



a community in
bloom

there grows the neighborhood[®]

Fair Housing Center of Washington
fhcwashington.org

**Affirmatively Furthering
Fair Housing Manual**

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Hello, we're the Fair Housing Center of Washington. It's nice to meet you.

We work on safeguarding equal opportunity to housing for the residents of Washington

We know you are busy working on:

- Education, Safety, Health, Transportation, and Homes for our families
- Promoting equal opportunity to housing for constituents
- Creating a culture of inclusiveness in neighborhoods
- Being a steward of good government
- Advocating for the best community

We both understand that *where* we live impacts *how* we live.

We would like to help you with your work to equalize opportunity in our communities (and beyond).



Creating a Community in Bloom

Prosperous communities in our cities and towns, or as we like to say, “blooming communities”, are places with access to abundant opportunity. Fair housing principles can guide you as you lead your communities toward their full potential because advancing fair housing advances opportunity. Generally, people think of fair housing as not discriminating when someone wants to buy or sell a house. Though this is definitely part of it, we propose that elected officials and planners think of fair housing slightly differently in the context of their every day work. For elected officials and planners, equal opportunity in housing also means investing in communities in a way that promotes opportunity for all people.

In the following pages we will discuss how elected officials can invest in equal opportunity so that communities bloom and so that people living in those communities have access to those opportunities. We will briefly define fair housing as well as provide a short overview of the law followed by a discussion of how creating opportunity furthers fair housing principles. We will end by discussing examples of promoting opportunity and advancing fair housing for the benefit of our communities.

What is Fair Housing?

Fair Housing is the shared value that everyone should have equal opportunity to housing. To ensure equal opportunity, federal, state, and local laws prohibit discrimination in housing because of a person’s protected class. On a larger scale, fair housing means promoting communities equally,¹ no matter the aspect of the neighborhood. This means that elected officials and planners must equally distribute community resources in a way that does not discriminate because of protected classes. This kind of goes without saying, but fair housing principles also mean that elected officials and planners distribute community resources in a way that equalizes opportunity for all.

A little more history on protected classes

We know the cruel history of inequality in our country lead to the civil rights movement of the 1950s and 60s, and resulted in landmark civil rights legislation. The Civil Rights Act of 1964 guaranteed the right of all people to enjoy equal treatment regardless of race or color. Because

of the painful history of segregation and housing inequity, shortly thereafter Congress passed the Civil Rights Act of 1968, commonly known as the Fair Housing Act. The law guarantees that all people have the right to equal housing opportunities regardless of race, color, religion or national origin.

The Fair Housing Act was amended over time to include additional protected classes and now prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, sex, national origin, family status and/or disability. Though not specifically stated in the law, discrimination because of sexual orientation and gender identity is also prohibited because of a 2010 HUD policy.²

Washington State and some local governments elected to expand protection from housing discrimination by enacting fair housing laws with additional protected classes within their jurisdictions. The charts below categorize the federal, state, and local protected classes. Actual enforcement provisions vary and though the intention is to protect people from discrimination, without enforcement, laws are less effective. The charts below distinguish between jurisdictions that have enforcement agencies, these and those that do not.

¹ Remember this phrase “Promoting communities equally” we are going to cover it in a moment.

² HUD Issues Guidance on LGBT Housing Discrimination Complaints – Department addresses housing discrimination based on sexual orientation and gender identity (July 1, 2010) - http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2010/HUDNo.10-139



Table 1 Protected Classes in Washington State by Jurisdiction/Enforcement Agency³

Basis	Federal/HUD	State/WSHRC	King County/KCOCR	Seattle/SOCR	Tacoma/THR
Race	✓	✓	✓	✓	✓
Color	✓	✓	✓	✓	✓
Religion	✓	✓	✓	✓	✓
National Origin	✓	✓	✓	✓	✓
Sex	✓	✓	✓	✓	✓
Gender Identity	✓ ⁴	✓	✓	✓	✓
Sexual Orientation	✓	✓	✓	✓	✓
Familial Status/Parental Status	✓	✓	✓	✓	✓
Handicap/Disability	✓	✓	✓	✓	✓
Creed		✓		✓	
Martial Status		✓	✓	✓	✓
Veteran or Military Status		✓		✓	✓
Age			✓	✓	✓
Section 8 Recipient			✓	✓	
Ancestry				✓	✓
Political Ideology				✓	

³ Abbreviations stand for the following enforcement agencies:

1. HUD: Department of Housing and Urban Development
2. WSHRC: Washington State Human Rights Commission
3. KCOCR: King County Office of Civil Rights
4. SOCR: Seattle Office for Civil Rights
5. THR: Tacoma Human Rights

⁴ Gender Identity and Sexual Orientation are protected classes insofar as they are covered under the HUD's Guidance on LGBT Housing Discrimination Complaints issued July 1, 2010.



Table 2 Protected Classes in Puget Sound Cities without Local Enforcement Agencies*

Basis	Bellevue	Bremerton	Burien	Everett	Olympia	Renton	Spokane	Thurston Co.
Sexual Orientation				✓	✓		✓	✓
Gender Identity					✓			
Age			✓	✓				✓
Ancestry	✓	✓						
Source of Income	✓			✓		✓		

* State and Federal protected classes apply in all jurisdictions in Washington.

What does opportunity mean in our communities?

Equal opportunity in housing means that we invest in where people live in a way that promotes opportunity for everyone. We say “where people live” because we know that where we live is more than just the four walls of a home. Where we live includes the schools our children attend, the jobs where we work every day, our daily transportation, the nearby parks, the services we need to stay healthy, and a place where we feel safe.

Creating opportunity in all the different aspects of “where we live” means really different things depending on the individual place. From affluent to low income neighborhoods; from urban to suburban to rural communities; from single family to multifamily housing, each community has different needs depending on their circumstances. Elected officials and planners are in the unique position to adapt the physical, economic, and legal infrastructure to the many needs of their communities to create those opportunities fairly and on a large scale.

Definition: “Opportunity”

A situation or condition that places individuals in a position to be more likely to succeed or excel.

Did you know?

Fair housing principles “on a large scale” means that elected officials promote communities equally; that they take what is fair into consideration when they make decisions about where resources go and how they create opportunity.



Equalizing opportunity or as we call it: Affirmatively Furthering Fair Housing

Consider what “promoting communities equally” means for elected officials and planners. We recognize that this is not an easy thing to do on a regular day considering the many factors that play into any decision: scarce resources, unpredictable emergencies cropping up every year, project cost overages, zoning barriers, tax codes, not to mention politics, politics, and politics. But put all that aside for a moment and consider our country’s history of community investment.

You don’t have to go back very far, if at all, to see inequity in investment between communities. Much of that inequity in investment has been because of protected classes, also known as illegal discrimination. The effect of discrimination with respect to community investment has had a lasting effect on our communities today.

The egregious examples are easy to identify, though perhaps difficult to believe for some of us. In July 2008 the City of Zanesville, Ohio was found to have violated the Fair Housing Act for illegally denying water service to a primarily black community because of their race. A federal court found that the defendants had refused to provide water service to the community of Coal Run for over fifty years. Coal Run is the only black neighborhood in an almost entirely white county. During that fifty year period, white residents on the same street were provided water while black residents hauled water from the city, collected rainwater, and stored water in cisterns. The defendants were fined \$11 Million in damages to the citizens of Coal Run.⁵

For an example closer to home, consider the Hilltop neighborhood of Tacoma. At the turn of the 19th century all the way until the 50s, the Hilltop was one of only a few neighborhoods in Western Washington that did not have racially restrictive covenants. Effectively this meant that the Hilltop was one of the only places people of color and other minorities could purchase homes in the state. The Hilltop did not see equitable investment by either the

public or private sector and has consistently seen less economic development and investment in education particularly. Today the Hilltop neighborhood is one of only 4 neighborhoods in the Puget Sound Region that is considered a Racially Concentrated Area of Poverty, where over 40% of the families live in poverty and over 50% of the families are people of color.

Basically, what we are trying to say is that in order to equally invest in communities you have to consider past investment in communities. And traditionally, communities of color have not received the same level of investment as white communities. We see the ramifications of that deficit today in the differing quality of schools, crime rates, home values, median incomes, and even measures of health. The numbers differ by race and ethnicity and almost always favor white communities. Where there was not equal opportunity in the past, there is not equal opportunity in the present. It’s time to change that trajectory.

⁵ <http://www.relmanlaw.com/civil-rights-litigation/cases/zanesville.php>



What is Affirmatively Furthering Fair Housing?

“Affirmatively furthering fair housing” is a legal requirement under the Fair Housing Act for jurisdictions receiving federal housing dollars. To ensure compliance with the Fair Housing Act, Congress assigned the Department of Housing and Urban Development (HUD) and U.S. Department of Justice (DOJ) the responsibility of enforcing the law through administrative processes or, if necessary, through lawsuits filed in federal court. We are not entirely joking around here.

Enforcement responsibilities also include the requirement that recipients of federal money related to housing and community development “affirmatively further fair housing.” This requirement arises in large part from the need to repair the effects of not-so-long-ago discriminatory policies which restricted housing opportunities for people of color. The idea is that federal money cannot be used to further discriminatory practices, and in fact, federal money must actually be spent on restoring communities affected by housing discrimination and promoting integrated and sustainable communities.

New Guidance and the Assessment of Fair Housing – This is what you’ve been waiting for!

In July 2013 HUD released a proposed rule related to affirmatively furthering fair housing. The purpose is to more clearly define the concept of investing equally in our communities and to provide a framework for advancing the fair housing goal to equalize opportunity.

In terms of practical application for entitlement jurisdictions, this means that recipients of federal housing funds⁶ are required to include real and effective fair housing strategies in their planning and development process which correspond to the spirit of the Fair Housing Act and attempt to rectify the consequences of a history of inequality. In other words, to receive federal money, jurisdictions are required to create a housing plan that equalizes opportunity in communities.⁷

Definition: “Affirmatively furthering fair housing”

Policies and practices that embrace diversity, enrich our communities, and help our children and adults to succeed.

Did you know?

Included among fair housing principles is the requirement to proactively equalize opportunities in communities that were historically discriminated against because of a protected class.

⁶ Recipients who are required to affirmatively further fair housing include: Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA).

⁷ 42 U.S.C. §3608(d); 24 C.F.R. §570.601(a)(2)



The Assessment of Fair Housing (AFH) report is the first step toward affirmatively furthering fair housing because it examines, among other things, segregation and poverty in relation to protected classes and access to opportunity. This analysis informs past, present, and future investments in infrastructure that assist with fair housing planning towards more diverse, equitable, and sustainable communities.

Outcomes/Objectives that HUD hopes to accomplish with the new rule:

1. Replacing the Analysis of Impediments to Fair Housing Choice (AI) with an Assessment of Fair Housing (AFH), which will use regional and national benchmarks and data tools to facilitate the measurements of trends and changes over time.
2. HUD will provide data that program participants must consider in their AFHs which will improve fair housing assessment and planning.
3. There will be an incorporation of explicit fair housing plans into existing planning processes.
4. Encouraging and addressing regional approaches to fair housing issues.
5. Community participation is an integral and required component of the AFH.
6. Coordinate efforts to affirmatively further fair housing and combat illegal housing discrimination.⁸

What does the new rule mean?

1. You're going to get a lot of data from HUD about fair housing conditions in your jurisdiction.
2. You're going to write an Assessment of Fair Housing using the data from HUD as well as applicable local data and community input/participation.
3. You're going to need to consider fair housing and equity principles from your Assessment of Fair Housing as you plan your communities.
4. You're going to follow through with your plans.

⁸ Affirmatively Furthering Fair Housing – Executive Summary – “Summary of the Major Provisions of the Rule” – Federal Register/Vol. 78, No. 139/Friday, July 19, 2013/Proposed Rules; 43711.



What you need to do to meet the AFFH Principles:

What it looks like to advance fair housing depends completely on each community. The analysis of the community happens in the Assessment of Fair Housing which will give elected officials and planners an idea of what fair housing conditions exist in the community and, perhaps most importantly, their source.

In the example from Zanesville, OH where the city denied water services to black people in the community of Coal Run because of their race, they obviously have a lot of work to do to further fair housing. In addition to building basic water infrastructure they would need to compare Coal Run to similar neighborhoods in the area that had running water. The assessment would look at what the lack of water did to Coal Run and the effect on the community's access to opportunity.

Where there is inequity, Zanesville would include a strategy to right those wrongs in their Comprehensive Plan. Those strategies could include creating health programs in Coal Run if the Assessment of Fair Housing shows that residents generally have poor health due to the lack of potable water. If the assessment indicates a rapidly decaying housing stock due to sustained lack of water to make repairs, the city could allow property tax breaks for home repairs in Coal Run. If there had been no economic development in the community, the city could give points to independent contractors from Coal Run during the bidding process for public funds to promote businesses from that neighborhood.

That's a pretty bad example and most communities don't have anything that obvious. However, consider the Hilltop example from Tacoma. This was, historically, one of the only places in western Washington where people of color

and other minorities could purchase homes because racially restrictive covenants in real estate contracts in the rest of the region. At the same time the City of Tacoma, historically, did not invest in this neighborhood's schools, business district, transportation infrastructure, etc. Today it is still one of the poorest and most diverse neighborhoods in western Washington.

However, efforts have begun to equalize opportunity in the Hilltop that amount to affirmatively furthering fair housing. Its business district has begun to revive through rezoning efforts to include part of the Hilltop in the downtown business district. An additional benefit of the downtown rezoning was the inclusion of the Hilltop in planned light rail expansion. McCarver Elementary School is seeing positive outcomes through a creative partnership with the Tacoma Housing Authority which has stabilized nomadic families and kept kids in school.⁹ The city avoided a large food desert and corresponding economic development occurred when the Tacoma City Council encouraged greater investment in an existing Safeway grocery store in the Hilltop.

The possibilities are totally dependent on your community. Rural communities will have different issues than urban. But the point is you need to look at fair housing conditions in your community through the Assessment of Fair Housing. Then you need to make efforts to plan for equal opportunity where you see inequity between protected classes and there is a history of discrimination.

⁹ Though the McCarver/Tacoma Housing Authority partnership was not initiated by the City Council or government offices, and was not part of Tacoma's Consolidated Plan, the partnership is still a good example of using multi-service approach that furthers both educational and housing goals that positively affects communities of color.



Growth Management Act

The Growth Management Act (GMA) is a useful planning tool unique to Washington State that elected officials and planners already use for all comprehensive planning. Fortunately, the GMA's goals and principles overlap with fair housing planning in a positive and useful way. The GMA recognizes that local governments should work together and coordinate with the private sector in comprehensive land use and planning. This is also a goal of the new guidance from HUD regarding regional fair housing planning. Communities, in the interest of the public, must also share economic development programs with neighborhoods that are experiencing insufficient economic growth.¹⁰ This requirement, though it does not consider protected class, does essentially mandate that communities with high opportunity share resources with communities with low opportunity which is a significant feature of the requirement to further fair housing.

The following goals are intended to guide development of a jurisdiction's comprehensive plans under the GMA and fortuitously, many of the same principles further fair housing too:

- 1. Urban growth** - Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- 2. Reduce sprawl** - Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

- 3. Transportation** - Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- 4. Housing** - Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- 5. Economic development** - Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.¹¹

A jurisdiction which observes the "housing" portion of the mandatory elements¹² of the law will go a long way towards affirmatively furthering fair housing insofar as the goals and strategies of promoting fair housing and following the GMA overlap.¹³ Basically, in Washington State the legal infrastructure in many ways already exists to further fair housing and equalize opportunity in our communities.

¹⁰ RCW 36.70A.010 - Findings

¹¹ RCW 36.70A.020 – Planning Goals

¹² RCW 36.70A.070 – Comprehensive Plans – Mandatory Elements...

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

- Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;
- includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences;
- identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and
- makes adequate provisions for existing and projected needs of all economic segments of the community.

¹³ For more information about the GMA visit: <https://mrsc.org/subjects/planning/compplan.aspx>



Existing non-discrimination legal structures

Federal Law: In addition to the Fair Housing Act, which specifically prohibits discrimination in housing, other federal protections from discrimination exist stemming from Title VI of the Civil Rights Act of 1964. Broadly, the Act prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000(d) states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Protections under Title VI apply to anyone regardless of citizenship or legal status because of the use of the word “person.” Other Nondiscrimination statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability).

Executive Orders: Finally, in addition to specific statutes, a number of executive orders further define nondiscrimination requirements. They require, for example, that federal agencies address and develop strategies to address disproportionately high and adverse health or environmental effects on minority and low-income populations and that agencies provide meaningful services to populations with Limited English Proficiency.

Collectively, these laws provide a federal nondiscrimination program, and are typically known as Title VI requirements. Title VI and nondiscrimination requirements are applicable to federal programs and those receiving federal financial assistance.



How to equalize opportunity in housing and neighborhoods

Equalizing opportunity in communities is simple if you remember to consider this question before you make a development decision:

Does this decision promote housing opportunity for diverse people in your community?

If the answer is yes then the decision affirmatively furthers fair housing. If the answer is no, and particularly, if there is a history of neglect in that community, then ask a follow up question:

Is there an alternative that would promote housing opportunity for diverse people in your community?

In addition to keeping the idea of equalizing opportunity in the back of your mind, we have also compiled some examples of more specific ways to affirmatively further fair housing below.

Know fair housing protected classes

The more elected officials and planners consider how their decisions effect protected classes and the communities they live in, the less their decisions will negatively affect minorities. This begins with a thorough understanding of who is in a protected class. While the federal law covers race, color, religion, national origin, sex, family status, and disability, Washington State also protects against discrimination because of marital status, sexual orientation, gender identity, and military/veteran status. Depending on your jurisdiction, other protected classes may be included in your local laws.

To determine whether your jurisdiction has additional protected classes contact any of the agencies listed here:

<http://www.fhcwashington.org/resources/FairHousingAgencies.pdf>

Consider location and availability of affordable housing throughout the community

Developing affordable housing is complicated and loaded with conflicting interests. We understand this. However affirmatively furthering fair housing, with respect to placement of affordable housing, is simple. The basic tenant when it comes to affordable housing development is that it should be equitably distributed throughout a community.

That means that on one hand, no one neighborhood should have all the affordable housing units in the jurisdiction because that would create a concentrated area of poverty. On the other side of things, efforts to develop affordable housing units in high cost areas diversify housing stock and residents in a community.



Jurisdictions should start with developing/reviewing their affordable housing plan to determine the location, amount, and condition of existing and planned affordable housing units in relation to the needs of the community. Below are a few examples of affordable housing plans:

**Affordable Housing Advisory Board:
2010-2015 Housing Advisory Plan:**

<http://www.commerce.wa.gov/Documents/AHAB-Affordable-Housing-Advisory-Board-Plan-2-10-10.pdf>

Spokane County:

<http://www.spokanecounty.org/CommunitySVCS/HCD/content.aspx?c=2221>

**Building a Skagit County Housing
Affordability Strategy:**

<http://scog.net/wp-content/uploads/downloads/2013/01/Skagit%20Affordability%20Strategy%20Interim%20Report.pdf>

**Promote housing that is structurally
accessible to people with disabilities**

“Accessibility” for elected officials and planners means you have to take into consideration the accessibility of a community to people with disabilities; essentially you have to consider how people with disabilities live in a community. Can they enjoy public facilities? Can they get around on public transportation? Can they participate in public functions? Is there enough accessible housing?

One way to address some of these issues is to grant reasonable accommodations and modifications. Since there are finite resources and no one is omnipotent, the public sector cannot preemptively address every potential need of every resident. That being said, if someone with a

disability makes a reasonable accommodation to a policy, practice, or even to alter a physical structure, there should be a policy in place to assess the need and hopefully come to a mutually beneficial solution. Reasonable accommodations broaden access to opportunity by creating accessibility to people with disabilities.

Some examples of reasonable accommodations that promote fair housing principles include the following:

1. City staff should grant a reasonable accommodation request for more time to cure a violation if a person with a disability cannot meet code requirements in a specified time frame (like they need to take care of trash in their yard but because of their disability they cannot do it within the statutory period).
2. City staff should grant a reasonable accommodation request for more handicapped parking spaces close to large apartment complexes.
3. Visitors to high use areas who are disabled should have equal access (consider asking the developer of such a complex to pay for the installation of the spaces).

**For more information on public
accommodations visit:**

<http://www.hum.wa.gov/Documents/Guidance/disbgid07.pdf>

**For more information about reasonable
accommodations related to housing under the Fair
Housing Act visit:**

<http://www.kingcounty.gov/exec/CivilRights/FH/HPresources.aspx>



Address “Not In My BackYard ” attitudes

We see this most commonly in two areas. First, it occurs when affordable housing units are proposed in neighborhoods and property owners believe the development will lower property values in the area.

Second, communities have passed moratoria preventing development of group homes in their communities. The reason they are discriminatory is because they have an adverse effect on people with disabilities who often live in group homes which are a good medium between living independently and in assisted living. The effect of the moratorium is that people with disabilities cannot live in areas with those moratoriums. Elected officials should not pass these types of moratoriums because they have a discriminatory effect on people with disabilities.

Market first-time homebuyer programs to diverse communities

Education for first time home buyers that specifically targets diverse communities prevents discriminatory lending practices. To understand why consider the housing crisis of the last decade. Put simply, one of the main causes of the housing crisis was that too many people were sold sub-prime mortgages instead of traditional fixed rate mortgages and when these homeowners went into foreclosure the housing market crashed badly.¹⁴ In the lead up to the housing crisis, because of unethical lending and predatory practices, home buyers were sold subprime loans even when they qualified for traditional fixed rate loans. Further, people of color who qualified for traditional loans were sold subprime mortgages at much higher rates than similarly qualified whites.¹⁵

As a result of these discriminatory practices, diverse neighborhoods and communities were hardest hit by the foreclosure crisis, and they are the same communities that need programs that affirmatively further fair housing. First time home buyer programs, geared toward diverse communities, should result in fewer discriminatory lending practices and should result in more loan originations for people of color.

For more information about first time home buyer programs visit:

<http://www.wshfc.org/buyers/>

¹⁴ (Pg. VI) – report to congress http://www.huduser.org/portal/publications/foreclosure_09.pdf

¹⁵ Justice Department Reaches \$335 Million Settlement To Resolve Allegations Of Lending Discrimination By Countrywide Financial Corporation - More than 200,000 African-American and Hispanic Borrowers who Qualified for Loans were Charged Higher Fees or Placed into Subprime Loans - <http://www.justice.gov/usao/cac/countrywide.html>



Indirect Factors that Affect Fair Housing

As we discussed above, communities are made up of more than just houses. That means elected officials and planners should consider fair housing principles when making decisions related to economic development, education, mobility/transportation, and health/environment issues that affect housing. If you are making a decision that will affect housing in your community ask:

Does this decision promote housing opportunity for diverse people in your community?

If the answer is yes then the decision affirmatively furthers fair housing. If the answer is no, and particularly, if there is a history of neglect in that community, then ask a follow up question:

Is there an alternative that would promote housing opportunity for diverse people in your community?

In addition to keeping the idea of equalizing opportunity in the back of your mind, we have also compiled some examples of indirect ways to affirmatively further fair housing below.

Economic Development

Consider location of key infrastructure and economic development projects

As was the case in Zanesville, OH and Tacoma's Hilltop neighborhood,¹⁶ diverse neighborhoods have been neglected historically, and not received a fair share of infrastructure and economic development. Because of that history these areas need additional consideration in order to equalize opportunity or at the very least to increase access to opportunity.

Since jurisdictions' history, development goals, and racial makeup differ, it is extremely important that the data collected for each region accurately reflect conditions in communities in a usable way. One strategy to convey

data in a meaningful way is through opportunity mapping. "Opportunity mapping is a research tool used to understand the dynamics of "opportunity"..."¹⁷ The purpose is so show where areas of opportunity are in relation to where people live. Opportunity is measured in each census tract using multiple factors like education, economic health, housing and neighborhood quality, mobility/transportation, health/environment. These factors are aggregated, given a score, and drawn up on a map of the region. From there you can determine who lives where and whether they have access to opportunity.

For more information about opportunity mapping in Washington State and how it can be used visit:

<http://www.psrc.org/assets/7831/EquOppSusReport2.pdf>

¹⁶ See – "Equalizing Opportunity, or as we call it: Affirmatively Furthering Fair Housing", pg. 6

¹⁷ <http://kirwaninstitute.osu.edu/opportunity-communities/mapping/>



Ensure land use policies encourage diversity

One example where this may come up is when a jurisdiction is considering expanding their urban boundary into suburban or rurally zoned areas. A jurisdiction cannot only annex acreage filled with property with high tax potential. Jurisdictions must also include acreage which is less beneficial if that is logical. In other words, you can't create a crazy boundary to keep poor people out.

Offer incentives for mixed use and affordable housing

RCW 36.70A.540 Affordable housing incentive programs — Low-income housing units:

<http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A.540>

As part of its 2014 Annual Amendments, the City of Tacoma Planning Commission will consider amendments to the Comprehensive Plan and Land Use Regulatory Code to implement Affordable Housing incentives:

<http://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=41588>

The King County Code includes examples of affordable housing incentive programs that are provided within the County:

<http://www.kingcounty.gov/socialservices/Housing/ServicesAndPrograms/Programs/HousingDevelopment/Incentives.aspx>

Encourage inclusive marketing strategies

While it is illegal to discriminate in advertising by stating a preference for someone who is NOT in a protected class (ex. Prefer whites, prefer men, prefer no kids, prefer able bodied, etc.) it is okay to advertise that you welcome people in protected classes (ex. Veterans welcome, families welcome, we make reasonable accommodations, etc.).

Another way to affirmatively market is to make sure that if you have pictures of people in your materials then they should have people of multiple races, different ages, and include families and disability-friendly symbols.

Or you can use the Affirmative Marketing Plan form from HUD to ensure that you are including certain demographic groups through targeted and special outreach efforts. Here is the HUD AFHM Plan:

<http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>



Education in your neighborhoods

Consider test scores and graduation rates in all schools throughout the community

Your jurisdiction's Assessment of Fair Housing should include the information relating to the educational outcomes of the schools in your community. By understanding where educational outcomes fall short in your community in relation to where people of color live, as well as people in other protected classes, you may get a better sense of where and what kind of community investment is needed in a given area.

Increase educational opportunities in schools that perform poorly

Special attention must be paid in areas where low opportunity, race, and low performing school districts

overlap. In Tacoma's Hilltop neighborhood, McCarver Elementary School was a low performing school partially caused by extremely high turnover rates for students. The reason for the high turnover was because many students did not have stable housing. The Tacoma Housing Authority initiated a program to address the turnover pattern by enrolling families in their voucher program conditional upon their agreement to live in the McCarver school district and participate in their children's education. Through this creative partnership addressing school needs through a multi-faceted approach, previously nomadic students at McCarver Elementary have stable housing and school.¹⁸

For more information about the Tacoma Housing Authority/McCarver Elementary School partnership visit:

<http://www.tacomahousing.net/content/thas-education-project>

¹⁸ As was noted in "Education in your Neighborhood" above, though the McCarver/Tacoma Housing Authority partnership was not initiated by the City Council or government offices, and was not part of Tacoma's Consolidated Plan, the partnership is still a good example of using multi-service approach that furthers both educational and housing goals that positively affects communities of color.



Mobility and Transportation

Promote public transportation routes in all neighborhoods

Promote public transportation routes in all neighborhoods.

By improving access in desirable neighborhoods to educational and economic opportunities, opportunities can be expanded to people of all economic means and abilities. This would include balancing the needs of mixed use communities and real estate demands in desirable areas. As it stands, market rate housing is usual the only option near public transportation routes and as such is unaffordable to lower income households; also, there is relatively little subsidized housing near transit centers. Thus in order to ensure that jurisdictions are affirmatively furthering fair housing, city planners and officials should access the needs and redevelopment opportunities available to them near transit lines. Also to be considered is how these needs will vary in scale and suitability across diverse communities in line with long term visions and plans within these cities.

Fair Housing Equity Assessment:

<http://www.psrc.org/assets/10484/FairHousingEquityAssessment.pdf>

Transit Nodes study:

http://www.psrc.org/assets/10240/Typology_Results.pdf

Ensure economic development and housing opportunities are related to new transit lines in diverse communities



Health and Environment

Address contamination in all neighborhoods

Address contamination in all neighborhoods. Promoting health equity in cities is beneficial for all residents who live there. In light of this fact, it is imperative that environmental contamination be addressed and rectified for the good of all and for a healthy and vibrant future for residents. We all breathe the same air, do we not? Thus, everyone is a stakeholder when it comes to their health and immediate environment, and as such individuals and communities should act accordingly. In the last few months there have been many examples of how divided communities are regarding environmental issues. Storm water runoff this winter (2014) within Seattle neighborhoods caused unexpected flash flooding in certain neighborhoods and led to conversations that question the sewer system storage tanks capacity as well as the rising acidity levels in the Sound, which have far reaching ramifications for the shellfish industry in the area. A recent study¹⁹ shows that communities on Seattle's Duwamish River Valley are exposed to the high levels of pollution. Residents in the neighborhoods most impacted within this area of King County, including Georgetown, South Park and portions of Beacon Hill, are more likely to suffer from pollution-caused illnesses and have a lower life expectancy rate than those in other areas of the city, according to this study. Also, a 2012 proposal to build a \$665 million coal terminal near Bellingham is another example of an environmental issue that would touch every person. This terminal would have added 18 coal trains per day which would pass through downtown Seattle. The point is that jurisdictions should consider how their choices will either help or harm the citizens that live in certain affected areas, but how such policies and development affect the health and environment for every person, regardless of socioeconomic standing.

Ensure public amenities are connected to low income housing and diverse communities

Parks, fountains, recreational trails, play grounds, etc. should be evenly distributed throughout a community.

Foster access to grocery stores in low income neighborhoods

In the City of Tacoma's Hilltop neighborhood, residents were worried for years about the local Safeway grocery store deciding to relocate. Knowing that a grocery store like this leaving is often the death knell of a low income and diverse community. With the involvement of a city councilmember, City staff began education and outreach to the Safeway Corporation which resulted in a 2 million dollar upgrade to the store and discussion for future investment discussions with potential support from the City.

¹⁹ <http://www.mnn.com/local-reports/washington/local-blog/study-residents-in-seattle-s-most-polluted-neighborhoods-live>



Economic Health in your neighborhoods

When access to economic opportunities lead to upward mobility, communities become more sustainable. To that end, cities should utilize resources available to them to assist their efforts in creating such sustainable communities. An extremely useful tool is the STAR Community Rating System (STAR) which is a self-reporting framework for evaluating, quantifying, and improving the livability and sustainability of communities. The STAR tool brings together many of the elements that are discussed within this manual, including promoting opportunities which affirmatively further fair housing and allow everyone access to public amenities. The STAR Community Rating system helps cities improve in areas that promote a health environment, and assists with creating vibrant communities.

<http://www.starcommunities.org/rating-system/framework>

Elected officials also need to consider where they are supporting their economic development projects. Are they all in the affluent areas of the City where there is less diversity? Where public dollars go makes a big difference. Thinking about how to support the economic health of the whole jurisdiction is of utmost importance.

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Conclusion

Equal opportunity in housing is our goal. We believe you share that goal with us. We ask that you to think about the following questions when you are making decisions in your communities in order to further our shared goals:

1. What is the history of my community with respect to race?
2. Are there people who have not had equal opportunities in my community?
3. Where do they live?
4. Where has our community invested resources in the past?
5. Does past investment correlate with race? Even if not on purpose, was the affect detrimental to a given protected class?
6. Is this decision going to promote opportunity for people in protected classes?
7. Is my decision equalizing opportunity in housing?

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