

Endowment for Equal Justice: Housing Justice

DATE

February 16, 2020

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AUTHORIAL SUPPORT

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COVID-19: Challenges

ALL IN

'The virus is color blind. We are not:' Ta-Nehisi Coates on racial disparities in pandemic

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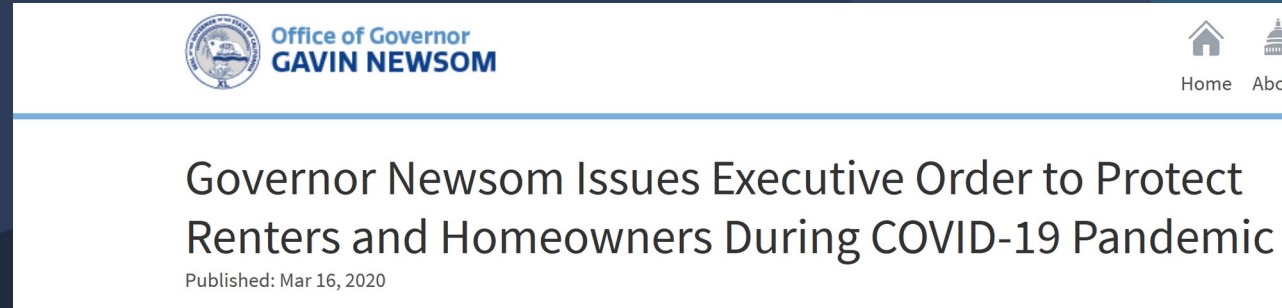


For Homeless People, Covid-19 Is Horror on Top of Horror

As the coronavirus spreads, unhoused people are among the most vulnerable to infection.



COVID-19: Opportunities for Housing Moonshots



Pope Francis says it might be 'time to consider a universal basic wage' in Easter letter

Grace Panetta Apr 12, 2020, 10:41 AM



How about a moonshot that addresses the need for huge production of opportunity-based housing!

...what is your moonshot?

Vision: Fair Housing 2.0

Shifting from an affirmative duty to promote fair housing to a duty to promote equity 2.0. i.e., **targeted universalism** with an opportunity frame



The Fair Housing Act of 1968

The last major legislative victory of the civil rights movement, the Fair Housing Act amended the Civil Rights Act of 1964 (known as Title VIII).

- It shall be unlawful to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or *otherwise make unavailable* or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.
- Courts and HUD have uniformly interpreted this to encompass both “disparate treatment” and “disparate impact” claims, as they have in Title VII and the ADEA.
- Disparate Impact Claims are designed to reach both covert discrimination as well as structural discrimination.
- *ICP v. Texas*, recognizing the effects of “disparate impact” through policy implementation

Place-based vs. Mobility-based Strategies

Place-based strategies

- Target "underperforming" or distressed areas with additional resources designed to improve conditions in those areas
- **Examples:** neighborhood revitalization efforts, enterprise zones, "empowerment zones"
- **Main critiques:**
 - Gov't resources cannot counterbalance the lack of private resources and legacy of public disinvestment
 - Can spur gentrification and displacement

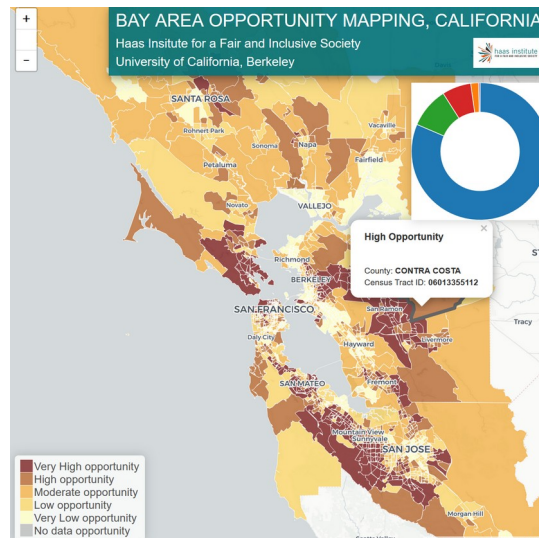
Place-based vs. Mobility-based Strategies

Mobility-based strategies

- Offer people a chance to move out of neighborhoods and environments that they would otherwise be unable to escape
- Focused on people rather than places
- **Examples:** relocation subsidies, pre-search counseling, housing search assistance, and post-move support
- **Main challenges:** inherently expensive; not scalable, so these strategies cannot reach most

New Framing: Opportunity-Based Housing

Opportunity is defined as the full set of pathways available to a person, where an individual can access resources to move him or her along these set of pathways.



New Framing: Opportunity-Based Housing

Issues:

- Housing advocates argue for more housing OR modest integrated housing but not both.
- Housing advocates often misunderstand the meaning of integration when it comes to housing.

Solution:

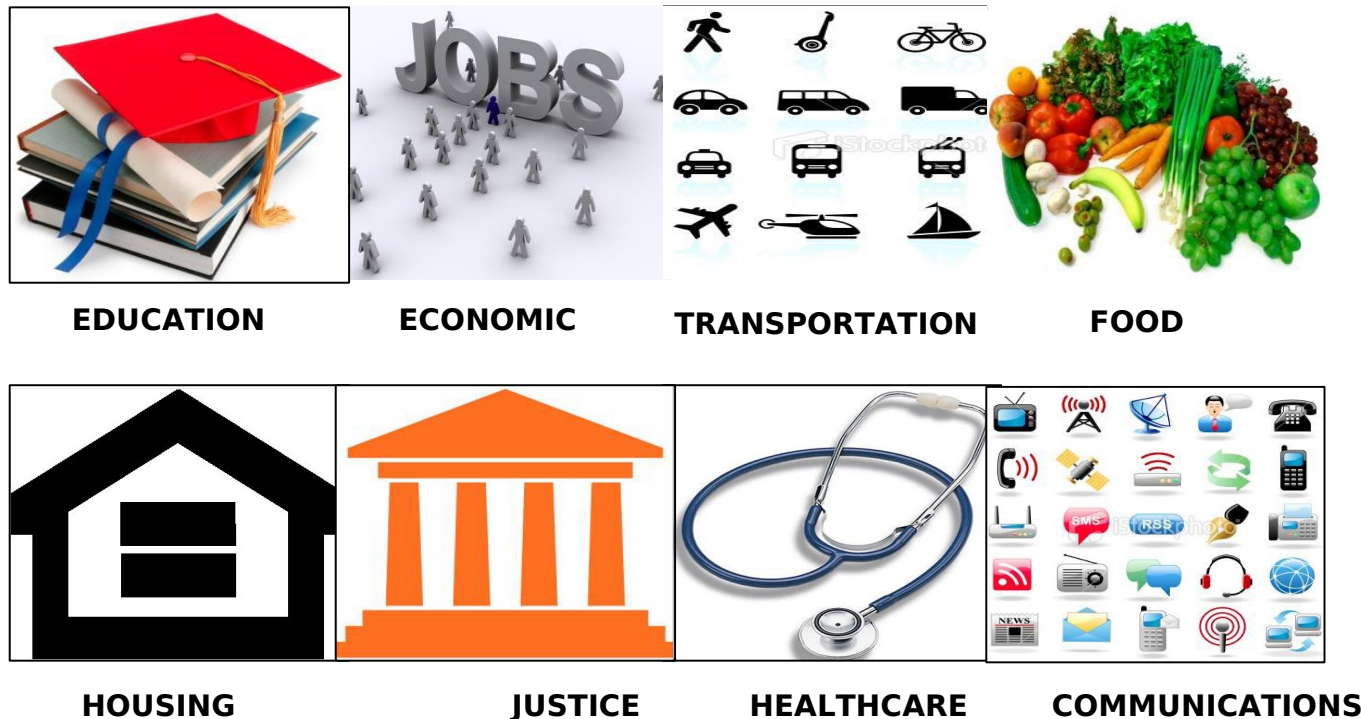
Ask, not only how we can bring people together, but also what opportunities exist now and how can we take advantage of them?



Shifting from a view of segregation as separating people from each other to segregation as **separating people from opportunities**

Structural marginalization limits opportunity.
This is an issue of **membership** and **belonging**.

We can define opportunity through **targeted universalism**:



Opportunity mapping

- Opportunity mapping is a research tool used to understand the dynamics of “opportunity” within metropolitan areas
- The purpose of opportunity mapping is to illustrate where opportunity rich communities exist (and assess who has access to these communities)
 - Also, to understand what needs to be remedied in opportunity poor communities

Fair Housing Applications

- **Massachusetts**

- New programming (targeting investment & services) in legal aid; targeting of \$21 million in NSP \$'s, designing a new \$5 million affordable housing program

- **Chicago, IL** (Leadership Council for Metropolitan Open Communities)

- Use in advising voucher holders in neighborhood selection

- **Other Fair Housing projects**

- Austin, TX
- King County, WA
- Connecticut

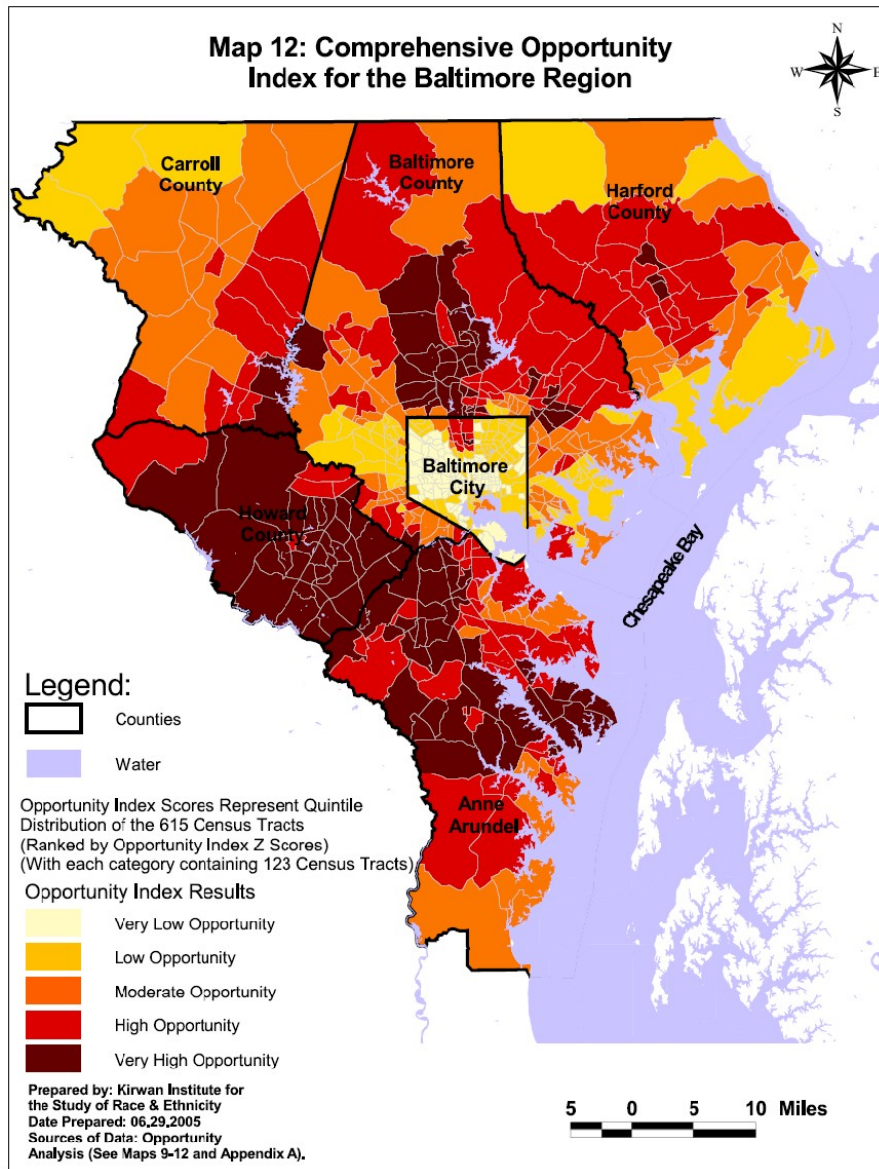
The story of Opportunity Mapping

- Thompson v HUD

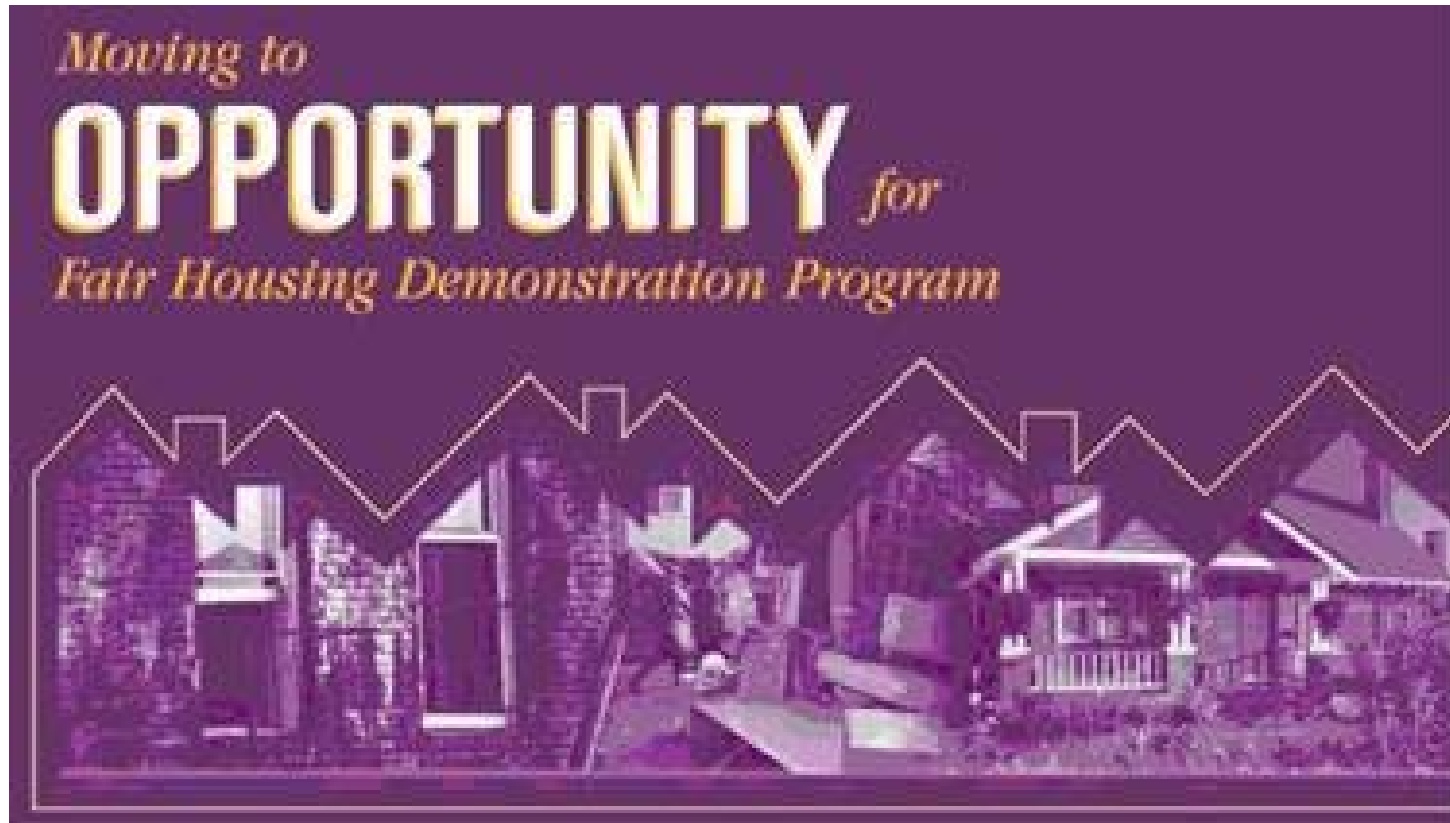
- Baltimore Public Housing residents trapped in cycle of poverty
- Sited in racially segregated neighborhoods
- Filed a case against HUD

- Approach

- Regional approach rather than local
- Consider access to opportunity as a multi-factor model
- Conceptualization of “communities of Opportunity”



Moving to Opportunity Program: Issues

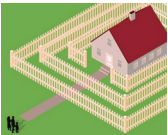


Obstacles to Opportunity Based Housing

The problem is not a lack of policy, but a lack of belonging

POVERTY AND RACE THROUGH A BELONGINGNESS LENS

By john a. powell



Black Homebuyers and Predatory Lending



Exclusionary land use controls and zoning policy



Allocation of public resources

Looking Forward

1. Opportunity map the state
 - Use data to build new policies
2. Decommody housing
 - Treat housing as a basic human right
 - E.g., AOC's Plan to Decommody housing; A Place to Prosper Act

Click on any census tract
to display
demographic information here

Very High opportunity
High opportunity
Moderate opportunity
Low opportunity
Very Low opportunity
No data opportunity

A few examples from Washington

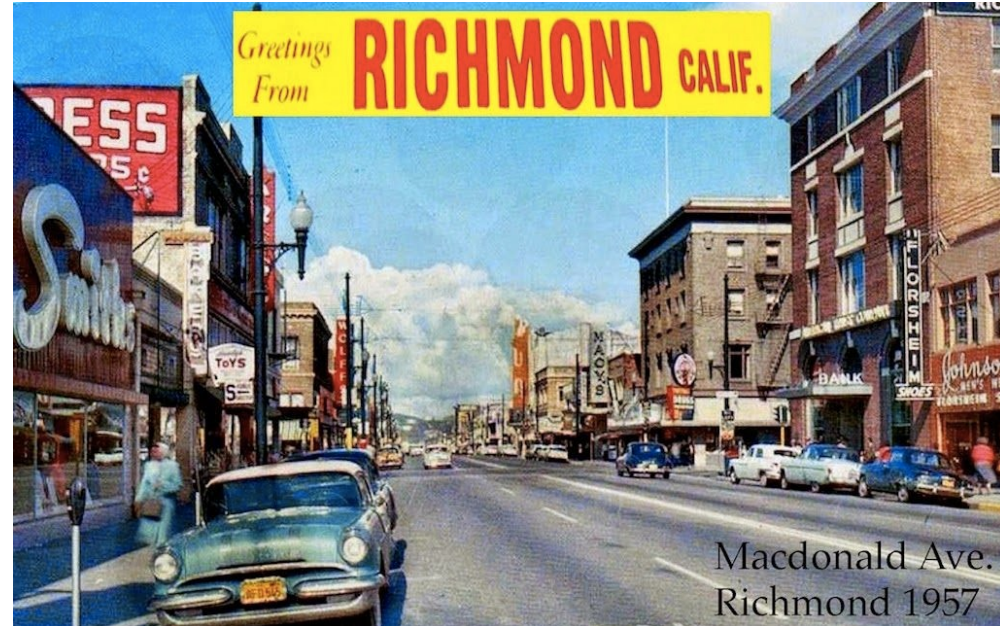
1. **SB 5769** would expand lower cost housing options in high-opportunity neighborhoods currently restricted to expensive, detached houses.
2. **HB 1923** required certain cities to take actions to increase population density (allow more housing near transit, allow apartment in single-family zones, allow accessory dwellings in single-family zones, cap parking space quotas). Went into effect July 2019.
3. **SB 5424** would allow more homes near light rail station. Currently in committee in legislature.

Tools & Opportunities to Confront the Housing Crisis



1. Community-owned Development Enterprise (CDE)

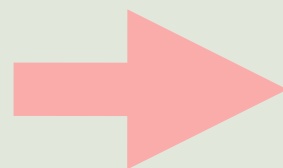
- Community-owned and governed
- Goal is creating a resilient, prosperous and healthy neighborhood, not a profitable neighborhood
- Facilitates development without displacement



Lessons from Richmond, CA

Designing the Policy

- Training community members
- Participatory planning process
- 501(3) to protect grassroots organizing



Implementing the Policy

- Cohesive mission
- Representative Board of Directors
- Community governance to achieve community-identified goals

2. Low-Income Housing Tax Credits (“LIHTC”)

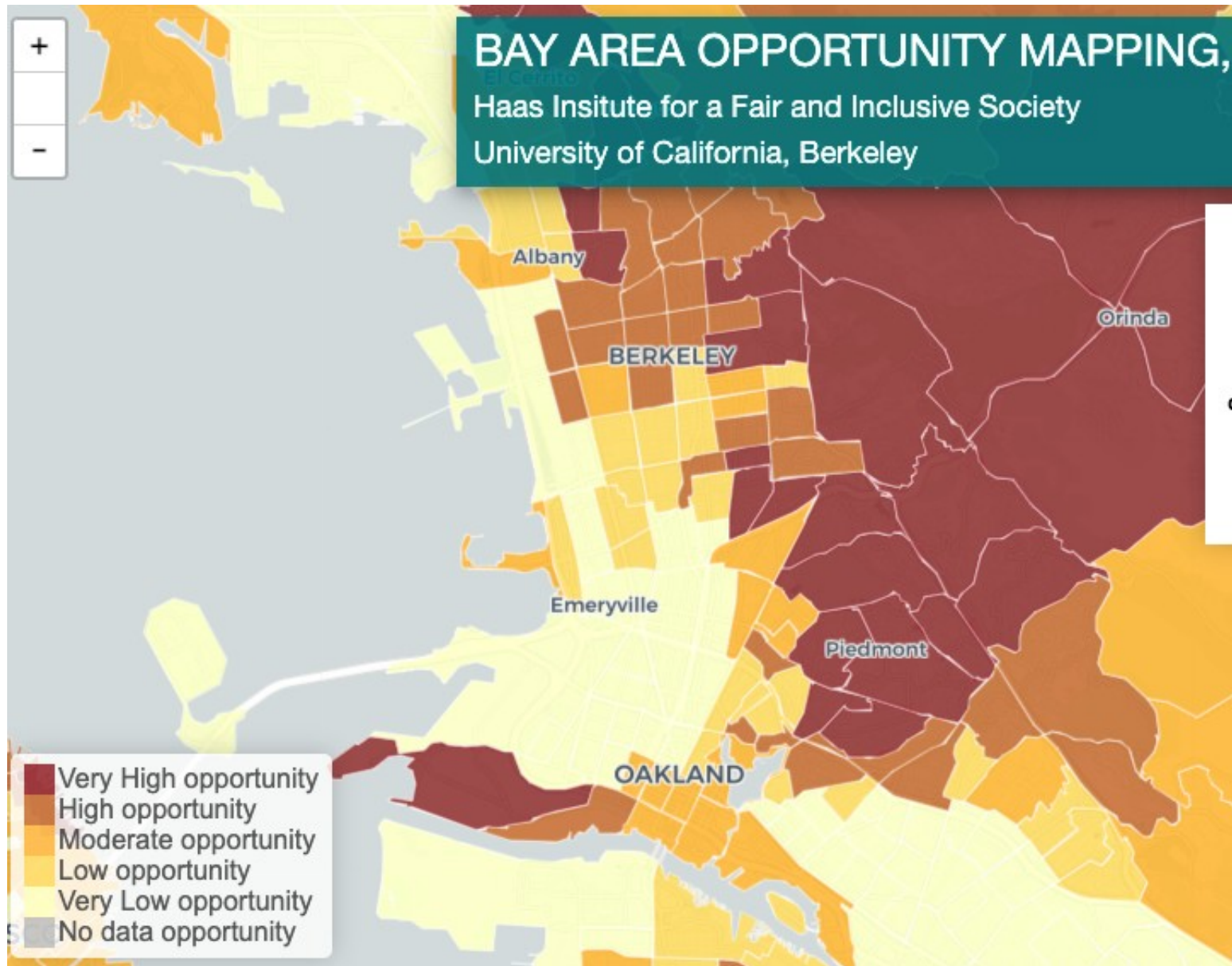
LIHTC Database Access: HTML Output

HUD ID Number:	Project Name:	Project Address:	Project City:	Project State:	Project ZIP Code:	Total Number of Units:	Total Low-Income Units:
MOA20110010	BASIE COURT REDEVELOPMENT INVESTORS	1940 Woodland Ave	Kansas City	MO	64108	88	88
MOA20110050	CHATHAM APTS	3701 Broadway Blvd	Kansas City	MO	64111	40	40
MOA20110055	COLUMBIA LOFTS	2006 Wyandotte St	Kansas City	MO	64108	35	35
MOA20110085	EAST VILLAGE APTS	950 Holmes St	Kansas City	MO	64106	50	50
MOA20110185	SAMANTHA HEIGHTS	130 E College St	Independence	MO	64050	125	125
MOA20120040	GRANDVIEW ESTATES	116 N Ward Rd	Independence	MO	64050	32	32
MOA20120090	OAKLAND HEIGHTS	2448 Euclid Ave	Kansas City	MO	64127	107	107
MOA20130002	AUGUSTINE S CAMERON PLACE	3218 Brighton Ave	Kansas City	MO	64128	48	48
MOA20140100	PALMER PLACE SENIOR APTS	218 N Pleasant St	Independence	MO	64050	41	41
MOA20140150	SEVEN OAKS ESTATES	3711 Jackson Ave	Kansas City	MO	64128	44	44
MOA20140160	ST MICHAEL HOUSING PHASE I	3838 Chelsea Dr	Kansas City	MO	64128	58	58
MOA20140240	WILLOW BEND VILLAS	5110 Westridge Cir	Raytown	MO	64133	40	40
MOA20160010	FAXON SCHOOL APARTMENTS	3710 Paseo Blvd.	Kansas City	MO	64109-0000	46	46
MOA20160013	IVANHOE GATEWAY AT 39TH	3800 Garfield Avenue	Kansas City	MO	64109-0000		0
MOA20160028	ROSE HILL TOWNHOMES	1101 Admiral Boulevard	Kansas City	MO	64106-0000	33	33
MOA20160036	ST. MICHAEL'S HOUSING PHASE II	3818 Chelsea Drive	Kansas City	MO	64105-0000	59	59
MOA20170009	COLUMBUS PARK LOFTS	701 E. 4TH STREET, BLDG. A	KANSAS CITY	MO	64106-0000	108	54
MOA20170021	PENDLETON FLATS	533 BROOKLYN AVENUE	KANSAS CITY	MO	64124-0000	30	24
MOA20170022	PHIL B. CURLS MANOR	3900 E. 52ND STREET	KANSAS CITY	MO	64130-0000	54	54
MOA20170028	SYCAMORE GROVE APARTMENTS	2920 E. 17TH STREET	KANSAS CITY	MO	64127-0000	179	179

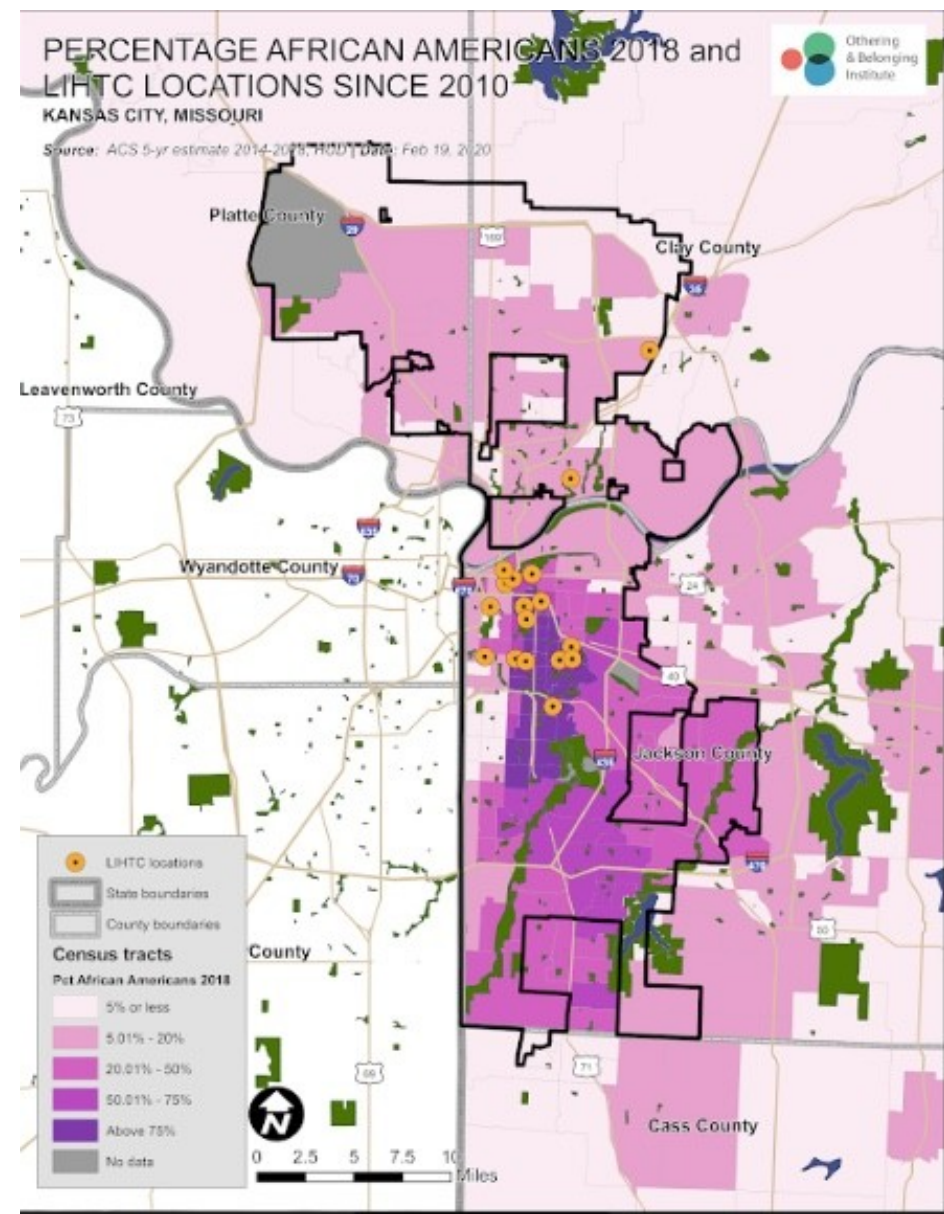
KC LIHTC properties created since 2010

Source: <https://lihtc.huduser.gov/>

- Federal funds provided to states
- Creation and preservation of low-income rental housing through tax
- Maximum rent is based on community's average income



African American population 2018
& LIHTC locations since 2010,
Kansas City



Lessons from the Bay Area

- Ensure LIHTC Housing is available across “boundaries of opportunity”
- Promote LIHTC in integrated neighborhoods



Opportunity, Race, and Low Income Housing Tax Credit Projects

An Analysis of LIHTC Developments in the San Francisco Bay Area

by Phuong Tseng, Heather Bromfield, Samir Gambhir, and Stephen Menendian

Berkeley considers ending single-family zoning

Quadplexes could be legalized



By **ANGELA RUGGIERO** | aruggiero@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: February 12, 2021 at 2:15 p.m. | UPDATED: February 13, 2021 at 5:56 a.m.

BERKELEY — Berkeley was the first city in the nation to introduce “exclusionary zoning” in the early 1900s in the Elmwood neighborhood, and now it could be one of the first cities in the state to consider undoing it.

Single-family-only zoning has ties to racially motivated segregation, city leaders maintain, and has historically made it difficult for people of color or those with lower incomes to purchase or lease property in sought-after neighborhoods.

3. Tax Increment Financing (“TIF”)

- Primarily targets “blighted” areas and public infrastructure
- E.g., Economic Development Corporation of Kansas City TIF Program



Mayorally-appointed TIF Commissioners with the Mayor: (L-R): Jane Brown, Bobby Her Tammy Queen, Alissia Canady, Mayor Quinton Lucas, Lee Barnes, Ryana Parks-Shaw, M Michael McGee, Pam Mason

4. Inclusionary Zoning

- Local Land Use Regulations
- Response to Exclusionary Zoning Policies
- Promotes integration and housing stability through Below Market Rate (BMR) housing options



San Francisco Inclusionary Zoning

- A mandatory inclusionary housing program established in 1992
- Led to a boom in Below Market Rate (BMR) units as a condition of market-rate housing development
- Effective program but at the expense of many long-term San Francisco residents

Table 2: San Francisco's Inclusionary Housing Program Beneficiary Demographics

	Pre-2000	2000-2009	2010-2017	Since inception
Total developments	22	103	62	187
Rental	2	31	26	59
Ownership	20	72	36	128
Total BMR units	101	951	1,186	2,238
Beneficiaries				
Asian	14.9%	45.4%	42.9%	42.8%
Rental	1	34	275	310
Ownership	14	398	235	647
Black	0.0%	1.7%	6.6%	4.1%
Rental	0	10	66	76
Ownership	0	6	9	15
Hispanic	0.0%	4.1%	13.2%	8.8%
Rental	0	16	127	143
Ownership	0	23	31	54
Other	1.0%	2.7%	5.7%	4.2%
Rental	0	8	55	63
Ownership	1	18	13	32
White	7.9%	15.9%	15.2%	15.1%
Rental	0	18	89	107
Ownership	8	133	91	232
Unknown	76.2%	30.2%	16.4%	25.0%
Rental	3	149	183	335
Ownership	74	138	12	224
Total	100.0%	100.0%	100.0%	100.0%

Data source: SF MOHCD (January 15, 2019).

5. Housing Trust Funds

- Funding established by local governments to support the construction and preservation of affordable housing
- Reliance on public revenue rather than budget allocations
- Allows funds to be used flexibly and innovatively



6. Land Banks



- Convert vacant, abandoned, and tax delinquent properties into productive use in accordance with local land use goals and priorities
- E.g., Kansas Land Bank established in 2010 allowing purchase of vacant homes, lots, and side-lots

NJ Fair Share

- General Welfare
 - All
- Housing market is a credit market
 - Adkins v. Morgan
 - <https://www.aclumich.org/en/cases/wall-streets-predatory-mortgages-detroit#:~:text=In%202012%20the%20ACLU%20filed,of%20once%2Dvibrant%20Detroit%20neighborhoods.>



Goal:
Not moving or staying but
opportunity for all

Q&A

QUESTIONS & ANSWERS SESSION

