AFFIRMATIVELY FURTHERING FAIR HOUSING TASK FORCE
SUMMARY OF RECOMMENDATIONS

partment

Fair Housing Criteria for the Assessment of Proposed Development Projects
Local governments’ duty to affirmatively further fair housing goals is critical when considering proposed development projects. However, no specific criteria are established for evaluating the Fair Housing “worthiness” of a project. In fact, developers aren’t even required to demonstrate that proposed projects won’t perpetuate patterns of segregation, effectively exclude members of protected classes, or disproportionately harm members of protected classes. Local government, commissions and authorities should work with fair housing lawyers, advocates and members of protected classes, and the Commission on Human Relations to develop specific criteria for this assessment, including -

• an analysis of the correlation between the market characteristics of the proposed development (bedroom count, rent structure and marketing plan) and the demand characteristics of people in protected classes (the housing needs of people in protected classes in the relevant market area),
• as well as an analysis of the accessibility of the project and location.

Non-Discriminatory Tenant Screening Criteria
The Pittsburgh Commission on Human Relations (PghCHR) should –
(1) advocate for the prohibition of use of criminal records in housing admissions,
(2) publicize the Department of Housing and Urban Development’s (HUD) guidance on the use of criminal records in housing admissions,
(3) educate landlords on the use of criminal records as screening criteria and
(4) enforce violations of the HUD and PghCHR guidance.

Tenant Protections: Good Cause Requirement for Residential Lease Termination and Eviction Defense Legal Assistance
The City of Pittsburgh should adopt effective measures to safeguard City renters against faultless evictions:
1) by enacting an ordinance requiring “good cause” for residential lease terminations,
2) by requiring housing providers who receive City assistance, including discretionary planning and zoning approvals, to incorporate a “good cause” requirement into their leases, and
3) by robustly funding eviction defense legal assistance for low-income renters by legal aid and pro bono attorneys and, potentially, the law schools.
Increased and Equitable Development in African-American Neighborhoods

Provide and incentivize investment in predominantly African-American neighborhoods, in a way that is designed to benefit existing residents. Specifically:

- Create additional financing structures that generate dedicated revenue streams for targeted investment in predominantly African-American neighborhoods (with meaningful community participation and oversight over the uses of that revenue).
- Ensure the equal distribution of non-CDBG capital funds among CDBG-eligible and non-CDBG-eligible areas, while making CDBG fully available to improve conditions and stimulate investment in disinvested neighborhoods.
- Adopt and implement equitable development strategies as outlined in *Equitable Development: The Path to an All-In Pittsburgh* to ensure that existing residents benefit from renewed investment in their neighborhoods.

Robust Mandatory Inclusionary Zoning

Adopt a robust mandatory inclusionary zoning ordinance to require that all development of new housing (including the renovation or reconstruction of existing housing) include:

- Rental developments - a substantial number of units that are affordable to very low-income residents (50% Area Medium Income [AMI] and below). If a public rental subsidy is available, at least half of the affordable units should be reserved for extremely low-income residents (30% AMI and below).
- For-sale developments - a substantial number of units that are affordable to low-income residents (80% AMI and below). If a public development subsidy is available, at least half of the affordable units should be reserved for residents earning 60% AMI and below.

Support community land trusts to promote permanently affordable housing

The City of Pittsburgh and Allegheny County, and City and County departments, programs, commissions, and Authorities should prioritize support for Community Land Trusts (CLTs) with a 99- year renewable ground leases that promote multi-generational housing affordability, access to critical amenities, and community stability for protected classes. The work of CLTs should be supported throughout the region in various market contexts. To promote integration within mixed-income neighborhoods and housing choice for protected classes, a range of CLT models should be supported, including single-family home ownership, deeply affordable multi-family rental units, limited equity cooperatives, and tenant cooperatives.
Maximizing use of the Section 8 Homeownership Program as a mechanism to affirmatively further fair housing goals

Locally, the Section 8 rental program is in crisis. Over 70% of new voucher recipients lose their voucher because they’re unable to find an apartment in time. Pittsburgh and Allegheny County should promote the Section 8 Homeownership program, in order to:

- increase home ownership opportunities for racial minority and protected class members;
- increase integration and erase segregation patterns by opening housing opportunities in neighborhoods with limited numbers of rental units;
- increase the availability of affordable housing units by opening the market of affordable houses for-sale to voucher holders;
- avoid the “not-in-my-backyard” (NIMBY) capacity of home owner majority neighborhoods to block development of affordable rental housing.

Address the persistent accessibility barriers in our neighborhood business districts

Accessibility barriers in our neighborhood business districts effectively exclude people with disabilities from community activities and amenities. The lack of equal access to community amenities as an “impediment” to fair housing choice. Local governments are complicit in this exclusion by continuing to license and approve modifications which fall below the requirements of the ADA and the Fair Housing Amendments Act.

- Municipal and County governments must review, modify and revise their building inspection process to fulfill their duty to affirmatively further fair housing opportunity for persons with disabilities.
- City and County planners, building inspectors, and other related professionals should be trained on accessibility obligations and Universal Design principles by an architect or related professional.

Adopt appropriate zoning standards and enforcement practices to protect equal access to accessible sidewalks

Livable communities are “walkable” communities. Accessible sidewalks are critical to the mobility of people with disabilities and families with children – protected class members under the Fair Housing Amendments Act. The Fair Housing Act identified lack of equal access to community amenities as an “impediment” to fair housing choice. Local government must

- adopt clear and appropriate policies to guarantee the public’s access to sidewalks (the public right-of-way); and
- implement appropriate plans and practices to enforce those standards.
**Reasonable Accommodation Clause in Lease/Rental Agreements**

Fair Housing Complaints received in Allegheny County indicate that disability discrimination complaints rank #1 in frequency. One frequent type of disability discrimination prohibited by the Fair Housing Act is the landlord’s refusal to make reasonable accommodations in rules, policies, practices, or services – when such accommodations are necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling (including, for example, the use of a service animal and waiving fees that typically apply to pets). This requirement has very little public awareness, and non-compliance is a persistent problem. Local government should require landlords and real estate agents, as well as entities that make sample leases available like the Bar Association and the Realtor Association, to plainly state in leases the rights and duties regarding reasonable accommodations.

- **Non-Discriminatory Tenant Screening Criteria for Applicants with Past Evictions**

  The Pittsburgh Commission on Human Relations should issue and publicize its own guidance on the use of eviction history in housing admissions, educate landlords on the use of eviction history as screening criteria, and enforce violations of the PghCHR guidance.

- **Improving the health and safety of rental housing as a mechanism to affirmatively further Fair Housing goals**

  Unsafe and unhealthy rental properties are a serious problem, particularly for African-Americans, female-headed households with children and people with disabilities. Pittsburgh and Allegheny County should adopt effective measures to improve the health and safety of rental housing, by -

  1. creating a “Repair and Collect” program, which would allow the City or County to alleviate unsafe and unhealthy living conditions at rental properties and collect the cost of needed repairs from ongoing rent payments, while protecting tenants from retaliatory eviction, and
  2. creating a “ Receivership Support” program to incentivize the use of receivers to take control of rental properties with serious or chronic health and safety problems and restore them to habitable condition.

Full recommendations can be found at the Pittsburgh Commission on Human Relations website on the AFFH Taskforce page: [http://pittsburghpa.gov/chr/affh](http://pittsburghpa.gov/chr/affh)