

INTRODUCTION TO THE FAIR HOUSING ARTICLES BY KNIGHT ET AL, HOLTKAMP ET AL, AND WEAVER ET AL

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Fair access to housing continues to be an intractable challenge for many regions across the United States. Although explicit discrimination based on race and other protected classes was prohibited by the federal Fair Housing Act in 1968, and many states and local jurisdictions have passed more stringent protections, extant policies and practices continue to exclude people of color and other protected classes from full access to the housing market and diminish their opportunity to find suitable housing. In this series of articles, we explore the challenge of persistent segregation. As the federal government finalizes a new regulation to address housing segregation, we examine the Analysis of Impediments to Fair Housing (AI), a report that was required for entities receiving funding from the US Department of Housing and Urban Development (HUD), and its effectiveness in identifying and mitigating barriers to housing access using AI reports in Erie County, NY. These articles provide decision-makers with data that identifies gaps in the effectiveness of the AI as a tool to promote housing access and inform better practices in the future, particularly as jurisdictions transition from using the AI to using the Equity Plan under the forthcoming regulation.

The first paper explores the HUD requirement that communities receiving grant funds are required to “affirmatively further fair housing” (AFFH) and how the AI contributes to that effort. It uses data from six AIs submitted by various HUD funding recipients in Erie County, New York. It finds that the AIs effectively identified impediments to fair housing access and strategies to mitigate those impediments, but the AIs did not result in implementation of goals to overcome those impediments. This lack of implementation meant jurisdictions were not taking meaningful action to improve housing access, which resulted in repeat identification of the same impediments across subsequent AIs. The first paper then identifies a few key issues that contribute to the lack of progress and areas where some improvements have been made.

The second paper focuses on one key barrier to fair housing, the political fragmentation in Erie County. Like many metropolitan regions, Erie County’s population is spread across a multitude of jurisdictions. Erie County has a population of 950,000 residents who live in 44 distinct jurisdictions—3 cities, 25 towns, and 16 villages. This fragmentation results in a myriad of policies, regulations, and values that undermine and counteract regional coordination. For instance, suburban jurisdictions experience employment growth yet have restrictive policies that restrict affordable housing development. This results in a mismatch between affordable housing and employment opportunities and places a disproportionate burden on the City of Buffalo and inner-ring suburbs to build and host affordable housing. While multiple subsequent AIs identified this mismatch as an impediment to fair housing, policies that perpetuate this mismatch continue. The second article observes some efforts at regional coordination, including the most recent AI (February 2020), which was a collaborative effort between all HUD grantees in Erie County, and the adoption of an Erie County fair housing law that expands the classes of people protected from explicit housing discrimination.

Finally, the third paper explores one of the key ways the AI identifies barriers to fair housing through the definition of racially or ethnically concentrated areas of poverty (R/ECAPs). These are conventionally defined by individual jurisdictions to identify areas of housing insecurity, lack of economic opportunity, and related challenges. However, because these definitions are done at the local level, it does not allow for proper regional analysis and comparison. As housing and employment accessibility are regional issues, conducting the R/ECAP analysis by individual jurisdictions restricts the opportunity to meaningfully address the challenges of inequality and lack of access. We argue that a regional definition of R/ECAPs would be more effective and provide better data for decision-makers to develop solutions to mitigate housing barriers.

Currently, HUD is finalizing a regulation that replaces the Analysis of Impediments with a new report tentatively called the Equity Plan. This series of papers is intended to inform that process by exploring the effectiveness of the AI as a tool for identifying impediments to fair housing and informing how the forthcoming regulation can improve upon the AI, with the goal of reducing or eliminating those impediments in practice.