

THE STATE OF FAIR HOUSING IN NORTH CAROLINA

2018



Fair Housing Project

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About the Fair Housing Project of Legal Aid of North Carolina

The Fair Housing Project of Legal Aid of North Carolina works to eliminate housing discrimination and to ensure equal housing opportunity for all people through education, outreach, public policy initiatives, advocacy and enforcement.

Legal Aid of North Carolina is a statewide, nonprofit law firm that provides free legal services in civil matters to low-income people in order to ensure equal access to justice and to remove legal barriers to economic opportunity.

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I. Fair Housing Laws in North Carolina

In North Carolina, fair housing laws are found at the federal, state, and, in some jurisdictions, local level.¹ Which law(s) apply in a particular situation generally depends on where the alleged housing discrimination occurred. A brief summary of the fair housing laws in North Carolina, as well as the complaint process, is provided below.

a. Federal Fair Housing Act

On April 11, 1968, seven days after the assassination of Dr. Martin Luther King, Jr., Congress passed, and President Lyndon B. Johnson signed, the federal Fair Housing Act (42 U.S.C. § 3601, *et seq.*), Title VIII of the Civil Rights Act of 1968.

The federal Fair Housing Act (“federal FHA”) was enacted with two broad mandates: (1) to prohibit discrimination in housing; and (2) to promote integrated housing patterns through a requirement that the federal government administer programs and activities in a manner that affirmatively furthers fair housing.²

The federal FHA initially prohibited discrimination in the rental or sale of housing because of race, color, religion, and national origin. Congress amended the FHA in 1974 to prohibit discrimination based on sex, and in 1988 to prohibit discrimination based on disability³ and familial status. The provisions relating to race, color, religion, national origin, and sex prohibit discrimination against or in favor of a person based on his or her membership in a particular group. Thus, refusing to rent to someone because she is African American or Jewish or a woman would be prohibited, as would only renting to African Americans, Jews, or women.

The term “familial status” is defined under the FHA to mean one or more individuals less than 18 years of age living with a parent, legal custodian, or designee of such a parent or legal custodian. This provision also protects individuals who are in the process of securing legal custody of minor and women who are pregnant.⁴

A “disability” is defined under the federal FHA as a physical or mental impairment that substantially limits one or more major life activity, a record of having such an impairment, or

¹ In addition to federal, state, and local fair housing laws discussed herein, several other federal statutes protect individuals from discriminatory housing practices. These statutes include: the Civil Rights Act of 1866 (42 U.S.C. § 1981 and § 1982), the Americans with Disabilities Act (ADA) (42 U.S.C. § 1201, *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, *et seq.*).

² See 42 U.S.C. § 3608 (HUD “shall administer their programs and activities relating to housing and urban development ... in a manner affirmatively to further the purposes of [the Fair Housing Act].”).

³ The federal FHA uses the term “handicap” and the state FHA uses the term “handicapping condition,” instead of “disability.” The terms have the same legal meaning. See *e.g.*, *Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of “disability” in the Americans with Disabilities Act is drawn almost verbatim “from the definition of ‘handicap’ contained in the Fair Housing Amendments Act of 1988”). This report uses the term “disability,” which is more generally accepted.

⁴ 42 U.S.C. § 3602(k).

being regarded as having such an impairment.⁵ Major life activities include seeing, walking, reaching, lifting, hearing, speaking, caring for self, interacting with others, learning, etc. The federal FHA prohibits discriminatory housing practices because of the disability of an individual buyer or renter, a person residing in or intending to reside in a dwelling after it is sold or rented, or of any person associated with a buyer or renter.⁶

The FHA makes it unlawful, because of one the categories protected by the statute, to:

3604(a)	• Refuse to sell or rent a dwelling ⁷
	• Refuse to negotiate for the sale or rental of a dwelling
	• Otherwise make unavailable or deny a dwelling
3604(b)	• Discriminate in the terms, conditions, or privileges of the sale or rental of a dwelling
	• Discriminate in the provision of services or facilities in connection with a dwelling
3604(c)	• Make, print, or publish discriminatory advertising in connection with the sale or rental of a dwelling
	• Make, print, or publish statements that indicate a discriminatory preference or limitation in connection with the sale or rental of a dwelling
3604(d)	• Misrepresent the availability of a dwelling
	• State a unit is not available when it is in fact available
3604(e)	• Engage in blockbusting ⁸
	• Engage in steering
3604(f)	• Refuse to permit a reasonable accommodation for a person with a disability
	• Refuse to permit a reasonable modification for a person with a disability
	• Fail to design and construct multi-family housing with certain accessibility features
3605	• Discriminate in the financing of residential real estate transactions
	• Discrimination in the provision of brokerage services
3617	• Coerce, intimidate, threaten, or interfere with a person exercising his or her FHA rights
	• Retaliate against an individual for exercising his or her rights under the FHA

The FHA can be enforced by the U.S. Department of Justice, the U.S. Department of Housing and Urban Development (HUD), and through private complaints and lawsuits brought by individuals or organizations that have experienced discrimination.

⁵ 42 U.S.C. § 3602(h).

⁶ 42 U.S.C. § 3604(f)(1)-(f)(2).

⁷ There are certain limited circumstances in which a property may be exempt from the protections of the FHA.

⁸ “Blockbusting” generally refers to the practice of encouraging homeowners to sell their homes quickly by creating a fear that members of minority group are moving into a particular neighborhood.

b. North Carolina State Fair Housing Act

In addition to the protections under the federal FHA, North Carolinians are also protected from housing discrimination under the North Carolina State Fair Housing Act (N.C. Gen. Stat. § 41A-1, *et seq.*) (“State FHA”). The State FHA continues to be certified by HUD as “substantially equivalent” to the federal FHA. Although substantially similar, the State FHA provides a few significant additional areas of protection beyond those provided under federal law.

1. The State FHA includes an additional protected class that is not included in the federal FHA. The State FHA makes it unlawful to discriminate in land use decisions, or in the permitting of development, because “a development or proposed development contains affordable housing units for families or individuals with incomes below eighty percent (80%) of area median income.”⁹
2. The State FHA makes clear that discrimination may be established under two alternate theories of liability: (1) disparate treatment (intentional discrimination), or (2) disparate impact (discriminatory effect).¹⁰ Although disparate impact theory has long been recognized by courts as part of the federal FHA, and HUD published a disparate impact rule in 2017, this standard is explicitly included within the State FHA itself.
3. The State FHA explicitly allows a fair housing enforcement organization to file a complaint “on behalf of a person who claims to have been injured by or reasonably believes he will be irrevocably injured by an unlawful discriminatory housing practice.”¹¹ Although organizational standing to bring fair housing complaints has long been recognized by courts as permitted under the federal FHA, this right is explicitly provided for in the State FHA.
4. Finally, the State FHA covers certain single family homes that are exempted under the federal FHA. The federal FHA exempts the sale or rental of a single family home when (a) the owner does not own more than three single-family homes at any one time, and (b) the sale or rental is done without the use of advertising or real estate broker.¹² The State FHA does not contain this exemption.¹³

The North Carolina Human Relations Commission (NCHRC) is authorized to enforce the State FHA and is certified by HUD as a “substantially equivalent” agency, receiving federal funding

⁹ N.C. Gen. Stat. § 41A-4(g).

¹⁰ N.C. Gen. Stat. § 41A-5(a). Under disparate impact theory, a housing practice may violate the FHA if it has a discriminatory effect that actually or predictably disproportionately impacts a group protected by the Act, or creates or perpetuates segregated housing patterns because of race, color, religion, sex, disability, familial status, or national origin. A practice may violate the FHA even if it was not motivated by discriminatory intent. A challenged practice may be lawful if supported by a legally sufficient and narrowly tailored justification.

¹¹ N.C. Gen. Stat. § 41A-7.

¹² 42 U.S.C. § 3604(b)(1).

¹³ See N.C. Gen. Stat. § 41A-6.

under the Fair Housing Assistance Program to, among other tasks, investigate, and attempt to resolve complaints.¹⁴ The State FHA may also be enforced through private lawsuits brought by individuals or organizations that have experienced discrimination.

c. Local Fair Housing Ordinances

Five jurisdictions in North Carolina – the City of Durham, the City of Greensboro, the City of Winston-Salem, Orange County, and the City of Charlotte-Mecklenburg County – have local fair housing ordinances that have been certified by HUD as “substantially equivalent” to the federal FHA. As with the NCHRC, these jurisdictions receive federal funding under the Fair Housing Assistance Program to, among other tasks, investigate and attempt to resolve complaints.¹⁵

Only one of these substantially equivalent local ordinances includes additional protected classes. The Orange County, NC, local fair housing ordinance also makes it unlawful to discriminate in housing because of age and veteran status.¹⁶

d. Fair Housing Complaint Process

Under the federal FHA, individuals who have experienced housing discrimination may file an administrative complaint with HUD, a civil suit in court, or both. Because the State FHA and five local fair housing ordinances have been designated by HUD to be “substantially equivalent” to the federal FHA, virtually all administrative complaints in North Carolina filed with HUD will be referred to the NCHRC or to one of the five substantially equivalent local fair housing enforcement agencies for investigation and potential resolution. In addition to investigating cases referred by HUD, the NCHRC, as well as the five local “substantially equivalent” fair housing agencies, accepts complaints of housing discrimination filed with them directly.

Once the NCHRC, or one of the five “substantially equivalent” local fair housing enforcement agencies, receives a complaint of housing discrimination, the complaint will be assigned to an investigator. Throughout the investigation, the agency maintains a neutral position. The investigator researches the complaint, speaks with the parties and witnesses, and reviews any available documentation, in order to determine whether there are reasonable grounds to believe housing discrimination has or is about to occur.¹⁷ The agency also attempts to conciliate

¹⁴ See 42 U.S.C. § 3610(f); 24 C.F.R. § 115.200.

¹⁵ The NCHRC does not have jurisdiction over complaints alleging that discrimination occurred within the geographical area of these five jurisdictions. In addition, a number of other jurisdictions, including the Cities of Raleigh and Fayetteville, have local fair housing ordinances that have not been certified as substantially equivalent to the federal FHA. These ordinances are beyond the scope of this report. Although the remedies and protections under these ordinances may be similar to the protections under the federal FHA, they may also differ.

¹⁶ See Orange County Civil Rights Ordinance, Sec. 12-6 & 12-9.

¹⁷ The NCHRC has the authority to access the premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. See N.C. Gen. Stat. § 42A-8(a). The NCHRC is also authorized to issue subpoenas to compel access to or the production of such materials, or the appearance of such persons, as well as issue interrogatories to a respondent to the same extent

fair housing complaints whereby the parties attempt to find a mutually satisfactory resolution to the matter. If a settlement cannot be reached, the agency completes its investigation and issues a determination of whether there are reasonable grounds to believe that an unlawful discriminatory housing practice has occurred or is about to occur.¹⁸

If the agency finds that reasonable grounds to believe that an unlawful discriminatory housing practice has occurred or is about to occur, the parties have a final chance to attempt to resolve the matter through the conciliation process. If the matter cannot be resolved, the agency will issue a conciliation failure letter.

Under the State FHA, following a conciliation failure, the parties or the NCHRC may then elect to have the matter decided in a civil action commenced and maintained by the NCHRC. If a civil court election is not made, then the NCHRC will refer the case to the Director of the Office of Administrative Hearings for the designation of an administrative law judge to preside at a hearing of the case.¹⁹

The specific procedures for claims filed with a local fair housing agency, including the five local agencies that have been deemed “substantially equivalent,” will vary depending on the local fair housing ordinance.

and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the general court of justice. *Id.* at § 42A-8(b).

¹⁸ N.C. Gen. Stat. § 42A-7(e). HUD has issued guidance interpreting “reasonable cause” under the federal FHA. See Lester, General Counsel, Memorandum, *Reasonable Cause* (June 15, 1999), <http://www.fairhousingnc.org/wp-content/uploads/2013/07/HUD-Reasonable-Cause-Guidance.pdf>

¹⁹ N.C. Gen. Stat. § 41A-7(k)-(l).

II. Demographics of the Region

Our federal, state, and local fair housing laws protect all people from discrimination. The protections of these laws, however, focus on groups that have historically faced discrimination and been excluded from housing. Below is an overview of the demographics of the State, as well as the counties that have “substantially equivalent” fair housing ordinances, with a focus on characteristics of the population protected by the federal FHA.

a. Geographic Scope Covered

This report covers the state of North Carolina. The report provides detailed information on a five-county focus area (Durham, Forsyth, Guilford, Mecklenburg, and Orange) where there are local ordinances that have been certified by HUD as “substantially equivalent” to the federal FHA (“five-county focus area”).²⁰ The report further includes aggregate data on the remaining 95 counties, identified as “Balance of State,” which roughly corresponds to the area under the jurisdiction of the NCHRC.

b. Total Population

In 2017, the total population of the State of North Carolina was 10,273,419, a 27.6% increase since 2000. Changes in population within the five-county focus area varied from a 54.8% total population increase in Mecklenburg County to a 22.6% increase in Orange County. As of 2017, the five-county focus area accounted for 23.7% of the total state population, whereas 76.3% of the population lived in an area accounted for in the Balance of State.²¹

Table 1: Total Population of North Carolina.

	2000		2010		2017	
	Number	% of Total Population	Number	% of Total Population	Number	% of Total Population
State of North Carolina	8,049,313	100.00%	9,535,483	100.00%	10,273,419	100.00%
Durham County	223,314	2.8%	267,587	2.8%	311,640	3.0%
Forsyth County	306,067	3.8%	350,670	3.7%	376,320	3.7%
Guilford County	421,048	5.2%	488,406	5.1%	526,953	5.1%
Mecklenburg County	695,454	8.6%	919,628	9.6%	1,076,837	10.5%
Orange County	118,227	1.5%	133,801	1.4%	144,946	1.4%
Balance of State	6,285,203	78.1%	7,375,391	77.3%	7,836,723	76.3%

Source: U.S. Census Bureau, 2000 Census; 2010 Census; 2017 American Community Survey 1-Year Estimates. See Appendix E for instructions regarding data comparisons.

²⁰ Data is provided in this report on a county basis, even though a local substantially equivalent fair housing ordinance may only have jurisdictional coverage of a city within a particular county.

²¹ The Balance of State includes several major population centers, including Wake County, New Hanover County, Cumberland County, and Buncombe County.

c. Race of Population

The racial makeup of the state has become more diverse since 2000. The percentage of the population that was white decreased, from 72.1% in 2000 to 68.8% in 2017. Although the percentage of the population that was African Americans has remained virtually unchanged (from 21.6% in 2000 to 21.5% in 2017), the percentage of the population that identified as two or more races doubled during this time period, from 1.3% in 2000 to 2.6% in 2017. Individuals who identified as “other” also increased during this time period, from 2.3% to 3.0%. Asian Americans and Pacific Islanders also doubled from 1.5% to 3.0%.

Table 2: Race of Population of North Carolina.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
Total Population	8,049,313	100%	9,535,483	100%	10,273,419	100%
White	5,804,656	72.1%	6,528,950	68.5%	7,066,745	68.8%
African American/Black	1,737,545	21.6%	2,048,628	21.5%	2,206,579	21.5%
Asian American/Pacific Islander	117,672	1.5%	215,566	2.3%	304,057	3.0%
Native American/Alaska Native	99,551	1.2%	122,110	1.3%	119,909	1.2%
Two or More Races	103,260	1.3%	206,199	2.2%	266,988	2.6%
Other	186,629	2.3%	414,030	4.3%	309,141	3.0%

Source: U.S. Census Bureau, 2000 Census; 2010 Census; 2017 American Community Survey 1-Year Estimates. See Appendix D for instructions regarding data comparisons.

Within the five-county focus area, the percentage of the population that was white decreased from 64.2% in 2000 to 57.3% in 2017. Overall, the percentage of African Americans in this area increased from 28.3% in 2000 to 30.6% in 2017. The percentage of the population that was African American in 2017 was higher in Durham (36.0%), Guilford (34.4%), and Mecklenburg (31.3%) counties, than in the state as a whole (21.5%).

The percentage of Asian Americans and Pacific Islanders doubled in this five-county focus area, from 2.7% in 2000 to 5.2% in 2017. The percentage of the population that identified as Asian Americans and Pacific Islanders was higher in Orange County (8.4%) than in the other four counties evaluated in the focus area, as well as the percentage of the state population (3.0%). Appendix A contains more detailed five-county focus area data on race.

d. National Origin

The Hispanic/Latino population in North Carolina doubled from 4.7% in 2000 to 9.4% in 2017. This was similar to the Hispanic/Latino population growth in the five-county focus area, where the Hispanic/Latino population cumulatively increased from 5.8% in 2000 to 11.9% in 2017. Durham and Mecklenburg counties had the largest share of the Hispanic/Latino population relative to their respective total populations, with 13.7% of the Durham County population and 13.3% of the Mecklenburg County population identifying as Hispanic/Latino.

Table 3: Hispanic or Latino/a Population.²²

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
State of North Carolina	378,963	4.7%	800,120	8.4%	962,466	9.4%
Durham County	17,039	7.6%	36,077	13.5%	42,545	13.7%
Forsyth County	19,577	6.4%	41,775	11.9%	48,828	13.0%
Guilford County	15,985	3.8%	34,826	7.1%	42,456	8.1%
Mecklenburg County	44,871	6.5%	111,944	12.2%	143,400	13.3%
Orange County	5,273	4.5%	11,017	8.2%	12,336	8.5%
Balance of State	276,218	4.4%	564,481	7.7%	672,901	8.6%

Source: U.S. Census Bureau, 2000 Census; 2010 Census; 2017 American Community Survey 1-Year Estimates. See Appendix D for instructions regarding data comparisons.

The percentage of the foreign born population in North Carolina (who would be protected under the fair housing protections prohibiting discrimination based on national origin) was 8.1% in 2017, up from 5.3% in 2000. The five-county focus area accounted for 38.9% of the North Carolina foreign-born population, up from 35.0% in 2000.

In 2017, all five counties in the focus area had higher percentages of their population identify as foreign born than the state average. As of 2017, Mecklenburg and Durham counties had the largest percentages of their respective populations that identified as foreign-born. The foreign-born population in Mecklenburg County accounted for 15.6% of its total county population, and the foreign-born population in Durham County accounted for 14.7% of its total county population. Only 9.1% of the Forsyth County population identified as foreign-born as of 2017. The foreign-born population in the Balance of State accounted for only 6.5% of the total population in these 95 counties.

Table 4: Percent of Population that is Foreign Born.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
State of North Carolina	430,000	5.3%	719,137	7.5%	829,416	8.1%
Durham County	24,253	10.9%	37,521	14.0%	45,675	14.7%
Forsyth County	19,836	6.5%	32,438	9.2%	34,198	9.1%
Guilford County	27,317	6.5%	48,628	9.9%	55,654	10.6%
Mecklenburg County	68,349	9.8%	122,823	13.3%	168,138	15.6%
Orange County	10,711	9.1%	18,531	13.8%	18,706	12.9%
Balance of State	279,534	4.4%	459,196	6.2%	507,045	6.5%

Source: U.S. Census Bureau, 2000 Census; 2010 American Community Survey 1-Year Estimates; 2017 American Community Survey 1-Year Estimates. See Appendix D for instructions regarding data comparisons.

The percentage of the population in North Carolina that identified as Limited English Proficient (LEP), who speak English “less than very well” and who would also be protected under the fair

²² According to the Census Bureau, “Hispanic” and “Latino” are not racial designations, and individuals may be of any race.

housing protections prohibiting discrimination based on national origin, increased slightly from 4.0% in 2000 to 4.5% in 2017. Although the Balance of State contains several major population centers, the percentage of the population within these 95 counties that identified as LEP increased from 2.7% in 2000 to 3.5% in 2017.

The percentage of the population within the five-county focus area that identified as LEP decreased from 8.5% in 2000 to 7.8% in 2017. In this area, only Mecklenburg and Orange counties saw an increase in the percentage of their respective populations that identified as Limited English Proficient, from 6.7% in 2000 to 9.5% in 2017 in Mecklenburg County and 4.6% in 2000 to 5.3% in 2017 in Orange County.

Table 5. Percent of Population 5 Years and Older that is Limited English Proficient.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
State of North Carolina	297,858	4.0%	429,928	4.8%	439,818	4.5%
Durham County	28,821	13.9%	25,124	10.1%	27,484	9.4%
Forsyth County	26,197	9.2%	23,691	7.2%	19,427	5.5%
Guilford County	36,125	9.2%	27,120	5.9%	27,590	5.6%
Mecklenburg County	43,326	6.7%	70,586	8.3%	95,705	9.5%
Orange County	5,189	4.6%	8,057	6.0%	7,348	5.3%
Balance of State	158,200	2.7%	275,350	4.0%	262,264	3.5%

Source: U.S. Census Bureau, 2000 Census; 2010 American Community Survey 1-Year Estimates; 2017 American Community Survey 1-Year Estimates. See Appendix D for instructions regarding data comparisons.

e. Families with Children

In 2017, 30.5% of households in North Carolina contained an individual less than 18 years of age, a decrease from 35.3% of households in 2000. This change reflects an increased age of the overall population. Within the five-county focus area, 30.7% of households contained an individual under 18 years of age, with Orange County having the lowest share of its population (27.00%) and Mecklenburg County having the highest (32.0%).

Table 6: Households with Individuals Under 18 Years of Age.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
State of North Carolina	1,104,659	35.3%	1,248,342	33.3%	1,207,732	30.5%
Durham County	29,017	32.6%	33,414	30.6%	37,305	29.6%
Forsyth County	41,574	33.6%	45,964	32.6%	42,874	29.6%
Guilford County	56,450	33.5%	62,816	28.8%	62,539	30.8%
Mecklenburg County	96,162	35.2%	126,102	34.8%	131,299	32.0%
Orange County	13,892	30.3%	15,713	30.5%	14,472	27.0%
Balance of State	867,564	35.7%	964,333	33.7%	919,243	30.5%

Source: U.S. Census Bureau, 2000 Census; 2010 Census; 2017 American Community Survey 1-Year Estimates. See Appendix D for instructions regarding data comparisons.

f. Disability Status

In 2017, 13.3% of the non-institutionalized state population identified as having a disability, compared to 9% of the population in the five-county focus area. Mecklenburg County had the smallest share of its total population that identified as having a disability (7.7%), while Durham County had the largest of its population that identified as having a disability (10.9%).

Table 7: Non-Institutionalized Population With a Disability in 2017.

	2017	
	Number	% Total
State of North Carolina	1,343,295	13.3%
Durham County	33,352	10.9%
Forsyth County	33,268	8.9%
Guilford County	55,087	10.5%
Mecklenburg County	82,820	7.7%
Orange County	11,984	8.3%
Balance of State	1,126,784	14.7%

Source: U.S. Census, 2017 American Community Survey 1-Year Estimates. See Appendix D for additional information.

Individuals with disabilities are represented across all age categories. However, older individuals generally had higher rates of individuals with disabilities. Across the state, 49.7% of individuals 75 years and older and 26.1% of individuals 65 to 74 had a disability. In Durham County, 53.9% of the population 75 years and older had a disability.

Table 8: Population With a Disability in 2017 by Age.

	2017					
	Under 5	5 to 17	18 to 34	35 to 64	65 to 74	75 years+
State of North Carolina	0.5%	5.4%	6.8%	13.6%	26.1%	49.7%
Durham County	0.2%	5.6%	4.7%	11.7%	24.1%	53.9%
Forsyth County	0.3%	2.7%	4.1%	8.2%	19.7%	41.1%
Guilford County	0.0%	3.7%	4.8%	10.7%	24.1%	42.8%
Mecklenburg County	0.6%	3.1%	3.8%	7.4%	21.3%	45.6%
Orange County	0.0%	2.0%	4.4%	8.1%	20.0%	41.8%
Balance of State	0.6%	6.1%	7.7%	15.1%	27.0%	50.9%

Source: U.S. Census, 2017 American Community Survey 1-Year Estimates. See Appendix D for additional information.

III. Fair Housing Complaints in North Carolina

The Fair Housing Project analyzed data on all fair housing complaints filed with the United States Department of Housing and Urban Development (HUD) in the State of North Carolina from 2000 to 2017.²³

Statewide, a total of 3,303 fair housing complaints were filed between 2000 and 2017. The average number of complaints filed per year was 183.5, with a high of 255 filed in 2010 and a low of 129 filed in 2014. (For statewide complaint data, see Table 10, below.²⁴)

Table 9: Number of Fair Housing Complaints from North Carolina Filed with HUD, 2000-2017.

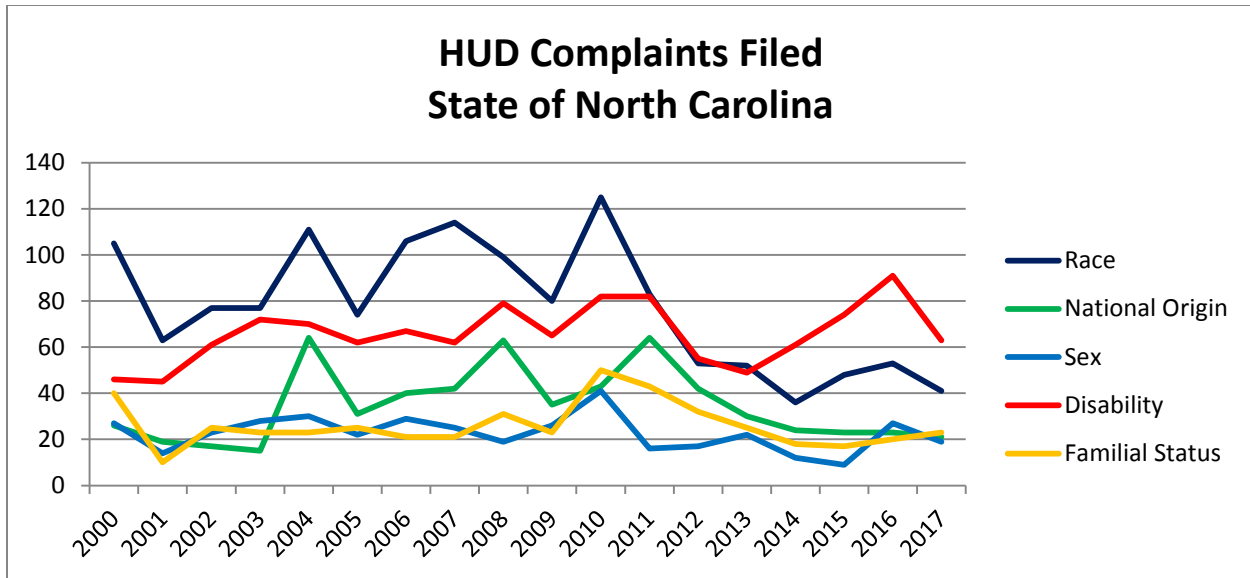
Year	Race	Color	National Origin	Religion	Sex	Disability	Familial Status	Retaliation	Total
2000	105	11	26	1	27	46	40	4	203
2001	63	5	19	2	14	45	10	6	133
2002	77	1	17	3	23	61	25	7	169
2003	77	1	15	8	28	72	23	2	168
2004	111	1	64	3	30	70	23	6	243
2005	74	2	31	3	22	62	25	3	172
2006	106	1	40	2	29	67	21	3	202
2007	114	0	42	8	25	62	21	8	215
2008	99	0	63	3	19	79	31	3	250
2009	80	4	35	5	26	65	23	3	182
2010	125	4	43	5	41	82	50	5	255
2011	83	1	64	1	16	82	43	5	235
2012	53	5	42	2	17	55	32	22	166
2013	52	1	30	2	22	49	25	9	146
2014	36	1	24	2	12	61	18	17	129
2015	48	0	23	4	9	74	17	11	144
2016	53	7	23	5	27	91	20	7	166
2017	41	5	21	4	19	63	23	7	125
Total	1,397	50	622	63	406	1,186	470	128	3,303

Source: FHP analysis of HUD complaint data.

The most common basis of discrimination alleged in complaints during the period was racial discrimination (1,397, or 42.3%), followed by disability (1,186, or 35.9%), national origin (622, or 18.8%), familial status (470, or 14.2%), and sex (406, or 12.3%).²⁵

²³ Virtually all fair housing complaints filed with the North Carolina, Durham, Greensboro, Charlotte/Mecklenburg, Orange County, and Winston-Salem agencies are also “dual filed” with HUD. As a result, this data includes the vast majority of complaints filed in the state.

²⁴ Complaint data for Durham, Forsyth, Guilford, Mecklenburg, and Orange Counties, as well as the Balance of State, are in Appendix C.



Source: FHP analysis of HUD complaint data.

The five counties with the most complaints filed were Mecklenburg (571 complaints), Durham (491), Guilford (314), Wake (276), and Buncombe (205). (See Appendix B for fair housing complaint data for all 100 counties in North Carolina.)

Table 10: Counties with Most Fair Housing Complaints filed with HUD, 2000-2017.

County	Complaints Filed
Mecklenburg County	571
Durham County	491
Guilford County	314
Wake County	276
Buncombe County	205
Forsyth County	200
Orange County	132
New Hanover County	84
Cumberland County	55
Alamance County	41

Source: FHP analysis of HUD complaint data.

Overall, an average of 34.6 complaints were filed per 100,000 people in North Carolina during the period 2000-2017.²⁶ The five counties with the most complaints filed on a per capita basis were: Durham (183.5 complaints per 100,000 people), Orange (98.7), Buncombe (86.0), Guilford (64.3), and Mecklenburg (62.1).

²⁵ Because complaints can raise more than one basis of discrimination (such as race and disability), the percentage of complaints by basis is greater than 100%.

²⁶ Rates were calculated using the county population in 2010, based on the U.S. Census Bureau, 2010 Decennial Census.

Table 11: Counties with Most Complaints Filed per County Population, 2000-2017.

County	Complaints/100,000 People ²⁷	Complaints Filed
Durham County	183.5	491
Orange County	98.7	132
Buncombe County	86.0	205
Guilford County	64.3	314
Mecklenburg County	62.1	571
Forsyth County	57.0	200
Columbus County	48.2	28
New Hanover County	41.4	84
Richmond County	38.6	18
Alexander County	37.6	14

Source: FHP analysis of HUD complaint data.

Because the number of complaints filed each year sometimes varied by large amounts, complaints filed were analyzed in two five-year periods – 2008-2012 and 2013-2017 – to examine trends in the number of types of complaints filed. This analysis showed that:

- The total number of complaints filed decreased by 34.7%, from 1,088 filed in 2008-2012 to 710 filed in 2013-2017.
- Most types of fair housing complaint filings decreased from 2008-2012 to 2013-2017, including those alleging discrimination based on race (decreasing from 440 to 230, or 47.7%), disability (from 363 to 338, or 6.9%), national origin (from 247 to 121, or 51.0%), familial status (from 179 to 103, or 42.5%), and sex (from 119 to 89, or 25.2%).
- Complaints based on color stayed the same from 2008-2012 to 2013-2017 at 14, while complaints based on religion increased from 16 to 17 (a 6.3% increase) and complaints alleging retaliation increased from 38 to 51 (a 34.2% increase).

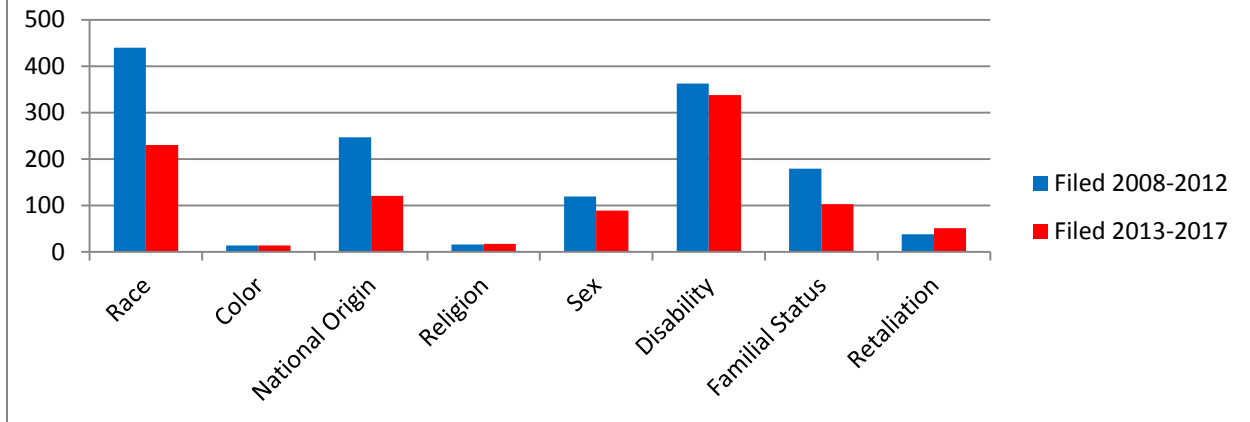
Table 12: Total Number of Fair Housing Complaints Filed by Protected Class.

	Complaints Filed 2008-2012	Complaints Filed 2013-2017	Percent change
Race	440	230	- 47.7%
Color	14	14	0.0%
National Origin	247	121	-51.0%
Religion	16	17	6.3%
Sex	119	89	-25.2%
Disability	363	338	-6.9%
Familial Status	179	103	-42.5%
Retaliation	38	51	34.2%
Total	1,088	710	-34.7%

Source: FHP analysis of HUD complaint data.

²⁷ Rates were calculated using 2010 county population, based on U.S. Census Bureau, 2010 Decennial Census.

Total Number of Fair Housing Complaints Filed by Protected Class in North Carolina



Source: FHP analysis of HUD complaint data.

This analysis also showed that:

- In the period 2008-2012, the most common types of discrimination alleged were race (alleged in 40.4% of complaints), disability (33.4%), national origin (22.7%), familial status (16.5%), and sex (10.9%).
- In the period 2013-2017, the most common types of discrimination alleged were disability (alleged in 47.6% of complaints), race (32.4%), national origin (17.0%), familial status (14.5%), and sex (12.5%).

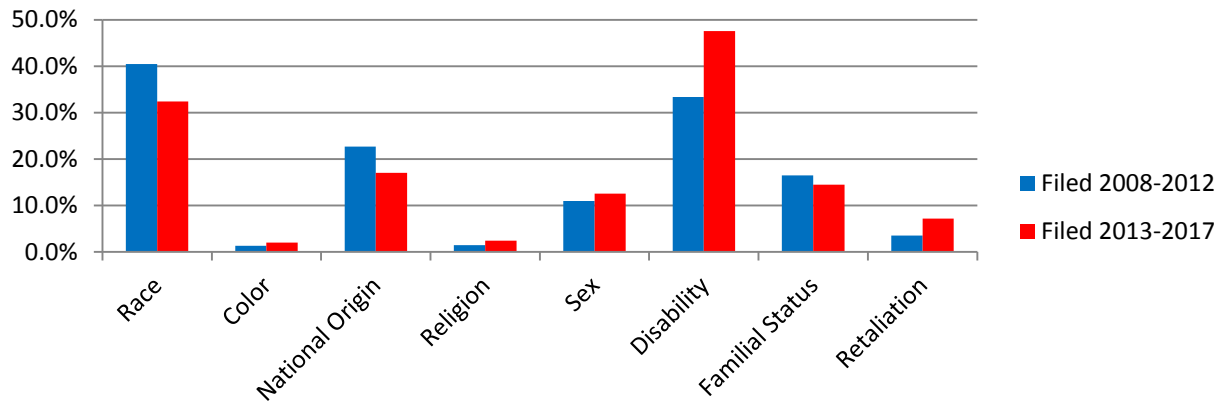
Table 13. Percent of Complaints Filed by Protected Class.²⁸

	Filed 2008-2012	Filed 2013-2017
Race	40.4%	32.4%
Color	1.3%	2.0%
National Origin	22.7%	17.0%
Religion	1.5%	2.4%
Sex	10.9%	12.5%
Disability	33.4%	47.6%
Familial Status	16.5%	14.5%
Retaliation	3.5%	7.2%

Source: FHP analysis of HUD complaint data.

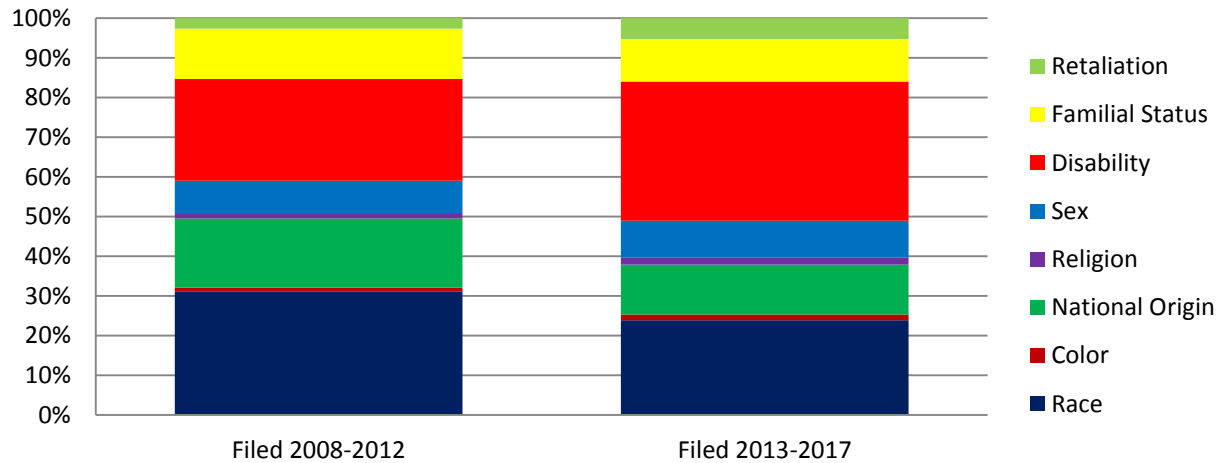
²⁸ Because complaints can raise more than one basis of discrimination (such as race and disability), the percentage of complaints by basis is greater than 100%.

Fair Housing Complaints Filed by Protected Class in North Carolina



Source: FHP analysis of HUD complaint data.

Percent of Fair Housing Complaints Filed



Source: FHP analysis of HUD complaint data.

IV. Recommendations.

Where people live matters – it affects what type of city or neighborhood they live in, the schools their children attend, and their access to transportation, jobs, amenities, and services. Ensuring equal access to housing begins by removing arbitrary barriers -- such as those based on race, color, religion, national origin, sex, familial status, or disability -- that have and continue to exclude people from housing.

North Carolina's population is becoming more diverse, and despite the overall decrease in fair housing complaints filed with HUD since 2000, housing discrimination continues to be widespread in our communities. Complaints alleging disability, race, national origin, familial status and sex discrimination are the most common types seen throughout the state.

There are several steps that communities can take to help accomplish our national and state fair housing goals:

(1) Increase fair housing education for the public, including for housing consumers and housing providers.

While many individuals are generally familiar with the idea that discrimination in housing based on race, national origin, or religion is unlawful, housing consumers, as well as some housing providers, still do not know that discrimination based on familial status or disability are prohibited. The Fair Housing Project regularly receives inquiries about familial status and disability protections, particularly the requirements about reasonable accommodations and reasonable modifications. Organizations should continue supporting fair housing educational initiatives to ensure that North Carolinians are familiar with fair housing rights and responsibilities.

(2) Continue supporting the North Carolina Human Relations Commission and the five “substantially equivalent” local fair housing agencies.

These agencies provide direct support and assistance to the communities they serve, and their employees are members of the very community that they serve. They are a valuable resource for the public at large. These agencies should continue to be supported for their efforts to ensure equal housing opportunities.

(3) Increase awareness about fair housing accessibility requirements.

North Carolina has experienced a significant amount of multi-family construction since 2000. However, the Fair Housing Project continues to uncover newly constructed multi-family housing developments that do not comply with federal and state accessibility requirements. Housing developers, architects, builders, and local code officials and inspectors should receive training on these requirements, which are of particular concern to people with disabilities and senior citizens.

(4) Educate government officials, such as planning departments and city councils, about their responsibilities under the FHA, including the obligation to affirmatively further fair housing.

State and local governments that receive Community Development Block Grants (CDBG) and other HUD funding are required to take actions that affirmatively further fair housing. How governments meet this requirement has been the subject of years-long national litigation. Notwithstanding this litigation, governments must take affirmative steps to ensure that the public is aware of fair housing rights and responsibilities, particularly when the government is involved in the process of developing housing.

(5) Increase fair housing enforcement.

Housing discrimination is not always easy to detect. Sometimes the discrimination may be obvious, such as a housing provider making an explicitly discriminatory statement. However, housing discrimination more often occurs in more subtle and less obvious forms than before. Communities that are interested in ensuring equal housing opportunities for their residents should be encouraged to explore a testing program to ensure that discrimination is detected and deterred. State and local agencies should also pursue strong public interest provisions when resolving fair housing complaints.

Appendix A: Population Data: Five-County Focus Area & Balance of State

Table 14: Race of Population of Durham County.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
White	113,698	50.9%	124,274	46.4%	163,126	52.3%
African American/Black	88,109	39.5%	101,577	38.0%	112,143	36.0%
Asian American/Pacific Islander	7,429	3.3%	12,450	4.7%	14,864	4.8%
Native American/Alaska Native	660	0.3%	1,339	0.5%	606	0.2%
Two or More Races	4,014	1.8%	6,853	2.6%	9,900	3.2%
Other	9,404	4.2%	21,094	7.9%	11,001	3.5%
Total	223,314	100%	267,587	100%	311,640	100%

Source: FHP analysis of HUD complaint data.

Table 15: Race of Population of Forsyth County.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
White	209,552	68.5%	218,517	62.3%	252,635	67.1%
African American/Black	78,388	25.6%	91,227	26.0%	98,124	26.1%
Asian American/Pacific Islander	3,268	1.1%	6,718	1.9%	10,124	2.7%
Native American/Alaska Native	923	0.3%	1,457	0.4%	1,329	0.4%
Two or More Races	3,974	1.3%	7,584	2.2%	8,349	2.2%
Other	9,962	3.3%	25,167	7.2%	5,759	1.5%
Total	306,067	100%	350,670	100%	376,320	100%

Source: FHP analysis of HUD complaint data.

Table 16: Race of Population of Guilford County.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
White	271,686	64.5%	278,525	57.0%	294,026	55.8%
African American/Black	123,253	29.3%	158,899	32.5%	181,326	34.4%
Asian American/Pacific Islander	10,424	2.5%	19,411	4.0%	27,524	5.2%
Native American/Alaska Native	1,944	0.5%	2,594	0.5%	2,831	0.5%
Two or More Races	6,126	1.5%	11,302	2.3%	11,917	2.3%
Other	7,615	1.8%	17,675	3.6%	9,329	1.8%
Total	421,048	100%	488,406	100%	526,953	100%

Source: FHP analysis of HUD complaint data.

Table 17: Race of Population of Mecklenburg County.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
White	445,250	64.0%	508,946	55.3%	577,573	53.6%
African American/Black	193,838	27.9%	282,804	30.8%	337,103	31.3%
Asian American/Pacific Islander	22,228	3.2%	43,020	4.7%	62,299	5.8%
Native American/Alaska Native	2,439	0.4%	4,261	0.5%	4,440	0.4%
Two or More Races	10,745	1.5%	23,484	2.6%	32,684	3.0%
Other	20,954	3.0%	57,113	6.2%	62,738	5.8%
Total	695,454	100%	919,628	100%	1,076,837	100%

Source: FHP analysis of HUD complaint data.

Table 18: Race of Population of Orange County.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
White	92,272	78.0%	99,495	74.4%	108,391	74.8%
African American/Black	16,298	13.8%	15,928	11.9%	17,107	11.8%
Asian American/Pacific Islander	4,865	4.1%	9,064	6.8%	12,137	8.4%
Native American/Alaska Native	457	0.4%	570	0.4%	417	0.3%
Two or More Races	2023	1.7%	3403	2.5%	3,492	2.4%
Other	2312	2.0%	5341	4.0%	3,402	2.3%
Total	118,227	100%	133,801	100%	144,946	100%

Source: FHP analysis of HUD complaint data.

Table 19: Race of Population of Balance of State.

	2000		2010		2017	
	Number	% Total	Number	% Total	Number	% Total
White	4,672,198	74.3%	5,299,193	71.8%	5,670,994	72.4%
African American/Black	1,237,659	19.7%	1,398,193	19.0%	1,460,776	18.6%
Asian American/Pacific Islander	69,458	1.1%	124,903	1.7%	177,109	2.3%
Native American/Alaska Native	93,128	1.5%	111,889	1.5%	110,286	1.4%
Two or More Races	76,378	1.2%	153,573	2.1%	200,646	2.6%
Other	136,382	2.2%	287,640	3.9%	216,912	2.8%
Total	6,285,203	100%	7,375,391	100%	7,836,723	100%

Source: FHP analysis of HUD complaint data.

Appendix B: Fair Housing Complaint Data by County

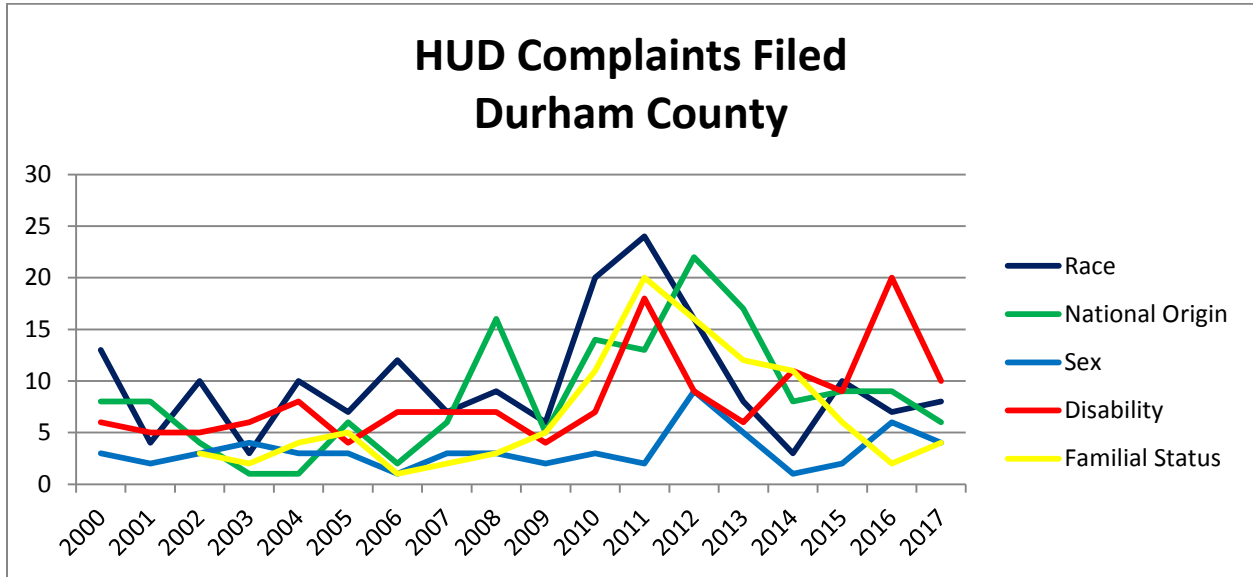
Table 20. Total Fair Housing Complaints Filed by County, 2000-2017.

County	Complaints Filed	2010 Population	Complaints / 100,000 people
Alamance	41	151,131	27.1
Alexander	14	37,198	37.6
Alleghany	2	11,155	17.9
Anson	3	26,948	11.1
Ashe	6	27,281	22.0
Avery	3	17,797	16.9
Beaufort	9	47,759	18.8
Bertie	2	21,282	9.4
Bladen	6	35,190	17.1
Brunswick	35	107,431	32.6
Buncombe	205	238,318	86.0
Burke	20	90,912	22.0
Cabarrus	37	178,011	20.8
Caldwell	4	83,029	4.8
Camden	2	9,980	20.0
Carteret	13	66,469	19.6
Caswell	3	23,719	12.6
Catawba	33	154,358	21.4
Chatham	15	63,505	23.6
Cherokee	1	27,444	3.6
Chowan	3	14,793	20.3
Clay	1	10,587	9.4
Cleveland	17	98,078	17.3
Columbus	28	58,098	48.2
Craven	21	103,505	20.3
Cumberland	55	319,431	17.2
Currituck	2	23,547	8.5
Dare	10	33,920	29.5
Davidson	17	162,878	10.4
Davie	1	41,240	2.4
Duplin	3	58,505	5.1
Durham	491	267,587	183.5
Edgecombe	19	56,552	33.6
Forsyth	200	350,670	57.0
Franklin	18	60,619	29.7
Gaston	38	206,086	18.4
Gates	4	12,197	32.8
Graham	2	8,861	22.6
Granville	8	59,916	13.4
Greene	4	21,362	18.7
Guilford	314	488,406	64.3
Halifax	17	54,691	31.1
Harnett	13	114,678	11.3
Haywood	7	59,036	11.9
Henderson	37	106,740	34.7
Hertford	7	24,669	28.4

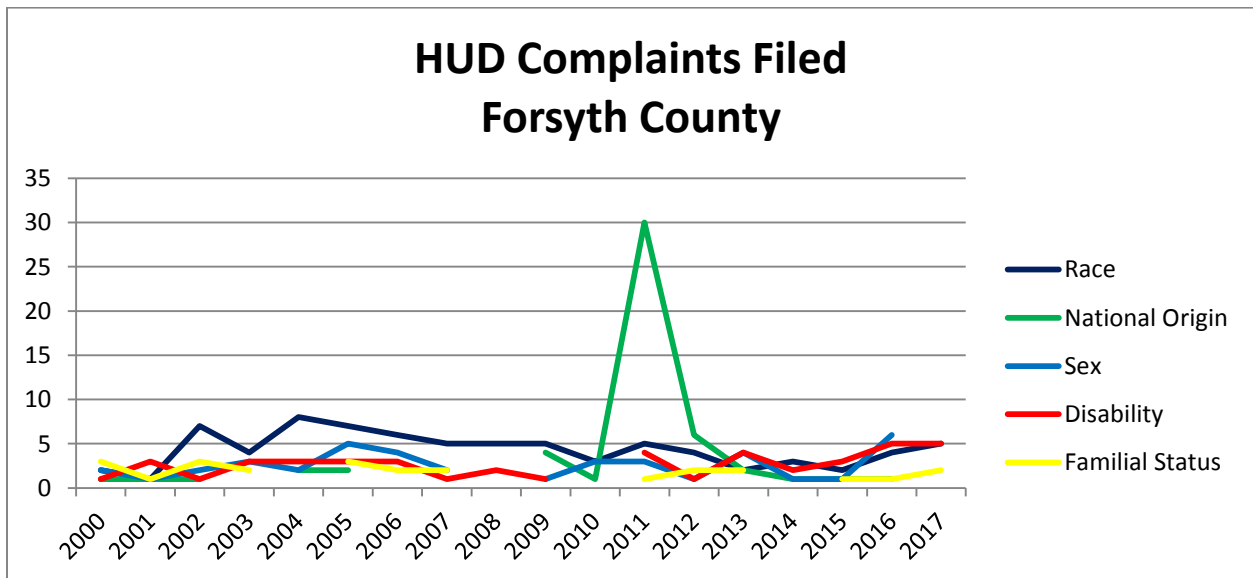
Hoke	4	46,952	8.5
Hyde	1	5,810	17.2
Iredell	19	159,437	11.9
Jackson	5	40,271	12.4
Johnston	16	168,878	9.5
Jones	3	10,153	29.5
Lee	10	57,866	17.3
Lenoir	6	59,495	10.1
Lincoln	10	78,265	12.8
Macon	5	33,922	14.7
Madison	3	20,764	14.4
Martin	5	24,505	20.4
McDowell	3	44,996	6.7
Mecklenburg	571	919,628	62.1
Mitchell	2	15,579	12.8
Montgomery	0	27,798	0.0
Moore	10	88,247	11.3
Nash	7	95,840	7.3
New Hanover	84	202,667	41.4
Northampton	1	22,099	4.5
Onslow	22	177,772	12.4
Orange	132	133,801	98.7
Pamlico	0	13,144	0.0
Pasquotank	12	40,661	29.5
Randolph	16	141,752	11.3
Richmond	18	46,639	38.6
Robeson	23	134,168	17.1
Rockingham	20	93,643	21.4
Rowan	21	138,428	15.2
Rutherford	11	67,810	16.2
Sampson	11	63,431	17.3
Scotland	12	36,157	33.2
Stanly	7	60,585	11.6
Stokes	4	47,401	8.4
Surry	15	73,673	20.4
Swain	1	13,981	7.2
Transylvania	5	33,090	15.1
Tyrell	1	4,407	22.7
Union	24	201,292	11.9
Vance	15	45,422	33.0
Wake	276	900,993	30.6
Warren	5	20,972	23.8
Washington	1	13,228	7.6
Watauga	3	51,079	5.9
Wayne	28	122,623	22.8
Wilkes	3	69,340	4.3
Wilson	14	81,234	17.2
Yadkin	3	38,406	7.8
Yancey	1	17,818	5.6

Appendix C: Fair Housing Complaints Filed in Five-County Focus Area and Balance of State

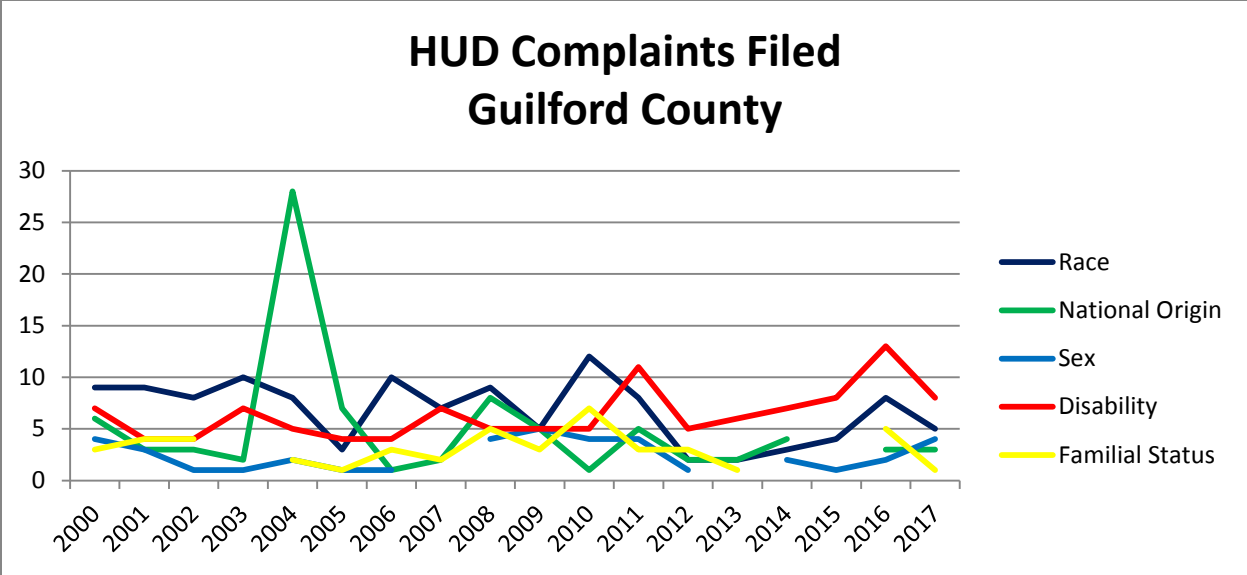
The charts below only include data for the five most common protected classes raised in fair housing complaints during the time period.



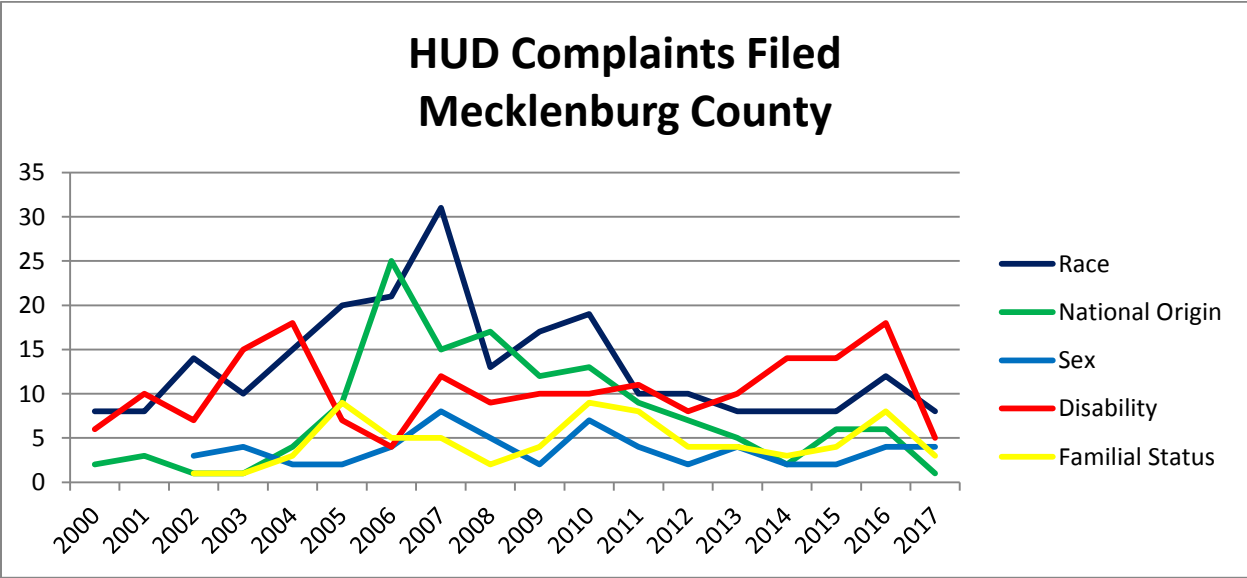
Source: FHP analysis of HUD complaint data.



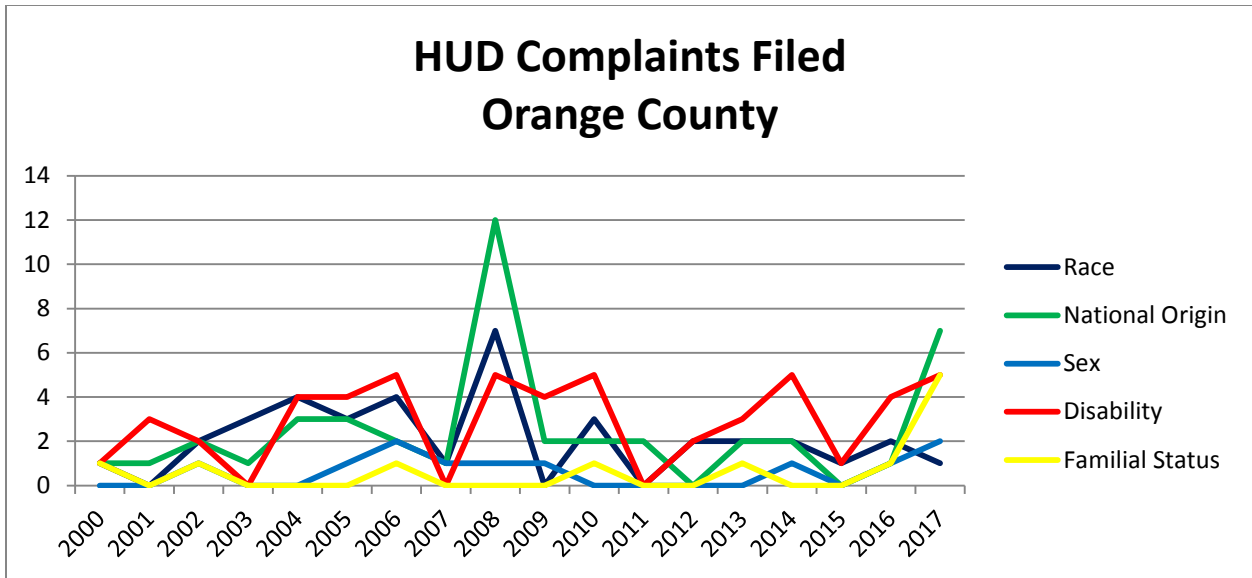
Source: FHP analysis of HUD complaint data.



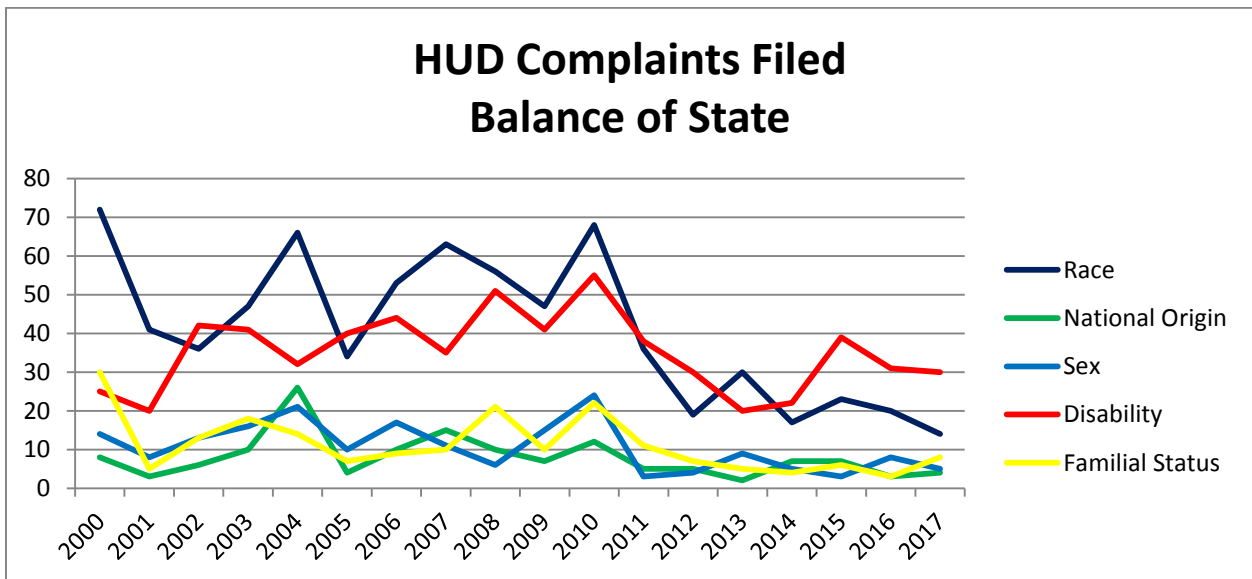
Source: FHP analysis of HUD complaint data.



Source: FHP analysis of HUD complaint data.



Source: FHP analysis of HUD complaint data.



Source: FHP analysis of HUD complaint data.

Appendix D: Methodology for Calculating Fair Housing Complaint Data

In North Carolina, fair housing cases may be filed with the U.S. Department of Housing and Urban Development (HUD), the North Carolina Human Relations Commission (NCHRC), or sometimes with a local fair housing agency.

The NCHRC, as well as the five “substantially equivalent” local fair housing agencies, have formal agreements with HUD to accept, investigate, and conciliate fair housing complaints. Fair housing complaints filed with HUD are generally referred to the NCHRC or to one of the five “substantially equivalent” local fair housing agencies for investigation, unless there is a potential conflict of interest or other factor that would preclude the referral. All information related to these cases is entered into the HUD Enforcement Management System (“HEMS”) that is used to track and monitor fair housing complaints. Fair housing complaints that are filed directly with the NCHRC, or with one of the five “substantially equivalent” local fair housing agencies, and that raise discrimination based on a class protected by the federal and state or local law, are also entered into HEMS.

The complaint data featured in this report was obtained from HUD in April, 2018.

HUD also classifies some cases as having a basis of “retaliation.” Although retaliation is not a protected class under the federal, state, or local fair housing laws, this report includes a separate category of retaliation since the HUD data distinguishes between “retaliation” and other forms of discrimination.

Data regarding age and veteran status discrimination is not included in this report because these are only protected classes in Orange County, North Carolina. In addition, the report does not include data regarding discrimination based on the siting of affordable housing, which is protected by the North Carolina State Fair Housing Act.

Appendix E: Census Data Sources

This report relies on datasets obtained from the U.S. Census Bureau, including the 2000 U.S. Census, the 2010 U.S. Census, and the 2017 American Community Survey 1-Year Estimates.

The Census Bureau publishes guidelines for comparing different census datasets. While many datasets may be readily compared, some areas and subjects are to be “compared with caution” or “not compared” at all. Comparability guidelines are needed due to differences in question wording, reference periods, methodology, and the way in which the census tabulates data.

The following identifies the sources for the tables featured in this report and includes comparability guidelines obtained from the Census Bureau. Additional information is available at <https://www.census.gov/programs-surveys/acs/guidance/comparing-acs-data.html>.

Table 1: Total Population of North Carolina. Source: U.S. Census Bureau, 2000 Census Summary File 1 (SF1) 100-Percent Data, Table P001, Total Population; 2010 Census Summary File 1, Table P1, Total Population; 2017 American Community Survey 1-Year Estimates, Table B01003, Total Population.

Table 2: Race of Population of North Carolina. Source: U.S. Census Bureau, 2000 Census Summary File 1 (SF1) 100-Percent Data, Table P003, Race; 2010 Census Summary File 1, Table P3, Race; 2017 American Community Survey 1-Year Estimates, Table B02001, Race.

- 2017 American Community Survey with 2010 Census (Race): *Compare*
- 2017 American Community Survey with 2000 Census (Race): *Compare with Caution*

Table 3: Hispanic or Latino/a Population. Source: Source: U.S. Census Bureau, 2000 Census Summary File 1, Table QT-P3, Race and Hispanic or Latino; 2010 Census Summary File 1, Table P4, Hispanic or Latino Origin; 2017 American Community Survey 1-Year Estimates, Table B03003, Hispanic or Latino Origin.

- 2017 ACS with 2010 Census (Hispanic or Latino Origin): *Compare*
- 2017 ACS with Census 2000 (Hispanic or Latino Origin): *Compare with Caution*

Table 4: Percent of Population that is Foreign Born. Source: U.S. Census, 2000 Census, Summary File 3, Table DP-2, Profile of Selected Social Characteristics; 2010 American Community Survey 1-Year Estimates, Table B05012, Nativity in the United States; 2017 American Community Survey 1-Year Estimates, Table B05012, Nativity in the United States.

- 2017 ACS 1-Year with 2010 ACS 1-Year (Nativity): *Compare*
- 2017 ACS with Census 2000 (Nativity): *Compare*

Table 5. Percent of Population 5 Years and Older that is Limited English Proficient. Source: U.S. Census, 2000 Census, Summary File 3, Table DP-2, Profile of Selected Social Characteristics;

2010 American Community Survey 1-Year Estimates, Table DP02, Selected Social Characteristics; 2017 American Community Survey 1-Year Estimates, Table DP02, Selected Social Characteristics.

- 2017 ACS 1-Year with 2010 ACS 1-Year (Ability to Speak English): *Compare with Caution*
- 2017 ACS with Census 2000 (Ability to Speak English): *Compare*

Table 6: Households with Individuals Under 18 Years of Age. Source: U.S. Census Bureau, 2000 Census Summary File 1, Table P019, Households by Presence of People under 18 Years by Household Type; 2010 Census Summary File 1, Table P20, Households by Presence of People under 18 Years by Household Type by Age of People Under 18 Years; 2017 American Community Survey 1-Year Estimates, Table B11005 Households by Presence of People Under 18 Years by Household Type.

Table 7: Population with a Disability in 2017. Source: U.S. Census, 2017 American Community Survey 1-Year Estimates, Table DP02, Selected Social Characteristics in the United States.

Table 8: Population with a Disability in 2017 by Age. Source: U.S. Census, 2017 American Community Survey 1-Year Estimates, Table S1810, Disability Characteristics.

Tables 9-13 & 20. Source: Fair Housing Project analysis of data provided by U.S. Department of Housing and Urban Development in April 2018.

Tables 14-19. Source: U.S. Census Bureau, 2000 Census Summary File 1 (SF1) 100-Percent Data, Table P003, Race; 2010 Census Summary File 1, Table P3, Race; 2017 American Community Survey 1-Year Estimates, Table B02001, Race.

- 2017 American Community Survey with 2010 Census (Race): *Compare*
- 2017 American Community Survey with 2000 Census (Race): *Compare with Caution*