

Analysis of Impediments (AI) to Fair Housing Choice Buncombe County

Mary Roderick, Land of Sky Regional Council

Fair Housing: MORE THAN JUST WORDS



**KNOW
YOUR
RIGHTS!**

If you feel you have experienced housing discrimination based on race, color, religion, national origin, sex, disability, and family status, contact HUD at **1-800-669-9777** (voice), **1-800-877-8339** (Federal Relay), online at **www.hud.gov/fairhousing**, or your local fair housing organization.

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- The logo for the Land of Sky Regional Council. It features the words "LAND of SKY" in a large, bold, sans-serif font. "LAND" is orange, "of" is small and blue, and "SKY" is blue. Below this, the words "REGIONAL COUNCIL" are written in a smaller, blue, sans-serif font.

Fair Housing Planning Overview

7 Protected Classes

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

Note: Income and source of income are not protected

NCHRC 5-Year Complaint Summary (2017-2022)

10 complaints within Buncombe County

- 7 of these were in Asheville
- 1 case each Weaverville, Swannanoa, Candler.

Three cases with cause: disability.

Legal Aid of NC 19-Year Complaint Summary (2000-2019)

Buncombe County was in the **top three counties based on complaints per capita**. No data provided on cause.

State average: 37.93 complaints/100,000 (3,617 total)

Buncombe County: 87.3 complaints / 100,000 (208 total)

AI Overview

Key Analysis Components

Countywide (County + municipalities)

- Context and framing (socio-demographics, housing supply, housing needs)
- Assessment of **conditions, both public and private, affecting fair housing choice** for all protected classes

Buncombe County Only

- Review of a jurisdiction's **regulations and administrative policies, procedures, and practices**
- Assessment of **how those affect the location, availability, and accessibility of housing**

AI Findings - Market

For-Sale Housing Supply

- Typically, in healthy and well-balanced housing markets, **availability rates are between 2.0% and 3.0%**, though due to recent national housing market pressures it is not uncommon for most markets to have an availability rate below 2.0%.
- Out of an 18-county WNC region, only Burke County (0.3%) and McDowell County (0.4%), and Henderson County (0.6%) have lower rates of housing availability than **Buncombe County (0.7%)**.

Mortgage Denial Rates

- Race/ethnicity:** POC in Buncombe County may be anywhere from 1.5 to 2 times as likely to be denied a mortgage than Whites.

Homeownership Rates

Occupied Housing Units	107,093
MOE	+/- 916
White	Own (66.7%) - Rent (33.3%)
Black	Own (41.2%) - Rent (58.8%)
Hispanic	Own (38.9%) - Rent (61.1%)
Native American	Own (49.3%) - Rent (50.7%)
Asian	Own (56.6%) - Rent (43.4%)

POC are more likely to be renters than homeowners

AI Findings - Market

For-Sale Housing Supply

- Housing priced below \$100,000 makes up only 1% of the market share, while housing between \$100-\$200k is only 7.3% of the market. The greatest market share is for housing over \$300k (40%).

Available Owner For-Sale Housing by Price Point						
Buncombe County				Region		
List Price	Median Price	Units	Share	Median Price	Units	Share
<\$100,000	\$88,500	13	0.9%	\$86,750	28	1.0%
\$100,000 - \$199,999	\$170,000	82	5.4%	\$169,000	202	7.3%
\$200,000 - \$299,999	\$259,000	290	19.2%	\$259,000	531	19.3%
\$300,000 - \$399,999	\$359,000	306	20.3%	\$350,000	563	20.5%
\$400,000 - \$499,999	\$449,000	241	16.0%	\$450,000	427	15.5%
\$500,000+	\$812,500	575	38.2%	\$777,500	1,000	36.4%

Source: Bowen Report 2020

Affordable & Workforce Supply Gap: Between 1,329 (729 Senior) and 2,254 (1,294) units.

Source: Bowen Report 2021

AI Findings - Market

Rental Housing Supply

- In a survey of 123 multi-family rental housing projects in Buncombe County, primarily market rate had any available units.

Surveyed Multifamily Rental Housing				
Project Type	Projects Surveyed	Total Units	Vacant Units	Occupancy Rate
Market-rate	71	10,276	436	95.8%
Market-rate/Tax Credit	8	1,687	97	94.3%
Tax Credit	24	1,047	0	100.0%
Tax Credit/Government-Subsidized	8	691	0	100.0%
Government-Subsidized	12	1,392	2	99.9%
Total	123	15,093	535	96.5%

Source: Bowen Report 2020

Affordable & Workforce Supply Gap: Between 3,669 (1,176 Senior) and 5,429 (2,260 Senior) units.

Source: Bowen Report 2021

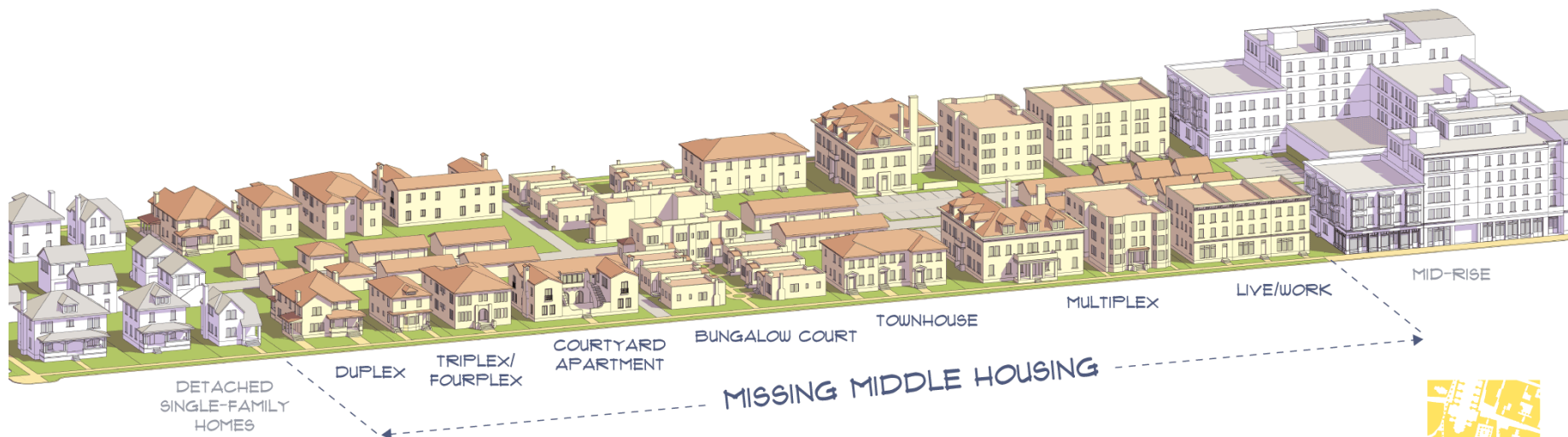
AI Findings - Zoning

Procedures

- **Projects > 8 units and > 4 buildings require Special Use Permit (SUP) instead of Admin Review**
SUPs = Quasi-judicial review by the Buncombe County Board of Adjustment
Quasi-judicial hearings can be time and cost-intensive when an Applicant faces opposition from nearby property owners with “legal standing”.

Standards

- **Permitted Use - four base zoning districts prohibit MF = 46% of all zoned land area**
(R-LD, R-1, BDM, and AI excluding OU zoning).
- Where MF allowed, **minimum lot sizes** and **maximum density standards (DU/acre)** still limit missing middle housing



R-3 Zoning Scenario

Existing Conditions

Zoning: R-3

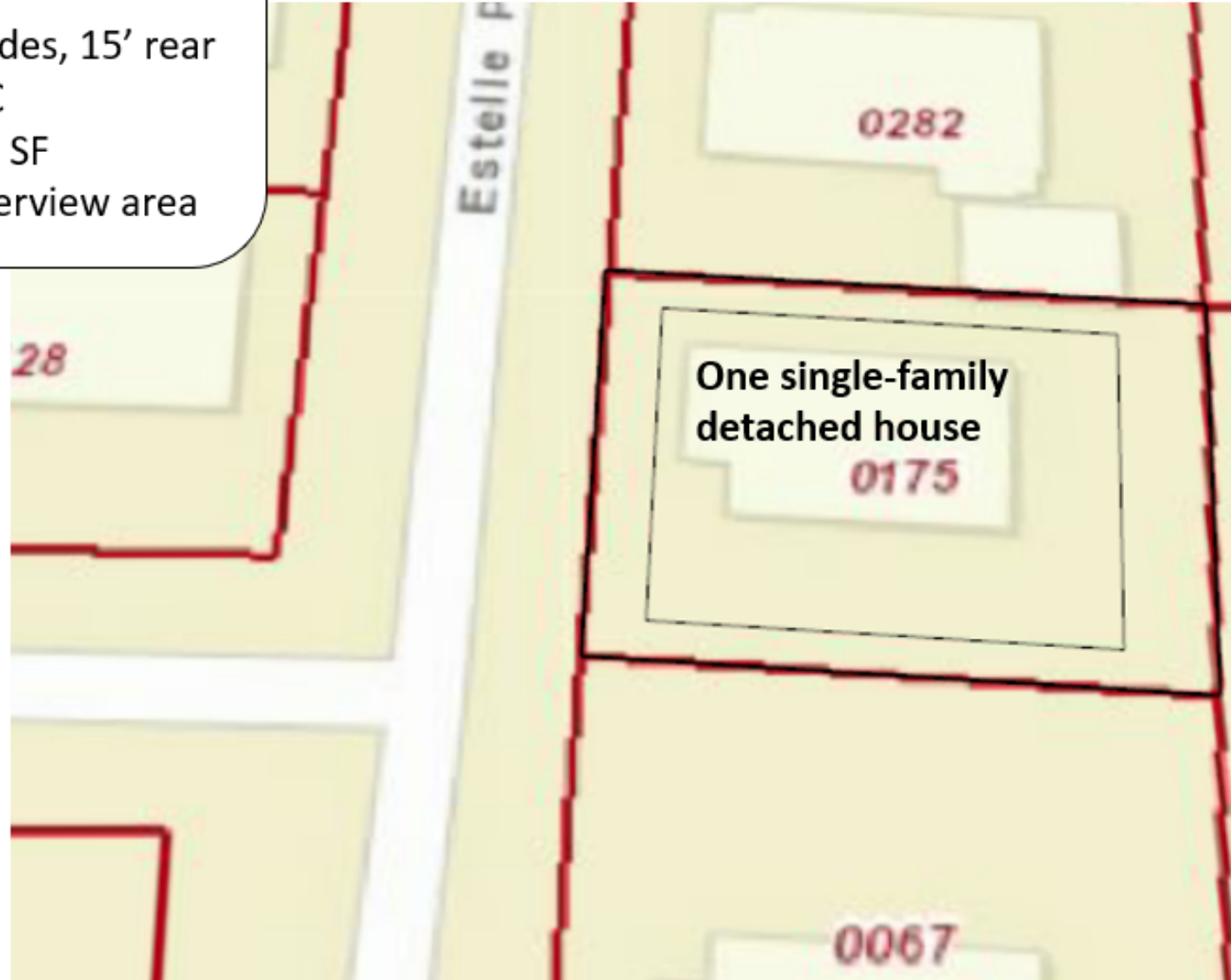
Min. lot size: 6,000 SF

Setbacks: 10' front, 7' sides, 15' rear

Max. Density: 12 DU/AC

Lot size: 0.17 AC / 7,546 SF

Location: north of Deaverview area



Duplex Scenario

Zoning: R-3

Min. lot size: 6,000 SF

Setbacks: 10' front, 7' sides, 15' rear

Max. Density: 12 DU/AC*

Lot size: 0.17 AC / 7,546 SF

Location: north of Deaverview area

Allowed by Current Zoning



* Maximum Density Standard

The R-3 zoning district has a density max. of 12 DU/AC. When applied to this lot, this standard would allow 2.04 units.

$$7,546 \text{ SF} / 43,560 \text{ SF} = 0.17 \text{ AC}$$
$$0.17 \text{ AC} \times 12 \text{ DU/AC} = 2.04 \text{ units}$$

Triplex Scenario

Zoning: R-3

Min. lot size: 6,000 SF*

Setbacks: 10' front, 7' sides, 15' rear

Max. Density: 12 DU/AC**

Lot size: 0.17 AC / 7,546 SF

Location: north of Deaverview area

*** Minimum Lot Size Standard**

The R-3 zoning district requires 6,000 SF for One- and Two-Family Dwellings, and 3,600 SF/unit for each additional unit in Multi-Family Attached housing. Even if this lot had 9,600 SF for a Triplex, the Maximum Density Restriction of 12 DU/AC would limit this (below).

**** Maximum Density Standard**

The R-3 zoning district has a density max. of 12 DU/AC. When applied to this lot, this standard would allow 2.04 units.

Existing Lot

7,546 SF/43,560 SF = 0.17 AC

0.17 AC x 12 DU/AC = 2.04 units

9,600 SF Triplex Lot

9,600 SF/43,560 SF = 0.22 AC

0.22 AC x 12 DU/AC = 2.64 units

Not Allowed by Current Zoning



Summary of Impediments & Recommendations

Impediment 1: Inadequate housing supply, both for-sale and rental

Recommendation: Although multi-family and ADUs are allowed in many zoning districts, there is opportunity to revise several aspects of zoning, especially related to minimum lot sizes and density, to increase housing supply. Detailed recommendations have been provided in the zoning requirements section. These should be evaluated for the potential to increase housing production, and stakeholder outreach should be conducted to ensure diverse perspectives and concerns are addressed.

Procedurally, increasing the number of multi-family units and buildings allowed under by right zoning can also accelerate the development process and lower developer costs.

Impediment 2: Inadequate supply of accessible housing options

Recommendation: Continue to participate in CDBG, HOME, and other federal programs; to pursue additional sources of funding; and to use local funds and programs to rehab and retrofit existing structures and improve accessibility for individuals with disabilities. Provide incentives to housing developers and providers to increase the number of accessible units in publicly funded housing developments or housing rehabilitation.

Summary of Impediments & Recommendations

Impediment 3: Lack of housing finance options to achieve homeownership

Recommendation: Assess the services available for homeownership counseling, especially for People of Color and low-moderate income households, and determine how their capacity and outreach can be increased. Continue to require all recipients of the County's Affordable Housing Services Program (AHSP) down payment assistance complete a financial literacy course.

Impediment 4: Discrimination based on source of rental income and previous eviction history

Recommendation: Review local (see Thrive Asheville's efforts) and national research on best practices and strategies to increase the number of landlords participating in voucher programs. Consider adopting a source of income (SOI) protection policy, similar to the City of Charlotte, which prevents landlords who receive public subsidies or financial incentives from refusing tenants on the basis that they are participants in either the Housing Choice Voucher (HCV) program or other rental subsidy programs. Note: the Human Relations Commission of Asheville is has already developed a recommendation to add SOI to the city's non-discrimination ordinance.

In partnership with Pisgah Legal Services and other local non-profits, expand capacity and resources to assist people who are facing eviction.

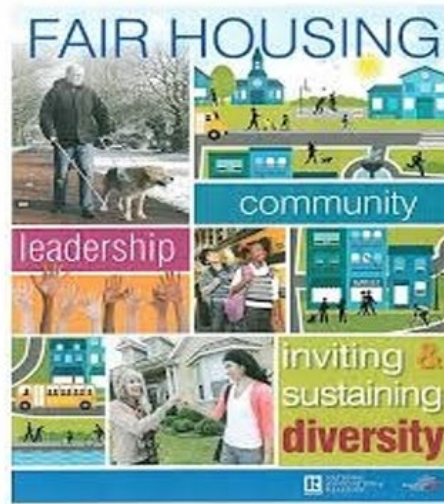
Summary of Impediments & Recommendations

Impediment 5: Lack of awareness of fair housing laws

Recommendation: Work in partnership with the Asheville Regional Housing Consortium, LOTSAR, and local non-profits to ensure that published fair housing information is accessible to demographic groups present within Buncombe County.

Through Buncombe County's website, social media, and the CAPE team, promote fair housing activities and workshops and share fair housing, rental rights, fair lending practices, and financial literacy information.

Buncombe County Fair Housing Info



Discrimination in Housing

While many view the federal Fair Housing Act as a civil rights law, directed at preventing racial discrimination, in fact the federal Fair Housing Act prevents discrimination based on a number of consumer characteristics.

The North Carolina Fair Housing Act makes it illegal to discriminate in housing because of race, color, religion, sex, national origin

What is Prohibited ?

In the sale or rental of housing, no one may take any of the following actions based on race, color, national origin, religion, sex, family status, or handicap (disability):

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Falsely deny that housing is available for inspection, sale or rental

In addition, it is against the law to:

- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, family status, or handicap (disability).
- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right.

What Groups are Protected?

- Racial and ethnic minority groups
- Religious minority groups
- People with disabilities
- Families with children
- Families or people receiving public assistance or a housing subsidy
- Women
- Immigrants
- Older people



Contact

Mary Roderick

mary@landofsky.org

425-442-0385