



January 2, 2019

Ms. Hiwote Tadesse
Fair Housing Coordinator
Office of Equity and Human Rights
1500 Marilla Street
Room 1BN
Dallas, TX 75201
via AFH@dallascityhall.com

RE: Comments on Draft Assessment of Fair Housing (AFH) Report

Dear Ms. Tadesse:

Below are comments from the Inclusive Communities Project (ICP) following review of the draft Assessment of Fair Housing (AFH) report for the City of Dallas. ICP is a not-for-profit organization that works for the creation and maintenance of thriving racially and economically inclusive communities, expansion of fair and affordable housing opportunities for low-income families, and redress for policies and practices that perpetuate the harmful effects of discrimination and segregation. It is through this fair housing lens that we submit the below comments for consideration by the City of Dallas before it finalizes its report. Comments are not necessarily listed in order of importance.

Typographical/Administrative Errors

The AFFH webinar hosted by ICP (page 22), references the wrong name. Reference should be made to "VFO Webinar" (Voices for Opportunity), instead of "VRO webinar".

A list of ICP meeting participants (page 27) includes Elizabeth Julian. Her correct title at the time was "Founder & Senior Counsel" instead of "Treasurer".

Assessment of Past Goals and Strategies (Section IV—misabeled in TOC as Section V)

The report discusses the City of Dallas' progress toward Affirmatively Furthering Fair Housing as it relates to past goals and strategies. The discussion says that the City has made progress. Tangible steps toward reversing residential segregation and thus toward furthering fair housing have not been illustrated. The section fails to mention which protected classes are referenced as the City's "accomplishments" are summarily concluded. For example the section (page 49) does not note how established housing development programs have helped reverse segregation, and discussion of who (which protected classes) and where (geographically) those programs are used go unmentioned.

Similarly, the City gives itself credit for having approved and monitored AFH Marketing Plans for city assisted housing programs and projects (page 58) but it does not address the outcomes of the monitoring and to what extent the approvals and monitoring resulted in stopping the perpetuation of segregation while opening access to non-segregated housing opportunities for program/project participants.

As a general note, credit is taken by the City for affirmatively furthering fair housing based on the quantity of activities performed instead of the quality of activities such as those targeted to open housing to protected class members.

Fair Housing Analysis Section (Section V)

- The report frequently references “opportunity areas” but provides no definition particularly relative to race. Because the report and City seek to address residential segregation, this is a critically important missing element.
- The report overstates the number of low income housing tax credit (LIHTC) projects in white areas. This overstatement is due to the report’s mislabeling of “white areas”. The report bases the definition of “white areas” on the percentage of whites within the City as opposed to whites within the metropolitan statistical area (MSA). HUD uses MSA for its definition of “predominantly minority” and “predominantly white”. When the correct definition of whites is used, a total of seven (7) projects fall within the City of Dallas as opposed to the twenty-four (24) figure stated in the report.
- The report appropriately discusses the rampant segregation of renters who use federally subsidized housing choice vouchers and the problem’s link to landlords’ refusals to provide housing access to this population of households and families. However, the report fails to show how the City addresses this matter. In fact, the report (page 294) gives the City AFFH credit for passing a source of income ordinance that did not address voucher discrimination. The sources of income noted that receive protection under the ordinance are not any included in the report as having been of fair housing concern (i.e. child support, social security, spousal support). To open neighborhoods, Goal A (page 307) states that the City could file an amicus brief in support of the City of Austin lawsuit challenging the Texas ban on anti-voucher discrimination ordinances. But it fails to note that it could also lobby for repeal of the state law, a step that the City has refused to take while not listing it on its state legislative priorities agenda.
- The report states that “DHA was provided funds for mobility counseling in the form of moving expenses. Those funds are now exhausted.” The alleged exhaustion of funds is a contested issue between DHA and the *Walker* class, a matter that is currently pending before the court. The statement should be struck as it is not an established fact.
- The report briefly mentions the impact of zoning on segregated neighborhoods (page 97). Goal D (page 310) lists items that should be taken to increase opportunity in segregated neighborhoods but addressing zoning matters is not mentioned. The City should revise zoning ordinances that have historically and continue to place industrial activity in and near neighborhoods of color. A total overhaul of these decades’ old policies is the only way to properly address the issue and provide relief for protected class members who must endure the harms of industrial activity in neighborhoods where they live.
- The report fails to note the impact of the rampant demolitions in historic Black neighborhoods that do not occur in historic white neighborhoods. Revising/repealing the ordinance upon which the City Attorney’s Office relies (see ordinance #51A-4.501(i)) when demolishing these historic structures is a necessary step to take place.
- The report states that the MVA will be a useful tool. However, if the MVA gets used as a way to place more low income housing in high poverty neighborhoods of color, it will be a tool for the perpetuation of segregation. This will be true not just for R/ECAPs but for other neighborhoods of color where poverty is over twenty percent (20%). Additionally, the three categories of neighborhoods derived from the MVA omit several segregated neighborhoods that need non-housing reinvestment and past-harm mitigation. The Joppa and Cadillac Heights neighborhoods are two examples. These areas should not be ignored.

- The report notes that housing choice voucher holders from DHA and neighboring suburban public housing authorities (phas) can often be found living within the same complex. In fact thousands suburban voucher holders live in high poverty segregated areas of the City of Dallas. This regional problem needs a regional solution. No solution is included in the report. While ICP's housing mobility program is noted in the report as a tool to open housing for housing choice voucher holders, a regional housing mobility program along with other tools could help address this regional problem. PHAs and local jurisdictions and the NCTOCOG should come together to create solutions. The City of Dallas can be a leader in this effort.
- Goal A's solutions should also include lobbying for repeal of the state's ban on inclusionary zoning ordinances. Additionally, it has been noted by the federal government that the requirement of local resolutions of support for LIHTC proposals violates fair housing. The City should seek repeal of the state's requirement for developers to obtain local jurisdictions' resolutions of support as well as the requirement for support from state representatives. Both support requirements negatively impact the ability to build family-style LIHTC complexes in low-poverty predominantly white neighborhoods.

In general, the creation or carrying out of a program, no matter how well it is done, does not equate to affirmatively furthering fair housing if that program is not tailored to open housing in non-segregated areas or undo past harms created by fair housing discrimination. Thank you for the opportunity to submit comments.

Sincerely,



Demetria L. McCain

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CC: Jennifer Rangel, Dir. of Planning and Community Outreach, ICP