



CREATING A LOCAL FAIR HOUSING POLICY

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12:00 – 1:00 PM

Webinar Summary: A local fair housing policy can help local governments raise awareness of local housing issues, as well as identify and address potential violations of fair housing laws and regulations. Many communities in the metro do not currently have fair housing policies at the municipal-wide level, except as at times adopted by local departments such as housing and redevelopment authorities, public housing authorities or community development authorities. We will introduce the new model local Fair Housing Policy and its content, and explore how it can be used in your community.

QUESTIONS AND ANSWERS:

- 1. What are some tools to help normalize the need for affordable housing so that there is broad policy support for these legal requirements and best practices and procedures?**

That's a really great question. I think that the best way to normalize, or start talking about it really, is to look to who in your community you can collaborate with. What are local organizations, nonprofit organizations, or social service organizations that are affordable housing experts, that work with people who need affordable housing, and have them come in and start providing information and providing education. The reality is, in our current world, you would be surprised at how many people would qualify for affordable housing. And really, it's everybody that you know. It's the dry cleaner you take your dry cleaning to, it's your child's best friend, it's the teacher's aide at your daycare. The more you learn about who needs affordable housing, the more it does become normal. So look to organizations such as Community Action of Hennepin County, or to VEAP, or to Legal Aid, or to the Housing Justice Center to help you bring that information to your decision makers and to your city staff to start the conversation and to support you in these changes. There are also organizations that help with larger community support like Jewish Community Action, or MICAHA (Metropolitan Interfaith Community on Affordable Housing). Also, other agencies that focus on broader community support as well.

- 2. If a city does not have an HRA, do they still need a fair housing policy? And similarly, if the county serves as the HRA, is the city required to have a fair housing policy or the county HRA or CDA?**

That's a good question. This fair housing policy that we're talking about, really is directed towards cities in their role as city government. So the fair housing policies that we're talking about are for city departments like Police Departments, Inspections, Planning, Urban Planning – so it really is for any cities regardless of whether you have an HRA. Now cities that have a Housing Redevelopment Authority or a Community Development Authority that also have housing that they operate or that they own, they may have additional obligations under Fair Housing Act or MN Human Rights Act as housing providers. This fair housing policy is really directed at cities that do or don't have an HRA. I would say 'yes' this is really for all cities regardless of the HRA.

- 3. Is there some information for the housing inventory available through census or another agency?**

Yes, actually, there is quite a bit of information available. The first place I would direct you to is the Metropolitan Council itself. It has, as I briefly mentioned, an existing housing assessment for each

community. It also has Community Pages for each of its jurisdictions that has a lot of information. There's also the American Communities Survey, which is part of the census that would provide a lot of information. HUD has a fair housing tool and an assessment tool that was designed assist those who create an analysis of impediments, but it is available to anybody, any city. On their website, you just look for an analysis of fair housing tool or you could do a google for that and that has a lot of information that covers the demographics we've been talking about – like racial demographics and poverty demographics, and familial status demographics.

4. This seems like it could take a lot of city resources. Are there grants available to implement policies?

That's a great question. I don't know the answer to that. I'd like you to take a look at the fair housing model policy that we created. It really is scalable, based on your resources. There may be grants out there that I don't know about but you may be able to get grants to do things like the housing analysis or the zoning and code analysis. Other things can be implemented that won't necessarily cost a lot, for example identifying a fair housing officer depending on the size of your staff. You may be able to do that very soon. Your city may already have a policy regarding the ADA. Just making sure that that is up on your website and prominent. That may cost very little money. But, maybe Jonathan or some of the Metropolitan Council staff could look to see if there are other grants available to cities to do this sort of analysis.

5. Can we get an update on fair housing with regard to people with criminal backgrounds?

Sure. That is always kind of a sticky area because people with criminal backgrounds are not a protected class under federal or state civil rights laws. Now, that being said, if people having a criminal background and that criminal background was because of let's say some sort of disability (like a mental health disability) that has now been addressed, people with criminal backgrounds may be able to access reasonable accommodation policies. Again, someone with a criminal background is not a protected class under civil rights laws but if that criminal behavior was related to a disability that the person has and there have been plans put into place to address the mental health issues or the disabilities, the reasonable accommodations may come into play. It really is a case by case basis when it comes to that. That's kind of a complicated answer but it's a complicated area.

6. Where is a place to access training on fair housing laws – who offers the training?

That's a great question and something that we see as an ongoing need. What I know, from my time at Minneapolis Legal Aid, I do know that legal assistance organizations around the state offer fair housing training. I do know that contacting HUD to see if they may have some training available. We do recognize that as an ongoing need, an ongoing development of perhaps a training curriculum and we have put a 'bug in the ear' of the Metropolitan Council as far as that need. There is also organizations, such as the Housing Justice Center that could potentially do fair housing training. Other non-profit agencies may offer some training but there's no particular agency or one stop shop that provides the training right now.

7. Do you feel that a rezoning or planning approval will qualify as that 'otherwise' that was mentioned?

There have been some cities currently that have created their inclusionary housing policies where rezoning or the request for a PUD has triggered this requirement for affordable housing to be included in the development. Brooklyn Park just passed one. St. Louis Park also has some sort of a trigger that isn't financial assistance, but it is a rezoning or a request for a PUD. There are cities that are using that as the way to increase affordable housing development.

8. What are the implications of not having a fair housing policy?

A fair housing policy, at this time, is not legally required by anybody. The Metropolitan Council will require the creation of a fair housing policy as part of their analysis to grant Livable Community Act Grants in the future, so that will be an implication. But as far as, if you're not applying for LCA grants, there really is no legal obligation to create it. Now, there are other legal obligations that we said, such as making sure that you don't have disparate impact or disparate treatment and that you affirmatively further if you are receiving federal financial aid, but, we see this more as a best practice and as a way that cities can put fair housing foremost in their city planning and city development.

Please send additional questions or comments to jonathan.stanley@metc.state.mn.us or lrobertson@hjcmmn.org.