

City of Boston

Analysis of Impediments to Fair Housing Choice



June 2010

Thomas M. Menino, Mayor

Victoria L. Williams, Executive Director
Boston Fair Housing Commission



The City of Boston is committed to fostering the letter and spirit of Equal Housing Opportunity.

City Of Boston Office of Civil Rights

Thomas M. Menino
Mayor

Victoria L. Williams
Director



DIVISIONS
Fair Housing Commission
Human Rights Commission
Commission for Persons with Disabilities

Dear Reader,

I am pleased to present the City of Boston's *2010 Analysis of Impediments to Fair Housing Choice*, or AI. The U. S. Department of Housing and Urban Development (HUD) requires municipalities that receive federal funding under a variety of programs to certify that they affirmatively further fair housing choice by completing an Analysis of Impediments; taking action to eliminate identified impediments; and maintaining fair housing records. The City's commitment to fair housing and civil rights, however, extends far beyond these program requirements. Boston is committed to ensuring that all city residents – and those who aspire to live here – have full, fair and equal access to housing, public services, and participation in civic life.

This commitment begins at the highest levels of municipal government. Inclusion has been a cornerstone of Mayor Thomas Menino's long tenure as Boston's chief executive. The Mayor believes that the "diversity of Boston is the strength of Boston." He has been a tireless advocate for those who have been discriminated against because of their race, creed or sexual orientation, and his leadership has helped heal some of the deep racial divisions that historically separated the city. He has raised the standard for affordable housing, built partnerships to increase housing production, and developed a nationally replicated model to stem the tide of foreclosures in the city. The responsibility for ensuring that housing, education, safety, and public amenities in all Boston neighborhoods are accessible to all residents is embedded into the mission of every City department and agency.

I'd like to thank the members of the Advisory Committee, and our government partners both at the state and federal level, who have assisted in the preparation of this AI, and whose continued collaboration is essential to its successful execution. Special thanks and appreciation go to my colleagues Evelyn Friedman, Director of the City's Department of Neighborhood Development; John Palmieri, Director of the Boston Redevelopment Authority; and Bill McGonigle, Administrator of the Boston Housing Authority. We have accomplished a great deal since the last AI was released in 1997, but much remains to be done.

Sincerely,

Victoria Williams, Director
City of Boston Office of Civil Rights/Boston Fair Housing Commission

City Of Boston Office of Civil Rights

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Office of Civil Rights

The mission of the Office of Civil Rights (OCR) is to eliminate discrimination and ensure fair and equal access to housing, public services, accommodations and participation in activities. The Office strives to reduce procedural, attitudinal and communication barriers for persons living and working in the City of Boston. Created in 1995 as a human rights umbrella agency responsible for enforcing and coordinating all anti-discrimination ordinances in the City of Boston, OCR consists of three main program areas: the Boston Fair Housing Commission, the Human Rights Commission, and the Commission for Persons with Disabilities.

Boston Fair Housing Commission

The Fair Housing Commission (BFHC) works to eliminate discrimination and increase access to housing in Boston through investigation and enforcement, affirmative marketing, housing counseling, and interagency coordination. This Analysis of Impediments – a blueprint for affirmatively furthering fair housing in the city and surrounding metropolitan area – has been prepared under the direction of the BFHC, which will oversee its implementation.

Questions or comments should be directed to:

Office of Civil Rights, Boston Fair Housing Commission
E-mail address: CivilRights@cityofboston.gov
Telephone: 617-635-2500
TTY: 617-635-2541

Information is available in alternate formats upon request.

Analysis of Impediments Advisory Committee

Victoria Williams, Chair
Executive Director,
Boston Office of Civil Rights/Boston Fair Housing Commission

Marlena Richardson
Deputy Director
Boston Office of Civil Rights/Boston Fair Housing Commission

Dolores Acevedo-Garcia, PhD, MPA-URP
Associate Professor, Bouve College of Health Sciences
Associate Director, Institute on Urban Health Research
Northeastern University
Barbara Chandler
Fair Housing Manager
Metropolitan Boston Housing Partnership

Nadine Cohen
Managing Attorney, Consumer Rights Unit
Greater Boston Legal Services

Francisca Fajana
Race Equity Project Director
Massachusetts Law Reform Institute

Robert Gehret
Deputy Director, Policy Development and Research Division
Boston Department of Neighborhood Development

Deborah Goddard
Chief Counsel
Massachusetts Dept. of Housing and Community Development

David Harris
Managing Director
Charles Hamilton Houston Institute for Race and Justice

Malcolm S. Medley
Commissioner
Massachusetts Commission Against Discrimination

William G. Mullen, III
Legal Counsel and Director of Risk Management
Greater Boston Real Estate Board

Marilyn O'Sullivan
Deputy Director for Operations
Boston Housing Authority
Karen Weiner

Deputy Director
Citizens' Housing and Planning Association

Consultants
Bonnie Heudorfer and Henry Korman

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Executive Summary

This *2010 Analysis of Impediments to Fair Housing Choice* (AI) examines policies and practices that may limit the ability of Boston residents to choose housing in an environment free from discrimination. The AI was prepared by the Boston Fair Housing Commission (BFHC), a division of the Boston Office of Civil Rights, with significant input from a broadly representative advisory committee and the public at large. In her charge to the Advisory Committee, BFHC Executive Director Victoria Williams described the challenge, "...to truly open doors in our communities, and to open them wide so that fair housing is no longer somebody else's problem but everybody's opportunity."

Background

The U.S. Department of Housing and Urban Development (HUD) requires jurisdictions that receive federal Community Development Block Grants and other housing assistance to identify impediments to fair housing within, or affecting, their communities and to develop action plans to address those impediments. As an entitlement city that receives funds annually from HUD, Boston must certify that it affirmatively furthers fair housing by:

- Analyzing civil rights conditions in its housing programs and housing market;
- Identifying impediments to fair housing choice;
- Establishing an action plan to address the impediments; and
- Maintaining records to document that the fair housing action plan is carried out.

HUD further requires the City to evaluate the effectiveness of its action plan, monitor changing fair housing conditions, and update its Analysis on a periodic basis. This AI, which covers the period from July 2010 through June 2013, is an update of Boston's 1997 AI. Included in the update is a status report on the 22 impediments and 48 corrective action steps identified in the 1997 AI. That report documented some notable successes and some areas where additional effort was needed. Outstanding issues from the 1997 AI have been incorporated into this updated action plan. Meanwhile, a number of new issues have emerged.

Fair Housing Issues Entering a New Decade

Market conditions are far different today than they were when the last AI was produced and much of what transpired between 1996 and 2006, when the Massachusetts housing market imploded, had a disparate impact on the region's communities of color. Four trends, in particular, had important fair housing consequences: the volatility in the housing market; racial and ethnic home buying patterns; subprime lending and lax mortgage practices; and widespread foreclosures. In addition, a protracted global recession has eliminated jobs and driven up unemployment; here, too, the region's communities of color have been most adversely affected. These economic and market forces have given rise to a new set of fair housing issues and aggravated some longstanding conditions. After rising rapidly for nearly a decade, home prices in Boston and its metro area declined by more than 20 percent between 2005 and 2009. The drop was even greater in communities of color, where the run-up in prices had been the sharpest. These are also the communities most at risk as the result of widespread, concentrated foreclosures.

Important demographic shifts have been occurring as well. Boston is a racially and ethnically diverse city, with a population evenly split between non-Latino whites and persons of color. The city and region's population growth has been driven by immigration, with more than 55,000 foreign born residents settling in the city since 2000. Nearly half of the city's foreign born population (16 percent of all residents) are linguistically isolated, living in a household in which no person aged 14 or over speaks English "very well."

While the region's population is also becoming more diverse, the Boston metro area remains one of the most segregated of the nation's largest metropolitan areas. Boston is a small central city in a relatively large metro area; the decisions made by the other 146 municipalities concerning zoning, land use, education, etc. profoundly influence the ability of Boston residents to exercise full and fair housing choice.

These important political, economic and demographic influences have helped shape the City of Boston's *2010 Analysis of Impediments to Fair Housing*.

The Process of Creating a Fair Housing Plan for Boston

The 2010 AI is a blueprint for affirmatively furthering fair housing in Boston and the surrounding metropolitan area. The Analysis examines the dynamics of the housing market from a fair housing and equal access perspective. It recommends administrative and programmatic actions to address barriers in government-assisted housing, private housing, housing for those with disabilities, insurance and mortgage lending. The Analysis also addresses other issues affecting housing access like discrimination, zoning, lead paint, and the practices of real estate brokers and lenders. It promotes initiatives that facilitate equal access to housing, which is fundamental to ensuring equal opportunity in education, employment, and other areas.

The AI includes:

- An overview of demographic and housing market conditions in the city and metro area, particularly as they pertain to housing choice;
- A profile of fair housing in the city and surrounding area, including current laws, policies and practices, and the number and status of any fair housing complaints;
- A description and discussion of various market and public policy impediments encountered by people of color, families with children, persons with disabilities, and other protected classes;
- Specific actions that can and should be taken to address impediments; and
- The identification of entities that will work to address and overcome impediments.

A series of appendices provides additional detailed demographic data and a bibliography of academic and market research that informed the findings.

A draft of the *2010 Analysis of Impediments* was circulated for a 30-day public review and comment period on April 12, 2010. Public input has been incorporated into the final document. Written comments received from the public are included in **Appendix E**.

The Impediments Identified

Over the course of its nine month investigation, the Commission and its advisory committee identified 40 specific impediments to fair housing choice, and they recommended 69 action steps

to mitigate or eliminate them. The recommendations, which have been endorsed by the Advisory Committee, were informed by the analysis of demographic trends, conditions in the private and publicly assisted housing markets, discrimination complaints, academic and market research, public testimony, and a critical review of issues of race, place and housing opportunity in a metropolitan context.

The impediments have been organized around key themes, and the Analysis of Impediments is similarly organized. The 12 key areas and specific impediments are:

An Ongoing Voice for Fair Housing: Furthering fair housing requires an ongoing effort focused on carrying out the objectives of the AI, constant attention to fair housing conditions, adjustments to fair housing strategies when conditions change, and collaboration with other key stakeholders.

- Although the state Department of Housing and Community Development, the Boston Housing Authority, and others maintain advisory groups that inform the work of those agencies, there is no ongoing, consistent coordination of fair housing activities across multiple jurisdictions, or multiple disciplines such as fair housing enforcement, affordable housing development, regional planning, jobs planning, transportation, and health.

Housing and Structures of Opportunity: Fair housing choice allows a family to choose a residence that offers access to opportunity outside the home such as healthy communities and good schools; impediments to choice are barriers to opportunity.

- As noted in the *Mayor's Task Force Blueprint: A Plan to Eliminate Racial and Ethnic Disparities in Health*, racial isolation in Boston can affect health due to poor housing, environmental, and public safety conditions.
- Residential patterns of racial separation in the city impede access to higher quality schools.
- Patterns of racial segregation in the metropolitan area impede access by people of color to higher opportunity areas with high performing schools, jobs, good housing conditions, and healthy living environments.
- Efforts to promote access to high quality suburban schools for children living in racially identified neighborhoods are undermined by funding cuts in the Metco program, which places children of color in suburban schools.
- Regional employment and transportation planning efforts undertaken by the Commonwealth Corporation, the state-sponsored entity that supports job readiness, and the Boston Region Metropolitan Planning Organization (MPO) do not address the mismatch between the places in Boston where workers of color reside, and the locations of jobs.

Disproportionate Housing Needs Among Protected Classes: Lack of housing affordability and poor housing conditions disproportionately affect households of color.

- The City's Consolidated Plan recognizes that the median income of Boston residents is lower than the median income for the region. Using Boston median income as the eligibility standard in the City's housing programs would target resources at the lower income families, but might also impose higher development costs, and reduce the ability to develop mixed-income communities.

- Housing resources available to the City are inadequate to provide capital subsidies sufficient to serve the lowest income families in units without operating assistance.

Housing for People with Disabilities: The Supreme Court decision in *Olmstead v. L.C.* requires that people with disabilities (including people with significant disabilities) have the opportunity to receive supportive services in the most integrated setting appropriate for their individual needs; affordable, accessible housing is an essential component of this mandate.

- The Commonwealth lacks a comprehensive plan to develop integrated, community-based, permanent supportive housing for people with significant disabilities to enable them to live outside of institutional settings and quasi-institutional settings, as required by the ADA. Federal funding for such planning activities is no longer available.
- The BHA and DHCD utilize project-based Housing Choice Vouchers to create permanent supportive housing for people with disabilities, and initiatives such as *Leading the Way* target resources at homeless individuals who are likely to also be people with disabilities, but budget cuts undermine access to supportive services by tenants.
- A significant number of technical and scoping standards used by the Massachusetts Architectural Access Board provide a lesser level of housing accessibility for people with disabilities than required by federal law and nationally recognized codes. Because MAAB rules are incorporated into the state building code, many units are built that do not comply with federal accessibility standards.
- Programs that fund structural modifications in dwelling units occupied by tenants, including the Home Modification Loan Program (HMLP), are targeted at owners of properties with fewer than 10 units, who, under Chapter 151B, must make reasonable modifications at the tenant's expense. There are no funds available for tenant-funded modifications if the property owner is unwilling to apply for the HMLP, or otherwise fund required modifications.

Discrimination in Mortgage Lending, Predatory Lending, and Foreclosures: The combined effect of discrimination in mortgage lending, predatory lending practices targeted at people and neighborhoods of color, and the resulting wave of foreclosures deprive households of color equal access to homeownership.

- The persistent homeownership gap between members of protected classes and other home buyers, and continued denial rate disparities between white applicants and applicants of color seeking prime home mortgages indicate continuing levels of housing discrimination in the real estate and lending industries.
- Subprime lending is concentrated in neighborhoods in Boston predominated by people of color. These same neighborhoods are the areas with the highest rates of foreclosure.
- There is little information about the effectiveness of loan modification programs for households facing foreclosure, in general, and even less regarding the impact on Hispanics and persons of color.

Assisted Housing: Significant numbers of people within protected classes either need or reside in housing with local, state, or federal assistance; access to assisted housing, and the locational characteristics of assisted housing affect access to opportunity.

- A disproportionate share of project-based assisted housing in Boston is located in racially concentrated areas.
- A disproportionate share of the region's project-based assisted housing is located in Boston, and not in suburban communities.
- Local housing authorities outside Boston utilize local resident selection preferences in admissions to their state and federal housing programs, excluding people of color from participation in the programs.
- The fair market rent standards for the Section 8 Housing Choice Voucher and Massachusetts Rental Voucher Programs are too low, and the availability of rental units is too limited, to facilitate participant moves to many of the higher opportunity suburban communities in the metro area.
- The loss of privately owned assisted housing in the city and in the region may have a disparate fair housing effect.

Barriers to Housing Choice: Furthering fair housing includes activities that expand choices in the housing market.

- Although city and state agencies have taken steps to provide language access to housing programs for people with limited English-speaking ability, progress is inconsistent among the agencies, and among the housing providers that receive city, state, and federal funds.
- Participants in the federal Section 8 Housing Choice and Massachusetts Rental Voucher Programs are concentrated in lower opportunity areas.
- Families seeking affordable housing need to be aware of opportunities outside their neighborhoods.

Fair Housing Enforcement: Vigorous and comprehensive enforcement of fair housing laws is an essential feature of furthering fair housing.

- Rates of favorable outcomes for complainants in fair housing complaints are less than the level of success that might be predicted based on fair housing audits.
- Very few fair housing enforcement actions involve issues of compliance with design and construction requirements to assure fair housing for people with disabilities.
- There is a need for improved communication between the Massachusetts Commission Against Discrimination (MCAD) and the other Fair Housing Assistance Program (FHAP) agencies – the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission (CHRC) – regarding the inclusion of public interest provisions in conciliation agreements, such as training or other elements that promote fair housing goals (e.g. provisions that facilitate applications for lead paint removal funds, and listing of units with Metrolist and MassAccess).
- HUD takes little or no enforcement action in concurrent matters involving Title VIII issues investigated by MCAD or the other FHAP agencies and issues concerning civil rights laws prohibiting discrimination in programs receiving federal financial assistance.

- There is a lack of resources for enforcement activities, especially resources that provide representation to victims of discrimination.
- There is a need to improve language access for people with limited English speaking proficiency and others.
- There is a need for greater enforcement of prohibition on housing discrimination based on source of income, sexual orientation and gender identity, and in on-line advertising.

Private Housing: Expanded access to privately owned housing by people in protected classes is an essential feature of affirmatively furthering fair housing.

- The City has made tremendous progress in reducing the incidence of elevated blood levels of lead (EBLs) resulting from lead based paint, but racially concentrated neighborhoods continue to experience greater percentages of EBL cases, and higher rates of EBLs.
- Families with children using the Section 8 Housing Choice and Massachusetts Rental Voucher Programs are often denied housing when housing quality inspections detect the presence of lead-based paint.
- There needs to be heightened awareness among real estate professionals, landlords, and jurisdictions in the metropolitan area of fair housing issues and obligations.

Prejudice and Bias: Unfounded assumptions and fears about members of protected classes are an impediment to fair housing choice.

- Community leaders in Boston, and in the region's cities and towns do not openly express a commitment to inclusive, diverse communities, and sometimes resist affordable housing that might promote inclusiveness.
- A lack of awareness of fair housing laws impedes access to regional communities by individuals with limited English speaking ability.

Land Use and Zoning: Land use policies preclude a fair and equal distribution of housing types within and among the region's communities, including rental and for-sale housing, multifamily and single family housing, and affordable and market rate housing.

- Income limit and other inclusionary zoning (IZ) policies do not facilitate access to units created under Boston's inclusionary initiatives by extremely low income and very low income households of color.
- Off-site IZ units are often located in high poverty, racially concentrated locations.
- Both within Boston and throughout the region, public opposition to affordable housing in high opportunity areas impedes expanded housing choice.
- A disproportionate number of large families are households of color. Housing set aside for elders, and for over-55 households, and zoning requirements that favor housing with smaller bedroom sizes have the effect of depriving families with children of housing opportunities.

- Chapter 40B, the State’s affordable housing law, is the subject of an initiative petition calling for its repeal. The 40-year old statute is currently the primary producer of affordable housing in opportunity locations, including the development of accessible affordable and market rate units for people with disabilities.
- The fair housing effects of local resident preferences are not known.

Federal Policies: Federal housing programs influence the availability and location of assisted housing, and exercise a profound affect on housing choice.

- Provisions in current federal housing programs do not provide for a balanced use of affordable housing resources in high poverty, racially concentrated areas targeted for revitalization and sites that would expand housing choice in high opportunity areas.
- New federal housing proposals – including the Choice Neighborhoods, Sustainable Communities, and Transforming Rental Assistance initiatives, which represent opportunities to reshape federal housing policy to promote choice and fair housing – are facing challenges.
- Federal programs that support local and regional activities such as transportation, education, and economic development play an important role in shaping the region’s “geography of opportunity,” but they are neither coordinated among themselves nor with existing housing programs to expand housing opportunities.
- Federal efforts to combat housing discrimination are weak and uncoordinated, lack leadership and do not support fair housing enforcement at the local or state level.

Next Steps

Actions to address these impediments have been drafted, together with a list of entities that will have responsibility for carrying them out. Because effective oversight is essential for the successful execution of the plan, the Executive Director of the Boston Fair Housing Commission (BFHC) has established a permanent Fair Housing Advisory Committee to monitor and evaluate progress and to advise the BFHC on emerging issues and changes in fair housing conditions. The members of the AI Advisory Committee have agreed to serve on this new Fair Housing Advisory Committee, which will meet quarterly. Other members may be appointed, as appropriate, to ensure that the committee continues to reflect a broad cross-section of interests and expertise. Among the committee’s first tasks will be to establish time frames for the recommended actions.

The action plan put forth by the BFHC and the AI Advisory Committee recognizes Boston’s responsibility to affirmatively further fair housing choice, and it anticipates a continued leadership role for the City. However, for significant progress to be made, the Committee acknowledged that it would be necessary to embrace metropolitan strategies that would engage all the cities and towns in the Boston metro area, and would address all the conditions that effect housing choice, including fair housing enforcement, affordable housing development, employment opportunity, regional planning, and transportation planning. Indeed, many of the recommendations of the AI are similar to the fair housing recommendations put forth by DHCD in the Commonwealth’s AI, and by the Metropolitan Area Planning Council in its *MetroFuture* initiative. The Committee cautioned that without a viable metropolitan fair housing strategy, progress was likely to be piecemeal. Thus, the first actions recommended in the AI address the absence of an ongoing, organized voice for fair housing in the City of Boston, and the need to

establish relationships with other groups and organizations to carry out activities that further fair housing on a local basis across the region, and on a regional planning basis.

An Ongoing Voice for Fair Housing Summary of Impediments and Action Steps	
Impediment	Action Step
<p>Although the state Department of Housing and Community Development, the Boston Housing Authority, and others maintain advisory groups that inform the work of those agencies, there is no ongoing, consistent coordination of fair housing activities across multiple jurisdictions, or multiple disciplines such as fair housing enforcement, affordable housing development, regional planning, jobs planning, transportation, and health.</p>	<ol style="list-style-type: none"> 1. Establish a Fair Housing Advisory Committee (FHAC) for the City of Boston that reflects the breadth of interests represented on the AI Advisory Committee. The FHAC will monitor and evaluate the work carried out under the AI, provide ongoing advice and support to BFHC, and monitor changing fair housing conditions. The members of the AI Advisory Committee have agreed to assume this role, meeting quarterly. Additional partners may be added as appropriate. <p style="text-align: center;">As one of its first responsibilities, the Fair Housing Advisory Committee will establish a timeline for the action steps identified in the AI, against which progress will be measured.</p>
	<ol style="list-style-type: none"> 2. Take steps to assure that the Fair Housing Advisory Committee collaborates with other fair housing stakeholders operating in other communities and on a regional level, including DHCD, and the Metropolitan Area Planning Council.

I. Introduction to the Analysis of Impediments

The City of Boston's *2010 Analysis of Impediments to Fair Housing Choice* (AI) examines whether all Boston residents share equal access to housing under federal, state and local fair housing statutes. The U.S. Department of Housing and Urban Development (HUD) requires jurisdictions receiving federal Community Development Block Grants and other housing assistance to identify impediments to fair housing within, or affecting, their communities and to develop action plans to address those impediments. HUD encourages jurisdictions to become fully aware of the existence, nature, extent, and causes of *all* fair housing problems and the resources available to solve them, and the City of Boston has seized the opportunity of this AI update to do just that. Where impediments have been identified, corrective action is recommended.

Overview

The City is required to certify that it affirmatively furthers fair housing by analyzing civil rights conditions in its housing programs and housing market; identifying impediments to fair housing choice; establishing an action plan to address the impediments; and maintaining records to document that the fair housing action plan is carried out. HUD further requires the City to evaluate the effectiveness of its action plan, and monitor changing fair housing conditions. It also urges jurisdictions to update the AI on a periodic basis.

The Boston Fair Housing Commission (BFHC, or Commission), a division of the Boston Office of Civil Rights, is the agency charged with preparing the City's updated *Analysis of Impediments*, covering the period from July 1, 2010 to June 30, 2013. The Commission also prepared the City's earlier AI, which was completed in 1997. In conducting this update, the Commission retained professional consulting services and convened an Advisory Committee composed of individuals with a broad range of experience and expertise in topics related to equal opportunity and affirmatively furthering fair housing through transportation, employment, and other areas that affect housing choice. (A list of advisory committee members and their affiliations appears in **Appendix A.**)

The AI is organized as follows. This first section introduces the concept of acting affirmatively to further fair housing and the fair housing principles that guide the analysis. It describes the City of Boston's approach to expanding fair housing opportunity. It summarizes the impediments to fair housing choice identified in the 1997 AI and the status of action steps taken to address those impediments. It also describes the methodology and process used in preparing this update.

Sections II and III present an overview of the demographic forces and housing market conditions that affect housing choice. They identify the groups of people protected by fair housing laws – the protected classes – and where they live, how they are separated from each other geographically, and the overall market dynamics of housing choice and affordability that affect where people live.

Sections IV-XIV present a discussion of the impediments to fair housing choice identified through the research conducted for the AI, in discussions with the Advisory Committee, and through public comment. Each of these eleven sections includes a series of action steps to address the impediments.

Section XV provides a detailed chart summarizing all the impediments and action steps discussed in the AI, and identifies the institutional partners responsible for carrying out the action steps. The four appendices consist of the detailed tables and maps that depict the background research conducted for the AI.

The Obligation to Further Fair Housing

The Legacy of Racial Separation, Concentration of Poverty, and Disinvestment

The responsibility to act affirmatively to further fair housing derives from the laws that govern the use of HUD community planning and development funds and the federal Fair Housing Act (Title VIII of the 1968 Civil Rights Act). These laws reflect a congressional recognition of the role that official governmental policies have played in creating the current geography of racial separation and concentration of poverty that characterizes the Boston metropolitan area. Indeed, many of the same historical trends that contributed to conditions of racial segregation in Massachusetts were evident throughout the United States.

Racial harassment and violence drove non-white residents away from the Commonwealth's cities, towns and neighborhoods from colonial times, when white townspeople would "warn out" black families, to the present day, where people of color residing in governmentally assisted housing still face racial hostility. Nineteenth century laws allowed Massachusetts cities to remove unwanted newcomers based on skin color. Some Massachusetts suburbs deliberately refused to provide municipal services to housing developers and the developer's prospective home buyers for the explicit purpose of preventing people of color from moving to the community. In other communities, property owners resorted to racial covenants in deeds that forbade the sale of homes to "non-Caucasians."

For a four decade period beginning in the 1930s, federal housing policy promoted racial separation. Federal Housing Administration and Veterans Administration underwriting practices required racial homogeneity in the provision of insured home mortgages that opened up the suburbs almost exclusively to white homebuyers. Federal public housing programs were used by federal and local housing officials to separate races, and contain families of color in high poverty, racially segregated locations. Urban renewal efforts isolated neighborhoods of color, leading to decades of disinvestment and deterioration in housing.

Litigation and case law also play an important role in defining the obligation to affirmatively further fair housing, and two cases are particularly relevant: *NAACP, Boston Chapter v. HUD* and *Anti-Discrimination Center of Metro New York v. Westchester County, N.Y.* The decision in the landmark *NAACP, Boston Chapter v. HUD* case has influenced the housing practices of the City of Boston and the Massachusetts Department of Housing and Community Development (DHCD) for nearly two decades. In that case, the court defined the duty to further fair housing to include the following components: HUD and its grantees must not engage in acts of discrimination; they must assess the civil rights impact of funding decisions in connection with federal housing programs; and they must act affirmatively so that over time, federal housing resources are deployed in a manner that dismantles residential patterns of segregation and achieves truly open housing markets, without regard to race, color, religion, sex, disability, familial status, or national origin.

HUD, the City, and DHCD were all parties to the 1991 settlement proceedings in *NAACP, Boston Chapter* and all entered into agreements to refrain from discrimination and to carry out activities

to further fair housing. Among other provisions, the agreements resulted in: the creation of a metropolitan area-wide Metrolist of affordable housing opportunities administered by BFHC and the Commission; enhanced fair housing enforcement powers for the Commission; and affirmative fair housing marketing requirements for all affordable housing developed in the city, also administered by BFHC.

The other significant judicial decision defining the responsibilities of jurisdictions in carrying out an AI is the more recent *Anti-Discrimination Center of Metro New York v. Westchester County, N.Y.* The plaintiffs in that case claimed that Westchester County, as a recipient of CDBG and other federal funds, falsely certified that the jurisdiction was furthering fair housing by failing to take into account discrimination based on race and conditions of racial segregation as impediments to fair housing choice. In ruling for the plaintiffs in February 2009, the court held that it is the responsibility of jurisdictions to consider conditions affecting all classes protected by fair housing laws.

The consequences of this legacy of race conscious decision making in government housing and urban policy remain. In light of this history, it is no easy task to establish the proper balance between dismantling the features of the private and assisted housing markets that impede wide metropolitan choice in housing and promote racial integration on the one hand, and investing in disinvested locations on the other. The recommendations in the AI work towards a better balance between these two objectives by focusing on activities within and outside of communities of color, and also by focusing on the local, state, and federal programs that are the inheritors of the programs first utilized for discriminatory purposes.

Classes Protected by Fair Housing Laws

Boston residents are protected under federal, state and local fair housing laws. Title VIII (the federal Fair Housing Act) protects against discrimination based on race, color, religion, sex, disability, familial status, or national origin. Boston's fair housing ordinance, and Massachusetts fair housing laws codified in Chapter 151B of the General Laws provide for broader coverage and prohibit discrimination based on race, color, religion or creed, marital status, disability, military status, presence of children in the household, national origin, sex, age, ancestry, sexual preference, and source of income, including rental assistance. In addition, the Boston ordinance also forbids discrimination based on gender identity or expression.

Fair Housing v. Affordable Housing

The specific obligation to "affirmatively further fair housing" is linked to programs that are designed to create affordable housing. HUD's *Fair Housing Planning Guide* and established case law, however, make it clear that the AI and action plan must consider not only fair housing conditions in affordable housing, but all private sector actions, omissions, and decisions that restrict housing choice based on race, color, religion, sex, disability, familial status, or national origin.

While "fair housing" and "affordable housing" are distinctly separate concepts in law and public policy, they are interrelated. The decision in *NAACP, Boston Chapter* recognized that the patterns of residential segregation that characterize the metropolitan area were constructed, in part through practices such as public and assisted housing siting decisions, admission policies that assigned families to assisted housing based on race and color, and exclusion from homeowner insurance programs based on race. In addition, a disproportionate share of the protected classes are low and moderate income families with a greater need for housing assistance. The fair

housing statutes were enacted to ensure that members of the protected classes – regardless of income or need for assisted housing – would not face discrimination in the sale, rental, financing, and insuring of housing. Title VIII explicitly recognized the role of affordable housing programs when it made the Fair Housing Act’s provisions applicable to assisted housing immediately, even though its effect on unassisted housing did not take hold for eight months.

The AI identifies many actions that can, and should, be taken to eliminate discrimination in the sale, rental, financing, and insuring of housing, whether that housing is publicly assisted or not. However, without an adequate supply of housing that is affordable and accessible to members of protected classes in healthy communities offering good schools and employment opportunities, they will continue to face barriers. As a result, many of the strategies to eliminate discrimination are tied to expanding affordable housing opportunity in communities throughout the metropolitan area. Discrimination, in part, can be reduced by the provision of housing that is affordable for all income groups, especially low and moderate income households, in all communities.

Housing Opportunity in a Metropolitan Context

Fair housing conditions affecting residents of Boston are often caused, or exacerbated, by forces that operate beyond the city’s boundaries and the purview of city government. Land use practices in the region’s other jurisdictions, state housing initiatives and allocation of resources, and regulations governing federal housing programs are all examples of factors that impact the fair housing conditions faced by Boston residents over which the City lacks direct control. Less obvious, but equally important, are the attitudes and preferences that people of different races, colors, and abilities, and characteristics have about living near each other.

This AI identifies a number of impediments to fair housing opportunity in Boston that are within the City’s ability and jurisdiction to mitigate or rectify. However, many issues and forces that limit housing choice – indeed, most – are metropolitan in nature, affecting not only Boston but neighboring municipalities. Addressing fair housing conditions on a regional basis requires the active leadership of not only the City of Boston, but others, including DHCD, the communities that comprise the region, and HUD.

The Challenge of Overcoming Opportunity Isolation in Massachusetts

In 2008 Massachusetts legal services programs, led by the Massachusetts Law Reform Institute, commissioned Ohio State University’s Kirwan Institute for the Study of Race and Ethnicity to conduct an “opportunity mapping analysis” of the Commonwealth. Opportunity mapping is a technique that utilizes extensive datasets and state-of-the-art Geographic Information Systems (GIS) to analyze the distribution of opportunity in metropolitan areas, and Kirwan is a national leader in the field. The goal of the Massachusetts initiative was to understand how low income groups and racial and ethnic populations were situated in the Commonwealth’s “geography of opportunity,” defined as “environmental conditions or resources that are conducive to healthier, vibrant communities and are more likely to be conducive to helping residents in a community succeed.”¹

Based on an analysis of 19 variables that are indicators of opportunity – sustainable employment, high performing schools, a healthy and safe environment, political empowerment, and outlets for

¹ *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, January 2009.

wealth-building – the Kirwan researchers assigned an “opportunity” rating to every census tract in the state. Working from that database, Nancy McArdle, a researcher with expertise in analyzing patterns of racial change and segregation, assigned a composite rating to each of Massachusetts’ 351 cities and towns: very high, high, moderate, low, and very low. **Table 1-1** identifies the variables used in the study and **Table 1-2** summarizes the findings by race and ethnicity. While fewer than 43 percent of the lowest income white (non-Hispanic) households live in low or very low income opportunity communities, 71 percent of Asian, 93 percent of black, and more than 95 percent of Latino households with similar incomes, live in areas so designated. More striking is the fact that 92 percent of middle income black and Latino households and 90 percent of those in the highest income group (earning over \$60,000 in 2000) live in one of the ten low or five very low opportunity communities. The corresponding figures for whites are 34 and 22 percent and for Asians, 61 and 39 percent.

Table 1-1 Indicators Used in the Kirwan Institute’s MA Opportunity Mapping Analysis

Educational Opportunity	Economic Opportunity	Neighborhood/Housing Quality
Student Expenditures	Unemployment Rates	Home Values
Student Poverty Rate	Population on Public Assistance	Neighborhood Vacancy Rate
Students Passing Math Tests	Proximity to Employment	Crime Index or Crime Rate
Students Passing Reading Tests	Economic Climate (Job Trends)	Neighborhood Poverty Rate
Dropout Rate	Mean Commute Time	Home Ownership Rate
Graduation Rate		Proximity to Toxic Waste Release Sites
Number of Certified teachers		Proximity to Superfund Sites

Source: *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity

Table 1-2 Findings of the Kirwan Institute’s MA Opportunity Mapping Analysis: Where Households Currently Live, by Race and Income

Household Income	Neighborhood type	White (Non-Latino)	African American	Latino	Asian
Low Income Households (Earning Less than \$30K in 2000)	Low and very low opportunity	42.6%	93.0%	95.5%	71.0%
	Moderate opportunity	24.0%	4.0%	3.0%	10.3%
	High and very high opportunity	33.5%	3.0%	1.5%	18.7%
Middle Income Households (Earning \$30K to \$60K in 2000)	Low and very low opportunity	33.8%	92.3%	92.0%	61.0%
	Moderate opportunity	25.2%	4.3%	5.0%	17.4%
	High and very high opportunity	41.0%	3.4%	3.0%	21.4%
High Income Households (Earning \$60K or More in 2000)	Low and very low opportunity	21.5%	90.1%	89.6%	38.8%
	Moderate opportunity	22.0%	5.0%	6.8%	16.0%
	High and very high opportunity	56.5%	4.9%	3.5%	45.3%

Source: *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity

The January 2009 report concluded that the degree of racial isolation in low opportunity areas in greater Boston, and the Commonwealth as a whole, was one of the highest rates of “opportunity

segregation” found in any of the analyses the Kirwan Institute had conducted. Based on her composite ratings, McArdle rated five of the 147 municipalities in the Massachusetts portion of the Boston metro area (Brockton, Chelsea, Lawrence, Lowell, and Lynn) as offering very low opportunity, and 11 as offering low opportunity (Avon, Boston, Everett, Haverhill, Holbrook, Malden, Randolph, Revere, Salem, and Wareham.) Twenty-six were deemed to offer moderate opportunity, while 50 ranked high and 55 very high.² The full ratings are shown in **Appendix B**, along with a map that depicts the region’s black and Latino population overlaid on the Kirwan opportunity mapping data.

BFHC and the advisory committee found the McArdle/Kirwan opportunity rating template a useful lens through which to view regional trends and impediments, and it has been incorporated into this analysis.

Boston’s Approach to Expanding Fair Housing Opportunity

The City of Boston is committed to ensuring that all residents share full, fair and equal access to housing, and under the leadership of Mayor Menino, it has moved aggressively to expand housing opportunity. The City’s multi-pronged approach includes: expanding the supply of affordable housing; improving access to housing for those who have faced discrimination in the past; enhancing investigation and enforcement to eradicate discrimination in the current market; and encouraging regional collaboration.

Expanding the Supply of Affordable Housing

Against the backdrop of an overheated housing market characterized by rapidly rising rents and home prices, the Mayor launched his first *Leading the Way* (LTW) initiative in 2000. A comprehensive approach to expanding housing opportunity in the city, LTW represented a collaborative effort of the City’s Department of Neighborhood Development, the Boston Redevelopment Authority, the Boston Housing Authority, and the Inspectional Services Department. Production goals were established for each agency, and performance was monitored and reported.

The primary objective of both *Leading the Way I* and its successor, *Leading the Way II*, was the increased production of new market rate and affordable housing, and the preservation of existing affordable housing. In the eight years that followed the launch of LTW I, Boston added more than 18,000 new housing units (including 5,000 affordable) and preserved nearly 9,500 affordable units, representing an investment of nearly \$5 billion in private and public resources.

By 2008, however, it had become apparent that a different approach to the city’s housing challenges would be required going forward. Responding to the major shifts occurring in the economic landscape and housing market – in Boston and elsewhere – *Leading the Way III*, the City’s policy guide for 2009-2012, addresses Boston’s evolving housing needs in four key areas:

- Addressing the foreclosure crisis through targeted initiatives focusing on foreclosure intervention and stabilization of those hardest hit neighborhoods;

² As previously noted, the Kirwan study used census tracts as its basic geographic unit of analysis. Table 1-2 summarizes the Kirwan findings at the tract level. McArdle aggregated Kirwan’s individual tract rankings to assign each *municipality* an “opportunity” rating. Unless otherwise indicated, future references to “opportunity” in this AI refer to these composite municipal ratings. Within the City of Boston, only 4 of 157 census tracts were rated as moderate opportunity, and none was classified high or very high.

- Reversing the rise in homelessness through a targeted approach of prevention, placement, and production of permanent housing;
- Preserving and stabilizing Boston's rental housing by preventing the loss of publicly assisted affordable housing and stabilizing tenancies in the open market;³ and
- Meeting the diverse housing needs of the City's workforce, from the highly paid professional to the minimum wage worker.

Like its predecessors, *Leading the Way III* has established ambitious goals in each of these four areas. Policies and programmatic initiatives have been, and will continue to be, designed with the goal of affirmatively furthering fair housing.

Improving Access to Housing Opportunity

The Boston Fair Housing Commission (BFHC) has provided mobility counseling to residents seeking housing for more than a decade. From 1997 to 2005, BFHC and Boston Housing Authority (BHA) jointly administered two mobility counseling programs for Section 8 Housing Choice Voucher (HCV) program participants. The counseling enabled families with children and people of color to move to housing located in low poverty and predominantly white areas, but funding was terminated in 2005. BFHC continues to operate the Metropolitan Boston Housing Opportunity Clearing Center (Metrolist).

A requirement of the *NAACP, Boston Chapter v. HUD* Consent Decree, Metrolist offers a variety of housing services to Boston residents, including counseling, housing search resources, and listings of government-assisted housing, as well as private market listings. Metrolist conducts an annual survey of approximately 800 developments in metropolitan Boston⁴ to collect information on the number of households currently on their managed waitlists, and the expected wait times for rental units. Additionally, these developments are required to submit compliance reporting to Metrolist, allowing for the collection of up-to-date information on government-assisted housing. Approximately 1,000 households are beneficiaries of these services on an annual basis.

Metrolist collaborates with a number of housing and human service agencies, including the City's CDBG-funded housing counseling agencies. This gives Metrolist clients access to the most comprehensive services and resources, thus increasing their likelihood of a successful outcome. Metrolist's regular contact with property owners and agents enables BFHC staff to provide them with counseling on fair housing issues, lead paint education, and tenant landlord rights and responsibilities.

Metrolist also maintains a listing of new housing opportunities generated through the City's Affirmative Marketing Program and units developed through the City's Inclusionary Development Program. The Affirmative Marketing Program fosters equal access to government-assisted and affordable housing by providing technical assistance to developers/managers in the preparation of affirmative marketing and tenant/buyer selection plans and by monitoring the implementation of plans approved by the BFHC. All government-assisted developments of five or more units are subject to the Affirmative Marketing Program. Privately-financed

³ A 2009 state law created new tools to preserve publicly assisted housing, including a DHCD right of first refusal to purchase a property facing an expiring use, tenant protections including notice and limitations on rent increases, safeguards to protect the future affordability of properties subject to the law.

⁴ Metrolist uses an earlier definition of the Boston metro area, encompassing 105 cities and towns. The current Boston metro area encompasses 147 Massachusetts municipalities.

developments with ten or more units are subject to the Mayor's Executive Order for Inclusionary Development, which requires a set aside of income and/or deed-restricted units. The Executive Order covers rental as well as ownership developments. Affordable units developed under the Inclusionary Development Program are also subject to the Affirmative Marketing Program; since 2001, nearly 100 developments have been marketed.

Developers and agents must take steps to inform those who are unlikely to apply for housing because of its location, and to attract an applicant pool that mirrors the racial composition of the City as a whole. In affirmatively furthering fair housing, developers must include efforts they will undertake to reach target populations, such as advertising in minority newspapers, conducting outreach to community agencies that serve those least likely to apply, and make efforts to assist those with limited English proficiency or require a reasonable accommodation. The BFHC provides developer and agent training as well as technical assistance in writing and executing the marketing Plan; monitors the marketing and selection process; and maintains a resource guide of housing organizations and community agencies.

Enhancing Investigation and Enforcement

The Investigation and Enforcement (I & E) Unit of the Boston Fair Housing Commission affirmatively furthers fair housing by incorporating public interest provisions into its settlement agreements and hearing officer decisions. BFHC takes public interest provisions seriously, recognizing that they are an effective and efficient way to impact equal access to housing opportunity and eradicate discrimination in Boston.

In every BFHC settlement agreement, public interest provisions are crafted to specifically match the basis of each discrimination complaint. Thus, the complaint of discrimination based on the presence of lead paint is settled with provisions requiring the Respondent to make financial contributions to programs that educate tenants and landlords on the dangers of lead paint and their responsibilities under the fair housing law. Similarly, the complaint of discrimination against a realtor who makes discriminatory statements based on receipt of rental assistance is settled with provisions that include requiring the realtor to attend fair housing training.

Public interest provisions are also incorporated into Hearing Officer decisions. If, after a hearing, a Respondent is found liable for housing discrimination, BFHC regulations stipulate that the Hearing Commissioner may order the Respondent to pay a civil penalty. The civil penalty is paid to the Neighborhood Housing Trust Fund to benefit the development of open, accessible, and affordable housing in the City of Boston.

In addition, the BFHC has engaged in numerous collaborations with community-based organizations that are involved in providing housing services within the city in order to support their efforts and educate the residents of the city about their fair housing rights.

The 1997 Analysis of Impediments

The 1997 Analysis of Impediments and Fair Housing Plan identified 22 impediments, organized into seven categories. For each impediment, the 1997 AI recommended one or more corrective action strategies (48 in all), identified the partner primarily responsible for taking such action – mostly city, state or federal agencies, advocacy groups, trade associations – and set forth a timeframe for resolution. It is noteworthy that eight of the impediments identified in 1997 and 13 of the proposed remedies referred to federal and state subsidized housing policies and programs.

A copy of the table from the 1997 AI listing the 22 impediments and 48 action steps is included in **Appendix C**.

The 1997 impediments and the status of the actions carried out under the 1997 Plan can be summarized as follows:

Federally-Assisted Housing

Reports prepared for the 1997 AI concluded that access to federally-assisted housing opportunities was a key determinant of fair housing choice. The 1997 AI identified several important new and ongoing barriers to housing with federal assistance: (1) proposals to end mandatory selection preferences for displaced households, families with high rent burdens, and households living in substandard housing; (2) insufficient fair market rent standards in the Section 8 Housing Choice Voucher (HCV) program; (3) a congressionally mandated three month delay in re-issuance of HCVs returned through participant turnover; and (4) concerns about loss of subsidized housing through the expiration of project-based Section 8 Housing Assistance Payment (HAP) contracts.

Despite advocacy efforts, the suspension of the federally mandated selection preferences was made permanent in 1998. A survey of the public housing agency (PHA) policies indicates that many PHAs retain some or all of the old federal preferences. However, most also utilize local resident selection preferences, which present a barrier to households of color in gaining access to assisted housing in predominantly white communities.

The potential loss of affordable units as project-based Section 8 contracts expire and the need to ensure that fair market rent standards are sufficient to provide housing choice continue to be outstanding concerns.

State-Assisted Housing

1997 AI was also concerned that changes to affirmative action regulations for state public housing administered by DHCD would reverse previous attempts to desegregate state funded public housing. It also identified an absence of DHCD policies that promoted housing choice for households of color and low income families in assisted housing developed with DHCD resources in suburban communities.

DHCD's 2007 AI⁵ reported an over-representation of racial and ethnic households in state public housing in communities with high populations of people of color, and an under-representation in local housing authorities where there were lower than average populations of minorities. In 2008, DHCD adopted affirmative fair housing marketing requirements broadly applicable to all activities receiving any funding for housing from DHCD or any quasi-public state agency.

Private Housing

The 1997 AI identified multiple barriers to fair housing choice in the private housing market, including: (1) landlords who refused to rent to families with children because of the presence of lead-based paint; (2) discrimination in the informal brokering of access to rental units; (3) transportation barriers that impeded access to rental units in suburban communities; (4) isolation

⁵ *Analysis of Impediments to Fair Housing Access and Action Steps to Mitigate Impediments*, DHCD, June 2007

and lack of coordination among fair housing advocates in the metropolitan area; and (5) a lack of fair housing knowledge among real estate professionals.

The City's Department of Neighborhood Development (DND) has continued strong programs funding lead paint removal in residential dwellings. Over the more than 10 years since adoption of the 1997 AI, BFHC, working with others, has engaged in numerous fair housing education and outreach activities in the private and public sectors. These activities are dependent on federal funding. Questions remain about whether sufficient resources will be available to continue the City's successful efforts in reducing lead paint hazards.

Lending

Debate over the nature and extent of mortgage discrimination – long a concern in Boston – had been rekindled in the mid-1990s when a series of high profile studies, including one by the Federal Reserve Bank of Boston, showed substantially higher denial rates for black and Hispanic mortgage applicants than for whites, even after controlling for differences in wealth, credit histories, and loan-to-value ratios. In response to these findings, many of Boston's largest lenders, in partnership with housing advocates and government and quasi-government agencies, developed programs to bolster lending in previously underserved communities. The 1997 AI acknowledged that such initiatives represented significant progress, but cited ongoing discrimination in the mortgage market against racial and ethnic minorities as a significant fair housing problem.

While borrowers of color continue to face disproportionately high levels of denial for prime mortgage loans, concern about lending practices has shifted since 1997, first to predatory lending targeted at communities of color, and subsequently to the wave of foreclosures affecting those same neighborhoods. These issues, discussed elsewhere in this AI, remain major fair housing concerns.

Homeowners Insurance

The 1997 AI applauded the 1996 enactment of the so-called "state homeowners insurance redlining legislation" that would provide a basis for monitoring underwriting practices by insurance companies. Concerns remained about the refusal of carriers to write policies in neighborhoods predominated by people of color – and by the higher premiums imposed on homeowners in those areas – and MAHA and other advocates have continued to monitor the practices of insurance carriers.

Housing for People with Disabilities

The previous AI noted that people with disabilities faced an array of impediments to fair housing choice, including: (1) a lack of accessible housing; (2) limitations on access to state-assisted public housing for elders and non-elders with disabilities; (3) community opposition to siting housing for people with disabilities in residential neighborhoods; and (4) zoning provisions that impede development housing that serves people with disabilities.

Even though the City, BHA and DHCD have directed significant resources to expanding housing opportunity for those with disabilities, these challenges remain. BFHC continues to advocate for the housing needs of people with disabilities and for continued state support for the Affordable Housing Voucher Program, which provides replacement vouchers to non-elderly people with disabilities affected by the occupancy limitations enacted by the legislature in mixed population

housing. A memorandum of understanding between the City and State has promoted better understanding about siting issues, and includes guidance for facilitating creation of community-based housing like halfway houses and group residences. In 1999, the Supreme Court decided *Olmstead v. L.C.*, which requires states to comply with the Americans with Disabilities Act by providing supportive services in the most integrated setting appropriate to the needs of individuals with disabilities. Advances since then shed a new light on the need for the memorandum.

Prejudice and Bias

The 1997 AI identified a wide range of issues concerning prejudice and bias in the housing: (1) a need for enhancing fair housing enforcement; (2) inadequate understanding of the extent and scope of discrimination in the Boston housing market; (3) a poor image of the community as a diverse, welcoming place to live; (4) a lack of broad commitment to fair housing by community leaders; (5) the presence of hate-based violence, especially in federally-assisted housing; and (6) a lack of community awareness about fair housing rights. The continuing prevalence of discrimination is discussed later in the AI.

Process for Developing the AI

HUD requires that the Analysis of Impediments be shaped by a diversity of views, reflective of the community. In preparing this updated AI, the Office of Civil Rights convened a broadly representative advisory committee. The committee met nine times over a period of eleven months, and heard presentations on housing market trends; the current high volume of foreclosures and its effect on neighborhoods of color; housing for people with disabilities; zoning, land use, and transportation and their impact on housing and other opportunities for protected groups; the Kirwan Institute's opportunity mapping for Massachusetts with follow-up analysis by Nancy McArdle; and trends in fair housing enforcement. The Advisory Committee was also deeply involved in identifying impediments and action steps. Public hearings on the City's Annual Action Plan, part of HUD's Consolidated Planning process, provided further opportunity for public input on fair housing conditions. The draft AI was made available for public comment in April 2010.

During the public comment period, the BFHC received more than a dozen written comments from individuals and organizations. All comments were carefully considered, and many have been incorporated into the final fair housing plan.

II. Fair Housing Demographics in Boston and the Region

A variety of demographic indicators were evaluated to gauge the nature and extent of impediments to fair housing opportunity, both in Boston and in the larger metropolitan area. These include socio-economic indicators such as family type, income and poverty; immigrant status and linguistic isolation; access to employment, education, transportation, and healthcare; and housing conditions, tenure and cost burdens. Highlights of that data analysis are presented in this section, as are the findings of several relevant studies prepared by others. More detailed tables and the bibliography of studies utilized in the preparation of the AI can be found in **Appendix D**. This section provides the economic and demographic context for the following discussion of housing opportunity and impediments to fair housing choice.

The Geography of the Analysis of Impediments

The Analysis of Impediments examines the City of Boston at two levels: its 157 census tracts – the smallest geographic unit at which demographic, economic and lending data are readily available – and the sixteen Boston Redevelopment Authority (BRA) planning districts. (See **Map 2-1**.) Consistent with guidance provided by HUD in its *Fair Housing Planning Guide*, the AI also examines fair housing conditions in the larger metropolitan housing market to understand whether there are barriers that impede housing choice throughout the region. The Boston/Cambridge/Quincy, MA-NH Metropolitan Statistical Area (MSA) consists of five counties in Massachusetts and two in New Hampshire. The AI defines the regional housing market as all 147 Massachusetts cities and towns in the MSA. These communities – the entirety of Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties – are listed in **Appendix B** and depicted on **Map 2-2**.

While most census data at the tract and neighborhood level are not available beyond 2000, there is considerable information on economic and demographic changes since that time at the county and municipal level. In addition, there is a wealth of housing market data available at the neighborhood level from which we can develop a current snapshot of conditions in the city and region that affect fair housing.

Racial and Ethnic Characteristics of Boston Residents and Neighborhoods

Boston is a diverse city, with a population equally divided between white and non-white households. **Table 2-1**, which provides a snapshot of Boston's shifting population profile, documents its growing diversity.

The city's overall diversity masks the degree to which the predominant racial and ethnic groups are segregated from one other, a condition that is most evident among white and black households. The U.S. Census Bureau uses five dimensions of population distribution to measure racial and ethnic segregation, three of which are discussed in this section of the AI: the *concentration* of racial and ethnic groups in the city's neighborhood planning districts, as defined in Boston's Consolidated Plan; the *evenness* with which racial and ethnic groups are spread out across the city; and the level of *isolation* among groups.

Map 2-1

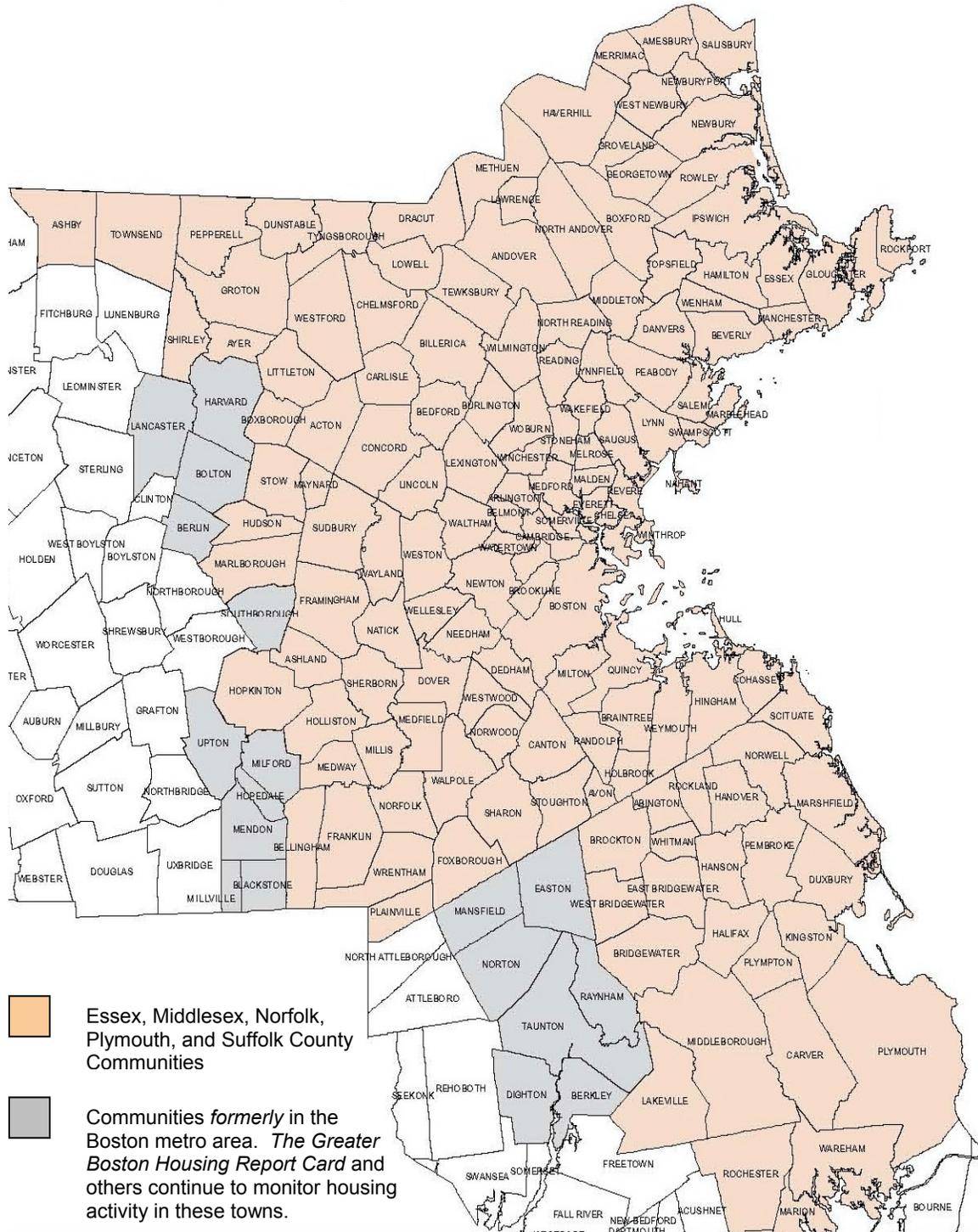
Boston Redevelopment Authority Planning Districts



Source: Boston Redevelopment Authority, Boundary Maps 2000

Map 2-2

**Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area
(MA portion only)**



Source: *The Greater Boston Housing Report Card 2009*, Bluestone et al., Dukakis Center for Urban and Regional Policy, Northeastern University

Table 2-1 Boston's Population by Race/Ethnicity, 1980 - 2006/2008

	Total Population	Black	White	Hispanic	Asian	Other*
1980	562,994	122,203	382,123	36,068	16,127	6,473
<i>Race/ethnic group as % of total population</i>		21.7%	67.9%	6.4%	2.9%	1.1%
1990	574,283	136,887	338,734	61,955	29,640	7,067
<i>Race/ethnic group as % of total population</i>		23.8%	59.0%	10.8%	5.2%	1.2%
<i>% change in population 1980-1990</i>	2.0%	12.0%	-11.4%	71.8%	83.8%	9.2%
2000	589,141	140,305	291,561	85,089	44,280	27,906
<i>Race/ethnic group as % of total population</i>		23.8%	49.5%	14.4%	7.5%	4.7%
<i>% change in population 1990-2000</i>	2.6%	2.5%	-13.9%	37.3%	49.4%	294.9%
2006/8	613,086	133,161	310,156	98,417	49,859	21,493
<i>Race/ethnic group as % of total population</i>		21.7%	50.6%	16.1%	8.1%	3.5%
<i>% change in population 2000-2006/8</i>	4.1%	-5.1%	6.4%	15.7%	12.6%	-23.0%

* Census definitions and options for respondents to question of race/ethnicity changed in 2000. In particular, "other" category is not comparable to 1990 and 1980

Source: U.S. Decennial Census, 1980-2000; American Community Survey 3-Year Estimates, 2006-2008

The City's Consolidated Plan defines an area of racial and ethnic concentration as a census tract in which the percentage of a particular racial or ethnic group exceeds the citywide average for that group by 10 percent or more. **Table 2-2** shows the total population of Boston, the population of each racial and ethnic group, the percentages of population for each racial and ethnic group, and the concentration threshold for each group.

Table 2-2 Race and Ethnicity of Boston

Racial or Ethnic Group	Boston Population (2000)	Boston Percent (2000)	Boston Percent (1990)	Concentration Threshold (2000)
White*	291,561	49.5%	59.0%	59.5%
Black *	140,305	23.8%	23.8%	33.8%
Hispanic	85,089	14.4%	10.8%	24.4%
Asian or Pacific Islander*	44,280	7.5%	5.2%	17.5%
American Indian *	1,517	0.3%	0.3%	10.3%
Other *	8,215	1.4%	1.0%	11.4%
Two or more races *	18,174	3.1%	--	13.1%
Total Population	589,141	100.0%	100.0%	

* Non-Hispanic

Source: City of Boston Consolidated Plan, July 1, 2008 to June 30, 2013

Table 2.3 shows the level of racial concentration in each of Boston's sixteen planning districts as of the 2000 Census. It also depicts the total number and percentage of each racial group that live in concentrated neighborhoods. White families exceed the Consolidated Plan's concentration thresholds in seven of the city's sixteen neighborhood planning districts (Charlestown, South Boston, the Central Planning District, Back Bay-Beacon Hill, Fenway-Kenmore, Allston-Brighton, and West Roxbury), and 60 percent of all white households live in those neighborhoods. Almost 80 percent of all black families live in just four black-concentrated neighborhoods (Roxbury, Dorchester, Mattapan, and Hyde Park). There are two areas that

exceed the Consolidated Plan concentration threshold for Hispanics; East Boston and Jamaica Plain, and one area, the Central Planning district, that exceeds the threshold for Asians. Neither Hispanics nor Asians, however, are as deeply separated from other groups as whites or blacks. Only one-third of the city's Hispanics live in the two Hispanic-concentrated neighborhoods, and only one-eighth of Boston's Asian population lives in the one Asian-concentrated area. (**Maps 1, 2, 3, and 4 in Appendix D** portray the racial and ethnic concentration of the city's census tracts as of the 2000 Decennial Census.)

Table 2-3 Race and Ethnicity of Boston's Planning Districts

BRA Planning District	2000					
	Total	Black	White	Hispanic	Asian	Other
Allston/Brighton	69,648	4.5%	68.7%	9.1%	13.7%	4.0%
Back Bay/Beacon Hill	26,721	3.0%	84.8%	4.1%	6.0%	2.1%
Central	25,173	4.1%	69.6%	3.7%	20.9%	1.7%
Charlestown	15,195	3.5%	78.6%	11.6%	5.0%	1.3%
East Boston	38,413	3.1%	49.7%	39.0%	4.0%	4.2%
Fenway/Kenmore	35,602	6.0%	69.5%	7.2%	13.9%	3.5%
Hyde Park	31,598	39.1%	43.1%	12.6%	1.4%	3.7%
Jamaica Plain	38,196	16.7%	49.8%	23.5%	6.5%	3.5%
Mattapan	37,607	77.4%	3.8%	12.5%	0.9%	5.3%
North Dorchester	28,775	24.3%	35.6%	14.2%	13.1%	12.8%
Roslindale	34,618	16.4%	55.8%	19.9%	3.9%	4.0%
Roxbury	42,834	82.7%	6.4%	0.0%	0.7%	10.1%
South Boston	29,965	2.5%	84.5%	7.5%	3.9%	1.6%
South Dorchester	63,340	41.7%	30.0%	10.3%	9.5%	8.5%
South End	28,239	22.7%	45.3%	16.9%	11.8%	3.3%
West Roxbury	28,753	6.0%	83.6%	4.6%	3.8%	2.1%
Total Boston	574,677	24.4%	50.7%	12.4%	7.7%	4.9%

Source: BRA, based on U.S. Decennial Census

Evenness is measured through a dissimilarity index that gauges the percentage of a racial or ethnic group that would have to move to other areas in order to be evenly distributed within a geography. A dissimilarity index of 60 or higher indicates a high degree of segregation. In Boston, an examination of dissimilarity measures shows high indices of segregation between whites and blacks, and blacks and Asians, as **Table 2-4** illustrates.

Table 2-4 Year 2000 Index of Dissimilarity-Boston

Racial and Ethnic Comparator	Census Tract Dissimilarity
White-Black	71.1
White-Asian	41.1
White-Hispanic	53.3
Black-Asian	70.7
Black-Hispanic	44.2
Asian-Hispanic	55.8

Source: University of Michigan Populations Studies Center, Racial Residential Segregation Measurement Project, <http://enceladus.icpsr.umich.edu/race/racestart.asp>

Racial and ethnic isolation is gauged through an exposure index that measures the extent to which a racial or ethnic group is exposed to members of the group, and to others. It is used to understand whether two groups share common residential areas, and therefore have opportunities for contact. Low exposure indices mean that there is little shared area and few chances for interaction. Exposure levels for census tracts in Boston produce the same results as the concentration measure from the Consolidated Plan and the dissimilarity measure. The highest degree of racial isolation in the city is among whites, followed by blacks. (See **Table 2-5**.)

Table 2-5 Year 2000 Exposure Index for Boston Census Tracts

Race	White	Black	Asian	Hispanic
White	70.18	9.74	8.13	11.03
Black	20.24	57.11	4.30	17.36
Asian	53.87	13.69	19.18	12.21
Hispanic	37.78	28.62	6.32	26.30

Source: University of Michigan Populations Studies Center, Racial Residential Segregation Measurement Project, <http://enceladus.icpsr.umich.edu/race/racestart.asp>

Characteristics of Boston Residents with Disabilities

The Census Bureau defines a disability as a long-lasting physical, mental, or emotional condition that can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. The census gathers information about the nature of individual disability for individuals age 5 and older using five categories of disability: sensory, physical, mental, self-care, and “go-outside-the-home” disability (for all age groups except for children 5 to 15 years old). For people of working age, the number of employment disabilities – those lasting six months or more that make it difficult to work at a job or business – are also reported. Data from both the 2000 Decennial Census and the 2005-2007 American Community Survey⁶ were analyzed in the preparation of this AI.

About 120,000 Boston residents over the age of 5 and not living in institutions (21.9% of the total population) reported having one or more disability in 2000. **Table 2-6** presents the disability status of Boston residents by age group as reported in the 2000 Census. Among working age residents (21-64), those reporting a disability were 80 percent more likely than non-disabled residents of the same age to be unemployed.

Many individuals have more than one disability, and the Census Bureau also tallied total reported disabilities. The largest number of reported disabilities in 2000, more than 55,000 (27.6%), involved employment related impairments. Nearly one-quarter of reported disabilities prevented people from going outside the home. Lesser percentages of disability involved physical disabilities (18.9%), mental disabilities (13.4%), sensory disabilities (7.9%), and self-care disabilities (7.5%). For more information, see **Appendix D, Table 1**.

Among the non-elderly, black and Latino individuals experienced disproportionately high rates of disability. **Appendix D, Table 2** shows reported categories of disability, by age and race. Blacks represent 24.9 percent of the city’s population, but 30.5 percent of all reported disabilities. Similarly Hispanics, who represent 14.5 percent of the city’s population, constitute a

⁶ 2005-2007 is the most recent year for which comparable data are available.

disproportionate 31.8 percent of all reported disabilities. Among the elderly, only white residents reported incidence of disability greater than their percentage share of the population: 65.6 percent of reported disabilities compared to 49.4 percent of the total population.

Table 2-6 Boston Population with Disability and Employment Status

Age Cohort	Population*	% of Total Population	# with a Disability(ies)	% of Population with a Disability(ies)	% of Age Group
5 to 15 years	72,182	13.2%	5,025	4.2%	7.0%
16 to 20 years	50,324	9.2%	8,104	6.7%	16.1%
21 to 64 years	368,831	67.2%	80,856	67.2%	21.9%
% Not Employed					45.8%
% of NON-Disabled Pop. Not Employed					25.4%
65 to 74 years	30,530	5.6%	11,642	9.7%	38.1%
75 years and over	26,932	4.9%	14,626	12.2%	54.3%
Total	548,799	100.0%	120,253	100.0%	

* Civilian non-institutionalized population

Source: U.S. Census 2000

People with disabilities live in all Boston neighborhoods, but five planning districts had disproportionately high populations of people (age 5 and over) with disabilities in 2000: East Boston (30.9% compared to 21.9% citywide), Roxbury (28%), Dorchester (25.9%), Mattapan (25.8%), and Hyde Park (24.6%). In each of these neighborhoods, the higher rate of disability was reflected mainly in the working age population. See **Appendix D, Table 3**.

Disability status at the neighborhood level is not available beyond 2000, but it is available for Boston as a whole and for the balance of the metro area for 2005-2007. In both in 2000 and in 2005-2007, Boston adults experienced a greater incidence of self-care disability than did adults in the balance of the metro area. The percentage of city residents with such disabilities has not changed appreciably since 2000 except among those aged 75 and over. Their reported rate of self-care disability rose from 17.8 percent to 19.4 percent. **Appendix D, Table 4** provides greater detail.

National Origin and Linguistic Isolation

Boston's racial and ethnic diversity is reflected in the fact that 29.1 percent of its residents in 2008 were foreign born (up from 25.8 percent in 2000). Since 1990, the city's foreign born population has increased by more than 46 percent, and Boston is now home to more people from more countries than at any point in its history. Among the nation's 25 largest cities, Boston has the fifth highest proportion of foreign born residents. Its immigrant population comes from more than 100 countries, and this diversity in nationality is characteristic of all racial and ethnic groups.

For example, in East Boston, whose population in 2000 was 39 percent Hispanic, nearly 42 percent of the residents were foreign born, with the largest representation from El Salvador, Columbia, and Brazil. Dorchester, Mattapan, and Hyde Park are black-concentrated planning districts, with high populations of people from Haiti, Jamaica, the Dominican Republic, Trinidad and Tobago, and Nigeria. Sixty-five percent of the immigrants living in Boston resided in areas of racial and ethnic concentration in 2000. **Appendix D, Table 5** shows the number and percent

of foreign born population in each of the planning districts, and the predominant places of origin of the six neighborhoods with higher than city-wide average percentages of foreign born people.

About 16 percent of Boston's population was "linguistically isolated" in 2000, that is, they lived in a household in which no person aged 14 or over spoke English "very well." Across the entire city, the languages spoken by people of limited English proficiency were evenly distributed among Spanish speakers (6.5%), individuals who speak European languages or languages from the Indian sub-continent (5.3%), and people who speak Asian-Pacific languages (4%). There were distinct differences, however, in English proficiency among immigrant groups, with Spanish speakers more likely to be linguistically isolated (69.6%) than immigrants whose first language is something other than Spanish (58.3%). Consistent with this finding, East Boston had the highest percentage of linguistically isolated individuals (36.3%), and most linguistically isolated people in that neighborhood speak Spanish. The percentages of people with limited English proficiency, and the neighborhoods where they live, are depicted in **Appendix D, Table 6**.

The Metropolitan Context: Racial and Ethnic Concentration and Separation

Boston is a relatively small central city in a relatively large metropolitan area. The diversity of the city is not reflected in the larger metro area even though the population of people of color has grown more in absolute numbers and at a faster rate since 1980 outside Boston. The increase in racial and ethnic groups has been fueled by immigration, which has brought more than 554,000 foreign born residents to the region since 1980, three-quarters of whom have settled outside Boston. While the most dramatic increase has been among Asians and Latinos, by 2006/2008, more blacks also lived outside Boston than lived in the city. **Table 2-7** documents the shifting racial/ethnic profile of Boston and the balance of the metro area since 1980. Boston's population, as previously noted, is split evenly between racial and ethnic minorities and non-Hispanic whites.⁷ Outside the city, racial and ethnic minorities represent less than 20 percent of the population. Forty-four percent of Boston's non-white population is black, 33 percent Hispanic, and 17 percent Asian; by contrast, the population of people of color in the balance of the region is 22 percent black, 37 percent Hispanic, and 30 percent Asian.

It is not the size of the region's population of color, however, that makes Boston one of the most segregated large metro areas in the country. It is the distribution within the region of its various racial and ethnic groups. Three-quarters of the region's black population resided in just eight municipalities in 2006-2008 (Boston, Brockton, Cambridge, Lynn, Randolph, Malden, Lowell, and Medford). Similarly, two-thirds of all Latinos lived in eight municipalities (Boston, Lawrence, Lynn, Chelsea, Lowell, Revere, Methuen, and Brockton). The region's Asian and non-Hispanic white population are substantially more dispersed.⁸

⁷ The 2000 Decennial Census, reported that Boston's population of people of color was 50.6 percent (i.e., all categories except white, non-Hispanic). The 2006-2008 ACS reported a population of people of color of 49.4 percent. The comparable figures for the entire metro area (including Boston) were 20.8 percent in 2000 and 23.9 percent in 2006-2008. Excluding the city, the comparable figures were 15.6 percent and 19.4 percent.

⁸ The eight communities with the largest Asian population accounted for 51 percent of the metro area's Asians and the eight communities with the largest white (non-Hispanic) population accounted for less than 20 percent of the metro areas whites according to the 2006-2008 American Community Survey (ACS).

Table 2-7 Boston's Share of 5-County Population by Race/Ethnicity, 1980-2006/2008

	Total	Black	White	Hispanic	Asian	Other
Metro Area						
1980	3,662,832	166,996	3,342,015	89,567	44,810	19,444
1990	3,783,817	213,149	3,250,256	186,652	114,254	19,506
2000	4,001,752	245,369	3,171,489	277,136	197,099	110,659
2006/8	4,076,746	279,008	3,100,885	346,928	253,298	96,627
2006/8 Distribution by Race/Ethnicity	100.0%	6.8%	76.1%	8.5%	6.2%	2.4%
Race/Ethnicity as Share of Minority Pop.		28.6%		35.6%	26.0%	9.9%
Boston						
1980	562,994	122,203	382,123	36,068	16,127	6,473
1990	574,283	136,887	338,734	61,955	29,640	7,067
2000	589,141	140,305	291,561	85,089	44,280	27,906
2006/8	613,086	133,161	310,156	98,417	49,859	21,493
2006/8 Distribution by Race/Ethnicity	100.0%	21.7%	50.6%	16.1%	8.1%	3.5%
Race/Ethnicity as Share of Minority Pop.		44.0%		32.5%	16.5%	7.1%
Balance						
1980	3,099,838	44,793	2,959,892	53,499	28,683	12,971
1990	3,209,534	76,262	2,911,522	124,697	84,614	12,439
2000	3,412,611	105,064	2,879,928	192,047	152,819	82,753
2006/8	3,463,660	145,847	2,790,729	248,511	203,439	75,134
2006/8 Distribution by Race/Ethnicity	100.0%	4.2%	80.6%	7.2%	5.9%	2.2%
Race/Ethnicity as Share of Minority Pop.		21.7%		36.9%	30.2%	11.2%
Boston's Share						
1980	15.4%	73.2%	11.4%	40.3%	36.0%	33.3%
1990	15.2%	64.2%	10.4%	33.2%	25.9%	36.2%
2000	14.7%	57.2%	9.2%	30.7%	22.5%	25.2%
2006/8	15.0%	47.7%	10.0%	28.4%	19.7%	22.2%
# Population Change 1980 - 2006/2008						
Metro	413,914	112,012	-241,130	257,361	208,488	77,183
Boston	50,092	10,958	-71,967	62,349	33,732	15,020
Balance	363,822	101,054	-169,163	195,012	174,756	62,163
% Population Change 1980 - 2006/2008						
Metro	11.3%	67.1%	-7.2%	287.3%	465.3%	397.0%
Boston	8.9%	9.0%	-18.8%	172.9%	209.2%	232.0%
Balance	11.7%	225.6%	-5.7%	364.5%	609.3%	479.2%

Source: 1990, 2000 U.S. Decennial Census; 2006-2008 American Community Survey, Three Year Estimates

One the most crucial indicators of segregation in a metropolitan area is the level of white separation from people of color. At the time of the 2000 census, 60 percent of the Boston region's black and Latino homeowners, and nearly 70 percent of renters, lived in the five cities where they made up more than 20 percent of the households (Boston, Chelsea, Lawrence, Lynn, and Brockton). These five cities represent just 3.7 percent of the region's landmass. In 101 of the metro area's 147 municipalities – nearly three-quarters of its landmass – fewer than 2.5

percent of all households were black or Latino. Even within the City of Boston, a similar pattern is evident, though to a lesser degree: more than 30 percent of the city's white homeowners lived in census tracts where fewer than 2.5 percent of their (homeowning) neighbors were black or Latino.⁹ The relationship of local zoning and land use regulations to the region's racial and special divide is explored in **Section XIII**.

In 2004, the Rappaport Institute for Greater Boston released a working paper that analyzed patterns of racial segregation over a considerably larger area that included Worcester and Bristol Counties in addition to the five counties reviewed in this analysis. That study measured *isolation* and *evenness* (described previously) as well as the degree of *clustering*.¹⁰ Clustering measures the extent to which a single racial or ethnic group live within a discrete, contiguous geography in adjoining neighborhoods, or whether, instead, they live close to other racial or ethnic groups. Clustering values greater than 1 indicate that members of a group live closer to members of their group than to all others. All three segregation measures for the seven county area are depicted in **Appendix D, Tables 7 and 8**.

⁹ Because more renters live in urban areas, they tend to live in more integrated communities than homeowners do: 23 percent of white renters live in communities where less than 2.5 percent of households are black or Latino, while nearly 28 percent live in the five cities named above.

¹⁰ *Boston at the Crossroads, Working Paper #12*, Guy Stuart, The Rappaport Institute for Greater Boston, 2004. These data are also based on the 2000 Census.

III. Housing Market Conditions Affecting Fair Housing

Market conditions are far different today than they were when the last AI was produced. Much of what transpired between 1996 and 2006, when the Massachusetts housing market imploded, had a disparate impact on the region's communities of color. The volatility in the housing market and racial and ethnic home buying patterns are two trends that had important fair housing consequences. This section explores the fair housing legacy of the past decade, organized around these two trends.

Volatility in the Housing Market

When Boston prepared its last Analysis of Impediments, the Massachusetts economy was growing briskly. Home prices, which had been slow to recover from the 1989-1991 recession, had begun to rise by 1997, and rent levels were escalating as well. Between 1994 and 2000, Boston area rents increased by nearly 75 percent, rising from an average of \$880 per month for a 2-bedroom unit in 1994 to \$1,460 by 2000. The median price of a single family home increased from \$149,884 to \$260,196 during the same period, and many lower income communities saw home prices rise at a faster rate than more affluent areas.¹¹

When the dot.com bubble burst in 2001, Massachusetts and the nation fell into recession. Although this recession was not as deep or sustained as that of 1989-91, the state ceded 6 percent of its peak jobs, and income growth stagnated. Rents began to moderate, although they remained among the highest in the nation. Home prices, on the other hand, continued to rise. During the previous recession they had fallen by 18 percent; this time, they continued their upward trajectory, climbing nearly 25 percent between 2001 and 2003 while the region was officially in recession. By the time home prices peaked in the third quarter of 2005, they had risen by 165 percent over the course of a decade. **Figures 3-1 and 3.2** track the movement of rents and home prices metro Boston from 1990 through 2008. The companion **Figure 3-3** shows that sales followed a similar pattern, but peaked a year earlier than prices did in 2004 after having risen 40 percent over the same period.

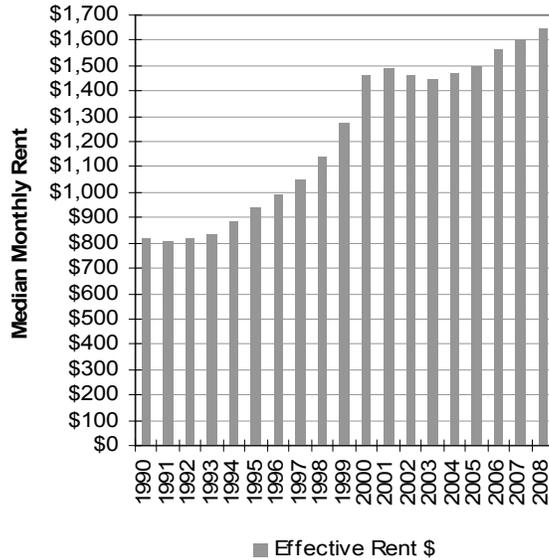
In 2006, as the housing market cooled in the face of rising foreclosures, economic conditions went from bad to worse; by 2007 the nation was again headed into recession. The National Bureau of Economic Research (NBER) marks December 2007 as the official start of the longest recession since the Great Depression. The NBER economists believe the recession is now over, though they have yet to officially name its end date. Even if they are correct, the combined impact of subprime lending, high unemployment, falling home values and municipal revenues, and concentrated foreclosures is likely to be felt long after the recovery takes hold.

The Warren Group, publisher of *Banker and Tradesman*, reported that the median price of single family homes sold in the five-county Boston metro area in 2009 (\$337,412) was 21 percent below the peak reached in the third quarter of 2005 (\$426,867). The nationally recognized Case Shiller Index reported a similar peak to trough (September 2005-March 2009) drop of 20.1 percent for the Boston metro area. Many other industry analysts agree that the region's housing market bottomed out in the first quarter of 2009, but most note that it is likely to remain depressed for a period of time. Housing price downturns tend to be protracted, and it typically

¹¹ According to median effective rents provided by Reis, Inc. and median single family home sales prices, the Warren Group, Inc.

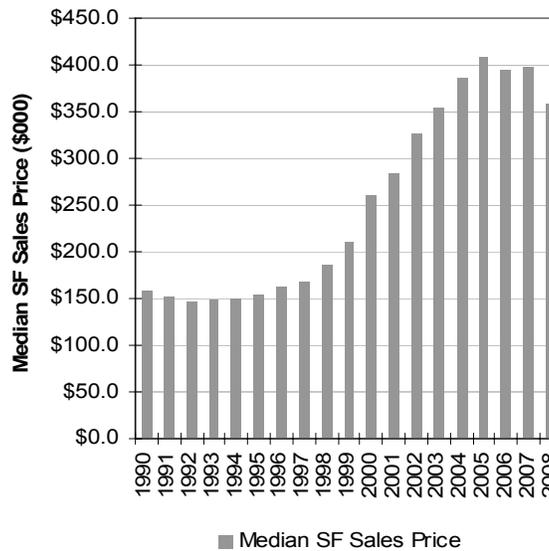
takes longer for prices to return to their former peaks than it takes for them to decline from peak to trough. Dating the current cycle from its September 2005 peak, the recent *Greater Boston Housing Report Card*¹² noted that if the current cycle follows the same path as the previous one, home prices in the region as a whole would not return to that level until sometime in 2014.

Figure 3-1 Median Rents in Metropolitan Boston, 1990-2008



Source: Reis, Inc.

Figure 3-2 Median Home Prices in Metropolitan Boston, 1990-2008



Source: The Warren Group

¹² *The Greater Boston Housing Report Card, 2009*, Bluestone et al., Dukakis Center for Urban and Regional Policy, Northeastern University

Figure 3-3 Single Family and Condominium Home Sales: Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties



Source: The Warren Group

A closer look at home prices within the City of Boston shows that price volatility has been greatest in the city’s racially identified neighborhoods of Dorchester, Roxbury, Mattapan, and East Boston. These four neighborhoods witnessed the greatest percentage price increases between 2000 and 2005, and they have experienced the steepest price declines since 2005. (See **Table 3-1.**)

Table 3-1 Change in Median Home Price, Peak to Trough, by Boston Neighborhood

Neighborhood	% Minority	Median Sales Price 1-Family Homes						
		2000	2005	% Change 00-05	Rank % Increase 2000-2005	2009*	% Change 05-09	Rank % Decrease 2005-2009
East Boston	50.3%	\$139,500	\$330,000	136.6%	1	\$180,000	-45.5%	2
Roxbury	95.2%	\$157,500	\$340,000	115.9%	2	\$219,500	-35.4%	3
Dorchester	68.2%	\$177,500	\$366,500	106.5%	3	\$266,625	-27.3%	4
Mattapan	96.2%	\$165,000	\$327,000	98.2%	4	\$173,825	-46.8%	1
Hyde Park	57.0%	\$195,000	\$356,000	82.6%	5	\$259,000	-27.2%	5
Allston^	31.3%	\$275,000	\$471,500	71.5%	6	\$390,000	-17.3%	6
Roslindale	44.2%	\$229,950	\$385,000	67.4%	7	\$339,000	-11.9%	11
Brighton^		\$291,000	\$484,500	66.5%	8	\$404,500	-16.5%	7
West Roxbury	16.4%	\$270,000	\$439,375	62.7%	9	\$381,000	-13.3%	9
South Boston	15.5%	\$253,500	\$409,000	61.3%	10	\$355,000	-13.2%	10
Jamaica Plain	50.2%	\$317,500	\$498,000	56.9%	11	\$507,000	1.8%	12
Charlestown	21.4%	\$434,750	\$604,500	39.0%	12	\$512,500	-15.2%	8
Downtown	32.9%	\$975,000	\$1,351,250	38.6%	13	\$1,998,500	47.9%	13

* Through September

^31.3% is the population of people of color for the Allston-Brighton Planning District

Note - Warren Group neighborhood definitions and BRA planning districts are not directly comparable. Population estimates are based on the BRA neighborhood (planning district) definitions. Downtown neighborhoods include the Central, Back Bay-Beacon Hill, south End, and Fenway-Kenmore Planning Districts. The Warren Group refers to these neighborhoods as "Boston." The Warren Group publishes sales data separately for Allston and Brighton.

Source: Sales data, The Warren Group; 2000 Decennial Census

Homebuying by People of Color

Anyone who bought or refinanced their home at or near the peak of the market is likely to be “underwater” now, owing more on their mortgage than their home is worth. The Federal Reserve Bank of Boston has estimated that one in five Massachusetts homeowners is in such a position.¹³ The region’s residents and communities of color, however, have borne the brunt of the downturn. There are several reasons for this. Blacks and Latinos were more likely to have purchased, or refinanced, at or near the peak of the market. They are less likely to have accumulated equity that could provide a cushion against declining values. They were also more likely to have financed their property with a high cost, high risk mortgage. And, they were more likely to have purchased in a community where prices rose most dramatically in the early years of the decade, but have fallen most sharply since 2005.

Despite the net addition of more than 15,700 black homeowners, 28,300 Asian owners, and 20,300 Hispanic homeowners in metro Boston since 1990, the legacy of race-associated bias is evident in the racial concentration of homeownership, the high incidence of subprime lending and, now, the impact of concentrated subprime foreclosures on the region’s communities of color.

The region’s homeowners of color – particularly black homeowners – remain geographically concentrated in a handful of communities, Boston’s racially concentrated neighborhoods foremost among them. (See **Table 3-2.**) Of course, there may be many reasons for this clustering, including personal choice. However, research on race and concentrated poverty has shown that blacks and Hispanics are far more likely to live in high poverty areas than whites with the same incomes. And, while the state has a growing number of relatively affluent blacks and Hispanics, they have located in significant numbers in only a handful of suburban communities. Between 2000 and 2006:¹⁴

- 73.3 percent of black home buying took place in just eight municipalities (Boston, Brockton, Randolph, Lynn, Lowell, Malden, Milton, and Everett)
- 63.6 percent of Latino home buying took place in just eight municipalities (Boston, Lawrence, Lynn, Revere, Chelsea, Brockton, Lowell, and Framingham)
- 42.4 percent of Asian home buying took place in just eight municipalities (Boston, Quincy, Lowell, Newton, Malden, Brookline, Lexington, and Framingham)
- The top eight white home buying communities, by contrast, accounted for only 24.5 percent of all white purchases (Boston, Plymouth, Haverhill, Lowell, Quincy, Newton, Weymouth, and Lynn)

¹³ Federal Reserve Bank of Boston Working Paper 7-15, “Subprime Outcomes: Risky Mortgages, Homeownership Experiences, and Foreclosures,” by Kristopher Gerardi, Adam Hale Shapiro, and Paul S. Willen

¹⁴ Data are from the Home Mortgage Disclosure Act loan application registers, provided by Jim Campen, author of *Changing Patterns*, a series of annual reports on mortgage lending commissioned by the Massachusetts Community and Banking Council.

Seven of the top destinations for both black and Latino homebuyers were communities deemed to represent low or very low opportunity based on the Kirwan/McArdle methodology. Within the City of Boston, the top homebuying neighborhoods for black purchasers are Dorchester, Roxbury, Mattapan, and Hyde Park; for Latinos, East Boston and Dorchester; for Asians, Allston-Brighton and Dorchester; and for whites, South Boston and the South End.

Among the studies that have probed the causes of residential segregation in the Boston metro area is a 2004 report by David Harris and Nancy McArdle, prepared for the Metro Boston Equity Initiative of the Harvard Civil Rights Project. *More than Money: The Spatial Mismatch Between Where Homeowners of Color in Metro Boston Can Afford to Live and Where They Actually Reside* concluded that the concentrated residence and homebuying patterns, particularly of blacks and Latinos in the Boston metro area, were attributable to more than money. The authors found that black and Latino homebuyers did have lower incomes, on average, than white and Asian buyers but that affordability alone could not explain persistent patterns of residential segregation.

During the period of their analysis (1999-2001), African Americans and Latinos who could afford to buy in a wide range of outlying suburban communities were concentrating in Boston and certain inner suburbs and satellite cities, often the same places experiencing the largest declines in white homeowners. Latinos were eight times more likely to buy homes in Lawrence and Chelsea, and blacks seven times more times likely to buy in Randolph and five times more likely to buy in Brockton than mere affordability would suggest. By contrast, the number of black and Latino homebuyers was less than half what the authors had expected based on their purchasing power in 80 percent of the region's cities and towns.

Harris and McArdle recommended several steps to address these persistent patterns of segregation, beginning with a concerted effort that focused both on removing any remnants of discriminatory practices, and on finding ways to attract and retain populations of color in communities they could afford but from which they are absent.

Table 3-2 Top Homebuying Markets by Race/Ethnicity in Metro Boston, 2000-2006[^]

Rank	Asian*		Black*		White *		Latino		Total	
1	Boston	12.3%	Boston	32.1%	Boston	10.9%	Boston	15.8%	Boston	12.7%
2	Quincy	8.5%	Brockton	19.3%	Plymouth	2.3%	Law rence	15.6%	Brockton	2.6%
3	Low ell	6.6%	Randolph	7.0%	Haverhill	2.1%	Lynn	10.5%	Low ell	2.4%
4	New ton	3.5%	Lynn	4.8%	Low ell	2.0%	Revere	5.5%	Lynn	2.4%
5	Malden	3.4%	Low ell	4.1%	Quincy	1.9%	Chelsea	4.6%	Quincy	2.1%
6	Brookline	2.9%	Malden	2.5%	New ton	1.8%	Brockton	4.1%	Haverhill	2.0%
7	Lexington	2.7%	Milton	1.8%	Weymouth	1.7%	Low ell	3.8%	Plymouth	1.9%
8	Framingham	2.6%	Everett	1.7%	Lynn	1.7%	Framingham	3.5%	New ton	1.8%
9	Acton	2.4%	Stoughton	1.5%	Cambridge	1.6%	Everett	3.3%	Framingham	1.7%
10	Randolph	2.4%	Law rence	1.5%	Brockton	1.6%	Haverhill	2.7%	Cambridge	1.7%
11	Lynn	1.9%	Medford	1.4%	Framingham	1.6%	Methuen	2.7%	Law rence	1.5%
12	Chelmsford	1.8%	Quincy	1.1%	Brookline	1.4%	Malden	2.2%	Weymouth	1.5%
13	Framingham	1.8%	Framingham	1.0%	Salem	1.3%	Marlborough	2.0%	Brookline	1.5%
14	Somerville	1.6%	Haverhill	0.9%	Methuen	1.2%	Somerville	1.3%	Methuen	1.3%
15	Andover	1.6%	Cambridge	0.9%	Somerville	1.2%	Salem	1.1%	Somerville	1.3%

Source: Home Mortgage Disclosure Act data, provided by Jim Campen

Less obvious, but equally important to understanding residential segregation, are the attitudes and preferences whites and people of color have about living near each other. Tara Jackson's report, *The Imprint of Preferences and Racial Attitudes in the 1990s: A Window into Contemporary Residential Segregation Patterns in the Greater Boston Area*, concluded that a significant share of metro Boston residents of all races held positive attitudes about increasing levels of integration, but noted that comfort levels about the ideal degree of integration vary. The majority of whites, she noted, felt most comfortable with integration in its earliest stages, well below the 50-50 mix that blacks and Latinos preferred. Also, while a substantial share of people of color report that they would be willing to be the first to pioneer integration of all-white neighborhoods, most would not, citing perceived discrimination from white homeowners as a key reason behind their willingness to live in segregated communities.

IV. Housing and Structures of Opportunity

Fair housing choice protects the ability of a family to choose to live in a location outside an area of poverty, in healthy environmental conditions, and in safe neighborhoods, with access to good schools. Conditions of racial isolation create impediments to housing choices in these areas of high opportunity.

Social science research has long supported the finding that neighborhood conditions play a critical role in enabling or impeding personal advancement, even for the most motivated individuals.¹⁵ The recent Kirwan study underscored this finding, but concluded that access to important building blocks of opportunity in greater Boston, and Massachusetts in general, was not equal. The study also found that isolation from opportunity was more pronounced for people living in low income communities, especially communities of color. Because Boston's racially concentrated neighborhoods are the areas with the highest rates of disability, conditions of isolation also affect people with disabilities. This section looks at some of the issues arising as the result of, or exacerbated by, racial isolation.

Poverty

Research on race and concentrated poverty has shown that blacks and Hispanics, in particular, are far more likely to live in high poverty areas than whites with the same incomes. A 2003¹⁶ study noted that while there are many poor white families in Massachusetts, they do not live in the communities where poor blacks and Hispanics live, for the most part. And, while the state has a growing number of relatively affluent blacks and Hispanics, they have located in significant numbers in only a handful of suburban communities. The study's authors observed that high poverty neighborhoods often offer weaker opportunities than non-poverty neighborhoods in a number of respects, including access to better services, schools, safety, and increasing property values, the primary source of family wealth.

Within Boston, one of the most diverse municipalities in the metro region, racial separation is indicative of poverty. Three planning districts with overall populations of color that exceed the Consolidated Plan's concentration threshold have poverty rates that exceed the citywide rate of 19.5 percent: Roxbury (27.1%), North Dorchester (20.8%), and Mattapan (22.3%). These are neighborhoods where the median income is less than the citywide median and near, at, or below the very low income threshold for the metropolitan area.

Two white-concentrated planning districts, Fenway-Kenmore and Allston-Brighton, also have high rates of poverty and low median incomes, but both have high percentages of college students and non-family households, indicating the presence of large numbers of transient households. Two other neighborhoods, the racially balanced South End and Jamaica Plain, have higher than average poverty rates, but also have median incomes that exceed the Boston median. Both these planning districts include a large inventory of public and subsidized housing – more than 7,000 units in the South End and more than 3,600 in Jamaica Plain – that are home to some of the city's

¹⁵ *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, January 2009.

¹⁶ *Beyond Poverty: Race and Concentrated-Poverty Neighborhoods in Metro Boston*, McArdle, Nancy et al., The Civil Rights Project, Harvard University, December 2003.

poorest residents. Among the districts' homeowners, however, are some of the city's most affluent residents. Intra-neighborhood segregation explains the wealth gap represented by the high rates of poverty coexisting with high median incomes. The side-by-side comparison of median family income by race and ethnicity in these neighborhoods, included in **Table 9, Appendix D**, underscores the racial dimension of the wealth gap. Also depicted in **Table 10, Appendix D** is detailed information about the relationship of income, poverty, and segregation in Boston's sixteen planning districts.

The impact of poverty is perhaps greatest on families with children, and Boston's children of color are far more likely to be living in poverty than are its white children. There is also a high correlation between single parent households and the higher incidence of poverty among blacks and Latinos, as **Table 4-1** illustrates.

Table 4-1 Children Living in Poverty by Race/Ethnicity and Family Type

	% of Children Living in Poverty	Share of families with Children < 18 that live in Poverty	Single Mothers with Children < 18 as % of All Families	% of Single Mothers with Children < 18 that Live in Poverty
White (non Hispanic)	9.7%	7.2%	22.2%	20.0%
Black	24.3%	30.5%	63.6%	42.7%
Asian	27.7%	27.5%	25.7%	25.7%
Hispanic	35.0%	37.8%	60.9%	54.3%

Source: 2000 Decennial Census

Health and Safety

Boston's black and Latino residents experience higher levels of chronic disease, mortality, and poorer health outcomes than white residents, and the Boston Public Health Commission has attributed these inequities to a combination of factors, including residential segregation. The Commission's *Health of Boston 2009* report suggests that individuals at greater risk of not accessing the health care they need include low income residents, people with physical and mental disabilities, those whose primary language is not English, the uninsured and underinsured, recent immigrants, and certain racial and ethnic groups, specifically blacks and Latinos.

Violence is another critical public health issue in Boston's communities of color. *Health of Boston 2009* reports that violence continues to disproportionately impact males, certain age and racial/ethnic groups, and neighborhoods. In 2007, the nonfatal assault-related gunshot and stabbing victim rate in Boston for black residents was 11 times the rate for white residents. Blacks represent the overwhelming majority of the city's homicide victims, accounting for 80 percent of all resident homicides in 2007. And, a higher percentage of black students reported being threatened or injured with weapons at school than their white counterparts.

North Dorchester and Roxbury residents experienced nonfatal gunshot and stabbing injuries at more than twice the citywide rate in 2007. The rates for Mattapan, South Dorchester, and the South End were also higher than for Boston overall. With the exception of the South End, these neighborhoods also had the highest homicide rates. Preliminary 2008 data from the Boston Police Department indicates that Area B (Roxbury, Mission Hill, Mattapan, and parts of Dorchester) had the highest percentage of reported rapes, robbery and attempted robbery, and aggravated assault.

Education

Massachusetts consistently ranks among the nation's top performing K-12 educational systems, and many of the state's top-ranked districts are in the Boston metro area. Significant performance gaps exist, however, between the schools most black and Latino children attend and those attended by their non-Latino white peers. The region's segregated residential patterns combined with the fragmented nature of school governance in the state – there are some 150 separate school districts in the Boston metro area alone – has resulted in the region's children of color being highly concentrated in the lowest income districts.

At a recent conference on school reform sponsored by Harvard Law School's Charles Hamilton Houston Institute for Race and Justice, Nancy McArdle reported that children of color living in the Boston metro area were far more likely than their non-Latino white peers to attend schools with high rates of student poverty schools. Among the highlights of her presentation, Ms. McArdle noted that Hispanic students in metro Boston attend primary schools with poverty rates of 64 percent, on average, a rate 3.9 times that of white students and the 2nd highest disparity among large metros. For black students, the average poverty rate was 60 percent, 3.7 times the white rate (4th highest among large metros). Asian students, she concluded, attend primary schools with poverty rates of 34 percent, or 2.1 times that of white students (the 2nd highest disparity among large metros).

Boston Public Schools serve a diverse body of 57,000 students, 86 percent of whom are racial or ethnic minorities. The Boston Foundation's Indicators Project reports that about 18 percent of the students are English Language Learners. Roughly 20 percent are enrolled in some type of special education program, and 71 percent are eligible for free- or reduced-price meals in school. One-quarter of the city's 77,000 school-aged children do not attend Boston public schools. More than 4,000 of these students attend the 21 state-chartered Charter schools in Boston; 3,000 attend suburban METCO schools; and 12,000 attend private or parochial schools.

The City's school assignment policies are complex. Under current procedures, only half of the seats in a school are reserved for children who walk there from within a "walk zone." Even accounting for the complexities of school assignment, there is a strong correlation between low school performance and racial isolation. The Boston Public Schools recently identified fourteen elementary, middle, and high schools within a "Circle of Promise" as low performing settings in need of targeted resources. Ten of the fourteen schools are located in planning districts identified in the Consolidated Plan as racially concentrated; four in Dorchester, four in Roxbury, one in East Boston, and one in Hyde Park.

Public Transportation and Jobs

The availability of jobs and adequacy of transit in racially isolated neighborhoods affects the ability of the residents of those neighborhoods to secure and maintain employment. Among the nation's large metro areas Boston is one of the most centralized, with a relatively high 28 percent of its jobs in and around the downtown. A 2009 Brookings Institute report ranked Boston fifth in share of jobs in the urban core, although employment opportunities here – as in most major metro areas – have continued to decentralize over time.¹⁷ However, in an earlier Brookings study (2005) of the effect of metropolitan area job sprawl on blacks, Boston ranked just sixteenth

¹⁷ "Job Sprawl Revisited: The Changing Geography of Metropolitan Employment," Elizabeth Kneebone, April 2009.

among the largest 48 metropolitan areas. That study concluded that more than 60 percent of Boston area black workers would have to move in order to live within five miles of employment. Though there are a number of city and state-sponsored initiatives dedicated to improving job readiness and job creation/retention – the Commonwealth Corporation’s Regional Workforce Strategies Initiative, for example – little or no effort has been directed towards the combined effect of racial segregation, job sprawl, and isolation from work.

Boston boasts one of the nation’s most extensive public transit systems, but the city’s communities of color have been among the least adequately served by it. Residents of racially concentrated sections of Roxbury, Dorchester, Mattapan and Hyde Park face among the longest commuting times, despite their relative proximity to employment centers. A comparison of commuting times, modes of transportation, and job location for residents living in census tracts where more than 90 percent of the residents were people of color (in 2000) versus census tracts where fewer than 10 percent of the residents were people of color revealed the following:

- More than 15 percent of workers in the racially identified census tracts had commutes of greater than one hour compared to less than 5 percent of those in the predominantly white tracts;
- Two-thirds of those with hour+ commutes from racially identified areas travelled by public transportation compared to just 40 percent of those from the mostly white areas; and
- In total, just 2 percent of workers from the tracts with low numbers of people of color had one hour+ commutes by public transit to get to work compared to 10 percent of workers from the racially concentrated tracts.

Table 11, Appendix D provides detailed commuting patterns by racial composition of the neighborhood.

Addressing the Effects of Racial Isolation

Boston has not disregarded these disparities, and the City’s efforts create an opportunity to link fair housing considerations with opportunity factors that are affected by the places people live. The City’s network of neighborhood health centers have significantly reduced disparities in access to health care across Boston’s neighborhoods. The *2005 Mayor’s Task Force Blueprint: A Plan to Eliminate Racial and Ethnic Disparities in Health* made a series of recommendations aimed at fostering neighborhood investment, jobs, and economic security intended to promote greater economic opportunity in some of the city’s most disinvested areas. The Boston Public Health Commission has worked to implement the recommendations, and their efforts are one area where a fair housing collaboration can be useful. The Department of Neighborhood Development’s Lead Safe Boston program is credited with substantially reducing the incidence of reports of elevated blood lead levels among the city’s children. The program is dependent on federal funds, so its future is always uncertain.

A number of violence prevention strategies have been developed over time including the creation of coalitions of religious and community leaders; efforts to improve communication and relationships between the police and the communities; the creation of neighborhood crime watch programs; establishing after school programs and other places for youth to safely “hang out,” the incorporation of conflict resolution programs into school curricula; gun buy- back programs; and increased presence of police in high-crime areas. New violence prevention strategies continue to be developed and implemented, especially those that target youth and younger adults.

Recent efforts to revise school assignment practices to improve equity and access were not adopted by the School Committee; however, efforts remain active to identify strategies to promote greater choice and access to high performing schools. The Circle of Promise schools are to be the site of an initiative that will bring together faith-based groups, businesses, and non-profit organizations to provide support to the schools, the children who attend them, and the families that send their young ones there. In the meantime, budget cuts in the Metco program impede the ability to offer Boston’s children of color educational opportunities in suburban locations. Protecting and supporting these are initiatives are a matter of fair housing, as well as educational equity.

Public transit improvements are also under development, including along the Fairmont Indigo line. This renovation of an old MBTA line running from South Station through nine miles of heavily populated and historically underserved sections of Dorchester and Mattapan to Hyde Park, has begun with the rehabilitation of bridges, tracks, signal systems and stations. Local community development corporations in the area are creating a pipeline of 1,500 housing units, 780,000 square feet of commercial space and 1,365 jobs – many of them green through a new Green Jobs Center – as well as plans for a 6-mile network of open spaces. While the transit improvements have funding identified, the feasibility of the broader revitalization efforts will depend on a robust economic recovery.

Housing and Structures of Opportunity Summary of Impediments and Action Steps	
Impediment	Action Step
<i>As noted in the Mayor’s Task Force Blueprint: A Plan to Eliminate Racial and Ethnic Disparities in Health</i> , racial isolation in Boston can affect health due to poor housing, environmental, and public safety conditions.	1. Establish partnership between BFHC and Boston Public Health Commission to bring a fair housing voice to the implementation of the recommendation seeking a review of practices of City departments to improve health conditions in neighborhoods of color.
	2. Work with BPHC to seek funding to expand current neighborhood capacity building efforts to address poor housing conditions, and public safety concerns in housing.
Residential patterns of racial separation in the city impede access to higher quality schools.	1. Establish partnership with Boston Public Schools to advocate to restore state funding for city schools.
	2. Work with BPS to implement school improvement strategies in neighborhoods of color.
	3. Work with BPS to revive discussions about changes to school assignment policies to improve school choice for children in neighborhoods of color.

Housing and Structures of Opportunity Summary of Impediments and Action Steps	
Impediment	Action Step
Patterns of racial segregation in the metropolitan area impede access by people of color to low poverty areas with high performing schools, jobs, good housing conditions, and healthy living environments.	1. Establish partnership with state Department of Housing and Community Development to implement recommendations in Affirmative Fair Housing Policy to promote the development of affordable housing in opportunity locations.
Efforts to promote access to high quality suburban schools for children living in racially identified neighborhoods are undermined by funding cuts in the Metco program, which places children of color in suburban schools.	1. Advocate to restore funding cuts to Metco program, and to increase funding in future years to address a lengthy program waiting list.
Regional employment and transportation planning efforts undertaken by the Commonwealth Corporation, the state-sponsored entity that supports job readiness, and the Boston Region Metropolitan Planning Organization (MPO) do not address the mismatch between the places in Boston where workers of color reside, and the locations of jobs.	1. Encourage Commonwealth Corporation's Regional Workforce Strategies Initiative to conduct research into any mismatch between workers in segregated neighborhoods and jobs.
	2. Encourage Commonwealth Corporation to incorporate strategies to enhance job opportunity for workers in segregated neighborhoods as part of the Regional Workforce Strategies Initiative.
	3. Advocate with the MPO to study and make recommendations to address any current mismatch between workers of color and the location of jobs.

V. Housing Needs Among Protected Classes

Lack of Housing Affordability and Poor Housing Conditions disproportionately affect households of color.

Since 1990, the Department of Housing and Urban Development (HUD) and the U.S. Census Bureau have prepared special tabulations of census data to assist local governments in the Consolidated Planning process. These so-called CHAS – Comprehensive Housing Affordability Strategy – data are also a factor in HUD’s funding allocation formulas. The CHAS data provide counts of the number of households that fit certain combinations of HUD-specified criteria such as housing needs, HUD-defined income limits (primarily 30, 50, and 80 percent of median income) and household types of particular interest to planners and policy-makers. This section discusses the housing needs of Boston households based on the 2000 CHAS data, focusing in particular on disparities between the needs of protected classes and other households.¹⁸

Housing needs are documented by tenure for the following income categories:

- extremely low income (ELI) – households earning $\leq 30\%$ of area median income (AMI);
- very low income (VLI) – households earning $>30\%$ to $\leq 50\%$ of AMI;
- low income (LI) – households earning $>50\%$ to $\leq 80\%$ of AMI; and
- households earning $>80\%$ of AMI

Housing Needs by Household Size and Type

The 2000 CHAS data support the findings of previous research on the incidence of hardship for households by tenure, size and type:

- The lower a household’s income, the more likely it is to experience affordability and/or other housing problems.
- Nearly two-thirds of extremely low income renters in Boston experienced housing problems, as did over 80 percent of very low income renters.
- The situation is most acute for large, low income families. Eighty-three percent of extremely low income large families (which are likely to be families with children) and more than three quarters of those with very low incomes experienced housing problems.
- Increasingly low income homeowners are also experiencing hardship. Over 77 percent of the lowest income owners have problems as do 64 percent of the very low and 54 percent of all other low income owners (i.e., those earning between 51-80 percent area median income).

See **Table 12, Appendix D** for detailed spreadsheet. A 2008 study commissioned by the Massachusetts Department of Housing and Community Development replicated the CHAS analysis on a regional basis and confirmed that housing affordability has continued to erode since 2000.

¹⁸ In the fall of 2009, HUD released an update to the CHAS files, based on the 2005-2007 American Community Survey (ACS). The new data are not directly comparable to the earlier files, however, and HUD cautions against drawing conclusions based on a comparison of 2005-2007 to 2000 or 1990. Still, since the same housing problems, income categories, and household types are used, a side-by-side comparison may reveal directional trends.

Housing Needs of People of Color

Housing problems do not impact racial and ethnic groups equally, as **Table 5-1** and its companion **Figure 5-1** illustrate. Table 5-1 shows that among extremely low income renters and homeowners, all racial/ethnic categories experience housing problems at roughly the same high rate: 65-71 percent for renters and 78-85 percent for owners. At the very low income level significant variation among homeowners appears, with blacks and Hispanics experiencing a substantially higher incidence of problems than white non Hispanics (53% versus 83 and 90% respectively). Among very low income renters, Asians experienced the greatest disparity.

All racial and ethnic groups experience proportionately fewer housing problems as they move up the economic ladder, but people of color – both renters and homeowners – continue to report problems at a substantially higher rate than their white counterparts. Figure 5-1 turns Table 5-1 into an index to facilitate a comparison of housing problems, by race, income and ethnicity.

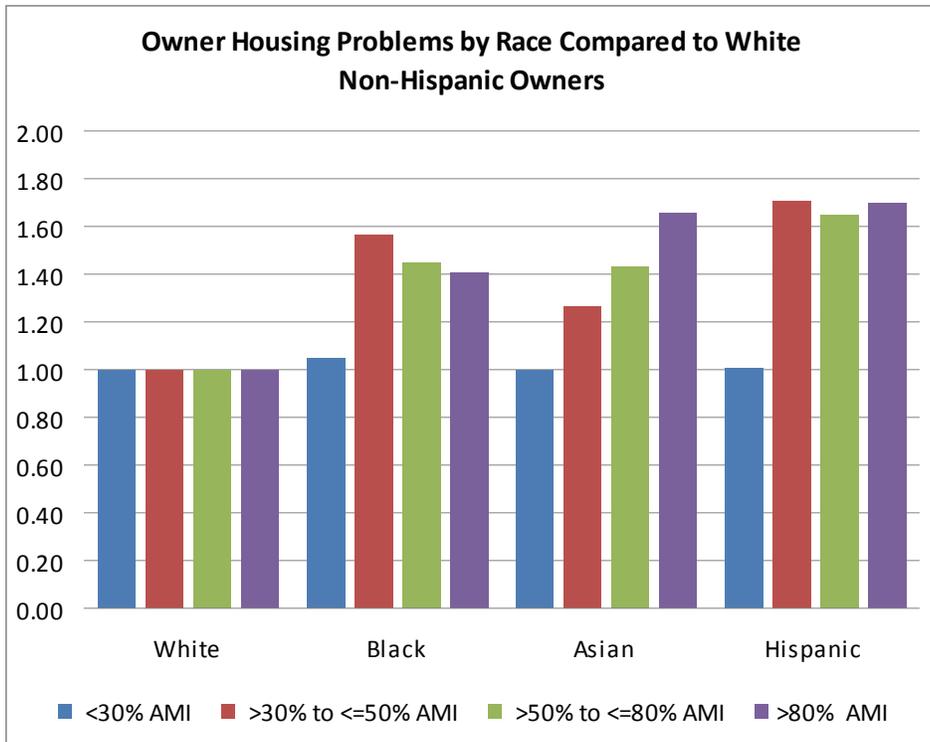
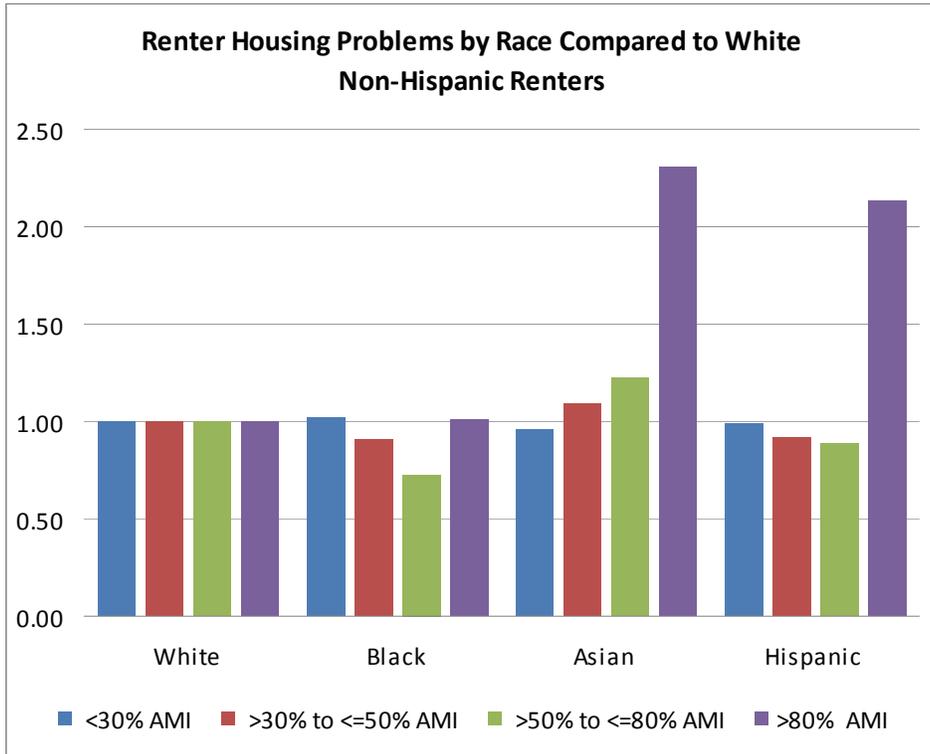
Table 5-1 Housing Problems by Race

Housing Problems by Race											
Renters - % with Any Housing Problems						Homeowners - % with Any Housing Problems					
Income	White Non Hispanic	Black Non Hispanic	Hispanic	Asian	Total	Income	White Non Hispanic	Black Non Hispanic	Hispanic	Asian	Total
ELI	65.4%	67.3%	71.0%	65.7%	66.6%	ELI	81.0%	78.0%	83.0%	84.8%	81.0%
VLI	62.6%	66.1%	65.7%	80.4%	64.3%	VLI	52.5%	79.9%	83.5%	73.9%	54.6%
LI	34.5%	39.0%	38.6%	58.6%	36.2%	LI	41.5%	65.4%	65.8%	67.0%	43.5%
Above 80%	8.2%	13.5%	25.3%	24.2%	10.3%	Above 80%	12.0%	21.4%	22.6%	21.9%	12.6%
Total	34.9%	46.5%	55.0%	49.3%	38.9%	Total	23.2%	38.8%	40.9%	34.3%	24.3%

Source: 2000 CHAS Tables, based on the 2000 Decennial Census

Another indication of disparate impact of housing problems on families of color is evident in the detailed waitlist DHCD maintains for the housing voucher programs it administers. This list provides information on the number and type of households in need of housing. Summarized in **Table 5-2**, DHCD's February 2008 wait list showed that there were more than 57,400 people awaiting housing at that time, an increase of more than 18 percent over four years. Families with children constitute nearly two-thirds of the wait list, and almost one-third of those families have a member(s) with a disability. Hispanic and white households represent the largest racial/ethnic group on this statewide list. (The BHA wait list is discussed further in the section of the AI addressing fair housing impediments in assisted housing; black and Latino families represent the largest groups seeking housing on the BHA wait list as well.)

Figure 5-1 A Comparison of Housing Problems by Race and Ethnicity



Source: 2000 CHAS Tables, based on the 2000 Decennial Census

Table 5-2 Housing Needs of Families on Section 8 Statewide Waiting List

Category	FY 2004		FY 2008 Annual Plan		Change	
	Number	Share of Total**	Number	Share of Total**	#	%
Waiting List Total	48,537	100.0%	57,448	100.0%	8,911	18.4%
Extremely low income	41,896	88.5%	51,803	90.1%	9,907	23.6%
Very low income	4,949	10.5%	4,798	8.3%	-151	-3.1%
Low income	504	1.1%	579	1.0%	75	14.9%
Families with children	33,534	66.4%	37,688	65.6%	4,154	12.4%
Elderly families	1,986	3.9%	2,472	4.3%	486	24.5%
Families with disabilities	14,977	29.7%	17,914	31.2%	2,937	19.6%
White*	11,756	32.7%	20,493	35.6%	8,737	74.3%
Black*	6,915	19.2%	12,622	22.0%	5,707	82.5%
Hispanic, all races	16,375	45.6%	20,636	35.9%	4,261	26.0%
Asian*	886	2.5%	1,168	2.0%	282	31.8%
Other/Unspecified	12,605		2,529	4.4%	-10,076	-79.9%

* Non-Hispanic

** % of those where category (race, income, ethnicity, household type) is known

NOTE: Applicants may specify more than one race. FY2007 Plan by race and ethnicity doesn't add to total. Source: Commonwealth of Massachusetts Housing Choice Voucher Program Public Housing Plan, FY08 data are from 2/20/08 Assessing Regional Needs

Housing Need and Allocation of Affordable Housing Resources

Some commenters argued that in light of these dynamics, more of Boston's housing production resources – including HOME, CDBG, and inclusionary zoning units – should be targeted to the city's lowest income families. They noted that federal housing resources in particular are distributed based on median income levels measured on a metropolitan and not city-wide basis. This method of establishing eligibility for housing assistance has the potential for diverting resources away from the most housing needy families because Boston's median income is substantially lower than that of the region: \$51,849 based on the 2006 to 2008 American Community Survey compared to \$68,488 in the metropolitan area as calculated by HUD for 2009. As a result, under federal standards, a low income family with an income at 80 percent of metropolitan area media income will qualify for low income targeted units in Boston with an income of \$54,790, an amount that exceeds the median income for the city.

According to other commenters, a shift to a Boston median income measure as a means of targeting housing resources would require greater commitments of capital and operating subsidy in assisted housing in order to bring rents within an affordable range. They point to a lack of resources sufficient to achieve this goal, and note that in the absence of additional assistance, a shift to an alternative method for measuring income eligibility would impose higher development costs on the construction of housing, and lead to fewer affordable units. They also suggest that a shift to a reduced income standard would reduce the City's ability to produce mixed income housing.

Resolving these questions requires the sustained commitment of multiple stakeholders to reaching a consensus on the proper balance between meeting the needs of the most housing needy households, and addressing questions of development feasibility.

Disproportionate Housing Needs	
Impediment	Action Step
The City's Consolidated Plan recognizes that the median income of Boston residents is lower than the median income for the region. Using Boston median income as the eligibility standard in the City's housing programs would target resources at the lower income families, but might also impose higher development costs, and reduce the ability to develop mixed-income communities.	1. City departments should examine current policies for setting eligibility standards in Boston's housing programs, and evaluate strategies to balance the needs of the city's lowest income families against considerations of cost and the creation of stable mixed income developments.
Housing resources available to the City are inadequate to provide capital subsidies sufficient to serve the lowest income families in units without operating assistance.	1. Advocate with DHCD for the provision of state housing assistance to provide additional capital assistance to units targeted at the lowest income families.
	2. Continue and expand on collaborations between City housing agencies and non-City agencies with housing resources in order to leverage a greater number of units serving the lowest income households.

VI. Housing for People with Disabilities

*The Supreme Court decision in **Olmstead v. L.C.** requires that people with disabilities (including people with significant disabilities) have the opportunity to receive supportive services in the most integrated setting appropriate for their individual needs. Accessible housing is an essential component of this mandate.*

Housing Needs of People with Disabilities in Boston

The 2000 CHAS data are also the source of information on housing problems and cost burdens for households that include a member with mobility or self-care disabilities. The data for Boston, depicted in **Appendix D, Table 13** and **Table 14** indicate that both 50 percent of renter and 40.6 percent of owner households that include member(s) with disabilities experience either high cost burdens, substandard living conditions, or both. The incidence of housing problems among households with mobility and self-care impairments increases as family income decreases. Among renter households with disabilities, 59.7 percent of families with incomes below 30 percent of area median income experience housing problems, compared to 16.5 percent of renters with disabilities whose incomes are greater than 80 percent of AMI. The profile for owner households with disabilities is similar, although housing burdens are far greater: 78.2 percent of owner households with disabilities whose incomes are below 30 percent of AMI experience housing problems, compared to 40.6 percent of those households with incomes above 80 percent of AMI.

Among renter households with disabled member(s) the non-elderly, in most income categories, experience housing needs a somewhat greater rate: 52.3 percent overall for non-elder families, compared to 47.2 percent for elderly (age 62-75) households and 46.4 percent for “extra-elderly” households (age 75 or older). For owner households with disabilities, the situation is mixed. Elderly owners experience the highest rate of housing problems, 46.2 percent, followed by non-elderly households at 41.2 percent, and extra-elderly households at 36 percent. Overall, the rate of housing problems experienced by households with disabilities is slightly higher than the rate among all Boston households (50 percent compared to 45.2 percent among renters and 40.6 percent compared to 34 percent among owner households). However, among lower income households, the rate of housing problems is higher for households without people with disabilities than it is for households with people with disabilities.

***Olmstead* and the Housing Needs of People with Significant Disabilities**

Like people of color, people with disabilities are often the victims of segregation. Historically, people with disabilities – especially people with significant disabilities – lived in institutional settings like hospitals, state schools, and nursing homes, or quasi-institutional settings like community residences and halfway houses, where they were segregated with other people within a specific category of disability, such as mental illnesses, physical disabilities, and developmental disabilities like mental retardation. These settings are not the same as housing opportunities typically available to people who are not people with disabilities. They are usually group settings where individuals do not control their living space or select the people they live with. They are places generally not subject to landlord-tenant laws, and many times individuals may be evicted without notice or cause. Often, an individual with disabilities must give up control over decisions about medical treatment as a condition of occupancy.

The enactment of Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act, and the Supreme Court decision in *Olmstead v. L.C.* all established the principle that people with disabilities should receive benefits, services, and housing in the most integrated setting appropriate to their individual needs. Despite the imperative of disability rights laws, nearly 7,500 Boston people with disabilities continue to live in segregated institutional and quasi-institutional places. More than half of these individuals live in nursing homes, while 22.5% living in long term chronic care or hospital settings. Another 25% of people in disability segregated situations live in halfway houses and group homes.

There are important initiatives underway, aimed at addressing the housing needs of people with significant disabilities who are improperly housed in institutions, or at risk of institutionalization. At the state level, the Community Development Economic Assistance Corporation (CEDAC) administers the Facilities Consolidation Fund (FCF) and Community Based Housing (CBH) programs. The former is targeted to consumers of services provided by the Department of Mental Health (DMH) and Department of Developmental Services (DDS), the latter for those serviced by Massachusetts Rehabilitation Commission. Both the BHA and DHCD utilize project-based Housing Choice Vouchers to subsidize the operation of permanent supportive housing, often targeted at people with significant disabilities.

Under the City's *Leading the Way* Initiative, Boston's housing agencies have adopted selection preferences for homeless families, many of whom are non-elders with disabilities and frail elders. *Leading the Way* also has led to the construction of hundreds of units of permanent supportive housing, and the *Leading the Way* strategy for 2009 to 2012 calls for a multi-faceted effort intended to produce 125 new units of supportive housing for each year of the plan. Despite these resources, challenges remain. Federal Systems Transformation Grant funds supporting planning to meet the needs of people with disabilities in community-based settings ended in 2009 without a concrete housing plan, although it is anticipated that the responsible state agencies will follow up with a plan in the coming months. And deep budget cuts to social services programs linked to supportive housing initiatives threaten the ability of people with disabilities to receive the community-based services they desire to live independently in the community.

Accessible Housing Needs

Not all of the more than 50,000 Bostonians with mobility and sensory disabilities require accessible housing. However, there are fewer accessible units in the entire metropolitan area than the number needed to serve just one-fifth of these individuals.

MGL Chapter 151B requires owners of accessible dwelling units to register the units with a central listing service known as MassAccess. The registry is maintained by the nonprofit Citizens Housing and Planning Association (CHAPA). When an accessible unit is available for leasing, the landlord must offer the unit to an individual who, within the previous year, notified the owner of the need for an accessible unit. The owner must also provide 15 days notice to MassAccess of the vacancy, and must rent the unit to a qualified individual with disabilities needing the features of the unit during the fifteen notice period.

At the end of 2009, MassAccess listed 8,950 accessible units in the five-county metropolitan area. Some 3,882 (43.4%) of these units were located in Boston, while 5,068 (56.6%) were located elsewhere in the region. In Boston, nearly 90 percent of the accessible units are subsidized, leaving just 10 percent available to individuals with disabilities who are not eligible for assisted housing. There is somewhat more balance in the remainder of the metropolitan area, where over

75 percent of the accessible units are subsidized and 25 percent are rented at market rates. **Appendix D, Table 15** details the size and type of units registered with MassAccess by within the City of Boston by Planning District; **Appendix D, Table 16** provides the same information, by type of community, based on Kirwan area rank – high opportunity, moderate opportunity, etc. – for the balance of the metro area. Discussed in the Section XIII is the fact that nearly half of the accessible units in the communities designated as high opportunity by the Kirwan researchers, and 42 percent of those in high opportunity areas, were permitted under the state’s comprehensive permit statute, Chapter 40B.

Tenants with disabilities living in rental apartments can benefit from several programs that pay for modifications to existing housing. The Massachusetts Home Modification Loan Program (HMLP) is targeted at owners of rental properties with fewer than 10 units. HMLP loans are secured by the property. If the owner chooses not to participate in the program, or otherwise make the requested modifications, the tenant – under Chapter 151B – may make accessibility modifications at his or her own expense. However, there are no comparable financial resources for such tenant-funded modifications.¹⁹

MassHousing administers a similar loan program with deferred repayment obligations to help owners of rental housing assisted with state and federal funds to comply with Section 504 of the 1973 Rehabilitation Act and the ADA. Landlords of unassisted properties with 10 or more units are required to make modifications under Chapter 151B and are not eligible for Home Modification Loan Program. There is currently no program for these owners.

Beyond the problem of the shortage of accessible units are complexities in the standards that govern construction of accessible housing, including issues of the *scoping standards* that determine whether and when for-sale and rental housing must be made accessible, and the *technical standards* that impose architectural and design requirements for specific elements (e.g. the number of accessible entrances, the turning radius for wheelchair use in various rooms, and similar criteria). Title VIII and Chapter 151B require that all housing units constructed for occupancy after March 1991 comply with technical and scoping standards under HUD’s Fair Housing Act Accessibility Guidelines (FHAAG), or access standards deemed by HUD to be substantially the same as the FHAAG, such as those outlined in HUD’s Fair Housing Design Manual, or versions of the International Building Code (IBC).

Under Chapter 22 of the Massachusetts General Laws, the Architectural Access Board (MAAB) maintains a separate set of technical and scoping standards that are incorporated into the State Building Code and apply to housing constructed in the Commonwealth. Local building inspectors are responsible for assuring that new housing in Massachusetts is constructed compliant with the building code, including the MAAB rules. A recent study completed by CHAPA identified 48 areas where MAAB rules offered lesser levels of accessibility to people with disabilities than available under the FHAA, Sec. 504 and ADA Titles II & III and over 100 areas where the MAAB rules exceed or is unique to federal accessibility standards.

Although it is permissible for state fair housing laws to impose requirements that are greater than federal non-discrimination standards, the lesser levels of accessibility in MAAB rules could jeopardize the substantial equivalency determination that allows MCAD and the BFHC to enforce Title VIII. The differences in architectural access requirements also create practical problems in the construction of housing because local building inspectors may be approving plans that do not comply with Title VIII, resulting in inaccessible housing and potential owner liability. At this

¹⁹ The Home Modification Loan program is available to eligible homeowners as well as landlords.

writing, a committee convened by CHAPA is considering possible legislative changes to Chapter 22 to ensure that technical and scoping standards for architectural access in Massachusetts are equal to or better than federal standards.

Housing for People with Disabilities	
Impediment	Action Step
The Commonwealth lacks a comprehensive plan to develop integrated, community-based, permanent supportive housing for people with significant disabilities to enable them to live outside of institutional settings and quasi-institutional settings, as required by the ADA. Federal funding for such planning activities is no longer available.	1. Advocate for funding to continue ADA planning; establish a working group at the state level to create a comprehensive community-based housing plan for people with disabilities in institutions or at risk of institutionalization.
	2. Urge DHCD to adopt a set-aside of units in general occupancy LIHTC developments for non-elderly people with disabilities, and to adopt best practices from other states in its QAP to facilitate the development of integrated housing for people with disabilities.
	3. Support DHCD effort to amend relevant statutes to allow for-profit entities to participate in CBH and FCF programs.
The BHA and DHCD utilize project-based Housing Choice Vouchers to create permanent supportive housing for people with disabilities, and initiatives such as <i>Leading the Way</i> target resources at homeless individuals who are likely to also be people with disabilities, but budget cuts undermine access to supportive services by tenants.	1. Advocate for the restoration of budget cuts to programs that provide supportive services to people with disabilities in community-based settings.
A significant number of technical and scoping standards used by the Massachusetts Architectural Access Board provide a lesser level of housing accessibility for people with disabilities than required by federal law and nationally recognized codes. Because MAAB rules are incorporated into the state building code, many units are built that do not comply with federal accessibility standards and national norms.	1. Advocate for amendments to MAAB rules or state law to ensure that Massachusetts dwelling units are constructed under standards that are either substantial equivalent to federal law or provide a greater level of accessibility.
Programs that fund structural modifications in dwelling units occupied by tenants, including	1. Advocate for the changes to the Home Modification Loan Program and similar

Housing for People with Disabilities	
Impediment	Action Step
<p>the Home Modification Loan Program (HMLP), are targeted at owners of properties with fewer than 10 units, who, under Chapter 151B, must make reasonable modifications at the tenant's expense. There are no funds available for tenant-funded modifications if the property owner is unwilling to apply for the HMLP, or otherwise fund required modifications.</p>	<p>programs, to make funds available to enable tenants to pay for required structural modifications in small properties.</p>

VII. Discrimination in Mortgage Lending, Predatory Lending, and Foreclosures

The combined effect of discrimination in mortgage lending, predatory lending practices targeted at people and neighborhoods of color, and the resulting wave of foreclosures deprive households of color equal access to homeownership.

By the end of 1990s the mortgage industry, which had evolved slowly over the preceding 50 years, was in the midst of a dramatic transformation. A number of factors contributed to the revolution in mortgage finance: deregulation of the banking industry; increasing use of automated underwriting; credit scoring and risk-based pricing; lender consolidation and specialization; the development of new, high-risk products; the increasing role of mortgage brokers; and an expanded and sophisticated secondary market with an appetite for high yielding investment opportunities. Changes in the way applications were generated, evaluated and funded brought new players, products and practices into the marketplace. With these changes came new concerns and new abuses, yet the regulatory framework for ensuring the fair, safe and efficient operation of the mortgage markets remained largely as it had been when the market was dominated by federal and state regulated depository institutions.

Subprime lending had previously been confined to the home equity and refinance markets, where the predatory practices of some lenders had already become a major concern. But by 2003, subprime loans constituted a larger share of home purchase loans than of refinancings. New mortgage products and a delivery system that rewarded quantity over quality enabled many – including those with poor or non-existent credit – to buy homes, or to borrow against the equity they had accumulated in their existing homes.

Targeting Traditionally Underserved Borrowers

By 2006, subprime loans accounted for nearly 22 percent of the home purchase loans and 28 percent of refinance loans made in Boston. Traditionally underserved markets – low income census tracts and borrowers of color – were aggressively targeted by many subprime lenders. In Mattapan, for example, more than 54 percent of home purchase loans and nearly 45 percent of the refinance loans in 2006 were considered subprime, or high-APR (high annual percentage rate loans, or HALs) loans. The corresponding figures for South Boston, by comparison, were 16 and 18 percent. **Table 17, Appendix D** illustrates how subprime lenders came to dominate the lending in low and moderate income tracts and to homebuyers of color.

The increased access to credit by previously underserved consumers and communities contributed to record high levels of homeownership among minorities and low income groups. The gains, however, came largely as the result of subprime lending by organizations operating outside the scrutiny of the established bank regulatory system. Research continues to show that borrower race and neighborhood racial composition affect access to prime credit, and this remains a fair housing concern. Several studies, including one conducted by Fannie Mae, have concluded that many borrowers were steered to high-cost, high-risk subprime loans even though their credit should have qualified them for a conventional prime rate product. **Table 7-1** illustrates the monthly and annual cost premium a subprime borrower incurs.

Table 7-1 Cost of a \$300,000 30-Year Fixed Rate Mortgage at Selected Interest Rates

Type	Interest Rate	Monthly Payment	Addl monthly cost over prime-rate loan	Addl annual cost over prime-rate loan
Prime loan	6.00%	\$1,799	--	--
Minimum-rate HAL	7.75%	\$2,149	\$350	\$4,200
Median-rate HAL	9.41%	\$2,503	\$704	\$8,448

Source: *Borrowing Trouble VII*, James Campen, Massachusetts Community and Banking Council

^ Based on home purchase loans granted as reported under the Home Mortgage Disclosure Act (HMDA)
 * Does not include Hispanic or Latino members of the race; other includes American Indian and Alaskan Native, Hawaiian and Pacific Islander, other, and -- for 2000 -- persons who identified themselves as more than one race. Studies indicate that white Hispanics frequently identify as other.

The Impact of Concentrated Foreclosures on Communities of Color

The concentration of subprime lending in communities of color in the early part of the decade led to the widespread foreclosures those communities are now experiencing. Not only are recent gains in ownership being jeopardized, but the stability of entire neighborhoods is at stake. Based on an analysis of homeownership experiences in Massachusetts between 1989 and 2007, economists at the Federal Reserve Bank of Boston²⁰ found that ownerships that began with a subprime purchase mortgage ended up in foreclosure almost 20 percent of the time, more than 6 times as often as those that began with prime purchase mortgages. Subprime lending, they concluded, had created a class of homeowners who were particularly sensitive to declining house price appreciation. The Fed researchers reported that approximately 30 percent of the 2006 and 2007 foreclosures statewide could be traced to owners who used a subprime mortgage to purchase their home. Existing homeowners had been another easy target for subprime lenders, and almost 44 percent of the foreclosures were of homeowners whose last mortgage was originated by a subprime lender.²¹

Boston exemplifies the Fed findings. Four of the city’s five racially identified planning districts – Dorchester, Roxbury, Mattapan, and East Boston – were among the five districts with the highest proportions of subprime loans (high annual percentage rate loans, or HALs), both for home purchase and refinancing. Hyde Park, the other racially identified neighborhood, ranked sixth after the predominantly white Allston-Brighton. Dorchester, Roxbury, Mattapan, Hyde Park, and East Boston accounted for 81 percent of all foreclosure deeds in the city, and 55.6 percent of all foreclosure petitions in the city in 2008. They have now experienced the greatest percentage drop in home value in the city. These trends are depicted in **Appendix D, Table 18**.

²⁰ Federal Reserve Bank of Boston Working Paper 7-15, “Subprime Outcomes: Risky Mortgages, Homeownership Experiences, and Foreclosures,” by Kristopher Gerardi, Adam Hale Shapiro, and Paul S. Willen

²¹ Ibid.

The loss of a home to foreclosure can trigger a series of setbacks for the owner. Damaged credit is likely to make obtaining financing in the future unlikely, or at least more expensive. The forfeiting of appreciated home value substantially reduces a family ability to accumulate wealth for such future needs and aspirations as business startup, education, retirement, or intergenerational transfer of wealth.

Concentrated foreclosures often precipitate neighborhood decline and a reduction in property values. Declining property values create fiscal problems for municipalities. Rising foreclosures often turn owner-occupants into renters, put existing tenants at risk of eviction, and increase the pool of tenants seeking low cost rentals. In 2008, for the first time since 2005, the number of renters in Boston and the metro area increased while the number of homeowners remained relatively flat.

In light of the disproportionate numbers of foreclosures affecting borrowers of color, it is also important to note the current efforts of the federal government in providing assistance to households facing the loss of a home. The government's Making Home Affordable Program offers qualifying households the opportunity for a trial loan modification, which, if it is successful, allows for the permanent modification of mortgage loans to make them affordable the borrower. Through April 2010, 10,073 households in the Boston metropolitan area participated in trial modifications, and another 5,297 were assisted with permanent modifications. Questions remain about whether borrowers of color have equal access to the benefits of the program, and both the U.S. Department of Justice and the Treasury Department plan to examine the program closely to identify patterns of discrimination.

Continuing Discrimination in Conventional Lending

Families and communities of color received a disproportionate share of the most expensive and dangerous types of loans during the heyday of the subprime market. Federal Reserve researchers, using data from 2004 through 2008, reported that higher-rate mortgages were disproportionately distributed to borrowers of color. Nationally in 2006, nearly 54 percent of black and 47 percent of Hispanic borrowers receiving conventional loans for single family properties obtained a higher-rate mortgage compared to less than 18 percent of non-Hispanic white borrowers.²² Despite these continuing conditions of discrimination, there are positive signs.

The crisis caused by discrimination in conventional mortgages, subprime lending, and foreclosures has not gone unaddressed. By 2008, none of the largest subprime lenders from 2004-2006 was still operating in the Commonwealth. Massachusetts banks and credit unions made nearly 40 percent of all conventional home purchase loans in Boston in 2008, their highest market share since 1998. They also directed a substantially greater share of their total loans as prime loans to traditionally underserved borrowers and neighborhoods than did other types of lenders. Eleven of the top thirty lending institutions in the state, including four of the top ten, consisted entirely or partially of licensed mortgage lenders, and the state's new Mortgage Lender Community Investment (MLCI) regulation imposes CRA-like responsibilities on these lenders. Finalized in September 2008, the first MLCI performance evaluations were published in October

²² Demographic data on those facing foreclosure is not available because the public agencies that track foreclosures do not collect or report borrower race/ethnicity, but it is widely believed that black and Latino families have been disproportionately impacted. Risky loan products, especially subprime products, have been shown to be more likely to default; minorities, who were disproportionately sold those products, are thus disproportionately bearing the brunt of this foreclosure crisis.

2009.²³ Boston has also been awarded nearly \$18 million in Neighborhood Stabilization Program funds, targeted to the racially identified neighborhoods in the city hardest hit by foreclosure and abandonment. More recent federal efforts are aimed at home loan modification programs intended to keep underwater homeowners in their homes. Despite this progress, more can be accomplished to enforce fair lending laws, enforce laws that prohibit predatory lending, and prevent foreclosures before they occur.

Discrimination in Mortgage Lending Summary of Impediments and Action Steps	
Impediment	Action
The persistent homeownership gap between members of protected classes and other home buyers, and continued denial rate disparities between white applicants and applicants of color seeking prime home mortgages indicate continuing levels of housing discrimination in the real estate and lending industries.	1. Establish a comprehensive fair housing and fair lending testing and enforcement program and initiate enforcement actions.
	2. Establish a research project using HMDA data to identify lenders with high rates of loan denials involving members of protected classes and utilize the Community Reinvestment Act to influence lender conduct.
Subprime lending is concentrated in neighborhoods in Boston predominated by people of color. These same neighborhoods are the areas with the highest rates of foreclosure.	1. Incorporate enforcement of new federal laws regulating subprime lending into the comprehensive fair housing and fair lending testing and enforcement program.
	2. Continue targeted use of NSP funds to stabilize racially identified neighborhoods.
	3. Expand resources for foreclosure counseling.
There is little information about the effectiveness of loan modification programs for households facing foreclosure, in general, and even less regarding the impact on Hispanics and persons of color.	1. Gather data on loan modification programs available to households in Boston, examine the number of modifications that stabilize families in their homes and prevent foreclosure, and determine if loan modifications are available on an equal basis to homeowners of color and other protected classes. 2. Identify reasons for the denials of loan modifications and if those denials had a greater impact on Hispanics and families of color

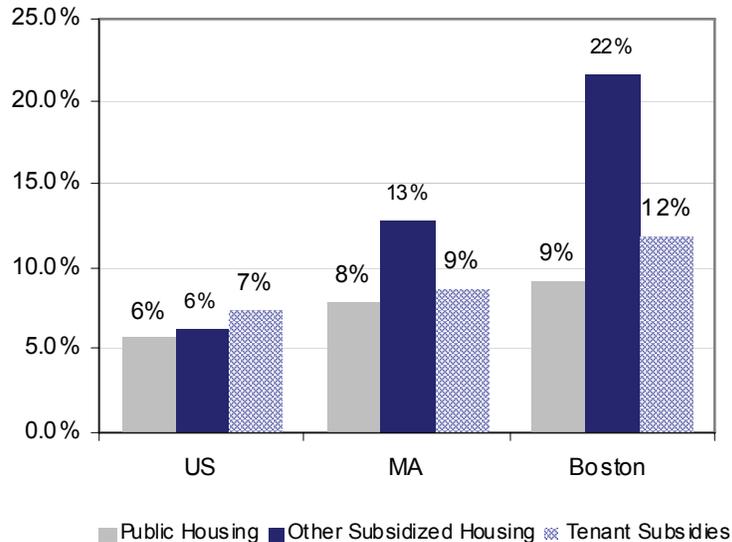
²³ 8 of the 9 institutions whose CRA ratings had been posted through April 2009 received ratings of “Satisfactory.” One was issued a temporary cease and desist order as the result of its MLCI exam.

VIII. Assisted Housing: the Region’s Safety Net

Significant numbers of people within protected classes either need or reside in housing with local, state, or federal assistance. The locational characteristics of assisted housing affect access to opportunity.

A recent housing market study²⁴ described the state’s public and subsidized housing inventory as the safety net for its most vulnerable low income residents. Massachusetts, and the City of Boston in particular, have been national leaders in providing the resources to create and maintain that safety net, which has become an increasingly important affordable housing resource as the supply of low cost unsubsidized units has declined. Nearly 22 percent of the state’s rental stock is subsidized (public housing plus other privately owned, publicly assisted housing), almost twice the national average. In the City of Boston, more than 30 percent of all rental units are publicly subsidized. In addition, 12 percent of renters receive tenant-based vouchers, bringing to 43 percent the share of all tenants in the city who receive some form of assistance with their housing expenses. (See **Figure 8-1.**)

Figure 8-1 Public Assistance for Rental Housing, Boston, Massachusetts and U.S.

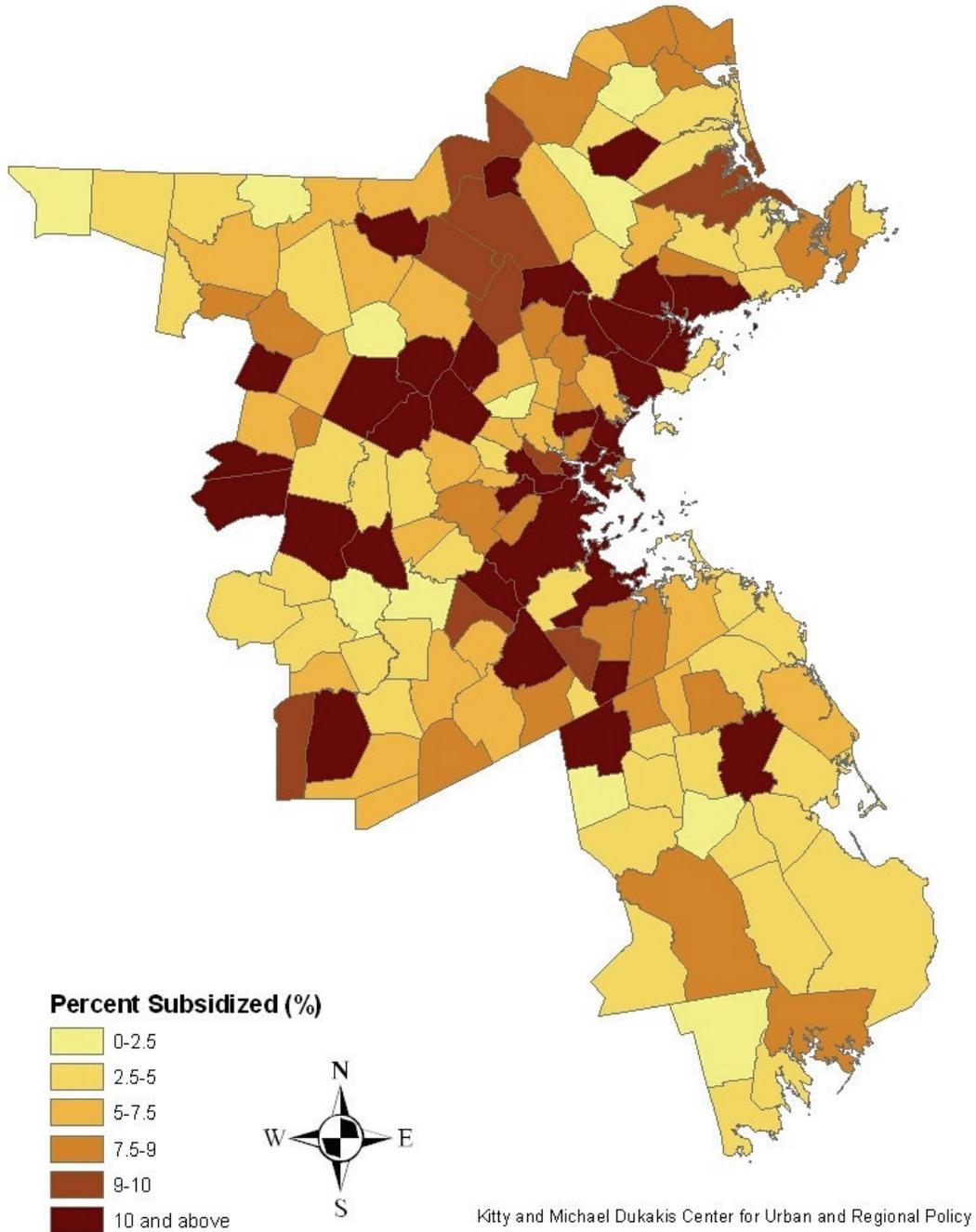


According to the July 2009 state subsidized housing inventory (SHI, or “40B” list), 19.4 percent of Boston’s year round housing qualifies as subsidized. This compares with an average of 8.7 percent for the balance of the 5-county Boston metro area. Thirty-four of the 147 metro area municipalities have now met or exceeded the Chapter 40B goal of 10 percent subsidized housing, although many of these have achieved that milestone by qualifying large mixed income rental properties where just 20-25 percent of the units are reserved for low income occupancy, or by qualifying income-eligible homeowners who made repairs to their property under a federal or

²⁴ *The State of the Massachusetts Housing Market: A Statewide and Regional Analysis*, prepared by the Economic and Public Policy Research Unit, University of Massachusetts Donahue Institute, in conjunction with Bonnie Heudorfer, Housing and Planning Consultant, 2008.

state program, such as the Community Development Block Grant. **Map 8-1** shows the distribution of Chapter 40-B subsidized housing units within the Boston metropolitan area.

Map 8-1 Subsidized Housing in Metro Boston



Publicly Assisted Housing in the Boston Metro Area

Data from HUD, the BHA and DHCD were analyzed to create a comprehensive profile of households currently receiving housing assistance in the Boston metro area and those still in need of it. The establishment of a statewide data collection system had been a recommendation of the 1997 AI, and in 2006 legislation was enacted that directed DHCD to implement such a system. In 2008, the second year of reporting, DHCD was able to report race, ethnicity, age, household size, presence and age of children, income level, unit size, and whether a unit was accessible for mobility impairments, among other information, on some 150,000 units statewide, including vouchers.²⁵ The BHA, in addition to providing similar information on its residents and those receiving BHA-administered housing vouchers, was able to provide detailed information on its waitlist as well.

Boston represents over 27 percent of the units that “count” on the Subsidized Housing Inventory, but its share of the units that are affordable to, and reserved for occupancy by low and very low income tenants is considerably greater. **Table 8.1** estimates that 46,496 of the City’s SHI rental units are income restricted to households earning no more than 80 percent of the area median income (\$52,950 for a two-person, or \$66,150 for a 4-person, household), lifting Boston’s share of the metro area’s affordable inventory to nearly 36 percent.

Table 8-1 Publicly Assisted Housing, Boston v Balance of Metro

Type of Housing	Boston	Boston Share	Balance	% of Balance in Low & Very Low Opportunity*	Total
Total public housing and privately owned, publicly-subsidized rental units restricted to low income occupancy	46,496	35.8%	28,405	33.1%	129,788
<i>Public housing only:</i>					
<i>State Public Housing</i>	13,840	25.2%	41,187	29.1%	55,027
<i>Federal Public Housing</i>	2,554	8.2%	28,405	20.8%	30,959
	11,286	46.9%	12,782	47.6%	24,068
Other Housing Assistance	19,935	31.8%	42,811	35.6%	62,746
Tenant subsidies (MRVP and S.8)	17,543	34.2%	33,751	41.3%	51,294
DMH	511	31.6%	1,108	20.9%	1,619
DMR	505	10.0%	4,537	16.8%	5,042
Homeowner units (deed and income restricted)	1,376	28.7%	3,415	8.8%	4,791

Source: Authors analysis of DHCD Subsidized Housing Inventory

Moreover, the City provides nearly half of the region’s federal public housing units – those most likely to include 3 or more bedrooms as Table 8-1 indicates. This table presents the type of housing assistance provided in Boston and the balance of the metro area.

²⁵ The state data collection system does not include some 50,000 federal Housing Choice Vouchers that are administered by local housing authorities or nearly 30,000 federally-funded public housing units. Information on these units can be accessed through HUD’s Resident Characteristics Reports. While the state data and data from HUD’s Resident Characteristics Reports are not entirely consistent they do provide a snapshot of who is being assisted, and where, under the various state and federal programs.

As the companion **Table 8-2** illustrates, Boston also provides substantially more housing for individuals and families of color than do the other communities in the metro area, a trend that holds true across subsidy programs.

Table 8-2 Race of Residents in Public & Subsidized Housing, Boston v. Balance of Metro

Tenancy	Federal Public Housing		State Family Public Housing		State Elderly Public Housing		Privately Owned Publicly Subsidized Housing	
	Boston	Balance	Boston	Balance	Boston	Balance	Boston	Balance
Minority	82.0%	43.1%	89.3%	12.1%	62.4%	12.1%	59.4%	28.6%
White non-Hispanic	18.0%	56.9%	10.7%	87.9%	37.6%	87.9%	40.6%	71.4%

Source: Authors analysis of BHA and DHCD data and HUD Resident Characteristics Reports

Publicly Assisted Housing Remains Highly Concentrated

While Boston provides the lion’s share of publicly assisted housing resources within the metro area, and indeed the state, its resources remain highly concentrated in low income, racially identified census tracts as **Table 8-3** documents. (**Map 5-1, Appendix D** portrays this concentration graphically.) Of course, if a large public, or publicly assisted, development constitutes the majority of the housing units within a census tract, entire tract is likely to be classified as very low, or extremely low, income reflecting the incomes of those residing in the development. This would be true regardless of the income level of the larger neighborhood. The same holds true for race: to the extent the development is predominated by people of color, the entire tract would be so classified. The fact remains, however, that much of the publicly assisted housing was sited in neighborhoods that already had a relatively high concentration of low income households of color.

Of all public and subsidized family rental housing units in the city, 18.6 percent are located in extremely low income census tracts – those with a median family income of less than 30 percent of the area median income (AMI); 12.8 percent are located in census tracts with a populations of people of color that exceeds 50 percent; and 9.4 percent were in census tracts that became relatively poorer between 1990 and 2000. Another 40.7 percent of family units are located in very low income census tracts (those with median family income between 30-50 percent of AMI); 38.6 percent of these are in census tracts where people of color are in the majority; and 13.2 percent are in areas of declining relative income. The other categories of subsidized housing follow a similar pattern.

The situation outside of Boston is similar: one-third of the public/subsidized rental inventory – including 48 percent of federal public housing units – are located in communities considered low or very low opportunity by the Kirwan study; 41 percent of tenant vouchers are used in such communities.

Table 8-3 Location of Boston's Publicly Assisted Housing by Neighborhood Income

Census Tract Income Level, Minority Concentration (2000)	40B (SHI Elig) Units	FAMILY	ELDERLY	DISABLED	MIXED Fam Eld	SRO UNITS
Total Extremely Low Income (ELI, < 30%)	16.5%	18.6%	10.8%	18.5%	14.4%	6.0%
ELI, Min Pop <25%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
ELI, Min Pop 25-50%	4.5%	5.9%	1.9%	0.0%	0.0%	0.0%
ELI, Min Pop 50-75%	5.2%	6.8%	0.6%	11.0%	0.0%	0.0%
ELI, Min Pop >75%	6.8%	6.0%	8.3%	7.5%	14.4%	6.0%
Changes in Tract Income/Race Category 1990-2000						
Rising Income	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Declining Income	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Rising Minority Pop	7.2%	9.4%	2.9%	0.6%	0.0%	0.0%
Declining Minority Pop	1.4%	1.3%	0.6%	10.5%	0.0%	0.0%
Total Very Low Income (VLI, 30-50%)	37.3%	40.7%	28.4%	25.9%	62.3%	17.0%
VLI, Min Pop <25%	1.7%	0.0%	6.6%	0.0%	0.0%	0.0%
VLI, Min Pop 25-50%	2.5%	2.1%	3.9%	2.0%	0.0%	0.0%
VLI, Min Pop 50-75%	8.9%	10.5%	5.8%	4.9%	0.0%	6.4%
VLI, Min Pop >75%	24.2%	28.1%	12.0%	19.1%	62.3%	10.7%
Changes in Tract Income/Race Category 1990-2000						
*Declining Income	12.3%	11.6%	10.8%	10.3%	62.3%	4.3%
Declining Minority Pop	0.9%	0.5%	2.2%	1.1%	0.0%	0.0%
Declining Income, Rising Minority Pop	1.9%	1.6%	2.7%	1.7%	0.0%	2.3%
Total Low Income (LI, 50-80%)	31.6%	30.6%	34.9%	42.6%	0.0%	39.8%
LI, Min Pop < 25%	2.4%	1.4%	5.8%	0.0%	0.0%	0.0%
LI, Min Pop 25-50%	11.4%	11.0%	11.1%	23.8%	0.0%	29.6%
LI, Min Pop 50-75%	10.5%	10.6%	10.7%	12.3%	0.0%	5.7%
LI, Min Pop >75%	7.3%	7.6%	7.2%	6.5%	0.0%	4.5%
Changes in Tract Income/Race Category 1990-2000						
Rising Income	3.9%	3.3%	5.4%	9.4%	0.0%	0.0%
Declining Income	1.3%	0.7%	1.5%	12.6%	0.0%	0.0%
Rising Minority Pop	8.7%	8.5%	10.3%	3.3%	0.0%	10.5%
Declining Income, Rising Minority Pop	0.7%	0.5%	1.2%	0.7%	0.0%	0.0%
Rising Income, Rising Minority Pop	0.3%	0.0%	0.9%	2.0%	0.0%	0.0%
Total 80-100% of AMI	7.2%	3.9%	15.5%	4.0%	23.2%	11.5%
80-100%, <25% Min Pop	3.3%	1.5%	6.9%	1.8%	23.2%	0.0%
80-100%, 25-50% Min Pop	4.0%	2.4%	8.5%	2.2%	0.0%	11.5%
Changes in Tract Income/Race Category 1990-2000						
Rising Income, Rising Minority Pop	0.2%	0.0%	0.7%	0.0%	0.0%	0.0%
Declining Income, Rising Minority Pop	0.4%	0.0%	1.7%	0.0%	0.0%	0.0%
Rising Minority Pop	2.8%	1.6%	6.1%	1.8%	0.0%	11.5%
Rising Income	0.6%	0.4%	1.3%	0.8%	0.0%	0.0%
Total 100-140%	5.0%	5.0%	5.0%	8.9%	0.0%	3.7%
100-140%, Min Pop <25%	2.9%	3.5%	2.2%	0.6%	0.0%	0.0%
100-140%, Min Pop 25-50%	2.1%	1.5%	2.9%	8.4%	0.0%	3.7%
Changes in Tract Income/Race Category 1990-2000						
Rising Income	2.4%	3.5%	0.0%	0.0%	0.0%	0.0%
Declining Income	0.0%	0.0%	0.0%	0.3%	0.0%	0.0%
Rising Minority Pop	1.4%	1.1%	1.2%	8.4%	0.0%	3.7%
Declining Income, Rising Minority Pop	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Rising Income, Rising Minority Pop	0.7%	0.4%	1.6%	0.0%	0.0%	0.0%
100-140% Units as % of Boston Renter Units	8.3%					
Total 100-140% Units as % of Total Boston Units	5.8%					
Total Over 140%	2.4%	1.2%	5.4%	0.0%	0.0%	22.0%
Over 140%, Min Pop <25%	2.0%	0.8%	5.4%	0.0%	0.0%	12.1%
Over 140%, Min Pop 25-50%	0.4%	0.4%	0.0%	0.0%	0.0%	9.9%
Changes in Tract Income/Race Category 1990-2000						
Rising Income	0.6%	0.3%	1.7%	0.0%	0.0%	0.0%
Total	46,496**	32,048	11,639	1,435	887	487

* Most of the tracts that were deemed declining income between 1990-2000 were upgraded again by the FFIEC by 2009.

** Some of these units may be market rate housing.

Source: City of Boston SHI (40B) inventory geocoded and provided by the BRA Research Department. Census tract income and racial and ethnic characteristics, and changes between 1990-2000 are from the Federal Financial Institutions Examination Council (FFIEC).

Who Lives in Boston Public Housing?

Table 8-4 provides a snapshot of the population served by the Boston Housing Authority's inventory of public housing units.

Table 8-4 A Snapshot of Boston's Public Housing Tenants

Household Size	Non Elderly		Elderly		TOTAL	
	#	%	#	%	#	%
1	2,525	35.1%	2,952	75.6%	5,477	49.4%
2	1,639	22.8%	740	18.9%	2,379	21.4%
3	1,470	20.5%	118	3.0%	1,588	14.3%
4	960	13.4%	58	1.5%	1,018	9.2%
5	379	5.3%	24	0.6%	403	3.6%
6 and over	212	3.0%	15	0.4%	227	2.0%
Total	7,185	100.0%	3,907	100.0%	11,092	100.0%
# BRs	#	%	#	%	#	%
0	389	5.4%	677	17.3%	1,066	9.6%
1	1,893	26.3%	2,269	58.1%	4,162	37.5%
2	2,612	36.4%	633	16.2%	3,245	29.3%
3	1,774	24.7%	246	6.3%	2,020	18.2%
4	434	6.0%	65	1.7%	499	4.5%
5	72	1.0%	13	0.3%	85	0.8%
6 and over	11	0.2%	4	0.1%	15	0.1%
Total	7,185	100.0%	3,907	100.0%	11,092	100.0%
Race/Ethnicity	#	%	#	%	#	%
Hispanic	3,198	44.5%	785	20.1%	3,983	35.9%
Asian	473	6.6%	476	12.2%	949	8.6%
Black	2,335	32.5%	1,308	33.5%	3,643	32.8%
White	1,140	15.9%	1,322	33.8%	2,462	22.2%
All Other	39	0.5%	16	0.4%	55	0.5%
Total	7,185	100.0%	3,907	100.0%	11,092	100.0%

Source: Boston Housing Authority

Elderly residents occupy 3,907 BHA units, and more than three-quarters of them live alone. Over half (51.7%) are disabled or live with a family member who is disabled. Whites (33.8%) and blacks (33.5%) represent the largest racial/ethnic groups in the city's elderly public housing inventory, followed by Hispanics (20.1%) and Asian (12.2%). Boston also has 7,185 public housing units occupied by non-elderly householders, and 35.1 percent of them live alone. Two-thirds of the single person, non-elderly householders have a disability. Nearly 23 percent of the non-elderly public housing units are occupied by two-person households; of these, almost one-third include a disabled member(s). The racial/ethnic breakdown of the city's non-elderly public housing inventory is as follows: 44.5 percent Hispanic, 32.5 percent black, 15.9 percent white, and 6.6 percent Asian. Overall 41.3 percent of the non-elderly households have one or more members with a disability. The incidence of disability varies considerably across racial groups, with Asians reporting the lowest incidence (28.3 percent) and whites reporting the highest (67.4 percent).

There is some evidence of “over-housing” within the BHA inventory, in both elderly units and family units, as **Table 8-5** illustrates. A household is considered over-housed in this analysis if the unit in which it resides has more than one bedroom per family member.

Table 8-5 Possible Over-Housing in BHA Public Housing

Elderly	Family	Total	Definition
9	12	21	<= 4 people in 5+ BR unit
29	93	122	1,2 or 3 people in 4BR unit
139	300	439	1 or 2 people in 3BR unit
337	281	618	1 person in 2BR unit
514	686	1,200	Total

Source: Boston Housing Authority

Who is Served by Rent Vouchers?

Over thirty percent of the non-elderly tenants using BHA-administered vouchers to rent homes in Boston are single person households, and nearly 23 percent are two-person households. Just over three percent are being used by large families with six or more members, while six percent are five-member households.

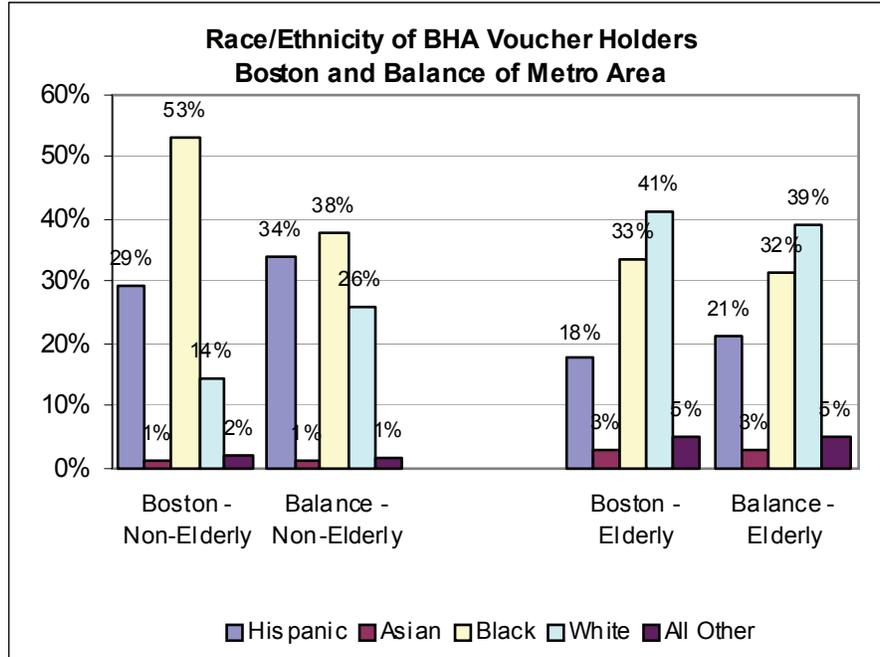
The profile of elderly residents renting outside the City of Boston with BHA-administered vouchers closely tracks that of voucher holders renting within the city. Among the non-elderly population, however, Boston is home to substantially more black voucher holders, and substantially fewer white, non-Hispanics, than is the case in the balance of the metro area.

Table 8-6 A Snapshot of Boston Tenants with BHA Voucher Holders

	Non Elderly		Elderly		TOTAL	
Household Size	#	%	#	%	#	%
1	2,552	30.1%	1,390	71.4%	3,942	37.8%
2	1,946	22.9%	413	21.2%	2,359	22.6%
3	1,987	23.4%	91	4.7%	2,078	19.9%
4	1,231	14.5%	35	1.8%	1,266	12.1%
5	497	5.9%	15	0.8%	512	4.9%
6 and over	274	3.2%	4	0.2%	278	2.7%
Total	8,487	100.0%	1,948	100.0%	10,435	100.0%
# BRs	#	%	#	%	#	%
SRO	213	2.5%	19	1.0%	232	2.2%
0	301	3.5%	114	5.9%	415	4.0%
1	1,983	23.4%	1,253	64.3%	3,236	31.0%
2	2,707	31.9%	434	22.3%	3,141	30.1%
3	2,597	30.6%	103	5.3%	2,700	25.9%
4	592	7.0%	19	1.0%	611	5.9%
5	76	0.9%	5	0.3%	81	0.8%
6 and over	18	0.2%	1	0.1%	19	0.2%
Total	8,487	100.0%	1,948	100.0%	10,435	100.0%
Race/ Ethnicity	#	%	#	%	#	%
Hispanic	2,496	29.4%	341	17.5%	2,837	27.2%
Asian	120	1.4%	53	2.7%	173	1.7%
Black	4,489	52.9%	650	33.4%	5,139	49.2%
White	1,214	14.3%	804	41.3%	2,018	19.3%
All Other	168	2.0%	100	5.1%	268	2.6%
Total	8,487	100.0%	1,948	100.0%	10,435	100.0%

Source: Boston Housing Authority

Figure 8-2 Race/Ethnicity of BHA Voucher Holders, Boston and Balance of Metro Area



Source: Boston Housing Authority

Who is on the Waiting List for Housing Assistance?

The City of Boston serves as a regional resource for residents in need of housing. **Table 8-7** indicates the current residence of those on the waitlist as of December 2009. Two-thirds of the non-elderly households on the list are existing Boston residents as are 72 percent of the elderly households. The balance of those seeking affordable housing through the resources provided or administered by the BHA come from other parts of the state (and beyond).

Table 8-7 Current Residence of Households on BHA Waitlist*

Total	Non-Elderly	Elderly	Current Residence
15,799	14,463	1,336	City of Boston
67.8%	67.4%	71.7%	% of Total
6,470	6,016	454	Balance of Boston Metro
27.8%	28.0%	24.4%	% of Total
754	726	28	Elsewhere in MA
3.2%	3.4%	1.5%	% of Total
291	245	46	Out-of-state
1.2%	1.1%	2.5%	% of Total
23,314	21,450	1,864	TOTAL

* Includes those seeking public housing and/or vouchers
Source: Boston Housing Authority

Table 8-8 presents a snapshot of households currently on the BHA’s combined waitlist for housing assistance. This list includes individuals and households seeking public housing as well as those seeking vouchers. Almost half (45.6%) of the 21,450 non-elderly households on the BHA list identified themselves as single person households. Of these 9,783 individuals, 3,288 (33.6%, or one-third) reported a disability; two-thirds did not. Of the 6,154 two-person households on the combined waitlist, 940 (15%) reported having a disability themselves and/or having a family member with a disability. Where income was ascertained,²⁶ the median income of Hispanics on the waitlist was the lowest, at \$8,580, followed by whites with a median income, \$8,865; blacks, \$9,600; and Asians, \$12,900.

Table 8-8 A Snapshot of Households on the BHA Waitlist

	Non Elderly		Elderly		TOTAL	
Household Size	#	%	#	%	#	%
1	9,783	45.6%	1,069	57.3%	10,852	46.5%
2	6,154	28.7%	622	33.4%	6,776	29.1%
3	3,160	14.7%	104	5.6%	3,264	14.0%
4	1,582	7.4%	44	2.4%	1,626	7.0%
5	535	2.5%	17	0.9%	552	2.4%
6 and over	236	1.1%	8	0.4%	244	1.0%
Total	21,450	100.0%	1,864	100.0%	23,314	100.0%
# BRs Requested	#	%	#	%	#	%
1	12,141	56.6%	1,505	80.7%	13,646	58.5%
2	6,182	28.8%	258	13.8%	6,440	27.6%
3	2,663	12.4%	85	4.6%	2,748	11.8%
4	402	1.9%	12	0.6%	414	1.8%
5	52	0.2%	4	0.2%	56	0.2%
6	10	0.0%	0	0.0%	10	0.0%
Total	21,450	100.0%	1,864	100.0%	23,314	100.0%
Race/Ethnicity	#	%	#	%	#	%
Hispanic*	6,245	29.1%	341	18.3%	6,586	28.2%
Asian	1,642	7.7%	365	19.6%	2,007	8.6%
Black	8,881	41.4%	537	28.8%	9,418	40.4%
White	4,464	20.8%	608	32.6%	5,072	21.8%
All Other	218	1.0%	13	0.7%	231	1.0%
Total	21,450	100.0%	1,864	100.0%	23,314	100.0%

Source: Boston Housing Authority

The Need for Affordable Housing

While the City of Boston has pursued and accessed public resources to create and maintain an affordable housing safety net, there are still many who need housing assistance but do not receive it. **Table 8.9** estimates the number of households, by race and ethnicity, who live in public or subsidized housing or receive rent vouchers. Also estimated are the number of households who may be income eligible for assistance but are not currently receiving it. The data tracking

²⁶ Incomes was not available for 7 percent of the non-elderly households on the waitlist.

systems are imperfect, but they suggest that over 39,000 renter households who do not currently receive assistance, *may* be eligible for it.²⁷

Table 8-9 How Adequate is the Safety Net?

Racial/ Ethnic Group	# of Renter Households by Race/ Ethnicity (2009 CHAS)	Racial/Ethnic Group's share of all Renter HHs (2009 CHAS)	Renter HHs Earning <80% AMI by Race/ Ethnicity (2009 CHAS*)	% of Racial/Ethnic Group's Renter HHs Eligible for Housing Assistance (2009 CHAS)	Estimated % of Racial/Ethnic Group's TOTAL Renters with Housing Assistance	Estimated % of Racial/Ethnic Group's <i>Income Eligible</i> Renter HHs with Housing Assistance	Racial/Ethnic Groups Estimated Share of Total Housing Assistance	Estimated # of Inc. Eligible who are NOT Assisted/Subsidized
Hispanic	23,070	17%	20,880	91%	64%	70%	24%	6,195
Asian	11,555	8%	9,680	84%	39%	47%	7%	5,166
Black	29,475	22%	26,115	89%	79%	89%	38%	2,931
White	68,000	50%	39,290	58%	26%	45%	29%	21,763
Other	4,475	3%	3,705	83%	12%	15%	1%	3,146
TOTAL	136,575	100%	99,670	73%	44%	61%	100%	39,201

Source: Author's estimate based on HUD, BHA, DHCD resident characteristic reports

This need for affordable rental units is magnified by the number of subsidized apartments in privately owned, assisted rental developments that are at risk of loss due to expiring use restrictions associated with the affordable financing. Since beginning its first *Leading the Way* initiative in October 2000, Boston has successfully preserved 5,691 privately owned assisted units. However, according to the City's Department of Neighborhood Development, 5,583 assisted apartments remain at risk of loss through 2012, nearly 20 percent of the Boston's privately owned, assisted housing. Some 10,123 units are at risk of loss in the balance of the metropolitan area, accounting for 45 percent of the total at-risk units statewide. Because many of these units house families with children and households of color, the loss of assisted housing can have a disparate fair housing effect. Recently enacted state laws are expected to slow the loss of subsidized housing, and a \$150 million preservation loan fund created in 2009 adds to the tools that can be used to save it. Continued vigilance and commitment of resources is needed.

Barriers to Opportunity

The basis of the *NAACP, Boston Chapter* litigation that is the foundation of the concept of affirmatively furthering fair housing is the allegation that assisted housing resources were used to segregate people by race. Those conditions persist, and exist on a regional level, and will only be reversed with a concerted effort to disperse assisted housing within communities and across the region in a manner that balances the need to invest in disinvested areas with the obligation to expand housing choice.

²⁷ Included in Boston's renter population are large numbers of students (undergraduate, graduate and professional) and recent graduates, many with low incomes. Their inclusion tends to inflate the number of income-eligible households.

Assisted Housing Summary of Impediment and Action Steps	
Impediments	Actions
A disproportionate share of project-based assisted housing in Boston is located in racially concentrated areas.	1. Convene a working group to develop strategies for the use of City housing resources to address issues of land availability, zoning barriers, and other impediments to the siting of affordable housing in neighborhoods lacking a fair share of the City's affordable inventory.
A disproportionate share of the region's project-based assisted housing is located in Boston, and not in suburban communities.	1. Urge DHCD to establish a project-based voucher program specifically targeted at offering the city's public housing families with children assisted housing in racially integrated, low poverty areas, including municipalities outside Boston.
	2. Establish working a working group including planning departments and local housing authorities in high opportunity communities outside of Boston to leverage local resources with state and federal resources to support the construction of assisted family housing in opportunity locations.
Local housing authorities outside Boston utilize local resident selection preferences in admissions to their state and federal housing programs, which have the effect of discouraging people of color from applying; and/or limits their ability to participate in the programs.	1. Advocate for repeal of local resident selection preference in state public housing programs where there is a discriminatory effect on protected groups.
	2. Condition receipt of state housing assistance on repeal of local resident selection preferences in federal housing programs.
The fair market rent standards for the Section 8 Housing Choice Voucher and Massachusetts Rental Voucher Programs are too low, and the availability of rental units is too limited, to facilitate participant moves to many of the	1. Complete a survey of rental costs in the housing market to understand the purchasing power of HCV and MRVP in opportunity areas and advocate for

Assisted Housing Summary of Impediment and Action Steps	
Impediments	Actions
higher opportunity suburban communities in the metro area.	increases in fair market rents.
The loss of privately owned assisted housing in the city and in the region may have a disparate fair housing effect.	1. Continue the <i>Leading the Way</i> priority on preservation of assisted units.
	2. Monitor implementation of new state preservation legislation and expand the commitment of state resources for preservation activities.

IX. Barriers to Housing Choice

Furthering fair housing includes activities that expand choice in the private housing market.

Affirmatively furthering fair housing includes actions that assure that families seeking housing have ready access to the housing opportunities that exist throughout a market area. The AI identifies three particular obstacles to choice: language barriers to meaningful access to housing and services for immigrants who are protected by prohibitions on discrimination involving national origin; difficulties experienced by participants in the Section 8 Housing Choice Voucher program and Massachusetts Rental Voucher Program in securing rental housing; and a lack of knowledge many families have in understanding housing opportunities outside of their current neighborhoods.

People with Limited English Speaking Proficiency

Federal policies under Title VI of the 1964 Civil Rights Act set benchmarks by which jurisdictions like Boston, and agencies like the Boston Housing Authority must assure meaningful access to federally funded services. Under guidelines issued by the HUD, cities that receive federal housing funds like CDBG and lead paint hazard removal funds administered by the Department of Neighborhood Development, HOME program funds, and funding under the Fair Housing Assistance Program, which supports the BFHC, are required to evaluate the need for language assistance services by individuals with limited English speaking proficiency (known as LEP individuals) who come into contact with city services by examining four factors: (1) the number of LEP individuals likely to be needing and requesting services; (2) the frequency of contact city agencies have with LEP Individuals; (3) the nature and importance of the contacts LEP Individuals have with city agencies; and (4) the resources available for language assistance activities. Language assistance activities may include translation of vital documents, and provision of interpreter services. Beyond these questions, it is crucial that written material, including significant documents affecting legal rights, use “plain language” intended to communicate clear information in text that is direct, and avoids complex sentence structure and use of words that are not easily understandable.

City agencies such as the Boston Public Health Commission have made extensive efforts to assure meaningful access to city services by these Limited English Proficiency (or LEP) individuals. BPHC’s web site, for example, can be translated into nearly two dozen languages with the click of computer mouse. Others, like the BHA, have developed language assistance plans in order to address the language needs of its constituents. Still other agencies provide limited language services. For example, the BFHC makes available informational pamphlets for the Boston Initiative for Lead Safe Housing in six languages. The Department of Neighborhood Development will make translators available for public hearings concerning the Consolidated Plan. Initial research indicates, however, that most City departments may lack the language assistance plan required by Title VI, and that there may be little coordination among departments.

DHCD’s Affirmative Fair Housing Policy indicates that the development and implementation of a language assistance plan is one among many fair housing actions to be taken at the state level. The policy states that DHCD will create a list of resources, including interpreters, for LEP persons that need access to and understanding of DHCD-funded programs. The policy says that DHCD also will provide technical assistance to local housing authorities, nonprofit agencies

engaged in carrying out DHCD programs, and municipalities on LEP resources and compliance. MassHousing, as the oversight agency for much of the region's privately-owned, publicly-assisted multifamily rental properties, makes LEP resources available on its web site. Significantly, neither agency has yet addressed the most costly and complex task for assuring meaningful access by LEP persons: the translation of key documents, and the financial resources for providing interpreter services.

Mobility and Choice

Beginning in 1994, HUD funded two counseling programs that provided housing counseling services to participants in the Section 8 Housing Choice Voucher program. Moving to Opportunity (MTO) is an experimental program that measures the impact on family life for BHA public housing households who elected to move to low poverty areas with rates of poverty less than 10 percent receive a voucher. Participant families received housing counseling services to assist in their first move. The Regional Opportunity Counseling (ROC) program, which ended in 2002, provided direct funding to assist the BHA in providing housing counseling to Section 8 participants, also to assist them in moving to low poverty neighborhoods. The ROC counseling component was managed by the BFHC; over 75 percent of families assisted moved to low poverty areas.

At present, despite the concentration of Section 8 voucher holders in high poverty, racially concentrated areas, there is no mobility counseling program serving BHA Section 8 participants, helping them move to areas of high opportunity. DHCD funding has been reduced in recent years for a Community Choice Voucher Program (CCVP), administered by Metropolitan Boston Housing Partnership (MBHP) as part of their Housing Consumer Education Center. CCVP assists voucher participants seeking to move to higher opportunity communities in the metropolitan area, such as Arlington, Bedford, Newton, North Reading, and Watertown. The lack of funding for mobility assistance for voucher holders is a continuing impediment to choice. An equally crucial impediment to mobility for voucher participants are the Fair Market Rents (FMR) established by HUD that are used by PHAs to set the value of a Section 8 voucher, and the values set by DHCD for MRVP. The 1997 AI found that inadequate purchasing power of a voucher made it impossible for some families to areas of higher opportunity because of high rents in those neighborhoods.

BFHC continues to operate the Metrolist, making available lists of units in assisted housing located throughout the region to Boston families. Metrolist was first established as a result of the *NAACP, Boston Chapter v. HUD* consent decree. It remains a crucial element of assuring equal access to assisted housing for families of color.

Barriers to Housing Choice Summary of Impediments and Action Steps	
Impediment	Action
Although city and state agencies have taken steps to provide language access to housing programs for people with limited English-speaking ability, progress is inconsistent among the agencies, and among the housing providers that receive city, state, and federal funds.	1. Convene a working group to assess compliance with federal language access requirements and plain language techniques among agencies and their grantees, and to develop strategies for pooling resources to improve language access.
Participants in the Section 8 Housing Choice and Massachusetts Rental Voucher Programs are concentrated in lower opportunity areas.	1. Reestablish a mobility counseling program using a programmatic structure similar to the Moving to Opportunity (Gautreaux) and Regional Opportunity Counseling Programs, supported with new allocations of Housing Choice Vouchers and administrative fees to pay for counseling and related costs. Include MRVP in these efforts, and consider collaborations with Housing Consumer Education Centers.
	2. Establish a comprehensive fair housing testing and enforcement program and initiate enforcement actions to identify instances of discrimination based on receipt of public assistance.
	3. Restore full funding to Housing Consumer Education Centers and RAFT.
Families seeking affordable housing need to be aware of opportunities outside their neighborhoods.	1. Continue Metrolist and Affirmative Marketing programs to inform home seekers about housing options.
	2. Establish a working group of metropolitan CDBG entitlement communities and communities with Community Preservation Act funds to develop affirmative fair housing marketing guidelines and list units with Metrolist.

X. Fair Housing Enforcement

Vigorous and comprehensive enforcement of fair housing laws is an essential feature of furthering fair housing.

The number and types of reported incidents of discrimination speak not only to the level of intolerance in a community but also to the level awareness of what constitutes a violation of law, and the level of comfort those victimized have to seek redress for those violations. This section reviews the administrative structure of fair housing enforcement in the Boston metro area, the protected classes, and prohibited behaviors. It describes the discrimination complaints filed over the past five years and their outcomes, as well as other indicators of discrimination in the housing market, such as fair housing audits.

Jurisdiction and Protected Classes

Administrative enforcement of housing discrimination laws in the Boston metropolitan area is the responsibility of a number of agencies: the Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development (FHEO), the Massachusetts Commission Against Discrimination (MCAD), and the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission. The jurisdiction of these offices is overlapping but not identical, and depends on the authority delegated by the underlying laws, the classes of people protected by each law, and the size or type of the housing involved in a complaint of discrimination.

Under the governing statutes, MCAD and the BFHC are both certified by HUD as administering laws that are substantially equivalent to the Fair Housing Act. Both agencies receive federal funding under the Fair Housing Assistance Program, and share federal Title VIII enforcement activities with HUD. Title VIII complaints originating in Boston are generally addressed by the BFHC. Complaints in the metropolitan region outside of Boston are processed by MCAD, except in Cambridge where those matters are investigated by the Cambridge Human Rights Commission. FHEO is responsible for enforcement of laws that forbid discrimination in housing receiving HUD assistance such as Title VI of the 1964 Civil Rights Act and Section 504 of the 1973 Rehabilitation Act. FHEO also investigates and resolves complaints of housing discrimination arising under the Americans with Disabilities Act. MCAD and the BFHC are not authorized to address claims arising under these laws.

Massachusetts Chapter 151B outlaws housing discrimination based on a range of protected characteristics that include those governed by the Title VIII, but also include additional categories such as source of income and rental assistance discrimination. Both MCAD and the BFHC are authorized to act on complaints of housing discrimination arising under Chapter 151B that are not within FHEO's jurisdiction under the Fair Housing Act. Boston's fair housing ordinance prohibits discrimination based on gender identity, a protected class not covered by Title VIII or Chapter 151B.

Table 10-1 depicts the laws governing housing discrimination, the groups protected by the laws, and the agencies with jurisdiction over complaints of discrimination arising under each law.

Table 10-1 Laws Governing Housing Discrimination

Law	Protected Groups	Agencies with Jurisdiction
Federal Fair Housing Act, Title VIII	Race, color, national origin, religion, gender, disability, family status	FHEO, MCAD, BFHC
MA Chapter 151B	Race, color, national origin, religion, gender, disability, marital status, sexual orientation, age, genetic information, ancestry, status as a veteran or member of the armed forces, source of income (e.g., rental assistance or public assistance)	MCAD, BFHC
Boston Fair Housing Ordinance	Race, color, national origin, religion, disability, gender identity or expression, age, ancestry, sexual preference, sex, marital status, children, source of income, military status	BFHC
Federal Title VI of the 1964 Civil Rights Act	Race, color, and national origin in programs receiving federal housing assistance	HUD
Federal Section 504 of the 1973 Rehabilitation Act	Disability in programs receiving federal housing assistance	HUD
Federal Americans with Disabilities Act	Disability in state or local housing programs	HUD
Federal Age Discrimination Act	Age, in programs receiving federal housing assistance.	HUD

Jurisdictional differences are also triggered by the size and other characteristics of the housing structure. For example, under the Fair Housing Act, dwellings in owner-occupied buildings with four or fewer units are exempt from many of the Title VIII prohibitions against refusing to rent or sell. Under Chapter 151B, covered housing does not include owner-occupied buildings with two or fewer units. Under both laws, the exemptions do not apply to units rented or sold with the assistance of a broker or real estate agent.

Prohibited Conduct

Under the Fair Housing Act, Chapter 151B, and Boston's fair housing ordinance conduct is unlawful when any of the following actions are motivated by the protected status of a complainant:

- Refusing to rent, sell, negotiate for rental or sale, or otherwise deny or withhold housing. Making a written or oral inquiry about the protected characteristics of a buyer or renter, and keeping records of buyer or renter characteristics. Inquiries about disability are permitted when necessary to assign an accessible unit, or a unit set aside for persons with disabilities.
- Discrimination in terms and conditions of a rental, sale, or occupancy, including segregating people with protected characteristics in a part of a building, development, or community.
- Discrimination in mortgage lending and credit.
- Discrimination in brokering a sale or rental, in appraising property, and in other real estate related services, including insurance.
- Discrimination in membership in brokerage listing services.
- Retaliation, coercion, intimidation, and harassment (including sexual harassment) against any person in connection with fair housing rights.
- Aiding the discrimination of others.
- Discrimination in advertising.
- Blockbusting.
- Refusal of reasonable accommodation
- Refusal of reasonable modification

Prevalence and Nature of Discrimination

Over the last 5 years, 1,397 complaints were filed with HUD, MCAD, Cambridge or the BHFC, involving allegations of 1,880 acts of discrimination in the Boston metropolitan area. (See **Table 10-2.**) One-third of the complaints originated in Boston. The largest number of alleged violations in the region involved claims of disability discrimination (29.4%), followed by claims of race discrimination (20.7%), and national origin (8.0%). The combination of complaints alleging discrimination based on children (6.5%), family status (5.7%) and lead paint – often an indicator for unwillingness to rent to families with young children – total 17.7 percent of all alleged violations.

The percent of complaints alleging discrimination based on disability was notably higher in the balance of the metro area than in the City of Boston (31.1% of all cases cited versus 26.0%). Similarly complaints based on children and/or family status were more prevalent outside the city (13.0% versus 10.6%); allegations specifying lead paint, however, were more prevalent in Boston (7.1% versus 4.7%), not surprising given the age of the city's rental housing stock. Allegations based on sex and sexual orientation were more prevalent in Boston accounting for a combined total of 8.0 percent of cases compared to 5.6 percent outside the city. Allegations based on race were also slightly more prevalent in Boston (21.9% versus 20.1%).

Table 10-2 Basis of Complaints Filed with MCAD, 1/1/04 – 9/30/09

Basis	Boston		Balance of Metro Area		Total	
	# times cited	% of Total	# times cited	% of Total	# times cited	% of Total
Age	8	1.3%	16	1.3%	24	1.3%
Children	36	5.7%	86	6.9%	122	6.5%
Creed	7	1.1%	15	1.2%	22	1.2%
Race or color	139	21.9%	251	20.1%	390	20.7%
Disability	165	26.0%	387	31.1%	552	29.4%
National origin	50	7.9%	102	8.2%	152	8.1%
Family status	31	4.9%	76	6.1%	107	5.7%
Lead paint	45	7.1%	59	4.7%	104	5.5%
Marital status	25	3.9%	29	2.3%	54	2.9%
Military service	0	0.0%	3	0.2%	3	0.2%
Other	29	4.6%	50	4.0%	79	4.2%
Public assistance	47	7.4%	99	7.9%	146	7.8%
Sex	32	5.0%	46	3.7%	78	4.1%
Sexual orientation	19	3.0%	24	1.9%	43	2.3%
Veteran	1	0.2%	3	0.2%	4	0.2%
Total bases cited and % of metro bases	634	33.7%	1,246	66.3%	1,880	100.0%
Total # and % of complaints	465	33.3%	932	66.7%	1,397	100.0%

Source: MCAD. MCAD's database includes cases handled by the other agencies (BFHC and HUD)
 Note: Individual complaints may include more than one violation of federal, state, and/or local statutes.

Discriminatory Conduct

Table 10-3 summarizes the type of discriminatory actions that were reported. There are more alleged discriminatory actions than either complaints or cases (Table 6-2) because a single report may cover more than one discriminatory action. The most commonly reported violations reported in the Boston metro area over the past five years include the refusal to rent or sublet (21.0%) and the related “other terms, conditions or privileges” related to rental of a unit (25.5%); denial of reasonable access (18.6%); and eviction, or threatened eviction (18.6%).

Table 10-3 Types of Violations Alleged

Alleged Violations	Boston		Balance of Metro Area		Total	
	#	%	#	%	#	%
Denied reasonable accommodation	104	16.6%	250	19.6%	354	18.6%
Deny or limit loan, except re: housing	0	0.0%	0	0.0%	0	0.0%
Deny or limit mortgage or home improvement loan	0	0.0%	1	0.1%	1	0.1%
Eviction or threatened eviction	74	11.8%	165	12.9%	239	12.5%
Harassment	0	0.0%	1	0.1%	1	0.1%
Mortgage/lending	12	1.9%	17	1.3%	29	1.5%
Other	24	3.8%	40	3.1%	64	3.4%
Other terms & conditions	0	0.0%	1	0.1%	1	0.1%
Other terms and conditions of employment	0	0.0%	1	0.1%	1	0.1%
Other terms, conditions, or privileges	162	25.8%	324	25.4%	486	25.5%
Refusal to rent or sublet	133	21.2%	267	20.9%	400	21.0%
Refusal to sell or discriminatory terms of sale	10	1.6%	21	1.6%	31	1.6%
Sexual harassment	10	1.6%	19	1.5%	29	1.5%
Terms & conditions	49	7.8%	107	8.4%	156	8.2%
Terms and conditions	15	2.4%	24	1.9%	39	2.0%
Unlawful Inquiry (oral or written)	11	1.8%	14	1.1%	25	1.3%
Unlawful specification (oral or written)	23	3.7%	25	2.0%	48	2.5%
Withhold or limit facilities, advantages, or privileges	0	0.0%	1	0.1%	1	0.1%
Total # and % of complaints	627	32.9%	1,278	67.1%	1,905	100.0%

Source: MCAD

Audits and Complaint Outcomes

Fair housing audits are a long-established means for understanding fair housing conditions in a market area. Audits use pair tester methodologies to determine the incidence at which real estate agents, landlords, and others in the for-sale and rental markets discriminate. Audits conducted in the Boston metropolitan area routinely indicate that people protected by fair housing laws are likely to experience discrimination in at least half of their interactions with the rental and for-sale markets, results are not reflected in the outcomes of the Title VIII and Chapter 151B complaints filed with MCAD in recent years.

- A 2001 rental audit by the Fair Housing Center of Greater Boston identified acts of discrimination in 50 percent of the paired tests. Excluding from the sample those tests where testers could not reach agents or landlords by telephone, there was evidence of discrimination in 65 percent of the tests. The audit also identified acts of race discrimination in 55 percent of the tests, source of income discrimination in 60 percent of the tests, and family status discrimination in 67 percent of the tests.
- A 2002 audit of rental discrimination involving Latinos by the Fair Housing Center identified discrimination in 52 percent of the tests.
- A 2005 Fair Housing Center audit of the for-sale market found that African-American and Latino testers experienced discrimination in 47 percent of the tests.

In 2005, the City of Newton and the Fair Housing Center conducted an audit of the local rental and for-sale markets to determine the extent of discrimination based on race, national origin,

family status, and participation in the Section 8 Housing Choice Voucher program. Overall, 48 percent of the paired tests evidenced discrimination. Half the tests found discrimination based on race, two-thirds found discrimination based on national origin, one-third identified instances of Section 8 discrimination, and in one-third of the tests there was evidence of family status discrimination. A second audit in 2005 by Newton and the Disability Law Center examined disability discrimination, and found evidence of fair housing violations in 48 percent of the tests.

Audit results are a benchmark against which it is possible to measure the effectiveness of enforcement activities. For all categories of complaints, outcomes favorable to the complainant – called successful outcomes in this AI – are below what might be expected based on audit results in Boston and the region. **Table 10-4** shows the resolution of all violations (Title VIII and Chapter 151B) brought in the City of Boston and the balance of the metro area since January 2004. Seventy-one percent of all closed violations metro-wide were closed for reasons that failed to substantiate the allegation of discrimination (i.e., an unsuccessful allegation) of discrimination, including 755 (52.9%) of the 1,302 closed cases that were closed due to a finding of no cause. City complainants had a somewhat higher success rate than complainants from the balance of the metro area (31.2% v 28.9%) and a slightly lower share of “no cause” findings (49.3% v 54.7%). In both cases the findings of discrimination were substantially lower than what had been documented in audits conducted in the region since 2001.

Table 10-4 Resolution of Discrimination Complaints, Boston v Balance of Metro

Complaint Outcomes	Boston		Balance of Metro		Total	
	#	%	#	%	#	%
Successful Closure Outcome						
Conciliated	17	3.5%	33	3.5%	50	3.5%
Withdrawn with Settlement	78	16.3%	154	16.2%	232	16.3%
Removed to Court	8	1.7%	13	1.4%	21	1.5%
Judicial Review	19	4.0%	33	3.5%	52	3.6%
Violation Enforcement	1	0.2%	0	0.0%	1	0.1%
Closed/Predetermination Settlement	11	2.3%	9	0.9%	20	1.4%
Successful Complaint Outcome (% of closed complaints)	134	31.2%	242	27.8%	376	28.9%
Unsuccessful Complaint Outcome						
Complainant Failed to Cooperate (or could not be located)	13	2.7%	14	1.5%	27	1.9%
No Cause	236	49.3%	519	54.7%	755	52.9%
Not Authorized	13	2.7%	20	2.1%	33	2.3%
Dismissed	4	0.8%	8	0.8%	12	0.8%
No Jurisdiction	13	2.7%	22	2.3%	35	2.5%
Withdrawn without Settlement	17	3.5%	47	5.0%	64	4.5%
Unsuccessful Complaint Outcome (% of closed complaints)	296	68.8%	630	72.2%	926	71.1%
Total Closed Violations	430	89.8%	872	92.0%	1,302	91.2%
Open Violations	49	10.2%	76	8.0%	125	8.8%
Total	479	100.0%	948	100.0%	1,427	100.0%

Source: MCAD

The companion **Table 10-5** presents the outcomes of Boston metro area complaints according to the basis on which the complaint was brought. Several categories have been combined in this table to facilitate analysis of outcomes: race, color creed, and national origin; family status, children and lead paint; and sex and sexual orientation, and bases with a small number of cases

have been omitted. Viewed this way, it is apparent that family status complainants and those based on public assistance have success rates that approach, but still do not match, the findings of discrimination in the audits (44.8 and 44.6% respectively). These disparities suggest the need for a concerted enforcement campaign focusing on source of income discrimination. The outcomes for complaints brought on the basis of race are conspicuously at odds with the experience reported by testers; disability and sexual orientation complainants experienced similarly unsuccessful outcomes.

Beyond these questions of efficacy, representatives of fair housing agencies report a need for improved coordination among the enforcement agencies. In particular, where the BFHC routinely includes public purpose provisions in settled complaints, such as requirements for landlords to attend training or make contributions to funds for the removal of lead paint, public purpose outcomes are often not a feature of MCAD settlements. Additional training and enforcement activities of the prohibitions on discrimination based on sexual orientation and gender identity, in light of federal efforts to increase education and outreach on state and local laws in this area.

Table 10-5 Complaint Outcomes by Basis

Complaint Resolution by Basis (Metro Area Total)	Race,color, creed, national origin	Disability	Family status, children, lead paint	Public assistance	Sex, sexual orientation
Successful Complaint Outcome					
Conciliated	6	15	26	13	3
Withdrawn with Settlement	66	104	70	22	14
Removed to Court	5	5	4	2	6
Judicial Review	16	18	15	25	0
Violation Enforcement	0	0	1	1	0
Closed/Predetermination Settlement	3	5	14	3	1
<i># of Successful Complaint Outcome</i>	<i>96</i>	<i>147</i>	<i>130</i>	<i>66</i>	<i>24</i>
<i>Successful Outcomes as % of Closed Complaints</i>	18.8%	28.8%	44.8%	44.6%	21.4%
Unsuccessful Complaint Outcome					
Complainant Failed to Cooperate (or could not be located)	11	6	7	1	4
No Cause	356	293	129	66	69
Not Authorized	14	18	3	2	1
Dismissed	4	3	2	6	1
No Jurisdiction	10	18	4	1	8
Withdrawn without Settlement	20	25	15	6	5
<i># of Unsuccessful Complaint Outcome</i>	<i>415</i>	<i>363</i>	<i>160</i>	<i>82</i>	<i>88</i>
<i>Unsuccessful Outcomes as % of Closed Complaints</i>	81.2%	71.2%	55.2%	55.4%	78.6%
Total Closed Violations	511	510	290	148	112
Open Violations	51	42	43	16	9
Total	562	552	333	164	121

Source: MCAD

Design, Construction, Reasonable Modification, and Accommodation

The disability discrimination provisions of the Fair Housing Act (4 or more units) and Chapter 151B (3 or more units) require new housing units constructed for first occupancy on or after March 13, 1991 to comply with seven architectural access design standards. Buildings with four or more units must comply with Title VIII and buildings with three or more units are governed by Chapter 151B. Both laws make it an act of discrimination to refuse to permit a person with disabilities to make reasonable structural modifications when necessary to afford the individual full enjoyment of a dwelling, and both require reasonable changes in rules, policies, practices, and procedures when needed to accommodate a person with disabilities. Under Chapter 151B (but not the Fair Housing Act), structural modifications in buildings or developments with ten or more contiguous units or if publicly assisted are at the expense of the owner. Modifications in publicly assisted housing are at the expense of the owner, subject to appropriation.

HUD Title VIII data indicates that very few complaints of discrimination involve alleged violations of the design and construction and reasonable modification requirements. Over the last five years, there were 13 allegations out of 425 total disability discrimination claims, or 3% of all disability discrimination claims. Complaints involving denial of reasonable accommodation comprised 189 allegations of discrimination, nearly 45 percent of all complaints of disability discrimination, as **Table 10-6** illustrates.

Table 10-6 **Characteristics of HUD Title VIII Disability Discrimination Complaints**

Basis	Boston		Balance of Metro		Total	
	Violations Cited	% of Total	Violations Cited	% of Total	Violations Cited	% of Total
Total Based on Disability	126	29.6%	299	70.3%	425	100.0%
Design and Construction	1	50.0%	1	50.0%	2	0.4%
Reasonable Modification	4	36.3%	7	63.6%	11	2.5%
Reasonable Accommodation	57	30.1%	132	69.8%	189	44.4%

Note: Individual complaints may include more than one alleged violation of Title VIII.

Source: HUD Title VIII Automated Paperless Office Tracking System (TEAPOTS) data, complaints dated January 1, 2004 and after.

Intervention by the Attorney General

The Civil Rights Division of the Massachusetts Office of the Attorney General (AGO) plays an important role in fair housing enforcement as the agency with the responsibility of litigating MCAD in court where necessary. Matters referred to the Civil Rights Division are a small portion of the complaints filed with MCAD. Of the nearly 1,400 allegations of discrimination filed between 2004 and 2009, just 74 matters were referred to the AGO. Cases handled by the Attorney General result in a high rate of successful outcomes for complainants. By the end of September 2009, 15 of the 74 matters at the Civil Rights Division were ongoing. Of the remaining 59 cases, approximately 50, nearly 85%, resulted in some combination of injunctive relief and monetary compensation for the victims, plus training for the respondent.

Discrimination Complaints in Assisted Housing

Available data did not make it possible to identify all allegations of discrimination involving public and assisted housing. However, Title VIII data included information about concurrent complaints involving under Section 504, Title VI, and the Age Discrimination Act, indicating the presence of some form of federal financial assistance. The HUD data also shows concurrent complaints under the ADA, which indicates an allegation of discrimination involving a state or local housing program or an allegation of discrimination in a place of public accommodation such as a management office, or a social services establishment.

Despite the concentration of assisted housing in the City of Boston, allegations of discrimination involving federal financial assistance and the ADA reflect a similar geographic distribution as found in Title VIII and MCAD cases. As shown in **Table 10-7**, about 36 percent of the complaints arose in Boston, and 64 percent in the balance of the metropolitan area. However, it is more likely that a Title VIII complaint originating with a Boston complainant will involve federal financial assistance or the ADA than a Title VIII complaint originating in the balance of the metropolitan area. Over 43 percent of Boston complaints also involved federal financial assistance, compared to 36 percent of the complaints from the region.

Table 10-7 Title VIII Allegations with Federal Financial Assistance and the ADA

	Boston		Balance of Metro		Total	
Section 504	79	36.2%	139	63.8%	218	46.6%
ADA	43	33.9%	84	66.1%	127	27.1%
ADA, not Section 504	0	0.0%	3	100.0%	3	0.6%
Title VI	48	40.7%	70	59.3%	118	25.2%
Age	0	0.0%	2	100.0%	2	0.4%
<i>Total Allegations</i>	<i>170</i>	<i>36.3%</i>	<i>298</i>	<i>63.7%</i>	<i>468</i>	<i>100.0%</i>
<i>Total All Allegations</i>	<i>390</i>	<i>43.6%</i>	<i>824</i>	<i>36.2%</i>	<i>1214</i>	<i>38.6%</i>

Source: HUD Title VIII Automated Paperless Office Tracking System (TEAPOTS) data, complaints dated January 1, 2004 and after.

Emerging Issues

Although the barriers to access to enforcement resources are not tracked or quantified, anecdotal reports suggest that a number of factors impede the ability of victims of discrimination to file complaints and pursue them through the administrative and judicial process. The Fair Housing Center of Greater Boston assists in the filing of fair housing complaints, and often refers complainants to private attorneys who accepts cases for a limited fee, on a contingency basis, or on a *pro bono* basis. However, these resources are limited, and the demand for legal help outstrips the availability of attorneys. While Community Development Block Grant funds may be used for fair housing enforcement, the general use of CDBG for public services activities may not exceed 15 percent of the total grant, limiting the availability of funds.

Beyond the issue of resources, some advocates express concerns about the extent to which people with limited English speaking proficiency have meaningful access to agencies like MCAD, and

the extent to which enforcement agencies use “plain language” materials that are easily understandable to all complainants.

Another area of growing concern is housing discrimination in the placement of, and responses to, internet advertisements and other non-traditional electronic media. The advisory committee heard anecdotal reports of discriminatory language in housing ads *placed* on the internet (e.g. “No Section 8” or “Professional couple...”), but a major new study – released as the AI was going to press – documented significant differential treatment of those *responding* to internet advertisements as well. The comprehensive audit, published in April 2010, detailed the treatment of more than 700 respondents to Craigslist advertisements and on-line solicitations for apartments in the Boston metro area. A similar audit was conducted in the Dallas, Texas metro area. Both showed significant differences in treatment between testers with white sounding names, and those with Latino or black sounding names.²⁸

While the absolute response rates for all testers were quite high (72.7% for blacks, 74.7% for Hispanics and 75.4% for whites in the Boston study), the authors concluded that race and ethnicity continue to shape access to rental housing via the internet. The Boston, testers with black- and Hispanic sounding names were significantly less likely than those with white sounding names to receive more than one response from housing providers. They were also significantly less likely to be invited to inspect the unit(s). In addition, the black testers were significantly less likely than white testers to be told to contact the provider.

This study supports earlier findings (Massey et al.) that racial and ethnic discrimination is a “moving target.” Given the growing use of electronic resources in the housing market and the discrimination documented in this study, combating discrimination in electronic media should be a high priority for fair housing advocates, researchers, and policy makers.

Fair Housing Enforcement Summary of Impediments and Action Steps	
Impediments	Action Steps
Rates of favorable outcomes for complainants in fair housing complaints are less than the level of success that might be predicted based on fair housing audits.	1. Conduct in-depth file reviews of fair housing complaints to determine the reasons for the high rates of unfavorable complainant outcomes, and adopt strategies to address the findings.
	2. Secure additional resources to fund expanded fair housing outreach and education activities.
Very few fair housing enforcement actions involve issues of compliance with design and construction requirements to assure fair housing for people with disabilities.	1. Establish a comprehensive, regional design and construction testing and enforcement program involving multiple agencies.

²⁸ *Cybersegregation in Boston and Dallas: Is Neil a More Desirable Tenant than Tyrone or Jorge?* Samantha Friedman, University at Albany, SUNY; Gregory D. Squires, George Washington University; and Chris Galvan, University at Albany, SUNY, April 2010.

Fair Housing Enforcement Summary of Impediments and Action Steps	
Impediments	Action Steps
	2. Secure additional resources to fund expanded fair housing outreach and education activities, aimed especially at design and construction.
There is a need for improved communication between the Massachusetts Commission Against Discrimination (MCAD) and the other Fair Housing Assistance Program (FHAP) agencies – the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission (CHRC) – regarding the inclusion of public interest provisions in conciliation agreements, such as training or other elements that promote fair housing goals (e.g. provisions that facilitate applications for lead paint removal funds, and listing of units with MetroList and MassAccess).	1. MCAD should conduct a review of its policies for public interest provisions, and revise as needed to align them with practices by other FHAP agencies.
	2. MCAD should coordinate with local fair housing agencies to leverage resources for the inclusion of public interest provisions in conciliation of individual cases
HUD takes little or no enforcement action in concurrent matters involving Title VIII issues investigated by MCAD or the other FHAP agencies and issues concerning civil rights laws prohibiting discrimination in programs receiving federal financial assistance.	1. Establish a working group including HUD to examine HUD practices regarding concurrent investigations, and revise practices as needed.
There is a lack of resources for enforcement activities, especially resources that provide representation to victims of discrimination.	1. Support efforts to increase FHIP and other funding for fair housing enforcement, including resources that provide representation to victims of discrimination.
	2. Support DND efforts to seek a waiver of the 15% limit on public service activities in the CDBG program in order to use more CDBG funds for fair housing activities.
There is a need to improve language access for people with limited English speaking proficiency and others.	1. Encourage implementation of language assistance planning at MCAC, BFHC, and other fair housing agencies.

Fair Housing Enforcement Summary of Impediments and Action Steps	
Impediments	Action Steps
	2. Review and revise written materials used by fair housing enforcement agencies to a plain language standard.
There is a need for greater enforcement of prohibitions on housing discrimination based on source of income, sexual orientation and gender identity, and in on-line forms of advertisement for housing.	1. Engage in a coordinated, targeted enforcement effort focused on discrimination based on source of income, sexual orientation, and gender identity, and cyber discrimination.

XI. Private Housing

There is a need to remove barriers to access to privately owned housing by people in protected classes.

The AI identifies two issues affecting access to privately owned housing by people in protected classes. The first issue concerns the denial of housing to families with children based on the presence of lead-based paint. The second involves the need for continuing training and awareness of discriminatory behavior and the fair housing obligations of real estate professionals, landlords, and housing and planning officials in the region's cities and towns.

Despite tremendous progress made by the City of Boston in reducing its incidence, lead poisoning – the principal cause of which is lead paint in older housing – remains one of the most common environmental health risks. Elevated blood lead levels in children have been linked to nervous system damage, behavior and learning difficulties, stunted growth and hearing disorders. Over the past 15 years, the incidence of lead poisoning in Boston children has dropped from a rate of 13.5 percent in 1995 to 1.2 percent in 2008. The City's consolidated plan, however, shows dramatic disparities in the distribution of reported cases of elevated blood levels (EBL) in racially identified planning districts. **Table 11-1** shows the results of 2007 testing. The most cases were reported in North and South Dorchester; together with East Boston, Roxbury, Roslindale and Mattapan, they accounted for 80 percent of all of Boston's EBL cases. Roxbury, North Dorchester, and Mattapan also had the city's highest rates of childhood hospitalizations for asthma for the period from 2005 to 2007.

Table 11-1 Percent of Children with Elevated Blood Levels, 2007

Neighborhood	Children with EBL*	Share of City Cases
North Dorchester	2.2%	26%
South Dorchester	1.6%	18%
East Boston	1.1%	12%
Roxbury	1.1%	9%
Roslindale	1.3%	8%
Mattapan	1.3%	7%
Hyde Park	1.3%	5%
South Boston	1.0%	5%
Allston-Brighton	1.4%	4%
Jamaica Plain	0.9%	3%
West Roxbury	0.5%	3%
Back Bay-Beacon Hill	n=<5	0%
Charlestown	0.7%	0%
Fenway-Kenmore	n=<5	0%
WestEnd/North End/Downto	n=<5	0%
South End	n=<5	0%
Total	1.2%	100%

*Elevated Blood Levels (EBL) - Percentage of children with elevated blood lead levels (10 micrograms per deciliter or higher)

Source: *City of Boston Draft Consolidated Plan, July 1, 2008 to June 30, 2013*

The Boston Public Health Commission is the recipient of nearly \$1.7 million in HUD funding to be used to address lead paint hazards and reduction. Those funds are targeted at the neighborhoods where children are the most affected by EBL. The presence of lead paint in rental housing is, however, a continuing impediment to housing choice for Section 8 and MRVP recipients. Housing quality inspections often rule out units selected by families with children 6 years of age or younger due to the presence of lead paint. Currently, there is no targeted source of funding to address lead hazards in such units on a timely basis. As a result, many families are unable to rent apartments.

Fair Housing Education

The fair housing audits conducted over the years in the Boston area show not only the continued persistence of discrimination in all aspects of the housing market, but also the subtlety and complexity of discrimination. While audits and complaints frequently evidence overt acts of discrimination based on a protected characteristic, it is often the case that a person of color, or a family with children, or a person with disabilities simply is treated less favorably than another household. For example, in several audits, black homeseekers were steered to particular communities or neighborhoods by not being informed by real estate brokers of housing opportunities that were offered to white individuals. Other similar circumstances involve people within protected groups not being shown the same number of homes as others, or realtors offering to assist some families but not others with referrals to sources of financing. Without the benefit of an audit or a paired test, many of these acts are invisible to the victims of discrimination. And many landlords, real estate agents, lenders, and others may not even have an awareness of their conduct, or the fact that it is discriminatory.

Fair housing training is a one-time requirement for individuals seeking to obtain a real estate broker or salesperson license in the Commonwealth. There is no requirement for refresher training, although Fair Housing is one of 50 elective courses a licensee may take to fulfill the continuing education requirement for license renewal (six 2-hour courses every two years). Courses on Lead Paint and the ADA are also offered. Most curricula offered to industry professionals covers the basic features of Title VIII, Chapter 151B, the ADA, and similar laws. Training courses do not tend to touch on the more difficult and subtle forms of discrimination that exist in the housing market. Moreover, except for outreach and training by the Metropolitan Boston Housing Partnership, there is no comprehensive fair housing training for small landlords, who comprise the largest volume of rental units in the region.

Also an issue is the fact that many of the region's municipal planning and zoning departments lack an understanding of fair housing rights and duties. These are municipal offices that may administer HOME and CDBG funds, or Community Preservation Act funds. There is no comprehensive system in place to assure that these offices, and the owners that receive their funding are trained in fair housing considerations.

**Access to Private Housing
Summary of Impediments and Action Steps**

Impediments	Action Steps
The City has made tremendous progress in reducing the incidence of elevated blood levels of lead (EBLs) resulting from lead based paint, but racially concentrated neighborhoods continue to experience greater percentages of EBL cases, and higher rates of EBLs.	1. Continue targeting federal funds for lead paint hazard reduction to neighborhoods with greatest percentage of EBL cases, and highest rate of EBLs.
Families with children using the Section 8 Housing Choice and Massachusetts Rental Voucher Programs are often denied housing when housing quality inspections detect the presence of lead-based paint.	1. Create a program to coordinate targeted use of lead hazard reduction funds in units with HCV and MRVP.
	2. Establish a comprehensive fair housing-lead paint testing and enforcement program and initiate enforcement actions to identify instances of discrimination based on receipt of rental assistance.
There needs to be heightened awareness among real estate professionals, landlords, and jurisdictions in the metropolitan area of fair housing issues and obligations.	1. Fund and carry out fair housing education and training activities targeted at real estate professionals, landlords (including small landlords), and housing and planning departments in regional communities.

XII. Prejudice and Bias

Left unaddressed, unfounded assumptions and fears about members of protected classes are an impediment to housing choice.

Also indicative of the extent of discrimination in Boston are the hate crime statistics reported by the Boston Police Department. **Table 12-1** shows that since 1993, the incidence of hate crimes has declined substantially, from a peak of 343 in 1998 to 2006, when 169 crimes were reported to or investigated by the Police Department. It also shows that the Boston's black residents were the most frequent victims of hate crimes, accounting for nearly 28 percent of the reported incidents between 1993 and 2006. In contrast, whites were the victims in 18 percent of reported incidents, crimes based on the sexual orientation of the victims accounted for 16 percent of the incidents, and 16 percent of the incidents involved Hispanic residents.

Table 12-1 Hate Crimes in Boston, 1993 to 2006

Year	Black	White	Hispanic	Asian	Middle Eastern Arab Muslim	Jewish	Other & Unknown	Sexual Orientation	Total
1993	89	77	45	18	1	5	26	19	280
1994	71	51	43	18	0	9	42	25	259
1995	60	65	39	27	0	5	12	16	224
1996	55	28	32	10	1	5	76	25	232
1997	75	57	39	25	2	6	5	33	242
1998	84	72	71	26	na	na	26	64	343
1999	122	66	68	25	0	5	5	51	342
2000	86	41	61	17	2	12	4	59	282
2001	82	45	41	27	56	20	16	48	335
2002	72	31	21	39	17	20	10	68	278
2003	66	39	23	27	25	19	8	36	243
2004	54	20	14	9	20	9	16	38	180
2005	65	40	25	10	12	12	5	50	219
2006	33	19	21	6	8	24	8	50	169
Total	1,014	651	543	284	144	151	259	582	3,628

Source: Boston Indicators Project and Boston Police Department

The persistence of hate crimes, of the housing discrimination, the exclusionary zoning, and the other barriers to housing choice all highlight a deeper need to address assumptions and fears about race, color, ethnicity, ability to speak English, disability, and the other characteristics protected by civil rights laws. Such a need is one that must be addressed by engaging in dialogue for all age groups, at a grass roots level, as well as with municipal and state officials.

Prejudice and Bias	
Summary of Impediments and Action Steps	
Impediments	Action Steps
Community leaders in Boston, and in the region's cities and towns do not openly express a commitment to inclusive, diverse communities, and sometimes resist affordable housing that might promote inclusiveness.	1. Create and carry out a curriculum promoting diversity for BPS students.
	2. Form neighbor networks in Boston neighborhoods to promote inclusive, welcoming neighborhoods for newcomers
	3. Work with local housing partnerships to establish neighbor networks outside Boston to promote inclusive, welcoming communities for newcomers.
	4. Work with state agencies to promote fair housing in the region.
	5. Develop a press strategy to promote press coverage that enhances public understanding of fair housing.
A lack of awareness of fair housing laws impedes access to regional communities by individuals with limited English speaking ability.	1. Fund and carry out LEP education and outreach targeted at housing and planning departments in regional communities.
	2. Develop LEP materials for CDBG communities

XIII. Zoning and Land Use Patterns

Land use policies preclude a fair and equal distribution of housing types within and among the region's communities, including rental and for-sale housing, multifamily and single family housing, and affordable and market rate housing.

As mentioned elsewhere in this AI, Boston is a relatively small central city in very large metropolitan area. Even though it is the economic engine of the region, the city is dwarfed by its suburban neighbors, both in terms of population and land area. It represents less than 2 percent of the region's landmass, and is one of its most densely populated municipalities in the region. The Boston metro area ranks as one of the most densely populated in the country, but this reflects the fact that the entire area has been built up in long-established – though not necessarily efficient or equitable – settlement patterns. It is far easier to create new housing on virgin land, well away from the nearest abutter, which helps explain the higher rate of growth and lower cost of housing in many parts of the country, particularly in the west and southwest. Most analysts agree that an adequate housing supply can stabilize prices and enhance affordability.

Barriers to New Housing Production

The growing gap between the cost of creating and maintaining decent housing and the incomes of very low income households, many of whom are members of protected classes, is one impediment to furthering fair housing choice. But building new housing has become so costly and challenging in the Boston metro area, and Massachusetts in general, that it is difficult for the private market to meet the needs even of moderate and middle income residents. Some of the obstacles to production are unique to affordable housing, but many apply to housing development generally. Most have been well documented. They have to do with economic and fiscal considerations, resource allocation, the state's legal and regulatory framework, and public perception and attitudes. They include:

- High construction costs, including high labor costs;
- High cost and relative scarcity of land available for development, and the higher costs associated with building on the marginal sites that are available;
- Limited infrastructure in many communities and little incentive for improving roads, water and sewer systems;
- The elimination of deep federal subsidy programs for low income housing development, including rental development, and their replacement by a number of smaller, shallow subsidies that increase time delays and transaction costs, and create disincentives for rental housing in favor of for-sale units.
- The state building code is complex; its interpretation and administration is not consistent across all 351 of the state's municipalities;
- Restrictive local zoning and land use controls and permitting processes;
- Limited planning and organizational capacity at the local level. Over 40 percent of the municipalities in the metro area have fewer than 10,000 residents, and many of these have no professional planning or community development staff.
- Reluctance of communities to allow new residential development, especially rental housing and affordable housing, because of concerns related to fiscal impact, property values and

“community character.” Massachusetts’ municipalities have control over most land use decisions, and they are responsible for providing and paying for essential public services – including education – largely through the local property tax.

Within Boston

The challenge of siting new development in existing neighborhoods is no less challenging in Boston than in many of the region’s suburban communities. While multifamily housing is allowed in all 16 planning districts, it typically requires a variance. Boston is a largely built out city, and most new construction reflects the characteristics of the surrounding neighborhood. The Boston Redevelopment Authority (BRA) serves as planning staff to both the Zoning Commission and the Board of Appeal. BRA staff members review all applications for variances, conditional use permits and zoning changes and make recommendations to the Zoning Commission and Board of Appeal.

The BRA has been engaged for more than a decade in an effort to rezone a number of the city’s neighborhoods, and many areas now allow a mix of uses. Most commercial districts allow both residential and commercial development. Some underdeveloped areas provide for cluster zoning of multifamily, in an effort to balance the desire for preservation of urban open space with the need for housing. While the Boston zoning code is quite flexible, and the City has used new zoning techniques such as 40R and overlay districts, the zoning approval process remains politically charged. Virtually all major new development, or redevelopment, requires the BRA to conduct an Article 80 review (named for the relevant section of the City’s Zoning Code). Because it is a public process, Article 80 reviews can be highly political; neighborhood opposition to a project can often seal its fate.

The City’s Department of Neighborhood Development has been pro-active in its effort to identify additional housing sites, but the properties the agency can make available have generally been taken for back taxes or represent surplus land or buildings. Often, these properties were acquired under earlier urban renewal programs; most are in low income and racially identified neighborhoods.

Balance of Metro Area

If expanding housing opportunities in Boston is challenging, it is almost impossible to develop new multifamily housing by right across much of the metro area. In 53 percent of the municipalities deemed by Kirwan/McArdle to offer very high, high, or moderate opportunity, the Fair Housing Center of Greater Boston (FHCGB) found that multifamily rental housing is not allowed as an as-of-right use. The FHCGB identified 11 communities that had banned multifamily housing entirely and another 47 that allowed it primarily if restricted to those aged 55 or older.²⁹

Spatial segregation is both a reflection of the existing social structure and a mechanism to enforce that structure. The forces that contribute to spatial segregation by race and ethnicity are complex and varied, but a number of studies have concluded that low density only zoning that reduces the

²⁹ The Fair Housing Center of Greater Boston based this finding on its analysis of the Pioneer Institute’s compendium of local zoning and land use regulations.

number of rental units, also limits the number of black and Latino residents. By contrast, new production in general, new rental and multifamily production, and new affordable rental production have been shown to be market conditions that promote inclusion of blacks and Latinos.

As discussed in Section II, one of the most crucial indicators of segregation in the metropolitan area is the level of white separation from people of color. In 101 of the metro area's 147 municipalities – nearly three-quarters of its landmass – fewer than 2.5 percent of all households are black or Latino. As a result, over 50 percent of white homeowners live where fewer than 2.5 percent of their fellow townspeople are black or Latino. By contrast, just over 10 percent live in communities where blacks and Latinos constitute more than 20 percent of the households.

These findings led the Advisory Committee to conclude that the combination of limited funding for new affordable housing production, its location, and the restrictive zoning practices of many municipalities in the region represented enormous impediments for Boston's low income and residents of color who might wish to move to "areas of opportunity" outside the city.

Role of Chapter 40B

Chapter 40B, the Massachusetts law that allows a limited override of local zoning and other land use regulations in communities where such regulations impede the development of affordable housing, has been instrumental in siting subsidized housing in non-low income and areas that are not racially identified. Of the 147 municipalities in the Massachusetts portion of the Boston metro area:

- Eleven communities, including Boston, were either at the 10 percent threshold, or had projects under construction or approved that would put them at 10 percent, in 1972.
- Five communities have not added any new affordable rental housing (i.e., units eligible for inclusion on the State Subsidized Housing Inventory that are affordable to, *and* restricted to occupancy by, households earning no more than 80 percent of the area median income) since 1972.
- Thirty-three communities added new affordable rental housing meeting this definition without using the comprehensive permit provisions of Chapter 40B.
- The remaining 98 municipalities required the use of the comprehensive permit for the development at least some of their subsidized rental housing. And 55 percent these communities used 40B for more than half their subsidized rental developments, including eight that used it 100 percent of the time.

In addition to its impact in expanding the supply and improving the distribution of publicly assisted housing, 40B has played an important role in diversifying the region's housing stock in general and expanding housing choice for those seeking accessible housing. Nearly one-third of the metro area's accessible units – those registered with MassAccess – were permitted under 40B. In communities rated "very high opportunity" based on the Kirwan/McArdle methodology, 48 percent were; in "high opportunity" communities, the 40B share was 42 percent. Its role in expanding the supply of market rate housing is evidenced by the fact that 40B development

accounted for 34 percent of *all* new housing permitted outside the City of Boston between 2002 and 2006, including nearly 80 percent of all new rental housing.³⁰

The statute faces an uncertain future, however. Opponents have called for the repeal of the 40-year old statute, which has been responsible for the creation of approximately 58,000 units of housing in 1,000 developments statewide (including over 29,000 for low and moderate income households). The issue will be put before the voters in the November 2010 election.

Land Use and Zoning Summary of Impediments and Action Steps	
Impediments	Action Steps
Income limit and other inclusionary zoning policies do not facilitate access to IZ units by extremely low income and very low income households of color.	1. Establish a working group to develop collaborative strategies to promote access by extremely low income and very low income households to IZ units by providing additional capital or rental subsidy, by granting additional zoning concessions, and similar mechanisms.
	2. Market IZ units through the City's Home Center
Off-site IZ units are often located in high poverty, racially concentrated locations.	1. The collaborative working group should examine strategies for addressing the lack of land, and the cost of acquiring parcels for off-site IZ units in low poverty, integrated areas of the city.
Both within Boston and throughout the region, public opposition to affordable housing in high opportunity areas impedes expanded housing choice.	1. Fund an exclusionary zoning initiative to track the progress of land use applications for affordable housing, especially affordable rental housing, in opportunity areas and use the initiative to insert fair housing considerations into land use decisions as a counterbalance to NIMBYism.
A disproportionate number of large families are households of color. Housing set aside for elders, and for over-55 households, and zoning requirements that favor housing with smaller bedroom sizes have the effect of depriving families with children of housing opportunities.	1. Advocate for City zoning officials and DHCD to limit the circumstances where age restricted housing and housing with small bedroom sizes are permitted in affordable units.
Chapter 40B, the State's affordable housing law, is the subject of an initiative petition calling for its repeal. The 40-year	1. Join existing advocacy efforts to campaign against the repeal of Chapter 40B.

³⁰ *The Greater Boston Housing Report Card 2007-2007*, Bluestone and Heudorfer, Northeastern University's Center for Urban and Regional Policy, 2007. The Housing Report Card covers a slightly larger footprint than this AI does, including 161 Boston area cities and towns.

Land Use and Zoning	
Summary of Impediments and Action Steps	
Impediments	Action Steps
old statute is currently the primary producer of affordable housing in opportunity locations, including the development of accessible affordable and market rate units for people with disabilities.	
	2. Advocate for additional legislation that will create stronger imperatives for suburban communities to encourage the development of affordable housing, especially affordable rental housing.
The fair housing effects of local resident preferences are not known.	1. Support DHCD's study of effects of local resident selection preferences in housing that qualifies for inclusion on the State Subsidized Housing Inventory.

XIV. Federal Housing Policies and Fair Housing Choice

Federal housing programs influence the availability and location of assisted housing, and exercise a profound affect on housing choice.

Other sections of the this AI identify as an impediment to fair housing choice the regional concentration of publicly assisted housing in the City of Boston, and also the concentration of assisted housing in low opportunity, racially identified areas characterized by high levels of poverty. The Fair Housing Actions intended to address those impediments are directed at programmatic initiatives that can be carried out by the State and City officials who administer the programs.

Federal programs represent the largest share of assisted housing in Boston and the region. It has long been acknowledged that federal housing programs were used as tools to create segregation in housing. In 1975, for example, a joint report of MCAD and the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights attributed regional patterns of racial segregation to policies in the Federal Housing Administration and the Veterans Administration single family mortgage insurance programs that denied credit to homebuyers of color in racially identified neighborhoods and prohibited the approval of credit for homebuyers of color seeking to live in white-identified areas. In 1997, HUD admitted its culpability for creating racial segregation in public housing by issuing a notice in which the agency stated that, “For the first 25 years of [the U.S. Housing Act], the Federal government permitted, if not encouraged segregation by race in public housing developments.” Segregationist federal policies had a direct impact on Boston. In *NAACP, Boston Chapter v. HUD*, the court found that HUD had failed to fulfill its obligation under Title VIII to further fair housing by allowing federal public housing funds and Community Development Block Grants to be used in a manner that perpetuated segregated housing conditions.

Policies that account for the fair housing effects of federal housing policy have evolved to the point where presidential executive orders now direct HUD to assume a leadership role in an interagency effort to further fair housing. In light of that obligation, this section of the Updated AI explores the existence of impediments to fair housing in federal housing programs.

Striking a Balance Between Expanded Opportunity and Investment in Disinvested Places

Past and present discriminatory practices, zoning barriers, and public opposition play a significant role in the location of assisted housing. However, a powerful factor contributing to the concentration of assisted housing in low opportunity areas are the structural features of assisted housing programs that impede the construction of affordable housing in areas of higher opportunity. Some of these impediments are statutory, and legislation is the only remedy for correcting them. Many are in rules and guidelines, and can be changed by the agency without need for legislation.

There are countless examples of programmatic barriers that impede housing choice that could be addressed. The objectives of the CDBG statute include both “the reduction of the isolation of

income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods.” HUD rules, however, encourage recipient jurisdictions to undertake activities in low income areas without also creating incentives for “spatial deconcentration” and expanded housing choice. Neighborhood Stabilization Program (NSP) funds could be used to acquire abandoned or foreclosed properties in high opportunity areas, but the program is administered to focus primarily on the most distressed locations.

A number of features of the Low income Housing Tax Credit (LIHTC) program encourage concentration of assisted housing in high poverty areas without corresponding incentives to expand the program in locations offering greater opportunity. Enhanced tax credits of up to 130 percent of the eligible basis, for example, are allowed *only* in difficult development areas or designated high poverty census tracts. These “qualified census tracts” must be subject to a comprehensive community revitalization plan, but the Internal Revenue Service provides no guidance on what such a plan should entail. The IRS also has yet to publish rules providing guidance to state credit agencies on the content of their Qualified Allocation Plans, which are used to allocate LIHTCs. And, even though the IRS is subject to the mandate to further fair housing expressed in Title VIII, the only fair housing rules issued by the agency involve prohibitions on individual acts of discrimination at LIHTC properties. They say nothing about the duty to expand housing choice.

Similarly, requirements of the various lead paint abatement programs also target resources to areas of low income and deteriorated housing.³¹ While these resources are crucial for reducing the incidence of lead poisoning in the city’s most deteriorated neighborhoods, the program rules create no incentives for removal of lead in less deteriorated areas, effectively closing off access by families with children to rental housing in those neighborhoods. The Section 8 Housing Choice Voucher statute gives HUD considerable discretion in establishing the market areas upon which fair market rents and Section 8 payment standards are based. However, HUD exercises that discretion to establish large market areas that fail to recognize rental pricing differences between high opportunity and low opportunity areas, with consequence of limiting choice in the HCV program to areas of low rent that are also low opportunity locations.

These and other similar structural impediments to housing choice do not recognize that addressing housing market conditions in a manner that furthers fair housing requires a balanced use of resources in locations that historically were deprived of public investment, and in areas of opportunity that expand housing choice.

³¹ Lead paint abatement resources can be used anywhere, as long as the units are or will be occupied by a low or very low income household. As a matter of practical policy the City has targeted those areas with the highest incidence of elevated blood levels of lead (EBLs). First priority is to abate units where the abatement has been ordered due to a child having an EBL. The City also gives priority to units that a voucher holder is attempting to lease but cannot due to the presence of lead. Most of the units that are available at the allowable fair market rents are in Boston’s communities of color.

Regional Approaches and Coordination of Housing, Educational, Employment, Supportive Services, and Transportation Resources

It is evident that housing is not the only controlling factor of opportunity and choice. Meaningful opportunity also depends on good schools, employment, a transportation infrastructure, and medical, supportive and other services. The federal government expends significant resources in all these program areas, yet its expenditures, for the most part, are not coordinated. Moreover, most federal resources are deployed at the level of a single community, with little or no emphasis on a regional outlook that balances investment in disinvested areas with expansion of opportunity.

Reasserting Federal Leadership for Furthering Fair Housing

Communities like Boston have the ability and some resources available to further fair housing by both attacking discrimination through enforcement and by expanding housing choice. The capacity for success at the community level is always enhanced by vigorous federal fair housing leadership. That leadership can be exercised in a number of domains.

The Obama administration is, at this writing, considering a number of policy initiatives that will have important fair housing consequences. One is the administration's effort to craft a metropolitan Sustainable Communities agenda. Without a strong fair housing component, a smart growth initiative will do little to expand housing choice. HUD is also preparing to unveil a newly authorized Choice Neighborhoods program as a successor to HOPE VI. The new program is focused on revitalizing assisted housing in areas of extreme poverty, in coordination with education reforms. Among the lessons learned from HOPE VI is that revitalization of assisted housing often duplicates the pre-existing racial segregation and concentrations of poverty unless it incorporates specific strategies to provide residents of the assisted housing the option of living in locations offering greater opportunity.

HUD can also accomplish less ambitious but nonetheless important objectives. It is expected that the Office of Fair Housing and Equal Opportunity will revise consolidated plan, public housing agency plan, and other rules that currently define the obligation to affirmatively further fair housing. The current rules are focused primarily on planning, and HUD can do a great deal to aid in furthering fair housing by issuing a rule that concretely defines how jurisdictions and housing authorities must account for barriers affecting all protected classes under Title VIII, and how HUD will measure progress towards the goal of removing those barriers and expanding housing choice. Current HUD Section 504 homeownership rules refer only to outdated programs, leaving recipients of federal financial assistance and people with disabilities with no guidance on whether or how to construct accessible homeownership units using HUD funds.

Finally, HUD and the U.S. Department of Justice have largely been absent from fair housing enforcement activities for nearly a decade. The federal government – working with state and local FHAP agencies, and local FHIP agencies – can provide the national leadership needed to advance the cause of fair housing with a vigorous, collaborative fair housing enforcement strategy focused on such issues as race and predatory lending and violations of Title VIII's design and construction requirements.

Federal Housing Policies	
Summary of Impediments and Action Steps	
Impediments	Action Steps
Provisions in current federal housing programs do not provide for a balanced use of affordable housing resources in high poverty, racially concentrated areas targeted for revitalization and sites that would expand housing choice in high opportunity areas.	1. Advocate for federal agencies to adopt policies in existing programs that encourage the use of affordable housing resources like NSP and Low income Housing Tax Credits in high opportunity locations as well as revitalizing places (including policies that address the additional costs of developing in high opportunity locations).
	2. Advocate for federal agencies to adopt policies in new programs (e.g. the Tax Credit Assistance Program and the Capital Magnet Fund) that balance the use of affordable housing resources in areas of high poverty and racial concentration targeted for revitalization and areas that will expand housing choice in high opportunity areas.
New federal housing proposals – including the Choice Neighborhoods, Sustainable Communities, and Transforming Rental Assistance initiatives, which represent opportunities to reshape federal housing policy to promote choice and fair housing – are facing challenges.	1. Support the Choice Neighborhoods Initiative, the Sustainable Communities initiative, and the Transforming Rental Assistance initiative and advocate for policies that expand housing choice for low income families who are members of protected classes in areas of opportunity.
Federal programs that support local and regional activities such as transportation, education, and economic development play an important role in shaping a region’s “geography of opportunity,” but they are neither coordinated among themselves nor with existing housing programs to expand housing opportunities.	1. Advocate for regional approaches to federal housing, transportation, education, and job development programs that facilitate equitable access to opportunity for people living in high poverty, racially concentrated locations.
Federal efforts to combat housing discrimination lack the level of priority and coordination required to aggressively lead, and support fair housing enforcement at the local and state level.	1. Advocate for HUD to quickly adopt rules for affirmatively furthering fair housing.
	2. Establish a comprehensive fair housing and fair lending testing and enforcement program and initiate enforcement actions.

XV. Conclusions: Impediments and Strategies for Overcoming Them

This section summarizes the impediments identified by the Commission during its nine month investigation and presents a series of action steps to mitigate or eliminate them. The recommendations, which have been endorsed by the Advisory Committee, were informed by the analysis of demographic trends, conditions in the private and publicly assisted housing markets, discrimination complaints, academic and market research, and a critical review of issues of race, place and housing opportunity in a metropolitan context.

Impediment	Action	Responsible Partners
<p>An Ongoing Voice for Fair Housing: Furthering fair housing requires an ongoing effort focused on carrying out the objectives of the AI, constant attention to fair housing conditions, adjustments to fair housing strategies when conditions change, and collaboration with other important key holders.</p> <p>Although the state Department of Housing and Community Development, the Boston Housing Authority, and others maintain advisory groups that inform the work of those agencies, there is no ongoing, consistent coordination of fair housing activities across multiple jurisdictions, or multiple disciplines such as fair housing enforcement, affordable housing development, regional planning, jobs planning, transportation, and health.</p>	<p>1. Establish a Fair Housing Advisory Committee for the City of Boston based on the scope of interests represented in the AI Advisory Committee to monitor and evaluate the work carried out under the AI, to provide ongoing advice and support to BFHC, and to monitor changing fair housing conditions.</p> <p>2. Take steps to assure that the Fair Housing Advisory Committee collaborates with other fair housing stakeholders operating in other communities and on a regional level, including DHCD, and the Metropolitan Area Planning Council.</p>	<p>BFHC, DHCD</p> <p>BFHC, DHCD</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Housing and Structures of Opportunity: Fair housing choice allows a family to choose a residence that offers access to opportunity outside the home such as healthy communities and good schools; impediments to choice are barriers to opportunity.</p>	<p>Housing and Structures of Opportunity: Fair housing choice allows a family to choose a residence that offers access to opportunity outside the home such as healthy communities and good schools; impediments to choice are barriers to opportunity.</p>	
<p>As noted in the <i>Mayor's Task Force Blueprint: A Plan to Eliminate Racial and Ethnic Disparities in Health</i>, racial isolation in Boston can affect health due to poor housing, environmental, and public safety conditions.</p>	<ol style="list-style-type: none"> 1. Establish partnership between BFHC and Boston Public Health Commission to bring a fair housing voice to the implementation of the recommendation seeking a review of practices of City departments to improve health conditions in neighborhoods of color. 2. Work with BPHC to seek funding to expand current neighborhood capacity building efforts to address poor housing conditions, and public safety concerns in housing. 	<p>BFHC, BPHC</p>
<p>Residential patterns of racial separation in the city impede access to higher quality schools.</p>	<ol style="list-style-type: none"> 1. Establish partnership with Boston Public Schools to advocate to restore state funding for city schools. 2. Work with BPS to implement school improvement strategies in neighborhoods of color. 	<p>BFHC, BPS</p>
<p>Patterns of racial segregation in the metropolitan area impede access by people of color to low-no poverty areas with high performing schools, jobs, good housing conditions, and healthy living environments.</p>	<ol style="list-style-type: none"> 3. Work with BPS to revive discussions about changes to school assignment policies to improve school choice for children in neighborhoods of color. 	<p>BFHC, BPS</p>
<p>Efforts to promote access to suburban schools for children living in racially identified neighborhoods are undermined by funding cuts in the Metco program, which places children of color in suburban schools.</p>	<ol style="list-style-type: none"> 1. Establish partnership with state Department of Housing and Community Development to implement recommendations in Affirmative Fair Housing Policy to promote the development of affordable housing in opportunity locations. 1. Advocate to restore funding cuts to Metco program, and to increase funding in future years to address a lengthy program waiting list. 	<p>DHCD, BFHC</p> <p>BFHC, Metco</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Housing and Structures of Opportunity: Fair housing choice allows a family to choose a residence that offers access to opportunity outside the home such as healthy communities and good schools; impediments to choice are barriers to opportunity.</p> <p>Regional employment and transportation planning efforts undertaken by the Commonwealth Corporation, the state-sponsored entity that supports job readiness, and the Boston Region Metropolitan Planning Organization (MPO) do not address the mismatch between the places in Boston where workers of color reside, and the locations of jobs.</p>	<p>1. Encourage Commonwealth Corporation's Regional Workforce Strategies Initiative to conduct research into any mismatch between workers in segregated neighborhoods and jobs.</p> <p>2. Encourage Commonwealth Corporation to incorporate strategies to enhance job opportunity for workers in segregated neighborhoods as part of the Regional Workforce Strategies Initiative.</p> <p>3. Advocate with the MPO to study and make recommendations to address any current mismatch between workers of color and the location of jobs.</p>	<p>Common-wealth Corporation, BFHC, DHCD</p> <p>Common-wealth Corporation, BFHC, DHCD</p> <p>MPO, DCHD, BFHC</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p><i>Disproportionate Housing Needs Among Protected Classes: Lack of housing affordability and poor housing conditions disproportionately affect households of color.</i></p>		
<p>The City's Consolidated Plan recognizes that the median income of Boston residents is lower than the median income for the region. Using Boston median income as the eligibility standard in the City's housing programs would target resources at the lower income families, but might also impose higher development costs, and reduce the ability to develop mixed-income communities.</p>	<p>1. City departments should examine current policies for setting eligibility standards in Boston's housing programs, and evaluate strategies to balance the needs of the city's lowest income families against considerations of cost and the creation of stable mixed income developments.</p>	<p>BFHC, DND, BRA</p>
<p>Housing resources available to the City are inadequate to provide capital subsidies sufficient to serve the lowest income families in units without operating assistance.</p>	<p>1. Advocate with DHCD for the provision of state housing assistance to provide additional capital assistance to units targeted at the lowest income families.</p>	<p>BFHC, DND, BRA, DHCD</p>
	<p>2. Continue and expand on collaborations between City housing agencies and non-City agencies with housing resources in order to leverage a greater number of units serving the lowest income households.</p>	<p>BFHC, DND, BRA, DHCD, BHA, MBHP</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Housing for People with Disabilities: The Supreme Court decision in <i>Olmstead v. L.C.</i> requires that people with disabilities (including people with significant disabilities) have the opportunity to receive supportive services in the most integrated setting appropriate for their individual needs; affordable, accessible housing is an essential component of this mandate.</p>	<p>Housing for People with Disabilities: The Supreme Court decision in <i>Olmstead v. L.C.</i> requires that people with disabilities (including people with significant disabilities) have the opportunity to receive supportive services in the most integrated setting appropriate for their individual needs; affordable, accessible housing is an essential component of this mandate.</p>	
<p>The Commonwealth lacks a comprehensive plan to develop integrated, community-based, permanent supportive housing for people with significant disabilities to enable them to live outside of institutional settings and quasi-institutional settings, as required by the ADA. Federal funding for such planning activities is no longer available.</p>	<ol style="list-style-type: none"> 1. Advocate for funding to continue ADA planning; establish a working group at the state level to create a comprehensive community-based housing plan for people with disabilities in institutions or at risk of institutionalization. 	<p>BFHC, DHCD, MassHousing, EOHHS, EOE, CHAPA</p>
	<ol style="list-style-type: none"> 2. Urge DHCD to adopt a set-aside of units in general occupancy LIHTC developments for non-elderly people with disabilities, and to adopt best practices from other states in its QAP to facilitate the development of integrated housing for people with disabilities. 	<p>BFHC, DHCD, CHAPA</p>
	<ol style="list-style-type: none"> 3. Support DHCD effort to amend relevant statutes to allow for-profit entities to participate in CBH and FCF programs. 	<p>BFHC, DHCD, EOHHS, CHAPA</p>
<p>The BHA and DHCD utilize project-based Housing Choice Vouchers to create permanent supportive housing for people with disabilities, and initiatives such as <i>Leading the Way</i> target resources at homeless individuals who are likely to also be people with disabilities, but budget cuts undermine access to supportive services by tenants.</p>	<ol style="list-style-type: none"> 1. Advocate for the restoration of budget cuts to programs that provide supportive services to people with disabilities in community-based settings. 	<p>BFHC, DHCD, EOHHS</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Housing for People with Disabilities: The Supreme Court decision in <i>Olmstead v. L.C.</i> requires that people with disabilities (including people with significant disabilities) have the opportunity to receive supportive services in the most integrated setting appropriate for their individual needs; affordable, accessible housing is an essential component of this mandate.</p>		
<p>A significant number of technical and scoping standards used by the Massachusetts Architectural Access Board provide a lesser level of housing accessibility for people with disabilities than required by federal law. Because MAAB rules are incorporated into the state building code, many units are built that do not comply with federal accessibility standards.</p> <p>Programs that fund structural modifications in dwelling units occupied by tenants, including the Home Modification Loan Program (HMLP), are targeted at owners of properties with fewer than 10 units, who, under Chapter 151B, must make reasonable modifications at the tenant's expense. There are no funds available for tenant-funded modifications if the property owner is unwilling to apply for the HMLP, or otherwise fund required modifications.</p>	<p>1. Advocate for amendments to MAAB rules or state law to ensure that Massachusetts dwelling units are constructed under standards that are either substantial equivalent to federal law or provide a greater level of accessibility.</p> <p>1. Advocate for the changes to the Home Modification Loan Program and similar programs, to make funds available to enable tenants to pay for required structural modifications in small properties.</p>	<p>CHAPA, BFHC Boston Society of Architects</p> <p>BFHC, DHCD, DND, MRC, MBHP</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p><i>Discrimination in Mortgage Lending, Predatory Lending, and Foreclosures: The combined effect of discrimination in mortgage lending, predatory lending practices targeted at people and neighborhoods of color, and the resulting wave of foreclosures deprive households of color equal access to homeownership.</i></p> <p>The persistent homeownership gap between members of protected classes and other home buyers, and continued denial rate disparities between white applicants and applicants of color seeking prime home mortgages indicate continuing levels of housing discrimination in the real estate and lending industries.</p>	<p>1. Establish a comprehensive fair housing and fair lending testing and enforcement program and initiate enforcement actions.</p>	<p>BFHC, MCAD, other local FHAP, GBFHC, Attorney General, US Attorney</p>
<p>Subprime lending is concentrated in neighborhoods in Boston predominated by people of color. These same neighborhoods are the areas with the highest rates of foreclosure.</p>	<p>2. Establish a research project using HMDA data to identify lenders with high rates of loan denials involving members of protected classes and utilize the Community Reinvestment Act to influence lender conduct.</p>	<p>BFHC, GBFHC MBHP & other foreclosure counseling programs</p>
<p>Subprime lending is concentrated in neighborhoods in Boston predominated by people of color. These same neighborhoods are the areas with the highest rates of foreclosure.</p>	<p>1. Incorporate enforcement of new federal laws regulating subprime lending into the comprehensive fair housing and fair lending testing and enforcement program.</p>	<p>BFHC, MCAD, other local FHAP, GBFHC, Attorney General, US Attorney, MBHP</p>
	<p>2. Continue targeted use of NSP funds to stabilize racially identified neighborhoods.</p>	<p>DND</p>
	<p>3. Expand resources for foreclosure counseling.</p>	<p>BFHC, Boston Home Center, DHCD, DND, MBHP & other foreclosure counseling programs</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p><i>Discrimination in Mortgage Lending, Predatory Lending, and Foreclosures: The combined effect of discrimination in mortgage lending, predatory lending practices targeted at people and neighborhoods of color, and the resulting wave of foreclosures deprive households of color equal access to homeownership.</i></p>		
<p>There is little information about the effectiveness of loan modification programs for households facing foreclosure in general, and even less regarding the impact on Hispanics and persons of color.</p>	<p>1. Gather data on loan modification programs available to households in Boston, examine the number of modifications that stabilize families in their homes and prevent foreclosure, and determine if loan modifications are available on an equal basis to homeowners of color and other protected classes.</p>	<p>BFHC, AG, DHCD, MBHP & other foreclosure counseling programs</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
Assisted Housing: Significant numbers of people within protected classes either need or reside in housing with local, state, or federal assistance; access to assisted housing, and the locational characteristics of assisted housing affected access to opportunity.		
A disproportionate share of project-based assisted housing in Boston is located in racially concentrated areas.	<ol style="list-style-type: none"> 1. Convene a working group to develop strategies for the use of City housing resources to address issues of land availability, zoning barriers, and other impediments to the siting of affordable housing in neighborhoods lacking a fair share of the City's affordable inventory. 	DND, BRA, BFHC, BHA
A disproportionate share of the region's project-based assisted housing is located in Boston, and not in suburban communities.	<ol style="list-style-type: none"> 1. Urge DHCD to establish a project-based voucher program specifically targeted at offering the City's public housing families with children assisted housing in racially integrated, low poverty areas, including municipalities outside Boston. 	BFHC, DHCD, MBHP
	<ol style="list-style-type: none"> 2. Establish working a working group including planning departments and local housing authorities in high opportunity communities outside of Boston to leverage local resources with state and federal resources to support the construction of assisted family housing in opportunity locations. 	DHCD, BFHC, Local planning and housing agencies
LHAs outside Boston utilize local resident selection preferences in admissions to their state and federal housing programs, which have the effect of discouraging people of color from applying; and/or limits their ability to participate in the programs.	<ol style="list-style-type: none"> 1. Advocate for repeal of local resident selection preference in state public housing programs where there is a discriminatory effect on protected groups. 	DHCD, BFHC
	<ol style="list-style-type: none"> 2. Condition receipt of state housing assistance on repeal of local resident selection preferences in federal housing programs. 	DHCD, BFHC

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Assisted Housing: Significant numbers of people within protected classes either need or reside in housing with local, state, or federal assistance; access to assisted housing, and the locational characteristics of assisted housing affected access to opportunity.</p>		
<p>The fair market rent standards for the Section 8 Housing Choice Voucher and Massachusetts Rental Voucher Programs are too low, and the availability of rental units is too limited, to facilitate participant moves to many of the higher opportunity suburban communities in the metro area.</p>	<p>1. Complete a survey of rental costs in the housing market to understand the purchasing power of HCV and MRVP in opportunity areas and advocate for increases in fair market rents.</p>	<p>BFHC, DHCD, BHA, MBHP</p>
<p>The loss of privately owned assisted housing in the city and in the region may have a disparate fair housing effect.</p>	<p>3. Continue the <i>Leading the Way</i> priority on preservation of assisted units.</p>	<p>BFHC, DND</p>
	<p>4. Monitor implementation of new state preservation legislation and expand the commitment of state resources for preservation activities.</p>	<p>BFHC, DHCD</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
Barriers to Housing Choice: Furthering fair housing includes activities that expand choices in the housing market.		
Although city and state agencies have taken steps to provide language access to housing programs for people with limited English-speaking ability, progress is inconsistent among the agencies, and among the housing providers that receive city, state, and federal funds.	1. Convene a working group to assess compliance with federal language access requirements and plain language techniques among agencies and their grantees, and to develop strategies for pooling resources to improve language access.	BFHC, DHCD, DND, MBHP, HUD, MassHousing and other quasi-publics
Participants in the Section 8 Housing Choice and Massachusetts Rental Voucher Programs are concentrated in lower opportunity areas.	1. Reestablish a mobility counseling program using a programmatic structure similar to the Gautreaux program and the Regional Opportunity Counseling program, supported with new allocations of Housing Choice Vouchers, and administrative fees to pay for counseling and related costs. Include MRVP in these efforts, and consider collaborations with Housing Consumer Education Centers.	BFHC, BHA, DHCD, HUD, MBHP
	2. Establish a comprehensive fair housing testing and enforcement program and initiate enforcement actions to identify instances of discrimination based on receipt of public assistance.	BFHC, MCAD, other FHAP, FHCGB, AGO, US Attorney, BHA, DMCD, MBHP
	3. Restore full funding to Housing Consumer Education Centers.	
Families seeking affordable housing need to be aware of opportunities outside their neighborhoods.	1. Continue Metrolist and Affirmative Marketing programs to inform home seekers about housing options.	BFHC, DHCD
	2. Establish a working group of metropolitan CDBG entitlement communities, and communities with Community Preservation Act funds to develop affirmative fair housing marketing guidelines and list units with Metrolist.	BFHC, DHCD, local communities

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Fair Housing Enforcement: Vigorous and comprehensive enforcement of fair housing laws is an essential feature of furthering fair housing.</p>		
<p>Rates of favorable outcomes for complainants in fair housing complaints are less than the level of success that might be predicted based on fair housing audits.</p>	<ol style="list-style-type: none"> 1. Conduct in-depth file reviews of fair housing complaints to determine the reasons for the high rates of unfavorable complainant outcomes, and adopt strategies to address the findings. 	<p>BFHC, MCAD</p>
	<ol style="list-style-type: none"> 2. Secure additional resources to fund expanded fair housing outreach and education activities. 	<p>BFHC, MCAD GBFHC, HUD, DHCD, MBHP</p>
<p>Very few fair housing enforcement actions involve issues of compliance with design and construction requirements to assure fair housing for people with disabilities.</p>	<ol style="list-style-type: none"> 1. Establish a comprehensive, regional design and construction testing and enforcement program involving multiple agencies. 	<p>BFHC, MCAD, GBFHC, HUD, FH FIRST(IHCD, MBHP, BSA</p>
	<ol style="list-style-type: none"> 2. Secure additional resources to fund expanded fair housing outreach and education activities, aimed especially at design and construction. 	<p>BFHC, GBFHC, MCAD, HUD, MBHP, IHCD, BSA</p>
<p>There is a need for improved communication between the Massachusetts Commission Against Discrimination (MCAD) and the other Fair Housing Assistance Program (FHAP) agencies – the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission (CHRC) – regarding the inclusion of public interest provisions in conciliation agreements, such as training or other elements that promote fair housing goals (e.g. provisions that facilitate applications for lead paint removal funds, and listing of units with Metrolist and MassAccess).</p>	<ol style="list-style-type: none"> 1. MCAD should conduct a review of its policies for public interest provisions, and revise as needed to align them with practices by other FHAP agencies. 	<p>BFHC, MCAD, FHCGB, CHRC, MBHP</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
Fair Housing Enforcement: Vigorous and comprehensive enforcement of fair housing laws is an essential feature of furthering fair housing.		
HUD takes little or no enforcement action in concurrent matters involving Title VIII issues investigated by MCAD or the other FHAP agencies and issues concerning civil rights laws prohibiting discrimination in programs receiving federal financial assistance.	<ol style="list-style-type: none"> 2. MCAD should coordinate with local fair housing agencies to leverage resources for the inclusion of public interest provisions in conciliation of individual cases 	
There is a lack of resources for enforcement activities, especially resources that provide representation to victims of discrimination.	<ol style="list-style-type: none"> 1. Establish a working group including HUD to examine HUD practices regarding concurrent investigations, and revise practices as needed. 	BFHC, MCAD, HUD
There is a need to improve language access for people with limited English speaking proficiency and others.	<ol style="list-style-type: none"> 1. Support efforts to increase FHIP and other funding for fair housing enforcement, including resources that provide representation to victims of discrimination. 	BFHC, MCAD, HUD
	<ol style="list-style-type: none"> 2. Support DND efforts to seek a waiver of the 15% limit on public service activities in the CDBG program in order to use more CDBG funds for fair housing activities. 	BFHC, MCAD, DND, HUD
There is a need for greater enforcement of prohibitions on housing discrimination based on source of income, sexual orientation and gender identity, and in on-line advertising.	<ol style="list-style-type: none"> 1. Encourage implementation of language assistance planning at MCAC, BFHC, and other fair housing agencies. 	BFHC, MCAD, HUD
	<ol style="list-style-type: none"> 2. Review and revise written materials used by fair housing enforcement agencies to a plain language standard. 	BFHC, MCAD, HUD
	<ol style="list-style-type: none"> 1. Engage in a coordinated, targeted enforcement effort focused on discrimination based on source of income, sexual orientation, and gender identity, and cyber discrimination. 	AG, BFHC, MCAD, HUD

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Private Housing: Expanded access to privately owned housing by people in protected classes is an essential feature of affirmatively furthering fair housing.</p>		
<p>The City has made tremendous progress in reducing the incidence of elevated blood levels of lead (EBLs) resulting from lead based paint, but racially concentrated neighborhoods continue to experience greater percentages of EBL cases, and higher rates of EBLs.</p>	<p>1. Continue targeting federal funds for lead paint hazard reduction to neighborhoods with greatest percentage of EBL cases, and highest rate of EBLs.</p>	<p>DND</p>
<p>Families with children using the Section 8 Housing Choice and Massachusetts Rental Voucher Programs are often denied housing when housing quality inspections detect the presence of lead-based paint.</p>	<p>1. Create a program to coordinate targeted use of lead hazard reduction funds in units with HCV and MRVP.</p>	<p>BFHC, DND, DHCD, MBHP, BHA</p>
	<p>2. Establish a comprehensive fair housing-lead paint testing and enforcement program and initiate enforcement actions to identify instances of discrimination based on receipt of rental assistance.</p>	<p>BFHC, MCAD, AGO, MBHP</p>
<p>There needs to be heightened awareness among real estate professionals, landlords, and jurisdictions in the metropolitan area of fair housing issues and obligations.</p>	<p>1. Fund and carry out fair housing education and training activities targeted at real estate professionals, landlords (including small landlords), and housing and planning departments in regional communities.</p>	<p>BFHC, GBFHC, DHCD, local housing partnerships, MBHP, GR Boston Real Estate Board</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Prejudice and Bias: Unfounded assumptions and fears about members of protected classes are an impediment to fair housing choice.</p>		
Community leaders in Boston, and in the region's cities and towns do not openly express a commitment to inclusive, diverse communities, and sometimes resist affordable housing that might promote inclusiveness.	<ol style="list-style-type: none"> 1. Create and carry out a curriculum promoting diversity for BPS students. 	BFHC, BPS
	<ol style="list-style-type: none"> 2. Form neighbor networks in Boston neighborhoods to promote inclusive, welcoming neighborhoods for newcomers 	BFHC, DNC, GBREB
	<ol style="list-style-type: none"> 3. Work with local housing partnerships to establish neighbor networks outside Boston to promote inclusive, welcoming communities for newcomers. 	BFHC, MHP, local communities, GBREB, MBHP, Commonwealth Housing Task Force
	<ol style="list-style-type: none"> 4. Work with state agencies to promote fair housing in the region. 	BFHC, DHCD, AGO, FHCGB, MBHP
	<ol style="list-style-type: none"> 5. Develop a press strategy to promote press coverage that enhances public understanding of fair housing. 	BFHC, GBFHC
A lack of awareness of fair housing laws impedes access to regional communities by individuals with limited English speaking ability.	<ol style="list-style-type: none"> 1. Fund and carry out LEP education and outreach targeted at housing and planning departments in regional communities. 	BFHC, DHCD, local housing partnerships
	<ol style="list-style-type: none"> 2. Develop LEP materials for CDBG communities 	BFHC, DHCD

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Land Use and Zoning: Land use policies preclude a fair and equal distribution of housing types within and among the region's communities, including rental and for-sale housing, multifamily and single family housing, and affordable and market rate housing.</p>		
Income limit and other inclusionary zoning policies do not facilitate access to IZ units by extremely low income and very low income households of color.	<ol style="list-style-type: none"> 1. Establish a working group to develop collaborative strategies to promote access by extremely low income and very low income households to IZ units by providing additional capital or rental subsidy, by granting additional zoning concessions, and similar mechanisms. 2. Market IZ units through the City's Home Center 	BFHC, DND, BRA, BHA, CHAPA
Off-site IZ units are often located in high poverty, racially concentrated locations.	<ol style="list-style-type: none"> 1. The collaborative working group should examine strategies for addressing the lack of land, and the cost of acquiring parcels for off-site IZ units in low poverty, integrated areas of the city. 	BFHC, DND, BRA
Both within Boston and throughout the region, public opposition to affordable housing in high opportunity areas impedes expanded housing choice.	<ol style="list-style-type: none"> 1. Fund an exclusionary zoning initiative to track the progress of land use applications for affordable housing in opportunity areas and use the initiative to insert fair housing considerations into land use decisions as a counterbalance to NIMBYism. 	BFHC, DCHD, Attorney General, GBFHC
A disproportionate number of large families are households of color. Housing set aside for elders, and for over-55 households, and zoning requirements that favor housing with smaller bedroom sizes have the effect of depriving families with children of housing opportunities.	<ol style="list-style-type: none"> 1. Advocate for City zoning officials and DHCD to limit the circumstances where age restricted housing and housing with small bedroom sizes are permitted in affordable units. 	BFHC, DND, BRA, DHCD, CHAPA

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Land Use and Zoning: Land use policies preclude a fair and equal distribution of housing types within and among the region's communities, including rental and for-sale housing, multifamily and single family housing, and affordable and market rate housing.</p>		
<p>Chapter 40B, the State's affordable housing law, is the subject of an initiative petition calling for its repeal. The 40-year old statute is currently the primary producer of affordable housing in opportunity locations, including the development of accessible affordable and market rate units for people with disabilities.</p>	<p>1. Join existing advocacy efforts to campaign against the repeal of Chapter 40B.</p>	<p>BFHC, GBFHC MBHP</p>
	<p>2. Advocate for additional legislation that will create stronger imperatives for suburban communities to encourage the development of affordable housing.</p>	<p>Advisory Committee, GBFHC CHAPA MBHP</p>
<p>The fair housing effects of local resident preferences are not known.</p>	<p>1. Support DHCD's study of effects of local resident selection preferences in housing that qualifies for the State Subsidized Housing inventory.</p>	<p>BFHC, Advisory Committee, GBFHC</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Federal Policies: Federal housing programs influence the availability and location of assisted housing, and exercise a profound affect on housing choice.</p>		
<p>Provisions in current federal housing programs do not provide for a balanced use of affordable housing resources in high poverty, racially concentrated areas targeted for revitalization and sites that would expand housing choice in high opportunity areas.</p>	<ol style="list-style-type: none"> Advocate for federal agencies to adopt policies in existing programs that encourage the use of affordable housing resources like NSP and Low income Housing Tax Credits in high opportunity locations as well as revitalizing places (including policies that address the additional costs of developing in high opportunity locations). Advocate for federal agencies to adopt policies in new programs like the Tax Credit Assistance Program and the Capital Magnet Fund, that balance the use of affordable housing resources in areas of high poverty and racial concentration targeted for revitalization and areas that will expand housing choice in high opportunity areas. 	<p>BFHC, DHCD, Advisory Committee, GBFHC, DHCD, HUD, Treasury Department</p> <p>BFHC, DHCD, Advisory Committee, GBFHC, HUD, Treasury Department</p>
<p>New federal housing proposals – including the Choice Neighborhoods, Sustainable Communities, and Transforming Rental Assistance initiatives, which represent opportunities to reshape federal housing policy to promote choice and fair housing – are facing challenges.</p>	<ol style="list-style-type: none"> Support the Choice Neighborhoods Initiative, the Sustainable Communities initiative, and the Transforming Rental Assistance initiative and advocate for policies that expand housing choice for low income families who are members of protected classes in areas of opportunity. 	<p>BFHC, DHCD, Advisory Committee, GBFHC, HUD, MBHP</p>
<p>Federal programs that support local and regional activities such as transportation, education, and economic development play an important role in shaping a region's "geography of opportunity," but they are neither coordinated among themselves nor with existing housing programs to expand housing opportunities.</p>	<ol style="list-style-type: none"> Advocate for regional approaches to federal housing, transportation, education, and job development programs that facilitate equitable access to opportunity for people living in high poverty, racially concentrated locations. 	<p>BFHC, DHCD, regional offices of federal agencies. MBHP</p>

Impediments and Fair Housing Actions

Impediment	Action	Responsible Partners
<p>Federal Policies: Federal housing programs influence the availability and location of assisted housing, and exercise a profound affect on housing choice.</p>		
<p>Federal efforts to combat housing discrimination lack the level of priority and coordination required to aggressively lead, and support fair housing enforcement at the local and state level.</p>	<ol style="list-style-type: none"> 1. Advocate for HUD to quickly adopt rules for affirmatively furthering fair housing. 2. Establish a comprehensive fair housing and fair lending testing and enforcement program and initiate enforcement actions. 	<p>BFHC, HUD</p> <p>BFHC, HUD, MCAD, other local FHAP, GBFHC, Attorney General, US Attorney, MBHP</p>

Appendix A

Advisory Committee

Victoria Williams, Chair
Executive Director
Boston Office of Civil Rights/Boston Fair Housing Commission

Marlena Richardson
Deputy Director
Boston Office of Civil Rights/Boston Fair Housing Commission

Dolores Acevedo-Garcia, PhD, MPA-URP
Associate Professor, Bouve College of Health Sciences
Associate Director, Institute on Urban Health Research
Northeastern University

Barbara Chandler
Fair Housing Manager
Metropolitan Boston Housing Partnership

Nadine Cohen
Managing Attorney, Consumer Rights Unit
Greater Boston Legal Services

Francisca Fajana
Race Equity Project Director
Massachusetts Law Reform Institute

Robert Gehret
Deputy Director, Policy Development and Research Division
Boston Department of Neighborhood Development

Deborah Goddard
Chief Counsel
Massachusetts Dept. of Housing and Community Development

David Harris
Managing Director
Charles Hamilton Houston Institute for Race and Justice

Malcolm S. Medley
Commissioner
Massachusetts Commission Against Discrimination

William G. Mullen, III
Legal Counsel & Director of Risk Management
Greater Boston Real Estate Board

Marilyn O'Sullivan
Deputy Director for Operations
Boston Housing Authority

Karen Weiner
Deputy Director
Citizens' Housing and Planning Association

Consultants
Bonnie Heudorfer and Henry Korman

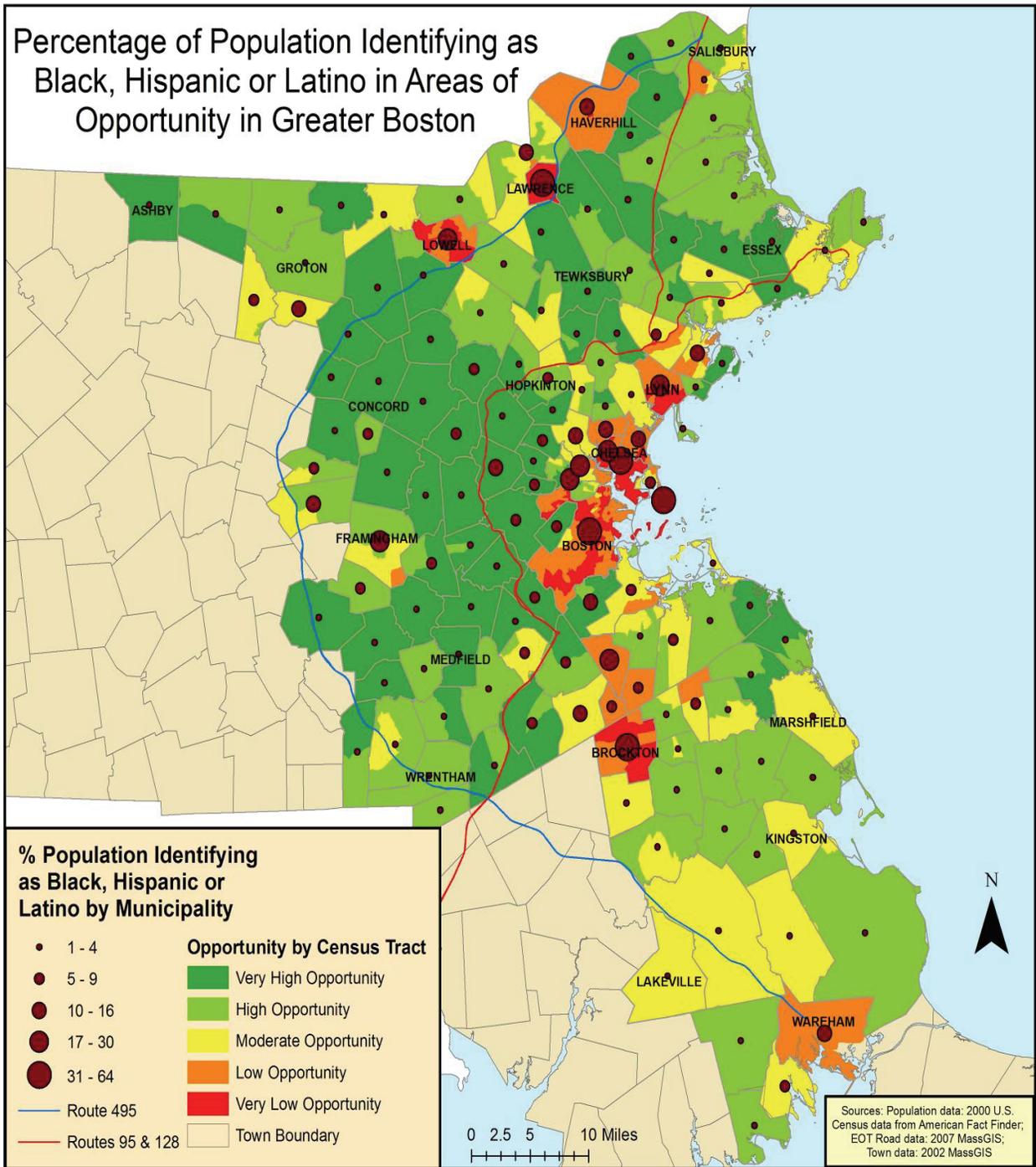
Appendix B

Metro Boston Municipalities and their “Opportunity” Ratings*

County	City/Town	Kirwan Classification	County	City/Town	Kirwan Classification	County	City/Town	Kirwan Classification
Plymouth	Abington	High	Plymouth	Hanson	High	Middlesex	Pepperell	High
Middlesex	Acton	Very High	Essex	Haverhill	Low	Norfolk	Plainville	High
Essex	Amesbury	High	Plymouth	Hingham	High	Plymouth	Plymouth	High
Essex	Andover	Very High	Norfolk	Holbrook	Low	Plymouth	Plympton	High
Middlesex	Arlington	Very High	Middlesex	Holliston	Very High	Norfolk	Quincy	Moderate
Middlesex	Ashby	Very High	Middlesex	Hopkinton	Very High	Norfolk	Randolph	Low
Middlesex	Ashland	High	Middlesex	Hudson	High	Middlesex	Reading	Very High
Norfolk	Avon	Low	Plymouth	Hull	Moderate	Suffolk	Revere	Low
Middlesex	Ayer	Moderate	Essex	Ipswich	High	Plymouth	Rochester	High
Middlesex	Bedford	Very High	Plymouth	Kingson	Moderate	Plymouth	Rockland	Moderate
Norfolk	Bellingham	Very High	Plymouth	Lakeville	Moderate	Essex	Rockport	High
Middlesex	Belmont	Very High	Essex	Lawrence	Very Low	Essex	Rowley	High
Essex	Beverly	High	Middlesex	Lexington	Very High	Essex	Salem	Low
Middlesex	Billerica	High	Middlesex	Lincoln	Very High	Essex	Salisbury	High
Suffolk	Boston	Low	Middlesex	Littleton	Very High	Essex	Saugus	Moderate
Middlesex	Boxborough	Very High	Middlesex	Lowell	Very Low	Plymouth	Scituate	Very High
Essex	Boxford	Very High	Essex	Lynn	Very Low	Norfolk	Sharon	Very High
Norfolk	Braintree	High	Essex	Lynnfield	Very High	Middlesex	Sherborn	Very High
Plymouth	Bridgewater	High	Middlesex	Malden	Low	Middlesex	Shirley	High
Plymouth	Brockton	Very Low	Essex	Manchester	Very High	Middlesex	Somerville	Moderate
Norfolk	Brookline	Very High	Essex	Marblehead	Very High	Middlesex	Stoneham	Moderate
Middlesex	Burlington	Very High	Plymouth	Marion	Moderate	Norfolk	Stoughton	Moderate
Middlesex	Cambridge	High	Middlesex	Marlborough	High	Middlesex	Stow	Very High
Norfolk	Canton	High	Plymouth	Marshfield	Moderate	Middlesex	Sudbury	Very High
Middlesex	Carlisle	Very High	Plymouth	Mattapoisett	High	Essex	Swampscott	Very High
Plymouth	Carver	Moderate	Middlesex	Maynard	High	Middlesex	Tewksbury	High
Middlesex	Chelmsford	Very High	Norfolk	Medfield	Very High	Essex	Topsfield	Very High
Suffolk	Chelsea	Very Low	Middlesex	Medford	Moderate	Middlesex	Townsend	Very High
Norfolk	Cohasset	Very High	Norfolk	Medway	Very High	Middlesex	Tyngsborough	Moderate
Middlesex	Concord	Very High	Middlesex	Melrose	High	Middlesex	Wakefield	High
Essex	Danvers	High	Essex	Merrimac	Very High	Norfolk	Walpole	High
Norfolk	Dedham	Very High	Essex	Methuen	Moderate	Middlesex	Waltham	Very High
Norfolk	Dover	Very High	Plymouth	Middleborough	Moderate	Plymouth	Wareham	Low
Middlesex	Dracut	High	Essex	Middleton	High	Middlesex	Watertown	Very High
Middlesex	Dunstable	Very High	Norfolk	Millis	High	Middlesex	Wayland	Very High
Plymouth	Duxbury	High	Norfolk	Milton	Very High	Norfolk	Wellesley	Very High
Plymouth	East Bridgewater	High	Essex	Nahant	High	Essex	Wenham	Moderate
Essex	Essex	Very High	Middlesex	Natick	Very High	Plymouth	West Bridgewater	Moderate
Middlesex	Everett	Low	Norfolk	Needham	Very High	Essex	West Newbury	Very High
Norfolk	Foxborough	Very High	Essex	Newbury	High	Middlesex	Westford	Very High
Middlesex	Framingham	Moderate	Essex	Newburyport	Moderate	Middlesex	Weston	Very High
Norfolk	Franklin	High	Middlesex	Newton	Very High	Norfolk	Westwood	Very High
Essex	Georgetown	High	Norfolk	Norfolk	Very High	Norfolk	Weymouth	Moderate
Essex	Gloucester	Moderate	Essex	North Andover	Very High	Plymouth	Whitman	High
Middlesex	Groton	High	Middlesex	North Reading	Very High	Middlesex	Wilmington	High
Essex	Groveland	Very High	Plymouth	Norwell	Very High	Middlesex	Winchester	Very High
Plymouth	Halifax	High	Norfolk	Norwood	Moderate	Suffolk	Winthrop	Moderate
Essex	Hampden	Very High	Essex	Peabody	Moderate	Middlesex	Woburn	High
Plymouth	Hanover	High	Plymouth	Pembroke	High	Norfolk	Wrentham	High

* Municipal opportunity ratings calculated by Nancy McArdle, based on *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, a 2009 study by the Kirwan Institute for the Study of Race and Ethnicity, Ohio State University

Percentage of Population Identifying as Black, Hispanic or Latino in Areas of Opportunity in Greater Boston



This map, which overlays the percentage greater Boston's population that identifies as Black or Latino over the Kirwan opportunity mapping data, illustrate how the highest percentages of people of color (31-64%) are clustered in areas of very low or low opportunity census tracts, primarily in the communities of Boston, Lynn, Chelsea, Haverhill, Lawrence, Lowell, and Brockton.

Source: Fair Housing Center of Greater Boston
 2009 http://bostonfairhousing.org/timeline/1970s-present-Local-Land_use-Regulations-1.html

**Summary of Impediments and Actions
(See attached)**

Impediment	Action	Responsible Partners	Timeframe
Federally-Assisted Housing	Suspension of federal preferences in the tenant selection process for public housing and the Section 8 program.	BFHC, HUD	1997 & 1998
	1. Request that HUD assess impact of this legislation and require PHAs to demonstrate that it will not adversely affect efforts to affirmatively further fair housing.		
	2. Request that MHFA assess impact of the suspension and maintain federal preferences wherever disparate impact is anticipated.	BFHC, MHFA	1997 & 1998
Delay in turnover of Section 8 certificates.	1. Request that Congress take steps to eliminate delay in turnover of Section 8 certificates.	BFHC, BHA, Metro-Boston PHAs	1997 & 1998
The supply of affordable housing is expected to decline when (1) project-based Section 8 contracts expire; and (2) when property owners are in a position to pre-pay their federally-subsidized mortgages.	1. Present information on these concerns to HUD; develop strategy to address issue.	HUD, Mayor's Housing Advisor, Greater Boston Real Estate Board, and community groups	1997 & 1998
Rent levels for Section 8 certificates are too low to allow home-seekers to have many housing options outside of core city areas.	1. BHA to survey current private market rent levels; provide results to HUD and Congress. Use data to advocate for higher Section 8 rent levels.	BHA, HUD, MA Congressional delegation	1998
Section 8 certificate-holders need to be more aware of housing opportunities outside their current neighborhoods.	1. Continue Metrolist and Affirmative Marketing programs to inform residents about housing options; implement 2 new regional mobility programs.	BFHC	Ongoing
Households seeking state- and federally-assisted housing have limited information about opportunities outside their current neighborhoods.	2. Study other mobility programs for possible replication in Boston area. 1. Continue Metrolist Counseling to provide rental listing information on available housing in state- and federally-assisted developments.	BFHC BFHC	1998 Ongoing

Impediment	Action	Responsible Partners	Timeframe
<p>Federally-Assisted Housing</p>	<p>2. Continue to operate Neighbors Network, enlisting community mentors for newcomers to support housing mobility and choice.</p> <p>3. Work with metro-area Entitlement communities to develop affirmative marketing guidelines for CDBG programs and to list CDBG-assisted housing with Metrolist.</p>	<p>BFHC</p> <p>BFHC, HUD, metro-area Entitlement communities</p>	<p>Ongoing</p> <p>1998 & 1999</p>
<p>State-Assisted Housing</p>	<p>State-assisted public housing authorities may not reach affirmative action goals.</p>	<p>BFHC, DHCD</p>	<p>1997</p>
<p>Many minority and low-income home-seekers lack information about investor-owned government-assisted housing in non-Entitlement communities.</p>	<p>1. Work with DHCD to develop affirmative marketing guidelines for housing programs undertaken by non-Entitlement communities. Investor-owned CDBG-assisted housing to be listed with Metrolist.</p> <p>2. Request state DHCD to monitor and enforce its affirmative action goals and requirements.</p>	<p>BFHC, DHCD</p> <p>BFHC, DHCD</p>	<p>1997</p> <p>1997-1998</p>
<p>Private Housing</p>	<p>Some landlords avoid renting to families because they must de-lead their properties.</p>	<p>Public Facilities Department</p>	<p>Ongoing</p>
<p>Informal brokering of private housing prevents those who do not already reside in a community from moving in.</p>	<p>1. Educate home-seekers about informal networks & housing search techniques.</p> <p>2. Develop an outreach strategy to generate private listings.</p>	<p>BFHC</p> <p>BFHC</p>	<p>Ongoing</p> <p>1997-1998</p>

Impediment	Action	Responsible Partners	Timeframe
Private Housing			
Home-seekers who do not own cars cannot pursue housing in communities that lack public transportation.	1. Use federal AI process to analyze impact of public transportation on housing choice; recommend changes.	BFHC, HUD, state and federal transportation departments	1998
Fair housing supporters may work in isolation across metropolitan borders.	1. Identify and share information about successful fair housing programs, and sponsor fair housing conferences.	BFHC, Metropolitan Boston fair housing agencies	1999 & 2001
Real estate professionals may need education to be effective supporters of fair housing.	1. Educate real estate professionals and mortgage officers on housing opportunities and mortgage financing, access, credit scoring, and fair appraisal. 2. Promote inclusion of fair housing principles in curriculum for state's Ongoing Broker Education Program (January 1999).	BFHC, Federal Reserve Bank	1998 & 1999
Lending Practices			
Discriminatory mortgage lending practices hinder minority homebuyers' access to private housing.	1. Monitor lending practices to assess their impact on housing opportunities and report periodically to Fair Housing Advisory Committee.	BFHC, Massachusetts Board of Registration for Real Estate Brokers and Salespersons	1998 & 1999
Homeowners' Insurance			
Discriminatory insurance industry practices reduce access to affordable private homeowners' insurance for predominantly minority, inner-city homeowners.	1. Monitor homeowners' insurance programs to assess their impact on fair housing opportunities and report periodically to Fair Housing Advisory Committee.	BFHC, FHAC, MAHA	Ongoing
Housing for Persons with Disabilities			
Disabled home-seekers are forced to rely on the limited supply of accessible public housing.	1. Support voucher programs for persons with disabilities.	BFHC, CPWD, supported-housing groups	1997 -2001

Impediment	Action	Responsible Partners	Timeframe
<p>Housing for Persons with Disabilities</p>			
<p>Many private property owners refrain from making their housing handicapped-accessible because of cost.</p>	<p>1. Lobby for state and federal legislation which offers incentives for landlords to make properties accessible to persons with disabilities.</p>	<p>BFHC, CPWD, supported-housing groups</p>	<p>1997-2001</p>
<p>Pressure to prohibit or limit the placement of persons with disabilities in public housing for elderly.</p>	<p>1. Work with supported-housing groups to influence development of a federal policy sensitive to the needs of persons with disabilities.</p>	<p>BFHC, CPWD, supported-housing groups</p>	<p>1998 & 1999</p>
	<p>2. Conduct research to determine availability of training on how to manage mixed-population housing.</p>	<p>BFHC, CPWD</p>	<p>1998 & 1999</p>
<p>Community opposition to the siting of housing for persons with disabilities, and the lack of affordable housing opportunities in many communities.</p>	<p>1. Finalize an agreement regarding the siting of residential programs in Boston; use as a model for siting residential programs state-wide.</p>	<p>City of Boston, EOHHS</p>	<p>1997</p>
	<p>2. Provide resources to develop community education effort about residential development for persons with disabilities.</p>	<p>City of Boston</p>	<p>1998</p>
	<p>3. Provide resources to monitor compliance with siting agreement.</p>	<p>City of Boston</p>	<p>1998-2001</p>
<p>City of Boston Zoning Code may impede housing choice for persons with disabilities.</p>	<p>1. Work with agencies to review provisions of Zoning Code to ensure they are consistent with Fair Housing Act.</p>	<p>BFHC, CPWD, BRA, ISD, and the Zoning Board</p>	<p>1998 & 1999</p>
<p>Prejudice and Bias</p>			
<p>Need for more concerted public efforts to address prejudice and bias.</p>	<p>1. The Fair Housing Advisory Committee to remain intact to work with the BFHC to implement Fair Housing Plan.</p>	<p>FHAC, BFHC</p>	<p>1997-2001</p>
	<p>2. Obtain Title VIII Substantial Equivalency certification to investigate and enforce fair housing laws.</p>	<p>BFHC</p>	<p>1997</p>

XIII. Summary of Impediments & Actions

Impediment Action Responsible Partners Timeframe

Prejudice and Bias

<p>Lack of understanding of scope and depth of housing discrimination experienced by Boston residents.</p>	<p>3. Convene City of Boston inter-departmental committee to ensure City's policy of equal access is coordinated and monitored.</p>	<p>BFHC, BRA, BHA, PFD, ISD, the Rental Housing Resource Center, and the Emergency Shelter Commission</p>	<p>1998</p>
<p>A negative image of schools, safety, and transportation deters home-seekers from exercising housing choice.</p>	<p>4. Continue to work with state to coordinate fair housing efforts in metropolitan area.</p>	<p>BFHC, DHCD</p>	<p>1997-2001</p>
<p>Community leaders have failed to promote a public commitment to ensuring that their neighborhoods are inclusive.</p>	<p>1. Develop testing program to identify and analyze types of discrimination in Boston.</p>	<p>BFHC, HUD</p>	<p>1998</p>
<p>Discrimination and hate-based violence impedes housing.</p>	<p>1. Work with City departments to promote a more positive image of city life.</p> <p>1. Articulate broader vision of fair housing to promote inclusive neighborhoods.</p> <p>2. Identify successful fair housing models.</p> <p>3. Form neighborhood coalitions to support fair housing in Boston.</p> <p>4. Encourage BPS students to participate in educational programs promoting diversity.</p> <p>5. Work for Boston to adopt best practices of other communities.</p> <p>6. Create and maintain fair housing library.</p> <p>7. Continue Healthy Boston ESL Project to help immigrant newcomers.</p>	<p>BFHC, Office of Neighborhood Services (ONS), BPS, Office of Cultural Affairs, and Parks and Recreation Department</p> <p>BFHC, FHAC, Mayor's Office</p> <p>BFHC, FHAC, metro-Boston fair housing agencies</p> <p>OCR, BFHC, Mayor's Office, ONS, other City departments and community leaders</p> <p>OCR, School Department, ADL</p> <p>BFHC, FHAC, metro-Boston fair housing agencies</p> <p>BFHC</p> <p>OCR, Healthy Boston ESL Project</p> <p>BFHC, MCAD, Police Department (CDU), and U.S. Justice Department's Community Relations Office</p>	<p>1997-2001</p> <p>1998</p> <p>1998-2001</p> <p>1998</p> <p>1998-2001</p> <p>1998-2001</p> <p>1998-2001</p> <p>1998</p> <p>1997</p>

Impediment	Action	Responsible Partners	Timeframe
<p>Prejudice and Bias</p> <p>Many landlords, tenants, homesellers and homebuyers do not understand fair housing laws.</p>	<ol style="list-style-type: none"> 1. Develop multi-lingual fair housing materials for public dissemination. 2. Work with GBREB to develop fair housing workshops for property owners and managers 3. Provide fair housing training for mobility program staff and clients. 	<p>BFHC</p> <p>BFHC, Greater Boston Real Estate Board</p>	<p>Ongoing</p> <p>1998</p>
<p>Many reporters do not understand fair housing.</p>	<ol style="list-style-type: none"> 1. Develop a press strategy to promote press coverage that enhances public understanding of fair housing. 	<p>BFHC, City of Boston's Press Office</p>	<p>1998</p>

Appendix D

Demographic Tables

Table D-1 Total Disabilities Tallied, Boston

Category of Disability	Number	Percent of all Tallied Disabilities
Sensory	15,798	7.9%
Physical	37,895	18.9%
Mental	26,882	13.4%
Self-Care	15,020	7.5%
Go-Outside-the-Home	49,645	24.7%
Employment	55,445	27.6%
Total Tallied	200,685	100.0%

Source: U.S. Decennial Census, 2000

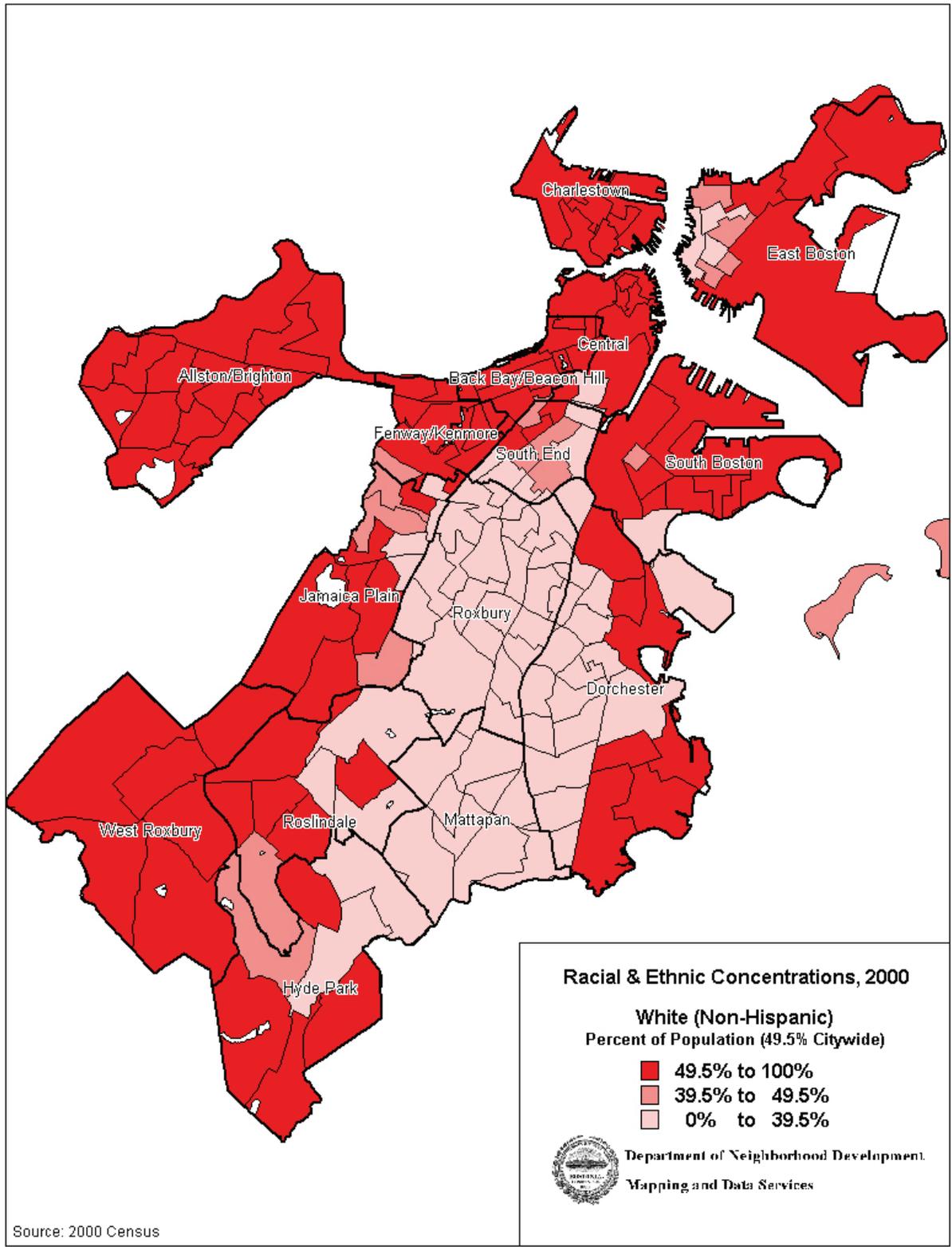
Table D-2 People with Disabilities by Age, Race, and Disability

	White Alone, Not Hispanic	% of Racial/Ethnic Group w Disability	Black Alone	% of Racial/Ethnic Group w Disability	Asian Alone	% of Racial/Ethnic Group w Disability	Hispanic	% of Racial/Ethnic Group w Disability	Total
Total disabilities tallied:	94,310	47.0%	61,243	30.5%	14,115	7.0%	34,802	17.3%	200,685
5 to 15 years:	1,270	20.9%	2,798	46.1%	340	5.6%	1,929	31.8%	6,064
Sensory disability	116	15.9%	305	41.9%	48	6.6%	276	37.9%	728
Physical disability	158	19.1%	353	42.6%	24	2.9%	268	32.3%	829
Mental disability	822	24.0%	1,615	47.1%	198	5.8%	981	28.6%	3,426
Self-care disability	174	16.1%	525	48.6%	70	6.5%	404	37.4%	1,081
16 to 64 years:	58,432	41.2%	46,753	33.0%	10,689	7.5%	29,648	20.9%	141,833
Sensory disability	3,706	51.5%	1,855	25.8%	416	5.8%	1,450	20.1%	7,203
Physical disability	8,959	44.7%	6,952	34.7%	948	4.7%	3,602	18.0%	20,058
Mental disability	7,623	48.1%	4,410	27.8%	1,341	8.5%	2,972	18.7%	15,852
Self-care disability	2,963	42.0%	2,166	30.7%	569	8.1%	1,652	23.4%	7,047
Go-outside-home disability	12,095	33.4%	13,289	36.7%	3,500	9.7%	8,681	24.0%	36,228
Employment disability	23,086	41.6%	18,081	32.6%	3,915	7.1%	11,291	20.4%	55,445
65 years and over:	34,608	65.6%	11,692	22.1%	3,086	5.8%	3,225	6.1%	52,788
Sensory disability	5,368	68.2%	1,621	20.6%	447	5.7%	428	5.4%	7,867
Physical disability	11,277	66.3%	3,852	22.6%	818	4.8%	991	5.8%	17,008
Mental disability	4,692	61.7%	1,694	22.3%	587	7.7%	632	8.3%	7,604
Self-care disability	4,514	65.5%	1,568	22.8%	396	5.7%	380	5.5%	6,892
Go-outside-home disability	8,757	65.3%	2,957	22.0%	838	6.2%	794	5.9%	13,417

Source: U.S. Decennial Census, 2000

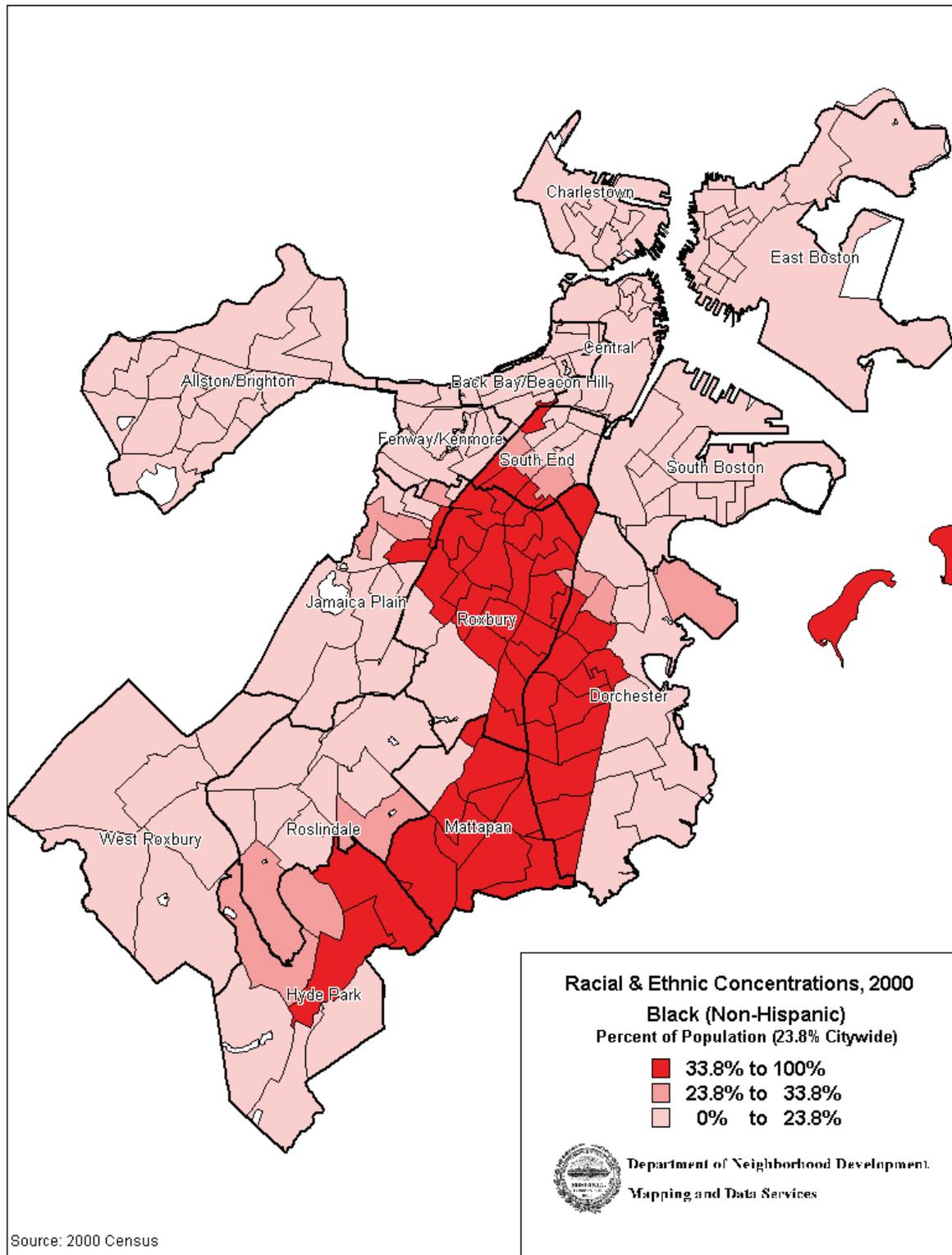
Map D-1

Racial and Ethnic Concentration, Boston's White Non-Hispanic Residents



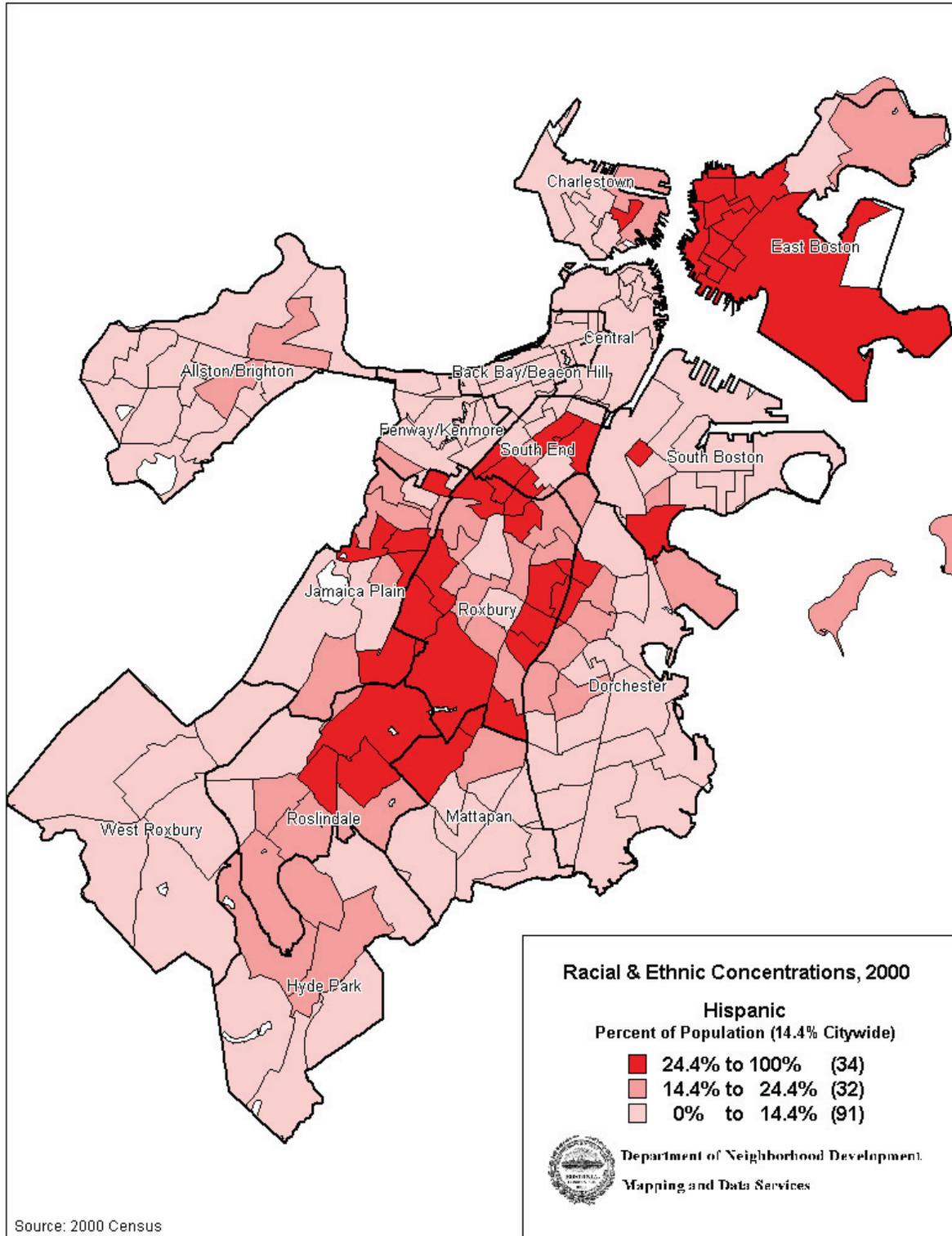
Map D-2

Racial and Ethnic Concentration, Boston's Black Residents



Map D-3

Racial and Ethnic Concentration, Boston's Hispanic Residents



Map D-4

Racial and Ethnic Concentration, Boston's Asian Residents

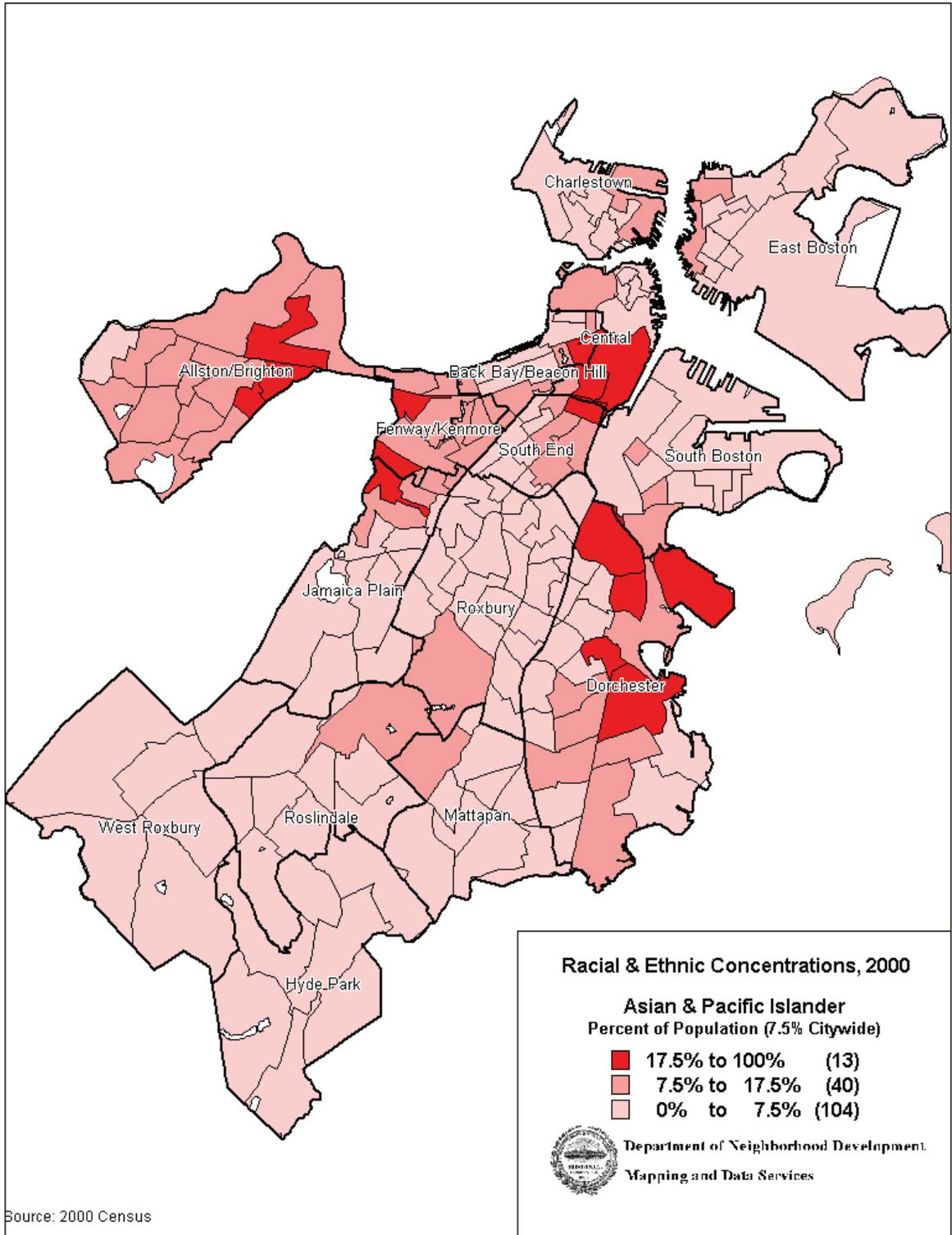


Table D-3 People with Disabilities in Boston Neighborhoods in 2000

Planning District	Total*	5 to 15 years	With a disability	16 to 20 years	With a disability	21 to 64 years	With a disability	65 to 74 years	With a disability	75 years and over	With a disability	Total with a disability
Boston Citywide	548,799	72,182	5,025	50,324	8,104	368,831	80,856	30,530	11,642	26,932	14,626	120,253
%	100.0	13.2	0.9	9.2	1.5	67.2	14.7	5.6	2.1	4.9	2.7	0.2
East Boston	35,455	5,398	294	2,590	687	23,017	7,637	2,092	934	2,358	1,414	10,966
%	100	15.2	0.8	7.3	1.9	64.9	21.5	5.9	2.6	6.7	4	30.9%
Charlestown	14,336	1,700	131	491	110	10,485	1,556	1,031	391	629	380	2,568
%	100	11.9	0.9	3.4	0.8	73.1	10.9	7.2	2.7	4.4	2.7	17.9%
South Boston	27,990	3,470	224	1,265	191	19,603	4,042	1,982	727	1,670	812	5,996
%	100	12.4	0.8	4.5	0.7	70	14.4	7.1	2.6	6	2.9	21.4%
Central	23,749	912	101	1,573	208	17,197	2,352	1,945	690	2,122	1,143	4,494
%	100	3.8	0.4	6.6	0.9	72.4	9.9	8.2	2.9	8.9	4.8	18.9%
Back Bay - Beacon Hill	25,662	442	15	1,851	269	21,251	1,984	1,264	231	854	393	2,892
%	100	1.7	0.1	7.2	1	82.8	7.7	4.9	0.9	3.3	1.5	11.3%
South End	26,882	2,585	186	1,456	306	20,577	4,140	1,354	554	910	527	5,713
%	100	9.6	0.7	5.4	1.1	76.5	15.4	5	2.1	3.4	2	21.3%
Fenway-Kenmore	35,807	699	54	13,679	898	19,735	2,499	807	402	887	523	4,376
%	100	2	0.2	38.2	2.5	55.1	7	2.3	1.1	2.5	1.5	12.2%
Allston-Brighton	66,899	3,581	240	6,425	743	50,672	6,978	2,966	1,044	3,255	1,760	10,765
%	100	5.4	0.4	9.6	1.1	75.7	10.4	4.4	1.6	4.9	2.6	16.1%
Jamaica Plain	34,915	4,110	378	2,106	414	25,436	5,141	1,751	717	1,512	891	7,541
%	100	11.8	1.1	6	1.2	72.9	14.7	5	2.1	4.3	2.6	21.6%
Roxbury	51,005	11,686	923	4,404	996	30,080	9,894	2,772	1,227	2,063	1,235	14,275
%	100	22.9	1.8	8.6	2	59	19.4	5.4	2.4	4	2.4	28.0%
Dorchester	25,671	4,673	363	2,079	523	16,651	4,606	1,296	654	972	569	6,715
%	100	18.2	1.4	8.1	2	64.9	17.9	5	2.5	3.8	2.2	26.2%
Dorchester	58,721	11,681	660	4,524	1,118	36,977	10,756	3,127	1,328	2,412	1,296	15,158
%	100	19.9	1.1	7.7	1.9	63	18.3	5.3	2.3	4.1	2.2	25.8%
Dorchester (combined)	84,392	16,354	1,023	6,603	1,641	53,628	15,362	4,423	1,982	3,384	1,865	21,873
%	100%	19.40%	1.20%	7.80%	1.90%	63.50%	18.20%	5.20%	2.30%	4.00%	2.20%	25.9%
Mattapan	34,215	7,943	555	2,677	575	20,972	6,368	1,676	731	947	609	8,838
%	100	23.2	1.6	7.8	1.7	61.3	18.6	4.9	2.1	2.8	1.8	25.8%
Roslindale	31,549	4,998	486	2,050	444	20,938	4,715	1,953	631	1,610	694	6,970
%	100	15.8	1.5	6.5	1.4	66.4	14.9	6.2	2	5.1	2.2	22.1%
West Roxbury	25,982	3,191	135	1,047	148	16,567	3,042	2,446	673	2,731	1,403	5,401
%	100	12.3	0.5	4	0.6	63.8	11.7	9.4	2.6	10.5	5.4	20.8%
Hyde Park	29,323	5,106	280	2,107	474	18,079	4,813	2,057	708	1,974	951	7,226
%	100	17.4	1	7.2	1.6	61.7	16.4	7	2.4	6.7	3.2	24.6%

* Non-institutionalized population 5 yrs & over

Source: Boston Population 2000: Selected Social Characteristics (Boston Redevelopment Authority, 2003)

Table D-4 Self Care Disability by Age and Employment Status, Boston v Balance of Metro, 2000-2005/2007

Sex by Age by Self Care Disability Status*	2000				2005-2007				% Change 2000 - 2005/2007		
	5 county total	Boston city	Boston's share	Balance	5 county total	Boston city	Boston's share	Balance	5 county total	Boston city	Balance
Total:	3,113,418	476,617	15.3%	2,636,801	3,194,109	493,007	15.4%	2,701,102	2.6%	3.4%	2.4%
# with a self-care disability	77,163	14,660	19.0%	62,503	85,482	15,737	18.4%	69,745	10.8%	7.3%	11.6%
% with a self-care disability	2.5%	3.1%		2.4%	2.7%	3.2%		2.6%			
16 to 64 years:	2,632,056	419,155	15.9%	2,212,901	2,710,619	434,298	16.0%	2,276,321	3.0%	3.6%	2.9%
# with a self-care disability	35,693	7,658	21.5%	28,035	41,799	8,085	19.3%	33,714	17.1%	5.6%	20.3%
% with a self-care disability	1.4%	1.8%		1.3%	1.5%	1.9%		1.5%			
65 to 74 years:	256,030	30,530	11.9%	225,500	249,694	30,771	12.3%	218,923	-2.5%	0.8%	-2.9%
# with a self-care disability	11,194	2,200	19.7%	8,994	11,568	2,229	19.3%	9,339	3.3%	1.3%	3.8%
% with a self-care disability	4.4%	7.2%		4.0%	4.6%	7.2%		4.3%			
75 years and over:	225,332	26,932	12.0%	198,400	233,796	27,938	11.9%	205,858	3.8%	3.7%	3.8%
# with a self-care disability	30,276	4,802	15.9%	25,474	32,115	5,423	16.9%	26,692	6.1%	12.9%	4.8%
% with a self-care disability	13.4%	17.8%		12.8%	13.7%	19.4%		13.0%			

* Civilian Non-Institutionalized Population Age 16 and Over

Source: U.S. Decennial Census, 2000; American Community Survey, 2005-2007

Table D-5 Foreign Born Population in Boston

Name	Total Pop.	Foreign Born	Percent	Largest Groups in Neighborhoods with Greater Than Average Foreign Born Population
East Boston	38,413	16,051	41.8%	El Salvador, Columbia, Brazil, Italy, Vietnam
Charlestown	15,195	2,111	13.9%	
S. Boston	29,965	3,717	12.4%	
Central	25,173	6,769	26.9%	
Back Bay-Beacon Hill	26,721	4,139	15.5%	
South End	28,239	5,809	20.6%	
Fenway-Kenmore	35,602	7,701	21.6%	
Allston-Brighton	69,648	22,016	31.6%	China, Brazil, Russia, Ireland, Ukraine
Jamaica Plain	38,196	8,702	22.8%	
Roxbury	56,658	11,586	20.4%	
N. Dorchester	28,775	9,910	34.4%	
S. Dorchester	63,340	19,857	31.3%	
Dorchester Combined	92,115	29,767	32.3%	Vietnam, Haiti, Jamaica, Dominican Republic, Trinidad & Tobago
Mattapan	37,607	11,249	29.9%	Haiti, Jamaica, Trinidad & Tobago, Barbados, Dominican Republic
Roslindale	34,618	9,052	26.1%	Haiti, Dominican Republic, Greece, China, Ireland
W. Roxbury	28,753	4,929	17.1%	
Hyde Park	31,598	8,186	25.9%	Haiti, Jamaica, Dominican Republic, Nigeria, Trinidad & Tobago
Total	588,501	151,836	25.8%	
Total in Concentrated Planning DistrictD		98,855	65.1%	

Source: Boston Redevelopment Authority, Census 2000 Neighborhood and Subneighborhood Reports; Boston Redevelopment Authority, New Bostonians 2005 **Denotes Racially Concentrated Area, White Concentrated Area**

Table D-6 Percent of Foreign Born Population with Linguistic Isolation* by Language Group

Name	Total Population	# Foreign Born	% Foreign Born	Spanish	Indo-European	Asian-Pacific	Other	Total
East Boston	38,413	16,051	41.8%	27.0%	6.3%	2.4%	0.6%	36.3%
Charlestown	15,195	2,111	13.9%	5.0%	1.3%	2.9%	0.4%	9.6%
S. Boston	29,965	3,717	12.4%	4.3%	2.2%	2.6%	0.1%	9.2%
Central	25,173	6,769	26.9%	0.8%	3.1%	13.7%	0.0%	17.6%
Back Bay-Beacon Hill	26,721	4,139	15.5%	0.9%	2.0%	1.2%	0.3%	4.4%
South End	28,239	5,809	20.6%	7.6%	1.1%	6.6%	0.8%	16.1%
Fenway-Kenmore	35,602	7,701	21.6%	2.8%	3.1%	4.0%	0.5%	10.4%
Allston-Brighton	69,648	22,016	31.6%	3.4%	8.1%	6.6%	0.6%	18.7%
Jamaica Plain	38,196	8,702	22.8%	9.6%	2.8%	3.3%	0.8%	16.5%
Roxbury	56,658	11,586	20.4%	10.7%	4.1%	0.4%	0.6%	15.8%
N. Dorchester	28,775	9,910	34.4%	5.8%	10.2%	8.4%	0.1%	24.5%
S. Dorchester	63,340	19,857	31.3%	3.8%	6.8%	6.1%	0.3%	17.0%
Dorchester Combined	92,115	29,767	32.3%	4.2%	7.4%	6.4%	0.2%	18.3%
Mattapan	37,607	11,249	29.9%	5.5%	8.1%	0.2%	0.5%	14.3%
Rosindale	34,618	9,052	26.1%	7.3%	7.8%	2.5%	1.1%	18.7%
W. Roxbury	28,753	4,929	17.1%	1.7%	3.7%	1.1%	1.2%	7.7%
Hyde Park	31,598	8,186	25.9%	4.4%	7.3%	0.9%	0.3%	12.9%
City Total	588,501	151,836	25.8%	6.5%	5.3%	4.0%	0.5%	16.3%

* Linguistic isolation includes population that speaks English less than "very well."

Source: Boston Redevelopment Authority, *Census 2000 Neighborhood and Subneighborhood Reports*

Table D-7 Metropolitan Boston Segregation Indices - A

	Asian		Black		Latino		White		Other		Total	
Boston City	46,419	19%	151,246	49%	85,089	25%	291,561	7%	14,826	17%	589,141	11%
	8%		26%		14%		49%		3%		100%	
Urban Core [^]	87,179	36%	192,563	62%	144,041	41%	596,593	14%	25,331	29%	1,045,707	20%
	8%		18%		14%		57%		2%		100%	
Satellite Cities ^{**}	39,809	16%	50,983	16%	116,726	34%	549,907	13%	25,189	29%	782,614	15%
	5%		7%		15%		70%		3%		100%	
Suburbs	115,389	48%	67,981	22%	86,475	25%	3,152,154	73%	37,073	42%	3,459,072	65%
	3%		2%		2%		91%		1%		100%	
Metro Area	242,377	100%	311,527	100%	347,242	100%	4,298,654	100%	87,593	100%	5,287,393	100%
	5%		6%		7%		81%		2%		100%	

[^] Includes Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Somerville, Waltham

^{**} Includes Attleboro, Brockton, Fall River, Fitchburg, Gloucester, Lawrence, Leominster, Lowell, New Bedford, Worcester

Source: Stuart, Guy, *Boston At The Crossroads*, Working Paper No. 12 (Rappaport Institute for Greater Boston and Taubman Center for State and Local Government, 2004)

Table D-8 Metropolitan Boston Segregation Indices - B

Tract Level	Isolation				Evenness				Clustering			
	Asian	Black	Latino	White	Asian	Black	Latino	White	Asian	Black	Latino	White
Boston	17.8%	57.4%	24.9%	67.6%	0.44	0.61	0.37	0.54	1.75	1.71	1.35	1.36
Urban Core*	15.9%	47.0%	25.3%	69.8%	0.36	0.56	0.39	0.46	1.33	1.91	1.27	1.26
Satellite Cities**	15.4%	14.2%	36.9%	76.9%	0.43	0.4	0.49	0.43	2.3	1.75	1.7	1.14
Suburbs	8.2%	6.9%	9.6%	91.8%	0.42	0.39	0.4	0.34	1.83	2.81	2.1	1
Metro	12.2%	32.9%	25.3%	86.9%	0.44	0.59	0.55	0.51	1.83	3.66	2.33	1.1

*Includes Boston, Cambridge, Chelsea, Everett, Lynn, Malden, Somerville, Waltham

**Includes Attleboro, Brockton, Fall River, Fitchburg, Gloucester, Lawrence, Leominster, Lowell, New Bedford, Worcester

Source: Stuart, Guy, Boston at the Crossroads (Rappaport Institute for Greater Boston, December 14, 2004)

Table D-9 Demographic Comparison of South End and Jamaica Plain Census Tracts

Neighborhood	Census Tract	Median white (non Hisp) family income/Median black family income	Median white (non Hisp) family income/Median Hispanic family income	Blk % Poverty	Asian % Poverty	Hisp % Poverty	Wht Not Hisp % Poverty
South End	0707.00	4.14	5.20	13.6%	26.6%	28.0%	5.4%
South End	0708.00	4.18	3.63	21.1%	36.3%	16.2%	14.0%
South End	0709.00	3.81	3.96	35.5%	11.8%	48.6%	10.8%
South End	0705.00	7.07	7.24	55.9%	10.3%	47.2%	5.9%
South End	0804.00	1.75	1.91	29.8%	NA	29.3%	11.8%
South End	0711.00	2.61	3.12	35.1%	44.5%	32.5%	16.9%
South End	0805.00	1.52	2.61	36.1%	75.7%	46.9%	35.8%
South End	0712.00	6.70	6.27	66.8%	15.1%	45.8%	32.6%
Jamaica Plain	1201.02	1.10	1.00	0.0%	8.9%	15.3%	5.0%
Jamaica Plain	1206.00	1.66	1.29	22.6%	7.4%	28.2%	12.6%
Jamaica Plain	1204.00	2.22	2.30	9.6%	0.0%	13.1%	8.8%
Jamaica Plain	1201.01	0.78	2.99	15.8%	0.0%	21.9%	8.9%
Jamaica Plain	0809.00	5.71	2.62	47.1%	38.4%	54.3%	32.1%
Jamaica Plain	0811.00	1.37	1.26	11.6%	13.2%	27.2%	25.8%
Jamaica Plain	1202.00	1.46	1.55	16.7%	3.4%	25.9%	10.5%
Jamaica Plain	1207.00	1.66	2.38	14.2%	0.0%	30.7%	13.6%
Jamaica Plain	1205.00	1.11	1.08	20.4%	9.5%	17.3%	18.6%
Jamaica Plain	0808.00	6.66	6.72	53.3%	16.5%	39.3%	14.2%
Jamaica Plain	0812.00	2.01	2.09	50.0%	48.6%	38.6%	49.6%
Jamaica Plain	0810.00	0.52	0.86	30.4%	29.4%	41.6%	31.3%

Comparable data not available for South End census tracts 704 and 706

Source: Decennial Census 2000

Table D-10 Income, Poverty, and Racial Concentration of Boston Planning Districts

Name	Total Population	% Minority	Median Income	% of City	% of MSA	Poverty Rate	% College	% Non-Family
East Boston	38,413	50.33%	\$31,310	79.0%	56.7%	19.5%	4.7%	7.2%
Charlestown	15,195	21.38%	\$56,110	141.6%	101.7%	17.5%	6.7%	12.3%
S. Boston	29,965	15.48%	\$40,311	101.7%	73.0%	17.3%	6.8%	13.0%
Central	25,173	30.42%	\$46,841	118.2%	84.9%	16.9%	14.6%	13.8%
Back Bay-Beacon Hill	26,721	15.22%	\$66,427	167.6%	120.4%	10.3%	22.5%	13.5%
South End	28,239	54.74%	\$41,590	104.9%	75.4%	23.9%	12.5%	17.6%
Fenway-Kenmore	35,602	30.52%	\$23,356	58.9%	42.3%	37.3%	67.2%	29.0%
Allston-Brighton	69,648	31.32%	\$38,941	98.3%	70.6%	23.0%	27.7%	30.3%
Jamaica Plain	38,196	50.18%	\$41,524	104.8%	75.2%	20.9%	14.5%	21.5%
Roxbury	56,658	95.16%	\$27,133	68.5%	49.2%	27.1%	6.5%	5.3%
N. Dorchester	28,775	64.41%	\$36,193	91.3%	65.6%	20.8%	8.8%	11.7%
S. Dorchester	63,340	69.98%	\$39,587	99.9%	71.7%	17.3%	7.2%	8.4%
Dorchester Combined	92,115	68.24%	\$37,890	95.6%	68.7%	19.1%	8.0%	10.1%
Mattapan	37,607	96.19%	\$32,748	82.6%	59.3%	22.3%	7.1%	4.2%
Roslindale	34,618	44.20%	\$46,846	118.2%	84.9%	13.6%	8.6%	11.2%
W. Roxbury	28,753	16.43%	\$53,607	135.3%	97.1%	6.4%	6.8%	6.2%
Hyde Park	31,598	56.88%	\$44,704	112.8%	81.0%	10.4%	7.4%	5.4%
Total	588,501	50.50%	\$39,629	100.0%	71.8%	19.5%	15.1%	14.2%

Denotes Racially Concentrated Area Based on All Non-White Racial and Ethnic Groups
 Denotes White Concentrated Area, Based on All Non-White Racial and Ethnic Groups
 Denotes greater than average poverty

Source: Boston Redevelopment Authority, Census 2000 Neighborhood and Subneighborhood Reports

Table D-11 Travel Time to Work and Means of Transportation

Total Population	Tract % Minority	% of Total taking less than 30 minutes	% of those w <=30 minute commute using public transportation	% of Total taking 30-44 minutes	% of those w 30-44 minute commute using public transportation	% of Total taking 45-59 minutes	% of those w 45-59 minute commute using public transportation	% of Total taking more than 60 minutes	% of those w 60 minute or + commute using public transportation	Commuters on public transportation w a 60 minute + commute as % of all commuters	% Working Outside Boston
34,653	<10%	60.4%	16.2%	26.7%	41.5%	8.0%	41.9%	4.9%	40.3%	2.0%	32.8%
30,108	10-<20%	59.4%	13.6%	27.1%	32.3%	8.2%	48.0%	5.3%	39.1%	2.1%	38.4%
37,024	20-<30%	54.7%	22.7%	28.2%	48.5%	11.6%	59.4%	5.6%	53.0%	2.9%	39.4%
47,779	30-<40%	55.5%	20.3%	27.1%	45.4%	10.1%	59.0%	7.2%	59.0%	4.2%	33.4%
23,381	40-<50%	52.2%	23.0%	29.8%	48.9%	10.9%	56.6%	7.1%	52.3%	3.7%	33.3%
22,119	50-<60%	51.5%	25.7%	29.3%	51.8%	9.9%	61.4%	9.2%	62.4%	5.8%	32.9%
15,785	60-<70%	45.7%	20.8%	31.2%	42.7%	11.2%	57.3%	11.9%	62.2%	7.4%	33.3%
10,281	70-<80%	47.2%	20.5%	31.0%	42.7%	12.2%	48.9%	9.5%	55.5%	5.3%	31.1%
13,411	80-<90%	43.5%	13.6%	29.1%	35.7%	14.9%	54.0%	12.5%	65.1%	8.2%	29.8%
37,208	90-100%	40.5%	14.9%	31.1%	39.5%	13.3%	56.4%	15.1%	66.7%	10.0%	27.5%

Source: Census 2000 Summary File 3 Table P32 - Travel time to work by means of transportation

Table D-12 Housing Problems by Household Type, All Households

Household by Type, Income, & Housing Problem	Renters					Owners					Total Households
	Elderly (1 & 2 members)	Small Related (2 to 4 members)	Large Related (5 or more members)	All Other	Total Renters	Elderly (1 & 2 members)	Small Related (2 to 4 members)	Large Related (5 or more members)	All Other	Total Owners	
1. Household Income <= 50% MFI	18,831	22,920	6,500	28,209	76,460	6,684	3,139	1,296	2,932	14,051	90,511
2. Household Income <=30% MFI	14,414	14,010	3,715	19,434	51,573	3,230	1,349	457	1,679	6,715	58,288
3. % with any housing problems	55	69.9	83	63.8	64.4	76	78.1	92.3	74.7	77.2	65.9
4. % Cost Burden >30%	52.5	61.8	64.9	61.9	59.5	75.3	73.3	87.1	73.8	75.3	61.3
5. % Cost Burden >50%	32	47.5	45.4	52.3	44.8	50.4	61.5	70	67.9	58.3	46.4
6. Household Income >30 to <=50% MFI	4,417	8,910	2,785	8,775	24,887	3,454	1,790	839	1,253	7,336	32,223
7. % with any housing problems	53.7	64.8	76.3	81.4	70	44.4	81.6	86.9	76.5	63.8	68.6
8. % Cost Burden >30%	50.9	56.2	40.8	79.3	61.7	44.4	79.9	78.5	74.9	62.2	61.8
9. % Cost Burden >50%	18.7	16	9.9	44.2	25.7	23.4	51.7	47	54.2	38.3	28.6
10. Household Income >50 to <=80% MFI	2,430	7,830	2,490	11,840	24,590	3,493	3,550	1,385	2,339	10,767	35,357
11. % with any housing problems	32.5	40.5	62.7	62.3	52.5	32.9	61.1	73.3	61.5	53.6	52.8
12. % Cost Burden >30%	30	30.7	11.4	59.8	42.7	32.3	59.4	56.7	61.5	50.7	45.2
13. % Cost Burden >50%	9.5	3.4	0.8	13.4	8.6	13.1	24.8	14.8	30.3	20.9	12.3
14. Household Income >80% MFI	3,209	18,780	3,270	35,985	61,244	7,239	23,560	5,880	15,710	52,389	113,633
15. % with any housing problems	13.7	13	51.4	14.6	16.1	15.9	17.3	28.3	23.9	20.3	18
16. % Cost Burden >30%	10.7	4.8	1.5	11.7	9	15.5	15.4	13.1	23.2	17.5	12.9
17. % Cost Burden >50%	2.6	0.2	0	0.7	0.6	4.6	2.3	1.3	4.1	3	1.7
18. Total Households	24,470	49,530	12,260	76,034	162,294	17,416	30,249	8,561	20,981	77,207	239,501
19. % with any housing problems	47.1	42.8	68.9	42.3	45.2	36.1	28.9	44.7	35.3	34	41.6
20. % Cost Burden >30	44.5	34.3	31.6	39.8	38.2	35.7	27	30.5	34.6	31.4	36
21. % Cost Burden >50	23.5	16.9	16.2	20.9	19.7	18.5	10.5	11.6	15.1	13.7	17.8

Definitions:

- Any housing problems: cost burden greater than 30% of income and/or overcrowding and/or without complete kitchen or plumbing facilities.
- Other housing problems: overcrowding (1.01 or more persons per room) and/or without complete kitchen or plumbing facilities.
- Elderly households: 1 or 2 person household, either person 62 years old or older.
- Renter: Data do not include renters living on boats, RVs or vans. This excludes approximately 25,000 households nationwide.
- Cost Burden: Cost burden is the fraction of a household's total gross income spent on housing costs. For renters, housing costs include rent paid by the tenant plus utilities. For owners, housing costs include mortgage payment, taxes, insurance, and utilities.

Source: 2000 CHAS Data

Table D-13 Renter Housing Problems, People with Disabilities and All

Renter Households	Households with People with Mobility and Self Care Limitations				All Boston Renter Households				
	Extra Elderly 1 & 2 Member	Elderly 1 & 2 Member	All Other	Total Renters	Elderly 1 & 2 Member	Small Related (2 to 4)	Large Related (5 or more)	All Other	Total Renters
Household Income <=30% MFI	3,795	3,160	6,900	13,855	14,414	14,010	3,715	19,434	51,573
% with any housing problems	51.1	53.6	67.2	59.7	55	69.9	83	63.8	64.4
Household Income >30 to <=50% MFI	1,095	795	2,760	4,650	4,417	8,910	2,785	8,775	24,887
% with any housing problems	52.1	52.2	59.8	56.7	53.7	64.8	76.3	81.4	70
Household Income >50 to <=80% MFI	375	510	2,030	2,915	2,430	7,830	2,490	11,840	24,590
% with any housing problems	22.7	31.4	40.4	36.5	32.5	40.5	62.7	62.3	52.5
Household Income >80% MFI	470	450	2,895	3,815	3,209	18,780	3,270	35,985	61,244
% with any housing problems	13.8	11.1	17.8	16.5	13.7	13	51.4	14.6	16.1
Total Households	5,735	4,915	14,585	25,235	24,470	49,530	12,260	76,034	162,294
% with any housing problems	46.4	47.2	52.3	50	47.1	42.8	68.9	42.3	45.2

Elderly: 1 or 2 members, either person 62 to 74 years old
 Extra Elderly: 1 or 2 members, either person 75 years or older

Source: State of the Cities Data System (HUD, from the 2000 Census)

Table D-14 Owner Housing Problems, People with Disabilities and All

Owner Households	Households with People with Mobility and Self Care Limitations				All Owner Households				
	Extra Elderly 1 & 2 Member	Elderly 1 & 2 Member	All Other	Total	Elderly 1 & 2 Member	Small Related (2 to 4)	Large Related (5 or more)	All Other	Total Owners
Household Income <=30% MFI	750	399	685	1,834	3,230	1,349	457	1,679	6,715
% with any housing problems	72.7	85.2	80.3	78.2	76	78.1	92.3	74.7	77.2
Household Income >30 to <=50% MFI	695	364	790	1,849	3,454	1,790	839	1,253	7,336
% with any housing problems	46	57.7	78.5	62.2	44.4	81.6	86.9	76.5	63.8
Household Income >50 to <=80% MFI	730	364	1,065	2,159	3,493	3,550	1,385	2,339	10,767
% with any housing problems	23.3	35.4	53.1	40	32.9	61.1	73.3	61.5	53.6
Household Income >80% MFI	1,085	710	4,360	6,155	7,239	23,560	5,880	15,710	52,389
% with any housing problems	12.9	23.9	25.5	23.1	15.9	17.3	28.3	23.9	20.3
Total Households	3,260	1,837	6,900	11,997	17,416	30,249	8,561	20,981	77,207
% with any housing problems	36	46.2	41.2	40.6	36.1	28.9	44.7	35.3	34

Elderly: 1 or 2 members, either person 62 to 74 years old
 Extra Elderly: 1 or 2 members, either person 75 years or older

Source: State of the Cities Data System (HUD, from the 2000 Census)

Table D-15 Boston Units/Properties Registered with the Massachusetts Registry

Planning District	# Properties	# Units				Studio/ Congregate Units	1BR Units	% 0 and 1BR Units	2BR Units	3BR & + Units
		Total	ELI	Other LI	Market					
Allston-Brighton	25	270	144	100	26	7	155	60.0%	76	32
Back Bay-Beacon Hill	12	114	25	72	17	40	63	90.4%	11	0
Central	17	417	389	13	15	16	320	80.6%	80	1
Charlestown	12	488	460	0	28	6	121	26.0%	125	236
East Boston	15	152	144	5	3	8	111	78.3%	23	10
Fenway-Kenmore	22	268	213	9	46	45	188	86.9%	33	2
Hyde Park	3	6	6	0	0	0	4	66.7%	1	1
Jamaica Plain	23	356	298	54	4	23	222	68.8%	65	46
Mattapan	10	187	157	3	27	48	100	79.1%	27	12
North Dorchester	10	248	164	2	82	12	72	33.9%	95	69
Roslindale	4	26	22	0	4	2	20	84.6%	4	0
Roxbury	65	538	400	117	21	95	225	59.5%	132	86
South Boston	10	85	74	9	2	1	28	34.1%	30	26
South Dorchester	31	216	167	12	37	59	90	69.0%	55	12
South End	38	428	388	18	22	104	213	74.1%	58	53
West Roxbury	0	0	0	0	0	0	0	-	0	0
Unknown	5	8	7	0	1	1	3	50.0%	3	1
TOTAL	302	3,807	3,058	414	335	467	1,935	63.1%	818	587
			80.3%	10.9%	8.8%	12.3%	50.8%	63.1%	21.5%	15.4%

Source: MassAccess

Table D-16 Units/Properties Registered with the Massachusetts Registry, Balance of Metro

Balance of Metro Kirwan Opportunity Rank	# Properties	# Units				Congregate Units	1BR Units	% 0 and 1BR Units	2BR Units	3BR & + Units
		Total	ELI	Other LI	Market					
Very High	172	1,203	798	64	341	118	795	75.9%	215	75
High	173	1,585	848	257	480	255	917	73.9%	295	118
Moderate	147	1,276	872	62	342	52	925	76.6%	262	37
Low	55	333	253	8	72	15	203	65.5%	82	33
Very Low	48	627	578	27	22	85	445	84.5%	73	24
TOTAL	595	5,024	3,349	418	1,257	525	3,285	75.8%	927	287
			66.7%	8.3%	25.0%	10.4%	65.4%	75.8%	18.5%	5.7%

Source: MassAccess

Table D-17 Mortgage Lending by Boston Neighborhood, 2004-2008, Including High Cost (High APR) Loans

Neighborhood	% Minority	2004		2005		2006		2007		2008		% HALs over 5 Yrs	% HALs 2004-2006
		Home Purchase Loans	% HALs	Home Purchase Loans	% HALs								
Mattapan	96.2%	403	33.7%	479	58.0%	305	54.4%	180	28.9%	128	12.5%	43.3%	48.8%
Roxbury	95.2%	554	23.3%	801	41.6%	469	49.0%	334	25.4%	221	12.7%	33.8%	37.9%
Dorchester	68.2%	535	23.2%	1,668	43.6%	1,061	40.8%	728	22.9%	582	6.4%	32.5%	39.3%
Hyde Park	57.0%	1,262	20.4%	694	50.1%	345	41.2%	243	15.6%	215	9.8%	29.2%	32.5%
East Boston	50.3%	478	20.3%	714	34.6%	354	31.9%	266	13.2%	220	6.8%	24.9%	29.6%
Roslindale	44.2%	702	10.1%	787	29.1%	463	27.9%	335	9.0%	262	5.0%	18.5%	22.0%
West Roxbury	16.4%	491	6.9%	523	13.6%	356	11.2%	345	3.8%	270	4.4%	8.6%	10.6%
Allston/Brighton	31.3%	909	4.8%	926	12.7%	551	13.1%	466	4.5%	310	3.9%	8.4%	9.8%
South Boston	15.5%	1,131	4.9%	1,010	14.6%	722	10.9%	709	5.5%	512	2.0%	8.1%	9.8%
Jamaica Plain	50.2%	648	4.5%	691	10.7%	438	8.4%	419	2.6%	326	2.8%	6.3%	7.9%
Fenway/Kenmore	15.2%	305	0.7%	256	8.6%	465	4.1%	161	3.1%	92	1.1%	3.8%	4.2%
Charlestown	21.4%	639	2.5%	595	4.7%	315	3.2%	329	5.8%	277	1.8%	3.6%	3.5%
South End	54.7%	749	2.4%	679	6.2%	562	4.4%	458	2.0%	468	1.9%	3.5%	4.3%
Central	30.5%	768	2.5%	600	5.3%	179	1.7%	294	4.4%	248	2.0%	3.4%	3.5%
Back Bay/Beacon Hill	30.4%	812	1.7%	694	6.1%	467	5.1%	451	1.8%	341	1.5%	3.4%	4.1%
BOSTON TOTAL	50.5%	10,386	10.1%	11,117	24.6%	7,052	21.6%	5,718	9.5%	4,472	4.4%	15.6%	18.6%
Neighborhood	% Minority	Refinance Loans	% HALs	Refinance Loans	% HALs	% HALs over 5 Yrs	% HALs 2004-2006						
Mattapan	96.2%	941	17.4%	869	34.3%	652	44.5%	366	27.0%	151	10.6%	29.1%	30.5%
Roxbury	95.2%	910	15.5%	813	36.8%	645	40.3%	336	28.9%	150	7.3%	28.3%	29.6%
Dorchester	68.2%	1,940	15.1%	1,913	27.5%	1,292	33.2%	813	19.8%	467	4.5%	22.3%	24.3%
East Boston	50.3%	577	9.9%	514	23.0%	410	34.1%	250	33.6%	178	9.0%	21.5%	21.0%
Hyde Park	57.0%	1,146	12.2%	911	27.2%	627	35.1%	435	11.3%	245	6.9%	20.0%	22.6%
Roslindale	44.2%	894	8.5%	905	14.4%	492	28.5%	350	14.6%	317	4.4%	13.9%	15.1%
South Boston	15.5%	727	6.3%	704	11.1%	468	18.2%	385	7.8%	518	2.3%	9.0%	11.0%
Charlestown	21.4%	435	4.1%	355	7.3%	197	10.2%	194	28.9%	276	0.7%	8.4%	6.5%
West Roxbury	16.4%	748	4.4%	661	9.5%	356	17.1%	334	7.2%	383	3.4%	7.8%	8.9%
Jamaica Plain	50.2%	687	4.5%	520	10.6%	325	16.0%	238	5.5%	304	3.0%	7.7%	9.0%
Allston/Brighton	31.3%	675	4.1%	575	10.3%	327	14.7%	339	8.6%	336	0.3%	7.3%	8.6%
Fenway/Kenmore	15.2%	184	2.7%	155	3.2%	76	9.2%	93	14.0%	106	0.9%	5.0%	4.1%
South End	54.7%	644	2.6%	454	6.8%	287	11.5%	275	4.7%	409	0.2%	4.6%	5.8%
Central	30.5%	395	2.5%	303	6.9%	218	10.6%	230	3.5%	261	0.8%	4.5%	5.9%
Back Bay/Beacon Hill	30.4%	603	2.0%	471	2.8%	263	11.8%	244	3.3%	342	1.5%	3.6%	4.2%
BOSTON TOTAL	50.5%	11,506	9.3%	10,123	19.5%	6,635	27.7%	4,882	15.1%	4,443	3.2%	15.3%	17.3%

Source: *Borrowing Trouble VI and VII* and *Changing Patterns XIV and XV*, James Campen, Massachusetts Community and Banking Council

Table D-18 Median Single Family Home Prices by Planning District, 2000-2005-2009

Neighborhood	% Minority	Median Sales Price 1-Family Homes						
		2000	2005	% Change 00-05	Rank % Increase 2000-2005	2009*	% Change 05-09	Rank % Decrease 2005-2009
East Boston	50.3%	\$139,500	\$330,000	136.6%	1	\$180,000	-45.5%	2
Roxbury	95.2%	\$157,500	\$340,000	115.9%	2	\$219,500	-35.4%	3
Dorchester	68.2%	\$177,500	\$366,500	106.5%	3	\$266,625	-27.3%	4
Mattapan	96.2%	\$165,000	\$327,000	98.2%	4	\$173,825	-46.8%	1
Hyde Park	57.0%	\$195,000	\$356,000	82.6%	5	\$259,000	-27.2%	5
Allston^	31.3%	\$275,000	\$471,500	71.5%	6	\$390,000	-17.3%	6
Roslindale	44.2%	\$229,950	\$385,000	67.4%	7	\$339,000	-11.9%	11
Brighton^		\$291,000	\$484,500	66.5%	8	\$404,500	-16.5%	7
West Roxbury	16.4%	\$270,000	\$439,375	62.7%	9	\$381,000	-13.3%	9
South Boston	15.5%	\$253,500	\$409,000	61.3%	10	\$355,000	-13.2%	10
Jamaica Plain	50.2%	\$317,500	\$498,000	56.9%	11	\$507,000	1.8%	12
Charlestown	21.4%	\$434,750	\$604,500	39.0%	12	\$512,500	-15.2%	8
Downtown	32.9%	\$975,000	\$1,351,250	38.6%	13	\$1,998,500	47.9%	13

* Through September

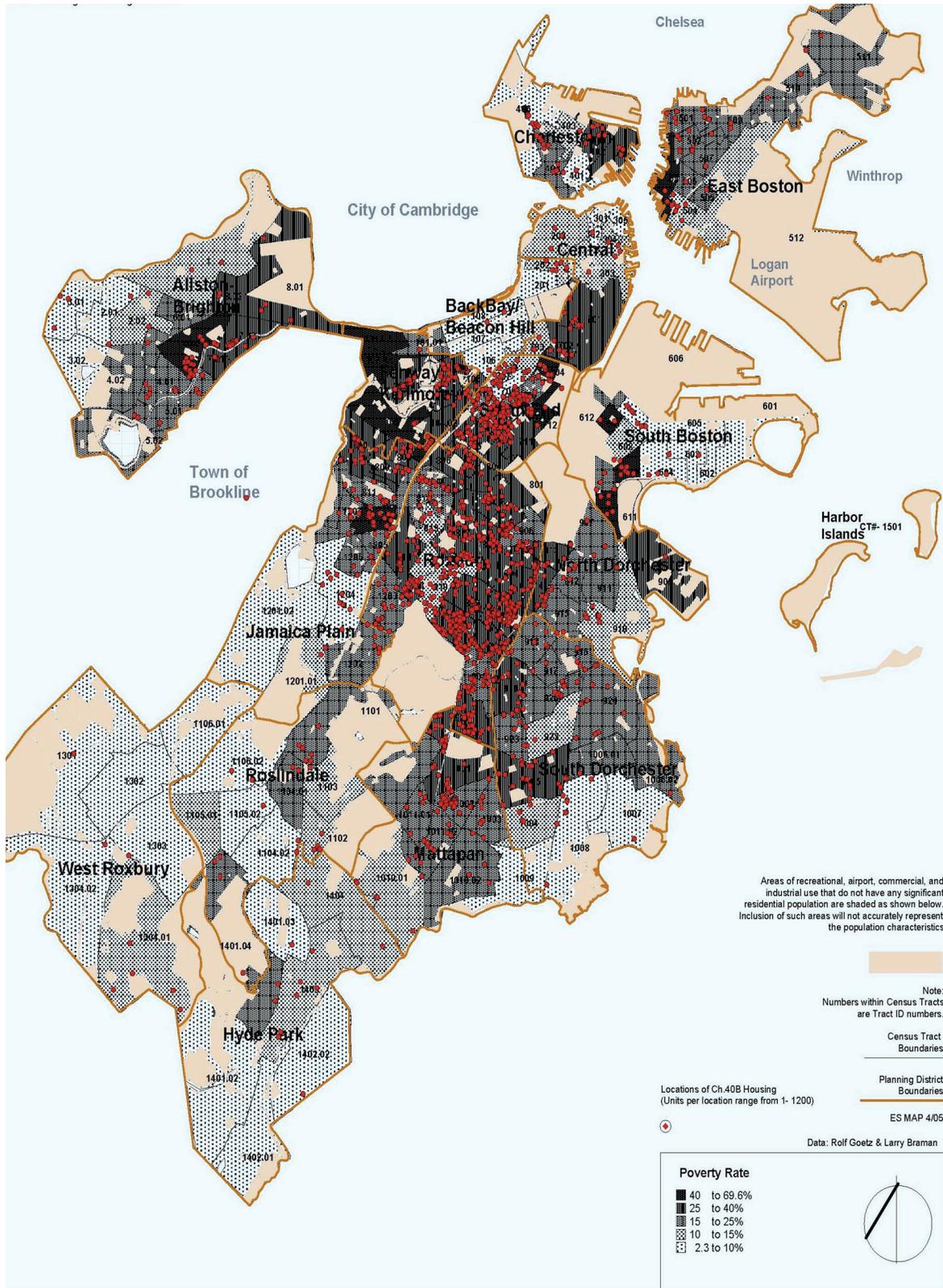
^31.3% is the population of people of color for the Allston-Brighton Planning District

Note - Warren Group neighborhood definitions and BRA planning districts are not directly comparable. Population estimates for areas of racial concentration are based on the BRA neighborhood (planning district) definitions. Downtown neighborhoods include the Central, Back Bay-Beacon Hill, south End, and Fenway-Kenmore Planning Districts. The Warren Group refers to these neighborhoods as "Boston." The Warren Group publishes sales data separately for Allston and Brighton.

Source: The Warren Group

Map D-5

Location of Boston's Subsidized Housing and Distribution of Poverty Rate



Source: Boston Redevelopment Authority, Report 602: Thematic Maps,

Appendix E

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

Weeks v. Waltham Housing Authority, C.A. No. 76-402-F (D. Mass., Entry of Judgment, July 22, 1977)

Appendix F

Public Comments

A draft of the Analysis of Impediments to Fair Housing Choice was posted for public comment on the web site of the Office of Civil Rights on April 14, 2010. Comments from eight organizations expressing a wide range of views, including support for the AI's analysis of impediments and the action steps proposed to address the impediments, as well as a numerous suggestions for improvement. Copies of the comments are reprinted here.

Extensive comments were also received from individual members of the Advisory Committee, both in written comments and at Advisory Committee meetings. The Office of Civil Rights and the Boston Fair Housing Commission are grateful for the participation of the Advisory Committee and for the comments submitted by members of the public.



Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq., Room 966
Boston, MA 02201

May 12, 2010

RE: Comments, Analysis of Impediments to Fair Housing

Dear Ms. Williams,

Please accept these comments on the City's draft Analysis of Impediments (AI) on behalf of Action for Regional Equity (Action!), a coalition of 13 community and statewide advocacy groups based in eastern Massachusetts, ensuring that the Commonwealth embraces development policies which balance the burdens and benefits of development across communities equitably and account for the needs of low-income minority communities.

First off, we want to thank you for extending the comment period to 30 days to allow additional time for more groups like ours to participate.

Just this week the Brookings Institution released, *State of Metro America*, a report discussing a current national trend in which higher income families move to cities to seek convenient transit opportunities and jobs. However, certain segments of the public, especially low income and minority groups, are increasingly unable to afford to live near and use public assets like public transportation as market pressures on housing increase and housing prices continue to rise. Enhancing the access and availability of affordable housing programs is one of the strongest ways the City can ensure fair access to publically funded amenities such as rapid public transportation. Access is a public resource. For Boston, which has an extremely high concentration of rapid transit resources and a low-income population which is dependant on public transportation, supporting affordable housing and convenient access to transit is both essential and possible.

Additionally, Action! recently completed an analysis of state housing and rental assistance programs using data from the 2006 Housing Data Collection Act in order to better understand how state dollars were being spent to promote fair housing opportunities to protected classes. The report indicates a need for affordable housing opportunities throughout the state and Boston is no exception.

The Analysis of Impediments (AI) presents a great opportunity to look closer at policies and practices in Boston in terms of how they further fair housing in Boston.

We are pleased to hear how you set up an advisory committee of local experts, who have extensive experience dealing with fair housing issues in Boston, to help the City develop



the new AI. We wish to add a few more steps to the list of factors you have named in the AI which would further advance affirmative fair housing policies in Boston.

- **Standardize The Use Of *The Boston Area Median Income (AMI)* Rather Than *The Greater Boston AMI* To Determine Income Limits In Housing Programs Sponsored By The City.**

According to the 2006-2008 American Community Survey, the Boston median income was \$51,489, compared to \$70,344 for the Greater Boston AMI (Boston-Cambridge-Quincy MSA). Given that the Greater Boston AMI is higher than the Boston median income, a large percentage of Boston's households cannot afford "affordable" housing, resulting in a large, unmet need for affordable housing. Fairness calls on us to serve those with the most need. In light of the distribution of protected classes amongst the lowest income households, fair housing requires that assistance be provided in proportion to need.

- **Address Fair Housing Concerns Within Boston, Including Gentrification and Displacement.**

Boston consistently ranks among the most expensive housing markets in the country--rental or homeownership--by any measure. A wave of gentrification has swept many low-income households from neighborhoods like Chinatown, South Boston, Charlestown, the South End, Jamaica Plain, as well as the historically less expensive neighborhoods of Roxbury, Dorchester, and Hyde Park. We know anecdotally that many, if not most, of these households have left Boston to more affordable "Very Low Opportunity" area like Brockton, Chelsea and Lynn. Given their lower incomes, households in protected classes are likely to have been disproportionately displaced. The draft AI does not discuss gentrification or displacement of low-income people. Many neighborhoods of Boston may be en route to becoming higher opportunity, but at the expense of low-income households--especially those who are members of protected classes--who are no longer able to live in Boston to reap the benefits.

- **Preservation of Expiring Use Properties Should Be Included and Highlighted**

While steps should be taken to increase affordable housing in "opportunity" locations, it is also critically important to preserve the affordable housing that already exists in these locations and throughout Boston. CEDAC reports that 5,147 affordable housing units in Boston are at risk between now and 2012 due to expiring affordability restrictions and/or expiring project-based Section 8 contracts. Thousands more are at risk in the suburbs and after 2012 in Boston. In some cases, these projects are major sources of affordable housing in middle-class, diverse or predominantly white neighborhoods, where there is little other opportunity for low-income people to reside, either because rents are too high



or there simply is not much rental housing as compared to homeownership housing. These projects should be a high priority, not only to preserve affordable housing, but also to preserve a source of housing choice.

This is not a problem that faces Boston alone. Throughout the state the waiting lists to get access to project based affordable housing is 6 years long. The need for housing that is affordable already greatly exceeds the current supply. Existing project-based affordable housing is an important resource for low-income families. Efforts should be taken to preserve the housing stock we already have, and improve the quality of life for the neighborhoods containing these units, including increasing access to jobs (e.g. the Fairmount line redevelopment) and improving the transportation options.

- **Other Anti-Displacement Strategies Should Be Pursued**

We also encourage the City to continue and expand efforts to help tenants and former owners remain in their foreclosed homes, through the support of legal aid, education, counseling, and affordable housing re-development efforts and also to support creative strategies to keep people in their “affordable” homes that are not affordable to them and hence are threatened with displacement.

- **Address Barriers that Prevent Use of Housing Choice Vouchers and MRVP:**

Housing Choice Voucher and MRVP participants are concentrated in lower opportunity areas. While the AI establishes a comprehensive fair housing testing and enforcement program to identify instances of discrimination based on receipt of public assistance, this testing should include not just traditional forms of discrimination, but also an examination of barriers to entry such as high rental application fees and credit checks.

- **Collect Data on Occupancy of Inclusionary Development Units**

Inclusionary development units are a valuable resource in the promotion of fair housing- but data has not been collected on the race/ethnicity of those who access this housing on site. This data should be collected on current IZ unit residents, and collected going forward.

Thank you again for the opportunity to comment. We look forward to discussing this with you more.

Respectfully,

Meira Soloff
Coalition Coordinator
Action For Regional Equity



14 Beacon Street, Suite 606, Boston, MA 02108
Phone (617) 423-8609/Fax (617)523-1847
Kathy@bostontenant.org Maga@bostontenant.org

www.bostontenant.org

April 26, 2010

Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq., Room 966
Boston, MA 02201

RE: Comments, Analysis of Impediments to Fair Housing

Dear Victoria,

On behalf of the Boston Tenants Coalition (BTC)—a coalition of tenant, housing, homeless, and community groups committed to the needs of low income tenants—I am pleased to submit the following comments on the draft Analysis of Impediments (AI) to Fair Housing.

First, we applaud the City's creation of an advisory committee to assist in the AI process, and appreciate that this advisory committee included a cross-section of those with an interest in affordable and fair housing. We also appreciate the openness you showed to meeting with us and others to get input before the draft AI was released. We do regret, however, that the comment period on the draft was only two weeks, and that no public hearing has been held. Our comments are necessarily abbreviated in light of the short time period for submission of comments. In light of the importance of the AI, the length and complexity of the document, and the fact that this document updates an initial AI that is more than 12 years old, we urge the City to extend the comment period on the AI to allow for a full 30 day comment period, consistent with the City's usual citizen participation practices. We also urge the City to hold a public hearing on the draft AI. Given a full 30-day comment period, we expect that more interested parties, including grass-roots community groups, would be able to submit comments, and the BTC would submit more extensive comments than is now possible.

At the outset, we congratulate the City on a number of commendable proposed action steps within the AI, including proposed efforts to:

- Develop strategies for the use of City housing resources to address barriers to the siting of affordable housing in neighborhoods lacking a fair share of such housing;
- Increase the access of inclusionary zoning units to low-income households of color, and members of other protected classes, especially through the centralization of IZ unit marketing through the Boston Home Center;
- Study the purchasing power of Housing Choice Vouchers (formerly known as Section 8 Certificates) and the Massachusetts Rental Voucher Program (MRVP) and advocate for increases in fair market rents;

- Re-establish a mobility counseling program that would facilitate the use of vouchers in “high opportunity” neighborhoods;
- Establish a fair housing testing and enforcement program, with a focus on the receipt of public assistance;
- Secure additional resources for fair housing outreach and education;
- Continue the City’s commitment to addressing lead paint hazards and new efforts to understand the effects of lead paint on landlords’ willingness to rent to those on rental assistance;
- Reduce prejudice through the promotion of welcoming neighborhoods; and
- Fight the repeal of 40B (the state’s “anti-snob” zoning law).

Despite the breadth of issues that are addressed by the Analysis of Impediments to Fair Housing, there are still areas where we feel that in order to more fully further fair housing; the City of Boston should make a stronger commitment to address the needs of low-income households.

- **Available Funds Should be Targeted to Lower-Income Households in Light of Their Greater Need and the City of Boston Median Income:**

Federally funded housing programs use income limits based on the Area Median Income (AMI). For the most part, participation in federal housing programs is limited to households with incomes below 80 percent of AMI. The City has picked up on this measure of income eligibility and has extended eligibility for some City-funded/City-sponsored housing programs to households up to 120 percent of AMI. In an attempt to fund more units, funds are spread thinly, forcing housing providers to market affordable units to those who are near the top of the income eligibility guidelines. According to the 2006-2008 American Community Survey, the Boston median income was \$51,489, compared to \$70,344 for the Boston-Cambridge-Quincy MSA. Given that the Greater Boston AMI is higher than the Boston median income, a large percentage of Boston’s households cannot afford “affordable” housing, resulting in a large, unmet need for affordable housing. Moreover, data from the City’s Consolidated Plans consistently indicate that households below 30 percent of AMI and those between 30 percent and 50 percent of AMI are disproportionately saddled with the most severe housing cost burdens. Overwhelmingly, these low-income households are members of protected classes. For example, the median income of African-American households in Boston is only about half of that of white households. The median income of Latino households is only 40% of that of white households. Fairness calls on us to serve those with the most need. In light of the distribution of protected classes amongst the lowest income households, fair housing requires that assistance be provided in proportion to need.

While the AI recognizes the tension between serving more households and serving those with the greatest need, the AI proposes: “examine current policies for setting eligibility standards in Boston’s housing programs, and evaluate strategies to balance the needs of the City’s lowest income families against considerations of cost and the creation of stable mixed

income developments.” While this is a good start, we think the City should commit now to shifting resources towards lower-income households, including making reference to the Boston median income for the purposes of determining income limits. The AI refers to commenters who have objected to such a shift of resources on the grounds that “a reduced income standard would reduce the City’s ability to produce mixed income housing,” Draft AI, Pg. 43, but the draft includes no explanation of this concern. We feel that the City can accomplish a goal of providing mixed income housing by interspersing more deeply affordable units with market units or moderate units, such as tax credit units. As one example, the City could piggyback funds with inclusionary development set-aside units to ensure that rental units that would otherwise go to households at 100 percent of 120 percent of AMI are affordable at the least to lower-income households with Section 8, MRVP or other vouchers.

- **Fair Housing Concerns Within Boston, Including Gentrification and Displacement, Must Be Addressed:**

The AI has an extensive discussion of a 2009 report by the Kirwan Institute¹ ranking Massachusetts municipalities by “opportunity” levels, ranging from “Very Low Opportunity” to “Very High Opportunity.” Boston is ranked as “Low Opportunity.” Only 4 of Boston’s 157 Census tracts were rated as moderate opportunity, and none was classified as high or very high. Draft AI, pg. 14, fn. 2. While valuable and interesting, the focus on this report unfortunately seems to have shifted the focus of the AI from addressing fair housing concerns within Boston to a more regional perspective aimed at encouraging low-income households to move from Boston to “higher opportunity” areas. While this may be a laudable effort, the BTC is concerned that this has eclipsed a concern for the many fair housing issues still faced by Boston residents, especially impacting members of protected classes.

Boston consistently ranks among the most expensive housing markets in the country--rental or homeownership--by any measure. A wave of gentrification has swept many low-income households from neighborhoods like Chinatown, South Boston, Charlestown, the South End, Jamaica Plain, as well as the historically less expensive neighborhoods of Roxbury, Dorchester, and Hyde Park. We know anecdotally that many, if not most, of these households have left Boston to more affordable “Very Low Opportunity” area like Brockton, Chelsea and Lynn. Given their lower incomes, households in protected classes are likely to have been disproportionately displaced. The draft AI does not discuss gentrification or displacement of low-income people. Many neighborhoods of Boston may be en route to becoming higher opportunity, but at the expense of low-income households--especially those

¹ *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, January 2009.

who are members of protected classes--who are no longer able to live in Boston to reap the benefits.

- **Preservation of Expiring Use Properties Should Be Included and Highlighted:**

While steps should be taken to increase affordable housing in “opportunity” locations, it is also critically important to preserve the affordable housing that already exists in these locations and throughout Boston. CEDAC reports that 5,147 affordable housing units in Boston are at risk between now and 2012 due to expiring affordability restrictions and/or expiring project-based Section 8 contracts. Thousands more are at risk in the suburbs and after 2012 in Boston. In some cases, these projects are major sources of affordable housing in middle-class, diverse or predominantly white neighborhoods, where there is little other opportunity for low-income people to reside, either because rents are too high or there simply is not much rental housing as compared to homeownership housing.² These projects should be a high priority, not only to preserve affordable housing, but also to preserve a source of housing choice.

Moreover, even in neighborhoods with a concentration of poverty, existing project-based affordable housing is an important resource for low-income families. Efforts should be taken to preserve this housing, and improve the quality of life for the neighborhoods containing these units, including increasing access to jobs (e.g. the Fairmount line redevelopment). We note that the 1991 consent decree in the litigation *NAACP, Boston Chapter, v. HUD*, specifically included as a remedy for past fair housing violations the requirements that HUD (i) provide funding for 300 units of project-based Section 8 family housing in Boston, and (ii) not agree to “the disposition of HUD-assisted multifamily housing which has the effect of reducing the supply of affordable HUD-assisted multifamily rental housing in the City available as of the effective date of this Decree.” Consent Decree, pg. 7, pars. (C)(2) and (C)(3). These precious units of affordable housing in Boston are just as important to the goals of fair housing as they ever were, yet thousands of such units have been lost since the 1991 Consent Decree. Preservation of such housing must be a goal of Boston’s AI.

- **Other Anti-Displacement Strategies Should Be Included:**

We also encourage the City to continue and expand efforts to help tenants and former owners remain in their foreclosed homes, through the support of legal aid, education, counseling, and affordable housing re-development efforts and also to support creative strategies to keep people in their “affordable” homes that are not affordable to them and hence are threatened with displacement.

² At-risk properties include, for example, Burbank Apartments in the predominantly white and gentrifying neighborhood of the Fenway.

- **Address Barriers that Prevent Use of Housing Choice Vouchers and MRVP:**

Housing Choice Voucher and MRVP participants are concentrated in lower opportunity areas. While the AI establishes a comprehensive fair housing testing and enforcement program to identify instances of discrimination based on receipt of public assistance, this testing should include not just traditional forms of discrimination, but also an examination of barriers to entry such as high rental application fees, credit checks, etc. In addition, the City and state should enact legislation prohibiting rental practices that create barriers to Housing Choice Voucher and MRVP voucher holders, such as unreasonable rental application fees, and credit check practices that unreasonably deny housing, etc.

- **Collect Data on Occupancy of Inclusionary Development Units:**

Inclusionary development units are a valuable resource in the promotion of fair housing- but data has not been collected on the race/ethnicity of those who access this housing on site. This data should be collected on current IZ unit residents, and collected going forward. Given the great need for low income housing we are supportive of the City's use of pay-out Inclusionary Development Program pay-out funds to support lower income housing in Boston

Thank you again for the opportunity to comment. We look forward to discussing this with you more and working with you in the implementation of the AI Action Plan

Respectfully submitted,

Kathy Brown
Coordinator
Boston Tenant Coalition



14 Beacon Street, Suite 606, Boston, MA 02108
Phone (617) 423-8609/Fax (617)523-1847
Kathy@bostontenant.org Maga@bostontenant.org

www.bostontenant.org

May 12, 2010

Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq., Room 966
Boston, MA 02201

RE: Comments, Analysis of Impediments to Fair Housing

Dear Victoria,

Thank you very much for granting additional time to submit comments on the draft Analysis of Impediments (AI) to Fair Housing. On behalf of the Boston Tenants Coalition (BTC)—a coalition of tenant, housing, homeless, and community groups committed to the needs of low income tenants—I am pleased to submit the following additional comments on the draft AI. I am also attaching a corrected version of the comments we submitted on April 26, 2010.

We again applaud the City on the action steps listed on pgs. 1-2 of our initial comments. We take this opportunity to urge again that the AI include a recognition of barriers to preservation of existing affordable housing, development of additional deeply targeted affordable housing, and use of mobile vouchers in the City of Boston, as well as in suburban areas, as impediments to fair housing.

Boston is one of several metropolitan areas in the country facing the consistent, long-term pressure of gentrification. Boston is not only one of the most expensive rental markets in the U.S., it is also consistently one of the “tightest” markets, with a vacancy rate significantly less than that of the rest of the country. See, e.g., The Boston Indicators Project, 6.3.2 Vacancy Factors in Metro Boston, Inner Core Communities, or Boston, at <http://www.bostonindicators.org/Indicators2008/Housing/Indicator.aspx?id=11254>¹

Boston has a vibrant downtown with a wealth of high-paying jobs, many people who want to live conveniently close to it, and very little developable land to accommodate them. Boston’s high rents and low vacancy rates are evidence of this reality. Boston’s fair housing issues are thus very different than those of large cities with depressed downtowns or sufficient sprawl to allow for the relatively free development of new housing. Other cities may be able to take the ability to find alternative locations for affordable housing for granted. That is not the case for Boston.

¹ For example, Boston’s vacancy rates have been half those of metropolitan areas like Baltimore, see, e.g., <http://www.mackenziecommercial.com/marketreport>, or Dallas, see, e.g., <http://www.dallasindicators.org/Seniors/SeniorsandtheEconomy/Vacancyrates/tabid/1673/language/en-US/Default.aspx>

Whenever affordable housing in the City is lost, the scarcity and cost of developable land make replacement extremely difficult and expensive, if not impossible.

Unfortunately, since the 1990's, Boston has lost over 1,600 units of affordable housing as a result of the expiring use crisis. These precious units were scattered in the historically white neighborhoods of Brighton (Brighton Gardens, Brighton Village, Camelot Court, Village Manor, Waverly), East Boston (Brandywyne), South Boston (Bay Towers), the North End (Ausonia Homes), and West Roxbury (Rockingham Glen), as well as the more racially diverse neighborhoods of the South End (Church Park, Piano Craft) and Roslindale (High Point Village). In a great number of these developments, rents have been increased beyond the Section 8 payment standard, so these units are no longer available to low-income households even with Section 8 vouchers. Since a disproportionate number of low-income renter households are households of color or otherwise members of protected classes, see, e.g., N.A.A.C.P. v. Harris, 567 F. Supp. 637, 640 (D. Mass. 1983), the loss of these units will have a disparate impact on members of protected classes in Boston. The loss of this housing is also a severe blow to the goal of creating and preserving “desegregated housing so that the housing stock is sufficiently large to give minority families a true choice of location...” N.A.A.C.P. v. Harris, 567 F. Supp. 637, 644 (D. Mass. 1983); see also N.A.A.C.P. v. Kemp, 721 F. Supp. 361, 371 (D. Mass. 1989)(ordering affirmative marketing program in the City of Boston “designed to enhance the availability to persons of color of housing in neighborhoods which are now predominantly white”).²

The BTC believes that it is critically important to highlight the expiring use crisis (and other threats to existing affordable housing) as an impediment to fair housing. As noted in our initial comments, thousands more affordable units are at risk as a result of this crisis and will be lost. While the new state law referred to in the introduction to the draft Analysis of Impediments, G.L. c. 40T, will be of help in certain situations where an owner seeking to exit an affordable housing program also wishes to sell the property, it is by no means a panacea. The City must continue and redouble its efforts at preservation of this precious housing stock or thousands of low-income families will lose critically important affordable housing opportunities.

In addition to its concern about preservation in historically white and diverse neighborhoods, the BTC strongly believes that affordable housing preservation is important in all neighborhoods of the City. Because of the pressures of demand for housing in Boston and limited supply, no neighborhood is exempt from the threat of gentrification. Large parts of Boston that were traditionally working class have become so expensive that rents and home prices are well beyond the means not only of the majority of Bostonians, but also especially of Boston’s population of

² We note that the draft AI relies extensively on the concept of the "geography of opportunity" as outlined in the 1/2009 Kirwan Institute report "The Geography of Opportunity: Building Communities of Opportunity in Massachusetts." In its report, Kirwan used indicators of opportunity related to education, the economy (which included transport), and neighborhood/housing quality. Data was collected for 20 indicators, using the smallest geography available--with a preference for US Census Bureau census tracts. Because much of the data are not available at the census tract level, this approach has limitations and can lead to misleading conclusion in Boston. The chief problem is with education data, which are only available at the citywide level. For this reason, every census tract in Boston has the same opportunity ranking on the school indicators. As a result, only four Boston census tracts are rated as "moderate opportunity", and none are "high" or "very high" opportunity. This result "hides" the fact that there are neighborhoods in Boston that have higher opportunity than others, undermining an approach that addresses segregation within the city, as well as within the region

color and other protected classes. As noted in our initial comments, the Boston median income is only \$51,489, or less than 75% of the area median income of \$70,344. The median family income in 2008 for Black families in Boston is \$ 41,500, for Asian families it is \$44,600, and for Latino families it is only \$34,700; or 48%, 51%, and 40% of the area median income, respectively. Boston is experiencing a huge affordability crisis that is disproportionately impacting households of color (and other protected classes, such as households with a disabled member, elderly households, female-headed households, households with children). Every neighborhood is at risk of becoming another South End, which has gentrified so much that only the existence of project-based affordable housing units has allowed the neighborhood to retain its economic, as well as racial and ethnic, diversity. Preserving existing affordable housing in Boston as the wave of gentrification sweeps through the City is the only means of ensuring that low-income households in protected classes will be able to enjoy the benefits that come to the City from the influx of higher income households and upscale development.³

In sum, while it is important that the draft AI take a regional approach to addressing housing access and choice, there should also be strong efforts to address patterns of racial/ethnic segregation within Boston, as well as ensuring that affordable housing is preserved throughout the City. In this respect, it is useful to think of the AI as addressing issues at three different levels.

1) Providing choice at the regional level: Programs and policies should be established that provide housing choices for people of color in suburban communities. These efforts should take into account existing segregation within the suburbs. It is also critically important that the lack of rental housing in the suburbs is recognized. In many suburban areas, no number of mobile Section 8 vouchers will ensure entry to the suburb because there is very little rental housing. Advocacy to increase opportunities in these areas must include advocating for the development of multifamily rental housing, especially housing that will serve low-income families.

2) Providing choice within Boston: Policies and programs should be implemented that address segregation within the city, providing choice and access to all neighborhoods of Boston. Such programs can include: (a) creation of new, affordable units in relatively affluent neighborhoods, (b) exploring and implementing efforts that will allow more voucher holders to access units in more affluent and/or mostly white neighborhoods, including address landlord practices that disproportionately exclude low-income tenants, such as unreasonably high application deposits, and (3) protecting existing sources of diversity within mostly white and/or middle-class neighborhoods through the preservation of existing affordable housing.

3) Supporting neighborhoods that disproportionately serve households in protected classes: While it is important to provide additional housing choices across the city and region, it is also important to support neighborhoods that serve residents who are disproportionately in protected classes, both to preserve affordability to avoid hardship, displacement, and permanent loss of affordable housing, and to provide access to opportunity. In addition to affordable housing

³ Because of the local impact of the national foreclosure crisis, this long-term pressure toward gentrification and displacement/exclusion may be temporarily masked. The BTC feels strongly that it will reappear once the housing market stabilizes. The BTC is concerned that units once occupied by low-income homeowners and tenants are being purchased by speculators intending to increase rents.

preservation, these programs should address access to education (improved local schools), jobs (economic development either locally or through improved transport) and access to healthcare.

Thank you again for the opportunity to comment. We look forward to discussing this with you more and working with you in the implementation of the AI Action Plan

Respectfully submitted,

Kathy Brown
Coordinator
Boston Tenant Coalition



華人前進會

Chinese Progressive Association

28 Ash Street, Boston, MA 02111

Tel. (617) 357-4499 Fax (617) 357-9611 www.cpaboston.org

May 12, 2010

Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq, Room 966
Boston MA

RE: Comments to City of Boston Analysis of Impediments to Fair Housing

Dear Victoria:

On behalf of the Chinese Progressive Association, I am writing to submit the following comments on the City of Boston's draft on the Analysis of Impediments (AI) to fair housing.

The Chinese Progressive Association is a grassroots community organization which works for full equality and empowerment of the Chinese community in the Greater Boston area and beyond. Our project, the Campaign to Protect Chinatown, seeks to strengthen residents' voice by encouraging collective organizing among tenants, working for community driven planning and development and coalition building for policies that stabilize working class neighborhoods.

Boston has been in the forefront in developing and preserving subsidized housing and has been an advocate for more resources and better access to reasonably-priced housing. We congratulate the City in initiating the process to update the 1997 Analysis of Impediments and its openness in gathering input from community organizations. Along with the Boston Tenant Coalition, we applaud many of the City's proposed action steps within in the AI report. In particular:

- The City's efforts to develop strategies for the use of housing resources to address barriers to the siting for affordable housing in neighborhoods lacking a fair share of such housing;
- The City's efforts to increase the access of inclusionary zoning units to low-income households of color, and members of other protected classes;
- The City's efforts to study the purchasing power of Housing Choice Vouchers and the Massachusetts Rental Voucher Program and advocate for increases in fair market rents;
- The City's commitment to fight the initiative to repeal 40B;
- The City's commitment to secure additional resources for fair housing outreach and education.

While the AI draft recognizes tensions for low income residents, in this letter, we seek to highlight two points: 1) Available funds should be targeted to low income households in light of their greater need and the City of Boston median income; and 2) Fair Housing concerns within Boston regarding gentrification and displacement must be addressed.

1) Available funds should be targeted to low-income households in light of their greater need and the City of Boston median income

The need for housing affordable to the lowest income households is well documented. In a report to the BTC and CPA, Charleen Regan, consultant, noted that in Boston's Consolidated Plan 2003-2008 finds that about 57,000 or 24% of Boston's households are considered "extremely low income" in so that their incomes are below 30% of the Area Median Income. In 2008 this is set at \$25,750 for a family of four. A majority of these households are renters. Seventy-one percent (71%) of extremely low-income households experience "severe housing cost burdens," defined by HUD as paying over 50% of their household income for rental costs and utilities. Additionally, many of these low-income households are members of protected classes.

The true affordability crisis in Boston is masked by the use of 'Area Median Income' (AMI) to measure affordability and to apply income standards to allocate Boston's housing resources. HUD has estimated the 2008 Area Median Income (AMI) for Metro Boston to be \$85,800. Professor Michael Stone of UMass-Boston has estimated the median family income and median household income for the City of Boston in 2008 to be \$55,700, while the City of Boston median household income for all households (BMHI) is just \$50,200. The actual median income of Boston households is thus only 58% of the HUD-estimated Area Median Income.

Some neighborhoods have even lower median incomes. For example, the median income in Chinatown is dramatically lower than the rest of Boston. A Boston Redevelopment Authority (BRA) profile based on 2000 Census data showed that Chinatown's median household income was less than half that of the City itself: \$14,800 and over 60% of Chinatown's households had incomes less than \$20,000. Chinatown's housing affordability distress has been exacerbated by high-end development pressure due to its proximity to downtown amenities and expiring use restrictions on its existing affordable housing. The large number of subsidized units in Chinatown does not guarantee housing stability for the residents of the community due to the mismatch between the rents charged and the low incomes of many of the renters or potential renters.

In recognition of these income reporting and analysis disparities, Boston's Inclusionary Development Policy (IDP) has taken steps to reformulate the basis of City income limits to address the lower incomes of Boston residents compared to the Metro area on which HUD Area Median Incomes are calculated. Through advocacy from the BTC and CPA, Mayor Menino's directed Executive Order of 2006 to base affordability requirements on the Boston, rather than HUD defined Area median income. In conversation with the Boston Redevelopment Authority in 2009, the City acknowledges that it has reverted back to using AMI.

2) Fair Housing concerns within Boston, including gentrification and displacement, must be addressed.

We are concerned that the AI draft does not discuss gentrification or displacement of low-income people. The crisis of affordability and risk of displacement for low-income residents exists across Boston's neighborhoods. It is especially apparent in neighborhoods like Chinatown, where residents are particularly vulnerable to displacement, hardship and other housing challenges, due to the extreme pressure on their housing market and the very low incomes of residents.

One example is Chauncy House in Chinatown: although the units are affordable, they are affordable to moderate income households. But rents do not match the level of affordability needed by many low-income Chinatown tenants. Moderate-income rental units at Chauncy House are designed to be affordable to households at 60 percent of area median income (AMI), such as a single person earning \$35,340, or a

family of four with \$50,460 a year. However, low-income Chinatown tenants' average incomes are under \$20,000 a year. Thus these low-income tenants are struggling to make the rent in affordable units that are unaffordable to their income levels.

The BTC and CPA advocate that the City should commit now to shifting resources towards lower-income households, including making reference to the Boston median income for the purposes of determining income limits. We hope to continue to engage the City in conversation to develop the best mechanism to illustrate Boston Median and Area income guidelines to City officials and developers and work together to develop policies that would support low-income residents and to stabilize our communities.

Thank you for the opportunity to submit comments. We hope for the opportunity to discuss these comments with you and to work with the Fair Housing Commission on the implementation of the AI.

Sincerely,

Lydia Lowe
Executive Director
Email: lydia@cpaboston.org



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Executive Director

John F. Barros

May 10, 2010

Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq., Room 966
Boston, MA 02201

RE: Comments, Analysis of Impediments to Fair Housing

Dear Ms. Williams,

Please accept these comments on the City's draft Analysis of Impediments on behalf of the Dudley St. Neighborhood Initiative (DSNI). For 25 years, DSNI has worked to bring this area of Roxbury/North Dorchester back from the devastation caused by decades of discriminatory housing and urban renewal policies, as well as red-lining by financial institutions, followed by arson and garbage dumping. We are a place-based effort that seeks to create a whole and healthy community that is moving forward together towards our shared vision of a vibrant urban village. While we have made significant progress, the current housing and credit markets crisis is a painful reminder of the importance of structures and regulations that protect and advance the basic human right to housing and to equity in the distribution of public goods.

Thank you for extending the comment period to 30 days to allow groups like ours to participate. The Analysis of Impediments (AI) presents a great opportunity to look closer at policies and practices in Boston in terms of how they further fair housing in Boston. We are pleased at the establishment of an advisory committee of local experts with extensive experience dealing with fair housing issues in Boston to help in the development of the new AI.

The draft AI plan takes a number of positive steps consistent with our work in the Dudley community: increasing access to inclusionary housing units by low-income households of color and members of other protected classes, especially through the centralization of marketing through the Boston Home Center; studying the purchasing power of Housing Choice Vouchers (formerly known as Section 8 Certificates) and the Massachusetts Rental Voucher Program (MRVP) and advocating for increases in fair market rents; and fighting the repeal of 40B.

In addition, we believe there are still areas where the City of Boston should take steps to further address fair housing concerns.

- **Available Funds Should be Targeted to Lower-Income Households in Light of Their Greater Need and the City of Boston Median Income:**

Federally funded housing programs use income limits based on the Area Median Income (AMI). According to the 2006-2008 American Community Survey, the Boston median income was \$51,489, compared to \$70,344 for the Boston-Cambridge-Quincy MSA. According to a report prepared for DSNI, the Dudley neighborhood has a 2009 estimated median household income of \$34,813. For the most part, participation in federal housing programs is limited to households with incomes below 80 percent of AMI. The City has extended eligibility for some City-funded/City-sponsored housing programs to households up to 120 percent of AMI. Given that Greater Boston AMI is much higher than the Boston median, and that the Boston MI is so much greater than Dudley's, a large percentage of our households cannot afford "affordable" housing. We strongly urge the use of Boston median income to determine eligibility for housing supports and to target resources for deeper affordability to safety net the families most in need.

- **Fair Housing Concerns Within Boston, Including Gentrification and Displacement, Must Be Addressed:**

Boston consistently ranks among the most expensive housing markets in the country. As community residents and other stakeholders came together to form DSNI, an early (and continuing) mandate was for "development without displacement." A wave of gentrification has swept many low-income households from Boston neighborhoods, including more affordable ones like Roxbury and Dorchester. Recently, a former DSNI resident board member reluctantly moved to Brockton because of housing costs. The draft AI does not discuss gentrification or displacement of low-income people. Many neighborhoods of Boston may be en route to becoming higher opportunity, but at the expense of low-income households—especially households of color -- who are no longer able to live in Boston to reap the benefits.

In light of Boston's racially-charged and residentially-segregated history, fair housing advocacy has understandably addressed access to certain neighborhoods and types of housing. Families of color and families with low-moderate income should have the option of living in the range of Boston's neighborhoods. At the same time, fair housing policies and practices also play an important role in the success and stability of our communities and families. In order to fully implement fair housing, Roxbury, Dorchester, and Mattapan should become "high opportunity" areas without displacing current residents. Families should be able to access safe, affordable, stable, and quality housing in neighborhoods of color.

Federal agencies are placing a welcomed emphasis on place-based strategies that recognize the role of mobilizing entire multi-stakeholder communities to

work synergistically for the success of children and families. The City of Boston's Circle of Promise is based on this same premise.

- **Other Anti-Displacement Strategies Should Be Included:**

One core strategy used by DSNI to stabilize families and the community is the establishment of a community land trust. Land trust homes represent the only permanently affordability homeownership units in the City, and are the island of stability in an otherwise crowded Roxbury-Dorchester-Mattapan foreclosure map. We urge the wider use of a community land trust model in order to maximize public subsidies, to stabilize families and neighborhoods.

We also encourage the City to continue and expand efforts to help tenants and former owners remain in their foreclosed homes, through the support of legal aid, education, counseling, and affordable housing re-development efforts and also to support creative strategies to keep people in their "affordable" homes that are not affordable to them and hence are threatened with displacement.

- **Collect Data on Occupancy of Inclusionary Development Units:**

Inclusionary development units are a valuable resource in the promotion of fair housing- but data has not been collected on the race/ethnicity of those who access this housing on site. This data should be collected on current IZ unit residents, and collected going forward. Given the great need for low income housing we are supportive of the City's use of pay-out Inclusionary Development Program pay-out funds to support lower income housing in Boston.

Thank you again for the opportunity to comment. We look forward to discussing this with you more and working with you in the implementation of the AI Action Plan.

Respectfully submitted,



John F. Barros
Executive Director
Dudley St. Neighborhood Initiative

The Fair Housing Center

of Greater Boston

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May 11, 2010

Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq., Room 966
Boston, MA 02201

RE: Comments, Analysis of Impediments to Fair Housing

Dear Victoria:

Please accept these comments on the City's draft Analysis of Impediments on behalf of the Fair Housing Center of Greater Boston.

First of all, we want to thank you for extending the comment period to 30 days to allow additional times for more groups like ours to participate.

The Analysis of Impediments (AI) presents a great opportunity to look closer at policies and practices in Boston in terms of how they further fair housing in Boston. We are pleased to hear how you set up an advisory committee of local experts, those that have extensive experience dealing with fair housing issues in Boston, to help the City in development of the new AI.

There are many exciting components to the draft AI plan including:

- Develop strategies for the use of City housing resources to address barriers to the siting of affordable housing in neighborhoods lacking a fair share of such housing;
- Increase the access of inclusionary zoning units to low-income households of color, and members of other protected classes, especially through the centralization of IZ unit marketing through the Boston Home Center;
- Study the purchasing power of Housing Choice Vouchers (formerly known as Section 8 Certificates) and the Massachusetts Rental Voucher Program (MRVP) and advocate for increases in fair market rents;
- Re-establish a mobility counseling program that would facilitate the use of vouchers in "high opportunity" neighborhoods;
- Establish a fair housing testing and enforcement program in collaboration with the Fair Housing Center of Greater Boston.
- Secure additional resources for fair housing outreach and education in collaboration with Fair Housing Center of Greater Boston.

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The Fair Housing Center

of Greater Boston

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- Continue the City's commitment to addressing lead paint hazards and new efforts to understand the effects of lead paint on landlords' willingness to rent to those on rental assistance;
- Reduce prejudice through the promotion of welcoming neighborhoods; and

Despite all these critical areas you have identified to address impediments to fair housing, we believe there are still areas where the City of Boston should take steps to further address fair housing concerns. They include:

Available Funds Should be Targeted to Lower-Income Households in Light of Their Greater Need and the City of Boston Median Income:

Federally funded housing programs use income limits based on the Area Median Income (AMI). For the most part, participation in federal housing programs is limited to households with incomes below 80 percent of AMI. The City has picked up on this measure of income eligibility and has extended eligibility for some City-funded/City-sponsored housing programs to households up to 120 percent of AMI. According to the 2006-2008 American Community Survey, the Boston median income was \$51,489, compared to \$70,344 for the Boston-Cambridge-Quincy MSA. Given that the Greater Boston AMI is higher than the Boston median income, a large percentage of Boston's households cannot afford "affordable" housing, resulting in a large, unmet need for affordable housing. Overwhelmingly, these low-income households are members of protected classes. For example, the median income of African-American households in Boston is only about half of that of white households. The median income of Latino households is only 40% of that of white households. Fairness calls on us to serve those with the most need. In light of the distribution of protected classes amongst the lowest income households, fair housing requires that assistance be provided in proportion to need.

While the AI recognizes the tension between serving more households and serving those with the greatest need, the AI proposes: "examine current policies for setting eligibility standards in Boston's housing programs, and evaluate strategies to balance the needs of the City's lowest income families against considerations of cost and the creation of stable mixed income developments." While this is a good start, we think the City should commit now to shifting resources towards lower-income households, including making reference to the Boston median income for the purposes of determining income limits.

- Fair Housing Concerns within Boston also include the following:
- Gentrification and Displacement
- Preservation of Expiring Use Properties Should Be Included and Highlighted
- Other Anti-Displacement Strategies Should Be Included:

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**The Fair
Housing
Center**
of Greater Boston

- Address Barriers that Prevent Use of Housing Choice Vouchers and MRVP
- Collect Data on Occupancy of Inclusionary Development Units

Thank you again for the opportunity to comment. We look forward to discussing this with you more and working with you in the implementation of the AI Action Plan

Respectfully submitted,



Tracy L. Brown
Executive Director

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Rafael Mares

STAFF

Tracy L. Brown
Executive Director

Debjani Brahmachri
Kamaria Carrington
Justin Monteiro
Maryssa Schneider

59 Temple Place #1105 • Boston, MA 02111 • 617-399-0491 • 617-399-0492 fax
TTY users please call MA Relay Service at 800-439-2370



Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq., Room 966
Boston, MA 02201

RE: Comments, Analysis of Impediments to Fair Housing

Dear Ms. Williams

Please accept these comments on the City's draft Analysis of Impediments on behalf of the **Fenway Community Development Corporation (Fenway CDC)**. The Fenway CDC is a membership organization that works to achieve greater residential stability and diversity in the Fenway neighborhood. We engage residents in community planning and organizing, develop affordable housing, and advocate for community services aimed at meeting the needs of low- and moderate-income residents.

First of all, we want to thank you for extending the comment period to 30 days to allow additional times for more groups like ours to participate.

The Analysis of Impediments (AI) presents a great opportunity to look more closely at policies and practices that can further fair housing in Boston. We are pleased to hear that you set up an advisory committee of local experts in fair housing, to help the City to develop the new AI.

There are many promising components to the draft AI plan, such as efforts to:

- Increase the access of inclusionary zoning units to low-income households of color, and members of other protected classes, especially through the centralization of IZ unit marketing through the Boston Home Center;
- Re-establish a mobility counseling program that would facilitate the use of vouchers in "high opportunity" neighborhoods;

73 Hemenway Street
Boston, Massachusetts 02115
617-267-4637
www.fenwaycdc.org

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- Study the purchasing power of Housing Choice Vouchers (formerly known as Section 8 Certificates) and the Massachusetts Rental Voucher Program (MRVP) and advocate for increases in fair market rents;
- Establish a fair housing testing and enforcement program, with a focus on the receipt of public assistance;
- Secure additional resources for fair housing outreach and education;
- Reduce prejudice through the promotion of welcoming neighborhoods; and
- Fight the repeal of 40B (the state’s “anti-snob” zoning law).

Despite all these critical areas you have identified, we believe there are additional areas where the City of Boston should take steps to further address fair housing concerns. They include:

- **Preservation of Expiring Use Properties Should Be Included and Highlighted:**

The Fenway is a centrally-located neighborhood with some of the best public transit, intellectual, and cultural institutions in the City. Unfortunately, proximity to these amenities have translated into higher rents than in many other Boston neighborhoods. **The Fenway CDC strongly believes that housing in our neighborhood should be affordable to people of all incomes.** Expiring use developments are one of the major sources of housing that low- and moderate-income people can afford in the Fenway. These projects should be a high priority, not only to preserve affordable housing, but also to preserve a source of housing choice.

Preservation of expiring use properties is of particular concern right now for the Fenway CDC because we are facing the potential loss of 175 units of subsidized housing – more than 10% of the affordable housing stock in the Fenway. The neighborhood is in danger of losing the subsidized units at Burbank Apartments in spring 2011, because the owner’s mortgage is expiring and he has expressed a desire to opt out of project based Section 8. In addition, there are several other expiring use developments (totaling over 300 units) in our neighborhood that may be at risk in the coming few years.

Preservation of expiring use properties must be a priority city-wide. CEDAC reports that 5,147 affordable housing units in Boston are at risk between now and 2012 due to expiring affordability restrictions and/or expiring project-based Section 8 contracts. Thousands more are at risk in the suburbs and after 2012 in Boston.

In summary, while steps should be taken to increase affordable housing in “opportunity” locations, **it is also critically important to preserve the affordable housing that already exists** in opportunity locations throughout Boston. It is well known that preserving existing affordable housing is far more cost-efficient than creating new units.

- **Available Funds Should be Targeted to Lower-Income Households in Light of Their Greater Need and the City of Boston Median Income:**

Federally funded housing programs use income limits based on the Area Median Income (AMI). For the most part, participation in federal housing programs is limited to households with incomes below 80 percent of AMI. The City of Boston has picked up on this measure of income eligibility and has extended eligibility for some City-funded/City-sponsored housing programs to households up to 120 percent of the Greater Boston AMI.

Fenway CDC develops and owns affordable housing in the Fenway. In addition, we advocate with developers, the Boston Redevelopment Authority, and other entities to ensure that additional affordable housing is protected and built. **Although our mission is to serve very low- and low-income residents in the neighborhood, it can be hard for us to advocate for housing that is affordable to those groups. This is because inclusionary housing, linkage, and other affordable housing policies and practices are linked to the Greater Boston Area Media Income instead of the City of Boston Area Media Income.**

According to the 2006-2008 American Community Survey, the Boston median income was \$51,489, compared to \$70,344 for the Boston-Cambridge-Quincy MSA. **Given that the Greater Boston AMI is higher than the Boston median income, a large percentage of Boston's households cannot afford "affordable" housing, resulting in a large, unmet need for affordable housing.** Overwhelmingly, these low-income households are members of protected classes. For example, the median income of African-American households in Boston is only about half of that of white households. The median income of Latino households is only 40% of that of white households. Fairness calls on us to serve those with the most need. In light of the distribution of protected classes amongst the lowest income households, fair housing requires that assistance be provided in proportion to need.

While the AI recognizes the tension between serving more households and serving those with the greatest need, the AI proposes: "examine current policies for setting eligibility standards in Boston's housing programs, and evaluate strategies to balance the needs of the City's lowest income families against considerations of cost and the creation of stable mixed income developments." **While this is a good start, we think the City should commit now to shifting resources towards lower-income households, including making reference to the Boston median income for the purposes of determining income limits.**

The AI refers to commenters who have objected to such a shift of resources on the grounds that "a reduced income standard would reduce the City's ability to produce mixed income housing," Draft AI, Pg. 43, but the draft includes no explanation of this concern. We feel that the City can accomplish a goal of providing mixed income housing by interspersing more deeply affordable units with market units or moderate units, such as tax credit units. As one example, the City could piggyback funds with inclusionary development set-aside units to ensure that rental units that would otherwise go to households at 100 percent of 120 percent of AMI are affordable at the least to lower-income households with Section 8, MRVP or other vouchers.

- **Fair Housing Concerns Within Boston, Including Gentrification and Displacement, Must Be Addressed:**

The AI has an extensive discussion of a 2009 report by the Kirwan Institute¹ ranking Massachusetts municipalities by “opportunity” levels, ranging from “Very Low Opportunity” to “Very High Opportunity.” Boston is ranked as “Low Opportunity.” Only 4 of Boston’s 157 Census tracts were rated as moderate opportunity, and none was classified as high or very high. Draft AI, pg. 14, fn. 2. While valuable and interesting, the focus on this report unfortunately seems to have shifted the focus of the AI from addressing fair housing concerns within Boston to a more regional perspective aimed at encouraging low-income households to move from Boston to “higher opportunity” areas. While this may be a laudable effort, the BTC is concerned that this has eclipsed a concern for the many fair housing issues still faced by Boston residents, especially impacting members of protected classes.

What we hear from low- and moderate-income Fenway residents is that they love living in the Fenway, and do not want to move anywhere else. Many community members have lived in the Fenway for most of their lives and want to continue living where they can walk or ride the MBTA to work, quickly reach downtown, and enjoy cultural institutions ranging from Symphony Hall to Fenway Park.

However, without affordable housing, most low- and many moderate-income residents would not be able to stay in the Fenway. For example, if we lose the 175 units of subsidized housing at Burbank Apartments, residents who have lived here for decades will have to move to “low opportunity” or “very low opportunity” neighborhoods within Boston or towns such as Brockton or Lynn. **They would lose not only a home and MBTA access to employment, but also a connection to community built over years.**

Boston consistently ranks among the most expensive housing markets in the country--rental or homeownership--by any measure. A wave of gentrification has swept many low-income households from neighborhoods like Chinatown, South Boston, Charlestown, the South End, Jamaica Plain, as well as the historically less expensive neighborhoods of Roxbury, Dorchester, and Hyde Park. We know anecdotally that many, if not most, of these households have left Boston to more affordable “Very Low Opportunity” area like Brockton, Chelsea and Lynn. Given their lower incomes, households in protected classes are likely to have been disproportionately displaced. The draft AI does not discuss gentrification or displacement of low-income people. Many neighborhoods of Boston may be en route to becoming higher opportunity, but at the expense of low-income households--especially those who are members of protected classes--who are no longer able to live in Boston to reap the benefits.

¹ *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, January 2009.

- **Collect Data on Occupancy of Inclusionary Development Units:**

Inclusionary development units are a valuable resource in the promotion of fair housing- but data has not been collected on the race/ethnicity of those who access this housing on site. This data should be collected on current IZ unit residents, and collected going forward. Given the great need for low income housing we are supportive of the City's use of pay-out Inclusionary Development Program pay-out funds to support lower income housing in Boston

Thank you again for the opportunity to comment. We look forward to discussing this with you more and working with you in the implementation of the AI Action Plan

Respectfully submitted,

Dharmena Downey
Executive Director

Sarah Horsley
Civic Engagement Director



Health Resources in Action

Advancing Public Health and Medical Research

95 Berkeley Street, Suite 208
Boston, MA 02118
617.451.0049 | Fax: 617.451.0062
TTY: 617.451.0007 | www.hria.org

May 11, 2010

Analysis of Impediments to Fair Housing
Boston Fair Housing Commission
One City Hall Square, Rm. 966
Boston, MA 02201

Dear Ms. Williams:

The Boston Urban Asthma Coalition and Lead Action Collaborative which are programs of Health Resources in Action would like to thank the Fair Housing Commission for undertaking the “Analysis of Impediments to Fair Housing” process in Boston. We all recognize there are issues, housing included, which impact far too many of Boston residents who are members of protected classes. Access to healthy, affordable and safe housing should be available to everyone.

We support the Boston Tenant Coalition’s comments

The following aspects of the AI deserve applause and support:

- Efforts to develop strategies for the use of City housing resources to address barriers to the siting of affordable housing in neighborhoods lacking a fair share of such housing.
- Efforts to increase access of inclusionary zoning units to low-income households of color, and members of other protected classes, especially through the centralization of IZ unit marketing through the Boston Home Center
- Efforts to understand the purchasing power of Housing Choice Vouchers (formerly known as Section 8 Certificates) and the Massachusetts Rental Voucher Program (MRVP) and advocate for increases in fair market rents.
- The reestablishment of a mobility counseling program that would facilitate the use of vouchers in “high opportunity” neighborhoods.
- Establishment of a fair housing testing and enforcement program, with a focus on the receipt of public assistance.
- Efforts to secure additional resources for fair housing outreach and education.
- The City’s continued commitment to addressing lead paint hazards and the affects of lead paint on landlords’ willingness to rent to those on rental assistance.
- Efforts to reduce prejudice through the promotion of welcoming neighborhoods.
- Efforts to fight the repeal of 40B (the state’s “anti-snob” zoning law).

Outstanding concerns include:

- Federally funded housing programs use limits based on the Area Median Income (AMI). In an attempt to fund more units, federal funds are spread thinly, forcing housing providers to market affordable units to those who either hold a housing voucher or are near the top of the income eligibility guidelines. The Greater Boston AMI is higher than the Boston median income. As a result, there is a large, unmet need for affordable housing among Boston's low-income households, who are overwhelmingly members of protected classes. Fairness calls on us to serve those with the most need. While the AI recognizes the tension between serving more households and serving those with the greatest need, the AI proposes: "examine current policies for setting eligibility standards in Boston's housing programs, and evaluate strategies to balance the needs of the City's lowest income families against considerations of cost and the creation of stable mixed income developments." While this is a good start, we think the city should commit now to shifting resources towards lower-income households, including the use of the Boston median income for the purposes of determining income limits.
- While steps should be taken to increase affordable housing in opportunity locations, it is also critically important to preserve the affordable housing that already exists in these locations. Thousands of units of affordable housing in the City and region are at risk due to expiring affordability restrictions and/or expiring project-based Section 8 contracts in the next few years. Preservation of units in high opportunity neighborhoods should be a high priority.
- Even in neighborhoods with a concentration of poverty, existing project-based affordable housing is an important resource for low-income families. Efforts should be taken to preserve this housing, and improve the quality of life for the neighborhoods containing these units, including increasing access to jobs (e.g. the Fairmount line redevelopment).
- Section 8 Housing Choice Voucher and MRVP participants are concentrated in lower opportunity areas. While the AI establishes a comprehensive fair housing testing and enforcement program and initiate enforcement actions to identify instances of discrimination based on receipt of public assistance, this testing should include traditional forms of discrimination, as well as barriers to entry such as high rental application fees, credit checks, etc.). In addition, the City and state should enact legislation prohibiting rental practices that create barriers to Housing Choice Voucher and MRVP voucher holders, such as unreasonable rental application fees, and credit check practices that unreasonably deny housing, etc.

- Inclusionary zoning units are a valuable resource in the de-concentration of households of color, but data has not been collected on the race/ethnicity of those who access this housing. This data should be collected on current IZ unit residents, and collected going forward.

Once again, we want to thank the Fair Housing Commission for undertaking this current analysis in such an open manner. Your willingness to include participation from organizations who work closely with the most vulnerable members of our community, should be applauded.

Sincerely,

A handwritten signature in black ink, appearing to read "Davida L. Andelman", with a long horizontal flourish extending to the right.

Davida Andelman
Director, Lead Action Collaborative/HRiA



May 10, 2010

via email: Victoria.Williams@cityofboston.gov
Victoria Williams, Director
Boston Fair Housing Commission
One City Hall Sq., Room 966
Boston, MA 02201

RE: Comments, Analysis of Impediments to Fair Housing

Dear Ms. Williams:

Thank you for the opportunity to comment on the City's draft Analysis of Impediments on behalf of Rosie's Place. Rosie's Place is a sanctuary for poor and homeless women in Boston and we serve approximately 9,000 women a year. For most of our guests, housing that is safe and affordable is a significant unmet need. I would also like to thank you for extending the comment period to 30 days to allow additional time for more groups like ours to participate.

Rosie's Place is also leading a campaign advocating for families involved with the Department of Children and Families and among our priorities is reducing racial disproportionalities and disparities in the child protective system. Black children are the least likely to be reunified and most likely to remain in foster care for more than 12 months. The lack of affordable and safe housing is a significant barrier to reunification. According to one study, as many as 30% of children in foster care can be reunited with their families if they had access to safe and affordable housing.¹

According to the University of Massachusetts Center for Social Policy, households with minor children are more likely to be un-housed, many of whom are headed by single mothers. In an analysis of households living in public housing, receiving Section 8 vouchers, and those on Section 8 wait lists, 70% of households with no children were housed, compared to only 50% of household with children.

	Household with no minor children	Households with minor children
Public Housing	7,122	4,274
Section 8	5,502	4,986
Total Households housed	12,624	9,260
Section 8 wait list	5,496	9,200

¹ Courtney, M., McMurtry, S., & Zinn, A. (2004). Housing problems experienced by recipients of child welfare services. *Child Welfare*, 83, 389-392.



We appreciate several recommendations in the draft AI plan including:

- Develop strategies for the use of City housing resources to address barriers to the siting of affordable housing in neighborhoods lacking a fair share of such housing;
- Re-establish a mobility counseling program that would facilitate the use of vouchers in “high opportunity” neighborhoods;
- Establish a fair housing testing and enforcement program, with a focus on the receipt of public assistance; and
- Reduce prejudice through the promotion of welcoming neighborhoods;

Despite all these critical areas you have identified to address impediments to fair housing, we believe there are still areas where the City of Boston should take steps to further address fair housing concerns. They include:

- **Available Funds Should be Targeted to Lower-Income Households in Light of Their Greater Need and the City of Boston Median Income:**

Affordable housing is an overwhelming need for most of our guests at Rosie's Place, yet City of Boston resources for “affordable housing” are unaffordable to those who need it most. Federally funded housing programs use income limits based on the Area Median Income (AMI). For the most part, participation in federal housing programs is limited to households with incomes below 80 percent of AMI. The City has extended eligibility for some City-funded/City-sponsored housing programs to households up to 120 percent of AMI.

Given that the Greater Boston AMI is higher than the Boston median income, a large percentage of Boston's households cannot afford “affordable” housing, resulting in a large, unmet need for affordable housing. Overwhelmingly, these low-income households are members of protected classes. For example, the median income of African-American households in Boston is only about half of that of white households. The median income of Latino households is only 40% of that of white households. In light of the distribution of protected classes amongst the lowest income households, fair housing requires that assistance be provided in proportion to need.



- **Fair Housing Concerns Within Boston, Including Gentrification and Displacement, Must Be Addressed:**

The focus on the Kirwan “opportunity” report unfortunately seems to have shifted the focus of the AI from addressing fair housing concerns within Boston to a more regional perspective aimed at encouraging low-income households to move from Boston to “higher opportunity” areas. We are concerned that this has eclipsed a concern for the many fair housing issues still faced by Boston residents, especially impacting members of protected classes.

Boston consistently ranks among the most expensive rental and ownership housing markets in the country. Given their lower incomes, households in protected classes are likely to have been disproportionately displaced. The draft AI does not discuss gentrification or displacement of low-income people. Many neighborhoods of Boston may be en route to becoming higher opportunity, but at the expense of low-income households--especially those who are members of protected classes--who are no longer able to live in Boston to reap the benefits.

Rosie's Place is located in the South End and we have seen first hand the effect of gentrification in the displacement of our guests from their homes and communities. For some guests this displacement resulted in their homelessness, while for others it resulted in their moving to other towns and cities. Lack of transportation or the increase in commuting time becomes a barrier to accessing services for those who move further away seeking affordable housing

- **Preservation of Expiring Use Properties Should Be Included and Highlighted:**

While steps should be taken to increase affordable housing in “opportunity” locations, it is also critically important to preserve the affordable housing that already exists in these locations and throughout Boston. CEDAC reports that 5,147 affordable housing units in Boston are at risk between now and 2012 due to expiring affordability restrictions and/or expiring project-based Section 8 contracts. Thousands more are at risk in the suburbs and after 2012 in Boston. In some cases, these projects are major sources of affordable housing in middle-class, diverse or predominantly white neighborhoods, where there is little other opportunity for low-income people to reside, either because rents are too high or there simply is not much rental housing as compared to homeownership housing. These projects should be a high priority, not only to preserve affordable housing, but also to preserve a source of housing choice.



Moreover, even in neighborhoods with a concentration of poverty, existing project-based affordable housing is an important resource for low-income families. Efforts should be taken to preserve this housing, and improve the quality of life for the neighborhoods containing these units, including increasing access to jobs.

- **Other Anti-Displacement Strategies Should Be Included:**

We also encourage the City to continue and expand efforts to help tenants and former owners remain in their foreclosed homes, through the support of legal aid, education, counseling, and affordable housing re-development efforts and also to support creative strategies to keep people in their "affordable" homes that are not affordable to them and hence are threatened with displacement.

- **Address Barriers that Prevent Use of Housing Choice Vouchers and MRVP:**

Housing Choice Voucher and MRVP participants are concentrated in lower opportunity areas. While the AI establishes a comprehensive fair housing testing and enforcement program to identify instances of discrimination based on receipt of public assistance, this testing should include not just traditional forms of discrimination, but also an examination of barriers to entry such as high rental application fees, credit checks, etc. In addition, the City and state should enact legislation prohibiting rental practices that create barriers to Housing Choice Voucher and MRVP voucher holders, such as unreasonable rental application fees, and credit check practices that unreasonably deny housing, etc.

Thank you again for the opportunity to comment. We look forward to discussing this with you more and working with you in the implementation of the AI Action Plan

Respectfully submitted,
Sana Fadel
Director of Public Policy
Rosie's Place