

PRRAC

Poverty & Race Research Action Council

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Annual Report 2015-2016

1. HOUSING OPPORTUNITY

Policy Advances - Housing

In July, we finally saw the release of the final Affirmatively Furthering Fair Housing Rule after more than six years of development (and as many years of PRRAC engagement with HUD staff on the rule). One of the most exciting aspects of the new AFFH rule and guidebook is its emphasis on housings' link to employment, health, education, community resources, and wealth building. In connecting housing policies to school integration, for example, the assessment form states that "The geographic relationship of proficient schools to housing, and the policies that govern attendance are important components of fair housing choice. The quality of schools is often a major factor in deciding where to live and school quality is also a key component of economic mobility. Relevant factors to consider include whether proficient schools are clustered in a portion of the jurisdiction or region, the range of housing opportunities close to proficient schools, and whether the jurisdiction has policies that enable students to attend a school of choice regardless of place of residence. Policies to consider include, but are not limited to: inter-district transfer programs, limits on how many students from other areas a particular school will accept, and enrollment lotteries that do not provide access for the majority of children."

HUD also finally issued its final rule on Section 8 portability – "Streamlining the Portability Process" – for Housing Choice Vouchers that move across jurisdictional lines, recognizing that "for the HCV program's goals to support mobility and housing choice to be realized, the regulations governing the portability process must be clarified so that the burden on families and the PHA is reduced." The final rule streamlines the administrative process, allows more time for families who are "porting" out to a new jurisdiction, requires PHAs to brief all families on the benefits of living in lower poverty neighborhoods, and most importantly, requires PHAs to provide apartment or landlord listings that "cover areas outside of poverty or minority concentration."

PRRAC and the Center on Budget and Policy Priorities have been pressing HUD for an expansion of the Section 8 "Small Area Fair Market Rent" approach several years, and development of the current proposed rule began at a joint session between the HUD research division, CBPP, PRRAC, and invited scholar George Galster. The recently proposed Small Area FMR rule is intended to expand housing opportunities in metropolitan areas with high concentrations of vouchers in poor neighborhoods, by calculating maximum voucher rents based not on a region-wide percentile, but rather on rent levels in each zip code, permitting greater

access to higher rent areas for low income families, and reducing overpayments and incentives to rent in the poorest neighborhoods

Policy Advocacy and Policy Development - Housing

In July 2015, the Treasury Department finally issued draft rules to comply with the Civil Rights Act of 1964 but left out the multi-billion dollar Low Income Housing Tax Credit program from the list of programs covered. We drafted and organized a strong coalition letter to the Treasury Department protesting this exclusion. Late in 2015, we organized and led a very constructive meeting at the Treasury Department with the new Deputy Secretary and senior staff on remaining civil rights reforms needed in the Low Income Housing Tax Credit program, and followed up with a detailed letter outlining specific regulatory guidance needed in the program. In early 2016, we sent a follow-up letter to Deputy Secretary Raskin seeking a progress report on her commitments at our fall meeting to prioritize the development of fair housing guidance in the Low Income Housing Tax Credit program. We also raised these issues in a small meeting of housing advocates organized by Secretary Lew and senior staff at the Department.

We submitted proposed HUD guidance to the new director of the HUD Rental Assistance Demonstration (RAD) to assist PHAs in implementing the undefined “Choice/Mobility” provisions of the RAD rule. In early 2016, PRRAC and the Lawyers Committee testified at a “listening session” on civil rights standards in the Rental Assistance Demonstration, which allows refinancing of public and assisted housing using monthly voucher payments along with public and private financing. Our testimony was primarily focused on the applicability of civil rights site selection standards for a subset of RAD developments involving demolition and new construction. We followed up our testimony with written comments urging the Department of Housing and Urban Development to maintain basic civil rights siting standards in the new RAD program. A larger share of RAD projects than expected are using the program for demolition and new construction, raising key fair housing concerns. Some industry groups have urged HUD to weaken civil rights siting requirements for the RAD program. We also met with HUD staff in charge of the new Rental Assistance Demonstration to ensure that families in developments receiving RAD refinancing funds be given the opportunity to move voluntarily with a portable housing voucher, if they choose to do so, as required in the program regulations.

We drafted and joined with the Lawyers Committee and the National Fair Housing Alliance in comments on the HUD Assessment Tool to be used by jurisdictions, PHAs, and states that report to HUD under the new Affirmatively Furthering Fair Housing rule released this summer.

We continued to advocate, with a coalition of legal services and tenant organizing groups for strong civil rights guidance from HUD for PHAs that participate in the Moving to Work (MTW) regulatory flexibility program.

PRRAC joined a dozen other housing, civil rights, and community organizing groups at the Open Society Foundations, to develop a strategy to assist HUD in the implementation of the Affirmatively Furthering Fair Housing rule.

PRRAC urged HUD to update the annual and five-year "Public Housing Agency Plan" requirements to align with the new Affirmatively Furthering Fair Housing Rule, so that PHAs can be held accountable for their progress in achieving identified fair housing goals.

We also submitted comments on the Federal Housing Finance Agency's "economic diversity incentive" in its proposed "Duty to Serve" rule for Fannie Mae and Freddie Mac, designed to promote development of low cost housing in high opportunity areas and mixed income housing in low opportunity areas.

In February 2016, we helped inform a *Washington Post* story that low income families in Flint, Michigan, who have HUD Housing Choice Vouchers have the right to move. HUD had been alerted to this issue in early February by one of our coalition allies, and PRRAC and the Lawyers Committee followed up with a letter to Secretary Castro asserting that HUD has a responsibility to help HUD-assisted families who may wish to leave the city for safer locations.

Publications - Housing

[Leveraging the Power of Place: Using Pay for Success to Support Housing Mobility](#), by Dan Rinzler, Low Income Investment Fund; Philip Tegeler, Poverty & Race Research Action Council; Mary Cunningham, Urban Institute; and Craig Pollack, Johns Hopkins School of Medicine (San Francisco Federal Reserve, July 2015)

[Constraining Choice: The Role of Online Apartment Listing Services in the Housing Choice Voucher Program](#) (July 2015)

Support for Regional Coalitions - Housing

Philadelphia: In spite of our protestations and multiple meetings with HUD, the agency failed to renew funding for the regional housing mobility program here. We have been meeting with Building One America to assess our options going forward.

Baltimore: Phil Tegeler served as chair of the Policy Committee on the Baltimore Regional Housing Partnership Board. Recent Policy Committee work included development of guidelines for requests by outside researchers for program data and access to program participants; and adoption of a local admissions preference for families with young children; BRHP also approved a multi-year asthma study to be funded by NIH, and a plain English consent form for BRHP clients.

St. Louis: We continued to work with staff at HUD and local allies on development of a regional Section 8 housing mobility program for St. Louis and St. Louis County. We also submitted a joint letter to the Missouri Housing Finance Commission urging changes to the annual plan for the Low Income Housing Tax Credit to promote greater balance in the location of family developments. Both Housing Choice Vouchers and LIHTC properties are extremely concentrated in predominantly poor and segregated areas of north St. Louis and north St. Louis County (Ferguson area).

2. EDUCATIONAL EQUITY

Most of PRRAC's work on education equity is done through the National Coalition on School Diversity, a growing network of national and state civil rights groups, academic researchers, teachers and administrators that we helped to found in 2009, and that we continue to staff. See www.school-diversity.org.

Policy Advances - Education

In 2016, The Department of Education capped a series of recent announcements on school integration with a notice of funding availability for the "Investing in Integration" competitive grants program that prioritizes proposals that promote racial and economic integration. We have been pressing for this change for the past several years, and this is yet another indication that Secretary King is serious about expanding federal support for school diversity.

In early 2016, the President submitted his 2017 budget, which included a proposal for \$120 million in competitive grant funds to support voluntary "socioeconomic" school integration programs across the country ("Stronger Together"), and an \$11 million increase in the Magnet Schools Assistance Program.

In December 2015 the President signed into law the Every Student Succeeds Act (ESSA), the successor to No Child Left Behind. It mandates significant new responsibilities for state and local education agencies including developing accountability metrics and Title I interventions. ESSA also contains provisions relating to community engagement – specifically the requirement that state and local education agencies engage in "timely and meaningful consultation" with a variety of stakeholders while developing many aspects of Title I plans and school accountability systems. Through the National Coalition on School Diversity (NCSD), we are reaching out to our allies and partners to ensure that racial and socio-economic equity are addressed during the development of these metrics.

Policy Advocacy and Policy Development - Education

During the summer of 2015, we drafted comments for the NCSD on the proposed new Head Start performance standards which, for the first time, included language on classroom diversity.

PRRAC joined an amicus brief in late 2015 in *Fisher v. Texas* highlighting the international human rights precedents for consideration of race in college admissions.

In early 2016, NCSD asked the Department of Education to provide guidance to states on school integration planning under the new Congressional re-authorization of Title I, the "Every Student Succeeds Act."

In May, the Government Accountability Office (GAO) released a report on increasing school segregation in the United States, and promising practices to promote school integration. The report, which received significant public and media attention, was requested by minority members on the House Education Committee. We provided input to GAO staff as the report was being developed.

We continue to press the point with the Department, in comments with the NCSD supporting school diversity as a School Turnaround Strategy, and a letter urging the Department not to consolidate and reduce the mission of the regional "Equity Assistance Centers," which are charged with assisting states and local districts in implementing school integration plans.

PRRAC joined a chorus of objections to a controversial school redistricting plan in Loudoun County, VA that would have intentionally concentrated lower income, predominantly Latino children in two district schools.

Convenings and Publications - Education

More than 250 school integration advocates, students, teachers, media and policy leaders attended the Third National Conference of the National Coalition on School Diversity, in September 2015 at the Howard University School of Law.

NCSD [Issue Brief 6: Prioritizing School Integration in ESSA State Implementation Plans](#) (May 2016)

NCSD [Research Brief No. 9: Regional Educational Equity Policies: Learning from Inter-district Integration Programs](#), by Kara S. Finnigan and Jennifer Jellison Holme (September 2015)

Support for Regional Coalitions - Education

In the late summer of 2015, the greater Hartford “Sheff Movement” coalition held two meetings (one a public forum, the other in private) with Hartford mayoral candidates which successfully defused some of the divisive rhetoric about school integration that had emerged in the campaign. We also worked with the producers of the public radio show [This American Life](#) on their series on school integration, which included a long segment on the Hartford integration plan. In the fall, we participated in a well-attended “community conversation” in the town of Glastonbury on expanding the Open Choice program. In 2016, we continued to assist the Sheff Movement coalition in Hartford with its organizing and public education efforts in support of the region’s school integration plan. We organized an excellent panel on the value of dual language immersion magnet schools at the annual Latino and Puerto Rican Affairs Commission Conference at the state capitol; we assisted the coalition with fundraising and with their 501(c)(3) incorporation; and we participated in a planning meeting with lawyers for the plaintiffs, who are going into the next round of negotiations on the case this summer.

3. LINKING HOUSING AND EDUCATION POLICY

AFFH: One of the most exciting aspects of the new AFFH rule and guidebook is the emphasis on the relationship of housing to employment, health, education, community resources, and wealth building. In connecting housing policies to school integration, for example, the assessment form states that “The geographic relationship of proficient schools to housing, and the policies that govern attendance, are important components of fair housing choice. The quality of schools is often a major factor in deciding where to live and school quality is also a key component of economic mobility. Relevant factors to consider include whether proficient schools are clustered in a portion of the jurisdiction or region, the range of housing opportunities close to proficient schools, and whether the jurisdiction has policies that enable students to attend a school of choice regardless of place of residence. Policies to consider include, but are not

limited to: inter-district transfer programs, limits on how many students from other areas a particular school will accept, and enrollment lotteries that do not provide access for the majority of children."

USDOE and HUD: In May of 2016, PRRAC was invited to participate in an announcement and "listening session" at the Department of Education highlighting school and housing integration efforts from around the U.S. (including representatives from Baltimore, New York City, Hartford, and St Louis). The convening highlighted a new multiagency guidance letter co-signed by the Secretaries of Education, Transportation, and Housing urging state and local education, housing, and transportation agencies to work together to advance racial and economic integration and to support HUD's Affirmatively Furthering Fair Housing rule. PRRAC has been pressing HUD and the Department of Education to develop these joint policies beginning in 2011, and renewing our efforts again in early 2015. A number of suggestions in the 2016 joint guidance letter were also part of a PRRAC policy brief released last year.

USCCR: On May 20th, we were invited to testify at a U.S. Commission on Civil Rights hearing on "Public Education Funding Inequality in an Era of Increasing Concentration of Poverty and Resegregation," focusing on the connections between school and housing policy and resegregation trends. Phil Tegeler was a panelist for the discussion focused on "Segregation: The Nexus between School Funding and Housing."

One Nation Indivisible: We completed a multimedia presentation based on some of the school integration "stories" collected over the course of this three-year project. Co-director Susan Eaton also published a book, "Integration Nation," based on some of the stories on immigrant integration documented by the project (we hosted a book launch for Susan at our DC office this past spring).

4. TRANSPORTATION, HEALTH AND ENVIRONMENTAL JUSTICE

"Leveraging Fair Housing Policies to Promote Better Health Outcomes": we joined the National Collaborative for Health Equity for a webinar exploring the connection between fair housing planning, housing mobility, and public health. The webinar included Phil Tegeler from PRRAC, Craig Pollack, Johns Hopkins School of Medicine; and Demetria McCain, Inclusive Communities Project, Dallas.

EPA and HUD coordination: We submitted comments to EPA regarding its proposed amendments to the EPA Title VI regulations. Our letter, co-signed by the Lawyers Committee and submitted on behalf of 14 organizations, specifically focuses on the need for EPA to coordinate with HUD, to engage in the HUD AFFH process and to leverage the AFFH process in its other nondiscrimination investigations and enforcement.

Lead paint and children: We joined many other national groups in a HUD petition for rulemaking led by the Shriver Center and Loyola University Law School Clinics to update HUD lead paint protocols in accordance with the latest scientific and medical knowledge.

We joined the City Project and other civil rights groups in comments on the Department of Interior draft 2016-2020 Environmental Justice Strategic Plan, which addresses equitable access to parks, beaches, pools, and other recreation opportunities.