

April 6, 2009

Shaun Donovan, Secretary of Housing & Urban Development
U.S. Department of Housing & Urban Development
451 7th Street S.W.
Washington, DC 20410

Ray LaHood, Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Re: The importance of racial justice and fair housing in transportation-housing collaborations

Dear Secretaries Donovan and LaHood,

We read with great interest your March 18th testimony before the House Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on collaboration between HUD and DOT to help create more livable and environmentally sustainable communities.

We fully support the objectives set out in your testimony, and we are writing to urge you to more explicitly consider the impact of federal transportation policy on patterns of residential segregation by race and income. The historical role of federal housing and transportation policy in creating racially and economically isolated communities in the 1940s, 50s, and 60s has been well documented. But even today, transportation decisions, in concert with federal housing policy, have the potential either to perpetuate past segregation, or to promote diverse, inclusive communities.

The recent report of the bipartisan National Commission on Fair Housing and Equal Opportunity, *The Future of Fair Housing* (December 2008),* noted the importance of aligning federal transportation policy with fair housing on a regional basis:

Implementation of major investments in transportation, employment, education, commercial development, and other infrastructure enhancements should be aligned with fair housing goals, to support and develop diverse, sustainable communities with access to opportunity for all residents.

The Commission report also pointed out that DOT and other agencies that are involved in housing and community development share HUD's statutory duty to "affirmatively further fair housing" under the 1968 Fair Housing Act. This duty was further strengthened by Executive Order 12892 (1994), which created the President's Fair

* www.civilrights.org/publications/reports/fairhousing/future_of_fair_housing_report.pdf

Housing Council, and called on all federal agencies – including DOT – to work closely with HUD to address systemic fair housing concerns.

To implement these obligations, among other recommendations, the Fair Housing Commission's 2008 report suggested reinstating a regional planning tool such as the A-95 Review process to require regional planning organizations to develop fair housing performance goals for local jurisdictions within each major metropolitan area, and to assess the racial impacts of proposed transportation investments. The report also urged HUD and DOT to consider tying land use incentives to federal infrastructure investment:

Federal “smart growth” initiatives should incorporate fair housing principles and goals to support affordable and inclusive housing development near job centers and along transit corridors. States should be encouraged to link environmental and transportation planning with affordable housing development, similar to California's recent anti-sprawl initiative.

We hope that you will consider these fair housing issues as you move forward with this important collaboration between your agencies. HUD's developing “Sustainable Communities Initiative” shows great promise in this regard, for example, but unless issues of racial segregation, poverty concentration, and equal access to opportunity are addressed openly and explicitly, it is possible that policy choices could be made that do not significantly promote fair housing.

Please let us know if there is any additional information that we can provide, or if there are ways that we can assist or participate in the process going forward.

Sincerely,

Wade Henderson
Leadership Conference for Civil Rights
Washington, DC

Shanna L. Smith
National Fair Housing Alliance
Washington, DC

John Brittain
Lawyers Committee for Civil Rights under Law
Washington, DC

Philip Tegeler
Poverty & Race Research Action Council
Washington, DC

cc: Ron Sims, HUD Deputy Secretary-Designate
Bruce Katz, Senior Advisor to the HUD Secretary