



# **I. INTRODUCTION**

## **A. PURPOSE OF THE REPORT**

The U.S. Department of Housing and Urban Development (HUD) is committed to eliminating racial and ethnic concentrations and other discriminatory practices in housing and will use all the programmatic and enforcement tools available to achieve this goal. The fundamental goal of HUD's fair housing policy is to make housing choice a reality through Fair Housing Planning (FHP).

As a recipient of HUD's housing and community development programs (Community Development Block Grant and HOME Investment Partnership Programs), the City of Burbank (City) must affirmatively further fair housing in its community. The extent of the City's fair housing obligations is to undertake fair housing planning through:

- Completion of an Analysis of Impediments to Fair Housing Choice (AI).
- Developing and implementing actions to eliminate identified impediments.
- Maintaining a historical record of fair housing activities and accomplishments.

This report constitutes the Analysis of Impediments to Fair Housing Choice (AI) conducted by the City for the next five years, 2020-2025. The AI is a review of impediments to fair housing choice in the public and private sectors, and involves:

- Comprehensive review of the City's laws, regulations, and administrative policies, procedures, and practices;
- An assessment of how those laws affect the location, availability, and accessibility of housing; and
- An assessment of conditions, both public and private, affecting fair housing choice.

The scope of analysis and the format used for this AI adhere to recommendations contained in the 1998 Fair Housing Planning Guide developed by the U.S. Department of Housing and Urban Development (HUD).<sup>1</sup>

## **B. DEFINING FAIR HOUSING**

Equal access to housing is fundamental to each person in meeting essential needs and pursuing personal, educational, employment or other goals. In recognizing equal housing access as a fundamental right, the federal government and the State of California have both established fair housing choice as a right protected by law.

<sup>1</sup> On July 19, 2013, HUD published a proposed rule to improve the obligation to affirmatively further fair housing choice by taking meaningful actions to further address or lessen fair housing issues. The final rule is expected to be published by HUD in the last quarter of the federal fiscal year (July 1, 2014 – September 30, 2014).



This report presents a demographic profile of the City of Burbank, assesses the extent of housing needs among specific income groups and evaluates the availability of a range of housing choices for residents. This report also analyzes the conditions in the private market and the public sector that could limit the range of housing choices or impede a person's access to housing. As the name of the report suggests, the document reviews "impediments" to fair housing. Although this report also assesses the nature and extent of housing discrimination, it primarily focuses on identifying impediments that could prevent equal housing access and developing solutions to mitigate or remove such impediments.

### **What Is Fair Housing?**

Federal fair housing laws prohibit discrimination in the sale, rental or lease of housing, and in negotiations for real property, based on race, color, religion, sex, national origin, familial status and disability. California fair housing laws build on the federal laws, including age, marital status, ancestry, source of income, sexual orientation and "any arbitrary discrimination" as the protected categories under the laws. The following definition is used for this report:

*"Fair housing describes a condition in which individuals of similar income levels in the same housing market have a like range of choice available to them regardless of race, color, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual orientation or any other arbitrary factor."*

### **Fair Housing Legal Framework**

The federal Fair Housing Act of 1968 and the Fair Housing Amendments Act of 1988 (42 U.S. Code §§ 3601-3619, 3631) are federal fair housing laws that prohibit discrimination in all aspects of housing, such as the sale, rental, lease or negotiation for real property. The Fair Housing Act prohibits discrimination based on race, color, religion, sex and national origin.

In 1988, the Fair Housing Act was amended to extend protection to familial status and people with disabilities (mental or physical). In addition, the Amendments Act provides for "reasonable accommodations," allowing structural modifications for persons with disabilities, if requested, at their own expense, for multi-family dwellings to accommodate the physically disabled.

The California Department of Fair Employment and Housing (DFEH) enforces California laws that provide protection and monetary relief to victims of unlawful housing practices. The Fair Employment and Housing Act (FEHA; Part 2.8 of the California Government Code, Sections 12900-12996) prohibits discrimination and harassment in housing practices.

The Unruh Act (California Government Code Section 51) protects Californians from discrimination in public accommodations and requires equal access to the accommodations. The Unruh Act provides broad protection and has been held by the courts to prohibit any



arbitrary discrimination on the basis of personal characteristics or traits, and applies to a range of types of housing.

The Ralph Civil Rights Act (California Civil Code Section 51.7) prohibits violence and threats of violence and specifies that housing situations are protected under this Act, including houses, apartments, hotels, boarding housing and condominiums. Violators of the Ralph Act can be sued for actual or emotional damages, in addition to civil penalties.

The Bane Civil Rights Act (California Civil Code Section 52.1) provides another layer of protection for fair housing choice by protecting all people in California from interference by force or threat of force with an individual's constitutional or statutory rights, including a right to equal access to housing. The Bane Act also includes criminal penalties for hate crimes. However, convictions under the act are not allowed for speech alone unless that speech itself threatened violence. In addition to these acts, California Government Code Sections 111135, 65008 and 65589.5 prohibit discrimination in programs funded by the state and in any land-use decisions.<sup>2</sup>

### **Housing Issues, Affordability and Fair Housing**

The U.S. Department of Housing and Urban Development (HUD) Fair Housing and Equal Opportunity Division distinguishes between housing affordability and fair housing. Economic factors that affect a household's housing choices are not fair housing issues per se. Only when the relationship between household income, household type, race/ethnicity and other factors create misconceptions, biases and differential treatment would fair housing concerns arise. Tenant/landlord disputes are also typically not related to fair housing. Most disputes between tenants and landlords result from a lack of understanding by either one or both parties regarding their rights and responsibilities. Tenant/landlord disputes and housing discrimination cross paths when fair housing laws are violated and result in differential treatment.

### **What Is an Impediment to Fair Housing Choice?**

According to HUD's *Fair Housing Planning Guide*, and based within the legal framework of federal and state laws, impediments to fair housing choice are:

- Any actions, omissions or decisions taken because of race, color, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual orientation or any other arbitrary factor that restricts housing choices or the availability of housing choices, or
- Any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, ancestry,

<sup>2</sup>Fair Housing Hotline Project, Legal Services of Northern California. March 2004. "Fair Housing in California: Families with Children: A Manual for Housing Providers, Tenants and Advocates."



national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual orientation or any other arbitrary factor.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice. Furthermore, eligibility for certain federal funds require compliance with federal fair housing laws. Specifically, to receive HUD Community Planning and Development (CPD) formula grants, a jurisdiction must

- Certify its commitment to actively further fair housing choice.
- Maintain fair housing records.
- Conduct an analysis of impediments to fair housing choice.

### **Purpose of Report**

This Analysis of Impediments (AI) to Fair Housing Choice provides an overview of laws, regulations, conditions and other possible obstacles that could affect an individual's or household's access to housing in Burbank. The AI includes

- A comprehensive review of Burbank's laws, regulations and administrative policies, procedures and practices, as well as an assessment of how they affect the location, availability and accessibility of housing, and
- An assessment of conditions, both public and private, affecting fair housing choice.

The scope of analysis and the format used for this AI adhere to recommendations contained in the *Fair Housing Planning Guide* developed by HUD.

## **C. ORGANIZATION OF REPORT**

The Burbank AI contains the following five chapters:

1. *Introduction*. This chapter defines "fair housing" and explains the purpose of the AI.
2. *Community Profile*. This chapter presents the demographic, housing, and income characteristics of Burbank residents. An analysis of accessibility of transit to community facilities and major employment centers is also included. The purpose is to provide a broad overview and understanding of the community so that housing needs are clearly defined.
3. *Assessment of Fair Housing Profile*. This chapter evaluates the fair housing and tenant/landlord services available to residents and identifies fair housing complaints and discrimination issues in Burbank. A summary is provided of public comments received from the City's community outreach efforts.
4. *Review of Potential Impediments*. This chapter begins with an analysis of public policies that may impede fair housing choice, such as zoning regulations, building and accessibility codes, and representation on City Boards and Commissions. The chapter then goes on to evaluate potential private sector impediments, including real estate practices and an in-depth analysis of mortgage lending activity.

### **ATTACHMENT 2-4**



5. *Findings and Recommendations.* This chapter summarizes the actions to be taken by the City that are completely dependent on the findings from the analysis and provides recommendations to further fair housing in Burbank.

## D. DATA SOURCES

The following data sources were used to complete this AI. Sources of specific information are identified in the text, tables, and figures.

- 2020 Burbank Consolidated Plan (Draft)
- 2014-2021 Burbank Housing Element
- 2010 Census and 2014-2018 American Community Survey
- 2014 California Department of Finance Housing Estimates
- 2011-2015 HUD Comprehensive Housing Affordability Strategy (CHAS) Databook
- City of Burbank Municipal Code
- Dataquick housing sales activity data, 2019
- Realtytrac.com foreclosure data
- Burbank Housing Authority, Rental Assistance Voucher data
- Burbank Housing Authority, Administrative Plan
- State Dept. of Social Services, Community Care Licensing, 2019
- Metropolitan Transportation Authority (MTA) and Burbank Transportation Service routes and schedules
- Home Mortgage Disclosure Act (HMDA) data on lending patterns, 2016

## E. COMMUNITY PARTICIPATION

This AI Report has been developed to provide an overview of laws, regulations, conditions or other possible obstacles that could affect an individual's or a household's access to housing. As part of this effort, the report incorporates the issues and concerns of residents, housing professionals and service providers. To assure that the report responds to community needs, the development of the AI included a community outreach program consisting of a community advisory meeting, a resident survey, service provider interviews, City Council study sessions and two public hearings.

### Community Advisory Meetings

Burbank residents and public and private agencies either directly or indirectly involved with fair housing issues in Burbank were invited to participate in three community meetings on the following dates and location:

Community meetings took place on November 26, 2019, from 6:00-8:00 pm, and December 3, 2019, from 6:00-8:00 pm. The Stakeholder meeting occurred on December 9, 2019, from 1:00-



3:00 pm. Community and Stakeholder meetings were held in the Community Services Building (150 North 3rd Street, Burbank, CA 91502).

The meetings provided the opportunity for the Burbank community to gain awareness of fair housing laws and for residents and service agencies to share fair housing issues and concerns. To ensure that the fair housing concerns of low-and moderate-income and special needs residents were addressed, invitations were distributed via e-mail, if available, to agencies and organizations that serve the low-and moderate-income and special needs community. Agencies and organizations that were invited and contributed directly to this report are included as an appendix.

Meetings were announced through social media outlets; the City's five focus neighborhoods (predominately low-income neighborhoods); local non-profits; faith-based groups; and local committees/groups. Residents and housing advocates were invited to attend the meetings to gather their feedback.

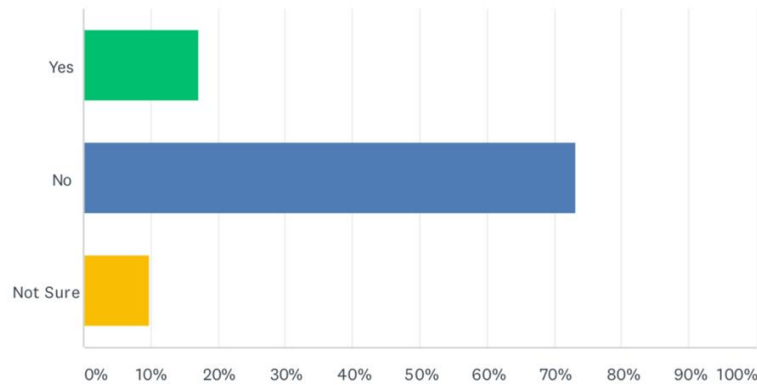
### **Resident Survey**

To supplement the citizen advisory meetings, a survey was made available to Burbank residents at City Hall. The survey was also available online at the City's Web site. Spanish and Armenian versions of the survey were also provided to reflect the diversity of BURBANK's residents. During the 8-week survey period, completed surveys were submitted by Burbank Residents. The results of the Survey, administered through SurveyMonkey, are shown below.



Q1 Have you ever encountered any forms of housing discrimination or known someone who has?

Answered: 41 Skipped: 0

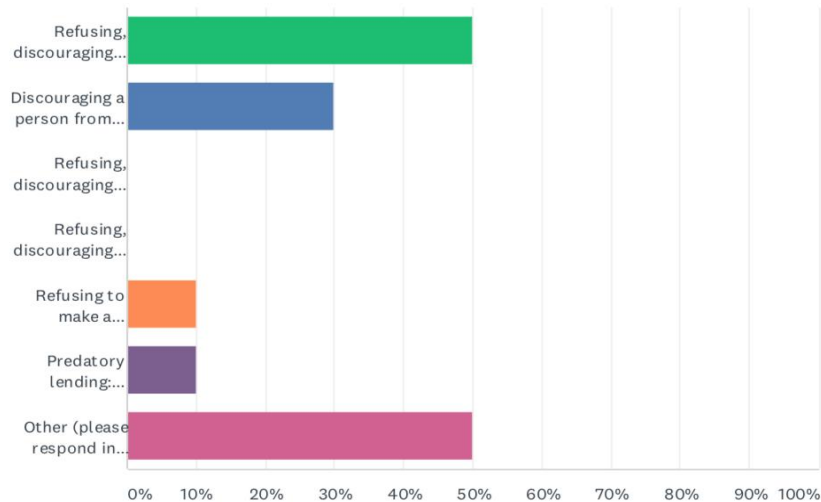


ANSWER CHOICES	RESPONSES	
Yes	17.07%	7
No	73.17%	30
Not Sure	9.76%	4
Total Respondents: 41		



## Q2 If you believe or think that you or someone you know encountered housing discrimination, what type was it?

Answered: 10 Skipped: 31



ANSWER CHOICES	RESPONSES	
Refusing, discouraging, or charging more to rent an apartment or buy a home.	50.00%	5
Discouraging a person from living where they want to live. Steering them to another apartment, complex or neighborhood.	30.00%	3
Refusing, discouraging, making it difficult or charging more or providing less favorable terms on a home loan to buy, refinance, fix up or use the equity in a home.	0.00%	0
Refusing, discouraging or charging more for home insurance.	0.00%	0
Refusing to make a reasonable accommodation or not allowing a modification to be made to make an apartment more accessible for a person with a disability.	10.00%	1
Predatory lending: unfair, misleading and deceptive loan practices.	10.00%	1
Other (please respond in comment section)	50.00%	5
Total Respondents: 10		

#	OTHER (PLEASE SPECIFY)	DATE
1	Property manager makes it difficult for tenants to request maintenance to their apt and is very rude to them. This has been going on for years now but even if you call the management office, they have been useless to assist and always side with this "ahole" manager.	2/3/2020 10:01 AM
2	denying rent based on pregnancy	1/10/2020 10:55 AM
3	Asking if I was married to my proposed roommate	12/9/2019 4:09 PM
4	Unlawful competition - taking applications from many potential tenants, charging them all for background checks, and having them compete for the property.	11/25/2019 9:38 AM

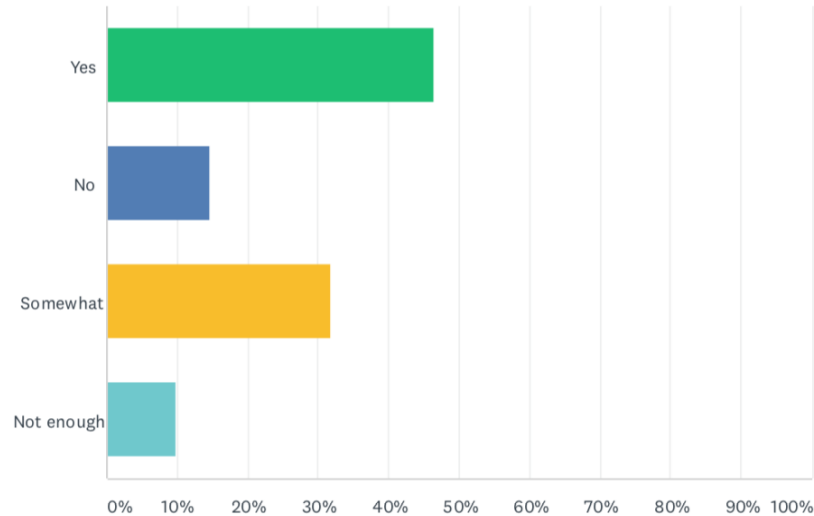
### ATTACHMENT 2-8





### Q3 Do you feel that you are well-informed on the issue of Housing Discrimination?

Answered: 41 Skipped: 0

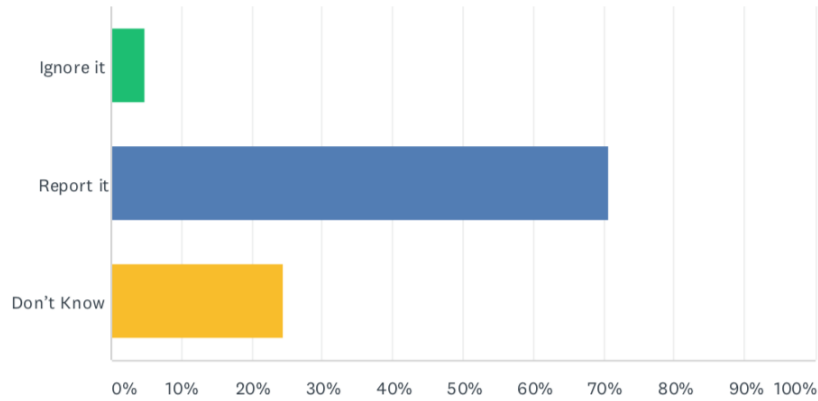


ANSWER CHOICES	RESPONSES	
Yes	46.34%	19
No	14.63%	6
Somewhat	31.71%	13
Not enough	9.76%	4
Total Respondents: 41		



## Q4 What would you do if you encountered Housing Discrimination?

Answered: 41 Skipped: 0

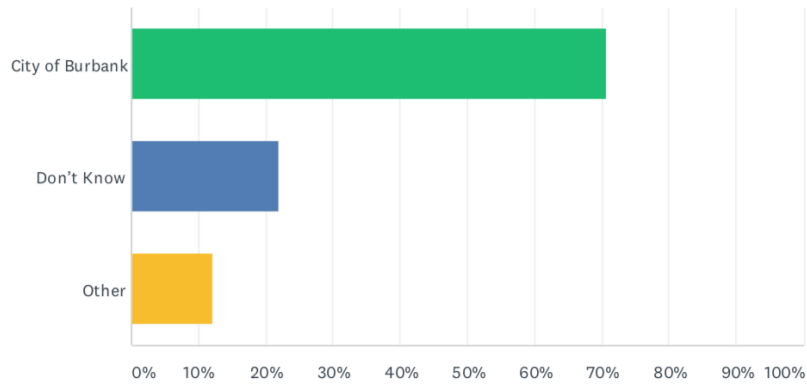


ANSWER CHOICES	RESPONSES	
Ignore it	4.88%	2
Report it	70.73%	29
Don't Know	24.39%	10
Total Respondents: 41		



## Q5 If you were to report Housing Discrimination, who would you report it to?

Answered: 41 Skipped: 0



ANSWER CHOICES	RESPONSES	
City of Burbank	70.73%	29
Don't Know	21.95%	9
Other	12.20%	5
Total Respondents: 41		

#	OTHER (PLEASE SPECIFY)	DATE
1	Better Business Bureau, Housing Authority	2/3/2020 10:01 AM
2	HUD	1/10/2020 10:55 AM
3	I would research until I found out the proper entity to report it to.	12/13/2019 2:49 PM
4	Appropriate state agency.	12/10/2019 1:53 AM
5	County	12/9/2019 11:45 PM
6	FHA and a private civil litigation attorney	12/9/2019 4:09 PM
7	County or the state	12/9/2019 3:23 PM
8	Dept of Fair Housing	12/9/2019 2:30 PM



Q6 If you think that Housing Discrimination is occurring, what types of discrimination do you think occur most frequently in the City of Burbank?

Answered: 13 Skipped: 28

#	RESPONSES	DATE
1	As far as in my complex at Castillian Apartments, racial discrimination against our Syrian tenants.	2/3/2020 10:01 AM
2	Racial	1/10/2020 10:55 AM
3	racial, sexual orientation.	1/3/2020 8:36 AM
4	Would guess Section 8, since the rental market is so tight.	12/30/2019 3:53 PM
5	None	12/9/2019 11:45 PM
6	Racial, Wealth	12/9/2019 6:16 PM
7	racism	12/9/2019 5:41 PM
8	Race and LGBTQIA people	12/9/2019 4:43 PM
9	Likely against low-income and at-risk individuals	12/9/2019 4:09 PM
10	racial/gender bias	12/9/2019 2:29 PM
11	Sky high rents	12/4/2019 11:07 PM
12	Discrimination against people on public assistance (homeless, Section 8)	11/25/2019 2:56 PM
13	Racial bias.	11/25/2019 9:38 AM



## Q7 What can be done to prevent housing discrimination in the City Burbank?

Answered: 18 Skipped: 23

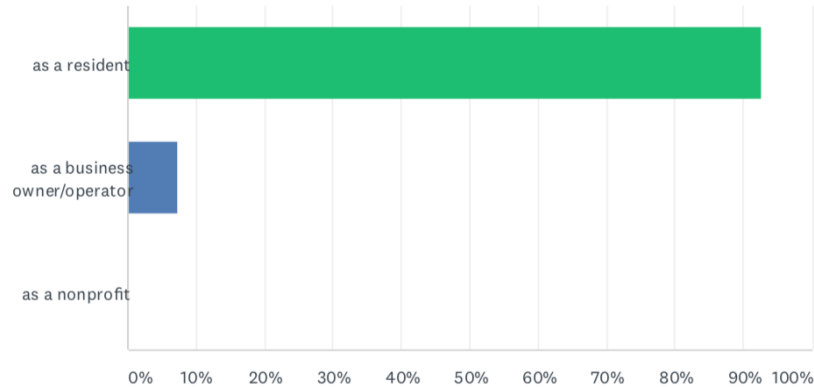
#	RESPONSES	DATE
1	I think someone needs to be responsible to visit and assess problems that tenants encounter when they need anything from the manager. I know there are a lot of apartment complexes here but I believe someone needs to represent these tenants who are being mistreated because of race or color.	2/3/2020 10:01 AM
2	Reporting policies and regulations on Landlords	1/10/2020 10:55 AM
3	education and laws.	1/3/2020 8:36 AM
4	Dunno, but the city definitely needs more affordable housing (NOT MORE HOTELS!!!!)	12/30/2019 3:53 PM
5	This bill that is going on the Nov 2020 election discriminates against seniors. <a href="https://5e59f87b-b1b4-46f1-886a-c492544a687a.filesusr.com/ugd/a32685_of6b979321c849c79701bb85e613e564.pdf?index=true">https://5e59f87b-b1b4-46f1-886a-c492544a687a.filesusr.com/ugd/a32685_of6b979321c849c79701bb85e613e564.pdf?index=true</a> The Burbank Rent Stabilization and Tenant Protection Act discriminates against seniors, disabled and households with dependents. This group is accessed with and additional relocation fees of \$2500 to \$3100. Landlords have a disincentive to choose this most vulnerable group. A. A Landlord seeking to recover possession under Subsections G, H, I, or J of Section 9-5-6 shall provide a Relocation Fee to affected Tenant households. As a result, Relocation Assistance shall initially be set at the amounts pursuant to the Los Angeles Rent Stabilization Ordinance as follows: 1. \$16,950 to Qualified Tenants and \$8,050 to all other Tenants who have lived in their Rental Unit for fewer than three years; \$20,050 to Qualified Tenants and \$10,550 to all other Tenants who have lived in their Rental Unit for three years or longer; or \$20,050 to Qualified Tenants and \$10,550 to all other Tenants whose household income is 80% or below Area Median Income (AMI), as adjusted for household size, as defined by the U.S. Department of Housing and Urban Development, regardless of length of tenancy. P. Qualified Tenant. Any tenant who satisfies any of the following criteria on the date of service of the written notice of termination described in California Civil Code Section 1946: has attained age 62; is handicapped as defined in Section 50072 of the California Health and Safety Code; is disabled as defined in Title 42 United States Code § 423; or is a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children.	12/18/2019 12:04 PM
6	Tough question. You can't put a race/ethnicity question on a rental application, so I don't know how you can track it. But it's important to try to find out.	12/13/2019 2:49 PM
7	Have clear and visible policies and procedures that identify what housing discrimination is, looks like and how to report it.	12/10/2019 7:58 AM
8	Make everyone aware it's illegal	12/9/2019 11:45 PM
9	Rent Control	12/9/2019 6:16 PM
10	I think Burbank overall thinks it's the 1950s and there is a tinge of racism. I think addressing it with landlords would be step 1. Information so they're aware of laws and respect them.	12/9/2019 5:41 PM
11	Punishing offenders	12/9/2019 4:43 PM
12	Enforcement of existing laws on the books, and punishing violators through civil litigation and criminal prosecution!	12/9/2019 4:09 PM
13	the more integrated Burbank becomes, the less likely this will be an issue (other than the obvious legal issues involved)	12/9/2019 2:29 PM
14	Educating the public in regards to the definition of housing discrimination and the process through which to report it.	12/9/2019 2:26 PM
15	Build affordable housing	12/4/2019 11:07 PM
16	Always use a Realtor	11/30/2019 6:06 PM
17	Penalize landlords who discriminate	11/25/2019 2:56 PM
18	Educating the community and have a no tolerance policy for those who are discriminatory in their practices.	11/25/2019 9:38 AM

### ATTACHMENT 2-13



## Q8 Please choose the best response that describes your interest in completing this survey

Answered: 41 Skipped: 0



ANSWER CHOICES	RESPONSES	
as a resident	92.68%	38
as a business owner/operator	7.32%	3
as a nonprofit	0.00%	0
<b>TOTAL</b>		<b>41</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	landlord	12/1/2019 7:57 PM

### Survey Findings

The results from Fair Housing Survey illustrate that there is a general consensus amongst Burbank residents as to what fair housing discrimination looks like and how to report it when it happens. Over 73% of residents indicated that they have not experienced or know anyone who has experienced fair housing discrimination. Almost half of the respondents feel confident in their understanding of fair housing discrimination and know how to report it to the appropriate authorities. The responses indicate that while most residents have not personally seen or experienced it, they believe it most often happens alongside a racial bias. This form of racial discrimination in housing is known as ‘steering’. Real estate agents draw away a property buyer or a tenant from a particular neighborhood to another neighborhood, often in a less desirable part of town. In the comments, many respondents noted that a mechanism to mitigate fair housing discrimination would be the creation of more affordable housing units.



## **Public Review and Hearings**

### **Public Review**

All persons that attended the community advisory meetings were informed of the public review period on the City's website and asked to provide any further comments for incorporation.

Public comment was solicited on the draft AI for Fiscal Years 2020-2025 for five days by requesting comments. No written comments were received.

### **Public Meeting**

A virtual public meeting will be held on July 21, 2020 at 6:00 p.m. at the Burbank City Council. At this meeting, members of the public can provide comments on the draft AI.

## **II. COMMUNITY PROFILE**

Section II. Community Profile - provides background information on demographics, housing, employment, community facilities, and transportation services in the City of Burbank (City). All of these factors can affect housing choice and the type of fair housing issues a community may encounter.

### **A. DEMOGRAPHIC PROFILE**

Demographic changes may affect a household's access to housing or raise fair housing concerns. Thus, this section provides an overview of the population, including the age, race and ethnic characteristics of Burbank residents.

#### **1. Population Growth and Trends**

As part of the post-war population boom that spurred rapid growth and development throughout Southern California, the vast majority of Burbank's population growth occurred prior to 1960. From 1940 to 1950 the City's population more than doubled from 34,000 to 78,000 residents, resulting from expanding economic opportunities in the media and aerospace industry and associated high levels of post-World War II housing construction. Following this boom period, population growth began to slow and eventually began to decline.

In 2018, Burbank, California had a population of 103,695 people which was only slightly higher than its 2010 population of 103,340. Compared to neighboring cities, Burbank's 0.34 growth over the 18-year period was significantly lower than Glendale (5%) and Pasadena (4%).

**Table II-1: Regional Population Growth Trends 2010 and 2018**

	2010 - Census	Population Estimate (as of July 1) - 2018	% change
Burbank, California	103,340	103,695	0.34
Glendale, California	191,719	201,361	5.02
Pasadena, California	137,122	141,371	3.09

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

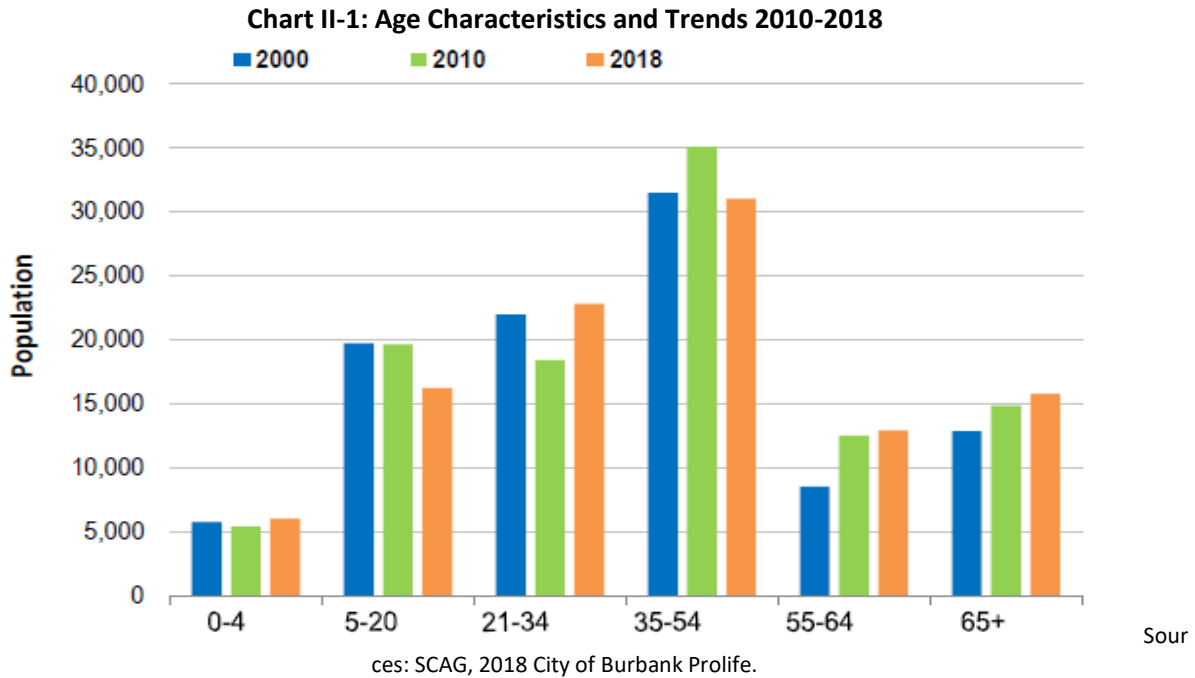
## 2. Age Characteristics

Housing needs are often affected by the age characteristics of residents in the community. For instance, each age group has distinct lifestyles, family types and size, income levels, and housing preferences. As people move through each stage, their housing needs and preferences also change. As a result, evaluating the age characteristics of Burbank residents is an important factor in addressing housing needs of a community. In some cases, housing discrimination against the different age groups may restrict their access.

**Illustration 1** Displays the age characteristics of the City's population in 2000, 2010 and 2018 and illustrates several trends which have occurred over the past three decades. Between 2000 and 2018, the 55-64 age group experienced the largest increase in share, growing from 8.5 to 12.3 percent. The age group that experienced the greatest decline in share was 5-20, decreasing from 19.7 to 15.5 percent. The 55-64 age group added the most population, with an increase of 4,385 people between 2000 and 2018.

Like many communities nationwide, Burbank's population is growing older, as evidenced by the continued increase in the 55-64 age group. Seniors typically live in single-family homes but may begin to require more supportive housing options as they age and become more frail. Senior citizens can be expected to continue to comprise a growing segment of Burbank's population as the City's middle age "baby boomers" age in place. This anticipated shift in the age demographic could lead to less pressure on the housing market for larger homes and greater need for smaller, more affordable rental and ownership housing.





### 3. Race and Ethnicity

A person's racial or ethnic background can in some cases, affect his or her ability to find housing, obtain home financing, or have unrestricted access to housing of their choice. **Table II-2** displays the racial/ethnic composition of Burbank's population based on 2017.

For people reporting one race alone, 70.7 percent were White; 2.8 percent were Black or African American; 0.5 percent were American Indian and Alaska Native; 11.7 percent were Asian; 0.0 percent were Native Hawaiian and Other Pacific Islander, and 8.6 percent were some other race. An estimated 5.0 percent reported two or more races. An estimated 25.5 percent of people reported in Burbank, California were Hispanic. An estimated 56.7 percent of people reported in Burbank, California were White (non-Hispanic). People of Hispanic origin may be of any race.

**Table II-2: Racial and Ethnic Composition**

RACE				
<b>Total population</b>	104,765	+/-46	104,765	(X)
<i>One race</i>	99,496	+/-787	95.0%	+/-0.7
<i>Two or more races</i>	5,269	+/-777	5.0%	+/-0.7
<b>One race</b>	99,496	+/-787	95.0%	+/-0.7
<i>White</i>	74,037	+/-1,576	70.7%	+/-1.5
<i>Black or African American</i>	2,970	+/-646	2.8%	+/-0.6
<i>American Indian and Alaska Native</i>	493	+/-238	0.5%	+/-0.2
<i>Asian</i>	12,295	+/-1,030	11.7%	+/-1.0



<i>Native Hawaiian and Other Pacific Islander</i>	23	+/-27	0.0%	+/-0.1
<b>Hispanic or Latino (of any race)</b>	25,700	+/-1,350	24.5%	+/-1.3
<b>White alone</b>	59,401	+/-1,391	56.7%	+/-1.3

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

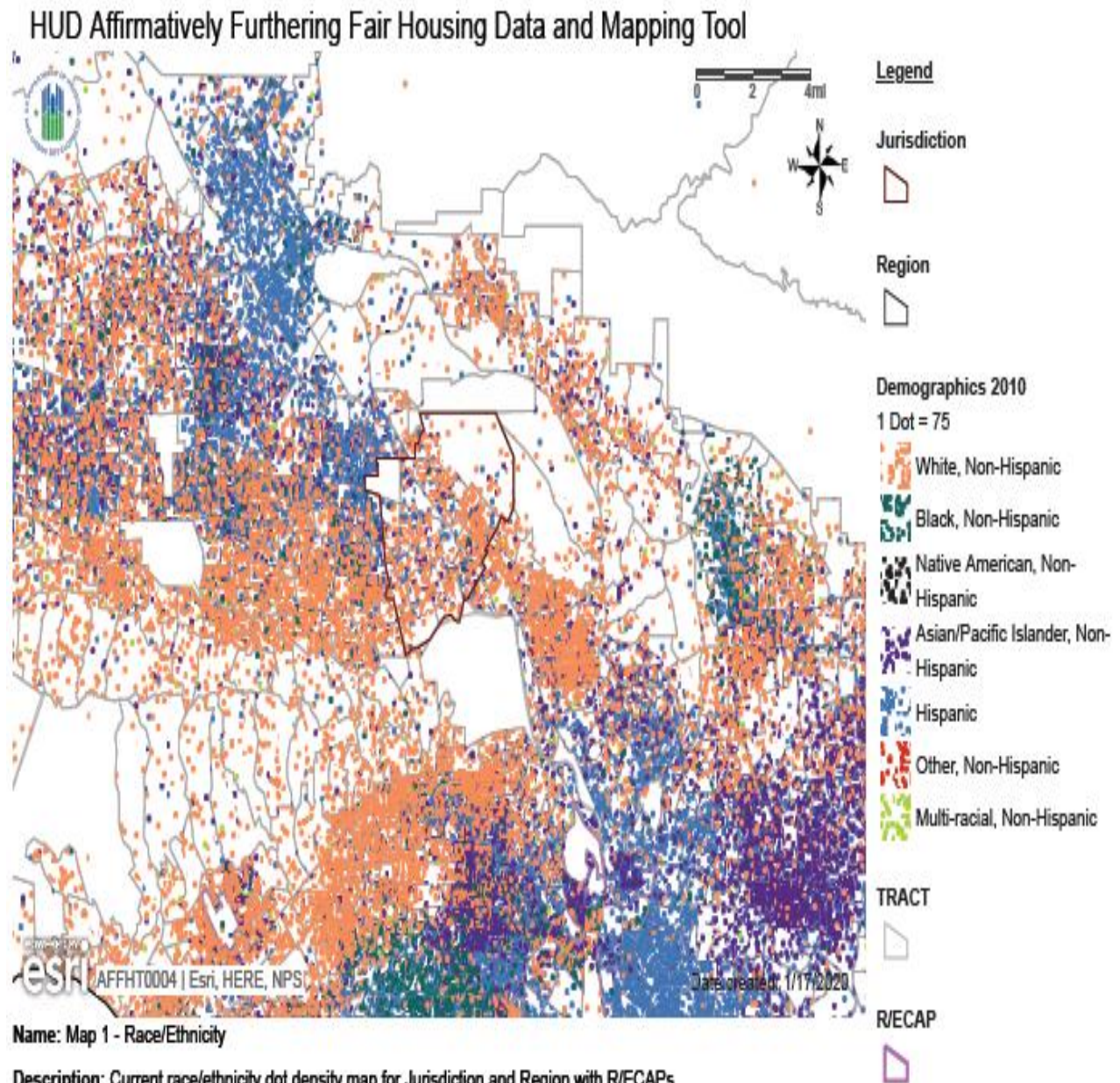
Similar to many communities throughout Southern California, Burbank has become more ethnically and racially diverse over the past three decades. This diversity often brings changes in terms of different income levels, family types, and languages that may affect housing needs and opportunities. While White residents continue to comprise the majority of the City's population, this proportion has decreased substantially from almost 80 percent in 1980 to approximately 56 percent in 2017.

In contrast, the City's share of Hispanic residents increased steadily over the past thirty years growing from 16 percent in 1980 to 25 percent in 2017. Although Asian residents represent a relatively smaller segment of the population, the share of Asian residents nearly quadrupled since 1980, increasing from three percent in 1980 to nearly 12 percent in 2017. The City's African American population has remained relatively limited, rising from less than one percent in 1980 to over two percent in 2017. While the census does not identify persons of Armenian descent as a separate ethnic category, it is important to note that, a significant number of Armenians live in the City. The Armenian Relief Society located in Glendale estimates that one-third of the approximately 30,000 persons served on an annual basis are from Burbank.

The degree of minority concentration in the City can also assist in determining the extent of fair housing impediments. A minority concentration is defined as any tract where the population of any minority group is ten percent more than the citywide proportion. A dot density map (also known as dot distribution map) uses a color-coded dot symbols representing the presence of a specified number of individuals sharing a particular characteristic to show a spatial pattern. The presence of residential concentrations may appear as clusters of a single color of dots representing one protected class, or as clusters of more than one color of dots representing a number of protected classes but still excluding one or more protected classes. More integrated areas will appear as a variety of colored dots. **Figure II-1** below reveals clusters of race/ethnicity within the City. Based on the data, there does not appear to be a concentration of minority groups within the City of Burbank.



Figure II-1: All Minority Groups Highest Concentration



**Name:** Map 1 - Race/Ethnicity

**Description:** Current race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

**Jurisdiction:** Burbank (CDBG, HOME)

**Region:** Los Angeles-Long Beach-Anaheim, CA

**HUD-Provided Data Version:** AFFHT0004



## B. HOUSEHOLD PROFILE

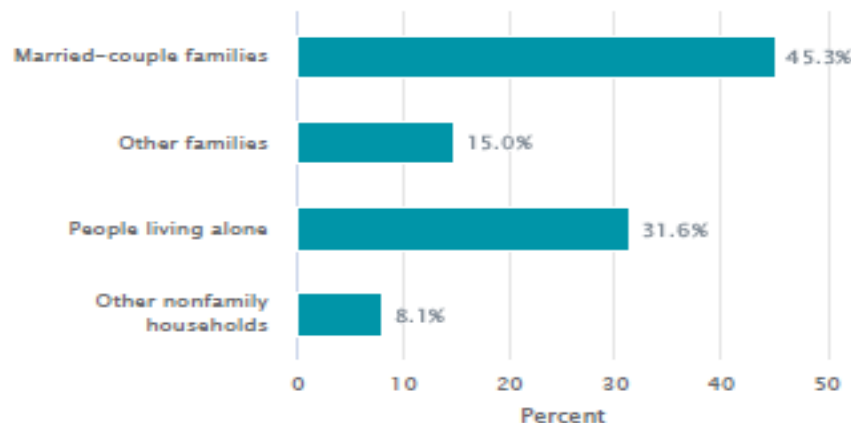
Household type, composition and size, and the presence of special needs populations are all factors that can affect access to housing in a community. This section identifies the characteristics of Burbank's households.

### 1. Household Characteristics

Between 2014-2018, there were 41,505 households in Burbank. The average household size was 2.50 people. Families made up 60.3 percent of the households. This figure includes both married-couple families (45.3 percent) and other families (15.0 percent). Female householder families with no husband present and own children under 18 years are 4.1 percent of all households. Nonfamily households made up 39.7 percent of all households. 26.8 percent of all households have one or more people under the age of 18; 26.8 percent of all households have one or more people 65 years and over.

### 2. Types of Households

Chart II-2: Types of Households



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

### 3. Marital status

Among persons 15 and older, 48.9 percent of males and 44.9 percent of females are currently married as captured in **Table II-3**.

Table II-3: Marital Status

Population 15 years and over	Males	Females



Never married	41.2	32.7
Now married, except separated	48.9	44.9
Separated	0.9	2.1
Widowed	2.4	8.7
Divorced	6.6	11.6

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

#### 4. Grandparents and Grandchildren

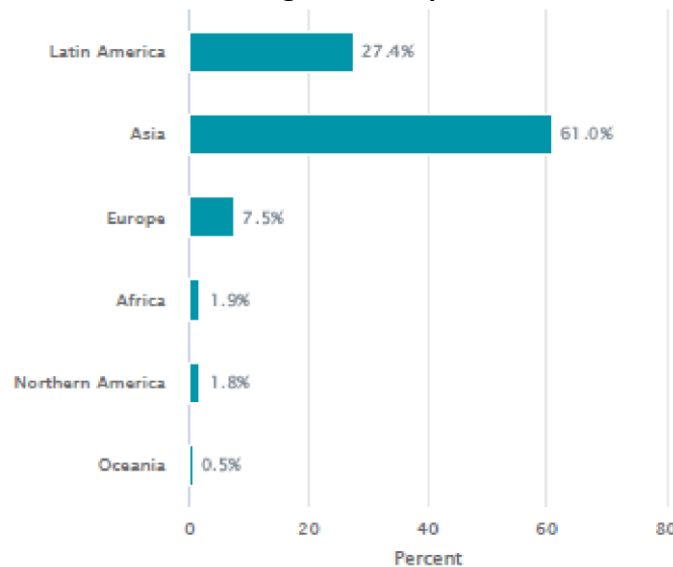
In Burbank, 1,654 grandparents lived with their grandchildren under 18 years old. Of those grandparents, 18 percent were responsible for the basic needs of their grandchildren.

#### 5. Native and Foreign-Born Residents

In 2014-2018, an estimated 67 percent of the people living in Burbank were U.S. natives. 44 percent were living in the state where they were born. Roughly 33 percent of residents were foreign-born; 65 percent of foreign born were naturalized U.S. citizens and an estimated 82 percent entered the country before the year 2010. Foreign-born residents of Burbank city come from different parts of the world. **Chart II-3** below displays the foreign-born population of Burbank.

#### 6. Region of Birth for Foreign-Born Residents

**Chart II-3: Foreign-Born Population**



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

**ATTACHMENT 2-21**

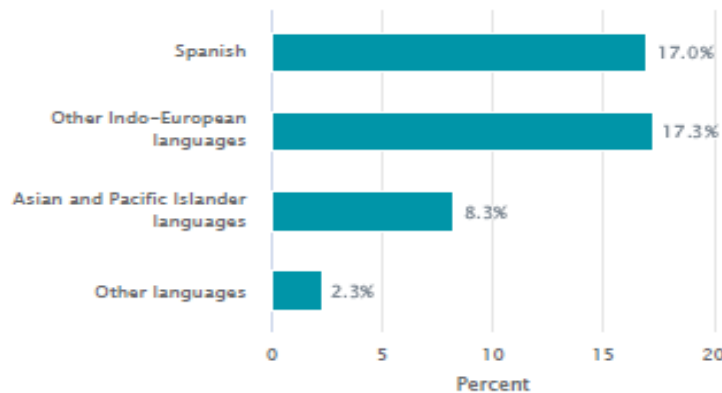


## 7. Language

Among people at least five years old living in Burbank between 2014- 2018, 44.9 percent spoke a language other than English at home. Spanish was spoken by 17.0 percent of people at least five years old; 15.8 percent reported that they did not speak English "very well."

## 8. Percent of the Population 5 years and over who Speak a Language other than English

Chart II-4: Languages Spoken other than English

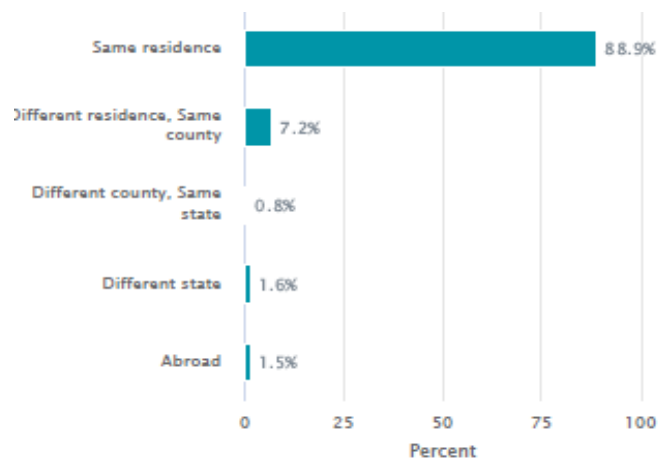


Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

## 9. Geographic Mobility

In 2014-2018, 88.9 percent of the people at least one-year old living in Burbank were living in the same residence one year earlier.

Chart II-5: Geographic Mobility







Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

## 10. Education

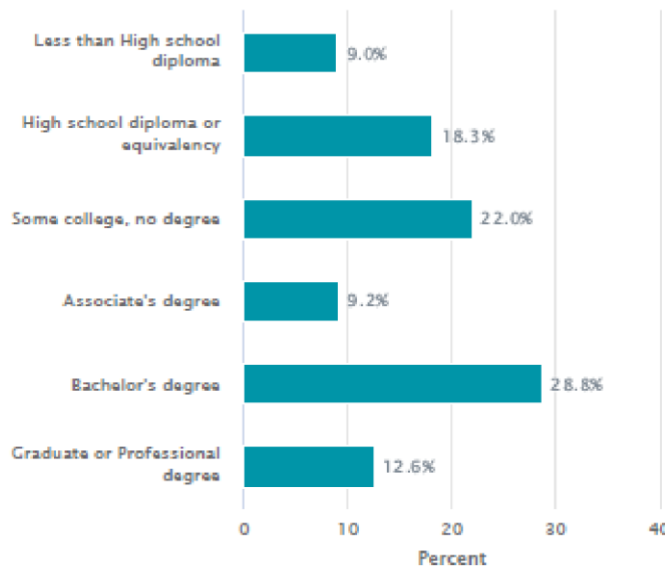
In 2014-2018, 91 percent of people 25 years and over had at least graduated from high school and 41.5 percent had a bachelor's degree or higher. An estimated 9 percent did not complete high school.

The total school enrollment in Burbank was 24,281 in 2014-2018. Nursery school enrollment was 2,035 and kindergarten through 12th grade enrollment was 13,791. College or graduate school enrollment was 8,455.

## 11. Educational Attainment

Based on the ACS 5-year estimates from 2014-2018, 28.8 percent of people had a Bachelor's degree while 22 percent have gone to college but did not attain a degree, as shown in **Chart II-6: Educational Attainment**.

Chart II-6: Educational Attainment



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

## 12. Disability

State law recognizes that certain households have more difficulty in finding decent and affordable housing due to special circumstances. Special needs populations include the elderly, frail elderly, persons with disabilities, female-headed households, persons with HIV/AIDS, victims of domestic violence and persons suffering from substance abuse. In addition, many often have lower incomes as a result of their condition. As a result of these special needs,



these populations are more vulnerable to discrimination, which can limit their access to housing.

Between 2014-2018, 10.8% of Burbank's noninstitutionalized population reported a disability. The likelihood of having a disability varied by age - from 2.1 percent of people under 18 years old, to 6.7 percent of people 18 to 64 years old, and to 40.1 percent of those 65 and over.

### **13. Employment Status and Type of Employer**

In 2018, 61.9 percent of the population 16 and over were employed; 33.8 percent were not currently in the labor force. An estimated 78.6 percent of the people employed were private wage and salary workers; 10.1 percent were federal, state, or local government workers; and 11.2 percent were self-employed in their own (not incorporated) business.

**Table II-4: Employment Status**

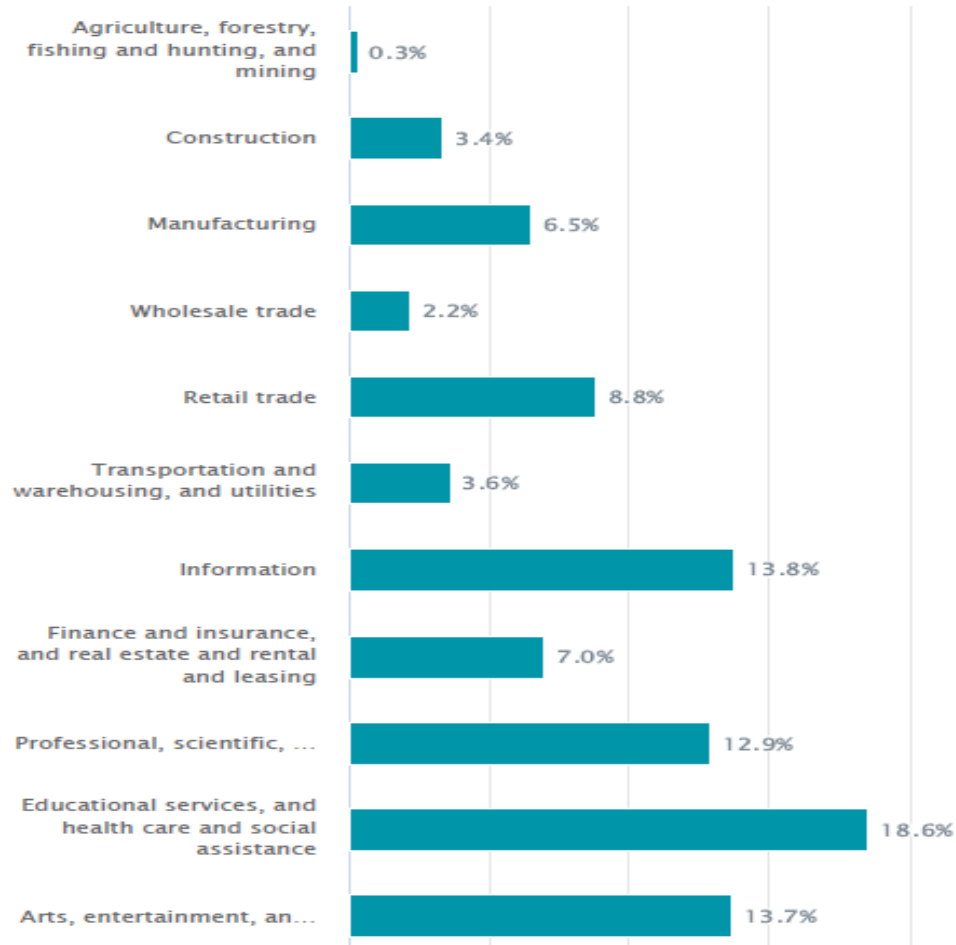
<b>Class of worker</b>	<b>Number</b>	<b>Percent</b>
Private wage and salary workers	42,340	78.6
Federal, state, or local government workers	5,453	10.1
Self-employed workers in own not incorporated business	6,015	11.2

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

### **14. Industries**

In 2014-2018, the civilian employed population 16 years and older in Burbank city, California worked in the following industries:





**Chart II-7: Employment Industries**

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates



## 15. Occupations for the Civilian Employed Population 16 Years and Over

Table II-5: Employment Industries

Civilian employed population 16 years and over	Number	Percent
Management, business, sciences, and arts occupations	27,853	51.7
Service occupations	7,677	14.3
Sales and office occupations	11,705	21.7
Natural resources, construction, and maintenance occupations	2,534	4.7
Production, transportation, and material moving occupations	4,081	7.6

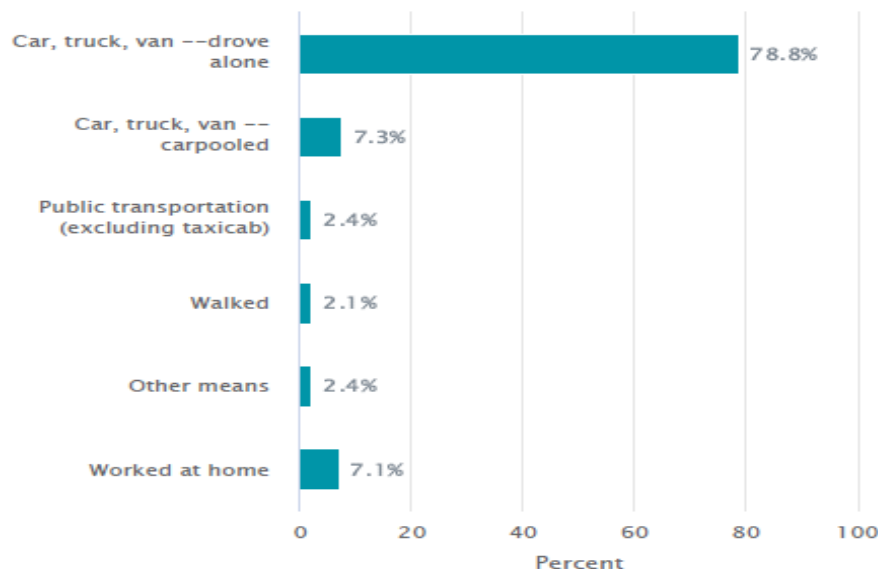
Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

## 16. Commuting to Work

An estimated 78.8 percent of Burbank residents drove to work alone in 2014-2018, and 7.3 percent carpooled. Among those who commuted to work, it took them on average 28.4 minutes to get to work.

## 17. Mode of Commuting for Workers 16 and Over

Chart II-8 Commuting Modes



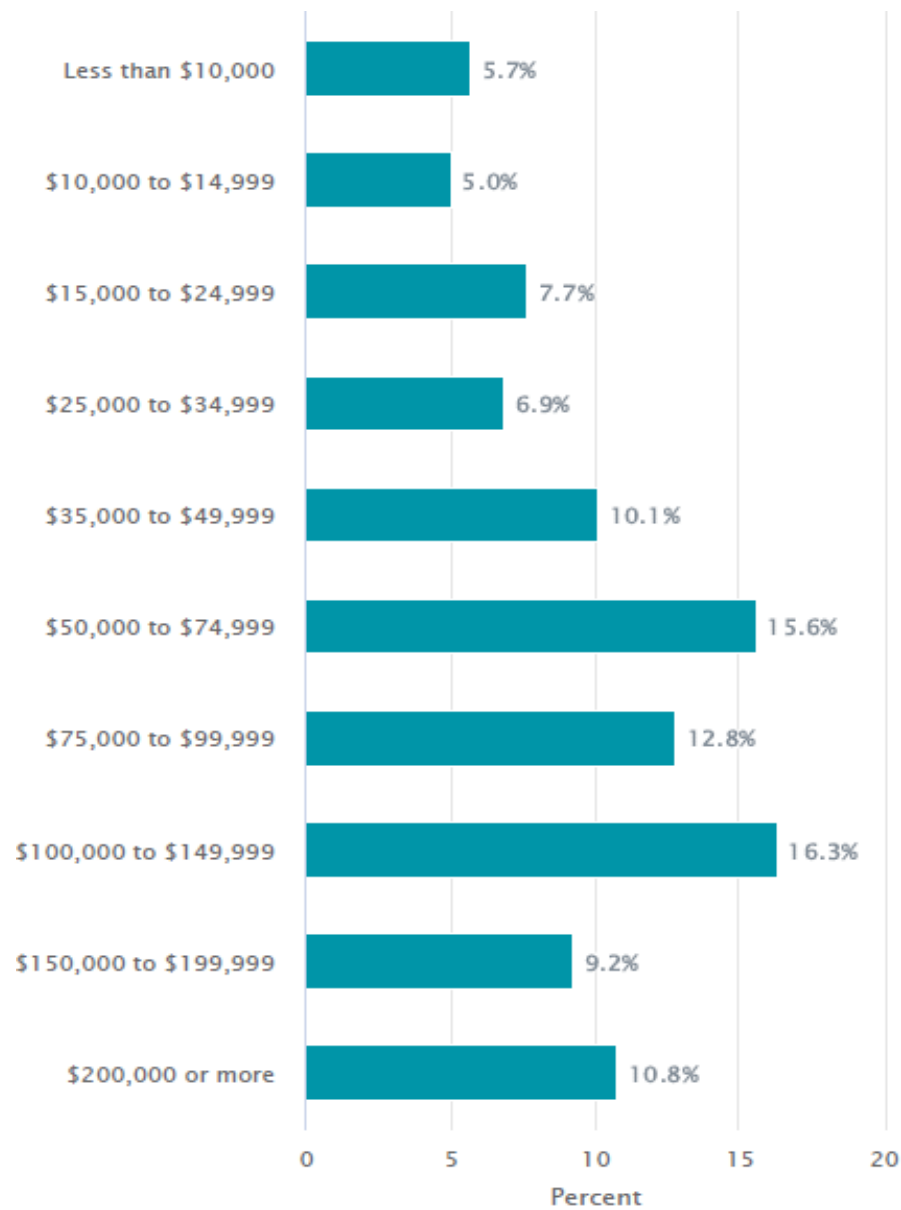
Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates



## 18. Income

The median income of households in Burbank was \$73,277. An estimated 5.7 percent of households had income below \$10,000 a year and 10.8 percent had income over \$200,000 or more.

**Chart II-9: Income Levels**



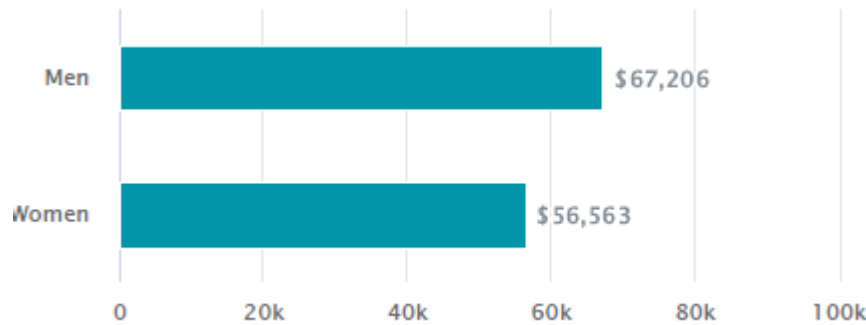
Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates



Median earnings for full-time year-round workers was \$62,685. Male full-time year-round workers had median earnings of \$67,206. Female full-time year-round workers had median earnings of \$56,563.

## 19. Median Earnings for Full-Time Year-Round Workers

Chart II-10: Median Earnings

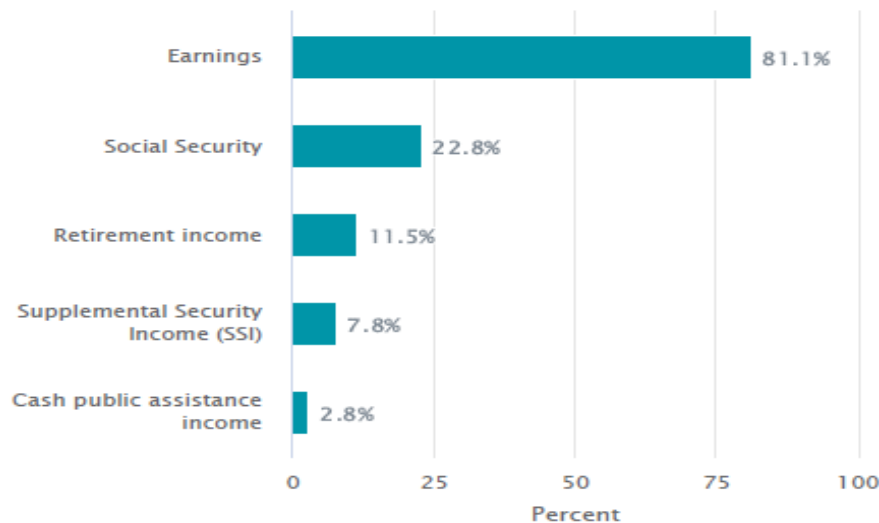


Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

An estimated 81.1 percent of households received earnings. An estimated 22.8 percent of households received Social Security and an estimated 11.5 percent of households received retirement income other than Social Security. The average income from Social Security was \$18,200. These income sources are not mutually exclusive; that is, some households received income from more than one source.

## 20. Proportion of Households with Various Income Sources

Chart II-11: Income Sources



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates



## 21. Poverty and Participation in Government Programs

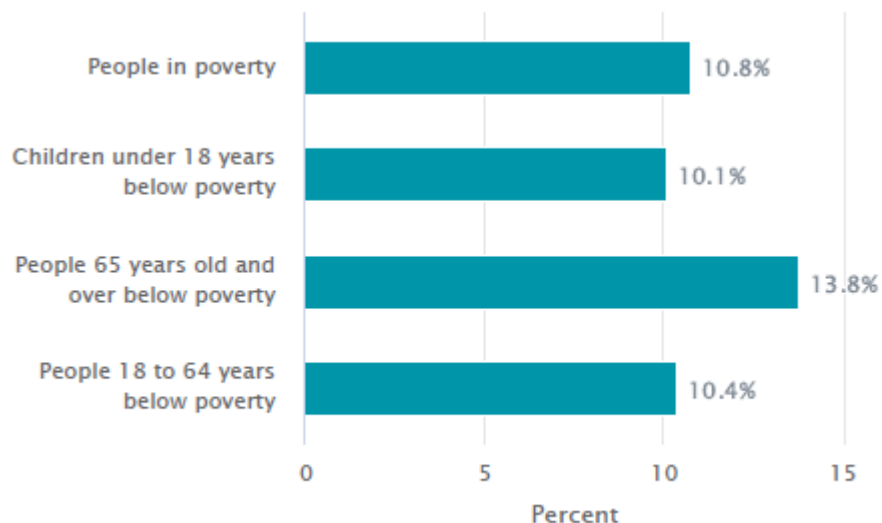
The United States Department of Housing and Urban Development (HUD) 2007 American Housing Survey determined that 6 million households live with moderate or severe physical housing problems. Homes that are lacking toilets, have faulty or unreliable heating systems, or have exposed electrical wiring do not protect inhabitants from disease and injury and can cause serious psychological stress are categorized as being "severe" housing problems. "Moderate" housing problems are things such as having unvented gas, oil, or kerosene as the primary heating source, or lacking a kitchen sink. Again, the lack of commonplace appliances like a furnace or sink can expose inhabitants to diseases and injury.

The U.S. Census Bureau gathers data on several factors related to the housing: plumbing, heating, hallways, upkeep, electric service and kitchen equipment. As many as 24 million households have lead-based paint hazards. Maintenance and upkeep of public and low-income housing remains a major issue, leading to chronic problems of water infiltration, pest infestation and unsafe physical conditions. The disproportionate burden of these problems falls to children, the elderly and those with chronic illnesses, and minorities.

In 2014-2018, 10.8 percent of people were in poverty. An estimated 10.1 percent of children under 18 were below the poverty level, compared with 13.8 percent of people 65 years old and over. An estimated 10.4 percent of people 18 to 64 years were below the poverty level, as shown in **Figure II-12**.

## 22. Poverty Rates

**Chart II-12: Poverty Rates**



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates



In 2014-2018, 4.8 percent of households received SNAP (the Supplemental Nutrition Assistance Program). An estimated 47.5 percent of households that received SNAP had children under 18, and 26.9 percent of households that received SNAP had one or more people 60 years and over. An estimated 24.3 percent of all households receiving SNAP were families with a female householder and no husband present. An estimated 33.9 percent of households receiving SNAP had two or more workers in the past 12 months.

## **23. Health Insurance**

Among the civilian non-institutionalized population in Burbank between 2014-2018, 92.7 percent had health insurance coverage and 7.3 percent did not have health insurance coverage. Private coverage was 69.5 percent and government coverage was 31.4 percent, respectively. The percentage of children under the age of 19 with no health insurance coverage was 4.8 percent.

## **24. Housing Inventory Characteristics**

Household characteristics influence housing preferences and needs. For instance, single-person households or seniors often occupy smaller apartments or condominiums due to the lower cost and size of such homes. Families with children often prefer larger single-family homes. Understanding changes in household composition can thus provide insight into current and future housing needs.

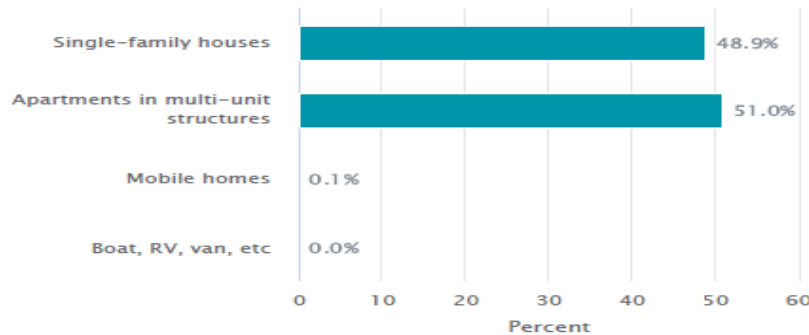
Household growth is influenced by marriages, the dissolution of marriages and the number of children entering adulthood. Household growth is also affected by future residents moving to Burbank to either find employment or housing. Finally, because households must occupy a housing unit, the rate of new housing construction also influences whether a new household will be established or whether households will consolidate.

Between 2014-2018 Burbank had a total of 43,595 housing units. Of these housing units, 48.9 percent were single-family houses either not attached to any other structure or attached to one or more structures (commonly referred to as “townhouses” or “row houses”). 51.0 percent of the housing units were located in multi-unit structures, or those buildings that contained two or more apartments. 0.1 percent were mobile homes, while any remaining housing units were classified as “other,” which included boats, recreational vehicles, vans, etc.



## 25. Types of Housing Units

**Chart II-13: Types of Housing Units**



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Less than one percent of the housing inventory consisted of houses built since 2010, while 12.8 percent of the houses were first built in 1939 or earlier. Housing units in Burbank had a median number of 4.3 rooms and of these housing units, 34.1 percent had three or more bedrooms.

## 26. Occupied Housing Characteristics

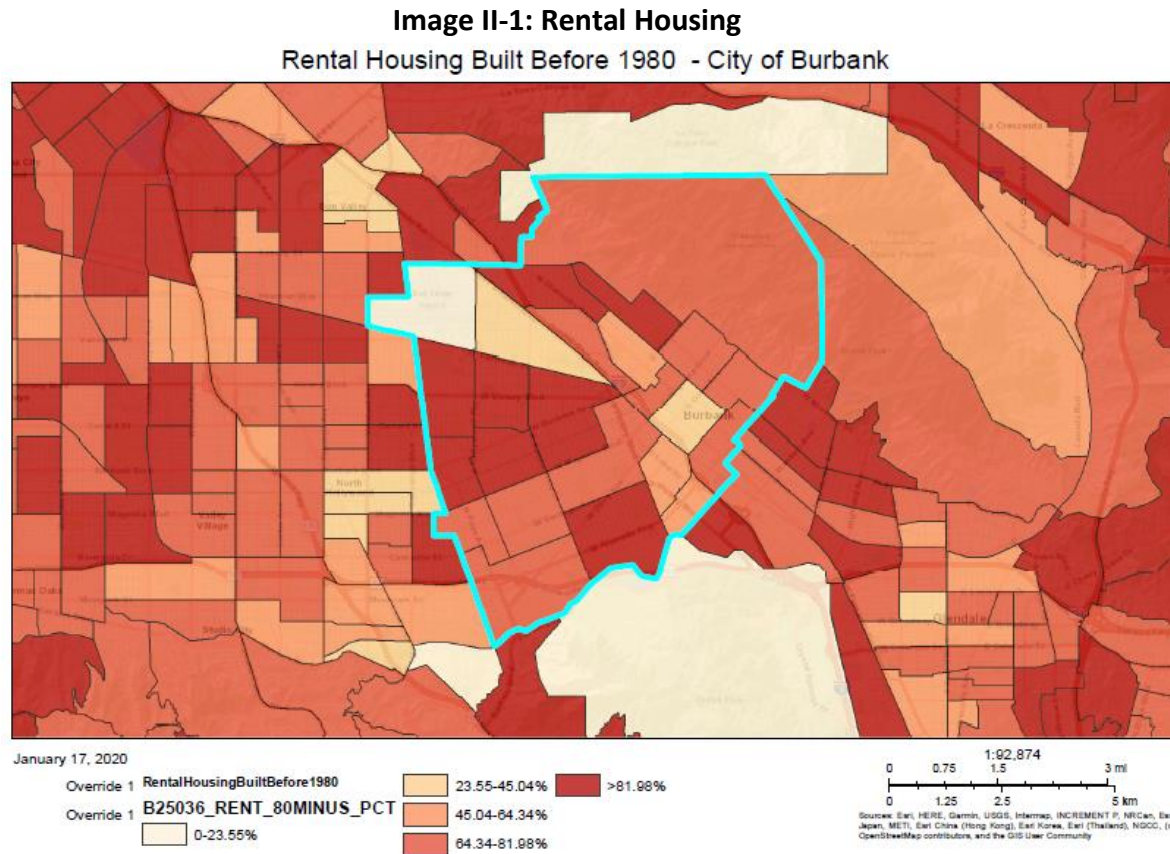
Between 2014-2018 Burbank had 41,505 housing units that were occupied or had people living in them, while the remaining 2,090 were vacant. Of the occupied housing units, the percentage of these houses occupied by owners (also known as the homeownership rate) was 41.8 percent while renters occupied 58.2 percent. The average household size of owner-occupied houses was 2.77 and in renter-occupied houses it was 2.31. 16.9 percent of householders of these occupied houses had moved into their house since 2015, while 12.0 percent moved into their house in 1989 or earlier.

## 27. Age of City's Housing Stock

The condition of a city's housing stock is not in itself an impediment to fair housing. However, for many low-income families, substandard housing is the only housing available at an affordable price. One indicator of substandard housing is the age of a city's housing stock. The City of Burbank conducts proactive and regular surveys of both multi-family and single-family properties to ensure there are no code violations. This survey helps indicate the approximate percentage of housing structures classified as needing some form of repair. The age of housing is commonly used by State and federal agencies as a factor in estimating rehabilitation needs. Typically, most homes begin to require major repairs or have significant rehabilitation needs at 30 to 40 years of age.



As captured in **Image II-1: Rental Housing**, nearly 82% of rental housing built before 1980 is located in the darkest shaded areas. These units are principally in the south east boundary of the City. It is important to note the potential rehabilitation needs of rental housing in Burbank because this is where low-income families tend to reside due to affordability. It is of interest for the City to monitor all housing built prior to 1980 for lead paint and other hazardous or structurally unsafe housing issues.



Source: City of Burbank, 2020

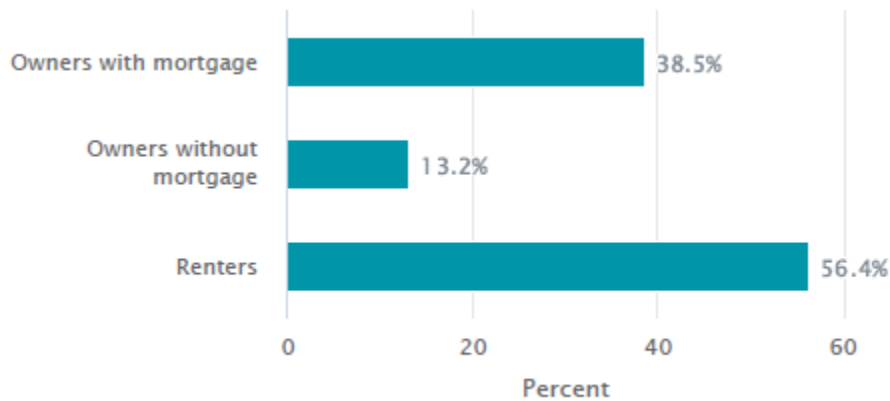
## 28. Financial Characteristics and Housing Costs

Between 2014-2018, the median property value for owner-occupied houses in Burbank was \$688,500. Of the owner-occupied households, 72.2 percent had a mortgage. 27.8 percent owned their houses “free and clear,” that is without a mortgage or loan on the house. The median monthly housing costs for owners with a mortgage was \$2,799 and for owners without a mortgage it was \$551. For renter-occupied houses, the median gross rent for Burbank city, California was \$1,630. Gross rent includes the monthly contract rent and any monthly payments made for electricity, gas, water and sewer, and any other fuels to heat the house. Households that pay 30% or more of their income on housing costs are considered cost burdened. Cost-burdened households accounted for 38.5 percent of owners with a mortgage, 13.2 percent of owners without a mortgage, and 56.4 percent of renters.





## 29. Burbank Residents with a Housing Cost Burden, 2014-2018



**Chart II-14: Housing Cost Burden**

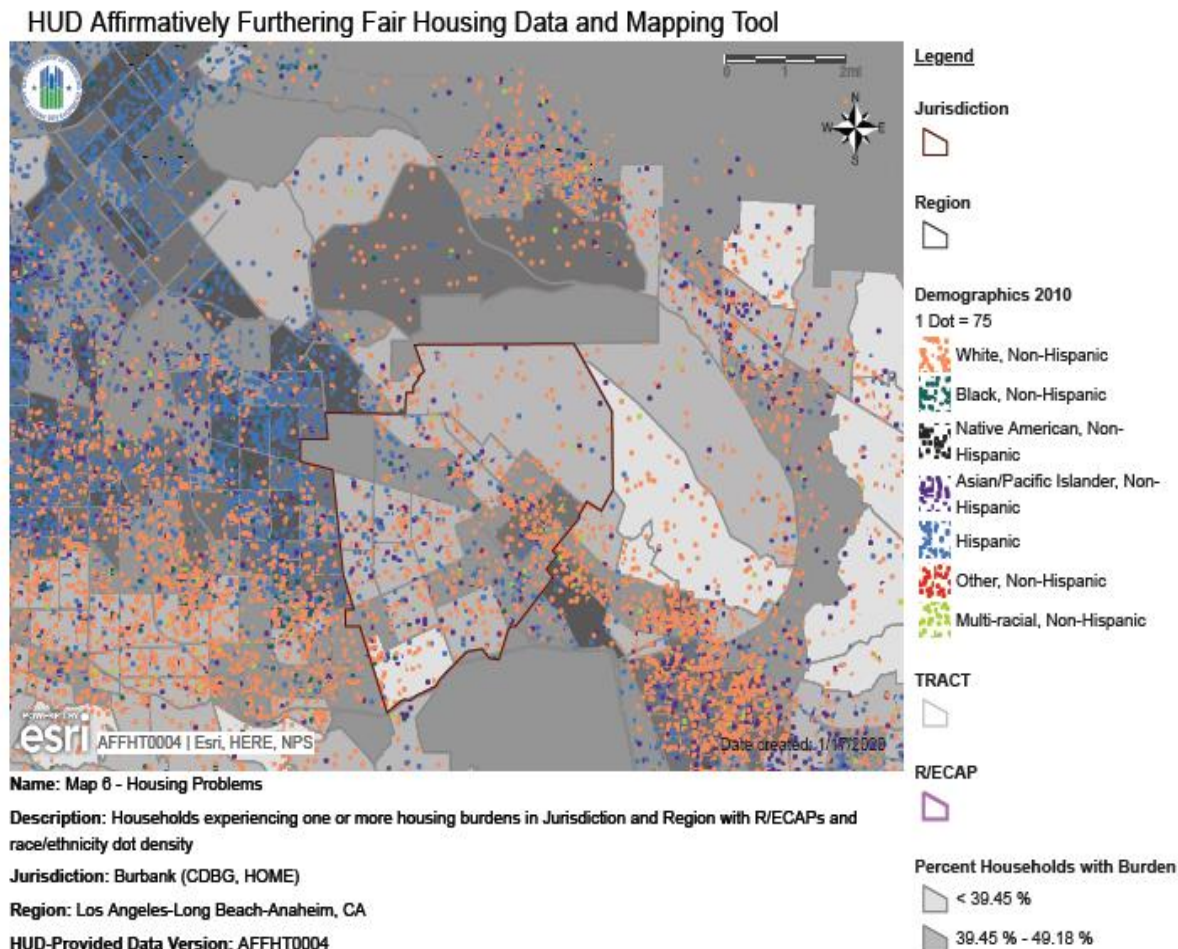
Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

According to the 2020 draft Consolidated Plan, the following resident types for the City are disproportionately affected by a housing cost burden:

- Fifty three percent of City households (22,020 households) are cost burdened and spend more than 30 percent of their income on housing costs.
- Twenty- three percent (9,600 households) are severely cost burdened and paying more than 50 percent of their income on housing costs.
- Among severely cost burdened households paying more than 50 percent of their income toward housing costs, Pacific Islander households experience a disproportionate need, with 75% percent (30 households) experiencing severe cost burden, compared to 23 percent (9,600 households) of the jurisdiction as a whole



### 30. Location of Residents Experiencing a Housing Cost Burden by Race and Ethnicity



According to the map above, the darkest areas have the highest housing burdens in the city and neighbouring jurisdictions. White households are the predominant ones in this area with a few Asian/Pacific Islander and Multi-racial households.

## III. FAIR HOUSING PROFILE:

### EVALUATION AND ASSESSMENT

This section provides an overview of the variety of fair housing and tenant/landlord mediation services available to Burbank residents. Recent fair housing complaints and cases are evaluated to assess potential patterns of impediments to fair housing choice. Finally, a summary is



provided of comments received at the public consultation workshop on fair housing issues in Burbank.

## A. FAIR HOUSING SERVICES

The City contracts with the Housing Rights Center (HRC) to provide housing discrimination assistance and tenant/landlord information to Burbank residents, landlords, and property owners. The HRC is a private, non-profit organization established in 1958, whose mission is to eliminate housing discrimination. HRC provides fair housing services within the greater San Fernando Valley, Antelope Valley, Santa Clarita and Simi Valley, including the City of Burbank. Services provided to Burbank residents include investigation of allegations or complaints regarding unfair housing practices; community outreach and education; fair housing audits and testing; and counseling or referrals to other agencies when individuals may have been victims of discrimination. HRC handles various tenant/landlord complaints and issues by phone; however, HRC will direct tenant/landlord complaints to the City's Landlord-Tenant Commission for mediation.

### 1. Education and Outreach

The HRC conducts extensive community outreach to promote fair housing choice awareness and knowledge of state and federal fair housing laws. This includes outreach to Burbank residents, real estate professionals, apartment owners/managers, medical professionals, and service providers. HRC also conducts periodic trainings to the following agencies and organizations: Burbank Landlord-Tenant Commission; Burbank Advisory Council on Disabilities; Burbank Association of Realtors; **Joslyn Adult Center (seniors); Burbank Unified School District; and the Burbank** Housing Authority. Specific education and outreach activities include the following:

- Dissemination of **fair housing literature** on federal and state fair housing laws, familial status, persons with disabilities, landlord responsibilities, etc.
- Mailings are provided to targeted groups such as the disabled, local landlords, property owners and the local real estate community. Fair housing literature is also provided to City departments/Burbank Housing Authority, City libraries, community based and social service agencies, the Burbank Board of Realtors, the Burbank Unified School District, Burbank Advisory Council on Disabilities, and the Armenian Relief Center and Refugee Society. Nearly 15,000 pieces of fair housing literature are distributed on an annual basis, including materials in English, Spanish, Armenian and Asian languages. *Several examples of HRC's fair housing brochures and flyers are included in the Appendix of the AI.*



### HRC Media Outreach

- **Press conferences, radio and television interviews** to raise awareness of the needs of families and communities hardest hit by the economic downturn and foreclosure crisis, and the variety of implications for fair housing.
- Placement of **newspaper advertisements** promoting fair housing choice in a variety of periodicals including the Burbank Leader, La Opinion, La Voz Latina and the San Fernando Valley African American Chronicle News.
- Publication of **articles** in various housing trade magazines, distribution of a **fair housing newsletter**, and publication of **opinion editorials** in major newspapers to increase public awareness of key fair housing issues such as tenant evictions in foreclosed properties.

### HRC Community Events

- Hosting of **fair housing booths, trainings, and workshops** at various fairs, conferences, and webinars both locally, such as the Peyton-Grismer Back to School Celebration, and in the greater San Fernando Valley area. These events are aimed at educating housing providers, including property managers, landlords, real estate groups, fair housing testers, and local housing agencies.
- Sponsorship of the annual **Fair Housing Poster Contest** through the Burbank Unified School District, Boys & Girls Club, YMCA, and Parks and Recreation Centers as part of National Fair Housing month every April.

HRC works closely with the Burbank Community Development Department to identify particular areas of need based on discrimination complaints and targets its outreach accordingly.

## **2. Presentations and Trainings**

Another important component to effective fair housing outreach are the variety of presentations and trainings conducted by the HRC. These include:

- **Presentations** to various professional organizations, such as the Burbank Board of Realtors, Southland Regional Association of Realtors Equal Opportunity Committee, Association of Real Estate Managers, Apartment Owners Association and Department of Public Social Services.
- Hosting **first-time homebuyer seminars**.
- **Apartment manager training** on fair housing both through the Apartment Association of Greater Los Angeles (AAGLA), Department of Real Estate (DRE) certification course, as well as several free trainings in English and Spanish offered throughout the year at the HRC offices.



- Training to various **City Departments and public agencies**, such as the Burbank Housing Authority, the Burbank Police Department, and the Verdugo Mental Health Center.
- Focused **self-advocacy trainings** to persons with disabilities and their advocates, including the Burbank Advisory Council on Persons with Disabilities.
- Co-sponsor of **Annual Fair Housing Laws and Litigation Conference** in conjunction with the Housing Rights Center.
- Ongoing fair housing **tester training** for field operations/investigations.
- Participation in various meetings and workshops attended by Burbank **tenants and homeowners** where fair housing issues are discussed.

### 3. Monitoring Real Estate and Lending Practices

The HRC conducts ongoing monitoring of real estate advertisements in the Burbank Leader, the Daily News, the Los Angeles Times, and the Recycler newspapers for content and fair housing compliance in accordance with HUD guidelines. HRC also meets regularly with local banks and mortgage lenders to review loan policies and negotiate terms under the Community Reinvestment Act (CRA).

The HRC has extensive involvement in lending advocacy and monitoring to increase access to credit to low-to-moderate income and minority populations. The HRC works in close partnership with the California Reinvestment Coalition (CRC), with a focus on foreclosure prevention efforts and protections for tenants in homes undergoing foreclosure. The HRC has undertaken a variety of proactive measures with lending institutions and housing providers to address foreclosure concerns, homeowner counseling, homeownership preservation, foreclosure actions, best practices, and lender monitoring. HRC's ongoing advocacy with other groups across the nation was the impetus for President Obama enacting the "Helping Families Save Their Homes Act", providing tenants the right to stay in their homes for 90 days after foreclosure.

Another area of lending subject to abuse are loan modifications for homeowners at-risk of foreclosure. The HRC reports a number of its calls are from homeowners reporting "mortgage rescue fraud," having paid hundreds and even thousands of dollars to consultants who they later find out have never even contacted their bank. The HRC actively promotes the use of no-cost, HUD-certified, nonprofit mortgage counseling agencies to negotiate loan modifications. The Community Reinvestment Act (CRA) is a federal law that requires banks to meet the credit needs of the communities in which it or its branches are located. The California Reinvestment Coalition has negotiated CRA commitments with California's major financial institutions for 20 years, including:

- Bank of America
- Bank of the West
- Citibank



- City National Bank
- Comerica Bank
- Union Bank of California
- U.S. Bank
- Wells Fargo Bank

CRA commitments are written statements made by banks that describe lending, investment, and service goals over a specified period of time. Commitments are specific to California, and target lending, services, investments, marketing, and bank products to low-to-moderate income communities and minority communities.

In conjunction with these CRA commitments, the CRC and HRC conduct monitoring meetings at these banks to discuss the bank's CRA commitment, review home mortgage lending activities, consumer lending, affordable housing, sub-prime lending, advertising, and the bank's overall plans to reach under served and minority communities.

In addition to conducting fair lending advocacy, the HRC conducts extensive outreach to the ethnic real estate industry including:

- African American Economic Development Association of REALTORS® and Affiliates (AAEDARA)
- Asian Real Estate Association of America (AREAA)
- California Association of Real Estate Brokers, Inc. (CAREB)
- Chinese-American Real Estate Association (CAREA)
- Chinese American Real Estate Professionals Association (CAREPA)
- Chinese Real Estate Association of America, Inc. (CREAA)
- Filipino American Real Estate Professional Association (FAREPA)
- Korean Real Estate Brokers Association of Southern California
- The Multicultural Alliance for Urban Change
- National Association of Hispanic Real-Estate Professionals (NAHREP)
- National Association of Real Estate Brokers (NAREB)
- Pride Real Estate Professionals (PREPA)

Over the past several years, HRC has continued to assist Burbank residents in avoiding foreclosure and obtaining loan modifications from their financial institutions.

#### **4. Enforcement**

One of the primary roles of the HRC is to provide investigation and response to allegations of illegal housing discrimination. As shown in Table III-1, over the past three years, the HRC handled 40 discrimination complaint inquiries in Burbank. Of these inquiries, only three rose to the level of a discrimination case with the HRC.



Certain special needs groups evidence a high incidence of discrimination complaints. Housing for persons with physical disabilities continues to be the top discrimination complaint in Burbank, consistent with other areas in Los Angeles served by the HRC. The majority of these complaints pertain to the request for a property manager to make a reasonable modification to accommodate a tenant's disability. Families with children (familial status) and persons with mental disabilities are the primary other protected classes facing alleged discrimination in Burbank.

**Table III-1: Burbank Discrimination Inquiries, 2017 – 2019**

<b>Protected Class</b>	<b>Discrimination Inquiries To HRC</b>	<b>Discrimination Cases Opened</b>
Physical Disability	26	2
Familial Status	1	0
Mental Disability	10	1
National Origin	1	0
Age	1	0
Discrimination General Info	1	0
<b>TOTAL</b>	<b>40</b>	<b>3</b>

<b>Disposition</b>		
Counselled	31	77.5%
Case Opened	3	7.5%
Referred	1	2.5%
Pending	5	12.5%
<b>TOTAL</b>	<b>40</b>	<b>100%</b>

Source: Housing Rights Center, 2017-2019 Annual Reports.

### ***Discrimination Cases***

Over these three years, the majority of discrimination filings concluded with counselling- 31 of the 40 cases. The HRC indicates they have observed an increase in fair housing violations towards families with children throughout their service area, such as signs posted in common areas limiting usage by children. The HRC has developed new familial status outreach materials; these materials were developed in direct response to issues raised and observed in the various complaints received and investigated by HRC.

Table III-2 displays the number and nature of fair housing cases in Burbank from 2017 - 2019, as well as the findings and outcome of the cases. With 40 inquiries - 3 of which rose to the level of a discrimination case - issues related to physical and mental disability comprise the most prevalent fair housing cases in Burbank. All three of these discrimination cases were opened in





2017 and since that point no discrimination cases have been opened by the HRC. The HRC reports many landlords don't fully understand the requirements to provide reasonable accommodation for the disabled. HRC developed new resource materials, including a new disability brochure providing guidance to health care professionals (see attached). This brochure was developed because the Council observed that health care and other professionals were either providing too little or too much information regarding the disability status of their patients and clients, complicating the reasonable accommodation/modification process, which ultimately resulted in unnecessary delays and/or denials.

**Table III-2: Burbank Discrimination Cases 2017 – 2019**

Discrimination Cases	Total Cases	% of Total
<b>Protected Class</b>		
Physical Disability	2	66.3%
Mental Disability	1	33.3%
<b>TOTAL</b>	<b>3</b>	<b>100%</b>
<b>Findings</b>		
Sustains Allegations	2	66.6%
Pending	1	33.3%
<b>TOTAL</b>	<b>3</b>	<b>100%</b>

Source: Housing Rights Center, 2017-2019 Annual Reports.

### ***Fair Housing Case Examples***

As indicated in Table III-2, HRC investigates a variety of different fair housing complaints brought by Burbank residents. The discussion below provides an example of five fair housing cases in Burbank pertaining to: physical disability; gender and marital status; sexual harassment; and mental disability.

#### **Allegation: Religion and Physical Disability Discrimination**

**Housing Practice:** Reasonable Accommodation

#### ***Facts of the Allegation:***

- Complainant was an individual with a physical disability.
- Rental arrangements were previously made between the owner and tenant on rental assistance provided by a local church.
- A 3-Day Notice to “pay or quit” was given to the tenant due to an unpaid balance on the rent.
- The complainant alleged the eviction was based on her complaint to the City of Burbank’s Building Department on the owner’s failure to make repairs to the apartment, which was a health concern to the tenant.





**Steps in the Investigation:** HRC contacted the property owner and was able to negotiate a reasonable accommodation regarding the rent and outstanding maintenance issues.

**Finding:** Substantial Allegation

**Disposition:** Successful Conciliation

**Allegation: Physical Disability**

**Housing Practice:** Reasonable Accommodation

**Facts of the Allegation:**

- The complainant is a disabled adult with mobility limitations.
- The complainant cannot walk downstairs.
- Alleged having been discriminated based on their disability when the owner failed to repair the elevator in the building for three weeks. Claims that the manager ignored several written requests to have the elevator repaired.
- The City of Burbank issued a violation order, but the elevator was still out of service.

**Steps in the Investigation:** HRC contacted the manager, explained the fair housing ramifications and discussed the outcome of a recent settlement regarding an out of service elevator. The elevator was repaired within 2 ½ hours of the conversation.

**Finding:** Substantial Allegation

**Disposition:** Successful Conciliation

**Allegation: Gender and Marital Status**

**Housing Practice:** Reasonable Accommodation

**Facts of the Allegation:**

- The complainant, a single parent residing with two minor children, one of which is permanently disabled.
- The complainant, also disabled, has resided at the same residence for almost five years.
- Complainant alleged discrimination based on gender and marital status causing a 60-day notice to terminate being issued.

**Steps in the Investigation:** HRC intervened, reviewed the complainant's documents and contacted the housing provider regarding the allegations. HRC learned that the notice was issued on a non-gender/marital status cause which was not disputed by the complainant. While the gender and marital status claims were not supported by the evidence, HRC was able to negotiate a successful conciliation with the housing provider which allows the complainant to maintain her tenancy due to disability related issues.

**Finding:** Inconclusive Evidence

**Disposition:** Successful Conciliation



**Allegation: Gender**

***Housing Practice:*** Sexual Harassment

***Facts of the Allegation:***

- The complainant, a single female adult, renting a room in a single-family dwelling.
- The complainant accused the owner of sexual harassment, as well as alleging verbal harassment and physical harassment.
- The complainant stated receiving several unsolicited sexual advances from the owner verbally and in writing.

***Steps in the Investigation:*** HRC counseled and advised the complainant of fair housing laws regarding gender discrimination and requested copies of the complainant's e-mails and other correspondence to justify the allegations. The HRC advised the complainant of the outcome of investigation, reviewed options, and provided the complainant with the necessary forms to pursue a formal complaint with the Department of Fair Employment and Housing (DFEH).

***Finding:*** Inconclusive Evidence

***Disposition:*** Referred Complainant to DFEH

**Allegation: Mental Disability**

***Housing Practice:*** Reasonable Accommodation

***Facts of the Allegation:***

- The complainant, a single adult with a disability.
- The complainant alleged discrimination based a disability and the manager attempting to make the complainant get rid of their companion animal.

***Steps in the Investigation:*** HRC intervened by contacting the manager on behalf of the complainant. HRC informed the manager on the state and federal fair housing laws and the reasonable accommodation process. The manager authorized the reasonable accommodation of a companion animal.

***Finding:*** Sustains Allegations

***Disposition:*** Successful Conciliation

***Discrimination Suits***

According to the HRC, there has been no fair housing complaint in Burbank in which the Secretary of HUD has issued a charge of discrimination, nor any housing discrimination suit filed within the City's boundaries by the Department of Justice.



## Hate Crimes

In response to the United States Congress' passage of the Hate Crime Statistics Act of 1990, the Federal Bureau of Investigation (FBI) collects and publishes data on crimes motivated by racial, religious, ethnicity/national-origin, sexual orientation, and disability bias. From the first-year national hate crime data was published in 1992 to 2000, incidents motivated by racial violence comprised the largest portion of hate crime incidents, followed by incidents motivated by a religious bias. Following the events of September 11, 2001, crime incidents motivated by bias against ethnicity/national origin more than doubled and became the second most prevalent reported hate crime behind race. Hate crimes impact not only the individual victim but can also affect the entire group associated with the particular bias. Such stereotyping can make victims of all who share the same race, religion, ethnicity or national origin, sexual orientation, or disability.

Table III-3 presents FBI hate crime statistics for 2016-2018 in the cities of Burbank. During the three-year period, a total of 19 hate crimes were recorded in Burbank, with the highest incidence in 2018, when ten hate crimes were reported. Of these total 19 hate crimes during this period, ten were motivated by a bias against religion, 6 by ethnicity/national origin and three by sexual orientation. There were no reports of a hate crime based on disability, Gender or Gender Identity during this 3-year period. It's important to note that there has been a precipitous rise in hate crimes after 2016. There was only 1 reported hate crime in 2016. However, in 2017 and 2018 a combined 18 hate crimes were reported.

**Table III-3: FBI Hate Crime Statistics, 2016 – 2018**

	<i>Race/ Ethnicity/ Ancestry</i>	<i>Religion</i>	<i>Sexual orientation</i>	<i>Disability</i>	<i>Gender</i>	<i>Gender Identity</i>	<b><i>Total Per Year</i></b>
Burbank 2016	1	0	0	0	0	0	<b>1</b>
Burbank 2017	1	6	1	0	0	0	<b>8</b>
Burbank 2018	4	4	2	0	0	0	<b>10</b>
<b>Total per Hate Crime</b>	6	10	3	0	0	0	

Source: FBI Hate Crime Database, 2016-2018

## B. LANDLORD-TENANT SERVICES

Landlord-Tenant services are provided both through the Burbank Housing Authority (BHA) and Landlord-Tenant Commission, as well as through HRC. Both the BHA and HRC provide general counseling and referrals over the phone regarding tenant/landlord issues, whereas complaints requiring mediation are directed to the City's Landlord-Tenant Commission.



In an effort to provide landlords and tenants information regarding their legal responsibilities and rights, the BHA and the Landlord-Tenant Commission, have developed a handout outlining the “20 Most Frequently Asked Landlord-Tenant Questions.” The information and answers were obtained from the *California Tenants Handbook – A Guide to Residential Tenants’ and Landlords’ Responsibilities* (California Handbook). This handout is located at City offices, on the City’s website, and is shown on the Burbank Channel, and covers the following topics:

- Leases, Rental Agreements, and Documentation
- Rental Control and Rent Increases
- Security Deposits
- Termination of Lease and/or Eviction
- Repair Responsibility
- Harassment, Retaliation, and Discrimination Concerns
- Foreclosure and Legal Matters

A PDF version of the California Handbook is available at:  
<http://www.dca.ca.gov/publications/landlordbook/catenant.pdf>

## **1. Burbank Landlord-Tenant Commission**

The Burbank Landlord-Tenant Commission was established by the Burbank City Council in 1980 for the purpose of handling disputes between property owners/managers and tenants. The five-member Commission meets on the first Monday of every month at 6:15 p.m. in Community Room #101 of the Community Services Building. The Commission addresses a wide variety of issues, including conflicts involving property maintenance, repairs, lease disagreements, and rent increases. Designed as a mediation board, the Commission has limited ability to solve all problems.

Tenants and property owners requesting mediation by the Commission fill out a detailed Questionnaire to document the nature of the issue and provide an official record of the complaint. The number of Questionnaires received by the Commission has declined from the prior decade. During the 2011-2013 period, 34 questionnaires/mediation cases came before the Commission. As documented in Burbank's 2009 *Analysis of Impediments to Fair Housing Choice*, the Commission received a similar number of questionnaires in 2008 (12), representing a decline from the average of 23 questionnaires/mediation cases during the 2000-2003 period.

The following types of issues have come before the Landlord-Tenant Commission over the past three years:

- Substandard building conditions;
- Health issues related to vermin, mold in units, etc.;



- Rent increases without proper notice;
- Tenant harassment/threatened eviction related to tenant complaints;
- Secondhand smoke in non-smoking building; and
- Noise and smoke impacts from ground floor commercial tenant.

The Landlord-Tenant Commission is very successful in helping to mediate the disputes brought before it and serves an important role in promoting the rights of both tenants and landlords in the Burbank community.

### ***Landlord-Tenant Disputes***

From 2017-2019 there were 125 landlord-tenant disputes. In 2017, there were 35 disputes, 25 disputes in 2018 and a marked increase to 65 disputes in 2019. The disputes ranged from rent raises without proper notice to broken appliances and failures to adhere to building codes. The most prevalent issue tenants disputed pertained to rent increases and unjust seizures of security deposits. Listed below are three examples of landlord-tenant disputes:

#### **Allegation: Unlivable Living Circumstances**

##### ***Facts of the Allegation:***

- The complainant, a mother and her partner parent residing with two minor children alleges the apartment has become unlivable because the heater has stopped working
- Further alleges that manager will not return her phone calls and needs help contacting the landlord.

#### **Allegation: Unjust Rent Increase**

##### ***Facts of the Allegation:***

- The complainant, a tenant residing with one other adult in a one-bedroom, alleges the rent was raised illegally
- Complainant alleges the rent was initially set at \$825 and increased to \$950 and then increased again to \$1,100
- Complaint alleges that notice was only give 30 days prior, when in fact, they should have been given a 60-day notice because the increase was over 10%

#### **Allegation: Lack of Repairs**

##### ***Facts of the Allegation:***

- The complainant, an adult living in a one-bedroom claims that necessary repairs have been neglected by the landlord
- Complaint alleges that various repairs to the front of the house have been started, but not completed after a couple of months
- Claims the issue exacerbated when the landlord increased rent from \$1,123 to \$1,350



- Complainant notes that they are attending the tenant-landlord commission to learn more information about their particular issue and are not in the process of filing any action

## 2. Housing Rights Center and Landlord/Tenant Services

In addition to fair housing complaints, HRC receives calls from Burbank residents requesting assistance with landlord/tenant issues. Between 2017 and 2019, the HRC handled complaints or requests for assistance involving 220 Burbank tenants or landlords, with the top ten issues presented below in Table III-5. Of these tenant/landlord issues, calls related to notices were the most prevalent, followed by inquiries regarding substandard conditions and security deposits. Just nine percent of calls were related to rent increases and seven percent were related to evictions- in previous years these were two of the top issues. In terms of resolution, the HRC was able to resolve roughly 65% of the complainant's issues, with the remainder of complainants referred to another agency or group such as Legal Aid or Project Place.

**Table III-5: Landlord/Tenant Services, 2017 - 2019**

<b>Top 10 Housing Issues</b>	<b># Inquiries</b>	<b>% Total</b>
Notices	38	17%
Substandard Conditions	36	16%
Security Deposit	25	11%
Seeking Housing	22	10%
LT/General Information	22	10%
Rent Increase	21	9%
Eviction	14	7%
Harassment	12	6%
Lease Terms	11	5%
Repairs	10	4%
<b>Subtotal – Top 10 Inquiries</b>	<b>211</b>	<b>95%</b>
<b>Total – All Inquiries</b>	<b>220</b>	<b>100%</b>
<b>Disposition</b>		
Resolved by HRC	144	65%
Referred To:		
Attorney	6	3%
Code Enforcement	4	2%
County Assessor	1	<1%
Health Department	4	2%
Legal Aid	19	8%
Mediation	5	2%
Other HRC Group	1	<1%
Pasadena Mediation	1	<1%
Project Place	22	10%



Other General Housing Action	1	<1%
Small Claims Court	8	4%
U. D. Assistance	4	2%
<b>Total</b>	<b>220</b>	<b>100%</b>

Source: Housing Rights Center, 2017-2019 Annual Reports.

HRC continues to receive calls from tenants in properties being foreclosed upon by the lending institution because the property owner has defaulted on their mortgage payment. A large proportion of these calls are from vulnerable groups at risk of homelessness, such as seniors, persons with disabilities, and families with children. California Senate Bill 1137 took effect in July 2008 and implements several important foreclosure process reforms, including increasing the eviction notice period from 30 to 60 days in foreclosure situations. In May 2009, President Obama enacted the Protecting Tenants in Foreclosure Act, providing a nationwide 90-day pre-eviction notice requirement for tenants in foreclosed properties. Furthermore, the Act allows tenants with leases to occupy the property until the end of the lease term, or until the unit is sold to a purchaser who will occupy the property.

HRC also reports a high volume of calls from homeowners reporting “mortgage rescue fraud,” having paid private mortgage loan modification firms to negotiate favorable terms on their behalf, to later find out these consultants have never even contacted their bank. The average fee for these “fee-for-service” companies is \$3,000, though some have been as high as \$9,500. HRC actively promotes the use of HUD-certified, nonprofit mortgage counseling agencies to negotiate loan modifications, a service provided free of charge by these agencies. The City also promotes the use of HUD-certified counseling agencies on its website and through literature. The California Homeowners Bill of Rights, which went into effect January 1, 2013, is aimed at better protecting homeowners during the mortgage and foreclosure process. The law restricts dual-track foreclosures (where a lender forecloses on a borrower despite being in discussions for a loan modification); guarantees struggling homeowners a single point of contact at their lender; imposes civil penalties on fraudulently signed mortgage documents; and ends “robo-signing” by requiring a live person to verify whether a bank has the right to foreclose. HRC has indicated that because credit unions are not subject to the California Homeowners Bill of Rights, they periodically witness unfair practices during the foreclosure process when credit unions are serving as the mortgage lender.

## C. COMMUNITY FAIR HOUSING WORKSHOP

The City conducted three community meetings from November to December 2019. Meetings were held during day and evening hours at a location accessible to the general public. Meetings were announced through social media outlets; the City’s five focus neighborhoods (predominately low-income neighborhoods); local non-profits; faith-based groups; and local committees/groups. Residents and housing advocates were invited to attend the meetings to gather their feedback. The following agencies were represented at the meeting:



- BCR a Place to Grow
- Build Rehabilitation Industries
- Bur Cal Management
- Burbank Community YMCA
- Burbank Coordinating Council
- Burbank Disability Advisory Council
- Burbank Housing Authority
- Burbank Housing Corporation
- Burbank Senior Citizen Board
- Burbank Temporary Aid Center
- Housing Rights Center
- Family Promise of the Verdugos
- Family Service Agency
- John Stewart Company
- Vonkeith Properties

## 1. **Assembly Bill 1482**

Assembly Bill 1482 is a sweeping rent-increase cap bill signed into law by California Governor Gavin Newsom in September 2019. Beginning January 1, 2020, AB-1482 will limit rent increases across the state of California to 5 percent per year plus the local rate of inflation. The rules will impact cities differently depending on whether they already have rent-control laws. Unless otherwise voted on, the measure is expected to expire in 2030.

The cap on rent increases will most strongly impact landlords who own properties built more than fifteen years ago in cities that **do not** have existing rent-control laws. The state law will exempt buildings that were built within the last 15 years. This is a rolling date for compliance. In other words, buildings that were constructed in 2008 will be subject to the rent increase cap starting in 2023, buildings that were constructed in 2009 will need to comply by 2024, etc.

AB-1482 also exempts single-family owner-occupied homes, including residences in which the owner-occupant rents or leases no more than two units or bedrooms, that are not owned by corporations or real estate investment trusts. The bill also exempts duplexes where the owner occupies one of the units.

Residents who live in cities with existing rent-control laws will remain largely unaffected by this measure. They will, however, continue to be regulated by rent-control laws under the Costa-Hawkins Act, a California state law that allows an owner of residential real property to establish





the initial and succeeding rental rates for housing that meets specified criteria, subject to certain limitations.

In addition to the rent-control measure, AB-1482 will also require landlords to establish “just cause” before evicting tenants that have lived in a unit for more than a year. Landlords who want to evict tenants to build condos or make substantial renovations will be required to pay relocation fees equal to one month of rent.

Under AB-1482, property owners will still be able to evict tenants for the following reasons:

- Nonpayment of rent
- A breach of a material term of the lease
- Nuisance, waste, unlawful, or criminal activity
- Refusal to sign a written extension or renewal of the lease
- Assigning or subletting without the owner’s consent
- Refusal to allow the owner to enter the unit
- The owner moving themselves or family into a unit
- The owner plans to substantially renovate
- The owner is going out of business altogether

Just cause laws will essentially end the ability for a landlord to evict tenants without offering an explicit reason and will only apply to cities that do not currently have local just cause laws in place.

Across the state of California city councils passed emergency bans on no-fault evictions to ensure that landlords could not evict residents before AB 1482 becomes law on January 1st. The Burbank City Council, in a narrow 3-2 vote, decided against passing an emergency ban on no-fault evictions. This decision left the door open for landlords to give 60-day eviction notices in advance of AB 1482 becoming law and enabled rent increases in advance of the rent cap.

## IV. REVIEW OF POTENTIAL IMPEDIMENTS

This section evaluates potential public and private sector impediments to fair housing choice. Public sector impediments discussed include planning and zoning regulations, building and accessibility codes, development fees, and representation on City Boards and Commissions. Private sector impediments discussed include real estate practices and an analysis of mortgage lending practices.



## **A. POTENTIAL PUBLIC SECTOR IMPEDIMENTS**

Public policies may affect the pattern of housing development, availability of housing choices, and access to housing. This section of the AI reviews the various public policies that may impact fair housing choice in Burbank, including:

- Local zoning, building and occupancy codes;
- Provision for a variety of housing types;
- Public and administrative policies affecting housing activities;
- Moratoriums or growth management plans;
- Residential development fees; and
- Community representation on City boards and commissions.

### **1. Local Zoning, Building and Occupancy Codes**

#### **Land Use Controls**

The Land Use Element of the Burbank 2035 General Plan and the Zoning Code—which implements the Burbank 2035 Land Use Element—directly impacts the amount, size, type, location and thus, cost of residential development. The control over land use is designed to ensure that new housing is compatible with adjacent uses and built to the standards of quality and livability of the City’s neighborhoods. Land use designations and zoning requirements affect both the construction of new units and the rehabilitation of existing dwellings.

The Burbank 2035 Land Use Element permits a broad range of housing types and densities that address the housing needs of residents. As shown in Table IV-1, densities range from up to seven and 14 dwelling units per acre (du/ac) in the Low Density Residential land use category (R-1, R-1-H, R-2 zones) to 43 du/ac in the High Density Residential category (R-4, R-5 zones). The Land Use Element also provides residential opportunities in various commercial areas and specific plan areas, with the goal of providing housing within walking distance of services, activities and public transportation.

**Table IV-1: General Plan Land Use Categories Allowing Housing**

Land Use Category	Density	Zone(s)	Description
<b>Residential Designations</b>			
Low Density Residential			
Within R-1 zone	0-7 du/acre	R-1, R-1-H	Single-family detached units and second dwelling units
Within R-2 zone	0-14 du/acre	R-2	
Medium Density Residential	14.1-27 du/acre	R-2 R-3	Multi-family units including apartments, condos, row-houses, live-work units, and other development types
High Density Residential	27.1-43 du/acre	R-4, R-5	Multi-family condos, townhomes and apartments
<b>Commercial Designations that Permit Residential<sup>1</sup></b>			
Corridor Commercial	27 du/acre	Various	Neighborhood and community-serving commercial businesses
Regional Commercial	58 du/acre	Various	Regional employment and commercial areas
Downtown Commercial	87 du/acre	Various	High intensity commercial uses
S. San Fernando Commercial	43 du/acre	Various	High intensity commercial uses
N. Victory Commercial/Industrial	27 du/acre	Various	Commercial and light industrial
Rancho Commercial	20 du/acre	Various	Single-family and low-intensity multi-family and commercial
Media District Commercial	58 du/acre	MDR-3 MDR-4 MDR-5	Regional employment uses and media oriented commercial uses
Golden State Comm./Industrial	27 du/acre	Various	Airport and media related commercial

<sup>1</sup>Residential uses in commercial districts and zones require discretionary approval.

Source: Burbank 2014-2021 Housing Element.

## 2. Zoning Standards

The City's Zoning Ordinance sets forth the standards for residential development. These include density, setbacks, lot area, lot coverage, height, and parking standards. Table IV-2 presents Burbank's development standards for single-family development, and Table IV-3 presents multi-family development standards.



The City also has a Planned Development zone that permits a variety of housing types and mixed commercial uses. Planned Development zones allow for modified development standards and permit a range of uses. The City has used planned development zoning as a tool to facilitate mixed-use and residential development in its commercial zones.

**Table IV-2: Single-Family Development Standards**

<b>Development Standard</b>	<b>R-1 and R-1-H Zones</b>
<b>Density</b>	
Minimum lot area	6,000 square feet
Minimum lot width	50 feet
Minimum lot depth	100 feet
Minimum dwelling unit size	850 square feet
<b>Maximum height</b>	
To top plate	20 feet
To top of roof and architectural features	30 feet
Maximum number of stories for all structures	2; 3 stories if the third story is enclosed within a pitched roof (maximum height requirements apply)
<b>Maximum floor area ratio</b>	0.4 - 0.45
<b>Maximum lot coverage</b>	50%
<b>Minimum yard setbacks</b>	
Front	25 feet
Rear	15 feet
Interior side	10% of lot width but no less than 3 feet and no more than 10 feet
Street-facing side	20% if lot width but no less than 6 feet and no more than 20 feet
<b>Minimum number of off-street parking spaces</b>	
Main dwelling $\leq$ 3,400 sq ft gross floor area	2
Main dwelling $>$ 3,400 sq ft gross floor area	3

Source: Burbank Municipal Code, 2020.

**Table IV-3: Multi-Family Development Standards**

<b>Development Standard</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4/R-5</b>
-----------------------------	------------	------------	----------------



Density/minimum gross square footage of lot area per dwelling unit			
< 12,000 sq. ft. lots	1 unit per 3,000 square feet	1 unit per 2,400 square feet	1 unit per 2,000 square feet
12,000 - 23,999 sq. ft. lots		1 unit per 2,000 square feet	1 unit per 1,400 square feet
>= 24,000 sq. ft. lots		1 unit per 1,600 square feet	1 unit per 1,000 square feet
Lot size and dimensions			
Minimum lot area	6,000 square feet		
Minimum lot width	50 feet		
Minimum lot depth	100 feet		
Maximum lot coverage			
< 500' from single-family zoned parcel	60%		
> 500' from single family zoned parcel	70%		
Maximum height			
< 500' from single-family zoned parcel	27 feet to top plate 35 feet to top of roof and architectural features		
> 500' from single family zoned parcel	35 feet to top plate 50 feet to top of roof and architectural features		
Maximum number of stories for all structures			
< 500' from single-family zoned parcel	2		
> 500' from single family zoned parcel	3		
Minimum yard setbacks			
Front minimum	25 feet		15 feet
Rear minimum	5 feet		
Interior side minimum	5 feet		
Street-facing side minimum	10 feet		
Upper story setback for any yard adjacent to single family zoned parcel	5 additional feet		
Parking			
Minimum number off- street tenant parking spaces	2 spaces per unit	1.25 spaces per efficiency unit (studio unit 500 square feet or less) 1.75 spaces per 1-bedroom unit or studio unit greater than 500 square feet	



		2 spaces per unit with 2 or more bedrooms	
Minimum number off-street guest parking spaces	1 guest space per 4 units, minimum of 2 spaces (projects with 3 or fewer units are exempt)		
Open space and landscaping			
Min. common open space per unit	150 square feet		
Min. private open space per unit	50 square feet		
Min. % lot area that must be landscaped	25		15
Min. % common open space area that must be landscaped	20	15	

Source: Burbank Municipal Code, 2014.

As illustrated in Table IV-3, both the R-3 and R-4 zones are structured to provide incentives for combining lots, allowing for an increase in density on larger lot sizes.

Burbank's zoning also makes allowances for development with fewer than four units, including tandem parking and elimination of the guest parking requirement. These relaxed standards facilitate the development of small lots by increasing design flexibility. Although some developers opt to build fewer than the maximum allowed number of units, most developers build to the maximum due to the high cost of land in Burbank. It is logical that with the high price of land in Burbank, and the limited amount of developable land, that most developers will build to the highest density allowed thereby maximizing the returns on the development.

### Specific/Master Plans

The City has two adopted specific plans, a third designated specific plan area with accompanying land use policies and zoning regulations, and a master plan.

- The **Burbank Center Plan (BCP)** was adopted in 1997 as an economic revitalization plan for Downtown Burbank and its surrounding areas. The plan focuses on intensifying uses around existing and proposed intermodal transportation centers to increase opportunities for public transportation and walking within the downtown area.
- The **Media District Specific Plan (MDSP)** was adopted in 1991 in response to the development of several high-rise office buildings in the 1980s and the potential effects that similar future development could have on surrounding residential neighborhoods. The MDSP is generally located around the intersection of SR 134



and Olive Avenue. The MDSP restricts the growth of commercial and industrial uses in southwestern Burbank to minimize future effects on surrounding residential neighborhoods.

- The **Rancho Master Plan (RMP)** was adopted in 1993 to recognize and preserve the unique equestrian character of the Rancho area.
- The **North San Fernando Boulevard Master Plan** was adopted in 2012 and provides a strategy to guide future development and streetscape improvements along the segment of North San Fernando Boulevard between Interstate 5 and Burbank Boulevard. It also includes recommendations to improve the surrounding residential and commercial streets.

*Burbank has adopted numerous provisions in its Zoning Ordinance that facilitate a range of residential development types and encourage affordable housing, including an Inclusionary Housing Ordinance, Density Bonus Ordinance, and Condominium Conversion Ordinance.*

**Inclusionary Housing:** In March 2006, the Burbank City Council adopted an Inclusionary Housing Ordinance as a means of increasing the supply of affordable housing in conjunction with market rate housing development. The City's ordinance requires developers of housing with 5 or more units to provide at least 15 percent of the units as affordable to very low, low and moderate-income households as follows<sup>3</sup>:

- For rental projects, five percent of units are required for very low-income households and 10 percent for low income households.
- For ownership projects, 15 percent of units are required for low- and moderate-income households.

As a means of providing incentives to address the City's goals for lower income and special needs housing, the City's ordinance also offers inclusionary "credits" as follows:

- If Very Low-Income rental units are provided in lieu of required Low-Income rental units, a credit of 1.25 units for every 1 unit is provided;
- If Low Income owner units are provided in lieu of required Moderate-Income owner units, a credit of 2 units for every 1 unit is provided; and
- If more than the required number of affordable rental or ownership units are provided for large families (3+ bedrooms), or fully accessible units (in excess of California Building Code Chapter 11A requirements) are provided for the physically disabled, a credit of 1.5 units for every 1 unit is provided.

<sup>3</sup>Implementation of Burbank's adopted Inclusionary Housing Ordinance is currently on hold pending a decision by the California Supreme Court in *California Building Industry Association v. City of San Jose* on the legal validity of mandatory inclusionary housing requirements



Developers may elect to pay an in-lieu fee rather than provide the affordable units within the project. As shown in Table IV-4, the in-lieu fee structure is tiered, providing reduced fees for smaller projects where the economic impact of inclusionary requirements tends to be the greatest.

**Table IV-4: Inclusionary Housing In-Lieu Fee**

<b>Project Size (# of Units)</b>	<b>Ownership Projects (per square foot)</b>	<b>Rental Projects (per square foot)</b>
5 to 9 units	\$11.24	\$5.75
10 to 13 units	\$16.46	\$8.42
14+ units	\$20.07	\$5.75

Source: City of Burbank, June 23, 2014 (Resolution 14-28,688)

The City has established an Affordable Housing Trust Fund for deposit of in-lieu fee revenues. Capital from the Trust Fund must be used to increase and improve the supply of housing affordable to very low, low and moderate-income households in the City. Permissible uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases or other public-private partnership arrangements. The Fund may be used for the benefit of both rental and owner-occupied housing.

Developers may also be permitted to fulfill inclusionary requirements by providing affordable units at an off-site location in Burbank. Off-site affordable units may be provided through new construction, substantial rehabilitation, and adaptive re-use. Donation of land to the City to construct the required affordable units is another off-site alternative. Developers are permitted to use these options by right.

To offset the potential costs associated with the provision of affordable units, Burbank's inclusionary ordinance offers a variety of development concessions to construct affordable units on-site within the proposed project. A developer may request one or more concessions, subject to the discretion of the City, and based on demonstration that the proposed project is financially infeasible without the incentives. Permitted development concessions mirror those specified within the City's density bonus ordinance and are described in the following section. Since its inception, 28 affordable units have been created through the Inclusionary Housing Program.

***Affordable Housing Density Bonus:*** In conjunction with adoption of the Inclusionary Housing Ordinance in 2006, the Burbank City Council updated its density bonus ordinance to conform with the new requirements of Government Code Section 65915 as passed by the California legislature. In summary, applicants of residential projects of five or more units may apply for a density bonus and additional concession/incentive(s) if the project provides for construction of one of the following:





- Ten percent of the total units in a housing project for lower income households; or
- Five percent of the total units in a housing project for very low-income households; or
- A senior citizen housing development, or mobile home park that limits residency based on age requirements for housing for older persons; or
- Ten percent of the total units in a common interest development for moderate income households, provided that all units in the development are offered to the public for purchase.

The amount of density bonus to which the applicant is entitled varies according to the amount by which the percentage of affordable housing units exceeds the minimum percentage established in the Inclusionary Housing Ordinance, but generally ranges from 20-35 percent above the specified General Plan density. Developers may choose to use the affordable units required by Burbank's Inclusionary Housing Ordinance to meet the minimum thresholds for the state density bonus law as long as it's the more stringent of the two requirements.

In addition to the density bonus, eligible projects may receive one to three additional development concessions/incentives, based on the applicant demonstrating that it is not financially feasible to build the project without the concessions. Pursuant to state statutes, the number of concessions a project may be eligible for is based upon the proportion of affordable units and level of income targeting, as illustrated in **Table IV-5**.

**Table IV-5: Density Bonus Concessions**

<b>Income Level</b>	<b>% Affordable Units</b>	<b>Number of Concessions</b>
Very Low Income	5%	1
	10%	2
	15%	3
Low Income	10%	1
	20%	2
	30%	3
Moderate Income (for-sale condo or planned development)	10%	1
	20%	2
	30%	3

Source: The City of Burbank Housing Element, 2014-2021

Burbank's density bonus ordinance divides permitted concessions into three different tiers of development review depending on their level of potential impact on residents of the project and/or the surrounding community; concessions with an anticipated greater impact require a higher level of review and approval. The following list of development concessions is not exhaustive of every concession that may be granted but rather illustrates the most commonly requested concessions.



**Tier 1** (*Administrative approval by the Community Development Director*)

- Reduce common open space by up to 30 percent and/or reduce private open space by up to 30 percent per unit or eliminate private open space for 30 percent of units.
- Increase lot coverage from 60 percent to 70 percent when > than 300' from R-1 zoned property.
- Increase building height up to the maximum height otherwise allowed in the zone when > than 300' feet from R-1 zoned property.
- Allow laundry/utility room on third floor when '150-300' from R-1 zoned property.
- Reduce side yard setback in three story projects from 6' to 5'.
- Density bonuses as permitted under state law.
- Tenant/purchaser screening and qualification for affordable units conducted by the City of Burbank at the City's cost.
- Marketing of for-sale affordable units conducted by the City of Burbank at City's cost.

**Tier 2** (*Planning Board approval*)

- Other increases in lot coverage not covered in Tier 1.
- Reduce front, side or rear average setbacks and facade breaks (not minimum setbacks)
- Reduce 50 percent of amenities.

**Tier 3** (*City Council approval*)

- Any additional reductions/variations not specifically covered in Tiers 1 and 2 (e.g. further reduced open space, increased heights when < than 300' from R-1, etc.).
- Deviation from development standards not addressed in Tiers 1 and 2 (e.g. parking, landscaping, amenities, etc.).
- Density bonuses in excess of what is provided for under state law.
- Development impact fee waivers on affordable units, and fee deferrals on market rate units until issuance of certificate of occupancy.
- Any direct financial assistance, including that for purchasers of affordable units.
- Pursuant to State Density Bonus law, in addition to the concessions allowed, developers may request modified parking requirements as follows:
- Zero to one-bedroom units - one onsite parking space.
- Two to three-bedroom units - two onsite parking spaces.
- Four and more bedrooms - two and one-half parking spaces.

Burbank has had two projects, which have taken advantage of density bonus provisions: 1) the 183-unit Olive Plaza senior apartments, with 46 units affordable to moderate income seniors; and 2) four lots on Hollywood Way with 35 units, including three low income units.



**Condominium Conversions:** The City's condominium conversion regulations are structured both to facilitate the creation of affordable homeownership alternatives, and to provide protections to tenants in buildings proposed for conversion. The City processes condominium conversions through an Administrative Use Permit, subject to compliance with current City Building, Housing and Fire Codes, and additional development standards for parking and storage. Property owners are required to give each tenant a minimum of 180 days written notice of the intention to convert prior to termination of tenancy and provide tenants with the first right of purchase.

Tenants are protected from unreasonable rent increases in the year before a conversion that might force them out of their apartments and thus preclude them from receiving relocation compensation. Disabled persons living in a building that undergoes condominium conversion are entitled to have necessary mobility improvements made in their new dwelling at the subdivider's expense.

**Building Code:** The City has adopted the 2019 edition of the California Building Standards Code (California Code of Regulations, Title 24) which establishes minimum construction standards necessary to protect the public health, safety and welfare. Adoption of the Code is required of all jurisdictions in California and went into effect January 1, 2020.

Certain areas in Burbank are characterized by steep hillsides, heavy vegetation and narrow streets. These geographical and topographical conditions, combined with the City's climate, exacerbate the potential for fires and other hazards to persons and property. Additionally, the City lies within an earthquake zone, and specific design and construction approaches are required to safeguard persons and structures from hazards from earthquakes. Amendments to the codes (as indicated in Title 9, Division 1 of the Municipal Code) provide a higher level of safety for the public during and immediately after a major earthquake. Specifically, some of the amendments adopted by the City are designed to prevent fires, girder/roof collapse, collapse from excessive deflections, failure of sheer walls, chimney failure, and structural damage to design elements, diaphragms, and concrete footings. Certain other amendments related to building materials and specifications are required due to the fact that the City is highly urbanized, has dense residential areas, and has areas with very small residential lots.



**Occupancy Standards:** Local occupancy standards more stringent than those established by the State have been deemed unconstitutional by the courts. The Burbank Zoning Ordinance does not contain residential occupancy standards. The City of Burbank follows the occupancy standards established under the International Property Maintenance Code (IPMC), which replaced the Uniform Housing Code. The IPMC requires that every dwelling, except studio apartments, have one room with at least 120 square feet of floor area. Two persons are permitted to use a room for sleeping purposes if it has a total area of not less than 100 square feet. When more than two persons occupy a room, the required floor area must be increased by 50 square feet per occupant. The IPMC is based on health and safety considerations and is not intended to discriminate based on familial status.

### 3. Provision for a Variety of Housing Types

Through permitted zoning, the City provides development opportunities for a variety of housing types to promote diversity in housing price and style to meet the needs of its residents. Table IV-6 summarizes the housing types permitted in each of the Burbank zoning districts where residential uses are permitted.

**Table IV-6: Housing Types by Residential Zone Category**

HOUSING TYPES PERMITTED	Zoning District								
	R-1/ R-1- H	R-2	R-3	R-4/ R-5	C-1 C-2 C-3 C-4	BCCM	M-1	M-2	MDR-3 MDR-4 MDR-5
Single-Family	P	P	P	P	--		--		--
Multiple-Family	--	P	P	P	--		--		--
Planned Residential Development	CUP	CU P	CU P	CUP	--		--		--
Manufactured Housing	P	P	P	P	--		--		--
Accessory Dwelling Units	P	P	P	P	--		--		--
Licensed	P	P	P	P	--		--		P



Community Care Facilities ( </= 6 )									
Licensed Community Care Facilities (>/= 7)	--	--	--	CUP	CUP (C-3, C-4)		--		CUP (MDR-4, MDR-5)
Unlicensed Community Care Facilities ( </= 6 )	P	P	P	P	--		--		P
Unlicensed Community Care Facilities (>/= 7)	--	--	--	CUP	CUP (C-3, C-4)		--		CUP (MDR-4, MDR-5)
Transitional and Supportive Housing	--	--	P	P	CUP (C-2, C-3, C-4)		--		P
Emergency Shelters	--	--	--		--	CUP	CUP	P	
Single Room Occupancy (SRO)			CUP	CUP	CUP (C-2, C-3, C-4)				CUP

Notes: "P" = Permitted; "CUP" = Conditional Use Permit; and "--" = Not Permitted

BCCM: Burbank Center Commercial Manufacturing Zone

Source: Burbank Municipal Code 20-3938, passed June 9, 2020.

## Accessory Dwelling Units

According to state law, all single-family homes are allowed at least one Accessory Dwelling Unit. Additionally, single-family lots which are owner-occupied may create one Accessory Dwelling Unit and one Junior Accessory Dwelling Unit (JADU). Also, multi-family lots may now add one ADU per every four existing residential units, so long as they were legally established. Under AB 68, residential parcels will not be subject to any minimums lot size for ADUs by ordinance or of the underlying zoning district. Single-family and multi-family properties will be approved to construct up to 850 square feet for a one bed ADU or up to 1,000 square feet for a two bed ADU, regardless of the underlying zoning standards of the property. A Junior ADU up to 500 square feet is approved. The minimum size of any living unit (including Accessory Dwelling Unit (ADU)s and Junior ADUs) is 150 square feet according to California Residential Code.



## Community Care Facilities

The Lanterman Developmental Disabilities Services Act (Lanterman Act) is that part of California law that sets out the rights and responsibilities of persons with developmental disabilities, and creates the agencies, including regional centers, responsible for planning and coordinating services and supports for persons with developmental disabilities and their families. The Lanterman Act impacts local zoning ordinances by requiring the use of property for the care of six or fewer disabled persons to be classified as a residential use under zoning. More specifically, a state-authorized, certified or licensed family care home, foster home, or a group home serving six or fewer disabled persons or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is to be permitted in all residential zones. No local agency can impose stricter zoning or building and safety standards on these homes.

In compliance with the Lanterman Act, in December 1999, the City of Burbank amended the Municipal Code to add community care facilities with six or fewer occupants as a permitted use in all residential zone districts. The definition of a community care facility in the Burbank Municipal Code is listed below:

*“Means a state-authorized, certified or licensed family care home, foster home, or group home providing care for the mentally or physically disabled and for children and adults who require special care or services. Such facilities include non-hospital type care for the mentally and physically handicapped, residential care facilities for the elderly or persons with chronic life-threatening illness, alcohol or drug abuse recovery or treatment facilities, intermediate care facilities for the developmentally disabled and congregate living health facilities”.*

Due to the unique characteristics of larger (more than six persons) community care facilities, most jurisdictions require a Conditional Use Permit to ensure neighborhood compatibility in the citing of these facilities. The City of Burbank Municipal Code accommodates large community care facilities in the R-4/R-5, C-3/C-4, and MDR-4/MDR-5 zones through a Conditional Use Permit, as is the case for similar uses of properties in these zones. There is no separation requirement for community care facilities.

Review of the California Community Care Licensing Division inventory of community care facilities (December 2013) identifies nine adult residential facilities in Burbank that provide 24-hour non-medical care for physically, developmentally, and/or mentally disabled adults, providing capacity for 38 residents. Four group homes for troubled and/or developmentally disabled youth are also located in Burbank, providing capacity for 19 youth, and 18 residential care facilities for the elderly, providing capacity to over 676 seniors age 60 and above. Over the last six years, the number of residential care facilities in the City has increased from 24 to 31, and the capacity has increased from 561 to 733 beds.



As evidenced by the extent and distribution of community care facilities in Burbank, the City's regulations have served to provide needed housing opportunities for persons with disabilities, and do not treat such housing for persons differently based on the personal characteristics of the residents.

**Definition of a Family:** The California courts have invalidated the following definition of "family" within a jurisdiction's zoning ordinance: (a) an individual, (b) two or more persons related by blood, marriage or adoption, or (c) a group of not more than a certain number of unrelated persons as a single housekeeping unit. The City is prevented from limiting the number of people that live together, related or not, as long as they hold themselves out as a family by maintaining a single common household. The Burbank Municipal Code currently contains the following definition of family:

*"Family: Means a person or group of persons in a single dwelling unit who maintain a single common household, but who otherwise are not a Community Care Facility (whether licensed or unlicensed) as defined herein."*

City staff and the Burbank City Council are currently considering an alternative definition to more clearly define "single common household" to better distinguish persons living together as a family versus other types of congregate living arrangements, which the City may be able to regulate in accordance with state or federal housing law.

### **Transitional Housing, Supportive Housing and Emergency Shelters**

The City of Burbank has adopted the following definition of **transitional housing** within its zoning code:

*"A dwelling unit or group of dwelling units for residents in immediate need of temporary housing. Each unit will be available to eligible residents for a minimum of six months and a maximum of 24 months. Transitional housing may have a unit for an on-site manager. Transitional housing must be linked to onsite or offsite programs such as childcare, after-school tutoring, career counseling, and other services that assist residents in finding permanent housing. Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone".*

Transitional housing is permitted by right in the R-3, R-4/R-5, MDR-3/MDR-4/MDR-5 zones and requires a CUP in the C-2/C-3/C-4 zones, as is the case for similar uses of properties in these zones. Transitional housing is not currently permitted in the R-1, R-1H, and R-2 zones.

The City has a history of providing funding support to the Burbank Housing Corporation and Burbank Family Services Agency in the provision of transitional housing, including facilities for victims of domestic violence and their children, at-risk youth, and the newest facility for veterans (refer to Table II-23 in the Community Profile chapter of this document). Each of these



transitional housing facilities has been processed the same as any multi-family housing and permitted by right within the multi-family zoning district in which it is located.

**Supportive housing** is defined in the Burbank zoning code as:

*"Permanent housing with no restriction on length of stay, which is linked to onsite or offsite services that help residents retain housing, improve their health status, and, when possible, obtain employment. Such services must be ancillary to the supportive housing and available only to people residing onsite and may include, but are not limited to, childcare, after-school tutoring, life skills training, and job training. Supportive housing may have a unit for an on-site manager. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone".*

Supportive housing is permitted by right in the R-3, R-4/R-5, MDR-3/MDR-4/MDR-5 zones and requires a CUP in the C-2/C-3/C-4 zones, as is the case for similar uses of properties in these zones. Supportive Housing is not permitted in the R-1, R-1H, and R-2 zones.

**Emergency shelter** is defined in the Burbank zoning code as:

*"An establishment operated by an Emergency Shelter Provider that provides homeless people with immediate, short-term housing for no more than six months in a 12-month period, where no person is denied occupancy because of inability to pay. Emergency Shelters may also provide shelter residents with additional supportive services such as food, counseling, laundry, and access to other social programs. Emergency Shelters may have individual rooms and common areas for residents of the facility, but may not be developed with individual dwelling units, with the exception of a manager's unit."*

To facilitate the development of emergency housing and comply with State law (Senate Bill 2), the City amended the zoning code in 2011 to address emergency shelters. Emergency homeless shelters are designated as a permitted use in the M-2 zone and conditionally permitted in the M-1 and BCCM (Burbank Center Commercial Manufacturing) zones.

Many of Burbank's industrial areas are characterized by light industrial, research and development, media related, and office uses. These zones are characterized by larger buildings and warehouses, many of which are suitable for conversion to a shelter, as well as numerous underutilized properties suitable for redevelopment. The availability of these buildings for adaptive reuse and the relatively lower property values in industrial areas would reduce the cost to establish an emergency shelter. The zoning map shows 99.3 acres of land zoned M-1, 481.9 acres M-2 and 122.4 acres BCCM. The industrial development standards are the least restrictive of all zones in the City and are appropriate to facilitate emergency shelters.





**Single Room Occupancy (SRO)** - The City zoning code defines SROs as:

*“Housing composed of individual efficiency dwelling units, where each unit has a minimum floor area of 150 square feet and a maximum size of 500 square feet. To qualify as an SRO, no more than ten percent of the units may contain individual kitchens and bathrooms. Any unit not developed with individual kitchens and bathrooms must have access to common areas containing kitchen and bathroom facilities. SROs are not linked to any on-site or off-site services, including but not limited to life skills counseling, childcare, or job training and placement.”*

SROs are conditionally permitted in the R-3, R-4/R-5, MDR-3/MDR-4/MDR-5 zones and in the C-2/C-3/C-4 zones.

### **Accessibility for Persons with Disabilities**

**Reasonable Accommodation:** Both the federal Fair Housing Act and the California Fair Employment and Housing Act imposes an affirmative duty on local governments to make reasonable accommodations in their zoning and other land use regulations. A reasonable accommodation may be necessary to afford disabled persons an equal opportunity to use a dwelling. For example, it may be a reasonable accommodation to allow covered ramps in the setbacks of properties to accommodate residents with mobility impairments. The City of Burbank allows homeowners to build ramps into single-family dwellings to allow first floor access for physically disabled residents. In both single family and multiple family zones, the Burbank zoning code allows such ramps to project into the required front and side yard setbacks eliminating the need to obtain a zoning variance.

The City adopted a reasonable accommodation policy to provide reasonable adjustments to its rules, policies, practices and procedures to enable residents with a disability or developers of housing for people with disabilities to have an equal opportunity to access housing in the City. A request for reasonable accommodation may be made by any person with a disability, his/her representative or a developer or provider of housing for the disabled when the application of a zoning law, building code provision or other land use regulation, policy or practice acts as a barrier to fair housing opportunities for the disabled. If at the completion of that process, an accommodation is granted which provides for a deviation to zoning, the Community Development Director is authorized to execute a covenant that allows such flexibility, but only as long as the disability exists for that specific applicant.

**Residential Accessibility Requirements:** The City of Burbank has adopted the 2019 California Building Standards Code (CBC) which establishes accessibility requirements in Chapters 11A (Housing Accessibility) and 11B (Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Publicly Funded Housing). Consistent with the federal Fair Housing Act, the State Building Code requires all multi-family dwellings in apartment buildings with three or more units and in condominiums with four or more units built after March 13, 1991 to provide accessible routes throughout the property, and “adaptable” dwelling units that allow



conversion to a fully accessible unit without significant costs and the need to do significant structural modifications. In multi-family structures with an elevator that serves the parking structure and all habitable floors, all units shall be provided with an accessible entrance on an accessible route and be adaptable. In buildings without an elevator, all of the ground floor units must be adaptable and on an accessible route. The CBC requires compliance with the following basic **design and construction requirements for accessible routes and unit adaptability**:

**Exterior Facilities.** Requirements apply to design of parking facilities, exterior routes of travel, changes in level, curb ramps, walks and sidewalks, exterior stairways, and potential hazards.

**Building Features.** Requirements apply to entrances, exits, interior routes of travel, facility accessibility, egress and area of refuge, interior accessible routes, changes in level, ramp and landings, interior stairways, elevators and lifts, potential hazards, doors, and common use facilities.

**Dwelling Unit Features.** Requirements apply to accessible routes within dwelling units, changes in level, doors, kitchens, bathing and toilet facilities, laundry rooms, and electrical receptacles and switches.

**Features Common to Exterior and Interior of Buildings.** Requirements apply to space allowance and reach ranges, drinking fountains, telephones, swimming pools, electrical receptacles and switches, and signage.

The above accessibility requirements pertain to new construction and additions only, and not renovations or remodels. However, Chapter 11B of the CBC applies a more stringent standard for publicly-funded housing, requiring 20 percent of funds utilized on renovation, structural repair, alterations or additions to existing multi-family buildings be allocated towards removal of architectural barriers, unless the construction exceeds an annually adjusted valuation threshold, in which case all of the barriers to accessibility shall be removed. In either case, all newly installed features or construction shall comply with current standards.

Section 504 of the Rehabilitation Act of 1973 adds an additional layer of accessibility requirements for projects receiving federal funds, such as HOME or CDBG. In federally assisted new construction or substantially rehabilitated housing with five or more units, five percent of the units, or at least one unit, must be accessible for persons with mobility disabilities. An additional two percent of the dwelling units, or at least one unit, must be accessible for persons with hearing or visual disabilities. These units must be constructed in accordance with the Uniform Federal Accessibility Standards (UFAS), or a standard that is equivalent or stricter. UFAS generally defines an accessible housing unit as a unit located on an accessible route that can be approached, entered and used by individuals with disabilities.

The City of Burbank Building Division ensures compliance with all State accessibility requirements as part of the Plan Check process. During the construction phase, building



inspectors conduct site visits to ensure the project adheres to the required accessibility specifications prior to signing off on the final certificate of occupancy.

#### **4. Public and Administrative Policies Concerning Community Development and Housing Activities**

Important criteria of the State of California Department of Housing and Community Development (HCD) approval of any housing element include a determination that the local jurisdiction's policies do not unduly constrain the maintenance, improvement, and development of a variety of housing choices for all income levels. The 2014-2021 Burbank Housing Element was adopted by City Council on January 7, 2014 and was deemed in compliance with state laws by HCD.

The City's Housing Element sets forth the following five housing goals for Burbank:

**GOAL 1** Conserve and Improve the Existing Housing Stock in Burbank.

**GOAL 2** Provide Housing Sites to Accommodate a Range of Housing Types to Meet the Diverse Needs of Existing and Future Burbank Residents.

**GOAL 3** Assist in the Development of Housing Affordable to All Economic Segments of the Community.

**GOAL 4** Address and Remove Governmental Constraints to the Maintenance, Improvement and Development of Housing.

**GOAL 5** Promote Equal Housing Opportunities for all Persons.

The Housing Element also establishes policies and programs to implement the five overall housing goals, and which address housing choice through conservation of existing housing; provision of housing sites; development of affordable housing; removal of constraints to housing; and equal housing opportunities. The following summarizes the 18 programs contained in the Housing Element:

##### **Existing Housing and Neighborhood Conditions**

1. Focus Neighborhood Revitalization/Community Building
2. Code Enforcement
3. Preservation of Assisted Housing
4. Housing Choice Vouchers (Section 8 Rental Assistance)
5. Condominium Conversion Program

##### **Variety of Housing Sites**

6. Land Use Element and Zoning Code
7. Second Dwelling Units

##### **Development of Affordable Housing**

8. Affordable Housing Development Assistance
9. Inclusionary Housing Ordinance
10. Housing for Persons with Disabilities



11. Sustainability and Green Building
- Remove Constraints to Housing**
12. Transitional and Supportive Housing
13. Development Standards and Procedures
- Equal Housing Opportunities**
14. Fair Housing
15. Landlord/Tenant Mediation
16. Emergency Shelter and Emergency Services
17. Accessible Housing and Universal Design
18. Residential Lifeline Program

## **1. Moratoriums/Growth Management**

Burbank voters adopted a Residential Growth Management Ordinance in 1989. The Residential Growth Management Ordinance, known as Measure One, was designed to ensure that multi-family residential development pays its fair share of infrastructure needs and that it was compatible with surrounding land uses. The purpose of the ordinance was to coordinate the rate of residential growth with the availability of public facilities and services. The ordinance prohibits any amendment to the Land Use Element that would increase the maximum allowable number of units at build-out beyond the 63,704 dwelling unit theoretical maximum build-out of the 1988 Land Use Element without voter approval. The City Council has extended Measure One to be effective until January 1, 2020.

While the ordinance may appear to be a constraint upon future housing development, in fact, it is not. The Burbank 2035 Land Use Element identifies both maximum and estimated residential build out. Both are well below the limits established under Measure One. The Burbank 2035 General Plan, adopted in February of 2013, allows for a maximum development capacity of 61,647 units, with an estimated build out of 50,219 units<sup>4</sup>. Measure One does not place a limit on the amount or rate of housing development that can occur so long as it conforms to the General Plan. The ordinance does not affect the provision of density bonuses for affordable housing, nor does it affect the development of second units in single-family residential zones.

## **2. Development Fees/Assessments**

The City imposes processing fees as part of its responsibility to regulate development. The fees partially cover the actual costs required for processing and providing services and facilities. In addition, developers are required to pay development impact fees on a per-unit basis. These fees fund capital improvements related to fire, police, parks, and libraries and correlate the increased demands on these services that would result from the addition of new housing units to the community. Table IV-7 identifies planning and development fees for residential development. In addition, the City's inclusionary housing and density bonus ordinances provide

<sup>4</sup> Burbank2035 General Plan Final Environmental Impact Report.



for development impact fee waivers on affordable units and fee deferrals on market rate units until issuance of certificate of occupancy:

**Table IV-7: Summary of Development Fees**

<b>Type of Request</b>	<b>Fee<sup>1</sup></b>
Variance	
Single-Family Residential	\$3,395.20
Multiple Family Residential	\$6,414.70
Development Review	
Multiple Family Residential	\$6,903.40
Conditional Use Permit	
Single-Family	\$3,640.50
Zone Map Amendment	\$10,255.40
Zone Text Amendment	\$12,502.70
General Plan Amendment	\$8,784.70
Subdivision Maps	
Basic Charge for Tentative Map	\$2,005
Additional per lot for Tentative Map	\$52
Parcel Maps	
Basic Charge for Tentative Map	\$1,876
Additional per/lot for Tentative Map	\$60.50
Lot line adjustments	\$1,554.40
Planned Development	\$8,241
Second Dwelling Unit Permit	\$1,250
Accessory Dwelling Unit	\$2,197
Hillside Development Permit	\$3,584.70
Reversion of Acreage	\$5,864.10
Administrative Use Permit for Condominium Conversion	\$2,870.80
Certificate of Compliance	\$1,087.90
Park Facilities Fee	\$150/bedroom
Development Impact Fees	
Transportation	\$0 for residential
Community Facilities:	
Single-family	\$2,854.05/unit
Multi-family	\$2,111.65/unit

Source: City of Burbank, 2020

Note: <sup>1</sup> Amount includes both Planning and Public Works fees



Based on informal surveys of surrounding cities, Burbank's planning application fees are equal to or less than fees charged by other cities. Burbank's development impact fees are also equal to or less than fees charged by those cities that charge development impact fees. Many cities do not charge development impact fees. However, it is important to note that in most cities where development impact fees are not charged, developers are often responsible for off-site improvements and contributions to capital projects, the costs of which exceed the development impact fees charged by Burbank to cover the developer's share of such improvements. Burbank's application fees and development impact fees are equal to or less than other cities and are not a constraint to development. As noted above, housing costs in Burbank are driven by market forces and are not typically dependent on the cost of development. As such, application and development impact fees do not increase the cost of housing.

### 3. Community Representation

An important way to further fair housing is to provide a variety of opportunities for residents to express their concerns about housing issues. Burbank currently has a total of 24 Boards/Commissions/Committees comprised of community representatives where residents can voice their concerns. The role of those Boards/ Commissions/Committees involved with housing issues are discussed below.

**Burbank Housing Corporation (BHC):** The role of the BHC is to improve and preserve the affordable housing inventory in the City, and to provide community assistance and services within the Focus Neighborhoods in the City. BHC is a non-profit organization, with a Board of Directors comprised of nine members. Two members on the BHC Board are appointed by the City Council, and the remaining seven Board members selected as follows: one appointment each from the Burbank Association of Realtors, Burbank Chamber of Commerce, Wesley Homes, the Burbank Ministerial Association and Burbank Advisory Council on Disabilities, and two representatives who are residents of a low income housing project managed by the BHC. The term of office is two years for the two members appointed by the City Council. The BHC Board meets every other month.

**Community Development Goals Committee:** The "Goals Committee" serves as the liaison entity between the Community Development Department and Burbank residents on matters relevant to the U.S. Department of Housing and Community Development. More specifically, the Committee oversees the City's annual Community Development Block Grant (CDBG) process and makes recommendations to City Council regarding annual allocations of CDBG funds for programs and projects. The Committee consists of nine members appointed by City Council for four-year terms. Current representation reflects both ethnic and gender diversity.

**Landlord-Tenant Commission:** The Landlord-Tenant Commission is a five-member body appointed by City Council. The purpose of the Commission is to handle disputes between property owners/managers and tenants. The Commission addresses a wide variety of issues,



including conflicts involving property maintenance, repairs, lease disputes, evictions, and rent increases. Designed as a mediation board, the Commission has limited ability to solve all problems unless a municipal code or law has been broken. The Commission meets once a month and regular meetings are open to the public.

**Planning Board:** The Planning Board reviews and makes decisions on a variety of land use matters such as subdivisions, conditional use permits, community plans, design reviews, and variances. The Board also reviews and makes recommendations to the City Council on issues pertaining to the General Plan, Specific Plans, zone changes, annexations, ordinances such as the Zoning Code and policy issues regarding development. Decisions are reached at advertised public hearings and residents, business community members, and concerned citizens are encouraged to attend and participate in the discussion and decision process. Hearings are televised live and broadcast on Burbank's public access Channel 6. The Planning Board consists of five members appointed by City Council to serve four-year terms.

**Senior Citizen Board:** The Senior Citizen Board is a seven-member board appointed by City Council and address the full spectrum of issues faced by seniors, including housing. Board members are required to be senior citizens and serve a four-year term. Meetings are conducted monthly at the Joslyn Adult Center.

The City conducts extensive outreach to residents to fill expiring positions on City Boards/Commissions/Committees to ensure broad representation. The City Clerk's Office issues a press release approximately six weeks prior to the application deadline, and a notice is sent out to every Burbank address as a utility bill insert. Notice is also placed on the City's web site, broadcasts on the Burbank Channel, and through City Council meeting announcements.

The City Council's voting process is conducted in a fair and open manner. The City Clerk's Office conducts a random drawing to select the order that the Boards/ Commissions/Committees are placed on the agenda and the order the applicants will appear on the voting sheets for Council voting. The City's application allows each applicant to select three choices should they desire. Therefore, those applicants who apply for more than one Board, Commission or Committee have the priority selection listed next to their name. The Council votes based on the number of vacancies on the Board, Commission, or Committee. For example, if there are three vacancies on the Board, each Council Member is allowed three votes. Then, the applicants receiving a majority of the votes in the first round move into the second round. The process continues for as many rounds as are necessary to attain the correct number of applicants to fill the vacancies.

In addition to the various Boards, Commissions and Committees established under the Municipal Code, the City periodically establishes working groups to address specific issues, such as the Blue-Ribbon Task Force on Affordable Housing, providing further opportunities for community representation.





## B. POTENTIAL PRIVATE SECTOR IMPEDIMENTS

The following section evaluates potential private sector impediments to fair housing, including real estate and apartment association practices, mortgage lending practices, and covenants.

### Real Estate Associations and Practices

A variety of real estate associations at the national, state and local level promote fair housing practices among realtors. Organizations relevant to Burbank include the National Association of Realtors, the California Association of Realtors, the California Department of Real Estate, and the Burbank Board of Realtors.

#### *National Association of Realtors*

Since 1996, the National Association of Realtors (NAR) has maintained a Fair Housing Partnership with the U.S. Department of Housing and Urban Development (HUD). As part of this partnership, HUD and NAR have developed a Model Affirmative Fair Housing Action Plan for use by members of NAR to satisfy HUD's Affirmative Fair Housing Marketing regulations. Through this Plan, NAR offers a full spectrum of fair housing resources and training to member realtors.

As part of the NAR Code of Ethics, each member Realtor is required to sign the following fair housing declaration per the HUD-NAR agreement.

- *Provide equal professional service without regard to race, color, religion, sex, handicap, familial status, or national origin of any prospective client, customer, or of the residents of any community.*
- *Keep informed about fair housing law and practices, improving my clients' and customers' opportunities and my business.*
- *Develop advertising that indicates that everyone is welcome and no one is excluded, expanding my clients and customer's opportunities to see, buy, or lease property.*
- *Inform my clients and customers about their rights and responsibilities under the fair housing laws by providing brochures and other information.*
- *Document my efforts to provide professional service, which will assist me in becoming a more responsive and successful Realtor.*
- *Refuse to tolerate non-compliance.*
- *Learn about those who are different from me and celebrate those differences.*
- *Take a positive approach to fair housing practices and aspire to follow the spirit as well as the letter of the law.*
- *Develop and implement fair housing practices for my firm to carry out the spirit of this declaration.*





In addition to the Code of Ethics, NAR certifies real estate professionals who receive specialized training to work with a diverse population. The “At Home with Diversity: One America” certification program provides planning tools for reaching out and marketing to a diverse housing market in the areas of diversity awareness, building cross-cultural skills, and developing a diversity business plan. Realtors completing the course can display the HUD One America logo and NAR At Home With Diversity logo in their advertising, signaling to prospective buyers that the realtor is knowledgeable about working with diverse populations. Other NAR training tools include brochures for existing and prospective homebuyers on “How to Avoid Predatory Lending” and “Learn How to Avoid Foreclosure and Keep Your Home.”

### **California Association of Realtors**

The California Association of Realtors (CAR) is an arm of NAR and represents nearly 200,000 realtors statewide. Members are required to adhere to the NAR Code of Ethics and sign the Fair Housing Pledge. Burbank realtors are served by CAR’s Los Angeles office, and have access to numerous services and programs including legislative advocacy, legal programs (including CARs Legal Hotline), and educational training. CAR offers a variety of professional development courses both on-line and in Face2Face interactive sessions, including a current focus on training realtors in working with foreclosed properties.

CAR and the Los Angeles Times have host an annual Southern California Homebuyer’s Fair at the Los Angeles Convention Center. The Fair features more than 50 educational seminars, including sessions on fixing credit, qualifying for a home loan, and how to purchase foreclosures, short sales and REOs. Several of the sessions are offered in Spanish.

CAR has developed diversity-related initiatives that now serve as models for associations across the country. In 2000, the Association inaugurated a Leadership Summit for the state’s ethnic real estate associations to discuss current issues such as subprime loans, predatory lending, and pending legislation. The Leadership Summit occurs bi-annually and has been instrumental in developing the HOPE (Home Ownership Participation for Everyone) Awards program, which awards a \$10,000 honorarium to individuals and organizations for success in promoting minority homeownership. CAR’s Leadership Summit also resulted in establishment of the “Diversity Toolkit” designed to assist associations with a wide variety of diversity programs.

### **California Department of Real Estate (DRE)**

The California Department of Real Estate (DRE) serves as the licensing authority for real estate brokers and salespersons in the State. DRE has adopted education requirements that include courses in ethics and in fair housing. State real estate licenses are issued for a four-year period, with renewals requiring continuing education courses in each of the four mandated areas: agency, ethics, trust fund, and fair housing. The fair housing course contains information to enable real estate agents to identify and avoid discriminatory practices when providing real estate services to clients.



DRE is responsible for investigation of written complaints received from the public and other real estate agents/brokerages regarding alleged violations of real estate law among licensed real estate brokers and salespersons. Complaints may involve fair housing issues. If DRE determines a violation has occurred, they have the authority to revoke the real estate license. Violations may result in civil injunctions, criminal prosecutions or fines.

### **Burbank Association of REALTORS**

The Burbank Association of Realtors (BAOR) represents over 500 licensed Realtors and affiliates in the City of Burbank. Members automatically become members of the California Association of Realtors (CAR) and the National Association of Realtors (NAR), providing access to the resources and trainings offered through these organizations. In addition, BAOR is involved with the following activities in support of fair housing:

- As part of the Association's speaker series, HRC makes an annual presentation to members and distributes fair housing brochures.
- A real estate attorney speaks to members twice annually on legal issues, including fair housing and ethics.
- One BAOR member sits on the Board for BHC and serves as BHC's real estate agent in the purchase of property for affordable housing, free of commission.

The Association's Grievance Committee serves as the local body for the public, other real estate agents, and brokerages to register complaints about member Realtors. If the Committee determines the grievance is in potential violation of real estate law, the decision is scheduled for a hearing before the Professional Standards Committee, who in turn makes a determination whether the issue should be referred to the California Bureau of Real Estate (CalBRE). The Burbank Association of Realtors receives few complaints, and those they do receive are typically related to a Realtor's commission.

### **Apartment Association**

The California Apartment Association (CAA) is the country's largest statewide trade association for rental property owners and managers. Under this umbrella agency, the Apartment Association of Greater Los Angeles (AAGLA) serves Burbank.

The CAA supports the intent of all local, state, and federal fair housing laws for all residents without regard to color, race, religion, sex, marital status, mental or physical disability, age,



familial status, sexual orientation, or national origin. Members of CAA agree to abide by provisions of the Code for Equal Housing Opportunity:

- *We agree that in the rental, lease, sale, purchase, or exchange of real property, owners and their employees have the responsibility to offer housing accommodations to all persons on an equal basis;*
- *We agree to set and implement fair and reasonable rental housing rules and guidelines and will provide equal and consistent services throughout our resident's tenancy;*
- *We agree that we have no right or responsibility to volunteer information regarding the racial, creed, or ethnic composition of any neighborhood, and we do not engage in any behavior or action that would result in steering; and*
- *We agree not to print, display, or circulate any statement or advertisement that indicates any preference, limitations, or discrimination in the rental or sale of housing.*

AAGLA serves all of Los Angeles County, with a local office on Burbank Boulevard in Tarzana. Through a variety of seminars, workshops, and educational courses, AAGLA provides members with information and training on such topics as fair housing laws/regulations, landlord/tenant law, ethics, credit checks, addressing code enforcement violations, lead based paint and mold hazards, etc. AAGLA has a fair housing representative who conducts a fair housing workshop and provides information on fair housing. In addition to workshops and seminars, AAGLA offers a Registered Residential Manager certification that provides training in landlord/tenant issues, ethics, marketing, property management, fair housing, and other issues.

AAGLA publishes a monthly magazine, *Apartment Age*, with the San Fernando Valley edition specifically targeted to issues in the local area. The magazine periodically features articles that aim at educating its members regarding fair housing laws, including articles authored by HRC. While AAGLA's membership base of approximately 30,000 small business owners have excellent access to fair housing training, many of the smaller "mom and pop" property managers prevalent in Burbank are not members of this organization. HRC confirms that a majority of tenant complaints are in smaller buildings where property managers have not likely undergone specialized training. HRC offers free property manager training in its offices, and periodically conducts workshops for rental property owners, leasing agents, and managers within the City. One of the recommendations of the AI is to conduct annual property manager trainings in Burbank, focusing on issues of familial status and reasonable accommodation, and to encourage Section 8 landlords to attend the training.

## **Mortgage Lending Practices**

Equal access to credit for home purchase, home refinance and home improvements are important components to fair housing choice. The following review of mortgage lending



practices in Burbank analyzes the following issues: 1) existing lending laws; 2) availability of financing; 3) practices of active lenders; 4) subprime and predatory lending activity; 5) foreclosures and loan modifications; and 6) regulations aimed at curbing discriminatory/predatory practices.

### **Lending Laws and Regulations**

Although equal access to lending is critical to homeownership, lending discrimination against minorities or persons of color has been a serious problem in the United States. As a result of past discriminatory lending practices by financial institutions, the federal government enacted a series of laws aimed at protecting persons from discriminatory lending. Title VIII of the Civil Rights Act of 1968 and the Equal Credit Opportunity Act of 1976, commonly called the "Fair Lending Laws," prohibit discrimination against mortgage applicants on the basis of race or national origin.

In 1975 the federal government passed the Home Mortgage Disclosure Act (HMDA), which requires mortgage lenders to report information annually about applications for home purchase, refinancing and home improvement loans, including information on race, income, geographic area, and loan pricing. This information allows both the public and federal regulators to determine responsiveness to the home financing needs of communities in which business is conducted.

HMDA data cannot conclusively identify redlining or discrimination because many factors, such as income, income-to-debt ratio, credit rating, and employment history, affect approval and denial rates. However, analysis of the data may reveal trends that could indicate a pattern of discriminatory lending practices.

Following the passage of HMDA, Congress passed the Community Reinvestment Act (CRA) of 1977. CRA is a federal law that requires banks to make loans and investments, and open branches in the communities where they are taking deposits and is aimed at ensuring banks are meeting the credit needs of low- and moderate-income neighborhoods. CRA performance is measured and rated against the amount of bank lending activity in low- and moderate-income markets, relative to bank lending in non-low and moderate-income markets and to the opportunities that exist in such markets.

The mortgage meltdown has spurred a national debate over the effectiveness of CRA. Legislation stemming from the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act has been proposed to significantly strengthen the law, broadening its scope to apply to non-bank lending institutions and increasing the rigor of CRA performance exams.

### **Loan Disbursements by Race and Ethnicity**



Table IV-8.1 listed below offers insight into the outcomes of the loan origination and denial process in Los Angeles County in 2018. The significant racial disparities in loan denials underscores the need to examine loan applications through a racial equity lens. American Indian and Alaska Natives were most likely to have their application for a loan rejected (97%) while Asian Americans were least likely to have their loan rejected (38%). The high rates of loan denials for American Indian's, Alaskan Natives and Native Hawaiians illustrate the struggles to obtain loans and ultimately build wealth in their communities. Caucasians were issued over \$43 billion in loans making up the greatest amount given to one group. Across Los Angeles County there were over 165,000 loans originated and nearly 70,000 of these loan applications were denied, comprising 42% of all loans.

**Table IV-8.1: Loan Originations and Denial by Race and Ethnicity, 2018**

<b>Race</b>	<b># of Records</b>	<b>Amount</b>	<b>Denial %</b>
American Indian or Alaska Native- Loan Originated	760	\$255,880,000	97%
American Indian or Alaska Native- Application Denied	735	\$141,905,000	
Asian- Loan Originated	23,522	\$10,791,340,000	20%
Asian- Application Denied	9,612	\$3,248,040,000	
Black or African American- Loan Originated	9,087	\$3,392,155,000	38%
Black or African American- Application Denied	5,298	\$1,572,660,000	
Native Hawaiian or Other Pacific Islander- Loan Originated	810	\$271,560,000	106%
Native Hawaiian or Other Pacific Islander- Application Denied	855	\$150,705,000	
White- Loan Originated	92,646	\$43,313,210,000	38%
White- Application Denied	35,241	\$12,863,665,000	
Hispanic or Latino- Loan Originated	35,245	\$11,449,555,000	57%
Hispanic or Latino- Application Denied	19,915	\$4,319,605,000	
<b>Total</b>			
<b>Loan Originated</b>	165,806	\$91,244,700,000	42%
<b>Application Denied</b>	69,382	\$25,770,720,000	

Source: HMDA Data, 2016



## Subprime and Prime Lending

Financial institutions that provide loans to customers are divided into two major categories: prime lenders, which provide loans to applicants with good credit; and subprime lenders. Subprime lenders serve a legitimate role in the market by providing credit to persons who are considered a higher credit risk due to such factors as employment history, debt-to-income ratio, or a troubled credit history. Legitimate and fairly priced subprime lending can enable some families who would not qualify for a bank loan to purchase a house or access home equity.

While the definition of subprime lending varies somewhat among agencies, subprime loans are generally associated with higher interest rates, higher points, larger fees, and often pre-payment penalties compared to loans in the so-called prime market. Given the greater risk associated with lending to higher-risk applicants, interest rates on subprime loans may be anywhere from a couple of points to as much as 10 percentage points above the prime rate for persons with “less-than-perfect” credit. Abuses occur when subprime lending goes beyond reasonably compensating the lender for taking on the added risk of lending to a person with a poor credit history. Fannie Mae and Freddie Mac have estimated that 30 to 50 percent of all borrowers with higher cost subprime loans could have qualified for a lower-cost prime loan.

Between 2001-2005, HUD published a Subprime and Manufactured Home Lender List which identified lenders with a predominance of subprime loans. However, once HMDA began requiring lenders to report on loan pricing data, it became possible to identify how many actual “subprime” or “high cost” loans were made, no longer having to rely on how many loans were made by lenders that seemed to specialize in subprime loans. In fact, most of the lenders on the early HUD subprime lender lists are now out of business for making too many bad loans.

***Predatory Lending:*** Predatory mortgage lending is defined as the practice of making high-cost home loans to borrowers without regard to the borrower’s ability to repay the loan. Predatory lending is primarily targeted to low-income people, the elderly, and people of color, and has emerged from the subprime market due to several factors:<sup>[1]</sup>

- The characteristics of many subprime borrowers make them more easily manipulated and misled by unscrupulous actors. Many are unfamiliar with the lending process, have less education, limited English skills, or may be recent immigrants;
- Many subprime borrowers live in low-income and minority communities that have been and, in some cases, continue to be underserved by traditional prime lenders; and
- The finance and mortgage companies that dominate lending in many low-income and minority communities are not subject to the same level of oversight as their counterparts in federally supervised banks, thrifts, and credit unions.



Predatory lending encompasses a wide variety of practices, such as:

- *Excessive Charges:* Charging excessive rates and fees to a borrower who qualifies for lower rates and/or fees offered by the lender.
- *Exploding Interest Rates:* Adjustable rate mortgages that rise quickly.
- *Prepayment Penalties:* Locking borrowers into bad loans or requiring payment of thousands of dollars in penalties.
- *Flipping:* Repeatedly refinancing a loan within a short period of time and charging higher points and fees with each refinancing.
- *Packing:* A loan with single premium credit insurance products, such as credit life insurance, and not adequately disclosing the inclusion, cost or any additional fees associated with the insurance.
- *Mandatory Arbitration:* Denying borrowers access to the court system.

As predatory lending has increased, many states as well as local governments have enacted regulations in an effort to curtail predatory practices. Efforts in California have included the passage of AB 489, which includes restrictions on a variety of practices considered predatory. For high cost loans, this legislation bans flipping, making loans people can't repay, balloon payments, and a host of other practices. The law establishes remedies available to victims (borrowers) for a violation of its provisions and enables regulatory agencies to take disciplinary action.

The Federal "Mortgage Reform and Anti-Predatory Lending Act of 2007" (H.R. 3915) establishes reforms to protect consumers from predatory lending practices. The Act creates a licensing system for residential mortgage loan originators, establishes a minimum standard requiring that borrowers have a reasonable ability to repay a loan, and attaches a limited liability to secondary market securities. The Act also expands consumer protections for "high-cost loans," includes protections for renters of foreclosed homes, and establishes an Office of Housing Counseling through HUD.

Based on information gathered at five field forums conducted by the joint HUD-Treasury Task Force on Predatory Lending, the resulting Curbing Predatory Home Mortgage Lending report proposes the following four-point plan:

- *Improve Consumer Literacy and Disclosures.* Creditors should be required to recommend that high-cost loan applicants avail themselves to home mortgage counseling, disclose credit scores to all borrowers upon request, and give borrowers timelier and more accurate information as to loan costs and terms.
- *Prohibit Harmful Sales Practices in the Mortgage Market.* Practices such as loan flipping and lending to borrowers without regard to their ability to repay the loan should be banned. New requirements should be imposed on mortgage brokers to document the appropriateness of a loan for high-cost loan applicants, and lenders





who report to credit bureaus should be required to provide “full-file” payment history for their mortgage customers.

- *Restrict Abusive Terms and Conditions on High-Cost Loans.* Congress should increase the number of borrowers in the subprime market covered by legislative protections; further restrict balloon payments on high-cost loans; restrict prepayment penalties and the financing of points and fees; prohibit mandatory arbitration agreements on high-cost loans; and ban lump-sum credit life insurance and similar products.
- *Improve Market Structure.* Award CRA credit to banks and thrifts that promote borrowers from the subprime to prime mortgage market and deny CRA credit to banks and thrifts for the origination or purchase of loans that violate the applicable lending laws.

The California Department of Real Estate has prepared information to help borrowers avoid predatory lending. The information bulletin titled *Avoiding Predatory Lending – Protect Yourself in the Loan Process* defines predatory lending, gives examples of predatory lending practices, and provides other information helpful to borrowers such as explaining the loan application process.

The City of Burbank supports these actions to help low-income and minority borrowers to avoid the pitfalls of predatory lending. Although the incidence of predatory lending in Burbank is likely not as extensive as in many parts of Los Angeles County, the City will take actions to protect low-income and minority borrowers from its adverse impacts. These actions will include, but not be limited to including information on the dangers of subprime/predatory lending at workshops conducted by the Housing Rights Center and the Burbank Association of Realtors.

## **Foreclosures and Loan Modifications**

Approximately 1.5 million of the 8.7 homes and condominiums in California have been involved in a foreclosure proceeding since 2007. In addition to impact of people losing their homes, foreclosed properties can lead to other problems as these homes are left abandoned, becoming potential blight and criminal concerns. Fortunately, the number of mortgage default notices in California has been consistently declining since its peak in 2009. The number of default notices filed in the fourth quarter of 2013 is at its lowest level in eight years. According to the real estate information service DataQuick, the dip in foreclosure notices is the result of a combination of rising home values, an improving economy, and the use of various foreclosure prevention efforts - short sales, loan modifications and the ability of some underwater homeowners to refinance.

Within Burbank, [www.Realtytrac.com](http://www.Realtytrac.com) identified 170 residential properties in various states of foreclosure in January 2014, including “pre-foreclosure” having received a notice of mortgage default, notice of a trustee sale, and bank owned. The number of properties that received a foreclosure filing in Burbank in January was unchanged from the same time last year and





represented one filing for every 1,432 residential units in the City. In comparison, the ratio of foreclosure filings in the state is much higher than Burbank (one foreclosure filing to every 921 housing units) and other nearby jurisdictions.<sup>[2]</sup>

California	1 : 921
La Crescenta	1 : 998
LA County	1 : 1,004
Burbank	1 : 1,432
Glendale	1 : 1,497
Pasadena	1 : 1,707
La Canada	1 : 3,626

The City's website includes foreclosure information to provide resources for residents to better understand the foreclosure process, prevention options and mortgage rights at

([www.burbankca.gov/departments/community-development/housing-economic-development/housing/foreclosures](http://www.burbankca.gov/departments/community-development/housing-economic-development/housing/foreclosures)).

### ***Federal Programs***

In order to stem the number of foreclosures and help stabilize the housing market, in 2010 the Obama Administration launched the \$75 billion Making Your Home Affordable as a partnership between HUD and the U.S. Treasury. The program includes several components, including:

- Home Affordable Modification Program (HAMP) – reduces monthly mortgage payments to 31 percent gross income.
- Second Lien Modification Program (2MP) – offers a way to lower payments on a second mortgage.
- Home Affordable Refinance Program (HARP) – assists homeowners whose mortgages are held by Fannie Mae or Freddie Mac to refinance into a more affordable mortgage.
- Unemployment Program – Requires mortgage servicers participating in the Making Home Affordable Program to provide minimum three-month forbearance period during which mortgage payments are reduced or suspended while the homeowner is seeking re-employment.



- Principal Reduction Alternatives for Homeowners Underwater - Beginning September 2010, mortgage servicers are required to evaluate every homeowner with high negative equity (owe more than 115 percent value of their home) for a HAMP reduction of at least 10 percent on the primary mortgage.
- Home Affordable Foreclosure Alternatives Program (HAFA) – Provides options for homeowners who can no longer afford their home and are interested in a short sale or deed-in-lieu of foreclosure.

In February 2012, President Obama obtained approval from the U.S. Congress for \$5 to \$10 billion in financial aid to assist approximately 3.5 million distressed homeowners refinance debt-ridden mortgages. The proposed program is targeted to “underwater” homeowners that have stayed current on their mortgage payments but are unable to refinance under historically low interest rates as they owe more on their mortgage than their home is worth. Unlike the current federal Making Your Home Affordable programs that require loans to be backed or owned by Fannie Mae, Freddie Mac or FHA, the new program would be expanded to underwater homeowners whose loans are owned by banks or investors. Eligibility under the program includes:

- Six months of current on mortgage payments, with no more than one missed payment in the previous six months;
- Minimum credit score of 580;
- No more than 40 percent underwater on the loan; and
- Limited to mortgages below FHA’s conforming loan limits (\$729,750 in Southern California).

### ***State Programs***

In February 2011, CalHFA launched the Keep Your Home California program using \$2 billion in federal funds from the 2008 rescue of the financial system. State officials hope to fend off foreclosure for about 95,000 borrowers and provide moving assistance to about 6,500 people who do lose their homes. As of April 2014, over 38,500 applicants had qualified for assistance. The program is limited to low and moderate-income households (up to 120 percent AMI), and the maximum benefit is \$100,000 for any household. The Keep Your Home California program includes the following four parts:

- Unemployment Mortgage Assistance - Mortgage assistance of up to \$3,000 per month for homeowners collecting unemployment benefits and in imminent danger of defaulting on their home loans. Homeowners can receive help for a maximum of twelve months, and a total of \$36,000.



- Mortgage Reinstatement Assistance Program - As much as \$25,000 per household to reinstate mortgages to prevent foreclosure. The funds are available to homeowners who have fallen behind on their mortgage payments due to a temporary change in household income, such as reduced pay or work furloughs.
- Principal Reduction Program - Lowers the principal owed on a mortgage by as much as \$100,000 when the homeowner is facing a serious financial hardship and owes significantly more than the home is worth.
- Transition Assistance Program - Provides up to \$5,000 in relocation assistance for homeowners who can no longer afford their home when their lender agrees to a short sale or deed-in-lieu of foreclosure. Homeowners must occupy and maintain the property until the home is sold or returned to the servicer.

The California Homeowners Bill of Rights, signed into law by Governor Jerry Brown, went into effect in January 2013. According to Attorney General Kamala Harris, the Bill of Rights "prohibits a series of inherently unfair bank practices that have needlessly forced thousands of Californians into foreclosure." This legislation will make the mortgage and foreclosure process fairer and more transparent, which will benefit homeowners, their community, and the housing market as a whole. The primary tenets of the Homeowners Bill of Rights include:

- Restriction of Dual-Tracking - Dual tracking is when a lender proceeds in taking two simultaneous, yet inconsistent actions against a borrow, in this case, the foreclosure process and loan modification review.
- Single Point of Contact - Guarantees borrowers a single point of contact at their lender/servicer in regard to the foreclosure process or loan modification process.
- Ending "Robo-Signing" - Requiring a live person to verify whether a bank has the right to foreclose before foreclosure proceedings can begin.

***National Mortgage Settlement:*** After many months of negotiation, in February 2012, 49 State Attorney Generals and the federal government reached agreement on a joint state-federal settlement with the country's five largest mortgage lenders over "robo-signing" and other deceptive foreclosure practices. The settlement will provide up to \$25 billion in relief to distressed borrowers and direct payments to states and the federal government and involves the following banks.

- Wells Fargo
- Bank of America
- JP Morgan Chase
- Citibank
- Ally/GMAC



Benefits to eligible homeowners whose mortgages are owned or serviced by one of the five lenders include: payments to borrowers who were wrongly foreclosed upon; reduction of unpaid principal balances; refinancing for borrowers whose homes are worth less than the money they owe; and the opportunity for short sales and other relocation assistance. As the state hardest hit by the foreclosure crisis, up to \$18 billion of the settlement will be directed to California homeowners, allocated among the following activities:

- \$12 billion is guaranteed to reduce the principal on loans or offer short sales to approximately 250,000 California homeowners who are underwater on their loans and behind or almost behind in their payments.
- \$849 million is estimated to be dedicated to refinancing the loans of 28,000 homeowners who are current on their payments but underwater on their loans.
- \$279 million will be provided as restitution to approximately 140,000 California homeowners who were foreclosed upon between 2008 and December 31, 2011.
- \$1.1 billion is estimated to be distributed to homeowners for unemployed payment forbearance and transition assistance as well as to communities to repair the blight and devastation left by waves of foreclosures, targeted at 16,000 recent foreclosures.
- \$3.5 billion will be dedicated to relieving 32,000 homeowners of unpaid balances remaining when their homes are foreclosed.
- \$430 million in costs, fees and penalty payments.

***Loan Modification Scams:*** Foreclosure rescue and loan modification scams are a growing problem. Scammers might promise “guaranteed” or “immediate” relief from foreclosure, and they might charge very high fees for little or no services. HUD provides free resources through the Homeowner’s HOPE™ Hotline at 1-888-995-HOPE and maintains a list of HUD-approved housing counselors. The following tips to avoid loan modification scams are listed on HUD’s website.

- Beware of anyone who asks you to pay a fee in exchange for a counseling service or modification of a delinquent loan.
- Scam artists often target homeowners who are struggling to meet their mortgage commitment or anxious to sell their homes.
- Recognize and avoid common scams. Beware of people who pressure you to sign papers immediately, or who try to convince you that they can “save” your home if you sign or transfer over the deed to your house.
- Do not sign over the deed to your property to any organization or individual unless you are working directly with your mortgage company to forgive your debt.



- Never make a mortgage payment to anyone other than your mortgage company without their approval.

***Consumer Financial Protection Bureau (CFPB):*** The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank) established the federal Consumer Financial Protection Bureau (CFPB), and in January 2012, President Obama appointed its first Director. The goal of the CFPB is to give consumers the information they need to understand the terms of their agreements with financial companies, including mortgages, credit cards and other financial services. The Bureau's functions include:

- Rulemaking and enforcement of Federal consumer financial protection laws;
- Restricting unfair, deceptive, or abusive acts or practices;
- Taking consumer complaints;
- Promoting financial education;
- Researching consumer behavior;
- Monitoring financial markets for new risks to consumers; and
- Enforcing laws to outlaw discrimination and unfair treatment in consumer finance.

The hope is that the CFPB will play an important role in stopping abusive lending and foreclosure practices in the future.

***Fair Lending Services in Burbank:***

In addition to state and federal regulatory and consumer protection agencies, Burbank residents have access to two local non-profit agencies that can assist them with concerns regarding discriminatory lending practices. These include Bet Tzedek Legal Services and the Housing Rights Center. Bet Tzedek Legal Services provides the following legal services to lower-income minority residents: 1) prevention of home equity fraud against the elderly; 2) assistance with consumer fraud issues; and 3) protection against unlawful debt collection.

As described in detail in the prior chapter, HRC is extensively involved in lending advocacy and monitoring to increase access to credit to low-to-moderate income and minority populations. HRC works in close partnership with CRC with a focus on foreclosure prevention efforts and protections for tenants in homes undergoing foreclosure. The CRC fights predatory lending through direct negotiation with lenders, protests of bank mergers that involve predatory lending, technical assistance to local coalitions fighting predatory lending, advocacy for more responsible lending practices by banks and Wall Street firms, and support for legislative and regulatory solutions.

#### **4. Discriminatory Newspaper Advertising**



The federal Fair Housing Act prohibits the making, printing and publishing of advertisements which state a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. The prohibition applies to publishers, such as newspapers and directories, as well as persons and entities who place real estate advertisements. It also applies to advertisements where the underlying property may be exempt from the Act, but where the advertisement itself violates the Act.

The *Los Angeles Times* and the *Daily News* both publish the following fair housing notices in the classified section pertaining to for-sale and for-rent ads; the *Burbank Leader* does not currently publish a fair housing disclaimer. While the classified section of the *Burbank Leader* is far more limited in scope than these other two papers, posting of the fair housing notice is appropriate in conjunction with any real estate advertisement.

Under Fair Housing law, landlords are required to make reasonable accommodations for people with disabilities. This includes making an exception to a no pet rule for persons with disabilities that require a companion animal. Many rental advertisements indicate a no pet policy. Neither the *Los Angeles Times*, the *Daily News* or the *Burbank Leader* include any type of disclaimer regarding exceptions to no pet policies for persons requiring a companion animal.

In order to better proactively promote fair housing in the advertisement of housing, the City/HRC will contact the *Burbank Leader* to urge them to publish a fair housing disclaimer in their classified real estate advertisements. In addition, the City/HRC will encourage all three newspapers to publish a no pets disclaimer for rental housing stating that “no pets allowed” is unlawful for a disabled person requiring reasonable accommodation, such as a service or companion animal.

## **5. Covenants, Conditions, and Restrictions**

In the past, Covenants, Conditions, and Restrictions (CC&Rs) sometimes included provisions to exclude certain groups such as minorities from equal access to housing in a residential development or neighborhood. Today, the California Department of Real Estate (DRE) reviews CC&Rs for all subdivisions of five or more lots, or condominiums of five or more units. The review includes a wide range of issues, including compliance with fair housing law.

The review must be completed and approved before the DRE will issue a final subdivision public report. This report is required before a real estate broker can sell the unit and each prospective buyer must be issued a copy of the report. If the CC&Rs are not approved, the DRE will issue a “deficiency notice”, requiring the real estate broker to revise the CC&Rs.

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[1] HUD-Treasury Task Force on Predatory Lending, the report, “Curbing Predatory Home Mortgage Lending,” June 2000.



<sup>[2]</sup> The foreclosure ratio is calculated by dividing the number of dwelling units in the jurisdiction by the total number of properties that received foreclosure notices that month. The lower the second number in the ratio, the higher the foreclosure rate.

Communities with old subdivisions or condominium developments may still contain CC&Rs that do not comply with fair housing law. However, provisions in the CC&Rs that violate the fair housing law are not enforceable.

## V. FINDINGS AND RECOMMENDATIONS

The Burbank Analysis of Impediments to Fair Housing Choice (AI) evaluates a wide range of housing issues and potential barriers to fair housing. The following section builds upon this analysis, provides an outline of findings and conclusions, and provides recommendations for the City and its community partners to address the identified fair housing impediments in the community.

### A. SUMMARY OF FINDINGS

The following summarizes the key findings from the AI:

#### 1. Community Profile

Approximately one-quarter of the City's population is now of Hispanic origin. While Hispanic residents reside throughout the community, three primary areas of concentration exist. Each of Burbank's five Focus Neighborhoods fall within one of these areas of Hispanic concentration, providing public investment through acquisition of deteriorated rental housing by the Burbank Housing Corporation (BHC) and rehabilitation as long term affordable housing (see page II-10, Section 3: Race and Ethnicity).

The supply of large rental units (3+ bedrooms) is generally adequate to meet the demand for such units by large family households (5+ members). However, many large rental units may be occupied by smaller households, and/or consist of single-family homes which command higher rents, thus restricting availability for occupancy by lower-income large families. In response to the need for affordable large family rental units, the City and BHC have a policy to provide three-bedroom units within its acquisition/rehabilitation projects whenever economically feasible.

Roughly 11 percent of Burbank's population has some type of disability, encompassing physical, mental and developmental disabilities (see page II-17, Section 2: Special Needs Populations). The living arrangements for persons with disabilities depends on the severity of the condition, and ranges from independent living to specialized care environments (group housing). In order



to address the diverse housing needs of its disabled population, Burbank facilitates the provision of a variety of supportive housing types and provides reasonable accommodations for the disabled.

Senior citizens comprise approximately 21 percent of Burbank's households, and face housing needs related to housing maintenance, accessibility, and cost. Many elderly individuals are on limited, fixed incomes and are particularly vulnerable to rent increases and other changes in living expenses. With 14 percent of people 65 years old and over living below the poverty line, Burbank utilizes nine low rent senior housing complexes, totalling over 1,200 units, to help address the housing needs of seniors. (see page II-23, Section 2: Poverty and Participation in Government Programs).

Certain racial/ethnic groups - namely Hispanics and Asians - continue to be underrepresented in Burbank's Section 8 Program relative to their presence in the community. Although faced with a disparity in representation, both groups' participation has improved since Burbank's last AI in 2009. Any time the Burbank Housing Authority opens the Section 8 wait list, it conducts extensive outreach in Focus Neighborhoods and with service providers to ensure all racial and ethnic groups have good access to the Section 8 program.

Median rental rates in Burbank are still well beyond the level affordable to lower income (80 percent of AMI) households. For example, a three-person low-income household can afford to pay up to \$1,423 in monthly rent (excluding utilities), whereas the median two-bedroom apartment rent in Burbank is \$1,685, an affordability gap of \$262.

Between 2014-2018, Burbank had 41,505 housing units that were occupied or had people living in them, while the remaining 2,090 were vacant (see page II-25, Section 2: Occupied Housing Characteristics). Moderate income (110 percent of AMI) households are still priced out of Burbank's homeownership market. The maximum affordable purchase price ranges from \$267,000 for a three-person household to \$300,900 for a four-person household, rendering both condominiums and single-family homes in Burbank beyond the reach of moderate-income households. As the real estate market continues to improve, the affordability gap for moderate-income homeownership will widen.

Data from the 2013-2017 ACS found that household overcrowding (defined as greater than 1.01 persons per room) has improved significantly over the past decade. Overcrowded households affect 1,085 renters and 155 owners, totaling 9% of Burbank residents. Housing overpayment, however, is the most prevalent housing problem, with 61% of Burbank's low and moderate renter households facing a cost burden (greater than 30% of income on housing costs), and 38% facing a severe cost burden (>50% of income towards housing). Housing cost burden greater than 50% of income affects 6,260 renters and 2,435 owner households. The housing cost burden greater than 30% of income affects 4,345 renters and 1,225 owner households. Burbank also saw a significant increase in the number of homeless people by 41% (282 people) in 2019.





More than 40% of Burbank's housing stock is 1- unit detached structures, demonstrating a lack of density in housing. Approximately 90% of renters live in bedrooms ranging between 1-3 bedrooms, and homeowners have disproportionately more homes with four or more bedrooms (16.7%) when compared to renting households (less than 1%) illustrating a reason why renters with large families may experience overcrowding. Burbank has a sizable affordable housing stock, comprising 1,367 affordable units, a majority (715) for the senior population. The likelihood of affordable units expiring during the following consolidated plan period is very unlikely.

An over-concentration of residential care facilities can be a valid housing concern if that over-concentration is limited to a certain area of the City. Residential care facilities are generally dispersed throughout Burbank, providing these a range of supportive housing services in most areas of the community. Four group homes for troubled and/or developmentally disabled youth provide supportive housing for 19 young individuals and 18 residential care facilities for the elderly, provide supportive housing to over 676 seniors aged 60 and above. In comparison to Burbank's 2009-2014 *Analysis of Impediments to Fair Housing Choice*, the number of residential care facilities in the City has increased from 24 to 31, and the capacity has increased from 561 to 733 (see page II-62, Section IV: Community Care Facilities).

Burbank, as a member of SCAG, is well served by public transit. Major employers, community facilities, and assisted housing are located within close proximity to transit routes. Burbank is undertaking a series of innovative policy and planning measures to increase sustainable transport, ranging from an improved Metrolink rail station to increased last-mile transit options.

## **2. Fair Housing Profile**

The City's Community Development Department, Housing Rights Center, Burbank Association of Realtors, and Apartment Owner's Association conduct extensive fair housing education and outreach. However, as small property managers/owners are generally the major violators of fair housing laws, targeted outreach to this group remains critical. Similar to many communities, Burbank continues to receive a significant number of fair housing complaints regarding issues concerning familial status as documented by the HRC's quarterly reports to the City. Additional education and outreach on the rights of families with children in renting housing is needed.

There is a gap in understanding by many landlords about the requirements under the Federal Fair Housing Act to provide a reasonable accommodation for persons with disabilities. HRC cites the continued need to educate landlords on reasonable accommodation, as well as the need to develop an inventory of publicly assisted accessible units in the community.

The number of fair housing cases has decreased according to the Housing Rights Center 2017-2019 Annual Reports (See page II-32, Section 2: Enforcement). With 40 inquiries over the last



three years, only three of which rose to the level of a discrimination case - two pertaining to physical disability and one pertaining to mental disability-fair housing cases are on a sharp decline. All three of these discrimination cases were settled in 2017 and no discrimination cases have been opened by the HRC in the city of Burbank since that point. The decrease in discrimination cases, while promising, may also reflect tenant's inability to report such cases or lack of knowledge regarding the reporting process.

## **B. REVIEW OF POTENTIAL IMPEDIMENTS**

### **Public Sector Impediments**

The City has amended its zoning code to specifically define transitional and supportive housing, which is considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. The City's Zoning Code does not currently allow such uses in all zone districts where other residential uses are permitted, as required under state law.

The City has provided greater clarification in its zoning ordinance to accommodate a variety of special needs housing, including community care facilities, single room occupancy hotels (SRO), and emergency shelters.

A reasonable accommodation procedure has been established as an Administrative Policy by Burbank's City Manager's Office. Through this policy, the City can provide reasonable adjustments to its rules, policies, practices and procedures to enable residents with a disability or developers of housing for people with disabilities to have an equal opportunity to access housing in the City.

Affordable housing for Burbank's growing low and moderate-income workforce is not being produced in the market. With the dissolution of the Redevelopment Agency, redevelopment funds will no longer be available to support Burbank's affordable housing activities, impeding the City's efforts to expand housing choice among lower and moderate-income households.

### **Private Sector Impediments**

Burbank residents have good access to financing for home mortgage, refinance and home improvement loans (2011 and 2012), with loan approval rates for all loan types above Los Angeles County averages. Loan approval rates also show marked improvements since 2006/2007.

Review of loan status by census tract identifies several areas with loan denial rates of five percent or above Citywide averages in both 2011 and 2012. None of these areas correspond to census block groups with identified minority concentrations. Predatory mortgage lending refers



to the practice of making high-cost home loans to borrowers without regard to the borrower's ability to repay the loan. As predatory lending has increased, both the federal government and State of California, among others, have enacted regulations in an effort to curtail predatory practices. The City of Burbank supports these actions to help low-income and minority borrowers to avoid the pitfalls of predatory lending.

An area of lending currently subject to abuse are loan modifications for homeowners at-risk of foreclosure. HRC reports a high volume of its calls are from homeowners reporting "mortgage rescue fraud," having paid hundreds and even thousands of dollars to consultants who are often ineffective for a service provided free of charge through HUD-certified mortgage counseling agencies.

Another area of concern is the plight of existing tenants in properties undergoing foreclosure. While Federal legislation now provides tenants the right to remain in their homes for 90 days after foreclosure, HRC reports a high incidence of realtors representing the lenders in bank-owned properties are not sufficiently well versed on tenant's rights.

## **C. RECOMMENDATIONS FOR ADDRESSING IMPEDIMENTS**

Recommendations are organized by activity type as outlined in HUD's 1998 Fair Housing Planning Guide. The actions listed below are primarily implemented through Burbank's contract with the Housing Rights Center, with coordination and oversight by the City's Community Development Department.

### **1. Education and Outreach Activities**

Action 1.1: In partnership with the HRC, provide continuous proactive fair housing education and outreach to Burbank residents, real estate professionals, apartment owners/managers and service providers.

Action 1.2: In partnership with the HRC, provide continuous outreach and education to small property owners/landlords on fair housing, and familial status and reasonable accommodation issues in particular. Conduct property manager trainings within Burbank on an annual basis, targeting managers of smaller properties and Section 8 landlords.

Action 1.3: Annually distribute multi-lingual fair housing mailings to buildings with concentrations of immigrant tenants based on statistical and demographic information collected by the City, HRC, and BHC. Continue to provide tenants with resources on fair housing, procedures on filing a complaint, information on the Burbank Landlord-Tenant Commission, and provide copies of the California Department of Housing and Community Development's Landlord/Tenant Rights booklet in Spanish and English.



Action 1.4: Provide continuous education to landlords and tenants on their legal roles, rights and responsibilities under fair housing law through widespread dissemination of Burbank's "20 Most Frequently Asked Landlord-Tenant Questions" handout. Publication of this document shall include: The City's website; Burbank TV Channel; City newsletter; copies at the City Hall public counter, Joslyn Adult Center and Don Tuttle Senior Center, and Burbank Board of Realtors; and mail copies to major property management companies in the City.

Action 1.5: In partnership with the HRC, provide continuous coordination with the Burbank Association of Realtors on fair housing education and outreach to the local real estate community. Make annual presentations to the Association to discuss current fair housing issues, such as tenant protections in foreclosed properties, and provide information on available City housing programs.

Action 1.6: Provide continuous monitoring of the racial and ethnic make-up of Section 8 voucher holders and waiting list by the Burbank Housing Authority, and provide applications in Spanish, English and Armenian. As the Housing Authority periodically opens the Section 8 wait list, continue focused marketing efforts to under represented groups.

Action 1.7: Provide continuous open representation in the selection of Burbank's numerous Boards, Commissions and Committees which address housing issues for residents to voice their concerns. These bodies include: the Burbank Housing Corporation; the Landlord-Tenant Commission; the Burbank Advisory Council on Disabilities; the Senior Citizen Board; the Community Development Goals Committee; and the Planning Board.

## **2. Enforcement Activities**

Action 2.1: Provide continuous investigations and response to allegations of illegal housing discrimination through HRC. For cases which cannot be resolved, defer to the Department of Fair Housing and Employment, U.S. Department of Housing and Urban Development, small claims court, or to a private attorney, as warranted.

Action 2.2: Provide continuous assistance to tenants and landlords through the HRC on issues related to fair housing and, as appropriate, direct complaints requiring mediation to the Burbank Landlord-Tenant Commission.

## **3. Monitoring Lending, Housing Providers, and Local Real Estate Practices**

Action 3.1: Help protect homeowners from mortgage rescue fraud by continuing to promote the use of HUD-certified, non-profit mortgage counseling agencies on the City's website and other means.



Action 3.2: Provide continuous oversight of non-discriminatory and fair housing language in all City affordable housing contracts and agreements, and continuous enforcement of Affirmative Marketing Policies that are required as part of HOME-assisted rental developments.

#### **4. Land Use Policies to Affirmatively Further Fair Housing**

Action 5.1: As mandated under state law and specified within Burbank's adopted Housing Element, amend the Zoning Ordinance to accommodate transitional and supportive housing in all zone districts where other residential uses are permitted and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Action 5.2: As mandated under state law and specified within Burbank's adopted Housing Element, continue to accommodate emergency homeless shelters as a permitted use in the M-2 zone and conditionally permitted use in the M-1 and BCCM (Burbank Center Commercial Manufacturing) zones.

Action 5.3: Provide continuous utilization of the City's Inclusionary Housing Ordinance as a tool to integrate affordable units within market rate projects. Monitor the effectiveness of the Ordinance and provide an annual assessment of performance via the Community Development Block Grant Annual Action Plan, Consolidated Annual Performance Evaluation Report, or other relevant local, state, or federal document. Develop administrative parameters for expending the City's in-lieu fee revenues to ensure income targeting is consistent with the development type generating the fee.

Action 5.4: Provide continuous implementation of the City's Affordable Housing Density Bonus as a means of enhancing the economic feasibility of affordable housing development.

#### **5. Increasing Geographic Choice in Housing**

Action 6.1: As funding permits, continue to provide gap financing for affordable housing projects, with special consideration for projects that set aside units for extremely low-income households and persons with disabilities. Continue to provide regulatory incentives such as a density-bonus and/or concessions to private developers to increase the supply of affordable housing throughout the community. Continue to support acquisition and rehabilitation activities in Focus Neighborhoods, with an emphasis on community revitalization, integration, and permanent affordable housing.