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
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 long 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=f9db82574e144291ba9931c87bffe10](http://www.arcgis.com/home/webmap/viewer.html?webmap=f9db82574e144291ba9931c87bffe10)
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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