

Assessment of Affirmatively Furthering Fair Housing in Boston, Massachusetts: Process, Findings and Goals

Executive Summary of the Assessment of Fair Housing

Background

In 1968, Congress enacted the Fair Housing Act to provide for “fair housing throughout the United States.”¹ The Fair Housing Act and other federal laws require state and local governments receiving federal housing funds not just to avoid housing discrimination, but to “*affirmatively* further fair housing.”² The duty to affirmatively further fair housing is

a mandate to take the types of actions that **undo historic patterns of segregation and other types of discrimination** and **afford access to opportunity that has long been denied.**³

In 2015, the U.S. Department of Housing and Urban Development (HUD) issued a regulation setting forth a process and standards for state and local governments to affirmatively further fair housing by developing an Assessment of Fair Housing (AFH).⁴ The AFH is “an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities,” using HUD’s Assessment Tool and involving a community engagement process.⁵ The AFH sets out how the government will

take meaningful actions that, taken together, address **significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity,** and fostering and maintaining **compliance with civil rights and fair housing laws.**⁶

¹ Fair Housing Act, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. § 3601, *et seq.*

² 42 U.S.C. § 3608(d); Sections 104(b)(2) and 106(d)(7)(B) of the Housing and Community Development Act, 42 U.S.C. §§ 5304(b), 5306(d)(7)(B); Section 105 of Cranston-Gonzalez National Affordable Housing Act, 42 U.S.C. § 12705 (b)(15).

³ U.S. Department of Housing & Urban Development Affirmatively Furthering Fair Housing Final Rule, 80 Fed. Reg. 42,272-42,370, at 42,274 (July 16, 2015)(emphasis added).

⁴ U.S. Department of Housing & Urban Development Affirmatively Furthering Fair Housing Final Rule, 24 C.F.R. §§ 5.150-5.168, 80 Fed. Reg. 42,272-42,370 (July 16, 2015).

⁵ 24 C.F.R. §§ 5.152, 5.154(d)(6), 5.158(a), 91.100(a), (e)(1)-(2).

⁶ 24 C.F.R. §§ 5.152, 5.154(d)(6), 5.158(a), 91.100(a), (e)(1)-(2).

Boston's Assessment of Fair Housing

In 2016, the City of Boston began the process of creating an AFH for Boston. The City enlisted an AFFH Community Advisory Committee and engaged in an extensive 16-month community outreach effort, involving public testimony, multiple community meetings and a citywide survey generating over 2,000 resident responses. As the City was working with the AFFH Community Advisory Committee to develop the AFH, in January, 2018 the new federal administrators at HUD suspended the existing rule, discontinued review of AFHs, and extended Boston's due date for several years until after October, 2020.⁷ To its credit, the City resolved not to stop its efforts, but agreed to continue to work with the AFFH Community Advisory Committee to complete the AFH.

This AFH report reviews Boston's efforts and findings in assessing how to affirmatively further fair housing in Boston; it captures important narratives and data that are critical for achieving fair housing for protected classes, and all residents of Boston. The report represents a citywide plan for affirmatively furthering fair housing in Boston.

Essentially, this report applies a 'fair housing lens' on strategies, policies and actions adopted to meet major challenges, including the attainment of racial equity in the lives of residents of Boston. It identifies barriers to fair housing for protected groups but also takes into account a context of rapid demographic and economic growth and gentrification. Barriers and context help to inform the goals that have been proposed in community meetings, and meetings with civil rights and housing representatives, as well as with local government officials and representatives.⁸

A number of common themes emerged from public testimony and surveys on barriers to fair housing which helped to mold the goals detailed in the report; these themes included:

- *Gentrification*
- Rapidly *rising rents* across the city is a concern, but especially in low-income parts of the city;
- *Evictions* used in exploitive ways

⁷ 83 Fed. Reg. 683 (January 5, 2018).

⁸ A range of materials, information and data, and public testimony were utilized in compiling this review and analysis of furthering fair housing. Material reviewed and analyzed included city, state and regional reports related to housing and fair housing; reports to HUD CAPER PI 2016; Consolidated Plan, July 1, 2018 to June 30, 2023; City of Boston Action Plan, PI 2017; BHA Annual Report 2018 and 2019; the updated Housing Boston 2030; Facing Massachusetts' Housing Crisis: Special Senate Committee on Housing Report (March 2016); Fair Housing and Equity Assessment for Metropolitan Boston, Prepared by Metropolitan Area Planning Council, and others. It included review of the first two drafts of the Assessment of Affirmatively Furthering Housing before January 2018 based on the HUD Assessment Tool. Data reported in the American Community Survey (ACS) 2011 – 2015, and 2012 – 2016 5 Year Estimates, Public Use Microdata Sample (PUMS) 2012 – 2016, and the 2010 Decennial Census were used to collect some data. In some areas the information and data is updated with later census data than used by HUD, primarily the American Community Survey 2009 – 2013 5 Year Estimates.

- Concern about the *definition and concept of housing affordability*
- A sense that the *real estate sector is out of control*
- The need for more *information and opportunities to increase homeownership*
- Concern about *community safety* - crime and gun violence as a major problem
- *Public transportation* is a problem in terms of access to quality service for many communities, but especially low-income communities and communities of color;
- *Segregation* by neighborhood areas continues
- *Linkage, inclusive development and community preservation* should be expanded for the benefit of low-income households and protected groups;
- *Neighborhood-based organizations and businesses* should be strengthened
- *Zoning* should be used more aggressively for furthering fair housing and preventing displacement;
- *Fair housing cannot be 'silo-ed'*-strategies should reflect connections to public schools, public health, public safety, and the availability of economic opportunities.
- *Enforcement of fair housing laws* needs to be strengthened
- Need for *ongoing evaluation and assessment of efforts to strengthen AFFH*

Based on the above, the broad goals below were adopted. These are explained in greater detail in the full report.

- **HOUSING FOR PEOPLE WITH DISABILITIES AND AGING POPULATION**
- **REDUCING AND PREVENTING HOMELESSNESS**
- **BUILDING AND STRENGTHENING REGIONAL STRATEGIES**
- **EXPANDING HOUSING CHOICE**
- **REDEVELOPMENT AND PRESERVATION OF EXISTING PUBLIC HOUSING, AND IMPROVING THE QUALITY OF HOUSING**
- **ENHANCING FAIR HOUSING AND ECONOMIC OPPORTUNITY**
- **ZONING AS A FAIR HOUSING TOOL**
- **EXPANDING HOMEOWNERSHIP WITHIN A FAIR HOUSING LENS**

- **CHALLENGING RACIAL INEQUALITIES, INEQUITIES AND BUILDING NEIGHBORHOOD CONNECTIONS**
- **REDUCING AND ELIMINATING DISCRIMINATION, INTENTIONAL OR NON-INTENTIONAL**
- **PUBLIC & COMMUNITY SAFETY AND PUBLIC HEALTH**
- **ENSURING EQUITABLE DISTRIBUTION OF CITY RESOURCES BASED ON NEED, AND PROVIDING SUPPORTS FOR RENT-BURDENED RESIDENTS AND THOSE FACING POTENTIAL AND ACTUAL DISPLACEMENT**

The report is organized into four sections and several appendices, as follow:

Section I provides a historical and contemporary social and racial context relevant to affirmatively furthering fair housing by way of a brief historical overview of racism and segregation in Boston in order to describe how we got here.

Section II of the report provides an overview of the community engagement process, including a summary of the myriad activities implemented to solicit community input; but also the major ideas, suggestions, and proposed goals that emerged in numerous public discussions.

Section III, “Analysis of Fair Housing” includes a review and analysis of data pertinent to fair housing issues and discussion about opportunity barriers to fair housing. These barriers include:

- Housing: Tenure, Severe Housing Problems, and Severe Housing Costs Burden
- Homelessness
- Gentrification
- Zoning
- Expiring Use
- Continuing Prejudice and Discrimination
- Language issues
- Public Education
- Income / Employment / Poverty
- CORI and Credit Obstacles
- Veterans Facing Barriers
- Transportation
- Disability Barriers
- Public and Community Safety and Public Health

- Lack of vigorous enforcement of anti-discrimination laws
- Access to public land and resources

Section IV presents the broad goals that should be considered for eliminating barriers to and strengthening the pursuit of fair housing. To reiterate, this section outlines the goals emerging from two years of collection of HUD data including some ongoing City goals and programs that fall within a framework of fair housing.

Appendices B, C, and D provide greater detail about actual meetings and surveys utilized to solicit input from residents, including residents living in public housing. This includes a review of past goals and actions proposed in Boston’s earlier *Analysis of Impediments* Report (2010). **Appendix E**– Part 1 reviews and summarizes the goals of the AI and describes how they were approached, completed or satisfied, and to what degree. **Appendix E – Part 2** presents details about the specific goals and action steps reported in the *Analysis of Impediments* Report in response to challenges to fair housing. **Appendix F** lists the 23 goals adopted and described in Boston’s *Consolidated Plan* (July 1, 2018 to June 30, 2023). **Appendix G** includes three parts: select list of judicial decisions under ‘Fair Housing Case Law’ and a list of agencies and organizations charged with, or having missions, to enforce anti-discrimination policies and practices. **Appendix H** includes two Inclusionary Development Policy Maps, the latter showing the concentration of Blacks and Latinos throughout the Zones.