



AFFIRMATIVELY
FURTHERING FAIR
HOUSING
FOR MUNICIPAL LEADERS

Presented by

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Agenda

- Who has to affirmatively further fair housing (AFFH)
- The Connecticut AI and the obligation to AFFH
- What does it mean to AFFH
- Overcoming the effects of past practices

Connecticut Fair Housing Center

- The Connecticut Fair Housing Center is a statewide nonprofit organization dedicated to ensuring that individual choice, and not discrimination, determines where people in Connecticut live.
- We assist clients by addressing fair housing, fair lending, and homeowner rights through the investigation of claims of discrimination and the provision of legal representation; working with state and local governments to ensure that they fulfill their obligations under the fair housing laws; and, promoting integration and stabilizing neighborhoods.

Who has to affirmatively further fair housing?

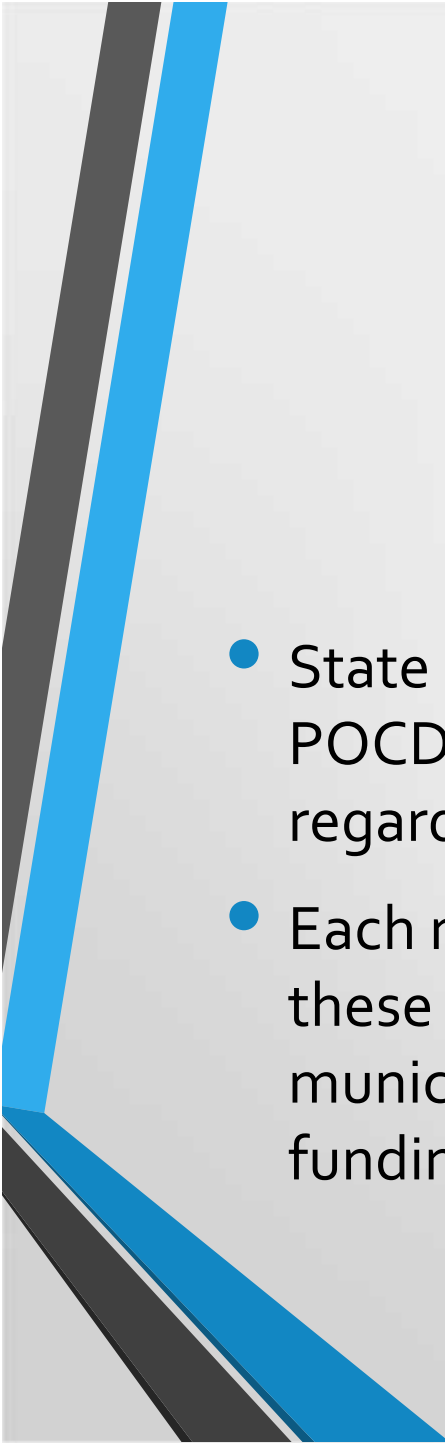
- Entities receiving federal financial assistance must affirmatively further fair housing (AFFH).

Who has to affirmatively further fair housing?

- The following grant programs require the recipient to AFFH:
 - **CPD**- Community Planning and Development Programs;
 - **CDBG**- Community Development Block Grants;
 - **CDBG-SC**—Community Development Block Grants for Small Cities
 - **ESG**- Emergency Shelter Grants;


Who has to affirmatively further fair housing?

- The following grant programs require the recipient to AFFH:
 - **HOME**- Home Investment Partnerships;
 - **HOPWA**- Housing Opportunities for Persons with AIDS;
 - **PIH**; and
 - **Housing Programs** (Multi-Family)



AFFH and State Planning Documents

- State Plan of Conservation and Development (State POCD) articulates the official policy for State agencies regarding land and water use and development
- Each municipality and RPO must produce a POCD and these POCDs must be consistent with State POCD if the municipality or RPO wishes to qualify for state or federal funding



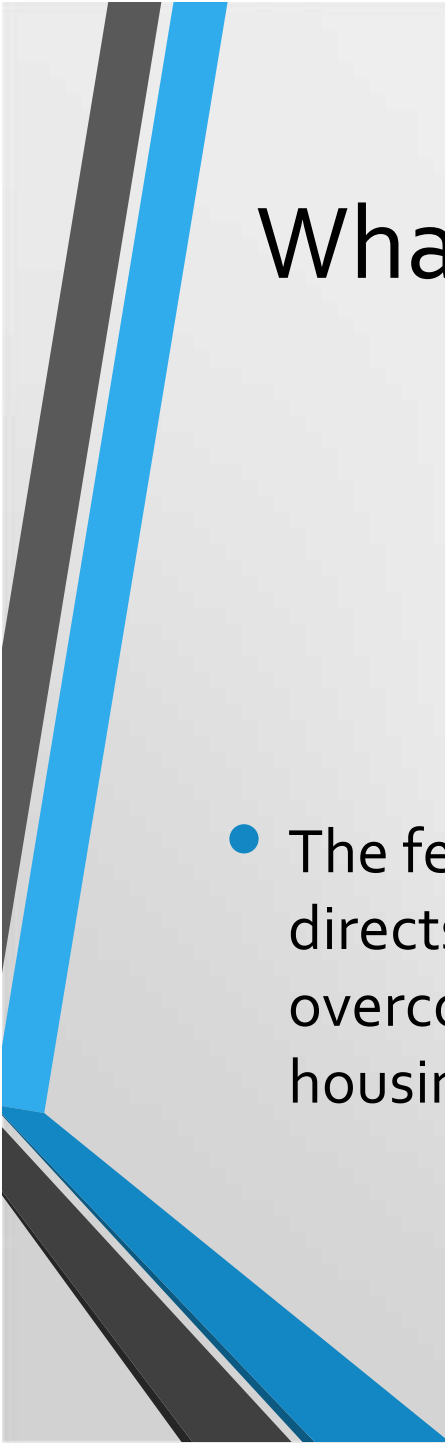
AFFH and State Planning Documents

- State POCD includes three principles that AFFH:
 - Redevelop and revitalize regional centers and areas with existing or currently planned physical infrastructure
 - Expand housing opportunities and design choices to accommodate a variety of household types and needs
 - Concentrate development around transportation



AFFH and State Planning Documents

- By incorporating principles from State POCD into Municipal POCD will comply with state and federal obligation to affirmatively furthering fair housing



What does it mean to affirmatively further fair housing?

- The federal FHA not only prohibits discrimination but directs HUD program participants to take steps to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities.

Affirmatively Furthering Fair Housing

- To affirmatively further fair housing (AFFH), municipal leaders, elected officials, community development officials, planners, and housing authorities must use federal and state money to overcome segregation patterns
- Must serve all of a community
- Attract new people to promote diversity and AFFH

Correcting the Effects of Past Discrimination

- In the past, public and private actors have created and enforced discriminatory laws and policies that have resulted in current housing patterns
 - Placement of public and subsidized housing
 - Zoning that segregated people of color
 - Redlining
 - Restrictive covenants

HUD's New AFFH Regulation

- Proposed in August 2013
- Still not issued as a final regulation
- Purpose of new rule is to provide clearer guidance, standards, and oversight
- Integrate AFFH into planning processes

HUD's New AFFH Regulation

- Proposed 24 CFR § 5-150-5.180
- Four clear fair housing goals for all communities:
 - Reduce segregation and build on the nation's increasing diversity
 - Eliminate racially and ethnically concentrated areas of poverty
 - Reduce disparities in access to community assets
 - Narrow gaps that leave people in the protected class with disproportionate housing needs

HUD's New AFFH Regulation


- HUD will provide all recipients with data on:
 - Patterns of integration and segregation;
 - Racially and Ethnically Concentrated Areas of Poverty (R/ECAP);
 - Access to education, employment, low-poverty communities, transportation and environmental health; and
 - Disproportionate housing needs based on membership in a protected class.

HUD's New AFFH Regulation

- Next Steps
 - New regulation is expected to be issued in 2015
 - New assessment of fair housing (AFH) to replace analysis of impediments to fair housing choice (AI)
 - Once AFH is completed, must incorporate findings and proposed solutions into subsequent planning documents such as the Con Plan and Annual Action Plans
 - Use plans to decide how to use federal financial assistance

HUD's New AFFH Regulation

- Next steps
 - Create priorities and goals for use of federal funding which overcome problems identified in AFH
 - Submit all planning documents to HUD for review and approval.
 - Incorporate this analysis into all planning documents, including PHA plans, which discuss use of federal funding;



The 2015 Connecticut Analysis of Impediments to Fair Housing

The Connecticut Analysis of Impediments

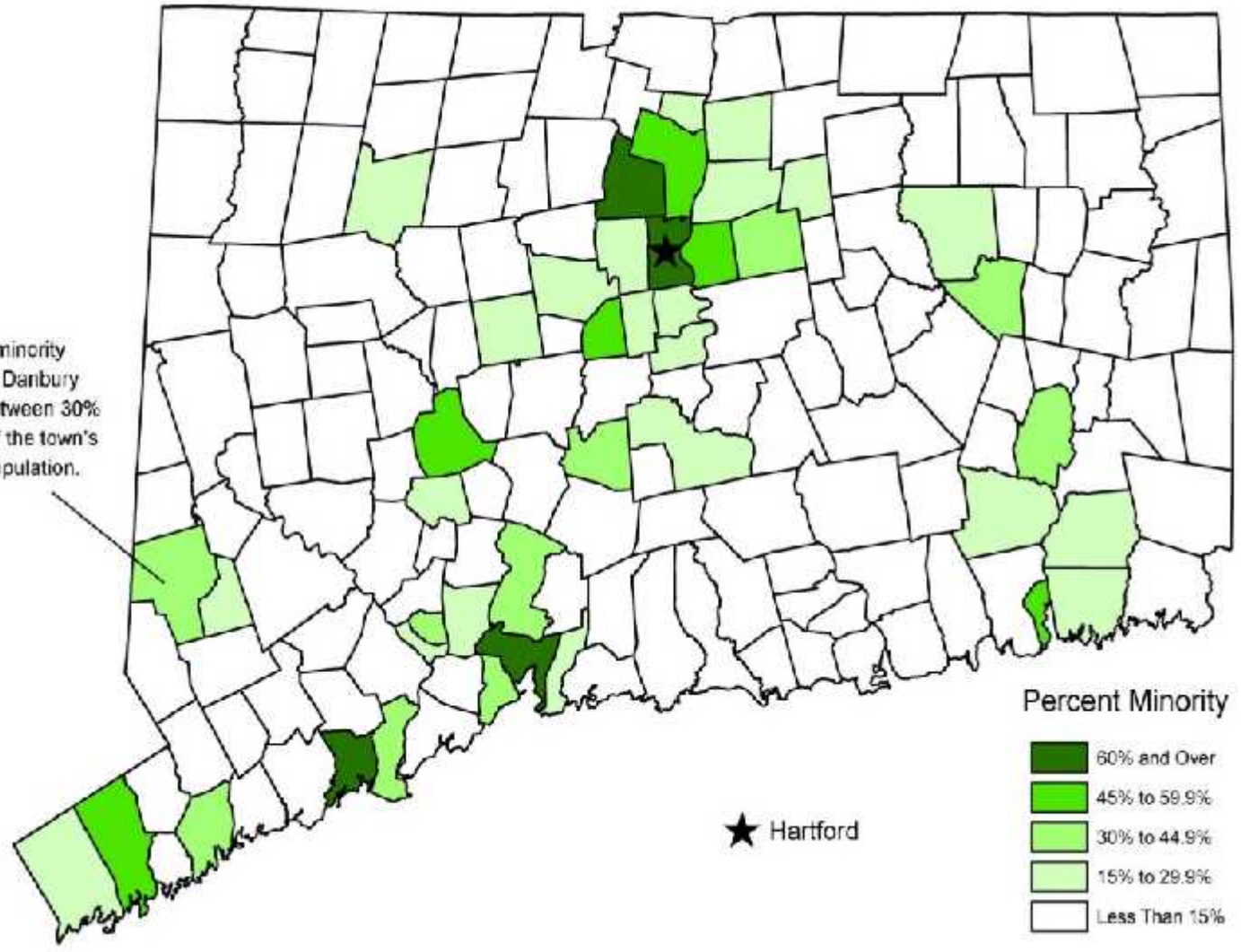
- Just published:
http://ct.gov/doh/lib/doh/analysis_of_impediments_2015.pdf
- Includes a review of demographic and housing patterns in Connecticut, how they came about, and whether the patterns are an impediment to people getting access to the housing they want



Segregation and People of Color

- Two of every three persons of color in Connecticut live in just 15 of the state's 169 municipalities.
- These municipalities house 35% of the State's entire population.
- Put another way, 67% of the State's population of color lives in 8% of Connecticut's towns.

In 2010, the minority population in Danbury numbered between 30% and 44.9% of the town's household population.



Connecticut v. Other Parts of US

- Bridgeport ranks 8th and Hartford ranks 9th most segregated in the US when looking at White-Latino segregation
- Bridgeport ranks 18th and Hartford ranks 34th most segregated in the US when looking at White-Black segregation

Why does segregation matter?

- **High poverty neighborhoods:** 81.1% of African-Americans and 79.26% of Latinos live in areas with high poverty rates, failing schools, and little access to jobs compared to 44% of Asians and 25.84% of non-Hispanic Whites.



Why does segregation matter?

- **Employment:** Job growth in Connecticut is occurring outside urban areas in places where few people of color live.
- **Education:** Racial, ethnic, and economic housing segregation contributes to severe disparities in educational outcomes in Connecticut because most school districts assign children to schools by neighborhood.

Why does segregation matter?

- **Health outcomes:** In 2009, the asthma hospitalization rate for the five largest Connecticut cities combined – Bridgeport, Hartford, New Haven, Stamford, and Waterbury – was 35.3 per 10,000. This is 3.4 times greater than the asthma hospitalization rate for the rest of the state combined.
- Black children with high rates of elevated blood lead was 2.7 times that of non-Hispanic White children who were screened.



Segregation of Other Protected Classes

- Disability
 - 20% of people with disabilities in Connecticut are living in 10 municipalities representing just under 6% of the municipalities in the state and 16% of the statewide population
 - Factors influencing housing choices of people with disabilities such as the availability of certain services, may explain these housing patterns
 - To AFFH, all communities should welcome people with disabilities

Reinforcing segregation patterns: affordable housing need

- People protected from discrimination by the fair housing laws have a disproportionate need for affordable housing
 - Black families earn 55% and Latino families earn 44% of what White families earn
 - Single-parent female-headed households earn 30%, and single-parent male-headed households earn 44%, of what two-parent households earn
 - Women earn 78% of what men earn.
 - People with disabilities earn 67.7% of what people without disabilities earn.

Reinforcing segregation patterns: subsidized housing placement

Subsidized List by Location and Demographic Served

Demographic Served	Total Units	% of Units in Disproportionately Minority Areas	% of Units in High Poverty Areas	% of Units in R/ECAP Areas
All	82,290	66%	69%	28%
Family	43,534	75%	78%	32%
Elderly	37,330	56%	58%	24%
Supportive	440	89%	83%	40%
People with Disabilities	442	48%	39%	6%

Reinforcing segregation patterns: type of housing

- Elderly housing
 - 87.5% of population over 65 is White
- Family housing
 - 30.5% of population under 18 are people of color
- Housing for people with disabilities
 - 26.5% of people of color are disabled

Reinforcing segregation patterns: eligibility criteria

- Residential preferences/requirements
 - In municipalities that are segregated, residential preferences/requirements tend to reinforce segregation
- Independent living requirements
 - Requiring people to prove they have the ability to live independently results in lack of housing for people with disabilities
- Changing percentage of people with disabilities in elderly/
disabled housing takes housing away from people with
disabilities



Affirmatively Furthering Fair Housing Action Steps

Affordable Housing in a Variety of Locations

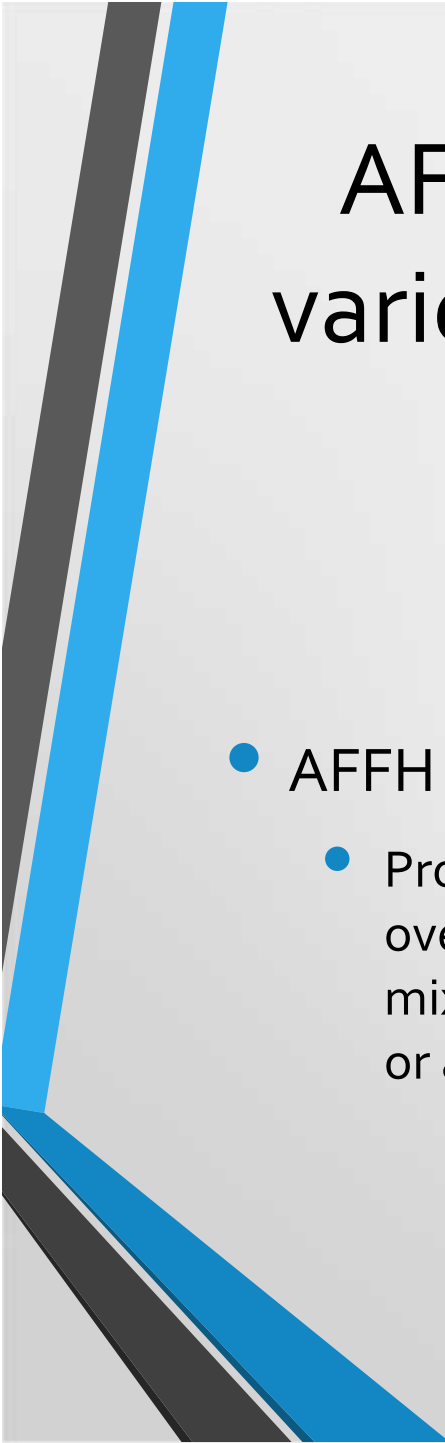
Available to Everyone

CT Impediments to Fair Housing

- Municipal impediments
 - Lack of affordable housing in a variety of locations
 - Lack of data to determine if municipality is AFFH
 - Lack of understanding of obligation to AFFH

Municipal Action Steps

- Encourage the creation and rehabilitation of affordable housing in a variety of locations
- Report municipal racial and ethnic composition in municipal POCD
- Use local planning documents to AFFH
- Promote mobility to ensure everyone has access to your community



AFFH = Affordable housing in a variety of locations for a variety of households

- AFFH by participating in HomeCT
 - Program provides a range of incentives to plan and develop overlay IHZs which allow developers to build higher density mixed-income housing in municipal centers near transit facilities or any areas of existing or planned infrastructure

AFFH = Affordable housing in a variety of locations

- In an IHZ, municipalities must ensure that at least 20% of the units in are affordable for households earning no more than 80% of the area median income and permit at least 6 single-family, or 10 townhomes or duplexes, or 20 multifamily housing units per acre.

AFFH = Affordable housing in a variety of locations


- Once a municipality creates an IHZ, it qualifies for Zone Adoption Incentives of up to \$20,000 once the zone is approved by DOH; and
- Building Permit Incentives between \$15,000 and \$50,000 once building permits are issued in the IHZ.

AFFH = Affordable housing in a variety of locations

- Permit affordable housing throughout the municipality
 - Prevent segregation of affordable housing
 - Affordable housing in a variety of housing types (single family, multifamily) and tenures (rental v. homeownership)


Responding to opposition to affordable housing

- Incorporate into municipal ordinances a strong statement in support of inclusion of all people in the municipality, diversity and fair housing
- Before a public hearing, educate yourselves and other municipal leaders on the fair housing laws
- One consistent message—we support and follow the fair housing laws



Responding to opposition to affordable housing

- Start every public hearing on affordable housing or supportive housing with an oral statement that the municipality will obey the fair housing laws and supports inclusion of all people into the municipality



Responding to opposition to affordable housing

- Explain why affordable housing is needed in your town
 - Losing population because of housing expenses
 - Need to add people who can work in town businesses
 - Need a variety of housing types and tenures for the future
 - Housing for workers at a variety of incomes

Responding to opposition to affordable housing

- After public hearing, put out a statement that includes references to the fair housing laws and details what the fair housing laws prohibit
 - Cannot refuse a housing permit because of who will live in the units, e.g. people with disabilities, people of color, people with housing subsidies
 - Cannot require people in protected classes to live in only one part of town
 - Cannot refuse a housing permit because there will be no residency requirement

Responding to opposition to affordable housing

- Hold a “listening session” on affordable housing and supportive housing before a public hearing to allow people to voice support and/or opposition
- Start listening session with a statement regarding fair housing laws and municipality’s support of diversity in the community
- Make clear that statements made in listening session will not be considered if they urge violation of the fair housing laws

Responding to opposition to affordable housing

- Be proactive
 - Provide information to municipal residents on the importance of a diverse population, e.g. more young people means more people to be part of volunteer fire department
 - Make studies and other factual information available that address residents concerns
 - Sponsor fair housing trainings before there is a request for an affordable housing permit to make clear the municipality supports housing for all

Responding to opposition to affordable housing

- Property values will drop
 - Give out studies showing property values will not decrease
 - If using “in-filling” for affordable housing, property values may go up
 - If using foreclosure for affordable housing, properties that were tax delinquent will now generate real estate taxes

Responding to opposition to affordable housing

- Affordable housing is badly designed, cheaply built, and unattractive
 - Show pictures of proposed housing
 - Ask housing developer to provide details of the property maintenance budget and management plan
 - Show effect of number of new cars on traffic patterns

Responding to opposition to affordable housing

- New housing will overcrowd our public schools; new people will bring down quality of schools
 - Many school districts in Connecticut are consolidating or closing schools because of low enrollment, new students will result in local schools staying open
 - Studies have found no correlation between family income and student achievement. Correlation is between school funding and student achievement.

Responding to opposition to supportive housing

- People in supportive housing are dangerous
 - Use facts—people with disabilities are no more dangerous than the population at large
 - Anyone could become someone who needs supportive housing
 - Use examples of supportive homes in other neighborhoods that have made positive contributions to the community

Responding to opposition to supportive housing


- Group homes bring down property values
 - Use facts—studies show this is not true, depends on the maintenance of the home, same as for other types of housing
 - Show copies of pictures of other residences for people with disabilities to show they will not look different
 - Supportive housing groups may be able to save large older homes that are not attractive to single families thus increasing property values



Using Zoning Laws to AFFH


Reinforcing segregation patterns: zoning regulations

- US Supreme Court allowed towns to use zoning regulations to regulate restrictions on lot sizes and to prevent blight—*Euclid v. Ambler Realty Co.*
- At the time, it was accepted that people of color = blight
- Zoning laws originally built on premise that keeping people of color out kept out blight



Reinforcing segregation patterns: zoning regulations

- Restrictions on multifamily or affordable housing
 - 57.4% of municipalities in Connecticut do not include provisions for affordable housing in their zoning regulations
 - 95% of those that do mention affordable housing require a special permit to build



Reinforcing segregation patterns: zoning regulations


- Restrictions on multifamily or affordable housing
 - 68% of those that permit building affordable housing restrict it to a few zones
 - 25 municipalities do not permit construction of multifamily housing

Reinforcing segregation patterns: zoning requirements

- Low density requirements
 - The lower the density, the lower the number of units that can be built on a parcel causing financial infeasibility
- 84.2% of zones in Connecticut permit single-family housing
- 49.2% permit multifamily housing
- 33.4% permit elderly housing
- 15.5% permit affordable housing

Reinforcing segregation patterns: lot sizes

- Lot size
 - The larger the lot, the more expensive the development
- .52 acres is the average minimum lot size for a single-family home
- .86 acres is the average minimum lot size for two-family homes
- 1.87 acres is the average minimum lot size for multifamily housing
- 3.5 acres is the average minimum lot size for elderly housing
- 2.6 acres is the average minimum lot size for affordable housing



Reinforcing segregation patterns: zoning some people out

- Refusing to permit sober houses or group homes in residential neighborhoods
- Restrictions on the number of people per bedroom
- Restricting relationship of people who can live together
- Residency preferences/requirements for affordable housing

Changes to zoning regulations to AFFH

- Reduce barriers to affordable housing creation
 - Incorporate inclusionary zoning principles into zoning law
 - Create an IHZ
 - Permit affordable housing in all zones, not just a few
 - Promote smaller lot sizes and higher density
 - Increase minimum floor requirements

Changes to zoning regulations to AFFH

- Reduce barriers to affordable housing creation
 - Keep sewer system issues separate from affordable housing policy
 - Set lower parking spaces per unit requirements
 - Permit accessory uses, e.g. housing above commercial units

Changes to zoning regulations to AFFH

- Use square footage to determine occupancy number, not number of people per bedroom
- Include a statement regarding reasonable accommodations for people with disabilities
- Remove any references to residency preferences
- Remove references to degree of relationship as an occupancy requirement

Responding to opposition to zoning changes

- Use many of the same techniques as used for opposition to affordable housing
 - Incorporate a strong statement in support of inclusion of all people into the municipality, diversity and fair housing into zoning ordinances
 - Start every public hearing on zoning changes with an oral statement that the municipality will obey the fair housing laws and supports inclusion of all people into the municipality

Responding to opposition to zoning changes

- Hold a “listening session” on zoning changes before a public hearing to allow people to voice support and/or opposition
- Respond with facts
 - People with mental disabilities are no more likely than people without disabilities to be violent;
 - People in recovery do not use or abuse alcohol or drugs or they are removed from the housing;
 - Increasing the number of families will help rather than hurt municipality.

Responding to opposition to zoning changes

- After voting to make a zoning change, issue a statement that change may have been opposed by municipal residents but that the fair housing laws and the town's commitment to diversity and inclusion means that the zoning change went through



Overcoming the lasting effects of redlining

What is redlining?

- Redlining was a government sponsored (or government sanctioned) policy that contributed greatly to segregation.
- Starting in the 1930s the Federal Home Owners' Loan Corporation and private lenders created a rating system to assess mortgage risk by neighborhoods.

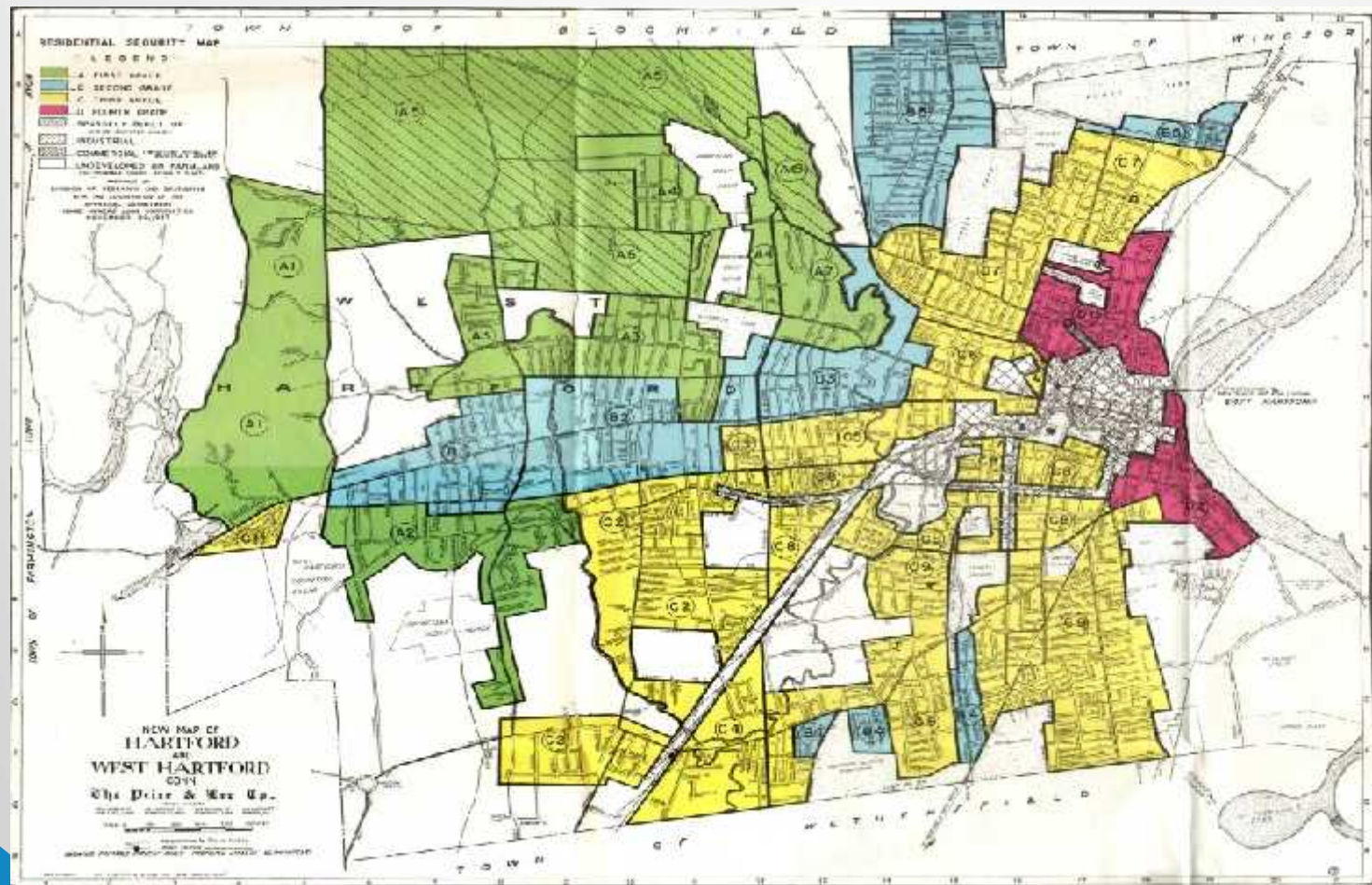
What is redlining?

- The rating system used a coding structure wherein areas shaded green were deemed most stable and areas shaded red were designated least stable.
- Areas that were “redlined” were deemed unsuitable for lending.
- The system explicitly used the presence of people of color and certain foreign groups as a strong indicator of instability.

What is redlining?

- As a result, between 1934 and 1968, 98% of loans approved by the federal government were made to non-Hispanic White borrowers regardless of where they wanted to buy.

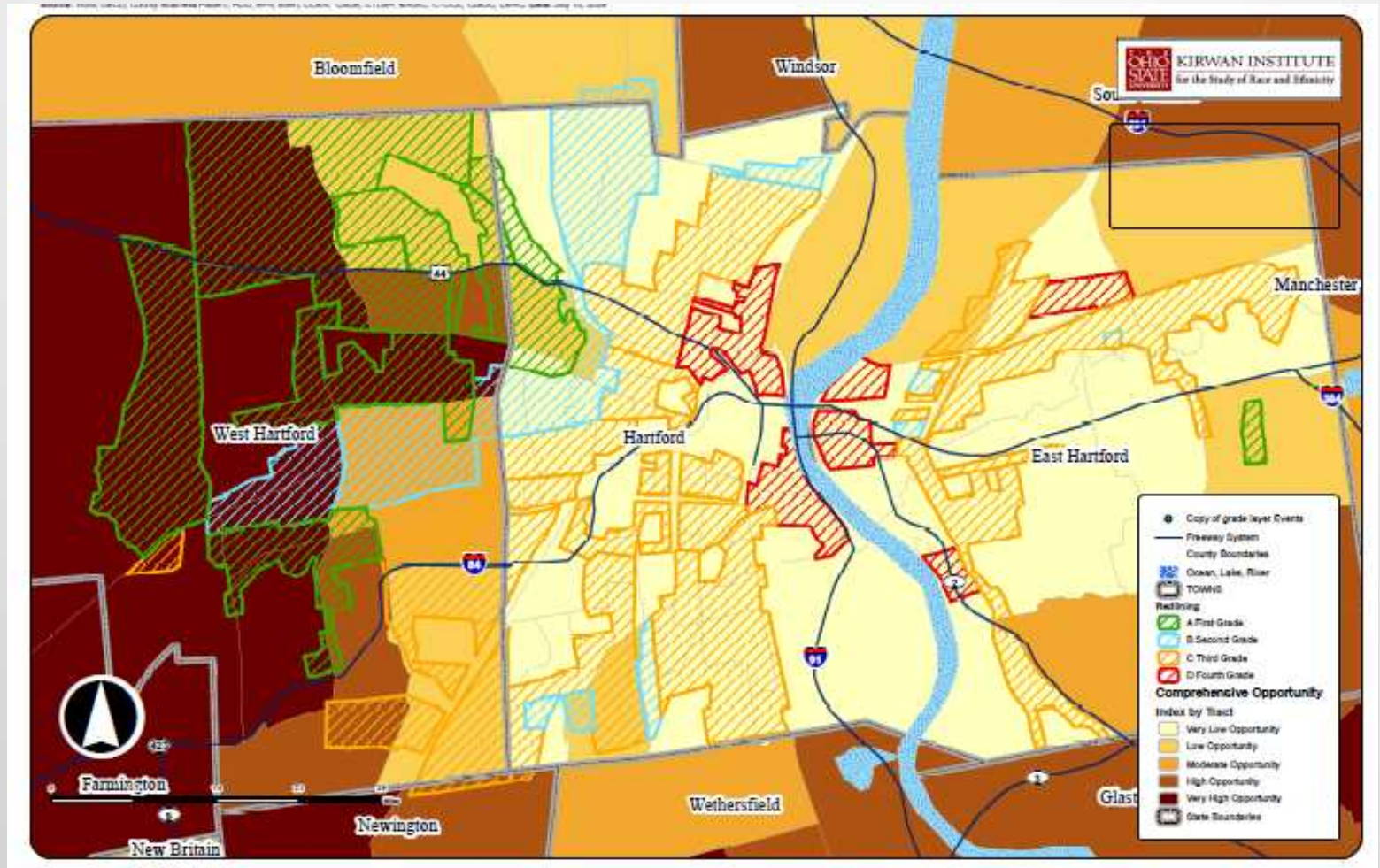
What does redlining look like?



How does it affect us today

- Not surprisingly, the neighborhoods deemed least desirable for capital for investment and reinvestment in 1937 and that were denied capital, are areas that are minority and poverty-concentrated today.
- Redlining used throughout Connecticut, not just in Hartford.

Redlining today



Mortgage Lending Today

- Mid- to upper- income (“MUI”) non-Hispanic Blacks were twice or more as likely as MUI non-Hispanic Whites to receive high-cost loans in 71.4% of Connecticut’s metro areas.
- The Hartford metropolitan area ranked fifth out of twenty metro areas with the most significant racial disparities in lending; Bridgeport-Stamford-Norwalk ranked sixth. The only other metropolitan area in the Northeast in the top twenty is Essex County, MA (9).

Mortgage Lending Today

- LMI Hispanics were more than twice as likely to receive a high cost loan as LMI non-Hispanic Whites in the Norwich-New London metropolitan area; and
- MUI Hispanics were 2.76 times more likely to receive a high-cost loan than MUI non-Hispanic Whites in the Bridgeport-Stamford-Norwalk metropolitan area.

AFFH: Overcoming the effects of redlining

- Compare HMDA data for your community to a community of color
 - If banks lending in your community are not lending in communities of color, do not use these banks for municipality's banking
 - Support first-time homebuyer programs in communities of color

AFFH: Overcoming the effects of redlining

- Examine foreclosures in your community and determine which banks have the highest number of foreclosures
 - Bank of America, Chase, Deutsche Bank have had lawsuits brought against them for failing to maintain REOs in neighborhoods of color
 - Refuse to do business with these banks



AFFH: Overcoming the effects of redlining

- Notify landlords about problems with habitational insurance and source of income discrimination
- Sponsor fair housing trainings for real estate agents and landlords
- Participate in mobility programs

Additional Resources for Addressing Community Opposition

- Addressing Community Opposition to Affordable Housing Development
<http://content.knowledgeplex.org/kp2/cache/documents/68549.pdf>
- Managing Opposition to Affordable Housing
<http://www.bazelon.org/LinkClick.aspx?fileticket=FZBvjKqKghw%3D&tabid=241>
- The Studies are Consistent: Housing Creates Jobs, Revenue, & Economic Activity
<http://www.pschohousing.org/news/studies-are-consistent-housing-creates-jobs-revenue-economic-activity>
- Fear of Affordable Housing: Perception vs. Reality
http://www.shelterforce.org/article/2891/fear_of_affordable_housing_perception_vs_reality/

Additional Resources for Addressing Community Opposition

- Addressing Community Opposition to Affordable Housing Development

<http://content.knowledgeplex.org/kp2/cache/documents/68549.pdf>

- Managing Opposition to Affordable Housing

<http://www.bazelon.org/LinkClick.aspx?fileticket=FZBvjKqK9hw%3D&tabid=241>



Additional Resources for Addressing Community Opposition

- Affordable Housing and Public School Choice
<http://www.forbes.com/sites/modeledbehavior/2013/09/26/affordable-housing-and-public-school-choice/>
- Myths and Stereotypes about Affordable Housing
<http://www.affirmedhousing.com/resources/myths.html>

Additional Resources for Addressing Community Opposition

- The myth of mental illness and violence

http://www.health.harvard.edu/newsletter_article/mental-illness-and-violence

https://depts.washington.edu/mhreport/facts_violence.php

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1525086/>

Additional Resources for Addressing Community Opposition

- Property values and supportive housing

<http://pbadupws.nrc.gov/docs/ML1208/ML12088A314.pdf>

http://furmancenter.org/files/FurmanCenterPolicyBriefonSupportiveHousing_LowRes.pdf

Additional Resources

- Copies of this PowerPoint: <http://www.ctfairhousing.org/>
- Video of training to be posted on website by 9/30/2015, check back
- Training for planning officials:
Thursday, September 24, 2015, The Lyceum, Hartford



Questions?

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