Housing Policy Debate
Vol. 21, No. 1, January 2011, 165–188

Routledge
Taylor & Francis Group

How local public administrators, nonprofit providers, and elected officials perceive impediments to fair housing in the suburbs: an analysis of Erie County, New York

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This article examines how local public administrators, nonprofit providers, and elected officials in the suburbs of Erie County, NY perceive impediments to fair housing. This article is based on research conducted from 2007–2008 for the *Analysis of Impediments for Fair Housing Choice in Erie County, NY*. The research involved an examination of trends related to fair housing and housing discrimination complaints between 2000 and 2006. It also involved a series of focus group interviews with local public administrators, nonprofit providers, and elected officials. The results from this research indicate that key stakeholders emphasize specific issues and groups when discussing impediments to fair housing. These predispositions result in uneven policy implementation. In particular, there is a tendency to emphasize impediments encountered by the elderly while paying less attention to those impacting minorities, families, the disabled, and the poor. The article concludes with our recommendations to promote a more balanced approach to fair housing in suburban communities.

Keywords: discrimination; low-income housing; minorities; nonprofit sector

Fair housing challenges

Housing discrimination remains an intractable problem in the United States. It is estimated that African Americans, Latinos, and Asian Americans experience more than 3.7 million instances of discrimination annually when renting and purchasing housing (National Fair Housing Alliance 2008). This is a conservative estimate, since it does not include instances of housing discrimination experienced by individuals based on disability status, sex, familial status, and other characteristics. Housing discrimination is a reflection of historic residential segregation patterns in American society, and its continued occurrence functions to perpetuate these patterns (Ellen 2008; Massey 2008; Roscigno, Karafin, and Tester 2009). Although discrimination is present to some degree in most communities, it is pronounced in hyper-segregated urban areas. According to Massey and Denton (1998), these communities are characterized by extremely high levels of segregation accompanied by population decline, economic stagnation, the concentration of minorities in inner-city areas, and persistent discrimination in suburban housing markets.

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ISSN 1051-1482 print/ISSN 2152-050X online

DOI: 10.1080/10511482.2010.534392
http://www.informaworld.com

Policymakers and scholars have offered a variety of explanations for the persistence of housing discrimination. These explanations have prompted the enactment of fair housing law at the federal, state, and local levels. Despite these efforts, research and policy focused on ameliorating housing discrimination remains a work in progress. This article examines an understudied dimension of the fair housing picture. We examine the degree to which institutional actors at the local level grasp the general parameters of fair housing policy. In particular, we focus on the manner in which fair housing is perceived by local public administrators, nonprofit providers, and elected officials who work in the suburbs. We believe this represents a critical gap in the literature on fair housing, since local public administrators, nonprofit providers, and elected officials fill central roles in policy implementation. The manner in which these individuals perceive the scope of fair housing policy and the degree to which they attempt to address discrimination experienced by protected groups has bearing on the effectiveness of public policy. To address this gap in the research, our analysis focuses on enhancing our understanding of the relationship between perceptions of key stakeholders and the implementation of fair housing policy. In particular, the results from this research highlight the degree to which these stakeholders emphasize different aspects of housing discrimination when interpreting fair housing policy, and how this results in uneven implementation.

This article is based on research conducted for the *Analysis of Impediments for Fair Housing Choice in Erie County, NY* (Patterson et al. 2008). This study was an applied project conducted by academics and staff of a nonprofit fair housing advocacy organization. It examined impediments to fair housing in 40 suburban municipalities surrounding the City of Buffalo, NY. In 2000, CensusScope.org identified the Buffalo-Niagara region as the eighth most segregated region in the United States. In 2000, the metropolitan area had a white/black dissimilarity index with a value of 0.80, which indicates that 80 percent of the blacks in the area would have to move in order to produce a completely integrated community.[1] The hyper-segregated nature of this region provided a unique opportunity to examine local public administrators', nonprofit providers', and elected officials' perceptions of fair housing policy through a case study based on applied public policy research.

Federal, state, and local fair housing law

Fair housing law exists at the federal, state, and local levels. The impetus for most anti-discrimination efforts related to housing was the Fair Housing Act of 1968 (amended in 1988). In its present form, the Act criminalizes discrimination in the sale

[1]One method commonly used to measure segregation is the calculation of a white/black dissimilarity index. This index identifies the percent of blacks who would have to relocate in order to produce a completely integrated community. Hyper-segregation is suspected when the white/black dissimilarity index is well above a value of 0.70 and minorities remain concentrated in a core city area that has experienced general population decline for several decades. Among other mechanisms, the presence of various forms of housing discrimination across a metropolitan area is considered to be a contributor to sustained hyper-segregation over a period of decades. Although other factors exist that contribute to a metropolitan area's hyper-segregation, such as population decline and economic stagnation, the fact that an area is hyper-segregated signals a need for increased efforts to promote residential mobility among minority residents.

or rental of housing based on: race, color, religion, sex, handicap, familial status, or national origin (Yinger 1999). Under the Act, it is illegal to discriminate at any point in housing transactions. The Act applies to advertising, sharing information about housing, lending, accessibility, and any other omission or decision which restricts the housing choice of a group protected by law. Under the Act, the US Department of Housing and Urban Development (HUD) is the federal agency that administers programs related to fair housing. HUD is authorized to *affirmatively* further fair housing in all of its programs and funded activities.

HUD's approach to fair housing entails public education and enforcement. Funding is made available to local government and nonprofit agencies for both purposes. Historically, this funding has come from the community development block grant (CDBG) and other programs. Federal fair housing law also provides for monitoring. For instance, local governments receiving CDBG funding are required to report on the performance of housing programs, make progress toward meeting fair housing goals, and to prepare analysis of impediment reports approximately every six years. When the Act was originally passed in 1968, mechanisms for fair housing enforcement were weak. HUD had no enforcement powers when fair housing violations were identified. Instead, the agency filled a conciliation role and in extreme cases of discrimination could notify the US Attorney General's Office of violations. Also, individuals only had 180 days to file a lawsuit related to fair housing and punitive damages were capped at $1000. The 1988 amendments to the Fair Housing Act addressed many of these shortcomings. HUD was empowered to hold administrative hearings and impose fines and damages for violations. HUD was required to address complaints within four months and individuals had up to two years to file civil lawsuits. In addition, caps on damages were significantly increased. The 1988 amendments were accompanied by the creation of the Fair Housing Initiatives Program, which created a pool of funding for local nonprofit agencies engaged in fair housing monitoring, advocacy, and enforcement.

At the state and local levels additional fair housing protections are sometimes adopted which augment federal law. These protections are typically in four forms: the ability to file discrimination complaints with state and local agencies, the addition of resources for public education, the identification of protected groups not covered under federal law, and the adoption of state and local fair housing ordinances. The National Fair Housing Alliance's website (www.nationalfair housing.org) references over 100 state and local fair housing laws which have extended fair housing protection to groups based on marital status, sources of income, sexual orientation, gender identification, political affiliation, Section 8 voucher status, and other characteristics. There is also increased emphasis placed on linking fair housing goals to land use planning, zoning, and other regional development decisions (National Neighborhood Coalition 2001).

A number of other federal policies complement efforts to promote fair housing. For instance, data from the Home Mortgage Disclosure Act of 1975 (HMDA) (amended in 1989, 1992, and 2004) has been used to identify impediments to homeownership, and the Community Reinvestment Act of 1977 (CRA) has provided housing advocates with additional remedies to address discrimination in housing markets (Ross and Yinger 2002; Squires 2003; Friedman and Squires 2005). Of course, scholars like Sidney (2003, 2004) have argued that the Fair Housing Act, HMDA, and CRA result in divergent strategies to address discrimination in housing markets and are not entirely compatible. Likewise, some federal policies aimed at

promoting affordable housing have also been criticized for contributing to the geographic isolation of minorities and the poor. For example, some have argued that the Low-Income Housing Tax Credit program has been implemented in a manner that re-concentrates poverty (National Neighborhood Coalition 2001, National Fair Housing Alliance 2008, UN Committee on the Elimination of Racial Discrimination 2008).

On balance, fair housing policy in the US is highly fragmented across governmental agencies and nonprofit advocacy organizations. Connerly (2006) argues that over time a relatively robust policy has emerged in the US with strengthened enforcement mechanisms. However, this system is also hampered by a lack of coordination across agencies responsible for its implementation. Despite the relative merits of enforcement mechanisms in US fair housing policies, it is criticized for its limited focus on indirect forms of discrimination that continue to impact housing markets (Connerly 2006). Indirect discrimination presents an acute challenge to fair housing advocates in the contemporary period (Galster 1999; Connerly 2006). This type of discrimination is subtle, rooted in perceptions, and embedded in broader systems of inequality (Denton 1999; Kraus 2004a, 2004b; Squires and Kubrin 2005).

Perceptions of discrimination and policy implementation

Since the passage of the Fair Housing Act of 1968 there have been a number of efforts to measure discrimination in housing markets. Many of these efforts have used the paired testing method.[2] Turner et al. (2002) used paired testing in a national study of discrimination in housing markets. This study found that although discrimination remained present in metropolitan housing markets, it had declined somewhat between 1989 and 2000. The largest decline in discrimination was found among paired testers attempting to purchase homes, where whites were favored over blacks in 29 percent of the tests in 1989 and 17 percent of the tests in 2000. In contrast, discrimination in rental markets saw the lowest change with whites favored over blacks in 26.4 percent of the tests in 1989 and 21.6 percent of the tests in 2000.

Paired tests represent one method for measuring the presence of discrimination in housing markets. Other studies have used surveys to detect the degree to which the general public is aware of fair housing law. Abrevanel and Cunningham (2002) conducted a national survey measuring public awareness of fair housing laws and found that the public has a general awareness of existing policies. However, there was a discrepancy in the degree to which the public was aware of protections for various groups covered by fair housing laws. For instance, there was greater awareness of laws prohibiting discrimination based on race than on disability. The public has the lowest level of awareness of laws prohibiting discrimination based on family status. This was an important finding since discrimination based on family status sometimes disproportionately impacts minority home seekers in urban areas. In such instances, discrimination based on family status can also be a form of indirect discrimination based on race.

[2]In paired testing, minority and white individuals with equivalent income and employment profiles attempt to rent or purchase housing units. The results of testers' experiences in a housing market are compared in order to identify instances of differential treatment.

Another telling result from Abrevanel and Cunningham's (2002) survey was that 14 percent of the adult public believed that they had experienced some form of housing discrimination during the course of their lives. Yet, only 17 percent of individuals who reported that they experienced discrimination did anything about it. Of those who took action, most reported that they simply confronted the offending party without pursuing a formal complaint. Parallel to this result, Squires, Friedman, and Saidat (2002) surveyed Washington DC residents and found that over 25 percent of black respondents knew of someone who had experienced housing discrimination in the preceding three years.

It should be emphasized that the thrust of research on housing discrimination focuses on the experiences and perceptions of prospective renters or homebuyers. Despite evidence of persistent discrimination, little is known about the manner in which those who implement affordable housing policy perceive fair housing issues. This is a critical gap in the research. This article will begin the process of filling that gap.

Methods and sample

Secondary source and focus group data

This article is based on a case study using a unique data set. From 2007–2008 we conducted research for the *Analysis of Impediments for Fair Housing Choice in Erie County, NY* (Patterson et al. 2008). This research was done in collaboration with staff from Housing Opportunities Made Equal (HOME), a nonprofit fair housing agency located in Buffalo, NY. The applied research involved an examination of trends related to fair housing and housing discrimination complaints between 2000 and 2006 in the suburbs of Erie County, NY.[3] The research entailed reviews and analyses of secondary data on fair housing complaints[4], cases filed for legal action[5], mortgage lending and foreclosure data, as well as state barriers to affordable housing.

Data related to discrimination complaints was compiled from three sources: HUD, the New York State Division of Human Rights, and HOME. Mortgage lending data was collected using Home Mortgage Disclosure Act (HMDA) data for the Buffalo-Niagara MSA between 1999 and 2006. Foreclosure information was obtained through the Western New York Law Center. Background data on population and housing characteristics was gathered from the 2000 US Census as well as federal, state, and local agencies. Past reports on impediments to fair housing prepared by the municipalities in Erie County were also examined.

Another core source of data for the research came from three focus groups with local public administrators, nonprofit providers, and elected officials. The focus groups examined these stakeholders' perceptions of fair housing issues in the suburbs

[3]We were hired to conduct this research by the Erie County Community Development Block Grant (CDBG) Consortium and the towns of Amherst, Cheektowaga, and Tonawanda. The research was mandated by the US Department of Housing and Urban Development (HUD) since the communities studied were recipients of CDBG funds.

[4]The fair housing complaints identified in this research were reported to a single agency. The vast majority of complaints were determined to have merit by the receiving agencies. For example, between 1996 and 2005 there were 2,395 incidents of discrimination reported to HOME in its multi-county service area and 83.6 percent of those complaints were judged to have merit.

[5]Cases filed for legal action represent a subset of complaints that were judged to have merit and not conciliated outside of the courts.

of Erie County. The focus groups were conducted between March and May of 2008.[6] Efforts were made to have a cross-section of local public administrators, nonprofit providers, and elected officials represented in the focus groups. We relied heavily on our research partners and housing administrators from Erie County and the three local municipalities that commissioned the applied project to identify possible focus groups participants. We also compiled our own list of potential focus group participants using resources from the Center for Urban Studies at the University at Buffalo.[7] Once a list of possible focus group participants was created we divided it into two groups. The first group was composed of individuals from nonprofit housing agencies, nonprofit social service agencies, nonprofit advocacy organizations, local public administrators responsible for affordable housing, private banks and financial institutions, and community liaisons from county government. This group would be drawn from for the first two focus groups. The second group was composed of elected officials from the municipalities. This group was drawn from for the third focus group.

Participants for the focus groups were recruited through a letter and follow-up telephone calls. Our goal was to achieve representation of focus group participants along the following characteristics: the geographic distribution of municipalities; the range of protected group served by agencies and organizations; and the race, gender, and disability status of focus group participants. The first two focus groups included individuals from various types of agencies and organizations in order to stimulate discussion about multiple facets of fair housing policy and interactions across sectors. The first two focus groups were held in different locations to accommodate the schedules of participants.

The third focus group was composed exclusively of elected officials. This format was selected for two main reasons. After consulting with our nonprofit partners and the project sponsors, we decided that elected officials would be more candid in their responses in a peer setting. In addition, we had an opportunity to hold a focus group with a number of elected officials during a regular meeting of the Erie County CDBG Consortium. The focus groups were facilitated by one of the academic members of the research team. Graduate students from the University at Buffalo also assisted with the administration of the focus groups. Each focus group lasted approximately 1.5 hours and used a semi-structured question format that included five general questions and 15 probes. Each focus group was asked to identify: key fair housing issues in their communities, perceived impediments to fair housing, trends in fair housing implementation, available services for individuals experiencing discrimination, access points for fair housing resources, and solutions to existing fair housing concerns. The facilitator and research students took notes during the

[6]Focus groups were selected as a data collection technique for a number of reasons. The research was initially part of an applied project and we were interested in understanding the perceptions of stakeholders in order to develop recommendations that would influence the implementation of fair housing policy. We also decided to hold focus groups in collaboration with our nonprofit research partners and housing administrators from Erie County and the local municipalities that commissioned the study. This decision was influenced by past practices adopted by our partners as well as time and resource constraints that the applied project entailed.

[7]The Center for Urban Studies at the University at Buffalo works with residents and stakeholders in inner city communities to promote neighborhood revitalization and improve race relations in metropolitan regions. The Buffalo-Niagara metropolitan region serves as the center's laboratory where faculty and community partners conduct theoretical and applied research aimed at transforming distressed inner-city communities and the larger urban metropolis.

focus groups and each focus group was tape-recorded. Verbatim transcripts were produced for each of the focus groups.

Five public administrators participated in the first two focus groups. They included individuals working at the municipal and county levels of government. Public administrators with expertise in land use planning, housing policy, code enforcement, senior services, and fair housing compliance were represented in the sample. Twelve nonprofit providers participated in the first two focus groups. They included individuals with expertise in disability services, senior services, programs targeting minorities, subsidized rental assistance, and the development and management of housing for the elderly and disabled. Finally, two representatives from local banks participated in the first two focus groups. The first two focus groups included a cross-section of individuals by race, gender, and disability. Of the sixteen participants in the first two focus groups, there were seven men and nine women. Three African Americans, one Hispanic, and two disabled individuals participated in the first two focus groups. Six elected officials participated in the third focus groups. Five of the elected officials were men and one was a woman. These individuals represented a cross-section of mayors and town supervisors from the suburbs of Erie County.[8]

In addition to the data from secondary sources and focus groups, supporting information was gathered through a series of meetings and informal contacts with staff from HOME and the planning departments in Erie County and the towns of Amherst, Cheektowaga, and Tonawanda. These interactions were focused on facilitating the development of the *Analysis of Impediments for Fair Housing Choice in Erie County, NY* (Patterson, et al. 2008).[9] Data was also provided upon request from the local association of realtors and other county, state, and federal agencies.

The suburbs of Erie County, NY

The suburbs of Erie County are similar to many suburban areas across the United States. They surround a large core city where minority, disabled, and poor populations are concentrated. Figure 1 displays the distribution of the black population in Erie County's municipalities. This is characteristic of other urbanized areas, where most blacks remain segregated in the core city with a limited level of out-migration to inner-ring suburbs.[10] This core city is also where social service

[8]The elected officials who participated in the focus groups were drawn from a list of mayors of cities and towns in Erie County and supervisors of villages. In New York State the highest ranking elected official of a city or village is the Mayor, while the highest ranking elected official of a town is the Supervisor.

[9]During the course of this applied research project regular meetings took place between us, our nonprofit partners, and the project sponsors. These meetings were intended to review the progress of research for the project and allow for feedback on preliminary findings. To supplement these meetings, written correspondences were exchanged in hard copy and electronic mail format between us, our nonprofit partners, and the project sponsors. Housing administrators from Erie County and the three towns that co-sponsored the project also responded to question by telephone, and provided data and other materials.

[10]In Erie County, only two outer-ring suburbs had black populations exceeding 3.7 percent, the Town of Alden (6.8 percent) and the Town of Collins (22.4 percent). This anomaly was the result of a noticeable number of blacks in the institutionalized populations in these towns. The Buffalo Correctional Facility and the Wende Correctional Facility are located in the Town of Alden. The Gowanda Correctional Facility and the Collins Correctional Facility are located in the Town of Collins.

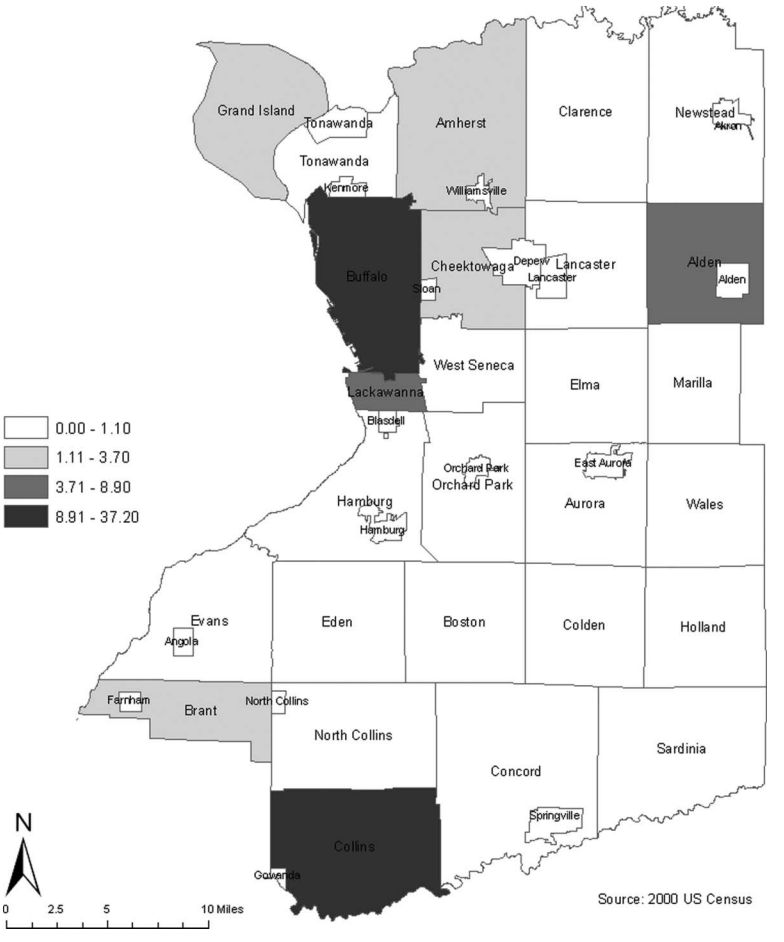

Figure 1. Percent black population, Erie County, New York. Source: 2000 US Census.

providers are concentrated. Access to the suburbs is hampered by a tight supply of affordable housing, the lack of public transportation, and limited information about housing opportunities. This access is further hampered by land use and other policies that limit the supply of affordable housing. In addition to these impediments, there is general community resistance to the introduction of affordable housing targeting specific populations.

Table 1 compares the 2000 population and housing characteristics of the 40 Erie County suburban municipalities examined in this analysis to the City of Buffalo. Combined these suburban municipalities had more than twice the population of Buffalo, NY. Although the population of the suburbs was substantially larger than the city, it was much more homogeneous. The suburbs were almost exclusively white, with a smaller non-senior disabled population and a slightly larger elderly population. Suburban residents had noticeably higher household incomes and were less likely to experience poverty. They also lived in housing that was more expensive and in neighborhoods with fewer renters and vacant property.

By most measures the suburbs of Erie County had attributes that would be attractive to potential residents. However, key demographic groups identified in the

Fair Housing Act were not evenly distributed between the suburbs and City of Buffalo. Although a number of factors may have contributed to this uneven distribution, there was evidence that discrimination was present in the suburban housing market. Table 2 displays the breakdown of all housing discrimination complaints filed in Erie County suburbs between 2000 and 2006. In total, there were 657 complaints filed during this period. These complaints represent only a fraction of actual instances of housing discrimination, since it is estimated that less than 1 percent of instances of housing discrimination are reported in the United States (National Fair Housing Alliance 2008). Underreporting of housing discrimination is the product of limited fair housing education, a lack of confidence in the fair housing enforcement system, time and resource constraints experienced by victims of discrimination, and other factors (Tisdale 1999; National Fair Housing Alliance 2008; Squires 2008; Roscigno, Karafin, and Tester 2009).

Despite the underreporting of housing discrimination, the types of complaints filed in Erie County Suburbs were illuminating. Complaints filed with HUD, the New York Division of Human Rights, and HOME could be based on a single

Table 1. 2000 Population and housing characteristics for Erie County suburbs and Buffalo, NY.

	40 Suburbs of Erie County	Buffalo, NY
Total Population	***599,140***	***292,648***
Percent White	94.5	54.7
Percent Black	2.3	37.2
Percent Native American	0.3	0.8
Percent Hispanic	1.3	7.4
Percent Disabled (5yr and over)	27.1	26.2
Percent Disabled Age 64 and Under	16.0	19.6
Percent Disabled Age 65 and Over	11.1	6.6
Percent 65 Years and Over	17.3	13.5
Percent Below the Poverty Level	5.9	26.6
Median Household Income	$45,826	$24,536
Total Housing Units	***246,706***	***145,574***
Median Housing Value	$99,246	$59,300
Median Rent	$579	$472
Percent Renters	23.1	47.7
Percent Vacant	4.3	15.7

Source: 2000 US Census.

Table 2. Housing discrimination complaints filed in Erie County suburbs (2000–2006).

	Number Filed	Percent
Total Complaints Filed	***657***	***100.0***
US Department of Housing and Urban Development	86	13.1
New York State Division of Human Rights	95	14.4
Housing Opportunities Made Equal	476	72.5

Sources: Office of Fair Housing and Equal Opportunity, US Department of Housing and Urban Development, New York City Regional Office; New York State Division of Human Rights; Housing Opportunities Made Equal.

form of discrimination or multiple forms. The three most frequently cited forms of housing discrimination in Erie County suburbs were based on: race, color, and/or national origin; familial status; and disability. Race, color, and/or national origin was identified as a basis for discrimination in 34.9 percent of the complaints filed with HUD, 50.5 percent of the complaints filed with the New York Division of Human Rights, and 42.1 percent of the complaints filed with HOME. Familial status was identified as a basis for discrimination in 36.0 percent of the complaints filed with HUD, 32.6 percent of the complaints filed with the New York Division of Human Rights, and 30.6 percent of the complaints filed with HOME. Disability was identified as a basis for discrimination in 38.4 percent of the complaints filed with HUD, 35.8 percent of the complaints filed with the New York Division of Human Rights, and 32.3 percent of the complaints filed with HOME.

There are some interesting parallels between the demographic disparities found in Erie County and the composition of fair housing complaints in Erie County suburbs. The black population was heavily concentrated in the City of Buffalo. In 2000, 37.2 percent of the city's population was black and 88.6 percent of Erie County's black population was concentrated in the City of Buffalo. There were also sharp income disparities between the city and its surrounding suburbs. In 2000, the median household income for the City of Buffalo was $24,536 while the median household income for its surrounding suburbs was $45,826. In 2000, median black household income in Erie County was $19,795. A nexus existed between race, poverty, and segregation in the county. On the surface, the disabled population seemed to face fewer barriers to accessing housing in the suburbs. However, the non-senior disabled population was more heavily concentrated in the City of Buffalo. This is illustrated in Table 1, where the percent of disabled age 64 and under was noticeably higher in the city. In part, this could be explained by limited public transit access in the suburbs and the concentration of services for the disabled in the city. Yet, these barriers were not uniform across the disabled population. Seniors with disabilities faced fewer impediments to housing and related services in the suburbs. Resultantly, the percent of the suburban population that was composed of seniors with disabilities was higher than the City of Buffalo. These disparities suggest that minorities, low-income households, and the non-senior disabled faced greater impediments to accessing housing in the suburbs. The volume of fair housing complaints from these groups, and the relative dearth of complaints from seniors, adds support to this hypothesis. The remainder of this article examines factors that local public administrators, nonprofit providers, elected officials, and other key stakeholders identified as contributing to these disparities.

Fair housing in the suburbs?

The usual suspects

Participants in the focus groups identified a number of impediments to fair housing in Erie County suburbs. One issue discussed in all of the focus groups was transportation. It had an important impact on individuals' access to housing. Low-income households, the disabled, the elderly, and other subgroups in the population faced obstacles due to the cost and affordability of transportation. There was general agreement that public transportation was limited in the suburbs, and this constituted a barrier to accessing fair housing, employment, and other

services.[11] In addition to transportation barriers, participants in the focus groups also indicated that access to services from social welfare agencies was limited in the suburbs. The agencies providing these services were concentrated in the City of Buffalo and there were limited public transit options from the suburbs to the city. This constituted an additional impediment to fair housing since low-income groups and the disabled needed to travel to downtown Buffalo frequently to address daily needs. Also, focus group participants indicated that there was an inadequate supply of housing that was accessible to the disabled and a limited availability of three or more bedrooms units for families in the suburbs. This further hampered access to fair housing in the suburbs. One focus group participant summed up all of these issues in the following comment:

> We find limited transportation outside the City of Buffalo within the first ring suburbs as an impediment. There is a lack of support services or even information about service availability outside of Buffalo or the first ring suburbs. There is limited accessible housing and there is the high cost of housing in some suburban areas outside the City of Buffalo. There is [also a] limited availability for large families, three, four, and five bedroom apartments.

In addition to these issues, many of the focus group participants identified local land use policies as an impediment to fair housing. This was a core issue for developers of affordable housing in the suburbs. Although these individuals indicated that the cost of land for affordable housing development was a barrier, land use policies were often more insurmountable. The presence of exclusionary zoning practices was discussed by a number of focus group participants. They describe how requirements for minimum lot sizes, square footage, and other specifications for housing added to the cost of housing development. As a result, affordable housing was priced out of the market. One focus group participant offered this interpretation of the problem:

> It may not be a situation of disparate treatment, but disparate impact, where you have certain lot sizes that you are going to mandate in your development plan for your town or village. If it's a large lot size that you are mandating, by design, I think it eliminates a whole swath of people who could possibly be living in your particular area. If you were to put a size limit on a house, [specifying that] a house has to be at least 2,000 square feet, if you have those kinds of development standards or design standards, that's going to cut out a pretty large chunk of the population. If you even look at the real estate section of the paper, when you look at transactions, in some towns you can buy a house for $70,000 on the market non-subsidized. In other areas that's just the cost of the land. I'm not suggesting that folks sat out and said, "well we want to keep you out, and you out, and you out," but the effect is to really keep folks out.

Despite this recognition of the relationship between land use policies and the cost of developing affordable housing, suburban governments in Erie County had not moved to address the disparate impact on fair housing. Some of the focus group

[11]The findings from the focus groups related to transit-oriented impediments were echoed in a 2006 study conducted by the Homeless Alliance of Western New York. This study, entitled *Left Behind: How Difficulties with Transportation are a Roadblock to Self-Sufficiency*, describes how inadequate public transportation impeded employment and housing searches for the homeless and working poor in Erie County. This issue was particularly problematic for individuals in the City of Buffalo who tried to access jobs, housing, and other services in the suburbs.

participants described how inclusionary zoning policies were adopted in other states and regions. Typically, such policies require that new housing subdivisions include set asides for affordable housing and link other concessions to promote fair housing goals.

Even when programs and policies existed to promote fair housing, the focus group participants emphasized that there was difficulty in making information available. The gap in information was attributed to resource constraints and fragmentation in local government policy. With the limited resources that were available, local governments advertised their housing programs in a relatively ad hoc manner. One focus group participant made this comment about disseminating fair housing information:

> We try to do just about anything we can to reach out to the population in conjunction with our nonprofit partner. That could be ads targeted in media publications, word of mouth, and outreach. You could do a high level brochure, glossy billboard, that sort of thing, also trying to do more on the grassroots level where you have fliers that you can distribute. Again depending on the nature of the project or the program, it's going to depend on how you target it, but working through different faith based institutions, working through different community centers to get the word out. Some of our partners have taken TV ads on local access cable to get the word out, or targeted radio spots. You really try to touch on many different access points for the information, and word of mouth is enormous as well.

Despite these efforts, the consensus among focus group participants was that fair housing information was not reaching all target populations consistently. In part, this was because municipalities administered a variety of affordable housing programs with little coordination. This resulted in a patchwork of programs that individuals had to seek out on their own. When searching for that information, one has to navigate each municipality's system. Even at the most rudimentary level one finds differences in how information about housing programs was distributed. According to one focus group participant, "some towns will present a refrigerator magnet with a list of services while others will give a piece of paper handout. There is inconsistency throughout the county in how the information is received."

Fragmentation was present across and within individual affordable housing programs. Inconsistencies in the quality and level of information about the Section 8 rental assistance program exemplified this issue. The Section 8 program was administered by three separate agencies in Erie County. Each agency maintained its own lists of available rental properties and waiting lists for rent vouchers. However, there was little coordination between the three agencies. In part, this was the result of limited organizational capacity. It was also the result of limited resources and mandates to coordinate across agencies. One focus group participant who worked for a local agency that administers the Section 8 program made this comment about a failed effort at interagency coordination:

> We tried for a period of time, sharing applications, and it was not terribly successful. We're like three blocks away from each other, so I don't know that it's all that difficult for people to access either. We have 18,000 people on our waiting list. Approximately half of those are outside the City of Buffalo.

This voluntary effort to coordinate across agencies was not sustainable due to the lack of linked resources and mandates. Focus group participants also described their frustration with efforts to share information about available rental properties.

Efforts were made to generate lists of Section 8 friendly landlords and other property information, but none were done in a coordinated fashion. As a result, the burden of finding information about rental assistance and housing was placed on low-income renters.

A similar situation existed with municipalities and banks that administered programs focused on homeownership. There were a number of first-time homebuyer programs and home repair programs offered across the suburban municipalities. For instance, the Town of Amherst administered two first-time homebuyer programs and a housing rehabilitation program. The towns of Cheektowaga and Tonawanda each administered their own first-time homebuyers programs and housing rehabilitation programs. For the remaining municipalities, Erie County administered a first-time homebuyers program, a housing rehabilitation program, a housing accessibility program, a rental rehab program, a mobile home repair program, and a utility connection program. Despite overlapping foci and goals, each program was administered autonomously with little coordination between municipalities. One focus group participant from the banking industry described the challenges that this environment posed:

> It's different in each municipality. That can present a problem because it's not necessarily clear what the right point of entry would be for somebody. Also if folks want to take advantage of a homebuyer grant program or something like that, those are available until the funds run out. So it may be here today and it may not be here in six months. So negotiating that process or the terms of access may change a little bit. It may be that the funds may be there for closing costs assistance if you fit a certain financial profile today. When those funds are exhausted, it may be a different financial profile in six months. So you have that inconsistency of message sometimes which I think can be problematic as well. Most of the agencies are really more city focused for a variety of reasons. So there workers may or may not have knowledge of what's going on outside their own self defined territory because many of them have territories for which they've been chartered. And these entities may not know what's going on outside of their niche. Also, turnover with some entities is higher than others, so it's hard to develop an institutional knowledge often times when you have high levels of turnover at your agency.

The presence of a highly fragmented system for circulating information about affordable housing programs compounds other impediments to fair housing. Fragmentation and a lack of information also feed into barriers to fair housing more directly related to race and stereotyping. These barriers became most visible when focus group participants discussed their perceptions of community resistance to the development of affordable housing.

To NIMBY or not to NIMBY

One of the most pervasive barriers to affordable housing development identified by focus group participants was community resistance in the form of not-in-my-backyard (NIMBY) efforts. This resistance took a number of forms which paralleled findings from past research (Pendall 1999; Oakley 2002; Wilton 2002; Basolo and Hastings 2003; Galster et al. 2003; Nguyen 2005; Zippay and Lee 2008). In some instances, residents heard about a proposed affordable housing development, attended a public meeting, and voiced opposition to a project or rezoning issues. In other instances, landlords refused to rent to individuals based on race, familial status, disability, or source of income. Residents and landlords also contacted elected

officials and voiced opposition to affordable housing. Many of the focus group participants attributed these reactions to stereotyping.

In some cases residents stereotyped all affordable housing as being detrimental to property values. Developers of affordable housing often confront these concerns and point out that affordable housing can be introduced to communities with properties in need of rehabilitation and can promote neighborhood stabilization. One of the focus group participants elaborated on this point with this comment:

> You try and appeal to people's naked self interest in a way, and say, "listen, it doesn't hurt your property values, and in fact if it takes a property that may have been a little long in the tooth, and rehabs it, and makes it a viable structure once again in your community, you're better off with it." It contributes to neighborhood vitality. So sometimes that's difficult to measure outside of your assessed property value, but you try and appeal to individual self interest.

Appeals to the self-interest of property owners do not always address all concerns about affordable housing. Often, beneath the surface of concerns about property values lie stereotypes about the individuals who move into affordable housing.

This type of resistance to affordable housing is typically linked to prejudice against three specific groups: minorities, families, and the disabled. The focus group participants described the types of NIMBYism that surfaced in relation to each group. Perhaps the most overt forms of discrimination involved race. Although the majority of complaints filed with HUD, the New York State Division of Human Rights, and HOME involved discrimination based on race, there was reluctance among the focus group participants to discuss this form of discrimination. Instead, discussions drifted in the direction of other issues like source of income. For instance, one focus group participant insisted that, "[it's not] the race issue, it's strictly economics because guess what, regardless of color or national origin if you don't have the money we don't want you here." Because of the reluctance to discuss racial discrimination directly, focus group participants often used source of income and familial status as a proxy for race. Using source of income, familial status, and other markers in this manner, while not explicitly referencing "race," functions as a racially coded statement when the racial context of housing discrimination and fair housing policy is taken into consideration (Omi and Winant 1994; Wilton 2002).

In many cases, source of income and familial status combined to reflect a particular type of tenant: female headed households with Section 8. In the context of Erie County's suburbs, many of these households were composed of African Americans interested in relocating from the City of Buffalo in order to gain access to suburban schools and jobs in the service sector. The resistance to affordable housing for families centered on two issues: the management of property and the character of low-income residents. One focus group participant framed the issue this way: "they believe that if you have low-income family housing it's going to be not well managed or the people there are going to be full of crime." Community resistance to affordable housing for families tends to target specific types of families. Another focus group participant elaborated on this issue:

> We get a lot of fair housing issues around families. People don't want children. They don't want children because of, the quiet, the noise level. They can tear up the apartment. It's even down to the age cohort of the children. They don't want young adults. They don't want teenagers. Younger children they think are manageable but

> when they get into that transitional period, they figure people are going to have problems managing their kids. They are going to have their friends over, especially if the parent works, if it is a single parent. They are worried about, all the other things people perceive that every child is doing. It is going to happen in their apartment.

Stereotypes about single parent households and urban, minority youth manifested themselves in NIMBYism. These issues are couched in community resistance to family housing.

In addition to community resistance to family housing, NIMBYism focused on blocking housing opportunities for the disabled. In many cases, resistance to group homes and other types of housing for the disabled was framed as a public safety issue. Residents opposed this type of housing out of fears that individuals with various types of mental illnesses or handicaps posed a threat. One focus group participant made this comment about such fears: "mental illness is kind of a scary, there's a lot of stigma out there, similar to developmental disabilities and substance abuse problems." Another focus group participant added, "that stigma, regardless of whatever disability we are talking about, is still really out there. It's alive and well and I know that sounds kind of prehistoric but I still think there's still a lot of it and discrimination. People are ignorant to what certain disabilities are."

Stereotypes about race, familial status, and the disabled fed NIMBYism. In response, agencies and public officials interested in the development of affordable housing for these groups needed to provide the public with information and educational materials to counter these perceptions. Over time, agencies and public officials have learned the benefits of challenging stereotypes. One focus group participant who worked for a local municipality described how this process played out in a past encounter with NIMBYism:

> The whole neighborhood came out to the town board meeting. They wanted to know what's going on. Are these people going to come out and attack our kids? What are they going to do? For lack of a better word, they were just ignorant of what type of resident would be there. The place was built and we had not one complaint after that. We've had some projects that were a little controversial at first. Even for the most anti-establishment person, once [a project] was explained to them they were satisfied with it. They were built, and again, no complaints. I think what has to be done is a lot of education for the public, especially with these projects. You've got to educate the community. These are the type of people who will be living here. Here's what we're going to bring. They're not what you think they are. That's worked well in our town.

This approach to educating the public about affordable housing was described by another focus group participant as presenting the community with the "face of affordable housing." The idea behind this approach was to use public meetings, brochures, and media campaigns to tell community residents that people who live in affordable housing are just like them.

The message of a "face of affordable housing" campaign is that low-income residents are teachers, firemen, and people who work at the local grocery store.[12]

[12]The "face of affordable housing" concept discussed by focus group members is similar to the concept of "workforce housing." In some places workforce housing is promoted as an approach to public policy that focuses on providing affordable homeownership to critical members of the workforce like teachers, nurses, fire fighters, and police officers. This approach

In essence, they are part of the community. One focus group participant explained this strategy in more detail:

> You have to plant the seeds of productive, viable, American citizens paying taxes. That gives them an opportunity, instead of saying, "Oh no, we can't do that because it's going to bring in city folk who don't have the income or who don't have the same values that I believe I have."

Despite the merits of putting a face on low-income residents, this approach also avoids dialogue surrounding other aspects of fair housing. The social equity and human rights dimensions of fair housing are not addressed in "face of affordable housing" campaigns that focus on the needs of low-income residents already in a community. For low-income, minority households segregated in inner city neighborhoods, the problem is not identifying affordable housing where they currently live. The problem is having the choice to relocate to suburban communities where jobs and educational opportunities are greater.[13] A more encompassing approach to fair housing would focus on respecting the rights of these individuals to move to the community of their choice, and removing impediments to their housing choices. This is a much taller order, and one that required leadership and political will.

Leadership is a critical ingredient if HUD's goal to affirmatively further fair housing is to be met. Unfortunately, the focus group participants were not able to identify strong leadership for the promotion of fair housing in the suburbs of Erie County. One focus group participant discussed how "racism and classism" are learned attitudes. This individual went on to say that, "if [residents] learned to be exclusive, they could also learn to be inclusive. Its just nobody's out there teaching it." The lack of leadership on fair housing issues was particularly problematic with respect to elected officials. Another focus group participant described how elected officials withdrew support for an affordable housing project in the face of community opposition:

> We had a case when we went into [a neighborhood] to develop housing and experienced a lot of discrimination. The [elected official] that had promoted it and was really cooperative did a complete turnaround and said, "Oh, I might not get re-elected next election, I don't know, we're withdrawing all of our approvals and you can start over from scratch." I mean they dug up our road and went to all kinds of extreme measures to keep it out. And it was really discrimination against low-income people and on race. And it's just that you would expect the leaders, the community leaders would take a stand and try to lead the community.

The tendency for elected officials to act in a politically expedient manner reinforces existing patterns of affordable housing distribution. As a result, low-income residents were distributed inequitably between Erie County's suburbs and the City of Buffalo.

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is criticized for narrowly targeting the lower-middle class while neglecting to address the housing needs of the poor and working poor. Although there are similarities between the two concepts, focus group participants did not adopt the workforce housing terminology in their discussions and seemed to be unaware of its existence.

[13]Mobility counseling is offered to Section 8 recipients in Erie County through HOME. However, participation in the mobility counseling program is not required. Due to the voluntary nature of the program, it only reaches a fraction of voucher recipients.

Minorities, female headed households on Section 8, and the disabled tended to find fewer housing options in the suburbs.

Send the tired, poor, and huddled masses to the ghetto

Focus group participants identified factors that pushed and pulled minorities, families, and the disabled into the core city housing market. On the whole, they argued that the supply of affordable housing was greater in the core city. It was also argued that public transportation and social services were centralized in the City of Buffalo, making it more convenient for indigent groups. Access to transportation and services was considered particularly beneficial for the disabled. One focus group participant pointed out that people in the suburbs, "probably don't have a lot of mental health counseling clinics [and would] have to come into the city [for those services]." Another focus group participant elaborated on this point:

> People who are on Medicaid, people with disabilities, very rarely have, I think I am being accurate, very rarely have private insurance. There's not a lot of providers out there who really take Medicaid. So folks that need services, they tend to be in the city. You're not going to go out to [the suburbs] and find a lot of Medicaid providers out there.

The lack of access to health care was identified as an impediment to fair housing. Despite a consensus among focus group participants about the presence of this impediment, none considered the expansion of services in the suburbs as an option for the disabled. Instead, they argued that residing in the City of Buffalo was the best option for these residents.

For minorities and low-income families a similar rationale was offered for remaining in the core city. In addition to transportation and social welfare services, it was argued that minorities and families benefited from social networks that were readily found in the core city. One focus group participant made the following statement and suggested that minorities preferred to remain in the core city because they were less comfortable in the suburbs:

> I think the reason why you have much more housing that has been built and supported in the City of Buffalo is because you have a denser population base, you have access to more services, and people's comfort level. People want to live in a neighborhood where they have a broad cross section of people and interact with a lot of different people. If you go into another neighborhood, that may not be available to you. You feel kind of isolated.

The perception of the suburbs as an unwelcoming environment for minorities affected the range of housing choices available to individuals. These choices were further constrained by impediments related to transportation and social services. However, these impediments were not as foreboding for all groups.

The experience of senior citizens represents a sharp contrast to that of other groups protected by the Fair Housing Act. Focus group participants described senior housing as an "easier sell" in the suburbs since, "it's not some abstract, it's my aunt who can't live in community 'X' anymore, because she can't afford to keep up her house anymore, and needs some sort of low level supportive services." In contrast to other groups, seniors faced fewer impediments to fair housing in the

suburbs. Senior housing received wider support from the general public and elected officials. Supportive services for seniors such as transportation and health care were made more readily available by developers and government.

During the focus groups, there were few drawbacks associated with senior housing. The main concern involved the ability of municipalities to designate it as housing exclusively for seniors. The prospect of *unwanted* groups accessing affordable housing developed for seniors was a highly salient drawback for some. One elected official who participated in a focus group elaborated on this point:

> We've had [subsidized] housing for many years, and it originally was housing for senior citizens. We did this before I was in office, but I've had to deal with the consequences. The understanding was that it would be for senior citizens. What's happened in recent years is that HUD says, "we'll put anyone in that we want to. If there's not enough senior citizens, we'll put in ex-drug dealers." And they've done it. That has caused some problems where they play the music loud, have their friends come in, to the point where the police department has to come in and shut them down for the night. In some cases, shut them down when they've found drugs. So, what was once fairly smooth running senior citizen housing, turned into, for a couple years, [a place where] our police spent more time down there than they were in the police station. That is something that we don't appreciate, HUD.

In this case, local government was receptive to affordable housing for seniors, but was resistant to extending housing opportunities to other groups that HUD identifies as part of the goal to affirmatively further fair housing. When those groups become part of the equation, stereotypes associated with affordable housing resurfaced.

One way in which suburban municipalities shielded themselves from the encroachment of affordable housing and undesirable groups that are associated with it, was to limit its development to older neighborhoods. In essence, the few affordable housing developments that emerge in the suburbs are segregated. In the suburbs of Erie County affordable housing has been steered toward older hamlets and the working class, inner-ring suburbs adjacent to the City of Buffalo which have experienced the in-migration of African Americans. This is particularly true with respect to affordable housing for minorities, families, and the disabled.

The inequitable distribution of affordable housing in older hamlets and inner-ring suburbs has led to discord among local officials who claim that their communities have been saturated with Section 8, group homes and other facilities. Elected officials from these municipalities cited a number of negative externalities produced by the concentration of affordable housing in their communities. Because many organizations that manage affordable housing are nonprofits, the erosion of the tax base was a major concern. One elected official made this statement about the saturation of affordable housing managed by nonprofits:

> They absolutely refuse to pay any taxes. We ask them to contribute for police or fire protection. That is a refusal instantly. Since they are a non-for-profit you can't force them to pay a dime. I think that is the resentment in our community. I'll say this, I have to agree with some people who say we feel we're inundated with them, more so than other communities. We're roughly a two by two community and on just about every other block there's another group home going in, or some other organization is there. There is resentment to the amount, the saturation.

Despite these concerns, some elected officials were resistant to the idea of moving existing affordable housing from their communities to other suburbs. Ironically, they

argued that the further dispersal of affordable housing would contribute to "urban sprawl" and the depopulation of the core city and inner-ring suburbs. These distressed inner-ring suburbs faced the paradox of using affordable housing to stave off further population decline. In the end, they put the desire to retain residents in their communities above the goal of the Fair Housing Act to expand housing choices.

Passing the buck and dodging complaints

Often the fear of tax-base erosion, NIMBYism, political backlash, and other expressions of parochialism and self-interest in suburban communities stifled efforts to forward fair housing. In some instances, this was expressed through exclusionary zoning practices aimed at protecting the local tax base. In others this was expressed through elected officials acquiescing to NIMBYism. Another way in which efforts to forward fair housing are muted is through neglect and noncompliance. This unfolds in a variety of ways depending on whether nonprofit or public agencies are involved. For the most part, nonprofits focus on their core clientele. Only a few nonprofits, like HOME, adopt a broad perspective on fair housing. Others fall victim to parochialism, and in some cases view fair housing laws as an obstacle to their narrower, client-based missions. For instance, one director of a nonprofit that develops housing for seniors complained that requirements to provide affordable housing to minorities in the suburbs were a form of "reverse discrimination." This individual went on to suggest that it would be better if agencies could "convince some of the powers that provide funding to have modifications of A, B, C, D, category so you could at least fall into the statutory mandates."

The parochialism of nonprofits was reverberated by local governments' reluctance to fully enforce fair housing laws. As one local public administrator explained to others in a focus group:

> We've got a different perspective than probably anybody else here has because we deal with the codes and the way we look at things is simply what the code requires. If you're building a multistoried facility, elevator, so many rooms, handicapped accessible; that's the limit of our involvement with fair housing.

For this public administrator, fair housing was simply a matter of complying with building codes. Other public officials echoed a minimalist approach to fair housing. This approach entailed being reactive to complaints rather than being proactive about fair housing enforcement. One elected official said that when complaints were received, "we explain in the clerks office that there is HOME, Housing Opportunities Made Equal, I would think most of the other municipalities have a stack of their brochures there as well. If there was that kind of complaint we'd refer them to HOME."

It was common practice for municipalities to refer fair housing complaints to an outside agency or another level of government with little follow-up. In large part, this was in response to limited resources for fair housing enforcement. This was the procedure despite the fact that every municipality in Erie County was required to have a fair housing officer. Although every municipality had an officer, they lacked the training and resources to handle complaints in-house. The typical fair housing officer was a secretary in a local government office who was instructed to provide referrals to individuals who contacted local government with a fair housing complaint. Other than fielding telephone calls, local government did not

take on the responsibility for fair housing enforcement. As one local elected official put it, when someone calls with a housing discrimination complaint, "we direct it to someone in the County to handle. I always say the best way to start regionalism is to let the County handle certain issues, and you got it." Another focus group participant discussed the indifference toward housing discrimination in more concrete terms:

> Unless you experience discrimination on a regular basis, it's not high on your priority list. If you happen to be white and not disabled and you live out someplace in Erie County where almost everybody looks like you do, it's not really a high priority because nobody is making it a high priority.

Indifference toward fair housing complaints led to perpetual buck passing by local government. As a result, a terse response to a complaint at the local government level discourages individuals from pursuing housing discrimination complaints.

Individuals who attempt to file fair housing complaints with County government also find limited assistance. A County official described the dilemma this way:

> If you want to know, where do you turn, what department would you talk to at the County? Is it not a County issue? Is it a State issue? We get a lot of that too. People think it's a County issue. But it really isn't. I refer a lot of people to other agencies that are not County agencies. It really isn't our [responsibility], we can't solve your problems.

Victims of housing discrimination have few avenues to pursue a complaint. Finding the right place to get assistance is not always guaranteed by simply contacting local government for information. Individuals can end up entangled in a labyrinth of agencies with little satisfaction. Those that are persistent will eventually find nonprofit advocacy groups like HOME, a state agency, or HUD. However, like other aspects of gaining full access to fair housing, success requires a great deal of tenacity and luck.

Making suburban housing fair

It is disquieting to realize that 40 years after the passage of the Fair Housing Act, discrimination remains a mainstay in suburban housing markets. This article has identified a number of areas where progress toward achieving the goals of the Fair Housing Act can be enhanced. One of the central findings from this research is that achieving these goals is highly dependent on the commitment of local administrators, nonprofit agencies, and elected officials. In part, these individuals must have the requisite resources and training to affirmatively forward fair housing. However, it is equally important that they internalize the relationship between fair housing and promoting social justice. Without this commitment, fair housing will continue to face resistance from some and be given lip service by others.

In Erie County's suburbs, these issues continue to reinforce the status quo. Upon receipt of the *Analysis of Impediments to Fair Housing Choice* report, the sponsors of the study were resistant to the adoption of substantive reforms. Sponsors focused their efforts on making minor adjustments to fair housing outreach and education, and challenged other findings from the study. As a result, structural barriers to fair housing remain in their communities. The collective experience of the researchers engaged in this study suggests that in the absence of active federal intervention, local implementation of fair housing policy will remain problematic. Without additional

external mandates, and enhanced enforcement and external monitoring, it is unlikely that a sea change will occur in local fair housing implementation.

Despite this dire prognosis, opportunities to reform fair housing policy exist. As a consequence of instability in financial institutions and housing markets, numerous reforms are pending at the federal and state levels that impact urban development and residential settlement patters. In the contemporary policy environment, agencies and organizations that have traditionally advocated and lobbied for fair housing reform should focus their attention on influencing legislative and judicial efforts to reduce discrimination in housing markets. These efforts should also extend to the promulgation of new administrative rules and procedures for the implementation of existing fair housing policy. There is precedent for linking policies aimed at enhancing social equity to pending reforms in financial institutions. Following the savings and loan crisis of the 1980s, CRA reforms were incorporated into the Financial Institutions Reform Recovery and Enforcement Act of 1989 (FIRREA). These reforms strengthened the CRA and expanded opportunities for impacted communities to seek relief due to patterns of discrimination in lending.

Even in settings where local administrators, nonprofit agencies, and elected officials are willing to take on the challenge of fair housing, there is a need for enhanced tools. This article identifies several. In the area of land use planning, there remains a need for the universal adoption of inclusionary zoning regulations. A number of cities across the county have adopted this strategy to ensure that affordable housing is a component of new development projects. For example Boston, MA and Denver, CO adopted inclusionary zoning in 2000 and 2002 respectively (Frug and Barron 2008). Boston's inclusionary zoning ordinance requires a 15 percent set aside for affordable housing in new developments. Denver's inclusionary zoning ordinance requires a 10 percent set aside. Inclusionary zoning is often accompanied by provisions for density bonuses and other incentives for developers. Efforts to promote fair housing are stymied without legal mandates to include affordable housing set asides in all residential communities. At minimum, affordable housing set asides should be a component of any development project that involves an infusion of public funds. Linking federal mandates for affordable housing to a broader spectrum of intergovernmental aid should be prioritized by agencies and organizations that advocate and lobby for fair housing reform.

Increased advocacy and lobby for new mandates is also necessary at the regional and state levels. One tool available to metropolitan areas is the use of regional fair-share housing allocation plans. These plans create a regional framework for the development and distribution of affordable housing. They use mechanisms like inclusionary zoning, density bonuses, developer subsidies, and the development of regional housing trust funds to implement fair housing strategies. The viability of regional fair-share housing allocation plans hinges on the coordination of land use and affordable housing policy across municipalities at the regional level. State and county governments can facilitate such planning by linking it to the allocation of CDBG, transportation, and other funding. States can also expand their role in affordable housing policy. New Jersey has one of the more aggressive stances toward the promotion of affordable housing (National Neighborhood Coalition 2001). In 1983, the State of New Jersey passed a Fair Housing Act and created the Council on Affordable Housing (COAH) to oversee its implementation. Under the New Jersey Fair Housing Act, municipalities with approved affordable housing plans become eligible for a variety of funding benefits.

Inclusionary zoning, regional fair-share housing allocation plans, and statewide fair housing acts are not enough to ensure that individuals have a full range of housing options. The requirements for the affirmative furthering of fair housing by agencies receiving public funds should apply to transportation and social service agencies just as they do to housing organizations. Fair housing goals cannot be realized without accessible supportive services in the suburbs. The expansion of requirements to affirmatively further fair housing goals to all transportation, social service, and housing organizations would prompt greater coordination and collaboration across agencies. This would also create an environment for community-based organizations and local government to work together and advocate for community benefit agreements and other policies that would create incentives for developers to promote affordable housing.

Local administrators, nonprofit agencies, and elected officials also need new tools for fair housing education and enforcement. The scope of fair housing education needs to expand beyond public information campaigns and reactive policies. Funding for fair housing testing should be expanded in order to identify and correct violations of law before individuals become victims of discrimination. Testing should be accompanied by enhanced landlord training to curb discrimination in housing markets. The role of HUD, state agencies, and nonprofit advocacy groups needs to be expanded in areas of fair housing education and enforcement. At the same time, the scope of fair housing protection needs to be expanded from discriminatory acts directed at individuals to encompass disparate impacts of discrimination on entire classes of people (Connerly 2006). Such an interpretation of fair housing law would give agencies broader latitude for enforcement. Other amendments to the Fair Housing Act would be beneficial as well. For example, adding discrimination by source of income to federal law would extend protection to Section 8 voucher holders and others currently unprotected at the federal level. Likewise, fair housing goals would be forwarded by the creation of a publicly accessible database that tracks the distribution of Section 8 voucher holders by census tract, akin to the data provided for by the Home Mortgage Disclosure Act. With this information in hand, advocacy organizations could petition for relief when disparities in the distribution of households receiving Section 8 assistance are identified in metropolitan areas.

Despite the need for the expansion of fair housing law and enhanced enforcement, there are several steps that could be taken at the local level to improve affordable housing outcomes. These steps could be initiated in a relatively short timeframe and in the absence of radical change in the structure of affordable housing policy. In places like Erie County, the implementation of affordable housing programs occurs in a highly fragmented manner. Programs are duplicated at the municipal level with little dissemination about available resources. Coordination of affordable housing programs through county government would provide residents, landlords, and developers with improved access to all programs. In a similar manner, stronger mandates to coordinate fair housing activities through nonprofit advocacy organizations would promote greater efficiency and accountability at the local level.

Fair housing efforts in Erie County were hampered by fragmentation and poor dissemination of information about affordable housing. At the municipal level, local fair housing officers were poorly trained and had limited capacity to handle housing discrimination complaints. Likewise, agencies that administered the Section 8 program were unable to maintain a single waiting list for housing choice vouchers or develop a consolidated list of available rental units. Increased coordination of these

efforts through nonprofit housing advocacy organizations would expedite these activities. Nonprofit housing agencies should be hired as subcontractors by local government and agencies that administer Section 8 to intake and disseminate information to the public. These organizations should be the first point of contact for discrimination complaints and information about available housing. Nonprofit housing advocacy organizations are insulated from partisan shifts in municipal government that could produce inconsistent enforcement of fair housing law. Moreover, these organizations often coordinate housing mobility programs which could be more effective if paired with other intake responsibilities associated with subsidized rental housing. The institutionalization and professionalization of fair housing activities within nonprofit housing advocacy organizations would stabilize the implementation of affordable housing policy. Nonprofit housing advocacy organizations would also be in a stronger position to watchdog other agencies and organizations.

Some may argue that these types of reforms are overly ambitious, and that they reach beyond the capacities of public administrators, nonprofit agencies, and elected officials. However, the alternative is to continue halfheartedly pursuing fair housing goals. The question at hand is whether it is acceptable for fair housing goals to remain unmet and for individuals to continue to be disenfranchised based on their race, familial status, disability, source of income, and other characteristics for another 40 years. If it is not acceptable, then reform is essential.

Acknowledgments

The authors thank Scott Gehl and Kenneth Gholston from Housing Opportunities Made Equal (HOME) for their assistance in collecting discrimination complaint data, and Jennifer Willett, Nathan Drag, and Mousumi Yerawar for assisting with focus group administration, GIS mapping, and other data collection. We also thank Barbara Rittner and Adjoa Robinson for their invaluable comments. Finally, we thank Casey Dawkins, Katrin Anacker, and the two anonymous reviewers from *Housing Policy Debate* for their comments on earlier versions of this article.

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