

Not In My Back Yard

FAIR HOUSING FOR ELECTED
AND APPOINTED OFFICIALS

The Importance of Housing Development

- Where will your workers live?
- Where will your parents and other seniors live?
- Where will your family members and friends who are disabled live?
- Where will rural families live?
- Where will people priced out of new single family housing live?

Who Lives in Affordable Housing?

- Area Median Income test for income eligibility.
- In Pennsylvania AMI is \$40,000; 60% of AMI (or \$24,000 for a family of 4) is low income
- Entry incomes in PA under \$25,000:
 - Police and Sheriff Patrol Officers (\$23,780)
 - Advertising Sales Agents (\$17,950)
 - Clergy (14,990)
 - Paramedics (\$14,830)
 - Firefighters (\$23,380)
 - Secretaries (\$16,370)
 - Preschool Teachers (\$13,330)
 - Dental Assistants (\$15,290)
 - Nurses Aides (\$15,080)
 - Social Security recipients (\$11,717)
 - Public Assistance recipients (\$2848)

Opposition To Affordable Housing

- Lowered property values
- Increased crime
- Neighborhood changes
- Badly designed
- Burden on schools/increased school taxes
- We don't OPPOSE development of new housing, but we don't want it in our neighborhood
(“NOT IN MY BACKYARD”)

EXTENSIVE RESEARCH HAS **DISPROVEN** THESE CONCERNS BUT THEY ARE STILL RAISED

Property Values

- Studies have shown that property values do not go down because of new affordable housing
- Over 100 studies have found no negative effects on property values

Safety Concerns

- Opponents' anxiety about new residents may translate into safety concerns
- Research data shows no increase in crime resulting from affordable housing
- Screening and management of housing is the most significant factor in preventing crime, not the housing itself
- Crime and safety may also be code words for discrimination

The Character of the Neighborhood

- Opponents of new housing may claim that the character of the neighborhood will change as a result of the housing
- Zoning laws manage change in the use of land
- Uneasiness of neighbors over a particular occupancy cannot control zoning decision making if the decision will be discriminatory

Affordable Housing Design and Quality

- Opponents object to housing because they are concerned that its design or quality will have an effect on the aesthetics of the neighborhood
- Affordable housing can be high quality in look and construction

Effect on Schools

- Opponents suggest that new multifamily housing will result in school overcrowding
- Studies show that new single family housing sends more children per household to school than multifamily housing does

Planning and Zoning Principles

- Why were planning and zoning principles adopted?
- What issues do they address?
- May not be useful in dealing with this type of opposition or provide a basis for appeals

Fair Housing Principles

- The Fair Housing Act
 - Prohibits discrimination in almost every housing related transactions
 - Covers discrimination based on
 - RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, FAMILIAL STATUS AND DISABILITY
- Discrimination may be unintentional. It is still illegal.

Zoning and Land Use Ordinances Can Violate the Fair Housing Act

- An ordinance may be discriminatory on its face if it singles out specific types of housing for adverse treatment
 - More requirements
 - Different procedures
 - Prohibitions of types of housing
 - Different requirements for approval

Zoning and Land Use Practices Can Violate the Fair Housing Act

- Zoning and land use practices may be discriminatory
 - Direct discrimination
 - Unequal treatment
 - Disparate Impact
 - Denial of reasonable accommodation

Municipal Actions that May Indicate a Fair Housing Violation

- Discriminatory statements by officials or opponents
- Significant numbers of persons protected against discrimination will be adversely affected
- Similar requests from others have been treated favorably
- The usual procedures are not followed
- The usual timing and sequence of events are not followed
- The usual reasons for actions are not applied
- The reasons for adverse action are not true or are not applicable
- Justifications for actions are cited without any support
- There are unusual delays in decision making

Dealing with Opposition

- Community opposition
- Public hearings
- Media coverage
- Inflammatory and discriminatory comments
- Discriminatory conduct
- Criminal conduct

Dealing with Opposition

- Public hearings

Dealing with Opposition

- Media coverage

Dealing with Opposition

- Inflammatory and discriminatory comments
 - By decision makers
 - By neighbors or potential neighbors

Dealing with Opposition

- Discriminatory conduct
 - Imposition of new, different standards
 - Imposition of onerous conditions
 - Imposition of different procedures

Dealing with Opposition

- Imposition of rules about density, spacing, other rules that operate to discriminate
 - Units per acre, ceilings on number of units
 - Prohibition of multifamily housing, affordable housing, Section 8 housing
 - Mandated criteria that result in high cost per unit without significant justification
 - Other??

Dealing with Opposition

- Criminal conduct

For Elected Officials: Keeping on Track

- For elected officials
 - Follow the rules, procedures, time frames
 - Be fair
 - Counter outcries with information
 - Make decisions objectively
 - Make well-informed decisions
 - Follow your fair housing plans

For Developers: Keeping on Track

- Prepare, prepare, prepare
- Do your homework
 - Know the rules, process, neighborhood needs, community needs
- Develop a campaign
- Identify and work with community allies
- Identify supporters
- Offer tours, slide shows, success stories
- Develop a media strategy
- Prepare a legal strategy

What Happens if You Lose?

- Why?
- What are the barriers?
- What are the pros and cons of fighting back?
- Should there be litigation?

The Risks to Government?

- What are the risks to government if you take action?
 - Cost and burden of defense
 - Federal or state government adverse action to local government
 - Risk of loss
 - Consequences to funding
 - Community consequences

Actions that Support Affordable Housing

- Exemplary practices
 - Examine and meet the real needs in your community
 - Support a real fair housing plan that "affirmatively furthers fair housing"
 - Affordable housing programs
 - Rental and homeownership support
 - Others??

QUESTIONS AND ANSWERS
Where Should We Go From Here?

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