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

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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.
“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
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

- **Assess**
  - Past Goals, Strategies, & Actions

- **Analyze**
  - Fair Housing Issues & Identify Significant Contributing Factors

- **Prioritize**
  - Contributing Factors & Justify the Prioritization

- **Set**
  - Fair Housing Priorities & Goals

- **Link**
  - Fair Housing Priorities & Goals to Subsequent Planning Processes

**Take Meaningful Actions**
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 lin/ viː : 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

<table>
<thead>
<tr>
<th>Security Rating</th>
<th>High-Cost Rate</th>
<th>Foreclosure Rate</th>
<th>Vacancy Rate</th>
<th>Not Rated in 1940</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>15.4%</td>
<td>24.0%</td>
<td>35.2%</td>
<td>14.7%</td>
</tr>
<tr>
<td>B</td>
<td>54.1%</td>
<td>35.2%</td>
<td>14.7%</td>
<td>0.0%</td>
</tr>
<tr>
<td>C</td>
<td>20.1% - 40%</td>
<td>40.1% - 60%</td>
<td>60.1% - 81.4%</td>
<td>20.1% - 40%</td>
</tr>
<tr>
<td>D</td>
<td>0% - 20%</td>
<td>20.1% - 40%</td>
<td>40.1% - 60%</td>
<td>0% - 20%</td>
</tr>
</tbody>
</table>

1940 HOLC Map

Security Ratings

- Industrial

High-Cost Loan Rate
- 60.1% - 81.4%
- 40.1% - 60%
- 20.1% - 40%
- 0% - 20%
Institutionalized discriminatory practices

Why we need the rule
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:

Map 1 - Race/Ethnicity
Map 2 - Race/Ethnicity Trends
Map 3 - National Origin
Map 4 - IEP

Map 5 - Publicly Supported Housing and Race/Ethnicity
Map 6 - Housing Choice Vouchers and Race/Ethnicity
Map 7 - Housing Burden and Race/Ethnicity
Map 8 - Housing Burden and National Origin

Map 9 - Demographics and School Proficiency
Map 10 - Demographics and Job Proximity
Map 11 - Demographics and Labor Market
Map 12 - Demographics and Transit Trips

Map 13 - Demographics and Low Transportation Cost
Map 14 - Demographics and Poverty
Map 15 - Demographics and Environmental Health
Map 16 - Disability by Type

Map 17 - Disability by Age Group
Disparities in Access to Opportunity

Map 12a – Race/Ethnicity and Transit Trips
Diverse stakeholders and advocacy yield strong assessments.
### AFFH ROLES & RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Agency</th>
<th>What They Bring</th>
<th>Data for Consideration</th>
<th>Questions for Deliberation</th>
<th>Decision-Making Scope and Options</th>
</tr>
</thead>
</table>
| **Metropolitan Planning Commissions (MPOs), Councils of Government (COGs), or Regional Planning Organizations (RPOs)** | - 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 | - 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 | - 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? | - 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**                        | - Provide an essential service critical to accessing opportunity for many low-income people and communities or color  
- Can be knowledgeable on particular and unique transportation needs in disadvantaged communities  
- Often own land near transit routes | - Will have data on ridership, sometimes by demographic variables  
- Will have data on budgets and spending by mode share | - 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 buses? | - 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**              | - 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 | - 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 | - 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? | - 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
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
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
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
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
Holding policy makers accountable

Identifying trends, gaps, needs early

Leverage partnerships

Advocate for affirmative public policies

Questions
Thank you!

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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

- Population: 4.9 million (26% increase)
- Jobs: 3.0 million (40% increase)

Forecast timeline from 1970 to 2040.
Key Corridors

Attract Growth

Housing Choices

Access to Opportunity
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

<table>
<thead>
<tr>
<th>Demographic Group</th>
<th>High and Very High</th>
<th>Moderate</th>
<th>Very Low and Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whites</td>
<td>42.5%</td>
<td>36.9%</td>
<td>18.6%</td>
</tr>
<tr>
<td>Asian</td>
<td>43.5%</td>
<td>38.3%</td>
<td>18.1%</td>
</tr>
<tr>
<td>Total Population</td>
<td>39.9%</td>
<td>40.2%</td>
<td>18.1%</td>
</tr>
<tr>
<td>Foreign-Born</td>
<td>40.2%</td>
<td>41.7%</td>
<td>18.1%</td>
</tr>
<tr>
<td>Disabled</td>
<td>36.3%</td>
<td>43.7%</td>
<td>20.0%</td>
</tr>
<tr>
<td>American Indian/Alaska Native</td>
<td>27.0%</td>
<td>53.7%</td>
<td>19.4%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>27.3%</td>
<td>54.0%</td>
<td>18.7%</td>
</tr>
<tr>
<td>African American</td>
<td>25.2%</td>
<td>57.0%</td>
<td>17.8%</td>
</tr>
</tbody>
</table>
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
Finding

Testing reveals evidence of discrimination
60% chance of different treatment

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

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
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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Questions & Answers
Thank you!