

CAN FAIR HOUSING LAWS HELP ADDRESS CORONAVIRUS DISPARITIES?

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Opportunities

Erin Boggs, Esq.



OPEN COMMUNITIES
ALLIANCE

Embracing Diversity to Strengthen Connecticut



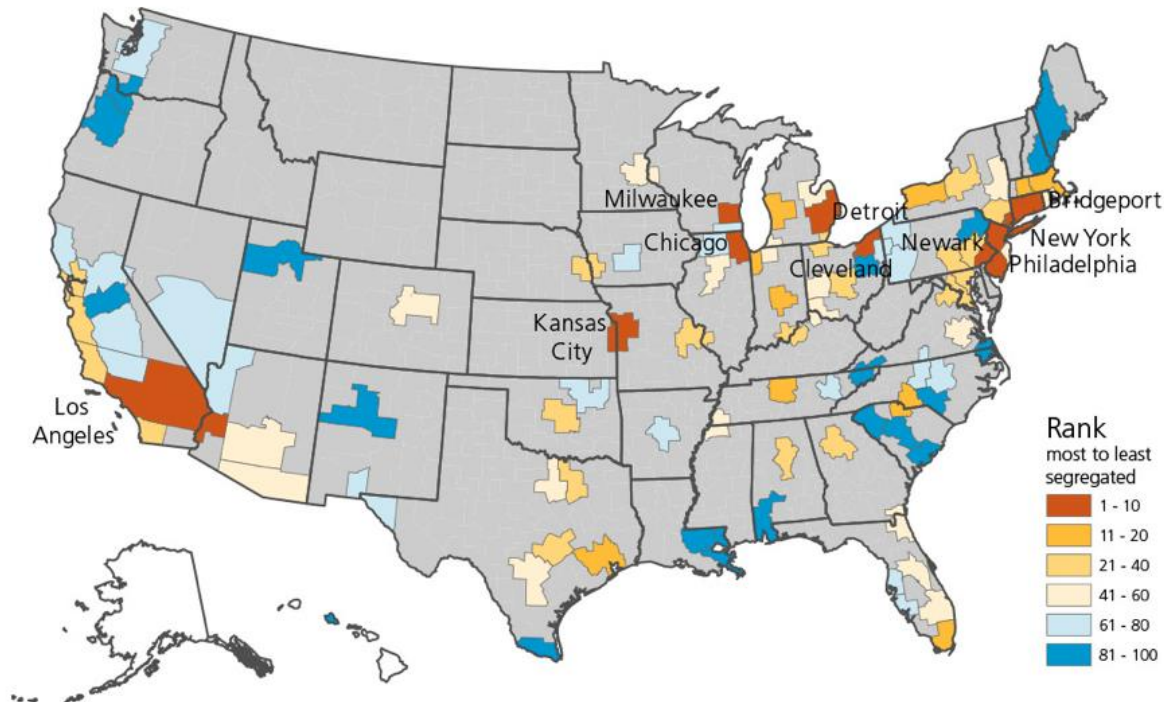
OPEN COMMUNITIES ALLIANCE

Embracing Diversity to Strengthen Connecticut

Open Communities Alliance is a Connecticut-based civil rights non-profit working with an urban-suburban interracial coalition to advocate for access to opportunity, particularly through promoting balanced affordable housing development, including in thriving communities.

CT IS ONE OF THE MOST SEGREGATED STATES IN THE NATION

Comparing the Nation: Ranking of Segregation in 100 Largest U.S. Metro Areas, 2010



Source: Acs, Gregory, Rolf Pendall, Mark Treskon, and Amy Khare. 2017. *The Cost of Segregation: National Trends and the Case of Chicago: 1990-2010*. Washington, D.C.: Urban Institute.

Shaped by multiple factors:

- Zoning
- Subsidized housing locations
- Limits on housing authority jurisdiction
- Disinvestment
- History of intentional segregating policies

DOES THIS MEAN EVERYONE MUST MOVE?

■ **NO!**

- It means we must work to make every neighborhood an area of opportunity and every school high performing.

■ **BUT...**

- Some low income families want to stay to revitalize struggling communities - and they can do that currently – but must be provided strategically targeted resources.
- Other low income families want to move to higher-resourced communities *and they currently cannot*.

■ **ALSO...**

- In poverty-concentrated areas, voluntary decreased poverty concentration = better neighborhood and educational outcomes.

The goal is to ensure low income families have choices.

TWO WAY STREET SOLUTION:

**(1) ENSURE *CHOICES* IN
AFFORDABLE HOUSING
LOCATION AND**

**(2) INVEST IN STRUGGLING
COMMUNITIES**

IMPACT ON OPPORTUNITY

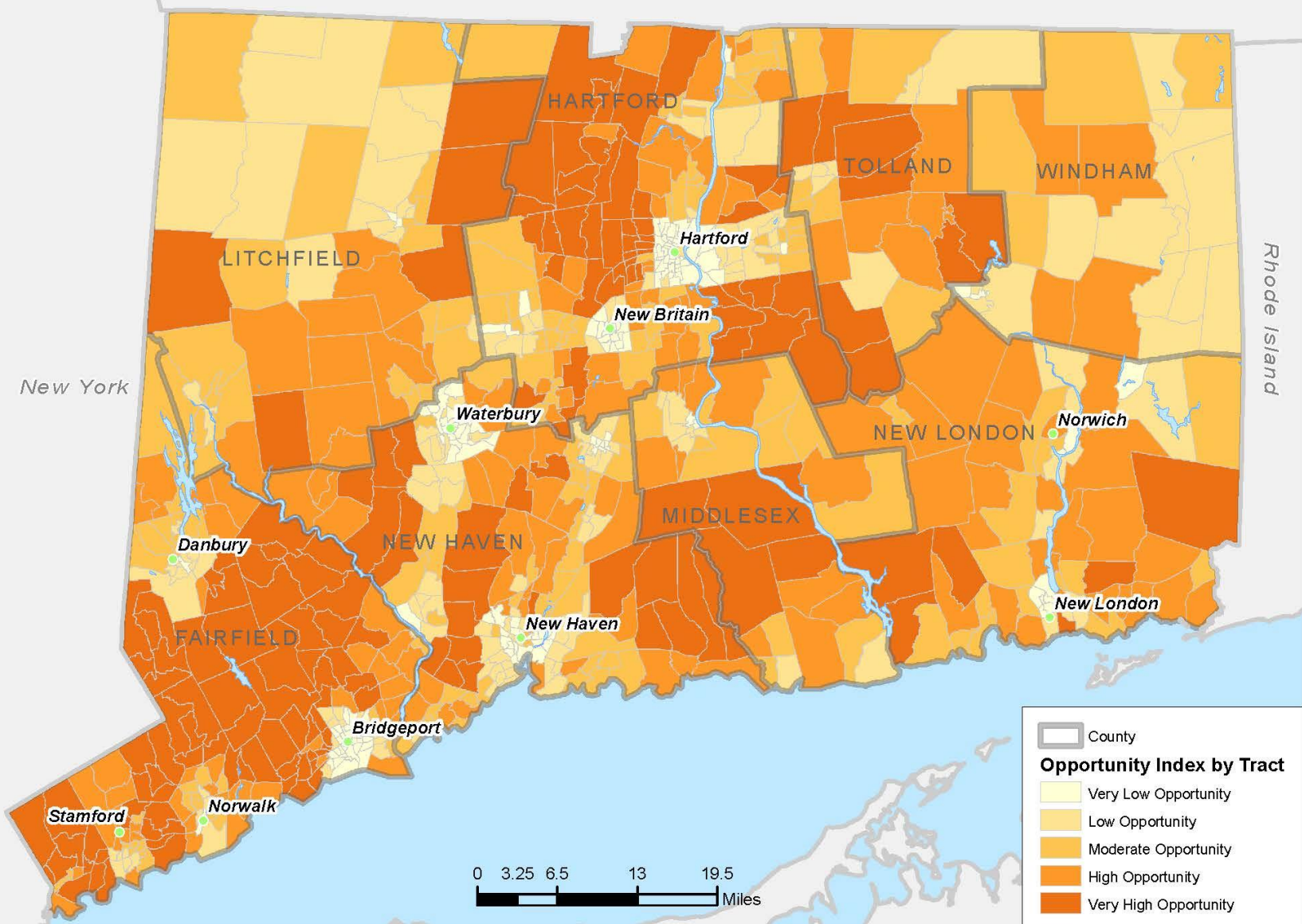
Educational Indicators	Economic Indicators	Neighborhood/Housing Quality Indicators
Students Passing Math Test scores	Unemployment Rates	Neighborhood Vacancy
Students Passing Reading Test scores	Population on Public Assistance	Crime Rate
Educational Attainment	Job Growth	Neighborhood Poverty Rate
	Employment Access	Homeownership Rate
	Job Diversity	



Map of Distribution of Opportunity in Connecticut



Massachusetts



County

Opportunity Index by Tract

- Very Low Opportunity
- Low Opportunity
- Moderate Opportunity
- High Opportunity
- Very High Opportunity

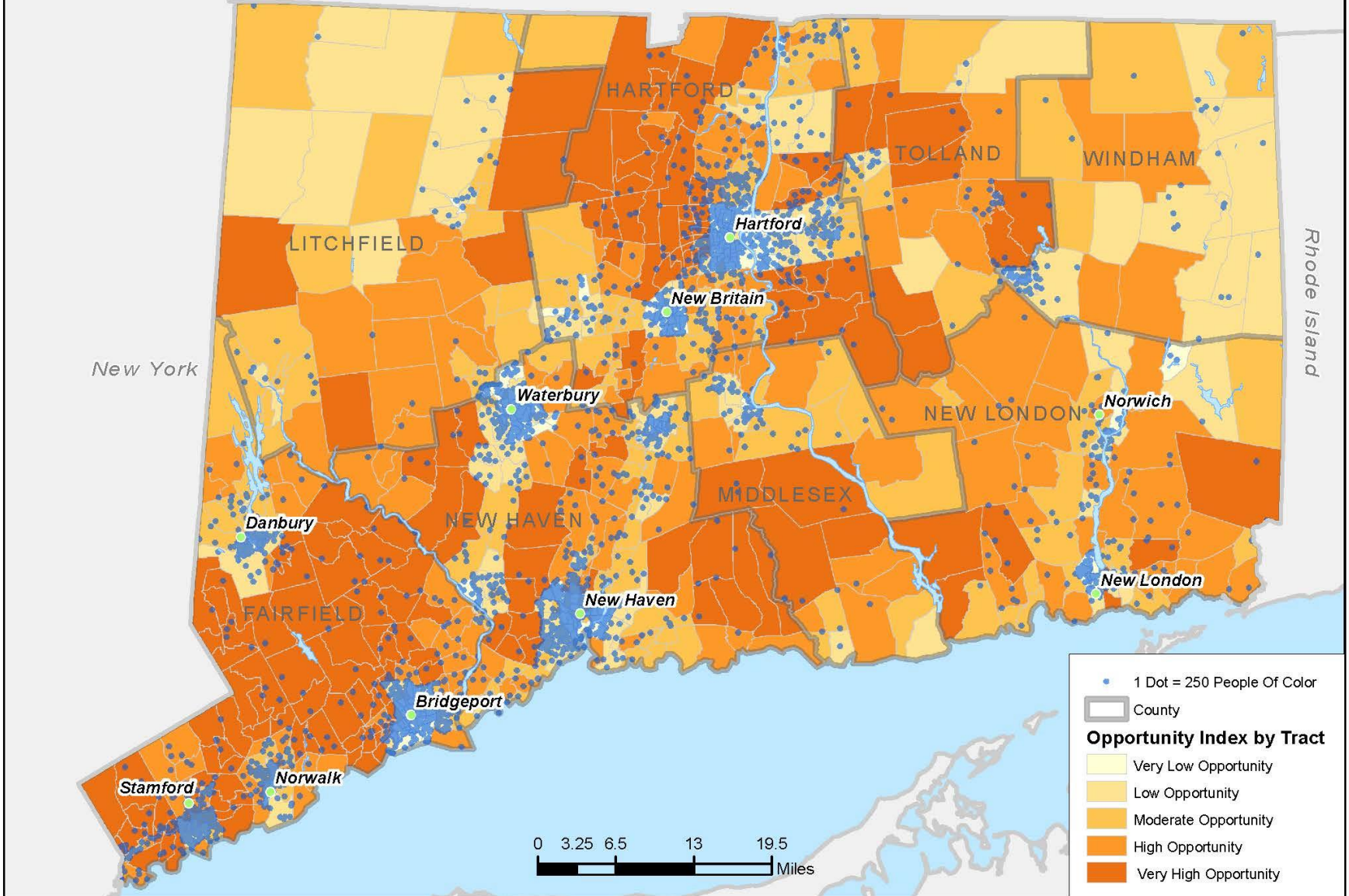


Data Sources: U.S. Census Bureau, MAGIC. Date: December 13, 2014.

Map of Distribution of People of Color and Opportunity in Connecticut



Massachusetts



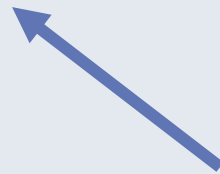
WHERE DO WE LIVE? OPPORTUNITY BY RACE AND ETHNICITY IN CT

% of People by Race & Ethnicity Living in Lower Opportunity Areas

Blacks:	73%
Latinos:	73%
Whites:	26%
Asians:	36%

OPPORTUNITY DETAIL AND RACE

	Very Low
White	9%
Black	52%
Asian	14%
Hispanic	50%



2% of the land area of the state.

Very High
29%
5%
25%
7%

WHAT DO FAMILIES WANT?

Survey of 300 tenant based voucher holders revealed:

45% of those Housing Choice Voucher holders surveyed shared that they would consider “high” or “very high opportunity” areas as a first choice for a new home.

RACIAL COVENANTS

- The Supreme Court finally held that State courts could not enforce racial covenants under the 14th Amendment's Equal Protection Clause in the *Shelley v. Kraemer* case in 1948.



AGREEMENT CONCERNING BUILDING RESTRICTIONS

WHEREAS, HIGH LEDGE HOMES, INCORPORATED, a corporation organized and existing by virtue of and under the laws of the State of Connecticut, with its principal place of business in the Town of West Hartford, County of Hartford and State of Connecticut, is the owner of a certain tract of land situated in the Town of West Hartford, and known and described as follows:

Lots Nos. 67, easterly fifty-two (52) feet of 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 on a map entitled, "Section Two, High Ledge Tract owned by R. G. Bent Co., West Hartford, Conn., Scale 1" = 100'", April 1938, Osterling & Salmonsens, Land Surveyors", on file in the Town Clerk's Office in said Town of West Hartford, to which reference is hereby made for a more particular description.

THIRD PIECE

Lots Nos. 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128 on a map entitled, "Section Three, High Ledge Tract, owned by R. G. Bent Company, West Hartford, Conn., Scale 1" = 100', March 1940, Osterling & Salmonsens, Land Surveyors", to which reference is hereby made for a more particular description:

AND WHEREAS, High Ledge Homes Incorporated acquired title to the aforesaid property by a warranty deed from The R. G. Bent Company, dated April 15, 1940, recorded in West Hartford Land Records, Volume 150, Page 312; and

WHEREAS, it is the desire and intention of High Ledge Homes Incorporated to create a uniform plan of development for the property hereinbefore mentioned and to impose building restrictions thereon which are to be inserted in all deeds conveying title to any part of the above premises.

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

five (5) feet to the front lot line nor nearer than ten (10) feet to any side lot line on either side, and no building, except a garage or other outbuilding, shall be located nearer than five (5) feet to any side lot line.

(c) No residential structure shall be erected or placed on any building plot which plot has an area of less than nine thousand (9,000) square feet nor a frontage of less than sixty (60) feet.

(d) No noxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

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

(f) No building shall be erected, placed or altered or permitted to remain on any building plot in this sub-division until the external design and location thereof have been approved in writing by the said High Ledge Homes Incorporated, its successors or assigns, hereinafter designated as the Committee. However, in the event that the said Committee fails to approve or disapprove such design or location within thirty (30) days after such plans have been submitted to it, then such approval will not be required. The completion of construction, alteration or placement of a structure for thirty (30) days shall be construed as prima facie evidence of the Committee's approval. In any case, either with or without the approval of the Committee, no dwelling costing less than \$4,500 shall be permitted on any lot in the property, and the ground floor area of the main structure shall be not less than seven hundred and fifty (750) square feet in case of a one story structure, nor less than five hundred (500) square feet in the case of a one and one-half, two, or two and one-half story structure.

(g) These covenants are to run with the land and shall be binding on all the parties and all persons claiming under them until January 1, 1965, at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the lots it is agreed to change the said covenants in whole or in part.

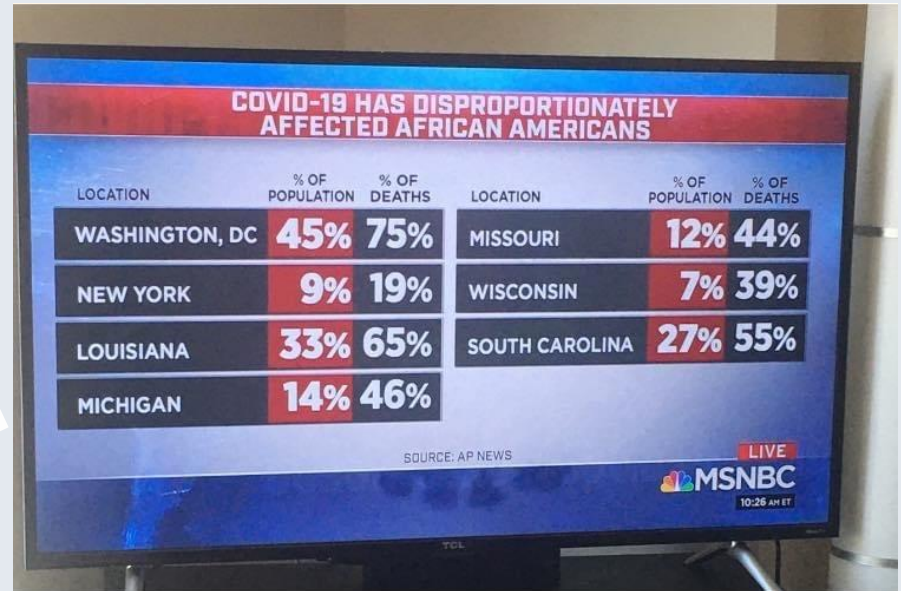
(h) If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein it shall be lawful for any other persons or person owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting

CONNECTION TO CURRENT CRISIS

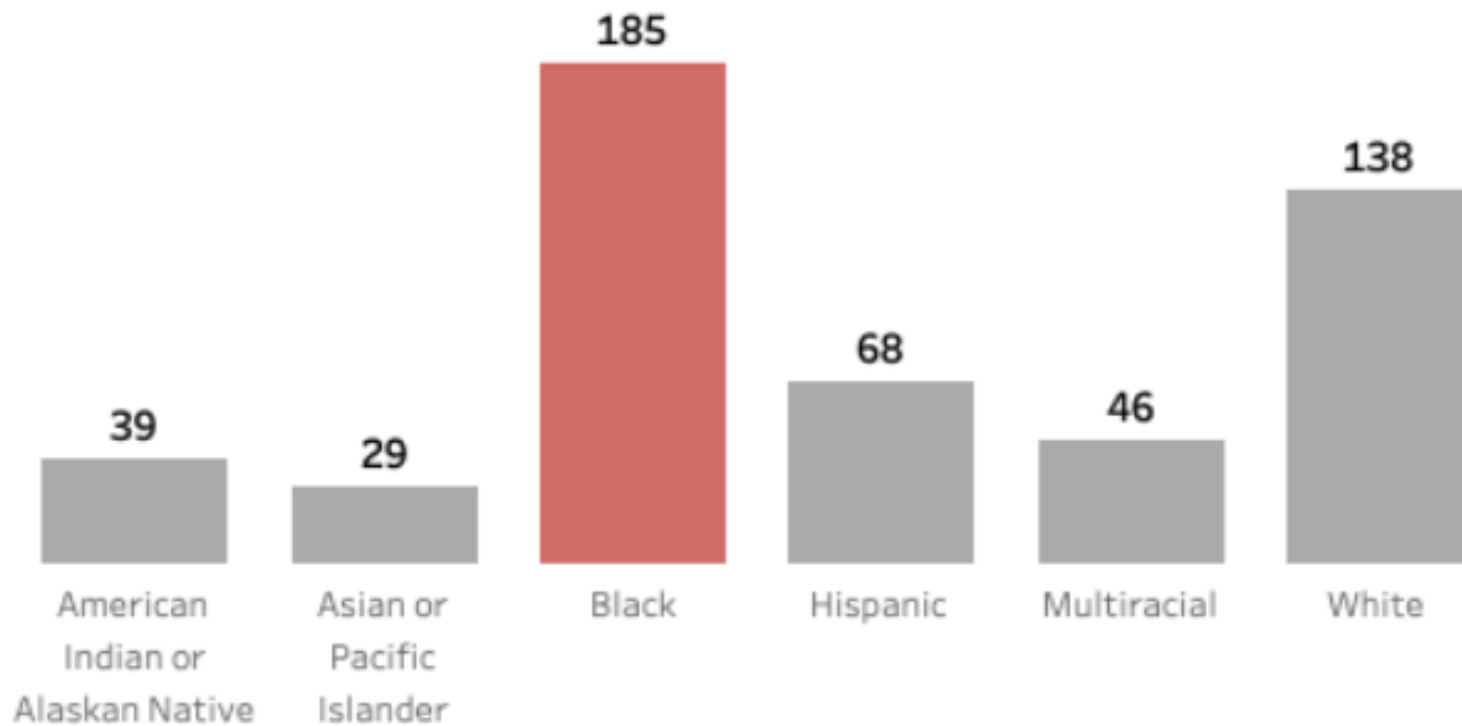
Black Americans Face Alarming Rates of Coronavirus Infection in Some States – New York Times

IDEAS
What the Racial Data Show
The pandemic seems to be hitting people of color the hardest.
The Atlantic

Mayors Move to Address Racial Disparity in Covid-19 Deaths – WALL STREET JOURNAL
Divide is caused by more pre-existing medical conditions, less access to health care, jobs requiring physical contact

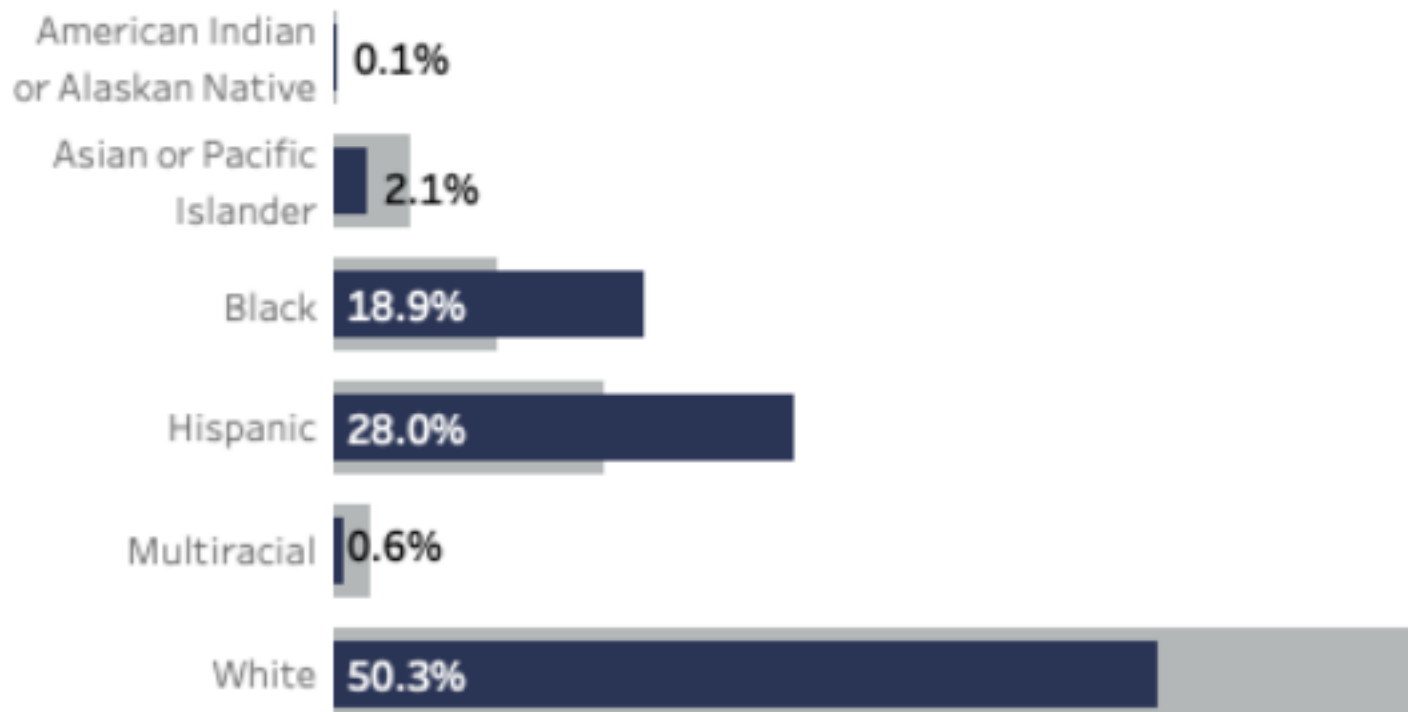


Covid-19 Deaths Per 100,000 By Race/Ethnicity



Covid-19 Cases Comparison By Race/Ethnicity

Case % vs. Connecticut Population %



DISPARITIES IN IMPACT

Renter Status by Race and Ethnicity – CT

Race/Ethnicity	Percent Renters
Non-Hispanic White	23.9%
Black	60.3%
Hispanic	65.8%
Asian	42.7%

Black workers are more likely than other workers to be in front-line jobs

Black workers as a share of all workers in a given industry

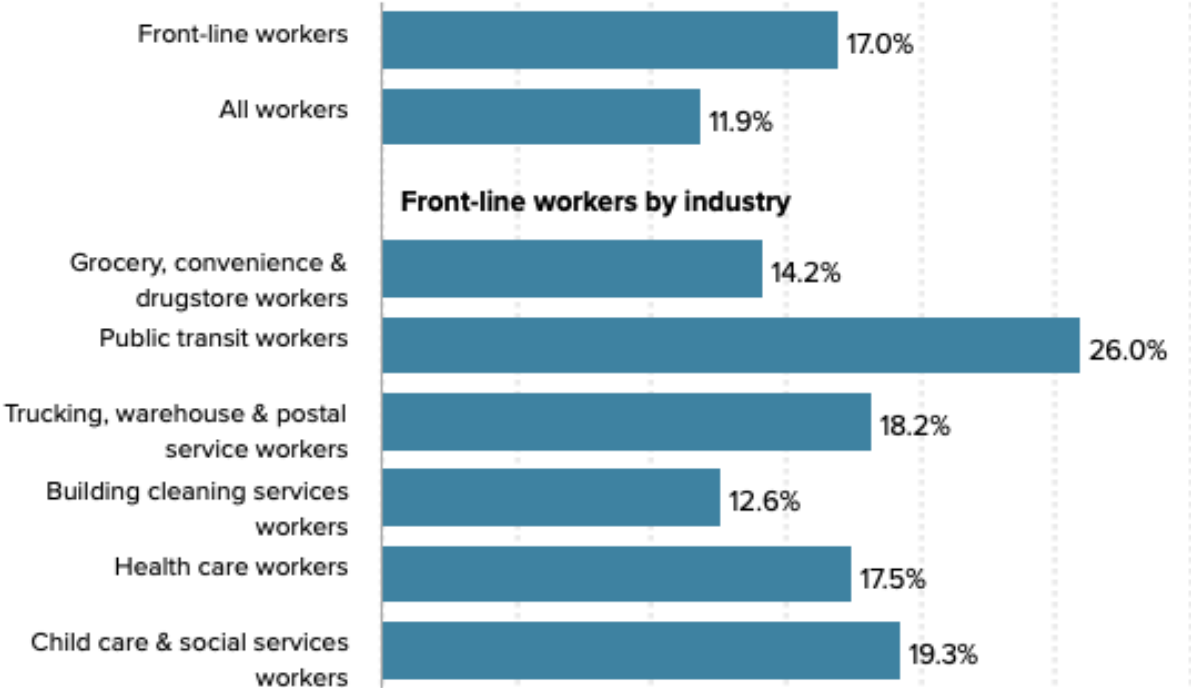


Chart Data

Notes: The front-line industry categories used here are the categories used in the CEPR report (see Source below for more information). Sample is a 2014–2018 five-year estimate.

Source: EPI analysis of data from the Center for Economic Policy Research (CEPR) report *A Basic Demographic Profile of Workers in Frontline Industries* (April 2020).

Black workers are far more likely to be unemployed than white workers at every level of education

Unemployment rates by race and education, 2019

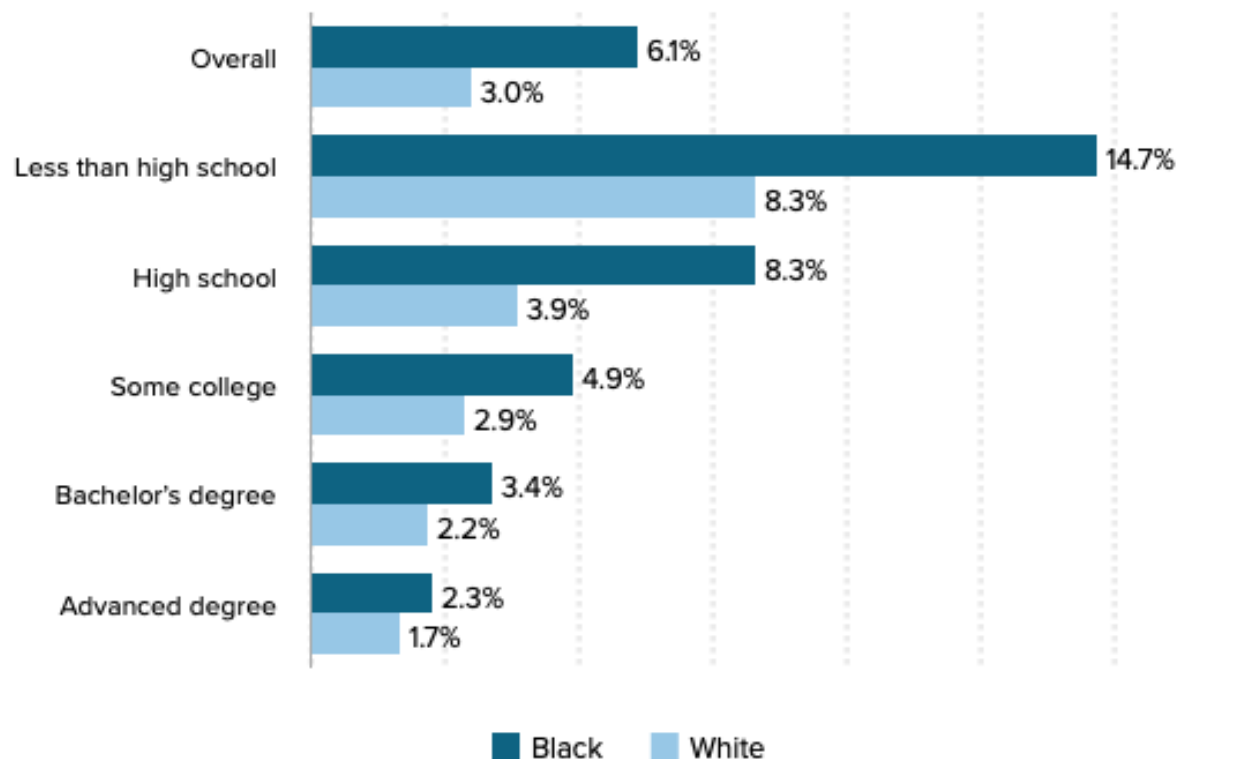


Chart Data

Notes: White refers to non-Hispanic whites, black refers to blacks alone. Educational categories are mutually exclusive and represent the highest education level attained for all individuals ages 16 and older.

Source: Economic Policy Institute, *State of Working America Data Library*, [[Unemployment by race and education](#)], 2019.

Black workers are less likely to have paid sick days and less likely to be able to work from home than white workers

Shares of workers with paid sick days and the ability to work from home, by race

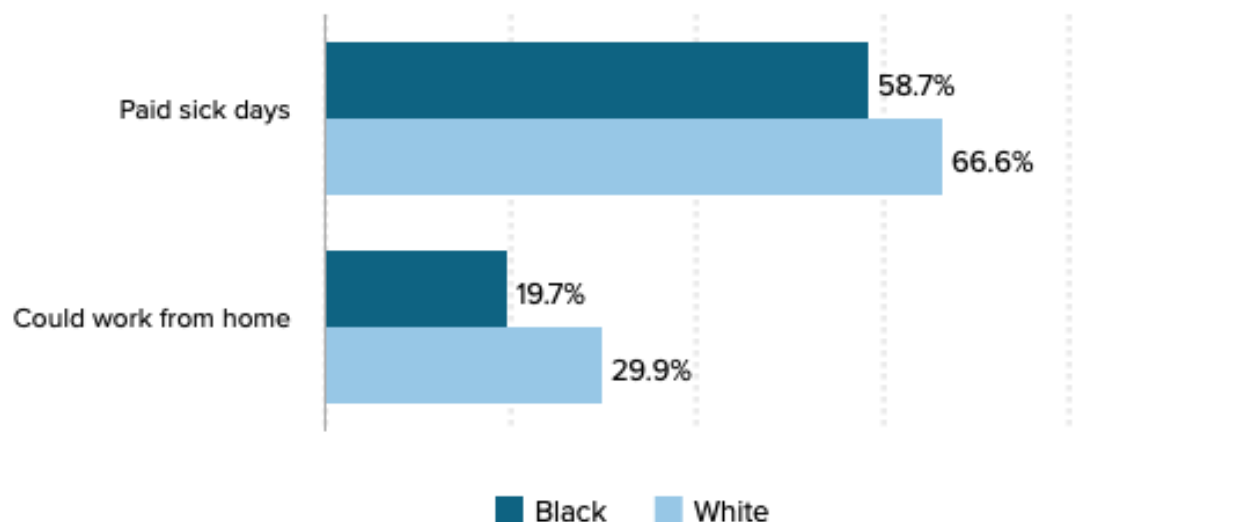


Chart Data

Sources: U.S. Bureau of Labor Statistics, [Job Flexibilities and Work Schedules](#), 2017 and 2018; U.S. Bureau of Labor Statistics, American Time Use Survey microdata.

Economic Policy Institute

CAN LAWS HELP US?

Federal Fair Housing Act

- Race—black or white
- Color—skin tone
- National Origin—country of an individual's origin or the country from which the individual's ancestors came
- Religion—Limitation based on religious or spiritual beliefs
- Sex—gender (recently being applied to sexual orientation too)
- Handicap/disability
- Familial Status—presence of children under 18; pregnancy; persons in the process of getting legal custody

CT State Fair Housing Act Additional Protections

- Gender Identity or Expression
- Lawful Source of Income
- Age (except minors)

CT Constitution Article First, Sec. 20

No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion, race, color, ancestry or national origin.



TYPES OF FAIR HOUSING ACT CLAIMS



**EQUAL HOUSING
OPPORTUNITY**

- Intentional discrimination
- Disparate impact/perpetuation of segregation
- A failure to affirmatively further fair housing for recipients of certain grant funding (APA claim)

FAIR HOUSING ACT COVERS THREE MAIN AREAS

- *Private transactions and conduct* in housing and housing-related markets (leasing, buying, mortgage lending, insurance, etc.)
 - Landlords, realtors, property owners/managers, banks, insurers, etc.
 - Can be single transactions or policies/practices with broader impact
- *Government conduct*: restrictions on government action...things the government is **prohibited** from doing.
- *Government duties*: mandates for taking action....things the government is **affirmatively required to do** (makes the FHA unique).
 - **AFFH**: duty to affirmatively further fair housing
 - Duty not to perpetuate segregation – may entail pro-active steps

“GREENLINING” THE RESPONSE TO CORONAVIRUS (*JUST A STARTING POINT...*)

Intensify PPE

Intensify the provision of PPE to areas with high incidences of COVID-19 – and make it free.

Accessible Testing

Make testing free and easy in high-incidence areas.

Prioritize Contact Tracing

Prioritize contact tracing in high-incidence areas (must be done respectfully)

Invest in Education

Provide appropriate technology and safe facilities

Protect Renters and the Rental Market

Make a deep investment in protecting renters – including making landlords whole and supporting mobility.



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**Erin Boggs, Esq.
Executive Director
Open Communities Alliance
75 Charter Oak Avenue
Suite 1-210
Hartford, CT 06106**

Tel. 860.610-6040

eboggs@ctoca.org

Check us out and join the coalition at: <http://www.ctoca.org>