



2021 Analysis of Impediments

Planning Implications

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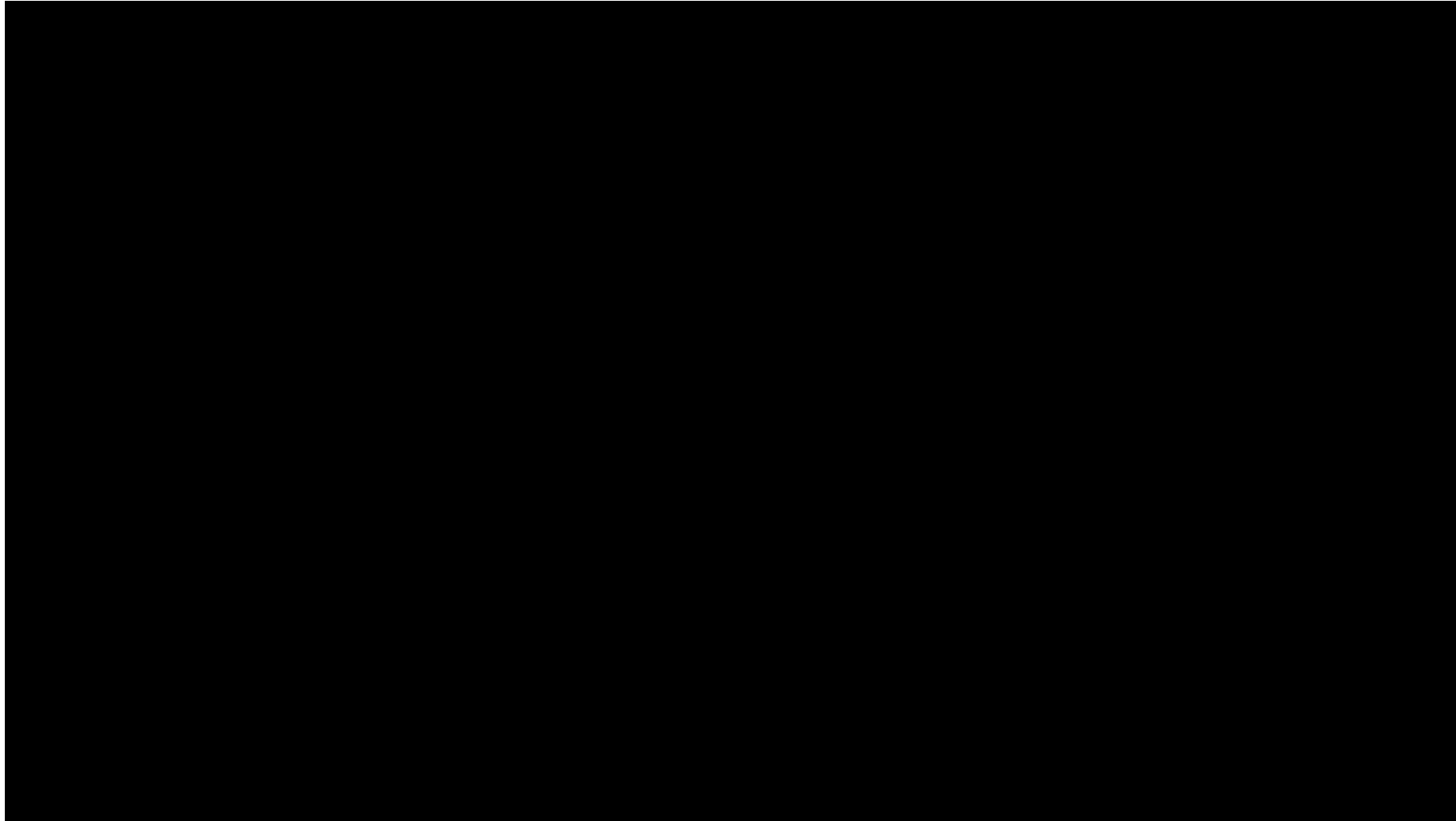
Today's outline

- **Fair Housing Choice/Access**—what it is, why it matters and how it impacts community stability and economic resilience
- **2021 Statewide Analysis of Impediments (AI) process and findings**
- **Entitlement Communities**
- **Commerce and non-entitlement CDBG policies, practices**
- **Discussion: common impediments and the role of planners**
- **Links for further reading and historical context**

Polls



Fair Housing Choice



Why this matters to planners

[Home](#) > [Knowledge Center](#) > [Multimedia](#) > [Blog](#) >

Planning Directors Issue Racial Equity Statement and Call to Action

Addressing structural racism in urban planning



Podcast. City planners are emerging from behind the scenes to help address some of society's most complex challenges, including building equity and fighting racism.

Let's work together to create a planning profession of inclusion and equity. Let's reconcile with communities of color, and lift the burdens they have borne—because of us—for far too long.*

—Eleanor Sharpe, AICP, E.D. Philadelphia City Planning Commission.

**Remember to engage people with disabilities in planning and design.*



American Planning Association
Creating Great Communities for All

Why this matters to individuals

- Housing choice, affordability and access are essential for individual and family health, productivity and stability
- Housing location determines access to essential assets, while property values determine funding for schools, infrastructure
- Homeownership is essential for generational wealth transfer
- Home equity = educational and social opportunity
- Historic race-based redlining, segregation and takings perpetuated by government and private sectors deprived minorities of property ownership and equity

Why this matters to local/state government

- Housing types and price points that reflect local needs and incomes support neighborhood, workforce and educational stability while reducing the social costs of poverty
- Housing diversity and distribution sustain community and economic development and recruitment/retention strategies
- Individual economic opportunity and independence linked to long-term economic gains of cities and states
- Understanding complaint and case law* trends helps communities plan to reduce liability and costs

*Boise County, *Westchester*, *Trafficante*, [Developers and NIMBY](#)

Why this matters to taxpayers



Stability



Liability

What is an AI?

Analysis of Impediments to Fair Housing (AI)

- Required for jurisdictions administering HUD funds
- Analyzes demographic and complaint data; land-use; lending; and investment patterns
- Surveys stakeholders with diverse perspectives
- Identifies potential barriers to fair housing choice
- Outlines actions/best practices to overcome those barriers
- Informs resource allocation

What's included?

Community engagement process and findings

- *Stakeholder surveys*
- *PHA surveys and interviews*
- *Stakeholder interviews*
- *Protected class focus groups*

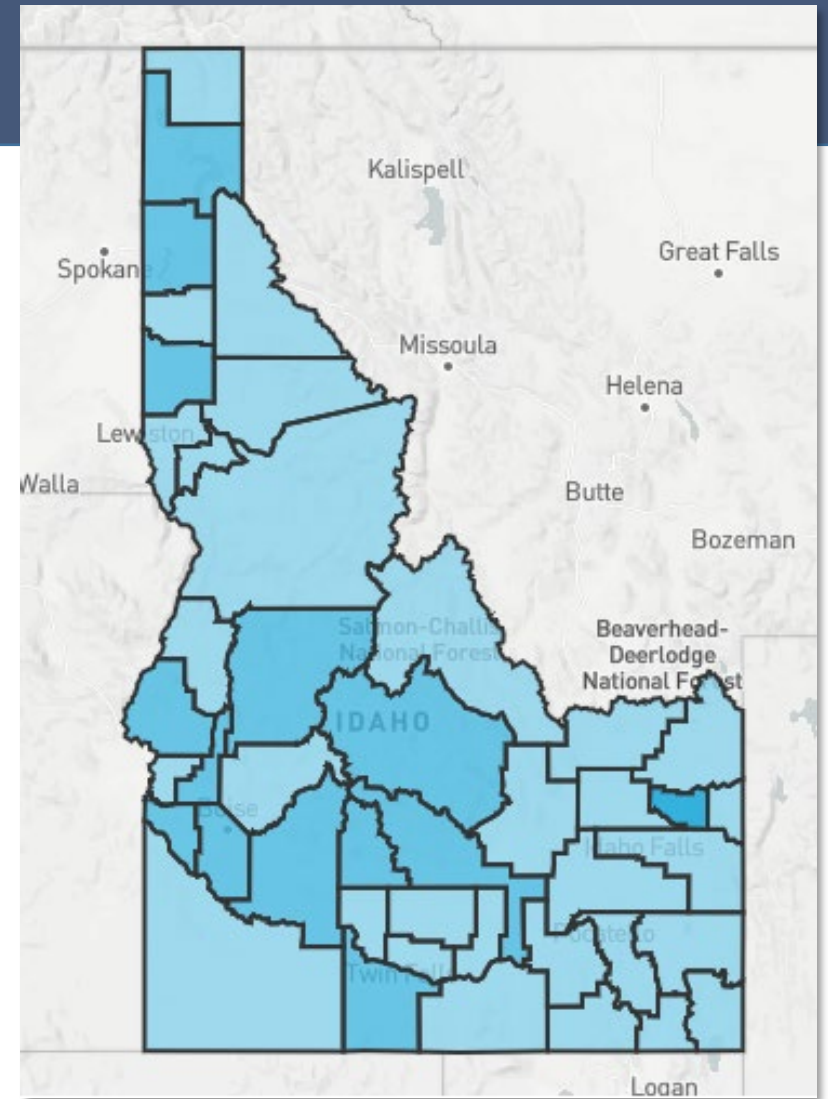


What's included?

Data* analysis

- Housing needs analysis
- *Public sector barriers*
- *Private sector barriers*
- *Fair housing compliance and infrastructure*
- *State policy and practice review*
- *Fair housing goals and priorities*

*[2021 Idaho AI Data Dashboard](#)



AFFH = Affirmatively Furthering Fair Housing

AFFH provision enacted with the Fair Housing Act (FHA of 1968) and executive orders

The AFFH obligation extends to all federal agencies that administer housing and urban development programs



AFFH Overview

Statutory non-discrimination provisions of the Fair Housing Act (FHA) and AFFH are different obligations:

- FHA focuses on what cannot be done (e.g., “otherwise make unavailable or deny” housing)
- AFFH requires that recipients of federal funds take “meaningful actions” to address segregation and related barriers for those protected by the Act



AFFH v. Fair Housing Act

Why AFFH is Needed: Primary Reasons



1) To reverse past actions that have created severe disparities in housing choice and access

2) Because housing stability leads to positive economic returns

3) Taking steps to AFFH benefits local governments over time by lowering housing and service costs and generating more revenue

But...those returns are not always immediately realized

The AFFH Rollercoaster



1968—AFFH provision part of Fair Housing Act

1970—HUD Secretary George Romney attempts to enforce AFFH

1994/95—HUD rule creates Analysis of Impediments to Fair Housing Choice (AI) with Fair Housing Planning Guide

2010—GAO Audit finds ineffective and inconsistent enforcement of AIs

The AFFH Rollercoaster



2015—HUD adopts new rule with specific requirements for AI
→ Assessment of Fair Housing (AFH) with data and mapping tool

January 2020—HUD proposes new rule with risk assessment that would trigger a fair housing evaluation

July 2020—HUD eliminates any reporting requirement. Jurisdictions self-define and self-certify AFFH

The AFFH Rollercoaster



June 2021—HUD restores AFFH definitions and certifications and gives communities options for AFFH compliance

The rule is worth reading:

<https://www.federalregister.gov/documents/2021/06/10/2021-12114/restoring-affirmatively-furthering-fair-housing-definitions-and-certifications>

2021 State AI: Preliminary Findings

Economic development is compromised by housing shortages

Education is becoming increasingly important to sustain job growth but teachers cannot afford housing

Lack of childcare is a major barrier to business growth in rural Idaho

Lack of public transportation disproportionately affects workers and businesses in the agriculture and service industries

2021 State AI: Preliminary Findings, cont

Barriers to housing and economic opportunity for persons with disabilities are large and widespread: no deeply affordable housing, thoughtless infrastructure planning, lack of public transportation

Positive peer examples:

Coeur d'Alene (recreation access) and Moscow (adequate parking) are making strides toward improving accessibility

"I have a group of friends who live in across town, but they might as well live in another country. My ability to go meet up with them is something I always have to think about. Can I afford it? How long will it take? Transportation is such a huge part of this [isolation]." – *Regional stakeholder*

2021 State AI: Preliminary Findings, cont

Housing shortages are affecting communities that, until now, had no housing challenges. Public assistance doesn't help as long as there is inadequate supply

"We're seeing lots of folks who have been renting the same place for years but now they're being priced out, can't find another place, and end up in shelters. We have lots of people who have never imagined being in a shelter and are showing up totally panicked-- people who have never been anywhere close to homeless before." – *Regional stakeholder*

"Butte County hasn't needed more housing until last year. You could buy a home for around \$70K, but now a house goes for around \$140K. However, there's no inventory left. And Butte County Planning has no new building permits in the pipeline." – *Economic development expert*

"The tighter the market, the more the landlords discriminate. They often turn away voucher holders because they can rent more on the open market and don't have as much paperwork. The voucher holder population isn't finding a place to live." – *Housing authority employee*

2021 State AI: Preliminary Findings, cont

Housing challenges affect some resident groups much more severely than others:

- 1) Farmworkers and large families often live in substandard housing conditions
- 2) Native Americans face housing discrimination when trying to find homes to rent outside of reservations
- 3) Refugees face language barriers and housing discrimination
- 4) Landlords in highly religious communities will not rent to single mothers or LGBTQ residents

2021 State AI: Preliminary Findings, cont

Housing challenges affect some resident groups much more severely than others:

- 1) 4X the rent in income policies have a disparate impact on persons with disabilities with fixed incomes
- 2) Recent group home closures have left many persons with disabilities without housing
- 3) General stigma: If a landlord had an issue with a Section 8 tenant in the past, then it sticks in their memory and they don't take a voucher holder again

Idaho Entitlement Jurisdictions



Idaho has nine direct city entitlement jurisdictions.

Some of the identified challenges to AFFH:

- 1) Limited internal capacity;
- 2) Limited resources;
- 3) Lack of guidance provided by funders.

What do we need to know??

Grantee Obligations

Affirmatively Further Fair Housing

Grantee certifies annually that they will undertake activities that affirmatively further fair housing

Extends to all housing and housing related activities in the grantee's jurisdictional area whether publicly or privately funded

Impediments May Be...



A Direct Violation

Actions or omissions that constitute violations, or potential violations of the Fair Housing Act



Counterproductive

NIMBYism (Not in MY Backyard)

What does this mean for planners?



Counterproductive

NIMBYism example—

Unequal treatment of conditional use permit and/or variance requests for market rate, accessible and affordable housing development

This is the most prevalent negative action identified across many communities we have evaluated

Impediments? What Impediments?

Example of recent impediments identified in Idaho entitlement communities-

Lack of a compliant Language Access Plan and document translation is hit/miss

Record of Fair Housing activities is minimal or nonexistent

Outreach is perfunctory and may not meet obligation

Job-Transit connections are a challenge

Non-entitlement 'Balance of



- **Rural communities**
- **Small towns**
- **Unincorporated counties**

Project funding and scope:

- **Public Facilities Construction and Improvements**

Sewer, water, streets, fire stations, removal of architectural barriers, and other public infrastructure, including infrastructure for affordable housing

- **Economic Development Projects**

Public facility construction and improvements supporting companies expanding and creating new jobs, or new companies that will create jobs.

- **Senior Citizen and Community Centers**

Rehabilitation, expansion and construction.

- **Parks, Post-disaster grants**

Idaho Commerce | CDBG

AFFH requirements:

- Designate a Fair Housing Resource Person
- Adopt and publish a Fair Housing Resolution
- Proclaim April as Fair Housing Month
- Display Fair Housing Information
- Fair Housing Assessment Form

Idaho Commerce | CDBG

Fair Housing Assessment:

- Designate a Fair Housing Resource Person
- Comprehensive Plan
- Zoning: descriptive, not prescriptive.
- Public Transportation
- Property Tax Policies
- Fair Housing Education and Research
- Economic Development
- Action Items

Further Reading—Historical Context

Segregated by Design

segregatedbydesign.com/

Seven Days

vimeo.com/86713229

House Rules

thisamericanlife.org/512/house-rules

What Every County and City Needs to Know (2011 Idaho AI)

fairhousingforum.org/uncategorized/what-every-county-and-city-needs-to-know

Idaho Fair Housing Forum

fairhousingforum.org