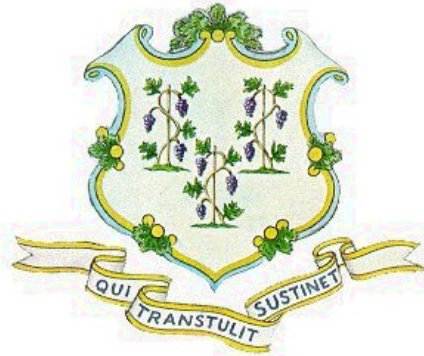




State of Connecticut

Analysis of Impediments to Fair Housing Choice



Prepared by the Connecticut Fair Housing Center

Submitted to the

U.S. Department of Housing and Urban Development

by the
State of Connecticut

April 2023

Connecticut Analysis of Impediments to Fair Housing Choice

Table of Contents

Executive Summary

Part 1: Introduction and Background

| | |
|-----------|-----------------------------------|
| Chapter 1 | Introduction |
| Chapter 2 | 100 Years of Fair Housing |
| Chapter 3 | Overview of the Fair Housing Laws |
| Chapter 4 | Emerging Fair Housing Issues |
| Chapter 5 | Fair Housing Enforcement |

Part 2: Connecticut by the Numbers

| | |
|------------|---|
| Chapter 6 | Connecticut Demographics |
| Chapter 7 | The Demographics of Income, Poverty, and Wealth |
| Chapter 8 | Affordable Housing Need |
| Chapter 9 | Segregation in Connecticut |
| Chapter 10 | The Effects of Segregation |
| Chapter 11 | Segregation and Health Outcomes |

Part 3: Opportunities to Address Segregation

| | |
|------------|--|
| Chapter 12 | State Plans that Promote Access to Housing |
| Chapter 13 | Zoning, Municipal Housing Plans and Other Programs that Promote Access to Affordable Housing |
| Chapter 14 | Using Subsidized Housing Programs to Affirmatively Further Fair Housing |
| Chapter 15 | Overcoming Limited English Proficiency |
| Chapter 16 | Access to Sustainable Homeownership |

Part 4: Impediments and Action Steps

| | |
|------------|---|
| Chapter 17 | Fair Housing Impediments and Action Steps |
|------------|---|

Appendix

| | |
|-------------|------------------------------|
| Appendix 1: | Style Manual and Definitions |
|-------------|------------------------------|

Chapter 1: Introduction

As a recipient of federal funding, the State of Connecticut is committed to affirmatively furthering fair housing (“AFFH”). The Connecticut Department of Housing (“DOH”), the state’s lead agency for all matters related to the creation and preservation of housing, takes this requirement seriously by ensuring that all of its housing development, affordability initiatives, and community development programs affirmatively further fair housing by overcoming patterns of segregation and fostering inclusive communities free from barriers that restrict access to opportunity based on protected characteristics, such as race, color, national origin, religion, sex (including sexual orientation and gender identity), familial status, and disability.¹ Part of the obligation to affirmatively further fair housing includes conducting an Analysis of Impediments to Fair Housing Choice (“AI”).

In addition to an AI, 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.² Together the AI and the ConPlan provide a guide for the jurisdiction’s expenditure of HUD money.

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.³

What is federal financial assistance?

Federal financial assistance is defined as assistance that non-federal entities receive or administer in the form of grants, cooperative agreements, direct appropriations, non-cash contributions, and other financial assistance from HUD to provide housing directly or indirectly.

The State of Connecticut receives several different forms of financial assistance from HUD to provide housing including Small Cities CDBG funding, The Affordable Housing Program (AHP)(also known as Flex), Home Investment Partnerships Program (HOME), the HUD Multifamily Housing Program, the Money Follows the Person Program (MFP), the Healthy Homes Program, the Assisted Living in Federal Facilities program, the Section 8 New

Construction/Substantial Rehabilitations Program, the Lead Hazard Reduction Demonstration Program, the Section 811 Project-Based Rental Assistance Program, UniteCT, the Homeless

¹ U.S. Department of Housing and Urban Development, *Affirmatively Furthering Fair Housing* https://www.hud.gov/program_offices/fair_housing_equal_opp/affh#_What_is_AFFH?

² U.S. Department of Housing and Urban Development, *Consolidated Planning*, https://www.hud.gov/program_offices/comm_planning/conplan

³ HUD Fair Housing Planning Guide Vol. 1 at 1-3, https://www.hud.gov/sites/dfiles/FHEO/documents/Fair%20Housing%20Planning%20Guide_508.pdf.

Prevention Program, the Housing Opportunities for Persons with HIV/AIDS, and the Section 8 Housing Choice Voucher Program.⁴

While the majority of the programs listed above operate statewide, the Small Cities CDBG is a competitive program open only to the municipalities listed below.

Connecticut Small Cities Eligible Grantees

| | | | | |
|---------------------|-----------------------|------------------------|------------------|----------------------|
| Andover | Cromwell | Harwinton | North Stonington | Sterling |
| Ansonia | Danielson (Killingly) | Hebron | Old Lyme | Stonington |
| Ashford | Darien | Jewett City (Griswold) | Old Saybrook | Stonington (Borough) |
| Avon | Deep River | Kent | Orange | Suffield |
| Bantam (Litchfield) | Derby | Killingly | Oxford | Thomaston |
| Barkhamsted | Durham | Killingworth | Plainfield | Thompson |
| Beacon Falls | East Granby | Lebanon | Plainville | Tolland |
| Berlin | East Haddam | Ledyard | Plymouth | Torrington |
| Bethany | East Hampton | Lisbon | Pomfret | Trumbull |
| Bethel | East Haven | Litchfield (Borough) | Portland | Union |
| Bethlehem | East Lyme | Lyme | Preston | Vernon |
| Bloomfield | East Windsor | Madison | Prospect | Voluntown |
| Bolton | Eastford | Mansfield | Putnam | Wallingford |
| Bozrah | Easton | Marlborough | Redding | Warren |
| Branford | Ellington | Middlebury | Ridgefield | Washington |
| Bridgewater | Enfield | Middlefield | Rocky Hill | Waterford |
| Brookfield | Essex | Monroe | Roxbury | Watertown |

⁴ For a list an explanation of all of the housing programs run by DOH, see <https://portal.ct.gov/DOH/DOH/Gold-Bar/Programs>

In addition, several municipalities, known as entitlement communities, receive CDBG money directly from HUD to develop viable urban communities by providing decent housing and suitable living environment.⁵ Those communities are required to create their own Ais and to affirmatively further fair housing when using any federal financial assistance they receive. The entitlement communities in Connecticut are listed to the left.

What is an Impediment to Fair Housing?

According to HUD,

Impediments to fair housing choice are defined as:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choice
- Any actions, omissions, or decisions that have this effect.⁶

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.

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

⁵ <https://www.hudexchange.info/programs/cdbg-entitlement/cdbg-entitlement-program-eligibility-requirements/>

⁶ HUD Fair Housing Planning Guide Vol. 1 at 2-16 – 2-17.

https://www.hud.gov/sites/dfiles/FHEO/documents/Fair%20Housing%20Planning%20Guide_508.pdf

- An assessment of the availability of affordable, accessible housing in a range of unit sizes.⁷

After completion of the AI, a jurisdiction must summarize the findings of its analysis and include the information in the ConPlan.⁸ The jurisdiction must also develop and implement “Action Steps” consistent with the recommendations set out in the AI.⁹

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.

This report and the pandemic

This report was written in the midst of the COVID-19 pandemic and was finished when the Delta variant was increasing the number of new cases of the infection even though vaccines were readily available. This delayed the completion of the AI as the Connecticut Fair Housing Center and its staff responded to the overwhelming housing needs of BIPOC and low-income Connecticut residents. In addition, much of the data that was expected from the U.S. Census Bureau was not received and/or analyzed until the summer of 2021 because the pandemic prevented the federal government from gathering and disseminating that data. Finally, the pandemic revealed in stark numbers and the wrenching accounts of human suffering the effect of segregation on people’s health. This report adds a new Chapter 11 to address the effect of segregation on health as illustrated by the effects of the recent pandemic.

The Center staff who worked on this report thank the Connecticut Department of Housing for entrusting us with this work and for granting us the time we needed to both serve our clients and finish this Analysis of Impediments.

⁷ U.S. Department of Housing and Urban Development, “Fair Housing Planning Guide,” 1996, <http://www.hud.gov/offices/fheo/images/fhpg.pdf>.

⁸ *Id.* at 2-25.

⁹ *Id.* at 2-22.

Chapter 2: A Century of Fair Housing History

Connecticut's implementation and use of housing and land use policy helped carry out and extend the discriminatory legacy of the United States. Housing and land use policy have often been tools for economic recovery and community development. By rule and practice, local governments in Connecticut still depend on federal and state money intended for housing development to be a large (if not the only) piece of community and economic development. Unfortunately, this means that money allocated for housing development often follows the economic principles the United States was founded on.

This country's economic success has always been contingent on the oppression of people of color. Connecticut has a long history of discriminatory housing policies and practices that disinvest in neighborhoods where people of color live, limit housing opportunities for people of color, and increase wealth building opportunities for white people and their communities.

Local and state governments have spent billions of federal dollars over decades providing housing opportunities for white families, and disenfranchising people of color. Understanding how the intersection of discriminatory housing, land use, and relief policies created Connecticut's segregated environment might help decision makers identify actions to end discriminatory policies.

Industrial Revolution

Like most of the northeast, Connecticut's major cities saw tremendous economic and population growth throughout the latter half of the industrial revolution and leading up to and through World War I. Rapid population growth produced a housing crisis, and the factories that were leading cities to economic prosperity seized this opportunity to build housing for their



Figure 1: In Hartford, Connecticut the Colt Factory built 145 units of housing for workers during the 1850s.

workers in large scale efforts. These private housing developments built entire neighborhoods centered around a single factory. The housing and infrastructure provided workers and their families access to affordable housing close to their employment, schools, social activities, and places of

worship.¹ However, this factory-built housing was often only made available to white workers. Workers of color, although actively recruited to come to Connecticut from the southern states,

¹ [Worker Housing \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/learn/education/worker-housing)

West Indies, and Puerto Rico were often excluded from these ideal housing opportunities and left to find housing options on their own.

The Origins of Land Use and the Zoning Enabling Act ²

In 1921, under the direction of the federal Secretary of Commerce, Herbert Hoover, a federal committee was formed to develop model zoning statutes for state adoption. The model legislation provided states with the ability to give local governments authority to plan their communities. In June of 1923, the Connecticut legislature adopted these model regulations and created state's Standard Zoning Enabling Act.

The Standard Zoning Enabling Act provided legal protections for local communities to plan their development in ways that would promote the general welfare for their citizens. Additionally, these plans, under the guidance of the federal government included a provision that zoning would have an intention to “preserve the value of a building.” Suggesting that zoning was not only about general welfare, but also about the investment of development.

As early as 1924, municipal officials in Connecticut hired the consultants who had previously worked on the federal model zoning codes to help draft their own. The model was designed to preserve the value of single-family development by excluding opportunities for housing diversity. The first residential zoning regulations written in Connecticut in the mid to late 1920s, were designed to create economic segregation, and by default, reinforce previously outlawed, racial zoning.

The Great Depression and Redlining

By 1933, over half of the nation's mortgages were in default, and the economic growth of the 1920s was collapsing. ³ In response, President Roosevelt charged Congress with developing a plan to strengthen the housing market and promote homeownership. The Home Owners Loan Corporation (HOLC) was created as a part of New Deal legislation to oversee these goals.

In the early years of the HOLC the organization primarily purchased and refinanced mortgages at risk of foreclosure. This provided existing homeowners opportunities to stabilize their housing with more affordable mortgages. As the HOLC began to stabilize the housing market,

² A synopsis of longer research conducted by Jack Dougherty, at Trinity College, [Bringing Zoning to Connecticut | On The Line: How Schooling, Housing, and Civil Rights Shaped Hartford and its Suburbs \(trincoll.edu\)](https://www.trincoll.edu/~jtdougherty/bringing-zoning-to-connecticut/)

³ David Freund, *Colored Property: State Policy & White Racial Politics in Suburban America*, Chicago: University of Chicago Press, 2007 (p. 110 of 2010 paperback edition)

they began their City Survey program, which produced what are now widely known as Redlining Maps.

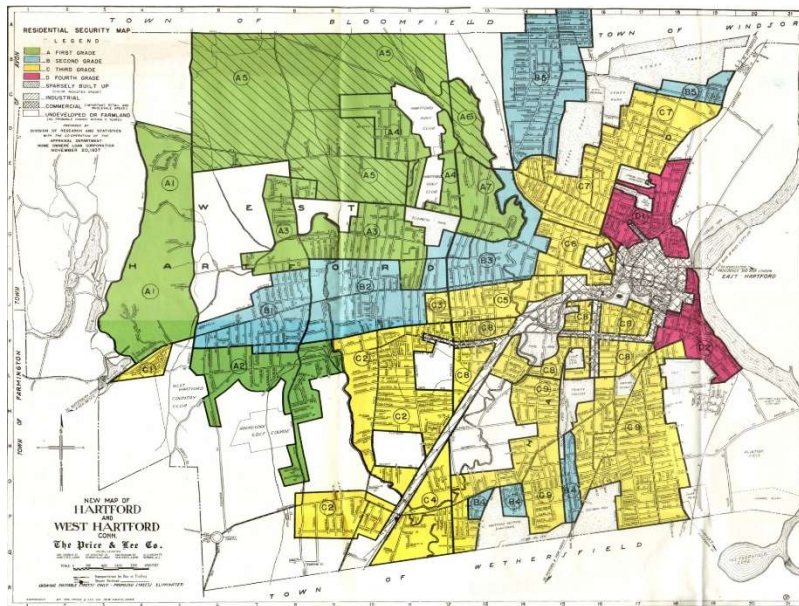


Figure 2: 1937 Redlining Map of Hartford Area. Source: National Archive, accessed by Professor Jack Dougherty, Trinity College

The City Survey Program sent HOLC field agents to 239 cities across the country to rate the quality of neighborhoods in densely populated metropolitan areas. HOLC Field agents graded neighborhoods in Bridgeport, Hartford, East Hartford, New Haven, New Britain, Stamford, and Waterbury, Connecticut.⁴ The City Survey project produced Residential Security Maps (redlining maps). These maps color coded neighborhoods and ranked their desirability by the demographic characteristics of who lived in

each neighborhood. The maps downgraded predominantly Black, Latinx, and Jewish neighborhoods, and color coded them red. Redlining neighborhoods of color signaled to lenders and investors that the federal government considered neighborhoods of color high risk locations for borrowing and investment.

The long-lasting disinvestment still present in today's previously redlined neighborhoods, was not entirely the fault of the HOLC who did not use these maps for very long. While the grading of neighborhoods was determined through racist rubrics, the neighborhoods that were redlined were not barred from the foreclosure relief. The HOLC did provide several of their refinanced mortgages in neighborhoods that were redlined.⁵ For the HOLC the tragedy of redlining maps ended with their creation. However, the metrics found within redlining rubrics, and the maps themselves were used by other federal agencies in developing housing policies and were used as lending guides for private banks and insurance firms for decades.⁶

The 1934 National Housing Act and the creation of the Federal Housing Administration

In 1934, the National Housing Act was passed, which created the Federal Housing Administration (FHA). The FHA was charged with encouraging homeownership and making

⁴ [Mapping Inequality \(richmond.edu\)](https://richmond.edu)

⁵ Jackson, Kenneth T. *Crabgrass Frontier: The Suburbanization of the United States*. New York: Oxford University Press, 1985.

⁶ [How Redlining's Racist Effects Lasted for Decades - The New York Times \(nytimes.com\)](https://www.nytimes.com)

mortgages more affordable to moderate- and lower-income families. They did so by insuring mortgages for lenders which allowed borrowers with lower credit ratings and smaller down payments to purchase homes. To implement this system, they developed strict underwriting standards that furthered the discriminatory intentions of the Residential Security Maps previously created by the HOLC. The FHA underwriting regulations discriminated against non-white neighborhoods, and non-white borrowers.⁷ The regulations stated that:

*If a neighborhood is to retain stability it is necessary, that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally leads to instability and a reduction of values... [and higher rating were given to neighborhoods with] protection against some adverse influences is obtained.*⁸

These regulations required lenders to segregate and advantage white households to receive federal subsidies in the form of heavily insured inexpensive mortgages. As a result, Black borrowers received less than two percent of all federal loans between 1945 and 1959.⁹ These discriminatory lending practices were not fully made illegal until the passage of the Fair Housing Act in 1968.

The 1934 National Housing Act revolutionized access to homeownership with inexpensive lending products that were heavily subsidized by the federal government. However, the federal guidance explicitly excluded people of color from these opportunities, and local lenders enforced these exclusions.

Wagner-Stegall Housing Act of 1937

The Housing Act of 1937 (often called the Wagner-Stegall Act) continued the practice of the National Housing Act of 1934 of giving federal funds to local governments to implement spending on housing. The Wagner-Stegall Act dispersed federal funds to local housing authorities to demolish housing in poor condition and replace with higher quality units for poor people.¹⁰ Housing policy during this time had well established practices of racism and racial

Figure 3 Bridgeport's Father Panik Village was the first public housing development in New England. Photo accessed from the Hartford History Center

⁷ Rothstein, R. (2018). *The Color of Law*. Liveright Publishing Corporation.

⁸ Rothstein, R.

⁹ [RACE - The Power of an Illusion . Go Deeper | PBS](#)

¹⁰ [USCODE-2009-title42-chap8.pdf \(govinfo.gov\)](#)

segregation. The local control provided by the Wagner-Stegall Act solidified the continuation of discriminatory practices in housing policy designed to aid poor people.



*South Park Village
F.P. Village
8-208
93%
Smith
M.H. Home*

The Act permitted localities opt-out provisions, which meant that communities that did not want to house low-income households, simply did not accept the federal funding. The funding also allowed housing authorities to decide where new units would be developed. As a result, public housing was segregated away from city resources and residential neighborhoods.¹¹

The Wagner-Stegall Act also required that residents of public housing have extremely low-incomes, which ensured the concentration of poverty. Additional financial restrictions were placed on the maximum development costs public housing authorities could spend per unit, which predicted that the long-term livability of the housing would be limited. The low incomes of residents and the low investment in the building of public housing left public housing authorities with strained financial models that put their financial security and ability to serve residents at constant risk.

Over the next several decades public housing built throughout the 1940s would deteriorate, and the segregation of poor people of color in decrepit public housing units would continue and become more extreme.

After World War II Housing and Land Development – Subsidizing the Suburbs

American nationalism was at an all-time high immediately after World War II. A successful recovery from the 1929 financial crisis, a decade of federal investment from New Deal policies, and Allied victory during World War II left the United States in a celebratory mood. High spirits helped contribute to the extensive political support for the next twenty-five years of federal investment in housing development beginning with the G.I. Bill.

Servicemen's Readjustment Act – G.I. Bill of 1944

The Servicemen's Readjustment Act, commonly known as the G.I. Bill provided veterans with substantial opportunities. The Bill provided job training, unemployment insurance, and access to inexpensive mortgage products to all United States Veterans who were honorably

¹¹ [1937: Housing Act \(Wagner-Stegall Act\) \(bostonfairhousing.org\)](http://bostonfairhousing.org)

discharged. Unfortunately, several layers of discriminatory policy and action made it impossible for Black American veterans to receive G.I. Bill benefits.

Black soldiers were left out of G.I. opportunities from local banks, real estate agents, and even during their initial discharge post World War II. The exclusion of Black veterans is not explicit in the law, but Southern democrats in Congress feared that the benefits would give Black Americans too much power resulting in provisions within the legislation that would make exclusion by race easy to achieve. Southern democrats lobbied for clear local control of the federal G.I. benefits, which made enforcing Jim Crow style mandates on G.I. benefits seamless and unchallenged by racist local leaders.¹²

In addition, G.I. benefits were only available to veterans who were honorably discharged. Many Black veterans were “blue discharged” which is not honorable or dishonorable and is simply named for the color of the discharge papers.¹³ A blue discharge made a veteran ineligible to receive any benefits.

The G.I. Bill is often credited with cementing the wealth gap between white and Black Americans.¹⁴ Veterans Administration mortgages were low-interest loans that made homeownership possible to low- and moderate-income veterans, because they were federally insured. However, this meant that they and were created following the underwriting regulations of the Federal Housing Authority. As a result, even when Black veterans were able to qualify for G.I. benefits, they were unable to find a local lender who would give them a subsidized mortgage.

White American homeownership rates grew rapidly until the 1980s.¹⁵ Solidifying the wealth and housing stability for white Americans for generations.

Suburban Development

At the same time the federal government was subsidizing thousands of low-cost mortgages to new, predominantly white, veterans, they were also supporting the development of the very houses many of them would purchase.¹⁶ For almost twenty years the federal government subsidized the development of the nation’s suburbs through the support of housing and infrastructure that would allow white people to live comfortably outside of the city in newly developed communities.

Immediately following World War II, the Federal Housing Authority (the same agency insuring mortgages) was given two goals from the Truman Administration. The first was to make sure community development stimulated the economy, and the second was to steer the market

¹² [How the GI Bill's Promise Was Denied to a Million Black WWII Veterans - HISTORY](#)

¹³ [A WWII veteran's fight to receive an honorable discharge | Temple Now](#)

¹⁴ Katznelson, Ira. "When Is Affirmative Action Fair? On Grievous Harms and Public Remedies." *Social Research* 73, no. 2 (2006): 541-68. Accessed August 18, 2021. <http://www.jstor.org/stable/40971835>.

¹⁵ Collins, William J., and Robert A. Margo. 2011. "Race and Home Ownership from the End of the Civil War to the Present." *American Economic Review, Papers and Proceedings*

¹⁶ Hayden, Dolores. *Building Suburbia: Green Fields and Urban Growth, 1820-2000* (New York: Vintage Books, 2003)

towards only “good” investments. Their first initiative was to partner with the Veterans Administration and together they hired builders across the country to build housing. Construction development stimulated the economy; however, builders received these federal subsidies with the same regulatory requirements as those in FHA mortgages. They were prohibited from selling their newly built homes to Black homeowners. This was one way the FHA steered their community investments towards what they believed to be “good” investment and to keep the suburbs white.¹⁷ Blockbusting, steering, and other fear mongering tactics towards prospective Black home buyers solidified the racist intentions of the Federal Housing Authority. It was clear, Black Americans were not welcome in the suburbs.

Federal Investment in Infrastructure

The success of the automobile lobbyists in Congress, the prolific growth of the suburbs, and the greater dependency on the automobile for family life led to the passage of the Federal-Aid Highway Act of 1956. New housing developments (and their white residents) in the suburbs needed highways to physically get in and out of the city, and the federal government was willing to pay for it. The 1956 Highway Act built on previous funding for infrastructure by increasing the federal reimbursement to cities to 90% of construction costs for highway development. (The previous inflow of federal money to support road construction in 1944 only covered up to 50% of construction costs.¹⁸) Cities could build highways using very little local money, which almost guaranteed political support for the projects.

By the mid 1950s, cities were rundown as the result of white flight to suburbs and the loss of all the federal money that followed white people out of cities. However, highway development funding was a new source of revenue, specifically intended to go to cities, and city planners

¹⁷ Rothstein, R.

¹⁸ Copy of the National Interstate and Highway Defense Act hosted by ourdocuments.gov <https://www.ourdocuments.gov/>

were quick to see opportunities outside of highway construction. As early as 1949, famous urban planner, Robert Moses, suggested to cities that highway funds could also be used to “redeem” urban areas.^{19, 20} It was clear highway construction was not only about building roads.



Figure 4: Picture of the development of I-84 cutting through Hartford's Parkville neighborhood. Photo accessed from the Hartford History Center.

In Hartford, Connecticut city planners hired an engineering firm to begin planning for highway construction. The firm used urban planner, Robert Moses to develop an *Arterial Plan for Hartford*. Moses suggested in his plan for Hartford, that the Housing Act of 1949 permitted the city to remove tenants from subsidized housing for highway construction, and that replacement housing was not a requirement. Highway construction plans suggested that poor city residents could lose their homes. Federal money for highway development and slum clearance, strong local political will, and decades of disinvestment in Connecticut's cities made the displacement of Connecticut's urban residents inevitable.²¹

Highway projects across Connecticut in New Haven, Stamford, Hartford, New London, and Waterbury, would displace thousands of city residents, who were predominantly people of color.²² Highway construction would also cut off neighborhoods of color from city centers, and act as physical segregation lines between white and non-white neighborhoods across the state.

Urban Renewal

By the 1960s, white flight (see Table 1: Non-Hispanic White Population, above) and the destruction caused by highway development left Connecticut's cities desperate for investment.²³ Housing stock in urban areas needed redevelopment and roads needed improvement for fire and flood safety. Newspapers throughout the state reported frequent house fires in overcrowded slum conditions in the state's city neighborhoods. Some urban

¹⁹ [The Role of Highways in American Poverty - The Atlantic](#)

²⁰ Federal-Aid Highway Act of 1956" United States Code Chapter 462 Public Law 627

²¹ Summarizing the research of Estela, Kevin, "The History of the Development of Strategic Highways in Hartford, CT" (2003). Hartford Studies Collection: Papers by Students and Faculty. 1. [The History of the Development of Strategic Highways in Hartford, CT \(trincoll.edu\)](#)

²² [Chapter 7 DOT History \(ct.gov\)](#) References projects displacing residents

²³ [City Revival -- Did We Learn From the Urban Renewal Era? \(ctmirror.org\)](#)

neighborhoods were still without access to public sewer and water. ²⁴ Urban neighborhoods, predominantly home to ethnic minorities and other people of color were in disrepair and city planners needed federal money to fix them.

The goal of urban renewal was to use federal money to subsidize local government solutions to urban problems. The federal government subsidized this goal with public (federal) money paying for slum clearance in the hopes that private enterprise would return to cleared land and develop commercial buildings and housing. However, private money rarely appeared, and many urban renewal projects remain vacant today.

Table 1: Non-Hispanic White Population of Selected Connecticut Cities 1900, 1930, 1960 and 1970, 1980, 2010²⁵, and 2018²⁶

| Town | 1900 | 1930 | 1960 | 1970 | 1980 | 2010 | 2018 |
|------------|------|------|------|------|------|------|------|
| Bridgeport | 98% | 98% | 90% | 75% | 59% | 23% | 20% |
| Hartford | 97% | 96% | 84% | 64% | 45% | 16% | 15% |
| New Haven | 97% | 97% | 85% | 70% | 59% | 32% | 31% |
| New London | 98% | 97% | 92% | 87%* | 77% | 49% | 44% |
| Stamford | 98% | 96% | 92% | 84% | 78% | 53% | 51% |
| Waterbury | 99% | 98% | 93% | 86% | 81% | 45% | 38% |

Although Urban Renewal programs began as early as the 1930s with New Deal legislation, these projects really took Connecticut’s communities by siege through the 1950s and 1960s.²⁷ At least 27 Connecticut municipalities participated in urban renewal in Connecticut, and over 10,000 households were displaced.²⁸ People of color were displaced at disproportionately higher rates than their white counterparts.

In projects in Bridgeport, Hartford, and New London neighborhoods of color were decimated, and entire communities erased from the maps. In Bridgeport in 1960, the city was 90% white, yet 70% of the 669 households displaced by State Street and West Side renewal projects were households of color. In Hartford, in 1960 only 15.5% of the city’s population was people of color, yet they accounted for 40% of the displacement from urban renewal on Windsor Street and in the Sheldon Oak neighborhood projects.²⁹ New London, a small shoreline city, took on one of the state’s largest urban renewal projects, leveling a Black neighborhood, and replacing the neighborhood with parking garages and a police station. In New London, families of color accounted for 25% of the 667 families who lost their homes, yet people of color made up less than 8% of the total population at the time of urban renewal.

²⁴ [Discrimination, Urban Renewal, and New London’s Lost Neighborhood \(ctfairhousing.org\)](http://ctfairhousing.org)

²⁵ 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>.

²⁶ 2018 American Community Survey data is the most recently available five year survey.

²⁷ President Nixon ended urban renewal in 1973.

²⁸ [Urban Renewal, 1950-1966 \(richmond.edu\)](http://richmond.edu)

²⁹ [Urban Renewal, 1950-1966 \(richmond.edu\)](http://richmond.edu)



Figure 5 Photos of before and after urban renewal in New London, CT that show the widening of roads and demolishing of home. Photos accessed from the New London Landmarks, Inc.

Forgotten Urban Renewal

Urban renewal projects were funded with federal money through 1973 when President Nixon ended the program. However, the federal government stopped tracking displacement in 1966.³⁰ Projects in Connecticut continued without recording what happened to the people who lost their homes. In Windham, the Willimantic Redevelopment Agency only began the initial planning for renewal the downtown area in 1966. Four years later, the agency leveled three streets, and the Center estimates that 123 Hispanic households were displaced. The record of this displacement is not recorded in federal reporting, and it is likely smaller renewal projects that came later in Norwich, East Hartford, and Stamford also have no record of how many families lost their homes.

Lessons of Urban Renewal

Urban renewal was intended to revitalize the neighborhoods and commercial district where people of color lived; however, the financial model was never successful. When the country wanted to build housing and communities for white people, they built housing and highways. These opportunities were subsidized with public money at every level, and public money leveraged its power to encourage (and almost require) private investment. But, by the time public will determined it was time to revitalize our cities, neighborhoods of color were bulldozed, and there was no public money left to support rebuilding them. It is estimated that only 30% of the housing units lost in urban renewal were replaced.

The Slow Demise of Public Housing

The National Housing Acts of 1937 and 1949 were supposed to increase the availability of public housing, and they did, to a degree, but only through unsustainable financial models, and unrealistic limits set on construction costs. As a result, by the 1960s public housing developments were in significant disrepair, and public housing authorities were struggling to

³⁰ "Renewing Inequality," *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers, accessed August 19, 2021, <https://dsl.richmond.edu>

maintain their organizations. Public housing had concentrated poverty segregated mostly Black families in federally subsidized slum conditions. Tragically, political and public sentiment blamed the residents for the outcomes of public housing projects without understanding that failure at the federal and local governing levels was responsible for the poor conditions.³¹

In 1973, President Nixon halted all construction on public housing units that were not explicitly for the elderly. The funding was not fully restored until 1983, with the Housing and Urban Recovery Act, which did little too late.³²

In 1974, Congress authorized the Section 8 program, which subsidized tenants and not units. The hope was that families would be able to access any unit in the private market that they wanted, and this effort would deconcentrate poverty. However, Section 8 reimbursement rates only match a small percentage of units on the market, and the program does not increase the availability of affordable housing.

Under the Clinton Administration the last hope for meaningful investment in public housing ended with HOPE VI projects. Between 1996 – 2003, Connecticut received \$131.4 million from HUD under HOPE VI legislation to revitalize or demolish existing public housing projects. Connecticut received over double the funding to demolish public housing in Danbury, Hartford, Middletown, and New Haven.³³ Residents were displaced with less than 22% in Connecticut able to return to subsidized units. Only 32% of residents were awarded section 8 vouchers during displacement. The program was terminated in 2004 in large part due to the criticism that it was causing more displacement and housing instability for poor families.³⁴

HOPE VI, and public housing redevelopment through the 2000s follows the same patterns of urban renewal in the 1960s. Communities where predominantly people of color live are demolished, and often never replaced.

Housing Development and Exclusion

Throughout the 2000s Connecticut cities have seen a new surge of housing development, especially in the downtown districts of Hartford, New Haven, and Stamford.

| City | Increase in Housing Production between 2010-2020 |
|-----------|--|
| Hartford | Increase of housing units by 2.8% |
| New Haven | Increase of housing units by 4.7% |
| Stamford | Increase of housing units by 12.6% |

However, what is not measured is who is living in these new units or is there further displacement of lower income families and people of color? Anecdotal work completed by the

³¹ Robert E. Lang & Rebecca R. Sohmer (2000) Legacy of the Housing Act of 1949: The Past, Present, and Future of Federal Housing and Urban Policy, Housing Policy Debate, 11:2, 291-298, DOI: [10.1080/10511482.2000.9521369](https://doi.org/10.1080/10511482.2000.9521369)

³² Robert E. Lang & Rebecca R. Sohmer (2000)

³³ [HOPE VI and Housing Programs \(ct.gov\)](https://www.ct.gov/hud)

³⁴ [HOPE VI Public Housing Revitalization Program: Background, Funding, and Issues - EveryCRSReport.com](https://www.everycrsreport.com/reports/HOPE_VI_Public_Housing_Revitalization_Program_Background_Funding_and_Issues/)

Center showed that many current city residents in Hartford were unable to afford the skyrocketing rents of the downtown neighborhoods, and they have been locked out of redevelopment opportunities, as gentrification continues.

Conclusion

Decades of racism continue to inform housing and land use policy decisions that leave limited housing opportunities for BIPOC folx and their families. Recent investments in cities have steered away from investment in BIPOC families and their neighborhoods towards providing housing for urban professionals in studio and one-bedroom redevelopment projects. The result of a century of discriminatory policies is evident in who rents their home and who owns their home in Connecticut, where white households own their homes almost three to one when compared to BIPOC households. The only way to undermine the systemic disenfranchisement of BIPOC households is to make significant investment in housing opportunities for lower and moderate-income families in and out of the cities in Connecticut.

Chapter 3: Overview of the Fair Housing Laws

HUD's Fair Housing Planning Guide¹ 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.²

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.

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.

Chapter Snapshot

- The state and federal FHA make it illegal to treat people who are living in or attempting to buy certain properties differently based on their race, color, national origin, sex, religion, familial status, disability, marital status, sexual orientation, age, veteran status, lawful source of income, and gender identity or expression.
- Protections based on familial status, disability, and the state protected classes of veteran status, lawful source of income, sexual orientation, gender identity, and gender expression were added to the state and federal FHA after 1988.
- 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.

¹ *Id.* at 1-2.

² 24 C.F.R. §91.425(a)(1)(i) (2009).

Federal and State Fair Housing Laws

Federal and state fair housing laws prohibit a wide range of discriminatory conduct in the housing sector.³ 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.

Is the Person Covered?

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

- Race⁴
- Color
- National Origin
- Religion
- Physical or Mental Disability
- Sex
- Familial Status or the Presence of Children

On June 15, 2020, in a landmark ruling, the U.S. Supreme Court concluded that federal law banning discriminatory employment practices protects employees against discrimination because of their sexual orientation.⁵ The relevant language in the employment act mirrors the federal FHA and would likely be construed the same. Shortly after taking office, President Biden issued Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation on January 20, 2021.⁶ As a result, HUD has announced that it will fully enforce the Fair Housing Act to prohibit discrimination on the basis of gender identity and sexual orientation.⁷ As HUD’s Principal Deputy General Counsel stated, “Enforcing the Fair

³ A one-page summary of the state and federal fair housing laws and statutory citations can be found in the appendices.

⁴ 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.

⁵ *Bostock v. Clayton County*, 590 U.S. __ (2020).

⁶ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/>

⁷ https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_021

Housing Act to combat housing discrimination based on sexual orientation and gender identity isn't just the right thing to do—it's the correct reading of the law after *Bostock*.”

In addition, the state FHA prohibits discrimination on the basis of:

- Marital Status
- Sexual Orientation
- Age
- Source of Income
- Status as a Veteran
- 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:⁸

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

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.

⁸ 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.

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:

- Refusal to rent or sell;⁹
- Refusal to negotiate or other denial of housing;¹⁰
- Discrimination in terms and conditions of sale, rental, or in the provisions of services or facilities in connection with a sale or rental;¹¹
- Discrimination in dwelling insurance, finance, etc.;¹²
- Making discriminatory statements;¹³
- Representation that a property is not available;¹⁴
- Steering;¹⁵

⁹ Refusing to sell or rent after making a bona fide offer.

¹⁰ Refusing to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling.

¹¹ 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 therewith.

¹² Discriminating against any person in the terms or conditions of any residential real estate-related transaction.

¹³ 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.

¹⁴ Representing to any person that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

¹⁵ 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.

- Blockbusting;¹⁶
- Refusing to make reasonable accommodations in rules, policies, or practices for an individual with a disability.
- Refusing to permit reasonable modifications by an individual with a disability.

Understanding the Fair Housing Laws

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

Familial Status

The state and federal¹⁷ 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 Act¹⁸ which permits some properties to exclude children if the properties meet certain criteria.¹⁹ This exemption is also included in the state FHA.²⁰ In addition, while it is illegal to discriminate based upon age in Connecticut, housing for older persons is exempt from age discrimination claims but only 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.²¹

No similar requirement exists with regard to state subsidized housing.

¹⁶ 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.

¹⁷ Con. Gen. Stat. §46a-64b(5) (2011); 42 U.S.C. §3602(k) (2006).

¹⁸ The final rule was published in April 1999, see 24 CFR Part 100, available at http://www.hud.gov/offices/fheo/library/hopa_final.pdf.

¹⁹ See generally 42 U.S.C. §3607(b)

²⁰ Con. Gen. Stat. §46a-64c)(b)(4).

²¹ 64 Fed. Reg. 16327 (April 2, 1999).

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.²² Currently, the guidelines for occupancy found at Conn. State Agencies Reg. §8-37ee-304(c) limits a person-per-bedroom standard that fails to take into account 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 based on age. However, the law makes it permissible to discriminate against minors who are seeking housing as a compromise as minors are able to “void,” or back out of, contracts at will.²³ Illegal discrimination based on age is 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”²⁴ 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.

²² See, e.g., *Gashi v. Grubb & Ellis, et al.*, 801 F.Supp.2d 12, 16 (D. Conn. 2011).

²³ Con. Gen. Stat. §46a-64c(b)(3) (2011).

²⁴ Con. Gen. Stat. §46a-64c(b)(2) (2011). The exemption for unmarried couples was added to the statute in 1970.

- Section 504 of Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in all federally funded programs.²⁵
- In 1990, Congress passed the Americans with Disabilities Act (ADA).²⁶ The ADA was designed to protect people with disabilities from discrimination in public places 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 FHA²⁷ and used by reference in the state FHA²⁸ 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.²⁹

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.”³⁰ 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’.”³¹

²⁵ 29 U.S.C. §701 (2006).

²⁶ 42 U.S.C. §12111 et seq. (2006).

²⁷ 42 U.S.C. §3602(h) (2006).

²⁸ Con. Gen. Stat. §46a-64b(8) (2011).

²⁹ 42 U.S.C. §3604(f)(9) (2006).

³⁰ C.G.S. § 46a-51(15).

³¹ C.G.S. § 46a-51(20).

Behavior and Disability Discrimination

There are five types of behavior either outlawed or mandated by the state and federal FHA and related laws.³²

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.³³
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.³⁴

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.³⁵ 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

³² 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).

³³For 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/hud DOJstatement.pdf>.

³⁴ 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.

³⁵ Con. Gen. Stat. 46a, §64c(a)(6)(C); 42 U.S.C. §3604(f)(3)(C).

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
 - iv. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.³⁶

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*.³⁷ 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.³⁸

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.³⁹ The first, Con. Gen. Stat. § 8-3e, prohibits local zoning laws that treat residences for people with

³⁶ For more information on the accessibility requirements of new construction, go to www.fairhousingfirst.org.

³⁷ Con. Gen. Stat. §8-37mmm (2011).

³⁸ Links to the Act Concerning Vistitable Housing and other resources regarding visitability can be found at <http://www.ct.gov/doh/cwp/view.asp?a=4513&q=530632>.

³⁹ 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 grant-in-aid for expanding independent living opportunities.

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.⁴⁰

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.”⁴¹ 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.⁴²

Veteran Status

Since 2017, state law has prohibited discrimination based on status as a veteran.⁴³ A veteran is defined as “any person honorably discharged from, or released under honorable conditions from active service in, the armed forces.”⁴⁴ It is unlawful for a housing provider to discriminate based on status as a veteran. This can include things like steering a veteran towards housing that is close to a military base.

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.⁴⁵ There are some important preliminary points to make about fair housing as it applies to lesbian, bisexual, gay, and transgendered (“LGBT”) individuals.

- Because the LGBT communities combine several discrete sub-groups and terminology continues to evolve, key terms are defined below.

⁴⁰ 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.

⁴¹ Con. Gen. Stat. §46a-63 (2011).

⁴² Con. Gen. Stat. §46a-64c(b)(5) (2011).

⁴³ Public Acts 2017, No. 17-127, § 6.

⁴⁴ Con. Gen. Stat. §27-103(a)(2) (2019).

⁴⁵ Con. Gen. Stat. §46a-64c(a)(1)-(3) (2011).

- 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.

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.⁴⁶ In addition, as discussed above, the Biden administration issued Executive Order 13988 prohibiting discrimination on the basis of gender identity or sexual orientation and HUD announced its intention to implement that order in all of its housing programs.

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.”⁴⁷

State And Federal Statutes And Regulations That AFFH

Federal Efforts to Affirmatively Further Fair Housing

Since the publication of the 2015 AI HUD has been embroiled in controversy regarding how to implement its obligation to affirmatively further fair housing under the federal FHA. In July 2015, HUD issued a proposed regulation⁴⁸ which was codified at 24 CFR §5.150. This rule created 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 replaced the obligation to prepare an AI and linked the document to ConPlans, PHA Plans, and Capital Fund Plans,⁴⁹ 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.⁵⁰ While that rule was

⁴⁶ See 24 C.F.R. §5.105(a)(2)(i) *et seq.*

⁴⁷ Con. Gen. Stat. §46a-51(21) (2011).

⁴⁸ Federal Register Vol. 78, No. 139, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-07-19/pdf/2013-16751.pdf>.

⁴⁹ 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.

⁵⁰ For more details on the proposed rule, see http://www.huduser.org/portal/affht_pt.html.

withdrawn and the requirement to create an AFH rescinded,⁵¹ the Biden administration issued a “Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies” on January 26, 2021. As part of that Memorandum, the President directed HUD to examine the effects of repealing the 2015 Affirmatively Furthering Fair Housing regulation and to take any necessary steps to implement the federal FHA’s requirements that HUD administer its programs in a manner that affirmatively furthers fair housing.⁵²

State Laws on Affirmatively Furthering Fair Housing

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

Each housing agency shall affirmatively promote fair housing choice and racial and economic integration in all programs administered or supervised by such housing agency.⁵³

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.⁵⁴
- **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 91.⁵⁵

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.⁵⁶ 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

⁵¹ <https://www.hud.gov/sites/dfiles/ENF/documents/6228-F-01%20Preserving%20Housing%20and%20Neighborhood%20Choice.pdf>

⁵² <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and-policies/>

⁵³ C.G.S. § 8-37cc(b)

⁵⁴ Con. Gen. Stat. § 8-37s (2011).

⁵⁵ 24 C.F.R. § 91.2 (2009).

⁵⁶ P.A. 99-94.

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.⁵⁷

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. Con. 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.

- **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.

⁵⁷The affirmative marketing plan requirement is outlined in more detail in Regs., Conn. State Agencies § 8-37ee-2 et seq.

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.⁵⁸ In 1991, Con. Gen. Stat. § 8-2 which had already been interpreted to include some fair housing obligations,⁵⁹ 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...";

⁵⁸ 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.

⁵⁹ See, *Id.*

- “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.

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.⁶⁰ As a result of this municipal housing authority structure, funding for housing authorities generally must be used within municipal boundaries.

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

⁶⁰ See C.G.S. § 8-49.

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.

Chapter 4: Emerging Fair Housing Issues

While this report puts an intentional focus on fair housing issues experienced by BIPOC, single-parent families with children, and people with disabilities, there are a range of fair housing concerns that are emerging that also 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

New technology is creating a new digital divide in housing

A number of emerging issues in technology are creating new impediments to fair housing.

- Facebook created an advertising platform that allowed housing providers to target their ad based on race¹
- Lenders are exploring credit scoring models that take into consideration your social circles²
- Screening companies are using records of evictions and crimes to exclude people from housing in a way that disproportionately impacts people of color.³

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 from obtaining housing.
- Criminal record and eviction screening companies are preventing people of color from qualifying for 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.
- Immigrants have been subjected to differential treatment when

These new technologies infect not only housing, but consumer law, family law, public benefits, schools and education, workers' rights, and immigration. Governments must be mindful of how

¹ [Fair Housing Groups Settle Lawsuit with Facebook: Transforms Facebook's Ad Platform Impacting Millions of Users | National Fair Housing Alliance](#)

² [Credit Scoring with Social Network Data \(upenn.edu\)](#)

³ [Your Data Is Discriminating...Against You \(marieclaire.com\)](#)

they share data with private industry. For example, governments routinely sell court records but fail to require the recipients of those records to ensure they are updated and accurate. Programmers make errors when changing regulations into computer code: programmers in Colorado

Inaccurately translated at least nine hundred state regulatory requirements into code, leading to hundreds of thousands of erroneous decisions, including improper denials of health care to pregnant women, women with breast and cervical cancer, and foster children, as well as improper denials of food stamps to the disabled.⁴

As participants in the housing market continue to try and use technology to cut costs, fair housing issue will emerge.

Tenant screening tools

The use of criminal history screening in rental admissions tends to have a significant disparate impact based on race and national origin because Latinos and African Americans are arrested, convicted of crimes, and incarcerated at substantially higher rates than whites.⁵ This does not make all such criminal history screening unlawful. But to avoid violating the state and federal Fair Housing Acts, criminal history screening must be evidence-based and designed to achieve a legitimate business purposes, such as protecting property or safety, and the practice must not be broader than necessary to accomplish that purpose.

Many tenant screening companies⁶ use data from a national database of criminal records that is aggregated from multiple sources, including incarceration records and court records of criminal cases for both charges and convictions obtained from state departments of corrections and administrative offices of the courts. Some, but not all also receive and record the race and ethnic background for as many as 80% of housing applicants who did match with a criminal record.

Rejecting an applicant because a landlord screening service has found a criminal record can discriminate against BIPOC. The disparity in incarceration rates for African Americans in Connecticut is just over twice the disparity at the national level, while for Latinos in Connecticut, the disparity is three times the disparity at the national level. Overall, 10.61% of African Americans nationally experience either jail or prison during their lifetime. Among African Americans who were earning less than \$30,000 in 2015, 14.34% nationally had been in jail or prison in their lifetime. However, this data do not distinguish between innocent individuals who have been charged but not convicted of a crime and guilty individuals who have

⁴ Michele Gilman, [Poverty-Algorithms: A Poverty Lawyer's Guide to Fighting Automated Decision-Making Harms on Low-Income Communities \(datasociety.net\)](#).

⁵ https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF at 1 - 2.

⁶ At this time, there are at least 7 national companies selling eviction and criminal records data to landlords.

been convicted of committing a crime. Shorter-term data confirms that disparities exist both for individuals who are jailed and for individuals who are imprisoned, though the disparity in imprisonment rates is greater.⁷

Because Latinos and African Americans are overrepresented in criminal justice involvement, they are more likely to be denied housing based on disqualifying criminal records. In 2018, African Americans comprised 28.73% of all arrestees in the State of Connecticut.⁸ But, as of 2019, African Americans comprised only 14% of Connecticut's population.⁹ Connecticut does not track arrests by ethnicity, so the percentage of arrestees who are Latinos is unknown (and Connecticut's reported numbers of arrestees who are African American and white includes Latino arrestees).

To prevent a discriminatory effect, tenant screening companies could require client landlords to adopt evidence-based criminal screening policies as a condition of using their products since many screening policies already known to be overbroad. The companies could also retrieve, sort, and provide client landlords with any potentially disqualifying records and direct them to conduct individualized reviews before denying admission, rather than just making automated decisions for the landlords. But that is not how many screening products are currently designed: once it locates a criminal record and matches it to a category of disqualifying criminal records under the client landlord's admission policy, the program reports a decline decision to the on-site leasing staff, with most denying access to any underlying information about the criminal records.

Historically, there was little research on the disparate impact of screening for eviction records because eviction court records do not identify the race, ethnicity or gender of tenants who face eviction. However, Matthew Desmond, in his seminal work, "Evicted: Poverty and Profit in the American City" used well-validated statistical techniques to impute, on the basis of names and addresses, the race/ethnicity and gender of people facing eviction. This type of research has not been published on a state-by-state basis, but national statistics show that renters who are Black make up 22.8% of all renters but received 37.9% of all eviction filings. The number of BIPOC who received summary process (eviction) complaints after the start of the pandemic shows similar dissimilarities with renters who are white, Asian, and Latinx were underrepresented in eviction filings nationally.¹⁰ Work is currently underway to examine the data in Connecticut. However, it is likely that the eviction filings will show that BIPOC received

⁷ *Connecticut Fair Housing Center, et al. v. CoreLogic Rental Property Solutions, LLC*, 478 F.Supp.3d 259, 275 (D.Conn. 2020).

⁸ https://portal.ct.gov/-/media/DESPP/Division-of-Crimes-Analysis/2018_Crime_in_CT_Final.pdf at 21. There has been no criminal analysis published for 2020 or 2021. In addition, the 2019 analysis does not break out any of the crime statistics by race or gender.

⁹ U.S. Census 2010 SF2 PCT1, 2019 U.S. Census Bureau Quickfacts.

¹⁰ Hepburn, et al., "U.S. Eviction Filing Patterns 2020" at 9.
<https://journals.sagepub.com/doi/pdf/10.1177/23780231211009983>

more eviction filings in Connecticut both before and during the pandemic. As a result, screening for the presence of eviction records, without more, will likely have a disparate impact on BIPOC.

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.¹¹

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.”¹² 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.¹³ 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.¹⁴ [footnotes omitted]

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 the 2015 AI, we noted that HUD had conciliated ten cases against lenders around the country.¹⁵ In addition to these cases, two Connecticut women came forward alleging lending

¹¹ 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).

¹² 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.

¹³ *Id.* at 23.

¹⁴ *Id.* at 22.

¹⁵ 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; HUD Obtains

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.¹⁶

Despite more than adequate guidance from federal regulators, lenders have continued to discriminate in Connecticut. At the end of 2019, Webster Bank settled a maternity leave discrimination case by agreeing to establish a fund of \$700,000 to compensate individuals it discriminated against and a donation of \$225,000 to support Westchester Residential Opportunities, Inc.'s housing counseling activities.

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. However, major banks such as Bank of America have treated people with disabilities differently than people without disabilities when qualifying them for mortgages.¹⁷ Bank of America asked borrowers 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. Bank of America also paid a total of \$125,000 to the three homebuyers and searched for others who may have been impacted by the illegal policies in order to compensate them.¹⁸ Other lenders have also been accused of similar fair lending violations.¹⁹

\$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; *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>; *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

¹⁶HUD 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/realestate/investigating-sex-discrimination-by-lenders.html?_r=0.

¹⁷ Bryan Greene, *Fair Housing Month Update*, <http://usodep.blogs.govdelivery.com/2013/04/15/fairhousingmonth/>.

¹⁸ *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>.

¹⁹ *Gomez v. Quicken Loans*, Case No. CV12-10456 RGK (SHx),

<http://dockets.justia.com/docket/california/cacdce/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 (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).

Finally, a key protection of the fair housing laws for people with disabilities, reasonable accommodations, does not apply to loan servicers.²⁰ 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.²¹ The U.S. Supreme Court has not ruled on this question.²²

Even though borrowers cannot seek a reasonable accommodation under the FHA against mortgage servicers, they can seek reasonable accommodations under the ADA for certain services (e.g., web access, telephone communications). In addition, any service or policy that could be “accommodated” is likely to have a disparate impact on borrowers with disabilities, a direct theory of discrimination under the FHA.

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.²³ The fair housing laws guarantee individuals the right to make decisions for themselves about how they live.²⁴ 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.²⁵ When enforced, these policies make housing unavailable to people with disabilities.²⁶ 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.²⁷ 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.

²⁰ *Webster Bank v. Oakley*, 265 Conn. 539, 552, 830 A.2d 139 (2003).

²¹ 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.

²² *Oakley v. Webster Bank*, 541 U.S. 903 (2004) (*cert denied*).

²³ *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).

²⁴ *Laflamme v. New Horizons*, 605 F. Supp. 2d 378 (D. Conn. 2009).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Niederhauser v. Independence Square Housing*, No. 96-20504, FH-FL Rptr, (Aspen L. & Bus.) ¶ 16,305 at 16,305.6 (N.D. Cal. 1998).

Sober Housing

Under the fair housing laws, individuals in recovery from addiction or substance abuse are considered disabled.²⁸ Individuals in recovery may benefit from the mutual support derived from living in family environments with other recovering addicts.²⁹ When individuals in recovery come together to create family-like households, they are entitled to treatment comparable to that given to families of related persons.³⁰ 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.³¹ Changes to these zoning provisions as applied to housing for people who are disabled are subject to reasonable accommodation under the fair housing laws.³² Sober houses often encounter resistance from neighbors and efforts by local government officials to exclude them from residential neighborhoods.³³ Such opposition is an obstacle to housing choice for people recovering from addictions.

Fair Housing Issues Affecting New Immigrants

For new immigrants, cultural differences can also pose challenges for people seeking to find and keeping affordable housing. Advocates in Connecticut cite three major impediments to fair housing that may be particularly relevant to some new or recent immigrants.³⁴ 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.³⁵ 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.

²⁸ *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.

²⁹ *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).

³⁰ *Tsombanidis*, 180 F. Supp. 2d 262; *Tsombanidis v. W. Haven Fire Dep't*, 352 F.3d 565, 578 (2d Cir. 2003).

³¹ *Id.*

³² *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 732 (1995).

³³ *Tsombanidis v. City of West Haven*, 180 F. Supp. 2d 262, 282 (D. Conn. 2001); *Tsombanidis v. W. Haven Fire Dep't*, 352 F.3d 565, 578 (2d Cir. 2003).

³⁴ Conversation with William Howes, Chair of the Connecticut Asian Pacific Affairs Commission, July 8, 2013.

³⁵ 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.

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.³⁶ For example, in Hazelton, Pennsylvania and Fremont, Nebraska,³⁷ 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.³⁸ 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.³⁹ 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.⁴⁰

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. 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.⁴¹ That policy would make two bedroom apartments unavailable to households of five people, which are statistically far more likely to contain children.⁴² Policies that impose inflexible occupancy limits not based on square footage of units tend to be more restrictive than local building and fire codes.⁴³ Such policies that have a disproportionate impact on families can only be adopted if they are based

³⁶ 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).

³⁷ 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).

³⁸ *Id.* at 509–10.

³⁹ 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).

⁴⁰ <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 nighttime raids of housing where suspected illegal immigrants live).

⁴¹ *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).

⁴² *Id.*

⁴³ *Id.*

on legitimate business or governmental interests. If they have no such basis, they violate the state and federal FHA.⁴⁴

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.

⁴⁴ *Id.*

Chapter 5: Fair Housing Enforcement

There are many factors that influence reporting of housing discrimination including, knowledge of the fair housing laws and access to an organization that can assist with enforcing fair housing rights. This chapter contains data on levels of discrimination and efforts to enforce the fair housing laws in Connecticut. Housing discrimination is still widespread in Connecticut.

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.¹ Under the 2010 Dodd-Frank Act, Connecticut’s Attorney General and Department of Banking were given authority to enforce Regulation B of the Equal Credit Opportunity Act, although that act only applies to credit transactions.² Neither has undertaken any investigation and enforcement action under Regulation B.

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

Chapter Snapshot

- In Connecticut, disability constitutes the highest number of complaints to fair housing organizations (accounting for more than 47% of all complaints) between 2013 – 2019.
- The number of fair housing complaints received by fair housing organizations fell rose between 2013 and 2019 at an annualized rate of about 9%, although appear to have plateaued in 2018 and 2019.
- 64% of complaints at HUD are dismissed, while only 37% at CHRO are, suggesting venue is outcome determinative.
- Cause is found in 5% or less of complaints filed administratively.
- 44% of HUD’s cases and 51% of CHRO’s cases are conciliated, a marked increase since the 2015 report.
- 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.

¹ 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.

² Only the Ninth Circuit (federal) has extended Regulation B to leases.

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 Fair Housing Center (“CFHC”)³ 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 Connecticut⁴ offers an annual conference on fair housing issues as well as quarterly meetings that focus on recent changes in the fair housing laws.

1. Housing Discrimination Complaints

CHRO, HUD, and CFHC report that disability constitutes the highest number of complaints received (accounting for more than 47% of all complaints). As shown in Table 1, this trend has been increasing over time.

³ CFHC receives funding from the State of Connecticut, HUD’s FHIP program, private foundations, donations, and attorneys’ fees. It has 16 full-time paid staff working on fair housing, fair lending, homeownership, and eviction 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 an insignificant number of complaints.

⁴FHACT has no paid staff and does not accept fair housing complaints.

| Table 1: Bases for Fair Housing Complaints 2013-June 30, 201 | | |
|--|-------------|------------------|
| Bases | Total Cases | Percent of Cases |
| Race | 737 | 13% |
| National Origin | 253 | 5% |
| Religion | 57 | 1% |
| Sex | 180 | 3% |
| Disability | 2621 | 47% |
| Familial Status | 424 | 8% |
| Retaliation | 93 | 2% |
| Age | 120 | 2% |
| Marital Status | 23 | 0.4% |
| Sexual Orientation | 30 | 1% |
| Lawful Source of Income | 658 | 12% |
| Gender identity/expression | 7 | 0.1% |
| Veteran's status | 0 | 0% |
| Other | 400 | 7% |
| Total Cases | 5603 | |

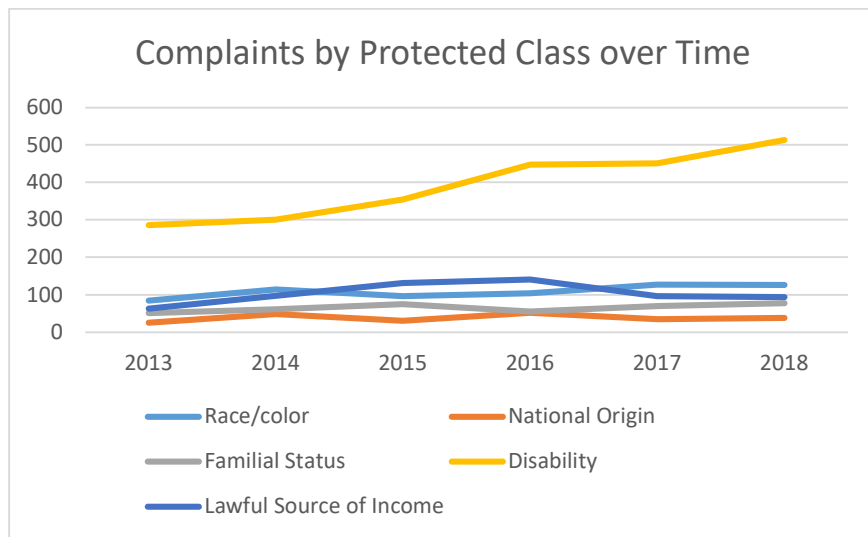


Figure 1 - Complaints by Select Protected Class Over Time

In the last AI, the number of fair housing complaints in Connecticut decreased each year between 2008 and 2012. The reasons for this drop was unclear. However, from 2013 to 2018, complaints steadily increased, from 532 in 2013 to 1046 in 2018. Almost all of the increase was through complaints received and processed by CFHC. CFHC now handles, consistently, about

70% of discrimination complaints in Connecticut. As shown above, a substantial component of this increase has been in complaints of disability discrimination.

| Table 1 - Complaints by Year and Organization | | | | | | | |
|---|------------|------------|------------|------------|-------------|------------|-------------|
| Year ⁵ | HUD | % of Total | CHRO | % of Total | CFHC | % of Total | Total* |
| 2013 | 160 | 30% | 142 | 27% | 230 | 43% | 532 |
| 2014 | 169 | 26% | 110 | 17% | 371 | 57% | 650 |
| 2015 | 139 | 19% | 142 | 19% | 470 | 63% | 751 |
| 2016 | 167 | 18% | 120 | 13% | 666 | 70% | 953 |
| 2017 | 167 | 19% | 117 | 13% | 598 | 68% | 882 |
| 2018 | 192 | 18% | 120 | 11% | 734 | 70% | 1046 |
| Total | 994 | 21% | 751 | 16% | 3069 | 64% | 4814 |

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

Fair housing education plays role in the number of complaints received. A study of national trends in fair housing released by HUD in 2006⁶ indicated that almost two-thirds of survey respondents who believed they had experienced discrimination but 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.⁷ CFCH has a single person dedicated to fair housing education and outreach. 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.

2. 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.

⁵ HUD and CHRO data is based on the fiscal year. The Center’s data is based on the calendar year. Data for 2019 does not contain case information after June 30, 2019.

⁶ HUD has not updated this study since 2006 but it is still relied upon by HUD to determine its education and outreach needs.

⁷ *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/FairHsngSurvey.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).

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 settle or resolve (“conciliate”)⁸ the complaint. If conciliation fails, the agency must make a determination as to whether there is reasonable cause to believe that a discriminatory practice has occurred.⁹

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 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 2, 39% 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 44% of HUD’s cases and 51% of CHRO’s cases, the parties entered into a conciliation agreement or other settlement.

⁸During 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.

⁹42 USC §3610(g)(1). 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.

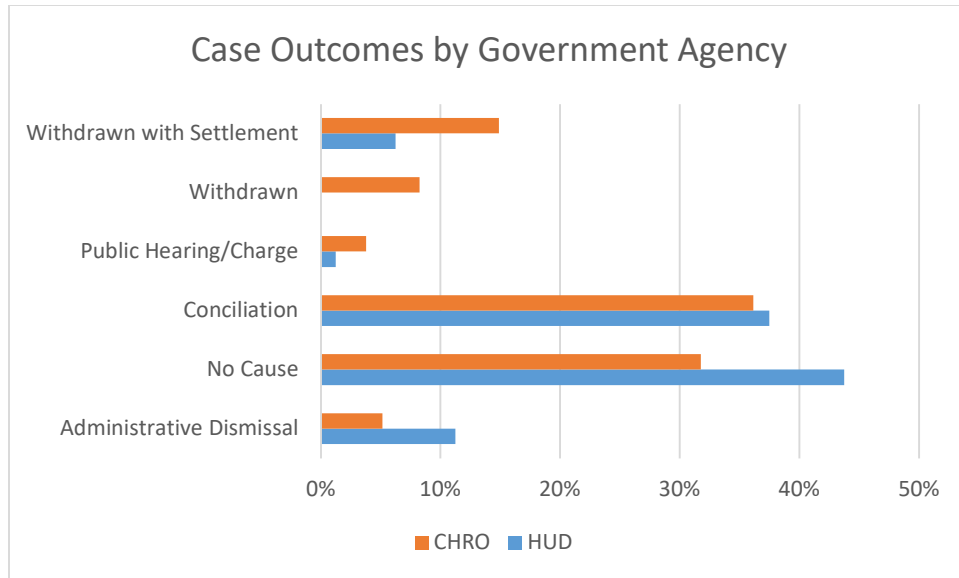


Figure 2 - Outcome of Fair Housing Administrative Complaints

3. 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.¹⁰ 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.¹¹ 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.¹²

¹⁰Margery 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.

¹¹ *Id.*

¹² *Id.*

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% fewer units and were shown 4% fewer units. In home sales, again compared to non-Hispanic Whites, Blacks were told about 17% fewer units and shown 17% fewer units.¹³

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.¹⁴ 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.¹⁵

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 Corp. v. Coleman*, 455 U.S. 363 (1982) <http://supreme.justia.com/cases/federal/us/455/363/case.html>.

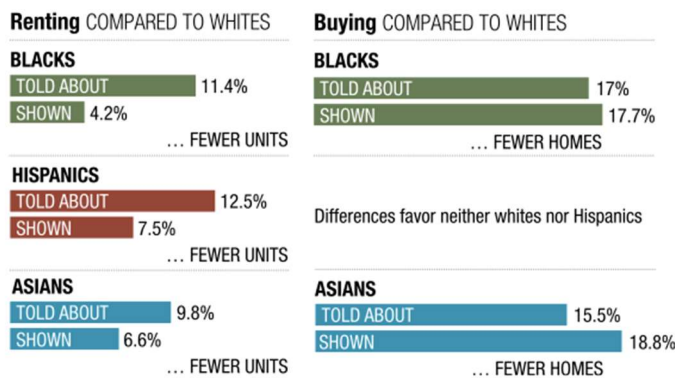


Figure 3 - Minority Home Seekers Told About and Shown Fewer Housing Units

Source: HUD, *Housing Discrimination Against Racial and Ethnic Minorities 2012*

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

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

lesbian couples in 15.6% of the tests. This consistent favoritism is referred to as the “consistency index”.¹⁶ When balanced against tests where homosexual couples were favored, the resulting “net measure” (percentage of tests favoring heterosexual minus percentage of tests favoring homosexual people) 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.

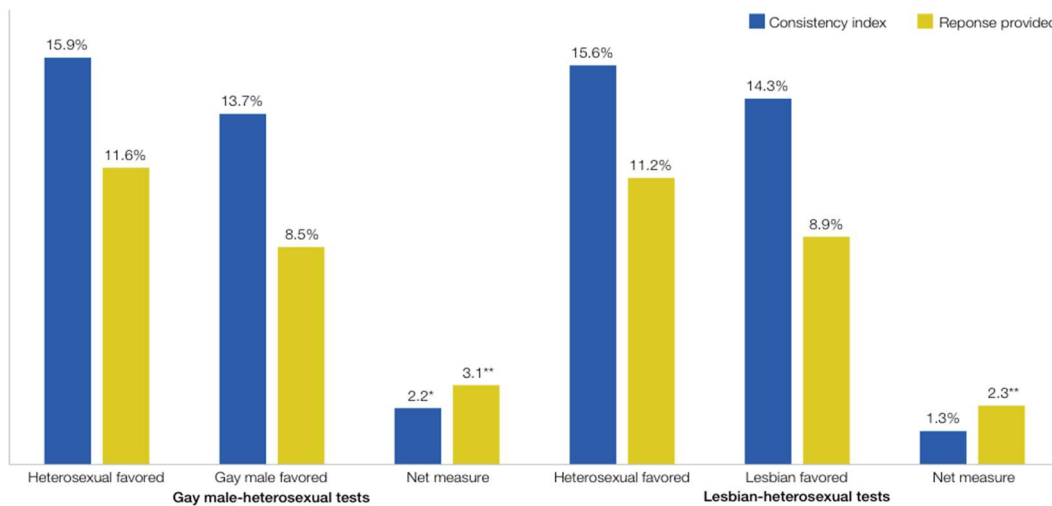


Figure 4 - National-Level Adverse Treatment Against Gay Male and Lesbian Couples, 2011.

Source: HUD, *An Estimate of Housing Discrimination Against Same-Sex Couples*

¹⁶ 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. It is important to note that this study did not address discrimination that is likely experienced by other groups, such as transgendered and transsexual people.

4. Testing Results in Connecticut

CFHC reviewed five years of its testing data to illustrate the extent to which fair housing discrimination is present in the rental, lending, and home sales market in Connecticut. Test review entails determining if any aspect of the interaction with the housing provider indicated that the protected tester would have been prevented from getting housing on par with his/her testing counterpart. "On par" was defined as housing with the same amenities in the same or similar neighborhoods at the same price.

Rental Test Results

In about half of our tests, we were able to conclusively determine that discrimination had occurred. In addition, in nearly half of our tests there was evidence that discrimination *may* have occurred. Thus, only in about 5% of the tests that we performed were we able to conclude that there was no evidence of discrimination. This was particularly acute in our tests based on family status, where we determined that 62% of the time the tester with children was discriminated against. Summary statistics do not fully convey the vastly different experiences of the paired testers. In many of the tests, the tester was confronted with more

Examples of Treatment Constituting a Barrier to Rental Housing

Below are examples of behavior that may constitute a barrier to housing:

1. Tester not called back.
2. Tester could not obtain appointment to see unit.
3. Tester not shown a unit.
4. Tester not offered same terms (rent amount, security deposit).
5. Tester informed of income requirements that would exclude voucher holders.

than one behavior that would have prevented him or her from obtaining equivalent housing.

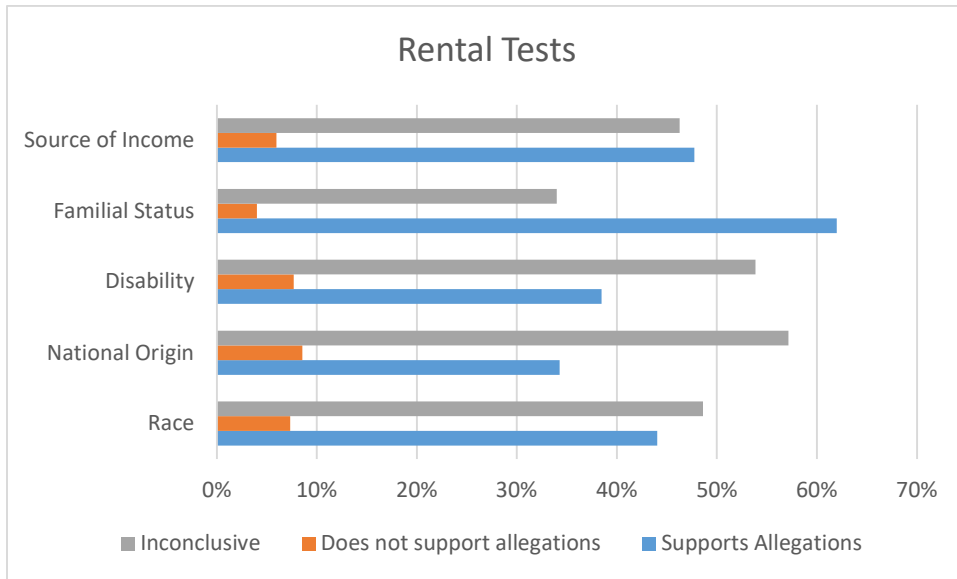


Figure 5 - Rental Test Results by Protected Class

Home Sales and Mortgage 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 50% of the time. Hispanic testers experienced factors that would prevent them from accessing housing on an equal basis with non-Hispanic White testers 83% of the time.

Examples of Treatment Constituting a Barrier to Home Purchases

Below are examples of barriers to home purchasing:

1. Tester not called or e-mailed back.
2. Tester not given listings.
3. Tester not shown homes.
4. Tester offered inferior loan terms.

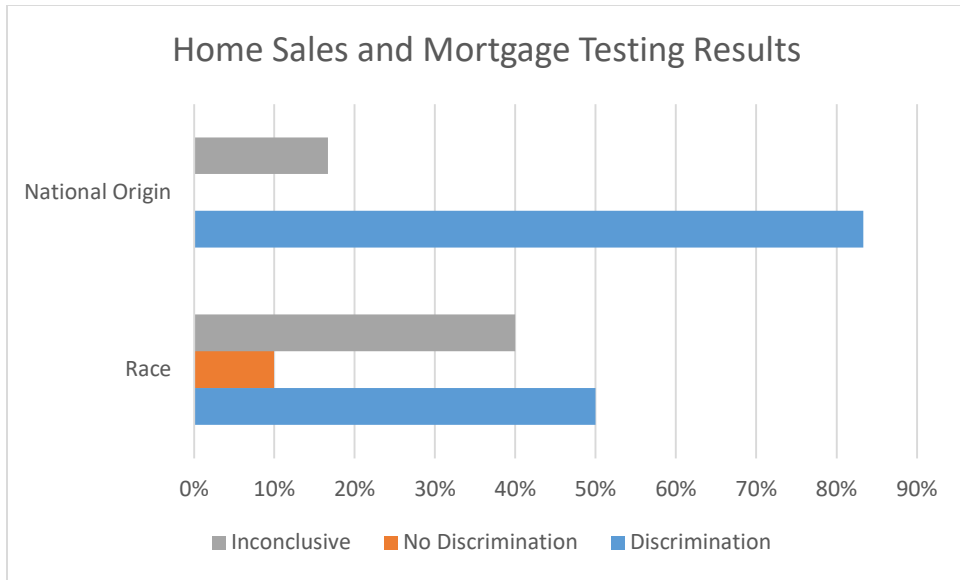


Figure 6: Rates of Discrimination in Connecticut Revealed by Fair Housing Testing

5. 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.

Connecticut Cases

- *Connecticut Commission on Human Rights and Opportunities ex rel. Julissa Cortes v. Valentin*, 2020 WL 4931450 (Conn. Super. Ct. Jan. 30, 2020). After a bench trial, the Connecticut Superior Court awarded Julissa Cortes emotional distress damages of \$7,500 and a civil penalty to the Connecticut Commission on Human Rights and Opportunities of \$5,000, plus reasonable attorneys fees to the Parties. Ms. Valentin refused to rent to Ms. Cortes because she had a Section 8 voucher and made discriminatory statements regarding Section 8 recipients.
- *Connecticut Fair Housing Center v. Corelogic*, 369 F. Supp. 3d 362 (2019). The Connecticut District Court held that because companies like CoreLogic functionally make rental admission decisions for landlords that use their services, they must make those decisions in accordance with fair housing requirements. As automated decisions by third-party screening companies are rapidly becoming the norm, this ruling has significant implications for landlords, renters, and the entire screening industry.
- *Connecticut Fair Housing Center v. Liberty Bank*, (2019). The Connecticut Fair Housing Center settled a case with Liberty Bank where the Center alleged that the bank had discriminated against potential mortgage borrowers based on race and national origin. Among the settlement terms, the bank agreed to set aside \$300,000 in loan subsidies for impacted communities, \$200,000 in grants for qualified organizations, and open a loan production office in Hartford for at least three years.
- *Gilead Community Services, Inc. v. Town of Cromwell*, 432 F. Supp. 3d 46 (2019). The Connecticut District Court held that the plaintiff, a community-based housing service for people with disabilities, could proceed to trial on its punitive damages claim against the Town of Cromwell and on its claims for personal liability against town officials.
- *Westchester Residential Opportunities, Inc. v. Webster Bank* (2019). Westchester Residential Opportunities, Inc. uncovered that Webster Bank had an unlawful policy that prevented women on maternity leave from obtaining a home loan. The bank agreed to correct its policies, create a victim compensation fund of \$700,000, and donate \$225,000 to Westchester Residential Opportunities, Inc.
- *OCA v. Carson*, 1:17-cv-02192 (D. D.C. 2018) (stipulated order and judgment). The Department of Housing and Urban Development (HUD), in litigation brought by Connecticut

Fair Housing Organization Open Communities Alliance (“OCA”), sued to force HUD to implement the Small Area Fair Market Rents rule, which enables Housing Choice Voucher recipients to use their vouchers in smaller communities with higher rents.

- *Jenkins v. Housing Authority of the Town of Mansfield*, 3:16-cv-149 (D. Conn. Aug. 3, 2016) (consent decree). Town Housing Authority used racially charged code words to exclude people of color and failed to engage in marketing that would affirmatively further fair housing. Among other terms, agreed to change its marketing, pay the plaintiff \$180,000 inclusive of fees and costs, and provide the plaintiff with a Housing Choice Voucher.¹⁷
- *Viens v. America Empire Surplus Lines Ins. Co.*, 113 F. Supp. 3d 555 (D. Conn. 2015). The Connecticut District Court found that landlords who rent to tenants with Section 8 could bring a claim under the state and federal fair housing acts where an insurance company charged more money and offered worse coverage for home insurance.
- *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 Human Rights and Opportunities Act’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.
- *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.
- *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.

¹⁷Haar, Dan, ‘Code Words’ Lead To Big Settlement In Housing Case, Hartford Courant, available at <https://www.courant.com/business/hc-haar-equalla-jenkins-housing-discrimination-settlement-mansfield---a-middle-20160915-story.html>

- *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.
- *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.
- *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.
- *Matyasovszky v. Housing Authority of City of Bridgeport*, 226 F.R.D. 35 (D.Conn. 2005) and settlement thereof:¹⁸ 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, finding that injunctive relief predominated even though Plaintiffs also sought monetary damages. 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.
- *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

¹⁸ *Housing authority settles disability claim for \$760,000*, <http://www.fairhousing.com/index.cfm?method=page.display&pageid=3684>.

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.

Appendix

Complaint Processes by Organization

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.¹⁹ 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 received.²⁰

¹⁹ 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.

²⁰ 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.

Chapter 6: The Demographics of Connecticut

Summary of Connecticut Demographic Trends

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. From 2010 to 2020, however, Connecticut’s population growth slowed to a crawl. The state grew by 0.7%. All of Connecticut’s neighboring states grew by at least 4%.¹ The state of Connecticut now comprises 36.8.1% people of color, up from 28.8% in 2010 and 22.5% in 2000, an annual change of about 3% per year. While most people with disabilities are people with mobility impairments, there is almost an equal number with cognitive disabilities. The number of married couples is falling; most single-parent households are headed by women. After those with no religious affiliation, Catholics are the largest religious group in Connecticut. There is very little data on the lesbian, gay, bisexual, and transgender population in Connecticut. 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.

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.² In 2019, as seen in Figure 1, people of Color made up 33.3% of Connecticut’s total population. This demographic shift is occurring faster than projected in the 2015 Analysis of Impediments to Fair Housing. The two tables below compare Connecticut’s changing demographics over the last decade.

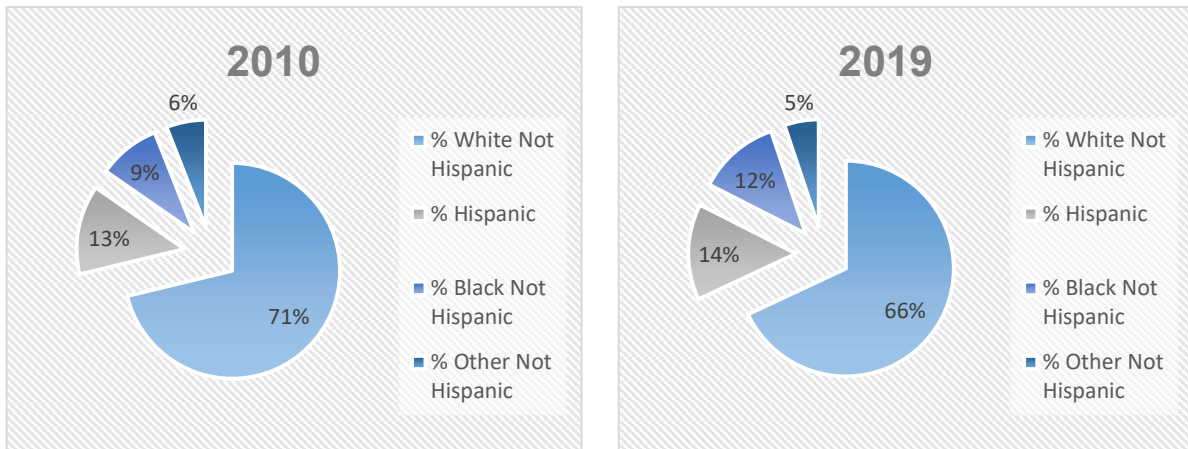
Fast Facts about Race and Ethnic Origin in CT

| | |
|--|-----|
| 2019 CT Population of Color: | 33% |
| 2030 Projected CT Population of Color: | 39% |
| Percentage by Race and Ethnicity: | |
| Black (non-Hispanic): | 12% |
| White (non-Hispanic): | 66% |
| Asian (non-Hispanic): | 5% |
| Hispanic: | 17% |

¹ CT data, Population Changes in Connecticut, 2010 to 2020, available at <https://www.ctdata.org/blog/population-changes-in-connecticut-2010-to-2020>.

² U.S. Census 2010 SF2 PCT1, 2019 U.S. Census Bureau Quickfacts. Due to rounding, the total is less than 100%.

Figure 1: 2010 and 2019 CT Population Percentages by Race & Ethnicity



Since 1980, Connecticut’s total population grew slowly. However, there has been considerable growth in Connecticut’s population of color. Between 1980 and 2019,

- the Hispanic population increased by 7.6% per year;
- the non-Hispanic Black population increased by 2.7% per year;
- the non-Hispanic Other population increased by 18.8% per year;³ and
- the non-Hispanic White population decreased by 0.4% per year .⁴

From 2010, the population share of non-Hispanic Whites has decreased, falling to 66% of Connecticut’s population in 2019. Meanwhile, people of color have continued to grow in both total population and as a share of the state’s population.⁵ In 2010, the U.S. was comprised of 36% people of color compared to 29% in Connecticut. In 2019, the U.S. was 39.9% people of color compared to 34.1% in Connecticut.⁶

³In 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 2019.

⁴Using Census 1980 as the base year, Figure 2 data reflects the percentage increase in population from Census 1980 to Census 2010.

⁵ Decennial U.S. Census for years 1980-2010; *2005-2030 Population Projections for Connecticut*, Connecticut State Data Center, http://ctcdc.uconn.edu/projections/2005_2030_projections.html (projections for 2020 & 2030).

⁶ <https://www.census.gov/quickfacts/fact/table/US/PST045219>

Table 1: Change in Connecticut Population by Race and Ethnicity over Time⁷

| 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 |
| 2019* | 3,565,287 | 2,349,524 | 434,965 | 492,010 | 288,788 |
| 2030 | 3,702,400 | 2,257,029 | 358,755 | 752,083 | 334,533 |

Table 2: Connecticut Population Percentage by Race and Ethnicity Over Time⁸

| 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% |
| 2019* | 65.9% | 12.2% | 13.8% | 8.1% | 33.3% |
| 2030 | 61.0% | 9.7% | 20.3% | 9.0% | 39.0% |

⁷ U.S. Census 2000 SF1 table P19; U.S. Census 2010 SF1 table P20; 2019 American Community Survey 5-yr Table B03002.

⁸ U.S. Census 2000 SF1 table P19; U.S. Census 2010 SF1 table P20; 2019 American Community Survey 5-yr Table B03002.

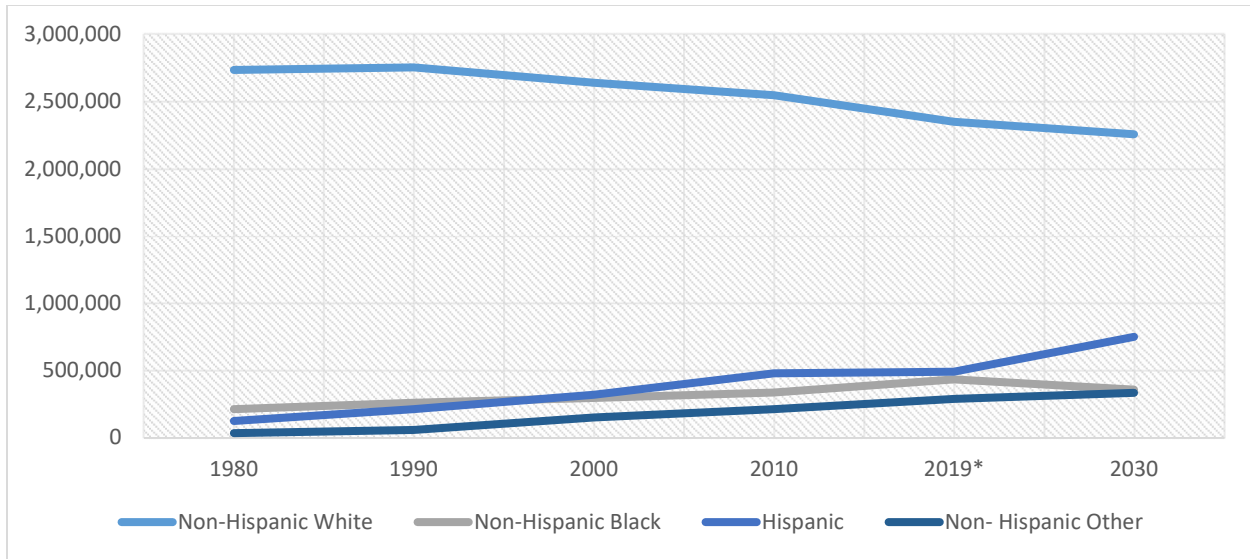


Figure 2: Population Growth Over Time by Race and Ethnicity⁹

As a result of increasing populations of color and the falling non-Hispanic White population, there will likely be a demand for housing by 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 people of color indicates a need for family housing. The net in-migration of demographic 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.

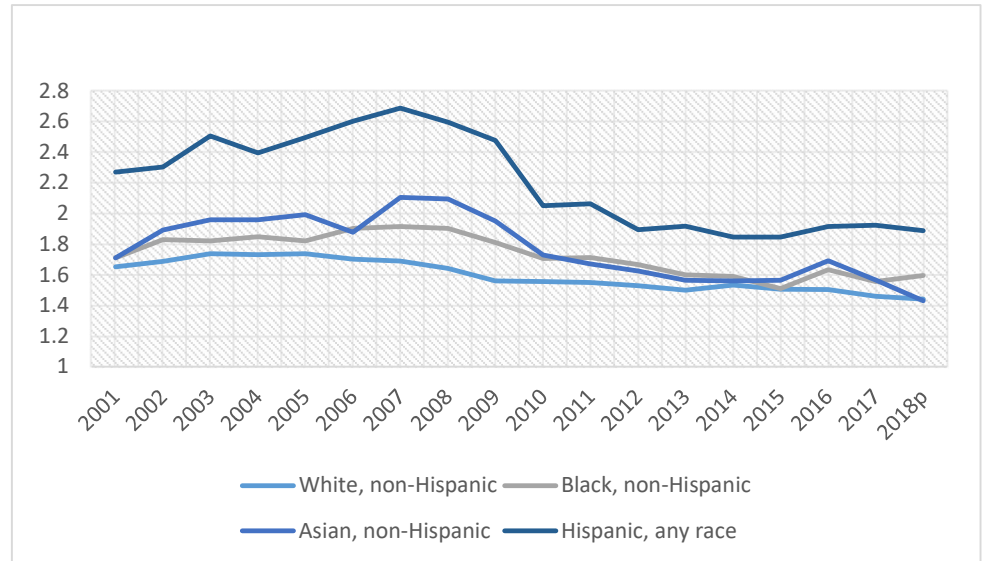
⁹ *Id.*

Fertility Rates

Racial and ethnic variances in fertility rates affect the overall population composition and housing need.¹⁰ As Table 12 illustrates, in Connecticut fertility rates among people of color are higher than that of non-Hispanic Whites. In 2018, Connecticut had an overall fertility rate of 1.56, which was below the

2.1 children per female needed to replace the population. Such a rate results in negative population growth unless deaths are offset by migration into the State. People of Hispanic origin of any race, with a fertility rate of 1.89 in 2018, were the only group near the replacement level of 2.1. Over time, the fertility rates for people of color in

Figure 3: Total Fertility Rate, 2001 - 2018 by Demographic



Connecticut haven moved towards that of non-Hispanic Whites. Lower fertility rates have typically come in response to increased life expectancy, reduced child mortality, improved female literacy and independence, and rising incomes.¹¹

Mortality Rates

From 2014-2018 the mortality rate from all causes, for all races and ethnicities, was 856.6 deaths per 100,000 people per year. The mortality rate was much higher for non-Hispanic Whites (1,071.6) than non-Hispanic Blacks (612.7), Hispanics (287.3), non-Hispanic Asians (204.7), or non-Hispanic American Indians (267.7).

COVID-19 will impact mortality rates for Connecticut residents. As of November 1, 2020, COVID-19 had disparately impacted communities of color. According to the CDC, people in the protected classes are substantially more likely to have adverse health outcomes from COVID19 than non-Hispanic Whites. The disparity – the increased likelihood that a person in a protected class is likely to have a bad COVID19 outcome compared to a non-Hispanic White – is in the table below. In general, Black, Indigenous, and Latino Americans all have a COVID-19 death rate of *triple* or more than White Americans – who experience the lowest age-adjusted rates.

¹⁰ <https://portal.ct.gov/DPH/Health-Information-Systems--Reporting/Hisrhome/Vital-Statistics-Registration-Reports>

¹¹ Montgomery, Keith, The demographic transition, University of Wisconsin-Marathon County, archived from the original on 18 October 2012; Balbo, Nicoletta; Billari, Francesco C.; Mills, Melinda (2012). "Fertility in Advanced Societies: A Review of Research". *European Journal of Population / Revue Européenne de Démographie*. 29 (1): 1–38. doi:10.1007/s10680-012-9277-y. PMC 3576563. PMID 23440941.

| Class | Contracting Virus | Hospitalization | Death | Deaths (per 100,000)¹² |
|-------------------------------------|--------------------------|------------------------|--------------|--|
| Non-Hispanic Black | 2.6x | 4.7x | 2.1x | 114.3 |
| Hispanic | 2.8x | 4.6x | 1.1x | 78.5 |
| Non-Hispanic Asian | 1.1x | 1.3x | | 47.6 |
| Non-Hispanic American Indian | 2.8x | 5.3x | 1.4x | 108.3 |
| Non-Hispanic White | | | | 61.7 |

Compared to Whites, and when adjusted for age, the COVID-19 Mortality rate for: Blacks is 3 times as high; Latinos is 3 times as high; Asians is 1.1 times as high; Indigenous people is 3.2 times as high; and Pacific Islanders is 2.3 times as high.

| | Case Rate (per 100,000) | | Death Rate (per 100,000) | |
|--------------------------------|--------------------------------|---------------------|---------------------------------|---------------------|
| | | Age-Adjusted | | Age-Adjusted |
| Non-Hispanic White | 1,363 | 1,183 | 146 | 80 |
| Non-Hispanic Black | 2,427 | 2,536 | 181 | 211 |
| Hispanic | 3,218 | 3,490 | 75 | 140 |
| Non-Hispanic Asian | 702 | 709 | 30 | 45 |
| Non-Hispanic Indigenous | 1,390 | 1,423 | 21 | X |

Connecticut follows the national trend of COVID-19 disparately impacting communities of color. Early data collected by the Connecticut Health Foundation highlighted that Black Connecticut residents had been nearly twice as likely as their White counterparts to contract the virus – while Hispanic people had been more than 1.5 times as likely – as of April. 8.¹⁴ CT Data Haven, a New-Haven based research group, published a report in June 2020 which outlined some key

¹² <https://www.apmresearchlab.org/covid/deaths-by-race#data>

¹³ Accessed Nov. 19, 2020: <https://data.ct.gov/Health-and-Human-Services/COVID-19-Cases-and-Deaths-by-Race-Ethnicity/7rne-efic>

¹⁴ <https://www.cthealth.org/latest-news/health-news-roundup/nationwide-data-is-showing-the-disparate-impact-of-the-coronavirus-on-black-and-latino-populations-and-more-in-this-weeks-roundup/>

factors that have contributed to the disparate impact of COVID-19 on communities of color.¹⁵ Overcrowded housing can facilitate the transmission of viral diseases like COVID-19. In Connecticut, 6% of Latino households and 3 % of Black households are considered overcrowded, in comparison to 0.7% of White households. Housing is one, significant element of the disparate impact of COVID-19 on the protected classes.

As of October, 2021, data suggests that Black and Hispanic people are about 50% more likely to contract COVID-19 and twice as likely to die from it as White people.¹⁶ People who contract COVID-19 commonly report long-term symptoms, such as difficulty breathing and fatigue that will make it difficult for people to return to work.¹⁷

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 2019, some 528,365 immigrants comprised 14.8% of the State’s population.²⁰ Of these, 46% were White, 15.7% were Black or African American, 29.7% were of Latino Origin; 22% were Asian, and 16.5% were American Indian or Alaskan Native, or identified as “Other,” or “Two or more races.”

| Birthplace | Foreign-Born | Percent of Statewide Population in 2019¹⁹ | Percent of Statewide Population in 2010 | Percent of Statewide Population in 1990 |
|--------------------|---------------------|---|--|--|
| Europe | 119,543 | 3.4% | 3.7% | 4.0% |
| Non-European Total | 408,777 | 11.5% | 6.1% | 3.3% |
| Asia | 131,919 | 3.7% | 1.9%% | 1.1% |
| Africa | 22,686 | 0.6% | 0.3%% | 0.1% |
| Latin America | 239,132 | 6.7% | 3.4%% | 1.6% |
| Total Foreign-Born | 528,320 | 14.8% | 10.4% | 7.5% |

¹⁵ <https://www.migrationpolicy.org/data/state-profiles/state/demographics/CThttps://ctdatahaven.org/sites/ctdatahaven/files/DataHaven%20Health%20Equity%20Connecticut%20061820.pdf>

¹⁶ COVID-19 data dashboard, available at <https://public.tableau.com/app/profile/connecticut.state.data.center/viz/ConnecticutCOVID-19CaseTracking/CTdataCollaborativeCOVID-19>.

¹⁷ CDC description of post-COVID conditions, available at <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects/index.html>.

¹⁸ U.S. Census 2010; U.S. Census 1980.

¹⁹ <https://www.migrationpolicy.org/data/state-profiles/state/demographics/CT>

²⁰ <https://www.migrationpolicy.org/data/state-profiles/state/demographics/CT>

The composition of the foreign-born population has changed substantially over the last 40 years and now is less European. Since new immigrants moving to Connecticut are primarily Hispanic, the discrimination Hispanics currently residing here experience will become a more widespread problem.

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 gained approximately 46,000 residents of color.²¹ According to annual estimates released by the U.S. Census Bureau, however, in 2019, Connecticut was 1 of 10 states to shrink in population – losing 6,223 people over the year. This decline marked the 6th year in a row Connecticut’s population declined, driven primarily by out-migration of residents.²²

From 2010 to 2019, according to annual Connecticut State & County Population Estimates, the population of non-Hispanic White Residents has decreased by 199,821 people (-199,821 net loss); and the population of People of Color has grown by 189,611 people (+189,611 net gain). In total, the state population has decreased by 10,211 people from 2010-2019.

The effects of COVID-19 on the population of Connecticut, for 2020 and beyond, is hard to discern. COVID-19 has intensified migration from neighboring states into Connecticut.²³

From 2019 – 2020 (as of Nov. 22), the state’s non-Hispanic White Residents has increased by 25,854 people, while the population of all Communities of Color in the state decreased by about 18,476 people.²⁴

| Table 5: 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 |

²¹ 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.

²² <https://www.courant.com/news/connecticut/hc-news-connecticut-population-declines-20191230-4jfeurggfbhoc4o5jodsiaau-story.html>

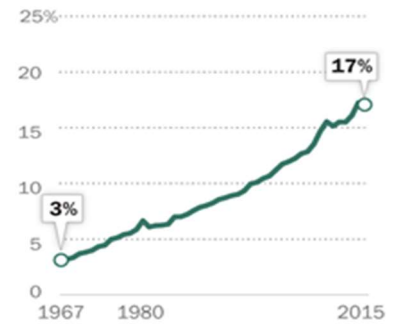
²³ https://www.unitedvanlines.com/newsroom/covid-moving-trends?utm_source=prnewswire.com&utm_medium=press&utm_campaign=movers_insights&utm_content=covid-moving-data

²⁴ <https://data.ct.gov/Health-and-Human-Services/COVID-19-Cases-and-Deaths-by-Race-Ethnicity/7rne-efic>

Interracial Marriage

Interracial marriages are 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.²⁵ While Connecticut-specific data on the growth of interracial marriage over time are not available, in 2017, the Pew Research Center released a report on interracial marriage in the United States in 2015.²⁶ According to this report, 670,000 people in 2015 had married someone of a different race or ethnicity, an increase from only 230,000 in 1980. In 2015, around 11 million people – 10% of all married people in the country - were in racially or ethnically diverse marriages, amounting roughly to evert one-in-ten married people that year. In comparison to 1980, about 3 million people – 3 % of all married people in the country – were intermarried. U.S. born Asian and Hispanic people were the most likely groups to intermarry.

% of newlyweds who are intermarried



Note: Data prior to 1980 are estimates. See Methodology for more details.

Source: Pew Research Center analysis of 2008-2015 American Community Survey and 1980 decennial census (IPUMS).

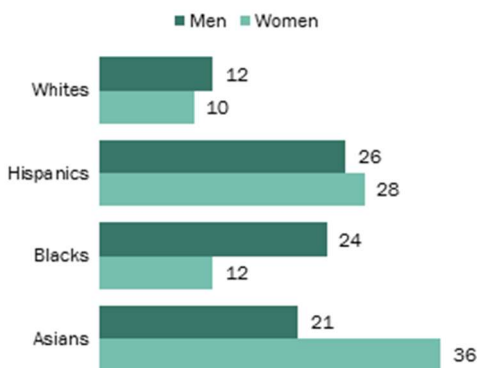
"Intermarriage in the U.S. 50 Years After Loving v. Virginia"

PEW RESEARCH CENTER

Figure 4: % of newlyweds intermarried

Black men are twice as likely as black women to intermarry

% of U.S. newlyweds who are intermarried



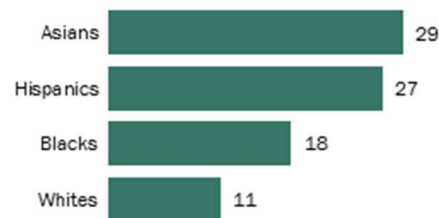
Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).
"Intermarriage in the U.S. 50 Years After Loving v. Virginia"

PEW RESEARCH CENTER

Figure 6: Black men are twice as likely as black women to intermarry

About three-in-ten Asian newlyweds in the U.S. are intermarried

% of newlyweds who are intermarried



Note: Whites, blacks and Asians include only non-Hispanics. Hispanics are of any race. Asians include Pacific Islanders.
Source: Pew Research Center analysis of 2014-2015 American Community Survey (IPUMS).

"Intermarriage in the U.S. 50 Years After Loving v. Virginia"

PEW RESEARCH CENTER

Figure 5: About three-in-ten Asian newlyweds in the U.S. are intermarried

²⁵ 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/>

²⁶ "Intermarriage in the U.S. 50 Years After Loving v. Virginia," *Pew Research Center*, <https://www.pewsocialtrends.org/2017/05/18/intermarriage-in-the-u-s-50-years-after-loving-v-virginia/>

Race, Ethnicity and Age

In 2019, Racial and Ethnic demographic trends were closely linked to age in Connecticut. In general, the non-Hispanic White population was older than other racial and ethnic groups. The largest cross-section of non-Hispanic White Residents in a 4-year age group, were those between the ages of 55-59 years.²⁷ For non-Hispanic Black Residents, it was between the ages of 25-29. For Hispanic residents it was between the ages of 10-14. And for non-Hispanic Asian residents, it was between the ages of 30-34.

²⁷ <https://portal.ct.gov/DPH/Health-Information-Systems--Reporting/Population/Annual-State--County-Population-with-Demographics>

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, a figure that remained constant through 2018.²⁸ With a median age of 41.2 years, Connecticut was the 7th oldest state in the country.²⁹ From 2010 to 2025, the state's population age 65 and older was projected to grow by 54.5%³⁰ resulting in 21% of Connecticut's population age 65 or over. Perhaps due to changes in migration, however, that shift had not materialized as of 2020.

| 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: | 84.5% |
| Connecticut's National Rank by Median Age of Population: | 7 th Oldest |

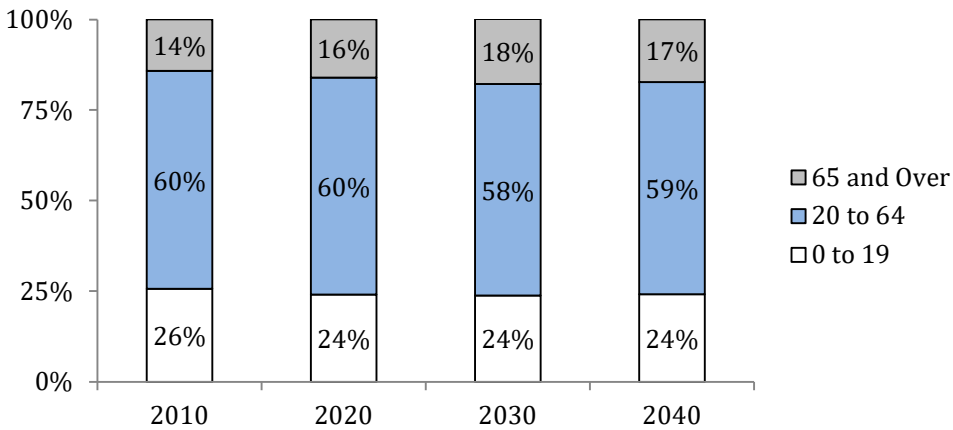


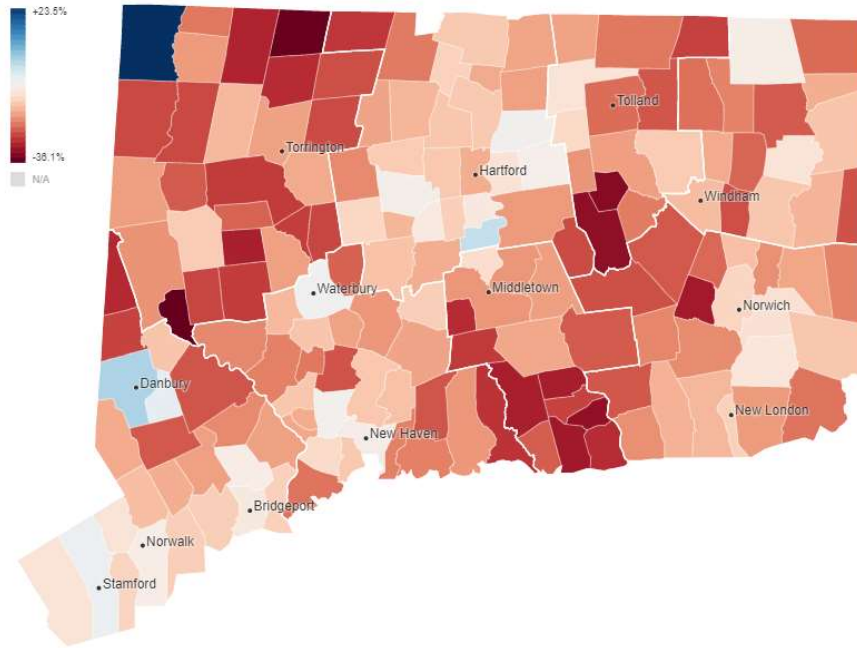
Figure 7: Population by Age Cohort

As Figure 8 on the next page illustrates, growth in the younger age group is expected to occur in several urban and suburban municipalities.

²⁸ American Community Survey 5-yr table, 2018, table B01001.

²⁹ Ranking of States by Median Age, available at http://www.statsamerica.org/sip/rank_list.aspx?rank_label=pop46&ct=S09.

³⁰ 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://ctcdc.uconn.edu/projections.html>.



**Change in Population
Age 0 to 17
(2010 to 2020)**

Figure 8: Change in Population Age 0-17 for Connecticut Towns, from 2010-2020

Disability

In 2019, people with disabilities in Connecticut constituted 11.9% of the state’s total population, an increase of 1.6% from 2010.³¹ Most people with a disability are older. 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.

According to data from the CDC,³² in September of 2020, 21.1% of adults in Connecticut had identified having some type of disability. 9.3% of adults in Connecticut suffered from mobility related disabilities (e.g., they had serious difficulty walking or climbing stairs); 8.4% had cognitive disabilities (e.g., having serious difficulty concentrating, remembering, or making decisions); 5.6% had disabilities that affected their ability to live independently (e.g., having difficulty doing errands alone); 5.3% have hearing disabilities; 3.9% have vision related disabilities; and 2.7% had disabilities that effected their abilities to care for themselves (e.g., having difficulty dressing or bathing).

In 2019, there were a total of 66,783 Connecticut residents that were recipients of Social Security Insurance (“SSI”) payments. Of the recipients, 7,293 were based on age and 59,490 were claimants based on blindness or another disability. 20,774 also received Old-Age, Survivors, and Disability Insurance. The Connecticut residents that received some payment from SSI represented 1.9% of the total population in 2019.

Largely because of the correlation between increased age and the increased likelihood of some type of disability impairment, the population of people with disabilities is expected to grow significantly as the state’s older population grows.

Fast Facts about People with Disabilities in CT

People with a Disability as a Percentage of Total Population: 11.9%

People with Disabilities over Age 65 as a Percentage of total population of that age: 63.1%

Percentage of People with Disabilities with:

An Ambulatory Disability: 48%

A Cognitive Disability: 41%

³¹ American Community Survey 2019 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.

³² CDC Report on Disability and Health, available at <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/connecticut.html>.

| Age Group | 2010 Population | | 2019 Population | |
|------------------------|-----------------|--------------------|-----------------|--------------------|
| | Count | % Within Age Group | Count | % Within Age Group |
| Age 0 to 17 | 28,732 | 3.5% | 32,138 | 4.4% |
| Age 18 to 64 | 179,340 | 8.0% | 205,546 | 9.4% |
| Age 65 and Over | 159,485 | 31.4% | 181,568 | 29.8% |

| Race/Ethnicity | Percentage of Racial/Ethnic Group With Disabilities | |
|------------------------------------|---|-------|
| | 2010 | 2019 |
| Non-Hispanic Whites | 10.5% | 12.4% |
| Hispanics | 10.3% | 10.9% |
| Blacks (includes Hispanics) | 11.0% | 13.1% |
| Asians (Includes Hispanics) | 5.5% | 6.4% |

People in Connecticut have a variety of disabilities, but the most common in 2019 was mobility difficulty.³³ Because mobility difficulties accounted for 49% of all disabilities, the availability of housing that can accommodate this group is of critical importance. Second highest was cognitive difficulty at 45% of all disabilities, which has different implications for the need for supportive housing.

| % of Age Group (Total Population) ³⁴ | Hearing Difficulty | Vision Difficulty | Cognitive Difficulty | Ambulatory Difficulty | Self-Care Difficulty | Independent Living Difficulty |
|---|--------------------|-------------------|----------------------|-----------------------|----------------------|-------------------------------|
| Age 0-17 | 0.7% | 0.8% | 4.3% | 0.4% | 1.0% | NA |
| Age 18-64 | 1.5% | 1.5% | 4.7% | 4.9% | 1.5% | 3.4% |
| Age 65+ | 11.0% | 4.5% | 7.8% | 18.9% | 7.5% | 13.5% |

³³ American Community Survey 2011, 2019 1-yr table B18120.

³⁴ American Community Survey 2010, 2019 1-yr tables B18102, B18103, B18104, B18105, B18106, and B18107.

*Sex/Gender*³⁵

Connecticut is 51.2% female and 48.8% male.³⁶ This ratio has remained relatively steady over the last 20 years.³⁷ Gender discrimination in housing is most frequently reported by women.³⁸ 78% of the state's female population was 20 years of age or over, and 19.4% was 65 years of age or over according to 2019 data.

COVID-19 affects men and women differently. As of Nov. 26th, females had a case rate of 3,244 cases and males had a case rate of 2,995 cases per 100,000 people.

There are also some differences in gender by parental status. Statewide, single-mothers comprised 9% of all Connecticut households – compared to 3% for single fathers.³⁹

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.⁴⁰

In 2018, 38% of households were family households without any “own” children (children of the adult householders, including step- and adopted-children).⁴¹ Family households without children were more likely to live in an owner-occupied dwelling than a renter-occupied dwelling, while non-family

What is a household?

What is a family?

Census v. Federal FHA

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.” All families are households but not all households are families.

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 federal FHA. Under the federal FHA, a single person can constitute a family. The federal FHA definition of “family” for the purpose of assessing whether familial status discrimination is occurring differs from the census definition.

³⁵ See separate section below on sexual orientation and gender identity and expression.

³⁶ American Community Survey 5-yr table 2019 B01001.

³⁷ U.S. Census 1990; U.S. Census 2010.

³⁸ See “The Fair Housing Act,” United States Department of Justice, 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), available at <http://www.thecyberhood.net/documents/papers/roscigno09.pdf>.

³⁹ https://portal.ct.gov/-/media/OHS/Affordability-Standard-Advisory/Meeting-Materials/November-14-2019/CT2019_Demographics-Report_20191017.pdf.

⁴⁰ “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>.

⁴¹ American Community Survey, 5-yr table 2018 B25115.

households without children were equally likely to live in rental or owner-occupied homes. Families with children were the most likely to be renters, and thus face discrimination (e.g., no children policies, no playing policies).

12% of households were headed by unmarried women, while only 4.5% of households were headed by unmarried men.

Familial Status - Families with Children

In 2019, families with children constituted 26.8% of households, up from 2010.⁴² The average family size in Connecticut is 3.12 people. As illustrated in Figure 24, family size varies by race and ethnicity but overall has remained relatively unchanged statewide since 1990. This portion of the 2020 Census is not available yet.

Fast Facts about Families with Children in CT

| | |
|-----------------------------------|-------|
| Percentage of Total Households: | 26.8% |
| Children under 18 in Connecticut: | |
| Black (non-Hispanic): | 12.3% |
| Hispanic: | 24% |
| Asian (non-Hispanic): | 4.6% |
| White (non-Hispanic): | 55.2% |

| 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.⁴⁴ Among families with children, 33.6% include at least one child who is a person of color.⁴⁵

⁴² American Community Survey, 5-yr table S1101, 2019.

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

⁴⁴ 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.”

⁴⁵ U.S. Census 2010 SF2 table PCT10 (includes own children and related children).

Familial Status - Single-Parent Status

A large portion of family households are single parent families. 14.9% of family households with children in Connecticut are single-parent families.⁴⁶ Women head 77% of single-parent families with children. People of color are disproportionately represented among single-parent families. 57% of single-parent families are headed by people of color (Black, Hispanic, or Asian).

Fast Facts about Single-Parent Families in CT

| | |
|---|-------|
| Percentage of Households that are Single-Parent: | 10.4% |
| Percentage of all families which are Single-Parent: | 15.7% |
| Percentage Growth in Single-Parent Families since 1990: | 43% |

| Table 10: Single-Parent Families by Race/Ethnicity | | |
|---|---|---|
| | Percentage of All Single-Parent Families | Number of All Single-Parent Families |
| CT | | 133,569 |
| Non-Hispanic White | 42% | 56,384 |
| Black | 23% | 30,094 |
| Hispanic | 32% | 42,860 |
| Asian | 2% | 2,716 |

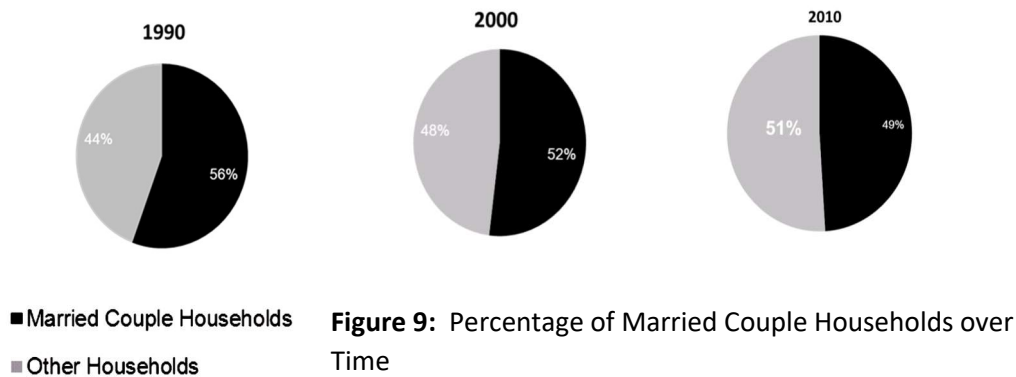
⁴⁶ American Community Survey, 5-yr table B17010 and related race/national origin tables, 2019.

Marital Status

In 2019, husband-wife couples⁴⁷ constituted 48% of all households,⁴⁸ and 58% of the total population in Connecticut.⁴⁹ The percentage of husband-wife households has been decreasing steadily over the last twenty years. Distributions of other protected classes by marital status are not available until the 2020 Census data are fully released. There are very few housing complaints based on marital status of such behavior in Connecticut.⁵⁰

Fast Facts about Marital Status in CT

| | |
|---|-----|
| Percentage of Total Husband-Wife Households: | 48% |
| Decrease Since 1990: | 8% |
| Percent of Total Population Represented by Husband-Wife Households: | 58% |



There are differences in marriage rates by race. Nearly two-thirds of Asian households include a husband-wife relationship while only around one-third of Black households do. Since 1990, the percentage of married-couple households declined for all racial/ethnic groups except Asians.

Table 11: Percent Husband-Wife Households by Race/Ethnicity¹

| Race/Ethnicity | 2010 | 1990 |
|-----------------------------------|-------|-------|
| Non-Hispanic White | 52.1% | 58.2% |
| Black (includes Hispanics) | 29% | 32.5% |
| Asian (includes Hispanics) | 65.6% | 66.2% |
| Hispanic | 38.8% | 42% |

⁴⁷ American Community Survey, 5-yr table S1101 and related race/national origin tables, 2019.

⁴⁸ U.S. Census 1990 NP16 from www.nhgis.org, U.S. Census 2000 SF1 table P18, U.S. Census 2010 SF1 table P19.

⁴⁹ U.S. Census 2010 SF2 PCT23.

⁵⁰ John C. Beatie, *Prohibiting Marital Status Discrimination: A Proposal for the Protection of Unmarried Couples*, 42 Hastings L.J. 1415 (1990-1991). 0.4% of complaints received by HUD, CHRO, and CFHC from 2013 and 2019 were based on marital status.

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.

| 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% | 19% | 7% | 16% | <1% | 2% | <1% |
| CT | 3,574,097 | 49% | 35% | 8% | 4% | 1% | <1% | <1% |

Data is not available on race and ethnicity by religion for Connecticut. However, national data indicates that there are racial and ethnic patterns within religious affiliations. For example, 58% of Catholics are Hispanic, and 30% of Evangelical Protestants are non-Hispanic White.⁵²

| 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% |

⁵¹ 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.

⁵² *Id.*

Sexual Orientation and Gender Identity and Expression

Estimates of the LGBT⁵³ Population Nationwide

A 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 Gallup Daily tracking interviews conducted between June 1 and September 30, 2012.⁵⁴ 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.⁵⁵

Historically, the Census did not have a category for same sex couples and had no way of reporting on this demographic.⁵⁶ In 2000, 0.6% of households in Connecticut reported living in same-sex unmarried partner households.⁵⁷ This number grew to 0.8% of households in 2010.⁵⁸ The Census Bureau started reporting same-sex data in 2014. Based on best available data, there are also nearly 700,000 transgender individuals, or about .22% of the nation's population.⁵⁹ Same sex couples now represent about 4.5% of unmarried households and 1% of married households in Connecticut.⁶⁰

Fast Facts about

Sexual Orientation and Gender Identity and Expression in CT

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

⁵³ For more background on the definitions of the terms such as "LGBT," "lesbian," "gay," "bisexual," and "transgendered," see the Appendix.

⁵⁴ 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).

⁵⁵ 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>

⁵⁶ U.S. Census Bureau, presentation, "Measuring Same-Sex Couples, Sexual Orientation, and Gender Identity on Census Bureau and Federal Surveys," available at <https://www.census.gov/content/dam/Census/library/working-papers/2016/demo/finalpresentation.pdf>.

⁵⁷ U.S. Census 2000 table PCT 14.

⁵⁸ U.S. Census 2010 table PCT 15.

⁵⁹ 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).

⁶⁰ American Community Survey, 5-yr table B11009, coupled households by type, 2019.

Same-Sex Couples

The 2019 American Community Survey estimates that 10,388 “same-sex couples” 7,852 “same-sex couples” reside in Connecticut, a 32% increase from the 2010 Census.⁶¹ 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. The count of LGBT people derived from this method does not count individual people residing in a household, only the principal householder and their partner. 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.⁶² Thus, the Census data, at best, provides an incomplete snapshot.

Transgender Estimates

Unfortunately, there is limited data concerning the size of Connecticut’s transgender population because this data is not tracked by Connecticut or the Census. A 2016 survey estimated that about 0.44% of Connecticut, or 12,400 people, were transgender in this state.⁶³ Similarly, a 2017 meta-analysis of prior surveys estimated the transgender rate to be about 0.39% of people.⁶⁴

⁶¹ American Community Survey, 5-yr table B11009, coupled households by type, 2019. 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/>.

⁶² 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/>.

⁶³ Flores et al., “How Many Adults Identify As Transgender In The United States?”, The Williams Institute, UCLA School of Law; Meerwijk, E. L., & Sevelius, J. M., “Transgender Population Size in the United States: a Meta-Regression of Population-Based Probability Samples,” *American Journal of Public Health*, 107(2), e1–e8 (2017). <https://doi.org/10.2105/AJPH.2016.303578>

⁶⁴ Meerwijk EL, Sevelius JM. Transgender Population Size in the United States: a Meta-Regression of Population-Based Probability Samples. *Am J Public Health*. 2017;107(2):e1-e8. doi:10.2105/AJPH.2016.303578, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5227946/>.

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, and they move with the tenant from apartment to apartment. 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.⁶⁵ 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 project-based subsidies.

How does the HCV Program Work?⁶⁶

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 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?⁶⁷

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.

⁶⁵Other 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. 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.

⁶⁶ For information regarding eligibility and other program requirements, see 24 C.F.R. §982ff.

⁶⁷ For information regarding eligibility and other program requirements, see Con. Agencies Regs. §17b-812ff. <https://portal.ct.gov/-/media/DOH/Department-of-Housing-Rental-Assistance-Programs-report-sfy-20.pdf>

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 an 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, those programs are also much smaller than HCV Program or the RAP Program. 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 each of these programs is frequently the basis of discrimination. The HCV⁶⁸ and RAP Programs

As of August 2021, the HCV Program, the biggest rental subsidy program in Connecticut,⁶⁹ had 38,358 vouchers issued, providing assistance to approximately 86,095 people.⁷⁰ HUD reports that Connecticut has been allocated an additional 5,628 vouchers that are not in use. On average, the program pays \$992 in housing benefits each month to each housing provider. Slightly more than half of recipients have remained in the program for more than 12 years.

According to DOH, during the 2021-2022 funding year, the RAP program will have least 6,365 vouchers funded with a budget of \$78,994,081.⁷¹ The majority of the RAP vouchers serve special populations with only 29% of RAP vouchers reserved for low-income people who do not fit into any special category.⁷² While there is no publicly available data on the demographics of RAP voucher holders, the program serves more than 2,300 households with a member who is disabled; 1,266 households who are homeless or may become homeless; and 630 households

⁶⁸ Data available through the U.S. Department of Housing and Urban Development’s Picture of Subsidized Households, available at https://www.huduser.gov/portal/datasets/assthsg.html#2009-2020_query. Data on the number of vouchers is for 2020. Data on the growth in the voucher program are calculated based on the prior Analysis of Impediments to Fair Housing.

⁶⁹ 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.

⁷⁰ HUD Picture of Subsidized Households, data for Connecticut, 2020 based on 2010 Census, Housing Choice Voucher Only, available at <https://www.huduser.gov/portal/datasets/assthsg.html>.

⁷¹ <https://portal.ct.gov/-/media/DOH/Combined-AP---Attachments---Allocation-Plan.pdf> at p. 5, 95.

⁷² <https://portal.ct.gov/-/media/DOH/Department-of-Housing-Rental-Assistance-Programs-report-sfy-20.pdf>

involved in the criminal justice system. Some programs serve more than one population overlap.

| Table 14: Populations served by the State RAP program | | |
|--|---|-------------------|
| Program Name | Population served | % of total |
| Permanent Supportive Housing Initiative | Households with psychiatric disabilities and/or chemical dependency who are facing homeless | 10% |
| Family Reunification Program | Vouchers for individuals and families involved in the family welfare system | 13% |
| Social Innovation Fund | Solutions that link supportive housing and healthcare for people with HIV/AIDS | 2% |
| DRAP | Assistance through DMHAS for individuals involved in the criminal justice system with a mental health diagnosis who would be homeless upon release from prison | 2% |
| RAP Veterans Affairs Supportive Housing | Expansion of federal VASH program to provide additional vouchers for homeless veterans | 1% |
| Money Follows the Person | Part of a federal program to provide assistance to individuals moving from nursing homes back into the community | 22% |
| Connecticut Collaborative on Re-Entry | A permanent supportive housing program that identifies and assists 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 | 8% |
| Department of Developmental Disabilities | Individuals transitioning from 24 privately operated group homes to community based living settings | 0.17% |
| RAP | Households who are low-income | 28% |
| State Sponsored Housing Portfolio RAP | Households living in state public housing units to provide additional affordability | 14% |

As demonstrated in Figure 16, 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.

| Table 15: Housing Choice Voucher Demographics - 2021 | | |
|---|---|---|
| Demographic Group | Percentage of State's Population | Percentage of HCV Participating Households |
| People of Color | 33% | 79% |

| | | |
|---------------------------------|-------|------------------------|
| Single Parent Households | 13.9% | 39% (female headed) |
| People with Disabilities | 11.9% | 22% |

The Security Deposit Guarantee Program

The SDG program is currently being used as part of the homelessness prevention program administered by the Coordinated Access Network throughout Connecticut. The program is funded at \$661,142⁷³ Access to the program is limited to individuals and families that are chronically homeless and meet income eligibility criteria.⁷⁴ Applications to the program are made through a homeless service provider with eligibility determined by DOH.⁷⁵ Applicants found eligible are able to offer a landlord a guarantee that they will be reimbursed for damages up to the amount of two months rent for tenants under 62, one months rent for tenants aged 62 or over. Landlords do not receive a check but instead are given instructions on how to submit a claim for reimbursement after a tenant moves out. No data is available on the demographics of the people to whom these guarantees were issued independently from the data currently available regarding people who are homeless.

⁷³ <https://portal.ct.gov/-/media/DOH/Combined-AP---Attachments---Allocation-Plan.pdf>

⁷⁴ <https://portal.ct.gov/DOH/DOH/Programs/Security-Deposit-Program>

⁷⁵ <https://journeyhomect.org/wp-content/uploads/2019/10/Security-Deposit-Guarantee-Program.pdf>

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 that receive source of income protections under the state FHA is increasing. Unfortunately, the availability of housing benefits is not sufficient to address this need.
- People of color were 50% more likely to contract COVID-19 and twice as likely to die of COVID-19 in Connecticut. The long-term COVID-19 impacts will continue to disproportionately impact people of color who are already segregated into substandard housing that leads to environmentally acquired health conditions like asthma.

Chapter 7: 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.

Chapter Snapshot

- As of 2019, 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 25%, and single-parent male-headed households earn 40%, of what two-parent households earn.
- On average, women earn 96% of what men earn.
- People with disabilities earn 60% of what people without disabilities earn.

Income Disparity: The Gini Index

Connecticut continues to grapple with income disparity among its residents. Since the 1970s, Connecticut had the greatest growth in income disparity between the top 5% and bottom 5% of income earners in the nation.¹ 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%.²

A well-accepted measure of income disparity is the Gini index, a measure of income inequality in a given geographic area.³ 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

¹ 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>.

² *Id.* at 17.

³ William Lott and Susan Randolph, “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. 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>

index score of . 0.496, Connecticut is second only to New York state which has the greatest disparity in income distribution nationwide.⁴ Connecticut’s rank is unchanged from 2010.

Race, Ethnicity, Income, and Wealth

In Connecticut, as is the case nationwide, income varies significantly based on race and ethnicity. People who are Black, Black, and Hispanic, and Hispanic but not White or Asian⁵ 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.⁶

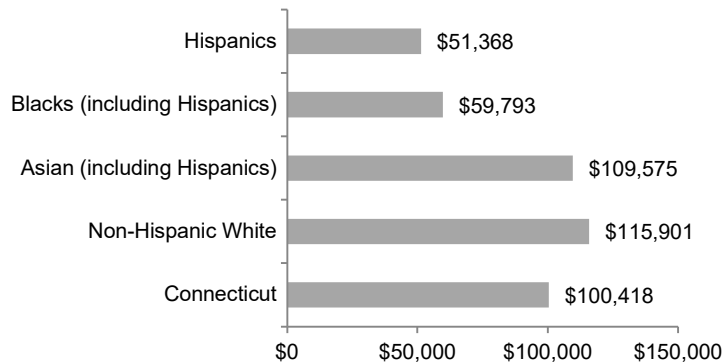


Figure 1: Median Family Income by Race and Ethnicity

Since the 2015 AI, the income gap between Blacks and non-Hispanic Whites has grown while the income gap between Asians, Hispanics, and non-Hispanic

Fast Facts about Race, Ethnicity, and Income in Connecticut

Median Family Income gains, 2010-2019:

| | |
|------------------------------|-------|
| White (non-Hispanic): | 16.2% |
| Black (including Hispanics): | 15.2% |
| Asian (including Hispanics): | 19.8% |
| Hispanic: | 23.7% |

Unemployment Rate change, 2010-2019:

| | |
|-----------------------|--------|
| White (non-Hispanic): | - 3.8% |
| Black (non-Hispanic): | -11.2% |
| Hispanic: | -13.5% |

Poverty Rate Change, 2010-2019:

| | |
|-------------------------|-----|
| White (non-Hispanic): | 1% |
| Black (non-Hispanic): | -1% |
| Asian (incl. Hispanic): | 0% |
| Hispanic: | -2% |

Family Wealth by Race in 2016:
(national data)

| | |
|-----------------------|-----------|
| White (non-Hispanic): | \$171,000 |
| Black (non-Hispanic): | \$ 17,600 |
| Hispanic: | \$ 20,700 |

⁴ American Community Survey 5-year table, Table B19083; 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.

⁵ 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.

⁶ ACS 2019 5-yr tables B19113, B19113B, B19113D, B19113I, B19113H.

Whites has narrowed. In addition, in Connecticut, about 35% of Black households and 50% of Hispanic households have zero net worth, compared with just 10% of White households, as of 2016.⁷ The income and wealth gaps prevent Blacks and Hispanics from accessing healthy, stable housing. The gap in Connecticut is higher than the U.S. as a whole. Homeownership is typically the largest store of household wealth for most families. Thus, these data suggest that people of color are still dealing with (1) persistent negative and low equity where they own their homes, and (2) a lack of homebuying opportunities.

While this income and wealth disparities have varied over time, the 2020-2022 COVID-19 Pandemic disproportionately affected Hispanics and Blacks. From 2019 to 2020, the unemployment rate for Hispanics grew from 4.3% to 10.5% (a 6.2% increase), while the unemployment rate for Blacks grew from 6.1% to 13.0% (a 6.9% increase).⁸ In contrast, during the same period unemployment among non-Hispanic Whites went from 3.3% to 7.3% (a 4% increase).⁹ Put differently, the unemployment gap between Hispanics and non-Hispanic Whites grew by 2.2% and the gap between Blacks and non-Hispanic Whites grew by 2.9%.¹⁰

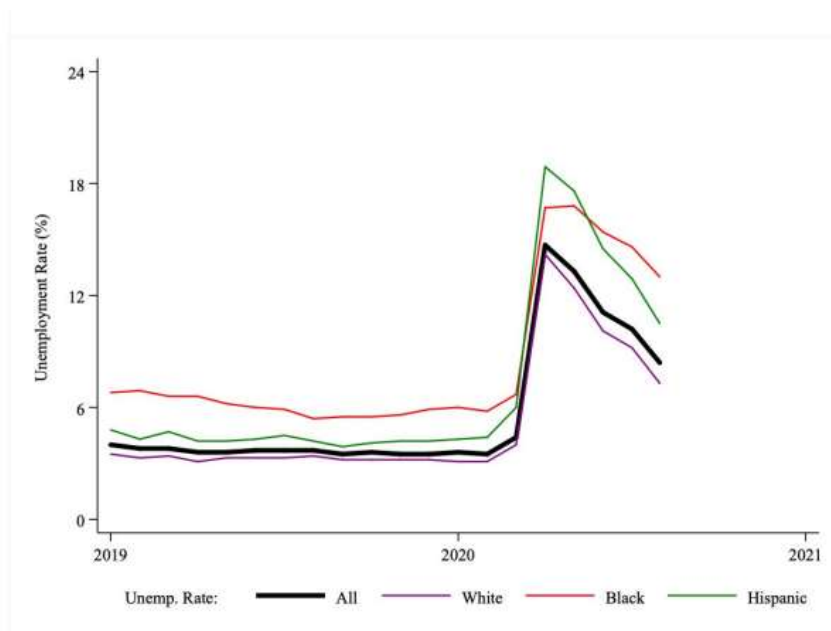


Figure 2: Unemployment by Race

⁷ Patrick O’Brien, “The State of Working Connecticut 2020: Advancing Justice in the Labor Market, September 2020,” *Connecticut Voices for Children*, <https://ctvoices.org/wp-content/uploads/2020/09/SOWC-2020-Report-Final.pdf>.

⁸ Insufficient data for Asians in 2008 and 2009.

⁹ Patrick O’Brien, “The State of Working Connecticut 2020: Advancing Justice in the Labor Market, September 2020,” *Connecticut Voices for Children*, <https://ctvoices.org/wp-content/uploads/2020/09/SOWC-2020-Report-Final.pdf>.

¹⁰ Id.

Table 1: Per Capita Income Gap Between White, non-Hispanic Black, Asian, And American Indians: 2014 – 2019

| | <u>Black</u> | <u>Hispanic (all races)</u> | <u>Asian</u> | <u>American Indian and Alaskan Native</u> |
|-------------|--------------|-----------------------------|--------------|---|
| 2014 | \$ (22,955) | \$ (26,678) | \$ (6,723) | \$ (21,794) |
| 2015 | \$ (23,345) | \$ (26,771) | \$ (5,438) | \$ (22,949) |
| 2016 | \$ (24,273) | \$ (27,492) | \$ (5,448) | \$ (25,561) |
| 2017 | \$ (24,810) | \$ (28,467) | \$ (5,548) | \$ (26,740) |
| 2018 | \$ (26,092) | \$ (29,696) | \$ (5,160) | \$ (27,423) |
| 2019 | \$ (26,931) | \$ (30,713) | \$ (4,683) | \$ (27,932) |

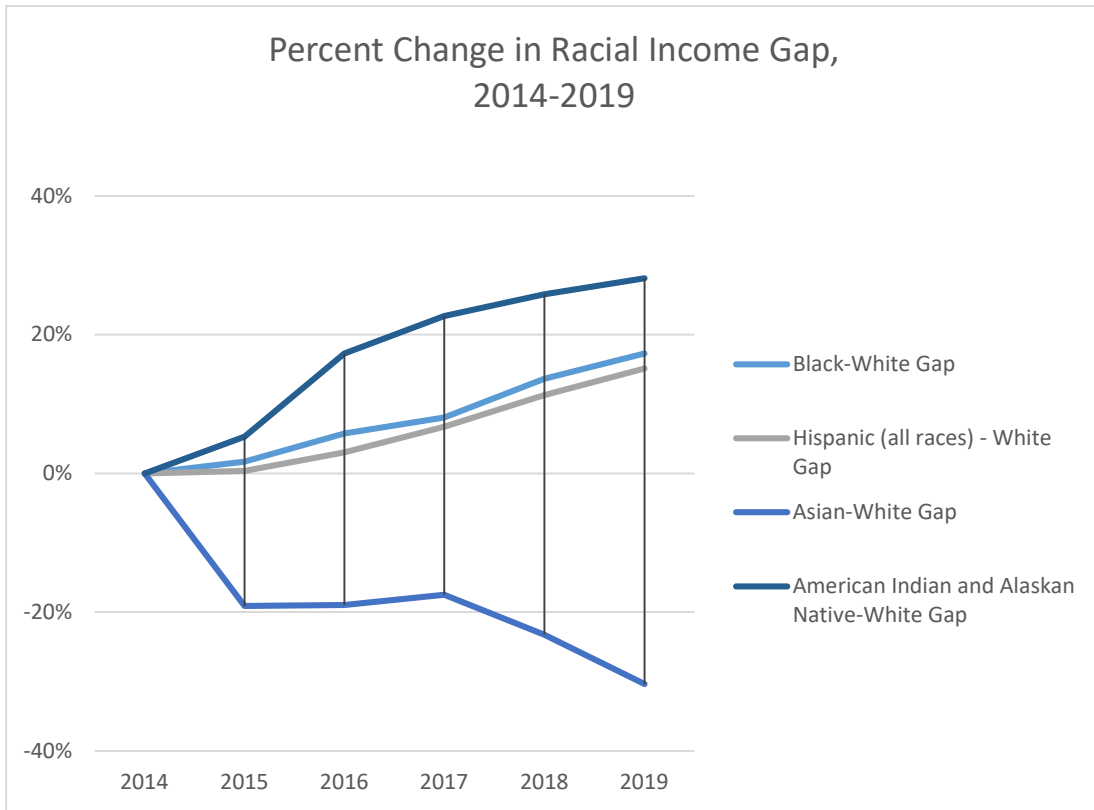


Figure 3: Percent Change in Racial Income Gap from 2014

Race, Ethnicity and Poverty

In Connecticut, income disparities between racial and ethnic groups are also reflected in differences in poverty rates.¹¹ 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.¹²

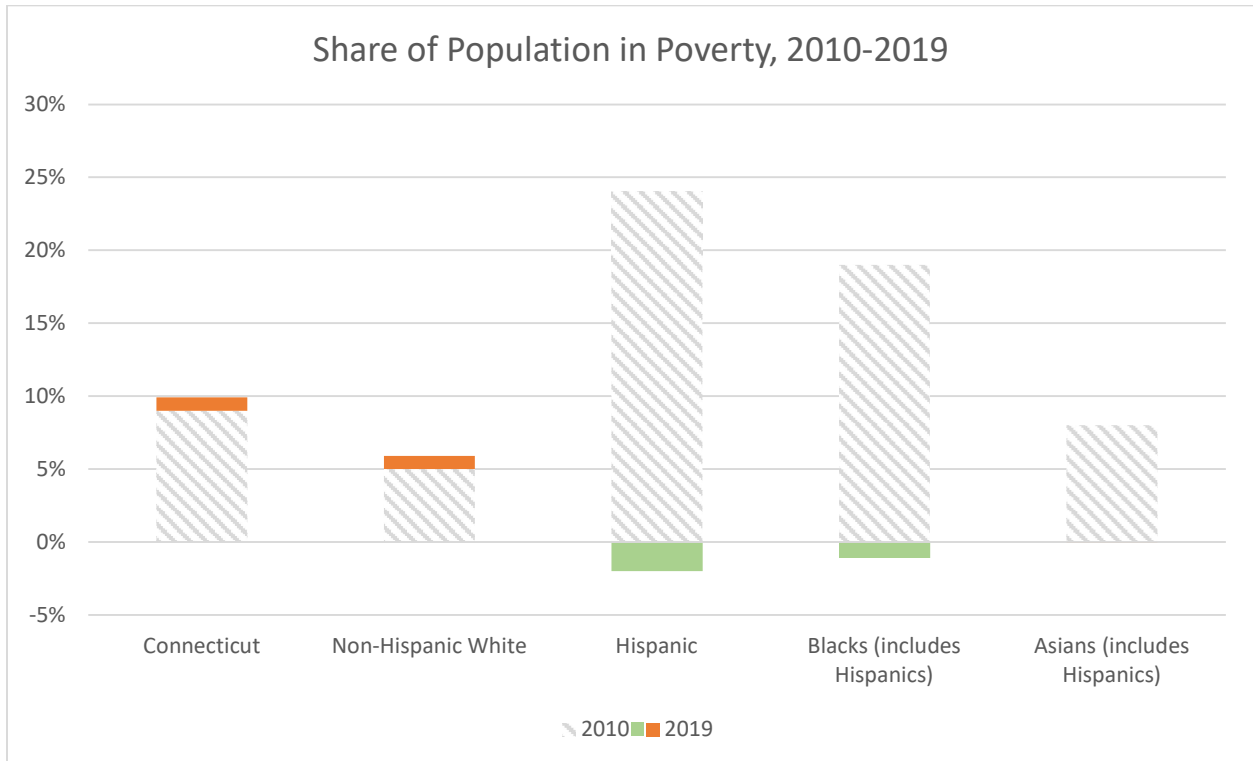


Figure 4: Poverty by Race and Ethnicity

Foreign-born and Poverty

Among foreign-born populations in Connecticut, 10.7% (1.3% decrease from 2010) are living below the poverty level compared to 9.9% (increase of 0.1%) of the native-born population.¹³

¹¹In 2010, the federal poverty threshold for a married-couple with two children was \$22,113 (\$26,246 in 2020). For a single individual under age 65, the poverty threshold was \$11,344 (\$17,331 in 2020). *Poverty Thresholds*, United States Census Bureau, <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>.

¹² ACS 2010, 2019 5-yr tables B17001, B17001B, B17001D, B17001I, and B17001H

¹³ American Community Survey 2019 1-yr table C17025.

Familial Status and Income

In Connecticut in 2019, the median income for all families was \$100,418, and the median income for married-couple families with children was \$131,995 resulting in a median income for married-couple families with children that is 131% (4% increase in income gap from 2010) of the state’s overall family median income.¹⁴

There is wide income disparity between the income and poverty rates of two-parent and single-parent households. As illustrated in Figure 5, single-parent households earn significantly less than married-couple families. Female-headed single-parent families earn 25% (-5% from 2010), and male-headed single parent households earn 40% (-4% from 2010), of what married-couple families with children earn. The widening income and poverty gap between single parent and multi-parent households will make it more difficult for single-parent households to find suitable housing in Connecticut.¹⁵

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: 25% of median income for all families
- Percentage of families with children in poverty: 11.5% of all families
- Percentage of families in poverty that are single-parent families: 72% (increase over 10% from 2010).

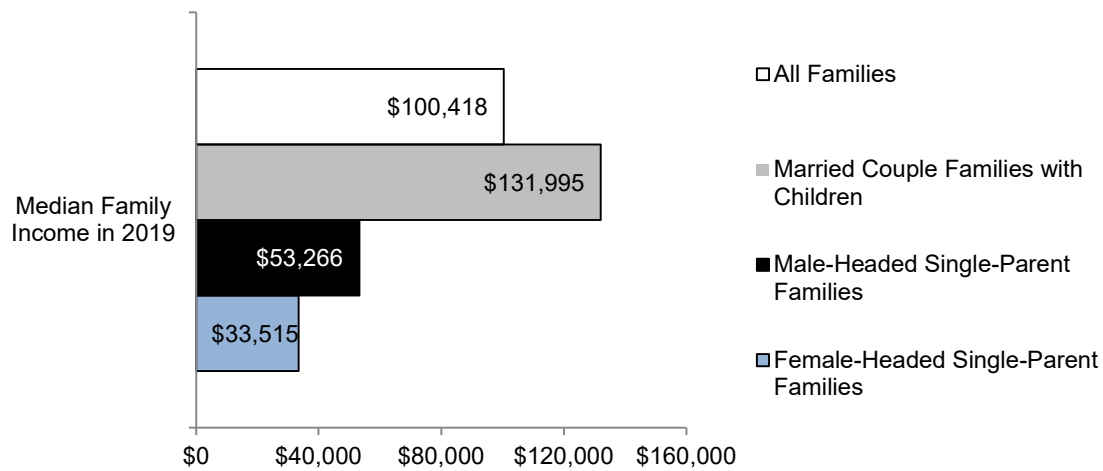


Figure 5: Median Family Income by Family Status and Gender

¹⁴ American Community Survey 2019 5-yr table B19126 (includes own children under age 18).

¹⁵ Id.

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 | \$100,418 | NA |
| 2 People | \$87,326 | \$43,663 |
| 3 People | \$101,746 | \$33,915 |
| 4 People | \$125,087 | \$31,271 |
| 5 People | \$121,443 | \$24,288 |
| 6 People | \$118,083 | \$19,680 |
| 7 People or more | \$109,295 | NA |

Family Status and Poverty

Among families with children, 11.5%¹⁷ live in poverty,¹⁸ as compared with 6.8% for all families and 9.9% for the population as a whole.¹⁹ There is also a connection between single-parent status and poverty. In 2019, 26% of single-parent families lived in poverty compared to only 6.8% of all families.²⁰ Single-parent families accounted for 56% of all families in poverty

Poverty also varied dramatically among Connecticut single-parent families based on their racial/ethnic background. Table 3 shows that single-parent families that are non-Hispanic White had a poverty rate of 15.4% compared to 38.3% for Hispanics and 27.5% of Blacks.

¹⁶ American Community Survey 2019 5-yr table S1903

¹⁷ American Community Survey 2019 5-yr table B17010 (includes related children).

¹⁸ American Community Survey 2019 5-yr B19119.

¹⁹ American Community Survey 2019 5-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>.

²⁰ American Community Survey 2019 5-yr table B17010.

Table 3: Poverty for Single-Parent Families by Race/Ethnicity²¹

| Race/Ethnicity | Percent in Poverty | Single-Parent Families in Poverty | Total Single-Parent Families |
|----------------------------|--------------------|-----------------------------------|------------------------------|
| Non-Hispanic White | 15.4% | 8,674 | 56,384 |
| Black (includes Hispanics) | 27.5% | 8,261 | 30,094 |
| Asian (includes Hispanics) | 22.7% | 616 | 2,716 |
| Hispanic | 38.3% | 16,422 | 42,860 |

Marital Status

Marital Status and Income

Median income for married-couple households was \$120,623 per year,²² compared to \$78,444²³ for all households,²⁴ and \$44,873 for non-family households.²⁵

Fast Facts about Marital Status and Income

- Overall, married-couple households had income that was 153% of median household income.
- Married family couples saw substantially reduced poverty rates compared to 2010.

Table 4: Median Household Income for Married-Couple Primary Families by Race/Ethnicity²⁶

| Race/Ethnicity | Married-Couple Household Income | Non-Married Couple Household Income |
|----------------------|---------------------------------|-------------------------------------|
| Non-Hispanic White | \$119,853 | \$109,905 |
| Hispanic | \$58,320 | 47,244 |
| Black (non-Hispanic) | \$66,009 | 47,244 |
| Asian (non-Hispanic) | \$116,747 | 117,009 |

Income was lower for non-Hispanic Black and Hispanic married-couple households than non-Hispanic White households. In particular, Table 4 shows that median income among Hispanic

²¹ American Community Survey 2019 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.

²² American Community Survey 2019 5-yr table B19126.

²³ American Community Survey 2019 5-yr tables B19013.

²⁴ American Community Survey 2019 5-yr tables B17010H, B17010I, B17010B, and B17010D (includes related children).

²⁵ American Community Survey 2019 5-yr table B19202.

²⁶ 2017 CPS Annual Social and Economic Supplement.

married-couple households was 49% of median income for non-Hispanic White couples while income for Black married couple households was 55% of median income for non-Hispanic White couples.²⁷

Marital Status and Poverty

Only 2.7% of married-couple households lived in poverty, compared to 9.5% of male-headed single-parent families and 21.5% of female-headed single-parent families.²⁹ Poverty rates differ between married-couples that are non-Hispanic White and Blacks and Hispanics as seen in Table 5. Only 1.7% of married couples that are non-Hispanic White lived in poverty compared to 8.7% of Hispanic married couples and 5.3% of Black married couples.³⁰

| Table 5: Poverty for Married-Couple Households by Race/Ethnicity ²⁸ | |
|--|---|
| Race/Ethnicity | Percent of Married-Couple Households in Poverty |
| Non-Hispanic White | 1.7% |
| Hispanic | 8.7% |
| Black (includes Hispanics) | 5.3% |
| Asian (includes Hispanics) | 4.0% |

Gender

Gender, Marital Status, and Income

The following data is from the U.S. Census Bureau’s Current Population Survey. The survey uses small samples, and caution should be used in interpreting the results. However, the survey shows that the income gap between men and women in Connecticut narrowed substantially from 2011, where women only earned 78¢ for every \$1 earned by men.³¹

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%

Table 6: Median Person Income for Full-Time Workers Age 18-64³²

²⁸ American Community Survey 2019 5-yr tables B17010H, B17010I, B17010B, and B17010D.

³² 2017 CPS Annual Social and Economic Supplement.

| Marital Status | Women | Men | Income Ratio Women/Men |
|-------------------------|----------|----------|------------------------|
| Connecticut | \$90,657 | \$94,586 | 96% |
| Never-Married | \$86,154 | \$87,450 | 99% |
| Divorced | \$61,069 | \$79,865 | 76% |
| Married (Spouse Absent) | \$17,070 | \$72,000 | 24% |

Gender, Marital Status, and Poverty

Poverty rates are roughly even between women and men, likely driven by gains women made in narrowing the income gap over the 2011-2017 period.³³ Statewide, the poverty rate is 11%.

| Marital Status | Women | Men |
|-------------------------|-------|-----|
| Connecticut | 11% | 11% |
| Never-Married | 14% | 17% |
| Divorced | 15% | 0% |
| Married (Spouse Absent) | 57% | 17% |

Gender, Marital Status, and Wealth

Across the country both unmarried female-headed and male-headed households saw dramatic declines in net wealth since 2005.³⁵ However, net worth rebounded substantially from 2009, driven by gains in home equity after the housing crash of 2008 and 2009. Nationally, male-headed households have a higher net worth than female-headed households.³⁶

²⁹ American Community Survey 2019 5-yr table B17010.

³⁰ American Community Survey 2019 5-yr tables B17010H, B17010I, B17010B, B17010D.

³¹ U.S. Census, 2017 Current Population Survey, Annual Social and Economic Supplement, 2017.

³² 2017 CPS Annual Social and Economic Supplement.

³³ 2017 CPS Annual Social and Economic Supplement.

³⁴ 2017 CPS Annual Social and Economic Supplement.

³⁵ 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.

³⁶ For 2009 data, Panel Study of Income Dynamics, Institute for Social Research, Survey Research Center, University of Michigan, Ann Arbor, MI (2013), <http://simba.isr.umich.edu/V/S/s.aspx>. For 2017, U.S. Census Bureau, Survey of Income and Program Participation, 2018 Panel, available at <https://www.census.gov/topics/income-poverty/wealth/data/tables.html>.

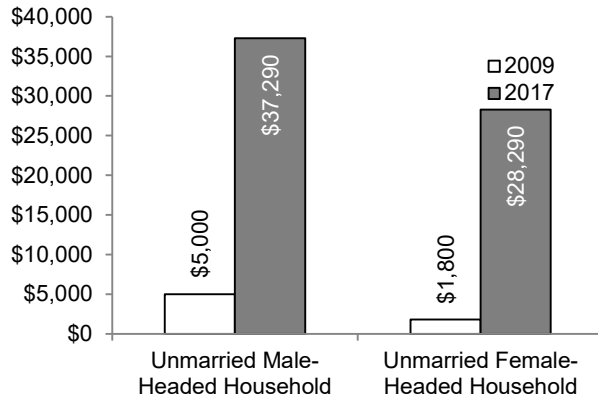


Figure 6: 2009 and 2017 Family Wealth by Sex in the U.S.

Disability

The percentage of the state’s adult working population receiving social security disability benefits decreased from 4.8% in 2010 to 3.9% in 2019.³⁷

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 60.7% of what people without disabilities earn, a decrease from 2010 (67.7%).³⁸

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:

³⁷ Social Security Administration, Annual Statistical Report on the Social Security Disability Insurance Program, 2019 https://www.ssa.gov/policy/docs/statcomps/di_asr/2016/sect01b.html#table8

³⁸ American Community Survey 2019 5-yr table B18149, 2010 1-yr table B18140.

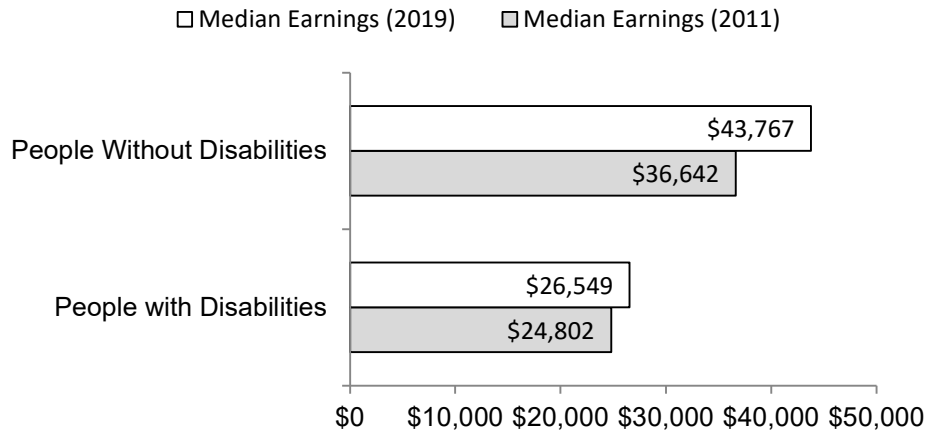


Figure 7: Median Earnings for People with Disabilities³⁹

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, 19% of people with disabilities live in poverty compared to 9% of people without disabilities.⁴⁰ 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 higher among people with disabilities. 6.6 % of people with disabilities are not working but in the labor force.⁴¹ Unemployment among people in the labor force without disabilities was 4% as of the same year. Not surprisingly, people with disabilities receive benefits from the Supplemental Nutritional Assistance Program (SNAP, commonly referred to as food stamps) at three times the rate of the population without a disability. In 2010 in Connecticut, 23% of households with a disabled family member received SNAP benefits, compared to only 7% of households without a household member with a disability.⁴²

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

³⁹ ACS 2011 1-yr table B18140; ACS 2019 5-yr table B18140

⁴⁰ American Community Survey 2019 1-yr table C18131.

⁴¹ American Community Survey 2019 1-yr table B18120.

⁴² American Community Survey 2019 1-yr table B22010.

disparity is among those age 18-64 who are poor and disabled, which account for 23% of all people with disabilities.⁴³

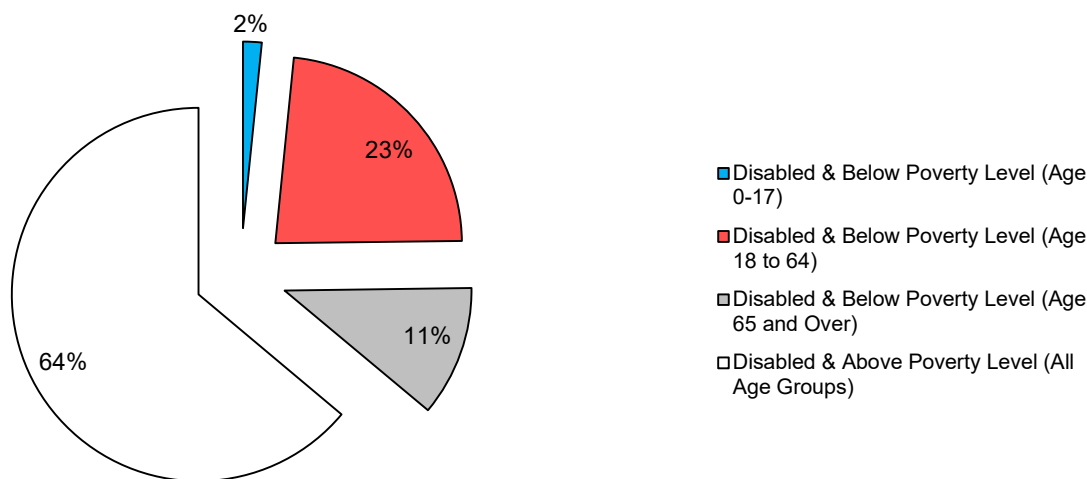


Figure 8: Percentage of Population with a Disability by Age and Poverty Status⁴⁴

Sexual and Gender Orientation and Identity

There is a dearth of data available on the LGBT population. A recent report (2019) from the Williams Institute at the UCLA School of Law examined poverty rates across different sexual orientations and gender identities from 2014 to 2017 across 35 states.⁴⁵ Select results from that report follow. In addition to differences in poverty rates among cis-straight and LGBT people, there are stark differences in poverty rates among LGBT people. While the gap between cis-straight and LGBT people experiencing poverty nationally is 5.9%, in Connecticut it is 7.7%, although the sample size is limited. In addition, Connecticut has a statistically higher LGBT poverty rate than the nation.

⁴³ American Community Survey 2019 5-yr table C18130. The poverty threshold for a single individual under age 65 is \$13,465 compared to \$12,413 for those age 65 and over. *Poverty Thresholds*, United States Census Bureau, <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>.

⁴⁴ ACS 2019 5-yr table C18130.

⁴⁵ Badgett et al., *LGBT Poverty in the United States: A study of differences between sexual orientation and gender identity groups*, Williams Institute, UCLA School of Law (October 2019), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf>. The tables and charts which are below were taken from Badgett, et al. and include the figure and table designations used in that report.

Figure 1. Poverty rates comparing LGBT and cisgender straight adults

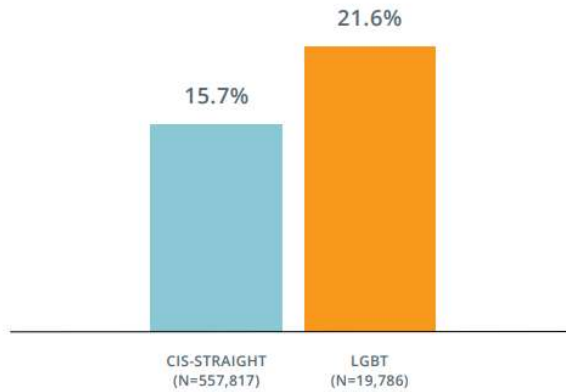


Figure 9: Poverty rates comparing LBGBT and cisgender straight adults

Figure 2. Poverty rates by sexual orientation and gender identity^b

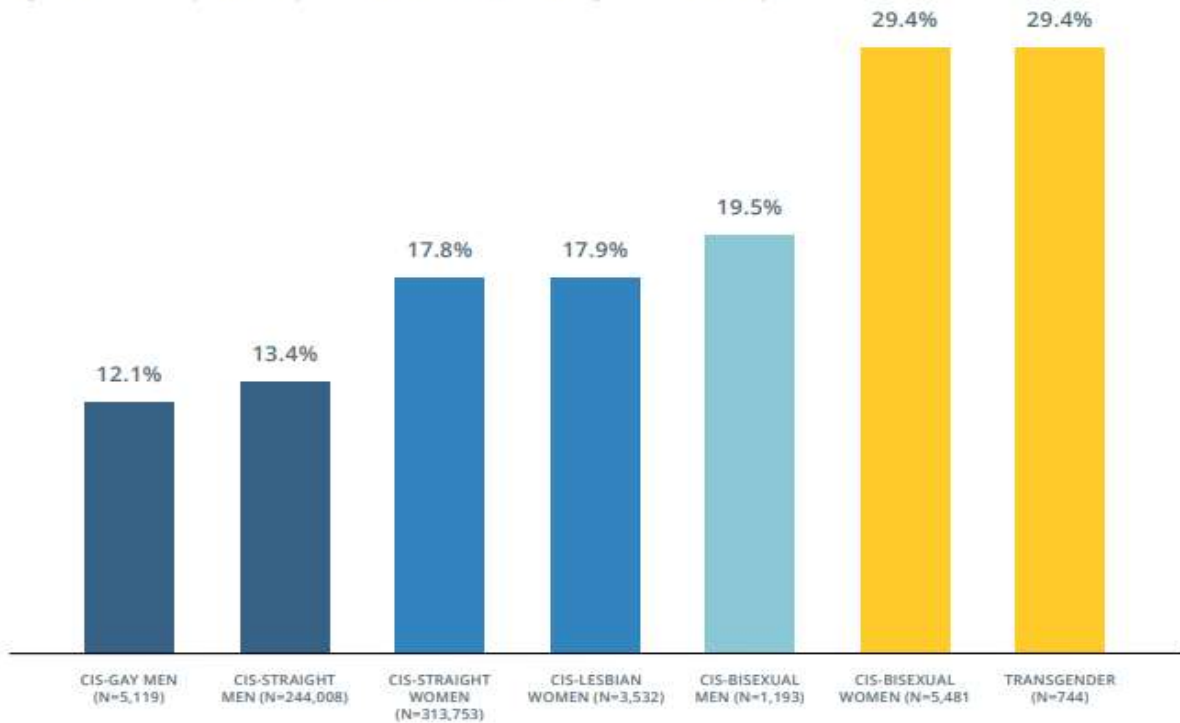


Figure 10: Poverty rates by sexual orientation and gender identity

Lastly, as set forth in the table below, LGBT people in protected classes tend to experience poverty at much higher rates than Whites.

Table 4. Poverty rates comparing LGBT and cisgender straight people by race and ethnicity

| | CIS-STRAIGHT | | LGBT | |
|-------------------------------------|--------------|--------|-------------|-------|
| | % | N | % | N |
| White | 9.1 | 32,049 | 15.4 | 1,802 |
| Black | 25.3 | 8,986 | 30.8 | 382 |
| Hispanic | 38.0 | 10,362 | 37.3 | 520 |
| American Indian or Alaska Native | 26.9 | 1,438 | 32.4 | 101 |
| Asian | 14.6 | 1,819 | 22.9 | 102 |
| Native Hawaiian or Pacific Islander | 25.4 | 437 | 28.9 | 33 |
| "Other" race | 14.8 | 266 | 42.1 | 29 |
| Multirace | 20.8 | 2509 | 22.3 | 186 |

Note: Bold percentages indicate respondents differed significantly ($p < .05$) by row.

Table 5. Poverty rate by SOGI and race and ethnicity

| SOGI | WHITE | | BLACK | | HISPANIC | | OTHER | |
|--------------------|-------------|--------|-------------|-------|-------------|-------|-------------|-------|
| | % | N | % | N | % | N | % | N |
| Cis-straight men | 7.6 | 11,702 | 21.8 | 2,833 | 32.5 | 4,014 | 15.7 | 2,810 |
| Cis-straight women | 10.5 | 20,345 | 28.0 | 6,150 | 43.6 | 6,347 | 18.5 | 3,659 |
| Cis-gay men | 8.1 | 287 | 17.1 | 45 | 24.0 | 88 | 15.4 | 67 |
| Cis-lesbian women | 10.7 | 251 | 31.3 | 63 | 34.8 | 49 | 27.5 | 72 |
| Cis-bisexual men | 14.6 | 258 | 20.3 | 43 | 33.6 | 80 | 22.5 | 80 |
| Cis-bisexual women | 23.4 | 755 | 39.7 | 154 | 45.4 | 201 | 26.9 | 155 |
| Transgender | 18.6 | 250 | 38.5 | 77 | 48.4 | 102 | 35.2 | 77 |

Note: Ethnic and racial groups are collapsed for readability and sample sizes. See Supplemental Tables for all ethnic and racial groups.

Note: Bold percentages indicate respondents differed significantly ($p < .05$) by row when compared to White respondents (shaded column). For example, the poverty rate of Hispanic (33.6%) and "other race" (22.5%) cis-bisexual men are statistically significantly different from that of White cis-bisexual men (14.6%). However, poverty rates of Black cis-bisexual men (20.3%) are not statistically different from that of White cis-bisexual men.

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 (75%) are very low income, earning 30% of Connecticut’s median income while 18% of all HCV Program voucher holders earn between 30% and 50% of median income.⁴⁶ Income data is not available for participants in the state’s RAP Program, so an income analysis could not be performed.

| Income Range as a Percentage of Median Income | Percentage of Voucher Holders | Number of Voucher Holders |
|---|-------------------------------|---------------------------|
| Below 30% of Median | 75% | 8,146 |
| 30% to 50% of Median | 18% | 1,917 |
| 50% to 80% of Median | 5% | 582 |
| Over 80% of Median | 2% | 223 |

Conclusion

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

- The Black – non-Hispanic White income gap has grown since 2015 while the income gap for other races and national origins has narrowed
- Single-parents earn significantly less than married couples with children.
- Male-headed single-parent families earn 40%, and female-headed single-parent families earn only 25%, of what married couples with children earn in Connecticut.
- Women earn 96% of what men earn.
- People with disabilities are also disproportionately low income, earning on average 60% 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.

⁴⁶ *Residents Characteristics Report*, U.S. Department of Housing and Urban Development, All Relevant Programs, Connecticut, <https://pic.hud.gov/pic/RCRPublic/rcrstate.asp> (covers the period from April 1, 2020 to July 31, 2021). Income data not available for 76% of recipients.

As a result of these income and wealth disparities, 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 and alleviate income and wealth gaps.

Chapter 8: Affordable Housing Need

The demographic data in earlier chapters 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 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, which are forms of disability 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 BIPOC, people with disabilities, and single-parent households have a disproportionate need for affordable housing because these populations also tend to be low-income. Statewide, 31% of households have incomes less than \$50,000 per year. 77% of households with that income, including both renters and homeowners pay at least 30% of their income for housing.¹ Cost burdens have increased since 2015 to where 74% of such households spent at least 30% of their income on housing.

Eighty-eight percent of the lowest income households (households with income less than \$20,000 – 10% of the state) pay more than 30% of their income for housing.

¹ American Community Survey 2019 5-yr table B25106.

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. However, it is difficult to assess the exact number of people who need supportive housing since, for privacy reasons, it is difficult to know which people with disabilities need access to services such housing provides.

As illustrated by Table 1, Hispanics have nearly four times the poverty rate of non-Hispanic Whites with Blacks having nearly three times the poverty rate. People with disabilities and single-parent households 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.

Since 2015, the poverty gap between Black/Hispanic people and white people narrowed (-1.9% and -4.9%, respectively). At the same time, the gap between people with disabilities and people without disabilities widened (+0.8%). Lastly, the poverty rate for all family types declined, and declined drastically for all single-parent households.² The data suggests that, for state initiatives focused on poverty alleviation, greater emphasis needs to be on people with disabilities.

| Table 1: Protected Class, Income, and Poverty ³ | | | | |
|--|----------------------|--------------|----------------------|--------------|
| Group | 2015 | | 2020 | |
| | Median Family Income | Poverty Rate | Median Family Income | Poverty Rate |
| Race & Ethnicity | | | | |
| Non-Hispanic White | \$94,278 | 5% | \$89,685 | 5.9% |
| Hispanic | \$41,539 | 24% | \$49,238 | 20% |
| Black (including Hispanic) | \$51,901 | 19% | \$48,927 | 18% |
| Disabilities (income includes only earnings) | | | | |
| People Without Disabilities | \$36,642 | 9.2% | \$44,220 | 8.9% |
| People With Disabilities | \$24,802 | 17.5% | \$22,246 | 18.0% |
| Marital Status | | | | |
| Married-Couple Family | \$102,853 | 2.8% | \$122,781 | 2.6% |
| Single-Parent Family (male-headed) | \$45,752 | 15.4% | \$64,366 | 8.6% |
| Single-Parent Family (female-headed) | \$31,460 | 29.8% | \$44,659 | 22.1% |

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).⁴ The homeownership rate is highest for non-Hispanic White households, at 76%, followed by Asian households with the second highest rate in the state (57%). The non-Hispanic White homeownership rate is 1.9 times that of Blacks and Latinx rate. These disparities increased slightly since the 2015 AI (by 0.1). Homeownership is not only less prevalent among Black and Latinx households, but also for

² These data do not reflect the impact of COVID-19 on work patterns. During the COVID-19 pandemic, a record number of women have left the workforce entirely. The COVID-19 pandemic also caused greater job losses for Black and Hispanic workers.

³ American Community Survey 2019 5-yr table S1701 (poverty and race/national origin), S1702 (poverty and family status), B18130 (poverty and disability).

⁴See Chapter 5.

single-parent families, at 48.5% (although a significant 10% gain in home ownership since 2015), and families living in poverty, at 23%.⁵

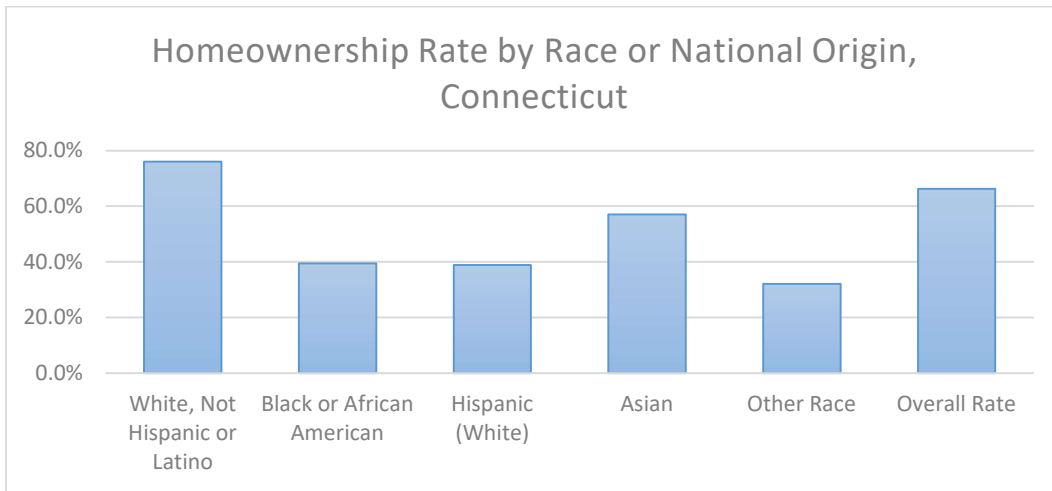


Figure 1: Connecticut Homeownership Rate by Race, ACS 201110

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 2 two-thirds (67%) of Hispanic households live in rental housing and the majority of Blacks (59%) versus 24% of non-Hispanic Whites.⁶

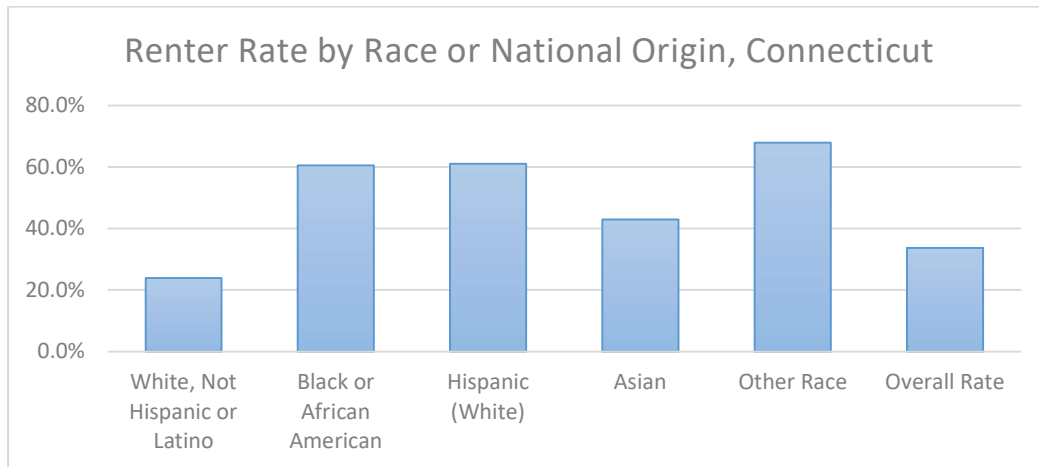


Figure 2: Percentage of Households in Rental Housing, by Race & Ethnicity

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

⁵ See, Chapter 7.

⁶ Id.

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 multi-family housing; and
- Affordable homeownership options.

1. AHAA Percentages

AHAA and Race

Since 2015, two municipalities joined the exempt list and two municipalities left the exempt list, for a net change of 0 exempt municipalities. Overall, municipalities on the non-exempt list went from affordable housing of 3.96% of total units to 4.03% of total units, suggesting that the development of affordable housing in non-exempt municipalities is barely keeping pace with new construction. In addition to the municipalities below, Brooklyn and Mansfield left the exempt list, and North Canaan and Windsor Locks joined the exempt list. The vast majority of municipalities had affordable housing stock that kept pace within 3% of new development (plus or minus 1.5%). This suggests that municipalities are not making substantial strides towards or away from affordable housing development.

Table 2: Net Change in Affordable Housing, Select Towns

| Municipality | Percent Affordable Housing | | Net Change |
|--------------|----------------------------|-------|------------|
| | 2015 | 2020 | |
| Canaan | 6.93% | 1.41% | -5.52% |
| Hampton | 4.67% | 1.51% | -3.16% |
| Griswold | 8.42% | 6.82% | -1.60% |
| Scotland | 2.50% | 4.71% | 2.21% |
| Brookfield | 3.37% | 5.62% | 2.25% |
| Bridgewater | 0.45% | 2.84% | 2.39% |

Municipalities that have not met the 10% affordable threshold in Connecticut’s AHAA are, on average, 87% non-Hispanic White, whereas municipalities that have met the threshold are, on average, 60% non-Hispanic White.⁷ All of the municipalities ranked in the top five for percentages of people of color, people with disabilities, single-parent households, and voucher

⁷ Unweighted average of municipal percentage. Data from CT Data, <http://data.ctdata.org/dataset/population-by-race-by-town>, prepared from American Community Survey 2014-2019 data..

holders are on the exempt list, concentrating people in protected classes and in poverty in limited areas.

2. Where is Multi-family Housing?

One of the most cost-effective ways to create affordable housing is through the development of multi-family housing. Many Connecticut municipalities are almost entirely single-family homes. In a third of Connecticut towns, the housing stock is at least 90% single family units. Two-thirds of towns consist of at least 75% single family units. And in 145 of 169 towns, 1-4 family buildings comprise at least 80% of the total stock. 16 towns do not have any buildings with more than 5 units.⁸

Statewide, 26% of 5+ unit buildings are in four towns: Hartford, Waterbury, New Haven, and Bridgeport (2.3% of the state). 50% of those units are concentrated into 13 towns (7.6% of the state), and 75% are concentrated in 33 towns (19.5% of the state).

State policy should encourage multifamily development in the towns that do not already contain substantial quantities of multifamily housing.

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. In almost no Connecticut town can a person or family making less than 50% of area median income afford a home, and in only a handful of towns can two people making minimum wage afford a home. Improving access to affordable homeownership options is an important component of reducing barriers to housing.

According to the Zillow Home Value Index (ZHVI), in the four years from June 2015 to June 2019, home prices in Connecticut went up 8%, with 19 municipalities seeing negative or zero value increases.⁹ Wage growth kept pace, with the average hourly wage across all occupations increasing 10% over that same period.¹⁰ However, in the two-year period since then, prices have gone up 23%. No home prices have gone down, and the smallest increase was still 14%. Complete data on income are not yet available for the same period, but from 2019 to 2020 wages only increased 4.9%. Thus, the COVID-19 pandemic is likely to have a substantial and adverse impact on the ability of many Connecticut residents to afford a home.

⁸ Per ACS data, Easton, Sherman, Goshen, Warren, Hartland, Sharon, Durham, New Fairfield, Preston, Columbia, North Stonington, Bethany, Hampton, Sterling, Lisbon, Killingworth.

⁹ ZHVI data are available at <https://www.zillow.com/research/data/>.

¹⁰ Bureau of Labor Statistics, Occupational Employment and Wage Statistics, available at <https://www.bls.gov/oes/tables.htm>.

The National Association of Realtors (NAR) uses a housing affordability index to measure whether a family making the median area income can afford the median home in the area.¹¹ We create an index consisting of the ZHVI and then we estimate the hourly wage required to afford the typical home in each of Connecticut's towns.¹² The ZHVI is more representative of the typical home because it eliminates some consideration of homes at the upper and lower bounds of the pricing scale (e.g., a \$15 million dollar home in a community of \$500,000 homes would not be considered). We use the same ratio for affordability as the NAR (mortgage payment equal to 25% of gross income) but we assume a 5% downpayment rather than a 10% downpayment, and we assume a 4% interest rate on the mortgage and a 30-year term. The payment ratio is low enough to allow for taxes, mortgage insurance, and homeowner's insurance.

Key findings from the housing affordability Index:

- No one making minimum wage can afford the typical home in any town in Connecticut
- Two minimum wage earners can only afford a typical home in 21 towns
- In 36 towns, median income is insufficient to afford a home. In other words, half of the people that live in the town cannot afford a home in the town.
- In 85 towns, 80% of median income is insufficient to afford a home
- In only 3 towns can someone making 50% of median income afford a home

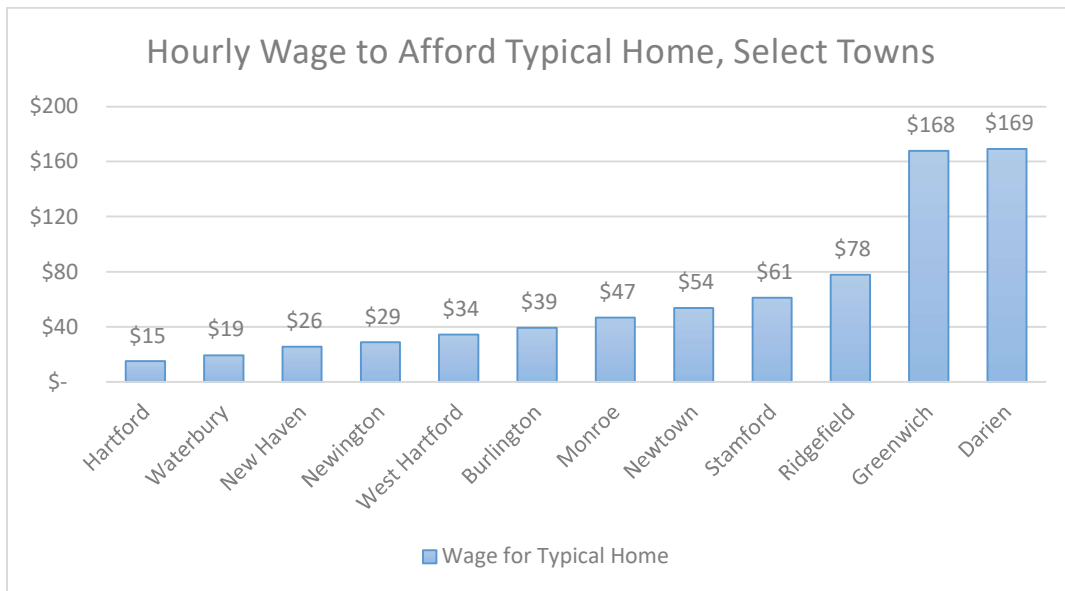


Figure 3: Hourly Wage to Afford Typical Home, Select Towns

¹¹ For their methods, see <https://www.nar.realtor/research-and-statistics/housing-statistics/housing-affordability-index/methodology>.

¹² The National Low Income Housing Coalition calculates a similar index for rentals. See, e.g., https://nlihc.org/sites/default/files/oor/2021/Out-of-Reach_2021.pdf.

Housing Needs for People with Mobility-Related Disabilities

According to the U.S. Census Bureau, 193,251 people with disabilities in Connecticut reported having mobility difficulties.¹³ This represents 5% of all people in the state. Older people with disabilities most frequently reported mobility difficulties (20% of people over 64). 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 that can be addressed by 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.¹⁴ This program generates cost savings to the state and positive outcomes for participants, who report being happier and healthier in home settings.¹⁵ Prior to the program, 53% of hospital discharges were to a skilled nursing program (2008).¹⁶ Since then, the MFP Program has steadily improved outcomes and most recently 60% of discharges were to home or community care. About fifteen percent report that an obstacle to their moving was the need to make modifications to their new homes, the same as in 2013.¹⁷

Gauging the supply of housing available to people with mobility impairments is difficult. While by law multi-family housing built since 1991, with a few exceptions, should be accessible, it is unclear how many accessible units exist¹⁸ in Connecticut, where they are, and if they are available. The majority of multi-unit housing was built before 1980, however. For instance, 69.4% of owner-occupied and 71.2% of rent-occupied multi-unit housing in Connecticut was built prior to 1980.¹⁹ Since the effective date of the amendments to the Fair Housing Act was 1991, over two-thirds of multi-family units are not accessible unless modifications have been made.²⁰ In many cases it is difficult for people with disabilities who are disproportionately low-income to pay for such modifications.

¹³ American Community Survey 2019 5-yr table S1810.

¹⁴ 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/mfpfieldrpt9.pdf>.

¹⁵ *Id.* at 2–3.

¹⁶ CT Money Follows the Person Report, Quarter 4: October 1 - December 31, 2020, <https://health.uconn.edu/aging/wp-content/uploads/sites/102/2021/02/MFP-Q4-2020-report.pdf>.

¹⁷ *Id.* at 8.

¹⁸ 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/>

¹⁹ American Community Survey 2019 5-yr table B25127.

²⁰ Data is only available for units built between 1980 and 1999. The broad date range makes analysis difficult.

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 use services and other services as needed. Supportive housing is designed to serve those who would not be able to stay housed without supportive 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 has a cognitive disability.²¹ According to the U.S. Census Bureau, there are 136,327 people in Connecticut with cognitive difficulties.²² 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 Connecticut.²³ Through the concerted effort of Connecticut and its nonprofit partners to end homelessness for veterans and to reduce the overall homeless population, that count was reduced to 2,594 in 2021.²⁴

Not all people who are homeless need supportive housing. This estimate, however, 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

⁴³ 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>.

²² American Community Survey 2010 1-yr table B18104.

²³ 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 (hereinafter "*Opening Doors Framework*").

²⁴ 2021: CT Point-in-Time Count Report, Connecticut Coalition to End Homelessness, available at <https://cceh.org/wp-content/uploads/2021/06/2021-Report-FINAL.pdf>

the same rate as single adults, yet there are likely families that would benefit from supportive housing.²⁵

There is resistance, however, to supportive housing for both adults with disabilities and adults with substance abuse issues. This resistance occurs even in communities that receive pass-through federal funds, such as CDBG funds, and thus have technically committed themselves to affirmatively furthering fair housing.²⁶

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.

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.²⁷

²⁵ See "Portraits of Homelessness in Connecticut," *Connecticut Coalition to End Homelessness*, 1, 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.

²⁶ One of CFHC's client's alleged that Cromwell and three of its high-ranking officials violated federal civil rights laws through an illegal and concerted campaign to force Gilead to close a residence for individuals with mental health diagnoses. See Relman Law press release, available at <https://www.relmanlaw.com/cases-gilead>. Another of CFHC's clients, joined by the U.S. Department of Justice, alleged that Wolcott discriminated against a property owner and group home operator when it denied a special permit even though the parties met the permit requirements. See Department of Justice press release, available at <https://www.justice.gov/opa/pr/justice-department-sues-town-wolcott-connecticut-discrimination-against-persons-disabilities>.

²⁷ While there appear to be similar connections between the availability of affordable rental and multi-family 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

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.

people with disabilities that do not have a significant affordable rental or multi-family housing stock. Other factors such as access to medical care and family support networks play a role in where people with disabilities are living.

Chapter 9: Segregation in Connecticut

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 who are Black and African American;
- People who are young;
- People of color with a disability;
- People who are older with a disability; and,
- People with lawful sources of income other than employment.

The purpose of this chapter is to assess the levels of racial and ethnic segregation in Connecticut based on an analysis of available demographic data and using standard statistical measures to assess which ethnic and racial groups are most segregated. This analysis also assumes a strong intersection of race and income. It is known that people of color in Connecticut have lower incomes and less wealth.¹ Where there is evidence of racial segregation there is evidence of poverty concentration. Other protected classes are assessed, but the limited availability of data on where people with disabilities and people who identify as a lesbian, gay, bisexual, or queer, live, limits the conclusions.

Chapter Snapshot

- Using several different measures of racial and ethnic segregation, Connecticut ranks among the most segregated in the country.
- Despite increased diversity statewide and reduction of white people over the past decade, hyper segregation by race and ethnicity continues.
- Renters and single parent households are segregated in urban centers.
- Younger Connecticut residents live primarily in the states city centers.

¹ In 2019, the median income for Black households was \$45,438, and \$56,113 for Latinx households. In contrast the median income for white households was \$76,057. 2019 American Community Survey <https://aspe.hhs.gov/2019-poverty-guidelines>

Overview – Race and Ethnic Segregation ²

Since 2010, Connecticut as a state overall has increased in racial diversity. Connecticut's white population has decreased from 71.2% in 2010 to 63.2% in 2020. See, Figure 1. This population change is a result of the increase of people who are Latinx, a populations which grew

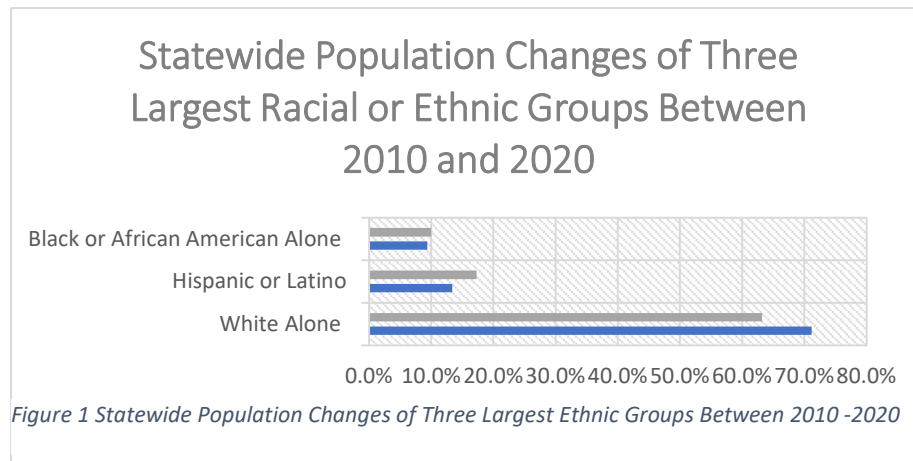


Figure 1 Statewide Population Changes of Three Largest Ethnic Groups Between 2010 -2020

significantly in Fairfield, New Haven, and Hartford Counties.

Another way to look at this overall increase in the state's racial and ethnic diversity between 2010 -2020 is to measure the probability that any two people selected

randomly would be from different racial or ethnic groups. This measurement is called a Diversity Index. In 2010 Connecticut's diversity index was 46.4%, meaning that two people chosen randomly had a 46.4% chance of being of different races or ethnicities. In 2020, Connecticut's diversity index increased to 55.7%, and is even higher for Fairfield (60.6%), Hartford (60.6%) and New Haven (59.5%) counties. New London, Windham, Tolland, Middlesex, and Litchfield counties have lower diversity indices than the state.

Despite increased racial diversity when measured statewide, people of color remain highly segregated in the state's urban municipalities. Connecticut is in the top 15 most segregated states in the country and is more segregated than several southern states, including Mississippi, Alabama, and Georgia. Connecticut is the most segregated state in New England. ³

² All analysis in this section was completed [utilizing Census quick facts for 2020](#), that were released August 12, 2021. Source: 2010 Census Redistricting Data (Public Law 94-171) Summary File; 2020 Census Redistricting Data (Public Law 94-171) Summary File.

³ [Explore Residential Segregation in Connecticut | 2020 Annual Report | AHR \(americashealthrankings.org\)](#)

Segregation of People of Color

Racial and ethnic segregation follow the patterns of historic investment in housing and infrastructure that largely excluded people of color from the suburbs and left them locked into cities. (See Chapter 2, 100 Years of Fair Housing History). That phenomenon continues today.

Percentage of non-white population ⁴

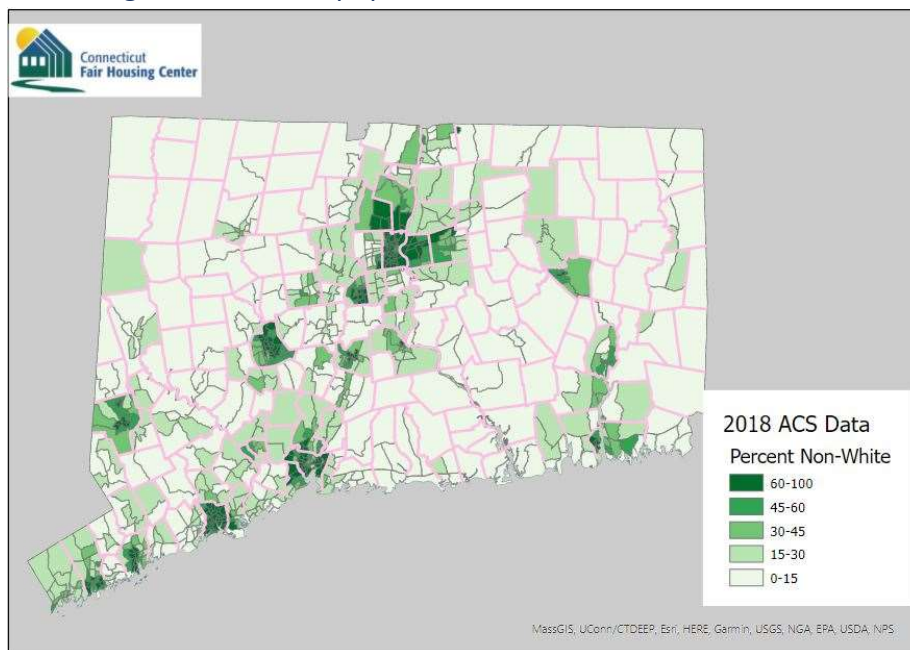


Figure 2 Percentage of non-white population

Statewide segregation trends are exacerbated when race and ethnicity are grouped as white and non-white people. Almost 73% (72.6%) of people who identify as any other race but “white alone” live in only 22 municipalities, or in only 13% of Connecticut’s towns. This hyper segregation can also be explained as 37.2% of Connecticut’s non-white population lives in only 5 municipalities.⁵ See, Figure 2. These trends of hyper segregation in the state’s urban cores confirm that housing opportunities for people who are not white are severely limited outside of the state’s cities.

The most segregated population is of people who identify as only Black / African American. Connecticut has 169 municipalities, and 88% of Black / African American people live in just 27 of Connecticut’s municipalities. Put another way, almost 90% of the state’s Black / African American population lives in only 15% of the state’s municipalities. The other 142 municipalities have such small populations of people who are Black or African American that no single town is home to more than .46% of that state’s Black or African American people. That means that 85% of Connecticut’s cities have less than 1% of the state’s Black or African American residents.

⁴ American Community Survey

⁵ 37.6% of people of color live in Bridgeport, Hartford, New Haven, Waterbury, and Stamford.

There are similar trends for Latinx people where there is evidence of slightly more integration when compared to Black people, but this populations remains hyper segregated. Of Connecticut’s 169 towns 85% of Latinx people live in just 33 municipalities. Over one third (34%) of Connecticut’s Latinx residents live in Bridgeport, Hartford, New Haven, and Waterbury.

Where people of specific races and ethnicities live is a simple way to look at residential segregation. There are additional ways to measure segregation. Two methods used in this analysis will be a diversity index and a dissimilarity index.

Analyzing Racial Segregation – Diversity Index ⁶

A diversity index measures the likelihood that two people selected at random would be from two different race or ethnic groups. A lower percentage means a geographic area is less racially and ethnically diverse. A higher percentage suggests higher levels of race and ethnic diversity. The statewide diversity index is 56%, which is lower than the national average of 61%.⁷

| City | 2020 Diversity Index |
|---------------|----------------------|
| New Haven | 73.13 |
| East Hartford | 71.72 |
| Waterbury | 69.42 |
| Bridgeport | 68.45 |
| Danbury | 68.37 |
| New London | 68.28 |
| West Haven | 67.96 |
| Windsor | 67.75 |
| Stamford | 66.99 |
| Hartford | 66.16 |

Figure 3 Highest Diversity Indices in Connecticut

However, the towns with the highest diversity indices are in Connecticut’s cities, suggesting that most of the Connecticut’s diversity does not reach beyond the state’s urban areas.

Analyzing Racial Segregation – Dissimilarity Index

The best and most common way to measure segregation is to calculate a dissimilarity index. HUD uses dissimilarity indices to assess levels of segregation between two groups.⁸ 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.⁹ A value of “1” reflects absolute segregation wherein at least 100% of one of the groups must move to be equitably 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 integration.¹⁰ Simply put, a dissimilarity index compares two

⁶ Diversity indices were completed by [CT Data Collaborative](#) and uses the 2020 Census Data that was released on August 12, 2021.

⁷ Cheung, Jason, CT Data Collaborative, 2021

⁸ 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

⁹ See *Residential Segregation*, Brown University, <http://www.s4.brown.edu/us2010/segregation2010/Default.aspx>.

¹⁰ 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.

different ethnic or racial groups, in a specific geography, and determines what percentage of either group would have to move to achieve integration.

County Level Segregation – Dissimilarity Index

It is in Connecticut’s metro-areas that donut shaped patterns of racial and ethnic segregation are clear. See, Figure 4. People of color are concentrated in urban cores, and there are BIPOC outside of the cities.

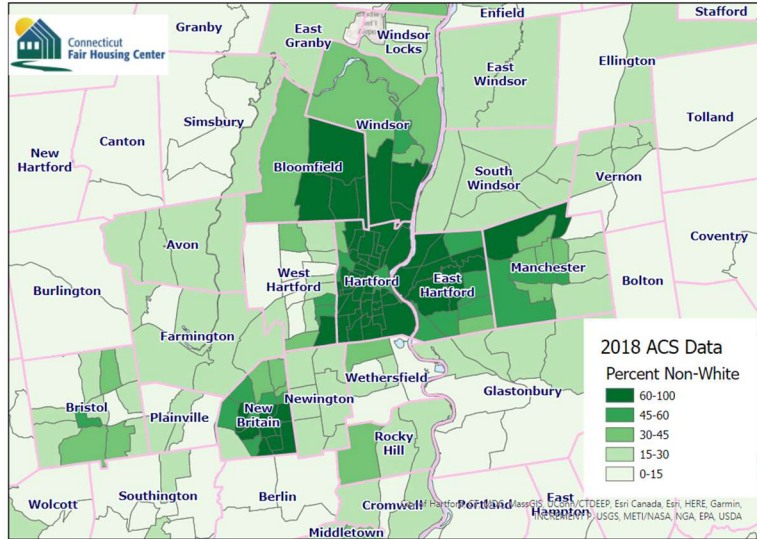


Figure 4 Non-white population of Hartford County.

Connecticut’s racial segregation falls so clearly along city and suburban lines that the best way to analyze this is to look at race and ethnic diversity across Connecticut’s county geographies that all include at least one larger city surrounded by suburban and rural communities.

As explained above, HUD determines any area with a dissimilarity index above 55% to be highly segregated. The below shows the dissimilarity for Black and White segregation in Connecticut for the entire state, and by county. Geographies coded in red indicate high segregation between Black and white people.

Black and white Segregation

Black and white Dissimilarity Index of Connecticut and County Geographies

| Connecticut Geography | Measure of Black and white Segregation |
|-----------------------|--|
| Statewide | 64% |
| Hartford County | 63% |
| Fairfield County | 64% |
| Litchfield County | 31% |
| Middlesex County | 57% |
| New Haven County | 61% |
| New London County | 52% |
| Tolland County | 47% |
| Windham County | 36% |

The dissimilarity chart above reveals that when segregation is measured at the statewide level Connecticut is highly segregated. The data suggests that 64% of all Black or African American people, or 64% of all white people would have to move to integrate Connecticut. When the dissimilarity of Black and white people is measured at the county level the same extreme levels of segregation are evident in the counties where most people of color live suggesting that while these locations have a high diversity index, people are still highly segregated by race and ethnicity.

Latinx and white Segregation

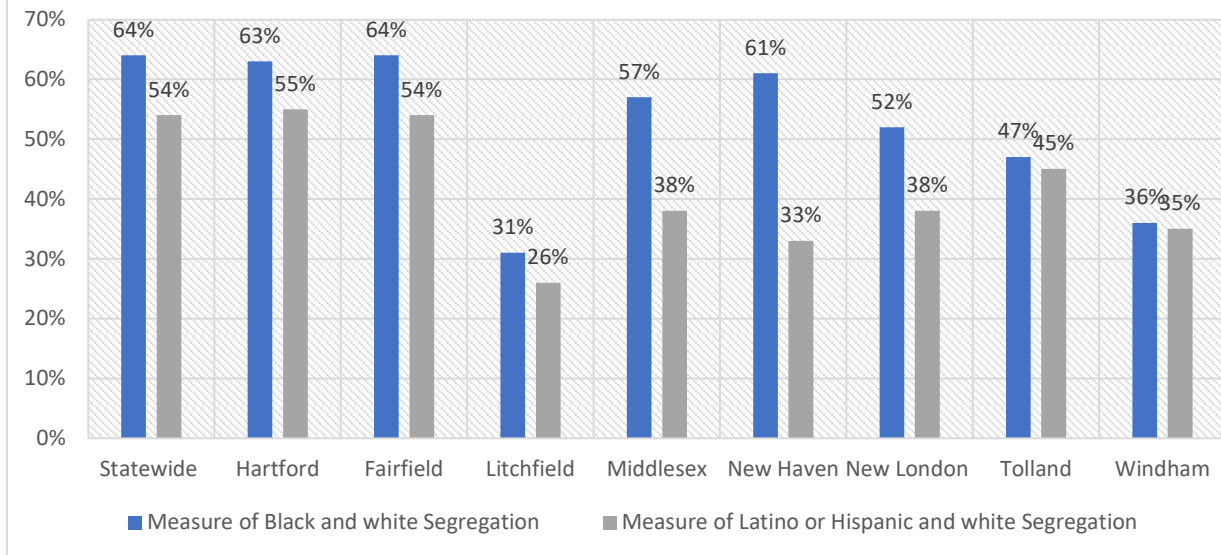
Latinx and white Dissimilarity Index of Connecticut and County Geographies

| Connecticut Geography | Measure of Hispanic or Latino and white Segregation |
|------------------------------|--|
| Statewide | 54% |
| Hartford County | 55% |
| Fairfield County | 54% |
| Litchfield County | 26% |
| Middlesex County | 38% |
| New Haven County | 33% |
| New London County | 38% |
| Tolland County | 45% |
| Windham County | 35% |

When compared to the segregation of Black and white people in Connecticut, the segregation between Hispanic and white people is not as extreme, but still prevalent. When measured statewide the 54% dissimilarity measure means 54% of Latinx people or 54% of white people would have to move to achieve an even distribution of race and ethnicity.

However, in the communities where Latinx people live, segregation measures are showing moderate levels of segregation. For example, New Haven and Fairfield Counties have the highest percentages of Latinx people, more than any other county in the state. New Haven County is 19.6% Latinx, and Fairfield County is 21.4% Latinx (Hartford County is 18.4% Latinx). The dissimilarity indices suggest that Latinx households are significantly more integrated across these counties than Latinx households. See the table below that compares the segregation of Black/African American people to white people and compares the segregation of Latinx people to white people.

Percentage of Race and Ethnic Dissimilarity Statewide and by County Geographies



Since HUD states any dissimilarity rating over 55% is an indicator of very high segregation, it is clear that Latinx households are segregated. However, in a state with extreme racial and ethnic segregation, they are not as segregated as Black /African American people.

Hyper Segregation –Dissimilarity in Towns with High Diversity

Unfortunately, measuring segregation by county or even at a town geographic level, does not adequately reveal the presence of hyper segregation prevalent in the state’s most diverse cities. For example, Hartford County has a dissimilarity index of 63% when Black and white segregation is measured. That means that 63% of Hartford County’s 118,154 Black / African American people would have to move to fully integrate white and Black people throughout Hartford County. The high segregation measure of Hartford County is likely because 31% of all Black / African American people in Hartford County live in the city of Hartford, even though the county is only 13% Black / African American.

The city of Hartford has a dissimilarity index of 57% when Black / white segregation is measured. So, even though most people of color in Connecticut live in cities with high diversity indices, they are hyper segregated into just a few extremely segregated neighborhoods. And Hartford County’s Black / African American households are even further segregated into just six census tracts in the city of Hartford. Put another way, 14% of Hartford County’s entire Black / African American population live in just six neighborhoods in Hartford, resulting in extreme hyper segregation.

A similar phenomenon of hyper segregation is present when the diversity of Bridgeport is compared with the overall diversity of Fairfield County. Fairfield County has a dissimilarity index of 64% when comparing Black / white segregation. Several communities in Fairfield

County are almost all white, despite the high diversity indices of all of Fairfield Counties major cities (Bridgeport, Stamford, Norwalk, and Danbury.) In Fairfield County 10.4% of the total population is Black / African American. However, 47% of the county’s Black and African American population lives in Bridgeport, which is further hyper segregated, with a dissimilarity index of 44%, still suggesting significant segregation. Or explained another way, 21% of the entire Black / African American population in Fairfield County live in just ten census tracts.

Hyper segregation is the extreme concentration of people of color into very small tracts of land. The hyper segregation present in Connecticut suggests that there are essentially two housing markets. One market where people of color are most commonly able to find housing in high density, isolated neighborhoods in urban cores, and the rest of the state, where people of color are locked out. These markets are the inverse of the geographic patterns of investment in housing and infrastructure for white people.

Segregation of Other Protected Classes

Age

Connecticut is growing older. Between 2010 -2014 the American Community Survey estimates the median age for Connecticut at 40.3 years. By 2015 -2019, median age of Connecticut residents rose to 41 years according to the American Community Survey. There are significant distinctions between municipalities in Connecticut based on their median age. The table below shows the youngest eleven municipalities. Mansfield is the youngest city, because it is where the University of Connecticut is located and is home to 40,000 undergraduate students.

Top 11 Youngest Municipalities ¹¹

| Town | 2010–2014 median age | 2015–2019 median age | Change in median age | Percentage of non-white population of town |
|-------------|-----------------------|-----------------------|----------------------|--|
| Mansfield | 21.1 years± 0.3 years | 21.0 years± 0.2 years | -0.1 years | 16% |
| Hartford | 30.1 years± 0.5 years | 32.1 years± 0.5 years | +2.0 years | 86% |
| New Haven | 30.5 years± 0.4 years | 30.8 years± 0.4 years | +0.3 years | 74% |
| Windham | 30.7 years± 1.7 years | 30.8 years± 1.2 years | +0.1 years | 53% |
| New London | 31.0 years± 1.3 years | 31.6 years± 2.1 years | +0.6 years | 60% |
| Bridgeport | 32.3 years± 0.6 years | 34.3 years± 0.5 years | +2.0 years | 83% |
| Groton | 32.4 years± 1.1 years | 34.1 years± 1.3 years | +1.7 years | 30% |
| New Britain | 33.4 years± 0.8 years | 33.8 years± 0.8 years | +0.4 years | 63% |
| Waterbury | 35.1 years± 0.8 years | 34.8 years± 0.9 years | -0.3 years | 67% |
| Manchester | 35.8 years± 0.9 years | 35.7 years± 0.9 years | -0.1 years | 47% |
| Stamford | 36.0 years± 0.7 years | 36.9 years± 0.6 years | +0.9 years | 52% |

When Mansfield is removed from the analysis, the state’s youngest municipalities are all urban areas, where majority of the population is non-white. This means that in Connecticut, not only

¹¹ US Census American Community Survey, 5-year estimates Median age — table B0100

are people of color concentrated in city centers, but people of color are younger, and that Connecticut’s aging population is more white. This finding has implications for towns as they plan for elderly only housing resulting in more housing opportunities for people who are white. Refusing to approve the creation of family housing, keeps a BIPOC out of a municipality.

Additionally, this finding could suggest that opportunities for homeownership are limited to people who are white, because homeownership rates are higher in communities outside of the state’s cities.

Connecticut’s oldest municipalities are overwhelmingly white, overwhelmingly rural, and very small. The average population for Connecticut’s oldest towns is under 4,000 people.

Top 10 Oldest Municipalities¹²

| Town | 2010–2014 Median Age | 2015–2019 Median Age | Change in median age | Percentage of non-white population of town |
|-------------|---------------------------------|---------------------------------|---------------------------------|---|
| Sharon | 58.6 years± 2.1 years | 56.2 years± 3.0 years | -2.4 years | 11% |
| Lyme | 53.4 years± 2.3 years | 51.7 years± 2.4 years | -1.7 years | 7% |
| Essex | 52.6 years± 2.4 years | 54.6 years± 2.6 years | +2.0 years | 16% |
| Bridgewater | 52.3 years± 3.2 years | 54.9 years± 1.3 years | +2.6 years | 9% |
| Washington | 52.0 years± 2.4 years | 53.7 years± 6.5 years | +1.7 years | 12% |
| Salisbury | 51.4 years± 4.0 years | 57.1 years± 2.9 years | +5.7 years | 13% |
| Canaan | 51.4 years± 1.7 years | 53.3 years± 3.6 years | +1.9 years | 10% |
| Goshen | 51.3 years± 3.7 years | 49.8 years± 3.7 years | -1.5 years | 9% |
| Roxbury | 51.2 years± 1.8 years | 53.3 years± 2.5 years | +2.1 years | 9% |
| Chester | 50.9 years± 3.1 years | 50.0 years± 2.0 years | -0.9 years | 9% |

Age and Income

Not only is the segregation of age closely linked to race, but it is also closely linked to median household incomes. In Connecticut’s oldest and predominantly white towns, the median incomes are some of the highest in the state. The average median income in the ten oldest towns is \$96,109 annually, in comparison to the average median income of the ten youngest cities, which is only \$54,206 annually, or nearly half the income of the oldest communities. The correlation between age and income could be accounted for as households who are older are farther along in their careers, have worked longer, and as a result have higher earnings. However, the intersection of race, age, and income suggests that residential segregation by race correlates with household median incomes.

¹² US Census American Community Survey, 5-year estimates Median age — table B0100

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.

Familial Status

Statewide 41% of households have children. Additionally, over a third of households with children rent their homes, making them more likely to face housing discrimination in the private rental market and suffer from housing instability. As a result, the analysis of familial status will be analyzed by looking at housing tenure and location.

Households with Children Who Rent Their Homes – Single Families

In Connecticut, there are 368,696 households with children, 115,287 are households with a single parent (31% of the total). The households with children who rent their homes are 59% single parent homes while most single parent households are female headed households (77%). These households are overwhelmingly segregated in the state's cities, 37% of single female headed households, and 24% of male headed households with children rent their homes in just ten cities in Connecticut. Or put another way, of all single parent households statewide, 34% live in just ten cities. The chart below shows the top ten cities where single parent households live. These towns correlate with many of the same cities that are highly segregated by age, race, and ethnicity. They are also municipalities with lower median incomes, and generally lower performing schools, suggesting that single parent households who rent their homes are limited in income and educational opportunities.

| Percentage of Total Households with Children | | | |
|--|--|--|--|
| Town | Female householder, no spouse present, with own children | Male householder, no spouse present, with own children | Total Percentage of Single Parent Households |
| Hartford | 65% | 12% | 76% |
| New Haven | 58% | 8% | 66% |
| Bridgeport | 50% | 12% | 62% |
| Waterbury | 62% | 10% | 72% |
| New Britain | 58% | 12% | 70% |
| Stamford | 34% | 11% | 45% |
| Danbury | 38% | 9% | 47% |
| Norwalk | 39% | 9% | 47% |
| Norwich | 57% | 8% | 65% |
| Manchester | 42% | 9% | 51% |

Households with Children Who Rent Their Homes – Married Families

In Connecticut, 69% of households with children who rent their homes are married. This distinction is important when analyzing housing opportunities and the likelihood of housing discrimination against households with children. In addition, it helps to avoid the assumption that familial status discrimination is only towards single-parent households. While married renting families with children are not as segregated as single parent families who rent, the married families who rent still overwhelmingly reside in the state’s urban areas, where rental properties are more available, and more likely to accommodate children. Of all married households with children, 10% live in just ten cities, and except for Greenwich, all overlap with the same communities where single parent households with children live.

| Percentage of Total Households with Children Who Are Married and Rent Their Homes | |
|---|-----|
| Bridgeport | 38% |
| Stamford | 55% |
| New Haven | 34% |
| Danbury | 53% |
| Hartford | 24% |
| Norwalk | 53% |
| Waterbury | 28% |
| Greenwich | 68% |
| New Britain | 30% |
| Manchester | 49% |

Households with Children Who Own Their Homes

In Connecticut, there are 242,575 households with children who own their homes. Married parents with children, who own their homes live in a diversity of cities and towns. Rural, suburban, and urban communities are represented in the top ten towns where married parents with children live. Overall, more white people own their homes when compared to BIPOC. This finding may suggest that there are fewer barriers to integration

and housing choice for white intact families. However, the diversity of locations for married parents with children, who own their homes also suggests that there is more opportunity for housing choice for families with the resources to own their homes.

There is less location diversity for single parent households who own their homes. When considering all female headed households with children who own their homes, 28% of them live in just ten primarily urban communities. For male headed households, 19% live in these communities. In comparison only 15% of all married parents who own their homes live in these same ten communities. Since homeownership in Connecticut is less costly in some cities when compared to homeownership in suburban communities, homeownership may be more accessible to single income households in the state’s cities. However, that does not account for segregation of single parent households in the state’s cities, regardless of housing tenure. This indicates that housing choice is limited for single parent households outside of urban areas.

Disability

The CDC reports that one in five residents in Connecticut have a disability.¹³ Understanding where people with disabilities live is more challenging because the most recent American Community Survey, 2019, estimates only aggregate the geography by urban and rural

¹³ [Disability & Health U.S. State Profile Data: Connecticut | CDC](#) – This figure is slightly different than the ACS calculation, however, ACS is a self-reported measure.

distinctions, and in metropolitan statistical areas. However, it is important to examine the data available because housing discrimination on the basis of a disability is the highest reported type of housing discrimination across the country, and in Connecticut.

In Connecticut more women than men identify as having a disability, and people of color are more likely to have a disability than white people. The gender, race, and ethnic disparities likely have significant implications in access to employment, education, and health care opportunities that are impacted by where a person lives but are not the expertise of this reporting.

| Connecticut Percentage of Population with a Disability | |
|---|------------|
| Population with Disability Status ¹⁴ | Percentage |
| Male | 11.5% |
| Female | 12.3% |
| White alone | 12.4% |
| Black or African American | 13.1% |
| American Indian and Alaskan Native | 17.6% |
| Asian Alone | 6.4% |
| Two or more races | 10.9% |
| Hispanic or Latino | 10.9% |

The way the most recent American Community Survey accounts for where people with disabilities live is only with an urban and rural distinction. (The way public data is collected and is not collected has its own discriminatory implications.) The urban and rural distinction can still explain some important phenomenon of the segregation of people with disabilities into urban areas, which generally have older stock that might not be as accessible to individuals with mobility related disabilities.

The table below is the distribution of people with disabilities between urban and rural areas. The data explains that across all demographic measures available that people with disabilities are largely concentrated in urban areas. This is especially true for people of color who identify as having a disability. There is under a single percentage point of Black / African American people living with a disability outside of urban areas.

Additionally, the same segregation patterns of people with disabilities in urban areas is present across all age brackets and is exacerbated as people get older. People of color with disabilities and people who are older with disabilities are disproportionately concentrated in the state's urban areas.

¹⁴ Race and ethnicity categories determined by American Community Survey

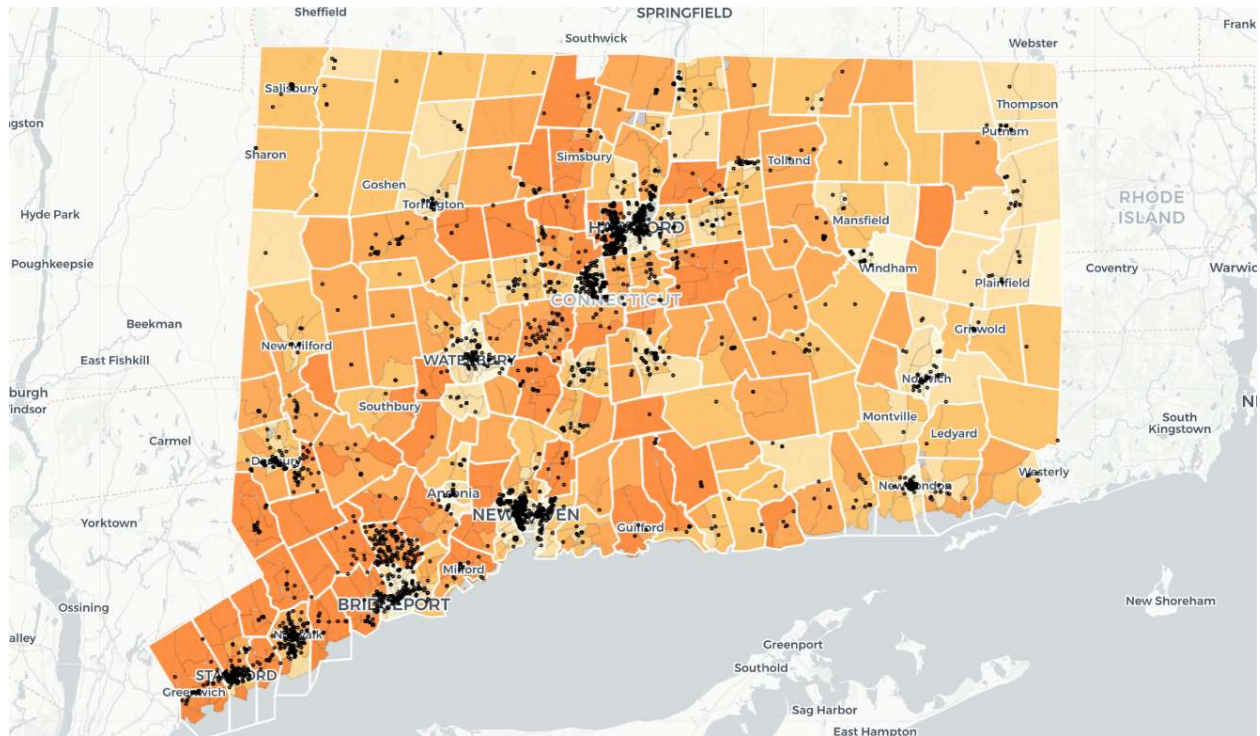
| Where People with a Disability Live ¹⁵ | | | | |
|---|----------------------|---------------------------|--|---------------------------|
| Population Demographic | Connecticut -- Urban | | Connecticut -- Rural | |
| | Total | Percent with a disability | Total | Percent with a disability |
| | | | <i>*N value is not enough data to equal 1%</i> | |
| Total noninstitutionalized population | 3,104,589 | 12.3% | 409,973 | 9.5% |
| Sex / Gender | | | | |
| Male | 1,502,991 | 11.9% | 207,166 | 8.6% |
| Female | 1,601,598 | 12.6% | 202,807 | 10.4% |
| Race and Ethnicity | | | | |
| White alone | 2,242,044 | 12.7% | 384,779 | 9.6% |
| Black or African American alone | 383,639 | 13.2% | N | N |
| American Indian and Alaska Native alone | 8,161 | 17.5% | N | N |
| Asian alone | 156,849 | 6.6% | 8,638 | 3.3% |
| Some other race alone | 190,983 | 10.4% | N | N |
| Two or more races | 121,824 | 10.9% | 8,204 | 9.9% |
| Hispanic or Latino (of any race) | 572,902 | 11.0% | 18,331 | 5.5% |
| Age | | | | |
| Under 5 years | 162,706 | 1.1% | 17,884 | 0.0% |
| 5 to 17 years | 480,996 | 5.9% | 65,331 | 3.5% |
| 18 to 34 years | 701,612 | 6.9% | 67,852 | 6.9% |
| 35 to 64 years | 1,230,836 | 11.3% | 178,248 | 7.3% |
| 65 to 74 years | 297,210 | 20.1% | 51,120 | 15.5% |
| 75 years and over | 231,229 | 44.5% | 29,538 | 37.1% |

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.

¹⁵ Source: U.S. Census Bureau, 2019 American Community Survey 1-Year Estimates – Table S1810

Map of Placement of Government Subsidized Units in Connecticut ¹⁶



While the data is limited on who lives in subsidized housing, and complete portfolios for use and occupancy are also limited, analysis can be completed on where subsidized housing is mostly located. Because Connecticut is so racially and ethnically segregated, these patterns suggest that the placement of subsidized housing contributes to the residential segregation of people of color.

A 2019 calculation of all housing subsidies in Connecticut suggests that the state is home to 110,849 units of subsidized housing. This count includes HUD insured properties, housing developed with low-income housing tax credits, housing managed by public housing authorities, rapid rehousing vouchers, section 202 and 236 subsidies, section 8 housing choice vouchers, and state subsidized housing units. While this seems like a tremendous amount of housing units, it does not compare to the need, and it does not identify how the placement of this housing contributes to segregation.

For the most part, most of the subsidized housing is in cities where many people of color live. Two-thirds of subsidized housing is in just 16 cities, that are already heavily segregated by race. See chart below.

¹⁶ Analysis completed by Open Communities Alliance, 2019 [Opportunity Data Portal - Open Communities Alliance \(ctoca.org\)](https://www.ctoca.org/)

| Percentage of Connecticut's Total Subsidized Housing by Town | |
|--|------------|
| Town | Percentage |
| Hartford | 12% |
| New Haven | 12% |
| Bridgeport | 7% |
| Waterbury | 7% |
| Stamford | 5% |
| New Britain | 3% |
| Middletown | 3% |
| Bristol | 3% |
| Meriden | 2% |
| Norwalk | 2% |
| Norwich | 2% |
| Manchester | 2% |
| East Hartford | 2% |
| New London | 2% |

The chart explains two clear phenomena. First, that most of the state's subsidized housing is located exclusively in urban areas, and that no meaningful number of subsidized units are located anywhere else. Ultimately limiting housing choice for any family dependent on a subsidy. Second, what is evident is that subsidized housing is overwhelmingly located in the state's poorest cities. Hartford is one of the poorest cities in the U.S. and is also home to 12% of the subsidized units in the entire state of Connecticut.

This analysis looks at total subsidized units. However, analysis of where households can use housing choice vouchers also explains the prevalence of source of income discrimination, and the availability of affordable units in locations outside of urban areas.

A housing choice voucher, commonly known as a "Section 8" permits a household to use their subsidy anywhere they can find a unit that is less than or equal to the fair market rental rate that HUD determines is the value of the subsidy. In theory, a mobile subsidy should promote housing choice, and should be a tool for integration. However, there are two barriers to the use of a Section 8 that can be seen in the data. The first, is the availability of units that are priced at HUDs fair market reimbursement rate, and the second barrier is the prevalence of source of income discrimination in Connecticut.

Chapter 12 analyzes the availability of affordable rental units for families outside of urban centers. To summarize, most of the housing that could be used by a household with a voucher is located in cities over 40,000 people, which severely limits the housing choice of voucher holders. The limited availability of these units perpetuates concentrated poverty in urban areas.

In Connecticut the use of a subsidy is protected under the fair housing laws, as a lawful source of income. Meaning all housing providers must allow voucher holders occupy their units, and they must accept the subsidy as rent. However, source of income discrimination serves as another barrier to integration.¹⁷ In Connecticut, 10% of housing discrimination complaints are source of income complaints, suggesting that stronger enforcement of fair housing laws needs to be supported.

As a result of the barriers above the intention that housing choice vouchers could promote meaningful integration is not realized in Connecticut. There are 68 municipalities that do not have a single household using a section 8 rental subsidy. And, 34% of section 8 vouchers are

¹⁷ [Your Money's No Good Here: Combatting Source of Income Discrimination in Housing \(americanbar.org\)](http://www.americanbar.org)

located in just 6 cities.¹⁸ These are the same 6 communities where most of the other forms subsidized housing exists. As a result housing choice voucher usage simply mirrors other forms of residential segregation.

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; and,
- Single-parent households.

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 is caused by a variety of intentional actions including the intended or unintended impact of public policies and investment, and private discrimination. To meaningfully interrupt the increasing racial segregation in Connecticut governance must center racial equity in every single policy and spending decision, and implementors must make racial equity the primary goal of every program. Together, centering race, and race equity spending models, with fair housing enforcement Connecticut disrupt increasing segregation.

¹⁸ 17,110 section 8 vouchers are located in Hartford, New Haven, Waterbury, Bridgeport, Stamford, and Middletown

Chapter 10: Why Segregation Matters

Introduction

Unfortunately, as can be seen from Chapter 2, federal, state, and local policies and practices have locked BIPOC households into only a few neighborhoods, and then have systematically spent decades disinvesting in these same neighborhoods. As a result, most public rhetoric about where BIPOC people live is racist. Society blames BIPOC people for the conditions in their neighborhoods and stereotypes where BIPOC live as dangerous and tragic. These views overlook the value in racially and ethnically unified neighborhoods, and unfairly blame the outcome of segregation on those who are most segregated.

Unified neighborhoods often report a strong sense of community and provide access to people who speak the same language and worship in the same ways. Women in these neighborhoods lift large social economies to support each other and share resources. Children are often close to large extended networks of family and caregivers.

However, because of systemic racism, continued modern redlining, and persistent public disinvestment in segregated neighborhoods, life outcomes for the people who live in neighborhoods of color are worse when compared to people who live outside of segregated neighborhoods, and disinvestment has left these neighborhoods with extremely high concentrations of poverty.

As stated previously in this AI BIPOC, people with disabilities, and people with legal sources of income other than employment are highly segregated in Connecticut. This intentional segregation and then disinvestment in where these protected groups live, caused the disproportionate amount of poverty found in segregated neighborhoods of color. This chapter explores the negative effects of the disinvestment in BIPOC communities and how they created economic segregation and whether any of the negative effects of economic segregation can be ameliorated by promoting racial and ethnic integration.¹

Chapter Snapshot

- Connecticut's most segregated neighborhoods are concentrated in six cities.
- Students who live in segregated neighborhoods have access to less school funding.
- Four Connecticut cities are in the top 70 evicting cities in the country.
- Eviction hot spots are prevalent in segregated neighborhoods.

¹ 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 BIPOC segregation because of the high levels of segregation experienced by those groups and the availability of data.

There are three solutions to ending the negative impacts caused by racial and ethnic segregation. The first, is to center race equity as the goal of all public and private investment, especially in recovery efforts from natural disasters, and public health care crisis's. Second is to provide investment into the quality of housing in neighborhoods that have been neglected for decades, with significant focus on the remediation of federal and state supported housing projects. Third, support policy and practices that seek to end the systemic racism that is deeply embedded into Connecticut's housing market, which will permit all Connecticut residents true housing choice.

Segregation Causes Poverty Concentration

The most consistent outcome of segregating people of color by limiting their housing opportunities, is that racial segregation causes poverty concentration. All the reasons for the inevitability of poverty concentration are outlined in Chapter 2, and Chapter 9, and Chapter 12, however, there are a few broad ways to summarize this causal relationship.

Chapter 2 outlines the decades of economic violence endured by BIPOC households. Policy decisions excluded Black and African American families from accessing opportunities for homeownership and housing stability. (See also, Chapter 12) Homeownership is the easiest and most common way families in the United States build and maintain wealth. Oftentimes families depend on generational homeownership to advance their status by using that wealth to invest in higher education or their health. However, BIPOC households still do not have equal access to this wealth building or the extended benefits that come with the security of homeownership. One outcome of this exclusion is that BIPOC have less wealth when compared to white people. In 2018, in Connecticut the median Black household income was only 61% of the median white household income.^{2 3} As a result, when BIPOC are forced into small, segregated areas they are going to be poorer than white neighborhoods.

Lending discrimination, steering, and policy decisions continue to limit housing opportunities for people of color, which has permitted the growth of two separate and unequal housing markets. One that provides housing opportunities in resource rich areas to white people, and another one that forces BIPOC into small tracts of land, most often found in urban cores. As a result, racism and discrimination force the concentration of BIPOC who have been largely left out of opportunities for economic growth.

In 2015, the Center worked with the University of Minnesota Law School's Institute for Metropolitan Opportunity to analyze publicly available Home Mortgage Disclosure Act (HMDA) data. The analysis showed that from 2010 to 2014, African- Americans and Latinos in Connecticut were denied home mortgage loans more often than Whites, even when controlling for income. Very high-income African-Americans were more likely to be denied home purchase and refinance loans than low-income Whites. Mortgage lending activity was also found to be depressed in racially diverse and majority non-White neighborhoods. In addition, African-

² Additionally, systemic racism has lowered employment and education opportunities for people of color, further limiting their ability to amass personal wealth.

³ [Income inequality in Connecticut towns has a racial component \(ctmirror.org\)](https://ctmirror.org)

American borrowers who did obtain loans were twice as likely to obtain government-backed loans as Whites, a disparity that did not disappear as incomes rose. While government-backed loans (such as an FHA loan) can provide an entry into the homeownership market, they are typically more costly than conventional loans. In addition, the percentage of subprime government-backed home purchase loans dramatically increased from 1.8% in 2012 to 24.1% in 2014. As a result, African-American and Latino borrowers are more likely to be saddled with a higher cost home purchase loan, regardless of income. The Center followed up this analysis with additional mortgage lending testing, which again showed major disparities in the treatment of non-White homebuyers.⁴

In addition to ensuring equal access to homeownership and addressing predatory lending schemes, it is also critical to help existing homeowners keep their homes, preserving stability for both the homeowners and their communities. In 2017, in Connecticut, 13,306 foreclosure actions were filed, and over 10,000 of those actions were eligible for mediation services through the state’s Foreclosure Mediation Program (FMP), which is designed to stop preventable foreclosures. The program has been highly successful, with more than 87% of participants obtaining a mortgage modification that allowed them to stay in their homes.

It would be negligent to not refer to the systemic racism found in all systems and institutions that is exacerbated in BIPOC neighborhoods. In addition to the influence of racism in creating discriminatory housing policy, racism is well documented to cause prolific discrimination in health care, education, policing, political power, public and fire safety, and employment to cite a few.⁵ As a result, when BIPOC are concentrated in a single area, systemic racism also concentrates discrimination. Meaning entire BIPOC communities are forced to live within multiple systems of oppression, which will inevitably impact their ability to thrive. Unfortunately, research focuses on studying the outcomes of systemic racism in systems, and rarely studies the actions and discriminatory intentions of systemic racism.

Racially and Ethnically Concentrated Areas of Poverty

The intersection of racial segregation and poverty is so common that HUD has developed a way to measure these neighborhoods. HUD defines these areas as racially/ethnically concentrated areas of poverty (R/ECAPs). The racial and ethnic concentration threshold means that a specific census tract has a non-white population over 50% and at least 40% of the people are living in extreme poverty. The R/ECAP measure helps to link racial segregation with poverty concentration.

| Geography | R/ECAPs |
|------------------|----------------|
| Fairfield County | 15 |
| Bridgeport | 12 |

⁴ (To read the full report on this project, visit www.ctfairhousing.org/wp-content/uploads/2017/10/Testing-Report-final.pdf)

⁵ [How Segregation Survived | Equal Justice Initiative \(eji.org\)](http://www.eji.org)

| | |
|-------------------|----|
| Norwalk | 3 |
| Hartford County | 24 |
| Hartford | 21 |
| New Britain | 3 |
| New Haven County | 13 |
| Meriden | 3 |
| New Haven | 5 |
| Waterbury | 5 |
| New London County | 4 |
| New London | 3 |
| Norwich | 1 |
| Windham County | 1 |
| Windham | 1 |
| Total | 56 |

There are 56 census tracts that are R/ECAPs. Tolland, Litchfield, and Middlesex Counties do not have any tracts considered to be R/ECAPs. These 61 census tracts are in just 10 cities in Connecticut. These census tracts represent the most segregated, and most poor neighborhoods in Connecticut. They will be used to explain and analyze the impact of racial segregation.

Racial Segregation and Zip Code Destiny

Extensive research demonstrates that where people live impacts their life outcomes.⁶ And research confirms that people residing in neighborhoods of racial segregation, which concentrates poverty have poor health outcomes, lower levels of educational achievement, higher rates of unemployment, housing instability, and greater exposure to crime than that experienced by people in predominantly white areas.⁷ In the research this is sometimes referred to zip code destiny; indicating a residential zip code can determine a person’s destiny.

Determining zip code destiny is sometimes measured using an opportunity index. Opportunity indices combine several life outcome datapoints, such as schooling performance and unemployment to determine if a neighborhood is high, moderate, or low opportunity. However, opportunity indices often measure individual outcomes, like schooling performance, to rank an area, rather than measure the variables that impact schooling performance, like per pupil spending. This distinction is important, because how public and private funding is invested or not invested often has significantly racial implications. Opportunity indices often only link outcomes to race, without analyzing what causes those outcomes.

⁶ Massey, D. S., & Denton, N. A. (1993). *American apartheid: Segregation and the making of the underclass*. Harvard University Press.

⁷ 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.

This analysis will assess some of the common themes found in research that determine life outcomes and use the geographic boundaries of the cities in Connecticut with the 56 R/ECAPs. Looking at the impacts of segregation this way will help policy leaders drive resources into the states most underserved neighborhoods and put racial equity at the center of every economic policy.

Segregation and Education

A free public education is one of the tenements the United States promises all children. However, the quality of education is not equal, and is most often determined by where a student lives. Schools in Connecticut are still largely funded by a municipal's property tax collection. So, the value of property near a public school can determine the amount of funding available to support a school. Where property values are low, and commercial properties are vacant, there is simply less revenue to support public education.

In Connecticut, 58% of funding for public schools comes from property tax revenue.⁸ State and Federal funding makes up the remaining 42%. The Connecticut legislature uses ten formulas to determine how much money each district gets. However, only a few of these formulas consider student need, or an equity model of funding, meaning most schools are flat funded, which leaves students with high needs out of an equitable distribution of state funds.⁹ As a result, communities that have been disinvested in for decades literally have less money to use to support students.

There is a significant spread of how much each district annually spends on each student. Often referred to as per pupil spending, the range across Connecticut has almost a \$20,000 gap. The town of Sharon spends \$35,559/student, and Danbury, the lowest, spends \$13,521/student. The state's average is \$17,506. Sharon serves only white students, and not a single housing subsidy is used within the town boundaries. New Haven, Hartford, Bridgeport, and Bloomfield have the largest populations of Black students.

When per student spending is examined for one of the communities with several R/ECAP tracts, it shows that spending does not match need. Hartford's school district serves 90.8% BIPOC students, and per pupil spending ranges between \$9,439/student (Hooker School) and \$19,734/student (Burns Latino Studies Academy).¹⁰ However, only two schools in Hartford spend above the state average, yet educate a disproportionate amount of English language learners, and students with disabilities. As a result, on almost all measures students in Hartford perform lower on assessments when compared to state averages.¹¹ These phenomena repeat across all six municipalities that have census tracts that are racially and ethnically segregated.

⁸ [School+State Finance Project | How Connecticut Funds Education \(ctschoolfinance.org\)](https://www.ctschoolfinance.org/)

⁹ Connecticut General Statute 10-22f

¹⁰ EdSight Data – Enrollment Counts indicate that Hartford, CT has the largest population of Black students enrolled in any district in Connecticut

¹¹ <http://edsight.ct.gov/>

The outcome of less funding creates a wide achievement gap between white students, and student of color. There are disparities in access to gifted and talented programs, graduation rates, and access to college and dual enrollment programs.¹²

School funding determines how much is invested in students, and 60% of that funding is determined by the value of properties in the school's municipalities. Meaning, the same neighborhoods that are overwhelming home to BIPOC students, are also the same neighborhoods that have lesser value because of decades of systemic racist housing and land use policies as described in Chapter 2, and traditionally have higher percentages of higher needs students because of the poverty caused by residential segregation.

Segregation and Housing Instability

Housing instability results when families face housing discrimination and are forced to live in segregated neighborhoods. People of color living in highly segregated neighborhoods have little access to the resources and amenities that promote health, and greater exposure to the factors that can negatively impact health. Residential segregation, supported by decades of institutional racism, leaves many families of color with few resources to move out of segregated neighborhoods. These issues are the result of decades of policy decisions, which means that a policy-driven, rather than programmatic, approach to addressing them is required to make lasting systemic change. This chapter outlines the systemic barriers to housing integration and stability which cause negative health outcomes and reinforce poverty for residents of Connecticut's segregated neighborhoods.

As can be seen from the chapters on segregation in Connecticut, more than fifty years after the passage of the FHA, Connecticut and much of the country remain highly segregated by race and class. While it is now illegal to overtly deny housing to people because of their race or membership in another protected class, communities, housing providers, and mortgage lenders have continued to enact policies that have maintained segregation, deprived segregated communities of wealth, investment, and opportunity, and promoted greater housing instability among people of color.

Housing Tenure and Eviction

Housing segregation not only impacts the housing choices of renters, but it also influences wealth building for people of color. Nationwide, people of color have a much lower homeownership rate than Whites. In Connecticut, this disparity is especially stark: 75% of Whites own a home, while only 37.5% of people of color do; and the state ranks 47th in the country for homeownership by people of color.¹³ The gains in homeownership made by African-

¹² [New-Edits-NG-The-Black-White-Education-Gap-In-Connecticut-Indicators-of-Inequality-in-Access-and-Outcomes-Final-Copy-1.pdf \(ctvoices.org\)](#)

¹³ <https://scorecard.prosperitynow.org/data-by-issue#housing/outcome/homeownership-by-race> (2018).

Americans after the passage of the Fair Housing Act were largely wiped out after the 2008 housing crash. In fact, Black homeownership is now at the same level it was when the FHA was passed fifty years ago. ¹⁴

Renting does not provide the same level of housing stability that owning a home provides, and risk of eviction is high for renters in Connecticut. In 2019, nearly 20,000 evictions were filed in Connecticut, a substantial majority of which were for non-payment of rent. And, because of the way evictions are filed in Connecticut it is likely even more “self-help” or unrecorded evictions happened. Limited eviction prevention services are available, but they do not address the racialized nature of eviction and poverty and the outcome of housing instability. When most tenants are people of color, they are overwhelmingly defendants in eviction.

Connecticut’s four largest cities, Waterbury, Hartford, Bridgeport, and New Haven are in the top 70 evicting cities in the country.¹⁵ These cities are all home to the most segregated neighborhoods in the state. While it is difficult to assume that segregation causes eviction, living in a segregated neighborhood greatly increases the likelihood that a family will lose their home to eviction. For example, in one R/ECAP in Hartford’s Northend 25% of families face eviction every three years, and serial evictions are prevalent. Looking more closely at eviction rates by census tract in reveals that there are several census tracts where eviction rates are high even though the municipality as a whole has few evictions. The map of the census tracts also demonstrates that housing instability caused by evictions is not just concentrated in one or two urban areas but is widespread and affects many Connecticut census tracts. Once a tenant loses their home in eviction, securing future tenancy is almost impossible, with an eviction begins a lifelong cycle of housing instability and limits future housing choice. ¹⁶

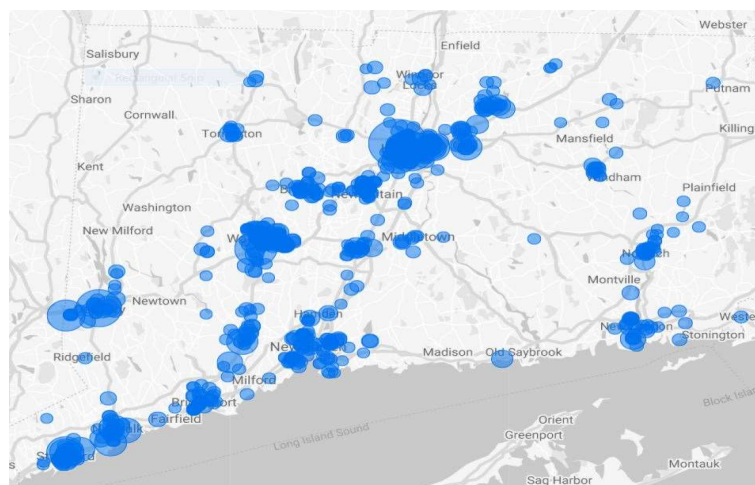


Figure 1: Eviction cases by town, 2018 -2019

Poor Housing Conditions in Segregated and Subsidized Housing

For renters living in public and subsidized housing in segregated areas, poor housing conditions are all too common. In the past several years, the Center has assisted tenants displaced when three large public housing complexes in the cities of Bridgeport, New London, and Hartford were forced to close because of horrific living conditions.

Working in these communities enabled the Center to see firsthand the failure of many public

¹⁴ <https://www.urban.org/urban-wire/closer-look-fifteen-year-drop-black-homeownership> (2018).

¹⁵ [Eviction Rankings | Eviction Lab](#)

¹⁶ Desmond, Matthew. 2016. *Evicted: Poverty and Profit in the American City*

and subsidizes housing providers to properly maintain their properties. Tenants were exposed to insects, vermin, mold, sewage issues, extreme cold and heat due to a lack of HVAC maintenance, and other serious issues. These conditions can cause and exacerbate health issues and lead to displacement and homelessness. Families living in these conditions are disproportionately families of color with young children.

HUD inspects its subsidized units and scores them using a Real Estate Assessment Center (REAC) physical inspection score. The REAC scores reported for Connecticut in July 2018 range across the state from a low of 45 to a high of 99 (out of 100). A quick analysis shows that the lowest REAC scores are primarily in segregated and divested urban centers where the residents are primarily African-American and Latino.

In Connecticut, tenants have limited if any recourse to force their landlords to make repairs, and landlord associations advocate for weakening the existing tenant protection laws during each state legislative session. With this grant, the Center will utilize REAC scores and reports from residents around the state to identify public and subsidized housing complexes with poor conditions and partner directly with tenants, local boards of health, other legal services providers and housing advocates to compel these providers to make necessary improvements and advocate for the preservation and expansion of existing tenant protection statutes at the state level.

Homeownership

In Connecticut, the recovery from the 2008 housing crash has been slow. The state's foreclosure rate is still the fifth highest in the nation. Home values in many areas – particularly in communities of color – have not recovered to pre-recession values, leaving many homeowners still underwater. While the housing and foreclosure crisis impacted people of all races and incomes, BIPOC people and communities of color were disproportionately impacted due to a variety of factors. They were more likely to be targeted by predatory lending: a study by New York University found that in 2006, at the height of the housing bubble, families of color making more than \$200,000 a year were more likely to be given a subprime loan than White families making less than \$30,000 a year.¹⁷ BIPOC also were more likely to own homes in segregated neighborhoods. In large part because of the legacy of lending and real estate discrimination which prevented families of color from building wealth at the same rate as Whites, families facing foreclosure were less likely than White families to have sufficient savings or family wealth to help them weather the crisis.¹⁸

¹⁷ <https://nyuscholars.nyu.edu/en/publications/racial-dynamics-of-subprime-mortgage-lending-at-the-peak> (2013).

¹⁸ [How Redlining's Racist Effects Lasted for Decades - The New York Times \(nytimes.com\)](#). 2017.

In addition to the research showing the health effects of segregation, the process of going through foreclosure imposes health costs to borrowers and their communities. In the past decade, a growing number of public health studies have documented the foreclosure process's tremendous physical and psychological toll on individuals. Families entering the foreclosure process are more likely to be affected by major depression than their similarly situated peers (Craig E. Pollack & Julia Lynch, "Health Status of People Undergoing Foreclosure in the Philadelphia Region, 2009). They are also more likely to have a higher incidence of chronic conditions like kidney disease and hypertension, and are more likely to have used emergency department services (Craig E. Pollack et al., "A Case-Control Study of Home Foreclosure, Health Conditions, and Health Care Utilization," 2011). In fact, foreclosure appears to make it approximately twice as likely that someone in the family will develop anxiety or depression. Foreclosures also have major effects on a community's physical and mental health, impacting everything from depression, anxiety, and suicide rates to rates of cardiovascular disease and emergency care treatment.

Communities of color are disproportionately impacted by the foreclosure crisis, and we can only expect that this, too, contributes to health disparities in segregated neighborhoods. Discriminatory actions by banks following the foreclosure crisis have only made matters worse. For example, earlier this year, the Center joined the National Fair Housing Alliance and other fair housing groups in filing suit against Bank of America after a multi-year investigation found that the bank was not maintaining its foreclosed, bank-owned properties in communities of color to the same standards it was in White communities. In addition to negatively impacting neighborhood home values, the blight caused by the bank's neglect caused serious health and safety issues for nearby residents.

Conclusion

This brief analysis addresses only the outcomes directly linked to the disinvestment of racially and ethnically segregated neighborhoods. It assumes that racist funding structures and discriminatory policies also lead to additional poor life outcomes for the residents living in segregated neighborhoods. National research confirms the phenomenon present in Connecticut. Households in Connecticut have fewer access to resource rich schools, and are at greater risk of foreclosure, eviction, and poor housing conditions. Health outcomes and segregation is reviewed in Chapter 16.

Chapter 11 Segregation and Health Outcomes

Introduction

In Connecticut, a substantial portion of the state's residents of color reside in substandard housing stock. Poor housing stock leads to environmentally acquired health issues. Thus, segregation directly leads to adverse health outcomes.

In an article in the Connecticut Mirror, one of Connecticut's state senators, Dr. Saud Anwar, described the effect of Connecticut's extreme inequality on the health of Connecticut's low-income residents.¹ He characterized the principle of inclusive economic growth as an appealing idea in concept that in practice amounts to offering medicine to an asthmatic child trapped in a moldy, run-down apartment and hoping for the best. Dr. Anwar stated, "I can write all of the prescriptions in the world, but the solution they need is to move to a healthy environment. We are doing symptomatic treatment and feel-good treatment without treating the disease."

Patterns of inequitable health outcomes for people of color are directly caused by the location and condition of their housing. People of color living in mostly racial segregated neighborhoods suffer countless disparate health outcomes when compared to white people. This chapter will describe outcomes that are directly linked to segregation, poor housing conditions, and the infectious disease COVID-19 and result in higher rates of asthma, lead and carbon monoxide poisoning, and heart disease. Additionally, housing segregation has been linked to higher rates of heart disease and shorter life expectancy.

Effects of Segregation on Public Health

Chapters 4, 9, and 10 identify patterns and levels of segregation in Connecticut. Those data show that Connecticut is more segregated than the national patterns of racial segregation, and that people of color especially people that identify as Black and / or African American are especially segregated when compared to white people. Households of color almost exclusively live in urban areas where the housing stock tends to be older.

Chapter Snapshot

People of color about 3x as likely to have asthma than white people in Connecticut

Lead poisoning rates vs whites:

- Black children 2x
- Hispanic children 1.6x

People of color 2x as likely to contract COVID-19 than whites

¹ Keith M. Phaneuf, CT's extreme inequality poses major obstacle to sustainable 'inclusive' growth, CT Mirror, available at <https://ctmirror.org/2020/11/09/cts-extreme-inequality-poses-major-obstacle-to-sustainable-inclusive-growth/>.

A growing body of research has directly identified high residential segregation as a fundamental cause of health disparities for people of color² and is strongly linked with the upstream social determinants of health (SDOH), such as social disadvantage, risk exposure, and social inequities, factors which have been shown to play a major role in determining health outcomes.³

People of color and those living in low-income communities are exposed to multiple physical environmental triggers as well as social stressors related to poverty and inequality that impact health.⁴ Just this year, the American Medical Association officially recognized the connection between segregation and health when it committed to opposing policies that enable racial housing segregation and to advocating for continued federal funding of publicly-accessible data on community racial, economic, and health disparities to help communities understand and address this issue.

Here in Connecticut, the most recent study on this topic by the state Department of Public Health (DPH) concluded that there are significant health disparities in the state for people of color, the majority of whom live in segregated areas. The study concluded that social factors including stress, discrimination, and environmental exposures influence these health disparities and are clear indicators of social inequity.⁵

Health Outcomes in Residents with Housing in Disrepair

In addition to the disinvestment and poverty found in most segregated neighborhoods, the quality of the housing stock is often aging and in poor condition. The physical housing units in disinvested neighborhoods, most often home to BIPOC families, cause higher rates of asthma, and lead and carbon monoxide poisoning.

² Laudan Aron et al., New Insights on How Philanthropy Can Improve Community Health, Robert Wood Johnson Foundation (Oct. 1, 2021), available at <https://www.policiesforaction.org/blog/new-insights-how-philanthropy-can-improve-community-health>; 2016 County Health Rankings Key Findings Report, available at https://www.countyhealthrankings.org/sites/default/files/media/document/key_measures_report/2016CHR_KeyFindingsReport_0.pdf; Tanisha Hill et al., Racial disparities in pediatric asthma: a review of the literature, Curr. Allergy Asthma Rep. (Feb. 2011), available at <https://doi.org/10.1007/s11882-010-0159-2>; Dolores Acevedo-Garcia et al., Does housing mobility policy improve health?, Housing Policy Debate (Jan. 1, 2004), available at <https://experts.umn.edu/en/publications/does-housing-mobility-policy-improve-health>.

³ Nzleen Bharmal et al., Understanding the Upstream Social Determinants of Health, RAND Working Paper (May 2015), available at https://www.rand.org/pubs/working_papers/WR1096.html; Theresa Osypuk et al., Beyond individual neighborhoods: a geography of opportunity perspective for understanding racial/ethnic health disparities, Health Place (Nov. 2010), available at <https://www.ncbi.nlm.nih.gov/pubmed/20705500/>; David Williams et al., Social determinants: taking the social context of asthma seriously, Pediatrics (Mar. 2009); available at <https://doi.org/10.1542/peds.2008-2233h>; Douglass Massey et al., American Apartheid (1998).

⁴ Rachel Morello-Frosch et al., Understanding the cumulative impacts of inequalities in environmental health: implications for policy, Health Aff. (May 2011); available at <https://pubmed.ncbi.nlm.nih.gov/21555471/>.

⁵ CT Department of Health, The 2009 Connecticut Health Disparities Report, available at <https://portal.ct.gov/DPH/Workforce--Professional-Development/Office-of-Health-Equity/The-2009-Connecticut-Health-Disparities-Report>. The Health Disparities report was part of a 2-year grant and has not been updated by Dept. of Health.⁵

Asthma rates

Asthma is a condition found in people of all ages that narrows the airways to the lungs and makes it difficult to breathe. Asthma is triggered by many things, but most notably is linked to environmental conditions like dust mites, mold spores, and cold air.⁶ Dust and mold are prevalent in older housing stock, and poorly insulated housing will also make for cold environments. Poor conditioned units that are in disrepair are also host to additional triggers like rat feces and cockroach shedding.⁷ The presence of this animal waste is also a trigger for asthma. The American Public Health Association suggests that a minimum of 30% of all asthma diagnoses are linked to environmental conditions where people live.⁸

In Connecticut, asthma rates are high, and especially so for children. In 2018, 1 out of every 10 children had asthma. Asthma related hospitalizations are 3.4 times higher in Bridgeport, Hartford, New Haven, Stamford, and Waterbury, than the rest of the state. Those cities are home to predominantly lower income households and BIPOC households. A study from Yale University finds that for two neighborhoods in New Haven, Connecticut the rate of asthma in children quadruples for children living in a poor neighborhood of color compared to one of the surrounding, predominantly white, neighborhoods.⁹

Connecticut's high levels of residential segregation, which are reported in Chapter 9 of this analysis, mean that asthma disproportionately impacts children of color. Black children and teens are five and half times more likely to go to the emergency department because of asthma, and Hispanic children are four and half times as likely when compared to their white peers.¹⁰ In the capital city of Hartford, which has a population that is about 84% non-White, 24% of public-school children reported having asthma. In the nearby suburb of Avon, where the population is nearly 90% White, just 7.6% of children suffered from asthma.¹¹ The hyper concentration of high asthma rates is linked to poor housing conditions in racially segregated neighborhoods and leads to poor health outcome for BIPOC children in Connecticut.

Lead paint poisoning

No amount of lead is healthy. Lead poisoning occurs when high levels of lead are found in the blood, is especially dangerous in any amount for children and pregnant woman, and for adults who have long-term exposure. Lead poisoning causes many problems, but in children it is mostly linked to learning disabilities, developmental delays, and hearing and speech loss. The Connecticut Department of Health suggests that lead poisoning is the most preventable

⁶ Asthma, Symptoms and Causes, Mayo Clinic, available at <https://www.mayoclinic.org/diseases-conditions/asthma/symptoms-causes/syc-20369653>.

⁷ The presence of rodents are most often a condition of an insufficient amount of waste receptacles and decaying building structures. Housing providers will reduce the amount of dumpsters they provide tenants as a cost saving measure.

⁸ Healthy Housing Standard, American Public Health Association (May 2014), available at https://www.apha.org/-/media/Files/PDF/factsheets/National_Healthy_Housing_Standard.ashx.

⁹ Sherrie Wang, Home, Sick Home, Yale Daily News (Mar. 14, 2021), available at <https://yaledailynews.com/blog/2021/03/14/feature-home-sick-home/>.

¹⁰ Arielle Becker, Health Disparities in Connecticut (2020), available at <https://www.cthealth.org/wp-content/uploads/2020/01/Health-disparities-in-Connecticut.pdf>.

¹¹ CT Department of Public Health via ctdata.org, 2012; CERC Town Data Profiles

childhood disease. However, lead is most often found in homes built prior to 1978, which account for 70% of Connecticut’s housing stock.

Connecticut law requires that medical providers for children test for lead at least once between 9 and 35 months of age.¹² The highest rates of lead exposure are found in children living in the state’s segregated cities, which also had the highest rates of children hospitalized for asthma.¹³ In Connecticut, Black children are twice as likely to be poisoned by lead compared to white children and Asian children. Hispanic children are 1.6 times as likely to be poisoned by lead compared to non-Hispanic children. In 2015, the Connecticut Department of Public Health found that 85.2% of lead poisoning were from environmental hazards, and 69.6% were in residents of multifamily buildings.¹⁴

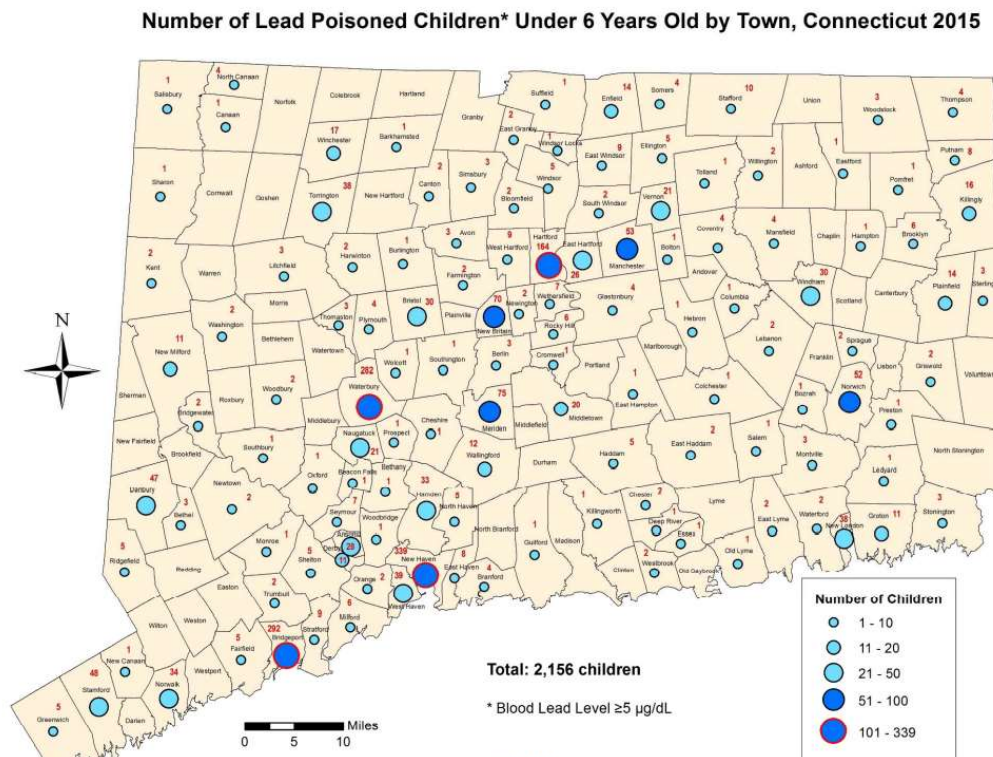


Figure 1: Map of Lead Poisoned Children

The map above shows the location of high lead poisoning. BIPOC children isolated in urban centers living in poor quality housing are significantly more likely to be poisoned by environmental lead exposure.

¹² Conn. Gen. Stat. § 19a-111g.

¹³ CT Department of Public Health, Health Disparities Report, *supra* note 5.

¹⁴ CT Department of Public Health, Child Lead Poisoning Prevention and Control, 2015 Annual Disease Surveillance Report, available at https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/lead/Surveillance_reports/2015AnnualLeadSurveillanceReportfinalpdf.pdf.

Barriers to Remediating Bad Conditions

There are several barriers to remediating poor conditions or even simply providing tenants with better housing. First, there is little incentive in the laws that govern Connecticut's landlord and tenant agreements to address code violations. Second, municipalities have little incentive and few financial resources to enforce housing code standards. Third, the Center discovered that municipalities are reluctant to take the step of condemning housing or making a finding of lack of habitability even when the conditions warrant it. Finally, the housing providers at the root of the problem suffer no consequences, and often earn significant profits by keeping tenants in units that should be condemned or selling the property without making repairs.

Limited Enforcement of Building Code Violations

While Connecticut landlord/tenant statutes require that landlords comply with all applicable building and housing codes affecting health and safety, the law is difficult to enforce.¹⁵ If a tenant alleges that their apartment violates health and safety standards, the process of getting repairs is cumbersome and difficult. To start, the tenant must have proof of the bad conditions, not merely allegations. Once the tenant has proof of the violation, they can file a case asking a court to enforce the health code standards. If a tenant brings such an action, they must pay rent into court or risk having their case dismissed. However, a tenant cannot bring such an action if they have been served with a Notice to Quit for any reason. And any tenant bringing an action is likely to find that their lease will not be renewed.

Lack of Municipal Code Enforcement

As a result of a pattern of consistent state and local budget cuts many municipalities have reduced the number of housing code inspectors or required them to perform other duties in addition to conducting housing code inspections. These cuts delay the scheduling of housing code inspections. In addition, even if the municipality has adequate personnel to perform the inspections, they rarely have attorneys who can bring civil enforcement actions seeking court orders to get bad conditions fixed.

Connecticut has a Chief State's Attorney which is authorized to prosecute criminal housing matters. There are currently four such prosecutors assigned to cover the State's 169 municipalities. The goal of the criminal prosecutions is to "promote full and prompt compliance with housing matters, which include violations of state or local building, fire, health and housing safety laws that apply to residential and commercial properties and to assure that criminal landlord-tenant laws such as criminal lockout, illegal termination of essential services and criminal damage to landlord's property by a tenant are uniformly, fully and effectively

¹⁵ Rights and responsibilities of landlords and tenants are covered in Chapter 830 of Connecticut General Statutes, available at https://cga.ct.gov/current/pub/chap_830.htm#sec_47a-7.

enforced.”¹⁶ The Center attempted to meet with the Supervisory Assistant State’s Attorney for Housing Matters to get a better understanding of how the system worked and whether it resulted in getting repairs done but was unable to do so due to the COVID-19 shutdown.

Disincentives to using the Uniform Relocation Act

The State and federal Uniform Relocation Assistance Acts (URAA) require municipalities to provide relocation expenses to any person displaced by an action of the state or municipality.¹⁷ Condemning a unit triggers the URAA. Any time a municipality condemns a building or housing unit, it must pay for temporary housing expenses, first month’s rent, last month’s rent (if required by a landlord), a security deposit, and moving expenses. While this amount is capped by statute, paying such expenses can be difficult for municipalities with budgets already running in the red.

Limited Consequences for Negligent Housing Providers

Even when public officials are aware of poor conditions, and tenants successfully have enough complaints to require a municipality to pay for relocation, negligent housing providers still do not suffer consequences. While families are displaced and take their poor health conditions with them, housing providers can sell their uninhabitable units for profit to anyone willing to rehabilitate them. In one case in Hartford, after over a hundred families were displaced, the housing provider sold the apartments for a \$6.5 million profit.¹⁸

Conclusion on Poor Conditions in BIPOC Neighborhoods

As detailed in Chapter 2, federal, state, and local housing and land use policy have spent decades disinvesting in spaces where BIPOC live and investing in housing opportunities and infrastructure for white folks. As detailed in Chapter 9, policy and discrimination has created and maintains a deeply segregated Connecticut. Together, decades of disinvestment and housing discrimination have locked low income BIPOC folks out of many housing markets, keeping them imprisoned in housing, even when it is making them sick.

Eviction and Poor Housing Conditions

A tenant may use bad conditions as a defense to an eviction action but only in nonpayment of rent cases. Such a defense does not result in repairs. Instead, the defense only works if the unit is uninhabitable, effectively nullifying the tenant’s rent obligation. Even if the tenant wins their eviction case, they cannot be permitted to stay in the unit since the defense requires a finding that the unit is uninhabitable. If the landlord has brought an eviction action for lapse of time (the lease or rental agreement ended), bad conditions may not be used as a defense to

¹⁶ Criminal Housing Policy, Office of State’s Attorney, available at <https://portal.ct.gov/DCJ/Programs/Programs/Criminal-Housing-Matters>.

¹⁷ Conn. Gen. Stat. § 8-266 *et seq.*

¹⁸ Mike Massaro, State Investigating Former Hartford Landlord, NBC Connecticut (Jan. 29, 2020), available at <https://www.nbcconnecticut.com/news/local/state-investigating-former-hartford-landlord/2216665/>.

eviction. Although, if a tenant has reported health and safety issues to their landlord or to the city, then they can raise as a defense that the eviction is in retaliation to their complaint.

Effect of the Pandemic on Households in Segregated Neighborhoods¹⁹

During the pandemic, the type of housing a person lives in has a direct effect on health. Homeownership has been out of reach of many people of color as the result of years of individual acts of discrimination and government sanctioned policies like redlining, racially restrictive covenants, and zoning ordinances that require large acre lots for single-family homes. White residents in Connecticut are twice as likely to own a home than are people of color.²⁰ Compared to other states, Connecticut has the second-largest gap for homeownership between its white and Latino residents, the largest gap between mixed-race and white residents, and the 15th biggest gap between Black and white residents. Connecticut ranks 47th in the country for Latino homeownership (34%), 46th for mixed-race homeownership (42%), and 18th for Black homeownership (40%).

Because people of color have such low homeownership rates, they tend to live in multifamily housing with shared hallways, laundries, and elevators. Additionally, people of color tend to be employed in jobs with frequent public contacts, e.g., grocery stores or health care. As a result of denser housing and employment type, people of color have much higher rates of COVID-19. Figure 2 shows that in April 2020, Blacks had twice the infection rate of Whites while Latinx/Hispanics recorded almost as many infections as Blacks. By November, as seen in Figure 3, Blacks still had an infection rate that was twice the rate of Whites while Latinx/Hispanics had nearly triple the infection rate of Whites.

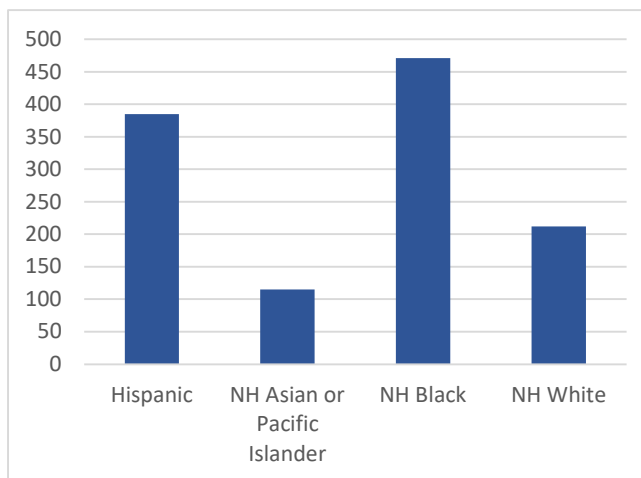


Figure 2: COVID-19 case rate per 100,000, April 20, 2020
NH = non-Hispanic

¹⁹ This report was drafted during the COVID-19 global pandemic that killed almost 10,000 Connecticut residents as of submission.

²⁰ Jacqueline Rabe Thomas, In recovering urban areas, homeownership makes all the difference, CT Mirror (Nov. 16, 2020), available at <https://ctmirror.org/2020/11/16/in-recovering-urban-areas-homeownership-makes-all-the-difference/>.

Two recently published studies evaluated the recent pandemic and its effect on tenants. In the first, covering the period March 13 – September 3, researchers found that after eviction moratoria were lifted, infection rates increased significantly within 10 weeks with mortality rates increasing significantly seven weeks after lifting the moratoria amounting to an estimated 433,700 new infections and 10,700 new deaths.²¹ Rates of infection and death rose more rapidly in states that only froze the hearing and/or sheriff execution stage of eviction, as opposed halting all stages from a notice to quit to filing in court. Future research will investigate the association between lifting moratoria and the racial/ethnic disparities in COVID-19 outcomes.

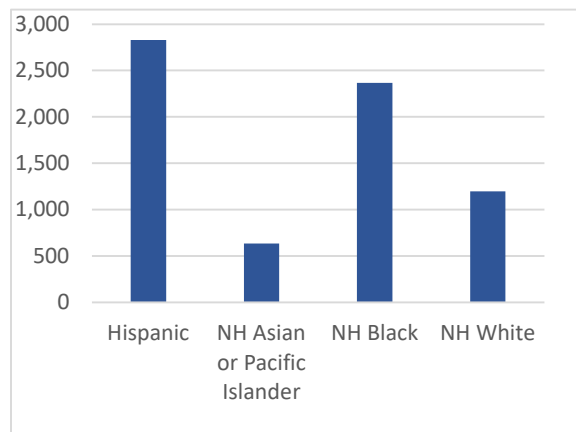


Figure 3: COVID-19 Case rate per 100,000, November 12, 2020

In the second study, researchers analyzed the public health and social science research on infectious disease, COVID-19, and eviction outcomes.²² They concluded eviction spreads COVID-19 infections but evictions during the pandemic further exacerbated health inequity among people of color. Eviction moratoria and supportive measures (like rent relief and legal counsel) are critical to preventing the spread of COVID-19.

Conclusion

Health problems caused by poor housing conditions are most often suffered by BIPOC and low-income people. These health problems and housing instability are linked to countless additional negative health outcomes such as depression, anxiety, obesity, higher rates of infant mortality and prematurity, and drug addiction. Additionally, this analysis hypothesizes higher rates of carbon monoxide poisoning, for BIPOC and lower income folks; however, current public health data is unavailable.

The health of Connecticut’s tenants in the state’s urban cores is at tremendous risk because of segregation, housing in disrepair, and the pandemic. Deteriorating housing stock is a substantial impediment to fair housing.

²¹ Leifheit, Kathryn M. et al., Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality, American Journal of Epidemiology, 2021; available at <https://doi.org/10.1093/aje/kwab196>.

²² Benfer, Emily et al., Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy, Journal of Urban Health (2020), available at <https://ssrn.com/abstract=3736457> or <http://dx.doi.org/10.2139/ssrn.3736457>

Chapter 12: State Plans That Promote Access to Housing

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 from 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.”¹ 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.² Second, each municipality³ and Regional Planning Organization (“RPO”)⁴ 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

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.

¹ C.G.S. §16a-24 *et seq.*

² See C.G.S. 16a-31.

³ Authorized under Con. Gen. Stat. §8-23 (2011).

⁴ 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.

and/or federal funding.⁵ Third, other state expenditures, such as allocations of bond funds, must be consistent with the State POCD.⁶

When preparing a POCD, the State and municipalities must consider three statutory provisions that impact housing location.⁷

- 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.”⁸

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 2013.⁹ 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.

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.

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

⁵ Municipal participation in the POCD statutory scheme will be discussed in Chapter 12.

⁶ C.G.S. §16a-31(c).

⁷ 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 town considered such housing and does not require that towns have a specific plan or goals for affordable housing creation.

⁸ C.G.S. §16a-35c(a)(2)(D)(iii).

⁹ http://www.ct.gov/opm/lib/opm/igp/org/cdupdate/2013-2018_cd_plan.pdf

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 of affordable housing and where such housing is located. 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.

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.

Because State Agencies have failed to follow their obligations to engage with OPM, OPM was unable to report on the State’s progress in 2018¹⁰ and 2020.¹¹

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 2020 for the period 2020 – 2024. The current ConPlan articulates a limited strategy for affirmatively furthering fair housing: collaborating with other agencies. 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, we wrote in 2015 that the ConPlan could include greater details with respect to efforts to create affordable housing that will reduce segregation and the concentration of poverty. In particular, we noted that the ConPlan should have actually described the initiatives being undertaken to increase 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.

¹⁰ [2018 c&d plan annual report with all attachments.pdf \(ct.gov\)](#)

¹¹ [2020-Report-on-the-Implementation-of-the-Conservation-and-Development-Policies.pdf \(ct.gov\)](#)

The current ConPlan provides that funding under the HOME and NHTF programs will be prioritized to higher “opportunity” areas.¹² The ConPlan does not provide any analysis of how the State will ensure that the priority actually promotes integration such as by, for example, collecting data on the race and ethnicity of the new tenants of affordable housing that is created in higher opportunity areas. The ConPlan does not similarly prioritize the preservation and rehabilitation of existing affordable housing. Without a balance between the two, the State may increase segregation and reduce access to safe and healthy housing for members of the protected classes.

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.

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. **DOH needs to obtain sufficient data to ensure that projects funded in higher opportunity areas are actually reducing barriers to fair housing.**

¹² [20-24-ConPlan-Action-Plan-for-Publication-and-Comment.pdf](#), pg. 268.

Chapter 13: Zoning, Municipal Housing Plans, and Other Programs That Promote Access to Housing

Aside 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. Plans of Conservation and Development:** Under the statute, a municipal Plan of 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.¹ In addition, since 2015 when regional planning agencies were restructured into Regional Councils of Government, they have also had a mandate to expand housing choices through regional POCDs.²
- 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

¹ C.G.S. §8-23.

² C.B.S. §8-35a.

Chapter Snapshot

- Zoning regulations can both promote and impede the development of affordable housing. In Connecticut approximately 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. However, even when a municipality completes a POCD, it may not be affirmatively furthering fair housing.
- 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.
- Affirmative fair housing marketing plans, tenant selection policies and kousing mobility programs are ways to overcome the barriers to fair housing choice faced by people in the protected classes, if they are used correctly.

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

Since the publication of the 2015 AI, zoning has received considerable attention as a means of both promoting integration and the cause of increasing segregation. In addition, there has been new scholarship on reforming zoning codes to move from those which are based on the use of a piece of property to one that is form based which regulates the physical form of structure without regard to use.³

Regardless of whether the municipality employs a use- or form-based code, the hope that land use policy can promote integration is succumbing to near universal support for municipalities restricting who lives in their communities.⁴ As outlined below, many elected leaders and their constituents want local control over where housing is located, which types of units are permitted (e.g., commercial v. residential), density, and lot size (the number of units per acre) even if that local control leads to further segregation. The prevailing sentiment is that if the regulations does not specifically ban BIPOC, then it is not illegal. In addition, municipalities throughout the country and in Connecticut use process requirements to reinforce the restrictive nature of their regulations. While there are important non-discriminatory reasons for some zoning restrictions,⁵ zoning can intentionally or unintentionally have the effect of limiting housing opportunities and impeding both fair housing and affordable housing efforts.⁶ This portion of the AI will examine the use of zoning regulations to promote integration.

³ <https://formbasedcodes.org/>

⁴ [Some wealthy CT towns favor elderly housing over affordable family units \(ctmirror.org\)](#); [Fairfield officials approve affordable housing project on Park Ave. with several conditions \(fairfieldcitizenonline.com\)](#); [Closely followed Woodbridge zoning case enters new phase \(ctmirror.org\)](#); [Branford Affordable Housing Fight Intensifies | CTNewsJunkie](#);

⁵ *Ambler Realty Co. v. Village of Euclid, Ohio*, 297 F. 307, 313 (N.D. Ohio 1924); Bronin, Sara [Zoning by a Thousand Cuts: The Prevalence and Nature of Incremental Regulatory Constraints on Housing by Sara C. Bronin :: SSRN](#) at 13.

⁶ 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.”

Municipal Zoning Authority in 2021

The power to regulate zoning is reserved to each state by the Tenth Amendment to the U.S. Constitution.⁷ Connecticut delegates the power to municipalities subject to the requirements of the Zoning Enabling Statute.⁸ During the 2021 legislative session, revisions to the zoning laws in Chapter 124⁹ were passed to reorganize several parts of the statute as well as to add new provisions.¹⁰ As of October 1, 2021, municipalities are authorized to adopt zoning regulations that, among other things:

- Are in accordance with comprehensive plan and in consideration of the other components of the State POCD;
- Are designed to promote health and general welfare, protect the state’s historic, tribal, cultural, and environmental resources;¹¹
- Consider the impact of permitted land uses on contiguous municipalities and on the planning region;¹²
- Address significant disparities in housing needs and access to educational, occupational, and other opportunities;¹³
- Affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq.¹⁴
- Be drafted with reasonable consideration as to the physical site characteristics of the district and its peculiar suitability for particular uses;¹⁵
- Provide for 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; and
- Promote housing choice and economic diversity in housing, including housing for both low- and moderate-income households.

⁷ 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.”

⁸ 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 individually delegated 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.

⁹ C.G.S. §§8-1 – 8-13a.

¹⁰ P.A. 21-29, Sec. 4 (2021)(effective October 1, 2021). <https://cga.ct.gov/2021/ACT/PA/PDF/2021PA-00029-R00HB-06107-PA.PDF>.

¹¹ Protecting the state’s historic, tribal, cultural, and environmental resources was added to the statute by P.A. 21-29.

¹² Added by P.A. 21-29.

¹³ Added by P.A. 21-29.

¹⁴ Added by P.A. 21-29.

¹⁵ P.A. 21-29 removed the word “character” from the statute and substituted “physical site characteristics” to the statute.

Some of the most fiercely debated portions of the zoning reform measures passed by the Connecticut legislature in 2021 concerned accessory dwelling units (ADUs). ADUs were supported as a way of bringing “naturally” affordable housing to communities without adding to sprawl or changing the look and feel of a neighborhood.¹⁶ Most of the opposition centered on objections to state control over zoning. The resulting legislation requires zoning regulations to designate locations or zoning districts within the municipality in which accessory apartments are allowed with at least one ADU permitted as of right on each lot that contains a single-family dwelling. However, no such apartment shall be required to be an affordable accessory apartment.¹⁷ In addition, municipalities are allowed to opt out of including ADUs in their codes.¹⁸ While adding ADUs in some communities is a good idea, the State needs more affordable units to meet the needs of its low-income residents than ADUs can provide.

Zoning Barriers to Affordable Housing

As a result of the 2021 legislative session, some advocates for zoning reform hailed the changes as promoting inclusionary zoning¹⁹ while others saw it as a failure to open what has been called some of the most exclusionary zoning in the nation.²⁰ “Exclusionary zoning” refers to municipal zoning regulations that make the development of affordable housing difficult or impossible.²¹ 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.²²

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:²³

- **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

¹⁶ <https://www.desegregatect.org/adu?rq=ADU>

¹⁷ Added by P.A. 21-29, Sec. 6.

¹⁸ P.A. 21-29, Sec. 6(f).

¹⁹ [Desegregate CT](#)

²⁰ 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

²¹ 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; [Zoning and the Cost of Housing: Evidence from Silicon Valley, Greater New Haven, and Greater Austin by Robert C. Ellickson :: SSRN](#) at 7 - 8.

²² See e.g., Rothwell, *supra* note 20, at 7.

²³ 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

already densely developed zones, developers need to obtain a “Special Permit” 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 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.²⁴ The 2015 AI reported that 57.4% of municipalities do not include provisions for affordable housing in their zoning ordinances. Similarly, 95% required a special permit for such development, and 68% limited affordable housing to just a few zones. Twenty-five municipalities did not permit new construction of multifamily housing, one of the most cost-effective ways of producing affordable housing.

Little progress has been made to change these exclusionary rules since 2015. Of the communities that did not permit construction of multifamily housing, four now permit multifamily housing if the developer goes through the special permitting process. Of the four that now permit multifamily housing, two only allow multifamily housing for people who are

²⁴ 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 (“Connecticut 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 <https://www.ctfairhousing.org/fair-zoning/>.

elderly.²⁵ In addition, several of the 21 municipalities that do not permit new construction of multifamily housing now permit ADUs but do not require that the ADUs be affordable.

Percentage of Geographic Area by Permitted Use: In addition to the analysis completed in 2015, a new organization, Desegregate CT, compiled a zoning atlas that analyzed 2,620 zoning districts and 2 subdivision districts in Connecticut.²⁶ The analysis shows that 91.1% of the state's land is zoned for single family housing as of right with nine municipalities prohibiting every type of housing except single-family housing. Just 2.1% of Connecticut's land is zoned for four or more units as of right. Of the land zoned for three or more units, approximately half is located in cities of more than 40,000 people.²⁷ As a result of the high percentage of land devoted to single-family homes and the few municipalities that have land zoned for three or more units, people who rent live in just a few communities. Because a higher number of people of color rent their units than whites, Connecticut's emphasis on single-family homes promotes segregation and prevents integration in most municipalities.

Large Lot Requirements: About half of the State's residential land requires two or more acre zoning and 80% of the land requires one or more acre zoning.²⁸ 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 multi-family developments, on average, are required to have at least 3.5 acres, and affordable housing developments are required to have 2.6 acres.²⁹

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

²⁵ <https://www.andoverconnecticut.org/sites/g/files/vyhlif5346/f/uploads/zoning-regulations-effective-7.15.2019.pdf>; <https://clintonct.org/295/Zoning-Regulations>; https://www.roxburyct.com/sites/g/files/vyhlif1146/f/uploads/zoning_regulations_2021-02-26_0.pdf;

²⁶ <https://www.desegregatect.org/atlas>

²⁷ Bronin, *supra*, n. 4 at 46.

²⁸ *Id.* at 59.

²⁹ 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.

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, multi-family, and affordable housing, go to <https://www.ctfairhousing.org/fair-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 developed 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.

Process Requirements: Municipalities control land use not just by imposing restrictions, but also by imposing process requirements. According to one study, public hearings are required on 94.6% of the total acreage where four or more units are permitted. In contrast, only .3% of the acreage where single-family homes are permitted require a public hearing.³⁰ This discrepancy adds to the cost and length of time it takes to create multifamily housing. The delays and increased costs lead many developers, especially nonprofit developers, to abandon the creation of multifamily affordable housing.

Other Land Use Requirements: Minimum parking spaces and maximum height appear in most zoning codes with between 80 – 90% of codes including at least one of the requirements.³¹ By industry estimates, these and other regulations add about 25% to the cost of development.³²

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 housing created in their municipalities. The 2015 AI uncovered 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.³³

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):

³⁰ Bronin, *supra*, no. 4 at 63.

³¹ *Id.* at 59.

³² 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.

³³ See <https://www.ctfairhousing.org/fair-zoning/>. One additional municipality has a preference for residents, but also an equal preference for “those least likely to apply.”

- 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.*³⁴

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 most of those qualifying are non-Hispanic White.³⁵

Municipal Housing Planning

Affirmatively furthering fair housing requires planning by the State, Regional Councils of Government, and municipalities. Connecticut's Zoning Enabling Act, ConPlan, and the State POCD are the primary ways in which the State articulates its broad policies for the development of affordable housing. The municipal POCD must be updated once every 10 years to ensure that it addresses current needs in the community.³⁶ Given that all but three³⁷ of Connecticut's 169 municipalities have posted their POCD's on-line it is possible to review these documents to determine if they conform to the requirements of C.G.S. 8-23. However, there is no obligation for any State entity to review and approve such submissions and it is impossible to know if these documents are being used to affirmatively further fair housing. Given that participation in the municipal POCD process is required in order to access some state funding, it is imperative that these are reviewed to determine if they meet state law requirements.

In addition, it is possible to create a POCD that conforms to the requirements of the statute while not affirmatively furthering fair housing. The POCD statute asks only that municipalities assess their own needs and not the needs of the region. Given Connecticut's hyper segregation, a local approach to housing planning does not affirmatively further fair housing. For example, a municipality like Oxford, where 86% of the housing is owner-occupied with a median household income of \$106,000,³⁸ can create a POCD that determines detached single-family housing shall remain the predominant form of housing within the community. When considering affordable housing, the POCD recognizes the need to provide affordable housing to residents of Oxford who cannot afford the current high costs of housing in a way that is consistent with the

³⁴ Cheshire Zoning Regulations, 1970 (last amended November 22, 2010), 44-8, available at https://p1cdn4static.civiclive.com/UserFiles/Servers/Server_8580856/File/Government/Planning/zoning%20regs.pdf. See also, https://www.roxburyct.com/sites/g/files/vyhlif1146/f/uploads/zoning_regulations_2021-02-26_0.pdf at 15.4.2, "Priority for occupancy of "elderly housing" units shall first be granted to residents of Roxbury, aged 62 years or older who have been residents of Roxbury for a minimum of two consecutive years immediately preceding their application for occupancy . . ."

³⁵ See also, [Guilford residents approve donation of land for affordable housing \(nhregister.com\)](https://www.nhregister.com) (Feb. 12, 2020) where Guilford residents approved an affordable housing development after the developer promised to market the property primarily within Guilford, a town that is 96% white, .93% African American, and 2.13% Latino.

³⁶ C.G.S. 8-23 (a)(1).

³⁷ The communities that do not have their POCD's published on-line as of August 2021 are Eastford, Danbury, Stamford, and Sterling.

³⁸ https://www.oxford-ct.gov/sites/g/files/vyhlif3646/f/uploads/finalpocdeff9.15.18_0.pdf

character of the community.³⁹ Therefore, while the Oxford POCD conforms to the statutory requirements, it fails to affirmatively further fair housing since it considers only the needs of its predominantly white and affluent residents. Oxford is 91% white, 3.4% Black, 4% Latino, and .8% Asian. Prioritizing the affordable housing needs of Oxford residents will reinforce these demographics and promote segregation. The City of New Haven is 30% white, 30% Black, and 30% Latino with a median household income of \$41,142. Planning for the affordable housing needs of households with a median income of \$106,000, will not provide housing for many in the city of New Haven, just 15 miles away.

Planning to Affirmatively Further Fair Housing Going Forward

Pursuant to C.G.S. § 8-23, municipal POCDs must “consider” affordable housing along with such issues as the drinking water supplies, development that is consistent with soil types, terrain, and infrastructure capacity, as well as state and regional POCDs among other issues. Interestingly, the majority of POCDs reviewed address nearly all of the issues listed in C.G.S. 8-23 but often find that when zoning officials consider affordable housing, these other issues prevent the creation of such housing. In addition, many POCDs mention the need for affordable housing and the need to address it but outline no clear meaningful strategy for doing so. This is a serious missed opportunity and since many BIPOC 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.

For the POCD to affirmatively further fair housing in a meaningful way, planning must take place regionally and locally. Since the publication of the 2015 AI, C.G.S. §8-31b was amended to restructure regional planning agencies into Regional Councils of Government (COGs). Connecticut has nine regional COGs: Capital Region, CT Metropolitan, Lower CT River Valley, Naugatuck Valley, Northeastern CT, Northwest Hills, South Central CT, Southeastern CT, and Western CT.⁴⁰ Most of these have published a POCD for their regions.⁴¹ In 2020, the State recommended to the U.S. Census Bureau that the nine COGs replace counties for statistical purposes.⁴²

Unfortunately, the POCD requirement for COGs does not require that they even “consider” the need for affordable housing only that the regional POCD promote development patterns and land use to expand housing opportunities and design choices to accommodate a variety of household types and needs.⁴³ Despite this, all of the regional POCD’s reviewed for this report not only address the lack of affordable housing in the region but also include plans to address the shortage. Despite the fact that the towns participating in the COG POCD process universally

³⁹ https://www.oxford-ct.gov/sites/g/files/vyhlf3646/f/uploads/finalpocdeff9.15.18_0.pdf at 28- 29.

⁴⁰ <https://portal.ct.gov/OPM/IGPP-MAIN/Responsible-Growth/Regional-Planning-Organizations-RPO>

⁴¹ <http://seccog.org/reg-plan>; <https://westcog.org/regional-planning/pocd/>; <https://scrcog.org/regional-planning/regional-plan-of-conservation/>; <https://nvcogct.gov/project/current-projects/plan-of-conservation-and-development/>; <https://crcog.org/2016/05/regional-plan-of-conservation-and-development/>; <https://www.rivercog.org/projects/rpocd/>; <https://northwesthillscog.org/regional-plan-conservation-development/>; <https://metrocoq-website.s3.us-east-2.amazonaws.com/GBRC-Draft-Plan-HQ-ADOPTED-December-17-2015.pdf>. The Northeast Connecticut Council of Governments does not appear to have its POCD on-line <https://neccog.org/>.

⁴² https://www2.census.gov/geo/pdfs/reference/ct_county_equiv_change.pdf

⁴³ C.G.S. §8-35a(a)(2)(B).

agreed that the biggest challenge facing them was affordable housing, there was little consensus on how to address this on a regional level. The COGs can plan and recommend but they cannot require municipalities to act. As a result, the regional POCDs do little to affirmatively further fair housing.

Affordable Housing Land Use Appeals Act

The AHAA was passed in 1989 in response to the lack of affordable housing⁴⁴ and has been amended nearly every year since with the last major changes occurring in 2017.⁴⁵ 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%⁴⁶ 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.⁴⁷

The AHAA only affects the treatment of a proposal before municipal agencies exercise their zoning authority. It does not affect decisions made by other bodies such as inland wetlands and sewer commissions.⁴⁸ In fact, courts upholding a municipality's decision to deny a building permit have cited wetlands or sewer concerns more than 40% of the time.

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.

⁴⁴ 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.

⁴⁵ P.A. 17-170. See, also, [43602 REELU Alert Amendments to Affordable Housing 100917.pdf \(shipmangoodwin.com\)](#) for a summary of the changes made to the statute in 2017.

⁴⁶ 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.

⁴⁷ C.G.S. § 8-30g(g).

⁴⁸ *Id.* at 119, 158-59.

In general, non-exempt municipalities (those below the 10% threshold) that are successful in

Affordable Housing Controversies

Many municipalities, alleging they are responding to the concerns of their residents, have denied permits for affordable housing developments, including those filed as AHAA proposals. There have been over 160 judicial decisions involving CGS 8-30g proposals.

Yet a study from 2017 found that an unrepresentative group of individuals tend to show up and oppose affordable and multifamily developments at Planning and Zoning Board meetings. Most of the people opposing new developments are older, male, long time residents, and homeowners while the people who would benefit from the housing are younger, BIPOC, and women. The participatory inequalities lead to high denial rates for affordable and multifamily housing. See, [EinsteinPalmerGlick_ZoningPartic.pdf \(bu.edu\)](#). The 2021 controversy surrounding the building of multifamily affordable housing in Woodbridge illustrate how this dynamic plays out in Connecticut.

increasing their affordable housing stock are also entitled to a four-year moratorium from the obligations of the AHAA. Municipalities with at least 20,000 dwelling units are eligible for a moratoriums lasting for five years if they are applying for a second or subsequent moratorium.⁴⁹ The moratorium calculation is based on an allocation of unit-equivalent points that put a priority on housing that responds to certain needs.⁵⁰ For example, elderly housing receives a half point in this assessment and family rental housing receives two and half points.⁵¹ With one exception, an increase of the greater of 2%, or 75 points, triggers the moratorium.⁵² Under the exception, the 2% threshold drops to 1.5% for municipalities with fewer than 20,000 dwelling units that adopt an affordable housing plan and apply for a second or subsequent moratorium.⁵³

The 2017 amendments to 8-30g lowered the moratorium threshold, applicable only to municipalities with 3,750 for fewer units, for achieving a four-year moratorium. There are 64 towns eligible for the lower threshold

none of which currently have moratoria and none of which have applied for a moratorium.⁵⁴ This new moratorium point total will end on September 30, 2022 unless the legislature takes additional action during the 2022 legislative session to further change 8-30g.

The 2017 amendments also made changes to the way that housing units are counted by awarding bonus points in addition to points awarded under the system that was already in place. These changes will expire on September 30, 2022 unless the legislature makes the change permanent. Those changes include:

⁴⁹ C.G.S. § 8-30g(l).

⁵⁰ *Id.* For a summary of the 2021 point distribution, see, [Issue Brief: CGS § 8-30g The Affordable Housing Land Use Appeals Procedure \(ct.gov\)](#).

⁵¹ *Id.*

⁵² *Id.*

⁵³ C.G.S. §8-30g(l)(4).

⁵⁴ For a list of the 64 towns eligible for the lower threshold, see [43602 REELU Alert Amendments to Affordable Housing 100917.pdf \(shipmangoodwin.com\)](#).

- Units that are not age-restricted and contain three or more bedrooms achieve one quarter bonus point, in addition to their points based on median income level;
- If at least 60 percent of units identified in a moratorium application are non-age-restricted, then the age-restricted units qualify for an additional one-half point; and
- Non-age-restricted units in an Incentive Housing Zone Development as defined in § 8-13m (which may already qualify based on being income-restricted), qualify for an added one quarter of a point.⁵⁵

As of July 2021, the municipalities of Westport, Milford, South Windsor, and Suffield have moratoria and the municipality of Brookfield has a second request for a moratorium under review. The following municipalities have moratoria that expired: Berlin, Bethel, Brookfield, Darien, Farmington, New Canaan, Ridgefield, and Trumbull.⁵⁶

For purposes of affirmatively furthering fair housing, one of the most important 2017 changes to 8-30g was the requirement that all municipalities, even those that are exempt from 8-30g, create, adopt, and revise every five years an affordable housing plan.⁵⁷ Each town must explain how it will increase the number of affordable housing developments within the town. Unfortunately, the amendment does not specify if these new plans must promote § 8-30g-compliant set-aside developments, or assisted housing, or affordable housing in general. The amendment also does not explain how, if at all, this requirement differs from the requirements in 8-23 which requires municipal POCDs to discuss housing affordability. The amendment also does not specify which town body adopts the plan. While the plan must be updated every five years there is no penalty for failure to create such a plan nor to complete an update. This change does not expire in 2022.

In an effort to promote compliance with this new requirement, the Connecticut Department of Housing published the “Planning for Affordability in Connecticut” guidebook in December 2020.⁵⁸ DOH then awarded affordable housing planning grants to the following municipalities: Avon, Barkhamsted, Bethany, Bloomfield, Bozrah, Branford, Brooklyn, Canaan, Canton, Chaplin, Cornwall, Durham, Farmington, Franklin, Goshen, Groton, Hampton, Harwinton, Lebanon, Mansfield, Morris, New Milford, Middlefield, Newington, Newtown, Norfolk, North Stonington, Old Saybrook, Plainfield, Ridgefield, Salem, Shelton, Sprague, Stonington, Suffield, Thompson, Torrington, Warren, Washington Depot, Westbrook, Weston, Willington and Woodbury. All of these communities have their affordable housing plans online.

⁵⁵ C.G.S. §8-30g(l)6).

⁵⁶ <https://portal.ct.gov/-/media/DOH/Moratorium-History.pdf?la=en>

⁵⁷ C.G.S. §8-30j.

⁵⁸ https://portal.ct.gov/-/media/DOH/AHPP-Guidebook_RPA_120120.pdf

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.

DOH⁵⁹ 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 BIPOC, 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. As of 2011, the State had counted 133,233 units of qualifying deed-restricted affordable housing.⁶⁰ In 2020, the State has counted 144,350 of those units.⁶¹ 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

⁵⁹ This program was overseen by the Department of Economic and Community Development until 2013.

⁶⁰ This number excludes single-family homes that were bought through affordable mortgage programs through CHFA or federal affordable mortgage programs.

⁶¹ <https://portal.ct.gov/-/media/DOH/2020-Affordable-Housing-Appeals-List.pdf>

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.⁶²

Over nine years, no significant improvements in the total affordable housing stock as a share of total housing units have been made. In 2011, affordable housing units were 8.9% of total housing stock.⁶³ In 2019, they were 9.4% of total housing stock.⁶⁴

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 the potential 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.⁶⁵

As demonstrated by Figure 3,⁶⁶ 63% of all governmentally-assisted housing qualifying under the AHAA in 2011 is located in 20 municipalities that have disproportionately minority populations.⁶⁷ 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.

⁶² 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>.

⁶³ CT Affordable Housing Appeals List 2011, 2011 ACS 5-year Survey table DP04.

⁶⁴ CT Affordable Housing Appeals List 2019, 2019 ACS 5-year Survey table DP04.

⁶⁵ 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.

⁶⁶ This analysis reflects where affordable housing units were built historically but does not indicate whether they were built in response to the AHAA.

⁶⁷ 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.

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% Non-Hispanic 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 to municipalities that create Incentive Housing Zones (IHZ) in eligible locations, such as near transit facilities, an area of concentrated development, or an area that because of existing, planned, or proposed infrastructure is suitable for development as an IHZ. Developable land within such zones excludes public and privately owned property slated for public uses, parks, recreation areas, dedicated open space land, other land where restrictions prohibit development, wetlands or watercourses and areas exceeding one-half or more acres of contiguous land where steep slopes or other features that make it unsuitable for development.⁶⁸ The town zoning commission must establish the IHZ as an overlay zone.

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. Currently there are 39 municipalities in the process of finalizing the locations of an IHZ, drafting

⁶⁸ C.G.S. §§8-13m – 13x.

IHZ regulations, and/or design standards while 11 municipalities have created IHZs. Of the municipalities that have created IHZs, only New London is a community that is majority BIPOC.⁶⁹

Since HOMEConnecticut was initiated in 2008, 16 units of affordable housing have been created, 12 units have building permits, and 18 affordable units have been proposed. Unfortunately, the program has had no new expenditures in FY2020 or 2021 and anticipates no new expenditures in FY2022. There has been no new program activity since 2017. In addition, there is no construction activity proposed for FY2022.⁷⁰

Housing Mobility

In order to reduce segregation, the state must not only increase the amount of affordable housing in predominantly white communities, but also ensure that people of color have equal access to the affordable housing that currently exists. There are several ways to do that.

Affirmative Fair Housing Marketing Plans

Access to existing income-restricted affordable housing is affected by the way in which waiting list openings for subsidized housing and housing choice vouchers are announced and marketed, the length of time applications are accepted, and whether the waiting lists are populated on a first come-first served basis or by lottery.⁷¹ Because the effect of marketing and tenant selection policies have a significant effect on who gets into income-restricted housing, it is imperative to determine whether these policies prevent people of color from accessing the income-restricted housing that does exist outside of areas of high poverty concentration that tend to have better health outcomes and other benefits that affect health.

Any housing provider receiving state or federal funding is required to have an Affirmative Fair Housing Marketing Plan (AFHMP).⁷² These plans are designed to actively market housing to people to the people “least likely to apply” across a broad region to ensure that income-restricted housing is available to everyone who needs it, and that marketing is not targeting people from certain groups or within limited geographic areas. Because the people least likely to apply are those who do not live in the area of the development, housing providers must make efforts to ensure that those people know about waiting list openings and can apply for housing on an equal basis with people who live in the area of the development.

As a result, federal and state regulations require housing providers to use affirmative fair housing marketing plans whenever they open their waiting lists. Affirmative fair housing marketing plans require housing providers to advertise waiting list openings and application procedures in ways designed to reach people outside the area of the development. For

⁶⁹ <https://portal.ct.gov/-/media/DOH/2021-IHZ-Report---Final.pdf>

⁷⁰ Id.

⁷¹ “Housing Choice Voucher Program Guidebook,” at Chapter 4, http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11748.pdf

⁷² Conn. Agency Regs. §8-37e^{eff}. 24 U.S.C. §200.615.

example, when opening a waiting lists many housing authorities notify senior centers in neighboring cities or towns, or soup kitchens in urban areas, or social service agencies which serve a population not currently living in the development. A recent project completed by the Center asked all of the subsidized housing providers in Hartford and Fairfield Counties to send the organization copies of their AFHMPS and tenant selection policies (TSPs). Approximately 30% of the complexes in both counties sent back the required documents.

| Results of Requests for AFHMPS and TSPs | | | | |
|---|------------------|------------|----------------|------------|
| Location of Housing | AFHMPS Requested | % Received | TSPs Requested | % Received |
| Fairfield County 2019 | 223 | 23% | 223 | 33% |
| Hartford MSA 2017 | 95 | 30% | 95 | 33% |

The majority of the AFHMPS list every protected class as those least likely to apply. By failing to accurately determine who is least likely to apply, the housing provider’s marketing plan is meaningless. Instead, a housing authority in a predominantly White suburban area within a reasonable distance of a more diverse city should market its waiting list openings in that nearby city and not perpetuate segregation by limiting its efforts to its immediate area. Its marketing certainly should not actively discourage people from urban areas from applying by the use of limited hours to apply or placing tenants on waiting lists on a first come-first served, as the Center has discovered several Connecticut housing authorities doing in recent years.

Tenant Selection Plans (TSPs)

State and federally funded housing providers are also required to have written tenant selection policies detailing their plans for opening waiting lists and determining eligibility for their housing programs that are in compliance with fair housing laws. Most of the tenant selection plans were also found to include provisions that violate the fair housing laws or fail to affirmatively further fair housing.

Most of the TSPs reviewed included several provisions which would make it difficult for people of color or people outside a particular municipality to qualify for the housing. First, most subsidized housing providers screen for criminal records with 78% of units and 72% of complexes disqualifying an applicant if they or a member of their family was convicted of a felony or misdemeanor. None of these TSPs required a case-by-case analysis of the criminal record before the applicant was denied.⁷³ In addition, seven TSPs representing 562 units

⁷³ https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF (The HUD guidance states that housing providers should never use arrests to determine an applicant’s qualification for housing. In addition, use of criminal records to screen tenants should be on a case-by-base basis taking into account the length of time since the conviction, the nature of the conviction, and what has happened since the conviction.)

disqualified an applicant for criminal activity even in the absence of an arrest or conviction.⁷⁴ Second, 75% of units and 70% of complexes disqualify tenants with eviction records even though people with eviction records tend to be families with children and single-female headed households of color living in housing that is unaffordable.⁷⁵ Third, 38% of the units and 32% of the complexes stated that the housing provider would visit the applicant's current unit to assess housekeeping habits. This criteria could lead to differential treatment depending on how it is used. For example, if the housing provider limits its home visits to the state or geographic region, those living in that region or state would have a home visit while those living outside the state or region would not. Given the high degree of race and national origin in Connecticut, this criteria could be discriminatory. At the very least it does result in a difference in treatment depending on where the applicant lives.

Finally, 81% of units 74% of complexes organized their waiting lists on a first come, first served basis making it difficult for people with disabilities, people with children, people who are elderly, people who are low-income, and anyone not living in the municipality to get an application in early enough to be high on the waiting list. In the past, first come, first served waiting lists have led to people sleeping outdoors all night and fist fights.

In addition, some housing authorities keep their waiting lists open at all times which also fails to affirmatively further fair housing. If a housing authority is permitted to keep its waiting list open at all times and allowed to add people on a first come, first served basis then housing authorities will not be obligated to affirmatively market their properties. If they do not affirmatively market their properties, then people least likely to apply will not know about the waiting list opening and will not know they can apply. Therefore, the only people who will get onto the waiting list are the people who know that the housing exists and that the waiting list is open. The people most likely to know about the housing and know that the waiting list is open are people living in the area of the development. As a result, keeping a waiting list open at all times reinforces segregation by giving people most likely to apply the greatest access to the housing.

To illustrate this point, consider Wallingford where the population is 91% White, 1.4% African American, and 7.9% Latino. If the housing authority opened its waiting list, it would have to affirmatively market its housing. Such advertising would have to include areas where people least likely to apply live such as Hamden (68% White, 20% African-American, 8.7% Latino) and New Haven (42% White, 35% African-American and 27% Latino). After the affirmative marketing ended, the housing authority would hold a lottery and place people on the waiting

⁷⁴ *Schwabe v. Bd of Bar Examiners*, 353 U.S. 232, 241 (1957); see also *United States v. Berry*, 553 F.3d 273, 282 (3d Cir. 2009) (“[A] bare arrest record –without more –does not justify an assumption that a defendant has committed other crimes and it therefore cannot support increasing his/her sentence in the absence of adequate proof of criminal activity.”); *United States v. Zapete-Garcia*, 447 F.3d 57, 60 (1st Cir. 2006) (“[A] mere arrest, especially a lone arrest, is not evidence that the person arrested actually committed any criminal conduct.”).

⁷⁵ Hepburn, et al. “U.S. Eviction Filing Patterns 2020” [U.S. Eviction Filing Patterns in 2020 - Peter Hepburn, Renee Louis, Joe Fish, Emily Lemmerman, Anne Kat Alexander, Timothy A. Thomas, Robert Koehler, Emily Benfer, Matthew Desmond, 2021 \(sagepub.com\)](https://www.sagepub.com/journalsPermissions.nav?path=/journals/american-journal-of-law-and-politics/vol-12/iss-1/10.1177/1541204020971111).

list randomly without regard to when they applied. By advertising in areas outside of Wallingford and placing people on the list by lottery, the waiting list would be diverse guaranteeing a diverse group of tenants.

Under the first come-first served rule, however, the housing authority would be permitted to keep its waiting list open on a permanent basis and would not be obligated to advertise again. As a result, the people who would go on the waiting list after the random lottery ended are most likely to apply which are the people living in Wallingford. The tenant population would go from a mix of people of color and people who are White to a majority of people who are White. Such an outcome would violate the fair housing laws and would open the housing authority up to liability.

Mobility counseling

Housing mobility programs are one way to overcome the severe barriers to fair housing choice faced by participants in the HCV and RAP programs. Such programs provide counseling to families with government housing subsidies interested in moving from high poverty neighborhoods to low poverty areas. The programs can open up access to housing opportunities for assisted families. However, given the small number of housing vouchers in the state v. the number of people who would have to move to affect the dissimilarity index in most communities, mobility counseling is only one small piece of what is needed to reach full integration.

A critical but expensive component of effective mobility programs is mobility counseling. Mobility counseling programs in Baltimore and other places around the country provide tenants with resources and services which can help them leave high poverty disinvested neighborhoods. Researchers have found that services such 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 are essential for a family to move to and remain in low-poverty communities.⁷⁶ These programs are usually not effective without investment in the full panoply of services. In Baltimore, for example, researchers found that two services played a significant role in not only moving families out of high poverty areas but in keeping them out of such neighborhoods: a systematic effort to inform families about schools opportunities in potential move areas and second move counseling.⁷⁷ Programs without these two interventions often had families make second moves back to high-poverty areas.

Connecticut's Department of Housing is responsible for funding Connecticut's Mobility Counseling program; there is no funding from HUD. It currently contracts with three nonprofits: Home, Inc. serving New Haven and New London counties; Family Centers serving Fairfield County; and My Sister's Place serving Greater Hartford. Unfortunately, the amount of money

⁷⁶ Stefanie DeLuca & Peter Rosenblatt (2017) Walking Away From The Wire: Housing Mobility and Neighborhood Opportunity in Baltimore, *Housing Policy Debate*, 27:4; <https://krieger.jhu.edu/sociology/wp-content/uploads/sites/28/2012/02/Walking-Away-From-The-Wire-Housing-Mobility-and-Neighborhood-Opportunity-in-Baltimore.pdf> at 21ff. (DeLuca, et al.)

⁷⁷ Id.

paid for mobility counseling as well as the frequently changing agencies engaged in mobility counseling means that Connecticut’s mobility counseling services do not have the successful outcomes seen in Baltimore, Chicago, or Los Angeles.

Determining the definition of a “successful” mobility move is also difficult. 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.⁷⁸ 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, or access to employment. In addition, there should be some attention paid to the needs and desires of the voucher holder regardless of whether they are willing to make an integrative move or a move to a community that matches their race or ethnicity.⁷⁹

In addition, 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.⁸⁰
- Inability to afford security deposits. While Connecticut has a Security Deposit Guarantee program, it frequently runs out of funding and some voucher holders may be ineligible.
- Housing discrimination.
- Difficulty finding landlords willing to participate in any tenant-based rental assistance voucher program, particularly landlords in higher income destination neighborhoods.⁸¹
- Unit inspections or re-inspections taking too long and resulting in lost units, particularly

⁷⁸ Kadija Ferryman, Xavier de Souza Briggs, Susan J. Popkin, and María Rendón, *Do Better Neighborhoods for MTO Families Mean Better Schools?* (Washington, DC: The Urban Institute, 2008).

⁷⁹Of 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.

⁸⁰ Many housing advocates hoped that small area FMRs (SAFMR) that looks at neighborhood housing prices rather than region wide data to set fair market rents would give tenants access to more communities. The Hartford-West Hartford-East Hartford Metro FMR area was the only region in Connecticut where HUD authorized the use of SAFMRs. Unfortunately, this region saw a slight decrease in the number of units affordable to voucher holders as the result of the use of SAFMRs when compared to FMRs. https://furmancenter.org/files/NYUFurmanCenter_SAFMRbrief_22Jan2018.pdf at 8.

⁸¹ Mary Cunningham *et al.*, *Improving Neighborhood Location Outcomes in the Housing Choice Voucher Program: A Scan of Mobility Assistance Programs*, 2010, p. 6. A key component of the Chicago and Baltimore mobility programs included landlord outreach. DeLuca, *et. al*, *supra*. However, such recruitment can run afoul of the fair housing laws. If tenants in mobility counseling programs are only referred to landlords who have agreed to participate in the program without regard to the neighborhoods where those units are located, voucher holders could be re-segregated into a small number of communities albeit communities with high performing schools.

for participants interested in moving to low-poverty neighborhoods.⁸²

- Difficulties with defining and identifying appropriate destination neighborhoods.⁸³

It is clear that severe levels of segregation exist within Connecticut (see Chapter 9). It is also clear that mobility counseling can successfully assist some voucher holders transition to lower poverty areas with access to a range of additional amenities such as thriving schools, jobs, and transportation. Connecticut's mobility counseling programs will be strengthened if they provide the full array of counseling services seen in such places as Baltimore. That will cost money it is not clear that Connecticut currently has the political will to provide such funding.

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. Finally, zoning and the municipal and regional POCDs, need to be enhanced and enforced to ensure that Connecticut and its municipalities affirmatively further fair housing.

⁸² Mary Cunningham *et al.*, *CHAC Mobility Counseling Assessment: Final Report*, 2002, p. 14. This issue is especially acute in Connecticut where many housing authorities and voucher administrators have moved from employing their own housing quality inspectors to hiring a company to perform the inspections for them. This has resulted in additional delays especially when many tenants are given vouchers at the same time as the result of large scale condemnations.

⁸³Cunningham, *supra* note 39. Defining and identifying appropriate destination neighborhoods too often results in presenting information that disparages neighborhoods occupied by BIPOC and praising neighborhoods that are majority white without looking at the needs articulated by the housing voucher holder.

Chapter 14:

Using Subsidized Housing Programs to Affirmatively Further Fair Housing

This chapter looks at the state’s current housing programs to highlight the efforts and opportunities for the state to affirmatively further fair housing through these programs. The Department of Housing (DOH) 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 to moderate income individuals and families.

DOH continues to work in partnership with other state agencies serving people with specific subsidized housing needs, including the Departments of Mental Health and Addiction Services, Children and Families, Developmental Services, and Corrections. In addition, DOH and the Connecticut Housing Finance Authority (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 home ownership lending programs.

Chapter Snapshot

- Legacy of disproportionate elderly housing in white communities continues to impact fair housing
- CHFA loans provide greater access to Black and Hispanic or Latino borrowers
- State programs move away from single family home rehabilitation, and are likely to create and preserve more affordable units

The Preservation List: A Glimpse of the Impact of Subsidized Housing Programs

The Preservation List is the best currently available comprehensive inventory of subsidized housing in Connecticut. We estimated that the list contains 319 distinct developments with 25,175 distinct units. The Preservation List does not include many of the state’s subsidized housing programs or the state and federally funded rental assistance programs administered in Connecticut.¹

| Table 1 – Preservation Program Type | Units |
|-------------------------------------|--------|
| 80/20 Bond | 984 |
| Assisted Living | 226 |
| CO-OP or Mutual Housing | 45 |
| HUD Program (Non-Sect 8) | 211 |
| LIHTC | 11,131 |
| Market Rate | 584 |
| Market Rate Conversion | 1276 |
| Other | 493 |
| Restrictive Covenants | 573 |
| Section 8 | 7,394 |
| Supportive Housing | 1,168 |
| SURP | 104 |
| TCAP | 466 |
| TCAP/Exchange | 520 |

¹ In addition to omitted federal programs, it does not include the state’s Rental Assistance Payment and Elderly Rental Assistance Payment programs, affordable housing programs funded through the federal

We compared the breakdown of units to actual population trends. The mix of unit sizes roughly matches state population needs, but the mix of family types does not provide enough housing for family units. There is an excess of units set aside for elderly renters relative to their share of the total population.

| Table 2 - Preservation Units by Bedrooms | Percent of Unit Type | Percent of Population |
|--|----------------------|-----------------------|
| 0-1 Bedroom | 56% | 58% |
| 2 Bedroom | 35% | 35% |
| 3 Bedroom | 9% | 6% |
| 4 Bedroom | 1% | 1% |
| 5 Bedroom | 0% | 0% |

| Table 3 - Preservation Units by Family Type | Percent of Housing Type | Percent of Population |
|---|-------------------------|-----------------------|
| Elderly | 39% | 32% |
| Family | 57% | 68% |
| Supportive | 4% | N/A |

We mapped the placement of preservation list properties. The vast majority of them are in racially diverse (30-50% nonwhite) or segregated (50-100% nonwhite) census tracts. Additionally, in predominantly white, non-hispanic census tracts, the available preservation list properties are disproportionately for elderly renters. See Appendix A to this chapter for a map.

| Table 4 - Preservation Units by Census Tract Demographics | | | | | |
|---|-------------|------------------------|--|---------------------|--------------------------|
| Census Tract - Percent Non-White | Total Units | Percent of Total Units | | Total Elderly Units | Percent of Units Elderly |
| 0-15% | 4,295 | 17% | | 2210 | 51% |
| 15-30% | 3,314 | 13% | | 1566 | 47% |
| 30-50% | 5,208 | 21% | | 1463 | 28% |
| 50-75% | 6,071 | 24% | | 2032 | 33% |
| 75-100% | 6,032 | 24% | | 2399 | 40% |

HOME program, the federal Community Development Block Grant program, and most current state subsidized housing programs.

State Housing Portfolio

Separately, the state maintains a list of state-supported housing. Some of these developments overlap with those on the Preservation List, so we report the supported units separately. The program types are summarized to the right. This portfolio contains 11,457 units. Unlike the preservation list, these properties contain relatively more 0-1 bedroom units and 3 bedroom units than population trends need.

| SSHP Units by Bedrooms | Percent of Unit Type | Percent of Population |
|------------------------|----------------------|-----------------------|
| 0-1 Bedroom | 63% | 58% |
| 2 Bedroom | 26% | 35% |
| 3 Bedroom | 11% | 6% |
| 4 Bedroom | 1% | 1% |
| 5 Bedroom | 0% | 0% |

The state housing portfolio also reflects an excess of elderly housing relative to population trends. Future changes in the state housing portfolio should target additional 2 bedroom units and focus on family developments over elderly developments.

| SSHP Units by Family Type | Percent of Housing Type | Percent of Population |
|---------------------------|-------------------------|-----------------------|
| Elderly | 59% | 32% |
| Family | 41% | 68% |

The portfolio is mapped as Appendix B to this chapter. A slight majority of the state housing portfolio is located in mostly white census tracts (0-30% non-white), but it skews heavily towards elderly housing. Thus, there are few opportunities for families living in racially diverse or segregated communities to move into whiter communities in the state housing portfolio.

| Census Tract - Percent Non-White | Total Units | Percent of Total Units | Total Elderly Units | Percent of Units Elderly |
|----------------------------------|-------------|------------------------|---------------------|--------------------------|
| 0-15% | 4579 | 40% | 3699 | 81% |
| 15-30% | 2094 | 18% | 1609 | 77% |
| 30-50% | 2276 | 20% | 678 | 30% |
| 50-75% | 1124 | 10% | 574 | 51% |
| 75-100% | 1328 | 12% | 115 | 9% |

| Program Type | Units |
|---------------------------|-------|
| Restrictive Covenants | 38 |
| SH Affordable Housing | 283 |
| SH Congregate | 441 |
| SH Elderly | 5805 |
| SH Elderly Section 8 | 415 |
| SH Limited Equity | 276 |
| SH Mod Rental Developer | 270 |
| SH Mod Rental Sec 8 Rehab | 497 |
| SH Moderate Rental | 3129 |
| SH MRD Section 8 | 193 |
| SH Mutual Housing | 110 |

The Performance and Potential of Current Subsidized Housing Programs

While the need for more affordable housing opportunities statewide is great, the state administers 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 DOH, 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.²

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 separately.

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, multi-family 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 multi-family rental projects and some of which are targeted more specifically, including, for example, recent targeted rounds for small and innovative projects, affordable housing programs, and projects and programs designed to

² This analysis includes only the DOH programs with an annual appropriation of at least \$2 million and a connection to fair housing.

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 multi-family 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.

Recent CHAMP funding rounds have been:

| Table 9 - CHAMP Allocations | Amount | AMI Limit | AMI Limit | Per award |
|-----------------------------|---------------|-----------|-----------|--------------|
| CHAMP 9 | \$ 25,000,000 | 120% | 100% | \$ 6,500,000 |
| CHAMP 10 | \$ 25,000,000 | 120% | 100% | \$ 6,500,000 |
| CHAMP 11 | \$ 25,000,000 | 120% | 100% | \$ 6,500,000 |
| CHAMP 12 | \$ 25,000,000 | 120% | 100% | \$ 6,500,000 |
| CHAMP 13 | \$ 25,000,000 | 120% | 100% | \$ 6,500,000 |

The Center has not analyzed the outcomes of these funding rounds; DOH does not publicize the results and the Center has not obtained data on the outcomes.

DOH also conducted several rounds of support for developments located in High Opportunity Areas. For the purpose of this AI, the Center analyzed the Fair Housing and High Opportunity Criteria on the “Rating and Ranking” spreadsheet for CHAMP 13. HUD restored its Affirmatively Furthering Fair Housing Rule effective July 31, 2021. The CHAMP 13 preferences are analyzed under that rule. Under the Interim Rule,

Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated

and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.

In the CHAMP 13 Ratings and Rankings, DOH takes the following steps to engage in affirmatively furthering fair housing:

- Preferences for family, non-elderly housing; and
- Preferences for construction in Areas of Opportunity, or construction in areas that have a satisfactory "Local Revitalization Plan"

Preferences for family housing are an important step. As described above, the state has an abundance of elderly housing. In addition, preferences for areas that have a satisfactory "Local Revitalization Plan" are important to provide "fair housing choice" as defined in the Interim Rule. Lastly, preferences for areas of Very High, High, and Moderate Opportunity is an important initial step but requires attention to ensure that the resulting development is not exclusionary.

In Connecticut, Very High and High Opportunity areas tend to be disproportionately white. Where median income is the predominant criteria used for program eligibility, existing residents will tend to be the ones qualifying for new affordable housing developments. In order to overcome this risk, the CHAMP (and other similar funding rounds, such as High Opportunity NOFAs) should only award preference points to proposals in opportunity areas if:

- They include an affirmative fair housing marketing plan which identifies the racial and ethnic demographic groups that are least likely to apply and provides for affirmative outreach to those groups;
- DOH collects data with each funding round to support the continued use of opportunity preference points, including data that demonstrates continued use of the points is leading to integration; and
- Prohibit any development from obtaining fair housing or opportunity preference points if it contains local residency preferences or restrictions.

This is an outline and is not an endorsement of any specific changes to the use of preference points but steps like these are necessary to ensure fair housing and opportunity preference points for new developments under CHAMP and similar funding rounds affirmatively further fair housing and do not perpetuate segregation.

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 homeless 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 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.

Connecticut has continued to allow for supportive housing units in its CHAMP and High Opportunity funding rounds, and has provided additional funds for supportive housing via its Intellectual Disabilities and Autism Spectrum Disorder Housing ("IDASH") and Housing Innovations: Housing for Homeless Youth and other Supportive Housing funding rounds during the AI period. The Center does not have a list of additional supportive housing units added, but the prior list is reproduced below.

| Table 10 - Permanent Supportive Housing Projects 1995-2014 (by municipality) | | | | |
|--|--------------|-------------------|----------------------------|-----|
| Initiative | Municipality | Project Name | Number of Units | |
| Supportive Housing Demonstration Program | | | | |
| | | 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 |
| | Subtotal | | | 281 |
| Supportive Housing Pilots Program | | | | |
| | | 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 |
| | Subtotal | | 230 |
| Next Steps Initiative. I | | | |
| | 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 |
| | Subtotal | | 131 |
| Next Steps Initiative. II | | | |
| | 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 |
| | Subtotal | | 156 |
| Next Steps Initiative. III | | | |
| | Hartford | My Sister's Place | 34 |
| | Jewett City | American Legion Housing | 18 |
| | Manchester | Center Street Apartments | 20 |
| | New Haven | Leeway Welton Apartments | 10 |
| | Subtotal | | 82 |
| 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 |
| Subtotal | | | 205 |
| Permanent Supportive Housing Initiative I | | | |
| | Bridgeport | Milestone Apartments | 30 |
| | Hamden | Sanford Commons | 33 |
| | Hartford | Liberty Gardens | 10 |
| | Manchester | Center Street Apartments II | 20 |
| Subtotal | | | 93 |
| Total | | | 1,178 |

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.

| Table 11 - HOME Program Expenditures through September 2019 by Race and Type ³ | | | |
|---|--|---|--|
| Race/Ethnicity of Beneficiaries | Percentage of HOME Rental Expenditures | Percentage of HOME Homebuyer Expenditures | Percentage of HOME Rehabilitation Expenditures |
| White (Hispanic and non-Hispanic) | 35.8% | 36.3% | 68.1% |
| Black (Hispanic and non-Hispanic) | 28.5% | 35.7% | 18.7% |
| Hispanic (of any race) | 32.9% | 24% | 9.9% |

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 \$263,834,261. 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. From 2015 to the present, the state has disbursed \$34,362,169 of \$44,193,194 committed. A list of HOME projects from HUD’s Activity Reports is below:

| Table 12 - HOME Awards | | | | | | | |
|------------------------|-----------|-------------|------------------|----------------------|---|------------------|------------------|
| ACTIVITY NUMBER | PLAN YEAR | TENURE TYPE | ACTIVITY CITY | NUMBER OF HOME UNITS | RECIPIENT UNDERTAKING ACTIVITY | AMOUNT COMMITTED | AMOUNT DISBURSED |
| HM151590101 | 2015 | Rental | Wethersfield | 90 | CONNECTICUT | \$4,224,715 | \$4,224,715 |
| | 2015 | Homebuyer | Hartford | | CONNECTICUT | \$2,640,402 | \$1,853,575 |
| HM151370101 | 2016 | Rental | Pawcatuck | 11 | MUTUAL HOUSING OF SOUTH CENTRAL CONNECTICUT | \$2,228,371 | \$2,222,290 |
| | 2019 | Rental | New Haven | 78 | CONNECTICUT | \$5,530,886 | \$5,530,000 |
| FX18064007 | 2017 | Rental | Hartford | 11 | CONNECTICUT | \$2,512,019 | \$2,371,402 |
| HM18028005 | 2019 | Rental | Colchester | 40 | CONNECTICUT | \$2,378,556 | \$2,378,541 |
| | 2019 | Rental | New Haven | | CONNECTICUT | \$4,714,898 | \$4,649,781 |
| HM2007401 | 2020 | Homebuyer | Litchfield | | CONNECTICUT | \$2,100,000 | \$1,867,835 |
| | 2020 | Rental | Greenwich | | CONNECTICUT | \$4,800,000 | \$1,976,705 |
| | 2020 | Rental | New Haven | 22 | CONNECTICUT | \$3,835,002 | \$3,706,820 |
| HM2009303 | 2020 | Rental | New Haven | | CONNECTICUT | \$4,325,000 | \$3,346,414 |
| | 2021 | Rental | Hartford | 22 | CONNECTICUT | \$1,653,344 | \$234,088 |
| | 2022 | Rental | Stafford Springs | | CONNECTICUT | \$1,900,000 | \$0 |
| MH2109311 | 2022 | Homebuyer | New Haven | | NEIGHBORHOOD HOUSING SERVICE OF NEW HAVEN | \$1,350,000 | \$0 |

³ Data for Entitlement Jurisdiction HOME funding allocations come from HUD’s Snapshot – Dashboard web portal using September 30, 2019 as the end date.

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 and the state, 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 have trended to about \$13 million per year:

| Table 13 - CDBG-SC Allocations to the State 2003-2019 ⁴ | |
|--|---------------------------|
| Year | Amount |
| 2019 | \$13,000,000 |
| 2018 | \$10,500,000 ⁵ |
| 2017 | \$11,500,000 |
| 2016 | \$13,000,000 |
| 2015 | \$11,000,000 |
| 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.

⁴ Data provided by HUD.

⁵ An additional \$1,500,000 may have been available for homeless shelters.

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.⁶

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.

In 2019 and 2020, the Center learned that at least some towns are heavily reliant on consultants to prepare the grant applications and perform any fair housing compliance. In at least one case, this led to a CDBG Small Cities recipient not implementing the requirements of the fair housing components of the CDBG award. For instance, the town had appointed a fair housing officer, but the official that was appointed did not appear to know they were the fair

⁶ DOH requires regional advertising if CDBG-SC funding is used to create five or more units of homeownership or rental housing.

housing officer and did not handle a fair housing complaint in the manner required by the award.

| Table 14 - 2015 - 2019 CDBG – Small Cities Grants by Activities ⁷ | | |
|--|--------------|---------|
| CDBG Activity | Award | Percent |
| Loans to current homeowners | \$15,850,000 | 22% |
| Rehabilitation of elderly public housing | \$31,440,113 | 53% |
| Rehabilitation of family or family & elderly public housing | \$12,925,000 | 22% |
| Not housing | \$1,056,847 | 2% |
| Shelter Programs | \$1,050,000 | 2% |

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.⁸

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.

More recently, the CDBG-SC awards appear to have focused on affordable multi-family housing and transitioned away from single family home rehabilitation.

| Table 15 - CDBG-SC Grants 2019 ⁹ | | |
|---|--|--------------------|
| Municipality | Activity | Approximate Amount |
| Chester | Cherry Hill Apartments | \$800,000 |
| Derby | CiCia Manor | \$1,000,000 |
| East Windsor | Park Hill Renovations | \$650,000 |
| Enfield | Green Valley Village and Laurel Park | \$175,000 |
| Farmington | New Horizons Village General Renovations | \$900,000 |
| Groton | Mystic River Homes | \$1,500,000 |
| Guilford | Shelter Diversion Program | \$350,000 |
| Hebron | Stone Craft Manor Public Housing Modernization | \$700,000 |
| Madison | Concord Meadows (Madison Interfaith Residential Community) | \$1,479,021 |

⁷ Data for the analysis of the CDBG-SC program was provided by DOH.

⁸ Letter to DECD from HUD received November 10, 2011.

⁹ Data for the analysis of the CDBG-SC program was provided by DOH.

| | | |
|-------------|--|-------------|
| Plainville | Centerview Village and Woodmoor Manor ADA Improvements | \$1,500,000 |
| Trumbull | Henry Stern Center | \$1,072,234 |
| Wallingford | John Savage Common | \$1,348,720 |
| Windham | Nathan Hale Terrace | \$1,500,000 |

| Table 16 - CDBG-SC Grants 2018 ¹⁰ | | |
|--|--|----------------|
| Municipality | Activity | Approx. Amount |
| Cheshire | Housing Rehabilitation Loan Program | \$400,000 |
| Famington | New Horizons Village General Renovations | \$800,000 |
| Guilford | Housing Rehabilitation Program | \$400,000 |
| Killingly | Domestic Violence Shelter Rehabilitation Project | \$700,000 |
| Madison | Concord Meadows (Madison Interfaith Residential Community) | \$800,000 |
| Shelton | Sinsabaugh Heights Public Housing Modernization | \$800,000 |
| Southington | Zdunzyck Terrace Senior Housing Rehabilitation | \$800,000 |
| South Windsor | Wapping Mews Senior Housing Rehabilitation | \$800,000 |
| Sprague | Housing Rehabilitation Loan Program | \$400,000 |
| Stafford | Housing Rehabilitation Loan Program | \$400,000 |
| Suffield | Broder Place, Maple Court, and Laurel Court Housing Rehabilitation | \$800,000 |
| Torrington | Housing Rehabilitation Loan Program | \$400,000 |
| Trumbull | Stern Village Phase II Energy Improvements | \$800,000 |
| Voluntown | Greenwood Manor Public Housing Modernization Phase II | \$700,000 |
| Wethersfield | Harvey Fuller Senior Housing and Highvue Terrace Apartments Improvements | \$778,210 |
| Windham | Nathan Hale Terrace Heating Replacement | \$800,000 |

| Table 17 - CDBG-SC Grants 2017 ¹¹ | | |
|--|---|----------------|
| Municipality | Activity | Approx. Amount |
| Beacon Falls | Housing Rehabilitation Loan Program | \$400,000 |
| Brookfield | Housing Rehabilitation Program | \$400,000 |
| Coventry | Orchard Hill Estates Rehabilitation | \$800,000 |
| Durham | Mauro Meadows Housing Complex, Phase II Improvements and Upgrades | \$700,000 |
| Ellington | Housing Rehabilitation Loan Program | \$450,000 |
| Granby | Stony Hill Village | \$455,402 |
| Groton | Mystic River Homes Cottages | \$800,000 |
| Hebron | Stoncroft Village-Public Housing Modernization | \$700,000 |
| Lebanon | Housing Rehabilitation Program | \$400,000 |

¹⁰ Data for the analysis of the CDBG-SC program was provided by DOH.

¹¹ Data for the analysis of the CDBG-SC program was provided by DOH.

| | | |
|---------------|--|-----------|
| Monroe | Housing Rehabilitation Program | \$400,000 |
| Morris | Housing Rehabilitation Loan Program | \$400,000 |
| New Fairfield | Housing Rehabilitation Program | \$400,000 |
| North Haven | Parkside Manor Site Safety Improvements | \$800,000 |
| Pomfret | Seely-Brown Village Capital Improvements | \$688,000 |
| Simsbury | Dr. Owen L. Murphy Apartments and Virginia Connolly Residence Improvements | \$750,000 |
| Southington | Housing Rehabilitation Loan Program | \$400,000 |
| Sprague | River Street Reconstruction, 1 st and 2 nd Avenue | \$500,000 |
| Voluntown | Greenwood Manor Public Housing Modernization, Phase II | \$700,000 |
| Wallingford | McGuire Court Improvement Project | \$800,000 |
| Wethersfield | James Devlin Senior Housing Rehabilitation | \$625,000 |

Table 18 - CDBG-SC Grants 2016¹²

| Municipality | Activity | Approx. Amount |
|--------------|---|----------------|
| Ansonia | Housing Rehabilitation Loan Program | \$400,000 |
| Ashford | Food Bank Program | \$56,847 |
| Cheshire | Housing Rehabilitation Program | \$400,000 |
| Colchester | Dublin Village ADA & Capital Improvements | \$800,000 |
| Durham | Mauro Meadows Housing Complex | \$700,000 |
| East Granby | Roofing Site and Energy Improvements at Metacomet Village | \$800,000 |
| East Windsor | ADA Fire Safety & Emergency Improvements at Park Hill Elderly Housing project | \$599,000 |
| Ellington | Regional Housing Rehabilitation Loan Program | \$450,000 |
| Granby | Improvements at Salmon Brook Apartments Senior Housing Complex | \$800,000 |
| Groton | Pequot Village I and II Elderly Housing Renovations | \$800,000 |
| Hampton | Regional Housing Rehabilitation Program | \$450,000 |
| Killingly | Maple Court Congregate Rehabilitation Project | \$800,000 |
| Rocky Hill | Harold J. Murphy Senior Housing Improvements | \$800,000 |
| Seymour | Housing Rehabilitation Loan Program | \$400,000 |
| Shelton | Helen Devaux Housing Complex-Public Housing Modernization | \$800,000 |
| Southbury | Housing Rehabilitation Loan Program | \$400,000 |
| Sprague | River Street Reconstruction - 1st and 2nd Avenue | \$500,000 |
| Trumbull | Stern Village Senior Housing Complex | \$800,000 |
| Voluntown | Greenwood Manor Public Housing Modernization | \$700,000 |
| Wallingford | McGuire Court Improvement project | \$800,000 |
| Woodbury | Housing Rehabilitation Program | \$400,000 |

Table 19 - CDBG-SC Grants 2015¹³

| Municipality | Activity | Approx. Amount |
|--------------|-------------------------------------|----------------|
| Ansonia | Housing Rehabilitation Loan Program | \$400,000 |

¹² Data for the analysis of the CDBG-SC program was provided by DOH.

¹³ Data for the analysis of the CDBG-SC program was provided by DOH.

| | | |
|--------------|--|-----------|
| Bethel | Reynolds Ridge Senior Housing | \$800,000 |
| East Haddam | Phase II Oak Grove Senior Housing Complex | \$800,000 |
| Essex | Essex Court Senior Housing Complex | \$635,000 |
| Hampton | Hampton Regional Housing Rehabilitation Program | \$450,000 |
| Jewett City | Ashland Manor Senior Housing Phase IV | \$800,000 |
| Killingly | Housing Rehabilitation program | \$400,000 |
| Lebanon | Housing Rehabilitation program | \$400,000 |
| Ledyard | Housing Rehabilitation Loan Program | \$400,000 |
| Lisbon | Housing Rehabilitation program | \$400,000 |
| Litchfield | Bantam Falls Senior Housing Renovations | \$800,000 |
| Montville | Housing Rehabilitation program | \$400,000 |
| Plainville | Housing Rehabilitation program | \$400,000 |
| Simsbury | Dr. Owen L Murphy Apartments and Virginia Connelly Senior Residences Project | \$775,580 |
| Southbury | Housing Rehabilitation program | \$400,000 |
| Southington | Housing Rehabilitation program | \$400,000 |
| Stonington | Edythe K. Richmond Senior Housing | \$800,000 |
| Thompson | Gladys Green/Pineview Court Elderly Housing Complex Phase IV | \$800,000 |
| Torrington | Housing Rehabilitation program | \$400,000 |
| Wethersfield | James Devlin Senior Housing Complex | \$633,946 |
| Wolcott | Housing Rehabilitation program | \$300,000 |
| Woodstock | Housing Rehabilitation program | \$400,000 |

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 multi-family 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.

No additional housing is being added to this program, and the data/mapping below has not been updated from the 2015 Analysis of Impediments.

| Municipality | Project Name(s) | Tenants with ERAP subsidy | Tenants under 62 with Disabilities |
|--------------|---|---------------------------|------------------------------------|
| 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 |
| TOTALS | | 1,376 | 617 |

The geographic dispersal of ERAP is as follows:

| Table 21 - Elderly Rental Assistance Units by Location and Demographic Served (by Town) ¹⁴ | | |
|---|-------------------------------------|---|
| Percent Units in Minority Concentrated Areas | Percent Units in High Poverty Areas | Percent Units in Municipalities with R/ECAP Areas |
| 49% | 43% | 41% |

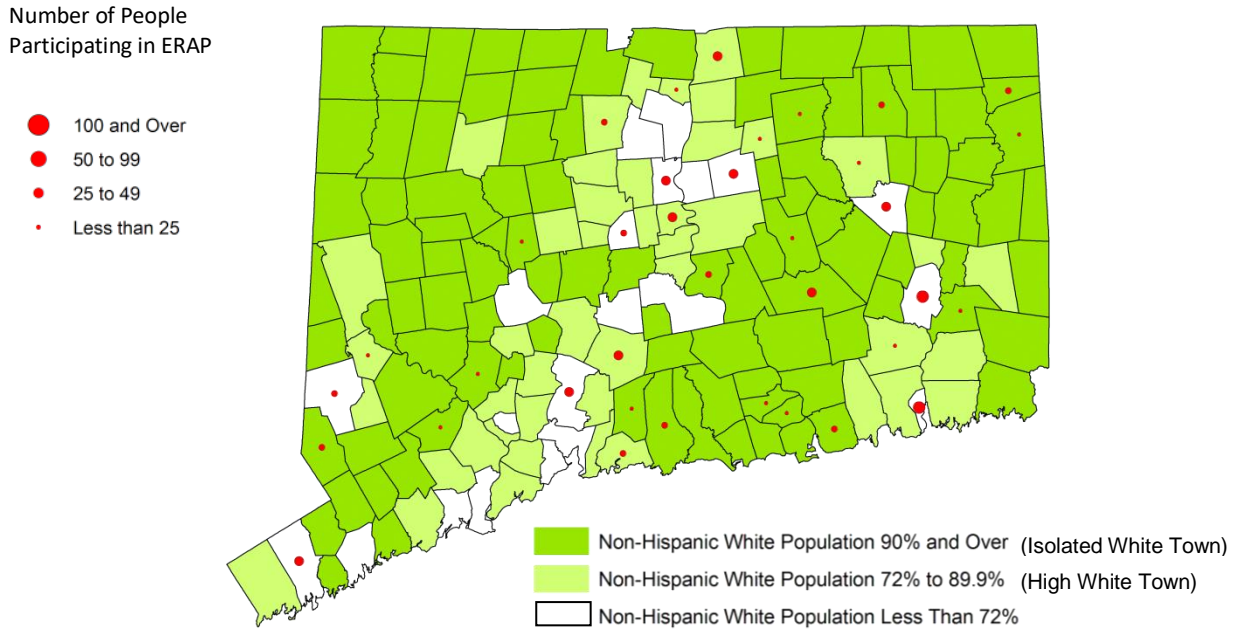


Figure 1 - Map of ERAP Tenants

Congregate Housing Program

The Congregate Housing Program combines two separate programs: a capital funding program for the construction of new or rehabilitation of existing congregational 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 congregational 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 congregational 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.

This list was not updated from the 2015 Analysis of Impediments because there does not appear to have been any new congregational housing added. All of these units appear to still be

¹⁴ Data for analysis of ERAP provided by DOH.

operating. The congregate housing for the frail elderly subsidized by DOH under this program includes the following properties:

| Table 22 - Congregate Housing Program Units (by municipality) | | | | |
|---|---|-----------------|--------------------------|----------|
| Municipality | Project Name | Number of Units | Assisted Living Services | On 2-1-1 |
| Bethel | Bishop Curtis Homes (part of Augustana Homes) | 44 | No | No |
| Bridgeport | The Eleanor | 35 | No | No |
| Bristol | Komanetsky Estates | 44 | Yes | Yes |
| Enfield | Mark Twain | 82 | No | Yes |
| Glastonbury | Herbert T. Clark House | 45 | Yes | Yes |
| Greenwich | Hill House, Inc. | 37 | No | Yes |
| Groton | Mystic River Homes | 50 | Yes | Yes |
| Hamden | Mount Carmel | 30 | Yes | Yes |
| Hartford | Bacon Congregate | 23 | Yes | Yes |
| Killingly | Maple Courts II | 43 | No | Yes |
| Manchester | Westhill Gardens | 37 | No | Yes |
| Middletown | Luther Manor | 45 | Yes | No |
| Naugatuck | Robert E. Hutt Cong. | 36 | No | Yes |
| New Haven | Ella B. Scantlebury | 20 | No | Yes |
| Norwalk | Ludlow Commons | 44 | Yes | Yes |
| Norwalk | The Marvin | 49 | Yes | Yes |
| Norwich | St. Jude Common | 50 | Yes | Yes |
| Orange | Silverbrook Estates | 45 | Yes | Yes |
| Pomfret | Sealy Brown Village | 32 | No | No |
| Ridgefield | Prospect Ridge | 34 | Yes | Yes |
| Simsbury | Virginia Connolly | 40 | Yes | Yes |
| Stamford | Wormser | 40 | No | Yes |
| Trumbull | Stern Village | 36 | No | Yes |
| Vernon | F.J. Pitkat Cong. Living Center | 44 | Yes | Yes |
| Total | | 985 | | |

| Table 23 - Congregate Housing Program Units by Location (by Tract) ¹⁵ | | | |
|--|--|-------------------------------------|-------------------------------|
| Total Units | Percent Units in Minority Concentrated Areas | Percent Units in High Poverty Areas | Percent Units in R/ECAP Areas |
| 985 | 21% | 24% | 8% |

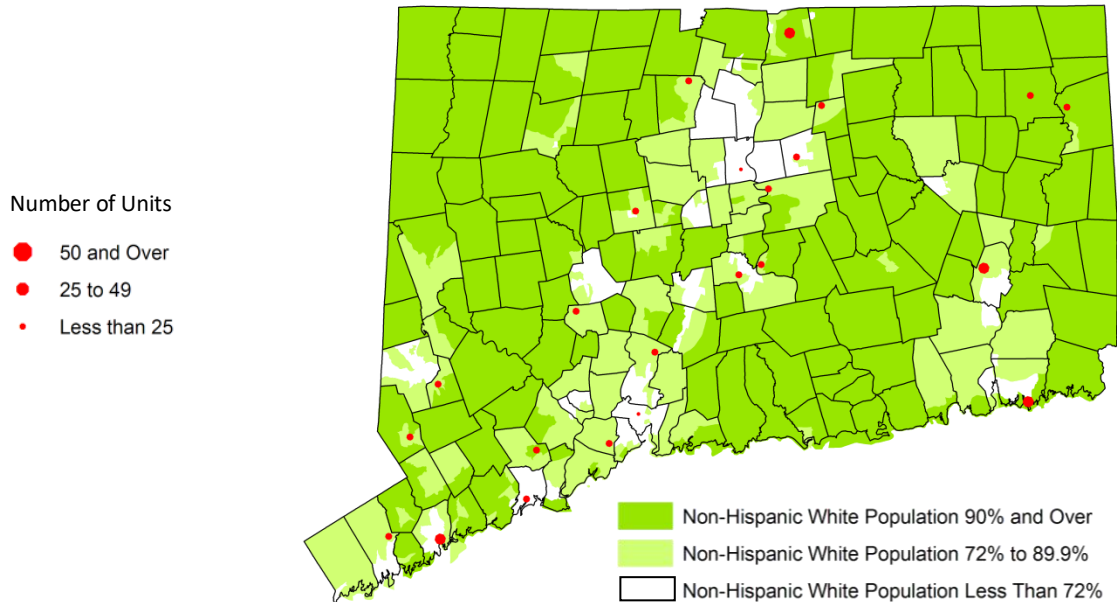


Figure 2 - Map of Congregate Housing Units

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. There were no apparent changes from the 2015 Analysis of Impediments to these programs.

| Table 24 - Assisted Living Demonstration Program Properties (by municipality) ¹⁶ | | |
|---|----------------------------------|-----------------|
| 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 | Wells Country Village | 20 |
| Total | | 363 |

¹⁵ Data for this analysis was provided by DOH.

¹⁶ Data for this analysis was provided by DOH.

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.

The program has been closed to new applicants for some time, and no data was available for this analysis to evaluate whether the programs listed below continued in operation after 2014.

| Table 25 - Tax Abatement Program Properties (by municipality) ¹⁷ | | | |
|---|-----------------------------|-------------------------|------------------------|
| 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 | |

¹⁷ Data for this analysis was provided by DOH.

| | | | |
|-------------|------------------------|-------|-------|
| | 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 |
| 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 |
| | | | |
| | Totals | 3,570 | 2,698 |

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 multi-family residential property owners, respectively, for the purchase and installation of cost-saving energy

conservation improvements. These programs were administered on behalf of DOH by a third-party contractor (Capital 4 Change, 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 multi-family 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.

Starting in 2017, the loans were limited to emergency situations only. Capital 4 Change, Inc. no longer advertises the program.

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 2015-2019 period as follows:

| Table 26 - HOPWA Allocations in 2015 through 2019 | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|
| Grantee | 2015 | 2016 | 2017 | 2018 | 2019 |
| Bridgeport | \$795,325 | \$801,916 | \$907,156 | \$958,450 | \$954,233 |
| Connecticut | \$217,492 | \$218,321 | \$235,613 | \$246,668 | \$263,259 |
| Hartford | \$1,084,150 | \$1,090,687 | \$1,127,849 | \$1,147,501 | \$1,164,315 |
| New Haven | \$959,685 | \$965,015 | \$1,034,296 | \$1,076,899 | \$1,092,032 |

Serving the population with HIV/ AIDS presents a unique fair housing dilemma. The HIV/AIDS population predominately lives in three cities. In 2015, we reported that 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. As of 2019, their share of people living with HIV/AIDS declined to 37% (1,445, 1,326, 1,225 respectively; the overall HIV/AIDS population also declined by 500 altogether).¹⁸ AIDS housing is placed to meet the need – and where affordable housing can be found — and is thus disproportionately in these areas.¹⁹ Without more information, it would be premature to

¹⁸ Connecticut Epidemiologic Profile of HIV, CT Department of Public Health, 2021 – available at <https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/AIDS--Chronic-Diseases/Surveillance/statewide/Epi-Profile-2022.pdf>.

¹⁹ Id.

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.²⁰ Based on this data, RAP participants are geographically situated as follows:

| Table 27 - Rental Assistance Program by Location (by town) ²¹ | | | | |
|--|--------------|--|-------------------------------|-------------------------|
| Development Type | Certificates | % Units in Disproportionately Minority Towns | % Units in High Poverty Towns | % Units in R/ECAP Towns |
| All | 3,182 | 85% | 75% | 75% |

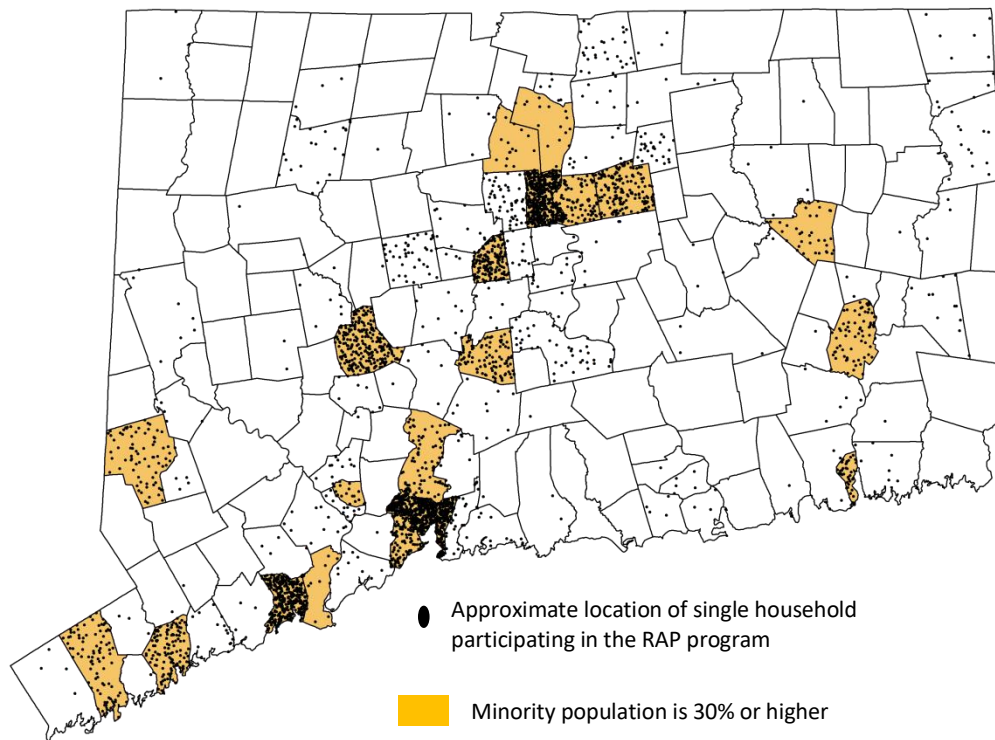


Figure 3 - Map of RAP Vouchers

²⁰ Within the data the street address and town name fields are combined, making geocoding infeasible for this AI.

²¹ RAP data was provided by DSS for 2013.

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.²² 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.

This data is the most recent RAP data available and was not updated for this AI. However, the State appears to have increased the number of vouchers from 3,182 in 2013 to 5,559 as of 2020.²³

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

²² See CGS §17b-812(e).

²³ DOH, CAPER Report, 2021, p. 9.

mobility counselors assisting them as one of the major barriers to moving.²⁴ 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.²⁵

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.

We did not obtain any additional data for this AI. The program is / has been closed and is only available to individuals and families that are chronically homeless and meet other program criteria.

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). We only report the allocations to the state here. 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 2015-2019 period were as follows.

| Table 28 - Emergency Solutions Grants (2015-2019) ²⁶ | | | | |
|---|-------------|-------------|-------------|-------------|
| | 2016 | 2017 | 2018 | 2019 |
| Connecticut | \$2,179,417 | \$2,180,911 | \$2,180,513 | \$2,269,089 |

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 Continua 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.

²⁴ 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/>.

²⁵ Survey of legal services attorneys, February 2013.

²⁶ Data provided by HUD.

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 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.²⁷ 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.²⁸

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.

Tenant-Based Section 8 Housing Choice Voucher Program

The Section 8 Housing Choice Voucher (“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. Section 8 HCVs are funded HUD and are

²⁷ Data for shelter locations by municipality were provided by the Connecticut Coalition to End Homelessness.

²⁸ 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.

administered in Connecticut by over 40 local public housing agencies and by DOH. A household that receives a Section 8 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 Section 8 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 32,485 vouchers.²⁹

| Table 29 - Distribution of HCV Recipients by Census Tract Demographics | | | |
|--|-------------|-----------------------|---|
| Census Tract - Percent Non-White | HCV Holders | Percent of total HCVs | Percent of HCVs as Concentration of Renter Occupied Units |
| 0-15% | 2249 | 6% | 6% |
| 15-30% | 2964 | 8% | 7% |
| 30-50% | 6986 | 18% | 10% |
| 50-75% | 10916 | 29% | 12% |
| 75-100% | 14727 | 39% | 16% |

In the table above, and in Appendix C, we find a massive amount of concentration of HCV holders in majority non-white census tracts (cumulatively, 68%) and almost no voucher recipients in majority white tracts. This cannot be explained by availability of units; as the column above shows HCVs already occupy a disproportionate share of renter units in majority non-white tracts.

There are many impediments to fair housing that likely explain this segregation of Section 8 HCV holders and the differences in voucher location by race. State and national reports,³⁰ as

²⁹ HUD Residents Characteristics Report, current through February 28, 2023. We obtained a different total of HCVs via the map data we obtained from HUD (Appendix C and Table __). Our mapped and tabular data are from 2015.

³⁰ 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*,

well as conversations with Section 8 HCV holders, mobility counselors, legal services attorneys,³¹ 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 White, non-Hispanic;
- Maximum rents limits under the Section 8 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 Section 8 HCV holders based on source of income, race, ethnicity, and familial status;³²
- Inadequate information regarding available rental opportunities; and
- Concerns among some Section 8 HCV holders that they will feel alienated or otherwise not accepted or comfortable in disproportionately White communities.

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 Section 8 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. A demonstration of this “Small Area Fair Market Rent” approach involving five housing authorities was announced in 2012. HUD issued the Small Area

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://nlihc.org/sites/default/files/SIRR-ME-2008.pdf>.

³¹ Survey of 13 legal services housing attorneys conducted in February of 2013.

³² 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.

Fair Market Rent rule in 2016, but the voucher data that we were able to map is from 2015. We do not assess whether small area FMRs have had an impact.

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.³³ A close comparison of the extent to which voucher holders in the state’s Section 8 HCV Program reside in segregated communities and the experience of voucher holders in the Section 8 HCV Program administered by local public housing authorities would be useful since the state’s Section 8 HCV Program is statewide and not subject to any structural disincentives. The state funded Rental Assistance Program (RAP), which provides rental assistance like the Section 8 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 Section 8 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 Section 8 HCV holder housing choice.

Given how important the Section 8 HCV Program is in providing housing to moderate, low and extremely low income tenants, the fair housing concerns with the Section 8 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 (PHAs) 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.³⁴ Nationally, between 2001 and 2012 HUD support to housing authorities for Public Housing capital funding has decreased by 37%.³⁵ 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.³⁶ 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

³³ 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>.

³⁴ Conference call with representatives of five PHAs, June 27, 2013. All PHA opinions are based on this call.

³⁵ Journal of Housing and Community Development, National Association of Housing and Redevelopment Officials (March/April 2013), 23, <http://www.nahro.org/housing-journal>.

³⁶ Communication with Kim McLaughlin of the Public Housing Resident Network, July 9, 2013.

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.³⁷

Some Connecticut PHAs also report experiencing reductions to Section 8 HCV funding that reflect national trends. Nationally, the funding PHAs receive to administer the Section 8 HCV program has decreased from 100% of eligible funding in 2003 to 80% in 2012.³⁸ At the same time, there has been a reduction in the number of Section 8 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.³⁹ According to CBPP, this represents a loss of assistance to 1,132 low-income families.⁴⁰ 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 Section 8 HCV Program that have an impact on fair housing choice. First, with the higher cost of rental housing in some areas,⁴¹ the rent provided through the Section 8 HCV program is often not sufficient. PHAs are authorized to adjust the rent from between 90% to 110% of the official rent level.⁴² Some PHAs report that PHAs 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 Section 8 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 Section 8 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.⁴³ 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.⁴⁴ 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

³⁷ Id.

³⁸ Id. at 24.

³⁹ Center on Budget and Policy Priorities, Housing Voucher Data for Connecticut, October 19, 2011, <http://www.cbpp.org/files/9-21-11hou-CT.pdf>.

⁴⁰ Id.

⁴¹ 100% 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.

⁴² HUD, Housing Choice Voucher Program Guidebook, 7-2, http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11751.pdf.

⁴³ Id.

⁴⁴ Id.

others.⁴⁵ 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.⁴⁶

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.⁴⁷

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. To the extent DOH supports Project-Based vouchers, the principles applicable to our discussions of other DOH-administered programs apply here.

Federal Public Housing

Federally funded public housing provides rental housing for eligible low-income families, the elderly, and persons with disabilities.⁴⁸ 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.⁴⁹ Public housing is available to people earning below 80% of median income or 50% of median income, depending

⁴⁵ Reported by a former housing authority director to New Haven Legal Assistance, Inc. per interview of 9/18/2013.

⁴⁶ Id. Connecticut does have a regional HCV in Hartford in addition to the statewide program run since 2013 by DOH, and prior to that by DSS.

⁴⁷ 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.

⁴⁸ HUD’s Public Housing Program, HUD website, available at http://portal.hud.gov/hudportal/HUD?src=/topics/rental_assistance/phprog.

⁴⁹ 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.

on the type of housing. To the extent DOH supports federal public housing, the principles applicable to our discussions of other DOH-administered programs apply here.

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. To the extent DOH supports housing funded under 202 and 811 funding, the principles applicable to our discussions of other DOH-administered programs apply here.

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.⁵⁰ 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

⁵⁰Sarah 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.

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.

We included LIHTC properties in our analysis of the Preservation List and mapped them in Appendix A. Below is one comment on CHFA's Qualified Allocation Plan that we provided in 2019 that we mention in our discussion of the state housing portfolio and would like to re-emphasize:

- Applicants should not be entitled to preference points for building in high opportunity areas if they include local residency preferences (e.g., already live in town)

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. 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. CHFA publicizes the awards, so we have summarized them by municipality and type from 2015-2019. Several projects received multiple awards, but we attempted to de-duplicate this list so that it only refers to unique units. We also do not count homeownership related programs that did not specify a number of units (typically, they specified 0 units).

| Table 30 - Count of Units Receiving Assistance under HTCC Program (by town) | | | | | | |
|---|------------|-------|------------|-------|-------|----------------|
| Municipality | Family | | Elderly | | Total | Percent Family |
| | Supportive | Other | Supportive | Other | | |
| Branford | | 29 | | | 29 | 100% |
| Bridgeport | 102 | 237 | | | 339 | 100% |
| Danbury | | 58 | | 100 | 158 | 37% |
| Eastern CT | | 4 | | | 4 | 100% |
| Essex | | 4 | | | 4 | 100% |
| Glastonbury | | | | 72 | 72 | 0% |
| Greater Hartford | | 4 | | | 4 | 100% |
| Greenwich | | 60 | | | 60 | 100% |
| Groton | | | | 104 | 104 | 0% |
| Hartford | 13 | 318 | | | 331 | 100% |
| Kent | | 11 | | | 11 | 100% |
| Killingly | | 32 | | | 32 | 100% |
| Meriden | | 81 | | | 81 | 100% |
| Middletown | | 10 | | | 10 | 100% |
| New Britain | | 18 | | | 18 | 100% |
| New Haven | 7 | 109 | | | 116 | 100% |
| New London | | 89 | | | 89 | 100% |
| New Milford | 12 | 40 | | | 52 | 100% |
| Noank | | | | 46 | 46 | 0% |
| Norfolk | | 12 | | | 12 | 100% |
| Norwalk | 16 | 55 | | 141 | 212 | 33% |
| Norwich | | 95 | | | 95 | 100% |
| Old Lyme | | | | 39 | 39 | 0% |
| Old Saybrook | | | | 14 | 14 | 0% |
| Pawcatuck | | | | 60 | 60 | 0% |
| Riverside | | | | 38 | 38 | 0% |
| Stafford Springs | | | | 79 | 79 | 0% |
| Stamford | | 169 | | 28 | 197 | 86% |
| Statewide | | 38 | | | 38 | 100% |
| Trumbull | | | | 186 | 186 | 0% |
| Waterbury | | 88 | | | 88 | 100% |
| Waterford | | | | 96 | 96 | 0% |
| West Hartford | | | | 40 | 40 | 0% |
| Willimantic | | 110 | | | 110 | 100% |
| Windham | | 78 | | | 78 | 100% |
| Windsor Locks | | 21 | | | 21 | 100% |

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.

We compared the distribution of CHFA-backed loans to the market distribution, and found that: CHFA is much better at lending to women than the market, and (2) CHFA is much better at lending to Black or African American people than the market, and (3) CHFA lends a disproportionate number of loans to Hispanic or Latino/a people (we used filters on CHFA’s data dashboards to merge race and ethnicity, and cannot rule out the possibility of an error on this metric).

| Table 31 - 5-years of CHFA Originations by Race and Ethnicity | CHFA | | Market |
|--|------|-----|--------|
| White, non-Hispanic | 1660 | 21% | 69% |
| Hispanic or Latino/a | 3780 | 49% | 6% |
| Black or African American | 1120 | 14% | 5% |
| Asian | 188 | 2% | 4% |
| Not provided | 830 | 11% | 16% |
| All other | 150 | 2% | 0% |

| Table 32 - 5-years of CHFA Originations by Sex | CHFA | Market |
|---|------|--------|
| Male | 49% | 60% |
| Female | 43% | 32% |
| Not Provided | 8% | 8% |

We noticed a small amount of people are reporting both male and female on HMDA loans, and we suggest that CHFA and DOH begin to offer this option. We include a printout of the CHFA dashboard in Appendix D.

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, about 237 DV beds currently exist in the state at 16 shelters. Two programs use a host home structure. 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.⁵¹ 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.⁵² As in any program, continued efforts need to be made to locate DV shelters equitably in communities statewide.

| Table 33 - Domestic Violence Shelter Beds by Location | |
|---|--|
| Total DSS Funded Beds | Weighted Average of Shelter Beds (Percent Non-white) |
| 237 + Host Homes | 51% |

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.⁵³

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 (HIPPA) 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;

⁵¹ Response to survey administered to DV shelter directors by the Connecticut Coalition Against Domestic Violence, 4/15/2013,

⁵² Id.

⁵³ 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 program providing 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 – an 80 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.

DMHAS published⁵⁴ the following information about its residential operated or funded units:

| Substance Abuse Residential | Bed Capacity |
|--------------------------------------|--------------|
| Intermediate/Long Term Residential | 470 |
| Long Term Care | 50 |
| Medically Monitored Detox | 112 |
| Intensive Residential Rehabilitation | 238 |
| Intensive Residential - Enhanced | 59 |
| Transitional / Halfway House | 69 |

| Mental Health Residential | Bed capacity |
|---------------------------|--------------|
| Group Home | 177 |
| Intensive Residential | 189 |
| Supervised Apartments | 658 |
| Transitional | 36 |

There are 2058 beds in total.

⁵⁴ DMHAS Annual Statistical Report, 2021, available at <https://portal.ct.gov/-/media/DMHAS/EQMI/AnnualReports/DMHAS-Annual-Statistical-Report-2021.pdf>.

Supportive 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 of particular concern when considering the disproportionate rate at which non-White individuals are incarcerated relative to White individuals.⁵⁵

DOC transitional and halfway houses are located in the following demographic areas:⁵⁶

Criminal records greatly reduce access to housing. Many government housing subsidy programs, like Public Housing and the Section 8 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.⁵⁷ Housing authorities can also evict tenants if any household member or guest engages in drug-related or criminal activities on or off the premises.⁵⁸ This policy was upheld by the U.S. Supreme Court in 2002.⁵⁹

| Table 36 - DOC Beds | |
|------------------------|-------|
| Town Percent Non-White | Units |
| 85% | 218 |
| 81% | 126 |
| 71% | 294 |
| 61% | 216 |
| 58% | 20 |
| 44% | 18 |
| 33% | 53 |
| 14% | 24 |

⁵⁵ 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.

⁵⁶ Directory of Contracted Community Programs, DOC, Parole and Community Services, January 2022, available at <https://portal.ct.gov/-/media/DOC/Pdf/ParoleMinutes/Parole-HWH-Providers/Halfway-House-Provider-Directory-010322.pdf>.

⁵⁷ 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.

⁵⁸ See generally, *Department of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002).

⁵⁹ *Id.*

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.⁶⁰ In most cases, the mobile home park owns the land and the homeowner owns the structure. DCP jurisdiction 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.⁶¹

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.

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.

| Table 37 - DCF Children in Foster Home Placement (November 2018) | | | | |
|--|--|--------------|--|--------------|
| | 2012 Number of DCF Children in Placement | 2012 Percent | 2018 Number of DCF Children in Placement | 2018 Percent |
| All | 2,913 | | 2,211 | |
| Non-Hispanic White | 958 | 33% | 727 | 33% |
| Non-White | 1,955 | 67% | 1,484 | 67% |

⁶⁰ CGS §21-83e.

⁶¹ Correspondence with DCP of June 25, 2013.

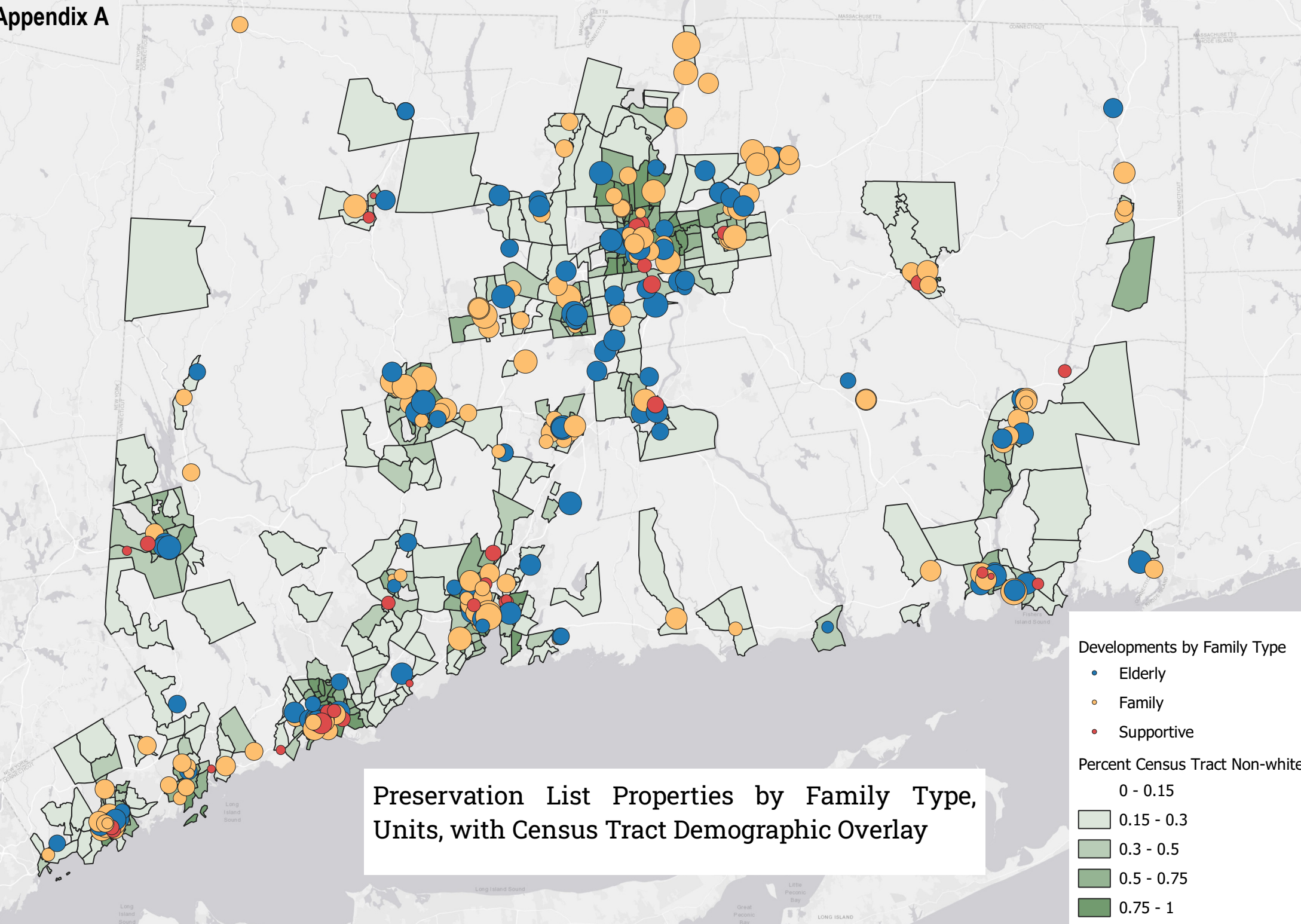
Conclusion

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.

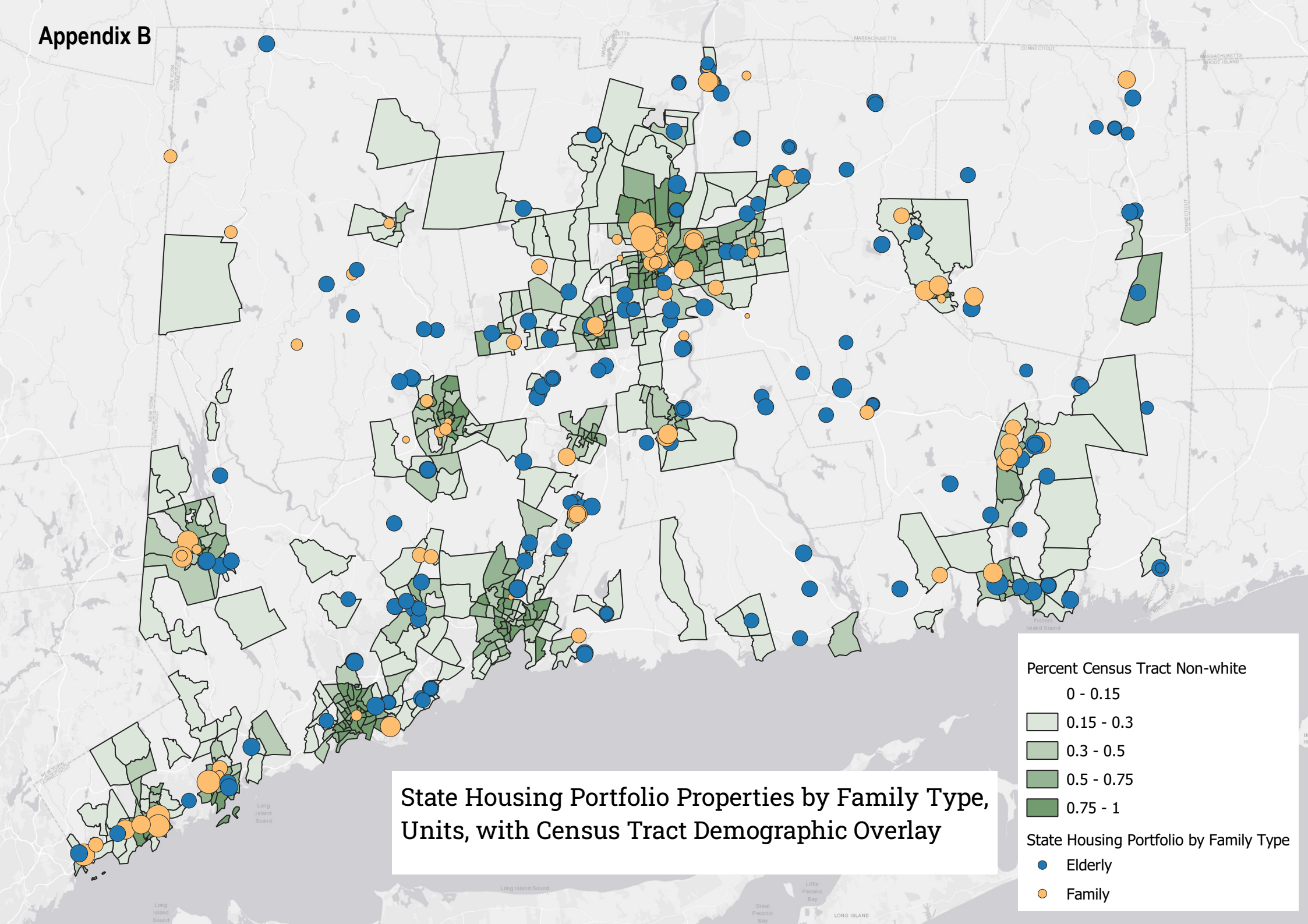
Because funding sources administered by multiple state and other governmental and quasi-governmental entities are often combined to fund the construction, maintenance or rehabilitation of a single development, a common or shared system for collecting and analyzing this data would help to conserve limited resources.

| | |
|--|----|
| Figure 1 - Map of ERAP Tenants..... | 18 |
| Figure 2 - Map of Congregate Housing Units | 20 |
| Figure 3 - Map of RAP Vouchers | 24 |
| | |
| Table 1 – Preservation Program Type | 1 |
| Table 2 - Preservation Units by Bedrooms..... | 2 |
| Table 3 - Preservation Units by Family Type | 2 |
| Table 4 - Preservation Units by Census Tract Demographics | 2 |
| Table 5 - SSHP Program Type..... | 3 |
| Table 6 - SSHP Units by Bedrooms | 3 |
| Table 7 - SSHP Units by Family Type..... | 3 |
| Table 8 - SSHP Units by Census Tract Demographics..... | 3 |
| Table 9 - CHAMP Allocations | 5 |
| Table 10 - Permanent Supportive Housing Projects 1995-2014 (by municipality)..... | 7 |
| Table 11 - HOME Program Expenditures through September 2019 by Race and Type..... | 10 |
| Table 12 - HOME Awards..... | 10 |
| Table 13 - CDBG-SC Allocations to the State 2003-2019..... | 11 |
| Table 14 - 2015 - 2019 CDBG – Small Cities Grants by Activities | 13 |
| Table 15 - CDBG-SC Grants 2019..... | 13 |
| Table 16 - CDBG-SC Grants 2018..... | 14 |
| Table 17 - CDBG-SC Grants 2017..... | 14 |
| Table 18 - CDBG-SC Grants 2016..... | 15 |
| Table 19 - CDBG-SC Grants 2015..... | 15 |
| Table 20 - Elderly Rental Assistance Program | 16 |
| Table 21 - Elderly Rental Assistance Units by Location and Demographic Served (by Town)..... | 18 |
| Table 22 - Congregate Housing Program Units (by municipality) | 19 |
| Table 23 - Congregate Housing Program Units by Location (by Tract)..... | 20 |
| Table 24 - Assisted Living Demonstration Program Properties (by municipality)..... | 20 |
| Table 25 - Tax Abatement Program Properties (by municipality)..... | 21 |
| Table 26 - HOPWA Allocations in 2015 through 2019 | 23 |
| Table 27 - Rental Assistance Program by Location (by town) | 24 |
| Table 28 - Emergency Solutions Grants (2015-2019) | 26 |
| Table 29 - Distribution of HCV Recipients by Census Tract Demographics | 28 |
| Table 30 - Count of Units Receiving Assistance under HTCC Program (by town) | 35 |
| Table 31 - 5-years of CHFA Originations by Race and Ethnicity..... | 36 |
| Table 32 - 5-years of CHFA Originations by Sex..... | 36 |
| Table 33 - Domestic Violence Shelter Beds by Location | 37 |
| Table 34 - Substance Abuse Beds..... | 38 |
| Table 35 - Mental Health Beds..... | 38 |
| Table 36 - DOC Beds..... | 39 |
| Table 37 - DCF Children in Foster Home Placement (November 2018) | 40 |
| | |
| Appendix A – Preservation List Properties | |
| Appendix B – State Sponsored Housing Portfolio Properties | |
| Appendix C – Distribution of HCV Recipients | |
| Appendix D – Snapshot of CHFA First Time Homebuyer | |



Preservation List Properties by Family Type, Units, with Census Tract Demographic Overlay

Appendix B



State Housing Portfolio Properties by Family Type, Units, with Census Tract Demographic Overlay

Percent Census Tract Non-white

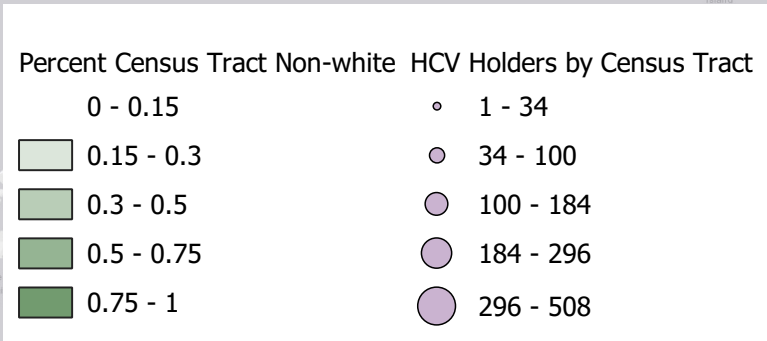
- 0 - 0.15
- 0.15 - 0.3
- 0.3 - 0.5
- 0.5 - 0.75
- 0.75 - 1

State Housing Portfolio by Family Type

- Elderly
- Family

Appendix C

Housing Choice Voucher Holders



March 29, 2023

First Time Home Buyer Profile

CHFA First-time Homebuyer Profile

The data below spans a rolling five years of closed loans. Data is updated weekly.



Select a County

Select a COG

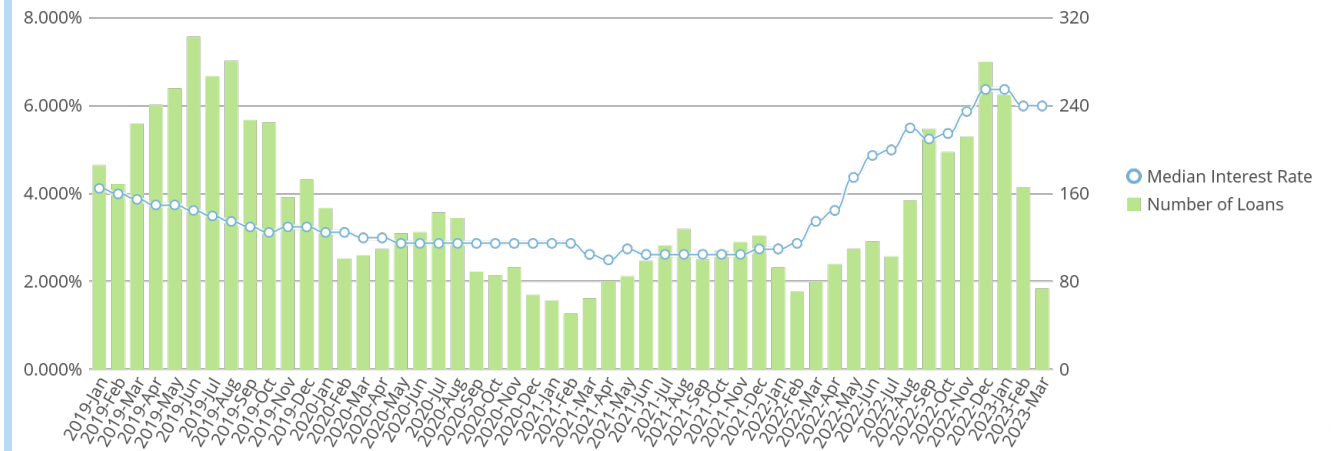
Select a Municipality

Select a Participating Lender

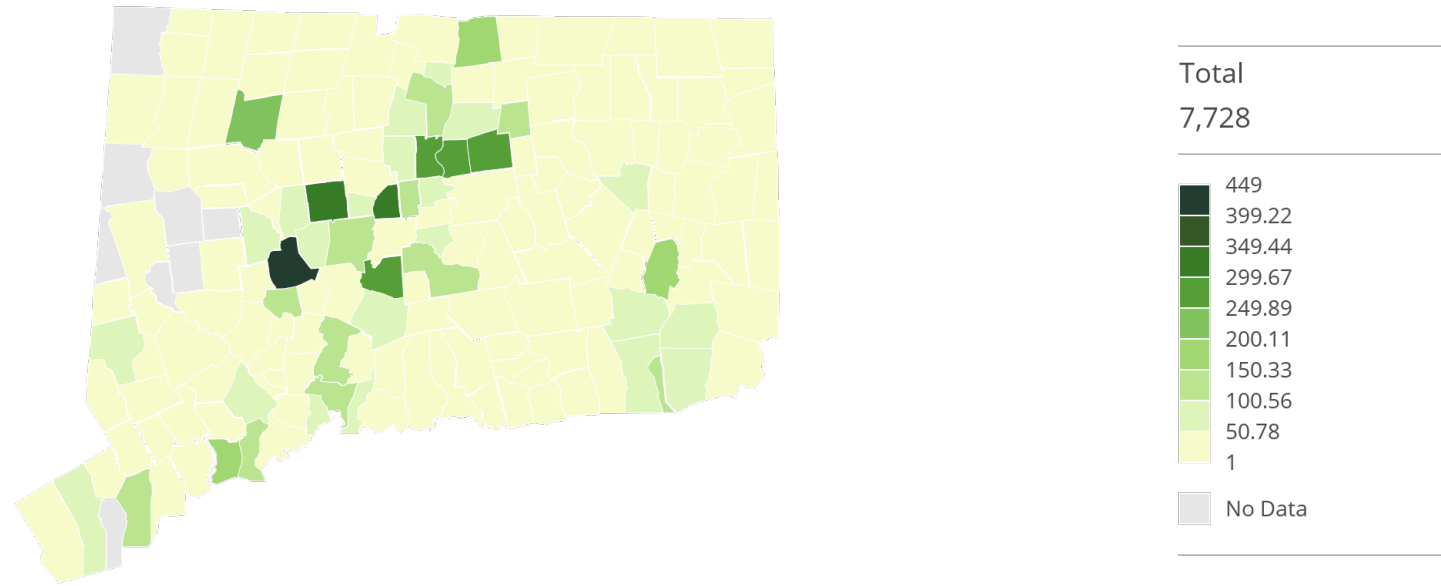
Total Lending Volume

7,725

Lending Volume
by Month



CHFA Lending Volume by Town



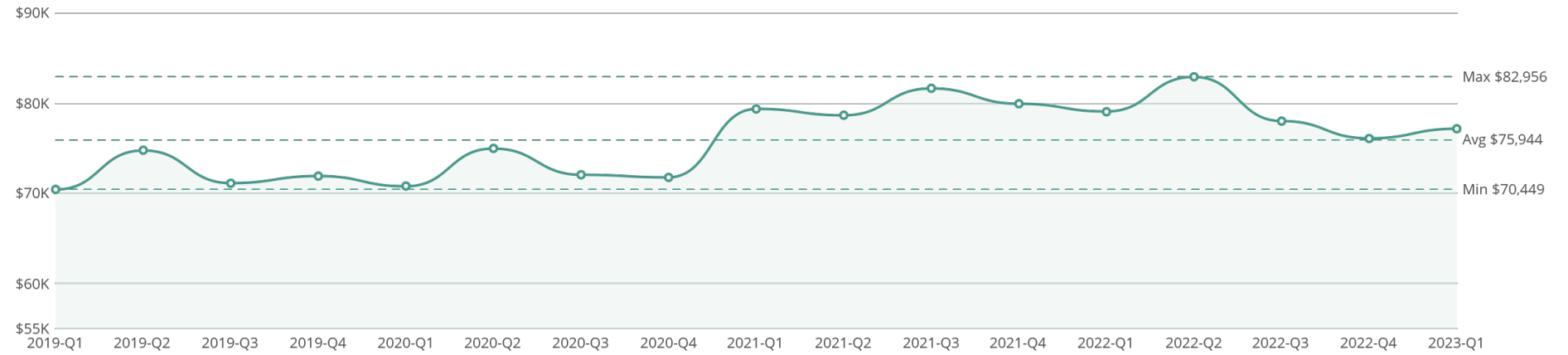
Borrower Details

| | | |
|------------------------|--------------------------|------------------------|
| Median Age | Average Number of Adults | Average Household Size |
| 33 | 1.65 | 2.39 |
| Median Borrower Income | Median Sale Price | Average Interest Rate |
| \$76,400 | \$207,000 | 3.81% |

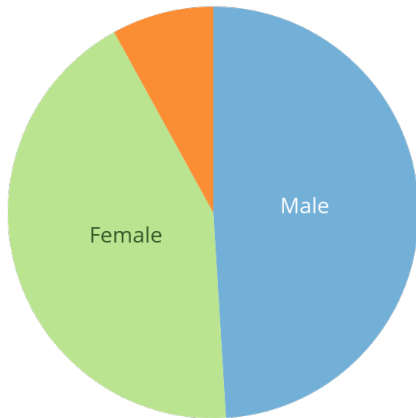
First Time Home Buyer Profile

Median Household Income Over Time

by Quarter

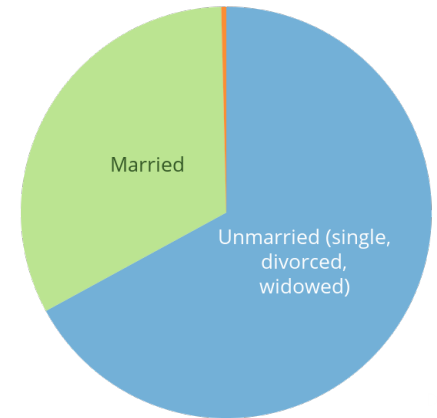


Borrower Gender



| | | |
|--|-------|-------|
| Male | 3.62K | 49.0% |
| Female | 3.18K | 43.0% |
| I do not wish to provide this infor... | 592 | 8.01% |

Marital Status

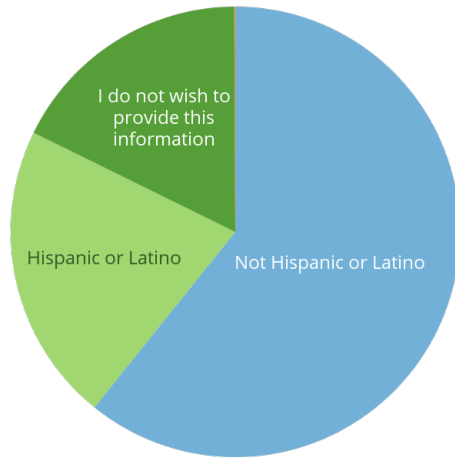


| | | |
|------------------------------------|-------|-------|
| Unmarried (single, divorced, wi... | 4.96K | 67.1% |
| Married | 2.41K | 32.5% |
| Separated | 29 | 0.39% |

First Time Home Buyer Profile

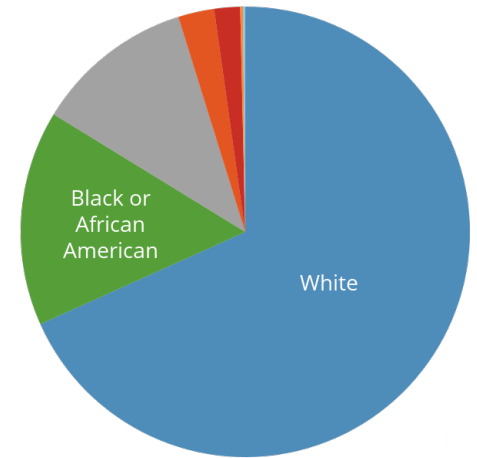
Borrower Ethnicity

| | | |
|---------------------------------|-------|-------|
| Not Hispanic or Latino | 4.49K | 60.8% |
| Hispanic or Latino | 1.59K | 21.5% |
| I do not wish to provide thi... | 1.31K | 17.7% |
| Not applicable | 4 | 0.05% |
| | 1 | 0.01% |



Borrower Race

| | | |
|------------------------------------|-------|-------|
| White | 4.95K | 68.3% |
| Black or African American | 1.12K | 15.5% |
| I do not wish to provide this i... | 830 | 11.4% |
| Asian | 188 | 2.59% |
| Multi-Race | 135 | 1.86% |
| American Indian or Alaska Na... | 14 | 0.19% |
| Native Hawaiian or Other Paci... | 12 | 0.17% |



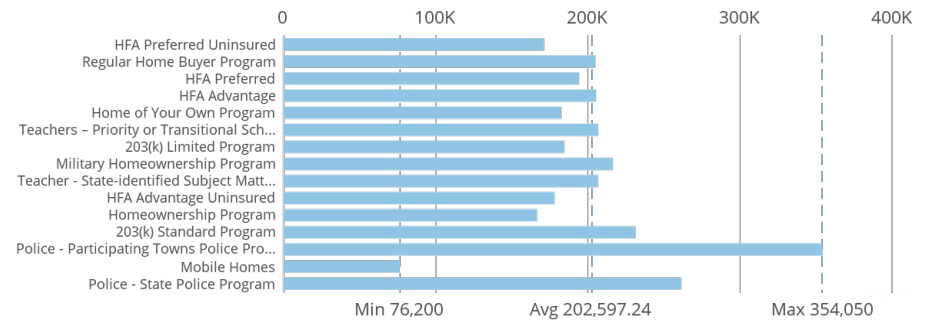
Loan Details

Used a Down-payment Assistance Program (DAP) Loan

| | | |
|-----|-------|-------|
| Yes | 4.17K | 56.4% |
| No | 3.22K | 43.6% |

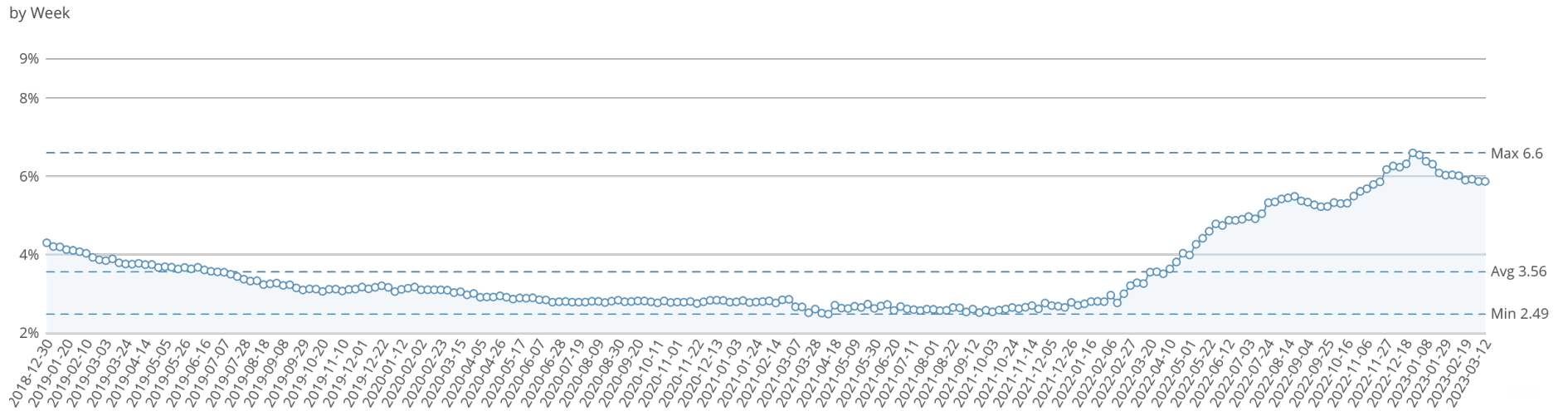


Average Loan Amount by CHFA Program



First Time Home Buyer Profile

Average Interest Rate



Property Details

Average Property Age (in years)

68

Average Square Feet

1,387

Average Number of Bedrooms

3

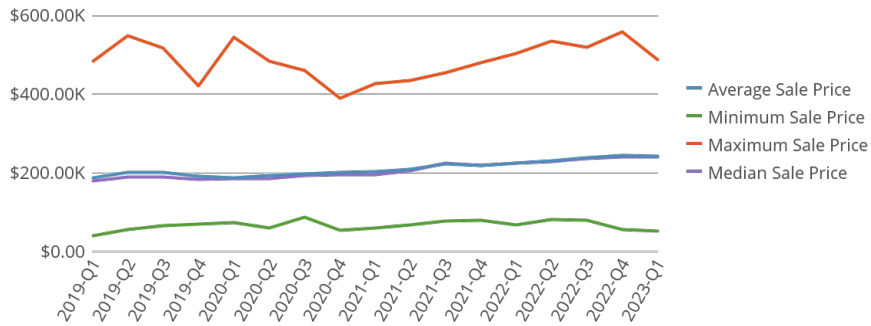
Average Number of Bathrooms

1.5

First Time Home Buyer Profile

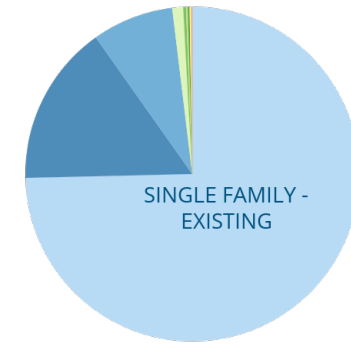
Sale Price

by Quarter



Property Type

| | | |
|-------------------------------|-------|-------|
| SINGLE FAMILY - EXISTING | 5.52K | 74.6% |
| CONDOMINIUM - EXISTING | 1.15K | 15.6% |
| 2 TO 4 UNITS - EXISTING | 583 | 7.89% |
| PUD - EXISTING | 78 | 1.06% |
| 2 TO 4 UNITS - NEW | 20 | 0.27% |
| SINGLE FAMILY - NEW | 13 | 0.18% |
| CONDOMINIUM - NEW | 12 | 0.16% |
| MOBILE HOME | 12 | 0.16% |
| PUD - NEW | 4 | 0.05% |
| MANUFACTURED HOUSING | 2 | 0.03% |
| CONDOMINIUM - DEED RESTRICTED | 1 | 0.01% |



Source: CHFA Loan Origination System (LOS)

Disclaimer: CHFA makes every effort to ensure the quality, content, accuracy and completeness of this information. Content may be subject to change as a result of updates and corrections to the programs. CHFA reserves the right to revise and/or alter this information at any time.

Chapter 15: Overcoming Limited English Proficiency

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 the 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.

Chapter Summary

- 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 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 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.¹ 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 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

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 LEP guidance, 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.

The Judicial Branch

The Judicial Branch is essential to facilitating fair housing and lending practices because it administers the Foreclosure Mediation Program and the Housing Session. The mediation

¹ 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.

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. There presently is no mechanism in place to put a “pause” on court proceedings while documents are translated into another language, however, and most court dockets proceed at the discretion of the assigned judge. In particular, because of the pace at which summary process, or eviction cases, proceed, tenants are unlikely to have sufficient time to access translation services. The court should have an administrative procedure to stay proceedings while documents are translated. 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.

State Agencies Involved in Housing²

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.

| TABLE 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 |
| Department of Mental Health and Addiction Services (“DMHAS”) | YES, through Google Translate | YES, grievance form available in Spanish, but no other forms have been translated | NO, but interpreter services are available at state mental health centers |

² 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.

| | | | |
|------------|-------------------------------|---------------------------------|--|
| DSS | YES, through Google Translate | YES, forms available in Spanish | YES, telephone assistance available in Spanish |
| OPM | YES, through Google Translate | NO | NO |

While the State now provides procedures to translate its pages into another language, the service is through Google Translate. Translation software can make errors that a human interpreter would not make. In addition, the language selection tool provides the language in English (e.g., Spanish instead of español, Chinese is “Chinese”). In addition, pictures are not translated into a different language.

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”)³ 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.⁴ 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.

³English 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

⁴ Survey of legal services attorneys, February 2013.

TABLE 2: HOUSING AUTHORITY INFORMATION AVAILABLE IN LANGUAGES OTHER THAN ENGLISH

| HOUSING AUTHORITY | ELL AS A PERCENTAGE OF CITY'S TOTAL STUDENTS - 2012 | ELL AS A PERCENTAGE OF CITY'S TOTAL STUDENTS - 2018 | IS WEBSITE AVAILABLE IN LANGUAGE OTHER THAN ENGLISH? ⁵ | IS TELEPHONE ASSISTANCE AVAILABLE IN LANGUAGE OTHER THAN ENGLISH? |
|-------------------|---|---|---|---|
| Hartford | 18.0 | 20.8% | No | YES |
| New Haven | 13.5% | 16.6% | No | YES |
| Bridgeport | 12.3% | 17.6% | No | YES |
| Stamford | 13.1% | 12.8% | Yes | No |
| Waterbury | 11.2% | 15.0% | No | YES |
| Danbury | 18.1% | 26.2% | No | YES |
| New Britain | 17.0% | 15.8% | No | YES |
| Norwalk | 11.5% | 15.7% | No | No |
| Meriden | 12.3% | 16.1% | No | YES |
| Windham (none) | 13.8% | 27.2% | N/A | N/A |
| West Haven | 10.7% | 14.5% | No | No |
| New London | 20.7% | 21.7% | No | Yes |

Since our 2015 report, every community in our survey has seen an increase in English Language Learners as a share of the student population except Stamford and New Britain. Despite that, only Stamford provides a tool to translate their website into other languages, including Spanish. In 2020, there is no reasonable justification not to add translation widgets to webpages.

Waterbury and Meriden provides accessibility widget to help make their websites accessible for people with disabilities.

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.

⁵ Information current as of 10/7/2013.

Chapter 16: Access to Sustainable Homeownership

Introduction

This chapter examines 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 includes an examination of data on homeownership rates, foreclosures, home loan origination and denial rates, and loan costs. Lastly, a subset of home loans that may have been eligible for low-cost CHFA financing is examined. Black and Latinx borrowers tend to pay more than White borrowers. Women also pay more for loans than men, but to a lesser extent than the disparity between people of different racial or ethnic identities.

A substantial impediment to fair lending is limited regulator investigation and enforcement of fair lending issues. Most lending discrimination can only be identified through either comparative analysis or analysis of policies and procedures. It is difficult for private actors to access this information. However, local policies can be essential to promoting fair lending and combatting lending discrimination.

For example, a pilot program in Chicago near the peak of the real-estate boom required borrowers seeking risky mortgages to have review sessions with housing counsellors. A study found that the use of review sessions would have reduced defaults by subprime borrowers by about one-third.¹

Similarly, state enforcement of its existing authority under the state’s version of the Home Mortgage Disclosure Act, C.G.S. §§ 36a-735 – 745; and Connecticut’s Abusive Home Loan Lending Practices Act, C.G.S. §§ 36a-746 – 746g, and related regulations, might allow the Commissioner of the Department of Banking review lending patterns and take enforcement actions against discriminating lenders.

The following would reduce impediments to fair lending:

Chapter Snapshot

- The non-Hispanic White homeownership rate is 1.8 times that of non-Hispanic Blacks and almost two times the Hispanic rate.
- Changing state policies can quickly improve lending outcomes because legislation and infrastructure is already in place
- Black and Latinx homeowners are twice as likely to end up in foreclosure as white homeowners
- Applicants who are potentially eligible for low-cost CHFA-backed loans end up paying more for loans

¹ S. Agarwal et al., *Predatory Lending and the Subprime Crisis*, National Bureau of Economic Research, Working Paper 19550, available at https://www.nber.org/system/files/working_papers/w19550/w19550.pdf.

- State licensed lenders that set an interest rate 2.5% or more about the Average Prime Offer Rate² above a certain threshold should be required to submit the loan offer for review by a CHFA-approved financial counselor.
- All lenders participating in any state lending-related program should report their lending data to the state for review, including applicant credit profiles.
- All lenders participating in any state lending-related program benefit should have “second-look” program to make sure borrowers receive loans that they qualify for (e.g., they should receive lower interest rate loans if they qualify; and loan denials should be reviewed).
- The state should contract with an independent organization to conduct “mystery shopping” of mortgage lending.
- Agencies and partners (e.g., DOB, AG, CHFA) should conduct periodic fair lending examinations of state-licensed lenders consistent with the Federal Financial Institutions Examination Council Fair Lending Examination Procedures.³
- The Department of Banking should enforce the state’s Home Mortgage Disclosure Act.

Housing stability has been linked to a range of benefits, including improved educational outcomes for children⁴ and improved health for children and older adults.⁵ Housing affordability is essential for achieving stability. The disruption for millions of households from the foreclosure crisis produced not only financial hardship for individuals and communities but also mental health hardships in the form of increased anxiety and stress.⁶ Improved access to stable and affordable housing (i.e., sustainable housing), whether renter or owner-occupied, therefore, provides economic benefits to families, communities, and the state and educational and health benefits for households.

Historically, working- and middle-class people have used homeownership to build wealth. Unfortunately, the homeownership-race gap is a major factor in the racial wealth disparity.⁷ A

² 12 C.F.R. § 1026.35(a)(2).

³ Available at <https://www.ffiec.gov/PDF/fairlend.pdf>.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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>.

recent Brandeis University study found that the number of years a family owns a home is the largest predictor of the wealth-race gap. The study found, for example, that on average, non-Hispanic White families buy homes and start amassing equity in their homes eight years earlier than non-Hispanic Black families.

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.⁸ 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.

The Home Mortgage Disclosure Act

The 1975 Home Mortgage Disclosure Act (“HMDA”) requires financial institutions⁹ to report public loan data. HMDA serves three purposes:¹⁰

1. To determine whether financial institutions are serving the housing needs of their communities;
2. To assist public officials in distributing public-sector investments to attract private investment to areas where it is needed; and
3. 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, multifamily, or manufactured housing), property location (MSA, state, county, and census tract), applicant characteristics (race, ethnicity, sex, income, debt-to-income ratio), and pricing-related data.

While HMDA is the best publicly available data on lending, other privately available data sources exist which contain important additional information such as borrower credit score. 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.

The Connecticut Home Mortgage Disclosure Act, C.G.S. §§ 36a-735 *et seq.* contains a provision that prevents discrimination against low- and moderate-income communities, requires state-licensed banks to report data via the federal HMDA act, and allows the Commissioner of the

⁸ American Community Survey 2010 1-year data table B25118, Tenure by Household Income in the Past 12 Months.

⁹ 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.

¹⁰ *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>.

Department of Banking to analyze lending patterns and to enforce violations of the state's version of HMDA.

Racial Disparities in Access to Banking

Brick-and-mortar bank branches provide local business lending, financial access, employment, and commercial tenants in local communities. Communities of color already suffer from 'branch deserts' that force them to access financial services through costlier means such as money transfer institutions and payday lenders. Nationwide, from 2017 to 2020, the Hartford-West Hartford-East Hartford MSA was one of five metro areas that lost the largest share of bank branches.¹¹ Banks have no issue expanding into the communities where they want to do business. In 2018, major banks announced plans to open large numbers of branches.¹² At the same time, 14.1% of unbanked households report inconvenient branch locations as an impediment to banking access.¹³

Scholars have defined a bank branch "desert" as an area where the number of bank branches per 1,000 people is less than one-tenth (or 10%) of the average.¹⁴ We obtained FDIC bank branch locations as of June 30, 2020 and plotted them. We then calculated totals per each Zip Code, and divided by population to create a "Bank branches per 1,000 people" density figure. We provide maps in the appendix.

We identified one "branch desert" in the zip code that serves Northeast Hartford, long one of the poorest and most segregated communities in Connecticut. We identified 12 other zip codes that we think are at risk of becoming branch deserts. These zip codes have a bank branch density of less than two-tenths (or 20%) of the average. Most of these are within or near communities of color as well. All of these communities have populations over 10,000 people but are typically served by 1-2 bank branches.

In contrast, rural and smaller suburban communities in Northwest and Eastern Connecticut have an abundance of bank branches located in their communities. One zip code in Cornwall, for example, has 8 bank branches even though it is only serving about 1,000, largely middle-income, largely white people.

¹¹ National Community Reinvestment Coalition, Research Brief, Bank Branch Closure Update (2017-2020), available at <https://ncrc.org/research-brief-bank-branch-closure-update-2017-2020/>.

¹² Andy Peters, "Not dead yet: Branches remain crucial to banks' growth plans," American Banker, March 1, 2018, available at <https://www.americanbanker.com/slideshow/not-dead-yet-branches-remain-crucial-to-banks-growth-plans>.

¹³ FDIC, "How America Banks: Household Use of Banking and Financial Services," Report, 2019, available at <https://www.fdic.gov/analysis/household-survey/2019report.pdf#page=25>.

¹⁴ <https://www.stlouisfed.org/publications/regional-economist/second-quarter-2017/banking-deserts-become-a-concern-as-branches-dry-up>

Racial Disparities in Homeownership, Foreclosure, and Mortgage Servicing

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.¹⁵

Foreclosures and Homeownership

This report used foreclosure data from the State of Connecticut Judicial branch. The data included the homeowner name and property address, case start date, and case disposition (if available). We analyzed foreclosure data for cases started in 2019. We geocoded the property address to census tract so that we could obtain demographic data about the surrounding community and map the incidence of foreclosures. In addition, we joined the surname of the defendant homeowner to the 2010 Census list of surnames in order to utilize a method called Bayesian Improved Surname Geocoding (“BISG”) to estimate the race and ethnicity of each homeowner in foreclosure.¹⁶ BISG is a method of constructing substitute, or “proxy,” demographic information for homeowners. Research has found that this approach produces proxies that are highly correlated with self-reported race and national origin. In addition, this method provides a more person-specific estimate of race and national origin than physical location alone does.

Black and Hispanic homeowners are about twice as likely as White homeowners to find themselves in foreclosure. See Table 3. Thus, while 74% of the people in foreclosure are White, because the Black and Hispanic homeownership rate is much lower than the White homeownership rate, more Black and Hispanic homeowners end up in foreclosure as a share of the population of homeowners.

Table 1 - 2019 Homeownership Rates

| | White, Non-Hispanic | Black | Asian and Pacific Islander | American Indian or Alaskan Native | Multiple races | Hispanic |
|--------------|---------------------|--------|----------------------------|-----------------------------------|----------------|----------|
| Percent | 76.0% | 8.1% | 4.5% | 0.6% | 3.8% | 7.0% |
| Total People | 736,664 | 57,951 | 32,645 | 1,348 | 28,136 | 38,794 |

¹⁵ See Chapter 5.

¹⁶ See link and additional link for sources and methods. Using publicly available information to proxy for unidentified race and ethnicity | Consumer Financial Protection Bureau; <https://www.consumerfinance.gov/data-research/research-reports/using-publicly-available-information-to-proxy-for-unidentified-race-and-ethnicity/>.

Table 2 - 2019 Estimated Foreclosure Rate (BISG)

| | White, Non-Hispanic | Black | Asian and Pacific Islander | American Indian or Alaskan Native | Multiple races | Hispanic |
|--------------|---------------------|-------|----------------------------|-----------------------------------|----------------|----------|
| Percent | 74.7% | 10.4% | 2.9% | 1.2% | 1.7% | 9.2% |
| Total People | 6,212 | 869 | 239 | 96 | 141 | 762 |

Table 3 – 2019 Estimated Foreclosure Rate Per 1,000 Homeowners of a Given Race or Ethnicity

| | White, Non-Hispanic | Black | Asian and Pacific Islander | American Indian or Alaskan Native | Multiple races | Hispanic |
|----------------------|---------------------|-------|----------------------------|-----------------------------------|----------------|----------|
| Per 1,000 Homeowners | 8.43 | 14.99 | 7.33 | 71.12 | 5.00 | 19.65 |

As described in the tables above, in 2019, out of every 1,000 white homeowners, 8.43 ended up in foreclosure. Black and Latinx homeowners are about twice as likely (14.99 per 1,000 and 19.65 per 1,000, respectively) as whites to end up in foreclosure.¹⁷ And while our sample size is small for other groups, we found that American Indian or Alaskan Native homeowners are about 8 times as likely as white homeowners to end up in foreclosure. Foreclosures for 2019 are mapped in the appendix to this Chapter.

In 2019, White borrowers were marginally more likely to have their cases (29% of cases) end in a judgment for the mortgage company than were members of other protected classes. While this suggests that there are not differences in outcomes between borrowers from different classes, it does not change the fact that more than twice as many homeowners of color experience foreclosure.

¹⁷ Our estimates are comparable to self-reported data held by the Judicial Branch’s Foreclosure Mediation Program, discussed below. For example, each year from 2015 to 2017, between 700 and 1,000 Black or African American homeowners participated in the Foreclosure Mediation Program. We estimated that in 2019, 869 foreclosure cases were commenced against Black or African American Homeowners.

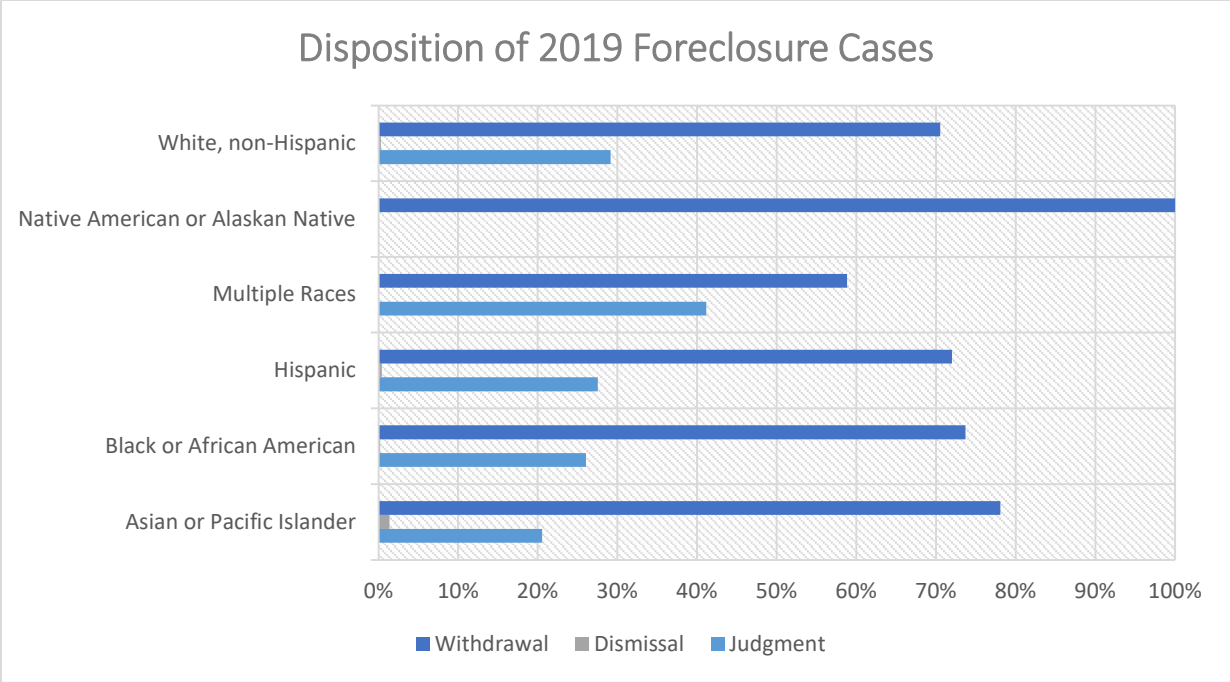


Figure 1 - Disposition of 2019 Foreclosure Cases by Race and Ethnicity

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. Recently, the judicial branch has typically reported that 90% of cases in mediation settle.¹⁸ In 73% of resolved cases, the homeowner remains in her home.

The Foreclosure Mediation Program maintains self-reported race and ethnicity data, described below, but does not report outcomes by protected class. Thus, it is not possible to conduct a fair housing analysis of the outcomes of the Foreclosure Mediation Program. In addition, the FMP data does not provide the number of White, non-Hispanic participants, so it is not possible to report combined race and ethnicity data as done above in the discussion of 2019 foreclosure cases.

¹⁸ Foreclosure Mediation Program Reports to the Banking Committee, 2016, 2017, and 2018, Connecticut Judicial Branch, available at https://www.jud.ct.gov/statistics/fmp/FMP_Report_bank2016.pdf; https://www.jud.ct.gov/Statistics/FMP/FMP_Report_bank_2017.pdf; https://www.jud.ct.gov/Statistics/FMP/FMP_Report_bank_2018.pdf.

Table 4 - Ethnicity of FMP Participants

| Ethnicity | Not Hispanic or Latino | Hispanic or Latino | N/A |
|------------------|-------------------------------|---------------------------|------------|
| 2015 | 4,081 | 631 | 66 |
| 2016 | 4,961 | 782 | 85 |
| 2017 | 5,858 | 892 | 101 |
| Total | 14,900 | 2,305 | 252 |
| Percent | 85% | 13% | 1% |

Table 5 - Race of FMP Participants

| Race | White | Black | API | Native | N/A |
|----------------|---------------|--------------|------------|---------------|------------|
| 2015 | 3,732 | 709 | 84 | 8 | 138 |
| 2016 | 4,560 | 899 | 107 | 9 | 146 |
| 2017 | 5,416 | 1,049 | 118 | 10 | 156 |
| Total | 13,708 | 2,657 | 309 | 27 | 440 |
| Percent | 80% | 16% | 2% | 0% | 3% |

Table 6 - Gender of FMP Participants

| Gender | Female | Male | N/A |
|----------------|---------------|--------------|------------|
| 2015 | 2,453 | 2,316 | 40 |
| 2016 | 3,004 | 2,820 | 55 |
| 2017 | 3,534 | 3,332 | 62 |
| Total | 8,991 | 8,468 | 157 |
| Percent | 51% | 48% | 1% |

Connecticut homeowners in foreclosure continue to have 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.¹⁹

Servicing

Another significant determinant in whether a homeowner keeps his or her home is the performance of the loan servicer. Loan servicers are not loan makers. They collect and process payments on loans and pass 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'

¹⁹<http://www.chfa.org/Homeownership/for%20Homeowners%20at%20Risk%20of%20Foreclosure/EmergencyMortgageAssistanceProgram.aspx>

incentives generally bias them toward foreclosure.²⁰ 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.

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

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:"²¹ credit starved communities were primed for abusive home lending practices. 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.²² For example, non-Hispanic Black dissimilarity indexes are a highly significant predictor of foreclosure rates.²³

Loan Originations and Denials by Race

People of color have historically been subject to more loan denials than non-Hispanic White applicants.²⁴ A series of notable studies starting in 1992 that obtained access to credit data have found that home mortgage disparities between people of color and whites cannot be explained by differences in objective creditworthiness criteria.²⁵

²⁰ 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>.

²¹ Jacob S. Rugh and Douglass S. Massey, "Racial Segregation and the American Foreclosure Crisis," *American Sociological Review* 75 (2010): 632.

²² *Id.* at 644.

²³ *Id.* at 641.

²⁴ As a result of a last-minute change in 2018 by the CFPB, HMDA data does not permit comparisons among similarly situated borrowers because it does not include credit scores. A future federal administration may opt to release this data.

²⁵ Munnell, Alicia H., et al. "Mortgage lending in Boston: Interpreting HMDA data." *The American Economic Review* (1996): 25-53.

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 2006.²⁶
- The Hartford metropolitan area ranked fifth out of twenty metro areas with the most significant racial disparities in lending; Bridgeport-Stamford-Norwalk ranked sixth.²⁷
- 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.

In Connecticut, non-Hispanic White borrowers had the highest origination rate in 2018 (62%) and the lowest denial rate (20%). Conversely, non-Hispanic Blacks had the highest denial rate (31%), and the lowest origination rate (51%) (Figure 2).

Black and Hispanic borrowers, on average, pay about 0.35% more on mortgages than White borrowers. This translates to about \$38 more per month for a typical \$250,000 loan. In addition, they spend about 0.35% more in origination charges, which translates to about \$875 in up front costs on a \$250,000 loan. Thus, Black and Hispanic borrowers will pay about \$14,555 more over the life of a \$250,000 loan. In Connecticut, the median income for Blacks and Hispanics is about \$45,000.²⁸ Thus, the median single borrower of color loses about 4 months’ of income to lending disparities in Connecticut.

²⁶ 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

²⁷ *Id.* at 5.

²⁸ Radelat, “Census says CT still rich, but wage gap persists and population stagnant,” *CT Mirror*, <https://ctmirror.org/2017/09/14/census-says-ct-still-rich-but-wage-gap-persists-and-population-stagnant/#:~:text=The%20median%20income%20of%20Hispanics,income%20for%20blacks%20was%20%2443%2C236>.

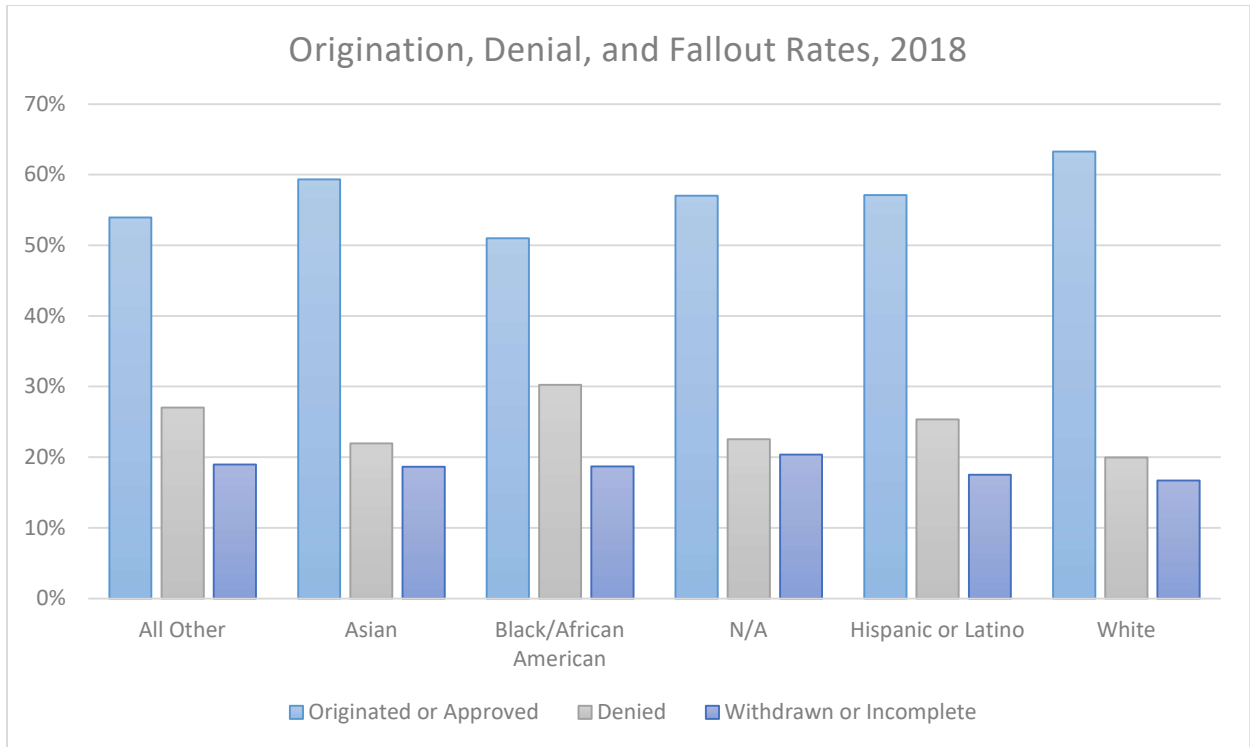


Figure 2 – Loan Application Disposition by Race and Ethnicity, 2018

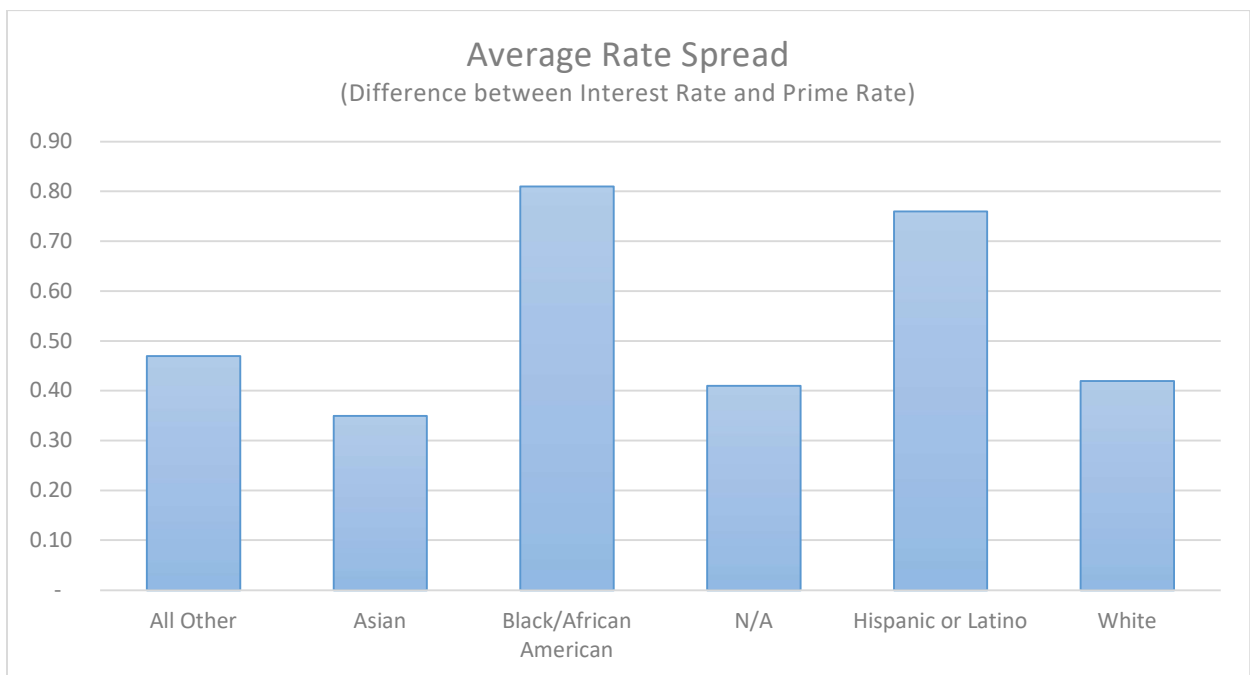


Figure 3 - Average Rate Spread

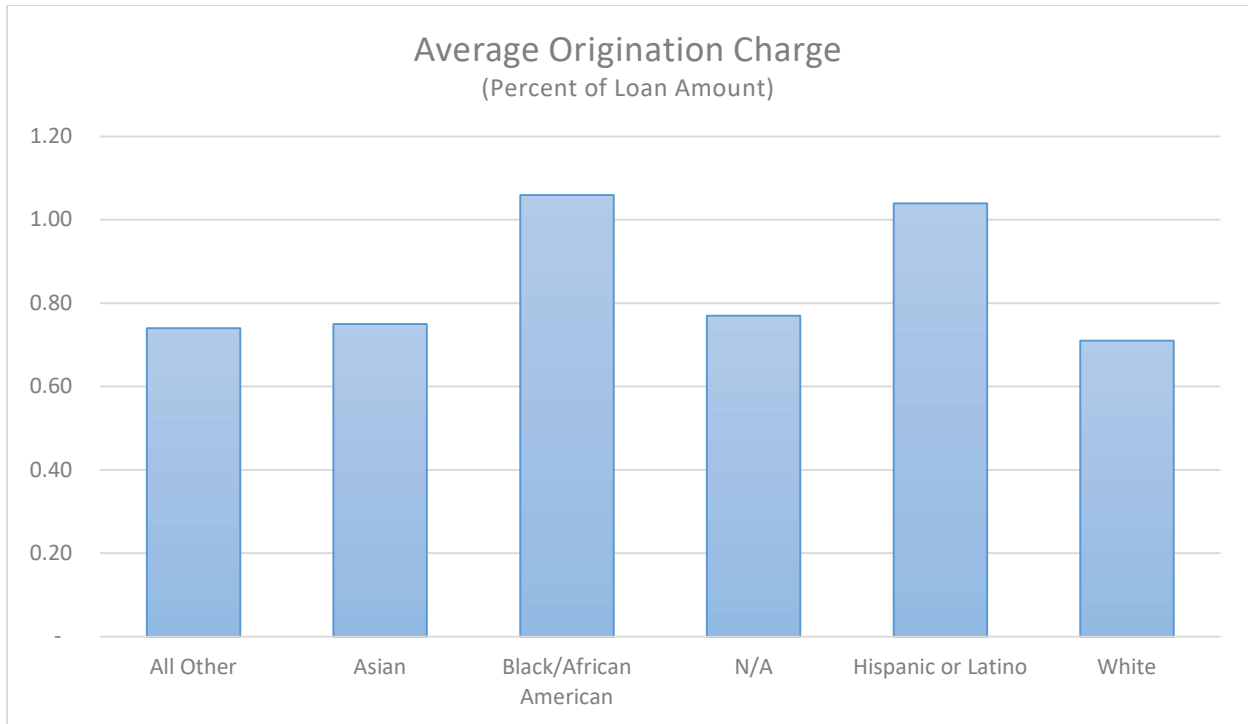


Figure 4 - Average Origination Charge

Lending and Gender

The disparities in lending by gender have been well documented. For example, in a study of lending conducted by the Woodstock Institute in the Chicago region, women were denied home purchase and refinance loans more often than men. This held even 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.²⁹ 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.³⁰ This same study found that as incomes increased for men and women, so did the disparity.³¹

As detailed in the following figures, there are gender disparities in lending in Connecticut, although not as pronounced as racial disparities. Women had higher denial rates than men, and lower origination rates. 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.

²⁹ "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.

³⁰ 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>.

³¹ *Id.*

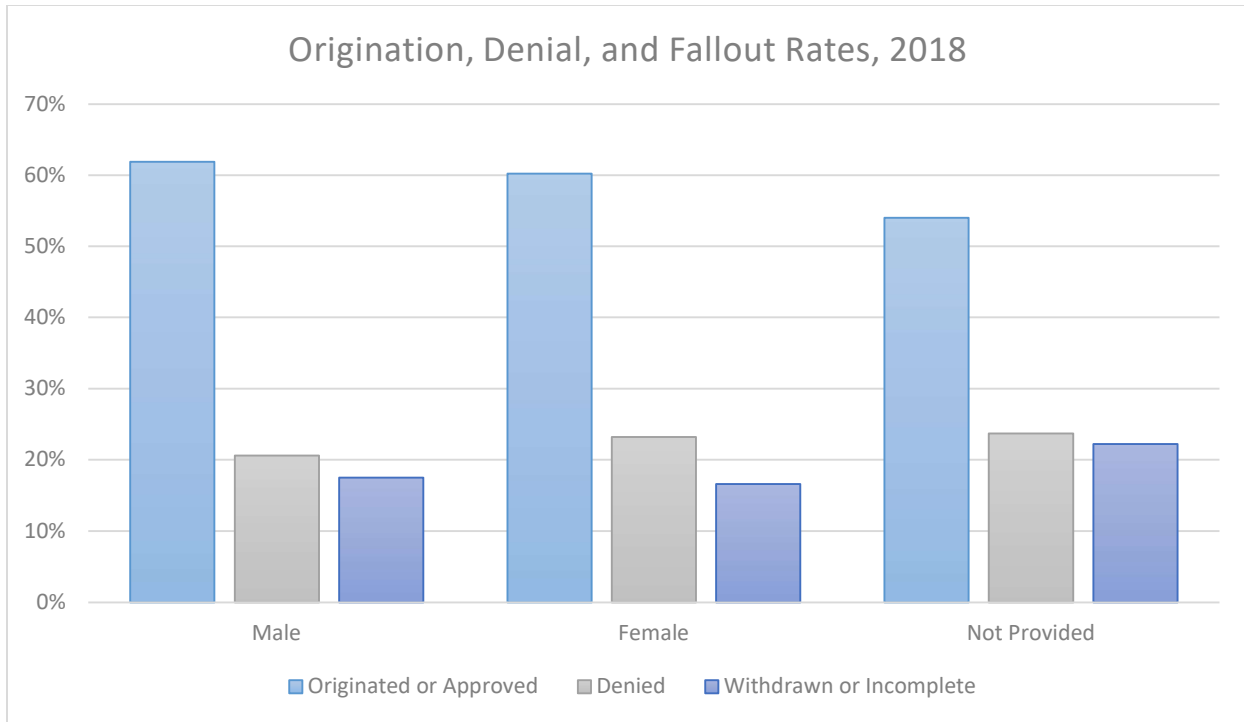


Figure 5 - Origination, Denial, and Fallout Rates, 2018

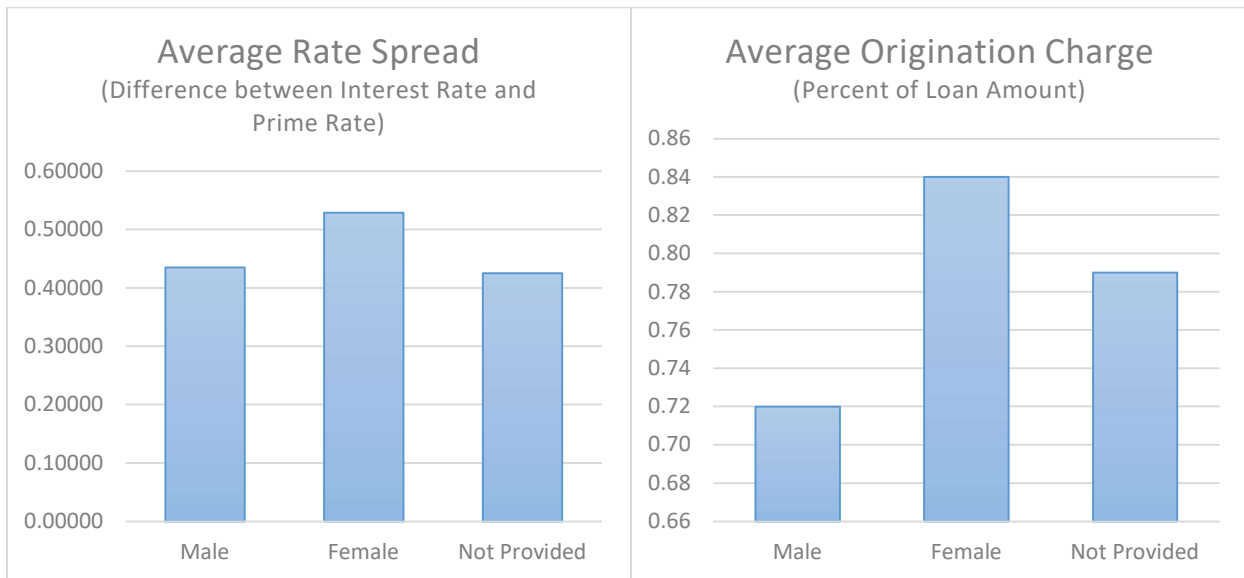


Figure 6 - Average Rate Spread

Figure 7- Average Origination Charge

State Sponsored Lending Programs

We analyze lending patterns for loan applications that were potentially eligible for backing by the Connecticut Housing Finance Authority (“CHFA”) to search for potential disparate impact on protected classes. In the 2018 HMDA data set, the first year that interest rate is reported, we were able to identify 15,942 loans that were potentially eligible for CHFA financing. “Potentially

eligible” means the loans were (1) originated by a CHFA lender, (2) met the income limit, and (3) met the loan amount limit.³²

During the same sample year, there were 3,222 CHFA-backed loans originated.³³ In other words, only about 20% of potentially eligible borrowers end up with CHFA-backed loans.³⁴ This has important consequences: most CHFA loans carry below market interest rates. In our review, we find that many borrowers of color who were potentially eligible for a low-interest rate CHFA loan instead ended up with a loan bearing an interest rate much higher than White borrowers.

For example, borrowers of color at Northpoint Mortgage, Inc. paid up to three quarters of a percent more than White borrowers, even though they were potentially eligible for a low-interest rate loan.

| <u>Lender</u> | <u>Disparity</u> |
|--|------------------|
| Northpoint Mortgage, Inc. | 0.77% |
| Wells Fargo Bank, National Association | 0.59% |
| Total Mortgage Services, LLC | 0.54% |
| Primelending, A Plainscapital Company | 0.45% |
| Guaranteed Rate, Inc. | 0.44% |
| Webster Bank, National Association | 0.04% |
| Newtown Savings Bank | 0.01% |
| People's United Bank, National Association | -0.07% |
| Liberty Bank | -0.18% |
| Chelsea Groton Bank | -0.49% |

| <u>Lender</u> | <u>Disparity</u> |
|--|------------------|
| Northpoint Mortgage, Inc. | 0.43% |
| Guaranteed Rate, Inc. | 0.36% |
| Primelending, A Plainscapital Company | 0.27% |
| Newtown Savings Bank | 0.24% |
| Webster Bank, National Association | 0.23% |
| Total Mortgage Services, LLC | 0.19% |
| Chelsea Groton Bank | 0.16% |
| Wells Fargo Bank, National Association | 0.06% |
| Liberty Bank | 0.02% |
| People's United Bank, National Association | -0.07% |

Unlike people of color, women in our sample of CHFA eligible borrowers pay roughly the same as men.³⁵ However, there remains interest rate disparities at select mortgage lenders listed below.

³² In some instances CHFA permits less strict income and loan amount limits for certain census tracts. We used the strictest income limit, resulting in a likely undercount of potentially eligible loans.

³³ Some CHFA lenders appear to have not reported HMDA data in 2018, or reported it incorrectly. For the more detailed analysis they are disregarded.

³⁴ For lenders that originated at least 100 potentially eligible loans in 2018, rates of CHFA loans as a share of total loans originated fluctuated between 0% and 37%.

³⁵ Women actually pay 0.0018% less on average than men.

| Table 9 - Male : Female Interest Rate Disparities | | | |
|---|------------------------------|--------------------------------|------------------|
| <u>Lender</u> | <u>Men: Avg. Rate Spread</u> | <u>Women: Avg. Rate Spread</u> | <u>Disparity</u> |
| Primary Residential Mortgage, Inc. | 1.06% | 1.22% | 0.16% |
| Citizens Bank, National Association | 0.52% | 0.65% | 0.12% |
| Total Mortgage Services, LLLC | 1.02% | 1.13% | 0.11% |
| Chelsea Groton Bank | 0.15% | 0.15% | 0.00% |
| Residential Mortgage Services, Inc. | 0.75% | 0.63% | -0.12% |
| Envoy Mortgage, Ltd | 0.69% | 0.55% | -0.14% |

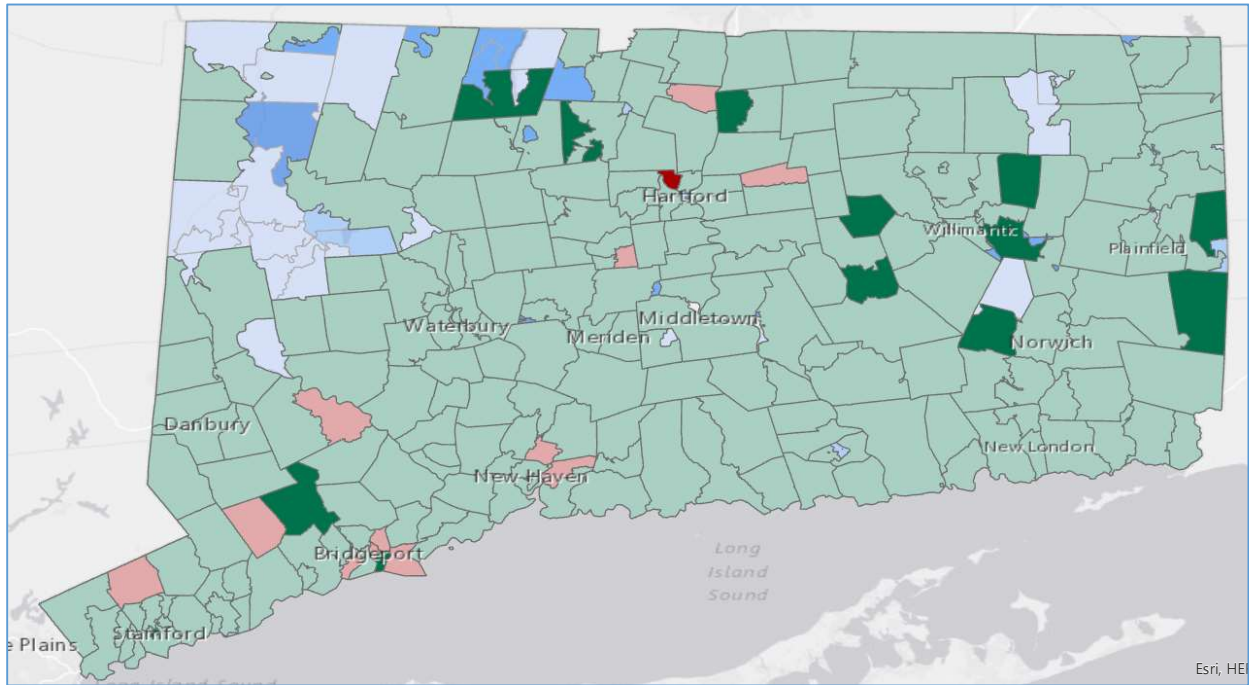
Conclusion

Access and affordability are twin pillars of sustainable housing and credit. 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.³⁶ 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.

³⁶ 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>.

Appendix to Chapter 16

Figure 8 - Bank Branch Density, June 30, 2020



Legend

Branches, less than 2,000 people in zip code

- 1 - 2
- 3 - 4
- 5 - 6
- 7 - 11

Branch density per 1,000 people

- 0.047 - 0.050
- 0.051 - 0.10
- 0.11 - 1.0
- 2.8 - 3.1

Figure 9 - Heat Map of 2019 Foreclosures

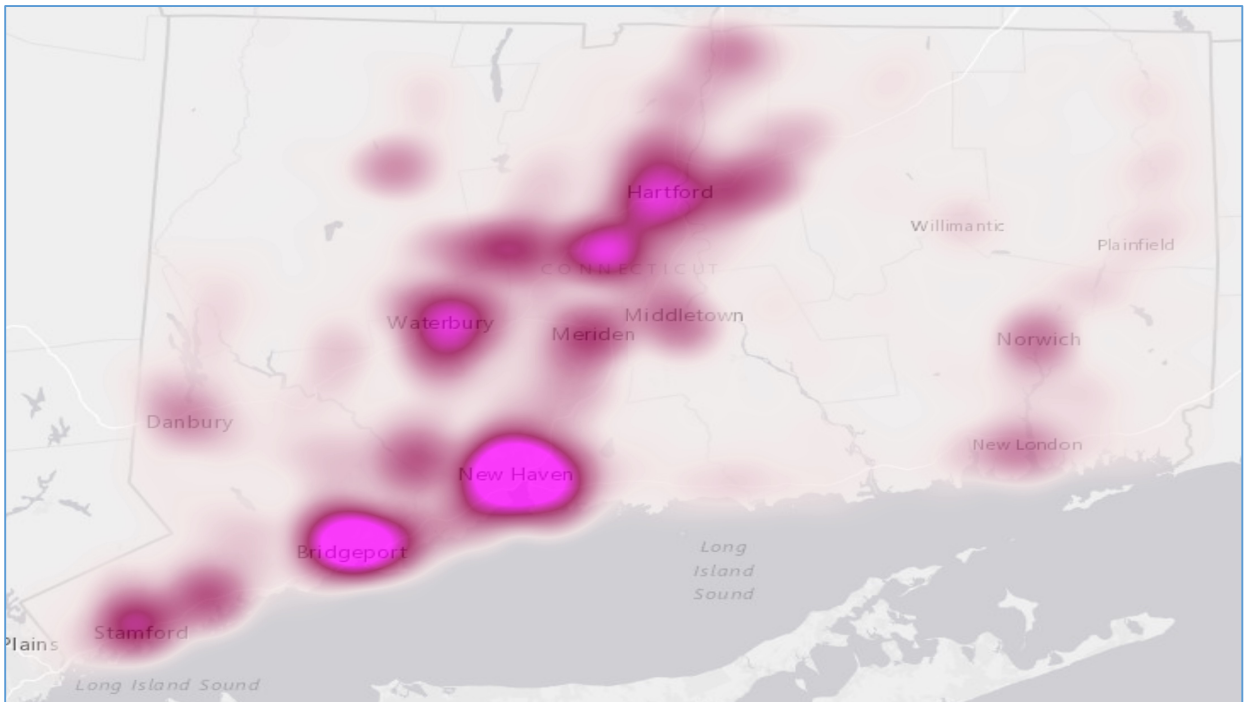


Figure 10 - 2019 Foreclosure Dot Map

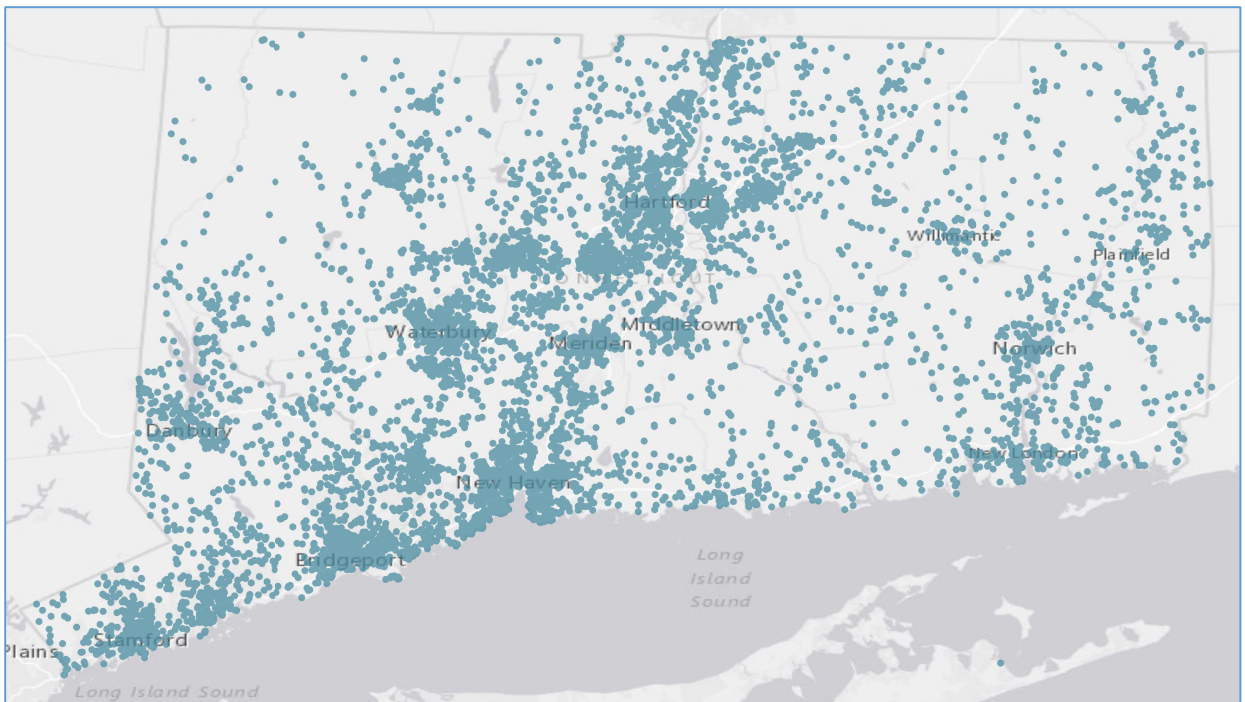


Figure 11 - Average Difference Between Interest Rate and Prime Rate on Home Loans, 2018

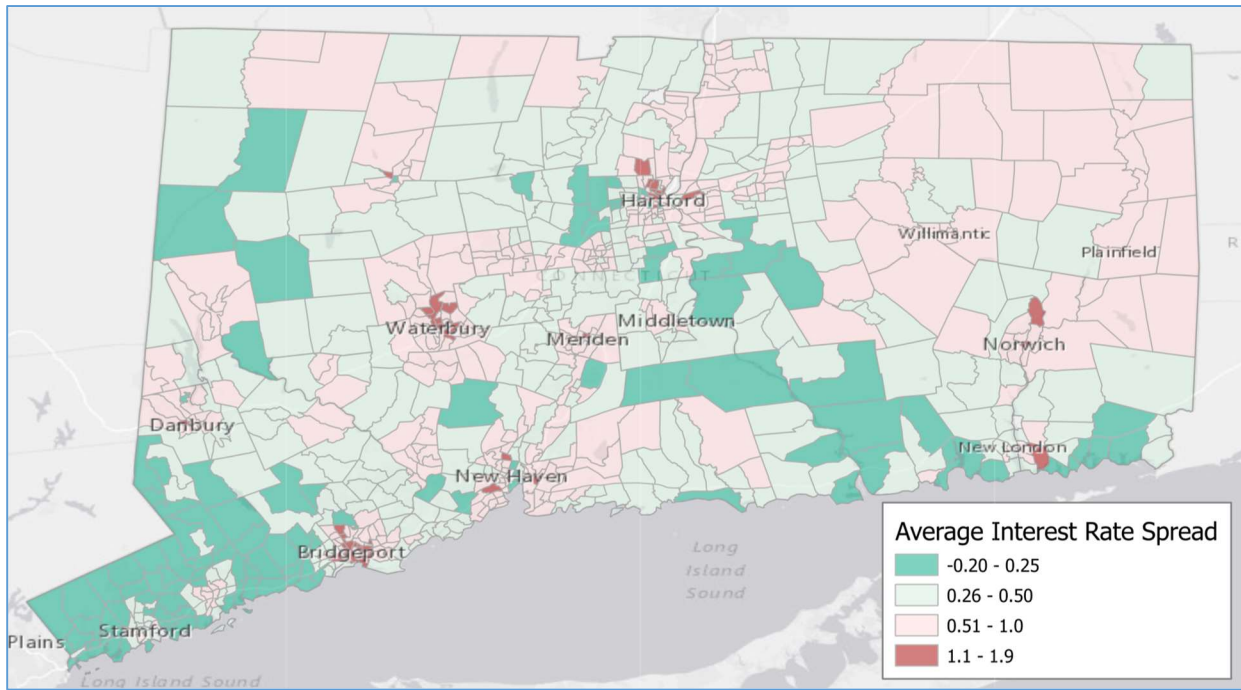


Figure 12 - Average Loan to Value Ratio, Hartford Region

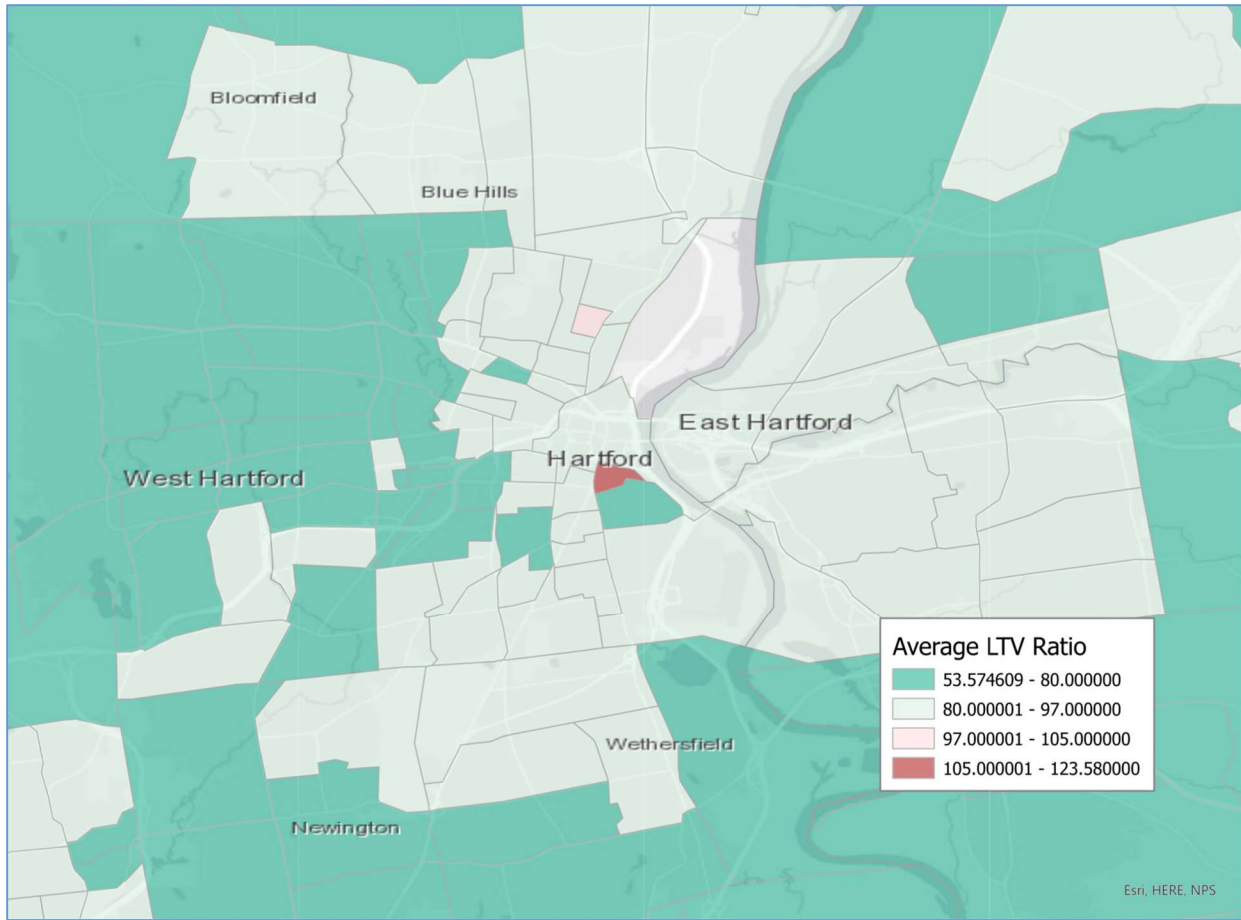
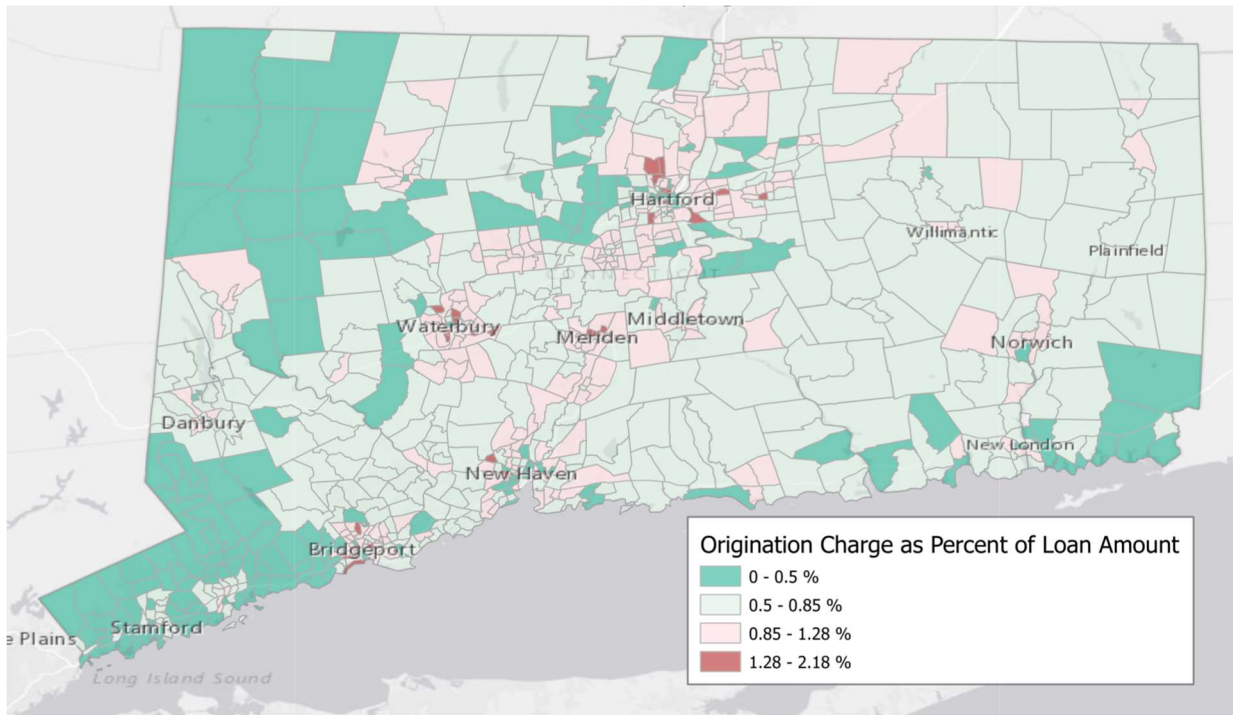


Figure 13 - Origination Charge as a Percentage of Loan Amount



Chapter 17: Impediments to Fair Housing Choice and Action Steps

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 membership in one of the protected classes. Some of the largest impediments to fair housing in Connecticut are the legacies of discriminatory real estate and land use practices dating back over a hundred years. The challenges created by this historic legacy are intensified by contemporary zoning and permitting practices that have discriminatory impacts, including the unwillingness of many municipalities to shoulder their fair share of the state's housing needs. There is much, however, that Connecticut can still do to create and preserve equitable access to housing.

Impediment No. 1:

Decades of decisions have resulted in segregation and disinvestment in racially segregated neighborhoods

Federal, state, and local policies and practices have resulted in segregated living patterns where BIPOC, but particularly Black, households continue to experience constraints on their housing choice. In addition, policy makers have systematically spent decades disinvesting in these same neighborhoods. The disinvestment in racially and ethnically segregated neighborhoods have negative outcomes that affect a resident's job prospects, health, educational attainment, and housing stability.

To meaningfully interrupt the increasing racial segregation in Connecticut, state and local decision makers must center racial equity in every policy and spending decision, and implementors must make racial equity the primary goal of every program. Together, centering race and race equity spending models with fair housing enforcement Connecticut, can disrupt increasing segregation.

Action Steps

- Conduct one or more funding, bonding, and LIHTC rounds for projects and programs designed specifically to invest in and rehabilitate segregated neighborhoods;
- Monitor neighborhoods experiencing substantial displacement. Metrics could include measuring R/ECAP neighborhoods where the median incomes for new homeowners or tenants are 50% or more above the neighborhood's existing median income;
- Provide home purchase options, such as first generation downpayment assistance and government mortgages, for current community members living in neighborhoods experiencing displacement;
- Provide deep rental subsidies to any developer who receives state funding or tax credits to create deeply affordable rental units that are prioritized for people currently living in neighborhoods experiencing displacement in market rate buildings;

- Continue to award incentives to municipalities under the IHZ program to increase deeply affordable housing units for families outside of communities with R/ECAPs;
- Develop a database to track annual production of affordable housing units with 3+ bedrooms; continue implementation of the interagency 3+ bedroom policy and other policies limiting age-restrictions;
- Review affirmative fair housing marketing plans for developers of affordable housing receiving funding from DOH or CHFA to ensure they comply with the law. Request changes to marketing plans that do not comply with state and federal regulations. Prevent the owner or developer from accepting occupants until the affirmative fair housing marketing plan complies with the law and is used to find applicants for the housing.

Impediment No. 2:

Affordable housing programs are not used to promote integration adequately

As a result of income and wealth disparities, there is a disproportionate need for affordable housing among women, single parent households, people with disabilities under the age of 65, people with a source of income other than employment and people who are Black, or Latino/Hispanic. Many predominantly white communities express and act on a preference for affordable housing restricted to seniors who are disproportionately white in Connecticut to the exclusion of families with children which tend to be more diverse.

Addressing systemic segregation based on race and national origin requires significant investment in housing opportunities for lower and moderate-income families in communities throughout Connecticut.

Action Steps

- DOH and CHFA should recognize the difficulties developers have when creating deeply affordable housing for families by prioritizing housing funding for families with children especially families needing large units in each competitive funding round by:
 - Giving a high point value for developments that create affordable family housing outside of R/ECAPs and continue to refine the effectiveness of the criteria for awarding points;
 - Allowing developers of family housing a longer time to use the money awarded;
 - Creating funding, bonding, and LIHTC rounds only for affordable housing for families with children placed outside R/ECAPs;
 - Creating funding, bonding, and LIHTC rounds for the preservation and rehabilitation of family housing.
- Make it a legislative priority to ensure that the requirement that municipalities create, adopt, and revise every five years an affordable housing plan is not removed from the C.G.S. 8-30g statute;
- Make it a legislative priority to strengthen C.G.S. 8-30g by requiring the affordable housing plans to make clear how a municipality will increase affordable housing, who will be eligible for the affordable housing, and that the housing developed as the result of the plan will be deed restricted;

- Provide municipalities with clear expectations for affordable housing development;
- Do not grant state or federal housing funding through any competitive funding round to any municipality that does not have a current affordable housing plan;
- Review the statutorily mandated affordable housing plans and provide comments to the municipality regarding whether the plan meets the statutory requirements and whether the plan affirmatively furthers fair housing;
- Conduct outreach to municipalities to highlight the legal requirement to create an affordable housing plan, affirmatively further fair housing, as well as to promote housing choice and economic diversity;
- Use available funding to seize immediate development opportunities to increase affordable housing units outside of communities with R/ECAPs.
- Evaluate the effectiveness of housing development funding by DOH and CHFA in facilitating the creation of new family deeply affordable housing units to ensure the availability of affordable housing outside of communities with R/ECAPs.
- The Commissioner of DOH should use their 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;
- 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 but only if such housing does not increase segregation.

Impediment No. 3:

Connecticut is not using all available tools to combat segregation

Connecticut has multiple tools at its disposal that can be used to affirmatively further fair housing. Some of these tools, like the AHAA, HOMEConnecticut, and the municipal and regional POCDs must be improved to play larger roles in the effort to affirmatively further fair housing.

In addition, the State POCD and the ConPlan can be influential tools to affirmatively further fair housing. The 2018 – 2023 State POCD places a greater emphasis on regionalization and cooperation. Connecticut should implement the recommendations in the current POCD to promote regional cooperation and planning to site affordable housing in communities where little such housing exists. As stated in the State POCD, regional planning can only be accomplished by developing and implementing a robust framework for the sharing of planning data among state agencies, COGs, and municipalities. DOH should spearhead efforts to collect and share all necessary data.

The Department of Banking also has delegated authority under the Dodd-Frank Act to conduct supervision and enforcement of fair lending laws against banks that operate in the state.

Finally, affirmative fair housing marketing plans and mobility counseling are not being used effectively to promote integration.

Actions Steps

- As part of the action steps in the State ConPlan include the creation of a centralized database that collects and disseminates information on affordable housing for all housing created through federal, state, and local housing programs as well housing created through any specialized programs like LIHTC, 8-30g, etc. that includes the number of units, the housing tenure, number of bedrooms, the types of subsidies, and the demographics of the tenants.
- As part of the action steps in the State ConPlan include collecting and disseminating data regarding impediments to fair housing choice and efforts to affirmatively further fair housing, including housing needs data (including the need for accessible units), municipal zoning data, geocoded data for all State-assisted affordable housing investments, and individual and family support program beneficiaries (subject to privacy rights).
- The Department of Housing should spearhead efforts to create a regional approach to housing integration that includes:
 - Working with all municipalities in an MSA to create a regional housing plan that ensures that all communities have housing that is affordable to residents at all income levels;
 - Supporting efforts by municipalities and others to implement policies which result in every community creating housing that is affordable to residents at all income levels including but not limited to inclusionary zoning;
 - Petitioning HUD and other subsidized housing funders to create housing programs that allow tenants to move to any community they choose;
 - Promoting mobility by making it easier for tenants with housing vouchers to move to any community they choose;
- Review for effectiveness all DOH mobility counseling, rent bank/UniteCT and Security Deposit Guaranty programs and make appropriate changes to ensure they are promoting to the greatest extent fair housing choice by:
 - Prioritizing moves within the mobility contracts to ensure that the program is focused on assisting clients interested in moving to areas outside R/ECAP neighborhoods;
 - 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 neighborhoods outside R/ECAP neighborhoods;
 - Rewarding mobility counselors for referring cases of alleged housing discrimination to the proper agencies;
 - Linking mobility counselors to State-assisted affordable housing developments and include outreach to mobility counselors as part of affirmative fair housing marketing requirements.
- Review developments created in IHZs to ensure they are marketed to those least likely to apply. Tenancy data for this housing should be maintained and reviewed to assess the impact of the IHZ 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. Tenancy data should be maintained and reviewed to assess the impact of the program on affirmatively furthering fair housing.
- Ensure Transit Oriented Development initiatives include deeply affordable units and do not increase segregation.
- The Department of Banking should undertake supervision and enforcement of fair lending laws in the state.

Impediment No. 4:

Land use and zoning restrictions limit or impose illegal land use policies that prevent the creation, development, or rehabilitation of housing for people protected from discrimination.

Zoning continues to be a major impediment to fair housing choice with local ZBAs preventing affordable housing from being built in nearly all-white municipalities. While Connecticut’s Zoning Enabling Act requires municipalities to enact zoning ordinances that, among other things, further the purpose of the federal Fair Housing Act and make their communities accessible to anyone who wants to live there many zoning ordinances do the exact opposite. Zoning policies like high per acre requirements, low density limits, limitations on group homes for the disabled, and other restrictive zoning requirements limit housing for people protected from discrimination.

Actions Steps

- 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.
- Develop and promote the use of model zoning regulations that prioritize housing choice and diversity.
- 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.
- Review zoning ordinances to determine if they permit 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.
- Restrict or limit the availability of state or federal housing funding through any competitive funding round to any municipality that refuse to make changes to zoning ordinances as described above.

Impediment No. 5:

People with disabilities have difficulty finding accessible, affordable housing

The analysis of housing needs in Connecticut finds that there are currently and will continue to be a need for deeply affordable housing for people with disabilities. Funding for affordable housing must include accessible housing for the growing number of people with mobility-related disabilities as well as housing for people with mental disabilities who are not part of the homeless prevention system.

To date, there has been no systematic effort to identify housing that meets the accessibility requirements of the FHA despite the fact that these requirements went into effect in 1991. In addition, while there is some supportive housing for people with cognitive disabilities and those in recovery from substance abuse, the majority of this housing can only be accessed through the homelessness provider network. Future investments should make an effort to place accessible and supportive housing in a diversity of geographic locations that can be accessed through a variety of avenues.

Action Steps

- Create and/or increase funding that can be used to make existing housing accessible to people with disabilities.
- Fund accessibility testing of all new residential construction that must meet accessibility requirements under the federal FHA to determine if the units meet those requirements. Require retrofitting of any new units funded by any state program to meet accessibility requirements.
- Require that any housing created or rehabilitated with funds distributed by CHFA or DOH meet the accessibility requirements set out in the federal FHA.
- 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.
- Require retrofitting of any new units funded by any state program that are found not to meet accessibility requirements. Retrofitting should be at the owner's expense.
- 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 getting permission to make modifications in private housing at the expense of the person living in the unit.
- Require any housing built or rehabilitated with funding from DOH or CHFA be visitable. Visitable means that all units or buildings must include: 1) at least one entrance at grade level (no step) approached by an accessible route, and 2) an entrance door and all interior doors on the first floor that are at least 34 inches wide and offer at least 32 inches of clear passage space.
- Conduct education and outreach on accessibility and visitability requirements every year.
- Provide trainings for property owners, builders, and contractors regarding their responsibilities to meet the design and construction accessibility requirements of the Fair Housing Act.
- Prohibit municipalities who have prevented group homes from moving into their communities from receiving any discretionary funding from DOH or CHFA unless they

undertake an affirmative fair housing marketing plan to groups who provide housing for people with disabilities.

- Require municipalities with zoning regulations that prevent people with disabilities from moving into the community to change their zoning regulations to comply with the fair housing laws before any discretionary funding from DOH or CHFA is received.
- 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 do not award the municipality any discretionary funding from DOH or CHFA.

Impediment No. 6:

Low rates of lending result in decreasing wealth for households and communities of color

Access and affordability are twin pillars of sustainable housing and credit. 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. 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.

A substantial impediment to fair lending is limited regulator investigation and enforcement of fair lending issues. Most lending discrimination can only be identified through either comparative analysis or analysis of policies and procedures. It is difficult for private actors to access this information.

Action Steps

- 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.
- Require borrowers seeking risky mortgages to have review sessions with CHFA-approved housing counsellors to ensure they know and understand any hidden fees or future costs that could increase their payments or indebtedness.
- Increase State enforcement under the state's version of the Home Mortgage Disclosure Act, Connecticut's Abusive Home Loan Lending Practices Act, and related regulations, to identify illegal or abusive lending patterns. The Department of Banking should take prompt enforcement actions against discriminating lenders.
- State licensed lenders that set an interest rate 2.5% or more above the Average Prime Offer Rate should be required to submit the loan offer for review by a CHFA-approved financial counselor for review and approval.

- All lenders participating in any state lending-related program should report their lending data to the state for review, including applicant credit profiles.
- All lenders participating in any state lending-related program benefit should have “second-look” program to make sure borrowers receive loans for which they qualify e.g., they should receive lower interest rate loans if they qualify) and loan denials should be reviewed.
- Support research using HMDA data to identify lenders with high rates of loan denials involving Blacks, Latinx, women, and people with disabilities.
- Contract with an independent organization to conduct fair lending testing of lenders with high rates of loan denials involving Blacks, Latinx, women, and people with disabilities.
- Agencies and partners (e.g., DOB, AG, CHFA) should conduct periodic fair lending examinations of state-licensed lenders consistent with the Federal Financial Institutions Examination Council Fair Lending Examination Procedures.
- The Department of Banking should enforce the state’s Home Mortgage Disclosure Act.

Impediment No. 7:

Fair housing enforcement and education have not reached all members of the protected classes nor all housing providers

The State of Connecticut has supported fair housing education and enforcement activities by both providing financial support and including fair housing advocates when considering new policies and programs as well as changes to existing policies and programs. However, it is clear from the number of fair housing complaints received by entities within the State as well as the results of fair housing testing of the real estate market that discrimination persists and may be increasing.

In addition, 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. Finally, 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. With new groups of people entering Connecticut with LEP, the Judicial Branch, housing authorities, HUD, and other federal financial recipients must make language access a priority.

Action Steps

- Require all entities receiving funding from DOH to participate in fair housing training at least once per year.
- Require all entities receiving funding from DOH to have LEP policies that comply with HUD guidance that meet the language needs of the communities they serve. Require changes in LEP policies as part of funding renewal if any violations of HUD LEP requirements are found.

- Require the staff of entities receiving supportive housing grants, Emergency Shelter Grants, and other homelessness prevention funding from the State to undergo fair housing training at least once per year as part of its contracts with DOH.
- Use the HMIS tracker to determine if homeless service providers are complying with the fair housing laws. Require changes in rules or procedures as part of funding renewal if any violations of the fair housing laws are found.
- Require the Coordinated Access Network agencies and any entities funded by them to review their policies and procedures to determine if any violating the fair housing laws. Require changes in rules or procedures as part of funding renewal if any violations of the fair housing laws are found.
- Require the Coordinated Access Network agencies and any entities funded by them to have LEP policies that comply with HUD guidance that meet the language needs of the communities they serve. Require changes in LEP policies as part of funding renewal if any violations of HUD LEP requirements are found.
- Support education and training for private landlords regarding fair housing obligations.
- Support systemic fair housing testing and investigations of affordable housing to determine if there are violations of the fair housing laws in tenant screening, occupancy requirements, and
- Support the enforcement of fair housing laws.

Appendix 1: Style Manual and Definitions

Definitions

Race and ethnicity labels are complicated. For example, “African-American” does not necessarily properly describe a Black person in the U.S. who is originally from a non-African country. “Hispanic or Latino” are ethnicities, not races. Thus, a person who is ethnically Hispanic or Latino, or has a national origin from another country, can also belong to different racial groups.

For the sake of much of this report, demographic data that taken the U.S. Census Bureau uses the labels from that entity: Hispanic, Non-Hispanic White, Non-Hispanic Black, etc. However, there is a growing recognition that those labels do not reflect terms used by the people who are described. Therefore, unless the text is discussing U.S. Census data, this AI uses the terminology that is generally accepted by the groups being described.

Asian Alone: 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.

Black or African American: 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.

BIPOC—Black, Indigenous, People of Color. In this document, the term has generally replaced the shorter, less inclusive term “people of color” term used in the 2015 AI. By specifying who is included (Black, Indigenous, and People of Color), the term highlights the individuals who are included and the unique relationship of the individuals to whiteness in the U.S.

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 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.

Hispanic—Traditionally used to refer to people of Spanish ancestry, or people whose families came from countries that had been Spanish-speaking colonies. This classification excluded people who traced their roots to countries like Brazil, Haiti, Suriname, and Guyana. Therefore, this ethnic classification has been expanded to read “Hispanic or Latinx” with the aim of being more inclusive and accurate. 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.”

Latino/Latina/Latinx—

Other Races & Ethnic Groups: This category captures other groups such as Native Americans, American Indians, Alaskan Natives, Native Hawaiians, and Other Pacific Islanders. Each of these distinct groups have a rich and pronounced history and cultural background, but, statistically, they have a small presence in Connecticut. Therefore, less data is available for each group individually, and as a result they are grouped together in this report. Occasionally, due to data limitations, this “Other” category includes Asians.

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.

White Alone: 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.