



**BAKERSFIELD**

THE SOUND OF *Something Better*

**CITY OF BAKERSFIELD**

**2020- 2025 Analysis of Impediments to Fair  
Housing Choice**

March 2020

PREPARED FOR:



**The City of Bakersfield**

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## Table of Contents

<b>Executive Summary</b> .....	<b>3</b>
Purpose of Analysis of Impediments .....	3
Organization of Report .....	3
<b>Introduction</b> .....	<b>4</b>
Fair Housing Framework .....	4
Federal Law .....	4
State Law.....	6
Fair Housing Planning and Impediments to Fair Housing Choice.....	6
Reporting Staff and Data Sources .....	7
<b>Community Outreach</b> .....	<b>8</b>
Community Meetings.....	8
Community Needs Survey.....	8
Focus Groups.....	9
Consultations .....	9
Public review.....	10
Public Hearing .....	10
Key Issues Identified .....	10
<b>Community Profile</b> .....	<b>12</b>
Population Characteristics .....	12
Household Characteristics .....	15
Housing Characteristics.....	18
Special Needs .....	19
Publicly Assisted Housing.....	23
Public Transit.....	24
<b>Lending Practices</b> .....	<b>1</b>
Background .....	1
Conventional and Government-Backed Financing .....	1
Lending Patterns .....	2
<b>Public Policies</b> .....	<b>17</b>
Policies and Programs Affecting Housing Development .....	17
Zoning Ordinance.....	18
Variety of Housing Opportunity' .....	19
Affordable Housing Development .....	21
Other Land Use Policies, Programs, and Controls .....	23
Policies Causing Displacement or Affect Housing Choice of Minorities and Persons with Disabilities.....	24
Public Housing Authority .....	25

<b>Fair Housing Profile .....</b>	<b>26</b>
Fair Housing Services .....	26
Fair Housing Statistics .....	27
Fair Housing Testing.....	28
California Department of Fair Employment and Housing (DFEH) .....	28
NIMBYism.....	29
<b>Impediments .....</b>	<b>30</b>
1. Lack of Affordable Housing Supply.....	30
2. Planning, Land Use and Zoning Practices.....	30
3. NIMBYism - Opposition to Siting of Affordable Housing.....	31
4. Need for Ongoing Landlord Education.....	31
5. Lack of Access to Community Assets.....	32
6. Foreclosure and Eviction Recovery .....	32
7. Lending/Sales Discrimination .....	32
<b>Conclusion- Fair Housing Action Plan .....</b>	<b>33</b>
Assessment of Past Goals and Actions .....	33
2020-2025 Goals and Actions .....	38

**Appendix A: Community Survey**

## Executive Summary

The City of Bakersfield, situated in southern San Joaquin Valley, boasts a population of over 380,000 people, making it the ninth largest city in California. The county seat of Kern County, Bakersfield has experienced substantial growth in recent years, spurred on by its diverse economy and relatively affordable housing market. To further nurture economic growth and increased access to opportunity, the City presents this Analysis of Impediments to Fair Housing Choice (AI).

### Purpose of Analysis of Impediments

Fair housing is the right to choose housing free from unlawful discrimination. This right has been codified in federal law since 1968 through the Fair Housing Act and has been incrementally strengthened and expanded since then. The Americans with Disabilities Act of 1990 further cemented the right to fair housing for all Americans.

Central to providing and protecting fair housing choice is the concept of affirmatively furthering fair housing. This means undertaking a three-pronged Fair Housing Planning (FHP) process. The AI is one component of the FHP required by the U.S. Department of Housing and Urban Development (HUD) as part of a jurisdiction's five-year Consolidated Plan. The other components are taking actions to eliminate identified impediments to fair housing choice and the maintenance of fair housing records.

This AI presents a demographic profile of Bakersfield, assesses the extent of housing needs among specific income groups, and evaluates the range of available housing choices for residents. The AI also analyzes the conditions in the private market and public sector that may limit the range of housing choices or impede a person's access to housing. More importantly, this AI identifies impediments that may prevent equal housing access and offers actions to mitigate or remove such impediments.

### Organization of Report

This report is divided into seven sections:

- **Introduction** – defines fair housing and explains the purpose of this report.
- **Community Participation** – summarizes the community engagement process the City undertook to solicit feedback on fair housing issues in Bakersfield.
- **Community Profile** - presents the demographic, housing and income characteristics in Bakersfield. Major employers and transportation access to job centers are identified. The relationships among these variables are discussed.
- **Mortgage Lending Practices** – analyzes private lending activities that could impede fair housing choices in Bakersfield.
- **Public Policies** – evaluates various public policies and actions that could impede fair housing choice in Bakersfield.
- **Fair Housing Profile** – evaluates the fair housing services available to residents and identifies fair housing complaints and violations in Bakersfield.
- **Impediments and Recommendations** – summarizes the findings regarding fair housing issues in Bakersfield and provides recommendations for furthering fair housing practices.

A page is attached at the end of this report that includes the endorsement of the City Manager and a statement certifying that the AI represents Bakersfield's official conclusions regarding impediments to fair housing choice and the actions necessary to address these impediments.

## Introduction

As one of the largest cities in California, Bakersfield has experienced strong population and economic growth in recent years. Since the 2000 Census, the City's population has increased almost 57 percent and its gross domestic product – the total value of goods produced and services provided – has more than doubled in the same time.<sup>1</sup> While this growth has brought increased prosperity to the region, social and economic challenges persist. Relevant to this report, barriers to fair housing choice continue to frustrate residents' ability to secure accessible and affordable housing.

Equal access to housing is fundamental to meeting essential needs and pursuing personal, educational, and employment goals. In recognizing equal housing access as a fundamental right, the federal government and the State of California have both established fair housing choice, defined as the right to choose housing free from unlawful discrimination, as a right protected by law.<sup>2</sup> Through many of its policies, programs, and services, the City of Bakersfield works diligently to ensure fair housing choice for its residents.

Conducting an Analysis of Impediments to Fair Housing Choice (AI) became a requirement for entitlement jurisdictions in 1995. Entitlement jurisdictions are those that directly receive U.S. Department of Housing and Urban Development (HUD) funding under the Community Development Block Grants (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. Bakersfield receives funding under each program and as such is required to conduct an AI.

Included in the report is a demographic profile of the City, an assessment of the extent of housing needs among specific income groups, and an evaluation of the availability of a range of housing choices for residents. It also analyzes the conditions in the private market and the public sector that could limit the range of housing choices or impede a person's access to housing.

## Fair Housing Framework

### Federal Law

The Fair Housing Act of 1968 is the foundation of the United States' commitment to fair housing. Along with the Civil Rights Act of 1964, it is one of the landmark federal laws that protects all Americans from discrimination based on race, color, religion, sex, and national origin. The Fair Housing Amendments Act of 1988 expanded the scope of civil rights by banning discrimination based on familial or disability status.

The statuses that fall within the scope of fair housing – race, color, religion, sex, national origin, familial composition, and disability status – are referred to as “protected classes.” Not all seemingly unfair treatment, whether in housing or in other areas, is prohibited. For example, young families can be lawfully rejected for tenancy if a rental property qualifies as senior housing.<sup>3</sup> But protected classes receive special consideration under the law and with few exceptions, such as the example of families

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<sup>1</sup> <https://fred.stlouisfed.org/series/NGMP12540>

<sup>2</sup> <http://www.fhcwm.org/whatisfairhousing>

<sup>3</sup> Ron Leshnowar, “The Fair Housing Act's Protected Classes: What Landlords Need to Know,” Nolo.com.

disqualified from senior housing, discriminating against someone based on any of the protected classes is prohibited.

The areas to which the Fair Housing Acts of 1968 and 1988 are applicable are as follows:<sup>4</sup>

- Selling or renting housing. Refusing to rent or sell a home based on a protected class is perhaps the clearest example of housing discrimination, but there are many other actions that are expressly prohibited. These include offering different rental terms as compared to other tenants, falsely claiming there are no housing units available, or providing a person with different housing services or facilities.
- Mortgage lending. Refusing to make a mortgage loan, imposing different loan terms, and unfairly appraising a home, among other actions related to mortgage lending, are all illegal under federal fair housing law.
- Forms of harassment. Many laws and policies make different forms of harassment illegal across sectors, but the Fair Housing Acts expressly prohibit harassment, especially sexual harassment, as it relates to housing.
- Advertising. Advertisements for and marketing of housing must be compliant with the Fair Housing Acts' prohibition on discrimination. For example, phrases such as "no children" or "no wheelchairs" may be in violation of the federal Fair Housing Acts.
- Interference of rights and protections under fair housing legislation. According to HUD, it is illegal to "threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise the right." It is also illegal to retaliate against a person who has filed a fair housing complaint or assisted in a fair housing investigation.

What is not included in fair housing protections at the federal level is a prohibition of discrimination based on source of income. This usually refers to the treatment of those who are recipients of Housing Choice Vouchers (commonly referred to as Section 8). For example, it is not uncommon for landlords to advertise a rental unit as "no Section 8." To address this, California passed a law that amends the State Fair Employment and Housing Act and makes discriminating against source of income unlawful. Landlords are now barred from marketing their properties as "no Section 8" and cannot reject prospective tenants based on their source of income alone.

Central to the Fair Housing Act is the concept of affirmatively furthering fair housing (AFFH), defined in part as "taking meaningful actions to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination."<sup>5</sup> In other words, it is not enough to simply declare housing discrimination illegal. Instead, HUD program participants, including the City of Bakersfield, must actively address and mitigate barriers to fair housing choice.

The major step toward remedying past injustices is ending various discriminatory lending practices based on race, color, religion, sex, or national origin (discussed in greater detail in Lending Practices section). The amendments to the Fair Housing Act enacted in 1988 added familial status and disabilities as protected classes and the passage of the Community Reinvestment Act (CRA) in 1977 further improved access to credit for all members of the community. The CRA is intended to encourage regulated financial institutions to help meet the credit needs of Low- and Moderate-Income (LMI) communities. The CRA also authorizes federal regulators to assess depository institution's record in helping meet the credit needs of LMI communities.

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<sup>4</sup> [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

<sup>5</sup> <https://www.hudexchange.info/programs/affh/>

The Home Mortgage Disclosure Act (HMDA), which was initially enacted in 1975 and substantially expanded in 1989, requires lending institutions to make annual public disclosures of their home mortgage lending activity. The law aims to curb discrimination by compelling banks, savings and loan associations, and other lending institutions to report annually the amounts and geographical distribution of their mortgage applications, origination, and denials. Lending institutions must also report the race, gender, and annual income of its applicants.

Such data is collected and disclosed by the Federal Financial Institutions Examination Council (FFIEC). It also makes HMDA data available to the public and financial regulators to determine if lending practices are lawful and are serving the lending needs of all communities. It should be noted that HMDA data can indicate potential problems, but such data alone cannot definitively conclude that discriminatory lending practices occurred.

### State Law

Federal fair housing law applies to all states, but California has further codified fair housing protections. The State's Fair Employment and Housing Act is California's foundation for fair housing. It prohibits discrimination and harassment as it relates to housing and enforcing this law is the Department of Fair Employment and Housing (DFEH). The largest civil rights agency in the country, the DFEH educates the public on fair housing, provides protection from discrimination, and facilitates mediation of civil rights disputes.

Other laws affirm California's commitment to fair housing. The Unruh Act protects Californians from discrimination by all business establishments, including housing and equal access to the accommodations. The Ralph Civil Rights Act prohibits violence based on someone's actual or perceived identities, including race and gender. And the Bane Civil Rights Act prohibits interference by force or threat of force with an individual's constitutional or statutory rights, including a right to equal access to housing. The list below outlines the laws and regulations concerning fair housing and employment in California.

- Fair Employment and Housing Act
- Department of Fair Employment and Housing regulations
- California Family Rights Act (CFRA)
- New Parent Leave Act (NPLA)
- Unruh Civil Rights Act – requires business establishments to provide equal accommodations
- Ralph Civil Rights Act – prohibits hate violence or the threat of hate violence
- Civil Code Section 51.9 – prohibits sexual harassment in business, service, or professional contexts outside of traditional employment relationships
- Disabled Persons Act
- California Trafficking Victims Act
- Government Code Section 11135 Et Seq. – prohibits discrimination in state-funded programs)

### Fair Housing Planning and Impediments to Fair Housing Choice

The federal government defines impediments to fair housing choice as:

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

The AI identifies these impediments and serves as one of the three principles of Fair Housing Planning (FHP) that the federal government requires. Another principle includes actions to overcome the effects of identified impediments. This relates to AFFH previously discussed. The last principle of FHP is maintaining records to support the AFFH certification, of which this AI and documentation of actions to AFFH is a part.

### Reporting Staff and Data Sources

This report was prepared by LeSar Development Consultants on behalf of the City of Bakersfield. The City's Economic and Community Development Division of the Development Services Department is responsible for Fair Housing Planning.

The following data sources were used to complete this AI:

- City of Bakersfield 2015-2020 Consolidated Plan
- City of Bakersfield Draft 2020-2025 Consolidated Plan
- City of Bakersfield General Plan (2002, as amended)
- City of Bakersfield Housing Element (2015-2023)
- Greater Bakersfield Legal Assistance, Inc.
- Making Downtown Bakersfield
- Economic Opportunity Areas (EOA) Plan
- California Department of Fair Employment and Housing
- U.S. Census Bureau
- U.S. Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS)
- Home Mortgage Disclosure Act (HMDA) data on lending activities

## Community Outreach

This AI was developed to provide an overview of laws, regulations, conditions or other possible obstacles that could affect access to housing. As part of this effort, the report incorporates the issues and concerns of residents, housing professionals and service providers. To assure that the report responds to community needs, the development of the AI included:

- Memo to City Council and the City Manager informing them of the initiation of the ConPlan and AI process;
- Three community workshops;
- Four focus groups;
- Five consultations with key stakeholders, including the Housing Authority of the County of Kern (HACK) and Greater Bakersfield Legal Assistance (GBLA);
- Informational presentation to the Planning Commission;
- Online survey and past survey results;
- 30-day public comment period; and,
- Public hearing(s)

According to HUD’s Fair Housing Planning Guide, citizen participation relating to Fair Housing Planning (FHP) is a component of the Consolidated Plan governed by 24 CFR § 91. Accordingly, the City’s FHP outreach occurred in conjunction with its Consolidated Planning process.

## Community Meetings

Three community workshops were conducted to introduce residents to the City’s Consolidated Plan (ConPlan) and FHP process, familiarize them with federal funding, and to solicit input. The workshops sought to obtain broad input from the City’s diverse communities. A total of 89 community members participated in the workshops and provided feedback on their housing and economic and community development priorities. The workshops were held at the following locations:

<b>Community Meeting #1</b>	<b>Community Meeting #2</b>	<b>Community Meeting #3</b>
Baker Street Community Room 1015 Baker Street Bakersfield, CA 93305 June 17, 2019, 5:30 – 7:00 PM	Greenfield Family Resource Center 5400 Monitor Street Bakersfield, CA 93307 June 18, 2019, 3 – 4:30 PM	Bakersfield Senior Center 530 4th Street Bakersfield, CA 93304 June 19, 2019, 12 – 1:30 PM

Information about the ConPlan and FHP processes were presented at each meeting. The presentation included the purpose of the ConPlan and AI, the funding programs with which they are associated, and an economic and demographic profile of Bakersfield to frame the next ConPlan and AI cycle.

The presentation was followed by a series of facilitated small group discussions in which attendees discussed how the City can make a positive impact in supporting its residents and communities. They were also asked to rank their top four priorities in their communities using “dot voting” by placing stickers on their preferred goals and priorities listed on a poster. Priorities included infrastructure, jobs, affordable housing (including fair housing), addressing homelessness, public service, workforce and economic development.

## Community Needs Survey

To supplement the community workshops and to further understand the needs of the City’s residents, a Community Needs and Fair Housing Survey was offered in both English and Spanish. In order to give as

many people as possible the chance to voice their opinion, emphasis was placed on making the survey widely available and gathering as many responses as possible. The survey was available online on the City's website and hardcopies were made available at the City Development Services Department. It was also publicized in the following ways:

- A link to the online survey was placed on the City's [website](#).
- 346 entities, organizations, agencies, and persons were emailed a link to the survey.
- City staff posted the link to the survey on its Facebook page.
- All City Council offices were provided the link to distribute to their constituents.

During the two-month survey period from May to July, there were 535 total responses. Of those, 403 people responded to the questions pertaining to fair housing. A third of respondents (135 people) said they or someone they know had experienced housing discrimination. A copy of the survey is included in Appendix A.

Supplementing the survey included an ongoing effort conducted by City staff to collect input on community needs at 19 community events and meetings from October 8, 2016 to June 8, 2019. City staff asked attendees what they believe are the five greatest needs in the community and the data collected are tallies of people choosing various needs as top priorities. Fair housing was a priority need to 82 respondents.

### Focus Groups

The City hosted four focus groups, one each for the following sectors:

- Affordable housing
- Homelessness
- Economic development
- Community development and services

These focus groups were conducted to familiarize representatives of key organizations and stakeholders with the ConPlan and AI, as well as to understand their perspectives on emerging trends and community needs. In total, 15 representatives from 13 unique organizations attended.

### Consultations

The City conducted comprehensive outreach to key organizations to enhance coordination, solicit feedback, and discuss new approaches and efficiencies with public and assisted housing providers, private and governmental health, mental health and service agencies, and stakeholders that use funding for eligible activities under HUD's entitlement programs, including fair housing services. These organizations included:

- Housing Authority of the County of Kern (HACK)
- United Way of Kern County, representing the region's Continuum of Care (CoC)
- Kern Council of Governments
- Kern County Mental Health
- Greater Bakersfield Legal Assistance (GBLA)

Greater Bakersfield Legal Assistance (GBLA) is a fair housing service provider that provides critical legal services as they relate to housing discrimination. Specifically, GBLA maintains its Fair Housing Law

Project that “provides fair housing education, investigation, and enforcement services for Kern County residents, regardless of income, who believe they have been victims of illegal housing discrimination.” GBLA’s fair housing services are funded in part by CDBG grants from the City.

### Public review

During a 30-day public review period from March 6 to April 8, 2020, the draft AI document was made available at the following locations:

City Clerk’s Office (1600 Truxtun Ave), Beale Library (701 Truxtun Ave), Holloway-Gonzales Library (506 E. Brundage Ln), Baker Street Library (1400 Baker St), Southwest Library (8301 Ming Ave), Northeast Library (2671 Oswell St.), Wilson Library (1901 Wilson Rd), and Walter Stiern Library (California State University-Bakersfield).

Notice of public review was published in the *Bakersfield Californian* on March 6, 2020 and in *El Popular* on March 6, 2020. In addition, all persons who supplied their contact information at community meetings were emailed and/or faxed the location of the public review document on the City’s website and asked to provide any further comments for incorporation.

Community meetings were held on March 18 and 19 2020 to receive feedback on the AI at the following locations:

- **2020-2025 Consolidated Plan and Draft Action Plan 2020-21 Meeting 1**  
March 18, 2020, 5:30 PM  
MLK Community Center, 1000 South Owens Street, Bakersfield, CA 93307
- **2020-2025 Consolidated Plan and Draft Action Plan 2020-21 Meeting 2**  
March 19, 2020, 5:30 PM  
Baker Street Community Room, 1015 Baker Street, Bakersfield, CA 93305

During the 30-day public review period from March 6 to April 8, 2020, \_\_\_\_\_ written comments were received on the AI.

### Public Hearing

A public hearing at the Bakersfield City Council was held on April 8, 2020 to consider adopting the City’s proposed 2020-2025 Consolidated Plan, 2020-2021 Action Plan, 2020-2025 Analysis of Impediments to Fair Housing Choice, and Citizen Participation Plan.

### Key Issues Identified

Key issues identified from public outreach efforts offered insight into the following issues and recent trends related to fair housing in Bakersfield:

- A significant number of people – a third of the 403 respondents to the fair housing survey questions – believe they or someone they know has experienced housing discrimination.
- Of the survey respondents who felt they or someone they know experienced housing discrimination, 53 (13 percent) thought race was the primary factor.
- According to GBLA, a vast majority of fair housing cases in the region involve discrimination against disabled people. Most often, this involves refusing to provide reasonable accommodations. Other

common cases center on race, domestic violence/sexual assault, and habitability of the housing unit in question.

- Just 39 percent of survey respondents believe they are well-informed on housing discrimination.
- Funding for fair housing services such as legal services defending against eviction is a perpetual concern.
- Lack of affordable housing and increase in homelessness put pressure on fair housing service providers.
- Approximately 42 percent of survey respondents identify fair housing as a priority housing need in the City.

## Community Profile

The City of Bakersfield is in the southern part of the San Joaquin Valley and serves as the county seat for Kern County. With a population estimated at 380,887 in 2017, Bakersfield is the 9th largest city in California. Bakersfield's most prominent economic sectors are agriculture and energy production. Top producing agricultural crops in the area include cotton, carrots, table grapes, almonds, pistachios, citrus, hay, alfalfa, tomatoes, wheat and potatoes. The energy sector is diverse, including both fossil fuel extraction (oil and natural gas) and renewable energy production (hydroelectric, wind-turbine, and geothermal power).

While the area's agricultural and oil/energy producing industries remain a vital part of the economy, other sectors such as medical and governmental services have emerged as important business sectors. In addition, Bakersfield will be a key point along the California High-Speed Rail system, which began construction in January 2015 in Fresno. The high-speed rail system is planned to connect Bakersfield to both the Cities of Los Angeles and San Francisco by 2029.

Bakersfield anticipates continued economic expansion and population growth, but many social and economic conditions exist that impede fair housing choice for many residents. For example, the median income in Bakersfield is lower than California's as a whole, and the unemployment rate is higher than the State's. Each of these affect residents' ability to find affordable and safe housing. This section discusses the many factors -- such as population growth, age characteristics, and race/ethnicity -- that help determine the community's housing needs and play a role in exploring potential impediments to fair housing choice.

## Population Characteristics

### Population Growth

In the nine years since the 2010 Census, Bakersfield's population has increased nine percent, eclipsing California's growth of 5.7 percent. Since 2000, the city has grown over 50 percent, and the population is expected to continue to grow. The Kern Economic Development Corporation (KEDC) projects that Bakersfield's population will approach 750,000 by 2040.<sup>6</sup>

### Age Composition

Table 1 below shows the age distribution of Bakersfield compared to the State of California. The working adult age group (ages 25 to 64 years) represented almost one-half (49.5 percent) of Bakersfield's total population, while school-aged youth (5 to 24 years) represent almost one-third (32.4 percent). Seniors (65 years and over) accounted for 9.4 percent of the local population. In comparison, working age Californians comprise 53.3 percent of the statewide population and school-aged youth and seniors account for 27 percent and 13.3 percent of the state population, respectively. This indicates that local population is younger than the State's as a whole.

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<sup>6</sup> "Demographic Forecast," Kern Economic Development Corporation, accessed October 3, 2019.

**Table 1: Age Distribution**

Age Group	Bakersfield		California	
	Number	% of total	Number	% of total
Under 5	32,088	8.6	2,493,545	6.4
5-9	32,074	8.6	2,526,231	6.5
10-14	29,579	7.9	2,543,419	6.5
15-19	29,173	7.8	2,609,110	6.7
20-24	30,080	8.1	2,859,724	7.3
25-34	58,018	15.6	5,822,724	14.9
35-44	47,568	12.8	5,180,070	13.3
45-54	41,900	11.2	5,202,333	13.3
55-59	19,458	5.2	2,453,244	6.3
60-64	17,656	4.7	2,143,851	5.5
65-74	20,833	5.6	2,946,809	7.6
75-84	10,155	2.7	1,509,528	3.9
85 and older	4,098	1.1	692,111	1.8
Median age	30.5		36.1	

Source: 2013-2017 American Community Survey, U.S. Census Bureau

Analyzing the age distribution is important because it affects the need for jobs, housing and other social services. More than half of the City’s population is under the age of 35, and includes young children, students, recent graduates, or adults just entering the job market. Planning efforts may need to incorporate additional schools, entry-level jobs, and starter homes. On the other hand, adults over 35-years old may prefer larger homes to accommodate bigger families, whereas seniors may prefer smaller units that have lower costs and are closer to services.

Age and fair housing intersect when managers or property owners make housing decisions based on the age of residents. For example, property owners or managers may prefer to limit the number of children in their complex or discourage older residents due to their disabilities. Although a housing provider may establish reasonable occupancy limits and set reasonable rules about the behavior of tenants, those rules cannot single out the presences of children in a family, or refuse to make reasonable accommodation.

### Race/Ethnicity

Table 2 illustrates the racial/ethnic breakdown of Bakersfield residents. Since 2000, Hispanic residents represent the fastest growing racial/ethnic group in the City. By 2017, it represented almost half of the entire population. The second largest racial/ethnic population in Bakersfield is non-Hispanic White, followed by the Asian/Pacific Islander and Black/African American populations.

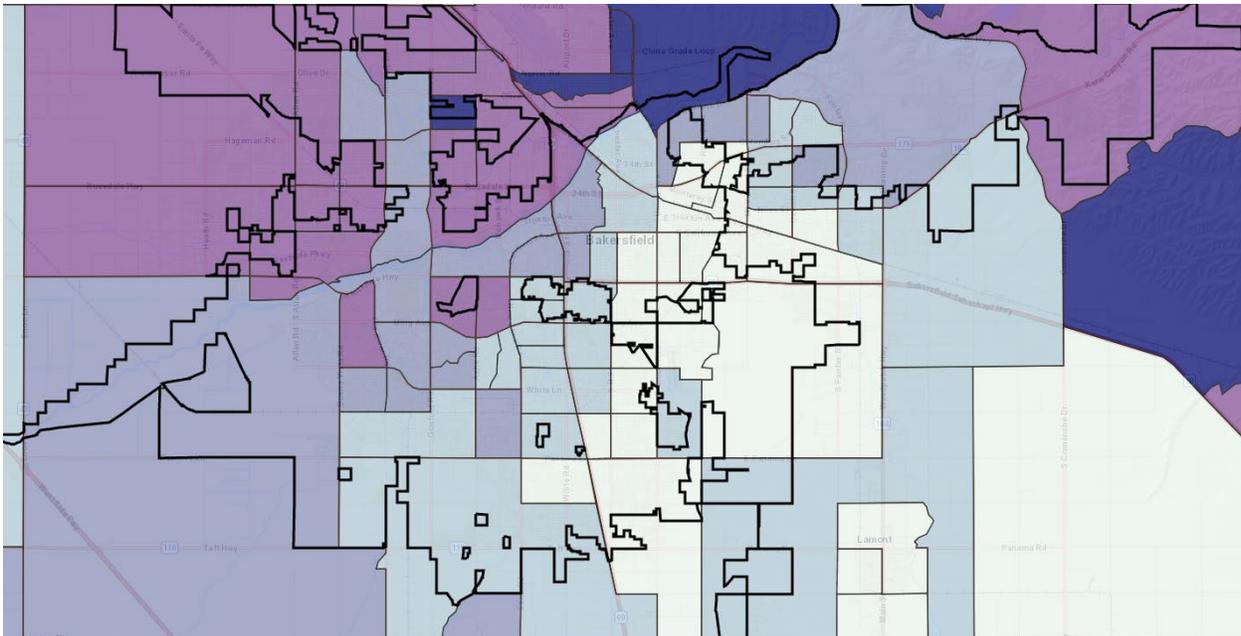
**Table 2: Population by Race/Ethnicity**

Race/Ethnicity	Share of population (by %)		
	2000	2010	2017
White	51.1	39.6	33.7
Hispanic/Latino	32.5	43.8	49.2
Black/African American	10.0	8.0	7.1
Asian	5.3	5.2	7.2
Native American and Pacific Islander	0.3	0.1	0.2
American Indian and Alaska Native	2.5	0.5	0.4
Two or more/other	4.4	2.5	2.1

Source: 2013-2017 American Community Survey, U.S. Census Bureau

Ethnic and racial composition of a region is useful in analyzing housing demand and related fair housing concerns. Research by the National Fair Housing Alliance (NFHA) and HUD Office of Fair Housing and Equal Opportunity (FHEO) show that race-based discrimination ranks second behind only disability in the number of fair housing complaints between 2000 and 2017.<sup>7</sup> Figure 1 depicts the White alone population by census tract.

**Figure 1: Concentration of White Population by Census Tract**



Source: U.S Department of Housing and Urban Development

The census tracts highlighted in white are more than 83 percent non-white. These are the same census tracts that have more lower income households, more housing cost burden, and fewer economic opportunities.

<sup>7</sup> "Fair Housing by the Numbers," National Low-Income Housing Coalition, February 25, 2019.

## Household Characteristics

### Housing Tenure

Housing tenure refers to the ownership status of a household that resides in a housing unit. The table below shows the owner occupancy and tenancy of occupied housing units in Bakersfield. Neither tenure status is immune from fair housing concerns. Discriminatory lending practices, for example, can affect prospective and current homeowners, and prospective and current tenants in rental units can face a host of discriminatory practices.

**Table 3: Housing Tenure**

Tenure	2010		2017	
	Occupied units	% of total	Occupied units	% of total
Owner	63,815	60.4	65,716	57.0
Renter	41,833	39.6	49,639	43.0
Total	105,648	100	115,355	100

Source: 2013-2017 American Community Survey, U.S. Census Bureau

### Household Composition and Size

The average size and composition of households are highly sensitive to the age structure of the population, but they also reflect social and economic changes. For example, economic downturns may prolong the time adult children live at home or result in multiple families and non-family members living together to lower housing costs. Table 4 depicts the average household size by housing tenure, and Table 5 reports the number of households by composition.

**Table 4: Household Size by Tenure**

Tenure	Average Household Size	
	2010	2017
Owner	3.13	3.22
Renter	3.06	3.16
Total	3.10	3.19

Source: 2013-2017 American Community Survey, U.S. Census Bureau

**Table 5: Composition of Households by Income**

	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	>100% AMI
Total Households *	12,805	12,110	15,985	9,440	62,100
Small Family Households *	5,790	4,850	6,995	4,250	32,455
Large Family Households *	2,110	2,285	3,150	2,005	9,140
Household contains at least one person 62-74 years of age	1,840	1,890	2,995	1,185	11,585
Household contains at least one person age 75 or older	855	1,535	1,665	1,125	3,745
Households with one or more children 6 years old or younger *	4,395	3,390	4,565	2,890	13,180

Source: 2011-2015 CHAS. NOTE: Totals do not necessarily reflect current distributions, as 2011-15 data are all that is available for this table.

The average household size has increased since 2010, possibly due to increasing housing costs and a younger population. While household size or composition alone cannot determine current or future housing needs, it is an important piece to understanding the local housing market. For example, LMI

households are more likely to live in overcrowded conditions, which can be an indication of a constrained housing supply, insufficient incomes, high housing costs, or social and cultural norms.

### Household Income

Next to housing costs, household income is the most important factor determining a household’s ability to afford housing. Although economic and financial factors that affect a household’s housing choice are not a fair housing issue per se, the relationships among household income, household type, race/ethnicity and other factors often create misconceptions and biases that raise fair housing issues.

The City’s income distribution is indexed to area median income (AMI), calculated by HUD. Based on the AMI, it establishes four income categories that dictate eligibility for most publicly assisted housing programs:

- Extremely Low Income – At or below 30 percent of AMI
- Very Low Income – 30-50 percent of AMI
- Low Income – 50–80 percent of AMI
- Moderate Income – 80–120 percent of AMI

Table 6 specifies the 2019 income limits for Kern County.

**Table 6: 2019 Kern County Income Limits**

<b>Number of Persons in Household:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
Extremely Low	\$13,650	\$16,910	\$21,330	\$25,750	\$30,170	\$34,590	\$39,010	\$42,800
Very Low Income	\$22,700	\$25,950	\$29,200	\$32,400	\$35,000	\$37,600	\$40,200	\$42,800
Low Income	\$36,300	\$41,500	\$46,700	\$51,850	\$56,000	\$60,150	\$64,300	\$68,450
Median Income	\$45,350	\$51,850	\$58,300	<b>\$64,800</b>	\$70,000	\$75,150	\$80,350	\$85,550
Moderate Income	\$54,450	\$62,200	\$70,000	\$77,750	\$83,950	\$90,200	\$96,400	\$102,650

Source: California Department of Housing and Community Development, 2019

The following table shows what the affordable monthly housing cost is for each of the income categories in the table above.

**Table 6a: 2019 Kern County Affordable Monthly Housing Cost**

<b>Number of Persons in Household:</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
Extremely Low	\$341	\$423	\$533	\$644	\$754	\$865	\$975	\$1,070
Very Low Income	\$568	\$649	\$730	\$810	\$875	\$940	\$1,005	\$1,070
Low Income	\$908	\$1,038	\$1,168	\$1,296	\$1,400	\$1,504	\$1,608	\$1,711
Median Income	\$1,134	\$1,296	\$1,458	\$1,620	\$1,750	\$1,879	\$2,009	\$2,139
Moderate Income	\$1,361	\$1,555	\$1,750	\$1,944	\$2,099	\$2,255	\$2,410	\$2,566

Source: City of Bakersfield, 2019

HMDA data report these income levels differently, based on Community Reinvestment Act (CRA) requirements:

- Low income – At or below 50 percent Median Family Income (HUD’s very low-income category)
- Moderate income – 50 to 80 percent Median Family Income (HUD’s low-income category)
- Median income – 100 percent Median Family Income (HUD’s median-income category)
- Middle income – 80 to 120 percent Median Family Income (HUD’s moderate-income category)

- Upper income – greater than 120 percent Median Family Income (HUD’s above moderate-income category)

Table 7 reports the number of households in these income categories in 2016 (the most recent years for which complete HMDA data is available).

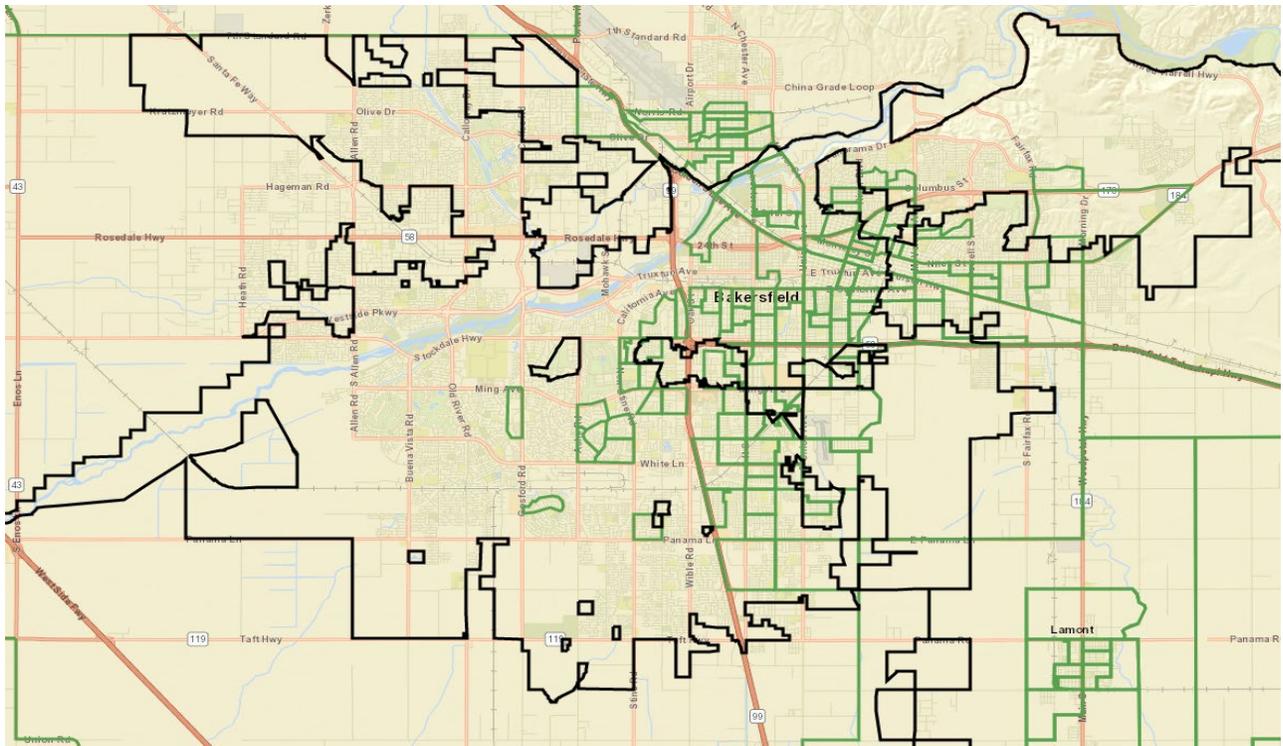
**Table 7: Households by Income Level**

	Number of Households	% of total
Low Income	31,207	21.7
Moderate Income	21,504	14.9
Middle Income	24,999	17.4
Upper Income	66,320	46.0
Total Households	144,031	100

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

Over half of all households are considered LMI, but these households are not evenly distributed throughout the city. Like in most major cities, LMI households in Bakersfield are concentrated in certain areas in the city. Figure 2 shows the LMI residents are generally located in central and southeast Bakersfield.

**Figure 2: Low-Mod Block Groups**



Source: U.S Department of Housing and Urban Development, 2019

The areas outlined in green are the LMI block groups, or areas assessed by the Census Bureau where at least half of residents are LMI. As the map shows, nearly all the City’s LMI block groups are east of State Route 99.

## Housing Characteristics

### Housing Stock

Bakersfield’s housing stock consists of a variety of housing types, but Table 8 shows nearly three-fourths of the housing stock is detached single-family homes, much greater than the State’s percentage (57.5 percent) of such homes. This can complicate fair housing choice, as single-family homes are often more expensive than other housing types, thus limiting a household’s ability to seek greater opportunity. Additionally, the UC Berkeley Turner Center for Housing Innovation has found that maintaining anti-density zoning, such as land use being dominated by single-family detached housing, results in more racially segregated cities and tend to exclude blue collar workers.<sup>8</sup>

**Table 8: Housing Stock Composition**

Housing Type	Bakersfield		California	
	Number of Units	% of Total	Number of Units	% of Total
Single Family, detached	93,029	71.5	8,190,950	57.5
Single Family, attached	3,361	2.6	994,710	7.0
Two to Four Units	14,665	11.3	1,132,562	8.0
More than Five Units	16,289	12.5	3,357,051	23.6
Mobile Homes	2,778	2.1	559,820	3.9
Total	130,122	100	14,235,093	100
Vacancy Rate	8.5%		8.1%	

Source: E-5 City/County Population and Housing Estimates, 1/1/2019, California Department of Finance

### Housing Conditions

Assessing housing conditions can provide the basis for developing policies and programs to maintain and preserve the quality of the housing stock. Housing age can indicate general housing conditions within a community, particularly when it comes to lead-based paint (LBP). LBP has been banned in household paint since 1978, but housing units constructed prior to that year are more likely to contain lead-based paint. Table 9 represents the age of the housing stock in Bakersfield.

**Table 9: Age of Housing Stock**

Year Built	Number of Units	% of Housing Stock
2014 or later	1,456	1.2
2010 to 2013	3,256	2.7
2000 to 2009	31,183	25.4
1990 to 1999	20,023	16.3
1980 to 1989	18,614	15.2
1970 to 1979	20,219	16.5
1960 to 1969	10,845	8.8
1950 to 1959	8,985	7.3
1940 to 1949	4,000	3.3
1939 or earlier	4,248	3.5
Total	122,829	100

Source: 2013-2017 American Community Survey, U.S. Census Bureau

<sup>8</sup> Jonathan Rothwell, “Land Use Politics, Housing Costs, and Segregation in California Cities,” Turner Center for Housing Innovation, September 2019.

Nearly 61 percent of the City’s housing stock was built after 1980, reflecting the growth Bakersfield has experienced as its economy and population have expanded in recent decades. Still, homes constructed prior to 1980 are more likely to contain lead-based paint and may have significant rehabilitation needs.

HUD also analyzes four housing conditions as part of its Comprehensive Housing Affordability Strategy (CHAS) derived from American Community Survey data. These four conditions are units that lack complete kitchen facilities, units that lack complete plumbing facilities, housing that is overcrowded, and housing cost burden. The first two problems can survey as proxies for housing conditions in the City. Fortunately, less than one percent of all households live with substandard kitchen or plumbing facilities.<sup>9</sup>

### Housing Needs

California law requires localities to adopt a Housing Element as part of their General Plan. State Housing Element law requires that cities and counties address housing needs for all income levels of the population. The Kern Council of Governments (COG) allocated the regional fair share of housing needs to Bakersfield for the 2015-2023 period through the Regional Housing Needs Assessment (RHNA).

According to the City’s RHNA allocation, Bakersfield must accommodate the potential for 36,290 housing units during the eight-year period (years 2015-2023). This allocation is based on population forecasts, economic trends, and other socioeconomic data. Table 10 presents the distribution of the future needs by four household income categories.

**Table 10: Regional Housing Needs Assessment (RHNA) Allocation, 2015-2023**

	Allocation	Progress (2019)	% of Allocation
Very Low Income (0-50%AMI)	9,706	182	1.9
Low Income (50-80%AMI)	5,800	77	1.3
Moderate Income (80-120%AMI)	6,453	4,389	68.0
Above Moderate Income (Greater than 120% AMI)	14,331	4,295	30.0

Source: California Department of Housing and Community Development, 2015

The underproduction in the lower-income categories reflects the broader home production trends in California. High land, construction, and labor costs, coupled with limited public funding, often renders affordable housing infeasible. What affordable housing is produced is impactful and important to the households that attain it, but the overall demand is much higher than the supply, possibly affecting fair housing choice.

### Special Needs

Certain households, because of their special characteristics and needs, have more difficulty finding decent and affordable housing. The following discussion highlights characteristics that could affect an individual household’s access to housing in the community.

### Large Households

Large households are defined as having five or more members. These households are usually families with two or more children or families with extended family members such as in-laws or grandparents. These can also include multiple families living in one housing unit in order to save on housing costs.

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<sup>9</sup> 2011-2015 CHAS.

Large households are a special needs group because the availability of adequately sized, affordable housing units is often limited. To save for necessities such as food, clothing, and medical care, lower- and moderate-income large households may reside in smaller units, resulting in overcrowding. Furthermore, families with children, especially those who are renters, may face discrimination in the housing market. For example, some landlords may charge large households a higher rent or security deposit, limit the number of children in a complex, confine them to a specific location, limit the time children can play outdoors or choose not to rent to families with children altogether, which would violate fair housing laws.

**Table 11: Large Family Households**

	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	>100% AMI	Total
Large Family Households	2,110	2,285	3,150	2,005	9,140	18,690
Total Households	12,805	12,110	15,985	9,440	62,100	112,440
Share of all Households (in %)	16.5	18.9	19.7	21.2	14.7	16.6

Source: 2011-2015 CHAS

Table 11 shows the number of large households in Bakersfield. Additional Census data show homeowner households are more likely to be large families than renter households. According to the 2010 Census, 11.7 percent of households in the City were large families who own their home, whereas just 8.5 percent of all households were large families who rent.

### Single-Parent Households

Single-parent families often require special consideration and assistance because of their greater need for affordable housing and accessible day care, healthcare and other supportive services. Due to their relatively lower income and higher living expenses, female-headed families have comparatively limited opportunities for finding affordable and decent housing. Female-headed families may also be discriminated against in the rental housing market because some landlords are concerned regarding the ability of these households to make regular rent payments. Consequently, landlords may require more stringent credit checks or higher security deposits for women, which would be a violation of fair housing laws. Table 12 presents the number of single-parent households in Bakersfield.

**Table 12: Single-Parent Households (HHs)**

Category	2010		2017	
	Number	% of HHs	Number	% of HHs
Male head of household	6,338	6.0	8,620	7.5
Female head of household	17,643	16.7	19,010	16.5
Total	23,981	22.7	27,630	24.0

Source: 2017 American Community Survey, U.S. Census Bureau

### Persons with Disabilities

Persons with physical disabilities may face discrimination in the housing market because of the need for wheelchair access, home modifications to improve accessibility or other forms of assistance. Landlords/owners sometimes fear that a unit might sustain wheelchair damage or might refuse to exempt disabled tenants with service/guide animals from a no-pet policy. A major barrier to housing for people with mental disabilities is opposition based on the stigma of mental disability. Landlords often

refuse to rent to tenants with a history of mental illness. Indeed, discrimination based on disability status is the most common source of fair housing complaints.<sup>10</sup>

The definition of disability changes based on its context. The Americans with Disabilities Act (ADA) considers disability as a legal term. Other laws and government programs view disability through a medical lens. For the purposes of this report, the U.S. Census Bureau classifies disabilities into the following categories:

- Hearing difficulty: Deaf or having serious difficulty hearing
- Vision difficulty: Blind or having serious difficulty seeing, even when wearing glasses
- Cognitive difficulty: Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions
- Ambulatory difficulty: Having serious difficulty walking or climbing stairs
- Self-care difficulty: Having difficulty bathing or dressing
- Independent living difficulty: Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor’s office or shopping<sup>11</sup>

Table 13 displays the number of civilian non-institutionalized Bakersfield residents age 5 and older with some type of disability.

**Table 13: Disability Status**

Disability Status	2010		2017	
	Number	% of Population	Number	% of Population
Hearing Difficulty	10,636	3.1	8,772	2.4
Vision Difficulty	8,191	2.4	7,593	2.0
Cognitive Difficulty	14,740	4.2	14,876	4.0
Ambulatory Difficulty	20,204	5.8	19,757	5.3
Self-Care Difficulty	7,021	2.0	7,608	2.0
Independent Living Difficulty	12,311	3.5	12,889	3.5
Total	73,103	21.0	71,495	19.2

Source: 2010 and 2017 One-Year Estimates, American Community Survey

### Persons with HIV/AIDS

Persons with HIV/AIDS face an array of barriers to obtaining and maintaining affordable, stable housing, which is important to their general health and wellbeing. According to the National AIDS Housing Coalition, people with HIV/AIDS who are homeless or unstably housing are:<sup>12</sup>

- More likely to enter HIV care late
- Less likely to receive and adhere to antiretroviral therapy
- More likely to be hospitalized and use emergency rooms
- More likely to experience a premature death

<sup>10</sup> “Fair Housing by the Numbers,” National Low-Income Housing Coalition, February 25, 2019.

<sup>11</sup> “How Disability Data are Collected from the American Community Survey,” United States Census Bureau, last revised October 17, 2017, accessed October, 2019.

<sup>12</sup> “Housing and Health,” National AIDS Housing Coalition, accessed October 4, 2019.

Despite federal and state anti-discrimination laws, many people face illegal eviction from their homes when their illness is exposed. The Fair Housing Amendments Act of 1988, which is primarily enforced by HUD, prohibits housing discrimination against persons with disabilities, including persons with HIV/AIDS.

The Kern County Department of Public Health (KCDPH) administers a range of HIV/AIDS services including:

- AIDS Drug Assistance Program
- Case Management Services
- Pre-Exposure Prophylaxis (PrEP) Assistance Program
- Housing Opportunities for People Living with AIDS (HOPWA)

The HOPWA program was established by HUD to address the specific needs of persons living with HIV/AIDS and their families. In the Bakersfield area, the HOPWA program works collaboratively with HACK and the Kern County Department of Public Health to provide housing assistance and supportive services to persons living with HIV/AIDS and their families that meet the eligibility criteria.

As an entitlement community, the City of Bakersfield receives HOPWA funds directly from HUD. Currently, the City administers the program itself, but will soon use provisions within the HOPWA regulations that allow a grantee to decline its grantee status and to enter into an agreement with the State to administer the HOPWA program on behalf of the City.

#### Persons Experiencing Homelessness

People experiencing homelessness often have a difficult time finding permanent housing. With little to no income and high housing costs, people experiencing homelessness often find it challenging to afford a home. The constrained supply of affordable housing also limits the homeless population’s entry into permanent housing. This group may also encounter fair housing issues when landlords refuse to rent to them for a variety of reasons including: a lack of steady income, lack of previous addresses, requiring a third-party payer, or limitations pertaining to supplying identification. The perception may be that homeless persons are financially or behaviorally unstable. These difficulties are more severe for homeless families that need larger affordable units to accommodate children.

In January 2019, the Bakersfield/Kern County Continuum of Care conducted a Point-in-Time (PIT) count of homeless persons in Bakersfield, living sheltered or unsheltered. The Kern County Homeless Collaborative, the local Continuum of Care, takes measures to ensure that the survey provides a statistically reliable, unduplicated count. Table 14 represents the 2019 PIT count.

**Table 14: 2019 Point-in-Time Count**

	<b>Adults</b>	<b>Adults w/ Children</b>	<b>Children</b>	<b>Total</b>	<b>Change since 2018</b>
Sheltered	329	57	121	507	2%
Unsheltered	623	10	10	643	108%
<b>Total</b>	<b>952</b>	<b>67</b>	<b>131</b>	<b>1,150</b>	<b>43%</b>

Source: Kern County Homeless Collaborative

## Farmworkers

In 2014, the Kern Council of Governments estimated the City's farmworker population at 14,499,<sup>13</sup> and, at more than 150,000, Kern County possesses the greatest number of farmworkers of all counties Statewide.<sup>14</sup> It is estimated that approximately one-quarter of total employment in Kern County is connected to farming.<sup>15</sup> While farmworkers are a sizeable portion of the workforce and play an important role in the local economy, the occupation pays relatively low wages.

The Bureau of Labor Statistics estimates the mean annual wage for farmworkers is \$29,260, with a mean hourly wage of \$14.07.<sup>16</sup> These wages would qualify a single-person household as very low-income. For some large families, it would qualify as extremely low-income. As a result, farmworkers face major obstacles to securing affordable, safe, and sanitary housing.

Their low incomes and the often-seasonal nature of employment can lead farmworkers to reside in severely overcrowded conditions. Immigration status can also discourage farmworkers from demanding higher wages and better living conditions.<sup>17</sup> In one survey, the California Agricultural Workers Health Survey found 40 percent of farmworker dwellings had two or more unrelated families sharing a single-home or apartment. In general, "sharing of dwellings among strangers is an accepted farmworker practice."<sup>18</sup>

Fortunately, there are some farmworker housing opportunities in the region. HACK maintains 10 housing developments with over 700 housing units dedicated to farmworkers and two Migrant Farm Labor Centers with 172 units under contract with the California Department of Housing and Community Development. Still, much is to be done to secure fair housing choice for the City's farmworker population.

## Publicly Assisted Housing

The availability and location of publicly assisted housing may be a fair housing concern. Concentrating such housing in limited areas can perpetuate cycles of poverty and limit economic opportunity. Further, public assisted housing and housing assistance must be accessible to qualified households regardless of race/ethnicity, disability or other special characteristics.

### Housing Choice Vouchers (Section 8)

HACK administers 3,767 rental assistance vouchers, a substantial number that demonstrably improves the lives of recipients. Unfortunately, the need for vouchers far outstrips the supply. As of May 2019, the Housing Choice Voucher waiting list had 7,054 applicants. The waiting list was last opened in October 2012, and it will not be open for several more years. This limits lower income households' options for safe and affordable housing.

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<sup>13</sup> "Kern Regional Housing Data Report," Kern Council of Governments, October 2014.

<sup>14</sup> Philip Martin, Brandon Hooker, and Marc Stockton, "Ratio of farmworkers to farm jobs in California increased to 2.3 in 2016," *California Agriculture*, 73 (2), April-June 2019.

<sup>15</sup> "Farmworkers Case Study: Kern County, California," Housing Assistance Council.

<sup>16</sup> Agriculture Workers, Occupational Employment and Wages, May 2018, Bureau of Labor Statistics.

<sup>17</sup> "Farmworkers and Immigration: Priorities for Reform," Farmworker Justice.

<sup>18</sup> Marc B. Schenker, Stephen A. McCurdy, Heather E. Riden, and Don Villarejo, "Improving the health of agricultural workers and their families in California: Current status and policy recommendations," University of California Global Health Institute, February 2015.

## Affordable Housing

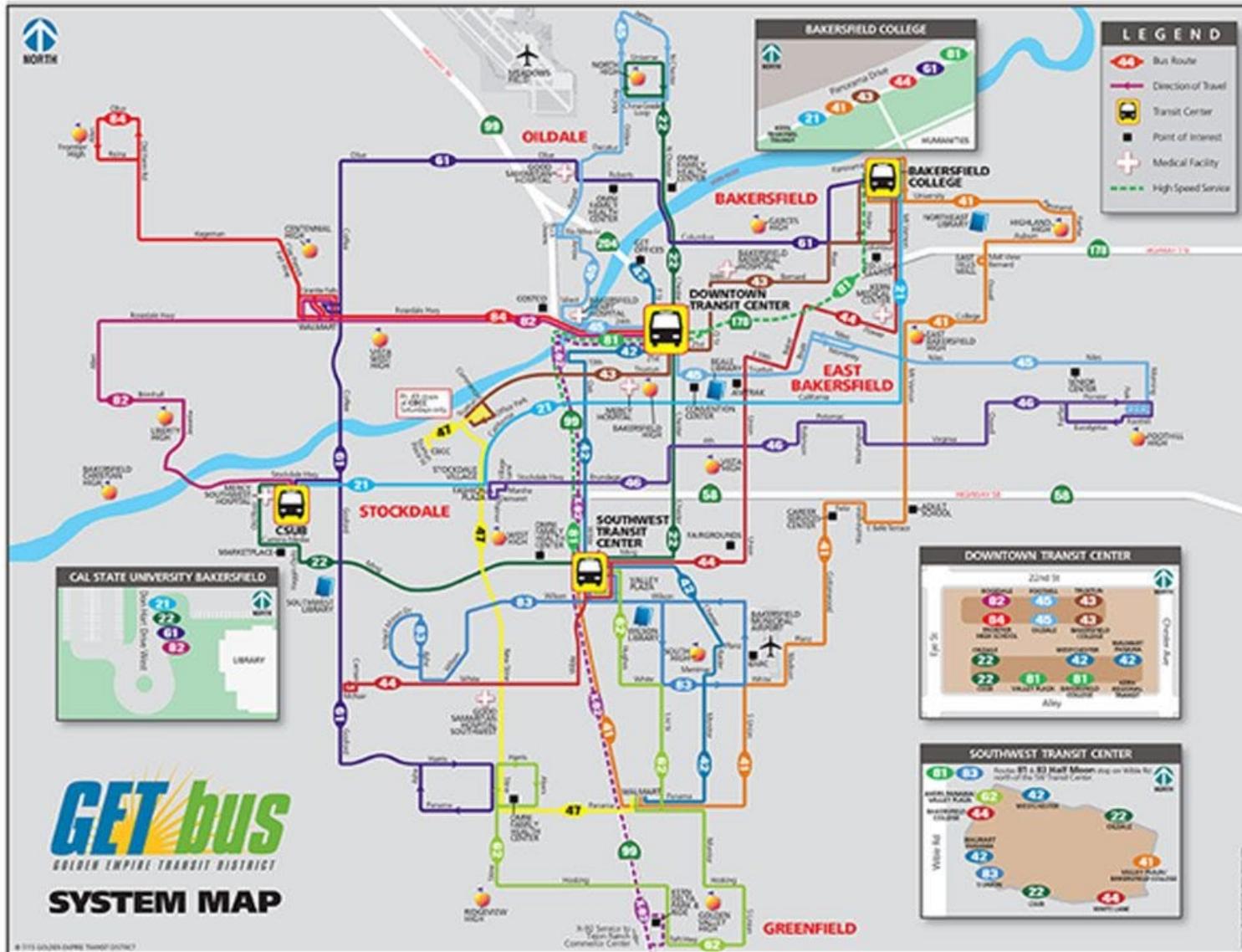
The California Tax Credit Allocation Committee (TCAC) within the State Treasurer's office provides information for all multifamily housing using Low Income Housing Tax Credits (LIHTCs), the federal government's primary mechanism for funding affordable housing construction. TCAC reports there are 4,964 housing units in Bakersfield that used LIHTCs. Approximately 99 percent of these units are reserved for households earning less than 80 percent AMI. While these units are impactful, there is certainly a need for more affordable units, considering the number of cost burdened households in the City.

## Public Transit

This section addresses access to public transit and employment as well as disparities in exposure to adverse community factors. Ideally, public transit should connect those dependent on transit to major employers and other important services like grocery stores and childcare. Limited public transit can affect access to employment opportunities and affordable housing, which in turn can impair fair housing choice. In addition, seniors and persons with a disability often rely on public transit to visit doctors, go shopping or attend activities at community facilities. Public transit that provides a link between job opportunities, public services and affordable housing helps to ensure that transit-dependent residents have adequate opportunity to access housing, services and jobs.

Bakersfield offers a traditional fixed-route bus service, as well as a paratransit service for local area residents. Both are provided by the Golden Empire Transit District (GET), which operates Monday through Friday from 6 a.m. to 10:45 p.m. and on Saturday and Sunday from 6:30 a.m. to 10:00 p.m. The GET system is designed to accommodate several types of riders. As a reflection of this, the fare structure has special rates for senior citizens, persons with disabilities and children. The paratransit service, known as GET-A-Lift, operates seven days a week and is eligible to riders who have a disability that prevents them from making some or all their trips on fixed route buses. Each service connects residential neighborhoods to many of Bakersfield's essential services and key locations, including all area hospitals and higher education institutions. The image below depicts the transit service in Bakersfield.

Figure 3: Golden Empire Transit Service Area



## Lending Practices

A key aspect of fair housing choice is equitable access to credit for the purchase, improvement, or refinancing of a home. This section reviews the lending practices of mortgage lenders and the access to financing for all households, particularly LMI populations and people of color.

Publicly available data on lending does not contain the detailed information necessary to make conclusive statements on fair or discriminatory lending, but it can point to potential areas of concern. Furthermore, local jurisdictions' ability to influence lending practices is limited (except for outreach and education efforts). Such practices are largely governed by national policies and regulations.

### Background

Discriminatory practices in home mortgage lending has a long history in the United States. In the 1930's, the federal government founded the modern mortgage loan market through a suite of bills that established the Federal Housing Administration and the Federal National Mortgage Association (Fannie Mae). Together, these entities insured and purchased mortgages to allow more Americans to access credit and receive favorable and affordable home loan terms.

An unfortunate part of this history is the method by which the government assessed borrower risk. Through the Home Owners' Loan Corporation (HOLC), the federal government created maps indicating where lending federally insured mortgages would be too risky. These areas, colored in red, marked predominately minority neighborhoods, especially areas with a large African American population. The effects of government-sanctioned redlining are still being felt. Many of the areas that were deemed "hazardous" in the 1930's are still impoverished today, more than eight decades later. A recent study found 74 percent of the neighborhoods redlined by HOLC are considered LMI and 64 percent are majority-minority areas.<sup>19</sup>

The federal government did stop its redlining practices and eventually outlawed such actions through landmark legislation like the Civil Rights and Fair Housing Acts, but discriminatory lending practices continue to affect LMI communities. For example, the subprime mortgages that contributed to the 2007-8 financial crisis disproportionately affected racial and ethnic minorities and LMI homeowners.

LMI and minority communities continue to have less-than-equal access to the best loan prices and terms than their credit history, income, and other individual financial considerations may merit. It is with this backdrop that the City's AI seeks to analyze local lending practices.

### Conventional and Government-Backed Financing

Conventional financing typically involves market-rate loans provided by private lending institutions such as banks, mortgage companies, and savings and loans associations. Government-backed financing include loan products that are insured ("backed") by a given government agency. These loans typically require lower credit scores and down payments than conventional loans. Sources of government-backed financing include the Federal Housing Administration (FHA), the Department of Veterans Affairs (VA),

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<sup>19</sup> Bruce Mitchell and Juan Franco, "HOLC 'Redlining' Maps: the persistent structure of segregation and economic inequality," National Community Redevelopment Coalition, March 20, 2018.

and the U.S. Department of Agriculture. Government-backed loans are often offered to consumers through private lending institutions because the government is not the lender itself.

Typically, LMI households have a much better chance of getting a government-backed loan than a conventional loan, but many factors play into borrowers' decisions. For example, subprime loans with terms such as zero percent down or interest-only payments proliferated leading up to the 2007-8 financial crisis. Some lenders did not even require verification of a borrower's income or assets. These subprime loans were risky to both the borrower and the lender but were competitive with government-backed loans because of accessibility.

## Lending Patterns

### I. Data and Methodology

HMDA requires lending institutions to disclose information on the disposition of loan applications by the income, gender, and race of the applicants. This applies to all loan applications for home purchases, improvements, and refinancing, whether financed at market rate or with government assistance. HMDA data are submitted by lending institutions to the FFIEC. Certain data is available to the public via the FFIEC site either in raw data format or as preset printed reports.

HMDA data presented in this AI were made available by [LendingPatterns](#), a web-based data tool that analyzes HMDA data to produce reports on various aspects of home loan lending. It provides information on lender market share, approval rates, denial rates, low/moderate income lending, and high-cost lending, among other aspects. This AI uses data from calendar year 2016, which is the most recent full dataset available. Local programs such as first-time homebuyer and rehabilitation programs are not subject to HMDA reporting requirements and therefore are not considered in this analysis. For the purposes of the tables in this section, the follow definitions are used:

#### *Loan actions*

- Applications received – the number of applications submitted for a home loan
- Originated – a completed loan application that results in a loan
- Rejected – loan applications approved, but the loans were not accepted by the applicant
- Denied – loan applicants did not qualify for a loan
- Withdrawn – applicant withdrew their loan application from further processing
- Incomplete – loan applications were not completed and were not processed

HMDA data report income levels differently than the U.S. Census Bureau or HUD. These calculations are based on Community Reinvestment Act (CRA) requirements and assume a family size of four persons; note, they are not consistent with other income category definitions used in this document. The income levels are as follows:

#### *Income levels*

- Low income – zero to 50 percent Median Family Income (no more than \$25,656)
- Moderate income – 50 to 80 percent Median Family Income (\$25,656 to \$41,049)
- Median income – 100 percent Median Family Income (\$53,300)
- Middle income – 80 to 120 percent Median Family Income (\$41,049 to \$61,573)
- Upper income – greater than 120 percent Median Family Income (more than \$61,573)

## II. Overview

In 2016, there were 24,746 total home loan applications in the City, which includes first mortgages, home improvement, and refinancing loans. This number is down nearly seven percent from the 2015-2020 AI. Of all home loans, 55.4 percent, or 13,713, were originated. Mortgage origination is the process by which a lender works with a borrower to complete a mortgage transaction. Therefore, nearly 14,000 households in Bakersfield applied for a home loan in 2016 and were ultimately provided a loan. The tables below represent an overview of all of Bakersfield's home loan applications, which includes purchase, home improvement, and refinancing loans.

**Table 15: All Loan Applications by Race Ethnicity**

Race/Ethnicity	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
White	10,613	6,209	321	2,007	1,561	515
Black	851	410	24	212	129	76
Hispanic	8,674	4,750	228	1,647	1,436	612
Asian	1,330	738	29	295	197	71
Native American	103	49	5	29	15	5
Hawaiian	138	65	1	36	24	12
Multi-race	161	75	2	40	26	18
Unknown	2,768	1,336	78	691	432	231
Not applicable	108	81	0	11	16	0
Total	24,746	13,713	688	4,968	3,836	1,540

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 16: All Loan Applications by Income Level**

Income Level	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
Low	1,067	328	22	460	203	53
Moderate	2,783	1,397	81	696	493	116
Middle	4,470	2,710	118	924	781	207
Upper	12,769	7,566	351	2,446	1,826	580
Unk/NA	3,387	1,712	116	442	533	584
Total	24,746	13,713	688	4,968	3,836	1,540

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

In an ideal scenario, the applicant pool for home loan lending would be reflective of the demographics of a community. For example, if 50 percent of a population is White, then one would expect that 50 percent of home loan applicants would be White. When one racial/ethnic group is overrepresented or underrepresented in the total applicant pool, it could be an indicator of unequal access to housing opportunities. The table below compares the demographics of Bakersfield against overall home loan statistics.

**Table 17: Disposition of All Home Loans Compared to Population by Race/Ethnicity**

Race/Ethnicity	Population share (in %)	Application share (in %)	Difference in Applications from Population
White	33.7	42.9	9.2
Black	7.1	3.4	(3.7)
Hispanic	49.2	35.1	(14.1)
Asian	7.2	5.4	(1.8)
Native American	0.4	0.4	-
Hawaiian	0.2	0.6	0.4
Multi-race	2.1	0.7	(1.4)

Source: 2013-2017 American Community Survey, U.S. Census Bureau; and LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

The starkest disparity between demographics and loan applications is for the Hispanic/Latino population. There is a 14.1 percent difference between the Hispanic/Latino population share and its share of total home loan applications. Conversely, the White population has the greatest positive difference – its application share is 9.2 percent greater than its population share. For comparison, the United States is 61.5 percent White and represented 63.9 percent of all home loan applications throughout the nation. The country’s Hispanic/Latino communities represent 17.6 percent of the population and represented 9.96 percent of all home loan applicants. Therefore, the lending patterns in Bakersfield suggest unequal access to home loans.

Income representation in home loan applications paints a different picture. As one might expect, low- and moderate-income households are underrepresented in home loan applications and middle- and upper-income households are overrepresented. Low- and moderate-income people have lower incomes and are likely to have fewer assets than moderate- and upper-income households. They may also be unable to meet down payment requirements. These all lead to lower rates of home loan applications.

**Table 18: Disposition of All Home Loans Compared to Income Level**

Income Level	Population share (in %)	Application share (in %)	Difference in Applications from Population
Low	23.0	4.3	(18.7)
Moderate	17.2	11.3	(5.9)
Middle	18.0	19.2	1.2
Upper	41.8	51.6	9.8

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

### III. Home Purchase Loans

A home purchase loan is commonly referred to as a first mortgage and is offered as either a conventional or government-insured loan (see previous discussion). There were 8,512 total home purchase loan applications in 2016, marking a 21 percent decrease from the City’s previous AI. The 8,512 applications were nearly split between conventional and government-backed loans. The latter represented 48.4 percent of loan applications, while the former represented 51.6 percent. Below are discussions on home purchase loans by race/ethnicity and by income level.

## A. By Race/Ethnicity

**Table 19: Home Purchase Loans**

Race/Ethnicity	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
White	3,432	2,603	102	252	417	58
Black	278	200	9	31	31	7
Hispanic	3,692	2,676	96	315	542	62
Asian	531	401	14	49	59	8
Native American	19	12	0	3	3	1
Hawaiian	50	31	0	8	10	1
Multi-race	41	29	1	2	7	2
Unknown	419	276	8	63	66	6
Not applicable	50	47	0	3	0	0
Total	8,512	6,275	230	726	1,135	145

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 20: Home Purchase Loans by Type**

Race/Ethnicity	Conventional		FHA, VA, and FSA/RHS	
	Number of Applications	Share of all applications (in %)	Number of Applications	Share of all applications (in %)
White	2,030	59.1	1,402	40.9
Black	105	37.8	173	62.2
Hispanic	1,383	37.5	2,309	62.5
Asian	447	84.2	84	15.8
Native American	12	63.2	7	36.8
Hawaiian	26	52.0	24	48.0
Multi-race	22	53.7	19	46.3

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 21: Home Purchase Loans Denial Rates**

Race/Ethnicity	Population share (in %)	Application share (in %)	Applications Denied (in %)
White	33.7	40.3	7.3
Black	7.1	3.3	11.2
Hispanic	49.2	43.4	8.5
Asian	7.2	6.2	9.2
Native American	0.4	0.2	15.8
Hawaiian	0.2	0.6	16.0
Multi-race	2.1	0.5	4.9

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

Only the White and Hawaiian populations apply for mortgages at greater rates relative to their population shares, and only the White and Multi-race populations have mortgage denial rates lower than the overall rate of denial of 8.53 percent. This indicates racial and ethnic minorities apply for mortgages at lower rates and, when they do, are denied at higher rates. Further, Black and Hispanic/Latino populations are much more likely to apply for government-backed loans (indicated in

Table 20 above), perhaps because they do not meet the income, credit score, or down payment required to qualify for conventional loans.

B. By Income

**Table 22: Home Purchase Loans by Income Level**

Income Level	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
Low	275	157	7	56	50	4
Moderate	1,256	841	35	129	224	27
Middle	2,265	1,663	58	180	326	38
Upper	4,599	3,540	127	342	519	71
Unk/NA	117	74	3	19	16	5
Total	8,512	6,275	230	726	1,135	145

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 23: Home Purchase Loans by Type**

Income Level	Conventional		FHA, VA, and FSA/RHS	
	Number of Applications	Share of all applications (in %)	Number of Applications	Share of all applications (in %)
Low	121	44.0	154	56.0
Moderate	484	38.5	772	61.5
Middle	853	37.7	1,412	62.3
Upper	2,833	61.6	1,766	38.4

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 24: Home Purchase Loans Denial Rates by Income Level**

Income Level	Population share (in %)	Application share (in %)	Applications Denied (in %)
Low	23.0	3.2	20.3
Moderate	17.2	14.8	12.8
Middle	18.0	26.6	6.8
Upper	41.8	54.0	5.7

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

As shown in Table 24, low- and moderate-income mortgage applicants are denied at far higher rates than middle- and upper-income applicants. This is understandable considering the financial barriers to accessing credit discussed in the previous section, but the implication is that households who are in most need of wealth and affordable housing are the least likely to attain them through homeownership.

Conversely, upper-income households represent most mortgage applicants, despite representing less than half the population, and are denied home loans far less often. Indeed, low-income mortgage applicants are denied loans at a rate almost four times higher than upper-income households.

Consequently, upper-income homeowners can access additional financial benefits once they are homeowners. For example, they can build wealth through increasing property values and claim the mortgage interest deduction on their tax returns, thus lowering their taxable income.

IV. Home Improvement Loans

Home improvement loans are often used to improve the quality or structural integrity of a home to maintain or increase its value. Historically, home improvement loan applications have a higher rate of denial when compared to home purchase loans in part because an applicant's debt-to-income ratio may exceed underwriting guidelines. Another reason is that many lenders use the home improvement category to report both second mortgages and equity-based lines of credit, even if the applicant's intent is to do something other than improve the home. Loans that will not be used to improve the home are viewed less favorably since the owner is divesting in the property by withdrawing accumulated wealth. Lenders often view these types of loans as riskier than mortgages.

The 1,732 home improvement loans reported in this AI is more than double the 743 home improvement loans reported in the previous AI. An improved economy and rising incomes and property values play a part in this significant uptick. However, White and upper-income populations are again overrepresented related to home improvement loan applications.

A. By Race/Ethnicity

**Table 25: Home Improvement Loans by Race/Ethnicity**

Race/Ethnicity	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
White	759	492	29	154	54	30
Black	59	26	2	24	5	2
Hispanic	505	218	12	204	45	26
Asian	57	25	1	17	7	7
Native American	8	5	0	2	1	0
Hawaiian	8	5	0	3	0	0
Multi-race	15	10	0	5	0	0
Unknown	293	153	3	101	26	10
Not applicable	0	0	0	0	0	0
Total	1,704	934	47	510	138	75

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 26: Home Improvement Loan Denial Rates**

Race/Ethnicity	Population share (in %)	Application share (in %)	Applications Denied (in %)
White	33.7	44.5	20.3
Black	7.1	3.5	40.7
Hispanic	49.2	29.6	40.4
Asian	7.2	3.3	29.8
Native American	0.4	0.5	20.0
Hawaiian	0.2	0.5	37.5
Multi-race	2.1	0.9	33.3

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

As expected, the approval rates for home improvement loans are much lower than mortgages. Over 40 percent of home improvement loan applications from Black and Hispanic populations are denied, whereas 11.2 and 8.5 of home purchase loans are denied for these populations, respectively.

## B. By Income

**Table 27: Home Improvement Loans by Income Level**

Income Level	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
Low	75	20	1	41	9	4
Moderate	160	58	4	66	18	14
Middle	270	128	7	102	25	8
Upper	1,199	728	35	301	86	49
Unk/NA	28	18	0	8	2	0
Total	1,732	952	47	518	140	75

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 28: Home Improvement Loans Denial Rates by Income Level**

Income Level	Population share (in %)	Application share (in %)	Applications Denied (in %)
Low	23.0	4.3	54.7
Moderate	17.2	9.2	41.3
Middle	18.0	15.6	37.8
Upper	41.8	69.2	25.1

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

Upper-income homeowners represent nearly 70 percent of home improvement loan applicants, and they also have the highest rate of approval among all income levels. Low- and moderate-income households are less likely to own homes, which partly explains why there are so few of these applicants for home improvement loans.

## V. Refinancing

Homeowners refinance existing home loans for many reasons. It can allow homeowners to take advantage of better interest rates, consolidate multiple debts into a single loan, reduce monthly payments, reduce risk (i.e. by switching from variable rate to fixed rate loans), or borrow against equity. In 2016, there were 14,502 refinancing loan applications in Bakersfield, up by just over 1,000 since the previous AI.

A. By Race/Ethnicity

**Table 29: Refinancing Loans by Race/Ethnicity**

Race/Ethnicity	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
White	6,415	3,110	190	1,599	1,089	427
Black	513	183	13	157	93	67
Hispanic	4,469	1,852	120	1,125	848	524
Asian	742	312	14	229	131	56
Native American	76	32	5	24	11	4
Hawaiian	80	29	1	25	14	11
Multi-race	105	36	1	33	19	16
Unknown	2,052	906	67	524	340	215
Not applicable	50	26	0	8	16	0
Total	14,502	6,486	411	3,724	1,553	1,320

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 30: Refinancing Loan Denial Rates**

Race/Ethnicity	Population share (in %)	Application share (in %)	Applications Denied (in %)
White	33.7	44.2	24.9
Black	7.1	3.5	30.6
Hispanic	49.2	30.8	25.2
Asian	7.2	5.1	30.9
Native American	0.4	0.5	31.6
Hawaiian	0.2	0.6	31.3
Multi-race	2.1	0.7	31.4

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

Once again, the City's White population is overrepresented in its share of applicants and has the lowest denial rate. However, the Hispanic/Latino population has a denial rate on par with that of the White population. All other racial/ethnic populations have a denial rate above the overall average of 25.7 percent.

B. By Income

**Table 31: Refinancing Loans by Income Level**

Income Level	Apps Received	Loans Originated	Loans Rejected	Apps Denied	Apps Withdrawn	Files Closed for Incompleteness
Low	717	151	14	363	144	45
Moderate	1,367	498	42	501	251	75
Middle	2,205	919	53	642	430	161
Upper	6,971	3,298	189	1,803	1,221	460
Unk/NA	3,242	1,620	113	415	515	579
Total	14,502	6,275	230	726	1,135	145

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

**Table 32: Refinancing Loans Denial Rates by Income Level**

Income Level	Population share (in %)	Application share (in %)	Applications Denied (in %)
Low	23.0	4.9	50.6
Moderate	17.2	9.4	36.6
Middle	18.0	15.2	29.1
Upper	41.8	48.1	25.9

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

Upper income homeowners again represent the preponderance of applicants and have the lowest denial rate. Just as prospective low-income homeowners are most in need of homeownership and least likely to attain it, low- and moderate-income homeowners are least likely to refinance their home loans. In fact, over half of all refinance loan applications by low-income homeowners were denied. Further, just 21 percent of low-income refinancing applicants ultimately received a loan.

#### VI. Lending by Tract Characteristics

To identify potential geographic differences in mortgage lending activities, an analysis of the HMDA data was conducted by census tract in two ways. First, lending by all types (home purchase, improvement, and refinance) was analyzed by census tracts' minority population. Minority populations are considered all non-White populations. In terms of HMDA data, this means Black, Hispanic, Asian, Native American, and Hawaiian populations. Table 33 below displays overall lending in census tracts by minority population percentage.

**Table 33: Lending by Census Tract by Minority Population**

Tract Minority Level	Census Tracts		Loan Applications	Originated		Denied	
	#	% of City		#	%	#	%
0-30 percent	11	13.1	3,494	2,017	14.7	681	13.7
30-50 percent	20	23.8	7,949	4,371	31.9	1,429	31.2
50-60 percent	8	9.5	3,115	1,840	13.4	570	11.5
60-70 percent	17	20.2	4,045	2,076	15.1	851	17.1
70-80 percent	8	9.5	3,542	1,920	14.0	716	14.4
80-90 percent	11	13.1	2,257	1,130	8.2	522	10.5
90-100 percent	9	10.7	799	359	2.6	199	4.0
Total	84	100.0	24,746	13,713	100.0	4,968	100.0

Source: Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

Loan applications by minority population share suggests a relatively equitable distribution. Just under 37 percent of applications come from census tracts in which minorities are less than 50 percent of the population. Therefore, nearly two-thirds of applications come from majority-minority census tracts. However, nearly half (46.6 percent) of originated loans come from census tracts that are less than 50 percent minority and the denial rate is higher in census tracts that are above 50 percent minority than those that are below 50 percent minority.

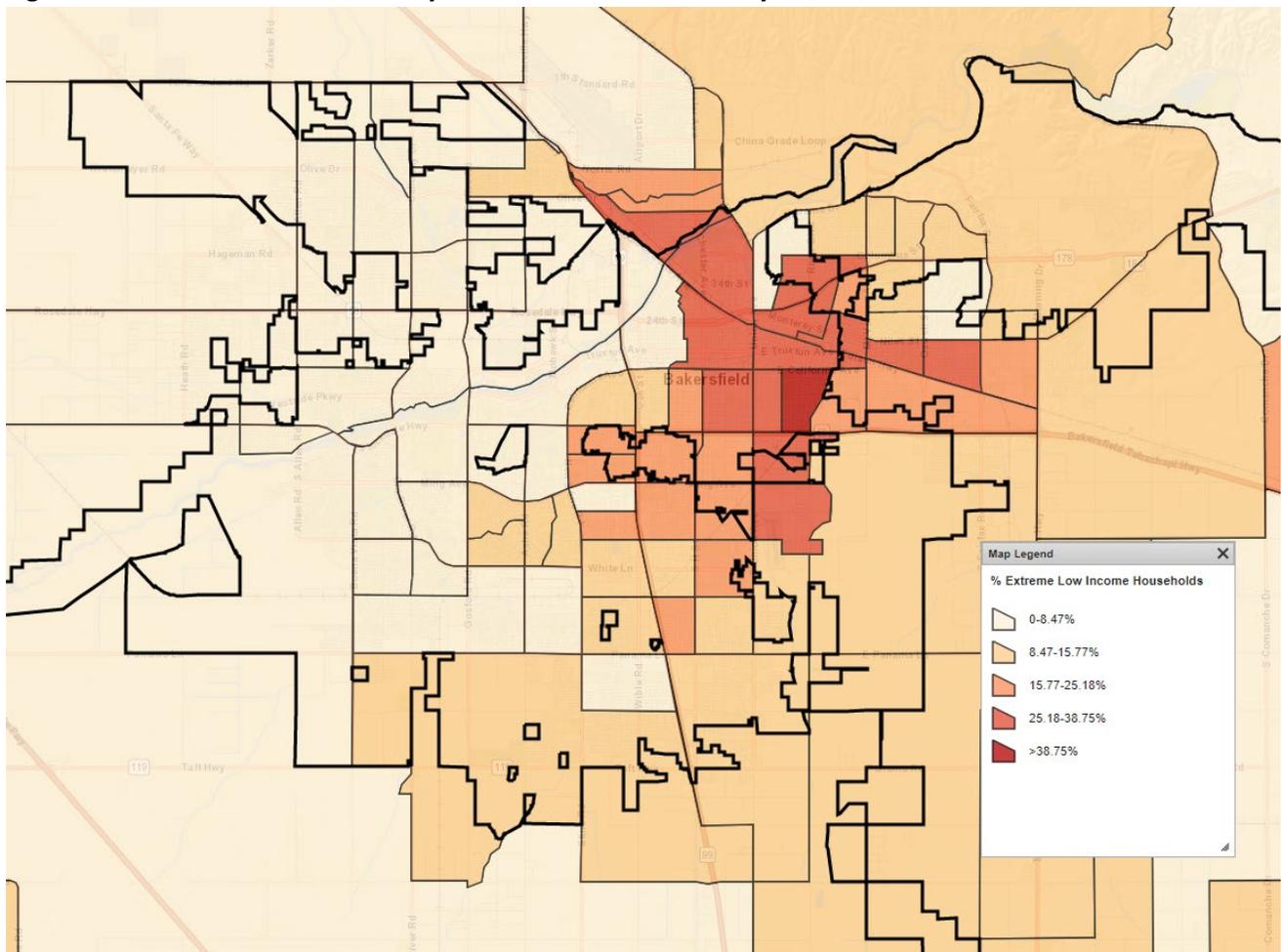
**Table 34: Lending by Census Tract Income**

Tract Minority Level	Census Tracts		Loan Applications	Originated		Denied	
	#	% of City		#	%	#	%
Low	5	6.0	233	104	0.8	56	1.1
Moderate	19	22.6	2,511	1,259	9.2	573	11.5
Middle	22	26.2	4,830	2,424	17.7	1,092	22.0
Upper	38	45.2	17,172	9,926	72.3	3,247	65.4
Total	84	100.0	24,746	13,713	100.0	4,968	100.0

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

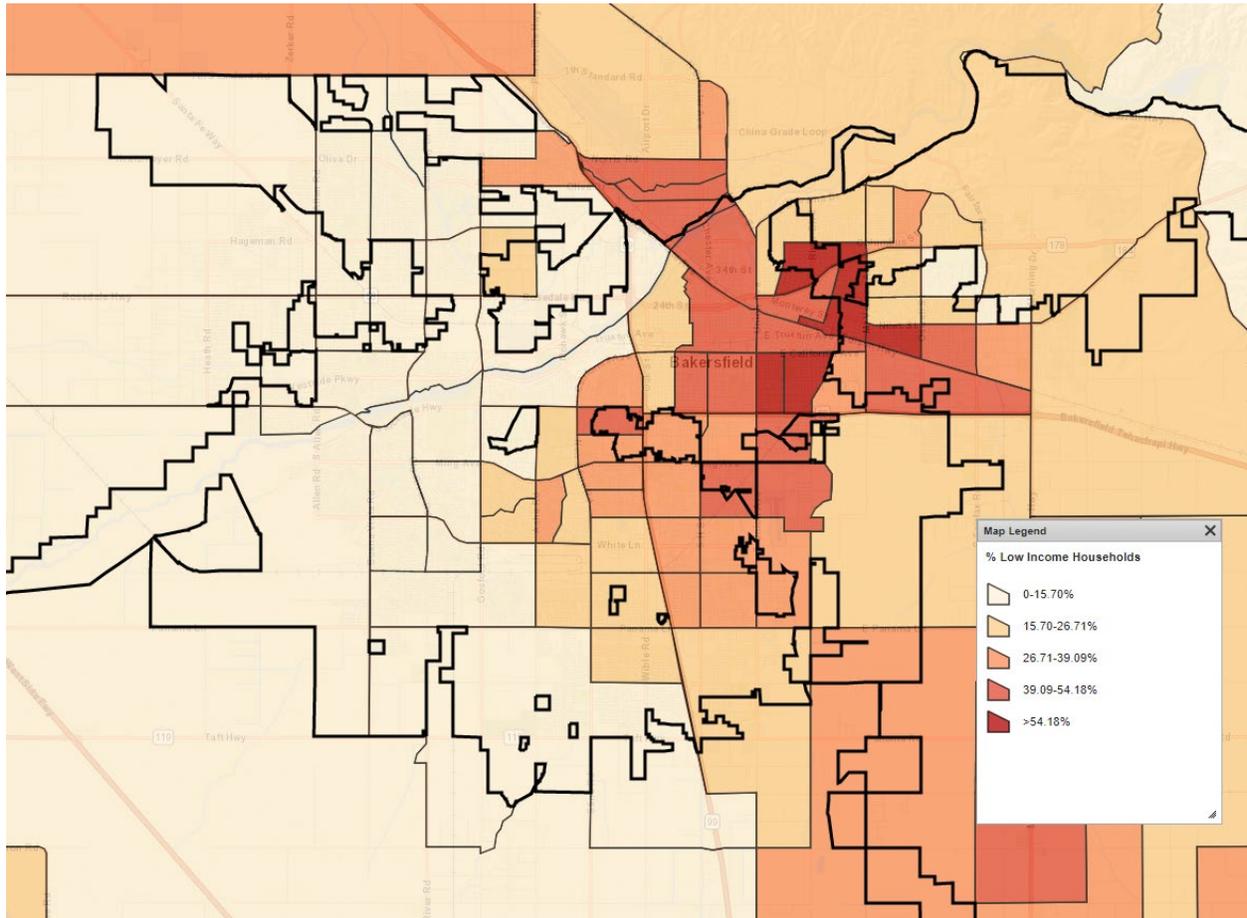
The second way census tracts were analyzed was by income level; here, the disparity in lending is clearer. Low- and moderate-income census tracts represent about 29 percent of the City but attained just 10 percent of all originated loans. These census tracts also have 33.5 percent of all denied applications. As such, LMI are underrepresented in originated loans and overrepresented in denied applications. Below is a series of maps representing income distribution in the City. Darker colored census tracts represent a higher concentration of a given income level. There is a consistent pattern to these maps: LMI households are concentrated east of State Route 99 and in and around downtown.

**Figure 4: Concentration of Extremely Low-Income Households by Census Tract**



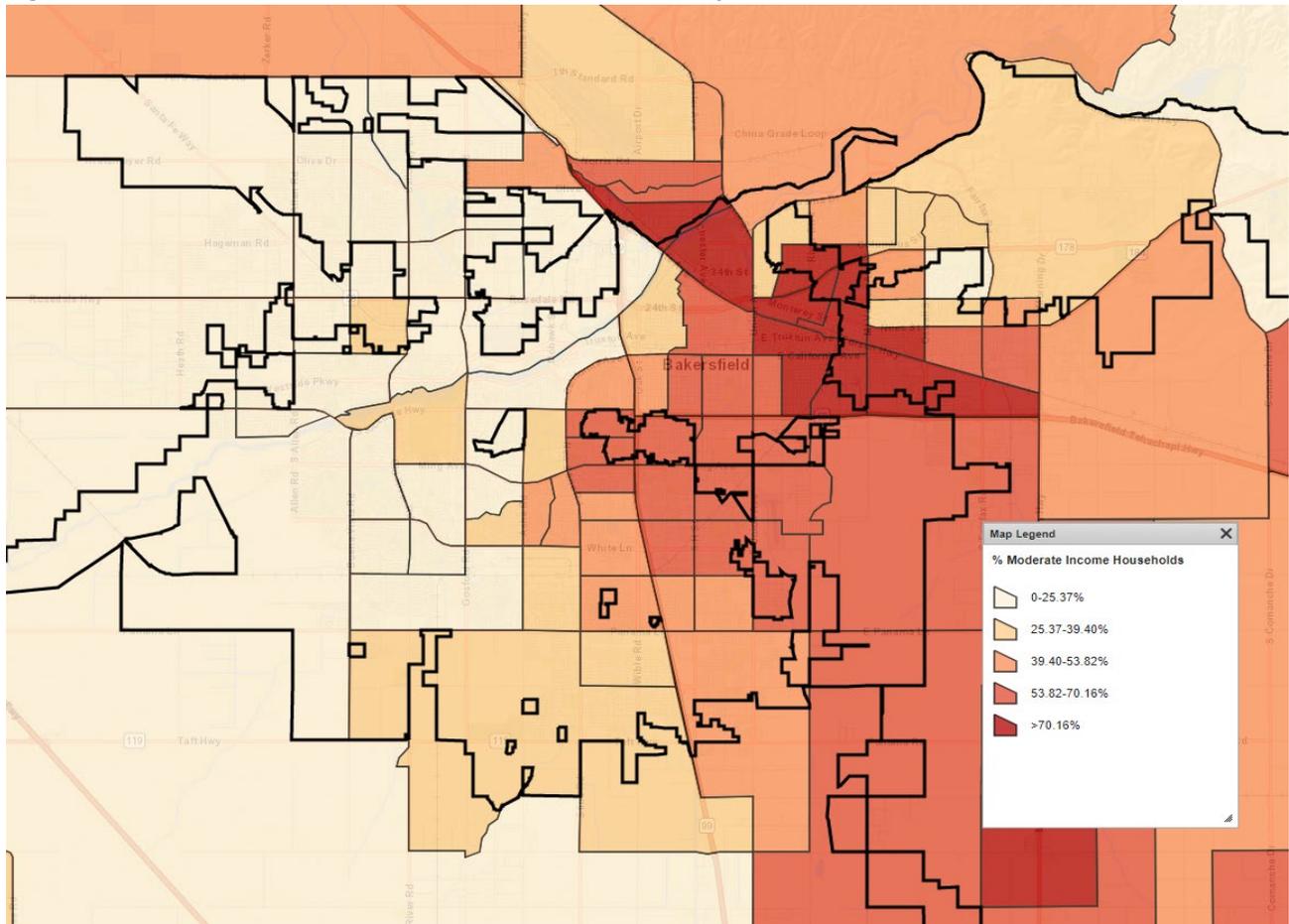
Source: U.S Department of Housing and Urban Development, 2019

**Figure 5: Concentration of Low-Income Households by Census Tract**



Source: U.S. Department of Housing and Urban Development, 2019

**Figure 6: Concentration of Moderate-Income Households by Census Tracts**



Source: U.S. Department of Housing and Urban Development, 2019

## VII. Subprime Lending

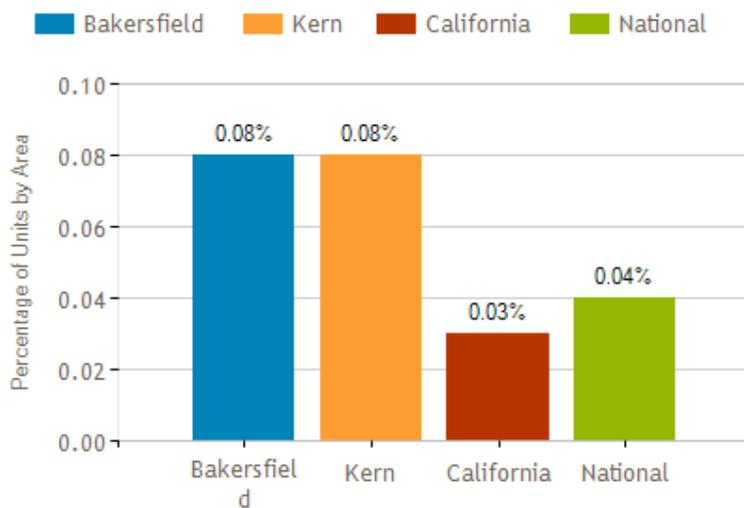
According to the Federal Reserve, prime mortgages are offered to persons with excellent credit and employment history with an income adequate to support the loan amount. Subprime loans are loans to borrowers who have less-than-perfect credit history, poor employment history, or other factors such as limited income. By providing loans to those who do not meet the credit standards for borrowers in the prime market, subprime lending can and does serve a critical role in increasing levels of homeownership.

Subprime loans are generally characterized by higher risk, lower loan amounts, higher costs to originate, faster prepayments, and higher fees. These loans can both impede and extend fair housing choice. On the one hand, subprime loans extend credit to borrowers who otherwise could not attain it. The increased access to credit by previously underserved consumers and communities contributed to record high levels of homeownership among minorities and lower income groups. On the other hand, these loans can expose lower income and minority borrowers to default and foreclosure risk.

According to statistics provided by RealtyTrac.com, an online data aggregator, although pre-foreclosures and auctions of housing have dropped since 2018, the overall number of foreclosure units is

disproportionately high in several areas of the City: in zip code 93305, for example, one in every 663 units has had a foreclosure action taken against it, compared with zip code 93306 (one in 2,601). The following chart compares foreclosure rates in 2019 for Bakersfield, Kern County, California, and the nation as a whole.<sup>20</sup>

**Figure 7: 2019 Foreclosure Rates Comparison**



Source: RealtyTrac.com, November 2019

HMDA data does not classify loans as subprime, but it does track the interest rate spread on loans. Spread is the difference between Annual Percentage Rate (APR) and the Average Prime Offer Rate (APOR). In other words, spread is the interest on a single mortgage compared against an industry average. Historically, a high spread (or high interest) first mortgage has been defined as 150 basis points (or 1.5 percent) above the APOR, on average. Loans with a reported spread is one indication of subprime lending.

**Table 35: Spread on Loans with First Lien Status by Race/Ethnicity**

Race/Ethnicity	Percent of Loans with Reportable Spread	Average Spread
White	10.0	1.89
Black	12.2	1.84
Hispanic	15.0	1.84
Asian	3.3	1.77
Native American	5.0	1.91
Hawaiian	8.7	1.72
Multi-race	16.4	1.78
Total	8.78	1.89

Source: LendingPatterns HMDA 2016 Database, ComplianceTech, 2019

Table 35 illustrates the concept of spread. Fifteen percent of home loans for Hispanic loan applicants carried interest rates 1.5 percent more than the industry interest rate average. Those loans averaged

<sup>20</sup><https://www.realtytrac.com/statsandtrends/foreclosuretrends/ca/kern-county/bakersfield/>, November 2019.

1.84 percent more than the average. For example, if the APOR (average) was 3.0, the fifteen percent of loans for Hispanic applicants that had reportable spread averaged an interest rate of 4.84 percent.

### VIII. Predatory Lending

Predatory lending involves abusive loan practices usually targeting minority applicants or those with less-than-perfect credit histories. Typical predatory lending practices include:<sup>21</sup>

- Inadequate or False Disclosure: The lender hides or misrepresents the true costs, risks and/or appropriateness of a loan's terms, or the lender changes the loan terms after the initial offer.
- Risk-Based Pricing: While all lenders depend on some form of risk-based pricing — tying interest rates to credit history — predatory lenders abuse the practice by charging very high interest rates to high-risk borrowers who are most likely to default.
- Inflated Fees and Charges: Fees and costs (e.g., appraisals, closing costs, document preparation fees) are much higher than those charged by reputable lenders, and are often hidden in fine print.
- Loan Packing: Unnecessary products like credit insurance — which pays off the loan if a homebuyer dies — are added into the cost of a loan.
- Loan Flipping: The lender encourages a borrower to refinance an existing loan into a larger one with a higher interest rate and additional fees.
- Asset-Based Lending: Borrowers are encouraged to borrow more than they should when a lender offers a refinance loan based on their amount of home equity, rather than on their income or ability to repay.
- Reverse Redlining: The lender targets limited-resource neighborhoods that conventional banks may shy away from. Everyone in the neighborhood is charged higher rates to borrow money, regardless of credit history, income or ability to repay.
- Balloon Mortgages: A borrower is convinced to refinance a mortgage with one that has lower payments upfront but excessive (balloon) payments later in the loan term. When the balloon payments cannot be met, the lender helps to refinance again with another high-interest, high-fee loan.
- Negative Amortization: This occurs when a monthly loan payment is too small to cover even the interest, which gets added to the unpaid balance. It can result in a borrower owing substantially more than the original amount borrowed.
- Abnormal Prepayment Penalties: A borrower who tries to refinance a home loan with one that offers better terms can be assessed an abusive prepayment penalty for paying off the original loan early. Up to 80 percent of subprime mortgages have abnormally high prepayment penalties.
- Mandatory Arbitration: The lender adds language to a loan contract making it illegal for a borrower to take future legal action for fraud or misrepresentation. The only option for an abused borrower is arbitration, which generally puts the borrower at a disadvantage.

Predatory lending is a growing fair housing issue. Predatory as well as discriminatory lending is addressed under the Fair Housing Acts and applies to loan originators as well as the secondary mortgage market. Additionally, the Equal Credit Opportunity Act of 1972 requires equal treatment in loan terms and availability of credit for people of all protected classes. Predatory lending and unsound investment practices were central to the 2007-8 financial crisis.

It resulted in a series of reforms, including California enacting Assembly Bill 260, which reformed mortgage lending and specifically banned predatory lending practices, and the federal government establishing the Consumer Financial Protection Bureau. AB 260 created a fiduciary duty standard for

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<sup>21</sup> Bill Fay, "What is Predatory Lending?" Debt.org, September 21, 2017.

mortgage brokers, eliminated compensation incentives that encourage the steering of borrowers into risky loans, and established regulations on prepayment penalties. Lenders that engage in predatory lending would violate these acts if they were to target ethnic minority or elderly households to buy higher-priced and unequal loan products, treat loans for protected classes differently than those of comparably creditworthy White applicants, or have policies or practices that have a disproportionate effect on the protected classes.

Data available to investigate the presence of predatory lending are extremely limited. HMDA data are the most comprehensive available for evaluating lending practices yet such data lack the financial details of the loan terms to determine predatory lending.

## Public Policies

Public policies established at the regional and local levels can affect housing development and may impact the range and location of housing choices available to residents. The Fair Housing Planning process is designed to encourage an inclusive living environment, active community participation, and an assessment of public policies and practices that can help identify impediments to fair housing choice. This section discusses the various public policies that could influence fair housing choice in the City of Bakersfield.

### Policies and Programs Affecting Housing Development

#### I. General Plan and Housing Element

The General Plan of a jurisdiction establishes a vision for the community and provides long-range goals and policies to guide the development in achieving that vision. The General Plan also acts to clarify and articulate the relationship and intentions of the local government to the rights and expectations of the general public, property owners, and prospective investors. Two of the seven State-mandated General Plan elements – Housing and Land Use Elements – have direct impact on the local housing market in terms of the amount and range of housing choice.

Of these, only the Housing Element has specific statutory requirements and is subject to certification by the California Department of Housing and Community Development (HCD) for compliance with State law. Enacted in 1969, Housing Element law requires that local governments adequately plan to meet the existing and projected housing needs of all socioeconomic segments of the community. The law acknowledges for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for and do not unduly constrain housing development.

The City’s most recent Housing Element update, adopted on January 20, 2016 and certified by HCD on February 16, 2016, addresses the period 2015-2023. It takes in account what is known as the Regional Housing Needs Allocation (RHNA), which determines the amount of housing a jurisdiction must plan for in each Housing Element cycle. For the 2015-2023 cycle, the City was allocated a need of 36,290 housing units; the City must have enough land zoned at appropriate densities to accommodate all of that need (however, the City is not required to ensure those units are built). Table 36 reflects the City’s RHNA allocation and its progress toward its goals.

**Table 36: Regional Housing Needs Assessment (RHNA) Allocation, 2015-2023**

	Allocation	Progress (2019)	% of Allocation
Very Low Income (0-50%AMI)	9,706	182	1.9
Low Income (50-80%AMI)	5,800	77	1.3
Moderate Income (80-120%AMI)	6,453	4,389	68.0
Above Moderate Income (Greater than 120% AMI)	14,331	4,295	30.0

Source: California Department of Housing and Community Development

In response to the Statewide housing crisis, recent changes in State law have attempted to strengthen Housing Element statutes to compel cities to allow for greater housing production. Senate Bill 35 (Wiener), enacted in 2017, allows streamlined residential development approval in jurisdictions that fail to meet its RHNA allocation (projects seeking streamlined approval must include a certain percentage of affordable housing units). The State government has also filed suit against local jurisdictions that have

refused to comply with Housing Element law, under the authority granted by Assembly Bill 72 (Santiago).

The Land Use Element is also a part of the General Plan affecting development, as it designates the general distribution, location, and extent of all land uses, including residential. The Land Use Element establishes a range of residential land use categories, specifies densities (typically expressed as dwelling units per acre, and sometimes as Floor Area Ratio (FAR)), and suggests the types of housing appropriate in a community.

### Zoning Ordinance

The zoning ordinance implements the goals and policies outlined in the General Plan. By establishing zones that correspond with General Plan land use designations, the City ensures public health and safety, while also providing for its current and future housing needs. The Fair Housing Act does not preempt local zoning laws, but it does apply to local government entities by prohibiting land use policies and zoning ordinances that exclude or otherwise discriminate against persons of protected classes.

Discrimination in zoning and land use may occur unintentionally – land use policies such as density or design requirements that make residential development prohibitively expensive, prohibitions on multi-family housing, or a household occupancy standard may be considered discriminatory if it can be proven these policies have a disproportionate impact on minorities, families with children, or people with disabilities. A study in the UC Berkley’s Turner Center’s ongoing California Residential Land Use Survey, funded by the State of California’s Department of Housing and Community Development, confirms this phenomenon: cities that limit density and have greater opposition to housing tend to have higher housing prices. This study has the potential to impact and shape future state housing policies, including local zoning policies.

In addition, anti-density zoning, such as land use being dominated by single-family detached housing, results in more racially segregated cities and tends to exclude blue collar workers.<sup>22</sup> The study studied over- and under-representation of blue-collar workers and correlated data with average minimum lot sizes, finding that both the share of land set aside for single-family housing and the stringency of minimum lot size requirements predict that a jurisdiction will be home to a significantly smaller share of workers in blue-collar occupations relative to the surrounding jurisdictions in their metropolitan area.<sup>23</sup> The study also found:

- high housing costs near job centers creates problems for workers in lower-paid occupations who want to be close to their job, forcing them to live further away in jurisdictions with more relaxed zoning laws
- jurisdictions that allocate large percentages of land to single-family detached housing in effect prohibits most blue-collar workers from participating in the housing market
- minimum lot size requirements are also strongly correlated with lower shares of workers in service occupations (a subset of blue-collar) and higher share of professional workers and computer workers (a subset of professional workers)

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<sup>22</sup> Jonathan Rothwell, “Land Use Politics, Housing Costs, and Segregation in California Cities,” Turner Center for Housing Innovation, September 2019.

<sup>23</sup> Ibid., p. 15.

Table 8 in the Community Profile section shows that Bakersfield’s housing stock is 71.5 percent detached single-family homes, a far higher percentage than the State as a whole. While housing stock is not a perfect reflection of the zoning ordinance – developers can seek deviations from the allowable land use and density – it does suggest that much of the City’s land zoned for residential use is designated for low-density housing types. This can increase housing costs and restrict availability of relatively affordable housing units.

### Variety of Housing Opportunity’

To ensure fair housing choice in a community, a zoning ordinance should provide for a range of housing types, including single-family, multifamily, second dwelling units, mobile homes, licensed community care facilities, employee housing for seasonable or migrant workers as necessary, assisted living facilities, emergency shelters, supportive housing, transitional housing, and single room occupancy (SRO) units. This section discusses these housing opportunities.

**Table 37: Housing Stock Composition**

Housing Type	Bakersfield		California	
	Number of Units	% of Total	Number of Units	% of Total
Single Family, detached	93,029	71.5	8,190,950	57.5
Single Family, attached	3,361	2.6	994,710	7.0
Two to Four Units	14,665	11.3	1,132,562	8.0
More than Five Units	16,289	12.5	3,357,051	23.6
Mobile Homes	2,778	2.1	559,820	3.9
Total	130,122	100	14,235,093	100
Vacancy Rate	8.5%		8.1%	

Source: E-5 City/County Population and Housing Estimates, 1/1/2019, California Department of Finance

#### I. Single- and Multifamily Uses

Single- and multifamily housing types include detached and attached single-family homes, duplexes, townhomes, condominiums, and rental apartments. These are the most common and popular housing types and Bakersfield’s zoning ordinance accommodates each of these. Table 37 shows that nearly 98 percent of the housing stock is comprised of these common housing types.

#### II. Accessory Dwelling Units

Accessory dwelling units (ADUs, sometimes referred to as granny units or in-law units), have been the focus of many legislative efforts in recent years. State laws now require all local jurisdictions to allow for ADUs, and has prohibited local jurisdictions from imposing onerous building or site requirements, levying high fees, or requiring certain lease agreements (such as the primary dwelling must be owner-occupied). Bakersfield complies with all State requirements pertaining to ADUs.

HCD identified ADUs as an alternative housing model that can increase the housing supply and provide better affordability.<sup>24</sup> Nearly 58 percent of the State’s housing stock is comprised of detached single-family units, properties eligible for ADU construction; and ADUs are often “naturally” affordable, a result

<sup>24</sup> “California’s Housing Future: Challenges and Opportunities,” California Department of Housing and Community Development.

of lower construction costs and smaller footprints than typical single-family or multifamily homes. In one study, 58 percent of ADU owners rented their unit at below-market rates.<sup>25</sup>

### III. Mobile Homes

The City defines a mobile home in its municipal code as “a structure transportable in one or more sections, designed and equipped to contain no more than two dwelling units, to be used with or without a foundation system.” Mobile homes and mobile home parks are permitted in the City in the MH zone. The City permits manufactured dwellings to be used as single-family residences outside of designated mobile home parks if the home is certified under the National Mobile Home Construction and Safety Act of 1974. Currently, 2.1 percent of the local housing stock is mobile homes, lower than the State’s rate as a whole.

### IV. Transitional and Supportive Housing

Transitional housing, as defined by Government Code Section 65582, means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible recipient at a predetermined future point in time. Supportive housing means housing with no limit on length of stay, that is occupied by the target population, and that is supported by onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

The City currently allows the establishment of transitional and supportive housing that functions as residential uses in residential zones, with processes consistent with those of similar residential uses, as required by State law. According to [Home At Last! Kern County’s Plan to End Homelessness by 2028](#), as of 2017, there are 225 transitional housing beds in the County, a reduction of 56 percent since 2007.<sup>26</sup> This is due to the move toward the Housing First model, which focuses on developing and placing homeless people in permanent affordable housing.

### V. Emergency Shelter

Emergency shelters provide short-term housing for persons experiencing homelessness or persons facing other difficulties, such as domestic violence. State law requires jurisdictions to identify adequate sites for housing that will be made available through appropriate zoning and development standards to facilitate and encourage the development of a variety of housing types for all income levels, including emergency shelters and transitional housing. The City permits food and/or shelter service agencies (including Emergency Shelters) in the M-2 zone by right. According to Home At Last!, Kern County’s Plan to End Homelessness by 2028, the number of emergency and transitional beds in the County should be able to house up to 84 percent of the region’s homeless population, far higher capacity than most California jurisdictions, but there is still insufficient capacity for the entire homeless population.<sup>27</sup>

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<sup>25</sup> David Garcia, “ADU Update: Early Lessons and Impacts of California’s State and Local Policy Changes,” Turner Center for Housing Innovation, December 2017, pg. 1-2.

<sup>26</sup> <https://kchomeless.wp.iescentral.com/wp-content/uploads/2019/05/HOME-AT-LAST-FINAL-.pdf>

<sup>27</sup> <https://kchomeless.wp.iescentral.com/wp-content/uploads/2019/05/HOME-AT-LAST-FINAL-.pdf>

## Affordable Housing Development

Affordable housing is defined as that which costs no more than 30 percent of a household's gross income and in general, minority and LMI households are disproportionately affected by a lack of adequate and affordable housing in a region. For example, there is a strong correlation between high housing costs and an increase in homelessness. In addition, according to the 2019 Point in Time count, African Americans comprised 15 percent of the homeless population, but represent just 6 percent of Kern County's total population.

While housing affordability is not directly a fair housing issue, expanding access to housing choices for these groups would result in a more equitable housing market. Unfortunately, access to affordable housing by lower-income and minority groups in certain areas is limited and can therefore be an indirect impediment to fair housing choice. Furthermore, there are numerous barriers to developing affordable housing that may result in increasing the cost of development or burdensome processes, which include, but are not limited to:

- Various permit processing costs
- Development impact fees
- Rising cost of land
- Rising cost of labor
- Rising cost of construction materials
- Infrastructure challenges
- Growing climate change hazards such as wildfire and sea level rise
- Community concerns/resistance (Not In My Backyard)
- Limited funding for affordable housing
- Complex subsidy structuring requirements for affordable housing

### I. Siting of Affordable Housing

HACK administers 865 public housing units throughout the Bakersfield metro area, and overall there are 4,759 units in Bakersfield that are subsidized by federal or State programs. While this is a sizeable amount of affordable housing, the supply is far lower than the need.

Further, most of the City's subsidized affordable housing sits east of State Route 99 in Bakersfield's traditionally lower-income areas. Concentrating affordable housing in historically disadvantaged or lower-income areas can lead to a concentration of poverty, which HUD recognizes has five wide-ranging impacts:

- Limits educational opportunity for children
- Leads to poor health outcomes
- Hinders wealth building
- Reduces private-sector investment and increases prices for goods and services
- Raises costs for local governments<sup>28</sup>

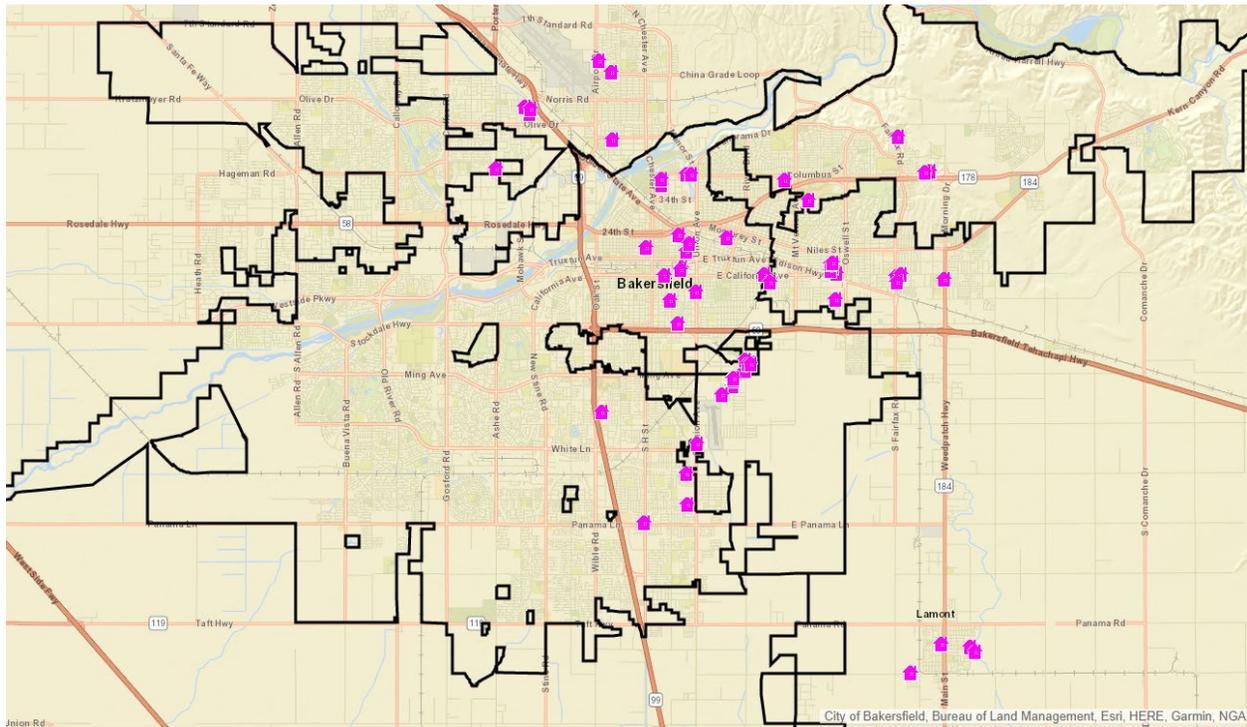
Taken together, these impacts can impede fair housing choice; however, concentrating poverty is not usually a purposeful policy goal. Instead, concentration of poverty is often an unintended consequence

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<sup>28</sup> "Confronting Concentrated Poverty With a Mixed-Income Strategy," Office of Policy Development and Research, U.S. Department of Housing and Urban Development, Spring 2013.

of seemingly benign policies. The City’s zoning codes, for example, allows most of its multifamily residential uses in and around Downtown Bakersfield. Consequently, that is where much of the City’s affordable housing is located (map below). The Downtown area has also been the focus of many recent economic development efforts, such as the Economic Opportunity Area Plan and Making Downtown Bakersfield, to improve economic opportunity and life outcomes.

**Figure 8: LIHTC Properties**



Source: U.S. Department of Housing and Urban Development, 2019

## II. Development and Impact Fees

Development and impact fees are levied by most, if not all local governments. In general, they help fund the expansion of infrastructure, like roads and parks, needed to support new housing and are accepted practice in the construction industry across the country. However, such fees can “limit growth by impeding or disincentivizing new residential development, facilitate exclusion, and increase housing costs.”<sup>29</sup> This is especially true in California, where State tax policies, such as Proposition 13, limit the amount of tax revenue that can be collected by local jurisdictions.

State law requires that locally imposed fees not exceed the estimated reasonable costs of providing the service. State law also requires that impact fees must have a substantial nexus to the development and that the dedication of land or fees be proportional to the impact of the development. Still, the fees and exactions required of a development to pay for the public facilities associated with the residential development pose a potential constraint to housing production.

<sup>29</sup> Hayley Raetz, David Garcia, and Nathaniel Decker, “Residential Impact Fees in California: Current Practices and Policy Considerations to Improve Implementation of Fees Governed by the Mitigation Fee Act,” Turner Center for Housing Innovation, August 5, 2019.

In 2019, the Turner Center for Housing Innovation conducted a study of the amount and effects of development and impact fees in six California cities – Los Angeles, Sacramento, Roseville, Oakland, Irvine, and Fremont. In its study it used a hypothetical multifamily infill development with 100 apartments to determine fee costs in each of the six cities. At \$11,746, Los Angeles levies the lowest fee cost per multifamily unit. Bakersfield is competitive with that number.<sup>30</sup> Using the hypothetical apartment building used in the Turner Center’s study, Bakersfield’s current fee schedule would result in impact fees of approximately \$11,400 per unit. While impact fees add to the cost of housing, the City’s fees are much less onerous than in other California cities. Moreover, they are necessary to maintain the quality of life for current and future community members.

### III. Funding

The demand for affordable housing far outstrips the existing supply. Therefore, funding for affordable housing is a constant need. Fortunately, the State has made great strides in recent year to increase the amount of funding available for affordable housing. SB 2 (Atkins) creates a permanent source of funding for affordable housing and the City expects to receive such in the coming years. Additionally, a \$4 billion bond was approved by voters in 2018 to fund several affordable housing programs. While Bakersfield will not directly receive these funds, proposed projects in the City can compete for State subsidies. Overall, increasing the supply of affordable housing is key to advancing fair housing choice.

### IV. Article 34

Voted into the State Constitution in 1950, Article 34 requires a majority vote of the electorate to approve the development, construction, or acquisition by a public body of any low-income affordable housing project within that jurisdiction. In other words, for any projects to be financed by a public agency where at least 50 percent of the occupants are low-income and rents are restricted to affordable levels, the jurisdiction must seek voter approval known as “Article 34 authority” to authorize that number of units.

While public agencies have learned how to structure projects to avoid triggering a vote or have won voter approval for publicly financed housing projects, Article 34 is widely considered a regressive measure that was rooted in racial and class discrimination. It also imposed a major barrier to affordable housing development, as winning voter approval is often costly and difficult. As such, there is currently a bill in the State legislature that, if approved by the legislature, will place on the 2020 ballot a measure asking voters to repeal Article 34. Its repeal would provide public agencies greater flexibility and predictably in planning for and developing affordable housing.

## Other Land Use Policies, Programs, and Controls

### I. Making Downtown Bakersfield

The State intends to build a station for its High-Speed Rail (HSR) system in Downtown Bakersfield. In response, the City conducted a multiyear planning effort to best leverage the State’s major investment in Bakersfield. That plan, Making Downtown Bakersfield, includes 11 implementation strategies that focus on many different aspects of land use policy, including housing. By leveraging federal and State

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<sup>30</sup> Sarah Mawhorter, David Garcia and Hayley Raetz, “It All Adds Up: The Cost of Housing Development Fees in Seven California Cities,” Turner Center for Housing Innovation, March 2018.

funds, the City wants to increase the Downtown population to 25,000 by 2035 and increase and diversify transit-oriented housing opportunities in the neighborhood. The City has grown more than 50 percent since 2000, but much of that growth has been concentrated in suburban locations without the requisite density and diverse housing supply needed for greater affordability.

## II. Growth Management

Bakersfield does not have any building moratoriums or growth management plans that limit housing construction. Moreover, the State legislature has moved to restrict the scope of growth management programs throughout the State by passing Senate Bill 330 in 2019. The bill outlaws building moratoriums and streamlines lengthy residential development review processes.

## Policies Causing Displacement or Affect Housing Choice of Minorities and Persons with Disabilities

### I. Redevelopment Activities

Through tax increment financing (TIF), redevelopment agencies (RDAs) were often the primary local mechanism for constructing and preserving affordable housing. While RDAs could displace vulnerable populations due to construction activities, redevelopment was an effective tool in creating housing for lower and moderate-income residents. However, the State dissolved redevelopment agencies in 2012 and since then most jurisdictions, including Bakersfield, have been unable to replace the lost revenue for affordable housing programs.

Despite the loss of RDAs, the City has developed an innovative program, called the Economic Opportunity Areas (EOA) Program, that leverages TIF to encourage economic development in disinvested areas of the City. The goals of the program include increasing employment opportunities and incentivizing residential and commercial development.

City residents also approved a sales tax increase which created more local funding for redevelopment and affordable housing projects. The Public Safety and Vital Services measure include community spending priorities that included:

- Reducing homelessness through partnerships with service providers to increase outreach, sheltering and construction of affordable housing.
- Creating job through economic development, business retention/attraction and workforce development.
- Enhancing amenities throughout the community to improve the quality of life and attract visitors.

### II. Reasonable Accommodation

Under the federal Fair Housing Act and the Americans with Disabilities Act (ADA), jurisdictions are required to make reasonable accommodations in rules, policies, practices, and services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. The local government must allow for such accommodations, such as the relaxation of parking standards or structural modifications such as wheelchair ramps for housing units. Additionally, all public facilities must take in account reasonable accommodation requests. The City coordinates and satisfies reasonable accommodations requests and complaints through the ADA Title II Coordinator in the City Manager's Office.

## Public Housing Authority

In Bakersfield, HACK administers federal public housing programs, which must adhere to fair housing law. Key to HACK's operations is the Housing Choice Voucher (Section 8) program. HUD establishes income limits for vouchers annually, based on family size for the area. Currently, 75 percent of eligible applicants must have income that does not exceed 30% of the median area income. The remaining 25 percent may have income limit up to 80 percent of the area median. Agency staff processes applications, determines eligibility, completes criminal background checks, and works with tenants and landlords. HACK also administers 865 public housing units.

## Fair Housing Profile

This section provides an overview of the institutional structure of the local housing market regarding fair housing practices. This section also discusses the fair housing services available to residents, as well as the nature and extent of fair housing complaints received by the City. Typically, fair housing services encompass the investigation and resolution of housing discrimination complaints, discrimination auditing/testing, and education and outreach, including the dissemination of fair housing information. Tenant/landlord counseling services are usually offered by fair housing service providers but are not considered fair housing.

### Fair Housing Services

In general, fair housing services include receiving, investigating, and resolving housing discrimination complaints; discrimination auditing and testing; and education and outreach, such as disseminating fair housing information through written material, workshops and seminars. Landlord/tenant counseling services involve informing landlords and tenants of their rights and responsibilities under fair housing law and other consumer protection legislation and mediating disputes between landlords and tenants. Below are descriptions of fair housing services available to all Bakersfield residents.

#### I. City of Bakersfield Fair Housing Program

The City's Economic and Community Development Department administers HUD's entitlement programs locally and as a result is responsible for Fair Housing Planning process in Bakersfield. The City contracts with the Greater Bakersfield Legal Assistance, Inc. (GBLA) to conduct its fair housing services. This arrangement ensures better compliance with federal and State fair housing standards and provides better continuity of service for residents and clients.

#### II. Greater Bakersfield Legal Assistance, Inc. (GBLA) Fair Housing Law Project

As a CDBG subrecipient, GBLA provides fair housing services on behalf of the City to residents in the greater Bakersfield area. GBLA offers a Fair Housing Hotline, through which it provides consultations, makes referrals regarding tenant landlord disputes, and assists with filing fair housing complaints. GBLA also conducts fair housing training to local landlords and other interested parties and participates in Fair Housing Week through community activities.

Core to GBLA's mission is its Fair Housing Law Project (FHLP), which incorporates three core pillars: education, investigation, and enforcement. It fulfills its educational mission by offer no-cost presentations in both English and Spanish to housing providers, community service organizations, and residents. In addition, GBLA conducts investigations after receiving and assessing fair housing complaints. It reviews documents, interviews witnesses, surveys residents, and conducts fair housing tests. If the evidence suggests illegal discrimination occurred, GBLA will advise on next steps, provide information on legal rights, and in some cases represent the complainant in a lawsuit.

Lastly, GBLA enforces fair housing law through both informal means – mediating negotiations with housing providers, for example – and formal means like filing complaints to HUD, the U.S. Department of Justice, the California Department of Fair Employment and Housing (DFEH), or other relevant government agencies. Regardless of the type of enforcement activity, legal remedies available to a victim of housing discrimination include:

- Declaratory relief, or a decision that the housing provider violated fair housing laws
- Affirmative relief, or an order to “undo” the effects of discrimination on the victim or to make a change in policies or practices to prevent future discrimination
- Financial compensation including emotional distress damages
- Attorney’s fees and costs
- Punitive damages (when the housing provider’s actions were malicious)

## Fair Housing Statistics

As part of the enforcement and tracking services discussed above, a compilation of statistics is documented as part of complaints. Other fair housing data is collected through other means, such as surveys and outreach. These data provide context to the City’s fair housing profile and can help identify gaps in services or areas on which to focus.

### I. Surveys

The City conducted a survey May to July 2019 that asked residents and stakeholders about community needs as they pertain to the Consolidated Planning and Fair Housing Planning processes. The survey asked residents what their top five housing needs were out of 11 options. Fair housing services received the fifth-most votes, with nearly 42 percent of over 400 respondents choosing it as a top housing-related need.

The survey also asked four fair housing-related questions:

- Have you ever encountered any form of housing discrimination or know someone who has?
- If yes, in what way did you or someone you know face discrimination?
- If yes, what do you believe was the basis for the discrimination faced by you or someone you know?
- Do you feel you are well-informed on housing discrimination?

Exactly a third of respondents (135 people) said they or someone they know has experienced housing discrimination in response to the first question pertaining to fair housing. ‘Refusing to rent or sell a home’ was the type of housing discrimination with the second greatest number of votes, behind ‘Other’. That ‘Other’ received the most votes can be attributed to a few things. First, the forms of housing discrimination listed may not have been comprehensive. A person who believes they or someone they know experienced housing discrimination may have felt the available options did not apply to their experience.

It is also likely that many respondents who did not believe they or someone they know have experienced housing discrimination clicked ‘Other’ as a form of ‘not applicable’. This is supported by the response rate: 135 respondents answered that they or someone they know experienced housing discrimination, but 244 people answered the applicable question: “If yes, in what way did you or someone you know face housing discrimination?” Lastly, 48 respondents were unsure if they or someone they know experienced housing discrimination. It is likely that some of these people clicked ‘Other’ due to this uncertainty.

‘Other’ was again the option with the most responses to the question of “If yes, what do you believe was the basis for the discrimination faced by you or someone you know?” The answer receiving the most responses behind ‘Other’ was Race, with 53 people choosing it. Finally, over 80 percent of all

respondents believe they are well-informed or somewhat informed on housing discrimination. The remainder believe they are not informed on housing discrimination.

Supplementing the survey was an ongoing effort conducted by City staff to collect input on community needs at 19 community events and meetings from October 8, 2016 to June 8, 2019. City staff asked attendees what they believe are the five greatest needs in the community and the data collected are tallies of people choosing various needs as top priorities. Eighty-two people responded fair housing was of top concern to them. Across all events, the City received response from 1,247 people.

### Fair Housing Complaints

GBLA tracks the number of fair housing complaints it receives. The table below reports the cumulative numbers between 2016-2019.

**Table 38: Fair Housing Complaints, 2016-2019**

<b>Basis</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>Total</b>
Disability	16	22	24	62
Race/Color	11	17	14	42
Familiar Status	6	4	8	18
Sex	3	4	4	11
Age	1	0	0	1
National Origin	0	3	2	5
Religion	0	4	1	5
Sexual Orientation	0	2	2	4
Source of Income	0	1	1	2
<b>Total</b>	<b>37</b>	<b>57</b>	<b>56</b>	<b>150</b>

Source: Greater Bakersfield Legal Assistance, 2019

### Fair Housing Testing

GBLA maintains a Testing Coordinator on staff who receives training and technical assistance from the HUD-sponsored Investigative Support for Testing and Enforcement Programs (ISTEP). GBLA's Testing Coordinator conducts quarterly audits of home sales to ensure fair housing practices in the housing market.

### California Department of Fair Employment and Housing (DFEH)

The mission of the Department of Fair Employment and Housing (DFEH) is to protect Californians from discrimination in employment, housing and public accommodation, and hate violence. To achieve this mission, DFEH keeps track of and investigates complaints of housing discrimination, as well as complaints in the areas of employment, housing, public accommodations and hate violence. The table below contains the number of housing complaints filed in Kern County in each year between 2011-2017.

**Table 38: Housing Complaints, 2010-2017**

<b>Year</b>	<b>Housing Complaints</b>	<b>Year</b>	<b>Housing Complaints</b>
2011	20	2015	25
2012	24	2016	16
2013	15	2017	13
2014	26	<b>Total</b>	<b>139</b>

Source: California Department of Fair Employment and Housing, 2019

## NIMBYism

Proposed housing projects, whether affordable or otherwise, often face intense opposition from nearby residents. This “not in my backyard” (NIMBY) sentiment can be rooted in concerns about property values, infrastructure capacity, aesthetic taste, the environment, or public health and safety. Either explicitly or implicitly, NIMBY comments can also convey racial or ethnic animus. Some housing developers react to NIMBYism by redesigning proposed projects, offering community amenities, paying for infrastructure improvements, and decreasing residential density. Some projects are blocked altogether, limiting the number of housing opportunities overall and possibly affecting fair housing choice.

As homelessness has increased in the City in recent years, opposition to proposed homeless shelters and resource centers is becoming more common, but Bakersfield is not alone in experiencing NIMBY opposition. Local jurisdictions throughout the State contend with strong and organized opposition to proposed housing and shelter projects. In response, the State legislature has passed and strengthened several laws that attempt to mitigate the effects of community opposition.

Senate Bill 330 (Skinner) provides that if a proposed housing project meets General Plan and zoning requirements, then no more than five public hearings can be conducted as part of the development application, review, and approval process. Further, the Housing Accountability Act, which applies to all residential development in the State, including emergency shelters, establishes that jurisdictions cannot subjectively reduce density in a proposed project or deny a project that conforms with General Plan, zoning, and subdivision standards.

These “objective” standards “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal.”<sup>31</sup> For example, it is not legitimate to deny a project for not complying with “community character” or reduce the height of a proposed building in response to complaints about possible obstructed views.

SB 330 also allows for streamlined, ministerial approval for certain projects, as does SB 35 (discussed in the Public Policies section), and exceptions to CEQA were made for homeless shelters and permanent supportive housing projects in Los Angeles, perhaps serving as a model for future legislation. Of course, laws and policies do little to discourage NIMBY residents from voicing their opposition to projects. It is therefore important for local jurisdictions and developers to listen to community members, address legitimate concerns, and educate the public on the benefits of housing opportunities and the constraints of State law.

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<sup>31</sup> Senate Bill 35, California State Legislature.

## Impediments

This AI identifies impediments to fair housing choice and presents recommendations that the City can adopt to overcome those barriers. The AI should then be used to monitor the City's progress toward achieving the adopted recommendations. Identifying and analyzing barriers to fair housing choice is integral to ensuring that the City has at its disposal the information needed to develop a comprehensive strategy to meet its commitment to "affirmatively further fair housing" (AFFH).

The previous sections of this report have identified the demographic, housing, socioeconomic, quality of life, and financial lending characteristics of the City as well as a brief profile of the City's current policies and procedures as they relate to furthering fair housing. While there is much that Bakersfield can do to combat discrimination in housing, some external factors beyond the City's control also affect housing choice. These forces include poverty and income levels, the cost of housing, linguistic isolation, transportation, employment opportunities, educational achievement, and regional planning agencies. The following is a list of key conclusions and potential impediments that may exist in the City of Bakersfield.

### 1. Lack of Affordable Housing Supply

While housing affordability is not directly a fair housing issue, expanding access to housing choices for impacted groups would result in a more equitable housing market. There is an ongoing, severe shortage of suitable housing available and affordable to very low-, low-, and moderate-, income households in Bakersfield. As housing prices continue to rise, low- and moderate-income households, especially renters, will be priced out of traditionally affordable neighborhoods in the City.

As documented in this report and the City's Consolidated Plan, protected classes such as minorities, seniors, persons with disabilities, and female head of household are disproportionately low- and moderate-income households and are more adversely impacted by the lack of housing than the population as a whole. Lower-income households are more likely to have severe cost burdens and live in overcrowded conditions.

Section 8 voucher holders are also disproportionately impacted by the lack of landlords willing to rent housing to Bakersfield residents who hold this type of housing subsidy. As reported by stakeholders, there are a decreasing number of landlords that accept Section 8 vouchers. Consequently, more voucher holders need to look for rental housing outside of Bakersfield.

The City has taken great efforts in promoting affordable housing in the past five years, but with the loss of Redevelopment tax-increment funds dedicated to affordable housing, the reduction in Federal resources, skyrocketing development costs, and the increase in market demand, this issue remains a significant impediment to fair housing choice in Bakersfield and California as a whole. It remains to be seen whether potential new legislation, such as a revamp of SB 50, will assist cities in providing greater opportunity for affordable housing to be built.

### 2. Planning, Land Use and Zoning Practices

The City has made gains in improving planning and land use practices to eliminate constraints to developing affordable housing in the City. Its most recent Housing Element provides a detailed analysis of land use and zoning practices to ensure that any impediments to development are mitigated.

However, there are some unintended barriers to the development of housing that should be reviewed. For example, the City has a disproportionate number of single-family dwellings compared to other jurisdictions and the State as a whole, limiting housing options for households of lower income who increasingly cannot afford such housing. The State estimates that the City has approximately 96,400 single-family units, but only 31,000 multifamily units (2-4 units and above).

In addition, while there are nearly 5,000 units that are subsidized to provide affordable housing to lower-income households, most of that housing sits east of State Route 99 in Bakersfield's traditionally lower-income areas. As noted earlier, concentrating poverty has certain disadvantages, including concentrating affordable housing in historically disadvantaged or lower-income areas can lead to a concentration of poverty, which HUD recognizes has five wide-ranging impacts:

- Limits educational opportunity for children
- Leads to poor health outcomes
- Hinders wealth building
- Reduces private-sector investment and increases prices for goods and services
- Raises costs for local governments<sup>32</sup>

The City's zoning codes allows most of its multifamily residential uses in and around Downtown Bakersfield. Consequently, that is where much of the City's affordable housing is located. The Downtown area has also been the focus of many recent economic development efforts, such as the Economic Opportunity Area Plan and Making Downtown Bakersfield, to improve economic opportunity and life outcomes.

### 3. NIMBYism - Opposition to Siting of Affordable Housing

Despite efforts made by the City, developers, and other stakeholders to demonstrate the need for and value of new affordable housing, there is still some opposition to affordable housing in neighborhoods throughout the City. Community opposition limits the ability for the City to develop additional affordable housing to address the severe affordable housing shortage.

### 4. Need for Ongoing Landlord Education

Interviews with fair housing and service providers in Bakersfield identified that some landlords, primarily smaller landlords, lack knowledge of fair housing rules and requirements. Consequently, these landlords may discriminate (potentially inadvertently or without full understanding of the law) against protected classes. Anecdotally, service providers indicated that this discrimination seemed to be especially prevalent for persons with disabilities making reasonable accommodation requests to the landlord.

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<sup>32</sup> "Confronting Concentrated Poverty with a Mixed-Income Strategy," Office of Policy Development and Research, U.S. Department of Housing and Urban Development, Spring 2013.

## 5. Lack of Access to Community Assets

As indicated in the Consolidated Plan, areas of high minority concentration, and low-income areas have limited access to community assets, banks, transit and employment centers when compared with the City as a whole. The limited access to these assets has an adverse impact on the residents (disproportionately protected classes) to have access to jobs, quality schools, fresh food and financial institutions. Focus group participants raised the concern over food insecurity as a significant problem for lower-income households throughout Bakersfield.

## 6. Foreclosure and Eviction Recovery

Foreclosures lower property values in the surrounding neighborhood and cause blight. Neighborhood absentee homeowners (e.g., banks) also do not adequately manage the vacant properties resulting in blight and locations for criminal activities, further lowering property values. This, in turn, threatens the remaining homeowners' ability to refinance homes and limits incentives for potential homebuyers to move into the neighborhood. Foreclosed homeowners are also left with little to no savings and reduced credit scores resulting in difficulty obtaining funding for future homes.

Renters in properties that were foreclosed on also are adversely affected including unlawful eviction attempts, health problems due to unresponsive landlords in pre-foreclosure situations, lack of stability especially for persons with disabilities, seniors, and families with children, in addition to other issues associated with the change of building ownership such as evictions due to non-payment, payment for moving, and rent increases. The repercussions of foreclosures on homeowners, renters, and the community at large is an impediment to fair housing.

## 7. Lending/Sales Discrimination

As noted previously, there are significant disparities between how certain racial or ethnic groups are treated in the lending arena. According to HMDA data, there is 14.1 percent difference between the Hispanic/Latino population share and its share of total home loan applications. Conversely, the White population has the greatest positive difference – its application share is 9.2 percent greater than its population share. For comparison, the United States is 61.5 percent White and represented 63.9 percent of all home loan applications throughout the nation.

Income representation in home loan applications paints a different picture. As one might expect, low- and moderate-income households are underrepresented in home loan applications and middle- and upper-income households are overrepresented. Low- and moderate-income people have lower incomes and are likely to have fewer assets than moderate- and upper-income households. They may also be unable to meet down payment requirements. These all lead to lower rates of home loan applications.

## Conclusion- Fair Housing Action Plan

The preceding sections of the AI have reviewed background information, analyzed lending data, assessed fair housing services, and provided findings of potential impediments in the City. This section reviews the progress in implementing action programs identified in the previous 2015-2020 Bakersfield AI. This section also sets forth the City’s actions to provide access to fair housing choice in 2020-2025.

### Assessment of Past Goals and Actions

The following tables review the City’s progress in implementing actions identified in the 2015-2020 AI. The progress toward these goals informed the proposed actions for the 2020-2025 AI cycle.

#### 2015-2020 Actions – Rental Assistance

Actions	Assessment				
<p>The City plans on assisting an additional 179 rental units to be developed by 2017.</p>	<p>From 2015-2019, 6 affordable housing rental projects have been completed totaling 293 affordable rental units and affordable owner-occupied condos in the City of Bakersfield.</p> <p><b>Rental Units Constructed:</b></p> <ul style="list-style-type: none"> <li>• Park 20<sup>th</sup> Apartments: 55 units</li> <li>• Courtyard Apartments: 62 units</li> <li>• Residents at Old Town Kern: 50 units</li> <li>• Mill Creek Village: 62 units</li> <li>• Residence at West Columbus: 56 units</li> <li>• City Side Apartments: 8 units</li> </ul>				
<p>The City will conduct outreach to further this objective including attendance at a minimum of 2 public events per year.</p>	<p>From 2015-2019 an average of 6 Community Outreach Meetings were conducted each year to provide information and receive community input on all HUD Projects including Housing projects. These meeting are in addition to the yearly Action Plan community meetings and Public Hearings.</p>				
<p>Information will be provided in English and Spanish at the Community Development Department and on the City website.</p>	<p>Public Notices and Documents are available at the Development Service Department, City Website, and City libraries, in both Spanish and English. Additionally, all public notices are placed in both a Spanish (El Popular) and English (Bakersfield Californian) language newspaper.</p>				
<p>The City, and/or its Fair Housing provider, will work with HACK and other service providers to promote the Section 8 program with local property managers. The City will use ESG Rapid Re-Housing funds as available to assist homeless individuals/families with rental deposits and first month’s rent.</p>	<p>On May 18, 2016 the City entered into agreement with Greater Bakersfield Legal Assistance (GBLA) to provide Fair Housing Services for the City, providing this service continually, and works with the HACK to promote Section 8 programs with local property managers. A total of 12 Fair Housing Trainings and 18 community presentations have been conducted by GBLA, as well as information provided by GBLA through the annual Fair Housing Conference that is partially funded by the City’s Fair Housing grant.</p> <p>From 2015-2019 the following Rapid Rehousing grants have been granted to the Bakersfield Homeless Center to assist with homeless individuals and families with rental assistance:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Rapid Rehousing Spent:</b></td> <td style="width: 50%;"><b>Rapid Rehousing Allocated:</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>• 2015: \$95,446</li> <li>• 2016: \$93,568</li> <li>• 2017: \$92,739</li> <li>• 2018: \$95,186</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>2019: \$100,332</li> </ul> </td> </tr> </table>	<b>Rapid Rehousing Spent:</b>	<b>Rapid Rehousing Allocated:</b>	<ul style="list-style-type: none"> <li>• 2015: \$95,446</li> <li>• 2016: \$93,568</li> <li>• 2017: \$92,739</li> <li>• 2018: \$95,186</li> </ul>	<ul style="list-style-type: none"> <li>2019: \$100,332</li> </ul>
<b>Rapid Rehousing Spent:</b>	<b>Rapid Rehousing Allocated:</b>				
<ul style="list-style-type: none"> <li>• 2015: \$95,446</li> <li>• 2016: \$93,568</li> <li>• 2017: \$92,739</li> <li>• 2018: \$95,186</li> </ul>	<ul style="list-style-type: none"> <li>2019: \$100,332</li> </ul>				

**2015-2020 Actions – Affordable Housing Resources**

Actions	Assessment
<p>The City plans on assisting an additional 179 rental units and 110 owner-occupied units to be developed by 2017.</p>	<p>From 2015-2019, 6 affordable housing rental projects have been completed totaling 293 affordable rental units and affordable owner-occupied condos in the City of Bakersfield.</p> <p><b>Rental Units Constructed:</b></p> <ul style="list-style-type: none"> <li>• Park 20<sup>th</sup> Apartments: 55 units</li> <li>• Courtyard Apartments: 62 units</li> <li>• Residents at Old Town Kern: 50 units</li> <li>• Mill Creek Village: 62 units</li> <li>• Residence at West Columbus: 56 units</li> <li>• City Side Apartments: 8 units</li> </ul> <p><b>Owner Occupied Units Constructed:</b></p> <ul style="list-style-type: none"> <li>• Creekview Villas Condos (7 condos)</li> </ul> <p><b>Owner Occupied Units Under Construction</b></p> <ul style="list-style-type: none"> <li>• Self-help Homes Chardonnay Tract (10 homes)</li> </ul> <p>230 Rodman Street (1 home)</p>
<p>The City will continue to seek out partners for affordable housing projects in all areas of the City. When considering sites, the City will evaluate racial and income concentrations as well as proximity to services and public transportation.</p>	<p>The City conducted an analysis to identify R/ECAPs and Areas of Opportunity. The City also added language to the Funding Handbook and Desk Guide policy manual which states preference for development of affordable housing in Areas of Opportunity and requires an analysis of all applications in R/ECAPs. Additionally, the project assessment and ranking form was updated to prohibit additional development in R/ECAPs from 2016-2019.</p>
<p>The City will create a list of affordable housing resources in both Spanish and English which will be available at the Community Development Department and the City website. This list will be available at a minimum of 2 public events per year.</p>	<p>The City will continue to update a list of affordable housing resources in both Spanish and English which will be available at the Community Development Department and the City website. This list will continue to be available at a minimum of 2 public events per year.</p>

**2015-2020 Actions – Homeownership Promotion**

Actions	Assessment
<p>The City will conduct outreach and education with local realtors and make brochures available regarding future City assisted affordable housing programs.</p>	<p>From 2015-2019 an average of 6 Community Outreach Meetings were conducted each year to provide information and receive community input on all HUD Projects including Housing projects. These meeting are in addition to the yearly Action Plan community meetings and Public Hearings.</p>

<p>The City will explore avenues such as partnering with local lending institutes, brokers and realtors to conduct community workshops and distribute brochures for private and City Down Payment Assistance Programs.</p>	<p>The City works with the local Housing Authority and with private Down payment Assistance Programs to hold community workshops and provides available meeting space to provide information on available Down Payment Assistance Programs and homebuyer trainings.</p>
<p>The City will amplify its effort to reach Bakersfield residents through increased marketing. Flyers regarding first-time homebuyer programs will be printed in English and Spanish. On an as needed basis, the City will make flyers available that are accessible to persons with disabilities.</p>	<p>The current first-time homebuyer program at the City of Bakersfield is limited to the Creekview Villas Condos. The current first-time homebuyer program at the City of Bakersfield is limited to the Creekview Villas Condos. The City hired an outside salesperson to work with diverse populations in both Spanish and English to sell the properties and provide information on down payment assistance programs provided by the City of Bakersfield.</p>

**2015-2020 Actions – Emergency Shelter, Transitional Housing, and Supportive Housing**

<b>Actions</b>	<b>Assessment</b>
<p>In 2015, the City shall adopt an ordinance allowing the establishment of transitional and supportive housing in residential zones consistent with similar residential uses, as required by State Housing law.</p>	<p>With the current General Plan Update, the City undertake an update of the Zoning Ordinance, at which time these zoning changes will occur. The City anticipates having the ordinance in place by the end of this fiscal year.</p>

**2015-2020 Actions – Outreach to Lenders**

<b>Actions</b>	<b>Assessment</b>
<p>The City will inform lenders of available financing options for City housing projects. Information will be provided in both English and Spanish.</p>	<p>The current first-time homebuyer program at the City of Bakersfield is limited to the Creekview Villas Condos. The City hired an outside salesperson to work with diverse populations in both Spanish and English to sell the properties and provide information on down payment assistance programs provided by the City of Bakersfield.</p>
<p>The City will ensure that information on new Down Payments Assistance Programs provided by the City is provided to lenders in both English and Spanish. Information will be placed on the City’s website and will be advertised at local events.</p>	<p>The current first-time homebuyer program at the City of Bakersfield is limited to the Creekview Villas Condos. The City hired an outside salesperson to work with diverse populations in both Spanish and English to sell the properties and provide information on down payment assistance programs provided by the City of Bakersfield.</p>

**2015-2020 Actions – Education and Resources**

Actions	Assessment
<p>The City will work with HACK to provide training on the home-buying process to participants of the City’s Down-payment Assistance program.</p>	<p>The City works with the local Housing Authority and with private Down payment Assistance Programs to hold community workshops and provides available meeting space to provide information on available Down Payment Assistance Programs and homebuyer trainings. Training are held in Spanish and English.</p>
<p>The City will actively research and promote training opportunities on the home-buying process. These resources will be included in the Affordable Housing Resources List.</p>	<p>The City works with the local Housing Authority and with private Down payment Assistance Programs to hold community workshops and provides available meeting space to provide information on available Down Payment Assistance Programs and homebuyer trainings. Training are held in Spanish and English.</p>
<p>The City will encourage local lenders to hold workshops in English and Spanish.</p>	<p>Sub-recipients of City HUD grants are required be required to assess, track, evaluate and report on participation of persons of diverse backgrounds in HUD Funded activities. This will be done through a New Activity Beneficiary Report which includes the proper HUD-OMB specified format. This document will be added to subrecipients’ contracts with the city. The New ABR includes an added section to record Female Head of Household and Limited English Persons numbers in addition to race/ethnicity and income data.</p> <p>Sub-recipients will also be required to analyze participation of LEP persons in their activities through the new Sub-recipient Four Factor Analysis Sheet. If warranted, sub-recipients will be required to develop and implement a written Language Access Plan (LAP).</p> <p>The Community Development Department will monitor, and provide technical assistance and oversight to sub-recipients, to ensure affirmative outreach and marketing is undertaken, where appropriate. This will be done by evaluating applications for HUD funding, quarterly reports, and CAPER reports submitted to the City, as well as through monitoring site visits and one-on-one meetings as needed. This procedure has been added to the Community Development’s Desk Guide for HUD Activities.</p>
<p>The City will actively research and promote training opportunities by local organizations on credit and financial counseling services, and homeownership. These resources will be included in the Affordable Housing Resources List.</p>	<p>The City has been in contact with sub-contractors that can provide this service for the 2020-2025 Consolidated Plan. Updates will be included in the Affordable Housing Resources List.</p>

As funding permits, the City will work with other fair housing advocates to conduct additional fair housing workshops in Bakersfield to educate the public about fair housing rights.	On May 18, 2016 the City of Bakersfield entered into agreement with Greater Bakersfield Legal Assistance (GBLA) to provide Fair Housing Services for the City. GBLA has provided this service to date, and as part of that service GBLA provides several Fair Housing Workshops a year to the community. This is in addition to the annual Fair Housing Conference that is partially funded by the City's Fair Housing grant.
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**2015-2020 Actions – Unfair Lending and Insurance Practices**

<b>Actions</b>	<b>Assessment</b>
The City will work to expand its Fair Housing Services through the development of a Fair Housing Coordinator position, or by contracting with an outside Fair Housing Services provider. Part of the Scope of Work for Fair Housing Services will include monitoring of unfair/predatory lending practices.	The City contracted with the Greater Bakersfield Legal Assistance, Inc. in 2016 to conduct the City's fair housing services. As part of its contract, GBLA runs a sales audits program, conducts fair housing investigations, and monitors compliance.
The City will work to expand its Fair Housing Services through the development of a Fair Housing Coordinator position, or by contracting with an outside Fair Housing Services provider. Part of the Scope of Work for Fair Housing Services will include participating with HUD in efforts to improve access to homeowner's insurance and investigate predatory lending practices.	The City contracted with the Greater Bakersfield Legal Assistance, Inc. in 2016 to conduct the City's fair housing services. As part of its contract, GBLA runs a sales audits program, conducts fair housing investigations, and monitors compliance.

**2015-2020 Actions – Fair Housing Services**

<b>Actions</b>	<b>Assessment</b>
The City will work to expand its Fair Housing Services through the development of a Fair Housing Coordinator position, or by contracting with an outside Fair Housing Services provider. Part of the Scope of Work for Fair Housing Services will include:	The City contracted with the Greater Bakersfield Legal Assistance, Inc. in 2016 to conduct the City's fair housing services.
Training for apartment owner/manager associations on fair housing laws.	As part of its contract with the City, GBLA reports fair housing services provided and their outcomes on a quarterly and yearly basis. In one notable case in FY 2019, a fair housing complaint resulted in a landlord receiving mandatory fair housing training. In FY 2019 alone, GBLA provided 99 training sessions to landlords.
Tracking of Fair Housing complaints, referrals, investigations, and outcomes.	GBLA tracks all fair housing complaints, referrals, investigations, and outcomes in behalf of the City. These data are reported in Table 38.
Testing and audits as a means to affirm the nature and extent of fair housing issues in the community.	GBLA hired a Testing Coordinator, who conducts sales audits at least every six months and at least 10 rental audits every year.
The City will track income and demographic data related to affordable housing participants and evaluate additional strategies, if needed, to increase access to and knowledge of affordable housing opportunities in the City.	From 2015-2019 an average of 6 Community Outreach Meetings were conducted each year to provide information and receive community input on all HUD Projects including Housing projects. These meeting are in addition to the yearly Action Plan community meetings and Public Hearings.

In addition, the City will make the Affordable Housing Resource List and Fair Housing literature available to apartment owner/manager associations in both English and Spanish.	GBLA provides interpretation and translation services for its clients, who are predominately Spanish speaking. The City also posts fair housing brochures on its website in both English and Spanish.
As required by State Housing law, the City will adopt a reasonable accommodation ordinance in 2015.	The City posted the ADA grievance procedure online and has employed a Citywide ADA Coordinator in the City Manager's Office.
The City will provide information to the public on the Reasonable Accommodation Ordinance in both English and Spanish. Other forms of literature will be available on an as needed basis for community members who speak other languages and/or for people with disabilities.	With the current General Plan Update, the City undertake an update of the Zoning Ordinance, at which time these zoning changes will occur. The City anticipates having the ordinance in place by the end of this fiscal year.

### 2020-2025 Goals and Actions

The City is committed to ensuring fair housing choice for all residents. Based on the analysis contained in this report and the progress toward the previous AI's goals, the City proposes the following actions to address the impediments to fair housing choice for 2020-2025.

#### Affordable Housing Development and Preservation

Impediment	Proposed Actions	Timeframe
Insufficient funding for affordable housing	Continue to seek funding for affordable housing development and preservation. Support Statewide efforts to create permanent sources of housing funding, including through "redevelopment 2.0."	2020-2025; ongoing
Lack of affordable housing supply	Use anticipated federal dollars (primarily HOME) to fund 200 new units.	2020-2025

#### Planning, Land Use and Zoning Practices

Impediment	Proposed Actions	Timeframe
Potential concentration of poverty in certain neighborhoods through zoning	The City will continue to seek out partners for affordable housing projects in all areas of the City. When considering sites, the City will evaluate racial and income concentrations as well as proximity to services and public transportation.	2020-2025; ongoing
Single-family zones reduce opportunities for more affordable housing to be built	The City will review its zoning code to ascertain potential opportunities to increase the amount of land available for multifamily dwellings.	2020-2023
Single-family zones reduce opportunities for more affordable housing to be built	Consider supporting new legislation that would increase the number of units that can be built in single-family dwelling zones (SB 50, for example). Continue to refine ADU requirements to ensure streamlined opportunities for more development.	2020-2023

### NIMBYism – Opposition to Siting of Affordable Housing

Impediment	Proposed Actions	Timeframe
Some opposition to affordable housing continues in certain neighborhoods.	Consider developing a Citywide educational seminar to educate homeowners, seniors, faith, and other communities about the need for affordable housing. Involve local recipients of Section 8 vouchers or other subsidized housing to share their stories.	2021-2023

### Landlord Education

Impediment	Proposed Actions	Timeframe
Landlords lack knowledge of fair housing rules and requirements.	In concert with HACK and local apartment association groups, develop a training program for landlords to hear about the new fair housing laws, including ones that prohibit applications on the basis of tenants holding a Section 8 voucher. Offer programs to help educate on “reasonable accommodations” and how receive City assistance.	2022-2024

### Lack of Access to Community Assets

Impediment	Proposed Actions	Timeframe
Areas of high minority concentration, and low-income areas have limited access to community assets, banks, transit and employment centers when compared with the City as a whole	When considering sites, the City will evaluate racial and income concentrations as well as proximity to services and public transportation.	2020-2025; ongoing
Food insecurity is a significant problem for lower-income households throughout Bakersfield	The City will convene stakeholders to brainstorm ways to ensure residents have adequate access to healthy food.	2023-2024

### Foreclosure/Eviction Recovery

Impediment	Proposed Actions	Timeframe
Lower-income neighborhoods with high rates of foreclosure and the resulting evictions of tenants lack access to prevention services	Continue to work with GBLA and other service providers to assist renters with eviction threats. Consider creating a program to assist homeowners facing foreclosure by partnering with the <a href="#">"Making Home Affordable" program</a> offered by the federal government. Work with local lenders, advocates and the business community to support these efforts.	Ongoing; developing new programs, 2024-2025

### Lending/Sales Discrimination

Impediment	Proposed Actions	Timeframe
There are significant disparities between how certain racial or ethnic groups are treated in the lending arena	The City will consider developing informational material to send to a variety of lending institutions to educate them on the need to eliminate discrimination in financial practices	2023-2025

I, Christian Clegg, City manager, hereby certify that this Analysis of Impediments to Fair Housing Choice for the City of Bakersfield represents the City's conclusions about impediments to fair housing choice, as well as the actions necessary to address any identified impediments.

\_\_\_\_\_  
Christian Clegg, City Manager  
City of Bakersfield

Date: \_\_\_\_\_



## City of Bakersfield Community Needs Survey

### Background

**The City of Bakersfield needs your input!**

Over the next five years, the City will be investing millions of dollars in affordable housing, homelessness prevention and services, and community services and amenities. The City will also continue its efforts to identify and overcome barriers to affordable and accessible housing.

**Your voice will guide these decisions and help create healthy, safe, and thriving communities in Bakersfield!**

### *Referencia*

**¡La ciudad de Bakersfield necesita tu opinión!**

**Durante los próximos cinco años, la ciudad invertirá millones de dólares en viviendas asequibles, prevención y servicios para personas sin hogar, y servicios e instalaciones comunales. La ciudad también continuará sus esfuerzos para identificar y superar las barreras a la vivienda asequible y accesible.**

**¡Su voz guiará estas decisiones y ayudará a crear comunidades saludables, seguras y prósperas en Bakersfield!**

\* 1. In what language would you prefer to take the survey? / ¿En qué idioma prefiere tomar la encuesta?

- English
- Spanish/Español



\* 5. Choose five (5) of the most critical **Housing** needs in your community.

- |   |   |
|---|---|
| <input type="checkbox"/> Accessibility improvements (American Disabilities Act) | <input type="checkbox"/> Senior housing                 |
| <input type="checkbox"/> Owner-occupied housing rehabilitation                  | <input type="checkbox"/> Housing for large families     |
| <input type="checkbox"/> Rehabilitation/preservation of affordable housing      | <input type="checkbox"/> Fair housing services          |
| <input type="checkbox"/> First-time homebuyer assistance                        | <input type="checkbox"/> Lead-based paint issues        |
| <input type="checkbox"/> Construction of new affordable rental housing          | <input type="checkbox"/> Energy efficiency improvements |
| <input type="checkbox"/> Housing for those with disabilities                    |   |

\* 6. Choose three (3) of the most critical **Homelessness** needs in your community.

- |  |   |
|--|---|
| <input type="checkbox"/> Permanent supportive housing            | <input type="checkbox"/> Homelessness prevention and diversion services |
| <input type="checkbox"/> Emergency/overnight shelters            | <input type="checkbox"/> Mental and behavioral health services          |
| <input type="checkbox"/> Landlord engagement programs            | <input type="checkbox"/> Substance abuse programs                       |
| <input type="checkbox"/> Outreach                                | <input type="checkbox"/> Storage facilities/lockers                     |
| <input type="checkbox"/> Navigation centers/centralized services |   |

\* 7. Choose three (3) of the most critical **Infrastructure** needs in your community.

- |  |   |
|--|---|
| <input type="checkbox"/> Water/sewage improvements | <input type="checkbox"/> Tree planting and urban greenery   |
| <input type="checkbox"/> Street/alley improvements | <input type="checkbox"/> Accessibility improvements (ADA)   |
| <input type="checkbox"/> Street lighting           | <input type="checkbox"/> Broadband internet access          |
| <input type="checkbox"/> Sidewalk improvements     | <input type="checkbox"/> Electric vehicle charging stations |

\* 8. Choose three (3) of the most critical **Social and Public Services** needs in your community.

- |   |  |
|---|--|
| <input type="checkbox"/> Senior activities                          | <input type="checkbox"/> Legal services                    |
| <input type="checkbox"/> Youth activities                           | <input type="checkbox"/> Centers/services for the disabled |
| <input type="checkbox"/> Childcare services                         | <input type="checkbox"/> Domestic violence services        |
| <input type="checkbox"/> Public transit and transportation services | <input type="checkbox"/> HIV/AIDS services                 |
| <input type="checkbox"/> Health services                            |  |

\* 9. Choose two (2) of the most critical **Economic Development** needs in your community.

- |   |   |
|---|---|
| <input type="checkbox"/> Job creation                             | <input type="checkbox"/> Grants/loans to small businesses         |
| <input type="checkbox"/> Job readiness programs                   | <input type="checkbox"/> Counseling/training for small businesses |
| <input type="checkbox"/> Commercial and industrial rehabilitation | <input type="checkbox"/> Storefront/facade improvement            |

\* 10. Choose two (2) of the most critical **Community Facilities** needs in your community.

Community centers

Healthcare facilities

Childcare centers

Fire stations and equipment

Park and recreational facilities

Libraries



## City of Bakersfield Community Needs Survey

### Fair Housing Choice

**Every five years, the City conducts an Assessment of Fair Housing. It identifies the discriminatory barriers residents face in accessing the housing of their choice and provides action steps for overcoming those barriers.**

**Your responses to the questions below will help the City improve housing accessibility and affordability for years to come!**

**\*All survey responses are anonymous and no effort will be made to identify respondents.\*To report housing discrimination, contact [Greater Bakersfield Legal Assistance](#).**

\* 11. Have you ever encountered any form of housing discrimination or know someone who has?

- Yes
- No
- Not sure

12. If yes, in what way did you or someone you know face discrimination?

- Refusing to rent or sell a home
- Discouraging the rental or sale of a home
- Steering potential tenant/homeowner to a different home or neighborhood
- Facing unfavorable terms in a home loan or lease
- Refusing, discouraging, or charging more for home or rental insurance
- Unfair, misleading, and/or deceptive loan practices
- Other

13. If yes, what do you believe was the basis for the discrimination faced by you or someone you know?

Race

Religion

Color

Family status (e.g. single parent)

National origin

Disability

Gender

Other

Age

\* 14. Do you feel you are well-informed on housing discrimination?

Yes  Somewhat  No

Please email [edcd@bakersfieldcity.us](mailto:edcd@bakersfieldcity.us) if you have additional feedback on community needs or fair housing, or desire immediate assistance in your community.



## City of Bakersfield Community Needs Survey

Encuesta sobre las necesidades de la comunidad de la Ciudad de Bakersfield

### Referencia

**El plan consolidado de la ciudad se actualiza cada cinco años. Proporciona al gobierno federal un perfil de la comunidad, documenta las necesidades de la comunidad y describe cómo la ciudad tratará dichas necesidades con fondos federales.**

**¡Sus respuestas a las preguntas a continuación informarán el Plan Consolidado actualizado de la ciudad y ayudarán a guiar la inversión comunal para los próximos cinco años!**

**\*Todas las respuestas de la encuesta son anónimas y no se hará ningún esfuerzo para identificar a los encuestados.**

\* 15. ¿En qué Código postal reside?

16. ¿En qué **grupo etario** se encuentra?

- Menor de 18                       45-64  
 18-34                                 65+  
 35-44

\* 17. ¿Qué áreas de necesidad le interesan más?

- |   |   |
|---|---|
| <input type="checkbox"/> Vivienda asequible   | <input type="checkbox"/> Infraestructura                                      |
| <input type="checkbox"/> Vivienda y servicios para personas sin hogar                 | <input type="checkbox"/> Alojamiento para personas con necesidades especiales |
| <input type="checkbox"/> Instalaciones comunales (por ejemplo, bibliotecas)           | <input type="checkbox"/> Desarrollo económico (empleos/negocios)              |
| <input type="checkbox"/> Servicios sociales y públicos (por ejemplo, atención médica) |   |

\* 18. Elija cinco (5) de las necesidades de Vivienda más importantes de su comunidad.

- |  |   |
|--|---|
| <input type="checkbox"/> Mejoras de accesibilidad (ADA)                          | <input type="checkbox"/> Vivienda para personas mayores       |
| <input type="checkbox"/> Rehabilitación de viviendas ocupadas por sus dueños     | <input type="checkbox"/> Vivienda para familias numerosas     |
| <input type="checkbox"/> Rehabilitación/preservación de viviendas asequibles     | <input type="checkbox"/> Servicios de vivienda justa          |
| <input type="checkbox"/> Asistencia para compradores de vivienda por primera vez | <input type="checkbox"/> Problemas de pintura a base de plomo |
| <input type="checkbox"/> Construcción de nuevas viviendas de alquiler asequibles | <input type="checkbox"/> Mejoras de eficiencia energética     |
| <input type="checkbox"/> Vivienda para personas con discapacidad                 |   |

\* 19. Elija tres (3) de las necesidades más importantes de las personas sin hogar en su comunidad.

- |  |  |
|--|--|
| <input type="checkbox"/> Vivienda permanente de apoyo                  | <input type="checkbox"/> Servicios de prevención y desvío de personas sin hogar    |
| <input type="checkbox"/> Refugios nocturnos o de emergencia            | <input type="checkbox"/> Servicios de salud mental y de terapia del comportamiento |
| <input type="checkbox"/> Programas de participación del propietario    | <input type="checkbox"/> Programas de abuso de sustancias                          |
| <input type="checkbox"/> Programa de ayuda                             | <input type="checkbox"/> Instalaciones de almacenamiento/casilleros                |
| <input type="checkbox"/> Centros de navegación/servicios centralizados |  |

\* 20. Elija tres (3) de las necesidades de Infraestructura más importantes de su comunidad.

- |   |  |
|---|--|
| <input type="checkbox"/> Mejoras de agua/aguas residuales | <input type="checkbox"/> Plantación de árboles y vegetación urbana     |
| <input type="checkbox"/> Mejoras de calles/callejones     | <input type="checkbox"/> Mejoras de accesibilidad (ADA)                |
| <input type="checkbox"/> Alumbrado público                | <input type="checkbox"/> Acceso a Internet de banda ancha              |
| <input type="checkbox"/> Mejoras de acera                 | <input type="checkbox"/> Estaciones de carga para vehículos eléctricos |

\* 21. Elija tres (3) de las necesidades más importantes de los Servicios sociales y públicos de su comunidad.

- |   |  |
|---|--|
| <input type="checkbox"/> Actividades para mayores                     | <input type="checkbox"/> Servicios legales                       |
| <input type="checkbox"/> Actividades para jóvenes                     | <input type="checkbox"/> Centros/servicios para discapacitados   |
| <input type="checkbox"/> Servicios de cuidado de niños                | <input type="checkbox"/> Servicios contra la violencia doméstica |
| <input type="checkbox"/> Transporte público y servicios de transporte | <input type="checkbox"/> Servicios de VIH/SIDA                   |
| <input type="checkbox"/> Servicios de salud                           |  |

\* 22. Elija dos (2) necesidades de Desarrollo económico más importantes de su comunidad.

- |  |   |
|--|---|
| <input type="checkbox"/> Creación de trabajos                    | <input type="checkbox"/> Subvenciones/préstamos a pequeños negocios     |
| <input type="checkbox"/> Programas de preparación para el empleo | <input type="checkbox"/> Asesoramiento/formación para pequeñas empresas |
| <input type="checkbox"/> Rehabilitación comercial e industrial   | <input type="checkbox"/> Mejora de comercio pequeño/fachada             |

\* 23. Elija dos (2) de las necesidades más críticas de Instalaciones comunales en su comunidad.

Centros comunales

Centros médicos

Guarderías infantiles

Estaciones de bomberos y equipos

Parque e instalaciones recreativas

Bibliotecas



## City of Bakersfield Community Needs Survey

### Elección de vivienda justa

**Cada cinco años, la ciudad realiza una Evaluación de Equidad de Vivienda. Identifica las barreras discriminatorias que los residentes enfrentan para acceder a la vivienda de su elección y proporciona los pasos a seguir para superar esas barreras.**

**¡Sus respuestas a las siguientes preguntas ayudarán a la ciudad a mejorar la accesibilidad y la asequibilidad de la vivienda en los próximos años!**

**\*Todas las respuestas de la encuesta son anónimas y no se hará ningún esfuerzo para identificar a los encuestados.\* Para informar sobre discriminación en la venta/alquiler de viviendas, comuníquese con nosotros Asistencia legal para el área metropolitana de Bakersfield.**

\* 24. ¿Alguna vez ha encontrado alguna forma de discriminación en la venta/alquiler de viviendas o conoce a alguien que lo haya hecho?

- Sí
- No
- No estoy seguro/a

25. En caso afirmativo, ¿de qué manera usted o alguien que usted conoce sufrió discriminación?

- Negación de alquiler o venta de una casa
- Desaliento al alquiler o la venta de una vivienda
- Desaliento al alquiler o la venta de una vivienda
- Prácticas de préstamos desleales, poco claras o engañosas
- Dirección de un posible inquilino/propietario a una casa o barrio diferente
- Otras
- Términos desfavorables en un préstamo o arrendamiento de vivienda

26. En caso afirmativo, ¿cuál cree que fue la base de la discriminación que sufren usted o alguien que conoce?

Raza

Religión

Color

Estado familiar (p.ej. padre/madre solo/a)

Origen nacional

Discapacidad

Género

Otro

Edad

\* 27. ¿Cree que tiene buena información sobre discriminación en la venta/alquiler de viviendas?

Sí  Algo  No

Por favor envíe un correo electrónico a [edcd@bakersfieldcity.us](mailto:edcd@bakersfieldcity.us) si tiene alguna opinión adicional tocante a las necesidades de la comunidad y equidad de vivienda o si desea ayuda inmediata en su comunidad.

# City of Bakersfield Citizen Participation Plan

March 2020

Community Development Department  
1715 Chester Avenue  
Bakersfield, CA 93301  
(661) 326-3765

# City of Bakersfield Citizen Participation Plan

## Contents

Section	Page
Introduction.....	2
Background.....	4
Overview.....	5
Public Participation .....	10
1. Citizen Participation Plan and Amendments .....	10
2. Consolidated Plan and the Annual Action Plan.....	10
3. Substantial Amendments to the Consolidated Plan and the Annual Action Plan .....	11
4. Consolidated Annual Performance Evaluation Report (CAPER) .....	13
Funding of Public Services.....	14
Plans to Minimize Displacement of Persons and Assist any Persons Displaced .....	15
Citizen Participation Summary.....	16
Addendum .....	16

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## Introduction

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The U.S. Department of Housing and Urban Development (HUD) requires entitlement communities (jurisdictions with populations above 50,000) under the federal Housing and Community Development Act of 1974, as amended, to develop a citizen participation plan. This Citizen Participation Plan describes how the City of Bakersfield (hereafter “the City”) will involve residents in the planning, implementation and assessment of how Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Shelter Grant (ESG) funds will be used. The primary goal of this Citizen Participation Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of Bakersfield’s HUD programs. The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes<sup>1</sup>, residents of blighted neighborhoods, residents of predominantly low-income areas<sup>2</sup>, and residents of areas where community development funds are utilized.

The ConPlan is a five-year plan required by HUD that outlines how the City intends to meet identified local housing and community development needs over the five-year period. It is a plan and a process for defining and carrying out a unified vision for housing, homelessness, special needs populations and community economic development needs. The main components of the ConPlan include a housing and community development needs assessment; a housing market analysis; an Analysis of Impediments to Fair Housing Choice; a strategy that reflects general goals (priorities) and performance outcome measurements for allocating HUD funds to address the housing and community development needs; a list of specific objectives for each priority (including proposed accomplishments); and an annual action plan (one-year funding) describing how federal and local resources will be used to address the needs and objectives identified in the ConPlan.

The City’s ConPlan identifies unmet priorities in the community that generally deal with a suitable living environment, affordable housing, economic opportunities and homelessness. All future requests for HUD funding through the City of Bakersfield beginning in 2015 must be identified by the ConPlan as a

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<sup>1</sup> Low and moderate income means a family or household with an annual income less than the Section 8 Low Income Limit, generally 80 percent of the area median income, as established by HUD.

<sup>2</sup> A predominately low income area is an area where 51% or more of the residents are low and moderate income, as described above.

need and be part of the strategic objectives for each goal/priority in order to be considered for funding from the City. This includes requests from outside agencies that are directly applying to the City for funding of their activities.

The ConPlan planning and approval process can be broken down into the following stages:

- Needs assessment
- Plan development
- Approval
- Amendments
- Performance review

The City of Bakersfield will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all HUD programs undertaken by the City. City staff will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. Identification and assessment of housing and community development needs; determination of CDBG, HOME, and ESG project(s) (ConPlan and Annual Action Plan);
- b. Changes and/or amendments to approved CDBG, HOME and/or ESG projects; and
- c. Assessment of CDBG, HOME, and ESG program performance (CAPER).

All phases of the community development process will be conducted by City staff in an open manner. Citizens of Bakersfield are encouraged to participate at all levels and will be given access to program information during each phase of any HUD program as outlined herein.

This citizen participation process generally includes a series of well-publicized annual community/neighborhood meetings and public hearings to review the ConPlan, the Annual Action Plan and the Consolidated Annual Performance and Evaluation Report (CAPER). All meetings and hearings are publicized in accordance with applicable HUD, state and local regulations. Public notices for environmental procedures and project-related policies are also part of the citizen participation process.

In addition to hosting community meetings and public hearings, the City hosted a series of stakeholder focus groups, and conducted a web-based community needs assessment survey.

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## Background

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In 2006, HUD and its Office of Community Planning and Development (CPD) division encouraged and, in some cases, required entitlement communities to implement strategies that further promote residents to participate in community building through the five-year ConPlan planning process. The CPD's underlying principles include the following:

- Community building begins with job creation, employment and the creation of safe, decent and affordable housing.
- Planning and execution of community development initiatives must be bottom up and community-driven.
- Complex problems require coordinated, comprehensive and sustainable solutions.
- Government must be streamlined to be more efficient and effective.
- Citizen participation in federal, state and local government can be increased through communication and better access to information.

This Citizen Participation Plan is in compliance with these federal principles.

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## Overview

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**GOAL:** To generate significant public participation in the consolidated planning process, including any amendments to the ConPlan, the Annual Action Plan and the CAPER. Input will be sought particularly from low- and moderate-income persons and groups residing within various areas of the City where program funds will be used.

**Objective A:** *All persons, including those of low- and moderate- income, and persons with disabilities, shall have the opportunity to take part in the consolidated planning process and any amendments to the ConPlan, the Annual Action Plan and the CAPER.*

**Policies:**

- 1) The consolidated planning process and any amendments to the ConPlan, Annual Action Plan, and CAPER are designed to promote participation by low- and moderate-income citizens, as well as residents of blighted neighborhoods and CDBG, HOME, or ESG project areas. Bakersfield staff may take additional steps to further promote participation by such groups, or to target program information to these persons should staff feel that such persons may otherwise be excluded or should additional action be deemed necessary. Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low- and moderate- income persons, and holding community meetings in low- and moderate- income neighborhoods or areas of existing or proposed CDBG, HOME, or ESG project activities.
- 2) The locations of all community meetings as described in this Citizen Participation Plan shall be made accessible to persons with disabilities. The City of Bakersfield shall provide a sign language interpreter whenever City staff is notified five days in advance that one or more deaf persons will be in attendance. The City of Bakersfield shall provide a qualified reader whenever City staff is notified five days in advance that one or more visually impaired persons will be in attendance. Additionally, the City of Bakersfield shall provide reasonable accommodations whenever City staff is notified five days in advance that one or more persons with mobility or developmental disabilities will be in attendance.
- 3) Two public input meetings will be held typically in the summer or fall prior to those years when a ConPlan is being prepared. At those meetings, members of the public will be asked to identify community needs and priorities prior to the drafting of the ConPlan.

- 4) Upon completion of the draft ConPlan, the plan will be available for public review and comment for 30 days. Copies of said plan shall be made available to the public at the City offices, at the Bakersfield branches of the Kern County Library and on the City's Web site (see Addendum). The ConPlan will also be made available in a format accessible to persons with disabilities upon request.
- 5) Upon completion of the draft Annual Action Plan, the plan shall be made available for public review and comment for 30 days. Copies of said plan shall be made available to the public at the City offices, at the Bakersfield branches of the Kern County Library and on the City's Web site (see Addendum). The draft Annual Action plan will also be made available in a format accessible to persons with disabilities upon request.
- 6) Upon any substantial changes requiring an amendment to the ConPlan or Annual Action Plan, the amendment shall be made available for public review and comment for 30 days. Copies of said amendment shall be made available to the public at the City offices, at the Bakersfield branches of the Kern County Library and on the City's Web site (see Addendum). Any amendments to the ConPlan or Annual Action Plan will also be made available in a format accessible to persons with disabilities upon request.
- 7) Upon completion of the draft CAPER, the report will be available for public review and comment for 15 days. Copies of said report shall be made available to the public at the City offices, at the Bakersfield branches of the Kern County Library and on the City's Web site (see Addendum).
- 8) Two separate public meetings at different times in each program year shall be conducted by the City to obtain community views and to respond to proposals and questions. The first public meeting will be held in the spring. The primary purpose of this public meeting shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the ConPlan and/or the Annual Action Plan; and also to present for public comment and review the program activities which have been selected by the City of Bakersfield to resolve the identified needs.

The second public meeting will be held in the late summer/early fall prior to the submission of the Consolidated Annual Performance and Evaluation Report (CAPER). The purpose of this public meeting is to assess how funds were spent during the previous program year and assess the performance of the City of Bakersfield in resolving identified community

development and housing needs, and in achieving its community development goals and objectives.

- 9) Public hearings and/or meetings shall be conducted at times and locations which will be convenient and accessible to all citizens, especially persons of low- and moderate- income, residents who may benefit from entitlement funds, and areas where CDBG, HOME, or ESG projects are proposed or on-going.
- 10) The City shall provide interpreters for non-English-speaking persons and/or the hearing impaired when such requests are made at least five working days prior to the meeting. The City will make efforts to provide all citizen engagement materials in Spanish.

**Objective B:** *Adequate program information shall be provided to all interested persons and groups upon request.*

**Policies:**

- 1) Prior to adoption of the ConPlan, the City shall make available to all interested persons and groups the amount of assistance the City expects to receive in CDBG, HOME and ESG funding. In addition, the City shall identify the range of activities that must be undertaken with these funds, plans to minimize the displacement of persons and plans to assist displaced persons.
- 2) The City shall provide all interested persons and groups with reasonable and timely access to all information relating to the City's proposed ConPlan and the City's use of assistance under the relevant programs during the previous five years.
- 3) Materials to be made available shall include, but are not necessarily limited to: the Citizen Participation Plan; records of public hearings; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by the HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the City of Bakersfield; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG, HOME, or ESG program. Upon request, the City shall provide copies of this

information in oral, Braille, electronic, or large print (for the visually impaired) for disabled persons, or will hand deliver copies to persons that are homebound.

- 4) In no case shall the City of Bakersfield disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the City of Bakersfield shall not disclose any information which may, in the opinion of the Community Development Director, be deemed of a confidential nature.

**Objective C:** *The City shall provide adequate advance public notice of all associated meetings and hearings.*

**Policies:**

- 1) The City shall provide adequate advance notice of no less than two weeks for all public hearings and meetings to all interested persons and groups. Sufficient information shall be published about the subject of the hearing or meeting, including but not limited to, the time, date, place and topics and procedures to be discussed to permit public input. Such notice shall take the form of a public notice in the *Bakersfield Californian*; online outreach via the City's Web site and/or social media; distribution of information to community/public facilities; and/or individual letters, notices or flyers mailed to interested persons and groups.
- 2) Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG, HOME, and ESG programs. City staff will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific project to the governing body at any regularly scheduled meeting.

**Objective D:** *The City shall furnish technical assistance to all interested persons and groups requesting such assistance.*

**Policies:**

- 1) The City shall provide technical assistance upon request, particularly to groups or individuals representing persons with low and moderate

income. The City shall determine the necessary level and degree of assistance. Such technical assistance might include the following:

- Assisting low and moderate persons, and residents of blighted neighborhoods to develop statements of view, identify their needs, and to develop activities and proposals for projects, which when implemented, will resolve those needs.
- Explaining the process for submitting proposals.
- Interpreting program rules, regulations, and procedures and/or federal and local requirements.
- Providing comments and advice on the telephone or in meetings.
- Reviewing and commenting on draft proposals.

**Objective E:** *All comments, objections, and complaints submitted by interested persons or groups shall be adequately considered and addressed.*

**Policies:**

- 1) The City shall consider any comments or complaints from interested persons or groups received in writing or orally at public hearings or meetings in preparing the ConPlan, any amendments to the plan, the Annual Action Plan and/or the CAPER.
- 2) A summary of public comments or complaints and a summary of any comments or complaints not accepted and the reasons thereto shall be attached to the respective final ConPlan, any amendments to the plan, the Annual Action Plan and/or the CAPER.
- 3) The City shall provide a substantive written response to every comment or complaint received within 15 working days when possible.

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## Public Participation

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### 1. Citizen Participation Plan and Amendments

The Citizen Participation Plan is designed to facilitate and encourage residents to participate in the ConPlan process. In particular, the Citizen Participation Plan seeks to encourage the involvement of low- and moderate-income persons.

The City will use the following process to adopt and make any subsequent changes to its Citizen Participation Plan:

- The City will place public notices in the *Bakersfield Californian* newspaper, at the Community Development office and the Bakersfield branches of the Kern County Library and on the City's Web site (see Addendum) in advance of a 30-day public review and comment period.
- Residents have 30 days to review the Citizen Participation Plan from the date of the notice.
- During the 30-day public review and comment period, the document will be available for review at the City's Community Development Department office. Copies of the document will be available to the public.
- Residents may file comments in writing at the City offices during the 30-day period from the date of the notice.
- The City Council will adopt the Citizen Participation Plan as part of the Consolidated Plan.

Any change in the public participation process as outlined in this document will require an amendment to the Citizen Participation Plan.

### 2. Consolidated Plan and the Annual Action Plan

The steps outlined below provide opportunities for public involvement in the ConPlan and the Annual Action Plan:

- The City will consult with local public agencies that assist low- and moderate-income persons and areas, including City staff, state and

federal agencies, neighboring local governments and regional agencies.

- The City will consult with private agencies, including local nonprofit service providers and advocates such as the local public housing agency, health agencies, homeless service providers, nonprofit housing developers and social service agencies (including those focusing on services to children, the elderly, persons with disabilities, persons with HIV/AIDS, persons with substance abuse problems, etc.).
- The City will place public notices in the *Bakersfield Californian* newspaper, at City offices and the Bakersfield branches of the Kern County Public Library, on the City's Web site, and through social media channels (see Addendum) 15 days in advance of a meeting. The notice will include the amount of funds available, the range of activities that could be undertaken and the amount that would benefit low- to moderate-income persons.
- A public hearing will be held before the City Council to solicit input on needs and priorities for the ConPlan and the Annual Action Plan.
- Residents have 30 days to review the draft ConPlan and/or the draft Annual Action Plan from the date of the notice.
- Residents may file comments at the City offices during a 30-day period from the date of the notice.
- A public hearing will be held before the City Council to receive comments and approve the ConPlan and the Annual Action Plan.
- The City Council will adopt the ConPlan and/or Annual Action Plan.
- In preparing the final ConPlan and/or Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final documents will have a section that includes all comments, plus explanations as to why any comments were not accepted.

### **3. Substantial Amendments to the ConPlan and the Annual Action Plan**

Amendments to the ConPlan or the Annual Action Plan will be necessary whenever one of the following is proposed:

- To make a substantial change in the allocation priorities or a substantial change in the method by which funds are distributed
  - For the purpose of the Consolidated Plan, a “substantial change” involves a cumulative change in the program budget of 25 percent or more of the City’s total federal entitlement for the current program year
  - If an amendment does not qualify as a substantial change (cumulative change of under 25 percent of the City’s total federal entitlement for the current program year), it will be considered administrative in nature and documentation of the administrative amendment will be made to the current Consolidated Plan or Annual Action Plan, and notification of the amendment will be provided to HUD
- To use CDBG, HOME, or ESG funds (including program income) to carry out an activity not previously described in the Annual Action Plan or ConPlan; or
- To allow a substantial change in the purpose, scope, location or beneficiaries of a specific activity.

The following procedures apply to substantial amendments:

- The City will place public notices in the *Bakersfield Californian* newspaper, at the City offices and the Bakersfield branches of the Kern County Library and on the City’s Web site (see Addendum) in advance of a 30-day public review and comment period.
- Residents have 30 days to review the proposed amendment from the date of the notice.
- During the 30-day public review and comment period, the document will be available for review at the City’s Community Development Department and City Clerk’s office. Copies of the document will be available to the public.
- Residents may file comments at the City offices during the 30-day period from the date of the notice.
- The City Council will adopt the amendment.

- In preparing a final amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final amendment will have a section that includes all comments, plus explanations as to why any comments were not accepted.
- Substantial amendments are submitted to HUD as it occurs or at the end of the program year.

#### **4. Consolidated Annual Performance Evaluation Report (CAPER)**

Every year, the City must submit to HUD a Consolidated Annual Performance Evaluation Report (CAPER). In general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people. The following steps outline the opportunities for public involvement in the CAPER:

- The City will place public notices in the *Bakersfield Californian* newspaper, at the City offices and the Bakersfield branches of the Kern County Public Library, on the City's Web site, and through social media (see Addendum) in advance of a 15-day public review and comment period.
- Residents have 15 days to review the CAPER from the date of the notice.
- During the 15-day public review and comment period, the document will be available for review at the City's Community Development Department office. Copies of the document will be available to the public.
- Residents may file comments at the City offices during the 15-day period from the date of the notice.
- In preparing the CAPER, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The final report will have a section that includes all comments, plus explanations as to why any comments were not accepted.

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## Funding of Public Services

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The City will issue a Notice of Funding Availability (NOFA) to the community for the Annual Action Plan, beginning with the 2020–2021 program year. The notice will identify the amount of CDBG, HOME and ESG funds available to public service agencies and a list of eligible activities. The agencies may apply to the City at the following address:

City of Bakersfield  
Community Development Department  
1715 Chester Avenue  
Bakersfield, CA 93301

All applications must include the following information in order to be eligible to receive CDBG, HOME and/or ESG funds:

- Name of the organization, the contact person(s) and a brief history of the organization
- Name of the project and a detailed description of project
- Documentation identifying the need for such a project
- Financial summary, including the amount of CDBG, HOME and/or ESG funds requested and other resources to leverage CDBG, HOME and/or ESG funds, as well as the potential uses of the funds
- Objectives of the project and the intended beneficiaries
- If the organization is requesting CDBG, HOME and/or ESG funds from other jurisdictions for the same project, information included on the amount requested and the potential benefits for each jurisdiction

City staff will review the applications to determine the eligibility of the projects. City staff will evaluate the projects based on the benefits to low- and moderate-income residents and areas and on the projects' feasibility. The selected projects will be recommended to the City Council for approval.

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## Plans to Minimize Displacement of Persons and Assist any Persons Displaced

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The City of Bakersfield in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the 1988 Common Rule, and the 1989 Barney Frank Act, will provide relocation assistance, as described in 24 CFR 570.606(b)(2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the City of Bakersfield will include, but not be limited to, the following steps to minimize the displacement of persons from their homes:

- A. Avoid, as much as possible, Action Plan funded projects which permanently displace persons from their homes.
- B. Fully advise any residents who may be displaced of their rights and options for relocation benefits as required by federal regulations.
- C. Assist displaced residents in filling out any required forms for assistance or to appeal City decisions regarding displacement or the level of relocation benefits.

A copy of the City's Anti-Displacement and Relocation Plan is also available to interested residents upon request.

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## Citizen Participation Summary

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DOCUMENT	PUBLIC PARTICIPATION	REQUIRED TIME FOR PUBLIC REVIEW	REQUIRED APPROVAL	DEADLINE
<b>Citizen Participation Plan</b>	Public Hearing 15-Day Notice	30-Day Public Review	City Council	N/A
<b>ConPlan and/or Annual Action Plan</b>	Public Hearing 15-Day Notice	30-Day Public Review	City Council	Submit to HUD 45-days prior to start of new program year
<b>Substantial Amendments</b>	Public Hearing 15-Day Notice	30-Day Public Review	City Council	Submit to HUD when complete
<b>Administrative Amendments</b>	No Public Hearing	None	City Manager	Submit to HUD when complete
<b>CAPER</b>	Not Required	15-Day Public Review	City	Submit to HUD within 90-days of end of program year

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## Addendum

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The City of Bakersfield Community Development Department located at 1715 Chester Avenue, Bakersfield, California.

The City Clerks Office located at 1600 Truxtun Avenue, Bakersfield, California.

The Bakersfield branches of the Kern County Library are as follows:

- Baker, 1400 Baker Street; (661) 861-2390
- Beale Memorial Library, 701 Truxtun Avenue; (661) 868-0701
- Holloway-Gonzales, 506 E. Brundage Lane; (661) 861-2083
- Southwest, 8301 Ming Avenue; (661) 664-7716
- Northeast, 3725 Columbus; (661)871-9017
- Wilson, 1901 Wilson Road; (661)834-4044

The California State University Bakersfield Library at 9001 Stockdale Highway, Bakersfield, California

The City's Web site address is <http://www.bakersfieldcity.us/>.