

Breaking Down Barriers to Opportunity: Transportation and the Affirmatively Furthering Fair Housing Rule

August 17, 2016

10:00 am to 11:15 am PDT



Speakers

Emily Chatterjee, Leadership Conference on Civil and Human Rights

Sarita Turner, PolicyLink

Jonathan Burch, Senior Planner, Chicago Metropolitan Agency for Planning

Patricia Fron, Executive Director, Chicago Area Fair Housing Alliance

Ubx Gardheere, Equitable Development Program Director, Puget Sound Sage

Ben Bakkenta, Puget Sound Regional Council

Anita Cozart, PolicyLink

What is the Affirmatively Furthering Fair Housing Rule? What does the Rule have to do with Transportation?

August 17, 2016



PolicyLink is a research and action institute dedicated to fostering equitable communities of opportunity by *lifting up what works.*

PolicyLink

Lifting Up What Works®





Transportation.gov

U.S. Department of Transportation



LADDERS OF OPPORTUNITY

— Connect — Work — Revitalize —

U.S. Department of Transportation



“There is a regrettable legacy of aligning and designing transportation projects that separated Americans along economic and even racial lines”
Secretary Anthony Foxx

What is AFFH?



This obligation to affirmatively further fair housing has been in the Fair Housing Act since 1968 (for further information see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608 and Executive Order 12892).

More specifically..

it means taking steps to proactively address significant disparities in access to opportunity, by identifying the root causes that limit housing and neighborhood choice (“contributing factors”) and to develop goals and strategies to overcome them.

In other words, HUD grantees must do MORE than focus on housing discrimination.



What the AFFH Rule will Do

- Improve integrated living patterns
- Transform racially and ethnically concentrated areas of poverty (R/ECAPs) into areas with greater access to opportunity
- Reduce disparities in access to opportunity experienced by various protected classes
- Respond to disproportionate housing needs and housing choices experienced by different protected classes

Who Is Subject to the Rule?

- Jurisdictions and Insular Areas or territories of the U.S. that are required to submit consolidated plans for the following programs: (Recipients of Federal Funds)
 - Community Development Block Grant
 - Emergency Solutions Grants
 - Home Investment Partnerships (HOME)
 - Housing Opportunities for Persons with AIDS
- Public Housing Authorities receiving assistance under sections 8 or 9 of the United States Housing Act of 1937

AFFH Process

Options for submission:

- Individual participants: each program participant conducts and submits an AFH alone.
- Joint participants: two or more program participants conduct and submit a single AFH.
- Regionally collaborating participants: joint participants, at least two of which are consolidated plan program participants, conduct and submit an AFH.

[See 24 CFR § 5.162]

Who will be Consulted

Community Engagement, Collaboration and Partnership

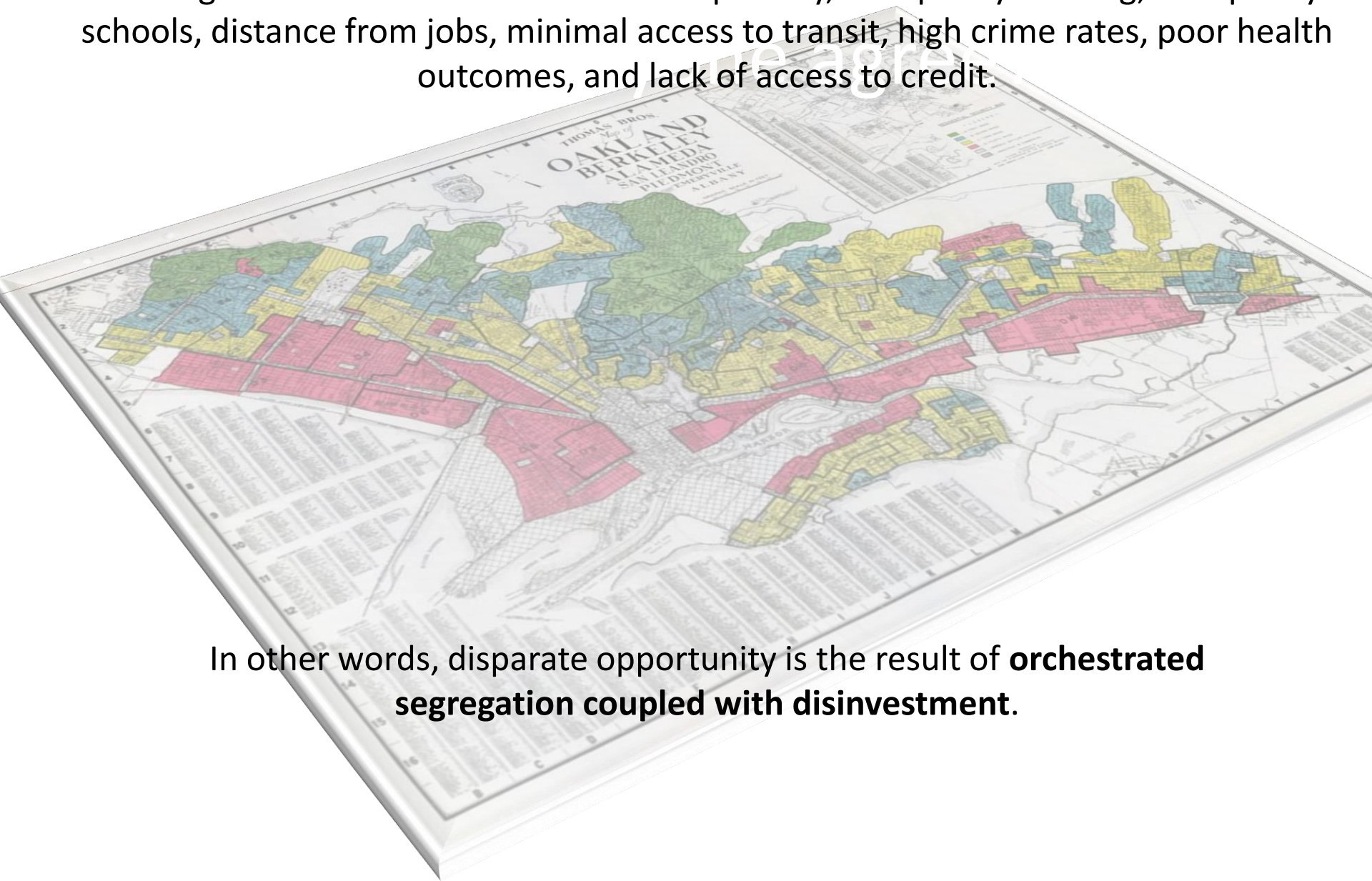
Community engagement is required and viewed as key component of the Assessment of Fair Housing.



From analysis of impediments to the Assessment of Fair Housing



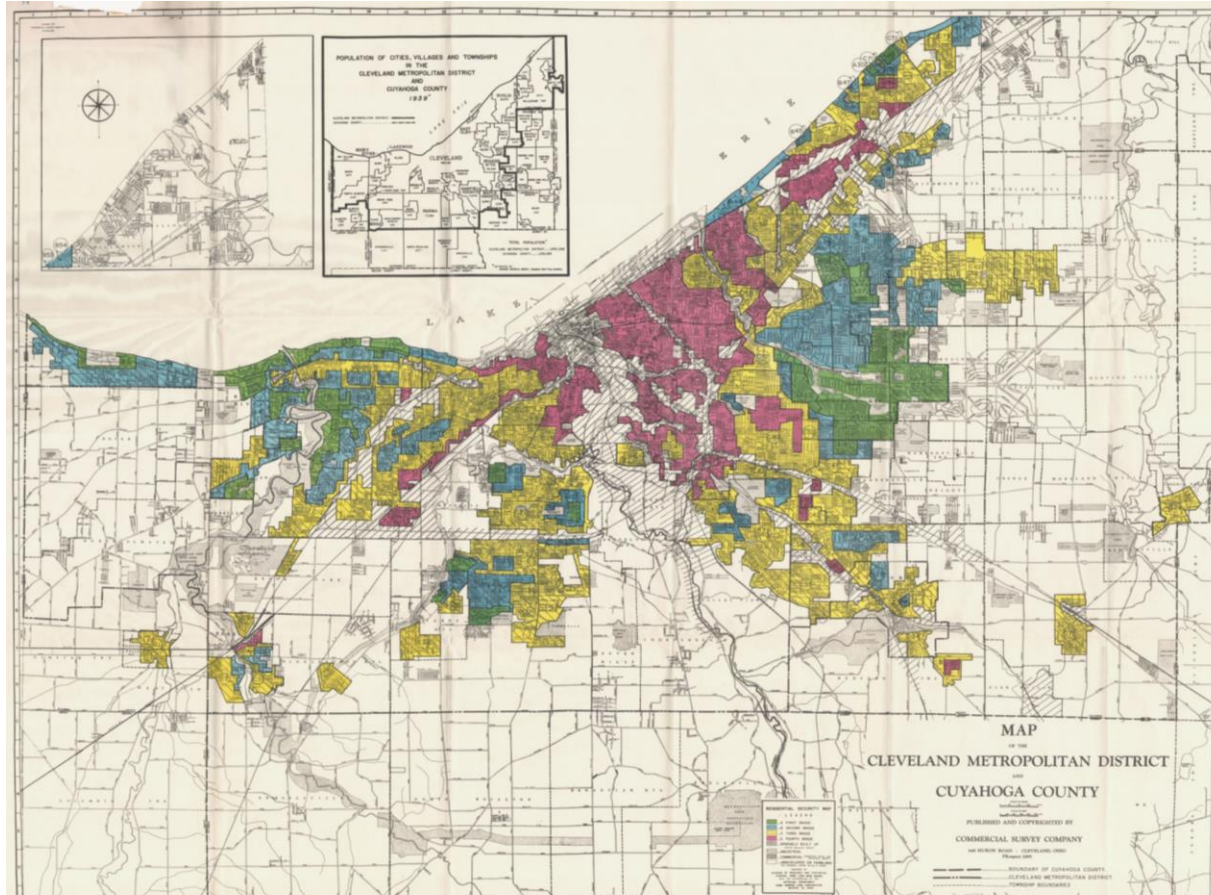
Historically, housing segregation has been perpetuated by practices such as **steering, redlining, racial covenants**, and the **siting of public housing projects**, creating communities with concentrated poverty, low quality housing, low quality schools, distance from jobs, minimal access to transit, high crime rates, poor health outcomes, and lack of access to credit.



In other words, disparate opportunity is the result of **orchestrated segregation coupled with disinvestment.**

Why we need the rule

The Ghost of History



red·line /red līn/ *v* : to deny loans to certain neighborhoods based on the race and/or ethnicity of its occupants. The impact of which is still evident in American cities today.

1. The **Home Owners' Loan Corporation (HOLC)** was created in the wake of the Great Depression to help refinance homes at risk of foreclosure. However, the HOLC is best known for creating residential security maps, better known as "redlining maps," to guide investment in American cities. These maps assigned grades of 'A' through 'D' to neighborhoods to indicate their desirability in terms of investment. Black and Immigrant neighborhoods were often given grades of 'C' or 'D', resulting in little or no access to mortgage insurance or credit for decades. Though the HOLC was discontinued in 1951, the impact of disinvestment as a result of redlining is still evident in many American cities today.

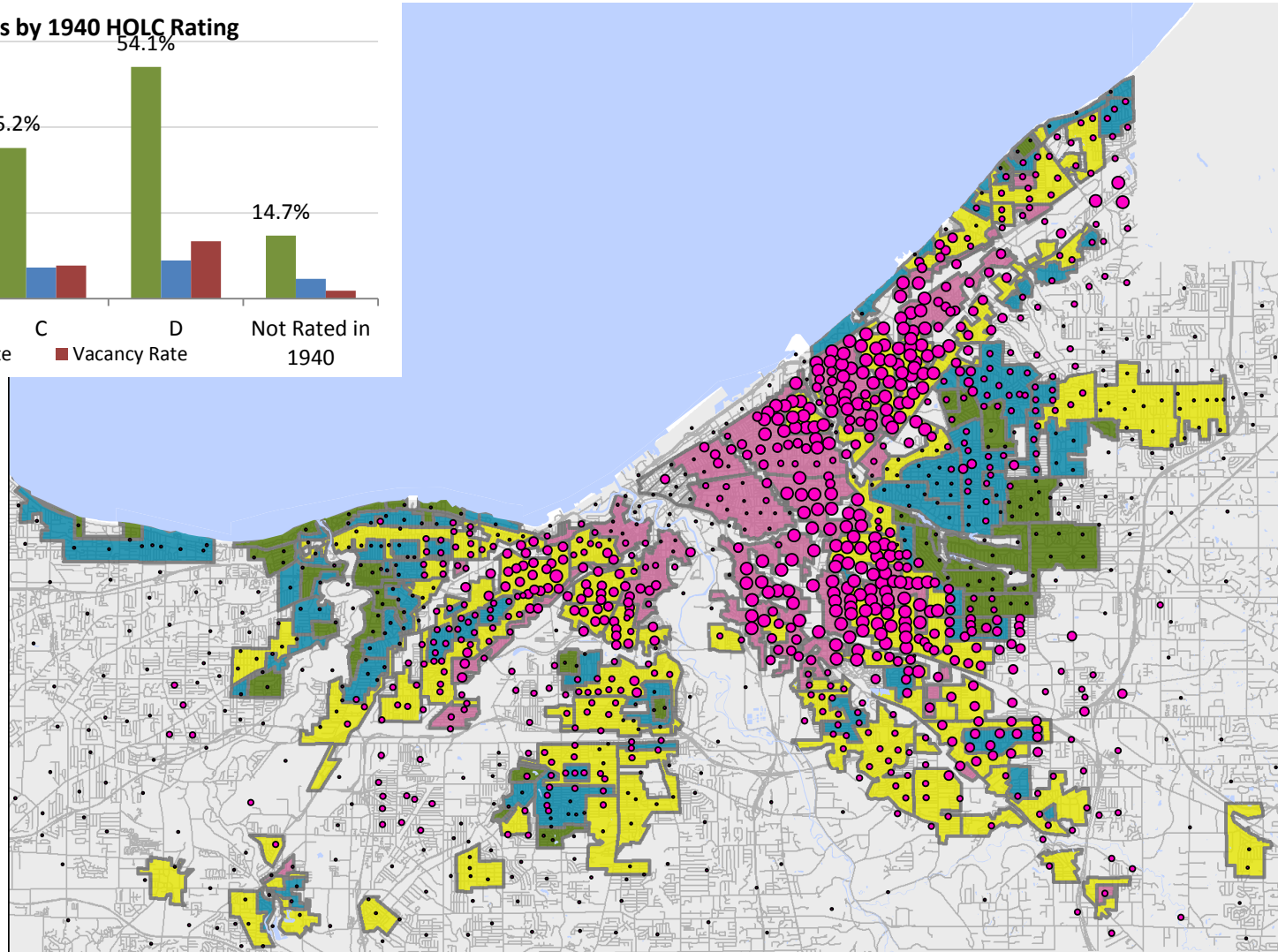
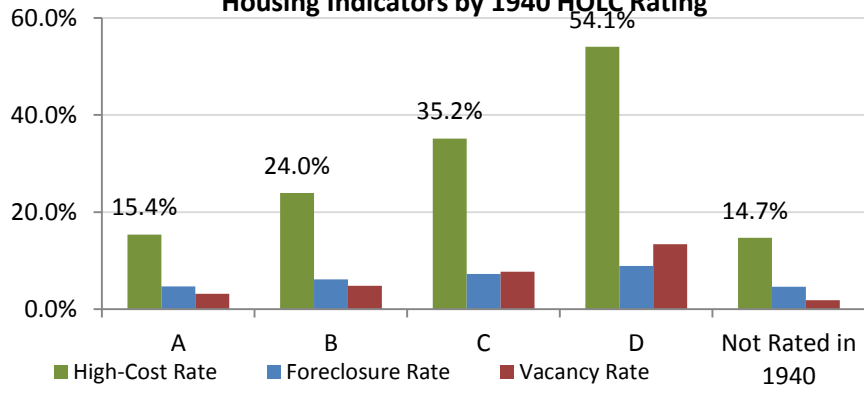


Why we need the rule

Not Really Ghosts - History Continues Today

Recent Subprime Lending in Cleveland

Housing Indicators by 1940 HOLC Rating

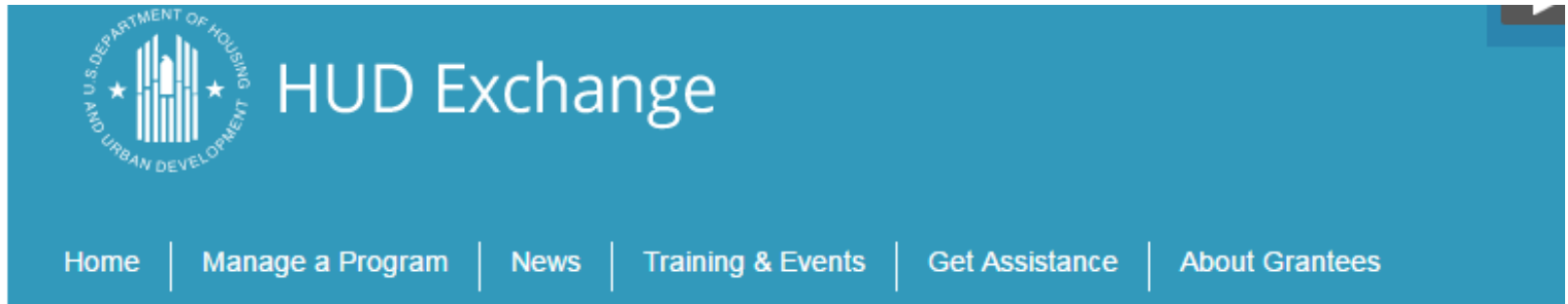


Why we need the rule

Institutionalized discriminatory practices



Data Advised Process



Data and Limits

AFFH Data and Mapping Tool

Date Published: December 2015

Description

This tool is publicly available and also for use by program participants to access HUD-provided data to conduct the fair housing analysis required as part of the AFH.

Updates

May 18, 2016 - A map rendering update has been made to the AFFH Data and Mapping Tool: Updated R/ECAP map data from 2006-2010 ACS to 2009-2013 ACS.

Resource Links

[AFFH Data and Mapping Tool \(HTML\)](#)

[AFFH Data and Mapping Tool User Manual \(HTML\)](#)

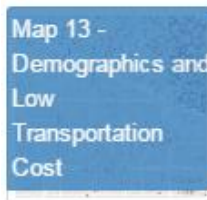
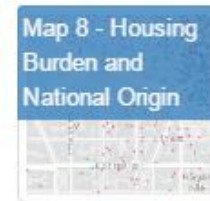
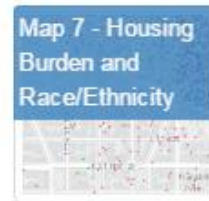
Data Advised Process

Disparities in Access to Opportunity

- Demographics and School Proficiency
- Demographics and Job Proximity Map
- Demographics and Labor Market
- Demographic and Transit Trips
- Demographics and Low Transportation Costs
- Demographics and Poverty Map
- Demographics and Environmental Health
- Opportunity Indicators by Race/Ethnicity
- Other supplemental data

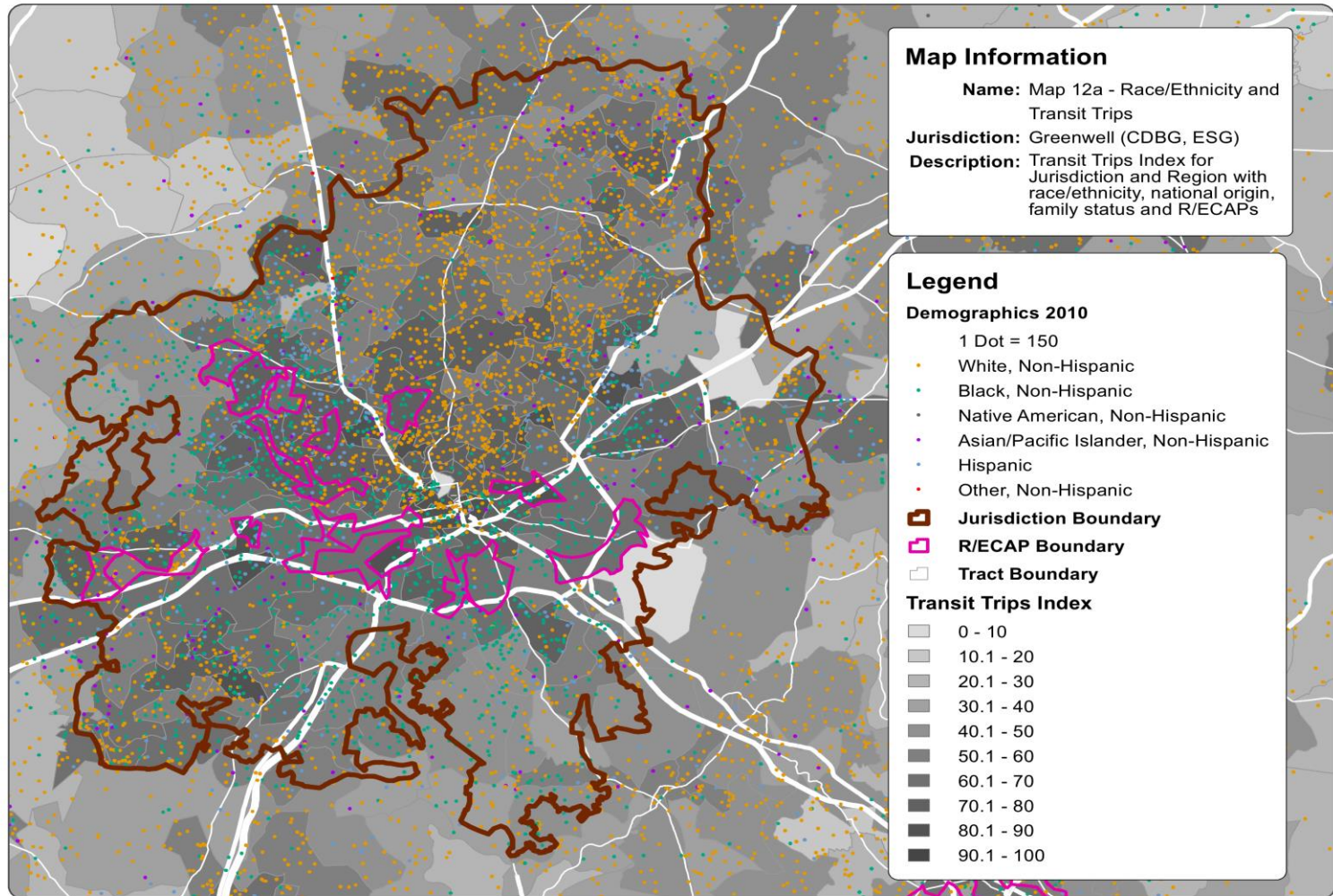
Affirmatively Furthering Fair Housing Tool

Choose a Map :

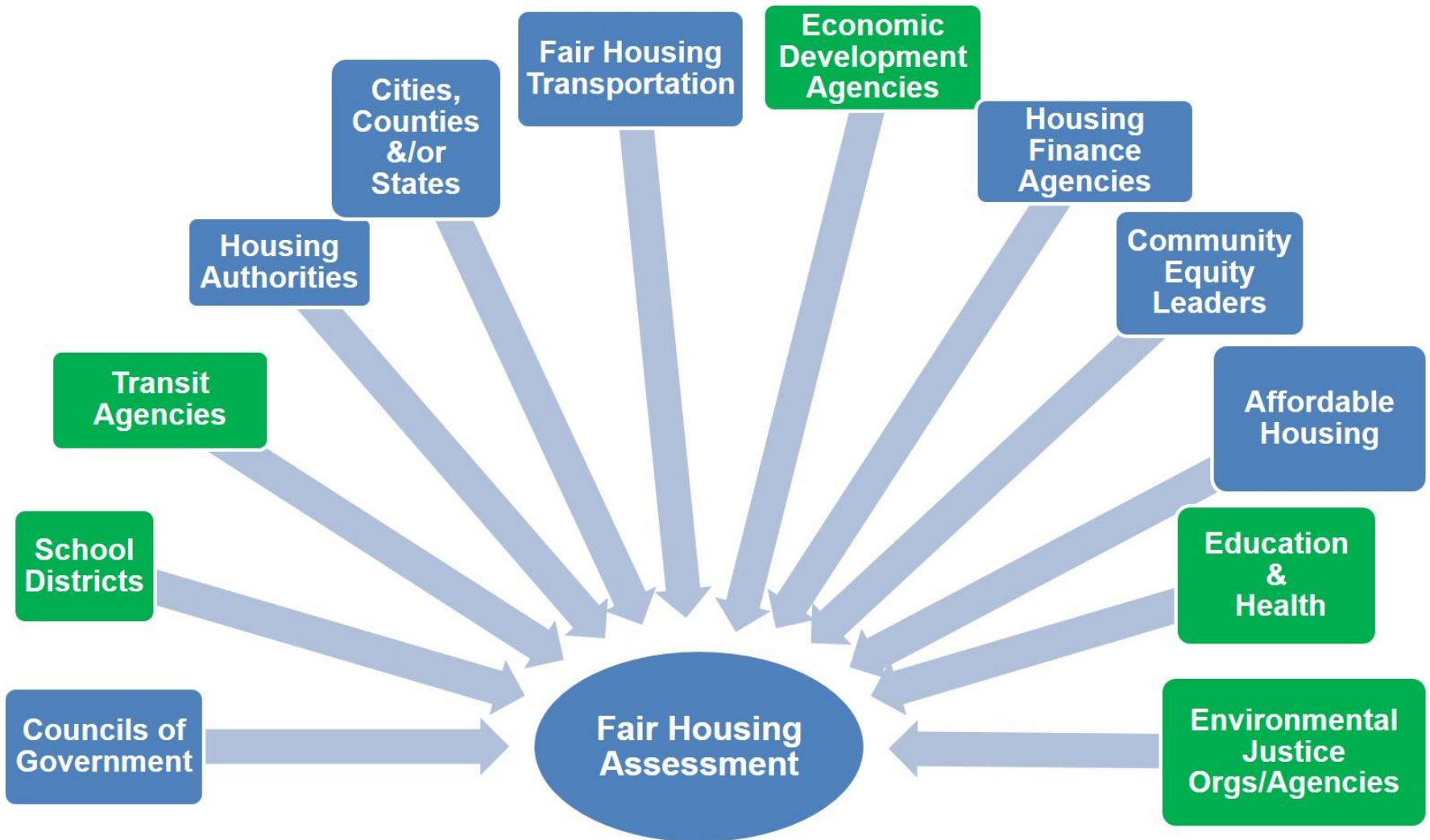


Disparities in Access to Opportunity

Map 12a – Race/Ethnicity and Transit Trips



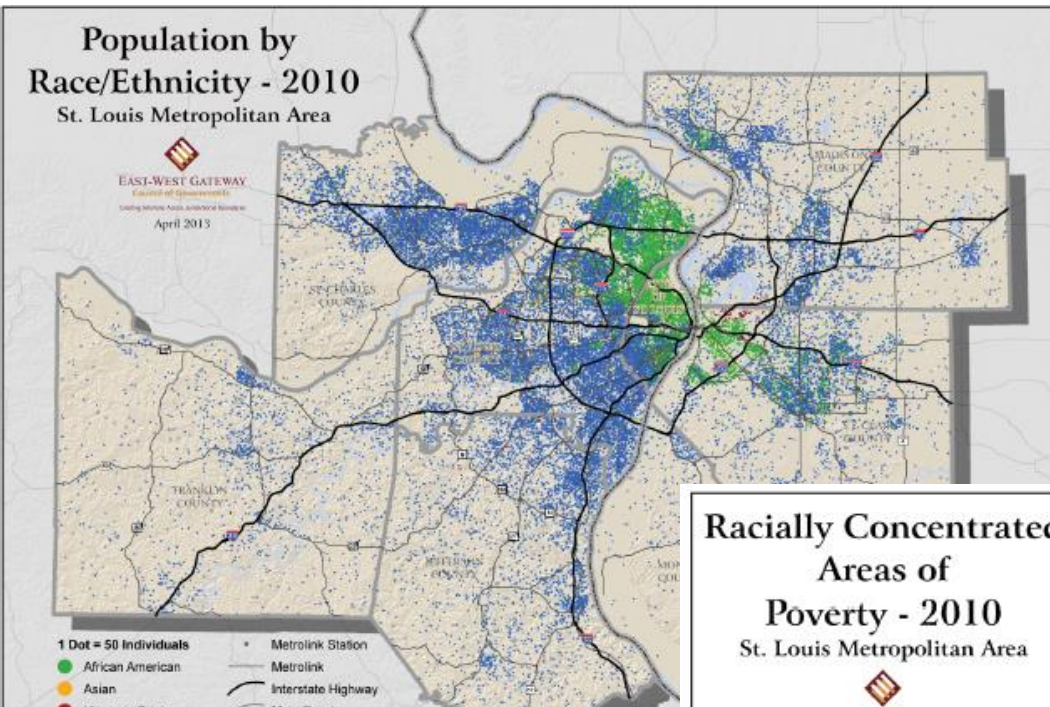
Diverse stakeholders and advocacy yield strong assessments



AFFH ROLES & RESPONSIBILITIES

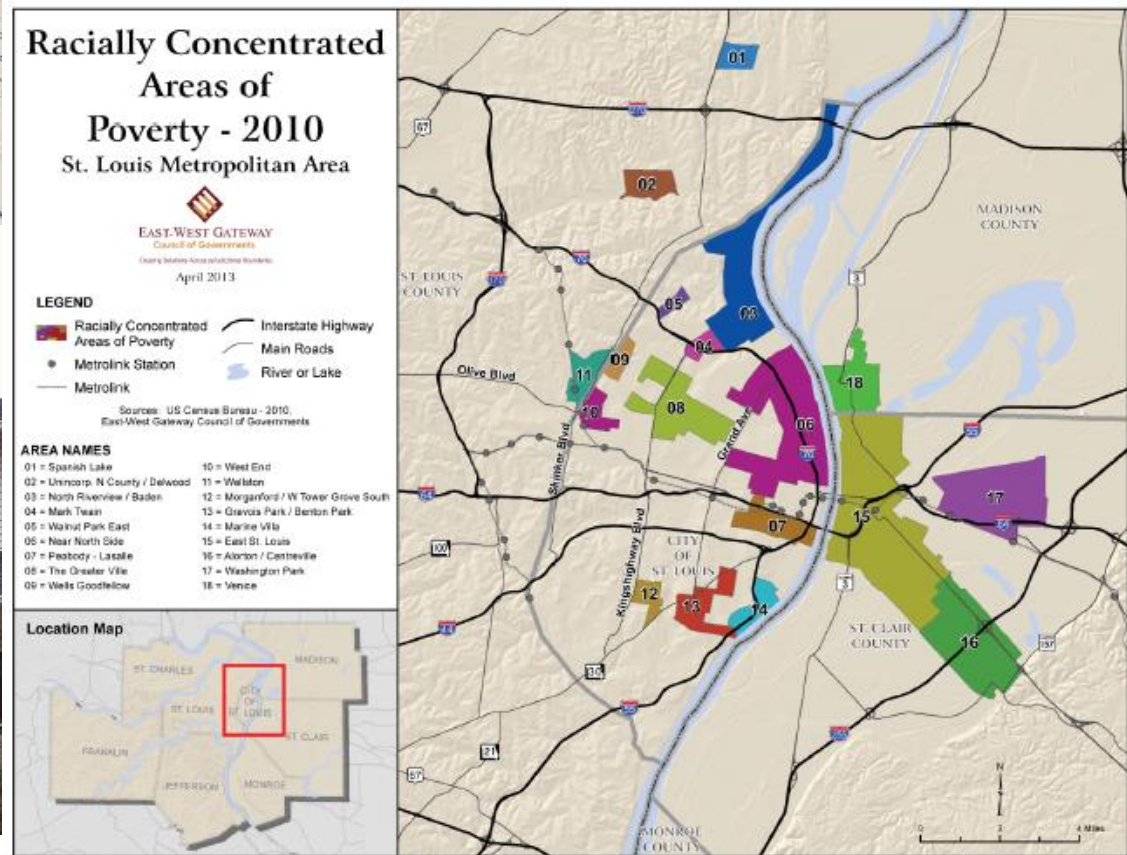
Agency	What They Bring	Data for Consideration	Questions for Deliberation	Decision-Making Scope and Options
Metropolitan Planning Commissions (MPOs), Councils of Government (COGs), or Regional Planning Organizations (RPOs)	<ul style="list-style-type: none"> • Often positioned to be natural regional convener of multiple jurisdictions and interests • Data management capacity • Jurisdiction over regional transportation investments • Many are knowledgeable on the intersection of land use, transportation, housing, and economic development • Cross-jurisdictional relationships 	<ul style="list-style-type: none"> • Will have data on past and projected investments in transportation by mode and project • May have air quality data at the neighborhood level • May have demographic information • May be conducting scenario planning, with plenty of data forecasting future development scenarios with equity implications 	<ul style="list-style-type: none"> • Where future investments in transportation, infrastructure, and land use are planned? • How will future transit investments slated in RTP or TIP increase access and mobility for transit-dependent and low-opportunity neighborhoods? • How could future infrastructure investments increase access to jobs and other centers for low-income and transit-dependent communities? • How have investments and growth patterns exacerbated or elevated segregation and concentrated poverty? 	<ul style="list-style-type: none"> • Prioritize transportation investments that serve transit-dependent, protected classes • Develop regional transportation plans that connect low-income communities of color to regional job centers while improving local bus networks • Prioritize pedestrian and bicycle infrastructure in low-income communities of color • Strengthen existing transportation infrastructure
Transit Agencies	<ul style="list-style-type: none"> • Provide an essential service critical to accessing opportunity for many low-income people and communities of color • Can be knowledgeable on particular and unique transportation needs in disadvantaged communities • Often own land near transit routes 	<ul style="list-style-type: none"> • Will have data on ridership, sometimes by demographic variables • Will have data on budgets and spending by mode share 	<ul style="list-style-type: none"> • Do current transit routes serve low-income communities and communities of color well (connecting them to jobs, educational opportunity, affordable housing)? • Where are improvements planned relative to low-opportunity communities? • How are decisions made about where to operate low-emissions busses? 	<ul style="list-style-type: none"> • Determine affordable fares for transit-dependent riders to positively impact household budgets spent on transportation • Work with disadvantaged communities to develop routes and hours of service that meet community needs • Target apprenticeships and jobs created by transit operations and investments to marginalized populations • Partner with housing authorities, developers, and cities to develop affordable housing on land they own
Fair Housing Organizations	<ul style="list-style-type: none"> • Have extensive experience with current enforcement of fair housing law and management of fair housing programs • May have experience with Analyses of Impediments to fair housing in some entitlement jurisdictions • Conduct landlord trainings to prevent discrimination • Have connections to low-income renters or homeowners facing foreclosure who have 	<ul style="list-style-type: none"> • Track fair housing complaints by protected class (race, color, religion, sex, national origin, disability, and familial status) and geography • Track number of people who seek out their services (through intake and other records) • Inventory land use barriers 	<ul style="list-style-type: none"> • What actions are recommended to overcome impediments to fair housing? • How is fair housing law intended to address broader issues of equity and access to opportunity? • What proactive approaches can fair housing advocates and organizations practice to increase housing choice and opportunity? 	<ul style="list-style-type: none"> • Can work with diverse jurisdictions to pursue non-litigious strategies to prevent fair housing violations • Can provide technical assistance to planners, policymakers, realtors, and developers on preventing fair housing violations or removing existing barriers

Piloted in 74 regions, the rule shows promise



gated Areas, Diversity

Fair Housing Equity Assessment



Racially Concentrated Poverty

An aerial photograph of the Chicago skyline at sunset. The sun is low on the horizon, casting a warm, golden glow over the city. The sky transitions from a pale yellow near the horizon to a deep blue at the top. The city's dense collection of skyscrapers and buildings is visible, with the Chicago River winding through the lower part of the frame. A green horizontal band is overlaid across the middle of the image, containing the title text.

Fair Housing and Equity Assessment Metropolitan Chicago

CAFHA & CMAP Presentation to PolicyLink
August 17, 2016

Chicago Area Fair Housing Alliance



The Chicago Area Fair Housing Alliance (CAFHA) is a consortium of fair housing and advocacy organizations, government agencies, and municipalities committed to the value of fair housing, diversity, and integration.

Chicago Metropolitan Agency for Planning

- Regional planning agency for northeastern Illinois
- Leads the implementation of GO TO 2040 and development of ON TO 2050
- HUD Sustainable Communities grantee
- Close relationship with municipalities, particularly due to the Local Technical Assistance Program



Discussion Topics

CMAP/CAFHA
Partnership

Community
Engagement &
Data Collection

Planning for
Regional AFH

CAFHA/CMAP Partnership



Elements of Successful Partnership

- Capitalized on the expertise of each entity
- Clear goals, roles, and process for project completion
- Consistent communication and feedback




Community Engagement & Data Assessment



Engagement

The community engagement process was aided by CMAP and CAFHA's already established networks of stakeholders

- Municipal survey
- Committee participation and feedback
- Fair housing enforcement data collection and analysis



Fair Housing Survey

Fair housing framework:

- 1) Does your municipality receive HUD funding? **Y N**
 - a. Is it direct funding or through another jurisdiction?
- 2) Has your municipality enacted a fair housing ordinance? **Y N**
 - a. Is there a municipal enforcement body mandated to review fair housing complaints or procedures established to refer complaints elsewhere?
- 3) Has your municipality completed an analysis of impediments to fair housing? **Y N**
 - a. For those with direct funding, what is the most recent year for which an analysis was completed and is it available online or in print?
Year: _____ **Accessible via:** _____
 - b. For directly funded municipalities and subrecipients, has a fair housing action plan been completed? **Y N**
 - i. If so, please list the stated goals of the plan:

Licensing and training of housing providers

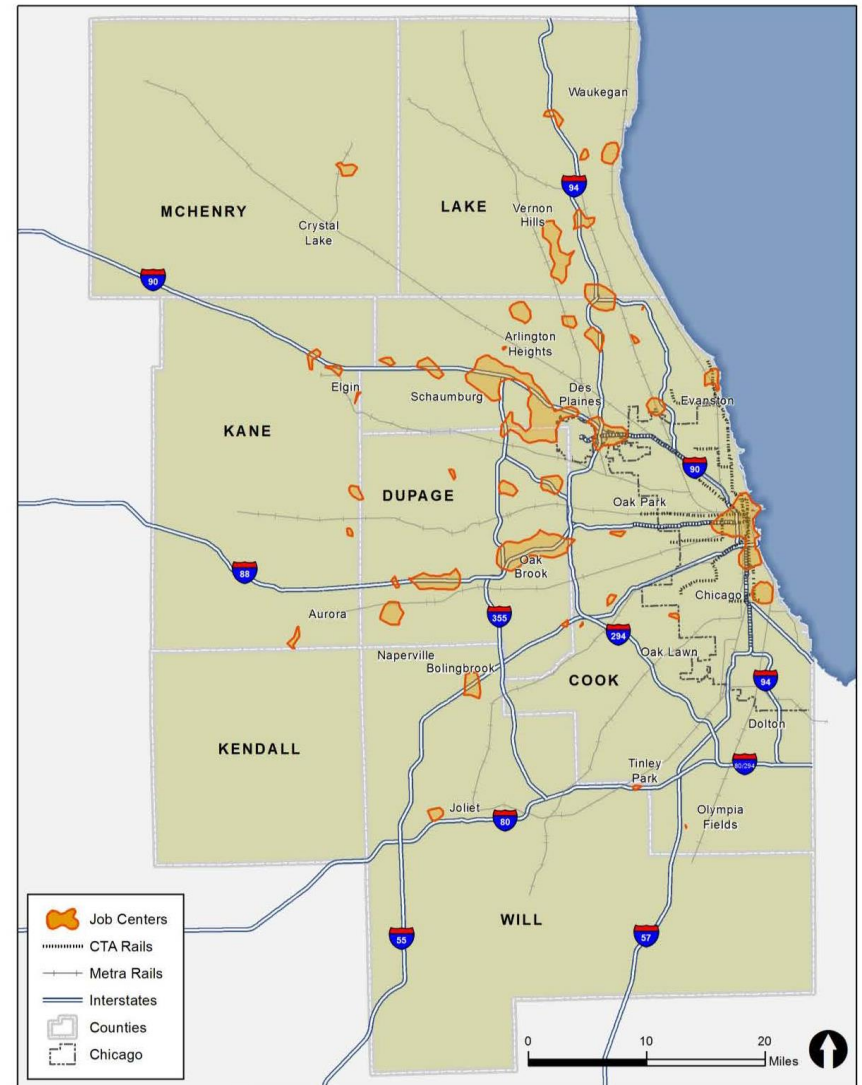
- 4) Does your municipality license (underline all that apply):
 - a. Real estate agents
 - b. Landlords
 - c. Other housing professionals:
- 5) Does your municipality offer or require fair housing trainings for housing professionals? **Y N**
 - a. What agency or department conducts such trainings?
 - b. Are attendees of trainings offered certification? **Y N**
 - c. How are trainings marketed or promoted?

Demographics and marketing/outreach to residents

- 6) What are the racial demographics of your municipality?
% Asian: _____ % Black: _____ % Hispanic/Latino: _____ % Non-Hispanic White: _____

Data collection

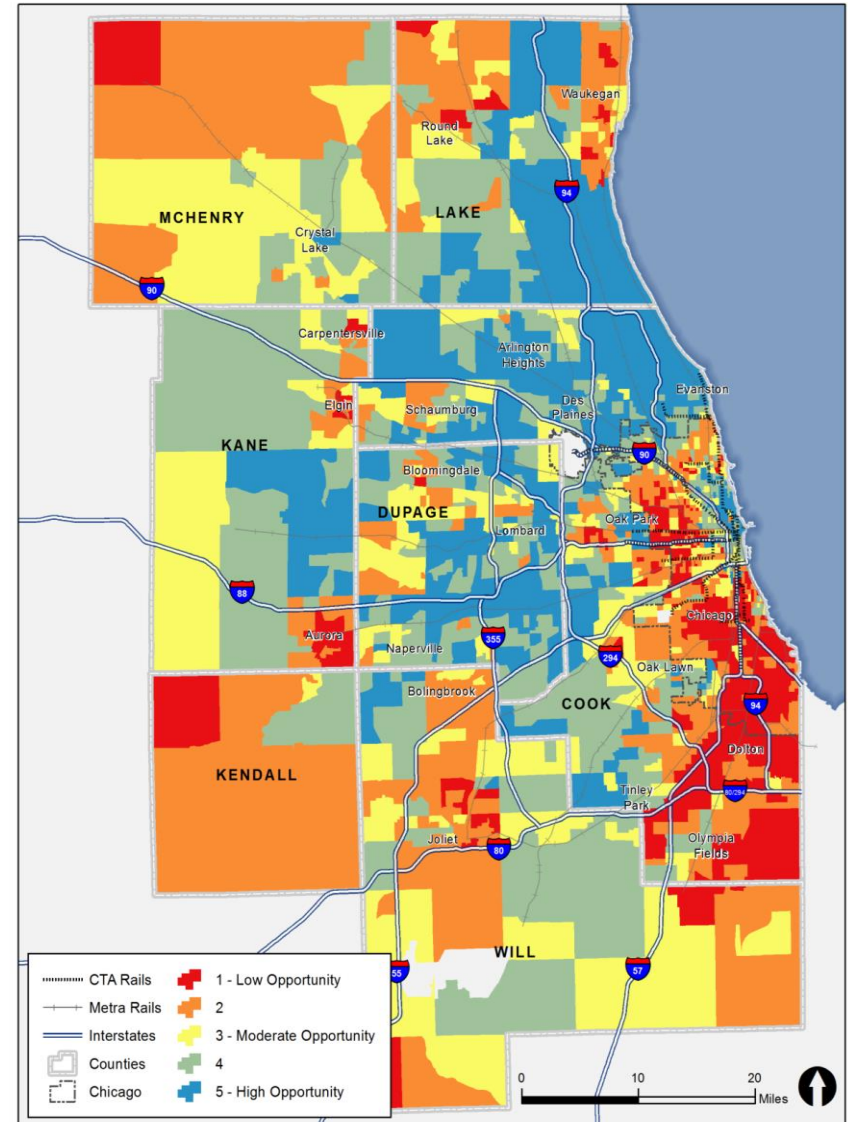
- Primary data collection by CAFHA, supported by CMAP review and analysis
- Focus was less on evaluation of transportation systems than on the regional location of opportunity and how those align with transportation systems



Source: U.S. Census Bureau 2010

Recommendations

- Recommendations framework
 - Regional coordination
 - Recommendations for local governments
 - Investing in disinvested communities
 - Recommendations for the Local Technical Assistance Program
- Goals/strategies focused on building off transportation assets to revitalize struggling areas (i.e. TOD and COD)
- Basis for subsequent CMAP work with other partners
 - PHAs
 - Entitlements



Source: U.S. Census Bureau, U.S. Dept. of Education, Longitudinal Employer - Household Dynamics, Home Mortgage Disclosure Act Statistics, Illinois Dept. of Revenue, Illinois Interactive Report Card, U.S. Dept. Housing and Urban Development

A photograph of a residential street. In the foreground, a concrete sidewalk runs from the bottom left towards the center. To the right of the sidewalk is a green lawn with some plants, including a bush of pink flowers and a tree trunk. In the background, there are several houses with grey roofs and white siding, surrounded by large green trees under a clear blue sky. A green banner with white text is overlaid across the middle of the image.

Looking Forward: Assessment of Fair Housing

Next Steps

- FHEA will lay the foundation for a regional AFH
 - Relationships
 - Tools
 - Analysis
- Gauging interest from local municipalities and PHAs
- Engaging potential partners



Questions



Thank you!



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Puget Sound Regional Council

Fair Housing in the Central Puget Sound Region

August 17, 2016



Today

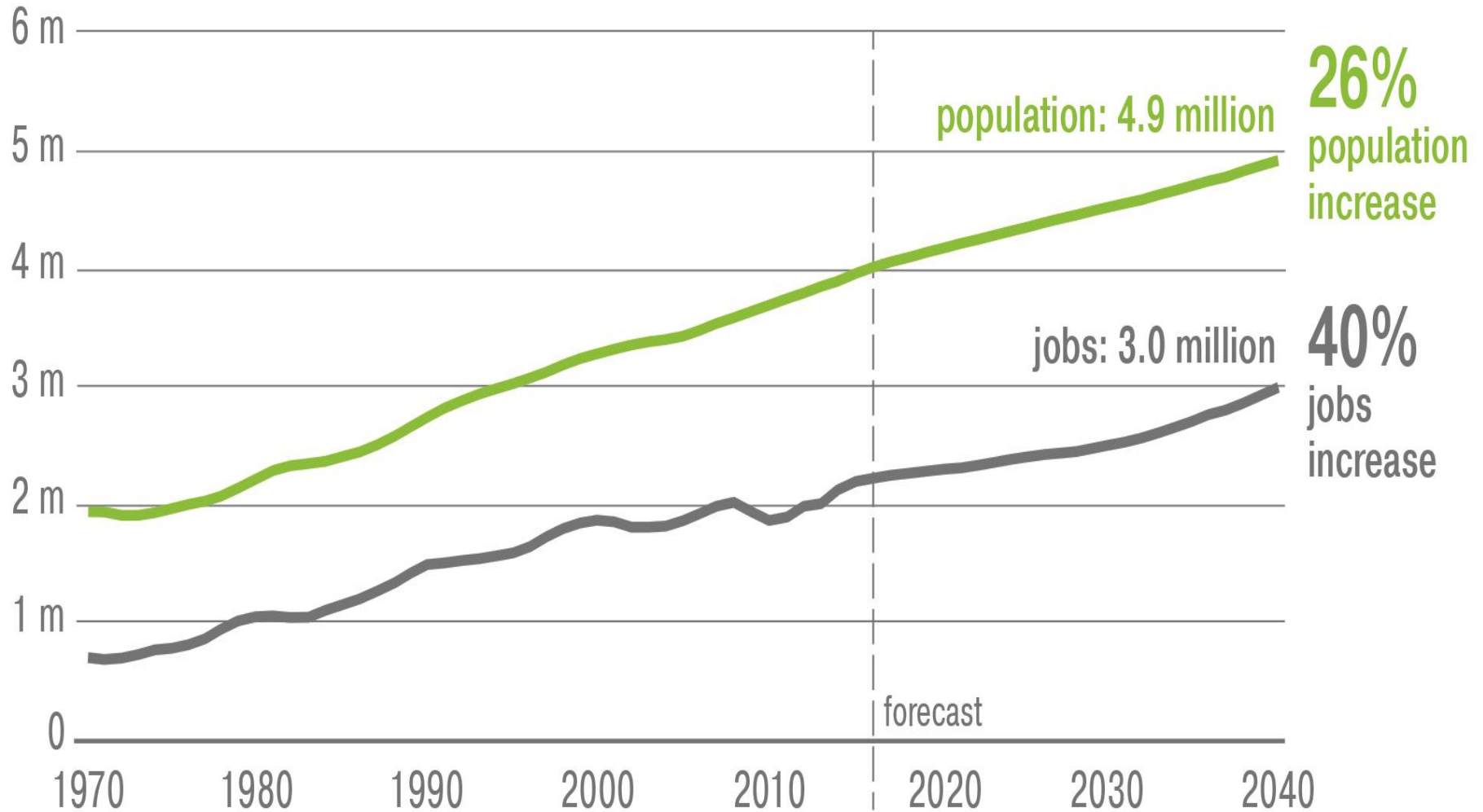
- Regional Context
- Fair Housing Equity Assessment: Highlights
- Current and Future Work

Central Puget Sound



- 4 million people
- 2.2 million jobs
- 4 counties: King, Pierce, Snohomish and Kitsap
- 82 cities and towns
- Urban and rural
- 6400 square miles
- 1000 square miles urbanized

Regional growth forecast



Sound Transit's light-rail buildout

LEGEND

ALREADY APPROVED PROPOSED

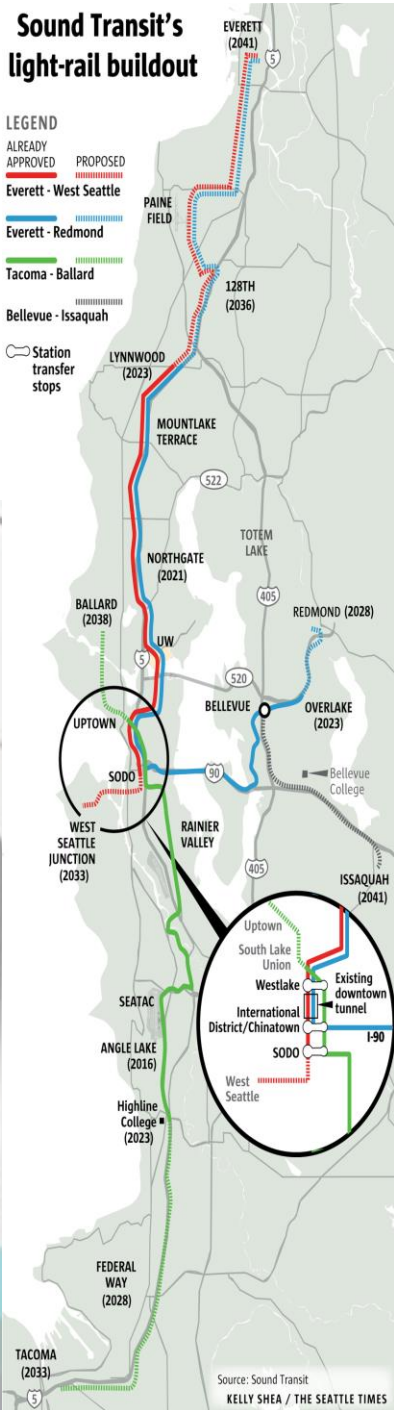
Everett - West Seattle

Everett - Redmond

Tacoma - Ballard

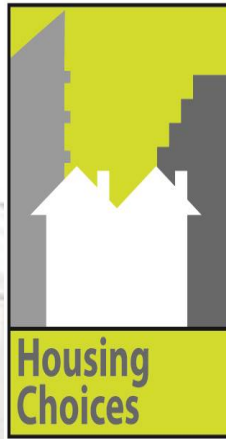
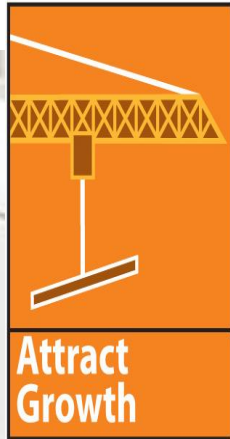
Bellevue - Issaquah

Station transfer stops



Source: Sound Transit
KELLY SHEA / THE SEATTLE TIMES

Key Corridors

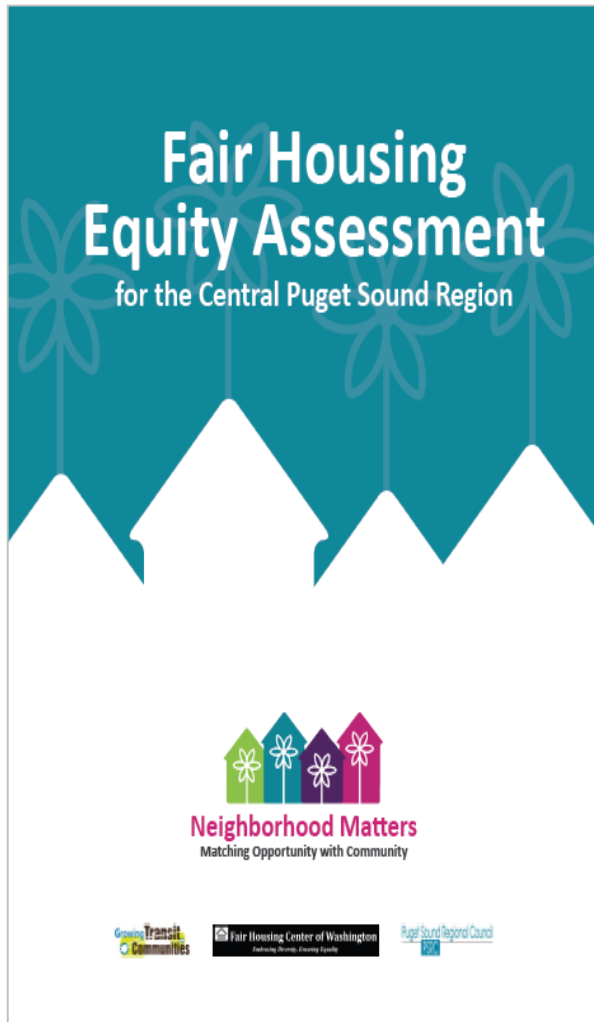


The Growing Transit Communities Strategy

Public Review Draft, May 2013

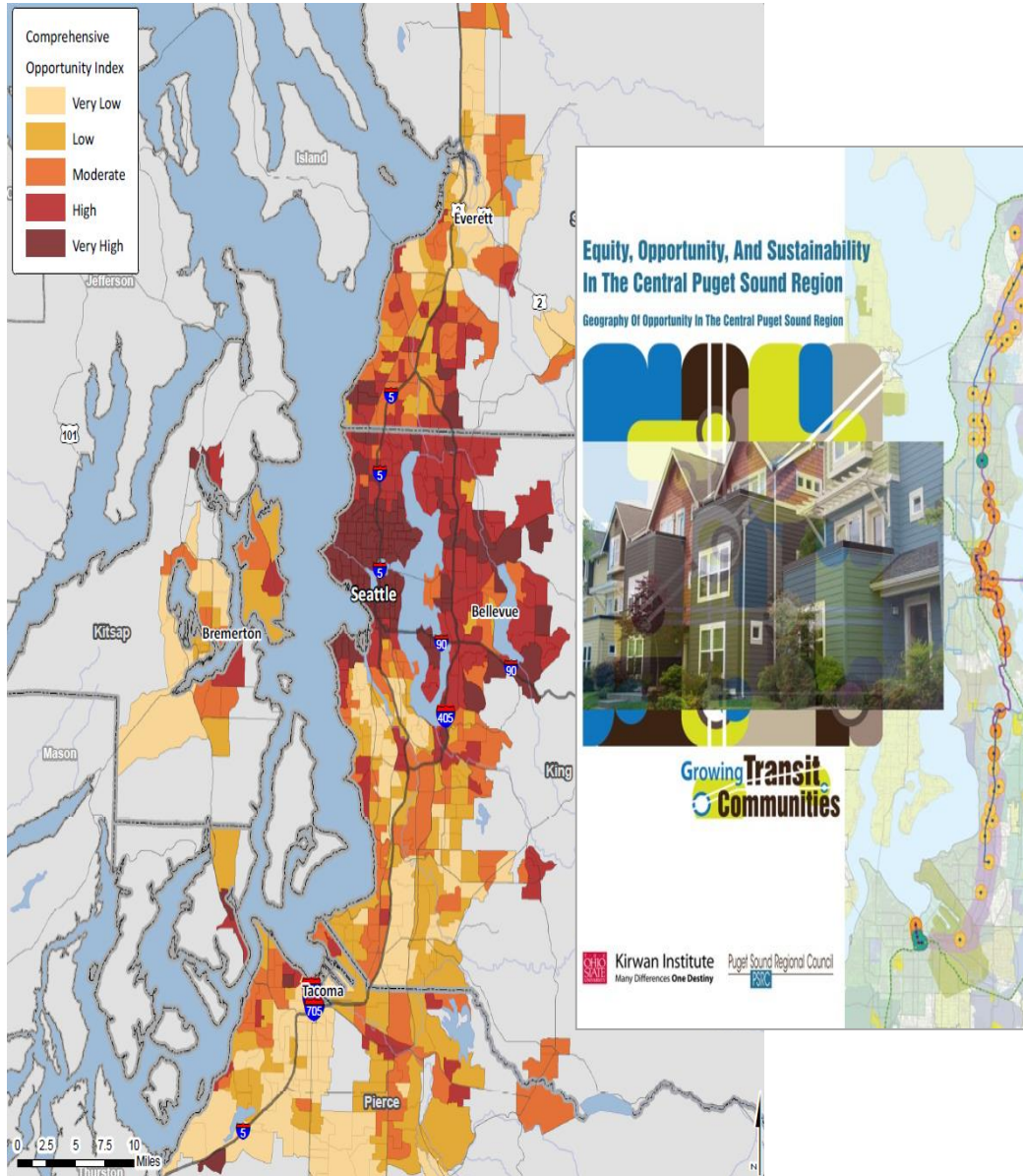
The report cover features a central photograph of a busy transit station with people walking. To the right is a map of the Puget Sound region with colored dots indicating transit communities along various corridors. Logos for Growing Transit Communities and Puget Sound Regional Council (PSRC) are visible at the bottom.

Regional Fair Housing



- Fair Housing Center of Washington
- Growing Transit Communities
Regional Fair Housing Committee
- Approved by GTC Oversight
Committee in October 2013

Geographies of Opportunity



Mapping

- Kirwan Institute
- Online maps

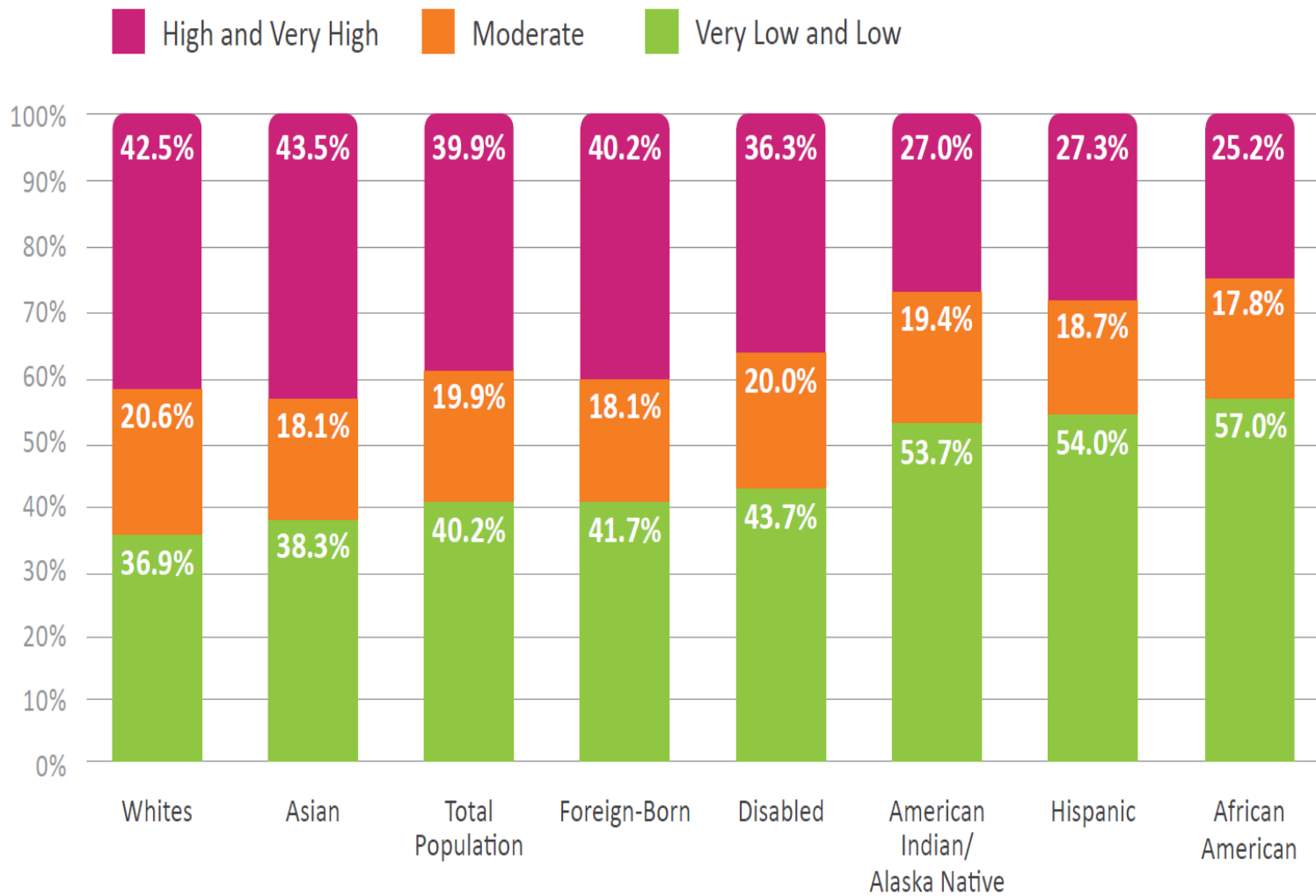
Application

- PSRC transportation project prioritization
- WA State Low Income Housing Tax Credit Allocation Criteria – King Co.

Finding

Race and income are linked
to access to opportunity

Figure 15 Opportunity Distribution by Demographic Group



Finding

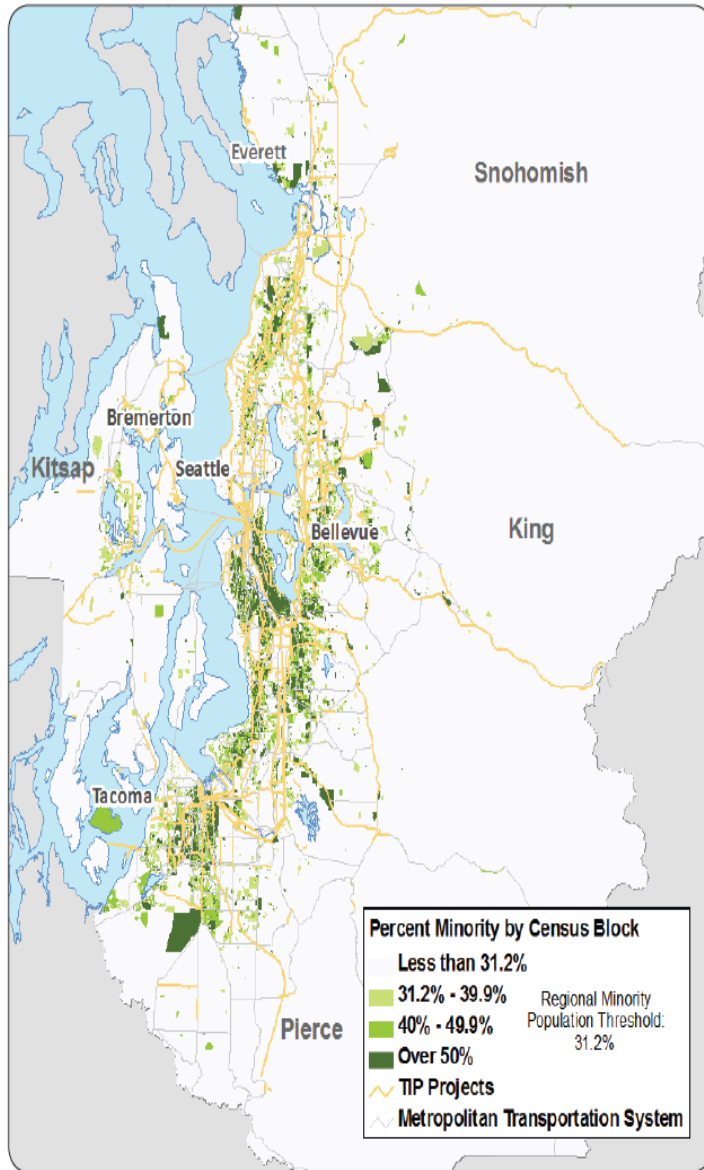
While distribution of recent and planned transportation investments equitable, disparate infrastructure and community development needs persist in region

Changes in Total User Benefits Per Personal Trip from 2040 Baseline



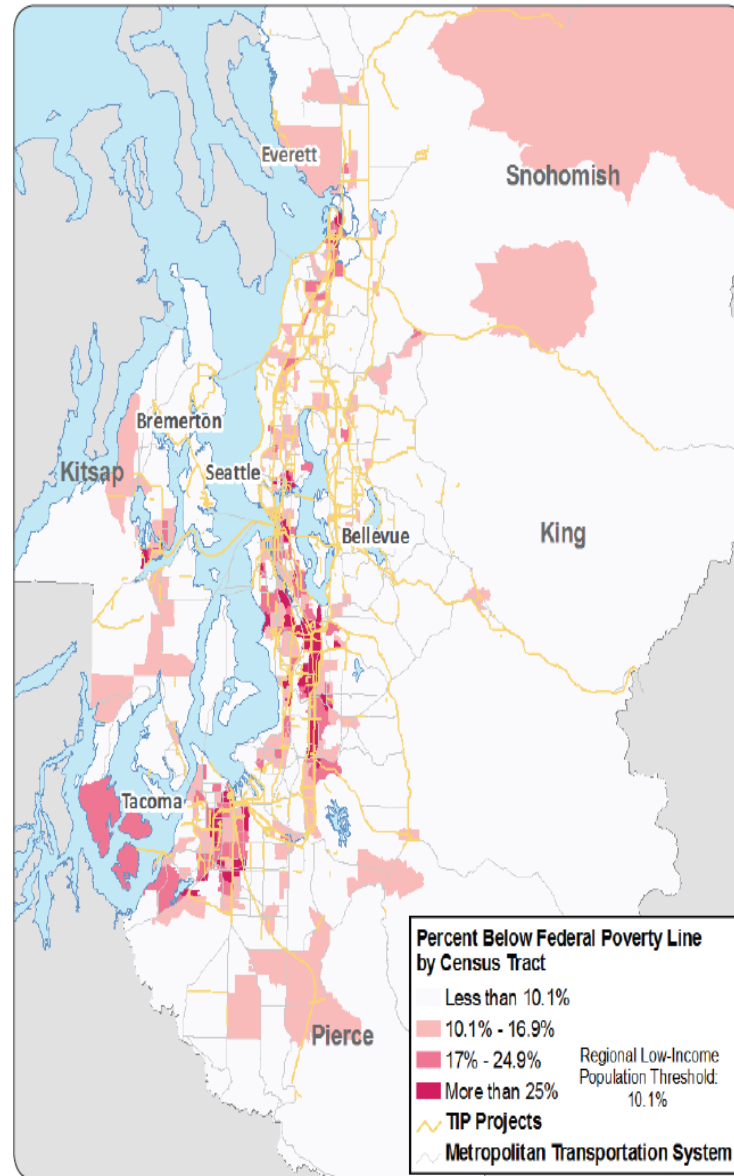
Source: Transportation 2040 Final Environmental Impact Statement, PSRC 2010

Figure 23 Environmental Justice Analysis of 2013-2016 TIP (Minorities)



Source: 2013-2016 Regional TIP Documentation, PSRC 2013

Figure 24 Environmental Justice Analysis of 2013-2016 TIP (Low Income Households)



Source: 2013-2016 Regional TIP Documentation, PSRC 2013

Finding

Testing reveals evidence of
discrimination

60% chance of different treatment

Differences in Treatment Favoring Control Tester ⁴⁶	% of Time Different Treatment Occurs in Positive Tests for WSHRC Audit*
Control tester told about/shown more units	63%
Lower rent, fees, deposit for control tester	35%
Better specials for control tester	30%
Less requirements to rent for control tester	24%
Earlier date of availability for control tester	22%
Courtesy significantly better for control tester	15%
Appointment not required for control tester while protected class tester turned away.	13%
No reasonable accommodation granted for service animal	9%
Follow up contact received by control tester and not protected class tester	7%

Source: FHCW, 2013

***Foundation:* Built on the Community Development Collaborative**

***Composition:* Coalition of 40+ Organizations**

***Staff:* Fulltime Equity
Network Manager**

***Charge:* Define and further social equity in context of
GTC and community development more broadly in the
region**



\$450,000 in small (\$5-15K) capacity-building grants

- 54 grants to 43 community-based organizations

Education, outreach, organizing, research

Involvement in GTC program and corridor-based planning



Friends of Little Saigon/ SCIDPDA



Rainier Beach Community Empowerment Coalition
Transit Justice Youth Project

Communities of Opportunity



The Seattle Foundation



King County

ST3 80/80/80 Rule



TOD

AFFH



Thank you!



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&
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Ubax@PugetSoundsage.org

Questions & Answers



Thank you!