Fair Housing

I recently participated in an all-day conference about barriers to fair housing choice sponsored by Fair Housing of Marin. Understanding what fair housing means is not all that easy. It is important to note that fair housing does not mean affordable housing. Lack of affordable housing may be identified as one barrier to fair housing, but many other issues may result in unfair access to housing. Fair housing is about giving people protected under the Civic Rights Law the opportunity to fulfill their choice of where they want to live. The protected class includes those categories listed in the Fair Housing Act of 1968 which prohibits discrimination in the sale, rental, and financing of dwellings and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

The conference kicked off by addressing “How Government Policies have Shaped Segregated Housing patterns in the Nation and the Bay Area” - taking a look back at how the federal government played a major role in perpetuating the segregation of African Americans (and other minorities) with housing policies in the 1930’s and the current challenge of reversing that pattern.

Sara Pratt, formerly of HUD and now counsel to a D.C. law firm, provided us with a broader understanding on the impact of segregation on communities and how HUD will be looking for patterns of integration and segregation, concentrated areas of poverty, disparate access to opportunity, and other community actions that prevent protected members of our communities from having a choice of where they can live.

Why is this information important? It is important because while fair housing laws have been on the books since 1968, some have argued their enforcement could have been better, and last year HUD released new rules regarding fair housing intended to do just that. These rules require local jurisdictions to identify areas of minority concentration (for Marin that could be the Canal, Marin City and areas in southern Novato), determine if local policies and practices encourage those patterns, and then prove to HUD that you are doing something to proactively undo those patterns.

Why should we care about this? First and foremost, tackling issues of racism and discrimination should be a priority for all of us, because it is the right thing to do. In addition to that, it is the law. Take a look at Westchester County in New York – they were found to have areas of minority concentration, were sued for failing to advance fair housing in their communities, and ultimately settled the lawsuit by agreeing to pay $30 million to HUD, as well as supply an additional $30 million for construction of 750 units of fair and affordable housing over a seven year period in areas of the County with low African American and Hispanic populations. Similar stories are found in Yonkers, New Orleans and most recently Baltimore County who, faced with a lawsuit, signed an agreement with HUD to commit at least $3 million in County funds annually for ten years to create no fewer than 1,000 affordable housing units.

HUD has made it clear to Marin County that we need to provide them with data on existing areas of minority concentration and what we will be doing as a community to address that trend. If we do not make meaningful movements towards this directive not only will we lose our Community Development Block Grant Funding from HUD, that we currently use for housing like OMA Village in Novato and the Gates Cooperative in Sausalito, but we will surely be sued by a fair housing advocacy group which could result in a multi-million dollar settlement that would mean cutting important services from our General Fund.

Stay tuned for more on this later this year, as the County will be partaking in an inclusive public process as we prepare our required report to HUD. The issue of fair housing is not a partisan one nor should it be a divisive issue for our cities and county. I look forward to a robust public discussion with our residents, city and town councils, and the county as we move forward to fulfill this mandate.

As always, my door is open to you and I welcome your suggestions and ideas. You can reach me at: (415) 473-7331 or jarnold@marincounty.org.