

Are Local Land Use Policies and Practices Contributing to Housing Segregation in the Hartford MSA?



Table of Contents

Introduction	1
Executive Summary.....	3
Conclusions.....	4
Recommendations	5
Next Steps	5
I. Methodology.....	6
II. Choosing Municipalities to Examine In-Depth.....	7
A. Factors Used to Analyze and Categorize Municipalities.....	7
A. Demographics of municipalities in the Hartford MSA.....	9
III. Where is Income-restricted Affordable Housing Located and Why.....	12
A. Multifamily Housing Zones	13
B. Large Lot Requirements.....	14
C. Density Requirements.....	15
D. Conclusions: Zoning and the Placement of Income-restricted Affordable Housing	16
IV. Who Has Access to Income-restricted Affordable Housing.....	17
A. Affirmative Fair Housing Marketing Plans and Tenant Selection Plans	17
B. Questions Asked of Low-income Individuals in the Hartford MSA	19
C. Conclusions Regarding Access to Income-restricted Affordable Housing.....	19
V: Conclusions	20
VI: Recommendations	20
Next Steps	21
Appendix A.....	22
Report from Institute on Metropolitan Opportunity	22
APPENDIX B.....	23
HOUSING QUESTIONNAIRE.....	23

Introduction¹

In 2015, the Connecticut Fair Housing Center (“the Center”) received funding from the US Department of Housing and Urban Development’s Fair Housing Organization Initiatives-Special Emphasis Component (“FHOI-SEC”) to examine land use policies in the Hartford Metropolitan Statistical Area (Hartford MSA). The grant was designed to determine what factors contribute to the high degrees of segregation found there and to find methods of addressing those factors that promote racial, ethnic, and economic integration.

Current economic segregation in the Hartford MSA has perpetuated the racial and ethnic segregation historically imposed on the region because African-Americans and Latinos presently have a disproportionate need for income-restricted affordable housing. In Connecticut, Latinos have nearly five times the poverty rate of Whites while African-Americans have nearly four times the poverty rate of Whites.² As a result of the disproportionate need for income-restricted affordable housing among people of color, locating such housing in a broader array of communities will promote integration. But this will only be possible if income-restricted housing is both distributed and made available to everyone in an equitable way.

To determine why income-restricted housing is being allocated to so few localities in the Hartford MSA, the Center’s first project under this grant analyzed zoning practices to determine if they are reinforcing patterns of segregation. In Connecticut, the regulation of zoning is a state function that is delegated to municipalities under certain conditions that include requirements designed to ensure the production of affordable housing in a diversity of locations. The State Zoning Enabling Statute encourages the development of housing opportunities, including opportunities for multifamily dwellings; promotes housing choice and economic diversity in housing including housing for both moderate and low income households; and, encourages the development of housing which will meet the needs identified in State and municipal planning documents.³ Despite this encouragement, only 13% of the municipalities in the Hartford MSA have met the 10% threshold for affordable housing as set out in the Affordable Housing Land Use Appeals Act (“8-30g”).⁴ Of these all had already met the threshold at the time 8-30g was adopted. In the municipalities comprising the Hartford MSA the percent of income-restricted affordable units varies widely from only .88% in Barkhamstead to more than 35% in Hartford.

The second project examined whether existing public, subsidized, and affordable housing (here referred to as “income-restricted affordable housing”) in the Hartford MSA is available to everyone regardless of race or national origin. Access to income-restricted affordable housing

¹ Staff of the Connecticut Fair Housing Center compiled the analysis on here. The Center is solely responsible for the contents of this report and the conclusions included here.

The art on the first page was submitted to the Connecticut Fair Housing Center as part of its 2017 Fair Housing Poster Contest by Deshai Smith, a Junior at The Opportunity Academy in Hartford, CT.

² 2015 Connecticut AI at 66.

³ State Zoning Enabling Statute, C.G.S. §8-2.

⁴ C.G.S. §8-30g.

is also affected by the way in which waiting list openings are announced, the length of time applications are accepted, whether the waiting lists are populated on a first come-first serve basis or by lottery, and what preferences are applied.⁵ Because the effect of tenant selection and housing marketing policies have a significant effect on who gets into income-restricted affordable housing, it is imperative to determine whether any of these policies prevent people of color from accessing income-restricted affordable housing in areas that have few people of color.

By both ensuring that income-restricted affordable housing is available to everyone and determining what is keeping additional affordable housing from being built, the Center will address the most frequently mentioned impediment to fair housing identified in the 2015 Connecticut AI—a lack of affordable housing in a variety of locations.⁶

⁵ “Housing Choice Voucher Program Guidebook,” at Chapter 4, http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11748.pdf

⁶ 2015 Connecticut AI at 198, 199.

Executive Summary

The Hartford MSA consists of 58 towns distributed over six counties. The MSA population is 71% White, 10% African-American, and 13% Latino.⁷ Despite the diversity of people living in the MSA, the area is highly segregated. The largest city in the region, Hartford, has a population that is 85% African-American and Latino. The two next largest cities, New Britain (54% African-American and Latino) and East Hartford (61% African-American and Latino) are also majority minority.⁸ These are in sharp contrast to other municipalities in the MSA like Hebron (4% African-American and Latino), Canton (3% African-American and Latino), and Coventry (2% African-American and Latino).

The differences in the populations of color correlate with the supply with income-restricted affordable housing. The areas with the highest number of people of color, Hartford, East Hartford, and New Britain, account for more than 30,000 units of income-restricted affordable housing (18% of the State's total income-restricted affordable housing) as compared to towns with the lowest percentage of non-White residents, such as Hebron, Canton, and Coventry have only 735 units of income-restricted affordable housing (.43% of the State's total income-restricted affordable housing).⁹

The distribution of income-restricted units in the Hartford MSA is similar to the way income-restricted units are distributed throughout the State. While 5.5% of Connecticut's housing units are deemed "affordable" these units are concentrated in areas that are disproportionately minority (66% of Connecticut's income-restricted units are in areas that are disproportionately minority¹⁰), disproportionately high in poverty (69% of Connecticut's income-restricted units are in areas that are disproportionately poor¹¹) and have disproportionately large concentrations of populations of color and poverty (28% of Connecticut's income-restricted units are located in R/ECAPs¹²).

This project was designed to look at two questions:

- How do zoning practices affect the expansion of income-restricted housing outside of high poverty areas in the Hartford MSA?
- Is the income-restricted housing that exists or that is being built equally accessible to members of the protected classes throughout the Hartford MSA?

⁷2013 ACS 3-year estimate. The Asian population in the Hartford MSA is 4%.

⁸ 2013 ACS 3-year estimate.

⁹ 2014 Connecticut Affordable Housing Appeals List, <http://www.ct.gov/doh/cwp/view.asp?a=4513&q=530486>

¹⁰ Because the State's population of color is 29%, the 2015 Connecticut AI designates all census tracts where the population of color is 30% or more as "disproportionately minority areas." 2015 Connecticut AI at 126.

¹¹ The Statewide poverty rate is 9.2%. Any census tract with a poverty rate greater than 9.2% is considered "high poverty." 2015 Connecticut AI at 127.

¹² A new measurement employed by HUD, R/ECAPs are census tracts with both high minority concentrations and high rates of poverty. See, <http://egis.hud.gov/ArcGIS/rest/services/oshc/Fhea/MapServer/8>.

To answer these questions, the Center undertook the following activities:

- Hired an expert to review demographic information for municipalities in the Hartford MSA along with similar information about income-restricted housing in each jurisdiction;
- Based on this review, analyzed the zoning ordinances, zoning decisions, number of subsidized and assisted housing units, populations for which the subsidized housing was available, Affirmative Fair Housing Marketing Plans, and Plans of Conservation and Development for 29 municipalities in the Hartford MSA;
- Distributed a questionnaire to 280 low-income residents in the Hartford MSA to determine how they heard about openings of subsidized housing waiting lists, the type of housing they needed (family v. age-restricted), and their willingness to move to get into subsidized housing

Conclusions

Connecticut's zoning practices have an impact on the number of affordable housing units located in the municipalities examined under this grant. Yet these practices do not seem to have an effect on the production of elderly housing. With the number of elderly units in the in-depth towns¹³ exceeding the number of units of family affordable housing by 65%, it is likely that Zoning Boards of Appeals are waiving zoning regulations for developers of elderly housing. Such decision making has the effect of causing racial and ethnic segregation since Connecticut's elderly populations is overwhelmingly White while its population of families with children is nearing majority minority.

The Center's analysis of Connecticut resident's access to affordable housing reveals that many of the income-restricted housing providers in the in-depth towns are not affirmatively marketing their properties to people who are least likely to apply.¹⁴ This is mirrored in the responses the Center received from people who need income-restricted housing living in places with populations that are majority very low income and majority people of color. More than 45% of people who answered the organization's questions were willing to move if it meant obtaining more affordable housing. It is likely that if income-restricted housing was marketed and marketed effectively to people of color, more people of color would live in the in-depth towns.

¹³ As explained on pages 6 – 9 *infra* the Center chose 29 municipalities for a more in-depth review of their demographics, zoning ordinances, and affordable housing procedures.

¹⁴ Both state and federal law define a person as least likely to apply if means those persons who, in the main, do not live in the area of the development because of racial or ethnic patterns, perceived community attitudes, price or other factor, and thus need additional outreach to inform them of their opportunity to live in the development. With regards to race, in predominantly white areas, these shall be minority groups; in predominantly minority areas, these shall be white groups. Con.Reg. 8-37ee-1(6); 24 CFR §200.620.

Recommendations

- The Hartford MSA accounts for 34% of Connecticut's total population yet there is no reason to believe that the issues uncovered are unique to this region. To ensure that people who are low-income have access to housing in a variety of locations, the Center should replicate the investigations undertaken here in other regions throughout the State;
- Comparing zoning practices to the race and national origin of people living in municipalities in the Hartford MSA revealed that the more restrictive the zoning regulations, the fewer people of color lived in the municipality. However, further research is needed to determine which practice has the greatest effect on restricting affordable housing;
- In addition to analyzing zoning practices contained in regulations, the Center should also analyze zoning decisions made by Zoning Boards of Appeal to determine why elderly housing is given waivers when it appears family affordable housing is not;
- Income-restricted housing providers are not effectively marketing their units to people least likely to apply. The Center should ensure that these housing providers know and understand how to create and implement an AFHMP by providing training;
- Information received from low-income people who need affordable housing reveals that efforts to inform them of waiting list openings are not getting to the majority of people needing such housing. The Center should find ways to reach people who are least likely to apply for such housing to alert them to waiting list openings and to assist them in determining if such housing meets their family's needs.

Next Steps

Unfortunately, HUD has discontinued the FHOI-SEC grant program. As a result, the Center cannot depend on that source of funding to complete the tasks set out in the Recommendations portion of this report. In an effort to diversify its funding and to ensure that it can carry out the work needed to promote integration, the Center is applying for grants from three new sources. Unfortunately, only one of these grants will allow the Center to do some of the recommended tasks. That grant source has indicated that if approved for funding, the Center would only be entitled to 8% of the amount awarded to the Center by HUD. This means that only a small fraction of the Center's recommendations will be carried out. The organization will continue to explore alternative funding to ensure that the work on this important initiative goes on.

Finally, the Center is in process of applying for funding from HUD to continue its education and outreach efforts. As part of that grant, the Center proposes reaching 1,000 low-income Connecticut residents who are least likely to apply for income-restricted housing when waiting lists open. Through a combination of email, social media, and direct contact with people who need income-restricted housing, the Center hopes to ensure that affirmative marketing is successful. In addition, the Center has a grant from the State of Connecticut to assist housing providers receiving funding create AFHMPs designed to reach people least likely to apply.

I. Methodology

The Center began its work under this grant by issuing an RFP for a consultant who had knowledge of land use regulations and restrictions and their effect on the supply of affordable housing as well as their potential to reinforce patterns of racial and ethnic segregation, familiarity with demographic datasets and ability to use these to conduct research, and an understanding of the fair housing laws as well as an educational background and employment history of performing the work required.

To ensure that the Center would get the information it needed, the scope of work in the RFP included:

- Review demographic information for municipalities in the Hartford MSA along with similar information about income-restricted housing in each jurisdiction;
- Assist the Center in choosing municipalities in the Hartford MSA for in-depth analysis of demographics of the town, public, subsidized, and affordable housing and, land use regulations and decisions;
- Review and analyze land use regulations and decisions to determine if the regulations and decisions reinforce patterns of racial and ethnic segregation by preventing the creation or expansion of public, subsidized, and affordable housing;
- Analyze decisions by Zoning Boards of Appeals and other municipal bodies to determine if such decisions reinforce patterns of segregation by preventing the creation of expansion of public, subsidized, and affordable housing;
- Create a report that looks at land use regulations and decisions to determine if these reinforce patterns of racial and ethnic segregation;
- Make recommendations for changes that could be made in land use regulations and decisions that could promote racial and ethnic integration.

The RFP was distributed to experts used by the Center in litigation, academics, demographers and others in the land use field. The Center received four responses and chose to engage the Institute for Metropolitan Opportunity (IMO) at the University of Minnesota Law School. The team was headed by Myron Orfield who worked with two assistants to perform the tasks under the terms of the contract.

IMO examined a variety of socio-economic measures to assist the Center in narrowing the number of municipalities for further analysis. The purpose of the screening and analysis was to identify high opportunity areas that have access to jobs, high performing schools and transportation.

The result of the analysis was a hierarchy of places including six strong candidates for further analysis. The strong candidate group included municipalities with very strong opportunity characteristics and exclusionary indicators in the majority of the examined categories. A second group of candidates with very strong opportunity characteristics and exclusionary

indicators in one of three categories was also highlighted. Finally, a pool of 16 communities in two sub-groups was selected as secondary candidates with weaker opportunity structures, but with some exclusionary tendencies. A copy of IMO's report is attached as Appendix A.

The Center added three additional towns to IMO's list for a total of 29 municipalities for further analysis. The municipalities chosen for further investigation are:

Andover	East Granby	Portland
Avon	Ellington	Rocky Hill
Berlin	Farmington	Simsbury
Bolton	Glastonbury	Somers
Burlington	Haddam	Southington
Canton	Killingworth	Suffield
Clinton	Mansfield	Tolland
Columbia	Marlborough	Westbrook
Coventry	Middlefield	Wethersfield
Cromwell	Newington	

Collectively, this report refers to the above named towns as the "in-depth towns." In addition to the socio-economic data provided by IMO, the Center collected and analyzed zoning ordinances and decisions as well as marketing practices and tenant selection policies for the income-restricted housing in the 29 municipalities. The remainder of this report presents the results of that analysis.

II. Choosing Municipalities to Examine In-Depth

A. Factors Used to Analyze and Categorize Municipalities

In choosing which municipalities to examine in-depth, the Center reviewed data on social, economic, and demographic information on the municipalities in the Hartford metropolitan area. This is combined with available information on land use and zoning regulations to create a hierarchy of places for further analysis. This analysis will determine if existing practices in selected local areas reinforce patterns of segregation by preventing the creation or expansion of public, subsidized and affordable housing outside of high poverty, high minority areas.

A variety of socio-economic measures were used to find municipalities for further analysis. The overall procedure involved (1) grouping the region's 57 municipalities based on a set of characteristics designed to capture opportunities available to local residents; (2) selecting the groups for further review; and (3) reviewing the demographic characteristics and local land use policies of communities in these groups to find the most likely candidates for further analysis. Local indicators of local opportunity structures, the accessibility of communities for low and moderate income families, and policy indicators of local exclusionary behaviors were used to create the hierarchy of candidates for further study.

Cluster analysis was used to group the region's communities in step (1). The advantage of cluster analysis is that it groups places across a number of dimensions without weighting one characteristic more than another. The weighting necessary to calculate "scores" for individual places is invariably arbitrary. Scoring systems can also result in over-emphasis of single (standout) characteristics in individual places. The region's 57 municipalities were grouped based on six characteristics – median income, percent of students low-income, percent of 3rd grade students proficient in math and reading, jobs per resident household, job growth, and population growth.

The analysis produced a set of 5 distinct clusters of communities with varying opportunity characteristics:

- 3 "urban centers"
- 17 "low/moderate income, developed" communities.
- 4 "bedroom developing" towns.
- 10 "suburban job centers."
- 23 "growing, high income" areas.

The final three groups were selected as high opportunity areas for further analysis in step (2). Step (3) consisted of screening the communities in these clusters using a number of characteristics of the population, economy, housing market, and local policy environment. The purpose was to highlight high opportunity areas that are relatively inaccessible to moderate/low income households and have disproportionately low populations of color.

The result of the analysis was a hierarchy of places including six strong candidates for further analysis – a group with very strong opportunity characteristics and exclusionary indicators in the majority of the examined categories. A second group of four candidates with very strong opportunity characteristics and exclusionary indicators in one of three categories was also highlighted. Finally, a pool of 16 communities in two sub-groups was selected as secondary candidates with weaker opportunity structures, but with some exclusionary tendencies.

The strong candidates include one community from the Suburban Job Centers and five from the Growing, High Income cluster:

- Cromwell
- Canton
- Haddam
- Hebron
- Suffield
- Tolland

The second group includes two Suburban Job Centers and two Growing, High Income Communities:

- Berlin
- Westbrook
- Coventry
- Somers

Center staff looked at the information and accepted some of IMO's recommendations and rejected others. For example, the Center staff looked at the map of where Haddam was located along with transportation routes to areas with high numbers of jobs. Based on transportation characteristics, the Center's staff decided not to include Haddam in its more in-depth analysis. Alternatively, the Center decided to include Newington in its analysis because of the municipality's recent decision to enact a moratorium on a high-density housing development accessible to the CTfastrack busway.¹⁵

A. Demographics of municipalities in the Hartford MSA

The demographic variables analyzed by the IMO included information about Community Characteristics broken down by race and national origin of people living in a municipality, the race and nationality of the student population, the percentage of people in the municipality living in poverty, and the percentage of students receiving free or reduced price lunches. By looking at the demographics of both the current population and the demographics of the student population, the Center was able to see both the present and the future demographic breakdown of the municipality. If a town's student population is very diverse, it is likely that people of color are moving into town and zoning ordinances or marketing of affordable housing is not keeping people away. Similarly, by evaluating both the current poverty population and the population of students receiving free or reduced price lunches, the Center was able to assess both the current and future poverty population. If the poverty population is growing as evidenced by a higher population of students receiving free or reduced price lunch, it is likely that housing is affordable for people who are low-income. The Center wanted to choose municipalities where the populations of color were not increasing and where the percentage of people living in poverty population was not likely to increase in the future.

The table¹⁶ below lists all of the Community Characteristics for the Hartford MSA with the in-depth towns highlighted in yellow.

¹⁵ "Newington Places Moratorium on Development Near Busway Stations" available at <http://www.courant.com/community/newington/hc-newington-zoning-moratorium-approved-0612-20150611-story.html>.

¹⁶ Information in the table was taken from the IMO report in the Appendix.

<u>Municipality</u>	<u>Cty</u>	<u>Class</u>	<u>% of Pop. White</u>	<u>% of Pop. Black</u>	<u>% of Pop. Hispanic</u>	<u>% of Students White</u>	<u>% of Students Black</u>	<u>% of Students Hispanic</u>	<u>% of Pop. < Poverty</u>	<u>% of Students FRED</u>
East Hartford	H	Urb. Ctr.	38	24	29	15	32	41	14	64
Hartford	H	Urb. Ctr.	16	35	44	10	25	34	34	78
New Britain	H	Urb. Ctr.	46	10	38	21	13	61	23	80
Bloomfield	H	Dev. Sub.	34	55	5	2	61	7	8	58
Bristol	H	Dev. Sub.	82	3	11	66	7	21	10	45
Enfield	H	Dev. Sub.	82	5	8	76	6	11	8	36
Manchester	H	Dev. Sub.	62	12	15	39	20	22	12	52
Newington	H	Dev. Sub.	78	5	8	64	5	17	5	22
Plainville	H	Dev. Sub.	87	2	7	75	5	14	9	28
West Hartford	H	Dev. Sub.	74	7	10	59	8	13	8	19
Wethersfield	H	Dev. Sub.	80	3	11	74	4	15	5	19
Windsor	H	Dev. Sub.	48	37	8	29	46	16	6	35
Windsor Locks	H	Dev. Sub.	81	4	4	68	9	11	6	36
Clinton	M	Dev. Sub.	90	0	7	84	1	10	9	21
Deep River	M	Dev. Sub.	90	3	3	89	1	7	6	13
Middletown	M	Dev. Sub.	70	12	9	54	21	16	12	46
Old Saybrook	M	Dev. Sub.	93	1	1	85	2	6	4	18
Stafford	T	Dev. Sub.	94	0	2	90	1	5	11	27
Vernon	T	Dev. Sub.	82	5	7	67	13	13	9	43
Willington	T	Dev. Sub.	90	0	6	89	1	5	11	16
Hartland	H	Bed. Dev.	95	1	2	94	2	0	5	5
Portland	M	Bed. Dev.	94	0	3	84	3	8	6	19
Andover	T	Bed. Dev.	91	2	1	94	1	3	4	12
Union	T	Bed. Dev.	94	0	4	97	1	1	1	4
Berlin	H	Job Ctr.	92	1	3	83	2	9	4	14
East Granby	H	Job Ctr.	85	6	4	78	8	6	3	6
East Windsor	H	Job Ctr.	75	8	6	66	11	13	6	41

Farmington	H	Job Ctr.	83	2	3	72	5	6	6	9
Rocky Hill	H	Job Ctr.	77	3	7	70	3	8	8	12
South Windsor	H	Job Ctr.	78	5	6	70	6	7	4	12
Chester	M	Job Ctr.	95	1	3	91	1	4	5	12
Cromwell	M	Job Ctr.	82	7	6	76	9	8	4	16
Westbrook	M	Job Ctr.	92	0	5	87	0	9	6	13
Mansfield	T	Job Ctr.	75	5	7	78	2	8	17	21
Avon	H	Grw. High I	88	0	3	76	4	6	4	6
Burlington	H	Grw. High I	94	1	2	94	0	3	5	7
Canton	H	Grw. High I	92	0	6	86	5	6	3	10
Glastonbury	H	Grw. High I	83	2	4	77	3	7	4	9
Granby	H	Grw. High I	92	1	3	88	4	4	2	9
Marlborough	H	Grw. High I	94	1	4	92	0	4	1	9
Simsbury	H	Grw. High I	88	2	5	83	5	5	3	8
Southington	H	Grw. High I	92	1	3	86	2	6	4	16
Suffield	H	Grw. High I	80	10	6	88	4	5	6	11
Durham	M	Grw. High I	92	0	3	91	1	4	3	7
East Haddam	M	Grw. High I	94	1	2	94	1	3	5	13
East Hampton	M	Grw. High I	89	1	6	92	1	4	3	11
Essex	M	Grw. High I	97	0	2	89	1	5	5	11
Haddam	M	Grw. High I	95	0	2	94	2	1	4	10
Killingworth	M	Grw. High I	92	0	3	94	2	1	1	10
Middlefield	M	Grw. High I	95	0	1	91	1	4	4	7
Bolton	T	Grw. High I	90	1	5	86	6	4	3	14
Columbia	T	Grw. High I	89	2	0	92	1	5	5	11
Coventry	T	Grw. High I	93	0	4	90	1	5	3	18
Ellington	T	Grw. High I	94	1	2	83	4	4	3	10
Hebron	T	Grw. High I	94	1	2	94	1	3	1	8
Somers	T	Grw. High I	82	8	6	92	2	3	5	8
Tolland	T	Grw. High I	92	0	5	92	1	3	2	7

Fifty-eight percent (58%) of the municipalities chosen for in-depth review were in the population growth cohort or Grw. High I. These municipalities are characterized by growing populations indicating a high degree of desirability and a likely potential for future growth. These communities have White populations that range from 82% to 97%. The regional average White population is 70%. The student populations in these towns range from 77% White to 94% White meaning that some towns are starting to diversify. Finally, the percentage of students receiving free and reduced price lunch ranges from 6% to 18%. The regional average is 33%. In sum, the population growth cohort includes municipalities that have few people of color and few people living in poverty yet are highly desirable areas that are continuing to grow.

Twenty-four percent (24%) of the municipalities chosen for in-depth review were in the job growth cohort meaning that opportunities for long-term employment and advancement are greater with employers adding jobs. These communities have White populations that range 75% to 94%. The student populations in these towns range from 70% White to 87% White meaning that some towns are starting diversify. Finally, the percentage of students receiving free and reduced price lunch ranges from 9% to 21%. The Center chose the municipalities in the job growth cohort because new efforts to build affordable housing would ensure access to job opportunities.

Finally, the Center chose 5 municipalities that were in the developing suburbs cohort and in the bedroom developing cohort. Even though these municipalities had lower White populations and more diverse student populations than the other municipalities chosen, the Center's research revealed a resistance to the development of affordable housing in these communities.

III. Where is Income-restricted Affordable Housing Located and Why

The Center examined several different zoning policies to determine if they had an effect on the amount of affordable housing in a municipality. These controls, typically imposed by localities, make housing more expensive and restrict the growth of America's most successful metropolitan areas. Zoning regulations have expanded over time with virtually no cost-benefit analysis.¹⁷ Restricting growth and maintaining the character of a town are frequent reasons for denying creation of affordable housing.¹⁸ Yet the maze of local land use controls imposes costs on outsiders, and on the American economy as a whole. Land use controls that limit the growth of successful communities mean that Americans increasingly live in places that make it easy to build, not in places with higher levels of access to the assets people need.¹⁹

¹⁷ <https://www.brookings.edu/research/reforming-land-use-regulations>

¹⁸ See the debate surrounding amendments to Connecticut's Affordable Appeals Act, C.G.S. 8-30g during the 2017 legislative session. The provisions of the law were severely cut back making it possible for many of Connecticut's Whitest towns to avoid building affordable housing.

https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Public+Act&which_year=2017&bill_num=170

¹⁹ <https://www.brookings.edu/research/reforming-land-use-regulations>

Zoning becomes exclusionary when it operates to exclude households based on their economic resources. Zoning is one form of opportunity hoarding that sharpens the divisions between ordinary and upper middle class Americans.²⁰

A. Multifamily Housing Zones

According to the 2015 Connecticut Analysis of Impediments, several zoning practices make it too expensive or impractical for developers to create affordable housing in some municipalities. These practices include zoning restrictions on multifamily²¹ or affordable housing that either do not permit income-restricted affordable housing or restrict such housing to a handful of already densely populated zones.²² In the municipalities with less than 10% affordable housing in the Hartford MSA, 50% of the zones do not permit multifamily housing at all.²³ In the in-depth towns, 62% of the zones allow housing types other than single family homes with two-family homes being the most frequent type of housing permitted. However, as can be seen in Figure 1, towns with a White population in excess of 90% have the fewest zones which permit multi-family or affordable housing.

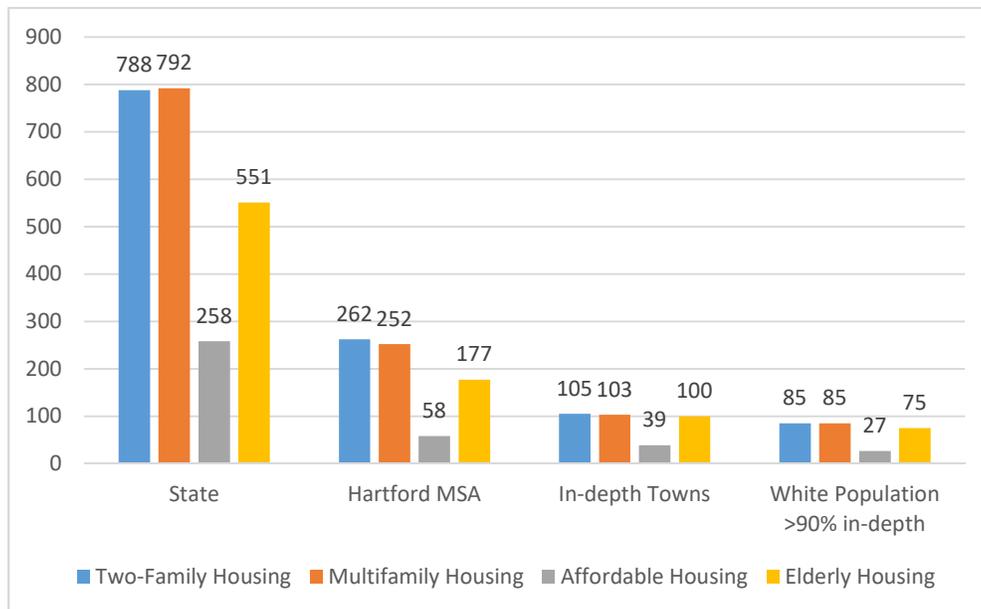


Figure 1: Number of zones permitted

Figure 2 illustrates the correlation between the percentage of zones which permit various types of housing and the population percentage of people of color. The fewer zones that permit multifamily and affordable housing, the fewer the people of color living in that municipality.

²⁰ <https://www.brookings.edu/blog/social-mobility-memos/2016/08/16/zoning-as-opportunity-hoarding/>

²¹ One of the most cost effective ways to create affordable housing is through the development of multifamily housing, 2015 Connecticut AI at 69.

²² 2015 Connecticut AI at 112.

²³ <http://commons.trincoll.edu/cssp/zoning/>

Broken down further, in municipalities with a White population that is greater than 90%, 50% have no affordable housing zones.

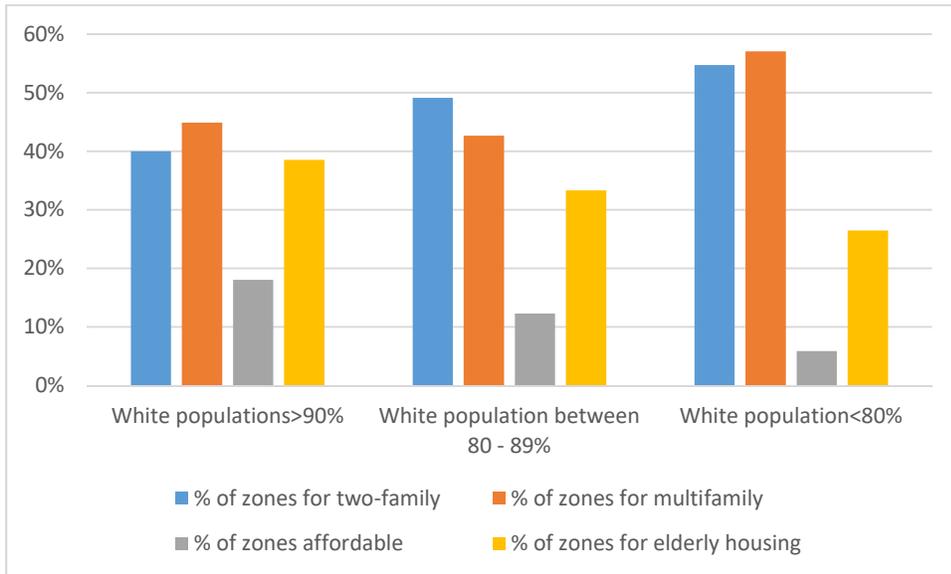


Figure 2: % of Zones allowing housing types by people of color

B. Large Lot Requirements

Large lot requirements also serve as an impediment by increasing the cost of buying land so that the development of income-restricted affordable housing becomes prohibitively expensive.²⁴ Minimum lot sizes for multifamily housing in the Hartford MSA range from .069 acres to 10 acres.²⁵ Figure 3 illustrates the correlation between race and lot size. In the Hartford MSA towns with White populations in excess of 80% have the largest lot size requirements while municipalities with White populations of less than 80% have the smallest lot sizes.

²⁴2015 Connecticut AI at 112.

²⁵ <http://commons.trincoll.edu/cssp/zoning/>



Figure 3: Lot sizes by race and national origin

Despite the fact that most of the in-depth towns have large lot size requirements for elderly housing, this does not appear to have stopped the production of such housing. Lot size requirements for elderly housing in the in-depth towns range from a low of .115 acres to a high of 20 acres. More than 3,242 units of elderly housing Yet the number of elderly units exceeds the number of family affordable units by 65%. Of the 29 in-depth towns reviewed, 4 had no income-restricted senior housing while 18 had no income-restricted family units. Further research is needed to determine all of the circumstances surrounding the building of elderly housing including determining whether the creation of elderly housing predated the large lot size requirements or if large lot sizes were waived for income-restricted elderly housing but not for income-restricted family housing.

C. Density Requirements

Municipalities may also be impeding the creation of affordable housing by limiting the number of units per acre – some ordinances permit a maximum of two or fewer units per acre – which reduces affordability by significantly driving up the cost of building housing.²⁶ In the Hartford MSA, the maximum number of units per acre for multifamily housing ranges from 1 unit per acre to 300 units per acre.²⁷ As with the large lot size requirements, the maximum number of units per acre does not seem to impede the production of elderly housing. The number of units per acre for elderly housing ranges from a low of 1.6 units per acre to a high of 25 units per acre. Yet the total number of elderly housing units in the in-depth towns is 3,332 compared to 2,010 of affordable family units.

²⁶ 2015 Connecticut AI at 113.

²⁷ <http://commons.trincoll.edu/cssp/zoning/>

Based on the number of elderly units in the in-depth towns, it appears that Zoning Boards of Appeals are more likely to permit increased density and smaller lot sizes for elderly housing than for affordable family housing. Such decisions create racial and ethnic segregation. In general, Connecticut's White population is older than other racial and ethnic groups. Latinos are the youngest group, with 33% under the age of 18 compared to 19% of Whites being under the age of 18. More than 26% of African-Americans are under the age of 18. In contrast, 87% of Connecticut's population over the age of 65 is White.²⁸ By waiving acreage and density requirements for elderly housing municipalities are opting to house an older and Whiter population.

D. Conclusions: Zoning and the Placement of Income-restricted Affordable Housing

The Center analyzed three zoning practices to determine if these practices were preventing the in-depth towns from producing affordable housing. The three practices examined were the number of zones permitting multifamily housing, large lot requirements, and density requirements. The Center's analysis revealed the following:

- 50% of the zones in the Hartford MSA with less than 10% affordable housing do not permit multifamily housing as of right;
- 15% of the zones in the in-depth towns permit affordable housing while 41% permit elderly housing and 42% permit multifamily housing. Yet this has not resulted in the creation of income-restricted family housing since the number of income restricted elderly units exceeds the number of income-restricted family affordable units by 65%;
- As the number of zones that permit housing other than single-family zones drops, the population of color in a town decreases precipitately;
- In municipalities with a White population that is greater than 90%, 50% have no affordable housing zones;
- Minimum lot sizes for multifamily housing in the Hartford MSA range from .069 acres to 10 acres;
- Municipalities with White populations in excess of 80% have the largest lot size requirements while municipalities with White populations of less than 80% have the smallest lot sizes;
- Despite the fact that most of the in-depth towns have large lot size requirements for elderly housing, this does not appear to have stopped the production of such housing;
- The number of elderly units in the in-depth towns exceeds the number of family affordable units by 65%;
- In the Hartford MSA, the maximum number of units per acre for multifamily housing ranges from 1 unit per acre to 300 units per acre;
- The maximum number of units per acre for elderly housing ranges from a low of 1.6 units per acre to a high of 25 units per acre;

²⁸ 2015 CT AI at 173.

- The total number of elderly housing units in the in-depth towns is 3,332 compared to 2,010 of affordable family units;
- Based on the number of elderly units in the in-depth towns, it appears that Zoning Boards of Appeals are more likely to permit increased density and smaller lot sizes for elderly housing than for affordable family housing;
- Such decisions create racial and ethnic segregation because Connecticut’s White population is older than other racial and ethnic groups.

IV. Who Has Access to Income-restricted Affordable Housing

A. Affirmative Fair Housing Marketing Plans and Tenant Selection Plans

Access to income-restricted affordable housing is also affected by the way in which waiting list openings are announced, the length of time applications are accepted, and whether the waiting lists are populated on a first come-first serve basis or by lottery.²⁹ Because the effect of tenant selection and housing marketing policies have a significant effect on who gets into income-restricted affordable housing, it is imperative to determine whether any of these policies prevent people of color from accessing income-restricted affordable housing in areas that have few people of color. To collect this information, the Center contacted every income-restricted housing provider in the in-depth towns asking for copies of the Affirmative Fair Housing Marketing Plans (AFHMPs) and their Tenant Selection Policies for state assisted housing or Admission and Continued Occupancy Policies for federally assisted housing (both are referred to as “tenant selection policies.”). In addition to contacting the housing providers themselves, the Center also contacted the Connecticut Housing Finance Authority,³⁰ the Connecticut Department of Housing, and the U.S. Department of Agriculture to determine if they had copies of the AFHMPs and/or the tenant selection policies. Since these agencies are charged with overseeing the income-restricted housing in Connecticut, the Center hoped that these agencies would have collected copies of the AFHMPs and the tenant selection policies. In all, the Center attempted to collect information from more than 4,000 income-restricted housing units at 95 complexes in the Hartford MSA.

The Center’s research determined that 70% of the units and 60% of the complexes had no AFHMP or the housing staff contacted by the Center did not know if they had an AFHMP. Of the 57 complexes that did have AFHMPs, the Center found the following problems:

- Only 3 AFHMPs identified the group least likely to apply;
- 8 complexes had no date on their AFHMP;
- Of the 45 complexes that had dates on their AFHMP, only 8 had been updated in the last 5 years. Of the remainder, the majority were created more than ten years ago.

²⁹ “Housing Choice Voucher Program Guidebook,” at Chapter 4, http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11748.pdf

³⁰ CHFA is charged with overseeing all of the federal and State subsidized housing in Connecticut.

Most of the AFHMPs contained very little detail about how marketing would take place. Several AFHMPs stated that the marketing agent would make a presentation to *all* area churches, social and ethnic clubs and organizations. However, it was impossible to tell which area was referred to nor was it possible to determine if the presentations had ever taken place. Most AFHMPs stated that advertisements would be placed in newspapers such as the Hartford Courant or the New Britain Herald, newspapers of general circulation that may not reach people who are LEP. In addition, the Center's work with people living in R/ECAPS reveals that few, if any, hear about waiting list openings from newspapers.

When contacting income-restricted housing providers to request copies of their AFHMPs, the Center also requested copies of their tenant selection policies. The purpose of requesting these policies was to determine if admissions criteria were keeping people in the protected classes from accessing housing. The response rate was slightly better than for the AFHMPs. The Center found that 67% of the units and 43% of the complexes had no tenant selection plans or the housing staff contacted by the Center did not know if they had a tenant selection plan. Only 25 of the complexes had both an AFHMP and a tenant selection plan. Of the 41 complexes that had tenant selection plans, the Center found the following requirements which could result in disqualifying people in the protected classes:

- Several stated that the application must be returned in person and could not be mailed in. Travel to turn in an application could make it difficult for people with disabilities, people with children, people who are elderly, people who are low-income, and anyone not living in the municipality to turn in an application on time;
- Several stated that the housing provider would visit the applicant's current unit to assess housekeeping habits. This criteria could lead to differential treatment based on race if the municipality where the housing is located has a population that is majority White while traveling to places where the population is majority people of color could be cost prohibitive;
- Requirements for employment verification in order to qualify resulting in disqualifying people who receive government benefits or other non-wage income or at the very least discouraging them from applying;
- Disqualification if the applicant or felon was convicted of a felony or misdemeanor in the last five years without any case-by-case analysis as recommended by HUD;
- Only 3 complexes had information on how to request a reasonable accommodation;
- Waiting lists organized on a first come, first serve basis making it difficult for people with disabilities, people with children, people who are elderly, people who are low-income, and anyone not living in the municipality to get an application in early;
- One complex required the applicant to be a spouse of a current occupant of the income-restricted housing in the town, or a surviving spouse of someone who occupied the town's income-restricted housing, or the spouse of someone who had lived in the income-restricted housing but that person is now in a long-term care facility.

B. Questions Asked of Low-income Individuals in the Hartford MSA

The Center undertook an effort to determine if affordable housing providers in areas with low concentrations of poverty and few people of color were marketing their properties to people least likely to apply. To do this, the Center questioned more than 280 low-income residents living in areas that were majority people of color and asked how they found out about waiting list openings for subsidized or public housing. A copy of the questionnaire used by the Center is attached as Appendix B. Of the 280 people responding, 25% were African-American or Caribbean, 30% were Latino, 14% were White, and 7% were Asian/Pacific Islander. With regard to additional protected class characteristics, 47% were part of a household with children, 3% were physically disabled, 13% had a mental disability, 20% were elderly, 1% were transgender, and 4% identified as LGBTQ. All were low income. The questionnaires were distributed in New Britain, Manchester, East Hartford, Hartford, Middletown, and Bristol.

The results demonstrate that few people hear about waiting list openings directly from a housing provider:

- More than 50% of those responding heard about waiting list openings from friends or family
- 33% heard about the openings directly from a housing provider; Of those who heard about waiting list openings from a public or subsidized housing provider, the majority already lived in public or subsidized housing when they learned of a new subsidized housing opportunity;
- 18% heard about waiting list openings from sources other than from friends, a housing provider, or other media.
- 4% heard about waiting list openings from newspapers;
- Other methods of hearing about waiting list openings included radio, ethnic clubs, a local nonprofit, or a community agency.

Perhaps one of the most interesting revelations was that while 45% of people responding to the Center's questions said they would be willing to move out of their community to get access to affordable housing very few applied for affordable housing outside the town in which they currently lived. It is likely that lack of knowledge about affordable housing opportunities prevented people from applying for housing in a variety of locations

C. Conclusions Regarding Access to Income-restricted Affordable Housing

Based on the Center's evaluation of AFHMPs and tenant selection policies it is clear that many of the income-restricted housing providers in the in-depth towns are not affirmatively marketing their properties to people who are least likely to apply. This is mirrored in the responses the Center received from people who need income-restricted housing living in places with populations that are majority very low income and majority people of color. While not everyone who answered the Center's questions wanted to move out of the urban area, 45% were willing to move if it meant obtaining more affordable housing. It is likely that if income-

restricted housing was marketed and marketed effectively to people of color, more people of color would live in the in-depth towns.

V: Conclusions

Connecticut's zoning practices have an impact on the number of affordable housing units located in the municipalities examined under this grant. Yet these practices do not seem to have an effect on the production of elderly housing. With the number of elderly units in the in-depth towns³¹ exceeding the number of units of family affordable housing by 65%, it is likely that Zoning Boards of Appeals are waiving zoning regulations for developers of elderly housing. Such decision making has the effect of causing racial and ethnic segregation since Connecticut's elderly populations is overwhelmingly White while its population of families with children is nearing majority minority.

The Center's analysis of Connecticut resident's access to affordable housing reveals that many of the income-restricted housing providers in the in-depth towns are not affirmatively marketing their properties to people who are least likely to apply.³² This is mirrored in the responses the Center received from people who need income-restricted housing living in places with populations that are majority very low income and majority people of color. More than 45% of people who answered the organization's questions were willing to move if it meant obtaining more affordable housing. It is likely that if income-restricted housing was marketed and marketed effectively to people of color, more people of color would live in the in-depth towns.

VI. Recommendations

- The Hartford MSA accounts for 34% of Connecticut's total population yet there is no reason to believe that the issues uncovered are unique to this region. To ensure that people who are low-income have access to housing in a variety of locations, the Center should replicate the investigations undertaken here in other regions throughout the State;
- Comparing zoning practices to the race and national origin or people living in municipalities in the Hartford MSA revealed that the more restrictive the zoning regulations, the fewer people of color lived in the municipality. However, further research is needed to determine which practice has the greatest effect on restricting affordable housing;
- In addition to analyzing zoning practices contained in regulations, the Center should also analyze zoning decisions made by Zoning Boards of Appeal to determine why elderly housing is given waivers when it appears family affordable housing is not;

³¹ As explained on pages 6 – 9 *infra* the Center chose 29 municipalities for a more in-depth review of their demographics, zoning ordinances, and affordable housing procedures.

³² Both state and federal law define a person as least likely to apply if means those persons who, in the main, do not live in the area of the development because of racial or ethnic patterns, perceived community attitudes, price or other factor, and thus need additional outreach to inform them of their opportunity to live in the development. With regards to race, in predominantly white areas, these shall be minority groups; in predominantly minority areas, these shall be white groups. Con.Reg. 8-37ee-1(6); 24 CFR §200.620.

- Income-restricted housing providers are not effectively marketing their units to people least likely to apply. The Center should ensure that these housing providers know and understand how to create and implement an AFHMP by providing training;
- Information received from low-income people who need affordable housing reveals that efforts to inform them of waiting list openings are not getting to the majority of people needing such housing. The Center should find ways to reach people who are least likely to apply for such housing to alert them to waiting list openings and to assist them in determining if such housing meets their family's needs.

Next Steps

Unfortunately, HUD has discontinued the FHOI-SEC grant program. As a result, the Center cannot depend on that source of funding to complete the tasks set out in the Recommendations portion of this report. In an effort to diversify its funding and to ensure that it can carry out the work needed to promote integration, the Center is applying for grants from three new sources. Unfortunately, only one of these grants will allow the Center to do some of the recommended tasks. That grant source has indicated that if approved for funding, the Center would only be entitled to 8% of the amount awarded to the Center by HUD. This means that only a small fraction of the Center's recommendations will be carried out. The organization will continue to explore alternative funding to ensure that the work on this important initiative goes on.

Finally, the Center is in process of applying for funding from HUD to continue its education and outreach efforts. As part of that grant, the Center proposes reaching 1,000 low-income Connecticut residents who are least likely to apply for income-restricted housing when waiting lists open. Through a combination of email, social media, and direct contact with people who need income-restricted housing, the Center hopes to ensure that affirmative marketing is successful. In addition, the Center has a grant from the State of Connecticut to assist housing providers receiving funding create AFHMPs designed to reach people least likely to apply.

Appendix A: Report from Institute on Metropolitan Opportunity

APPENDIX B: HOUSING QUESTIONNAIRE

How do you learn about housing options?

We are trying to learn how people learn about public housing and rental assistance programs. We would like to find out if they are aware of resources available and how they make decisions to live where they do, please help us by filling out this very short survey.

You can enter a chance to win a Visa gift card of up to \$50! If you want to be entered simply write your contact information at the bottom of the page.

1). Please help us by describing who you are. (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Family w/Children | <input type="checkbox"/> Trans* | <input type="checkbox"/> Asian/Pacific Islander |
| <input type="checkbox"/> Homeless | <input type="checkbox"/> LGBTQ | <input type="checkbox"/> White/Caucasian |
| <input type="checkbox"/> Physically disabled | <input type="checkbox"/> Caribbean | <input type="checkbox"/> Paying rent w/housing voucher |
| <input type="checkbox"/> Mentally disabled | <input type="checkbox"/> African American/Black | <input type="checkbox"/> Living in Public Housing or Subsidized Housing |
| <input type="checkbox"/> Elderly (55 or older) | <input type="checkbox"/> Latino/Hispanic | |

2). Do you have a Section 8 or Rent Assistance Program Voucher? Yes No

If no, have you ever applied for one before? Yes No

3). How do you typically hear of public housing or subsidized housing listings? (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Public Housing Authority: _____ | <input type="checkbox"/> Local nonprofit: _____ |
| <input type="checkbox"/> Call/Email 2-1-1 Center | <input type="checkbox"/> Community Center |
| <input type="checkbox"/> Newspaper | <input type="checkbox"/> Friends/Family |
| <input type="checkbox"/> Radio Advertisement | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Ethnic Club or Group: _____ | |

4). Have you ever applied for Public Housing? Yes No

If yes, where? _____

If no, what prevented you from applying?

- | | |
|--|---|
| <input type="checkbox"/> Couldn't find affordable place | <input type="checkbox"/> Bad Rental History |
| <input type="checkbox"/> Couldn't find a place that met my needs | <input type="checkbox"/> Bad credit history |
| <input type="checkbox"/> Housing discrimination | |
| <input type="checkbox"/> Criminal record | |

5). Have you been *denied* public housing for any of the following? (Check all that apply)

- | | | |
|-------------------------------------|---|-----------------------------------|
| <input type="checkbox"/> Bad Credit | <input type="checkbox"/> Criminal History | <input type="checkbox"/> Children |
|-------------------------------------|---|-----------------------------------|

6). Would you want to live outside of (list your current city) _____? Yes No

If yes, why?



Contact Information (optional):

Name: _____
Phone: _____
Email: _____