

Fair Housing Commission Hearing Testimony
Frances Espinoza, Executive Director, Housing Rights Center
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Forty years ago, our nation committed to ending housing discrimination. In the years since, our government provided several tools for achieving truly fair housing, none more important than the requirement that municipalities “affirmatively further fair housing.” This tool, however, is AWOL. It will remain on leave until our governments (local, state, and federal) recommit themselves to the original vision of discrimination-free housing.

Before I explain what it means to “affirmatively further fair housing,” let me introduce myself. I am Frances Espinoza, Executive Director, of the Southern California Housing Rights Center (HRC). We, like many fair housing organizations throughout the county, provide fair housing services to local jurisdictions, usually cities and counties. HRC’s services include (1) intake and investigation of housing discrimination complaints, (2) housing rights counseling, (3) education and outreach, and (4) legal services. We serve the residents of over 50 cities throughout Los Angeles and Ventura Counties and have assisted more than a 100,000 clients in the past five years.

HRC would not exist if not for support from HUD and local municipalities. HUD provides funding to local jurisdictions for fair housing programs that, in turn, fund HRC to provide fair housing services for its residents.

But this funding is cover for a fiction. The fiction is that our municipalities are achieving discrimination-free housing; it is a fiction because our governments are woefully under funding fair housing programs and, at the same time, making legal claims that they to be doing all they can to achieve discrimination free housing.

Let me explain how this fiction plays itself out.

The U. S. Department of Housing and Urban Development (HUD) requires “actions to affirmatively further fair housing” of all jurisdictions that receive funds from HUD. These funds, most notably known through the Community Development Block Grant (CDBG), can be significant and many municipalities depend on them for various program. To receive these funds, HUD requires each jurisdiction to *certify* that it “will engage in fair housing planning by: (1) conducting an analysis of impediments to fair housing choice at the beginning of each five-

year cycle; (2) Carrying out actions to overcome the effects of identified impediments; (3) Maintaining records and making available information and reports, including the analysis of impediments, and to document actions undertaken to eliminate identified impediments.”

HRC has worked with many cities in drafting these plans, as cities are required to do every five years. The studies identify impediments to fair housing choice and recommend actions to address the identified impediments. But this is where the work ends.

The vast majority of plans sit on the shelf and collect dust. Put simply, cities take absolutely no action based on the plan. The impediments remain impediments. Why? Because any action requires funding and resources not already allocated to develop and carry out plans that would actually address the impediments to fair housing.

In short, the status quo continues. In the 10 years I have worked in fair housing, I have never worked with a local jurisdiction that has funded anything more than basic fair housing services. Yet study after study identifies many impediments far beyond basic services, such as conducting studies on segregation, coordinating advertising efforts, conducting systemic testing in sales and mortgage lending, and coordinating widespread outreach efforts to non-English speaking communities.

Let me give you some examples.

EXAMPLE #1: In October 2003, the City of El Monte completed an Analysis of Impediments Study which recommended the City continue to provide basic services such as the ones HRC provides. In addition, the AI recommended that the City conduct: (1) a study of housing segregation trends in the City of El Monte, (2) a study on patterns of discrimination against families with children in El Monte, (3) an examination of the housing concerns of female headed households, and (4) an examination of mortgage lending patterns in El Monte. The City has never done anything to address the recommendations made in the AI study.

EXAMPLE #2: Los Angeles’ 2005 AI identified two relevant impediments. It recommended the City expand the scope of its fair housing services to address “discriminatory practices in the homebuyer process. Specifically, audits/testing may need to be performed periodically for home sales and lending.” It also recommended the City continue the Don’t Borrow Trouble campaign, which provides counseling to those in troublesome loans facing default. The City has not provided additional funding to conduct sales or lending testing or to continue the Don’t Borrow Trouble Campaign.

Many AI studies make recommendations similar to those above. Since nothing is done following the studies, simply going through the motion of completing the study must be enough. Nor have I heard of HUD requesting a plan to address the impediments, or for documentation showing what was done to address each impediment. These plans should address funding and a cost plan for how these impediments will be addressed. The amount of funding needed to address identified impediments should be determined independently by each jurisdiction since each jurisdiction will have different impediments.

I know the counter argument. In the constant battle to fund necessary social services on typically declining budgets, why would fair housing stand out among the rest of competing concerns?

Well, I'll give you one reason that may surprise you coming from me. I won't argue that we've made far too little progress in 40 years of combating housing discrimination, although it's true. Or that this failure by our government leaves literally thousands of discrimination victims with nowhere to turn, although that's true, too. Or that housing is one of the most basic needs of Californians, although that's true, too.

Here's a different reason: it's the law. The law requires not just that cities identify impediments, but that cities do something to overcome these impediments. Those cities who take no action, but who certify they are "affirmatively furthering fair housing" in order to obtain their HUD-money, are breaking the law by making false claims to the government. HUD is the government agency who could force compliance, but chooses not to.

Fair housing organizations are starting to take matters into their own hands, however. With the federal government abstaining from prosecuting cities' rampant law-breaking, a fair housing organization in New York is suing the county for millions of dollars in connection with the county's false certifications to HUD about what it was doing to combat housing discrimination in its jurisdiction.

Other than the weather and a tremble or two, I see nothing different here than in New York. Southern California's cities better take note.