of their household income generally indicates a housing affordability problem. The

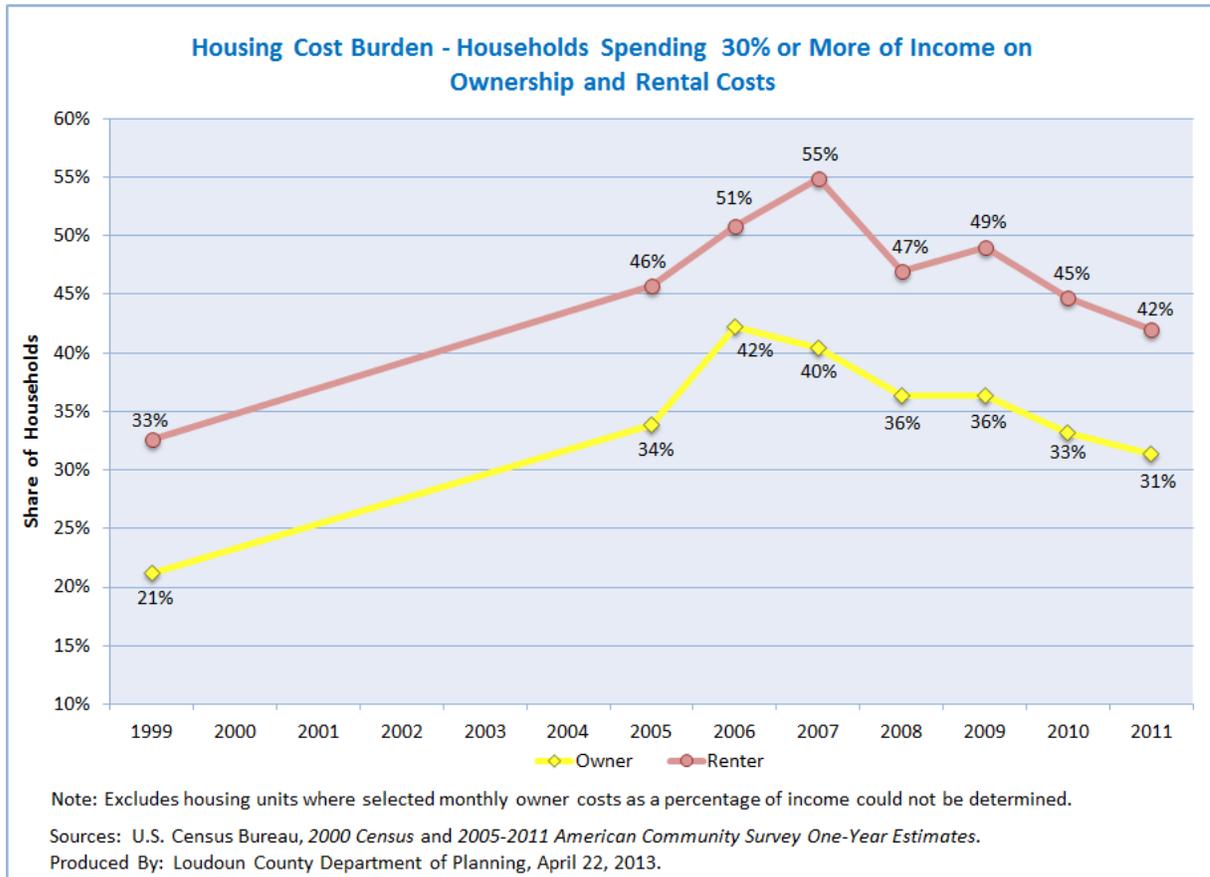
¹² Loudoun County Department of Planning, *2013 Estimate Series*, April 2013.

¹³ Loudoun County Department of Planning, *Forecast Series*, January 17, 2013.

¹⁴ U.S. Census Bureau, *2011 American Community Survey*.

Loudoun County Five Year Fair Housing Plan with Analysis of Impediments

following chart indicates the percentage of household that spend 30% or more of their income on home ownership or rental costs.



A 2006 report prepared for the Housing Advisory Board appointed by the County Board of Supervisors examined housing demand and supply. It found that there is a shortage of rental and owner-occupied units available for low and moderate income workers in the County, especially those employed in retailing, local government, warehousing, transportation and construction.

The lack of affordable housing is a serious problem for low-and-moderate income families in the County and the entire Washington metropolitan area. As of November 2010, the waiting list for the Housing Choice Voucher Rental Program was closed to new applicants. The County's efforts to address the need for affordable housing are addressed in the Consolidated Plan for the Community Development Block Grant Program. On September 18, 2007 the County adopted an amendment to the Comprehensive Plan to broaden and update county-wide housing policies. The amendment includes policy revisions that clarify the County's ongoing need for affordable housing and provides program initiatives to address the need.

Homelessness

Statistics from the Metropolitan Washington Council of Government's 2013 Homelessness in Metropolitan Washington point-in-time report indicates that Loudoun County saw a 9%

Loudoun County Five Year Fair Housing Plan with Analysis of Impediments

increase in the overall homeless count from 2009 to 2012 (from 152 to 166). There were 0.5 homeless per 1,000 people in Loudoun County. While the number of homeless individuals counted increased, the number of homeless families decreased from 30 in 2009 to 24 in 2013. Although the overall numbers were not huge changes, there were some significant changes in specific categories within the survey. See additional discussion of the Point in Time count in the County's Consolidated Plan.

Housing Assistance Programs

The County's Department of Family Services oversees a number of housing programs designed to assist low-and-moderate income families. These programs include:

- Housing Choice Voucher Rental Program (Section 8 Rental Assistance)
- Family Self-Sufficiency
- Affordable Dwelling Unit (ADU) Purchase Program
- Affordable Dwelling Unit (ADU) Rental Program
- Affordable Market Purchase Program (AMPP)
- DownPayment/Closing Cost (DPCC) Assistance Program
- Public Employee Homeownership Grant (PEG) Program
- Eastern Loudoun Revitalization Program
- Loudoun County Home Improvement Program
- Home Repair for the Elderly and Disabled
- Homeless Prevention Program
- Homeless assistance programs for emergency and transitional housing
- Virginia Initiative for Employment Not Welfare (VIEW)

The County uses federal, state and local funds to operate these programs. The Housing Advisory Board and Housing Fund were created to address affordable housing needs. In addition, a new program, Affordable Market Purchase Program (AMPP), was recently introduced to administer proffers for units addressing "unmet housing needs" in the County. See the County's Consolidated Plan for additional discussion of these and other programs.

3. FEDERAL AND STATE FAIR HOUSING LAWS

In 1968, Congress proclaimed fair housing to be a national policy throughout the Country. The 1968 Fair Housing Act prohibits discrimination based on race, color, religion and national origin. The law was amended in 1974 to prohibit sex discrimination and in 1988 to prohibit handicap (mental and physical) and familial status discrimination. The federal Fair Housing Act, with limited exemptions, prohibits discriminatory housing practices in all residential housing. The Fair Housing Act outlaws discrimination in renting or purchasing a home or financing a home mortgage based on race, color, religion, national origin, sex, handicap and familial status.

The federal law permits a disabled tenant, for example, to make reasonable modifications to the inside of a rental unit as well as to the common/public use areas of the building. Further, a tenant is permitted to request a reasonable accommodation of management policies, practices and procedures in order to make a building accessible for a disabled tenant.

The Virginia Fair Housing Law, enacted in 1972 and amended in 1991, mirrors the Fair Housing Act by including housing transactions and services on the same bases as covered by the federal law. The Virginia Fair Housing Law contains the additional protected class of elderliness. HUD is authorized to review local and state fair housing laws to make a determination of whether these laws contain rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided in the federal law. Once a local or state enforcement agency has been certified, HUD will refer complaints of housing discrimination to the certified agency for investigation and resolution. HUD has made a determination that the Virginia Fair Housing Law is substantially equivalent to the federal law. The Virginia Fair Housing Office (VFHO) is authorized to enforce the State's Fair Housing Law. The VFHO investigates complaints that are filed within a year of termination of the alleged discriminatory act. The VFHO may mediate a complaint for informal conciliation.

The VFHO is an arm of the Virginia Real Estate Board. The Virginia Real Estate Board has the power to revoke, suspend or fail to renew real estate licenses.

4. PAST ANALYSIS OF IMPEDIMENTS ACCOMPLISHMENTS

As a recipient of CDBG funds, Loudoun County developed its first Five Year Plan with Analysis of Impediments in 2009. The AI identified barriers that limit housing choice in the County enabling government officials to make policy changes to overcome those barriers. The following actions were taken by the County to overcome impediments that limited housing choice in the community and to further fair housing.

COUNTY-WIDE HOUSING DISCRIMINATION TESTING PROGRAM

Background

Tester corroboration has become an accepted investigative tool used by administrative agencies at all levels to enforce fair housing laws. In 1982, the U.S. Supreme Court defined testers in housing discrimination cases as “individuals who, without an intent to rent or

purchase a home or apartment, pose as renters or purchasers for the purpose of collecting evidence of unlawful discriminatory housing practices.” *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 373 (1982). Testing is a method to determine whether a home seeker is treated differently in his or her search for housing. The experiences of testers are used to compare the treatment of one home seeker (protected class) to another (non-protected class). In this context, testing measures the difference in treatment afforded a home seeker as determined by information and services provided by housing providers.

In the late 1970’s, HUD began to monitor racial and ethnic discrimination by conducting comprehensive nationwide testing studies in both the rental and sales housing markets approximately once per decade. HUD testing discrimination studies have uncovered relatively few instances of blatant housing discrimination. Rather, the documented discrimination uncovered through testing was much more subtle and therefore much harder to detect. HUD studies using paired testers, in which testers matched on personal and financial characteristics and differed only on the attribute being tested, for a person’s race or national origin, were more likely to uncover differences in treatment between white and minority testers.

In 1979, HUD conducted its first comprehensive testing study that examined housing discrimination in forty (40) metropolitan cities throughout the United States. Among other things, the results of the study showed that Blacks were likely to experience discrimination 72% of the time in their search for rental housing. Discrimination in the sales market was equally pervasive, although the study showed a higher incidence of discrimination in the rental housing market than in the sales housing market.

HUD conducted a similar study a decade later. The results of the study reported in 1989 showed that Black and Hispanics were more likely to experience discrimination 50% of the time they searched for rental housing. Again, the study showed a higher incidence of discrimination in the rental housing market than in the sales housing market.

Over two decades later, HUD conducted a third national testing study utilizing similar methodology. The study results issued by HUD in 2003 showed that Blacks were likely to experience discrimination nearly 21% of the time and Hispanics nearly 25% of the time that they searched for rental housing. The study once again showed a higher incidence of discrimination in the rental housing market than in the sales housing market.

HUD conducted a fourth nationwide study in twenty-eight (28) metropolitan areas that measured discrimination experienced by Black, Hispanic and Asian renters and homebuyers and reported the results in 2012. The study concluded that reported discrimination is overwhelmingly subtle in nature. The tests were devised to have each paired tester team make an appointment with either a rental or sales agent to determine the availability of housing. The study results showed that minority testers were just as likely as White testers to get an appointment with a rental or sales agent and learn about at least one available housing unit. The study also showed that minority testers were told about and shown fewer homes and apartments than White testers. For example, Black testers were told about 11.4% fewer rental units and shown 4.2% fewer rental units than White testers. The study concluded that the most blatant forms of housing discrimination (e.g., refusal to meet with a minority home

seeker or provide information about any available units) have declined markedly since the first national testing study reported in 1979. The latest national testing study shows that the forms of discrimination that persist (e.g., providing information about fewer rental units) may restrict the housing options of minorities. Minority home seekers would have to search longer for housing or choose from a narrower set of options.

Loudoun County Testing Studies 2010-2012

Loudoun County's 2009 AI identified a lack of comprehensive testing program to uncover discrimination by housing related services providers as an impediment. The County responded by contracting with Fair Housing Management Consultants for testing services. The county sponsored three county-wide testing studies between 2010 and 2012.

2010 County-Wide Testing Study

Sixty rental tests were conducted at apartment complexes located in the County based on disability. The disability tests were designed to test mobility and visual impairments. The Virginia and federal fair housing laws allow a person with a disability to make reasonable modification and or accommodation requests in housing to make it accessible. Additionally, the disability tests were designed to determine if the design and construction requirements of the federal Fair Housing Act were met at the apartment complexes tested. The test results showed issues based on disability in twenty-three of the sixty rental tests conducted. The issues ranged from design and construction problems shown in one test to issues based on reasonable modification (i.e. installation of grab bars) and/or accommodation (i.e. assistance of a service animal and handicap parking) requests in twenty-two tests.

2011 County-Wide Testing Study

Fifty sales tests were conducted at new construction sites and real estate offices located in the County based on race, familial status and national origin (utilizing Hispanic and Asian testers). The results of the sales tests showed that no material differences in treatment were found at the new construction sites or real estate offices based on race, familial status or national origin. Generally, at the new construction sites, both White and protected class testers were shown or viewed a model home, were told about the availability of new homes being built and were given similar home prices. Also, when available, both the White and protected class testers were told about builder specials, ranging, for example, from cash assistance with closing costs to upgrades for finished basements.

The agents at the real estate offices generally provided both the White and protected class testers with listings of homes for sale and expressed interest in providing real estate services.

2012 County-Wide Testing Study

Fifty lending tests were conducted at banks located in the County based on race and national origin (Hispanic and Asian testers). The results of the lending tests showed that no material differences in treatment were found at the banks tested based on race and national origin. Generally, at each bank, both the White and protected class testers were asked about their housing needs and the funds they had available to purchase a home. Also, both the White and protected class testers were generally given similar information about interest rates, loan products that were available, fees and closing costs. Loan officers generally encouraged both

the White and protected class testers to contact them once the testers wished to proceed with the residential loan process.

FAIR HOUSING REVIEW OF COUNTY HOUSING PROGRAMS

The Department of Family Services contracted with Fair Housing Management Consultants to review intake forms and standard operating procedures for housing programs administered by the County for fair housing issues under the State of Virginia and federal fair housing laws. The review also included the County website and a telephone screening interview for initial eligibility for both the rental and purchase of housing under the ADU program. The intake forms and standard operating procedures for the following housing programs were reviewed: 1) Affordable Dwelling Unit Program; 2) DownPayment/Closing Cost Assistance Program; 3) Public Employee Homeownership Grant Program; 4) Loudoun County Home Improvement Program and Eastern Loudoun Revitalization Program; 5) Homeless Prevention Program; and 6) Tenant Based Assistance and Housing Choice Voucher Program. The overall review did not produce any major fair housing issues. The review did identify where waiting list and application procedures employed by some of the housing programs could be adjusted to ensure consistency of treatment to all applicants. The County incorporated the recommended changes in 2012.

FAIR HOUSING EDUCATION AND OUTREACH

The County is continuing to develop fair housing training programs (for residents, the housing industry and County staff) and to disseminate informational materials to educate the public about fair housing rights and responsibilities.

In part, as a direct result of the issues uncovered in the 2010 disability testing study, the County provided a comprehensive fair housing training program open to all housing providers in the fall of 2010. The training program was coordinated with the Virginia Fair Housing Office who provided the core of the training. Disability protections and industry requirements under both the federal and state fair housing laws were covered in the training program.

HUD provided CDBG jurisdictions with a *Fair Housing Resource Kit* for use in local communities. The kit included thirty (30) fair housing posters in English and Spanish. The posters were distributed to builders in April, 2013 to celebrate Fair Housing Month.

The County provides a brochure, *Virginia's Fair Housing Law*, provided by the VFHO to recipients of many of its housing programs.

5. ANALYSIS OF IMPEDIMENTS (AI)

Based on the above jurisdictional data review and after meeting and interviews with County staff, five areas were identified which may present impediments to fair housing choice. In addition to the specific impediments, background information and recommended actions for overcoming the impediments are included.

The actions to be considered to implement the County’s overall strategy to “affirmatively further fair housing” include monitoring housing affordability and County policies, practices and procedures that might create impediments to fair housing choice. The County will regularly evaluate its progress during the next several years in addressing the identified needs and objectives listed below.

The general thrust of the County’s remediation efforts under the AI for addressing and/or correcting perceived or real impediments will focus on analysis, information gathering and dissemination, community support, investigation and educational programs and outreach.

The County will coordinate remediation efforts undertaken with the State of Virginia and federal agencies.

Impediment 1: Lack of County Fair Housing Enforcement Authority through a Human Rights Commission or other Entity.

Background:

As set forth in the 2009 AI, the County does not have an entity in place to enforce fair housing rights and remediation on behalf of its residents. As a result, there is no enforcement mechanism for residents who are victims of housing discrimination which may create an impediment to fair housing. With increasing population, changing demographics and a developing housing market, experience has shown that housing choice limitations commonly trigger concerns by home seekers that the denial of housing may be for reasons not permitted by law. The existence and operation of a Human Rights Commission or other enforcement entity affirmatively furthers fair housing by providing the County the means to quantify unlawful housing practices that may be occurring in the County and to assess those practices. Moreover, to the extent housing bias complaints are received, fair housing is affirmatively furthered through the investigatory process and resolution mechanism established by the County. Where unlawful housing practices are identified, fair housing for the County, its residents and its home seekers is advanced because agency operation facilitates resolution. Likewise, the resolution mechanism assists in assessing the impact of the alleged incidences of housing discrimination. Finally, the existence of a process provided by the County creates a powerful deterrence for those inclined to engage in unfair housing practices.

Also, the County has no direct way to quantify the extent to which, if at all, persons seeking to live within the County experience unlawful housing discrimination. Housing Choice Voucher Program staff refers all housing discrimination complaints that they receive to the Virginia Fair Housing Office. There is currently no mechanism to track the resolution of the complaints referred to the Virginia Fair Housing Office. Housing discrimination complaint data from Loudoun County compiled by the Virginia Fair Housing Office could offer insight into the extent that housing bias may be occurring in the County.

Virginia Fair Housing Office Loudoun County Complaint Data

Fourteen housing discrimination complaints from Loudoun County were filed with the Virginia Fair Housing Office between 2009 and 2013. Four of these complaints were filed

on the basis of race, four were based on disability, three were based on national origin, two were based on religion and one complaint was based on familial status. The complaints involved the Ashburn, Leesburg, Sterling, Chantilly, and Round Hill areas of the County. All of these complaints have been closed, withdrawn or conciliated by the Virginia Fair Housing Office. As previously stated, HUD has made a determination that the Virginia Fair Housing Law is substantially equivalent to the federal law. The Virginia Fair Housing Office (VFHO) is authorized to enforce the State's Fair Housing Law. The VFHO investigates complaints that are filed within one year of the termination of the alleged discriminatory act. The VFHO may mediate a complaint by informal conciliation.

HUD Nationwide Housing Discrimination Complaint Data

HUD shares its authority to investigate housing discrimination complaints with state and local government agencies that participate in the Fair Housing Assistance Program (FHAP). State and local agencies that have fair housing laws deemed substantially equivalent to the Fair Housing Act by HUD are eligible to participate in the FHAP program. HUD has paid FHAP agencies for each complaint they investigate. Additionally, HUD has provided funding to FHAP agencies for capacity building, training and information systems.

The number of housing discrimination complaints filed with HUD and state and local government Fair Housing Assistance Program (FHAP) agencies from fiscal years (FY) 2007 and 2010 exceeded 10,000 annually (*See The State of Fair Housing, FY 2010 Annual Report on Fair Housing.*) In FY 2010 for example, HUD and FHAP agencies received a total of 10,155 discrimination complaints. HUD data also show that the majority of these discrimination complaints were filed with FHAP agencies. In FY 2010, for example, 8,212 of the total complaints were filed with FHAP agencies and 1,943 of the complaints were filed with HUD. HUD studies also suggest that only a small fraction of individuals who believe they have experienced discrimination file a fair housing complaint with a government agency. It is, therefore, likely that the number of complaints filed fall short of the actual instances of housing discrimination that occur. There are various reasons for why individual instances of housing discrimination go unreported. They include the difficulty victims have recognizing more subtle forms of discrimination, cynicism about a positive outcome for filing a complaint and lack of knowledge by members of the public about fair housing rights and the complaint process. Historically, HUD housing discrimination studies suggest that such underreporting is a major obstacle to achieving equal opportunity in housing.

While, traditionally, the primary basis of discrimination complaints received by HUD and FHAP agencies were based on race, in recent years, the percentage of fair housing complaints based on disability has steadily increased. Disability was the most common basis of complaints filed between FY2007-FY2010. In FY 2010, for example, disability accounted for 48% of the overall total number of complaints. HUD states that the increase in disability complaints is due, in part, to the additional protections afforded persons with disabilities under the Fair Housing Act (i.e., reasonable accommodation, reasonable modification and accessible design and construction requirements).

Between FY2007-2010, race was the second most common basis of complaints filed with HUD and FHAP agencies. HUD data reflects a notable trend in the share of disability and race complaints. HUD reports that whereas disability and race used to account for nearly the

same share of complaints, the gap between these bases has grown between FY2007-2010. For example, the gap between disability complaints (43% of all complaints) and race complaints (37% of all complaints) filed in FY 2007 was 6%. By FY 2010, the gap between disability (48% of all complaints) and race complaints (34% of all complaints) filed in FY2010 was 14%.

All Northern Virginia jurisdictions (City of Alexandria, Arlington County, Fairfax County and Prince William County), with the exception of the City of Falls Church, have established Human Rights Commissions that enforce fair housing rights. The City of Falls Church has a Housing Commission that enforces its fair housing laws. Arlington County had a Fair Housing Board prior to establishing its Human Rights Commission. These Human Rights and Housing Commissions serve by appointment and are supported by full-time staff persons.

Impediment 2: Lack of a Fair Housing Ordinance.

Background:

As set forth in the 2009 AI, The County does not have a Fair Housing Ordinance that establishes a mechanism for filing, investigating and conciliating housing discrimination complaints. Enacting a Fair Housing Ordinance is a major component in establishing a Human Rights Commission or other enforcement entity to resolve discrimination complaints on behalf of County residents. The absence of a process provided by the County diminishes its ability to affirmatively further fair housing. The mechanism for filing, investigating and resolving housing discrimination complaints is commonly offered to residents and to home seekers by county governments who seek to serve those who seek to buy or rent housing. A County process facilitates successful home purchases and rentals while minimizing misconduct when discrimination is being practiced in the housing market.

As mentioned above, the federal law authorizes HUD to determine whether a local or state government's fair housing laws contain rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided under the federal law. The cooperative working-sharing relationship between federal, state and local enforcement agencies as provided for under the federal Fair Housing Act shifts protection against housing discrimination to State and local authorities. The rationale behind this legislation recognizes that local hands-on intervention can maximize housing choice. The cooperative partnership also supports local anti-bias efforts by increasing the ability of local government to serve those who seek to exercise housing choice.

Once a local or state enforcement agency has been certified as substantially equivalent, HUD will refer complaints of housing discrimination to the certified agency for investigation and resolution. The advantage of the complaint referrals will be to aid the County in assessing the extent to which housing discrimination is being practiced within the jurisdiction. Moreover, the referrals offer the County direct capacity to facilitate resolution of a housing dispute efficiently.

Substantially equivalent agencies are eligible to participate in the Fair Housing Assistance Program (FHAP). FHAP permits HUD to use the services of substantially equivalent local

and state agencies in the enforcement of fair housing laws, and to reimburse these agencies using a variety of FHAP funds. The FHAP funding available includes contributions funding for complaint processing, training and administrative costs. County staff would also be eligible to participate in HUD sponsored regional and national FHAP fair housing training programs.

All other local Northern Virginia jurisdictions have fair housing ordinances.

Impediment 3: National HUD Complaint filing Data Supported by Loudoun County Testing Results show that Fair Housing Complaints based on Disability have Steadily Increased. There is a Corresponding Lack of Knowledge by County Residents and Housing Providers about Fair Housing Rights and Responsibilities under Federal and State Fair Housing Laws:

Background:

As mentioned above, HUD reports indicate that disability was the most common basis of complaints filed with HUD and FHAP agencies between FY2007-FY2010. Also, nearly half of the rental tests conducted in the County in 2010 showed issues based on disability. As HUD reports indicate, a large percentage of housing providers are unfamiliar with their responsibilities under fair housing laws. Some regulated industries mandate fair housing instruction as part of continuing education requirements. The Virginia Fair Housing Office, for example, offers a free training seminar that provides continuing education credits to real estate licensees and certification credits to property management professionals. However, other housing industry providers, for example, individual landlords, mobile park owners and homeowner association boards, do not have easy access to fair housing information.

HUD also reports that a large percentage of the public also does not know how to recognize housing discrimination. In addition, those who experience housing bias may not know what recourse they have or who to contact to file a complaint and some may be skeptical about the process.

The County, for example, currently provides a fair housing brochure from the VFHO to recipients of many of its housing programs.

Impediment 4: Access to Multifamily Housing that is accessible and County Review Regarding Compliance with the Design and Construction Provisions under the Federal and State Fair Housing Laws.

Background:

Access to accessible housing for those with physical disabilities is limited by non-compliance with federal and State fair housing laws. The federal Fair Housing Act provides for design and construction requirements of covered multifamily dwellings first occupied on or after March 13, 1991. Covered multifamily dwellings are defined as “buildings consisting of four or more units if such buildings have one or more elevators: and ground floor units in other buildings consisting of four or more units.” 42 U.S.C. Sections 3604(f)(7)(A)and(B). Federal law states that discrimination includes a failure to design and construct multifamily buildings in such a manner that, for example, the public and common use areas of the

buildings are readily accessible to and usable by disabled persons. The Virginia Fair Housing Law has similar provisions.

State and local governments can incorporate the design and construction requirements into law, for example, through building codes, to meet compliance with the federal law. The federal law permits State and local governments to review and approve newly constructed covered multifamily buildings to determine whether the design and construction requirements have been met. 42 U.S.C. Section 3604(C)(5)(B).

The Virginia Statewide Building Code (USBC) contains the 2009 Virginia Construction Code (Code) as one of its three sections. The Code sets forth the type of accessible dwelling units building structures, for example, an apartment complex or condominium building, must construct. Under the Code certain types of dwelling units designed for accessibility must be constructed consistent with the design and construction requirements of the federal Fair Housing Act. The Code incorporates the accessibility requirements of the federal law.

The County building staff does a complete code plan review of all plans submitted which includes compliance with the design and construction requirements under the USBC.

As previously stated, design and construction problems were discovered in one of the ten disability tests conducted in 2010. Although, this was a small sample, it demonstrates the value of continued constructive intervention by the County to insure compliance with fair housing laws.

The Department of Family Services (DFS) offers a new grant program that funds home repairs for accessible needs for income eligible residents. The program is a one-time needs-based grant program available to disabled and elderly residents.

The County, through DFS, publishes the *Loudoun County Apartment Rental Guide* on the County website. The Apartment Rental Guide (Guide) provides a listing of apartment complexes located in the County and includes information about bedroom size and rents. Where applicable, the Guide indicates whether some accessible units are available at apartment complexes. The Virginia Housing Development Authority (VHDA) has a new website that provides up-to-date listings of rental housing available in the County.¹⁵ The website allows housing providers to advertise rental housing for free. VHDA also provides a toll-free bilingual call center.

Since 2003, HUD has funded Fair Housing Assistance First (First), a program that provides training and technical guidance on the Fair Housing Act's accessibility requirements to architects, builders and others involved in the design and construction of multifamily housing. First consists of a comprehensive training curriculum, website and toll free hotline (available to technical guidance requests). The training curriculum, available online at the website, is accredited by the American Institute of Architects.

¹⁵ www.virginiahousingsearch.com

Impediment 5: Shortage of Affordable Housing, Zoning and Overcrowding.

Background:

As set forth in the Housing profiles section above, median household income in the County ranked second highest in the nation. In 2011 Loudoun's median income was \$119,134, more than twice the national median income. The high median income also relates to the high cost of housing.¹⁶ Owner and rental housing in the County has become less affordable with time.

As stated in the County Consolidated Plan (2009-2013), access to affordable housing is limited in Loudoun County creating a shortage of rental and owner-occupied units available for low and moderate income residents. The plight faced by low and moderate income home seekers continues to plague the County as well as the entire Washington metropolitan area, which struggles to achieve meeting those housing needs.

A factor in the County's progress in this respect has been the designation by HUD as an Urban Entitlement County since 2004. This designation entitles the County to receive annual allocations of federal housing and community development funds for use within the County. With the receipt of Community Development Block Grant (CDBG) funds, the County has the resources to increase housing opportunities and expand housing choice. The County's affordable housing programs, including the ADU and Housing Fund programs, provide housing choice assistance to low and moderate income residents of the County.

The waiting list for the Housing Choice Voucher Program has been closed since November, 2010. There are currently 631 persons on the wait list; 65 are homeless. There are approximately 625 housing choice vouchers issued in the County. The Consolidated Plan states as a goal of increasing affordable rental housing to provide 240 extremely low income/disabled home seekers with Housing Choice Voucher rental assistance (over 2009-2013). Interviews with County staff revealed that these vouchers have not yet been provided. Federal sequestration has also affected funding for the Housing Choice Voucher Program. County staff also stated that federal funding cuts to the Housing Choice Program were likely to occur over the next ten years. The County also works to provide outreach to landlords to increase participation in the Housing Choice Voucher Program.

As stated above, the rapid increase in population growth and substantial rise in housing costs has resulted in an insufficient number of affordable housing units available to low and moderate income residents. As a result of these economic conditions, some residents are pooling resources and sharing housing costs. The County has seen houses being rented to a large number of adults in some neighborhoods in possible violation of zoning, code and health and safety laws. This situation has led to an increase in complaints to local officials and demands for stricter enforcement of zoning laws. Fair housing problems can occur when, for example, minority homes are targeted for enforcement of overcrowding ordinances. The issue of overcrowding in housing is a problem shared by many jurisdictions in the Washington metropolitan area. Neighboring Fairfax County, for example, has established cross-functional teams to address issues of overcrowding.

¹⁶ U.S. Census Bureau *2011 American Community Survey*

Loudoun County has responded by adopting the Virginia Uniform Statewide Building Code/International Property Maintenance Code in September, 2004. The Residential Overcrowding Section of the Virginia Code is enforced by the Enforcement Section of the Zoning Administration Division, Department of Building and Development. A full time bilingual (Spanish) inspector has been dedicated to investigating residential overcrowding complaints for the County since January, 2005. The County received 637 excessive residential occupancy (overcrowding) complaints between 2009 and 2012, and 46 complaints in 2013 through June 25, 2013. Seventy percent of these complaints were from the Sterling Election District. The Zoning Enforcement staff prepared a brochure, *Loudoun County Residential Occupancy Ordinances*, in an effort to educate residents about zoning requirements. The brochure sets forth standards for residential units and is available in both English and Spanish on the County website.

Land use and density issues continue to be critical elements in addressing overcrowding and related matters. Uniformity of enforcement by the County advances fair housing and equal opportunity through non-discriminatory treatment of its residents.

The federal Fair Housing Act applies to local government zoning and housing regulation. A city or local government can be liable if it selectively enforces its zoning or housing ordinances. *Walker v. Crigler*, 976, F.2d 900 (4th Cir. 1992). Enforcement of zoning codes must be uniform and responded to in the same manner in order to comply with federal fair housing law.

6. PROJECTED AND RECOMMENDED ACTIONS

Impediment 1: Lack of County Fair Housing Enforcement Authority through a Human Rights Commission or other Entity.

1. The County should establish a working group within the government that would include relevant agencies and others to study the feasibility of establishing a Human Rights Commission or other enforcement entity to further fair housing in the County. The County government becomes the natural first response entity and must be equipped to receive and to respond to those concerns. The working group can further examine how the creation of an enforcement entity can benefit County services and the County's ability to be responsive to inquiries concerning perceived housing discrimination. A Human Rights Commission or other enforcement entity would have the power to receive and investigate complaints of housing discrimination. The working committee would make recommendations about the establishment of a Human Rights Commission or other enforcement entity within the County.

The working group can examine other Northern Virginia enforcement agencies. Such an examination could assist the County in establishing an enforcement framework to investigate housing discrimination complaints and to seek their resolution by conciliation or by other methods.

2. As an initial step, the County should establish a centralized office staffed by a full or part-time staff person and/or telephone information line within the County government where residents can obtain information about how to file a complaint with the Virginia Fair Housing

Office (VFHO). County residents can be notified of this service through community outreach, including but not limited to, public service announcements, County website postings, and through informational notices posted, for example, at libraries, social service and other governmental agencies and offices. The County can inform both residents and home seekers about how the VFHO can assist them in the event they encounter perceived housing discrimination. Additionally, the County's ability to affirmatively further fair housing can be achieved by responding to these inquiries and making referrals to the VFHO. Fair housing is therefore advanced when an awareness of outside agencies can be utilized by the County for the benefits of its citizens and for those who seek to reside in the County.

Recommended Time Line: Four years (2014-2018) for the implementation of a centralized office staffed by a full or part-time staff person and/or telephone line for information about the VFHO and for establishing a working group to study creating a Human Rights Commission or other enforcement entity and making recommendations to the County.

Impediment 2: Lack of a Fair Housing Ordinance.

Projected and Recommended Actions:

Loudoun County should establish a working group to study the development and implementation of a fair housing ordinance. The working group would study the feasibility of pursuing substantial equivalency certification with HUD. The recommended ordinance would achieve two critical objectives; first, it would afford the opportunity to offer local assessment if and when a housing discrimination issue would come to the attention of local officials and two, it would insure compliance with fair housing.

Recommended Time Line: Four years (2014-2018)

Impediment 3: National HUD Complaint filing Data Supported by Loudoun County Testing Results show that Fair Housing Complaints based on Disability have Steadily Increased. There is a Corresponding Lack of Knowledge by County Residents and Housing Providers about Fair Housing Rights and Responsibilities under Federal and State Fair Housing Laws:

Projected and Recommended Actions:

1. The County should provide and promote information about the fair housing rights of home seekers and the fair housing responsibilities of housing providers, particularly information related to reasonable accommodations and modifications and the design and construction requirements under the federal and State fair housing laws. The County should continue to provide and expand distribution of the VFHO's *Virginia's Fair Housing Law* brochure.
2. The County should explore ways to sponsor fair housing training seminars to housing providers, their employees and related associations. The County should explore ways to make fair housing training an annual event in celebration of April, which has been designated by the federal government as Fair Housing Month.

Loudoun County Five Year Fair Housing Plan with Analysis of Impediments

3. The County should continue to explore ways to raise awareness of fair housing in the community through, for example, public service announcements, fair housing facts and updates on the County website, fair housing poster contests in the schools and outreach to citizens groups.

4. The County should plan to continue monitoring compliance with fair housing laws through its fair housing testing program. A comprehensive testing program combined with enforcement efforts provides a powerful incentive for local housing providers to comply with fair housing laws. The County should continue to conduct testing studies to uncover housing discrimination in the County, in particular, issues related to reasonable accommodations and modifications and design and construction requirements under the fair housing laws. It is projected that the source of the funds will be from CDBG funds.

Costs for testing will be based on the number and type of tests. The County should conduct the following testing over a four year period:

Year 1. - Rental Tests – Disability - 2015

Year 2. - Rental Tests – Accessibility – 2016

Year 3. – Rental Tests – Race and National Origin – 2017

Year 4. – Rental Tests – Familial Status/ Housing Choice Vouchers – 2018

Recommended Time Line: On-going for four years beginning in 2015 and annual testing based on the above or a similar schedule.

Impediment 4: Access to Multifamily Housing that is accessible and County Review Regarding Compliance with the Design and Construction Provisions under the Federal and State Fair Housing Laws.

Projected and Recommended Actions:

1. Continue to ensure compliance with fair housing design and construction requirements, including ways to strengthen contacts between architects, developers and County building inspectors. Provide information about HUD's Fair Housing Accessibility First Program on the County website for housing industry professionals.¹⁷
2. The County should plan to develop ways to provide education and outreach services to members and representatives of the disabled community regarding their rights with respect to design and construction requirements, including various legal options available if violations are encountered.
3. Consider developing pre-construction mechanisms such as a check list (setting forth design and construction requirements), permit review and inspections and post this information on the County website. Disseminating this information to the housing industry might circumvent any potential fair housing violations prior to plan review by the County Building Department.
4. In its efforts to provide education and outreach to industry professionals involved in the design and construction of multifamily buildings, the County should emphasize the business advantages of complying with fair housing laws. Demand for accessible units is not limited to members of the disabled community. The increasing costs of single-family homes and the aging population will also increase demand for multifamily housing in the future. The more accessible units a property has, the more likely it is to hold a competitive advantage in the market place.
5. The County should continue to fund its Home Repair Program for Elderly and Disabled residents.
6. The County should also continue to monitor compliance with design and construction requirements through testing as part of its comprehensive testing program discussed above.

Recommended Time Line: On-going for the next five years beginning in 2014.

Impediment 5: Shortage of Affordable Housing, Zoning and Overcrowding.

Projected and Recommended Actions:

1. Maintaining and increasing the stock of affordable housing has been a concern of the Board of Supervisors as set forth in the Consolidated Plan. The County has ongoing and diverse affordable housing programs as mentioned above. The County should plan to persist in efforts to strengthen the cooperative relationships with non-profit service providers and the

¹⁷ www.fairhousingfirst.org.

business community to initiate and maintain effective housing and community development efforts. The County should continue to identify affordable housing opportunities and programs in the Consolidated Plan. Neighboring jurisdictions, for example, have initiated funding programs that dedicate one penny of the real estate tax rate to the preservation and production of affordable housing. The County should review and study the creation of innovative programs as well as other options to help alleviate the shortfall of affordable housing stock. This is especially relevant in light of federal funding cuts.

2. The County should continue outreach efforts to landlords about the benefits of participating in the Housing Choice Voucher Program. The County should also provide assistance/education to guide landlords through the requirements of the voucher program.
3. The County should test housing providers to determine at what level vouchers are being accepted in the County.
4. While overcrowding is an appropriate area of control by local governments, the County should continue to ensure that the enforcement of overcrowding in violation of zoning and health and safety laws is enforced uniformly to avoid fair housing issues. The County should continue to enforce code requirements on a countywide basis.

Recommended Time Line: On-going for the next five years beginning in 2014.

7. MONITORING AND REPORTING

CDBG grantees are required to maintain records and source data used to create the original AI as well as to retain copies of all amendments to the original document.

Further, HUD requires that a least annually, the original AI be monitored to include the status of actions and accomplishments completed, or the need to amend the analysis of impediments.

The AI is to be incorporated in the overall Consolidated Plan with a status report submitted to HUD annually as a part of the Consolidated Plan's Annual Performance Reporting requirement. HUD suggests that the AI be updated every three to five years consistent with the Consolidated Plan cycle.

8. CONCLUSION

Consistent with "affirmatively furthering fair housing," the County has examined in detail potential impediments to the fullest opportunities for housing choice throughout the County. The County has candid recognition that, with rapid population and housing development growth, it remains a challenge to create and maintain a sufficient number of affordable housing units to meet the greatest need of those who are least able to afford conventional housing within the County. That means it will continue to assess and evaluate the potential housing obstructions and continue to examine its housing programs. The County should continue to explore avenues to offer home seekers a broad choice of housing opportunities and be conscious of any restrictions that might impair housing opportunity choices.

Loudoun County Five Year Fair Housing Plan with Analysis of Impediments

The County should commit to study the establishment of a Human Rights Commission or other enforcement entity and enactment of a corresponding fair housing ordinance in order to insure home seekers access to a process in the event impediments arise as part of the effort to affirmatively further fair housing.

Continued monitoring of the housing market using a comprehensive, focused and effective testing program provides a powerful incentive for local housing providers to comply with fair housing laws. Testing also allows the County to more accurately measure compliance and to act on any related enforcement issues, where necessary. Ongoing testing, coupled with effective outreach and education programs on fair housing compliance issues are essential components of the County's efforts to minimize housing bias in the housing market and insure that equal opportunity is a reality in the County and serves as the foundation for affirmatively furthering fair housing.

Continued County involvement through inspection, along with testing, should enhance compliance in order to maximize housing opportunities for the disabled. Education and outreach by County officials with housing providers on fair housing compliance issues will also enhance housing availability for the disabled residents.

The County should commit to address the impediments to fair housing addressed above and any that might arise in the future. Resolution may involve commitment and actions from the State and federal government.