



November 26, 2013

Attn: Office of the General Counsel
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: Comments On DHCD's 2013 Draft Analysis of Impediments to Fair Housing Choice

Dear Margaux:

I am writing to offer MACDC's comments on the Commonwealth's Draft 2013 Analysis of Impediments to Fair Housing. MACDC appreciates DHCD's leadership in addressing fair housing challenges and we strongly support your efforts to ensure fair and equal access to housing for all of the residents of our Commonwealth.

As we have discussed at the Fair Housing Advisory Committee meetings, the issues addressed in the AI are complex and require balancing important but sometimes contradictory goals. We think DHCD has demonstrated sensitivity to these challenges and nuances. At the same time, we think the AI could be improved by making some further changes.

First, and most importantly, we want to express our unequivocal support for the aggressive approach proposed in the Draft AI to support fair housing and de-concentrate poverty. We fully agree with the following statement in the AI's Executive Summary: "Agency decisions must balance (1) the affirmative obligation to support investment, particularly in affordable rental family housing, in non-impacted areas in order to open up access to the lifelong benefits of such areas to all residents, with (2) strategic housing and community development re-investment in impacted areas in order to support efforts to foster and enhance opportunity in such neighborhoods."

The balance of this letter addresses more specific elements in the AI plan.

Comments on Specific Action Steps Proposed:

We focus our comments on Appendix B, Current Priority Action Areas, in the Draft AI. In particular, we offer comments on the first two bullet points under Further Access to "Areas of Opportunity":

- Invest and preserve resources to improve opportunities for a range of households in impacted areas; and
- Invest and develop policies to increase access in non-impacted areas.

With regard to these two action steps, we offer the following comments:

1. DHCD's explicit identification of a "both and" strategy of supporting investment in "non-impacted areas" and supporting strategic housing and community development reinvestment in "impacted areas" is good public policy and true to both the letter and the spirit of furthering fair housing. MACDC members are actively involved in both of these strategies in urban, rural and suburban communities across the state.
2. MACDC is pleased that DHCD notes the disinvestment faced by residents of areas of concentrated poverty, and appreciative of its efforts to administer funding to address distressed properties in these areas and to partner with CDCs to "increase economic opportunities for lower income households pursuant to the Community Development Partnership Act."
3. We are concerned about the "opportunity community" nomenclature, as many urban neighborhoods that would be classified as "lower opportunity" communities in fact offer many opportunities and amenities. These assets include infrastructure, access to transit, social service networks, cultural amenities, and consistency with many of the Commonwealth's established Sustainable Development Principles, including "concentrate development and mix uses...including reuse of existing structures", "increase job and business opportunities", and "protect land and ecosystems".

In addition, the "opportunity framework" fails to take into account the full breadth of opportunities that different households seek and fails to recognize that the Commonwealth is home to many diverse households, including young adults, families, empty nesters, and seniors, each of whom may seek a different array of opportunities at different points in their lives.

And finally, we believe the language unfairly stigmatizes certain neighborhoods (under the Kirwin methodology, no less than 40% of the state is automatically considered "low opportunity" regardless of the quality of life those places offer. While we prefer the "impacted" and "non-impacted" language adopted by DHCD, the document still uses the "opportunity" language frequently, as does the QAP, and we once again suggest that you refrain from doing so.

4. We support DHCD's efforts to promote fair housing and mobility that will increase access for all people to housing across the Commonwealth, including in non-subsidized developments. The data in the AI show that income disparities only partially explain the racial segregation in Massachusetts and many other factors are in play. Therefore, while affordable housing will help reduce economic segregation, it will have less impact on reducing racial segregation. We need to do much more. We understand that DHCD's funding is focused on affordable housing but the document and the state's fair housing strategy would be stronger if it included more discussion

of how to shift housing patterns and choices in the private market. (We note that DHCD does talk about zoning reform and we strongly encourage DHCD and the Governor to endorse the zoning reform legislation now pending in the State House as an important step in this direction).

General Comments:

We offer the following more general comments as DHCD implements the Analysis of Impediments to Fair Housing Choice:

1. Efforts to reduce racial and economic segregation need to be sensitive to the dynamics of gentrification. This means thinking about both the rate and scale of demographic change that is appropriate in specific neighborhoods. It is not sufficient to simply say we want “less” residential segregation without putting some specific goals or parameters in the document. Boston’s Chinatown neighborhood is a good example of the challenges with changing long standing patterns of housing segregation. While Chinatown is much more diverse than it used to be, that diversity has come with a price – the dislocation and disruption of a long-standing, historic community. MACDC does not believe that current residential patterns should be locked in place forever – absolutely not. And I think most would agree that dramatic changes in neighborhood character – like those seen during the “bad days” of urban renewal – are not appropriate either. Finding the right middle ground is the hard work of implementing community development and fair housing in specific neighborhoods, with distinct histories, cultures, contexts and market dynamics. These tensions need to be better acknowledged in the plan.
2. Building on the prior point, MACDC would agree that we should try to reduce the number of areas in Massachusetts that can be characterized as areas that are Racially Concentrated Areas of Poverty. The best way to do this, of course, is to help the people who live in those neighborhoods increase their incomes so they are no longer poor. But inevitably, even if we are successful in increasing incomes, these neighborhoods will be subject to shifting demographics as people move in and move out. Ultimately, the only way to reduce the number of RCAPs is to make these neighborhoods attractive to non-poor people and white people. This may sound uncomfortable, but it is the reality given how the term RCAP is defined by HUD. Helping people of color leave RCAPs for other areas may help those families and may make other neighborhoods more diverse, but the RCAP they leave behind will still be an RCAP. We make these observations simply to underscore the importance of neighborhood revitalization and to highlight the complexities and impediments that come into play as we seek to shift long-standing patterns.
3. In order to disrupt long standing patterns of residential segregation will require more than an affordable housing strategy. DHCD needs to help local communities market

and brand themselves so that they create a welcoming environment to new demographics moving into those communities. Local community based organizations can play an important role in this regard as advocates for inclusion and by offering programs and initiatives that help welcome and integrate newcomers.

4. The state needs to deploy more of its flexible housing dollars to support a broader range of housing interventions that support mixed income communities, including homeownership, small rental development, moderate income housing, and housing rehab programs. Right now, virtually all of the state's flexible funding (those programs funded under the bond bill) is used to provide gap filler for LIHTC deals. These deals are terrific, but we need a more diverse set of housing products if we are serious about creating diverse, mixed income communities. We are pleased that DHCD will once again fund homeownership development on a limited basis in 2014, but this initial effort should be expanded and supplemented with small rental developments, housing rehab and other efforts.
5. We remain confused and disappointed at the extent to which DHCD continues to rely on and quote from the Kirwan Institute's opportunity mapping analysis. The framing and methodology used by Kirwan has been seriously questioned by many respected researchers at MAPC and UMASS Boston and does not provide a reliable basis on which to base policy decisions. If nothing else, the AI should reference the many limitations and flaws in the methodology.

Thank you for the opportunity to comment on the AI and thank you for your continued efforts to promote fair and equal access to housing to all of our Commonwealth's residents.

Please contact me at 617-379-5922 or at joek@macdc.org if you have questions or want additional information.

Sincerely,



Joe Kriesberg
President and CEO

Cc: Deborah Goddard, DHCD
Don Bianchi, MACDC