

Tools for Change

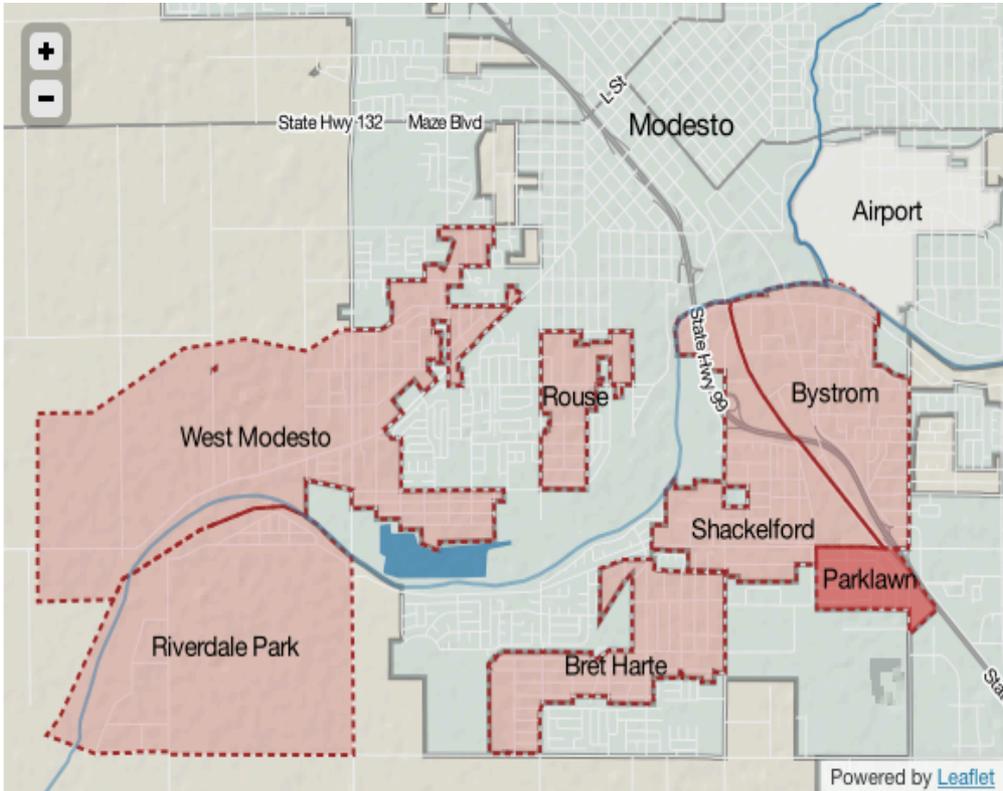
Fair Housing, Equity, and Zoning and Land Use



Affordable Housing ≠ Fair Housing

- FHA protects on the basis of race, color, national origin, religion, sex, disability, and familial status but not income.
 - Lack of affordable housing/location of affordable housing can be a fair housing issue, but;
 - Housing discrimination and segregation affect people at all income levels.
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Fair Housing is Not Just Housing



Parklawn

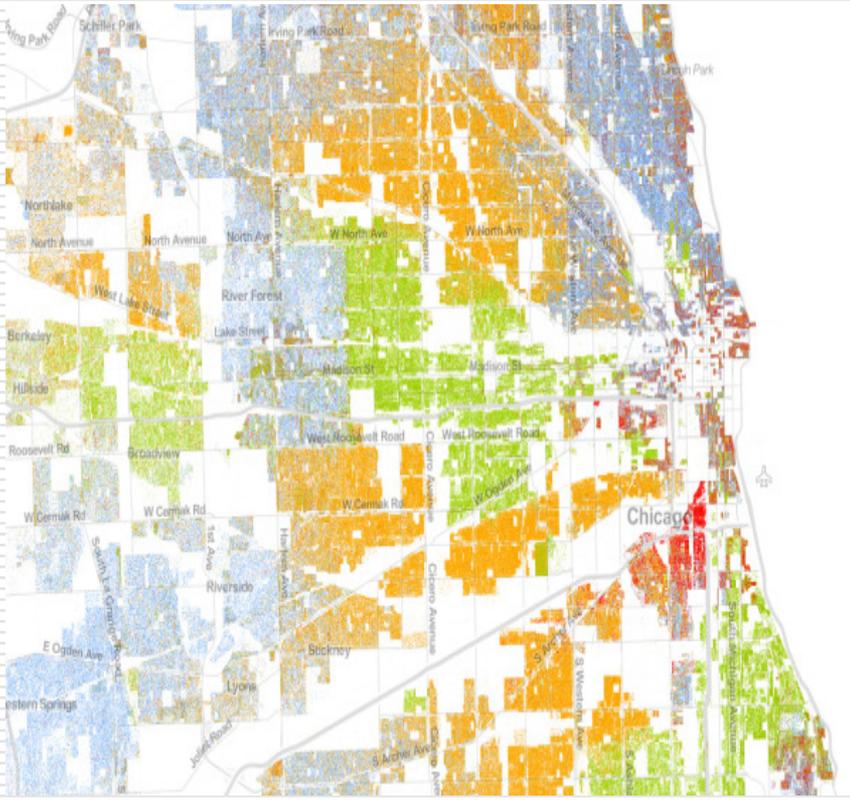
Parklawn is an unincorporated island near the cities of Modesto and Ceres, and it's one of at least four disenfranchised islands in Modesto. Residents rely on failing septic tanks, and although a city sewer line runs adjacent to the community, residents can't access it.

	Parklawn	Stanislaus County
Population	1,337	514,453
Hispanic or Latino	81.5%	41.9%
Median household income	\$32,902 <small>(Local survey reports much lower: \$18,999)</small>	\$51,094

- [More information for Parklawn residents](#)

How much does where you live matter?

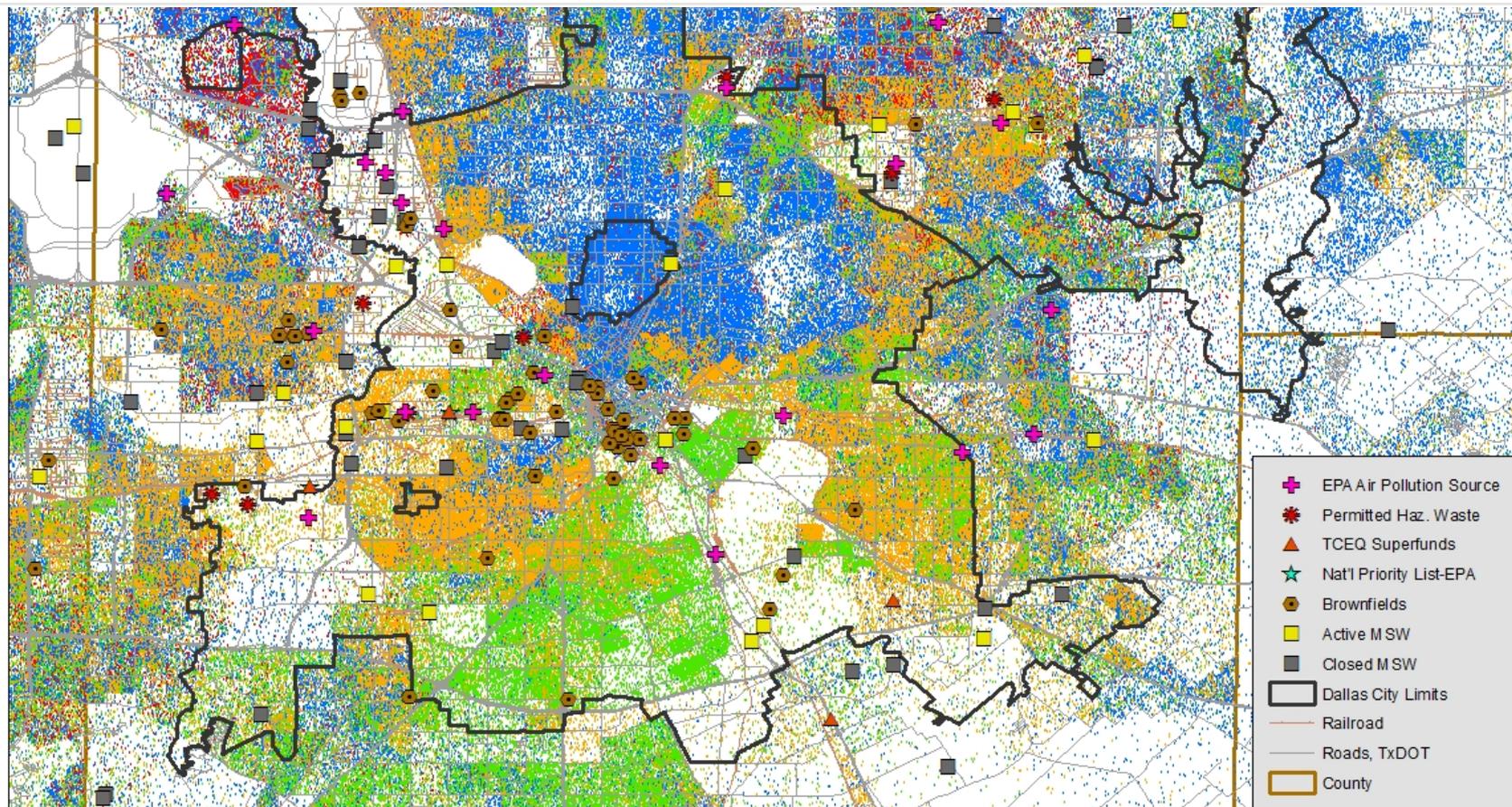
City of Chicago Racial Dot Map



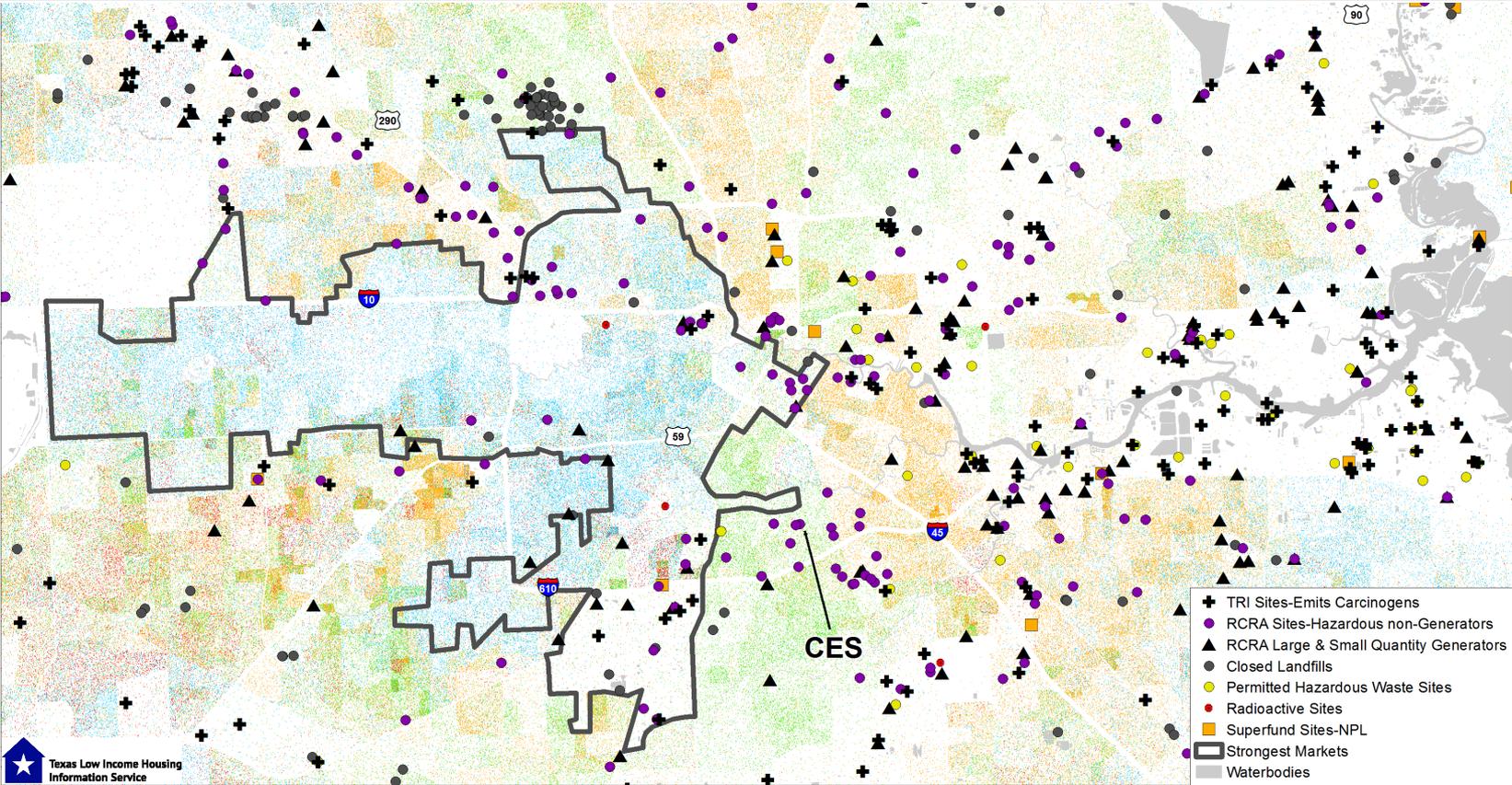
Chicago Life Expectancy Map



Environmental Hazards in Dallas, TX



Environmental Hazards in Houston, TX

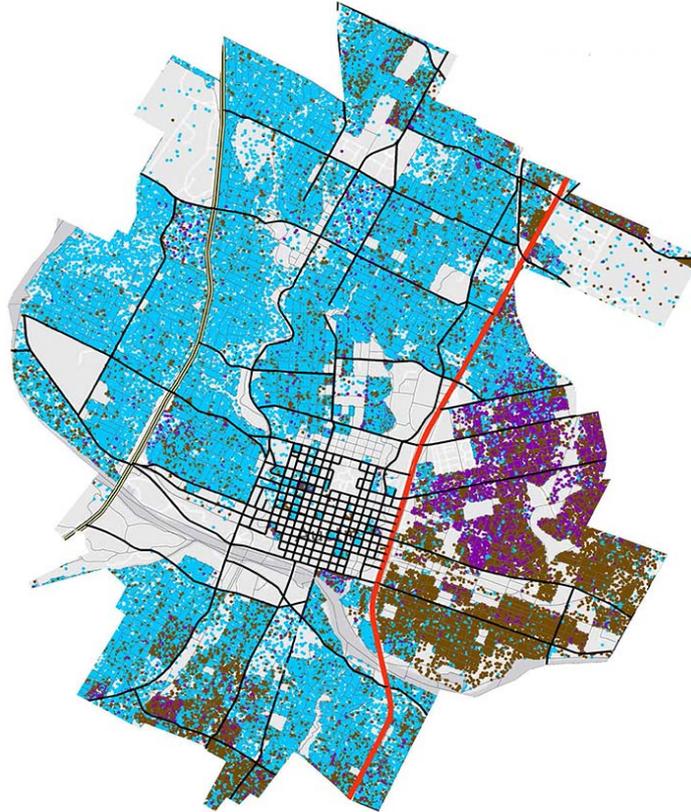
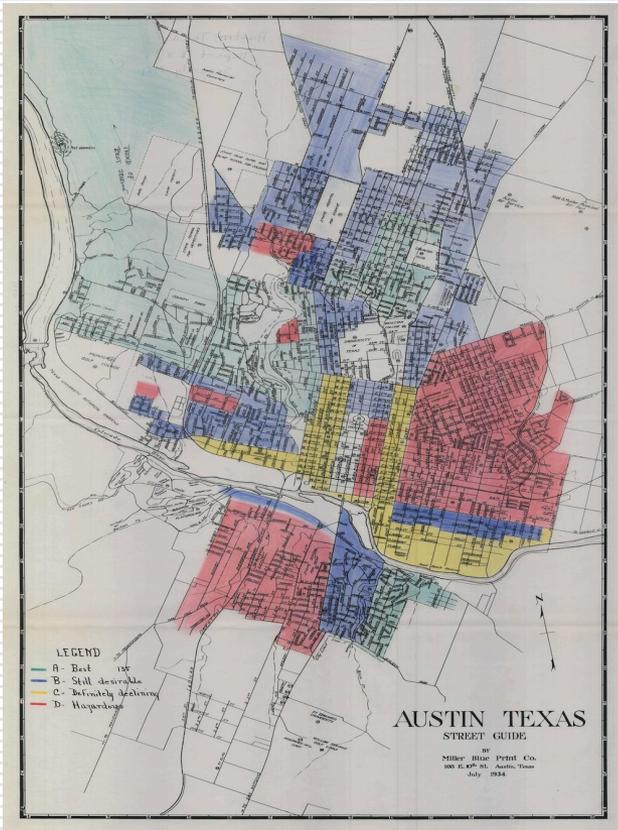


Distribution of Environmental

0 2.5 5 10 Miles

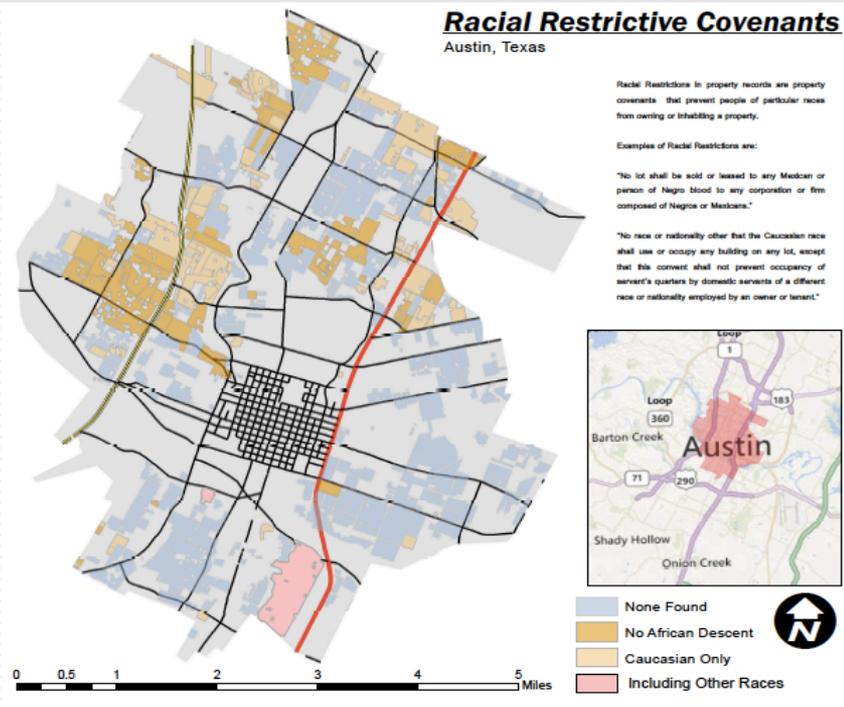
1 dot = 5 people

Austin: 1934 and 2000

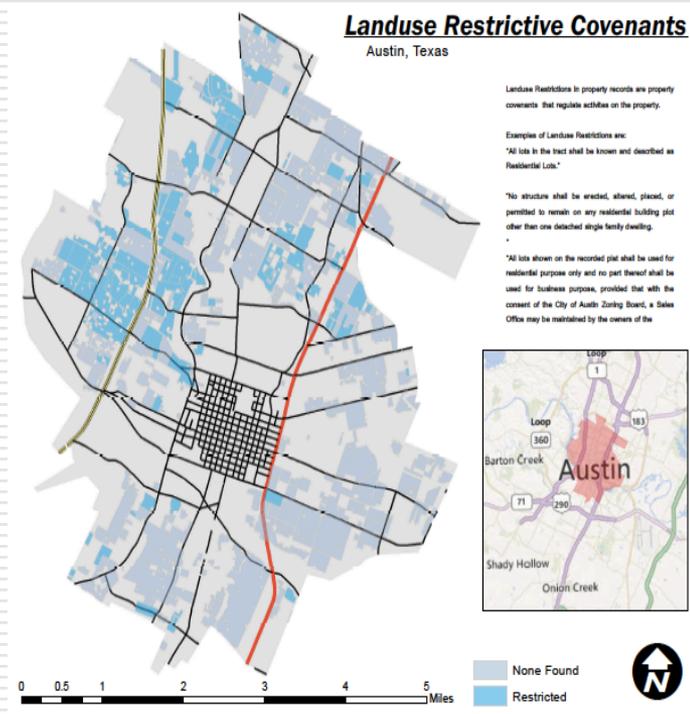


Location of Restrictive Covenants

Racial Restrictive Covenants



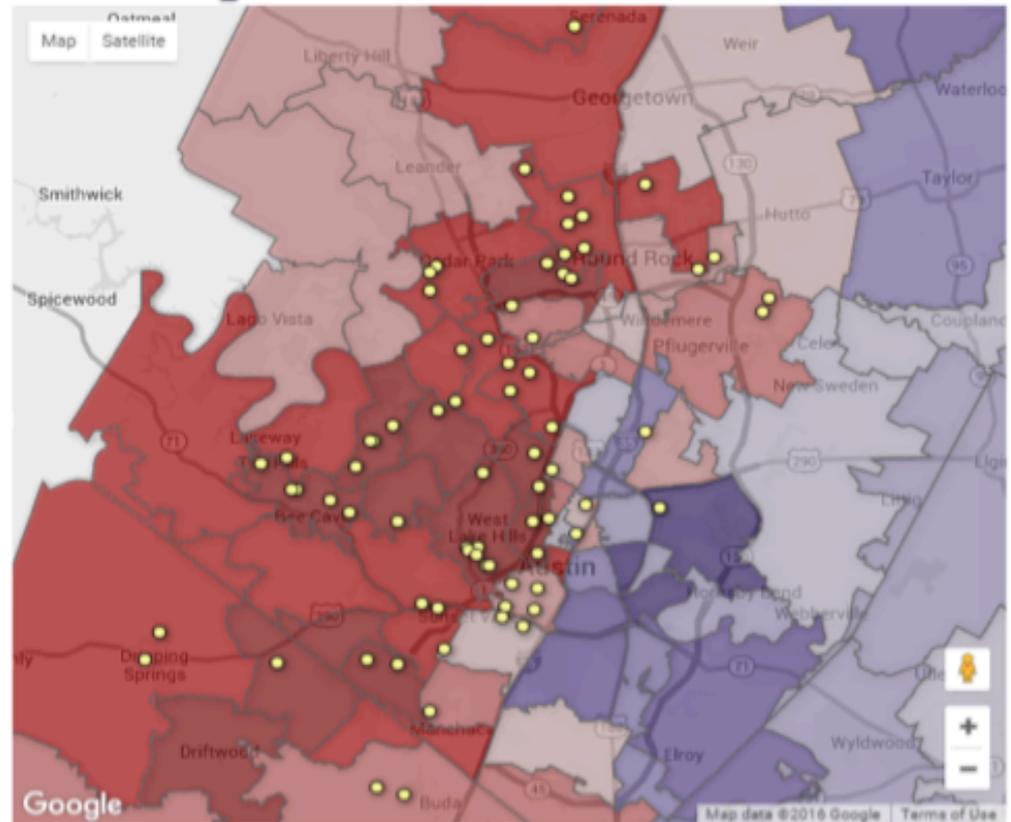
Land Use Restrictive Covenants



High Performing Schools in Austin, TX

Education reinforcing income segregation

Of all the factors that predict financial success, none are more tightly linked than education. In Austin-area school districts, most of the schools rated "exemplary" in 2011 sat in the wealthier ZIP codes far west of I-35. These neighborhoods have very low percentages of economically disadvantaged students.



Source: Texas Education Agency, Charles Murray

Segregation: America's Original Public-Private Partnership

- ❑ Racially explicit zoning/de jure segregation
 - ❑ Racially restrictive covenants
 - ❑ Restrictive covenants/exclusionary zoning:
 - ❑ Minimum lot size
 - ❑ Type of tenure (no rental)
 - ❑ Type of residence (no multifamily)
 - ❑ Building materials/aesthetic restrictions
 - ❑ Permitted land use
 - ❑ Disparate distribution of mixed use, commercial, and industrial zoning
 - ❑ Increased health impacts on some communities
 - ❑ Depresses property values
 - ❑ Can facilitate gentrification and displacement
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Disparate Treatment, Disparate Impact, and Affirmatively Furthering Fair Housing

- ❑ Ordinances cannot contain provisions that treat land uses like affordable housing or group homes for people with disabilities differently than other similar uses.
 - ❑ Land use, zoning, and other development-related decisions cannot be made on the basis of the protected class status of the residents or prospective residents or on current residents fears that prospective residents will be members of protected classes.
 - ❑ The Fair Housing Act (FHA) includes a disparate impact theory of liability: **there can be liability for racial discrimination without a showing of illegal intent.** (*ICP v. Texas*, 135 S.Ct. 2507 (2015)) Facially neutral policies and practices that have a discriminatory effect, **even when there is no current intent to discriminate.**
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Affirmatively Furthering (AFFH)

- ❑ AFFH requires government entities to do more than just refrain from discrimination: they **must take proactive steps to dismantle residential segregation and address significant disparities in access to community assets and equal opportunity.**
 - ❑ Certification of AFFH is a condition of eligibility for federal funds and requires an Assessment of Fair Housing/Analysis of Impediments that includes analysis of:
 - Patterns of Segregation
 - **Land use and zoning laws**
 - Location and type of affordable housing
 - Public and private investment
 - Transportation and employment access
 - Environmental hazards
 - Location of proficient schools and school assignment policies
 - Accessibility for persons with disabilities
 - Adequacy of infrastructure and public services
-

Fair Housing Issues in Zoning and Land Use

- Austin must evaluate CodeNEXT through a fair housing and equity lens.
 - Does the Code perpetuate segregation/enforce racially restrictive land use rules?
 - Does the code treat housing likely to be occupied by members of protected classes differently?
 - Do the City's policies and actions facilitate the displacement of families in protected classes?
 - How does the City respond to racially coded opposition to new housing?
 - What provisions might have a disparate negative impact on families in protected classes?
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Equity Survey Results

- Online forms: Facebook groups, Texas Appleseed social media accounts, listservs
 - Respondents were primarily:
 - white
 - women
 - one-to-two-member households
 - no children
 - \$50k household income or above
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Equity Survey Results

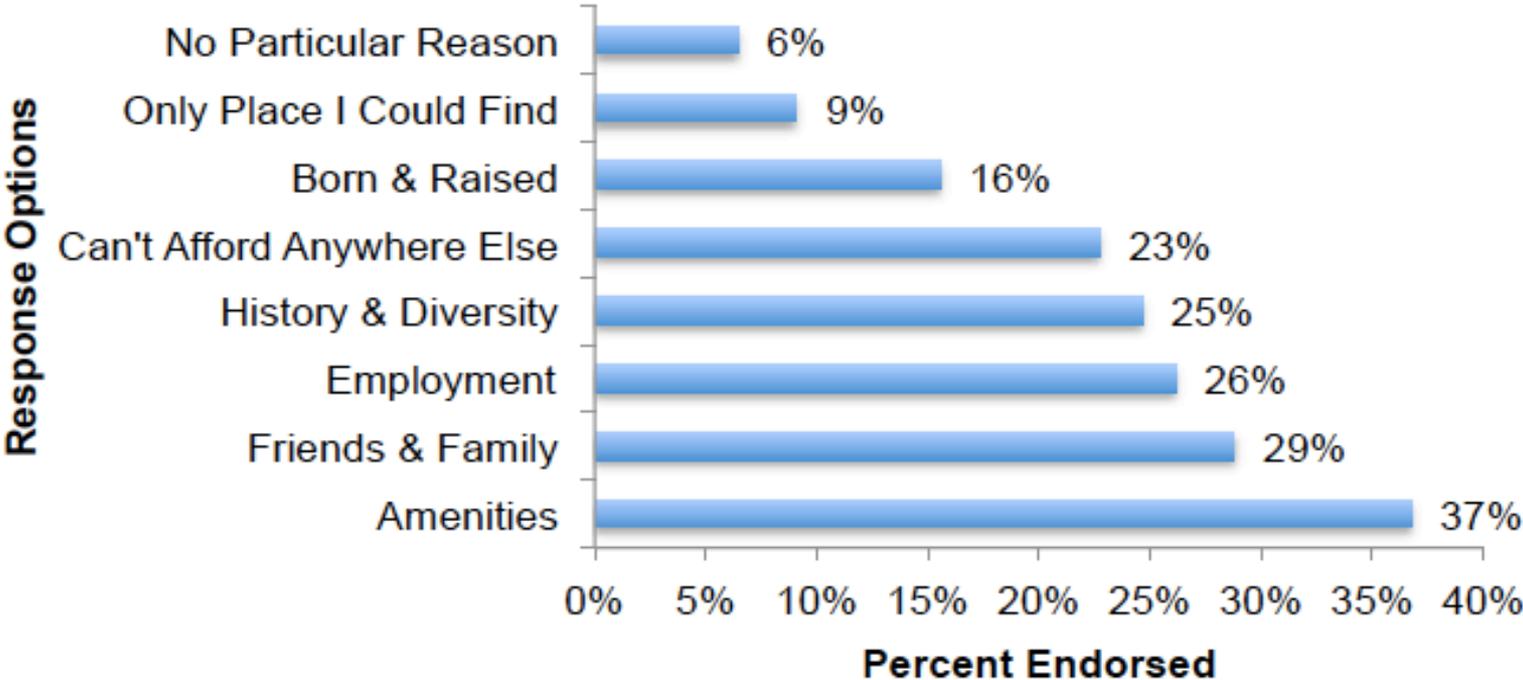
- Nearly all reported single family & small multifamily housing in their neighborhood
 - Most reported commercial and institutional uses of the land in their neighborhoods
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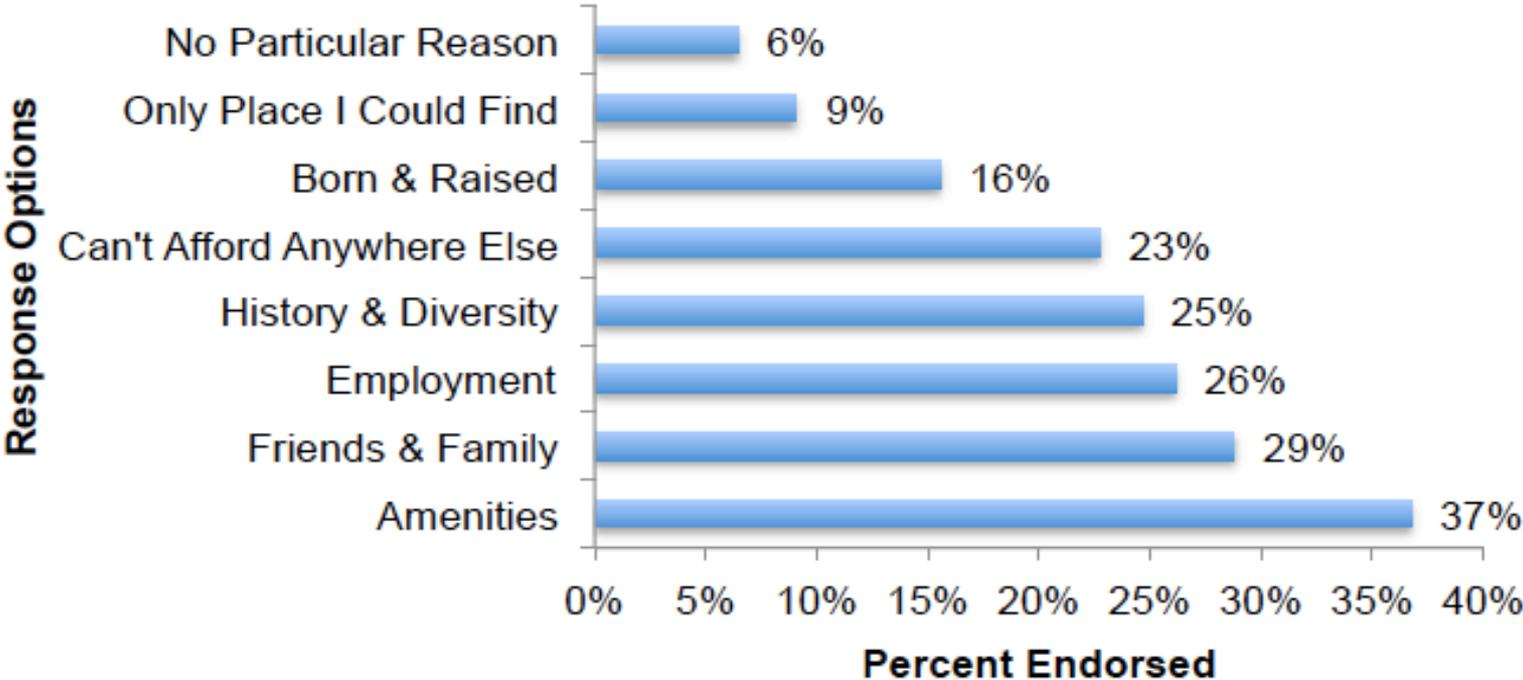
Equity Survey Results

"Why do you live in Austin/your neighborhood?"



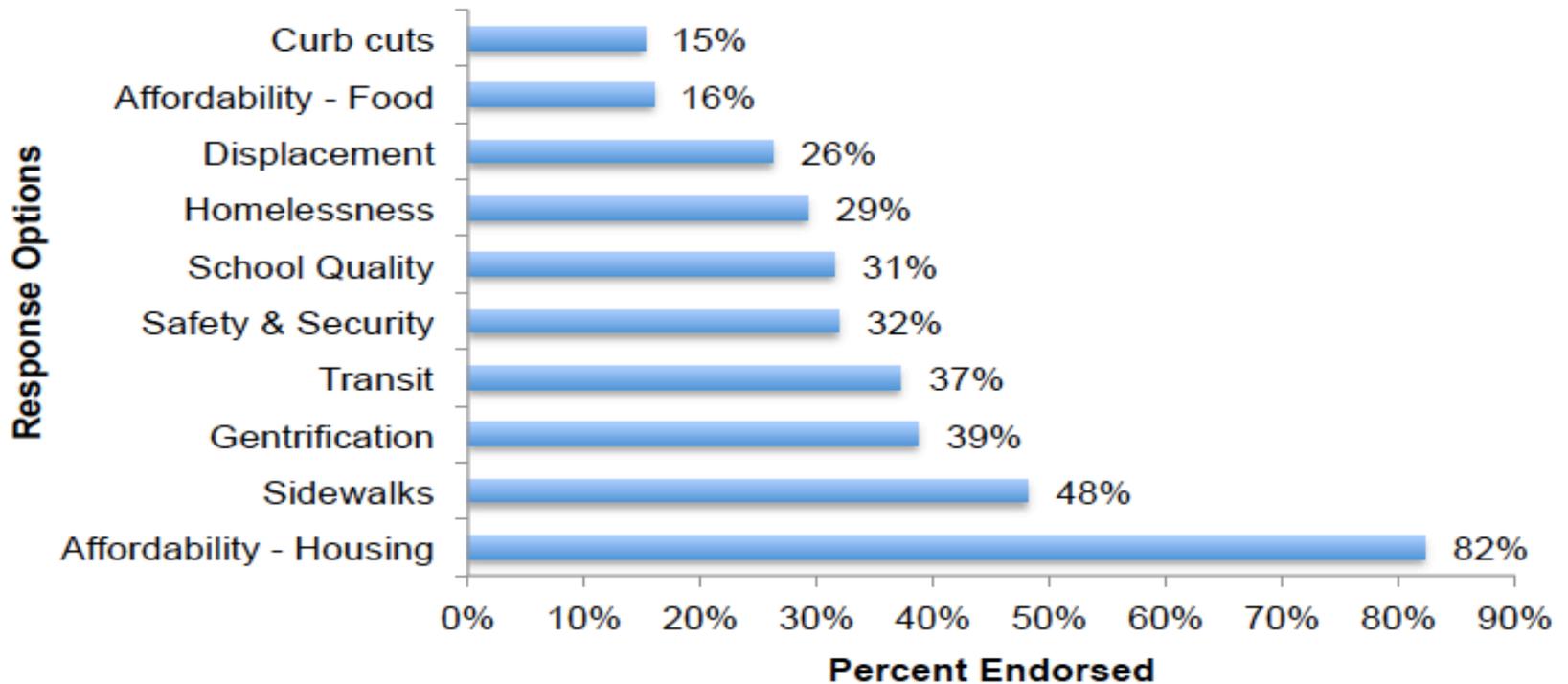
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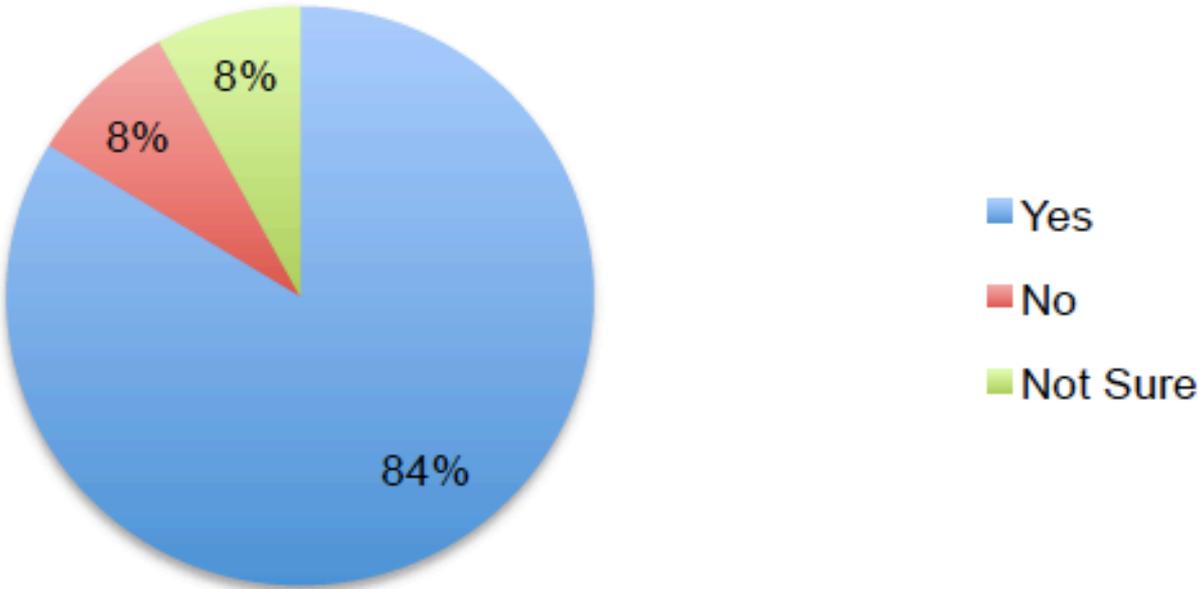
Equity Survey Results

"What are the most important issues facing your neighborhood?" Top 10 Most Popular Responses



Equity Survey Results

"Do you think all neighborhoods in Austin should have affordable housing?"



Equity Survey Results

Differences in Responses: Housing Types

- The most notable contrasts were between individuals reporting an annual household income between 0-\$30,000 and individuals reporting an annual household income of greater than \$100,000.
 - <\$30,000: **more large multifamily units** than individuals earning > \$100,000
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Equity Survey Results

Differences in Responses: Top Issues

- ❑ Individuals who earn <\$30,000 identified **gentrification** (46% versus 12% respectively), **displacement** (36% versus 7% respectively), and **homelessness** (36% versus 25%) as among their most important concerns
 - ❑ Individuals who earn >\$100,000 did not identify those issues as their top most important concerns.
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Equity Survey Results

Differences in Responses: Top Issues

- ❑ Individuals who earn $> \$100,000$ identified **safety and security** (34% versus 26% respectively), and **school quality** (34% versus 21% respectively) as among their most important issues.
 - ❑ Individuals who earned $< \$30,000$ did not identify those as their most important concerns.
 - ❑ Affordable housing was identified as the most important issue among all income levels.
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Equity in Outreach

- Language
 - Number of sessions
 - Broaden pool of responses
 - Listen to & work with community members, especially those who historically have not had a seat at the table
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Community Collaborations

- Black Sovereign Nation (BSN)
 - Kabiyesi Keith

 - Communities of Color United (CCU)
 - Marisa Perales
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