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## Analysis of Impediments to Fair Housing Choice 2015

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Prepared by the  
Connecticut Fair Housing Center



State of Connecticut  
Department of Housing

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The Department of Housing gratefully acknowledges the hard work of the current and former employees of The Connecticut Fair Housing Center, its Board of Directors, contractors, and volunteers, without whom this Analysis of Impediments would not have been possible.

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# State of Connecticut Analysis of Impediments to Fair Housing Choice

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Connecticut Department of Housing  
Prepared by the Connecticut Fair Housing Center

This report is an effort to catalogue and quantify a range of factors that create barriers to fair housing choice. However, this analysis does not purport to address every factor affecting housing segregation and discrimination. This report may spark thoughts on other such factors and future research that should be taken to address them.

# EXECUTIVE SUMMARY

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## Introduction

The State of Connecticut is committed to affirmatively furthering fair housing (“AFFH”). The creation of the Department of Housing (“DOH”) as the state’s lead agency for all matters related to housing has enabled the state to more effectively create and preserve quality affordable housing throughout the state, connecting individuals and families to educational and job opportunities, health care, shopping, and recreational amenities.

As a recipient of federal housing funding from the U.S. Department of Housing (“HUD”), the state is required to analyze the impediments to fair housing choice and then take steps to overcome the impediments it identifies. This Analysis of Impediments to Fair Housing Choice (“AI”) is intended to satisfy this requirement and enable the state to more quickly overcome the barriers to full and equal access to safe, decent, affordable housing in economically vibrant, diverse communities throughout the state.

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## Connecticut Demographic Data

A review of current demographic data reveals that since 1980 there has been considerable growth in Connecticut’s population of color and a decrease in the non-Hispanic White population. Looking ahead, data projections predict that the population of non-Hispanic Whites will continue to decrease in number through at least 2030. Meanwhile, populations of color will continue to grow in both number and as a percentage of the state’s total population. Racial and ethnic demographic trends are also closely linked to age in Connecticut. In general, the non-Hispanic White population is older than other racial and ethnic groups. Other groups that are growing in number in Connecticut include Asian-Americans, people with disabilities, the elderly, and single parent households.

The income data for the demographic groups that are growing in Connecticut reveals significant disparities in income between these groups and non-Hispanic Whites,<sup>1</sup> people without disabilities, and dual-parent families. Non-Hispanic Blacks,<sup>2</sup> Hispanics,<sup>3</sup> women, single-parent families, and people with disabilities are disproportionately low-income and, as a result, have a disproportionate need for affordable housing.

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## Connecticut Housing Patterns

As is the case nationwide, decades of public and private policies and practices have resulted in high levels of segregation within many Connecticut communities. Demographic and geographic data indicate that several groups including people of color, people with lawful sources of income other than employment, people with disabilities, and single-parent households are particularly concentrated in the state’s lowest income communities. By creating and preserving affordable housing units throughout the state, placing greater emphasis on expanding the creation of affordable housing in local and state planning documents, promoting zoning ordinances that allow multifamily housing, emphasizing mobility counseling, promoting fair lending practices, foreclosure prevention, affordable homeownership, mixed-use transit-oriented development, and other initiatives, the state can change its current demographic patterns.

As mounting social science research confirms the significant role that housing location plays in enabling people to access and make the most of educational, economic, employment, and social opportunities, it is clear that affordable housing policy is critical to ensuring a promising future for every resident of Connecticut and the state itself.

1 The U.S. Census defines Whites as anyone who is of European ancestry. Whenever possible this report uses data for Whites, referred to as non-Hispanic Whites. Inclusion of people of Hispanic ethnicity is noted when necessary.

2 Used to describe anyone of African descent. Whenever possible this report uses data for non-Hispanic Blacks, but in some cases such data is not available.

3 This report adopts the U.S. Census Bureau’s definition of “Hispanic,” “a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.”



# SECTION ONE

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## Background

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# CHAPTER ONE

## Introduction

The State of Connecticut is committed to affirmatively furthering fair housing (“AFFH”). The creation of the Department of Housing (“DOH”) as the state’s lead agency for all matters related to housing will enable the state to more effectively create and preserve quality affordable housing throughout the state, connecting individuals and families to educational and job opportunities, health care, shopping, and recreational amenities.

The State receives several different types of federal funding which obligate it to conduct this Analysis of Impediments to Fair Housing Choice (“AI”) including funding which under the CDBG Small Cities (“CDBG-SC”)⁴ program, which it allocates on a competitive basis to a group of non-entitlement towns that cannot receive funding directly from HUD.⁵

The State also receives Home Investment Partnership (“HOME”) grants, Emergency Solutions Grants (“ESG”), and Housing Opportunities for Persons with AIDS (“HOPWA”) grants each of which also obligates the State to AFFH.

Jurisdictions receiving federal financial assistance from HUD must prepare and submit a five-year Consolidated Plan for Housing and Community Development (“ConPlan”) to HUD. The ConPlan identifies the community’s housing goals which HUD uses to evaluate the plan’s success.⁶ Together the AI and the ConPlan provide a guide for the jurisdiction’s expenditure of HUD money.

4 The CDBG program was authorized under the Housing and Community Development Act of 1974.

5 The municipalities that receive CDBG and other program funds directly from HUD are known as “Entitlement Communities.”

6 U.S. Department of Housing and Urban Development, *Community Development Block Grant Entitlement Communities Grants*, [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/communitydevelopment/programs/entitlement](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/entitlement).

### Connecticut Small Cities Eligible Grantees

Andover	Colebrook	Granby	Monroe	Prospect	Torrington
Ansonia	Columbia	Griswold	Montville	Putnam	Trumbull
Ashford	Cornwall	Groton	Morris	Redding	Union
Avon	Coventry	Groton-City	Naugatuck	Ridgefield	Vernon
Bantam	Cromwell	Groton Long Point	New Canaan	Rocky Hill	Voluntown
(Litchfield)	Danielson	Guilford	New Fairfield	Roxbury	Wallingford
Barkhamsted	(Killingly)	Haddam	New Hartford	Salem	Warren
Beacon Falls	Darien	Hampton	New Milford	Salisbury	Washington
Berlin	Deep River	Hartland	Newington	Scotland	Waterford
Bethany	Derby	Harwinton	Newtown	Seymour	Watertown
Bethel	Durham	Hebron	Newtown (Borough)	Sharon	Westbrook
Bethlehem	East Granby	Jewett City	Norfolk	Shelton	Weston
Bloomfield	East Haddam	(Griswold)	North Branford	Sherman	Westport
Bolton	East Hampton	Kent	North Canaan	Simsbury	Wethersfield
Bozrah	East Haven	Killingly	North Haven	Somers	Willington
Branford	East Lyme	Killingworth	North	South Windsor	Wilton
Bridgewater	East Windsor	Lebanon	North Stonington	Southbury	Winchester
Brookfield	Eastford	Ledyard	Old Lyme	Southington	Windham
Brooklyn	Easton	Lisbon	Old Saybrook	Sprague	Windsor
Burlington	Ellington	Litchfield	Orange	Stafford	Windsor Locks
Canaan	Enfield	(Borough)	Oxford	Sterling	Wolcott
Canterbury	Essex	Lyme	Plainfield	Stonington	Woodbridge
Canton	Farmington	Madison	Plainville	Stonington (Borough)	Woodbury
Chaplin	Fenwick	Mansfield	Plymouth	Suffield	Woodstock
Cheshire	(Old Saybrook)	Marlborough	Pomfret	Thomaston	
Chester	Franklin	Middlebury	Portland	Thompson	
Clinton	Glastonbury	Middlefield	Preston	Tolland	
Colchester	Goshen				

Although the State's AFFH obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area whether publicly or privately funded.<sup>7</sup>

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## What is an Impediment to Fair Housing?

According to HUD,

*Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.*<sup>8</sup>

HUD's "Fair Housing Planning Guide" identifies the information that should be included in the AI:

- A comprehensive review of a state or Entitlement Jurisdiction's laws, regulations, and administrative policies, procedures, and practices.
- An assessment of how those laws, etc., affect the location, availability, and accessibility of housing.
- An assessment of conditions, both public and private, affecting fair housing choice for all protected classes.
- An assessment of the availability of affordable, accessible housing in a range of unit sizes.<sup>9</sup>

After completion of the AI, a jurisdiction must summarize the findings of its analysis and include the information in the ConPlan.<sup>10</sup> The jurisdiction must also develop and implement "Action Steps" consistent with the recommendations set out in the AI.<sup>11</sup>

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## An Opportunity

This report provides Connecticut with a roadmap to enable the State to continue to affirmatively further fair housing choice. As mounting social science research confirms the significant role that housing location plays in enabling people to access and make the most of educational, economic, employment, and social opportunities, it is clear that affordable housing policy is critical to ensuring a promising future for every resident of Connecticut and the state itself.

## Connecticut Entitlement Communities

City of Bridgeport

City of Bristol

City of Danbury

Town of East Hartford

Town of Fairfield

Town of Greenwich

City of Hartford

Town of Hamden

Town of Manchester

City of Meriden

Town of Milford

City of Middletown

City of New Britain

City of New Haven

City of New London

City of Norwalk

City of Norwich

City of Stamford

Town of Stratford

City of Waterbury

Town of West Hartford

City of West Haven

7 HUD Fair Housing Planning Guide Vol. 1 at 1-3, <http://portal.hud.gov/hudportal/documents/huddoc?id=fhpg.pdf>.

8 [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh)

9 U.S. Department of Housing and Urban Development, "Fair Housing Planning Guide," 1996, <http://www.hud.gov/offices/theo/images/fhpg.pdf>.

10 *Id.* at 2-25.

11 *Id.* at 2-22.

# CHAPTER TWO

## A Short History of Fair Housing

### CHAPTER SNAPSHOT

- Between 1900 and 2010, Connecticut's major cities underwent a shift in population from at least 97% White to some cities with White populations less than 15%.
- During this same period, several governmental policies and private actions promoted segregation of the Black and Hispanic populations moving into the state. These policies include the placement of public and subsidized housing, redlining, the use of restrictive covenants, and exclusionary zoning.
- The state and federal FHA were passed to ensure that the injustices of the past would not be repeated.

Demographic and geographic data indicates that Connecticut is segregated by several different measures. To fully address this segregation, it is important to understand its genesis, particularly the extent to which federal, state and local governments played a central role in creating our current housing patterns. These governmental actions have been most fully documented by historians elsewhere but they merit inclusion here because an understanding of how our current housing patterns were created may help identify appropriate affirmative steps to change these patterns.

### The Great Migration in Connecticut

Between 1900 and 1970, over six million Blacks from the South journeyed northward in what is now known as the Great Migration.<sup>12</sup> Some of this population settled in Connecticut, significantly increasing the state's racial diversity. Connecticut companies actively recruited Blacks from the South and the West Indies and Hispanics from Puerto Rico to work in factories and on tobacco farms.<sup>13</sup>

**Figure 1: Non-Hispanic White Population of Selected Connecticut Cities 1900, 1930, 1960 and 1970, 1980, 2010<sup>14</sup>**

Town	Non-Hispanic White Population 1900	Non-Hispanic White Population 1930	Non-Hispanic White Population 1960	Non-Hispanic White Population 1970	Non-Hispanic White Population 1980	Non-Hispanic White Population 2010
Bridgeport	98%	98%	90%	75%	59.4%	22.7%
Hartford	97%	96%	84%	64%	44.6%	15.8%
New Haven	97%	97%	85%	70%	58.8%	31.8%
New London	98%	97%	92%	87%*	77.3%	48.8%
Stamford	98%	96%	92%	84%	77.8%	53.3%
Waterbury	99%	98%	93%	86%	80.8%	45.4%

\* Indicates data for "White" but not "non-Hispanic White" is available.

<sup>12</sup> Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America's Great Migration* (New York: Random House, 2010), 9.

<sup>13</sup> Susan Eaton, *The Children in Room E4* (Chapel Hill: Algonquin Books, 2006), 48.

<sup>14</sup> U.S. Census, "Table 7: Connecticut – Race and Hispanic Origin for Selected Large Cities and Other Places: Earliest Census to 1990," <http://www.census.gov/population/www/documentation/twps0076/CTtab.pdf>.

The change in the racial demographics of these cities cannot be attributed solely to an influx of people of color.<sup>15</sup> Concurrently, a process commonly referred to as “White flight” involved tens of thousands of people moving from urban centers to the surrounding suburbs.<sup>16</sup> The most populous municipalities in Connecticut had a significantly smaller non-Hispanic White population in 2010 than in 1930. Of course “White flight,” occurred throughout the Northeast and Midwest. In general, it was fueled by a number of private and public actions, some of which are discussed below. But the data makes it clear that this trend was not limited to the middle of the 20th century.<sup>17</sup> Connecticut’s large municipalities continued to lose non-Hispanic White residents and that loss, coupled with in-migration of other demographic groups and the population growth of these groups resulted in a greatly reduced non-Hispanic White population as a percentage of total population. For example, Bridgeport went from 59.4 % Non-Hispanic White to 22.7% between 1980 and 2010.<sup>18</sup>

**Figure 2: Non-Hispanic White Flight  
Racial Composition of Selected Connecticut Municipalities 1980–2010<sup>19</sup>**

City	1980 Non-Hispanic White Population	2010 Non-Hispanic White Population
Bridgeport	59.4%	22.7%
Hartford	44.6%	15.8%
New Britain	84.6%	47.7%
New Haven	58.8%	31.8%
New London	77.3%	48.8%
Norwalk	79%	55.7%
Norwich	93.4%	64.6%
Stamford	77.8%	53.3%
Waterbury	80.8%	45.4%

### Government Policies Promoting Segregation

Because federal, state and local governmental actions have played a significant role in shaping the nation’s cities, this chapter will highlight four governmental policies that have historically affected housing segregation: the placement of subsidized housing, redlining, racial covenants, and exclusionary zoning.

#### Placement of Public and Subsidized Housing

The loss of tax base resulting from the loss of middle class residents from cities during the latter half of the 20th century made it difficult for many cities to provide basic services to the increasingly low-income migrants from the South, the Caribbean, Latin America, Asia and, especially in Connecticut, Puerto Rico.<sup>20</sup>

In response to this influx of low-income residents, many cities requested assistance from the federal government and received money for urban renewal endeavors in response.<sup>21</sup> These renewal efforts often involved the disruption of neighborhoods and brought legal requirements for the replacement of affordable housing. Cities fulfilled these



**Figure 3: Hartford, Conn.  
Apr. 15, 1964 – “GOING AND COMING – Mrs. Russell Rhue walks toward camera with son between pickets in front of Noah Webster School today after she was turned down in attempt to enroll lad in school because they live outside its lines. Another parent, right, heads for school. Negro mothers said they object to own neighborhood schools on grounds of de facto segregation.” Hartford Courant, made available via the Hartford History Center at Hartford Public Library. Available electronically at <http://cslib.cdmhost.com/cdm/ref/collection/p128501coll0/id/1356>.**

<sup>15</sup> Nor can the change in the White population be attributed to the reclassification from White to non-Hispanic White. Since the median age for the majority of Hispanics in Connecticut is in the low 30s, it is unlikely there was a large Hispanic population in Connecticut prior to 1980.

<sup>16</sup> Douglas S. Massey & Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993), 45. For more information on the “White flight” phenomenon, see Jack Dougherty, *On the Line: How Schooling, Housing, and Civil Rights Shaped Hartford and Its Suburbs*, <http://ontheline.trincoll.edu/>.

<sup>17</sup> Massey and Denton, *supra* note 16.

<sup>18</sup> Brown University, *US 2010: Discover a New America*, <http://www.s4.brown.edu/us2010/segregation2010/Default.aspx?msa=25540>.

<sup>19</sup> *Id.*

<sup>20</sup> See Eaton, *supra* note 13.

<sup>21</sup> Massey and Denton, *supra* note 16.



obligations through the construction of public housing in areas that were racially and poverty-concentrated.<sup>22</sup>

From the mid-1940s until the 1960s, federal affordable housing was constructed initially for moderate income households and only later became the residence of low and very low income households. Some federal public housing built directly after WW II was intended to serve returning veterans. In his book, *Charter Oak Terrace: Life, Death and Rebirth of a Public Housing Project*, David Radcliffe documents the conversion, over many decades, of Charter Oak Terrace from majority White war industry housing to public housing increasingly occupied by people of color.<sup>23</sup> Through the 1950s and 1960s, additional federal public housing was added in Hartford.<sup>24</sup> It is believed that the Hartford Housing Authority used a system of 'controlled integration,' common in many public housing authorities in the 1950s and 1960s. This approach forced many black families, living in dreadful slum conditions, to wait until a unit reserved for minorities became available, even if other 'White' units sat vacant.<sup>25</sup>

During this same time period, Connecticut created the state-funded Moderate Rental program primarily to house families. Of the 4,732 units of moderate rental housing for which the first occupancy date is known, 96% were built between 1948 and 1961.<sup>26</sup> The remainder of the units were built between 1986 and 1995. Even though moderate rental housing was in many cases constructed to house veterans, it was later converted to public housing available to anyone who met the income qualifications. Today, 73% of moderate rental units are in towns that have a higher minority population than the state as a whole.<sup>27</sup>

By the 1960s, the federal government recognized that this pattern of housing development contributed to unequal access to employment and educational opportunities. In response to race riots around the nation in 1967, President Johnson established the Kerner Commission to investigate their cause and recommend solutions.

The Commission concluded that the civil unrest resulted from:

- "Pervasive discrimination and segregation in employment, education and housing, which have resulted in the continuing exclusion of great numbers of Negroes from the benefits of economic progress.
- Black in-migration and White exodus, which have produced the massive and growing concentrations of impoverished Negroes in our major cities, creating a growing crisis of deteriorating facilities and services and unmet human needs.
- The black ghettos where segregation and poverty converge on the young to destroy opportunity and enforce failure. Crime, drug addiction, dependency on welfare, and bitterness and resentment against society in general and non-Hispanic White society in particular are the result."<sup>28</sup>

The Commission's now famous conclusion that "our nation is moving toward two societies, one black, one White—separate and unequal"<sup>29</sup> was accompanied by a recommendation that,

Federal housing programs must be given a new thrust aimed at overcoming the prevailing pattern of racial segregation. If this is not done, those programs will continue to concentrate the most impoverished and dependent segments of the population into central city ghettos,

22 For a full discussion of the role of public housing and urban renewal in the creation of segregation, see Massey and Denton, *supra* note 16, at 42-57. See also James Carr and Nandinee Kutty, eds.: *Segregation: The Rising Costs for America* (London: Routledge, 2008), 75-77.

23 David Radcliffe, *Charter Oak Terrace: Life, Death and Rebirth of a Public Housing Project* (Hartford: Southside Media, 1998) 56.

24 *Id.*

25 *Id.* at 72. See also, Nancy O. Albert, *A Tale of Two Cities: the Rise and Fall of Public Housing*, Hog River Journal, [http://www.hogriver.org/issues/v01n02/two\\_cities.htm](http://www.hogriver.org/issues/v01n02/two_cities.htm).

26 Calculations are based on data from the Connecticut Housing Finance Authority for "moderate rental" program housing. Other forms of moderate rental housing, such as "moderate rental rehab" and "Section 8 moderate rental" are excluded. Date of first occupancy is not known for 188 units.

27 *Id.* This calculation also includes those moderate rental program properties for which first occupancy date is not available.

28 The Kerner Report, The 1968 Report of the National Advisory Commission on Civil Disorders (Pantheon, 1988), <http://www.eisenhowerfoundation.org/docs/kerner.pdf>.

29 *Id.*



where there is already a critical gap between the needs of the population and the public resources to deal with them.<sup>30</sup>

For the most part, however, public housing was not placed in a way that overcame the “prevailing patterns of racial segregation.”

## Redlining

Redlining was another government sponsored (or government sanctioned) policy that contributed greatly to segregation. Starting in the 1930s the Federal Home Owners’ Loan Corporation and private lenders created a rating system to assess mortgage risk by neighborhoods.<sup>31</sup> Now known as redlining, the rating system used a coding structure wherein areas shaded green were deemed most stable and areas shaded red were designated least stable.<sup>32</sup> The goal of the system was to identify unstable neighborhoods where it would be less advantageous to make home loans.<sup>33</sup>

Unfortunately, the system explicitly used the presence of people of color and certain foreign groups as a strong indicator of instability.<sup>34</sup> As a result of redlining and similar practices, between 1934 and 1968, 98% of loans approved by the federal government were made to non-Hispanic White borrowers regardless of where they wanted to buy.<sup>35</sup> Figure 4 shows redlined areas in Hartford.<sup>36</sup> Not surprisingly, the neighborhoods deemed least desirable for capital for investment and reinvestment in 1937 and that were denied capital, are areas that are minority and poverty-concentrated today.<sup>37</sup>

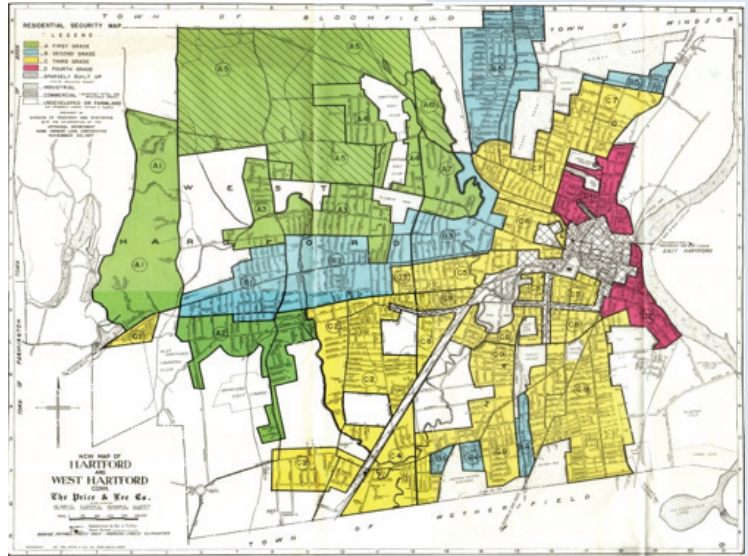


Figure 4: 1937 Redlining Map of the Hartford Area. Source: National Archive, collected by Professor Jack Dougherty of Trinity College

## Restrictive Covenants

Racial covenants are contractual agreements that bar certain groups of people from ever occupying a specific property.<sup>38</sup> Historically, racial covenants have banned African-Americans, Latinos, Jews, and other groups from owning properties located in certain neighborhoods.<sup>39</sup> In the 1948 case of *Shelley v. Kraemer*, the U.S. Supreme Court held that, while such covenants were not illegal, state courts were prohibited from enforcing them under the 14th Amendment’s Equal Protection Clause.<sup>40</sup> The standard language used is illustrated by this excerpt from a 1940 deed for a collection of properties called “High Ledge Homes” in West Hartford:<sup>41</sup>

(e) No persons of any race except the white race shall use or occupy any building on any lot except that this covenant shall not prevent occupancy by domestic servants of a different race employed by an owner or tenant.

Deed restrictions such as these did not technically become illegal until the passage of the federal FHA in 1968.<sup>42</sup>

30 *Id.* at 28.

31 Massey and Denton, *supra* note 16, at 51.

32 *Id.*

33 *Id.*

34 Carr and Kutty, *supra* note 22, at 69.

35 See Lisa Rice (contributor), *The Future of Fair Housing: A Report of the National Commission on Fair Housing and Equal Opportunity*, <http://www.nationalfairhousing.org/NationalCommission/FutureofFairHousingHowWeGotHere/tabid/3385/Default.aspx>.

36 Jack Dougherty, *On The Line: How Schooling, Housing, and Civil Rights Shaped Hartford and Its Suburbs*, <http://ontheline.trincoll.edu/>.

37 Jason Reece, “People, Place and Opportunity: Mapping Communities of Opportunity in Connecticut,” *Kirwan Institute*, 2009, 15-16, [http://kirwaninstitute.osu.edu/docs/CTMaps/connecticut\\_opportunity\\_mapping\\_report.pdf](http://kirwaninstitute.osu.edu/docs/CTMaps/connecticut_opportunity_mapping_report.pdf) (finding 100% of areas redlined in 1937 were “lower opportunity” areas in 2009).

38 Massey and Denton, *supra* note 16, at 36.

39 Catherine Silva, *Racial Restrictive Covenants: Enforcing Neighborhood Segregation in Seattle*, [http://depts.washington.edu/civilr/covenants\\_report.htm#\\_ednref15](http://depts.washington.edu/civilr/covenants_report.htm#_ednref15).

40 *Shelley v. Kraemer*, 334 U.S. 1 (1948).

41 Professor Jack Dougherty and his students at Trinity College researched racial covenants were in fact used in the Hartford area and discovered many still on the land records. See Jack Dougherty, *On the Line: How Schooling, Housing, and Civil Rights Shaped Hartford and its Suburbs*, <http://ontheline.trincoll.edu/>.

42 See Silva, *supra* note 39.

## Exclusionary Zoning

In 1917, the U.S. Supreme Court held that Blacks could not be banned from living in certain parts of a town through zoning provisions.<sup>43</sup> However, nine years later in *Euclid v. Ambler Realty Co.*, the U.S. Supreme Court allowed towns to promulgate zoning regulations that designated zones for certain types of buildings and dictated restrictions on lot and building sizes.<sup>44</sup> As a result of *Euclid v. Ambler Realty Co.*, such zoning became known as “Euclidian” zoning and was widely adopted across the nation.<sup>45</sup> Such zoning has had the effect, often deliberately, of severely limiting the ability of many people of color, who are disproportionately lower income, to move out of poverty concentrated areas.<sup>46</sup>

Upon closer inspection it becomes clear that the segregating effect of “Euclidian” zoning was fully understood at the time the case was brought. The U.S. District Court in the *Euclid* case unabashedly stated that,

The blighting of property values and the congesting of population whenever the colored or certain foreign races invade a residential section are so well known as to be within the judicial cognizance.<sup>47</sup>

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## Segregation and other Groups Protected by the Fair Housing Act

Partly due to the severity of racial and ethnic segregation in Connecticut and the availability of historical research, the history recounted here focuses on policies affecting segregation and discrimination based on race and ethnicity. However, there is a long history of government policies that promoted differential treatment of other groups protected by the federal FHA. For example, illegal occupancy restrictions prevented families with children from living in certain areas, and restrictions on government mortgages disadvantaged pregnant women trying to purchase homes.<sup>48</sup>

People with disabilities experienced a range of discriminatory behavior that denied them housing choice and promoted segregation.<sup>49</sup> A longstanding government policy promoting the institutionalization of people with disabilities kept this population isolated for decades.<sup>50</sup> A deinstitutionalization movement began in the 1960's that advocated closing institutions and promoted integration into society.<sup>51</sup> Unfortunately, after deinstitutionalization many people with disabilities were unable to find housing or assistance with necessary social and therapeutic services, pushing them into homeless shelters or the criminal justice system.<sup>52</sup> With its 1999 decision in *Olmstead v. L.C. and E.W.*, the U.S. Supreme Court confirmed that the Americans with Disabilities Act included an “integration mandate.”<sup>53</sup>

The federal FHA and corresponding state law were intended to ensure that the injustices of the past would not be repeated.

43 *Buchanan v. Warley*, 245 U.S. 60 (1917).

44 *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926).

45 See Eliza Hall, *Divide and Sprawl, Decline and Fall: A Comparative Critique of Euclidian Zoning*, 68 U. PITT. L. REV. 915, 923 (2007), <http://lawreview.law.pitt.edu/ojs/index.php/lawreview/article/view/77/77>.

46 *Id.* at 196.

47 *Village of Euclid, Ohio v. Ambler Realty Co.* 297 F. 307 (1924).

48 Department of Housing and Urban Development, *Waterstone Mortgage Agrees to Pay \$27,000 to Settle Maternity Discrimination Claims over Round Rock Home*, <http://portal.hud.gov/hudportal/HUD?src=/states/texas/news/HUDNo.2012-08-01> (Lender alleges Fannie Mae underwriting guidelines prohibit lending based on maternity pay).

49 See Bonnie Milstein, Beth Pepper and Leonard Rubenstein, “The Fair Housing Act Amendment of 1988: What It Means for People with Mental Disabilities,” *Clearinghouse Review*, June 1989, <http://www.bazelon.org/LinkClick.aspx?fileticket=q9lAbIH1jul%3D&tabid=222>.

50 For an excellent overview of the history of discrimination and segregation of people with disabilities, go to [http://dredf.org/publications/ada\\_history.shtml](http://dredf.org/publications/ada_history.shtml).

51 Christina Kubiak, *Everyone Deserves a Decent Place to Live: Why the Disabled are Systematically Denied Fair Housing Despite Federal Legislation*, 5 RUTGERS J.L. & PUB. POLY 561, 565 (2008).

52 *Id.*

53 *Olmstead v. L.C.*, 527 U.S. 581, 582 (1999).

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## Conclusion

The combined effect of the racial segregation of governmentally supported affordable housing, redlining, racial covenants, and exclusionary zoning practices contributed greatly to segregated housing patterns nationwide and in Connecticut. A family of color coming to the Hartford area before 1968 would be limited to the city's neighborhoods of color. If they were in need of public or subsidized housing, the policy of controlled integration would have kept families of color on a waiting list while other 'White' units sat vacant. If the family were in a financial position to secure market rate rental housing, they could face racial covenants restricting them to housing in majority-minority neighborhoods. The family could find it virtually impossible to purchase a home outside of their neighborhood because suburban towns adopted zoning ordinances with large lot sizes and other restrictions that increased housing costs. Even if the family managed to save a down payment, they still faced nearly insurmountable barriers to home ownership as the result of racial covenants and redlining restrictions on lending. We still live with this legacy of segregation. The challenge is how to reverse it.

# CHAPTER THREE

## Overview of the Fair Housing Laws

### CHAPTER SNAPSHOT

- The state and federal FHA make it illegal to treat people who are living in or attempting to buy covered properties differently based on their race, color, national origin, sex, religion, familial status, disability, marital status, sexual orientation, age, lawful source of income, and gender identity or expression.
- Protections based on familial status, disability, and the state protected classes of lawful source of income, sexual orientation, gender identity, and gender expression were added to the state and federal FHA after 1988 and need additional explanation.
- In addition to the prohibitions on illegal behavior set out in the state and federal FHA, several Connecticut statutes require state housing agencies and others engaged in providing affordable housing to take affirmative steps to further fair housing choice.

**H**UD's Fair Housing Planning Guide<sup>54</sup> states that to affirmatively further fair housing, grantees are required to:

1. Conduct an analysis to identify impediments to fair housing choice within the jurisdiction;
2. Take appropriate actions to overcome the effects of any impediments identified through the analysis, and
3. Maintain records reflecting the analysis and actions taken in this regard.<sup>55</sup>

DOH has undertaken this AI in accordance with its obligations as a HUD grantee and to understand the barriers to fair housing choice as well as the affirmative steps that can be implemented to overcome them.

As an orientation to the obligation to AFFH, this chapter includes:

- A review of the federal and state laws protecting against housing discrimination.
- A brief discussion of HUD's proposed regulation on affirmatively furthering fair housing.
- An outline of state laws created to promote affordable housing and allow for housing choice.
- Examples of regulations that affect fair housing choice.

### Federal and State Fair Housing Laws

Federal and state fair housing laws prohibit a wide range of discriminatory conduct in the housing sector.<sup>56</sup> Whether fair housing laws apply in a particular situation turns on the following three questions:

- (1) Is the person covered?
- (2) Is the property covered?
- (3) Is the behavior covered?

If the answer to all three questions is yes, then the fair housing laws apply.

<sup>54</sup> *Id.* at 1-2.

<sup>55</sup> 24 C.F.R. §91.425(a)(1)(i) (2009).

<sup>56</sup> A one-page summary of the state and federal fair housing laws and statutory citations can be found in the appendices.

## Is the Person Covered?

The federal Fair Housing Act (“federal FHA”) creates protections for all people and prohibits discrimination in housing and related services on the basis of:

- Race<sup>57</sup>
- Color
- National Origin
- Religion
- Physical or Mental Disability
- Sex
- Familial Status or the Presence of Children

In addition, the state Fair Housing Act (“State FHA”) prohibits discrimination on the basis of:

- Marital Status
- Sexual Orientation
- Age
- Source of Income
- Gender Identity or Expression

## Is the property covered?

Fair housing laws apply to the occupancy, sale, rental, insuring, or financing of nearly all forms of residential housing, including:

- Apartments
- Single-family homes
- Mobile homes
- Nursing homes
- Homeless shelters
- Homeowners who are selling or renting property<sup>58</sup>
- Vacant lots that will be used for housing

## Is the behavior covered?

Behavior is covered if it results in either differential treatment of, or disparate impact on, the members of a protected class. *Differential treatment* is the negative treatment of a person because of his or her membership in a protected class. *Disparate impact* occurs when a policy or system which may not have been designed with discriminatory intent nonetheless has a discriminatory effect on members of a protected class.

**Differential treatment is the negative treatment of a person because of his or her membership in a protected class.**

**Disparate impact occurs when a policy or system which may have no discriminatory intent nonetheless has a negative effect on members of a protected class.**

The following behavior is illegal if it is undertaken because the person is a member of a protected class:

- Refusing to sell or rent after the making of a bona fide offer;
- Refusing to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling;
- Discriminating against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities;

<sup>57</sup> Sections 1981 and 1982 of the Civil Rights Act of 1866 provide that all citizens shall have the same right to make and enforce contracts and to inherit, purchase, lease, sell, and convey real property as white citizens. There are no exemptions from this law; all property is covered.

<sup>58</sup> Homeowners who sell or rent single-family homes are exempt so long as they do not own more than three single-family homes at one time and do not use the services of real estate agent or broker. Exemptions are complicated and there may be exceptions to exemptions. For example, discriminatory advertising is illegal even if done by an otherwise exempt owner.

## Property exempt from the federal FHA

- 1) The sale or rental of any single family house by an owner;
- 2) Owner-occupied dwellings with four or fewer units;
- 3) Elderly housing (exempt from familial status discrimination only);
- 4) Property owned by religious organizations and private clubs.

## Property exempt from the state FHA

- 1) Owner-occupied dwellings with two or fewer units;
- 2) Owner-occupied rooming houses;
- 3) Familial status discrimination—exempts owner occupied dwellings with four or fewer units and elderly housing;
- 4) Sexual orientation discrimination—exempts owner occupied dwellings with four or fewer units.

- Discriminating against any person in the terms or conditions of any residential real estate-related transaction;
- Making, printing or publishing, or causing to be made, printed or published, any notice, statement, or advertisement, concerning the sale or rental of a dwelling where such notice, statement or advertisement indicates any preference, limitation, or discrimination;
- Representing to any person that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
- Steering any buyer or renter to purchase or rent a dwelling to an area which is substantially populated, even if by less than a majority, by persons of the same protected class as the buyer or renter;
- Inducing or attempting to induce any person to sell or rent any dwelling for profit by representations regarding the entry or prospective entry into the neighborhood of a person or persons protected from discrimination;
- Refusing to make reasonable accommodations in rules, policies or practices; and
- Refusing to permit reasonable modifications by an individual with a disability.

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## Understanding the Fair Housing Laws

Familial status, disability, and the state protected classes of lawful source of income, sexual orientation, gender identity, and gender expression are more nuanced and are discussed below.

### Familial Status

The state and federal<sup>59</sup> FHA protect households that include:

- A child under the age of 18 who resides with a parent or another person having legal custody of such individual or individuals or the designee of such parent or other person having such custody;
- A pregnant woman; and
- A household in the process of obtaining custody of a child under the age of 18.

### Familial Status Discrimination and Elderly Housing

In 1995, Congress passed the Housing for Older Persons Act<sup>60</sup> which permits some properties to exclude children if the properties meet certain criteria.<sup>61</sup> This exemption is also included in the state FHA.<sup>62</sup> In addition, while it is illegal to discriminate based upon age in Connecticut, housing for older persons is exempt from age discrimination claims if it excludes people in order to meet the statutory definition of housing for older persons.

However, *federally* subsidized housing providers are never permitted to exclude children from their housing. As stated in the Federal Register:

. . . no public housing development funded by HUD may exclude families with children, even if at least 80% of the units are occupied by at least one person who is 55 years of age or older.<sup>63</sup>

No such requirement exists with regard to state subsidized housing.

### Familial Status Discrimination and Occupancy Limits

The state and federal FHA prohibit behavior that has a disparate impact on people in the protected classes. With regard to familial status discrimination, housing providers often use occupancy standards to limit the number of people who can live in a particular unit. For example, landlords often use a two person per bedroom rule to limit the number of people occupying an apartment. Such a rule could have a disparate impact on families with children and violate the state and federal FHA if that rule tended to exclude more households with children than households without children.<sup>64</sup> Currently,

<sup>59</sup> Con. Gen. Stat. §46a-64b(5) (2011); 42 U.S.C. §3602(k) (2006).

<sup>60</sup> The final rule was published in April 1999, see 24 CFR Part 100, available at [http://www.hud.gov/offices/theo/library/hopa\\_final.pdf](http://www.hud.gov/offices/theo/library/hopa_final.pdf).

<sup>61</sup> See generally 42 U.S.C. §3607(b)

<sup>62</sup> Con. Gen. Stat. §46a-64c(b)(4).

<sup>63</sup> 64 Fed. Reg. 16327 (April 2, 1999).

<sup>64</sup> See, e.g., *Gashi v. Grubb & Ellis, et al.*, 801 F.Supp.2d 12, 16 (D. Conn. 2011).



the guidelines for occupancy found at Conn. State Agencies Reg. §8-37ee-304(c) limits the number of occupants based on a person-per-bedroom standard without regard for the specific layout or square footage of the dwelling or the composition of the household residing in it.

## Age Discrimination

As discussed in the prior section, the state FHA prohibits discrimination on the basis of age. However, the law states that “prohibition of discrimination on the basis of age shall not apply to minors,” making it permissible to discriminate against minors who are seeking housing.<sup>65</sup> Illegal discrimination based on age is seen most often in neighborhoods near colleges and universities when housing providers advertise for “people over 21,” in elderly housing complexes when housing providers limit the age of people who are younger than 55 to people over the age of 50, and when independent teenage parents with the capacity to pay rent are looking for housing.

## Marital Status

State law prohibits discrimination based on marital status. Under the law, a housing provider cannot lawfully refuse to rent to a couple who are of the opposite sex because they are married. However, because it exempts from coverage “a man or a woman who are both unrelated by blood and not married to each other”<sup>66</sup> the law only protects households comprising opposite sex blood relatives, married couples or same sex couples or roommates. Housing providers may lawfully discriminate against opposite sex unmarried couples by, for example, considering the income of only one member of the household when considering an application for housing, or outright refusing to rent to them.

## Disability

### OVERLAPPING LAWS

In addition to the federal FHA, there are two other federal laws that protect people with disabilities from discrimination and mandate affirmative steps to promote integration.

- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in all federally funded programs.<sup>67</sup>
- In 1990, Congress protected the rights of people with disabilities when it passed the Americans with Disabilities Act (ADA).<sup>68</sup> The ADA was designed to protect people with disabilities from discrimination in public accommodations and employment. The ADA prohibits discrimination by governments and governmental units including housing authorities. This includes any actions that may deny people with disabilities equal access to housing programs. In addition, the ADA applies to the portions of housing complexes that are open to the public. This may include rental or sales offices, parking lots, community buildings that are open to the public as well as sidewalks, entrances, and hallways to which the public has access.

### DEFINITION

The definition of disability contained in the federal FHA<sup>69</sup> and used by reference in the state FHA<sup>70</sup> is:

- (1) A physical or mental impairment which substantially limits one or more major life activities;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

The federal FHA states that a landlord does not have to rent to a person who is a direct threat to the health and safety of others or whose tenancy will result in substantial physical damage to the property of others.<sup>71</sup>

65 Con. Gen. Stat. §46a-64c(b)(3) (2011).

66 Con. Gen. Stat. §46a-64c(b)(2) (2011). The exemption for unmarried couples was added to the statute in 1970.

67 29 U.S.C. §701 (2006).

68 42 U.S.C. §12111 et seq. (2006).

69 42 U.S.C. §3602(h) (2006).

70 Con. Gen. Stat. §46a-64b(8) (2011).

71 42 U.S.C. §3604(f)(9) (2006).

In its definition of “disability,” the state FHA includes any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance.”<sup>72</sup> The state FHA further defines a person with mental disabilities as “an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association’s ‘Diagnostic and Statistical Manual of Mental Disorders’.”<sup>73</sup>

### **BEHAVIOR AND DISABILITY DISCRIMINATION**

There are five types of behavior either outlawed or mandated by the state and federal FHA and related laws with regard to disability.<sup>74</sup>

1. *Differential Treatment*: It is illegal to treat people differently because they are disabled.
2. *Reasonable Accommodations*: For purposes of the state and federal FHA, discriminatory treatment includes a failure to make reasonable accommodations to a person’s disability if such accommodation is needed to ensure that the person qualifies for or can live in the housing. A reasonable accommodation is a change in a rule, policy or practice and can be made at any time the person is living in or applying for occupancy of housing. An accommodation is considered reasonable so long as it is not an undue financial or administrative burden on the housing provider.<sup>75</sup>
3. *Reasonable Modification*: Discriminatory treatment includes a refusal to permit reasonable modifications of existing premises occupied or to be occupied by a person with a disability if such modifications are necessary for the person to live in or use the housing and the person will modify the premises at his or her own expense. Reasonable modifications address structural changes to the premises.<sup>76</sup>

While the state and federal FHA do not require housing providers to pay for reasonable modifications, Section 504 of the Rehabilitation Act of 1973 does. Therefore, if a housing provider receives operating support from a federal program, the housing provider must make reasonable modifications at its own expense.

4. *Design and Construction*: A failure to design and construct accessible covered dwellings violates the state and federal FHA.<sup>77</sup> Covered dwellings are buildings with 4 or more units built for first occupancy after March 13, 1991. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas are subject to the state and federal FHA design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas are subject to the state and federal FHA design and construction requirements. To meet the laws’ design and construction requirements, the dwelling must include:
  - Public and common use portions of such dwellings that are readily accessible to and usable by people with disabilities;
  - All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons in wheelchairs;
  - All premises within such dwellings contain the following features of adaptive design:
    - i. an accessible route into and through the dwelling;
    - ii. light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - iii. reinforcements in bathroom walls to allow later installation of grab bars; and

72 C.G.S. § 46a-51 (15).

73 C.G.S. § 46a-51 (20).

74 See e.g. 28 U.S.C. §701 et seq. (Rehabilitation Act of 1972) and 42 U.S.C. §1981 (Civil Rights Act of 1866).

75 For more information about reasonable accommodations, see the Joint Statement of HUD and the Department of Justice on Reasonable Accommodations, “Reasonable Accommodations Under the Fair Housing Act,” May 17, 2004, <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.

76 For more information on reasonable modifications under the FHA, see the Joint Statement of HUD and the Department of Justice on Reasonable Modifications, “Reasonable Modifications Under the Fair Housing Act,” March 5, 2008, [http://www.hud.gov/offices/fheo/disabilities/reasonable\\_modifications\\_mar08.pdf](http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf).

77 Con. Gen. Stat. 46a, §64c(a)(6)(C); 42 U.S.C. §3604(f)(3)(C).



- iv. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.<sup>78</sup>

On October 1, 2010, a new state statute went into effect requiring the state to establish a program to encourage the development of visitable housing.<sup>79</sup> Visitable housing consists of one-to-four family residential construction that includes interior doorways that provide a minimum thirty-two inch wide unobstructed opening, an accessible means of egress, and a full or half bathroom on the first floor that is compliant with the provisions of the ADA. As part of this program, DOH provides a single point of contact for any person seeking financial or technical assistance from the state to construct visitable housing, financial incentives for developers who construct visitable housing, and public education about visitable housing.<sup>80</sup>

5. *Disparate Impact*: It is illegal to have rules or qualifications that have a disparate impact or greater effect on people who are disabled.

### **The Fair Housing Laws and Group Residences for People with Disabilities**

Connecticut municipalities are required to make changes in their rules, policies, or practices such as zoning ordinances, spacing requirements or other rules to ensure that people with disabilities, including those living in group residences, have access to housing within their jurisdiction.

Connecticut has two statutes that address group residences for people with disabilities.<sup>81</sup> The first, Con. Gen. Stat. § 8-3e, prohibits local zoning laws that treat residences for people with mental disabilities, child-care residential facilities, or community residences for people receiving mental health or addiction services differently from single-family residences. However, the second, Con. Gen. Stat. § 8-3f, states that no community residence or child-care residential facility established pursuant to Section 8-3e shall be located within one thousand feet of any other such community residence or child-care residential facility without the approval of the body exercising zoning powers within the municipality in which such residence is proposed to be established.<sup>82</sup>

### **LAWFUL SOURCE OF INCOME**

A lawful source of income is defined as “income derived from Social Security, supplemental security income, housing assistance, child support, alimony, or public or state-administered general assistance.”<sup>83</sup> As stated above, it is unlawful for a housing provider to discriminate on the basis of the lawful source of income of a current or potential tenant, buyer, or borrower. However, it is lawful to deny someone housing based upon insufficient income.<sup>84</sup>

### **GENDER IDENTITY OR EXPRESSION AND SEXUAL ORIENTATION**

In October 2011, Connecticut’s fair housing laws were expanded to include protections based on gender identity and expression.<sup>85</sup> There are some important preliminary points to make about fair housing as it applies to lesbian, bisexual, gay, and transgender (“LGBT”) individuals.

- Because the LGBT communities combine several discrete sub-groups and terminology continues to evolve, key terms are defined below.
- Unlike virtually all of the other protected classes discussed in this AI, the LGBT communities are *not specifically* protected by the federal FHA, although fair housing protections exist under state law.

<sup>78</sup> For more information on the accessibility requirements of new construction, go to [www.fairhousingfirst.org](http://www.fairhousingfirst.org).

<sup>79</sup> Con. Gen. Stat. §8-37mmm (2011).

<sup>80</sup> Links to the Act Concerning Visitable Housing and other resources regarding visitability can be found at <http://www.ct.gov/doh/cwp/view.asp?a=4513&q=530632>.

<sup>81</sup> In addition, there is a third statute that authorizes the creation of a state-funded program to fund such residences. Con. Gen. Stat. §8-119t (2011) creates a grants-in-aid for expanding independent living opportunities.

<sup>82</sup> While the intent of Con. Gen. Stat. §8-3f may have been to avoid the concentration of group residences, the exception is similar to a spacing requirement that was struck down in Pennsylvania as a violation of the federal FHA and may in practice be too inflexible where co-located facilities are desirable or advantageous. In *Horizon House Developmental Services v. Township of Upper Southampton*, 804 F.Supp. 683 (E.D. PA, 1992) the Court considered whether requiring 1,000 feet between residences for the disabled violated the fair housing laws. The Court held that the spacing requirement was illegal because it treated people differently based upon membership in a protected class, could not be justified as a way of promoting inclusion and integration, and served no governmental or state purpose. No subsequent court has upheld a spacing requirement and no alternative spacing (larger or smaller) has ever been permitted. While the Connecticut statute permits zoning boards to overrule the spacing requirement, requiring residences for people with disabilities housing to get such permission results in differential treatment.

<sup>83</sup> Con. Gen. Stat. §46a-63 (2011).

<sup>84</sup> Con. Gen. Stat. §46a-64c(b)(5) (2011).

<sup>85</sup> Con. Gen. Stat. §46a-64c(a)(1)-(3) (2011).

Unless specifically stated, the following definitions apply to this AI.<sup>86</sup>

- **Gay, lesbian and bisexual** – these are three of the specific categories referred to as sexual orientation. Gay is generally used to refer to a man whose primary sexual attraction is to other men. Lesbian is generally used to refer to a woman whose primary sexual attraction is to other women. Bisexual is generally used to refer to a person whose sexual attraction is to both men and women.
- **Gender** – the range of physical, biological, mental and behavioral characteristics pertaining to, and differentiating between, the male and female sex. Gender is generally used to refer to the social construct around masculinity and femininity.
- **Gender identity** – an individual's own sense and subjective experience of their own gender.
- **Gender expression** – the way in which a person expresses her/his gender through mannerisms, behavior, dress, or appearance.
- **Sex** – generally used to refer to the biological traits associated with masculinity and femininity.
- **Sexual orientation** – is the term typically used to describe the direction of a person's romantic and physical attractions.
- **Transgender** – is a term used to refer to individuals whose gender identity or gender expression does not, in some way, match stereotypical expectations based on the gender they were assigned at birth. A transgender person may, but does not necessarily, live as a different gender from the one assigned to that individual at birth.

Although the federal FHA does not identify sexual orientation, gender identity, or gender expression as protected classes, a newly adopted HUD regulation prohibits discrimination in HUD funded housing programs based on perceived sexual orientation, gender identity, or marital status.<sup>87</sup>

The state FHA defines "gender identity or expression" as "a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose."<sup>88</sup>

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## State And Federal Statutes And Regulations That AFFH

### Proposed HUD Affirmatively Furthering Fair Housing Regulation

In July of 2013 HUD issued a proposed rule on affirmatively furthering fair housing.<sup>89</sup> This rule would create a structure and process for HUD to provide grantees with guidance, data, and a template from which they would complete an *assessment of fair housing* ("AFH"). The AFH would replace the obligation to prepare an AI and would link to ConPlans, PHA Plans, and Capital Fund Plans,<sup>90</sup> in an effort to ensure that housing-related investments and policies AFFH. The structure of this AI conforms to the requirements of the AFH and can be easily adapted to meet the needs of that report as envisioned in the proposed rule.<sup>91</sup>

### State Laws on Affirmatively Furthering Fair Housing

Connecticut law echoes the federal obligation to affirmatively further fair housing choice stating:

<sup>86</sup> These definitions are not necessarily those officially adopted by the state of Connecticut in statute or policy but reflect those used by the LGBT community. See, Con. Gen. Stat. § 46a-51 (21) for the state definition of gender identity and gender expression. See C.G.S. §46a-81a which states that sexual orientation means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference, but excludes any behavior which constitutes a violation of part VI of chapter 952.

<sup>87</sup> See 24 C.F.R. §5.105(a)(2)(i) *et seq.*

<sup>88</sup> Con. Gen. Stat. §46a-51 (21) (2011).

<sup>89</sup> Federal Register Vol. 78, No. 139, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-07-19/pdf/2013-16751.pdf>.

<sup>90</sup> The Capital Fund provides funds, annually, to Public Housing Agencies (PHAs) for the development, financing, and modernization of public housing developments and for management improvements. 24 CFR §905.100ff.

<sup>91</sup> For more details on the proposed rule, see [http://www.huduser.org/portal/affht\\_pt.html](http://www.huduser.org/portal/affht_pt.html).

Each housing agency shall affirmatively promote fair housing choice and racial and economic integration in all programs administered or supervised by such housing agency.<sup>92</sup>

Under this statute, “housing agency” is defined as the Connecticut Housing Finance Authority (“CHFA”) and DOH.

In addition to a requirement to AFFH, CHFA and DOH are required by law to report a variety of data that can enable the state to affirmatively further fair housing. These laws are:

- **Con. Gen. Stat. §8-37s:** Requires DOH to monitor housing needs and production.<sup>93</sup>
- **Con. Gen. Stat. §8-37t:** Obligates DOH to prepare the state’s ConPlan, an analysis of affordable housing and community development needs and market conditions that must be submitted to HUD, in accordance with 24 C.F.R. Part 91.<sup>94</sup>

In 2011, Con. Gen. Stat. §8-37t was rewritten to substitute the requirement that DOH prepare the ConPlan instead of a five-year advisory plan. The five-year advisory plan included data on households served, information on fair housing marketing, specific goals and strategies to meet housing needs, and identification of resources for affordable housing programs, as well as the required submission of an annual action plan.<sup>95</sup> As a result of the substitution, DOH is no longer required to take into account the current race, ethnicity, and other demographic characteristics of people served in its housing when determining how to address housing needs in the future. In addition, by removing the requirement to analyze fair housing marketing efforts, DOH does not have current information regarding the effectiveness of marketing efforts to address housing needs.

- **Con. Gen. Stat. § 8-37bb:** Requires CHFA to submit a report annually that includes:
  - (1) An analysis of its housing programs by income group and households served for its housing construction, substantial rehabilitation, purchase, and rental assistance programs;
  - (2) Racial information for the households served;
  - (3) A requirement that this information be provided by housing development and, where applicable, by program;
  - (4) An analysis of data for all households entering the program or receiving benefits;
  - (5) The number of households served and the amount of financial assistance, identified by census tract;
  - (6) An analysis of efforts to promote fair housing choice and economic and racial integration, and the results of such efforts;
  - (7) Documentation of the efforts of the agency to promote fair housing choice and racial and economic integration; and
  - (8) Data on the racial composition of the occupants and persons on the waiting list of each housing project assisted under any housing program established by the general statutes or special act or which is supervised by the agency.
- **Con. Gen. Stat. § 8-37ee:** Requires entities participating in any program administered by a housing agency to create an affirmative fair housing marketing plan.<sup>96</sup>

The affirmative fair housing marketing plan is designed to attract those who are “least likely to apply” based on the theory that those persons who do not live in the area of the development due to existing racial or ethnic patterns, perceived community attitudes, price, or other factors, need additional outreach to inform them of their opportunity to live in the development. Regs., Conn. State Agencies §8-37ee-306 provides that if there remain insufficient numbers of people likely to apply for residence in the complex or on the waiting list after affirmative marketing has taken place, the relevant agency shall have the right to require additional affirmative marketing.

92 C.G.S. § 8-37cc(b)

93 Con. Gen. Stat. § 8-37s (2011).

94 24 C.F.R. § 91.2 (2009).

95 P.A. 99-94.

96 The affirmative marketing plan requirement is outlined in more detail in Regs., Conn. State Agencies § 8-37ee-2 et seq.

• **Con. Gen. Stat. §8-37ff:** Obligates DOH to maintain a comprehensive inventory of all assisted housing, as defined in §8-30g, in the state. This includes:

- (1) All existing assisted rental units by type and funding source.
- (2) Information on tenant eligibility, rents charged, available subsidies, occupancy and vacancy rates, waiting lists, and accessibility features.

Prior to the creation of DOH, DECD maintained the comprehensive inventory of assisted housing since the passage of Section 8-37ff. DOH now maintains this data and has collected information on tenant eligibility, rents, subsidy availability, occupancy and vacancy rates, etc. through its administration of the CT Housing Search website. However, there is no requirement to maintain a comprehensive inventory of the demographics of who lives in assisted housing.

### **Affordable Housing**

Populations of color and several other groups that fall into the protected classes under the state and federal FHA have a disproportionate need for affordable housing. Connecticut's efforts to supply affordable housing over the last seventy years reflect the nation's struggle with poverty concentration, racial segregation and urban policy. Historically, Connecticut's numerous strategies to promote affordable housing throughout the years have largely focused on the creation of affordable housing rather than its location in a diversity of areas. The programs that focused on housing location, such as land trusts and land banks, often promoted affordable housing in areas with high housing prices but were limited in scope because of limitations such as funding.

### **Exclusionary Zoning**

During the 1980s, 1990s, and 2000s, the legislature took a series of steps to address the segregating impact of exclusionary zoning policies.<sup>97</sup> In 1991, Con. Gen. Stat. § 8-2 which had already been interpreted to include some fair housing obligations,<sup>98</sup> was amended to include several elements explicitly supportive of fair housing and the notion of "fair share" housing. The amendments mandated that municipal zoning ordinances:

- "[E]ncourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located...";
- "Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26";
- "[En]courage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section §8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section §16a-26."

An inclusionary zoning statute, Con. Gen. Stat. § 8-2i which defines inclusionary zoning as any zoning ordinance or regulation which promotes the development of affordable housing was also passed in 1991.

Under these statutes, the promotion of affordable housing and housing choice must be balanced against other interests such as "overcrowding of land," and "undue concentration of population," while facilitating "the adequate provision for transportation, water, sewerage, schools, parks and other public requirements." The "character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality" must also be considered.

<sup>97</sup> See *Builders Service Corp., Inc. v. Town of East Hampton Zoning Commission*, 208 Conn. 267, 274-275 (1988) – the exclusionary zoning lawsuit that triggered the appointment of the Blue Ribbon Housing Commission in 1988, leading to the adoption of the Affordable Housing Appeals Procedure in 1989. Municipal authority to regulate zoning is a power delegated from the State and must be carried out within the confines of the authority granted by the State.

<sup>98</sup> See, *Id.*

## **Public Housing Authorities**

Just as subsidized housing has been built primarily in municipalities with significant low and moderate-income populations, public housing authority policy nationally and in Connecticut has been focused on creating housing for low-income populations where such populations are concentrated. In fact, Con. Gen. Stat. §8-40, passed in 1949 and not amended since, limits the jurisdiction of housing authorities to their own municipalities. Although the statute permits two adjoining municipalities to form a regional housing authority it is an option that few housing authorities use.<sup>99</sup> As a result of this municipal housing authority structure, funding for housing authorities generally must be used within municipal boundaries.

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## **Conclusion**

The state and federal FHA provide protection based on membership in a protected class in certain covered dwelling units. Illegal behavior includes disparate treatment and disparate impact. In addition to these protections, the state and federal FHA require state and local governmental entities as well as state and federal housing agencies to undertake behavior to overcome the effects of past discriminatory practices which have left the nation's and Connecticut's neighborhoods segregated along racial, ethnic, and income lines. For the most part, efforts to build affordable housing in Connecticut and elsewhere around the country have not used the creation of affordable housing as a tool to promote integration.

<sup>99</sup> See C.G.S. § 8-49.

# CHAPTER FOUR

## Emerging Fair Housing Issues

### CHAPTER SNAPSHOT

- A range of new fair housing issues are emerging that affect the ability of pregnant women, people with disabilities, new immigrants, and families with children to obtain housing.
- Pregnant women are experiencing lending discrimination when applying for a mortgage while on parenting leave.
- People with disabilities also experience lending discrimination when lenders ask invasive questions about the nature, severity, and length of a disability.
- In addition, some tenants with disabilities face discrimination when landlords require them to demonstrate an ability to live independently before agreeing to rent.
- In some areas of the country, new immigrants have been subjected to differential treatment when landlords require them to prove they are in the country legally.
- Occupancy limits have been held to be illegal if they have a disparate impact on families with children.

**W**hile this report puts an intentional focus on fair housing issues experienced by non-Hispanic Blacks, Hispanics, single-parent families with children, and people with disabilities, there are a range of fair housing concerns that are emerging that affect other groups. The groups affected by the fair housing barriers highlighted in this chapter are:

- Pregnant women
- People in recovery from substance abuse
- New immigrants
- Families with children

### Familial Status, Gender, and Discrimination Against Women Who are Pregnant

The Equal Credit Opportunity Act and the federal FHA, as amended in 1974 and 1988 outlaw housing discrimination based on sex and familial status. These laws were passed in response to testimony and evidence that women were being treated differently in their efforts to obtain mortgage loans based upon their sex or the fact they were pregnant or could become pregnant.<sup>100</sup>

According to a study authored by the U.S. Civil Rights Commission in 1974 which examined lending practices in Hartford (hereinafter “the Hartford Study”), discrimination against women was relatively easy to detect because “sex discrimination is part and parcel of official bank policy.”<sup>101</sup> One such policy centered on how to count a woman’s income. Couples were frequently asked to get “baby letters” before the woman’s income was included in the mortgage calculation. A baby letter was a statement that a married couple was sterile or practicing birth control, and occasionally the couple was required to state that they would seek an abortion should the wife become pregnant.<sup>102</sup> Other lending policies also treated women’s income differently based on their age, which was directly related to the probability of childbearing. As stated in the Hartford Study:

[A] married woman in her twenties generally would not have more than 50 percent of her income counted, owing to the likelihood that she will bear children and, it is assumed, leave the labor force. By contrast, 75 to 100 percent of the income of a married woman in her late thirties would qualify, according to Hartford lenders.<sup>103</sup> [footnotes omitted]

100 Maureen R. St. Cyr, *Gender, Maternity Leave, and Home Financing: A Critical Analysis of Mortgage Lending Discrimination Against Pregnant Women*, 15 U. PA. J. L. & SOC. CHANGE 109, 110 (2011).

101 U.S. Commission on Civil Rights, *Mortgage Money: Who Gets It? A Case Study in Mortgage Lending Discrimination in Hartford, Connecticut*, (U.S. Gov’t Print Office, 1974) 20.

102 *Id.* at 23.

103 *Id.* at 22.



While many of these practices have been discontinued, there is evidence that women who are pregnant are still being treated differently by the lending industry. In July 2010, prompted by an article in the *New York Times*, HUD announced it was beginning multiple investigations into the lending practices of mortgage lenders to determine if they illegally denied families mortgages because a female applicant was pregnant.<sup>104</sup> As a result of that investigation and the resulting publicity, HUD has conciliated ten cases against lenders around the country. These cases included the following banks and actions:

- Primary Residential Mortgage: The lender refused to approve a mortgage until the woman returned to work after giving birth.<sup>105</sup>
- Land Home Financial Services: The lender refused to close escrow until the woman returned to work after giving birth.<sup>106</sup>
- Bank of America: The bank refused to approve a refinance application until the woman returned to work after parenting leave.<sup>107</sup>
- Cornerstone Mortgage Company: The lender originally approved the female applicant for a loan, but changed the status of the loan once it learned she was on maternity leave as income based on maternity leave did not count for income calculations under its guidelines.

In addition to these cases, two Connecticut women came forward alleging lending discrimination based on sex and familial status against Luxury Mortgage Corporation and PNC Mortgage. In both cases, the complainants alleged that Connecticut lenders refused to consider their income when qualifying them for a mortgage while on parenting leave.<sup>108</sup> Neither lender admitted liability but both agreed to participate in fair lending training, undergo two years of fair lending monitoring, and revise their underwriting guidelines.<sup>109</sup>

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## People with Disabilities

### Lending Discrimination Against People with Disabilities

Lending discrimination against people with disabilities has received less attention and study than discrimination against other protected classes, yet HUD recently found that Bank of America treated people with disabilities in Michigan and Wisconsin differently than people without disabilities when qualifying them for mortgages.<sup>110</sup>

In the case of *U.S. v. Bank of America*, HUD found that borrowers with disabilities were asked invasive questions about the nature of their conditions, required them to get doctor's letters, and produce verification that their disability benefits would not expire. Without admitting liability, Bank of America agreed to company-wide policy changes, training of underwriters and loan officers, and monitoring of loan applications to ensure compliance with the fair lending laws. Bank of America also paid a total of \$125,000 to the three homebuyers, and searched for others who may have been

104 HUD to Investigate Mortgage Lenders Who Discriminate Against Expectant Mothers and New Parents, U.S. Department of Housing and Urban Development, [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2010/HUDNo.10-158](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2010/HUDNo.10-158).

105 HUD, *Utah Mortgage Company Settle Pregnancy Discrimination Claim*, U.S. Department of Housing and Urban Development, [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2013/HUDNo.13-061](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-061).

106 HUD Obtains \$20,000 "Maternity Discrimination" Settlement for California Family, U.S. Department of Housing and Urban Development, [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2012/HUDNo.12-146](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-146).

107 Bank of American Agrees to Pay More Than \$160,000 to Settle Maternity Discrimination Claim, U.S. Department of Housing and Urban Development, <http://portal.hud.gov/hudportal/HUD?src=/states/california/news/12-095>.

108 HUD Acts Against Pregnancy Discrimination in Home Mortgages, U.S. Department of Housing and Urban Development, [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2011/HUDNo.11-108](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2011/HUDNo.11-108).

109 HUD v. Luxury Mortgage Corporation, HUD Case No.: 02-11-0581-8, <http://portal.hud.gov/hudportal/documents/huddoc?id=11-luxurymortgageconcil.PDF> (woman denied mortgage loan while on maternity leave); HUD v. PNC Mortgage, HUD Case No.: 01-13-0010-8, <http://portal.hud.gov/hudportal/documents/huddoc?id=13pncbankconciliation.pdf> (Navy veteran denied mortgage until she returned to work after maternity leave). See in general, Lisa Prevost, *Investigating Sex Discrimination*, *New York Times*, February 24, 2013, [http://www.nytimes.com/2013/02/24/real-estate/investigating-sex-discrimination-by-lenders.html?\\_r=0](http://www.nytimes.com/2013/02/24/real-estate/investigating-sex-discrimination-by-lenders.html?_r=0).

110 Bryan Greene, *Fair Housing Month Update*, <http://usodep.blogs.govdelivery.com/2013/04/15/fairhousingmonth/>.

impacted by the illegal policies in order to compensate them.<sup>111</sup> Other lenders have also been accused of similar fair lending violations.<sup>112</sup>

Finally, a key protection of the fair housing laws, reasonable accommodations, does not apply to loan servicers. In 2003, the Connecticut Supreme Court ruled that the federal FHA at 42 USC §3605 applies to loan servicers in that it prohibits them from discriminating against borrowers in residential real estate related transactions based on membership in a protected class. However, because Section 3605 does not include language regarding reasonable accommodations, the Court held that the obligation to make such accommodations did not apply to the enforcement of a mortgage—in that case, allowing the disabled borrower to make his or her mortgage payment later in the month than would normally be permitted, based on the day they received their disability check.<sup>113</sup> The Connecticut Supreme Court ultimately held that since the State Human Rights Act was similar to the federal FHA, the state statute did not require a reasonable accommodation either.<sup>114</sup> The U.S. Supreme Court has not ruled on this question.<sup>115</sup>

### Independent Living Requirements

Requirements by landlords that residents be able to independently accomplish activities of daily living, such as cooking, medication management, and other aspects of self-care, discriminate against individuals with disabilities and impermissibly limit housing choice on the basis of disability.<sup>116</sup> The fair housing laws guarantee individuals the right to make decisions for themselves about how they live.<sup>117</sup> Policies and practices that require tenants to divulge details about their disabilities or to prove the ability to “live independently” inappropriately limit housing choice on the basis of disability.<sup>118</sup> When enforced, these policies make housing unavailable to people with disabilities.<sup>119</sup> Merely stating such policies discriminates on the basis of disability by stating a preference against renting to individuals with disabilities and discouraging them from applying.<sup>120</sup> In part to eliminate such discrimination, DOH reviews tenant selection policies for housing it funds at the time of initial funding. Since tenant selection is an ongoing process, ongoing tenant selection policies and practices that prevent discrimination are needed.

### Sober Housing

Under the fair housing laws, individuals in recovery from addiction or substance abuse are considered disabled.<sup>121</sup> Individuals in recovery may benefit from the mutual support derived from living in family environments with other recovering addicts.<sup>122</sup> When individuals in recovery come together to create family-like households, they are entitled to treatment comparable to that given to families of related

111 *Justice Department Reaches Settlement with Bank of America to Resolve Allegations of Discrimination Against Recipients of Disability Income*, <http://www.justice.gov/opa/pr/2012/September/12-crt-1116.html>.

112 *Gomez v. Quicken Loans*, Case No. CV12-10456 RGK (SHx), <http://dockets.justia.com/docket/california/cacdcce/2:2012cv10456/549691/> (Filed Dec. 06, 2012; California; Case still pending; Defendant required note from Plaintiff's doctor concerning his disability and the likelihood that benefits would continue); *HUD, US Bank Settle Disability Discrimination Claim*, U.S. Department of Housing and Urban Development, [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2013/HUDNo.13-008](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-008) (2013; Minnesota; Respondent required Complainant to provide proof that the disability benefits would be continuous for at least three years before approving a mortgage application).

113 *Webster Bank v. Oakley*, 265 Conn. 539, 552, 830 A.2d 139 (2003).

114 It is arguable that the Con. Gen. Stat. § 46a-64c compels a different result. The Connecticut's Human Rights statute states “[f]or purposes of this subdivision, discrimination includes . . . (ii) a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.” Con. Gen. Stat. § 46a-64c(6)(C). Unlike the federal statute, the “subdivision” referred to in the statute includes a provision that makes it unlawful for any entity engaging in residential real-estate-related transactions to discriminate against any person because of membership in the protected classes. It is unclear from the discussion in *Webster* whether the state Human Rights Act issues were argued or briefed by the parties.

115 *Oakley v. Webster Bank*, 541 U.S. 903 (2004) (cert denied).

116 *Cason v. Rochester Housing Authority*, 748 F. Supp. 1002 (W.D.N.Y. 1990); *Jaininey v. Maximum Indep. Living*, No. 00-CV-0879, slip op., (N.D. Ohio Feb. 1, 2001).

117 *Laflamme v. New Horizons*, 605 F. Supp. 2d 378 (D. Conn. 2009).

118 *Id.*

119 *Id.*

120 *Niederhauser v. Independence Square Housing*, No. 96-20504, FH-FL Rptr, (Aspen L. & Bus.) ¶ 16,305 at 16,305.6 (N.D. Cal. 1998).

121 *Tsombanidis v. City of West Haven*, 180 F. Supp. 2d 262, 282 (D. Conn. 2001); H.R. REP. NO. 101-485(II), at 51 (1990), reprinted in 1990 U.S.C.C.A.N. 303, 333.

122 *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179, 1186 (E.D. N.Y. 1993); *Oxford House v. Township of Cherry Hill*, 799 F. Supp. 450 (D.N.J. 1992).



persons.<sup>123</sup> People living in sober housing most commonly experience discrimination when local regulations or zoning ordinances permit any number of related persons to reside together but limit the number of unrelated persons who can share a residence.<sup>124</sup> Changes to these zoning provisions as applied to housing for people who are disabled are subject to reasonable accommodation under the fair housing laws.<sup>125</sup> Sober houses often encounter resistance from neighbors and efforts by local government officials to exclude them from residential neighborhoods.<sup>126</sup> Such opposition is an obstacle to housing choice for people recovering from addictions.

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### Fair Housing Issues Affecting New Immigrants

For new immigrants, cultural differences can also pose challenges for people seeking to find and keep affordable housing. Advocates in Connecticut cite three major impediments to fair housing that may be particularly relevant to some new or recent immigrants.<sup>127</sup> First, many housing agencies, authorities, and others receiving federal funding do not provide translation of critical documents or allow for translators to assist with important housing transactions. Second, some new immigrants experience discrimination when they attempt to continue the living patterns of their native culture in their new country such as multi-generational households and households with more occupants per room than is customary in the United States.<sup>128</sup> Third, some immigrants come from countries where government representatives are feared, and, thus, they are less likely to seek housing assistance from the government here in the United States.

The country's debate on immigration has affected housing policy. Local and state governments have engaged in the debate by passing two types of ordinances. The first explicitly targets immigrants without legal documents and limits their ability to obtain housing and jobs.<sup>129</sup> For example, in Hazelton, Pennsylvania and Fremont, Nebraska,<sup>130</sup> ordinances prohibit renting dwellings to illegal immigrants and require landlords and employers to check immigration status before hiring or renting to any person. While both ordinances and others like them were eventually struck down in court, people participating in the debate before passing the ordinances and the discussion after they were enacted made explicit discriminatory statements about new immigrants.<sup>131</sup> The second type of ordinance does not reference immigration status or immigrants explicitly, but instead limits the number of people who can occupy a dwelling or limits the definition of family and are selectively enforced to keep people who are undocumented out.<sup>132</sup> In Connecticut, landlords most often use occupancy policies to keep out families with children without regard to immigration status. However, there have been attempts in Connecticut cities with high numbers of people from central and South America to use occupancy standards and enforcement of housing codes to move new immigrants out.<sup>133</sup>

123 *Tsombanidis*, 180 F. Supp. 2d 262; *Tsombanidis v. W. Haven Fire Dep't*, 352 F.3d 565, 578 (2d Cir. 2003).

124 *Id.*

125 *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 732 (1995).

126 *Tsombanidis v. City of West Haven*, 180 F. Supp. 2d at 282; *Tsombanidis v. W. Haven Fire Dep't*, 352 F.3d at 578.

127 Conversation with William Howes, Chair of the Connecticut Asian Pacific Affairs Commission, July 8, 2013.

128 Research demonstrates that families of color and immigrants of color in particular are far more likely to live with extended families and larger households than native-born families. See e.g. Roberta L. Coles, *Race and Family: A Structural Approach*, (Thousand Oaks: Sage Publications, 2006), 69.

129 Rigel C. Oliveri, *Between a Rock and a Hard Place: Landlords, Latinos, Anti-Illegal Immigrant Ordinances and Housing Discrimination*, 62 VAND. L. REV. 55 (2009).

130 Ashleigh Bausch Varley and Mary C. Snow, *Don't You Dare Live Here: The Constitutionality Of The Anti-Immigrant Employment And Housing Ordinances At Issue In Keller V. City Of Fremont*, 45 CREIGHTON L. REV. 503 (2012).

131 *Id.* at 509–10.

132 Daniel Eduardo Guzman, *There Be No Shelter Here: Anti-Immigrant Housing Ordinances and Comprehensive Reform*, 20 CORNELL J.L. & PUB. POL'Y 399, 401 (2010) (no less than 100 municipalities have considered ordinances or statements prohibiting people who are undocumented from renting housing or obtaining jobs).

133 [http://www.nytimes.com/2008/02/06/nyregion/06immig.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2008/02/06/nyregion/06immig.html?pagewanted=all&_r=0) (The Danbury mayor supported a proposal to have local police officers work with federal ICE officials to crack down on illegal immigrants. The city Danbury tried various tactics to control new immigrants including conducting night time raids of housing where suspected illegal immigrants live.)

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### **Discrimination Against Families with Children – Occupancy Policies**

Policies that arbitrarily limit the number of occupants permitted to live in a dwelling may appear to be neutral but can have a discriminatory impact on families with children because families with children tend to be larger in size than households without children.<sup>134</sup> A policy, for example, that limits occupancy to no more than two people multiplied by the number of bedrooms may disproportionately deny housing to families with children.<sup>135</sup> That policy would make two bedroom apartments unavailable to households of five people, which are statistically far more likely to contain children. Policies that impose inflexible occupancy limits not based on square footage of units tend to be more restrictive than local building and fire codes.<sup>136</sup> Such policies that have a disproportionate impact on families can only be adopted if they are based on legitimate business or governmental interests. If they have no such basis, they violate the state and federal FHA.<sup>137</sup>

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### **Conclusion**

Pregnant women, people in recovery from substance abuse, new immigrants, and families with children face new forms of discrimination. These new forms of discriminatory behavior require new tactics to overcome the illegal behavior.

<sup>134</sup> *Gashi v. Grubb & Ellis, et al.*, 801 F. Supp. 2d 12, 16 (D. Conn. 2011) (finding two person per bedroom occupancy policy that affected 30.76% of households with children compared to 9.88% of households without children violated the Fair Housing Act).

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

# CHAPTER FIVE

## Fair Housing Enforcement

**T**here are many factors that influence reports of housing discrimination including knowledge of the fair housing laws and access to an organization that can assist with enforcing fair housing rights. By reviewing the best available data on levels of discrimination and efforts to enforce the fair housing laws in Connecticut, this chapter reveals that discrimination is still occurring but that discriminatory behavior have changed over time.

HUD and the Commission on Human Rights and Opportunities (“CHRO”) are the primary governmental entities charged with accepting and investigating fair housing complaints as well as enforcing the fair housing laws for the federal government and the State respectively.<sup>138</sup>

In addition to the work of HUD and CHRO, several other groups accept and investigate complaints of housing discrimination in Connecticut:

- Legal services organizations, such as New Haven Legal Assistance Association, Connecticut Legal Services, and Greater Hartford Legal Aid provide fair housing legal representation to income qualified individuals and groups on fair housing issues such as those at issue in the *Derby* and *Sullivan* cases discussed at the end of this chapter.
- The Connecticut Legal Rights Project has staff who represent individuals who believe they are the victims of housing discrimination based on mental disability.
- The Connecticut Office of Protection and Advocacy for Persons with Disabilities, an independent State agency created to safeguard and advance the civil and human rights of people with disabilities in Connecticut, accepts complaints from individuals who believe they were discriminated against based on their disability.<sup>139</sup>
- The Connecticut Fair Housing Center (“CFHC”)<sup>140</sup> investigates allegations of discrimination including using fair housing testing and provides free attorneys to represent and advocate for the victims of housing discrimination at HUD and CHRO proceedings or in court.
- The Fair Housing Association of Connecticut<sup>141</sup> offers an annual conference on fair housing issues as well as quarterly meetings that focus on recent changes in the fair housing laws.

### CHAPTER SNAPSHOT

- **In Connecticut, disability and lawful source of income discrimination constitute the highest number of complaints to fair housing organizations (accounting for more than 58% of all complaints) between 2008–2012.**
- **The number of fair housing complaints received by fair housing organizations fell between 2008 and 2012 possibly because of a lack of resources dedicated to enforcement.**
- **61% of the complaints filed with HUD and CHRO are either dismissed or end with a “no cause” finding.**
- **Cause is found in 5% or less of complaints filed administratively.**
- **18% of HUD’s cases and 35% of CHRO’s cases are conciliated.**
- **In 75% of rental tests based on race, Black testers experienced at least one barrier to renting an apartment on par with White testers.**
- **In 67% of sales tests based on race, Black testers experienced at least one barrier to buying a house on par with White testers.**

<sup>138</sup> [http://www.ct.gov/chro/lib/chro/Press\\_Release\\_HUD\\_Awards\\_Grants.pdf](http://www.ct.gov/chro/lib/chro/Press_Release_HUD_Awards_Grants.pdf). Beginning in 2009, CHRO’s fair housing investigative staff had four full-time investigators as well as attorneys who represent the agency in administrative and court hearings. In addition, CHRO recently received additional funding from HUD to hire a part-time investigator to perform fair housing testing. HUD does not devote full-time Fair Housing and Equal Opportunity division staff to Connecticut but relies on its regional intake and investigative staff on an as-needed basis.

<sup>139</sup> There are no staff devoted to handling fair housing complaints on a full-time basis at any of the organizations listed in bullets 1–3.

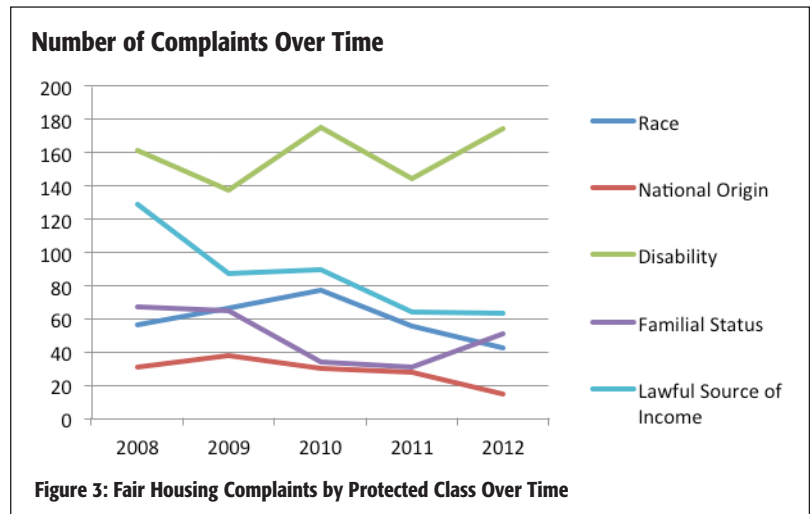
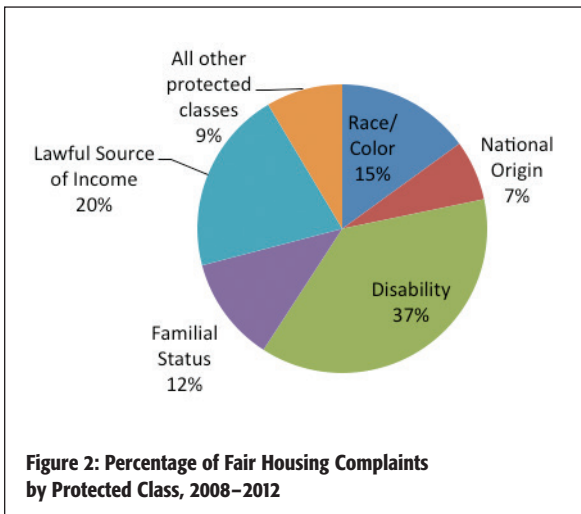
<sup>140</sup> CFHC receives funding from the State of Connecticut, HUD’s FHIP program, private foundations, donations, and attorneys’ fees. It has 15 full-time paid staff working on fair housing, fair lending, and homeownership issues. Because HUD, CHRO, and CFHC devote staff exclusively to fair housing complaint intake, investigation, and enforcement, their complaint numbers and outcomes are included in this report. The other agencies mentioned receive a statistically insignificant number of complaints.

<sup>141</sup> FHACT has no paid staff and does not accept fair housing complaints at this time.

## Housing Discrimination Complaints

CHRO, HUD, and CFHC report that disability and lawful source of income constitute the highest number of complaints received (accounting for more than 57% of all complaints). As shown in Figure 3, this trend has been consistent over time.

Figure 1: Bases for Fair Housing Complaints 2008–2012	
Bases	Total Cases
Race	296
Color	21
National Origin	142
Religion	13
Sex	44
Disability	791
Familial Status	248
Retaliation	24
Age	37
Marital Status	20
Sexual Orientation	22
Lawful Source of Income	433
<b>Total Cases</b>	<b>2091</b>



As demonstrated by Figures 3 (above) and 4 (below), fair housing complaints in Connecticut decreased each year between 2008 and 2012. The reasons for this drop are unclear. However, discussions with CHRO and CFHC reveal that the availability of resources dedicated to enforcement can be the driver in the number of complaints received and investigated. A decrease in complaints, therefore, may not indicate a decrease in discrimination but only an inability to identify and respond to it.<sup>142</sup>

142 This decrease corresponds with a decrease in staffing at both CHRO and CFHC.

**Figure 4: Fair Housing Complaints by Organization**

Year <sup>143</sup>	HUD	% of Total	CHRO	% of Total	CFHC	% of Total	Total*
2008	30	6%	169	33%	308	61%	<b>507</b>
2009	50	12%	164	38%	212	50%	<b>426</b>
2010	27	6%	118	28%	282	66%	<b>427</b>
2011	27	8%	130	37%	191	55%	<b>348</b>
2012	43	11%	77	20%	256	68%	<b>376</b>
<b>Total</b>	<b>177</b>	<b>8%</b>	<b>658</b>	<b>32%</b>	<b>1249</b>	<b>60%</b>	<b>2084</b>

\* This figure may double-count complaints submitted to multiple organizations by the same person.

Both CHRO and CFHC report that fair housing education also plays role in the number of complaints received. A study of national trends in fair housing released by HUD in 2006<sup>144</sup> indicated that almost two-thirds of survey respondents who believed they had experienced discrimination who did not take action believed pursuing it would not have been worth it or would not have helped. The remainder of respondents did not take action for reasons such as not knowing where or how to complain, fear of retaliation, being too busy, fear of costs, and uncertainty as to their fair housing rights.<sup>145</sup> None of the organizations involved in fair housing enforcement have staff devoted solely to fair housing education and outreach and instead rely on other fair housing personnel to do outreach in addition to other duties. As a result, fair housing investigations and advocacy often take priority over fair housing education. Housing discrimination complaint data should not be interpreted as representing the extent of actual housing discrimination in Connecticut.

## Enforcing the Fair Housing Laws

Fair housing laws are enforced in three ways in Connecticut—through HUD, CHRO, and private actions in courts which may or may not also involve HUD and CHRO.

The filing of an administrative complaint triggers an investigation by the governmental agency that receives it. The agency receiving the complaint begins by determining whether it has jurisdiction over the complaint. If the agency finds it has no jurisdiction, it will issue a dismissal. If the agency determines it has jurisdiction, it will serve the complaint on the named respondent and conduct an investigation. The investigation will typically include interviewing the parties and any witnesses, and requesting and reviewing any relevant documents. At the same time, the agency will attempt to conciliate the complaint.<sup>148</sup> If conciliation fails, the agency must make a determination as to whether there is reasonable cause to believe that a discriminatory practice has occurred.<sup>149</sup>

If the agency concludes reasonable cause is lacking, it will dismiss the complaint. If a finding of cause is made, both the complainant and the respondent have the option of having a public hearing

143 HUD and CHRO data is based on the fiscal year. The Center's data is based on the calendar year. CHRO's data for 2012 does not contain case information after June 30, 2012.

144 HUD has not updated this study since 2006 but it is still relied upon by HUD to determine its education and outreach needs.

145 *Do We Know More Now? Trends in Public Knowledge, Support and Use of Fair Housing Law*, U.S. Department of Housing and Urban Development, <http://www.huduser.org/portal/publications/hsgfin/FairHsgSurvey.html> (the survey was telephonic and consisted of a random digit dial in 48 contiguous states and the District of Columbia; a total of 1,747 persons were interviewed).

146 In general, notaries charge for their services. Although CHRO will notarize a fair housing complaint for free, CHRO cannot notarize statements unless the person comes into their offices. The extra step of having a complaint notarized can be an obstacle to filing a fair housing complaint, especially for people who are disabled, low-income, or who do not live close to a CHRO office. This may account for the low number of complaints received by CHRO. During the 2013 and 2014 legislative sessions, CHRO filed bills which would eliminate the need to notarize fair housing complaints bringing CHRO's practices in line with HUD's practices. To date, this legislation has not been enacted.

147 The number of allegations received by CFHC may be higher than those received by CHRO or HUD in part because CFHC counts as an allegation complaints that are submitted to it even if they do not lead to a fair housing complaint with CHRO, HUD, or court.

148 During conciliation, the parties meet with a HUD investigator or attorney who attempts to resolve the complaint. Resolutions can include payment of damages, an agreement not to discriminate in the future and to attend fair housing education classes. The HUD and CHRO conciliation processes are substantially similar.

149 HUD refers to a finding of cause as a "charge," while CHRO refers to it as a "reasonable cause finding." The standards for both findings are substantially similar. However, 42 USC §3610(g)(1) allows HUD to find that a discriminatory practice is about to occur and permits the agency to take actions to stop such practice from occurring.

## Fair Housing Complaint Process

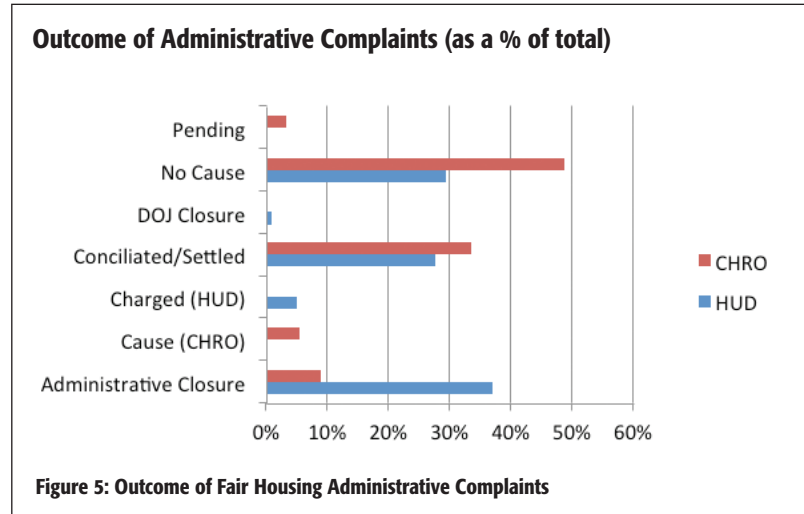
**HUD Complaint Process:** HUD's complaint process begins when HUD is called by someone who believes she has experienced housing discrimination. HUD staff then conduct an interview with the caller ("complainant") and draft a complaint, which is signed by the person making the allegation. HUD does not consider an allegation a filed case until the complainant has signed the complaint form. All of HUD's data used here relate to filed cases.

**CHRO Complaint Process:** CHRO's complaint process is substantially similar to HUD's process in that CHRO staff accept calls from aggrieved persons and assist them in filing a complaint. The main difference is that by statute CHRO must require aggrieved persons to have their complaints notarized as well as signed under the pains and penalties of perjury.<sup>146</sup> An allegation is considered filed once a signed and notarized copy of the complaint is received. All of CHRO's data used here relates to filed cases.

**CFHC Complaint Process:** CFHC's complaint process begins when an aggrieved person calls the Center. Once the organization gathers information about the alleged illegal activity, it performs an investigation. The Center's data is based upon allegations.<sup>147</sup>

with the agency or removing the case to state or federal court. After the investigative phase, both at public hearing and in court, the agency is represented by legal counsel.

As can be seen in Figure 5, 61% of the complaints filed with HUD and CHRO are either dismissed or end with a “no cause” finding. Cause is found in 5% or less of CHRO’s and HUD’s cases. In 18% of HUD’s cases and 35% of CHRO’s cases, the parties entered into a conciliation agreement.



## What is fair housing testing?

In a paired fair housing test, two people, with different protected class characteristics take on the personas of home seekers. For example, in a race fair housing test, a White tester might be paired with a non-White tester. The paired testers may be equally qualified or, in some tests, the minority tester may be better qualified.

Testing is a critical tool to determine if housing discrimination is present because home seekers often do not know who ends up renting or buying the property they were interested in. The use of testing was approved by the U.S. Supreme Court in 1982 in *Havens Realty v. Coleman*, 455 U.S. 363. 1982.

## Investigating Housing Discrimination

### National Studies

Fair housing testing is a method of determining if housing discrimination is occurring in a housing market. In June of 2013, HUD released two significant studies on housing discrimination nationwide. The first examined over 8,000 paired fair housing tests conducted by non-Hispanic White testers paired with Black, Hispanic, and Asian testers across the country.<sup>150</sup> The study revealed that housing discrimination is still a reality in today’s national housing market, although it takes a subtler form than it did in the past. For example, in some tests both testers were told about housing at the same rate but the minority tester was shown fewer available units.<sup>151</sup> When HUD conducted a similar study in 1977, it was far more likely that the minority tester would not even be told about potential available homes.<sup>152</sup>

For some of the comparative factors, the contrasts in treatment between minority and non-Hispanic White home seekers were stark. In rental tests, compared to non-Hispanic Whites, Blacks were told about 11.4% fewer units and were shown 4.2% fewer units. In home sales, again compared to non-Hispanic Whites, Blacks were told about 17% fewer units and shown 17.7% fewer units.<sup>153</sup>

The study found similar differences for Hispanic testers looking for rental housing, but in terms of number of units they were told about and shown, there was no meaningful difference in treatment between non-Hispanic White and Hispanic prospective homebuyers.<sup>154</sup> There were clear differences in the treatment received by Asian testers in both rental and home ownership as compared to their non-Hispanic White testing partners.<sup>155</sup>

<sup>150</sup> Margery Austin Turner et al., “Housing Discrimination Against Racial and Ethnic Minorities 2012,” *U.S. Department of Housing and Urban Development*, xi, [http://www.huduser.org/portal/Publications/pdf/HUD-514\\_HDS2012.pdf](http://www.huduser.org/portal/Publications/pdf/HUD-514_HDS2012.pdf).

<sup>151</sup> *Id.*

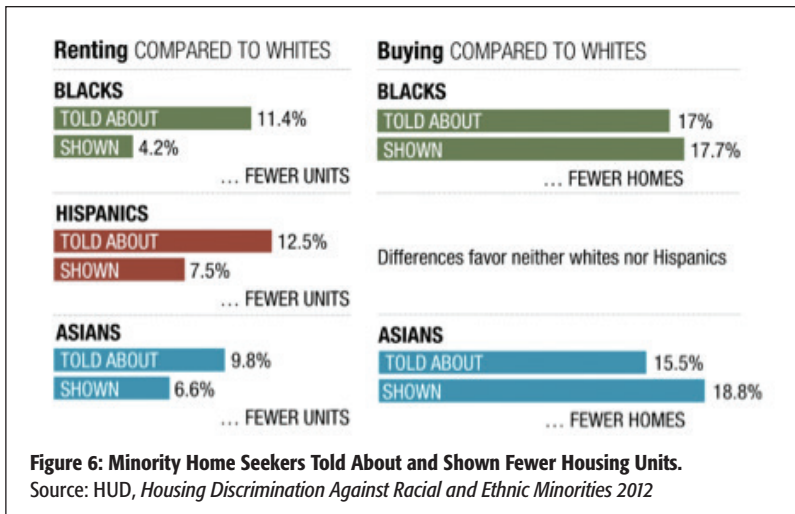
<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

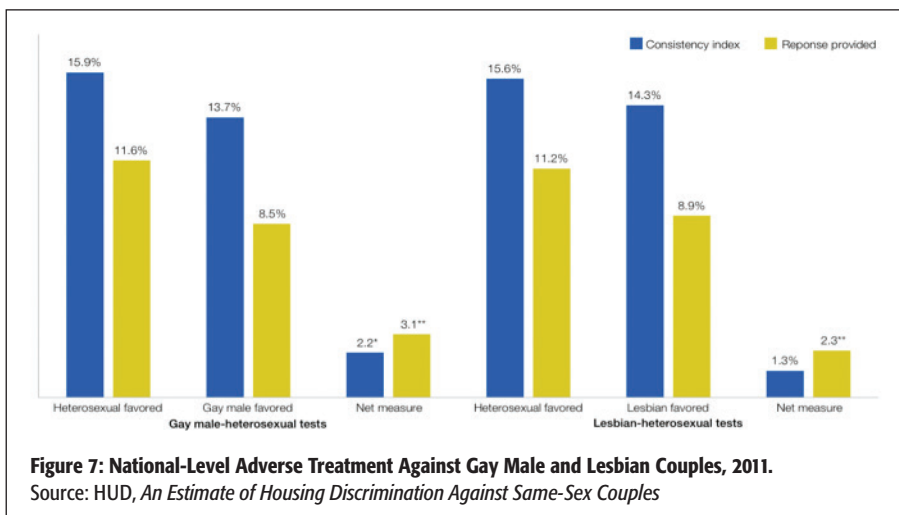
<sup>155</sup> *Id.*





The second study provided the first ever analysis of housing discrimination experienced by gay and lesbian couples searching for housing. Based on over 6,833 e-mail tests comparing the treatment of same-sex couples to heterosexual couples looking for housing, the study found that heterosexual couples were favored over gay male couples in 15.9% of the tests and over lesbian couples in 15.6% of the tests. This consistent favoritism is referred to as the “consistency index”<sup>156</sup> When balanced against tests where homosexual couples were favored, the resulting “net measure” (percentage of tests favoring heterosexual minus percentage of tests favoring homosexuals) revealed an overall disadvantage for homosexuals, but only in a net of 3% or less of the tests.

It is important to note that fair housing testing provides only a partial picture of how different groups are treated in the rental and home sales markets because it only replicates the home search up through the visit to the unit. Barriers may arise at later points in the process that create disparities in outcomes not revealed by testing.



<sup>156</sup> The consistency index reflects the extent to which one tester is consistently favored over the other in the treatment received from housing providers based on their inquiry e-mails. Tests are classified as “heterosexual favored” if the heterosexual couple received favorable treatment on at least one of the five dimensions and the same-sex couple (gay male or lesbian) received no favorable treatment. The “response provided” variable measured whether each prospective renter received a response. See, Samantha Friedman et al., “An Estimate of Housing Discrimination Against Same-Sex Couples,” *U.S. Department of Housing and Urban Development*, vi, viii, [http://www.huduser.org/portal/Publications/pdf/Hsg\\_Disc\\_against\\_SameSexCpls\\_v2.pdf](http://www.huduser.org/portal/Publications/pdf/Hsg_Disc_against_SameSexCpls_v2.pdf). It is important to note that this study did not address discrimination that is likely experienced by other groups, such as people who are transgender.

## Treatment Constituting a Barrier to Rental Housing

The Connecticut test review used the following factors to define housing provider behavior that could result in one tester not having access to housing that was on par with their counterpart's housing options:

1. Was the tester called back?
2. Did the tester obtain an appointment to see a unit?
3. Was the tester shown a unit?
4. Was the tester offered the same terms as his or her testing partner (rent amount, security deposit, etc.)?
5. Was the tester informed of any income requirements that would exclude voucher holders making renting impossible? [Relevant in only six tests where both testers had Housing Choice Vouchers.]
6. Was either tester steered to a less desirable neighborhood or a neighborhood that to a greater extent reflected his or her race?
7. Was the tester given an application?

## Factors Constituting Barriers to Home Purchase

This testing analysis used the following behavior to define barriers to home purchasing.

1. Was the tester called or e-mailed back?
2. Was the tester given home listings?
3. Was the tester shown homes?
4. Was one tester given more listings in high opportunity areas than the other?
5. Was either tester steered toward a less desirable neighborhood or a neighborhood that to a greater extent reflected his or her race when the other tester was not directed to the same kind of neighborhood?

## Testing Results in Connecticut

CFHC reviewed ten years of testing data to gain a deeper understanding of the extent to which fair housing discrimination is present in the rental and home sales market in Connecticut. The tests reviewed were limited to those that involved non-Hispanic White and Black paired testers and met other criteria (for example, the testers contacted the potential landlord or real estate agent within 10 days of one another).

CFHC reviewed 31 rental tests and 27 home sales tests to determine if any aspect of the interaction with the housing provider indicated that the Black or non-Hispanic White tester would have been prevented from getting housing on par with his/her testing counterpart.<sup>157</sup> "On par" was defined as housing with the same amenities in the same or similar neighborhoods at the same price.

### Rental Test Results

Black testers experienced at least one barrier that would have prevented them from obtaining an "on par" apartment in 75% of the tests conducted. Non-Hispanic White testers experienced at least one barrier that would have prevented them from obtaining an "on par" apartment in 12.5% of the tests. These numbers do not fully convey the vastly different experiences of the paired testers. In five of the tests, the Black tester was confronted with more than one behavior that would have prevented him or her from obtaining equivalent housing. In one of these, the Black tester encountered four such barriers.

### Home Sales Testing Results

The review of home sales tests revealed that Black testers experienced one of the factors that would prevent them from accessing a house on par with their non-Hispanic White testing counterparts 67% of the time. Non-Hispanic White testers experienced one factor that prevented them from accessing a house on par with the Black testing counterpart 15% of the time. Again, these percentages do not fully convey the extent of discrimination revealed in the testing. In seven of the tests, the Black tester encountered at least two barriers to home purchase when none were experienced by the non-Hispanic White tester. In one of these tests, the Black tester experienced four such barriers.

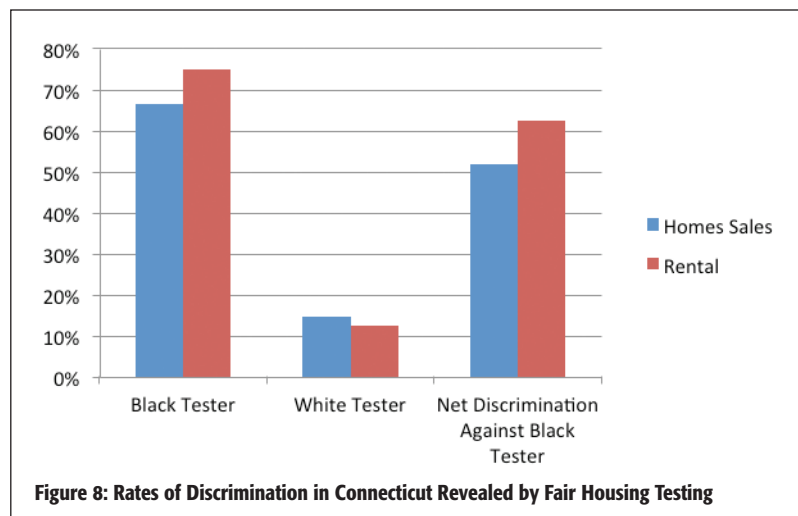


Figure 8: Rates of Discrimination in Connecticut Revealed by Fair Housing Testing

## Recent Fair Housing Litigation

HUD, the U.S. Department of Justice, fair housing groups, and individuals continue to challenge discriminatory practices and policies. Below is a brief summary of some of the more significant fair housing cases from Connecticut.

<sup>157</sup> CFHC performed a total of 375 fair housing tests since 2008. However, this report focuses on the tests that evaluated differential treatment based on race. Of the 375 tests completed, it is difficult to generalize about results. For example, tests for disability discrimination consistently show differential treatment in nearly 100% of the tests. Testing for familial status discrimination shows differential treatment in about 35% of the tests.



## Connecticut Cases

- *Commission on Human Rights & Opportunities v. Sullivan Associates*, 250 Conn. 763, 776, 739 A.2d 238 (1999) (Sullivan I): The Connecticut Supreme Court found that the lawful source of income protections provided under Connecticut law required landlords to rent to otherwise qualified tenants who utilized housing vouchers, such as those commonly known as “Section 8.” Landlords may not avoid doing so by requiring the use of a standard lease that deviates from section 8 lease specifications. The Court also found that landlords may not use tenant income requirements beyond those contemplated by the statute and that the proper income sufficiency calculation must take into account the tenant’s personal share of the rent after subsidy is applied. The Supreme Court’s decision reversed the trial court, which found that Defendant was allowed to decline to rent to Section 8 tenants as long as the Defendant consistently conducted its rental business by use of its standard rental agreement and income requirements.
- *Commission on Human Rights & Opportunities v. Sullivan*, 285 Conn. 208, 222 (2008) (Sullivan II): While Defendants urged the Connecticut Supreme Court to reverse its holdings in *Sullivan I*, the Court upheld the decision, despite the passage of a state statute after *Sullivan I* prohibiting the consideration of extra-textual evidence when interpreting a statute that has plain and unambiguous language. The Court also affirmed the trial court’s application of the mixed motives standard, rejecting Defendants’ argument that they did not hold discriminatory animus because they did not stereotype Section 8 recipients.
- *Commission on Human Rights and Opportunities v. Burkamp*, No. CVH-7749, 2012 WL 6742361 (Conn. Super. Ct. Dec. 20, 2012): The Connecticut Superior Court found that a landlord who refused to rent to a prospective tenant because she wanted to use a Security Deposit Guarantee violated Connecticut’s prohibition on discrimination on the basis of lawful source of income. The Court awarded the Plaintiff \$99,000 in damages and attorneys’ fees and assessed a civil penalty of \$10,000 against the landlord.
- *Francia v. Mount Vernon Fire Insurance Company*, No. CV084032039S, 2012 WL 1088544 (Conn. Super. Ct. March 6, 2012): The Connecticut Superior Court held that the State FHA’s prohibition on housing discrimination applies to the provision of liability insurance to landlords. The case was brought by a landlord seeking liability insurance for a ten unit apartment building with tenants who utilized housing vouchers.
- *Gashi v. Grubb and Ellis, et al*, 801 F.Supp. 2nd 12 (D.Conn. 2011): A couple who owned their own condominium unit were told they had to move out after they had a baby because the condominium association restricted occupancy to two persons per bedroom. The Connecticut Federal District Court held that such an occupancy restriction had a disparate impact on families with children.
- *LaFlamme v. New Horizons, Inc.*, No. 3:06cv1809 (JBA), 2009 WL 1505594 (D. Conn. May 27, 2009): A resident of a self-styled “independent living” apartment complex was forced to vacate her apartment when the landlord decided she was “too disabled” to continue living independently. The resident filed suit challenging the landlord’s independent living policy as well as its practice of requiring all applicants and tenants to provide open access to their medical records. The Connecticut Federal District Court found that the landlord’s actions and policies violated the Fair Housing Act’s prohibition on discrimination on the basis of disability. Following this finding, the case settled for \$600,000 and injunctive relief prohibiting the Defendant from inquiring into the nature of applicants’ disabilities, imposing any independent living requirements, or otherwise discriminating on the basis of severity of physical disability or presence of mental disability.
- *Matyasovszky v. Housing Authority of City of Bridgeport*, 226 F.R.D. 35 (D.Conn. 2005) and settlement thereof:<sup>158</sup> In *Matyasovszky*, the Court granted class certification under Fed. R. Civ. P. 23(b)(2) to a class of disabled applicants for low income housing in the City of Bridgeport under the age of 62. The Housing Authority of City of Bridgeport later settled the claims for \$760,000, including \$48,000 for the named Plaintiffs and a fund of \$387,000 to be divided among other class members and the Plaintiffs’ legal fees and costs.

<sup>158</sup> *Housing authority settles disability claim for \$760,000*, <http://www.fairhousing.com/index.cfm?method=page.display&pageid=3684>.

- *Maziarz v. Housing Authority of the Town of Vernon*, 281 F.R.D. 71 (D.Conn. 2012): In a lawsuit challenging the use of an independent living requirement imposed by a public housing authority, the Connecticut Federal District Court certified a class consisting of all residents of a housing authority's senior-disabled housing who were required to comply with a personal care sponsor policy.
- *Valley Housing LP v. City of Derby*, 802 F.Supp.2d 359 (D.Conn. 2011): The Connecticut Federal District Court held that the City of Derby discriminated against people with disabilities when they blocked a supportive housing project by refusing to issue zoning certificates of compliance. The Judge found that "discrimination was not only a significant factor in Derby's dealings..." but "discrimination was the sole reason for Derby's actions." The Court awarded approximately \$750,000 in damages to the nonprofit housing developer.

# SECTION TWO

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## Connecticut Demographic Data

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# CHAPTER SIX

## The Demographics of Connecticut

### CHAPTER SNAPSHOT BY PROTECTED CLASS

- **Race/National origin:** Since 1980 the overall population of the state has grown while the non-Hispanic White population has decreased and the population of color has increased. The state of Connecticut now comprises 29% people of color. By 2030, the State is predicted to comprise 39% people of color.
- **Race/National Origin/Age:** Even though the non-Hispanic White population is decreasing overall, the non-Hispanic White elderly population is growing. The population of young people of color is also growing.
- **Disabilities:** While the majority of people with disabilities are people with mobility impairments, there is almost an equal number with cognitive disabilities.
- **Familial/Marital Status:** The number of married couples is falling; the majority of single-parent households are headed by women.
- **Religion:** After those with no religious affiliation, Catholics are the largest religious group in Connecticut.
- **Sexual Orientation/Gender Identity and Expression:** There is very little data on the lesbian, gay, bisexual and transgendered population in Connecticut.
- **Lawful source of income:** The population with a source of legal income other than employment varies in size over time based on economic conditions and the availability of funding for subsidies.

### Defining Race and Ethnicity

Attaching specific labels to race and ethnicity is an endeavor that must be undertaken with great sensitivity and an understanding of the limitations of data collection and practice.

Race and ethnicity are complicated. For example, “African-American” does not necessarily properly describe a person of African descent living in the U.S. but originally from another non-African country. “Hispanic” is an ethnicity, not a race, thus a person can be Black and Hispanic, White and Hispanic or Asian and Hispanic, just to name a few combinations.

“Hispanic” also technically refers to people of Spanish ancestry or whose families came from countries that were Spanish-speaking colonies—thus theoretically it excludes people tracing their roots to countries like Brazil, Haiti, Suriname, and Guyana.

Two people of the same race or ethnicity may have dramatically different life experiences depending upon any number of factors including their country of origin, income, the community where they were raised, or religion. For example, two people who can be categorized as the same race or ethnicity may have come to the United States as an impoverished refugee or be a third-generation American from an upper-income family.

Even with an understanding of these nuances, when race and ethnicity data are viewed from a macro level there are some patterns that are undeniable and require further analysis consciously considering race and ethnicity. This is perhaps an even more crucial undertaking as the population in the United States and Connecticut becomes increasingly mixed-race and perceptions of racial differences evolve.

This chapter examines the demographic characteristics of the people living in Connecticut now and in the future in the protected classes defined by the state and federal FHA.

### Definitions Used in Report

#### Racial Groups

**Black:** Used to describe anyone of African descent. Whenever possible this report uses data for non-Hispanic Blacks, but in some cases such data is not available. The inclusion of people of Hispanic ethnicity in any racial category is indicated.

**Non-Hispanic White:** Used to describe anyone who is of European ancestry. Whenever possible this report uses data for non-Hispanic Whites. Inclusion of people of Hispanic ethnicity is noted when necessary.

**Asian:** Used to describe anyone who is of Asian ancestry. Including of people of Hispanic ethnicity is noted when necessary. In some instances the scarcity of data or small data samples require the Asian population be grouped with “other” racial groups.

**Other:** This category captures other groups such as Native Americans, Hawaiian, and Pacific Islanders. Each of these groups has a rich and distinct history and experience, but from a statistical perspective has a small presence in Connecticut. Less data is available for each group individually, so they are grouped within this report. Occasionally, when required by data limitations, the “other” category includes Asians.

### Ethnic Groups

**Hispanic:** This report adopts the U.S. Census Bureau’s definition of “Hispanic,” “a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.”<sup>159</sup>

### Race and Ethnicity Combined

In many cases demographic patterns are most recognizable when data is grouped by non-Hispanic White as compared to all other groups. In such situations these “other groups” are referred to collectively as “people of color.”

**Additional Note:** It is also important to understand that all race and ethnicity data is based on self-reporting, so while there are definitions for different categories, ultimately it is how each person self-identifies that determines what the census records.

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## Race and Ethnicity

Connecticut is a racially and ethnically diverse state and this diversity is increasing. In 2010, as seen in Figure 1, people of color made up 29% of Connecticut’s total population.<sup>160</sup>

Since 1980, Connecticut’s population as a whole has grown slowly. However, there has been considerable growth in Connecticut’s population of color along with a decrease in the non-Hispanic White population. Between 1980 and 2010,

- the Hispanic population increased by 285%;
- the non-Hispanic Black population increased by 57%;
- the non-Hispanic Other population increased by 516%;<sup>161</sup> and
- the non-Hispanic White population decreased by 6.9%.<sup>162</sup>

Looking forward from 2010, population projections predict that non-Hispanic Whites will continue to decrease in number falling to 61% of Connecticut’s population in 2030. Meanwhile, people of color will continue to grow in both numbers and as a percentage of the state’s total population.<sup>163</sup> In 2010, the U.S. was 36% people of color compared to 29% in Connecticut. The U.S. is projected to have a majority people of color by 2045, but Connecticut will likely lag the national average because people of color are currently a lower percentage of the population in Connecticut when compared to the national average.

## Fast Facts about Race and Ethnic Origin in CT

**2010 CT Population of Color:**  
29% of Total

**2030 Projected CT Population of Color:** 39%

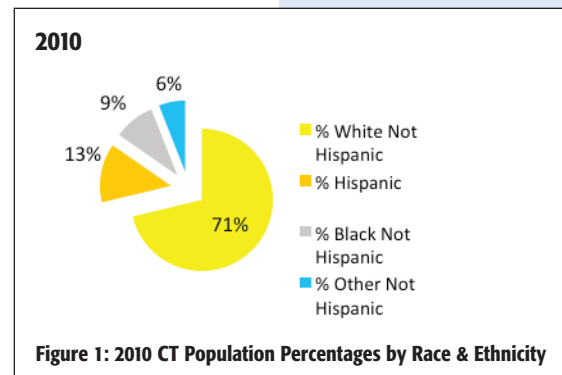
### Percentage by Race and Ethnicity:

**Black (non-Hispanic):** 9%

**White (non-Hispanic):** 71%

**Asian (non-Hispanic):** 6%

**Hispanic:** 13%



<sup>159</sup> See, <http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf>

<sup>160</sup> U.S. Census 2010 SF2 PCT1. Due to rounding, the total is less than 100%.

<sup>161</sup> In Connecticut “non-Hispanic Other” is composed mostly of Asians. Note that while this population has grown quickly, the “non-Hispanic Other” population makes up just 6% of the population overall. Using Census 1980 as the base year, Figure 2 data reflects the percentage increase in population from Census 1980 to Census 2010.

<sup>162</sup> Using Census 1980 as the base year, Figure 2 data reflects the percentage increase in population from Census 1980 to Census 2010.

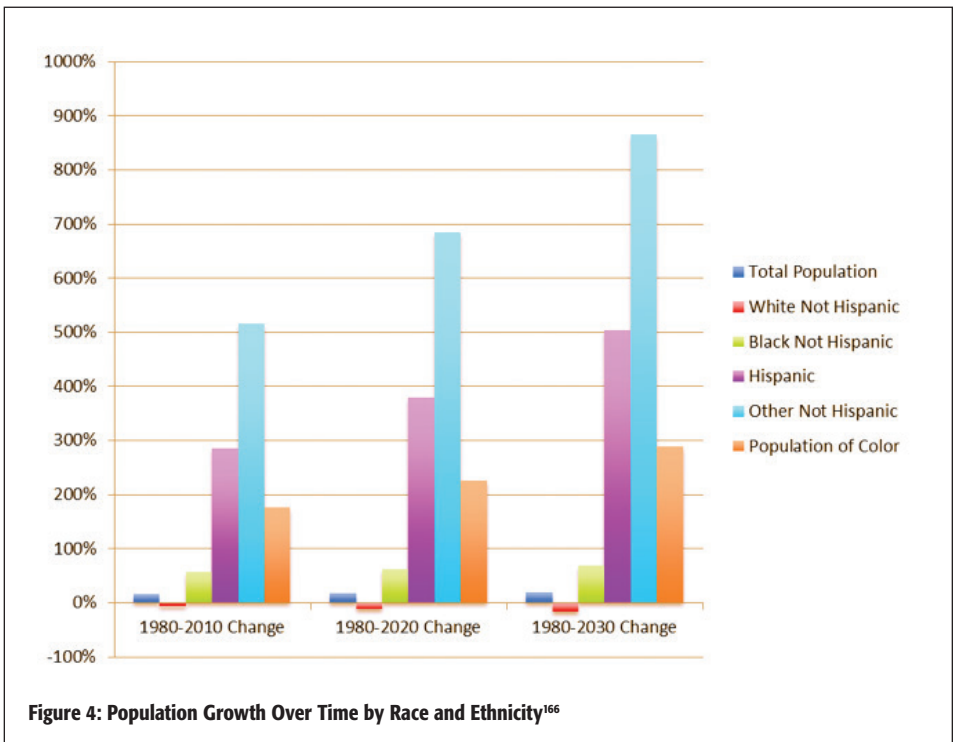
<sup>163</sup> Decennial U.S. Census for years 1980-2010; 2005-2030 *Population Projections for Connecticut*, Connecticut State Data Center, [http://ctsdc.uconn.edu/projections/2005\\_2030\\_projections.html](http://ctsdc.uconn.edu/projections/2005_2030_projections.html) (projections for 2020 & 2030).

**Figure 2: Change in Connecticut Population by Race over Time<sup>164</sup>**

Year	Total Population	Non-Hispanic White	Non-Hispanic Black	Hispanic	Non-Hispanic Other
1980	3,107,576	2,735,418	212,984	124,499	34,675
1990	3,287,116	2,754,184	260,840	213,116	58,976
2000	3,405,565	2,638,845	295,571	320,323	150,826
2010	3,574,097	2,546,262	335,119	479,087	213,629
2020	3,622,774	2,410,789	342,784	597,255	271,946
2030	3,702,400	2,257,029	358,755	752,083	334,533

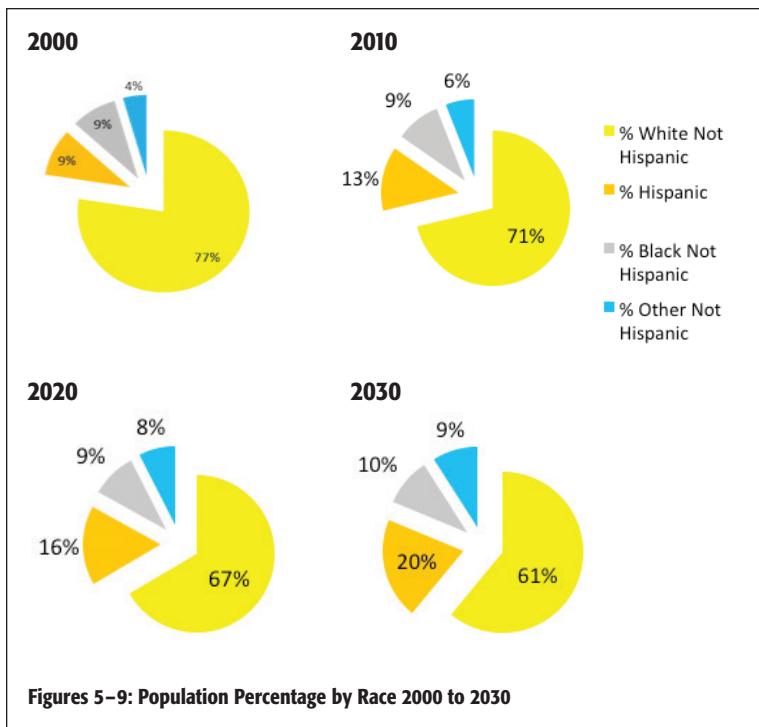
**Figure 3: Connecticut Population Percentage by Race and Ethnicity Over Time<sup>165</sup>**

Year	Non-Hispanic White	Non-Hispanic Black	Hispanic	Non-Hispanic Other	Total People of Color
1980	88.0%	6.9%	4.0%	1.1%	12.0%
1990	83.8%	7.9%	6.5%	1.8%	16.2%
2000	77.5%	8.7%	9.4%	4.4%	22.5%
2010	71.2%	9.4%	13.4%	6.0%	28.8%
2020	66.5%	9.5%	16.5%	7.5%	33.5%
2030	61.0%	9.7%	20.3%	9.0%	39.0%



164  
 165 U.S. Census 2000 SF1 table P19; U.S. Census 2010 SF1 table P20.  
 166 *Id.*





As a result of increasing populations of color and the falling non-Hispanic White population, there will likely be a demand for housing on the part of people of color in areas that have traditionally been predominately non-Hispanic White.

### Reasons for the Rise in Populations of Color

While there may be many reasons for this demographic shift, several factors will impact housing planning. Higher fertility rates among minority populations indicates a need for family housing. The net in-migration of minorities for job opportunities will result in the need for housing near those opportunities. The net out-migration of non-Hispanic Whites may open up new geographic areas for people of color while mortality rates and inter-racial marriage have resulted in the increase in the number of people of color over the past decade and will likely result in further increases well into the future.

### Fertility Rates

Connecticut	1990 Total Fertility Rate (per female)	2010 Total Fertility Rate (per female)
All	1.85	1.71
Non-Hispanic White	1.51	1.59
Non-Hispanic Black	2.08	1.82
Non-Hispanic Asian	1.76	1.72
Hispanic	2.59	2.06

### Mortality Rates

From 2000 through 2009, non-Hispanic Whites had a total of approximately 10,500 more deaths than births.<sup>168</sup> In contrast, among people of color, there were a total of approximately 131,000 more births than deaths during this same period.

<sup>167</sup> Fertility rates calculated by Orlando Rodriguez based on age-specific birth data for the female population provided by the Connecticut Department of Public Health.

<sup>168</sup> Connecticut Department of Public Health vital statistics 2000 through 2009.

## Immigration

Immigration from other countries has also affected the racial and ethnic composition of the State. In 2010, just over 13% of Connecticut's population was born in another country. European immigrants accounted for 3.9% of the State's population and non-European foreign-born populations accounted for the balance (approximately 9.2% of the state's population). In 1980, the non-European foreign born population accounted for only 3.1% of the State's population and the European foreign-born population accounted for 5.5% of the State's population. In short, the composition of the foreign-born population has changed substantially over the last 30 years and now is less European. Since the new immigrants moving to Connecticut are primarily Hispanic, it is foreseeable that the discrimination Hispanics currently residing here experience will become a more widespread problem. The addition of new foreign born populations may also result in the need for housing that accommodates larger family sizes.

**Figure 11: Largest Foreign-Born Populations<sup>169</sup>**

Rank in 2010	Birth Place	Foreign-Born	Percent of Statewide Population in 2010	Percent of Statewide Population in 1980
1	Europe	138,166	3.9%	5.5%
	Non-European Total	331,014	9.2%	3.1%
2	Asia	102,431	2.9%	0.6%
3	South America	72,478	2.0%	0.3%
4	Caribbean	70,498	2.0%	0.6%
5	Other Region	36,511	1.0%	1.5%
6	Central America (excluding Mexico)	25,142	0.7%	.07%
7	Mexico	23,954	0.7%	.02%
	Total Foreign-Born	469,180	13.1%	8.6%

## Migration

Another factor affecting Connecticut's racial and ethnic diversity is the migration of various groups into and out of the state. Between April 2000 and April 2010, the state experienced a net loss of approximately 81,000 non-Hispanic Whites and had a net gain of approximately 127,000 people of color through migration. As a result, the state gained approximately 46,000 residents all of whom were people of color.<sup>170</sup>

**Figure 12: Approximate Net-Migration by Race/Ethnicity 2000–2010**

Net All Race/Ethnic Groups	46,000
Non-Hispanic Whites	-81,000
People of Color	127,000

## Interracial Marriage

Interracial marriages are also on the rise and will likely contribute to the future growth in the number of people color. Between 2008 and 2010, 16.7% of new marriages in Connecticut were between people of different races.<sup>171</sup> While Connecticut-specific data on the growth of interracial marriage over time is not available, nationally the rate of interracial new marriages grew from 6.7% in 1980, to 15.1% in 2010.<sup>172</sup>

<sup>169</sup> U.S. Census 2010; U.S. Census 1980.

<sup>170</sup> U.S. Census 2000; U.S. Census 2010; data on births and deaths from the Connecticut Department of Public Health vital statistics 2000 through 2009.

<sup>171</sup> Wendy Wang, "The Rise of Interracial Marriage: Rates, Characteristics Vary by Gender and Race," *Pew Research Center*, February 12, 2012, 46, <http://www.pewsocialtrends.org/2012/02/16/the-rise-of-intermarriage/>

<sup>172</sup> *Id.* at 8.

**Figure 13: New Marriages between 2008 and 2010 in Connecticut**

	Marrying Outside of Race
All New Interracial Marriages – Total	57,952
All New Interracial Marriages – Percentage of All	16.7%
Non-Hispanic White/Hispanic Marriages	7.7%
Non-Hispanic White/Asian	1.5%
Non-Hispanic White/Black	1.4%
Other Combinations	6.1%

### Race, Ethnicity and Age

Racial and ethnic demographic trends are also closely linked to age in Connecticut. In general, the non-Hispanic White population is older than other racial and ethnic groups. Hispanics are the youngest minority group (median age 27.4) with 33.4% under age 18 compared to 19.6% of non-Hispanic Whites (median age 44.6). Similarly, Hispanics account for 13.4% of the state's total population but 19.6% of the total population under age 18. In contrast, 87.5% of the population age 65 and over is non-Hispanic White.

**Figure 14: Median Age by Race and Ethnicity**

	Median Age in 2010 <sup>173</sup>	Percentage of Racial Group's Population in 2010 <sup>174</sup>				Percentage of Age Group's Population in 2010			
		Age 0 to 17	Age 18 to 24	Age 25 to 64	Age 65 and Over	Age 0 to 17	Age 18 to 24	Age 25 to 64	Age 65 and Over
Connecticut	40.0	22.9%	9.1%	53.8%	14.2%				
Non-Hispanic White	44.6	19.6%	8.1%	54.9%	17.4%	61.2%	62.9%	72.7%	87.5%
Non-Hispanic Black	33.3	26.6%	11.8%	52.8%	8.8%	10.9%	12.1%	9.2%	5.8%
Non-Hispanic Asian	32.7	25.1%	9.4%	59.6%	5.9%	4.1%	3.9%	4.2%	1.6%
Hispanic	27.4	33.4%	12.5%	49.5%	4.6%	19.6%	18.3%	12.3%	4.3%

### Age

In addition to becoming more racially and ethnically diverse, Connecticut's population is getting older. In 2010, 14% of Connecticut's population was 65 years or older. With a median age of 40.0 years, Connecticut is the 7th oldest state in the country.<sup>175</sup> From 2010 to 2025, the state's population age 65 and older is projected to grow by 54.5%<sup>176</sup> resulting in 21% of Connecticut's population age 65 or over. This older population will be disproportionately non-Hispanic White.

### Fast Facts about Age in CT

Percentage of total population age 65 and over: 14%

Percentage of population that is 65 and over and non-Hispanic White: 87.5%

Connecticut's National Rank by Median Age of Population: 7th Oldest

173 U.S. Census 2010 SF2 PCT4.

174 U.S. Census 2010 SF1 PCT12 series.

175 Florida is 5th oldest, with a median age of 40.7 years.

176 U.S. Census 2010 QT-P1; *Connecticut Population Projections 2015-2025, November 1, 2012 edition*, Connecticut State Data Center at the University of Connecticut Libraries Map and Geographic Information Center (MAGIC), <http://ctsd.c.uconn.edu/projections.html>.

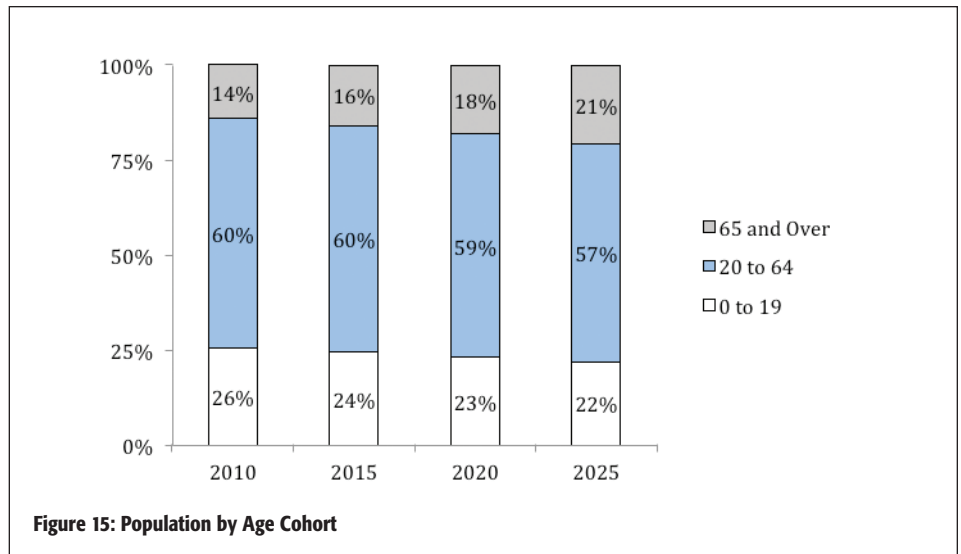


Figure 15: Population by Age Cohort

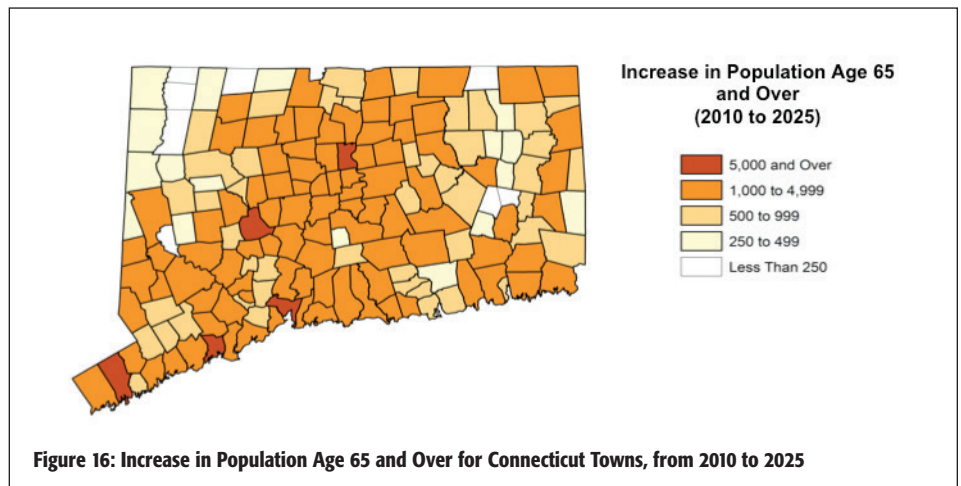


Figure 16: Increase in Population Age 65 and Over for Connecticut Towns, from 2010 to 2025

Connecticut's growing younger population of color, in conjunction with an increasing older non-Hispanic White population, presents challenging policy questions including questions regarding tax-base calculations, school funding formulas, and workforce planning, and these issues relate to housing planning.

Figure 16 demonstrates that growth in the older population, predominately non-Hispanic White, will occur throughout the state.<sup>177</sup> Litchfield County has the highest median age, at 44.4 years, among the state's counties. One explanation for this is that Litchfield County is mostly rural,<sup>178</sup> and national trends have shown rural areas have a net out-migration of young adults due in part to a lack of jobs.<sup>179</sup>

As the state's elderly population grows by 55%, the population age 0 to 19 is projected to decline by 10%, from 915,776 in 2010<sup>180</sup> to 822,855 in 2025.<sup>181</sup> As Figure 17 illustrates, growth in the younger age group is expected to occur in several urban and suburban municipalities.

177 U.S. Census 2010; Connecticut Population Projections 2015-2025, November 1, 2012 edition, Connecticut State Data Center at the University of Connecticut Libraries Map and Geographic Information Center (MAGIC), <http://ctsd.c.uconn.edu/projections.html>.

178 U.S. Census 2010 SF1 table P13.

179 Kenneth Johnson, "Rural Demographic Change in the New Century: Slower Growth, Increased Diversity," *Carsey Institute*, Winter 2012, <http://carseyinstitute.unh.edu/sites/carseyinstitute.unh.edu/files/publications/IB-Johnson-Rural-Demographic-Trends.pdf>.

180 U.S. Census 2010 table P14.

181 U.S. Census 2010; Connecticut Population Projections 2015-2025, November 1, 2012 edition, Connecticut State Data Center at the University of Connecticut Libraries Map and Geographic Information Center (MAGIC), <http://ctsd.c.uconn.edu/projections.html>.

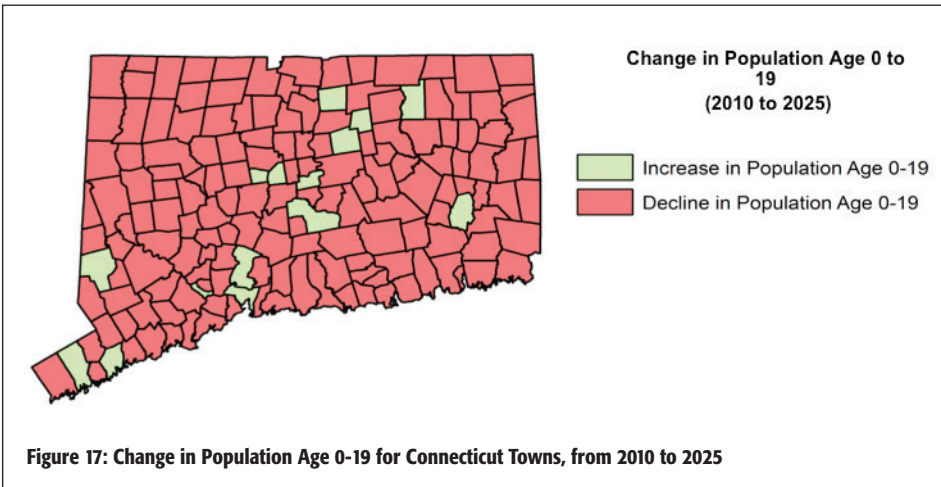
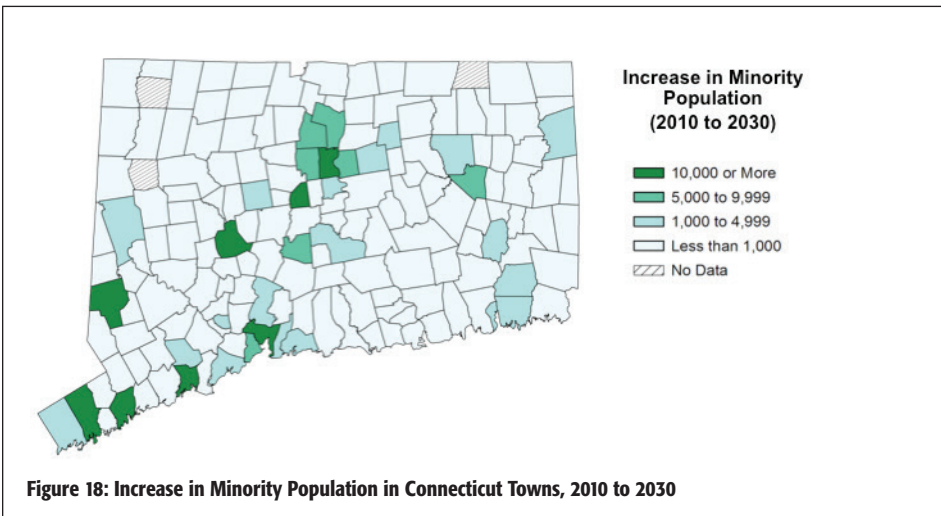


Figure 18 shows that the growing minority population, which is predominately younger, will, if current trends continue, be concentrated in urban areas well into the future reinforcing current levels of segregation.<sup>182</sup>



## Disability

In 2010, people with disabilities in Connecticut constituted 10.3% of the state's total population.<sup>183</sup> The data on disability status make clear the connection between disability and age. Only 3.5% of people 17 and under and 8% of people ages 18-64 have disabilities, while 31.4% of those 65 and over are people with disabilities. Largely because of this correlation to age, the population of people with disabilities is expected to grow significantly as the state's older population grows.

**Figure 19: Disability by Age**

Age Group	2010 Population	
	Count	% Within Age Group
Age 0 to 17	28,732	3.5%
Age 18 to 64	179,340	8.0%
Age 65 and Over	159,485	31.4%

## Fast Facts about People with Disabilities in CT

People with a Disability as a Percentage of Total Population: 10.3%

People with Disabilities over Age 65 as a Percentage of total population of that age: 31.4%

Percentage of People with Disabilities with:

An Ambulatory Disability: 49%

A Cognitive Disability: 45%

<sup>182</sup> 2005-2030 Population Projections for Connecticut, Connecticut State Data Center, [http://ctcdc.uconn.edu/projections/2005\\_2030\\_projections.html](http://ctcdc.uconn.edu/projections/2005_2030_projections.html).

<sup>183</sup> American Community Survey 2010 1-yr data table B18101 & B01001. In responding to the census some people may not have accurately reported their disability since some people may not have known the census definition of disability while others may have been reluctant to report a disability because of societal stigmas associated with disabilities.

**Figure 20: Disability by Racial/Ethnic Group**

Race/Ethnicity	Percentage of Racial/Ethnic Group With Disabilities
Non-Hispanic Whites	10.5%
Hispanics	10.3%
Blacks (includes Hispanics)	11.0%
Asians (Includes Hispanics)	5.5%

As Figure 20 illustrates, disability also varies somewhat by race and ethnicity, with Blacks having the highest rate of people with disabilities at 11%, and Asians the lowest at 5.5%.<sup>184</sup> Among non-Hispanic Whites and Hispanics, the percentage of people with disabilities is similar at 10.5% and 10.3% respectively. Because 26.8% of people of color are disabled, placing housing for people with disabilities outside of urban, minority concentrated areas can promote integration.

People in Connecticut have a variety of disabilities, but the most common is mobility difficulty.<sup>185</sup> Because mobility difficulties account for 49% of all disabilities, the availability of housing that can accommodate this group is of critical importance. Second highest is cognitive difficulty at 45% of all disabilities, which may have implications for the need for supportive housing.

**Figure 21: Disability by Type and Age in Connecticut**

% of Age Group (Total Population) <sup>186</sup>	Hearing Difficulty	Vision Difficulty	Cognitive Difficulty	Ambulatory Difficulty	Self-Care Difficulty	Independent Living Difficulty
Age 0–17	0.4%	0.6%	3.3%	0.6%	0.8%	NA
Age 18–64	1.4%	1.0%	3.5%	4.0%	1.2%	2.7%
Age 65+	14.0%	5.4%	8.1%	19.8%	7.5%	14.4%

The type of disability also varies by age group. Mobility difficulty is the most common disability among people ages 18 to 64, at 4%, as well as those age 65 and over, at 19.8%. The population under age 18 most commonly experiences cognitive difficulties.

## Fast Facts about Gender in CT

CT Percentage Female: 51%

CT Percentage Male: 49%

Percentage of People Over 65 who are Women: 58%

Percentage of Female-Headed Single-Parent Households: 78.5%

## Sex/Gender<sup>187</sup>

Connecticut is 51% female and 49% male.<sup>188</sup> This ratio has remained relatively steady over the last 20 years.<sup>189</sup> Because gender discrimination in housing is most frequently reported by women, female-specific information is important to this AI.<sup>190</sup>

Seventy-eight percent of the state's female population is 18 years of age or over, and 16% is 65 years of age or over.

However, there are some differences in the male/female ratio between racial groups at least for people living in households. For this population,<sup>191</sup> 51% are male and 49% are female for both non-Hispanic Whites and Hispanics.<sup>192</sup> However, for non-Hispanic Asians, the ratio is slightly different in that 48% are male and 52% are female. The non-Hispanic Black population is 46% female and 54% male.

184 American Community Survey 2010 1-yr tables S0101, B18101, and B01001.

185 American Community Survey 2011 1-yr table B18120.

186 American Community Survey 2010 1-yr tables B18102, B18103, B18104, B18105, B18106, and B18107.

187 See separate section below on sexual orientation and gender identity and expression.

188 See the "2012 Annual & RBA Report, December 2012," Permanent Commission on the Status of Women, 3, <http://ctpcsw.files.wordpress.com/2010/07/final-2012-annual-rba-report.pdf>. Without rounding, women comprise 51.3% and men 48.7% of the state's population.

189 U.S. Census 1990; U.S. Census 2010.

190 See "The Fair Housing Act," United States Department of Justice, [http://www.justice.gov/crt/about/hce/housing\\_coverage.php](http://www.justice.gov/crt/about/hce/housing_coverage.php); see also Vincent J. Roscigno et al., "The Complexities and Processes of Racial Housing Discrimination," *Social Problems* 56, no. 1 (2009): 55, <http://www.thecyberhood.net/documents/papers/roscigno09.pdf>.

191 The households described here exclude prisons, dorms, and similar group housing.

192 U.S. Census 2010 SF2 table PCT5.



**Figure 22: Female/Male Ratio by Race**

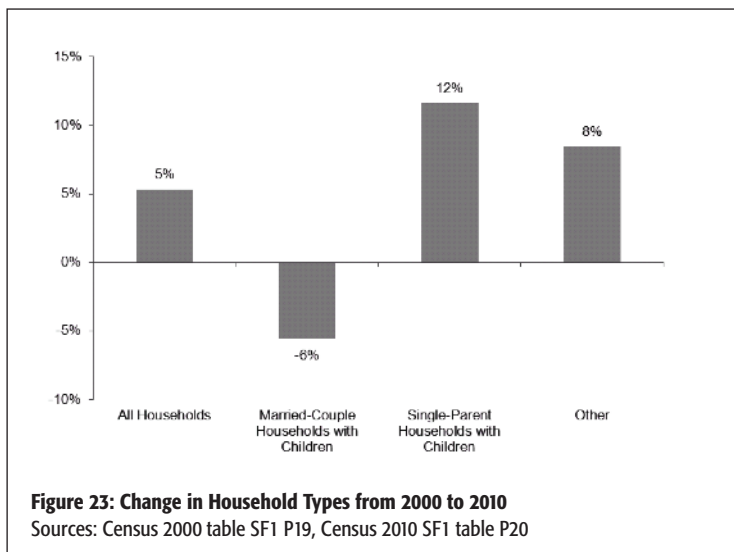
Race/Ethnicity	Female Percentage	Male Percentage
Non-Hispanic White	49%	51%
Hispanic	49%	51%
Asian Non-Hispanic	48%	52%
Black Non-Hispanic	46%	54%

There are also some differences in gender by age and parental status. Women comprise 58% of the population over 65 years of age.<sup>193</sup> Statewide, 78.5% of single-parent families are headed by women.<sup>194</sup>

### Familial Status

Discrimination against families with children can take many forms, but those most frequently reported are discrimination based on the presence of children and single-parent status.<sup>195</sup>

Over the last ten years, Connecticut has experienced a 6% decrease in the number of married-couple households with children, while the total number of households has increased by 5%. During this time, single-parent households have increased by 12%, and other types of households<sup>196</sup> increased 8%.



## What is a household? What is a family? Census v. Federal FHA

### CENSUS

According to the U.S. Census Bureau, a *household* includes “all people who live in a housing unit” and “may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated people who share living arrangements.”

A *family* is a specific type of household that “consists of a householder and one or more other people living in the same household who are related to the householder by birth, marriage, or adoption.” Consequently, all families are households but not all households are families.

### STATE AND FEDERAL FHA

For the purposes of discussing demographic data, this report adopts the Census definition of family, which is different from the definition of “family” within the state and federal FHA. Under the state and federal FHA, a single person can constitute a family. The state and federal FHA definition of “family” for the purpose of assessing whether familial status discrimination is occurring differs from the census definition.

193 “Demographics of Connecticut Women,” Connecticut Permanent Commission on the Status of Women, <http://ctpcsw.files.wordpress.com/2010/07/research-brief-demographics1.pdf>.

194 U.S. Census 2010 SF2 table PCT21.

195 “For Rent: No Kids!: How Internet Housing Advertisements Perpetuate Discrimination,” August 11, 2009, National Fair Housing Alliance, 5, <http://www.nationalfairhousing.org/LinkClick.aspx?fileticket=zgbukJP2rMM=&tabid=2510&mid=8347> (discussing familial status discrimination in internet advertisements); see also Robyn Monaghan, “Though illegal, housing discrimination continues against families with kids,” Chicago Parent, February 2010, <http://www.chicagoparent.com/magazines/chicago-parent/2010-march/features/though-illegal,-housing-discrimination-continues-against-families-with-kids>.

196 Other types of households include single individuals, unrelated individuals living in the same housing unit, and unmarried partners.

## Fast Facts about Families with Children in CT

### Percentage of

Total Population: 22.8%

Percentage of Households: 32.7%

Percent Change in Families with Children: -1% from 2000 to 2010

### Families with Children that are...

Black (non-Hispanic): 11.3%

Hispanic: 16%

Asian (non-Hispanic): 4.4%

White (non-Hispanic): 66.4%

## Fast Facts about Single-Parent Families in CT

Percentage of Households that are Single-Parent: 10.4%<sup>208</sup>

Percentage of all families which are Single-Parent: 15.7%<sup>209</sup>

Percentage Growth in Single-Parent Families since 1990: 43%<sup>210</sup>

## Familial Status—Families with Children

In 2010, families with children constituted 22.8% of the population of Connecticut.<sup>197</sup> Of all households in Connecticut, 32.7% had at least one child.<sup>198</sup> The number of families with children declined by 2,957 between 2000 and 2010.<sup>199</sup>

The average family size in Connecticut is 3.08 people.<sup>200</sup> As illustrated in Figure 24, family size varies by race and ethnicity but overall has remained relatively unchanged statewide since 1990. However, among non-Hispanic Blacks, average family size declined 3.8%, and among non-Hispanic Asians family size declined 7.5%.

**Figure 24: Average Family Size by Race/Ethnicity<sup>201</sup>**

Race/Ethnicity	1990	2010
Connecticut	3.10	3.08
Non-Hispanic White	3.03	2.97
Non-Hispanic Black	3.41	3.28
Non-Hispanic Asian	3.72	3.44
Hispanic	3.59	3.54

Among all families, 25% include at least one person of color.<sup>202</sup> Among families with children, 33.6% include at least one child who is a person of color.<sup>203</sup>

## Familial Status—Single-Parent Status

In 2010, single-parent families constituted 30% of all families with children in Connecticut.<sup>204</sup> This represents a significant growth since 1990 when 23% of families with children were headed by single parents.<sup>205</sup> Furthermore, 25.4% of children in Connecticut live in a single-parent family.<sup>206</sup> Women head 78.5% of single-parent families with children.

People of color are disproportionately represented among single-parent families. While people of color constitute 28.8% of the population in Connecticut, 52.1% of single-parent families are headed by people of color.<sup>207</sup>

197 U.S. Census 2010 SF1 tables P16 and DP-1.

198 U.S. Census 2010 SF1 table PCT16. A household with foster children and no other children is not considered a "family with children" according to the U.S. Census. For more on the Census definition of "family," see American Community Survey, Household Type and Relationships, available at [http://webapp1.dlib.indiana.edu/cgi-bin/virtcdlib/index.cgi/4291881/FID2/acs\\_html/html/meth\\_doc/datadef/hhld\\_rel.htm](http://webapp1.dlib.indiana.edu/cgi-bin/virtcdlib/index.cgi/4291881/FID2/acs_html/html/meth_doc/datadef/hhld_rel.htm).

199 U.S. Census 2000 table P19, U.S. Census 2010 table P20.

200 U.S. Census 2010 SF1 table P37.

201 U.S. Census 2010 SF2 table PCT31; U.S. Census 1990 tables 43 and 53.

202 U.S. Census 2010 SF2 table PCT33 (includes own children and related children). Data on children in families can be reported as referring to either *own* children or *related* children. An *own* child is "a child under 18 years who is a *son or daughter* by birth, a stepchild, or an adopted child of the householder." A *related* child is a broader definition that includes "any child under 18 years old who is related to the householder by birth, marriage, or adoption."

203 U.S. Census 2010 SF2 table PCT10 (includes own children and related children).

204 U.S. Census 2010 QT-P11 (includes own children).

205 U.S. Census 1990 table 41 (includes own children).

206 U.S. Census 2010 SF2 table PCT24 (includes own children).

207 *Id.*

208 Census 2010 table PCT10 (includes own and related children).

209 Census 2010 table PCT10 (includes own and related children).

210 From 86,539 families, in 1990, to 123,829, in 2010.

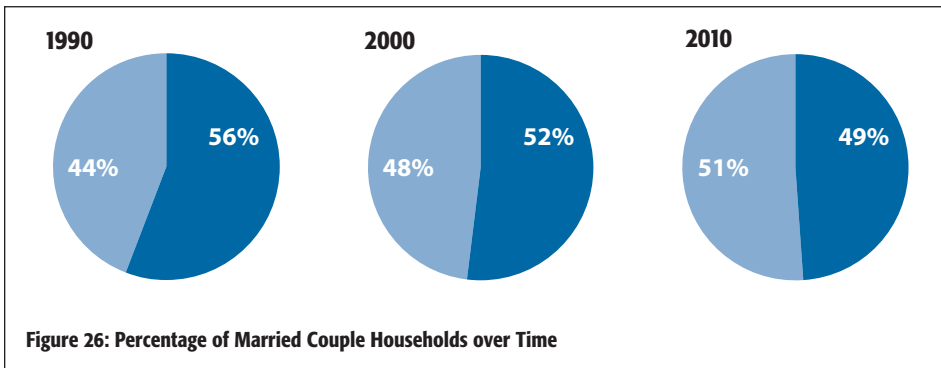
**Figure 25: Single-Parent Families by Race/Ethnicity<sup>211</sup>**

	Percentage of All Single-Parent Families	Number of All Single-Parent Families
Connecticut		142,845
Non-Hispanic White	47.9%	68,470
Non-Hispanic Black	21.7%	31,016
Hispanic	26.1%	37,306
Non-Hispanic Asian	1.7%	2,379

## Marital Status

In 2010, husband-wife couples<sup>212</sup> constituted 49% of all households,<sup>213</sup> and 60% of the total population in Connecticut.<sup>214</sup> As set out in Figure 26, the percentage of husband-wife households has been decreasing steadily over the last twenty years.

Marital status discrimination traditionally takes the form of discrimination against unmarried couples, although in recent years there have been very few reports of such behavior in Connecticut.<sup>215</sup>



**Figure 26: Percentage of Married Couple Households over Time**

There are clear differences in marriage rates by race. As shown in Figure 27, 65.6% of Asian households include a husband-wife relationship while only 29% of Black households include a husband-wife relationship. Since 1990, the percentage of married-couple households has seen notable declines for all racial/ethnic groups except Asians where the decrease has only been slight. The decline in husband-wife households has led to a decline in household income which in turn has led to a decrease in income available to pay for housing.

## Fast Facts about Marital Status in CT

Percentage of Total Husband-Wife Households: 49%

Decrease Since 1990: 7%

Percent of Total Population Represented by Husband-Wife Households: 60%

### Percent Husband-Wife Households that are...

Non-Hispanic Black: 29.1%

Hispanic: 38.8%

Non-Hispanic Asian: 65.8%

Non-Hispanic White: 52.1%

211 U.S. Census 2010 SF2 table PCT 21 (includes own and related children).

212 Census 2010 uses the term Husband-Wife while earlier decennial censuses and the American Community Survey use Married-Couple. These categories "do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples."

213 U.S. Census 1990 NP16 from www.nhgis.org, U.S. Census 2000 SF1 table P18, U.S. Census 2010 SF1 table P19.

214 U.S. Census 2010 SF2 PCT23.

215 John C. Beatie, *Prohibiting Marital Status Discrimination: A Proposal for the Protection of Unmarried Couples*, 42 Hastings L.J. 1415 (1990-1991). Data from HUD, CHRO, and CFHC reveals that marital status discrimination complaints comprise just .95% of all complaints received between 2008 and 2013.

**Figure 27: Marriage by Race/Ethnicity<sup>216</sup>**

Race/Ethnicity	2010			1990		
	Percent Husband-Wife Households	Husband-Wife Households	All Households	Percent Married-Couple Households	Married-Couple Households	All Households
Non-Hispanic White	52.1%	548,457	1,052,447	58.2%	620,292	1,065,466
Black (includes Hispanics)	29%	36,797	126,729	32.5%	29,555	90,882
Asian (includes Hispanics)	65.6%	27,448	41,812	66.2%	8,978	13,558
Hispanic	38.8%	53,028	136,777	42%	25,890	61,580

### Religion

Connecticut is fairly evenly divided between people who claim no religion and those who do. Compared to the country as a whole, the state has proportionally greater percentages of people indicating an adherence to Catholicism and Judaism and lower percentages of adherence to Black and Mainline Protestant denominations.

**Figure 28: US and CT Population by Religious Affiliation<sup>217</sup>**

Geography	Total Population	Religious Tradition						
		Percentage of Total Population						
		Unclaimed	Catholic	Mainline Protestant	Evangelical Protestant	Judaism	Black Protestant	Orthodox Christian
U.S.A.	308,745,538	51.2%	19.1%	7.3%	16.2%	0.7%	1.6%	0.3%
Connecticut	3,574,097	48.8%	35.1%	7.9%	4.4%	1.3%	0.6%	0.5%

Data is not available on race and ethnicity by religion for Connecticut. However, national data indicates that there are some notable racial and ethnic patterns within religious affiliations. For example, as illustrated in Figure 29, 58% of Catholics are Hispanic, and 30% of Evangelical Protestants are non-Hispanic White.<sup>218</sup>

**Figure 29: Race and Ethnicity by Religious Affiliation – National Data**

Nationwide Demographic Variable		Unaffiliated	Catholic	Mainline Protestant	Evangelical Protestant	Judaism	Black Protestant	Orthodox Christian
Racial Distribution	Non-Hispanic White	16%	22%	23%	30%	2%	< 0.5%	1%
	Non-Hispanic Black	12%	5%	4%	15%	< 0.5%	59%	< 0.5%
	Non-Hispanic Asian	23%	17%	9%	17%	< 0.5%	< 0.5%	< 0.5%
	Hispanic	14%	58%	5%	16%	< 0.5%	3%	< 0.5%

<sup>216</sup> U.S. Census 2010 SF2 DP-1; U.S. Census 1990 table 43; U.S. Census 1990 does not provide a count of non-Hispanic Black and non-Hispanic Asian households.

<sup>217</sup> U.S. Census 2010 SF1 P1 Total Population. Religious Tradition: 2010 U.S. Religion Census: Religious Congregations & Membership Study, collected by the Association of Statisticians of American Religious Bodies (ASARB) and distributed by the Association of Religion Data Archives, <http://www.theARDA.com>. Unclaimed Status: The unclaimed population are those who are not adherents of any of the 236 groups included in the Religious Congregations & Membership Study, 2010. This number should not be used as an indicator of irreligion or atheism, as it also includes adherents of groups not included in these data.

<sup>218</sup> *Id.*

## Sexual Orientation and Gender Identity and Expression

### Estimates of the LGBT<sup>219</sup> Population Nationwide

A special Gallup report in 2012 found that 3.4% of U.S. adults identify as lesbian, gay, bisexual, or transgender with the highest incidence among those who are non-Hispanic White, younger, and less educated. These results are based on responses to the question, “Do you, personally identify as lesbian, gay, bisexual, or transgender?” included in 121,290 Gallup Daily tracking interviews conducted between June 1 and September 30, 2012.<sup>220</sup> This is the largest single study of the distribution of the LGBT population in the U.S. on record, and the 3.4% figure is similar to estimates arrived at by the Williams Institute.<sup>221</sup> In 2000, 0.6% of households in Connecticut reported living in same-sex unmarried partner households.<sup>222</sup> This number grew to 0.8% of households in 2010.<sup>223</sup> Based on best available data, there are also nearly 700,000 transgender individuals, or about .22% of the nation’s population.<sup>224</sup>

### Same-Sex Couples

The 2010 Census estimates that 7,852 “same-sex couples” reside in Connecticut.<sup>225</sup> Same-sex couples are identified in households where a person (the Census designates this person as Person 1) describes his or her relationship with another adult of the same sex as either “husband/wife” or “unmarried partner.” This is an incomplete picture, for several reasons. Foremost, this estimate does not account for LGBT individuals who do not identify as having a significant other that lives in the home.<sup>226</sup> In other words, any “single” LGBT individual is not quantified by this data. The Census estimates also do not account for under-reporting by individuals who are concerned about confidentiality or who live in a home where neither partner is deemed “Person 1” by the Census Bureau.<sup>227</sup> Thus, the Census data, at best, provides an incomplete snapshot.

### Transgender Estimates

Unfortunately, there are no reliable data concerning the size of Connecticut’s transgender population because this data is not tracked by Connecticut or the Census. In the absence of more reliable data and assuming that national estimates of a .22% transgender population are reflected in Connecticut, there are approximately 8,000 transgender individuals in Connecticut.<sup>228</sup> Such arithmetic is a poor substitute for more accurate numbers. To date, only one study has attempted to address the size of the transgender population in Connecticut,<sup>229</sup> while aptly describing the lack of reliable data:

219 For more background on the definitions of the terms such as “LGBT,” “lesbian,” “gay,” “bisexual,” and “transgendered,” see Chapter 3.

220 Gary J. Gates & Frank Newport, “Special Report: 3.4% of U.S. Adults Identify As LGBT,” Gallup Poll, <http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx> (last visited on December 20, 2012).

221 The Williams Institute in its recent analysis of four national and two state-level population-based surveys, found that there are more than 8 million adults in the U.S. who are lesbian, gay, or bisexual, which constitutes 3.5% of the adult population. The Williams Institute is a leading think tank dedicated to the field of sexual orientation and gender identity-related law and public policy at the UCLA School of Law. Gary J. Gates, “How Many People Are Lesbian, Gay, Bisexual, and Transgender,” April 2011, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>

222 U.S. Census 2000 table PCT 14.

223 U.S. Census 2010 table PCT 15.

224 Gary J. Gates, “How Many People Are Lesbian, Gay, Bisexual, and Transgender,” April 2011, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf> (last visited on December 26, 2012).

225 While the United States Census data has attempted, in both 2000 and 2010, to document same-sex households, the results have been plagued with problems. See generally Martin O’Connell and Sarah Feliz, *Same-sex Couple Household Statistics from the 2010 Census*, U.S. Bureau of the Census, September 27, 2011, <http://www.census.gov/hhes/samesex/>.

226 According to the Census definition in 2010 SFI Technical Documentation of Unmarried Partner, an unmarried partner is a person aged 15 years and over who is not related to the householder, who shares living quarters, and who has a close personal relationship with the householder. Responses of “same-sex spouse” are edited into this category. Definitions of Subject Characteristics, Census 2010 Summary File 1, Glossary of Terms, [http://www.dof.ca.gov/research/demographic/state\\_census\\_data\\_center/census\\_2010/documents/2010\\_Census\\_Glossary.pdf](http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/documents/2010_Census_Glossary.pdf).

227 See generally Martin O’Connell and Sarah Feliz, *Same-sex Couple Household Statistics from the 2010 Census*, U.S. Bureau of the Census, September 27, 2011, <http://www.census.gov/hhes/samesex/>.

228  $3,580,709$  (Connecticut’s population) divided by  $311,591,917$  (United States Population) = 1.149% (Connecticut’s percentage of the national population).  $700,000$  (the estimated transgender population nationally) multiplied by 1.149% (Connecticut’s percentage of the national population) = 8,044 transgender individuals in Connecticut.

229 Linda Estabrook and Jerimarie Leisegang, “Population Size, Characteristics & HIV Risks among Transgender People in Hartford,” December 2011, [http://www.hglhc.org/PDF%20Files/CIRA\\_TRANS\\_Project\\_Final\\_Report.pdf](http://www.hglhc.org/PDF%20Files/CIRA_TRANS_Project_Final_Report.pdf).

## Fast Facts about Sexual Orientation and Gender Identity and Expression in CT

- There is very little data on the lesbian, gay, bisexual, and transgender population in Connecticut.
- Estimates are that 3.4% of the population falls into one of these categories.
- The only available data suggests that the transgender population constitutes .22% of the population in Connecticut.

*In the United States, there has been minimal work done to understand and serve transgender communities. There are limited processes in place nationally to collect information (e.g., demographic, health related, etc.) on transgender individuals. Current population estimates of the transgender population in the US are based on those receiving gender identity disorder diagnosis and/or accessing services at gender clinics, which are often only available to a select portion of the community. The size estimates are further biased, resulting in underestimates, by data collection challenges related to transgender identity such as isolation and fear of disclosure and those perpetuated as a result of adherence to societal norms, such as transphobia, marginalization and stigmatization.<sup>230</sup>*

Ultimately, the study itself underscored the need for additional research in this area. Despite an admirable attempt to access this community, the meager funding allotted to the study resulted in fifteen people completing the survey. This data may be useful to direct future research investigations even though little can be conclusively stated due to concerns about the small sample size and potential lack of representativeness.<sup>231</sup> The survey respondents were younger, more likely to be non-White, unemployed, disabled or homeless than residents of the state.<sup>232</sup> In terms of race/ethnicity, the respondents were more similar to the population of the City of Hartford, which is approximately 40% Hispanic and 37% African American.

The Hartford area study's data, though based on a very small sample size and focusing solely in the transgender population, are somewhat consistent with conclusions concerning the broader LGBT population as a whole on the national level. For example, nationwide, people of color are more likely than non-Hispanic White segments of the U.S. population to identify as LGBT. The survey results show that 4.6% of African-Americans identify as LGBT, along with 4.0% of Hispanics and 4.3% of Asians. The disproportionately higher representation of LGBT status among people of color in Hartford corresponds to the slightly below-average 3.2% of non-Hispanic White Americans who identified as LGBT.<sup>233</sup>

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## Lawful Source of Income

### What are Tenant-Based Housing Vouchers?

Tenant-based housing vouchers are payments from the government to a housing provider to make rent affordable for people who are low income. These subsidies are tenant-based, in the sense that they move with the tenant. In Connecticut, there are two major programs that provide such assistance, the federal Housing Choice Voucher Program (“HCV Program”) sometimes referred to as the Section 8 voucher program, funded by HUD and administered by either local public housing authorities or DOH, and the state Rental Assistance Payment Program (“RAP Program”) administered by DOH. The State, primarily through DOH, also administers several other housing assistance programs.<sup>234</sup> It is important to note that vouchers under the HCV Program and certificates under the RAP Program can be project-based instead of tenant-based. Specific regulatory and programmatic requirements apply to such project-based subsidies.

### How does the HCV Program Work?<sup>235</sup>

In Connecticut, tenant-based vouchers under the HCV Program are administered by local housing authorities and DOH. Vouchers are available to people whose income is 50% or less of the area

<sup>230</sup> *Id.* at 6. (Footnote omitted).

<sup>231</sup> *Id.* at 20-21.

<sup>232</sup> *Id.* at 20-21.

<sup>233</sup> Gary J. Gates & Frank Newport, “Special Report: 3.4% of U.S. Adults Identify As LGBT,” Gallup Poll, <http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx> (last visited on December 20, 2012).

<sup>234</sup> Other housing assistance programs that make housing affordable include the Elderly Rental Assistance Payment (ERAP) program, congregate housing, transitional living programs, supportive housing, state and federal public housing as well as indirect housing assistance programs such as the tax abatement program and the PILOT programs are attached to the housing unit. Therefore, it is impossible for a housing provider to discriminate against an individual participating in one of these programs. The effect of these programs on affirmatively furthering fair housing is examined in other chapters. This chapter focuses on the housing assistance programs that can be used in any privately owned unit and that are frequently the subject of housing discrimination complaints.

<sup>235</sup> For information regarding eligibility and other program requirements, see 24 C.F.R. §982ff.



median income. Every agency administering the HCV program must provide 75% of its vouchers to people earning 30% or less of area median income.

Under the HCV Program, voucher holders are expected to pay between 30% and 40% of their income toward housing costs and the program covers the remainder up to a designated cap. With certain exceptions, rents are capped at a level called the “fair market rent,” which is calculated by HUD. This rent is intended to give voucher-holders access to about 40% of the rental units in a region.

### What is the RAP Program?<sup>236</sup>

The RAP Program is a state-funded program that is similar in most respects to the HCV Program. Generally, eligible applicants must earn below 50% of area median income. Elderly and disabled program participants are expected to pay 30% of income for rent and the subsidy covers any additional rental costs up to a certain maximum. Families are expected to pay up to 40% of their income towards rent.

### Portable Housing Subsidy Programs

The population with a source of lawful income other than employment varies in size over time based on economic conditions and differences in program qualifications. Discrimination can occur when someone is not permitted to rent or buy a home—or is charged more—because they offer to pay with government benefits like Social Security Disability Insurance or a HCV Program voucher or a RAP Program certificate from the State.

Discrimination can also occur when a housing subsidy is rejected as a form of payment or causes the landlord or home seller to change the terms of the sale or rent. While it is illegal to discriminate in housing based on the use of Social Security Disability Insurance and Supplemental Security Income, the source of income discrimination most frequently reported in Connecticut is discrimination based on use of a rental assistance subsidy, such as an HCV Program voucher or a RAP Program certificate.

### Housing Subsidies

While there are non-profit organizations that provide assistance with rent, it is impossible to gather statistics about all non-government housing assistance programs. In any case, such programs are also much smaller than HCV Program or the RAP Program. The state of Connecticut also funds the Security Deposit Guarantee Program (“SDG”) which provides a state guarantee of repayment in lieu of a security deposit for low income renters. The use of one of these programs is frequently the basis of discrimination.

### The HCV<sup>237</sup> and RAP Programs<sup>238</sup>

As of February 2013, the HCV Program, the biggest rental subsidy program in Connecticut,<sup>239</sup> had 30,647 vouchers issued, providing assistance to approximately 75,491 people. On average, the program pays \$359 in housing benefits each month to each housing provider.<sup>240</sup> Despite the 2.2% increase in poverty in Connecticut from 1999 to 2010, the number of HCV program vouchers has

236 For information regarding eligibility and other program requirements, see Regs., Con. State Agencies §17b-812ff.

237 Data available through the U.S. Department of Housing and Urban Development’s Resident’s Characteristics Report, <https://pic.hud.gov/pic/RCRPublic/rcrstate.asp>. Data on the number of vouchers is for the period from November 1, 2011 through February 28, 2013. Data on the growth in the voucher program are calculated based on the number of Housing Choice Vouchers and Certificates issued in 2000 – 31,246 – available via the HUD Picture of Subsidized Households database, [http://www.huduser.org/portal/picture2000/form\\_7SH.odb](http://www.huduser.org/portal/picture2000/form_7SH.odb). Voucher data on race and female-headed households with children are from 2009 CT voucher data provided by HUD and includes only census tracts where there were at least 11 voucher households.

238 For RAP statistics the race count is based on the race of the head of household. The disability count includes households where at least one member of the household has a disability. The elderly count includes households where at least one member of the household is age 65 or older.

239 See *Housing Choice Vouchers Fact Sheet*, United States Department of Housing and Urban Development, [http://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_choice\\_voucher\\_program\\_section\\_8](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_choice_voucher_program_section_8).

240 See Department of Housing and Urban Development’s Resident’s Characteristics database, *supra*.

## Fast Facts about Tenant-Based HCVs in CT

Number of HCV Issued in CT: 30,647

Number of People Assisted: 75,491

Growth in HCV since 2000: -1.9%

### Percentage of HCV households who are...

Black non-Hispanic: 35%

Hispanic (of any race): 43%

Asian non-Hispanic: 0.3%

White non-Hispanic: 22%

People of Color (est.): 78%

Have a Disability: 36%

Elderly (no disability): 6%

Female-headed with children: 53%

## Fast Facts about RAP

Number of RAPs Issued in CT: 3,182

Growth in RAP since 2003: 81%

### Percentage of RAP households who are...

Black (non-Hispanic): 40%

Hispanic: 28%

Asian (non-Hispanic): 0.4%

White (non-Hispanic): 31%

People of Color: 69%

Have a Disability: 50%

Elderly (no disability): 3%

Single parent household: 45%

decreased by 1.9%.<sup>241</sup> As of February 2013, the RAP program had 3,182 RAP certificates issued.<sup>242</sup> This program has grown 81% over the last 10 years.

As demonstrated in Figure 30, the HCV Program assists people of color and single parent households at rates that are disproportionate to their percentage of the overall population of the state because these groups are disproportionately low-income.

**Figure 30: Housing Choice Voucher Demographics**

Demographic Group	Percentage of State's Population	Percentage of HCV Participating Households
People of Color	29%	78%
Single Parent Households	10.4%	53% (female headed)
People with Disabilities	10.3	36%

### The Security Deposit Guarantee Program

The SDG program has fluctuated in size over the years due to funding variations. In 2010 the Department of Social Services ("DSS") issued 3,137 SDGs.<sup>243</sup> DSS estimates that between 2002 and 2011 approximately 29% of landlords whose tenants used a SDG made security deposit claims when their tenants vacated the premises.<sup>244</sup> The average claim amount between 2006 and 2013 was \$1,336. In other words, 71% of participants in the SDG program obtained housing at no additional State expenditure. No data is available on the demographics of the people to whom these guarantees were issued.

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### Conclusion

Taken as a whole, Connecticut has experienced several notable population shifts that have fair housing implications.

- The State's population of color is increasing while its non-Hispanic White population is decreasing. This could mean a demand for housing on the part of people of color in areas that have traditionally been predominately non-Hispanic White.
- The state's older non-Hispanic White population is increasing just as a younger population of color is growing. As a result, there may be an increased demand for both housing for elders and housing for families with children.
- The increase in the state's older population has also meant that its population with disabilities has grown and likely will continue to do so. The significant percentage of people with ambulatory and cognitive disabilities suggests that there is also a growing need for accessible and supportive housing.
- The number of single-parent households and unmarried households is increasing, which has resulted in less income for many families to spend on housing.
- The lack of solid data on the LGBT population makes it difficult to comment on trends among this population and their need for fair housing services.
- The number of people eligible for housing benefits covered by the source of income protections under the state FHA is increasing. Unfortunately, the availability of housing benefits is not sufficient to address this need.

<sup>241</sup> Poverty rate for 1999 from U.S. Census 2000 SF3 PCT049. Poverty rate for 2010 from American Community Survey 2010 1-yr B17001.

<sup>242</sup> Approximately 600 new RAP program vouchers were issued after February 2013. These were not included in this analysis.

<sup>243</sup> The SDG program is now administered by DOH. Compiled by Raphael Podolsky of the Legal Assistance Resource Center of Connecticut, Inc., from data provided by DSS and OPM.

<sup>244</sup> *Id.* Payout estimate is based on payouts as a percentage of the number of guarantees issued in the previous year. Estimates of the number of claims made are imprecise because claims on a guarantee could be made years after it is issued.

# CHAPTER SEVEN

## The Demographics of Income, Poverty, and Wealth

Several populations in Connecticut are growing—non-Hispanic Blacks, Hispanics, Asians, people with disabilities, the elderly, and single-parent households. The income data for these groups reveals significant disparities in income between these groups and non-Hispanic Whites, people without disabilities, and dual-parent families. Because non-Hispanic Blacks, Hispanics, women, single-parent families, people with disabilities under the age of 65, and people with a source of income other than employment are disproportionately low-income, they have a disproportionate need for affordable housing. Increasing the supply of affordable housing and locating it communities throughout the state will promote integration.

### Income Disparity: The Gini Index

Connecticut continues to grapple with income disparity among all of its residents. Since the 1970s, Connecticut has seen the greatest growth in income disparity between the top 5% and bottom 5% of income earners in the nation.<sup>245</sup> Between 2008 and 2010, the average income for a Connecticut household in the top 5% was 8.2 times the income for a household in the bottom 5%.<sup>246</sup>

A well-accepted measure of income disparity is the Gini index, a measure of income inequality in a given geographic area.<sup>247</sup> According to the index, a score of “0” means everyone in the area has the same income. A score of “1” means that one person has all the income. With a Gini index score of .486, Connecticut is second only to New York state which has the greatest disparity in income distribution nationwide.<sup>248</sup>

### Race, Ethnicity and Income

In Connecticut, as is the case nationwide, income varies significantly based on race and ethnicity.

### CHAPTER SNAPSHOT

- As of the 2010 census, Connecticut had the second greatest income disparity in the country.
- On average, non-Hispanic Black families earn 55% and Hispanic families earn 44% of what non-Hispanic White families earn.
- On average, single-parent female-headed households earn 30%, and single-parent male-headed households earn 44%, of what two-parent households earn.
- On average, women earn 78% of what men earn.
- People with disabilities earn 67.7% of what people without disabilities earn.
- 95% of people using federal Housing Choice Vouchers earn less than 50% of median income.

245 Elizabeth McNichol et al., “Pulling Apart: A State-by-State Analysis of Income Trends,” *Center on Budget and Policy Priorities*, 11, <http://www.cbpp.org/files/11-15-12sfp.pdf>.

246 *Id.* at 17.

247 William Lott and Susan Randolf, “Nutmegs Haves and Have Nots: How Wide is the Divide?,” *The Connecticut Economy, A University of Connecticut Quarterly Review*, (Fall 2008) pp. 4, 6. [http://cteconomy.uconn.edu/TCE\\_Issues/Fall\\_2008.pdf](http://cteconomy.uconn.edu/TCE_Issues/Fall_2008.pdf). See also, Wade Gibson and Sara Kauffman, “Pulling Apart: Connecticut Income Inequality 1977 – Present,” *Voices for Children*, November 2012, <http://www.ctvoices.org/sites/default/files/econ12pullingapart.pdf>

248 U.S. Census 2010, <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>. Unless otherwise noted, all of the data is Connecticut-specific data.

## Fast Facts about Race, Ethnicity and Income in Connecticut

### Median Family Income in 2010:

White (non-Hispanic): \$94,278

Black (including Hispanics): \$51,901

Asian (including Hispanics): \$91,503

Hispanic: \$41,539

### Unemployment Rate in 2010:

White (non-Hispanic): 7.1%

Black (non-Hispanic): 17.3%

Asian (non-Hispanic): 5.7%

Hispanic: 17.8%

### Poverty in 2010:

White (non-Hispanic): 6%

Black (non-Hispanic): 19%

Asian (incl. Hispanic): 8%

Hispanic: 21%

### Family Wealth by Race in 2009: (national data)

White (non-Hispanic): \$68,250

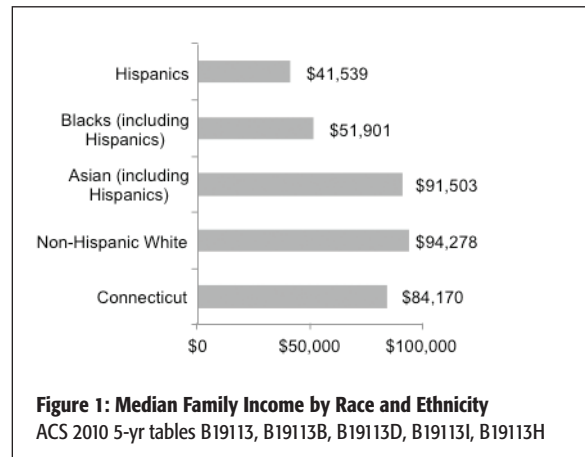
Black (non-Hispanic): \$3,175

Asian: No data

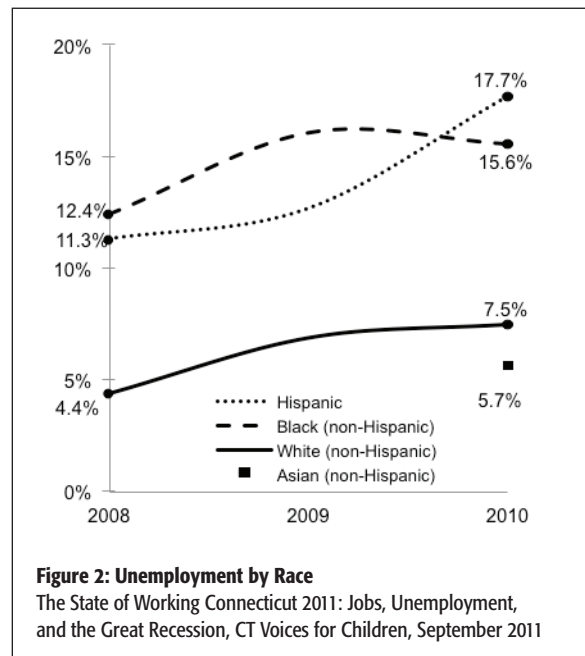
Hispanic: \$11,000

People who are Black, Black and Hispanic, and Hispanic but not White or Asian<sup>249</sup> are disproportionately low income when compared with non-Hispanic Whites:

- Black family income is 55% that of non-Hispanic White family income;
- Hispanic family income is 44% of non-Hispanic White family income;
- Asian family income is 97% of non-Hispanic White family income.



While this income disparity has varied over time, it is clear that the 2008 economic crisis disproportionately affected Hispanics and, to a lesser extent, Blacks. From 2008 to 2011, the unemployment rate for Hispanics grew from 11.3% to 17.7% (a 6.4% increase), while the unemployment rate for Blacks grew from 12.4% to 15.6% (a 3.2% increase).<sup>250</sup> In contrast, during the same period unemployment among non-Hispanic Whites went from 4.4% to 7.1% (a 2.7% increase).<sup>251</sup>

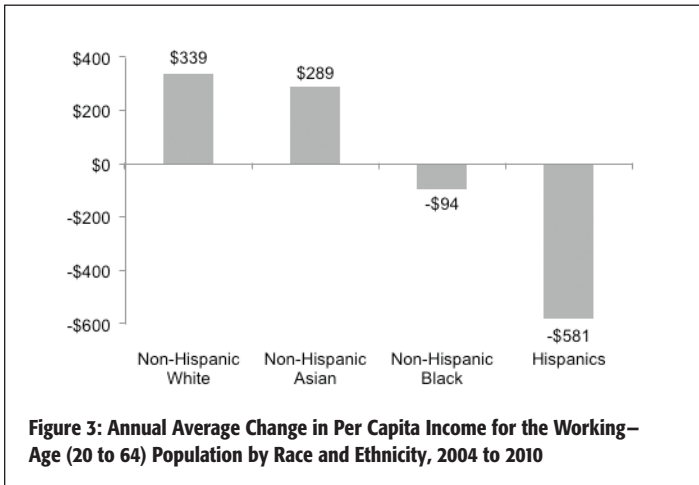


249 Some of the data included in this report is from the American Community Survey (ACS), ongoing statistical research by the US Census Bureau. The ACS does not separate Hispanics from other race categories. Other data is taken from the 2010 Census which is conducted every 10 years. The Census data separates Hispanics from other races. Use of different data sources depends on the information that is included in each data set.

250 Insufficient data for Asians in 2008 and 2009.

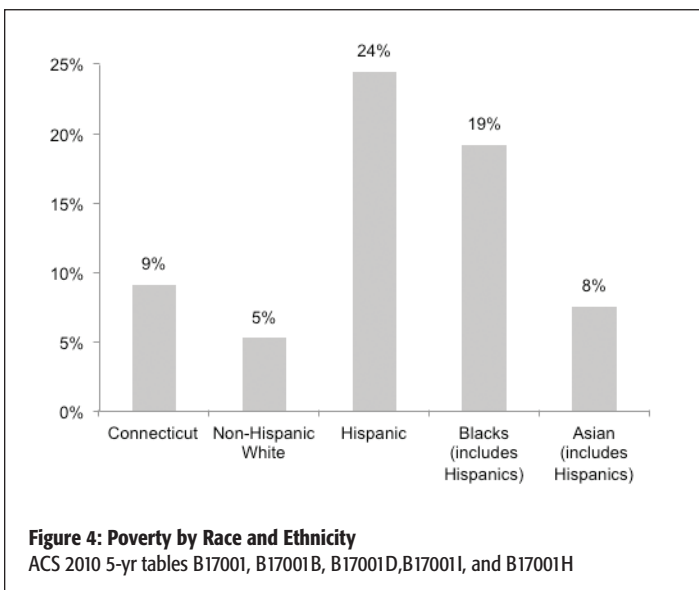
251 Matt Santacroce and Orlando Rodriguez, "The State of Working Connecticut 2011: Jobs, Unemployment, and the Great Recession, September 2011," *Connecticut Voices for Children*, <http://www.ctvoices.org/sites/default/files/econ11sowctes.pdf>. Prior to 2010, the sample size of Asians in Connecticut was too small to allow for collection and analysis. Therefore, it is unclear if there was a rise or fall in Asian unemployment between 2008 and 2010.

The increased unemployment rate also affected Connecticut's poorest cities since these urban areas are also where the state's Blacks and Hispanics are concentrated. Between 2004 and 2010 average per capita income (or income per person) declined \$581 per year for working-age Hispanics and \$94 per year for Blacks.<sup>252</sup> Non-Hispanic Whites had a \$339 per capita income increase per year while Asians had a \$289 increase per year leaving non-Hispanic Whites and Asians with an increase in housing buying power while Blacks and Hispanics had a decrease in housing buying power.



### Race, Ethnicity and Poverty

In Connecticut, income disparities between racial and ethnic groups are also reflected in differences in poverty rates.<sup>253</sup> The poverty rate among Blacks is nearly four times that of non-Hispanic Whites. Hispanics experience almost five times the rate of poverty as non-Hispanic Whites. The poverty rate among Asians is only 1.6 times that of non-Hispanic Whites.

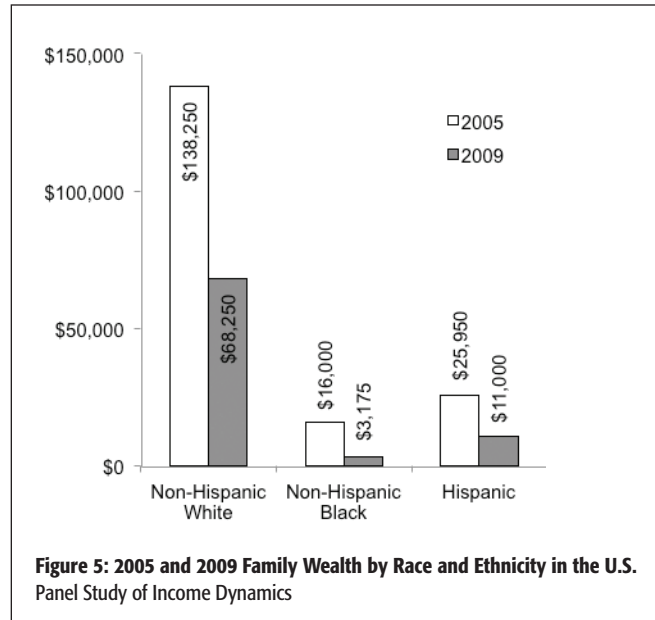


252 Orlando Rodriguez, *Connecticut's Changing Demographics Foreshadow Declining Workforce Income*, Connecticut Voices for Children, <http://www.ctvoices.org/publications/connecticuts-changing-demographics-foreshadow-declining-workforce-income>.

253 In 2010, the federal poverty threshold for a married-couple with two children was \$22,113. For a single individual under age 65, the poverty threshold was \$11,344. *Poverty Thresholds*, United States Census Bureau, <https://www.census.gov/hhes/www/poverty/data/threshld/index.html>.

## Wealth, Race, and Ethnicity

When wealth is considered,<sup>254</sup> the disparity between racial and ethnic groups becomes even greater. Although data specific to Connecticut is not available, national statistics reveal that in 2009, the wealth of non-Hispanic Whites was 21.5 times that of Blacks, and 6.2 times that of Hispanics.<sup>255</sup> Such wealth, often accumulated over generations, paves the way for investments in education and homes in thriving neighborhoods for the next generation. As a result, wealth disparity plays a critical role in perpetuating segregation. From 2005 to 2009, wealth decreased for all groups because of the decline in home prices and financial investments resulting from the multi-year recession beginning in 2008.<sup>256</sup>



## Foreign-born and Poverty

Among foreign-born populations in Connecticut, 12% are living below the poverty level compared to 9.8% of the native-born population.<sup>257</sup>

## Familial Status and Income

In Connecticut in 2010, the median income<sup>258</sup> for all families was \$81,246, and the median income for married-couple families with children was \$102,853 resulting in a median income for married-couple families with children that is 127% of the state's overall family median income.<sup>259</sup>

There is wide income disparity between the income and poverty rates of two-parent and single-parent households. As illustrated in Figure 6, single-parent households earn significantly less than married-couple families. Female-headed single-parent families earn 30%, and male-headed single parent households earn 44%, of what married-couple families with children earn.

254 Wealth includes the net value of the following assets for all family members after paying debts on these assets: farm or business, checking and savings accounts, real estate other than the primary home, stocks, all vehicles including boats, other assets, annuities, IRAs, other debts, and equity in primary home.

255 Panel Study of Income Dynamics, Institute for Social Research, Survey Research Center, University of Michigan, Ann Arbor, MI (2013), available at <http://simba.isr.umich.edu/VS/s.aspx> (this study did not assess Asian wealth).

256 Due to data limitations, this report cannot explore wealth disparities of Asians and other races and ethnicities. In addition, Connecticut-specific data is not available for ancestry and national origin designations.

257 American Community Survey 2010 1-yr table C17025.

258 A median income figure represents the point at which there are as many families earning more than that amount as there are earning less than that amount. [http://quickfacts.census.gov/qfd/meta/long\\_INC110211.htm](http://quickfacts.census.gov/qfd/meta/long_INC110211.htm)

259 American Community Survey 2010 1-yr table B19126 (includes own children under age 18).

### Fast Facts about Familial Status and Income

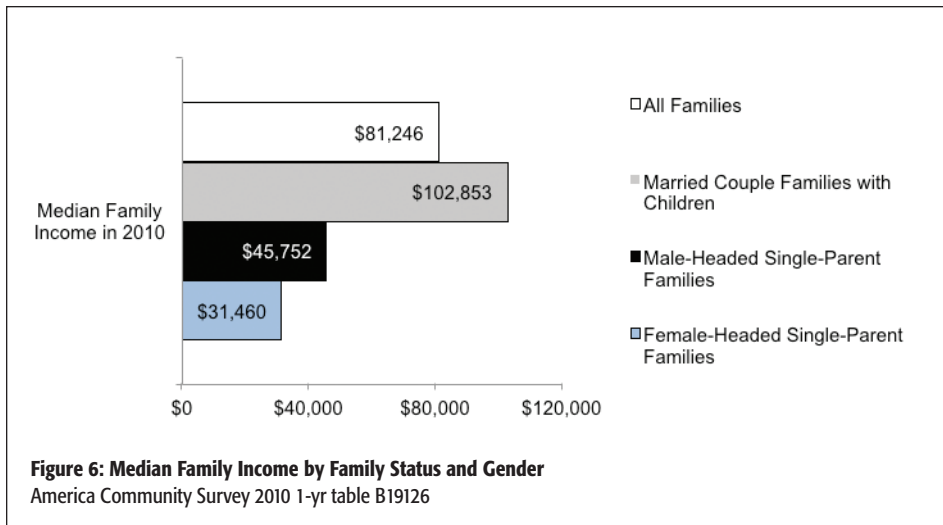
**Income for Connecticut married couple families with children: 127% of median income for all families**

**Income for Connecticut female-headed single-parent families: 38.7% of median income for all families**

**Percentage of families with children in poverty: 11.4% of all families**

**Percentage of families in poverty that are single-parent families: 61.7%**





There are also income disparities by family size. Larger families tend to have less income per family member.

Family Size	Median Income	Median Income per Family Member
All	\$83,655	NA
2 People	\$71,616	\$35,808
3 People	\$83,912	\$27,971
4 People	\$101,973	\$25,493
5 People	\$103,783	\$20,757
6 People	\$94,380	\$15,730
7 People or more	\$98,969	NA

### Family Status and Poverty

Among families with children, 11.4%<sup>261</sup> live in poverty,<sup>262</sup> as compared with 10.1% for all families and 9% for the population as a whole.<sup>263</sup> There is also a connection between single-parent status and poverty. In 2010, 26.9% of single-parent families lived in poverty compared to only 7.2% of all families.<sup>264</sup> Single-parent families accounted for 61.7% of all families in poverty.<sup>265</sup>

Poverty also varied dramatically among Connecticut single-parent families based on their racial/ethnic background. Figure 8 shows that single-parent families that are non-Hispanic White had a poverty rate of 15.5% compared to 40.8% for Hispanics and 35.7% of Blacks. In addition, single-parent families in poverty are more likely to be Black (10,814) or Hispanic (16,331) than non-Hispanic White (10,781).

260 American Community Survey 2010 3-yr table B19119.

261 American Community Survey 2010 1-yr table B17010 (includes related children).

262 American Community Survey 2010 3-yr B19119.

263 American Community Survey 2010 1-yr S1701. A single-parent household with one child under 18 is considered impoverished if its income is \$15,030 or less annually. *Poverty Thresholds*, United States Census Bureau, <https://www.census.gov/hhes/www/poverty/data/threshld/index.html>.

264 American Community Survey 2010 1-yr table B17010.

265 *Id.*

**Figure 8: Poverty for Single-Parent Families by Race/Ethnicity<sup>267</sup>**

Race/Ethnicity	Percent in Poverty	Single-Parent Families in Poverty	Total Single-Parent Families
Non-Hispanic White	15.5%	10,781	69,417
Black (includes Hispanics)	35.7%	10,814	30,280
Asian (includes Hispanics)	14.6%	608	4,154
Hispanic	40.8%	16,331	39,980

## Fast Facts about Marital Status and Income

Overall, married-couple households had income that was 151% of median household income.

Percentage of Married-Couple Households in Poverty: 2.8%

## Marital Status

### Marital Status and Income

Median income for married-couple households was \$96,805 per year,<sup>267</sup> compared to \$64,032<sup>268</sup> for all households,<sup>269</sup> and \$36,924 for non-family households.<sup>270</sup>

Income was lower for non-Hispanic Black and Hispanic married-couple households than non-Hispanic White households. In particular, Figure 9 shows that median income among Hispanic married-couple households was 49% of median income for non-Hispanic White couples while income for Black married couple households was 76% of median income for non-Hispanic White couples.<sup>271</sup>

**Figure 9: Median Household Income for Married-Couple Primary Families by Race/Ethnicity<sup>273</sup>**

Race/Ethnicity	Married-Couple Household Income	Non-Married Couple Household Income <sup>274</sup>
Non-Hispanic White	\$97,034	
Hispanic	\$47,510	
Black (non-Hispanic)	\$73,115	
Asian (non-Hispanic)	\$110,402	

### Marital Status and Poverty

Only 2.8% of married-couple households lived in poverty, compared to 15.4% of male-headed single-parent families and 29.8% of female-headed single-parent families.<sup>274</sup>

Furthermore, poverty rates differed between married-couples that are non-Hispanic White and Blacks and Hispanics as seen in Figure 10. Only 1.9% of married couples that are non-Hispanic White lived in poverty compared to 9.6% of Hispanic married couples and 7% of Black married couples.<sup>275</sup>

266 American Community Survey 2010 1-yr tables B17010H, B17010I, B17010B, and B17010D. Since this data was taken from the ACS, Hispanics are included in the statistics regarding Blacks and Asians.

267 American Community Survey 2010 1-yr table B19126.

268 American Community Survey 2010 1-yr tables B19013.

269 American Community Survey 2010 1-yr tables B17010H, B17010I, B17010B, and B17010D (includes related children).

270 American Community Survey 2010 1-yr table B19202.

271 Data for overall household income and overall married-couple income is from 2010 American Community Survey. Data for married-couple households specific to race/ethnicity is from 2011 CPS Annual Social and Economic Supplement (2010 income), available at <http://www.census.gov/cps/data/cpstablecreator.html>. Care should be taken when comparing race-specific household income to other household income data. Also, the sample size for non-married households in Connecticut was too small to make it statistically significant. Therefore, it is not reported here.

272 2011 CPS Annual Social and Economic Supplement.

273 A comparison by race of married-couple households to non-married couple households is not provided here due the small samples sizes for Hispanics, Blacks, and Asians in Connecticut.

274 American Community Survey 2010 1-yr table B17010.

275 American Community Survey 2010 1-yr tables B17010H, B17010I, B17010B, B17010D.

**Figure 10: Poverty for Married-Couple Households by Race/Ethnicity<sup>277</sup>**

Race/Ethnicity	Percent of Married-Couple Households in Poverty
Non-Hispanic White	1.9%
Hispanic	9.6%
Black (includes Hispanics)	7.0%
Asian (includes Hispanics)	4.4%

**Gender<sup>277</sup>****Gender, Marital Status and Income**

Overall, women earn 78 cents for every \$1 earned by men in Connecticut.<sup>278</sup> However, this figure changes depending on marital status, as illustrated in Figure 11. While women who have never married have an income level closer to that of men who have never married at 92%, divorced women have only 70% of the income of men.

**Figure 11: Median Person Income for Full-Time Workers Age 18–64<sup>280</sup>**

Marital Status	Women	Men	Income Ratio Women/Men
Connecticut	\$43,485	\$55,621	78%
Never-Married	\$34,000	\$37,000	92%
Divorced	\$46,480	\$66,000	70%
Married (Spouse Present)	\$50,000	\$67,274	74%

**Gender, Marital Status, and Poverty**

Given lower incomes among women in Connecticut, it is not surprising that the occurrence of poverty among women (9.6%) is higher than for men (7.5%), as shown in Table 13.<sup>280</sup> Statewide, the poverty rate is 9%.

**Figure 12: Percent of Population Living in Poverty<sup>282</sup>**

Marital Status	Women	Men
Connecticut	9.6%	7.5%
Never-Married	6%	5%
Divorced	1%	0.8%
Married (Spouse Present)	1.3%	1.3%

276 American Community Survey 2010 1-yr tables B17010H, B17010I, B17010B, and B17010D.

277 The discussion about income, poverty and wealth based on gender is combined with that of marital status because women's financial outcomes vary significantly based on their marital status. Dr. Mariko Chang, *Shortchanged: Understanding the Women's Wealth Gap* (PowerPoint Presentation), Permanent Commission on the Status of Women, March 2012, available at <http://ctpcsw.com/basic-economic-security-tables/>.

278 U.S. Census, 2011 Current Population Survey, Annual Social and Economic Supplement, 2010, Median Person Income for Full-Time Workers Age 18-64, <http://www.census.gov/cps/data/cpstablecreator.html>.

279 2011 CPS Annual Social and Economic Supplement. The sample size of the data on the income of men and women who are separated, widowed, and married with their spouse absent is so low that it is not considered reliable.

280 U.S. Census, 2011 Current Population Survey, Annual Social and Economic Supplement, 2010 Persons in Poverty, <http://www.census.gov/cps/data/cpstablecreator.html>.

281 2011 CPS Annual Social and Economic Supplement, <http://www.census.gov/cps/data/cpstablecreator.html>. There is insufficient data on the percentage of the population in poverty of men and women who are separated, widowed, and married with their spouse absent.

**Fast Facts about Gender, Marital Status, and Income**

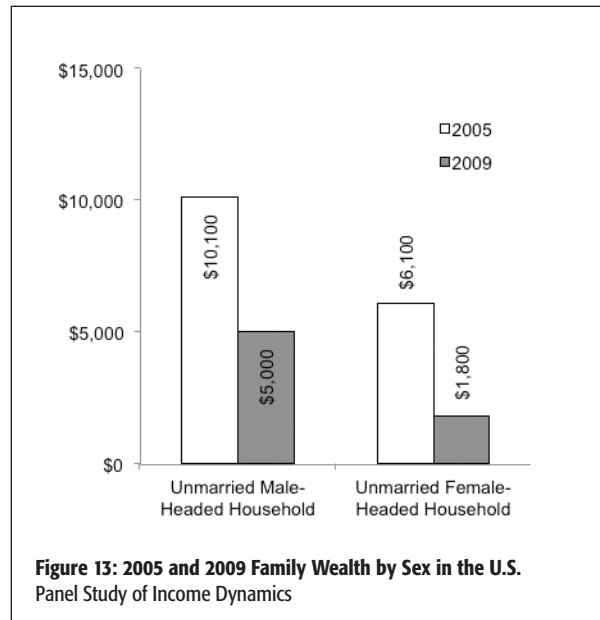
Females earned 78% of male median income.

Female poverty rate: 9.6%

Male Poverty Rate: 7.5%

## Gender, Marital Status, and Wealth

Across the country both unmarried female-headed and male-headed households have seen dramatic declines in their net wealth since 2005.<sup>282</sup> Nationally, male-headed households have a higher net worth than female-headed households. Female-headed households had a decrease in net worth of 70.5%, dropping from \$6,100, in 2005, to \$1,800, in 2009.<sup>283</sup>



### Fast Facts about Disability, Age, and Income

Percentage of median earnings for people with disabilities: 67.7%

Percentage in Poverty: 17.5%

Percentage Unemployed: 21.2%

Percentage of adult population receiving Social Security disability benefits: 4.8%

## Disability

There has been a 24% increase in the number of adults (age 18 to 64) receiving Social Security disability benefits in Connecticut between 2001 and 2010.<sup>284</sup> The percentage of the state's adult population receiving these benefits increased from 4.2% in 2001, to 4.8% in 2010.

## Disability and Income

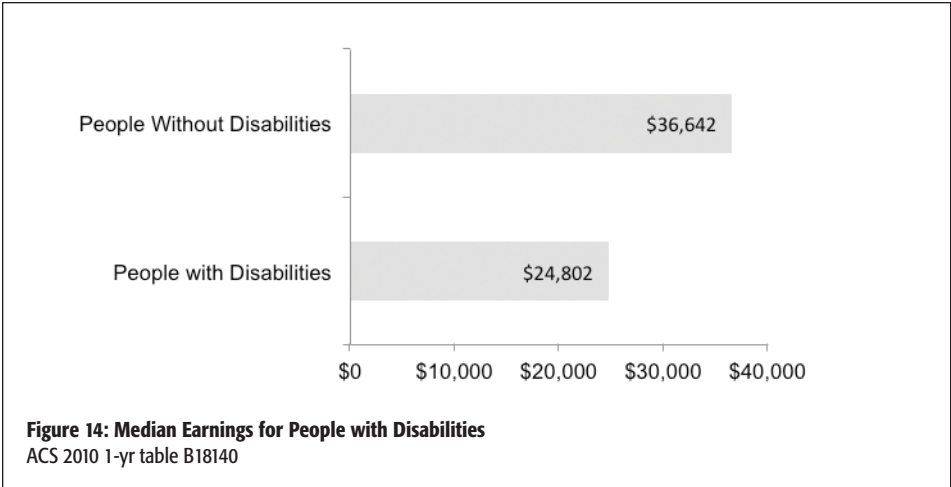
Census data includes only earned income and excludes unearned income like investment income, retirement income, and any form of public assistance. With regards to earned income, people with disabilities earn 67.7% of what people without disabilities earn.<sup>285</sup>

282 Includes households headed by individuals who are separated, widowed, divorced, or never married. Wealth includes the net value of the following assets for all family members after paying debts on these assets: farm or business, checking and savings accounts, real estate other than the primary home, stocks, all vehicles including boats, other assets, annuities, IRAs, other debts, and equity in primary home.

283 Panel Study of Income Dynamics, Institute for Social Research, Survey Research Center, University of Michigan, Ann Arbor, MI (2013), <http://simba.isr.umich.edu/VS/s.aspx>.

284 Social Security Administration (SSA), Office of Retirement and Disability Policy (ORDP), Office of Disability Programs (ODP), SSA State Agency Fiscal Year Workload Data, available at <http://www.ssa.gov/disability/data/ssa-sa-fywl.htm#Download>.

285 American Community Survey 2010 1-yr table B18140.



**Disability and Poverty**

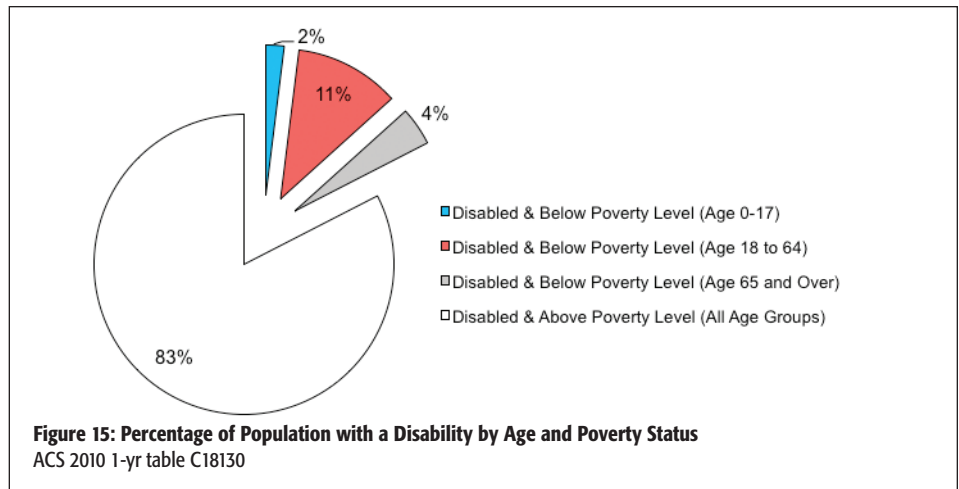
Since the Census tracks the poverty rate of people with disabilities, a poverty comparison is a more meaningful way of comparing the economic status of people with disabilities to other people. In Connecticut, 17.5% of people with disabilities live in poverty compared to 10% for the population as a whole and 9% of people without disabilities.<sup>286</sup> At 39%, the percentage of people with disabilities living below 200% of the federal poverty level is almost twice that of people without disabilities, at 21%.

These economic disparities are connected to unemployment levels. Unemployment is high among people with disabilities. In 2010, 21% of people with disabilities were not working but in the labor force.<sup>287</sup> Unemployment among people in the labor force without disabilities was 9.6% as of the same year. Not surprisingly, considering these disparities, people with disabilities receive benefits from the Supplemental Nutritional Assistance Program (SNAP, a.k.a food stamps) at three times the rate of the population without a disability. In 2010 in Connecticut, 21.5% of households with a disabled family member received SNAP benefits, compared to only 7.1% of households without a household member with a disability.<sup>288</sup>

**Disability, Age, and Poverty**

In addition to income disparities for people with disabilities when compared to those without, there are also poverty disparities across age groups for those with disabilities. The greatest disparity is among those age 18-64 who are poor and disabled, which account for 11% of all people with disabilities.<sup>289</sup>

286 American Community Survey 2010 1-yr table C18131.  
 287 American Community Survey 2010 1-yr table B18120.  
 288 American Community Survey 2010 1-yr table B22010.  
 289 American Community Survey 2010 1-yr table C18130. The poverty threshold for a single individual under age 65 is \$11,344 compared to \$10,458 for those age 65 and over. *Poverty Thresholds*, United States Census Bureau, <https://www.census.gov/hhes/www/poverty/data/threshld/index.html>.



### Sexual and Gender Orientation and Identity

There is a dearth of data available on the LGBT population. This is true of income and poverty data for this group as well. Some national data is available on educational attainment for people who are in the LGBT population. Since educational attainment and income are closely correlated, the educational attainment of people who are LGBT may give some indication of their need for affordable housing.<sup>290</sup>

The Gallup report on the LGBT population released in 2012 shows that identification as LGBT is highest among Americans with the lowest levels of education. These findings contradict other, more limited, studies.<sup>291</sup> Among those with a high school education or less, 3.5% identify as LGBT, compared with 2.8% of those with a college degree and 3.2% of those with postgraduate education. LGBT identification is highest among those with some college education but not a college degree, at 4.0%. In addition, this data aggregates all people in the LGBT community over 18 and so does not give a clear picture of income and housing needs of LGBT youth.

### Source of Income

By definition, people qualifying for assistance based upon a source of income other than employment will have disproportionately lower incomes than those not receiving assistance. However, most HCV Program voucher recipients (78%) are very low income, earning 30% of Connecticut's median income while 17% of all HCV Program voucher holders earn between 30% and 50% of median income.<sup>292</sup> Income data is not available for participants in the state's RAP Program, so an income analysis could not be performed.

<sup>290</sup> See, e.g. The Bureau of Labor Statistics, *Employment Projections*, [http://www.bls.gov/emp/ep\\_chart\\_001.htm](http://www.bls.gov/emp/ep_chart_001.htm).

<sup>291</sup> The Williams Institute study showed educational attainment of LGBT individuals on the same level or higher than heterosexuals. See, Gary J. Gates, "Sexual Minorities in the 2008 General Survey: Coming Out and Demographic Characteristics," *Williams Institute*, 2010, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-Sexual-Minorities-2008-GSS-Oct-2010.pdf>. To the contrary, a small Hartford-based study found that its sample of LGBT individuals appeared to be much worse off than heterosexuals in the region. "Combined with low rates of educational attainment, the employment and income figures may suggest limited access to/control over economic and financial resources." Margaret Weeks, Linda Estabrook and Jerimarie Liesegang, *Population Size, Characteristics & HIV Risks among Transgender People in Hartford*, 21.

<sup>292</sup> *Residents Characteristics Report*, U.S. Department of Housing and Urban Development, <https://pic.hud.gov/pic/RCRPublic/rcrstate.asp> (covers the period from November 1, 2011 to February 28, 2013).



**Figure 16: Income Ranges for Housing Choice Voucher Holders, November 2011 to February 2013, HUD Residents Characteristics Report**

Income Range as a Percentage of Median Income	Income Range in Dollars (assumes a family of 4) <sup>294</sup>	Percentage of Voucher Holders	Number of Voucher Holders
Below 30% of Median	Below \$30,591.90	78%	23,959
30% to 50% of Median	\$30,591.91 to \$50,986.50	17%	5,079
50% to 80% of Median	50,986.51 to \$81,578.4	3%	801
Over 80% of Median	82,578.41	0%	0

## Conclusion

Significant disparities in income, poverty, and, where data is available, wealth are evident for several groups in Connecticut:

- Non-Hispanic Blacks and Hispanics earn only 55% and 44% of what non-Hispanic Whites earn in Connecticut.
- Single-parents earn significantly less than married couples with children.
- Male-headed single-parent families earn 44%, and female-headed single-parent families earn only 30%, of what married couples with children earn in Connecticut.
- Women earn 78% of what men earn.
- People with disabilities are also disproportionately low income, earning on average 67.7% of what people without disabilities earn. This is particularly true for people with a disability who are under 65, in that they experience a higher rate of poverty than people with disabilities over 65.
- 95% of people using HCV Program vouchers earn 50% or less of median income.

As a result of these income and wealth disparities, non-Hispanic Blacks, Hispanics, women, single-parent families, people with disabilities under the age of 65, and people with a source of income other than employment have a disproportionate need for affordable housing. Increasing the supply of affordable housing and locating it communities throughout the state will promote integration.

<sup>293</sup> Median income for the Residents Characteristics Report uses area median income. For the purposes of this chart, state median income for a family of four is used – \$101,973. For more details on median income and poverty percentage in Connecticut, see <http://www.ct.gov/dss/lib/dss/PDFs/PovSML.pdf>.

# CHAPTER EIGHT

## Affordable Housing Need

### CHAPTER SNAPSHOT

**Affordable Housing Need:** In Connecticut, there is a disproportionate need for affordable housing among people of color, people with disabilities, single-parent households, and people with a source of income other than employment.

**Limited Geographic Choices:** Both affordable rental and homeownership options are limited to certain areas, and this is related to housing cost.

**Accessible Housing:** The population in need of accessible housing is growing significantly, yet there is little data available on housing need and supply for this population.

**Supportive Housing:** Supportive housing is needed by some people with disabilities. Experts estimate that 3,340 units of supportive housing need to be added to the current stock of 4,000 to meet the current need.

The review of demographic data above revealed that:

- Non-Hispanic Blacks, Hispanics, people with disabilities, single-parent households, and people with a source of income other than employment have a disproportionate need for affordable housing;
- A significant proportion of people with physical disabilities need housing that accommodates limited mobility; and
- Approximately the same number of people with disabilities have cognitive disabilities that may require some level of supportive housing. Supportive housing is also needed for some people who are recovering from an addiction to drugs or alcohol, forms of disability that are protected by fair housing laws.

This chapter addresses the need for and availability of affordable housing for all these populations.

To affirmatively further fair housing, it is also important to examine not just the need for affordable housing but also whether there is access to affordable housing in a variety of locations. In addition, the question of where to construct new housing must include consideration of people's non-housing needs.

### Disproportionate Needs for Affordable Housing

In Connecticut, low-income households, Blacks, Hispanics, people with disabilities, and single-parent households have a disproportionate need for affordable housing because these populations also tend to be low-income.<sup>294</sup> Statewide, 74% of households with incomes under \$50,000 including both renters and homeowners pay at least 30% of their income for housing.<sup>295</sup> Eighty-eight percent of the lowest income households (households with income less than \$20,000) pay more than 30% of their income for housing compared to 55% of households with incomes between \$35,000 and \$49,999. As illustrated by Figure 1, Hispanics have nearly five times the poverty rate of non-Hispanic Whites with Blacks having nearly four times the poverty rate. People with disabilities and single-parent house-

<sup>294</sup> American Community Survey 2010 1-yr table B25119. <sup>3</sup>American Community Survey 2010 1-yr table B25064. Gross Median Rent: Obtained from responses to the housing questions on the Census Bureau's American Community survey, gross median rent is the average of all rents and utilities paid by respondents in a given area. While gross median rent is one of the best available statistics on rent amounts, it is far from perfect. For example, it does not account for the number of units in the area and provides no information on bedroom size. These important additional pieces of information are not available through the Census in a usable form because all rental units with a gross rent over \$1,500 are grouped together. For these reasons, if anything, gross rent data underestimate the extent to which the lack of affordable housing affects segregation.

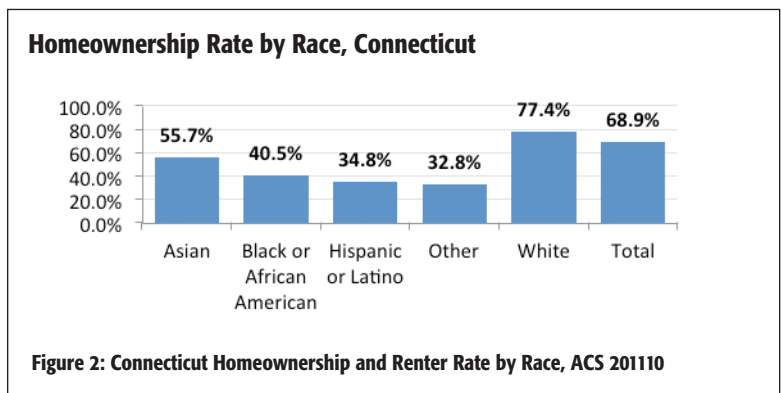
<sup>295</sup> American Community Survey 2010 1-yr table B25106.

holds have significantly higher poverty rates than those households not in a protected class. As a result, the lack of affordable housing has a disproportionate impact on these households.

**Figure 1: Protected Class, Income, and Poverty**

Group	Median Family Income	Poverty Rate
<b>Race &amp; Ethnicity</b>		
Non-Hispanic White	\$94,278	5%
Hispanic	\$41,539	24%
Black (including Hispanic)	\$51,901	19%
<b>Disabilities (income includes only earnings)</b>		
People Without Disabilities	\$36,642	9.2%
People With Disabilities	\$24,802	17.5%
<b>Marital Status</b>		
Married-Couple Family	\$102,853	2.8%
Single-Parent Family (male-headed)	\$45,752	15.4%
Single-Parent Family (female-headed)	\$31,460	29.8%

Income disparities also affect the type of housing tenure (homeownership v. rental) each group can afford. Since the occurrence of homeownership increases with increasing income, homeownership rates vary substantially by race (Figure 2).<sup>296</sup> The homeownership rate is highest for non-Hispanic White households at 77% followed by Asian households with the second highest homeownership rate in the state (56%). The non-Hispanic White homeownership rate is 1.8 times that of Blacks and almost two times the Latino rate. Homeownership is not only less prevalent among Black and Hispanic households, but also for single-parent families, at 38%, and families living in poverty, at 25%.<sup>297 298</sup>



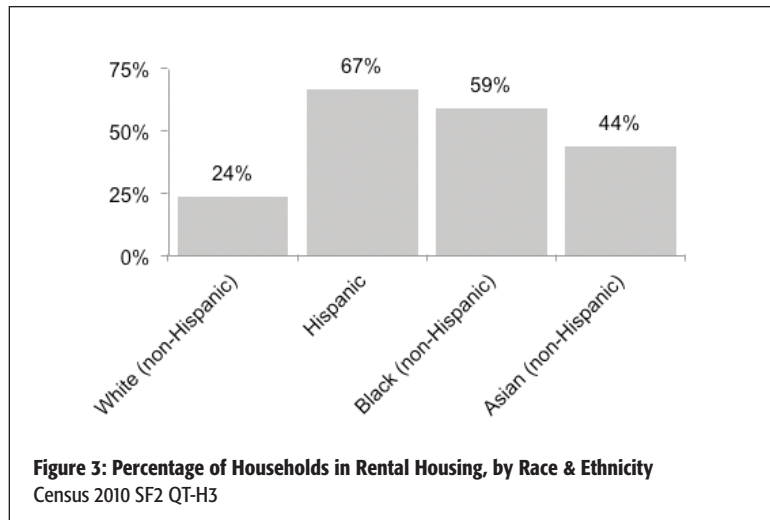
The number of renter-occupied households in Connecticut is disproportionately high among Blacks and Hispanics because most rental housing is more affordable than homeownership. As illustrated in Figure 3, two-thirds (67%) of Hispanic households live in rental housing and the majority of Blacks (59%) versus 24% of non-Hispanic Whites.<sup>299</sup>

296 American Community Survey 2010 1-yr table S2503.

297 American Community Survey 2010 1-yr tables B25003, B25003H, B25115, C17019.

298 Because the HCV Program is primarily a rental assistance program, an analysis of the program based on homeownership affordability is not necessary. As of February 2013, only 59 households in Connecticut participated in the HCV homeownership program. See *Residents Characteristics Report*, U.S. Department of Housing and Urban Development, <https://pic.hud.gov/pic/RCRPublic/rcrstate.asp>.

299 U.S. Census 2010 SF2 QT-H3.



Taken as a whole, lower-income groups such as people of color, single-parent households, and people with disabilities are more likely to rent than to own a home.

### Where is the Supply?

A fair housing assessment of housing need must also look at the location of affordable housing. Because Blacks, Hispanics, single-parent families, and people with disabilities disproportionately need affordable housing, policies and practices that generate affordable housing opportunities only in certain areas promote segregation. To understand where affordable housing is located, this section reviews information relative to:

- The Affordable Housing Appeals Act (“AHAA”);
- The location of multifamily housing; and
- Affordable homeownership options.

These are considered in light of municipalities with the highest percentages of people of color, people with disabilities, single-parent families, and HCV Program voucher holders.

### 1. AHAA Percentages

#### AHAA AND RACE

Of the municipalities that have not met the 10% affordable threshold in Connecticut’s AHAA,<sup>300</sup> 98% (136 of 169) are municipalities that are disproportionately non-Hispanic White compared to the state as a whole (i.e. greater than 71% non-Hispanic White).<sup>301</sup> Similarly, none of the municipalities ranked in the top five for percentages of people of color, people with disabilities, single-parent households, and voucher holders are under the 10% threshold.

300 C.G.S. § 8-30g

301 Data on race from household population Census 2010 SF2 PCT5.

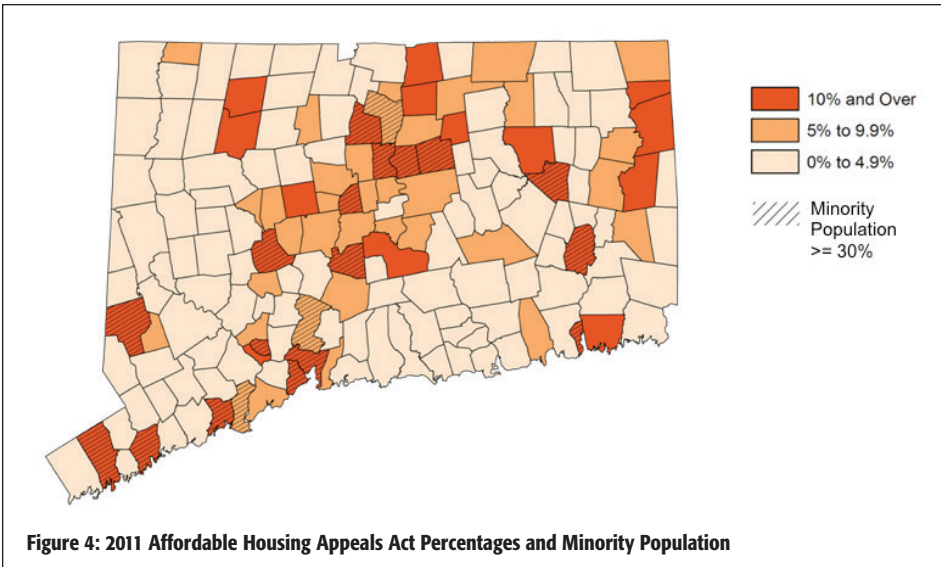


Figure 4: 2011 Affordable Housing Appeals Act Percentages and Minority Population

## 2. Where is Multifamily Housing?

One of the most cost effective ways to create affordable housing is through the development of multifamily housing. Connecticut municipalities with a minority population of 30% or higher have 105 times the multifamily housing stock as Connecticut municipalities with a minority population less than 30%.<sup>302</sup> This is the case despite the fact that municipalities with a minority population of 30% or higher have only 15 times the population of municipalities with minority populations of less than 30%.

Between 2002 and 2011, the state continued to lose multifamily housing in municipalities that were more than 70% non-Hispanic White while adding such housing in municipalities that were more than 30% people of color. Although there was a net gain of 25,474 multifamily housing units, 62 municipalities had a net loss of multifamily units while 104 municipalities had a net gain. However, 51% of new units were built in the municipalities of Bridgeport, Hartford, Norwalk, Groton, and New Britain.<sup>303</sup> In Bridgeport alone, 5,335 new multifamily units were added.<sup>304</sup>

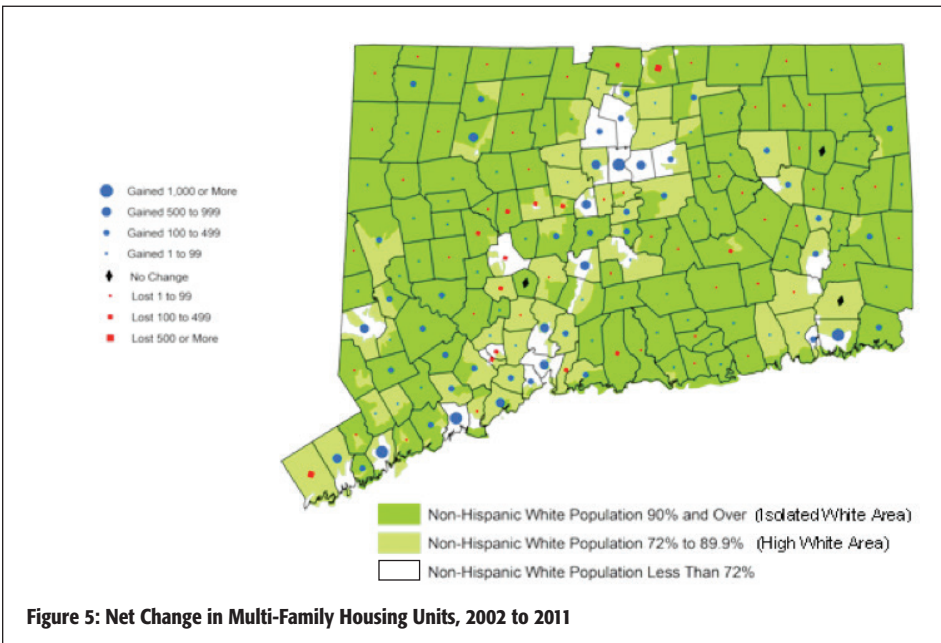


Figure 5: Net Change in Multi-Family Housing Units, 2002 to 2011

302 Connecticut municipalities with minority populations of more than 30% have 250,997 units of multifamily housing as compared to Connecticut municipalities with minority populations of less than 30% which have 2,370 units of multifamily housing.

303 Housing construction data from the Connecticut Department of Economic and Community Development, available at <http://www.ct.gov/ecd/cwp/view.asp?a=1105&q=251248> (Housing Reports: Construction Reports).

304 Given that the State's economy has been strongest in Stamford, Norwalk, Bridgeport, and New Haven it is not surprising that most new multifamily housing is located in these communities. The State is currently working to increase the incentives to building affordable multifamily housing in other areas of the State.

### 3. Where is Homeownership Unaffordable?

The availability of affordable homeownership options is another measure of the extent to which housing is within reach for groups that are disproportionately low income. With the exception of Stamford, all the municipalities identified above as disproportionately being home to groups needing affordable housing are within the top 5th of municipalities with the smallest percentage of homes valued at \$200,00 or greater.

**Figure 6: Connecticut Municipalities by Percentage of Minorities, People with Disabilities, Single-Parent Households, and Housing Choice Voucher Holders and Homeownership Affordability**

Rank in % of People of Color, People with Disabilities, Single-Parent Households, and HCV Holders	Town	Owner Occupied % Value >=\$200,000	Homeownership Affordability Ranking (1 = Highest % Affordable)
1	Hartford	42.3%	5
2	Bridgeport	59.5%	21
3	New Haven	60.1%	23
4	Bloomfield	60.1%	24
5	East Hartford	43.2%	6
6	Waterbury	29.9%	1
7	Meriden	52.9%	9
8	Bristol	58.5%	18
9	New Britain	34.8%	2
10	New London	48.3%	8
11	Windham	62.9%	3

### Housing Needs for People with Mobility-Related Disabilities

According to the U.S. Census Bureau, 188,276 people with disabilities in Connecticut reported having mobility difficulties.<sup>305</sup> This represents 28% of all people with disabilities. Older people with disabilities most frequently reported mobility difficulties. Due largely to the growth of the elderly population, the number of people who live with mobility-related disabilities is on the rise. This group has particular housing needs addressed by the fair housing laws.

This need is further demonstrated by the experience of the Money Follows the Person Program (“MFP Program”), a federal program administered by DOH which assists Medicaid beneficiaries living in long-term care facilities transition back to the community with the assistance of community-based long-term care services.<sup>306</sup> This program generates cost savings to the state and positive outcomes for participants, who report being happier and healthier in home settings.<sup>307</sup> In the first quarter of 2013, 75% of the people participating in MFP transitioned to rental units.<sup>308</sup> Fifteen percent report that an obstacle to their moving was the need to make modifications to their new homes.<sup>309</sup>

Despite a growing need, gauging the supply of housing available to people with mobility impairments is difficult. While by law multifamily housing built since 1991, with a few exceptions, should be accessible, it is unclear how many accessible units actually exist<sup>310</sup> in Connecticut, where

305 American Community Survey 2010 1-yr tables B18102, B18103, B18104, B18105, B18106, B18107.

306 Carol V. Irvin, Alex Bohl, Victoria Peebles and Jeremy Bary, “Post-Institutional Services of MFP Participants: Use and Costs of Community Services and Supports,” *Mathematica Policy Research*, February 2012, <http://www.mathematica-mpr.com/publications/pdfs/health/mpfieldrpt9.pdf>.

307 *Id.* at 2–3.

308 “CT Money Follows the Person Quarterly Report, Quarter 1, 2013, January 1, 2013-March 31, 2013,” University of Connecticut Health Center, 3, <http://uconn-aging.uhc.edu/2013%20Q1%20MFP%20report.pdf>.

309 *Id.* at 8.

310 DOH runs a website that allows Connecticut housing providers to list properties that are available. That site, allows housing providers to designate units as “for the handicapped” or “having accessible features.” However, it is unclear if these units meet all of the accessibility criteria required by the fair housing laws. See, <http://www.cthousingsearch.org/>



they are, and if they are available. What is clear is that 95.1% of owner-occupied multi-unit housing in Connecticut was built prior to 1980.<sup>311</sup> Furthermore, 94.3% of renter-occupied multi-unit housing was built before 1980. In total, 94.5% of all multi-unit housing (either owner-occupied or renter-occupied) in Connecticut was built before 1980. Since the effective date of the amendments to the Fair Housing Act was 1991, it is likely that 94.5% of multifamily units are not accessible unless modifications were made after 1991.<sup>312</sup> In many cases it is difficult for people with disabilities who are disproportionately low-income to pay for such modifications.

The best available information, albeit in some cases anecdotal, suggests a great unmet need for accessible housing. Due to a lack of hard data on the need for such housing, reports from people with disabilities and the organizations that assist them provide some of the best evidence of the scope of the problem. Programs that provide assistance to help people with disabilities make their homes accessible have long waiting lists. The Corporation for Independent Living (“CIL”), for example, has a one-year waiting list for clients<sup>313</sup> needing such assistance through its Loans and Grants for Accessibility (“AccesSolutions”), which is funded by the State and private contributions. This is true despite the fact that the organization has invested \$14.8 million making homes accessible over the last 25 years. CIL’s President/CEO, Martin Legault reports that, “I have been with CIL for 33 years and in that time we have made all kinds of modifications enabling people to stay in their own homes, but we still see a huge need for accessible housing for a growing elderly population, for younger people with disabilities who are moving to their own homes and for returning veterans.”<sup>314</sup> A survey of legal services attorneys also revealed that accessible housing is a major barrier to housing experienced by their clients.<sup>315</sup> Furthermore, CFHC reports that even when homes are advertised as accessible, barriers such as steps up to the front door, inadequate turning areas in kitchens and bathrooms, and inaccessible common areas still exist.<sup>316</sup>

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## Need for Supportive Housing

Supportive housing is permanent, affordable housing coupled with individualized supports intended to assist the individual in maintaining his or her tenancy. Along with rapid rehousing, homelessness prevention efforts, and the creation of affordable housing, supportive housing is a crucial method to reduce homelessness. Individualized supports can include case management, peer supports, employment supports, daily living skills, social and family connections, access to medical, mental health and substance abuse services and other services as needed. Supportive housing is designed to serve those who would not be able to stay housed without such services. People living in supportive housing usually have a long history of homelessness and often face persistent obstacles to maintaining housing, such as a serious mental illness, a substance abuse problem, or a chronic medical problem. Many tenants face more than one of these serious conditions.

The need for supportive housing has grown out of a deeper understanding of the causes of homelessness. Cognitive impairment experts estimate that 80% or more of the homeless population have a cognitive disability.<sup>317</sup> According to the U.S. Census Bureau, there are 136,327 people in Connecticut with cognitive difficulties.<sup>318</sup> Some percentage of this group would likely benefit from supportive housing. In addition, another group of people potentially in need of supportive housing are people with a history of or current problems with substance use. People with certain addictions, those in recovery, and people with cognitive disabilities are protected under the state and federal FHA as people with disabilities.

It is difficult to estimate the need for supportive housing. One measure is the number of people who are homeless. In 2012, 13,401 people found housing in transitional or emergency shelters in

311 American Community Survey 2010 1-yr table B25127.

312 Data is not available for units built between 1980 and 1991.

313 To qualify for assistance from CIL, people with disabilities meet criteria in addition to needing accessible features in a unit. This sometimes results in CIL not having enough people who qualify for their assistance.

314 Interview with Martin Legault, Corporation for Independent Living, April 4, 2013.

315 Survey of Connecticut legal services attorney, February 2013.

316 Interview with Erin Kemple, Connecticut Fair Housing Center, June 11, 2013.

317 Thomas Earl Backer and Elizabeth A. Howard, “Cognitive Impairments and the Prevention of Homelessness: Research and Practice Review,” *J Primary Prevent* (2007) 28:375–388 DOI 10.1007/s10935-007-0100-1, June 5, 2007, <http://link.springer.com/content/pdf/10.1007%2Fs10935-007-0100-1.pdf>.

318 American Community Survey 2010 1-yr table B18104.

Connecticut.<sup>319</sup> Through a coalition effort called *Opening Doors-Connecticut*, a number of non-profits have developed strategies for preventing homelessness in Connecticut that is, in part, grounded in creating more supportive housing units.<sup>320</sup> The *Opening Doors-CT* campaign estimates that, based on shelter usage between 2012 and 2016 Connecticut will need an estimated 3,340 new units of supportive housing in addition to the more than 4,000 supportive housing units already in existence.<sup>321</sup>

This estimate likely undercounts the number of people who need supportive housing for at least two reasons. First, there are likely people who would benefit from supportive housing services but do not become homeless. Second, for various reasons, families with children do not use homeless shelters at the same rate as single adults, yet there are likely families that would benefit from supportive housing.<sup>322</sup>

Because people with disabilities and people of color are overrepresented in Connecticut's homeless population and people with disabilities are a core population that could benefit from supportive housing, the placement of supportive housing is important to track carefully.<sup>323</sup>

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## Conclusion

An analysis of housing needs in Connecticut finds that there are three distinct housing needs that relate to state and federal FHA protected class status:

- A need for affordable housing for Blacks, Hispanics, people with disabilities, and people with a source of income other than employment.
- A need for accessible housing to accommodate the growing number of people with mobility-related disabilities.
- A need for supportive housing for people with cognitive disabilities and those in recovery from substance abuse.

The location of new housing investments designed to meet these needs is critical. Affordable housing exists in a limited number of areas and this fosters segregation of the groups that need such housing. Addressing the shortage of affordable housing and placing that housing in a diversity of locations will promote integration in Connecticut's communities.<sup>324</sup>

Due to privacy considerations, there is virtually no information available on the location of accessible housing. However, future investments should make an effort to place supportive housing in a diversity of geographic locations to provide a variety of placement options. Later chapters also address placement considerations such as access to services, schools and transportation.

319 Janice Elliot, Howard Rifkin and Francesca Martin, "Opening Doors – Connecticut: Framework for Preventing and Ending Homelessness 2011," 11, [http://pschousing.org/files/RH\\_OpeningDoorsCT\\_Framework\\_8-13-12.pdf](http://pschousing.org/files/RH_OpeningDoorsCT_Framework_8-13-12.pdf) (hereinafter "Opening Doors Framework").

320 These non-profits include: Connecticut AIDS Resource Coalition Connecticut Coalition to End Homelessness Connecticut Housing Coalition Corporation for Supportive Housing Connecticut Women's Education and Legal Fund. For more about the Opening Doors campaign, see <http://pschousing.org/openingdoors-ct>.

321 Opening Doors Framework, *supra* note 48, at 23. Overall, advocates estimate that 8,280 families need some kind supportive housing services. See also, [http://www.ct.gov/opm/lib/opm/hhs/interagency\\_council\\_on\\_affordable\\_housing/meeting\\_2014\\_01-07/draft\\_council\\_on\\_affordable\\_housing\\_report\\_2014.pdf](http://www.ct.gov/opm/lib/opm/hhs/interagency_council_on_affordable_housing/meeting_2014_01-07/draft_council_on_affordable_housing_report_2014.pdf)

322 See "Portraits of Homelessness in Connecticut," *Connecticut Coalition to End Homelessness*, 1, [http://www.cceh.org/files/publications/portraits\\_summary.pdf](http://www.cceh.org/files/publications/portraits_summary.pdf). 65% of people using homeless shelters in Connecticut are adults without children. The Portraits report also found that children of homeless adults often found temporary housing outside of the shelter setting. *Id.* at 3. It is important to note that the Opening Doors – Connecticut effort does assess the need for permanent supportive housing units needed by families.

323 See *id.* at 3. One in four homeless adults receives Disability or Social Security income. While African-Americans made up 10.4% of the state population in 2011, the report found that 36% of the homeless population was African-American. *Id.*

324 While there appear to be similar connections between the availability of affordable rental and multifamily housing and where single-parent households reside in great numbers, this is less the case with the locations hosting significant percentages of people with disabilities. There is a level of correlation between the top 5 municipalities with the largest percentages of people with disabilities and the affordability of rental housing. However there are also municipalities with high percentages of people with disabilities that do not have a significant affordable rental or multifamily housing stock. Other factors such as access to medical care and family support networks play a role in where people with disabilities are living.

# SECTION THREE

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## Connecticut Housing Patterns

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# CHAPTER NINE

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## Segregation in Connecticut

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### CHAPTER SNAPSHOT

- Using several different measures of racial and ethnic segregation, Connecticut ranks among the most segregated in the country.
- Other members of the protected classes in Connecticut also experience high levels of segregation.
- Segregation results from a variety of factors including the intended or unintended impact of public policies, private discrimination, or individual choice.

The legacy of the policies and practices that created segregation as well as income disparities across racial and ethnic groups resulted in high levels of segregation in many Connecticut communities. Demographic and geographic data indicate that several groups are particularly concentrated, including:

- People of color;
- People with lawful sources of income other than employment;
- People with disabilities;
- Single-parent households; and
- LGBT people.

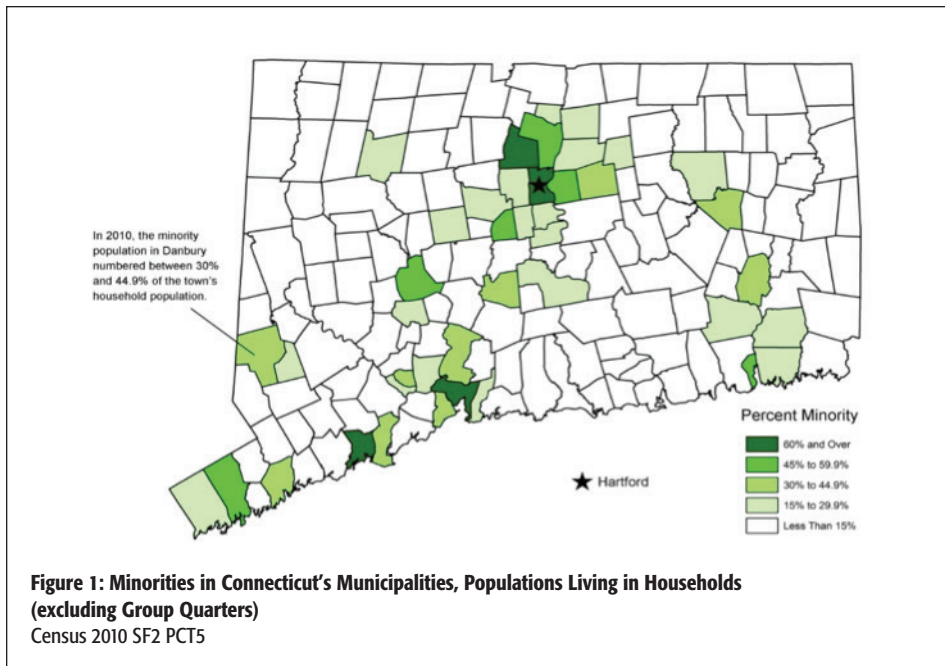
The purpose of this chapter is to assess the levels of racial and ethnic segregation in Connecticut based on a series of standard measures and then assess, to the extent possible based on available data, the extent to which other groups are segregated.

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### Part 1: Segregation and People of Color

By any measure, Connecticut is highly racially and ethnically segregated. Two of every three persons of color in Connecticut live in just 15 of the state's 169 municipalities. These towns house 35% of the State's entire population. Put another way, 67% of the State's population of color lives in 8% of Connecticut's towns.<sup>325</sup> See, Figure 1.

<sup>325</sup> Census 2010 SF2 table PCT5. The 15 towns are Bridgeport, Hartford, New Haven, Waterbury, Stamford, Norwalk, New Britain, Danbury, East Hartford, Meriden, West Haven, Hamden, Manchester, Stratford, West Hartford.



## Measuring Racial and Ethnic Segregation

### Dissimilarity Index

Although racial segregation can be measured in a number of ways, the “dissimilarity index,” which is used by HUD to assess levels of segregation, is the most commonly used measure of segregation between two groups.<sup>326</sup> The dissimilarity index measures whether a racial or ethnic group is distributed across a region in the same way as another racial or ethnic group. A value of “0” reflects absolute integration meaning no one in any group would need to move to achieve an equitable distribution.<sup>327</sup> A value of “1” reflects absolute segregation wherein at least 100% of one of the groups must move to be evenly distributed. HUD considers an area to have a high level of segregation if it has a score of .55 or higher. In that case, 55 of every 100 members (55%) of either group would need to move to achieve an equal distribution.<sup>328</sup>

Figure 2 maps the dissimilarity index for *all* people of color compared to non-Hispanic Whites. Areas categorized with “high segregation” are the Hartford Labor Market Area (“LMA”)<sup>329</sup> (.55), the New Haven LMA (.56), and the Bridgeport-Stamford LMA (.56).<sup>330</sup>

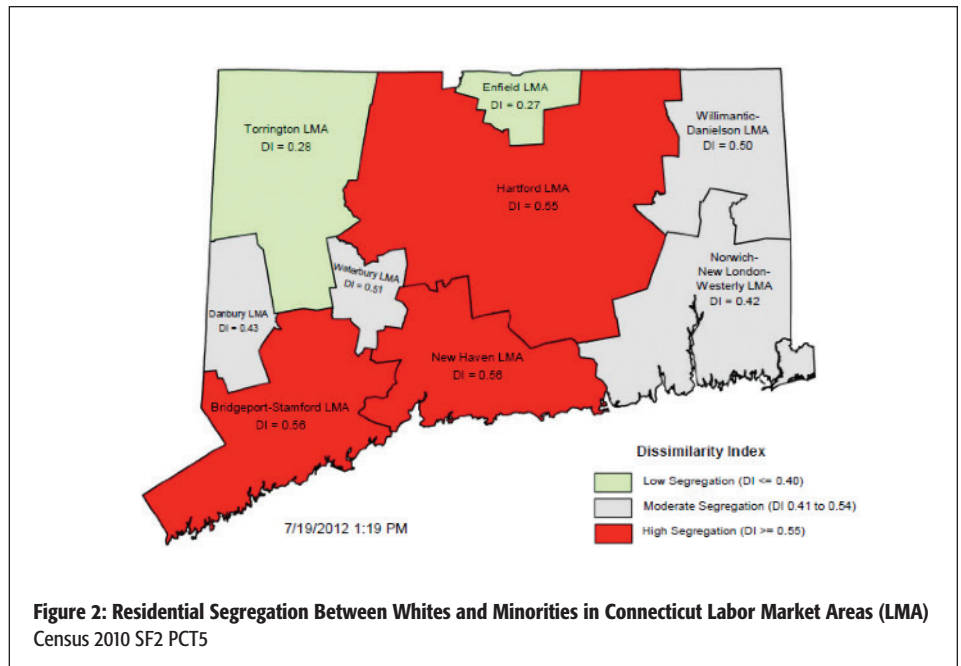
326 For calculation, see *Residential Segregation Measurement Project*, <http://enceladus.isr.umich.edu/race/calculate.html>. Hispanic Whites are counted as minorities. *Housing Patterns Appendix B*, U.S. Census Bureau, [http://www.census.gov/hhes/www/housing/resseg/app\\_b.html](http://www.census.gov/hhes/www/housing/resseg/app_b.html)

327 See *Residential Segregation*, Brown University, <http://www.s4.brown.edu/us2010/segregation2010/Default.aspx>.

328 The HUD thresholds for measuring segregation were obtained from *PD&R Fair Housing and Equity Analysis Data Documentation*. Other sources use 60% as the threshold for high segregation and 30% for low segregation.

329 The Bureau of Labor Statistics defines a Labor Market Area as an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence.

330 For more on Labor Market Areas, see *Labor Market Areas*, 2013, U.S. Department of Labor Bureau of Labor Statistics, March 2013, <http://www.bls.gov/lau/lmadir.pdf>.



**Figure 2: Residential Segregation Between Whites and Minorities in Connecticut Labor Market Areas (LMA)**  
Census 2010 SF2 PCT5

<b>Figure 3: Dissimilarity by Race in Connecticut Labor Market Areas</b>			
<b>Connecticut Labor Market Area</b>	<b>Hispanic vs. Non-Hispanic White</b>	<b>Non-Hispanic Black vs. Non-Hispanic White</b>	<b>All Minorities vs. Non-Hispanic White</b>
Bridgeport-Stamford	<b>.60</b>	<b>.73</b>	<b>.56</b>
Danbury	.51	NA	.43
Enfield	NA	NA	.27
Hartford	<b>.62</b>	<b>.71</b>	<b>.55</b>
New Haven	<b>.59</b>	<b>.74</b>	<b>.56</b>
Norwich-New London	.52	NA	.42
Torrington	NA	NA	.28
Waterbury	.54	<b>.58</b>	.51
Willimantic-Danielson	<b>.67</b>	NA	.50

As seen in Figure 3, the degree of dissimilarity increases when race and ethnicity are examined separately.<sup>331</sup> For example, in the Bridgeport-Stamford area, the dissimilarity index for *all* minorities v. non-Hispanic Whites is .56. When that figure is broken out into Hispanic v. non-Hispanic White, the dissimilarity index increases to .60. In fact, the dissimilarity index for Hispanics vs. non-Hispanic Whites is high (at least .55) in four of the seven LMAs for which this statistic can be reported.<sup>332</sup> See, Figure 4.

331 The dissimilarity index for Asians was not calculated because their population is less than 5% in all LMAs.

332 If a dissimilarity index is not calculated for a particular LMA, it is because the population of Hispanics in those areas is less than 5%.



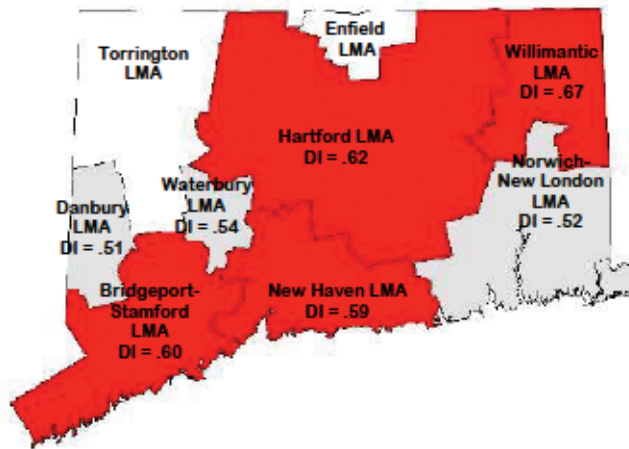


Figure 4: Hispanic vs. Non-Hispanic White Dissimilarity Index by LMAw

Figure 5 shows that the Bridgeport-Stamford, Hartford, and New Haven LMAs all have high levels of non-Hispanic Black vs. non-Hispanic White segregation, meaning more than 70% of non-Hispanic Blacks in those areas would need to move to achieve an even distribution among non-Hispanic Blacks throughout these LMAs.

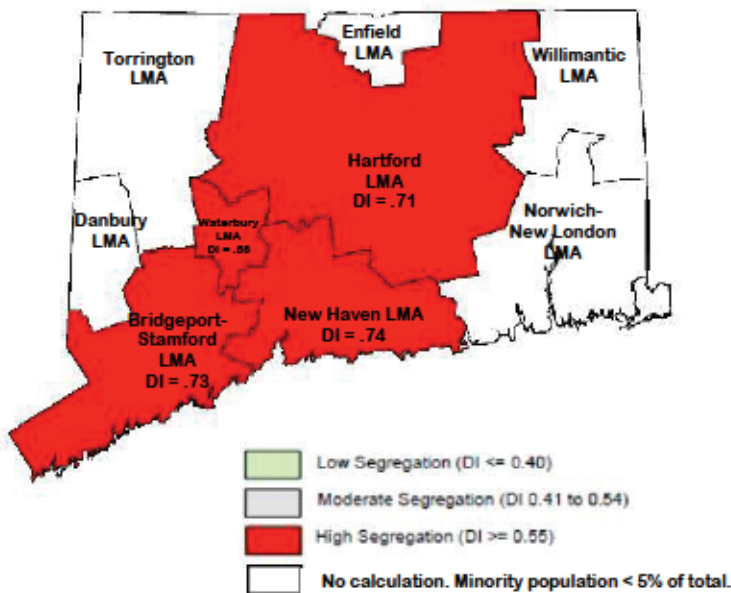


Figure 5: Non-Hispanic Black vs. Non-Hispanic White Dissimilarity Index by LMA

### How Does Connecticut Compare to Other Parts of the Country?

A recent Harvard University study calculates the dissimilarity index for 362 Metropolitan Statistical Areas (“MSAs”) around the country.<sup>333</sup> Because the geographical areas used for these two analyses

Of the 362 MSAs across the country, the Bridgeport MSA and the Hartford MSA are, respectively, the 8th and 9th most segregated in terms of Hispanic v. non-Hispanic White segregation.

333 See DiversityData.org, Harvard University, <http://diversitydata.sph.harvard.edu/Data/Rankings/Show.aspx?ind=163&tf=38&sortBy=Value&sortChs=1&sort=LowToHigh&notes=True&rt=MetroArea&rgn>ShowAll>. This report uses the LMA because it is a more accurate representation of where people live and work than other measures such as the MSA.

is different, the index numbers vary slightly. However, by using the Harvard analysis, it is possible to compare Connecticut to other areas of the country.

### Hispanic vs. Non-Hispanic White Segregation

Based on the Harvard analysis, the Bridgeport area is the 8th most segregated metropolitan area of 362 MSAs when examining Hispanic vs. non-Hispanic White segregation. By this same measure, the Hartford area ranks as the 9th most segregated nationwide. Springfield, MA (at #2), New York (at #4), Providence (at #6), and Boston (at #7) rank ahead of Bridgeport and Hartford. The New Haven area ranks 20th, and the New London-Norwich area ranks 72nd.<sup>334</sup>

<b>Figure 6: Hispanic vs. Non-Hispanic White Segregation as Compared to Other MSAs</b>	
<b>Region</b>	<b>National Ranking (1 is most segregated among 362 metropolitan areas)</b>
Hartford	9th
Bridgeport	8th
New Haven	20th
Norwich-New London	72nd

### Non-Hispanic Black vs. Non-Hispanic White Segregation

For non-Hispanic Black vs. non-Hispanic White segregation, the Bridgeport area is the 18th most segregated out of 362 regions nationwide while the Hartford area ranks 34th. The only MSA in the northeast that ranks higher than Bridgeport and Hartford is New York City at #2. The New Haven and New London-Norwich areas enter the rankings at 42nd and 128th highest, respectively.

<b>Figure 7: Non-Hispanic Black vs. Non-Hispanic White Segregation as Compared to Other MSAs</b>	
<b>Region</b>	<b>National Ranking (1 is most segregated among 362 metropolitan areas)</b>
Hartford	34th
Bridgeport	18th
New Haven	42nd
Norwich-New London	128th

### Non-Hispanic Asian vs. Non-Hispanic White Segregation

Connecticut fares much better in terms of non-Hispanic Asian vs. non-Hispanic White segregation. The highest level of Asian segregation in the state is in the New London-Norwich area, which ranks 154th out of 362 areas across the country. The Hartford area is the 182nd highest, the Bridgeport area is 255th, and the New Haven area is 273rd. All of the Connecticut areas analyzed in the Harvard study have a dissimilarity index value below .40 for Asian segregation, which is far below the .55 level that is considered high segregation by HUD.

<b>Figure 8: Non-Hispanic Asian vs. Non-Hispanic White Segregation as Compared to Other MSAs</b>	
<b>Region</b>	<b>National Ranking (1 is most segregated among 362 metropolitan areas)</b>
Hartford	182nd
Bridgeport	255th
New Haven	273rd
Norwich-New London	154th

<sup>334</sup> The other cities ranked as the top 10 most segregated in the country include Reading, PA (1), Los Angeles, CA (3), Salinas, CA (5), Miami, FL (10).

## Other Measures of Segregation

### Exposure Indexes

Another measure of segregation is generally referred to as the “exposure index.”<sup>335</sup> This index measures the levels of “isolation” and “interaction” among majority and minority groups. The isolation index measures the extent to which members of a racial group are exposed only to other members of the same group. The *interaction* index measures the exposure of minority group members to members of the majority group. Lower values of interaction and higher values of isolation each indicate higher levels of segregation.<sup>336</sup>

It is important to note that these indexes are greatly affected by the size of the group. For example, the smaller the group the more likely it is to be less isolated from other groups and the more likely it will have a low isolation index. Taken as a whole, the racial isolation and interaction indexes for Connecticut show that in areas where people of color reside in large numbers, over half of their neighbors are likely to be people of color.

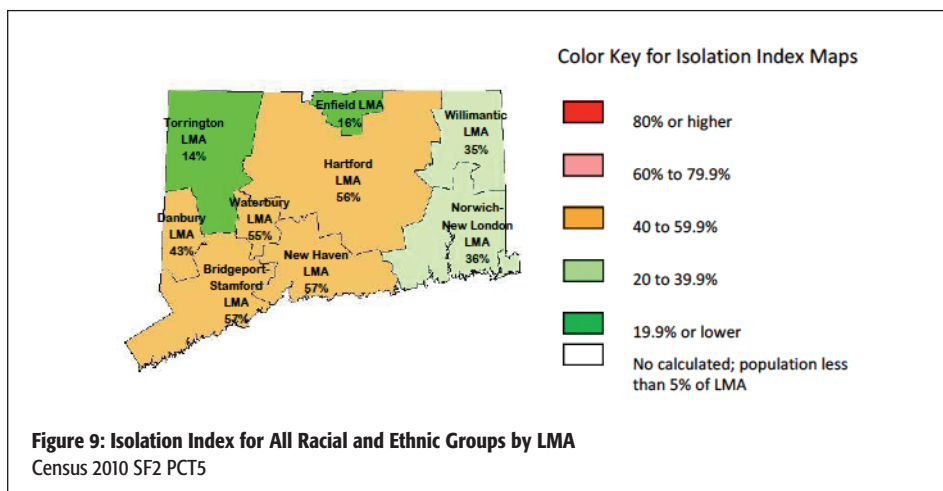
### Isolation

There are high levels of racial isolation for people of color in the Hartford, Waterbury, New Haven, Danbury, and Bridgeport-Stamford LMAs relative to other parts of the state. While there is lower isolation of people of color in other municipalities in Connecticut, this is largely due to a lower population of color in these areas.

When all minorities are grouped together, the highest level of residential isolation is in the Bridgeport-Stamford and New Haven LMAs where more than half (57%) of a person of color’s neighbors are other people of color. See, Figure 9. The most racially isolated group in Connecticut is non-Hispanic Whites. In 7 of the 9 LMAs, the typical non-Hispanic White individual lives in an area where at least 80% of his/her neighbors are also non-Hispanic White. See, Figure 10. Among Hispanics the highest racial isolation is in the Hartford and Willimantic-Danielson LMAs, where 36% of a Hispanic individual’s neighbors are also Hispanic. See, Figure 11.

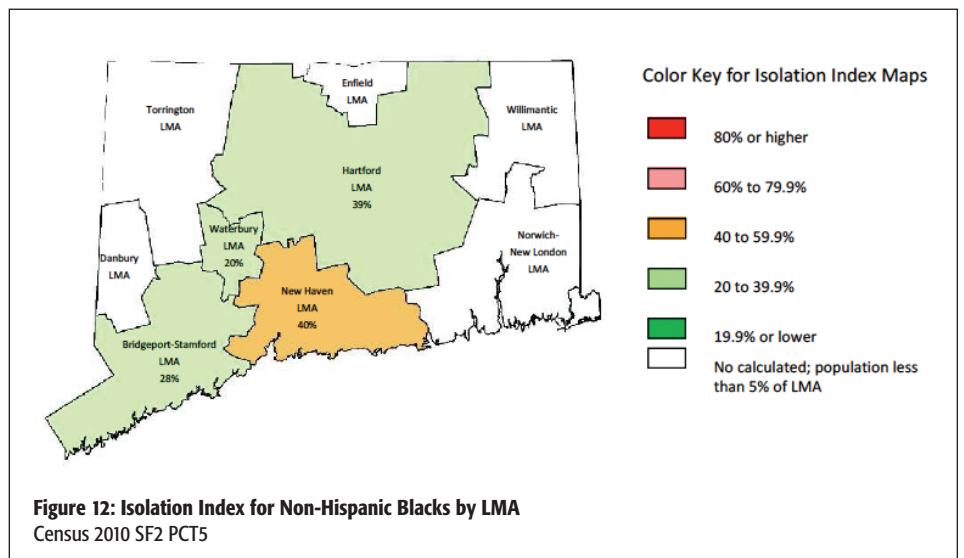
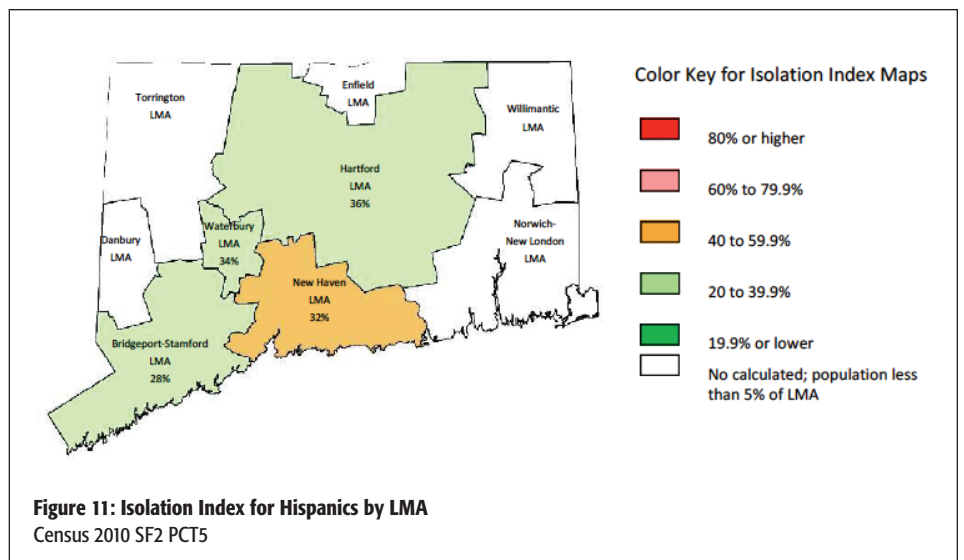
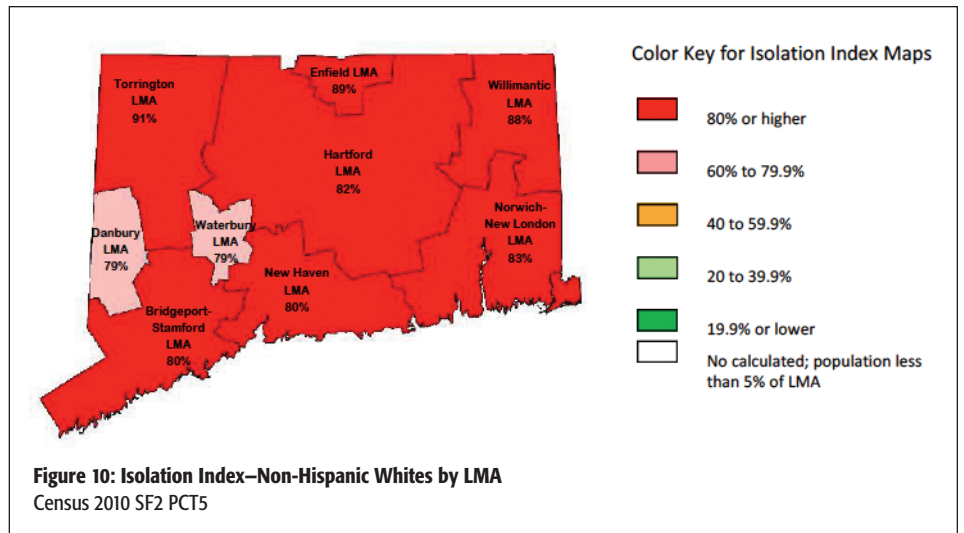
Among non-Hispanic Blacks, the highest area of racial isolation is in the New Haven LMA, where 40% of a non-Hispanic Black’s neighbors are also non-Hispanic Black. See, Figure 12.

The racial isolation and interaction indexes for Connecticut show that in areas where people of color reside in large numbers, over half of their neighbors are likely to be people of color.



335 *Housing Patterns Appendix B*, U.S. Census Bureau, [http://www.census.gov/hhes/www/housing/resseg/app\\_b.html](http://www.census.gov/hhes/www/housing/resseg/app_b.html)

336 *Id.*



Another way to think about the isolation index is to compare the extent to which the members of a particular racial group are living with people like themselves to the percentage of the same group that lives in the region as a whole. For example, Figure 13 shows that although the population of color in the Hartford LMA is 29%, the average person of color living in the Hartford LMA resides in a neighborhood that is 56% people of color. The ratio of the isolation index to the LMA-wide percentage of minorities equals 1.9. This indicates that the average person of color in the Hartford LMA lives in an area that has 90% more minorities than would be expected if minorities were evenly distributed throughout the Hartford LMA. Figure 13 lists the local area isolation index to racial percentages throughout an LMA.

**Figure 13: Isolation Index for People of Color Compared to their Corresponding LMA Population**

Labor Market Area	Isolation Index	Population of Color in LMA	Ratio of Isolation Index to People of Color in LMA
Bridgeport-Stamford	57%	32%	1.8
Danbury	43%	27%	1.6
Enfield	16%	12%	1.3
Hartford	56%	29%	1.9
New Haven	57%	32%	1.8
Norwich-New London	36%	21%	1.7
Torrington	14%	9%	1.6
Waterbury	55%	35%	1.6
Willimantic-Danielson	35%	15%	2.3

**Interaction**

Figure 14 compares the interaction people of color have with non-Hispanic Whites as compared to the percentage of non-Hispanic Whites in the same area. For example, in the Hartford LMA, the average person of color lives in an area where 44% of his or her neighbors are non-Hispanic White. However, 71% of the population of the Hartford LMA is non-Hispanic White. The ratio of this interaction index to the corresponding non-Hispanic White population is 0.62, meaning that in the Hartford LMA, people of color live in areas with 62% as many non-Hispanic Whites as would be expected if non-Hispanic Whites were evenly distributed within the LMA.

The Torrington and Enfield LMAs have the highest level of interaction between people of color and non-Hispanic Whites in Connecticut. In Torrington, the typical person of color lives in an area where 86% of their neighbors are not a person of color but instead are non-Hispanic White. This is partially due to the lower concentration of people of color living in these LMAs. Conversely, the Bridgeport-Stamford and New Haven LMAs have the lowest level of racial interaction. In both of these LMAs, non-Hispanic Whites live in areas where only 20% of their neighbors are people of color.

**Figure 14: Interaction Index for People of Color Compared to Corresponding Non-Hispanic White Population**

Labor Market Area	Interaction Index	Non-Hispanic White Population in LMA	Ratio of Interaction Index to Non-Hispanic White Population in LMA
Bridgeport-Stamford	43%	68%	0.63
Danbury	57%	73%	0.78
Enfield	84%	88%	0.95
Hartford	44%	71%	0.62
New Haven	43%	68%	0.63
Norwich-New London	64%	79%	0.81
Torrington	86%	91%	0.95
Waterbury	45%	65%	0.69
Willimantic-Danielson	65%	85%	0.76

## Part 2: Segregation of Other Protected Classes

Documenting segregation among groups other than racial and ethnic groups is challenging because such an analysis is less frequently undertaken and, therefore, the data is insufficient for a full assessment. The discussion below is based on the limited data that is available.

### Age

As noted in previous chapters, Connecticut's older population is primarily composed of non-Hispanic Whites, and growing rapidly as is the younger population of color.

However, there are significant distinctions between municipalities in Connecticut based on their median age.<sup>337</sup> As shown in Figure 15, larger municipalities such as New Haven and Hartford are home to a younger population.<sup>338</sup>

**Figure 15: Top 10 Youngest Municipalities**

Municipality	Median Age in 2010	Ranking
Mansfield	21.5	1
New Haven	29.9	2
Hartford	30.2	3
New London	30.3	4
Windham	30.3	5
Bridgeport	32.6	6
New Britain	32.6	7
Groton	33.0	8
Waterbury	35.2	9
Danbury	36.2	10

**There is a racial component to the geography of aging in Connecticut. The state's older municipalities are overwhelmingly non-Hispanic white. The younger municipalities are populated disproportionately by people of color.**

<sup>337</sup> U.S. Census 2010 table P13.

<sup>338</sup> Mansfield is a rural municipality, and its rank as the municipality with the youngest population is an anomaly largely due to the presence of the University of Connecticut and its dorm residents. New Haven ranks in the top 10 due both to the age of urban residents and its university population.

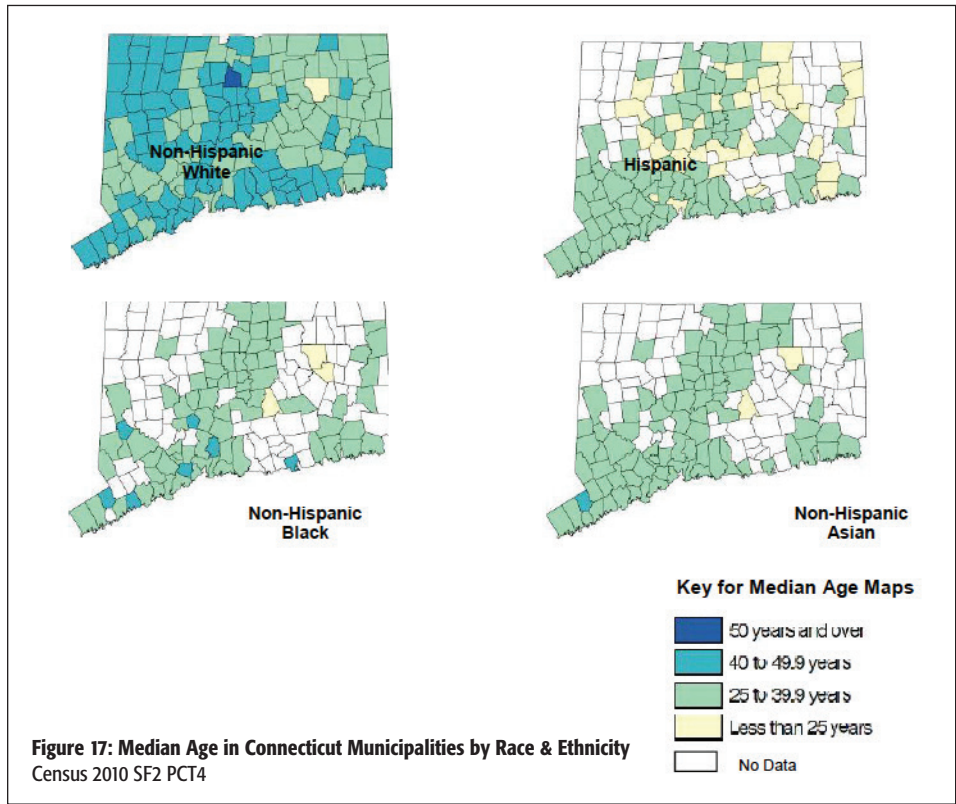


At the opposite extreme as shown in Figure 16 are municipalities with considerably older populations, as indicated by an older median age.

**Figure 16: Top 10 Oldest Municipalities**

Municipality	Median Age in 2010	Ranking
Salisbury	52.7	1
Lyme	51.6	2
Sharon	51.4	3
Bridgewater	51.3	4
Cornwall	50.1	5
Old Saybrook	50.1	6
Roxbury	50.0	7
Southbury	49.9	8
Canaan	49.7	9
Washington	49.7	10

There is a racial component to the geography of aging in Connecticut. Older municipalities are overwhelmingly non-Hispanic White, whereas municipalities with younger populations have high concentrations of people of color. Figure 17 shows the variation in median age for municipalities by race and ethnicity. Bloomfield has the highest median age for non-Hispanic Whites at 57.3 years. For Hispanics, their oldest population, with a median age of 37 years, is in Woodbridge. For non-Hispanic Blacks, their oldest population is in Old Saybrook with a median age of 48.8 years. For non-Hispanic Asians, the oldest population has a median age of 40.2 years in New Canaan.



## Disability

It is difficult to examine the segregation patterns of people with disabilities because Census data for disability is only available for municipalities with populations over 20,000. However, some analysis is possible using Census data and other sources.

As illustrated in Figures 18 and 19, among the 54 municipalities in Connecticut for which disability data is available, the percentage of the population with disabilities varies significantly between the ten municipalities with the largest percentage and the ten with the smallest.<sup>339</sup>

<b>Figure 18: Ten Municipalities with Highest Percentage of Residents Having a Disability</b>						
<b>Municipality</b>	<b>Population Rank (1 is most populous)</b>	<b>Percentage of Statewide Population with a Disability that Lives in Municipality</b>	<b>Percent of Municipality Population that has a Disability</b>	<b>Population with a Disability Living in Municipality</b>	<b>Household Median Income</b>	<b>Income Rank (1 is highest)</b>
<b>Connecticut</b>					<b>\$67,704</b>	
Windham	45	1.1%	16.5%	4,100	\$40,063	166
New London	38	1.2%	16.4%	4,243	\$43,551	163
New Britain	8	3.1%	15.6%	11,307	\$39,706	167
Waterbury	5	4.6%	15.5%	16,936	\$40,254	165
Hartford	3	4.7%	14.3%	17,480	\$28,970	169
Norwich	24	1.5%	14.0%	5,547	\$52,186	156
Torrington	27	1.3%	13.3%	4,767	\$48,409	161
Meriden	12	2.1%	13.2%	7,863	\$53,873	154
East Haven	33	1.0%	13.1%	3,819	\$59,918	144
Enfield	22	1.4%	13.0%	5,316	\$67,402	125

In Connecticut, people with disabilities are more likely to live in the state's more densely populated and lower income municipalities. As illustrated in Table 18, the ten municipalities with the highest percentage of people with disabilities account for over one-fifth (22.1%) of all people with disabilities statewide. In Hartford, which is the state's 3rd most populous municipality and the poorest, 14.3% of the municipality's population has at least one disability. Furthermore, people with disabilities living in Hartford account for 4.7% of all people with disabilities statewide.

In contrast, the population rank in Table 19 shows that municipalities with the lowest percentage of people with disabilities are municipalities with lower population counts. These municipalities account for only 5% of people with disabilities statewide and only 8% of the state's total population. Incomes in these municipalities are among the highest in the state.

339 U.S. Census 2010 table P1; American Community Survey 2008-2010 3-yr table B18101; American Community Survey 2006-2010 5-yr table B19013.

**Figure 19: Ten Municipalities with Lowest Percentage of Residents Having a Disability**

Municipality	Population Rank (1 is most populous)	Percentage of Statewide Population with a Disability that Lives in Municipality	Percent of Municipality Population that has a Disability	Population with a Disability Living in Municipality	Household Median Income	Income Rank (1 is highest)
Darien	51	0.2%	4.3%	892	\$175,766	3
Ridgefield	46	0.4%	5.4%	1,310	\$132,907	7
New Canaan	55	0.3%	6.0%	1,176	\$179,338	2
New Milford	36	0.5%	6.4%	1,785	\$84,824	62
Westport	42	0.5%	6.8%	1,776	\$150,771	5
Farmington	44	0.5%	7.0%	1,745	\$85,417	59
Simsbury	48	0.4%	7.0%	1,628	\$113,224	15
Cheshire	32	0.5%	7.0%	1,793	\$107,936	22
Mansfield	41	0.5%	7.0%	1,776	\$65,839	127
Greenwich	10	1.2%	7.5%	4,568	\$124,958	10

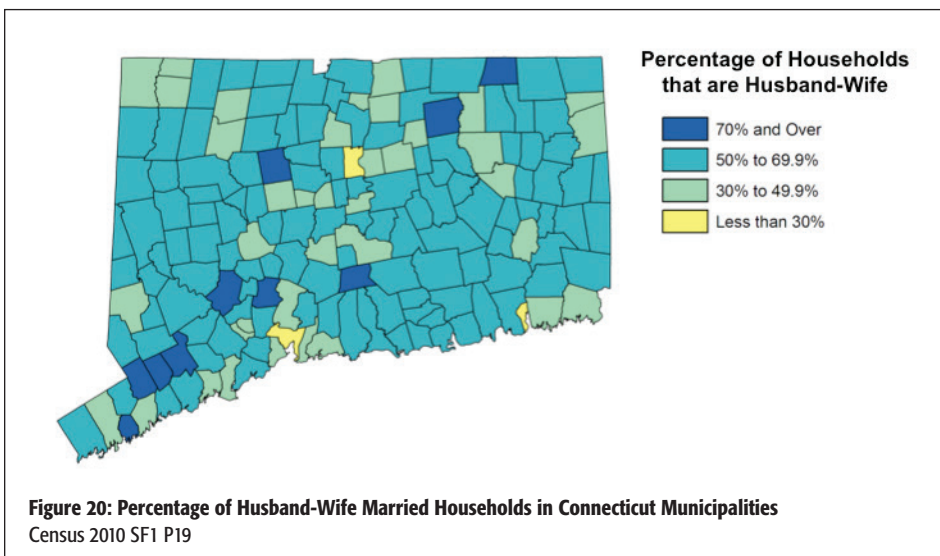
Approximately one-fifth of people with disabilities in Connecticut are living in 10 municipalities representing just under 6% of the municipalities in the state and 16% of the statewide population. People with disabilities are also more likely to live in municipalities with a lower household median income. While factors influencing housing choices of people with disabilities such as the availability of certain services, may explain these housing patterns, the high levels of segregation warrants further consideration. This analysis should include how people with disabilities make their housing choices and whether there are any unlawful policies or practices that are driving segregation.

**Gender**

On the whole, the state does not appear to be segregated by gender absent other protected class status. The one exception is that there is a slightly higher percentage of men in the southeastern part of the state, a phenomena that is most likely explained by the presence of military installations in that part of the state.

**Marital Status**

As in other parts of the country, the percentage of married households in Connecticut is decreasing. However, there is a geographic variation in marital rates across Connecticut as seen in Figure 20.



Statewide, nearly half of households (49%) are married husband-wife households.<sup>340</sup> Yet there is dramatic variation across municipalities ranging from the lowest marital rate in Hartford (23%) to the State's highest rate in Weston (76%). There is also variation in marriage rates between racial and ethnic groups in Connecticut. Fifty-two percent of non-Hispanic White households are married husband-wife households, compared to 39% for Hispanics, 29% for non-Hispanic Blacks, and 66% of non-Hispanic Asians.<sup>341</sup> Given these differences in marital rates, it is possible that some level of discrimination against unmarried or single parent headed households is causing the segregation patterns illustrated in Figure 20, but it is also possible that race/ethnicity and source of income is a more important driver of segregation.

## Familial Status

### FAMILIES WITH CHILDREN

Families with children are living throughout the state, but larger families are found in greatest numbers in poverty-concentrated urban areas and in the wealthiest of Connecticut's suburbs.<sup>342</sup> Figure 21 shows that the municipality with the largest families is Darien, with a median family income of \$221,313 in 2010 and an average family size of 3.48.<sup>343</sup> The municipality with the second largest family size is Bridgeport, with a median family income that is substantially lower, at \$47,894 and an average family size of 3.35. Darien has the 3rd highest median family income in Connecticut, while Bridgeport has the 5th lowest.

Figure 21: Municipalities with Largest Average Family Size			
Rank	Municipality	Average Family Size	Family Median Income
<b>Connecticut</b>		<b>3.08</b>	<b>\$84,170</b>
1	Darien	3.48	\$211,313
2	Bridgeport	3.35	\$47,894
3	Wilton	3.31	\$181,763
4	Hartford	3.3	\$32,820
5	Weston	3.3	\$242,361

While 32% of Connecticut households include related children under age 18, municipalities with the largest percentages of households with children tend to be in the state's wealthiest areas.<sup>344</sup> See, Figure 22. Darien has the highest percentage of households with children, at 51%. This contrasts sharply with Hartford where only 37% of households have children.

Figure 22: Municipalities with Highest Percentage of Households with Children			
Rank	Municipality	Percent Households with Children (Among All Households)	Family Median Income
<b>Connecticut</b>		<b>32%</b>	<b>\$84,170</b>
1	Darien	51%	\$211,313
2	Weston	49%	\$242,361
3	Wilton	46%	\$181,763
4	New Canaan	44%	\$220,278
5	Ridgefield	43%	\$166,036

340 U.S. Census 2010 SF1 table P19. These data do not include same-sex married couples even in states where a same-sex marriage license is issued. Such data are not available for this measure.

341 U.S. Census 2010 SF2 table PCT19.

342 U.S. Census 2010 SF1 table P37.

343 American Community Survey 2006-2010 table B19113.

344 U.S. Census 2010 SF2 PCT10 (includes only related children).

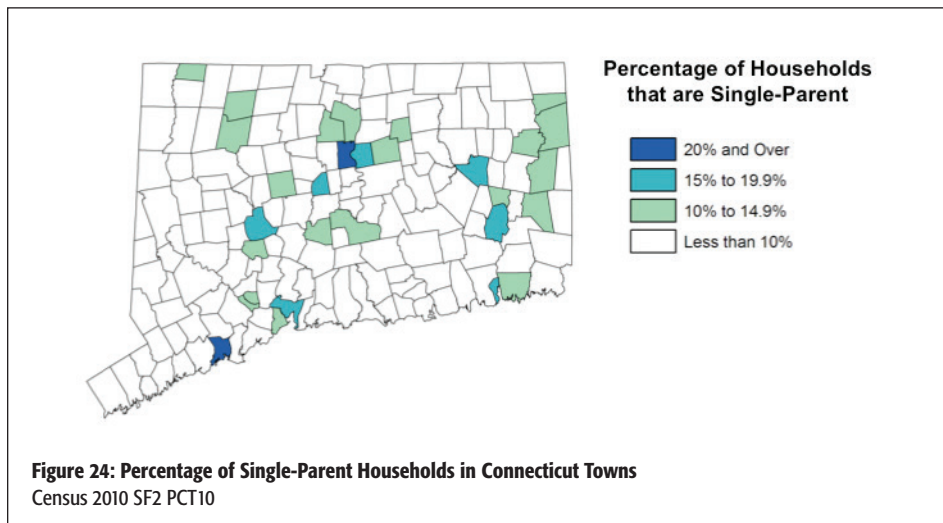
## SINGLE-PARENT FAMILIES

When analyzing the distribution of single-parent families, geographic patterns become particularly interesting. In Connecticut, there is a clear spatial pattern to where single-parent households are living. Statewide, 10% of households are single-parent families, but there is significant variation between municipalities, with a low of 4% of single-parent households in Union and a high of 25% of single-parent households in Hartford.<sup>345</sup>

As shown in Figure 23, municipalities that have a disproportionately high percentage of single-parent households are also municipalities with low median family incomes.

<b>Figure 23: Municipalities with Highest Percentage of Single-Parent Households</b>			
Rank	Municipality	Percent Households with Children (Among All Households)	Family Median Income
<b>Connecticut</b>		<b>10%</b>	<b>\$84,170</b>
1	Hartford	25%	\$32,820
2	Bridgeport	20%	\$47,894
3	Waterbury	19%	\$47,077
4	New Haven	19%	\$47,432
5	New Britain	17%	\$45,990

Figure 24 depicts the distribution of single-parent households across the state and shows the highest percentages in urban areas where income is lower and minority populations are disproportionately high.



It is likely that this segregation is due, at least in part, to the barrier created by the lack of affordable housing in many communities. Since these households are disproportionately low-income, the lack of affordable housing in certain areas has a disproportionate impact on single-parent households.

345 U.S. Census 2010 SF2 PCT10 (includes only related children).

## Religion

Unfortunately, only county-level data are available to assess segregation based on religion. See, Figure 25.<sup>346</sup> Based on the available data, there does not appear to be any segregation based on religion. However, it is difficult to do a full assessment without access to data by census tract or, at a minimum, by municipality.

Connecticut does have some religious variation by geography. The population in Fairfield County is more likely to identify with a religion than people in other parts of the state—only 36.8% of Fairfield County residents claimed no religious affiliation.<sup>347</sup> The Mainline Protestant tradition has the highest percentage affiliation in Litchfield County. Both Evangelical Protestants and Black Protestants have the highest percentage affiliation in Hartford County. New London County also has a high percentage of affiliation with Black Protestants. None of these geographic variations gives rise to concerns about outside factors creating a barrier to housing choice based on religion.

Figure 25: Religious Tradition							
Geography	Percentage of Total Population						
	Unclaimed	Catholic	Mainline Protestant	Evangelical Protestant	Judaism	Black Protestant	Orthodox Christian
U.S.A.	51.2%	19.1%	7.3%	16.2%	0.7%	1.6%	0.3%
Connecticut	48.8%	35.1%	7.9%	4.4%	1.3%	0.6%	0.5%
County							
Fairfield	36.8%	44.1%	9.0%	5.1%	2.0%	0.5%	1.0%
Hartford	50.5%	31.1%	8.2%	5.7%	1.6%	0.9%	0.4%
Litchfield	57.7%	26.5%	10.9%	2.4%	0.3%	0.1%	0.1%
Middlesex	57.9%	28.2%	9.1%	2.4%	0.6%	0.6%	0.1%
New Haven	51.2%	35.3%	6.1%	3.9%	1.3%	0.8%	0.4%
New London	55.1%	30.9%	6.9%	3.4%	0.8%	0.9%	0.9%
Tolland	60.6%	28.5%	7.3%	2.7%	0.0%	0.0%	0.1%
Windham	54.4%	35.2%	5.3%	3.8%	0.5%	0.2%	0.2%

<sup>346</sup> 2010 U.S. Religion Census: Religious Congregations & Membership Study (collected by the Association of Statisticians of American Religious Bodies (ASARB) and distributed by the Association of Religion Data Archives, [www.theARDA.com](http://www.theARDA.com)).

<sup>347</sup> The unclaimed population is comprised of those who are not adherents of any of the 236 groups included in the Religious Congregations & Membership Study, 2010. This number should not be used as an indicator of irreligion or atheism, as it also includes adherents of groups not included in these data.



## Sexual Orientation and Gender Expression

There are significant deficiencies in the data available on the housing patterns of the LGBT populations. Despite these concerns, the Connecticut Census data set out in Figure 26 demonstrates that municipalities with larger percentages of LGBT couples tend to be more urban and lower income.<sup>348</sup>

**Figure 26: Municipalities with 50+ same-sex couples ranked by same-sex couples per 1,000 households**

State rank	US rank among 1,415 cities with 50+ same-sex couples	Municipality	Same-sex couples (adjusted)	Same-sex couples per 1,000 households (adjusted)	Household Median Income	CT Income Rank (1 is highest)
1	186	New London	106	10.18	\$43,551	163
2	269	New Haven	427	8.75	\$38,963	168
3	279	West Hartford	218	8.63	\$78,530	86
4	296	Manchester	108	8.38	\$61,571	139
5	376	Middletown	151	7.60	\$57,655	150
6	402	Hartford	336	7.44	\$28,970	169
7	452	West Haven	150	7.11	\$51,854	158
8	506	Meriden	162	6.77	\$53,873	154
9	519	Stratford	135	6.73	\$67,530	123
10	534	Wallingford	51	6.65	\$71,317	109
11	548	New Britain	185	6.58	\$39,706	167
12	556	Norwalk	217	6.53	\$76,161	95
13	558	Norwich	108	6.51	\$52,186	156
14	626	Bristol	157	6.18	\$58,537	148
15	653	East Haven	72	6.08	\$59,918	144
16	714	Milford	122	5.79	\$76,973	92
17	737	Westport	55	5.72	\$150,771	5
18	814	Waterbury	231	5.41	\$40,254	165
19	852	East Hartford	104	5.16	\$48,613	160
20	863	Stamford	241	5.09	\$75,579	96

While a median income analysis reveals no clear pattern for where same-sex couples are living, the relatively small percentages of same-sex couples in the remaining 143 municipalities of Connecticut invites the question whether housing discrimination is contributing to where this group is living.

### Source of Income

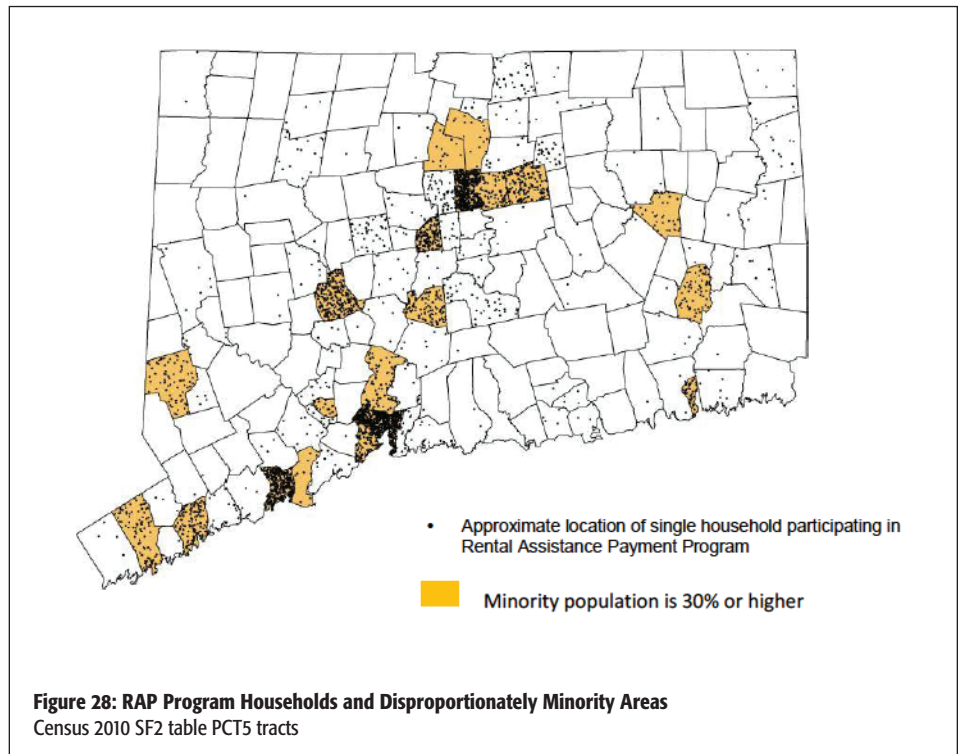
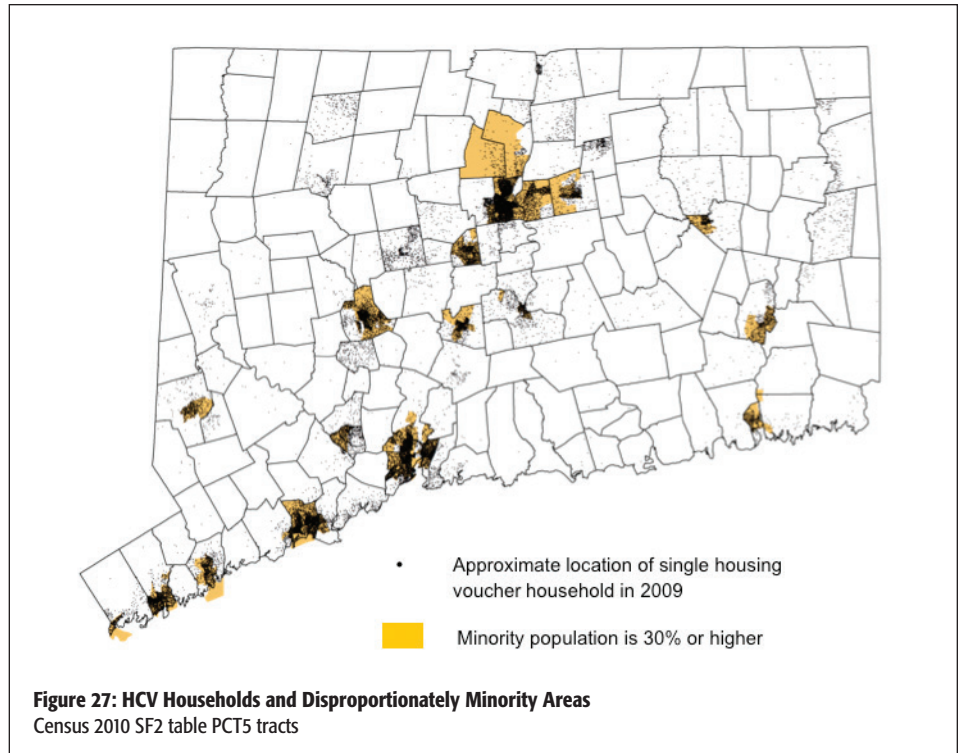
There are various forms of assistance that constitute a “lawful source of income other than employment” for the purposes of the State law banning discrimination based on source of income. Data on the demographics of participants of several of these programs are insufficient to provide a full analysis by geography, race, or other characteristics, but data for HCV Program and the RAP Program are available.

An analysis of the statewide settlement patterns of participants in the HCV Program reveals two clear trends.<sup>349</sup> First, as shown in Figure 27, HCV Program participants are living in areas that are disproportionately low income and home to at least 30% people of color. Second, Figure 28 depicts a similar pattern for households participating in the RAP Program.<sup>350</sup>

348 *Connecticut Census Snapshot: 2010*, Williams Institute, University of California School of Law, [http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot\\_Connecticut\\_v2.pdf](http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot_Connecticut_v2.pdf); American Community Survey 2006-2010, table B19013.

349 *Picture of Subsidized Households for 2009*, U.S. Department of Housing and Urban Development, <http://www.huduser.org/portal/picture/picture2009.html>. This data source uses Census 2010 tracts for poverty. Individual vouchers are randomly located within their corresponding Census 2000 tract.

350 Rental Assistance Program households as of December 1, 2012 provided by the Department of Social Services through D’Amelia and Associates.



In fact, 85% of RAP recipients and 83% of HCV holders are living in areas that are disproportionately minority compared to the state as a whole while 75% of RAP and 79% of HCV are in areas that are disproportionately poor.<sup>351</sup>

<sup>351</sup> RAP Program data is based on an analysis by municipality. HCV Program data is based on an analysis by census tract.

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## Conclusion

Demographic and geographic data indicate that several groups are particularly concentrated, including:

- People of color;
- People with lawful sources of income other than employment;
- People with disabilities;
- Single-parent households; and
- LGBT people.

Using several different measures of racial and ethnic segregation, Connecticut ranks among the most segregated in the country. Other members of the protected classes in Connecticut also experience high levels of segregation. While segregation results from a variety of factors including the intended or unintended impact of public policies, private discrimination, or individual choice, the segregation levels in Connecticut are cause for concern and should be taken into account when making public policy decisions in the future.

# CHAPTER TEN

## Why Does Segregation Matter?

### CHAPTER SNAPSHOT

- Because people of color are disproportionately low income, they live in high poverty neighborhoods that are low in opportunity.
- 81.1% of African-Americans and 79.26% of Latinos live in low and very low opportunity areas compared to 44% of Asians and 25.84% of non-Hispanic Whites.
- Job growth in Connecticut is occurring outside urban areas in places where few people of color live.
- Racial, ethnic, and economic housing segregation contributes to severe disparities in educational outcomes in Connecticut because most school districts assign children to schools by neighborhood.
- In 2009, the asthma hospitalization rate for the five largest Connecticut cities combined—Bridgeport, Hartford, New Haven, Stamford, and Waterbury—was 35.3 per 10,000. This is 3.4 times greater than the asthma hospitalization rate for the rest of the state combined.
- Black children had blood lead levels that were 2.7 times that of non-Hispanic White children who were screened.
- In 2010, the Connecticut infant mortality rate was almost three times higher among Blacks compared with non-Hispanic Whites (11.8 deaths per 1,000 live births for Blacks and 4.0 deaths per 1,000 live births for non-Hispanic Whites).

### Introduction

As stated previously in this AI non-Hispanic Blacks, Hispanics, people with disabilities, and people with legal sources of income other than employment are disproportionately low-income and highly segregated in Connecticut. This chapter explores whether racial and ethnic segregation, as distinct from economic segregation, matters<sup>352</sup> and whether any of the negative effects of economic segregation can be ameliorated by promoting racial and ethnic integration.<sup>353</sup>

### Poverty Concentration and Opportunity

Extensive research demonstrates that people residing in neighborhoods of concentrated poverty have poor health outcomes, lower levels of educational achievement, higher rates of unemployment, and greater exposure to crime than that experienced by people in higher income areas.<sup>354</sup> More recently, an examination of the impact of poverty on neighborhoods has been broadened to include the effect that educational outcomes, economic considerations and neighborhood quality have on the opportunities available to people living in those neighborhoods.<sup>355</sup> This effort to measure “opportunity” has some advantages over a simple poverty analysis because it takes into account more than just

352 This report does not examine the positive effects of racially and ethnically unified neighborhoods. Such neighborhoods may generate a sense of community, reinforce cultural norms, and provide access to people with similar backgrounds who speak the same language. Unfortunately, many of these communities in Connecticut also have schools that are low performing, high poverty levels, high crime rates, and poor quality housing leaving residents unable to fully participate in American society. The solution is to invest in both racially and ethnically unified neighborhoods as well as promoting mobility to areas that already have many of the attributes of opportunity.

353 To a lesser extent and without the benefit of the same level of data available for the other groups, it appears that people with disabilities are also lower income and segregated. The chapter places a particular focus on Black and Hispanic segregation because of the high levels of segregation experienced by those groups and the availability of data.

354 See e.g. R. Hayeman and B. Wolfe, *Succeeding Generations: On the Effects of Investments in Children*. (Russell Sage Foundation, 1994); J. Brooks-Gunn, G. Duncan, and J. Aber (Eds.), *Neighborhood Poverty: vol. 1 Context and Consequences for Children*. (Russell Sage Foundation, 1997); I. Ellen and M. Turner, “Does Neighborhood Matter? Assessing Recent Evidence,” *Housing Policy Debate* 8, 833-866 (1997); I. Ellen and M. Turner, “Do Neighborhoods Matter and Why?,” 313-338 in J. Goering, J. and J. Feins, eds., *Choosing a Better Life? Evaluating the Moving To Opportunity Experiment*. (Urban Institute Press 2003); F. Furstenburg, T. Cook, J. Eccles, G. Elder, and A. Sameroff, *Managing to Make It: Urban Families and Adolescent Success*. (The University of Chicago Press, 1999); T. Leventhal and J. Brooks-Gunn, “The Neighborhoods They Live In,” *Psychological Bulletin* 126(2), pp. 309-337 (2000); R. Sampson, S. Raudenbush, and F. Earls, “Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy,” *Science* 277, 918-924 (1997); R. Dietz, “The Estimation of Neighborhood Effects in the Social Sciences,” *Social Science Research* 31, 539-575 (2002); R. Lupton, “‘Neighbourhood Effects’: Can We Measure Them and Does It Matter?,” Centre for Analysis of Social Exclusion, London School of Economics, Case paper 73, Sept. (2003). George C. Galster, Jackie M. Cutsinger and Ron Malega, *The Social Costs of Concentrated Poverty: Externalities to Neighboring Households and Property Owners and the Dynamics of Decline*. Prepared for Revisiting Rental Housing: A National Policy Summit November, Joint Center for Housing Studies, Harvard University (March 2007), [http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/rr07-4\\_galster.pdf](http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/rr07-4_galster.pdf).

355 See, generally, Xavier de Sousa Briggs, *Geography of Opportunity* (Brookings Institute, 2005). See also James E. Rosenbaum, Lisa Reynolds & Stefanie Deluca, “How Do Places Matter? The Geography of Opportunity, Self-efficacy and a Look Inside the Black Box of Residential Mobility,” *Housing Studies*, Vol. 17, No. 1, 71–82, 2002.

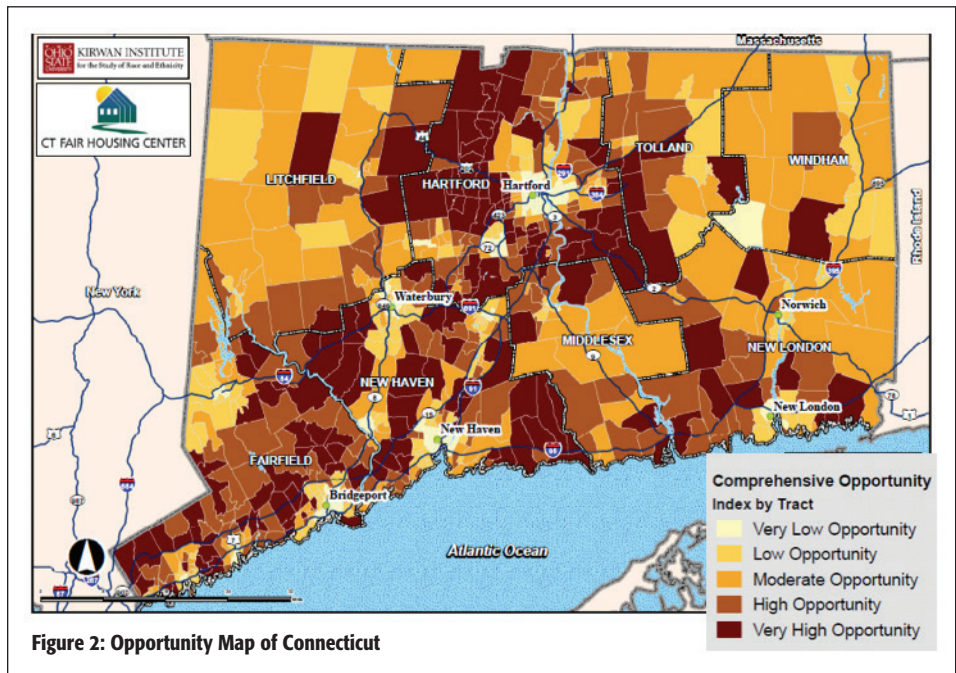
the income of the residents. For example, an opportunity analysis might rank a neighborhood that is low income and yet through the use of creative initiatives has decreased crime levels higher than a moderate-income area that is nonetheless part of a struggling school district.

In 2010, the Kirwan Institute mapped “opportunity” for every Census tract in Connecticut in its report, *People, Place and Opportunity: Mapping Communities of Opportunity in Connecticut* (“Kirwan Report”).<sup>356</sup> The report employed eleven data points that social science research generally agrees reflect an area’s access to opportunity. Educational indicators include data on Census tract educational attainment and student fourth grade test scores for reading and math. Economic opportunity indicators include unemployment rates, the population on public assistance, economic climate as defined by job growth, and mean commute time. Neighborhood and housing quality measures include vacancy, crime, poverty and homeownership rates.

**Figure 1: Data Points for Defining Opportunity**

Educational Opportunity	Economic Opportunity	Neighborhood/Housing Quality
Students Passing Math Test Scores	Unemployment Rates	Neighborhood Vacancy Rate
Students Passing Reading Test Scores	Population on Public Assistance	Crime Index or Crime Rate
Educational Attainment	Economic Climate (Job Trends)	Neighborhood Poverty Rate
	Mean Commute Time	Home Ownership Rate

By combining these indicators, Kirwan generated a map (Figure 2) with darkest shaded areas indicating “very high opportunity” and colors getting progressively lighter along a five level scale to “very low opportunity.”<sup>357</sup>

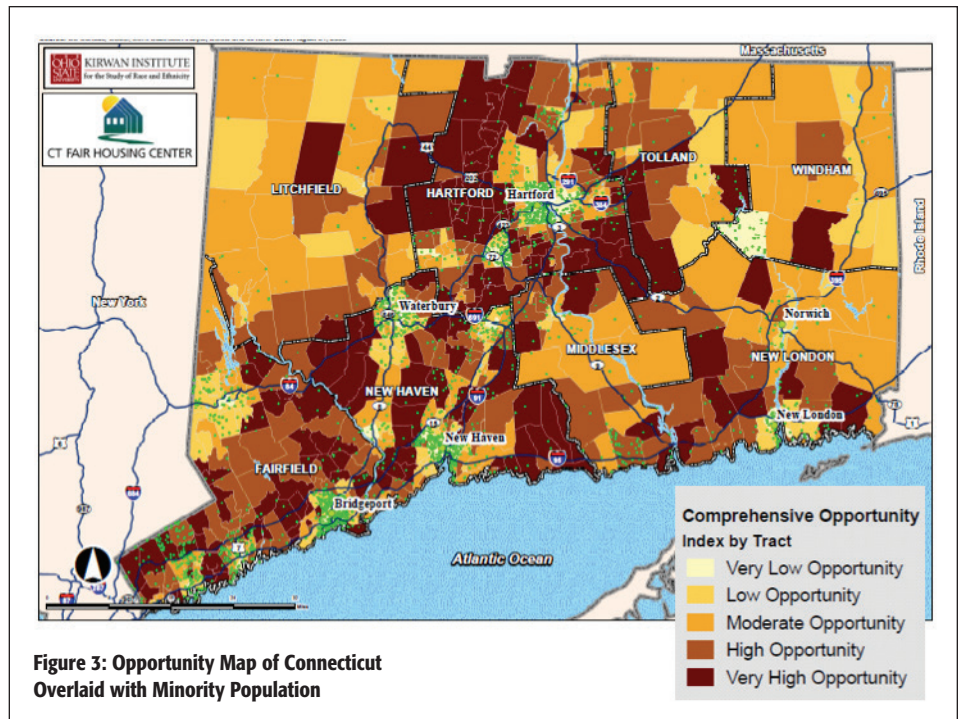


When this map is overlaid with data on where people of color are living (Figure 3), it reveals that 81.1% of African-Americans and 79.26% of Latinos live in low and very low opportunity areas compared to 44% of Asians and 25.84% of Non-Hispanic Whites. In other words, a majority of Connecticut’s households of color live in neighborhoods with high unemployment rates, lack of access to high performing schools, and high crime rates.

356 The report is available at [http://www.gis.kirwaninstitute.org/reports/2009/11\\_2009\\_CTOppMapping\\_FullReport.pdf](http://www.gis.kirwaninstitute.org/reports/2009/11_2009_CTOppMapping_FullReport.pdf).

357 For a list of all Connecticut municipalities by opportunity rating, go to <http://kirwaninstitute.osu.edu/connecticut-op-mapping-temporary/>.





**Figure 4: Opportunity Placement by Race and Ethnicity**

Neighborhood Type	% African American	% Asian	% Latino	% Whites
Low and Very Low Opportunity	81.10%	44.08%	79.26%	25.84%
Moderate Opportunity	9.20%	18.72%	9.42%	23.66%
High and Very High Opportunity	9.70%	37.19%	11.32%	50.50%

### Segregation and Employment

When examining economic opportunity, the Kirwan report found a “spatial mismatch” between employment opportunities and where people of color are living. Since at least the mid-1990s, across the country, jobs have been moving to the suburbs.<sup>358</sup> Connecticut has followed this trend as demonstrated by Figure 5, which shows the percentage of job growth by census tract from 2005 through 2008. In this map, the lighter the shading, the greater the percentage of job growth.<sup>359</sup> The lightest areas in Connecticut occur outside urban centers like Hartford, New Haven, and Bridgeport where the green dots on Figure 5 represent populations of color. Other chapters of this report demonstrate that housing discrimination and policies that promote segregation by discouraging or restricting the placement of affordable housing outside urban municipalities have had the effect of preventing people of color from moving to where the jobs are most numerous.<sup>360</sup> As a result, racial and ethnic residential segregation create barriers to greater employment in communities of color.

<sup>358</sup> Elizabeth Kneebone, *Job Sprawl Stalls: The Great Recession and Metropolitan Employment Location*, 2 (Brookings Institute, April 2013), [http://www.brookings.edu/~media/research/files/reports/2013/04/18%20job%20sprawl%20kneebone/srvy\\_jobsprawl](http://www.brookings.edu/~media/research/files/reports/2013/04/18%20job%20sprawl%20kneebone/srvy_jobsprawl).

<sup>359</sup> Note that because the map expresses percentages of changes in jobs areas with small numbers of jobs but large percentages of growth will still be lightly shaded even though the total number of jobs may be relatively low. As a result, an area with only 10 jobs which adds 5 new jobs (a 50% growth in jobs) will be shaded lighter than an area with 200 jobs that adds an additional 10 (a 5% growth in jobs).

<sup>360</sup> Kneebone, *supra*, note 359.

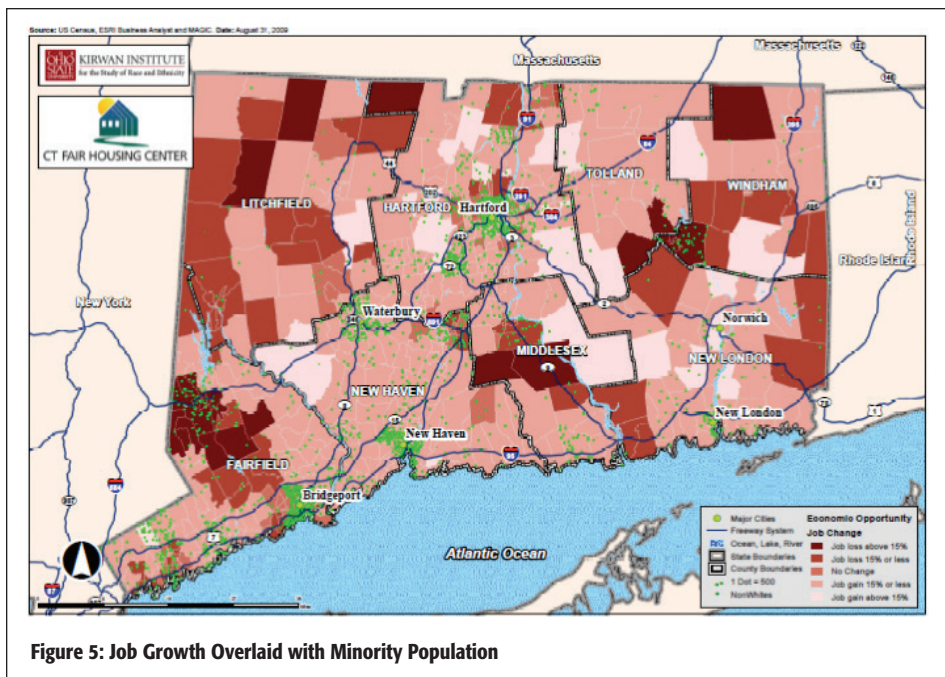


Figure 5: Job Growth Overlaid with Minority Population

Milo and Elizabeth Sheff with Attorney John Brittain, at right, prior to announcing the initiation of the Sheff v. O’Neill litigation in 1989. Courtesy of the Hartford Courant, Michael McAndrews, photographer, January 21, 2003.

## Segregation and Education

### The Achievement Gap

One of the areas in which racial, ethnic, and economic disparity is most stark is in educational opportunity. Data collected by the National Center on Education Statistics regarding evaluations of fourth graders in reading, math and science indicate with the exception of Washington, DC, Connecticut has the largest gap between Non-Hispanic White and Black fourth graders based on reading test scores and ranks near the bottom for math test scores (42 out of 46 states, including DC) and science test scores (33 out of 40 states, including DC). In addition, as of 2013 when data was most recently collected, Connecticut had the largest Non-Hispanic White/Hispanic achievement gap for fourth graders on reading, math and science standardized tests. Finally, as of 2013, Connecticut had the greatest disparity in the nation between fourth graders not participating in the Free and Reduced Lunch Program<sup>361</sup> and those who do in evaluations of reading, math and science.<sup>362</sup>



### The Housing-School Connection

Because most school districts assign children to schools by neighborhood,<sup>363</sup> racial, ethnic, and economic housing segregation contributes to severe disparities in educational outcomes in Connecticut. Schools with the lowest School Performance Index (“SPI”)<sup>364</sup> of “Basic” have a student body that is 79% minority, 83% eligible for Free/Reduced Lunch,<sup>365</sup> and are in Census tracts with a poverty rate

<sup>361</sup> Because this program is only available to households living at or below 185% of the Federal Poverty Guidelines, participation in the Free or Reduced Price Lunch Program is used to signify families that are low or very low income.

<sup>362</sup> National Assessment of Educational Progress Database, National Center on Education Statistics, <http://nces.ed.gov/nationsreportcard/statecomparisons/>.

<sup>363</sup> Ong and Rickels, *The Continued Nexus between School and Residential Segregation*, 6 Afr.-Am. L. & Pol’y Rep. 178 (2004), <http://scholarship.law.berkeley.edu/bjalp/vol6/iss2/4>.

<sup>364</sup> The Individual Performance Index (IPI), also calculated at the school (School Performance Index, or SPI) and district (District Performance Index, DPI) levels, uses school test scores on the Connecticut Mastery Test or the Connecticut Academic Performance Test to permit a comparison of students, schools, and districts. The index is on a scale of 0 to 100. A score of 88 indicates that the student is at or above “goal level” on the state’s standardized test. A SPI or DPI score of 67 indicates that most students scored at about the “proficient level” on the tests, while a score of 33 and above indicates performance at the “basic level.”

<sup>365</sup> Enrollment data for 2010–2011 from the CT State Dept. of Education. Poverty for 2010 Census tracts from ACS 2006–2010 5-year table B17010. Analysis is limited to “local” elementary schools excluding magnets, charters, intra-district and inter-district schools. This analysis uses the poverty rate of the Census tract where the school is located as part of an effort to better understand the neighborhood in which a school is located and because of concerns about undercounting of free and reduced lunch data. However, because the FRL is one of the few uniform measures of poverty in a school, it is used for a further analysis below. See Robert Cotto, Jr., Ed.M., *The Limits of Data on Free and Reduced Price Meal Eligibility in Connecticut*, March 2012, <http://www.ctvoices.org/publications/limits-data-free-and-reduced-price-meal-eligibility-connecticut>.



## School Performance Index

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of 16%.<sup>366</sup> In contrast, among the highest performing schools with a SPI of “Goal,” 15.5% of students are minorities, 6% of students are eligible for Free and Reduced Lunch and only 1.7% of families in the schools’ Census tract are living in poverty.

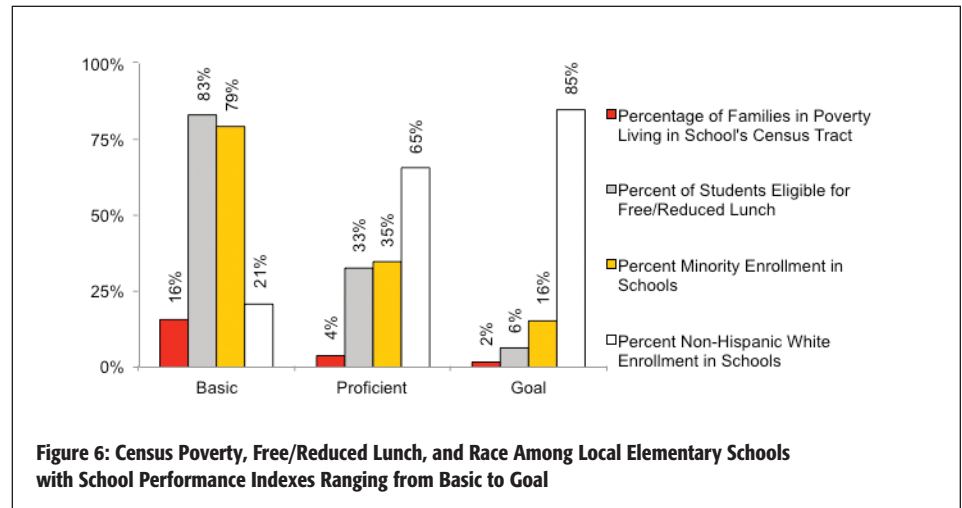
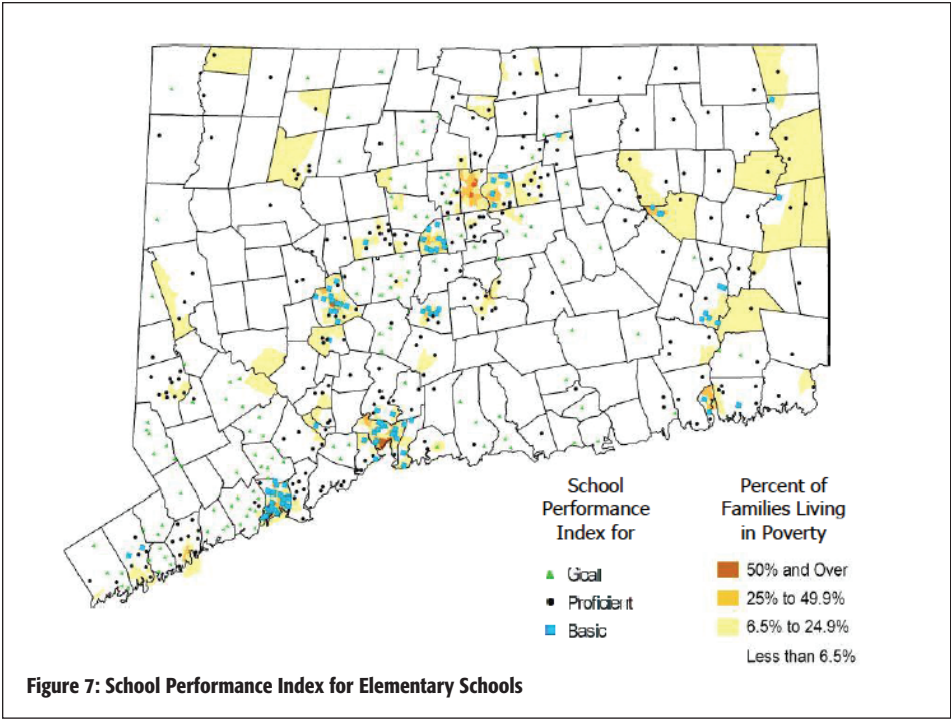


Figure 7<sup>367</sup> shows a disproportionate concentration of schools with the lowest SPI value of “Basic” in the areas of the state with the highest poverty levels, such as Bridgeport, New Haven, Waterbury, Meriden, New Britain, East Hartford, Windham, Norwich, and New London.<sup>368</sup>

<sup>366</sup> This measure is an attempt to connect neighborhood poverty levels to school performance and provides an alternative measure to the number of students on Free and Reduced Lunch. While this school census tract measure may suggest a correlation between performance levels and poverty levels, it cannot account for the poverty level of students who live beyond the census tract boundary of their elementary school building. For this reason, the analysis is limited to elementary schools, which tend to have smaller catchment areas. Furthermore, in Connecticut’s urban areas high-poverty areas tend to be geographically continuous and it is less common to find high-poverty census tracts adjacent to low-poverty census tracts. Schools that are expected to have widespread geographical enrollments, such as Charters and magnets, are excluded from the analysis.

<sup>367</sup> Charter schools and magnet schools are not included in this analysis. Charter schools and magnet school outcomes may skew the analysis since parents most likely to exercise choice will be those with the greatest ambition for their children, the greatest motivation, and the greatest educational background themselves. See, See Richard Rothstein and Mark Santow, *A different kind of choice: Educational inequality and the continuing significance of racial segregation*, Economic Policy Institute (August 22, 2012) <http://www.epi.org/publication/educational-inequality-racial-segregation-significance/>

<sup>368</sup> School locations obtained from the CT Dept. of Children and Families. Analysis is limited to “local” elementary schools excluding magnets, charters, intra-district and inter-district schools. Hartford Public Schools are excluded from this analysis because the district is all-choice and students are not necessarily assigned to the school closest to their residence. See [http://digitalrepository.trincoll.edu/cssp\\_papers/42/](http://digitalrepository.trincoll.edu/cssp_papers/42/). The Hartford school system cannot be analyzed using this method because children do not attend neighborhood schools, but rather schools are determined by a lottery system both for the regular Hartford Schools and a network of magnet schools. Some Hartford students also attend suburban public schools through an open choice program. Despite the existence of magnet and charter schools in New Haven, the analysis was still possible there.



**Figure 7: School Performance Index for Elementary Schools**

The analyses above are on a school-level basis. It is also informative to consider performance on a district-wide basis. Figure 8 shows the top five and bottom five performing districts along with the percentage of minority school children, free and reduced lunch participation, and percentages of English language learner and special education students. While it is not surprising that the highest performing districts have the fewest children living in poverty (since high performing schools are expensive and have traditionally benefitted from parental financial and in-kind contributions), it is troubling that these same districts have the fewest children of color. Given the strong correlation between poverty and racial and ethnic segregation, promoting racial and ethnic integration will also promote economic integration. There is also an apparent trend, although less pronounced, of a lower percentage of children with disabilities in higher performing schools.

**A note about rating schools...**

It is difficult if not impossible to find a universally accepted measure of school performance. Tests may be racially biased. It is hard to determine the best way to account for students with disabilities or extraordinary teachers who have helped their students make great strides during the course of a school year. It is difficult to measure intangible aspects of a school that make it a special place to learn or critical lessons learned that are not on "the test."

In using the School and District Performance Index, this report employs the best available uniform measure of schools in Connecticut, but recognizes that all such indexes have their shortcomings.

**Figure 8: Top and Bottom Five Performing Districts and Selected Characteristics<sup>369</sup>**

District	District Performance Index Score <sup>370</sup>	Minority Percentage <sup>371</sup>	Free and Reduced Lunch Percentage <sup>372</sup>	English Language Learner Percentage <sup>373</sup>	Disability Percentage <sup>374</sup>
<b>Top Five Performing Districts</b>					
New Canaan	84.40	7%	0%	0.7%	10.53%
Darien	83.07	7%	2%	0.3%	10.91%
Avon	82.89	17%	3%	1.5%	10.66%
Madison	82.63	6%	2%	0.2%	11.09%
Redding	82.58	12%	2%	0.2%	12.47%
<b>Bottom Five Performing Districts</b>					
Hartford	43.47	93%	93%	17.7%	15.17%
New London	43.35	85%	70%	21.6%	20.16%
Bridgeport	42.08	92%	98%	13.0%	14.44%
Windham	40.72	69%	71%	26.7%	18.98%
New Britain	35.82	78%	73%	17.0%	15.96%

### Fixing the Achievement Gap

A growing body of research suggests that the most effective means of addressing the achievement gap is to create economically integrated schools.<sup>375</sup> A 2010 study of students living in public housing in Montgomery County, Maryland crystalizes the income mix-achievement phenomenon.<sup>376</sup>

Montgomery County has a scattered site public housing program with units in low-income and moderate-income areas. The study found that over a five to seven year period, low-income children attending low-poverty schools cut the achievement gap in half.<sup>377</sup>

If students do not live in a community with high performing schools, there are methods of getting them into high performing schools. The first is busing. However, busing has negative consequences since it limits parents' ability to be involved in their children's schooling. Low-income parents in particular have difficulty becoming involved in schools outside their neighborhoods because they may lack transportation to distant schools, and their work schedules or caring for other children may

369 The State Department of Education (SDE) may have updated school performance data for 2013. However, preliminary reviews of this data does not show major changes in outcomes.

370 SDE, presented at a meeting of the Educational Cost Sharing Taskforce.

371 Jennifer LaFleur, Al Shaw, Sharona Coutts and Jeff Larson, "The Opportunity Gap: Is Your State Providing Equal Access to Education?," *ProPublica*, Updated January 24, 2013, <http://projects.propublica.org/schools/> (based on 2009-2010 school year data). Data for Redding and New Britain from CEDAR, see note 30.

372 *Id.*

373 Connecticut Department of Education website, Connecticut Education Data and Research (CEDAR) [http://sdeportal.ct.gov/Cedar/WEB/ct\\_report/SpecialEducationDT.aspx](http://sdeportal.ct.gov/Cedar/WEB/ct_report/SpecialEducationDT.aspx) (2010-2011 data). English Language Learner (ELL) advocates dispute the way in which the State Department of Education defines and funds the actual numbers of students requiring English-language services. Many students with a dominant language other than English (some 75,000 students in 2012, or about 13% of all public school students) require language support and transitional language assistance throughout their school years. Yet, not all these students are counted as ELL students. More than two-thirds of the state's ELL students are concentrated within just a dozen urban districts where poverty rates are also highest, class sizes too large, and other school resources are inadequate for serving high-needs students, such as ELLs.

374 *Id.*

375 See Richard Rothstein and Mark Santow, *A different kind of choice: Educational inequality and the continuing significance of racial segregation*, Economic Policy Institute (August 22, 2012) (citing Elizabeth Anderson, *The Imperative of Integration*. Princeton University Press, 2010); Robert Sampson, Patrick Sharkey and Steven Raudenbush, "Durable Effects of Concentrated Disadvantage on Verbal Ability among African-American Children." *Proceedings of the National Academy of Sciences* 105 (3): 845-852 (2008); Heather Schwartz. *Housing Policy is School Policy. Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland*. (The Century Foundation 2010), <http://tcf.org/publications/pdfs/housing-policy-is-school-policy-pdf/Schwartz.pdf>; Jonathan Guryan, "Desegregation and Black Dropout Rates," *American Economic Review* 94, September, 919-43 (2004); Eric A. Hanushek, John F. Kain, and Steven G. Rivkin, "New Evidence about Brown v. Board of Education: The Complex Effects of School Racial Composition on Achievement." *Journal of Labor Economics* 27, July: 349-83 (2009); David A. Weiner, Byron F. Lutz, and Jens Ludwig, "The Effects of School Desegregation on Crime." *National Bureau of Economic Research Working Paper NBER 15380*, August 16 revision of September 2009 (2009); Amy Stuart Wells, Jennifer Jellison Holme, Anita Tijerina Revilla, and Awo Korantemaa Atanda, *Both Sides Now. The Story of School Desegregation's Graduates*. (University of California Press, 2009).

376 Heather Schwartz, *supra* note 376.

377 *Id.* at 17-18.

make involvement too difficult when schools are not nearby.<sup>378</sup> The second method is to provide more resources to high poverty schools. In Montgomery County, the County phased in full-day kindergarten, reduced class sizes in kindergarten through third grade, invested in more than one hundred hours of professional development for teachers, and adopted specialized instruction for high-needs students, including ninety-minute blocks for a balanced literacy curriculum and sixty-minute blocks for mathematics in first and second grade. These investments had a similar effect on school performances as much as having students attend low-poverty schools.<sup>379</sup>

In a place like Connecticut where racial/ethnic and poverty concentrations correlate, residential integration is the third way of achieving the income mix that cut the achievement gap in Montgomery County. However, since many of the highest performing schools are in the most expensive housing markets in Connecticut, low-income people of color often cannot move to neighborhoods with high performing schools unless they are able to move into affordable and/or government subsidized housing. A 2013 study by the Furman Institute at New York University for the Poverty and Race Research Action Council found that Connecticut ranked among the worst performing states for the high rate of government subsidized housing located in close proximity to low performing schools.<sup>380</sup>

Out of 100 MSAs, HCV Program vouchers in the Hartford area are more likely to live near struggling schools than their counterparts in 99 other MSAs. The New Haven area entered the ranking at 97. Similar analyses for other affordable housing programs reveal that, on the whole, beneficiaries of housing assistance in Connecticut attend some of the schools that struggle the most. There are many reasons affordable housing units are found near struggling schools: historical segregation by income, rents in areas with struggling schools tend to be lower making the housing available to more HCV Program participants, some low-income households that received HCV Program vouchers decided to stay in their current low-cost housing, lack of aggressive mobility counseling, and historic patterns of racial discrimination in locating housing. Some steps to alleviating this segregation have already been taken with the prioritizing of affordable housing in areas of high opportunity and HUD’s decision to permit small area FMRs on an experimental basis.

**Figure 9: Median Proficiency Percentile Rank of Schools Closest to Housing Subsidy Participants<sup>381</sup>**

Program	Hartford MSA Ranking Out of 100 (1 = best)	New Haven MSA Ranking Out of 100 (1 = best)
Tenant-Based Housing Choice Voucher	99	97
Project-Based Section 8	84	97
Public Housing	69	65
Low Income Housing Tax Credit	73	82

## Health Disparities

Finally, significant health disparities by race and ethnicity are also present in Connecticut. At a national level, disparities in health outcomes for people of different races and ethnicities are striking and well documented.<sup>382</sup> Experts attribute these disparities to a range of factors including exposure

378 Rothstien, *Racial Segregation and Black Student Achievement* in “Education, Justice and Democracy,” ed. by Allen and Reich, University of Chicago Press, [www.epi.org/publication/racial-segregation-black-student-achievement/](http://www.epi.org/publication/racial-segregation-black-student-achievement/)

379 Heather Schwartz *supra* note 376 at 13ff.

380 Ingrid Gould Ellen and Keren Mertens Horn, *Do Federally Assisted Households Have Access to High Performing Public Schools?*, Poverty and Race Research Action Council, <http://www.prrac.org/pdf/PRRACHousingLocation&Schools.pdf>.

381 PRRAC Report at 10-17.

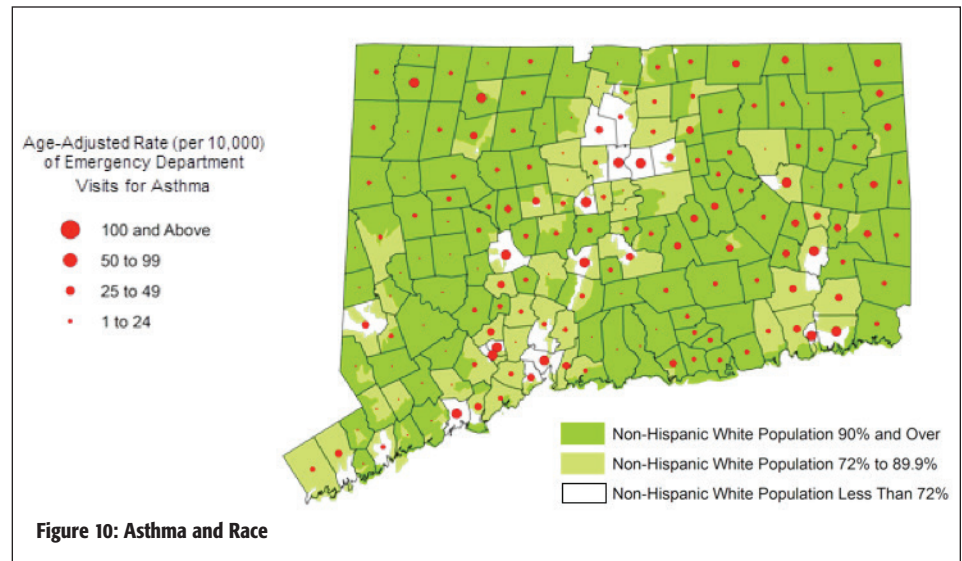
382 See Cheryl Staats, Research Associate, Charles Patton, Graduate Research Associate (contributor), *State of the Science: Implicit Bias Review 2013*, Kirwan Institute (2013), 47, [http://kirwaninstitute.osu.edu/docs/SOTS-Implicit\\_Bias.pdf](http://kirwaninstitute.osu.edu/docs/SOTS-Implicit_Bias.pdf), (citing A. Elster, J. Jarosik, J. VanGeest, & M. Fleming, M., *Racial and Ethnic Disparities in Health Care for Adolescents: A Systemic Review of the Literature*, Archives of Pediatrics and Adolescent Medicine, (2003), 157(9), 867-874; H. Mead, L. Cartwright-Smith, K. Jones, K., C. Ramos, K. Woods, and B. Siegel, B., *Racial and Ethnic Disparities in U.S. Health Care: A Chartbook*. (The Commonwealth Fund, 2008); B.D. Smedley, A.Y. Stith, and A.R. Nelson (Eds.), *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care*. (National Academies Press 2003). For a discussion of social structural factors, see Krieger, et al. 2005. Painting a Truer Picture of US Socioeconomic and Racial/Ethnic Health Inequalities: The Public Health Disparities Geocoding Project. *AJPH*. 95(2): 312-323. See also, recent DPH fact sheet: [http://www.ct.gov/dph/lib/dph/hisr/pdf/Facts\\_About\\_Minority\\_Health\\_in\\_CT\\_Apr2013.pdf](http://www.ct.gov/dph/lib/dph/hisr/pdf/Facts_About_Minority_Health_in_CT_Apr2013.pdf)

to disease and environmental hazards. In addition, where people are born, live, and work contribute to health disparities meaning housing segregation can also play a role in health outcomes.<sup>383</sup>

Some of the most notable health disparities in Connecticut include:

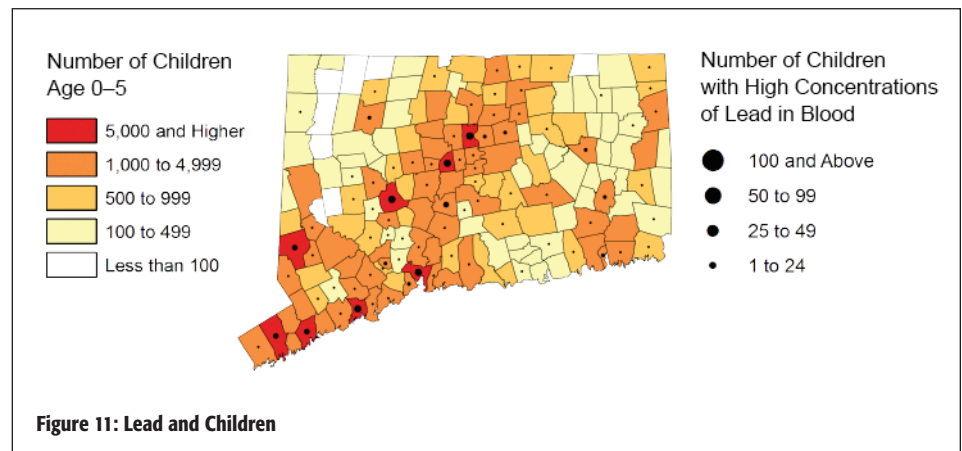
### Asthma

In 2009, the asthma hospitalization rate for the five largest Connecticut cities combined—Bridgeport, Hartford, New Haven, Stamford, and Waterbury—was 35.3 per 10,000. This is 3.4 times greater than the asthma hospitalization rate for the rest of the state combined. City of New Haven residents had the highest asthma hospitalization rate in the State, with 74.6 asthma hospitalizations per 10,000 persons.<sup>384</sup> In 2009 asthma hospitalization rates for Blacks and Hispanics was almost five times that for Non-Hispanic Whites.<sup>385</sup>



### Elevated Lead Blood Levels

As shown in Figure 11, the incidence of high blood lead concentrations is highest in urban areas, which also have the largest populations of young children in Connecticut.<sup>386</sup> For example, the five municipalities with the highest incidence of childhood lead poisoning are Bridgeport, Hartford, New Britain, New Haven, and Waterbury. These municipalities account for 59% of all incidences of children with high concentrations of lead in blood and 20% of children age 0–5 years of age statewide.



383 Kirwan Institute for the Study of Race and Ethnicity, *Implicit Bias Review* 2013. [http://kirwaninstitute.osu.edu/docs/SOTS-Implicit\\_Bias.pdf](http://kirwaninstitute.osu.edu/docs/SOTS-Implicit_Bias.pdf) at 47.

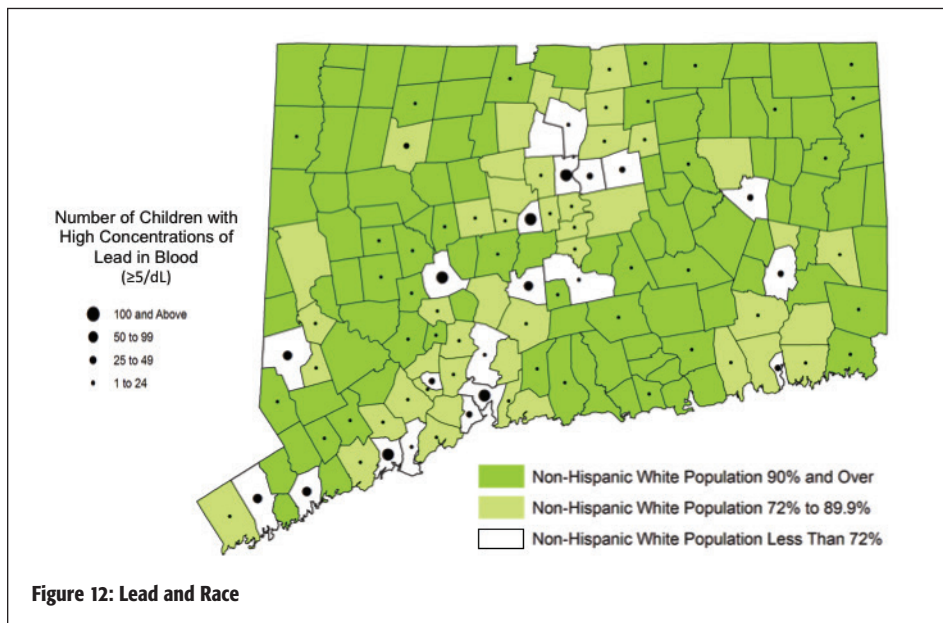
384 Nepal, A.N., Peng, J., Kloter, A., Hewes, S., & Boulay, E. (2012). *The Burden of Asthma in Connecticut*. Hartford, CT: Connecticut Department of Public Health, p. 53, [http://www.ct.gov/dph/lib/dph/hems/asthma/pdf/full\\_report\\_with\\_cover.pdf](http://www.ct.gov/dph/lib/dph/hems/asthma/pdf/full_report_with_cover.pdf).

385 *Id.* at p. 114

386 Data from CT Dept. of Public Health for number of housing units with lead concentrations of 5 mcg/dL or higher. Data on children age 0-5 from Census 2010 SF1 PCT12.



For children, high concentrations of lead in blood are also more prevalent in areas with larger minority populations, as shown in Figure 12. Again, the municipalities of Bridgeport, Hartford, New Britain, New Haven, and Waterbury account for 59% of all childhood high lead levels and 39% of the state's minority population.<sup>387</sup> In 2006 New Haven had the highest percent of screened children who had elevated lead blood levels ( $\geq 10\mu\text{g}/\text{dL}$ ) (5.7%), compared to the state as a whole (1.6%). Black children also had high rates of elevated blood lead, with 2.7 times that of Non-Hispanic White children who were screened.<sup>388</sup>



## Emergency Hospitalizations

The municipalities with the five highest reported rates of emergency department visits for asthma are Hartford, New London, Canaan, Waterbury, and New Britain.<sup>389</sup> With the exception of Canaan, these municipalities are urban areas with high minority populations. Combined, these five municipalities account for 21% of the state's minority population.

## Infant Mortality and Prenatal Care

In 2010, the Connecticut infant mortality rate was almost three times higher among Blacks compared with Non-Hispanic Whites (11.8 deaths per 1,000 live births for Blacks and 4.0 deaths per 1,000 live births for Non-Hispanic Whites). The infant mortality rate among Hispanics (7.5 deaths per 1,000 live births) was nearly two times higher than the rate among Non-Hispanic Whites.<sup>390</sup> Also in 2010, 21.2% of non Hispanic Black women and 20.5% of Hispanic women received no prenatal care or delayed assistance, compared to 9.3% of Non-Hispanic White women. The lack of pre-natal care was 2.3 and 2.2 times higher for Black and Hispanic women than for Non-Hispanic White women.<sup>391</sup>

## Diabetes

The diabetes related mortality rates among Black non-Hispanic males and females are approximately twice that of Non-Hispanic Whites by gender. The diabetes-related mortality rate among Hispanic males is 1.2 times that for Non-Hispanic White men and the rate for Hispanic women is 1.7 times that

<sup>387</sup> Data on race from Census 2010 SF2 PCT5.

<sup>388</sup> This data does not account for children who have not been screened for lead.

<sup>389</sup> Data from CT Dept. of Public Health based on emergency department visits for asthma between 2005-2009 by town of residence. Using age-adjusted rates enables fair comparison of rates between groups with different age distributions. An age-adjusted rate is a weighted average of the age group-specific or "crude" rates. The weights are the proportions of the ages in the corresponding age groups of a standard population. Data on race from Census 2010 SF2 PCT5.

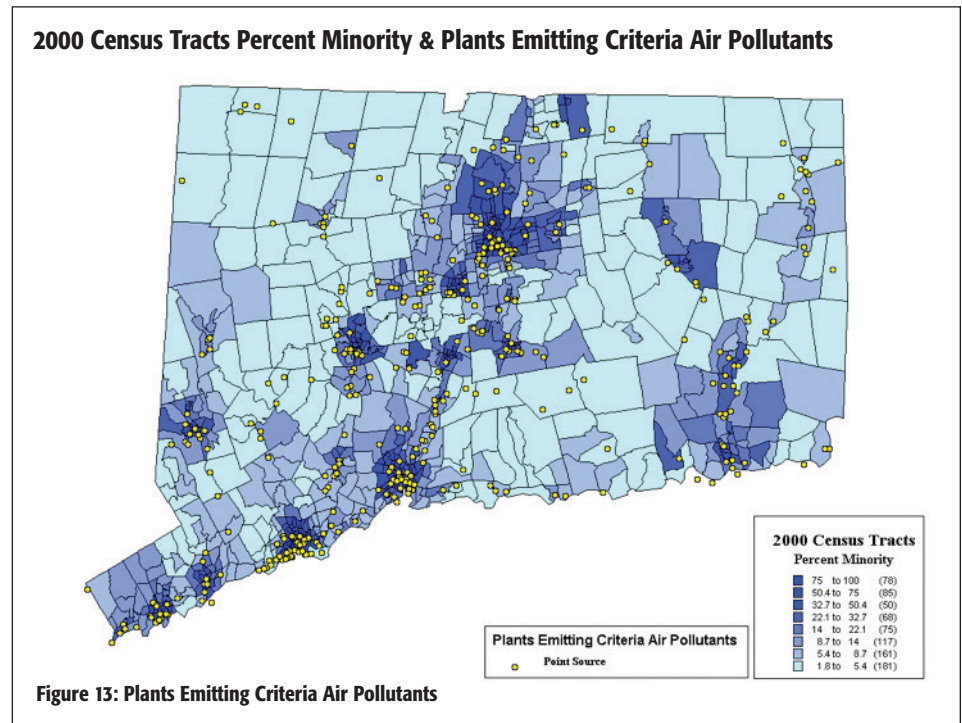
<sup>390</sup> Connecticut Department of Public Health, *Facts about Minority Health in Connecticut, Highlight Brief #1, Minority Health Month – April 2013, Advance Health Equity Now: Uniting our Communities to Bring Health Care Coverage to All*, pg. 2, [http://www.ct.gov/dph/lib/dph/hisr/pdf/Facts\\_About\\_Minority\\_Health\\_in\\_CT\\_Apr2013.pdf](http://www.ct.gov/dph/lib/dph/hisr/pdf/Facts_About_Minority_Health_in_CT_Apr2013.pdf).

<sup>391</sup> Id.

for Non-Hispanic White women.<sup>392</sup> Black non-Hispanic residents have 4.3 times the rate of diabetes related hospitalizations with lower extremity amputations compared with Non-Hispanic White residents. Hispanic residents have 2.7 times the rate of diabetes related hospitalizations with lower extremity amputations, compared with Non-Hispanic White residents.<sup>393</sup>

### Exposure to Air Pollutants

Manufacturing plants emitting air pollutants are disproportionately located in areas that have higher populations of color than the state as a whole (see Figure 13 below).<sup>394</sup> A 2001 study found that solid waste disposal sites are located in disproportionately minority communities at a rate higher than that for Non-Hispanic White communities—and this was true even when the study controlled for income.<sup>395</sup>



### Food Deserts

There also appears to be a connection between healthy food access and housing segregation. In fact, many municipalities in Connecticut that are disproportionately low income and minority are considered “food deserts” by the U.S. Department of Agriculture.<sup>396</sup> A food desert is defined as a census tract in which “a significant number or share of individuals in the tract is far from a supermarket. For rural areas 10 miles or more is considered ‘far.’ For urban areas .5 miles is considered ‘far.’”<sup>397</sup> The 10 municipalities with the lowest percentage of Non-Hispanic White residents all have at least one tract that is deemed a “food desert.”

392 Connecticut Department of Public Health, *The Burden of Diabetes in Connecticut 2010 Surveillance Report*, March 2011, p. 7, [http://www.ct.gov/dph/lib/dph/hisr/pdf/2010diabetesburden\\_final.pdf](http://www.ct.gov/dph/lib/dph/hisr/pdf/2010diabetesburden_final.pdf).

393 *Id.* at p. 15.

394 Created by John Stewart, Associate Professor of Sociology, University of Hartford.

395 Timothy Black and John A. Stewart, “Burning and Burying in Connecticut: Are Regional Solutions to Solid Waste Disposal Equitable?,” *New England Journal of Public Policy*, Vol. 16: Is. 2, Article 3 (2001) at 15, <http://scholarworks.umb.edu/nejpp/vol16/iss2/3>.

396 See *Food Access Research Atlas*, USDA Economic Research Service, available at <http://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas.aspx#.UaygN-Bn9UR>.

397 *Id.* Some definitions define “far” in urban areas as 1 mile.



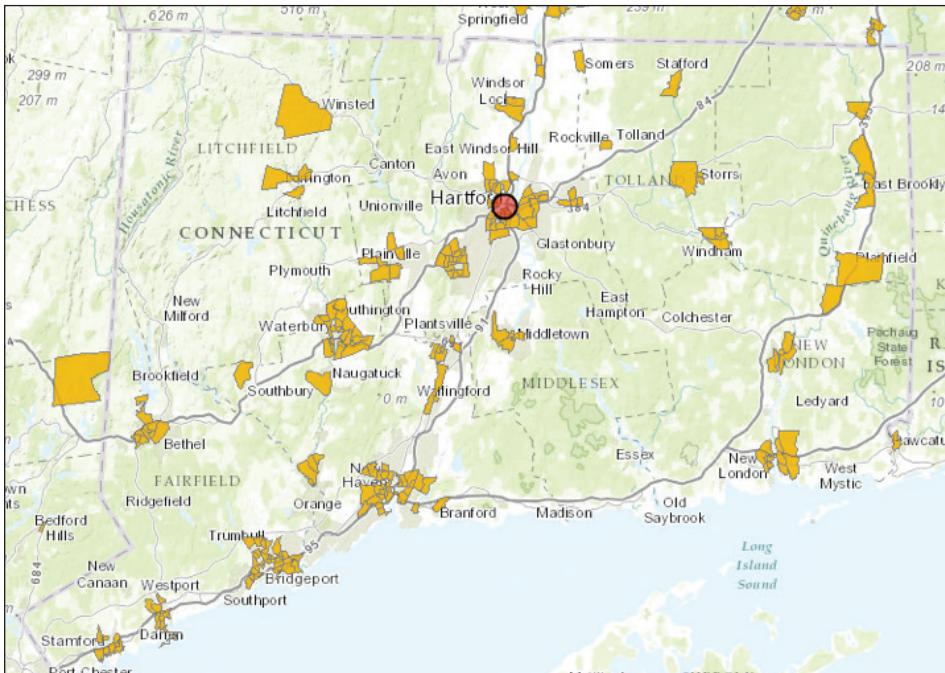


Figure 14: USDA Food Desert Map Showing Low Income and Low Food Access Areas<sup>398</sup>

**Figure 15: Food Deserts and Town Minority Population<sup>399</sup>**

Percent Non-Hispanic White Ranking (1= Smallest % Non-Hispanic White)	Town	Percent Non-Hispanic White Non-Hispanic	Food Desert Tract in Town?
1	Hartford	13.0%	Yes
2	Bridgeport	22.1%	Yes
3	New Haven	29.8%	Yes
4	Bloomfield	33.0%	Yes
5	East Hartford	41.6%	Yes
6	New London	44.3%	Yes
7	Waterbury	45.1%	Yes
8	New Britain	46.4%	Yes
9	Windsor	50.8%	Yes
10	Stamford	53.2%	Yes

Lack of accessible healthy food has been linked to negative health outcomes like obesity.<sup>400</sup> It is important to note, however, that two recent studies cast doubt on the food desert phenomenon and

398 Id. "Low-Income" is defined as any of the following: (1) Census tracts where the poverty rate is 20 percent or greater, (2) the tract's median family income is less than or equal to 80 percent of the state-wide median family income or (3) the tract is in a metropolitan area and has a median family income less than or equal to 80 percent of the metropolitan area's median family income. The map uses a "low food access" measure that considers the distance from a supermarket, supercenter, or large grocery store ("supermarket" for short). A Census tract is considered to have low access if a significant number or share of individuals in the tract is far from a supermarket. For rural areas 10 miles or more is considered "far." For urban areas .5 miles is considered "far."

399 Source: USDA Food Atlas and U.S. Census 2010.

400 See, e.g. Dolores Acevedo-Garcia, Theresa L. Osypuk, Nancy McArdle & David R. Williams, "Toward A Policy- Relevant Analysis Of Geographic And Racial/Ethnic Disparities In Child Health," 27 *Health Affairs*, 321, 323 (2008), <http://content.healthaffairs.org/content/27/2/321.full.html>; N. Wrigley, D. Warm, and B. Margetts, "Deprivation, diet, and food-retail access: findings from the Leeds 'food deserts' study," *Environment and Planning A*, 35(1), 151 – 188 (2003), <http://www.envplan.com/abstract.cgi?id=a35150>.

suggest that food is more readily available than some “food desert” maps indicate.<sup>401</sup> These studies also emphasize the role that personal decisions about food may play in obesity.<sup>402</sup> In addition, as Figure 14 demonstrates, the issue of food availability is also a concern for rural areas.

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### Fiscal Impact of Segregation

New research catalogues the impact of racial and ethnic segregation on society as a whole. To function effectively, economies need low- and high-skill jobs to work in tandem often in the same geographical location. For example, in a place like Connecticut where the job growth is primarily in suburban municipalities, a company that employs high-skilled professionals depends on low-skilled cleaning, repair, and food preparation services to ensure that the company functions. If low-skilled workers are segregated in areas with little access to public transportation and are without cars, as they are in Connecticut, the company must pay higher wages to lower-skilled workers who have cars or live closer to the company in the higher priced housing market. Paying higher wages to lower skilled workers cuts into a company’s profit margin.<sup>403</sup> In a March 2013 study published by Urban Studies, researchers found that higher rates of segregation are associated with decreased levels of economic growth. The study finds that in cities like Detroit, which is the most racially segregated metropolitan area in the country, high levels of segregation cost the region about \$2 billion in income annually.<sup>404</sup>

In addition, the Urban Studies research suggests that segregation inhibits the innovation that results when people of various backgrounds interact.<sup>405</sup> Finally, access to opportunity for everyone means that society as a whole spends less money addressing the impact of concentrated poverty.<sup>406</sup>

Policies that segregate people by race and income level also leave some municipalities with disproportionate populations of color in a weaker financial position to provide necessary municipal services. As a result, such areas often increase their tax rates. In fact, of the 10 municipalities with the highest mill rates, 6 are also among the 10 municipalities with the smallest percentage of Non-Hispanic Whites.<sup>407</sup>

401 Gena Kolata, “Studies Question the Pairing of Food Deserts and Obesity,” *New York Times* (April 18, 2012), <http://www.nytimes.com/2012/04/18/health/research/pairing-of-food-deserts-and-obesity-challenged-in-studies.html> (discussing the studies). The studies are: Helen Lee, “The role of local food availability in explaining obesity risk among young school-aged children,” *Social Science & Medicine*, Volume 74, Issue 8, (2012) 1193-1203, available for a charge at <http://www.sciencedirect.com/science/article/pii/S0277953612000810> and Ruopeng An and Roland Sturm, “School and Residential Neighborhood Food Environment and Diet Among California Youth,” *American Journal of Preventive Medicine* Volume 42, Issue 2, 129-135 (February 2012), [http://www.ajpmonline.org/article/S0749-3797\(11\)00849-X/abstract](http://www.ajpmonline.org/article/S0749-3797(11)00849-X/abstract).

402 *Id.*

403 See, e.g. Huiping Li, Harrison Campbell, and Steven Fernandez, “Residential Segregation, Spatial Mismatch and Economic Growth across US Metropolitan Areas,” *Urban Studies* 0042098013477697 (October 2013), <http://usj.sagepub.com/content/early/2013/03/01/0042098013477697.full>.

404 Emily Badger, “Why Segregation Is Bad for Everyone,” *Atlantic Cities: Place Matters* (May 3, 2013), <http://www.theatlanticcities.com/jobs-and-economy/2013/05/why-segregation-bad-everyone/5476/>.

405 Li, “Residential Segregation,” 3, *supra* note 403.

406 *Id.*

407 For mill rate analysis, additional rates above a town’s standard rate, generally for specialized fire and sewer charges, were removed. If a town had only two districts, the higher district rate was excluded. All data obtained from OPM with the exception of the mill rates for Winchester, CT, which was obtained from the town’s website, <http://www.townofwinchester.org/Plugs/tax-collector.aspx>, and New London, CT, which is available at <http://ci.new-london.ct.us/content/27/49/554/default.aspx>.

**Figure 16: Town Mill Rate and Non-Hispanic White Population**

Municipality	Mill Rate Ranking (1 = highest rate)	Mill Rate (2011 Grand List – 2013 Fiscal Year)	Percent Non-Hispanic White	Non-Hispanic White Ranking (1 = smallest %)
Hartford	1	74.29	13.0%	1
East Hartford	2	42.79	41.6%	5
Waterbury	3	41.8184	45.1%	7
Bridgeport	4	41.11	22.1%	2
New Haven	5	38.88	29.8%	3
Hamden	6	37.137	62.4%	18
New Britain	7	36.63	46.4%	8
Manchester	8	35.83	65.8%	20
West Hartford	9	35.75	74.7%	26
Derby	10	35.50	74.0%	25

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### Conclusion

This chapter touches on just a few of the detrimental effects of racial segregation. Segregation is also interlinked with poverty concentration which places a heavy cost on the state as a whole. This analysis of segregation and race can be applied more generally to the costs of segregation experienced by other groups, such as people with disabilities and people with lawful sources of incomes other than employment.



# SECTION FOUR

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## **Opportunities To Affirmatively Further Fair Housing**

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# CHAPTER ELEVEN

## State Plans That Promote Access to Housing

### CHAPTER SNAPSHOT

- Two plans guide land use and development in Connecticut –the State Plan of Conservation and Development and the ConPlan.
- Each of these plans includes some important elements that affirmatively further fair housing.
- These plans can enhance the State’s ability to affirmatively further fair housing in the future by analyzing whether land use and development proposals promote economic and racial integration.

As the data has shown, certain groups in Connecticut face disproportionately high levels of segregation and are disproportionately lower income. These groups are Blacks, Latinos, people with disabilities, and people with a lawful source of income other than employment. Single-parent families are also a lower income and growing demographic, though less segregated. This chapter reviews the extent to which the federal and state housing plans that guide land use and development in Connecticut affirmatively further fair housing by articulating policies that increase the availability of subsidized and affordable housing in a diversity of locations and expand the housing choices available to these groups.

The State Plan of Conservation and Development Policies (“State POCD”) and the ConPlan are produced by the State and are intended to work together to establish the state’s priorities for land use and development. Each includes some important elements that affirmatively further fair housing. However, these plans can enhance the State’s ability to affirmatively further fair housing in the future by incorporating land use and development policies that promote economic and racial integration.

### The State Plan of Conservation and Development

#### Statutory Provisions Pertaining to the State

The State POCD articulates the “official policy for the executive branch of government in matters pertaining to land and water resource conservation and development.”<sup>408</sup> The State POCD is particularly important to the development of affordable and subsidized housing for three reasons. First, expenditures in excess of \$200,000 by any State agency on the acquisition, development, or improvement of property or investment in transportation facilities or equipment must be consistent with the State POCD.<sup>409</sup> Second, each municipality<sup>410</sup> and Regional Planning Organization (“RPO”)<sup>411</sup> is required to produce its own POCD. Each of these POCDs must be consistent with the State POCD if the municipality or RPO wishes to qualify for state and/or federal funding.<sup>412</sup> Third, other state expenditures, such as allocations of bond funds, must be consistent with the State POCD.<sup>413</sup>

408 C.G.S. §16a-24 *et seq.*

409 See C.G.S. 16a-31.

410 Authorized under Con. Gen. Stat. §8-23 (2011).

411 Authorized under C.G.S. §8-35a (2011). Regional Planning Organizations (RPOs) are bodies authorized through local ordinances to carry out a variety of regional planning and other activities on behalf of the member towns.

412 Municipal participation in the POCD statutory scheme will be discussed in Chapter 12.

413 C.G.S. §16a-31(c).

When preparing a POCD, the State and municipalities must consider three statutory provisions that impact housing location.<sup>414</sup>

- First, revisions to the State POCD must include “linkages of affordable housing objectives and land use objectives with transportation systems.”
- Second, municipal POCDs may, but are not obligated to, include recommendations for affordable housing development.
- Third, a project outside “priority funding” areas which would otherwise not be eligible for State funding may receive such funding if the Commissioner of DOH determines that such a project will “promote fair housing choice and racial and economic integration.”<sup>415</sup>

Given these statutory provisions, the development and implementation of state and local POCDs should facilitate affordable housing development.

### **Affirmatively Furthering Fair Housing and the State POCD**

Connecticut produced a significantly revised version of the State POCD in June 2013.<sup>416</sup> The new State POCD includes three principles that affirmatively further fair housing and increase housing choice.

First, principles 1 and 3 (see sidebar) foster development in areas that already have infrastructure and transportation. These are important goals and should be applied to affordable and subsidized housing development to the extent they do not increase racial and economic segregation. While the fair housing exception in Con. Gen. Stat. §16a-35c brings some balance to the State POCD, it should be clear that the goal of affirmatively furthering fair housing is a guiding principle that should influence land use decisions.

Principle 2, “Expanding housing opportunities and design choices to accommodate a variety of household types and needs” affirmatively furthers fair housing. The existence of the widest possible range of housing types, sizes and price points is critical to ensuring maximum mobility and reducing existing segregated housing patterns. Future State POCDs can provide additional guidance as to how this principle will influence decision-making. For example, there is a particularly acute need for more accessible housing and affordable housing for very low income families with children. The next State POCD may incorporate the most acute affordable housing needs into its guidance for municipalities.

The State POCD implicitly recognizes that state and local governmental policies can hinder the development and placement of affordable housing. The State POCD also and makes it clear that proactive steps are needed to prevent such hindrance:

*In order to expand the economy and promote a vibrant population, state and local governments must proactively address current policies and regulations that hinder private developers from building the types of housing options and lifestyle amenities that the market demands.*<sup>417</sup>

In addition, the State POCD puts forth as a “Performance Indicator” the number of municipalities where affordable housing constitutes at least 10% of all housing units in the municipality. To affirmatively further fair housing in the future, the State POCD, or in interim years, yearly action plans, should take advantage of the market, funding availability and development opportunities to promote diversity by prioritizing areas for housing placement that increase the availability of affordable and subsidized housing in communities that are not segregated.

### **Consolidated Plan for Housing and Community Development**

The state’s housing activities are guided by its ConPlan. The most recent ConPlan was submitted to HUD in 2010 for the period 2010–2015.<sup>418</sup> The current ConPlan articulates a strategy for affirmatively furthering fair housing, stating that the goal is to “bring opportunities to opportunity-deprived areas,

## **State POCD Principles Affecting Fair Housing**

**Principle 1: Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure.**

**Principle 2: Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs.**

**Principle 3: Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options.**

414 C.G.S. § 8-23(d)(2) (2011) requires towns to consider affordable housing in the development of their POCD, but does not request details on how the municipality considered such housing and does not require that municipalities have a specific plan or goals for affordable housing creation.

415 C.G.S. §16a-35c(a)(2)(D)(iii).

416 [http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018\\_cd\\_plan.pdf](http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf)

417 Id. at p. 12.

418 [http://www.ct.gov/doh/lib/doh/housing\\_plans/2010-15\\_cp\\_-\\_hud\\_approved.pdf](http://www.ct.gov/doh/lib/doh/housing_plans/2010-15_cp_-_hud_approved.pdf)



and to connect people to existing opportunities throughout metropolitan regions.” The ConPlan outlines seven goals with related outputs, outcomes, and indicators.

While the broadly stated intent of promoting access to opportunity is important to affirmatively furthering fair housing, the next ConPlan can include greater details with respect to efforts to create affordable housing that will reduce segregation and the concentration of poverty. For example, under the Affordable Housing Goal, the 2010–2015 Con Plan states that fair housing will be supported through the completion of the AI, supporting fair housing education, training and advocacy by providing financial assistance to the Connecticut Fair Housing Center within available funding, and monitoring funding recipients. There are explicit “outputs” of supporting one inter-municipal or regional affordable housing proposal, which could potentially promote integration, and supporting the mobility counseling program now under DOH.<sup>419</sup> The next ConPlan can more fully describe all of the initiatives being undertaken or intended to be undertaken by DOH to increase dramatically the volume of affordable housing construction and to incentivize and facilitate the construction of new affordable housing units and the preservation of existing affordable housing units in communities that are not disproportionately low income.

The “outputs” flowing from Goal 2, “Provide decent housing and enhance suitable living environments for residents of public housing” can also be significantly expanded. The “output” measure already contained in the 2010–2015 ConPlan, the preservation of 200 units of publically-assisted rental units, can be increased to more than 1,000 annually. Preservation of publicly assisted units is critical. In addition, preserving public housing units can be an opportunity to implement innovative housing strategies that promote integrated communities such as the use of tenant-based housing subsidies complemented with mobility counseling assistance.<sup>420</sup>

The next ConPlan can include both prioritizing preservation of current projects and the development of new projects that promote integration. Such priorities may include promoting projects in thriving neighborhoods as well as projects in struggling neighborhoods that include mixed-income elements and therefore, new job opportunities for local residents.

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## Conclusion

The State POCD and the ConPlan can be influential tools to affirmatively further fair housing. While the State POCD targets certain defined areas for affordable housing development, state law recognizes the pre-eminent importance of promoting fair housing choice and racial and economic integration and therefore authorizes the DOH Commissioner to make appropriate exceptions for certain new developments. The 2016–2020 ConPlan presents an important new opportunity to set goals and implementation measures to track the State’s greatly expanded commitment to affordable housing and fair housing principles.

419 2010-2015 ConPlan, at 161.

420 *Id.* at 44.

# CHAPTER TWELVE

## Zoning, Municipal Housing Plans, and Other Programs That Promote Access to Housing

**A**side from government programs that directly fund affordable housing or provide housing subsidies to low-income households, the State and municipalities have several tools at their disposal to affirmatively further fair housing. These tools include:

- 1. Zoning:** The regulation of zoning is a state function that is delegated to municipalities under certain conditions, including requirements designed to ensure the production of affordable housing in a diversity of locations. Affordable and subsidized housing can be built in a manner that allows for integration if municipal zoning laws permit or encourage its construction.
- 2. Municipal Plans for Conservation and Development:** Under the statute, a municipal Plan for Conservation and Development (“municipal POCD”) shall, among other things, promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encourage the development of housing that will meet the housing needs identified in the ConPlan.<sup>421</sup>
- 3. Affordable Housing Land Use Appeals Act:** The AHAA is a state law designed to promote the creation of affordable housing.
- 4. Housing for Economic Growth Program:** This housing program, also known as HOME CT or the Incentive Housing Zone Program, provides incentives to municipalities to develop and adopt Incentive Housing Zones (“IHZ”) and promote new affordable multifamily housing in such zones.
- 5. Mobility Counseling:** DOH contracts with three non-profit housing agencies that provide mobility counseling services statewide to assist rental subsidy recipients, who are disproportionately people of color, make housing decisions with full information about school performance, crime rates, transportation options, and other relevant community data.

### Zoning and Affordable Housing

The power to regulate zoning is reserved to each state by the Tenth Amendment to the U.S. Constitution.<sup>422</sup> Connecticut delegates the power to municipalities subject to the requirements of the Zoning

### CHAPTER SNAPSHOT

- Zoning regulations can both promote and impede the development of affordable housing. In Connecticut 54% of municipalities do not include provisions for affordable housing in their zoning ordinances.
- Municipal POCDs are the primary ways in which municipalities articulate policy for the development of affordable housing. Municipal participation in the POCD process is also a way to ensure eligibility for certain state funding. Currently, only 68% of all municipalities post their POCDs online making it difficult to analyze whether the municipal POCD is in conformance with state requirements.
- Under the AHAA, a municipality with less than 10% of its housing deemed affordable bears the burden of demonstrating that the rejection of an application to build affordable housing is necessary to protect substantial interests in health, safety or other matters.
- 71% of all governmentally assisted family units and 52% of all governmentally assisted elderly units are in areas that are disproportionately people of color.
- Housing mobility programs can help participants overcome the barriers to fair housing choice faced by participants in the HCV voucher and RAP programs.

<sup>421</sup> C.G.S. §8-23.

<sup>422</sup> U.S. Constitution, amend. 10 states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Enabling Statute.<sup>423</sup> Con. Gen. Stat. §8-2 states that municipalities are authorized to adopt zoning regulations that, among other things:

- “encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located...”;
- “promote housing choice and economic diversity in housing, including housing for both low and moderate income households”;
- “encourage the development of housing which will meet the housing needs identified in the [ConPlan] and in the housing component and the other components of the [State POCD].”

Zoning codes used throughout the country, including in Connecticut, are based on the notion that municipalities can regulate zoning through restrictions on permitted uses (e.g., commercial v. residential), density (the number of units per acre) and lot size, as well as other considerations. While there are important non-discriminatory reasons for zoning restrictions,<sup>424</sup> zoning can intentionally or unintentionally have the effect of limiting housing opportunities and impeding both fair housing and affordable housing efforts.<sup>425</sup>

“Exclusionary zoning” refers to municipal zoning regulations that make the development of affordable housing difficult or impossible.<sup>426</sup> Some municipalities in Connecticut have some of the most restrictive zoning laws nationwide, according to a 2006 Brookings Institute report.<sup>427</sup> A 2012 Brookings study that examined the effect of restrictive zoning laws on educational achievement found that restrictive zoning ordinances like those in use in some Connecticut communities shut low-income students who are disproportionately children of color out of a state’s best performing public schools.<sup>428</sup>

### Zoning Barriers to Affordable Housing

Impediments to affordable housing can result from a variety of land use regulations and rules, but some of those most frequently cited by zoning scholars are:<sup>429</sup>

- **Restrictions in zoning ordinances on multifamily or affordable housing.** If affordable or multifamily housing is either not permitted in a municipality or restricted to a handful of already densely developed zones, developers need to obtain a “Special Permit” in order to build new affordable housing and such permits are often denied.
- **Large Lot Requirements.** Zoning ordinances usually prescribe the size of lots for different zones. The larger the lot, the more expensive the development. When large minimum lot requirements

423 C.G.S. § 8-2. Technically, municipalities have the option of “opting in” to the Zoning Enabling Statute. Based on the best available research, the following municipalities were given their own zoning authority and have not opted into the State zoning law: New Haven, granted zoning authority by 18 Spec. Laws No. 478 (1921) and 1925 Conn. Pub. Acts Ch. 242; Bridgeport, granted authority by 1923 Conn. Pub. Acts Ch. 279; Norwalk granted zoning authority by 1923 Conn. Pub. Acts Ch. 279; Waterbury, granted zoning authority by 1923 Conn. Pub. Acts Ch. 279; Stamford, granted zoning authority by 1923 Conn. Pub. Acts Ch. 279, 26 Spec. Laws No. 619 Section 550 (1953); Fairfield, granted zoning authority by 1923 Conn. Pub. Acts Ch. 279; Greenwich, granted zoning authority by 1923 Conn. Pub. Acts Ch. 279, 19 Spec. Laws 408 (1925); Enfield, granted zoning authority by 1923 Conn. Pub. Acts Ch. 279; West Hartford, granted zoning authority by 1923 Conn. Pub. Acts Ch. 279, 19 Spec. Laws No. 469 (1925); Stratford, granted zoning authority by 19 Spec. Laws No. 95 (1925); Darien, granted zoning authority by 19 Spec. Laws No. 462 (1925); Hartford, granted zoning authority by 19 Spec. Laws No. 484 (1925); New London, granted zoning authority by 19 Spec. Laws No. 487 (1925); Norwich, granted zoning authority by 19 Spec. Laws No. 494 (1925). Greenwich also has special act powers governing subdivisions.

424 *Ambler Realty Co. v. Village of Euclid, Ohio*, 297 F. 307, 313 (N.D. Ohio 1924).

425 Xavier de Souza Briggs, ed., *The Geography of Opportunity: Race and Housing Choice in Metropolitan America* (Brookings Institute Press, 2005). See also, Suburban Action Institute, *A Study of Zoning in Connecticut*, 1978 (Trinity College Library). The report concluded that in Connecticut zoning created a “land development system in which high income is required...to gaining membership in a community.”

426 See e.g. R. Robert Linowes and Don T. Allensworth, *The Politics of Land Use: Planning, Zoning, and the Private Developer* (New York: Praeger, 1973); Jonathan Rothwell, *Housing Costs, Zoning, and Access to High-Scoring Schools*, *Brookings Institute*, April 2012, 12–13, 16, and 18, [http://www.brookings.edu/~media/research/files/papers/2012/4/19%20school%20inequality%20rothwell/0419\\_school\\_inequality\\_rothwell](http://www.brookings.edu/~media/research/files/papers/2012/4/19%20school%20inequality%20rothwell/0419_school_inequality_rothwell).

427 Pendall, Puentes, and Martin, *From Traditional to Reformed: A Review of the Land Use Regulations in the Nation’s 50 Largest Metropolitan Areas*, *Brookings Institute*, August 2006, 12 – 14, Appendix.[http://www.brookings.edu/~media/research/files/reports/2006/8/metropolitanpolicy%20pendall/20060802\\_pendall.pdf](http://www.brookings.edu/~media/research/files/reports/2006/8/metropolitanpolicy%20pendall/20060802_pendall.pdf)

428 See e.g. Rothwell, *supra* note 7, at 7.

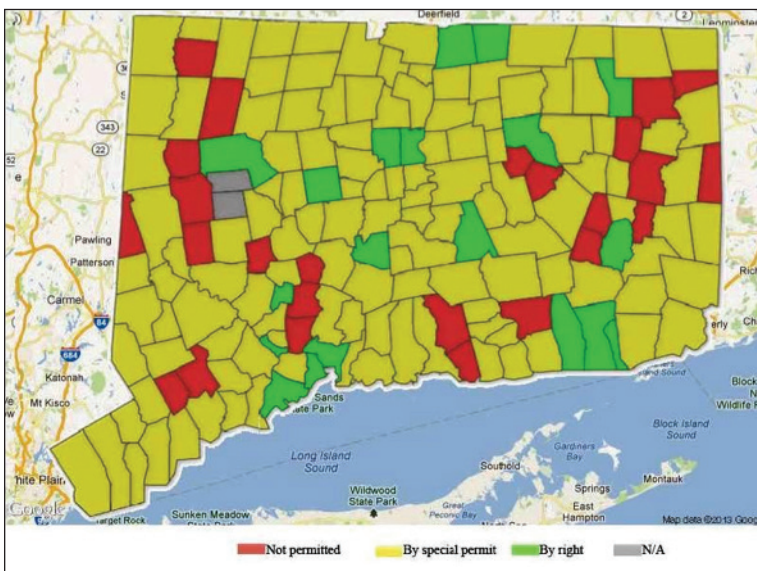
429 See Gerrit Knaap, Stuart Meck, Terry Moore, and Robert Parker, “Zoning as a Barrier to Multifamily Housing Development,” *American Planning Association, Planning Advisory Service Report Number 548*, July 2007, 24, [http://www.huduser.org/Publications/pdf/zoning\\_MultifmlyDev.pdf](http://www.huduser.org/Publications/pdf/zoning_MultifmlyDev.pdf)

apply to the entire municipality, the result can be that affordable housing becomes financially infeasible.

- **Low Density Requirements.** Ordinances can limit the number of units permitted per acre. If this number is set low in all areas of the municipality, for example no more than one or two units per acre, affordable housing throughout the municipality becomes financially infeasible.
- **Other Land Use Requirements.** A range of other requirements can also inhibit the development of affordable housing. These include residency or employment preferences for affordable housing admission, onerous subdivision requirements, such as obligations for numerous parking spaces, sewer restrictions, and wetland limitations.

### Analysis of Connecticut Zoning Barriers

**Affordable Housing Provisions:** Based on a review of the zoning ordinances of nearly all of the municipalities in Connecticut, it appears that zoning regulations often create a barrier to the development of affordable housing and the expansion of housing choices for low-income Connecticut residents who are disproportionately people of color.<sup>430</sup> This analysis reveals that 57.4% of municipalities do not include provisions for affordable housing in their zoning ordinances. Of those that mention affordable housing, 95% require a special permit for such development, and 68% limit affordable housing to certain zones. Twenty-five municipalities do not permit new construction of multifamily housing, one of the most cost-effective ways of producing affordable housing.



**Figure 1: Municipality requirements for multifamily (3 or more units) housing construction (Map provided courtesy of Jack Dougherty at Trinity College.)**

**Percentage of Zones:** Measuring zoning requirements by percentage of zones permitting different uses is useful for a municipality-by-municipality comparison, but an imperfect measure because it cannot account for the geographic area of each zone. As a result, it is impossible to say how large or small the area in which market-rate multifamily or affordable multifamily housing is, either in absolute terms or as a percentage of the developable land.

Based on an analysis of every zone in every municipality reviewed, 84.2%<sup>431</sup> of all zones in Connecticut permit single-family housing while only 49.1% of zones permit two-family housing, 49.2%

<sup>430</sup> In partnership with the Cities, Suburbs, and Schools Project at Trinity College, the Connecticut Fair Housing Center reviewed the zoning ordinances of 98% of Connecticut's municipalities ("Trinity Zoning Project"). The review did not include information from Bethlehem and Hartland, CT, which do not have zoning ordinances, or Morris, CT, which did not make its ordinance available for the project. All data from this project are available through Trinity as part of the Connecticut Zoning Initiative. Connecticut municipalities were given the opportunity to comment on the analysis, and appropriate adjustments to the data were made where warranted. The Connecticut Zoning Initiative can be accessed at <http://commons.trincoll.edu/cssp/zoning/>. Trinity Senior Fionnuala Darby-Hudgens made major contributions to this effort and wrote her thesis using the same base data. University of Connecticut School of Law student Lisa Dabrowski also made significant contributions to this project.

<sup>431</sup> Data for single-family homes received from Fionnuala Darby-Hudgens, e-mail message, May 8, 2013. All other zoning data are from <http://commons.trincoll.edu/cssp/zoning/>.

of zones permit multifamily housing (3 or more units), and 33.4% of zones allow elderly housing. Only 15.5% of all zones permit affordable housing.

**Figure 2: Uses Permitted by Percentage of Zones<sup>431</sup>**

Use	Percentage of Zones Permitting Use
Single-Family Housing	84.2%
Two-Family Housing	49.1%
Multifamily Housing	49.2%
Elderly Housing	33.4%
Affordable Housing	15.5%

**Large Lot Requirements:** Across the state, the average minimum lot size for a single-family development (that is, the average of the smallest lot sizes allowed for single-family housing under each municipal zoning ordinance) is .52 acres, while two-family construction must have, on average, at least .86 acres, and zones permitting multifamily housing requires 1.87 acres. Elderly multifamily developments, on average, are required to have at least 3.5 acres, and affordable housing developments are required to have 2.6 acres.<sup>433</sup>

These statewide comparisons mask the stark variations seen in some municipalities because they give municipalities credit for their *most* affordable housing-friendly zones, even if those zones are very small or already built to capacity and many other zones in the municipality significantly restrict affordable or multifamily housing. For example, East Granby requires a minimum of 10 acres for multifamily development regardless of number of units, but has at least one zone in the municipality that requires only .689 acre for single-family development. Many other municipalities require 5 or more acres for multifamily and affordable developments regardless of the number of units, and have at least one zone that requires less than an acre for single-family units. Southington requires a minimum of 30 acres for affordable housing development regardless of the number of units, and has at least one zone that requires no more than .184 acre for a single-family unit. Monroe requires 70 acres for multifamily housing but only 1 acre for single-family housing. In some cases, even when multifamily or affordable housing is technically permitted by ordinance, a large lot requirement makes it financially infeasible for such housing to be built. For a list of municipalities that have the largest lot size requirements for single-family, multifamily, and affordable housing, go to <http://commons.trincoll.edu/cssp/zoning/>.

**Units Per Acre:** An analysis of the average number of units permitted per acre reveals an interesting trend. While two-family and multifamily developments, on average, are permitted a maximum of 15.44 units per acre and affordable housing is permitted 14.69 units per acre, elderly housing is subject to a more restrictive 11.15 units per acre. Despite this differential, more elderly developments than affordable family developments have been created in suburban municipalities. One possible explanation for this is that elderly developments are receiving special permits for larger unit per acre ratios but family developments are not.

**Other Land Use Requirements:** The Trinity Zoning Project data is not sufficiently detailed to support an in-depth analysis of many of the other restrictions inhibiting development of affordable multifamily housing, but Connecticut developers have reported that barriers include sewer restrictions, parking requirements, excessive traffic restrictions, and onerous subdivision rules.<sup>434</sup> By industry estimates, these and other regulations add about 25% to the cost of development.<sup>435</sup>

In addition to concerns about the technical zoning requirements that apply to affordable housing, some municipalities also apply municipal residency or employment requirements to affordable

432 Multifamily housing is not restricted to market rate housing but also does not require that the housing be affordable. Affordable housing can include both multifamily housing and affordable homeownership units.

433 Note that many ordinances do not provide information on minimum lot size for certain kinds of housing. In Connecticut, 164 municipal ordinances provide the information for single-family development, 144 for two-family, 138 for multifamily, 100 for elderly, and 64 for affordable housing.

434 Interview with William Ethier, Connecticut Home Builders and Remodelers of Connecticut, Inc., May 29, 2013.

435 Paul Emrath, "How Government Regulation Affects the Price of a New Home," National Association of Home Builders Economics and Housing Policy Group, *Housingeconomic.com*, July 2011, 1, [http://www.hbact.org/associations/5098/files/July2011SpeicalStudy\\_20110705014321.pdf](http://www.hbact.org/associations/5098/files/July2011SpeicalStudy_20110705014321.pdf).



housing created in their municipalities. The Trinity Zoning Project revealed nine municipalities that give primary preference for affordable housing to municipal residents or their relatives and/or employees of the municipality or people working in the municipalities.<sup>436</sup>

Residency preferences can have a disparate impact on populations of color. For example, the population of Cheshire is 88.9% Non-Hispanic White. Cheshire's zoning ordinance says,

*In addition, the applicant [for an affordable housing development] shall present to the Commission a marketing plan reasonably designed to assure that priority in the first sale of affordable units shall be as follows (in descending order):*

- a) Current residents of the Town of Cheshire who have been so for at least two (2) continuous years.*
- b) Non-resident children of current residents as defined at (a), above.*
- c) Residents of the New Haven-Meriden metropolitan statistical area currently employed in the Town of Cheshire.*
- d) All others.<sup>437</sup>*

Because Cheshire is 88.8% Non-Hispanic White, 5.3% Asian, 1.1% non-Hispanic Black, and 3.3% Hispanic restricting its affordable housing to Cheshire residents may have the effect of ensuring that the majority of those qualifying are non-Hispanic White.

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## Municipal Housing Planning

### The Municipal Plan of Conservation and Development

Affirmatively furthering fair housing requires planning by the State and its municipalities. Connecticut's Zoning Enabling Act, ConPlan, and the State POCD are the primary ways in which the State articulates its broad policy for the development of affordable housing. Municipal participation in the POCD process is also a way to ensure eligibility for certain state funding. Currently, only 68% of all municipalities post their POCDs online. This makes it difficult to do an in-depth analysis of changes which should be made to municipal POCDs to ensure that they are in conformance with the state requirements found at Con. Gen. Stat. §8-23.<sup>438</sup> Since municipalities are required to file their municipal POCDs with the State Office of Policy and Management ("OPM"), the State can publish the municipal POCDs even if the municipality does not.

### Planning to Affirmatively Further Fair Housing Going Forward

Pursuant to Con. Gen. Stat. § 8-23, municipal POCDs must "consider" affordable housing. Even with this low threshold, 14% of the 115 municipal POCDs reviewed for this report did not mention affordable housing at all. An even greater number of POCDs mention the need for affordable housing and the need to address it, but outlined no clear meaningful strategy for doing so. This is a serious missed opportunity and since many non-Hispanic Blacks, Hispanics, and people with disabilities need affordable housing, failure to consider the need for this housing and to address that need is an impediment to fair housing.

<sup>436</sup> See Connecticut Zoning Initiative website. One additional municipality has a preference for residents, but also an equal preference for "those least likely to apply."

<sup>437</sup> Cheshire Zoning Regulations, 1970 (last amended November 22, 2010), 44-8, available at <http://www.cheshirect.org/media/12656/zoning%20regs%20ii%20-%20june%202011.pdf>.

<sup>438</sup> The municipalities for which a POCD could not be found online as of February 2013 are: Andover, Bozrah, Eastford, Danbury, Fairfield, Franklin, Hampton, Lyme, Madison, Middlebury, Naugatuck, North Branford, Orange, Portland, Putnam, Salem, Sharon, Spague, Stafford, Stamford, Sterling, Tolland, Union, Wallingford, Warren, West Hartford, West Haven, and Woodstock.



## Defining “affordable housing” under the Affordable Housing Appeals Act

Under the Act, *affordable housing* can be either

- housing that is government-assisted

OR

- housing that has a certain percentage of units set aside as affordable.

Government-assisted housing is defined by the Act as “housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance [from certain federal programs].”

Set-aside housing is a development where at least 15% of the units are required to be affordable for 40 years by deed such that a family earning 60% or less of median income will not be paying more than 30% of its income toward rent *and* an additional 15% of the units are similarly affordable to a family earning 80% or less of median income.

## Affordable Housing Land Use Appeals Act

The AHAA was passed in 1989 in response to the lack of affordable housing.<sup>439</sup> Prior to enactment of the AHAA a developer of affordable housing that sued a municipality for the rejection of a special permit had the burden of showing the rejection was based upon illegal considerations such as the race or national origin of the proposed occupants of the housing project. Under the AHAA, a municipality with less than 10%<sup>440</sup> of its housing deemed affordable bears the burden of demonstrating that the rejection is “necessary to protect substantial public interests in health, safety or other matters which the commission may legally consider; such public interests clearly outweigh the need for affordable housing; and such public interests cannot be adequately protected by reasonable changes to the affordable housing development.”<sup>441</sup>

### Affordable Housing Controversies

Many municipalities have demonstrated strong objections to affordable housing developments, including those filed as AHAA proposals. There have been over 160 judicial decisions involving CGS 8-30g proposals.

Residents have collected petitions, created websites, and provided testimony objecting to affordable housing development. At the same time, developers report a reluctance to use the AHAA for fear of the costs of litigation and creating a negative reputation. Some developers also believe that the percentage of units that must be affordable – now 30%, up from 20% in the original iteration of the AHAA – makes such developments financially infeasible.

The AHAA only affects the treatment of a proposal before municipal agencies exercising zoning authority. It does not affect decisions made by other bodies such as inland wetlands and sewer commissions.<sup>442</sup> In fact, courts upholding a municipality’s decision to deny a building permit have cited wetlands or sewer concerns 40% of the time.<sup>443</sup>

Non-exempt municipalities (those below the 10% threshold) that are successful in increasing their affordable housing stock are also entitled to a four-year moratorium from the obligations of the AHAA.<sup>444</sup> The moratorium calculation is based on an allocation of unit-equivalent points that put a priority on housing that responds to certain needs.<sup>445</sup> For example, elderly housing receives a half point in this assessment and family rental housing receives two and half points.<sup>446</sup> An increase of the greater of 2%, or 75 points, triggers the moratorium.<sup>447</sup> The municipalities of Berlin and Darien are currently operating under AHAA moratoria.

### AHAA Data Collection and Analysis Challenges

To understand whether the AHAA has been successful at removing impediments to fair housing, the State can consider (1) the extent to which the AHAA has generated affordable housing and (2) whether the AHAA is promoting integration.

<sup>439</sup> Terry J. Tondro, *Connecticut’s Affordable Housing Appeals Statute: After Ten Years of Hope, Why Only Middling Results?*, 23 W. New Eng. L. Rev. 115, 116 (2001). Tondro points to five major reasons the Act was passed: to (1) reduce homelessness, (2) address high housing cost burdens, (3) alleviate concern about the economic impact that high cost burdens were having particularly in Fairfield County, (4) provide affordable housing for moderate income local workforce members such as teachers, service staff, and volunteer firemen, and (5) ensure that children growing up in a particular municipality would be able to afford to continue to live there when they moved out of their parents’ homes.

<sup>440</sup> The 10% threshold outlined under the Act was not generated as part of a careful analysis of affordable housing need but rather developed simply for the sake of administrative simplicity. Tondro, *supra* note 30, at 120.

<sup>441</sup> Con. Gen. Stat. § 8-30g(c) (2012). As noted by Tondro, from 1995 on, projects that did not receive governmental financial support could not take advantage of the burden-shifting rule if the project was located in an area zoned exclusively for industrial uses. 1995 Conn. Pub. Acts 280. Textbox Cites: Office of Legislative Research, *Affordable Housing Appeals Cases, 2013-R-0033*, January 11, 2013, available at <http://www.cga.ct.gov/2013/rpt/2013-R-0033.htm>.

<sup>442</sup> *Id.* at 119, 158–59.

<sup>443</sup> See Legal Assistance Resource Center of Connecticut, *Summary of Affordable Housing Appeals Procedure Reported Decisions*, August 10, 2011, available upon request.

<sup>444</sup> Con. Gen. Stat. § 8-30g(l) (2012).

<sup>445</sup> *Id.*

<sup>446</sup> *Id.*

<sup>447</sup> *Id.*

DOH<sup>448</sup> generates a list of qualifying housing by collecting from each municipality data on subsidized housing, tenant-based subsidies, and assisted mortgages provided by state and federal agencies. In addition, when the affordability of housing is restricted in the land records by a private developer without governmental assistance, the deed is provided to DOH by the municipality and is included in the total number of units qualifying under the Act.

Given that there is a disproportionate need for affordable housing generally, and particularly among non-Hispanic Blacks, Hispanics, single-parent families, and people with disabilities, it is important to get an accurate count of the number of affordable housing units available state-wide. Unfortunately, there are several challenges to getting an accurate count. For example, there is the possibility of double counting affordable units if a deed restricted unit is occupied by a household receiving rental assistance. In addition, while DOH requires an annual certification of units from municipalities, the agency cannot currently verify whether, for example, units reported as deed-restricted ten years ago are in fact still affordable under the AHAA today. Until more of the State's affordable housing needs are met, DOH must critically review requests for any moratorium under the AHAA.

### **Has the AHAA Created More Affordable Housing?**

To some extent, the number of housing units counted as affordable housing units under the AHAA (government assisted units, tenant rental assistance units, and deed restricted units) are affected by different factors. For example, the number of government assisted units and tenant rental assistance units depends on federal and state allocations for such programs whereas the number of deed-restricted units is affected by the availability of private market loans with low interest rates and capital subsidies available from the state and other funders.

Over the years, the Legislature amended the AHAA in ways that affect year-to-year data comparisons. Beyond changes to definitions and data collection practices, variations in the housing and financial markets, like the foreclosure crisis and subsequent recession, affected the production of affordable housing. As a result, it is difficult to determine how many affordable housing units were developed as the result of the AHAA. What is clear is that as of 2011, the State has counted 133,233 units of qualifying deed-restricted affordable housing.<sup>449</sup> Forty-one percent of these units are in municipalities that are not exempt from the AHAA. In addition, since many of the new affordable developments have been "set aside" developments, in which 30 percent of the total units are price-restricted and the rest are market-rate, the affordable units created due to §8-30g have brought with them the construction of several thousand market-priced but less expensive homes.<sup>450</sup>

### **Does the AHAA Foster Racial Integration?**

It is difficult to connect the changing racial demographics in any given municipality directly to AHAA performance. Ideally, full demographic data for the residents living in each affordable housing unit counted in each municipality for the purpose of the AHAA would be available. In the absence of such data, it is possible to determine whether the AHAA is generating the kind of housing most likely to create *opportunities* for integration. Understanding the dynamics of population changes in Connecticut particularly the growing minority population in urban areas and the increase in the aging non-Hispanic White population in suburban and rural areas, it is instructive to compare elderly and family developments for municipalities with varying racial compositions, bearing in mind that "family" units are open to families and elders while "elderly" units do not permit families.<sup>451</sup>

As demonstrated by Figure 3,<sup>452</sup> 63% of all governmentally-assisted housing qualifying under the AHAA in 2011 is located in 20 municipalities that have disproportionately high minority populations.<sup>453</sup>

448 This program was overseen by the Department of Economic and Community Development until 2013.

449 This number excludes single-family homes that were bought through affordable mortgage programs through CHFA or federal affordable mortgage programs.

450 Tim Hollister, Reasons to Preserve 8-30g, the Affordable Housing Appeals Act, Connecticut Homebuilder, Winter/Spring 2013, 85, <http://www.connecticutbuilder.com/pdf/current-issue/inside-the-current-issue/feature8.pdf>.

451 Because the growing elderly population in Connecticut is 87.5% non-Hispanic White, building additional affordable elderly units, even if they are integrated, will have less impact on segregation and integration than building family units. Since family units can be occupied by both elderly and non-elderly households, these units by necessity promote integration.

452 This analysis reflects where affordable housing units were built historically but does not indicate whether they were built in response to the AHAA.

453 For the purpose of this comparison, Middletown, CT, which was 71.7% non-Hispanic White in the 2010 Census, was deemed "disproportionately White." Sixty-two percent of Middletown's 2,814 qualifying units are "family" units.

Furthermore, 71% of the qualifying *family* units are in those same 20 municipalities. Only 29% of the qualifying *family* units are in municipalities that are disproportionately Non-Hispanic White. *Elderly* qualifying units are fairly evenly divided between the same 20 minority concentrated municipalities and disproportionately Non-Hispanic White municipalities. In fact, of the 124 disproportionately Non-Hispanic White municipalities that have any units counted as affordable under the Act, 37 have no units of qualifying family affordable housing. Another 16 municipalities have 10% or less of their qualifying stock dedicated to family housing.

**Figure 3: AHAA Governmentally Assisted Units by Racial Concentration (2011)**  
**Source: DOH**

Area	Total Units	% of Total Units in Municipalities	Family Units	% of All Family Units	Elderly Units	% of All Elderly Units
Disproportionately Minority Municipalities (> 30% people of color)	53,551	63%	34,196	71%	19,396	52%
Disproportionately Non-Hispanic White Municipalities (> 72% White)	31,952	37%	14,059	29%	17,856	48%

This data signals that disproportionately non-Hispanic White municipalities are also disproportionately home to elderly governmentally-assisted units qualifying under the AHAA. Given the dynamics of age and race in Connecticut, this trend would not tend to support significant integration.

### The Connecticut Housing Partnership (“HOMEConnecticut”)

The Housing for Economic Growth Program (aka HOMEConnecticut) was established by the Legislature in 2007 to support municipalities in planning and zoning for affordable housing creation. The program provides interested municipalities with a range of incentives to plan and develop overlay IHZs which allow developers to build higher density mixed-income housing in municipal centers near transit facilities or any areas of existing or planned infrastructure.

To qualify, municipalities must ensure that at least 20% of the units in IHZs are affordable for households earning no more than 80% of the area median income (“AMI”) and permit at least 6 single-family, or 10 townhomes or duplexes, or 20 multifamily housing units per acre. Certain exceptions may apply to rural areas. Once a municipality creates an IHZ, it qualifies for Zone Adoption Incentives of up to \$20,000 once the zone is approved by DOH and Building Permit Incentives between \$15,000 and \$50,000 once building permits are issued in the IHZ.

While focused on creating affordable housing to serve local municipalities’ needs, HOMEConnecticut holds promise for generating housing that affirmatively furthers fair housing. More than 50 municipalities have expressed an interest in participating in the program or have actually taken steps to establish IHZs. Of the 7 municipalities that have established IHZs, all but New Britain and New London are disproportionately Non-Hispanic White.

Since HOMEConnecticut was initiated in 2008, 16 units of affordable housing have been created in Old Saybrook with support of the program. However, it is only within the last two years that the program has been funded at levels to restore the initial momentum and make the original vision possible. With fuller funding for incentive payments and capital needs to support the new housing, it may be possible to build upon the significant new demand for affordable housing from suburban and rural municipalities. It is reasonable to expect that the program will generate a significant number of affordable housing units in future years.

**Figure 4: HOMEConnecticut Funding Allocations 2008 to 2013<sup>451</sup>**

Year	Amount	Purpose
2008	\$4 million cash, \$2 million spent, \$1 million rescinded in 2009	HOMEConnecticut pre-development planning grants to municipalities.
2012	\$1 million cash remaining, plus \$2 million capital funds for pre-development grants	Supporting post-IHZ creation grants and new predevelopment planning grants
2013	\$2 million capital funds	Future pre-development planning
<b>Total Funding: \$8 million (cash &amp; capital, \$1 million cash rescinded)</b>		

Between 2008 when HomeConnecticut began and June 2013, 51 communities representing 35% of the state's population received a total of \$1.9 million in funding to support the study and creation of IHZs. Since June 2013, another \$197,800 has been awarded to ten communities to begin the IHZ process. As of May, 2013, municipalities in Connecticut are participating in HOMEConnecticut in the following ways:

**Figure 5: HOMEConnecticut Municipality Participation Status**

Constructed Affordable Units (\$20,000 lump sum payment for creating IHZ, plus \$15,000 for creating units in IHZ) (\$20,000 lump sum payment for creating IHZ, created IHZ units)	Old Saybrook, Sharon
Adopted IHZ and approved by DOH (\$20,000 lump sum payment)	Torrington, East Lyme, and New London
Provided IHZ Preliminary Determination	Canaan (Falls Village), Watertown, Wallingford
Submitted Application for IHZ Final Approval to DOH	Westbrook and Windham
Final Stages of Creating IHZ Application or Similar Zoning	Brookfield, Burlington, Canton, Durham, Fairfield, Haddam, Milford, North Stonington, Ridgefield, and Stonington
Expected to Apply for Next Round	Madison, Mansfield, Clinton, Ledyard, Killingly, Southbury, Windham, Bethel, Redding, Ansonia, North Haven, and Barkhamsted

## Housing Mobility Programs

Housing mobility programs are one way to overcome the severe barriers to fair housing choice faced by participants in the HCV and RAP programs. Housing mobility programs provide counseling to families with government housing subsidies interested in moving from high poverty neighborhoods to low poverty, higher opportunity areas. The programs can open up access to opportunities for assisted families, promote upward economic mobility and long-term self-sufficiency, and help reverse legacies of poverty concentration and racial segregation.

A critical component of effective mobility programs is mobility counseling. Mobility counselors help families make successful "mobility moves" by providing them with such resources and services as comprehensive and current lists of available units; housing search coaching; transportation, healthcare, childcare, education, and employment information and guidance; tenant education; and post-move support and problem-solving assistance. Absent mobility counseling, tenant-based rental assistance vouchers can often reinforce existing patterns of economic and racial segregation, which has historically been the case in Connecticut.

## Mobility Programs in the U.S.

Nationally, housing mobility programs first emerged as a result of the unanimous 1976 Supreme Court decision in *Hills v. Gautreaux*. The Court ruled that HUD could be required to offer a metropolitan-wide housing mobility program to victims of racial discrimination in public housing in Chicago. The decision led directly to the creation of the Gautreaux Assisted Housing Program, which operated in Chicago and 115 suburbs for 22 years. During that time some 7,500 families were able to move out of high poverty, racially segregated areas within Chicago. Most moved to low poverty, White or integrated suburban communities.

The Gautreaux Program inspired the federal government to launch Moving to Opportunity (MTO), a national demonstration program. Between 1994 and 1998 the housing authorities in five MTO demonstration sites recruited about 4,600 low-income families. Each family was randomly assigned to one of three groups. An experimental group was offered housing vouchers that could only be used in low-poverty neighborhoods and counseling assistance. A second group was offered the same vouchers, but with no geographical restriction and no special assistance. A control group, not offered vouchers, continued to live in public housing or receive other project-based assistance. Evaluations of MTO found significant positive effects for the experimental group offered assistance with respect to quality of housing, neighborhood conditions, perceptions of safety, and other factors. Local studies also showed substantial health benefits.



## Mobility Programs in Connecticut<sup>455</sup>

As of April 2013, there were 30,686 HCV Program vouchers and approximately 3,182 RAP Program vouchers in use in Connecticut.<sup>456</sup> In July 2013, administration of the state's RAP certificates and the State administered HCV Program (accounting for 6,536 or 21% of all HCV Program vouchers then in use in the state) were transferred to DOH from DSS. DOH contracts with three nonprofit organizations to provide housing mobility services to families that receive the government housing subsidies it administers. With the exception of a few additional programs resulting from litigation described below, mobility counseling assistance is not available to the 24,150 HCV Program voucher holders not administered by DOH.

As was the case at the national level (see inset), the impetus for government-supported mobility programs in Connecticut came largely from settlements of legal actions against government bodies.<sup>457</sup> In 1995, plaintiffs in *Christian Community Action v. Cisneros*, represented by New Haven Legal Assistance Association and the Connecticut Civil Liberties Union (now known as the CT ACLU) reached a settlement in a lawsuit challenging a nearly 50-year history of the siting of public housing units in predominantly minority neighborhoods. One element of the settlement called for a HUD-funded mobility counseling program to be administered by a local non-profit agency. Today, New Haven-area residents with vouchers can access mobility counseling through Housing Operation Management Enterprises, Inc., one of the three DOH-contracted agencies.<sup>458</sup>

Three years after the New Haven agreement, the Hartford Housing Authority settled a lawsuit brought against it by the CT ACLU, Greater Hartford Legal Assistance (now Greater Hartford Legal Aid), and the Puerto Rican Legal Defense Fund. The lawsuit claimed that the Authority violated federal laws by steering relocated families to substandard apartments in poor, racially segregated city neighborhoods, rather than helping them find decent housing in communities of their choice, as required by federal law. The settlement included creation of the Charter Oak Terrace Mobility Program, run by another of the three currently DOH-contracted agencies, the Housing Education Resource Center.<sup>459</sup>

The establishment of the Connecticut mobility program was also the result of a settlement. In 2001, the CT ACLU and legal services organizations filed a formal administrative petition with DSS based on the State's "affirmatively furthering fair housing" statute. The petition demanded an increase in rent levels for the state RAP program. The program rents were frozen in 1990, and as a result, families were unable to obtain housing outside of high poverty, segregated areas. The following year, the parties reached a settlement with DSS that included a new rent structure to enable families to access higher cost suburban communities *and* a commitment by DSS to hire mobility counselors in each region to help RAP Program certificate holders locate apartments outside of high poverty neighborhoods.<sup>460</sup>

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## Specific State Mobility Services

Currently, the three programs combined receive \$390,625<sup>461</sup> annually to assist clients with mobility moves. The programs also get credit for assisting people in homeless shelters if they move into any permanent housing.

When contracting with mobility counseling providers, the State requires its contractors to "... provide Mobility Counseling and Search Assistance (Program) Services, to income-eligible families

455 U.S. Department of Housing and Urban Development, *Regional Housing Opportunities for Lower Income Households*, 1994, 203-206. [At end of first paragraph]; U.S. Department of Housing and Urban Development, *Moving To Opportunity ("MTO") Demonstration Data*, available at: <http://www.huduser.org/publications/fairhsg/mtodemdata.html>.

456 See U.S. Department of Housing and Urban Development's *Resident Characteristics Report*, <https://pic.hud.gov/pic/RCRPublic/rcrha.asp>.

457 It is important to note that the very first mobility counseling effort in Connecticut was the result of cooperative efforts between housing advocates and the City of Hartford. The Housing Education Resource Center received funding from the Hartford Foundation for Public Giving to operate a mobility counseling program in 1992. See, Shaun Donovan, *Moving to the Suburbs: Section 8 Mobility and Portability in Hartford*, Joint Center for Housing Studies, Graduate School of Design, John F. Kennedy School of Government, Harvard University, (1994).

458 Poverty & Race Research Action Council, "The New Haven Legal Assistance Association," excerpted from the September/October 1995 issue of *Poverty & Race*, [http://www.prrac.org/full\\_text.php?text\\_id=834&item\\_id=4582&newsletter\\_id=22&header=Race+%2F+Racism](http://www.prrac.org/full_text.php?text_id=834&item_id=4582&newsletter_id=22&header=Race+%2F+Racism).

459 Lisa Chedekel, "Relocated Families May Get Chance To Try Suburbs," *Hartford Courant*, March 10, 1998, [http://articles.courant.com/1998-03-10/news/9803100602\\_1\\_public-housing-families-move](http://articles.courant.com/1998-03-10/news/9803100602_1_public-housing-families-move).

460 The American Civil Liberties Union of Connecticut, *2001 Legal Docket Highlights*, <http://www.aclu.org/legal/2001legaldocket.htm>.

461 Approximately 30% of the total funding is from the State of Connecticut. The other 70% is from HUD.

seeking affordable housing.” As set forth in the contracts, program services should focus on “...mobility moves from areas of concentrated poverty into less impacted areas,” and they should include “...tenant education, mobility counseling, and housing search assistance to assist Connecticut income-eligible families obtain rental units outside of areas of concentrated poverty.”<sup>462</sup> Explicitly, contractors are expected to perform the following services:

- Outreach to recruit tenants and landlords;
- Direct client contact for the provision of one-on-one counseling and housing search assistance at office sites and via telephone;
- Distribution of program information and resource materials regarding the local community, including, but not limited to, information on crime statistics, school success, public transportation, and potential local employment opportunities;
- Referral to local community support services to assist clients in such areas as security deposit assistance and credit counseling services; and
- Bilingual communication, both written and oral, with non-English-speaking applicants and consumers.

Actual mobility services provided by the three regional Connecticut nonprofits contracting currently with DOH—New Haven-based HOME, Inc., Hartford-based-HERC, and Waterbury-based New Opportunities, Inc.—vary somewhat, but those described by HERC are representative:

*Clients receive tenant education, budget and credit education and advice, housing search assistance, referrals to other service providers and a variety of other services aimed at facilitating relocation from high- to low-poverty neighborhoods.*<sup>463</sup>

The “tenant education” service element includes: credit/budgeting/money management; local communities and their resources and amenities; communication and negotiation skills; tenant and landlord rights and responsibilities; housekeeping and maintenance; fair housing laws and discrimination; understanding leases; rental program rules and participant responsibilities; and how to conduct a housing search.<sup>464</sup>

The contract calls for at least 12% of clients to move to areas that have a poverty rate of less than 15% (Type A moves), at least 19% to move to areas that have a poverty rate of between 15% and 30% poverty (Type B moves), and at least 20% to move to areas that have a poverty rate 10% below that of their original residence which can be satisfied through Type A and B moves (Type C moves). A larger percentage of clients receive other kinds of pre-move assistance such as information about potential new neighborhoods.

## **Mobility Results**

The results of mobility counseling efforts show promise. Of the 597 clients served by the program between January 2010 and January 2013, 4% could not subsequently be contacted after initially expressing interest. Of those who stayed in contact with the mobility counseling agencies, 32% ended up not moving after receiving services (the remainder of the clients moved). Of these moves, the percentage of the various types are described in Figure 6.<sup>465</sup>

462 State of Connecticut Department of Social Services, *Housing Mobility Counseling and Search Assistance Program Request for Proposal*, 2008, [http://www.ct.gov/dss/lib/dss/rfp\\_archive/housing\\_mobility\\_counseling\\_and\\_search\\_assistance\\_program\\_rfp\\_12-4-2008.pdf](http://www.ct.gov/dss/lib/dss/rfp_archive/housing_mobility_counseling_and_search_assistance_program_rfp_12-4-2008.pdf).

463 Description of North Central Mobility Program found on HERC's website. <http://www.herc-inc.org/index.php/programs/north-central-mobility-program>.

464 See Housing Education Resource Center (HERC), <http://www.herc-inc.org/index.php/programs/north-central-mobility-program?phpMyAdmin=dJTKUf7pHx0-KcDI395cHH-4-J8>.

465 These data exclude 27 clients for whom full before and after data were not available.



Figure 6: DSS Mobility Counseling Moves	
Move Type	Percentage of Moves
Type A (under 15% poverty)	38%
Type B (15%–30% poverty)	39%
Type C (10% poverty reduction)	26%
Type HI (>30% poverty)	23%

Note: This review is based on 2010 census data.<sup>463</sup> The total does not add up to 100% because a move Type C and HI moves overlap with other move types.

Seventy-seven percent of mobility clients who moved settled in neighborhoods that had a poverty rate of 30% or less. Fifty percent of participants who moved transitioned to lower poverty tracts as compared to their previous residence. Overall, approximately 10% of program participants who moved transitioned to areas that are disproportionately non-Hispanic White (72% or more) and approximately 89% of moves were to areas that were disproportionately minority populated.

### Improving the Mobility Counseling Program

As seen in Figure 7, a high percentage of mobility clients from some of Connecticut’s most challenged cities, while moving to lower poverty rate census tracts, stay in the same city.

Research on mobility success demonstrates that a decrease in poverty that may accompany a move does not necessarily mean there is a change in other outside factors that play a role in a family’s life. School districts often remain the same despite a move to a lower poverty area.<sup>467</sup> As a result, mobility programs in other parts of the country have adopted more nuanced tools to define a “mobility move” that include more factors than just poverty. These include measures of school success, crime rates, and other factors.<sup>468</sup>

There are wide variations in the way Connecticut’s mobility programs recruit participants, disparities in voucher availability, and differences in housing markets and transportation access that make it difficult to compare directly across programs. Nonetheless, it is clear that the Connecticut programs could be strengthened. The Connecticut mobility program should have strong performance standards and use a multifactor definition of “mobility moves”.<sup>469</sup>

Figure 7: Mobility Clients Staying in Municipality of Origin After Move—Selected Cities	
City	Percentage of Mobility Clients Staying
Bridgeport	88%
Hartford	68%
New Haven	82%

466 Reporting for the three mobility programs is based on 2000 census data, so there may be some variation in results between those reported here, which are based on 2010 data.

467 Kadija Ferryman, Xavier de Souza Briggs, Susan J. Popkin, and Maria Rendón, *Do Better Neighborhoods for MTO Families Mean Better Schools?* (Washington, DC: The Urban Institute, 2008).

468 Of course many factors contribute to a family’s decision to move out of or within a municipality. Some cities, like New Haven, have programs that contribute to college expenses for student who graduate from city schools. Such programs provide great benefits and may encourage families not to move. See, for example, the New Haven Promise Program, <http://www.cityofnewhaven.com/EconomicDevelopment/InformationCenter/ReadMore.asp?ID=%7BF4F817B2-6DF9-40C0-8F23-36DE60C2D245%7D>. Other municipalities, like Hartford, provide access to alternative school choices through a lottery system which unlink school attendance and housing location.

469 Additional program incentives might also be helpful. In Dallas, for example, the Mobility Assistance Program managed by the Inclusive Communities Project offers its clients an increased payment standard for high opportunity areas and move-related financial assistance, such as landlord bonuses, security deposits, utility deposits, moving expenses, and application fees. See, Inclusive Communities Project, Inc., *Mobility Works*, 2013, pp. 7-8, <http://www.inclusivecommunities.net/MobilityWorks.pdf>. See also Lora Engdahl, *New Homes, New Neighborhoods, New Schools: A Progress Report on the Baltimore Housing Mobility Program, Poverty & Race Research Action Council*, October 2009, <http://www.prrac.org/pdf/BaltimoreMobilityReport.pdf>.

## Barriers Faced by Mobility Counselors

Mobility counselors contend with a range of significant obstacles when assisting their clients. Counselors nationally and in Connecticut cite the following impediments to assisting government subsidy users make mobility moves:

- Lack of housing units affordable to people using HCV and RAP Program housing vouchers.
- Clients lack funds to pay for security deposits and may be ineligible for the SDG program administered by DOH.
- Housing discrimination.
- Difficulty finding landlords willing to participate in any tenant-based rental assistance voucher program, particularly landlords in higher-opportunity destination neighborhoods.<sup>470</sup>
- Unit inspections or re-inspections taking too long and resulting in lost units, particularly for participants interested in moving to low-poverty neighborhoods.<sup>471</sup>
- Difficulties with defining and identifying appropriate destination neighborhoods.<sup>472</sup>

## Listening to Connecticut Voucher Holders

In January 2013, the CFHC teamed with Stefanie DeLuca, Ph.D., Associate Professor of Sociology at Johns Hopkins University, to hold focus groups with HCV Program voucher holders and RAP Program certificate holders in three of Connecticut's most populous cities.<sup>473</sup> These tenants *did not* have access to mobility counseling resources. Fifty-two voucher holders, primarily African-American single mothers, participated. Many had attempted "mobility moves" in the past.

Many women participating in the focus groups expressed:

- A desire to **live in a safe neighborhood.**
- The need to be in a place with **easy access to public transportation.**
- Experienced **discrimination by landlords when house hunting** based on both **race and the woman's intention to use a rental assistance voucher.**
- A desire that **landlords be educated** so that they don't have stereotypes about tenants with rental assistance vouchers and can learn the **benefits** of having rental assistance voucher holders as tenants.
- The feeling that **housing authorities are really not on the side of tenants**, but rather are overly focused on the concerns of landlords.
- The opinion that **housing authority apartment availability lists have too few legitimate listings, are outdated, or are not helpful** for housing searches.
- A desire for more information about **available housing that is affordable and where housing vouchers would be accepted.**
- The belief that **voucher amounts were simply too low** to allow for moves to the majority of high-opportunity communities.
- The belief that **high security deposits** are a primary obstacle to opportunity moves and that the state's "**Security Deposit Guarantee Program**" is historically been too limited and/or simply unavailable.

## Mobility Counseling—The Road Ahead

It is clear that severe levels of segregation exist within Connecticut. It is also clear that mobility counseling can successfully assist clients transition to lower poverty areas with access to a range of additional opportunities, such as thriving schools. Connecticut's mobility counseling program has helped hundreds of people make just these types of moves, but the program can be strengthened.

<sup>470</sup> Mary Cunningham et al., *Improving Neighborhood Location Outcomes in the Housing Choice Voucher Program: A Scan of Mobility Assistance Programs*, 2010, p. 6.

<sup>471</sup> Mary Cunningham et al., *CHAC Mobility Counseling Assessment: Final Report*, 2002, p. 14.

<sup>472</sup> Cunningham, *supra* note 39.

<sup>473</sup> Connecticut Fair Housing Center, *Housing Mobility: What Do Housing Voucher Holders Want?* (2013), available at <http://www.ctfairhousing.org/housing-mobility-what-do-housing-voucher-recipients-want/>.

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## **Conclusion**

Connecticut has multiple tools at its disposal that can be used to affirmatively further fair housing. Some of these tools, like mobility counseling, are already focused on fostering integration, but can be enhanced and even expanded. Other tools, like the AHAA and HOMEConnecticut, can be improved to play larger roles in the effort to affirmatively further fair housing. Other tools, like zoning and the municipal POCDs, need to ensure that as a whole Connecticut and its municipalities affirmatively further fair housing.

# CHAPTER THIRTEEN

## Using Subsidized Housing Programs to Affirmatively Further Fair Housing

As previous chapters have shown, a pattern of segregation by income and race emerged over the course of the twentieth century in Connecticut, as elsewhere in the country, facilitated in part by governmental programs, in many cases contrary to the stated intent of such programs. This chapter considers a snapshot of the segregating effects of past administration of both state and federal affordable housing programs and then looks at the state's current programs to highlight the efforts and opportunities for the state to affirmatively further fair housing through these programs.

Since the middle of the twentieth century, a wide array of subsidized housing programs have been administered in Connecticut. These programs have included federally funded programs administered directly by the federal government, federally-funded programs administered on behalf of the federal government by the state, municipalities, or local public housing authorities, and state-funded programs administered by the state directly or by municipalities, local public housing authorities, for-profit or non-profit developers (sometimes also referred to as sponsors), or third party service providers.

The state previously administered both its subsidized housing programs and federally funded programs through various agencies, including most recently the Departments of Economic and Community Development, Social Services, Mental Health and Addiction Services, Children and Families, Developmental Services, Corrections, as well as the Office of Policy and Management and through CHFA.

However, with the creation of DOH in 2013, most of the state's subsidized housing programs were consolidated in DOH which now serves as the state's lead agency for all matters relating to housing, providing leadership for all aspects of policy and planning relating to the development, redevelopment, preservation, maintenance and improvement of housing serving very low, low, and moderate income individuals and families. DOH continues to work in partnership with other state agencies serving people with specific subsidized housing needs, including, in particular, the Departments of Mental Health and Addiction Services, Children and Families, Developmental Services, and Corrections. In addition, DOH and CHFA collaborate closely to align the state's affordable housing policies and CHFA's administration of the 4% and 9% low-income housing tax credit programs and its tax-exempt and taxable bond financing and first-time homeownership lending programs.

### CHAPTER SNAPSHOT

- Many federal, state, and local subsidized housing programs have not done enough to counteract long-standing trends that have resulted in recognizably high levels of segregation and concentrations of poverty in many communities in Connecticut, and may have, in some cases, reinforced such segregation and concentration of poverty.
- Recent programmatic changes by the state are affirmatively furthering fair housing and much more can be accomplished.
- To ensure that the mistakes of the past are not repeated, the state must continue to integrate fair housing goals and considerations into programs wherever appropriate.
- Enhanced data collection and analysis covering the subsidized housing programs of as many state agencies and quasi-governmental bodies as is feasible is critical to this end.

### The Preservation List: A Glimpse of the Impact of Subsidized Housing Programs

Over the past seventy years, the federal government and the state have collectively financed, or assisted prominently in the financing of, the construction of a sizable portfolio of housing intended to

be affordable for low and moderate-income residents. Indeed, the extent of Connecticut's investment in the construction of income-restricted affordable housing is a rare exception to the national norm. However, it is inarguable that now, in some cases many decades after the properties within this portfolio were first constructed, many have evolved into housing that primarily served the state's lowest income population, including a disproportionate number of people of color, people with disabilities, single-parent families, and people with a legal source of income other than employment. This aggregation of properties, the Preservation List, the best currently available comprehensive inventory of subsidized housing in Connecticut, was analyzed for the purposes of this AI.<sup>474</sup>

It is important to recognize that the Preservation List does not include many of the state's subsidized housing programs—especially the state's vastly expanded affordable housing construction and preservation programs during the past five years—or the state and federally funded rental assistance programs administered in Connecticut.<sup>475</sup> In addition, the location, design, and other characteristics of the housing developments included in the Preservation List reflect the various policy objectives and exigencies prevailing at the time of their construction and any subsequent rehabilitation efforts. For this reason, the Preservation List is best understood as providing a valuable, albeit incomplete, glimpse of where Connecticut has been and how this legacy can be incorporated into a strategy to affirmatively further fair housing through both preservation and community revitalization, on the one hand, and new construction in economically robust communities statewide, on the other.

For the purpose of analyzing the Preservation List, the following three standards were used to assess the location of housing developments. Key to these standards is the understanding that people of color are disproportionately low income compared to Whites and therefore disproportionately compose the population that is in need of subsidized housing. These analyses are provided by Census tract or town, depending on available data.

**“Disproportionately White Areas”:** Because the White non-Hispanic population in Connecticut constitutes 71% of the total population, this assessment groups subsidized housing into areas that have White populations of more than 72%. This category is further defined by two components comprised of areas that are 72% to 89% White (“High White Areas”) and 90% White and higher (“Racially Isolated White Areas”). The basic idea behind the use of these categories is that subsidized housing should be dispersed evenly across the state and not concentrated in areas that are disproportionately comprised of any one group. If such housing is disproportionately located in areas that have a greater minority percentage than the state as a whole (less than 72% White) it will tend to foster racial segregation. Statewide, 88% of towns (149 of 169) have a non-Hispanic White population of at least 72%, and 64% of towns (108 of 169) have a non-Hispanic White population of at least 90%. 64% (527 of 826) of Census tracts are Disproportionately White (at least 72% non-Hispanic White). These tracts account for 93.7% of the state's land area, with a population density of 506 people per square mile (excluding group quarters). Furthermore, 30% (247 of 826) of tracts are at least 90% non-Hispanic White, which accounts for 69.9% of the state's land area and a population density of 324 people per square mile (excluding group quarters).<sup>476</sup>

**“Disproportionately Minority Areas”:** The minority population accounts for 29% of the state's population. Disproportionately Minority Areas are considered those where minorities account for 30% or more of the population. Statewide, 12% of towns (20 of 169) fall into this category, as do 35% of Census tracts (285 of 826). These Census tracts account for 5.8% of the state's land area with a population density of 3,948 people per square mile (excluding group quarters).<sup>477</sup>

474 The Preservation List, obtained from CHFA, contained 1,289 properties. The following analysis is based on a subset of 1,230 properties that were geocoded. Among these, 9 properties had a 0 count for units. The properties included in the Preservation List included properties that received financial assistance under one or more of the following HUD programs: 202, Section 8 Substantial Rehabilitation, 811, Project Rental Assistance Contracts, 162, 207, 241, 223, 221, 236, 220, and the Low-income Public Housing program. Also included are the United States Department of Agriculture's 515 program, the Low-income Housing Tax Credit programs administered by CHFA, the state's Next Steps supportive housing program, and the state's limited equity co-operative program.

475 In addition to the omission of rental assistance programs like the federal Housing Choice Voucher and Veterans Affairs Supportive Housing programs and the state's Rental Assistance Payment and Elderly Rental Assistance Payment programs, the Preservation List does not include affordable housing programs funded through the federal HOME program, the federal Community Development Block Grant program, and most current state subsidized housing programs. Descriptions of many of these programs and the recent activity under these programs are provided later in this chapter.

476 Based on data from Census 2010 SF2 table PCT5.

477 Based on data from Census 2010 SF2 table PCT5.

“High Poverty Areas”: This report also adopts a standard to assess if subsidized housing is disproportionately located in areas that have significant low-income populations. Given the statewide poverty rate of 9.2%, in this analysis a town or census tract with a poverty rate greater than 9.2% is considered “high poverty.” Statewide, 15% of towns (26 of 169) have a poverty rate over 9.2%, as do 34% of Census tracts (277 of 826). High Poverty Areas constitute 10.5% of the geographic areas of the state and have a density of 2,940 people per square mile (excluding group quarters).<sup>478</sup>

“Racially/Ethnically Concentrated Areas of Poverty”: A new measurement employed by HUD, “R/ECAPs” are Census tracts with both high minority concentrations and high rates of family poverty. A R/ECAP is defined as having (i) a population that is more than 50% non-White and (ii) a high family poverty rate such that the family poverty rate is at least 300% of the local metropolitan average or at least 40%. R/ECAP Census tracts represent less than 1% of the land area of Connecticut and have a density of 7,400 people per square mile, based on Metropolitan and Micropolitan Statistical Areas, Census 2010 tracts, household population from Census 2010 SF2 table PCT5, and family poverty from ACS 2006-2010 table B17019. Where only town data are available, the analysis considers whether any R/ECAP tracts are present in the town.

Figure 1 below presents the categories used for this analysis and the relative geographic size of the areas developed.

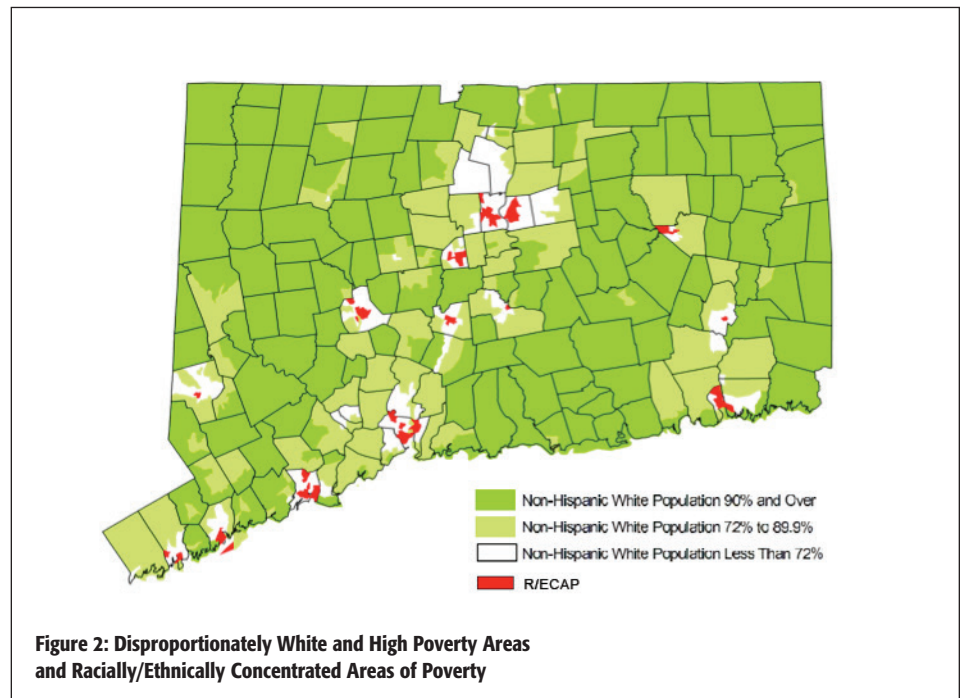
Figure 1: Geographical Areas Used for Analysis			
Analysis Category		Percentage of Connecticut Land Area	People per Square Mile
Disproportionately White Areas (72% White or greater)	=	93.5%	506
Disproportionately Minority Areas (30% minority or greater)	=	5.8%	3,948
High Poverty Areas (Poverty greater than 9.2%)	=	10.5%	2,940
Racially/Ethnically Concentrated Areas of Poverty (50% or greater minority + 3x regional poverty)	=	< 1%	7,400

Disproportionately minority and disproportionately White areas are mutually exclusive and when combined will account for *nearly* 100% of the area of the state. Statewide in Connecticut in 2010, 28.76% of the population was minority and 71.24% was non-Hispanic White. The metric used in this analysis was rounded up to create thresholds that would simplify the analysis and yield slightly conservative findings. Therefore, *disproportionately* minority areas are where  $\geq 30\%$  minority (slightly higher than the statewide 28.76%) and *disproportionately* White  $\geq 72\%$  non-Hispanic White (slightly higher than the statewide 71.24%). Thus, if 70% of a certain type of housing is located in a disproportionately minority area, approximately 30% can be found in a disproportionately White area.

478 Based on data from ACS 2006 to 2010 5-year table B17001.



Expressed as a map, the standards used for this analysis appear as follows:



As can be seen from mapping the state’s subsidized housing investments enumerated in the Preservation List, different types of housing are disproportionately located in certain areas of the state, with family and supportive housing much more likely to be located in disproportionately minority and high poverty areas and R/ECAP (see Figure 3).<sup>479</sup>

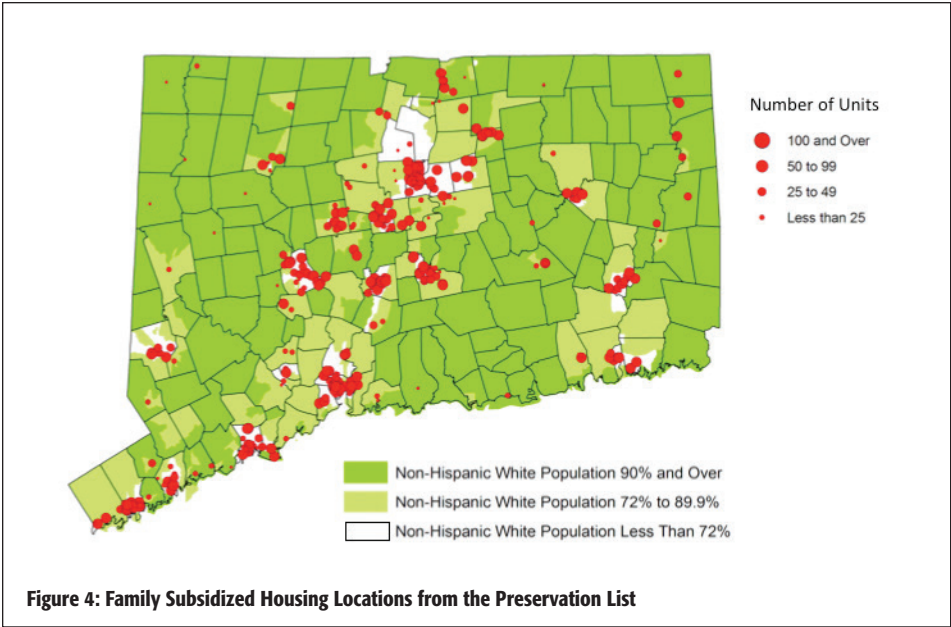
**Figure 3: Preservation List by Location and Demographic Served (by tracts)**

Demographic Served	Total Units	% of Units in Disproportionately Minority Areas	% of Units in High Poverty Areas	% of Units in R/ECAP Areas
All	82,290	66%	69%	28%
Family	43,534	75%	78%	32%
Elderly	37,330	56%	58%	24%
Supportive	440	89%	83%	40%
People with Disabilities	442	48%	39%	6%

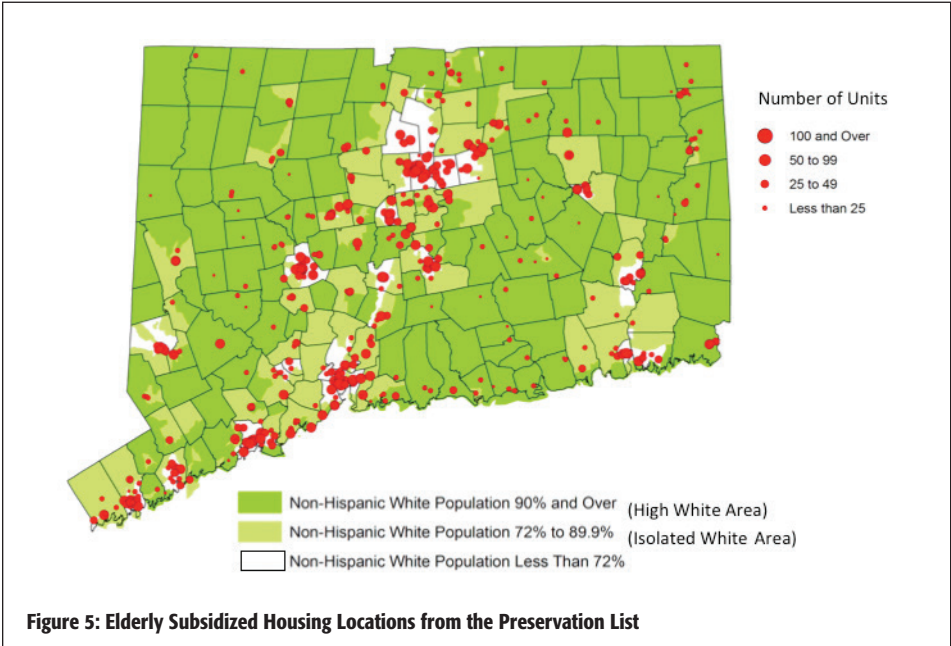
Taking the analysis a step farther, Figures 4 through 7 show the locations of housing serving different demographics, families, the elderly, people using supportive housing, and housing for people with disabilities based on the Preservation List.<sup>480</sup>

479 It should be noted that supportive housing advocates note that supportive housing may be appropriately located near the services needed by residents, resulting in a pattern of locating supportive housing in urban areas.

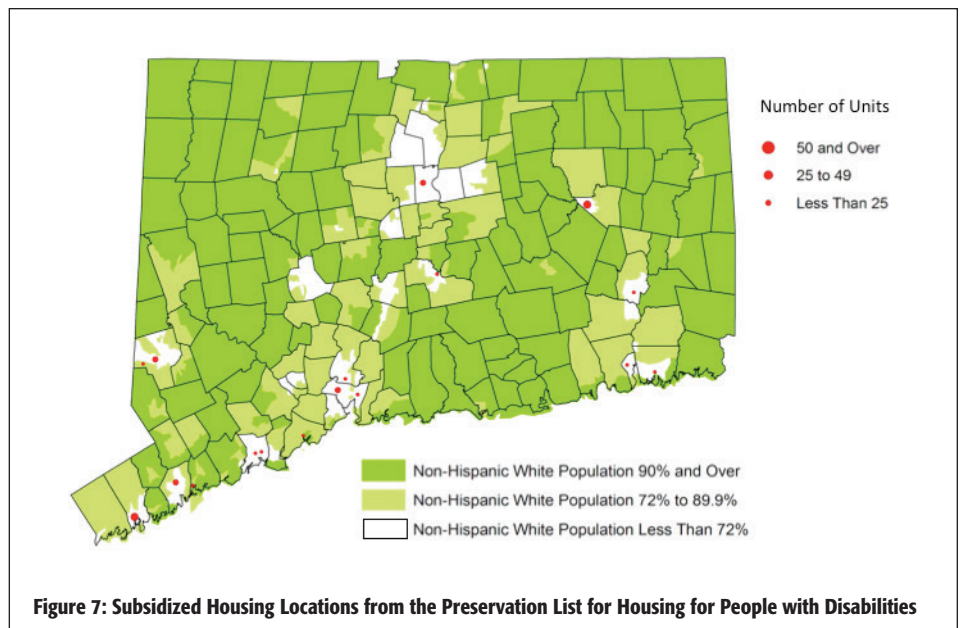
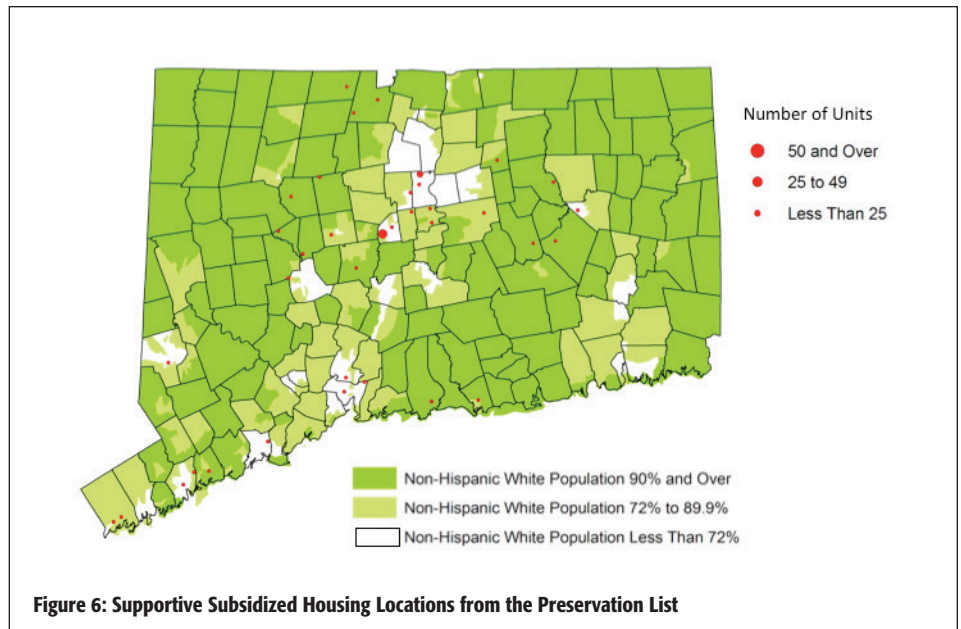
480 Family Public Housing from Preservation List filtered for Housing Type = Family or Housing Type = Elderly/Family. Elderly Public Housing from Preservation List filtered for Housing Type = Elderly or Housing Type = Elderly/Disabled. Supportive Public Housing from Preservation List Filtered for Housing Type = Supportive Housing. People with Disabilities from Preservation List filtered for Housing Type = Disabled.



**Figure 4: Family Subsidized Housing Locations from the Preservation List**



**Figure 5: Elderly Subsidized Housing Locations from the Preservation List**



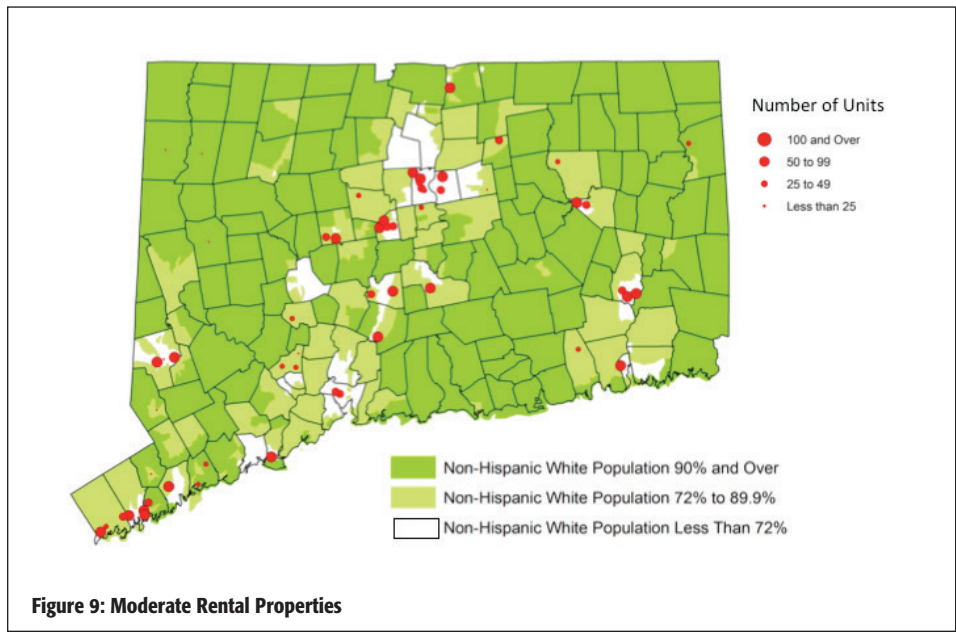
One of the State-funded programs under which a large number of affordable housing units were constructed during the decades following World War II was the Moderate Rental Program. The Moderate Rental program was created to provide moderate rental housing to support veterans and their families until they could afford to buy homes.<sup>481</sup> The age of the current program housing stock reflects this history—64% of Moderate Rental Program properties were first occupied prior to 1961. Generally, program funds were provided in the form of low-interest loans and/or grants to developers and owners of low and moderate-income rental housing and, in exchange for this financial assistance, property owners agreed to maintain the affordability of the units and comply with other specific program requirements. Eligible applicants for tenancy in Moderate Rental Program developments must have incomes that are at or below 80% of the area median income and tenants can remain in moderate income housing as long as their incomes do not exceed 125% of this income eligibility standard. In practice, many tenants in Moderate Rental Program properties are well below the 80% area median income threshold and in many of these cases owners maintain very low rent levels to

481 See Connecticut Office of Legislative Research Report 2003-R-0226 of March 2003, *State Moderate Housing Vacancy Rates*. Available at <http://www.cga.ct.gov/2003/rpt/2003-R-0226.htm>.

approximate what existing residents and households on waiting lists appear to be able to pay. Moderate Rental geographic locations are as follows:

**Figure 8: Moderate Rental Units by Location and Demographic Served (by tract) <sup>481</sup>**

Total Units	Percent Units in Racially Concentrated Areas	Percent Units in High Poverty Areas	Percent Units in R/ECAP Areas
6,263	80%	82%	32%



**Figure 9: Moderate Rental Properties**

In addition to the original capital subsidy provided by the state for each of the Moderate Rental Program properties, the state has, under the Moderate Rental Payment in Lieu of Taxes Program, provided an additional subsidy to municipalities that agreed to reduce the property tax burden on housing authority owned properties in the Moderate Rental Program. Pursuant to Public Act 522 in 1967, codified at C.G.S. 133, Section 8-216, DOH provides those municipalities with state-assisted Moderate Rental housing operated by a local housing authority an amount equal to the taxes that would be paid on such property were the property not exempt from taxation. The properties benefitting from this financial assistance are set forth in Figure 9 below. Currently the program is not currently open to new applicants.

<sup>482</sup> Data for analysis of Moderate Rental Program were obtained from CHFA's Preservation List.

**Figure 10: Moderate Rental Payment in Lieu of Taxes Program (by municipality)**

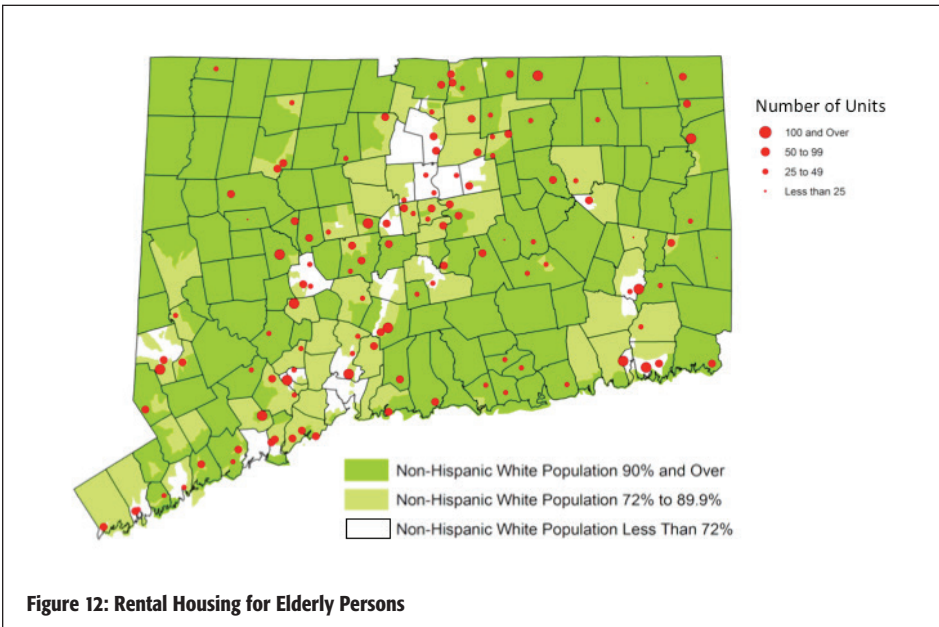
Municipality	Project Name	Number of Units
Bristol	Dutton Heights	84
Bristol	Zbikowski Park	90
Danbury	Fairfield Ridge	49
Danbury	Mill Ridge	115
Danbury	Coal Pit Hill	114
Danbury	Mill Ridge Ext.	12
East Hartford	King Court	80
Enfield	Green Valley Village	84
Enfield	Laurel Park	90
Greenwich	Adams Garden Apts	80
Greenwich	Armstrong Court	144
Greenwich	Manor at Byram I	21
Hartford	Bowles Park	410
Hartford	Westbrook Village	360
Mansfield	Holinko Estates	35
Meriden	Johnson Farms	52
Meriden	Yale Acres	163
Middletown	Sunset Ridge	76
Middletown	Santangelo Circle	25
Middletown	Rockwood Acres	97
Norwich	Melrose Park	51
Norwich	Sunset Park	43
Norwich	J.F. Kennedy Heights	64
Norwich	Hillside Terrace	118
Seymour	Hoffman Heights	5
Seymour	Smith Acres	19
Seymour	Castle Heights	31
Seymour	Smith Acres Ext	26
Sharon	Sharon Ridge	20
Stamford	Oak Park	168
Stamford	Vidal Court	384
Stamford	Lawn Hill Terrace	206
Stratford	Meadowview Manor	100
Wethersfield	Highvue Terrace	28
Windham	Terry Court	68
Windham	Eastman Curran Terrace	78
<b>Total</b>		<b>3,590</b>

Another important state-funded subsidized housing construction program in Connecticut was the Rental Housing for Elderly Persons program, through which the state provided loans or grants to non-profit housing developers and housing authorities for the development of housing for people 62 years of age or older (or disabled) and earning not more than 80% of the area median income. Tenants pay either a percentage of their income or a base rent, whichever is greater. At least ten percent of the units in these properties must be designed to be accessible to persons with physical disabilities, regardless of age. Elderly Rental Homes units are located as follows:



**Figure 11: Rental Housing for Elderly Persons Program units by Location (by tract)<sup>480</sup>**

Total Units	Percent Units in Minority Concentrated Areas	Percent Units in High Poverty Areas	Percent Units in R/ECAP Areas
7,198	25%	34%	3%



The results of this analysis of the Preservation List indicate two critical points. First, Connecticut’s population has come to be segregated such that non-White residents are overrepresented in low-income neighborhoods in the state’s urban centers. Second, the state’s affordable housing stock is disproportionately located in these low-income urban centers, at least to the extent the Preservation List provides a fair representation of the location of affordable housing in Connecticut generally. There are obviously many reasons for this correlation, some of which have been previously addressed in this AI, but using this set of results as a baseline highlights the need for both preservation of existing affordable housing coupled with coordinated actions to strengthen and revitalize the communities within which these existing properties are located and concerted efforts to promote new construction in communities statewide where affordable housing opportunities are limited and where access to good schools, employment opportunities, public transportation, and other community amenities can enrich low and moderate income residents’ lives.

### The Performance and Potential of Current Subsidized Housing Programs

While the need for more affordable housing opportunities statewide is great, the state is now administering a wide variety of programs that can make significant strides in addressing this need and do so in a manner that affirmatively furthers fair housing. Most of these programs are administered by the new Department of Housing, but other state agencies, quasi-governmental parties, and federal and local entities also administer important affordable housing programs. These programs are briefly described below and, where available, data with respect to funding, unit production, and beneficiaries’ demographic data is provided.<sup>484</sup>

<sup>483</sup> Data for analysis of Rental Housing for Elderly Persons were obtained from CHFA’s Preservation List.

<sup>484</sup> This analysis includes only the DOH programs with an annual appropriation of at least \$2 million and a connection to fair housing.



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## Department of Housing

### **Affordable Housing (“Flex”) Program and Housing Trust Fund (“HTF”) Program**

The Affordable Housing Program, which is more commonly referred to as the Flex Program, and the HTF Program, are the primary programs through which DOH creates and preserves affordable housing statewide. Although the Flex Program was created in 2001 and the HTF program was created in 2005, it was not until 2011 that appropriations under these two state-funded programs increased such that they now far exceed the two federally funded programs administered by the state that also fund the creation and preservation of affordable housing, the Home Investment Partnership (HOME) program and the Community Development Block Grant—Small Cities (CDBG-SC) Program, both discussed below.

Both the Flex and HTF programs are designed to create and preserve affordable housing through grants, loan guarantees, and below-market interest rate loans to eligible owners or developers of affordable housing. Funding is provided to encourage the creation of homeownership housing for low and moderate income families, promote the rehabilitation, preservation, and production of rental housing and the development of housing that aids the revitalization of communities. Eligible recipients of this funding include municipalities, non-profit and for-profit developers, local housing authorities, and joint ventures. Funds can be used for project expenses for a wide range of affordable housing projects, including, for example, multifamily rental housing, homeownership projects, adaptive re-use of historic structures, special needs housing and infrastructure improvements. Affordability restrictions required in connection with HTF financing are determined by DOH on a project by project basis, but can include affordability for households with incomes up to 120% of AMI. Affordable restrictions required in connection with Flex financing are similarly determined by DOH but cannot be greater than 100% of AMI.

DOH administers most of the funding under these programs through competitive rounds, some of which are open to owners and developers of any multifamily rental projects and some of which are targeted more specifically. For example, recent rounds targeted small and innovative projects, affordable housing programs, and projects and programs designed to accomplish specific policy goals, such as affirmatively furthering fair housing, and a round targeted to homeownership projects and programs in both specific urban and other communities.

The assessment criteria used by DOH for these competitive rounds, which is publicly available, has changed from time to time, but consistently a significant portion of available points are attributable to fair housing criteria. For example, in the Flex and HTF funded Competitive Housing for Affordable Multifamily Properties (“CHAMP”) initiative, which is open to any multifamily rental project, projects are evaluated, in part, on the basis of the availability of existing affordable housing and awarded the most points for apartments suitable for families in communities where less than 10% of the available housing is “affordable” within the meaning of the Affordable Housing Appeals List statutory framework. In addition, additional points are available for projects that propose affordable housing of a type, tenure, and with affordability restrictions that are under-represented in the community in which the proposed project is located, and where the project location promotes diversity and economic integration. Convenient access to public transit and adequate distance from unmitigated land uses that raise environmental justice concerns are also prioritized.

In the HTF and Flex funded homeownership round, for which applications are due in March 2015, fair housing considerations are especially important. Projects will be evaluated, among other criteria, by the extent to which they achieve fair housing goals like those set forth in the CHAMP initiative rating and ranking. In addition, the selection criteria differs for projects and programs planned in the specified urban areas, on the one hand, and all other areas, on the other, to emphasize the importance of the extent to which a potential project or program is likely to affirmatively further fair housing given the characteristics of the surrounding community.

Since the uses, projects, and applicants that are eligible under both the Flex and HTF programs overlap in most respects, these funding sources are often used interchangeably by DOH except when affordability restrictions of between 100% and 120% AMI are needed for the project. A single consolidated application is required from an applicant when the applicant seeks funding from DOH under either the Flex or HTF programs and an allocation of 4% or 9% federal low-income housing tax credits administered by CHFA.

Of the approximately 3,058 income-and rent restricted units created or preserved from 2011 through November 2014 and the approximately 2,792 income-and rent restricted units under construction (either new construction or rehabilitation), the majority have been funded with Flex and/or HTF program funding. A list of the affordable housing created or preserved by the state acting through DECD prior to July 1, 2013 and through DOH thereafter is provided in Figure 51 at the end of this chapter. For each property, the municipality, project name, and total unit count is provided.

It is worth noting also that since 2012, as part of a ten-year \$300 million initiative launched by Governor Malloy, Flex funds in the amount of approximately \$30 million per year has been targeted to the rehabilitation, or, in some cases, the redevelopment, of properties within what is commonly referred to as the State-assisted Housing Portfolio ("the SSHP"), a portfolio of approximately 340 properties that received financial assistance from the state in connection with initial construction and/or one or more rehabilitations. The SSHP properties comprise in the aggregate approximately 14,000 units. Approximately 80% of these properties are owned by local public housing authorities, with the remainder owned by either for-profit or non-profit parties or by the residents themselves through a limited equity cooperative structure. The preservation and rehabilitation or, if appropriate, the redevelopment or replacement of these properties has enormous potential to affirmatively further fair housing.

### **Supportive Housing**

Permanent supportive housing is increasingly recognized as the most effective resource to ensure that individuals and families affected by mental illness and/or chemical dependency and homelessness or at risk of homelessness remain stably housed. Permanent supportive housing combines new construction or rehabilitation of housing (either a single property or multiple properties operated as a single scattered site project) with support services and financing that facilitates deep-income targeting so that rent does not exceed 30% of residents' incomes.

Connecticut has been a leader over the past two decades in funding permanent supportive housing. The permanent supportive housing properties funded by the State since 1995 are set forth below, organized by funding initiative and municipality. It is important to note that supportive housing units have also been created or preserved through funding initiatives using Housing Trust Fund and/or Flex funding. These units are not included in the list below as these units are not separately tracked by DOH.

**Figure 13: Permanent Supportive Housing Projects 1995–2014 (by municipality)**

<b>Initiative</b>	<b>Municipality</b>	<b>Project Name</b>	<b>Number of Units</b>
<b>Supportive Housing Demonstration Program</b>	Bridgeport	Crescent Building	38
	Bridgeport	Fairfield House Apartments	34
	Hartford	Mary Seymour Place	30
	Hartford	Hudson View Commons	28
	Middletown	Liberty Commons	40
	New Haven	Cedar Hill	25
	Stamford	The Colony/Ludlow St.	29
	Stamford	Atlantic Park	27
	Windham	Brick Row	30
	<b>Subtotal</b>		<b>281</b>
<b>Supportive Housing Pilots Program</b>	Bridgeport	Areyto Apts.	26
	Danbury	Sunrise Terrace	8
	Danbury	Samuels Court	28
	Groton	Groton Pilots	6
	Hartford	Soromundi Commons	48
	Middletown	Middlesex Pilots	21
	New Haven	Ferry Street	24
	New Haven	Leeway	5
	New Haven	Whalley Terrace	24
	New London	First Step	13
	Norwich	Women's Center	6
	Norwich	Reliance House	4
	Torrington	Valley Park Apts.	13
	Torrington	McCall Foundation	4
<b>Subtotal</b>		<b>230</b>	
<b>Next Steps Initiative. I</b>	Bridgeport	Merton House	22
	Fairfield	Jarvis Court	8
	Hamden	Treadwell Commons	10
	Hartford	Cathedral Green	28
	Milford	Beth-El Mutual Housing	5
	New Haven	Canterbury Gardens	34
	New Haven	Fellowship Commons	18
	Westport	Westport Rotary	6
	<b>Subtotal</b>		<b>131</b>
<b>Next Steps Initiative. II</b>	Ansonia; Derby	Valley Supportive Housing	20
	Bridgeport	The Franklin	48
	Hamden	451 Putnam Avenue	17
	Hartford	Casa de Francisco	50
	New Britain	Arch Street Housing	21
	<b>Subtotal</b>		<b>156</b>
<b>Next Steps Initiative. III</b>	Hartford	My Sister's Place	34
	Jewett City	American Legion Housing	18
	Manchester	Center Street Apartments	20
	New Haven	Leeway Welton Apartments	10
	<b>Subtotal</b>		<b>82</b>

(continued on next page)

(Figure 13 continued)

Initiative	Municipality	Project Name	Number of Units
Permanent Supportive Housing Initiative I	Bridgeport	570 State Street	30
	Bridgeport	Harrison Apts.	102
	Hartford	Cosgrove Commons	24
	New Haven	Val Macri Supportive Housing	17
	New London	Jefferson Commons	12
	Waterbury	Francis Xavier Plaza	20
	<b>Subtotal</b>		<b>205</b>
Permanent Supportive Housing Initiative I	Bridgeport	Milestone Apartments	30
	Hamden	Sanford Commons	33
	Hartford	Liberty Gardens	10
	Manchester	Center Street Apartments II	20
	<b>Subtotal</b>		<b>93</b>
<b>Total</b>		<b>1,178</b>	

### Home Investment Partnership (“HOME”) Program

The HOME program is a HUD-funded program that provides grants to states and entitlement communities for activities that increase affordable homeownership and rental opportunities for low and very low-income people. HOME funds cannot finance public housing-related needs, but they can support a range of other activities such as tenant-based rental assistance, housing rehabilitation, assistance to homebuyers, and new construction of housing.

For rental housing receiving HOME support, 90% of the beneficiaries must have incomes at or below 60% of AMI and the remaining 10% must earn no more than 80% AMI. If there are five or more units in a project, 20% of those units must be rented to households at or below 50% of AMI. HOME-funded homeownership is targeted on families earning no more than 80% AMI.

In 2013, the state received \$6,684,554 in HOME funding and then allocated that funding to certain projects through a competitive application process.

Because HOME expenditures can be made for municipal-wide or even statewide programs, such as lead abatement, it is difficult to undertake a detailed spatial analysis of the program. Furthermore, some HOME investments, again, like lead abatement, either have no impact on segregation or bring much needed resources to historically underserved neighborhoods. Thus, without in-depth details on every grant, analysis and mapping of the HOME program cannot be undertaken at the same level that is provided in this report for other investments.

**Figure 14: HOME Program Expenditures through 2011 by Race and Type**<sup>484</sup>

Race/Ethnicity of Beneficiaries	Percentage of HOME Rental Expenditures	Percentage of HOME Homebuyer Expenditures	Percentage of HOME Homeownership Expenditures
White (Hispanic and non-Hispanic)	35%	36.4%	67.1%
Black (Hispanic and non-Hispanic)	29.3%	35.2%	19.7%
Hispanic (of any race)	33.5%	24.3%	9.8%

HOME funding has historically been a very important resource for the state for financing subsidized housing projects and programs. Since 1992, the state has received approximately \$221,449,835. However, annual HOME funding provided to the state, excluding HOME allocations made directly to the six Entitlement Jurisdictions in the state (Bridgeport, Hartford, New Britain, New Haven, Stamford, and Waterbury), has declined significantly. During the years 2011 through 2014, the HOME allocation

<sup>485</sup> Data for Entitlement Jurisdiction HOME funding allocations come from HUD’s Snapshot – Dashboard web portal using March 31, 2013 as the end date.

directly to the state was \$11,717,789 (2011), \$6,756,442 (2012), \$6,684,554 (2013) and \$6,988,822 (2014). No increase in the allocation is expected in the near future.

### Community Development Block Grant–Small Cities (“CDBG-SC”) Program

The CDBG–SC Program is a HUD-funded initiative to fund a range of improvements, from public infrastructure, such as sidewalks, to public housing rehabilitation. The funding cannot be used for new construction of housing, but it can be used for rehabilitation projects, the conversion of non-residential properties to residential uses, site acquisition in connection with affordable housing development, and other activities ancillary to a new construction project.

Community Development Block Grant funding flows from HUD into Connecticut in two ways. First, through the CDBG–Entitlement Program HUD provides funding directly to the 22 entitlement jurisdictions in Connecticut. Of these 22 towns, six are disproportionately White compared to the state as a whole and the remainder are disproportionately non-White. Second, HUD provides an annual allocation of CDBG–SC funding to the state (since 2013, DOH) and the state in turn, acting through DOH, administers an annual competitive process through which it selects the municipalities that will receive a portion of the state’s overall CDBG–SC allocation from among municipalities that apply. Annual allocations of funding for the CDBG–SC program directly to the State over the course of the past decade have been trending downwards, as illustrated in the figure below:

**Figure 15: CDBG-SC Allocations to the State 2003–2014<sup>485</sup>**

Year	Amount
2014	\$11,958,150
2013	\$12,017,705
2012	\$11,141,302
2011	\$12,319,018
2010	\$14,692,943
2009	\$13,532,318
2008	\$13,330,342
2007	\$13,730,987
2006	\$13,645,095
2005	\$15,107,297
2004	\$15,865,419
2003	\$15,537,000

Of the 147 municipalities eligible under the CDBG–SC program, 144 are disproportionately White compared to the state as whole. While this presents an opportunity to improve housing for low and moderate income persons locally and/or accomplish one or more of the other national objectives required of CDBG–SC-funded activities to affirmatively further fair housing, it is important that such improvements create opportunities for, or otherwise benefit, more than just the low and moderate income population already living within the municipality where the project is situated.

486 Data provided by HUD.

As stated at the outset of this AI, any entity that receives any CDBG funding has a specific legal obligation to affirmatively further fair housing. For example, all recipients of CDBG–SC funding are required by HUD and DOH to, at a minimum, take specific steps to affirmatively further fair housing to ensure that their community is welcoming and open to diverse populations. Such required activities are chosen from a menu provided by DOH and can include educating citizens and municipal employees about fair housing laws, making changes to zoning laws, and ensuring that housing opportunities are advertised on a regional basis to people who are least likely to apply.<sup>487</sup>

In addition, while many grantees use CDBG–SC funding for activities that benefit the municipality generally such as fixing sidewalks or rehabilitating public facilities, a municipality where the population is disproportionately White may also undertake activities that, in and of themselves, affirmatively further fair housing by, for example, rehabilitating buildings to create additional affordable housing units or creating a funding pool for joint applications designed to address regional impediments to fair housing choice.

Another way to strengthen the affirmatively furthering impact of the CDBG program is to make the fair housing activities that all grantees must complete more rigorous. Currently, applicants are rated on the completeness of the applicant’s Fair Housing Action Plan, good faith efforts and actual results of affirmative action job recruitment under Section 3, and the number of fair housing actions the applicant has undertaken during the prior three years. These are telling indices of a municipality’s commitment to affirmatively further fair housing but greater engagement with such municipalities, especially early in the concept phase of a potential project would likely make an appreciable difference.

Such collaboration is critical because DOH is, within the CDBG–SC parameters set by HUD, generally non-prescriptive regarding the nature of the activity a municipality may propose in its application, other than providing a preference for housing and economic development proposals.

The impact of the lack of such engagement can be seen by looking at the 2011–2012 program year for the CDBG–SC program. Of the grants made to support public housing that year, all went to senior public housing. None went to public housing developments for families. Given that seniors in majority-White municipalities are overwhelmingly White, such grants do not appear to affirmatively further fair housing.

**Figure 16: 2011 & 2012 CDBG – Small Cities Grants by Activities<sup>487</sup>**

CDBG Activity	Number of Grants	Percent
Loans to current homeowners	15	54%
Rehabilitation of elderly public housing	9	32%
Rehabilitation of family or family & elderly public housing	0	0%
Not housing	4	14%

In November of 2011, HUD expressed concern to DECD, the administrator of the CDBG-SC Program at that time, that White populations were disproportionately benefitting from the CDBG-SC program.<sup>489</sup>

The breadth of the municipalities awarded CDBG-SC funding through the competitive application processes in recent years suggest that there are ample opportunities for promoting affordable housing opportunities statewide and affirmatively furthering fair housing at the same time.

487 DOH requires regional advertising if CDBG–SC funding is used to create five or more units of homeownership or rental housing.

488 Data for the analysis of the CDBG-SC program was provided by DOH.

489 Letter to DECD from HUD received November 10, 2011.



**Figure 17: CDBG-SC Grants 2014**<sup>489</sup>

<b>Municipality</b>	<b>Activity</b>	<b>Approximate Amount</b>
Ansonia	Housing Rehabilitation	\$400,000
Ashford	Housing Rehabilitation	\$400,000
Beacon Falls	Housing Rehabilitation	\$400,000
Brookfield	Housing Rehabilitation	\$400,000
Canterbury	Housing Rehabilitation	\$400,000
East Hampton	Public Housing Modernization	\$800,000
Ellington	Housing Rehabilitation	\$450,000
Groton	Housing Rehabilitation	\$400,000
Hampton	Housing Rehabilitation	\$450,000
Killingly	Public Housing Modernization	\$750,000
Lebanon	Housing Rehabilitation	\$400,000
Ledyard	Housing Rehabilitation	\$300,000
Naugatuck Borough	Housing Rehabilitation	\$400,000
New Fairfield	Housing Rehabilitation	\$400,000
Plainfield	Housing Rehabilitation	\$400,000
Putnam	Housing Rehabilitation	\$400,000
Roxbury	Housing Rehabilitation	\$400,000
Salisbury	Housing Rehabilitation	\$600,000
Southbury	Housing Rehabilitation	\$400,000
Sprague	Street Improvement Baltic	\$500,000
Thompson	Public Housing Modernization	\$800,000
Torrington	Housing Rehabilitation	\$400,000
Vernon	Housing Rehabilitation	\$400,000
Waterford	Housing Rehabilitation	\$400,000
Windham	Housing Rehabilitation	\$400,000
Woodstock	Housing Rehabilitation	\$400,000

490 Data for the analysis of the CDBG-SC program was provided by DOH.

**Figure 18: CDBG-SC Grants 2013<sup>490</sup>**

Municipality	Activity	Approximate Amount
Ansonia	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Ashford	Food Bank Program	\$64,424
Beacon Falls	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Berlin	Marjorie Moore Village Senior Housing Renovations	\$500,000
Brookfield	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Burlington	Regional Housing Rehab. Program	\$300,000
Canton	Dowd Senior Housing Renovations Phase 2	\$500,000
Coventry	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
East Windsor	Reconstruction of Cricket Rd & Prospect Hill Rd	\$400,000
Ellington	Regional Housing Rehab. Program	\$300,000
Enfield	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Hampton	Regional Housing Rehab. Program	\$300,000
Jewett City	Ashland Manor Senior Housing Renovations Phase 3	\$445,840
Killingly	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Litchfield	Tannery Brooks Cooperative Renovations	\$371,000
Mansfield	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Marlborough	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Naugatuck	Housing Authority Renovations	\$500,000
Old Saybrook	Saye Brook Village Senior Housing Renovations	\$471,000
Plainfield	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Preston	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Putnam	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Salisbury	Regional Housing Rehabilitation Program	\$300,000
Stafford	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Thompson	Gladys Green/Pineview Court Elderly Housing Rehab.	\$500,000
Tolland	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Vernon	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Wallingford	Bldg Renov/Safety Improv - Ulbrich Heights Senior Housing	\$500,000
Waterford	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Wethersfield	James Devlin Senior Housing Renovations	\$500,000
Windham	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000
Woodbridge	Town-Wide Housing Rehabilitation Revolving Loan Program	\$300,000

### Elderly Rental Assistance Program (“ERAP”)

The Elderly Rental Assistance Program (ERAP) was created in 1997 to provide rental assistance to low-income elderly persons residing in state-assisted rental housing for the elderly and disabled persons regardless of age to the extent the applicable rent exceeds 30% of the household’s gross adjusted income. ERAPs are allocated by DOH to non-profit multifamily property owners and housing authorities with specific reference to the residents to be assisted. In all, ERAPs assist currently low-income residents in 38 municipalities. These municipalities, the properties receiving this subsidy and the number of residents assisted through this subsidy are set forth in the chart and map below.

491 Data for the analysis of the CDBG-SC program was provided by DOH.

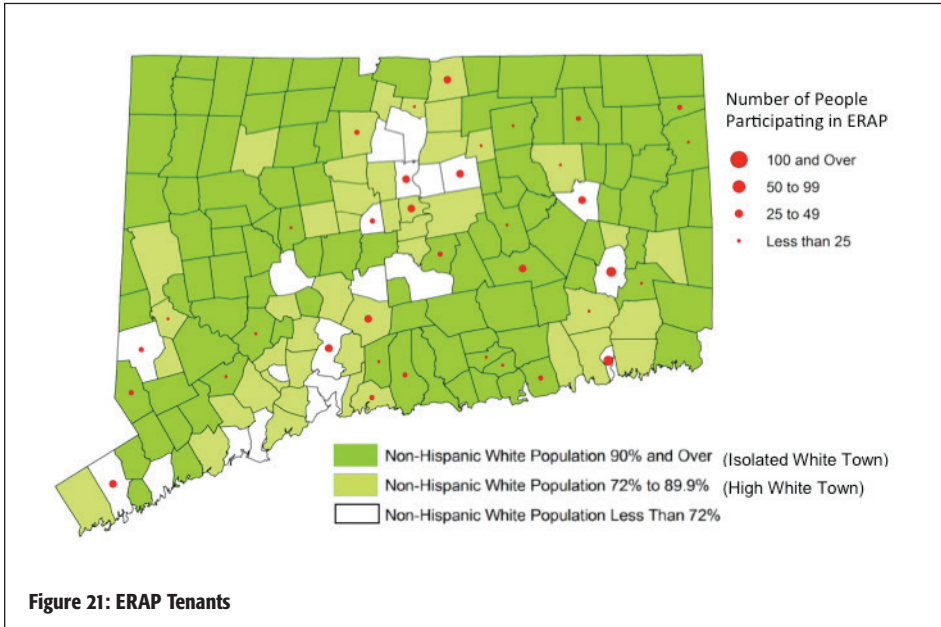
**Figure 19: Elderly Rental Assistance Program**

<b>Municipality</b>	<b>Project Name(s)</b>	<b>Number of tenants receiving ERAP subsidy</b>	<b>Number of tenants with Disabilities (under 62)</b>
Ashford	Pompey Hollow	22	3
Branford	Parkside Village I; Parkside Village II	35	21
Brookfield	Brooks Quarry	5	1
Colchester	Dublin Village; Ponemah Village; Dublin Village Annex	48	16
Danbury	Glen Apartments; Glen Apartments Ext.	41	17
Deep River	Kirtland Commons	12	3
Enfield	Enfield Manor; Enfield Manor Ext.; Windsor Court; Windsor Court Ext; Woodside Park; Ella Grasso Manor	116	69
Essex	Essex Court	15	5
Guilford	Guilford Court; Guilford Court Ext.; Boston Terrace	31	9
Hamden	Hamden Village; Hamden Village 2; Center Village; Mount Carmel	60	30
Hebron	Stonecroft Village	16	1
Hartford	Faith Manor	27	3
Killingly	Maple Courts; Maple Courts Ext.; Birchwood Terrace	11	4
Manchester	Spencer Village; Spencer Village Ext.	68	52
Mansfield	Wrights Village; Wrights Village Ext.	11	7
Marlborough	Florence S. Lord Senior Center	22	1
Monroe	Fairway Acres	20	5
Montville	Independence Village; Freedom Village	1	1
New Britain	Security Manor	42	14
New London	Gordon/Riozzi Cts.; G.W. Carver	140	94
North Branford	Hillside Ter. 1; Hillside Ter. 2; Hillside Ter. 3	29	13
Norwich	Harry Schwartz Manor; Rose Wood Manor; Rose Wood Manor Ext.; Eastwood Court	128	79
Old Lyme	Rye Field Manor	29	1
Oxford	Crestview Ridge	17	0
Plymouth	Gosinski Park; Gosinski Park 2	1	0
Portland	Quarry Heights; Quarry Heights 2	48	30
Preston	Lincoln Park	19	5
Putnam	Crabbe Sr. Apts.; St. Onge Apts.	30	10
Ridgefield	Ballard Green; Ballard Green 2	47	1
Simsbury	Dr. Owen L. Murphy Apartments	22	9
Hartford	M.J. Caruso Gables	20	0
Stamford	Ed. Czescik Homes	45	18
Stamford	The Atlantic	20	0
Vernon	Grove Court; Grove Court Ext.	5	3
Wallingford	Eastside Terrace; Southside Terrace; Burke Heights; John P. Savage Commons	46	18
Wethersfield	Adams Apts; James Devlin; Adams Apts. Ext.; Harvey Fuller Apts.	55	38
Willimantic	Trumbull Terrace; Rev. Honan Terrace	62	34
Windsor Locks	Southwest Terr. Apt.	10	2
<b>Totals</b>		<b>1,376</b>	<b>617</b>

The geographic dispersal of ERAP is as follows:

**Figure 20: Elderly Rental Assistance Units by Location and Demographic Served (by Town)<sup>491</sup>**

Percent Units in Minority Concentrated Areas	Percent Units in High Poverty Areas	Percent Units in Municipalities with R/ECAP Areas
49%	43%	41%



### Congregate Housing Program

The Congregate Housing Program combines two separate programs: a capital funding program for the construction of new or rehabilitation of existing congregate rental housing for the elderly and the Congregate Facilities Operating Cost Program, which provides grants to housing authorities and non-profit corporations for a portion of the operating costs of state-financed congregate rental housing and rental assistance to ensure that tenants pay no more than 30% of their income for rent. Congregate housing under this program serves frail elderly over 62 years of age with incomes that do not exceed 80% of the AMI. All residents must have a need for congregate services, as demonstrated by having at least one need for assistance with daily living. In addition, assisted living services can be subsidized by the program if the individual is not eligible for the Department of Social Services Connecticut Homecare Program for Elders.

492 Data for analysis of ERAP provided by DOH.

The congregate housing for the frail elderly subsidized by DOH under this program includes the following properties:

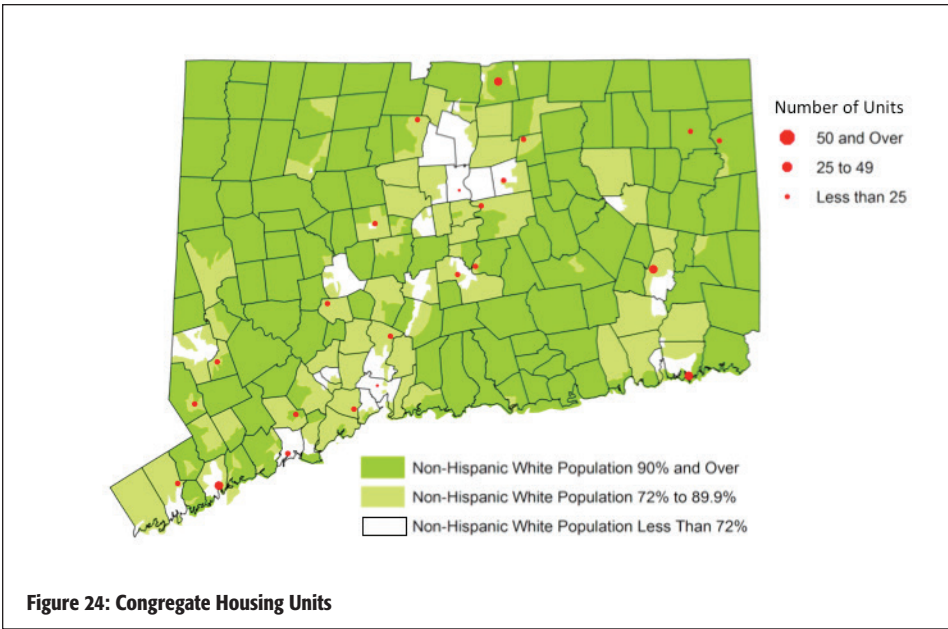
**Figure 22: Congregate Housing Program Units (by municipality)**

Municipality	Project Name	Number of Units	Assisted Living Services Available
Bethel	Bishop Curtis Homes (part of Augustana Homes)	44	No
Bridgeport	The Eleanor	35	No
Bristol	Komanetsky Estates	44	Yes
Enfield	Mark Twain	82	No
Glastonbury	Herbert T. Clark House	45	Yes
Greenwich	Hill House, Inc.	37	No
Groton	Mystic River Homes	50	Yes
Hamden	Mount Carmel	30	Yes
Hartford	Bacon Congregate	23	Yes
Killingly	Maple Courts II	43	No
Manchester	Westhill Gardens	37	No
Middletown	Luther Manor	45	Yes
Naugatuck	Robert E. Hutt Cong.	36	No
New Haven	Ella B. Scantlebury	20	No
Norwalk	Ludlow Commons	44	Yes
Norwalk	The Marvin	49	Yes
Norwich	St. Jude Common	50	Yes
Orange	Silverbrook Estates	45	Yes
Pomfret	Sealy Brown Village	32	No
Ridgefield	Prospect Ridge	34	Yes
Simsbury	Virginia Connolly	40	Yes
Stamford	Wormser	40	No
Trumbull	Stern Village	36	No
Vernon	F.J. Pitkat Cong. Living Center	44	Yes
Windsor Locks	Southwest Terr. Apt.	10	2
<b>Total</b>		<b>985</b>	

**Figure 23: Congregate Housing Program Units by Location (by Tract)<sup>492</sup>**

Total Units	Percent Units in Minority Concentrated Areas	Percent Units in High Poverty Areas	Percent Units in R/ECAP Areas
985	21%	24%	8%

<sup>493</sup> Data for this analysis was provided by DOH.



**Assisted Living Demonstration Program**

The Assisted Living Demonstration Program provides assisted living services to certain low- and moderate-income seniors living in publicly subsidized senior housing in order to avoid premature and costlier institutionalization. In connection with this program, DOH administers rental assistance. There are ten housing developments in the Assisted Living Demonstration Program. Six of these properties were existing federally funded properties and four were constructed in connection with this program. The properties in the Assisted Living Demonstration Program are set forth below.

**Figure 25: Assisted Living Demonstration Program Properties (by municipality)<sup>493</sup>**

Municipality	Project Name	Number of Units
Hartford	Immanuel House	21
Hartford	Horace Bushnell Congregate Homes	5
Hartford	The Retreat	100
Glastonbury	Herbert T. Clark House	25
Mansfield	Juniper Hill Village	20
Middletown	Luther Ridge	45
New Haven	Tower One/Tower East	51
Norwalk	Kingsway Senior Housing	20
Seymour	Smithfield Gardens	56
Vernon	Welles Country Village	20
<b>Total</b>		<b>363</b>

**Tax Abatement Program**

The Tax Abatement Program is designed to assist in the financial feasibility of privately owned non-profit and limited dividend low and moderate-income housing projects. Under this program, DOH reimburses municipalities that agree to abate property taxes that would otherwise be due, up to \$450 per unit per year for up to 40 years. Property owners benefitting from this program must use the tax savings to (i) reduce rents and improve the property’s quality and design; (ii) create a mixed-income environment; and/or (iii) provide related facilities or services. In general, the abatement of taxes enables the owners in the program to maintain rents at an affordable level for the residents. The properties in the Tax Abatement Program are set forth below.

494 Data for this analysis was provided by DOH.



**Figure 26: Tax Abatement Program Properties (by municipality)<sup>494</sup>**

Municipality	Project Name	Number of Elderly Units	Number of Family Units
Ansonia	Liberty Park	30	
Bethel	Augustana Homes	101	
Bloomfield	Interfaith Homes	46	
	Wintonbury II	84	
Bridgeport	Sycamore Place	120	
	National Housing Ministries		
	Seaview Gardens		16
	Union Village	22	
	Cedar Park		16
	Marionville		24
	Washington Heights	120	
	Unity Heights Co-op.		50
Danbury	Beaver St. Co-op.		70
Granby	StonyHill Village	30	
Hartford	Lower Gard./PRO 5		51
	Main/Nelson/PRO 6		55
	Main/Pavilion PRO 7		72
	Mansfield/Edgewood		59
	Barbour/Kensington		36
	Martin L. King Coop.		64
	Sheldon Oak Coop.		72
	Clearview Apts.		37
	Vinewood Apts. Coop		52
	Immanuel House	205	
	Capitol Towers	144	
	Marshall House	115	
	St. Christopher Apts.	100	
	Plaza Terrace		14
	Upper Gard.PRO 3		98
	Tuscan Brotherhood	120	
	Dart Garden Apts.		54
SANA (So. Arsenal)		274	
Kent	Templeton Farms	19	
Middletown	Wadsworth Grove		45
	Stoneycrest Towers	100	
	Newfield Towers	100	
New Britain	Interfaith Housing		84

(continued on next page)

495 Data for this analysis was provided by DOH.

(Figure 26 continued)

Municipality	Project Name	Number of Elderly Units	Number of Family Units
New Haven	Bella Vista I	328	
	Bella Vista II	292	
	Seabury Housing		88
	University Row		18
	Friendship Homes		60
	Dwight Co-op		80
	Jewish Elderly/Tower I	217	
	Canterbury Co-op		34
	Fairbank	121	
	Bella Vista/Phase II	468	
Norwalk	Towne House Co-op		90
	Robert Wood Co-op		10
	Kingsway Apts.	128	
	ST. Paul's Co-op		86
Stamford	St. John's Towers		360
	Friendship House		122
	Coleman Towers		89
	Martin L. King Apts.		89
	Bayview Towers		200
	Ludlow Town House		36
	Pilgrim Towers	75	
Waterbury	Robin Ridge Apts.	156	
	Prospect Towers	170	
	Lambda RHO Apts.	80	
	Savings Towers	109	
	Frost Homestead		63
	<b>Totals</b>	<b>3,570</b>	<b>2,698</b>

### Energy Conservation and Multifamily Energy Conservation Loan Programs

The Energy Conservation Loan (“ECL”) and the Multifamily Energy Conservation Loan (“MEL”) Programs provide financing at below market rates to single family and multifamily residential property owners, respectively, for the purchase and installation of cost-saving energy conservation improvements. These programs, which are administered on behalf of DOH by a third-party contractor (currently Connecticut Housing Investment Fund, Inc.), are funded with state bond fund proceeds, up to \$5 million annually. Funds in the program also revolve so that funding for the program also comes from the proceeds of repayments of prior loans. Single family homeowners (1-4 units) may borrow up to \$25,000 and multifamily property owners may borrow up to \$3,500 per unit (up to a maximum of \$100,000 per building) for a term of 10 years for eligible improvements. To be eligible for the ECL program, applicants must have an income at or below 110% of the median family income for their area and meet other underwriting criteria.

**Figure 27: Energy Conservation and Multifamily Energy Conservation Loan Programs by Location and Demographic Served (by Tract)<sup>495</sup>**

Number of Loans	Percent Loans in Minority Concentrated Areas	Percent Loans in High Poverty Areas	Percent Loans in R/ECAP Areas
672	33%	32%	5%

<sup>496</sup> Data for analysis of the Energy Conservation Loan Program were obtained from CHIF. 682 properties were provided. This analysis is based on the 672 properties that were geocoded.

### **Housing Opportunities for Persons with AIDS (“HOPWA”)**

HOPWA is a HUD-funded program that provides grant funding to the state through DOH and to three city governments (Hartford, Bridgeport, and New Haven) to provide housing and services for people living with AIDS. Additional funding is provided by the state to supplement these federal funds through the Residences for Persons with AIDS Program. Three-fourths of HOPWA funding is awarded to qualified states and metropolitan areas with the highest number of AIDS cases. One-fourth of the formula funding is awarded to metropolitan areas that have a higher-than-average per capita incidence of AIDS.

HOPWA funding supports housing assistance and connected supportive services. Funds can be used for housing, social services, program planning, development costs, and a range of health-related services, making it difficult to break out housing expenditures alone. HOPWA funding was allocated in Connecticut over the 2011–2014 period as follows:

**Figure 28: HOPWA Allocations in 2011 through 2014**

<b>Grantee</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Bridgeport	\$832,063	\$829,320	\$776,237	\$803,132
Connecticut	\$283,878	\$282,574	\$269,924	\$219,771
Hartford	\$1,131,275	\$1,126,735	\$1,056,186	\$1,095,094
New Haven	\$1,001,946	\$989,999	\$936,442	\$967,631

Connecticut has 590 housing slots dedicated to people living with HIV/AIDS. These include 423 scattered site units (apartments with wrap-around support services) and 167 congregate living beds (shared living quarters with on-site staff).<sup>497</sup>

Serving the population with HIV/ AIDS presents a unique fair housing dilemma. The HIV/AIDS population predominately lives in three cities.<sup>498</sup> Hartford (1,902), New Haven (1,500), and Bridgeport (1,276) are home to 45.5% of all people living with HIV and AIDS in Connecticut, but these municipalities represent only 10.9% of the state’s population.<sup>499</sup> AIDS housing is placed to meet the need—and where affordable housing can be found—and is thus disproportionately in these areas.<sup>500</sup> There are very few AIDS residences in Connecticut’s rural areas. For example, people living with HIV/AIDS in the Litchfield County must go elsewhere to get assistance, and just one agency is placed in Willimantic and must serve the broader area.<sup>501</sup> One agency is located in a suburban town (Plainville), but some scattered site housing exists in the Hartford suburbs.<sup>502</sup> Without more information, it would be premature to conclude either that the location of services is driving where people with HIV/AIDS live or vice versa.

### **Rental Assistance Program (RAP)**

The Rental Assistance Payments (RAP) Program is a state-funded program providing rental assistance like the federally funded tenant based Section 8 Housing Choice Voucher Program. RAP provides subsidies sufficient to supplement rent over 40% of eligible low-income program participants’ incomes (over 30% for elderly RAP certificate holders). This program was administered by DSS until it was transferred to DOH in July 2013. Data for the RAP program were analyzed for this report based on 2013 program usage by town, rather than census tract.<sup>503</sup> Based on this data, RAP participants are geographically situated as follows:

497 Ann Levie Associates, *Asking the Hard Questions: An Assessment of AIDS Housing in Connecticut*, December 2012, at 6, available at [http://www.aids-ct.org/pdf/aidshousing\\_assessment.pdf](http://www.aids-ct.org/pdf/aidshousing_assessment.pdf).

498 *Id.* at 18.

499 *Id.*

500 *Id.*

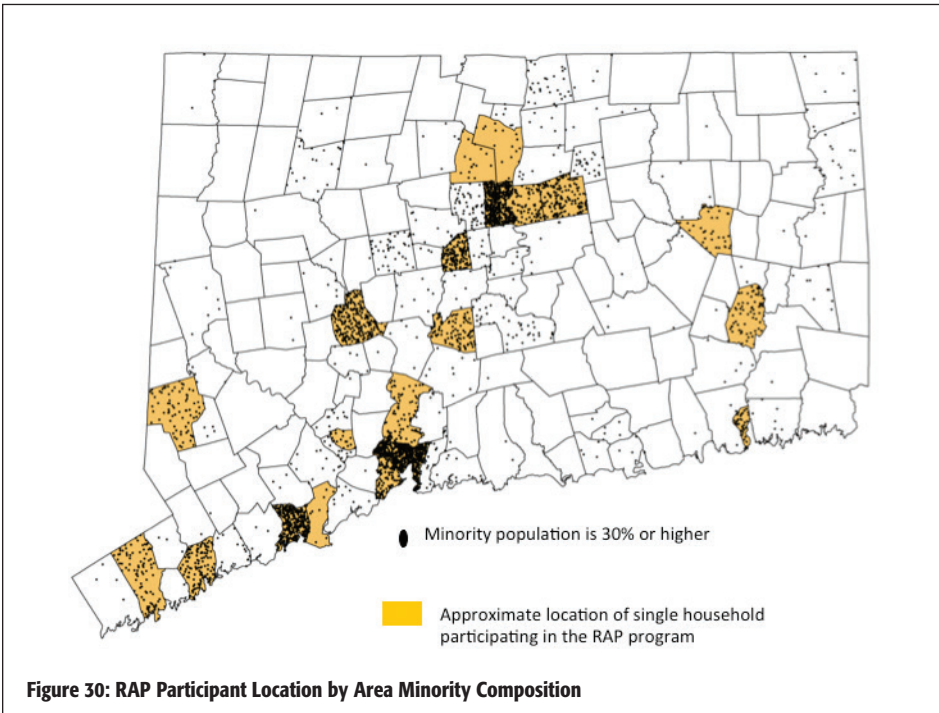
501 *Id.*

502 *Id.*

503 Within the data the street address and town name fields are combined, making geocoding infeasible for this AI.

**Figure 29: Rental Assistance Program by Location (by town)<sup>503</sup>**

Development Type	Certificates	% Units in Disproportionately Minority Towns	% Units in High Poverty Towns	% Units in R/ECAP Towns
All	3,182	85%	75%	75%



**Figure 30: RAP Participant Location by Area Minority Composition**

Following the transfer of the RAP program to DOH and increased appropriations for RAP certificates, approximately 4,000 households now receive rental assistance under the RAP program each year, at an approximate annual cost of \$40 million.

The extent of segregation within the RAP program is of concern for several reasons. First, the RAP program is obligated by statute to be run in a way that promotes fair housing choice.<sup>505</sup> Second, the RAP program is not subject to the administrative disincentives to mobility that are sometimes cited anecdotally as one of the reasons local public housing authorities administering a Section 8 Housing Choice Voucher Program do not promote usage of the subsidy outside the municipal boundary defining that public housing authority’s jurisdiction. Third, RAP program participants have access to mobility counseling services.

Since RAP participants are selected from a waitlist generated randomly from the pre-applications submitted during the prior open submission window and since all RAP participants must meet all eligibility requirements when a RAP certificate becomes available for them, including income eligibility requirements, it would be expected that RAP participants would, at the time they are selected from the waitlist, disproportionately reside in communities with a high concentration of poverty and high level of non-White segregation. The problem presented by the data appears to be that RAP participants are not selecting residences outside of such communities when they successfully obtain and use their RAP certificates. It is likely that the cause, or causes, of the patterns of segregation among RAP program participants overlap with those identified for the Section 8 Housing Choice Voucher program, discussed below.

504 RAP data was provided by DSS for 2013.

505 See CGS §17b-812(e).

### Security Deposit Guaranty (SDG) Program

The SDG Program is a state-funded program that was combined with the Eviction Foreclosure and Prevention Program and then transferred to DOH in May 2014. Under the SDG Program, DOH issues a guaranty of the payment of an amount up to the value of a customary security deposit to a landlord on behalf of the applicant/tenant. The landlord can make a claim against the guaranty if the landlord has a legal right to compensation as a result of a default under the lease such as damages to the apartment after the tenant vacates the premises.

The SDG Program is a crucial resource for many low income tenants for whom saving first and last months' rent plus one additional month's rent for a security deposit can prove impossible and thereby prevent them from accessing stable housing that would otherwise be affordable. The inability of many low-income tenants to pay a security deposit is cited by both low-income people interested in moving out of minority and poverty concentrated neighborhoods and mobility counselors assisting them as one of the major barriers to moving.<sup>506</sup> A third of legal services attorneys surveyed pointed to the inability to pay for a security deposit as a major reason their clients could not move to areas of their choice.<sup>507</sup>

The number of SDGs issued annually and the program budget have dramatically increased over time. Approximately, 534 guaranties were issued in 2001. Almost ten years later, in 2010, approximately 3,137 were issued. In the first quarter of the 2015 state fiscal year (i.e. July 1, 2014 to September 30, 2014) DOH received applications for 2,797 security deposit guaranties. If that volume were to remain consistent for the year, DOH will receive approximately 11,000 applications by the end of the year. While a variety of improvements are needed in the implementation of the SDG Program, it is clear that this is a valuable resource that is in high demand and can play a pivotal role in facilitating tenant mobility and affirmatively furthering fair housing.

### Emergency Solutions Grants (ESG) and Emergency Shelter Services ("ESS") Programs

The ESG Program is a federally funded program administered by HUD and through which grants are made to states and, in Connecticut, five cities (Bridgeport, Hartford, New Britain, New Haven, and Waterbury). ESG Program funds can be used for homeless services, including street outreach, emergency shelter, case management, homelessness prevention, rapid re-housing assistance, and data collection. The federal allocations for the ESG program during the 2011–2014 period were as follows.

**Figure 31: Emergency Solutions Grants (2011–2014)<sup>507</sup>**

	2014	2013	2012	2011
Connecticut	\$1,856,840	\$1,560,085	\$2,096,102	\$658,859
Bridgeport	\$241,205	\$202,260	\$260,590	\$82,194
Hartford	\$297,962	\$258,755	\$301,619	\$94,894
New Britain	\$129,876	\$110,316	\$148,658	\$46,753
New Haven	\$284,941	\$235,790	\$291,132	\$91,450
Waterbury	\$162,197	137,000	\$180,059	\$56,555
<b>Totals</b>	<b>\$2,973,021</b>	<b>\$2,504,216</b>	<b>\$3,278,160</b>	<b>\$1,030,705</b>

The ESS Program closely parallels the ESG Program but it is state-funded. Both programs provide essential funds to operate the existing system to address the needs of homeless individuals and families and to reduce and ultimately end homelessness. In an effort to better coordinate homeless services, service providers in Connecticut are now organized into regional groupings called a Continuum of Care. Each Continuum of Care ("CoC") focuses on outreach to and assessment of the homeless population, emergency shelter, transitional housing with supportive services, and permanent supportive housing within the CoC's boundaries.

From a fair housing perspective, it is important to recognize that there is a feedback loop at work in the location of homeless services providers and homeless individuals and families. As one would

<sup>506</sup> Connecticut Fair Housing Center, *Report: Housing Mobility: What Do Housing Voucher Recipients Want?*, April 2013, <http://www.ctfairhousing.org/housing-mobility-what-do-housing-voucher-recipients-want/>.

<sup>507</sup> Survey of legal services attorneys, February 2013.

<sup>508</sup> Data provided by HUD.

expect, many homeless individuals and families who present at emergency shelters or by calling the statewide Infoline at 2-1-1 come from the most dense population centers in the state, which are also the areas with the highest poverty rates and highest levels of segregation. The overwhelming majority of homeless services providers are likewise located in these areas. According to a recent analysis by the Connecticut Coalition to End Homelessness, approximately 88% of shelter beds in the state are in municipalities with disproportionately high concentration of non-White residents, 86% are in municipalities with a high poverty rate, and 88% are in towns that have R/ECAP areas.<sup>509</sup> While it is important that homeless shelters and other services be located where the need exists, not all people who experience one or more episodes of homelessness come from these areas. In some cases shelters in high poverty and non-White concentrated areas are serving a homeless population originating from outside that municipality. For example, according to one study, approximately 25% of the people served by Hartford shelters come from areas within the Greater Hartford region outside of Hartford and another 18% come from outside of the Greater Hartford region altogether.<sup>510</sup>

Within this picture, however, there is cause for optimism. Given the concentration of homeless services in disproportionately low-income and non-White municipalities, the heightened attention and resources that are now being directed by the state to reducing and ending homelessness should have a disproportionate benefit to that same municipalities.

## US Department of Housing and Urban Development (“HUD”)

In addition to working closely with several state agencies as both a funder of certain state administered housing programs and a co-funder of specific subsidized projects alongside state and/or quasi-governmental agencies, HUD also administers a number of programs directly and programs administered in conjunction with or by municipalities and local housing authorities.

### HOME Funding to Municipalities

As discussed previously, the HOME program involves a component that provides grants directly to certain Entitlement Jurisdictions. Under the HOME program, there are six Entitlement Jurisdictions, as compared to 22 for the CDBG program. HOME funding allocations for these jurisdictions during the past four years are as follows:

**Figure 32: HOME Program Entitlement Funding 2011 through 2014<sup>510</sup>**

Municipality	HOME Allocation 2014	HOME Allocation 2013	HOME Allocation 2012	HOME Allocation 2011
Bridgeport	\$881,452	\$888,060	\$865,941	\$1,352,075
Hartford	\$1,235,039	\$1,214,161	\$1,265,798	\$1,811,188
New Britain	\$498,829	\$519,401	\$494,685	\$678,097
New Haven	\$1,047,817	\$1,004,824	\$989,371	\$1,533,617
Stamford	\$378,418	\$390,137	\$401,082	\$592,894
Waterbury	\$657,694	\$709,824	\$693,702	\$920,286

While HUD provides some data through its HOME Snapshot web portal, the information is not sufficiently detailed to permit a fair housing analysis. The data does not break out race from the statistics on program usage by Hispanics so it is impossible to determine what the non-Hispanic percentage is. Such additional detail would be important to gain a full fair housing perspective of the program.

### Community Development Block Grant Funding to Municipalities

As stated above, a portion of the Community Development Block Grant funding allocated for Connecticut is disbursed by HUD directly to the 22 Entitlement Jurisdictions in the state. Again, of these 22 towns, six are disproportionately White compared to the state as a whole and the remainder are

509 Data for shelter locations by municipality were provided by the Connecticut Coalition to End Homelessness.

510 Opening Doors Greater Hartford: A Plan to Prevent and End Homelessness, Appendix A, Tables and Figures, Table 8, Journey Home, available at <http://www.journeyhomect.org/plan.html>. It is important to note that on a much smaller scale shelter beds outside of Hartford serve people originally coming from Hartford.

511 Data provided by HUD.



disproportionately non-White. Historically, about twice as much funding is allocated to the Entitlement Jurisdictions as are allocated to the state itself. This funding provides a clear opportunity for municipalities to affirmatively further fair housing, including rehabilitating residential and mixed-income properties for affordable housing, mobility counseling, and fair housing education and compliance resources.

A summary of the CDBG funding provided to the Entitlement Jurisdictions as well as the state during the years 2009–2014 is set forth below.

**Figure 33: CDBG Entitlement Program Allocations 2009–2014<sup>511</sup>**

	2014	2013	2012	2011	2010	2009	Totals
Bridgeport	\$2,826,079	\$2,969,088	\$2,772,469	\$3,009,212	\$3,606,679	\$3,321,881	<b>\$40,171,857</b>
Bristol	\$546,539	\$536,356	\$516,128	\$574,937	\$682,478	\$622,784	<b>\$7,413,957</b>
CT	\$11,958,150	\$12,017,705	\$11,141,302	\$12,319,018	\$14,692,943	\$13,532,318	<b>\$162,877,576</b>
Danbury	\$571,680	\$526,230	\$534,449	\$566,310	\$678,244	\$627,150	<b>\$7,652,412</b>
East Hartford	\$547,539	\$558,810	\$520,102	\$599,142	\$713,341	\$652,292	<b>\$7,732,693</b>
Fairfield	\$456,698	\$436,986	\$431,202	\$510,951	\$608,668	\$552,477	<b>\$6,459,952</b>
Greenwich	\$735,628	\$756,681	\$728,610	\$862,196	\$1,032,209	\$948,007	<b>\$11,190,666</b>
Hamden	\$379,299	\$384,711	\$347,685	\$496,380	\$590,888	\$540,258	<b>\$6,097,981</b>
Hartford	\$3,467,242	\$3,667,730	\$3,546,871	\$3,483,007	\$4,163,974	\$3,838,303	<b>\$47,752,301</b>
Manchester	\$553,805	\$571,965	\$522,266	\$608,025	\$721,222	\$666,533	<b>\$7,929,829</b>
Meriden	\$814,162	\$829,341	\$776,060	\$845,026	\$1,005,552	\$922,250	<b>\$11,184,798</b>
Middletown	\$414,465	\$419,044	\$398,165	\$380,276	\$454,428	\$416,642	<b>\$5,261,938</b>
Milford	\$425,953	\$441,457	\$446,959	\$479,494	\$575,015	\$530,473	<b>\$6,389,680</b>
New Britain	\$1,501,180	\$1,598,691	\$1,512,148	\$1,716,656	\$2,051,518	\$1,889,507	<b>\$22,687,157</b>
New Haven	\$3,493,881	\$3,507,455	\$3,232,087	\$3,361,908	\$4,012,840	\$3,700,416	<b>\$45,802,515</b>
New London	\$718,121	\$714,846	\$675,778	\$806,766	\$969,083	\$894,497	<b>\$10,714,015</b>
Norwalk	\$889,453	\$903,348	\$849,889	\$889,537	\$1,064,849	\$970,080	<b>\$11,695,721</b>
Norwich	\$814,280	\$801,926	\$735,831	\$910,512	\$1,091,004	\$1,005,009	<b>\$11,987,324</b>
Stamford	\$897,738	\$933,989	\$877,443	\$1,045,824	\$1,263,819	\$1,164,337	<b>\$13,438,663</b>
Stratford	\$552,322	\$551,127	\$496,273	\$637,030	\$759,328	\$694,412	<b>\$8,083,288</b>
Waterbury	\$1,913,444	\$1,996,547	\$1,878,054	\$2,079,265	\$2,481,638	\$2,282,284	<b>\$27,522,985</b>
West Hartford	\$853,715	\$850,974	\$807,938	\$1,003,854	\$1,202,058	\$1,106,058	<b>\$12,951,623</b>
West Haven	\$619,258	\$621,094	\$578,281	\$669,865	\$804,944	\$733,980	<b>\$8,724,967</b>
	<b>\$35,950,631</b>	<b>\$36,596,101</b>	<b>\$34,325,990</b>	<b>\$37,855,191</b>	<b>\$45,226,722</b>	<b>\$41,611,948</b>	<b>\$501,723,898</b>

### Tenant-Based Section 8 Housing Choice Voucher Program

The HCV program is the federal government’s primary program for assisting very-low-income families to afford decent, safe, and sanitary housing in the private market. Participants are able to find their own housing, including apartments, townhouses, and single-family homes. Each participant is free to choose any private rental housing that meets the requirements of the program. HCVs are funded by HUD and are administered in Connecticut by over 40 local public housing agencies and by DOH. A household that receives a HCV is responsible for finding a suitable housing unit. This unit may include the household’s present residence. Rental units must meet minimum standards of quality and safety as established by HUD. A housing subsidy is paid by the administering agency or public housing authority to the landlord directly on behalf of the household. The household pays the difference between the actual rent charged by the landlord and the amount subsidized by the program.

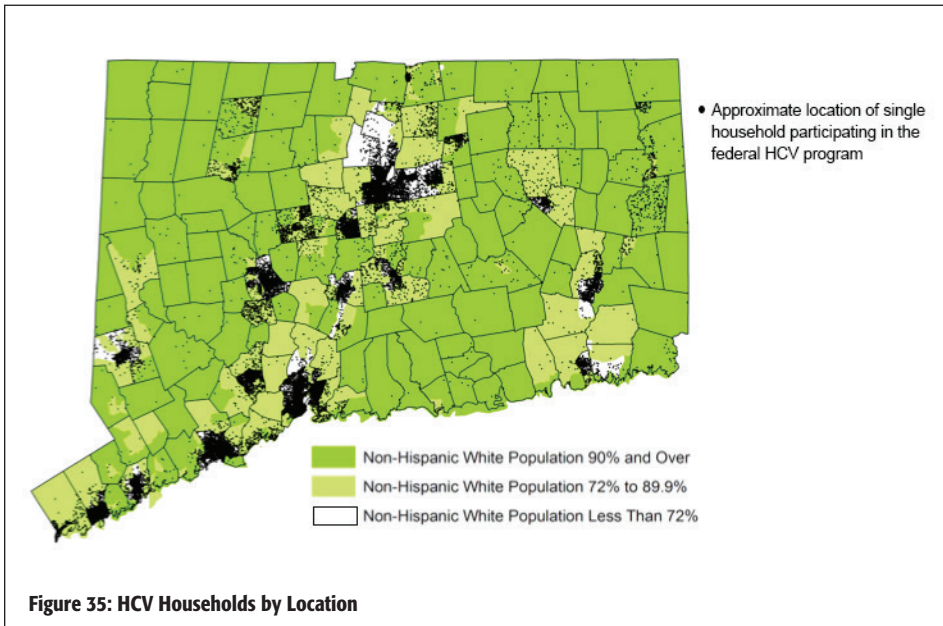
The HCV Program, administered by DOH since 2013 on behalf of the state and by several local housing authorities pursuant to agreements with HUD, provides in the aggregate approximately

512 Data provided by HUD.

31,315 vouchers.<sup>513</sup> Approximately 78% of Section 8 HCV holders in Connecticut are non-White and, as demonstrated by the figure below, voucher holder race/ethnicity varies by geography.<sup>514</sup> As of June 2014, the HCV Program administered by DOH helped to house 7,451 households statewide.

**Figure 34: HCV Holders by Location and Minority Status (by tracts)<sup>514</sup>**

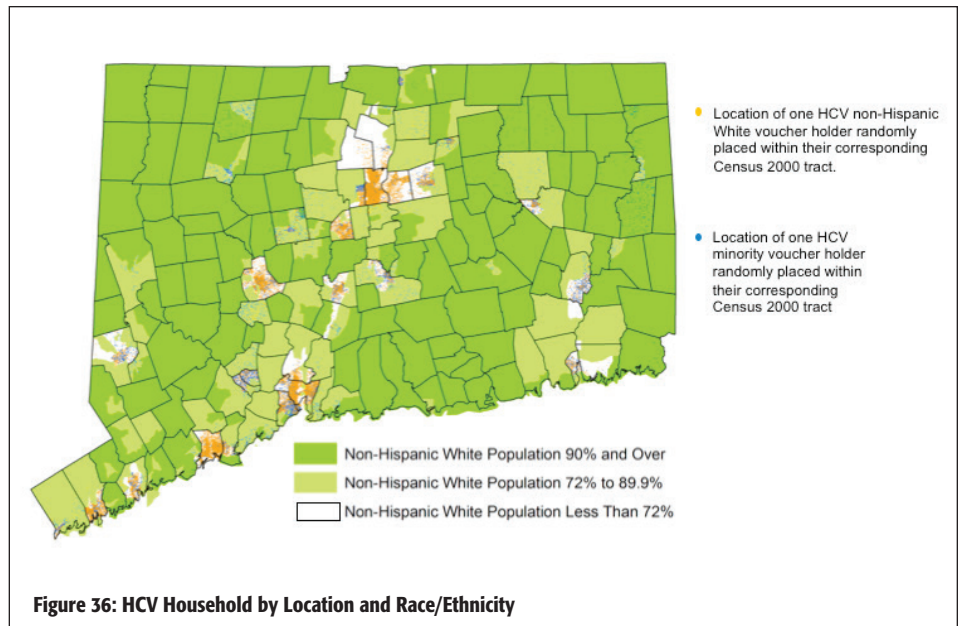
HCV Holder Race/Ethnicity	% HCV Holders in Disproportionately Minority Areas	% HCV Holders in High Poverty Areas	% HCV Holders in R/ECAP Areas
All HCV Holders	83%	79%	33%
Minority HCV Holders	92%	86%	40%
Non-Hispanic White HCV Holders	62%	65%	15%



513 HUD Residents Characteristics Report, current through May, 2013.

514 Data for 31,315 Section 8 housing vouchers for 2009 were provided by HUD. Figure 31 includes all 31,315 vouchers mapped to their Census 2000 tract. Figure 32 includes 30,280 vouchers with race/ethnicity information (where there were more than 11 vouchers in the Census tract) mapped to their corresponding Census 2000 tract. The number of non-White voucher holders is 23,559, and non-Hispanic White voucher holders number 6,721.

515 The analysis of minority, poverty, and R/ECAP location percentages for ALL vouchers is based on 29,896 vouchers that were linked to their corresponding 2010 Census tract to allow use of the most current data on race and poverty. For minority voucher holders, the analysis of minority, poverty, and R/ECAP location percentages is based on 22,684 vouchers (where there were more than 11 vouchers in the Census tract) that were able to be mapped to their corresponding Census 2010 tract to allow use of the most current data on race and poverty. For non-Hispanic White voucher holders, the analysis of minority, poverty, and R/ECAP location percentages is based on 6,241 vouchers (where there were more than 11 vouchers in the Census tract) that were able to be mapped to their corresponding Census 2010 tract to allow use of the most current data on race and poverty.



In the figure above, each gold dot represents one non-White HCV holder placed within his/her corresponding Census 2000 tract and each blue dot represents one non-Hispanic White HCV holder placed within his/her corresponding Census 2000 tract.

As these maps illustrate, HCV holders are disproportionately located within the most segregated areas of the state. There are many impediments to fair housing that likely explain this segregation of HCV holders and the differences in voucher location by race. State and national reports,<sup>516</sup> as well as conversations with HCV holders, mobility counselors, legal services attorneys,<sup>517</sup> and housing authority representatives, suggest the following potential reasons:

- Lack of affordable housing in areas that are proportionately mixed by race and ethnicity or areas that are disproportionately non-Hispanic White;
- Maximum rents limits under the HCV Program that are too low to afford units in many areas;
- Difficulties “porting,” or taking a voucher provided by one local public housing authority to another municipality;
- Illegal discrimination against HCV holders based on source of income, race, ethnicity, and familial status;<sup>518</sup>
- Inadequate information regarding available rental opportunities;
- Lack of public transportation; and
- Concerns among some HCV holders that they will feel alienated or otherwise not accepted or comfortable in disproportionately White communities.

<sup>516</sup> See, e.g., *Congressional Testimony of Margery Austin Turner, Director, Metropolitan Housing and Communities Policy Center*, The Urban Institute, prepared for the Committee on Financial Services, Subcommittee on Housing and Community Opportunity, United States House of Representatives, June 17, 2003, <http://www.urban.org/publications/900635.html>; *Congressional Testimony of Bruce Katz Before Committee on Financial Services Subcommittee on Housing and Community Opportunity United States House of Representatives, “Housing Vouchers: Performance and Potential,”* Brookings Institution Center on Urban and Metropolitan Policy, June 17, 2003, <http://www.brookings.edu/~media/research/files/testimony/2003/6/17%20housing%20katz/20030617.pdf>; *Housing Action Illinois, Moving or Moving Up? Understanding Residential Mobility for Housing Choice Voucher Families in Illinois*, [http://www.housingactionil.org/downloads/IHARP\\_State\\_report\\_JS\\_Final\\_4-6-11.pdf](http://www.housingactionil.org/downloads/IHARP_State_report_JS_Final_4-6-11.pdf); Nichole Witherbee et al., *The Housing Choice Voucher Program: Providing Local Relief to Maine with Federal Low-Income Housing Reform, A Report for the Maine Affordable Rental Housing Coalition*, The Maine Center for Economic Policy, May 2008, <http://nlhc.org/sites/default/files/SIRR-ME-2008.pdf>.

<sup>517</sup> Survey of 13 legal services housing attorneys conducted in February of 2013.

<sup>518</sup> The Connecticut Fair Housing Center reports that complaints from people using government housing subsidies are the second highest number of complaints of housing discrimination received by the organization.

Given the demonstrated patterns of segregation related to the Section 8 HCV Program, a few comments regarding some of these perceived impediments are appropriate.

First, there is a severe lack of affordable housing in general, and particularly of affordable multifamily rental housing in neighborhoods that are proximate to good employment opportunities and served by public transit and high performing schools, and where the surrounding community is proportionately mixed by race and ethnicity or areas or disproportionately non-Hispanic White. This is not a problem that can be remedied either immediately or inexpensively but it is the primary purpose behind the programs that fund the creation and preservation of various types of affordable housing and leverage other sources of financing and the energy of private for-profit and non-profit developers.

Second, although it was not possible to undertake an in-depth review of the impact that maximum rents in the HCV program have on limiting where program participants actually live, the mismatch between the maximum allowable rental amounts applicable to some of the most economically robust and socially vibrant communities and the actual market rents in those communities is real. HUD has acknowledged that the current system of setting rents is problematic. Under the present system, rents are developed that theoretically enable a HCV holder to access 40% of the rental housing in a given metropolitan area. As a result, for example, the maximum rent in Hartford is the same as the maximum rent in Avon and the maximum rent in Bridgeport is the same as the maximum rent in Fairfield. This may artificially increase the rents in some locations and decrease them in other areas. By using such a large geographic area, it also makes it likely that rents in the least poverty-concentrated areas will not be affordable to a HCV holder. In response to these concerns, HUD has explored the possibility of calculating HCV rents on the smaller zip code level.<sup>519</sup> A demonstration of this “Small Area Fair Market Rent” approach involving five housing authorities was announced in 2012.

Third, the issue of “porting” and the structural and other barriers inhibiting “porting” merits closer scrutiny. Some experts point to an incentive structure within HUD that limits moves outside of a housing authority’s jurisdiction as one of the barriers to fair housing choice.<sup>520</sup> A close comparison of the extent to which voucher holders in the state’s HCV Program reside in segregated communities and the experience of voucher holders in the HCV Program administered by local public housing authorities would be useful since the state’s HCV Program is statewide and not subject to any structural disincentives. The state funded Rental Assistance Program (RAP), which provides rental assistance like the HCV Program and is also administered by DOH, is instructive because a pattern of segregation exists even in the absence of an incentive structure that promotes in-jurisdiction HCV placements. Approximately 85% of RAPs are located in disproportionately non-White municipalities and 75% are in disproportionately high poverty municipalities. This suggests that, at least in Connecticut, housing authorities are contending with factors beyond those connected to public housing authority structures limiting HCV holder housing choice.

Given how important the HCV Program is in providing housing to moderate, low and extremely low income tenants, the fair housing concerns with the HCV Program need to be addressed. While applicable federal law and appropriation levels limit some of the options, the state can review opportunities for improvement in implementation and through better coordination with other public resources.

Local public housing authorities (“PHA”s) have a critical role to play in affirmatively furthering fair housing through their administration of Housing Choice Vouchers, Public Housing, and other programs, but their ability to have a positive impact on segregation is hindered in several ways.

Based on discussions with housing authority representatives in Connecticut, the reduction of funding is a central concern.<sup>521</sup> Nationally, between 2001 and 2012 HUD support to housing authorities

519 See National Low Income Housing Coalition, *Several Public Housing Agencies Selected for HUD’s Small Area Fair Market Rent Demonstration Program*, November 12, 2012, <http://nlihc.org/article/several-public-housing-agencies-selected-hud-s-small-area-fair-market-rent-demonstration>.

520 Barbara Sard, *Testimony: How to Promote Housing Integration and Choice through the Section 8 Voucher Program before the National Commission on Fair Housing and Equal Opportunity* (October 6, 2008), <http://www.cbpp.org/cms/?fa=view&id=809>.

521 Conference call with representatives of five PHAs, June 27, 2013. All PHA opinions are based on this call.

for Public Housing capital funding has decreased by 37%.<sup>522</sup> This affects the ability of PHAs to maintain public housing developments. Local advocates report severe conditions in public housing developments, which in some cases lead to the loss of units.<sup>523</sup> Across the country there is also a growing gap between the amount of public housing operating funding for which PHAs are eligible and the amount of funding they are allocated. According to the National Association for Housing and Redevelopment Officials, a trade association for PHAs, the gap grew from zero in 2010 to almost a billion dollars in 2012. This kind of reduction affects spending on the day-to-day operations of public housing.<sup>524</sup>

Some Connecticut PHAs also report experiencing reductions to HCV funding that reflect national trends. Nationally, the funding PHAs receive to administer the HCV program has decreased from 100% of eligible funding in 2003 to 80% in 2012.<sup>525</sup> At the same time, there has been a reduction in the number of Housing Choice Vouchers allocated to the state. The Center on Budget and Policy Priorities (“CBPP”) reports that in 2010 only 88% of the vouchers authorized in Connecticut were in use.<sup>526</sup> According to CBPP, this represents a loss of assistance to 1,132 low-income families.<sup>527</sup> PHAs attribute this to a number of factors, including funding reductions to the program and a failure of Congressional appropriations to keep pace with the cost of living. PHAs are also finding that the downturn in the economy has translated into the need for additional assistance for current program participants.

PHAs report two outcomes of cuts to the HCV Program that have an impact on fair housing choice. First, with the higher cost of rental housing in some areas,<sup>528</sup> the rent provided through the HCV program is often not sufficient. PHAs are authorized to adjust the rent from between 90% to 110% of the official rent level.<sup>529</sup> Some PHAs report that they are regularly opting for the 90% of rent level in order to ensure that they do not exhaust available funds within the program and are not compelled to recall HCVs from families who are already using them. Opting for the lower rent level also potentially allows PHAs to help a greater number of people on reduced funding. From a fair housing perspective, however, this means that it is much less likely that a HCV holder will be able to move to a community with higher rents, potentially missing an opportunity to enjoy exceptional educational, employment, and other opportunities in such areas, not to mention, for some, the possibility of an integrative relocation.

The large number and limited jurisdiction of PHAs in the state can also create a disincentive to housing choice. The HUD-supported PHAs illustrates this point.<sup>530</sup> With 53 HUD-supported housing authorities in the state, operations are often very localized and housing options outside each PHA’s jurisdiction may not be fully considered.<sup>531</sup> In addition, PHAs’ discretion to use different admissions policies can have an impact on mobility. For example, some housing authorities have much stricter definitions of what it means to have a criminal record than others.<sup>532</sup> The way administrative fees are calculated when program participants move is another example. Some experts have recommended that PHAs be consolidated and/or that jurisdictions be permitted to overlap to address these issues.<sup>533</sup>

522 Journal of Housing and Community Development, National Association of Housing and Redevelopment Officials (March/April 2013), 23, <http://www.nahro.org/housing-journal>.

523 Communication with Kim McLaughlin of the Public Housing Resident Network, July 9, 2013.

524 Journal of Housing and Community Development, *supra*.

525 *Id.* at 24.

526 Center on Budget and Policy Priorities, Housing Voucher Data for Connecticut, October 19, 2011, <http://www.cbpp.org/files/9-21-11hous-CT.pdf>.

527 *Id.*

528 100% of legal services attorneys surveyed reported that their clients have been unable to obtain necessary housing because the Section 8 HCV program FMR was insufficient.

529 HUD, Housing Choice Voucher Program Guidebook, 7-2, [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_11751.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11751.pdf).

530 *Id.*

531 *Id.*

532 Reported by a former housing authority director to New Haven Legal Assistance, Inc. per interview of 9/18/2013.

533 *Id.* Connecticut does have a regional HCV program in Hartford in addition to the statewide program run since 2013 by DOH, and prior to that by DSS.



Taking a closer look at the apartment listings PHAs provide to HCV holders confirms that PHAs are focused on a limited geographic scope: in the analysis performed for this AI, no PHA recommended an apartment listing from outside its jurisdiction.

**Figure 37: Recommended Unit Lists Provided to HCV Recipients by PHAs (December 2012)**

Housing Authority	Disproportionately Minority Tracts	Disproportionately High Poverty Tracts	R/ECAP
State of Connecticut (190 Listings)	90.5%	78.4%	34.2%
All other PHAs (219 Listings)	75.8%	76.3%	28.3%

### Section 8 Project Based Rental Assistance (“PBRA”)

In addition to tenant-based Housing Choice Vouchers that voucher holders can take with them when they move, Section 8 Project Based Rental Assistance (“PBRA”) is a program that allows HUD to attach subsidy contracts to certain buildings. If the tenant decides to move, the PBRA subsidy stays with the unit, not the tenant. This analysis does not include any project based housing authority vouchers, either through PBRA or as Project-Based Vouchers.<sup>534</sup>

Created under the Housing Development Act of 1974, PBRA has a number of subprograms, including Section 8 New Construction and Substantial Rehabilitation, Loan Management Set-Asides, Preservation, and Property Disposition, but by and large, PBRA is used in conjunction with other public funding.<sup>535</sup> PBRA are allocated as follows:

**Figure 38: Project Based Section 8 by Location and Demographic Served (by tracts)<sup>535</sup>**

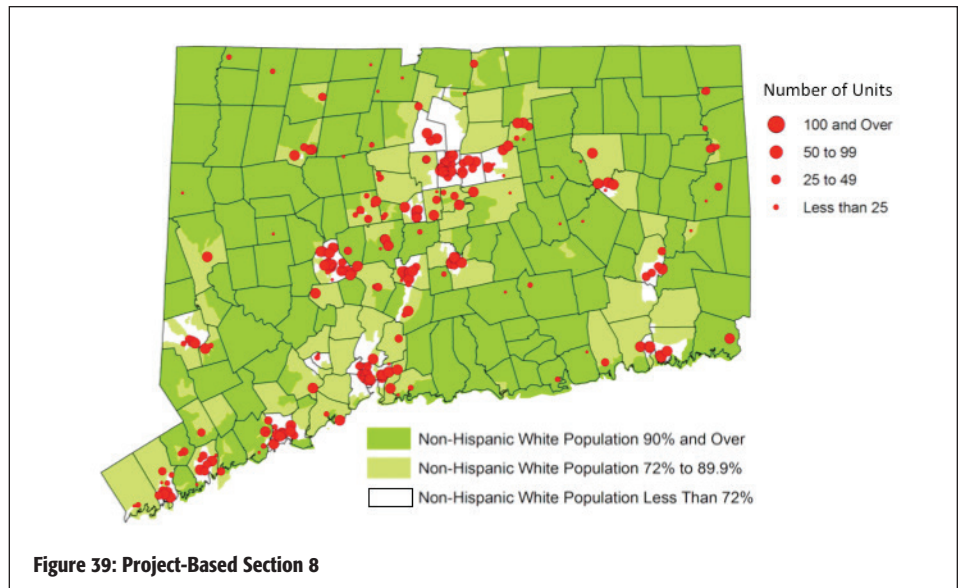
Demographic Served	Total Units	Units in Disproportionately Minority Areas	Units in High Poverty Areas	Units in R/ECAP Areas
All	29,807	71%	72%	33%
Families	13,203	74%	80%	36%
Elderly	16,378	69%	67%	31%
Supportive	4	100%	100%	0%
Disabled	218	33%	28%	5%

<sup>534</sup> GAO Highlights, Project-Based Rental Assistance: HUD Should Update Its Policies and Procedures to Keep Pace with the Changing Housing Market, April 2007, at 7, available at <http://www.gpo.gov/fdsys/pkg/GAOREPORTS-GAO-07-290/pdf/GAOREPORTS-GAO-07-290.pdf>. Section 8 PBRA is frequently confused with Project Based Section 8 Vouchers, which are a subprogram of the Tenant-Based Housing Choice Voucher Program that allows housing authorities to take up to 20% of their tenant-based vouchers and place them at a certain property. If the tenant decides to leave, however, the voucher follows the tenant.

<sup>535</sup> Some of these uses of the program have changed or are no longer in use. See GAO Highlights, *supra*.

<sup>536</sup> Preservation List filtered for the Section 8 column where “Section 8” is listed.





### Federal Public Housing

Federally funded public housing provides rental housing for eligible low-income families, the elderly, and persons with disabilities.<sup>537</sup> Public housing can come in a variety of architectural forms, including highrise apartment buildings or low density or even single-family housing scattered within an area (“scattered site public housing”). There are approximately 11,567 units of federal public housing in Connecticut administered by 36 local PHAs.<sup>538</sup> Public housing is available to people earning below 80% of median income or 50% of median income, depending on the type of housing.

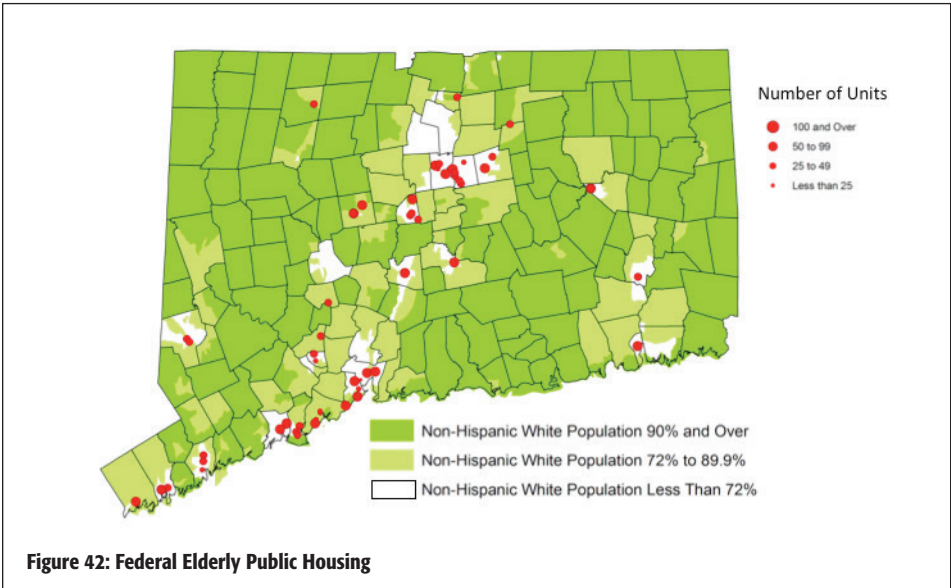
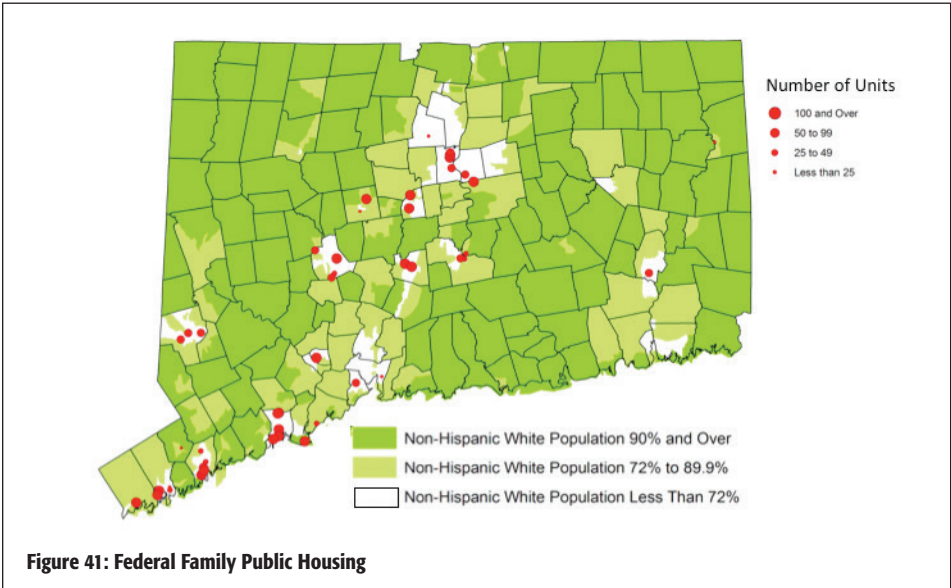
**Figure 40: Federal Public Housing Location by Race, Poverty and R/ECAP (by tracts)<sup>538</sup>**

Demographic Served	Total Units	% Units in Disproportionately Minority Areas	% Units in High Poverty Areas	% Units in R/ECAP Areas
All	11,567	80%	85%	36%
Families	5,743	87%	89%	42%
Elderly	5,824	73%	79%	30%

537 HUD’s Public Housing Program, HUD website, available at [http://portal.hud.gov/hudportal/HUD?src=/topics/rental\\_assistance/phprog](http://portal.hud.gov/hudportal/HUD?src=/topics/rental_assistance/phprog).

538 HUD Residents Characteristics Report of May 31, 2013, available at <https://pic.hud.gov/pic/RCRPublic/rcrmain.asp>. Altogether, there are 92 housing authorities in the state, only 53 of which administer HUD programs. Of these, only 36 have hard units of federally funded public housing.

539 Federal Family filtered from Preservation List for Federal Public Housing = Y and (Housing Type = Family or Housing Type = Elderly/Family). Federal Elderly filtered from Preservation List for Federal Public Housing = Y and (Housing Type = Elderly or Housing Type = Elderly/Disabled). There are 12,585 units in the Preservation List and 11,567 accurately geocoded.



**202 and 811 Funding**

Through the 202 Funding program, HUD provides capital advances to finance the construction, rehabilitation, or acquisition with or without rehabilitation of structures that will serve as supportive housing for very low-income elderly persons, including the frail elderly. The program also provides rent subsidies to increase the affordability of projects. The 811 Funding program provides the same resources for housing for people with disabilities. HUD’s capital advance does not have to be repaid as long as the project continues to serve very low-income elderly persons for 40 years. The 202 and 811 program funding is allocated geographically as follows:

**Figure 43: HUD 202 & 811 Funding Location by Race, Poverty and R/ECAP (by tracts)<sup>539</sup>**

Program	Total Units	% Units in Disproportionately Minority Areas	% Units in High Poverty Areas	% Units in R/ECAP Areas
202 Funding	3,590	52%	49%	21%
811 Funding	197	63%	63%	16%

540 Data analysis limited to the analysis of the Preservation List.

## Connecticut Housing Finance Authority (CHFA)

CHFA is a quasi-governmental body created pursuant to state statute in 1969 to alleviate the shortage of affordable housing for low- and moderate-income individuals and families in Connecticut. Its primary roles have included providing below-market interest rate mortgage financing for single-family homeownership, financing the construction and preservation of affordable multifamily rental properties, and administering state and federal housing tax credit programs. Like the state, CHFA has an obligation to affirmatively further fair housing.

### Low Income Housing Tax Credit (“LIHTC”) Program

The LIHTC Program, a federal program under the U.S. Department of Treasury, is the largest federally funded affordable housing production program in the country.<sup>541</sup> The LIHTC program is administered in Connecticut by CHFA. Given the magnitude of the private investments the LIHTC program can leverage and the amount of other public subsidies that are frequently needed to make LIHTC projects financially feasible, it is necessarily an important component of the state’s efforts to affirmatively further fair housing.

The program generates funding for affordable housing by making a portion of the tax credits allocated by the federal government to Connecticut available to owners or developers of selected projects. The entities that are awarded credits can use them to offset their federal tax liabilities or assign them to investors and use the savings or proceeds, as applicable, as equity to acquire, substantially rehabilitate, and/or construct residential rental developments that provide a percentage of affordable units for occupancy by low-income individuals and families.

There are two types of low-income housing credits. Nine percent tax credits generally support new construction projects and substantial rehabilitation projects, while four percent credits typically support projects that involve acquisition and substantial rehabilitation expenditures and tax-exempt bond funding. LIHTC developments are designated elderly or family. They can also be used for other types of housing, such as supportive and single room occupancy housing.

Applications for 9% LIHTCs are accepted by CHFA on an annual basis as part of a competitive round and evaluated for both feasibility and other threshold requirements, on the one hand, and their scoring based on a point system outlined in the CHFA Qualified Allocation Plan (“QAP”), which must be consistent with state plans outlining housing priorities.

Recent developments receiving LIHTC funding are geographically situated as follows:

**Figure 44: LIHTC by Race, Poverty and R/ECAP (by tract)**

Demographic Served	Total Units	% Units in Disproportionately Minority Areas	% Units in High Poverty Areas	% Units in R/ECAP
All	20,018	73%	73%	40%
Families	13,560	76%	76%	37%
Elderly	4,740	58%	55%	36%
Supportive	734	96%	96%	63%

541 Sarah Bookbinder, Building Opportunity: Civil Rights Best Practices in the Low Income Housing Tax Credit Program—An Updated Fifty-State Review of LIHTC “Qualified Allocation Plans”, December 2008, at ii, available at <http://www.prrac.org/pdf/2008-Best-Practices-final.pdf>. It is also notable that the I.R.S. has not yet issued guidance on how fair housing laws apply to the LIHTC program.

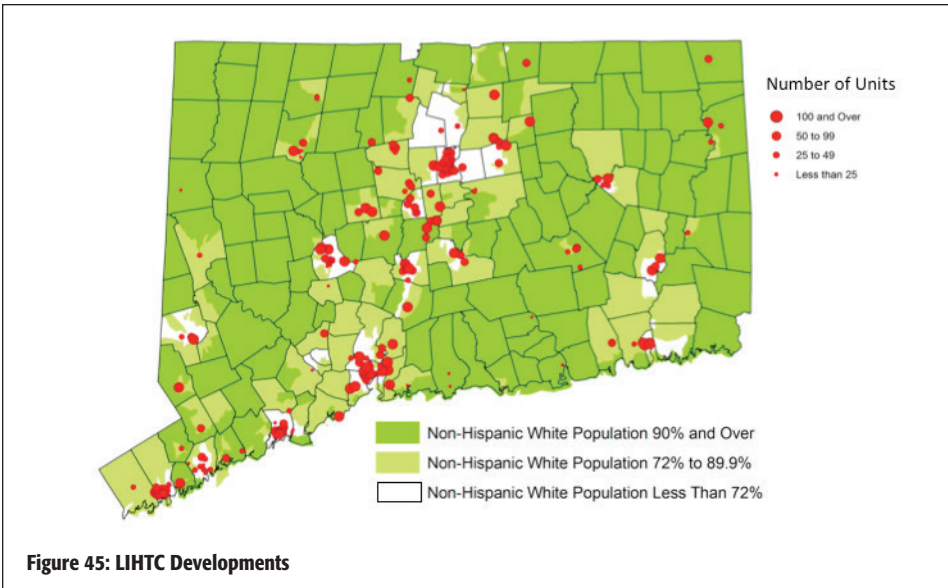


Figure 45: LIHTC Developments

LIHTC developments are located in areas of minority and poverty concentration at a very high rate—and this rate is even greater for family developments.<sup>542</sup>

**Figure 46: LIHTC by Targeting and Location (by tract)<sup>542</sup>**

Qualified LIHTC (Low-Income)	# of Units	% of Units in Disproportionately Minority Areas	% of Units in High Poverty Areas	% of Units in R/ECAP Areas
All	17,910	74%	74%	43%
Family	11,805	78%	78%	41%
Elderly	4,418	60%	57%	38%
Supportive	732	96%	96%	62%

Key to untangling the impediments to achieving a more diverse distribution of LIHTC projects, and, in particular, increasing the number of projects and units in communities with relatively low poverty rates and a representative racial and ethnic mix of residents, is adopting selection criteria that advantages such projects. For 9% LIHTC financed projects, this means, in part, reviewing and, as needed, modifying the QAP. In recent years, the QAP has had elements that both promote and inhibit integrated mixed-income housing development outside of high density communities. For 4% LIHTC projects, CHFA can coordinate with other funders, including DOH, to prioritize projects that affirmatively further fair housing. For both 9% and 4% LIHTC projects it is equally important that CHFA and the state confront the market forces inherent in the LIHTC regulations and marketplace that directly or indirectly create incentives for developers to propose projects with a high percentage of units restricted at low-income levels in areas with high rates of poverty and segregation. These market forces may prove resistant to rapid change but must be clearly understood as part of an overall strategy to deploy the various financial resources of CHFA in a manner that affirmatively furthers fair housing.

**Housing Tax Credit Contribution (“HTCC”) Program**

The HTCC program provides funding of up to \$500,000 to non-profit organizations for the development of affordable rental housing that benefits very low, low and moderate income households in Connecticut. Funding can also be used to capitalize a revolving loan fund that lends money to affordable housing developers or eligible individuals who are purchasing a home or a workforce housing loan fund that lends money to individuals purchasing a home in the municipality where they work.

542 LIHTC data used in this analysis was obtained from CHFA. Data for 331 properties, and 21,790 total units, were provided. However, this analysis is based on 314 properties (20,018 units) that were accurately geocoded. Among the 314 properties analyzed, 6 had a count for units.

543 LIHTC data used in this analysis was obtained from CHFA and based on 17,910 low-income qualified units.

Under the HTCC program, selected applicants receive an award of state tax credits which can then be sold to for-profit entities in return for cash contributions for the non-profit organization's program or project. Each year CHFA allocates up to \$10 million in state tax credits on a competitive basis. The awardees for the period 2012–2014 are set forth below.

**Figure 47: Housing Tax Credit Contribution Program 2012-2014 (by municipality)**<sup>543</sup>

Municipality	Project Name	Number of Units	Housing Type
<b>2012</b>			
New Haven	Workforce Revolving Loan Program	–	Workforce–Family
New London	New London County Downpayment Loan Program	–	Workforce–Family
Statewide	Housing US Workforce Housing Revolving Loan Fund Accessory Apt. Program	–	Workforce–Family
Statewide	Live Where You Work Program	–	Workforce–Family
Bridgeport	Southend Community Building Initiative Phase II	9	Supportive–Family
Stamford	Greenfield	45	Supportive–Family
Hartford	Horace Bushnell Apts.	74	Supportive–Family
Norwalk	40 South Main Street	44	Supportive–Family
New Haven	Park Renewal 2012	14	Other–Family
New Haven	Affordable Housing Development	13	Other–Family
Brooklyn	Quebec Square	57	Other–Family
Statewide	CHIF Community Loan Pool	–	Other–Family
Waterbury	885 North Main Street	10	Other–Family
Fairfield	Parish Court Apts.	100	Other–Elderly
Hartford	The Zunner Building	4	Other–Family
Willimantic	Access to Assets Windham	5	Other–Family
Winsted	Carriage Maker Place	32	Other–Elderly
Fairfield	Sullivan McKinney Elder Housing	40	Other–Elderly
Stamford	Bayview Towers	200	Other–Family
New Milford	Indian Field Apts.	40	Other–Family
Stamford	Beacon II	5	Other–Family
Bridgeport	Project Independence	7	Other–Family
Glastonbury	Village Green	50	Other–Elderly
Bridgeport	Bridgeport Neighborhood Build	3	Other–Family
New London	9 South Ledyard & 36 Georgiana St.	3	Other–Family
Meriden/Hartford	Affordable Homeownership	13	Other–Family

(continued on next page)

544 Data for HTCC was provided by CHFA.

(Figure 47 continued)

Municipality	Project Name	Number of Units	Housing Type
<b>2013</b>			
Statewide	Live Where You Work Program	–	Workforce–Family
New Haven	Workforce II Revolving Loan Fund	–	Workforce–Family
Bridgeport	Southend Community Building Initiative Phase II	11	Supportive–Family
Bridgeport	570 State Street	30	Supportive–Family
Bridgeport	Maplewood School	32	Supportive–Family
New Haven	Fair Haven Mutual Housing	44	Supportive–Family
Waterbury	Warner Gardens	56	Supportive–Family
Bridgeport	Boston Avenue Supportive Housing	24	Supportive–Family
New London	Belden Street 2013	6	Other–Family
New Haven	Park Renewal 2013	11	Other–Family
New Haven	Affordable Housing Development Project	13	Other–Family
Winsted	Carriage Maker Place	32	Other–Elderly
Bridgeport	Project Independence	7	Other–Family
Willimantic	Access to Assets Windham	5	Other–Family
New London	73 Broad Street	7	Other–Family
New Haven	2013 New Haven Rehabilitation Initiative	16	Other–Family
Lakeville	Lakeville Apts.	6	Other–Family
Fairfield	Sullivan McKinney Elder Housing	40	Other–Elderly
Bloomfield	Hartford Habitat–Bloomfield Project	6	Other–Family
West Hartford	The Goodwin	47	Other–Family
Bridgeport	Bridgeport Neighborhood Build 2	11	Other–Family
Bridgeport	Seymour Hollander Apts.	86	Other–Elderly
Statewide	CHIF Community Loan Pool	–	Other–Family
Norwich	Washington Street Apts.	12	Other–Family

(continued on next page)



(Figure 47 continued)

Municipality	Project Name	Number of Units	Housing Type
<b>2014</b>			
Various	Live Where You Work Program	–	Workforce–Family
Various	CHIF Low-Income Multifamily Energy Loan	–	Workforce–Family
Bridgeport	Southend Community Building Initiative Phase III	5	Supportive–Family
Waterbury	Warner Gardens	56	Supportive–Family
Meriden	Hanover Place	9	Supportive–Family
Bridgeport	Harrison Apts.	102	Supportive–Family
Bridgeport	Boston Avenue Supportive Housing	24	Supportive–Family
Stamford	Beacon IIA	4	Other–Family
New Haven	Affordable Housing Development Project	13	Other–Family
New Haven	Park Renewal 2014	12	Other–Family
New Haven	Workforce III Revolving Loan Fund	–	Other–Family
Hamden	499 Newhall Street	2	Other–Family
Various	New London County Downpayment Loan Program	–	Other–Family
Canaan	Beckley House Expansion	10	Other–Elderly
Bristol	Hartford Area Habitat for Humanity–Bristol Project	3	Other–Family
Bridgeport	Bridgeport Neighborhood Build 3	6	Other–Family
Willimantic	699 Main Street	20	Other–Family
Various	6 Habitat for Humanity Homes in Eastern CT	6	Other–Family
Brooklyn	29 Tiffany Street	12	Other–Family
Hartford	Summit Park	42	Other–Family
West Hartford	The Goodwin	47	Other–Family
Stamford	Lawnhill Terrace	60	Other–Family
Meriden	24 Colony Street	63	Other–Family
Essex	Essex Place	22	Other–Elderly
Middletown	2014 EIH Acquisition-Rehabilitation Initiative	10	Other–Family
Groton	Pequot Village II	40	Other–Elderly

### **Downpayment Assistance Program (“DAP”)**

The DAP offers supplementary loans at below-market interest rates to eligible borrowers of home loans who are unable to raise sufficient funds to pay the upfront expenses associated with purchasing a home. Only borrowers who qualify for a CHFA first mortgage can apply for a DAP loan. Generally, borrowers must demonstrate that they have sufficient income to repay both loans but lack sufficient savings to afford a down payment and/or the closing costs on the home. In addition, the applicant must be able to afford the \$200 application fee for the program and must also attend a free 3-hour homebuyer education class before closing on the loan. While this program does not appear to be fostering segregation, a relatively low percentage of loans result in non-White borrowers moving to disproportionately White areas and vice versa. Further review may help find ways in which this program can play a larger role in affirmatively furthering fair housing.

**Figure 48: CHFA Single-Family Down Payment Assistance Program by Type and Location (by town)**

	Total Transactions	Total Investment	% Investments in Disproportionately Minority Towns	% Investments in High Poverty Towns	% Investments in R/ECAP Towns
All	5,276	\$54,006,448	54%	50%	44%
White	3,235	\$32,806,583	38%	39%	32%
Non-White	2,041	\$21,199,865	79%	67%	64%

### Department of Social Services (“DSS”)

In connection with the creation of DOH in July 2013 nearly all of the housing related programs administered by DSS were transferred to DOH. Nevertheless, many of the services provided or funded by DSS are essential for low-income households and high poverty communities in the state. In addition, there are some programs that raise fair housing issues because they have a residential dimension.

### Domestic Violence (“DV”)

DSS administers funding that supports beds in shelters for the survivors of domestic violence (DV). Overall, at least 300 DV beds currently exist in the state at 16 shelters. 234 of these beds are funded through DSS.<sup>545</sup> These beds are disproportionately located in areas that are disproportionately non-White and have a relatively high poverty rate. This is significant, among other reasons, because survivors’ children frequently take refuge in the shelter with their parent and generally go to the local school.<sup>546</sup> If DV shelters are disproportionately located in areas with struggling schools, then shelter placement is having a potentially unanticipated impact on the children of DV survivors. DV shelters are another example of a service that is disproportionately located in highly segregated high poverty neighborhoods. DV advocates report community opposition to proposed shelters, particularly those in more affluent disproportionately White neighborhoods.<sup>547</sup> As in any program, continued efforts need to be made to locate DV shelters equitably in communities statewide.

**Figure 49: Domestic Violence Shelter Beds by Location**

	Total DSS Funded Beds	% Beds in Disproportionately Minority Towns	% Beds in High Poverty Towns	% Beds in R/ECAP Towns
Domestic Violence Beds	234	79%	82%	77%

In addition, 68% of DV shelters are not accessible to people using wheelchairs, although there is at least one shelter that is accessible in each part of the state.<sup>548</sup>

### Department of Mental Health and Addiction Services (“DMHAS”)

DMHAS administers several programs that have a housing dimension in connection with services provided or funded by the agency. Due to privacy protections provided by the Health Insurance Accountability and Portability Act (“HIPAA”) and other data limitations, DMHAS data was not available on a program-by-program basis, but rather on an agency-wide basis. The programs covered by the analysis below include the following (some of which were included in the analysis discussed earlier in this chapter):

- Shelter Plus Care—federally funded housing for people who are homeless with disabilities;
- Supportive Housing Program—federally funded housing for people who are homeless and in need of supportive housing;

<sup>545</sup> Data for Domestic Violence shelters was provided by the Connecticut Coalition Against Domestic Violence and DSS.

<sup>546</sup> Response to survey administered to DV shelter directors by the Connecticut Coalition Against Domestic Violence, 4/15/2013,

<sup>547</sup> Id.

<sup>548</sup> Id.

- Pilots Demonstration Project—a partnership among multiple state agencies, non-profits and philanthropic institutions to create permanent supportive housing;
- The PILOTS Program—a state funded program providing scattered site affordable housing paired with non-profit-supported services;
- The Supportive Housing PILOTS Initiative (Development) Program—a state funded multi-agency collaborative providing capital funding, support services, and rental subsidies to private non-profits in the acquisition, new construction, or rehabilitation of housing units located statewide;
- The Next Step Supportive Housing Initiative (Scattered Site) Program—a DMHAS/DSS/DOH collaboration funding supportive scattered site housing to homeless individuals with mental health and/or substance abuse disorders, as well as individuals with HIV/AIDS;
- The CT Frequent Users Service Enhancement (FUSE) Program—a 100 unit program that targets individuals who cycle through the homeless service and corrections systems in the state’s largest urban centers (Bridgeport, Hartford, New Haven, New London/Norwich, and Waterbury);
- Enhancing Housing Opportunities—a DMHAS partnership with non-profits to provide 50 units of scattered site housing with intensive services that decrease gradually as clients transition into the community;
- Forensic Supportive Housing—a program providing permanent supportive housing to 60 clients for DMHAS clients with mental illness who are involved with the criminal justice system.
- PATH—a federally funded program to provide outreach and engagement services to individuals who are homeless or at risk of homelessness and who have a serious mental health disorder or are dually diagnosed.

The allocation of DMHAS program related housing is set forth below. It is worth noting that over 90% of DMHAS funded housing is allocated for adults without children.<sup>549</sup>

**Figure 50: DMHAS Program Related Housing by Location<sup>549</sup>**

	Number of Units	% Units in Disproportionately Minority Towns	% Units in High Poverty Towns	% Units in Towns with R/ECAP
Current Units	1,520	83%	81%	85%
Planned Units	45	100%	100%	100%
Total Units	1,565	83%	82%	85%

As DMHAS accurately notes, and as was previously mentioned in connection with the location of supportive housing generally, housing is often located in proximity to services needed by clients and these tend to be in more poverty and minority concentrated areas. Any initiative to promote the more equitable distribution of such housing in communities statewide must address the underlying issue of the availability of the appropriate service providers.

### Department of Correction (“DOC”)

The DOC programs intersect with fair housing in at least two ways. First, the location of halfway or transitional housing is important to consider both in terms of settings best suited for promoting success after release and as a measure of whether DOC facilities are equitably distributed in communities statewide. A second issue, not a focus of this report although of critical importance, is the extent to which housing choices are limited to people with criminal records. This becomes an issue

<sup>549</sup> Based on data provided by DMHAS.

<sup>550</sup> Data provided by the Department of Mental Health and Addiction Services. Analysis excludes 19 units identified only as “Hartford Suburb” and 10 units in “Southern Middlesex Cty” because the town information was not sufficiently specific. In addition, a total of 30 units for Ansonia/Derby were split into 15 for each town.

of particular concern when considering the disproportionate rate at which non-White individuals are incarcerated relative to White individuals.<sup>551</sup>

A review of the location of DOC housing relative to the town of origin of the DOC incarcerated population reveals that several towns with high minority populations are hosting DOC housing at a disproportionate rate. For example, while 12.9% of the incarcerated population comes from Hartford, it hosts 22% of the DOC housing. The top three cities with the highest percentage of non-Whites are all home to a disproportionate percentage of DOC housing. While considerations like the location of potential employment and access to transportation likely enter into placement decisions, from a fair housing perspective, it is important to consider diversifying the locations of halfway and transitional housing among all communities in which the factors that reduce recidivism are present.

**Figure 51: Town of Origin of Connecticut Incarcerated Population<sup>551</sup>**

Town	Number of Residents	% of All Towns	% of DOC Halfway or Transitional Housing	Minority % Ranking (1 = Highest Minority %)
Hartford	2,157	12.9%	22%	1
Bridgeport	1,803	10.8%	19%	2
New Haven	1,759	10.6%	15%	3
Waterbury	1,386	8.3%	19%	7
New Britain	900	5.4%	1%	8
Stamford	410	2.5%	0%	10
East Hartford	376	2.3%	0%	5
Meriden	372	2.2%	2%	15
Danbury	353	2.1%	0%	14
Manchester	319	1.9%	0%	18
Bristol	300	1.8%	1%	36
Norwich	294	1.8%	0%	17
Norwalk	290	1.7%	4%	12
West Haven	279	1.7%	0%	13
New London	272	1.6%	0%	6
Windham	225	1.4%	2%	11
Middletown	219	1.3%	3%	21
Torrington	219	1.3%	2%	41
Hamden	168	1%	0%	16
Stratford	164	1%	0%	19
Bloomfield	NA	< 1%	5%	4
Brooklyn	NA	<1%	3%	131
Groton	NA	<1%	1%	22
Montville	NA	<1%	1%	25
All other Towns	3,733 (est.)	22.4% <sup>552</sup>		
<b>Total</b>	<b>16,664</b>	<b>100%</b>		

<sup>551</sup> Connecticut has the highest Hispanic to non-Hispanic White incarceration rate in the country. There are 6.6 Hispanic individuals incarcerated for every one White individual. At 12 Black individuals incarcerated for every one White individual, Connecticut also has the fourth highest Black to White incarceration rate in the country. See Marc Mauer and Ryan S. King, *Uneven Justice: State Rates of Incarceration by Race and Ethnicity*, Sentencing Project, 2007 at 12. Available at [http://www.sentencingproject.org/doc/publications/rd\\_stateratesofincbyraceandethnicity.pdf](http://www.sentencingproject.org/doc/publications/rd_stateratesofincbyraceandethnicity.pdf).

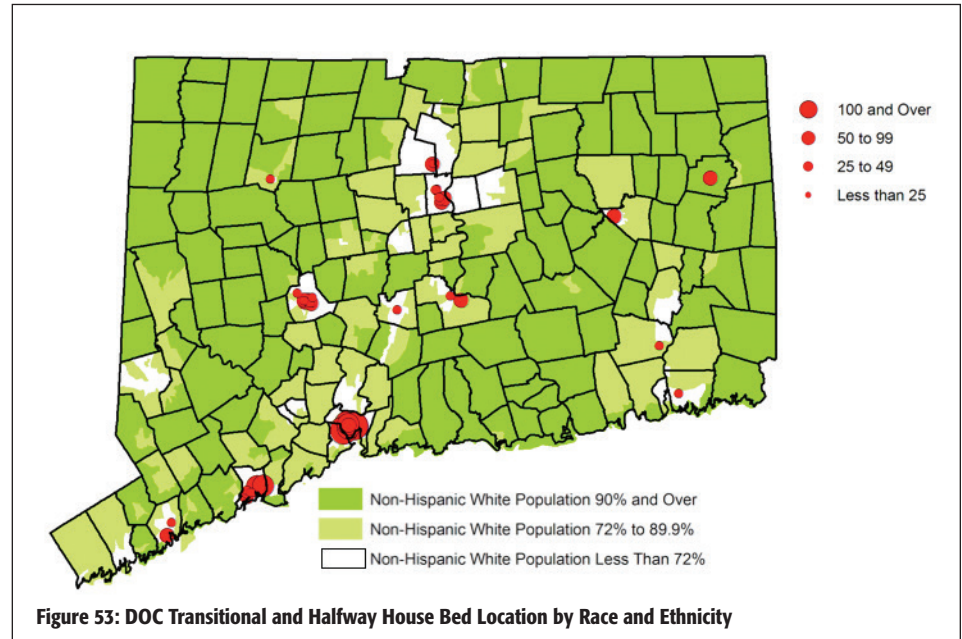
<sup>552</sup> Source: Department of Correction via e-mail communication on June 17, 2013. Data covers DOC population as of May 1, 2013.

<sup>553</sup> Four towns with 1% or more of the DOC housing, Bloomfield, Brooklyn, Groton, and Montville, were counted as having 1% of the DOC population to generate a conservative estimate.

An analysis of halfway and transitional housing for the DOC population reveals significant differences in where such housing is located.

**Figure 52: DOC Housing Per Bed by Location (by Tract)<sup>553</sup>**

Total Units: 4,460	% Beds in Disproportionately Minority Areas	% Beds in High Poverty Areas	% Beds in R/ECAP Areas
4,316	97%	99.7%	72%



In connection with the location of its transitional and halfway housing, DOC points out that non-profit service providers are more easily able to secure alternative housing beds, which are situated in established apartment buildings, as opposed to halfway houses, which are subject to zoning restrictions. DOC has previously contracted with non-profits to provide transitional housing in less urban areas but ultimately reduced the number of these beds when it concluded it had an oversupply.<sup>555</sup>

Criminal records greatly reduce access to housing. Many government housing subsidy programs, like Public Housing and the HCV Program, give housing authorities the discretion to exclude people with felony records, even if their criminal offenses occurred in the distant past or were minor offenses.<sup>556</sup> Housing authorities can also evict tenants if any household member or guest engages in drug-related or criminal activities on or off the premises.<sup>557</sup> This policy was upheld by the U.S. Supreme Court in 2002.<sup>558</sup>

### Department of Consumer Protection (“DCP”)

The Department of Consumer Protection’s purview extends to two key fair housing areas. First, it has special jurisdiction over mobile home parks pursuant to C.G.S. §21-67 et seq., including the power to issue declaratory rulings on questions of unfair trade practices involving mobile home parks.<sup>559</sup> In most cases, the mobile home park owns the land and the homeowner owns the structure. DCP juris-

554 Data provided by DOC had 4,460 beds, 4,316 of which could be geocoded.

555 Communication with the DOC, August 2, 2013.

556 Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, (New Press, 2012) at 144. As mentioned in the discussion of housing authorities above, housing authorities have varying standards of the type of criminal history that prevents program participation.

557 See generally, *Department of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002).

558 *Id.*

559 CGS §21-83e.

diction is critical because the difficulty in moving manufactured home structures creates an unequal bargaining relationship between park owner and homeowner. Mobile and manufactured homes are important to a fair housing analysis because they can be viable affordable housing options for members of groups that disproportionately need such housing. There are currently 10,704 mobile or manufactured homes in Connecticut.<sup>560</sup>

DCP is also responsible for oversight of real estate agents and requires continuing education for real estate brokers and salespersons as a condition for renewing their licenses. Such trainings include information on fair housing issues. However, given the high levels of steering and discriminatory behavior in the home sales market as demonstrated by fair housing testing, it is critical that training curricula for real estate brokers and salespersons continue to emphasize the importance of fair housing and contribute to the end of all discriminatory behavior in the home sales market.

### Department of Children and Families (“DCF”)

DCF operates a variety of programs that provide housing for children and youth. These can include, among others, institutional settings and foster placements. Other children in the DCF system reside with their family.

The chart below analyzes children in DCF care residing with foster families. Compared to many other state programs the foster care system overall has fewer children placed with families in areas that are disproportionately non-White and high poverty. However, the significant gap between placement for White children and non-White children warrants further scrutiny.

**Figure 54: DCF Children in Foster Home Placement (October 2012)**

	Number of DCF Children in Placement	Percent in Disproportionately Minority Areas (Minority Pop. >= 30%)	Percent in High Poverty Areas (Pop. in Poverty > 9.2%)	Percent in R/ECAP Tracts
All	2,913	52%	48%	14%
Non-Hispanic White	958	25%	30%	3%
Non-White	1,955	66%	57%	19%

### Conclusion

This analysis of federal, state, and local subsidized housing programs underscores the point that these programs, as a whole, have not done enough to counteract long-standing trends that have resulted in recognizably high levels of segregation and concentrations of poverty in many communities in Connecticut, and may have, in some cases, reinforced such segregation and concentration of poverty. While recent programmatic changes by the state are affirmatively furthering fair housing, much more can be accomplished.

One of the first steps is to integrate fair housing goals and considerations into programs wherever appropriate. Enhanced data collection and analysis covering the subsidized housing programs of as many state agencies and quasi-governmental bodies as is feasible is critical to this end. Relevant data would include information about (a) all subsidized new construction and preservation, including the type of housing, apartment size, demographic served, applicable affordability restrictions, and all public funding sources; (b) the communities in which subsidized housing is and is not located so that these communities can be characterized by the extent of the amenities and other opportunities that are, or are not, available in them; and (c) the racial and ethnic profile of the tenants in all subsidized housing.

Because funding sources administered by multiple state and other governmental and quasi-governmental entities are often combined to fund the construction, maintenance or rehabilitation of a single development, a common or shared system for collecting and analyzing this data would help to conserve limited resources.

<sup>560</sup> Correspondence with DCP of June 25, 2013.



**Figure 55: DOH Funded Affordable Housing Projects  
(Flex, HTF, HOME, and Other Sources)<sup>560</sup>**

Municipality	Project Name	Total Project Units
<b>Completed 2011–2014</b>		
Cheshire	Foote Commons	20
Cornwall	Bonney Brook	10
Darien	The Heights at Darien (f.k.a. Allen O'Neill Homes)	106
Norwalk	River Commons	34
Glastonbury	Village Green	50
Norwalk	40 South Main Street	44
Bridgeport	Bridgeport Phase II Comp. (Arcade)	59
Bridgeport	Clinton Commons	33
Bristol	Huntington Woods Apartments	280
New Milford	Indian Field Apartments	40
New London	New London County Downpayment Loan Program	–
New Haven	Newhallville redevelopment	26
New Haven	Sheldon Terrace	10
Bridgeport	Southend Community Bldg Initiative Phase II	9
Kent	Stuart Farm	5
New London	Two Habitat for Humanity Homes in New London County	5
New Haven	West Village Apartments	127
West Hartford	Alfred E. Plant Elderly Apartments	137
Stamford	Marshall Commons (aka Ludlow Place)	50
Newington	New Meadow	32
Hartford	St. Elizabeth House	55
Stamford	Stamford Metro Green II	50
Somers	Woodcrest Elderly Housing Expansion - Phase II	60
Hartford	Earle St Net Zero	6
Middletown	Ferry Green Homeownership	13
Sharon	Sharon Ridge	20
Sharon	Sharon Ridge Expansion	12
Sprague	Shetucket Village	20
Bridgeport	The Eleanor Apartments	62
West Hartford	The Goodwin	47
Newington	Victory Gardens	74
New Haven	Winchester Lofts	158
Waterbury	Hearth Homes	42
Bridgeport	Mechanics & Farmers	30
Guilford	Boston Terrace Net Zero	9
New Britain	Corbin Heights	235
Bristol	Dutton Heights	84
Bridgeport	Elias Howe School Apartments	37
Manchester	Krause Gardens	44

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<sup>561</sup> Includes some projects funded with Supportive Housing, Congregate Housing, HOME and other funds. A dash indicates that the data was not available for this AI.

(Figure 55 continued)

Municipality	Project Name	Total Project Units
<b>In Contracting Phase or Under Construction</b>		
Meriden	143 West Main Street Predev	–
Meriden	24 Colony Street Predev	–
Waterbury	885 North Main Street	10
New Haven	Affordable Housing Development Project (2011)	14
New Haven	Affordable Housing Development Project (2012)	13
New Haven	Affordable Rental Development	6
Stafford	Avery Park Predev	–
Stamford	Beacon II	5
Canaan	Beckley House Expansion	10
Stafford	Borough Apartments	–
Winsted	Carriage Maker Place	32
Ledyard	Church Hill Woods	–
statewide	CIL Grants and Loans for Accessibility	30
North Haven	Clintonville Commons Predev	–
Oxford	Crestview Ridge Senior 2 Predev	–
East Hartford	East Hartford revitalization initiative	–
Essex	Essex Affordable Exp. Predev	–
New Haven	Hill Development 2012	65
Hartford	Horace Bushnell Apartments	74
New Haven	Kensington Square I Apartments	120
Lakeville	Lakeview Apartments (2012)	6
Hartford	On the Plaza	199
Tolland	Parker School Elderly Housing Predev	–
New Britain	Pinnacle Heights Extension	66
New Haven	Rockview Phase I Rental	77
Hartford	Residences at Riverview Predev	–
New Haven	RGAP Refunding	–
Salisbury	Sarum Village Predev	–
Hartford	Sheldon Wyllys	107
Southington	Winter Grove Apartments	34
Meriden	24 Colony Street	63
Greenwich	258 Davis	7
Seymour	38 Columbus	26
Hartford	390 Capitol Ave	112
Hartford	777 Main Street	286
Windham Co.	Access Agency Rehab Program	30
Danielson	Accessing HOME	9
East Hartford	Acquisition/Rehab Program	30
Stamford	The Atlantic	28

(continued on next page)

(Figure 55 continued)

Municipality	Project Name	Total Project Units
<b>In Contracting Phase or Under Construction</b>		
Bridgeport	Bridgeport Historic Ventures	70
Waterbury	Brookside Co-ops	102
Willington	Button Hill Senior Housing	24
Waterbury	Carroll Apartments	35
Oxford	Crestview	34
statewide	CSH Supportive Housing Loan Fund	65
New Britain	Davis Building	22
Norwalk	Elmcrest Terrace Supportive Housing	18
Enfield	Enfield Manor Predev	—
Bridgeport	Fairfield Apartments	34
East Lyme	Faylor Apts	36
Hartford	Frog Hollow Rehab Program	100
Waterbury	Gaffney Place Revitalization Program	10
Stamford	Greenfield	45
Farmington	Heritage Glen	68
Wethersfield	Highview Terrace	28
Riverside	Hill House II	—
Hartford	Historic Townley Street	28
Hartford	Horace Bushnell Congregate Apartments	60
Hartford	Hudson View Commons	28
Bridgeport	Jayson/Newfield	87
New Britain	Jefferson Heights	70
Killingly	Killingly Congregate Housing	49
Cornwall	Kugeman Village	18
statewide	LAMPP Healthy Home Program	50
Stamford	Lawnhill Terrace	60
New Haven	LCI Areas of Opportunity Program	80
Fairfield Co.	LEAP Program	40
Litchfield Co.	Litchfield County Accessory Apts. Program	6
Vernon	Loom City Lofts	68
Hartford	M.D. Fox Manor	90
Bridgeport	Maplewood Court	32
Enfield	Mark Twain Congregate	82
Bridgeport	McLevy Square	32
Stratford	Meadowview Manor	100
Killingly	Mills At Killingly Predev	—
Hamden	Mount Carmel Elderly	40
Groton	Mystic River Congregate	51
New London	New London Parcel J Predev	—

(continued on next page)

(Figure 55 continued)

Municipality	Project Name	Total Project Units
<b>In Contracting Phase or Under Construction</b>		
Torrington	Northside Terraces	–
Naugatuck	Oak Terrace Predev	–
Middletown	Old Middletown High School Apartments	65
Hartford	Park Terrace Mutual Housing	42
Vernon	Park West Apartments	189
Brookfield	Residences at Laurel Hill	72
Hartford	Residences at Riverview	48
Hartford	Rose Garden Coop Predev	–
Westport	Sasco Creek Apartments	54
New Britain	Security Manor Predev	–
Orange	Silverbrook	45
Simsbury	Simsbury Specialty Housing	48
Torrington	Slaiby Village	–
Pawcatuck	Spruce Meadows	43
Bridgeport	St. Paul's Commons	56
Middlefield	Sugarloaf Terrace Predev	–
Norwich	Sunset Park	–
Middletown	Sunset Ridge/Rockwood Acres/Santangelo Circle	198
Hartford	Sustainable Housing Solutions Program	100
Vernon	Talcott Brothers Mill	83
Stonington	Threadmill Apartments	58
Torrington	Torrington West Apartments	78
Statewide	Affordable Housing Training Academy	415
Hartford	Twin Acres	50
Norwalk	Wall Street Place - Phase I	36
Waterbury	Warner Gardens	56
Norwalk	Washington Village Phase I	80
East Hartford and Waterbury	Waterbury/East Hartford Rehab Program	103
Waterbury	Watertown Crossing Village	108
Hartford	Westbrook & Bowles Predev	770
Willington	Willington Senior Cottages Predev	–
Wilton	Wilton Commons Congregate Housing	23
Enfield	Woodside part et al Predev	–
Bristol	Zbikowski Park	–

# CHAPTER FOURTEEN

## Overcoming Limited English Proficiency

### CHAPTER SNAPSHOT

- A person's language is so closely intertwined with his or her national origin, that language-based discrimination is effectively a proxy for national origin discrimination. The requirement to provide meaningful access to LEP people is the result of both HUD guidance on this issue and the duty all recipients of federal financial assistance have to affirmatively further fair housing.
- To determine how to provide meaningful access to programs and services to LEP individuals, HUD has issued guidance that sets out a four-factor analysis.
- The Judicial Branch is essential to facilitating fair housing and fair lending practices because it administers the Foreclosure Mediation Program and the Housing Session.
- Housing authorities have the most frequent contact with low-income people and control access to a sizable portion of Connecticut's affordable housing units. As a result, the nature of their programs, activities, and services are extremely important to an LEP person's ability to obtain affordable housing.
- A review of housing authority websites reveals that 11% of the housing authorities have forms available in Spanish while 30% have some or all of their webpages translated into Spanish.

The State has an additional legal responsibility that intersects with housing. As stated previously, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. In *Lau v. Nichols*, U.S. 563 (1974) the Supreme Court interpreted Title VI's prohibition on discrimination on the basis of national origin, as prohibiting conduct that has a disproportionate effect on limited English proficiency ("LEP") individuals. The Court determined that a person's language is so closely intertwined with his or her national origin, that language-based discrimination is effectively a proxy for national origin discrimination. The requirement to provide meaningful access to LEP people is the result of both HUD guidance on this issue and the duty of all recipients of federal financial assistance to affirmatively further fair housing.

Because people with LEP issues may have particular difficulty accessing housing programs, HUD issued Executive Order 13166 (E.O. 13166) in 2000. E.O. 13166 sets out the LEP obligations of federal agencies and recipients of federal financial assistance under Title VI. Pursuant to E.O. 13166, these entities must take reasonable steps to provide meaningful access to programs and services to LEP individuals.

To assist entities receiving federal financial assistance in determining how to provide meaningful access to programs and services to LEP individuals, HUD issued its "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," 72 Fed. Reg. 2732 (January 22, 2007). Through this notice, HUD requires recipients of federal funds to:

- 1) Conduct a four-factor analysis of LEP needs;
- 2) Develop a language access plan; and
- 3) Provide language assistance.

The four-factor analysis must be completed by each entity required to comply with HUD's LEP guidance and requires balancing the following factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- (2) The frequency with which LEP persons come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the program to people's lives; and
- (4) The resources available to the grantee/recipient and costs.

While the guidance does not provide specific benchmarks or legal measures for compliance, it does require that recipients of federal funding provide meaningful access to LEP persons to critical services while not imposing undue burdens on small businesses, small local governments, or small nonprofits. As a result of the four-factor analysis, some entities may have to provide both written and oral translation services while others may only have to translate vital documents.

According to the Connecticut State Department of Education, the top five non-English spoken languages among Connecticut school children are Spanish, Portuguese, Polish, Mandarin, and Creole-Haitian.<sup>562</sup> Because close to half of non-English speakers in Connecticut speak Spanish there is a clear need for all federally funded entities in Connecticut to develop a language access plan for Spanish-speakers. In addition, federally funded entities should use the four-factor HUD guideline to determine if services should also be provided in additional languages used by non-English speakers in Connecticut.

The governmental entities and local organizations discussed below have the greatest influence on housing and lending policy and practice. To affirmatively further fair housing as well as to comply with E.O. 13166, each of these entities should take steps to provide meaningful access to its programs to LEP persons by providing a combination of interpreter and translation services. The tables below briefly review each entity's method of contact with the public to determine if each is providing meaningful access to LEP individuals.

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## The Judicial Branch

The Judicial Branch is essential to facilitating fair housing and fair lending practices because it administers the Foreclosure Mediation Program and the Housing Session. The mediation program was established to assist homeowners and lenders achieve mutually agreeable resolutions to mortgage foreclosure actions through mediation. The Housing Session hears all summary process cases between a landlord and a tenant.

The Judicial Branch's Interpreter and Translator Services ("ITS") unit provides qualified interpreting and translation services to LEP persons in all court and court-related matters at no cost. The Branch also provides forms in Spanish and LEP individuals can request forms be translated into other languages via the ITS unit. The Judicial Branch's website includes LEP information in Spanish, Polish, and Portuguese (the top three requested languages per the 2011 Judicial Branch Statistical Report). Lastly, the Judicial Branch has implemented a training program for employees to increase awareness of non-discrimination laws and produced language identification materials and desk aids to help steer both employees and the public to the services provided by ITS.

**The top five non-English spoken languages in Connecticut in order of the number of native speakers are:**

**Spanish**

**Italian**

**French-Creole**

**Polish**

**Portuguese**

**Mandarin/Chinese**

<sup>562</sup> See, Connecticut State Department of Education Data Bulletin, English Language Learners, School Year 2011-2012, June 2012 (Table 1: Top 10 Dominant Languages (Grades K-12); Connecticut Judicial Branch, Interpreter and Translator Services, Yearly Statistical Report, 2011 (Total number of files requiring interpreter or translator services by language) According to Census 2000, the top five non-English spoken languages in Connecticut are Spanish, Italian, French-Creole, Polish, Portuguese, and Mandarin/Chinese. This is the most recent information available from the US Census.



## State Agencies Involved in Housing<sup>562</sup>

The availability of translation services is also important for agencies that provide housing services. The chart below reviews translation availability at agencies providing most of the housing-related services in Connecticut.

**Figure 1: State Agency Websites Available In Languages Other Than English**

Agency	Is Website Available in Language Other Than English?	Are Forms Available in Language Other Than English?	Is Telephone Assistance Available in Language Other Than English?
CHFA	YES, website can be translated into Spanish, Polish, Russian, and Chinese	YES, Emergency Mortgage Assistance Brochure available in Spanish, but no other forms are translated	YES, telephone assistance available in Spanish
DOH	YES, through Google Translate	YES, use fair housing and civil rights materials from HUD	YES, telephone assistance available in Spanish
DMHAS	NO	YES, grievance form available in Spanish, but no other forms have been translated	NO, but interpreter services are available at state mental health centers
DSS	NO	YES, forms available in Spanish	YES, telephone assistance available in Spanish
OPM	NO	NO	NO

## Housing Authorities

There are 53 housing authorities in Connecticut responsible for administering and managing federal and local housing developments and rental assistance programs. Housing authorities have the most frequent contact with low-income people and control access to a sizable portion of Connecticut's affordable housing units. As a result, the nature of their programs, activities, and services are extremely important to an LEP person's ability to obtain affordable housing.

Table 2 below focuses on LEP compliance for housing authorities in cities that according to the State Department of Education's 2012 Data Bulletin on English Language Learners ("ELL")<sup>564</sup> have the largest non-English speaking student enrollment. A review of housing authority websites reveals that 11% of the housing authorities have forms available in Spanish while 30% have some or all of their webpages translated into Spanish. To determine the extent of access to housing authority services, a survey of legal services attorneys representing low-income people with issues with a housing authority was conducted in February 2013. A majority felt that the housing authorities had failed to provide adequate language services for their clients.<sup>565</sup> Examples of inadequate language services included a lack of translation of important documents like requests for recertification and notices to quit, lack of staff that speak a language other than English, termination hearings held in English when the tenant was an LEP person, and a failure to notify tenants about the availability of translation services. It is worth noting that in order to affirmatively further fair housing it is also critical that housing authorities in areas with lower percentages of ELLs also provide meaningful access to LEP persons.

<sup>563</sup> HUD's website is available in Spanish and its fair housing and equal opportunity materials are available in eight languages. HUD does not provide telephone assistance in languages other than English.

<sup>564</sup> English Language Learners are students who lack sufficient mastery of English to assure equal educational opportunity in the regular school program. C.G.S. §10-17e

<sup>565</sup> Survey of legal services attorneys, February 2013.

**Figure 2: Housing Authority Information Available In Languages Other Than English**

Housing Authority	ELL as a Percentage of City's Total Students	Percentage of Connecticut's ELLs	Is Website Available in Language Other Than English? <sup>565</sup>	Are Forms Available in Language Other Than English?	Is Telephone Assistance Available in Language Other Than English?
Hartford	18.0%	12.2%	YES, but Spanish link is not working	No	YES
New Haven	13.5%	8.6%	No	No	YES
Bridgeport	12.3%	8.1%	YES <sup>566</sup>	No	YES
Stamford	13.1%	6.9%	No	No	No
Waterbury	11.2%	6.6%	No	YES	YES
Danbury	18.1%	6.3%	No	No	YES
New Britain	17.0%	5.6%	No <sup>567</sup>	No	YES
Norwalk	11.5%	4.3%	No	No <sup>568</sup>	No
Meriden	12.3%	3.3%	YES	No forms on site	YES
Windham (none)	13.8%	2.7%	N/A	N/A	N/A
West Haven	10.7%	2.2%	No	No	No
New London (Section 8 administered by Thames Valley Council for Community Action)	20.7%	2.1%	No	No forms on site	Yes

## Conclusion

A person's language is so closely intertwined with his or her national origin, that language-based discrimination is effectively a proxy for national origin discrimination. The requirement to provide meaningful access to LEP people is the result of both HUD guidance on this issue and the duty all recipients of federal financial assistance have to affirmatively further fair housing. To ensure that people with LEP have equal access to housing opportunities, the Judicial Branch, housing authorities, HUD, and other federal housing providers must make language access a priority.

<sup>566</sup> Information current as of 10/7/2013.

<sup>567</sup> But note that, only Section 8 and Choice Neighborhoods Initiative information can be translated into Spanish. Public housing information is not available in any language other than English.

<sup>568</sup> Front page of website includes information in Spanish about the proposed smoke-free policy.

<sup>569</sup> There is a Spanish language notice at the bottom of some forms that the notice is important and should be translated.

# CHAPTER FIFTEEN

## Access to Sustainable Homeownership

### CHAPTER SNAPSHOT

- An examination of data on homeownership rates in Connecticut reveals that the non-Hispanic White homeownership rate is 1.8 times that of non-Hispanic Blacks and almost two times the Hispanic rate.
- Connecticut foreclosure data reveals that while non-Hispanic Whites hold 66% of all home loans, only 6% of these loans are 60 days or more past due.
- Blacks hold 7% of all home loans in Connecticut but 15% of these loans are 60 days or more past due. Similar rates of loan share and foreclosures are seen for Hispanics.
- The foreclosure crisis has hit neighborhoods of color particularly hard in Connecticut with more than 26% of loans 60 days or more past due in neighborhoods that are 50% or more people of color. Neighborhoods that are 25% or less people of color have 5% of loans 60 days or more past due.
- The Hartford metropolitan area ranked fifth out of twenty metro areas with the most significant racial disparities in lending; Bridgeport-Stamford-Norwalk ranked sixth.
- LMI Hispanics were more than twice as likely to receive a high cost loan as LMI non-Hispanic Whites in the Norwich-New London metropolitan area; and MUI Hispanics were 2.76 times more likely to receive a high-cost loan than MUI non-Hispanic Whites in the Bridgeport-Stamford-Norwalk metropolitan area.

### Introduction

The federal FHA was passed not only to eliminate discriminatory housing practices but also to overcome the effects of past discrimination. This chapter examines access to housing in terms of the ability of borrowers in the protected classes to secure a well-underwritten, fiscally sound mortgage on terms equal to those offered to all other borrowers. This analysis will include an examination of data on homeownership rates and foreclosures as well as data on high cost loans and origination vs. denial rates. The homeownership and lending data reviewed in this section show that much work remains to be done to ensure equal access to affordable loans.

Historically, working and middle class people have used homeownership to build wealth. Unfortunately, the homeownership-race gap is a major factor in racial wealth disparity.<sup>570</sup> A recent Brandeis University study found that the number of years a family owns a home is the largest predictor of the wealth-race gap.<sup>571</sup> The study found that on average, non-Hispanic White families buy homes and start amassing equity in their homes eight years earlier than non-Hispanic Black families.<sup>572</sup>

Demographic trends indicate that people of color are the customers of the future. By 2030, the State is expected to be approximately 39% people of color.<sup>573</sup> Ensuring that all groups have fair and equal access to housing and credit will improve financial stability and mobility for Connecticut families and economic growth for the state.

### Data Sources and Definitions

#### Home Mortgage Disclosure Act

The 1975 Home Mortgage Disclosure Act (“HMDA”) requires financial institutions<sup>574</sup> to report public loan data. HMDA serves three purposes:<sup>575</sup>

570 Thomas Shapiro, Tatjana Meschede, and Sam Osoro, “The Roots of the Widening Racial Wealth Gap: Explaining the Non-Hispanic Black-White Economic Divide,” Research and Policy Brief, February 2013, *Institute on Assets and Social Policy*, 2, <http://iasp.brandeis.edu/pdfs/Author/shapiro-thomas-m/racialwealthgapbrief.pdf>.

571 *Id.* at 3.

572 *Id.* at 3.

573 American Community Survey 2010 1-year data table B25118, Tenure by Household Income in the Past 12 Months.

574 Banks, credit unions, or savings associations with assets of more than \$42 million that have a home or branch office in a metropolitan statistical area, that originated at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one-to-four-family dwelling that is also federally insured or regulated are required to report HMDA data.

575 *Background & Purpose*, Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act, updated 3-27-2013, accessed April 19, 2013, <http://www.ffiec.gov/hmda/history.htm>.

- To determine whether financial institutions are serving the housing needs of their communities;
- To assist public officials in distributing public-sector investments so as to attract private investment to areas where it is needed; and
- To identify possible discriminatory lending patterns.

HMDA data contains information on loan amount, loan disposition (such as originated or denied), loan type (such as conventional, Federal Housing Administration, or Veterans Administration), loan purpose (home purchase, home improvement, or refinancing), property type (1- to 4-family, multi-family, or manufactured housing), property location (MSA, state, county, and census tract), applicant characteristics (race, ethnicity, sex, and income), and pricing-related data.

For this analysis, data on loan type, purpose, and disposition as well as the race and ethnicity of the applicant are assessed. While HMDA is the best publically available data on lending, other privately available data sources exist which contain important additional information such as borrower credit score. The State of Connecticut purchases such data from two companies, CoreLogic and the Warren Group, but the contracts with the vendors do not permit its use for this report.

#### **OVERCOMING DATA LIMITATIONS IN HMDA**

Despite data limitations, the information collected under HMDA has proved valuable for ensuring fair lending, especially for groups without the financial resources to pay for proprietary data. However, updates to the data are needed to reflect the dramatic changes in lending over the course of this decade. Some of these updates are now mandated in the Dodd–Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”), including more information on loan terms, pricing, credit scores, and borrower demographics. The Dodd-Frank Act also requires that these fields be available publically and at the loan level.<sup>576</sup> For originated loans, new data collection and/or reporting will include the borrower’s age, as well as the number and dollar amount of loans grouped according to: total points and fees paid at origination; the difference between the loan’s APR and a benchmark for all loans; and the term in months of any prepayment penalty.<sup>577</sup>

For originated loans plus applications that do not result in originations, new data collection and reporting will include:<sup>578</sup>

- The value of real property used or intended to be used as collateral;
- The term in months for which any introductory rate applies;
- Loans that have contractual terms that reflect other than fully amortizing loans;
- The mortgage term in months;
- The applicant(s) or borrower(s) credit score(s); and
- The application receipt channel (e.g., retail, broker, etc.)

Unfortunately, the new data is not expected to be available until 2016.

#### **NEIGHBORHOOD STABILIZATION PROGRAM**

The Neighborhood Stabilization Program (“NSP”) was initiated under the Housing and Economic Recovery Act of 2008, immediately following the foreclosure crisis and collapse of the housing market. Its goal is to stabilize communities hardest hit by the crisis by enabling municipalities to invest in foreclosed properties to prevent such properties from blighting their neighborhoods. The program was re-authorized under the Dodd-Frank Act which provided a third round of neighborhood stabilization program grants (“NSP 3”).<sup>579</sup>

<sup>576</sup> “Comprehensive HMDA and Loan Performance Protection,” <http://www.nedap.org/resources/documents/JointWhitepaperonHMDAFeb2013final.pdf>

<sup>577</sup> Pamela Perdue, *TruPoint Perspective: Insight for the Compliance Professional*, <http://www.trupointpartners.com/ask-the-expert-HMDA-Dodd-Frank/>

<sup>578</sup> *Id.*

<sup>579</sup> Connecticut received a total of \$9,086,300 through the NSP3 program for the following cities: Bridgeport – \$1,808,347; Danbury - \$380,000; Hartford - \$1,626,827; Meriden - \$27,889.48; New Britain - \$380,000.; New Haven - \$2,593,464.04; New London – \$380,000; Norwich – \$380,000; Stamford – \$380,000; and Waterbury - \$1,129,772.48.

The analysis below utilizes data on high-cost loans from NSP 3 files.<sup>580</sup> High-cost loans are loans for which the spread between the annual percentage rate (“APR”) on the loan and the rate on Treasury securities of comparable maturity are at least 3 percentage points above the Treasury security for first lien loans. The high-cost category is intended to flag loans that are likely to be subprime. Data on foreclosures is also pulled from NSP 3.<sup>581</sup>

### Access to Sustainable Housing

Housing stability has been linked to a range of benefits, including improved educational outcomes for children<sup>582</sup> and improved health for children and older adults.<sup>583</sup> Housing affordability is essential for achieving stability. The disruption in stability of millions of households as a result of the foreclosure crisis has produced not only financial hardship for individuals and communities but also mental and health hardships for families and individuals in the form of increased anxiety and stress.<sup>584</sup> Improved access to stable and affordable housing (i.e., sustainable housing), whether rental or owner-occupied, therefore provides economic benefits to families, communities, and the state and educational and health benefits for households.

### Racial Disparities in Homeownership, Lending and Foreclosure

Connecticut has a homeownership rate of almost 70%, but homeownership rates vary substantially by race. For example, the non-Hispanic White homeownership rate is 1.8 times that of non-Hispanic Blacks and almost two times the Hispanic rate.<sup>585</sup>

### Foreclosures and Spillover effects

The Center for Responsible Lending reviewed data on loans originated between 2004 and 2008 for first-lien, owner-occupied loans.<sup>586</sup> In Connecticut, this analysis revealed that people of color were more likely to have gone through the foreclosure process, or were at that time in the process. As of the date of the study, borrowers of color are facing delinquencies that are twice their market share for mortgage loans.

Figure 1: Foreclosures by Race and Ethnicity			
Borrower Race	% share of loans	% 60+ days delinquent or in foreclosure process	% completed foreclosures
Non-Hispanic White	66%	6%	3%
Non-Hispanic Black	7%	15%	6%
Hispanic	7%	14%	7%
Asian	3%	6%	3%

580 This data includes Home Mortgage Disclosure Act data showing the percent of primary mortgages executed between 2004 and 2007 that were high cost.

581 NSP 3 uses the estimated number of foreclosure starts at the block group level to determine the foreclosure rate, based on Mortgage Bankers Association National Delinquency Survey State Counts of Foreclosure Starts, July 2009 to June 2010.

582 See Arthur J. Reynolds, et al., “School Mobility and Educational Success: A Research Synthesis and Evidence on Prevention,” (commissioned paper presented at *The Workshop on the Impact of Mobility and Change on the Lives of Young Children, Schools, and Neighborhoods*, Washington, DC, June 29-30, 2009). Findings indicated that children who moved 3 or more times had rates of school dropout that were nearly one-third of a standard deviation higher than those who were school stable net of prior achievement other factors.

583 For an overview of this topic and a full list of research citations, see Jeffrey Lubell, et al., “Housing and Health: New Opportunities for Dialogue and Action,” National Center for Healthy Housing, [http://changelabsolutions.org/sites/default/files/Health%20%20Housing%20New%20Opportunities\\_final.pdf](http://changelabsolutions.org/sites/default/files/Health%20%20Housing%20New%20Opportunities_final.pdf).

584 Janet Currie and Erdal Tekin. “Is there a link between foreclosure and health?”, National Bureau of Economic Research Working Paper 17310. August 2011, <http://www.nber.org/papers/w17310.pdf>. For example, the research found that for every 100 additional foreclosures among people aged 20 to 49, there was a 12% increase in anxiety-related hospital visits; a more than 38% increase in visits for suicide attempts; a 7% increase in ER visits and hospitalizations for hypertension; and an 8% increase in ER visits and hospitalizations for diabetes.

585 See Chapter 8.

586 *Disparities in Mortgage Lending and Foreclosures*, Center for Responsible Lending, 2011, <http://www.responsiblelending.org/mortgage-lending/research-analysis/disparities-in-mortgage-lending-and-foreclosures-maps-data.html>.

Impacts of foreclosures vary by neighborhood. Low- and moderate-income neighborhoods and neighborhoods with high concentrations of minority residents have been hit especially hard by the foreclosure crisis.

**Figure 2: Foreclosures by Neighborhood Income**

Neighborhood Income	% share of loans	% 60+ days delinquent or in foreclosure process	% completed foreclosures
Low-income	3.7%	14.5%	8.6%
Moderate-income	16.4%	12.7%	5.8%
Middle-income	48.3%	7.6%	3%
High-income	29.2%	4.8%	1.6%

**Figure 3: Foreclosures by Neighborhood Composition**

By Minority Concentration	% share of loans	% 60+ days delinquent or in foreclosure process	% completed foreclosures
25% minority	25%	5.8%	2.1%
50% minority	26%	6.6%	2.5%
75%	23.5%	7.6%	3.2%
100%	23.2%	11.9%	5.6%

The foreclosure crisis has had far-reaching effects on individual borrowers who lost their homes and wealth; on neighbors of foreclosed properties in terms of eroded home values; and on cities by way of lost revenues.<sup>587</sup> The Center for Responsible Lending estimated that the spillover effects for Connecticut includes:<sup>588</sup>

- Average decline in home value per unit affected by nearby foreclosure: \$6,852
- 1,126,426 of neighboring homes will be impacted
- Decrease in aggregate house values from effect: (in millions) \$7,718.3

### Foreclosure Mediation

Connecticut is fortunate to have one of the most effective foreclosure mediation programs in the country. The Foreclosure Mediation Program, established in 2008 and administered by the Judicial Branch, provides an opportunity for homeowners and lenders (or servicers) to meet in a mediated setting to resolve a foreclosure. The program’s record of success speaks for itself – 82% of all cases are resolved.<sup>589</sup> In 67% of resolved cases, the homeowner remains in her home.

Unfortunately, the Foreclosure Mediation Program does not maintain race and ethnic data, or any other data on participating homeowners that would permit a fair housing analysis, so it is impossible to tell if there are any discernible trends in the way the program is run or the results it produces that would raise fair housing concerns.

Connecticut homeowners in foreclosure have also had access to the Emergency Mortgage Assistance Program (EMAP) provides temporary monthly mortgage payment assistance for up to five years to eligible Connecticut homeowners who are facing foreclosure due to a financial hardship. CHFA administers the \$60 million that has been appropriated for EMAP.<sup>590</sup> In addition, DOH funds 10 non-

587 “Soaring Spillover: Accelerating Foreclosures to Cost Neighbors \$502 Billion in 2009 Alone; 69.5 Million Homes Lose \$7,200 on Average,” Center for Responsible Lending, May 2009, <http://www.responsiblelending.org/mortgage-lending/research-analysis/soaring-spillover-3-09.pdf>.

588 *Id.*

589 “Foreclosure Mediation Program Results as of May 31, 2012,” Connecticut Judicial Branch, [http://www.jud.ct.gov/statistics/FMP/FMP\\_pie.pdf](http://www.jud.ct.gov/statistics/FMP/FMP_pie.pdf).

590 <http://www.chfa.org/Homeownership/for%20Homeowners%20at%20Risk%20of%20Foreclosure/EmergencyMortgageAssistanceProgram.aspx>



profit housing counseling agencies to provide immediate assistance to Connecticut residents seeking to avoid foreclosure from the moneys received in the settlement of the “robot signing” cases.<sup>591</sup>

### **Servicing**

Another significant determinant in whether a homeowner keeps his or her home is the quality of service provided by the loan servicer. Loan servicers are not loan makers, and they do not provide a service to borrowers. The servicer of a loan is the company who collects and processes payments on loans and passes those payments to a securities administrator who then distributes them to investors. A servicer’s interests align with neither the lender nor the borrower, and its compensation is not necessarily tied to the performance of the loan. In fact, servicers’ incentives generally bias them toward foreclosure.<sup>592</sup> Therefore, it is possible that problems borrowers experience with servicers may be a function of the servicers’ bias toward foreclosure as opposed to discrimination based on race or national origin.

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### **Access to Sustainable Credit**

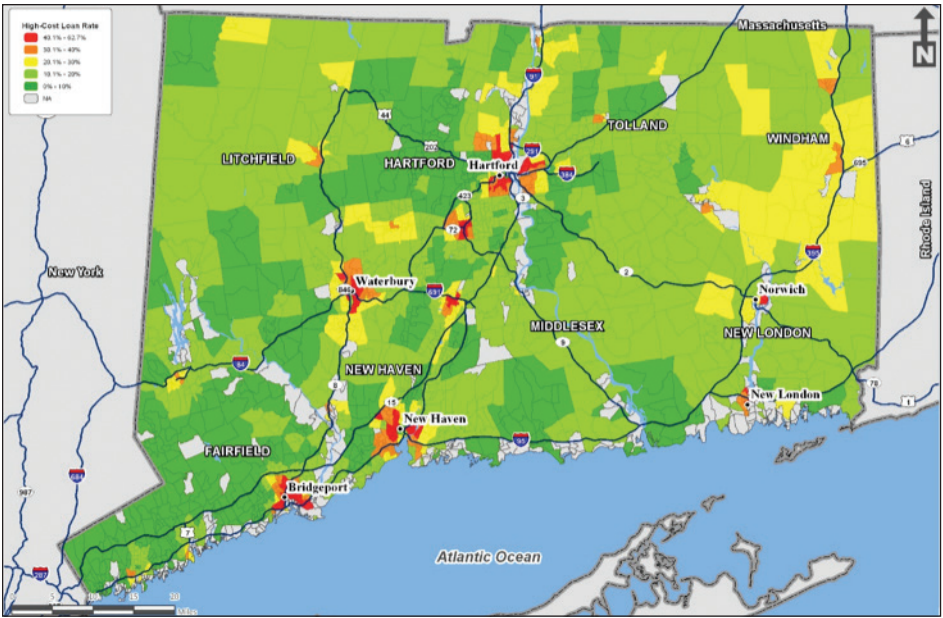
Historically, communities of color have been geographically excluded from affordable, appropriate credit products. Decades of redlining, racially restrictive covenants, and state and federal policies that subsidized wealth-building for some while withholding it from others resulted in deeply unequal and highly racialized homeownership patterns and segregated neighborhoods. The elimination of intentionally discriminatory laws, policies, and social practices enabled progress, but not at a scale and consistency to undo the harms of the past. In fact, one legacy effect of these past practices is the phenomenon of “reverse redlining,” where communities and borrowers previously denied access to credit were targeted with high-cost loans that ultimately proved unsustainable rather than the affordable, high quality products available to other communities and borrowers.

### **High-cost Lending and Race**

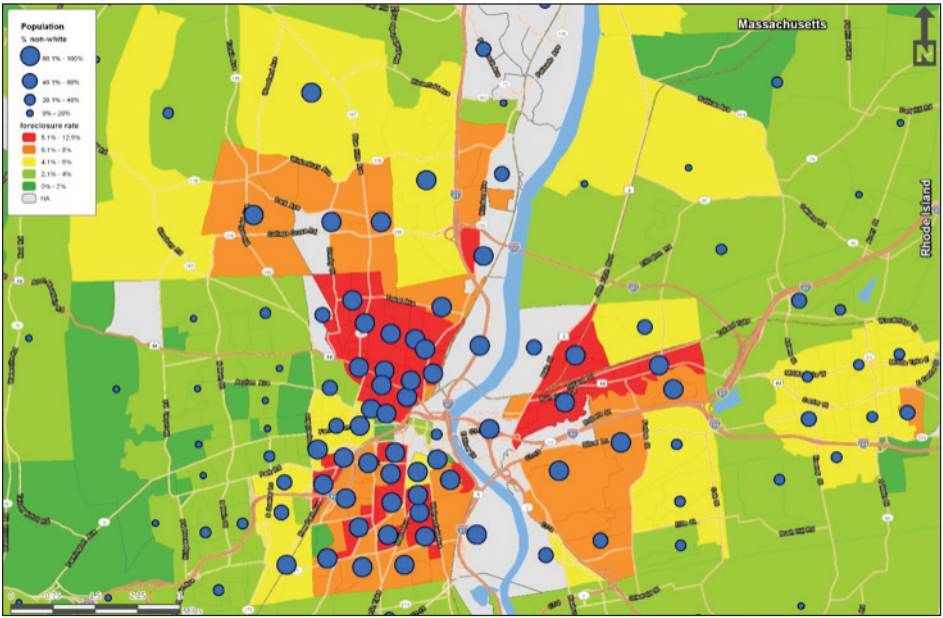
High-cost lending in Connecticut is concentrated in more urbanized areas, as seen in Figure 4. Figure 5 of Hartford shows the relationship between race, neighborhood, and foreclosures, the population of color as well as the foreclosure rate is highest in the central areas of Hartford. Not coincidentally, these are also the areas that have the highest rates of high-cost lending (Figure 6).

591 *United States, et al v. Bank of America, et al*, (Docket No. 1:12-cv-00361-RMC)(District of Columbia). DOH is administering the settlement money from this litigation. Beginning in FY2013, \$2,130,000 will fund 10 housing counselors, \$255,000 will fund a tenant protection attorney, and \$510,000 will fund two attorneys to represent homeowners in foreclosure. Each funding stream will last for three years.

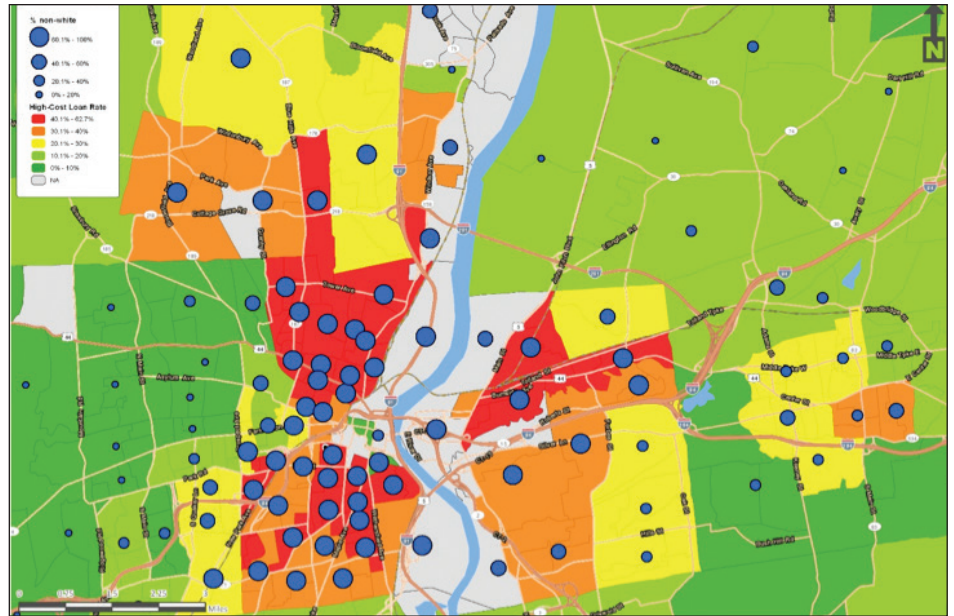
592 Diane E. Thompson, “Why Servicers Foreclose When They Should Modify and Other Puzzles of Servicer Behavior,” National Consumer Law Center, Inc., <http://www.macdc.org/research/servicer-report1009.pdf>.



**Figure 4: Connecticut High-Cost Lending Rates.** This map displays the spatial pattern of high-cost loan rates between 2004–2006.



**Figure 5: Hartford Race and Foreclosure.** This map displays the spatial pattern of the rate of foreclosure starts on mortgages issued between 2004–2006, relative to the percent of the population that is non-Hispanic White.



**Figure 6: Hartford Lending and Race.** This map displays the spatial pattern of high-cost loan rates between 2004–2006, along with the percentage of the population that is non-Hispanic White.

Figure 7 of Hartford illustrates the legacy effects of redlining, mapped with levels of “opportunity,” demonstrating that the neighborhoods that are struggling today did not have access to lending in the past. Since 2004, many of these same neighborhoods were subjected to reverse redlining.

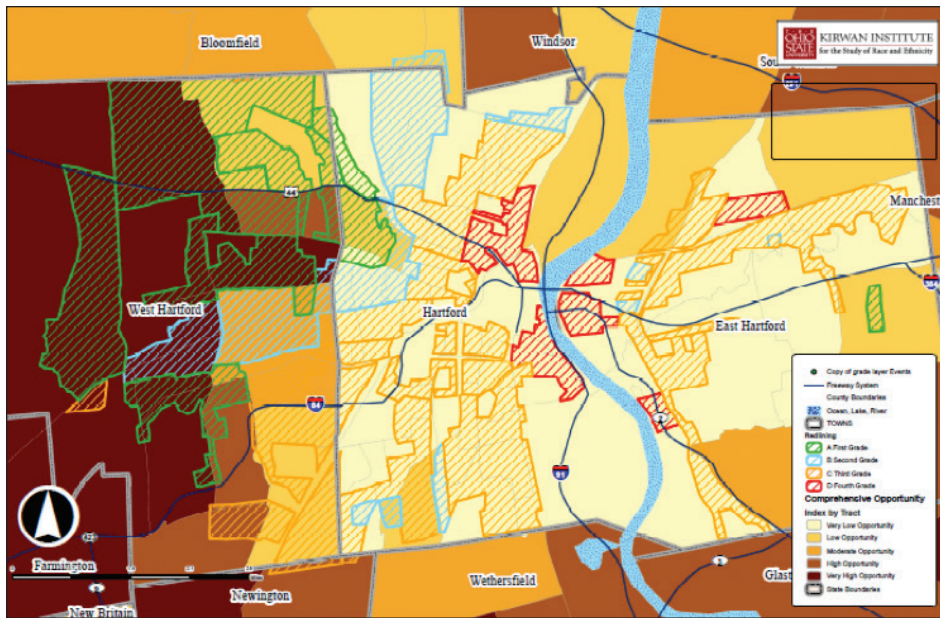
Residential segregation, combined with the history of redlining and institutional discrimination by mainstream banks, created neighborhoods devoid of fair credit. These neighborhoods and borrowers represented untapped credit sources prime for exploitation. Recent research is demonstrating how the “old inequality made the new inequality possible.”<sup>593</sup> Residential segregation provides more understanding of the foreclosure crisis than other commonly cited causes, including overbuilding, excessive subprime lending, housing price inflation, and lax underwriting.<sup>594</sup> For example, non-Hispanic Black dissimilarity indexes are a highly significant predictor of foreclosure rates and numbers for the top 100 US metropolitan areas—a one standard deviation increase in the non-Hispanic Black dissimilarity index yields an increase in the number of foreclosures by 15,028 and the rate of foreclosures by 1.68 percentage points.<sup>595</sup> With levels of dissimilarity over .60, indicating high segregation in many parts of Connecticut, it is not surprising that there are high rates of foreclosure.

593 Jacob S. Rugh and Douglass S. Massey, “Racial Segregation and the American Foreclosure Crisis,” *American Sociological Review* 75 (2010): 632.

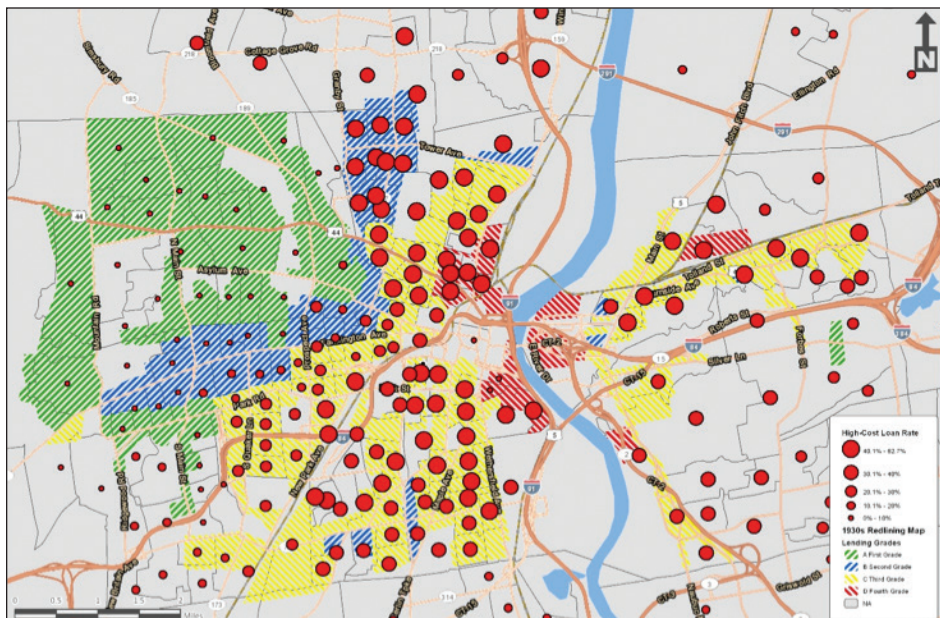
594 *Id.* at 644.

595 *Id.* at 641.





**Figure 7: Historical Redlining (1937) and Opportunity.** The lighter the shading, the lower the opportunity measure is for the area.



**Figure 8: Hartford Lending Inequality.** Historic Redlining and Contemporary High Cost Loan Rates. This map displays the spatial pattern of high-cost loan rates between 2004–2006 layered upon the 1937 Home Owners Corporation "Redlining" Map of Hartford (provided courtesy of Professor Jack Dougherty of Trinity College)

**Loan Originations and Denials by Race**

People of color have historically been subject to more loan denials than non-Hispanic White applicants. Non-Hispanic White borrowers had the highest origination rate between 2004–2011 (64%) and the lowest denial rate (17%). Conversely, non-Hispanic Blacks had the highest denial rate (31%), and the lowest origination rate (48%) (Figure 9).<sup>596</sup>

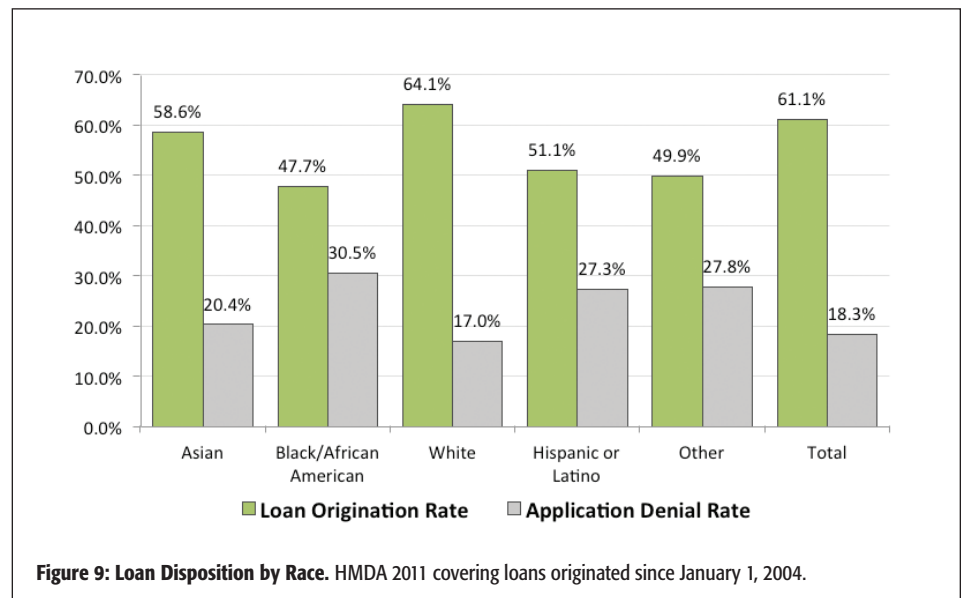
The HMDA data does not permit comparisons among similarly situated borrowers because it does not include data on credit-worthiness. However, much research has been done to tease out whether the difference is attributable to the credit-worthiness of the borrower. This research at the national level has found that in Census tracts that are majority non-Hispanic Black, i.e. more than

596 These numbers do not add up to 100% because some applicants do not indicate their race or ethnicity.

75% of residents are non-Hispanic Black, subprime lenders made more than 51% of refinance loans, compared to just 9% of refinance loans in predominantly non-Hispanic White neighborhoods.<sup>597</sup>

A 2008 national study of 184 metropolitan areas revealed that income did not shield people of color from high-cost loans:

- Mid- to upper- income (“MUI”) non-Hispanic Blacks were twice or more likely as MUI non-Hispanic Whites to receive high-cost loans in 71.4% of the metro areas examined.
- Low- to moderate- income (“LMI”) non-Hispanic Blacks were twice or more likely as LMI non-Hispanic Whites to receive high-cost loans in almost half (47.3%) of the metro areas studied during 2006.<sup>598</sup>
- The Hartford metropolitan area ranked fifth out of twenty metro areas with the most significant racial disparities in lending; Bridgeport-Stamford-Norwalk ranked sixth. The only other metropolitan area in the Northeast in the top twenty is Essex County, MA (9).<sup>599</sup>
- LMI Hispanics were more than twice as likely to receive a high cost loan as LMI non-Hispanic Whites in the Norwich-New London metropolitan area; and MUI Hispanics were 2.76 times more likely to receive a high-cost loan than MUI non-Hispanic Whites in the Bridgeport-Stamford-Norwalk metropolitan area.



### Loan purpose by race

For loans originated between 2004 and 2011, refinance activity was greater than home purchase activity (Figure 10). Research on subprime loans made during this period found that 56% of all subprime loans originated in 2006 alone were subprime refinance loans,<sup>600</sup> supporting the notion that the boom in lending was not necessarily about homeownership. In fact, because many subprime mortgages were for second homes over the period 1998–2006, the Center for Responsible Lending estimates that only 9% of all subprime loans went to first time homebuyers.<sup>601</sup>

The greater rates of home purchase activity in the state for borrowers of color compared to non-Hispanic White borrowers may also indicate that more of these households were entering homeownership for the first time, whereas non-Hispanic White borrowers were already homeowners.

597 Dan Immergluck, *Foreclosed: High-risk Lending, Deregulation, and the Undermining of America’s Mortgage Market*, (Ithaca: Cornell University Press, 2009), 80.

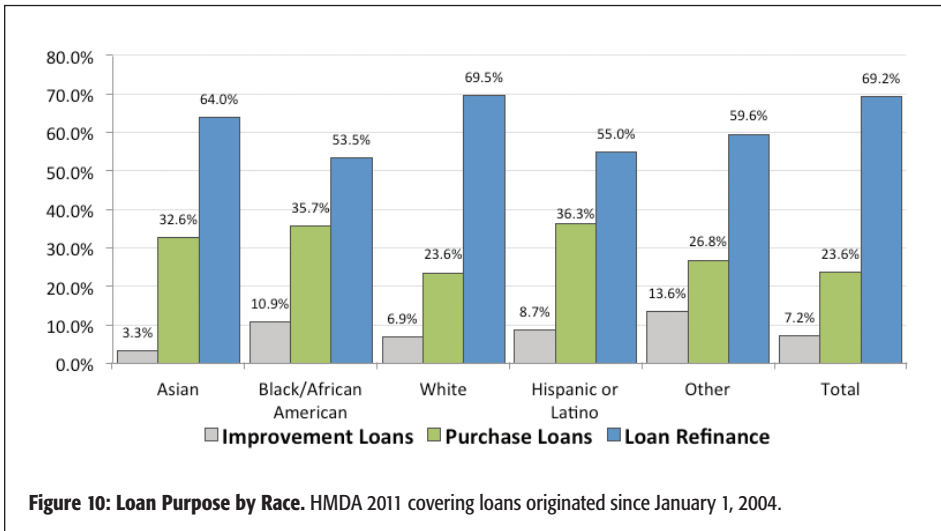
598 John Taylor, et al., “Income is No Shield against Racial Differences in Lending II: A Comparison of High-cost Lending in American’s Metropolitan and Rural Areas.” *National Community Reinvestment Coalition*, July 2008, [http://www.hppinc.org/\\_uls/resources/Racial\\_Gap\\_Report.pdf](http://www.hppinc.org/_uls/resources/Racial_Gap_Report.pdf)

599 *Id.* at 5.

600 “Subprime Lending: A Net Drain on Homeownership,” Center for Responsible Lending, March 27, 2007, 3, <http://www.responsiblelending.org/mortgage-lending/research-analysis/Net-Drain-in-Home-Ownership.pdf>.

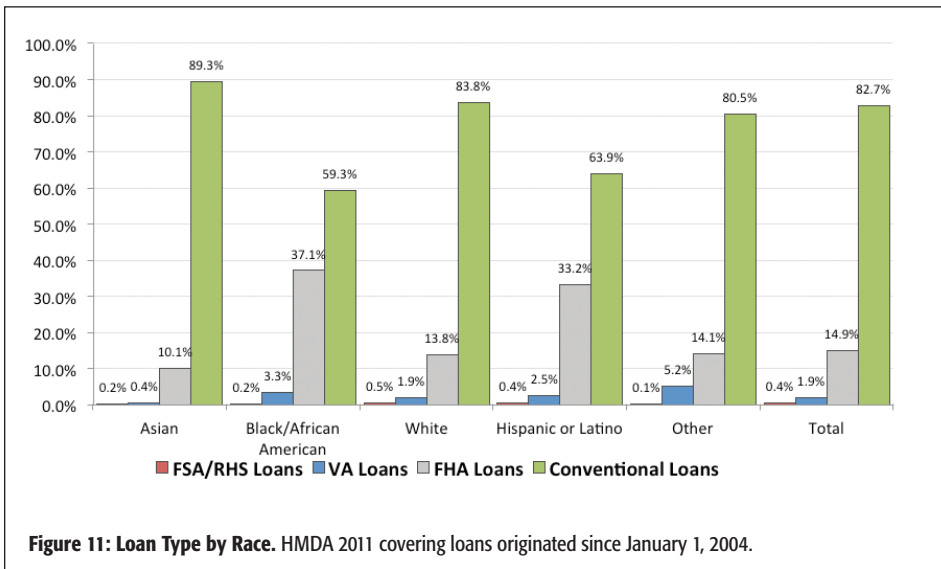
601 *Id.* at 2.

And finally, in the beginning part of this period, property values were steadily increasing across the country, allowing borrowers with riskier mortgages to refinance or sell their homes, masking the deterioration in loan standards.



### Loan type by race

Racial disparities in loan type persist. For example, non-Hispanic White borrowers have historically had access to conventional lending at higher proportions than borrowers of color. In fact, during this period, non-Hispanic Black and Hispanic borrowers were more than twice as likely to receive FHA loans as non-Hispanic White borrowers. This suggests that racial discrimination in lending is a factor (Figure 11). Although FHA loans are a vital source of credit, the racial disproportionality raises fair lending concerns.



### Lending and Gender

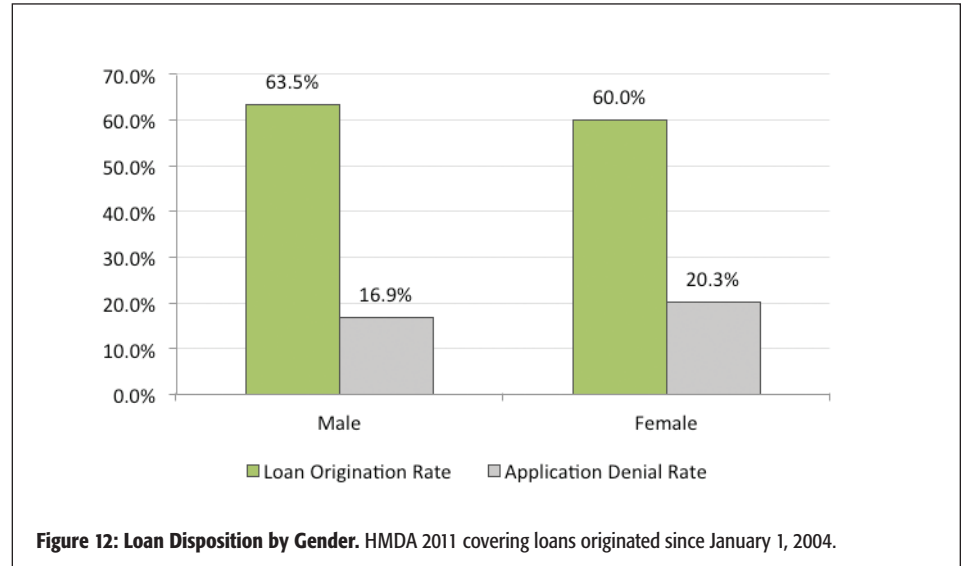
The disparities in lending by gender have been well documented. For example, in a study conducted by the Woodstock Institute in the Chicago region of lending post-foreclosure crisis, women were found to be denied home purchase and refinance loans more often than men. Interestingly, the same

602 FSA Loans are loans from the Farm Service Agency and RHA Loans are those from Rural Housing Services. FHA loans are from the Federal Housing Administration.

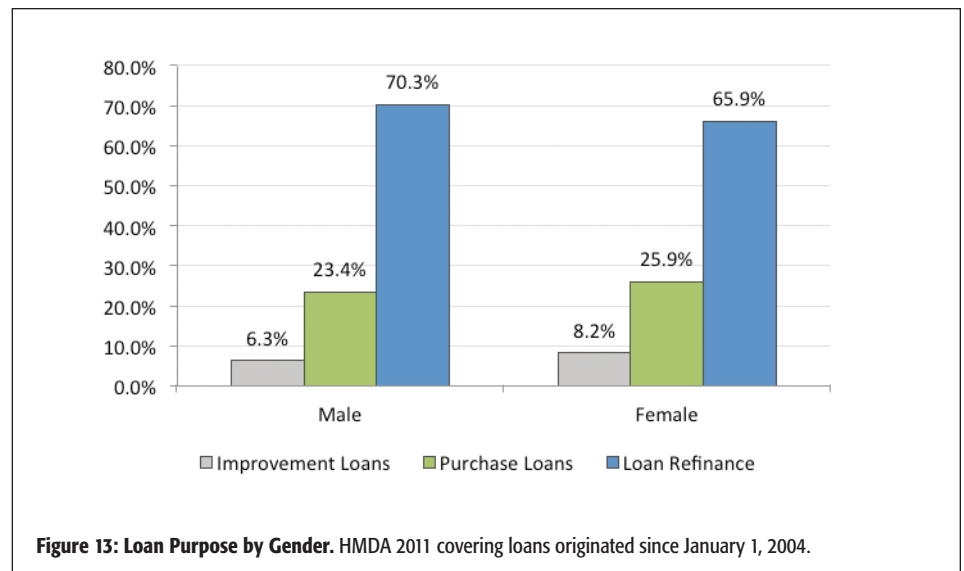


was true if an application was submitted by a female with a male co-signer, compared to applications submitted by a male with a female co-signer.<sup>603</sup> A study in 2005 found that one third of women took out mortgages with interest rates over 7.66% (the prime rate was 5.87%), compared to one quarter of men with similar incomes.<sup>604</sup> This same study found that as incomes increased for men and women, so did the disparity.<sup>605</sup>

There is disparity in lending based on gender in Connecticut, although not as pronounced as racial disparities. Women had higher denial rates than men, and lower origination rates (Figure 12).



In terms of type of loan originated, women took out slightly more purchase loans than men, and men had slightly higher rates of refinance loans than women, perhaps reflecting the fact that men had been able to access home purchase loans earlier (Figure 13).



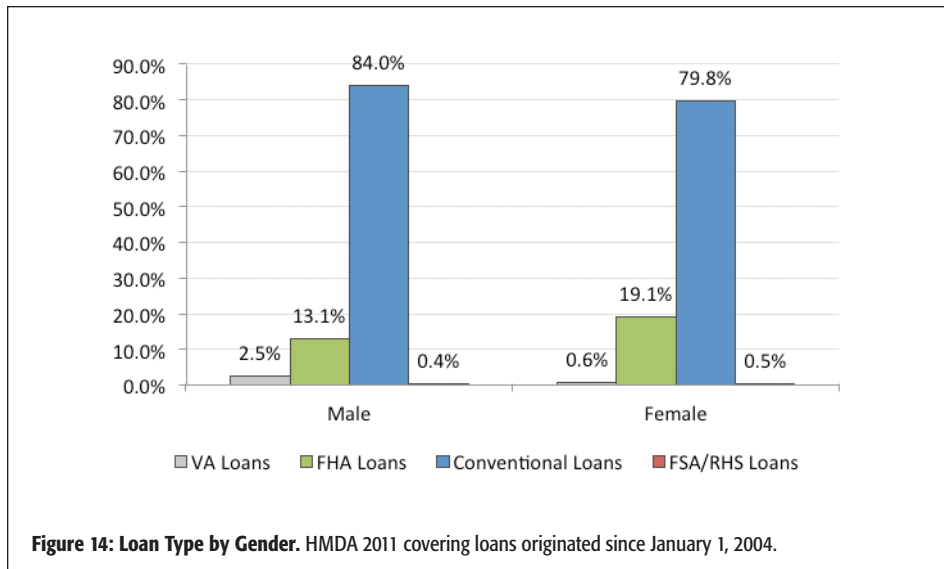
603 "Unequal Opportunity: Disparate Mortgage Origination Patterns for Women in the Chicago Area," The Woodstock Institute, March 12, 2013, [http://www.woodstockinst.org/sites/default/files/attachments/unequalopportunity\\_factsheet\\_march2013\\_0.pdf](http://www.woodstockinst.org/sites/default/files/attachments/unequalopportunity_factsheet_march2013_0.pdf).

604 Allen Fishbein and Patrick Woodall, "Women are Prime Targets for Subprime Lending: Women are Disproportionately Represented in High-Cost Mortgage Market," *Consumer Federation of America*, December 2006, <http://www.consumerfed.org/pdfs/WomenPrimeTargetsStudy120606.pdf>.

605 *Id.*

And finally, women were less likely to receive conventional loans (i.e. prime loans) and more likely to take out FHA loans (i.e. government-assisted loans) than men (Figure 14).

The disparities in lending by gender are troubling, especially in light of the State’s demographics discussed earlier. When over 78% of single-parent households in Connecticut are headed by women, the opportunity to build wealth is essential to help propel these families upward, especially when homeownership remains the main avenue for wealth creation. Since female-headed households are also disproportionately minority, it is difficult to determine if race, gender or a combination affect lending to this group.



## Conclusion

Access and affordability are twin pillars of sustainable housing and credit. The foreclosure and lending data reviewed in this section show that much work remains to be done when analyzed through the lens of access and affordability.

While homeownership is one of the best methods for building wealth, there are lower rates of lending to people of color and female-headed households. The homeownership racial gap is a major driver of the racial wealth disparity as discussed previously in this AI.<sup>606</sup> People of color and low-to-moderate income households in Connecticut are less likely to be homeowners, more likely to be affected by foreclosure, and more likely to be denied access to credit. While the data is not yet publically available to determine whether applicants of color with similar credit profiles as non-Hispanic White applicants are more likely to be denied a loan in Connecticut, national research using proprietary data does show this to be true in cities studied around the country.

<sup>606</sup> Thomas Shapiro, Tatjana Meschede, and Sam Osoro, "The Roots of the Widening Racial Wealth Gap: Explaining the Non-Hispanic Black-White Economic Divide," Research and Policy Brief, February 2013, Institute on Assets and Social Policy, 2, <http://iasp.brandeis.edu/pdfs/Author/shapiro-thomas-m/racialwealthgapbrief.pdf>.

# CHAPTER SIXTEEN

## Access to Transportation

### CHAPTER SNAPSHOT

- Neighborhoods of color were negatively affected by transportation decisions after World War II displacing many residents and separating others from neighboring White communities.
- It is important to use future decisions about public transportation to affirmatively further fair housing by addressing the spatial mismatch between employment opportunities and the location of affordable housing, creating development oriented transit, and supporting the development of subsidized and affordable housing in areas that have jobs and access to public transportation.

After World War II, neighborhoods of color were negatively affected by decisions regarding transportation. Perhaps the most obvious example is the construction of the federal interstate highway system.<sup>607</sup> From the start of construction in 1956, highways were often routed directly through neighborhoods of color, causing substantial displacement.<sup>608</sup> In addition, many highway routes separated communities of color from neighboring White ones.<sup>609</sup> The government reasoned that uprooting communities of color was an “acceptable cost of creating new transportation routes, facilitating economic development of the cities, and converting inner city land to more acceptable or more productive uses.”<sup>610</sup> Residential segregation, in part caused or accelerated by those transportation policies, continues to plague metropolitan areas across the country.<sup>611</sup> In addition, the low-income and minority households disproportionately harmed are also less likely to own cars and thus do not benefit from highway expansion and the access they provide to growing job centers outside of the State’s largest cities.<sup>612</sup>

Figure 1: Car Ownership by Race and Ethnicity<sup>612</sup>

Race/Ethnicity	Car Ownership Percentage
Non-Hispanic White	94%
Hispanic	77%
Non-Hispanic Black	76%
Non-Hispanic Asian	91%

It is clear from this history that transportation is closely tied to access to housing, education, services, and employment opportunities and can be an important component in a strategy to overcome impediments to fair housing. In Connecticut, the vast majority of residents drive cars to work and elsewhere. Those who lack access to cars are disproportionately low-income,<sup>614</sup> people of color,

607 Raymond A. Mohl, *The Interstates and the Cities: Highways, Housing, and the Freeway Revolt*, Poverty and Race Research Action Council, <http://www.prrac.org/pdf/mohl.pdf>.

608 *Id.*; see also Guangqing Chi & Domenico Parisi, *Highway Expansion Effects on Urban Racial Redistribution in the Post-Civil Rights Period*, Public Works Management & Policy, <http://pwm.sagepub.com/content/16/1/40>.

609 Mohl, *supra* note 606; Chi & Parisi, *supra* note 607.

610 Mohl, *supra* note 606.

611 *Id.*; Chi & Parisi, *supra* note 607.

612 *Id.*

613 American Community Survey 2010 1-yr table S0201.

614 The Brookings Institute reports that nationally 27 percent of households with annual incomes below \$20,000 do not own a car. See Margy Waller, “High Cost or High Opportunity Cost? Transportation and Family Economic Success,” *Brookings Institute*, December 2005, 1, <http://www.brookings.edu/es/research/projects/wrb/publications/pb/pb35.pdf>.

people with disabilities,<sup>615</sup> and the elderly.<sup>616</sup> As a result, these populations have a greater dependency on public transit and their housing options will be disproportionately driven by proximity to public transit.

Future decisions about public transportation can affirmatively further fair housing by taking into consideration three public transportation issues that impact housing location and integration:

**Spatial Mismatch:** There is a spatial mismatch between employment opportunities in transit-isolated suburbs and subsidized and affordable housing located in urban settings that can be remedied by making strategic transportation choices that link urban and suburban locations as well as by placing affordable housing in neighborhoods with job growth and ensuring that public transit routes meet the needs of the affordable housing residents.

**Transit Oriented Development/Affordability Caution.** Transit Oriented Development (“TOD”) and Housing/Transportation affordability indexes use new factors to enable the state to make decisions about where housing should be located. Use of these indexes together with a commitment to affirmatively further fair housing and additional capital funds targeted for residential and mixed use transit oriented development can help shape TOD policies that do not result in subsidized housing investment solely in minority and poverty concentrated areas.

**Support of “Sweet Spot” Investments.** There are areas in Connecticut that have jobs, and also have access to public transportation or could have such access relatively easily. High opportunity areas with access to public transportation can be identified and prioritized for subsidized housing investment.

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## Transportation and Protected Class—The Basics

### Connecticut’s Transportation Infrastructure

Connecticut’s transportation system has three main components:

- Roads and highways;
- Railways, including major lines serving communities within commuting distance of New York City; and
- Regional and urban bus systems generally concentrated in metropolitan areas.

Rail service includes the Metro-North line, which travels along southern Connecticut from New Haven to New York City and several connecting branches, the Shoreline East line between New London and New Haven, and Amtrak service both between New Haven, Hartford, and Springfield, MA and along the length of the state’s coastline. The state’s most heavily traveled rail is the segment between Norwalk and Greenwich, home to many high-income residents who work in New York City.<sup>617</sup>

Many low-income workers depend on bus systems for access to health care, employment, shopping and virtually all essential activities. Bus riders have lower household income than those who use any other form of transportation and are least likely to own cars.<sup>618</sup> Most local bus service is centered in Connecticut’s poorest cities, while city-to-suburb and suburb-to-suburb service is more limited.<sup>619</sup>

In 2010, Connecticut residents made a reported 36,598,184 bus trips. That number is expected to

615 People with disabilities consistently indicate that lack of transportation is a major barrier to accomplishing tasks necessary to daily life. In a 2004 national poll a third of people with disabilities polled indicated access to transportation was an issue for them. See Institute of Medicine (US) Committee on Disability in America; Marilyn J. Field and Alan M. Jette, eds., *The Future of Disability in America, Section G: Transportation Patterns and Problems of People with Disabilities*, 1, (Washington, D.C.: National Academies Press (US), 2007), available from <http://www.ncbi.nlm.nih.gov/books/NBK11420/>.

616 The American Association for Retired Persons estimates that 20% of people over 65 do not drive and that this number will increase as the size of this demographic increases. Sally Abrahms, *Improving Transportation Services for Seniors*, AARP, <http://www.aarp.org/home-family/getting-around/info-04-2013/seniors-independent-living-public-transportation.html>.

617 “Connecticut State Rail Plan 2012–2016,” *CT Department of Transportation*, 119, [http://www.ct.gov/dot/lib/dot/documents/dplansprojectsstudies/plans/state\\_rail\\_plan/State\\_Rail\\_Plan\\_Final\\_Draft\\_8-24-12.pdf](http://www.ct.gov/dot/lib/dot/documents/dplansprojectsstudies/plans/state_rail_plan/State_Rail_Plan_Final_Draft_8-24-12.pdf). Median income in Fairfield County is the highest in the state. See Douglas Hall, “Just Who Are Connecticut’s Middle Income Families?,” *Connecticut Voices for Children*, 1, <http://www.ctvoices.org/sites/default/files/econ07midincomefamilies.pdf>. The mean travel time for commuters from Fairfield County to New York City is 104 minutes, the fourth longest “mega-commute” (90 minutes or more, or 50 miles or more, one-way commute) in the country. See Melanie A. Rapino and Alison K. Fields, “Mega Commuters in the U.S.: Time and Distance in Defining the Long Commute using the American Community Survey,” *Journey to Work and Migration Statistics Branch, Social, Economic, and Housing Statistics Division, United States Census Bureau*, 5, [http://www.census.gov/newsroom/releases/pdf/paper\\_mega\\_%20commuters\\_us.pdf](http://www.census.gov/newsroom/releases/pdf/paper_mega_%20commuters_us.pdf).

618 Connecticut State Rail Plan 2012–2016, supra note 5, at 119.

619 See *CT Transit*, <http://www.cttransit.com/>.



increase with the new transportation investments discussed below.

The following map lays out the existing train and bus service routes for the state:

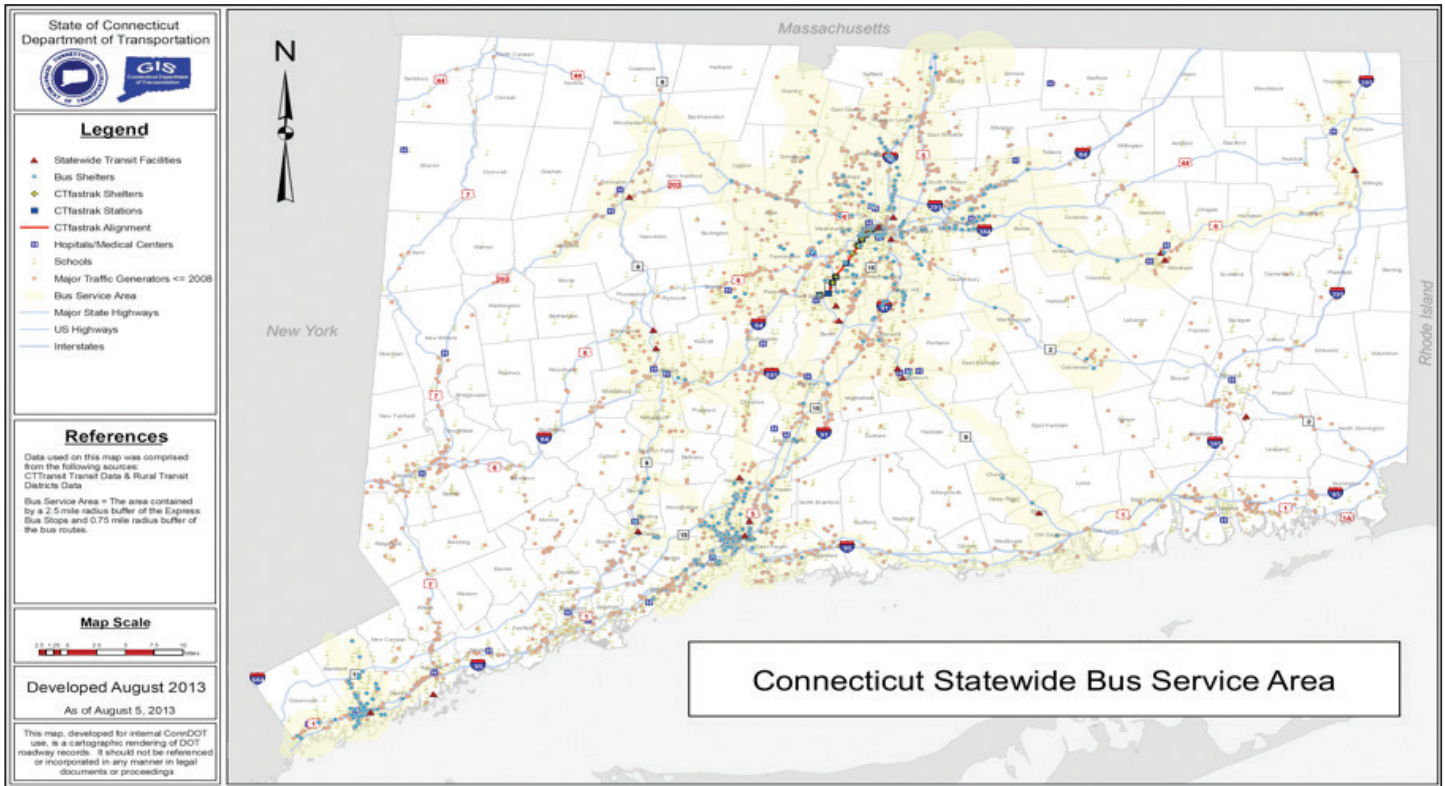


Figure 2: Existing train bus service routes in Connecticut

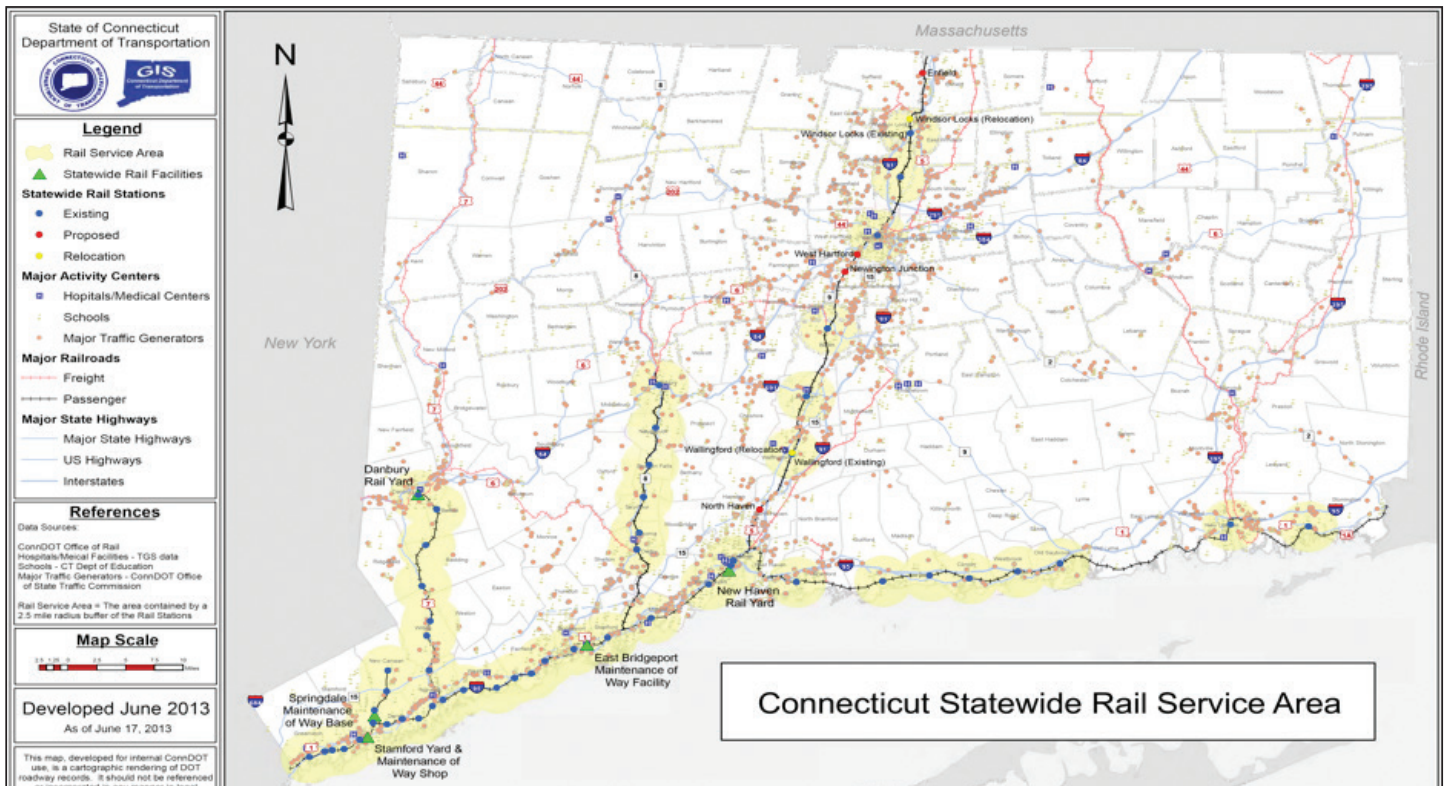


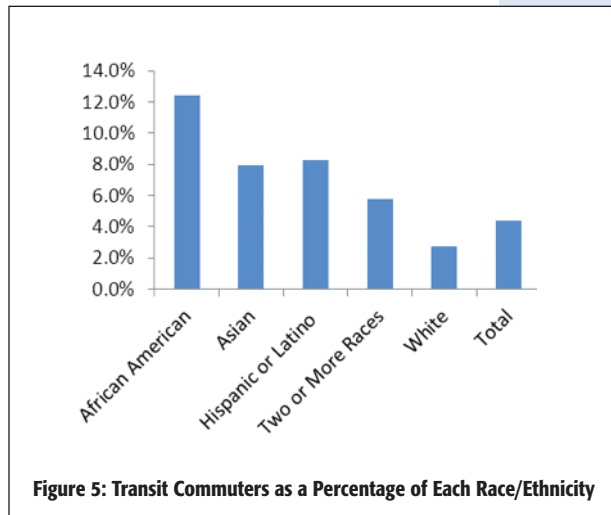
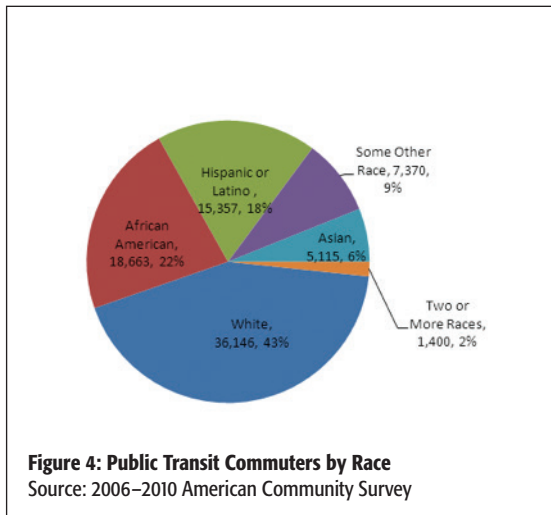
Figure 3: Existing train rail service routes in Connecticut

## Who Uses Public Transit

### People of Color

People of color are far more likely to commute to and from work by public transit than non-Hispanic White people. For example, 22% of Connecticut's public transit commuters are African-American, despite comprising only 9% of the total population. Hispanics account for 18% of public transit commuters but just 13% of the total population. In contrast, non-Hispanic Whites account for just 43% of transit commuters, despite comprising 73% of the total population.<sup>620</sup>

Only 3% percent of non-Hispanic Whites use public transit for commuting, compared with more than 12% of African Americans, 8% of Asians, and 8% of Hispanics. Low-income people similarly rely more heavily on public transportation than those who earn more. Approximately 60% of all public transit commuters earn less than \$50,000 per year.



Income Level	All Commuters	% of All Commuters	Public Transit Commuters	% of Public Transit Commuters
\$1 to \$9,999 or less	214,158	12.4%	13,558	17.8%
\$10,000 to \$14,999	101,078	5.9%	5,658	7.4%
\$15,000 to \$24,999	202,893	11.8%	10,210	13.4%
\$25,000 to \$34,999	217,976	12.6%	7,176	9.4%
\$35,000 to \$49,999	282,339	16.4%	7,264	9.5%
\$50,000 to \$64,999	226,314	13.1%	5,935	7.8%
\$65,000 to \$74,999	105,963	6.1%	2,225	2.9%
\$75,000 or more	375,008	21.7%	24,279	31.8%
<b>Total</b>	<b>1,725,729</b>		<b>76,305</b>	

### People with Disabilities

National advocates for people with disabilities cite the lack of accessible public transportation as a major issue for many people with disabilities.<sup>622</sup> While there are more transportation services needed for people with disabilities in Connecticut, the state has made virtually all public buses, commuter

620 It is likely that a significant percentage of these White public transit riders are those who commute to work on MetroNorth but also have one or more motor vehicles in the household and are therefore not dependent on public transit.

621 American Community Survey 2006–2010.

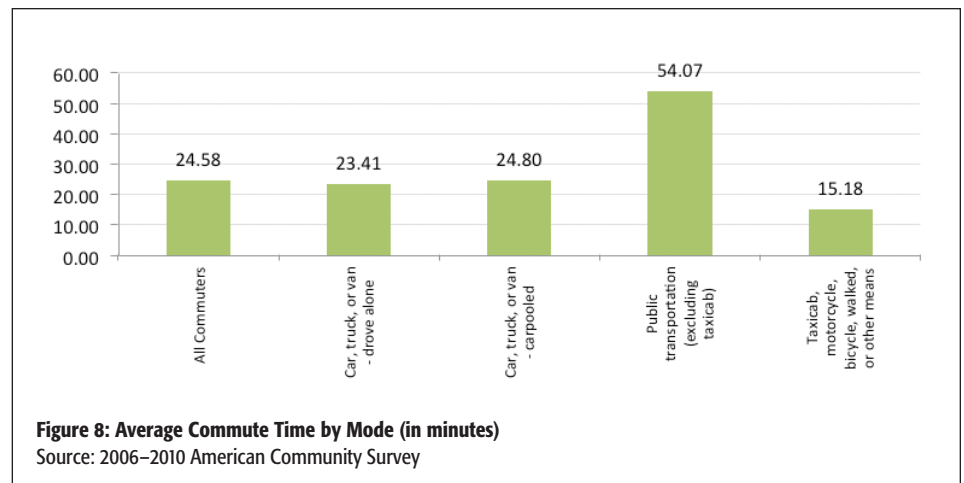
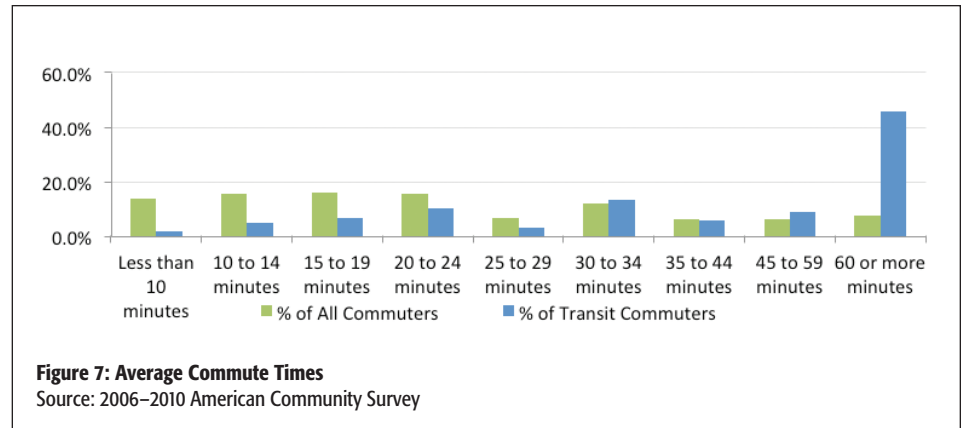
622 Leadership Conference Education Fund and American Association for People with Disabilities, *Equity in Transportation for People with Disabilities*, May 2012, <http://www.civilrightsdocs.info/pdf/transportation/final-transportation-equity-disability.pdf>.



rail stations and trains wheelchair accessible.<sup>623</sup> Additionally, thirteen local transit districts have made ADA-compliant paratransit services available to complement existing service routes. Dial-a-ride services are also in place for people with disabilities and/or elderly, although they are not uniformly administered or available.<sup>624</sup>

### Public Transit Commute Times

Those who rely on public transit spend, on average, more than twice as much time commuting as those who drive or use other means of transportation. Public transit commuters spend almost an hour a day commuting to work, compared with less than 25 minutes for those who drive cars, bike, or walk. Because people of color and low-income people disproportionately rely on public transit, they are more likely to experience longer commute times.



## Why Public Transit Access Matters

### Affordable Housing/Employment Spatial Mismatch

Connecticut’s public transit system consists of local bus routes in the metropolitan areas which contain much of the state’s affordable housing. This is beneficial in that those who depend most heavily on public transit are also disproportionately in need of affordable housing. However, concentration of public transit solely in the state’s cities will not improve urban residents’ access to many employment opportunities since jobs and job growth are often situated in transit-isolated suburbs. Hispanics and Blacks, who have the highest rates of unemployment in the state, can especially benefit from greater access to jobs and job centers through affordable housing within close proximity of public transit. Lack of transportation is cited as the single largest barrier to employment, identified as an obstacle by

623 Kristina Sadlak, *Transportation Services and Funding for the Disabled in Select States*, Office of Legislative Research of Connecticut, <http://www.cga.ct.gov/2004/rpt/2004-R-0060.htm>.

624 *Id.*

80% of those surveyed by the Connecticut Department of Labor.<sup>625</sup> Public transit increases employment opportunities by expanding the geographic area within which a person can work as well as the number of hours a person can be on the job.<sup>626</sup> However, many of Connecticut's jobs are located outside major urban areas, as job growth has over the past four decades been increasingly concentrated in suburban office parks and malls.<sup>627</sup> Most of these suburban jobs are difficult or impossible to access using public transit. For example, as depicted in Figure 8, while 42.9% of Hartford-area residents using public transit can reach the typical job inside the city within 90 minutes, only 17.9% can reach a typical job in the surrounding suburbs within the same time period.<sup>628</sup>

**Figure 9: Access to Jobs via Public Transit in Connecticut within 90 Minutes<sup>628</sup>**

Metropolitan Area	Entire Metro	Cities	Suburbs
Hartford Metro	23.6%	42.9%	17.9%
Bridgeport Metro	26.5%	37.6%	21%
New Haven	23.3%	44.7%	18.1%

This spatial mismatch is being addressed in the state by:

- Awarding additional points in competitive affordable funding rounds to applications for projects near public transit, including transit to job centers, particularly those along transit-friendly corridors;
- Increasing funding available for TOD that includes a residential component;
- Municipalities creating incentives for affordable housing developments near job centers or transit-friendly corridors by reducing parking requirements and allowing denser, mixed-use developments.
- Encouraging cost-effective transit strategies by prioritizing funding for new transportation initiatives which link areas with population centers to suburban job centers.<sup>630</sup>
- Encouraging development of employment opportunities in low-income and minority-concentrated areas by prioritizing economic development projects in these areas.

Beyond employment access, there are other critical needs that robust public transportation provides: those who either do not own cars or cannot drive also rely on public transit to attend medical appointments, make social visits, and generally overcome the isolation caused by a lack of transportation; public transit often allows seniors to stay in their homes and “age in place,” as opposed to entering a nursing home which ultimately leads to substantial savings for the state.<sup>631</sup>

## Transit Oriented Development and Transportation/Housing Affordability Index Cautions

### Transit Oriented Development

The discussion around transportation often focuses on TOD which envisions revitalizing and expanding existing public transit and centering development around it. HUD, for example, has proposed applying the TOD model to building and expanding government-assisted housing.

TOD efforts can assist in affirmatively furthering fair housing by:

- Creating mixed-income and mixed use developments around transportation hubs.

625 Cited in “Transit for Connecticut: A Better Connecticut Through Improved Bus Transit,” *ctenvironment.org*, note 8, above.

626 *Id.*

627 Neena Satija, “Transportation Gap’ in Connecticut, Rest of U.S.,” *The Connecticut Mirror*, Jul. 16, 2012, <http://ctmirror.org/story/16916/transportation-gap-connecticut-rest-us>.

628 Adie Tomer, *Where the Jobs Are: Employer Access to Labor by Transit*, Brookings Institute, July 2012, <http://www.brookings.edu/research/papers/2012/07/11-transit-jobs-tomer>.

629 *Id.*

630 See e.g. Regional Plan Association, *Missing Links Prioritized Bus Service Expansion Plan*, January 2010, [http://www.rpa.org/pdf/Missing\\_Links\\_CT\\_Bus\\_Study.pdf](http://www.rpa.org/pdf/Missing_Links_CT_Bus_Study.pdf).

631 “Transit for Connecticut: A Better Connecticut Through Improved Bus Transit,” *ctenvironment.org*, <http://www.ctenvironment.org/pdf/livable-communities/Bus%20Needs%20Analysis%202012.pdf>.

- Pairing mixed-income and mixed use housing with transportation enhancements to transform lower opportunity areas into higher opportunity neighborhoods.
- Creating affordable housing in higher opportunity areas near rail stations and bus stops.<sup>632</sup>

DOT and DOH should continue to collaborate closely to ensure that joint TOD investments affirmatively further fair housing by both promoting integration and preventing displacement of low-income and minority residents from areas that are gentrifying as the result of TOD and expanding fair housing choice. Principles to guide such collaboration could include:

- Encouraging municipalities to adopt inclusionary zoning ordinances.
- Coordination between DOH and DOT so that current bus routes and schedules are adjusted to accommodate higher opportunity subsidized housing investments (sometimes called “development oriented transit.”)<sup>633</sup>

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### **Housing and Transportation Affordability Index**

HUD recently published a “Housing and Transportation Affordability Index” to help jurisdictions make decisions about where to place affordable housing. This index explores the link between housing and transportation costs and emphasizes reducing transportation costs by locating government-assisted housing near existing public transit while assuming that these transit systems already provide access to necessary resources like employment and thriving schools. Unfortunately, much of Connecticut’s existing public transit serves neighborhoods struggling with high poverty and unemployment, low-performing schools, crime and health issues. By focusing on existing transit infrastructure, many of Connecticut’s most affluent municipalities with flourishing school systems would not be prioritized for future government assisted or affordable housing.<sup>634</sup> Therefore, while the index is useful in understanding the cost of living in a particular location it cannot be the sole driver behind subsidized housing placement decisions.

### **Support “Sweet Spot” Investments**

There are many areas of Connecticut that are higher opportunity, have access to employment, and are within a short distance from rail or bus service. When making funding decisions, the State should award high point values to affordable housing developments in areas that are higher opportunity, have access to employment, and are within a short distance from rail or bus service. The State should consider undertaking an analysis to identify these areas and promote them as housing investment priorities.

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### **Conclusion**

Some exciting new public transportation investments are underway or in the planning stages in Connecticut. These include a rapid transit busway from New Britain to Hartford and a high speed rail line connecting New Haven, Hartford, and Springfield, MA with intermediate steps in municipalities between centers and anticipated future connections, south to Washington, DC, east to Boston, and north to Montreal.<sup>635</sup> DOH is also targeting competitive capital funding rounds in part for TOD projects and the State, on an interagency basis, is providing technical assistance to municipalities with TOD projects, and will soon launch a TOD Capital Fund to assist TOD projects. When improving existing routes, State can continue to focus on transit investments that expand access for low-income communities to high opportunity areas and transforms lower opportunity areas into opportunity-rich neighborhoods.

632 For a report on recommendations for improving density around rail stations in Connecticut, see Regional Plan Association, *Halfway There: How to Create Land Use Policy That Makes the Most of Connecticut’s Transit Network*, <http://library.rpa.org/pdf/RPA-Halfway-There.pdf>.

633 If this principal is adopted, DOT should be given funding to ensure that public transit can be re-routed to make these kinds of developments transit-friendly.

634 Philip Tegeler, *HUD Transportation Policy May Inadvertently Fuel Residential Segregation*, Huffington Post, Jan. 16, 2013, [http://www.huffingtonpost.com/philip-tegeler/hud-transportation-policy\\_b\\_2472741.html](http://www.huffingtonpost.com/philip-tegeler/hud-transportation-policy_b_2472741.html).

635 For more information, see New Haven, *Hartford, Springfield Rail Program*, Connecticut Department of Transportation, <http://www.nhhsrail.com/>.

# SECTION FIVE

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## CONCLUSION

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# CHAPTER SEVENTEEN

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## Fair Housing Impediments and Action Steps

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**B**ased on the research and analysis conducted in connection with this Analysis of Impediments, the following impediments to fair housing are particularly important to overcome in order to affirmatively further fair housing in Connecticut.

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### Impediments to Fair Housing

#### State of Connecticut Impediments

##### *1. Lack of affordable housing in a variety of locations.*

- Need for increased collaboration among State agencies to ensure that policies and funding affirmatively further fair housing and promote integration;
- While progress has been made in prioritizing fair housing in connection with selecting projects to receive state housing funding, a continued emphasis on fair housing and integration is needed to ensure these programs will effectively affirmatively further fair housing;
- Lack of predevelopment funding to assist and support developers, particularly in communities where opposition to fair housing delays projects to the point of infeasibility;
- Limited access to public transit;
- Need to change the perception among many developers that subsidies necessary to construct new affordable housing require unacceptable complications, delays, and bureaucracy.

##### *2. Lack of adequate data to determine if the State and municipalities are promoting integration and affirmatively furthering fair housing.*

- Outdated laws and regulations that may not conform to the most recent changes in State and Federal fair housing laws;
- Shortage of staff committed to data collection and ongoing monitoring related to affordable housing investments;
- Need for greater coordination among state agencies and municipalities to collect robust and consistent data.

##### *3. Lack of resources for fair housing education, enforcement, and mobility counseling.*

- Need for modifications to State programs for mobility counseling, rental assistance, and other housing assistance that do not affirmatively further fair housing because of a lack of resources and programmatic restrictions such as inadequate rent ceilings for rental assistance which, if modified, would provide tenants greater range of options for housing locations;

- Although the State has taken significant steps toward addressing the lack of funding for fair housing activities, more support is needed to ensure that the State is affirmatively furthering fair housing to the greatest extent possible and that all parties are complying with applicable fair housing law.

## **Local municipal impediments**

### *1. Lack of affordable housing in a variety of locations.*

- Lack of affordable rental units with three or more bedrooms in suburban and rural communities;
- Lack of regional coordination to promote adequate affordable housing;
- Need for more municipal officials to appreciate the benefits and feasibility of constructing sustainable and attractive mixed-income housing that includes units affordable to low-income households;
- Need for the widespread adoption of zoning that facilitates affordable multifamily and homeowner-ship developments, including modifications to zoning that creates barriers to such developments, including, for example, large lot requirements, density requirements, unnecessarily restrictive definitions of “families”, and the lack of multifamily zones;
- Use of residency preferences in tenant selection for affordable housing, which may promote segregation;
- Lack of participation in public transit planning to promote access to the municipality for people in the protected classes;
- Need to use current state and federal funding to prioritize construction of affordable housing.

### *2. Lack of data to determine if a municipality is meeting its obligation to affirmatively further fair housing.*

- Inadequate local data in municipal POCDs to determine if the municipality is meeting its goals to affirmatively further fair housing.

### *3. Inadequate understanding of the municipality’s/local public housing authority’s obligation to affirmatively further fair housing.*

- Inadequate local fair housing complaint processes, including a lack of understanding of appropriate complaint referral procedures;
- Lack of local fair housing enforcement mechanisms;
- Failure to ensure that local housing authorities and other housing providers do not use illegal tenant screening procedures or residency preferences.

## **Real Estate Industry Impediments**

- Limited understanding of fair housing laws, particularly with regard to reasonable accommodations of disabilities;
- Refusal of many property owners to accept Section 8 HCV and RAP subsidies or an SDG;
- Unreasonably restrictive occupancy standards that screen out families with children;
- Steering and refusing to sell or rent apartments or houses—particularly based on race, ethnicity, familial status, or source of income.

## **Developer Impediments**

- Need for more developers to appreciate the benefits and feasibility of constructing sustainable and attractive mixed-income housing that includes units affordable to low-income households;
- Frequent failure to develop wheelchair adaptable units;
- Lack of compliance with the accessibility requirements of the Fair Housing Act;
- Tendency to lease to households at highest allowable income within the applicable restrictions;



## **Banking Industry Impediments**

- Neglect of properties taken in foreclosure if they are located in high poverty areas or areas with high concentrations of people of color;
- Need to ensure no discriminatory practices in lending to prospective non-White homeowners;
- Need for proactive approaches to maintain and improve properties taken in foreclosure and/or transfer such properties to parties, including private for-profit and non-profit developers able to maintain and improve them, with or without public subsidies.

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## **Recommendations for Actions by the State**

Because non-Hispanic Blacks, Hispanics, people with disabilities, and single-parent families are disproportionately low-income and in need of affordable housing, investing in affordable housing in a variety of locations will help change historic segregation patterns. The State has already begun this work. To continue to affirmatively further fair housing, DOH, as the State's leading agency in all housing matters, should take and encourage the following actions:

### **Encourage the creation and rehabilitation of affordable housing in a variety of locations**

- In each DOH competitive funding round, and in the CHFA Qualified Allocation Plan, continue to assign a high point value for developments that achieve fair housing goals, in particular expanding affordable housing opportunities in high opportunity communities for groups that experience the most discrimination and highest degree of segregation (Blacks, Latinos, persons with disabilities, and people with a legal source of income other than employment), and continue to refine the effectiveness of the criteria used for awarding such points.
- Continue extensive outreach to municipalities, developers, advocates for affordable housing, supportive housing and fair housing, federal agencies other state agencies and quasi-governmental entities to increase affordable housing units in high opportunity communities and make targeted investments to revitalize predominantly low-income, highly segregated communities.
- Conduct specific outreach to municipalities to highlight legal requirements to affirmatively further fair housing and promote housing choice and economic diversity through conservation and development policy and zoning regulation.
- Conduct one or more funding rounds for projects and programs designed specifically to affirmatively further fair housing.
- Continue to award incentives to municipalities under the IHZ program to increase affordable housing units in high opportunity communities.
- Exercise appropriately the Commissioner of DOH's discretion to approve projects that promote fair housing choice and racial and economic integration even if they are inconsistent with the State Plan of Conservation and Development.
- Increase funding flexibility to seize immediate development opportunities to increase affordable housing units in high opportunity communities.
- Evaluate the effectiveness of DOH and CHFA funding rounds in facilitating the creation of new family affordable housing units to ensure the availability of affordable family housing in diverse areas.
- Provide guidance for effective affirmative marketing plans for developers of affordable housing.
- Engage with developers and municipal officials to help them appreciate the benefits and feasibility of constructing sustainable and attractive mixed-income housing that includes units affordable to low-income households.
- Conduct outreach to change the perception among many developers that subsidies necessary to construct new affordable housing require unacceptable complications, delays, and bureaucracy

## **Collaborate with other State Agencies to Affirmatively Further Fair Housing**

- DOH, DECD, DOT, SDE, DEEP, DMHAS, OPM and other state agencies should seek opportunities to align policies and funding, including, for example, TOD funding to expand affordable housing opportunities with effective access to public transit.
- When making funding decisions, the State should award high point values to affordable housing developments in areas that are higher opportunity, have access to employment, and are within a short distance from rail or bus service.

## **Convene stakeholders to review proposed legislative solutions to existing impediments to fair housing choice**

- Review State regulations to ensure they are in compliance with federal regulations, including consulting with stakeholders to review Connecticut's Fair Housing Regulations located at 8-37ee-1 et seq., and the impact of that regulation on tenant admission to properties funded jointly by the State and HUD (especially concerning two preferences permitted under current State regulation: the residency preference and the preference for individuals of those groups determined least likely to apply as determined by affirmative fair housing marketing plans).
- Develop model zoning regulations that promote housing choice and diversity.
- Review state laws and regulations and make recommendations for changes where there are conflicts with state or federal fair housing legal requirements or where there are opportunities to more effectively affirmatively further fair housing, including, for example, modifying the exemption in CGS §46a-64c, which permits discrimination against minors regardless of their capacity to perform under the lease, and amending CGS § 8-23 to require that municipal POCDs include an analysis of the regional housing need where the region encompasses the closest areas of minority and poverty concentration.

## **Encourage the collection and analysis of data to determine if the State is meeting its goals to affirmatively further fair housing**

- Within existing resources, support the collection and public dissemination of data regarding impediments to fair housing choice and efforts to affirmatively further fair housing, including for example, housing needs data (including the need for accessible units), affordable housing production, municipal zoning data, geocoded data for all State-assisted affordable housing investments and individual and family support program beneficiaries (subject to privacy rights).
- Work with agencies assisting people who need accessible features in their housing to conduct a survey or fair housing testing to gauge the difficulty of finding accessible housing and determine whether housing is in compliance with the design and construction requirements of the federal FHA to generate a count of the accessible inventory.
- Improve collection and publication of data on housing qualifying as "affordable" under the Affordable Housing Land Use Appeals Act, Con. Gen. Stat. § 8-30g.
- Collect detailed data on the demographics of Security Deposit Guaranty program beneficiaries and credit mobility counseling participants and the geographical usage of those resources in order to assess the fair housing impact of the programs.
- Collect and maintain comprehensive data regarding local zoning regulations including, for example, geocoded local zoning maps that enable a better understanding of development opportunities for affordable housing and any impediments to such development.
- HomeConnecticut developments should be the focus of fair housing testing and/or be required to report the racial, ethnic, and familial status of the tenants occupying such housing.
- Undertake a fair housing analysis of the lending data the State purchases from third party consultants such as CoreLogic and the Warren Group.
- Seek resources to enable the State to evaluate the fair housing impact of the State's Eviction and Foreclosure Prevention Program, EMAP, and any other State programs intended to reduce the incidence and impact of foreclosure on households and communities.

- Support research using HMDA data to identify lenders with high rates of loan denials involving Blacks, Hispanics, women, and people with disabilities.

### **Ensure State and local planning documents affirmatively further fair housing**

- Incorporate fair housing strategies and goals into the next ConPlan.
- Include a strategy for prioritizing the preservation and creation of affordable housing that promotes integration in the next ConPlan.

### **Maximize the effectiveness of State programs that promote mobility**

- Review for effectiveness all DOH mobility counseling, rent bank and Security Deposit Guaranty programs and make appropriate changes to ensure they are promoting fair housing choice.
- Explore the benefits of housing authorities participating in programs that adjust allowable rents in both the RAP and Section 8 HCV programs by geographic subareas to ensure families' access to all parts of a region.
- With regard to the mobility counseling programs, DOH should explore enhancements such as:
  - More nuanced profiles of communities including, for example, adding school performance, crime statistics, and other community amenity information to the poverty income data currently being used.
  - Prioritizing moves within the mobility contracts to ensure that the program is focused on assisting clients interested in moving to higher opportunity areas.
  - Including support services after the move in the mobility contracts, to ensure a smooth transition that works for the household.
  - Providing car or bus tours of thriving neighborhoods.
  - Rewarding mobility counselors for referring cases of alleged housing discrimination to the proper agencies.
  - Link mobility counselors to State-assisted affordable housing developments and include outreach to mobility counselors as part of affirmative fair housing marketing requirements.
- Research the cost of increasing RAP certificate payments to levels that are sufficient to support opportunity moves.
- Support local housing authorities' efforts to get the staffing, training, and supervision they need to assist clients with the moves that are best for their families, regardless of geographic location.
- Within existing resources, review the admissions criteria of all housing currently receiving State subsidies or State administered financial assistance to ensure that no housing providers are applying illegal independent living requirements.
- Review developments created in IHZs to ensure they are marketed to those least likely to apply and tenancy data should be maintained and reviewed to assess the impact of the program on affirmatively furthering fair housing.
- Continue to conduct ongoing monitoring of all State-assisted developments to ensure they are marketed to those least likely to apply and tenancy data should be maintained and reviewed to assess the impact of the program on affirmatively furthering fair housing.
- Review the efficacy of providing additional monetary incentives within the HomeConnecticut program to encourage more deeply affordable housing.

### **Promote fair housing enforcement and education**

Within existing resources:

- Support education and training for landlords regarding fair housing obligations.
- Support testing for the incidence of housing discrimination.
- Support the enforcement of fair housing laws.

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## Recommendations for Actions by HUD

HUD is an important partner with the State of Connecticut in affirmatively furthering fair housing. While the State cannot require HUD to take action, it is hoped that HUD will take the following steps to promote fair housing in Connecticut.

### Collaborate with other Federal Agencies to Affirmatively Further Fair Housing

- When awarding grants for TOD developments or other affordable housing, HUD should prioritize fair housing considerations and make access to affordable housing in a variety of locations a paramount objective.

### Maximize the effectiveness of HUD programs that promote mobility

- Increase Section 8 HCV Program voucher payment levels so that they are sufficient to support opportunity moves.
- Collaborate with the State to assess whether the use of residency preferences should be discouraged unless they clearly show no adverse impact on people of color, families with children, or people with disabilities.
- Consider reviewing the admissions criteria of all housing currently receiving HUD subsidies or HUD administered financial assistance to ensure that no housing providers are applying illegal independent living requirements.

### Promote fair housing enforcement and education

To the greatest extent possible:

- Increase support for fair housing education and training for landlords regarding fair housing obligations.
- Increase support of testing programs that assess the incidence of housing discrimination.
- Increase support the enforcement of fair housing laws.

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## Recommendations for Actions by Municipalities

Municipalities play a central role in ensuring that Connecticut's residents have access to housing in a variety of locations. To ensure that their planning documents and municipal ordinances affirmatively further fair housing, municipalities should:

### Encourage the creation and rehabilitation of affordable housing in a variety of locations

- Identify developable land within the municipality for developers of affordable housing.
- Participate in regional planning efforts to ensure that there is affordable housing in a variety of locations.

### Encourage the collection and analysis of data to determine if the municipality is meeting its goals to affirmatively further fair housing

- Report municipal and regional racial and ethnic composition data in municipal POCDs.

### Ensure local planning documents affirmatively further fair housing

- Publish the municipality's POCD on its website.

### **Convene stakeholders to review proposed legislative solutions to existing impediments to fair housing choice**

- Review occupancy ordinances, regulations and/or guidelines to ensure that the rules are not unnecessarily restrictive for families with children. At a minimum, they should be in line with reasonable local fire and building codes.
- Determine whether the zoning ordinances and other occupancy rules are enforced in a non-discriminatory way.
- Review zoning ordinances to determine if they require special permits for affordable housing or require large lot sizes, low density requirements, or other policies that would make the development of affordable housing expensive and propose changes to such requirements.
- If the municipality's zoning ordinance does not include a statement that people with disabilities have the right to request a reasonable accommodation of a change in any zoning ordinance, add this to the existing zoning ordinances.

### **Maximize the effectiveness of programs that promote mobility**

- If a municipality uses a residency or employment preference to select affordable housing tenants, it should conduct an analysis to determine if such requirements have an illegal disproportionate impact on non-Hispanic Blacks, Hispanics, people with disabilities, single-parent families, and people with housing subsidies.
- Maintain and make easily available comprehensive, current lists of available housing units, with a special emphasis on units in high-opportunity neighborhoods. Consider additional funding for housing authorities to support this effort.

### **Promote fair housing enforcement and education**

- Appoint a fair housing officer, have him or her trained on their duties and responsibilities as a fair housing officer, and publicize the person's name, contact information, and job responsibilities.
- Sponsor, or work with housing provider associations to sponsor, fair housing trainings for housing providers.
- Refer complaints of housing discrimination to HUD, CHRO, or a private fair housing agency.
- Provide Spanish (and possibly other languages) as an option on the main telephone line for reporting fair housing complaints or asking housing related questions.
- Pool resources to provide language access to LEP individuals on a regional basis including translating and making available vital housing forms in Spanish.

# APPENDIX ONE

## LIST OF ACRONYMS

Acronym	Full Name	Page Of First Appearance
AFFH	Affirmatively Furthering Fair Housing	3
AFH	Assessment of Fair Housing	20
AHAA	Affordable Housing Appeals Act	68
AI	Analysis of Impediments to Fair Housing Choice	3
AMI	Area Median Income	118
APR	Annual Percentage Rate	180
CBPP	Center on Budget and Policy Priorities	156
CDBG	Community Development Block Grant program	6
CDBG-SC	Community Development Block Grant—Small Cities	134
CFHC	Connecticut Fair Housing Center	29
CHAMP	Competitive Housing for Affordable Multifamily Properties	134
CHFA	Connecticut Housing Finance Authority	21
CHRO	Connecticut Commission on Human Rights and Opportunities	29
CIL	Center for Independent Living	71
CoC	Continuum of Care	150
ConPlan	Consolidated Plan	6
DCF	Department of Children and Families	169
DCP	Department of Consumer Protection	168
DMHAS	Department of Mental Health and Addiction Services	165
DOC	Department of Correction	166
DOH	Connecticut Department of Housing	3
DSS	Connecticut Department of Social Services	54
DAP	Downpayment Assistance Program	164
DV	Domestic Violence	165
ECL	Energy Conservation Loan	147
ELL	English Language Learner	176
ERAP	Elderly Rental Assistance Program	141
ESG	Emergency Solutions Grant	6

(continued on next page)



(List of Acronyms continued)

<b>Acronym</b>	<b>Full Name</b>	<b>Page Of First Appearance</b>
ESS	Emergency Shelter Services Programs	150
Federal FHA	Federal Fair Housing Act	15
Flex	Affordable Housing Program	134
HCV Program	Housing Choice Voucher Program	52
HIPAA	Health Insurance Accountability and Portability Act	165
HMDA	Home Mortgage Disclosure Act	178
HOME	Home Investment Partnership Grants	6
HOPWA	Housing for Persons with AIDS	6
HTCC	Housing Tax Credit Contribution Program	161
HTF	Housing Trust Fund Program	134
HUD	US Department of Housing and Urban Development	3
IHZ	Incentive Housing Zone	111
ITS	Judicial Department's Interpreter and Translator Service	175
LEP	Limited English Proficiency	174
LGBT	Lesbian, Gay, Bisexual and Transgendered	19
LIHTC	Low Income Housing Tax Credit Program	160
LMA	Labor Market Area	75
LMI	Low Moderate Income	186
MFP Program	Money Follows the Person Program	70
MSAs	Metropolitan Statistical Area	77
MTO	Moving to Opportunity	120
MUI	Middle to Upper Income	186
MEL	Multifamily Energy Conservation Loan	147
Municipal POCD	Municipal Plan of Conservation and Development	111
NSP 3	Neighborhood Stabilization Program 3	199
NSP	Neighborhood Stabilization Program	199
OPM	Connecticut Office of Policy and Management	115
PBRA	Section 8 Project Based Rental Assistance	157
PHA or LPHA	Public Housing Authority or Local Public Housing Authority	155
QAP	Qualified Allocation Plan	160
RAP Program	Rental Assistance Payment Program	52
RPO	Regional Planning Organization	108
R/ECAP	Racially and Ethnically Concentrated Area of Poverty	127
SDG	Security Deposit Guarantee program	53
SPI	School Performance Index	95
SSHHP	State-assisted Housing Portfolio	135
State FHA	State of Connecticut Fair Housing Act	15
State POCD	State Plan of Conservation and Development	108
TOD	Transportation Oriented Development	191

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# APPENDIX THREE

## Accomplishments since 2006 AI Update

In 2006, the DECD published an update to the Analysis of Impediments to Fair Housing Choice (“AI Update”) which had been completed in 2000. The following action steps are taken from the 2006 AI update.

### Recommendations for State Level Action

Successful implementation of this plan will require coordination between several state agencies. The State of Connecticut should begin addressing limitations on fair housing choice by achieving the following six objectives (1) increasing the access of racial and ethnic minorities, people with disabilities and families with children to the existing supply of housing; (2) increasing the supply of affordable housing; (3) establishing mechanisms for better data collection on fair housing in Connecticut; (4) providing increased training of state employees in the area of fair housing; (5) expanding fair housing outreach and education activities; and (6) increasing monitoring and enforcement of fair housing laws and policies.

### Objective 1: Increasing housing access for protected classes

2006 Action Step	Accomplished Since 2006
Increase funding for the State Rental Assistance Program;	81% growth in RAP funding since 2003, with annual increases of \$1.5 million contemplated through FY 22.
Increase allowable rents under the RAP and T RAP programs to promote housing choice;	While allowable rents have increased since 2006, this AI recommends that the State increase RAP Program voucher payments to levels that are sufficient to support opportunity moves.
Provide funding for mobility counseling services for Section 8 and RAP recipients;	Currently funded at \$390,625
Eliminate the DECD housing oversight fee; and	No longer applicable
Work with financial institutions and other organizations and municipalities to develop more programs that encourage minority homeownership.	DOH is conducting a \$30 million funding round in FY 15 for homeownership programs and projects in both 7 designated cities as well as other municipalities, with an emphasis on high opportunity locations. CHFA has continued to expand its homeownership lending programs.

**Objective 2: Increasing supply of affordable housing.**

2006 Action Step	Accomplished Since 2006
Increase bond funding for housing development; and	Since taking office in 2010, Governor Malloy has committed more than \$750 million to preserve and construct affordable housing throughout the State.
Revise state funding (including the Low Income Housing Tax Credit) allocation plans to promote affordable rental in suburban areas and homeownership in urban areas.	Over the past four years, the State has begun to place a greater emphasis on affordable housing in a variety of locations. It is a recommendation of this AI that in each competitive funding round, and in the CHFA Qualified Allocation Plan, DOH and CHFA continue to assign a high point value for developments that achieve fair housing goals, in particular expanding affordable housing opportunities in high opportunity communities for groups that experience the most discrimination and highest degree of segregation (Blacks, Hispanics, persons with disabilities, and people with a legal source of income other than employment), and continue to refine the effectiveness of the criteria used for awarding such points.

**Objective 3: Begin systematic data collection on fair housing issues.**

2006 Action Step	Accomplished Since 2006
Require towns to report fair housing complaints to CHRO;	DOH trainings for municipalities since 2006 have emphasized the requirement to report fair housing complaints to CHRO.
Set up centralized system within CHRO to collect and monitor fair housing complaints in coordination with local fair housing offices and fair housing not for-profit;	No
Create a statewide data center to track housing and aid planning; and	No
Establish and maintain a statewide list of accessible apartments.	DECD (now DOH) created <a href="http://www.cthousingsearch.org">www.cthousingsearch.org</a> which lists apartments for rent and includes information about the accessible features of individual units. The website also includes information about resources for people with disabilities.

**Objective 4: Increase training of state employees in the area of fair housing.**

2006 Action Step	Accomplished Since 2006
Identify a fair housing contact person in all state agencies which address housing and community development, community development finance, or social services;	DECD (now DOH) attempted to do this in 2010 with limited success. Most agencies do not have designated fair housing point persons.
Continue the fair housing training programs for both staff and CDBG recipients;	Since 2006, the State has sponsored at least three fair housing trainings every year for DECD/DOH staff and Small Cities CDBG recipients
Develop a fair housing resource list for distribution to all agency contact people; and	Completed in 2007 and updated every year
Distribute fair housing materials to all state employees that have direct contact with the public in any agency which addresses housing and community development, community development finance, or social services.	Completed in 2008

**Objective 5. Fair housing outreach and education activities.**

2006 Action Step	Accomplished Since 2006
DECD and/or CHRO should prepare and distribute materials for use by local officials and residents;	CHRO and CFHC (with the support of DECD/DOH) have done this every year since 2006.
The Real Estate Commission should conduct spot checks of fair housing real estate licensing courses;	Unknown
Develop and regularly distribute model affirmative marketing procedures; and	Beginning in 2007, DOH began making changes to the State Affirmative Fair Housing Marketing Plan (Form AA-5) to ensure that it conformed with the State AFHMP regulations and affirmatively furthered fair housing. At least three trainings have been held to distribute and explain the proper use of the AA-5.
Develop and distribute materials and resources regarding requirements to develop adaptable and accessible units under various fair housing laws.	On October 1, 2010, a new state statute went into effect requiring the state to establish a program to encourage the development of visitable housing. Visitable housing consists of one-to-four family residential construction that includes interior doorways that provide a minimum thirty-two inch wide unobstructed opening, an accessible means of egress, and a full or half bathroom on the first floor that is compliant with the provisions of the ADA. As part of this program, DOH provides a single point of contact for any person seeking financial or technical assistance from the state to construct visitable housing, financial incentives for developers who construct visitable housing, and public education about visitable housing.

## Objective 6. Monitoring and enforcement of fair housing laws and policies.

2006 Action Step	Accomplished Since 2006
Provide state funding for fair housing testing activities;	Since 2007, the State has provided approximately \$2 million to CFHC to conduct fair housing testing, enforcement, and education activities.
Amend the state statutes on town Conservation and Development plans, town regulations, and town community development plans (Sec. 8 23, Sec 8 2, Sec 8 169c) to require towns adhere to state fair housing policies and to consider the impact of those plans on fair housing in their area;	No
The Department of Social Services should take steps to ensure that private landlords do not refuse the guarantee of a security deposit from participants within the DSS Security Deposit Program;	CHRO has held that refusal to accept an SDG violated the lawful source of income provisions of the State FHA. This has led to fewer private landlords discriminating on the basis of receipt of an SDG.
Increase DECD staff directly assigned to fair housing monitoring and enforcement;	DOH has a designated person to take the lead on fair housing issues and additional staff with deep experience in this area.
The Departments of Banking and Insurance should monitor state banks and insurance companies, including testing, to ensure compliance with fair housing laws;	The Department of Banking and Insurance have not monitored banks and insurance companies through fair housing testing.
Conduct regular monitoring of local affirmative marketing strategies and resident selection criteria;	DOH now requires AFHMPs be submitted if a project has been approved for funding. In addition, there is monitoring at the end of the contract to ensure that people least likely to apply have been reached with the marketing materials.
Monitor for compliance with accessibility guidelines; and	Not being done by municipalities
Evaluate government insured loan programs to ensure equitable distribution to all demographic groups.	Unknown

### Local Fair Housing Action Steps

The nature of a community obviously has an effect on the type of activities that can appropriately and effectively be employed to promote fair housing. Factors such as the municipality's current housing infrastructure, the size and expertise of the municipality's professional staff, access to transportation, and the relative affordability of the municipality's housing stock, all help determine what the realistic strategies are for a municipality to pursue. However, the types of steps that local communities can take to encourage equal housing choice generally fall into eight broad categories. These categories are listed below. Under each category is a list of specific actions which a community could take to encourage greater housing choice

### Fair Housing Action Plan

This creates a policy statement for the municipality to address and promote fair housing. Detailed instructions to complete this Fair Housing Action Plan, a complete definition of all matrix items, the Matrix for Local Fair Housing Action, and an example of a completed Plan are included in Appendix J.<sup>636</sup>

2006 Action Step	Accomplished Since 2006
Complete an Affirmative Fair Housing Marketing Plan, which outlines actions to attract prospective buyers or tenants of all majority and minority groups in the housing market area.	No
Create a Fair Housing Policy Statement, consistent with the requirements of Section 8.37.33-311 of the Affirmative Fair Housing Marketing and Selection Procedures Manual.	Form available on DOH website.
Include a Discrimination Complaint Procedure providing for the expeditious resolution of complaints to ensure that legal options for filing complaints with enforcement agencies are not restricted.	Unkown
Include a tenant selection methodology to determine who shall have the opportunity to apply for state assisted housing and who shall ultimately be selected.	DOH requires any municipality receiving funding for housing from the state to complete a tenant selection plan in conformance with State regulations.
Determine Income Needed for Housing (INH) using the prescribed calculations and identify your community according to the calculation and identified categories.	DOH has stopped using this method to determine which fair housing steps must be completed by municipalities. With the publication of this AI, DOH now expects all municipalities to affirmatively further fair housing in conformance with the action steps.
Determine Community Classification based on the definitions provided in the Matrix for Local Fair Housing Action.	See above.
Categorize your community, based on steps 5 and 6 above.	See above.
Select Action Steps your town will take to further Fair Housing efforts from the Local Housing Strategy Matrix.	See above.

<sup>636</sup> The Matrix for Local Fair Housing Action has not been included in this AI and is no longer being used.

## Training

This is necessary in order for local officials to carry out fair housing requirements in the conservation and development plan.

2006 Action Step	Accomplished Since 2006
Contract for direct training of town staff assigned to fair housing enforcement and complaint processing.	A few municipalities have contracted for direct training of staff, others have sent staff to trainings sponsored by DOH or FHACT. The number of municipalities who have had their staff trained on fair housing is unclear.
Identify appropriate training seminars for town fair housing and social services staff to attend.	See above.
Gather information from organizations and agencies involved with fair housing such as DECD, CHRO, HUD and private not for profits and distribute to all town staff which have direct contact with the public regarding housing, community development, social services or public safety matters.	Spot checks of municipalities during April, which is Fair Housing Month reveals that some municipalities do have information about fair housing to distribute to staff and the public.

## Outreach

2006 Action Step	Accomplished Since 2006
Conduct regular (at least once a year) fair housing seminars for community residents, landlords, real estate professionals and lenders.	A few municipalities have conducted fair housing training for the general public.
Prepare and distribute materials which outline fair housing rights and responsibilities and the town's complaint and/or referral process.	Spot checks of municipalities during April, which is Fair Housing Month reveals that some municipalities do have information about fair housing to distribute to staff and the public.
Identify and distribute fair housing materials prepared by others to community residents, landlords, real estate professionals and lenders.	Spot checks of municipalities during April, which is Fair Housing Month reveals that some municipalities do have information about fair housing to distribute to staff and the public.

## Complaint Processing and Monitoring

2006 Action Step	Accomplished Since 2006
Assign a specific staff person to coordinate fair housing activities.	A few municipalities have done this.
Develop a formal process for referring fair housing complaints to CHRO, HUD or others for investigation and follow up.	A few municipalities have done this.
Conduct initial fair housing investigation and conciliation services; make outside referrals when necessary.	It is unclear if any municipalities do this or simply refer fair housing cases to CHRO or another entity.
Pass a local ordinance similar to federal fair housing laws. Then prepare and submit an application to HUD for substantial equivalency status and funding.	No.
Conduct testing and monitoring of local real estate agents, landlords and lenders.	Unknown



## Infrastructure Development

2006 Action Step	Accomplished Since 2006
Provide model codes for urban, suburban and rural categories.	No.
Review local building and zone codes, including removal of overly restrictive occupancy standards, family definitions, and density requirements.	No.
Develop a formal procedure for inspecting and monitoring new construction and substantial rehabilitation for compliance with the fair housing laws, the Americans with Disabilities Act and related laws.	No.
Expand access to mass transportation by developing van pools and ride sharing programs.	Unknown
Promote inclusionary zoning through the expansion of multi family zones.	No.
Encourage the development of alternative ownership through models such as limited equity cooperatives, mutual housing, land trusts and/or turn key projects.	No.

## Local Financing of housing

2006 Action Step	Accomplished Since 2006
Donate town land for development of lower cost multi family housing.	Numerous incidences of such land grants or sales for nominal amounts have been reported.
Create a local land trust to expand the supply of affordable homeownership options.	Several land trusts have been especially active, particularly in Litchfield County.
Support local not for profits and housing partnerships in efforts to develop additional affordable housing.	Since 2007, the State has supported a housing program, also known as HOME CT or the Incentive Housing Zone Program, which provides incentives to municipalities to develop and adopt IHZs and promote new affordable multifamily housing in such zones.
Use the local housing authority as a vehicle for creation of affordable family rental housing.	With the historic increase in capital funding being provided by the State, many municipalities have begun working closely with the local housing authority to expand affordable housing within the municipality.
Directly appropriate local funds for development of lower cost, particularly family, housing.	Yes
Seek state and federal funding for multi family housing development.	HOMEConnecticut was established by the Legislature in 2007 to support municipalities in planning and zoning for affordable housing creation. The program provides interested municipalities with a range of incentives to plan and develop overlay IHZs which allow developers to build higher density mixed-income housing in municipal centers near transit facilities or any areas of existing or planned infrastructure. Through this program, Old Saybrook has constructed multifamily affordable housing.

## Counseling and Other Services to Promote Diversity

2006 Action Step	Accomplished Since 2006
Create or expand Section 8 and other mobility counseling programs.	Since 2006, the State has supported the mobility counseling programs without substantial support from municipalities.
Affirmatively market Section 8, RAP, and other rental subsidy programs through dissemination of information to local landlords.	DOH is developing a landlord outreach initiative at this time.
Conduct a local rent survey to determine if Section 8 exception rents are necessary in town.	This was undertaken by Stamford.
Apply to HUD for Section 8 subsidies through the local housing authority.	Unkown.
Eliminate local residency preferences within subsidized housing within the town.	DOH has refused to allow local municipalities to enforce a local residency preference if such preference would have a disparate impact on people in the protected classes. In other cases, residency preferences have been eliminated through litigation. See, <i>Carter v. Winchester Housing Authority</i>

## Encouragement of Private Activity

2006 Action Step	Accomplished Since 2006
Encourage local lenders to adopt "second look" policies before rejecting mortgage applications.	No
Conduct regular monitoring of bank lending practices within the town.	No
Work with local landlords, real estate agents and lenders to develop affirmative marketing strategies which encourage applications from people least likely to apply based on current town demographics.	No
Encourage area lenders to develop training and monitoring programs, including self testing of lending practices.	No

This list does not include every fair housing activity that a community could, or should, undertake. However, it is a good starting point for increasing community awareness, ensuring that clear procedures exist for addressing fair housing complaints, expanding the types of housing choice within a community and generally providing all people with the opportunity to live in the community of their choice without discrimination.



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