



# *Analysis of Impediments to Fair Housing and Fair Housing Choice*

Prepared for  
Community Development Department  
City of Henderson  
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By

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## **Section I. Introduction and Executive Summary**

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### **Overview**

The Analysis of Impediments to Fair Housing Choice (AI) is required by the US Department of Housing and Urban Development (HUD) of all state and local governments that receive housing and community development funds from the following programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership (HOME)
- Emergency Shelter Grant (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA)

As a requirement of participation in these federal programs, entitlement grantees submit a certification stating they affirmatively further fair housing, and that their grant will be conducted and administered in compliance with Title VIII of the Civil Rights Act of 1968, also referred to as the Fair Housing Act. The AI is part of the ongoing commitment to furthering fair housing.

### **Funding of Study/ Methodology/Who Conducted**

Like all communities that receive Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development, the City of Henderson is obligated to identify, analyze, and devise solutions to impediments to fair housing choice that may exist in the community. The City of Henderson staff contracted with Shauna Boom, a qualified outside consultant to conduct this analysis.

Ms. Boom is a director of a public housing agency and has over thirteen years experience in identifying and addressing Fair Housing Choice issues. Collaborating with various state and local agencies, local banking institutions, and community resources aided in accurate information. Demographic statistics for this report were obtained utilizing the most recent Census data. Other data utilized include Community Reinvestment Act and Home Mortgage Disclosure Act statistics, as well as information obtained from various City departments.

### **Methodology**

The AI is an examination of a variety of sources related to housing and protected classes. The City of Henderson AI involved the examination of existing data and studies such as Census Data, Housing complaint records and Home Mortgage Disclosure Act (HMDA) Data. It also included collection and analysis of local feedback through direct contact.

## Section II. Jurisdictional Background Data

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### Demographic Data

The City of Henderson is located in the center of the northern portion of Henderson County and runs along the banks of the Ohio River. The City consists of 17.7 square miles. The majority of the City is Urban with suburban areas evident in the outer City limits.

According to the 2000 U.S. Census, the City of Henderson's population was 27,373. The City of Henderson is located in the County of Henderson. Henderson County's population is 44,829 with 7.1 percent of the population being African American and 1.8 percent being all other minorities.

The City of Henderson's population is 87.3 percent Caucasian/White, 10.5 percent African American/Black, and 2.2 percent other minority races. The other minority races include Asian, American Indian/Alaska Native, Native Hawaiian and Other Pacific Islander, other races not previously stated, and two or more races. This much smaller portion of other minority races has increased from the 1.4 percent in the 1990 Census. The Hispanic or Latino population, regardless of race, was reported in the 2000 Census to be 1.3 percent of the total City population or 347 individuals.

In comparing 1990 and 2000 Census data, the total percentage of African Americans in the City of Henderson has remained steady at 10.5 percent of the City population. Based on the earlier data 72.2 percent of the African American population resided within the five (5) lowest income tracts in Henderson. In reviewing the 2000 Census Data this number has decreased to 59.5 percent, and the African American population in the remaining higher income tracts had increased from 27.8 percent to 40.5 percent. Although this is an encouraging trend, tracts 201 through 205 represent only 38.6 percent of the City population but 55.5 percent of all minority residents in the City of Henderson. The chart below displays the population data for African Americans per tract.

**Table I: Percentage African American Population By Tract**

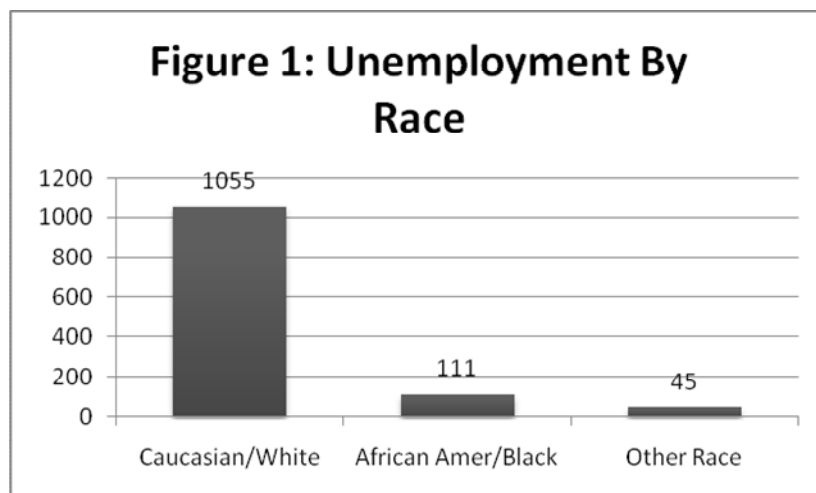
Population Race	201	202	203	204	205	206.1	206.2	207.1	207.2	208	209
1990 Data	19.0%	11.0%	23.0%	21.0%	13.0%	4.0%	5.7%	4.9%	3.1%	1.5%	5.6%
2000 Data	16.3%	10.8%	20.1%	20.2%	12.5%	5.4%	11.7%	4.6%	2.2%	0.6%	3.7%

The 2000 Census indicated 6,234 Henderson citizens or 25.1 percent of those over the age of five had a disability. The Census data also showed that 15.3 percent of the population was 65 years or older. Of the elderly population, 11.3 percent live in poverty and 19.7 percent of those individuals with a disability. The trends indicate that these two populations are continuing to grow. Twenty-three percent of the City's population was 45 to 64 years of age.

## Employment Data

Of the 21,664 individuals in the City of Henderson age 16 years or older, 13,353 or 61.6 percent of the total population reported to be in the workforce. The remaining 38.4 percent were reported to be unable to work, in the military, retired, or not seeking employment. City-wide 3.7 percent of those individuals in the workforce reported to be unemployed. In analyzing the unemployment rate within each tract in comparison to the percentage of the City population, tracts 201-205 have an unemployment rate of five percent versus one percent for the remaining six tracts.

Figure 1 compares the City of Henderson unemployment rates by race. These numbers are inline with the City's population as a whole.



## Income Data

The City of Henderson's Per Capita Income for the year 2007 of \$20,186 was \$5,992 below the National Per Capita Income. The median household income in the City was \$30,417 at the conclusion of 1999, which again was below the national amount of \$41,994.

A higher concentration of lower income households are within census tracts 201 through 205. Of households within these tracts, between 48 and 59.5 percent have an annual income under \$24,000. Tract 204 has the lowest median household income of \$19,688 in the City.

To determine poverty status, the Census Bureau uses a set of income thresholds that vary by family size and composition. If a family's total income is less than that family's threshold, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically. They are updated annually for inflation using the Consumer Price Index.

The official poverty definition counts monetary income earned before taxes and does not include capital gains and non-cash benefits such as public housing, Medicaid, and food stamps. Poverty is not defined for people in military barracks, institutional group quarters, or for unrelated individuals under the age of 15, such as foster children. These people are excluded from the poverty calculations, meaning they are considered neither poor nor not poor.<sup>1</sup>

In the City of Henderson 16.5 percent of City residents were living at or below the poverty level. Table II shows the poverty level broken down by race within each tract. The pattern continues with the percentage of individuals living below poverty level being double in the tracts 201-205 than the percentage in tracts 206.1, 207.1-209.

<b>Tract</b>	<b>201</b>	<b>202</b>	<b>203</b>	<b>204</b>	<b>205</b>	<b>206.1</b>	<b>206.2</b>	<b>207.1</b>	<b>207.2</b>	<b>208</b>	<b>209</b>
Caucasian/White	17.4%	27.9%	21.5%	29.3%	20.4%	8.6%	17.7%	5.8%	5.1%	6.9%	6.2%
African American/Black	42.3%	12.0%	21.8%	29.4%	8.8%	15.6%	43.8%	20.0%	31.2%	0.0%	24.9%
Other Minority	0.0%	0.0%	60.9%	89.7%	4.3%	17.8%	16.9%	3.6%	40.0%	7.7%	38.2%
% Tract Pop Below Poverty	21.5%	25.4%	22.0%	29.7%	18.5%	9.4%	20.6%	6.1%	5.8%	6.8%	7.2%
<b>Hispanic Population City Wide</b>				<b>13.8%</b>							

According to the 2000 Census, 13.2 percent of Henderson families were below the poverty level in compared to the national average of 9.2 percent. A disproportionate percentage of female head of household families in Henderson, 33.7 percent, were living below the poverty level. Female head of households make up 17 percent of the City of Henderson families and in tracts 201-205 this family type is 51 percent of all the families living in poverty. The national average is 26.5 percent of female head of household families living in poverty.

### **Housing Profile**

The census reported the median gross rent, which includes the estimated costs of any utility services the tenant must pay, was \$402 per month for the City of Henderson. This is more than 30 percent less than the national average of \$602 per month.

Home values were also lower in the City of Henderson than seen across the country. The median value of a home in Henderson was 16.8 percent lower than elsewhere in the country. The national median home value is \$119,600.

The 2000 Census estimated that of the City of Henderson's 12,652 total housing units, 959 were vacant, 57 were seasonal or occasional use, 4,997 were renter-occupied, and the remaining 6,696 were owner-occupied. About 13.7 percent of the City's housing stock was built prior to 1940, which increases the probability of lead-based paint

<sup>1</sup> Information available at <http://www.census.gov/hhes/poverty/povdef.html>.

hazards, especially for low-income households. Another 33.8 percent of the City's housing stock was built prior to 1960. The vast number, 72.4 percent, of all housing stock in tracts 201-205 were built prior to 1960. In these census tracts 65 percent of the housing stock is valued under \$60,000.

## Summary

**Population** - Between 1990 and 2000, The City of Henderson has grown by 1,428 people to a total of 27,373. The disabled population in the City was 6,234 or 25.1 percent of Henderson citizens in 2000, with 19.7 percent living in poverty. Residents age 65 years and older represent 15.3 percent of the City population with a significant percentage of individuals that will be in the elderly bracket over the next ten to fifteen years.

**Race and Ethnicity** - As of the 2000 Census, the City of Henderson's racial population has generally remained steady over the last ten years. The Caucasian race makes up 87.3 percent and the African American race is 10.5 percent of the population. However, the population of other minority races in the City has grown slightly from 1.4 to 2.2 percent. Although the percentage of African Americans in the City has remained constant, the data indicates a minority population increase in the upper income tracts. The Hispanic population represented 1.3 percent of the City population.

**Employment** - The City of Henderson's labor force is made up of 48.8 percent of the total residency age 16 and over. The unemployment rate for the City was 3.7 percent. In evaluating trends in unemployment, race does not seem to be a factor. Race did not appear to be a factor with percentages being directly inline with the City's population.

Education appears to directly affect employability and level of income. In tracts 201-205 between 26 and 35 percent of individuals do not possess a high school diploma or GED.

**Low-Income and Poverty** -The City of Henderson's median household income of \$30,417 in 2000 is well below the national median household income. About 41.7 percent, or 4,872, of the City's households earned less than \$25,000 in 2000, and 24.5 percent of households earned less than \$15,000. Census data placed Henderson's poverty rate at 16.5 percent in 2000, 2.2 percent higher than the nation. Female Head of Household families were much more likely to be living at or below poverty. The percentage of individuals living in poverty doubled for census tracts 201-205 and 206.2.

**Housing** - In 2000, the median gross rent in the City of Henderson was \$402, over 30 percent less than the national average. The median home value in Henderson was \$75,900 which is 16.8 percent lower than in the nation. The age of the housing stock in the low-income tracts present unique concerns as to issues of Lead-based paint hazards and also the expense of maintaining these units.

## **Section III. City of Henderson's Fair Housing Legal Status**

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### **The Fair Housing Act of 1968**

Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status, and disability.

The City of Henderson does not have a local ordinance, such as the Landlord Tenant Act, to govern Fair Housing therefore the Kentucky Revised Statute (KRS) prevails.

### **Fair Housing Complaint Data**

HUD oversees, administers, and enforces fair housing law across the nation. In some states, one or more "substantially equivalent" agencies carry out investigative and enforcement functions on behalf of HUD. The Kentucky Commission on Human Rights meets the federal "substantially equivalent agency" status, meaning that they are the enforcement agency in the State of Kentucky.

Complaint data was collected for the period of January 2005 through June 2009 from the Kentucky Commission on Human Rights (KCHR) and the Henderson-Henderson County Human Relations Commission (HRC).

The Kentucky Commission on Human Rights has record of only one complaint being filed in that period of time. The complaint was dismissed for no probable cause. The KCHR has not conducted nor has any records of any housing testing being performed in the City of Henderson over the last ten years. There is no record of any additional discrimination suits filed by private plaintiffs during this time period either.

The Henderson-Henderson County Human Relations Commission, during this same time period, has record of receiving and forwarding four fair housing complaints<sup>2</sup> to the Kentucky Commission on Human Rights, of which none were judged to have cause. The HRC also addressed fifteen contacts to assist in landlord/tenant issues which were not discriminatory in nature.

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<sup>2</sup> Two complaints were of racial discrimination and two complaints of violation of the Americans with Disability Act.

## **Section IV. Public & Private Fair Housing Programs and Activities**

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The Henderson-Henderson County Human Relations Commission provides housing counseling and assistance to individuals wishing to file a housing complaint. Furthermore, the Commission also provides information to the community regarding Fair Housing. Additional information is available through the Henderson Audubon Board of Realtors Office. The majority of call-in inquiries deal with issues of renters' rights, eviction, and substandard housing. Rental property is by far the largest volume of contacts.

Fair Housing is presently promoted through several avenues within the City of Henderson. Fair Housing presentations are provided to all recipients of HUD housing programs including Section 8, Public Housing, and other HUD subsidized housing. The presentations include information that outlines rights, as well as, the process and contacts to file a complaint.

Other Fair Housing activities conducted recently by the City of Henderson and the Human Relations Commission include Fair Housing Workshops, Fair Housing poster contest in the local schools, Latino/Hispanic Outreach Events, distribution of information to area landlords, and circulation of printed material with contact information for the community in relation to obtaining fair housing information.

Although the city will improve housing and infrastructure through various grants sources such as the Neighborhood Stabilization Program, Community Development Block Grant, HOME, HOME Focus (Kentucky Housing Corporation Grant) and AHTF (Affordable Housing Trust Funds), as well as, other agencies such as the Housing Authority of Henderson, the need continues to exceed the available resources. Building and renovation of housing in lower income tract communities is essential to promote housing choice for individuals, to diminish the blight conditions of these communities, and to build stronger neighborhoods.

The Housing Authority of Henderson provides safe affordable housing for low-income families. The Housing Authority manages 430 units, as well as, operating the Housing Choice Voucher program with 669 vouchers. The waiting list for both of these programs is rather lengthy. Along with the HCV program the Housing Authority also offers a homeownership program to assist low-income individuals on the path to purchasing a home. The Housing Authority continues to build additional housing in the low-income tracts of the City.

### **Sale/Rental of Property**

All realtor offices in the City of Henderson are members of the Henderson Audubon Board of Realtors. Annually members sign a fair housing document attesting to non-discriminatory practices as a requirement for renewing their membership. Due to issues of confidentiality, no main database is available locally with statistics as to race and/or income of individuals receiving services from realtors. There have been no known

findings of discrimination in the City of Henderson by any real estate entity. The reverse side of listing and purchase contracts has the Fair Housing Law listed with contact information to file a complaint. Although realtors are required to obtain continuing education hours each year, the State of Kentucky does not require any continue education in Fair Housing issues.

## Section V. Evaluation of Enforcement and Lending Practices

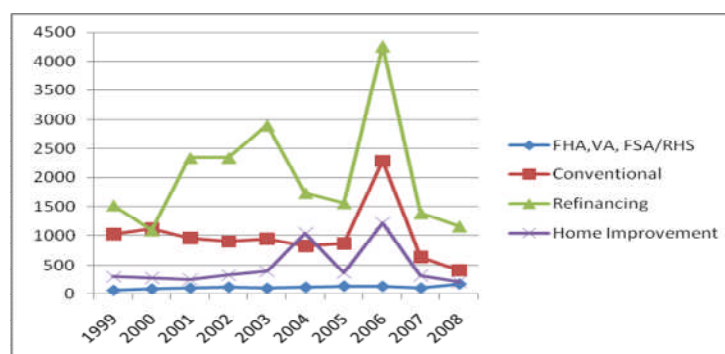
The City of Henderson adheres to the State of Kentucky Building Code requirements. The City of Henderson has a full-time Codes Administration that addresses all codes matters within the City limits. The Henderson-Henderson County Comprehensive Plan (adopted 2006) has a housing element that provides estimates of current and anticipated housing needs for a twenty year period. The local zoning ordinance and map, including housing development regulations, conform to the Comprehensive Plan in the permitting of building of affordable housing addressing the needs of low-income residents.

### Lending Practice

The Community Reinvestment Act Statements and the Home Mortgage Disclosure Act Reports were obtained and reviewed for the period of 1999-2008 for banking and loaning institutions providing services in the City of Henderson. The geographical unit for reporting of the Home Mortgage Disclosure Act Report is that of Standard Metropolitan Statistical Area as defined by the U.S. Census Bureau, which for Henderson County, Kentucky includes the Indiana Counties of Vanderburgh, Warrick, and Posey. Due to advancements in reporting, many of the statistics are now available by Census tract. Some data does contain non-City data because the tracts cross over the City line and is not broken down further.

In reviewing the data, conventional mortgages were the most common loan application with refinancing closely behind. Tremendously low interest rates resulted in a substantial spike in refinancing and conventional loans in 2006. Over 50 percent of loan applications were for refinancing existing home loans to either lock-in a lower rate or to move to a fixed rate from a variable rate. Only about 30 percent of loan applications for this same period were for new purchases of homes. Ten percent of home purchase loan applications were FHA, VA, FSA/RHS applications.

**Figure 2: Home Mortgage Disclosure Act Data  
Residential Loan Application in  
the City of Henderson by Type of Application**



The table below shows the percentage of applications by disposition for each of the following census tracts in the County of Henderson. A portion of these tracts are in the City but the data available was not separated. The term loan origination means the loan was approved by both the loaning institution and accepted by the applicant.

<b>Table III: Home Mortgage Disclosure Act Data Residential Loan Application in Henderson County by Census Tract (1999-2008)</b>					
<b>Tract</b>	<b>Loan Originated</b>	<b>Approved But Not Accepted</b>	<b>App Denied</b>	<b>App Withdrawn</b>	<b>Files Closed for Incompleteness</b>
<b>201</b>	2.5%	3.0%	2.8%	2.4%	2.9%
<b>202</b>	13.0%	12.9%	23.0%	20.4%	29.7%
<b>203</b>	2.5%	3.7%	3.7%	3.1%	2.3%
<b>204</b>	3.4%	4.3%	3.1%	3.0%	2.4%
<b>205</b>	4.7%	4.2%	4.6%	5.5%	3.0%
<b>206.1</b>	10.6%	9.2%	8.7%	7.1%	6.6%
<b>206.2</b>	8.1%	8.2%	9.4%	8.7%	8.2%
<b>207.1</b>	14.0%	11.0%	7.8%	10.4%	9.9%
<b>207.2</b>	16.5%	15.3%	11.5%	14.0%	12.2%
<b>208</b>	9.8%	11.6%	8.6%	8.6%	8.2%
<b>209</b>	14.9%	16.7%	16.8%	16.8%	14.7%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

With the exception of Census tract 202, the remaining data appears to be consistent in the ratio of loan origination and denials. In 2006, 5,013 loans originated for properties in tract 202. In comparison, the year previous a total of 117 loans originated and the year following 99 loans originated in this same tract. As noted earlier this spike is due to very low interest rates.

Data on loan application and loan disposition by race for the period of 1999-2008 is outlined in Table IV found on the following page. Disclosure of race by the applicant is optional and therefore a large percentage of applications did not have racial data available. Again in relation to the population of the area, the percentages of application are balanced. The amount of successful applications and denials are again within the accepted percentage in relation to the population as a whole.

Abnormalities or disproportionate denials/approvals did not appear to be present. Infractions of the Fair Housing Laws do not seem to be an issue with the institutions reporting. To our knowledge, the regulatory agencies responsible for investigating have found no substantial deficiencies in these institutions.

**Table IV: Home Mortgage Disclosure Act Data  
Residential Loan Application in the City of Henderson by Race**

	Race	App Received	loan originated	App Denied		Race	App Received	loan originated	App Denied
1999	White	82.7%	86.0%	78.7%	2004	White	87.7%	89.5%	84.7%
	African American	2.4%	1.9%	3.4%		African American	2.8%	2.5%	3.8%
	Other Minority	2.7%	2.7%	3.2%		Other Minority	2.1%	2.1%	2.3%
	Race Unavailable	12.1%	9.3%	14.7%		Race Unavailable	7.5%	5.9%	9.1%
2000	White	80.9%	86.5%	68.3%	2005	White	88.1%	90.7%	83.0%
	African American	2.6%	2.1%	3.4%		African American	3.2%	2.2%	5.9%
	Other Minority	2.2%	2.3%	2.4%		Other Minority	2.1%	1.9%	2.6%
	Race Unavailable	14.3%	9.2%	25.9%		Race Unavailable	6.7%	5.1%	8.5%
2001	White	81.3%	85.9%	69.3%	2006	White	87.5%	89.6%	80.9%
	African American	2.0%	1.8%	3.0%		African American	3.3%	2.7%	6.0%
	Other Minority	1.9%	2.0%	1.5%		Other Minority	2.2%	2.1%	2.3%
	Race Unavailable	14.7%	10.3%	26.2%		Race Unavailable	6.9%	5.6%	10.8%
2002	White	82.0%	86.2%	71.3%	2007	White	88.3%	89.6%	84.8%
	African American	1.9%	1.4%	3.4%		African American	2.3%	1.8%	3.7%
	Other Minority	2.3%	2.2%	2.9%		Other Minority	1.8%	1.5%	2.1%
	Race Unavailable	13.8%	10.2%	22.4%		Race Unavailable	7.6%	7.2%	9.4%
2003	White	86.7%	88.4%	81.8%	2008	White	87.6%	87.9%	86.5%
	African American	2.0%	1.9%	3.0%		African American	1.5%	1.6%	1.5%
	Other Minority	2.0%	1.8%	2.0%		Other Minority	2.3%	2.4%	1.7%
	Race Unavailable	9.3%	7.9%	13.2%		Race Unavailable	8.5%	8.1%	10.3%

## **Section VI. Conclusions and Recommendations**

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The City of Henderson over the past ten years has aggressively addressed issues of Fair Housing Choice and impediments to reaching that goal. Racial disparity in residency within the City has noticeably improved. The City, as well as other public entities, has pursued funding for improving blight housing and communities, in order to increase housing opportunities for individuals with limited resources. The low-income dominated region of Henderson continues to be tracts 201-205 which is the targeted area for services through the CDGB, HOME, and Neighborhood Stabilization programs.

Although great strides have been made to overcome impediments identified in earlier studies, in any community there remains impediments to Fair Housing and Fair Housing Choice. The following impediments have been identified through the review of the data in this report along with general recommendations in addressing the impediments.

### **Impediment I:** Affordable decent housing in low-income tracts declining

- The housing stock in tracts 201-205 is primarily older homes. The age of the housing stock in the low-income tracts present unique concerns as to issues of lead-based paint hazards and also the expense of maintaining these units. The building and renovation of affordable housing in lower income tract communities is essential for strengthening the community and addressing the blight conditions of these communities.
- Continue to promote and carryout programs in revitalizing the low-income tract communities to increase affordable housing choice.

### **Impediment II:** Housing opportunities limited for low-income individuals with special needs

- Considering the aging of the City of Henderson's population and the growing number of individuals with disabilities, the demand for barrier-free, accessible and adaptable housing is likely to increase in the future. The problem is particularly acute for those living on fixed incomes and without the resources to pay for necessary adaptations to their housing units.
- Awareness needs to be raised of existing accessible housing options in the community among those with disabilities or those in need of accessible housing amenities through outreach by industry and advocacy groups in collaboration with public and private sector housing providers. Encourage the development of housing for individuals with special needs and funding opportunities to modify existing residences to meet needs.

- Continue educating the community of the requirements of the Americans with Disabilities Act

**Impediment III:** Fair Housing training

- Realtors, landlords, and other professionals need ongoing updates on fair housing issues to assure compliance with current regulations.
- The Henderson-Henderson County Human Relations Commission should continue to provide regular fair housing training for housing professionals, landlords and the community.

**Impediment IV:** Lack of knowledge of financing programs to increase housing choice

- Those individuals wishing to be homeowners must be able to obtain financing. For low-income individuals this becomes an issue of Housing Choice. As a result of financing becoming more difficult to secure, realtors encourage individuals to secure financing prior to seeking property. Individuals are finding it more difficult to secure home loans. Prospective homeowners are in need of information regarding special loan programs, financial requirements, and credit. Although this is true of all home buyers, it is especially important for those with limited resources.
- Educational presentations need to be provided to prospective home buyers in the community with referral and contact information available.

The City of Henderson has continued to address impediments to Fair Housing and Fair Housing Choice. Through their efforts positive changes have occurred with progression toward more balanced racial makeup across the City and improved lower cost housing. With time the dynamics of the population and difficulties have shifted. The population with the greatest need and fewest choices are those individuals with special needs due to a disability or aging. The poverty level within this audience is also increasing which brings about an even greater challenge.

## Sources

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United States Census Bureau, Census Year 2000; <http://www.census.gov>

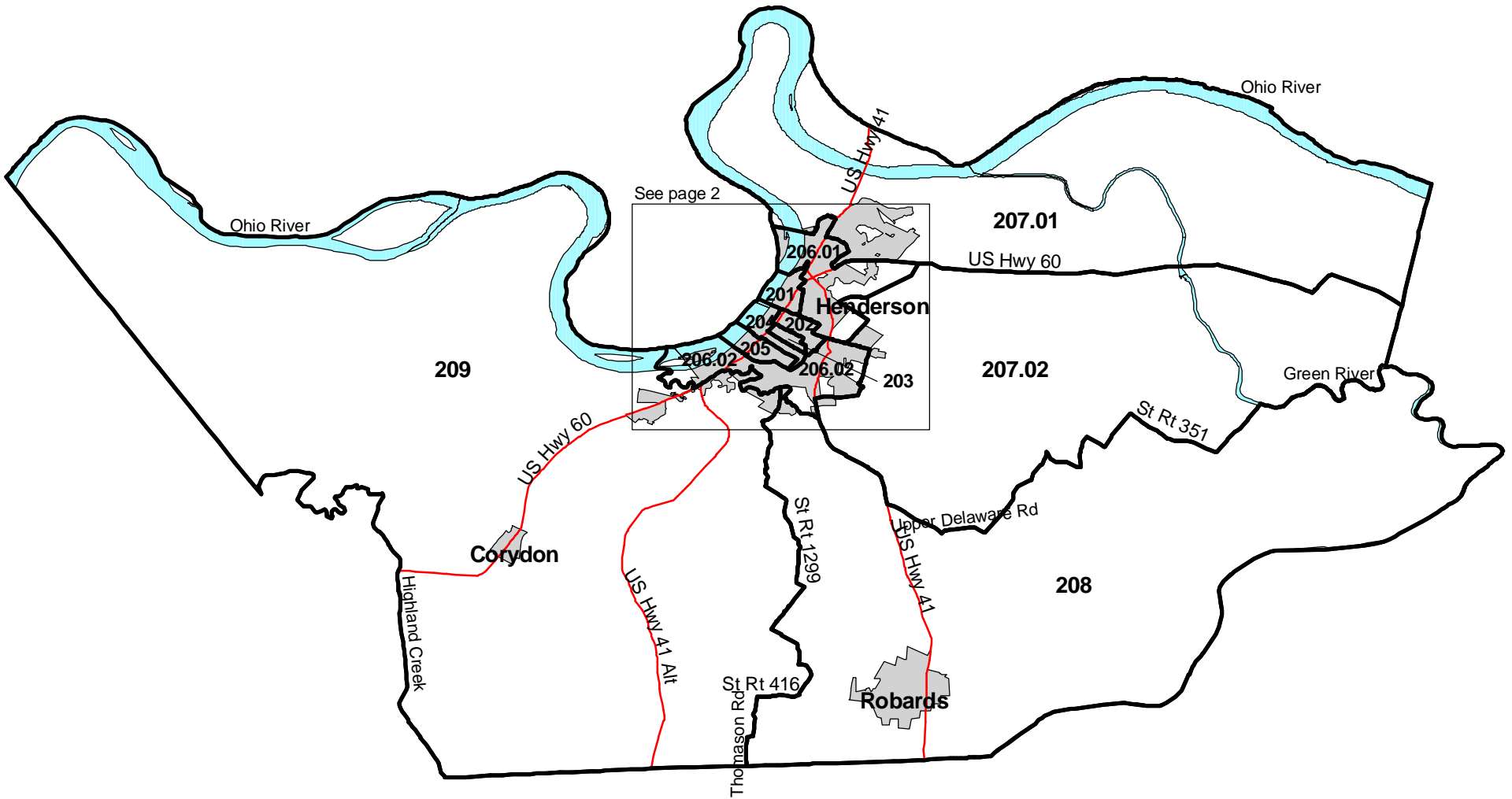
Department of Housing and Urban Development State of the Cities Data System (SOCDS), Comprehensive Housing Affordability Strategy (CHAS): City of Henderson, Kentucky; 2000 Census Data

Kentucky Commission on Human Rights, 332 W. Broadway, 7th Floor  
Louisville, Kentucky 40202; <http://www.kchr.ky.gov>

Henderson-Henderson County Human Relations Commission, 222 First Street,  
Henderson, Kentucky 42420

Henderson Audubon Board of Realtors, 201 North Main Street, Henderson, Kentucky  
42420; <http://hendersonaudubonboardofrealtors.com/>

# Henderson County Census Tracts - Page 1 2000

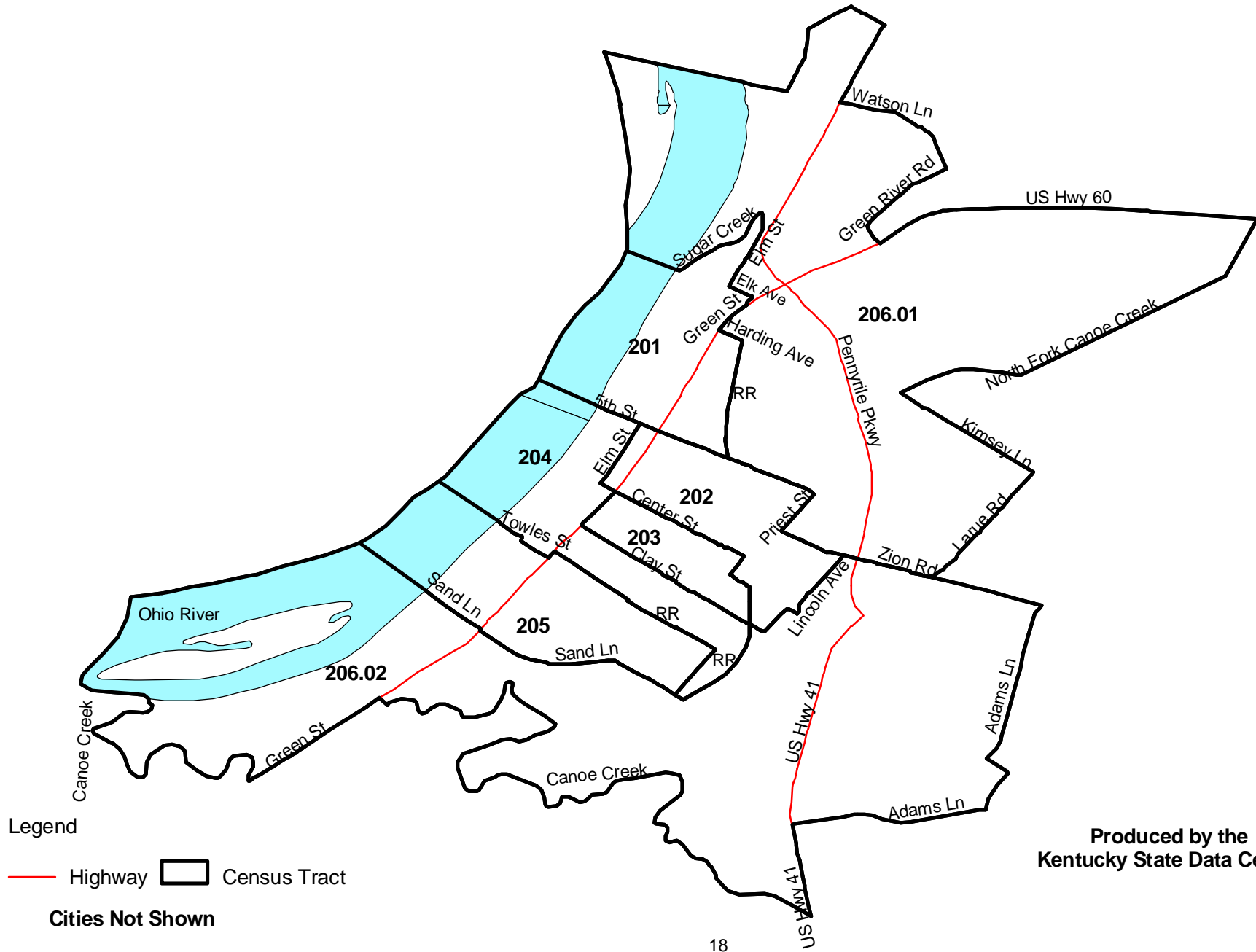


## Legend

- Highway
- Place/City
- Census Tract

Produced by the  
Kentucky State Data Center

# Henderson County Census Tracts - Page 2 2000



Produced by the  
Kentucky State Data Center