CHITTENDEN COUNTY, VERMONT

2013 Fair Housing and Equity Assessment

January 2014

Prepared by the CVOEO Fair Housing Project
and the
Vermont Housing Finance Agency
in support of the
Chittenden County Regional Planning Commission's
ECOS Regional Sustainable Communities Planning Grant

Contents

Introduction

Chittenden County, Vermont is home to approximately 157,000 residents. While its population is predominantly white the demographics have become more diverse in recent years. The county consists of 19 municipalities, from rural communities with very low density to areas with Vermont's most dense urban centers such as Burlington and Winooski. With Lake Champlain at its western border and the spine of the Green Mountains to its east, Chittenden County attracts visitors and residents from around the region and the nation. In light of its increasing population, increasing diversity, and limited housing stock, the county must take steps to ensure equal access to housing for all people.

Purpose

This Fair Housing and Equity Assessment examines the impact of state, local, and regional policies, procedures, and practices on the availability of fair and affordable housing for all people in the county. It also analyzes the impact of private-sector policies and rules. The goal is to identify actions, decisions, policies or omissions that have the effect of restricting housing choice based on one's membership in a protected class as defined by the federal Fair Housing Act (as amended) or Vermont state statute.

The Fair Housing Act prohibits discrimination on the following bases:

- ☐ Race
- ☐ Color
- ☐ National Origin
- ☐ Religion
- ☐ Sex
- ☐ Familial Status
- ☐ Disability

The state of Vermont's fair housing law recognizes the above prohibited bases and adds to those:

- ☐ Receipt of Public Assistance
- ☐ Marital status
- ☐ Sexual Orientation
- ☐ Gender Identity
- ☐ Age
- ☐ Consideration of income in land use and planning

This report presents a demographic profile of Chittenden County. It then assesses the impact of various laws, policies, regulations, and private-sector actions on housing choice for people in protected classes. It identifies potential impediments to fair housing choice and offers an action plan and recommendations to overcome those impediments.

This report was further used in development of the ECOS Plan – the Sustainability Plan for the Region and specifically functioning as the Regional Plan, Metropolitan Transportation Plan and the Comprehensive Economic Development Strategy. As described below the ECOS project was the recipient of HUD's Sustainable Community Planning Grant program.

This FHEA is on the ECOS website (on the Analysis page) and listed as a reference in the ECOS Plan. In addition, specifically this FHEA informed the ECOS Plan in the following ways:

- The data analysis component of this FHEA helped lay the foundation for the community to achieve a common understanding of the challenges in fair housing. The result of this common understanding resulted in the inclusion of fair housing in the overall housing goal, and an identified Key Issue within the ECOS Plan. The housing goal reads as follows: “Increase the opportunities for safe, decent, energy efficient, affordable, accessible and fair housing for all types of households in all neighborhoods.” The Key Issue reads as follows: “Some Chittenden County residents do not have equal access to housing opportunities. Members of the County’s growing population of non-White residents, residents with disabilities, and single-parent families are more likely to experience poverty and less likely to become homeowners than other types of households. Insufficient housing options for all residents, regardless of their race, disability status, or membership in other protected classes, help prevent those residents from reaching their potential as contributing community members.”
- The FHEA also played a role in establishing the action steps identified in the implementation portion of the ECOS Plan (Chapter 3). The following three actions can be found under Strategy 3.2.2, Action 3:
    a. Engagement and education efforts should continue and be improved. These actions include:
        i. Increase fair housing education and outreach for landlords, property managers, real estate professionals, and anyone involved in the sale, rental or finance of housing. Work with the Vermont Refugee Resettlement Program, The Association of Africans Living in Vermont, Opportunities Credit Union, and other organizations to develop strategies for new Americans to quickly develop credit history. Create educational materials that encourage landlords to use alternative criteria for new Americans that don’t penalize them for a lack of credit or rental history.
        ii. Provide fair housing and land use planning training for land use professionals and municipal officials throughout the County.
        iii. Train municipal officials and staff, the public, and developers to promote better development practices that achieve a higher level of density with quality design.

    b. Increase efforts to comply with fair housing requirements. These actions include:
        i. Identify gaps in municipal implementation of State Fair Housing laws and ADA compliance (including but not limited to municipal bylaws should include language that explicitly permits officials to make reasonable accommodations to accommodate the needs of people with disabilities without delay or public input).
        ii. The Vermont legislature should enact legislation that limits security deposits to no more than one month’s rent with no more than one-half month's rent and no more than $200 for pet deposits (excluding assistance animals for persons with

disabilities). For tenants with rent subsidized through public programs, security deposit amounts should be based on the tenant's share of the rent before the application of any utility allowance. These limits do not apply to service deposits for residential care/assisted living settings.

iii. Implement the recommendations (as best as possible within current resource capacities) of the 2010 Burlington Analysis of Impediments and the 2012 State Analysis of Impediments. This includes tracking zoning variances, local permit applications, adjusted residential permit application and denials to identify disparities and trends.

c. Increase enforcement and testing capacity of fair housing organizations such as Vermont Legal Aid. Currently, Vermont Legal Aid is only funded to test the protected classes included in federal fair housing law. Seek funding sources that would allow Vermont Legal Aid to test and enforce state protected classes (Age, marital status, sexual orientation, gender identity, receipt of public assistance).

Affirmatively Furthering Fair Housing

The US Department of Housing and Urban Development (HUD) requires entities that receive HUD funds to certify that they will affirmatively further fair housing. 11 of the 19 Chittenden County communities have received Community Development Block Grants (CDBG), triggering this requirement. In compliance with this certification, the two jurisdictions that award the CDBG funds (City of Burlington and State of Vermont) are required to complete an Analysis of Impediments to Fair Housing Choice; create action steps to address those impediments; and maintain records that indicate they are complying with the certification. As a condition of the HUD Sustainable Communities Grant Chittenden County Regional Planning Commission was required to complete this FHEA, and encourages actions to affirmatively further fair housing.

Communities that receive these funds are required to:

- Examine and alleviate housing discrimination within their jurisdiction.
- Promote fair housing choice for all persons.
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, national origin, religion, sex, disability, or familial status.
- Promote housing that is accessible and usable by persons with disabilities.

According to HUD’s Fair Housing Planning Guide, an Analysis of Impediments to Fair Housing Choice (AI) that’s required of the City and the State should include:

- A review of state and local laws, regulations, policies, and procedures.
- An assessment of how these laws affect the location, availability, and accessibility of housing.
- An evaluation of public and private sector conditions affecting fair housing choice for all protected classes.

HUD defines an impediment to fair housing choice as any action, omission or decision that restricts, or has the effect or restricting, the availability of housing choice based on race, color, national origin, religion, sex, disability or familial status. The state of Vermont expands the definition to include age, marital status, gender identity, sexual orientation and receipt of public assistance. In its most recent (2012) session, the Vermont legislature also added a provision that prevents discrimination in development decisions based on the expected income of individuals who will reside there.

This Fair Housing Equity Assessment (FHEA) is required as part of the Chittenden County Regional Planning Commission's Sustainable Communities Regional Planning Grant, a three year award to support efforts towards more livable and sustainable communities. Since both of the participating jurisdictions in the state both have HUD approved AIs that have been through extensive public comment and approval processes, the CCRPC and ECOS committee decided that an FHEA was the most prudent course to take.

The Fair Housing Act

Passed by the US Congress in 1968, The Fair Housing Act is Title VIII of the Civil Rights Act. It prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. Title VIII was amended in 1988 by the Fair Housing Amendments Act, which added protection against discrimination based on disability and familial status (presence of a child under the age of 18). The 1988 amendment also included an exemption from familial status discrimination for communities specifically designated for people 55 and older.

Along with prohibiting discrimination in the sale, rental and financing of housing, the Fair Housing Act also makes illegal any advertisements or statements that indicate a limitation or preference based on the aforementioned protected classes. Further, any attempt to coerce, intimidate, or interfere with someone exercising a fair housing right is prohibited.

People with disabilities are afforded additional protections. Specifically, a landlord may not:

- Refuse to allow a person with a disability to make reasonable modifications to a dwelling or common use area in order to make it accessible
- Refuse to make reasonable accommodations to rules, policies or practices in order to allow a person with a disability to use the housing.

Vermont Fair Housing and Public Accommodations Law

Vermont Title 9, chapter 139, §4500 – 4507 contains Vermont's fair housing law. The state of Vermont prohibits discrimination on the aforementioned federal bases and also expands the prohibition to sexual orientation, gender identity, age, marital status, receipt of public assistance, and income in terms of land use decisions and planning. An amendment added during the 2012 legislative session adds a provision making it illegal to deny a potential development on the basis of the income of potential tenants or owners.

Geography

Chittenden is a 620 square mile county in northwestern Vermont. It is the most populous Vermont County with approximately 156,545 residents as of the 2010 Census. Its western border is Lake Champlain, a 125 mile long lake that separates Vermont from New York and Quebec. Burlington is the county (and state's) largest city with a population of approximately 42,500 people. It sits on the lake on the western edge of the Champlain Valley and serves as the shire town for the county. Associated suburban communities surround Burlington, with population density generally declining as one moves further from the urban center. The Green Mountains serve as the approximate eastern border of the county.

Background

This analysis builds on several recent efforts to identify and overcome barriers to fair housing choice. These include:

- The State of Vermont 2012 Analysis of Impediments to Fair Housing Choice, completed in May of 2012
- The State of Vermont 2006 Analysis of Impediments to Fair Housing Choice. Because the research for this analysis started before the release of the state's 2012 AI, we use information from both analyses.
- The City of Burlington 2010 Analysis of Impediments to Fair Housing Choice, published in October of 2010
- Chittenden County Regional Planning Commission's 2008 Fair Housing & Land Use Planning report
- The Vermont Housing Finance Agency's 2012 Housing Needs Assessment, completed as part of the Sustainable Communities Regional Planning Grant at the Chittenden County Regional Planning Commission (CCRPC)
- It is important to note that this analysis was conducted over a number of years as a part of the much larger ECOS regional planning effort and therefore the data presented spans from 2008 to 2013

Additionally, in 2012, the Vermont State Legislature passed Act 137 which includes a major change to the state's Fair Housing Act by adding income as a protected class to address discrimination in land use decisions, and to protect affordable housing developments from discrimination during the permitting process. This was modeled after similar provisions in Florida and North Carolina state law and is perhaps the most protective legislation against income discrimination in the nation. See Appendix C for more information on Act 137.

The state's Fair Housing Committee, a subcommittee of the Governor's Housing Council, meets regularly in an effort to ensure constant attention to this topic, and continual systematic assessments of areas in need of attention. This multi-lateral committee covers both regional and statewide perspectives and is working through the recommendations of the state's Analysis of Impediments to ensure each one is addressed.

It is anticipated that the state's Fair Housing Committee will identify additional opportunities for public investment or policy changes and that the Chittenden County partners such as CVOEO, VHFA, and CCRPC will be active in those discussions

and implementation, as appropriate. There are no immediate changes proposed at this time.

FHEA Decision Making Group

Additionally, there was a dedicated team of fair housing experts from differing perspectives who worked collaboratively on the execution of this FHEA. This group consisted of the:

- Champlain Valley Office of Economic Opportunity's (CVOEO) Fair Housing Project;
- Vermont Housing Finance Agency (VHFA); and
- Chittenden County Regional Planning Commission (CCRPC).

In addition, Vermont Legal Aid (VLA), as a recipient of HUD's Fair Housing Initiatives Program: Private Enforcement Initiative (FHIP-PEI) was consulted several times throughout the FHEA development. The Housing Authorities (State, Burlington and Winooski) were also on the distribution list and invited to participate.

This team was formed because of their unique strengths they could bring to this project. The CVOEO and VLA have received direct HUD funding for fair housing testing and evaluative work, and have decades of experience working on fair housing claims. VHFA has extensive experience studying and analyzing local housing markets as well as federal, state, and local housing policies. All three organizations are mission-driven non-profit organizations whose missions include a specific focus on lower-income Vermonters, including people in protected classes. The CCRPC played a coordinating role, to ensure seamless integration with the broader ECOS efforts, including the ECOS report, annual indicator study, and other initiatives.

Finally, CVOEO and VLA both participated in the only two Analysis of Impediment studies within the state, both of which had been created in the past three years. VHFA was the lead author on the City of Burlington's AI in 2010, with the CVOEO and VLA acting as a part of the steering committee for that project. And in 2012, CVOEO and VLA had similar roles when the state published its statewide AI.

This group met as needed in person, by phone, and through ongoing email dialogue, with concentrated efforts at various points during the plan's development. There were seven meetings of various members of the Decision Making Group regarding the FHEA, and the housing components of the ECOS Plan. The FHEA itself was accepted by the CCRPC Board on January 15, 2014.

The decision makers who approved the FHEA, as well as the discussion of the decision making process, and any issues that arose are addressed below.

Community Participation and Involvement

As described on page 2 and 3 above, content from this FHEA has influenced and been incorporated into the ECOS Plan in many locations. The ECOS Plan was developed over a period of two years – with robust public engagement incorporated

at every phase. An example of the level of discourse, and variety of stakeholders, that went into the development of this Plan is exhibited in this excerpt from the October 26, 2011 ECOS Steering Committee meeting:

> *Rachael [Batterson from VT Legal Aid] said that Social Community speaks a lot about health goals and nothing about diversity and integration; Charlie responded that that language moved to the principles. Sara Martinez de Osaba thought Economy #5 should include improving workforce education and training, and to delineate academic and workforce training. Martha Maksym [United Way] noted that education is separate under Social Community, which cites life-long learning and providing social supports. Leslie said this seems appropriate for this level of document. Sandy reminded members that these goals are intended to be broad and work tasks will be under them. Rachel said she thought there should be a new #7 in Social Community to "expand housing choice for people of all incomes, races and ethnicities.' Debbie Ingram wants to add 'and ethnic neighborhoods' to Built Environment #5 and a majority of members present agreed. Ginny [Lyons – State Senator] agrees with the last comment: that integration of the social community should be based on race, age, and ethnicity, which is different from housing. Garret suggested 'increase opportunities … 'regardless of race, ethnicity or age' or 'mixed income, ethnically, racially and demographically diverse.' Pablo Bose [Geography Professor at the University of Vermont] said he is not sure he would want that changed and does not think this is a broad principle. Tom Buckley reminded members that it says "all types;" Charlie agreed that that was the intent and thinks the idea is captured. Larry Kupferman said this sounds like a small group effort, and is thinking about the time: this would be good for those who expressed interest to work on and to provide for future consideration. Asked by Sandy if 'all types' or 'mixed' works, John Lajza disagreed and wants to continue to work on this; also to apply the same concept to Social Community, and senses we need an additional goal. Ginny offered a straw vote. Add another goal: Integrate diverse cultural racial and ethnic groups into the social fabric and activities of the County. Vote: Approved to add as #14. Judy [Dow – Abenaki] feels that in Built Environment #12 'respect and interpret' is a contradiction for her people, and wishes to take out 'interpret.' Leslie said we need more of an explanation and Jim Brangan strongly believes that is essential to interpret our heritage and that it remain in that goal. Sandy will refer this back to the Committee. Kurt thinks this is valuable discussion, and moved to call the question to approve the revised broad goals with the idea that working groups will reconvene to work on the revisions to the goals, seconded by Jim Dudley. The vote carries.*

This conversation shows that throughout this process, equity was discussed and incorporated across all sectors – not just housing. The equity issues were not always easy to discuss, however, ultimately the process resulted in a Region dedicated to resolving equity issues. As an example, one of the 8 Implementation Strategies within the ECOS Plan, is dedicated to equity. It reads: "Ensure that the projects and actions in all ECOS strategies assess equity impacts, and that the

design and development of programs are inclusive of all and engage underrepresented populations."

Summary of Community Engagement Efforts of the ECOS Plan (in which the FHEA was a part):

The specific locations of fair housing in the ECOS Plan are in the goal, analysis and strategies/actions. The public engagement efforts associated with those sections of the Plan are as follows:

1. Goals (found in Chapter 2) – based on the 60 existing planning documents.
    a. ECOS Steering Committee Retreat – Held on May 25, 2011 to vet the Draft Goal Statements; there were 67 participants.
    b. Public review from July 14 to September 30, 2011 including sub-committee reviews resulting in 123 comments from 65 groups/individuals.
    c. Vision, Principles, and Goals were approved by the ECOS Steering Committee on October 26, 2011, though they continued to be further reviewed as the process continued.
2. Analysis (referenced in Chapter 2, specific reports are here: www.ecosproject.com/analysis)
    a. Technical experts were brought in to analyze topic areas including economy, housing, land use and transportation, energy, natural resources, public health, education, and climate change. It is important to note that the land use and transportation analysis report is based on a significant scenario planning exercise conducted by the CCRPC (CCMPO at that time) from 2008 to 2010. Over 900 people participated in the workshops and follow-up survey. More detail about the scenario planning exercise is provided in Chapter 3.
    b. Public review from November 15 to December 31, 2011 resulting in 686 comments from 18 individuals/groups. At the same time the technical experts and sub-committees continued to review and improve the analysis reports.
    c. Analysis Reports were accepted by the ECOS Steering Committee on January 25, 2012.
3. Plan Priorities (found in Chapter 3)
    a. Public engagement activities managed by Burlington City Arts were conducted from June through August to gather more community input on concerns and strategies for addressing those concerns. 130 hours of public engagement took place in these efforts with over 600 people participating. See more detail about these activities below.
    b. In order to connect with as many diverse constituents as possible, CCRPC's Equity Coordinator, met with representatives from community and issue-oriented groups and organizations whose priorities are to serve marginalized communities. Input from over 600

people has been collected over the eighteen month process. See more detail about this public engagement below.

c. The ECOS Steering Committee, CEDS Committee, CCRPC's Long Range Planning Committee, sub-committees and partners developed concerns and recommended strategies and actions between July and October, 2012. The concerns are listed at the end of Chapter 2. Over-arching strategies and actions are in Chapter 3.
d. These concerns, strategies and actions were incorporated into the Discussion Draft of the ECOS Plan, which was reviewed by the public between November 15 and December 31, 2012. A specific public engagement website tool was created to get direct feedback on the strategies and actions. Approximately 400 people participated - 130 comments were made, 2800 votes were cast. The most favorable responses were related to the water quality, planned development, and economic development strategies. Direct discussions were also held with each municipality's elected body from November, 2012 through January, 2013.

In addition, some of the specific engagement efforts that were undertaken to engage a broad range of stakeholders are described here:

Community engagement is the foundation of the ECOS Plan. Meaningful community engagement breaks down silos and shrinks the distance between people from diverse and divergent perspectives, expertise, and experience. In order to build a vision and create a plan that leads to equitable access and opportunities for everyone, engagement must include people of all income, racial, and ethnic groups, with particular attention to groups that have been historically left out of the public policy decision-making processes. Intentional and innovative methods need to be developed that foster inclusion of and engagement by low-income communities and communities from underrepresented racial and ethnic groups.

Meaningful community engagement is not a one-time interview or survey; it is the development of an ongoing relationship with a continuous loop for input and feedback on decisions and outcomes. Successful community engagement leads to transformative engagement where democratic mechanisms are created to ensure that shared power and decision-making control are vested in marginalized communities.

As in the rest of the country, demographics in Chittenden County are dramatically changing. While the White, non-Hispanic population has slowly grown about four percent from 2000 to 2010, the population of underrepresented racial and ethnic groups has grown at a much more rapid pace, most over fifty percent.(See Figure 11) Chittenden County also has a growing population of those who make under 200% of the federal poverty level. (See http://aspe.hhs.gov/poverty/index.cfm.) Due to these changing demographics, it is critical to establish inclusive methods for outreach and meaningful engagement so we may achieve greater equitable outcomes for our region. In order to connect with as many historically

underrepresented constituents as possible, CCRPC's Equity Coordinator met with individuals from community and issue-oriented groups and organizations whose priorities are to serve marginalized communities. The Equity Coordinator also met with key informants and informal leaders of various underrepresented ethnic and cultural groups. Input from over 600 people from marginalized communities has been collected over an eighteen month process. An initial large gathering of representatives from diverse cultural groups took place on September 24, 2011 to introduce the ECOS project and invite their input and participation. Follow up meetings for input and feedback have included individual meetings, personal interviews, focus groups, and various gatherings. Input has been collected from people in the following groups: persons of various socioeconomic statuses, diverse racial and ethnic communities, the aged and the young. New Americans that participated include immigrants from: Bosnia, Bhutan, Burundi, the Congo, Iraq, Kenya, Russia, Somali, including both Somali Bantu and ethnic, Sudan, Turkey, and Vietnam. The Equity Coordinator ensured that feedback was continuous through the development of this Plan.

In addition, the ECOS Project teamed-up with organizational partner Burlington City Arts to do outreach and community engagement. The goal was to learn about residents' priorities for initiatives – "What should we do and who should do it? – by engaging community members in different creative endeavors as a means to reflect on what's important to them: what they like about living here, and what they would like to see change. Rather than conducting a survey, this creative, qualitative approach was meant to explore peoples' ideas and feelings about the institutions they interact with and their surroundings.

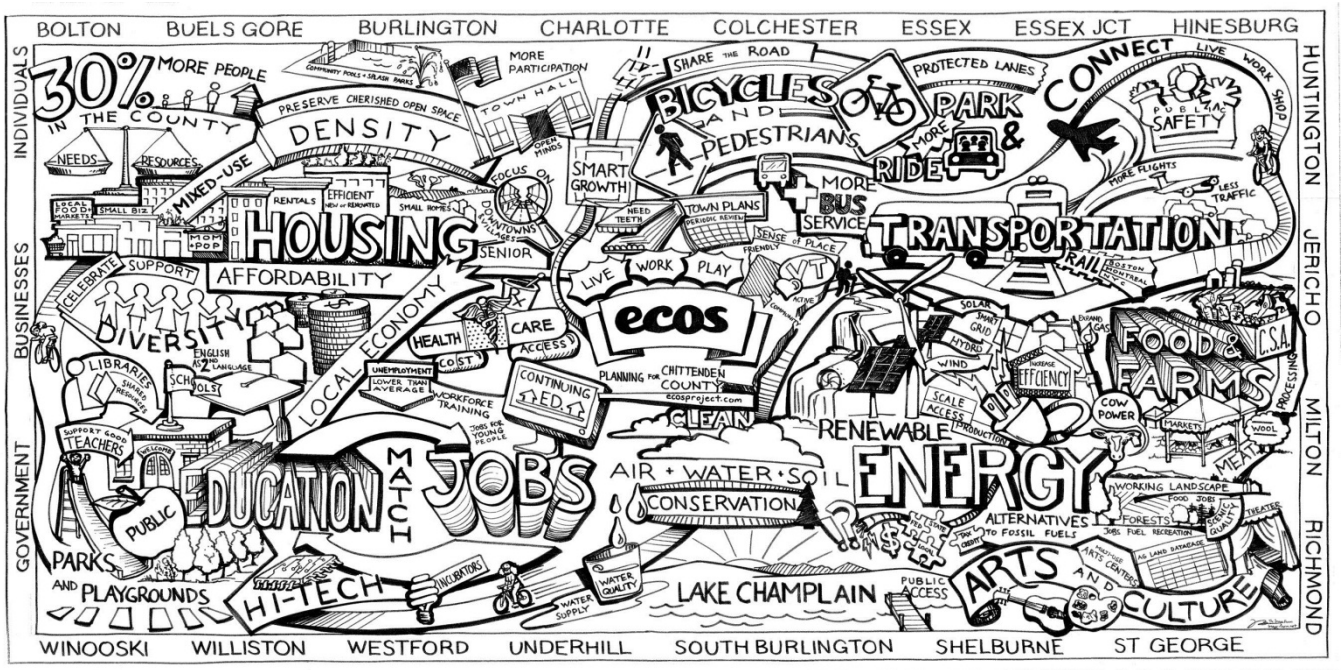
What we learned

It's not surprising that most people who live here – whether young, old, new comer or 7th generation – all care about similar things: protecting the environment and our open lands; affordable housing; a variety of transportation concerns, including a desire for more busses and bike paths; access to health care, good schools and job training; and access to healthy foods. From the works on display, you'll see these themes expressed in different ways. The ECOS Project will now take all this input, and integrate it into the project's priorities moving forward.

The Burlington City Arts engagement activities included:

- Community-created murals
    - WHAT: We went to four different towns (we couldn't go to all 19!) and conducted workshops with residents.
    - PROCESS Part I: We led them through a series of exercises and discussions, where their thoughts and ideas were visualized live by illustrator Matt Heywood. Then we asked them to indicate their priorities by adding colored stickers to the mural indicating who (Individuals, Businesses or Government) they thought should do what.

- PROCESS Part II: Then we took those murals out into the public – to Church Street during the Discover Jazz Festival, and to the Champlain Valley Fair – and asked passers-by to draw on the murals, indicating what their priorities are for the County.
- PROCESS Part III: Illustrator Matt Heywood then took all of the original drawings and synthesized them into a single work, which further reflects the threads of the conversations and reinforces the themes discussed.



Mural by Matt Heywood, The Image Farm

- Community Portraits
  - WHAT: While Chittenden County's growth includes many people from many places, a good number of them are "new Americans," who have often come to this area because of difficult situations in their homelands. The immigrants have tended to concentrate in Burlington and Winooski, though previous influxes of new comers have also settled in Essex and South Burlington, among other towns.
  - PROCESS: We recruited photographer Dan Higgins to learn about the interests and concerns of different groups of New Americans, who are in different stages of assimilation into our communities. The series of portraits are the result of his sensitive and generous time with people, who invited him into their world to capture their current experience. The words that accompany the exhibit are their responses to the question of what works, what doesn't work, and, from their perspectives, what could be improved in the Chittenden County of the future.

- Youth Creative Writing
  - WHAT: The decisions we make now are going to be inherited by our children, and so we wanted to find out what young people are thinking about the future, and what is important to them.
  - PROCESS: We partnered with the Young Writer's Project to create a prompt for their engaged community of young writers, asking them "What does 2035 look like to you?" The three winning entries and two honorable mentions can be found on the ECOS website. The winning three pieces are also recorded by the authors.

Data Analysis

Race, Color and Ethnicity

According to the latest Census figures, 92 percent of Chittenden County households are White and no other race.[i] 2 percent are Black or African American, 2 percent are Asian, and 3 percent are two or more races. 1.8 percent of Chittenden County's households are Hispanic.

The number of racial minorities in the county is growing. Between the 2000 and 2010 Censuses, the White population grew by 3.8 percent while the Black or African American population grew by 150 percent. The number of people who reported being Asian grew by 51 percent and those who are two or more races increased by 54 percent.

The region's racial diversity is in no way limited to people who are foreign born or refugees. There are, however, thousands of area residents who are non-White who came to the area through the state's Refugee Resettlement Program.

A March, 2012 audit by Vermont Legal Aid documents significant preferential treatment towards white testers of U.S. origin without an apparent disability. Preferential treatment towards white testers was found in 38% of race-based tests, 40% of national origin tests and 36% of familial status tests.[ii]

This research is supported by two focus groups hosted by the Fair Housing Project and the City of Burlington in February, 2010. Focus group participants included recent refugees from Africa and Asia, social service providers, people with disabilities, and people receiving public assistance. In total, 15 people participated. A majority of participants felt that African-Americans and refugees were improperly steered towards the Old North End, Burlington's most concentrated area of poverty. This statement was made during a focus group and not as a part of a larger survey or controlled testing, and there was no way to verify the prevalence of this action.

National Origin

The Vermont Refugee Resettlement Program (VRRP) is a local field office for the U.S. Committee on Refugees and Immigrants. Since 1980, VRRP has served as

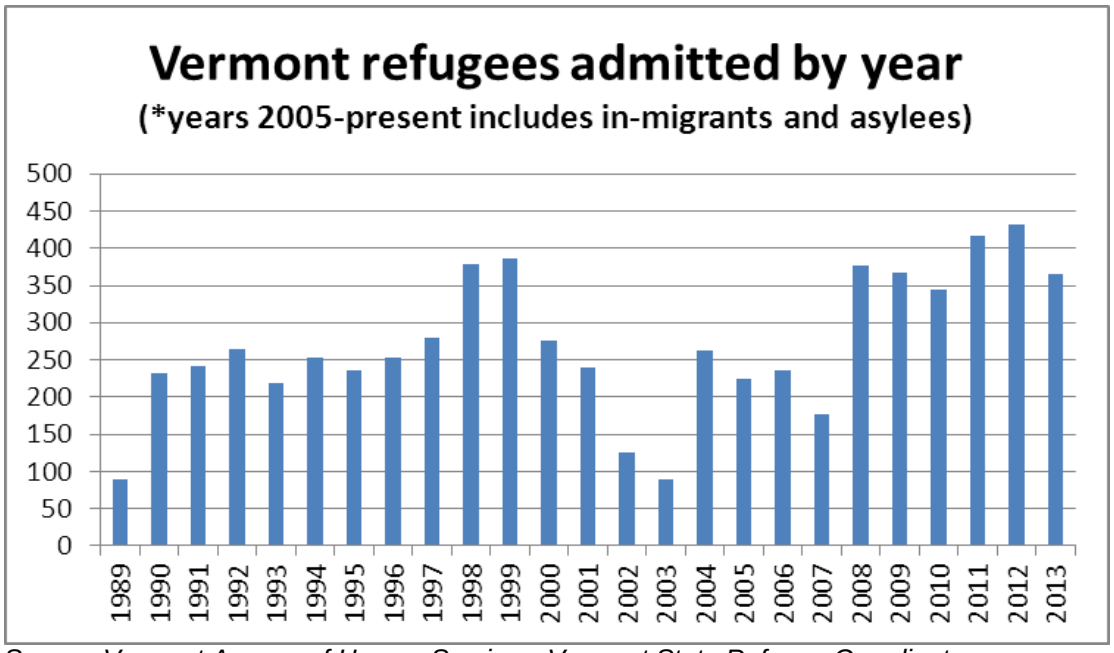
Vermont's only resettlement program. In this role, the organization has helped thousands of refugee families resettle in Chittenden County and the surrounding area.

Burlington is the largest resettlement jurisdiction in the state, and the majority of settlements occur within Chittenden County. While there is not good municipal-level data available each year, the State of Vermont did report that from July 1989 to June 2006, 1,838 refugees had settled in Burlington, which accounted for 47% of all refugees settled in Vermont. Chittenden County, over the same time period, had 3,102 settlements (79% of the state total). In the past three years Bhutan has sent an average of 77% of the refugees in Vermont. Historically, refugees have resettled in Burlington from a variety of locations, most commonly Bosnia, Bhutan, Vietnam, and Somalia.

Reliable data on the number of refugees entering Vermont each year starts with 1989 when 36 Vietnamese and 53 people from other cultures were resettled here. In most cases, refugees sent to the United States have spent years (or even decades) in refugee camps near their country of origin. Upon arrival in the United States, refugees are provided with eight months of housing and direct services from VRRP staff and volunteers. Most refugees also qualify for state and federal support such as Section 8 Housing Vouchers, WIC (Women, infants and children), Three Squares Vermont (food stamps) and Temporary Assistance for Needy Families. A case worker from the Vermont Department of Children and Families' Economic Services Division is stationed at VRRP to address the specific needs of the refugee community.

Beyond the eight month transition period VRRP continues to offer refugees English language training and employment search & retention services. They also provide support groups for young refugees as well as offering professional translating services in twenty five languages.

Since 1989 over 6,310 refugees have entered Vermont from their nation of origin. An additional 450 have migrated here from other areas in the U.S. or have entered Vermont as asylees., The mix of nations represented has changed over time. Most refugees to Vermont were Vietnamese in the early 1990s (1,069 total), but starting in 1993, a substantial population of Bosnian residents began entering the US after fleeing the civil war in the former Yugoslavia. In total, over 1,700 Bosnians entered Vermont through VRRP between 1993 and 2004. Since that time, the largest refugee populations have come from Bhutan (1,437), Somalia (648), Congo (243), and Burma (269). Other nations represented in Vermont's refugee population include (but are not limited to) Azerbaijan, Kosovo, Iraq, Rwanda, Burundi, Togo, and Burma.

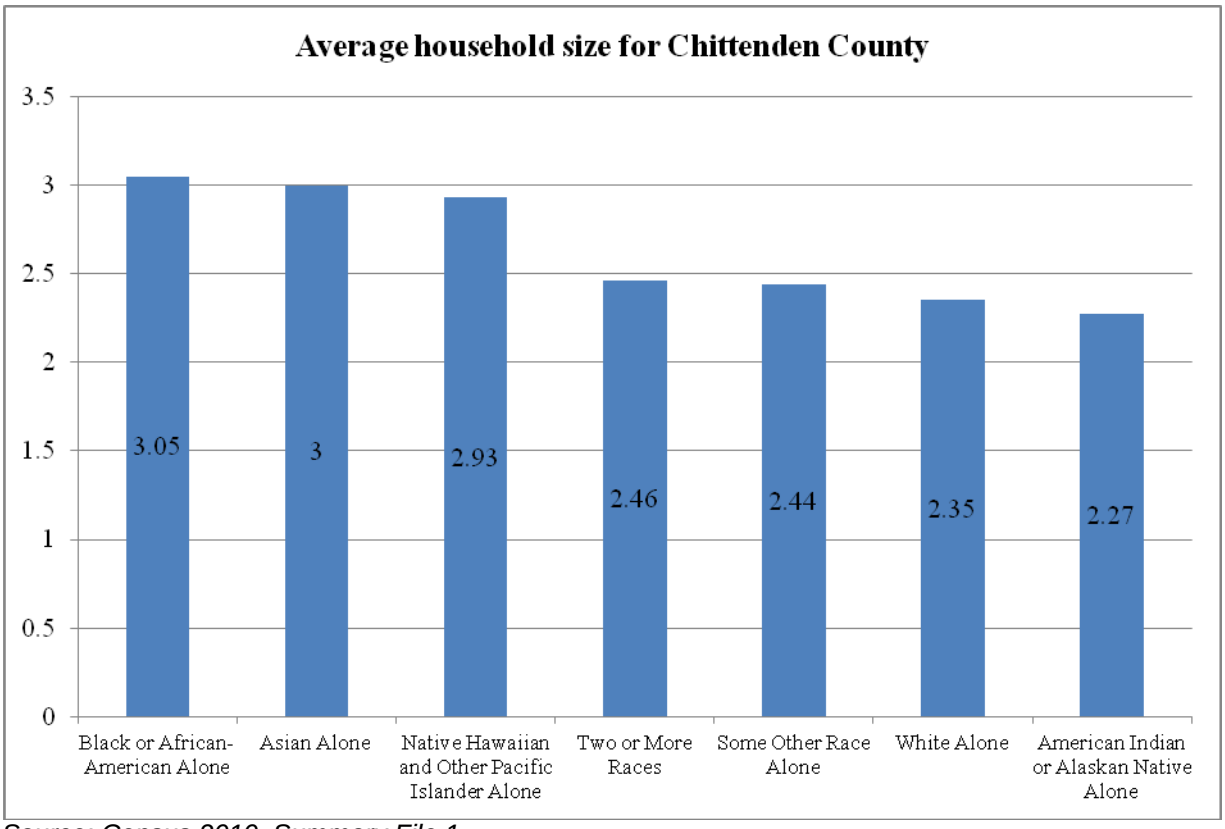


Source: Vermont Agency of Human Services, Vermont State Refugee Coordinator.

Most of these families have resettled in Burlington and Winooski. Contrary to the ongoing decline in household size throughout the county, families from many refugee areas are large and extended families tend to live together. This creates a pressing need for the limited rental housing containing three or more bedrooms outside of college campus areas.

Household size

White households are smaller on average than households headed by racial minorities, while Black or African-American households are among the largest. This is not a unique finding for Vermont or the nation as a whole; although in Chittenden County it could be partially attributed to the influence of some non-White refugee households who have settled in the region. Anecdotally, social service agencies and housing providers often comment on the larger household sizes of New Americans compared to other households.

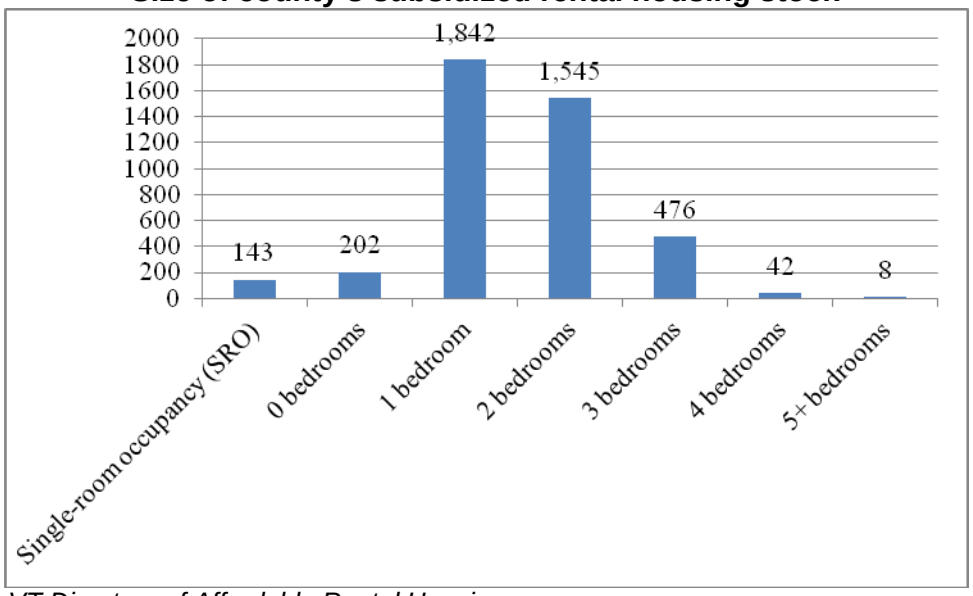


Source: Census 2010, Summary File 1.

The larger the number of people in a household the larger the housing must be. This adds to the cost of housing (limiting many affordable units) and there is a limited number of units with 3 or more bedrooms, especially in affordable rental properties.

Most Chittenden County rental units with project based assistance are very small. Although this is where market data shows the greatest demand for rental units, larger families – especially refugees who may have larger family sizes – may find few options among the affordable rental housing stock.

Size of county's subsidized rental housing stock



Source: VT Directory of Affordable Rental Housing.

44 percent of the 4,300 units in the county's assisted rental stock are one bedroom units dedicated to serving lower income elderly or disabled occupants.

Just over 1,300 of those units are restricted to only elderly households (either 55 or 62 years of age), 94 are restricted to disabled households, and another 479 are restricted to either elderly or disabled households. This leaves a stock of 2,420 units for non-elderly and non-disabled households in need of project based subsidized rental housing.

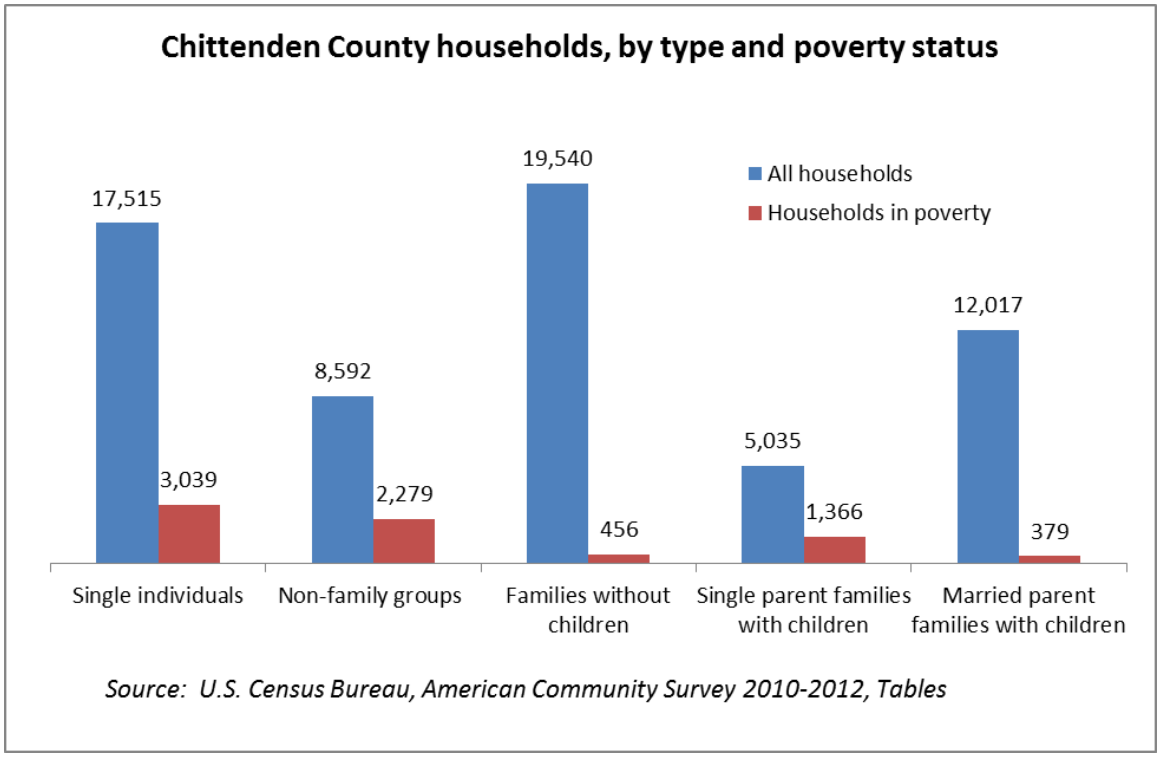
Types of families and households

More than half of the households living in Burlington (59%) and Winooski (54%) are "non-families" (meaning they are either singles and non-related adults living together). 28% of the county's households are people who are living alone, and again it's Burlington and Winooski that exceed the county average, at 36% and 37%, respectively. Underhill (14%), Jericho (16%), Westford and Charlotte (both 17%) are at the other end of the spectrum with the smallest proportion of individuals living alone.

On average, more "family" households own their home than "non-family" households. 72% of the county's homeowners are families and 66% of renters were non-families in 2010. Exceptions are Burlington, Winooski and South Burlington, where it's somewhat more common for non-family households to be homeowners than the county-wide average.

Familial status is a protected class and can help prevent discrimination of non-married adults living together, and families with children who landlords may be less willing to rent to. Chittenden County households living in poverty are more likely to be single adults (with and without children) and non-family groups than other household types.[iii] Single-parent families with children have the greatest likelihood of living in poverty (28% of these families live in poverty—a higher percentage than

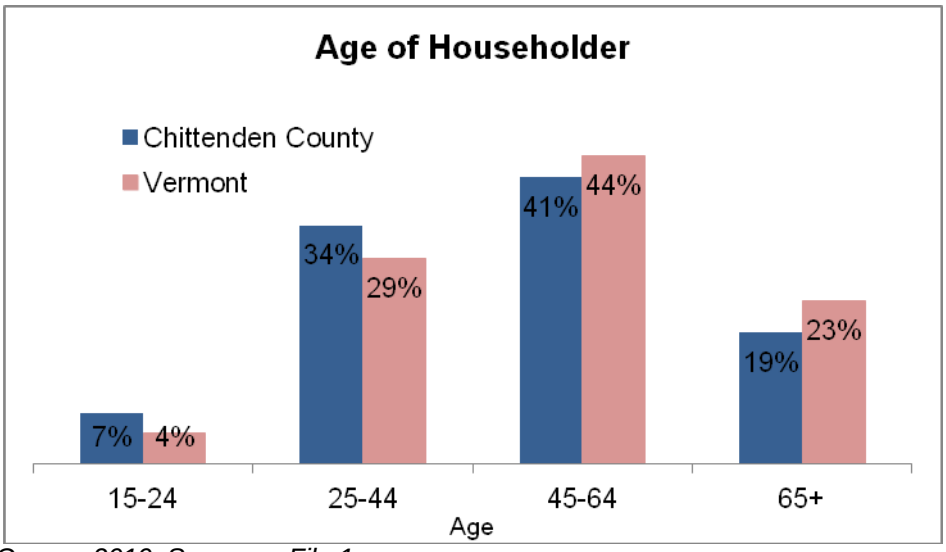
for any other household type). Because people living in poverty are likely to receive public assistance such as Temporary Assistance to Needy Families (formerly welfare), food stamps, and other government benefits, it's important to understand how prevalent they are in the County.



Resident age

Promoting fair and affordable housing for elders, including low-income elders who rely on public assistance, will be a major challenge in the coming years, as the baby boom generation ages and the number of elderly residents increases.

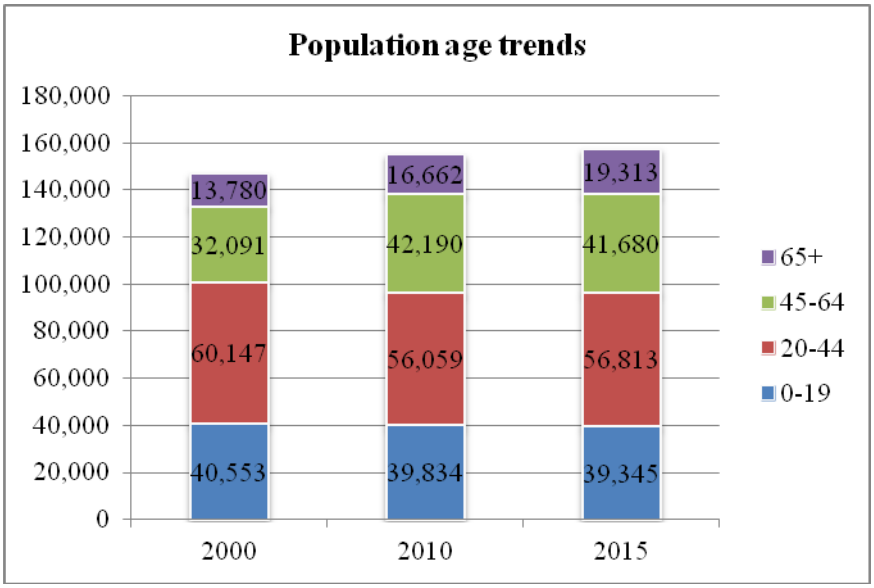
The age of Chittenden County's population is somewhat unique, when compared to other Vermont counties, due primarily to the prevalence of young people and students. More households in Chittenden County are headed by someone who is younger than 45 and fewer are headed by someone aged 45 and older, when compared to the state as a whole.



Source: Census 2010, Summary File 1.

Despite the county's relatively youthful population, it will experience the same aging trend occurring statewide and throughout the U.S. In 2010, Vermont was ranked 11th in the U.S. for having the highest proportion of people aged 65 and older (14.3%). By 2030, the state's proportion is expected to continue to rise to 24.4%.[iv]

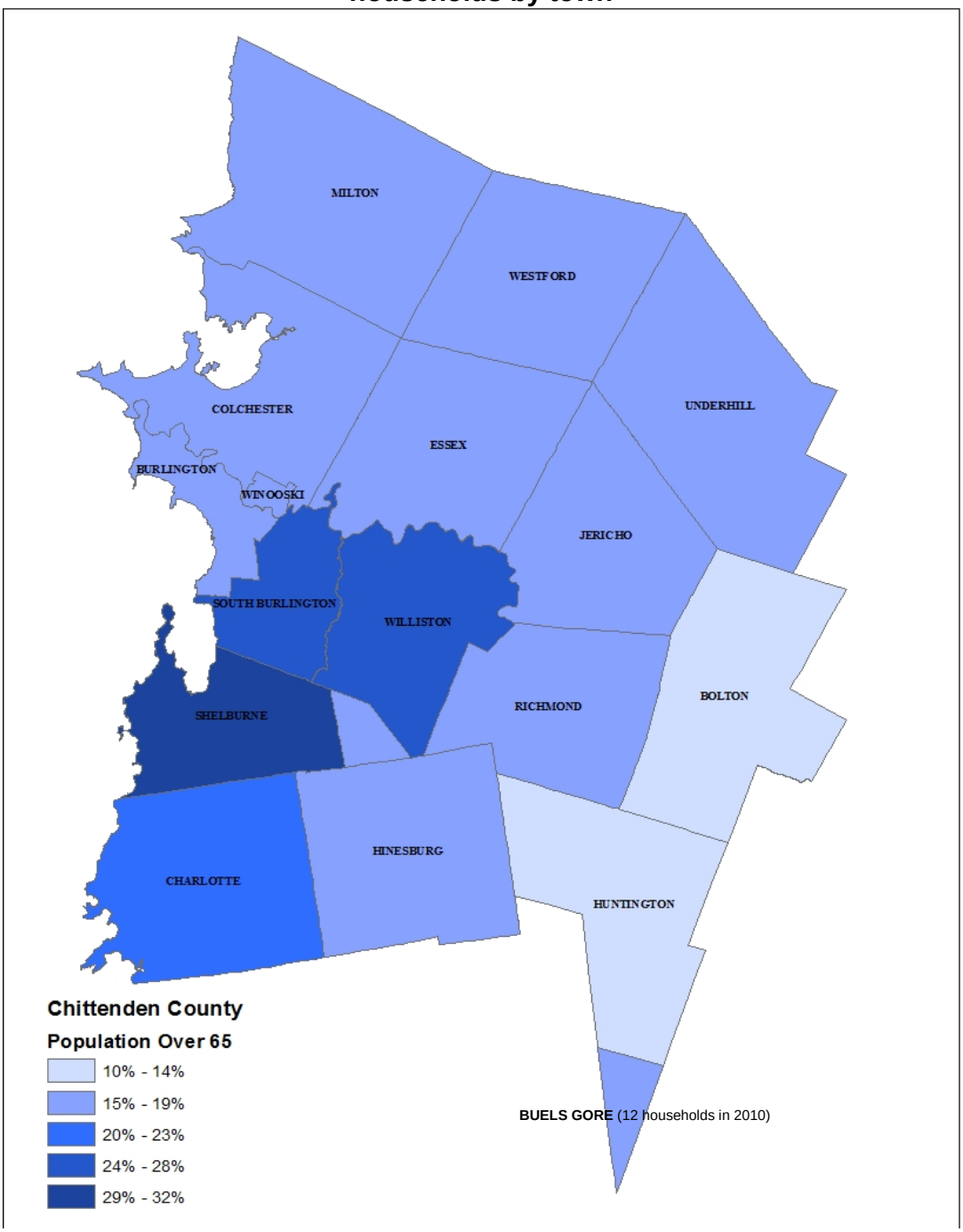
In fact, the segment of the county's population aged 65 and older is the only segment expected to grow between 2010 and 2015, both in terms of the number of people in this age group and in terms of the portion this age group comprises of the total population. This means that all of the county's growth during these years will be due to its older residents.



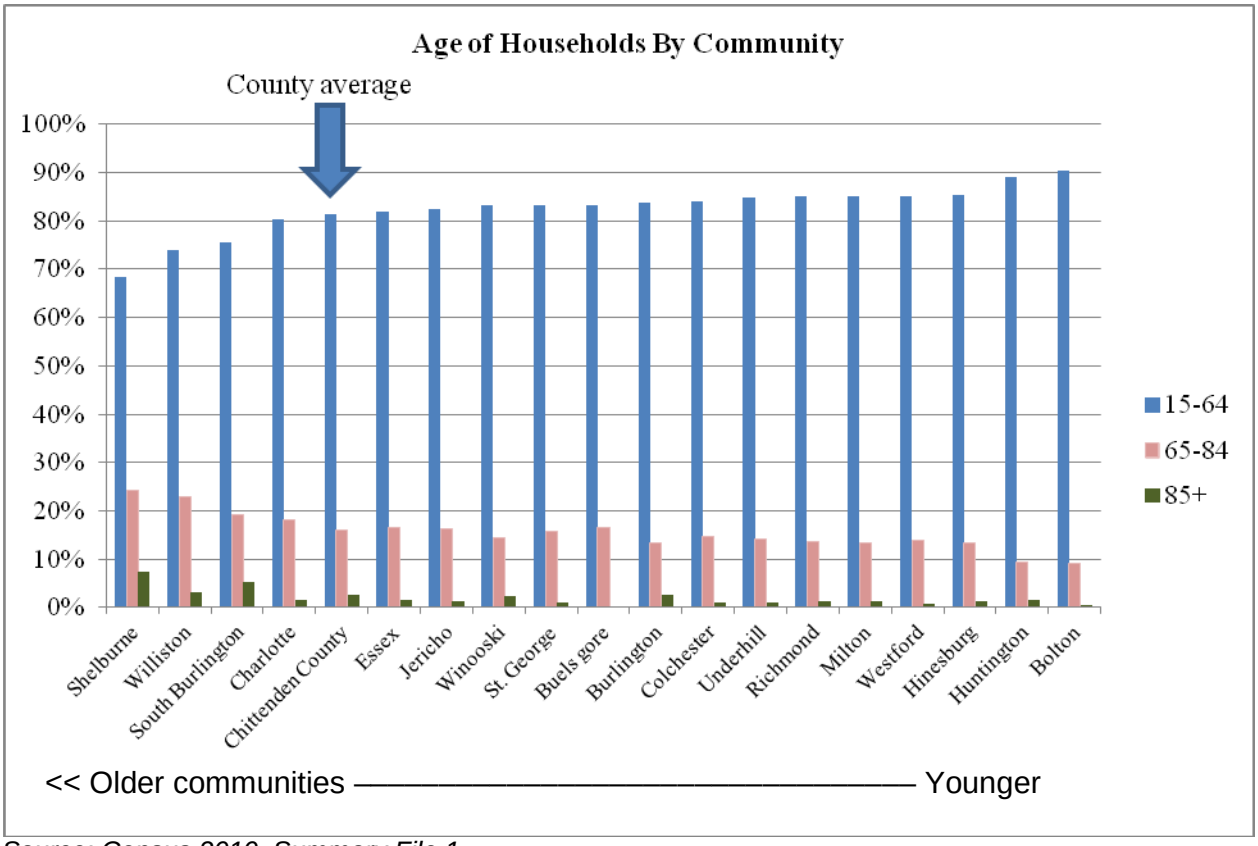
Source: ESRI's Community Analyst estimates.[v]

Chittenden County's oldest communities are the southern/western towns of Shelburne, Williston, South Burlington, and Charlotte. This is not surprising because Shelburne, Williston, and South Burlington have built several housing developments targeted to seniors, including assisted living which houses predominantly very elderly people. Some of the youngest towns in the county are those that are farther from the Burlington core such as Hinesburg, Huntington and Bolton.[vi]

Senior Chittenden County householders (aged 65+), as a percentage of all households by town



Source: Census 2010, Summary File 1.



Source: Census 2010, Summary File 1.

Older households are often considered more stable and less likely to move. However, among older households it is the very elderly households aged 85+ who are the most likely to move. In fact, Vermont has seen a 23% increase in in-migrants from other states of households aged 85 and older. By comparison, New England's rate overall is just 6.5% of in-migrants aged over 85.[vii]

Burlington and South Burlington each house 26% of the county's 85+ year old households, which means that more than half of the county's oldest households are concentrated in these two communities.

Older households are living independently for longer thanks to advances in both health care and housing adaptations that allow for safe, healthy, independent living. Community based housing (whether independent or in a community setting outside of a public nursing home), is both a priority of the state due to lower public costs, and the growing number of older households.

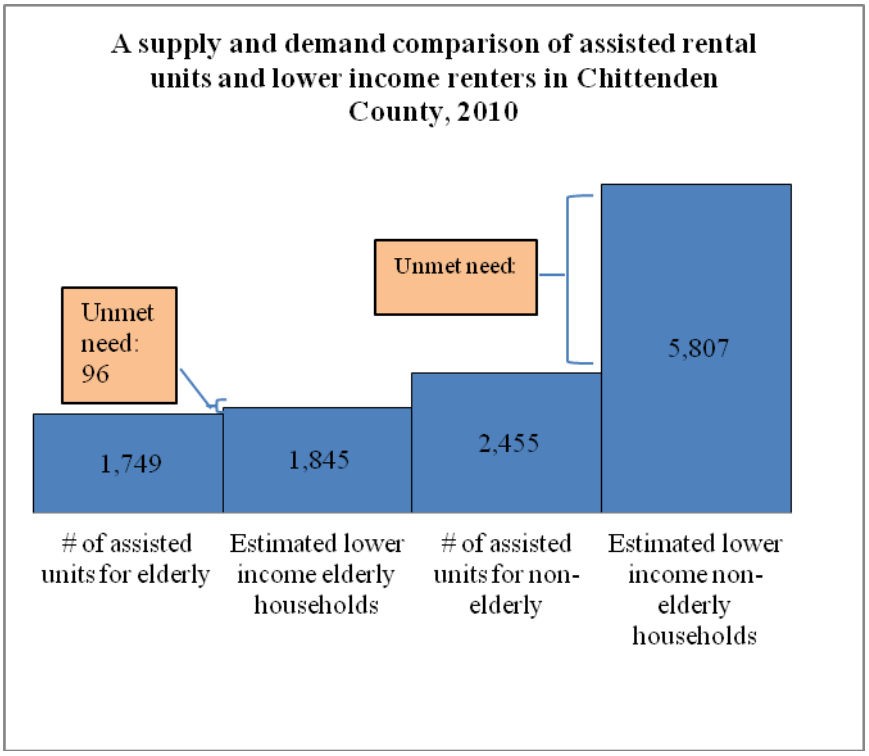
As householders age, they become both more likely to own a home and more likely to own their home outright with no mortgage. While the value of homes peak when householders are between 55 and 64 years old, outstanding mortgage amounts steadily decline as a homeowner ages. This indicates that older homeowners have far more equity in their homes than their younger counterparts.

About 59% of the county's homeowners over 65 have no mortgage, compared with 18% of younger owner households.[viii] After home prices peak for homeowners aged 55 to 64, the older a homeowner, the lower the likely average value of their home. Therefore, since older homeowners live in homes with lower average values, those with mortgages have average monthly payments of about $200 less per month.[ix]

Regardless of age, it's important to remember that the lower a household's income, the less likely they are to afford their housing whether it be owned or rented. To the extent that Chittenden County's population of 1,800 lower income elderly households is likely to continue growing for many years to come, housing assistance may play a critical role in supporting this population.[x]

Some elderly homeowners turn to reverse mortgages as a way of tapping their home's equity to support the costs of living independently, including their health care costs. Just over 1,000 Vermonters had Home Equity Conversion Mortgages – reverse mortgages which allow elderly households to receive cash payments against the equity in their homes, if the accumulated equity has reached a certain threshold.[xi]

For elderly households who rent, many live in publically subsidized housing. That said, the region has been successful in meeting the unmet demand for age-restricted housing and now the unmet need is far less than that of younger households. While there is unmet need for both age-restricted housing and other non-restricted housing, the gap for elders is far smaller than other household types.



Source: Census 2010, U.S. Census Bureau, American Community Survey 2005-2009, VT Directory of Affordable Rental Housing.

The struggles to house the growing elderly population are shifting from where to find appropriate housing units to how to afford the housing and care needed as people desire to age in place. A survey of over 500 Vermonters aged 50+ by AARP Vermont in 2010 found that 47% thought that there was enough affordable housing in their community to meet their needs.[xii] While this suggests that many older Vermonters aren't worried about the amount of housing stock available in their community, their perception is likely based on available housing and not on a full assessment of the local market. Also, this opinion may be based on the number of available housing units, not the services available in those units. The services needed in the homes of Vermont's aging population may be one of the most critical senior housing needs for the future.

As more people choose community based housing, there will be a greater need to provide services in many locations, tailored to the individual, driving up the cost of service delivery. According to the AARP survey, 58% were planning on tapping Medicare or Medicaid to pay for their long term care needs, despite the fact that long term care isn't an eligible expense for Medicare and only people who are very low income and eligible for Medicaid can have some covered. This indicates an unrealistic view among many near-elders about how they will pay for their housing and care needs.

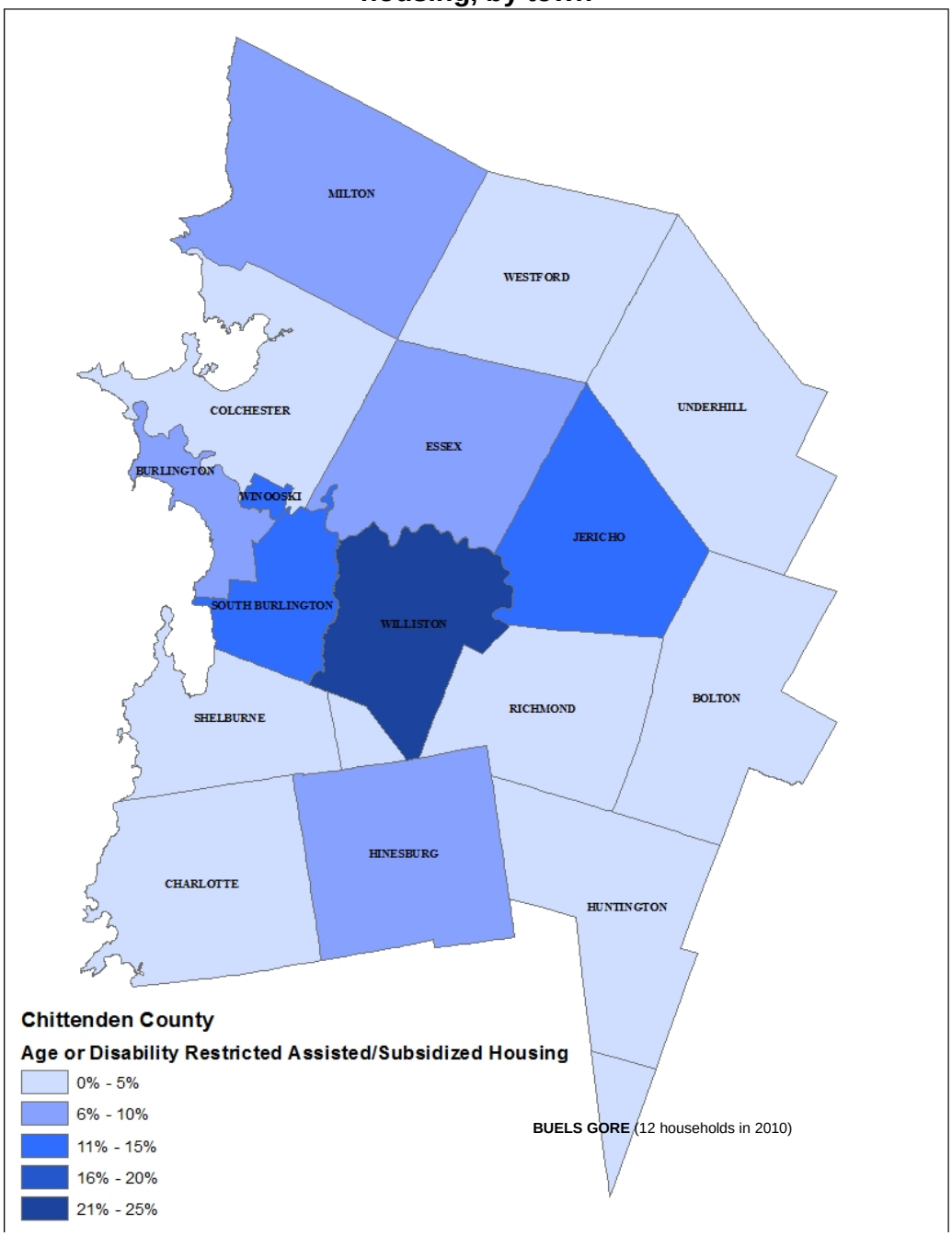
65% of survey respondents want to receive their long term care services provided in their homes, and another 18% plan to move to an assisted living facility. This matches with a state policy focus of increasing the availability and affordability of community based housing options to allow people to age in place, but again, cost of that housing and care is the concern.

Community-based housing is experiencing increased pressure to care for people who historically have been served by group living such as nursing homes. Vermont's Department of Assisted and Independent Living reports that, "Vermonters have increasingly expressed their preference to receive long term care services at home as evidenced by a contraction of the state's institutional capacity. Over the last twelve years, 600 Vermont nursing facility beds have closed (from roughly 3,900 to 3,300) shifting care into the home and community-based system." The report goes on to say that, "although nursing homes contribute significantly to the state's long term care system, they house only 3.3% of Vermonters age 65 and older and 12.5% of those aged 85 and older. Individuals 85 years old and older have shown a precipitous drop in their use of nursing homes over the last 14 years. This is most likely a result of increased use of home based services, declining disability and poverty rates, and greater housing options such as Assisted Living."[xiii]

As more frail elders choose home based and community based housing options, the cost of housing and providing necessary supportive services for this population has transferred from nursing homes to private affordable housing providers. Reimbursement rates for Residential Care Homes (RCH) and Assisted Living Residences (ALR) are much lower than comparable nursing home rates despite the fact that the cost of delivering the services is the same and similar levels of care provided.

A report by Vermont Housing Finance Agency in 2007 reported, “Nursing homes, Assisted Living Residences, and Residential Care Homes struggle each year to stay under budget and above water financially. Without adequate reimbursement, some RCHs and ALRs will not be able to continue to offer low-income seniors the housing they will desperately need in the future.”[xiv]

Age or disability restricted apartments as a percentage of all subsidized rental housing, by town



Source: VT Directory of Affordable Rental Housing.

Experience shows that it is often easier for developers to gain local acceptance for age-restricted subsidized housing rather than subsidized housing for families or people with disabilities.

People with disabilities

Equitable and fair housing choice ensures physical accessibility of individual homes and accessibility of housing and services for all residents regardless of ability.

About 14,000 people in Chittenden County were identified as disabled in 2010. The majority of these were adults, and the likelihood of a disability increased with age. Although just under 3% of children were disabled, more than half of people aged 75+ were disabled.

Accessible housing for people with disabilities

The most commonly self-reported type of disability for adults is a physical one. This is true both of working age adults and seniors over 65. This type of disability likely impacts the type of housing and physical accessibility features needed by these households.

The Vermont Center for Independent Living (VCIL) has a Home Access Modification program for homeowners who need specific modifications made to their home so it can be fully functional and enjoyed by the resident. Since the funding for this program is limited, each year for the past three VCIL has only been able to complete an average of six home modifications, and always has another four in process at any given time despite much higher demand.[xv] Eligibility for this program is limited to homeowners who earn less than 80% of the HUD determined median income, adjusted for family size.

Available housing for people with disabilities

Also, the income of people with disabilities is far below the general population, reducing their ability to afford housing and further limiting their housing choices. In 2010, over 4,000 working age adults had a cognitive disability, limiting their ability to earn a living sufficient to pay for housing and other basic expenses or to reach their maximum employment potential. That same year, 21% of working age adults living with a disability were also living in poverty, compared to 10% of those without a disability.[xvi]

People living with a disability who cannot work may receive Supplemental Security Income (SSI) or “disability income.” In 2010, 2,443 adults living in Chittenden County received SSI assistance which provided $726 monthly for an individual living in the community.[xvii] Few housing options exist in the county with rent or mortgage payments affordable to people living on SSI. According to state/federal guidelines, housing costs are affordable when they consume 30 percent of a household’s income or less. Thus, a person living on SSI should not, according to these guidelines, spend more than $218 on housing and utilities. Unfortunately, very little housing in the county is available at this price. For more information, see the Housing Affordability section of this report.

Housing affordability

People in protected classes often have lower incomes. For most households, the costs of housing consume more of their income than any other type of expense. If a household's housing expenses and income fall out of balance, its members have fewer dollars for other critical needs. In a growing number of communities, unaffordable housing has led to foreclosure, eviction, and homelessness. Lack of affordable housing puts the stability of individual residents and their neighborhoods at risk.

The cost of housing was rated a serious problem by most area employers surveyed during this study. Adverse effects include losing recruits for job openings and higher expenditures when non local candidates take positions here -- for sign-on bonuses and reimbursement for relocation expenses.

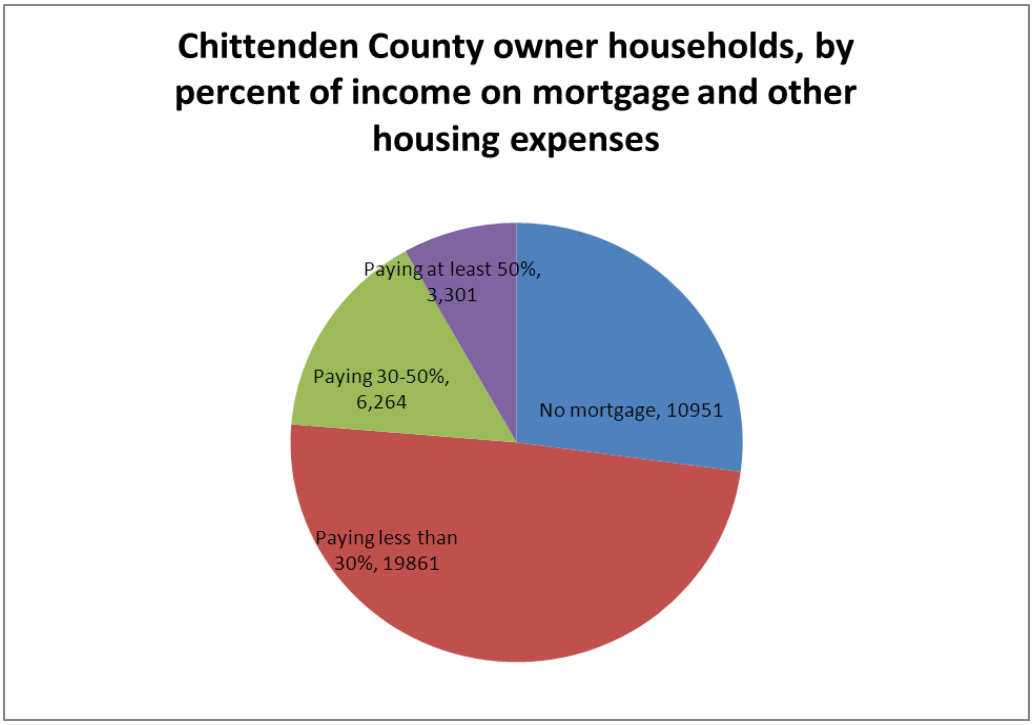
The likelihood of paying unaffordable housing costs increases as income decreases.[xviii] Cost burdened residents (those paying more than 30% of their income on housing) with low incomes face especially serious financial risks. They are much more likely to have difficulty paying their mortgage payments or rent than their higher income counterparts or households with affordable housing costs. Both owners and renters who are low income and cost burdened are at risk of foregoing other essential goods and services, such as food, child care, and health care should their income take an unanticipated decline.

A recent research report from the Center for Housing Policy found that compared to families spending less than 30 percent of their income for housing, those spending more than 30 percent were much more likely to have moved in the previous 24 months. If these moves were unplanned or involuntary, they tended to have negative consequences on the children in those families. Noted Jeffrey Lubell, executive director of the Center, said "affordable housing may help low-income families with children avoid unplanned moves." In addition to the direct disruption to families, frequent moves can reduce neighborhood stability and present challenges for schools and other service providers.[xix]

A recent study of the Vermont Child Poverty Council examined a variety of data related to the greatest problems facing the state's children. The Council noted that "without stable and safe housing, children may change schools frequently or may not be ready to learn in school." This means that children who lack affordable housing have a reduced likelihood of becoming successful adults.[xx]

Affordability of homeownership

As of 2010, about 40,000 households in the county (65%) owned their homes. Unfortunately, for many of these homeowners, the financial burden of paying a mortgage, homeowners insurance, property taxes, utility expenses and other housing fees is unaffordable because they consume more than 30% of the household's income. About 30,000 county households own their homes and have mortgages. An estimated 36%, or 11,000, of these households have mortgage payments and other housing expenses that consume more than 30% of their incomes.

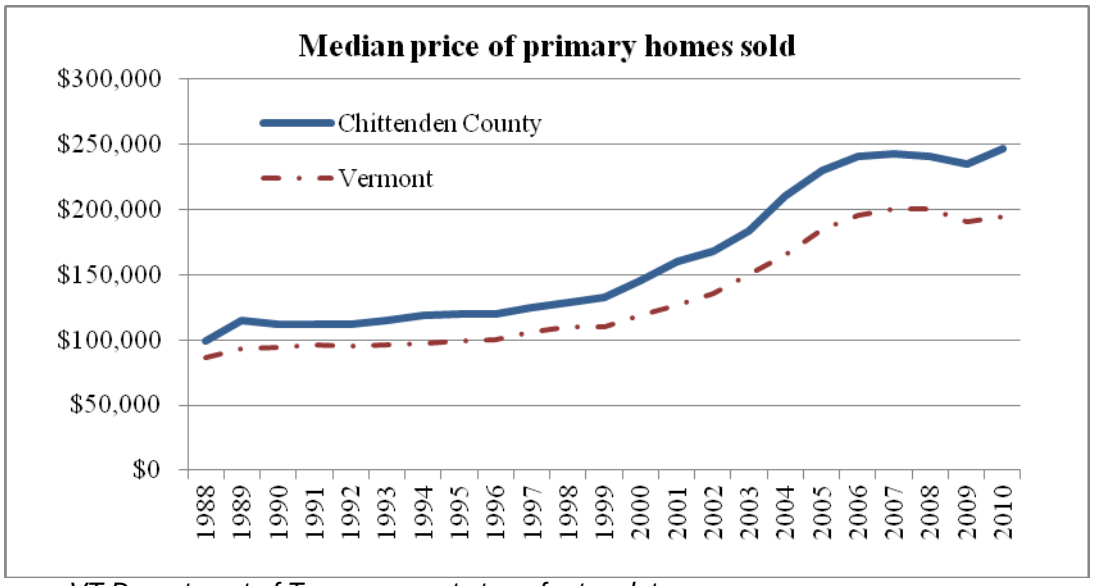


Source: U.S. Census Bureau, American Community Survey 2010-2012.

An estimated 3,300 of the county's cost burdened households pay 50% or more of their incomes for their mortgage and other housing expenses. Another 850 without mortgages spend this much for non-mortgage related housing expenses such as utility expenses and homeowners insurance.[xxi] Owner households spending more than 50% of their incomes for housing have little buffer against unanticipated income declines, home repair costs, or other family emergency expenses. Also, "housing costs" include variable factors such as utilities and taxes which can fluctuate from year to year without a corresponding increase in income.[xxii] While renters may be able to move to a more affordable unit when such variable factors increase or income decreases, homeowners face higher transaction costs of moving.

The median price of homes sold in Chittenden County in 2010 was $247,000.[xxiii] To afford the monthly mortgage payments and associated expenses of buying a home at this price, a household would likely need an annual income of $74,000, assuming it had upfront cash of $20,000 for a 5% down payment and for closing costs.[xxiv] Most county households have incomes less than $74,000.

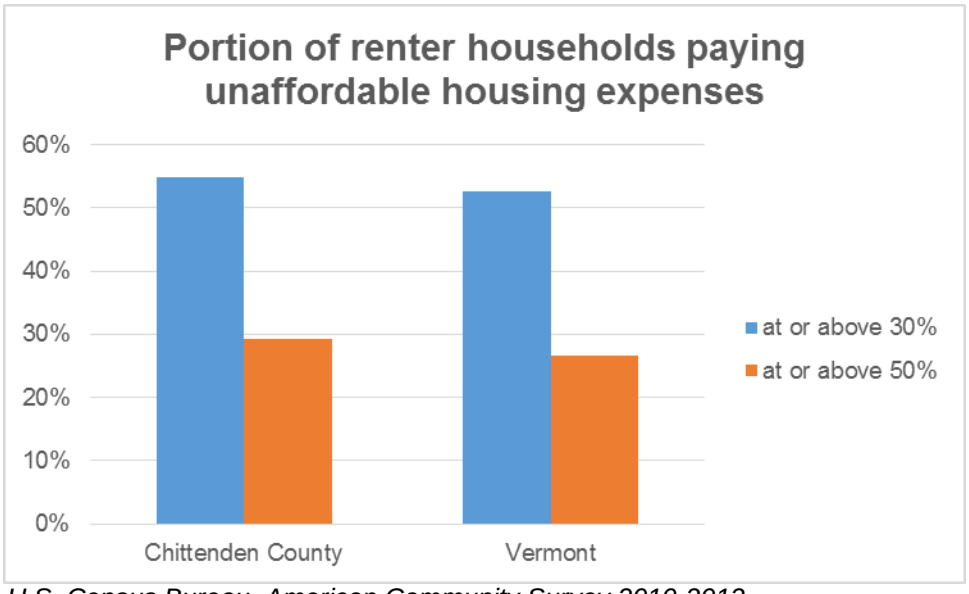
The median price of homes used as primary residences (rather than vacation homes) has risen 70% in Chittenden County since 2000. As of 2010, the median price of primary (non-vacation) homes sold in the county was $247,000—27% higher than the price statewide.[xxv]



Source: VT Department of Taxes, property transfer tax data.

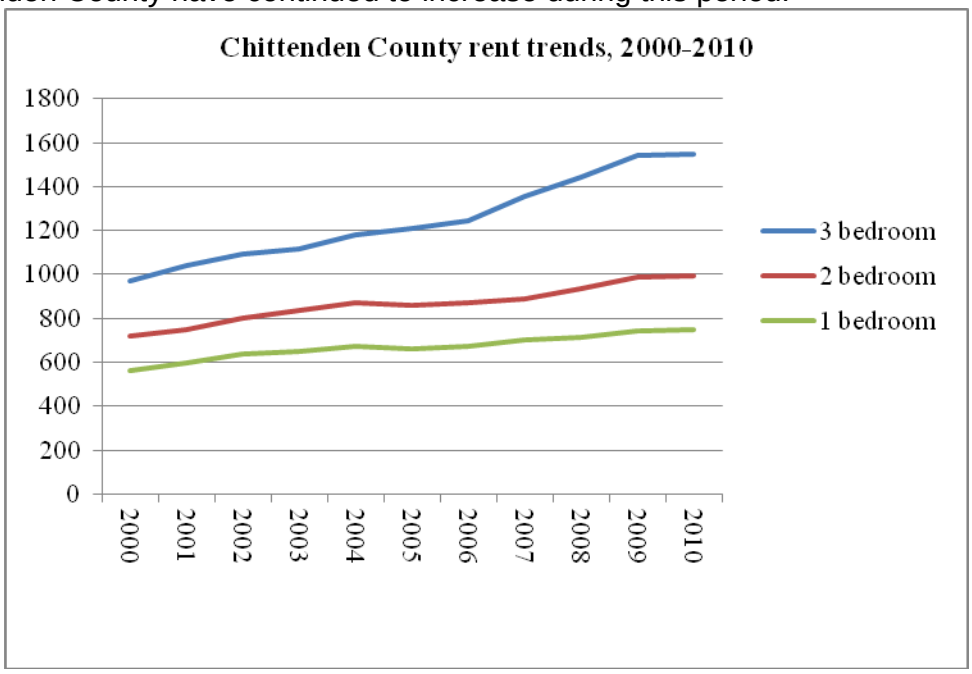
Affordability of rental housing

Approximately 22,000 households in Chittenden County (35%) rent their homes. These households are even more likely to be cost burdened by their housing expenses than the county's homeowners, according to Census Bureau estimates. More than half (55%, or almost 12,000) of the county's renter households lack housing they can afford without spending more than 30% of their income for their housing expenses. Over 6,000 of these households pay an extremely challenging 50% or more of their income housing expenses.[xxvi]



Source: U.S. Census Bureau, American Community Survey 2010-2012

Renters have not shared in any improved affordability since 2004. Rents in Chittenden County have continued to increase during this period.



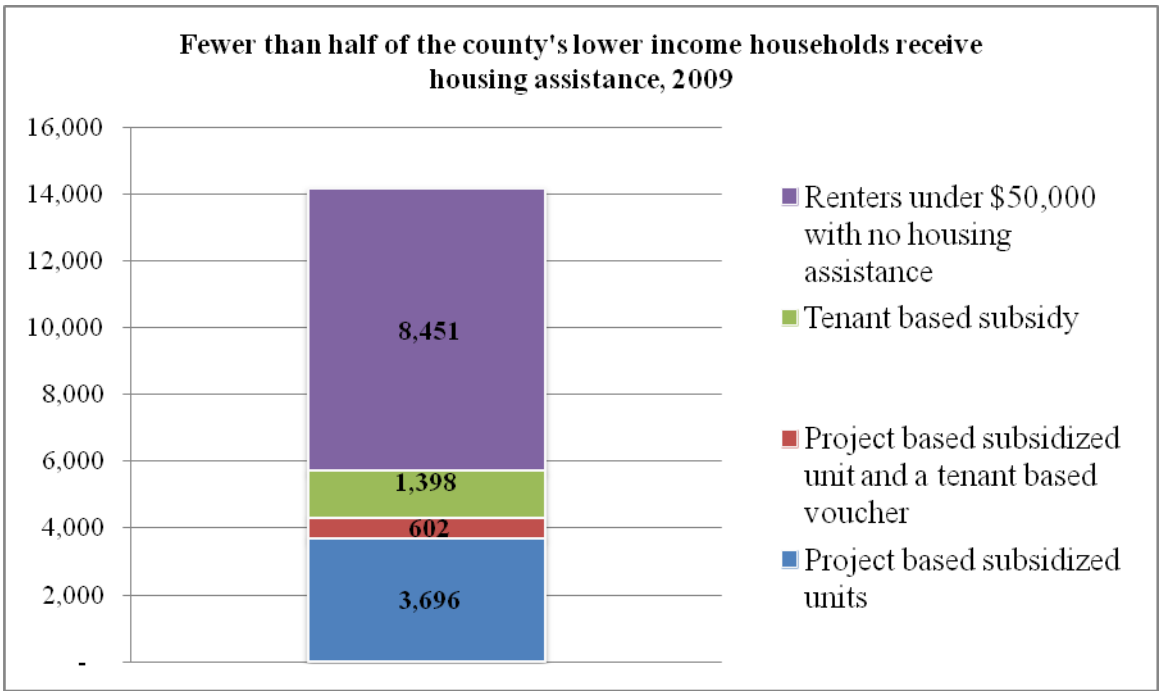
Source: Allen & Brooks, Residential Report, March 2011.

Federal, state, and local housing programs use two approaches for making rental units more affordable for eligible tenants: project based assistance and tenant based assistance.

Approximately, 5,700 households with lower incomes (those earning less than 80% of the area median) live in housing with rents made affordable through either project based or tenant based public subsidies.

About 4,300 units are in specific housing projects that received federal or state funding to construct or rehabilitate the property ("project based subsidy"). Although a small portion of these are "market rate" units with no income restrictions, eligibility for most of these units is limited to households with incomes of up to 80% of the median depending on the types of public programs involved. About 2,000 qualified lower income Chittenden County households receive tenant based rental assistance through the federal Section 8 program to help pay their rent and are allowed to use their "tenant based subsidy" in most any unit.[xxvii]

The county's lower income households outnumber the stock of rental housing funded through project-based subsidies and the number of households with tenant-based rental vouchers by more than 2:1. Of the estimated 14,000 county households with incomes less than $50,000, only 40% receive assistance through rental housing assistance programs.



Source: VHFA analysis of estimates from the American Community Survey 2005-2009, HUD, and the VT Directory of Affordable Rental Housing.

Owners of rental housing developed through project based public financing have contracts with non-profit or government agencies that provide them with the subsidies or below-market interest rate loans they need to provide decent, affordable housing. Typically, programs provide financing during a project's construction or rehabilitation in return for long-term commitment to maintain the building and keep rents affordable. While these programs help keep rents below what is typically found in the market, they don't adjust the rents to be affordable to each tenant's income if there is no rental subsidy voucher. Also, when these commitments expire, housing that was once affordable to lower income households becomes vulnerable to rising rents and/or declining maintenance.

Approximately 300 rental units, including several projects in Chittenden County, have been identified as at risk of loss from Vermont's affordable housing stock because the contracts between owners and public entities targeting them to lower income households will expire in less than 15 years.[xxviii] Although efforts are underway to preserve these units in the state's affordable housing stock, pressures will continue to mount as additional affordability commitments expire in the future. Preserving these units (in which some public funds have already been invested and which currently house lower income renters) will likely require consuming limited future resources, effectively reducing the number of new units that can be brought online.

Economic Trends

As can be seen below, employment and earning lower incomes disproportionately impact a number of protected classes described above.

Employment statistics

Chittenden County's unemployment rate as of August 2013 was 3.4%, down from 4.1% a year prior. This is the lowest unemployment rate in the state. The state's unemployment rate was 3.9%, down from 4.9% a year before.[xxix] The town-level ranges of unemployment rates range from a low of 1.9% in Charlotte to a high of 4.8% in Milton.[xxx]

Statewide, the occupations with the most openings expected in the short term are cashiers, retail sales, personal care aides, waiters/waitresses, and combined food preparation and serving workers (including fast food).[xxxi] All of these are notoriously low-wage opportunity occupations.

Chittenden county is home to 25% of the state's population, but holds 32% of the jobs, as of 2011. Burlington has 27% of the county's employment within its city limits, while Essex has 12.5%, thanks largely due to an IBM plant being based there. South Burlington has 11% of the county's employment, followed closely by Colchester.[xxxii]

As the ECOS economic analysis reported, over the past several decades the county's share of population, Gross Domestic Product, jobs and income, among other factors, has increased. While this is certainly good news for the economic development community in the Burlington region, the analysis also points out some areas of concern, such as employment in the private sector declined between 2000 and 2010. This was offset in part by an increase in public sector employment, but it was not sufficient to offset private sector losses (private sector: -4,386 + public sector: 2,263 = net -2,123).

Private sector job change by industry in Chittenden County: 2000-2010

NAICS	Industry	2000	2010	Change	Percent
11	Agriculture, forestry, fishing and hunting	176	97	-79	-44.9%
21	Mining	36	39	3	8.3%
22	Utilities	291	254	-37	-12.7%
23	Construction	5,305	4,205	-1,100	-20.7%
31-33	Manufacturing	16,759	10,744	-6,015	-35.9%
42	Wholesale trade	3,048	3,127	79	2.6%
44-45	Retail trade	12,139	12,536	397	3.3%
48-49	Transportation and warehousing	2,488	2,072	-416	-16.7%
51	Information	2,651	2,129	-522	-19.7%
52	Finance and insurance	3,546	3,126	-420	-11.8%
53	Real estate and rental and leasing	1,211	1,109	-102	-8.4%
54	Professional and technical services	6,014	6,734	720	12.0%
55	Management of companies and enterprises	(c)	318	n/a	n/a
56	Administrative and waste services	(s)	3,210	n/a	n/a
61	Educational services	2,296	2,052	-244	-10.6%
62	Health care and social assistance	11,031	14,059	3,028	27.4%
71	Arts, entertainment, and recreation	1,490	1,476	-14	-0.9%
72	Accommodation and food services	6,851	7,679	828	12.1%
81	Other services, except public administration	3,150	2,658	-492	-15.6%
	TOTAL	**78,482**	**74,096**	**-4,386**	**-5.6%**

Note: (c) indicates that the data is confidential; (s) indicates the data was suppressed to protect confidential information

Source: Vermont Department of Labor

From a wage perspective not all jobs are equal. It is instructive to look at sectorial job change by wage level, which was done as a part of ECOS' economic analysis. That report showed employment data by each of the three wage groups—bottom quartile, middle two quartiles and highest wage quartile industries. Of interest here is the fact that the highest wage quartile shed 5,749 jobs for a 21.6 percent decline (due largely to cutbacks at IBM). The other wage groups posted modest employment gains during this period.

Employment change by wage quartile

	2000	2010	# Change	% Change
Top quartile	26,646	20,897	-5,749	-21.6%
Middle quartiles	24,523	25,592	1,069	4.4%
Bottom quartile	27,313	27,607	294	1.1%
Total	**78,482**	**74,096**	**-4,386**	

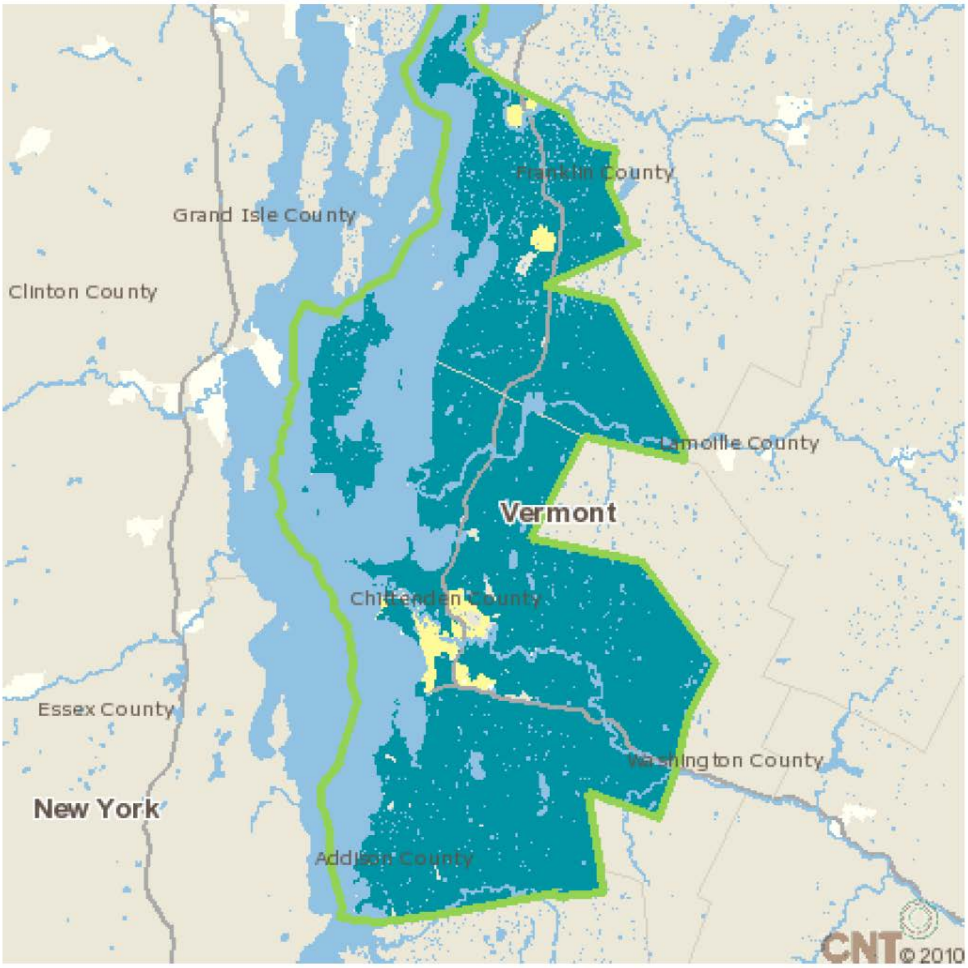
Source: Vermont Department of Labor Data Analyzed by Jeff Blodgett

Transportation to work

The Center for Neighborhood Technology (CNT) created a combined housing and transportation affordability tool as a more complete measure of affordability beyond

the standard method of assessing only housing costs. By taking into account both the cost of housing ("H") as well as the cost of transportation ("T") associated with the location of the home, "H+T" provides a more complete understanding of affordability. Dividing these costs by local incomes calculated by CNT illustrates the cost burden placed on a typical household by H+T expenses. While housing alone is traditionally deemed affordable when consuming no more than 30% of income, CNT has defined an affordable range for H+T as the combined costs consuming no more than 45% of income.

With the exception of some neighborhoods in Burlington and Winooski and a few block groups elsewhere, virtually all of Chittenden County's employed residents have combined housing and transportation costs that exceed 45% of their income.



Housing and transportation costs are 45% of income and higher
Housing and transportation costs are less than 45% of income

As a part of the ECOS Housing Study, VHFA collected surveys from 47 Chittenden County employers asking their opinions about housing availability, cost, and location -- and about the impact of those factors on their businesses. The cost of housing was regarded as a serious problem by 74% of employers for rental housing and 62% of employers for owner housing. In fact, 83% of employers said that the cost and availability of housing was an obstacle to economic development.

Employee turnover (i.e., the cost of lost productivity, advertising, and the time and expense of interviewing and training candidates) costs on average, $13,754 per employee. In the past three years, employers lost an average of 2.46 recruits due to housing costs, availability, or other limitations. Employers commented that they have lost recruits and have had to spend greater sums of money in sign on bonuses and relocation expense reimbursement or temporary housing because there are such limited rental homes and affordable housing relative to the options candidates observed in other parts of the country.

Median household incomes

Reflecting a national pattern, households in Chittenden County headed by someone who is African-American have a lower median income approximately $43,000) than households headed by someone who is White alone – people who identified as white and no other race - (approximately $63,000).[xxxiii] Insufficient income directly restricts a household's housing choices by making many options unaffordable.

Median income by race of household head

Race of Household Head	Median Income	Margin of Error
White	$63,663	+/- $1,987
Black or African American	$43,689	+/- $8,239
Asian	$35,000	+/- $13,014
Two or more races	$48,958	+/- $13,204

Source: U.S. Census Bureau, American Community Survey, 2010-2012

African-American households are disproportionately represented among county households earning $50,000 or less. Although 39% of all county households earn $50,000 or less, the percentage of households headed by someone who is African-American in this income range is much higher—56%. Other types of minority households, including Asian households and households headed by someone who is two or more races had median incomes that are not significantly different from other households.

Household income of households by race, ethnicity, tenure, and age

Characteristic of household head	Total number of HHs	Margin of error (+/-)	Number of HHs at <$20,000	Margin of error (+/-)	Number of HHs at <$50,000	Margin of error (+/-)
All households	62,267	+/- 493	8,464	+/- 591	24,318	+/- 1,032
White	58,981	+/- 568	7,672	+/- 570	22,650	+/- 1,005

African-American	927	+/- 153	253	+/- 103	520	+/- 148
Asian	1,232	+/- 152	326	+/- 132	672	+/- 186
Two or more races	691	+/- 157	118	+/- 62	320	+/- 123
Hispanic	847	+/- 130	134	+/- 67	400	+/- 124
Non-Hispanic	58,325	+/- 551	7,565	+/- 562	22,311	+/- 998
Renter	21,368	+/- 647	6,321	+/- 526	14,655	+/- 808
Owner	40,899	+/- 626	2,143	+/- 268	9,663	+/- 556
<65 yrs old	50,978	+/- 710	6,260	+/- 541	17,806	+/- 914
>=65 yrs old	11,289	+/- 284	2,204	+/- 288	6,512	+/- 491

Source: U.S. Census Bureau, American Community Survey, 2008-2012.

Characteristic of household head	% of this type of HH at <$20,000	Margin of error (+/-)	% of this type of HH at <$50,000	Margin of error (+/-)
All households	13.6%	+/- 0.9%	39.1%	+/- 1.6%
White	13.0%	+/- 1.0%	38.4%	+/- 1.7%
African-American	27.3%	+/- 10.2%	56.1%	+/- 13.1%
Asian	26.5%	+/- 10.2%	54.5%	+/- 13.6%
Two or more races	17.1%	+/- 8.1%	46.3%	+/- 14.3%
Hispanic	15.8%	+/- 7.5%	47.2%	+/- 12.7%
Non-Hispanic	13.0%	+/- 1.0%	38.3%	+/- 1.7%
Renter	29.6%	+/- 2.3%	68.6%	+/- 3.2%
Owner	5.2%	+/- 0.6%	23.6%	+/- 1.3%
<65 yrs old	12.3%	+/- 1.0%	34.9%	+/- 1.7%
>=65 yrs old	19.5%	+/- 2.5%	57.7%	+/- 4.1%

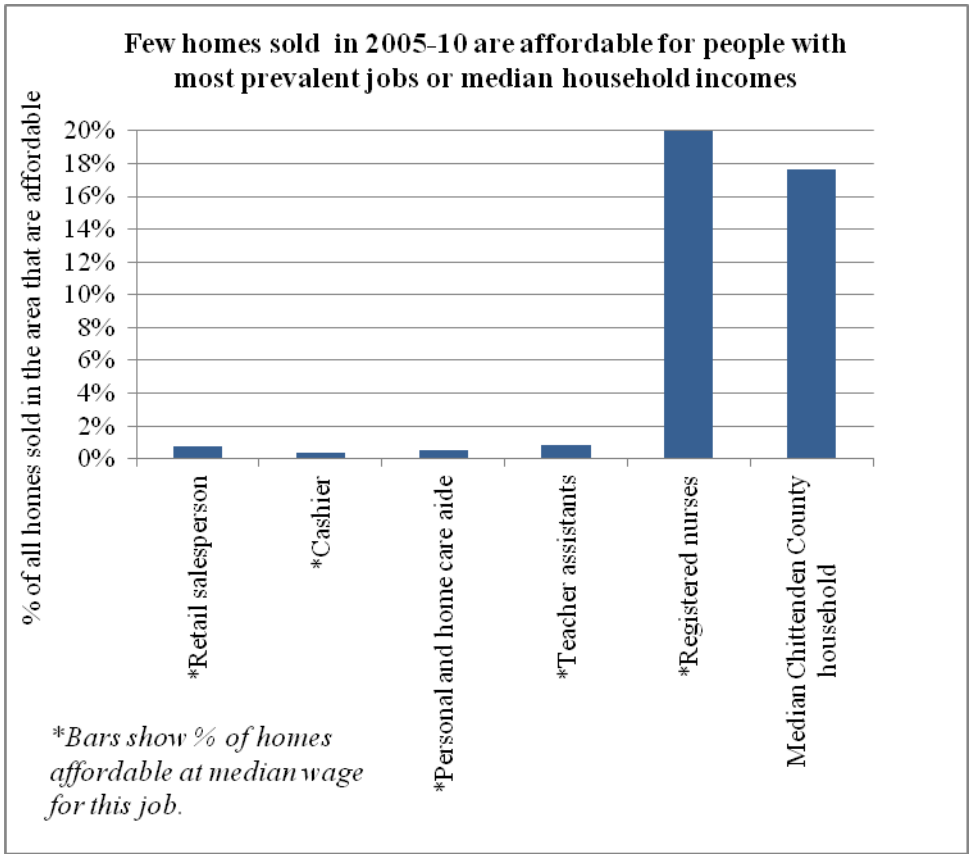
Source: U.S. Census Bureau, American Community Survey, 2008-2012.

Economic realities reflected in homeownership market

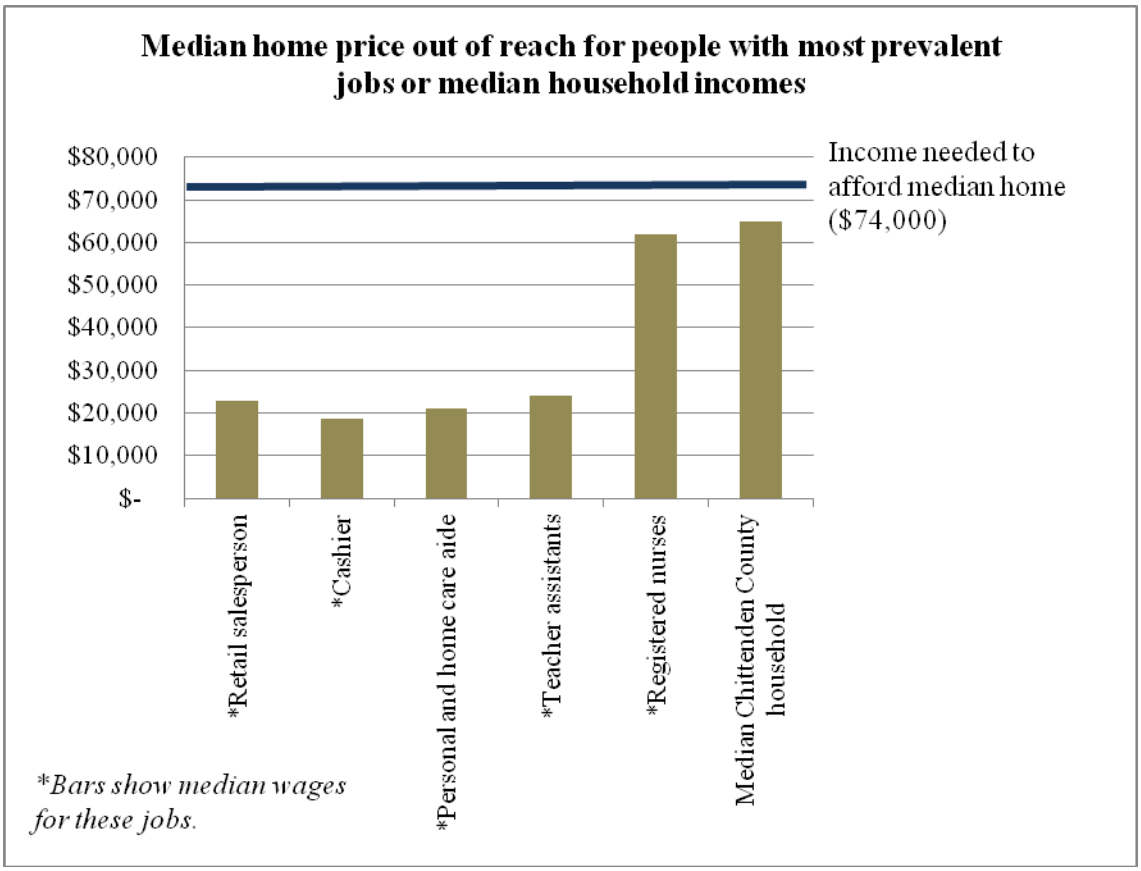
The median income of households in Chittenden County is approximately $62,000.[xxxiv] While household incomes are comprised sometimes of several wage earners, or individuals who may work multiple jobs, we do know that more than half of Chittenden County's households (57%) have no more than one wage earner. This makes the wages of individual workers a key factor for those households in determining what home price is affordable.[xxxv]

The five most common jobs in the county are retail salesperson, cashier, personal care aide, teaching assistant, and registered nurse. None of these occupation types

have median wages high enough to afford to buy the median priced home for sale in the county.[xxxvi]



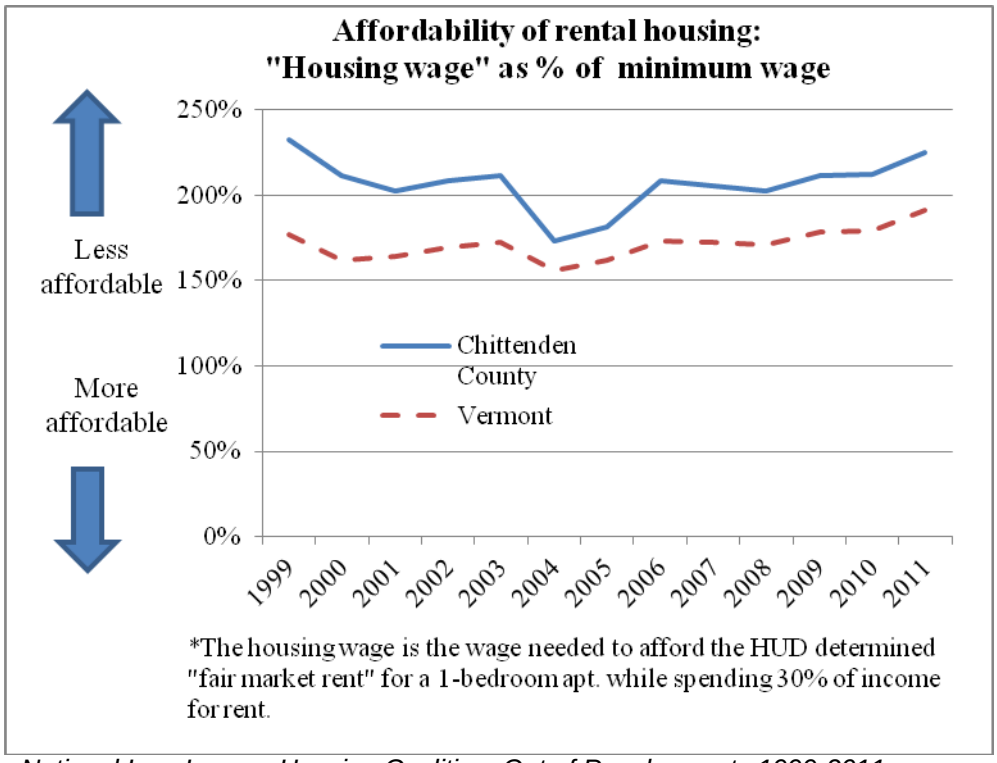
Source: VHFA analysis of data from the Vermont Department of Labor and Vermont Department of Taxes. Affordability estimate is based on average interest rates for a 30-year mortgage, average closing costs, taxes, insurance premiums, and fees, and a 30% housing payment ratio.



Source: VHFA analysis of data from the Vermont Department of Labor and Vermont Department of Taxes. Affordability estimate is based on average interest rates for a 30-year mortgage, average closing costs, taxes, insurance premiums, and fees, and a 30% housing payment ratio.

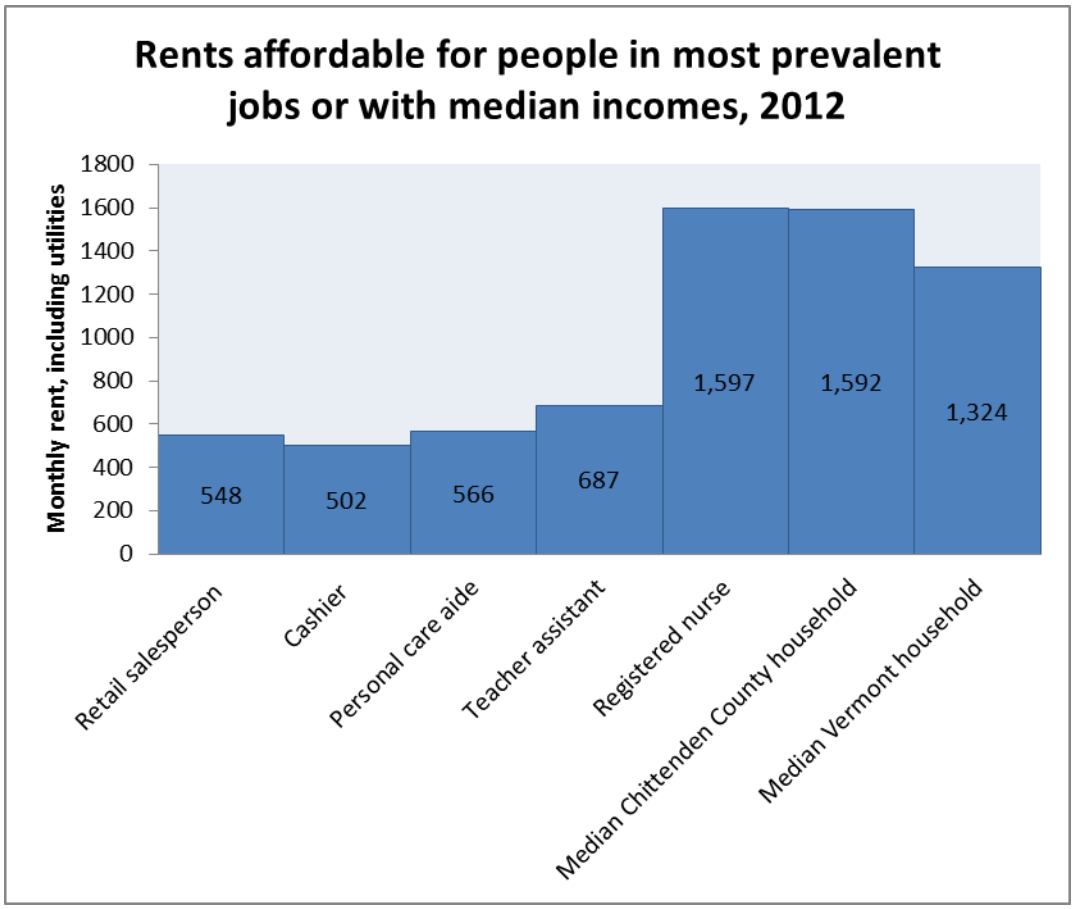
Economic realities reflected in rental market

The "housing wage" is an index created by the National Low-Income Housing Coalition to help understand dynamics of the renter housing market. It indicates the income that would be needed for a household to afford prevailing rents while limiting their expenditures for housing to 30% of their income. In Chittenden County, the housing wage for a 1 bedroom apartment is $18.35 per hour—well above the minimum wage of $8.15 that many renters earn.[xxxvii]



Source: National Low-Income Housing Coalition, Out of Reach reports 1999-2011.

Few of the county's most prevalent jobs pay enough to afford prevailing rents. A typical one bedroom apartment in the county rents for $946 per month.[xxxviii] In addition, rent for a 4 bedroom apartment is $1,703, for a 3 bedroom is $1,519, for a 2 bedroom is $1,187, and for a 0 bedroom is $855. Although this level is affordable to the median income household, it requires retail salespeople, cashiers, personal aides, and teaching assistants (the most common occupations) to spend well over 30% of their income, assuming they are at median wage levels and have no other source of income.



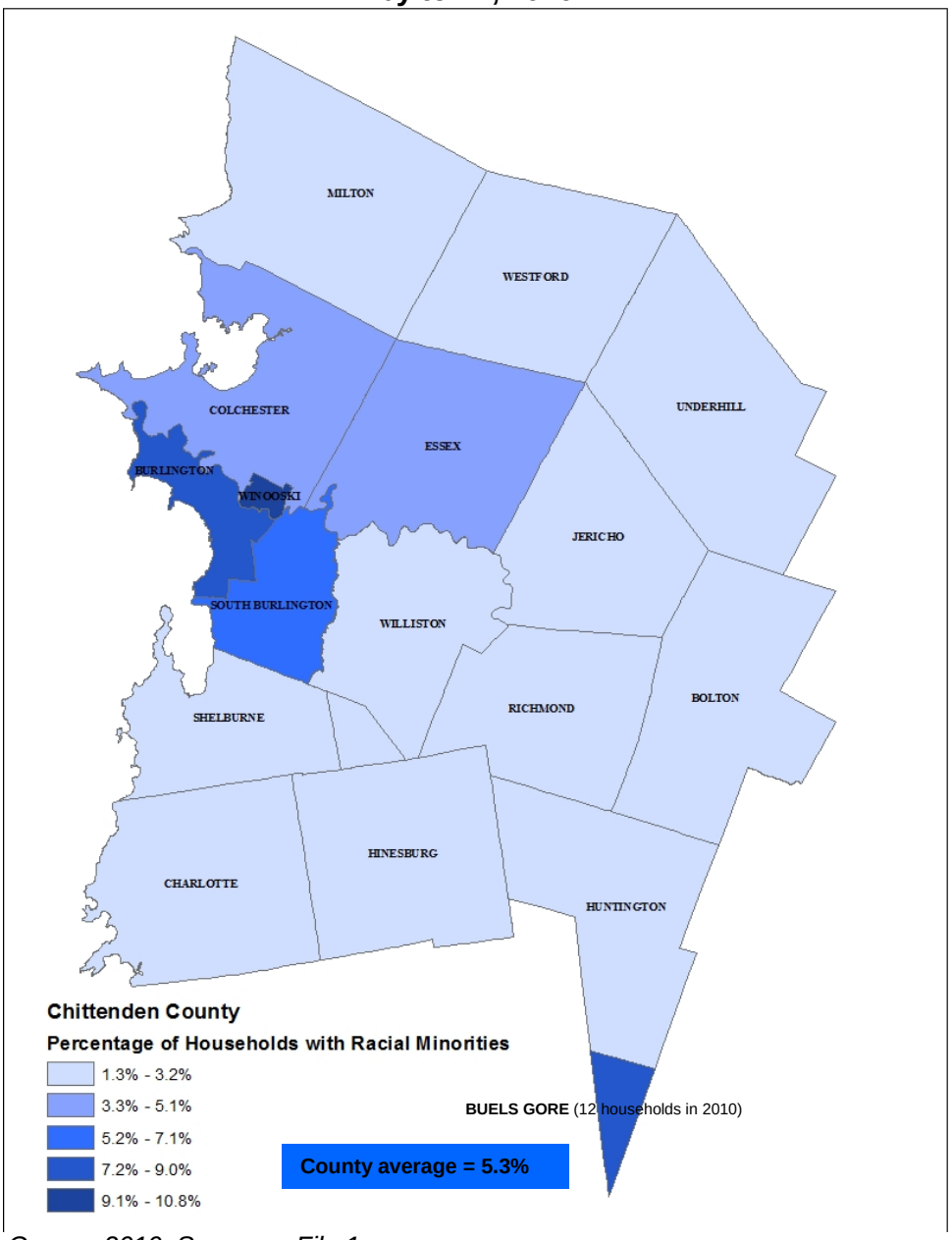
Source: Source: Vermont Dept. of Labor and U.S. Census Bureau's American Community Survey 2012, Table B19013. Assumes that rents of 30% of income are affordable.

Geographic Disparities

Residential segregation is a measure of the degree of separation of groups living in the county. A lack of integration may hamper regional sustainability such as reinforcing prejudicial attitude, narrowing opportunities for interaction, and concentrating the incidence of poverty and other social problems.

As of 2010, 86 percent of the county households headed by someone who is non-white are located in Burlington and the four towns closest to it: Winooski, South Burlington, Essex, and Colchester.

Non-White Chittenden County households, as a percentage of all households, by town, 2010



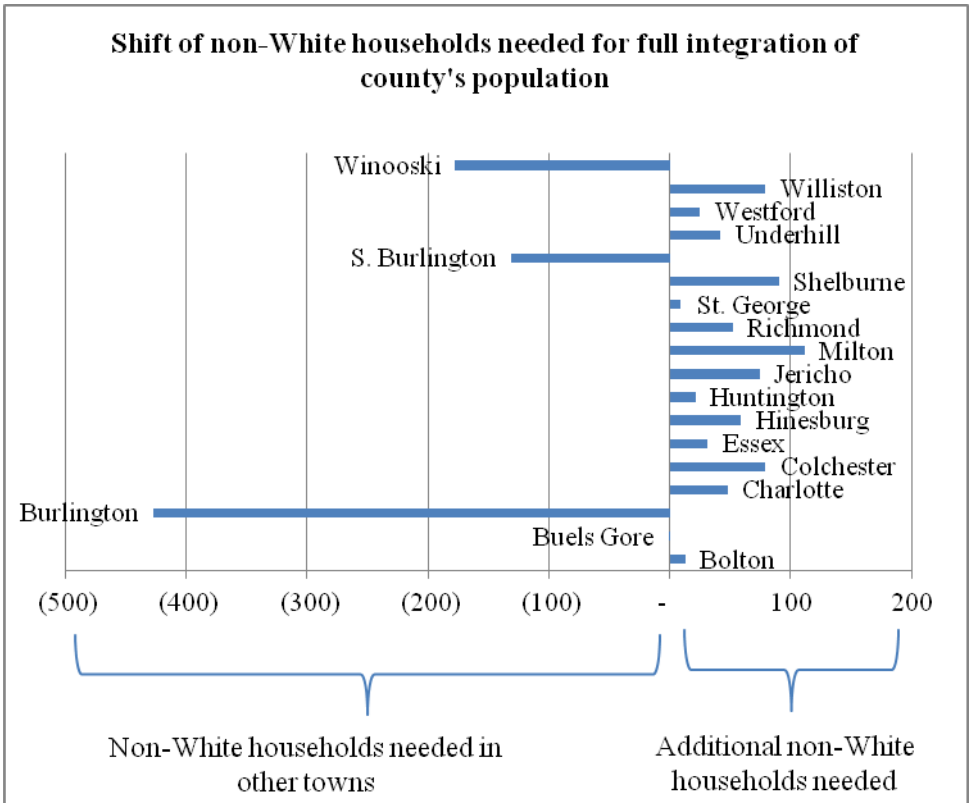
Source: Census 2010, Summary File 1.

The number of non-white households grew between 2000 and 2010 in every community, with the exception of Huntington and Jericho which remained constant. For the entire population of Chittenden County to be fully integrated, 735 households (1.2% of all households in the county) would need to shift to a different town within the county. If 735 households who were non-White from Winooski, Burlington, and South Burlington moved into the county's other towns, and 735 White alone households moved from these outer towns into the cities of Winooski, Burlington, and South Burlington, then non-White households would comprise the same portion of each town in the county (5.3%).

White-alone and other households, by town

	Change 2000-2010		
	Total HHs	White Alone	All Others
Bolton	32%	32%	30%
Buels Gore	100%	83%	100%
Burlington	1%	0%	29%
Charlotte	10%	10%	42%
Colchester	3%	2%	43%
Essex	12%	11%	59%
Hinesburg	9%	8%	43%
Huntington	9%	9%	0%
Jericho	7%	8%	0%
Milton	17%	16%	90%
Richmond	5%	5%	55%
St. George	4%	3%	100%
Shelburne	9%	9%	69%
S. Burlington	26%	23%	90%
Underhill	7%	7%	50%
Westford	4%	4%	67%
Williston	20%	19%	104%
Winooski	9%	4%	76%
Chittenden County	10%	8%	50%

Source: Census 2010, Summary File 1.

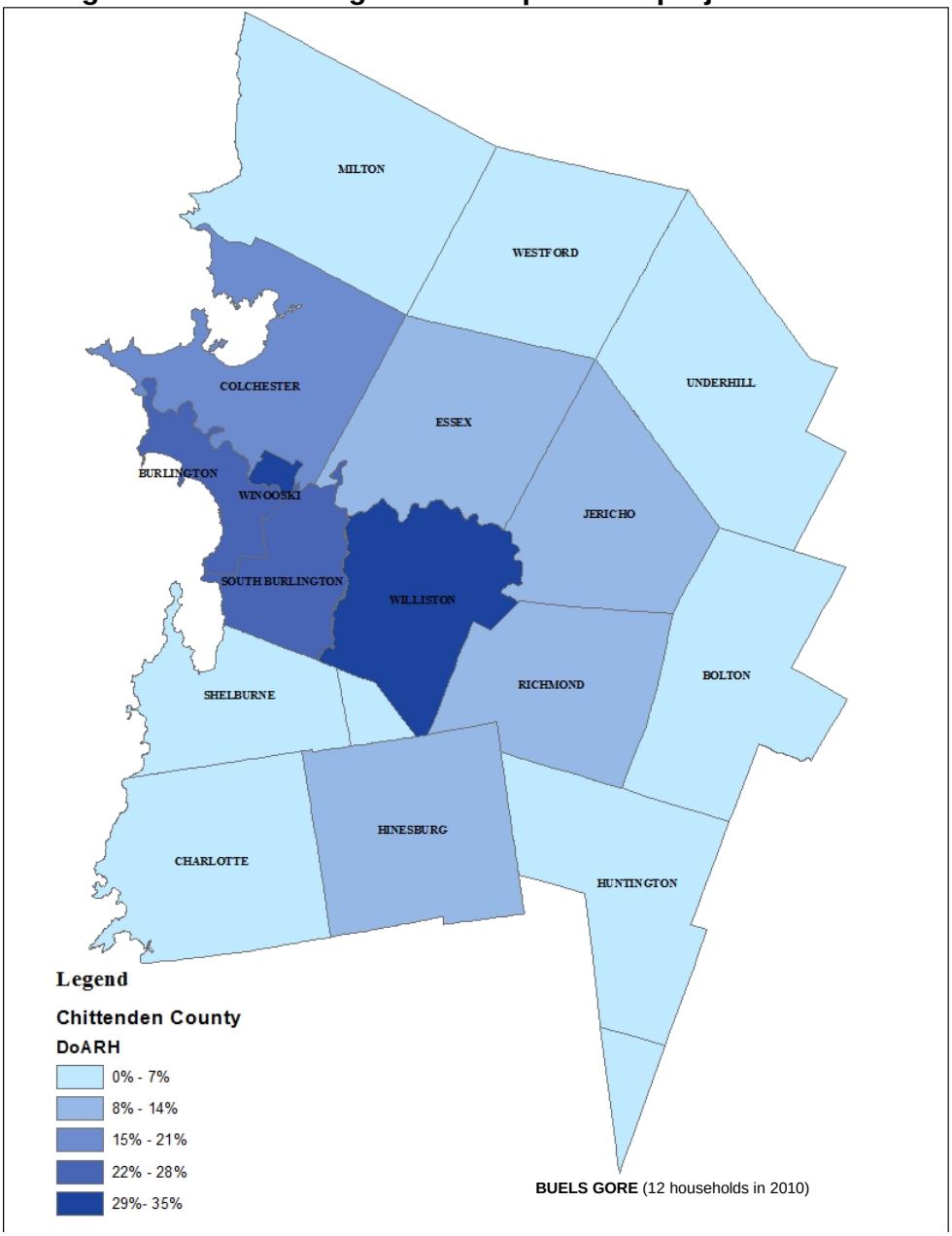


Source: VHFA analysis of data from Census 2010, Summary File 1.

Geographic distribution of housing assistance

Promoting fair housing choice requires housing opportunities throughout the county. To ensure that there is available housing free from discrimination across Chittenden County, this FHEA looked at the geographic distribution of affordable housing. 20 percent of the county's total rental housing stock is subsidized through project-based subsidies. This housing is spread throughout the county, with higher concentrations in the communities of Williston (33% of rental stock), Winooski (32%), Burlington (23%) and South Burlington (22%).

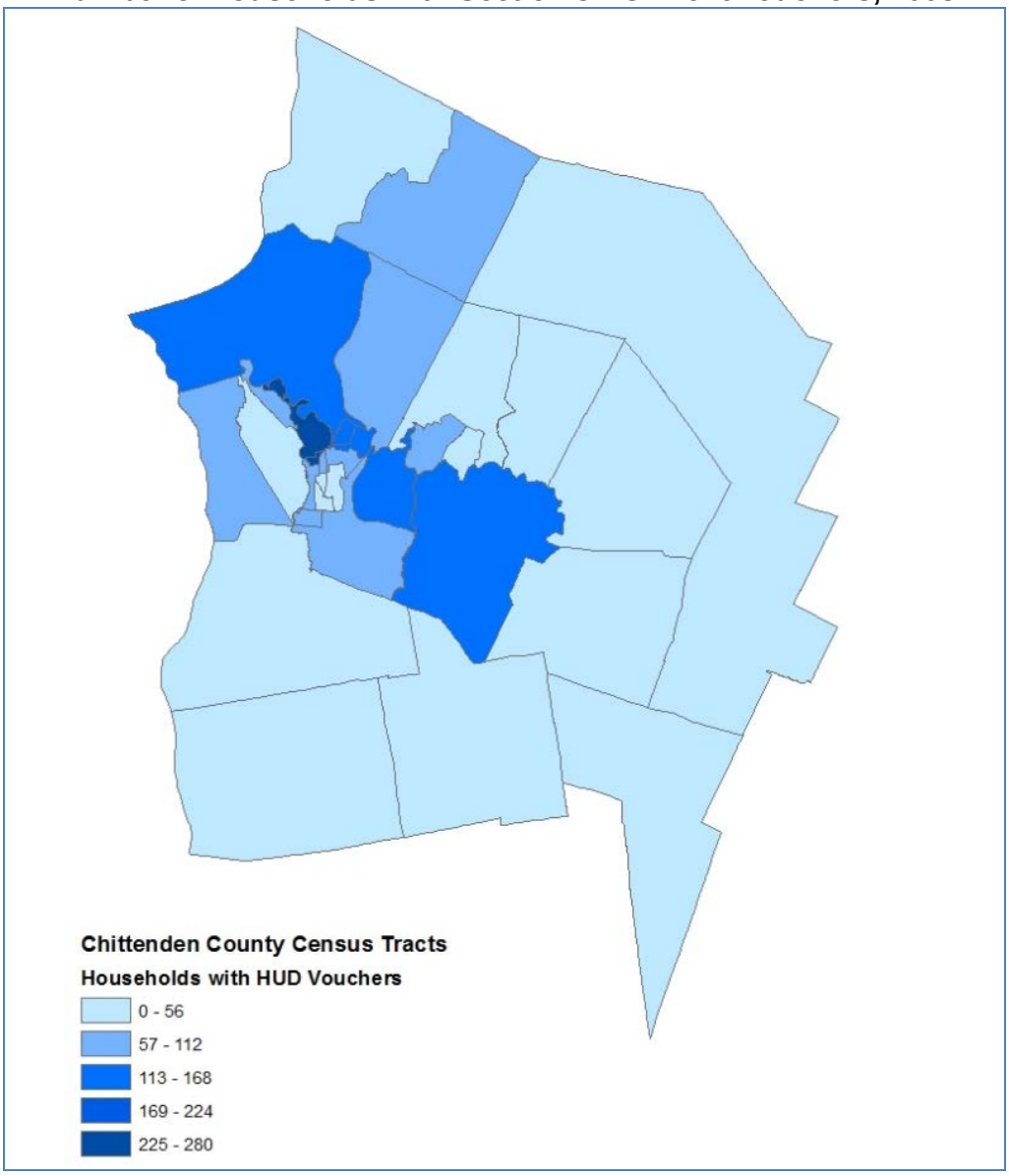
Percentage of rental housing stock comprised of project based subsidies



Source: Census 2010, Summary File 1 and VT Directory of Affordable Rental Housing.

The distribution of the county's 2,000 households receiving tenant-based rental assistance is constantly changing since these households may bring their rental assistance (voucher) with them if they leave one apartment and move to another. As of 2008, when HUD last reported on the location of these households, they were primarily in towns near Burlington.

Number of households with Section 8 HUD rent vouchers, 2008



Source: HUD, "A Picture of Subsidized Housing: 2008"

Dissimilarity index

This dissimilarity index (a number between 0 and 100) is a measure of the relative segregation or integration of racial or ethnic groups across geographic sub-areas of a larger area. A score of zero indicates perfect integration while a score of 100

indicates complete segregation. A dissimilarity index score is usually interpreted as the percentage of people that would need to move for each sub area to be fully integrated. A score of less than 30 generally indicates a low degree of segregation. Values between 30 and 60 indicate moderate segregation. Values above 60 indicate high segregation.

The dissimilarity index described below represents segregation or integration across all census tracts in Chittenden County. We present indices for the four largest racial / ethnic minorities in the county.

These dissimilarity indices show a moderate level of segregation (indices between 30 and 60) for Blacks and for Asians and a low level of segregation (indices below 30) for American Indians / Alaska Natives and for Hispanics.

Chittenden County Dissimilarity Indices, 2010

Minority population	White population	Dissimilarity Index
Black - White		
3,319	144,752	36.6
American Indian / Alaskan Native - White		
414	144,752	20.0
Asian - White		
4,399	144,752	30.7
Hispanic - White		
2,856	144,752	17.2

Source: 2010 U.S. Census Bureau population data for Census Tracts in Chittenden County. Minority and White populations are Census Bureau one-race counts.

It is possible, however, that these indices under-represent the level of segregation in Chittenden County. Due to Vermont's small populations and the Census Bureau's definition of a census tract as an area containing about 4,000 people, a number of towns in Chittenden County are represented by a single Census Tract – in fact in three parts of Chittenden County, a single census tract encompasses multiple towns. The logic of the dissimilarity analysis requires examining differences among census tracts. With a very limited number of census tracts representing some areas, any difference in segregation within fairly large geographic areas is missed. In this way, levels of segregation in Chittenden County are likely to be higher than the indices here suggest.

The relatively rural nature of much of the county and the impact that has on data analysis tools such as the dissimilarity index comes up with frequency during data analysis and planning efforts such as this FHEA. It was cited during meetings for both the Chittenden County Housing Needs Assessment and Burlington's Analysis of Impediments as well as this FHEA. It is a reality that Vermonters continually face. While it was discussed that this was likely hiding true pockets of segregation, there

were not any follow up actions proposed because without a large scale data collection effort (for which there is no readily available funding to conduct) it would be impossible to identify those neighborhoods with greater dissimilarity.

That said the index is clear that there is greater dissimilarity among Blacks and African Americans and Asians compared to Whites. This is likely because there are higher concentrations of these two racial minorities than any other race. There can be many reasons for why this is true:

- A history of displacing ethnic concentrations during urban renewal, red-lining minority households which limited their ability to get a home loan, and discrimination in other forms throughout the real estate transaction process.
- According to the data presented above, racial minorities including Blacks and Asians, have lower median incomes than White households. This disparity limits the housing opportunities for these households into lower-income areas of the region. This means that they are more limited with their housing choices and live in neighborhoods with higher concentrations of affordable housing and rental housing.
- Burlington and Winooski have higher concentrations of racial minorities than anywhere else in the state – this might add to the impact of dissimilarity when Blacks or Asians feel limited to these communities, or don't see enough peers in outlying towns in the county.

Areas of poverty with racial or ethnic concentrations

Although Vermont has relatively small numbers of racial and ethnic minorities, in the last decade, between 2000 and 2010, the non-white population has grown by 130% and the Hispanic population by 61%. Chittenden County, especially the cities of Burlington and Winooski, has percentages of racial and ethnic minorities significantly higher than the state as a whole.

According to HUD, a "racially concentrated area of poverty" (RCAP) is a census tract in which more racial minorities comprise at least 50% of the population. Similarly, an "ethnically concentrated area of poverty" (ECAP) is a tract in which Hispanics comprise at least 50% of the population. No census tracts in the Chittenden County (or Vermont for that matter) meet these thresholds.

Concentrations of minority populations and poverty tend to be unsustainable areas, lacking equality and opportunity—a stark contrast to "geographies of opportunity" (as defined by HUD Secretary Shawn Donavan) --places that effectively connect people to jobs, quality public schools, and other amenities.

Despite the small size of Chittenden County's population of racial and ethnic minority residents, there is still great value in identifying neighborhoods with higher concentrations of minority residents that also contain concentrations of low income households. For this reason, we identified census tracts in which population of various racial and ethnic groups is at least double the statewide proportion and in which low and moderate-income households comprise at least 50% of the population of the census tract.

As shown in the table below, six of the Burlington's twelve census tracts and both of Winooski's census tracts have a combination of 1) percentages of one or more minorities at least double the state average, and 2) at least 50% of the households classified by HUD as low or moderate income.

Impacted Census Tracts in Chittenden County*

Census Tract	Location	% Black	% Asian	% Am. Indian / Alaska Native	% Hispanic	% Non-White change 2000-2010	% Hispanic change 2000-2010	% of Household Units classified as Low or Moderate Income
3	Burlington Old North End largely north of North Street	9.9%	8.0%	0.4%	2.5%	45.0%	108.8%	79.3%
4	Burlington Old North End north of Pearl Street, south of North Street and between North Ave. and N. Union Street	7.1%	6.8%	0.5%	3.4%	34.2%	86.8%	75.9%
5	Burlington north of Main St. and between N. Union and N. Willard	2.1%	2.3%	0.4%	3.0%	11.4%	199.5%	72.7%
6	Burlington east of N. Willard and extending to the Winooski and S. Burlington borders	2.6%	2.8%	0.2%	2.6%	18.6%	110.8%	56.6%
9	Burlington south of Main Street between St. Paul and S. Willard Streets	2.0%	1.5%	0.3%	1.9%	-10.9%	19.0%	56.4%
10	Burlington Downtown and a portion of South End	7.9%	2.7%	1.1%	3.2%	37.0%	63.8%	77.1%
24	Winooski west of Main Street and north of railroad tracks	8.0%	6.8%	0.5%	1.9%	109.6%	28.6%	63.7%
25	Winooski east of Main Street and south of railroad tracks	6.0%	5.6%	0.2%	2.5%	62.6%	198.1%	59.8%

* Census tracts with % LMI of 50% or more and one or more racial/ethnic groups (shaded) at more than twice the State concentration.
Sources: Data on percent of low and moderate income (LMI) are from the U.S. Department of Housing and Urban Development and are taken from the State of Vermont Analysis of Impediments to Fair Housing Choice, Public Display Draft, February 10, 2012, Figure 2-10, page 24. Data on percentages of minority populations are from US Census Bureau 2010 Census. Data on percent increase of non-white and Hispanic populations from 2000 to 2010 are from a VHFA analysis of 2000 and 2010 Census data.

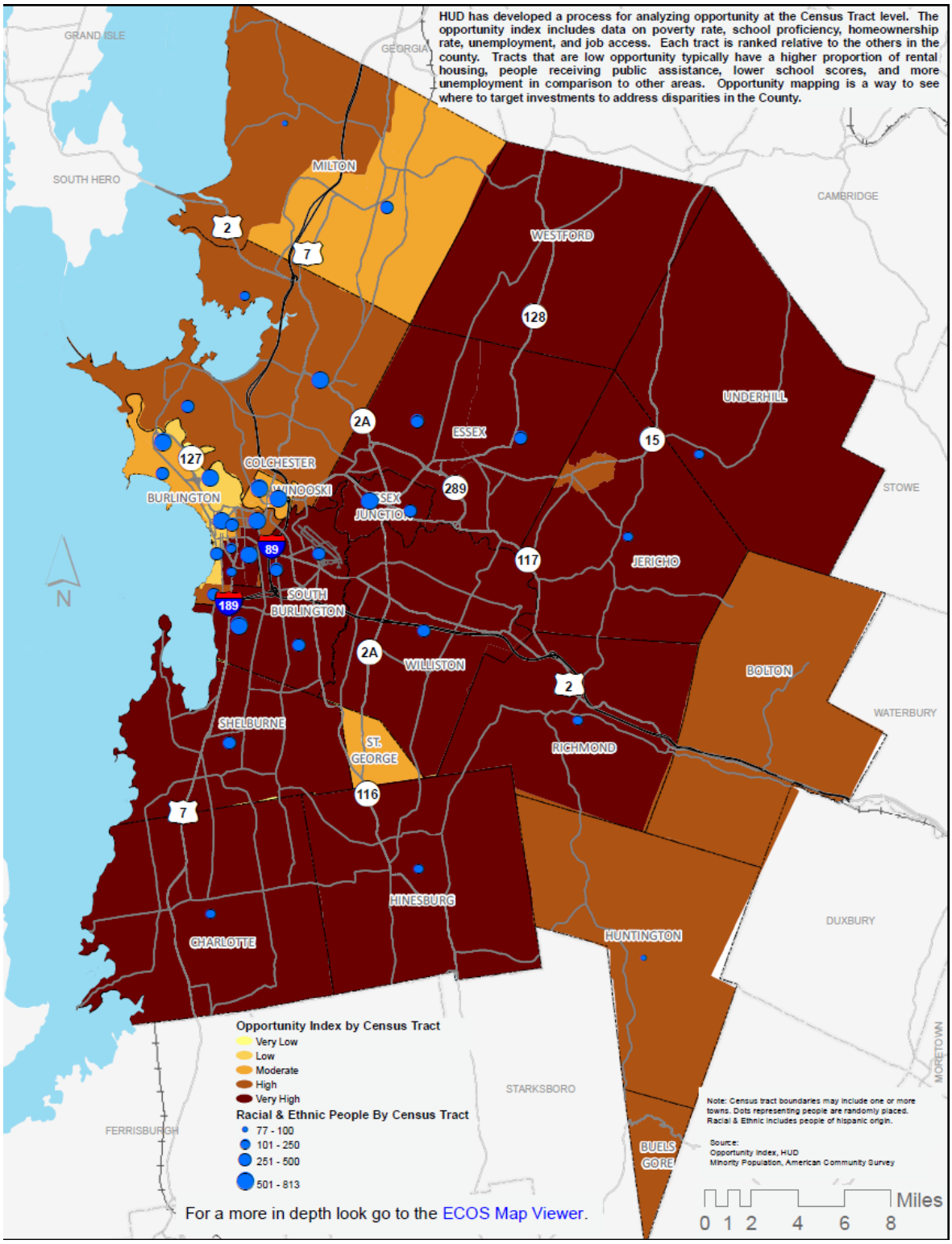
Opportunity Index

HUD has developed a two-stage process for analyzing opportunity. The first stage involves quantifying the degree to which a neighborhood offers opportunity, with metrics developed that rank each neighborhood relative to others in the city or metropolitan area. In the second stage, HUD combines these neighborhood rankings

with data on where people in particular subgroups live to develop a summary measure of that group's general access to opportunity. This summary measure can then be compared across subgroups to establish disparities in access to opportunity.

The Opportunity and Race Map combines an opportunity index, developed by the U.S. Department of Housing and Urban Development, with U.S. Census data on race. The purpose of this map is to show levels of opportunity in areas where there are the highest concentrations of racial minorities. HUD has developed a process for analyzing opportunity at the Census Tract level. The opportunity index includes data on poverty rate, school proficiency, homeownership rate, unemployment, and job access. Each tract is ranked relative to the others in the county. Tracts that are low opportunity typically have a higher proportion of rental housing, people receiving public assistance, lower school scores, and more unemployment in comparison to other areas. Opportunity mapping is a way to see where to target investments to address disparities in the County.

CCRPC has conducted this exercise for Chittenden County. The information is displayed in the map on the following page. The map on its own may be hard to understand; therefore the methodology follows in Appendix A. This map was created using HUD's methodology and the relative weighting of indicators were determined by HUD.



The results of the opportunity map exercise are exactly what practitioners and planners working in the region would expect: there are low levels of opportunity in the inner city areas with high concentrations of rental housing and poverty, and far higher levels of opportunity in towns with higher incomes and property values. The

difficulty in looking at Census tract level data, which as was discussed above, can cover multiple towns within one tract, hides the neighborhood impacts of this study.

The towns with high opportunities have higher median incomes, higher property values, more single family homes and have a far higher homeownership rate than those areas with low opportunities. The areas with low opportunities have higher rates of poverty, but greater access to public transportation, social services, and employment – although the employment includes a lot of low wage retail and service sector work. Their schools have more students participating in the free and reduced lunch programs, they have lower high school graduation rates, and more students who are racial minorities.

There is nothing about the high opportunity communities that make it more attractive for different types of affordable housing or investments. In fact, there has been more housing developed in Burlington and Winooski than any other town in the region, partially because these areas of low opportunity are so in-demand by renters and are so well served by transportation and community amenities.

The low opportunity areas are where there is a concentration of publicly subsidized affordable housing and a higher proportion of Housing Choice voucher holders, as can be seen in the maps above and in the ECOS Housing Needs Assessment. In order to change this reality, there would need to be far greater rental housing development in high opportunity towns, so that voucher holders had more units to potentially occupy. The barriers to affordable housing in areas of opportunity include land and development cost barriers, large lot size zoning requirements, land and unit availability, lack of tax credit and public funding available to support development, as well as typical community opposition.

However, from this level of town-wide mapping, it would be unfair and unrealistic to make any conclusions about identifying any areas of opportunity where affordable housing options are lacking. For example, there are some communities with higher concentrations of publicly subsidized housing, but there are also market studies showing demand in these neighborhoods. An outlying town may have little or no affordable housing, because it lacks the population base to create enough demand for the housing. Additionally, Chittenden County's ECOS plan very clearly is looking to concentrate development near downtown core areas and promote smart growth, and multimodal opportunities that reduce the combined housing and transportation cost impacts. Therefore, an equal distribution of affordable housing throughout a region may not be appropriate.

Public Policies

Planning, Zoning and Land Use Policies

The Chittenden County Regional Planning Commission's 2008 report *Fair Housing and Land Use Planning & Regulation* provides a detailed review of land use planning and public policies in Chittenden County. It is important to note that many of the

Chittenden County municipalities have updated their plans and development regulations since 2008 and therefore the following information under titles “Planning Documents” and “Land Development Regulations” may be out of date. The report found that most of the 19 municipalities in Chittenden County maintained adequate data on housing supply and housing costs but lacked concrete demographic information regarding people who may be in protected classes.

Planning Documents

Demographic data can be used to effectively document the presence of people in the community who are more likely to experience illegal housing discrimination. The planning documents in four of the 19 municipalities within Chittenden County sufficiently analyze demographic data for this purpose. Some of the largest and fastest-growing municipalities fail to take this step in their plans.

Six of the 19 communities fail to document the type of housing in the community. For the smallest communities such as Buels Gore (population as of 2000 census: 12), this step is probably unnecessary. On the other hand, large and diverse communities such as Winooski and Essex Town could benefit from this information. Essex Town also does not include information about housing ownership and rental costs in their planning documents. This data is an important component of understanding whether housing is affordable to all community members including people in protected classes.

The City of Burlington is the only municipality in the county that tracks discrimination complaints. It is also the only municipality that has analyzed areas of concentration of people in protected classes. This is likely due in part to a lack of HUD-defined racially or ethnically concentrated areas of poverty (RCAP’s and ECAP’s). However, as the minority population and the population of people in other protected classes continue to grow it is imperative that communities begin to monitor potential areas of concentration.

Land Development Regulations

The 2008 *Fair Housing and Land Use Planning and Regulation in Chittenden County* report found no apparent violations of state or federal fair housing law. Every municipality in Chittenden County has zoning regulations. With the exception of the small community of Buels Gore, every community has subdivision regulations. Every community allows Planned Unit and Planned Residential Development.

Most Chittenden communities have a host of regulatory features that support affordable housing development. Density bonuses are offered in every community except Winooski, but it’s worth noting that Winooski is already zoned for high density. With the exception of the rural communities of Underhill and Huntington, every community permits a variety of lot sizes. However Bolton, Charlotte, Huntington, Jericho, Milton, St. George, Shelburne, Underhill and Westford have predominantly large lot size requirements. All communities permit accessory dwelling units. The communities of Burlington, Charlotte, Shelburne, and Williston allow reduced permitting fees for affordable housing development.

Several communities have provisions that may restrict the lawful development of group homes with 8 or fewer residents. These communities include Essex Junction, Hinesburg, Jericho, and Winooski. In these bylaws, single-family homes are treated as a permitted or conditional use while group homes for people with disabilities are not included as such. This may subject small group homes for people with disabilities to a different (and more comprehensive) review process than single family homes.

Affordable Housing Development

The following policies affect the cost of housing and the incentives to develop, maintain, or improve affordable housing in Vermont. Not all of these are Chittenden County-specific, but all apply in Chittenden County, as well as the rest of the state.

Vermont Housing and Conservation Trust Fund

The property transfer tax is levied on the transfer of all real estate in Vermont, based on the sales price. The state's Housing and Conservation Trust Fund is administered by the Vermont Housing and Conservation Board (VHCB) and funds nonprofit housing developers and municipalities that create permanently affordable housing for lower income Vermonters, creating an incentive for development. Since fiscal year 2001, statute requires 50 percent of the proceeds of this tax to be spent on affordable housing and conservation and 17 percent on municipal and regional planning. However from FY 2002 to 2011 VHCB received $34.5 million less than the formula amount, reducing the funding available to encourage development and conservation. The diverted funds went to state deficit reduction and other state priorities.

For FY 2012, VHCB was funded at just under the statutory level for the first time in 11 years. It received a total of $12,047,500 -- $8,047,500 in property transfer tax revenues and another $4 million from the state's capital budget. Due to the state's ongoing budget deficit, the Shumlin administration and the Legislature were unable to provide all the funding from the transfer tax, relying on bond funds to achieve a total combined appropriation that approaches 95% of what the VHCB would have received under the statute. This reflects a reduction of only $575,000 from the statutory level, and an increase of more than $945,000 over the prior fiscal year's appropriation.

Commitment to permanent affordability

Four programs require permanent affordability in return for public funds, as administered by Vermont agencies: the HOME program, Community Development Block Grant, the State's Housing Trust Fund and federal Low Income Housing Tax Credits.

Act 250 and land use controls

Act 250 provides "a public, quasi-judicial process for reviewing and managing the environmental, social and fiscal consequences of major subdivisions and development in Vermont through the issuance of land use permits." Supporters cite this as an important tool against unchecked development and sprawl while critics

say it lacks predictability and increases costs ultimately passed on to residents. While some developers point to Act 250 as prohibiting more affordable housing development, there is no definitive data indicating this. More research should be done in this area before drawing any conclusions.

Legislation to allow for accessory dwelling units

In 2003, the State Legislature passed legislation which mandated every municipality in Vermont to allow accessory dwelling units under certain conditions. According to the Vermont Department of Economic, Housing and Community Development, "changes to Vermont's law on equal treatment of housing and town bylaws created a new opportunity for homeowners to add an apartment to their house… The overriding state law says homeowners must be allowed to add one Accessory Dwelling Unit as a permitted use…" as long as certain criteria are met.[xxxix] This same legislation authorized that local bylaws may require that a certain percentage of housing units in planned development meet defined affordability standards.

Designated areas for growth

There are five designations communities can apply for to encourage development according to smart growth principles: Designated Downtowns, Designated Village Centers, New Town Centers, Growth Centers, and Vermont Neighborhoods. Each has unique characteristics, goals and incentives to support housing development.

In Chittenden County, the following municipalities have designations for a part of their community:

- Growth Centers: Colchester and Williston
- Designated Downtowns: Burlington and Winooski
- Vermont Neighborhoods: Essex Junction and Winooski
- New Town Centers: Colchester and South Burlington
- Villages: Essex Junction, Hinesburg, Huntington, Jericho/Underhill, Richmond, Shelburne, Westford, and Williston

Impact fees

While not a statewide fee or policy, some communities in Vermont charge impact fees for new residential construction for schools, recreation, roads, etc. in addition to sewer and water hook ups if those municipal services are available. Municipalities contend that these fees are necessary to cover the costs of increased development, while critics complain that they drive up the cost of housing. Some communities waive or reduce impact fees for projects that create permanently affordable housing.

Density bonuses

While not a statewide fee or policy, several Vermont communities have density bonuses that reward the development of affordable housing. According to HUD, "Density bonus ordinances permit developers to increase the number of units allowed on a piece of property if they agree to restrict the rents or sales prices on some of the units. Developers can use the additional cash flow from these bonus units to offset the reduced revenue from the affordable units."[xl]

Large lot sizes

Although construction costs make up about 70% of the total cost, the cost of developing housing is also driven by the cost of land. Local zoning ordinances that require large lot sizes depress the construction of affordable housing; however, these large lot sizes are intended to preserve the rural country side and steer development toward the villages and town centers that allow for a higher level of density. The majority of Chittenden County municipalities allow for higher densities in the appropriate areas.

Standards for health and habitability

A variety of standards for health and habitability exist in Vermont, enforced by either a funding source or through federal, state, or local adoption and interpretation of building codes and standards. These cover a variety of areas including handicapped accessibility, lead safety, historic preservation, fire safety, septic, habitability and others. These have the potential to add both cost and value to a property.

In Chittenden County both cities of Burlington and Winooski have local municipal codes in addition to state rental housing codes. In 2010, a legislatively charged committee released a report recommending improvements to the coordination and enforcement of the state's rental housing code.[xli] As a result a website serving as a portal of information to municipalities, landlords and tenants was launched in 2011. This site, www.rentalcodes.org, is a comprehensive toolkit of information previously only available in dozens of other places.

Building codes (accessibility)

The Americans with Disabilities Act (ADA) requires that certain accessibility standards are met in many situations to comply with federal laws that prohibit discrimination against people with disabilities. In terms of these standards (which can be found at www.ada.gov), the Burlington City Inspector is charged with ensuring that ADA standards are met in all new construction projects in the city. The inspector reviews all plans, issues all permits, and conducts all inspections relating to ADA compliance. The city is aware of its responsibilities to ensure that new buildings are in keeping with ADA rules. However, most of Chittenden County's housing stock (an estimated 77%) was built before the ADA was implemented in 1990. For this reason, housing accessibility remains a barrier to fair housing choice for residents who need these features.

State housing tax credit benefits to Vermonters

The State of Vermont has an annual allocation of State Affordable Housing Tax Credits, which may be used for affordable rental housing projects. This credit is available to projects which qualify for the federal Housing Credit and have received community support. These credits efficiently raise private equity to create affordable rental housing and homeownership opportunities. Housing developers may also be able to use other state tax credits for building in downtowns and village centers and for historic preservation.

Tax benefits for assisted housing

Passed in 2003 by the Vermont legislature, Act 68 (previously Act 60) divides all Vermont properties into homestead (residential) and non-homestead (nonresidential) properties. Non-homestead properties were originally intended to be taxed at a higher rate than residences. However, in terms of fair housing, many low-income families/individuals live in rental units, which are classified as non-homestead properties. Those subsidized by the federal or state government can apply for a certificate from the Vermont Housing Finance Agency and are eligible for a percentage reduction in assessed value to reduce the property tax burden.

Act 75, passed in 2005, is more subjective and open to variances at the local level. The Act requires local property tax assessors to value housing projects subject to affordability covenants using an income method as opposed to full market value since even upon sale of a property an affordability covenant will lower the market value of a building. Similar to Act 68, because many of the residents of these properties are in receipt of public assistance, this provision recognizes the reduced rental payments and lower tax base for these properties.

Design and community development standards

Public resources, as administered by Vermont housing agencies, often require certain design features or standards in developments. These requirements are intended to make units more marketable, accessible, energy efficient, and improve the quality of life for residents. The tradeoff is that sometimes they require more initial investment, increasing the cost of development.

Vermont-based research done in 2000 shows that “multiple community development objectives, such as rehabilitating historic downtown buildings and/or abating environmental hazards, can add up to 40% to the typical cost per square foot. Special funding sources are used to address such nonshelter objectives. These special sources appear to equalize costs between ‘shelter only’ and developments serving multiple objectives.”[xlii]

Visitability in housing

Visitability is the concept that all people should be able to visit every other person’s home. Thus, certain measures should be taken in new housing to ensure it is accessible to all. It is illegal to discriminate on the basis of disability, and certain small steps can be taken to help all homes be accessible. In 2000, Vermont, through Act 88, passed its minimum visitability standards. Although the law is not as strict in terms of requirements or enforcement as suggested initially by some advocates, Vermont has visitability standards for new, single-family construction (both subsidized and non-subsidized). The basic standards deal with issues like the minimum width of hallways or doors, along with the reinforcement of bathroom walls to potentially allow for the addition of grab bars. Visitability is a growing national movement as the population ages and communities strive for more housing equality.[xliii]

Sale of subsidized housing and possible displacement

Vermont's strong record of successfully preserving affordable housing — the state has lost virtually no assisted housing to conversion since 1987 — positions it well to address the ever-increasing demand for affordable rental housing from its low- and moderate-income residents. The region's relatively low vacancy rates have prompted a steady increase in rents during the past decade. At the same time, workers in the most common Vermont occupations do not earn enough to afford the state's prevailing rents.[xliv]

The region's assisted housing stock has benefited from the state's efforts to preserve affordable housing. Although few privately-owned Section 8 properties are reaching the end of their HAP contracts, preservation agreements are in place that allow the state's housing funders to step in to help negotiate a sale to a non-profit housing provider when and if the contracts expire and a conversion is considered. Similarly, there are a few older Housing Tax Credit projects that will soon be reaching their "Year 15" status. At that point the goal is to negotiate an ownership transfer to a willing non-profit. While these may be laudable goals, public resources are tight. It's possible that when these owners choose to exit these programs there may not be available funding to meet the projects' needs. Due to the success of preservation efforts, the vast majority of units nearing the end of their use restrictions are likely to remain in the state's stock of affordable housing. As of September 2011, 324 affordable housing units statewide remain at risk.

To help preserve Vermont's affordable rental housing, in early 2009, the MacArthur Foundation awarded a $600,000 grant to the Vermont Housing and Conservation Board (VHCB) and a $2 million loan to VHFA. VHCB and VHFA are using the funding to increase energy efficiency, provide technical assistance, finance predevelopment and bridge loans, and establish a demonstration project using Medicare and Medicaid for supportive services for senior housing statewide.

Tenant selection procedures

Although tenant selection procedures may vary widely between landlords and management companies, a statewide survey done by VHFA in 2005 showed that the majority used previous landlord references as the predominant tool in qualifying applicants. 82% of the managers participating — including private and non-profit managers as well as Public Housing Authorities (PHAs) — check landlord references. The next most-often used tool was a credit check (54%) followed by a criminal background check (42%).

When using landlord references, managers of non-profit owned units (including PHAs) considered a longer history (six years) compared to privately owned units (four years). Non-profit owned units also typically contact more landlords on average. Similarly, non-profit owned properties used credit checks slightly more than private properties, and considered a longer timeframe. 41% of all managers have a policy of excusing medical bills, although it wasn't clear that all took the time to see if a medical condition was the precipitating cause of a school or car loan delinquency.

Non-profit owned housing used criminal background checks much more heavily than private landlords (71% compared to 34%), although private landlords looked back an average of eight years compared to seven for non-profits. It is possible that running credit checks on applicants or relying on landlord references may disproportionately affect younger households and newer Americans, both of whom may have not yet fully established their credit or rental histories.

Definition and use of Actual Notice

In the state of Vermont, rent increases and notices of termination of lease must be served to tenants as actual notice, defined as in writing via US mail or hand-delivered. For many new Americans and others, this is ineffective because of language barriers.

Private Sector Actions

Rental market

Chittenden County households continue to get smaller while the population increases. Likewise, enrollment at the several universities and colleges in the area continues to grow. These factors create a larger demand for rental housing. After peaking at 6.1% in 2010, the rental vacancy rate for the state of Vermont fell to 4.2% in 2011. This is the second lowest rate in the nation and it points to a shortage of rental units. As of December 2010, Chittenden County's vacancy rate was 1.4%.

Rental prices are also outside the reach of many Vermonters. Statewide, 47% of renters pay more than 30% of their incomes in housing costs. In Chittenden County, that figure grows to 56% percent paying more than 30% of their incomes, by far the highest percentage in the state. Because the median incomes of people in certain protected classes are much lower than state and county medians, the impact of high rental prices is greater among those groups.

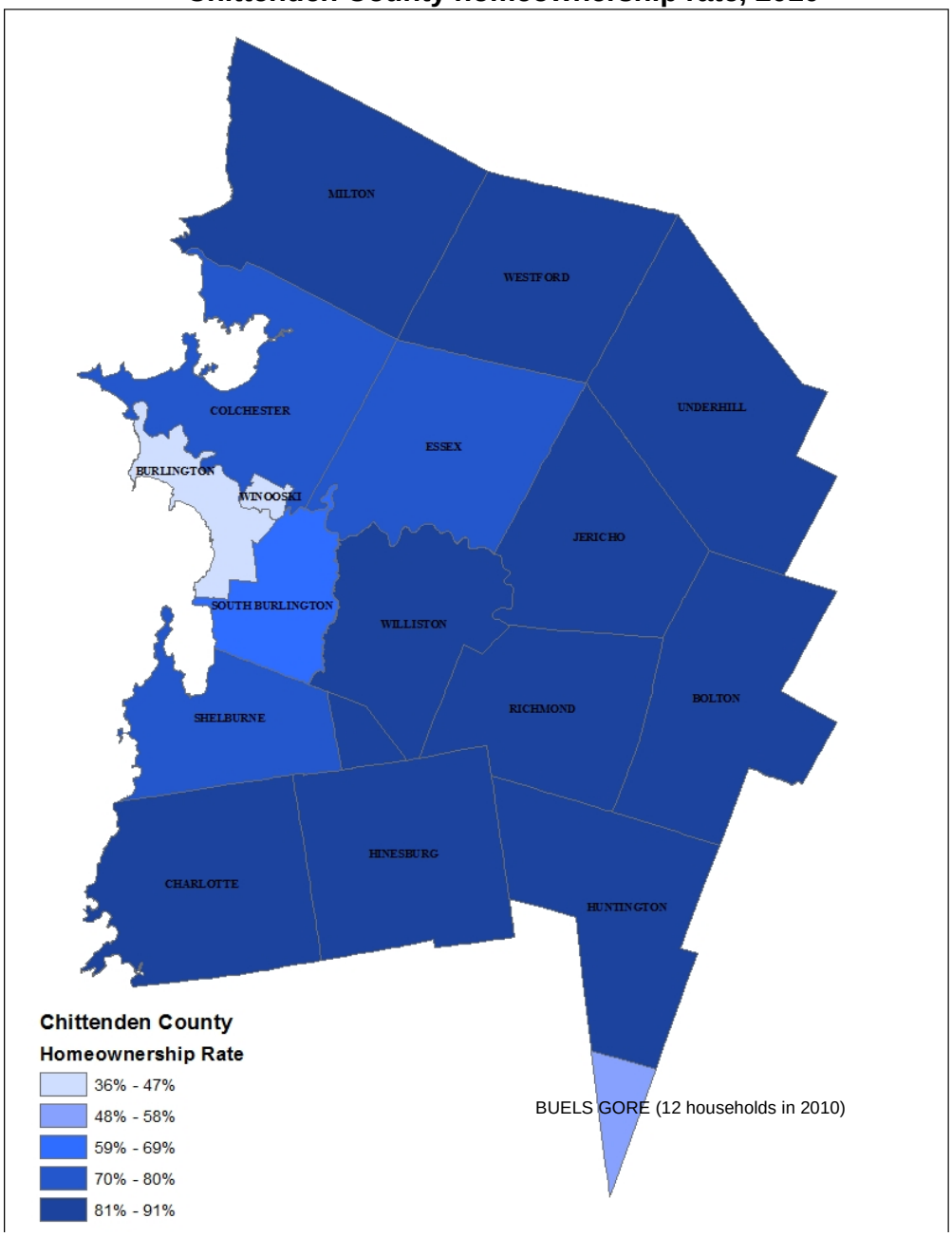
Recent research from Vermont Legal Aid[xlv] demonstrates significant discrimination in the rental market. Combining rental visits audits and linguistic telephone audits, Legal Aid research found a 14% rate of race discrimination, a 12% rate of national origin discrimination and a 10% rate of familial status discrimination. Minority populations account for a significant portion of recent population growth – accounting for 4.9% of the population in 2000 but growing to 7.5% of the population by 2010. As the minority population continues to grow it is critical that instances of discrimination are addressed.

Homeownership / sales

The county's homeownership rate is lower than the state rate of 71%, although the range within the county is extreme, from 36% in Winooski to 91% in Underhill. It's much more likely for the outer ring of towns to have higher homeownership rates (above 80%) than the "inner city" areas of Burlington and Winooski. While there are numerous reasons for this wide mix, the concentration of five colleges and universities in Burlington and Winooski certainly increases demand in the rental market. In addition, these two communities have high concentrations of refugee

populations who have not yet established the requisite financial history to purchase a home. Finally, both towns have areas of relatively high poverty. Individuals at or near the poverty level have less opportunity to purchase a home and are likely to be part of the Section 8 program which reduces the incentive to buy via a rental subsidy.

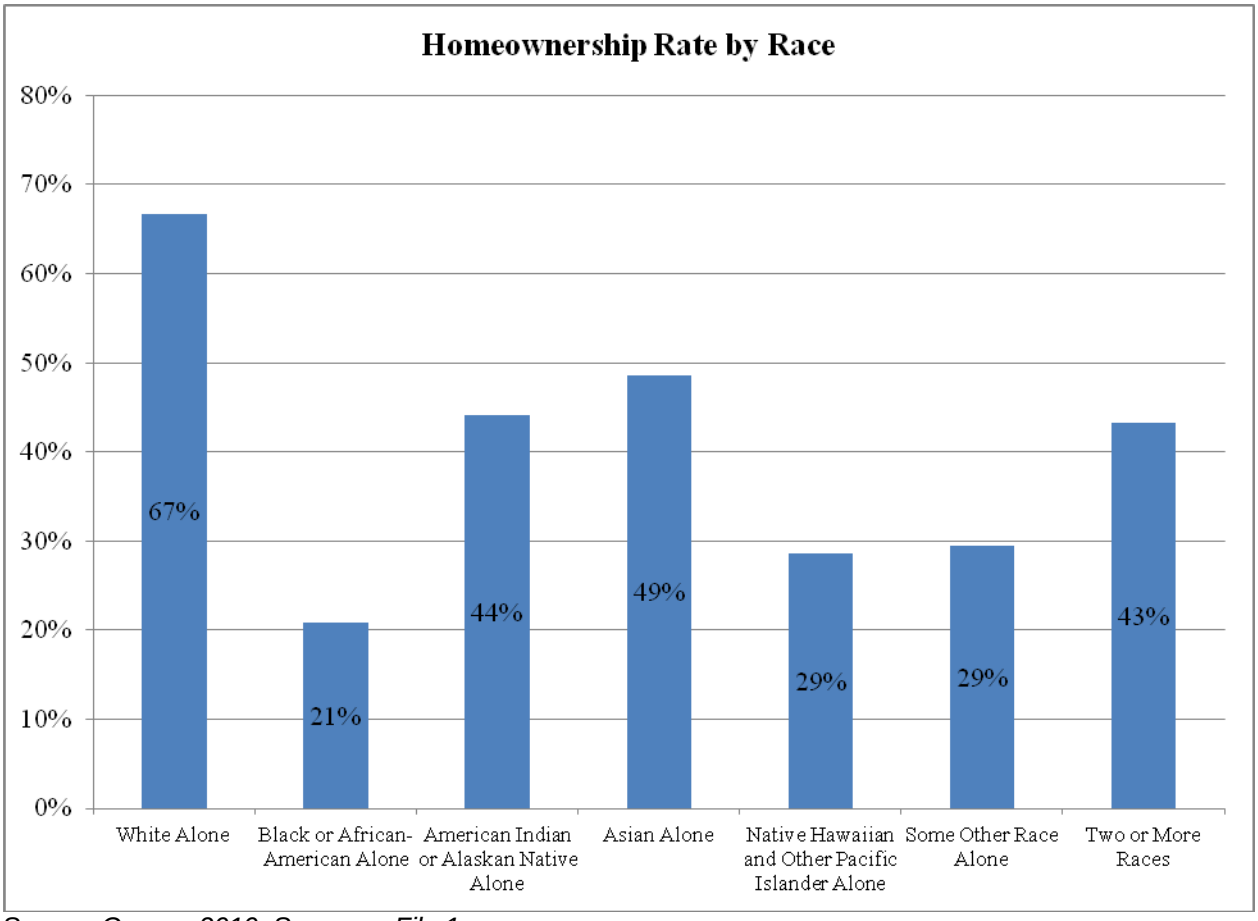
Chittenden County homeownership rate, 2010



Source: Census 2010, Summary File 1.

Non-White Chittenden County households are less likely to be homeowners than are White households. This ongoing discrepancy indicates an impediment to fair housing choice, which has also been documented in the both the state of Vermont's 2011

Analysis of Impediments to Fair Housing Choice and the City of Burlington's 2010 Analysis of Impediments to Fair Housing Choice.[xlvi]



Source: Census 2010, Summary File 1.

Federal and state laws prohibit discrimination in the financing and lending practices involved in real estate transactions. Based on comparisons to White applicants, Chittenden County applicants for home purchase and refinancing loans who were not White alone in 2008-2010 had higher denial rates (27% vs. 19%) and lower mortgage origination rates (64% vs.71%).[xlvii]

Unfortunately, available data does not allow distinguishing the effects of race and income on homeownership and mortgage lending. Since non-White county residents have lower incomes on average than White residents, it is possible that differences in financial conditions are playing a role in the likelihood of buying or refinancing a home.

Financing costs and mortgage insurance

Current historically low interest rates help some buyers but may only be available to households with stellar credit. Households with lower credit scores pay dramatically higher interest rates. Less than 40% of Americans have credit scores that would typically qualify them for the best rate possible.

New fees charged since the recession on most home loans to offset perceived risk remain high. These fees, charged when loans are sold on the secondary market, occur in the following circumstances:

- Adverse market fee (charged for all loans)
- When a borrower's credit score is below 750 (60% of U.S. buyers have scores below this)
- When the down payment is less than 40%
- When buying a condominium with less than 25% down payment
- When buying a mobile home with less than 40% down payment

Calculating exact fees for a borrower depends on the unique circumstances of the type loan, type of loan and the borrower's financial strength. A borrower with less than 20% down and average credit could easily rack up three points on their home loan, which adds to the total costs already needed at closing.

Mortgage insurance, typically required of a borrower with less than a 20% down payment, has also become much more difficult to obtain. Most private and government mortgage insurance companies are not insuring mobile homes and lower cost condominiums can be very difficult to insure. The premiums and fees for mortgage insurance have also risen since the recession.

As with the rest of the country, the mobile home and condominium markets in Chittenden County have been affected by the tightening of mortgage lending for these types of homes. Many mobile home owners are effectively trapped because they cannot sell their home without eligible buyers who can access mortgage financing. Condominium owners are similarly constrained as lenders have ratcheted up document and reserve requirements for condo associations and limited the number of condo projects eligible for traditional mortgage financing.

Statements, Publications and Advertising

Section 42 USC § 3604 of The Fair Housing Act makes it unlawful to

> "Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination."

Vermont's fair housing statutes contain similar language and expand the prohibition to classes protected under state law (age, marital status, sexual orientation, gender identity and receipt of public assistance.)

This prohibition applies to advertising in newspapers, on websites and in other published materials. It also applies to statements made by individuals involved in housing transactions. Further, while landlords with three or fewer units are exempt from certain portions of fair housing law, statements are never exempt.

Individuals who make, print, or otherwise publish discriminatory statements can be held liable under the Fair Housing Act. In addition, publishers and advertisers are responsible for making, printing, or publishing an advertisement that violates the Fair Housing Act. Therefore, they should not publish or cause to be published language that expresses a preference or limitation based on membership in a protected class.

The 2012 State of Vermont Analysis of Impediments reviewed the classified sections of eight Vermont newspapers including the Burlington Free Press. It found that the newspaper publishes its non-discrimination policies in its online version but not in the print version. It also found one advertisement which contained potentially discriminatory language.

The Fair Housing Project monitors Craigslist and other online housing resources for Chittenden County. Over the past year, over 250 listings containing potentially discriminatory language were found. Most of these ads were potential familial status discrimination. All publishers of potentially discriminatory ads were notified, provided educational materials, and asked to edit or remove the advertisement in question.

Fair Housing Infrastructure & Capacity

This section details the current fair housing infrastructure and capacity in the region. This includes recent activities, agencies, organizations and private-sector entities that play a direct role in fair housing education, enforcement and testing as well as those agencies and organizations that support, organize and fund these efforts.

Summary of Recent Activities

The 2012 passage of Act 137 by the Vermont State Legislature was one of the biggest comprehensive activities that Fair Housing advocates worked on in the past few years. The law states:

> 9 V.S.A. CHAPTER 139. DISCRIMINATION; …
> § 4503. Unfair housing practices
> (a) It shall be unlawful for any person:
> ...
> (12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise provided by law.

The new protected class added to state fair housing law in 2012 is “income”. (Note: This “income” category was put in the law in addition to the “receipt of public assistance” category which was already in Vermont fair housing law.) With the addition of “income” to the above section, it is now explicitly prohibited for planners or land use permitting entities to discriminate based on consideration of the income level of prospective households who would reside, or may reside in proposed housing, or in planned development zones of a municipality.

For more information on this new law, see CVOEO's Fair Housing Project website at http://www.cvoeo.org/fileLibrary/file_93.pdf.

The Fair Housing Project of the Champlain Valley Office of Economic Opportunity

The Mission of CVOEO is to address fundamental issues of economic, social, and racial justice and to work with low-income people to achieve economic independence. It is one of five Community Action Agencies in Vermont, primarily serving Chittenden, Addison, and Franklin counties in the northwest corner of the state. The Statewide Housing Services Division (The Fair Housing Project, The Mobile Home Program and Vermont Tenants) serve residents statewide.

The Fair Housing Project of CVOEO (FHP) works to eradicate housing discrimination through education and outreach. The organization educates real estate professionals, property managers, municipal officials, planners and the general public about federal and state fair housing law. The Fair Housing Project is funded in part by a HUD Fair Housing Initiatives Program / Education and Outreach Initiative grant. Other funding sources include the Vermont Agency of Commerce and Community Development and fees for service.

Fair Housing Project activities include statewide education campaigns, training for municipal officials and land use planners, workshops for property management firms, and a wide range of related educational activities. They also produce Fair Housing guides and information in 16 different languages to meet the needs of all Vermonters. In addition, FHP staff work closely with municipalities throughout the state to improve regulatory compliance with the Fair Housing Act and help communities take actions that affirmatively further fair housing. Finally, the Fair Housing Project provides guidance and referrals for people who believe they have faced housing discrimination.

Vermont Legal Aid

Vermont Legal Aid (VLA) provides free civil and legal services to people throughout Vermont who are poor, elderly or have a disability and who would otherwise be denied justice or the necessities of life. Through legal representation, community education, public policy and legislative advocacy, VLA asserts the social and economic interests of our clients and seeks to address the causes of poverty, discrimination and equality.

VLA provides intake, legal advice, legal forms, pro se assistance and full representation to victims of housing discrimination in affirmative and defensive litigation and administrative proceedings. VLA also advocates with local, regional and state officials for inclusive, integrated neighborhoods. They operate a fair housing testing program that conducts both complaint-based and systemic fair housing testing.

Most of VLA's affirmative litigation and outreach, and all of its fair housing testing is funded by a Private Enforcement Initiative grant through The US Department of Housing and Urban Development's Fair Housing Initiatives Program (FHIP).

The Vermont Human Rights Commission

The Vermont Human Rights Commission (HRC) promotes full civil and human rights in the state of Vermont. The HRC pursues its mission by enforcing laws, mediating disputes, educating the public, providing information & referrals and advancing effective public policies on human rights.

The Commission protects people from unlawful discrimination in housing, state government employment and public accommodations. They process complaints, conduct mediation or informal settlement negotiations and perform investigations to determine if discrimination did or did not occur. They also serve as a HUD-designated Fair Housing Assistance Program (FHAP)

The Vermont Center for Independent Living

The Vermont Center for Independent Living (VCIL) is a nonprofit organization directed and staffed by individuals with disabilities. VCIL works to promote the dignity, independence and civil rights of Vermonters with disabilities. VCIL is committed to promoting active citizenship and working with others to create services that support self-determination and full participation in community life.

VCIL's Home Access Program provides home entry and bathroom accessibility modifications for low-income Vermonters with physical disabilities. A significant portion of HAP funds are currently provided to families who live in community land trust properties or public housing authority units throughout the state to make accessibility improvements.

VCIL also handles housing complaints from its clientele and works with the Vermont Human Rights Commission to process such complaints. VCIL prefers mediation of housing complaints because it enables the organization to obtain a more effective resolution, obtain affirmatives from the respondent, required education for landlords, and secure positive results for tenants in a more efficient manner.

Vermont Department of Economic, Housing and Community Development.

The Department of Economic, Housing and Community Development (DEHCD) works to grow Vermont's economy, help businesses create jobs, and support vibrant and resilient communities. As the manager of the state's Community Development Block Grant allocation, DEHCD plays an important role in certifying that the state and all sub-recipients of CDBG funds take steps to Affirmatively Further Fair Housing.

DEHCD fulfills the AFFH obligation through a wide range of programs and activities. They fund municipal assessments carried out by the Fair Housing Project; train municipal officials and regional planners about their obligations under the Fair Housing Act; and work with Regional Planning Commissions and municipalities to increase access and equity in housing for all Vermonters. They also support the production and statewide distribution of fair housing information in 16 languages.

The Vermont Housing and Conservation Board

The Vermont Housing and Conservation Board (VHCB) administers Vermont's HOME program and the State Housing Trust Fund and promotes affordable housing developments in non-concentrated areas throughout the state, including affordable developments in resort towns. VHCB also provides fair housing information to owners, developers, and managers of affordable housing. VHCB educates grantees on an on-going basis through its application, development and monitoring process.

Additional Housing Organizations

While the following organizations don't focus on fair housing specifically, they do offer a wide range of project based affordable housing. Their programs successfully provide additional housing stock, and assistance, critical to the overall housing market in Chittenden County. These programs include but are not limited to: Champlain Housing Trust provides permanently affordable housing in Northwestern Vermont (and it serves as a worldwide model for its program of permanently affordable housing – both rentals, and its home ownership program); Cathedral Square Corporation provides healthy homes, caring communities and positive aging; Burlington and Winooski Housing Authorities manage affordable units and provide rental assistance.

Conclusions

Communities throughout the state continue to be mostly White, non-Hispanic, and a relatively low number are foreign born. Chittenden County, despite having about 25% of the state's population and the state's largest communities, is still generally reflective of this reality. Vermont and Chittenden have similar rates of male/female lead households, religious makeup, rates of disability and familial status to other states and regions in the country. That said there are some real demographic differences and future trends that set it apart from the rest of the state and which result in the increased potential for limited fair housing choices.

- 92% of Chittenden County households are headed by someone who is White, compared with the state's rate of 96%. While the region's population is relatively homogeneous, there are some distinct pockets of diversity that require more consideration.
    - That said, there are signs that the county's largest city, and likely its surrounding communities will become more diverse in the near future. 26 percent of Burlington's school children are not White, which will likely mean that many may be adults heading households in the region in the near future.
    - Additionally, Almost 5% of Burlington's residents had entered the U.S. between 1990 and 2000. As a federally-designated resettlement community, Burlington has experienced increasing immigration levels over the past decades.
- 65% of Chittenden County households own their home, which is lower than the state's rate of 70%. Much of this can be linked to the region's household

makeup: 28% of the county's households are people who are living alone, and these households predominantly rent instead of own.

- 14,000 Chittenden County residents are disabled, primarily with a physical disability. Considering the high average age of residents and that the rate of physical disabilities increases with age, the region must grapple with the likelihood of increased demand for physically accessible homes, both rental and homeownership. A lot of Baby Boomers are now reaching ages where the rate of disability may rise thereby exacerbating this need.
- Some Chittenden County residents do not have equal access to housing opportunities in Chittenden County. The county's growing population of non-White residents, residents with disabilities, and single-parent families are more likely to experience poverty and less likely to become homeowners than other types of households. The availability of sufficient housing options for all residents, regardless of their race, disability status, or membership in other protected classes, ensures that residents have an opportunity to reach their potential as contributing community members.
- Approximately 4,000 owner households and 6,000 renter households living in Chittenden County pay more than half of their incomes for housing expenses. Given the severe strain this places on a household's budget, these households are at much higher risk of foreclosure, eviction, homelessness, and frequent moving—all of which harm residents and the community.

Impediments

This section describes the seven impediments to fair housing choice identified in Chittenden County. These impediments stem from research by the authors. It also contains information from research for the 2010 City of Burlington Analysis of Impediments, the 2012 State of Vermont Analysis of Impediments, and the 2008 Chittenden County Fair Housing and Land Use Planning & Regulation report. The authors of this report played a role in creating each of the aforementioned documents and borrow from them here when appropriate and relevant.

Each identified impediment is explained. Following this section are action steps identified to address the impediments.

Impediment #1: Recent research finds significant and persistent discrimination in the rental market in Chittenden County and across the state of Vermont.

A March, 2012 audit by Vermont Legal Aid documents significant preferential treatment towards white testers of U.S. origin without an apparent disability. Preferential treatment towards white testers was found in 38% of race-based tests, 40% of national origin tests and 36% of familial status tests. 27% of rental visit audits conducted on the basis of disability indicated preferential treatment towards the person without a disability. Finally, 83% of accessibility tests conducted on newly-constructed multi-family housing units showed noncompliance with FHA design and construction standards.

This research is supported by two focus groups hosted by the Fair Housing Project and the City of Burlington in February, 2010. Focus group participants included

recent refugees from Africa and Asia, social service providers, people with disabilities, and people receiving public assistance. In total, 15 people participated. A majority of participants felt that African-Americans and refugees were improperly steered towards the Old North End, Burlington's most concentrated area of poverty.

Impediment #2: Disparate rules related to security deposits foster concentrations of poverty.

In Vermont, a security deposit is defined as any deposit or prepaid rent that is refundable to the tenant when the tenant moves out. The state of Vermont sets no limit on the amount a landlord can require for a security deposit. Burlington is the only municipality in Chittenden County that establishes a regulated limit on security deposits, mandating that a landlord may only charge an amount equal to one month's rent (plus an additional ½ month in the case of a pet deposit) at lease signing[xlviii]. In the rest of the county, it is quite common for landlords to charge an amount equal to first month's rent plus two additional months rent.

Agencies such as the Economic Services Division of the Department of Children and Families and nonprofit human services organizations will help low-income people fund a rental deposit, but those payments are not adjusted for where the person chooses to live. The net impact of this is to concentrate low-income people into Burlington where they are not required to save as much towards a deposit. As outlined earlier, the most affordable rents in Burlington are already in a low income area with relatively high concentrations of minorities. The differences between Burlington's deposit rules and those of other areas (or lack thereof) exacerbates the concentration of low-income individuals and families and prevents community integration.

Impediment #3: Local land use ordinances and zoning requirements may restrict development of and access to decent, fair and affordable housing.

Municipal ordinances and decision making can play an important role in furthering fair housing. Such items and actions can also serve as a strong deterrent to development of decent, fair and affordable housing access for some residents. Examples of municipal actions that might run afoul of the fair housing act include (but are not limited to) excluding multifamily housing in residential zoning districts where mostly Caucasian individuals live while permitting such development in areas of minority or poverty concentration; subjecting group homes for people with disabilities to conditional use standards or public review in areas where single family homes are a permitted use; and failing to make reasonable accommodations to local ordinances for people with disabilities.

An extensive report by the Chittenden County Regional Planning Commission in 2008 found that the 19 municipalities in Chittenden County are generally meeting their obligations in regards to the Fair Housing Act. All but two allow for Planned Unit Developments and offer a variety of lot sizes. All but four offer density bonuses and cluster development.

However, several communities failed to maintain adequate data on demographics and discrimination complaints. Eight communities do not permit group homes as a

permitted use in areas zoned for single family homes. In addition, eleven communities require large lot sizes in most areas, driving up the cost of housing and reducing housing opportunity for people in protected classes. These eleven communities should consider creating and/or expanding growth districts that allow for more dense development in village centers and other appropriate locations.

Impediment #4: Selection of sites for affordable housing development

Housing development and occupancy policies run the risk of limiting the number of affordable housing units most needed by protected classes.

Vague design standards included in local development code are sometimes used as a barrier to the development of affordable housing. Review standards stipulating that new development be consistent with the characteristics of the neighborhood can significantly limit the types of development that may occur in certain areas of the city and may also increase development costs. This may divert affordable housing from neighborhoods where existing characteristics do not make affordable development economically feasible. It's also possible that these somewhat vague criteria mask bias against housing affordable to protected classes under the guise of protecting the county's historical architecture. Policies that attempt to consider a neighborhood's character without equally considering how lack of housing development might impede fair housing choices or economic growth become impediments to fair housing.

A 2010 Analysis of Impediments for the City of Burlington recommended that the city's Comprehensive Development Ordinance be changed to (1) clarify considerations given to design review standards to be specific and limit appeals to specific types of arguments and (2) equally weigh design review standards to the economic realities of limited funding and development costs, including estimated costs to the city of lost job growth when lack of affordable housing limits the labor force and fair housing options to residents.

The 2010 Burlington report also suggested tracking zoning variances, local permit applications, adjusted residential permit applications, and denials to identify disparities and trends. It is important to ensure that both the lowest-income neighborhoods as well as more wealthy areas have equal opportunity for creating housing options.

Impediment #5: Tenant selection practices.

Although tenant selection procedures may vary widely between landlords and management companies, a statewide survey done by the Vermont Housing Finannce Agency (VHFA) in 2005 showed that the majority used previous landlord references as the predominant tool in qualifying applicants. 82% of the managers participating—including private and non-profit managers as well as Public Housing Authorities (PHAs)--check landlord references. The next most-often used tool was a credit check (54%) followed by a criminal background check (42%).

When using landlord references, managers of non-profit owned units (including PHAs) considered a longer history (six years) compared to privately owned units

(four years). Non-profit owned units also typically contact more landlords on average. Similarly, non-profit owned properties used credit checks slightly more than private properties, and considered a longer timeframe. 41% of all managers have a policy of excusing medical bills, although it wasn't clear that all took the time to see if a medical condition was the precipitating cause of a school or car loan delinquency. Non-profit owned housing used credit checks much more heavily than private landlords (71% compared to 34%), although private landlords looked back an average of eight years compared to seven for non-profits. It is possible that running credit checks on applicants or relying on landlord references may disproportionately affect younger households and newer Americans, both of whom may have not yet fully established their credit or rental histories.

Impediment #6: High rental & home ownership costs and limited rental housing availability have a disparate impact on people in protected classes.

Despite the nationwide decline in home prices, Chittenden County home values have remained relatively stable since 2008 after a decade where median sale price doubled. Incomes have not kept pace with these increases, especially among those in protected classes. This includes the growing refugee population and their descendants as well as people with disabilities and low to moderate income families with children. In addition, Chittenden County's rental vacancy rate is estimated to be approximately 1.4%, one of the lowest rates in the country (Allen & Brooks). In 2011, average rents were:

- $855 for 0-bedroom units
- $946 for 1-bedroom units
- $1,187 for 2-bedroom units
- $1,519 for 3-bedroom units
- $1,703 for 4-bedroom units[xlix]

Using the 30% threshold, a household needing a 2 bedroom apartment would need to earn approximately $47,480 per year in order for that rent to be considered affordable.

Impediment #7: The County's supply of affordable housing for larger families and housing accessible to people with disabilities may be inadequate. A lack of accurate data prevents an assessment of the full scope of the need.

Focus groups conducted in 2010 and interviews with staff of the Vermont Center for Independent Living demonstrate a shortage of affordable housing for larger families, in particular refugee families resettled in recent years. New multi-unit development in the county is heavily weighted towards one- and two-bedroom units, housing that does not meet the needs of large families. This lack of multi-bedroom housing and the high cost of renting the limited supply of such housing is an impediment to housing choice.

While there is no county-wide data available, the experience of staff at the Vermont Center for Independent Living and their Housing Modification Program indicates a shortage of housing accessible to people with disabilities. The waiting list for

participation in the HMP program is up to three years long and resources are very limited.

Identified Action Steps

The action steps below will have broad reaching impacts over many of the impediments listed above and for all protected classes. These can also be found within Chapter 3, Section 3.2.2 of the ECOS Plan – where the need for fair and affordable housing is further identified through a variety of disciplines including land use, the economy, public health, education, etc. As an example, producing more affordable housing helps meet basic needs, creates jobs and 50-year hard assets. Affordable housing is a critical part of the infrastructure of the community and the economy.

1. Implement incentives that encourage more housing construction that is lower cost including, but not limited to, affordable and supportive housing. This housing should be integrated within our communities throughout the County to provide a mix of housing for different incomes and access to jobs and services. These actions include:
    a. Chittenden County Regional Planning Commission and its partners should study the current and projected shortage of affordable housing units by type (rental, owner, multi-family, single family).
    b. Increase density in areas planned for growth considering community character and design.
    c. Revise infrastructure requirements with a goal of reducing costs for developers.
    d. Consider fee waivers or other development review process incentives.
    e. Continue to work with the University of Vermont, Champlain College and Burlington College to develop specific plans to increase the percentage of students who reside in dedicated student housing.
        - FUNDED PROJECT – VHFA is working with South Burlington, Williston, and Essex Junction to analyze their local needs and suggest improved bylaws and programs to create more affordable housing and increase housing choice.

2. Maintain or increase local and state resources that fund additional affordable housing, make housing more affordable, and/or maintain existing affordable housing. These actions include:
    a. The state should fully fund the Vermont Housing and Conservation Board with 50% of property transfer tax revenues. This funding should be used to increase the stock of permanently affordable housing in Chittenden County.
    b. Review and amend (if necessary) local ordinances impacting the maintenance and use of existing buildings to ensure they're encouraging maintenance and retrofits of existing housing stock without adding undue cost.
    c. Advocate for more Tax Increment Financing (TIF) districts to help fund infrastructure improvements.

   d. Take steps to preserve existing affordable housing (including protecting subsidized housing) from being converted to market rate housing.

3. Engagement and education efforts should continue and be improved. These actions include:
   a. Increase fair housing education and outreach for landlords, property managers, real estate professionals, and anyone involved in the sale, rental or finance of housing. Work with the Vermont Refugee Resettlement Program, The Association of Africans Living in Vermont, Opportunities Credit Union, and other organizations to develop strategies for new Americans to quickly develop credit history. Create educational materials that encourage landlords to use alternative criteria for new Americans that don't penalize them for a lack of credit or rental history.
   b. Provide fair housing and land use planning training for land use professionals and municipal officials throughout the county.
   c. Train municipal officials and staff, the public, and developers to promote better development practices that achieve a higher level of density with quality design.

4. Increase efforts to comply with fair housing requirements. These actions include:
   a. Identify gaps in municipal implementation of State Fair Housing laws and ADA compliance (including but not limited to municipal bylaws should include language that explicitly permits officials to make reasonable accommodations to accommodate the needs of people with disabilities without delay or public input).
   b. The Vermont legislature should enact legislation that limits security deposits to no more than one month's rent with a reasonable increase for pet deposits (excluding any assistance animals for persons with disabilities).
   c. Implement the recommendations (as best as possible within current resource capacities) of the 2010 Burlington Analysis of Impediments and the 2012 State Analysis of Impediments. This includes tracking zoning variances, local permit applications, adjusted residential permit application and denials to identify disparities and trends.

5. Increase enforcement and testing capacity of fair housing organizations such as Vermont Legal Aid. Currently, Vermont Legal Aid is only funded to test the protected classes included in federal fair housing law. Seek funding sources that would allow Vermont Legal Aid to test and enforce state protected classes (Age, marital status, sexual orientation, gender identity, receipt of public assistance).

Appendix A

A. Stage 1 – Quantifying Opportunity at the Neighborhood Level

Recognizing that "opportunity" is a multi-dimensional notion, HUD has developed methods to quantify a selected number of the important "stressors" and "assets" that influence the ability of a person or family to access and capitalize on opportunity. In particular, HUD has selected six dimensions upon which to focus:

- Neighborhood school proficiency,
- Poverty,
- Labor market engagement,
- Housing/neighborhood stability,
- Neighborhood health access, and
- Job access

Within each dimension, there are several subcategories to capture various elements of the dimension. These are summarized in Table 4.

Table 4 – Opportunity Dimensions: Variables and Sources

Opportunity Dimensions	Variables	Source
Poverty Index	Family Poverty Rate	ACS 2005-2009
	Pct. Households Receiving Public Assistance	ACS 2005-2009
School Proficiency Index	School Math Proficiency / State Math Proficiency	Dept. of Education
	School Reading Proficiency / State Reading Proficiency	Dept. of Education
Labor Market Engagement Index	Unemployment Rate	ACS 2005-2009
	Labor force Participation Rate	ACS 2005-2009
	Pct. with a Bachelor's or higher	ACS 2005-2009
Job Access Index	Tract-level Job Counts	LEHD, 2009
	Tract-level Job Worker Counts	LEHD, 2009
	Origin-Destination Flows	LEHD, 2009
	Aggregate Commute Time	ACS 2005-2009
	Tract-Tract Average Commute Time by Mode	CTPP 2000
Housing Stability Index	Homeownership Rate	ACS 2005-2009
	Pct. Loans Low-Cost (Re-Fi)	HMDA, 2009
	Pct. Loans Low-Cost (New Purchases\)	HMDA, 2009
	Pct. Vacant (Non-Seasonal)	ACS 2005-2009
	Pct. Crowded	ACS 2005-2009
Neighborhood Health Access Index	Health Professional Shortage Areas	HRSA, HHS 2010

[under development]	Food Deserts	ESRI business analyst

These were selected as the dimensions of focus for several reasons. First, the existing literature on neighborhood opportunity highlighted each as an important consideration. Second, a factor analysis, the results of which are shown in an appendix, identified these dimensions as distinct or uncorrelated, meaning that each offers independent information about opportunity. Third, it was possible to calculate these dimensions consistently at small area levels across the country, a necessity given that all grantees must complete an Assessment of Fair Housing.

This latter restriction is important. HUD realizes that there are other assets and stressors that are relevant for opportunity, such as crime and public safety. However, these lack consistent data across all grantee jurisdictions. As a consequence, HUD encourages jurisdictions to supplement the data it provides with robust data on these other assets and stressors, so that the analysis is as all-encompassing as possible. Construction of the index for each dimension involves a four-step process.

1. Step 1. Determine the raw data values for each partial tract for all the subcategories associated with the dimension.
2. Step 2. Standardize these values into a Z-distribution, where the Z –scores are based on the distribution of the subcategory of the dimension across the metropolitan area.
3. Step 3. Sum the partial tract's scores across the subcategories, making adjustments to ensure that a higher Z score is associated with more opportunity. For example, lower unemployment would result in a higher Z score.
4. Step 4. Rank the partial tracts by score, considering all partial tracts in the relevant geography (metropolitan/micropolitan area or balance of state), and assign as a total dimension score the decile in which the partial tract falls. For example, a tract that was in the 37th percentile would have a score of 4. One in the 91st percentile would have a score of 10.
5. Step 5. For a composite opportunity score for a partial tract, sum the scores for each dimension, rank neighborhoods by this aggregate score, and assign as a composite score the decile in which the partial tract falls.

There are a few exceptions to this general approach:

- For the school proficiency index, the relevant geography is the state. Therefore, decile ranks calculated relative to all other schools in the state.
- The "percent vacant" subcategory of the housing stability index is only calculated if the 90th percentile vacancy rate in a metropolitan area exceeds 15 percent.
- The "percent crowded" subcategory of the housing stability index is only applied if the 90th percentile vacancy rate in a metropolitan area exceeds 5 percent.

The latter two exceptions arise because vacancy and over-crowding are not significant concerns in every city and metropolitan area. As a consequence, these are only applied in those places where they are relevant.

B. Stage 2 – Quantifying Access to Opportunity by Subgroup

To identify disparities in opportunity, HUD PD&R calculates exposure indices for each opportunity dimension across a range of subgroups, including protected classes as identified in the Fair Housing Act. The exposure index calculates a weighted average for a given characteristic. In this case, the given characteristic is the relative opportunity afforded by a neighborhood. The generic access to opportunity is thus calculated as:

$$Exposure\ Index_M^R = \sum_i^N \frac{Subgroup_{Mi}}{Subgroup_{Mj}} * Opp\ Score_R$$

$i = the\ ith\ census\ tract$
$j = city\ j$
$M = racial\ or\ ethnic\ subgroup\ M$
$R = opporunity\ dimension\ R$
$N = census\ tracts\ in\ city\ j$

It is useful to provide an example of this in practice (Table 5). Consider a hypothetical jurisdiction with 3 neighborhoods. Given the poverty dimension scores and population distributions as shown (and abstracting away from the decile issue for the moment), one can calculated the total group score for both white and Hispanic children using the exposure index formula. The results indicate that there is a disparity between white children and Hispanic children, with Hispanic children on average exposed to higher poverty levels.

Table 5 – Example of Exposure Indices

	Neighborhood A	Neighborhood B	Neighborhood C	Total
Poverty Dimension Score	8	5	2	
White children				
Population	400	400	200	1000
Population share	0.4	0.4	0.2	
Weighted score	3.2	2.0	0.4	5.6
Hispanic children				
Population	100	150	250	500
Population share	0.2	0.3	0.5	
Weighted score	1.6	1.5	1.0	4.1

Using these exposure indices, it's possible to compare the access to opportunity across protected classes and identify important disparities. Disparity values are calculated as the simple difference in average exposure to a given opportunity dimension across two groups. To account for differences in household income across groups, PD&R provides these exposure indices across protected classes for persons in poverty. This assists jurisdictions in understanding whether there are

meaningful differences in exposure to opportunity across groups that cannot be explained by differences in income. PD&R provides these exposure calculations for each non-white group (overall and in poverty) and the disparity relative to the white population (overall and in poverty). PD&R also calculates basic significance tests (at the 0.1 significance level) to identify whether these disparities are statistically discernible from random noise.

Appendix B

White-alone and other households, by town

	2000			2010			Change		
	Total HHs	White Alone	All Others	Total HHs	White Alone	All Others	Total HHs	White Alone	All Others
Bolton	368	358	10	487	474	13	32%	32%	30%
Buels Gore	6	6	0	12	11	1	100%	83%	100%
Burlington	15,885	14,896	989	16,119	14,842	1,277	1%	0%	29%
Charlotte	1,287	1,268	19	1,419	1,392	27	10%	10%	42%
Colchester	6,144	5,966	178	6,314	6,060	254	3%	2%	43%
Essex	7,013	6,771	242	7,887	7,502	385	12%	11%	59%
Hinesburg	1,596	1,573	23	1,737	1,704	33	9%	8%	43%
Huntington	692	674	18	753	735	18	9%	9%	0%
Jericho	1,751	1,726	25	1,881	1,856	25	7%	8%	0%
Milton	3,333	3,284	49	3,889	3,796	93	17%	16%	90%
Richmond	1,504	1,484	20	1,586	1,555	31	5%	5%	55%
St. George	264	261	3	275	269	6	4%	3%	100%
Shelburne	2,632	2,596	36	2,880	2,819	61	9%	9%	69%
S. Burlington	6,332	6,042	290	7,987	7,435	552	26%	23%	90%
Underhill	1,055	1,043	12	1,133	1,115	18	7%	7%	50%
Westford	725	716	9	757	742	15	4%	4%	67%
Williston	2,921	2,869	52	3,514	3,408	106	20%	19%	104%
Winooski	2,944	2,747	197	3,197	2,851	346	9%	4%	76%
Chittenden County	56,452	54,280	2,172	61,827	58,566	3,261	10%	8%	50%

Appendix C

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Vermont's Fair Housing Law Prohibits Land Use and Permitting Decisions Based on Income

What is this law?
Before adjournment in spring of 2012, Vermont's General Assembly approved legislation which added a category to the state's fair housing law that is of particular significance to municipalities or any other entity authorized to make land use decisions in the state. In an omnibus bill (Act 137) passed in the 2012 legislative session, a new word was added to Vermont's fair housing statute: (*Emphasis added below*)

> *9 V.S.A. CHAPTER 139. DISCRIMINATION; …*
> *§ 4503. Unfair housing practices*
> *(a) It shall be unlawful for any person:*
> …
> *(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise provided by law.*

The new protected class added to state fair housing law in 2012 is "income". (Note: This "income" category was put in the law in addition to the "receipt of public assistance" category which was already in Vermont fair housing law.) With the addition of "income" to the above section, it is now explicitly prohibited for planners or land use permitting entities to discriminate based on consideration of the income level of prospective households who would reside, or may reside in proposed housing, or in planned development zones of a municipality.

What is the purpose of the amendment?
The purpose of the statutory change was to create more inclusionary housing opportunities for households of lower income. For this reason, consideration of the income level of prospective households is not now allowed at any level of land use planning and land use decision making by any planning or regulatory entity in Vermont except for plans or actions intended to create, or that would tend to create, more housing opportunities for households at lower income levels; for example, inclusionary zoning ordinances are acceptable under the law.

What does it means for land use decisions?
At a most basic level and on the face of it this law is self-explanatory. Following is an example of its application: At a hearing before a planning commission (a board of adjustment, or a development review board) that is considering a permit for a proposed housing development containing units affordable to low and moderate income people, one or more persons attending declares that in their opinion there is already enough - or perhaps too much - low income housing

in the town. That person has a right (assuming we are speaking here of a member of the public and not an official panel member) to make such statements but the public panel officially deciding on granting or refusing the permit cannot deny it based on consideration of the income of prospective residents. Ideally for the sake of clarity the official chairing the meeting should inform the individual or individuals presenting such an opinion that a permit denial decision cannot be made based on an income factor.
In the example above could the requested permit be denied on other legitimate grounds? Yes. If for instance the proposed housing fell below standards set by a town's legal zoning or minimum housing construction standards that would be legitimate grounds for denial of a development permit.

What are some possible consequences of violation of this law?
If there is a violation of the statute or grounds to believe that the statute has been violated a number of different things can happen and any one of these things does not necessarily exclude another.
The Vermont Human Rights has jurisdiction over complaints filed under this section and could accept such an allegation for further investigation. The noncompliant entity could also face court action initiated by plaintiffs such as the Human Rights Commission and/or by any combination of persons or organizations harmed by the permit rejection based on failure to comply with this law, including a request for injunctive relief in some situations. Plaintiffs could potentially include lower income owners or tenants of the proposed housing, developers or funders of the housing or any other entity which could establish its legal standing in the case.

This document was produced in 2013 by the Fair Housing Project of CVOEO in consultation with the Vermont Human Rights Commission

Endnotes

[i] In 2000, the decennial Census asked respondents to choose from five racial categories: White; Black; Asian or Pacific Islander; American Indian or Alaskan Native; and "Some Other Race". This was the first time that the Census provided the opportunity to choose more than one race. The term "non-White" in this report includes all people who did not select "White" as their only race.
[ii] http://www.vtlegalaid.org/assets/Resources/RentalDiscriminationAuditReportMarch2.pdf
[iii] Table 2, Appendix 1.
[iv] U.S. Census Bureau, "Annual Estimates of the Resident Population by Sex and Age for States and for Puerto Rico: April 1, 2000 to July 1, 2009," June 2010. http://www.census.gov/compendia/statab/2011/tables/11s0016.pdf.
[v] ESRI Community Analyst is a private third-party source of projection estimates used in this study. For more information go to http://www.esri.com/software/arcgis/community-analyst/index.html. Data sources and methodology can be found in: http://www.esri.com/library/whitepapers/pdfs/demographic-update-methodology-2010.pdf
[vi] Table 5, Appendix 1.
[vii] U.S. Census Bureau, *Internal Migration of the Older Population: 1995-2000*. http://www.census.gov/prod/2003pubs/censr-10.pdf.
[viii] U.S. Census Bureau, American Community Survey 2010-2012. Table B25027.
[ix] Vermont Housing Finance Agency, *2010 Vermont Housing Needs Assessment*.
[x] U.S. Census Bureau, American Community Survey, 2005-2009.
[xi] HUD, Home Equity Conversion Mortgage reports. http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/rmra/oe/rpts/hecm/hecmmenu.
[xii] AARP, 2010 Survey of AARP Members Age 50+ on Health and Livable Community Issues. http://assets.aarp.org/rgcenter/il/vt_hlc_10.pdf.
[xiii] *Shaping the Future of Long Term Care and Independent Living*. Vermont Department of Disabilities, Aging and Independent Living. June 2008. Page i.
[xiv] *Housing and the Needs of Vermont's Aging Population*. Vermont Housing Finance Agency. September 2007. Page 5.
[xv] Email dated August 24, 2011 from Joyce Werntgen, Vermont Center for Independent Living.
[xvi] U.S. Census Bureau, American Community Survey, 2010, Table s1810 and s1811.
[xvii] Social Security Administration reports on SSI: http://www.socialsecurity.gov/policy/docs/statcomps/ssi_sc/2010/vt.html and http://www.socialsecurity.gov/pubs/11128.html#table.
[xviii] Vermont Housing Finance Agency, *2010 Vermont Housing Needs Assessment*, p. V-6.
[xix] Center for Housing Studies, Jeffrey Lubell. *Should I Stay or Should I Go? Exploring the Effects of Housing Instability and Mobility on Children*, p. 14. http://www.nhc.org/media/files/HsgInstablityandMobility.pdf
[xx] Improving the Odds for Kids. Vermont Poverty Council. January 29, 2009. Page 54.
[xxi] U.S. Census Bureau, American Community Survey 2010-2012, Table B25091.
[xxii] The American Community Survey defines owner housing costs as "the sum of payments for mortgages, deeds of trust, contracts to purchase, or similar debts of the property (including payments for the first mortgage, second mortgages, home equity loans, and junior mortgages); real estate taxes; fir, hazard, and flood insurance on the property; utilities (electricity, gas, and water and sewer); and fuels (oil, kerosene, wood, etc.). It also includes, where appropriate, the monthly condominium fee for condominiums and mobile home costs (installment loan payments, personal property taxes, site rent, registration fees, and license fees)."
[xxiii] Vermont Department of Taxes, property transfer tax data.
[xxiv] VHFA estimates based on average interest rates for a 30-year mortgage, average closing costs, taxes, insurance premiums, and fees, and a 30% housing payment ratio.
[xxv] VT property transfer tax data.
[xxvi] U.S. Census Bureau, American Community Survey 2010-2012. Table B25070.

[xxvii] Resident Characteristics Report. U.S. Department of Housing and Urban Development. Although most live in privately-owned homes, an estimated 14% of Vermont's rental voucher holders live in subsidized housing.
[xxviii] This information was updated in 2011 as part of VHFA's work on the Vermont Affordable Housing Preservation Council.
[xxix] http://www.vtlmi.info/couur.htm
[xxx] http://www.vtlmi.info/twnrt13.htm
[xxxi] http://www.vtlmi.info/projst.pdf
[xxxii] http://www.vtlmi.info/profile2013.pdf
[xxxiii] U.S. Census Bureau, American Community Survey, 2010-2012.
[xxxiv] U.S. Census Bureau, American Community Survey, 2010-2012.
[xxxv] U.S. Census Bureau, American Community Survey 2010-2012. Table B08202
[xxxvi] VHFA analysis of occupational wage data from the Vermont Department of Labor.
[xxxvii] National Low-Income Housing Coalition, Out of Reach report, 2011.
[xxxviii] Allen & Brooks, *Residential Report*, March 2011.
[xxxix] Vermont Department of Housing and Community Affairs website, http://www.dhca.state.vt.us/Housing/index.htm .
[xl] HUD, Regulatory Barriers Clearinghouse, *Breakthroughs*, http://www.huduser.org/rbc/newsletter/vol2iss4more.html.
[xli] Rental Housing Safety and Habitability Study Committee, Rental Housing Safety Committee Report, February 2010. http://www.vhfa.org/documents/act176.pdf.
[xlii] Housing Development Costs in Vermont. Capital Needs Unlimited. April 2000. Page 1.
[xliii] VT Fair Housing News. VT Human Rights Commission. Volume 4, number 2. Fall 2007.
[xliv] As of May 2007, the three most common occupations in VT were retail salesperson, cashier and teachers' assistants. None of these occupations had median wages paying enough to afford the fair market, according to VHFA's *Between a Rock and a Hard Place: 2010* Update.
[xlv] *Rental Discrimination Audit Report: Housing Discrimination in Vermont Rental Markets.* Housing Discrimination Law Project of Vermont Legal Aid. March, 2012.
[xlvi] City of Burlington's Analysis of Impediments to Fair Housing Choice, October 2010.
[xlvii] VHFA analysis of FFEIC, Home Mortgage Disclosure Act reports for the Burlington-South Burlington Metropolitan Statistical Area.
[xlviii] Burlington, Vermont Code of Ordinances. Chapter 16, Section 18-120.
[xlix] Allen & Brooks, *Residential Report*, March 2011.