

## 2021 CAPER FAIR HOUSING ANALYSIS OF IMPEDIMENTS UPDATE

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In recent years the District of Columbia (DC) has meaningfully implemented changes that respond to the 2011 Analysis of Impediments to Fair Housing Choice (AI) that was completed through the Department of Housing and Community Development (DHCD). Changes to policy, funding, and regulation seek to promote housing choice and racially and economically integrated neighborhoods and accommodate a diverse population of individuals and families, in light, of DC's changing demographics. As Mayor Muriel Bowser often states, whether your family has been here five minutes or five generations there should be housing opportunities for you in DC.

An updated AI was completed in late 2019, which utilizes the Assessment to Fair Housing ("AFH") format. DHCD engaged the Lawyers Committee for Civil Rights Under Law (an organization founded by former Attorney General Robert Kennedy) and the Poverty & Race Research Action Council. During the development of the document DHCD and the contractors engaged in outreach with the community and stakeholders to obtain qualitative (stakeholder feedback and interviews) data and the required quantitative data analysis. As part of the Needs Assessment process for the development of the 2020 Action Plan, DHCD reserved time for the discussion of the AI: contractors led a discussion and presented on the AI process. Additionally, a fair housing survey was conducted at the 11th Annual Housing Expo as part of the public engagement process. A draft document presented by the District contractors was released for public comment on September 28, 2019. DHCD engaged in four hearings to get feedback from the community on the draft document. The District incorporated the comments into the document.

The District is currently engaged in a regional Analysis of Impediments to Fair Housing Choice with the Metropolitan Council of Governments and surrounding jurisdictions. Our partners are Alexandria, Arlington County, Fairfax County, Loudon County, City of Alexandria, City of Falls Church, Prince William County, and Montgomery County. Advisory participants include Prince George's County, City of Bowie, City of Rockville, City of Gaithersburg, and Public Housing Authorities for the District of Columbia, Alexandria, and Rockville Montgomery County and Fairfax County. The last regional effort was over 25 years ago. The planned submission date for the Regional AI is in 2022.

What follows is a restatement of each impediment to fair housing outlined in the 2011 AI and a response briefly summarizing some of how the District has responded toward overcoming that impediment.

**Impediment #1:** The entrenched dual housing market within and around the District of Columbia is responsible for the levels of housing segregation in both the District and the counties that surround it. There is one housing market for African Americans and another for everybody else. The result is a highly segregated District of Columbia where one-third of the District's 39 neighborhood clusters are 93 percent or more African American and just three clusters have proportions of Caucasians and African Americans close to what would be expected in a free housing market lacking discrimination. Due to the extreme difference in the median incomes of the District's White and Black households, this racial segregation is accompanied by economic segregation."

In 2017 and 2019 DHCD revisited its Qualified Allocation Plan and revamped its Consolidated Request for Proposals (RFP) to use District's federal and local affordable housing funds to reduce historical patterns of segregation and mitigate those that would emerge from the changing the DC housing market. The QAP and RFP also removed points for a local elected official support of projects.

Geographic targeting is used to select preferred projects in the RFP under the "Affirmatively Furthering Fair Housing (AFFH)/Geographic Targeting" and "Transit Proximity" priority scoring points. Using an index of housing costs (combining relative rents and home prices) and the presence of rail transit, DHCD seeks to incentivize proposals that produce or preserve affordable housing in high-opportunity neighborhoods, those with characteristics such as low crime, low poverty, and access to high-quality schools and jobs. The aim is to provide a counterbalance to the implicit incentive for developers to build affordable housing in low-cost and high-poverty neighborhoods and as, a consequence, enhance economic, racial, and ethnic diversity.

The District, continues to support the enforcement of the Tenant Opportunity to Purchase Act ("TOPA")—and acquisition and critical-repair funds to advance housing opportunities and mitigate displacement. Furthermore, DHCD drafted final regulations for the District Opportunity to Purchase Act ("DOPA") in FY2018 and implemented DOPA in 2019. The Act requires rental property owners to provide the Mayor, with the opportunity to purchase housing accommodations consisting of five or more rental units as long, as 25 percent or more of the rental units are "affordable." DOPA offers of sale should be submitted concurrently with, but are subordinate to, a tenant's right to purchase under TOPA. DOPA purchase opportunities are announced by DHCD and developers who meet the criteria will be invited to respond to those requests. The developers must comply with DOPA's requirements by maintaining and increasing the number of, affordable units in the property. Since implementing this law, DHCD has exercised its DOPA rights 15 times in order, to preserve existing affordable housing.

Housing opportunity is also promoted through the Property Acquisition and Disposition Division ("PADD") at DHCD. The District can dispose of problematic or blighted properties, offering them the development of affordable and workforce housing or other amenities that stabilize neighborhoods. This creates affordable housing and assisted homeownership and removes blight and promotes greater economic development in at-risk neighborhoods. A similar process

through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”) governs the disposition of other District-owned properties that will result in a multifamily property of 10 units or more. If the multifamily units are located within a half-mile of a Metrorail station or Priority Corridor Network Metrobus Route, 30 percent of the units are now required to be affordable. If the property is outside these transportation opportunity areas, 20 percent are required to be affordable.

Increased economic, racial, and ethnic diversity is also being accomplished through the District’s Inclusionary Zoning (IZ) program. This program has generated 989 affordable units since its inception. Since these units are in larger new, market-rate developments, they are in neighborhoods that are either established as high opportunity areas or in areas receiving investment and are becoming higher opportunity areas. With few exceptions, the units are allocated by a lottery open to all eligible applicants further limiting the instances of steering and creaming of applicants in the program. In the rare instances where the lottery is not used the developer must submit a fair housing marketing plan.

The District has also made numerous improvements to its homeownership programs. The base amount of assistance for the lowest income-eligible recipients has been increased to \$80,000 and repayments have been deferred for all but the highest income recipients until the home is sold or refinanced or no longer occupied by the recipient. An additional program administrator, the District Housing Finance Agency, and many other process improvements have a dramatic increase in the program’s utilization, particularly increasing homeownership in the eastern Wards of the District. In FY 2021, DHCD invested over \$15.3 million dollars of federal funds assisting 328 households through the Home Purchase Assistance Program (HPAP), and the Employer Assisted Housing Program (EAHP).

Lastly, home seekers can find housing throughout the [EL(1)][JP2][JP3] District, including accessible housing for persons with disabilities in the neighborhood of their choice, by searching the [https://www.socialserve.com/tenant/DC/Search.html?city\\_id=51879&ch=DC](https://www.socialserve.com/tenant/DC/Search.html?city_id=51879&ch=DC) or [www.DCHousingSearch.org](http://www.DCHousingSearch.org). The District’s Affordable Housing Locator has been updated continuously since 2014, thereby ensuring that private and non-profit development partners include, all of, their available, affordable units on the site. Private-sector developers who are not in partnership with DHCD are also encouraged to list their affordable housing units.

**Impediment #2:** As noted in Chapter 3, it is likely that racial steering—a practice prohibited by the Fair Housing Act—has contributed to much of the racial segregation in the District. The District’s own fair housing law substantially expands the number of protected classes beyond the nation’s Fair Housing Act. As recounted earlier, reported acts of housing discrimination likely represent only the tip of the proverbial iceberg.

The District’s private, non-profit, and public sectors have made strides in providing outreach and increasing awareness regarding diversity and cultural awareness in relationship to equal housing opportunity. For example, the Equal Rights Center (“ERC”), a civil rights non-profit advocacy organization, has dedicated training for private-sector partners on fair housing. ERC

trains the housing industry in equal-opportunity matters such as the fair housing

responsibilities of multifamily owners, as well as accessibility and source of income protections, and provides online courses about fair-housing protections and criminal-record screening. The National Association of Realtors offers a curriculum on diversity for all members as continuing education. These efforts combined with the enforcement actions of the Office of Human Rights (“OHR”) and federal agencies assist in mitigating further discrimination in the metropolitan area.

To mitigate the evident racial and ethnic segregation described in the AI, ERC conducts paired testing in the metropolitan area. The purpose is to uncover unfair housing practices and provide an equal playing field for home seekers of all protected categories, regardless of their income status. In 2015, ERC conducted 464 fair housing tests and increased its corporate trainings (in the housing industry) by 7 percent over the previous year. It also partnered with OHR and 17 other organizations to engage residents and businesses in a day-long awareness campaign on disability issues. In order, to bring greater awareness of the housing issues in the LGBT elder community, ERC partnered with a national organization and published an informational tool kit for the LGBT elder community who face housing discrimination.

Housing is linked to cross-cutting civil rights issues such as transgender and gender equality, immigrant and language access, and accessibility for persons with disabilities. Since 2012, OHR has conducted media campaigns to educate the public on fair housing as a right, inform residents of language-access laws for Limited English Proficient District residents, promote respect for transgender and gender identity, publicize contributions by immigrants in creating a more diverse city, and encourage businesses and places of public accommodations to be more accessible to person with disabilities.

More recent media campaigns have focused on gender equality for women and anti-discrimination in the Muslim community. OHR has also hosted a TEDx MidAtlantic Salon talk on gender equality. These Employment and Public Accommodations campaigns have had the added result of bringing attention to the obstacles faced by residents within these groups when seeking housing opportunities. The relationship between employment and housing is symbiotic, and the lack of one diminishes opportunity in the other.

The District has also used its long running Annual Fair Housing Symposium, a partnership among DHCD, OHR, ERC, and the District Developmental Disabilities Council, as a mechanism to inform and educate residents, community-based services providers, industry professionals, and government agency personnel on incorporating and abiding by fair housing principles as a means to promote racial, ethnic and economic diversity.

**Impediment #3:** Discrimination against African Americans and, to a lesser extent, Latinos in issuing conventional and FHA loans continues unabated in the District as it does throughout the nation.

The District Department of Insurance, Securities, and Banking (“DISB”) not only protects consumers by offering regulatory supervision of financial services companies, firms, and

individuals doing business in the District, but it also has the directive to develop and improve market conditions to attract and retain financial services firms in the city, at times balancing conflicting interests and real consequences for the District residents.

Notwithstanding the lack of updated HMDA data to factor current mortgage lending discrimination, the District has moved forward in educating residents about their rights regarding mortgage lending and insurance, how to avoid becoming victims of fraud and how to file grievances.

The DISB Foreclosure Mediation Program, which began in May 2011, as a result of the “Saving D.C. Homes from Foreclosure Amendment Act of 2010,” has been very successful in reducing foreclosures: from 1,349 in 2010 to 114 in 2014. Other foreclosure prevention efforts are made available to District residents through the \$4.4 million District portion of the National Mortgage Settlement, which provides consumer relief those effected by abusive mortgage loan servicing prior to the national mortgage reforms that were passed in 2012.

DISB partnered with a District community-based organization, Housing Counseling Services, Inc. (“HCS”), to provide legal aid to homeowners facing foreclosure, create a hotline for distressed homeowners, and provide help for residents in accessing money they are eligible for through the settlement. In addition, HCS launched a media campaign to inform residents of the District resources and the Foreclosure Prevention Hotline. This campaign prevented many District residents from losing their home, thus precluding residents from adding to the economic segregation prevalent in the District. Furthermore, DISB increased financial literacy for unbanked and under-banked residents who often rely on expensive check-cashing centers and payday lenders to become users of “Bank on DC” accounts from participating mainstream financial institutions. DISB continues to explore ways of decreasing ‘banking deserts’ predominantly in minority neighborhoods

DISB engaged the community and business sector to improve education on insurance and financial scams and foreclosures and in 2013 DISB initiated two enforcement actions to protect District investors. These initiatives were focused particularly on seniors: one against an investment company targeting seniors and a second against an individual selling fraudulent investment.

In 2014 DISB began using the National Mortgage Licensing System to manage all money- related transaction licenses and registrations. This action allows the District to have a single-entry point for coordinating licensing of all District financial-service providers and mortgage licensees and registrants. Additionally, since the passage of the Dodd-Frank Act, DISB has increased the number of firms under its regulatory directive. The Act authorizes the District to license

investment advisors managing assets of \$100 million or less, up from \$25 million or less. This transition allows the District to have greater control and regulation over securities here and to increase its impact on residents and businesses.

**Impediment #4:** The relatively high cost of housing continues to pose a barrier to fair housing choice in the District by fostering economic segregation and the racial segregation that accompanies it due to the median income of the District’s non-Hispanic White households being so much greater than the median income of African American households. While wealthier Caucasians have been moving into neighborhoods that had been overwhelmingly African American, gentrification has accompanied this in-migration, leading to higher housing costs and displacement of a substantial percentage of residents with lower incomes who, in the District of Columbia, are disproportionately African American. In addition, the District’s supply of rental housing is rapidly shrinking. More than a third of the District’s rental stock was lost between 2000 and 2010. One-fourth of all District tenants are spending more than half of their income on rent, in part due to the shortage of rental dwellings. Unless lower-cost and moderate-priced rental housing can be preserved and new affordable units built in these gentrifying neighborhoods, racial and economic integration will be a very short-lived experience.

To meet its commitment to increase affordable housing and create diverse neighborhoods, the District’s Mayor and Council have committed over \$100 million of Housing Production Trust Fund (HPTF) monies for each of the last four years. Since 2009, the District has invested nearly one third of a billion dollars from the HPTF—the largest trust fund of its kind per capita in the nation. In FY21 alone, 1,017 affordable units were produced or preserved by DHCD resources, including the HPTF. Since 2015 DHCD has funded 154 projects totaling over \$833.3 million in both local and federal resources to preserve and create 8,900 housing units.<sup>[EL(4)]</sup>

These numbers are augmented by the implementation of regulatory programs and negotiations such as the Inclusionary Zoning (“IZ”) and Affordable Dwelling Units (“ADU”s), the usage of Planned Unit Developments (“PUD”s), and increased investments in HPAP, DC continues to expand affordable housing.

Additionally, in order, to preserve affordable housing, the public-private District Housing Preservation Fund (“DCHPF”) was created and funded with \$10 million and will at a minimum leverage an additional \$30 million. Administered by the Washington, District Low-Income Initiative Support Corporation (“LISC-DC”) and Capital Impact Partners, the DCHPF will complements DC’s preservation efforts by providing additional funds that are also easier to deploy and more flexible to aid acquisitions and predevelopment in a high-cost housing market. The DCHPF was created, as a result, of one of six recommendations/action items provided in the 2016’s District Housing Preservation Strike Force’s final report. The Strike Force was formed in 2015 and included an 18-member team comprised of housing experts and selected stakeholders from the public to promote the preservation of the current affordable housing stock. The District acknowledges that preserving and creating affordable housing, precursors to

advancing economic, racial, and ethnic diversity, may be at risk due to loss of subsidized housing with an additional 13,700 units with subsidies that will expire by 2020. Hence, the Mayor charged the Strike Force with developing a proactive, multi-pronged strategy and action plan to preserve the District's existing affordable housing covenants set to expire by 2020.

The six recommendations presented to the Mayor were: (1) establishing a "Preservation Unit;" (2) creating a public-private preservation fund; (3) expanding resources to preserve small properties; (4) adopting DOPA regulations; (5) advancing preservation through TOPA; and (6) enhancing programs to allow low-income seniors to age in place.

As a result of the Strike Force recommendations, the District has formed a Preservation Unit working group comprised of intra-government partners, housing industry, advocates, and District residents. Also, the District appointed in March 2018 the first Housing Preservation Officer within DHCD to discuss, learn, and analyze how to best preserve and expand affordable housing. Through the creation of DCHPF, the District anticipates the development of a public-private partnership that would invest early and inject AFFH principles to the process of "Preserving the affordability of 100 percent of its existing federally and District-assisted affordable rental homes." Since the creation of the Preservation Unit the District has found that the funds are leveraged 3 to 1 by the public private partnership thus providing additional opportunities to preserve existing affordable units.

The District has also enacted several programs tax and rent control provisions meant to reduce the rent and housing cost pressures on its elderly and disabled population. These range from lowering allowable rent increases in rent-controlled apartments, to deferring property taxes and providing home modifications and repairs to allow households to remain in place.

In Mayor Bowser's 2nd Inaugural address in January 2019, she set forth a goal to create an additional 36,000 units by 2025. On May 10, 2019 Mayor Bowser signed the District's first Housing Order to establish a framework to meet the goals established in the Inaugural address.

The Housing Framework for Equity and Growth (HFEG) (the website with the report link here is: <https://housing.dc.gov/page/housing-dc-publications> provides goals for the equitable distribution of affordable housing in Washington, the District, supporting the vision for creating 36,000 new housing units by 2025. The report is the first in a series that will comprise the Housing Framework for Equity and Growth. The framework will examine factors across multiple scales, design typologies, and resident experiences to generate recommendations that can increase housing affordability and opportunity for all residents. In late September 2019 DHCD and the Office of Planning ("OP") engaged the public to discuss the distribution of affordable units in the District at a Community Conversation: Housing Framework for Equity and Growth at the Ron Brown High School.

**Impediment #5:** As explained beginning on page 154, more than 12,000 units of new development have been exempted from the District's inclusionary zoning requirements because they were in the pipeline when the inclusionary zoning act went into effect. But their



exemptions should have expired because ground has not yet been broken for these buildings. The District, however, has routinely granted extensions that have kept these developments exempt from the District's inclusionary zoning requirements. Some of these developments were allegedly submitted to avoid being covered by the new inclusionary zoning provisions.

At this juncture, the District is steadily providing increased economic opportunity and racial diversity through the IZ program. The program was slow to start in 2009, but to date it has generated 1,006 affordable units.

In addition, in FY 16 the District changed the program to facilitate using the program to reach lower-income residents. Changes made by the Zoning Commission restrict IZ rentals to families earning up to 60 percent of AMI while IZ homeownership units will be restricted to families earning up to 80 percent of AMI. DHCD subsequently amended the IZ regulations in early FY2018, in order, to effectively implement these changes and modernize the program. Streamlining the application procedures and making criteria more flexible further increased the potential for this program to serve to counteract barriers to fair housing. The program continues to grow and evolve by providing diverse housing opportunities to residents who may have previously lived in low poverty and racially concentrated areas of the District.

**Impediment #6:** The District's zoning ordinance imposes significant obstacles to accessory apartments, a cost-effective way to provide housing affordable to individuals and households of modest means and to enable households with declining incomes to remain in their homes. As explained in Chapter 3, many of the zoning provisions likely discourage homeowners from even applying to create an accessory apartment.

This obstacle was removed in September 2016 when the District adopted new zoning regulations that facilitated the creation of accessory apartments. The issue of ADUs primarily affected residents who needed to have elderly parents reside with them, a person with disabilities have a dwelling unit with a no-step entrance, or simply a unit to house a growing family.

The new zoning regulations, in Title 11 Subtitle U Chapter 2, provide for: (1) the existence of the dwelling unit as a matter-of-right use for single-family zones not requiring approval of the District's Board of Zoning Adjustment (BZA); (2) a minimum principal dwelling size between 1,200 and 2,000 sq. ft.; (3) the gross floor area that an accessory apartment may occupy expanded from 25 percent to 35 percent of the principal structure; (4) the entrance to the accessory apartment permitted to face the street depending on the zone and subject to conditions; (5) the apartment to be in an accessory building provided there is proper access for health and safety; (6) home occupations permitted within the accessory apartment subject to limitations; and (7) BZA-provided special exception flexibility for up to two requirements without the need of a variance.

**Impediment #7:** The only reference in the District's comprehensive plan that even hints at achieving stable, racially integrated neighborhoods is a fairly generic statement, "On a

neighborhood level, the recent housing boom has challenged the District’s ability to grow a city of inclusive and racially and economically diverse communities.” The District’s plan has no goals, objectives, or policies that seek to achieve stable, racially integrated neighborhoods, which in the District would also require economically diverse housing because the median income of African Americans is just 37 percent that of Caucasians.

The District is currently engaged in amending its Comprehensive Plan. The previous Comprehensive Plan was amended in 2011 during a period of tremendous growth. As part of the amendment process, DHCD and the public have proposed numerous amendments to expressly address the impediments to fair housing identified by the AI. In 2019 DHCD and the OP have worked together to discuss the Comprehensive Plan and its interrelationship with the District’s fair housing impediments. The completion of the plan was included as part of the Mayor’s Housing Order that was executed at a housing rally on May 10, 2019. In the Order the Mayor tasked several District agencies to identify new policies, tools, and initiatives to begin fulfilling the goal of creating 36,000 new housing units, 12,000 of them affordable, by 2025. The Order focused on the following areas:

Increasing production and accelerating delivery of housing by analyzing housing trends, needs, capacity, and impediments to housing, in order, to identify housing targets and policies

Promoting fair housing by identifying ways to create an equitable distribution of affordable housing across Washington, DC

Creating homeownership opportunities

Directing all District agencies to support the goals of Homeward DC

Improving resident housing experience by directing Lab @ DC to create a unified “front door” for residents to access affordable housing opportunities and programs

The housing strategy in the Order included the need to complete the amendment process for the District’s Comprehensive Plan, an important tool to create housing. As part of the process DHCD and OP worked together in 2019 on the Housing Framework for Equity and Growth to further this work. In early October 2019 OP released their draft Housing Element of the Comprehensive Plan as well as the Housing Equity Report: Creating Goals for Areas of Our District. A full list of the proposed amendments, including those made by DHCD, and updates on the Comprehensive Plan amendments can be found at <https://plandc.dc.gov/>.

**Impediment #8:** Nothing in the District’s planning process directly addresses any fair housing issues that the District can help resolve and fair housing violations that the District can help prevent. Residential developments that require District review and approval are approved without any effort to promote compliance with the Fair Housing Act or the accessibility requirements of the Americans With Disabilities Act.

The Department of Consumer and Regulatory Affairs (DCRA) has made strides to enhance its permitting process and updating the Building Code. More specifically, DCRA requires that all building permit applicants submit plans electronically through Project Dox for review. DHCD anticipates working with DCRA in the future regarding fair housing as it has with the IZ. Additionally, the 2013 Code update provides greater accessibility to persons with disabilities, both physical and visual and auditory, in new construction and rehabilitation projects. Lastly, the changes require that 15 percent of all units are accessible in all new construction projects, which is 10 percent higher than required under Section 504 of the Rehabilitation Act of 1973.

The District recognizes that accessible housing is beneficial not only to persons using a wheelchair, but also to the growing population of seniors and persons suffering temporary incapacities. To this end, the District's Building Code was amended through the Building Code Supplement of 2013 to provide greater accessibility to persons with disabilities. The District also follows the ANSI Accessible and Usable Buildings and Facilities guidelines in the construction of accessible units that meet the Fair Housing Act accessibility design standards.

DHCD continues to implement and enforce a robust accessible compliance mandate for all its assisted new construction and rehabilitation projects. Through its compliance program, DHCD seeks to increase accessible multifamily and single-family housing so that residents using a wheelchair can enjoy the same amenities as able-bodied residents and are able to integrally participate in their community. DHCD plans to expand its accessible housing stock by ensuring that elements of "visit ability" are included in its future housing projects. These elements include a zero-step entrance, doors with 32 inches of clear passage, and an accessible bathroom on the main floor of the home.

**Impediment #9:** The District's zoning treatment of what it calls "community-based residential facilities" is convoluted and sometimes contradictory. It is very possible that it has contributed to the development of severe concentrations in the Northeast and Southeast quadrants that may be creating de facto social service districts that undermine the ability of community residences to achieve their goals of normalization and community integration.

The District continues to evaluate the provision of social services and community-based residential facilities and their implications for fair housing through its planning and funding decisions.

**Impediment #10:** Someone who thinks she has been discriminated against when seeking housing in the District immediately runs into the problem of determining whom to contact and how to file a fair housing complaint if they are not using the Internet. This situation is a substantial barrier to fair housing choice when somebody who thinks he may have faced discrimination cannot quickly and easily contact a live person who can hear the facts of his situation, or he cannot easily obtain information about how to file a fair housing complaint.

Each additional step a possible victim must take increases the chances that he will abandon his effort to report a violation. Tests conducted of the District's "311" information line yielded

three different—and wrong—instructions of whom to contact with a possible fair housing complaint.

The District has met the goal of training front-line staff through agency partnerships and collaborations. OHR, as the civil rights enforcement agency for the District, has trained “311” Office of Unified Communications (“OUC”) employees on the services the agency provides.

These include, but are not limited to, fair housing rights, the substantially equivalent categories under the Fair Housing Act, and the complaint and filing process. Since 2014 OHR has held Human Rights Liaison trainings for community direct-service providers, government agencies and private and public partners on responsibilities and rights under the Fair Housing Act for their clients. Lastly, OHR has consistently held more than 40 liaison trainings a year since its inception.

**Impediment #11:** Every jurisdiction engaged in affirmatively furthering fair housing choice needs current accurate and current information on matters involving fair housing. In the District of Columbia, such information is all too often not readily available, or even available at all.

The Office of Human Rights does not routinely keep track of whether fair housing complaints involve rental or ownership housing, hindering efforts to fully analyze the nature and extent of housing discrimination.

The Equal Rights Center, which collaborates with the Office of Human Rights on fair housing enforcement, maintains information on tenancy only for fair housing complaints based on federal law, but not for complaints based on the District’s 12 additional protected classes.

The Office of Human Rights does not record any information about the inquiries it receives about possible housing discrimination, leaving it unable to determine the percentage of inquiries that lead to a fair housing complaint.

The District of Columbia Housing Authority does not maintain current records on the race and ethnicity of public housing residents by development and for holders of housing choice vouchers.

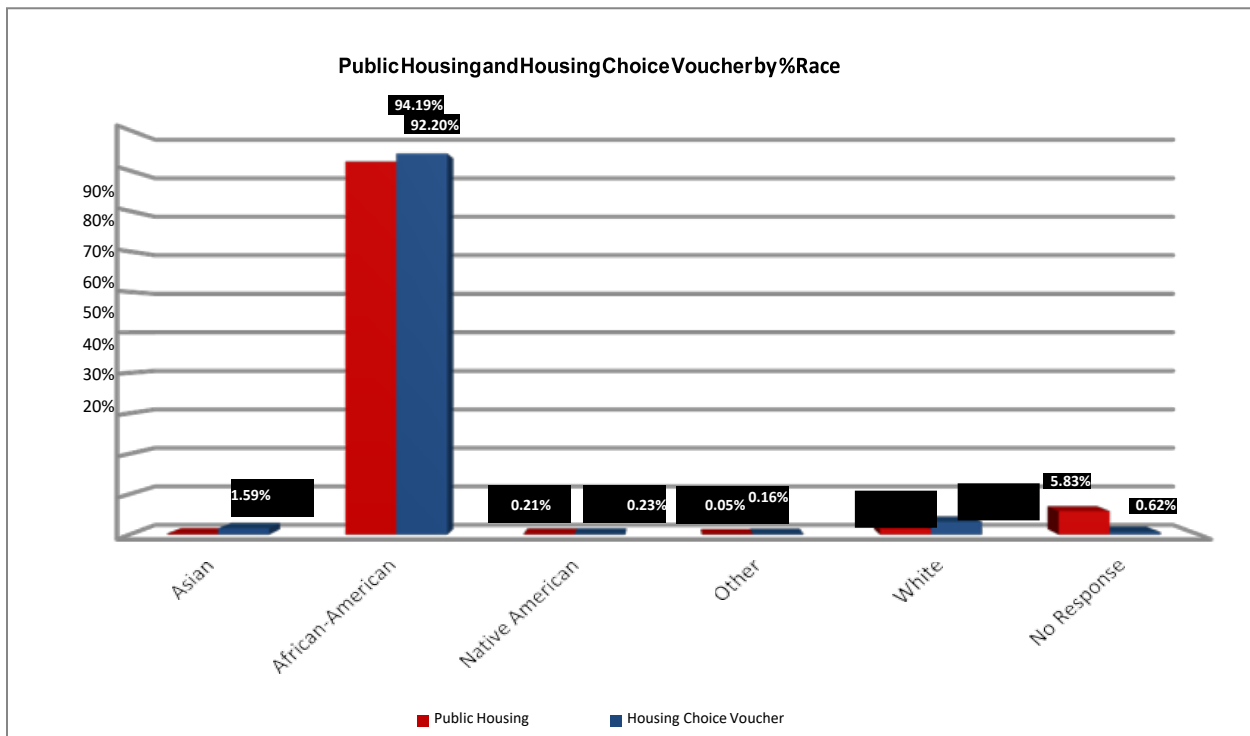
To date, OHR has adhered to the recommendations suggested in the AI to “Record all inquiries on housing discrimination—including the nature of the possible discrimination and whether it involves ownership or rental housing.” OHR has implemented a tracking system of docketed complaints by Rental, Purchase, Sales, Lending, Condo, Coop, Shelter and Other. OHR further captures written inquiries in its internal database; however, general phone inquiries are not recorded. Perhaps with a dedicated Fair Housing line, these data can be captured in the future.

It is noteworthy to point out that the OHR website page for filing a housing discrimination complaint is very robust and client friendly. The page walks the complainant through the process by describing fair housing issues and giving the complainant a voice on the alleged discrimination. It also provides the complainant with 17 options as to the alleged reason for the

discrimination. The complaint questionnaire is usable to the layperson not familiar with legal terminology and trigger words under the Fair Housing Act. On education and outreach activities, OHR has been very active by publishing informational brochures and reports on transgender issues, language access compliance, and challenges faced by returning citizens, all areas that indirectly are affected by access to equal housing opportunity.

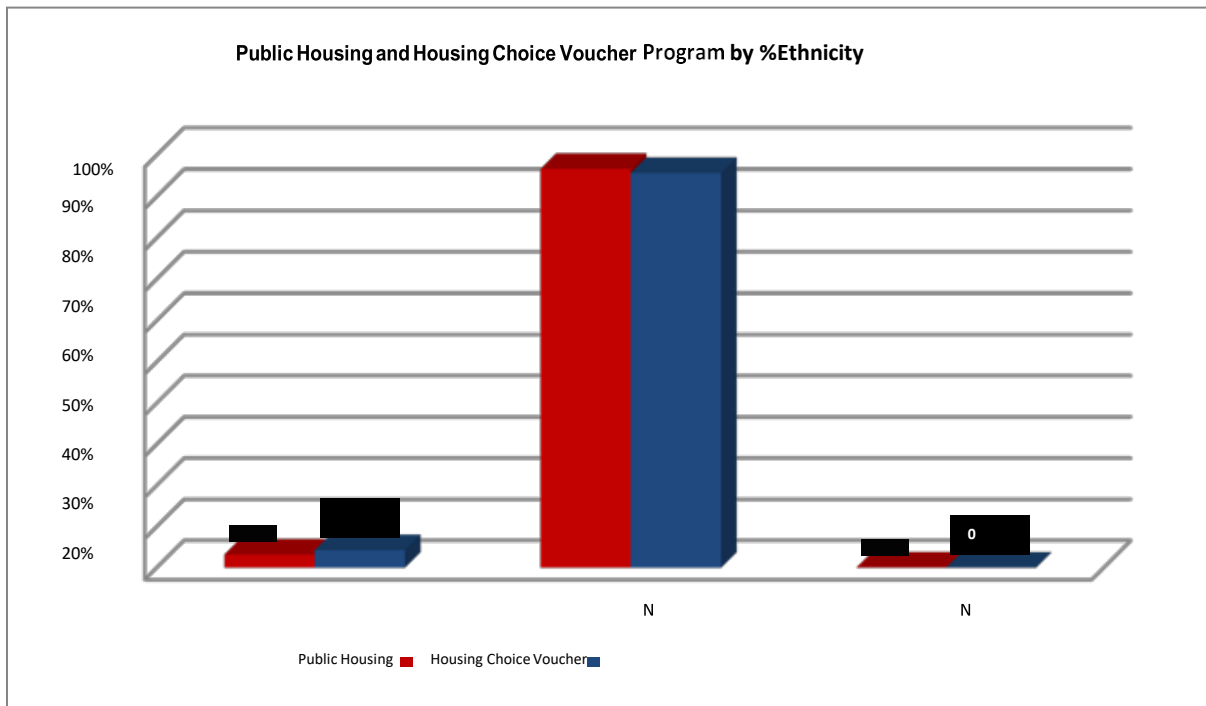
Similarly, the ERC records the number of discrimination complaint calls received, which include fair-housing complaints. In its 2016 Annual Report, ERC states that it “increased the number of housing discrimination referrals to HUD and local governmental agencies by 75%”. The ERC collects complaint information based on local protected categories; however, it is not reported upon in its Annual Reports. The District of Columbia Housing Authority (DCHA) does maintain records regarding race and ethnicity for Public Housing and Housing Choice Voucher program clients. On the following page are the most current data for DCHA.

Figure 1. Public Housing and Housing Choice Voucher Program Households by Race



2018 data reflects all members in each assisted household . Federal HCV

Figure 2. Public Housing and Housing Choice Voucher Program Households by Ethnicity



**Impediment #12:** The District’s 2005 analysis of impediments noted the difficulty its authors had obtaining data from the District of Columbia. From Ideas to Action: Implementing a Mixed–Income Housing Strategy in Washington, DC (2009) reported, “Finally, the inability to collect current data from the District and other cities limited the analysis.” While most of the District staff contacted in the process of researching this analysis of impediments was very helpful, the authors frequently encountered difficulty obtaining even a response from some District staff. In some departments our direct contact was a public relations representative who served as a gatekeeper rather than enabling us to work directly with appropriate staff. As noted in Chapter 3, building code officials never responded to multiple requests for confirmation of building code provisions. Our multiple requests to the head of the District of Columbia Housing Authority went unheeded for months; although once other staff members were contacted, they were very helpful. Staff tended to be very narrow in their responses to our inquiries for information rather than expansive as we explicitly asked them to be.

Since the 2011 AI was completed, DHCD has worked with partner agencies on planning and policy endeavors including the Consolidated Plan and Comprehensive Plan. DHCD anticipates working closely with these agencies, in order, to obtain better data and robust answers to effectively inform policy decisions.

Additionally, DHCD has worked with these agencies regarding implementing AFFH and the submission of the forthcoming AFH and the AI update. DHCD will continue to work with agencies not under the purview of the Mayor in accessing or receiving data referencing race and ethnic composition of its clients. DHCD will continue to engage the agencies and staff and offer to provide technical support to gather such information.

The District recently hired an Open Data officer and much of the required data for the AI is available at <https://dc.gov/page/open-data>, Moreover, in addition to DChousingserach.org, DHCD provides numerous on-line dashboards that present its data to the public:

Development Finance Division: <https://octo.quickbase.com/db/bit4kvfmq>

PADD: <https://octo.quickbase.com/db/bmnu25bzt>

IZ and Affordable Dwelling Units: <https://octo.quickbase.com/db/bi9iqv4v7>

DHCD also teamed up with nonprofit partners to develop [housinginsights.org](http://housinginsights.org), which places affordable housing property information in their neighborhood context by providing data on nearby properties and surrounding conditions.

**Impediment #13:** The District of Columbia Housing Authority lacks a cogent pro–integrative policy for siting public housing and the use of Housing Choice Vouchers. Nearly all public housing developments were, located in, predominantly Black areas. Most households that hold a Housing Choice Voucher are, located in, predominantly minority neighborhoods, many in the hyper-segregated African American neighborhood clusters that comprise wards seven and eight.

DCHA is limited in its ability to create new public housing in areas where the agency does not own land. The locations of DCHA's existing public housing communities are relatively static as DCHA can only redevelop on the existing public housing footprint and/or on contiguous parcels of land.

However, as a partner organization in the DHCD NOFA initiative to create affordable housing, DCHA includes public housing funding as a subsidy option for owners/developers submitting proposals. The NOFA allows for the creation of public housing units outside of DCHA's existing public housing footprints. In FY2017, through the DHCD NOFA process, 76 units of public housing were created at the Phyllis Wheatley YWCA. The Ward 2 neighborhood cluster where Phyllis Wheatley is located has a racial/ethnic mix of 29 percent African American, 48 percent White, and 7.8 percent Asian. In addition, Hispanics of any race make up 15 percent of the cluster population. The challenge with such an approach is that the per-unit level of public housing subsidy available has been lower than necessary to be the sole source of financing for units created through this initiative. The units at Phyllis Wheatley were created by layering locally funded housing subsidy and public housing subsidy.

### **Public Housing Redevelopment**

With respect to existing public housing developments, DCHA has made every effort to access limited available federal funding over the two decades to leverage additional financing, with the goal of redeveloping public housing into mixed-income, low-poverty, ethnically diverse communities. DCHA has received the second-highest number of HOPE VI awards nationwide, with a total of seven, and received two Choice neighborhood planning grants, the successor program of HOPE VI. DCHA makes strategic decisions about which sites to focus its redevelopment efforts, given limited available resources. The age and condition of the site play a critical role in that decision-making. In many of the cases where DCHA has redeveloped public housing communities, the neighborhood clusters where the redeveloped sites are located have experienced an improved economic outlook and increased the levels of racial/ethnic diversity for the surrounding community.

HUD has not included funding in the federal budget for HOPE VI or Choice neighborhoods for several years, including the administration's proposed FY2019 budget. In addition, when funding has been made available, it has been on a competitive basis, oftentimes only setting aside fewer than 10 awards nationally a year.

### **Housing Choice Voucher Program**

DCHA has adopted the following policies/programs over the last four years to increase HCV client access to low-poverty neighborhoods.

### **Increase DCHA Payment Standards**

Unit rents in the HCV program are set in relation to HUD-established Fair Market Rents (FMRs). In the District's high-cost rental market, rents in most neighborhoods are higher than FMRs.



In response, based on HUD approval through DCHA's Moving to Work designation, the housing authority has the ability to set the maximum voucher subsidy it can pay on behalf of HCV participants (referred to as the Payment Standard) at levels higher than the FMRs.

In FY2016, DCHA increased its payment standards to 130 percent of the FMRs, in an attempt, to expand the number of District neighborhoods that HCV clients could access with their vouchers.

In FY2017, DCHA increased the HCV program payment standards to 175 percent of FMRs to further increase the number of neighborhoods that HCV clients can access with their vouchers. Based on an assessment of the 2018 FMRs, DCHA decided to continue keep the agency payment standards at 175 percent of the FMRs in FY2018.

It should be noted that even with the ability to set higher payment standards, as a means, to expand access to affordable housing, not all neighborhoods in the District are rent-accessible to voucher holders.

### **Mobility Resources**

DCHA created the Housing Affordable Living Options (HALO) program in May 2015, an HCV mobility program designed to assist HCV families move into low-poverty neighborhoods, also referred to as "Opportunity Neighborhoods." In addition to providing eligible HALO participants with mobility resources, HALO also provides participating landlords with a suite of program benefits.