

# Closing the Divide: Creating Equitable, Inclusive, And Affordable Communities

## ACKNOWLEDGEMENTS

In October 2017, Enterprise Community Partners, Inc. (Enterprise) and the Fair Housing Justice Center (FHJC) launched the Regional Affordable and Fair Housing Roundtable. This cohort, comprised of nearly 30 affordable housing, community development, fair housing, for- and nonprofit organizations, set out to achieve several important goals. The first was to educate affordable housing and fair housing organizations on key areas of concern impacting both sectors, a period of engagement that helped to build trust and provide a basic level of understanding among all participants. The second goal was to develop a shared policy agenda identifying shared priorities affecting both the affordable and fair housing industries and that both sectors could collectively work to advance or support in a variety of ways. The third goal was to create a dynamic working group where both sectors opened-up enough to further deep discussions, sometimes around areas of contention, and to create a shared policy platform.



Enterprise Community Partners, Inc. is a national affordable housing intermediary that works to ensure that every family has a safe, affordable home in neighborhoods of opportunity; incubates programs to create solutions to challenging housing problems; invests capital to support the production of affordable housing; and advocates for policies that transform the system and bring more resources to the sector. The Fair Housing Justice Center is a nonprofit, civil rights organization dedicated to eliminating housing discrimination; promoting policies and programs that foster more open, accessible, and inclusive communities; and strengthening enforcement of fair housing laws in the New York City region.

Together, Enterprise and the FHJC co-led the Regional Affordable and Fair Housing Roundtable through a yearlong discussion of policy priorities as outlined in this policy agenda. Although there has been broad progress among these organizations, and shared areas of agreement, there are still several policies that are still under discussion. This policy agenda is an opportunity to share the Roundtable's work with the broader community, to continue to build trust among sectors, and to grow this coalition. This policy agenda is not the end of a conversation, but rather the beginning.

The list below represents the individuals who have participated in the Roundtable process and contributed to the development of this draft. As this is still a working draft document, this list is not intended to represent organizational endorsement.

Organization	Roundtable Participant
Asian Americans for Equality (AAFE)	Jennifer Sun
Association for Neighborhood & Housing Development (ANHD)	Emily Goldstein, Barika Williams, Spencer Williams
Banana Kelly	Harry DeRienzo
Bed Stuy Restoration Corp.	Colvin W. Grannum
Brooklyn Legal Services Corporation A	Shekar Krishnan, Gregory E. Louis
Center for Independence of the Disabled	Lourdes Rosa-Carrasquillo
Community Housing Innovations	Alexander (Alec) H. Roberts
Community League of the Heights	Yvonne Stennett
Community Service Society	Thomas J. Waters, Oksana Mironova, Victor Bach
ERASE Racism	V. Elaine Gross
Housing Works	Armen H. Merjian
Legal Aid Society	Robert Desir
Long Island Housing Partnership, Inc.	Sharon Mullan
Long Island Housing Services	Ian Wilder
Mutual Housing Association of New York (MHANY)	Ismene Speliotis
Monadnock Development	Kirk Goodrich
New York Appleseed	David Tipson
<b>New York City Alliance for School Integration and Desegregation (nycASID)</b>	Matt Gonzales
New York Communities for Change	Cea Weaver
New York Housing Conference (NYHC)	Rachel Fee
New York State Association for Affordable Housing (NYSFAAH)	Patrick Boyle, Jolie A. Milstein
NYU Furman	Jessica Yager
Project Hospitality	Rev. Terry Troia
Selfhelp Community Services	Evelyn J. Wolff
Services & Advocacy for GLBT Elders (SAGE)	Kelly Kent
Supportive Housing Network Of New York	Laura Mascuch
University Neighborhood Housing Program (UNHP)	Jim Buckley
Westchester Residential Opportunities (WRO)	Marlene Zarfes, Andrew Smith
Westhab	Richard Nightingale, Andrew Germansky

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## GLOSSARY

Affirmatively Furthering Fair Housing (AFFH): The AFFH is a provision of the Fair Housing Act. It includes a requirement for certain HUD grantees to assess fair housing to examine whether there are any barriers to fair housing, housing patterns or practices that promote bias based on any protected class under the Fair Housing Act, and to create a plan for rectifying fair housing barriers.

Area Median Income (AMI): The Area Median Income is the midpoint of a region's income distribution – half of families in a region earn more than the median and half earn less than the median. For housing policy, income thresholds set relative to the area median income—such as 50% of the area median income—identify households eligible to live in income-restricted housing units and the affordability of housing units to low-income households.

Community/Residency Preferences: Under US Department of Housing and Urban Development (HUD) regulations, a Public Housing Agency (PHA) is permitted to adopt residency preferences that give priority to applicants living or working within the PHA's jurisdiction, but residency requirements are prohibited.

Concerted Community Revitalization Plans (CCRPs): CCRPs are a deliberate, concerted, and locally approved plans or documented interconnected series of local efforts with local stakeholder support intended to improve and enhance specific aspects of a community or neighborhood.

Rent Guidelines Board (RGB): The Rent Guidelines Board is a nine-member entity in charge of determining yearly rent adjustments to the roughly 1 million rent-stabilized apartments in New York City. The RGB bases its decision on a yearly review of the economic condition of the residential real estate industry in New York City.

Disability Rent Increase Exemptions (DRIE): The Disability Rent Increase Exemption (DRIE, also known as the NYC Rent Freeze Program) is an exemption against future rent increases for eligible disabled persons living in rent-controlled, rent-stabilized, Mitchell-Lama and other eligible apartments. Landlords of DRIE tenants will receive tax credits to make up the difference between the frozen rent and what the DRIE tenants would be paying without the benefit.

Fair Housing Act (FHA): The Civil Rights Act of 1968, known as the federal Fair Housing Act, prohibits discrimination by direct providers of housing, such as landlords, real estate companies, municipalities, banks or other lending institutions, homeowner's insurance companies, as well as other entities, based on protected characteristics -- race or color, religion, sex, national origin, familial status, and disability. State and local governments may include additional protected characteristics within their respective jurisdictions (lawful source of income, arrests and conviction record, military status, etc.)

Housing Choice Voucher Program (Section 8): The housing choice voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. The housing choice voucher program is administered locally by Public Housing Authorities.

Individual Apartment Improvements (IAIs): Individual Apartment Improvements is the right of the landlord to add new equipment and improvements to an apartment, usually during a vacancy. The owner can increase the rent following these improvements by 1/40 or 1/60 of the costs of the improvements, depending upon the size of the building.

Low-Income Housing Tax Credit (LIHTC) Program: The LIHTC program is an indirect federal subsidy used to finance the construction and rehabilitation of low-income affordable rental housing. The LIHTC gives investors a dollar-for-dollar reduction in their federal tax liability in exchange for providing financing to develop affordable rental housing. Investors receive tax credits paid in annual allotments, generally over 10 years.

Major Capital Improvements (MCI): A Major Capital Improvement is the right of the landlord to building-wide improvements or to replace a major building system such as new windows, boilers, roofs or other work affecting the entire building. MCI permanently increases rent in rent-stabilized or rent-controlled apartments, based on money spent by the landlord. The landlord must apply for the MCI rent increase from the New York State Division of Housing and Community Renewal (DHCR).

Mandatory Inclusionary Housing (MIH): MIH is a zoning tool developed by the Department of City Planning and the Department of Housing Preservation and Development, which requires developers to include affordable housing in areas that are rezoned to allow for more housing development.

New York's Environmental Quality Review Act (SEQR): New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. These agencies must assess the environmental significance of all actions to avoid or reduce adverse environmental impacts related to a proposed action.

Not in My Backyard (NIMBY): NIMBY describes the phenomenon in which residents of a neighborhood designate a new development (e.g. shelter, affordable housing, group home) or change in occupancy of an existing development as inappropriate or unwanted for their local area. The opposition to affordable, supportive or transitional housing is usually based on the assumed characteristics of the population that will be living in the development.

Public Housing Authorities (PHAs): PHAs are government entities that own and manage low-income housing. The New York City Housing Authority (NYCHA) is the largest public housing authority in North America.

Racially/Ethnically-Concentrated Areas of Poverty (R/ECAPs): Developed by HUD, R/ECAPs involves a racial/ethnic concentration threshold. A neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower. Census tracts with this extreme poverty rate that satisfy the racial/ethnic concentration threshold are deemed R/ECAPs.

Senior Citizen Rent Increase Exemption (SCRIE): SCRIE or NYC Rent Freeze Program freezes the rent for head-of-household seniors 62 and older who live in rent-regulated apartments. Eligible seniors must have

household income of \$50,000 or less. Landlords are given a property tax abatement credit applied to their property tax bill in the same amount as the increase that the tenant is exempted from paying.

Source of Income (SOI): SOI refers to the provision that protects individuals using government assistance or other forms of non-wage income to pay their rent from housing discrimination. Therefore, SOI protections prohibits housing providers from discriminating against individuals who use non-wage income or funds from federal, state or local governmental entities to pay for all or part of their housing.

US Department of Housing and Urban Development (HUD): HUD is a U.S. government agency created in 1965 to support community development and homeownership. HUD does this by improving affordable homeownership opportunities, increasing safe and affordable rental options, reducing chronic homelessness, fighting housing discrimination by ensuring equal opportunity in the rental and purchase markets, and supporting vulnerable populations.

Yes, In My Backyard (YIMBY): YIMBY is the phenomenon to counter NIMBY. Essentially, encouraging new development (e.g. shelter, affordable housing, group home) of all varying levels of affordability close to job centers, so people can participate in the city's economy.

# INTRODUCTION

## Regional Affordability Challenges

Our country is in the midst of a housing affordability crisis, one that is uniquely felt in the New York City metropolitan region. This crisis can be attributed to several factors including, but certainly not limited to: the loss of affordable units within the City, a lack of affordable units in the suburbs, wage stagnation, rising rents, low rental vacancy rates, lack of tenant protection, and rapid population growth within the region.

New York City has historically enacted rent control and rent stabilization laws to help many New Yorkers afford their housing, safeguarding households from drastic rent increases.<sup>1</sup> However, over the last two decades, the State has continuously reformed its rent protections, eroding rental regulations and subjecting tenants to astronomical rents. For instance, under vacancy decontrol, once a landlord raises the rent of a unit to \$2,700, the unit permanently exits the regulatory system and is subject to often extreme annual rent increases, making the unit unaffordable for the current tenants.

Many landlords of rent-regulated apartments in gentrifying communities rely on a lack of tenant protections by exposing the gaps in the City's and State's services. Landlords intentionally create hostile living environments for their current residents, using intimidation tactics like expensive unit renovations and tenant harassment to displace long-time, working-class residents. In turn, these practices allow landlords to justify rent increases, ensuring that the unit is permanently deregulated. Meanwhile, those displaced households are forced into homeless shelters and other temporary housing, overcrowded households with other families, or out of the City altogether.

Our supply of rental housing is not keeping up with the metropolitan area's rapidly increasing demand. The availability of suburban rental units further complicates mobility for residents. New York City is a majority rental housing market, with about 70% of the households renting within the City, contrasting heavily to the larger region in which only 33% of suburban households are renters. This supply and demand mismatch further constrains housing choice, making housing unaffordable for low-income families to move inside, around, and outside of the City.

Additionally, average rents are soaring throughout the region while wages cannot keep up with the rising costs of living. For example, Long Island ranks in the top ten of national housing markets that are experiencing this phenomenon.<sup>2</sup> This rise is acutely felt within the City's limits, outpacing the rise of rents within suburbs.<sup>3</sup> Low-income families are being priced out and forced to look for housing within the suburban communities. This presents a rather unique challenge for those households within the region if suburbs do not address the

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<sup>1</sup>Rent Regulation Prior to the Establishment of the Board. (2018, February). Retrieved <https://www1.nyc.gov/assets/rentguidelinesboard/pdf/history/historyoftheboard.pdf>

<sup>2</sup> McAtee, P. (2018, June 27). Long Island's Housing Affordability Among Worst In Nation: Report. Retrieved from <https://patch.com/new-york/oysterbay/long-islands-housing-affordability-among-worst-nation-report>

<sup>3</sup> NYU Furman Center. (2016, March 8). Renting In America's Largest Metropolitan Areas(Rep.). Retrieved from [http://furmancenter.org/files/NYU\\_Furman\\_Center\\_Capital\\_One\\_National\\_Affordable\\_Rental\\_Housing\\_Landscape\\_2016\\_9JUNE2016.pdf](http://furmancenter.org/files/NYU_Furman_Center_Capital_One_National_Affordable_Rental_Housing_Landscape_2016_9JUNE2016.pdf)



exclusionary zoning and land-use barriers that continue to prevent these communities from becoming open, accessible, and inclusive to all.

The high cost of living throughout the New York City metropolitan region forces many households to use income that could otherwise cover healthcare, transportation, food, and other important goods to cover their housing costs. According to NYU's Furman Center, a greater percentage of New Yorkers now classify as moderately rent burdened (using between 30%-50% of their total income to cover housing costs) or severely rent burdened (using more than 50% of their total income to cover housing costs). 85% of extremely low-income households, 77% of low-income households, and 55% of moderate-income households fall within either category.<sup>4</sup> This high cost burden does not stop at the City's limits. Almost 24% of Westchester County's households are moderately rent burdened and 27% are severely rent burdened.<sup>5</sup> On Long Island, more than 56% of renters are rent burdened.<sup>6</sup> A high share of rent burdened households are families of color, which comes with stark racial implications within the New York City metropolitan area. The Furman Center's annual *State of New York City's Housing and Neighborhoods* reports that Asian, Black, and Hispanic families are more likely be rent burdened than white families.<sup>7</sup>

## Regional Fair Housing Challenges

The 1968 passage of the Fair Housing Act, spurred by the assassination of Rev. Dr. Martin Luther King, Jr., represented a crossroads in the history of segregation in the United States. Racial discrimination and segregation, enshrined in law and culture, had locked populations of color in central city neighborhoods and reserved the American dream of homeownership, upward mobility and greater opportunity for white people. Redlining and other discriminatory mortgage practices dating from the Roosevelt administration, such as racially restrictive covenants, rampant housing discrimination, and the local home rule, insured that the trillions of dollars in wealth generated from the suburban housing boom flowed almost exclusively to white Americans.

However, with the passage of this historic piece of legislation came the promise that, “[F]air housing for all — all human beings who live in this country — is now a part of the American way of life.”<sup>8</sup> Yet, fifty years later, this promise remains unfulfilled.

Today, housing discrimination and residential segregation are pervasive across the country and the New York City metropolitan region. New York City has the distinction of being the third most segregated city for African Americans and the second most segregated city for Asian Americans and Latinos in the United

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<sup>4</sup>NYU Furman Center. (2018, May 24). State of New York City's Housing and Neighborhoods in 2017(Rep.). Retrieved from [http://furmancenter.org/files/sotc/SOC\\_2017\\_Full\\_2018-08-01.pdf](http://furmancenter.org/files/sotc/SOC_2017_Full_2018-08-01.pdf)

<sup>5</sup> Czajka, J., & Stewart, A. (2018, May). Navigating Affordable Housing: The City of New Rochelle(Rep.). Retrieved from <https://www.newrochelleny.com/DocumentCenter/View/9834/Affordable-Housing-Report-New-Rochelle-62618-FINAL>

<sup>6</sup> Reginal Plan Association. (2013, September). Long Island's Rental Housing Crisis(Rep.). Retrieved from <http://library.rpa.org/pdf/RPA-Long-Islands-Rental-Housing-Crisis.pdf>

<sup>7</sup> NYU Furman Center. (2018, May 24). State of New York City's Housing and Neighborhoods in 2017(Rep.). Retrieved from [http://furmancenter.org/files/sotc/SOC\\_2017\\_Full\\_2018-08-01.pdf](http://furmancenter.org/files/sotc/SOC_2017_Full_2018-08-01.pdf)

<sup>8</sup> Basile, C. (2018, March 8). HUD proposes change to mission statement, housing groups push back. Retrieved from <https://www.housingwire.com/articles/42708-hud-proposes-change-to-mission-statement-housing-groups-push-back>



States.<sup>9</sup> And this segregation in housing contributes to many of the inequalities that continue to divide our nation. When people are restricted to living in certain areas, vulnerable, minority and disability populations become isolated, poverty becomes concentrated, and generations of families continue to be deprived of opportunities to advance. Housing discrimination and residential segregation also contribute to homelessness, neighborhood divestment, and disparities in homeownership and the accumulation of personal wealth. And, while reinforcing feelings of privilege and advantage among some, housing discrimination and residential segregation leave others in despair that they are relegated to an inherently inferior status in American society.

There are several reasons why we have not moved further towards advancing fair housing, regionally and nationally. One is that enforcement of fair housing laws during the past fifty years has been passive and uneven at best. The effort to segregate our society along racial lines required an extraordinary amount of coordinated effort between the federal government and the private real estate industry. Therefore, breaking down the historic and systemic barriers that have prevented us from moving towards a more integrated society requires the same level of extraordinary effort. But without adequate resources to enforce these laws, we will not be able to truly break down these barriers and create integrated, accessible, and inclusive communities.

Another reason why we have not moved further is that the nature of housing discrimination has changed over time. While housing discrimination fifty years ago was often overt, a literal slammed door in people's faces, housing discrimination today is often far more subtle and difficult for ordinary home-seekers to detect. For example, we have seen New York City suburban communities use facially neutral exclusionary zoning measures that have a disparate impact on communities of color and maintain patterns of racial residential segregation.<sup>10</sup> As a result, the current complaint-responsive enforcement model is unable to fully capture and address these systemic forms of housing discrimination. Instead, more strategic, proactive enforcement methods, such as testing, are required to root out the housing discrimination we see today.

Over the last several years, additional gains were made to address some of these more systemic forms of discrimination. The Supreme Court ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project* regarding disparate impact claims and the Affirmatively Furthering Fair Housing (AFFH) rule, which laid out a process for local governments to assess fair housing needs and to examine the barriers to ending residential segregation in their jurisdictions, gave fair housing advocates new tools to advance fair housing across the country<sup>11</sup>.

However, with the election of President Trump and the appointment of U.S. Department of Housing and Urban Development (HUD) Secretary Ben Carson, housing advocates now face new struggles. HUD is actively rolling back some of these recent gains, most notably the AFFH rule, and effectively stifling current enforcement efforts. Therefore, it is more important than ever that local fair housing organizations, housing nonprofits, affordable housing groups, and advocates come together to advance fair housing in our region and work together to create more open, accessible, and inclusive communities.

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<sup>9</sup>Logan Study

<sup>10</sup> Westchester Town Settles Fair Housing Lawsuit. (2018, June 28). Opening Acts: June 27, 2018. Retrieved from <http://www.fairhousingjustice.org/newsletters/opening-acts-june-27-2018/>

<sup>11</sup> Texas Department of Housing and Community Affairs ET AL. V. Inclusive Communities Project, Inc., ET AL., No. 13-371 slip op. at 1 (June 25, 2015).

## The Purpose of this Roundtable and Policy Agenda

The New York City government is taking actions to address the housing affordability crisis and housing inequality within the city. We applaud the ongoing “Where We Live NYC” process, which is a collaborative planning approach to the AFFH rule led by NYC’s Department of Housing Preservation and Development (HPD), in partnership with the New York City Housing Authority (NYCHA) and 28 other sister organizations, to mitigate housing discrimination and create a policy blueprint to address structural, historic, and institutional barriers that inhibit housing choice and opportunity for every New Yorker. We also applaud Mayor de Blasio’s housing plan to build and preserve 300,000 affordable housing units in the coming years. Our efforts are not meant to overshadow the work that is already happening, but rather to supplement and strengthen this critical work.

As the data suggests, our current housing issues are regional issues, and it will take a regional collaboration for us to holistically address housing affordability, quality, residential segregation and discrimination, and the inequalities spurred by the region’s residential settlement patterns. Therefore, we were intentional in creating a collaborative working-group with representatives who had unique perspectives based in different parts of the region. We utilized the passion and expertise of our Roundtable to think critically about how we can improve regional tenant protections, rethink the siting of affordable housing and municipal amenities, address exclusionary zoning and other land-use barriers, increase density within the region, create real mobility for rental assistance subsidy households, protect justice-involved families and people using different types of income to pay for housing within the housing market, address education equity through housing policy, and continue the conversation regarding the use of residency preferences within affordable housing.

## IMPROVING TENANT PROTECTIONS THROUGHOUT THE METROPOLITAN REGION

The New York City metropolitan region, as well as smaller metro regions across New York State, are changing on a scale not seen since the large migrations of the mid-twentieth century. Affluent families are moving into city neighborhoods<sup>12</sup> historically occupied by working-class, communities of color. Inversely, those lower-income families are increasingly pushed into more suburban areas historically occupied by white families.<sup>13</sup> Without thoughtful intervention, these movements of people and resources will not be conducive to integration, but rather will repeat the cycles of racial and economic segregation all too familiar to us from the twentieth century.

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<sup>12</sup> Demause, N. (2015, May 04). What Happens to Families Forced Out of Bushwick? Retrieved from <https://www.cityandstateny.com/articles/politics/new-york-city/displaced,-dispersed,-disappeared-what-happens-to-families-forced-out-of-bushwick.html>

<sup>13</sup> Roberts, S. (2011, July 29). Slower Racial Change Found in Census of City. The New York Times. Retrieved from [http://www.nytimes.com/2011/07/29/nyregion/census-finds-slight-stabilizing-in-new-york-city-racial-makeup.html?\\_r=0](http://www.nytimes.com/2011/07/29/nyregion/census-finds-slight-stabilizing-in-new-york-city-racial-makeup.html?_r=0).

As noted in a recent report by Councilmember Brad Lander’s office, which outlined twelve steps toward the desegregation of New York City, strong rent regulation is a critical tool for integration without displacement.<sup>14</sup> Unfortunately, however, New York State’s rent regulation laws – which protect over a million households<sup>15</sup> in New York City and a smaller number in Nassau, Rockland and Westchester counties – have been weakened over time and are currently inadequate to the scale of the challenge. The changes to the rent laws, which have dramatically undermined the rent regulation system, were put in place by legislative actions by both New York City and New York State in the 1990s and 2000s. Moreover, the introduction of rent law loopholes has sped up the pace of the loss of these units; over 284,000 apartments have been deregulated in New York City since 1994.<sup>16</sup> We need far stronger protections to allow lower-income families to remain in their homes as their neighborhoods gentrify.

## Policy Priorities

1. **End the “eviction bonus.”** The so-called “vacancy allowance” in the current law allows an automatic rent increase of about 20% when a tenant signs a new lease on a rent-stabilized apartment. Because apartments have a high rent deregulation threshold, in practice the vacancy allowance provides a perverse incentive for landlords to encourage tenant turnover through legal and illegal means, such as unjust evictions. Moreover, the vacancy bonus causes our stock of rent-stabilized units to become increasingly unaffordable to many families by providing a channel for rent increases beyond what is allowable under the annual rent guidelines adjustments. This mechanism alone explains 49% of the citywide total increase in stabilized rents above inflation between 2011 and 2014.<sup>17</sup>
2. **End vacancy deregulation.** Today, if a rent stabilized apartment reaches a rent of \$2,700 upon vacancy, it can be permanently deregulated. This means that all future tenants of that specific apartment become ineligible for protections from sudden rent increases and lose the security of tenure that comes with the right to a lease renewal. The high rent threshold, when paired with the vacancy bonus and preferential rent, incentivizes tenant turnover through legal and illegal means.
3. **Protect preferential rents.** When a landlord rents a rent-stabilized apartment for less than the regulated maximum (known as the “legal rent”), it is known as “preferential rent.” About one third of rent-stabilized apartments in New York City have preferential rents.<sup>18</sup> Under the rent stabilization laws as amended in 2003, a landlord can withdraw a preferential rent at the end of the lease (while a tenant is still in place) and charge up to the legal rent, plus any Rental Guidelines Board (RGB) increases. Due to the vacancy bonus, other rent increase avenues like major capital improvements (MCI) and individual apartment improvements (IAIs), and a string of high rent guidelines and board rent adjustment

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<sup>14</sup> Lander, B. (2018, April). Desegregating NYC: Twelve Steps Toward A More Inclusive City(Rep.). Retrieved <http://arc-riverdale.com/wp-content/uploads/2018/04/Lander-Desegregating-NYC-Final-Report.pdf>

<sup>15</sup> Frequently Asked Questions (FAQs). (n.d.). Retrieved from <https://www1.nyc.gov/site/rentguidelinesboard/resources/rent-control.page>

<sup>16</sup> New York City Rent Guideline Board (NYCRGB). (2017, May 25). Changes to the Rent Stabilized Housing Stock in New York City in 2016(Rep.). Retrieved from <https://www1.nyc.gov/assets/rentguidelinesboard/pdf/changes17.pdf>

<sup>17</sup> Waters, T. J., & Bach, V. (2016, May). Making the Rent 2016: Tenant Conditions in New York City's Changing Neighborhoods(Rep.). Retrieved <http://www.cssny.org/publications/entry/making-the-rent-2016>

<sup>18</sup> McLaughlin, Andrew. New York City Rent Guidelines Board. (2017, June 1). Memorandum: Additional DHRC Data. Retrieved from <https://www.documentcloud.org/documents/3872406-DHCR-Data-Memo-June-2017.html>

decisions during Mayor Bloomberg's tenure, stabilized rents in many neighborhoods with relatively low rents, including many neighborhoods of color, have risen more quickly than the market.

This provision has led opportunistic buyers to snap up properties with preferential rents in areas they consider ripe for gentrification. Brokers use preferential rents to market properties to predatory landlords, encouraging unjust evictions and speculation. To address this issue, the rent laws should be amended back to the system that was in place before 2003: that a landlord could only raise preferential rents to the legal rent level only when an apartment is vacated. Additionally, lifting the look back period under preferential rents, and making the landlord, not the tenant, responsible for burden of proof would assist in protecting tenants living in units with preferential rents would address this problem.

4. **Fix the incentive structure around major capital improvement.** Our current laws allow landlords to raise rents when they make major capital improvements or individual apartment improvements. The current law lacks safeguards to prevent its abuse. The Legislature should reform the provisions governing the Vacancy Allowance, Major Capital Improvement and Individual Apartment Improvement increases in a way that reduces excessive rent hikes but ensures that owners can provide safe and decent housing. Coupled with the Vacancy Allowance and the Eviction bonus, unchecked MCIs significantly raise regulated rents, create significant financial incentives for tenant turnover and drive displacement.
5. **Regulate rents statewide.** Today, rent-stabilization laws apply only to New York City and to some localities in Nassau, Rockland, and Westchester Counties. We need a statewide law, such as "just cause" eviction protections, to apply to all municipalities where rising rents threaten the housing security of families while allowing some flexibility for more localized, unique conditions.
6. **Inform tenants of their rights.** Given the amount of tenant harassment and displacement in rent-regulated buildings, it is important that tenants are aware of their rights. All tenants living in rent regulated units should be provided with information about their rights during the initial lease execution. This information should also include the rights of tenants in the event they experience eviction.
7. **Increase enforcement of existing laws.** Even stronger protections in our laws cannot fully stop unscrupulous landlords from escaping rent regulation. Stronger enforcement and an increase in funding for enforcement of our rent-regulation laws are necessary to prevent units from leaving the system illegally.

## REMOVING EXCLUSIONARY ZONING AND OTHER LAND USE BARRIERS TO PROMOTE ACCESSIBLE, INTEGRATED, AND AFFORDABLE HOUSING

In addition to maintaining segregation and effectively preventing families of color from accessing housing opportunities in many areas, the gap between the supply and demand of housing has contributed to homelessness and been a factor in the exodus of young people from the suburbs to the cities. Therefore, the challenge is figuring out how to stimulate more development of affordable housing in affluent, white

neighborhoods and suburban communities. How do we allow for and encourage development of affordable housing in a home rule state where many predominantly white suburban localities and their volunteer boards serve as gatekeepers?

The history of our segregated suburbs can help us understand the housing patterns and the resistance to affordable housing and integration we see today. In a confidential memo to his staff, former HUD Secretary, George Romney, described America's housing patterns as a "high-income white noose" around the black inner city. His "Open Communities" initiative, a program designed to integrate the suburbs, was squashed by the Nixon administration when Romney was appointed ambassador to Mexico.

Romney recognized, as did suburban America, that reducing the supply and raising the price of housing could serve the same role as racial discrimination. Thus, suburban construction, especially in the North, slowed to a trickle with local land-use boards controlling zoning to increase lot sizes and severely limit multifamily housing to maintain the status quo.

Ironically, the most segregated metro areas today are in northern states. New York's Environmental Quality Review Act (SEQR) added to the local boards' ability to delay or destroy multifamily projects. In metro areas like New York, the act succeeded, and numerous studies have linked segregation to the most restrictive land use laws. However, while discrimination is a sharp tool, exclusionary zoning is a blunt instrument that affects young families and seniors on fixed incomes, regardless of race, national origin, disability, sexual orientation, or other protected characteristics. These boards wield enormous power to exclude all forms of affordable housing, often due to community opposition from neighbors.

It is important to learn from history, in which previous attempts to educate the public about the benefits of development of affordable housing have largely failed. There has been a flurry of legislation nationwide to address the lack of affordable housing. However, it has been met with mixed success. For example, California last year passed the most comprehensive affordable housing legislation, with 15 bills designed to stimulate more affordable housing and preserve existing projects.

Within the New York City region, the recent collapse of a federal consent decree in Westchester County exposed the continued local resistance to affordable housing, even in the face of a federal court order. Despite a 2009 settlement order between HUD and Westchester County to address exclusionary zoning and create 750 "fair and affordable" units in overwhelmingly white areas over seven years, HUD and the federal monitor were barely able to satisfy the 750-unit requirement -- 107 units per year in a county nearly as large as all five boroughs of New York City combined. Today, the consent decree has faded without attaining its promise of systemic change. While the population has grown more diverse, residential segregation in Westchester and throughout the New York region remains among the most persistent in the country.

The New York Home Rule gives localities jurisdiction over discretionary land-use decisions. It is all too easy to exclude affordable housing development based upon rationales such as contextuality, infrastructure limitations, school over-crowding, increased traffic congestion, lack of public transportation, and other frequently used excuses. As a result, local regulatory bodies can purport to be working to maintain the character of their neighborhood, while effectively excluding people based on race, national origin, or disability.

Despite attempts to implement "fair share" requirements through the Mt. Laurel decision in New Jersey, and



to a much lesser extent with Berenson in New York State, attempts to impose minimum affordable housing goals on suburban localities have been met with limited success. As one activist said, “Ten percent of nothing is still nothing.” Restricting the location of affordable housing also limits the housing choices available to lower-income New Yorkers and perpetuates poverty concentration and segregation.

Therefore, the challenge is to develop government regulation and processes that will allow the market to respond to the need for housing of all types, equally accessible to and integrated with all populations, with the understanding that local government regulation often restricts the affordable housing supply.

## Policy Priorities

1. **Create a State-wide Equitable Share Housing Plan and establish a minimum affordable housing goal for every community.** This proposed legislation would mandate that every community work to ensure that at least 10% of its existing housing stock is affordable (reaching populations with income at or below 60% of the Area Median Income for rentals and 80% AMI for homeownership). In the case of high property tax suburban areas, it is likely that property tax abatements would be required to achieve home ownership. Levels of affordability should be flexible so that the needs of lower income families and individuals are reached. For example, as is done now in the Low-Income Housing Tax Credit (LIHTC) Program, the rent affordability may be averaged so that a rental unit at 80% AMI and a unit at 40% AMI would be allowed. More affordable housing and deeper affordability levels that go beyond the baseline should be actively encouraged.

In jurisdictions with 100,000 or more in population, the plan would establish the same goal for neighborhoods, as well as encourage the development of affordable housing in all areas, expand housing choice, and prevent poverty concentration and segregation. The program would offer financial incentives to develop housing that reaches lower income bands as well as supportive, accessible, integrated housing opportunities for people with disabilities and those who are experiencing homelessness. Success will require proper messaging to explain the benefits for communities accepting an equitable share of affordable housing, along with providing successful examples of various types of affordable housing developments (e.g., mixed-income, supportive housing, accessible, etc.).

2. **Create a statewide Housing Appeals Board (HAB).** The HAB would have the authority to 1) override local zoning decisions when it appears a decision is effectively limiting or excluding viable affordable housing proposals from being developed; and 2) fast-track viable affordable housing proposals that have zoning as-of-right but meet with costly or unreasonable delays often fueled by local opposition. The HAB would be appointed by the New York State Legislature and shall include representatives of populations utilizing affordable housing, including homeless populations, people with disabilities, etc. One measure the HAB would consider is whether the neighborhood or community involved in the dispute has met its minimum goal under the NYS Equitable Share Housing Plan. The HAB could also look at the supply of affordable housing within a neighborhood or community.
3. **Create a statewide Vacant Apartment Acquisition Program (VAAP).** This proposed legislation would authorize state funding to support a small demonstration to test a new concept, in which a lump sum payment would be made available to the owners of existing apartments in return for making an apartment affordable for 30 years. With new suburban affordable housing units requiring public subsidies of \$250,000 to \$300,000 on average for each one or two-bedroom apartment, and with several

years spent in the approval and construction process, the VAAP could quickly produce affordable units at less cost and reduce market rents to affordable levels.

Such a program could reduce rents even more than affordable rents in LIHTC projects. For example, the fair market rent in Westchester County for a two-bedroom apartment is currently \$1,687.<sup>19</sup> The “affordable rent” for a household with income at or below 60% of the Area Median Income (the LIHTC standard) is \$1,580, or only \$107 per month less. Based upon recent LIHTC developments in Westchester, the average public subsidy to create each unit is \$300,000. Thus, the public is paying \$300,000 to reduce the fair market rent by only \$107. An “affordable” studio apartment in these projects may rent for \$50 more than fair market rent in Westchester County.

The VAAP would present the public with a housing program that offers a greater rent reduction at lower cost. This program would enable lower income households to access housing in high-opportunity areas, where the average rent for a 2-bedroom is \$2,000. By restricting VAAP to wealthier, higher opportunity city neighborhoods and suburban areas, the program would affirmatively further fair housing and reduce segregation in housing and schools. It would also be an ideal tool used in conjunction with a mobility assistance program that is tasked with locating affordable housing units for voucher holders in more affluent city neighborhoods or suburban areas. In addition, VAAP could be used by any multifamily property owners, from existing two- and three-family homes to large apartment buildings. To avoid concentration of affordable units, landlords of rental buildings of more than four units could not reserve more than 25% or 25 units, depending on which is less, of their building’s apartments for VAAP.

The program would target naturally occurring vacancies (“novacans”) so as not to encourage removal of existing tenants, and the landlord would have to demonstrate that the tenant vacated the apartment voluntarily, which is routinely done in the acquisition of federally subsidized units, or was evicted for good cause, such as non-payment of rent. The subsidy would be secured by a performance mortgage and deed restriction placed on the property for 30 years, insuring that the unit would remain affordable. The rent would be adjusted annually based on the HUD rent guidelines for units at the targeted AMI. Details regarding the criteria for high-opportunity areas where the program would focus VAAP resources, tenant selection, affirmative marketing, unit inspections, etc. would need to be fleshed out.

## **MAXIMIZING DENSITY TO ADDRESS AFFORDABLE MULTIFAMILY HOUSING DEVELOPMENT NEEDS THROUGHOUT THE REGION**

Political opposition to housing development is often fueled by concerns about density. This plays out in various forms in communities across the region. Opposition is sometimes based on fears that zoning changes

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<sup>19</sup> Westchester County 2018 Area Median Income (AMI), Sales and Rent Limits. (2018, June). Retrieved from <https://homes.westchestergov.com/images/stories/pdfs/18IncLimitsGuideMay.pdf>



or new developments will alter the “character” of a neighborhood, due to increased height or bulk. It can also stem from concerns that an influx of new residents will increase traffic, crowd sidewalks, or overburden local schools and other services. Existing homeowners may also be concerned that increased density will hurt their property values. Increasingly, opposition to development can also stem from fears that new development will drive up prices and result in displacement for existing renters and homeowners. There is growing concern about speculation driving up prices in areas where the city has announced future neighborhood rezoning.

Nonetheless, affordable and fair housing groups feel strongly that more density is needed to meet the New York metropolitan region’s affordable housing needs. Density can be used as a vehicle for achieving equity through economic integration. Thoughtful planning and inclusive conversations with communities are needed to address concerns about development.

## Policy Priorities

1. **Encourage increased density for affordable multifamily housing.** New York City and the surrounding suburban counties and localities should maximize zoning opportunities for affordable multifamily housing, especially in high-cost, low-density neighborhoods. Increasing the supply of affordable housing in high-cost neighborhoods will foster residential diversity and integration in the highly-segregated neighborhoods of the New York metropolitan region.

There are several ways to encourage such increased density, which include:

- Reducing barriers to multifamily development and other impediments identified to affirmatively further fair housing in the most recent AFFH review;
- Strictly enforcing rent stabilization laws and anti-harassment laws, and exploring additional mechanisms to protect tenants against illegal evictions to mitigate displacement of low-income renters;
- Ensuring that multifamily development includes retail/commercial/community facilities for local businesses, small business owners or community groups/non-profits when possible to maintain the fabric of the neighborhood and to fill any gaps in services in the community; and
- Proactively engaging communities in planning for density by meaningfully addressing community concerns where possible and involving community members in the process of planning for the future of the neighborhood. Examples of such activities include:
  - Initiating public education campaigns with value-focused messaging to appeal to common aspirations to help deter local opposition to development; and
  - Discouraging the use of terms like Not in My Backyard or Yes in My Backyard, which can be counterproductive when encouraging new development and preservation.

2. **Maximize the benefits of Mandatory Inclusionary Housing (MIH) in NYC.** Leverage the private market to produce affordable, accessible housing, especially in low-poverty neighborhoods, to create more mixed-income communities by:

- Upzoning high-rent neighborhoods to maximize the creation of new affordable housing units where land costs are prohibitive;

- Ensuring that any upzoning is supported by the transit system;
  - Providing an additional incentive for affordable housing in general and specifically in high-rent areas; and
  - Incentivizing developers in every private rezoning application triggering MIH to determine if they are willing to alter their proposal to provide greater affordability or more units than required by law without any additional subsidy.
3. **Create incentives from New York State to encourage multifamily housing development.** The State should use financial and other incentives to spur counties and localities to create more multifamily development opportunities. The State should identify local infrastructure needs which can be met while expanding opportunities for multifamily housing development and transit-oriented development.
  4. **Streamline zoning approvals in suburban counties and localities.** Lengthy approval processes are a barrier to development with a financial consequence for developers. Streamlining the zoning approval process is essential to encouraging density.
  5. **Expand housing supply by legalizing basement apartments and increasing accessory dwelling units within suburban areas.** NYC's Basement Conversion Program project can be expanded across the five boroughs and serve as a model for other localities in the region to create new affordable units at a reduced cost. The Citizens Housing Plan Council's (CHPC New York City) Making Room project identifies innovative ways to expand accessory dwelling units for modern living within existing and typical housing typology.

## EXPANDING STATEWIDE SOURCE OF INCOME PROTECTIONS

Many families and individuals face discrimination when they attempt to use some form of government assistance or non-wage income to pay their rent. This discrimination constrains their housing choice and limits their opportunities. Source of income discrimination is pervasive in New York State and is often a proxy for illegal discrimination against protected classes already covered under existing fair housing laws, such as race and disability. Without uniform statewide source of income protection and local enforcement, we inevitably concentrate poverty and reinforce residential segregation among our most vulnerable communities.

The current laws are not uniform in protections nor effectiveness, meaning it is now more important than ever to ensure that consistent, statewide and local protections are in place. The ability to expand lawful source of income protections statewide is particularly critical now, when demand for apartments affordable to low-income households is far higher than the supply. Nationally, only one in four eligible households receive rental assistance, and enacting source of income protection would promote true housing choice for New York's lowest income families.

### Policy Priorities

1. **Advance the work of the Statewide Source of Income Coalition.** The Statewide Source of Income Coalition, originally organized in 2016 by ERASE Racism, is a vast network of advocates that supports

amending the New York State Human Rights Law and expanding the protected classes to include "Lawful Source of Income." Although the coalition supports the individual efforts to create SOI protection at the county and municipality levels in places such as Buffalo, Erie County, Hamburg, Nassau County, New York City, Rochester, Suffolk County, Syracuse, Westchester and West Seneca, we need uniform statewide source of income protection to extend coverage to all New Yorkers regardless of their geographic location. Currently led by Enterprise Community Partners, the Coalition would support the passage of a 2019 bill offering protections, amended to include uniform statewide exemptions that are consistent with current exemptions in the State Human Rights Law (i.e., owner-occupied two family or less).

2. **Increase resources for enforcement of source of income protections.** While the statewide coalition aims to secure a statewide source of income law, opportunities to improve the source of income laws should still be explored. Regardless of locality, New York City landlords continue to largely ignore this law. The majority of impoverished and low-income New Yorkers who suffer this discrimination either do not know that their rights have been violated or find it difficult or impossible to secure legal representation and file a lawsuit. Consistent with this, overworked and underfunded legal service providers find it difficult or impossible to bring lawsuits to enforce the law. Landlords and brokers of any size view the law as a nuisance and are not deterred by the small fines or damages typically imposed by the Commission and the courts.

There are several potential solutions, which will not only assist rental assistance recipients, but inform efforts to strengthen a statewide source of income law, including:

- Appropriating money for compliance testing, since such testing is essential to the enforcement of fair housing laws;
- Undertaking outreach and education efforts to inform voucher/subsidy recipients of their rights, and their avenues of recourse;
- Appropriating money to ensure access to legal services for indigent and low-income recipients who lack access to legal representation; and
- Establishing stronger penalties for violation of the SOI law, including minimum penalties/damages and stricter consequences for license holders, including suspension and/or revocation of real estate/broker licenses.

## INCREASING PROTECTIONS FOR JUSTICE-INVOLVED INDIVIDUALS

We must critically examine the barriers our most vulnerable populations and people with disabilities face within the housing market and identify opportunities to expand housing choice for them. In New York State, landlords can legally disqualify a prospective tenant if they have a prior arrest or conviction record. Public Housing Authorities (PHAs) can legally choose to not accept and evict tenants and their family members who may have previous arrests or conviction records. Discrimination based on arrest or conviction record can have a disproportionate effect on people with mental health disorders given the high number of people with

mental health disorders in the prison population.<sup>20</sup> Additionally, given New York City's legacy of over-policing and the prevalence of non-violent drug offenses among communities of color, this form of discrimination can have a disparate impact on Black and Brown families, which further constrains housing choice, perpetuates residential segregation, and isolates families of color from resources that could improve their lives.

## Policy Priorities

1. **Expand state and local protected classes to include “Arrests and Conviction Records.”** New York State and New York City have both undertaken significant efforts to eliminate the barriers that the justice-involved community face upon reintegration into society, and thereby increase public safety. Governor Cuomo signed an executive order to restore voting rights to individuals on parole.<sup>21</sup> New York City also “banned the box” for employment,<sup>22</sup> started a jail diversion program for low-level offenders,<sup>23</sup> and expanded reentry services through the “jails to jobs” initiative.<sup>24</sup> The time is ripe to expand housing protections to those with arrests and conviction records.

This policy reform is picking up traction across the nation. Cities like Seattle,<sup>25</sup> San Francisco,<sup>26</sup> and Washington, DC,<sup>27</sup> modified their municipal codes to include language that supports the removal of barriers individuals with previous arrests and conviction records face as they attempt to access housing. The New York State Homes & Community Renewal (NYSHCR) agency has issued guidance for applying New York State's antidiscrimination policies when assessing applicants for state-funded housing who have criminal convictions.<sup>28</sup> We encourage our policymakers to examine the barriers our justice-involved populations face within the housing market and implement policies that encourages their mobility and stability within our communities. Protecting individuals with arrests and conviction records from illegal housing discrimination is a practical first step that we should take.

## BOLSTERING TRUE MOBILITY THROUGHOUT THE REGION

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<sup>20</sup> The Office of Minority Health. Reentry Resources. (n.d.). Retrieved from <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=18>

<sup>21</sup> Governor Cuomo Signs Executive Order to Restore Voting Rights to New Yorkers on Parole. (2018, April 24). Retrieved from <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-restore-voting-rights-new-yorkers-parole>

<sup>22</sup> The New York City Commission on Human Rights. (2016, June 24). Fair Chance Act: Legal Enforcement Guidance. Retrieved from <https://www1.nyc.gov/site/cchr/law/fair-chance-act.page>

<sup>23</sup> Charles, J. (2017, November 21). To Reduce Recidivism, New York City Tries a Bold New Approach. Retrieved from <http://www.governing.com/topics/public-justice-safety/lc-jail-diversion-new-york-city-new-start.html>

<sup>24</sup> Mayor de Blasio Announces Re-Entry Services for Everyone in City Jails by End of This Year. (2017, March 29). Retrieved from <https://www1.nyc.gov/office-of-the-mayor/news/187-17/mayor-de-blasio-re-entry-services-everyone-city-jails-end-this-year#/0>

<sup>25</sup> Seattle Office of Civil Rights. (2018). Fair Chance Housing. Retrieved from <https://www.seattle.gov/civilrights/civil-rights/fair-housing/fair-chance-housing>

<sup>26</sup> Human Rights Commission. (2018, May 14). Article 49: The Fair Chance Ordinance. Retrieved from <https://sf-hrc.org/fair-chance-ordinance>

<sup>27</sup> OFFICE OF HUMAN RIGHTS, DISTRICT OF COLUMBIA. (2018, APRIL 26). RETURNING CITIZENS AND HOUSING. RETRIEVED FROM [HTTPS://ISSUU.COM/COASTALVIEW/DOCS/CVN31\\_72](https://ISSUU.COM/COASTALVIEW/DOCS/CVN31_72)

<sup>28</sup> New York State Homes & Community Renewal (NYSHCR). (May 2016). Guide for Applying New York State's Anti-Discrimination Policies When Assessing Applicants for State-Funded Housing Who Have Criminal Convictions. [http://www.nyshcr.org/AboutUs/Offices/FairHousing/GPCC\\_Guidance\\_Document.pdf](http://www.nyshcr.org/AboutUs/Offices/FairHousing/GPCC_Guidance_Document.pdf).

Mobility counseling is an intervention for rental assistance recipients that combines a variety of services and additional support to help voucher holders utilize their vouchers in well-resourced neighborhoods. Mobility counseling has been used in cities around the country to facilitate voucher holders' transition into better resourced neighborhoods by providing a variety of support services to assist those families and individuals in preparation for their apartment search, during their apartment search, and through mediation and follow-up after transitioning into their new communities, as well as to expand landlord outreach.

Despite these potential benefits of moving to a neighborhood of opportunity, voucher holders experience challenges navigating the rental market.

The program is a significant source of affordable housing for New Yorkers; however, voucher holders face substantial barriers finding housing in well-resourced neighborhoods. In New York City, it is difficult for new HCV recipients to obtain housing in the allotted time (120 days) once they receive their HCV. NYCHA often extends the time-period for new HCV recipients to search for housing. Nearly a quarter of HCV recipients each year search for but are unable to find an affordable unit with their voucher within the initial time-period. It can take voucher holders up to a year to find a unit.<sup>29</sup> Therefore, it is evident that a sizeable proportion of HCV holders in New York are encountering challenges finding a housing unit. The 95% of HCV holders in New York City who do find a housing unit often end up living in communities with more than 10% living in poverty. Throughout the region, the same patterns of segregation are visible, yet only slightly less pronounced throughout Westchester, Nassau, and Suffolk Counties. 54% of HCV holders live in neighborhoods where poverty is greater than 10% within Nassau and Suffolk Counties compared to 73% of HCV holders within Westchester County.<sup>30</sup>

In addition to structural barriers, like low vacancy rates and a shortage of affordable housing, residents face other barriers to finding housing options, including:

- Lack of Access to Information About Affordable Housing – It is difficult to access up-to-date and streamlined information about available rental properties.
- Source of Income Discrimination – Although New York City, Westchester, Nassau and Suffolk Counties have laws against source of income discrimination, landlords continue to refuse to accept tenants with HCVs.
- Financial Planning and Credit Building – Building a good credit history and learning more about saving and budgeting is essential when searching for an apartment.<sup>31</sup>

One potential solution to overcoming these barriers is mobility counseling. Mobility counseling programs have been effective at providing a comprehensive set of services to help residents move into and stay stably housed in neighborhoods of opportunity and to provide outreach and education for landlords.<sup>32</sup> For example,

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<sup>29</sup> HUD's Proposed Rule on Small Area Fair Market Rents for the Section 8 Program, 1-9 (2016) (testimony of NYCHA Executive President for Leased Housing Cathy Pennington and HPD Deputy Commissioner Eva Trimble).

<sup>30</sup> PRAAC

<sup>31</sup> Mobility in New York City (Caldwell, DeHuff, Kramer) (Unpublished)

<sup>32</sup> Berdahl-Baldwin, A. (2015, June). Housing Mobility Programs in 2015. Poverty & Race Research Action Council. Retrieved from <http://www.prrac.org/pdf/HousingMobilityProgramsInTheUS2015.pdf>



the Baltimore Regional Housing Partnership (BRHP) developed a mobility counseling program that provides pre-move counseling services to prepare voucher holders for moves with budgeting and financial counseling, housing search assistance to help navigate the rental housing market, and post-move counseling services to ensure residents remain stably housed and to mediate any conflicts or challenges voucher holders may have with their landlord. BRHP pioneered a regional approach in which they coordinate with the surrounding counties of Baltimore city to engage the housing authorities and landlords to help voucher holders access higher opportunity neighborhoods in the counties.

## Policy Priorities

1. **Launch mobility counseling pilot programs across the state.** Through this program, we propose that the City and State work together to fund two to four Housing Choice Voucher mobility programs statewide to expand the options for low-income families with Housing Choice Vouchers to live in high-quality homes. The Housing Choice Voucher program requires housing units to meet specified quality and accessibility standards for a family to live there. Landlords statewide have indicated that they would participate in the program, but do not have the resources to bring the unit up to standards. This program would support the creation or expansion of existing mobility programs to bring more housing units up to quality standards that enable them to be eligible for families with vouchers by offering funding to landlords to make necessary quality improvements. Entities providing this support should be publicly available on City and State agency websites. The program would also support residents who want to move to high-quality homes in well-resourced neighborhoods. This program would be particularly beneficial to persons with disabilities, who often rely on subsidies for housing, are subject to housing conditions that do not adequately support their needs, and who sometimes have difficulty securing employment. We propose that this program be piloted for a 3-year period and expanded thereafter to serve individuals and families for a period of 5 years or more.
2. **Expand resources for rental assistance like Housing Stability Plus.** Across the state, there are not enough subsidies for low to extremely-low income individuals who are rent burdened or extremely rent burdened. An additional subsidy to make housing affordable for individuals is needed. Given that there are not enough existing subsidies makes it hard to achieve fair housing and affordable housing goals. Therefore, new subsidies or the expansion of existing subsidies are warranted.

## CONFRONTING SCHOOL SEGREGATION THROUGH HOUSING POLICY

Our efforts will invariably expand educational opportunities. Where you live often dictates what opportunities and resources you will have access to, impacting the long-term trajectory of you and your family's lives. Families living in high-poverty, racially-isolated communities often face social and economic disadvantages that do not properly equip their children to succeed in the classroom. Additionally, these very same children are often overrepresented in lower-performing, under-resourced schools due to exclusionary school assignment policies, widening the achievement gap and limiting their future mobility. We must confront the obstacles that undermine better integrating our communities and our schools.

As previously stated, families of color still face significant barriers when attempting to move to areas of opportunity so that their children can attend high-performing schools. Because of the high level of residential segregation in New York City, New York State is the home to the most segregated public-school districts in the country. In New York State, Black and Latino students are most likely to be enrolled into intensely segregated schools (schools with less than 10% of white students enrolled). If we look across the New York City metropolitan region, only 20% of our school districts are considered racially “diverse,” and of those districts only one third of them are considered racially stable.<sup>33</sup> On Long Island, the share of white students enrolled in Nassau and Suffolk Counties’ public schools decreased by almost 18%, from 81% in 1989-90 to 63% in 2010-2011, according to the Civil Rights Project. With increasingly more Black and Latino students represented in the public-school system, we are seeing a decrease in resources and opportunities within those schools, which feeds low graduation rates among minority students. More than 60 years since the landmark *Brown v. Board of Education of Topeka* decision, our schools remain separate and unequal.

It is clear to us that residential segregation compounds school segregation. Therefore, it is imperative that we rethink our approaches to education policy by addressing it in tandem with housing providers so that we may create and sustain inclusive, high-performing schools in every neighborhood.

Additionally, as housing advocates we can learn from school integration advocates about how to effectively reframe the call for housing integration from a solely moral argument to a more self-interest-based argument. Recent school integration efforts have used self-interest-based arguments, and those arguments resonate with their target audiences. Parents are increasingly aware of how exclusive; majority-white schools will not prepare their children for the challenges of the twenty-first century. This drives the conversations surrounding school integration. We need to identify and stress the economic and societal benefits of diverse neighborhoods to make our case for integrated communities.

## Policy Priorities

- 1. Increase development of affordable housing in high-performing school districts.** Policymakers should use development scoring criteria (as in the federal Low-Income Housing Tax Credit Program’s Qualified Allocation Plan) or “neighborhood performance standards”<sup>34</sup> to increase affordable housing development in high-performing, low-poverty school attendance zones and school districts and New York City community school districts. Local housing jurisdictions can tailor their criteria according to the types of development they wish to incentivize. Jurisdictions can incentivize proposals sited in higher-opportunity, low-poverty school zones or community school districts, to integrate areas and their schools.

Additionally, it is imperative that fair housing and affordable housing advocates and government officials better understand school assignment policies in New York City and take them into account

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<sup>33</sup> Kucsera, J., & Orfield, G. (2014). *New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future*. The Civil Rights Project. Retrieved from <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfl-et-report-placeholder/Kucsera-New-York-Extreme-Segregation-2014.pdf>

<sup>34</sup> Madar, Josiah. (2015, March 26). *Inclusionary Housing Policy in New York City: Assessing New Opportunities, Constraints, and Trade-offs*. NYU Furman Center. Retrieved from [http://furmancenter.org/files/NYUFurmanCenter\\_InclusionaryZoningNYC\\_March2015.pdf](http://furmancenter.org/files/NYUFurmanCenter_InclusionaryZoningNYC_March2015.pdf)



when prioritizing the siting of affordable housing (and of housing generally). There is widespread misinformation as well as outdated assumptions about New York City's student-assignment policies. For example, for its Final Environmental Impact Statements for rezonings, the City studies the area one half mile from the rezoning area to evaluate the effects of the rezoning on schools without regard for student-assignment policies, which may effectively prevent projected residents of the rezoned area from attending the schools in the study area.<sup>35</sup> Likewise, in some community school districts less than half of all elementary-school students attend their zoned school.<sup>36</sup> Without a basic understanding of student-assignment policies in different areas of the city, housing officials are unlikely to increase access to opportunity through the siting of affordable housing.

- 2. Encourage intentional collaboration between new development and local school districts.** In communities with concerted community revitalization plans (CCRPS), we should encourage a connection between developers and local school districts to ensure that the school administration serves as primary stakeholders. Developers should be encouraged to consult with the local schools/districts and identify meaningful ways that their development could support them. For example, engaging school administrators, principals, teachers, and students in the stakeholder engagement process can lead to actionable results, such as increasing resources for working with students with disabilities, talent recruitment/retention, school supplies, smart labs, etc.

In New York City, we must question the impulse to build more schools near new residential development in already segregated community school districts where many schools are in fact undersubscribed. In many cases, new development should be the impetus not for a new school, but for crafting better student-assignment policies that promote both school diversity and efficient use of school facilities.

- 3. Target housing discrimination enforcement in areas where access to high-performing schools is limited by residence using testing investigations.** Private and public enforcement agencies should identify community school districts and suburban school districts where access to high-performing schools (particularly high schools) is limited by residence.<sup>37</sup> Targeted enforcement can expose illegal practices within the housing market. This can also highlight how consequential our housing policies are for school integration efforts and the unfairness of high school priority for residence when residential opportunities aren't open to all. (How can you rationalize school preferences within predominantly white, affluent communities?)

## SITING LOCALLY UNWANTED LAND USE (LULUS)

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<sup>35</sup> Municipal Art Society. (2018). A Tale of Two Rezoning: Taking a Harder Look at CEQR (Rep.). Retrieved from <https://www.mas.org/pdf/ceqr-report-final-small.pdf>.

<sup>36</sup> New York Appleseed. (2013). Within Our Reach: Segregation in High School and What We Can Do About It: High School Choice. Retrieved from <https://nyappleseed.org/wp-content/uploads/Within-Our-Reach-3rd-Brief-April-2014-FINAL.pdf>

<sup>37</sup> Ibid.

The siting of municipal facilities, community amenities, and undesirable land uses has a major impact on opportunity and access to public resources. Both undesirable land uses, such as prisons, roads, factories, landfills, garbage transfer stations, highways, and desirable land uses, such as parks, libraries, public transportation access, schools, and health-care facilities, affect the health, opportunities, and life chances of the people who live near them. Many other developments often occur in low-income communities of color and can have a negative and harmful impact on the surrounding area. A truly fair, inclusive, and affordable city and region will ensure that municipal facilities and other land uses are balanced fairly across all communities.

We encourage our policymakers and development partners to lead inclusive and transparent community-engagement processes that not only encourages, but values and applies community input as it pertains to the siting and construction of locally unwanted land use and ensures that we equitably distribute municipal facilities across all communities.

## **DRIVING THE COMMUNITY/RESIDENCY PREFERENCES CONVERSATION TO A PRODUCTIVE END**

The community/residency preference policy was a strong point of contention among many of the fair and affordable housing organizations represented at our table. Affordable housing advocates believed that the policy could be used as an anti-displacement tool to address rental affordability by allowing residents to remain in their neighborhoods amidst the pressures of gentrification; whereas fair housing advocates say evidence demonstrates this policy effectively drives segregation and does not produce units at the affordability range necessary for the community it serves, harming the very people the policy aims to support. The 2015 *Winfield v City of New York* lawsuit challenging the policy highlighted those tensions, drawing attention to the need for policymakers to evaluate the policy and examine whether preferences are an effective tool to mitigate gentrification and displacement. Our colleagues around the table saw this as an opportunity to be productive, even in the face of disagreements, as we strived for broader collaboration.

The co-convening groups and Roundtable participants understood that community/residency preferences would be the most controversial issue that we would discuss. We recognized that we wouldn't resolve the issue during our year-long process, but we knew it would be a worthy discussion. As one of our Roundtable participants noted, and others agreed, it would be wrong to stay silent on the matter.

However, having a robust and nuanced conversation with participants who held strong views regarding this policy required attention, care, and time. We designed a Roundtable process to facilitate this conversation, with an aim to identify: 1) what is the problem that community/residency preferences seek to address; 2) what are the varying perspectives on this policy; 3) what additional information are we missing to better inform our stance on this policy; and 4) what are other viable policy solutions that could address our concerns?

Although residency and community preferences may help to build support for affordable and supportive housing development and, in some cases, lower the effects of gentrification by providing affordable housing

for residents, there is no doubt that these community preferences, when applied in other neighborhoods, towns, villages, etc. that are not as racially diverse may perpetuate residential segregation. This is particularly true in the more affluent, white communities on Long Island and in Westchester County, as well as the historically underserved communities in East New York, Mott Haven and other predominantly minority neighborhoods in New York City. We cannot hide behind the rhetoric of community preference in the City or the region if it furthers racist exclusionary policies or increases segregation throughout the region. Rather we should be using existing resources to advance policies and potential solutions that would maximize the inclusion of all populations without regard to race, national origin, disability, and other protected characteristics.

## Policy Priorities

- 1. Strengthen the story and message going forward.** Displacement is a serious concern that requires a commitment of funding, policies, deep analysis, and enforcement to adequately address. Policymakers should clearly connect displacement with other public goods and services (i.e. education, economic development, transportation). Some ways policymakers could approach this include:
  - Identifying visible champions who can personify and help amplify the message; and
  - Using enlightened landlords to help make the case.
- 2. Join forces to tackle displacement.** We must set aside tensions over community/residency preferences (mend the “divide and conquer” mindset) to call out and tackle the underlying causes of displacement; build on and extend the learning that’s taken place over the Roundtable process to share that learning with a broad range of industry stakeholders; and recognize the power in “one voice” unifying affordable and fair housing advocates.
- 3. Undertake a strategic assessment.** We should identify key information gaps within policy and enforcement and develop a community’s needs assessment. From there, we can build actionable and prioritized steps that interested stakeholders can jointly pursue to stabilize and prevent displacement of communities of color within rapidly gentrifying neighborhoods. It is imperative that organizations work together to pool knowledge.
- 4. Push for more affordable housing.** Industry stakeholders should press for more affordable housing in high-opportunity areas, regardless of community preferences.

## CONCLUSION

This Roundtable experience transformed many of our participants’ perspectives, allowing them to deepen their understanding of the work that others represented at the table do and develop an appreciation for our respective commitments to expanding housing choice and opportunity for our most vulnerable populations across the New York City, Westchester, and Long Island communities. Through this yearlong process, we worked through areas of disagreement to identify commonalities, birthing a plan we think can shift the trajectory of inequality throughout many of the neighborhoods and communities that we serve. It is our hope that the learning and shared appreciation does not stop here; we wish to share the process and information

we have gathered throughout our respective networks to confront the affordability crisis and the discriminatory barriers that inhibit housing choice.

The work does not end with this policy agenda; this is only the beginning. We anticipate building a wider coalition of like-minded partners throughout our region to advance this work within our respective communities. If any of these policy issues resonate with you, we encourage you to reach-out to the Fair Housing Justice Center or Enterprise Community Partners to learn more about how you can get involved.

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## SUGGESTED RESOURCES

### Fair Housing Tools & Resources

#### **Affirmative Fair Housing Marketing Plan Form - Multifamily Housing and Single-Family Housing:**

All applicants for participation in Federal Housing Agency (FHA) subsidized and unsubsidized multifamily housing programs with five or more units (see 24 CFR 200.615) must complete this Affirmative Fair Housing Marketing Plan (AFHMP) form as specified in 24 CFR 200.625, and in accordance with the requirements in 24 CFR 200.620. The purpose of this AFHMP is to help applicants offer equal housing opportunities regardless of race, color, national origin, religion, sex, familial status, or disability. The AFHMP helps owners/agents (respondents) effectively market the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy. Affirmative fair housing marketing and planning should be part of all new construction, substantial rehabilitation, and existing project marketing and advertising activities.

[Affirmative Fair Housing Marketing Plan \(AFHMP\) - Multifamily Housing \(PDF\)](#)

[Affirmative Fair Housing Marketing Plan \(AFHMP\) - Single Family Housing \(PDF\)](#)

[Affirmative Fair Housing Marketing Plan – Fair and Equitable Housing Office, New York State Homes & Community Renewal](#)



**Investing in Inclusive Communities: How Fair Housing Organizations Foster Diverse and Stable Neighborhoods Using the Federal Fair Housing Act** (<https://nationalfairhousing.org/wp-content/uploads/2017/04/Investing-in-Inclusive-Communities-FINAL-8-26-2016.pdf>)

This report highlights the ways in which NFHA and its partners have invested the \$27 million in community support funds in neighborhoods that were harmed by the discriminatory treatment during and after the foreclosure crisis. Section I offers background on NFHA's investigation of REO properties and the details of the resulting conciliation agreement with Wells Fargo. Section II describes the major strategies that the 14 fair housing partners used to invest community support funds in disinvested neighborhoods that were hit hard by the REO crisis, including examples of actual families and communities that benefited from these funds. Finally, Section III lifts a few key takeaways and lessons learned throughout this neighborhood investment process.

**Making Room** (<http://chpcny.org/research/making-room/>)

A long-term research initiative conducted by the Citizens Housing Planning Council (CHPC) titled the "Making Room" explores how demographic change is affecting 'the household' and how different housing typologies (the design and layouts of housing units) can be used as a tool to satisfy emerging housing needs.

**National Fair Housing Alliance Educational Resources**

(<https://fairhousingresourcecenter.wordpress.com/>)

This website includes educational materials on housing discrimination and the promotion of fair housing. It includes printable PSA's, brochures, TV and radio ads available for download by the public.

**NYC Alliance for School Integration and Desegregation (ASID) Policy Platform**

(<https://www.nycasid.com/platform/>)

The ASID policy platform calls on the City of New York to engage the community in developing ambitious goals and benchmarks toward integrating its schools. These efforts should align to IntegrateNYC's "5 R's of Real Integration," as laid out in the Student Constitution on Real Integration.

- Define Integration and set goals: All entry grades reflect the demographics of their home district within 3 years, and their whole borough within 6 years.
- Review and Revise Admissions: End the use of discriminatory enrollment screens and practices.
- Forge New, Inclusive Educational Models: End Gifted & Talented programs and provide comprehensive support for English Language Learners and Students with Disabilities.
- Establish an Office of Integration and Equity: Empowered to develop, implement, and enforce a long-term school desegregation and integration strategy.
- Conduct a Citywide Equity Assessment of districts and zones, choice and finance policies, curriculum, staffing, and discipline.

**Resources on Inclusionary Zoning in NYC** (<https://www1.nyc.gov/site/planning/zoning/districts-tools/inclusionary-housing.page>)

New York City's Inclusionary Housing programs aim to promote neighborhood economic diversity in the City's highest-density districts and in neighborhoods planned for significant residential growth.



The City's voluntary programs – the R10 and the Designated Area programs – offer an optional floor area bonus in exchange for creation or preservation of affordable housing. Mandatory Inclusionary Housing, or MIH, requires affordable housing as part of all residential development above a certain size in applicable areas.

**The Fair Housing Justice Center's Fair Housing Toolkit** (<http://www.bbcfairhousing.org/toolkit/>)

The Fair Housing Toolkit was created educate diverse religious communities and faith-based organizations about fair housing and to inspire and equip those communities to advocate for fair housing in their community. This toolkit can be used as an educational resource about our nation's history of segregation, current fair housing issues, and fair housing rights. The toolkit also identifies way in which people of faith can become more involved in promoting fair housing.

## Policy Briefs & Reports on Fair Housing

**Federal Policy Changes Can Help More Families with Housing Vouchers Live in Higher-Opportunity Areas** (<https://www.cbpp.org/sites/default/files/atoms/files/9-4-18hous.pdf>)

This report developed by the Center for Budget and Policy Priorities briefly reviews research on why the type of neighborhood in which children grow up matters to their future and current data on where children in families that have vouchers live. It then describes four sets of interrelated federal policy changes that would help more families in the Housing Choice Voucher program live in higher-opportunity neighborhoods.

**Low-Income Housing Tax Credit Could Do More to Expand Opportunity for Poor Families** (<https://www.cbpp.org/sites/default/files/atoms/files/8-28-18hous.pdf>)

This analysis by the Center for Budget Policy and Priorities discusses the potential benefits that LIHTC developments in low-poverty areas can provide to poor families, reviews data on the characteristics of neighborhoods where LIHTC developments are located today (with state-by-state data on the share of LIHTC units in low-poverty neighborhoods listed in the Appendix), and describes steps policymakers could take to improve LIHTC's performance in expanding opportunity.

**Making Every Neighborhood a Place of Opportunity** (<https://nationalfairhousing.org/wp-content/uploads/2018/04/NFHA-2018-Fair-Housing-Trends-Report.pdf>)

This report is the National Fair Housing Alliance's annual trend report for 2018, which lays out the most recent trends in fair housing and legal action taken in the affordable and fair housing fields.

**The Effects of Inclusionary Zoning on Local Housing Markets: Lessons from the San Francisco, Washington DC and Suburban Boston Areas**

(<http://furmancenter.org/files/publications/IZPolicyBrief.pdf>)

Produced by the Furman Center on Housing Policy at New York University, this policy brief highlights the benefits and challenges to implementing inclusionary zoning practices.

## Fair Housing News

**Addressing Patterns of Resegregation in Urban and Suburban Contexts: How to Stabilize Integrated Schools and Communities Amid Metro Migration**

[http://www.jchs.harvard.edu/sites/default/files/A\\_shared\\_future\\_addressing\\_patterns\\_of\\_resegregation.pdf](http://www.jchs.harvard.edu/sites/default/files/A_shared_future_addressing_patterns_of_resegregation.pdf)

As part of a national symposium hosted by the Harvard Joint Center for Housing Studies, this paper examined how patterns of residential segregation by income and race in the United States are changing and the consequences of residential segregation for individuals and society and sought to identify the most promising strategies for fostering more inclusive communities in the years to come.

#### **Exclusionary Zoning** (<https://prrac.org/?s=exclusionary+zoning>)

The Poverty and Race Research Action Council provide newsletters and reports about exclusionary zoning and fair housing.

#### **Fifty Years of “The People vs. HUD”: A HUD 50<sup>th</sup> Anniversary Timeline of Significant Civil Rights Lawsuits and HUD Fair Housing Advances, Updated in February 2018**

(<https://prrac.org/pdf/HUD50th-CivilRightsTimeline.pdf>)

Developed by the Poverty and Race Research Action Council illustrates how HUD provides a detailed yet selective timeline of significant civil rights law suits and advocacy measures that has helped create a foundation for many of HUD’s important regulatory guidelines.

#### **National Geographic** (<https://news.nationalgeographic.com/2016/10/housing-discrimination-redlining-maps/#.WAZpoHlZwA8.twitter>)

#### **Mapping Inequality** (<https://dsl.richmond.edu/panorama/redlining/#loc=4/36.71/-96.93&opacity=0.8>)

A newly released maps by Mapping Inequality illustrate how housing discrimination happened. A new online collection of documents shows historical bigotry in banking and real estate.

#### **Squires, Gregory D. 2018. The Fight for Fair Housing: Causes, Consequences, and Future Implications of the 1968 Federal Fair Housing Act. New York, NY: Routledge.**

The Fight for Fair Housing brings together the nation’s leading fair housing activists and scholars (many of whom are in both camps) to tell the stories that led to the passage of the Fair Housing Act, its consequences, and the implications of the act going forward.

## **HUD Guidance**

#### **HUD and DOJ Joint Statement on Accessibility (Design and Construction) Requirements for Covered Multi Family Dwellings, April 2013**

(<https://www.hud.gov/sites/documents/JOINTSTATEMENT.PDF>)

This Joint Statement provides guidance regarding the persons, entities, and types of housing and related facilities that are subject to the accessible design and construction requirements of the Act.

#### **HUD/DOJ Joint Statement on Group Homes, Local Land Use and the Fair Housing Act, Updated August 2015** (<https://www.justice.gov/crt/joint-statement-department-justice-and-department-housing-and-urban-development>)

The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement

provides an overview of the Fair Housing Act's requirements in this area. Specific topics are addressed in more depth in the attached Questions and Answers section of the statement.

#### **HUD and DOJ Joint Statement on Reasonable Accommodations, Published May 2004**

([https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint\\_statement\\_ra.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf))

HUD and DOJ frequently respond to complaints alleging that housing providers have violated the Act by refusing reasonable accommodations to persons with disabilities. This Statement provides technical assistance regarding the rights and obligations of persons with disabilities and housing providers under the Act relating to reasonable accommodations.

#### **HUD and DOJ Joint Statement on Reasonable Modifications, Published March 2008**

([https://www.hud.gov/sites/documents/reasonable\\_modifications\\_mar08.pdf](https://www.hud.gov/sites/documents/reasonable_modifications_mar08.pdf))

HUD and DOJ frequently respond to complaints alleging that housing providers have violated the Act by refusing reasonable modifications to persons with disabilities. This Statement provides technical assistance regarding the rights and obligations of persons with disabilities and housing providers under the Act relating to reasonable modifications.

#### **Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs, Published April 2013**

([https://www.hud.gov/sites/documents/SERVANIMALS\\_NTCFHEO2013-01.PDF](https://www.hud.gov/sites/documents/SERVANIMALS_NTCFHEO2013-01.PDF))

(<http://www.bazelon.org/wp-content/uploads/2017/04/2017-06-16-Emotional-Support-Animal-Fact-Sheet-for-Website-final.pdf>)

This notice explains certain obligations of housing providers under the Fair Housing Act and Americans with Disabilities Act with respect to animals that aid individuals with disabilities.

#### **Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records, Published April 2016**

([https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF))  
This guidance concerns itself with how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real-estate related transactions. Specifically, this guidance addresses how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act.

#### **Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency, Published Sept. 2016**

(<https://archives.hud.gov/news/2016/pr16-135-lepmemo091516.pdf>)  
The Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency discusses how the Fair Housing Act applies to a housing provider's consideration of a person's limited ability to read, write, speak or understand English.

#### **Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs, Published October 2016**

(<https://www.federalregister.gov/documents/2016/09/21/2016-22589/equal-access-in-accordance-with-an-individuals-gender-identity-in-community-planning-and-development>)

This rule amends HUD's definition of "gender identity" to more clearly reflect the difference between actual and perceived gender identity and eliminates the prohibition on inquiries related to sexual orientation or gender identity.

**Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Published, February 2012** (<https://www.federalregister.gov/documents/2012/02/03/2012-2343/equal-access-to-housing-in-hud-programs-regardless-of-sexual-orientation-or-gender-identity>)

This rule follows a January 24, 2011 proposed rule, which noted evidence suggesting that lesbian, gay, bisexual, and transgender (LGBT) individuals and families are being arbitrarily excluded from housing opportunities in the private sector.

**HPD Releases the Initial Findings of the 2017 New York City Housing and Vacancy Survey, Published February 2018** (<https://www1.nyc.gov/assets/hpd/downloads/pdf/about/2017-hvs-initial-findings.pdf>)

New York City Department of Housing Preservation and Development (HPD) Commissioner Maria Torres-Springer today released the initial results of the 2017 New York City Housing and Vacancy Survey (NYCHVS). The survey collects representative data on the City's diverse housing stock and population and provides the most current snapshot of current conditions to help guide policymaking and research.

**Sociodemographics of Rent Stabilized Tenants, Published 2018**

(<https://www1.nyc.gov/assets/hpd/downloads/pdf/about/rent-regulation-memo-1.pdf>)

Tenants in rent stabilized units and tenants in unregulated units in New York City are distinct groups that vary beyond just their type of housing. In this report, HPD utilized data from the 2017 NYCHVS to examine and compare these groups across several sociodemographic dimensions.