

# The Obligation to Affirmatively Further Fair Housing

Community Development and Planning Officials

# 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
- Planning to affirmatively further fair housing

# 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.



# Affirmatively Furthering Fair Housing Action Steps

State and Municipal Plans that AFFH

# State and Local Plans that AFFH

- State is required to produce a Plan of Conservation and Development (POCD) that is the official policy for the executive branch in matters pertaining to land and water resource conservation and development
- In addition, the State's use of federal and state housing funding is guided by its Consolidated Plan for Housing and Community Development (ConPlan)
- To be eligible for State or Federal funding, municipalities must create a POCD that is consistent with State POCD

# State POCD

- State revised its POCD in 2013 to include three principles that affirmatively further fair housing:
  - 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 along major transportation nodes and corridors

# State ConPlan

- State last submitted a Consolidated Plan to HUD in 2010 for the period 2010 – 2015
  - Goal of plan is to bring opportunities to opportunity-deprived areas, and to Connecticut people to existing opportunities throughout metropolitan regions
  - Draft ConPlan for 2015 - 2019 was released on July 15, 2015



# State ConPlan

- State ConPlan for 2015 – 2019 has three goals:
  - Work to ensure decent housing is available to all
  - Work to ensure that all of the State's residents live in a suitable environment
  - Work to ensure that all of the State's residents have access to economic opportunities

# Municipal POCD Requirements

- Connecticut General Statute §8-23 requires municipal POCDs to:
  - Promote housing choice and economic diversity in housing
  - Include housing for both low and moderate income households
  - Encourage the development of housing that will meet the housing needs identified in the State Consolidated Plan

# Planning to AFFH

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



# Make Municipal POCD Consistent with State POCD

- When planning to redevelop regional centers and areas with existing or planned infrastructure, include affordable housing
  - Include affordable or mixed-income housing above commercial space
  - If regional centers already have affordable housing, put policies in place to protect existing tenants and homeowners from gentrification



# Make Municipal POCD Consistent with State POCD

- State POCD principles require the expansion of housing opportunities and design choices to accommodate a variety of household types
  - Determine the household types in your municipality
  - Will this sustain the municipality in the future—mixture of ages, working v. non-working, school-age children, household sizes to fit the existing housing or new housing to fit new household sizes
  - Expand housing opportunity to sustain municipality in the long run

# Ensuring a Municipal POCD AFFH

- Use mapping tool on DOH website to determine information about the municipality and how it compares to other parts of the state, e.g. educational attainment, employment rates, job diversity
  - <http://www.arcgis.com/home/webmap/viewer.html?webmap=f9db82574e144291ba9931c87bffa10>



# Affirmatively Furthering Fair Housing Action Steps


Affordable Housing in a Variety of Locations



# Action Step: Change Segregation Patterns


- Fund/create programs that promote diversity in your community.
- Example
  - 95% of people of color in region are between 18 – 64
  - 85% of people in region over the age of 65 are white
- Creating affordable housing for people who are younger than 64 would promote diversity in the town





# Fund programs and housing that create diverse communities

- Serve people of color that live in the municipality
- Example--95% of households of color have children under the age of 6
- A program to provide grants to homeowners to delead serves families and people of color



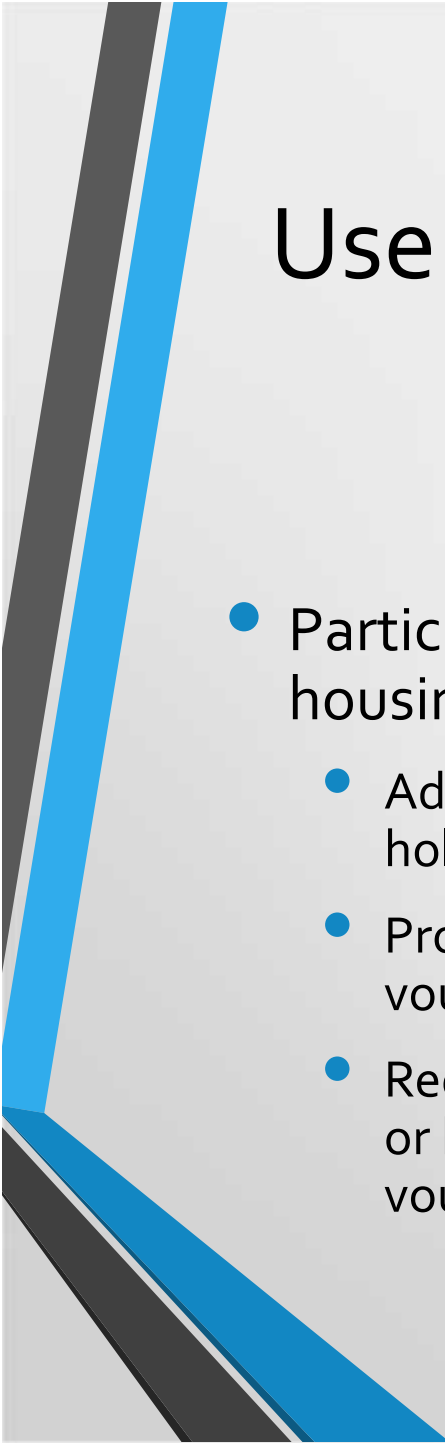
# Fund programs and housing that create diverse communities

- Promote housing that attracts a diverse population
  - 85% of households in town/region have at least two children
- Limiting unit sizes in a new complex to 1 and 2 bedroom apartments does not serve families with children



# Use existing assets to create diverse communities

- Example based on race and national origin
  - Town is 94% white
- Use of residency preferences would not diversify the community




# Use existing assets to create more diverse communities

- Participate in a mobility program for people receiving housing choice vouchers
  - Advertise community and its assets to housing choice voucher holders outside of municipality and/or region
  - Provide training for municipal landlords on the housing choice voucher program and the fair housing laws
  - Require any landlords receiving municipal money (for deleading or home repairs) to advertise their vacancies with housing choice voucher programs outside of the municipality



# Affordable housing creates more diverse communities

- Identify parcels of land appropriate for development of affordable housing
- Partner with other communities to fund programs and housing that create more diverse communities
- Fund conversion of vacant commercial space to affordable housing or to create accessory apartments



Action Step: Review Zoning  
Laws to Ensure They AFFH

# Zoning Laws and Segregation

- Zoning laws were originally enacted and enforced to prevent blight;
- According to early legal cases, people of color and people from other countries caused blight;
- Early zoning laws reinforced segregation to prevent blight.

# Zoning Laws and Segregation

- Zoning laws create barriers to affordable housing developments including large lot requirements, density requirements, unnecessarily restrictive definition of families, lack of multifamily zones
- Failing to provide for reasonable accommodations in zoning laws
- Restricting the placement of housing for people with disabilities




# Overcome segregation caused by zoning

- Change zoning regulations to make it possible to create affordable housing in a variety of locations
- Allow group homes in single-family neighborhoods
- Convert elderly housing into elderly/disabled housing (majority of people who are young and disabled are people of color)

# Overcome segregation caused by zoning

- Municipality has very little affordable housing
  - People of color have a greater need for affordable housing because of income
- Change zoning ordinances to permit accessory units
- Use building code to create more housing for families with children
  - Use square footage to determine occupancy, not number of people per bedroom



Action Step: Overcoming the  
lasting effects of redlining



# Overcome segregation caused by redlining

- Encourage minority homeownership
  - 65% of people with housing choice vouchers in municipality are people of color
- Participate in Section 8 homeownership program



# Fund programs and housing that create more diverse communities

- Encourage minority homeownership
  - Home prices in town make it difficult for people of color to buy homes there
- Buy foreclosed homes and sell as affordable homeownership properties
- Create a downpayment assistance program



# Fund programs and housing that create more diverse communities

- Encourage people of color who live in the community to stay
- Use CDBG funding to make funds available for repairs to older homes and rental homes




Action Step: AFFH to Expand  
Economic Opportunities

# Compliance with Section 3

- Compliance with Section 3 requirements even if project is too small to qualify
- Congress included Section 3 in the Housing and Urban Development Act of 1968 because it wanted to use the government's investment in affordable housing as a way of expanding economic activities for low-income families.
- Regardless of whether compliance with Section 3 is required, it can increase minority participation in the municipality





# How to use Section 3 to increase minority participation in municipality

- Ask contractors and subcontractors to market job openings to:
  - Residents of public housing
  - People whose annual income is less than approximately \$64,000 for a family of 4

# How to use Section 3 to increase minority participation

- Reward contractors and subcontractors for using Section 3 by:
  - Creating a bid on the DAS website
  - Creating a preference in the bid process for contractors complying with Section 3
  - Recommending them to other CDBG communities
  - Including them on a published list of approved town contractors

# Finding Minority Contractors

- Advertise bids on the DAS website

- <http://www.das.state.ct.us/mp1.aspx?page=9>



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