Clark County, Nevada Analysis of Impediments to Fair Housing Choice 2011

Unincorporated Clark County

North Las Vegas

Boulder City

Mesquite

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Chapter 1

Executive Summary

This Analysis of Impediments examines unincorporated Clark County and the cities of North Las Vegas, Boulder City, and Mesquite since their previous Analysis of Impediments was published in 2004. As explained in detail in Chapter 2, it focuses on the essential goals of the Community Development Block Grant Program (CDBG) and the Fair Housing Act: achieving racial and ethnic housing integration and the obligation of each recipient of CDBG to affirmatively further fair housing.

While the data show some degree of racial, ethnic, and economic segregation in parts of *unincorporated* Clark County and North Las Vegas, the degree of segregation does not come even remotely close to approaching the levels of the most segregated metropolitan areas in the country: Chicago, Milwaukee, Cleveland, and Indianapolis. However, Boulder City and Mesquite are actually more racially segregated than the most segregated areas of the nation.

As discussed beginning on page 22 in Chapter 3, in 1990 and 2000 the racial and ethnic compositions of *unincorporated* Clark County, Las Vegas, and Henderson were very close to what would be expected in a *free housing market where income is the primary determinant of where you live undistorted by housing discrimination.*[1] As explained beginning on page 22, this approach takes into account the different median incomes of each racial and ethnic group to produce fair and accurate approximations of what the racial composition of a city or census tract would be when taking household income into account.

During the past 20 years, North Las Vegas has become less racially segregated. In 1990, 51.6 percent of its households were Caucasian when the city would have been approximately 84 percent white in a free housing market devoid of discrimination. The city's households were 34.3 percent African American and 16.8 percent Hispanic when it would have been about 9 and 8 percent respectively in a free housing market.

By 2000, the city had made substantial progress toward racial integration. The proportion of white households had risen to 60.6 percent, just 16 percentage points less than what would be expected in a discrimination–free housing market. The proportion of African American households had fallen to 20.6 percent, only 11.6 percentage points greater than expected in a free housing market. Moving in the opposite direction, the proportion of Hispanic households had increased to 27.7 percent, approximately 13 percentage points greater than what would be expected in a discrimination–free housing market.

1. Las Vegas and Henderson are not part of this Analysis of Impediments. Consequently, they were not examined on a census tract basis to identify any segregative housing patterns within their borders.

Changes in housing patterns are incremental and these changes represent very significant progress toward racial integration. In 1990, 91 percent of North Las Vegas' census tracts had racial or ethnic compositions substantially different from what would be expected in a free housing market without discrimination. By 2000, this proportion had fallen by nearly a third, to 63 percent. The initial data from the 2010 Census suggest that the city has continued to reduce racial isolation as it moves further along the path to racial integration.

The 2010 Census, however, reveals that North Las Vegas has experienced an increase in the number of Hispanic residents and that they are locating in a growing number of neighborhoods with substantially greater concentrations of Latinos than in 2000 — in some cases around 90 percent. North Las Vegas faces a serious challenge to prevent the creation of ethnic neighborhoods as segregated as the most segregated Black neighborhoods had been.

Boulder City continues to move in the opposite direction of North Las Vegas. It still exhibits a racial and ethnic composition substantially different than what would be expected in a free housing market. In 2000, Boulder City households were 96.8 percent Caucasian, about 19 percentage points more than would be expected in a free housing market without discrimination. Just 0.3 percent of the households were African American. In a free housing market approximately 8.6 percent of Boulder City's households would have been Black, 28 times more than the 2000 Census reported. The proportion of Asian households in Boulder City was 0.8 percent, about one–sixth of what would be expected in a free housing market. The 2.3 percent of Boulder City households who were Hispanic was also about one–sixth of what would be expected in a free housing market. These levels of segregation are even more intense than in the most segregated metropolitan areas of the nation. However, initial data from the 2010 Census show increases in the proportions of African American, Asian, and Latino residents of 0.2, 0.4, and 0.7 percent respectively while the proportion of whites declined 1.2 percent.

In 2000, 0.4 percent of Mesquite's households were African American. In a free housing market the proportion would have been 22 times greater. The proportion of Asian households in Mesquite was 0.7 percent, less than one–sixth of what would be expected in a free housing market. Unlike Boulder City, the proportion of Hispanic households was what would be expected in a free housing market. Only one of six census tracts showed a significantly lower proportion of Hispanic households than would be expected in a free housing market. That same tract also showed a far greater percentage of white households than would be expected. Initial 2010 Census data show that the proportion of Mesquite residents who are Hispanic decreased slightly during the past decade, but that the proportions of African American and Asian residents rose slightly since 2000.

The small proportion of Asians and Blacks in Mesquite, however, is not surprising because Mesquite is 95 miles from the closest Asian and African American institutions located in Clark County's urban core in and around Las Vegas. So while the city is severely segregated racially (but not ethnically), this racial segregation is not unexpected in today's America and does *not* imply that the city has engaged in any practices to create or maintain this segregation.

From 2000 to 2010, the proportion of residents who identified themselves as belonging to another race grew in unincorporated Clark County from 9.2 to 15.7

percent, in North Las Vegas from 17.1 to 20.6 percent, and in Boulder City from 2.2 to 2.7 percent. The proportion fell in Mesquite from 15.7 to 11.7 percent.

Unfortunately it is impossible to determine the extent of discriminatory practices in the housing industry in Clark County because no "testing" of real estate agents, rental agents, and rental managers has been conducted during the past six years. Such testing is essential to determining the extent of racial and ethnic steering, and other discriminatory practices, that may be occurring. Without this knowledge, it is difficult to craft remedies to overcome these impediments to fair housing choice.

Our study of print and online real estate advertising found no blatant violations of the Fair Housing Act. Judging by the photos of real estate agents, there appears to be a very small presence of African Americans, Hispanics, and Asians in real estate sales and management.

There is, however, no doubt that the lending industry has been discriminating against applicants based on race and ethnicity. Home Mortgage Disclosure Act data for 2008 and 2009 show that African Americans and Hispanics are being denied conventional mortgages at significantly higher rates than Caucasians and Asians in unincorporated Clark County and North Las Vegas. Differences in income and credit worthiness do not explain this differential treatment. In its starkest terms, the lowest income white applicant received mortgage approval at a significantly higher rate than the wealthiest African American and Hispanic applicants. These differences in approval and denial rates, however, were smaller in Clark County and nationally.

It is impossible to arrive at any conclusions regarding Boulder City and Mesquite because so few minority applications were made. There was one application from an African American for a home mortgage in Boulder City and one in Mesquite during the two years studied. Only three Asian households applied for a mortgage in Boulder City while 12 applied in Mesquite. There were nine applications from Hispanics for mortgages in Boulder City and 24 in Mesquite. The data suggests a need for some testing in Mesquite and especially in Boulder City, to determine why so few members of minority groups have sought to buy a home in these two cities.

When mortgages have been issued, Hispanics and to a lesser extent African Americans have received high cost mortgages that have contributed to the high foreclosure rates in Clark County. In North Las Vegas, more than half of the mortgages issued in census tracts that were mostly minority were subprime loans.

Even if a home seeker suspects she may have been discriminated against, it's unlikely that she'll ever file a housing discrimination complaint. Access to fair housing information is limited. When this study began, making a fair housing complaint in any of the four jurisdictions studied was an exercise in frustration. Since then, all four jurisdictions have trained their receptionists and phone operators on where to direct calls about housing discrimination. Their websites, however, are a different story. All of them need to incorporate easily–accessible pages and links for housing discrimination complaints.

The Southern Nevada Regional Housing Authority has done just that with its revamped website which is a model that other housing authorities should emu-

late. The housing authority needs to incorporate fair housing into its policies and practices to assure that scattered site public housing is no longer clustered together and that more units are located in predominantly white, "high opportunity" areas.

While Housing Choice Vouchers are being used throughout most of Clark County's urban core, the housing authority needs to provide greater assistance to holders of Housing Choice Vouchers to expand where they look for housing beyond neighborhoods with concentrations of their race or ethnicity. Assistance is needed to get any Housing Choice Vouchers holders who *work* in Boulder City or Mesquite to consider moving there.

All four jurisdictions recognize that community residences for people with disabilities are residential uses — not institutional, not boarding houses — subject to the same building code requirements of other residential uses. Clark County had already amended its zoning for community residences to comply with the Fair Housing Act. Both Boulder City and Mesquite adopted the necessary amendments while this study was being conducted. Even though North Las Vegas has been approving zoning applications to open community residences, it needs to make a number of amendments to its unnecessarily complicated zoning provisions to bring them into compliance with the Fair Housing Act.

While the current economic recession has resulted in the cost of housing plummeting in unincorporated Clark County, North Las Vegas, and Mesquite, Boulder City has experienced a much smaller decline. Its housing remains beyond the reach of most Clark County residents. But the cost of housing does not account for the racial and ethnic composition of Boulder City or Mesquite.

Households that spend more than 30 percent of their gross income on housing costs are considered cost burdened. Half of all Clark County home owners with a mortgage are cost burdened as are 55.3 percent in North Las Vegas, 46.1 percent in Mesquite, and 36.9 percent in Boulder City. Among tenants, 52.5 percent in Clark County, 56.9 percent in North Las Vegas, 56.5 percent in Mesquite, and 33.8 percent in Boulder City are cost burdened.

As noted earlier, this continuing shortage of affordable housing does *not* explain the racial and ethnic compositions of the four jurisdictions studied.

All four jurisdictions should incorporate fair housing into their routine planning practices and policies as explained in detail in Chapter 5.

Reading an executive summary is no substitute for reading the full study. This executive summary only highlights the findings and conclusions of this Analysis of Impediments to Fair Housing Choice. To fully understand the data, findings, conclusions, impediments, and recommendations within the full context in which they are made, it is crucial that you read chapters two through five.

Chapter 2

Basis of This Study

Like all jurisdictions that receive Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development, Clark County, Boulder City, Mesquite, and North Las Vegas are obligated to identify, analyze, and devise solutions to impediments to fair housing choice that may exist in each community.

CDBGs combined a slew of categorical grants into a single grant to cities, counties, and states that gives recipients a fair amount of discretion in how they spend the funds. Passage of the Housing and Community Development Act in 1974 established that *recipients of Community Development Block Grant (CDBG) funds have an obligation to "affirmatively advance fair housing."*[1]

Since 1968, *the U.S. Department of Housing and Urban Development (HUD) has been under a duty to "affirmatively advance fair housing in the programs it administers."*[2] In 1996, HUD officials very candidly reported:

> "However, we also know that the Department [HUD] itself has not, for a number of reasons, always been successful in ensuring results that are consistent with the Act. It should be a source of embarrassment that fair housing poster contests or other equally benign activity were ever deemed sufficient evidence of a community's efforts to affirmatively further fair housing. The Department believes that the principles embodied in the concept of "fair housing" are fundamental to healthy communities, and that communities must be encouraged and supported to include *real, effective,* fair housing strategies in their overall planning and development process, not only because it is the law, but because it is the right thing to do."[3]

As a condition of receiving these federal funds, communities are required to certify that they will affirmatively advance fair housing. Every voucher for funds that a community submits to HUD "implicitly certifies" that the community is affirmatively furthering fair housing.[4] As clearly stated by HUD, benign activities do not make the cut. Seeking to comply with our nation's laws, HUD officials have determined that "Local communities will meet this obligation by performing an analysis of the impediments to fair housing choice within their communi-

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1. Public Law Number 93–383, 88 Stat. 633 (August 22, 1974). Most of this statute can be found at 42 U.S.C. §§1437 et seq. and 42 U.S.C. §§5301 et seq.
2. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide,* (Washington, DC. March 1996), Vol. 1, i.
3. Ibid. Emphasis in original.
4. *U.S ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County,* New York, U.S. Dist. Ct. S.D.N.Y., 06 Civ. 2860 (DLC), Feb. 24, 2009, 43.

ties and developing (and implementing) strategies and actions to overcome these barriers based on their history, circumstances, and experiences."[5]

While the extent of the obligation to affirmatively advance fair housing is not defined statutorily, HUD defines it as requiring a recipient of funds to:

1. Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
2. Take appropriate actions to overcome the effects of any impediments identified through the analysis, and
3. Maintain records reflecting the analysis and actions in this regard."[6]

Throughout the nation, HUD interprets these broad objectives to mean:

- Analyze and eliminate housing discrimination in the jurisdiction
- Promote fair housing choice for all persons
- Provide opportunities for racially and ethnically inclusive patterns of housing occupancy
- Promote housing that is physically accessible to, and usable by, all persons, particularly persons with disabilities
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.[7]

While HUD has proffered a multitude of suggestions for producing the required analysis of impediments to fair housing choice, each recipient community is able to conduct the study that fits it within the broad guidelines HUD offers. We have attempted to do just that with this report.

The substantive heart of the Fair Housing Act lies in the prohibitions stated in §3604, §3605, §3606, and §3617. It is said that the most important part of these sections is §3604(a) which makes it illegal

> To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, **or otherwise make unavailable or deny,** a dwelling to any person because of race, color, religion, sex, familial status, or national origin.[8]

The 1988 amendments to the Act added a similarly–worded provision that added discrimination on the basis of handicap in §3604(f)(1) and required that reasonable accommodations be made "in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling."[9] In addition, the 1988 amendments mandate that reasonable modifications of existing premises be allowed for people with disabilities and that renters must agree to restore the interior of the premises to the

5. Ibid.
6. Ibid., 1–2.
7. Ibid., 1–3.
8. 42 U.S.C. §3604(a). *Emphasis added.*
9. Ibid., §3604(f)(3)(B).

condition it was in prior to making the modifications.[10] The amendments also required new multi–family construction to meet specified accessibility requirements in public areas and individual dwelling units.[11]

The highlighted provision, "or otherwise make unavailable or deny," has been read to include a broad range of housing practices that can discriminate illegally, such as exclusionary zoning; redlining mortgages, insurance, and appraisals; racial steering; blockbusting; discriminatory advertising; citizenship requirements that have the effect of excluding African Americans from a city's all–white public housing; harassment that would discourage minorities from living in certain dwellings; prohibiting white tenants from entertaining minority guests; and many more.[12]

As much as practical under budgetary constraints, an analysis of impediments to fair housing choice should seek to determine if any of these practices are present. The Housing and Community Development Act of 1974 clearly states that the intent of Congress is that the "primary objective" of the act and "of the community development program of each grantee is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."[13]

It is clear that one of the key underlying purposes of the Housing and Community Development Act of 1974 is to foster racial and economic integration.[14] This key goal of the act is reflected in the technical language "the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income."[15]

Taken as a whole the act has "the goal of open, integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups."[16] With such a panoptic goal, HUD is obligated to use its grant programs "to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases."[17] "Congress saw the anti-discrimination policy [embodied in the Fair Housing Act] as the means to effect the antisegregation–integration policy."[18]

These purposes of the act have implications for the proper conduct of an analysis of impediments to fair housing choice. As noted earlier, every jurisdiction that accepts Community Development Block Grant funds is obligated to "affirmatively further fair housing." In a lawsuit alleging that Westchester County,

10. Ibid., §3604(f)(3)(A).
11. Ibid., §3604(f)(3)(C).
12. Robert Schwemm, *Housing Discrimination: Law and Litigation,* §13:4–13:16, 2007.
13. 42 U.S.C. §5301(c).
14. Daniel Lauber, "The Housing Act & Discrimination," *Planning*, (February 1975): 24–25.
15. 42 U.S.C. §5301(c)(6).
16. *Otero v. New York City Housing Authority,* 484 F.2d 1122, 1134 (2d Cir. 1973).
17. *N.A.A.C.P. v. Secretary of HUD,* 817 F.2d 149, 155 (1st Cir. 1987) (Breyer, J.).
18. *United States v. Starrett City Associates,* 840 F.2d 1096, 1100 (2d Cir. 1988). The discussion in this paragraph is derived in large part from the discussion on pages 24 and 25 of the district court's decision in *U.S. ex rel. Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York*, 495 F.Supp.2d 375, 385–386 (S.D.N.Y. 2007).

New York, had not affirmatively furthered fair housing with the $35 million of CDBG funds it received from 2000 to 2006, the federal district court in the Southern District of New York ruled "a local government entity that certifies to the federal government that it will affirmatively further fair housing as a condition to its receipt of federal funds must consider the existence and impact of race discrimination on housing opportunities and choice in its jurisdiction."[19] The court concluded "an analysis of impediments that purposefully and explicitly, "as a matter of policy," avoids consideration of race in analyzing fair housing needs fails to satisfy the duty affirmatively to further fair housing."[20]

Two years later Westchester County agreed to a $62.5 million settlement and conducted a new analysis of impediments in 2010 that was supposed to address the issues of racial and socioeconomic segregation that the county had ignored in violation of the law.

This analysis of impediments seeks to comply with the decisions in the Westchester County case and with the purpose and spirit of the Housing and Community Development Act and the nation's Fair Housing Act. Every effort has been taken to conduct a fair and balanced analysis that follows sound planning, housing, and fair housing principles and practices.

Planning/Communications approached this analysis of impediments to fair housing choice using the "CSI approach," namely we let the evidence lead us to our conclusions. We have attempted to apply sound planning and fair housing principles to the facts we found in order to identify both current and potential impediments to fair housing choice and craft recommendations to overcome them.

This is an analysis of "impediments" or barriers to fair housing choice. Consequently it focuses on those policies and practices that impede fair housing choice. However, several "suggestions" are offered throughout this analysis of impediments to address regulations, practices, and policies that are *not* yet impediments to fair housing choice, but could develop into impediments if left intact. The four jurisdictions should consider these "suggestions" as constructive recommendations that incorporate fair housing concerns into their planning and implementation processes.

Limitations of This Analysis

This analysis of impediments to fair housing choice was prepared for the purposes stated in this chapter. Consequently, it seeks to identify impediments and suggest solutions. However, it does not constitute a comprehensive planning program. Many of the identified issues warrant additional research and analysis by the planning and community development staffs of the four jurisdictions studied.

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19. *U.S. ex rel. Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York*, 495 F.Supp.2d 375, at 387 (S.D.N.Y. 2007).
20. Ibid., 388.

Tempting as it always is to lift statements from any study out of context, please don't! It is vital that this analysis of impediments be read as a whole. Conclusions and observations made throughout this study are often dependent on data and discussions presented earlier. Readers of early drafts of this analysis reported that they were surprised to find their questions answered one or two pages later. Context is vital to correctly understand this analysis and avoid misleading or erroneous interpretations of its content.

This analysis does not constitute legal advice.

We have assumed that all direct and indirect information that Clark County and the consortium cities supplied is accurate. Similarly, we have assumed that information provided by other sources is accurate.

An important note about the data

Like any study that uses demographics for different types of jurisdictions over a longitudinal period, this study is at the mercy of its data sources. We have used the most reliable available data throughout the report. Sometimes, however, the most reliable data are available for some jurisdictions, but not for others.

Census and American Community Survey figures for the value of homes are of questionable reliability. Both report what those surveyed think their homes are worth, not the actual selling prices during the time period covered. Whenever possible, we used actual sale prices of homes. This problem does not exist with rental housing where tenants know exactly what they pay in rent each month.

Data available for Clark County may not also be available for one or more of the three cities in this study. The *American Community Survey 1–Year Estimates* are produced for Clark County and for North Las Vegas, but not for Boulder City or Mesquite because their populations are under the 65,000 threshold for inclusion. However, the American Community Survey does produce "5–Year Estimates" for cities as small as Boulder City and Mesquite that constitute an average for the 2005–2009 time period. Only a very limited amount of data from the 2010 decennial census were available before this analysis was completed.

Over the years data can be reported in different ways. Categories can be changed at the discretion of those who produce the raw data. Consequently, there are times when it is impossible to precisely match data categories from one year to another.

Throughout this report, data for Clark County normally *excludes* Las Vegas and Henderson, both of which produce their own analyses of impediments. But there are instances where it is impossible to extract the data for Las Vegas and Henderson from the Clark County data. Those instances are noted in this report. **So unless noted otherwise, Clark County data excludes Las Vegas and Henderson.**

In Chapters 3 and 4, this study reports data on racial and ethnic composition that include small variations depending on the source material. Various data sources categorize their data differently. For example, some sources include "Hispanics" *within* their various racial categories. Others tally Hispanics as a separate category in addition to African Americans, Caucasians, and Asians. Some of these sources refer to these categories as "White Non–Hispanic."

When the number of people in a jurisdiction who are Native American, Alaskan/Eskimo, and/or Hawaiian/Pacific Islander is infinitesimal, we have excluded these categories from the tables and graphs to make them more legible and easier to read and use.

Additional data. There are instances in this report where summary data is presented. The raw data on which these summaries are based are available in either an Excel spreadsheet or a PDF file archived with Clark County's Community Resources Management Division. This is public information available upon request. Footnotes and explanatory material below a table or figure alert readers to the availability of additional data.

Acknowledgments

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- City Planner Susan Danielewicz of Community Development Department for Boulder City
- Planning Director Catherine Lorbeer, Planning and Environmental Resources Department for Mesquite

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Many other people provided data and insights. We apologize that we do not have room to list all of them here.

Chapter 3

Jurisdictional Overview

Demographics

"Unique" might be the best word to describe Clark County which is located in the southernmost part of Nevada. The county is home to the Las Vegas Strip that, in good economic times, attracts over 38 million visitors annually. Most of the county's 8,060 square miles are owned by federal agencies including the Bureau of Land Management, the Department of Defense, and the U.S. Forest Service.

Clark County includes five incorporated jurisdictions: North Las Vegas, Boulder City, Mesquite — which are part of the consortium that this report covers — and Las Vegas and Henderson, which are not. The county provides traditional county services (social services, property assessment) as well as urban services (fire, police, water, and sewer) to the incorporated and unincorporated portions of the county. Urban development occurs in the unincorporated areas of Clark County as well as within the cities.[1]

Figure 1: Map of Clark County, Nevada

Source: *Clark County, NV HCP Consortium FY 2010–2014 Consolidated Plan*, 7.

The explosive population growth that both incorporated and unincorporated Clark County enjoyed for more than a quarter century came to a screeching halt in 2008 with an actual decline in population. Like the entire state of Nevada, by mid–2010 Clark County had achieved a rare trifecta of financial and land–use misery with the nation's highest foreclosure, bankruptcy, and unemployment rates.[2]

1. *Clark County, NV HCP Consortium FY 2010–2014 Consolidated Plan*, 2.
2. Derived from Frank Popper's preface to Justin B. Hollander's forthcoming book, *Sunburnt Cities: The Great Recession, Depopulation and Urban Planning in the American Sunbelt* (New York: Routledge, 2011).

Figure 2: Clark County Population Distribution: 2010 Census

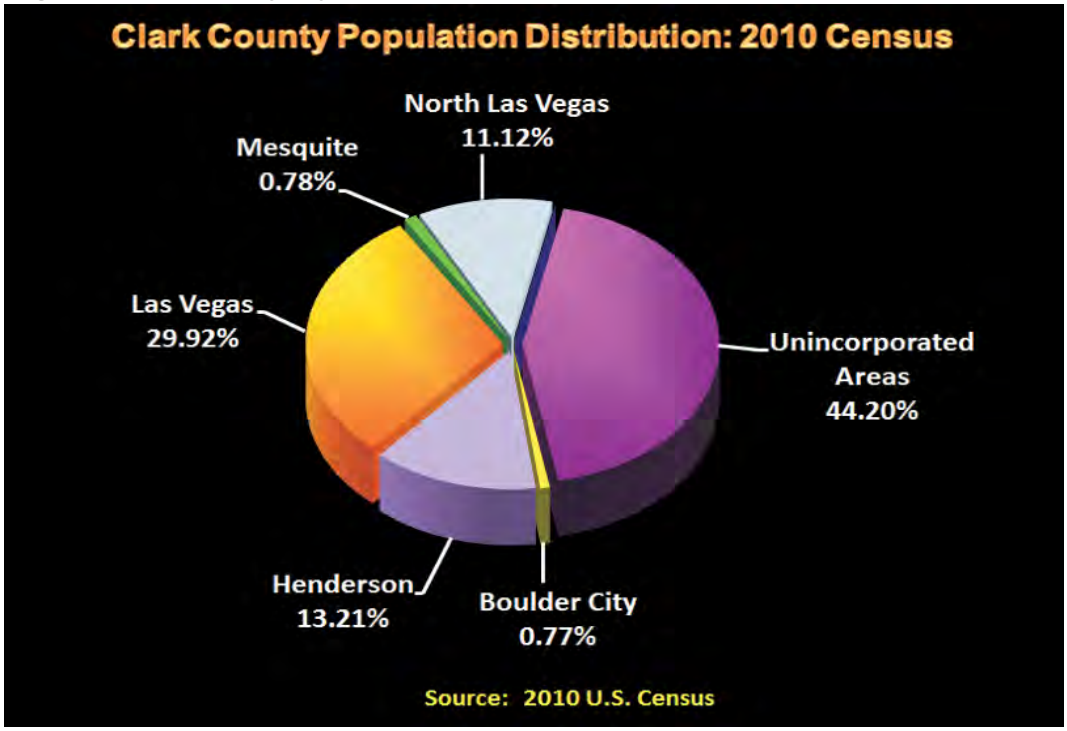


Table 1: Unincorporated Clark County Population Growth: 1980–2010

Unincorporated Clark County Population Growth: 1980–2010			
Year	**Population**	**Change**	**Percent Change**
1980	221,721	—	—
1990	356,077	134,356	61%
2000	582,107	226,030	64%
2010	862,524	280,417	48%

Source: 1990, 2000, 2010 *U.S. Census.*

North Las Vegas

Much like the *rate* of population growth in unincorporated Clark County slowing a bit during the past decade after 20 years of rising growth as shown in the above table, North Las Vegas experienced a similar slowdown in its population growth during the first decade of the new century.

Table 2: North Las Vegas Population Growth: 1980–2010

North Las Vegas Population Growth: 1980–2010			
Year	Population	Change	Percent Change
1980	42,739	—	—
1990	47,707	4,968	12%
2000	115,488	67,781	142%
2010	216,961	104,473	88%

Source: 1990, 2000, 2010 *U.S. Census.*

Incorporated in 1946, North Las Vegas was viewed as a lower–cost bedroom suburb located north of Las Vegas and Clark County's Strip until the 1990s when new interest surfaced in North Las Vegas as a place to live and conduct business. Almost simultaneously, several factors combined to spur substantial and rapid growth in North Las Vegas, transforming the city: the high cost of land elsewhere in Clark County's urban core, growing traffic gridlock in the rest of the county, and large amounts of federal–owned Bureau of Land Management Disposal Area land becoming available for development. Another impetus was North Las Vegas being named the southwestern city best suited as a warehousing and transportation hub which triggered the relocation of many companies to North Las Vegas. In addition, a number of gaming enterprises opened in North Las Vegas during the 1990s.

Boulder City

Located about 25 miles southeast of Las Vegas, Boulder City's 200.83 square miles makes it the largest city in Nevada. The Lake Mead National Recreation area sits north and east of the city. It's best known as the city that was created to build the Hoover Dam.

Boulder City has very deliberately sought to be the opposite of the fast growth, gaming culture that dominates Clark County's urban core. Boulder City voters have twice adopted regulations to slow growth. The city is one of two jurisdictions in the state that bans gaming. As a result, Boulder City's population has increased only 31 percent since 1990.

Figure 3: Unique Boulder City House

Table 3: Boulder City Population Growth: 1980–2010

Boulder City Population Growth: 1980–2010			
Year	Population	Change	Percent Change
1980	9,590	—	—
1990	12,567	2,977	31%
2000	14,966	2,399	19%
2010	15,023	57	0.04%

Source: 1990, 2000, 2010 *U.S. Census.*

In 1958 Congress passed the Boulder City Act which established an independent municipal government and turned over the existing town site, about 33 square miles of land, and the utility system to the residents.

In response to the rapid growth of the city and to preserve its utility systems, citizens passed a referendum in 1979 that established a controlled growth ordinance. Under this ordinance, the city controls the rate of growth by limiting the number of residential and hotel/motel building permits issued each year. Under the controlled growth ordinance, Boulder City's growth rate actually declined from 2.7 percent during the 1980s to 1.76 percent during the 1990s.

In 1995, the city purchased over 100,000 acres of the former Eldorado Valley Transfer Area from the Colorado River Commission to use for public recreation, solar energy uses, and a desert tortoise preserve. This acquisition brought the city's total land area to 200.83 square miles, the vast majority of it undeveloped. The *Boulder City Master Plan* established a guiding principle that:

> "[The city] should strive to maintain its small town atmosphere and a well–defined boundary for development. Development should continue to be regulated under the growth control ordinance, which establishes a maximum growth rate for the long range future. New growth should only be permitted in areas that are contiguous to existing development, where infrastructure exists or can be efficiently provided. Sprawling "leapfrog development" should be discouraged and expansions of the boundary should occur only in accordance with the Master Plan."[3]

Mesquite

Compared to the other jurisdictions in this consortium, Mesquite is still a growing teenager. Between 1990 and 2010, Mesquite's population soared an astounding 717 percent.

3. *Boulder City Master Plan,* p. 2–1, adopted December 2003 and updated June 2009.

Table 4: Mesquite Population Growth: 1980–2010

Mesquite Population Growth: 1980–2010			
Year	Population	Change	Percent Change
1980	Mesquite was incorporated in 1984. Data not available for 1980.		
1990	1,871	—	—
2000	9,389	7,518	402%
2010 *	15,276	5,887	63%

* Mesquite officials report an error in the census tract maps for the *2010 Census* that misassigned over 1,000 parcels, mostly residential, to another jurisdiction. The number of Mesquite residents in 2010 will be greater when the data are corrected.
Source: 1990, 2000, 2010 *U.S. Census*.

Mesquite lies even further from Clark County's urban core, along the Virgin River Valley adjacent to the Arizona state line about 95 miles northeast of Las Vegas. Founded in the 1800s, Mesquite was an agricultural community until the 1990s when retiring baby boomers discovered it as a resort community.

Unlike Boulder City, gaming is allowed and is a major part of Mesquite's economy. The city has purchased the majority of land around it from the Bureau of Land Management, some of which has been sold to developers. Most of the land is desert and alluvial foothills which require substantial infrastructure costs when developed.

According to the Southern Nevada Consensus Population Estimates, Mesquite and the rest of Clark County enjoyed most of their population growth during the past decade before the Great Recession hit. The estimates suggested that population growth in the county and each city may have peaked just before the recession took hold and that populations may have declined during the past three years to their 2010 levels.

Poverty Rates

In 2009, the most recent year for which data are available, poverty rates for Clark County were very similar to those of the entire State of Nevada. Poverty rates for most categories were lower in North Las Vegas. The major difference for both was in female–headed households with no husband present. For those with related children under 18, the North Las Vegas rate was a substantial 45.6 percent less than for the entire state and 43.7 percent less than for all of Clark County.

Most measures of poverty were lower in Boulder City and higher in Mesquite. These measures for both cities, though, must be viewed with caution since they were based on relatively small samples. The results of the *2010 U.S. Census* will be much more reliable.

Table 5: Percentage in Poverty by Jurisdiction and Category: 2009

Percentage in Poverty by Jurisdiction and Category: 2009					
Category	All Clark County	North Las Vegas	Boulder City	Mesquite	Nevada
All people	12.2%	10.7%	7.8%	13.2%	12.4%
Age 65 and over	8.2%	8.7%	5.7%	7.9%	7.5%
Under 18 years old	17.5%	14.4%	8.6%	24.9%	17.6%
Unrelated individuals, 15+ years old	19.3%	16.0%	17.2%	19.3%	20.7%
All families	9.2%	8.5%	5.7%	9.0%	9.0%
Families with related children under 18 years old	13.9%	10.6%	10.8%	19.2%	14.0%
Married couple families	5.2%	5.4%	1.8%	5.8%	5.0%
Female–headed households, no husband present	22.4%	16.2%	32.6%	28.9%	23.2%
With related children under 18	29.5%	16.6%	61.9%	33.0%	30.5%

Sources: "Selected Economic Characteristics," *2009 American Community Survey 1–Year Estimate* [Clark County, North Las Vegas, and Nevada] and *2005–2009 American Community Survey 5–Year Estimates* [Boulder City and Mesquite]. The margin of error for some the 5–year estimates is in double digits which lessens confidence in their accuracy.

Racial and Ethnic Composition

Like America as a whole, unincorporated Clark County has become more racially and ethnically diverse since 1980. The proportion of African Americans has increased almost three fold. The percentage of Asians has risen nearly four fold. The proportion of Hispanics has increased by almost two and a half times.

These increases in "minority" populations have resulted in the *percentage* but not the number of Caucasians decreasing by one third over the last 30 years. Simply put, the *number* of minority residents of unincorporated Clark County has been rising more quickly than its white population.

Table 6: Racial and Hispanic Composition of Unincorporated Clark County: 1980–2010

Racial and Hispanic Composition of Unincorporated Clark County: 1980–2010						
Year	White	African American	Asian	All Other Reported Races	Multi–Racial	Hispanic of Any Race
1980	90.7%	3.8%	2.4%	1.9%	Not available	11.9%
1990	85.7%	6.1%	4.0%	4.2%		9.5%
2000	71.5%	8.0%	6.7%	9.3%	4.5%	21.3%
2010	60.9%	10.5%	8.7%	15.7%	5.1%	29.1%

Based on individuals, not households. Hispanics are an ethnicity who can be of any race.
Sources: 1980, 1990, 2000, and 2010 *U.S. Census.* 1980 U.S. Census figures from Minnesota Population Center. National Historical Geographic Information System: Pre-release Version 0.1. Minneapolis, MN: University of Minnesota 2004, http://www.nhgis.org.

The in–migration of Caucasians, Asians, members of other minority racial groups, and Hispanics accounts for the huge population growth North Las Vegas has experienced since 1990. The actual number of African Americans did not fall during the decade but the proportion declined due to the in–migration of these other groups. The proportion of all other races has increased even more than in unincorporated Clark County.

Table 7: Racial and Hispanic Composition of North Las Vegas: 1980–2010

Racial and Hispanic Composition of North Las Vegas: 1980–2010						
Year	White	African American	Asian	All Other Reported Races	Multi–Racial	Hispanic of Any Race
1980	55.2%	37.7%	1.4%	3.5%	Not available	19.3%
1990	45.2%	37.4%	2.4%	15.0%		22.2%
2000	55.9%	19.0%	3.2%	17.1%	4.7%	37.6%
2010	47.4%	19.9%	6.3%	20.6%	5.8%	38.8%

Based on individuals, not households. Hispanics are an ethnicity who can be of any race.
Sources: 1980, 1990, 2000, and 2010 *U.S. Census.* 1980 U.S. Census figures from Minnesota Population Center. National Historical Geographic Information System: Pre-release Version 0.1. Minneapolis, MN: University of Minnesota 2004, http://www.nhgis.org.

Boulder City is not remotely as diverse as unincorporated Clark County, North Las Vegas, or the nation as a whole. But as of 2010, Boulder City remained a virtually all–white community with a small Latino population and very few residents who are Black, Asian, multi–racial, or of any other race.

Table 8: Racial and Hispanic Composition of Boulder City: 1980–2010

Racial and Hispanic Composition of Boulder City: 1980–2010						
Year	White	African American	Asian	All Other Reported Races	Multi–Racial	Hispanic of Any Race
1980	97.7%	0.3%	0.4%	0.9%	Not available	5.9%
1990	97.1%	0.6%	0.9%	1.3%		3.7%
2000	94.5%	0.7%	0.7%	2.2%	1.9%	4.3%
2010	92.3%	0.9%	1.1%	2.7%	3.0%	7.1%

Based on individuals, not households. Hispanics are an ethnicity who can be of any race.
Sources: 1980, 1990, 2000, and 2010 *U.S. Census.* 1980 U.S. Census figures from Minnesota Population Center. National Historical Geographic Information System: Pre-release Version 0.1. Minneapolis, MN: University of Minnesota 2004, http://www.nhgis.org.

Mesquite continues to have a very small black and Asian population. While the proportion of residents who were Hispanic more than doubled during the 1990s, it declined slightly since the turn of the century.

Table 9: Racial and Hispanic Composition of Mesquite: 1980–2010

Racial and Hispanic Composition of Mesquite: 1980–2010						
Year	White	African American	Asian	All Other Reported Races	Multi–Racial	Hispanic of Any Race
1980	Mesquite was incorporated in 1984. Data not available for 1980.					
1990	91.2%	0.4%	0.7%	7.7%	Not available	11.6%
2000	80.3%	0.6%	1.3%	15.7%	2.2%	24.8%
2010 *	83.6%	1.0%	1.8%	11.7%	2.0%	23.9%

* Mesquite officials report an error in the tract maps for the *2010 Census* that misassigned over 1,000 parcels to another jurisdiction. These percentages could change once the data are corrected. Based on individuals, not households. Hispanics are an ethnicity who can be of any race.
Sources. 1980, 1990, 2000, and 2010 *U.S. Census*. 1980 U.S. Census figures from Minnesota Population Center. National Historical Geographic Information System: Pre-release Version 0.1. Minneapolis, MN: University of Minnesota 2004, http://www.nhgis.org.

While Clark County's urban core which is centered around Las Vegas is quite racially and ethnically diverse, the three maps that follow show that some severe concentrations exist and that racial and ethnic diversity is not uniform throughout the county's urban core.

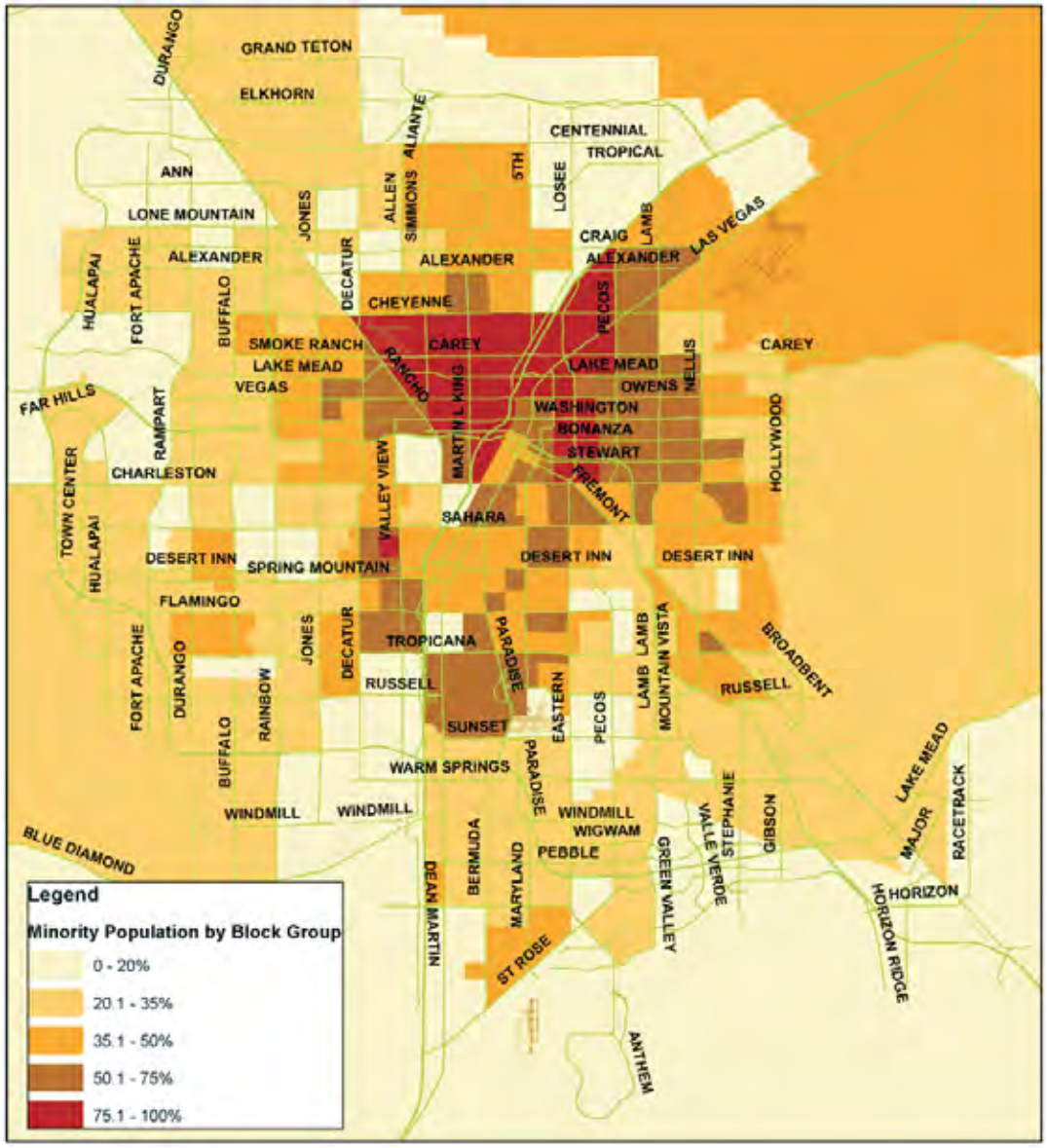
The first map that follows shows the proportion of the population that *all* minorities constitute. It shows that as of 2000, minorities as a whole lived in the vast majority of the county's urban core.

However, it also shows some substantial concentrations of minorities in the southern and eastern neighborhoods of North Las Vegas as well as in the eastern part of Las Vegas and in unincorporated Clark County east of North Las Vegas and south of Las Vegas.

Figure 4: Unincorporated Clark County Houses

Figure 5: Apartments in North Las Vegas

Figure 6: Locations of All Minority Groups in Clark County Urban Core: 2000

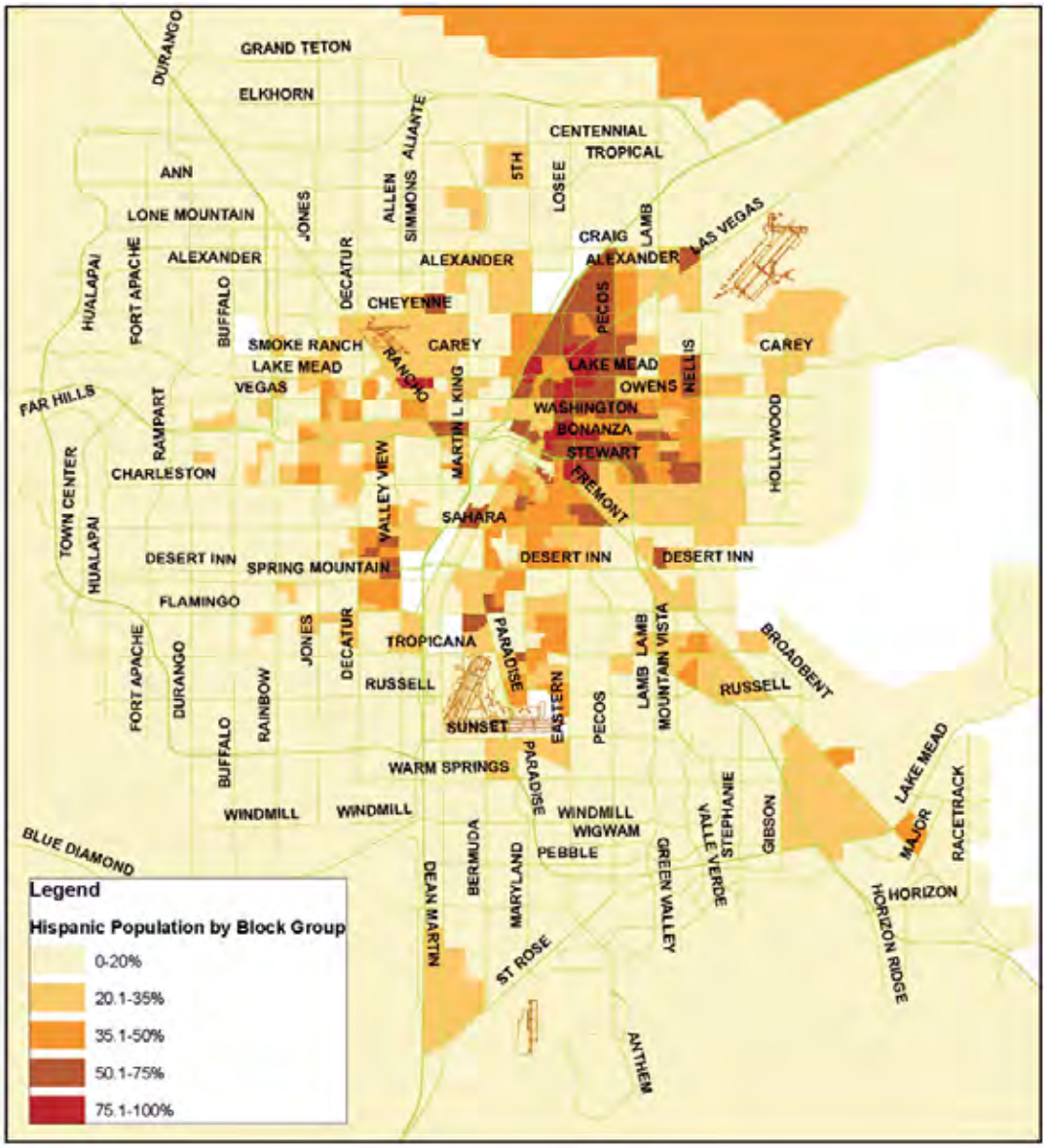


Prepared by the Clark County Community Resources Management Division based on the 2000 *U.S. Census.*

The next two maps, however, show that within the county's urban core the geographic distribution of minority groups is not uniform. Some are more concentrated than others.

The map that follows reveals that while the county's Hispanic population is spread out, there are some substantial concentrations in the eastern portion of North Las Vegas and adjacent Las Vegas and adjacent unincorporated Clark County. Hispanic residents live largely on the east side of the urban core.

Figure 7: Locations of Hispanic Residents in Clark County Urban Core: 2000

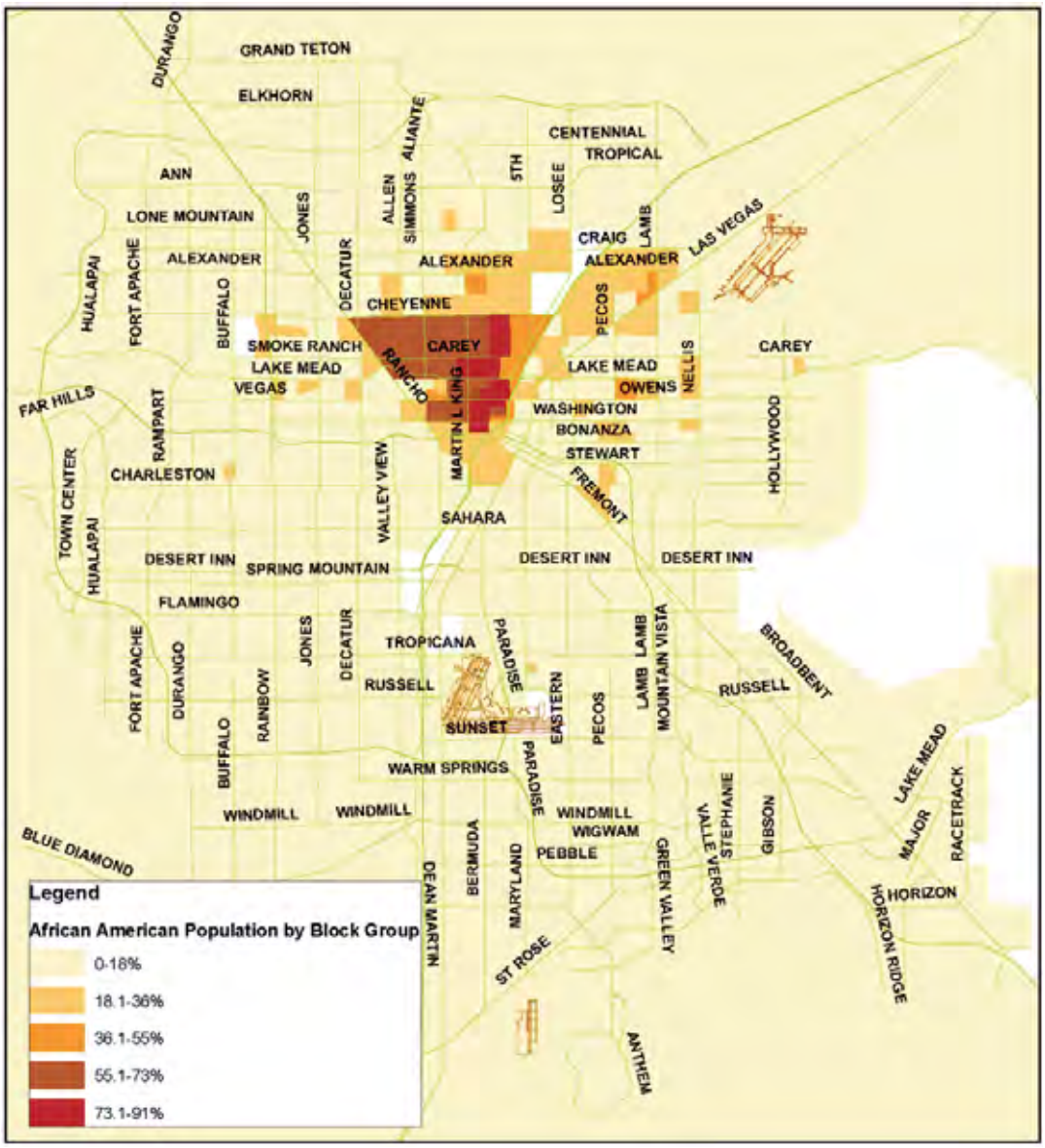


Prepared by the Clark County Community Resources Management Division based on the 2000 *U.S. Census.*

The situation is very different for African Americans. As the next map shows, the county's black population is heavily concentrated in North Las Vegas east of Rancho and south of Cheyenne. The heavy concentration continues south of North Las Vegas in adjacent Las Vegas neighborhoods.

Unlike the county's Latino population, its African American population is not spread throughout most of Clark County's urban core. The levels of concentration and segregation in housing appears to be substantially more intense for African Americans in Clark County. In addition, less than one percent of the populations of Boulder City and Mesquite were African American in 2000.

Figure 8: Locations of African Americans in Clark County Urban Core: 2000



Prepared by the Clark County Community Resources Management Division based on the 2000 *U.S. Census.*

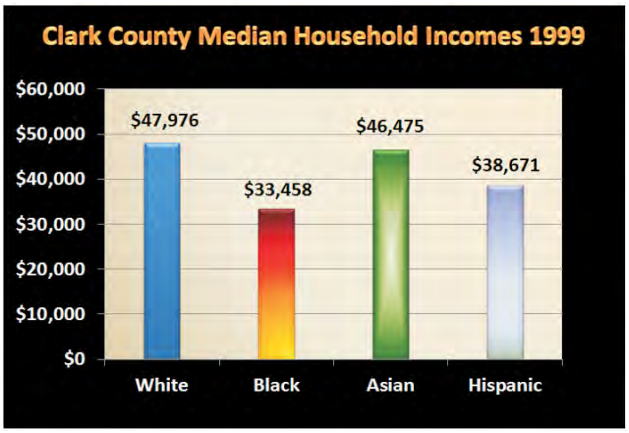
It is a common misconception that these concentrations and segregation in housing patterns are due *largely* to the different median incomes of each racial and ethnic group. But as explained below, these concentrations would not exist in a free housing market where income determines where you live. The figure below shows that in Clark County, the 1999 median household income of Caucasians was 43 percent higher than that of African Americans and 24 percent more than that of Hispanics. It was only 3 percent greater than that of Asian households.

The following pages of this study identify whether the racial and ethnic composition of a city or census tract is probably due to differences in household in-

come or to discriminatory private and/or public sector practices that distort the free housing market.

Methodology. By taking household income into account, the analysis that follows more accurately identifies possible racial and ethnic segregation than simply reporting the proportions of each racial or ethnic group within a jurisdiction or census tract. As noted above, there is a common misconception that housing is segregated because minority households as a whole earn less than white households. Our analysis, however, explicitly takes into account household income to approximate the racial and ethnic composition of a census tract or jurisdiction if racial and ethnic discrimination were absent and household income was the primary determinant of where households live.

Figure 9: Median Clark County Household Income by Race and Ethnicity 1999



Source: Census 2000 Summary File 3 (SF3), 2000 *U.S. Census.*

This approach requires thinking about housing discrimination and segregation a little differently than usual. Discrimination is the likely cause of an area's racial and ethnic composition when the actual racial and ethnic composition differs significantly from the composition in a free housing market devoid of discrimination. It is very likely that discrimination is the primary cause of a census tract being 90 percent white if the tract would be expected to be 75 percent white when taking household income into account.

The approach used here compares the actual racial composition of a census tract or a jurisdiction with what the approximate racial composition would likely be in a free housing market undistorted by racial discrimination.[4] Racial discrimination badly warps the free market in housing by artificially reducing demand for

4. Determining the approximate racial and ethnic composition of a geographic area like a census tract or city is a fairly straightforward, albeit lengthy, process. Here is the step–by–step procedure using a census tract as an example. First we obtain from the U.S. Census the number of households for the census tract that are in each of 16 income ranges starting with "Less than $10,000" and "$10,000 to $14,999" and ending with "$150,000 to $199,999" and "$200,000 or more." Within each income range, the census specifies the number of Caucasian, African American, Asian, and Hispanic households. We obtain the same data for the entire housing market within which the census tract is located. All of Clark County constitutes the entire housing market.

We then multiply the number of Caucasian households in an income category in that census tract by the percentage of white households in that income bracket for the full housing market, i.e. Clark County. This gives us an good approximation of the number of white households in this income bracket that would live in this census tract if income determined who lived there. We calculate these figures in all 16 income brackets for all four racial and ethnic groups. *This procedure assures that the census tract income of residents in a free market without discrimination is the same as the income of actual residents.* We then add up the number of households in each racial or ethnic group to get the approximate racial and ethnic composition

housing in some neighborhoods and artificially increasing demand in others.

Racial discrimination in housing also distorts property values. When African Americans, for example, move to segregated neighborhoods, they pay a substantial price in lost housing value. It is well documented that the value and appreciation of homes in segregated minority neighborhoods is generally less than in stable integrated areas and white areas. Segregated minority neighborhoods also often lack jobs and business investment opportunities, making them economically unhealthy compared to stable integrated and predominantly white areas.[5] For the growing Black middle and upper classes, living in segregated minority neighborhoods denies them the full economic and educational benefits of middle– and upper–class status enjoyed in stable integrated and in predominantly Caucasian neighborhoods.

In a genuinely free housing market, household income rather than race or ethnicity determines who lives in the community. The table below, "Clark County Jurisdictions' Racial and Ethnic Household Composition: 1990–2000" shows the actual racial composition of each jurisdiction in 1990 and 2000 and the approximate racial composition if housing were a genuine free market *without* the distortions caused by discriminatory housing practices. The difference between the actual composition and the free market composition is shown for unincorporated Clark County, North Las Vegas, Boulder City, and Mesquite, as well as Las Vegas and Henderson. Keep in mind that the free market figures are based on actual household incomes. These data debunk the misconception that dissimilarities in household income explain these differences.

When the actual proportions of minorities are significantly less than the proportions that would exist in a free housing market, it is very likely that factors other than income, social class, or personal choice are influencing who lives in the community. Researchers have concluded "that race and ethnicity (not just social class) remain major factors in steering minority families away from some communities and toward others."[6]

In this table and those that follow, differences that suggest distortions of the free housing market possibly caused by racial discrimination are highlighted in two shades of cautionary yellow. The darker yellow highlights differences of ten or more percentage points while the lighter shade of yellow points to differences close to, but under ten percentage points. While some researchers have concluded that differences of five percentage points indicate that discrimination is distorting the housing market,[7] we have concluded that ten percentage points is

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of the census tract if income were the prime determinant of who lives there. From this we calculate the percentages of the census tract that each group comprises. These percentages are then compared to the actual proportion of each racial or ethnic group within the census tract to identify the difference between actual census numbers and a free housing market without discrimination. We conducted similar calculations for unincorporated Clark County and for each of the three cities in this study.

5. *D. Coleman, M. Leachman, P. Nyden, and B. Peterman, Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region* (Chicago: Leadership Council for Metropolitan Open Communities, February 1998), 28–29. *See* chapter 5, note 1.
6. Ibid., v. The methodology, first developed by Harvard economist John Kain, is explained in detail beginning on page 17 of the study. A PDF file of the entire study (28.1 megabytes) can be downloaded at http://www.luc.edu/curl/pubs.
7. *See Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region*.

more likely to be indicative of possible discrimination by factoring in those households that may prefer to live in a predominantly minority neighborhood.

Table 10: Clark County Jurisdictions' Racial and Ethnic Household Composition: 1990–2000

Clark County Jurisdictions' Racial and Ethnic Household Composition: 1990–2000								
Jurisdiction	2000 Census				1990 Census			
	White	Black	Asian	Hispanic, Any Race	White	Black	Asian	Hispanic, Any Race
Unincorporated Clark County (excludes the five incorporated cities shown below and Nellis Air Force Base)								
Actual proportions	82.3%	8.2%	6.1%	16.1%	88.4%	5.3%	2.8%	7.2%
Free market	76.5%	9.1%	4.5%	15.1%	81.9%	7.9%	2.4%	7.8%
Difference	5.8%	-0.9%	1.6%	1.0%	6.5%	-2.5%	0.3%	-0.6%
North Las Vegas								
Actual proportions	60.6%	20.6%	2.9%	27.7%	51.6%	34.3%	1.6%	16.8%
Free market	76.6%	8.9%	4.5%	15.0%	83.4%	9.3%	2.6%	8.6%
Difference	**-16.0%**	**11.6%**	-1.6%	**12.7%**	**-31.7%**	**25.0%**	-1.0%	8.1%
Boulder City								
Actual proportions	96.8%	0.3%	0.8%	2.3%	98.3%	0.0%	0.5%	2.5%
Free market	77.4%	8.6%	4.5%	14.3%	85.5%	7.7%	2.5%	7.9%
Difference	**19.4%**	-8.3%	-3.7%	**-12.0%**	**12.8%**	-7.7%	-2.0%	-5.3%
Mesquite								
Actual proportions	88.5%	0.4%	0.7%	14.1%	91.9%	0.7%	0.5%	6.9%
Free market	76.6%	8.9%	4.5%	15.3%	83.5%	9.2%	2.6%	8.6%
Difference	**11.9%**	-8.5%	-3.8%	-1.2%	8.4%	-8.5%	-2.1%	-1.7%
Henderson								
Actual proportions	87.9%	4.1%	3.0%	7.7%	90.3%	2.6%	1.3%	5.8%
Free market	78.1%	8.0%	4.6%	14.0%	85.9%	7.4%	2.5%	7.6%
Difference	9.9%	-4.0%	-1.5%	-6.3%	4.3%	-4.8%	-1.2%	-1.8%
Las Vegas								
Actual proportions	75.2%	10.5%	4.1%	15.5%	78.9%	9.8%	2.7%	8.6%
Free market	76.7%	9.0%	4.5%	14.8%	84.7%	8.3%	2.5%	8.1%
Difference	-1.5%	1.5%	-0.4%	0.7%	-5.8%	1.4%	0.1%	0.5%

These percentages are based on households, not individuals. So they differ from the percentages in the previous tables of racial composition which are based on individuals. Figures are for one race alone. Rows do not add up to 100 percent due to some dual reporting. "Hispanic" is not a race and is reported separately because people of any race can be Hispanic. Percentages do not add up to 100 percent because some categories with very small percentages are not reported in this table. This information also applies to the similar table for North Las Vegas that follows.

Source:1990 and 2000 U.S. Census.

The above table shows that in 1990 and 2000 — the most recent years for which the necessary data were available — **the racial and ethnic compositions of unincorporated Clark County and of Las Vegas were approximately what would be expected in a free housing market absent**

discrimination based on race or ethnicity.[8] Differences between actual figures and free market figures are all well below ten percent, mostly within two percentage points. Whether or not housing discrimination is occurring *within* these jurisdictions will be discussed later in this chapter.

> **The data show that as of 2000, the racial composition of most of Clark County was what would be expected in a free housing market absent racial or ethnic discrimination. However, the data also show significant areas of racial and ethnic concentrations that most likely result from discriminatory practices**.[9]

As shown in the maps on pages 19 through 21, there is a substantial African American concentration in southwest and south central North Las Vegas adjacent to a similar concentration in Las Vegas. The east ends of Las Vegas and North Las Vegas plus several adjacent census tracts in unincorporated Clark County north and south of Las Vegas comprise a major concentration of Hispanics residents. The 2010 Census should reveal whether this area is developing into a segregated Hispanic area.

> **The racial and ethnic composition of nearly all of the rest of unincorporated Clark County's urban core is what would be expected in a free housing market. However, there are several pockets with substantial differences in the composition of the actual population and the free market population.**

In 2000, census tract 22.04 (bounded by Sahara on the north and Valley View on the east) was nearly 59 percent Hispanic, 41.6 percentage points higher than would be expected in a free market without housing discrimination. Adjacent tract 22.05 was 38 percent Hispanic (21.8 percentage points higher than in a free housing market) and tract 22.03 was 29.9 percent Hispanic (14.4 percentage points higher). These figures suggest that this area could be in the throes of segregating into another Hispanic concentration. Early 2010 Census data suggest that the concentration of Latinos in these tracts has increased since 2000.

In tract 28.16 in the southern tip of the urban core adjacent to Henderson where Eastern meets St. Rose, Asians comprise 16.3 percent of the households, nearly 12 percentage points more than would be expected in a free housing market. The only nearby tract with a higher Asian population than would be expected in a discrimination–free market was tract 28.35 where the Asian population was 12.7 percent, more than 8 percentage points higher than in a dis-

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8. This table and those that follow use households to calculate racial and ethnic composition in each jurisdiction and census tract. The percentages of each category differ from those in other tables in this report because the other tables are based on the number of individuals, not households.
9. We reviewed the raw census data for the tracts in unincorporated Clark County's urban core and identified those tracts in which the number of minorities appeared to be high. We calculated the actual and free–market racial and ethnic compositions of these tracts as well as adjacent tracts to see how widespread any concentrations of different minorities might be.

crimination–free market. The 2010 Census will reveal whether these concentrations have grown during the past decade.

North Las Vegas

As the table on page 24 shows, in 1990 the proportion of African Americans among North Las Vegas residents was more than three and a half times greater than what would have been expected in a free housing market (34.3 percent rather than 9.3) and the proportion of whites was nearly four–tenths lower (51.6 percent versus 83.4). The proportion of Hispanics was almost twice what would have been expected in a free housing market (16.8 percent rather than 8.6). It is very likely that continuing region–wide discriminatory practices of the private sector and the vestiges of long–discontinued public sector practices made "North Las Vegas" synonymous with "minority community."

Figure 10: North Las Vegas Variety of Housing: Single Family Homes

Figure 11: North Las Vegas Variety of Housing: Mobile Homes

Figure 12: North Las Vegas Variety of Housing: Apartments

Table 11: North Las Vegas Racial and Ethnic Household Composition: 1990–2000

North Las Vegas Racial and Ethnic Household Composition: 1990–2000								
Area	2000 Census				1990 Census			
	White	Black	Asian	Hispanic, Any Race	White	Black	Asian	Hispanic, Any Race
Citywide								
Actual proportions	60.6%	20.6%	2.8%	27.7%	51.6%	34.3%	1.6%	16.8%
Free market	76.6%	8.9%	4.5%	15.0%	83.4%	9.3%	2.6%	8.6%
Difference	**-16.0%**	**11.6%**	-1.6%	**12.7%**	**-31.7%**	**25.0%**	-1.0%	8.1%
Census Tract 36.02								
Actual proportions	19.6%	60.3%	2.4%	17.7%	6.3%	92.9%	0.0%	1.5%
Free market	74.8%	10.3%	4.5%	15.9%	81.6%	10.8%	2.8%	9.0%
Difference	**-55.2%**	**50.1%**	-2.1%	1.7%	**-75.3%**	**82.1%**	-2.8%	-7.5%
Census Tract 36.03								
Actual proportions	100%	0.0%	0.0%	0.0%	Census tract did not exist in 1990			
Free market	76.1%	8.4%	4.6%	16.8%				
Difference	**23.9%**	-8.4%	-4.6%	**-16.8%**				
Census Tract 36.04								
Actual proportions	79.9%	11.5%	3.0%	9.5%	Census tract did not exist in 1990			
Free market	77.9%	8.0%	4.6%	14.3%				
Difference	2.0%	3.5%	-1.6%	-4.8%				
Census Tract 36.05								
Actual proportions	73.8%	14.6%	3.5%	8.8%	Census tract did not exist in 1990			
Free market	77.9%	8.0%	4.6%	14.5%				
Difference	-4.0%	6.6%	-1.1%	-5.7%				
Census Tract 36.06								
Actual proportions	74.3%	12.6%	8.0%	7.8%	Census tract did not exist in 1990			
Free market	79.2%	7.1%	4.6%	13.2%				
Difference	-4.9%	5.5%	3.4%	-5.5%				
Census Tract 36.07								
Actual proportions	74.0%	15.4%	6.8%	12.3%	Census tract did not exist in 1990			
Free market	79.4%	7.1%	4.7%	13.0%				
Difference	-5.3%	8.3%	1.1%	-0.7%				

Table continued on next page

Ten years later it appears that North Las Vegas had made substantial progress toward mitigating discriminatory practices since the differences between the actual and free market proportions of Caucasians had been cut nearly in half (from 31.7 to 16 percent) and of African Americans by more than half (from 25 to 11.6 percent). However, the data reveal an increasing concentration of Hispanics in North Las Vegas and the difference between actual and free market increased by more than half (from 8.1 percent to 12.7).

Table continued from previous page

North Las Vegas Racial and Ethnic Household Composition: 1990–2000

Area	2000 Census				1990 Census			
	White	Black	Asian	Hispanic, Any Race	White	Black	Asian	Hispanic, Any Race
Census Tract 36.08								
Actual proportions	78.9%	8.5%	3.6%	15.7%	Census tract did not exist in 1990			
Free market	77.9%	7.9%	4.6%	14.4%				
Difference	1.0%	0.6%	-0.9%	1.3%				
Census Tract 36.09								
Actual proportions	86.5%	3.9%	3.1%	6.2%	Census tract did not exist in 1990			
Free market	78.7%	7.5%	4.6%	13.5%				
Difference	7.8%	-3.6%	-1.5%	-7.3%				
Census Tract 36.10								
Actual proportions	76.9%	13.9%	1.4%	12.2%	Census tract did not exist in 1990			
Free market	78.6%	7.6%	4.6%	13.6%				
Difference	-1.7%	6.2%	-3.1%	-1.4%				
Census Tract 36.11								
Actual proportions	65.4%	19.2%	4.0%	13.5%	Census tract did not exist in 1990			
Free market	77.4%	8.3%	4.5%	14.7%				
Difference	**-11.9%**	**10.8%**	-0.6%	-1.2%				
Census Tract 36.12								
Actual proportions	72.7%	13.0%	3.5%	12.7%	Census tract did not exist in 1990			
Free market	78.2%	7.8%	4.6%	13.9%				
Difference	-5.6%	5.2%	-1.1%	-1.2%				
Census Tract 36.13								
Actual proportions	67.2%	18.5%	3.6%	15.4%	Census tract did not exist in 1990			
Free market	78.1%	7.9%	4.5%	14.1%				
Difference	**-10.9%**	**10.6%**	-0.9%	1.4%				
Census Tract 36.14								
Actual proportions	62.0%	26.6%	3.5%	13.3%	Census tract did not exist in 1990			
Free market	77.7%	8.0%	4.6%	14.6%				
Difference	**-15.7%**	**18.6%**	-1.1%	-1.2%				

Table continued on next page

During the 1990s, the actual proportion of Asians living in North Las Vegas has been nearly identical to the proportion expected in a free housing market.

As explained on page 17, the number of African Americans in North Las Vegas has not shrunk. During the 1990s, the number of African Americans individuals increased 23 percent, from 17,827 to 21,970, while the White population more than tripled from 21,578 to 64,591. Meanwhile the Hispanic population more than quadrupled from 10,590 to 43,435. Overall, the city's total population skyrocketed 142 percent to 115,488 from 47,707. So even with a small increase in Black population, the *percentage* of African Americans declined substantially in North Las Vegas.

Table continued from previous page

North Las Vegas Racial and Ethnic Household Composition: 1990–2000

Area	2000 Census				1990 Census			
	White	Black	Asian	Hispanic, Any Race	White	Black	Asian	Hispanic, Any Race
Census Tract 36.15								
Actual proportions	69.2%	22.3%	4.0%	8.1%	Census tract did not exist in 1990			
Free market	77.0%	8.6%	4.6%	14.8%				
Difference	-7.8%	**13.7%**	-0.5%	-6.7%				
Census Tract 37.00								
Actual proportions	10.4%	83.3%	0.0%	11.4%	4.7%	95.3%	0.0%	0.0%
Free market	74.8%	10.3%	4.4%	16.0%	84.4%	8.5%	2.6%	8.3%
Difference	**-64.4%**	**73.0%**	-4.4%	-4.7%	**-79.7%**	**86.8%**	-2.6%	-8.3%
Census Tract 38.00								
Actual proportions	46.6%	25.3%	1.9%	43.4%	46.1%	37.8%	0.7%	23.4%
Free market	73.4%	11.7%	4.4%	16.0%	81.6%	10.8%	2.6%	9.1%
Difference	**-26.8%**	**13.6%**	-2.5%	27.4%	**-35.5%**	**27.0%**	-1.8%	**14.4%**
Census Tract 40.00								
Actual proportions	62.4%	4.4%	1.9%	62.2%	73.6%	9.1%	3.7%	19.7%
Free market	75.2%	9.8%	4.4%	16.5%	83.6%	9.1%	2.6%	8.7%
Difference	**-12.8%**	-5.4%	-2.5%	**45.7%**	**-10.0%**	0.0%	1.1%	**11.1%**
Census Tract 41.00								
Actual proportions	62.9%	6.1%	1.5%	53.0%	82.3%	7.4%	1.8%	13.8%
Free market	76.4%	8.9%	4.5%	15.6%	84.8%	8.1%	2.6%	8.2%
Difference	**-13.5%**	-2.8%	-2.9%	**37.4%**	-2.5%	-0.7%	-0.7%	5.5%
Census Tract 42.00								
Actual proportions	63.3%	6.1%	2.1%	54.2%	67.1%	14.4%	2.2%	21.1%
Free market	75.2%	9.8%	4.4%	16.3%	83.4%	9.1%	2.6%	8.8%
Difference	**-12.0%**	-3.6%	-2.3%	**37.9%**	**-16.3%**	5.3%	-0.3%	**12.3%**
Census Tract 43.00								
Actual proportions	64.0%	5.3%	0.0%	79.3%	51.2%	16.6%	1.7%	34.9%
Free market	74.4%	10.6%	4.4%	16.5%	82.9%	9.6%	2.5%	9.0%
Difference	**-10.3%**	-5.3%	-4.4%	**62.8%**	**-31.7%**	9.0%	-0.9%	**25.9%**

Table continued on next page

While the racial composition of the city as a whole grew closer to what would be expected in a free housing market during the 1990s, the Hispanic population grew disproportionately larger. The table "North Las Vegas Racial and Ethnic Household Composition: 1990–2000," however, also reveals that some substantial levels of segregation continue to exist in parts of North Las Vegas. Concentrations of Hispanics have been developing adjacent to the city's Black enclave, and conditions appear to be ripe for expansion of minority concentrations. Meanwhile some parts of the city are becoming less segregated and others more integrated.

Table continued from previous page

North Las Vegas Racial and Ethnic Household Composition: 1990–2000

Area	2000 Census				1990 Census			
	White	Black	Asian	Hispanic, Any Race	White	Black	Asian	Hispanic, Any Race
Census Tract 44.00								
Actual proportions	43.3%	26.1%	0.8%	52.6%	48.9%	36.9%	1.6%	17.0%
Free market	74.3%	10.7%	4.4%	16.4%	83.5%	9.2%	2.6%	8.6%
Difference	-31.0%	15.5%	-3.6%	36.1%	-34.6%	27.7%	-0.9%	8.4%
Census Tract 45.00								
Actual proportions	45.2%	28.6%	2.9%	42.1%	55.6%	28.9%	2.4%	17.2%
Free market	75.7%	9.5%	4.5%	15.8%	84.8%	8.1%	2.6%	8.3%
Difference	-30.5%	19.1%	-1.6%	26.3%	-29.1%	20.7%	-0.1%	8.9%
Census Tract 46.00								
Actual proportions	39.3%	26.6%	2.4%	51.4%	35.4%	53.1%	2.2%	12.2%
Free market	74.5%	10.4%	4.4%	16.4%	82.1%	10.3%	2.7%	8.9%
Difference	-35.2%	16.2%	-2.1%	35.0%	-46.7%	42.8%	-0.5%	3.2%
Census Tract 47.15								
Actual proportions	56.9%	19.2%	3.8%	33.9%	Census tract did not exist in 1990			
Free market	75.9%	9.4%	4.4%	15.9%				
Difference	-19.0%	9.9%	-0.6%	18.1%				
Census Tract 60.00								
Actual proportions	70.5%	15.3%	2.7%	11.4%	Census tract did not exist in 1990			
Free market	75.1%	9.7%	4.4%	16.7%				
Difference	-4.6%	5.6%	-1.7%	-5.4%				
Census Tract 61.02								
Actual proportions	69.7%	14.1%	3.5%	18.9%	Census tract did not exist in 1990			
Free market	75.7%	9.4%	4.5%	15.9%				
Difference	-6.1%	4.7%	-1.0%	3.0%				

Source: 1990 and 2000 U.S. Census.

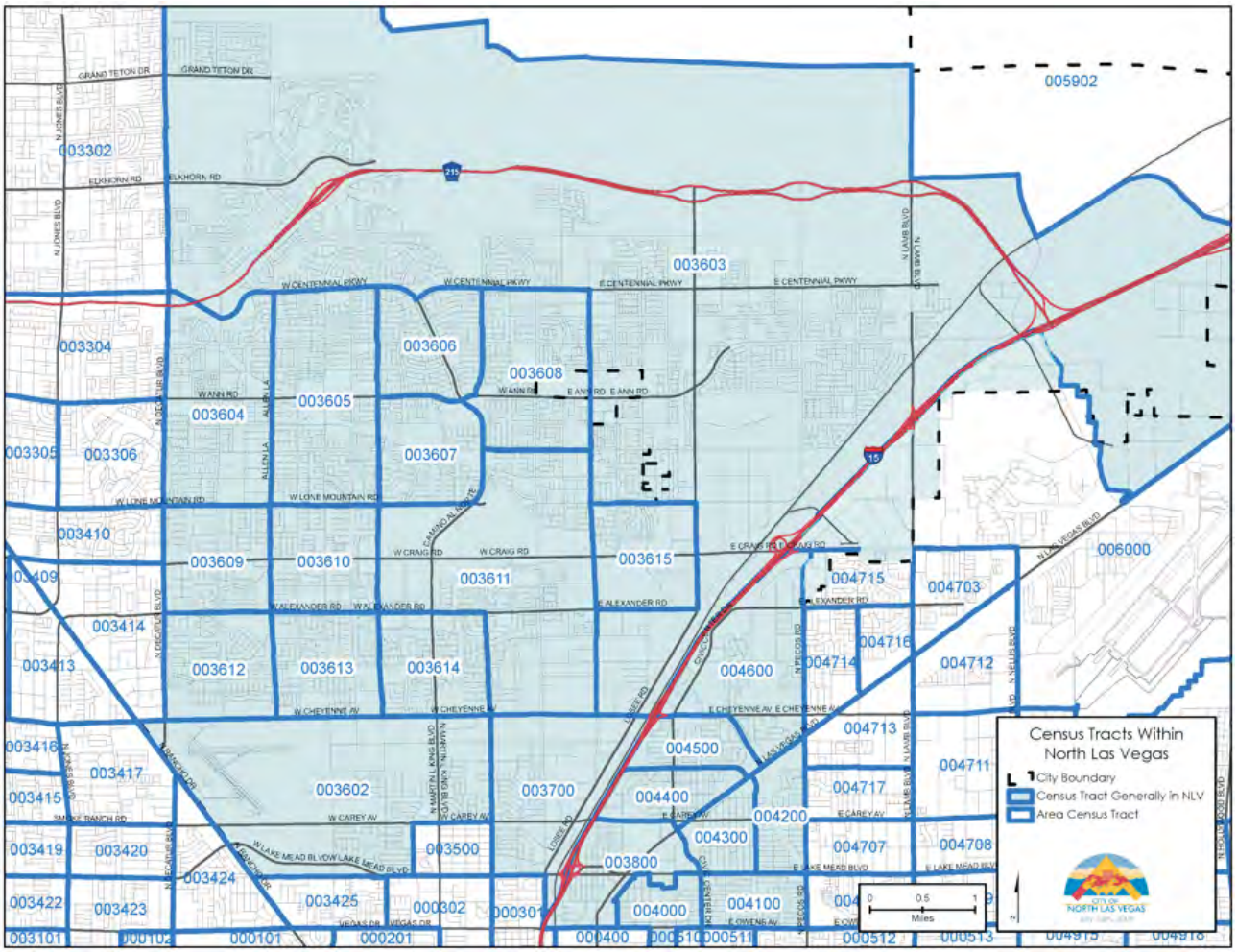
The racial and ethnic composition of ten of the city's 26 census tracts — 38.5 percent — is close to what would be expected in a free housing market absent racial and ethnic discrimination.[10] *This is a higher percentage of tracts than in many cities across the nation.* These tracts are outside the central core of North Las Vegas, largely in the northwest quadrant of the city. Nellis Air Force Base in the far northeastern corner of the city includes of two of these tracts.

In 2000, tract 36.03 which consisted largely of new development was all–white. Differences in median household income do not account for this situation. Had income determined who lived in this tract, its households would have been

10. Tracts 36.04, 36.05, 36.06, 36.07, 36.08, 36.09, 36.10, 36.12, and tracts 60.00, and 61.02 in the Nellis Air Force Base.

approximately 76.1 percent white, 8.4 percent African American, 16.8 percent Hispanic, and 4.6 percent Asian. It is possible that practices of the real estate industry steered minorities away from this developing area. However the 2010 Census may show a different picture.

Figure 13: North Las Vegas Census Tracts: 2000



Some of the census tracts in blue are mostly, but not entirely, in North Las Vegas.
The decimal point is omitted from each census tract's number and two zeros appear before the four digit number.
Source: City of North Las Vegas.

North Las Vegas' geographic core consists of concentrations of African Americans so extreme as to rival the most racially–segregated neighborhoods in the country and areas of Hispanic concentration that suggest similarly segregated Hispanic enclaves are developing. Next to these 11 tracts[11] are four tracts[12] of lesser concentrations. Initial 2010 Census data show that all 15 tracts are being consolidated into these Hispanic enclaves. The proportion of Hispanic individuals living in each of these tracts increased substantially during the past decade to as high as 88.7 and 90.4 percent in the two tracts that replaced tract 43.00.

11. Tracts 36.02, 37.00, 38.00, 40.00, 41.00, 42.00, 43.00, 44.00, 45.00, 46.00, and 47.15.
12. Tracts 36.11, 36.13, 36.14, and 26.15.

The most extreme concentration of African Americans is in adjacent tracts 36.02 and 37.00 which were 60.3 and 83.3 percent Black respectively in 2000. In a free housing market, both tracts would have been about 10 percent Black and 75 percent white. Instead tract 36.02 was 19.6 percent white and 37.00 was just 10.4 percent. Both tracts had Asian and Hispanic populations close to what would be expected in a free housing market.

The data for 2000 shown in the table "North Las Vegas Racial and Ethnic Household Composition: 1990–2000" indicate that both tracts were becoming more integrated than in 1990. In 1990, tract 36.02 had been 92.9 percent African American, 82 percentage points more than would be expected in a free housing market, with a white population of just 6.3 percent, 75 percent less than in a free housing market.

In 1990, tract 37.00 was 95 percent Black, 87 percent more than expected in a housing market free of discrimination, with a white population of 4.7 percent, about 80 percent less than in a discrimination–free housing market.

In both 1990 and 2000 the proportion of Asians in both tracts was close to what would exist in a free housing market. The proportion of Hispanics in both tracts in 1990 was about eight percentage points lower than would be expected in a discrimination–free housing market. In 2000, it was close to what would be expected in a free housing market.

Remembering that change in housing patterns is incremental, these modifications in racial composition between 1990 and 2000 indicate significant progress toward integration. If the trends of the 1990s continue, the 2010 Census will show a continuing reduction in the racial isolation and segregation in these two census tracts.

The census tracts north of 36.02 and 37.00 also exhibit hints of less racial isolation and more racial and ethnic integration during the 1990s. The proportion of African American residents in tracts 36.11, 36.13, 36.14, and 36.15 ranged from 10.6 to 18.6 percentage points higher than would be expected in a free housing market in 2000. But these differences were substantially lower than in 36.02 and 37.00. The proportion of whites ranged from 7.8 to 15.7 percentage points less than would be anticipated in a free housing market — again substantially less than in 36.02 and 37.00. The Hispanic and Asian populations in these tracts were roughly what would be expected in a housing market free of discrimination.

The data for the tracts east of 37.00, however, suggest a growing concentration of Hispanic residents and greater segregation by ethnicity as the proportion of African Americans in them gets closer to what would be expected in a free housing market. Looking north along the tracts that border U.S. Highway 15 on their west ends, tracts 38.00, 44.00, 45.00, 46.00, and 47.15 had Black populations in 2000 ten to 19 percentage points greater than in a free housing market. Ten years earlier their African American populations were 21 to 43 percentage points higher than in a discrimination–free housing market.

However, all five of these tracts became substantially more Hispanic during the 1990s. In 1990 the proportion of Hispanic residents greater than expected in a free housing market ranged from just 3.2 to 14.4 percent. But in 2000, the range was from 18 to 35 percent.

A similar shift to a concentration of Hispanic residents occurred in adjacent tracts 40.00 and 43.00 as well as the tracts immediately east of them, 41.00 and 42.00. In 1990 the proportion of Hispanic residents greater than expected in a free housing market ranged from 5.5 to 25.9 percent. But by 2000, the range had become 37.4 to 62.8 percent. A similarly–sized area of Las Vegas census tracts south of these have also become far more Hispanic than would be expected in a free housing market. It appears that a fairly large area is becoming consolidated into a clearly identifiable Hispanic concentration.

As of this writing, the 2010 Census data needed to conduct a similar free housing market analysis was not yet available. However, the 2010 data on individuals living in each census tract shows substantial increases in the proportion of Hispanic residents in each of these tracts suggesting an increase in ethnic concentration and ethnic segregation in these areas.

Suggestion Once the necessary data are available from the 2010 Census, North Las Vegas should conduct another free housing market analysis to determine the extent of housing segregation in each of its census tracts. Chapter 5 of this report explains the steps the consortium jurisdictions can take to mitigate and start to reverse segregative trends and promote the integrative trends of the 1990s.

Boulder City

Boulder City became even less racially and ethnically diverse during the 1990s. In a free housing market devoid of racial discrimination, Boulder City would have been about 85.5 percent white in 1990, not 98.3 percent. Its Hispanic population would have been over six times greater than it was. Five times as many Asian households would have lived in Boulder City. About 395 African American households (7.7 percent of all households) would have lived there instead of zero. Even in 2000, the number of Black households in a free housing market would have been more than 29 times greater than the number that actually lived in Boulder City.

In 2000, the proportion of Caucasians in every census tract was 18.2 to 20.3 percentage points greater than would be expected in a free housing market. In 1990, the difference was between 12 to 13.6 percent.

In three out of four census tracts, the proportion of Hispanics was more than ten percentage points less than what would be expected in a free housing market — the difference was 9.3 percent in the fourth tract. In one tract, less than one–half of one percent of the residents were Hispanic while in a free market absent discrimination the percentage would have been about 14 percent. In the other tracts, the actual proportion of Hispanics ranged from one–sixth to one–third of what would be expected if income determined who lived there. The proportion of Hispanics actually declined during the 1990s. In 1990, Boulder City's Hispanic population was about one–third of what would be expected absent discrimination. In 2000, it had declined to one–sixth.

Table 12: Boulder City Household Racial and Ethnic Composition: 1990–2000

Boulder City Racial and Ethnic Household Composition: 1990–2000								
Jurisdiction	2000 Census				1990 Census			
	White	Black	Asian	Hispanic, Any Race	White	Black	Asian	Hispanic, Any Race
Boulder City								
Actual proportions	96.8%	0.3%	0.8%	2.3%	98.3%	0.0%	0.5%	2.5%
Free market	77.4%	8.6%	4.5%	14.3%	85.6%	7.7%	2.5%	7.9%
Difference	**19.4%**	-8.3%	-3.7%	**-12.0%**	**12.8%**	-7.7%	-2.0%	-5.3%
Census Tract 55.01								
Actual proportions	96.7%	0.5%	1.8%	0.4%	98.4%	0.0%	1.4%	1.8%
Free market	77.0%	8.9%	4.4%	14.6%	84.8%	8.2%	2.5%	8.2%
Difference	**19.7%**	-8.4	-2.7%	**-14.2%**	**13.6%**	-8.2%	-1.1%	-6.4%
Census Tract 55.02								
Actual proportions	96.7%	0.0%	0.0%	2.3%	98.5%	0.0%	0.3%	1.9%
Free market	78.5%	7.9%	4.6%	13.5%	86.5%	7.0%	2.5%	7.4%
Difference	**18.2%**	-7.9%	-4.6%	**-11.2%**	**12.0%**	-7.0%	-2.2%	-5.5%
Census Tract 55.03								
Actual proportions	96.6%	0.0%	0.9%	3.0%	97.8%	0.0%	0.4%	2.7%
Free market	76.3%	9.2%	4.5%	15.2%	84.4%	8.4%	2.5%	8.4%
Difference	**20.3%**	-9.2%	-3.5%	**-12.2%**	**13.3%**	-8.4%	-2.1%	-5.6%
Census Tract 55.04								
Actual proportions	97.1%	0.7%	0.0%	4.7%	98.8%	0.0%	0.0%	4.0%
Free market	77.9%	8.3%	4.5%	14.0%	86.4%	7.1%	2.5%	7.4%
Difference	**19.2%**	-7.6%	-4.5%	-9.3%	**12.5%**	-7.1%	-2.5%	-3.4%

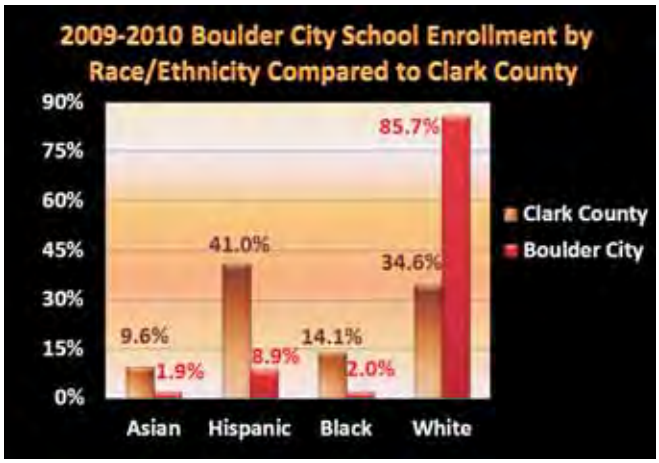
Source: 1990 and 2000 U.S. Census

Far fewer Asians live in Boulder City than expected. The percentage of Asian households grew from 0.5 percent in 1990 to 0.8 in 2000. However, in 2000 approximately 4.5 percent of the population would have been Asian in a discrimination–free housing market — five and a half times more than the actual population. In 1990, the difference was five times.

Figure 14: Boulder City Boasts Homes in a Wide Variety of Price Ranges

While the 2010 Census could show a vastly different picture, it's unlikely given the racial and ethnic composition of the Boulder City public schools. In the 2009–2010 school year, whites comprised 85.7 percent of the city's public school student body. The 41 African American pupils constituted 2 percent and the 40 Asian students 1.9 percent. The 182 Hispanic pupils amounted to 8.9 percent of the student population. These figures are nearly identical to five years earlier.[13] They suggest the 2010 Census will show minimal change in the city's racial and ethnic composition during the past ten years ago.

Figure 15: 2009–2010 Boulder City School Enrollment by Race/Ethnicity Compared to Clark



Source: Nevada Annual Reports of Accountability, *Clark County School District Reports: 2009–2010.*

In fact, the initial 2010 Census data of individuals (not households) show that Boulder City had become only marginally more diverse: 92.3 percent Caucasian (down from 94.5), 0.9 percent African American (up from 0.7), 1.1 percent Asian (up from 0.7), and 7.1 percent Hispanic of any race (up from 4.3). These proportions continue to reflect severe levels of segregation.

The data suggest the strong likelihood that several classic segregative phenomena are at work in Boulder City. It is *possible* that few African Americans, Latinos, and Asians even consider moving to Boulder City because most feel they would not be welcome if they moved there. It is also *possible* that Blacks, Hispanics, and Asians who seek to move to Boulder City have been steered away from Boulder City. The only way to know for certain is to conduct "testing" of real estate and rental agents in Boulder City and in nearby portions of Clark County.

Mesquite

While the proportion of Hispanics who live in Mesquite in 2000 was very close to what would be expected in a free housing market, the picture for Asians and African Americans was the same as in Boulder City.

Mesquite's 119 Asian residents constituted 0.7 percent of the population in 2000. In a free market, there would likely have been six times as many Asian resi-

13. Nevada Annual Reports of Accountability, *Clark County School District Reports: 2004–2005 and 2009–2010*. An Excel spreadsheet with city and individual school data from these reports entitled "Boulder City & Mesquite Schools – Race and Low Income 2005–2010.xlsx" is available from the Clark County Community Resources Management Division.

dents. The city's 61 Black residents comprised 0.4 percent of the city. In a free market there would have been 20 times more African American residents in Mesquite.

Table 13: Mesquite Household Racial and Ethnic Composition: 2000

Table : Mesquite Household Racial and Ethnic Composition: 2000				
Jurisdiction	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Mesquite Citywide				
Actual proportions	88.5%	0.4%	0.7%	14.1%
Free market	76.6%	8.9%	4.5%	15.3%
Difference	11.9%	-8.5%	-3.8%	-1.2%
Census Tract 56.06				
Actual proportions	85.9%	1.2%	1.0%	17.5%
Free market	76.9%	8.7%	4.5%	15.2%
Difference	9.0%	-7.5%	-3.5%	2.3%
Census Tract 56.07				
Actual proportions	82.6%	0.6%	1.6%	23.5%
Free market	76.1%	9.2%	4.4%	15.8%
Difference	6.5%	-8.5	-2.8%	7.7%
Census Tract 56.08				
Actual proportions	82.3%	0.0%	0.0%	11.5%
Free market	77.2%	8.7%	4.4%	14.8%
Difference	5.1%	-8.7%	-4.4%	-3.3%
Census Tract 56.09				
Actual proportions	88.8%	0.0%	0.0%	11.5%
Free market	76.0%	9.3%	4.6%	15.1%
Difference	12.9%	-9.3%	-4.6%	-3.6%
Census Tract 56.11				
Actual proportions	81.5%	0.0%	0.0%	20.8%
Free market	76.9%	8.6%	4.5%	15.3%
Difference	4.7%	-8.6%	-4.5%	5.6%
Census Tract 59.01				
Actual proportions	99.1%	0.0%	0.0%	3.9%
Free market	76.6%	9.0%	4.5%	15.0%
Difference	22.5%	-9.0%	-4.5%	-11.1%

Because Mesquite consisted of census tracts 56.03 and 59.00 in 1990 which are not comparable to any of the tracts that comprised the city in 2000, it is impossible to compare the two years.
Source: 2000 U.S. Census.

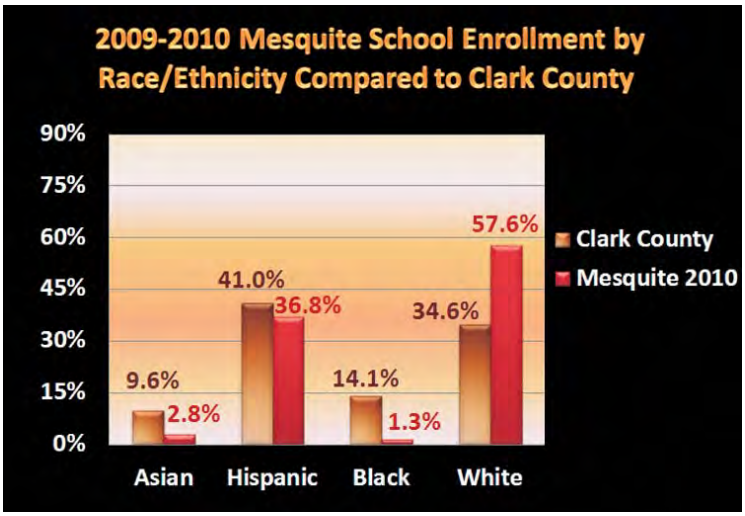
Overall the city's white population was 11.9 percentage points greater than what would be expected in a housing market free of discrimination. However, the

proportion of whites was off by more than ten points in only two of seven census tracts. Tract 59.01 was virtually all white at 99.1 percent, 22.5 percentage points greater than the 76.6 percent expected in a free housing market. In a free housing market, approximately 9 percent of the residents would be African American and about 4.5 percent Asian. Fifteen percent would be Hispanic instead of the 3.9 percent who actually lived in this tract.

Two tracts showed early signs of *possible* Hispanic concentrations developing. Tract 56.11 was nearly 21 percent Hispanic, more than one–third higher than expected in a free housing market. No Blacks or Asians lived in tract 56.11. Hispanics comprised 23.5 percent of tract 56.07, about one–half more than the proportion that would be anticipated in a free housing market.

Public school enrollment for the 2009–2010 school year suggests that Mesquite's racial and ethnic composition did not change much in the past decade. These figures are nearly identical to those for 2004–2005. As a general rule of thumb, the proportion of the public schools' student body that is minority tends to be about two to two and a half times that of the general population.[14]

Figure 16: 2009–2010 Mesquite School Enrollment by Race/Ethnicity Compared to Clark County



Source: Nevada Annual Reports of Accountability, *Clark County School District Reports: 2009–2010*.

In fact, intial data from the 2010 Census show that Mesquite had become a bit less racially and ethnically diverse: 83.5 percent Caucasian (up from 80.3 percent in 2000), 1 percent African American (up from 0.6), 1.8 percent Asian (up from 1.3), and 23.9 percent Latino (down from 24.8). While Mesquite's racial composition continued to reflect severe levels of segregation it is important to note that relatively few African Americans or Asians would be likely to move to Mesquite since it is 95 miles from the county's urban core and the county's Black and Asian institutions.

City officials should carefully examine the 2010 census to see if these concentrations have grown. Ethnic enclaves do not appear out of nowhere. They start with a small concentration greater than what would be expected in a free housing market. Mesquite will have the opportunity to prevent segregative housing patterns from developing beyond tract 59.01 if it acts to nip them in the bud.

14. This accounts for the relatively high proportion of Hispanic students in the public schools that serve Mesquite. Historically, relatively new immigrant groups have consisted of households of childbearing age and Hispanic households historically have more children than other groups.

Public Schools

The racial composition of public schools is relevant to fair housing because researchers have long known that changes in school racial composition can foreshadow changes in the racial composition of the surrounding community. The challenge to fair housing derives from the way potential Caucasian home seekers perceive the "quality of schools" as a major factor in choosing a home. No matter how inaccurate their views are and regardless of objective standards, a great many white people perceive predominantly white schools as superior, and predominantly minority schools as inferior.[15] So there is a substantial proportion of white households that avoid moving into a school's attendance area because whites are in the minority at the school even though students at the school may be receiving an excellent education.

School systems can help take the racial composition out of the equation used by Caucasian households to decide where to live by adjusting attendance zones and the judicious use of magnet and "controlled choice" schools to help the student body at schools better reflect the demographic composition of the entire district.

Researchers have found that throughout the nation, when the student body of a public school has become mostly African American, the school and surrounding neighborhood have almost always "resegregated," changed from nearly all–white to nearly all–black over an average of 13 years. So–called "white flight" does not necessarily take place. White demand for housing in the neighborhood shrinks while the proportion of members of minority groups moving in grows.[16] While this kind of resegregation has been the usual pattern, it does *not* have to be inevitable.

The Clark County School District reports that it has adopted on its own policies to help produce or maintain racially– and ethnically–integrated schools — no judicial mandate is involved. Since 1994, the Attendance Zone Advisory Commission (AZAC) annually reviews attendance zone boundaries for all Clark County public schools with an eye on enhancing the diversity of student enrollment in each school by taking into account economic and racial diversity.[17]

Among the 13 criteria for determining new or revised attendance zones is the criterion "Racial, ethnic, and socio–economic diversity of students enrolled at a school.[18] The district's adopted policy clearly states, "The Clark County School District is committed to taking reasonable measures to enhance the diversity of student enrollment within each school." Among the measures the district uses

15. Juliet Saltman, *A Fragile Movement: The Struggle for Neighborhood Stabilization* (Westport, Connecticut: Greenwood Publishing Group, 1990), page 629 of the 1989 manuscript.
16. Ibid. Also see Daniel Lauber, "Racially Diverse Communities: A National Necessity," in Wendy Kellogg, ed., *African Americans in Urban America: Contemporary Experiences* (Dubuque: Kendall/Hunt, 1996), 180–200.
17. The Attendance Zone Advisory Commission consists of two representatives appointed by each of the seven School Board Trustees plus one appointed by the Superintendent. Telephone interview with Richard Baldwin, Acting Director of Demographics, Zoning, and GIS, Clark County School District, December 21, 2010.
18. "Clark County School District Regulation 7111 District Attendance Zoning," p. 2 (Revised August 24, 2006).

are establishing magnet schools and special programs; "considering acquisition of school sites that have potential to maintain or improve diversity;" and monitoring and regulating all zone variance requests from parents pursuant to the policy.[19] These policies and practices suggest that the Clark County School District would participate in efforts to prevent resegregation to maintain stable, racially– and ethnically–integrated neighborhoods.

Employment

Unincorporated Clark County's economy has taken a serious hit from the "Great Recession," in large part due to its dependency on the tourist and gaming industries. It's important to remember that what is popularly known as the "Las Vegas Strip" is actually in unincorporated Clark County, not the City of Las Vegas.

The first table below shows the distribution of private sector businesses by broad category as well as by number of employees for 2008, the most recent year for which the data were available.

Figure 17: The Unincorporated Clark County Strip Best Known as the "Las Vegas Strip"

Figure 18: Mesquite Rentals

19. Ibid., p. 3.

Table 14: Clark County Private Sector Businesses by Industry and Number of Employees: 2008

Clark County Private Sector Businesses by Industry and Number of Employees: 2008										
Industry	Total Number of Businesses	Number of Businesses by Number of Employees								
		1–4	5-9	10–19	20–49	50–99	100–249	250–499	500–999	1000+
Total	**41,023**	**21,302**	**7,513**	**5,529**	**3,999**	**1,469**	**825**	**196**	**115**	**75**
Forestry, fishing, hunting, and agriculture support	20	18	2	-	-	-	-	-	-	-
Mining	50	31	3	10	5	1	-	-	-	-
Utilities	43	11	4	6	10	7	1	1	3	-
Construction	3,571	1,548	602	544	497	209	116	34	19	2
Manufacturing	1,031	420	191	158	156	57	38	7	3	1
Wholesale trade	1,947	1,041	375	263	183	47	25	9	4	-
Retail trade	5,756	2,057	1,566	1,084	607	245	167	22	8	-
Transportation and warehousing	873	460	131	101	81	41	28	15	10	6
Information	735	423	101	97	64	32	14	1	1	2
Finance and insurance	3,197	2,093	535	319	178	40	21	7	2	2
Real estate and rental leasing	2,912	2,055	433	246	110	39	15	9	4	1
Professional, scientific and technical services	5,315	3,712	722	477	274	83	38	5	2	2
Management of companies & enterprises	499	305	46	49	46	31	10	8	2	2
Administration, support, waste management, remediation services	2,910	1,590	426	337	274	147	93	27	11	5
Educational services	436	229	63	51	54	21	17	1	-	-
Health care and social assistance	4,159	2,226	879	521	339	110	60	11	7	6
Arts, entertainment and recreation	844	487	103	67	61	75	40	8	2	1
Accommodation and food services	3,979	962	740	895	918	244	112	28	35	45
Other services (except public administration)	2,674	1,569	586	303	141	40	30	3	2	-
Unclassified businesses	72	65	5	1	1	-	-	-	-	-

Source: *County Business Patterns*, U.S. Census Bureau online at http://www.census.gov/econ/cbp/index.html

Figure 19: Vista of Lake Mead in Boulder City

Table 15: Clark County: Number of Employees by Type of Business, August 2010

Clark County: Number of Employees by Type of Business, August 2010			
CES Industry Title	**Number Employed**	**CES Industry Title**	**Number Employed**
Total Nonfarm	**790,300**	**Total Private Sector**	**700,300**
Total Service Providing	**723,200**	**Total Private Sector Service**	**633,200**
Leisure and Hospitality	248,500	Manufacturing	19,700
Accommodation and Food Service	232,500	Real Estate and Rental Leasing	17,100
Accommodation	159,200	Arts, Entertainment, and Recreation	16,000
Casino Hotels	148,500	Hospitals	15,600
Trade, Transportation and Utilities	144,100	Food and Beverage Stores	15,000
Professional and Business Services	98,900	Management of Companies	14,800
Government	90,000	State Government	14,600
Retail Trade	89,000	Credit Intermediation and Related	13,600
Food Services and Drinking Places	73,300	Federal Government	12,200
Education and Health Services	67,900	Durable Goods	12,100
Goods Producing	67,100	Transit and Ground Passenger	11,900
Local Government	63,200	Amusement, Gambling, and Recreation	10,900
Health Care and Social Assistance	62,900	Building Finishing Contractors	8,900
Administrative and Support and Waste Management	53,200	Taxi and Limousine Service	8,900
Administrative and Support Services	52,100	Information	8,900
Construction	47,100	Employment Services	8,700
Financial Activities	39,900	Non–Durable Goods	7,800
Full-Service Restaurants	37,400	Construction of Buildings	7,500
General Merchandise, Clothing and Accessories	34,600	Building Foundation and Exterior Contractors	7,100
Specialty Trade Contractors	34,300	Other Support Services	6,600
Transportation, Warehousing and Utilities	33,900	Health and Personal Care Stores	5,900
Transportation and Warehousing	31,000	Air Transportation	5,300
Professional, Scientific and Technical	30,900	Gambling Industries	4,700
Ambulatory Health Care Services	30,300	Other Miscellaneous (includes slot manufacturing)	4,500
Limited-Service Restaurants	26,400		
Other Services	25,000	Telecommunications	3,200
Finance and Insurance	22,800	Utilities	2900
Wholesale Trade	21,200	Natural Resources and Mining	300

Source: *Nevada Workforce Informer,* Department of Employment Training and Rehabilitation, Research & Analysis Bureau, http://www.nevadaworkforce.com

The above table confirms that the gaming and tourist industries generate the vast majority of jobs in Clark County.

Most of the population of unincorporated Clark County — as well as the population of North Las Vegas — is intimately tied to the Las Vegas economy and job market where Clark County's largest employers are located as shown in the table below. Only 25 miles southeast of Las Vegas, Boulder City falls well within the economic influence of Las Vegas and functions as a suburb of Las Vegas.

Table 16: Twenty Largest Clark County Employers: 2009

Twenty Largest Clark County Employers: 2009		
Employer	**Nature of Employer**	**Number of Employees**
Clark County School District	Elementary and secondary schools	30,000 to 39,999
Clark County	Local government	8,500 to 8,999
Wynn Las Vegas	Casino hotel	8,000 to 8,499
Bellagio	Casino hotel	8,000 to 8,499
MGM Grand Hotel/Casino	Casino hotel	7,500 to 7,999
Madalay Bay Resort and Casino	Casino hotel	6,000 to 6,499
Las Vegas Metropolitan Police	Police protection	5,500 to 5,999
University of Nevada at Las Vegas	Higher education	5,500 to 5,999
Caesars Palace	Casino hotel	5,000 to 5,499
Mirage Casino–Hotel	Casino hotel	4,500 to 4,999
The Venetian Casino Resort	Casino hotel	4,000 to 4,499
University Medical Center of Southern Nevada	General medical and surgical hospital	4,000 to 4,499
The Palazzo Casino Resort	Casino hotel	3,500 to 3,999
Flamingo Las Vegas	Casino hotel	3,000 to 3,499
Encore Las Vegas	Casino hotel	3,000 to 3,499
Luxor	Casino hotel	3,000 to 3,499
Rio Suite Hotel and Casino	Casino hotel	3,000 to 3,499
Paris Las Vegas	Casino hotel	3,000 to 3,499
City of Las Vegas	Local government	2,500 to 2,499
Treasure Island Hotel Casino	Casino hotel	2,500 to 2,999

Source: *Nevada Workforce Informer,* Nevada Department of Employment Training and Rehabilitation, Research & Analysis Bureau, online at http://www.nevadaworkforce.com

As the table below suggests, the economy of North Las Vegas is much more diverse than unincorporated Clark County. North Las Vegas is not remotely as dependent on the gaming industry. Just eight of the city's 100 largest employers are casinos or casino hotels while 14 are contractors, ten are distributors, eight in transportation, and seven in manufacturing.

Table 17: Largest North Las Vegas Employers: 2009

Largest North Las Vegas Employers: 2009		
Employer	**Nature of Employer**	**Number of Employees**
Clark County School District	Elementary and secondary schools	38,500–40,000
Nellis Air Force Base	Federal government	12,500–13,000
U.S. Department of Energy	Federal government	6,000–6,500
City of North Las Vegas	Local government	2,000–2,499
College of Southern Nevada	Higher education	2,000–2,499
Marmaxx Distribution Center	Distribution	1,000–1,400
Veolia Transportation	Transportation	1,000–1,400
Walmart Supercenters	Retail	1,000–1,400
National Security Technologies	Defense and energy contractor	900–999
Texas Station	Casino hotel	900–999

Source: City of North Las Vegas, *2010 Community Report*, 2010, p. 10.

Located 95 miles from Las Vegas, Mesquite's economy and job market are less intimately tied to that of Las Vegas. As of 2007, half of the jobs in Mesquite were in entertainment and recreation with 12 percent in construction, 10 percent in retail trade and personal services, and 8.5 percent in educational services.

Table 18: Largest Mesquite Employers: 2009

Largest Mesquite Employers: 2009		
Employer	**Nature of Employer**	**Number of Employees**
Casa Blanca Resort	Hotel & Casino	938
Virgin River Resort	Hotel & Casino	667
Eureka Resort	Hotel & Casino	542
Clark County School District	Elementary and secondary schools	341
City of Mesquite	Local government	263
Walmart	Retail	241
Mesa View Hospital	Health care	200
Primex Plastic Industrial	Industrial	113
Smith's	IGrocery	101
Do It Best Corportation	Distribution center	69

Source: Mesquite Economic Development Department, April 2009

Unlike the rest of Clark County, Boulder City prohibits gaming. Thanks to the city's history and its proximity to the Hoover Dam and Lake Mead, the public sector has long dominated Boulder City's economy and, according to the *Boulder City Master Plan,* is considered a key to the city's continued economic health.

Table 19: Largest Boulder City Employers: 2010

Largest Boulder City Employers: 2010		
Employer	**Nature of Employer**	**Number of Employees**
Bureau of Reclamation	Federal government	About 500
City of Boulder City	Local government	340
National Park Service	Federal government	243
Clark County School District	Elementary and secondary schools	193
Papillon Airways, Inc.	Aerial sightseeing	100–110
Fisher Space Pen	Manufacturer	50–60

Source: Boulder City Chamber of Commerce and interviews of each employer, October 2010.

Since completion of the previous analysis of impediments, the size of Clark County's workforce increased nearly 16 percent while the number of unemployed soared almost 270 percent, from 38,475 people in 2004 to 142,137 in 2010. The Great Recession has hit Nevada, and Clark County, particularly hard. By June 2010, Nevada had achieved the nation's highest foreclosure, bankruptcy, and unemployment rates — a rare trifecta of financial and land–use misery.

Table 20: Clark County Work Force: 2004 – 2010

Clark County Work Force: 2004 – 2010				
Year	**Size of Work Force**	**Number Employed**	**Number Unemployed**	**Unemployment Rate**
2010 *	968,156	826,019	142,137	14.7%
2009	982,483	865,070	117,413	12.0%
2008	968,528	904,084	64,444	6.7%
2007	938,622	894,024	44,598	4.8%
2006	917,325	878,962	38,383	4.2%
2005	873,406	837,022	36,384	4.2%
2004	836,834	798,359	38,475	4.6%

* = August 2010 preliminary figures, seasonally adjusted.
Source: United States Bureau of Labor Statistics, http://data.bls.gov

The following table shows how unemployment in Clark County had been lower than national rates until the county's gaming and tourism industries fell victim to the Great Recession starting in 2007.

Table 21: Unemployment Rates: 2004–2010

Unemployment Rates: 2004– 2010			
Year	Clark County	State of Nevada	National
2010 *	14.7%	14.2%	9.6%
2009	12.0%	11.8%	9.3%
2008	6.7%	6.7%	5.8%
2007	4.8%	4.8%	4.6%
2006	4.2%	4.3%	4.6%
2005	4.2%	4.5%	5.1%
2004	4.6%	4.4%	5.5%

* = August 2010 preliminary figures, seasonally adjusted.
Sources: United State Bureau of Labor Statistics, http://www.bls.gov/data. State of Nevada data from *Nevada Workforce Informer,* Nevada Department of Employment Training and Rehabilitation, Research & Analysis Bureau, http://www.nevadaworkforce.com

Racial and Ethnic Composition of Workers Compared to Residents

Data on workforce composition in 2000 is available only for the county and North Las Vegas. The federal government did not publish this type of data for cities as small as Boulder City and Mesquite.

Not surprisingly, the racial and ethnic composition of Clark County's workforce is nearly identical to the composition of employed county residents. Because the county is so large and isolated from other major metropolitan areas it is only natural that residents would comprise the county's workforce.

Racial and ethnic workforce concentrations in Clark County

While people of Spanish ancestry constituted 17.7 percent of the Clark County work force, they comprised 44.1 percent of all laborers and helpers, 34.1 percent of all construction and extractive craft workers, 34.1 percent of all production operative workers, and 26.2 percent of all service workers (except protectives).

African American employees, who constituted 17.7 percent of the county's workforce accounted for 11.6 percent of protective service workers, 11.3 percent of transportation and material moving operative workers, and 11 percent of technicians.

Comprising 5.5 percent of Clark County's workforce, Asians constituted 12.3 of all healthcare practitioner personnel and 9.4 percent of all service workers (except protective). Asians were virtually missing in action in two fields with only 0.7 percent of the construction and extractive craft worker positions and just 1.7 percent of the laborers and helpers jobs.

Table 22: Racial and Ethnic Composition of Who Worked in Clark County: 2000

Racial and Ethnic Composition of Who Worked in Clark County: 2000					
Occupational Group	White Non-Hispanic	Hispanic	Black Non-Hispanic	Asian Non-Hispanic	Others and Multi–Racial Non–Hispanic
Clark County Residents *	64.4%	18.3%	8.0%	5.6%	3.7%
Total Employed in Clark County	65.8%	17.7%	7.4%	5.5%	3.6%
	419,658	112,618	47,114	34,852	23,326
Management, Business, and Financial Workers	81.2%	7.3%	5.1%	3.4%	3.0%
Science, Engineering, and Computer Professionals	79.3%	6.3%	3.6%	6.6%	4.2%
Healthcare Practitioner Professionals	74.0%	4.9%	6.3%	12.3%	2.5%
Other Professional Workers	78.8%	7.5%	7.1%	3.1%	3.5%
Technicians	71.1%	7.4%	11.0%	6.5%	4.0%
Sales Workers	71.4%	12.2%	5.9%	6.5%	4.0%
Administrative Support Workers	70.1%	11.7%	9.6%	4.7%	3.9%
Construction and Extractive Craft Workers	59.2%	34.1%	3.2%	0.7%	2.8%
Installation, Maintenance, and Repair Craft Workers	72.0%	16.0%	4.7%	3.6%	3.7%
Production Operative Workers	52.6%	34.2%	6.3%	4.2%	2.7%
Transportation and Material Moving Operative Workers	65.9%	15.6%	11.3%	3.3%	3.9%
Laborers and Helpers	44.5%	44.1%	6.2%	1.7%	3.5%
Protective Service Workers	73.2%	8.4%	11.6%	3.1%	3.7%
Service Workers, except Protective	51.8%	26.2%	8.7%	9.4%	3.9%

* = The "Clark County Residents" row is the total civilian employed workforce that lives in Clark County.
This table is for all of Clark County. This type of data solely for unincorporated Clark County is not available.
Sources: 2000 Census EEO Data Tool at http://www.census.gov/hhes/www/eeoindex/page_c.html.

The racial and ethnic composition of the working residents of North Las Vegas and of people who work in North Las Vegas differ. While 44.9 percent of the city's working residents was white, 60 percent of the city's workforce was white. The proportion of the city's workforce that was African American, 9.5 percent, was 45 percent less than the proportion of the city's residents who work, 17.3 percent. Hispanics comprised 31 percent of city residents who work, but just 23.7 percent of the city's workforce. The proportion of Asians was nearly identical for both working populations.

Racial and ethnic workforce concentrations in North Las Vegas

As in Clark County, Latinos working in North Las Vegas were concentrated in three fields. They constituted 54.4 percent of all laborers and helpers, 46.9 percent of all construction and extractive craft workers, 44 percent of all production

operative workers, and 29.7 percent of all service workers (except protectives).

African American employees worked in a wider range of professions in North Las Vegas than in the county. They comprised 16.9 percent of all healthcare practitioner professionals, 14.3 percent of all technicians, 21.8 percent of protective service workers, 16.7 percent of transportation and material moving operative workers, and 14.5 percent of service workers (except protective).

Table 23: Racial and Ethnic Composition of Who Worked in North Las Vegas: 2000

Racial and Ethnic Composition of Who Worked in North Las Vegas: 2000					
Occupational Group	White Non-Hispanic	Hispanic	Black Non-Hispanic	Asian Non-Hispanic	Others and Multi-Racial Non-Hispanic
North Las Vegas Residents *	44.9%	31.0%	17.3%	3.9%	2.9%
Total Employed in North Las Vegas	60.0%	23.7%	9.5%	3.8%	3.0%
	20,816	8,217	3,289	1,310	1,041
Management, Business, and Financial Workers	77.6%	7.6%	10.8%	1.7%	2.3%
Science, Engineering, and Computer Professionals	81.5%	8.8%	1.8%	4.0%	3.9%
Healthcare Practitioner Professionals	66.2%	4.5%	16.9%	11.5%	0.9%
Other Professional Workers	74.9%	9.7%	11.3%	3.0%	1.1%
Technicians	67.0%	13.7%	14.3%	2.9%	2.1%
Sales Workers	65.6%	17.5%	7.8%	4.0%	5.1%
Administrative Support Workers	67.3%	15.1%	9.1%	4.3%	4.2%
Construction and Extractive Craft Workers	44.9%	46.9%	2.8%	2.1%	3.3%
Installation, Maintenance, and Repair Craft Workers	74.4%	20.1%	3.4%	0.5%	1.6%
Production Operative Workers	48.3%	44.0%	3.1%	3.4%	1.2%
Transportation and Material Moving Operative Workers	59.8%	16.3%	16.7%	3.2%	4.0%
Laborers and Helpers	33.3%	54.4%	8.6%	1.7%	2.0%
Protective Service Workers	69.2%	5.2%	21.8%	0.5%	3.3%
Service Workers, except Protective	43.4%	29.7%	14.5%	9.3%	3.1%

* = The "North Las Vegas Residents" row is the total civilian employed workforce that lives in North Las Vegas.
Source: 2000 Census EEO Data Tool at http://www.census.gov/hhes/www/eeoindex/page_c.html.

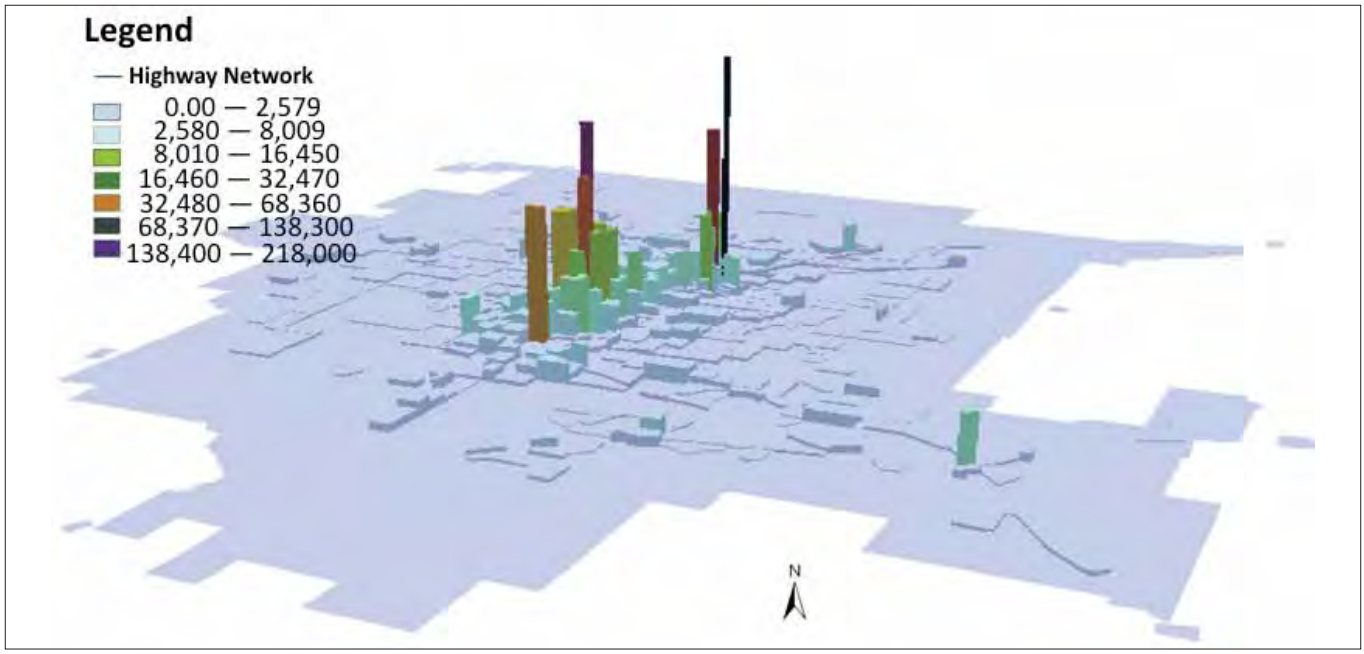
As in Clark County, the one profession in which Asians were heavily represented was healthcare practitioner professionals where they constituted 11.5 percent of the workforce. In North Las Vegas, Asians were virtually missing in action in four fields: protective service workers (0.5 percent); installation, maintenance, and repair craft workers (0.5 percent); management, business, and financial workers (1.7 percent); and laborers and helpers (1.7 percent).

These concentrations of Hispanics and African Americans in the lower paid blue collar and service sector occupational groups should be of concern, but this issue falls outside the purview of an analysis of impediments to fair housing choice.

Transportation

The substantial concentration of jobs along the Las Vegas Strip makes Clark County's urban core well–suited for public transportation.

Figure 20: Employees Per Square Mile in Clark County's Urban Core in 2008



Source: Clark County Regional Transportation Commission.

Reducing the time spent commuting increases the desirability of living in a community. A well–regarded 2004 study arrived at the "unambiguous conclusion" that, "The length of their commute to work holds a dominant place in Americans' decisions about where to live. Americans place a high value on limiting their commute times and they are more likely to see improved public transportation and changing patterns of housing development as the solutions to longer commutes than increasing road capacities."[20]

More specifically, this random–sample national survey found:

> "A limited commute time is, for most Americans, an important factor in deciding where to live. Being within a 45–minute commute to work is rated highest among a list of fourteen priorities in thinking about where to live (79% "very" or "somewhat" important), followed by easy access to highways (75%) and having sidewalks and places to walk (72%).

20. Belden Russonello & Stewart Research and Communications, *2004 American Community Survey National Survey on Communities* (October 2004), 1. Available online as a PDF file at http://smartgrowthamerica.org/narsgareport.html

> "A short commute is particularly important to people who plan to buy a home in the next three years (87%) and women and African Americans place high importance on sidewalks and places to walk (76% and 85%, respectively)."[21]

As shown in the table that follows, in 2000 (the most recent year for which this data are available) the vast majority of residents of Boulder City and Mesquite enjoyed that desirable commute of less than 45 minutes, with more than 9 out of ten residents traveling a half hour or less. Only 4.8 percent of Mesquite residents who traveled by motor vehicle (only a very small percentage walked) spent over 45 minutes commuting each way — which would include those who work in Clark County's urban core.

With Boulder City located much closer to Clark County's urban core than Mesquite is, a greater percentage of Boulder City's residents commute to jobs in the county's urban core. Still 86.3 percent of those driving to work enjoyed commutes of less than 45 minutes. Boulder City is served by the Crosstown Connector Route 402 with hourly service from the Downtown Transportation Center.

Collectively, 93 percent of Clark County residents who didn't take public transportation commuted less than 45 minutes to work as did 90.9 percent of North Las Vegas residents.

Table 24: Commute Time by Location and Travel Mode: 2000

Commute Time by Location and Travel Mode: 2000				
Time Length of Commute	All of Clark County	North Las Vegas	Boulder City	Mesquite
Public Transportation				
Fewer than 30 minutes	23.6%	15.5%	65.9%	100%
30 to 44 minutes	23.7%	19.3%	0%	0%
45 to 59 minutes	12.9%	10.8%	34.1%	0%
60 or more minutes	39.8%	54.4%	0%	0%
"Other Means" (Car, van, truck, motorcycle, walking)				
Fewer than 30 minutes	70.9%	60.6%	63.7%	91.8%
30 to 44 minutes	22.1%	30.3%	22.6%	3.3%
45 to 59 minutes	3.8%	5%	8.8%	0.8%
60 or more minutes	3.2%	4%	4.9%	4%

Source: U.S. Census 2000 Summary File 3 (SF 3), Table P32.

But the picture is dramatically different for Clark County and North Las Vegas residents who take public transportation. Well under half of those taking public transportation enjoy the under 45–minute commute. Over 52 percent of the entire county and 65.2 percent of North Las Vegas residents who took public transportation traveled 45 minutes or more to work with 54.4 percent of North

21. Ibid. 7, 9.

Las Vegas residents traveling an hour or more. These data suggest that many Clark County and North Las Vegas residents in the lower income brackets who tend to be more dependent on public transportation are unable to find housing they can afford closer to their jobs.

Figure 21 : Commuting Time in 2000: North Las Vegas

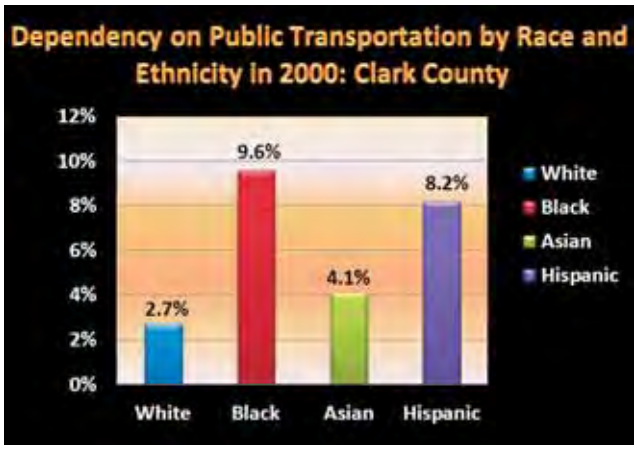
Source: U.S. Census 2000 Summary File 3 (SF 3), Table P32.

While comparable figures are not available for more recent years, the American Community Survey reports that the average travel time to work for North Las Vegas residents increased from 27.9 in 2005 to 28.3 minutes in 2009 while that for Clark County residents increased from 23.5 to 23.9 minutes. These figures suggest that the 2010 census will show little change in commuting times from the 2000 census.

Since the last AI was conducted, the proportions of Clark County and North Las Vegas residents who use public transportation have remained steady.[22]

The proportion of North Las Vegas households with access to a motor vehicle has been growing. The percentage of households with no motor vehicle available fell nearly in half from 2005 to 2010, from 10.4 percent to 5.3 percent. While the percentages with access to one vehicle or to three or more vehicles barely budged, the proportion of households with access to two vehicles rose from 38.7 to 43.3 percent. Clark County as a whole saw virtually no change from 2005 to 2009.[23]

Figure 22: Dependency on Public Transportation by Race and Ethnicity in 2000: Clark County



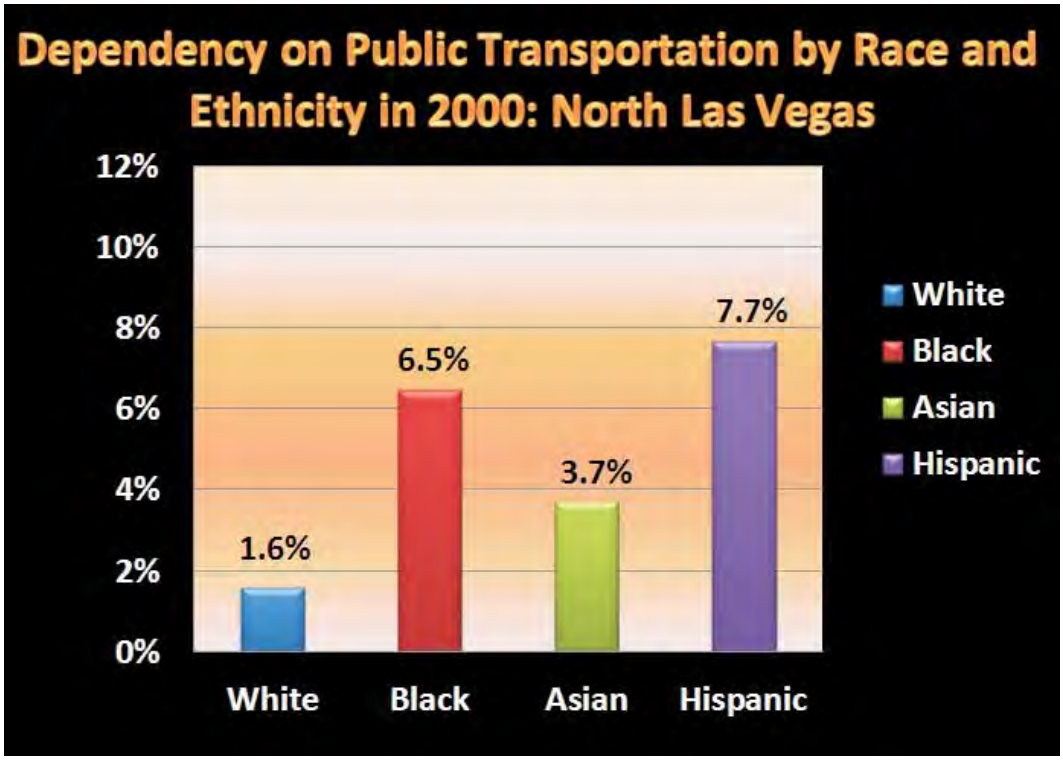
Source: U.S. Census 2000 Summary File 3 (SF 3), Tables PCT65B, PCT65D, PCT65H, PCT65I.

It's evident that commuting

22. The slight differences of less than two percent reported in the 2005 and 2009 *American Community Surveys* for Clark County and North Las Vegas fall well within the margins of error and could be due to chance. See "Selected Economic Characteristics" in the *American Community Surveys*. The populations of both Mesquite and Boulder City are too small to be included the the annual *American Community Surveys*.
23. "Selected Housing Characteristics," *American Community Survey* 2005 and 2009.

time is undesirably longer for people who are dependent on public transportation. In 2000, it was abundantly clear that the vast majority of residents drove or walked to work and that substantially greater proportions of African Americans and Hispanics used public transportation than did Caucasians or Asians. This situation was true of the county as a whole and of North Las Vegas.

Figure 23: Dependency on Public Transportation by Race and Ethnicity in 2000: North Las Vegas

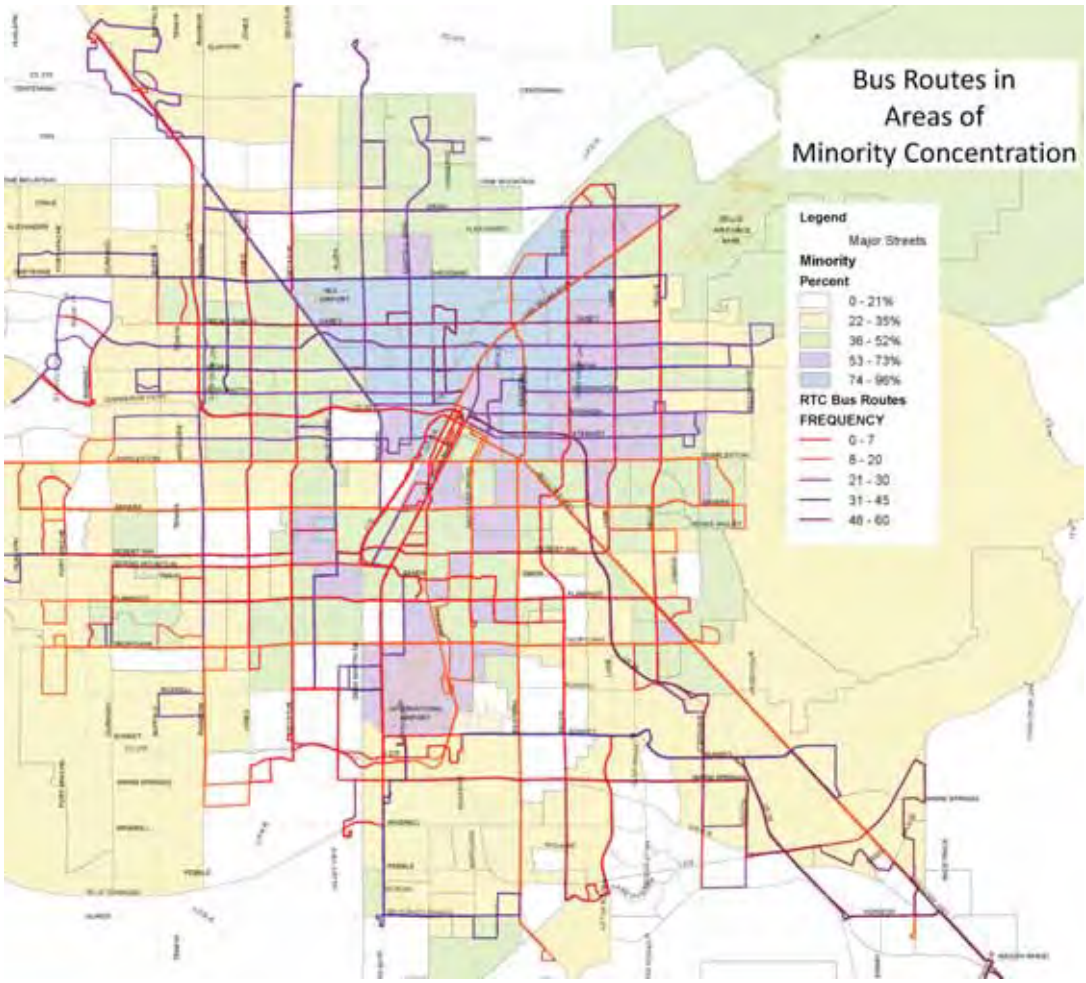


Source: U.S. Census 2000 Summary File 3 (SF 3), Tables PCT65B, PCT65D, PCT65H, PCT65I.

However, the disparity was not as great for North Las Vegas residents as for the county as a whole which suggests that the disparity is probably even greater in Las Vegas and perhaps Henderson. It is likely that this greater dependency on public transportation among African Americans and Hispanics is due to the larger proportions of lower–income people in both groups since lower–income people are less likely to be able to afford to own a motor vehicle.

This greater dependency on public transportation among lower–income African Americans and Hispanics, of course, results in longer commuting times for the people who can least afford to devote time to lengthy commutes. It reduces the time available for parents to devote to their children and their education, contributing to their children's poorer performance in school than the children from wealthier households and reducing the ability of their children to achieve upward mobility.

Figure 24: Bus Routes in Areas of Minority Concentration



Source: Adapted from map by the Clark County Community Resources Management, August 8, 2010.

It appears that the areas of substantial minority concentrations shown in the above map (in blue, purple, and green) receive less frequent bus service than those that are not. Bus routes are a mile apart in the areas north of U.S. 95 and west of Las Vegas Boulevard that are predominantly African American while they are half a mile apart east of Las Vegas Boulevard.

Fixed–route service is not the whole picture. The Regional Transportation Comission of Southern Nevadas (RTC) also operates two specialized senior transportation services, Silver STAR and Flexible Demand Response. Although they are called "senior" services, everybody is eligible to use them to connect to fixed–route transit.

The Silver Star service consists of continuous neighborhood routes that stop at senior housing developments and shopping districts. Its designated loops connect with the Regional Transportation Commission's fixed–route system. There are 13 STAR routes that operate one or two days a week.

The Flexible Demand Response Service (FDR) enables residences living in dense single–family home neighborhoods to call and schedule rides on public

transit that would not otherwise be available. There are three FDR service areas: Sun City Anthem, Sun City Summerlin, and Centennial Hills. The FDR service runs from 8 a.m. to 4 p.m. two or three days a week.[24]

Zoning and Availability of Land for Residential Development

None of the four jurisdictions has any zoning provisions that overtly exclude housing affordable to households with modest incomes. However, a handful of zoning provisions in each jurisdiction *could* exclude affordable housing.

And as the following tables illustrate, Clark County, North Las Vegas, Boulder City, and Mesquite have all experienced a seismic decline in new residential construction during the current recession. It is likely that until the economy rebounds, economic conditions will severely limit the ability of any of these communities to get new housing built that is affordable to households with modest incomes.

Unincorporated Clark County

The number of residential units for which building permits have been issued in unincorporated Clark County since 2007 has fallen 83 percent.

Table 25: Unincorporated Clark County Number of Housing Units for Which Building Permits Were Issued: 2004–2009

Unincorporated Clark County Number of Housing Units for Which Building Permits Were Issued: 2004–2009						
	2004	2005	2006	2007	2008	2009
Total Units	16,217	18,678	17,304	15,262	5,525	2,675
Units in Single–Family Structures	14,367	13,654	9,765	5,859	2,470	1,931
Units in All Multi–Family Structures	1,850	5,024	7,539	9,403	3,055	744
Units in 2–unit Multi–Family Structures	6	16	2	4	10	2
Units in 3– and 4–unit Multi–Family Structures	612	832	466	447	170	250
Units in 5+ Unit Multi–Family Structures	1,232	4,176	7,071	8,952	2,875	492

Source: HUD User's "SOCDS Building Permits Database," confirmed by Clark County

24. Adapted from Regional Transportation Commission of Southern Nevada, *Transit Guide: Effective March 28, 2010*, p. 12 (2010).

The decline in multi–family units since 2007 was 92 percent while single–family units fell by "only" two–thirds. While nonprofit developers continue to build lower–cost rentals to meet the ongoing need for housing affordable to modest–income households, for–profit developers recognize that the high vacancy rate for rental apartments makes new construction of higher–end rentals too risky.

Table 26: Unincorporated Clark County Land Zoned for Residential Use As Of April 2010

Unincorporated Clark County Land Zoned for Residential Use As Of April 2010					
Zoning Districts That Allow Residential Uses		Minimum Lot Area in Square Feet	Total Acres	Land Available to Develop in Acres	Percentage of Land Available to Develop
R–1	Single–Family Residential	5,200	14,433	173.6	1.2%
R–2	Medium Density Residential	3,300	17,172	1,296.3	7.5%
R–3	Multiple–Family Residential	7,000	5,681	371.8	6.5%
R–4	Multiple–Family Residential (High Density)	7,000	2,381	53.2	2.2%
R–5	Apartment Residential	7,000	429	18.3	4.3%
R–A	Residential Agriculture	40,000	609	141.6	23.3%
R–D	Suburban Estates Residential	10,000	1,120	107.5	9.6%
R–E	Rural Estates Residential	20,000	36,629	14,221.1	38.8%
R–T	Manufactured Home Residential	5,200; Manufactured home: 2,800; 4,000 doublewide unit	2,661	90.6	3.4%
R–U	Rural Open Land (includes BLM land)	80,000	11,191	3,903.6	34.9%
RUD	Residential Urban Density	2,000	980	187.5	19.1%
Total Acres of Land Zoned for Residential Use			**93,287**	**20,565**	**22.0%**

Note: These figures are for all of unincorporated Clark County within the Bureau of Land Management Disposal Boundary (Las Vegas Valley).
Source: Prepared by Anthony Azua, GISP, Senior GIS Analyst, Clark County Comprehensive Planning, May 2010

Table 27: Types of Housing in Unincorporated Clark County, 2009

Types of Housing in Unincorporated Clark County, 2009						
Single Family	Duplex and 3/4 –plex	Apartments	Townhomes	Condominiums	Mobile Homes	Total Dwellings
181,964	7,030	80,176	17,609	44,946	21,581	353,306
51.5%	2.0%	22.7%	5.0%	12.7%	6.1%	100.0%

Source: Derived from Clark County housing statistics available online at:
http://www.accessclarkcounty.com/depts/comprehensive_planning/demographics/Pages/demographics.aspx

As of 2009, 51.5 percent of the housing in unincorporated Clark County consisted of single–family homes. Another 42.4 percent were multi–family dwellings — duplex, 3/4–plex, apartments, townhouses, condominium. The remaining 6.1

percent were mobile homes and manufactured homes.[25] The ratio of existing single–family dwellings to multiple–family is about five to four.

As noted earlier, between 2007 and 2009 building permits for multi–family housing fell 92 percent, much more precipitously than the two–thirds decline for single–family homes. While much of this difference may be attributable to the deep national recession, the current zoning of undeveloped land as shown in the table immediately below offers far less territory for new multi–family construction than for new single–family development. As presently zoned, just one multiple–family unit can be built for every five single–family homes. This five to one ratio is a far cry from the five to four ratio of existing single–family to multiple–family units.

Table 28: Residential Development Allowed by Current Zoning in Unincorporated Clark County

Zoning District	Acres of Land Available to Develop	Allowable Density in Dwelling Units Per Acre	Possible Number of New Dwelling Units	Number of New Single–Family Possible	Number of New Multi–Family Possible	Number of New Manufactured Homes Possible
R-1	173.6	5	868	868	0	0
R-2	1,296.3	8	10,370	10,370	0	0
R-3	371.8	18	6,693	6,693	6,693	0
R-4	53.2	25	1,329	0	1,329	0
R-5	18.3	50	916	0	916	0
R-A	141.6	1	142	142	0	0
R-D	107.5	3	323	323	0	0
R-E	14,221.1	2	28,442	28,442	0	0
R-T	90.6	8	725	0	0	725
R-U	3,903.6	0.5	1,952	1,952	1,952	0
RUD	187.5	14	2,625	2,625	0	0
Total	20,565	—	54,384	51,414	10,890	725

Source: Based on data prepared by Anthony Azua, GISP, Senior GIS Analyst, Clark County Comprehensive Planning, May 2010

At first glance it might appear that zoning that provides for only one in six new dwelling units to be multi–family could have implications for fair housing choice because a higher percentage of minority households than Caucasian have modest incomes, as documented elsewhere in this study.

However, this disparity results mainly from 52 percent of the residentially–developable land being zoned R–E. This land is largely within the "Disposal Boundary." Disposal Boundary property is land in a ring around the Las Vegas

25. Based on data in tables published by Clark County at: http://www.accessclarkcounty.com/depts/ comprehensive_planning/demographics/Pages/demographics.aspx

Valley that the Bureau of Land Management has been auctioning off. Clark County has zoned nearly all of the Disposal Boundary land as R–E as a sort of a "holding zone" until specific development proposals are offered.

The county itself has reserved 1,200 acres of this "Disposal Boundary" land for development as affordable housing, usually multiple–family dwellings. While two affordable developments on this land have been built so far, the county does "pre–zone" to enable development of affordable housing.

North Las Vegas

Like the entire State of Nevada, North Las Vegas has been hard hit by the recession. The number of dwelling units for which building permits were issued fell 62 percent from its peak in 2005. In 2009 no permit were issued for multi–family units following 2008 in which permits were issued to build over 1,600 multi–family units.

Table 29: North Las Vegas Number of Housing Units for Which Building Permits Were Issued: 2004–2009

North Las Vegas Number of Housing Units for Which Building Permits Were Issued: 2004–2009						
	2004	2005	2006	2007	2008	2009
Total Units	6,918	8,064	5,731	2,756	2,448	498
Units in Single–Family Structures	6,105	7,007	4,262	2,365	834	498
Units in All Multi–Family Structures	813	1,057	1,469	391	1,614	0
Units in 2–unit Multi–Family Structures	30	78	0	28	22	0
Units in 3– and 4–unit Multi–Family Structures	346	23	0	51	0	0
Units in 5+ Unit Multi–Family Structures	437	956	1,469	312	1,592	0

Source: HUD User's "SOCDS Building Permits Database," confirmed by North Las Vegas

In general, the North Las Vegas zoning ordinance is a carefully thought out code that provides for a mixture of housing types and densities, with very detailed design guidelines to achieve attractive and sustainable communities. Three sections of the ordinance, however, may unnecessarily increase the cost of residential construction and make it more difficult to keep new housing within the price range of households with modest incomes.

The zoning ordinance establishes a "Residential Design Incentive System" in the R–1 and R–2 districts to "to provide an opportunity for a greater degree of flexibility in allowable densities" and "a broader mix of housing prices to meet

varying needs."[26] It awards "density points" to allow higher density based on building and site design, site amenities, and mix of housing types.

The "mix of housing types" offers two ways to earn density points:

- By providing two or more distinct housing types, such as a "combination of attached and detached single–family, town homes, and multifamily units."
- By providing "a range of home pricing" in a well–integrated neighborhood that intermixes homes at different price–points throughout the development, not segregated by area or block."[27]

Because the ordinance does not define "price–points" or "range of home pricing," these provisions do not necessarily encourage developments that include scattered housing affordable to households with modest incomes.

Suggestion The city should look into establishing clear standards or guidelines that define "range of home pricing" and "price–points" so that they would include housing that people with modest incomes can afford. The city might find it worthwhile to revisit this part of the zoning ordinance to develop clear guidance for how the Residential Design Incentive System can be used to generate more affordable housing in exchange for higher densities.

The 1,980 acres of land still available for development in the seven Master Planned Development districts offer the most promising opportunity for multi – family construction in North Las Vegas. The objectives of the MPC districts process include "a variety of housing types, employment opportunities, and commercial services to achieve a *balanced community for families of a wide variety of ages, sizes, and levels of income*."[28]

However, the zoning ordinance is vague about how the master development plan can implement the objective of achieving a variety of "levels of income." While a master development plan must include studies and plans for issues such as infrastructure, there is no requirement to conduct a study to address the need for housing affordable to households with lower levels of income nor to produce a plan explaining how the development will achieve a variety of levels of income. Since the MPC districts are intended to permit and encourage *comprehensively planned communities* with at least 500 acres of land, requiring such studies and plans would be a reasonable tool for achieving the objectives of the MPC category.

Suggestion North Las Vegas should look into establishing requiring master development plans to include a study on the need for housing for a range of household incomes and a plan for meeting that need.

26. §17.24.225
27. §17.24.255.D.3.Table X5.
28. §17.20.220.A.2.d. *[emphasis added]*

Table 30: North Las Vegas Land Zoned for Residential Use As of April 2010

North Las Vegas Land Zoned for Residential Use As Of May 2010					
Zoning Districts That Allow Residential Uses		Density and Minimum Lot Area	Total Acres	Land Available to Develop in Acres	Percentage of Land Available to Develop
R-EL	Ranch Estates Limited	10000 square feet	83	13.28	16.1%
R-E	Ranch Estates	15000 square feet	1,337	451.00	33.7%
R-CL	Single Family Compact Lots	4500 square feet	464	117.70	25.4%
R-A/R-3	High Density Residential Subdistrict	1,700 square feet per dwelling unit	46	0.58	1.2%
R-A/R-2	Medium High Density Residential Subdistrict	3,000 to 6,000 square feet	111	7.83	7.1%
R-A/FA	R-A Focus Area	Residential allowed only above first floor	96	34.72	35.5%
R-4	Residential High Denisty	875 suqare feet per dwelling unit, 60 foot lot width minimum	177	32.36	18.2%
R-3	Residential Multi-Family	1,700 suqare feet per dwelling unit up to 6,000 for single family, 60 foot lot width minimum	650	121.81	18.7%
R-2	Residential Medium Density	3,000 to 6,000	242	65.67	27.1%
R-1	Residential Single Family	Variable: 800 to 4,750, 4,751 to 6,000, and 6000 square feet	7,753	835.87	10.8%
PUD	Planned Unit Development	*	5,691	1,359.22	23.9%
O-L/DA	Open Land / Development Agreement	Primarily single family; multifamily allowed if 70 acres or larger	1,107	190.31	17.2%
O-L	Open Land	2 acres (primarily agricultural)	20,099	18,535.41	92.2%
MUD MX-3	MUD Regional	*	141	114.12	80.9%
MUD MX-2	MUD Community	*	44	7.41	16.7%
MPC RZ6	MPC Residential Zone 6	Up to 6 dwelling units per acre	303	302.41	99.8%
MPC RZ50	MPC Residential Zone 50	Up to 50 dwelling units per acre	36	35.46	98.5%
MPC RZ25	MPC Residential Zone 25	Up to 25 dwelling units per acre	150	147.17	98.4%
MPC RZ13	MPC Residential Zone 13	Up to 13 dwelling units per acre	509	500.88	98.5%
MPC RZ10	MPC Residential Zone 10	Up to 10 dwelling units per acre	826	822.28	99.6%
MPC R-1	MPC Residential Single Family	4000 square feet	1,176	59.42	5.1%
MPC MUZ	MPC Mixed Use Zone	Project's preliminary development plan determines lot size	115	113.00	98.2%
Total Land Zoned for Residential Use			**41,157**	**23,868**	**58.0%**

* Project's preliminary development plan determines lot size

Source: Prepared by Jerry Sommerfeld and Jeff McGeachy, North Las Vegas Planning and Zoning Department, May 2010

Off–street parking requirements that are not proportional to need can unnecessarily and artificially increase the cost of housing by increasing the cost of land, construction, and maintenance of unneeded parking spaces. The underlying principle is that the number of off–street parking spaces required should be based on the number of cars a dwelling unit is likely to generate — and that number is based on the number of bedrooms and type of dwelling. "Proportionality" would reflect that a household living in a small apartment will likely own fewer cars than one occupying a large house. In a higher density, mixed–use, walkable neighborhood served by mass transit, residents are likely to own fewer cars than in a low density, strictly residential, automobile–dependent neighborhood.

The off–street parking requirements of the North Las Vegas zoning ordinance offer some proportionality.[29] Within the multi–family districts, more off–street spaces are required for a three bedroom unit than for a two bedroom dwelling, and more for a two bedroom home than for a one bedroom. But proportionality is absent in several other cases:

- A multi–family three bedroom dwelling is required to have more parking spaces than a single–family house of the same or larger size
- Two–family dwellings are required to have more parking spaces per dwelling unit than single–family dwellings
- Townhouses are required to have more parking spaces per dwelling unit than single-family dwellings
- Boardinghouses are required to have more parking spaces per unit than a single–family house
- A small single–family home with two bedrooms is required to have as many parking spaces as a larger four bedroom house.

Suggestion In the interest of removing requirements that unnecessarily inflate the cost of housing, North Las Vegas should consider reducing some off–street parking requirements:

- Reduce the parking requirement of all one–bedroom dwellings to 1.25 spaces per unit. This change would match the current requirement of multi–family dwellings.
- Reduce the parking requirement of all dwellings with three or more bedrooms to two off–street parking spaces per unit. This change would be consistent with parking required of single–family dwellings.
- Consider reducing the parking requirement for all two–bedroom dwellings to 1.5 or 1.75 spaces per unit. This change would recognize that two–bedroom dwellings have an average parking need that is less than that of dwellings with three or more bedrooms.

Boulder City

Boulder City has seen a less drastic decline in the amount of new residential construction than the rest of the county, in large part due to its "Controlled Growth Management Plan" which was adopted by a voter referendum. The plan seeks to maintain the city's "small–town atmosphere and character."[30] As an intentionally small town, no more than 75 new residential units were built in Boulder City in any one year during the study period. But while all new residential construction has sharply declined during this recession, no new multi–family housing has been built since 2006. This comes as no surprise given that as of January 2010 just 2.43 acres of land was zoned multi–family (R2 and R3 districts). Another 29.93 acres were available in the Senior Housing Zone (SH) where multi–family, albeit limited to senior housing, can be built.

29. §17.24.140.
30. *Boulder City Code,* §11–41–1.

Table 31: Boulder City Number of Housing Units for Which Building Permits Were Issued: 2004–2009

Boulder City Number of Housing Units for Which Building Permits Were Issued: 2004–2009						
	2004	2005	2006	2007	2008	2009
Total Units	75	27	31	19	8	5
Units in Single–Family Structures	31	25	13	19	8	5
Units in All Multi–Family Structures	44	2	18	0	0	0
Units in 2–unit Multi–Family Structures	8	2	0	0	0	0
Units in 3– and 4–unit Multi–Family Structures	0	0	0	0	0	0
Units in 5+ Unit Multi–Family Structures	36	0	18	0	0	0

Source: HUD User's "SOCDS Building Permits Database" updated by Boulder City staff

One of the specified means of implementing the city's "Controlled Growth Management Plan" is "[m]aintaining a balance and mix of housing and building types and values and thus providing a range of prices and rents in order to accommodate a variety of housing needs."[31]

The "Controlled Growth Management Plan" sets a limit of 120 new dwellings per year. However, during any five–year period, it does not count toward this 120 annual limit up to 50 low–income or senior dwellings, about 8 percent of the annual total.[32] City staff report there is very little growth in Boulder City due to a scarcity of privately–owned land and the voter referendum that prohibits selling more than a single acre of city–owned land without voter approval. These factors have contributed to a general scarcity of developable land and have resulted in no requests to build low–income housing.

Only very small amounts of land are available for development in the single family residential zones that require less than 15,000 square foot minimum lot sizes. The R1–7 district (7,000 square foot minimum lot size) has just 3.45 acres available. The R1–8 district (8,000 square foot minimum lot size) has 36.32 acres free for new construction. The R1–10 district (10,000 square foot minimum lot size) has 38.61 available. There are 186.81 acres available in districts requiring at least 15,000 square foot lots. Fewer than 12 acres are available for mobile homes.

It is highly likely that the city's "Controlled Growth Management Plan," its requirement for voter approval to sell more than one acre of city–owned land, and the very small amount of land available for development produce a cumula-

31. Ibid., §11–412–1 C.
32. Ibid., §11–41–14.

tive impact that tends to exclude the construction of *all* housing, including housing affordable to households with modest incomes.

Table 32: Boulder City Land Zoned for Residential Use As of January 1, 2010

Boulder City Land Zoned for Residential Use As of January 1, 2010					
Zoning Districts That Allow Residential Uses		Minimum Lot Area in Square Feet	Total Acres	Land Available to Develop in Acres	Percentage of Land Available to Develop
R1-7	Single–Family Residential Zone	7,000	481	3.48	0.7%
R1-8	Single–Family Residential Zone	8,000	180	36.32	20.2%
R1-10	Single–Family Residential Zone	10,000	232	38.61	16.7%
R1-15	Single–Family Residential Zone	15,000	174	107.45	61.7%
R1-20	Single–Family Residential Zone	20,000	98	31.79	32.5%
R1-40	Single–Family Residential Zone	40,000	0	0.00	0.0%
R1-80	Single–Family Residential Zone	80,000	99	47.57	48.0%
R2	Two-Family Residential Zone	4,000/unit	8	0.11	1.3%
R3	Multiple-Family Residential Zone	2,500/unit	98	2.32	2.4%
MP	Mobile Home Park Zone	6,000	68	3.56	5.2%
ME	Mobile Home Estate Zone	6,000	103	8.07	7.8%
SH	Senior Housing Zone	3,960/unit	30	29.93	100.0%
Total Land Zoned for Residential Use			**1,571**	**309**	**19.7%**

Source: Boulder City Community Development Department

Suggestion There are at least two actions that Boulder City might consider taking to reduce this impact:

- Use the exception permitted in Section 141 of the city's charter to sell or lease land to *bona fide* charitable, religious, educational, eleemosynary and governmental organizations or corporations if the land includes a substantial number of dwellings for households with low incomes.
- Submitting for voter approval more sales of city–owned land that include affordable housing.

A small number of other provisions in Boulder City's zoning code can also unnecessarily increase the cost of new home construction and generate an impact that can exclude housing affordable to households of modest means.

Off–street parking requirements. Excessive off–street parking requirements can artificially increase the cost of housing by adding to the cost of land and construction. The greater the number of bedrooms in a dwelling, the greater the number of cars it is likely to generate. However, except for senior housing which is required to have one off–street space per dwelling unit, Boulder City unnecessarily increases the cost of dwelling units with fewer bedrooms by requiring

have the same number of off–street spaces as dwellings with more bedrooms.[33]

Regardless of the number of bedrooms in a dwelling, Boulder City requires three off–street parking spaces for single–family, two–family, and mobile home estate dwellings. All multiple–family and condominium dwellings must have two off–street spaces "plus an additional 20% for such parking spaces to be developed and set aside for the parking and storage of recreational vehicles and boat trailers; such additional spaces to have a width of not less than 10 feet and a length of not less than 24 feet."[34]

Under the current zoning, both a two–bedroom and four–bedroom house must have three off–street parking spaces. Both a studio apartment and a three–bedroom condominium must have two spaces. These requirements are unrelated to the number of vehicles these different residential uses generate and can artificially and unnecessarily increase the cost of residential construction.

Suggestion Boulder City should revise its off–street parking requirements so that they better match the number of vehicles actually generated per dwelling based on the number of bedrooms.

Mesquite

In Mesquite, the number of units of new residential construction for which permits were issued has dropped 86 percent since its peak of 749 units in 2005. While permits for single–family construction have plummeted 83 percent, permits for multi–family housing fell to zero in 2008 and 2009.

Table 33: Mesquite Number of Housing Units for Which Building Permits Were Issued: 2004–2009

Mesquite Number of Housing Units for Which Building Permits Were Issued: 2004–2009						
	2004	2005	2006	2007	2008	2009
Total Units	520	749	451	543	378	105
Units in Single–Family Structures	453	599	282	463	378	105
Units in All Multi–Family Structures	67	150	169	80	0	0
Units in 2–unit Multi–Family Structures	4	2	2	0	0	0
Units in 3– and 4–unit Multi–Family Structures	32	148	167	56	0	0
Units in 5+ Unit Multi–Family Structures	31	0	0	24	0	0

Source: Data assembled by Carolyn Harding, Permit Technician, Building Department, City of Mesquite, April 2010

33. Ibid., §11–23–2.
34. Ibid.

Eighty–one percent of the undeveloped land zoned for residential development is in the Planned Unit Development district. Of the remaining 19 percent, a bit more than half of the residentially–developable land is in multi–family, mobile home, and manufactured housing districts where it's more likely that housing affordable to households of modest means can be built. It is quite possible that these districts may not offer enough land to meet demand for affordable housing. Because the vast majority of land available for residential development is in the PUD district, how the city handles PUDs will be the key factor in making affordable housing available.

The *Unified Development Ordinance* allows a mixture of housing types and some affordable units in the PUD district. However, the ordinance offers no specific residential standards to *require* either a mixture of housing types or inclusion of affordable housing in PUD developments. Following the lead of hundreds of cities around the country, Mesquite should consider requiring that a minimum percentage of units in all PUD developments be affordable to households with modest incomes.

There are several provisions in the *Unified Development Ordinance* that can increase the cost of building multi–family housing in Mesquite.

Table 34: Mesquite: Land Zoned for Residential Use As Of April 2010

Mesquite: Land Zoned for Residential Use As Of April 2010					
Mesquite Zoning Districts That Allow Residential Uses		Minimum Lot Area in Square Feet	Total Acres	Land Available to Develop in Acres	Percentage of Land in District Available to Develop
A	Agriculture	435,600	6.43	4.07	63.3%
RE-1	Rural Ranch	217,800	10.97	0.00	0.0%
RE-2	Rural Estates	65,340	66.27	15.91	24.0%
RE-3	Rural Residential	21,780	69.39	42.59	61.4%
SF	Single-family Residential	7,000	492.62	164.97	33.5%
MF-1	Attached Housing	4,600	9.55	1.54	16.1%
MF-2	Multi-family Low Density	7,000	119.00	97.84	82.2%
MF-3	Multi-family Medium Density	7,000	62.13	14.67	23.6%
MF-4	Multi-family High Density	7,000	156.75	68.92	44.0%
RV	RV/Motor Home	130,680	77.64	77.64	100.0%
MH	Manufactured Housing	6,500	40.41	1.05	2.6%
PUD	Planned Unit Development (Residential land uses only)		2,730.10	2,071.86	75.9%
M-H	Mobile Home Special District	6,500	9.00	0.00	0.0%
CR-3	Central Business District	6,000	43.47	7.91	18.2%
Total Land Zoned for Residential Use			**3,894**	**2,569**	**66.0%**

Source: Prepared by Aaron Baker, April 26, 2010. Based on zoning as of April 26, 2010 and vacancy data from GILIS 2009.

The multi–family districts MF–1, MF–2, MF–3, and MF–4 are subject to both maximum roofed area and minimum percentage open space requirements in Table 9–7:3.[35] The inclusion of both maximum roofed area and minimum percentage open space can increase the cost of multi–family housing by requiring more land than is already required by setbacks, open space standards, and off–street parking requirements.

Suggestion To reduce the possibility of an unnecessary increase in housing cost, the maximum roofed area requirement could be eliminated in the multi–family districts since they already have minimum open space requirement. It would be helpful if the code included definitions of the terms "roofed area" and "open space."

Table 9-7:3 sets minimum front setbacks of 20 or 25 feet in the four multi–family districts. These distances are similar to the 20 foot setback required for single-family development. However, with multi–family dwellings such as townhouses, the setback distance can be reduced and still provide an aesthetically–pleasing appearance. Reduced setbacks are particularly feasible in pedestrian–oriented zones — which is one of the characteristics of multi–family housing. When a sidewalk is provided, the minimum setback of a townhouse from the sidewalk could be as little as five feet.

Table 9-7:3 also established minimum lot depths. In the MF–1 district minimum depth is 115 feet. However, a minimum lot depth of only 100 feet is required in the SF, MF–2, MF–3, and MF–4 districts. It would facilitate development of townhouses and reduce their cost if the minimum depth of the MF–1 district were reduced to the same 100 feet used in these other districts.

Diverse and Affordable Housing in Local Plans

All four jurisdictions have a comprehensive or master plan to guide how their communities develop. We examined these plans as well as other planning documents for each jurisdiction to identify any provisions that incorporate fair housing into the planning process; provide for housing affordable to households with modest incomes; include pro–integrative goals, objectives, and policies; and any provisions that could constitute barriers to fair housing choice.

Clark County

The *Clark County Comprehensive Plan* adopted in November 2010 establishes the seven housing policies:

1. The Housing Element is a combination of the adopted HUD Consolidated Plan and Land Use Plans.

35. Single–family districts are not subject to minimum percentage open space requirements.

> 2. Promote a mix of housing types that meet the diverse needs of the community.
>
> 3. Promote housing, including workforce and affordable housing, along transit corridors, particularly in proximity to transit stops.
>
> 4. Examine policies, procedures, and regulations to encourage meeting housing needs.
>
> 5. Pursue public, private, and non–profit partnerships in carrying out the County's housing policies.
>
> 6. Use the discounted land sale provisions of the Southern Nevada Public Land Management Act to increase the supply of affordable housing when practical.
>
> 7. Participate in regional housing initiatives such as those initiated by the Southern Nevada Regional Planning Commission.[36]

The county's adopted Consolidated Plan documents the need for additional housing that is affordable to households of modest incomes and notes concerns about "economically segregated communities."[37]

The Consolidated Plan establishes six housing strategies:

> Expand the supply of affordable rental housing through new construction with an emphasis on households at 50 percent of AMI and below
>
> Provide rental assistance that helps low income households obtain and retain housing
>
> Provide homeownership opportunities for low– and moderate–income prospective homebuyers through new construction, acquisition /rehab/ resale and/or financial assistance (i.e. downpayment assistance, closing cost assistance, principal buydown)
>
> Preserve and expand the supply of affordable housing for people with special needs: Elderly, Frail Elderly, Developmentally Disabled, Severely Mentally Ill, Physically Disabled, HIV/AIDS, Public Housing Residents
>
> Preserve and improve the existing stock of affordable housing through acquisition and/or rehabilitation of owner and renter occupied housing
>
> Provide energy efficiency improvements to homes.[38]

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36. *Clark County Comprehensive Plan*, Vol. 1, (2010), 15.
37. *Clark County, NV HCP Consortium FY 2010–2014 Strategic Plan,* 74.
38. Ibid. 4.

The county's Consolidated Plan includes an extensive review of housing needs and the housing market. The entire housing element, however, does not address the issues of racial or ethnic segregation in housing.

North Las Vegas

In its chapter of "guiding principles, goals, and policies," the *City of North Las Vegas Comprehensive Master Plan* adopted in 2006 sets a goal supporting housing variety: "The city will provide a range of housing options to meet the diverse needs of current and future residents."

The policies to implement this goal suggest that the city *might* realize that housing affordable to households of modest incomes is needed:

> Policy 1.2–1 Range of Housing Options: Incorporate a range of housing options to meet varying community needs, including "move up" and executive housing and various types of housing to meet varying lifestyles.
>
> Policy 1.2–2 Attainable Housing Partnerships: Pursue public/private/nonprofit partnerships to facilitate the supply of attainable housing within the city.
>
> Policy 1.2–3 Housing for Life's Stages: Encourage the inclusion of senior and entry level housing in new residential developments as well as larger homes for families and executives.
>
> Policy 1.2–4 Attainable Housing Through Density: Promote mixed-use development to facilitate attainable housing construction within higher density mixed-use areas.[39]

Among the principles of Smart Growth that the plan lists is "A range of housing opportunities and choices."[40]

The "Land Use Plan" presented in Chapter 4 identifies nine different types of development residential categories ranging from Ranch Estates of no more than two dwelling units per acre to "Multi–Family" at up to 25 units per acre and "Mixed–Use Commercial" and "Mixed–Use Employment" that allow 25 units per acre and 50 units per acre within a quarter mile of designated future transit station locations for bus or light rail rapid transit.

Among the principles governing master planned communities is:

> The variety of housing options in the development offer a range of pricing to meet the needs of people at different income levels as well as with different housing needs. Variety of housing type and price are included within a single neighborhood (mixed income neighborhood) rather than segregated within different

39. *City of North Las Vegas Comprehensive Master Plan*, (Nov. 21, 2006), 11.
40. Ibid. 17.

> areas of the MPC. [Master Planned Community][41]

The plan, however, calls for the inclusion of well–intentioned expensive amenities that could produce an unintended exclusionary impact by making it too costly to include affordable housing in new developments.[42]

In its examination of "Specific Planning Areas," the comprehensive plan fails to mention the substantial segregative concentration of African Americans in the "South District."[43] Reference is made to "relatively affordable neighborhoods," "blighted conditions," and "vacant properties … linked with increased rates of crime." The heavily black and Hispanic neighborhoods immediately east and west of U.S. 15 are not assigned to any planning neighborhood. This chapter of the plan would have been a most appropriate place to address the question of racial and ethnic segregation of these neighborhoods that were not discussed and the South District.

The "Action Plan" presented in Chapter 7 suggests some awareness of housing needs in North Las Vegas. Under "Housing and Neighborhoods," the plan states:

> **Consider All Types of Strategies to Increase the Balance of Housing**
>
> The city recognizes the importance of establishing a mix of housing types and prices throughout the city to ensure that housing is available and attainable by individuals and families with a full range of income levels. It is desired that a variety of housing choices be incorporated within individual neighborhoods rather than segregated into separate subdivisions by type and/or density. The city will encourage developers and other private and non–profit entities to create a program of incentives to encourage a mix of attainable housing within its neighborhoods.[44]

This portion of the plan represents another missed opportunity to address the segregative racial and ethnic concentrations in portions of North Las Vegas.

There appears to be nothing in the city's comprehensive plan that addresses racial and ethnic segregation in housing. The city's *Downtown Master Plan & Investment Strategy* also ignores the issue.

41. Ibid. 46.
42. Ibid. 59–62.
43. Ibid. 71–72.
44. Ibid. 84.

Boulder City

The *Boulder City Master Plan* states "The incorporation of a variety of housing types and models, sizes, and price ranges in new neighborhoods is strongly encouraged to provide diverse housing options for Boulder City residents and avoid monotonous streetscapes."[45]

The plan includes a number of policies to facilitate the construction of affordable housing despite two measures adopted by voter referendum that pose obstacles to the construction of new housing affordable to households with modest incomes: the city's Growth Control Ordinance in 1979 and its charter amendment that requires voter approval for the City Council to sell more than an acre of land. These policies include offering density bonuses or other incentives to encourage the development of affordable housing; establishing a process to expedite approval of plans and specifications for maintaining and developing affordable housing; and providing density bonuses for developments that include affordable housing with specified financing. The plan also establishes that the city will "endeavor" to make city lands available for affordable housing including selling the land at no more than ten percent of its appraised value as long as the savings are passed along to the purchasers of the housing.[46]

The "Action Plan" contained in the city's Master Plan does not include any actions to implement these policies. So far no land has been devoted to these purposes.

However, as the court noted in the Westchester County litigation discussed in Chapter 2, affordable housing is not a proxy for racial integration. Neither Boulder City's *Master Plan* nor its *Strategic Plan* adopted in 2000 explore enhancing the community's racial and ethnic diversity.

Mesquite

About 77 percent of Mesquite's housing was built after 1995 with 43 percent consisting of single–family detached homes.[47]

The city's policies concerning housing affordable to households with modest incomes has changed significantly since its 1994 *Master Plan* that called for the elimination of some of the city's lower–cost housing:

> A significant segment of existing older housing is either mobile or modular homes. Within areas developed for single family residences or rural estates, permanently sited mobile homes should be prohibited. In those areas where they currently exist, landowners should provide the city with an approved plan to remove the units within a stipulated time frame. Existing modular homes should be required to be placed on permanent foundations and brought into confor-

45. *2003 Boulder City Master Plan,* Updated June 2009, 4–1.
46. Ibid. 10–3.
47. *City of Mesquite Master Plan,* Housing Element (May 2007), 1.

> mance with the Uniform Building Code.[48]

The 1994 plan also recommended "multi-family housing districts need to be downscaled to reduce density."

The 2007 Housing Element to the city's Master Plan eliminates those 1994 provisions and directly addresses the need for housing affordable to households of modest means.

The 2007 Housing Element defines affordable housing as units affordable to households earning no more than 80 percent of the median gross income, and defines "attainable housing" as dwellings that meet the needs of the city's workforce and affordable to households earning no more than 120 percent of the median gross income."[49] The Housing Element reports the results of a study of Mesquite and neighboring communities in Nevada and Arizona that concluded "there is sufficient demand for the development of low income housing, as the population continues to expand and industry is added to the study area."[50]

The Housing Element reports that the city's "goal focuses on spreading opportunities for affordable and attainable housing into a variety of areas."[51] The Housing Element states a number of goals, policies, and actions that are very supportive of affordable and attainable housing including working with the federal and state government to acquire land for affordable and attainable housing and to preserve affordable and attainable housing. The plan also encourages placement of multifamily development close to major employment centers.[52]

The Housing Element also calls for the city to "evaluate voluntary, inclusionary zoning provisions with meaningful community involvement" and to "identify suitable City owned land for workforce housing."[53] City officials should be made aware that experience has shown that voluntary inclusionary zoning has not worked except in Irvine, California, where the staff has effectively made it mandatory.

In 2009, the city adopted a new Land Use Element for its *Master Plan*. It establishes two goals for residential development and neighborhood planning:

> Ensure the availability of a variety of housing types which meet the needs of the diverse population.
>
> Encourage affordable housing for employee populations that will facilitate and attract employment and other economic development.

Among the policies and actions adopted to implement these goals are:

> Facilitate a variety of housing products for all income levels.
>
> Adopt provisions to designate and retain a percentage of the

48. *City of Mesquite Master Plan,* "3. Planning Analysis," §3.10 Housing (1994).
49. I*City of Mesquite Master Plan,* Housing Element (May 2007), 2.
50. Ibid. 5.
51. Ibid. 6.
52. Ibid. 7.
53. Ibid. 8.

> residential development as workforce housing.
>
> The City shall evaluate inclusionary zoning provisions.
>
> Develop and implement standards for multi-family housing locations and site designs to promote a high quality of life and safety for residents.
>
> Encourage opportunities for affordable, elderly and active adult housing.[54]

As shown on page 62, residential development in Mesquite has crawled to a virtual halt with zero building permits issued for multi–family housing since 2007 and the number of permits issued for single–family dwellings down by 77 percent. Since adoption of the Housing and Land Use elements in 2007 and 2009 respectively, Mesquite has had no opportunity to facilitate the construction of new housing affordable to households with modest incomes.

However, as the court noted in the Westchester County litigation discussed in Chapter 2, affordable housing is not a proxy for racial integration. The Mesquite plans lack any discussion of the community's racial and ethnic composition.

54. *City of Mesquite Master Plan,* Land Use Element (May 2009), 13.

Chapter 4

Status of Fair Housing in Clark County

Private Sector Compliance Issues

Fair Housing Complaints and Studies

Information on fair housing complaints for the county and the three cities is limited to that available from the regional office of the U.S. Department of Housing and Urban Development.[1]

Note that HUD often does not identify if the property involved was rental or ownership housing. So the total of complaints under "Rental Housing" and "For Sale Housing" will not equal the number of "All Complaints" for each protected class.

Table 35: Types of Fair Housing Complaints Filed with HUD in Unincorporated Clark County: 2004–2009

Types of Fair Housing Complaints Filed with HUD in Unincorporated Clark County: 2004–2009						
Basis of Complaint	All Complaints		Rental Housing		Housing Sales	
	Number	Percent	Number	Percent	Number	Percent
Race	12	33%	6	2%	2	6%
National Origin	0	0%	0	0%	0	0%
Color	0	0%	0	0%	0	0%
Religion	0	0%	0	0%	0	0%
Gender	3	8%	1	3%	1	3%
Familial Status	6	17%	5	14%	0	0%
Disability	15	42%	5	14%	0	0%
Total	36	100%	17	47%	3	8%

Some complaints included more than one category. Percentages are of the total number of complaints filed. Source: U.S. Department of Housing and Urban Development

1. The Nevada Fair Housing Center, the fair housing organization located in Las Vegas that serves Clark County, declined numerous requests to provide information about fair housing complaints filed with it.

In North Las Vegas, like the rest of Clark County, discrimination based on race or disability accounted for the vast majority — 86 percent — of fair housing complaints.

Table 36: Types of Fair Housing Complaints Filed with HUD in North Las Vegas: 2004–2009

Types of Fair Housing Complaints Filed with HUD in North Las Vegas: 2004–2009						
Basis of Complaint	All Complaints		Rental Housing		Housing Sales	
	Number	Percent	Number	Percent	Number	Percent
Race	9	43%	4	19%	1	5%
National Origin	0	0%	0	0%	0	0%
Color	0	0%	0	0%	0	0%
Religion	0	0%	0	0%	0	0%
Gender	1	5%	0	0%	1	5%
Familial Status	2	10%	2	10%	0	0%
Disability	9	43%	2	10%	0	0%
Total	21	100%	8	38%	2	10%

Some complaints included more than one category. Percentages are of the total number of complaints filed. Source: U.S. Department of Housing and Urban Development

Similarly, 80 percent of the five fair housing complaints filed with HUD during 2004 through 2009 for properties in Mesquite, were based on race or disabilities.

Table 37: Types of Fair Housing Complaints Filed with HUD in Mesquite: 2004–2009

Types of Fair Housing Complaints Filed with HUD in Mesquite: 2004–2009						
Basis of Complaint	All Complaints		Rental Housing		Housing Sales	
	Number	Percent	Number	Percent	Number	Percent
Race	2	40%	1	20%	0	0%
National Origin	0	0%	0	0%	0	0%
Color	0	0%	0	0%	0	0%
Religion	0	0%	0	0%	0	0%
Gender	0	0%	0	0%	0	0%
Familial Status	1	20%	0	0%	0	0%
Disability	2	40%	2	40%	0	0%
Total	5	100%	3	60%	0	0%

Some complaints included more than one category. Percentages are of the total number of complaints filed. Source: U.S. Department of Housing and Urban Development

During 2004 through 2009, no fair housing complaints were filed with HUD that involved any property in Boulder City.

None of the four jurisdictions covered by this analysis of impediments has its own fair housing ordinance. People who encounter housing discrimination must

resolve their complaint under federal fair housing law with the regional HUD office in San Francisco or the state's Equal Rights Commission.

Fair Housing Lawsuit Against Local Government

Prior to amending its zoning in 2006 to make it more receptive to community residences, Clark County had denied zoning permits to two group home operators. At that time, Clark County's zoning required a 1,500 foot spacing distance between community residences.[2]

During the period starting in December 2000 and ending in July 2005, four people contacted the Nevada Fair Housing Center concerning the county's zoning treatment of community residences. Two complained that the county had denied their special use permit requests to locate their proposed community residences within 1,500 feet of an existing community residence.[3] A third complained to the Nevada Fair Housing Center that the county was attempting to block her operation. A fourth contended that county staff had discouraged her from applying to open a group home due to the county's spacing requirement.

The veracity of these four complaints was never at issue in this lawsuit. Instead the Nevada Fair Housing Center claimed it was injured because it had diverted resources as a result of the county's allegedly discriminatory conduct in order to assist the four complainants to learn what their fair housing rights are, to investigate and determine the extent to which the county's zoning and its enforcement violated the Fair Housing Act, to educate and perform outreach to group home operators in Clark County to inform them of their rights, and "to protect the fair housing rights of their members, associates, and constituents from the continued discrimination by defendants based on disability."[4]

The Nevada Fair Housing Center claimed that its ability to provide its customary counseling and other activities was impaired because it diverted resources to deal with these four complaints. The organization also claimed that the county's zoning code at the time violated the Fair Housing Act on its face and as applied.[5]

At the time, the county's zoning allowed up to six unrelated individuals to live together but required a special use permit for community residences even if they housed no more than six residents. It is no surprise that the court ruled in summary judgment opinion issued February 23, 2007 that the old zoning for group homes violated the Fair Housing Act as written (in legal circles known as "on its face").[6]

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2. In 2006 Clark County amended its zoning to reduce the spacing distance to a range of 100 to 660 feet and to allow any community residence that complied with the zoning definition of "family" as a permitted use in all residential districts with no further regulation. See page 96 for details of the county's new zoning provisions for community residences.
3. County staff reports that the permit for the group home for the elderly was denied in part because the operator had been cited for failing to provide air conditioning in at least one other group home for the elderly that she operated which is certainly a valid reason to deny a zoning permit.
4. *Nevada Fair Housing Center, Inc. v. Clark County,* Second amended complaint, 5–6.
5. Ibid. 1–2, 6–7.
6. See the discussion of zoning for community residences beginning on page 96.

In 2006 Clark County amended its zoning code to reasonably accommodate community residences for people with disabilities. The amendments made it very clear when the number of residents in a community residence does not exceed the number of unrelated people allowed to dwell together by the definition of "family," it must be treated the same as any other "family" and allowed as a permitted use in all residential zoning districts without additional zoning requirements. Requirements for licensing and to prevent clustering apply only to community residences that house more unrelated people than the zoning ordinance definition of "family" allows. Details of the revised zoning are explained beginning on page 96.

After Clark County amended its zoning provisions, the State of Nevada adopted much more restrictive zoning and other regulatory provisions for community residences. The state statute increased to 2,500 feet the spacing distance between community residences in any county of 100,000 or more with a spacing distance less than 1,500 feet. This provision applied solely to Clark County. In addition, the state statute required publication of an online registry of the address, phone number, and other information about each community residence, and established other onerous requirements on community residences for people with disabilities.

The Nevada Fair Housing Center amended its complaint to challenge the state's new statute. Clark County officials readily agreed that the state statute, which would override Clark County's provisions that were receptive to community residences, violated the Fair Housing Act. Via summary judgment, the judge struck down key provisions of the state statute for violating the Fair Housing Act as they were written or on its face.[7]

The county and plaintiffs settled the suit in late autumn 2008 with the county agreeing to pay damages and attorney fees, and to make some minor changes to its zoning for community residences that are described beginning on page 96. The plaintiffs agreed not to file any complaint or lawsuit challenging the newly revised zoning provisions on their face.

Local Fair Housing Organizations

Two fair housing organizations have conducted activities in Clark County since the 2004 Analysis of Impediments was completed.

The Nevada Fair Housing Center has been receiving $65,000 annually from the county to comprehensively investigate issues covered under the Fair Housing Act, investigate fair housing complaints, educate the community, and provide technical assistance to the community.[8] Despite numerous verbal and written requests to the Nevada Fair Housing Center beginning in February 2010, the center has declined to provide any information regarding the number, nature, and resolution of fair housing complaints filed with it since 2004, any testing it may have conducted, or any other fair housing activities it may have conducted

7. *Nevada Fair Housing Center, Inc. v. Clark County,* 565 F. Supp. 2d 1178 (D. Nev. 2008)
8. "Clark County Grantee Performance Report, Direct Benefit Activities Form Monthly, July 2008 through June 2009," Nevada Fair Housing Center, Inc., Grantee.

within the scope of its contract with Clark County.

Each year since 2004, the Silver State Fair Housing Council, based in Reno, Nevada, has conducted one or more fair housing training courses for real estate professionals in Clark County. The "ABCs of Fair Housing for Real Estate and Property Management Professionals" is a three–hour fair housing training accredited by the Nevada Real Estate Commission and the Nevada Commission on Common Interest Communities and Condominium Hotels. Sponsored by the Community Housing Resource Board of Southern Nevada, these training session have drawn 237 attendees in Las Vegas and 29 in Mesquite. Silver State also contracted with Jensen Property Management to conduct a training for 16 of the firm's employees in Mesquite in December 2009.

The organization's October 2008 training session, "Fair Housing Act Accessibility Guidelines: Design & Construction," drew 11 attendees. The one–day session with classroom and on–site instruction was accredited by the Nevada Real Estate Division, American Institute of Architects, and the Nevada Board of Continuing Legal Education. Silver State has conducted two presentations for the Consumer Credit Counseling Service and has provided fair housing information that has been incorporated into all of the service's seminars for first–time home buyers.

Silver State has received two inquiries about possible fair housing discrimination in North Las Vegas. One was from an individual who had already filed a complaint with HUD based on national origin. But Silver State was unable to conduct the needed testing because it had no testers available in southern Nevada. The second inquiry involved possible discrimination based on familial status that the caller decided not to pursue.

Silver State has started to conduct phone testing for familial status issues mostly in Las Vegas and Henderson.

Nevada Equal Rights Commission

Nevada's fair housing statute adds ancestry to the classes protected under the nation's Fair Housing Act, but does not include familial status.[9] The state statute is *not* considered substantially equivalent to the federal law.

Enforcement of the state's law rests with the Nevada Equal Rights Commission. We have been unable to find any evidence that this commission has ever "charged" a fair housing case or that its staff or commission members know who would prosecute a case. No state funds have been allocated for the commission to conduct any fair housing activities.

We cannot report on the number, nature, or disposition of fair housing complaints filed with the Nevada Equal Rights Commission since 2004 because the commission has not provided such information despite numerous phone and written requests.

9. NRS §233.010 (1).

Incidents of Hate Crimes and Acts of Racial Violence

A hate crime, also known as a "bias crime," is a criminal offense committed against a person, property, or society that is partially or wholly motivated by the offender's bias against the victim's race, religion, disability, sexual orientation, and/or ethnicity or national origin. Data on hate crimes are reported by law enforcement departments. Because the Las Vegas Metropolitan Police Department is responsible for unincorporated Clark County *and* the City of Las Vegas, we cannot exclude hate crimes committed in Las Vegas from the table immediately below. Hate crimes for the Boulder City, Mesquite, and North Las Vegas are reported separately by each of those cities' police departments.

Table 38: Reported Hate Crimes Las Vegas Metropolitan Police Department: 2004–2008

Reported Hate Crimes Las Vegas Metropolitan Police Department: 2004–2008					
Year	Number of Incidents Per Bias Motive (Group Most Victimized in Parenthesis)				
	Race	Religion	Ethnicity / National Origin	Sexual Orientation	Other
2008	39 (Black 29)	14 (Jewish 13)	19 (Hispanic 13)	11	0
2007	22 (Black 19)	15 (Jewish 9)	14 (Hispanic 14)	6	0
2006	46 (Black 30)	13 (Jewish 10)	39 (Hispanic 32)	12	0
2005	31 (Black 16)	12 (Jewish 10)	15 (Hispanic 14)	5	2
2004	38 (Black 30)	9 (Jewish 9)	9 (Hispanic 7)	8	1

The Las Vegas Metropolitan Police Department serves unincorporated Clark County and the City of Las Vegas. Details on each hate crime are available from the Clark County Community Resources Management Division in the PDF file "Nevada Hate Crimes 2004-2008.pdf." See page 10.

Source: Nevada Department of Public Safety, *Crime and Justice in Nevada,* 2004 through 2008 editions. Available online at http://www.nvrepository.state.nv.us/ucr_nav.shtml.

As shown in the above table, the most frequently targeted victims of hate crimes within the jurisdiction of the Las Vegas Metropolitan Police are African Americans, people of Hispanic ancestry, and Jewish people.

A substantial proportion of these hate crimes involves acts of violence. In 2008, 27 of the 83 reported hate crimes — 33 percent — involved violence. Of the 57 reported hate crimes in 2007, 39 percent involved violence. The previous year 42 percent of the 110 reported hate crimes were violent acts. Twenty–nine percent of the 65 hates crimes reported in 2005 were violent while 37 percent in 2004 involved violence.

No hate crime data are available for Boulder City or Mesquite. The Boulder City Police Department reports that it did not maintain a record of hate crimes

prior to 2010.[10]

The North Las Vegas Police Department provided detailed information on hate crimes committed within its jurisdiction. Sixteen — 55 percent — of the 29 hate crimes reported in North Las Vegas involved acts of violence. People of Hispanic ancestry were victims in 41 percent of the hate crimes; African Americans in 41 percent; whites in 21 percent.

Table 39: Reported Hate Crimes North Las Vegas Police Department: 2004–2009

Reported Hate Crimes North Las Vegas Police Department: 2004–2009				
Year	**Motivation**	**Victim**	**Suspect**	**Underlieing Crime**
2009	Sexual Orientation	Black	Hispanic	Home invasion
	Race	Hispanic	Black	Battery
	Race	Hispanic	Black	Shooting into occupied dwelling
	Race	Home Owners Association	Unknown	Graffiti / Injury to other property
	Race	Hispanic	Black	Battery with deadly weapon
	Race	Black	Unknown	Vandalism
2008	Race	Hispanic	Black	Harrassment
	Race	White	Unknown	Injury to other property
	Race	White	Unknown	Burglary
	Race	White	Black	Battery with deadly weapon
	Race	Black	Unknown	Graffiti
2007	Race	Black	Hispanic	Battery
	Sexual Orientation	White	Unknown	Harrassment
2006	Race	Black	White	Assault
	Race / Sexual Orientation	Indian	White	Battery with deadly weapon
	Race	White	Black	Battery
	Unknown	Hispanic	Black	Battery with substantial bodily harm
	Unknown	Hispanic	Hispanic	Attempted murder
	Unknown	Hispanic	Hispanic	Injury to other property
	Unknown	Hispanic	Hispanic	Domestic battery
	Unknown	Black	Black	Domestic battery
	Race	Hispanic	Black	Battery
2005	Race	Hispanic	Black	Battery
	Race	Hispanic	Unknown	Harrassment / Threatening phone calls
	Gender	Hispanic	Hispanic	Assault with deadly weapon
	Race	Asian	Unknown	Burglary
	Unknown	Black	Black	Attempted murder
2004	Race	White and Black	Unknown	Vandalism
	Race	Black	Unknown	Burglary / Destruction of private property

Source: North Las Vegas Police Department, April 2010.

10. Patricia M. Spero, "Re: Hate Crime Data," email message to the author, April 6, 2010.

Home Mortgage Lending Practices

Issuance of Home Mortgage Loans

Among the barriers to fair housing choice throughout the country have been discriminatory practices of private sector lenders that have led to minorities, especially African Americans and, usually to a lesser extent, Hispanics being denied conventional home loans significantly more often than Caucasians and being approved at a substantially lower rate. A smaller percentage of Native Americans also receive fewer loans than white people and are denied at a higher rate.

The Home Mortgage Disclosure Act requires lenders to report the race, ethnicity, and income of applicants for mortgage loans and how the applications were resolved: whether a mortgage was issued or denied as well as whether the applicant did not accept an approved mortgage, withdrew her application, or the application was closed as incomplete.

From 2007 through 2009, the number of mortgage applications for conventional home loans throughout Clark County fell more drastically than they did for the entire nation. Nationally, mortgage applications fell 49 percent between 2007 and 2008 while they declined 60 percent in Clark County, from 72,106 to 28,935. The decline in the number of applications in Clark County between 2008 and 2009 was much closer to the rest of the country. Applications fell another 38 percent to 18,045 in 2009 in Clark County while they declined another 36 percent nationally.

Figure 25: North Las Vegas House

Table 40: Results of Conventional Home Mortgage Applications in All of Clark County: 2008–2009

Results of Conventional Home Mortgage Applications in All of Clark County: 2008–2009								
Reporting Year: 2009								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	101	36	35.6%	9	23	22.8%	31	2
Asian	2,668	1,659	62.2%	183	516	19.3%	259	51
Black or African American	499	281	56.3%	27	114	22.8%	63	14
Hispanic	1,681	904	53.8%	103	417	24.8%	211	46
Native Hawaiian/Pacific	301	204	67.8%	11	58	19.3%	24	4
White	11,946	7,763	65.0%	713	2,043	17.1%	1,204	223
Mutiple Races	490	325	66.3%	26	88	18.0%	42	9
Race Unknown	2,040	1,211	59.4%	112	397	19.5%	269	51
Total of all Races (excludes the ethnicity "Hispanics")	18,045	11,479	63.6%	1,081	3,239	17.9%	1,892	354
Reporting Year: 2008								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	194	94	48.5%	25	47	24.2%	25	3
Asian	3,827	2,110	55.1%	332	877	22.9%	409	99
Black or African American	912	433	47.5%	90	270	29.6%	95	24
Hispanic	3,237	1,436	44.4%	337	1,016	31.4%	300	148
Native Hawaiian/Pacific	412	219	53.2%	29	110	26.7%	43	11
White	19,229	10,879	56.6%	1,800	4,134	21.5%	1,930	486
Multiple Races	670	392	58.5%	61	128	19.1%	84	5
Race Unknown	3,691	1,872	50.7%	371	737	20.0%	610	101
Total of all Races (excludes the ethnicity "Hispanics")	28,935	15,999	55.3%	2,708	6,303	21.8%	3,196	729

Hispanics are excluded from the "Total of all Races" because Hispanic is an ethnicity and not a race. They were counted within each racial designation and including the Hispanic row here would double count them.
Source: Home Mortgage Disclosure Act Table 4–2 for the Las Vegas–Paradise, Nevada MSA (Clark County)

It is no surprise that approval rates for unincorporated Clark County are similar to those for the county as a whole since 72 percent of the county's applications were for homes in unincorporated Clark County.

Figure 26: Age–Restricted Mobile Home in Boulder City

Table 41: Results of Conventional Home Mortgage Applications in Unincorporated Clark County: 2008–2009

Results of Home Mortgage Applications in Unincorporated Clark County: 2008–2009								
Reporting Year: 2009								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	38	11	28.9%	4	3	7.9%	18	2
Asian	2,185	1,372	62.8%	150	416	19.0%	206	41
Black or African American	320	189	59.1%	19	65	20.3%	39	8
Hispanic	1,141	652	57.1%	65	269	23.6%	123	32
Native Hawaiian/Pacific	222	149	67.1%	9	40	18.0%	20	4
White	7,273	4,837	66.5%	441	1,163	16.0%	701	131
Mutiple Races	331	221	66.8%	19	60	18.1%	26	5
Race Unknown	1,425	882	61.9%	83	254	17.8%	171	35
Total	12,935	8,313	64.3%	790	2,270	17.5%	1,304	258
Reporting Year: 2008								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	58	30	51.7%	7	11	19.0%	10	0
Asian	3,068	1,732	56.5%	247	701	22.8%	312	76
Black or African American	600	281	46.8%	59	178	29.7%	67	15
Hispanic	2,198	989	45.0%	253	660	30.0%	213	83
Native Hawaiian/Pacific	302	158	52.3%	23	80	26.5%	33	8
White	11,472	6,790	59.2%	1,046	2,255	19.7%	1,137	244
Mutiple Races	453	276	60.9%	46	76	16.8%	52	3
Race Unknown	2,553	1,315	51.5%	253	502	19.7%	413	70
Total	20,704	11,571	55.9%	1,934	4,463	21.6%	2,237	499

Hispanics are included in the "Total" because they were not included in any of the racial classifications.
Source: Data compiled from census tracts by the Woodstock Institute from Home Mortgage Disclosure Act Table 4–2.

In 2008 applications by African Americans and Hispanics were issued at a rate about 13 percentage points lower than for whites.[11] Issuance rates for Asians, American Indians, and Native Hawaiians fell somewhere in between. The next year the gap between Caucasians and African Americans and Hispanics closed to single digits. While the gap between whites and American Indians skyrocketed to nearly 38 percentage points, that can largely be attributed to nearly half the mortgage applications from American Indian households being withdrawn. Issuance rates for both Asians and Native Hawaiians increased in 2009.

The three tables above also show that Hispanics were consistently denied mortgages at slightly higher rates than African Americans.

These differences, however, strongly suggest that discrimination against African American and Hispanic mortgage applicants has been taking place.

The HMDA data show no patterns of discrimination in the reasons for denying a conventional home mortgage. The reasons for denial were similar for all

11. The percent issued and the percent denied do not add up to 100 percent because some applicants reject their approved mortgage applications, other applications are withdrawn, and still others are incomplete. To make these HDMA tables readable, the only percentages included are for mortgages issued and mortgage applications denied.

ethnic and racial classifications in 2008 and 2009 with an inadequate debt to income ratio and a lack of collateral accounting for nearly half the denials.[12]

Income does not explain these differences in approval and denial rates between whites and blacks and Hispanics. HMDA Table 5–2 for Clark County shows that in both 2008 and 2009 conventional home mortgages were issued less frequently to African American and Hispanic applicants than to white applicants in four of five income categories.[13] With one exception, approval rates for African Americans in 2009 were seven to 17 percentage points less than for whites in the same income group. Approval rates for Hispanic households were nine to 12 percentage points lower than for whites in the same income group. The exception was the "Upper Middle Income" category where African American applicants were approved 68 percent of the time, three percentage points more than white households with the same income.

In 2008, approval rates for African American households lagged two to 12 percentage points behind whites. Approval rates for Hispanics lagged five to 17 percentage points behind whites.

Income differences do not explain why mortgages were issued to African Americans and Hispanics at substantially lower rates than to white applicants.

Put more dramatically, in 2009 **mortgage applications from low income white households were approved at a higher rate — 61 percent — than those from the wealthiest black and Hispanic households — 56 and 57 percent respectively. In 2008, the disparities were even greater with 55 percent of low–income white households receiving mortgages while just 45 percent of the wealthiest African American and 43 percent of the wealthiest Hispanic households won approval.**

In both years, applications by Asians enjoyed approval rates similar to those of applications by whites in every income category.

This abundance of data strongly suggests that there are lenders serving Clark County that are illegally discriminating against African Americans and Hispanics based on their race or ethnicity. No other factor explains the lower approval rates and higher denial rates for applications for conventional home loans submitted by African American and Hispanic applicants.

However, the differences in approval and denial rates in Clark County are not nearly as great as they are nationally.

12. The data appear in HMDA Table 8–2 for Clark County. The percentages for each reason for denial are in the spreadsheet "Clark County NV 2008-2009 reasons for denials.xlsx" available from the Clark County Community Resources Management Division.
13. The categories are "Low Income" defined as less than 50 percent of the Metropolitan Statistical Area's median household income; "Moderate Income" defined as 50 to 79.9 percent of the MSA's median household income; "Middle Income" which is set at 50 to 99 percent; "Upper Middle Income" designated as 100 to 119 percent; and "Upper Income" defined as 120 percent and more of the MSA's median income. Data are in the spreadsheet "Clark County Loans - Disposition of Mortgage Apps Race-Ethnicity Income 2008-2009.xlsx" available from the Clark County Community Resources Management Division.

National rates provide some perspective for the approval and denial rates in four jurisdictions covered in this study. As the table below shows, applications for conventional mortgages submitted by African Americans and Hispanics were approved at a much lower rate than were those from whites and denied at a higher rate in both 2008 and 2009. The differences in approval rates were in double digits, with applications from African Americans being approved 23 and 25 percent less often than whites in 2008 and 2009 respectively. Applications from Hispanics were approved 18 and 16 percent less frequently. Applications from Native Americans and Alaskan Natives were approved almost as infrequently as from African Americans. Approval rates of applications from Native Hawaiians and Pacific Islanders fell somewhere in between. Approval rates for Asians were within a few percentage points of whites.

Table 42: Results of Conventional Home Mortgage Applications in the United States: 2008–2009

Results of Conventional Home Mortgage Applications in the United States: 2008–2009								
Reporting Year: 2009								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	12,797	5,606	43.8%	1,089	4,002	31.3%	1,770	330
Asian	177,026	112,131	63.3%	14,405	26,347	14.9%	18,792	5,351
Black or African American	90,466	36,583	40.4%	7,556	35,203	38.9%	8,371	2,753
Hispanic	149,174	73,881	49.5%	13,078	40,340	27.0%	16,419	5,456
Native Hawaiian/Pacific	7,129	3,848	54.0%	568	1,726	24.2%	767	220
White	1,718,125	1,120,874	65.2%	122,958	287,185	16.7%	152,662	34,446
Mutiple Races	33,022	21,270	64.4%	2,521	5,355	16.2%	3,181	695
Race Unknown	272,051	160,517	59.0%	19,277	48,596	17.9%	34,822	8,839
Total of all Races (excludes the ethnicity "Hispanics")	2,310,616	1,460,829	63.2%	168,374	408,414	17.7%	236,784	58,090
Reporting Year: 2008								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	19,746	8,565	43.4%	2,279	6,411	32.5%	1,959	532
Asian	224,746	130,468	58.1%	23,842	38,674	17.2%	24,697	7,065
Black or African American	201,404	81,032	40.2%	20,711	71,838	35.7%	19,064	8,759
Hispanic	315,015	142,743	45.3%	34,237	91,903	29.2%	32,147	13,985
Native Hawaiian/Pacific	13,776	6,776	49.2%	1,433	3,611	26.2%	1,481	475
White	2,613,516	1,640,976	62.8%	235,502	450,483	17.2%	224,968	61,587
Multiple Races	80,120	35,143	43.9%	13,130	26,100	32.6%	4,713	1,034
Race Unknown	434,091	240,662	55.4%	41,442	82,390	19.0%	55,926	13,671
Total of all Races (excludes the ethnicity "Hispanics")	3,587,399	2,143,622	59.8%	338,339	679,507	18.9%	332,808	93,123

Hispanics are excluded from the "Total of all Races" because Hispanic is an ethnicity and not a race. They were counted within each racial designation and including the Hispanic row here would double count them.
Source: Home Mortgage Disclosure Act Table 4–2 National Aggregate

While the disparities in Clark County are generally much less than for the nation as a whole, Clark County Hispanics experience the same levels of discrimination in mortgage lending as African Americans.

So while HMDA data clearly show discriminatory patterns, especially against African Americans and Latinos, the degree of discrimination against African Americans in Clark County is lower than nationally, sometimes by half while the level of discrimination against Hispanics is higher than nationally.

North Las Vegas

Lenders serving North Las Vegas, however, appear to engage in discriminatory practices at rates somewhere between unincorporated Clark County and the entire nation.

Table 43: Results of Conventional Home Mortgage Applications in North Las Vegas: 2008–2009

Results of Home Mortgage Applications in North Las Vegas: 2008–2009								
Reporting Year: 2009								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	13	5	38.5%	0	2	15.4%	5	1
Asian	200	125	62.5%	14	42	21.0%	18	1
Black or African American	128	79	61.7%	6	25	19.5%	14	4
Hispanic	313	177	56.5%	13	76	24.3%	41	6
Native Hawaiian/Pacific	45	29	64.4%	0	11	24.4%	4	1
White	1,022	729	71.3%	49	141	13.8%	86	17
Mutiple Races	55	40	72.7%	5	4	7.3%	4	2
Race Unknown	211	133	63.0%	4	41	19.4%	31	2
Total	1,987	1,317	66.3%	91	342	17.2%	203	34
Reporting Year: 2008								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	10	8	80.0%	1	0	0.0%	1	0
Asian	240	124	51.7%	18	64	26.7%	29	5
Black or African American	191	93	48.7%	13	56	29.3%	24	5
Hispanic	561	267	47.6%	54	165	29.4%	47	28
Native Hawaiian/Pacific	30	15	50.0%	3	8	26.7%	3	1
White	1,199	732	61.1%	104	230	19.2%	112	21
Mutiple Races	61	37	60.7%	6	9	14.8%	8	1
Race Unknown	379	215	56.7%	45	49	12.9%	65	5
Total	2,671	1,491	55.8%	244	581	21.8%	289	66

Hispanics are included in the "Total" because they were not included in any of the racial classifications.
Source: Data compiled from census tracts by the Woodstock Institute from Home Mortgage Disclosure Act Table 4–2.

During the past two years, the gap in issuing rates between whites and African Americans decreased from 12.4 percentage points to 9.6. However, the difference for Hispanics increased from 13.5 percentage points to 14.8. Multi–race households enjoyed the same or better approval rates as whites. The only conclusion possible is that discriminatory lending practices exist among the lenders serving North Las Vegas.

Boulder City

It is impossible to draw any conclusions regarding discriminatory practices among the lenders that serve Boulder City due to the paucity of mortgage applications from minority groups during the past two years. Just 14 of the 261 applications were submitted by minority households with seven from multi–racial households. That's just 5.4 percent of the applications, which isn't surprising given that blacks and Hispanics constituted five percent of Boulder City's population in 2000. The unanswered question is, "Why do so few members of minority groups apply for mortgages in Boulder City?"

Table 44: Results of Conventional Home Mortgage Applications in Boulder City: 2008–2009

Results of Home Mortgage Applications in Boulder City: 2008–2009								
Reporting Year: 2009								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	0	0	—	0	0	—	0	0
Asian	1	1	100.0%	0	0	0.0%	0	0
Black or African American	0	0	—	0	0	—	0	0
Hispanic	4	3	75.0%	1	0	0.0%	0	0
Native Hawaiian/Pacific	0	0	—	0	0	—	0	0
White	101	75	74.3%	2	16	15.8%	7	1
Mutiple Races	1	0	0.0%	0	0	0.0%	1	0
Race Unknown	11	4	36.4%	0	6	54.5%	1	0
Total	118	83	70.3%	3	22	18.6%	9	1
Reporting Year: 2008								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	0	0	—	0	0	—	0	0
Asian	2	0	0.0%	1	1	50.0%	0	0
Black or African American	1	1	100.0%	0	0	0.0%	0	0
Hispanic	5	2	40.0%	0	0	0.0%	1	2
Native Hawaiian/Pacific	1	1	100.0%	0	0	0.0%	0	0
White	106	72	67.9%	10	17	16.0%	7	0
Mutiple Races	6	1	16.7%	3	1	16.7%	1	0
Race Unknown	21	11	52.4%	2	5	23.8%	3	0
Total	142	88	62.0%	16	24	16.9%	12	2

Hispanics are included in the "Total" because they were not included in any of the racial classifications.
Source: Data compiled from census tracts by the Woodstock Institute from Home Mortgage Disclosure Act Table 4–2.

Mesquite

It's the same situation in Mesquite where minorities submitted just 4.6 percent of the mortgage applications in 2008 and 2009, especially since African Americans and Hispanics constituted 25.4 percent of the population in 2000.[14] It is difficult to arrive at any conclusions on whether lenders have engaged in discriminatory practices given the paucity of minority applicants. The question does remain as to why so few members of minority groups seek to buy in Mesquite.

Figure 27: Sign Entering Mesquite

14. African Americans accounted for 0.6 percent of the city's residents while Hispanics comprised 24.8 percent.

Table 45: Results of Conventional Home Mortgage Applications in Mesquite: 2008–2009

Results of Home Mortgage Applications in Mesquite: 2008–2009								
Reporting Year: 2009								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	0	0	—	0	0	—	0	0
Asian	4	3	75.0%	1	0	0.0%	0	0
Black or African American	0	0	—	0	0	—	0	0
Hispanic	16	10	62.5%	5		0.0%	1	0
Native Hawaiian/Pacific	0	0	—	0	0	—	0	0
White	239	181	75.7%	14	22	9.2%	18	4
Mutiple Races	3	2	66.7%	0	1	33.3%	0	0
Race Unknown	22	18	81.8%	1	2	9.1%	1	0
Total	284	214	75.4%	21	25	8.8%	20	4
Reporting Year: 2008								
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Closed Incomplete
American Indian / Alaskan	1	1	100.0%	0	0	0.0%	0	0
Asian	8	3	37.5%	2	2	25.0%	1	
Black or African American	1	0	0.0%	0	1	100.0%	0	0
Hispanic	8	5	62.5%	1	1	12.5%	1	0
Native Hawaiian/Pacific	1	1	100.0%	0	0	0.0%	0	0
White	479	314	65.6%	72	50	10.4%	42	1
Mutiple Races	9	7	77.8%	2	0	0.0%	0	0
Race Unknown	58	34	58.6%	14	6	10.3%	4	0
Total	565	365	64.6%	91	60	10.6%	48	1

Hispanics are included in the "Total" because they were not included in any of the racial classifications.
Source: Data compiled from census tracts by the Woodstock Institute from Home Mortgage Disclosure Act Table 4-2.

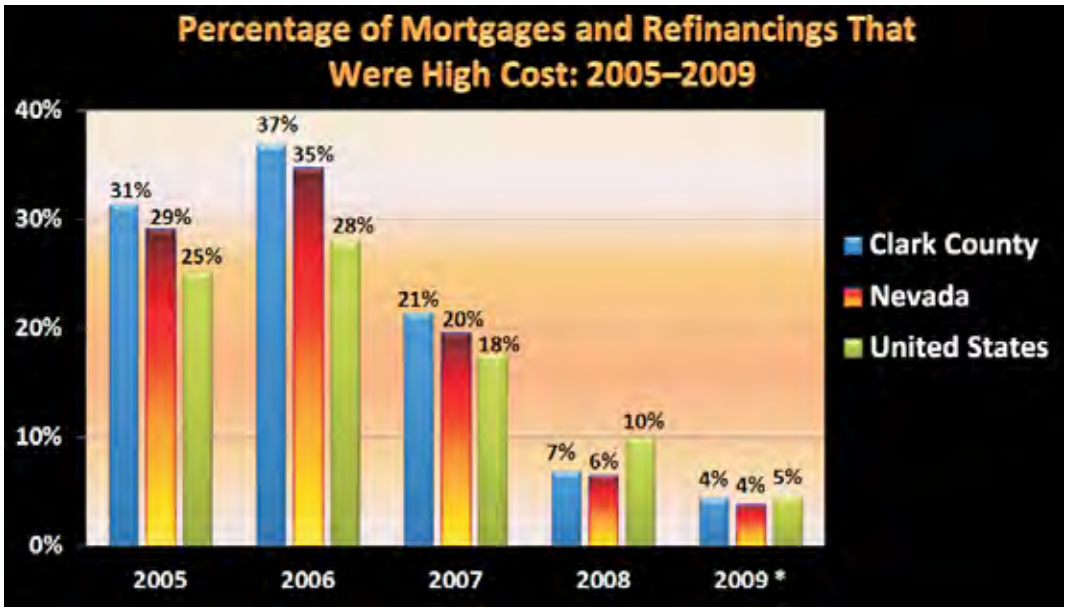
"High Cost" Mortgage Loans

"High cost" mortgages include the sort of loans typically labeled "subprime" and/or "predatory." They include mortgages based on higher rates, typically three percentage points or more above the yield on a comparable term treasury security. These include mortgages with variable interest rates that can skyrocket in the years after the loan is issued.

The widespread use of these high cost mortgages is part of the increase in abusive lending practices that generated today's nationwide crisis for homeowners. Their use accelerated significantly in the past decade as lenders sought to extend credit to home purchasers who had poor credit histories and a poor understanding of mortgage loans. These lenders frequently target people with minimal understanding of the terms that constitute a prime mortgage, usually seniors and minorities and poor families buying for the first time. The mortgages to which they steer these folks have abusive terms that can lead to a loss of home equity and loss of the home. These include loans with the moniker "exploding ARMs" under which an adjustable interest rate can soar substantially after two or three years unlike in the prime market where adjustable rate mortgages usually have a cap on annual increases of one or two percent and a lifetime cap of six percent.

According to research by the Center for Responsible Lending, 20 percent of high cost mortgages result in foreclosure, over eight times the rate for mortgages in the prime market. Subprime prepayment penalties and balloon payments only exacerbate the crisis.[15]

Figure 28: Percentage of Conventional Mortgages that Were High Cost: 2005–2009



* Figures for 2009 are for the first three quarters.The definition of "High Cost Mortgage" was changed beginning with the fourth quarter 2009 and is not strictly compatible.
Source: HDMA data supplied by PolicyMap.com.

As the above graph shows, from 2005 through 2007, Clark County had a greater proportion of high cost home mortgages and refinancings than Nevada and the nation — which may have contributed to the higher rates of foreclosures in Clark County. After 2007, the proportion of high cost loans in Clark County actually declined so much that the national rates were higher.

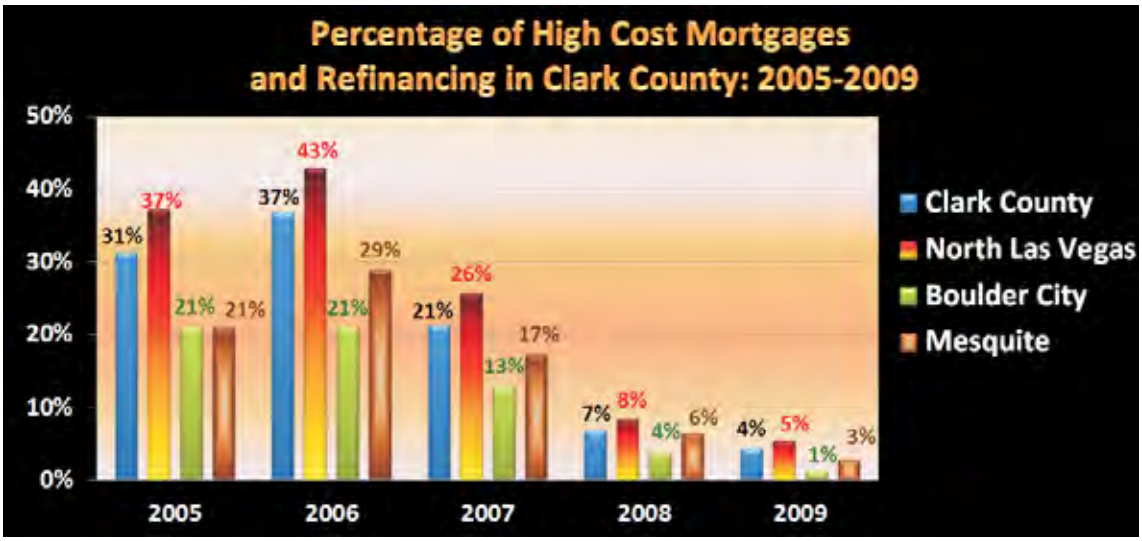
Within Clark County, North Las Vegas has consistently had the highest proportion of loans that were high cost. As explained below, this is probably because North Las Vegas has the largest concentrations of Hispanics and African Americans living there. These two groups were saddled with a far greater proportion of high cost mortgages than any other racial or ethnic group.

Boulder City consistently had the lowest percentages of high cost mortgages, quite possibly because nearly every home loan during this five year period was to a non–Hispanic white. During these five years, one loan was issued to an African American and 13 to Hispanics. Two hundred and forty one mortgages were issued to members of the two groups with the lowest rates of high cost mortgages: four were issued to Asians, 237 to whites.

15. Detailed information on the signs of a predatory loan are explained in detail online at http://www.responsiblelending.org/mortgage-lending/tools-resources/8-signs-of-predatory-lending.html.

Mesquite was close behind Boulder City, probably for similar reasons. Only three African Americans received mortgages there during the five years studied. Seventy three loans were issued to Hispanics, although none have been issued since 2007. Five loans were issued to Asians in 2005 and 2006; none since then. Whites were issued 187 loans during the study period.

Figure 29: Percentage of High Cost Mortgages and Refinancings in Clark County: 2005–2009

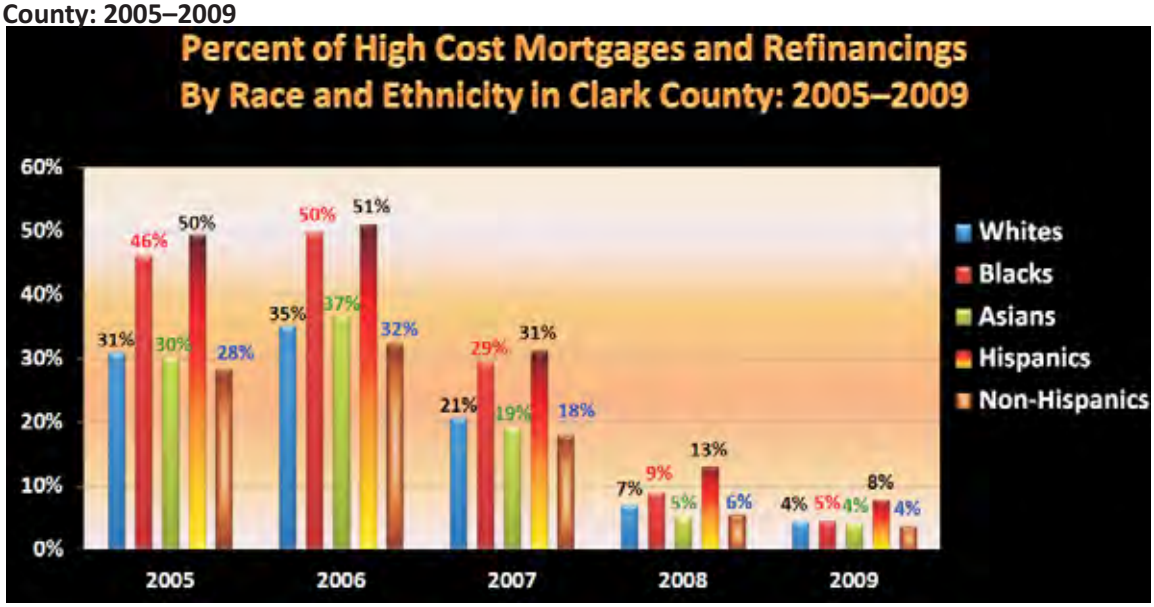


Figures for 2009 are for the first three quarters.The definition of "High Cost Mortgage" was changed beginning with the fourth quarter 2009 and is not strictly compatible.
Source: HMDA from PolicyMap.com HMDA Reports, January 12, 2011.

High cost mortgage and refinancing loans become a fair housing issue when lenders treat members of any class protected under the nation's Fair Housing Act differently and steer them to these loans. While lenders have placed Clark County home buyers of all races into high cost mortgages, the data in the two figures that follow strongly suggest that lenders have been steering Hispanics, and to a slightly lesser extent African Americans, to high cost loans far more frequently than they have Caucasians and Asians.

In every year between 2005 and 2009, a greater proportion of Hispanics received high cost home loans than any other group. African Americans were a close second. Whites and Asians had the lowest rates of high cost loans. Every year the difference between Hispanics and non–Hispanics was substantial. While the rate of high cost mortgages was declining after 2007, twice as many Hispanic borrowers received high cost mortgages in 2009 than did non–Hispanics. In 2009 the rate for African Americans was nearly identical to the rates for whites and Asians.

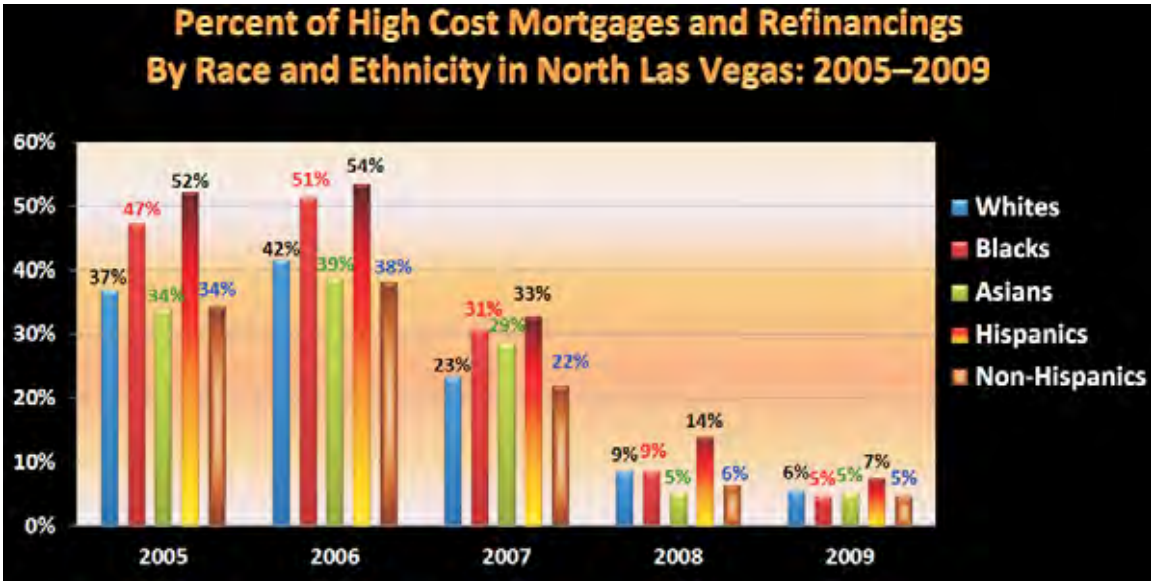
Figure 30: Percent of High Cost Mortgages and Refinancings By Race and Ethnicity in Clark County: 2005–2009



Figures for 2009 are for the first three quarters.The definition of "High Cost Mortgage" was changed beginning with the fourth quarter 2009 and is not strictly compatible.
Source: HDMA data supplied by PolicyMap.com.

As noted earlier, the highest proportion of high cost loans throughout the study period was in North Las Vegas. As shown in the graph that follows, the rate of high cost loans was higher for every group in North Las Vegas than for the county as a whole except for Hispanics in 2009.

Figure 31: Percent of High Cost Mortgages and Refinancings By Race and Ethnicity in North Las Vegas: 2005–2009



Figures for 2009 are for the first three quarters.The definition of "High Cost Mortgage" was changed beginning with the fourth quarter 2009 and is not strictly compatible.
Source: HDMA data supplied by PolicyMap.com.

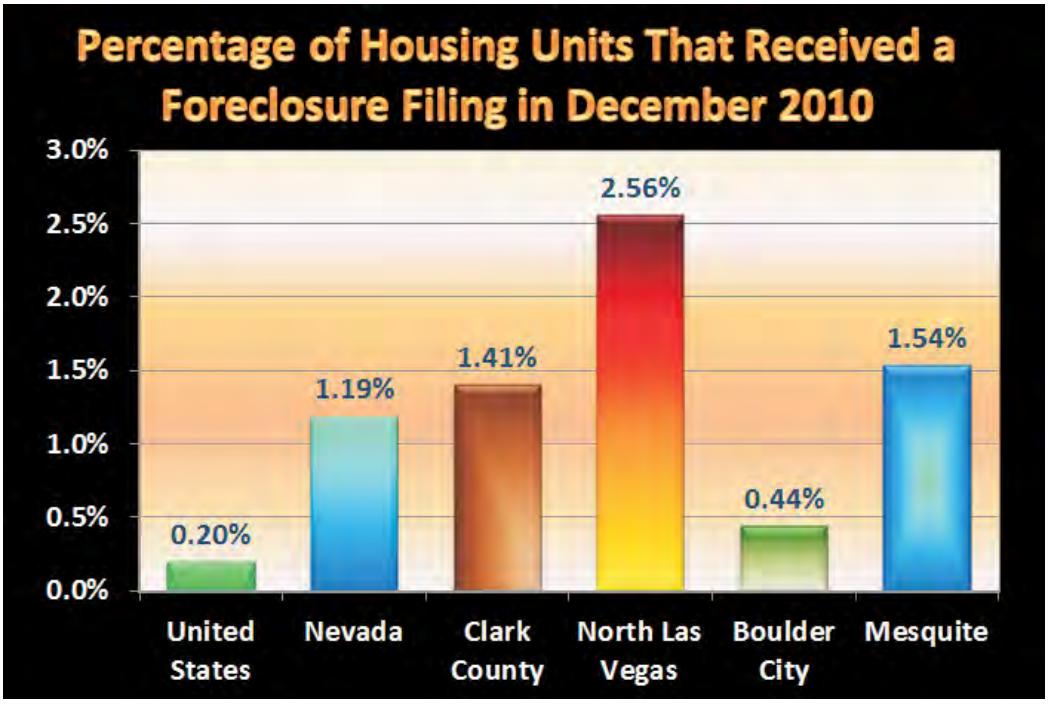
This data strongly suggest that high cost mortgage and refinancing loans were issued to Hispanics and African Americans on a discriminatory basis.

Foreclosures

These high cost mortgages most likely contributed to the increase in foreclosures in Clark County as well as throughout the nation. Between 2007 and early 2010, "over 58,000 foreclosures were recorded in Clark County and the crisis is not over yet."[16] Foreclosures have helped reduce the sales price of homes, making them more affordable. But the pool of potential owner–occupants has shrunk due to job loss and income reductions caused by the recession. It is believed that investors are buying up a substantial proportion of the foreclosed residential properties.[17]

In North Las Vegas, more than half of the mortgages issued in every census tract that was majority–minority was a subprime loan.[18] A substantial number of foreclosures occurred in virtually every city neighborhood with 1,514 single–family homes foreclosed in 2007 and 2,619 in the first half of 2008.[19]

Figure 32: Percentage of Housing Units that Received a Foreclosure Filing in December 2010



Source: RealtyTrac.com

16. *Clark County, NV HCP Consortium FY 2010–2014 Consolidated Plan,*3.
17. Ibid.
18. "The NSP Substantial Amendment Section B: North Las Vegas," City of North Las Vegas Substantial Amendment to the 2008 Action Plan of The FY2005–2009 HUD Consolidated Plan, Table 2.
19. Ibid. 2.

As the above graph illustrates, North Las Vegas homeowners still faced significantly more foreclosures than elsewhere in Clark County, in the state that is the foreclosure capital of America. Given that North Las Vegas and Mesquite had the largest percentages of high cost mortgages and refinancings among the four jurisdictions covered by this analysis of impediments as shown on page 87, it is no surprise that the highest rate of foreclosure would be in North Las Vegas and the second highest in Mesquite. As shown on page 88, high cost mortgages and refinancings were issued to Hispanics and African Americans far more frequently than to Asians and whites — a trend also present in North Las Vegas with its substantial Hispanic and Black population. While racial and ethnic data on high cost mortgages and refinancings as well as foreclosures was not available for a city a small as Mesquite, it is no surprise that Mesquite has the second highest rate of foreclosures given its substantial Hispanic population.

While there is no cause and effect relationship between the proportion of owner–occupied homes in a jurisdiction with a mortgage and the foreclosure rate, there appears to be a slight positive correlation. The smaller the proportion of homes with mortgages, the smaller the proportion of homes that could be subject to foreclosure. Boulder City has the lowest percentage of homeowners with a mortgage and, not surprisingly the lowest foreclosure rate in Clark County. Between 2005 and 2009, an average of just 61.6 percent of Boulder City's homeowners had a mortgage; more than a third (38.4 percent) did not.[20] So only 61.6 percent of its homes could possibly become subject to a foreclosure filing. However, Mesquite had identical proportions of owner–occupied properties with mortgages and its rate was three and a half times higher than Boulder City's.

On the other hand, only 12 percent of the owner–occupied homes in North Las Vegas were without a mortgage during this time period. That left nearly nine in ten vulnerable to a foreclosure. The foreclosure rate in North Las Vegas was the highest in Clark County.

We could not find any reports of evidence that foreclosures have been conducted in a discriminatory manner in Clark County. While it appears very possible that high cost mortgages and refinancings were issued based on race or Hispanic ethnicity, additional original research far beyond the scope of this study would be needed to determine whether foreclosures are being filed in a discriminatory manner. It is impossible to tell without knowing the race, ethnicity, and income of each homeowner who received a foreclosure filing as well as the circumstances of each foreclosure filing.

Home Appraisal Practices

No studies were conducted or published during the time period covered by this study.

Real Estate Firms and Developers

No studies were conducted or published during the time period covered by

20. "Selected Housing Characteristics: 2005–2009," *2005–2009 American Community Survey 5–Year Estimates,* for each jurisdiction.

this study.

Rental Leasing Firms and Landlords

No studies were conducted or published during the time period covered by this study.

Real Estate Advertising

While no studies have been conducted by local fair housing organizations, we conducted our own for this Analysis of Impediments.

Print Advertising

We reviewed 2,626 print ads — 616 for "for sale" housing and 2,010 for rentals. Ads appeared in the *Las Vegas Review–Journal, Boulder City Review, Mesquite Local News, Desert Valley Times* (Mesquite) , Apartments for Rent (Las Vegas addresses which include unincorporated Clark County, Boulder City)*, The Shopper* (Boulder City)*, Boulder City Magazine,* and the *Greater Las Vegas Apartment Guide.* We examined ads in issues published in February through May 2010.

We did not find any ads with blatant violations of the Fair Housing Act. With 47 of 59 display ads showing HUD's equal opportunity logo, inclusion of the logo was the rule rather than the exception. All of the display ads in the *Greater Las Vegas Apartment Guide* also included the accessibility logo as did the two display ads for buildings managed by AMC that appeared in *Apartments for Rent*. One display ad in the *Las Vegas Review–Journal* also included the logo for equal opportunity lending.

Display ads had a mixed record when it came to the photographs of real estate agents and models depicting residents and buyers. Photographs in display ads can send an unsubtle message to potential buyers. For example, if a reader were to rely solely on the photographs of real estate agents that appear in the display ads in the Sunday paper, that reader would think every real estate agent in Clark County is Caucasian. Of the more than 40 real estate agents shown in display ads, none were African American or Asian and one "appeared" to be Hispanic. Since many of the display ads feature the photo of the agent with a specific piece of property, there's a subtle message that only whites are welcome. If these real estate firms employ only white agents, there is a serious problem that needs to be addressed. If they are excluding from the print ads their agents who are members of minority groups, there is a different serious problem that must be addressed.

Display ads with photos depicting residents were a different story. They tended to show people of all races and ethnicities which sends a positive welcoming message to minority households.

Discrimination of any kind was absent from nearly all the classified ads for rentals and "for sale" housing. A number of ads included "Si Habla Espanol" in them, a welcoming signal to Hispanics. Some said "Seniors welcome" or "Seniors okay." A number of ads noted "Section 8 okay" while one ad specified "No Section 8." Two ads noted that the properties were handicapped accessible.

Online Advertising

We examined the web sites of 14 real estate firms, developers, and leasing agents. We found no overt violations of fair housing law.

With one exception, there were no African Americans among the photographs and videos of agents, home buyers, renters, or residents. The sole exception was the website for Pardee Homes that serves the Las Vegas area and California. The home page featured photos of an African American family, a white woman, and two Latinas. A video depicting home buyers included four Caucasians, two Latinos, and two Blacks. The downloadable brochure for a Pardee subdivision shows a mix of Caucasians, Hispanics, and Asians. The site includes a link to a page in Spanish.

The home page for Preserve Apartments in North Las Vegas showed what appeared to be a white couple and Hispanic staff. This site included HUD's equal opportunity logo on every page. A little more than half of the sites reviewed included the logo on at least one page. The home page for Terrace Apartments included a notice to "Please contact our Resident Services Department for all fair housing requests, claims for damages, or complaints." The site for Colonial Grand at Desert Vista in North Las Vegas included a notice that read "Equal Housing: We are an Equal Housing Opportunity Provider. We conduct business in accordance with the Federal Fair Housing Act and do not discriminate against any person because of race."

None of the websites made any reference to the dwellings being accessible to people with disabilities.

Public Sector Compliance Issues

Land–Use Controls and Building Codes

Community Residences for People with Disabilities

Zoning

The Fair Housing Amendments Act of 1988 (FHAA) added people with disabilities to the classes protected by the nation's Fair Housing Act (FHA). The amendments recognized that many people with disabilities need a community residence (group home, halfway house, recovery community) in order to live in the community in a family–like environment rather than being forced into an inappropriate institution. The FHAA's legislative history stated that:

> "The Act is intended to prohibit the application of special requirements through land–use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the

residence of their choice with in the community."[21]

While some suggest that the FHAA prohibits all zoning regulation of community residences, the FHAA's legislative history suggests otherwise:

> "Another method of making housing unavailable has been the application or enforcement of otherwise neutral rules and regulations on health, safety, and land–use in a manner which discriminates against people with disabilities. Such discrimination often results from false or over–protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose. These and similar practices would be prohibited."[22]

Many states, counties, and cities across the nation continue to base their zoning regulations for community residences on these "unfounded fears." The 1988 amendments require all levels of government to make a *reasonable accommodation* in their zoning rules and regulations to enable community residences for people with disabilities to locate in the same residential districts as any other residential use.[23]

It is well settled that a community residence is a residential use, not a business. The Fair Housing Amendments Act of 1988 specifically invalidates restrictive covenants that would exclude community residences from a residential area. The Fair Housing Act renders them unenforceable against community residences for people with disabilities.[24]

Typically, the zoning ordinance of a city or county places a cap on the maximum number of unrelated people allowed to live together in a single dwelling unit.[25] For example, many zoning codes set four as the cap on the number of unrelated people who can reside together. In this example, community residences for more than four unrelated individuals are excluded from the residential districts where they belong.[26]

If a proposed community residence complies with the cap in a zoning code's definition of "family," any community residence that abides with that cap must be allowed as of right, namely as a permitted use. The courts have made it abundantly clear that imposing any additional zoning requirements on a community residence that complies with the cap in the definition of "family" would clearly constitute illegal discrimination under the Fair Housing Act. And if a definition of "family" places no limit on the number of unrelated individuals who can

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21. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173.
22. Ibid.
23. 42 U.S.C. §3604(f)(B) (1988).
24. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2184.
25. The U.S. Supreme Court sanctioned this type of restriction in *Village of Belle Terre v. Borass,* 416 U.S. 1 (1974) and later modified its ruling in *Moore v. City of East Cleveland, Ohio,* 431 U.S. 494 (1977).
26. The vast majority of community residences for people with disabilities house more than four people. While the trend for people with developmental disabilities is towards smaller group home households, valid therapeutic and financial reasons result in community residences for people with mental illness and for people in recovery from drug and/or alcohol addiction housing eight to 12 residents.

dwell together, then all community residences must be allowed as of right in all residential districts.

When a proposed community residence would house more unrelated people than the definition of "family" allows, jurisdictions must make the "reasonable accommodation" that the Fair Housing Act requires to allow such community residences to locate in residential districts. However, different types of community residences have dissimilar characteristics that warrant varying zoning treatment depending on the type of tenancy.

Community residences that offer a relatively permanent living arrangement in which there is no limit to how long somebody can live there (group homes and recovery communities) should be permitted uses allowed as of right in all residential districts. There is considerable debate in legal circles whether a rationally–based spacing distance or a license can be required.

On the other hand, community residences such as a halfway house that sets a limit on length of residency are more akin to multifamily housing and may be subject to a special use permit in single–family districts, although this too is subject to debate in legal circles. There is little doubt that they should be allowed as of right in multifamily districts although there is debate over whether a spacing distance from other community residences or a license can be required.

While a jurisdiction can certainly exclude transitional homes for people *without* disabilities from the residential districts of its choosing, the Fair Housing Act prohibits this kind of zoning treatment for halfway houses and recovery communities that house people with disabilities.[27] The key distinction between halfway houses and recovery communities is that tenancy in the former is temporary. Halfway houses impose a limit on how long residents can live there. Tenancy is measured in months.

On the other hand, residency in a recovery community is relatively permanent. There is no limit to how long a recovering alcoholic or drug addict who is not using can live there. Tenancy is measured in years just as it is for conventional rental and ownership housing. Consequently, it is rational for zoning to treat recovery communities like group homes which also offer relatively permanent living arrangements and to treat halfway houses more like multifamily rental housing. Halfway houses should be allowed as of right in multifamily districts. In single–family districts, the higher scrutiny of a special use permit is warranted for a halfway house.

Any examination of a locality's zoning treatment of community residences begins with its zoning definition of "family."

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27. It is extremely well–settled that people with drug and/or alcohol addictions who are not currerntly using an illicit drug are people with disabilities under the *Fair Housing Act* and the *Americans With Disabilities Act.* See 42 U.S.C. 3602(h) and 24 C.F.R. 100.201(a)(2). See, also, *City of Edmonds v. Washington State Building Code Council,* 115 S. Ct. 1776 (1995).

Clark County

Clark County substantially revised its land–use regulations for community residences on August 21, 2006.[28] The zoning regulations were subsequently tweaked in the 2008 settlement agreement in *Nevada Fair Housing Center, Inc. v. Clark County.*[29]

Before explaining the zoning treatment of community residences in Clark County, it is important to note that the county defines "conditional uses" and "special uses" differently. Usually these terms are synonyms. Under Clark County's *Unified Development Code,* a conditional use is a land use that is permitted as of right as long as specified conditions are met. The jurisdiction's professional staff administratively reviews a proposed conditional use. A public hearing is not required.

A special use, however, is a land use allowed in a zoning district subject to the heightened scrutiny of a public hearing and vote by the local zoning board of appeals or planning commission. The recommendation of the zoning board or planning commission goes to the local governing body — city council, county commission — for a final vote. The burden is on the applicant to show that her proposal complies with the zoning ordinance's standards for issuing the special use permit.

Clark County's definition of "family" caps the number of unrelated people allowed to live together as a single housekeeping unit at four. Any community residence that houses four or fewer people is allowed as of right under this definition.[30]

Clark County's zoning makes the requisite reasonable accommodation for community residences for people with disabilities that house more than four people by allowing them as conditional uses in all residential zoning districts. The definition of "community residence" clearly states that a "community residence shall be considered a residential use of property for purposes of all zoning and building codes." The definition of "dwelling" specifically includes "community residences."

The county's definition of "community residence" limits their size to no more than ten residents in accord with limitations in the *state statutes* that govern different types of community residences. While this limitation may make sense for those community residences established under a state license that limits them to ten residents, it is probably not legally justifiable when applied to community residences not subject to state licensing. Some community residences such as the Oxford House recovery communities that need to house eight to 12 residents for both therapeutic and financial reasons are not subject to state licensing. A proposed Oxford House for more than ten residents would not be allowed as a conditional use like smaller community residences would be. No legal basis exists for

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28. Ordinance Number 3423. Full disclosure: The lead author of this Analysis of Impediments served as a consultant to Clark County. In this capacity, he conducted a study of community residences that provided the rational basis for the zoning revisions for community residences that he drafted for the county in collaboration with county planning staff.
29. *Nevada Fair Housing Center, Inc. v. Clark County,* 565 F. Supp. 2d 1178, 1183 (D. Nev. 2008). The settlement of this case is discussed beginning on page 73.
30. The provisions examined here are in Title 30, Chapter 30.08 (Definitions), Section 30.08.300 of the Clark County Code as well as Chapter 30.44 (Uses), Table 30.44–1.

this differential treatment. The number of residents permitted in a community residence should be determined by the county's building code just like it is for other residential uses.

For community residences allowed as of right, Clark County imposes a rationally–based spacing distance to prevent the clustering and segregation that interferes with the fundamental purposes of community residences: normalization and community integration. To be allowed as of right, a community residence cannot locate closer than 660 feet from an existing community residence as "measured door–to–door along the nearest pedestrian or vehicular route, whichever is shorter." This distance is reduced to 100 feet door–to–door when there is a street, freeway, or drainage channel at least 100 feet wide between the proposed community residence and an existing one. The spacing distance is waived for community residences such as those for victims of domestic abuse that need to keep their location confidential to function successfully.

A community residence proposed to be located within the spacing distances requires the heightened scrutiny of a special use permit to determine:

- Whether the building in which the community residence would be located is consistent with the scale and architectural character of the neighborhood
- Whether the proposed community residence in combination with any existing community residences "would alter the residential character of the neighborhood by creating an institutional atmosphere due to the concentration of community residences on a block or adjoining blocks"
- Whether the proposed community residence complies "with all public health and safety requirements including building and fire code requirements for the dwelling type in question"
- Whether the proposed community residence has obtained any license or certification required by the State of Nevada
- Whether a "transitional community residence" for people in recovery from alcohol or drug addiction requires residents to participate in a rehabilitation program like Alcoholics Anonymous and prohibits drug and alcohol use by residents
- Whether the community residence is allowed in a mixed use development in a C–1 or C–2 district
- Whether the community residence prohibits occupancy by people "whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others."

The county's zoning also states:

> "If a special use permit application is submitted, the Approval Authority shall not deny a special use permit on any basis that discriminates against people with disabilities. If it deems it appropriate, the Approval Authority may continue the hearing to another date in order for Staff to consult with, or to obtain an opinion from, a person or entity with expertise in fair housing law regarding whether an approval or denial of the application

> is justified under State and Federal law. Except for a Community Residence, no more than four unrelated individuals may reside together in a dwelling unit."

Since adoption of these revisions in 2006 and 2008, Clark County has not denied a proposed community residence. Between 2004 and 2006, the county had rejected applications from two operators of community residences as discussed earlier beginning on page 73.

North Las Vegas

North Las Vegas' zoning code defines "family" as follows:

> "Family" includes the following if living together as a single housekeeping unit within a dwelling unit:
>
> 1. An individual living alone;
>
> 2. Two or more persons related by blood or marriage;
>
> 3. *One or more handicapped persons together with caretakers or house parents;*
>
> 4. A group, of which not more than six individuals, shall be related to any other individual in the group.[31] *[Emphasis added]*

By including "one or more handicapped persons together with caretakers or house parents" in the zoning definition of "family," North Las Vegas must allow community residences for people with disabilities in all residential districts where any other family can live. The nation's the Fair Housing Act clearly prohibits imposing *any* additional requirements on such community residences.

This definition renders illegal *all* of the city's restrictions on community residences discussed immediately below. Even if the city did not include paragraph three in its definition of "family," a number of these zoning provisions for community residences would be illegal.

Like Clark County, North Las Vegas' zoning regulations establish conditional uses subject to an administrative approval process and special uses subject to a public hearing and approval by the city council. A special use permit is required when any condition needed to be allowed as of right is not met.[32]

Community residences fall under three possible land uses:

- *Group care facility* under which most community residences fall. These are allowed as conditional uses in all residential districts.
- *Halfway house for recovering alcohol and drug abuser* which are allowed as conditional uses in all residential districts.

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31. Definitions appear in §17.12.020 of the *North Las Vegas Zoning Ordinance*. District regulations regarding community residences appear in Chapter 17.20.
32. *North Las Vegas Zoning Ordinance,* §17.24.025 B.

- *Transitional housing for people on probation or parole* — a use that falls outside the scope of this analysis of impediments since it does not involve people with disabilities who pose no danger.

Group care facilities are subject to nine conditions. Halfway houses must comply with ten conditions. A special use permit is required if a community residence fails to comply with one or more conditions.

Both must comply with "all governmental licensing requirements" on "an ongoing basis." This condition cannot be waived.

The minimum lot size for group care facilities and halfway houses is 6,500 square feet. Since the minimum lot area for single–family homes is as little as 3,800 square feet in the R–1 single–family district, 4,500 in the R–CL, and 2,700 in the R–2, it is difficult to imagine the circumstances under which imposing a larger minimum lot area on group care facilities and halfway houses could be legally justified.

Both must provide at least one off–street parking space per resident plus one space per employee. Given that the residents of many community residences do not drive and/or are not allowed to have a car, it is hard to imagine how this requirement can be justified. Off–street parking requirements should either be the same as those for other residential uses or tailored to the parking needs of each individual community residence. The ordinance attempts to achieve this via special use permit for group care facilities if the applicant demonstrates that "[t]here will be adequate parking based on the number of occupants physically or mentally capable of operating an automobile, as well as the number of automobiles expected to be utilized by staff regularly managing or serving the occupants." This waiver is not extended to halfway houses. It should apply to them as well.

Both are required to provide an indoor common area of at least 15 square feet per resident. This condition appears to have no legal justification and should be repealed.

Both are subject to a 1,500 foot spacing distance from an existing community residence. The Planning Commission can waive this spacing distance via special use permit if it finds that an "adequate barrier" — improved drainage facility, specified highways, and other roadways at least 125 feet wide — exists between the proposed use and an existing community residence. Several other requirements for a special use permit apply, including that the proposed home "will not inhibit the integration of disabled persons into the community or neighborhood."

The zoning code regulates the number of residents in both group care facilities and halfway houses by setting maximum occupancy standards of allowing up to two adults in the largest bedroom plus one adult for bedrooms less than 100 square feet and no more than two adults in bedrooms 100 or more square feet. The zoning code does not establish occupancy standards for any other residential use. It is difficult to imagine any legal justification for the zoning code to impose different occupancy standards for community residences than for other residential uses.

The other conditions to receive a conditional use permit are appropriate.

In practice, North Las Vegas has been very receptive to both group care facilities and halfway houses for people recovering from drug and/or alcohol addiction. Staff report that the city has approved every conditional use permit and special use permit for these uses during the 2004–2010 period this study covers. City records identify 86 community residences. However, the city's map of community residences shows 104 community residences as of March 16, 2010: 89 group care homes, one halfway house, and 14 transitional living facilities.

In many cities across the nation, community residences have been concentrated and segregated in predominantly minority neighborhoods. Using 2000 census data, that does *not* appear to be case in North Las Vegas. Mapping licensed community residences reveals clustering of 12 community residences in the area bounded by Carey on the north, Lake Mead on the south, Clayton on the west and North Martin L. King Boulevard on the east — in census tract 36.02 which was 60.3 percent African American and 17.7 percent Latino in 2000. However, the other major concentration of 13 community residences are in a predominantly Caucasian census tract. Concentrations of community residences occur in at least four other predominantly white neighborhoods as of 2000 in central and western North Las Vegas. When the 2010 census data are available, North Las Vegas planning staff should identify the racial and ethnic composition of these neighborhoods to determine whether any are now predominantly minority.

Boulder City

Staff report that no community residences licensed by the State of Nevada are located in Boulder City which could be due to the fact that the city's zoning did not provide for community residences.

That oversight was corrected in November 2010 when the city council unanimously amended the zoning code to provide for community residences for people with disabilities in accord with the principles discussed earlier in this chapter. The city had imposed a moratorium on community residences while a thorough study was conducted that provided the foundation for the zoning amendments it adopted. The city council and planning commission participated in a September workshop at which the city's consultant explained the state of fair housing law; what it required in terms of zoning for community residences; what community residences are; whom they serve; how they function; and what scientific studies reveal about their impacts, or lack thereof, on property values, property turnover, public safety, and neighborhood character.[33]

Boulder City's definition of "family" still allows up to five unrelated people to live together as a single housekeeping unit.[34] The zoning code now makes a reasonable accommodation that allows "family community residences" for people with disabilities in all residential districts as a permitted use as long as they are located more than 660 feet from an existing community residence as measured from front door to front door, and "the operator or applicant is licensed or certi-

33. In the interest of full disclosure, the primary author of this Analysis of Impediments prepared the report for Boulder City, conducted the workshop, and collaborated with city staff to draft the zoning amendments that were adopted.
34. *Boulder City Municipal Code*, Title 11: Zoning and Subdivisions, Chapter 1.

fied by the State of Nevada…, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed type of community residence." Similarly, "transitional community residences" are allowed as a permitted use in the city's R3 "Multiple Family Residential Zone." Transitional community residences are a conditional use in the city's single– and two–family zoning districts as well as in the MP "Mobile Home Park Zone" and ME "Mobile Home Estate Zone." Any proposed community residence that would be located within 660 feet of an existing community residence or that does not meet the licensing or certification requirement stated earlier in this paragraph must obtain a conditional use permit. If a proposed community residence has been denied a required license or certification, it cannot receive zoning approval.[35]

The ordinance distinguishes between family and transitional community residences on the basis of length of tenancy, a defining characteristic of the two types of community residences. In a family community residence the length of tenancy is one year or more. Tenancy in a transitional community residence is for less than a year. City staff and officials understand that the rules of a proposed community residence determine which type of community residence it is. If a community residence imposes a limit on residency measured in months like halfway houses do, it is a transitional community residence. Community residences that do not impose any limitation on how long people with disabilities can live in them — group homes and recovery communities, for example — are family community residences.

The amendments also state "A community residence shall be considered a residential use of property for purposes of all zoning and building codes." This provision should provide guidance to building inspectors so they apply residential, not institutional codes to community residences.

With these amendments, Boulder City makes the reasonable accommodation for community residences for people with disabilities that the Fair Housing Amendments Act of 1988 requires.

Mesquite

In January 2011, Mesquite amended its *Unified Development Code* to provide for community residences for people with disabilities in a manner very similar to what Boulder City did in November 2010.

City Council held a detailed workshop in September at which the city's consultant explained the state of fair housing law; what it required in terms of zoning for community residences; what community residences are; whom they serve; how they function; and what scientific studies reveal about their impacts, or lack thereof, on property values, property turnover, public safety, and neighborhood character.[36]

35. Bill No. 1625, an Ordinance of the City of Boulder City, Nevada to amend portions of Title 11 of the City Code, Chapters 1, 3, 4, 5, 6 and 7, adopted November 9, 2010.
36. In the interest of full disclosure, the primary author of this Analysis of Impediments prepared the report for Mesquite, conducted the workshop, and collaborated with city staff to draft the zoning amendments that are under consideration.

The adopted amendments to the city's *Unified Development Code* allow up to five unrelated individuals to live together as a family. Like any other family, any community residence for people with disabilities that houses no more than five people is a permitted use in all residential districts.

To make the requisite reasonable accommodation for community residences occupied by more than five unrelated individuals, the amendments allow "community residences – family" as a permitted use in all districts where housing is allowed subject to the same criteria Boulder City adopted. "Community residences – transitional" are permitted uses in all multiple family zones and a conditional use in single–family, manufactured housing, agriculture, and rural residential districts. Proposed community residences that do not meet the 660–foot spacing requirement and the licensing/accreditation criterion to be a permitted use must obtain a conditional use permit.[37] Any proposed community residence that has been denied a requisite license or accreditation is not allowed in Mesquite.

The amendments also state "A community residence shall be considered a residential use of property for purposes of all zoning and building codes." This provision should provide guidance to building inspectors so they apply residential, not institutional codes to community residences.

State of Nevada

As of this writing, the state's Legislative Commission is conducting an interim study of community residences to develop new state statutes regarding zoning for them. As noted earlier beginning on page 73, the United States District Court for the District of Nevada struck down portions of state statute NRS 278.0238–278.0286 as discriminatory on their face.[38] The statute was adopted after Clark County amended its zoning for community residences in 2006 to make it less restrictive and while the county was negotiating a settlement of the lawsuit that the Nevada Fair Housing Center had filed against it. The state statute increased to 2,500 feet the spacing distance between community residences in any county of 100,000 or more with a spacing distance less than 1,500 feet. This provision applied solely to Clark County which had reduced its spacing distance to 100 to 660 feet in 2006. In addition, the state statute required publication of an online registry of the address, phone number, and other information about each community residence, and established other requirements on community residences for people with disabilities so onerous that the court found they were facially discriminatory under the nation's Fair Housing Act.

Revisions to the state statute that should bring it into compliance with the Fair Housing Act are expected to be introduced during the legislative session that begins in February 2011.

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37. In Mesquite, a "conditional use" is not the same as under Clark County's *Unified Development Code.* In Mesquite, a conditional use is defined the same as Clark County defined a "special use" and it requires the extra scrutiny of a public hearing and approval from the city council.
38. *Nevada Fair Housing Center, Inc. v. Clark County,* 565 F. Supp. 2d 1178, 1183 (D. Nev. 2008)

Building Codes

In its definition of "community residence," Clark County's *Unified Development Code* clearly states, "A "community residence" shall be considered a residential use of property for purposes of all zoning and building codes." This provision was deliberately included to assure that county inspectors would not treat community residences as institutional uses, but the same as other residences of the same physical type, namely single–family detached, single–family attached, multi–family, etc.

North Las Vegas and Boulder City have adopted the *2006 International Building Code* which treats community residences for up to five people as Group R–3 if in a multi–family structure. If a community residence is in a single–family detached house or a townhouse, it is regulated the same as all single–family detached houses and townhouses under the *International Residential Code.*

Group homes and halfway houses housing six to 16 persons (excluding staff) are classified as Group R–4 and must meet the code requirements for Group R–3 except as otherwise provided in the *International Building Code,* or they must comply with the *International Residential Code.*

We found no reports of improper imposition of institutional building codes on community residences for people with disabilities in North Las Vegas or Boulder City.

As of this writing there is one community residence for people with disabilities in Mesquite. As best we can determine, Mesquite has properly applied residential building code requirements to this community residence.

Public and Subsidized Housing

The Southern Nevada Regional Housing Authority (SNRHA) owns and manages 24 public housing developments located throughout Clark County. It also owns and manages scattered site single–family homes that are part of the "Conventional Public Housing Program." Of the 24 developments, four house only senior citizens, five are designated as elderly/disabled developments, and 15 house families. SNRHA owns 2,751 public housing units in Clark County that house about 7,290 people.

SNRHA also administers nearly 11,000 Housing Choice Vouchers (formerly known as "Section 8") that allow families to rent in the private market with a rent subsidy so that they spend no more than 30 to 40 percent of their annual adjusted income on rent. Households with a total population of about 38,000 people receive assistance under this program. The waiting list for Housing Choice Vouchers and Section 8 Project units is currently closed.

In addition, SNRHA maintains 1,164 "Affordable Housing Units." These dwellings do *not* receive any government subsidy. Rents, however, are set so they are affordable to low–income households. Applications are being accepted for these units.

The quality and usefulness of the housing authority's recently revamped website (http://www.snvrha.org) can be summed up in one word: "Outstanding." It is the most thorough and user–friendly housing authority website the authors of this report have ever seen. It is a model worthy of emulation by other housing authorities.

Under "Housing Services," the authority's website includes a statement that it does not discriminate and it offers a downloadable PDF file of the "HUD Discrimination Form." Near the top of the page is a message in Spanish informing readers they can download a brochure on the application process that is written in Spanish. Downloadable pre–application forms are available in both English and Spanish. The page also includes a downloadable PDF file that explains "reasonable accommodation" and the housing authority's procedure for requesting one.

A relatively small proportion of lower–income households own a computer and have access to the Internet. So while the housing authority's website is an excellent tool for potential applicants for assisted and public housing, it does not completely replace the need to provide quality and courteous live telephone and in–person assistance.

Policies and Practices

Live–In Aide Policy. Some housing authorities have counted the income of a live–in aide as part of the income of the Section 8 or public housing family with which the aide lives. This has resulted in the Kafkaesque situation in which the aide is treated as a member of the family and her income is counted toward the family's income — sometimes increasing the family income over the maximum allowed to live in public housing or to receive a Section 8 voucher. This "Catch–22" has been applied most often when the live–in aide is a relative.

Among the living arrangements that the Southern Nevada Regional Housing Authority defines as a "family" are:

> "Two or more elderly or disabled persons living together or one or more elderly or disabled persons living with one or more live-in aides;
>
> "Two or more near-elderly persons living together or one or more near-elderly persons living with one or more live-in aides."[39]

The Southern Nevada Regional Housing Authority's adopted policy clearly states that "Income of the live–in aide will not be counted for purposes of determining eligibility or level of benefits." A relative may serve as a live–in aide as long as he meets all of the criteria that defines a live–in aide.[40] Overall, the rules governing live–in aides are very accommodating and supportive in accord with the *Fair Housing Act*.

Pro–Integrative Site Policy. We asked the Southern Nevada Regional Housing Authority to provide us with any explicit or implicit policies it may have to locate scattered site public housing or establish public housing developments so they

39. Southern Nevada Regional Housing Authority, *Admission and Continued Occupancy Policy,* May 2010, p. 2–2.
40. Ibid. p. 2–3.

support racial and/or socio–economic integration. The authority has not identified any such policies. *However, as discussed below it appears that public housing developments have been located in a fairly pro–integrative manner.* Public housing developments are located in unincorporated Clark County, Las Vegas, and Henderson.

Public Housing

The Southern Nevada Regional Housing Authority provides public housing in approximately 186 scattered single–family houses in unincorporated Clark County and Las Vegas. Twenty–nine percent of the heads of households are Hispanic. Caucasians account for 40 percent and African Americans 56 percent. One percent are Asian.

Figure 33: Simmons Manor Public Housing

SNRHA provided racial and ethnic composition details on a number of its public housing developments located in unincorporated Clark County.

Among the public housing developments the housing authority operates is Simmons Manor, 61 two, three and four bedroom two–story units located in an area that was around 90 percent Caucasian, 4 percent Black, and 10 percent Hispanic in 2000. Twenty percent of Simmons Manor residents are Hispanic. Thirty–two percent are Black, 62 percent white, and 3 percent Asian.

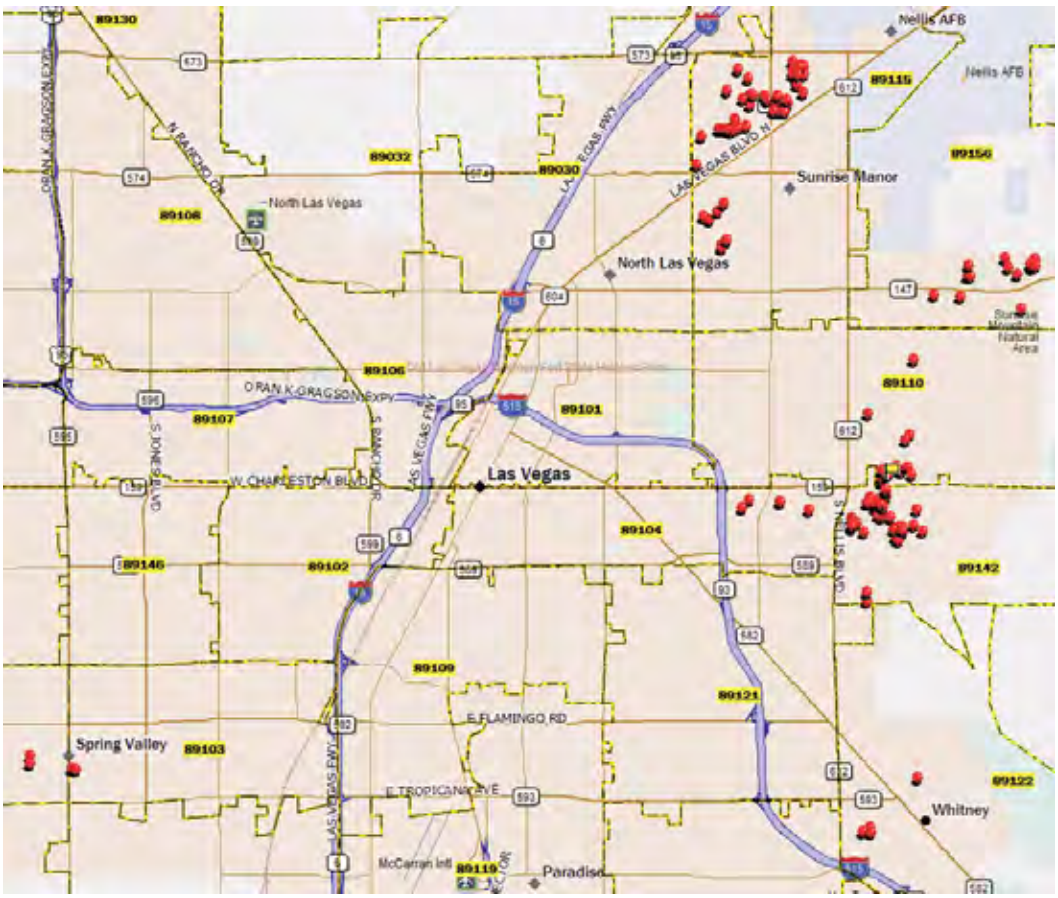
Biegger Estates consists of 119 two, three and four bedroom single–story dwellings for families. Located in an area that, in 2000, was more than three–quarters white, less than 10 percent Black, and around 20 percent Hispanic, Biegger Estates residents are 44 percent African American, 47 percent white, and 3 percent Asian. One–fourth of the residents are Hispanic.

Two public housing projects for families are located adjacent to each other in a census tract that was 55 percent white, 18 percent Black, and 40 percent Hispanic in 2000: Hullum Homes consisting of 59 two–story units and Jones Gardens with 90 one–story dwellings. With 18 percent of its residents Hispanic, Hullum Homes has a population that is 67 percent African American and 32 percent Caucasian. Next door, Jones Gardens is 67 percent Black, 26 percent white, and 16 percent Hispanic.

Built in 1971, Landsman Gardens was the first public housing development in Clark County. It consists of 100 one–story units with two to five bedrooms. It is located in an area near Henderson that was, in 2000, about 83 percent white, 6 percent African American, 15 percent Hispanic, and 1 percent Asian. The development is 28 percent Hispanic, 54 percent Caucasian, 35 percent Black, and 3 percent Asian.

Based on the developments for which racial and ethnic data were available, it appears that the Southern Nevada Regional Housing Authority has not located public housing developments in minority neighborhoods nor in racially–integrated neighborhoods facing pressure toward resegregation.[41]

Figure 34: Locations of Scattered Site Public Housing Units in Unincorporated Clark County



Source: Based on list of scattered site public housing locations supplied by the Southern Nevada Regional Housing Authority, December 2010.

However, as shown in the above map, there are two concentrations of scattered site public housing units on the east side of Clark County's urban core. Meanwhile no units are located in large portions of the urban core with very small minority populations. This pattern could be due in part to the prohibitively high cost of single–family homes in many parts of the county's urban core and/or practices of the Southern Nevada Regional Housing Authority.

41. This point is significant because research has found that introducing substantial numbers of public housing units into racially–integrated neighborhoods has consistently led to resegregation from all–white to all–black. *See* Juliet Saltman, *A Fragile Movement: The Struggle for Neighborhood Stabilization,* (Greenwood Press: New York, 1990).

The northern cluster of units is north of Las Vegas Boulevard between Pecos Road and Nellis Boulevard in census tracts 47.03, 47.14, and 47.16. As shown in the table below, the proportions of Black and Hispanic residents were substantially greater than what would be expected in a free housing market absent housing discrimination. The proportion of whites was significantly lower. The proportions of minorities in all three census tracts were high enough in 2000 that introducing a substantial number of public housing into this immediate area *could* create pressure toward resegregation, especially in tract 47.16.

Table 46: Composition of Census Tracts in 2000 With Concentrations of Scattered Site Public Housing

Composition of Census Tracts in 2000 With Concentrations of Scattered Site Public Housing				
Census Tract	**White**	**Black**	**Asian**	**Hispanic, Any Race**
North Concentration				
47.03				
Actual proportions	51.3%	22.6%	2.1%	35.6%
Free Market Without Discrimination	74.6%	10.4%	4.5%	16.2%
Difference	-23.3%	12.2%	-2.3%	19.3%
47.14				
Actual proportions	56.9%	19.2%	3.8%	33.9%
Free Market Without Discrimination	75.9%	9.4%	4.4%	15.9%
Difference	-19.0%	9.9%	-0.6%	18.1%
47.16				
Actual proportions	44.7%	37.8%	2.9%	22.5%
Free Market Without Discrimination	77.2%	8.5%	4.5%	14.6%
Difference	-32.5%	29.3%	-1.6%	7.8%
South Concentration				
49.12				
Actual proportions	71.8%	13.2%	7.4%	21.1%
Free Market Without Discrimination	77.4%	8.1%	4.5%	15.0%
Difference	-5.6%	5.1%	2.9%	6.1%
49.21				
Actual proportions	72.0%	9.4%	5.4%	19.5%
Free Market Without Discrimination	76.2%	9.1%	4.5%	15.5%
Difference	-4.2%	0.3%	0.9%	4.0%
49.24				
Actual proportions	76.2%	5.5%	8.8%	15.0%
Free Market Without Discrimination	77.6%	8.1%	4.5%	14.6%
Difference	-1.5%	-2.7%	4.2%	0.4%
Source: 2000 U.S. Census.				

The initial 2010 Census data strongly suggest that these tracts may be resegregating into Hispanic enclaves. From 2000 to 2010, the percentage of Hispanic individuals (not households) in tract 47.03 increased from 35.6 percent to 57.2 percent. In tract 47.14, the portion of Hispanics grew from 33.9 percent to 63.1 percent. In tract 47.16 the proportion of Hispanics more than doubled, from 22.5 to 55.2 percent. These areas *may* be developing ethnic segregation and should be carefully monitored. Additional scattered site public housing in this area would

not help foster integration.

The southern cluster of units is north and south of Charleston Boulevard between Nellis Boulevard on the west and Sloan Lane and Linn Lane on the east. This cluster is in census tracts 49.12, 49.21, and 49.24. The proportion of whites in each census tract was 71.8, 72, and 76.2 percent respectively in 2000. The proportion of African Americans was 13.2, 9.4, and 5.5 percent respectively. The proportion of Hispanics was 21.1, 19.5, and 15 percent respectively. The proportions of minorities in census tract 49.12 were high enough in 2000 that introducing additional public housing into this immediate area *could* create pressure toward resegregation.

The initial 2010 Census data strongly suggest that these three census tracts *may* be resegregating into Hispanic enclaves. From 2000 to 2010, the percentage of Hispanic individuals (not households) in tract 49.12 nearly tripled from 21.1 percent to 58 percent. The growth was even greater in tract 49.21 where the proportion of Hispanics grew from 19.5 to 55.6 percent. In tract 49.24, the percentage of Hispanics tripled from 15 to 47.9 percent. These areas *may* be developing ethnic segregation and should be carefully monitored. Additional scattered site public housing in this area would *not* help foster integration.

Subsidized Housing

The Southern Nevada Regional Housing Authority's website includes a very useful link to "SNRHA Rental Housing Locator Portal" that enables users to search for available Housing Choice Voucher properties throughout Clark County. Links are also available to the site "GoSection8.com Services" and the "WaitListCheck Web Portal," an automated web service and toll–free phone inquiry system that provides waiting list status information applicant rankings.

Table 47: Racial and Ethnic Composition of Clark County Housing Choice Voucher Holders

Racial and Ethnic Composition of Clark County Housing Choice Voucher Holders		
Race or Ethnicity	Number	Percentage
White	5,158	34.7%
Black	9,336	62.8%
Asian	215	1.4%
Hawaiian–Pacific Islander	89	0.6%
Native American	59	0.4%
Total All Races	14,857	100.0%
Hispanic of Any Race	1,912	12.9%
Not Hispanic of Any Race	12,945	87.1%

The first set of data above the thick line includes Hispanics within each racial group.
Source: Compiled by Jose Murillo, Jr., Southern Nevada Regional Housing Authority, April 2010.

As the above table shows, more than six out of ten holders of Housing Choice Vouchers in Clark County are African American and a little over one in ten is Hispanic.

As part of its efforts to help households that hold a Housing Choice Voucher to locate outside areas with high poverty rates, the housing authority gives voucher holders a brochure with a map that shows areas with poverty rates below and above 10.5 percent as well as bus routes, parks, schools, and hospitals.

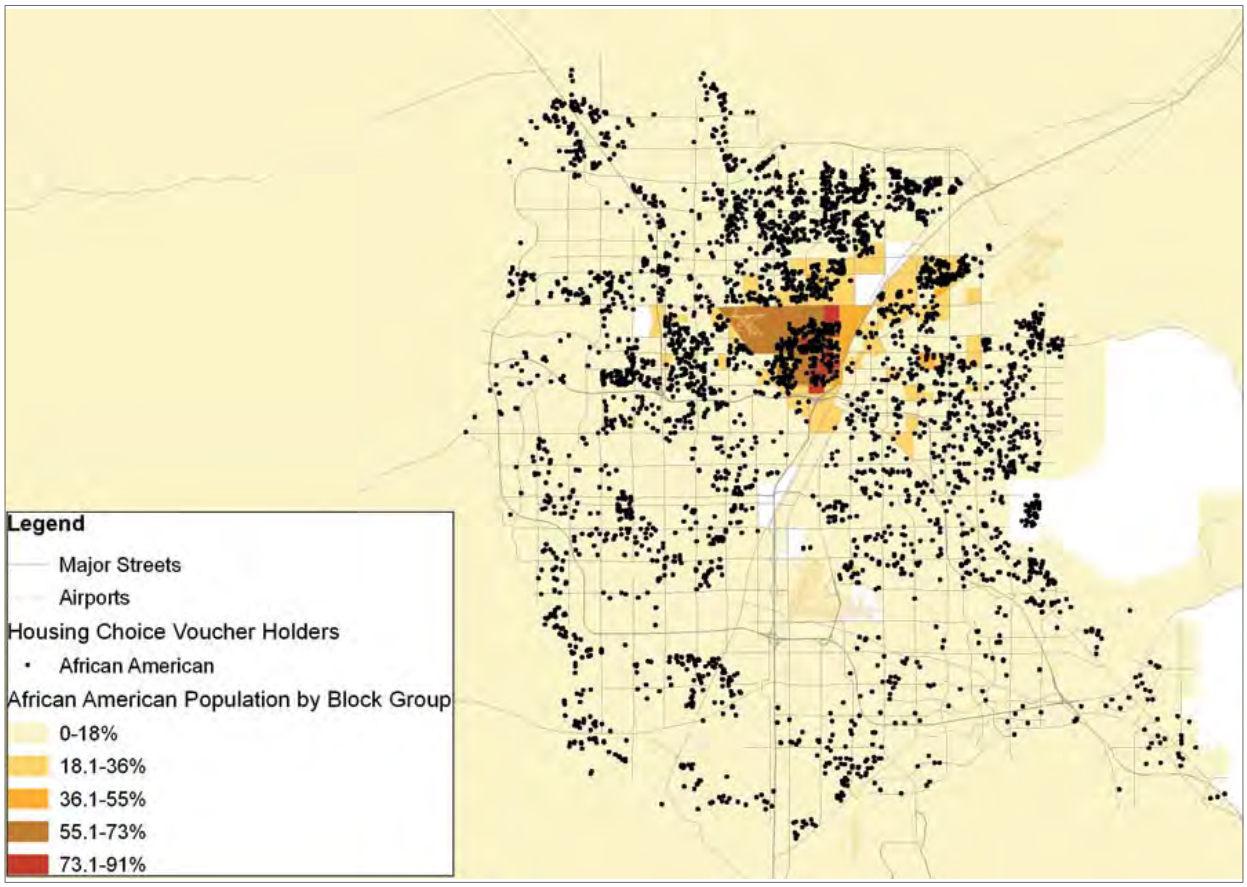
It might be more productive for the map to use a figure greater than 10.5 percent since a huge portion of the county's urban core has rates above 10.5 percent. While the brochure tells readers to contact HUD "if you feel your rights have been violated," it should give them contact information for a local fair housing

organization to make it easier to file a fair housing complaint. Nothing in the brochure encourages readers to expand their housing choices beyond neighborhoods with racial or ethnic concentrations.

While African Americans are using their vouchers throughout the county's urban core, a substantial proportion of Black voucher holders are locating in areas with high concentrations of African Americans as shown on the map below. The most intense concentrations of African American housing voucher users are in the existing black enclaves of North Las Vegas with lesser concentrations locating elsewhere in North Las Vegas and in Las Vegas. While it's not surprising that only one African American with a Housing Choice Voucher lived in Mesquite which is 95 miles from Black institutions in the Las Vegas area, none lived in Boulder City which is only 25 miles away.

Nonetheless, a substantial proportion of Black households with a Housing Choice Voucher are making pro–integrative moves and locating outside the most intensely segregated Black neighborhoods.

Figure 35: Locations of Housing Choice Vouchers Used by African Americans, 2010



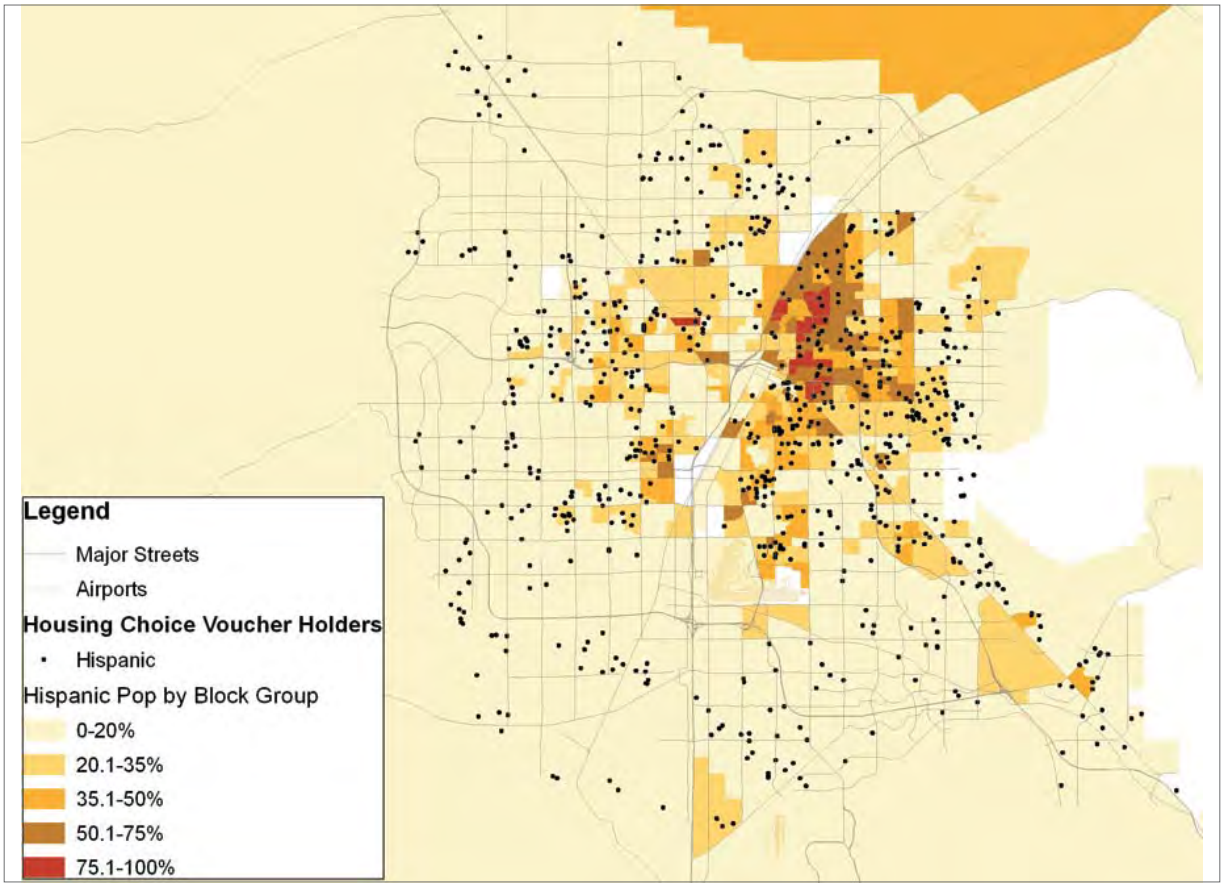
Source: Clark County Community Resources Management Division, based on data from the Southern Nevada Regional Housing Authority.

As the next map shows, it's a very different story for Hispanics with Housing Choice Vouchers. Compared to the experience of African Americans, fewer Hispanic households with Housing Choice Vouchers locate in the most concentrated

Hispanic areas. A substantial proportion use their vouchers to move to areas that are at least 20 percent Hispanic which is not surprising in a county that is now well over 25 percent Hispanic. Only three Hispanics with a Housing Choice Voucher lived in Mesquite at the end of 2010. None lived in Boulder City.

As shown by these maps and the maps beginning on page 20, Clark County Hispanics live in neighborhoods that are less segregated than the neighborhoods in which African Americans live. The patterns of where Housing Choice Voucher holders live reflect the patterns of where African Americans and Hispanics live in Clark County as well as the higher level of housing segregation that African Americans experience compared to any other racial or ethnic group.

Figure 36: Locations of Housing Choice Vouchers Used by Hispanics, 2010



Source: Clark County Community Resources Management Division, based on data from the Southern Nevada Regional Housing Authority.

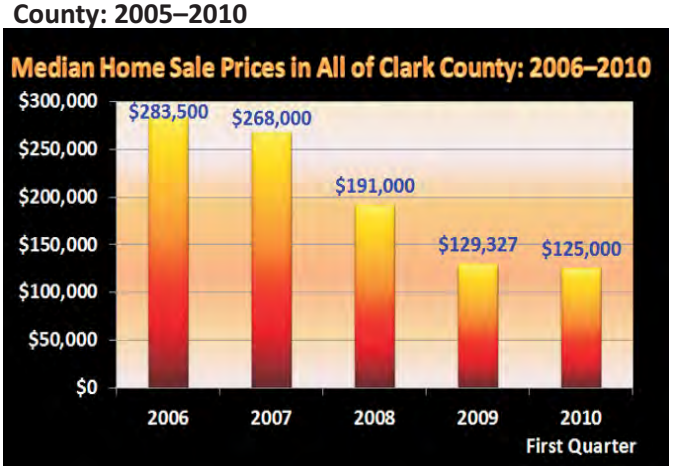
However, these maps show concentrations that existed in 2000. As discussed earlier, during the past decade concentrations of Latinos expanded and become more intense. These maps should be updated based on the 2010 Census.

There appears to be a need to expand the housing choices of African American households that hold Housing Choice Vouchers so that more will look at housing outside Black neighborhoods. Any household with a member who works in Boulder City or Mesquite should receive assistance to find housing in those cities.

Affordable Housing

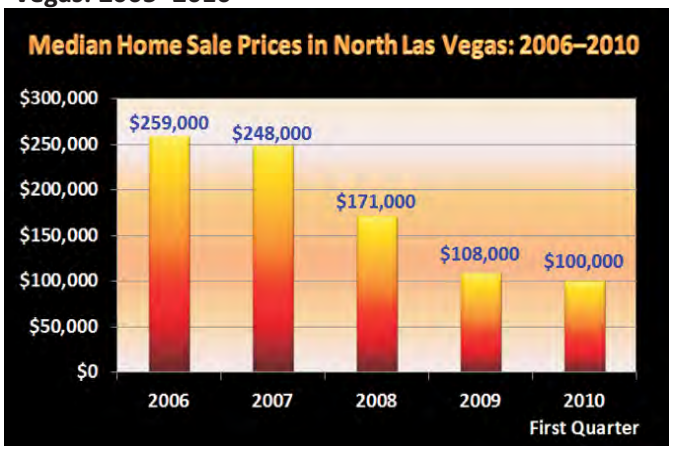
As shown in the four graphs that follow, since 2005 the median sale price of houses, townhouses, and condominiums had fallen 56 percent in all of Clark County, 61 percent in North Las Vegas, and 51 percent in Mesquite. Boulder City experienced a more moderate decline of 28 percent. Unlike the other three jurisdictions, Boulder City's growth controls have severely limited expansion of the housing stock since they were adopted by voter referendum. So Boulder City never experienced the excessive building and speculation booms that engulfed the rest of Clark County prior to the crash of the housing market and the start of the foreclosure crisis. Consequently, Boulder City has enjoyed a much more stable housing market than the rest of Clark County.

Figure 37: Median Home Sale Prices in All of Clark County: 2005–2010



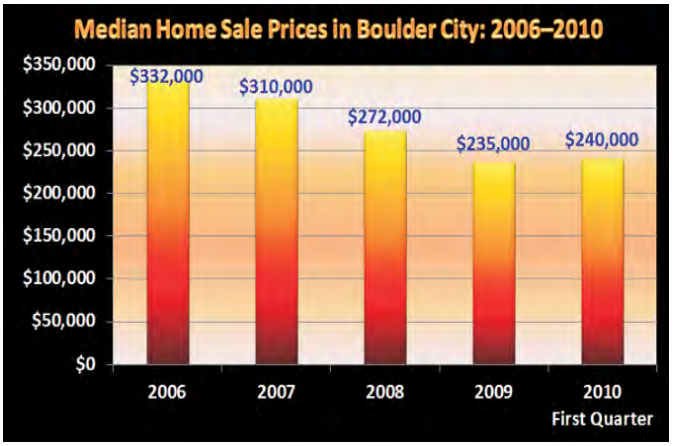
Source: PolicyMap.com based on actual home sale data from Boxwood Means, Inc.

Figure 38: Median Home Sale Prices in North Las Vegas: 2005–2010



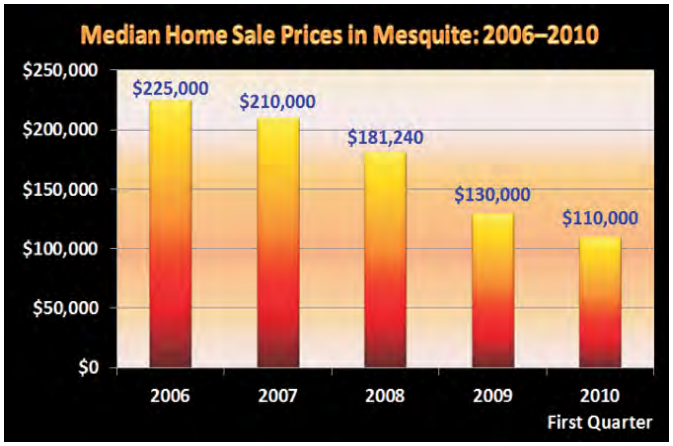
Source: PolicyMap.com based on actual home sale data from Boxwood Means, Inc.

Figure 39: Median Home Sale Prices in Boulder City: 2005–2010



Source: PolicyMap.com based on actual home sale data from Boxwood Means, Inc.

Figure 40: Median Home Sale Prices in Mesquite: 2005–2010



Source: PolicyMap.com based on actual home sale data from Boxwood Means, Inc.

However the stability that Boulder City enjoys comes at a price — housing that is *less* affordable to all households than in the rest of Clark County, especially to households of modest means.

Tenants have *not* experienced similar decreases in rent while unemployment rose and incomes suffered. This shortage of housing affordable to these households has been extensively documented in the *Clark County, NV HCP Consortium FY 2010–2014 Strategic Plan* and the earlier *Southern Nevada Workforce Housing Study.*[42]

When households with modest incomes pay mortgages or rents low enough to be considered "affordable," the household's "residual income" available after it pays its essential housing costs can increase substantially. In some cases this can come to $500 or more per month[43]. Rather than save these funds, households with modest incomes are more likely than wealthier households to pump more money into the local economy by spending them to meet basic needs such as food, clothing, transportation, and health care.[44]

Economists and housing experts have long used the rule of thumb that a home is affordable when its purchase price is no more than two and a half or three times the buyer's gross annual income.[45] Their other test that applies to both owner and tenant households is that housing is affordable if the household spends no more than 30 percent of its gross monthly income on housing.

This is not an arbitrary figure. Spending more than 30 percent on housing, leaves a typical household less money for essentials such as food, clothing, furniture, transportation, health care, savings, and health insurance. Local businesses suffer the most from this reduction in discretionary spending money due to high housing costs. Spending more than 30 percent on housing denies funds to other sectors of the economy unless households strapped for cash go into credit card debt.

Households that spend more than 30 percent of their gross monthly income on housing costs (rent; or mortgage, property tax, and condominium or home owner association assessments) are considered to be "cost burdened."

42. Restrepo Consulting Group, LLC, *Southern Nevada Workforce Housing Study,* April 2006.While this study expresses a concern over economic segregation, it does not address racial segregation in housing.
43. Chris Walker, *Affordable Housing for Families and Neighborhoods: The Value of Low-Income Housing Tax Credits in New York City* (Columbia, MD, and Washington, DC: Enterprise Community Partners, Inc., and Local Initiatives Support Corporation) June 2010. *See also* Keith Wardrip, Laura Williams, and Suzanne Hague, *The Role of Affordable Housing in Creating Jobs and Stimulating Local Economic Development: A Review of the Literature* (Washington, D.C.: Center for Housing Policy), January 2011.
44. Josh Bivens and Kathryn Anne Edwards, *Down–Payment on Economic Recovery: Why Temporary Payments to Social Security and Supplemental Security Income Recipients Are Effective Stimulus,* Briefing Paper #269 (Washington, DC: Economic Policy Institute) September 14, 2010.
45. For purposes of this analysis, we will err on the conservative side and use three times the median income to establish the price of an affordable house in Clark County rather than two and a half times.

Table 48: Cost–Burdened Home Owners by Jurisdiction: 2009

Cost–Burdened Home Owners By Jurisdiction: 2009						
Jurisdiction	Home Owners With a Mortgage			Home Owners Without a Mortgage		
	Percentage of Owners With a Mortgage Who Spent 30 to 34.9% of Their Gross Income on Housing	Percentage of Owners With a Mortgage Who Spent 35% or More of Their Gross Income on Housing	Total Percentage of Cost–Burdened Home Owners With a Mortgage	Percentage of Owners Without a Mortgage Who Spent 30 to 34.9% of Their Gross Income on Housing	Percentage of Owners Without a Mortgage Who Spent 35% or More of Their Gross Income on Housing	Total Percentage of Cost–Burdened Home Owners Without a Mortgage
All Clark County	10.5%	39.4%	49.9%	3.7%	13.2%	16.9%
North Las Vegas	15.0%	41.3%	56.3%	1.0%	9.9%	10.9%
Boulder City	8.4%	28.5%	36.9%	1.6%	3.7%	5.3%
Mesquite	11.7%	34.4%	46.1%	0.0%	9.3%	9.3%

Sources: Clark County and North Las Vegas from *2009 American Community Survey 1–Year Estimates;* Boulder City and Mesquite from *2009 American Community Survey 5–Year Estimates.*

As the tables above and below show, substantial proportions of home owners and tenants alike are cost burdened in all four jurisdictions. Relatively few are just barely cost–burdened, namely spending 30 to 34.9 percent of their gross income on housing. In every jurisdiction, the overwhelming majority of home owner and tenant households that are cost burdened, spent more than 35 percent of their gross income on housing. Since the mortgage is usually the largest cost of home ownership, it is no surprise that much smaller proportions of home owners *without* a mortgage are cost burdened.

Table 49: Cost–Burdened Tenants By Jurisdiction: 2009

Cost–Burdened Tenants By Jurisdiction: 2009			
Jurisdiction	Percentage of Tenant Households That Spent 30 to 34.9% of Their Gross Income on Rent	Percentage of Tenant Households That Spent 35% or More of Their Gross Income on Rent	Total Percentage of Cost–Burdened Tenant Households
All Clark County	9.5%	43.0%	52.5%
North Las Vegas	9.4%	47.5%	56.9%
Boulder City	5.5%	28.3%	33.8%
Mesquite	17.9%	38.6%	56.5%

Sources: Clark County and North Las Vegas from *2009 American Community Survey 1–Year Estimates;* Boulder City and Mesquite from *2009 American Community Survey 5–Year Estimates.*

The proportions of tenants and of home owners with a mortgage who are cost burdened certainly constitute a serious crisis that drains the county's entire economy.

In the interest of accuracy, whenever possible the discussion and tables that follow use medians based on actual home sale prices from the multiple listing service maintained by the Greater Las Vegas Association of Realtors®. When such reports are not available, we use the more subjective median home values reported by the U.S. Census and American Community Survey. These medians are based on the home value reported by those households that respond to the decennial Census and the American Community Survey. Homeowners are making subjective estimates that are not as reliable as actual home sale prices.

For some years data were available for different types of homes (single family, townhouses, condominiums, manufactured housing also known as mobile homes). For other years, data were available for all homes or for some types of homes. As much information as possible is provided for each of the four jurisdictions.

To make sense of the plethora of available data, many researchers report on median household incomes and median home values. The median is the middle. For example, half of Clark County's households have incomes above the median and half below it.

The tables for each jurisdiction that follow show the minimum household income needed to afford the median–priced home in 1999, 2008, and 2009. Table columns that show income are in green. When the minimum household income needed to afford the median–price home is greater than the jurisdiction's actual median household income, the cell is highlighted in dark green with white type.

When possible, the tables that follow include manufactured housing or mobile homes which are a significant source of lower–cost housing in unincorporated Clark County, Mesquite, and especially Boulder City. In 2010, Clark County estimates that mobile homes constitute 5.6 percent of unincorporated Clark County's housing stock while just 2 percent are duplexes and 3/4–plexes, 22.9 percent rental apartments, 5.1 percent townhomes, 14.3 percent condominiums, and 50.2 percent are single–family homes. Mobile homes play a much more signifcant role in Boulder City where 17.2 percent of the dwellings are mobile homes while just 3.8 percent are duplexes and 3/4–plexes, 6.2 percent rental apartments, 5.4 percent townhomes, 8.1 percent condominiums, and 59.3 percent are single–family homes. In Mesquite, 4.8 percent of the dwellings are mobile homes while 1.1 percent are duplexes and 3/4–plexes, 4.5 percent rental apartments, 22 percent townhomes, 20.3 percent condominiums, and 47.4 percent are single–family homes. In North Las Vegas, single–family homes dominate the housing picture with 74.5 percent of all dwellings. Mobile homes are a relatively small 1 percent of the housing stock, duplexes and 3/4–plexes are 5.5 percent, rental apartments 11.9 percent, townhomes 2.2 percent, and condominiums 4 percent.[46]

46. Southern Nevada Consensus Population Estimates, July 2009.

Clark County

With the housing bubble bursting in Clark County and across the land, all housing costs have returned to the same affordability levels present at the turn of the twenty–first century.

Table 50: Affordable Home Ownership in All Clark County: 1999–2009

Affordable Home Ownership in All Clark County: 1999–2009							
Year	Median Household (HH) Income	Maximum Home Price Affordable to Median Income HH	Median Value of All Owner–Occupied Housing (actual sale price 2008 and 2009)	Minimum HH Income to Afford Median Priced Home	Median Sales Price of Single–Family Homes	Minimum HH Income to Afford Median Priced Single–Family Home	N/A = Data not available
1999	$44,616	$133,848	$132,200	$44,067	N/A	N/A	
2008	$53,505	$160,515	$191,000	$63,667	$215,000	$71,667	
2009 *	$53,505	$160,515	$129,327	$43,109	$141,000	$47,000	
Year	Median Household (HH) Income	Median Sales Price of Townhouses	Minimum HH Income to Afford Median Priced Townhouse	Median Sales Price of Condominiums	Minimum HH Income to Afford Median Priced Condominium	Median Sales Price of Manufactured Homes	Minimum HH Income to Afford Median Priced Manufactured Home
1999	$44,616	N/A	N/A	N/A	N/A	$35,500	$11,833
2008	$53,505	$150,000	$50,000	$115,000	$38,333	$106,250	$35,417
2009 *	$53,505	$85,000	$28,333	$64,000	$21,333	$56,500	$18,833

* = Median household income for 2009 was not available as of this writing. The 2008 median household income is used instead.
Sources: Median household income and 1999 median value of all owner–occupied housing and manufactured homes are from the *2000 U.S. Census* and the *2009 American Community Survey 1–Year Estimate*. The 2008 and 2009 median sale price of all owner–occupied housing is from actual sales reported at PolicyMap.com based on data supplied by Boxwood Means, Inc. All other median sales prices are for actual sales based on information from the Greater Las Vegas Association of REALTORS® (GLVAR) Multiple Listing Service (MLS).

While the median priced home (includes all types of homes) and the median priced single–family detached house were too expensive for the households at and below the county's median in 2008, substantial declines in sale prices in 2009 made the median–priced units affordable to most Clark County households. Single–family homes declined 34 percent from 2008, townhouses 43 percent, condominiums 44 percent, and mobile homes 47 percent.

Rentals. Just over 43 percent of all Clark County residents rented in 2009. It took a household income of at least $41,352 — spending no more than 30 percent of gross income — to afford the median rent of $1,034.[47] As shown on page 112, 52.5 percent of Clark County tenants were cost burdened in 2009. Eight out of ten spent 35 percent or more of their gross income on rent.

47. "Clark County, Nevada Selected Housing Characteristics: 2009," *2009 American Community Survey 1–Year Estimates*.

North Las Vegas

Overall, the median–priced home in 2008 was a bit beyond the reach of a household at the median income as were single–family houses. In 2009 the substantial declines in actual sale prices of the median–priced home and even single–family house brought them within reach of households at or above the median household income. The declines between 2008 and 2009 in median prices were precipitous with the median–priced single–family home falling 39 percent, townhomes falling 37 percent, condominiums down 49 percent, and mobile homes down 63 percent.

These declines made housing much more affordable while wiping out the equity of countless homeowners in North Las Vegas, at least until the housing sector rebounds.

Table 51: Affordable Home Ownership in North Las Vegas: 1999–2009

Affordable Home Ownership in North Las Vegas: 1999–2009						
Year	Median Household (HH) Income	Maximum Home Price Affordable to Median Income HH	Median Value of All Owner–Occupied Housing (actual sale price 2008 and 2009)	Minimum HH Income to Afford Median Priced Home	Median Sales Price of Single–Family Homes	Minimum HH Income to Afford Median Priced Single–Family Home
1999	$46,057	$138,171	$129,000	$43,000	N/A	N/A
2008	$55,682	$167,046	$175,000	$58,333	$180,000	$60,000
2009 *	$55,682	$167,046	$107,000	$35,667	$110,000	$36,667
Year	Median Sales Price of Townhouses	Minimum HH Income to Afford Median Priced Townhouse	Median Sales Price of Condominums	Minimum HH Income to Afford Median Priced Condominium	Median Sales Price of Manufactured Homes	Minimum HH Income to Afford Median Priced Manufactured Home
1999	N/A	N/A	N/A	N/A	$15,600	$5,200
2008	$118,000	$39,333	$98,000	$32,667	$75,000	$25,000
2009 *	$73,950	$24,650	$50,000	$16,667	$28,000	$9,333

* = Median household income for 2009 was not available as of this writing. The 2008 median household income is used instead. Sources: Median household income and 1999 median value of all owner–occupied housing and manufactured homes are from the *2000 U.S. Census* and the *2009 American Community Survey 1–Year Estimate*. All other 2008 and 2009 median sales prices are for actual sales based on information from the Greater Las Vegas Association of REALTORS® (GLVAR) Multiple Listing Service (MLS).

Rentals. Just over 37 percent of North Las Vegas residents rented in 2009. It took a household income of at least $41,580 — spending no more than 30 percent of gross income — to afford the median rent of $1,155.[48] As shown on page 113, 56.9 percent of North Las Vegas tenants were cost burdened in 2009. Just over 83 percent of them spent 35 percent or more of their gross income on rent.

48. "North Las Vegas, Nevada Selected Housing Characteristics: 2009," *2009 American Community Survey 1–Year Estimates*.

Boulder City

Boulder City has maintained the most stable housing market in Clark County during the twenty–first century. Between 2008 and 2009, the median price of a single–family home declined a modest 13 percent. The median price of relatively expensive mobile homes fell 22 percent. The median prices of townhouses and condominiums actually *increased* 9 percent.

While the median–priced single–family house in 2008 and 2009, and the median–priced manufactured home in 2008 were unaffordable to most Boulder City residents, the median–priced condominium and townhouse were affordable to most local households.

Table 52: Affordable Home Ownership in Boulder City: 1999–2009

Affordable Home Ownership in Boulder City: 1999–2009

Year	Median Household (HH) Income	Maximum Home Price Affordable to Median Income HH	Median Value of All Owner–Occupied Housing (actual sale price 2008 and 2009)	Minimum HH Income to Afford Median Priced Home	Median Sales Price of Single–Family Homes	Minimum HH Income to Afford Median Priced Single–Family Home
1999	$50,523	$151,569	$159,000	$53,000	N/A	N/A
2008	$60,948	$182,844	$272,000	$90,667	$292,500	$97,500
2009 *	$60,948	$182,844	$235,000	$78,333	$241,250	$80,417

Year	Median Household (HH) Income	Median Sales Price of Townhouses and Condominums	Minimum HH Income to Afford Median Priced Townhouse or Condominium	Median Sales Price of Manufactured Homes	Minimum HH Income to Afford Median Priced Manufactured Home
1999	$50,523	N/A	N/A	$80,300	$26,767
2008	$60,948	$160,000	$53,333	$217,000	$72,333
2009 *	$60,948	$174,000	$58,000	$168,500	$56,167

N/A = Data not available

* = Median household income for 2009 was not available as of this writing. The 2008 median household income is used instead. Sources: Median household income and 1999 median value of all owner–occupied housing and manufactured homes are from the *2000 U.S. Census* and the *2005–2009 American Community Survey 5–Year Estimates*. The 2008 and 2009 median sale price of all owner–occupied housing is from actual sales reported at PolicyMap.com based on data supplied by Boxwood Means, Inc. All other 2008 and 2009 median sales prices are for actual sales based on information from the Greater Las Vegas Association of REALTORS® (GLVAR) Multiple Listing Service (MLS).

With a median household income over $7,000 less than in Boulder City, most Clark County households could not afford the median priced single–family house in Boulder City. However, in 2008 half of the county's households could afford half of the townhouses and condominiums in Boulder City.

Rentals. Almost 27 percent of Boulder City's residents rent. It took a household income of at least $30,192 — spending no more than 30 percent of gross income

— to afford the median rent of $755.[49] As shown on page 113, 33.8 percent of Boulder City's tenants were cost burdened in 2009. More than eight out of ten of them spent 35 percent or more of their gross income on rent.

Figure 41: Mobile Home in Boulder City

Figure 42: Condominiums in Boulder City

Figure 43: Higher End House in Boulder City

49. "Boulder City, Nevada Selected Housing Characteristics: 2005–2009," *2005–2009 American Community Survey 5–Year Estimates*.

Mesquite

With two exceptions, the median–priced home in Mesquite has been beyond the reach of the median income household since the turn of the century. The median–priced condominium was affordable to the median income household in both 2008 and 2009. The decline in homes prices in 2009, however, made the median–priced mobile home affordable and made the median–priced townhome almost affordable to the median income household.

Table 53: Affordable Home Ownership in Mesquite: 1999–2009

Affordable Home Ownership in Mesquite: 1999–2009						
Year	Median Household (HH) Income	Maximum Home Price Affordable to Median Income HH	Median Value of All Owner–Occupied Housing (actual sale price 2008 and 2009)	Minimum HH Income to Afford Median Priced Home	Median Sales Price of Single–Family Homes	Minimum HH Income to Afford Median Priced Single–Family Home
1999	$40,392	$121,176	$126,400	$42,133	N/A	N/A
2008	$43,172	$129,516	$181,240	$60,413	$252,000	$84,000
2009 *	$43,172	$129,516	$130,000	$43,333	$200,000	$66,667
Year	Median Sales Price of Townhouses	Minimum HH Income to Afford Median Priced Townhouse	Median Sales Price of Condominums	Minimum HH Income to Afford Median Priced Condominium	Median Sales Price of Manufactured Homes	Minimum HH Income to Afford Median Priced Manufactured Home
1999	N/A	N/A	N/A	N/A	$93,900	$31,300
2008	$215,000	$71,667	$126,000	$42,000	$150,000	$50,000
2009 *	$130,000	$43,333	$83,750	$27,917	$90,000	$30,000

* = Median household income for 2009 was not available as of this writing. The 2008 median household income is used instead.
Sources: Median household income and 1999 median value of all owner–occupied housing and manufactured homes are from the *2000 U.S. Census* and the *2005–009 American Community Survey 5–Year Estimates*. The 2008 and 2009 median sale price of all owner–occupied housing is from actual sales reported at PolicyMap.com based on data supplied by Boxwood Means, Inc. All other 2008 and 2009 median sales prices are based on actual sales as reported by the Mesquite Real Estate Association.

With a median income about $10,000 greater than in Mesquite in 2008 and 2009, most Clark County households still could not afford more than half of the single–family houses in Mesquite in 2008 and 2009 or townhouses in 2008.

Rentals. Nearly 35 percent of Mesquite's residents rent. It took a household income of at least $34,800 — spending no more than 30 percent of gross income — to afford the median rent of $870.[50] As shown on page 113, 56.5 percent of Mesquite's tenants were cost burdened in 2009. Sixty–five percent of them spent 35 percent or more of their gross income on rent.

50. "Mesquite, Nevada Selected Housing Characteristics: 2005–2009," *2005–2009 American Community Survey 5–Year Estimates*.

Conclusions on Affordable Housing

Clark County identified 154 "affordable housing" developments throughout the county in 2010. One affordable housing apartment building was in Boulder City, two affordable housing developments in Mesquite (one for seniors), 12 in North Las Vegas, and 53 in unincorporated Clark County.[51] Of the 15,014 dwelling units in these developments, 13,517 (90 percent) were set aside for households with modest incomes.

As explained beginning on page 21 in Chapter 3, differences in household income do *not* explain the racial and ethnic composition in Clark County, North Las Vegas, Boulder City, or Mesquite. While the racial composition of most of unincorporated Clark County and North Las Vegas has been what would be expected in a free housing market devoid of illegal racial and ethnic discrimination, the data presented in Chapter 3 highlighted those areas where discrimination, not income, probably accounted for unusually high or low proportions of African Americans and Hispanics.

The cost of housing does not account for the racial and ethnic compositions of Mesquite and Boulder City. The median household income in Mesquite is lower than in North Las Vegas and housing prices have not been that much greater in Mesquite — yet Mesquite's racial and ethnic composition is not close to what would be expected in a discrimination–free housing market.

Nor does the higher cost of housing in Boulder City explain its racial and ethnic composition. As noted in Chapter 3, something other than the cost of housing is at play there.

However, the cost of housing almost certainly inhibits the spacial deconcentration of households with modest incomes, particularly in those jurisdictions dominated by ownership and rental housing that place a cost burden on residents. Tenants are especially vulnerable to these relatively high housing costs.

Treatment of Proposals to Build Affordable Housing

During the study period, six proposed affordable housing developments requested and received zoning approval from the Clark County Board of Commissioners. Clark County routinely mails a notice to neighbors of a proposed project that requires zoning approval. The notice includes a return card where a recipient can simply check a box to indicate her support or opposition.

In 2004, the Board of Commissioners unanimously approved the rezonings needed to build the 25–unit John Chambers Apartments that provides assisted living for people with disabilities. The Sunrise Town Board also voted for approval.

In 2005, the Board of Commissioners approved the needed rezoning, use permit, and design review for Harmon Pines, a 105–unit development for senior citizens. The proposal required allowing a higher density than normal. Neighborhood support was strong with only one neighbor submitting a card op-

51. There were two in Overton, 63 in Las Vegas, and 21 in Henderson, built or under construction.

position. The Spring Valley Town Board unanimously approved. Harmon Pines was built on land that that the county purchased from the Bureau of Land Management and sold to the developer at a discount to facilitate this development.

Figure 44: John Chambers Apartments

The 150–unit Arbor Pointe Apartments developments also received the needed rezoning in 2005. In the southwest part of the valley, Arbor Pointe is built on land that Clark County had reserved from the Bureau of Land Management and sold to the developer at a significant discount for the development of affordable housing after a lengthy Request for Proposal process. While comment cards ran three to one against the development, both the Spring Valley Town Board and the Clark County Board of County Commissioners unanimously approved it.

Also approved for rezoning in 2005, Shelbourne Supportive Housing faced substantial community opposition. The proposed 24–unit apartment building would provide accessible housing for very low–income adults with physical disabilities. The Countryside Homeowners Association greeted the proposal with a "Neighborhood Alert" newsletter calling on area residents to oppose the rezoning in order to "protect our community" from "the potential threat posed by the visitors/co–habitants of such criminal elements, particularly in such close proximity to our neighborhood park" and it "will lure criminals and predators who prey upon the disabled." The association also claimed "the reality that low–income HUD projects — however noble their intent — are NOT known for enhancing communities or improving property values."[52]

The developer spent a great deal of time working with neighbors, including holding a well–attended neighborhood meeting. Eventually the Town Advisory Board supported the project and the requisite rezoning was approved by the Board of County Commissioners.

The 25–unit Bledsoe Supportive Housing development received its special use permit in 2006. Providing apartments for people disabled due to severe head trauma, it faced some neighborhood opposition but won approval.

Vintage at Laughlin, 150 senior apartments, and Vista Creek Apartments, a 300–unit family development, received approval from the Laughlin Town Board and Clark County Board of Commissioners in 2007. Cards against the developments outnumbered support 16 to 11. The approved zoning text amendment placed this property in the Mixed Use Overlay District.

52. Countryside Homeowners Association, *Countryside News*, May 2005, 1. Emphasis in the original.

Accessing Information About Fair Housing and Reporting Housing Discrimination

When we began our study of Clark County, none of the four jurisdictions offers any way to report housing discrimination or learn about fair housing — by phone or on their websites. We looked at all the possibilities for getting fair housing information or reporting a complaint and found very little information.

Reporting Discrimination By Phone

We conducted a small test and called the general phone number at Clark County and each city. Our callers said they thought they may have been discriminated against when trying to rent an apartment or buy a home. All of the county and city staff we reached were very polite and kind.

At first the Clark County operator did not understand what we meant by "housing discrimination." But after a little thought she asked if we meant "fair housing?" She recognized this was a federal law and suggested we call the U.S. Department of Justice (she did not have a phone number for it) or the operator at the State of Nevada at 702–486–3000.

We also called the county's Complaints Public Response Office which led to a series of outgoing messages that made it clear that housing discrimination was not an area it handles. We confirmed this with a visit to the office's website.

The operator at North Las Vegas immediately recognized that housing discrimination is a federal matter and asked if we had consulted a lawyer. She was unaware that the State of Nevada also has a fair housing statute. She suggested we call the Clark County Neighborhood Justice Center and the Clark County Family Law Self–Help Center, neither of which handles fair housing complaints, although the folks at the Justice Center said it could mediate. North Las Vegas staff report that no single person has been designated to address inquiries about housing discrimination.

The operator in Mesquite transferred our caller to an administrative assistant in the Economic Development Department who didn't know what organization to contact, but offered to talk to the city attorney to find out.

Beginning in June 2010, staff in Boulder City's Community Development Department have been instructed to forward calls about housing discrimination to a specific city planner and refer callers to the Silver State Fair Housing Council's toll–free number for assistance. Staff is asking callers for the nature of the discriminatory act the caller believes took place, basis of the alleged discrimination, and the caller's contact information. This information is being recorded on an input form so records can be maintained.

As of May 2010, none of the four jurisdictions had a Fair Housing Officer to receive inquiries about fair housing or to whom to report housing discrimination. While this analysis of impediments was being conducted, the jurisdictions started appointing staff to receive fair housing complaints and effectively function as a Fair Housing Officer.

Online Information and Reporting

The official websites for the four jurisdictions make no mention of fair housing or housing discrimination. We checked every conceivable link starting with their home pages and ran searches for "fair housing," "fair," "discrimination," and "housing discrimination." Only searches for "discrimination" turned up anything — and that was always for employment discrimination or discrimination in the use of the jurisdiction's facilities.

Figure 45: Home Page of Clark County's Official Website

The next chapter presents detailed recommendations for making it much easier to get information on what constitutes housing discrimination and how to file a fair housing complaint.

Implementation of the 2004 AI

The Analysis of Impediments for Clark County completed in 2004 included a list of nonspecific and abbreviated impediments and recommendations. The actions each jurisdiction has taken to implement the recommendations are summarized below. Some of the impediments identified applied only to Clark County and not to any of the three cities.

Clark County and North Las Vegas

Clark County and the City of North Las Vegas have identified a plethora of actions they have taken to implement the recommendations presented in its previous analysis of impediments published in 2004.

In 2006 Clark County amended its *Unified Development Code* to make the reasonable accommodations for community residences for people with disabilities that the Fair Housing Act requires. The changes are described in detail beginning on page 95. The county has continued to work with the state legislature to revise state regulation of community residences for people with disabilities.

The Community Housing Resource Board of Southern Nevada has sponsored five training workshops for housing providers on reasonable accommodation (external barriers), attended by county and North Las Vegas staff. Two other workshops educated housing providers, developers, architects, as well as county and city staff on accessibility requirements. In July 2004, the county adopted the "safe harbor" provisions for accessibility compliance recommended by the U.S. Department of Housing and Urban Development. The City of North Las Vegas has also adopted these provisions.

Figure 46: Boarded Up Buena Vista Springs in North Las Vegas

Clark County's Building Department now reviews all proposals for new constructions, remodeling, and tenant improvements for compliance with the accessibility requirements of the *Uniform Building Code* and CABO/ANSI A117.1–1992. Building permits are not issued until proposals meet accessibility codes. All architectural plan examiners and most field inspectors have been certified for accessibility issues. Construction that does not comply with approved plan is halted until compliance is achieved. Builders and remodelers are given checklists, handouts, and brochures emphasizing accessibility. The City of North Las Vegas engages in a very similiar review process.

To address predatory lending practices, the Southern Nevada Reinvestment and Accountable Banking Committee (SNRABC), with representatives from Las Vegas, North Las Vegas, Clark County, Nevada Legal Services, and non–profit housing and community development organizations, worked to encourage the local banking community to comply with the lending requirements under the Community Reinvestment Act (CRA), particularly in their efforts to expand credit to "nontraditional" customers for many years. SNRABC monitored the banking community's activities to ensure that CRA requirements were being met and to help the banking community identify ways to address the financial needs of low–income households. However, SNRABC has not met since 2007 and is currently inactive.

To address government programs related to predatory lending, Clark County is working with North Las Vegas, Las Vegas, and Henderson through the Neighborhood Stabilization Program (NSP) to standardize the Homebuyer Assistance Program rules and forms. In 2011 the county is renewing its Downpayment Assistance Program with HOME funds.

The county's 2004 Analysis of Impediments expressed a concern that there was a need for government departments to address the "Limited English Proficiency" of those Clark County residents for whom English is their second language. In response, the county's Community Resources Management Division conducted internal training and established Limited English Proficiency areas. Limited English Proficiency requirements are included in all new contracts with subrecipients. The county has changed all of its contracts to reflect Title VI requirements and monitors subrecipients for implementation. It also provides higher pay to bilingual employees who use the second language on the job at least 15 percent of the time. Even before the 2004 Analysis of Impediments was conducred, the City of North Las Vegas provided differential pay for bilingual employees who use their additional language skills on the job and its subrecipient contracts required multi–lingual outreach and reflected non–discrimination requirements.

Boulder City

In autumn 2010, Boulder City amended its zoning code to make the reasonable accommodations for community residences for people with disabilities required by the Fair Housing Act. The changes are described in detail beginning on page 99.

City staff report that the city adopted the safe harbor provisions regarding accessibility when it enacted the 2006 *International Building Code*.

Mesquite

Following a September 2010 city council workshop on zoning for community residences for people with disabilities, Mesquite amended its *Unified Development Ordinance* in early 2011 to make the reasonable accommodations for community residences for people with disabilities that the Fair Housing Act requires. The changes are described in detail beginning on page 100.

City staff report that Mesquite adopted the safe harbor provisions when it adopted the 2006 *International Building Code*. In May 2006, the city's Building Department hosted a luncheon to educate contractors and design professionals about accessibility requirements.

The city reports that all departments have bi–lingual Spanish speakers available and that the appropriate documents are available in Spanish. The city reports that all units of government have been trained and assessed on their ability to serve people with Limited English Proficiency.

Chapter 5

Impediments and Recommendations

While the data show some degree of racial and economic segregation in parts of unincorporated Clark County, and North Las Vegas, the degree of segregation does not even come close to approaching the levels of the most segregated metropolitan areas in the country: Chicago, Milwaukee, Cleveland, and Indianapolis. On the other hand, Boulder City exhibits the same sort of severe exclusion of African Americans and Hispanics as the most racially–segregated jurisdictions in the nation while Mesquite exhibits this sort of absence of African Americans.[1]

As discussed beginning on page 22 in Chapter 3, the racial and ethnic composition of unincorporated Clark County, Las Vegas, and Henderson in 2000 was very close to what would be expected in a free housing market where income is the primary determinant of where you live undistorted by housing discrimination. North Las Vegas, Boulder City, and Mesquite all exhibited racial and ethnic compositions indicative of local housing markets distorted by racial or ethnic discrimination in housing as did parts of unincorporated Clark County.

Initial data show virtually no movement toward greater *racial* diversity in Boulder City and Mesquite since 2000, the 2010 Census reveals a significant increase in racial and ethnic diversity in unincorporated Clark County. The data suggest a geographic expansion and growing concentration of Hispanic enclaves in North Las Vegas that has increased the ethnic segregation of Latinos.

During the past 20 years, North Las Vegas became less racially and ethnically segregated and more integrated.

Prevention is the best cure for the racial and economic segregation that the Community Development Block Grant program seeks to reduce. Mitigating impediments to fair housing choice in their early stages is much more effective than waiting for them to distort the free housing market to a point where, for all practical purposes, a free housing market cannot be restored in our lifetimes.

The recommendations that follow address private sector and public sector impediments to fair housing choice and offer guidance and specific tools to consolidate fair housing into each jurisdiction's planning process and administration of their land–use controls rather than being the ineffective afterthought fair housing is in all too many cities and counties across the nation.

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1. Again, the small proportion of African Americans — and Asians — in Mesquite may be due to the city's location 95 miles from the Las Vegas area where the closest Black and Asian institutions and communities are located. Location, however, does not pose such a barrier for Boulder City which is 25 miles from Las Vegas.

These recommendations seek to help Clark County, North Las Vegas, Boulder City, and Mesquite fulfill their legal obligation to affirmatively further fair housing. As explained in detail in Chapter 2, every jurisdiction that accepts Community Development Block Grants and other funds from the U.S. Department of Housing and Urban Development (HUD) agrees to affirmatively further fair housing. As HUD has acknowledged,

> "The Department believes that the principles embodied in the concept of "fair housing" are fundamental to healthy communities, and that communities must be encouraged and supported to include *real, effective,* fair housing strategies in their overall planning and development process, not only because it is the law, but because it is the right thing to do."[2]

> "Although the grantee's AFFH [affirmatively further fair housing] obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD–funded programs at the State or local level. *The AFFH obligation extends to all housing and housing–related activities in the grantee's jurisdictional area whether publicly or privately funded.*"[3]

As explained in Chapter 2, several "suggestions" are offered throughout this analysis of impediments. While the regulations, practices, and policies the suggestions address are *not* impediments to fair housing choice at this time, they could develop into impediments if left unaltered. The four jurisdictions should consider these "suggestions" as constructive recommendations that incorporate fair housing concerns into their planning and implementation processes.

Affirmatively furthering fair housing means doing more than sitting by while discriminatory practices distort the free housing market and produce segregative living patterns. It means proactively establishing and implementing policies and practices that counteract and mitigate discriminatory housing practices and policies. While a government entity itself might not engage in discriminatory housing practices or policies, it should recognize that when its passive approach results in segregative living patterns, it needs to take action to correct this distortion of the free housing market as part of its legal obligation to affirmatively further fair housing.

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2. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide,* (Washington, DC. March 1996), Vol. 1, i. Emphasis in original.
3. Ibid. 1–3. Emphasis added.

Stop reading now if you have not read chapters 2 through 4.

The impediments and recommendations that follow are based on the information presented in chapters 2 through 4. The rationale upon which they are based will not be clear unless you read those chapters first.

Private Sector Impediments

A Need for Data

Impediment #1 Clark County and the three cities lack information about the extent, if any, that real estate firms, rental agents, apartment managers, and landlords engage in discriminatory practices. While the data suggest that minorities are being steered to housing in predominantly minority neighborhoods and integrated neighborhoods while whites are steered to overwhelmingly white neighborhoods, there is a lack of research on these questions. There is no factual data available for any of the four jurisdictions from studies as to whether landlords or rental agents are rejecting tenants who are minorities, households with children, or people with disabilities who need a reasonable accommodation.

Racial steering is one of the most substantial impediments to enabling people of all races and ethnicities to enjoy the full range of housing choices envisioned by the Fair Housing Act and Community Development Block Grant Program. The near complete absence of African Americans in Boulder City and Mesquite suggest that Blacks *might* be steered away from these two communities. Concentrations of minorities suggest that steering *may* be occurring in North Las Vegas and parts of unincorporated Clark County.

Recommendation Clark County, North Las Vegas, Boulder City, and Mesquite should conduct testing of real estate firms, rental agents, apartment managers, and landlords to determine the extent, if any, that racial steering and other violations of the Fair Housing Act are occurring. The four jurisdictions should contract with an organization experienced in fair housing testing to conduct such periodic testing. Such testing should include controlled samples that are large enough to provide statistically significant results and findings. This

should be an ongoing program incorporated into the county's community development program, not a one–time event.

If evidence of steering or other violations of the Fair Housing Act are discovered, intensive training of real estate professionals (sales people, rental agents, rental managers, landlords) would be needed to discourage steering and other illegal practices. If evidence of extensive discrimination is found, Clark County should consider establishing a mandatory periodic training program for all real estate professionals practicing in the county that candidly examines fair housing issues, illegal practices, and proper practices to make them more sensitive to fair housing issues and less likely to engage in illegal practices. Training should be targeted to those parts of the county where testing reveals improprieties.

Impediment #2 It is possible that racial steering by some members of the real estate industry and/or self–steering may account for the concentrations of African Americans and Hispanics in North Las Vegas and unincorporated Clark County, and the near total absence of African Americans from Mesquite, and near total absence of African Americans and Hispanics from Boulder City. Throughout the country some real estate professionals have been known to direct minorities to areas perceived as minority or as integrated neighborhoods, and to direct them away from predominantly white areas of a city. They have also been known to direct white people away from integrated and predominantly minority neighborhoods. Steering is a major cause of resegregation of neighborhoods. If whites are steered away from integrated neighborhoods, then only minorities will move in and the neighborhoods will eventually resegregate. Maintaining demand for housing from all races and ethnic groups is the key to maintaining stable, racially–and ethnically–diverse neighborhoods.

Recommendation Clark County should establish a program that encourages residents to expand where they look for housing. For example, members of minority groups should be encouraged to expand their housing search to also include housing throughout the county, especially closer to their jobs, and not just in neighborhoods with substantial minority populations. Caucasians should be encouraged to also look at housing in integrated neighborhoods, particularly closer to their jobs, and not just in overwhelmingly white neighborhoods. The idea is to expand housing choices and remove self–imposed restrictions. The need to expand housing choices is particularly acute in North Las Vegas. Residents there spend more time commuting to work, whether by car or by public transportation, than other Clark County residents. If they lived closer to their jobs, their commutes would be reduced and all the benefits of a shorter commute described on page 51 would accrue.

This goal can be accomplished most effectively through face to face counseling, and to a lesser extent, through an ongoing publicity campaign. The Oak Park Regional Housing Center serves as a model of a highly effective counseling program that has successfully expanded housing choices and helped maintain racially–diverse neighborhoods that otherwise would have resegregated.[4] A publicity campaign can include the use of billboards, newspaper stories and display ads, and the Internet, including the websites of Clark County and each city. An effort should be made to persuade local newspapers and websites to include a prominent notice with their real estate ads that promote expanding housing choices to include the entire county.

When the necessary data from the 2010 U.S. Census become available in 2011 and 2012, Clark County should conduct another free–market analysis like that beginning on page 22 to identify the degree of segregation and how much racial and ethnic housing patterns have changed since 2000. The changes could be substantial.

Boulder City and Mesquite

Any counseling program should make a concerted effort to expand the choices of African Americans and Asians to include Boulder City and Mesquite where the percentages of African Americans and Asians are mere fractions of what would be expected in a housing market free of racial discrimination, as is the percentage of Hispanics living in Boulder City.

Because the closest Black and Asian institutions to Mesquite are 95 miles away at the heart of Clark County's urban core, it is very likely that relatively few African Americans or Asians would even consider moving to Mesquite unless they had a job there. Distance does not pose nearly as substantial a barrier for moving to Boulder City.

Warranted or not, it is very possible that African Americans in particular do not feel they would be welcome in these two communities. Consequently it is crucial that the counseling program provide a free escort to accompany them to see available dwellings in Boulder City and Mesquite.

In addition, the websites of both cities should include images of people of all races, including African Americans, to show that people of all races and ethnicities are welcome there. Boulder City should also make a concerted effort to make it clear that Hispanics, Blacks, and Asians are welcome to live there.

4. The center is located in Oak Park, Illinois and can be reached at 708–848–7150; Rob Breymaier, Executive Director. Website: www.apartmentsoakpark.org. The center maintains a constantly updated database of available rentals in racially–integrated Oak Park and the predominantly Caucasian western suburbs of Chicago. African Americans are encouraged to also consider rentals throughout the western suburbs, often much closer to their jobs rather than look only at rentals in Oak Park. Free escorts are provided to see rentals in suburba that African Americans rarely consider and are reluctant to visit. Whites are encouraged to also consider rentals in those parts of Oak Park with more substantial Black populations. Nobody is told where to live. The center simply opens their eyes to look at places they might ordinarily not consider. The suggested program for Clark County should include both rental and ownership housing.

Impediment #3 Our online sampling of the offices of real estate agents and rental offices revealed a paucity of Asian, Hispanic, and African American agents. Minority agents serve as a "welcome sign" to potential home seekers characterized as minorities. As noted in Chapter 4, several Clark County real estate firms often advertise in print, as well as online, with photographs of their agents. When all of their agents are white, minorities — rightly or wrongly — often interpret that as a sign that minorities are not welcome in the communities served.

Recommendation Working closely with organizations of local real estate professionals as well as with the offices of local real estate firms, developers, landlords, apartment managers, and rental agents, all four jurisdictions should seek to get these private sector entities to increase their efforts to recruit African Americans, Hispanics, and Asians as residential real estate agents, leasing agents, and property managers. Training seminars conducted by a fair housing organization offer one way to convey this information. Another tool is to produce and distribute a guidebook customized for Clark County rather than using a generic fair housing guidebook.

Impediment #4 As noted in Chapter 4, when display ads and brochures for real estate — ownership or rental — depict residents of only one race or ethnicity, they send a clear message of who is welcome and not welcome to live in the advertised housing, thus limiting the housing choices home seekers perceive as available to them.

Recommendation All four jurisdictions should work closely with local real estate firms, developers, rental management companies, and landlords to get them to include people of all races as well as Hispanics in their display advertising, brochures, and websites. Clark County should seriously consider filing fair housing complaints against those developers and landlords who fail to use racially/ethnically–diverse models in their display advertising campaigns, brochures, and websites. Training seminars conducted by a fair housing organization are one way to convey this information. Again, another tool is to produce and distribute a guidebook customized for Clark County rather than using a generic fair housing guidebook.

Mortgage Lending

Impediment #5 Discrimination in mortgage lending against Hispanics and African Americans in Clark County continues to pose a serious obstacle to members of these groups even though the degree of discrimination is not as intense as in the rest of the nation. Controlling for all variables, it is extremely clear that African Americans and Hispanics continue to be denied home mortgage loans at substantially higher rates than Caucasians and

data suggest that a substantial number continue to engage in them.

Recommendations

5.A The ongoing disparity in loan denial rates, suggests a substantial need to provide Hispanics and African Americans with financial counseling to better prepare applicants *before* they submit a mortgage loan application. Such counseling should include educating potential home buyers to recognize what they can actually afford to purchase, avoiding the use of high cost and high risk mortgages that turned Clark County into the nation's foreclosure capital, budgeting monthly ownership costs, building a reserve fund for normal and emergency repairs, recognizing racial steering by real estate agents, and encouraging consideration of the full range of housing choices available. Clark County could contract with an organization that provides such counseling and arrange with real estate firms and lenders serving the county to identify applicants who are likely to benefit from such counseling. While this impediment is not unique to Clark County, in the absence of an effective statewide or national effort to overcome it, local action is warranted.

5.B With the regulation of lenders falling within the purview of federal and state regulators, Clark County and the three cities are limited in what they can do to alter the behavior of those lenders who engage in discriminatory practices. A primary option available to the county and cities rests with their ability to decide where they keep their cash reserves. By adopting a policy that they will bank only with institutions that do not engage in these discriminatory practices, the county and cities can make it in the financial interest of lenders to discontinue these practices. Adopting such a policy will require further research into the lending practices of specific local institutions to identify those that have not engaged in these discriminatory practices.

Public Sector Impediments

Building a Climate To Overcome Private Sector Impediments

Impediment #6 As many of the recommendations for overcoming the private sector impediments suggest, those barriers to fair housing choice cannot be mitigated without a solid commitment from Clark County, North Las Vegas, Boulder City, and Mesquite. It will take a public–private partnership to enable all four jurisdictions to expand the free market in housing to all parts of the county

Recommendation All four jurisdictions should expressly embrace the concept of achieving and maintaining stable, racially, ethnically, and economically diverse neighborhoods. The leadership of elected officials is key to implementing

this recommendation and to building public support for this goal. This is a goal that belongs in the master plans of all four jurisdictions.

Each jurisdiction might also consider adopting a "housing diversity" statement in which it clearly articulates its vision for a county or city that is racially, ethnically, and socioeconomically integrated throughout.

Implementing the recommendation for the next impediment also gives each jurisdiction a tangible way to show its commitment to affirmatively furthering fair housing.

Impediment #7 None of the four jurisdictions has its own fair housing ordinance. The absence of a local fair housing ordinance makes it more difficult to curtail discriminatory housing practices. Without a local fair housing ordinance, residents who feel they have been discriminated against have no choice but to pursue a remedy under state or federal fair housing laws. A local ordinance can create a simpler, more accessible process that will encourage those who have been wronged to step forward and seek a remedy.

Recommendation At a minimum, Clark County should adopt a practical fair housing ordinance with an accessible, fair, and efficient local enforcement process. North Las Vegas, Boulder City, and Mesquite should adopt their own fair housing ordinances if the county does not adopt one or if a city wishes to make a concrete statement that it seeks to affirmatively further fair housing.[5]

Impediment #8 Anybody who thinks she has been discriminated against when seeking housing in Clark County and the three cities immediately runs into the problem of determining whom to contact and how to file a fair housing complaint. This situation is a substantial barrier to fair housing choice when somebody who thinks she may have faced discrimination cannot quickly and easily contact a live person who can hear the facts of her situation or easily obtain information about how to file a fair housing complaint. Each additional step a victim must take increases the chances that she will abandon her effort to report a violation. As explained beginning on page 121, none of the four jurisdictions provides information about housing discrimination or how to file a fair housing complaint on its website or by telephone.

Recommendations There are a number of simple and inexpensive steps Clark County and each city can take to provide quick and easy assistance on fair housing complaints and access to fair housing information. *These recommendations usually employ the term "housing discrimination" rather than "fair hous-*

5. These recommendations are contingent on Nevada state law allowing the county and cities to adopt their own fair housing ordinances.

ing" because people understand the term "housing discrimination" more easily and more readily than "fair housing."

8.A Appoint a Fair Housing Officer (or Housing Discrimination Officer) to be each jurisdiction's point person on fair housing. This individual should receive substantial training on fair housing issues and be able to guide potential complainants to the appropriate agency that can provide fair housing assistance. This individual should also maintain a full record on each inquiry he receives that documents the nature of the inquiry, type of discrimination, basic facts of the case, identity of the alleged discriminator, referral made, and resolution of the complaint. Due to the substantial number of Hispanic residents in Clark County, there should be somebody on staff who speaks Spanish whom the Fair Housing Officer can call upon to translate when callers are unable to speak or understand English. If any of the jurisdictions adopts a fair housing ordinance, the Fair Housing Officer should be the primary staff person assigned to lead its implementation.

8.B If they haven't done so already, each jurisdiction should train its phone operators and receptionists to refer all calls about housing discrimination to the jurisdiction's Fair Housing Officer. The outgoing recording that callers to city hall or the county building get should include how to reach the Fair Housing Officer if you believe you are a victim of housing discrimination.

8.C Each jurisdiction should establish a web page that provides clear information on behaviors and practices that constitute a fair housing violation,[6] an online and/or downloadable form to file a housing discrimination complaint, full contact information to reach the jurisdiction's Fair Housing Officer, and full contact information to reach a reliable fair housing organization that can assist the user with her fair housing complaint. This web page on fair housing should be easily accessible from each jurisdiction's home page.

To minimize costs, all four jurisdictions could link to the same housing discrimination/fair housing web page. Links should be placed in logical positions on each jurisdiction's home page.

Throughout Clark County's redesigned web site, there's a "Quick Look–Up" area with a drop–down list labeled "I Want To…." The list should include "File a Housing Discrimination Complaint" with a link to the page like that described two paragraphs above. Not as effective, but still better than nothing: Under "I Want To…" is a choice "Report a" which takes users to a page where "Housing Discrimination" could added to the list of links. In addition, the navigation menu at the top of the Clark County's home page has two buttons that take users to two pages, "Residents" and "Services," where links to "Housing Discrimination" should also be placed.

6. The Silver State Fair Housing Council's website includes a very helpful page on fair housing that clearly explains how to recognize housing discrimination and how to report it. All of the jurisdictions covered by this study should emulate or link to it. *See* http://www.silverstatefairhousing.org/federal.htm.

North Las Vegas should add links to its fair housing page in several logical places on its home page:

- "Online Services – Online Forms" in the navigation list on the left hand side of the home page should include "Housing Discrimination" that links to the fair housing page.
- A "Housing Discrimination" link should also be placed further down that list under "North Las Vegas Living."
- The "Online Services – Online Forms" should include a link to "Housing Discrimination" under "Residents."
- Below the banner is a link called "I Want To [Select One]" that should include a link labeled "Report Housing Discrimination" or "Report a Fair Housing Violation."
- The "Info Finder" link under the banner takes users to the "Information Finder Wizard" which should include a topic titled "Housing Discrimination" or "Fair Housing."

Boulder City should place links to "Housing Discrimination" in several places:

- The banner includes a drop down menu entitled "Resources." A link entitled "Report Housing Discrimination" should be added.
- The "Resources" menu includes a link to "Relocation Guide / New Residents," which is the Chamber of Commerce's "Demographics Guide." A "Housing Discrimination" link should be added to the list of "Areas in Depth."
- The city's home page has a navigation menu labeled "Explore." The "Online Services" drop down menu should include a link to "Report Housing Discrimination" and the "Forms" page should include a link to the fair housing page.

Mesquite should add a link for "Housing Discrimination" under "Report."

8.D The fair housing or housing discrimination pages should include the elements listed below. It is essential that these recommendations be implemented with care so that the information and process is clear to citizens who have had no experience with fair housing. In addition, it would be extremely prudent to include a Spanish–language version of the housing discrimination pages because so many Spanish–speaking people live in Clark County.

- So that viewers can see if they might have a valid fair housing complaint, provide a clear statement of what constitutes illegal housing discrimination and the classes protected by the federal and Nevada fair housing statutes — and any local fair housing ordinance that the jurisdiction might adopt.
- Include PDF files of the Nevada and federal fair housing laws — and local fair housing ordinance if one is adopted — for online viewing and downloading.

discriminatory, but are not.

- Furnish an easy way to file a fair housing complaint such as a form that can be completed online and automatically sent to the jurisdiction's Fair Housing Officer and a downloadable PDF form with fields that can be filled in and mailed to the city's Fair Housing Officer. Include an option to have a complaint form mailed via the Postal Service.
- Make it very clear in plain English (and Spanish) the time frame within which a housing discrimination complaint must be filed. For example, avoid legal jargon like "statute of limitations" and simply say that a complaint must be filed within "X" days of the date on which the discriminatory act took place.
- Make it easy to reach the jurisdiction's Fair Housing Officer by providing his name, phone number, and a link to his email address. Include his work address in case somebody is more comfortable communicating in writing.
- Provide full contact information to reach the closest fair housing office of the U.S. Department of Housing and Urban Development and the closest reliable fair housing organization in case somebody feels more comfortable initially contacting one of those agencies.

Incorporating Fair Housing into the Planning Process

Impediment #9 In all four jurisdictions, the planning process does not address any fair housing issues that it can help resolve and fair housing violations it can help prevent. Residential developments that require county or city review and approval are approved without any effort to encourage compliance with the Fair Housing Act.

Recommendations Clark County and each of the three cities should explicitly require developers of all residential developments and buildings to comply with the federal Fair Housing Act, Nevada's fair housing statute. and any fair housing ordinance they may adopt. Each jurisdiction should require every developer to agree to comply with the guidelines suggested below in order to receive a building permit, zoning, and/or subdivision approval. All four jurisdictions already require compliance with the accessibility standards of the Americans With Disabilities Act in order to receive a building permit. The underlying concepts are to not only ensure that new housing is accessible to people with disabilities as the ADA requires, but to also make home seekers aware of the full array of hous-

the ADA requires, but to also make home seekers aware of the full array of housing choices available to them and to feel welcome in the proposed development.[7] A number of cities including Hazel Crest and Matteson, Illinois, have adopted ordinances that effectively require compliance with the Fair Housing Act to receive building permits or zoning approval for new construction of all housing. A building permit cannot be issued until the city approves the developer's plans for compliance.[8]

In conjunction with the management or owners of apartment complexes, a county or city can also develop marketing plans to fulfill the mandates of the applicable fair housing laws. Goals would be established and a record kept on the racial composition of current occupants and those looking for housing in the complex so the plan's success can be evaluated. The same principles can be applied to the conversion of rental dwellings to condominium ownership. The legality of these requirements was upheld in federal court in *South Suburban Housing Center v. Board of Realtors*.[9]

For the developer or landlord, compliance with fair housing laws involves taking positive steps to promote traffic from particular racial or ethnic groups otherwise unlikely to look at their housing in addition to building in accordance with the accessibility standards promulgated in the Americans With Disabilities Act as the four jurisdictions already require. Building permit and zoning approval should require some or all of the following actions:[10]

9.A Producing print and Internet advertising targeted to the racial or ethnic groups that have not been seeking housing in the area. Photos and videos of models portraying residents or potential residents should reflect the full diversity of Clark County to show that all are welcome to move to the advertised building or development.

9.B Billboards that use models portraying residents or potential residents who reflect the full diversity of Clark County to show that all are welcome to move to the advertised building or development.

9.C The use of real estate agents or rental agents who reflect the full diversity of Clark County. As noted in Chapter 4, it appears that the real estate agent and rental agent workforce has a disproportionately small number of Hispanic and African American agents.

7. Marketing in accord with the Fair Housing Act is nothing new. The precursor of modern fair housing marketing rests in the 1972 federal government requirement that all developers who use Federal Housing Administration insurance must file an "affirmative marketing plan" with the U.S. Department of Housing and Urban Development to encourage a racially–integrated housing market. These plans are to specify "efforts to reach those persons who traditionally would not have been expected to apply for housing." Quoted in Phyllis Nelson, *Marketing Your Housing Complex in 1985* (Homewood, IL: South Suburban Housing Center, 1985), 10.
8. James Engstrom, *Municipal Fair Housing Notebook: A Description of Local Ordinances, Tools, and Strategies for Promoting a Unitary Housing Market* (Park Forest, IL: Fair Housing Legal Action Committee, 1983), 11, 97.
9. 713 F.Supp. 1069, 1086 (1989).
10. These recommendations are contingent on Nevada state law permitting the county and cities to amend their land use and subdivision codes to make such requirements.

9.D Giving every client who comes to look at housing a brochure that clearly identifies illegal discriminatory practices and provides clear contact information to file a fair housing complaint. The county should consider producing this brochure and providing a PDF file to each developer, real estate firm, landlord, and rental management firm to print.

9.E Including in all print and online advertising as well as all printed brochures the Fair Housing logo and/or the phrase "Equal Opportunity Housing" and contact information to file a housing discrimination complaint.

Impediment #10

Land–use controls that impose excessive requirements on community residences for people with disabilities can establish barriers to establishing these residences. Since the last AI was produced in 2004, Clark County, Boulder City, and Mesquite have revised their zoning provisions to remove their own excessive regulations. As discussed in Chapter 4, there is no legal basis for the State of Nevada to limit the number of residents in some community residences to ten, nor for Clark County to continue to follow this stricture. As pointed out in Chapter 4, North Las Vegas' definition of "family" renders invalid all of its zoning restrictions on community residences, many of which would be unjustifiable and very likely violations of the Fair Housing Act even if households of people with disabilities were not included in the city's definition of "family".

Recommendations

10.A Clark County should amend its definition of "community residences" to increase the limit of ten residents to somewhere between 12 and 15 or eliminate the zoning code cap on the number of residents altogether. As explained beginning on page 95, there is no legal justification for this limit. Somewhere between 12 and 15 the residential nature of a community residence is usually lost. But ten remains too low a number for both therapeutic and financial reasons. The State of Nevada should also change this unjusitifiable limitation.

10.B If the City of North Las Vegas wishes to regulate community residences for people with disabilities, it must remove from its zoning code definition of "family" the clause, "One or more handicapped persons together with caretakers or house parents." Once that clause is removed, the city can regulate community residences that house more than six people. If it wishes to regulate community residences that house fewer than six people, then it must amend its zoning code to reduce the number of unrelated people allowed to live together under the definition of "family." The city must understand that it cannot regulate community residences that comply with its zoning code's definition of "family."

10.C Even if North Las Vegas makes the changes suggested immediately above, it still needs to make substantial revisions to its zoning code treatment of community residences for people with disabilities. The city would be prudent to use the revisions that Boulder City and Mesquite made as its models.

10.D Even if the definition of "family" did not include "[o]ne or more handicapped persons together with caretakers or house parents," several other provisions would have to be changed. The city cannot require community residences for people with disabilities to be situated in lots larger than those required for similar physical residential structures in the same zoning district.

10.E The off–street parking requirements need to be revised to reflect the actual off–street parking needs of community residences.

10.F The requirement of an indoor common area of at least 15 square feet per resident needs to be repealed.

10.G The 1,500 foot spacing distance cannot be justified. It should be reduced to no more than a typical city block, approximately 660 feet.

10.H The zoning code establishes occupancy standards for group care facilities and halfway houses, but not for other residential uses. These standards belong in the building code and should apply to all residential uses. The zoning code's occupancy standards should be repealed.

10.I While the implementation of North Las Vegas' zoning provisions has been receptive to community residences, a number of those provisions are simply unjustifiable and would probably fail a court challenge.

It is important to reiterate, however, that in practice North Las Vegas has been quite receptive to community residences for people with disabilities. According to city staff, every application to establish a community residence for people with disabilities during 2004 through 2010 has been approved.

Engaging the Southern Nevada Regional Housing Authority in Fair Housing

Impediment #11 While a substantial proportion of African American households that hold a Housing Choice Voucher have moved to predominantly Caucasian neighborhoods, a great many have moved to predominantly Hispanic neighborhoods or to relatively segregated Black enclaves. In addition, a good number of Hispanic households with Housing Choice Vouchers live in heavily Hispanic neighborhoods. Boulder City and Mesquite are almost completely out of the picture with only nine vouchers used in Boulder City — none for Blacks or Latinos — and just 12 in Mesquite — one African American and three Hispanic.[11] The only support the Southern Nevada Regional Housing Authority gives recipients of Housing Choice Vouchers is a map that splits the county into those portions with poverty rates above and below 10.5 percent and shows the location of bus routes, parks, schools, and hospitals. Where households with Housing Choice Vouchers live can have a major impact on their ability to access better schools and employment opportunities and, in general, live a better life. Where they live can help provide the tools needed to break the cycle of poverty. The Southern Nevada Regional Housing Authority has not established clear policies to promote residential integration for holders of a Housing Choice Voucher. The lack of support for pro–integrative moves into high opportunity neighborhoods poses a barrier to achieving the Community Block Grant Program's purpose of racial and socioeconomic deconcentration.

Recommendations For the sake of perspective, it is important to note that these locational patterns are not even close to being as segregative as they are in places like the Chicago area where 80 percent or more of Housing Choice Voucher holders live in primarily Black suburbs south of Chicago.

Still, the Southern Nevada Regional Housing Authority should look into furnishing more substantial support services to expand the range of neighborhoods to which Housing Choice Voucher holders consider moving. It should consider adopting a clear policy in support of pro–integrative moves to high opportunity neighborhoods. The authority should consider establishing a housing mobility assistance program[12] to provide enhanced support and counseling services during the housing search process to better these households to look at housing in "high opportunity neighborhoods," including neighborhoods in which their race or ethnicity does not constitute the majority of neighborhood residents — in other words, pro–integrative moves. The idea is to expand the

11. The miniscule number of African Americans moving to Mesquite is to be expected since Mesquite is located 95 miles from the nearest African American institutions. The miniscule numbers in Boulder City are not expected since Boulder City is located just 25 miles from these institutions.
12. See Lora Engdahl, *New Homes, New Neighborhoods, New Schools: A Progress Report on the Baltimore Housing Mobility Program*, (Poverty & Race Research Action Council and the Baltimore Regional Housing Campaign, October 2009). Download from http://www.prrac.org/pubs.php.

range of their choices beyond racial and ethnic enclaves. The authority should work with the service that provides its online listing of available rentals to include in each listing some indication of whether moving there would constitute a pro–integrative move to a higher opportunity neighborhood.

The housing authority should look into providing additional services (such as the free escort service noted in the next paragraph) to holders of Housing Choice Vouchers who work in Boulder City or Mesquite to help them find housing in those cities.

Because members of minority groups are often cautious about being among the first of their race or ethnic group to move into a neighborhood, or perceive a neighborhood to be unreceptive to members of their racial or ethnic group, the housing authority should provide a free escort service to show rentals in those areas to holders of Housing Choice Vouchers.

These policies and practices need to take into account both racial and ethnic integration. During the past decade, Clark County has experienced a substantial increase in its Hispanic population and with it a geographic expansion of its Hispanic enclaves that could lead to increased segregation if steps are not taken to expand the housing choices of Hispanic residents to all parts of the county.

Impediment #12 While the Southern Nevada Regional Housing Authority has located scattered site public housing in many urban core neighborhoods, there are no units in many higher opportunity neighborhoods and units are concentrated in two increasingly Hispanic neighborhoods on the east side of Clark County's urban core. Where public housing is located can have a major impact on the ability of its residents to access better schools and employment opportunities and, in general, live a better life. The Southern Nevada Regional Housing Authority has not established clear policies to locate scattered site public housing in higher opportunity neighborhoods throughout Clark County and promote racial and ethnic integration.

Recommendations While the cost of land and housing no doubt contributes to where scattered site public housing units are built or purchased, the Southern Nevada Regional Housing Authority needs to locate more scattered site units in high opportunity, predominantly white neighborhoods. The time is ripe with housing prices so depressed in Clark County. The authority should adopt a clear policy to locate all new public housing in a pro–integrative manner. The idea is to expand the range of where public housing is located rather than placing it primarily in racial or ethnic enclaves.

When locating scattered site public housing and public housing developments, the housing authority needs to take into account both racial and ethnic integration. During the past decade, Clark County has experienced a substantial increase in its Hispanic population and with it a geographic expansion of its Hispanic enclaves that could lead to increased segregation if steps are not taken to expand the housing choices of Hispanic residents to all parts of the county.