

# Fair Housing and Equity Assessment for Metropolitan Boston

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Metro Boston Consortium for  
Sustainable Communities

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## TABLE OF CONTENTS

<b>ACKNOWLEDGEMENTS</b>	<b>5</b>
Project Team	5
Funding	6
<b>EXECUTIVE SUMMARY</b>	<b>7</b>
<b>GLOSSARY OF TERMS</b>	<b>11</b>
<b>PART ONE: OVERVIEW OF THE FAIR HOUSING EQUITY ANALYSIS</b>	<b>21</b>
1. Place Matters: Opportunities that Affect Quality of Life and Fair Housing	21
2. The Obligation to Affirmatively Further Fair Housing	21
3. Furthering Fair Housing Conditions in the Public and Private Sector	24
4. The FHEA Geography and the Importance of Boundaries	24
<b>PART TWO: WHO WE ARE &amp; WHERE WE LIVE</b>	<b>27</b>
1. Racial and Ethnic Characteristics of the MetroFuture Region and its Residents	27
2. National Origin and Linguistic Isolation	28
3. People with Disabilities in the MetroFuture Region	31
4. Segregation and Integration	33
5. Segregation and Income	41
6. Immigrants, Race and Segregation	47
<b>PART THREE: ACCESS TO OPPORTUNITY AND DISPARITY: SCHOOLS, JOBS, POVERTY, NEIGHBORHOOD QUALITY, AND DISCRIMINATION</b>	<b>49</b>
1. Measuring Equity and Disparity by Race and Ethnicity: Two Approaches	49
2. Opportunity, Race and Poverty	52
3. Economic Opportunity, Jobs and Transportation	54
4. Housing Location, Segregation and Schools	55
5. Neighborhood Stability	59
6. Decent and Affordable in Housing	64
7. Place and Exposure to Environmental Hazards	73

8. Personal Safety and Crime	73
9. Housing and People with Significant Disabilities	75
10. Discrimination as a Barrier to Opportunity and the Fair Housing Infrastructure in the MAPC Region	78
<b>PART FOUR: THE MEANING OF BOUNDARY: STRUCTURES FOR THE DISTRIBUTION OF OPPORTUNITY</b>	<b>85</b>
1. Geographies of Opportunity: Using Data to Understand Patterns of Opportunity Locally and Regionally	85
2. The Geographies of the MAPC Region and the Metropolitan Boston Region	86
3. Planning for the Use of Community Development and Housing Resources	91
4. Furthering Fair Housing and the Analysis of Impediments to Fair Housing	86
5. Land use and zoning policies and practices	101
6. Investment of Public Resources & State Fair Housing Leadership	110
7. Regional Economic Development and Regional Coordination	864
8. Fair Housing Planning	116
<b>PART FIVE: FINDINGS AND RECOMMENDATIONS</b>	<b>117</b>
A. The Sustainable Communities Region is Deeply Segregated	117
B. Segregation and Discrimination is the Cause of Deep Disparities in Access to Quality of Life Opportunities	120
C. The Public and Private Systems and Structures Through Which Opportunities are Identified and Resources are Allocated Can Reinforce or Mitigate Inequity	123
<b>RECOMMENDATIONS</b>	<b>127</b>
A. Utilize Data Collection Methods and Adapt Training Resources to Support Integration of Fair Housing into Planning and Funding Decisions.	127
B. Allocated Resources for Coordinated Regional Enforcement of Fair Housing and Civil Rights Laws and to Further Fair Housing.	129
C. Deploy Resources Regionally in a Manner that Balances Investments in Distressed and High Opportunity Locations to Promote Opportunity and Reverse Conditions of Disparity.	131
D. Create Structural Connections Between People and Places that Achieve Equity.	133
<b>APPENDIX 1: A FAIR HOUSING PRIMER</b>	<b>139</b>
<b>APPENDIX 2</b>	<b>143</b>
<b>APPENDIX 3</b>	<b>147</b>

## LIST OF FIGURES

FIGURE 2.1	HOUSEHOLD GROWTH BY RACE/ETHNICITY, 1990-2010 .....	30	
FIGURE 2.2	SHARE OF LINGUISTICALLY ISOLATED	FIGURE 2.3 NUMBER OF LINGUISTICALLY ISOLATED.....	31
FIGURE 2.4	CITY OF BOSTON'S SHARE OF METROFUTURE HOUSEHOLDS BY RACE/ETHNICITY, 1990 AND 2010 .....	34	
FIGURE 2.5	ISOLATION INDEX FOR MAJOR RACIAL/ETHNIC GROUPS IN METROPOLITAN BOSTON, 1980-2010 .....	39	
FIGURE 2.6	EXPOSURE INDEX FOR MAJOR RACIAL/ETHNIC GROUPS IN METROPOLITAN BOSTON, 1980-2010 .....	40	
FIGURE 2.7	PERCENT OF MAPC REGION POPULATION LIVING IN HIGH POVERTY AREAS.....	47	
FIGURE 3.1	DISTRIBUTION OF NON-POOR RESIDENTS BY RACE/ETHNICITY .....	53	
FIGURE 3.2	DISTRIBUTION OF POOR RESIDENTS BY RACE/ETHNICITY .....	53	
FIGURE 3.3	SEGREGATION OF PUBLIC PRIMARY SCHOOL STUDENTS, DISSIMILARITY BY RACE/ETHNICITY.....	55	
FIGURE 3.4	MARKET SHARE BY RACE/ETHNICITY, HOME PURCHASE LOANS, 2005 (PRIME V SUBPRIME).....	61	
FIGURE 3.5	MARKET SHARE BY RACE/ETHNICITY, REFINANCING LOANS, 2006 (PRIME V SUBPRIME) .....	61	
FIGURE 4.2	MASSACHUSETTS FAIR HOUSING MISSION STATEMENT AND PRINCIPLES.....	110	
FIGURE 7.1	CENSUS BUREAU MEASURES OF SEGREGATION .....	145	
FIGURE 7.2	METROPOLITAN AREA HOUSEHOLD DISTRIBUTION BY INCOME AND RACE/ETHNICITY .....	146	

## LIST OF TABLES

TABLE 2.1	METROFUTURE'S SHIFTING RACIAL AND ETHNIC PROFILE, 1990 - 2010 .....	28
TABLE 2.2	FOREIGN BORN POPULATION BOSTON METRO AREA.....	29
TABLE 2.3	DISABILITY STATUS OF METROPOLITAN BOSTON RESIDENTS, 2010 .....	32
TABLE 2.4	DEMOGRAPHICS OF THE REGION'S MAJORITY-MINORITY COMMUNITIES.....	36
TABLE 2.5	TRENDS IN SEGREGATION DISSIMILARITY INDICES, BOSTON MSA, 1980 TO 2010.....	37
TABLE 2.6	RACIALLY/ETHNICALLY CONCENTRATED AREAS OF POVERTY.....	46
TABLE 3.1	INDICATORS USED IN THE KIRWAN INSTITUTE'S MASSACHUSETTS OPPORTUNITY MAPPING ANALYSIS 51	
TABLE 3.2	KIRWAN INSTITUTE FINDINGS: WHERE HOUSEHOLDS CURRENTLY LIVE, BY RACE AND INCOME.....	51
TABLE 3.3	EXPOSURE TO OPPORTUNITY BY RACE AND ETHNICITY .....	52
TABLE 3.4	OPPORTUNITY INDEX BY RACE AND POVERTY .....	53
TABLE 3.5	SEGREGATION OF PUBLIC PRIMARY SCHOOL STUDENTS, WHITE STUDENTS' EXPOSURE BY RACE/ETHNICITY .....	56
TABLE 3.6	CHARACTERISTICS OF STUDENTS IN PUBLIC SCHOOLS ATTENDED BY THE MAPC REGION'S BLACK, WHITE, ASIAN, AND HISPANIC STUDENTS.....	58
TABLE 3.7	MUNICIPALITIES EXPERIENCING THE HIGHEST RATES OF FORECLOSURE, 2006-2011, WITH SHARE OF BLACK AND LATINO HOMEOWNERS.....	62
TABLE 3.8	DISTRIBUTION OF HOUSING PROBLEMS BY RACE/ETHNICITY.....	64
TABLE 3.9	LOW INCOME HOUSING TAX CREDIT PROJECTS/UNITS IN MAJORITY MINORITY COMMUNITIES ....	68
TABLE 3.10	VOUCHER UTILIZATION BY SUBREGION BY RACE/ETHNICITY .....	69
TABLE 3.11	MEDIAN CHARACTERISTICS OF SCHOOLS NEAREST TO ASSISTED HOUSING AND OTHER HOUSEHOLDS WITH CHILDREN WITHIN THE BOSTON METROPOLITAN AREA.....	71
TABLE 3.12	MEDIAN CHARACTERISTICS OF SCHOOLS NEAREST TO HOUSING CHOICE VOUCHER HOUSEHOLDS AND OTHER HOUSEHOLDS WITH CHILDREN, BY RACE.....	72
TABLE 3.13	MEDIAN CHARACTERISTICS OF SCHOOLS NEAREST TO HOUSING CHOICE VOUCHER RECIPIENTS...	72
TABLE 3.14	CRIME RATE DISPARITIES IN MINORITY MUNICIPALITIES VS MAJORITY WHITE MUNICIPALITIES .....	74
TABLE 3.15	QUASI-INSTITUTIONAL HOUSING FOR PEOPLE WITH DISABILITIES .....	76
TABLE 3.16	COMMUNITY BASED HOUSING FOR PERSONS WITH DISABILITIES AT RISK OF INSTITUTIONALIZATION .....	77
TABLE 3.17	BASES OF COMPLAINTS FILED WITH MCAD IN THE METROPOLITAN BOSTON REGION.....	81
TABLE 3.18	CHARACTERISTICS OF COMPLAINTS (ACTS) FILED WITH MCAD IN THE METROFUTURE REGION .....	82
TABLE 3.19	RESOLUTION OF DISCRIMINATION COMPLAINTS.....	83

TABLE 3.20	RESOLUTION OF DISCRIMINATION COMPLAINTS BY BASIS .....	84
TABLE 4.2	MUNICIPALITIES WITH THE HIGHEST AND LOWEST SHARE OF HOUSEHOLDS IN MAJOR RACE/ETHNICITY CATEGORIES, BY SUB-REGION .....	90
TABLE 4.4	ALLOCATION OF CDBG AND HOME FUNDS BY ENTITLEMENT JURISDICTIONS AND HOME CONSORTIA .....	93
TABLE 4.5	LIMITED MULTIFAMILY ZONING ACROSS THE METROFUTURE REGION .....	101
TABLE 4.6	MULTIFAMILY ZONING IN METROFUTURE MUNICIPALITIES BY COMMUNITY TYPE .....	101
TABLE 4.7	OPPORTUNITY PROFILE OF THE CHAPTER 40R SMART GROWTH DISTRICTS .....	106
TABLE 7.1	LAWS GOVERNING HOUSING DISCRIMINATION.....	140
TABLE 7.2	PERCENT CHANGE IN POPULATION V HOUSEHOLDS BY RACE/ETHNICITY BY DECADE, 1990 – 2010 .....	143
TABLE 7.3	PERCENT NON-WHITE IN SELECT MUNICIPALITIES .....	143
TABLE 7.4	NEIGHBORHOOD CONCENTRATION OF BLACKS AND AFRICAN-AMERICANS IN BOSTON .....	144

### LIST OF MAPS

MAP 3.1	LOCATION OF SUBSIDIZED HOUSING OVERLAID ON KIRWAN INSTITUTE OPPORTUNITY MAP OF GREATER BOSTON .....	67
MAP 3.2	LOCATION OF SUBSIDIZED HOUSING OVERLAID ON KIRWAN INSTITUTE OPPORTUNITY MAP OF NORTHEASTERN MASSACHUSETTS.....	67
MAP 3.3	LOCATION OF SUBSIDIZED HOUSING OVERLAID ON KIRWAN INSTITUTE OPPORTUNITY MAP OF SOUTHEASTERN MASSACHUSETTS .....	68
MAP 4.1	METROFUTURE GROWTH AND PRESERVATION AREAS.....	87
MAP 4.2	CDBG AND HOME JURISDICTIONS .....	95
MAP 4.3	ZONING REGULATIONS AND RESTRICTIONS MAPPED AGAINST KIRWAN OPPORTUNITY RATINGS.....	102
MAP 4.4	LOCATION OF CHAPTER 40B HOUSING UNITS CONSTRUCTED FROM 2000 TO APRIL 2010 BY CITY/TOWN.....	104
MAP 4.5	MASSACHUSETTS COMMUNITY DEVELOPMENT BLACK GRANT (CDBG) PROGRAM SPENDING .....	109
MAP 4.6	PRIORITY DEVELOPMENT SITES IDENTIFIED IN THE 495 COMPACT PLAN .....	114

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MetroFuture articulates a vision of smart growth and regional collaboration through the promotion of efficient transportation systems, conservation of land and natural resources, improvement of the health and education of residents, an increase in equitable economic development opportunities for prosperity. This report advances the following MetroFuture goals:

- 14. An increasing share of the housing in each municipality will be affordable to working class families and fixed-income seniors.
- 15. There will be less regional segregation as all municipalities increasingly reflect Metro Boston's growing diversity.
- 16. Low-income households will be able to find affordable, adequate, conveniently located housing, in suburbs as well as cities, and they will be able to avoid displacement.
- 19. Persons with physical or mental disabilities will be able to find housing that meets their needs in terms of design, services, and affordability.

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# Executive Summary

Home matters. The places we live in give us access to a network of resources that includes schools, transportation options, jobs, and recreational opportunities. The Metropolitan Boston region we live in also gives us access to a broader network of opportunities, provided that no unfair barriers exist to accessing those opportunities. The ability to have mobility in all of these dimensions of opportunity is a human right, and fair access to housing opportunities is one of these rights. The principle of fair housing is to ensure that all people – regardless of race, color, national origin, religion, gender, disability, family status, source of income and other individual and personal characteristics – have equal opportunity to exercise choice in their selection of a home. This includes access to housing opportunities in diverse neighborhoods and community types and housing that is appropriate to diverse needs.

The objective of the Regional Fair Housing and Equity Assessment (FHEA) is to ensure that MetroFuture, the regional plan for the Metropolitan Boston region, links fair housing considerations with issues of transportation, employment, education, land use planning, environmental justice, and access to housing—consistent with Livability Principles developed by the U.S. Department of Housing and Urban Development. The FHEA follows the format required by the Department of Housing and Urban Development (HUD)’s Fair Housing Planning Guide and examines regional demographics and conditions and patterns of segregation and considers how activities, resources, and policies at the local and regional levels impact fair access to housing opportunity including access to affordable housing. The FHEA study area encompasses the 164-municipality Metropolitan Boston study area referenced in MetroFuture, which also includes the 101-municipality MAPC statutory planning region.

The FHEA was prepared in concert with the Regional Housing Plan (RHP), which describes the nature and extent of the region’s unmet housing needs and evolving challenges and further identifies the constraints and opportunities that will enable (or prevent) the region from accommodating MAPC’s projected 2030 housing needs consistent with the MetroFuture vision. Combined, the FHEA and the RHP provide a baseline analysis of regional housing needs and challenges and identify resources, incentives, sanctions, policy changes, and regulations that are needed to advance equity, sustainability, and smart growth goals for the Metropolitan Boston region.

## **Data Referenced in this Report**

This report used available data to identify disparities and patterns of segregation in the Metropolitan Boston region with a focus on barriers to opportunity faced by protected classes including persons of color i.e., individuals who are categorized according to Census data as being of Black, Latino, Asian or Pacific Islander, Native American, or other descent, persons with disabilities, families, and other persons with other characteristics defined as protected classes under Massachusetts or federal civil rights laws. Collection of these data points is intended to facilitate identification of local, regional, state, and institutional opportunities for advancing the universal goal of equal access to fair housing opportunity at a range of price points, housing type and tenure in the Metropolitan Boston region.

Data referenced is compiled from the following sources: the Census, the American Community Survey, and the Department of Housing and Urban Development (HUD). This report also references data from an “opportunity mapping” analysis conducted by the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University. Opportunity mapping is a tool for analyzing the distribution of opportunity (education, economic, and neighborhood/housing quality) in a metropolitan area. The Kirwan analysis resulted in the characterization of geographies as being very low, low, moderate,

high, and very-high opportunity.<sup>1</sup> HUD also provided data on census tracts in the Metropolitan Boston region sorted by level of opportunity, which was based on six dimensions: neighborhood school proficiency; poverty; labor market engagement; housing/neighborhood stability; neighborhood health access; and job access. Indicators for identify disparities were also obtained from the MAPC State of Equity in Metro Boston Indicators Project.

### **The Structure of this Report**

**Part One** provides an overview of the Fair Housing and Equity Analysis. It briefly describes the role access to quality of life opportunities holds for all households, grounds the FHEA within the concept of affirmatively furthering fair housing, discusses the relationship between the FHEA and other fair housing planning activities and introduces the geography examined by the FHEA: the 101-municipality MAPC planning region and the 164-municipality Metropolitan Boston region.

**Part Two** examines the fair housing characteristics of the households and people in the Metropolitan Boston geography and considers the places where we live. It compiles the demographics of the region and considers the degree to which people within the area are separated by race, ethnicity, income levels and other fair housing related characteristics.

**Part Three** is an analysis of how place of residence and the boundaries that define those places enhance or limit the ability to secure access to economic opportunity, good quality schools and livable neighborhoods. Using available data and research, the report identifies regional disparities faced by protected classes in access to transportation and jobs, the effect of racial segregation on access to high quality public schools, factors affecting neighborhood stability such as homeownership, predatory lending and foreclosure, the location of affordable housing, the availability of integrated housing opportunities for people with disabilities, exposure to environmental risk, and the prevalence of housing discrimination.

**Part Four** continues with the theme of boundary by looking at the geographic framework used in the region to plan for major public investments. This section explores federal policy and existing regional and local planning mechanisms that take place within specific geographies and which are characterized by racial and ethnic separation and how defined geographic boundaries may enhance or impede fair and equitable access to opportunity. Part Four considers, for example, those areas of the region subject to the obligation to complete a jurisdictional Analysis of Impediments (AI)s, MAPC's planning subregions, transportation planning, and local planning activities for zoning, land use and schools.

**Part Five** consists of 54 separate findings grouped into topical themes that align with 23 recommendations. The recommendations are aimed at regional planning and, more crucially, the distribution of public resources and public decisions about the ability to utilize private resources.

### **Findings**

MetroFuture articulates a vision for a region where residents will find better housing choices; there will be less regional segregation as municipalities increasingly reflect the region's growing diversity; low-income households will be able to find conveniently-located housing in suburbs as well as cities; and persons with disabilities will be able to find housing that meets their needs in terms of design, services, and affordability. However, the FHEA reveals that the Metropolitan Boston region is as affected by segregation as any other large northern metropolis. When residents have unequal access

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<sup>1</sup> Learn more about the data sets used in the Kirwan opportunity mapping methodology: [http://kirwaninstitute.osu.edu/reports/2009/01\\_2009\\_GeographyofOpportunityMassachusetts.pdf](http://kirwaninstitute.osu.edu/reports/2009/01_2009_GeographyofOpportunityMassachusetts.pdf)

to opportunities to a better life for themselves and their families, it harms our communities and our economies. Segregation hurts not only communities of color, persons with disabilities, families, and other protected classes but the prosperity of the region as a whole. Policies, resources, and structural, institutional, and local forces contribute to the perpetuation of unequal access to fair housing opportunities and other elements of opportunity.

**The Metropolitan Boston region is deeply segregated.** The Metropolitan Boston area continues to be deeply affected by racial division as any other large northern metropolis; the suburbs play a role in exacerbating some of these problems. While there has been an increase in the region's racial and ethnic diversity, it is mainly attributable to immigration. Findings indicate that segregation in the region is a condition marked primarily by white isolation. Racial and ethnic segregation is also not explained by differences in income or rates of poverty, indicating that discrimination is an element of segregation and lack of access to fair housing opportunity. Also, despite important progress in the area of integration of persons with disabilities, people with significant disabilities continue to live in segregated, institutional settings or inaccessible housing.

**Segregation and discrimination is at the root of deep disparities in access to quality of life opportunities.** Place and race continue to be defining characteristics of the opportunity structure of metropolitan areas. The concentration of half of the region's affordable rental housing units in ten municipalities in the region, often in high poverty and low opportunity census tracts, contributes to limited access to opportunities for low income residents in the region. Concentrations of assisted housing in segregated, high poverty areas indicate segregative siting decisions. In addition, patterns of segregation result in segregated schools and large disparities in access to quality education and greater exposure to environmental hazards, neighborhood violence, and crime for people of color, with disparities in opportunity (education, housing, jobs, etc.) especially affecting Blacks and Latinos. Homeowners of color also experience greater levels of housing instability and housing discrimination is a barrier to equal opportunity in the region. The region's transportation system is also a barrier to equal opportunity, with some households experiencing longer commutes than others due to the availability and frequency of public transit service.

**The public and private systems and structures through which opportunities are identified and resources are allocated can reinforce or mitigate inequity.** While a wealth of data is available about dimensions of opportunity such as access to and availability of education, jobs, housing, transportation, and healthy environments, there are gaps in the existing analyses of segregation. For example, the HUD indices for measuring segregation need to be expanded upon in order to examine trends and track change over time in protected classes' access to these opportunities. Also, the different geographic boundaries of planning and housing efforts in the region and the stipulations for resources in support of different efforts do not support coordinated planning. The planning area for the MAPC region and its subregions is different from the planning areas of the region's HOME consortia and HUD rules place constraints on where and how funds can be used – for planning areas, HOME consortia, and for public housing; combined with local resident selection preferences, these different rules create barriers for different entities to collaborate to advance fair housing planning.

**Zoning and land use practices also contribute to inequity and can result in exclusion of multifamily housing and affordable housing opportunities.** Application of state-mandated admission and occupancy policies comparable to those of Chapter 40B (i.e., requiring affirmative marketing to non-resident households of color and assuring equal preference status to these non-resident households) towards Chapter 40R and the Gateway Cities program may facilitate more diversity in housing developed using these incentives and programs. While the Commonwealth has exercised leadership in advancing equity in housing policy and through the Consolidated Plan, the Analysis of

Impediments to Fair Housing Choice, and the issuance of Executive Order 478, transportation and economic development policies require greater attention. For example, Transit-Oriented Development (TOD), a feature of 40R, can be a revitalizing force in distressed locations. But TOD planning without conscious efforts at racial and economic inclusion will only reinforce existing patterns of exclusion.

## **Recommendations**

Advancing fair access to housing opportunity in the region involves capacity building at the municipal, regional and state levels, legislative reform, revision of administrative and regulatory policies at all levels of government, investments of public and private resources, and collaborative and coordinated planning between municipalities, regional agencies, and state and federal governments. The FHEA recommends four categories of implementation activity, which outline concrete steps towards achieving a more equitable Metropolitan Boston region.

***Recommendation 1:*** *To achieve fair housing equity in the region, the deployment of private and public resources must be informed by an understanding of the civil rights consequences of planning and funding decisions. Agencies must utilize data collection methods and adapt training resources to support integration of fair housing into planning and funding decisions.*

***Recommendation 2:*** *There must be vigorous, region-wide enforcement of fair housing and civil rights obligations, including not only the rooting out of discrimination, but also the duty to further the purposes of Title VIII. Agencies must allocate resources for coordinated regional enforcement of fair housing and civil rights laws and to further fair housing.*

***Recommendation 3:*** *Investments in people and places should be made from a regional perspective, and in a balanced manner that promotes opportunity and reverses conditions of disparity in both distressed locations and in communities that are exclusionary. Agencies must deploy resources regionally in a manner that balances investments in distressed and high opportunity locations to promote opportunity and reverse conditions of disparity.*

***Recommendation 4:*** *It is crucial to create sustainable connections that link people and places in ways that achieve equity. Agencies must create structural connections between people and places that advance equity.*

# Glossary of Terms

*The following terms and abbreviations appear in this document and in the accompanying Regional Housing Plan. The terms and definitions are also in the MAPC Fair Housing Toolkit.*

**Affirmative Fair Housing Marketing Plan:** A plan applicable to all DHCD and quasi-public housing funding programs for the marketing of housing, including provisions for a lottery or other resident selection process, consistent with guidelines adopted by the Department of Housing and Community Development, and providing effective outreach to protected groups underrepresented in the municipality where a project is sited. The plan shall not permit any discrimination on the basis of race, creed, color, sex, age, disability, familial status, sexual orientation, national origin or any other legally protected category in the leasing or sale of housing.

**Analysis of Impediments to Fair Housing Choice:** An assessment of the policies and practices that may limit the ability of residents to choose housing in an environment free from discrimination.

**Americans with Disabilities Act (ADA):** gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

**Assisted Housing:** Also referred to as Government Assisted Housing, is housing available to persons through public housing, Section 8, and Section 202. Public housing and Section 8 programs are managed by local housing authorities and Section 202 programs are sponsored by non-profit companies.

**Boston-Cambridge-Quincy MA-NH Metropolitan Statistical Area (MSA):** This Metropolitan Statistical Area is comprised of Essex, Middlesex, Norfolk, Plymouth, and Suffolk counties in Massachusetts and Rockingham and Strafford counties in New Hampshire.

**Community Economic Development Assistance Corporation (CEDAC):** CEDAC is a public-private, community development finance institution that provides technical assistance, pre-development lending, and consulting services to non-profit organizations involved in housing development, workforce development, neighborhood economic development, and capital improvements to child care facilities. These organizations may include community or neighborhood development corporations, non-profit developers, and tenants' associations.

**Community Based Housing at CEDAC:** The program is designed to fund integrated housing units that meet the housing needs and preferences of frail elders and other people with disabilities who are institutionalized or at risk of institutionalization, for independent housing integrated into the community. CBH is intended to expand the housing choices available to these populations.

**Community Development Financial Institution (CDFI) Program:** The purpose of the CDFI Program is to use federal resources to invest in CDFIs and to build their capacity to serve low-income people and communities that lack access to affordable financial products and services. Through the CDFI Program, the CDFI Fund provides two types of monetary awards to CDFIs - Financial Assistance awards and Technical Assistance awards.

**Community Development Block Grant (CDBG) program :** The Federal CDBG program was established by the Housing and Community Development Act of 1974 with the goal of developing viable urban

communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. As part of the CDBG program, HUD provides annual grants on a formula basis to local governments and states. HUD's CDBG regulations address specific information on program implementation. All recipients of CDBG Funds are required by HUD to conduct an Assessment of Fair Housing (replacing the Analysis of Impediments to Fair Housing Choice) to show how funds will be used in accordance with the Fair Housing Act.

**Community Types:** In order to understand how regional trends will affect the region's diverse communities over the coming decades, MetroFuture identified four basic community types. "Urban" communities or municipalities refer to the Inner Core and the Regional Urban Centers. "Suburban" communities and municipalities include those in the Maturing Suburbs and Developing Suburbs.

**Department of Housing and Urban Development (HUD):** Established in 1965, HUD works to create a decent home and suitable living environment for all Americans; it does this by addressing housing needs, improving and developing American communities, and enforcing fair housing laws.

**Disability:** According to the FFA (42 U.S.C. § 3602(h)), Section 504, the ADA and MGL Chapter 151B1, a person with a disability includes (1) individuals with a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) individuals with a record of having such an impairment, and (3) individuals who are regarded as having such an impairment. Persons with a disability are provided protection against housing discrimination under the Fair Housing Act, Section 504, the ADA and MGL Chapter 151B.<sup>2</sup>

**Disparate Impact:** Policies, practices or services that appear neutral on the surface but in practice are discriminatory are considered to have a disparate impact. In *Village of Arlington Heights vs. Metro Housing Development Corporation* (429 U.S. 252 (1977)) the court system developed a series of tests to determine if an action is proven to have a disparate impact. These tests were formalized in HUD's Final Rule of Implementation of the Fair Housing Act's Discriminatory Effects Standard released February, 2013.

**Displacement:** Refers to the transition/shift that occurs in an urban community when current residents are forced to move out of the community because of increases in the cost of living, which may include increasing rents and/or property taxes.

**Environmental Justice Populations:** The Massachusetts Executive Office of Energy and Environmental Affairs (EEA) defines EJ populations as neighborhoods (U.S. Census Bureau census block groups) that meet one or more of the following criteria: Median annual household income is at or below 65% of the statewide median income; % or more of the residents are a minority; 25% or more of the residents are foreign born; or 25% or more of the residents are lacking English language proficiency.

**Exclusionary Zoning:** Exclusionary zoning applies to land use measures that have a disparate impact on one or more of the protected classes under the Fair Housing Act. The Fair Housing Center of Greater Boston offers additional information on exclusionary zoning.

**Facilities Consolidation Fund at CEDAC:** FCF provides funding for community-based housing for clients of the Department of Mental Health (DMH) and Department of Mental Retardation (DMR).

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<sup>2</sup> Both the Federal Fair Housing Act and MGL Chapter 151B use the term "handicap" instead of the term "disability." Both terms have the same legal meaning.

<sup>3</sup> Fair Housing Center of Greater Boston, *Interactive Timeline of Housing Segregation in Eastern*

**Fair Housing Act (FHA):** a law that prohibits discrimination in all facets of the home buying process on the basis of race, color, national origin, religion, sex, familial status, or disability.

**Fair Housing Center of Greater Boston (FHCGB):** The Fair Housing Center of Greater Boston is the only comprehensive fair housing organization working to eliminate housing discrimination and promote open communities throughout the region. The FHCGB pursues its mission in Suffolk, Norfolk, Middlesex, Essex and Plymouth counties through offering a full tool kit of fair housing services: Testing, Case Advocacy, Training, Community Outreach, Policy Advocacy, and Research.

**Fair Housing and Equity Assessment (FHEA):** The FHEA is an analysis based on data generated by federal sources and provided by localities. Its purpose is to evaluate the extent to which housing burdens and benefits experienced by different demographic groups have been distributed fairly.

**Familial status:** According to the Fair Housing Act (42 U.S.C. § 3602(k)) and Massachusetts General Law 151B, housing discrimination on the basis of familial status is illegal. Both laws protect an individual (either a parent or legal custodian) with one or more children (under the age of 18 years) and any person who is pregnant or in the process of securing legal custody of a child.

**Gentrification:** Refers to the transition/shift that occurs in an urban community when wealthier residents or businesses move in, which can result in increasing property values, taxes, rents and home sale prices, and changes in the community's culture. Some academic research indicates that there can be gentrification with or without displacement in neighborhoods, indicating that the two are not synonymous.

**HOME Consortia:** A consortium is a way for local governments that would not otherwise qualify for HOME funding (i.e., the individual formula allocations of their jurisdictions do not mean minimum thresholds for funding) to join with other contiguous units of local government. When a consortium is approved, it is referred to as a consortium Participating Jurisdiction (PJ). PJs include jurisdictions interested in meeting their affordable housing needs in a regional, collaborative manner. Each consortium has a lead entity, which is responsible for the long-term affordability requirements of all projects developed by the consortium regardless of whether the consortium is still in existence.

**HOME Investment Partnerships Program (HOME):** The HOME program was established under Title II of the Cranston-Gonzalez Affordable Housing Act of 1990 with the goal of creating affordable homeownership and rental housing. As part of the HOME program, HUD provides annual grants on a formula basis to local governments and states. HUD's HOME regulations address specific information on program implementation. All recipients of CDBG Funds are required by HUD an Assessment of Fair Housing (replacing the Analysis of Impediments to Fair Housing Choice) to show how funds will be used in accordance with the Fair Housing Act.

**Housing and Transportation Affordability initiative:** The initiative, headed up by HUD's Office of Sustainable Housing and Communities in partnership with the Department of Transportation, seeks to enhance our understanding of the relationship between housing and transportation costs in order to be more effective in advancing housing affordability for both individuals and communities at large. The initiative will produce the Location Affordability Portal, a reliable, user-friendly source of information on combined housing and transportation costs that help allow families, realty professionals, policymakers, and developers make more informed decisions about where to live, work, and invest. As a companion to this resource, HUD is conducting research on the potential for integrating transportation costs into HUD programs and policies in order to promote greater affordability in HUD-assisted communities.

**Housing Cost Burden:** An indicator that measures the proportion of household income that is spent on housing costs. It is calculated separately for renters and homeowners. Households spending 30 percent or more of their income on housing costs are identified as cost burdened.

**Housing Need:** The regional need for Low and Moderate Income Housing considered with the number of Low Income Persons in the municipality affected.

**Housing Opportunities for Persons with HIV/AIDS (HOPWA):** The HOPWA program was established by the AIDS Housing Opportunity Act in 1990 with the goal of providing housing assistance and supportive services for the population with HIV/AIDS. HUD awards HOPWA funds on a formula basis to states and local government as well as on a competitive basis to states, local governments and non-profits. HUD's HOPWA regulations address specific information on program implementation. All HOPWA grantees are required to affirmatively further fair housing.

**Housing Production Plan (HPP):** An affordable housing plan adopted by a municipality and approved by DHCD, defining certain annual increases in its number of SHI Eligible Housing units. See 760 CMR 56.03(4).

**Inclusionary Zoning:** Inclusionary zoning is a policy tool used to expand and disperse the supply of affordable housing through incentives and/or requirements passed on by states, counties and localities, to developers. Inclusionary zoning commonly requires developers to set aside a percentage of housing units in new residential developments for low- and moderate- income housing or to issue a payment in lieu of construction of this housing to the local government to be used to develop low- and moderate-income housing elsewhere in the municipality. Some inclusionary zoning regulations work on an incentive basis, by providing density bonuses, zoning variances, and/or expedited permits in exchange for the construction of affordable housing. The Center for Housing Policy offers additional information and resources on inclusionary zoning.

**Income Eligible Household:** A household of one or more persons whose maximum income does not exceed 80% of the area median income, adjusted for household size, or as otherwise established by the Department in guidelines. For homeownership programs, the Subsidizing Agency may establish asset limitations for Income Eligible Households by statute, regulations, or guideline. In the absence of such provisions, Income Eligible Households shall be subject to asset and/or other financial limitations as defined by the Department in guidelines.

**Kerner Commission (The National Advisory Commission on Civil Disorders):** A federal government commission that investigated urban riots in the United States. Their report identified the causes of urban racial violence. This important government document made a wide range of recommendations that should be implemented if future racial disorder is to be averted.

**Kirwin-McArdle Opportunity Index:** The index is based on 19 indicators of neighborhood well-being and aims to move beyond the use of poverty measures to more fully understand the variation between municipalities in terms of safety, demographics and access to employment, transportation and adequate schools.

**Language Assistance Plan (LAP):** A LAP is written document, commonly developed by federally funded organizations, state and local governments, that details language assistance services, and how staff and Limited English Proficiency (LEP) persons can access those services. The building blocks of the LAP include a four factor analysis or the consideration of the following items (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come in contact with the program; (3) the

nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/ recipient and costs. Additional information on LAPs can be found on the website of the Federal Interagency Working Group on Limited English Proficiency.

**Language Planning:** Language planning refers to efforts to make communications changes that will ensure that different languages are accommodated.

**Low-income housing tax credit (LIHTC) program:** The program's purpose is to incentivize and leverage private-sector investment capital for the creation of rental housing units affordable to households earning 60% or less of "Area Median Income" (AMI). It also requires that rents remain at affordable rates for a period of 30 years.

**Limited English Proficient (LEP) Individual:** LEP individuals are persons that do not speak English as their primary language and have a limited ability to read, write, speak, or understand English. These individuals are afforded language assistance accommodations under direction provided by Executive Order 13166 and guidance from the Department of Justice. HUD guidance addresses the type of services that must be provided to LEP individuals in the context of HUD programs. The U.S. Department of Justice offers additional resources on LEP compliance obligations and services.

**Linguistically isolated individual:** Linguistically isolated individuals live in a household where no person aged 14 or over speaks English "very well." The definition is based on census questionnaires which ask respondents to evaluate how well each person in their household speaks English (if a language other than English is spoken in that household) based on the following criteria: "very well," "well," "not well," and "not at all well."

**Local Board :** Any local board or official, including, but not limited to any board of survey; board of health; planning board; conservation commission; historical commission; water, sewer, or other commission or district; fire, police, traffic, or other department; building inspector or similar official or board; city council or board of selectmen. All boards, regardless of their geographical jurisdiction or their source of authority (that is, including boards created by special acts of the legislature or by other legislative action) shall be deemed Local Boards if they perform functions usually performed by locally created boards.

**Local Requirements and Regulations:** All local legislative, regulatory, or other actions which are more restrictive than state requirements, if any, including local zoning and wetlands ordinances or by-laws, subdivision and board of health rules, and other local ordinances, by-laws, codes, and regulations, in each case which are in effect on the date of the Project's application to the Board.

**Low or Moderate Income Housing:** Any units of housing for which a Subsidizing Agency provides a Subsidy under any program to assist the construction or substantial rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute or regulation, whether built or operated by any public agency or non-profit or Limited Dividend Organization. If the applicable statute or regulation of the Subsidizing Agency does not define low or moderate income housing, then it shall be defined as units of housing whose occupancy is restricted to an Income Eligible Household.

**Low-Income Housing Tax Credit:** The Low-Income Housing Tax Credit (LIHTC) Program, was established by the Tax Reform Act of 1986, to offer financial incentives for the development of low-income rental housing by providing significant reductions in federal income tax to investors who provide equity for affordable housing projects. The Internal Revenue Service regulates the LIHTC

program. LIHTCs can be used for rehabilitation, new construction, or the acquisition of existing rental properties targeted to lower income households ( $\leq 60\%$  of the AMI).<sup>2</sup> State and local agencies receive annual allocations of tax credits from the U.S. Treasury. These agencies distribute the LIHTCs, guided by a statewide Qualification Allocation Plan and an application process, to developers of low- and moderate-income rental housing. HUD maintains the LIHTC database, which is the only complete national source of information on the size, unit mix, and location of individual LIHTC projects. The database has been geocoded by HUD, which enables researchers to look at the geographical distribution and neighborhood characteristics of tax credit projects.<sup>3</sup>

**Low Income Persons:** All persons who, according to the latest available United States Census, reside in households whose net income do not exceed the maximum income limits for admission to public housing, as established by DHCD.<sup>4</sup>

**Majority-minority municipalities:** A municipality where non-Hispanic Whites are in the minority. This can differ depending on whether the measurement is based on total population, household population or households.

**MAPC subregions:** Stretching west from Boston to include most of the communities inside the I-495 corridor, the MAPC planning area consists of 22 cities and 79 towns that include coastal communities, older industrial centers, rural towns and modern cities. MAPC works with its cities and towns through eight subregional committees:

- Inner Core Committee (ICC)
- Minuteman Advisory Group on Interlocal Coordination (MAGIC)
- MetroWest Regional Collaborative (MWRC)
- North Shore Task Force (NSTF)
- North Suburban Planning Council (NSPC)
- South Shore Coalition (SSC)
- SouthWest Advisory Planning Committee (SWAP)
- Three Rivers Interlocal Council (TRIC)

**MassHousing (The Massachusetts Housing Finance Agency):** A quasi-governmental agency created in 1966. It supports the creation, preservation and long-term viability of affordable homeownership and rental housing opportunities for Massachusetts residents with modest incomes.

**MetroFuture Regional Plan:** MetroFuture is the regional plan for the MAPC region and serves as a guide for the work in all areas of the agency. MetroFuture supports a vision of smart growth and regional collaboration.

**Metropolitan Area Planning Council (MAPC) planning region:** The MAPC region encompasses a 101 city and town planning regions grouped into eight subregions. These include most of the area within the region's outer circumferential highway, I-495. In this report, references to findings for the "MAPC region" refer to the 101-municipality region within the statutory boundaries of MAPC.

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<sup>3</sup> Fair Housing Center of Greater Boston, *Interactive Timeline of Housing Segregation in Eastern Massachusetts*, [website], accessed 24 of May (2013), <http://www.bostonfairhousing.org/timeline/1986-Low-Income-Housing-Tax-Credit.html>

<sup>4</sup> U.S. Department of Housing and Urban Development, Glossary, [website], accessed 24 of May (2013), [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/buying/glossary](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/buying/glossary)

**Metropolitan Boston region:** While MAPC’s official authority ends at our statutory boundaries, the forces that shape our region do not. For this reason, MAPC chose to analyze regional trends on a broader 164-municipality region used by the Boston MPO for transportation modeling. This scale of analysis provides a better understanding of the impacts of different growth patterns. In this report, references to findings for “Metropolitan Boston” or “regionwide” refer to the entire MetroFuture study area (164 municipalities.)

**Opportunity mapping:** Opportunity mapping is a research tool used to understand the dynamics of “opportunity” within metropolitan areas. It originated at the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University. Opportunity maps illustrate where opportunity rich communities exist, assess who has access to those neighborhoods, and help to understand what needs to be remedied in opportunity poor neighborhoods. Communities are identified as being very high opportunity, high opportunity, or low opportunity based on how they measure up against identified indicators of opportunity.

**People of color:** In this report, “people of color” refers to racial and ethnic groups in the United States that are considered as being in the minority and includes Blacks, Latinos, Asians/Pacific Islanders, Native Americans, and multiracial populations.

**Predatory Lending:** Predatory lending is an abusive lending practice that imposes unfair loan terms on a borrower, increasing the likelihood that the borrower will default on the loan.<sup>3</sup> Often, lenders use these loans to target members of fair housing protected classes such as elders and women, as well as racial and ethnic minorities. The National Fair Housing Alliance, the National Community Reinvestment Coalition and the Massachusetts Community and Banking Council offer additional resources on predatory lending.

**Project Based Voucher Program** funds are used to subsidize housing development projects, where specific housing units will be set aside to be rented by qualified low-income tenants. Subsidizes that are part of the Project Based Voucher Program are utilized by a developer/owner that is selected by the public housing agency through a proposal process. HUD's regulations on the Project Based Voucher Program address specific information on program implementation. The affordability of these units is tied to the mortgage financing terms set by HUD in the project's Section 8 contract. This period of affordability is usually between five and 30 years. When the contract expires the owner can "opt out" of the contract and convert the Section 8 units to market-rate units.

**Protected Classes:** The Fair Housing Act makes it illegal to discriminate someone on the basis of their race, color, national origin, religion, sex, familial status or disability. These classifications are often referred to as protected classes. In addition, Massachusetts General Law Chapter 151B adds the bases of ancestry, age, marital status, source of income, sexual orientation, veteran history/military status, and genetic information.

**Public Housing Authority (PHA):** A government agency generally affiliated with a local government whose responsibility is the ownership and operation of subsidized housing and rental assistance programs.

**Qualified Census Tracts:** The Housing and Urban Development Department (HUD) maintains a listing of Qualified Census Tracts and Difficult Development Areas that have a high percentage of lower income households. Developers utilizing the LIHTC Program are incentivized to site projects in Qualified Census Tracts through bonuses, or higher tax credits. HUD's emphasis on applying LIHTCs in Qualified Census Tracts has resulted in the segregation of LIHTC projects in low-income and minority segregated areas. Developers, owners and managers of LIHTC developments are required

to affirmatively further fair housing through their outreach to potential tenants, the application process and treatment of existing tenants.

**Qualified Allocation Plan (QAP):** A QAP is developed and monitored by the state or local agency(s) responsible for allocating LIHTCs. In Massachusetts, the Department of Housing and Community Development is the tax credit allocating agency. The QAP includes a strategic approach to the use of tax credits based on housing needs and priorities. Additional information on the Massachusetts's LIHTC Program, including the state's current QAP can be found on the Executive Office of Housing and Economic Development (EOHED)'s website.

**Racially and ethnically-concentrated areas of poverty (RCAPs):** HUD defines a census tract as an RCAP if it has a non-white population of 50 percent or more *and* a poverty rate that is the lower of 40 percent, or three times the mean tract poverty rate (weighted for population) for the metropolitan area.

**Racially-identified:** This term is used to refer to “majority-minority” municipalities with disproportionately large concentrations of people of color and racially segregated neighborhoods with large concentrations of people of color.

**Reasonable Accommodation:** A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.<sup>4</sup> A request for a reasonable accommodation must establish a nexus between the person’s disability and the reasonable accommodation request. For example, a housing provider makes an exception to the “no pets” policy for a tenant who is hearing impaired and requires an assistance animal. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable accommodations.

**Reasonable Modification:** A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. A request for a reasonable modification must establish a nexus between the person’s disability and the reasonable modification request.<sup>5</sup> For example, a private landlord must allow a tenant with a vision impairment to install a flashing doorbell, at the tenants expense. The Fair Housing Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and Massachusetts General Law Chapter 151B, all have provisions for reasonable modifications.

**Redlining:** Redlining refers to the practice introduced by the Federal Housing Administration in the 1930s of delineating areas that were high risk for lenders to issue mortgage loans. These boundaries were determined by the racial and ethnic composition of neighborhoods, instead of criteria related to each household’s ability to repay the loan(s). Redlining was institutionalized in “residential security maps,” which were color-coded maps reflecting levels of risk for mortgage lending. These maps were incorporated into the FHA's underwriting standards. When the FHA was passed in 1968 it prohibited redlining on the basis of protected classes, however, the long term impact of the urban disinvestment and segregation caused by redlining can still be seen in current settlement patterns, particularly those of minorities. Additional information on the FHA and the history of redlining can be found here.

**Section 8 Housing Choice Voucher:** Housing choice vouchers allow very low-income families to choose and lease or purchase safe, decent, and affordable privately-owned rental housing. The program was intended to deconcentrate poverty by providing tenants with greater housing choice,

improved access to jobs, education, higher quality housing and social amenities such as shopping in good quality grocery stores.

**Section 8 Program:** The Section 8 program was established through the Housing and Community Development Act of 1974 to increase the supply of housing for low-income families, elderly and people with disabilities. The Section 8 program operates both through tenant based and project based rental assistance.

**Subsidized Housing Inventory (SHI) Eligible Housing:** SHI eligible housing means, solely for the purposes of 760 CMR 56.03,

- any unit of Low or Moderate Income Housing
- such other housing units in a Project as may be so defined under the Department's guidelines, and
- any other housing unit as may be allowed under the Department's guidelines, provided that such housing unit is subject to a Use Restriction and Affirmative Fair Marketing Plan, and regardless of whether or not such unit received a Subsidy.

**Subsidized Housing Inventory (SHI):** The list compiled by DHCD containing the count of Low or Moderate Income Housing units by city or town. See 760 CMR 56.02(2).

**Sustainable Communities:** Sustainable communities are areas that are planned, built, or modified to promote sustainable living. This may include sustainability aspects relating to the environment, development, infrastructure, public health, transportation, and energy. The U.S. Department of Housing and Urban Development (HUD) provides grants through the Sustainable Communities Regional Planning Grant Program, for projects that support metropolitan and multi-jurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments. The Sustainable Communities Initiative aids regional planning efforts that integrate housing and transportation decisions, and increase state, regional, and local capacity to incorporate livability, sustainability, and social equity values into land use plans and zoning. In 2010, a \$4 million HUD Sustainable Communities Grant was awarded to MAPC, on behalf of the Metro Boston Consortium for Sustainable Communities, a coalition created to implement the grant's planning work.

**Tenant based rental assistance:** Currently called the *Housing Choice Voucher Program*, is provided to program participants in the form of housing vouchers. A public housing agency administers these vouchers. Participants in this program select their own housing. These units must meet the rent reasonableness, health and safety guidelines set by HUD and monitored by the public housing agency. The public housing agency pays the housing subsidy directly to the landlord and the family/individual with the voucher pays the difference between the actual rent and the housing subsidy. HUD's regulations on the Housing Choice Voucher Program address specific information on program implementation. Source of income, including Section 8, is protected under 151B.

**Transit-Oriented Development (TOD):** TOD is a strategy for developing residential and commercial areas in places that are already accessible by public transit.

**Universal Design:** The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. It was coined in the 1980s by the internationally recognized architect, Ron Mace.

**Visitability:** Visitability is an affordable, sustainable and inclusive design approach for integrating basic accessibility features into all newly built homes and housing. The term was introduced by

Concrete Change in 1987, a disability advocacy group in Atlanta, Georgia. A visitable residence is a home built to include: a zero-step entrance, wide interior doors, and a half bathroom on the first floor.

**White-segregated:** This term is used to refer to communities or municipalities that are predominately or exclusively white, i.e., where more than 98 percent of the population is White non-Hispanic.

# Part One: Overview of the Fair Housing Equity Analysis

## 1. Place Matters: Opportunities that Affect Quality of Life and Fair Housing

Home is a term with multiple meanings. Home is a dwelling that offers shelter from the elements and provides a zone of privacy for family living. Home is also a web of personal and social relationships that extend beyond the dwelling; it is where people interact with others in a community setting. Home is intimately linked to features outside the dwelling that affect a person's current quality of life as well as the opportunity to maintain and improve future quality of life. These features include schools that offer educational opportunity; transportation and nearby labor markets that enhance the ability to obtain a job and secure a livelihood; environmental conditions that can make the difference between good and poor health; amenities for shopping and access to banks, doctors and other services; and outdoor and indoor places away from home for leisure and recreation.

Not all homes are located in places that offer equal quality of housing, or similar opportunities to interact with others, or the same access to crucial supports that enhance quality of life by enabling families to secure their diverse needs and wants, such as job choice, good schools, and so on. The fundamental premise of fair housing is that all people – regardless of race, color, national origin, religion, gender, disability, family status, source of income and other individual and personal characteristics – should have equal opportunity to exercise choice in the selection of a home. When there are impediments to fair housing, full equality of choice is thwarted.

## 2. The Obligation to Affirmatively Further Fair Housing

The federal Fair Housing Act (Title VIII of the 1968 Civil Rights Act) broadly prohibits housing discrimination on the basis of race, color, religion, national origin, sex, disability, and familial status. Massachusetts fair housing laws, codified in Chapter 151B of the General Laws, provide for broader coverage. Massachusetts prohibits discrimination based on race, color, religion or creed, marital status, disability, military status, presence of children in the household, national origin, sex, age, ancestry, sexual preference, source of income (including rental assistance) and gender identity or expression. The federal Fair Housing Act applies to all kinds of housing, whether federally funded or not, and prohibits both intentional discrimination and neutral policies and practices that have a disparate impact on members of a protected class. Title VIII also requires that all agencies of the federal government administering programs involving housing and community development (including agencies with supervisory authority over financial institutions) act “in a manner affirmatively to further the policies of [the Fair Housing Act].” Title VIII separately directs the U.S. Department of Housing and Urban Development (HUD) to further fair housing in all of its funding programs and assigns it a lead role among all federal agencies for this purpose.<sup>5</sup>

Funding statutes for the Community Development Block Grant (CDBG), HOME Investment Partnership and federal public housing programs separately require recipient jurisdictions and public housing agencies to certify that they will affirmatively further fair housing. To effectuate the certification, HUD grantees must conduct a written analysis of impediments to fair housing choice within the jurisdiction, the Analysis of Impediments (AI); take action to overcome the effects of any impediments identified through the AI; and maintain records reflecting both the AI and fair housing activities. An AI is a review of a state or entitlement jurisdiction's laws, regulations, administrative policies, procedures, and practices and an assessment of how they affect the location, availability,

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<sup>5</sup> These requirements are found in Section 808(d) and (e)(5) of Title VIII.

and accessibility of housing. States and communities fulfilling the fair housing requirements of Consolidated Plans and CDBG regulations are required to do AIs. However, HUD can also require the submission of an AI in the event of a complaint or as part of routine monitoring. Although AIs are not submitted or approved by HUD, each jurisdiction is to update the AI annually where necessary.

### Fair Housing and Regional Planning

MAPC's implementation of MetroFuture Regional Plan goals, objectives, and strategies is intended to promote a more livable, sustainable, and prosperous region through initiatives in six key areas: greater transportation choice, equitable and affordable housing, enhanced economic competitiveness, support for existing communities, coordination of policies and leveraging of investment, and sustaining communities and neighborhoods. Each of these areas of focus is described in greater detail in Figure 1.1. MetroFuture implementation involves 13 core strategies and within the 13 strategies are 80 sub-strategies and a total of 417 separate recommendations, which themselves involve one or more implementation steps. Six identified strategies relate most closely to the quality of life and opportunity indicators that are the subject of the FHEA:

- the implementation of coordinated plans through regional collaboration
- enabling compact growth
- improving city life and school quality
- expanding access to housing
- supporting healthy families and
- expanding access to coordinated transportation.

The strategies for achieving these and the other MetroFuture objectives involve capacity building at the municipal, regional and state level, legislative reform, revision of administrative and regulatory policies at all levels of government, investments of public and private resources, and collaborative and coordinated planning horizontally among instrumentalities of government and their partners at all levels, and vertically from the municipal level through regional agencies and up to the state and federal governments. The implementation strategies and recommendations represent concrete steps to achieve a more equitable region. These efforts will take place through the actions of entities whose domain is in part defined by a specific geography within which people live, work and go to school.

### **Figure 1.1 MetroFuture Goals**

#### **MetroFuture Goals:**

**Provide more transportation choices** by focusing growth near transit, increasing the resources available to alternative modes, and improving the design and maintenance of transportation infrastructure.

**Promote equitable and affordable housing** by emphasizing affordable housing options in segregated suburban neighborhoods; an increase in the production of smaller units in transportation efficient locations; and interventions to prevent displacement, foreclosures, and homelessness.

**Enhance economic competitiveness** of the region, using education and workforce development to prepare residents for high-skill jobs; supporting small businesses and entrepreneurs; and reducing energy consumption and turning to renewable sources.

**Support existing communities** using innovative zoning, financing, open space preservation, and public engagement techniques to reduce sprawl and revitalize town centers and urban neighborhoods.

**Coordinate policies and leverage investment** through integrated land use and transportation planning policies; incentives for local, regional, and state plan consistency; and regulatory policies that promote natural resource conservation.

**Value communities and neighborhoods** by recognizing the distinct needs of different community types in the region; and recommending investments in open space, healthy food systems, and public safety.

### The Fair Housing Equity Assessment

The Sustainable Communities focus on regional planning creates the potential to examine disparities in access to the public and private benefits that define a home and quality of life. One way to address these disparities is the Fair Housing and Equity Assessment (FHEA), which all grantees must complete as a condition of participation in the program. The findings of the FHEA must inform regional planning efforts and the decisions, priorities and investments that flow from it.

The FHEA is carried out in conjunction with completion of another requirement of the Sustainable Communities grant, the development of a Regional Housing Plan (RHP). The RHP describes the nature and extent of Greater Boston's unmet housing needs and evolving challenges. It identifies the constraints and opportunities that enable, or prevent, the region from accommodating MAPC's projected 2030 housing requirements consistent with the MetroFuture vision. The RHP also identifies a number of regulations, incentives, sanctions, financial resources, and other policies that can be employed to encourage housing development in the amount, type, and placement required to meet the region's existing and projected needs in an equitable and sustainable manner.

The FHEA includes a more detailed look at regional demographics and market conditions as they affect housing choice for people of color, families with children, persons with disabilities, and other protected classes. It provides insight into existing fair housing conditions within the region.

### Relationship between the FHEA and Jurisdictional AI

Nearly half of the 164 cities and towns in the Metropolitan Boston region are recipients of CDBG or HOME funds from HUD and are thus required to prepare AIs for their individual jurisdictions. The Commonwealth of Massachusetts, through its Department of Housing and Community Development (DHCD) also prepares an AI in its capacity as a state CDBG and HOME jurisdiction and a public housing agency for purposes of the Section 8 Housing Choice Voucher program.

The FHEA follows much of the format required by HUD's *Fair Housing Planning Guide* for jurisdictional AI. Like an AI, the FHEA examines regional demographics and conditions of racial and ethnic segregation. It considers public sector activities affecting housing choice, such as zoning and land use regulation, deployment of affordable housing resources across the MAPC geography, and the interaction of housing choice with public resources for transportation, education and similar investments. It looks at evidence concerning the level and types of discrimination that occur in the

164-municipality Metropolitan Boston region and the local and regional capacity of the entities in the area to respond appropriately to those conditions.

Jurisdictions receiving and allocating federal funding have the responsibility to identify, and address, impediments to fair housing within their borders. The FHEA considers the findings and activities of many of the jurisdictional AI within the Sustainable Communities area. However, the FHEA is regional in scope and examines fair housing conditions from a regional standpoint.

### **3. Furthering Fair Housing Conditions in the Public and Private Sector**

While the specific obligation to “affirmatively further fair housing” is linked to programs that are designed to create affordable housing, HUD’s *Fair Housing Planning Guide* and established case law make it clear that fair housing planning must consider not only the fair housing conditions in affordable housing, but all private sector actions, omissions, and decisions that restrict housing choice.

“Fair housing” and “affordable housing” are distinctly separate concepts in law and public policy, but they are related. The fair housing statutes were enacted to ensure that members of the protected classes – regardless of income or need for assisted housing – are free to rent or buy housing without discrimination. Following that principle, the FHEA examines conditions in the housing market, whether or not they affect access to assisted housing.

Despite that focus, the FHEA does not disregard the historic fact that the patterns of residential segregation that continue to characterize the Boston area were constructed in part through deliberately discriminatory practices in state and federal housing programs, such as public and assisted housing siting decisions, admission policies that assigned families to assisted housing based on race and color, and exclusion of people of color from federal mortgage insurance and homeowner programs. The obligation to further fair housing expressed in Title VIII was enacted to reverse the fair housing conditions resulting from that history in Boston and other places.

Without an adequate supply of housing that is affordable and accessible to members of protected classes in healthy communities offering good schools and employment opportunities, people of color, persons with disabilities, and members of other protected classes will continue to face barriers to meaningful choice in housing opportunity. Discrimination, in part, can be reduced by the provision of housing that is affordable for all income groups, especially low and moderate income households, in all communities. As a result, many of the strategies to eliminate discrimination are tied to expanding affordable housing opportunity in communities throughout the metropolitan area.

### **4. The FHEA Geography and the Importance of Boundaries**

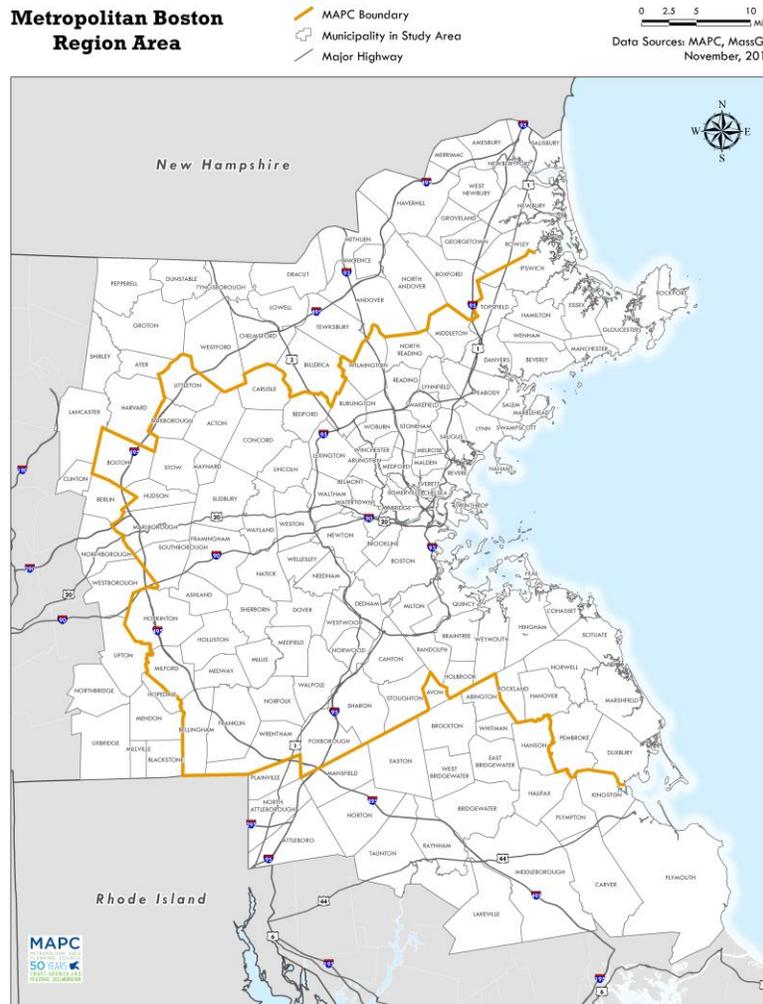
The Sustainable Communities planning grant covers the MAPC region, a geography comprising of 101 eastern Massachusetts cities and towns; the FHEA covers a 164 city and town study area in Metropolitan Boston with a population of nearly 4.5 million people. It is an area extending west from the Commonwealth’s coastline communities to towns beyond the I-495 corridor, north along the New Hampshire border to the cities and towns of the North Shore, and south to Attleboro, Taunton and Plymouth. The cities and towns within these boundaries vary widely in population size, racial and ethnic demographics, economic characteristics and in the quality of the factors that define equal access to opportunity. The smallest community is Plympton and the largest is Boston<sup>6</sup>. **Map 1.1**

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<sup>6</sup> The Plympton population is 2,820 and Boston population is 617,594 as of Census 2010.

shows the boundaries of the MAPC planning region and the larger Metropolitan Boston study area covered by the FHEA.

**Map 1.1:** MAPC planning region and the larger Metropolitan Boston study area covered by the FHEA.



Later sections of the FHEA examine the geographic areas within a 164-community Metropolitan Boston region study area. While MAPC’s official authority ends at our statutory boundaries of Boston and the 100 cities and towns of Metropolitan Boston, the forces that shape the region do not. MAPC analyzes regional trends on a broader 164-municipality region used by the Boston Metropolitan Planning Organization (Boston MPO) for modeling. In this document, reference to findings for “Metropolitan Boston” or “regionwide” refers to this broader 164-municipality study area. References to the MAPC region refer to the 101 municipalities.

The borders of these geographies encompass such areas as the 101 municipalities comprising the MAPC planning region, which is served by MAPC’s eight subregional planning councils. They also include five consortia which in the aggregate include 50 cities and towns participating in HUD’s HOME Investment Partnership program. And of course, they include the 164 Metropolitan Boston

municipalities, which exercise control over land use, development and zoning decisions and through which the Commonwealth distributes funding for schools and transportation.

Critical decisions about the distribution of public and private benefits are made within each of these and other discretely defined geographic configurations. The FHEA examines comparative differences in the fair housing characteristics of these geographies in order to identify disparities in access to the qualities of community that define home and opportunity.

## Part Two: Who We Are & Where We Live

“This report is concerned with white enclaves rather than black ghettos. It reflects the growing awareness that the future of an urban area's minority population depends to a large degree on the decisions made and actions taken in the suburban communities where the white majority reside. It reflects, too, the recognition that the Boston metropolitan area is as deeply affected by racial division as any other large northern metropolis. This division depends not only on the numbers of minority citizens concentrated in the urban core but also on the extent of the minority vacuum in the suburbs.”<sup>7</sup>

The Regional Housing Plan provides a detailed housing and demographic profile of the MetroFuture region, describing the current and emerging residential landscape and the factors that have influenced it. The focus of the FHEA is on how these demographic shifts and changing housing patterns have affected – and are likely to affect – classes of people protected by civil rights laws. Part Two discusses the fair housing demographics of the MetroFuture region, focusing on trends since 1990. It draws on data gathered from the most recent one and five year American Community Surveys (ACS); the 1990, 2000 and 2010 Decennial Censuses; academic research; Home Mortgage Disclosure Act; and recently released datasets provided to Sustainable Communities grantees by HUD, among other sources.

### 1. Racial and Ethnic Characteristics of the MetroFuture Region and its Residents

The Metropolitan Boston region is home to more than 4.5 million people living in 1.7 million households, making it the nation's 10th most populous metropolitan area. The region grew by less than 5 percent during the first decade of the 21st century, adding just 151,000 people between 2000 and 2010. Boston remains one of the whitest large metropolitan areas in the country. Non-Hispanic Whites account for nearly three out of four residents. While the region is growing more diverse, its 164 municipalities remain highly segregated by race and ethnicity. In six cities, including Boston, households of color now represent a majority of all households.<sup>8</sup> In 63 other municipalities, however, they account for less than 5 percent of the population. Blacks and Latinos, the most segregated groups, represent less than 5 percent of the population in 131 cities and towns, representing 80 percent of all MetroFuture municipalities. The dissimilarity index is a demographic measure of inequality in a region measuring the evenness with which racial/ethnic groups are distributed in geographic areas. According to the index, over 60 percent of Black/African American residents of Metro Boston would have to move to a new neighborhood to achieve complete

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<sup>7</sup> *Route 128: Boston's Road to Segregation* (Massachusetts Advisory Committee to the U.S. Commission on Civil Rights and the Massachusetts Commission Against Discrimination, January 1975).

<sup>8</sup> Unless otherwise indicated, the terms “people of color,” “households of color,” and “minority” are defined in the FHEA to mean Hispanics or Latinos of any race, non-Hispanic Asians, non-Hispanic Blacks and non-Hispanic Whites. The FHEA examines the region's demographics by evaluating total population, household population or households. The effect these different measures can have on an assessment of patterns of residential segregation are discussed in Appendix 2-1. Some datasets back out non-Hispanic Whites, but not non-Hispanic Blacks or Asians. This results in a slight over-count because people who identify as both Black and Hispanic, or Asian and Hispanic, are double counted. In 2010, 43.3 percent of MetroFuture's Hispanic householders identified their race as White, 7.6 percent as Black, 0.3 percent as Asian, and 48.8 percent as other. This analysis uses the U.S. Census Bureau's categorization of race/ethnicity.

integration with Whites, and roughly 60 percent of all Latino residents of Metro Boston would have to move to a new neighborhood in order to achieve complete integration with Whites.<sup>9</sup>

### Increasing Racial and Ethnic Diversity across the Region

At the time of the 2010 Census, 74 percent of the MetroFuture region's 4,457,728 residents were non-Hispanic White; 9.4 percent were Hispanic; 7.6 percent, Black; 6.7 percent, Asian; and 2.4 percent were all other races and combinations of races. The most significant population shift over the past 20 years has been in the number of Asians and Latinos who now call greater Boston home. The Asian population has increased by 153 percent and the Hispanic population by nearly 115 percent since 1990. Over the same period, the Black population grew by almost 55 percent while the White population declined by 6 percent. Table 2.1 presents the region's population by race and ethnicity in 1990, 2000 and 2010 the change in racial and ethnic distribution between 1990 and 2010.

**Table 2.1 MetroFuture's Shifting Racial and Ethnic Profile, 1990 - 2010**

Year	Total	White	Black	Asian	Hispanic	Other
1990	4,056,947	3,507,861	217,558	118,099	194,078	19,336
Share of Total	100%	86.5%	5.4%	2.9%	4.8%	0.5%
2000	4,306,692	3,450,115	250,136	202,604	287,162	116,675
Share of Total	100%	80.1%	5.8%	4.7%	6.7%	2.7%
2010	4,457,728	3,297,893	336,571	298,767	417,355	107,142
Share of Total	100%	74.0%	7.6%	6.7%	9.4%	2.4%
# Change 1990-2000	249,745	-57,746	32,578	84,505	93,084	97,339
# Change 2000-2010	151,036	-152,222	86,435	96,163	130,193	-9,533
# Change 1990-2010	400,781	-209,968	119,013	180,668	223,277	87,806
% Change 1990-2000	6.2%	-1.6%	15.0%	71.6%	48.0%	503.4%
% Change 2000-2010	3.5%	-4.4%	34.6%	47.5%	45.3%	-8.2%
% Change 1990-2010	9.9%	-6.0%	54.7%	153.0%	115.0%	454.1%

Source: Decennial Census, SF1, 1990, 2000 and 2010.

The increase in households of color has been even more dramatic, with the number of Asian households rising by nearly 193 percent, the number of Hispanic households by nearly 130 percent, and the number of Black households by almost 50 percent over the same period. The number of non-Hispanic White households, in contrast, has grown by 0.7 percent since 1990, and declined by 1.8 percent between 2000 and 2010.

## **2. National Origin and Linguistic Isolation**

Immigration practices in the United States are marked by a history of discrimination. Well past the middle the of the twentieth century, immigration law either explicitly barred certain people of color from entering the United States as immigrants, or imposed a system of national quotas whose

<sup>9</sup> State of Equity in Metro Boston Indicators Report, 2011

purpose it was to limit immigration to people of White, western European origin. These practices changed with the enactment of the Immigration Reform Act of 1965, which eliminated both the national origins system of immigration and the total exclusion of immigrants from the so-called “Asian-Pacific Triangle.”<sup>10</sup> Spurred in part by other civil rights advances, it may be that the passage of the 1965 law prompted the most profound changes in the racial and ethnic characteristics of the region.

**Increasing Immigrant Diversity**

Today, more than 17 percent of the Sustainable Communities population are foreign-born. The arrival of immigrants to the region is the primary cause of the area’s increasing racial and ethnic diversity (Table 2.2). Since 1990, some 500,000 foreign born residents have settled in the five-county metropolitan area and three-quarters of them live outside the city of Boston. Two-thirds of the metropolitan area population born outside the United States are people of color. The most dramatic increase has been among Asians and Latinos. This is illustrated in Figure 2.1.

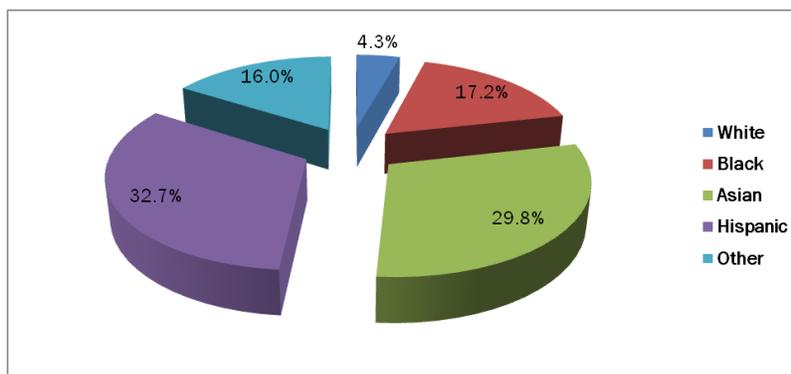
**Table 2.2 Foreign Born Population Boston Metro Area**

	Total	Percent
<b>Total</b>	767845	
<b>One race</b>	722542	94.1%
<b>White</b>	317120	41.3%
<b>Black or African American</b>	122855	16.0%
<b>American Indian or Alaska Native</b>	1536	0.2%
<b>Asian</b>	201943	26.3%
<b>Native Hawaiian and Other Pacific Islander</b>	0	0.0%
<b>Some other race</b>	79088	10.3%
<b>Two or more races</b>	45303	5.9%
<b>Hispanic or Latino origin (of any race)</b>	173533	22.6%
<b>White alone, not Hispanic or Latino</b>	248782	32.4%

Source: 2010 1-Year American Community Survey, Boston-Cambridge-Quincy Metropolitan Area, Table S0501

<sup>10</sup> The racialized history of U.S. immigration policies is described in *The Tarnished Door: Civil Rights Issues in Immigration* (U.S. Commission on Civil Rights, September 1980).

**Figure 2.1 Household Growth by Race/Ethnicity, 1990-2010**



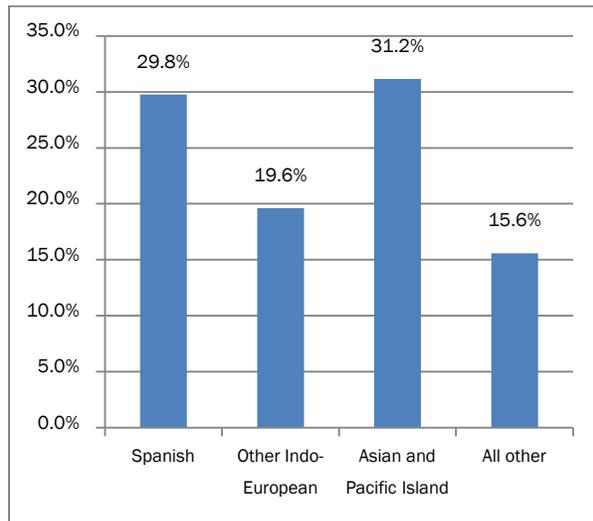
Individual communities have experienced similar patterns of growth in the immigrant population. Boston's foreign born population has increased by more than 46 percent since 1990, and the city is now home to more people from more countries than at any point in its history. Among the nation's 25 largest cities, Boston has the fifth highest proportion of foreign born residents. Its immigrant population comes from more than 100 countries, and this diversity in nationality is characteristic of all racial and ethnic groups.<sup>11</sup> Most immigrants in the MetroFuture region, however, do not live in Boston. More than 10,000 newly arrived immigrants have settled in other cities since 1990. These include: Lawrence, Cambridge, Lynn, Malden, Lowell, Quincy, Somerville, Brockton, Framingham, Chelsea, Waltham, Revere, and Everett.

### Linguistic Isolation

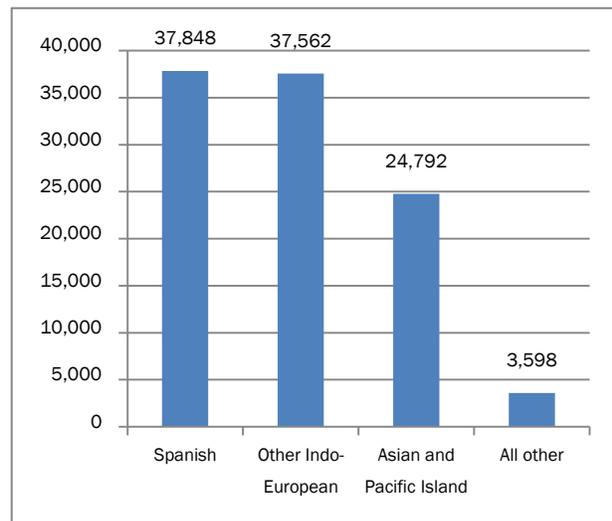
About 16 percent of the region's immigrant population was "linguistically isolated" in 2010, living in a household where no person aged 14 or over spoke English "very well." Across the MetroFuture region, the primary languages spoken by people of limited English proficiency are distributed as follows: Spanish speakers (36.5%), individuals who speak European languages or languages from the Indian sub-continent (36.2%), people who speak Asian-Pacific languages (23.9%), and all other (3.5%). **Figure 2.2** displays the linguistically isolated share of non-native English speakers by their native language group, while **Figure 2.3** presents their actual numbers.

<sup>11</sup>Imagine All the People: Foreign Born Immigrants in Boston, Boston Redevelopment Authority (2007), <http://www.bostonredevelopmentauthority.org/pdf/ResearchPublications/Foreign%20Born%20Final%20March%202008.pdf>

**Figure 2.2 Share of Linguistically Isolated**



**Figure 2.3 Number of Linguistically Isolated**



Source: Table B16002, 2010 1-Year American Community Survey, Boston-Cambridge-Quincy Metropolitan

### 3. People with Disabilities in the MetroFuture Region

#### Nature and Prevalence of Disabilities in the Non-Institutionalized Population

Some 437,000 non-institutionalized residents of the Boston-Cambridge-Quincy MSA reported having one or more disabling conditions in the 2010 American Community Survey (ACS). The Census Bureau defines a disability as a long-lasting physical, mental, or emotional condition that can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. The 2010 ACS gathered information about the nature of individual disabilities for individuals age 5 and older using the following five categories: sensory, physical, mental, self-care, and “go-outside-the-home” disability (for all age groups except for children 5 to 15 years old). For people of working age, the number of employment disabilities – those lasting six months or more that make it difficult to work at a job or business – are also reported.<sup>12</sup>

About 10 percent of the region’s residents over the age of 5, and not living in institutions, reported having one or more disability in 2010. Of those working age (18-64) adults with disabilities, nearly 75,000 report a disabling condition that makes independent living difficult. Nearly 40,000 seniors (65 or over) report a similar condition. Many individuals have more than one disability, and the Census Bureau also tallies total reported disabilities. Among working age residents (18-64), those reporting a disability were about half as likely as non-disabled residents of the same age to be in the labor force and more than twice as likely to be unemployed. **Table 2.3** displays these and other disability characteristics of the region’s residents.

<sup>12</sup> In 2008, the US Census Bureau made a number of significant changes to the disability questions on the ACS; as a result, recent disability statistics are not comparable to those reported in earlier surveys or the 2000 decennial census.

**Table 2.3 Disability Status of Metropolitan Boston Residents, 2010**

	Total	Disability #	Disability %
<b>Total civilian non-institutionalized population</b>	4,508,800	436,969	9.7%
<b>Population under 5 years</b>	256,135	1,915	0.7%
With a hearing difficulty		1,407	0.5%
With a vision difficulty		869	0.3%
<b>Population 5 to 17 years</b>	724,835	32,298	4.5%
With a hearing difficulty		3,995	0.6%
With a vision difficulty		3,821	0.5%
With a cognitive difficulty		25,365	3.5%
With an ambulatory difficulty		5,102	0.7%
With self-care difficulty		7,493	1.0%
<b>Population 18 to 64 years</b>	2,957,375	218,753	7.4%
With a hearing difficulty		42,048	1.4%
With a vision difficulty		30,317	1.0%
With a cognitive difficulty		100,067	3.4%
With an ambulatory difficulty		106,243	3.6%
With self-care difficulty		35,970	1.2%
With an independent living difficulty		74,501	2.5%
<b>Population 65 years and over</b>	570,455	184,003	32.3%
With a hearing difficulty		77,335	13.6%
With a vision difficulty		34,585	6.1%
With a cognitive difficulty		44,917	7.9%
With an ambulatory difficulty		111,079	19.5%
With self-care difficulty		39,680	7.0%
With an independent living difficulty		81,179	14.2%

Source: 2010 1-Year ACS, Boston-Cambridge-Quincy Metropolitan, Table S1810

The 1990 Supreme Court decision in *Olmstead v. L.C.* recognizes that unjustified institutionalization of people with disabilities is unlawful segregation. According to the 2010 Census, there were nearly 30,000 residents with disabilities living in institutionalized settings in the MetroFuture region. This number included 27,622 people in nursing homes or other skilled nursing facilities and 2,270 in other institutionalized settings such as psychiatric hospitals, residential schools for people with disabilities and other institutions and in-patient facilities. While they represent a small segment of the region's population, these residents face a host of equity and access to quality of life issues.

## 4. Segregation and Integration

Demographic information is a means of describing the fair housing characteristics of the people who live in the Metropolitan Boston region. Concepts of segregation and integration measure the extent to which people with different fair housing characteristics share the same residential geography and interact with one another. The twin ideas of segregation and integration are mapped with reference to boundaries, i.e., municipal boundaries and neighborhoods within municipalities and also by planning regions like those associated with HOME Consortia that have the duty to further fair housing under HUD rules. Public and private benefits are distributed within those boundaries. Thus, measures of residential segregation can be descriptive of the persistent racial, ethnic and other disparities in access to quality education, employment, and wealth.

This section of the FHEA examines segregation and integration within the MetroFuture region using analytical tools compiled by HUD specifically for the Sustainable Communities grantees as well as other traditional metrics.

### Historic Causes of Segregation

For nearly four decades beginning in the 1930s, Federal housing policy promoted racial separation with its home mortgage and insurance programs. Federal Housing Administration and Veterans Administration underwriting practices required racial homogeneity in the provision of insured home mortgages that opened up the suburbs almost exclusively to white homebuyers. Federal public housing and community development programs were used by federal and local housing officials to separate races, and contain families of color in high poverty, racially segregated locations. Urban renewal efforts isolated neighborhoods of color, leading to decades of disinvestment and deterioration in housing.<sup>13</sup> Current conditions of discrimination contributing to the persistent patterns of segregation in the Metropolitan Boston region are discussed in Part Three.

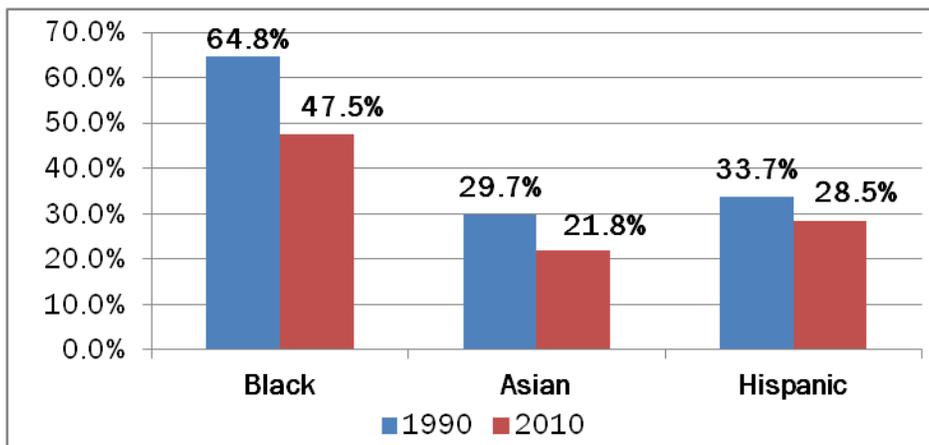
### Changes in the Concentration of Households of Color

Boston has been a “majority-minority” city for more than a decade, but since 1990 the Black, Hispanic and Asian population has grown more in absolute numbers and at a faster rate outside the city than within it. During this two-decade period, 15 cities and towns gained more Black residents. While Boston experienced a gain in Asians and Hispanics, other municipalities saw sizable increases in their Asian and Hispanic populations, with many growing at a faster rate than Boston. As a result, Boston’ share of the region’s Black, Asian and Hispanic households has been dropping, as **Figure 2.4** illustrates.

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<sup>13</sup> The governmental practices and private conduct that shaped the segregated landscape of the Sustainable Communities area are described in *Route 128: Boston’s Road to Segregation*, a report issued by the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights and the Massachusetts Commission Against Discrimination in January 1975.

**Figure 2.4 City of Boston's Share of MetroFuture Households by Race/Ethnicity, 1990 and 2010**



Source: 1990 and 2010 Decennial Census

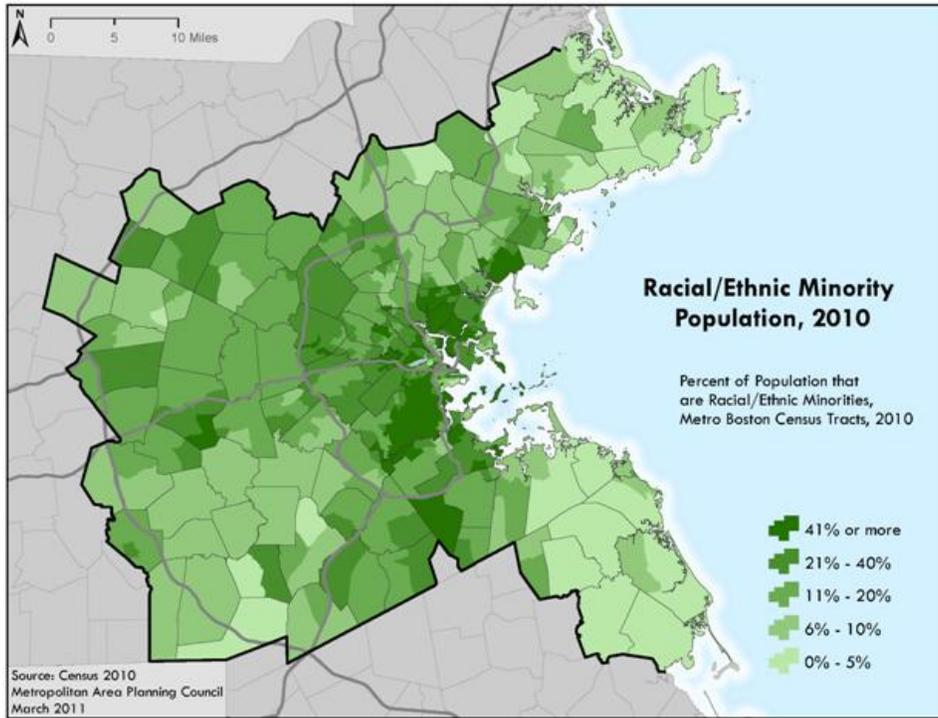
### Racial Separation and Concentration

The Metropolitan Boston region retains a profound legacy of racial separation, affecting Blacks and Latinos in particular. Even though populations of color have been growing at a faster rate (and in absolute numbers) outside Boston, the Black and Latino growth has been highly concentrated in just a handful of municipalities. Region-wide, nearly one-third of non-Hispanic White households live in communities where 3 percent, or fewer, households are headed by Black or Latino persons; more than 52 percent live in communities where Blacks and Latinos represent no more than 5 percent of all households.

By 2010, non-Hispanic White households were the minority in Boston, Brockton, Chelsea, Lawrence, Lynn, and Randolph. Three-quarters of the region's Black households resided in just nine municipalities in 2010 (Boston, Brockton, Cambridge, Randolph, Lynn, Malden, Lowell, Somerville, and Quincy). Two-thirds of all Latino households lived in nine municipalities (Boston, Lawrence, Lynn, Chelsea, Lowell, Revere, Framingham, Brockton, and Cambridge). The region's Asian households are somewhat more dispersed. The top nine municipalities for Asians (Boston, Quincy, Lowell, Cambridge, Malden, Brookline, Newton, Somerville, and Waltham) embrace 55 percent of the region's Asian households. White households have the benefit of living throughout the region. The top nine communities for non-Hispanic White households (Boston, Cambridge, Quincy, Newton, Somerville, Lowell, Haverhill, Weymouth, and Plymouth) capture just 25 percent of the region's total White households.

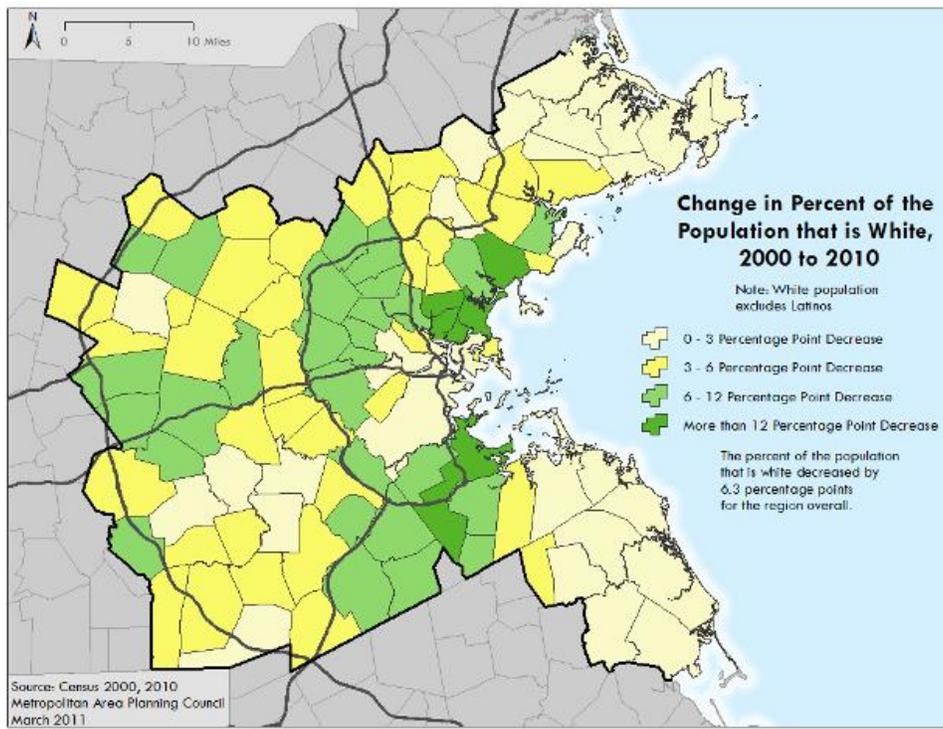
The Metropolitan Boston geography is no less segregated when viewed through the lens of population. The area's six municipalities with majority-minority populations include slightly more than 20 percent of the total regional population, but they are the homes of 46 percent of all people of color, 54 percent of all Latinos and nearly 63 percent of all Blacks. The table below provides more detail about the demographics of the region's majority-minority municipalities.

**Map 2.1: Racial/Ethnic Minority Population, 2010**



Source: State of Equity in Metro Boston Indicators Report, 2011

**Map 2.2: Change in Percent of the Population that is White, 2000-2010**



Source: State of Equity in Metro Boston Indicators Report, 2011

**Table 2.4 Demographics of the Region's Majority-Minority Communities**

Majority-Minority Communities - Population							
2010 Census	Lawrence	Chelsea	Randolph	Brockton	Boston	Lynn	Total
<b>Total</b>	76,377	35,177	32,112	93,810	617,594	90,329	945,399
<b>White</b>	15,637	8,882	12,553	40,268	290,312	42,969	410,621
<b>White %</b>	20.5%	25.2%	39.1%	42.9%	47.0%	47.6%	43.4%
<b>Latino</b>	56,363	21,855	2,057	9,357	107,917	29,013	226,562
<b>Latino %</b>	73.8%	62.1%	6.4%	10.0%	17.5%	32.1%	24.0%
<b>Black</b>	1,722	2,341	11,918	27,939	138,073	9,494	191,487
<b>Black %</b>	2.3%	6.7%	37.1%	29.8%	22.4%	10.5%	20.3%
<b>Asian</b>	1,756	1,052	3,989	2,131	54,846	6,210	69,984
<b>Asian %</b>	2.3%	3.0%	12.4%	2.3%	8.9%	6.9%	7.4%
<b>All other</b>	899	1,047	1,595	14,115	26,446	2,643	46,745
<b>All other %</b>	1.2%	3.0%	5.0%	15.0%	4.3%	2.9%	4.9%
<b>Minority (total)</b>	60,740	26,295	19,559	53,542	327,282	47,360	534,778
<b>Minority %</b>	79.5%	74.8%	60.9%	57.1%	53.0%	52.4%	56.6%
Majority-Minority Communities as Percent of Metropolitan Boston Region							
<b>Total Population</b>	1.7%	0.8%	0.7%	2.1%	13.9%	2.0%	21.2%
<b>White</b>	0.5%	0.3%	0.4%	1.2%	8.8%	1.3%	12.5%
<b>Latino</b>	13.5%	5.2%	0.5%	2.2%	25.9%	7.0%	54.3%
<b>Black</b>	0.6%	0.8%	3.9%	9.1%	45.1%	3.1%	62.5%
<b>Asian</b>	0.6%	0.4%	1.3%	0.7%	18.5%	2.1%	23.6%
<b>All other</b>	0.6%	0.8%	1.1%	10.2%	19.0%	1.9%	33.6%
<b>Minority (total)</b>	5.2%	2.3%	1.7%	4.6%	28.2%	4.1%	46.1%

Source: 2010 Census SF-1

As the region's central city with the largest population, the characteristics of Boston households are descriptive of segregation in the Metropolitan Boston region. Boston is a relatively small central city in a relatively large metropolitan area. Although it constitutes less than 2 percent of the region's landmass and accommodates just 14 percent of area households, the city is home to 48 percent of the region's Black households, 29 percent of Hispanic, 22 percent of Asian, and just over 8 percent of White households. The contrast is even more pronounced among children: the city is home to nearly 44 percent of the area's Black school age children (5-17), but fewer than 3 percent of its White 5-17 year olds. Boston is also home to over 23 percent of the region's Hispanic and 11 percent of its Asian school age children.

Patterns of racial isolation are also evident *within* majority-minority communities. In Boston, over 71 percent of Black and 35 percent of Latino households live in planning districts where they constitute a majority of households. More than two-thirds of Boston's Latino population lives in only five of

Boston's 17 planning districts with 35 percent of the City's population: East Boston, Jamaica Plain, Roxbury, South Dorchester and Roslindale. More than 70 percent of Boston's Blacks live in just four of the city's 17 city planning districts; Hyde Park, Mattapan, South Dorchester and Roxbury. By comparison, these four districts comprise approximately 30% of the city's total population. Altogether, nearly one-third of the Black people in the 164 community Sustainable Communities area live in these four neighborhoods, which comprise just 4 percent of the region's population. The concentration of Blacks in Boston is depicted in Table 8.3 in Appendix 2.

**Patterns of Segregation over Time: Census Bureau Measures**

One means for measuring racial and ethnic segregation is the methodology used by the U.S. Census Bureau, which relies on five dimensions of population distribution to measure racial and ethnic segregation within a given area. These dimensions include: *evenness*, which refers to the spatial distribution of different racial and ethnic groups within a metropolitan area; *exposure*, which measures the degree of potential contact, or the possibility of day-to-day interaction, between different racial and ethnic groups; *clustering*, which describes the extent to which different populations live in segregated enclaves, spatially disparate from one another; *centralization*, which indicates the degree to which a particular group is located near the center of an urban area; and *concentration*, referring to the relative amount of physical space occupied by a group of people. More detailed information about these measures of segregation is in Appendix 2.

Table 2.5 illustrates the long term trends in racial segregation in the Boston metropolitan statistical area between 1980 and 2010. While segregation diminished to some extent over the last three decades, it persists at very-high levels, especially for Blacks and Latinos, and the area remains among the most segregated regions among the largest 100 metropolitan areas in the nation. Black-White segregation is highest among all racial groups, at levels that show a significant decline from 1980 to 1990, but only minimal reductions since then. Hispanics and Asians are considerably less segregated than Blacks, and their segregation levels have remained relatively steady since 1980. HUD supplied dissimilarity data for the 101 communities included in the MAPC planning region, a geography that is part of the larger Boston/Cambridge/Quincy, MA-NH MSA. According to HUD, a dissimilarity index greater than 50 indicates high levels of segregation while indices between 40 and 50 are generally thought to be moderate and an index below 40 is usually viewed as representing low levels of segregation. Using this classification system, the Boston metropolitan area shows a high degree of segregation between Whites and Blacks and Whites and Hispanics, and a moderate level of segregation between Whites and Asians.

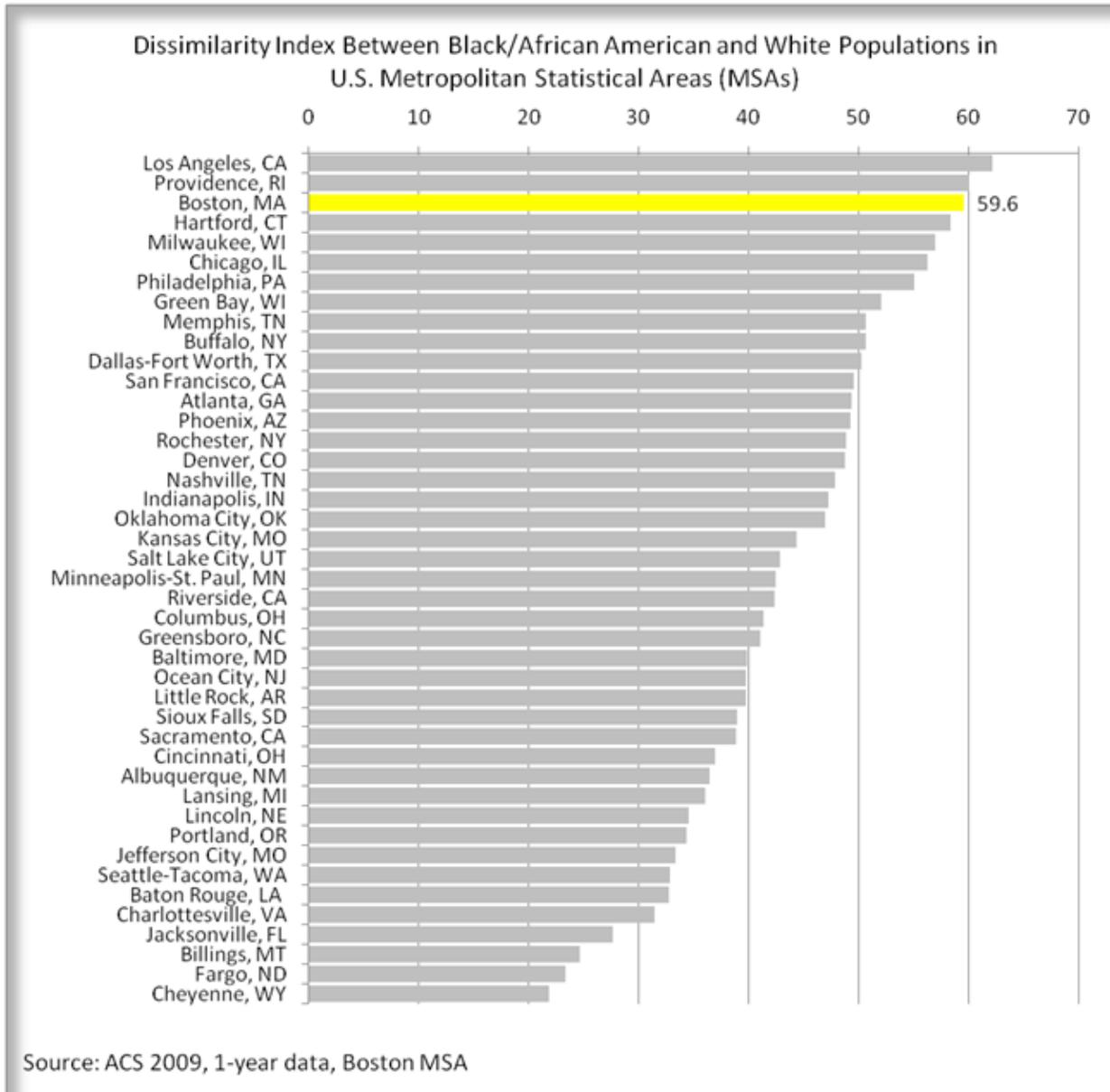
**Table 2.5 Trends in Segregation Dissimilarity Indices, Boston MSA, 1980 to 2010**

	1980	1990	2000	2010	HUD (2010)
<b>Black-White</b>	0.76	0.69	0.66	0.64	0.65
<b>Latino-White</b>	0.55	0.55	0.59	0.6	0.57
<b>Asian-White</b>	0.48	0.44	0.45	0.45	0.43

Sources: Iceland et al., John R. Logan and Brian Stults. 2011. "The Persistence of Segregation in the Metropolis: New Findings from the 2010 Census" Census Brief prepared for Project, William H. Frey, Brookings Institution and University of Michigan Social Science Data Analysis Network's analysis of 1990, 2000, and 2010 Census Decennial Census tract data; HUD Sustainable Communities

Among all U.S. metro areas, the Boston MSA has the third-highest dissimilarity between Black/African American and White populations according to ACS 2009 1-year data.

**Table 2.6: Dissimilarity Index between Black/African American and White Populations in U.S. Metropolitan Statistical Areas (MSAs)**

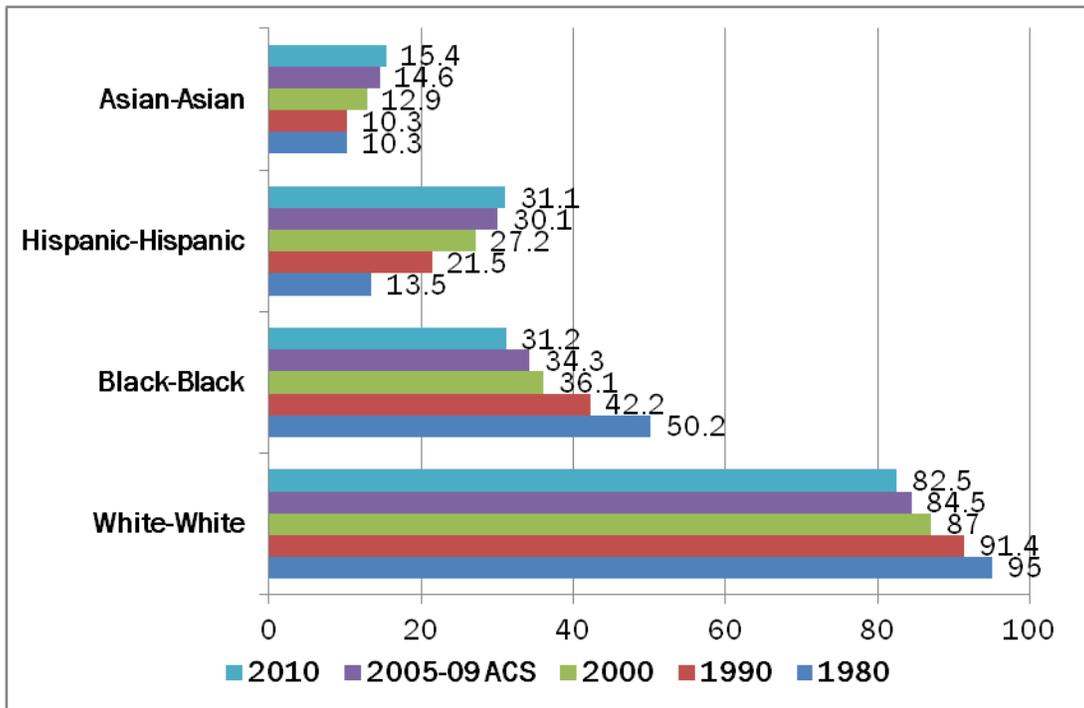


**White Isolation**

One important use of the Census methodology for measuring levels of segregation is the manner in which it can depict the level of isolation for a specific group of people with respect to another specific group of people. **Figures 2.5 and 2.6** graphically express the concepts of isolation and exposure. Figure 2.5 shows the extraordinary degree with which White people live mostly in places where there

is little presence of people of color. The isolation data for the Boston MA-NH PMSA<sup>14</sup> indicates that nearly 83 percent of Whites continue to live only with Whites even though the Black rate of isolation has steadily declined over time. It also shows that growing levels of isolation among Latinos and Asians, likely attributed to the influx of immigrants to the region. Latino isolation is now equal to that of Blacks.

**Figure 2.5 Isolation Index for Major Racial/Ethnic Groups in Metropolitan Boston, 1980-2010**



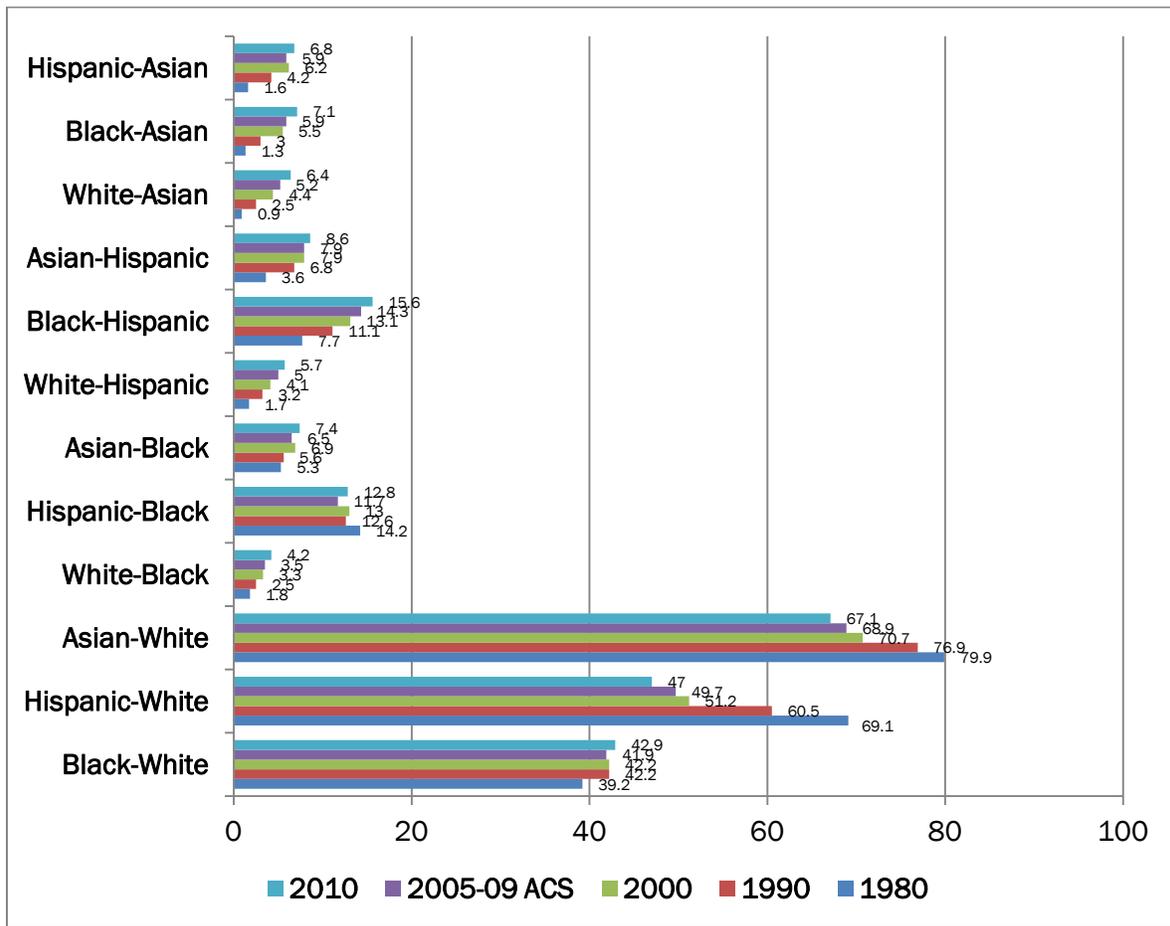
“The isolation index is the percentage of same-group population in the census tract where the average member of racial/ ethnic group lives. It has a lower bound of zero (for a very small group is quite dispersed) to 100 (meaning that group members are entirely isolated from other groups). It should be kept in mind that this index is affected by the size of the group - - it is almost inevitably smaller for smaller groups, and it is likely to rise over time if the group becomes larger.”

Source: USA 2010, <http://www.s4.brown.edu/us2010/index.htm>

The reverse of isolation is exposure; the extent to which people of different races and ethnicities live in a place where they are likely to come into contact with one another. As with the isolation index, the exposure indices indicate that people of color may live near Whites, but Whites live mostly with each other (Figure 2.6).

<sup>14</sup> The following counties are in this MSA: Bristol County, MA (pt.), Essex County, MA (pt.), Middlesex County, MA (pt.), Norfolk County, MA (pt.), Plymouth County, MA (pt.), Rockingham County, NH (pt.), Suffolk County, MA, Worcester County, MA (pt.), The following cities are in this MSA: Boston, MA, Cambridge, MA, Gloucester, MA, Lynn, MA, Waltham, MA,

**Figure 2.6 Exposure Index for Major Racial/Ethnic Groups in Metropolitan Boston, 1980-2010**



Source: USA 2010

## 5. Segregation and Income

It is often asserted that disparities in income and wealth are the cause of racial segregation. It is true that there are significant disparities in rates of poverty and income levels based on race, ethnicity and other factors. For example, the Regional Housing Plan notes that disproportionate percentages of Black and Latino families live in poverty compared with their Asian and White counterparts. Economic disparities do not explain segregation, however. To understand this dynamic, HUD supplied Sustainable Communities grantees with two datasets that control for income in examining patterns of residential segregation.

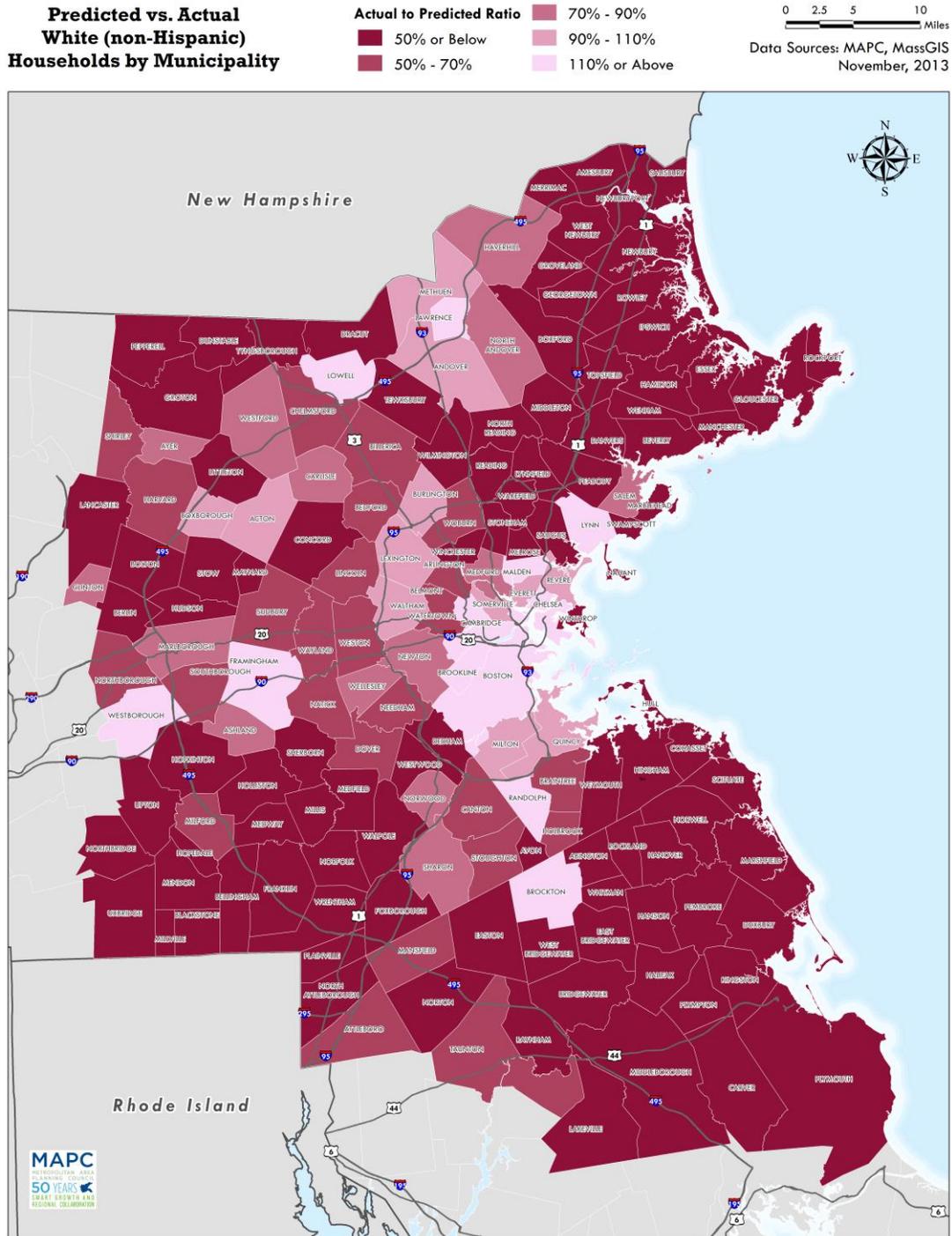
### Predicted Racial/Ethnic Composition Adjusted for Income in Metropolitan Boston Communities

While the Census Bureau's five segregation indices are useful for assessing patterns of segregation across the region and for monitoring change over time, most are size-sensitive and have little meaning for very small geographic units, or where a specific racial or ethnic group has a very limited presence. The indices also do not account for disparities in location based on income. To account for these anomalies, HUD calculated predicted racial and ethnic percentages for each municipality in the Sustainable Communities region based on the metropolitan area's income distribution by race and compared the expected percentages to the actual composition of each municipality to identify disparities in the distribution of the population in the region. Ratios near or greater to one indicate that the jurisdiction is close to its predicted level of minority composition. Values of less than one show that the jurisdiction houses fewer people of color than predicted based on the community's level of income. A value of less than 50 percent indicates that the racial or ethnic group's representation is severely below the predicted level; 50-70 percent indicates a share that is moderately below that predicted; 70-90 percent, mildly below; at 90-110 percent, the group's share approximates what had been predicted; and 110 percent or greater indicates the racial/ethnic group's representation is above that predicted. Appendix 2 provides more detail on the HUD methodology.

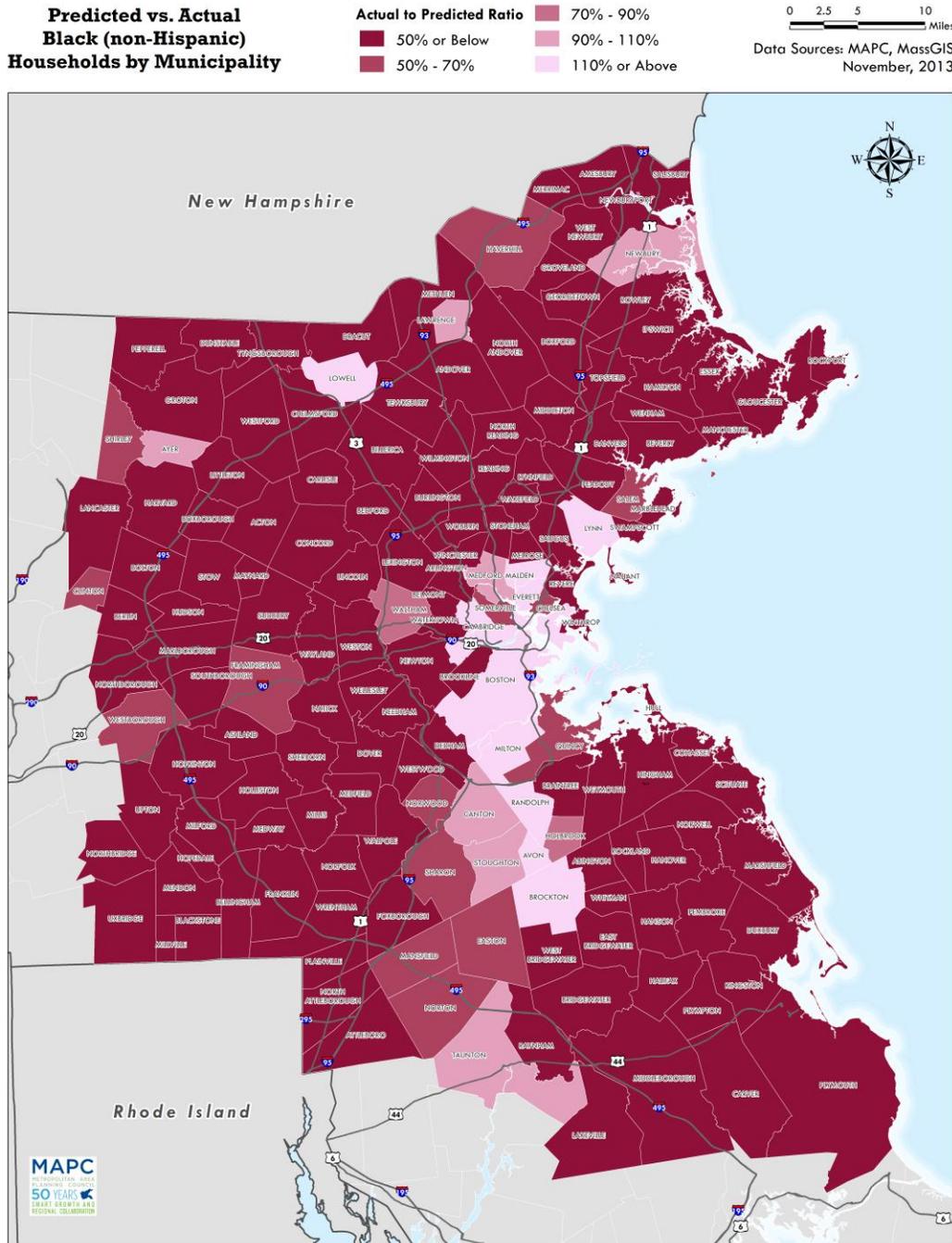
HUD data shows that the populations of 77 MetroFuture region cities and towns are severely below predicted levels in four racial and ethnic categories (Black, Asian, Hispanic and total Non-White); another 23 are severely, moderately or mildly below predicted their racial and ethnic shares in all four categories; and 21 are severely below predicted levels for Black and Hispanic populations but not Asian. In Boston, Malden, Lawrence, and Lowell, actual shares exceed the predicted shares for all four racial and ethnic groupings. These findings are presented on **Maps 2.3, 2.4, 2.5, and 2.6**.

The extent of the Black-White and Hispanic-White segregation when corrected for income is even more dramatic than these maps reveal. HUD considers an actual to predicted racial/ethnic ratio of 50 percent or less to be indicative of severe segregation. In 74 MetroFuture region municipalities, that ratio for Blacks and Whites was less than 25 percent; the ratio for Hispanics and Whites was below 25 percent in 69 communities. At the other end of the spectrum, Brockton, Randolph, Boston, and Milton have more than double the predicted number of Blacks while Lawrence, Chelsea and Lynn have more than double the predicted number of Hispanic. Brockton and Randolph's Black populations are more than four times the percentage predicted by the HUD methodology. The same is true for Chelsea's and Lawrence's Hispanic populations.

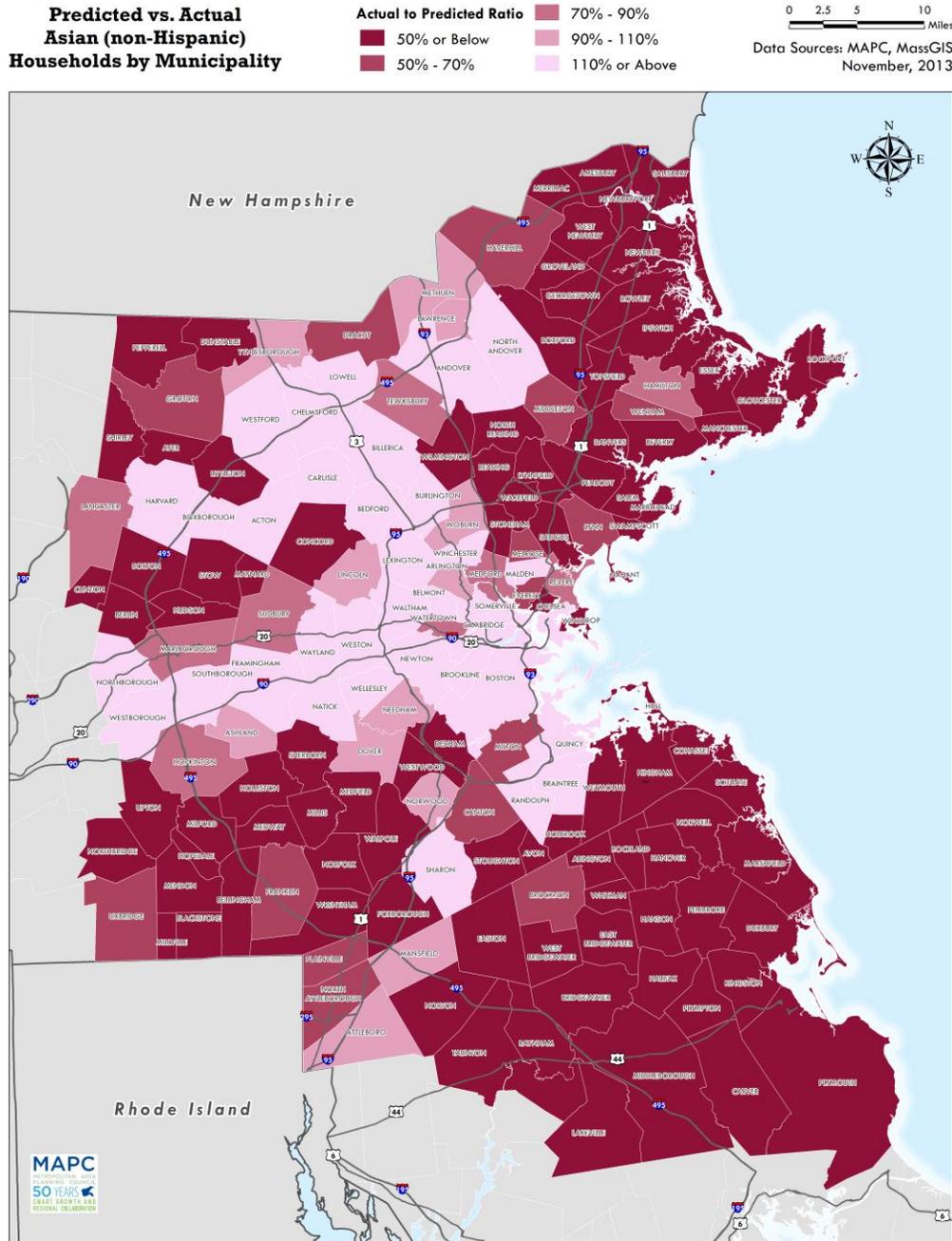
**Map 2.3: Predicted vs. Actual White (non-Hispanic) Households by Municipality**



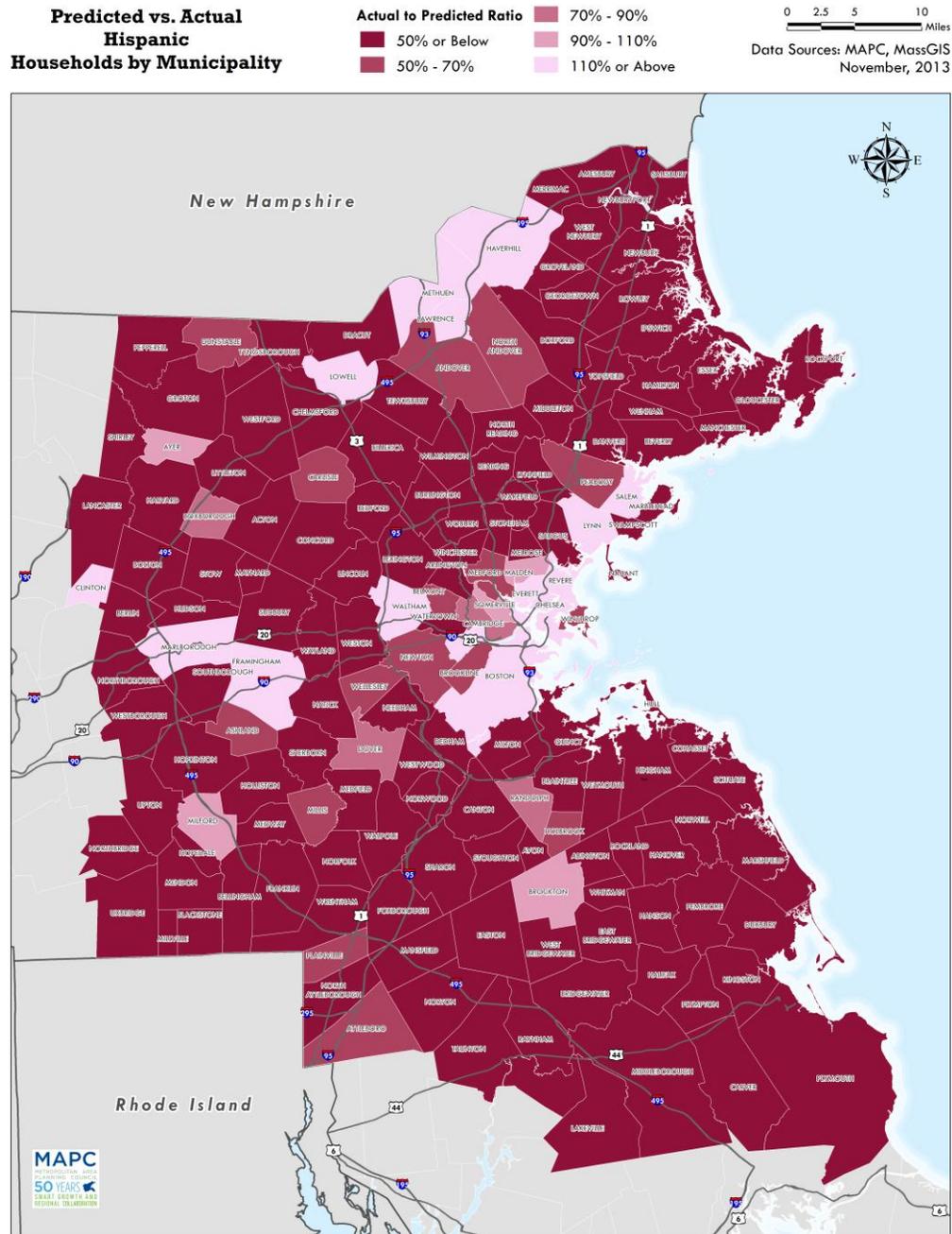
**Map 2.2: Predicted vs. Actual Black (non-Hispanic) Households by Municipality**



**Map: 2.5 Predicted vs. Actual Asian (non-Hispanic) Households by Municipality**



## 2.6 Predicted vs. Actual Hispanic Households by Municipality



## Segregation and Poverty: Racially and Ethnically Concentrated Areas of Poverty

Another of the tools supplied by HUD that can be used to assess the interaction of segregation and poverty is a census tract-based definition of racially and ethnically-concentrated areas of poverty (referred to in this assessment simply as RCAPs). HUD defines a census tract as an RCAP if it has a non-White population of 50 percent or more *and* a poverty rate that is the lower of 40 percent, or three times the mean tract poverty rate (weighted for population) for the metropolitan area. In Boston census tracts with a poverty rate of at least 29.1 percent meet the HUD criterion. Seventy-two of the Metropolitan Boston region's 973 census tracts meet the 29.1 percent poverty threshold. Fifty-one are RCAPs because they have this or a higher rate of poverty and non-White populations greater than 50 percent.<sup>15</sup>

**Table 2.7** shows the share of each of the major racial and ethnic groups that live in areas defined as racially and ethnically-concentrated areas of poverty in the Sustainable Communities region. More than half the RCAPS are in Boston; other clusters of RCAPSs exist in Lawrence, Lynn and Lowell.

**Table 2.7 Racially/Ethnically Concentrated Areas of Poverty**

Metropolitan Boston	Count	Percent
Total census tracts <sup>^</sup>	974	100.0%
RCAP/ECAP tracts	51	5.2%
Non-RCAP/ECAP tracts	923	94.8%
Population in RCAP/ECAP	Count	% Group in RCAP
Total population	167,906	3.8%
White	34,666	1.0%
Non-white	133,240	11.7%
Black	43,670	14.2%
Hispanic	67,562	16.2%
Asian	14,891	5.0%

<sup>^</sup> Populated tracts

\*Non-White Includes persons identifying persons identified as Hispanic or Latino (including Hispanic Whites), Black or African American, Asians, Native Hawaiian and Other Pacific Islander, American Indian and Alaska Native, Other Races, or Multi-racial

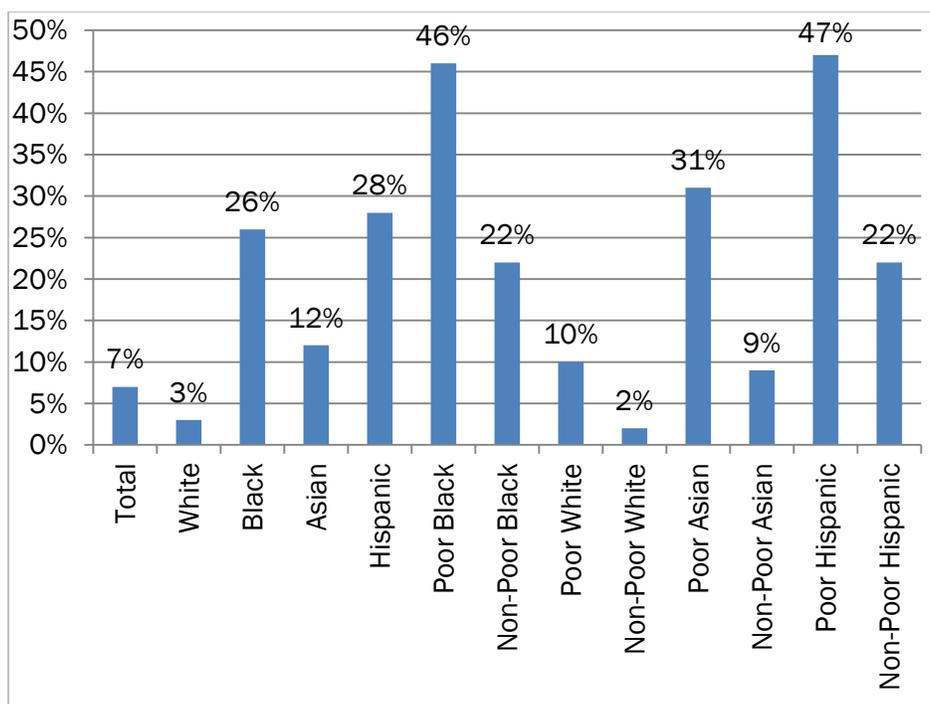
Source: 2010 Decennial Census (population); 2006-2010 American Community Survey (poverty)

Significantly, while just 3 percent of non-Hispanic White households live in high poverty areas, 28 percent of Black and 26 percent of Hispanic households do. Among households with incomes at or below the poverty rate, 10 percent of Whites, but 46 percent of Blacks and 47 percent of Hispanics

<sup>15</sup> Just 30 of region's census tracts have a poverty rate of 40 percent or more. Twenty of these are in Boston, 3 in Lawrence, 2 in Lynn, and one each in Lowell and Brockton.

live in high poverty areas. The concentration of Blacks and Hispanics in high poverty areas persists even among non-poor households: 22 percent of non-poor Blacks and Hispanics live in high poverty areas compared to just 2 percent of non-poor Whites. **Figure 2.7** depicts who lives in the high poverty census tracts.

**Figure 2.7** Percent of MAPC Region Population Living in High Poverty Areas



## 6. Immigrants, Race and Segregation

Massachusetts has been a relatively slow growth state for many years, with international immigration only partially offsetting domestic outmigration to other New England states, the Sun Belt and elsewhere. According to the 2010 Census, the Commonwealth gained just under 200,000 residents between 2000 and 2010. Since that time, it has added another 40,000, bringing the 2011 total population to 6,587,536. Massachusetts' rate of growth – just 3.8 percent since 2000 – ranked 42<sup>nd</sup> among all states for this period. The loss of 281,957 people to other states since 2000 was almost, but not quite, offset by the arrival of more than 281,299 residents from abroad. With virtually no net gain as the result of migration, the state's modest growth was attributable to its internal natural increase (births minus deaths). Without the arrival of immigrants from abroad, however, Massachusetts would have experienced a population loss of more than 4 percent.

Even though the population is becoming more diverse, Boston remains one of the whitest large metro areas in the country. At the time of the 2010 Census, 74 percent of the region's 4,457,728 residents were non-Hispanic White; 9.4 percent were Hispanic (all races); 7.6 percent, non-Hispanic Black; 6.7 percent, non-Hispanic Asian; and 2.4 percent were all other races and/or combinations. Its 164 municipalities remain highly segregated by race and ethnicity. In six cities, including Boston, people of color represent a majority of the population. In 63 others, however, they account for less

than 5 percent of the population. Blacks and Latinos, the most segregated groups, represent less than 5 percent of the population in 131 cities and towns (80% of all MetroFuture municipalities).<sup>16</sup>

**Table 2.8** documents the changing racial/ethnic composition of the MetroFuture region. This table shows the absolute change and rate of change by decade of each of the major racial/ethnic groups. While the White population declined by 6 percent since 1990, the Black population grew by nearly 55 percent, owing much of its increase to an influx of residents from Caribbean nations. During the same period, the Hispanic population swelled by 115 percent and the Asian population by 153 percent, both also driven by immigration.

**Table 2.8 Population Shifts by Race/Ethnicity, 1990-2010**

Year	Total	White	Black	Asian	Hispanic	Other
1990	4,056,947	3,507,861	217,588	118,099	194,078	19,336
Share of Total	100.0%	86.5%	5.4%	2.9%	4.8%	0.5%
2000	4,306,692	3,450,115	250,136	202,604	287,162	116,675
Share of Total	100.0%	80.1%	5.8%	4.7%	6.7%	2.7%
2010	4,457,728	3,297,893	336,571	298,767	417,355	107,142
Share of Total	100.0%	74.0%	7.6%	6.7%	9.4%	2.4%
# Change 1990-2000	249,745	-57,746	32,548	84,505	93,084	97,339
# Change 2000-2010	151,036	-152,222	86,435	96,163	130,193	-9,533
# Change 1990-2010	400,781	-209,968	118,983	180,668	223,277	87,806
% Change 1990-2000	6.2%	-1.6%	15.0%	71.6%	48.0%	503.4%
% Change 2000-2010	3.5%	-4.4%	34.6%	47.5%	45.3%	-8.2%
% Change 1990-2010	9.9%	-6.0%	54.7%	153.0%	115.0%	454.1%

Source: U.S. Census Bureau, Decennial Census 1990, 2000, 2010

<sup>16</sup> Race and Hispanic origin (ethnicity) are separate and distinct concepts defined by the U.S. Office of Management and Budget. Hispanics may be of any race (or combination of races). This Regional Housing Plan and the companion Fair Housing Equity Assessment include in their calculation of non-Hispanic Whites, non-Hispanic Blacks and non-Hispanic Asians people who self-identify as that race only. Those who self-identify as another race or combination of races are counted as “other.” Unless otherwise noted, White, Black and Asian are used as shorthand for non-Hispanic members of each of these racial groups. We have adopted the government terminology, referring to Latinos as Hispanic, although we have exercised some editorial license in this regard. When we refer to populations of color, or minorities, we include all racial/ethnic groups other than non-Hispanic Whites.

## Part Three: Access to Opportunity and Disparity: Schools, Jobs, Poverty, Neighborhood Quality, and Discrimination

“The importance of place is not encompassed solely in the economic or racial composition of neighborhood residents, but also relates to the institutions that are organized along geographic boundaries, such as schools. In other words, although neighbors certainly matter, administrative boundaries, institutions and physical distance matter as well.”<sup>17</sup>

All neighborhoods and all communities possess attributes that are of great value, and all have weaknesses as well. Chief among the region’s strengths are the people who live here. They are the individuals who contribute to the vitality and vibrancy of their neighborhoods, their home towns and the region.

Residential segregation in the MAPC region illustrates in stark demographic relief the legacy of discrimination discussed in Part Two, a condition that isolates Whites from Blacks and Latinos, and one that separates Blacks and Latinos from all others. Segregation is a construct defined not just by the characteristics of the people who live in a place. It is described with reference to the boundaries that mark neighborhoods, municipalities, school districts and transportation and the planning areas for jurisdictional AIs. When access to good schools, jobs and safe neighborhoods is defined by geographic boundaries and when people are separated across those boundaries by race, ethnicity and other characteristics, segregation imposes a substantial human cost, depriving some groups of access to the qualities and amenities of place that define a home.

This section of the FHEA quantifies the human cost of segregation and discrimination by examining racial, ethnic and other characteristics across the boundaries that determine access to economic opportunity, educational opportunity and neighborhood quality, the community attributes that people value when selecting a home. Primary data sources include an opportunity mapping data set developed by the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University and enhanced by fair housing researcher Nancy McArdle of the Civil Rights Project of the University of California – Los Angeles, and a separate data set supplied by HUD to measure equitable access to quality of life opportunities by race and national origin. It first analyzes the Metropolitan Boston geography by exploring in detail the concept of “opportunity” indices, and the metrics used to illuminate disparities in equal access to opportunity. It then looks beyond these indices to explore conditions of access to economic opportunity, educational quality and housing.

### **1. Measuring Equity and Disparity by Race and Ethnicity: Two Approaches**

The HUD and Kirwan methodologies for measuring access to opportunity consider various “stressors” and “assets” that influence the ability of a person or family to secure amenities that affect quality of life. This approach of assigning metrics to quality of life factors borrows from public policy techniques commonly used to target public and private resources to high poverty or distressed locations. The CDBG program, for example, allows grantee jurisdictions to serve either low-income people or to carry out activities within areas defined by the community as having high concentrations of low- and moderate income people. The Low-Income Housing Tax Credit program permits state housing credit agencies to place a priority on projects in high poverty “qualified census tracts”

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<sup>17</sup> Sharkey, Patrick and Sampson, Robert J., *Destination Effects: Residential Mobility and Trajectories of Adolescent Violence in a Stratified Metropolis*, *Criminology*, Vol. 48, No. 3, page 671 (July 21, 2010).

defined as areas with high concentrations of low-income families and high rates of poverty, so long as the project contributes to a comprehensive community revitalization plan. The Community Development Financial Institution program directs economic development resources to “distressed” census tracts marked by high rates of poverty and high unemployment, low median incomes, population loss and other indicia of economic isolation.

Both the HUD and Kirwan models focus on poverty and concentration of low-income families as a measure of neighborhood stress. An evaluation of the consequences of segregation and other fair housing conditions on the ability to secure a high quality living environment requires a broader scope of analysis and the capacity to examine single indicators in relative terms that assess the positive and negative characteristics of an area. Each examines the relative quality of schools and access to economic opportunity, the extent of poverty and access to jobs, and housing conditions and neighborhood quality across the boundaries of specific geographies. Differences in indicators or methodologies between the two are noted in the discussion that follows.

### The Geography of Opportunity

The Kirwan Institute-McArdle approach weights 19 variables within census tracts, such as sustainable employment, schools performance, a healthy and safe environment, political empowerment, and outlets for wealth-building.<sup>18</sup> As aggregated by researcher Nancy McArdle for all municipalities within the Commonwealth, the Kirwan compilation ranks municipalities by quintile to determine the extent to which a resident of a particular place is exposed to very-high, high, moderate, low and very-low levels of opportunity. **Table 3.1** identifies the variables used in the study. **Table 3.2** summarizes the findings by race and ethnicity for the 164-municipality Metropolitan Boston region.

Fewer than 43 percent of the lowest income non-Hispanic White households live in low or very-low income opportunity communities. In contrast, 71 percent of Asian, 93 percent of Black, and more than 95 percent of Latino households with similar incomes, live in low opportunity places. More crucially, these disparities are less a function of income or poverty than they are related to race and racial separation.

- 92 percent of middle income Black and Latino households and 90 percent of those in the highest income group (earning over \$60,000 in 2000) lived in one of the ten low or five very-low opportunity communities.
- 34 percent of middle income non-Hispanic White households and 22 percent of those in the highest income group (earning over \$60,000 in 2000) lived in one of the ten low or five very-low opportunity communities.
- 61 percent of middle income Asian households and 39 percent of those in the highest income group (earning over \$60,000 in 2000) lived in one of the ten low or five very-low opportunity communities.

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<sup>18</sup> The Geography of Opportunity: Building Communities of Opportunity In Massachusetts (Kirwan Institute, January 2009).

**Table 3.1 Indicators Used in the Kirwan Institute’s Massachusetts Opportunity Mapping Analysis**

Educational opportunity	Economic Opportunity	Neighborhood/Housing Quality
Student Expenditures	Unemployment rates	Home Values
Student poverty Rate	Population on public assistance	Neighborhood Vacancy Rate
Students passing math Test	Proximity to Employment	Crime Index or Crime Rate
Students Passing Reading Test	Economic Climate (Job trends)	Neighborhood Poverty Rate
Dropout Rate	Mean Commute Time	Home Ownership Rate
Graduation Rate		Proximity to Toxic Waste Release Sites
Number of Certified teachers		Proximity to Superfund Sites

Source: *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, 2009

**Table 3.2 Kirwan Institute Findings: Where Households Currently Live, by Race and Income**

Household Income	Neighborhood type	White	African American	Latino	Asian
<b>Low income households (Earning less than \$30K in 2000)</b>	Low and very low opportunity	42.6%	93.0%	95.5%	71.0%
	Moderate opportunity	24.0%	4.0%	3.0%	10.3%
	High and very high opportunity	33.5%	3.0%	1.5%	18.7%
<b>Middle income households (Earning \$30K to \$60K in 2000)</b>	Low and very low opportunity	33.8%	92.3%	92.0%	61.0%
	Moderate opportunity	25.2%	4.3%	5.0%	17.4%
	High and very high opportunity	41.0%	3.4%	3.0%	21.4%
<b>High income households (Earning more than \$60K in 2000)</b>	Low and very low opportunity	21.5%	90.1%	89.6%	38.8%
	Moderate opportunity	22.0%	5.0%	6.8%	16.0%
	High and very high opportunity	56.5%	4.9%	3.5%	45.3%

Source: *The Geography of Opportunity: Building Communities of Opportunity in Massachusetts*, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, 2009

## Opportunity and the Sustainable Communities Initiative

HUD supplied data to Sustainable Communities grantees that focuses on six dimensions within census tracts: neighborhood school proficiency; poverty; labor market engagement; housing/neighborhood stability; neighborhood health access; and job access. The method is similar to the Kirwan approach, but uses fewer variables and somewhat different weighting. Like the Kirwan model, individual tracts are ranked by quintile on a scale of 1-10; areas are designated very-high opportunity, high opportunity, moderate opportunity, low opportunity, and very-low opportunity. More information about the variables examined by HUD within each of the six measures of opportunity and the manner in which the variables are weighted in order to compile the index is in Appendix 3-1.

**Table 3.3**, prepared by HUD for the 101 MAPC cities and towns, shows percentages of Whites, Asians, Blacks and Hispanics residing in census tracts along the spectrum of equity in the region. Like the Kirwan approach, the table highlights the effect of segregation on access to quality of life amenities. While fewer than 32 percent of the MAPC region's non-Hispanic White population, and 47 percent of Asians, live in low or very-low equity census tracts, more than 78 percent of Hispanics and 81 percent of the Blacks do.

**Table 3.3 Exposure to Opportunity by Race and Ethnicity, Metropolitan Boston Region**

	% of Whites	% of Asians	% of Blacks	% of Hispanics
Very high	23.2%	19.4%	3.8%	4.9%
High	24.5%	17.8%	6.3%	7.9%
Moderate	20.6%	16.3%	8.8%	8.8%
Low	20.4%	23.8%	20.5%	18.7%
Very Low	11.2%	22.7%	60.6%	59.7%

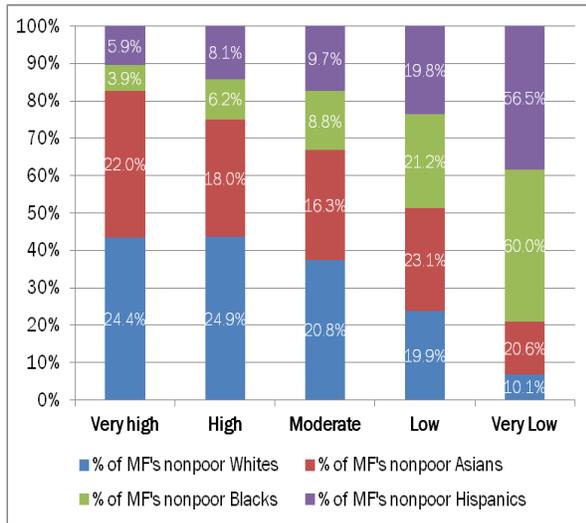
Source: HUD, prepared for Sustainable Communities Regional Planning Grant recipients

## **2. Opportunity, Race and Poverty**

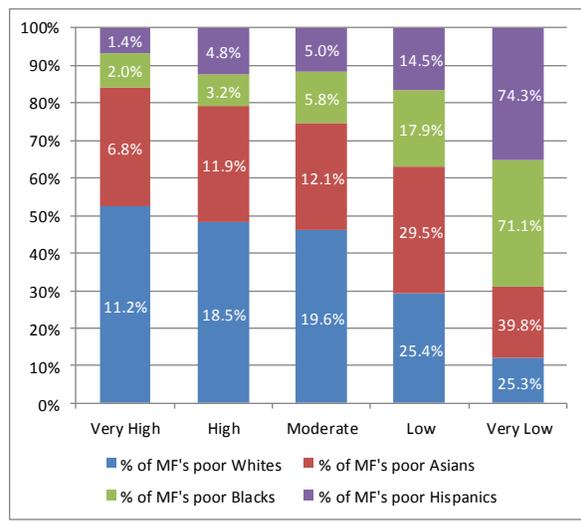
The HUD data has the advantage of being disaggregated at the regional level by household type; that is, it is possible to examine the separate factors comprising the overall opportunity rating for all people, for poor families, by residence in public housing and participation in the Section 8 program, and by race. Examining the HUD opportunity indices from this perspective shows that race and not income explains disparities in access to opportunity, in the same way that income does not explain patterns of residential segregation. The Kirwan-McArdle measures show a similar pattern. For example, slightly more than 20 percent of the region's highest income White people live in low opportunity areas, while more than half, 56 percent, live in high opportunity communities. In contrast, 90 percent of Latinos, Blacks and African Americans with the same level of income live in low opportunity places, while less than 5 percent live in high opportunity locations.

As **Figures 3.1** and **3.2** illustrate, just 30 percent of non-poor White residents live in the bottom two opportunity categories, 44 percent of non-poor Asian residents do; and more than 81 percent of non-poor Black residents do. On the other hand, nearly half of poor White residents live in high or very-high opportunity areas, compared to just 10 percent of poor Black residents, just 11 percent of poor Latino residents, and 30 percent of poor Asian residents.

**Figure 3.1 Distribution of Non-poor Residents by Race/Ethnicity**



**Figure 3.2 Distribution of Poor Residents by Race/Ethnicity**



Source: HUD Sustainable Communities Datasets

The same dynamic is present when the HUD regional rankings are disaggregated by poverty and indicator (Table 3.4). For this purpose, HUD supplies an additional disparity index comparing access by poor White families to opportunity as compared to Asian, Black and Latino families, where disparities greater than 60 percent are considered significant. In virtually all indices except for job accessibility, Metropolitan Boston region data indicates disparity values for Black and Latino families exceed 200 percent.

**Table 3.4 Opportunity Index by Race and Poverty**

Index	Poor Families	Poor White	Poor Black	Poor Hispanic	Poor Asian	Disparity Black-White	Disparity Hispanic-White	Disparity Asian-White
School Index	3.9	4.89	2.31	2.61	3.96	2.57	2.27	0.93
Poverty Index	3.07	4.53	2.13	2.27	3.35	2.4	2.27	1.18
Labor Engagement index	4.05	5.61	2.96	3.26	5.08	2.65	2.35	0.53
Housing Stability index	4.22	5.26	2.85	2.9	4.6	2.42	2.36	0.66
Job accessibility Index	5.34	5.75	5.6	4.92	5.31	0.15	0.83	0.44
Opportunity index	3.48	5.9	2.28	2.36	3.87	2.61	253	1.03

Source: HUD Sustainable Communities Datasets

### 3. Economic Opportunity, Jobs and Transportation

The disparity in access to jobs evidenced by the Kirwan-McArdle and Sustainable Communities data is mirrored by similar findings in MAPC's *State of Equity in Metropolitan Boston Indicators Report*, which linked lower levels of educational attainment among Blacks and Latinos with lower rates of job participation. It is worth noting, however, that the HUD Sustainable Communities opportunity indices show the lowest level of disparity among racial groups and among poor families in the job accessibility index. The job accessibility index compiles and weights such factors as census tract job and worker counts, the flow of workers from home to work, and commuting. The low level of disparity suggests that fair housing characteristics such as race and place are a lesser barrier to equity in the availability of work. Nevertheless, disparities by race with respect to labor engagement remain high. One explanation for the difference between the two indices is the availability and quality of transportation resources available to communities of color. While the Boston metropolitan area has a high concentration of jobs in the central city and a well-developed transit system throughout the Inner Core, its communities of color do not fully benefit from their proximity to employment opportunities, as evidenced by the extreme disparity in HUD's labor engagement index. It also appears from other sources of information that the availability of jobs and adequacy of transit in racially isolated neighborhoods affects the ability of the residents of those neighborhoods to secure and maintain employment.

Boston is one of the most centralized of the nation's large metropolitan areas with a relatively high 28 percent of its jobs in and around the downtown. Nearly 62 percent of all jobs are beyond a five mile radius of the central business district. Even with one of the nation's most extensive public transit systems, studies indicate a significant spatial mismatch between the location of work and the residences of people of color. A 2005 study by the Brookings Institution ranked the region among the bottom fifth among metropolitan areas with populations greater than 500,000 for the level of Black isolation from jobs.<sup>19</sup> The city of Boston's neighborhoods of color – home to more than 36 percent of *all* Black households living in the 164 MetroFuture cities and towns – are among the most isolated. Residents of racially concentrated sections of Roxbury, Dorchester, Mattapan and Hyde Park face among the longest commuting times, despite their relative proximity to employment centers. In its *Analysis of Impediments to Fair Housing*, the City of Boston compared commuting patterns of city residents living in census tracts where more than 90 percent of the residents were people of color (in 2000) with those where fewer than 10 percent of the residents were people of color and found the following:

- More than 15 percent of workers had commutes of greater than one hour compared to less than 5 percent of those in the predominantly white tracts;
- Two-thirds of those with commutes of an hour or more from racially identified areas travelled by public transportation compared to just 40 percent of those from the mostly white areas; and
- In total, just 2 percent of workers from the tracts with low numbers of people of color had one hour+ commutes by public transit to get to work compared to 10 percent of workers from the racially concentrated tracts.<sup>20</sup>

Similar issues of isolation from jobs affect people with disabilities, who tend to rely more heavily on public transportation. A 2006 settlement agreement in litigation brought by the Boston Center for Independent Living requires the Massachusetts Bay Transportation Authority to engage in a wide

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<sup>19</sup> Stoll, Michael A., *Job Sprawl and the Spatial Mismatch between Blacks and Jobs* (Brookings Institution, February 2005)

<sup>20</sup> City of Boston *Analysis of Impediments to Fair Housing Choice* (June 2010).

array of activities to improve the public transit system’s compliance with the Americans with Disabilities Act and by making major improvements in equipment, facilities and services. A great deal remains to be accomplished before the system will be equally usable to people with disabilities.

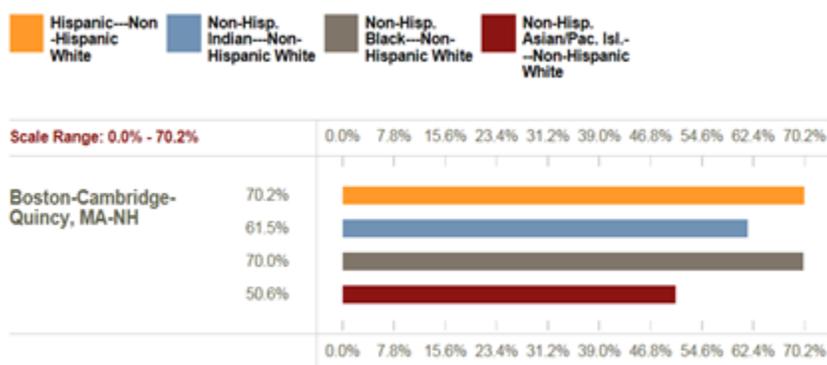
These conditions suggest that the region’s use of transportation resources, both public transportation and investments in infrastructure that serves vehicular travel, do not equitably serve households of color or people with disabilities. *Paths to a Sustainable Region*, the Long Range Transportation Plan for the Boston Region Metropolitan Planning Organization, adopted in 2011, recognizes the challenges of equitably serving households of color or people with disabilities, finding, among other things, that transportation equity requires improved transit service along the region’s circumferential transportation corridors, better access (including access by foot) to transit resources in neighborhoods with high concentrations of people of color such as Roxbury, Jamaica Plain, Hyde Park, Somerville, Chelsea, Medford, Everett, Lynn, Randolph, and Milford. Other barriers identified by the MPO analysis include inadequate transit service to and within communities outside of the central area, a lack of late-evening and early-morning transit service for low-income workers, and a transit system that is difficult to navigate for people who speak languages other than English. The projected expenditures in the Long Range Transportation Plan are shown in Appendix 3-2.

#### 4. Housing Location, Segregation and Schools

##### Segregated Communities Create Segregated Schools

The ability to choose a good school is among the most significant choices affected by place of residence. Virtually all elementary and secondary schools function within local municipalities, or as regional systems encompassing two or three adjoining towns. The high level of residential segregation in the Metropolitan Boston region consequently makes wide disparities in access to good quality schools based on race. As depicted in **Figure 3.3**, Latino and Black school children attend highly segregated schools.

**Figure 3.3 Segregation of Public Primary School Students, Dissimilarity by Race/Ethnicity**



Year: 2010-2011; Race/Ethnicity: Hispanic – Non-Hispanic White, Non-Hispanic Indian – Non-Hispanic White; Non-Hispanic Black – Non-Hispanic White and Non-Hispanic Asian/Pac. Islander – Non-Hispanic White; Region: Boston-Cambridge-Quincy, MA-NH

Source: Diversitydata.org and National Center for Education Statistics, Common Core of Data. Public Elementary/Secondary School Universe Survey

Nearly 62 percent of the region’s Black school age children live in just four municipalities: Boston, Brockton, Randolph, and Lynn, all of which are majority minority communities. While the City of Boston is home to nearly 44 percent of the region’s Black school age children and 23 percent of its Latino children, fewer than 3 percent of the MAPC region’s Non-Hispanic White children live there. Indeed, the level of isolation among the area’s White students mirrors that of their adult counterparts. The consequence of offering elementary and secondary public education within municipal boundaries is that White children are highly unlikely to come into contact with children of color either in their communities or within their schools (Table 3.5).

**Table 3.5 Segregation of Public Primary School Students, White Students' Exposure by Race/Ethnicity**

<b>White Exposure</b>	
Non-Hispanic White --- Non-Hispanic White	79.6%
Non-Hispanic White --- Non-Hispanic Black	4.3%
Non-Hispanic White --- Hispanic	7.3%
Non-Hispanic White --- Non-Hispanic. Asian/Pacific Islander	6.1%
Non Hispanic White --- Non-Hispanic. Multi-Racial	2.5%
<b>Black Exposure</b>	
Non-Hispanic Black --- Non-Hispanic White	29.8%
Non-Hispanic Black --- Non-Hispanic Black	34.7%
Non-Hispanic Black --- Hispanic	24.6%
Non-Hispanic Black --- Non-Hispanic Asian/Pacific Islander	7.4%
Non Hispanic Black --- Non-Hispanic Multi-Racial	3.1%
<b>Latino Exposure</b>	
Hispanic --- Non-Hispanic White	
Hispanic --- Non- Hispanic Black	14.4%
Hispanic --- Hispanic	47.0%
Hispanic --- Non-Hispanic Asian/Pacific Islander	6.4%
Hispanic --- Non-Hispanic Multi-Racial	2.2%
<b>Asian Exposure</b>	
Non- Hispanic Asian/ Pacific Islander --- Non-Hispanic White	54.3%
Non- Hispanic Asian/ Pacific islander --- Non-Hispanic Black	9.5%
Non- Hispanic Asian/ Pacific Islander --- Hispanic	14.0%
Non- Hispanic Asian/ Pacific Islander --- Non-Hispanic Asian/Pacific Islander	18.6%
Non- Hispanic Asian/ Pacific Islander --- Non-Hispanic Multi-Racial	3.4%

Source: Diversitydata.org and National Center for Education Statistics, Common Core of Data. Public Elementary/Secondary School Universe Survey

### School Performance

Massachusetts consistently ranks among the nation’s top performing K-12 educational systems and in many of the state’s top-ranked districts are in the Boston metropolitan area. Schools in districts

with historically low performance scores are improving. Still, the HUD opportunity indices indicate that significant disparities exist between the schools most Black and Hispanic children attend and those attended by their non-Hispanic White peers. Across the region, all White children, both poor and non-poor, on average attend schools ranked in the third quintile of the HUD opportunity indices, which measure reading and math proficiency compared to state-wide performance levels. In contrast, Black and Latino children attend low-opportunity, second quintile schools. These findings are further illuminated by MAPC's *State of Equity in Metropolitan Boston Indicators Report*, which observed gaps of nearly 30 percentage points in the numbers of third graders testing "proficient" in school reading examinations between White and Asian students on the one hand, and Black and Latino pupils on the other. MAPC identified similar disparities among tenth grade students tested for math proficiency.

The disparities are particularly striking in the City of Lawrence where more than 97 percent of public school students are Black or Hispanic. Just 33 percent of 10<sup>th</sup> grade students scored advanced or proficient on the 2011 MCAS tests. English is not the first language for three out of four students, and one out of four has limited proficiency in English. One in five is enrolled in special education classes, and 82 percent are eligible for free lunch because their family income is at or below 130 percent of the poverty level.

The Boston Public School district, the region's largest, faces similar challenges. Fifty-six percent of its 10<sup>th</sup> grade students scored advanced or proficient on the 2011 MCAS tests. English is not the first language of 45 percent of the students, and 31 percent has limited English proficiency. Nineteen percent are enrolled in special education classes, and 62 percent are eligible for free lunch. One-quarter of the city's 77,000 school-aged children do not attend Boston public schools. More than 4,000 of these students attend the 21 state-chartered Charter schools in Boston; 3,000 attend suburban METCO schools; and 12,000 attend private or parochial schools.

The extreme levels of school segregation in the metropolitan area may contribute to disparities beyond school performance. As observed in MAPC's *State of Equity in Metropolitan Boston Indicators Report*, dropout rates for Blacks and African Americans and Latinos in the region are at least three times as high as dropout rates for Whites and Asians. Dropout rates in parts of the Inner Core and a few Regional Urban Centers are significantly higher than the dropout rates in most Developing Suburbs. The region also suffers from astronomical disparities in graduation rates by school district, with rates ranging from 54 percent in majority minority communities like Chelsea to 98 percent and even 100 percent in many other districts that are predominantly and at times almost exclusively White. More than 90 percent of the region's White and Asian students graduate in four years, while slightly more than 70 percent of Black and African American and 75 percent of Latino students do.

It is crucial to note that these patterns persist not only when suburban communities are measured against cities and towns where people of color predominate. They exist also within municipalities whose overall population is integrated, but that are segregated by neighborhood. Boston is the region's primary example of this dynamic. The City's public schools operate under a school busing plan deriving from a settlement agreement in a public school desegregation litigation dating to 1975. In March 2013, the Boston School Committee adopted a new school assignment system. One of the reasons for this change is to change the racial inequity that persists within the Boston Public Schools. According to an October 2012 report by MAPC, schoolchildren living in at least three of Boston's most racially identified neighborhoods (Mattapan, Dorchester and Roxbury) are more likely to attend a lower quality school than children living in other areas of the City, an outcome that is

present whether or not the students attend school near their homes or across Boston at distances from their neighborhood.<sup>21</sup>

The segregated nature of the region exacerbates these trends. Some researchers note that the demographic characteristics of the Boston Public Schools (BPS) student population – 87 percent minority and 76 percent low-income – put an upper limit on the amount of economic and racial integration possible under the current student assignment plan or any of the recently considered alternatives.<sup>22</sup> The new school assignment plan will be implemented for the 2014 to 2015 school year. Whether it will alter the persistent inequities in school performance is unknown at this writing.

### School Segregation and Poverty

Patterns of school segregation magnify disparities in the percentages of poor children attending the region’s schools. Children of color living in the Boston metropolitan area are far more likely than their non-Latino White peers to attend schools with high rates of student poverty, measured by the percentage of children qualifying for free lunch.<sup>23</sup> Latino students in the Boston metropolitan area attend primary schools with poverty rates of 64 percent, on average, a rate 3.9 times that of White students and the second highest disparity among large metropolitan areas in the United States. For black students, the average poverty rate was 60 percent, 3.7 times the white rate (fourth highest among large metropolitan areas). Asian students attend primary schools with poverty rates of 34 percent, or 2.1 times that of White students (the second highest disparity among large metropolitan areas). **Table 3.6** documents the striking differences in characteristics of the school districts attended by children of different racial and ethnic backgrounds.

**Table 3.6 Characteristics of Students in Public Schools Attended by the MAPC region’s Black, White, Asian, and Hispanic Students**

Race/ Ethnicity	Where the % of 10th grade public school students scoring advanced or proficient on MCAS ranks in the bottom decile*	Where English is not the first language of one third or more of school age children	Where 15% or more of the public school students have limited English proficiency	Where 20% or more of the public school students are in Special Education Programs	Where more than one half of the public school students are low income	Where more than 40% of the public school students are eligible for free lunch
White	31.30%	12.30%	7.80%	13.00%	9.90%	14.60%
Asian	13.50%	41.30%	29.60%	13.20%	33.20%	41.90%
Black	73.40%	75.90%	66.50%	15.10%	73.60%	79.40%
Hispanic	72.50%	70.00%	60.40%	28.20%	67.70%	72.70%

<sup>21</sup> Comparative Analysis of Boston Public School Proposed Assignment Plans (MAPC, October 12, 2012).

<sup>22</sup> “Prospects for Equity in Boston Public Schools’ School Assignment Plans,” Nancy McArdle, Theresa Osypuk and Dolores Acevedo-García, Issue Brief (September 2010), diversitydata.org

<sup>23</sup> Students whose family income is at or below 130 percent of the federal poverty level qualify to receive free lunch.

Source: 2011-12 Selected Populations Report, Massachusetts Department of Education

### METCO: A Regional Approach to School Desegregation

Despite the educational disparities resulting from a segregated metropolitan area, the region is a national leader in breaking down barriers to opportunity in one key respect. The Commonwealth's Metropolitan Council for Educational Opportunity (METCO) program is one of eight voluntary school desegregation programs in the nation that allow students in the racially identified cities of Boston and Springfield to attend school in predominantly White, "opportunity-rich suburban schools." For the 2012 to 2013 school year, more than 3,000 Boston children of color enrolled in 34 suburban school districts. Children who participate in METCO show consistently higher levels of reading, math, and language arts proficiency than their peers who remain in Boston, at levels that approach or equal statewide averages. Ninety-three percent of METCO students graduate from high school, compared to 81.5 percent of pupils statewide and 61 percent of the students in Boston. The METCO dropout rate, which was 2.9 percent in 2009, is 70 percent lower than the 2009 statewide average of 9.3 percent.

The dramatic outcomes suggested for a program that considers educational opportunities at a regional level are limited by funding levels for the program, which cover such costs as transportation, and which have declined by almost 20% since 2008. No new suburban districts have enrolled in METCO since the mid-1970s. Nevertheless, METCO remains a national model of educational regionalism that displays great promise for educational equity.

## **5. Neighborhood Stability**

The HUD and Kirwan-McArdle opportunity indices take somewhat different approaches to neighborhood stability metrics. Kirwan weights such factors as home values, homeownership rates, vacancy rates, neighborhood crime levels, rates of census tract poverty and proximity to environmental hazards. HUD is more closely focused on housing quality, including the availability of low cost credit to homebuyers and refinancing homeowners, vacancy and overcrowding. HUD's disaggregated housing stability data shows the same region-wide racial disparities based on race as other components of the index. The result derived from the index is borne out by other facts. Despite gains in homeownership by people of color, the legacy of race-associated bias is evident in the racial and ethnic concentration of homeownership, the high incidence of subprime lending, and the concentration of foreclosures in the region's communities of color.

### Racial Concentration in Homeownership

The majority of the region's households of color rent, but they became homeowners in large numbers during the 1990s and through the middle of the 2000 decade. The 2000 Census reported that there were over 7,900 more Black homeowners than there had been a decade earlier in the five counties that make up the Massachusetts portion of the Boston metropolitan area. The number of Hispanic owners had increased by nearly 14,400 and the number of Asian homeowners by 17,300 over the same period. By the time the 2010 Census was conducted, the number of Black owners had risen by another 9,700. The number of Asian owners was up by 10,400 while the number of Hispanic owners had climbed by more than 33,000. Although the number of White homeowners grew statewide during this period, their ranks in these five counties dropped by more than 75,000, or nearly 10 percent.

Between 2001 and 2005, the number of Blacks and Latinos purchasing homes annually in the five-county Boston metropolitan area increased by 87 and 90 percent, respectively, but Black homeowners, in particular, remain geographically concentrated in a handful of municipalities. While the state has a growing number of relatively affluent Blacks and Hispanics, they have located in significant numbers in only a handful of suburban municipalities. Between 2000 and 2006:

- 73.2 percent of Black home buying took place in just ten municipalities, four of which are majority minority communities (Boston, Brockton, Randolph, Lynn, Lowell, Malden, Milton, Everett, Taunton, and Stoughton)
- 66.5 percent of Latino home buying took place in just nine municipalities, five of which are majority minority communities (Boston, Lawrence, Lynn, Revere, Chelsea, Brockton, Lowell, Everett, Randolph and Framingham)
- 44.8 percent of Asian home buying took place in just ten municipalities (Boston, Quincy, Lowell, Malden, Newton, Cambridge, Brookline, Acton, Lexington, and Framingham)
- The top ten White home buying communities, by contrast, accounted for only 25.3 percent of all white purchases (Boston, Plymouth, Haverhill, Lowell, Quincy, Newton, Weymouth, Lynn, Taunton, and Cambridge), with White home buying spread relatively evenly throughout the region.

Seven of the 10 top destinations for both Black and Latino homebuyers were communities that represented low or very-low opportunity based on the Kirwan-McArdle methodology. A municipal composite opportunity assessment based on the indicators prepared by HUD produces an even harsher result, with eight of the top Black and Latino home buying destinations ranking in the bottom 20 percent for opportunity. Within the City of Boston, the top home buying neighborhoods for Black purchasers were Dorchester, Roxbury, Mattapan, and Hyde Park, all majority minority districts; for Latinos, East Boston and Dorchester; for Asians, Allston-Brighton and Dorchester; and for Whites, South Boston and the South End.

### Mortgage Lending Practices and Subprime Lending

Home Mortgage Disclosure Act data continues to depict persistent and unexplained differences in home mortgage denial rates in the Metropolitan Boston area based on race. Data reported by the Federal Financial Institutions Examination Council as of June 2012 indicates that the denial rate for Black applicants seeking loans for home purchases was 9.3 percent in 2011 compared to an 8 percent denial rate for White applicants. Denial rates for Hispanics during the same period was 20.4 percent, and for Asians it was 11.4 percent.<sup>24</sup>

Until the collapse of the financial markets in 2008, much of the conventional lending that might otherwise be available to borrowers of color was replaced by subprime debt. The financial collapse resulted in a near complete withdrawal of subprime lending from the market. Nevertheless, the rise and subsequent fall of subprime lending continues to have a racial and ethnic impact on the region.

The rise in subprime lending tracked the rise in home prices in Greater Boston. The number of home purchase subprime loans peaked in 2005 at 7,202 loans, representing nearly 16 percent of all home purchase loans. The number of subprime refinancing loans peaked the following year at 9,061, or more than 20 percent of total refinancing loans.<sup>25</sup>

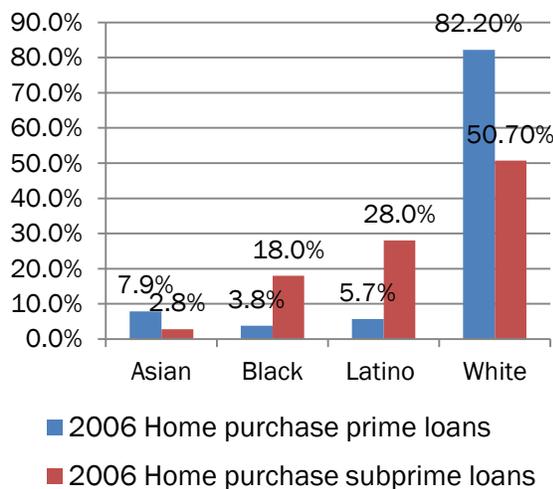
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<sup>24</sup> Federal Financial Institutions Examination Council, HMDA data is available at: <http://www.ffiec.gov/hmda/default.htm>

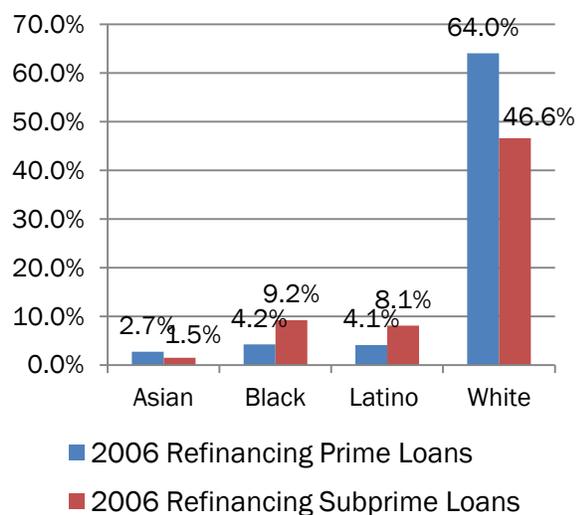
<sup>25</sup> *Changing Patterns XIX: Mortgage Lending to Traditionally Underserved Borrowers & Neighborhoods in Boston, Greater Boston and Massachusetts, 2011*, prepared by Jim Campen, Professor Emeritus of Economics University of Massachusetts/Boston for the Massachusetts Community and Banking Council,

Black and Latino borrowers were much more likely to receive subprime loans during this period than were Whites. For home purchase loans in the 101 MAPC region cities and towns in 2005, for example, 57 percent of Black borrowers and 58 percent of Latino borrowers received subprime loans. Only 15 percent of White borrowers did. Nearly 71 percent of Black homebuyers in Brockton received subprime loans that year, as did 76 percent of Latino home-buyers in Lawrence. Subprime loan shares were much greater in neighborhoods with lower income levels and higher percentages of residents of color. Research has since shown that many who received such high cost loans could have qualified for a prime loan. **Figures 3.4** and **3.5** show the major racial/ethnic groups' market shares for subprime loans compared to prime loans during the peak years for subprime lending.

**Figure 3.4 Market Share by Race/Ethnicity, Home Purchase Loans, 2005 (Prime v Subprime)**



**Figure 3.5 Market Share by Race/Ethnicity, Refinancing Loans, 2006 (Prime v Subprime)**



\* Includes loans made in the 101 cities and towns that constitute the MAPC region.

^ Peak year for subprime loans

Includes only loans where borrower race/ethnicity was ascertained

Source: *Changing Patterns XV and XVII*, Jim Campen, Massachusetts Community and Banking Council

### Foreclosure and the Impact on Communities of Color

The concentration of subprime lending in communities of color in the early part of the decade led to widespread foreclosures in those communities and jeopardized the gains in minority homeownership and the stability of entire neighborhoods. Based on an analysis of homeownership experiences in Massachusetts between 1989 and 2007, economists at the Federal Reserve Bank of Boston found that ownerships that began with a subprime purchase mortgage ended up in foreclosure almost 20 percent of the time, more than six times as often as those that began with prime purchase mortgages.

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December 2012. Subprime loans are referred to as “HALs,” high-cost, or high annual percentage rate loans in the *Changing Patterns* series that documents lending patterns in Boston, the MAPC region and statewide.

These conditions disproportionately affect communities of color. In Boston, for example, four of the city's five racially concentrated planning districts – Dorchester, Roxbury, Mattapan, and East Boston – were among the five districts with the highest proportions of subprime loans, both for home purchase and refinancing. Hyde Park, the other racially concentrated neighborhood, ranked sixth after the predominantly white Allston-Brighton. Dorchester, Roxbury, Mattapan, Hyde Park, and East Boston accounted for 81 percent of all foreclosure deeds in the city, and 55.6 percent of all foreclosure petitions in the city in 2010. The same neighborhoods also experienced the greatest percentage drop in home value in the city. Likewise, Brockton and the majority Latino cities of Chelsea and Lawrence saw foreclosures surge and property values drop at a faster rate than surrounding communities.

Foreclosure trends within the City of Boston are tracked at the neighborhood level according to the *Banker and Tradesman* (Warren Group Publications) definitions. Of the 15 MAPC region municipalities with the highest foreclosure rates (defined as the number of foreclosure deeds filed over the past over the past six years divided by the number of owner occupied housing units), 11 of the 15 are in municipalities that also have some of the highest rates of Black and Latino homeownership. Other top Black and Latino home buying municipalities (East Boston, Malden, Hyde Park) ranked in the top 20 high foreclosure municipalities. (See **Table 3.7.**)

**Table 3.7: Municipalities Experiencing the Highest Rates of Foreclosure, 2006-2011, with Share of Black and Latino Homeowners<sup>26</sup>**

Community	Blk and Hisp Share of Owners	6 Yr FDs as % of Own Occ Hus	Rank by Share of Blk/Hispanic Owners (n=175)
Brockton	31.40%	8.30%	7
Lawrence	50.60%	7.80%	4
Chelsea	37.60%	7.10%	6
Lynn	18.50%	7.00%	11
Dorchester	40.00%	6.20%	5
Mattapan	87.60%	5.90%	1
Lowell	11.30%	5.80%	16
Millville	0.40%	5.40%	160
Randolph	30.90%	5.30%	8
Roxbury	75.60%	5.30%	2
Revere	15.30%	4.90%	12
Everett	15.10%	4.70%	14
Marlborough	4.50%	4.60%	40
Ayer	14.00%	4.10%	15
Blackstone	1.60%	4.00%	106

<sup>26</sup> Source: Authors' analysis of foreclosure deeds reported by the Warren Group Publications and 2010 Decennial Census (housing units)

The loss of a home to foreclosure can trigger a series of setbacks for the owner while concentrated foreclosures often precipitate neighborhood decline and a reduction in property values. Damaged credit is likely to make obtaining financing in the future unlikely or at least more expensive. The forfeiting of appreciated home value substantially reduces a family's ability to accumulate wealth for such future needs and aspirations as business startup, education, retirement, or intergenerational transfer of wealth. Declining property values create fiscal problems for municipalities. Rising foreclosures often turn owner-occupants into renters, put existing tenants at risk of eviction, and increase the pool of tenants seeking low cost rentals, a trend that analysts believe contributed to the increase in renters in the metropolitan area since 2008.

There have been many efforts since the onset of the foreclosure crisis to assist homeowners who are facing the loss of their homes. Among the efforts that have provided assistance to some households is the federal government's Making Home Affordable Program, which offers qualifying households the opportunity for a trial loan modification. If the trial modification is successful, the homeowner may be eligible for a permanent modification. Through April 2010, 10,073 households in the Boston metropolitan area participated in trial modifications, and another 5,297 were assisted with permanent modifications. Several of the MAPC region municipalities hardest hit by foreclosures have been awarded funding under the federal Neighborhood Stabilization Program funds.

Completed foreclosures peaked in 2010. Since then, a series of lawsuits, regulatory requirements and programs and an improving housing market may be providing relief to some homeowners who are behind on their mortgage payments. In August 2012, Governor Deval Patrick signed into law "An Act Preventing Unlawful and Unnecessary Foreclosures," requiring lenders to notify eligible borrowers of their rights to pursue a modified mortgage loan. Rising home prices in many municipalities, coupled with this new legislation and the "robo-signing" settlement are expected to provide are expected to provide further relief to owners at risk of losing their homes. Still, foreclosure distress remains a major problem, especially in communities of color where foreclosures are concentrated in a small geographic area.

The February 2013 issue of the Massachusetts Housing Partnership's Foreclosure Monitor reports that through the first quarter of 2013, Massachusetts' 24 Gateway Cities, which represent just 25 percent of the state's housing units, accounted for 39 percent of "foreclosure distress," with an overall "foreclosure distress" rate that is 54 percent higher than the state's rate.<sup>27</sup> These cities are home to 53 percent of the Commonwealth's Latino homeowners and 40 percent of Black homeowners, but just 25 percent of Asian and 19 percent of White households.<sup>28</sup>

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<sup>27</sup> MHP defines distressed properties as all those properties where a foreclosure petition has been filed or an auction scheduled in the previous year, or are bank held, for up to two years.

<sup>28</sup> *Foreclosure Monitor*, Tim Davis, Massachusetts Housing Partnership, February 20, 2013.

## 6. Decent and Affordable in Housing

### Housing Problems and the Consequence of Place

The Regional Housing Plan depicts in some detail the need for decent and affordable housing within the Metropolitan Boston region geography. It shows, for example, nearly 250,000 households with excessive cost burdens paying more than half their income for shelter costs. Of the families with housing problems, more than 135,000 very-low-income households with incomes at or below 50 percent of the area median live with “worst case housing needs;” that is, excessive cost burdens and other housing problems like overcrowding or substandard conditions.

Housing problems impact racial and ethnic groups differently. **Table 3.8** shows that among extremely low income renters and homeowners, all racial and ethnic categories experience housing problems at roughly the same high rate: 65-71 percent for renters and 78-85 percent for owners. At the very low income level significant variation among homeowners appears, with Blacks and Hispanics experiencing a substantially higher incidence of problems than white non-Hispanics (53 percent versus 83 and 90 percent respectively). Among very-low income renters, Asians experience the greatest disparity compared to Whites relative to housing problems. All racial and ethnic groups experience proportionately fewer housing problems as they move up the economic ladder, but people of color – both renters and homeowners – continue to report problems at a substantially higher rate than their White counterparts at all income levels.

**Table 3.8**      **Distribution of Housing Problems by Race/Ethnicity**

Abbreviations key:

ELI = extremely low income

VLI = very low income

LI = low income

MI = moderate income

Income Distribution of Owners by Race/Ethnicity						Income Distribution of Renters by Race/Ethnicity					
	ELI	VLI	LI	MI	>Median		ELI	VLI	LI	MI	>Median
White	6.2%	7.7%	9.9%	9.3%	66.9%	White	26.3%	14.5%	14.3%	10.9%	34.1%
Black	7.5%	10.3%	14.5%	12.7%	55.0%	Black	39.6%	20.0%	14.8%	8.6%	17.0%
Asian	4.7%	5.9%	8.8%	9.3%	71.2%	Asian	32.1%	12.1%	11.1%	8.6%	36.2%
Hispanic	6.9%	9.8%	15.8%	14.6%	52.9%	Hispanic	44.0%	22.0%	14.0%	7.7%	12.3%
All Owners	6.2%	7.8%	10.2%	9.6%	66.2%	All Renters	30.4%	15.9%	14.2%	10.1%	29.4%
Percent of Owners w Housing Problems*						Percent of Renters w Housing Problems*					
	ELI	VLI	LI	MI	>Median		ELI	VLI	LI	MI	>Median
White	93.3%	67.4%	55.0%	50.1%	18.5%	White	72.8%	73.9%	54.1%	30.9%	8.4%
Black	98.8%	85.2%	85.3%	70.9%	31.0%	Black	74.8%	78.6%	55.3%	27.9%	9.0%
Asian	95.0%	81.0%	72.2%	53.6%	23.6%	Asian	76.3%	77.7%	62.4%	41.7%	11.7%
Hispanic	98.6%	90.2%	87.5%	75.0%	34.7%	Hispanic	75.8%	76.7%	52.6%	24.5%	11.6%
All Owners	93.7%	69.6%	58.7%	52.4%	19.5%	All Renters	74.1%	75.3%	54.3%	30.8%	8.8%

Ratio of racial/ethnic group's share of HHs with housing problems to white HHs*						Ratio of racial/ethnic group's share of HHs with housing problems to white HHs*					
	ELI	VLI	LI	MI	>Median		ELI	VLI	LI	MI	>Median
White	1	1	1	1	1	White	1	1	1	1	1
Black	1.06	1.26	1.55	1.42	1.68	Black	1.03	1.06	1.02	0.9	1.07
Asian	1.02	1.2	1.31	1.07	1.28	Asian	1.05	1.05	1.15	1.35	1.39
Hispanic	1.06	1.34	1.59	1.5	1.88	Hispanic	1.04	1.04	0.97	0.79	1.38

\* Excludes those where cost burden was not calculated but there were no other problems (<0.5% of all)

\*\* Non-Hispanic

Source: 2005-2009 CHAS Table 1, based on 2005-2009 5-Year American Community Survey

The preponderance of worst case housing needs exist in the region's largest cities and the other subregional urban centers (Boston, Cambridge, Chelsea, Everett, Malden, Revere, Somerville, Brockton, Lawrence, and Lowell). These metropolitan core and regional urban centers, which were home to 47 percent of the region's renters and 18 percent of homeowners in 2010, provide nearly 64 percent of the region's public and subsidized low-income housing that is not restricted to seniors. They are home to two-thirds of the region's Black and Hispanic residents and more than 72 percent of Black and Hispanic school age children, but less than 12 percent of White children. They comprise over 64 percent of the severely overcrowded units, including a disproportionate share of those that house subfamilies, which the Census defines as a married couple with or without children or one parent with one or more of their own single children under 18 years of age living in a household. Sixty percent of the Metropolitan Boston region's severely cost burdened large families, which the Census defines as households with five or more persons, and nearly two-thirds of the extremely low income large families with severe cost burdens live in these nine cities. These 10 cities also experience the highest incidence of lead paint poisoning. They represent about a 50 percent share of all households with housing problems and cost burdens, but a disproportionate share of Black and Latino households with such problems: 77 percent of Black households and 70 percent of Hispanic households.

### Housing with Project-Based Assistance and Concentrations of Race and Poverty

Data from HUD, the BHA and DHCD were analyzed to create a comprehensive profile of households currently receiving housing assistance in the MetroFuture region.<sup>29</sup> There are now approximately 135,000 units of rent restricted low-income affordable rental housing in the 164 Metropolitan Boston region cities and towns. These units include approximately 26,000 units of federally funded public housing (most built between 1945-1965), 30,000 units of state-funded public housing (most

<sup>29</sup> Massachusetts enacted legislation in 2006 that directed DHCD to implement a statewide data collection program to determine who was receiving housing assistance and where they were living. The most recent comprehensive analysis of these data are based on the 2008 reports covering some 150,000 units statewide, including units occupied by voucher holders. Among other information, the system reports race, ethnicity, age, household size, presence and age of children, income level, unit size, and whether a unit was accessible for mobility impairments. The BHA provided similar information for the City of Boston's 2010 Analysis of Impediments on its residents and those receiving BHA-administered housing vouchers, as well as on those households on its waitlist, and those data have been incorporated into this review as well. Data on HUD projects comes from two sources, the agency's 2009 Picture of Subsidized Housing and its March 2012 Resident Characteristics Report.

built between 1950-1975), 62,000 units of privately owned publicly subsidized housing (most created between 1965-1990 under HUD, MassHousing and Rural Housing Services programs), and 17,000 units of subsidized housing added through a combination of subsidies. About 37,000 units are part of projects receiving assistance through the Commonwealth's Low-Income Housing Tax Credit program.

The region's housing "safety net" remains heavily concentrated in the same ten cities that have provided the greatest share of public and subsidized units for the past 40 years. Boston, Cambridge, Quincy, Lowell, Lawrence, Somerville, Brockton, Lynn, Malden, and Framingham account for 50 percent of the region's subsidized housing, including housing considered subsidized under the Chapter 40B comprehensive zoning statute. By comparison, these communities represent less than one-third of the region's year round housing.

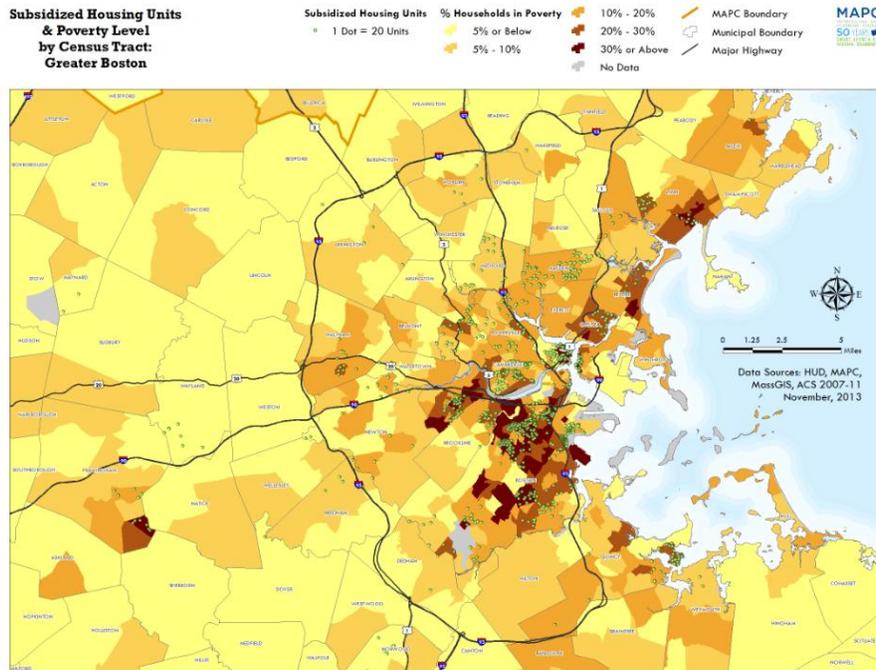
The City of Boston provides greatest share of the region's assisted housing, yet nearly 19 percent of Boston's subsidized family housing is located in extremely low income census tracts and 13 percent is located in census tracts where people of color constitute more than 50 percent of the population.<sup>30</sup> Another 41 percent (of family units) are located in very-low income census tracts, 39 percent of which are majority minority. The situation outside of Boston is similar: one-third of the subsidized rental inventory – including 48 percent of federal public housing units – are located in communities considered low or very-low opportunity by the Kirwan-McArdle measure; 41 percent of tenant-based housing choice vouchers are used in such communities.

**Maps 3.1, 3.2 and 3.3** show census tracts in Greater Boston, Northeastern and Southeastern Massachusetts by poverty level and with subsidized housing units in each census tract depicted with points. The maps depict the extent to which assisted housing is located in majority-minority municipalities in the Metropolitan Boston region in areas like Boston, Chelsea, Lynn, Lawrence, and Brockton.

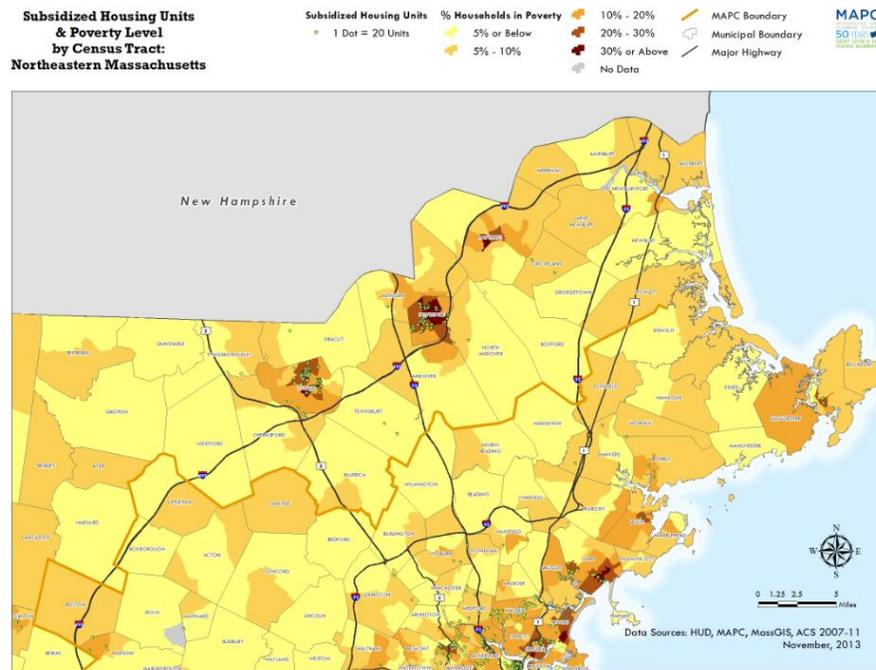
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<sup>30</sup> Based on the most recent Subsidized Housing Inventory (May 10, 2012), Boston's share of units that qualified for the inventory was 29 percent. The city's share of affordable (income restricted) rental units is estimated to be nearly one third the units provided in the 164 Metropolitan Boston region cities and towns. By comparison, its share of all housing units is about 15 percent.

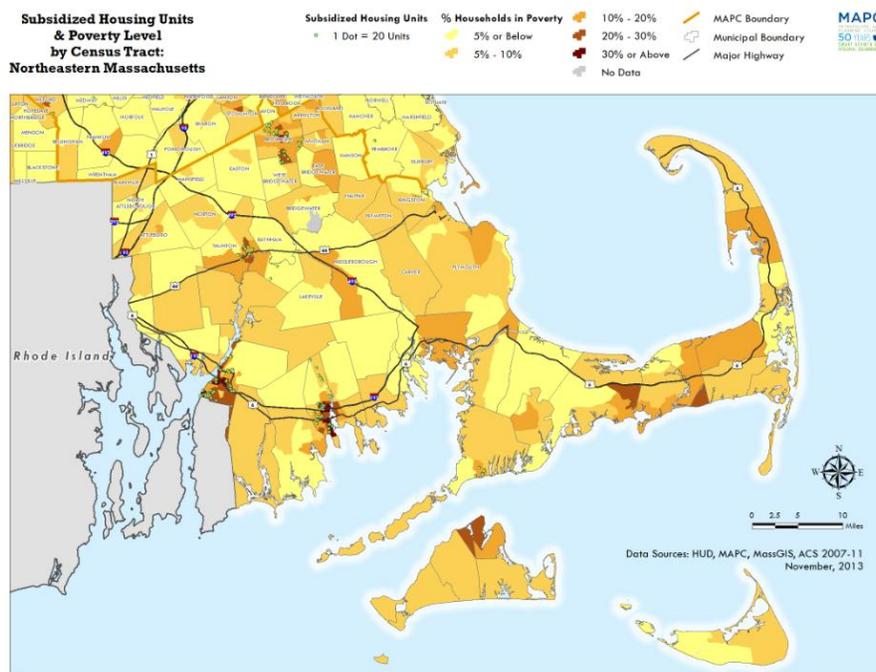
**Map 3.1: Subsidized Housing Units & Poverty Level by Census Tract: Greater Boston**



**Map 3.2: Subsidized Housing Units & Poverty Level by Census Tract: Northeastern Massachusetts**



### Map 3.3: Subsidized Housing Units & Poverty Level by Census Tract: Northeastern Massachusetts, Southeastern Massachusetts



The concentration of subsidized housing in low income census tracts and low opportunity areas in the Metropolitan Boston region is consistent with the pattern seen in other regions of the country, which contributes to the perpetuation of residential segregation. Housing agencies in Boston, Waltham and Quincy have all been defendants in civil rights litigation alleging discrimination in the CDBG, public and multifamily assisted housing programs.<sup>31</sup> The enactment of Title VI of the 1964 Civil Rights Act and the Fair Housing Act should have resulted in different siting patterns for more modern programs. The evidence does not support that conclusion. The federal Low-Income Housing Tax Credit program, administered by the Commonwealth’s Department of Housing and Community Development first placed units in service around 1989. **Table 3.9** shows that two-thirds of DHCD’s LIHTC projects placed in service as of 2010 are located in the five majority minority municipalities of Boston, Brockton, Chelsea, Lawrence, Lynn and Randolph. More than one-quarter of the region’s LIHTC projects are in Boston’s highly segregated Roxbury and Dorchester neighborhoods.

**Table 3.9: Low Income Housing Tax Credit Projects/Units in Majority Minority Municipalities in the Metropolitan Boston Region**

City	Projects	As % of Region	Total Units	As % of Region	Total LI Units	As % of Region
Boston	231	50.5%	18978	49.8%	16354	56.7%
Brockton	8	1.8%	1028	2.7%	867	3.0%
Chelsea	11	2.4%	547	1.4%	495	1.7%

<sup>31</sup> Some of these cases include *Weeks v. Waltham Housing Authority*, C.A. No. 76-402-F (D. Mass., Entry of Judgment, July 22, 1977), *NAACP, Boston Chapter v. Harris*, 567 F. Supp. 637 (D. Mass. 1983), and *Gardner v. Quincy Housing Authority*, C.A. No. 82-3873-N (D. Mass., Settlement Agreement, March 25, 1985)

Lawrence	18	3.9%	927	2.4%	694	2.4%
Lynn	7	1.5%	566	1.5%	565	2.0%
Randolph	2	0.4%	142	0.4%	116	0.4%
Total, Minority Majority Municipalities	277	60.6%	22188	58.3%	19091	66.2%
Balance, Metropolitan Boston Region	180	39.4%	15898	41.7%	9731	33.8%
Total, Metropolitan Boston Region	457	100.0%	3886	100.0%	28822	100.0%

Source: Authors' analysis of HUD, DHCD data (developments), 2010 Decennial Census (population)

### Mobility, Opportunity and Tenant-Based Assistance

HUD's Section 8 Housing Choice Voucher (HCV) program was intended to deconcentrate poverty by providing tenants with greater housing choice, improved access to jobs, education, higher quality housing and social amenities such as shopping in grocery stores stocked with a variety of nutritious food options. Households of color predominate in the HCV program. This fact, coupled with a family's ability to use a voucher anywhere in a housing market suggests that that tenant-based assistance could be a valuable tool for promoting mobility and integration and expanding opportunity for low-income families of color.

**Table 3.10 Voucher Utilization by Subregion by Race/Ethnicity**

Description of abbreviations:

- Inner Core Committee (ICC)
- Minuteman Advisory Group on Interlocal Coordination (MAGIC)
- MetroWest Regional Collaborative (MWRC)
- North Shore Task Force (NSTF)
- North Suburban Planning Council (NSPC)
- South Shore Coalition (SSC)
- SouthWest Advisory Planning Committee (SWAP)
- Three Rivers Interlocal Council (TRIC)
- X - Cent refers to municipalities in Central Massachusetts outside of the Metropolitan Boston region
- X - NE refers to municipalities in Northeastern Massachusetts outside of the Metropolitan Boston region
- X - SE refers to municipalities in Southeastern Massachusetts outside of the Metropolitan Boston region

SUB-REGION	% OF ALL VOUCHER HOLDERS	% OF ALL VOUCHER HHs WHO ARE -				% OF Metropolitan Boston REGION'S -				% OF ALL LOW INCOME RENTER HHs WHO ARE -			
		WHITE	BLACK	ASIAN	HISPANIC	WHITE VOUCHER HHs	BLACK VOUCHER HHs	ASIAN VOUCHER HHs	HISPANIC VOUCHER HHs	WHITE	BLACK	ASIAN	HISPANIC
ICC	58.6%	36.8%	36.7%	4.1%	22.5%	46.8%	82.7%	79.4%	52.5%	53.7%	18.5%	9.4%	18.4%
MAGIC	1.0%	82.3%	7.8%	1.1%	9.2%	1.7%	0.3%	0.4%	0.4%	90.2%	1.2%	5.7%	2.9%
MW	3.5%	59.3%	10.5%	0.9%	29.3%	4.5%	1.4%	1.0%	4.1%	71.9%	4.9%	4.8%	18.5%
NSPC	2.3%	82.0%	8.8%	1.5%	8.1%	4.1%	0.8%	1.1%	0.7%	87.4%	4.8%	4.2%	3.6%

<b>NSTF</b>	6.1%	66.6%	4.4%	0.5%	28.7%	8.8%	1.0%	1.1%	7.0%	86.9%	2.3%	1.4%	9.4%
<b>SSC</b>	2.3%	85.3%	8.0%	0.5%	5.7%	4.2%	0.7%	0.4%	0.5%	92.7%	4.0%	1.1%	2.2%
<b>SWAP</b>	1.5%	78.8%	2.7%	0.0%	18.9%	2.6%	0.2%	0.0%	1.2%	90.6%	1.1%	1.2%	7.1%
<b>TRIC</b>	3.0%	64.1%	24.2%	0.9%	11.3%	4.2%	2.8%	0.9%	1.4%	84.5%	9.0%	2.0%	4.5%
<b>X-Cent</b>	0.5%	72.2%	9.9%	0.0%	18.0%	0.8%	0.2%	0.0%	0.4%	87.9%	2.4%	3.2%	6.5%
<b>X-NE</b>	12.5%	40.6%	3.1%	3.2%	53.5%	11.0%	1.5%	13.5%	26.8%	57.7%	3.0%	4.6%	34.6%
<b>X-SE</b>	8.6%	59.2%	25.3%	0.7%	14.8%	11.1%	8.4%	2.1%	5.1%	78.8%	12.8%	0.8%	7.7%
<b>Metro polita n Bosto n Total</b>	100.0%	46.1%	26.0%	3.0%	25.1%	100.0%	100.0%	100.0%	100.0%	63.5%	12.7%	6.5%	17.3%

Source: Authors' analysis of HUD 2009 Picture of Subsidized Households. Racial/ethnic groups' share of households is based on 2005-2009 American Community survey-based CHAS data.

Like households occupying units with project-based assistance, families assisted with vouchers also live in predominantly low-opportunity locations as depicted in Maps 3.1, 3.2, and 3.3. HUD's Office of Policy Development and Research (PDR) also developed a "Housing Choice Voucher Marketing Opportunity Index" in 2011 that focused on census tract measures of poverty, change in poverty, racial and ethnic concentration, levels of unemployment, commuting time to work, and educational attainment. Using this index, PDR found that Section 8 participant households in the Boston metropolitan area live mostly in low opportunity neighborhoods, while the region's high opportunity neighborhoods are mostly located outside the areas' urban cores.

### The Location of Assisted Housing and Educational Opportunity

As illustrated by the Kirwan opportunity maps (Maps 3.1-3.3), the extraordinary concentration of assisted housing in racially identified high poverty locations represents a significant impediment to full and equal access. The inequity in access to opportunity is most profound for children living in assisted housing, who attend high poverty, low performing schools at alarming rates. According to recent findings of a study sponsored by the Poverty and Race Research Action Council (PRRAC), the inequities in access to quality education by families receiving housing assistance also exist along racial lines.<sup>32</sup>

The PRRAC study ranked the largest 100 metropolitan areas by a median proficiency percentile rank<sup>33</sup> of the public schools closest to families receiving federal housing assistance compared to schools nearest to the larger population of households with children, to renter households with children, and to households with children living below the poverty line.. The Boston region ranked 78<sup>th</sup> out of 100 areas for Housing Choice Voucher participants, 84<sup>th</sup> for public housing residents, 88<sup>th</sup> for residents of properties with multifamily project-based Section 8 subsidies, and a shockingly low

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% Black and % Hispanic reflect the percentages of children who black and Hispanic at the nearest local elementary school for the median voucher family with children in the MSA.

\*\* To proxy for units with children, all units with fewer than 2 bedrooms are removed

<sup>32</sup> Do Federally Assisted Households Have Access to High Performing Public Schools? (PRRAC, November 2012)

<sup>33</sup> The ranking is a measure of school performance using the percentile rank for each school within every state based on student proficiency rates in math and English language arts.

97<sup>th</sup> for occupants of Low Income Housing Tax Credit properties. This means that the public schools closest to assisted households in the Boston area compared unfavorably for all forms of assistance compared to the public schools nearest to all households, all renter families and all poor households. **Table 3.11** summarizes the characteristics of the public schools located nearest to the assisted housing inventory compared to those near other (non-assisted) households with children.

**Table 3.11: Median Characteristics of Schools Nearest to Assisted Housing and Other Households with Children within the Boston Metropolitan Area**

Household Assistance	Proficiency Percentile Rank Math/ELA	% Free/Reduced Price Lunch	% Black	% Hispanic
Housing Choice Voucher	16	61.9%	13.5%	19.2%
Public Housing	7	77.2%	24.1%	32.5%
Project Based Section 8	6	84.7%	28.9%	41.0%
LIHTC**	6	77.8%	16.7%	41.0%
All Households	48	17.7%	3.3%	5.3%
All Renters	23	51.4%	9.0%	16.0%
Poor Households	18	59.7%	11.2%	19.4%

Note: % Black and % Hispanic reflect the percentages of children who black and Hispanic at the nearest local elementary school for the median voucher family with children in the MSA

**Race, Opportunity and Housing Assistance**

As with other measures of access to quality of life opportunities, the barriers to opportunity faced by a family receiving housing assistance is less about poverty or receipt of aid, and much more about race. Children in Black and Latino households with a Housing Choice Voucher (HCV), for example, are far more likely to attend a less proficient, high poverty school than is a child in a White family with a voucher. A White child from a household receiving housing assistance is likely to attend a school comparable to a child from an unassisted low-income White family, although the school is likely to perform at somewhat of a lesser level and be poorer than a school attended by a White child from a family that is not low-income. Black and Latino children receiving housing assistance attend schools that perform at a slightly higher level and are marginally less poor than Black and Latino children from unassisted poor families.

When housing assistance and poverty are not considered, a child in a typical Black or Latino family attends a school that is as low performing – and as high poverty – as a school attended by a child of the same race who lives in a household receiving housing assistance. Moreover, that Black or Latino child who does not live in a household receiving housing assistance is still more likely to attend schools that are of lower quality than the school attended by a child from a comparable White household and the school attended by a child from a White family receiving housing assistance.

**Table 3.12: Median Characteristics of Schools Nearest to Housing Choice Voucher Households and Other Households with Children, by Race**

Massachusetts	Proficiency Percentile Rank Math/ELA	% Free/Reduced Price Lunch
White HCV Households	32	50.60%
Black HCV Households	16	79.30%
Hispanic HCV Households	15	82.10%
All White Households	58	15.50%
All Black Households	16	76.90%
All Hispanic Households	18	79.70%
Poor White Households	38	37.30%
Poor Black Households	13	82.70%
Poor Hispanic Households	13	83.90%

Source: *Do Federally Assisted Households Have Access to High Performing Public Schools?* (PRRAC, November 2012)

The extent to which race and ethnicity affect the place of residence of HCV participants follows the region's larger patterns evidencing that race and not income cause segregation. As **Table 3.13** shows, 70 percent of Black, Asian and Latino voucher holders live in low-income census tracts, compared to just 43 percent of White voucher holders. Fifty-three percent of Black voucher holders and 38 percent of Latino voucher holders in 2009 used their voucher to rent in majority-minority low income neighborhoods (census tracts). The corresponding shares for Asians and non-Hispanic Whites were 48 percent and 11 percent.

**Table 3.13: Median Characteristics of Schools Nearest to Housing Choice Voucher Recipients**

TRACT INCOME/RACE/ETHNICITY CATEGORY	TOTAL	w CHILD <18	DISABLED < 62 YRS OLD	DISABLED 62 YRS OLD & +	BLACK	ASIAN	HISPANIC	EST # WHITE NOT HISPANIC
ELI and VLI tracts, majority minority	12%	14%	11%	13%	17%	14%	21%	4%
LI (50%-80%) tracts majority minority	20%	25%	16%	23%	36%	23%	27%	7%
<i>LI census tracts with Minority Pop. &gt;50%</i>	<i>32%</i>	<i>38%</i>	<i>27%</i>	<i>36%</i>	<i>53%</i>	<i>38%</i>	<i>48%</i>	<i>11%</i>
ELI and VLI tracts not majority minority	2%	1%	2%	1%	1%	3%	2%	2%
LI (50-80%) tracts not majority minority	25%	24%	26%	25%	17%	32%	23%	30%
<i>Total share of vouchers used in ELI, VLI or LI census tracts total</i>	<i>59%</i>	<i>63%</i>	<i>55%</i>	<i>63%</i>	<i>71%</i>	<i>73%</i>	<i>74%</i>	<i>43%</i>

Source: 2009 Picture of Subsidized Households, HUD

The high concentration of voucher holders in low-opportunity areas is sometimes attributed to the balkanized nature of the HCV program, which is administered in the region by dozens of public housing authorities and non-profit contractors of DHCD. This fragmentation is mitigated somewhat by the use of a regional waiting list sponsored by the Massachusetts chapter of the National Association of Housing and Redevelopment Officials, in which 66 of the regional public housing authorities (PHAs) participate, and by DHCD's use of central waiting lists managed by regional non-profit organizations. The use of local resident selection preferences in admission to the Section 8 program can have a discriminatory effect, as found by a federal district court in *Langlois v. Abington Housing Authority*.<sup>34</sup>

## **7. Place and Exposure to Environmental Hazards**

Proximity to environmental hazards (like toxic waste release and Superfund sites) is an important indicator of neighborhood quality not reflected in HUD data. A 2005 study by the Philanthropy and Environmental Justice Research Project at Northeastern University<sup>35</sup> examined disparities by race and income levels in all of the Commonwealth's cities and towns.<sup>36</sup> Relying on demographic data from the 2000 Census, the study considered the racial composition of individual municipalities however it did not separately account for White Hispanic or Latino origin, meaning that the study's thresholds for considering communities of color differ from some of the measures used in the FHEA.<sup>37</sup>

The *Unequal Exposure* study looked at the extent to which low-income and minority communities were exposed to such environmental risks as hazardous waste sites, landfills, transfer stations and incinerators, polluting industrial facilities and power plants. It also examined the effect of cumulative environmental risks by weighting these exposures by the total number in a community and also by the density of risk per square mile within a community. While some communities with higher incomes ranked in among the top 20 overburdened communities in the Commonwealth, 15 of the most burdened cities and towns were considered racially concentrated by the study's measure. The study also measured municipalities with the greatest density of environmental risks. Again, the majority – 16 out of 20 – were communities of color. More detail on the most environmentally overburdened communities in the Commonwealth is in **Appendix 3-3 and 3-4**.

## **8. Personal Safety and Crime**

The composite Kirwan-McArdle index includes measures of crime as an element of neighborhood and housing quality but data about personal safety and crime is not disaggregated and is therefore not a visible measure of disparity. HUD opportunity indices include no such measures.

Racial disparities in neighborhood safety are brought into focus by comparing the rates of violent and property crimes within the Metropolitan Boston region. All of the region's majority-minority

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<sup>34</sup> *Langlois v. Abington Housing Authority*, 234 F. Supp. 2d 33 (D. Mass. 2002), in addition to the Abington Housing Authority, involved the housing authorities of Avon, Bridgewater, Halifax, Holbrook, Middleborough, Pembroke and Rockland.

<sup>35</sup> Philanthropy and Environmental Justice Research Project at Northeastern University, *Unequal Exposure to Ecological Hazards in 2005: Environmental Injustices in the Commonwealth of Massachusetts*. (need DATE)

<sup>36</sup> Faber, Daniel R. and Krieg, Eric J., *Unequal Exposure to Ecological Hazards in 2005: Environmental Injustices in the Commonwealth of Massachusetts* (October 12, 2005).

<sup>37</sup> For example, for purposes of the analysis, a low minority community consists of a municipality (or in the case of Boston, a neighborhood) with less than 5 percent people of color, a moderately-low minority place is one with from 5 percent to 15 percent people of color, moderately-high minority is a city or town with from 15 to 25 percent people of color, and a high minority community is a place with 25% more people of color. Overall, the study considered high minority and moderately-high minority communities as racially concentrated.

municipalities except Randolph experience rates of violent crime more than double that of the region as a whole, while the rate of property crime is about 60 percent to 75 percent higher in majority-minority jurisdictions. These disparities remain even when adjusting for population. For example, the area's two majority-minority municipalities with populations between 85,000 and 95,000, Brockton and Lynn, experience violent crime rates between 8 and 12 times the rate in the comparably sized city of Newton, and double and triple the rate in Quincy. The rate of violent crime in Lawrence is 168 percent higher than Somerville and 265 percent greater than Framingham. The rate of violent crime in Chelsea is almost 400 percent higher than the region, and seventeen times the rate of most communities with comparable populations. Only Randolph's profile is roughly comparable to the region as a whole.

Violent crime especially affects young men of color. Data from the Boston Indicators Project says that in 2010 and 2011, more than 50 percent of Boston's homicide victims were young men between the ages of 14 and 25. Despite these grim trends, homicide and violent crime in Boston and other communities throughout the region has declined in recent years, the result of concerted efforts by local police and public health officials, clergy and residents of affected neighborhoods to prevent and intervene before violence and death occurs. These disparities in crime rates are depicted in **Table 3.14**.

**Table 3.14: Crime Rate Disparities in Minority Municipalities vs. Majority White Municipalities**

City	Kirwan McArdle Ratings	Population	Violent Crime	Violent Crime Rate	Property Crime	Property Crime Rate	% Minority
Boston	Low	621,359	5,252	8.45	19,445	31.29	53.0%
<b>Community Population Between 85,000 and 100,000</b>							
Brockton	Very Low	94,380	1,160	12.29	3,229	34.21	57.1%
Quincy	Moderate	92,834	394	4.24	1,776	19.13	34.5%
Lynn	Very Low	90,880	804	8.85	2,620	28.83	52.4%
<b>Community Population Between 65,000 and 85,000</b>							
Newton	Very High	85,665	80	0.93	1,181	13.79	20.4%
Lawrence	Very Low	76,843	764	9.94	2,481	32.29	79.5%
Somerville	Moderate	76,216	282	3.7	1,742	22.86	30.9%
Framingham	Moderate	68,734	187	2.72	1,126	16.38	34.7%
<b>Community Population Between 30,000 and 40,000</b>							
Chelsea	Very Low	35,391	617	17.43	1,353	38.23	74.8%
Chelmsford	Very High	34,008	32	0.94	520	15.29	12.9%
Andover	Very High	33,403	14	0.42	309	9.25	16.6%
Randolph	Low	32,308	117	3.62	593	18.35	60.9%
Watertown	Very High	32,110	51	1.59	492	15.32	18.3%
Lexington	Very High	31,585	13	0.41	332	10.51	26.3%
Metropolitan Boston Region		4,506,355	15,975	3.54	81,800	18.15	26.0%

Note: Selected communities; crimes per thousand inhabitants

Source: FBI Uniform Crime Reports (2011)

## 9. Housing and People with Significant Disabilities

### Integration, Segregation, and People with Significant Disabilities

Like people of color, people with disabilities are historic victims of segregation. People with significant disabilities historically lived in institutional settings like hospitals, state schools and nursing homes, or in quasi-institutional settings like community residences and halfway houses. They were segregated with other people within a specific category of disability, such as mental illness, physical disabilities and developmental disabilities like mental retardation. These settings were not the same as housing opportunities typically available to people without disabilities. They were usually group settings where individuals did not control their living space or select the people with whom they live. Generally these institutional settings were not subject to landlord-tenant laws, and residents could be evicted without notice or cause. Often, an individual with disabilities had to give up control over decisions about medical treatment as a condition of occupancy.

The enactment of Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act, and the Supreme Court decision in *Olmstead v. L.C.* established the principle that people with disabilities should receive benefits, services, and housing in the most integrated setting appropriate to their individual needs. In Massachusetts, as in other states, the right to integrated living opportunities in community-based settings was most forcefully established by litigation. Lawsuits like *Brewster v. Dukakis*, which sparked the closure of the Northampton State Hospital and the consolidated cases in *Ricci v. Okin*, which led to closure of state schools at Belchertown, Fernald, Monson, Dever and Wrentham, resulted in a dramatic shift away from isolating people with significant disabilities in institutions. Over the decade between the 2000 and 2010 census, the region experienced a 55 percent decline in the institutionalized population – persons with physical, psychiatric or cognitive disabilities in state hospitals or schools – and a 23 percent drop in the nursing home population. These changes reflect the shift away from institutional settings to serve populations with special needs in favor of more integrated community housing options.

As of the 2010 census, about 30,000 Metropolitan Boston region people with disabilities resided in institutional or quasi-institutional settings such as community residences and halfway houses. There are more than 12,000 group home beds and nearly 2,000 housing units dedicated to non-elderly populations with special needs within the MAPC region. **Table 3.15** identifies the type of resource by funding program.

**Table 3.15: Quasi-Institutional Housing for People with Disabilities**

	Type of Housing	# Programs/ Projects	Total Units	Low Income Units
<b>Metropolitan Boston Total</b>	Total resources (units and beds)	862	12,469	12,307
	Housing specifically for people with disabilities	109	1,965	1,847
	Group home beds for people with disabilities	753	10,504	10,460
	FCF + DDS/DMH	501	8,394	8,369
	State Public Housing 667/167	131	1,113	1,113
	Section 811 - Section 202/162	77	674	660
	Other State/Federal Group Homes	44	323	318
<b>City of Boston</b>	Total resources (units and beds)	56	2,088	2,025
	Housing specifically for people with disabilities	31	714	654
	Group home beds for people with disabilities	25	1,374	1,371
	FCF + DDS/DMH	1	1,100	1,100
	State Public Housing 667/167	5	40	40
	Section 811 - Section 202/162	9	121	120
	Other State/Federal Group Homes	10	113	111
<b>Balance of Metropolitan Boston Region</b>	Total resources (units and beds)	806	10,381	10,282
	Housing specifically for people with disabilities	78	1,251	1,193
	Group home beds for people with disabilities	728	9,130	9,089
	FCF + DDS/DMH	500	7,294	7,269
	State Public Housing 667/167	126	1,073	1,073
	Section 811 - Section 202/162	68	553	540
	Other State/Federal Group Homes	34	210	207

Source: CHAPA Analysis of DHCD May 2012 Subsidized Housing Inventory

Since 2000, the state has launched several important initiatives, aimed at addressing the housing needs of people with significant disabilities who are improperly housed in institutions, or at risk of institutionalization. At the state level, the Community Development Economic Assistance Corporation (CEDAC) administers the Facilities Consolidation Fund (FCF) and Community Based Housing (CBH) programs. The former is targeted to consumers of services provided by the Department of Mental Health (DMH) and Department of Developmental Services (DDS), the latter for those serviced by Massachusetts Rehabilitation Commission. In addition, DHCD and a number of the region's large housing authorities utilize project-based Housing Choice Vouchers to subsidize the operation of

permanent supportive housing, often targeted at people with significant disabilities. The progress made under the FCF and CBH programs is documented in **Table 3.16**.

**Table 3.16: Community Based Housing for Persons with Disabilities at Risk of Institutionalization**

Program	Metropolitan Boston	Total Boston	Balance of Metropolitan Boston region
FCF			
Total	1,589	733	856
Low income	1,470	716	754
% Low income	93%	98%	88%
CBH			
Total	2,147	671	1,476
Low income	1,719	606	1,113
% Low income	80%	90%	75%

Source: CHAPA Analysis of DHCD May 2012 Subsidized Housing Inventory

The adoption in 2008 of the *Community First Olmstead Plan* also represents significant progress. The plan outlined, for the first time, a collaborative effort among multiple state agencies to begin to develop a means of assuring that people with significant disabilities are offered the opportunity to live in community-based integrated settings commensurate with need.

The *Community First* plan was followed by the enactment of Chapter 58 of the Massachusetts Acts of 2012, An Act Relative to Community Housing and Services<sup>38</sup>, which required the Commonwealth’s 18 supportive services agencies to enter into a community housing and services memorandum of understanding (MOU). Chapter 58 requires the MOU to “facilitate the creation of a demonstration program that creates up to 1,000 units of permanent supportive housing that includes coordinated operating, capital subsidies and voluntary community-based supportive services by December 31, 2015.” The MOU was signed by three executive level secretaries, the directors of twelve state agencies and two quasi-public housing agencies in December 2012. In the creation of the 1,000 units of permanent supportive housing, it articulates four key principles:

- Prioritize households with the greatest need.
- Housing is permanent.
- Services are voluntary and not a condition of the lease.
- Core services focus on maintaining housing.

In response to a Request for Responses (DHCD2013-07S) for a Supported Housing Initiative (SHI) making 150 project-based MRVPs and funds of up to \$2,500/unit for supportive service available, DHCD received applications from 16 eligible agencies. These agencies proposed a total of 138 units, typically at Section 8 FMR rent levels, and requested \$175,992 in service funding. Approximately 66 units (47%) are currently available for eligible homeless families, and the remaining units will be filled as turnover occurs. All of the agencies making proposals for MRVP vouchers are able to provide case management and stabilization services or have partnered

<sup>38</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter58>

with an organization that has experience with successfully stabilizing and supporting homeless and/or very low income households.

### Accessible Housing and MassAccess

Most of the region's residents with mobility and sensory disabilities are served in the private market, and many do not require accessible housing. Still, the number of accessible units that is available in the metropolitan area is insufficient to serve even a fraction of those who do need, or would desire such a unit.

Under MGL Chapter 151B, owners of accessible dwelling units are required to register those units with a central listing service known as MassAccess. The registry is maintained by the nonprofit Citizens Housing and Planning Association (CHAPA). When an accessible unit is available for leasing, the landlord must offer the unit to an individual who, within the previous year, notified the owner of the need for an accessible unit. The owner must also provide 15 days notice to MassAccess of the vacancy, and must rent the unit to a qualified individual with disabilities needing the features of the unit during the fifteen notice period.

At the end of 2009, MassAccess listed 8,950 accessible units in the five-county metropolitan area.<sup>39</sup> Some 3,882 (43.4%) of these units were located in Boston, while 5,068 (56.6%) were located elsewhere in the region. In Boston, nearly 90 percent of the accessible units are subsidized, leaving just 10 percent available to individuals with disabilities who are not eligible for assisted housing. There is somewhat more balance in the remainder of the metropolitan area, where over 75 percent of the accessible units are subsidized and 25 percent are rented at market rates. The non-Boston inventory, however, has far fewer 3 bedroom units (fewer than 6 percent of the listings versus 15 percent in Boston). This reflects the fact that the Boston inventory includes a substantial number of accessible units in family public housing developments; one third of the units listed with 3 or more units in the city are in BHA developments.

Nearly one-third of the metropolitan area's accessible units – those registered with MassAccess – were permitted under 40B. In communities rated “very-high opportunity” based on the Kirwan/McArdle methodology, 48 percent were permitted under 40B; in “high opportunity” communities, the 40B share was 42 percent.

## **10. Discrimination as a Barrier to Opportunity and the Fair Housing Infrastructure in the MAPC Region**

Vigorous and comprehensive enforcement of fair housing laws is an essential feature of furthering fair housing. The number and types of reported incidents of discrimination speak not only to the level of intolerance in a community but also to the level awareness of what constitutes a violation of law, and the level of comfort that victims have in seeking redress for those violations. This section describes the discrimination complaints filed over the past five years and their outcomes, as well as other indicators of discrimination in the housing market, such as fair housing audits.

### The Presence of Discrimination in the Metropolitan Boston Region Housing Market

A number of studies have probed the causes of residential segregation in the Metropolitan Boston area. A 2004 report by David Harris and Nancy McArdle concluded that the concentrated residence and home buying patterns, particularly of Blacks and Latinos in the Boston metropolitan area, were

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<sup>39</sup> 2009 is the most recent date for which data at the metropolitan level can be disaggregated.

attributable to non-economic factors.<sup>40</sup> While Black and Latino homebuyers did have lower incomes, on average, than White and Asian buyers, the authors concluded that affordability alone could not explain persistent patterns of residential segregation.

Harris and McArdle observed that African Americans and Latinos who could afford to buy in a wide range of outlying suburban communities were concentrating in Boston and certain inner suburbs and satellite cities, often the same places experiencing the largest declines in White homeowners. Latinos were eight times more likely to buy homes in Lawrence and Chelsea, and Blacks seven times more times likely to buy in Randolph and five times more likely to buy in Brockton than mere affordability would suggest. By contrast, the number of Black and Latino homebuyers was less than half what the authors had expected based on their purchasing power in 80 percent of the region's remaining cities and towns. The study concluded that concentration of homeowners of color could not be explained by income, and that the most obvious cause was discrimination.<sup>41</sup>

The presence of discrimination in the region's housing markets is also evidenced by the results of three fair housing testing audits completed for the City of Newton between 2005 and 2007. Each of the audits used pair tester techniques to gauge the extent of discrimination in the local for-sale and rental markets. Paired testing matches pairs of testers who seek housing as renters or home purchasers. One member of the pair is a person with the characteristic for which the test is conducted; for example, race, national origin, disability or family status. The other member of the pair lacks that characteristic. Members of the pair are at least identical with respect to the criteria needed to qualify for the housing. Often, the tester who was a member of a protected class is somewhat better qualified, with a better credit score or higher income.

Of the 87 paired tests conducted in the audits, there was evidence of discrimination against a member of a protected class in 40 tests. The first audit, conducted by the Fair Housing Center of Greater Boston in October 2005, involved 24 paired rental tests at real estate agencies and management companies with units in the City of Newton. The tests were designed to reveal whether their rental practices show any signs of discrimination against four protected classes: familial status, source of income involving Section 8 vouchers, race involving African Americans, and national origin with different national origin backgrounds. Overall, rental testing showed discrimination in 11 of the 24 paired tests conducted, or 45.8 percent. The second audit, carried out by the Fair Housing Center in February 2006, involved six pairs who inquired about houses priced from \$700,000 to \$800,000 and four pairs inquired about condominiums selling for \$450,000 to \$500,000. These tests uncovered evidence of discrimination in 4 out of the 10 tests conducted, or 40 percent. The final audit was completed by the Boston-based Disability Law Center in January 2007. It examined the prevalence of disability discrimination in rental housing and involved 52 paired tests. The audit found that the two most significant forms of discrimination faced by individuals with disabilities were in "differential treatment (being treated less favorably and/or being provided inferior information or services than nondisabled individuals) and real estate offices

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<sup>40</sup> More than Money: The Spatial Mismatch Between Where Homeowners of Color in Metropolitan Boston Can Afford to Live and Where They Actually Reside, David Harris and Nancy McArdle, Metropolitan Boston Equity Initiative of the Harvard Civil Rights Project (2004).

<sup>41</sup> Based on Home Mortgage Disclosure Act reporting, 2000-2010. Data provided by Jim Campen, Professor Emeritus of Economics, University of Massachusetts Boston and author of the Changing Patterns series of mortgage lending reports prepared for the Massachusetts Community and Banking Council.

which offer services that are not fully accessible.” Overall, evidence of discrimination was found in 25 of the 52 paired and unpaired tests conducted, or 48 percent.<sup>42</sup>

Understanding the attitudes and preferences Whites and people of color have about living near each other is important to understanding residential segregation. Civil rights attorney Tara Jackson concluded in a 2004 report that a significant share of Metropolitan Boston residents of all races held positive attitudes about increasing levels of integration, but noted that comfort levels about the ideal degree of integration vary. The majority of Whites, she noted, felt most comfortable with integration in its earliest stages, well below the 50-50 mix that Blacks and Latinos preferred. Also, while a substantial share of people of color report that they would be willing to be the first to pioneer integration of all-White neighborhoods, most would not, citing perceived discrimination from White homeowners as a key reason behind their willingness to live in segregated communities.<sup>43</sup>

### Prevalence and Nature of Discrimination

Residents who believe they have experienced discrimination in violation of federal or state laws may report their complaints to HUD’s Office of Fair Housing and Equal Opportunity (FHEO) or the Massachusetts Commission Against Discrimination (MCAD). Residents of Boston and Cambridge have the additional option of bringing their complaints to the Boston Fair Housing Commission or the Cambridge Human Rights Commission. The jurisdiction of these offices depends on the authority delegated by the underlying laws, the classes of people protected by each law, and the size or type of the housing involved in the complaint. The housing discrimination statutes and the administrative framework for enforcement including jurisdiction, prohibited behaviors and protected classes is described in greater detail in **Appendix 3-5**.

Between January 2007 and April 2012, a total of 1,272 complaints were filed with HUD, the Massachusetts Commission Against Discrimination (MCAD), the Cambridge Human Rights Commission or the Boston Fair Housing Commission, involving allegations of 1,692 acts of discrimination in the 164 Metropolitan Boston region municipalities. The characteristics of these complaints are presented in **Table 3.17** (basis of discrimination alleged) and **Table 3.18** (alleged acts of discrimination). Complaints were filed in 115 communities, in every subregion and community type.

The greatest number of alleged violations involved claims of disability discrimination (27.5%), followed by claims of race discrimination (19.6%), discrimination against children (11.4%), public assistance (8.7%), and national origin (8.2%). The combination of complaints alleging discrimination based on households with children (11.4%) plus those based on family status (3.1%) and lead paint (5.8%) – often indicators of unwillingness to rent to families with young children – totaled 20.3 percent of all alleged violations.

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<sup>42</sup> Housing Discrimination Audit Report to the City of Newton (Fair Housing Center of Greater Boston, 2006) and Disability Discrimination Audit of the Housing Market of Newton Report, (Disability Law Center, 2007).

<sup>43</sup> The Imprint of Preferences and Racial Attitudes in the 1990s: A Window into Contemporary Residential Segregation Patterns in the Greater Boston Area, Tara Jackson, prepared for the Metropolitan Boston Equity Initiative of the Harvard Civil Rights Project (2004)

**Table 3.17 Bases of Complaints Filed with MCAD in the Metropolitan Boston Region, January 1, 2007 to April 30, 2012**

Basis	Metropolitan Boston Total	
	# times cited	% of Total
Disability	467	27.50%
Race or color	333	19.60%
Children	193	11.40%
Public assistance	148	8.70%
National origin	139	8.20%
Lead paint	98	5.80%
Other	64	3.80%
Sex	58	3.40%
Family status	53	3.10%
Marital status	47	2.80%
Sexual orientation	41	2.40%
Age	25	1.50%
Creed	24	1.40%
Veteran	6	0.40%
Military service	3	0.20%
Total bases cited and % of metro bases	1,699	100.00%
Total # of complaints	1,272	

Note: Individual complaints may be based on more than one violation of federal, state, and/or local statutes.

Source: MCAD. MCAD's database includes cases handled by the other agencies (HUD, the Boston Fair Housing Commission and the Cambridge Human Rights Commission)

The most commonly reported violations reported include refusal to rent or sublet (20.8%); use of differential terms and conditions based on a protected characteristic (such as higher asking rents for people of color); denial of reasonable accommodation (18.7%); and eviction, or threatened eviction (11.7%).

**Table 3.18: Characteristics of Complaints (Acts) Filed with MCAD in the MetroFuture Region, January 1, 2007 to April 30, 2012**

Acts	Metropolitan Boston Total	
	# times cited	% of Total
Refusal to rent or sublet	352	20.80%
Other terms, conditions, or privileges	344	20.30%
Denied reasonable accommodation	317	18.70%
Eviction or threatened eviction	198	11.70%
Terms & conditions	192	11.30%
Unlawful specification (oral or written)	80	4.70%
Other	73	4.30%
Mortgage/lending	47	2.80%
Unlawful Inquiry (oral or written)	43	2.50%
Refusal to sell or discriminatory terms of sale	29	1.70%
Sexual harassment	17	1.00%
Withhold or limit facilities, advantages, or privileges	0	0.00%
Total acts alleged and % of Metropolitan Boston acts	1,692	100.00%
Total # of complaints	1,272	

Note: Individual complaints may include more than one violation of federal, state, and/or local statutes.

Source: MCAD. MCAD's database includes cases handled by the other agencies (BFHC and HUD)

Detailed tables documenting the characteristics of discrimination complaints by subregion and type of community are included in **Appendix 3-6**. In most subregions (and for most community types), the number of complaints in each basis/acts category is relatively small, thus providing limited insight into where there may be particular problems. Nearly 70 percent of cases originated in the Inner Core communities where most of the region's rental housing stock is located. Less than 14 percent of the complaints originated from seven other sub-regions that represent 29 percent of the region's housing. They provide only 17 percent of the rental housing, however, the source of the majority of discrimination complaints.

### Complaint Outcomes

**Table 3.19** documents the resolution of all violations (Title VIII and Chapter 151B) brought to MCAD by residents of the region since January 2007. More than two-thirds (67.9%) of the closed violations were closed for reasons that failed to substantiate the allegation of discrimination. These include complaints where the case was dismissed or withdrawn without a settlement; where the investigation was not authorized or where MCAD lacked jurisdiction; where the agency found a lack of probable cause or no violation; or where the complainant could not be found or failed to cooperate

represented. Fully 55 percent of the 1,151 closed cases (637) were closed due to a finding of no cause.

**Table 3.19: Resolution of Discrimination Complaints**

Acts	Metropolitan Boston Total	
	Outcomes	% of Total*
Closed - Chapter 478 (removed to court)	14	1.20%
Closed - Conciliated	57	5.00%
Closed - Dismissed	16	1.40%
Closed - Failure to Cooperate	19	1.70%
Closed - Investigation Not Authorized	5	0.40%
Closed - Judicial Review	73	6.30%
Closed - Lack of Jurisdiction	38	3.30%
Closed - Lack of Probable Cause	637	55.30%
Closed - No Violation	1	0.10%
Closed - Pre-Determination Settlement	31	2.70%
Closed - Unable to Locate Complainant	6	0.50%
Closed - Withdrawn	59	5.10%
Closed - Withdrawn With Settlement	192	16.70%
Closed: Violation/Enforcement	3	0.30%
	1,151	100%
Active	121	121
Total	2,423	

\* As a % of the 1,151 closed cases. Note: Individual complaints may include more than one violation of federal, state, and/or local statutes.

Source: MCAD. MCAD's database includes cases handled by the other agencies (BFHC and HUD)

The companion **Table 3.20** presents the outcomes of complaints according to the basis on which the complaint was brought. Several categories have been combined in this table to facilitate analysis of outcomes: race, color creed, and national origin; family status, children and lead paint; sex and sexual orientation; and bases with a small number of cases have been omitted. The table shows that discrimination complaints brought on the basis of disability had the highest success rate for the complainant in 43.7 percent of the closed cases. Public assistance and family status complainants had success rates of 41.5 and 39.7 percent, respectively. The outcomes for complaints brought on the basis of race were successful in just 19.4 percent of closed cases. When complainants' alleged discrimination based sexual orientation they were successful in only 20 percent of the cases.

**Table 3.20: Resolution of Discrimination Complaints by Basis**

Complaint Resolution by Basis	Race, Color, Creed, National Origin	Disability	Family status, children, lead paint	Public assistance	Sex, sexual orientation
<b>Outcome successful for complainant</b>					
Conciliated	6	15	47	12	0
Withdrawn with settlement	52	78	64	21	12
Removed to court	2	5	4	3	3
Judicial review	19	20	42	10	0
Violation enforcement	3	1	2	0	0
Closed - pre-determination settlement	5	5	27	3	2
<i># of successful complaint outcomes</i>	87	124	186	49	17
<i>Successful outcomes as % of closed complaints</i>	19.40%	43.70%	39.70%	41.50%	20.00%
<b>Outcome unsuccessful for complainant</b>					
Complainant failed to cooperate or could not be located	12	5	6	1	2
No cause	311	99	252	56	57
Not authorized	1	2	1	0	1
Dismissed	8	5	7	3	0
No jurisdiction	6	26	4	4	5
Withdrawn without a settlement	23	23	13	5	3
<i># of unsuccessful complaint outcomes</i>	361	160	283	69	68
<i>Unsuccessful outcomes as % of closed complaints</i>	80.60%	56.30%	60.30%	58.50%	80.00%
Total closed violations	448	284	469	118	85
Open violations	48	30	26	30	14
<b>Total</b>	<b>496</b>	<b>314</b>	<b>495</b>	<b>148</b>	<b>99</b>

Source: MCAD. MCAD's database includes cases handled by the other agencies (BFHC and HUD)

Note: Individual complaints may include more than one violation of federal, state, and/or local statutes.

These outcomes are at odds with the results of the studies and audits carried out in the regional housing market. Only the outcomes for complaints based on disability, family status and participation in the HCV program come close to reflecting the rate of discrimination reported in the Newton fair housing audits. The difference between complaint outcomes and testing results suggests an unexplained disconnect between the actual experiences of renters and home purchasers of color and the capacity of the fair housing enforcement system to respond and provide relief.

## Part Four: The Meaning of Boundary: Structures for the Distribution of Opportunity

“We cannot confront the problems that face us unless we work together to devise and implement a unified approach that crosses political, social, economic, and cultural boundaries.”<sup>44</sup>

### Examining Fair Access to Housing Opportunity Using the Opportunity Mapping Framework

This report makes frequent reference to both the concept of opportunity mapping and to data emerging from indicators used for identifying access to opportunities. The opportunity mapping framework, developed by the Kirwan Institute for the Study of Race and Ethnicity, has been an important contribution to the use of data to understand patterns of local and regional opportunity. The Kirwan methodology presents a number of indicators, and it also presents a composite opportunity (all at the Census tract level). Civil Rights Researcher, Nancy McArdle subsequently aggregated the Kirwan tract-level composite ratings to develop a single weighted composite opportunity rating for the municipality. The ‘Comprehensive Opportunity Index’ that results from this approach, whether at the municipal level or the tract level, generally results in higher rankings being associated with higher incomes, higher test scores, less crime, and lower unemployment rates. These and other indicators selected by local partners in each metropolitan region are chosen to represent the “structures and pathways to opportunity needed to excel and thrive in our society.” A growing number of state and federal policies or programs now make reference to the Opportunity Index in incentive and investment programs. HUD provided MAPC and other agencies participating in its Year One Sustainable Communities Regional Planning Grant Program with a similar set of opportunity ranking metrics, also with tract level composite indices. It is noteworthy that HUD discontinued the use of the composite index in subsequent funding rounds.

MAPC supports more effective and widespread adoption of opportunity mapping and references data emerging from the Kirwan and HUD indices pertaining to the Metropolitan Boston region. One of the recommendations emerging from this assessment relates to the creation of better metrics to track access to opportunity over time throughout the region.

The opportunity index, which often collapses the many dimensions of equity in a single score, can limit its educational potential and utility to create policy responses that target a complex equity terrain. The participatory selection method and lack of core indicators makes the index non-comparable across regions and dilutes the statistical relevance of the score; and most resulting indices exclude indicators about transportation accessibility and other important factors with a substantial bearing on opportunity. Finally, despite growing interest in applying the opportunity mapping framework to a wide variety of potential planning and policy applications, there is little guidance on how to incorporate opportunity maps into a broad public process or use the indices as objective criteria for resource allocation.

### 1. Geographies of Opportunity: Using Data to Understand Patterns of Opportunity Locally and Regionally

In Part Three, the HUD and Kirwan-McArdle indicators highlighted disparities in quality of life indicators resulting from the high level of segregation in the region. Examining indicators measuring

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<sup>44</sup> MetroFuture Regional Plan: Goals, Objectives, and Implementation Strategies (MAPC, May 2008)

access to opportunities including education, the economy, and neighborhood/housing quality illuminated the consequences of racial and ethnic isolation. However, aggregating opportunity data from among multiple variables sometimes can obscure information about the relative strengths and weaknesses of a specific geography such as a municipality or a neighborhood. A study of geographies of opportunity within the Metropolitan Boston region is crucial to any action plan to advance fair housing on a regional basis.

The opportunity mapping model as conceived by the Kirwan Institute in *The Geography of Opportunity* includes a broad analysis of the different levels of opportunity provided in different geographies at the municipal and state levels using aggregated data. However, there are caveats. While the aggregated Kirwan-McArdle methodology results in a “low opportunity” designation for Boston and a “very-high” opportunity designation for Acton, the more disaggregated data from HUD shows that there are census tracts within Boston that provide a relatively high level of access to jobs when considering such variables as job counts, origin-destination flows and commuting time, but also a low level of labor engagement when taking into account census tract unemployment rates. Some of Acton’s census tracts display the opposite pattern, with high levels of labor engagement and low levels of job access. Only the disaggregated data permits the insight that occupants in some Boston census tracts experience barriers securing work that should be accessible because of proximity, while conditions in Acton facilitate labor engagement despite the lack of nearby jobs.

Selection of the variables that make up the opportunity mapping data set, their content, the way they are weighted and the manner in which they are aggregated may also reflect unstated or ambiguous values about the qualities of a place that are valued and those that are not. Those choices can result in very different outcomes. The Norfolk County community of Bellingham is ranked a “high” opportunity place by the aggregated Kirwan-McArdle method while its HUD ranking is “low.” The HUD ranking appears connected to very-low census tract job access scores, while the town’s scores for other indicators are high to moderate. The Kirwan model has no metric for job access, and measures proximity to employment and commuting time within a measure for “economic opportunity.” In places like Boston, census tract measures of school performance may not adequately take into account school quality, where children are often bused to schools that are not located in their neighborhood. Along the same lines, while not disaggregated, the Kirwan data weights crime rates and proximity to environmental hazards among the data compiled to measure neighborhood quality, while HUD does not consider these factors. It may be that such factors are not appropriate indicators of opportunity in other locations. Exposure to public safety and environmental hazards are important in a Sustainable Communities region where neighborhoods of color are often afflicted by high levels of gun violence, or are the location of environmental conditions that result in adverse health impacts for elders or children.

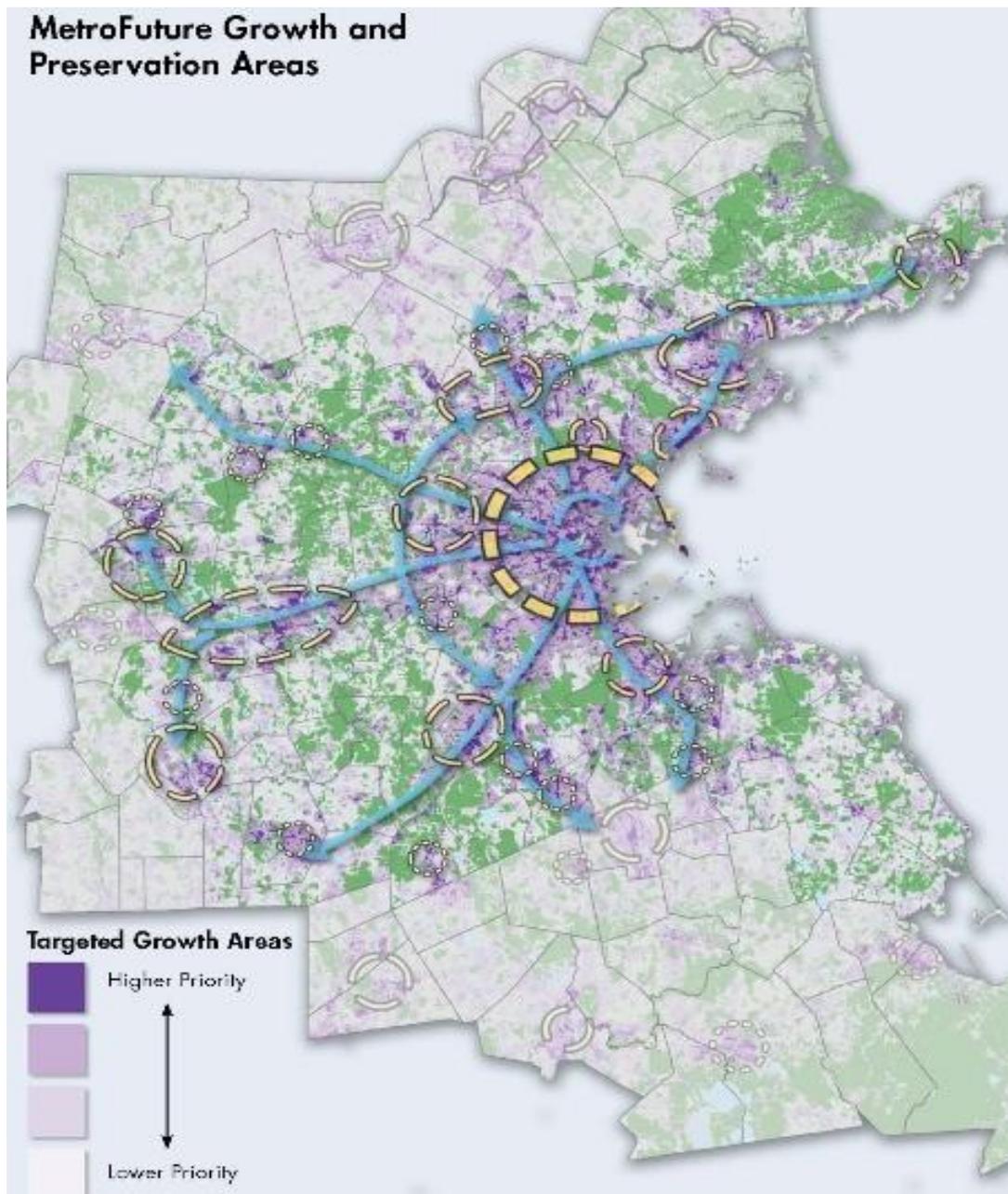
## **2. The Geographies of the MAPC Region and the Metropolitan Boston Region**

Sixty-three of the 164 cities and towns that comprise the Metropolitan Boston region lie outside the 101 municipality area established by state law as the MAPC planning region. The MetroFuture Regional Plan also encompasses the same 164 municipalities and explains that because the forces that shape the region extend beyond the statutory boundaries, “MAPC chose to analyze regional trends on a broader 164-municipality region used by the Boston MPO for transportation modeling.” To model transportation needs, the MPO relies on data from the larger geography because “travel patterns in the MPO area are intricately linked to those in the adjoining regions.”

## Sustainable Communities and the Planning Council Geography

Compiling data in order to model needs is a different exercise than establishing boundaries for deploying resources to meet needs. MetroFuture provides a general map of targeted regional growth and preservation priority areas for the 101-municipality MAPC planning region, however this map should not be construed as indicating that promoting regional equity within the MAPC planning region is more important versus the larger 164-municipality Metropolitan Boston region. (See **Map 4.1.**)

**Map 4.1** MetroFuture Growth and Preservation Areas



## Geographic Diversity in the MAPC Planning Region: Subregions and Community Types

In order to understand how regional trends will affect the region's diverse communities over the coming decades, MetroFuture identified four basic community types.

- Inner Core municipalities include high density cities as well as more residential “streetcar suburbs”. Municipalities in the inner core have a significant portion of region’s multifamily housing stock.
- Regional Urban Center municipalities include urban centers outside of the Inner Core, which are characterized by urban-scale downtown cores and moderately dense residential neighborhoods. Rental housing and multifamily structures comprise a significant component of the housing stock.
- Maturing Suburbs are moderate-density residential municipalities with a dwindling supply of vacant developable land. More than half of the housing units in these municipalities are owner-occupied single family homes.
- Developing Suburbs are less-developed towns with large expanses of vacant developable land. Most have experienced high rates of growth, primarily through large lot single-family homes. Some have locally-significant stocks of rental units and units in modestly-sized multifamily structures.

**Table 4.1** summarizes the racial/ethnic distribution by community type, and composite “opportunity rating” assigned by McArdle based on the Kirwan Institute’s 2008 “opportunity mapping analysis” of Massachusetts. To facilitate communication between MAPC and member municipalities, MAPC member municipalities are organized into subregions. These subregion boundaries are fluid and are one means for intermunicipal communication and collaboration. The boundaries, which are subject to change, were originally drawn based on municipal dialogue with MAPC. Each subregion is staffed by an MAPC staff member. **Table 4.2** shows the racial/ethnic breakdown of populations in the subregions.

A look at disparities between subregions based on opportunity characteristics identified in the Kirwan-McArdle aggregated index indicated that Inner Core municipalities include 9 of the 10 low and very-low opportunity cities and towns in the MAPC region. Although more than 38 percent of the region’s population lives in the ICC, it has less than 10 percent of the region’s very-high and high opportunity communities. It may make sense to adjust the boundaries of subregions from the standpoint of equity to diversify the mix of Community Types within each subregion, which may help facilitate regional communication and collaboration that will advanced a more balanced distribution of opportunity assets and diverse populations.

**Table 4.1 Distribution of MetroFuture Households by Race/Ethnicity by Community Type and Opportunity Rating**

RPA Subregion	Households					
	White not Hispanic	Black Not Hispanic	Asian Not Hispanic	Hispanic	All Other	Total
ICC	34.2%	74.3%	60.9%	57.3%	49.2%	40.2%
MAGIC	3.6%	0.6%	4.9%	0.9%	1.9%	3.3%
MW	5.3%	2.1%	5.7%	4.0%	9.1%	5.1%
NSPC	5.2%	1.2%	4.1%	1.2%	2.2%	4.5%
NSTF	7.7%	1.3%	1.6%	3.5%	3.5%	6.6%
SSC	5.7%	0.9%	1.1%	0.7%	3.2%	4.7%
SWAP	3.7%	0.5%	1.3%	0.9%	2.0%	3.1%
TRIC	5.5%	2.7%	3.4%	1.4%	2.6%	4.8%
X-Cent	3.7%	0.6%	2.1%	1.2%	1.7%	3.2%
X-NE	13.2%	4.4%	12.0%	24.1%	7.4%	13.2%
X-SE	12.2%	11.3%	2.9%	4.7%	17.3%	11.2%
<b>Metropolitan Boston Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
MAPC Classification	White not Hispanic	Black Not Hispanic	Asian Not Hispanic	Hispanic	All Other	Total
Developing Suburbs, Country Suburbs	5.9%	0.4%	2.3%	0.7%	1.9%	4.9%
Developing Suburbs, Maturing New England Towns	17.9%	3.2%	6.8%	3.5%	8.4%	15.1%
Inner Core, Metropolitan Core Communities	17.4%	59.2%	35.3%	43.5%	35.5%	23.3%
Inner Core, Streetcar Suburbs	10.1%	4.9%	13.9%	5.3%	7.1%	9.6%
Maturing Suburbs, Established Suburbs and Cape Cod Towns	14.0%	3.5%	11.5%	2.5%	5.5%	12.2%
Maturing Suburbs, Mature Suburban Towns	11.7%	7.3%	7.3%	3.3%	6.9%	10.5%
Regional Urban Centers, Major Regional Urban Centers	3.6%	10.8%	6.7%	20.5%	13.5%	5.6%
Regional Urban Centers, Sub-Regional Urban Centers	19.3%	10.7%	16.1%	20.7%	21.2%	18.8%
<b>Metropolitan Boston Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Pop weighted municipal composite Kirwan ratings N McArdle	White not Hispanic	Black Not Hispanic	Asian Not Hispanic	Hispanic	All Other	Total
Very High	26.7%	7.1%	28.9%	8.3%	11.8%	23.9%
High	27.4%	9.3%	15.5%	7.8%	16.0%	23.9%
Moderate	22.5%	10.8%	17.0%	12.4%	24.1%	20.8%
Low	18.0%	58.0%	29.9%	39.8%	32.0%	23.1%
Very Low	5.4%	14.7%	8.7%	31.7%	16.1%	8.3%
<b>Grand</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Source: Authors' calculation based on 2010 Census and MAPC community classification and McArdle/Kirwan opportunity ratings

**Table 4.2 Municipalities with the Highest and Lowest Share of Households in Major Race/Ethnicity Categories, by Sub-region**

Sub region	White		Black		Hispanic		Asian	
	High	Low	High	Low	High	Low	High	Low
<b>ICC</b>	Nahant	Chelsea	Randolph	Nahant	Chelsea	Nahant	Quincy	Winthrop
	96.5%	37.6%	33.3%	0.4%	49.6%	1.2%	17.2%	0.8%
<b>MAGIC</b>	Bolton	Lexington	Lincoln*	Carlisle	Lincoln*	Littleton	Lexington	Hudson
	95.3%	79.9%	2.7%	0.1%	3.2%	0.7%	16.2%	1.9%
<b>MW</b>	Sudbury	Framingham	Framingham	Wayland	Framingham	Weston	Weston	Marlborough
	92.0%	70.3%	4.7%	0.8%	10.4%	1.5%	8.2%	4.7%
<b>NSPC</b>	Lynnfield	Burlington	Woburn	Lynnfield	Woburn	Wilmington	Burlington	Wakefield
	95.3%	82.4%	3.7%	0.3%	3.4%	1.2%	11.4%	2.2%
<b>NSTF</b>	Essex	Salem	Salem	Manchester	Salem	Wenham	Hamilton	Rockport
	97.6%	82.6%	2.8%	0.0%	11.1%	0.8%	4.1%	0.3%
<b>SCC</b>	Cohasset	Weymouth	Weymouth	Cohasset	Weymouth	Hanover	Weymouth	Scituate
	97.5%	90.5%	2.7%	0.3%	1.9%	0.6%	2.4%	0.5%
<b>SWAP</b>	Wrentham	Milford	Milford	Sherborn	Milford	Wrentham	Hopkinton	Wrentham
	97.6%	86.7%	1.8%	0.3%	5.7%	0.6%	3.6%	0.8%
<b>TRIC</b>	Medfield	Stoughton	Stoughton	Dover	Dedham	Westwood	Sharon	Medfield
	95.6%	83.2%	9.3%	0.4%	3.8%	1.0%	8.6%	2.1%
<b>X-Cent</b>	Mendon	Westborough	Ayer	Mendon	Clinton	Berlin	Westborough	Blackstone
	97.6%	79.7%	4.8%	0.2%	9.8%	0.4%	15.1%	0.5%
<b>X-NE</b>	Newbury	Lawrence	Lowell	West Newbury	Lawrence	Rowley	Lowell	Newbury
	98.3%	29.2%	5.7%	0.1%	65.3%	0.4%	13.6%	0.3%
<b>X-SE</b>	Plympton	Brockton	Brockton	Halifax	Brockton	Hanson	Attleboro	Plympton
	97.5%	51.8%	34.7%	0.6%	8.0%	0.5%	3.2%	0.2%

\*15% of all Lincoln households, but 61% of its Black and 55% of its Hispanic households, reside at Hanscom AFB

Source: Authors' calculation based on 2010 Census and MAPC subregions

### 3. Planning for the Use of Community Development and Housing Resources

HUD supplies assistance for housing and community development activities on a geographic basis through two basic funding streams. Community Development Block Grants and HOME Investment Partnership Program funds are disbursed by the Office of Community Planning and Development. HUD's Office of Public and Indian Housing is responsible for the expenditure of operating and capital assistance for federal public housing and for tenant-based Section 8 Housing Choice Vouchers. The planning activities for the use of these funds are governed by widely varying geographies.

#### Consolidated Planning for Community Planning and Development Funds

In federal fiscal year 2012, HUD distributed more than \$55.5 million in combined CDBG and HOME allocations to 75 cities and towns within the Metropolitan Boston region. Some 29 municipalities are so-called "entitlement jurisdictions" that receive allocations of CDBG funds based on a formula established under the enabling statute. Seven cities are HOME grantees that operate that program without collaboration with other municipalities. Sixty-seven cities and towns participate in five

different HOME program consortia. A HOME consortium typically involves a single CDBG entitlement jurisdiction acting as a lead recipient of HOME funds for a group of cities and towns.

The use of CDBG and HOME funds is governed by an elaborate local (or in the case of DHCD, statewide) three- to five-year consolidated plan with elements that include fair housing considerations. A housing and homeless needs assessment, for example, must address the housing needs of low-income households, including families with children, elderly households, households including people with disabilities, and Section 8 households. Under current HOME program guidance, a jurisdiction may not target resources to specific groups of people with disabilities, such as people with severe mental illnesses or significant developmental disabilities without including a specific needs analysis in the housing assessment. A housing market analysis must examine the extent to which the existing market meets the needs of these groups and others, it must identify areas within the jurisdiction that are “areas of minority concentration,” it must examine the location and condition of public and assisted housing with the community, and it must identify barriers to affordable housing, such as land use and zoning policies and building codes. However, while these consolidated plans may include identification of fair housing issues, there is no guarantee of municipal implementation of planning and policy changes to address identified barriers to fair housing.

The strategic plan section of the consolidated plan describes the jurisdiction’s five-year plan for utilizing CDBG, HOME and other funds. It sets priorities among housing problems to be addressed, describes the rationale for setting those priorities and considers whether there are obstacles to carrying out the strategy. Within the strategic plan, the jurisdiction must explain its objectives with respect to public housing and other affordable housing, homelessness, the special needs of elders and people with disabilities, neighborhood revitalization and other activities. An annual action plan is the jurisdiction’s concrete plan for expenditure of funds.

Despite the fair housing potential of HUD’s community planning mechanisms, the structural features of the programs can serve to exacerbate conditions of racial isolation. HUD regulations impose significant limits on the ability to use CDBG and HOME funds outside the geographic boundaries of the participating jurisdiction, leaving unanswered the question of how the program can accomplish the national goal (expressed in the CDBG statute) of spatial deconcentration of protected classes in areas like the Metropolitan Boston region, which is characterized by significant levels of racial isolation and concentration of poverty.

**Table 4.3** illustrates some of the disparities. The vast majority of people of color served by jurisdictions receiving CDBG and HOME funds live in the eight regional entitlement municipalities of Boston, Brockton, Cambridge, Lawrence, Lowell, Lynn, Plymouth and Somerville. Most of the HOME consortia are less populated by people of color than their people of colors’ relative percentages across the region. HOME consortia jurisdictions include many if not most of the area’s high opportunity municipalities while many entitlement jurisdictions are home to many low-opportunity neighborhoods according to Kirwan-McArdle indices. There are other important differences both within and among HOME consortia. For example, the 14 municipalities making up the West Metropolitan HOME Consortium include mostly White high opportunity, low poverty places like Newton, Bedford, Sudbury and Wayland. There are two CDBG entitlement communities within the West Metropolitan Consortium, Brookline and Newton, which are both mostly White, high opportunity places. It also includes two more diverse non-entitlement jurisdictions, Framingham and Waltham, whose respective populations are 13.4 percent and 13.7 percent Latino. Salem and Haverhill are the only jurisdictions among the 30 municipalities making up the North Shore HOME Consortium with similar populations of Latinos. The relatively small eight-municipality North Suburban HOME Consortium is highly diverse. The non-entitlement jurisdiction of Chelsea is a majority-minority municipality, and Everett, Malden and Revere are each diverse places with large numbers of Blacks,

Latinos and Asians. It is also the consortium with the same number of high and low opportunity communities as the non-consortium entitlement jurisdictions.

Beyond these considerations, it is worth noting that the planning areas for use of HOME and CDBG funds are distinctly different from the 101-municipality MAPC region, the eight MAPC subregions and the 63 municipalities making up the balance of the Metropolitan Boston region area as **Map 4.2** illustrates. The CDBG entitlement communities of Attleboro, Brockton, Lawrence, Lowell, Plymouth and Taunton are all outside the MAPC planning region. All of the Greater Attleboro-Taunton HOME Consortium and roughly half the municipalities in the North Shore HOME Consortium are outside the MAPC region. Communities within the West Metropolitan HOME Consortium are spread among four of the MAPC subregions, including the Inner Core Committee, the Three Rivers Interlocal Council, the MetroWest Regional Collaborative, and the Minuteman Advisory Group. There is a similar spread of towns in the North Shore HOME Consortium between the North Shore Task Force and the North Suburban Planning Council.

The differences within and among HOME consortia and entitlement jurisdictions and the variable configuration of planning areas raise questions that bare further exploration. Can there be greater flexibility in federal rules for the use of CDBG and HOME resources that expands affordable housing opportunities across the boundaries of racially identified, high poverty entitlement communities and into nearby higher opportunity places? Does the current configuration of HOME consortia make sense from the standpoint of cross-border planning for collaborative affordable housing initiatives and community development activities, or should HOME consortia be assembled in ways that expand opportunities by linking higher and lower opportunity jurisdictions? Does such a reconfiguration make sense, given the amount available funds and the jurisdictionally specific formula for distribution of federal resources? Is there a way to align MAPC region and Metropolitan Boston region geographies with the federal geographies in order to efficiently leverage available resources?

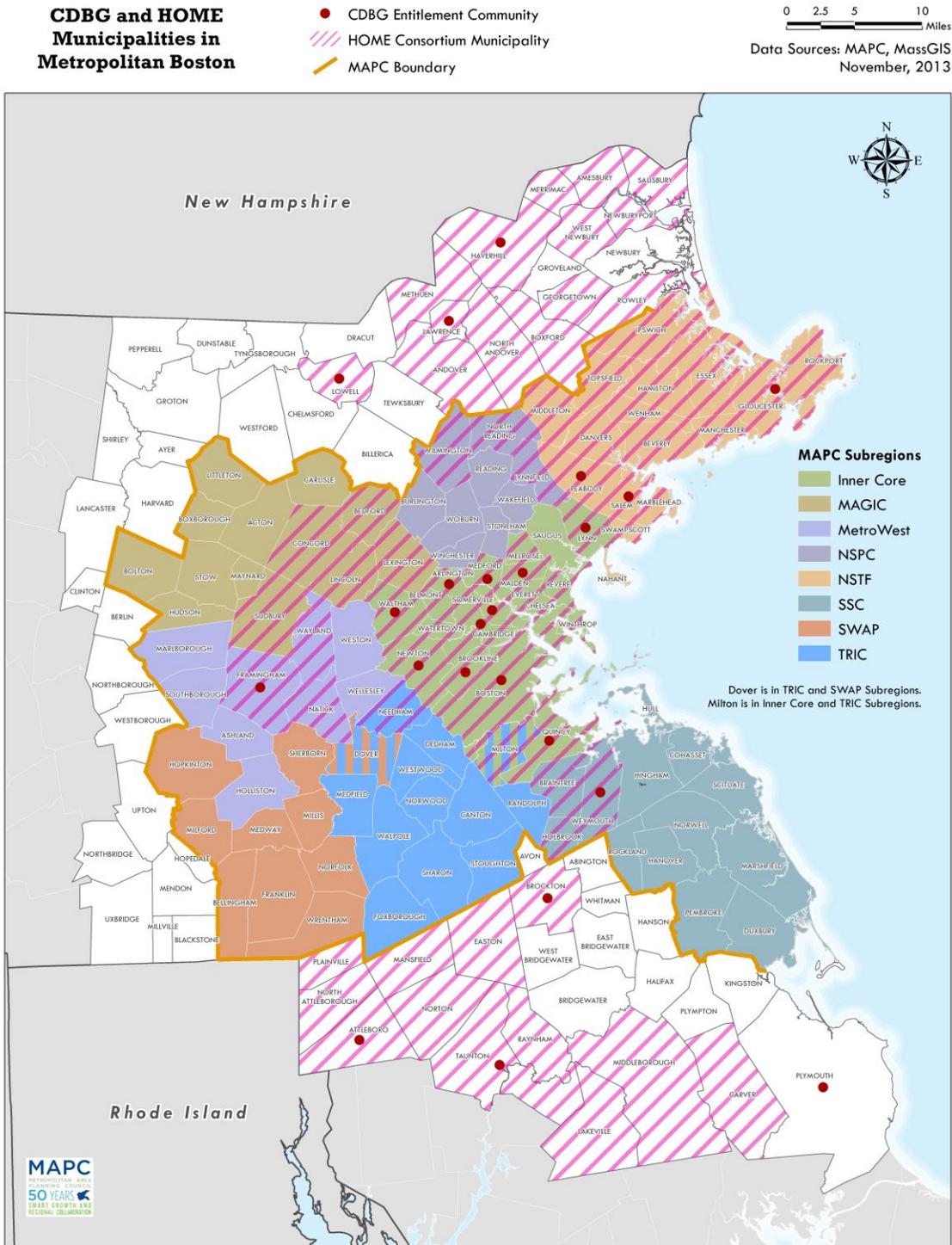
**Table 4.3 Allocation of CDBG and HOME Funds by Entitlement Jurisdictions and HOME Consortia**

Consortium	FY12 Allocations		Opportunity Rank				Characteristics						
	CDBG	HOME	# of PJ	Very high/ High PJ	Mod erate PJ	Low/ Very low PJ	Population	PJ % of Region Pop.	PJ % of Region White	PJ % of Region Latino	PJ % of Region Black	PJ % of Region Asian	PJ % of Region All Other
<b>CDBG Entitlement (Not Consortium)</b>	\$28,156,688	\$7,506,571	8	2	1	5	1,183,382	26.5%	17.6%	56.8%	65.3%	36.6%	40.9%
<b>North Shore</b>	\$2,765,748	\$1,361,029	30	33	5	2	570,507	12.8%	15.2%	8.8%	2.6%	5.1%	6.7%
<b>North Suburban</b>	\$4,237,643	\$1,376,831	8	2	1	5	331,546	7.4%	6.5%	12.9%	8.3%	8.9%	9.3%
<b>West Metropolitan</b>	\$4,297,428	\$1,229,930	14	13	1	0	490,761	11.0%	11.5%	7.3%	4.8%	16.5%	12.3%
<b>South Shore</b>	\$2,381,069	\$663,745	5	2	2	1	219,552	4.9%	5.1%	1.6%	3.6%	9.4%	4.5%
<b>Greater Attleboro-Taunton</b>	\$1,019,622	\$539,155	10	4	5	1	248,871	5.6%	6.7%	2.1%	2.2%	2.0%	4.5%
<b>Total in Metropolitan Boston Region</b>	\$42,858,198	\$12,677,261	75	56	15	14	3,044,619						

PJ - participating jurisdiction

Source: HUD (funding allocations) and 2010 Decennial Census population, (race/ethnicity)

**Map 4.2 CDBG and HOME Jurisdictions in Metropolitan Boston**



## Local Public Housing and Housing Choice Voucher Programs

The Metropolitan Boston region includes 91 public housing agencies that receive federal public housing and Section 8 Housing Choice Voucher funds. The Massachusetts Department of Housing and Community Development (DHCD) is considered a Public Housing Authority (PHA) for these purposes. DHCD receives about 25 percent of the state's total allocation of Section 8 vouchers directly from HUD and allocates them through eight regional non-profit agencies, five of which serve the MetroFuture region. These PHAs are required by HUD to complete five- and one-year PHA plans that are similar to HUD Office of Planning and Community Development's (CPD)'s Consolidated Plan.<sup>45</sup> The five year plans must state the PHA's broad goals and objectives over the planning period for the use of federal public housing capital and operating fund supplied by HUD for public housing developments, and also for the PHA's Housing Choice Voucher program. Annual plans must address a wide range of topics. The annual plan must analyze housing needs within the jurisdiction of the PHA affecting extremely low-income households, elderly and disabled families and households of "various races and ethnic groups with the jurisdiction and on the waiting list" with respect to affordability, supply and quality of housing, accessibility and location. It also must describe the PHA's policies for admission to its public housing and Section 8 programs, including a policy for deconcentration of poverty in public housing, operation and management policies, the amount of and uses for the funds received from HUD, any plans for demolition, disposition or redevelopment of public housing, and other matters.

The jurisdiction and operating area of each of these local PHAs is decidedly local. Public housing developments are located on discrete sites, and as discussed in the preceding sections of the FHEA, those sites are overwhelmingly in high poverty, racially identified locations. Because of a 1994 decision in a federal lawsuit, the geographic jurisdiction of PHAs for purposes of the Section 8 program is state-wide.<sup>46</sup> However, regional voucher use also predominates in high poverty, racially concentrated, low opportunity neighborhoods. The localized nature of PHAs makes for little collaboration in planning or utilization of federal housing resources. While 67 of the area's PHAs participate in a regional application and waiting list system for their HCV programs, admission to the voucher program remains governed by the local selection and admissions practices established through individual PHA planning procedures. Many PHAs use local resident selection preferences in their state and federal public housing and voucher programs that often screen out households not residing within the borders of the municipality in which the PHA operates. The practice persists even though it was determined to violate fair housing laws by a federal court in litigation involving eight PHAs operating Section 8 programs in the Metropolitan Boston region.<sup>47</sup> No housing authority operates a mobility counseling or similar program that might support families with vouchers seeking to move to better opportunities.

HUD public housing rules allow local PHAs to form consortia to collaborate in carrying out public housing activities and the voucher program. Unlike the HOME program, where consortium members benefit from allocations of affordable housing funds awarded through a lead community, there are no financial incentives associated with the formation of a public housing consortium. The Patrick

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<sup>45</sup> Six non-profit agencies operate targeted HCV programs for people with significant disabilities through a Section 8 Mainstream Voucher program that was authorized as part of the Section 811 Supportive Housing for Persons with Disabilities program between 1990 and 2009. The agencies serve people with serious physical disabilities, intellectual disabilities and mental illnesses. They are not required to complete a PHA plan.

<sup>46</sup> Williams v. Hanover Housing Authority, 871 F. Supp. 527 (D. Mass. 1994).

<sup>47</sup> Langlois v. Abington Housing Authority, 234 F.Supp.2d 33 (D. Mass. 2002).

Administration introduced legislation in 2013 to regionalize local housing authorities, at least for state funded programs.

The Commission for Public Housing Sustainability and Reform generated a report<sup>48</sup> regarding outdated state policies and the lack of oversight of finances and management at local public housing authorities (LHAs). The Commission suggested a number of steps to reorganize LHA management to increase efficiency, to improve service delivery, and to increase transparency. It recommended centralizing resources across multiple housing authorities, along with several other reforms to increase oversight.

Governor Patrick's bill proposes consolidation of the 240 existing LHAs into 6 Regional Housing Authorities, which would assume both the ownership and management of all state and federal public housing. The Administration argues that these changes would save the state millions of dollars a year, and that these savings could be reinvested in public housing. The Massachusetts chapter of the National Association of Housing and Redevelopment Officials (Mass-NAHRO) responded with a bill that would introduce some structural and procedural reforms, but maintain the existing LHA governance structure and the current number of LHAs. At this writing, it is unclear whether the necessary legislative support will materialize for either proposal.

#### **4. Furthering Fair Housing and the Analysis of Impediments to Fair Housing**

##### The Obligation to Affirmatively Further Fair Housing

The FHEA takes as its starting point the statutory obligation imposed on HUD to affirmatively further the purposes of the Fair Housing Act. That concept has particular force in the Boston region. The decision by the federal First Circuit Court of Appeals in *NAACP, Boston Chapter v. Secretary of Housing and Urban Development* remains one of the most crucial and influential statements about the meaning of the duty. The court in *NAACP, Boston Chapter* upheld a district court's findings that in the use of federal CDBG funds, the City of Boston and HUD violated Title VIII and improperly failed to take into account "minority housing needs" by disregarding conditions of race discrimination in housing, residential racial segregation, a shortage of low-income housing in disproportionately affecting Black households, and a shortage of low-income housing that could serve Black households in White neighborhoods. To the *NAACP, Boston Chapter* court, the duty to further fair housing means:

- HUD must not itself engage in acts of discrimination, including the perpetuation of residential segregation.
- HUD must not permit its grantees to engage in acts of discrimination.
- HUD and its grantees must take into account the civil rights effect of funding decisions.
- Federal housing funds must be deployed in a manner that fulfills, "as much as possible, the goal of open, integrated residential housing patterns and [prevention of] the increase of segregation, in ghettos, of racial groups whose lack of opportunities the [Fair Housing] Act was designed to combat."<sup>49</sup>

In reaching this conclusion, the First Circuit articulated a standard for understanding the obligation to further fair housing that is a national standard across the federal courts. Among other initiatives,

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<sup>48</sup> <http://www.mass.gov/hed/docs/dhcd/ph/ph-reform/publichousingcommissionreport0612.pdf>

<sup>49</sup> *NAACP, Boston Chapter v. Secretary of Housing and Urban Development*, 817 F.2d 149 (First Cir., 1987).

the eventual settlement agreement in *NAACP, Boston Chapter* required all affordable housing developments in the region to participate in Metropolitan List, a master list of affordable rental vacancies maintained for the use of the public by the Boston Office of Civil Rights that is still in use.

### Federal Community Planning and Public Housing Funds and the Duty Further Fair Housing

The federal laws that regulate the planning activities of CDBG entitlement jurisdictions, HOME consortia and housing authorities require the recipient jurisdictions and PHAs to annually certify that they will affirmatively further fair housing. HUD regulations say this duty requires a participating jurisdiction or PHA to conduct an analysis of impediments to fair housing choice, devise an action plan designed to remove the impediments identified through the analysis, carry out the action plan and maintain written records evidencing the analysis, the action plan and the actual actions undertaken or completed. This process of analyzing impediments and devising and carrying out an action plan is the Analysis of Impediments to Fair Housing Choice.

Unlike the Consolidated Plans and PHA Plans that directly affect the use of affordable housing and community development resources, HUD does not require participating jurisdictions with the duty to further fair housing to submit an AI for review and approval, and HUD has no organized system for determining that AIs are completed and carried out consistent with the certification to further fair housing.

The importance of the AI took on new force in 2008 with the private litigation decided in the lawsuit known as *Anti-Discrimination Center of Metropolitan New York v. Westchester County*. Westchester County is an entitlement jurisdiction which carries out the CDBG program in part by disbursing funds to municipalities within the County. The County is characterized by patterns of residential racial and ethnic segregation. The decision in the lawsuit found that the County made false Consolidated Plan certifications that it was furthering fair housing in the use of CDBG, HOME and other HUD funds because the County's AI failed to adequately address issues of race and ethnicity and because the County provided CDBG and other funds to municipalities whose zoning and land use rules were hostile to affordable housing, with the effect of discriminating against households of color.<sup>50</sup> In the aftermath of the decision, HUD stepped up enforcement actions in a number of entitlement jurisdictions where it was decided that the jurisdiction's AI was inadequate.

### Analyses of Impediments in the Sustainable Communities Region

HUD to date has provided little guidance to PHAs on completing an AI, and no PHA was identified within the Sustainable Communities geography with an AI. AI were available and analyzed for 10 of the region's 14 CDBG entitlement jurisdictions and two of the five HOME consortia. A third consortium, the Metropolitan West HOME consortium, does not have a single AI for all its members. However 12 of its 14 member communities have individual AI which were reviewed for the FHEA. The remaining two towns are new members with AI under development.

Despite the significant differences in fair housing and demographic conditions among the region's municipalities, common themes emerge from the more than 20 AI reviewed for the FHEA:

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<sup>50</sup> *Anti-Discrimination Center of Metropolitan New York v. Westchester County*, 668 F. Supp. 2d 548 (S.D.N.Y. 2009). After HUD joined the litigation in 2009, the County entered into a comprehensive settlement agreement involving payment of more than \$32 million and provided for range of activities to force changes in local land use rules and create affordable housing opportunities outside of areas of racial concentration. Most of the \$32 million is targeted to develop affordable housing in racially integrated locations.

**Limited Regional Analyses.** Of all the AI, only Boston considers fair housing conditions within the entire metropolitan Boston area for purposes of understanding impediments within the city. Metropolitan conditions affecting Boston identified in its AI include the significant segregation of the region's Black population within the City, the extraordinarily high concentration of the area's assisted housing and LIHTC housing within the municipality, and the effect of regional transportation barriers to opportunity for Boston residents. The AI of two HOME consortia (North Suburban and North Shore) do consider demographic and other conditions within the geography of the consortium, but generally not beyond those boundaries. At least one entitlement jurisdiction (Brockton) notes that the municipality has more than its fair share of assisted housing compared to neighboring municipalities, and considers the question of using HUD CPD resources in other communities. A number of the Metropolitan West Metro Consortium municipalities note collaborations with the lead community, Newton, in fair housing educational activities. They also consider the construction of affordable housing in their towns using Consortium funds to be a fair housing-related activity. Another AI within that consortium (Framingham) discussed a need for regional fair housing planning, including better collaboration between the local PHA's Section 8 program, and the corresponding DHCD voucher program operated by a local non-profit.

**Segregation.** Several AI, including both majority minority and more diverse municipalities, note conditions of racial and ethnic segregation *within* the community, including Boston, Brockton, Lowell and Framingham. A number of White segregated cities, towns and consortia within the region view the absence of people of color as an impediment to fair housing, including the Metropolitan West HOME Consortium communities of Bedford, Lexington, Natick and Needham. The North Shore HOME Consortium AI observes that people of color are concentrated in a handful of municipalities within that area. Fair housing actions within these municipalities include efforts to recruit people of color to serve on municipal governing boards, local informational forums to discuss perceptions that a municipality might be unwelcoming to diversity, and improved marketing to attract more diverse households.

**Affordable Housing.** Every one of the region's AI considers conditions affecting affordable housing to result in impediments to fair housing, although often in vastly different ways. Some municipalities, mainly entitlement jurisdictions like Lowell, consider the concentration of affordable housing within their municipality to be a barrier to fair housing choice in their immediate subregion. Others, like Boston, Brockton and Framingham express concerns about the concentration of affordable housing in certain neighborhoods within their municipality. Still other municipalities, mostly White suburban towns that are members of HOME consortia, saw the presence of subsidized affordable housing as a contributor to diversity and a lack of affordable housing as a significant cause of a lack of diversity. Some of these places view the lack of diversity within their communities as primarily caused by a lack of affordable housing resources. Others, like Boston, Bedford and Sudbury, considered it crucial to preserve existing units of subsidized housing. Newton and Natick observe that the bulk of the rental housing in their municipalities consist of two-, three- and four-family dwellings leased by small property owners and consider actions that might make units with these characteristics more available to households with Section 8 vouchers. Some AI express concern that the use of local resident selection preferences in affordable housing are a barrier to improved housing choice. Other communities see a need for more supportive housing for people with disabilities, homeless families and frail elders.

**Zoning and Housing Cost.** Almost all the AI consider land use regulation and the high cost of housing as a primary barrier to housing choice. Some jurisdictions consider the issue of cost to relate mostly to the lack of buildable land within their boundaries, stating that they are simply “built out.” Other communities directly link the lack of buildable land to zoning and land use policies that promote low density development and allow multifamily housing only by special permit or similar vehicles. Many AI urge the creation of multifamily zoning districts in jurisdictions where none exist, inclusionary zoning, “friendly” Chapter 40B permitting, local housing production plans and other mechanisms as a means of expanding choice in their cities and towns.

**Discrimination.** All of the regional AI discuss issues of discrimination, although the problem of discrimination is described with respect to very different classes of protected people and municipalities propose to address identified problems with very different actions. Municipalities with high populations of Latino or Asian people identify language barriers as a significant impediment to housing choice in obtaining home mortgages and also in gaining access to assisted housing or housing-related public services. These places propose improved language planning (i.e., the process of making communications changes to accommodate different languages) and affirmative marketing as the means to address the impediment. Many jurisdictions are concerned about housing for families with children. Some of these municipalities see the problem primarily in terms of the presence of lead paint in rental housing and the need to target CDBG and other resources toward collaboration with small landlords for lead hazard control. Others acknowledge land use policies that disfavor construction of rental housing with more than two bedrooms or that permit multifamily housing only for age restricted units. Other AI discuss the need for accessible housing. These communities express a desire for better municipal capacity to enforce accessibility codes like those of the Massachusetts Architectural Access Board, whose rules are part of the state building code and which are enforced at the local level through the issuance of building permits. Most AI examine data from HUD or the Massachusetts Commission Against Discrimination to evaluate the volume and characteristics of fair housing complaints originating in their cities or towns. While the volume of complaints is relatively low, nearly every AI sees a need for some action to combat housing discrimination, ranging from fair housing education and outreach, completion of audits to find another way to measure the prevalence of discrimination, self-evaluation by mortgage lenders to better identify the incidence of home mortgage lending discrimination, the formation of a fair housing committee acting under the auspices of the municipality, and a greater commitment of financial resources to enforcement activities.

### Towards a Regional AI

Early during the Sustainable Communities grant period HUD encouraged grantees like MAPC to develop a regional AI instead of a FHEA. In concept, individual jurisdictions within the geography of a Sustainable Communities grantee would “opt in” to a regional analysis of impediments to fair housing choice. The regional AI would become the AI for any entitlement jurisdiction required to certify that it is furthering fair housing. A regional AI differs from the minimum requirements for a FHEA insofar as the regional AI is required to more closely track the standards for AI described in HUD’s *Fair Housing Planning Guide* and in the Consolidated Planning rules.

There is great potential in the concept of a regional AI. With MAPC as the Sustainable Communities grantee, a regional AI offers a leadership role in fair housing planning to an agency whose mission is to consider equity throughout the entire region. It suggests the possibility of participating jurisdictions crossing municipal boundaries to consider and respond to conditions in neighboring

communities where the primary current focus of a local AI remains within local borders. To the extent that an AI is linked to consolidated planning for the use of CDBG, HOME and other funds, a regional outlook offers the hope of a collaborative leveraging of local housing funds to achieve positive civil rights outcomes.

Despite the potential, key policy considerations remain unanswered. In the Metropolitan Boston region, alignment of planning geographies with the geographies of municipalities receiving CDBG and HOME funds is an opportunity to change — The boundaries of existing HOME consortia and MAPC subregions are not identical, with some consortia members associated with non-consortia communities in MAPC subregions. Several of the entitlement communities with large allocations of CDBG and HOME funds are outside the 101 municipality MAPC planning region, and occupy the 63 municipality territory that is the balance of the Metropolitan Boston region. Unlike the communities that would join a regional AI, MAPC itself is not a participating jurisdiction with the statutory or regulatory duty to further fair housing. In the environment shaped by the *Westchester County* litigation, it is unclear what enforcement obligations MAPC would be required to accept or how, as a planning agency with no enforcement powers of its own, it would be in a position to require a participating jurisdiction to carry out the fair housing actions identified in a regional AI. It is also not clear what obligations would be assumed by a municipality that joins the regional AI where it is not itself a recipient of CDBG or HOME funds. Perhaps more importantly, there is no HUD guidance that explains how a recipient could overcome the regulatory barriers to use of CDBG and HOME funds outside the borders of the participating jurisdiction in order to participate in regional approaches to expanding fair housing choice. Fair housing planning would be greatly enhanced by the participation of PHAs with the duty to further fair housing and complete an AI, but guidance from HUD to date does not address the role of public housing and Section 8 in regional or even local AI.

## **5. Land use and zoning policies and practices**

Land use regulation in Massachusetts, though governed by state law, is almost entirely localized. All zoning and permitting practices operate under municipal codes that determine among other things, where housing can be located, the density and amount of housing that can be built, and the ages of the people permitted to reside in the housing. Many of the jurisdictional AI identify local land use policies as a barrier to the development of housing within their communities and thus as an impediment to fair housing choice. Zoning rules limiting or barring multifamily housing, or restricting rental housing solely to age-restricted development or imposing large lot size requirements for development were all identified as a means of keeping a community exclusionary.

### Exclusionary Zoning, Segregation and Opportunity

The concerns expressed in local fair housing analyses are supported by other research. In 2004 the Pioneer Institute for Public Policy Research and the Rappaport Institute for Greater Boston undertook a comprehensive survey of zoning, road design, wetlands, and septic regulations in eastern Massachusetts cities and towns, and concluded that restrictive regulations were undermining the market's ability to meet housing demand. The study's authors concluded that local regulations systematically favor development of the most expensive type of housing - single-family homes on large lots - while putting up barriers to multi-family housing, single family houses on small lots, and accessory apartments in owner-occupied homes.

Among the many land use practices about which Pioneer Institute and the Rappaport Institute queried the 187 cities and towns in its survey were the following:

- Is multi-family housing allowed by right in any part of the municipality?
- Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?
- Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Table 4.4 presents the responses by MAPC subregion and Table 4.5, by type of community.

**Table 4.4 Limited Multifamily Zoning Across the MetroFuture Region**

Sub-region	Number of Communities in Sub-region	Multifamily by right		Multifamily by special permit		Townhouses (3+ units) by Right or special permit	
		Yes	No	Yes	No	Yes	No
ICC	24	16	6	21	1	18	4
MAGIC	12	6	6	10	2	7	5
MW	9	4	5	9	0	7	2
NSPC	9	4	5	9	0	8	1
NSTF	15	6	9	15	0	11	4
SSC	11	6	5	10	1	8	3
SWAP	10	3	7	9	1	9	1
TRIC	11	6	5	11	0	9	2
X-Cent	16	4	12	14	2	10	6
X-NE	24	8	16	24	0	18	6
X-SE	23	10	12	18	4	14	8
<b>Metropolitan Boston Total*</b>	<b>164</b>	<b>73</b>	<b>88</b>	<b>150</b>	<b>11</b>	<b>119</b>	<b>42</b>

Source: Pioneer Institute Housing Regulation Database: <http://www.masshousingregulations.com>

**Table 4.5 Multifamily Zoning in MetroFuture Municipalities by Community Type**

TYPE OF COMMUNITY	Multifamily by right		Multifamily by special permit		Townhouses (3+ units) by right or special permit	
	Yes	No	Yes	No	Yes	No
Developing suburb	23	53	66	10	51	25
Maturing suburb	26	24	49	1	38	12
Inner core	11	3	14	0	13	1
Regional center	13	8	21	0	17	4
<b>Metropolitan Boston Total*</b>	<b>73</b>	<b>88</b>	<b>150</b>	<b>11</b>	<b>119</b>	<b>42</b>

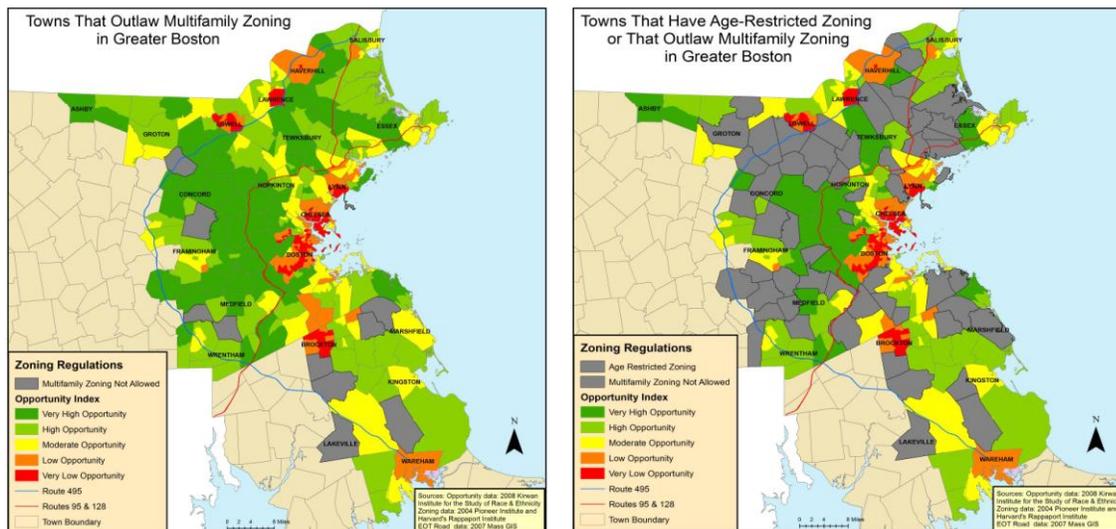
Source: Pioneer Institute Housing Regulation Database: <http://www.masshousingregulations.com>

Based on the survey results, Pioneer recommended that the State:

- Reward municipalities for meeting statewide goals regarding the quantity and quality of development.
- Permit specific types of compact, higher density residential development.
- Provide municipalities with new regulatory tools to negotiate more effectively with builders.<sup>51</sup>

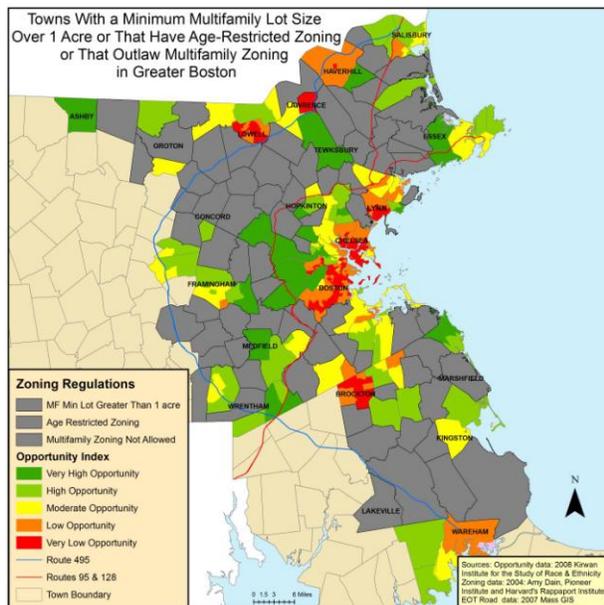
Subsequent studies make a connection between the region’s segregated landscape and the highly localized and restrictive nature of land use regulation. One study of the 187 cities and towns within Interstate 495 found that the “towns with smaller minimum lot sizes are larger, with populations that are more likely to be non-white and foreign born.” The study observed similar outcomes based on the restrictiveness of septic, wetlands, subdivision, and other land use rules.<sup>52</sup> A mapping analysis by the Fair Housing Center of Greater Boston (FHCGB) depicts in graphic terms the relationship between land use restrictions, the availability of family rental housing and access to higher opportunity communities. The 3-part **Map 4.3** graphically depicts their findings. In their review, FHCGB reported that multifamily rental housing was not allowed as an as-of-right use in 53 percent of the municipalities deemed by Kirwan/McArdle to offer very-high, high, or moderate opportunity. The FHCGB identified 11 communities that had banned multifamily housing entirely and another 47 that allowed it primarily if restricted to those aged 55 or older.

### Map 4.3 Zoning Regulations and Restrictions Mapped Against Kirwan Opportunity Ratings



<sup>51</sup>Housing and Land Use Policy in Massachusetts: Reforms for Affordability, Sustainability, and Superior Design by Amy Dain, Pioneer Institute for Public Policy Research, 2007

<sup>52</sup> Glaeser, Edward L. and Ward, Bryce A., The Causes and Consequences of Land Use Regulation: Evidence from Greater Boston, Journal of Urban Economics 65 (2009).



Source: Fair Housing Center of Greater Boston

### Chapter 40B: The State’s Affordable Housing Zoning Law

Chapter 40B of the General Laws, the state’s Affordable Housing Zoning Law allows a limited override of local zoning and other land use regulations in communities where the supply of low and moderate income housing is not at least 10 percent of the municipalities total year round housing units. The impact of Chapter 40B on the production of rental housing and affordable rental and homeownership units is discussed in detail in the Regional Housing Plan (RHP). For purposes of the FHEA several observations are worth repeating. The RHP observes that most rental housing in the region outside of the Inner Core municipalities was permitted under Chapter 40B. Of the 15,000 affordable housing units constructed outside Boston between 2001 and 2012, more than half were permitted under Chapter 40B.

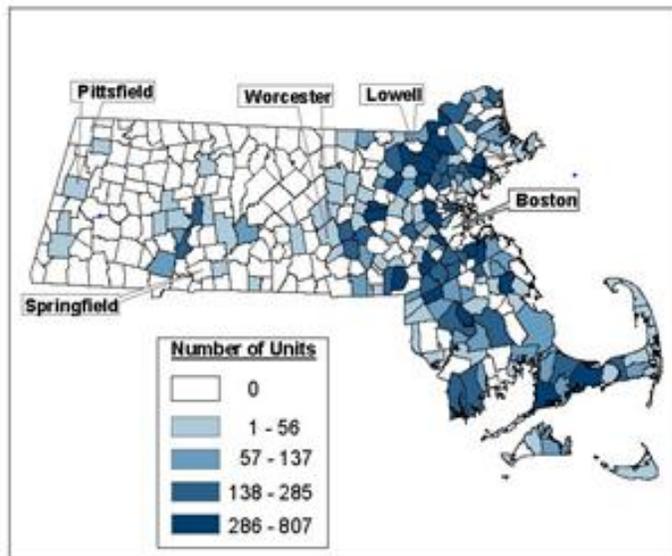
The 1975 report of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights criticized Chapter 40B, saying that “it actually represents an ineffective approach to the exclusionary character of suburban zoning and is chiefly of interest for the near-hysteria of response it provoked in suburban town boards. It has failed to facilitate the development of racially inclusive housing,” in part by allowing towns to count age restricted housing for older people within the subsidized housing inventory. At the time the Advisory Committee issued its report, just 33 comprehensive permit applications had been submitted, and while there remains some truth to its assertion, circumstances have changed. Since that time, its role in expanding the supply of market rate housing is evidenced by the fact that 40B development accounted for 34 percent of *all* new housing permitted outside the City of Boston between 2002 and 2006, including nearly 80 percent of all new rental housing.<sup>53</sup> By 2009 the statute had been used to create more than 56,000 units of housing in more than 1,000 developments. Still, over half of all of the units developed through comprehensive permits by 2009 were age restricted to older households, usually to households where at least one member is age 55

<sup>53</sup> *The Greater Boston Housing Report Card 2007-2007*, Bluestone and Heudorfer, Northeastern University’s Center for Urban and Regional Policy, 2007. The Housing Report Card covers a slightly larger footprint than this AI does, including 161 Boston area cities and towns.

or more, and occupancy in another 2 percent of the units was restricted to people needing some form of supportive housing.

**Map 4.4** shows the extent to which Chapter 40B serves as an engine of opportunity. While the bulk of the region's LIHTC and other assisted housing is located in racially identified, high poverty places, Chapter 40B units show exactly the opposite profile, indicating the power of the comprehensive permit law to expand housing choice.

**Map 4.4** Location of Chapter 40B Housing Units Constructed from 2000 to April 2010 by City/Town



Sources: US Census Bureau, CHAPA Chapter 40B project database



DHCD's Chapter 40B guidelines permit communities that issue 40B permits to require owners to use local resident selection preferences for up to 70 percent of a development's units. The guidelines impose key restrictions that offset the potential for racial exclusion in admissions. A local resident preference must be justified by a quantifiable corresponding local housing need. The definition of a "local resident" must include not only people who live within a community, but also households with a person who works in or is hired to work in the municipality. Most crucially, the guidelines also direct developers to mitigate the potentially discriminatory effect of a selection preference for local residents by requiring leasing agents to add non-resident households of color to the preference pool of applicants so that the demographics of the pool reflect the demographics of the metropolitan area. The guidelines appear to have a powerful inclusionary effect. An assessment of the fair housing impact of the DHCD guidelines found that Chapter 40B developments using local resident preferences are more likely to reflect the racial and ethnic demographics of the housing market area than properties *not* using a preference for local residents.<sup>54</sup>

<sup>54</sup> Local Preference: Assessment of Use and Impact on Fair Housing Within Massachusetts' Affordable Housing Developments (DHCD, 2010).

Chapter 40B also plays an important role in expanding housing choice for those seeking accessible housing. Nearly one-third of the metropolitan area's accessible units – those registered with MassAccess – were permitted under Chapter 40B. Forty-eight percent of these accessible units are located in municipalities rated “very-high opportunity” based on the Kirwan/McArdle methodology. Another 42 percent are in “high opportunity” municipalities.

### Incentives for Inclusionary Zoning

In their focus on municipal land use regulation as an impediment to housing choice, many local AI recommended inclusionary zoning as one means of improving fair housing conditions. Chapter 40B is a developer's remedy that results in an inclusionary outcome, characterized by some observers as a “stick” to which a builder may resort in order to compel an otherwise reluctant community to accept higher density and lower cost housing. Massachusetts land use laws also offer municipalities incentives that on the one hand may expand housing choice in otherwise exclusionary locations and on the other offer resources that facilitate investment in distressed neighborhoods. Two particular initiatives highlight some of the fair housing questions that arise where policies promote various kinds of inclusionary land use approaches.

One highly targeted program is the Massachusetts Housing Development Incentive, or Gateway Cities Program, which combines land use planning and tax incentives as tools for revitalization of lower income areas. HDIP is available to municipalities with a population greater than 35,000 and less than 250,000, a median household income below the state average and a rate of educational attainment of a bachelor's degree or above that is below the state average. Under the program, the municipality designates a housing development zone. As an incentive to development, an existing building may be identified for residential rehabilitation so long as at least 80 percent of the completed units are market rate units with rents equal to or greater than 110 percent of area median income. The building may qualify for certain state tax credits related to rehabilitation expenditures and a property tax exemption for between 10 percent and 100 percent of the incremental value of the market rate unit. Thirteen Metropolitan Boston region municipalities are currently designated as Gateway Cities. Three are the majority-minority communities of Brockton, Chelsea and Lawrence. Ten of the municipalities are ranked low or very-low opportunity places based on the Kirwan-McArdle measure. The other three – Methuen, Quincy and Taunton – are ranked moderate.

Another zoning incentive evaluated for the FHEA is the combined benefit of Chapter 40R and Chapter 40S of the General Laws. Chapter 40R allows a municipality to seek state approval of a “smart growth zoning district.” Smart growth districts are limited by the statute to places within a municipality with one of three characteristics: areas near transit stations (such as subway stop and other rapid transit, commuter rail and bus and ferry terminals); areas of concentrated development, (like municipal centers, existing commercial districts, and existing rural village centers); or areas that are “highly suitable locations” for residential or mixed use development because of their infrastructure, access to transportation, and other factors. The law imposes certain minimum standards on smart growth zoning, including minimum density requirements for both single family and multifamily development and a requirement that no less than 20 percent of the units developed in the district be affordable to households with incomes at or below 80 percent of area median income. Chapter 40R provides for cash payments to cities and towns that create smart growth districts based on the number of units projected for construction at the time the district is approved and at the time building permits are issued. A companion statute, Chapter 40S, offers an additional cash incentive to municipalities for incremental school costs associated with new units of housing occupied as part of smart growth development.

While the Gateway Cities program is targeted toward the revitalization of lower income areas, Chapter 40R reflects a policy desire to foster a particular kind of growth- smart growth- without regard to need for revitalization or the income of the current residents. There is some overlap between the two initiatives. At least five Metropolitan Boston region cities and towns have approved HDIP development zones and approved Chapter 40R smart growth districts, suggesting that in combination, both incentives can act as an engine of revitalization in an otherwise lower opportunity area. Chapter 40R on its own can serve to expand the availability of affordable housing in higher opportunity places. Nearly three quarters of the region’s municipalities with approved smart growth districts are ranked very-high, high or moderate by the Kirwan-McArdle index. As of 2012, plans have been announced for more than 8,000 units of housing in 40R districts, 56 percent of which are in the higher opportunity cities and towns. At least 20 percent of the units are expected to be affordable.<sup>55</sup>

**Table 4.6 Opportunity Profile of the Chapter 40R Smart Growth Districts**

Rank	Community Count	Percent	Planned Units	Percent	Permitted or Completed Units	Percent
Very-high	11	47.8%	2,269	27.2%	996	59.0%
High	3	13.0%	1,502	18.0%	19	1.1%
Moderate	3	13.0%	952	11.4%	115	6.8%
Low	2	8.7%	1,104	13.3%	362	21.5%
Very-low	4	17.4%	2,502	30.0%	195	11.6%
<b>Total</b>	<b>23</b>	<b>100.0%</b>	<b>8,329</b>	<b>100.0%</b>	<b>1,687</b>	<b>100.0%</b>

Sources: The Greater Boston Housing Report Card 2012, MAPC, The Uses of 40R in Massachusetts (2009)

Despite its promise, Chapter 40R lacks clearly articulated equity goals. Perhaps due to the economic downturn in 2008, few municipalities participate. At this time, only 20 percent of the planned Chapter 40R units have been permitted or completed, and several of the most ambitious proposals have been abandoned. Significantly, two-thirds of the lost units are located in places ranked very-high, high or moderate on the opportunity index. Of the projects completed or under construction (as opposed to those with building permits), only 44 percent of the total units and one-third of the affordable units are located outside of very-low or low opportunity communities.

The Commonwealth’s commitment to Chapter 40R development was enhanced in November 2012 with the announcement of the Compact Neighborhoods Policy, intended to provide additional incentives to enable the Commonwealth to achieve the Governor’s stated goal of creating as many as 10,000 new units of multi-family housing per year. Compact Neighborhoods does not provide the cash incentives available under Chapter 40R and Chapter 40S. However, participating municipalities can receive funding from the state’s Priority Development Fund for “integrated mixed use development beyond the boundaries of a single project.” Projects within a Compact Neighborhood or

<sup>55</sup> Six districts are in larger, older cities (Boston, Brockton, Chelsea, Haverhill, Lawrence, Lowell) and allow over 3,600 future zoned units. The 16 districts in suburban municipalities allow about 4,700 units. As of August 2012, about 1,200 units had been built, including two (460 units) that had previously been approved as 40Bs. Due to the recession, several of the 40R proposals counted in these totals have been delayed or abandoned altogether.

Chapter 40R districts qualify for preferential funding from the state's MassWorks infrastructure assistance program. The policy also promises similar preferences for other state discretionary programs not yet identified.

While the production of new smart growth housing is a laudable goal, the record of Chapter 40R to date suggests a need to more deliberately imbed considerations of equity in the program to assure that it is a meaningful tool for expanding housing choice.

### Transit Oriented Development (TOD)

A recurrent theme emerging from recent discussions of zoning incentives is the public policy goal for the revitalization of distressed locations. Another is the concept of smart growth; that is, development that favors public and private investments resulting in higher densities and mixing residential with other retail and commercial uses. Smart growth revitalization activities often target areas of historical disinvestment, communities that are often home to people of color. Given the racial and opportunity profile of the Metropolitan Boston region, current revitalization proposals in TOD locations where infrastructure, jobs, and homes already exist could again lead to displacement of households of color. The Boston AI recognized this possibility as one among other impediments to fair housing.

HUD urges TOD through its Housing and Transportation Affordability Initiative. Among other things, the HUD initiative, based on the Center for Neighborhood Technology's (CNT) housing and transportation cost research, notes that after housing cost, transportation cost imposes the largest claim on family incomes, and urges the use of a Housing and Transportation Affordability Index to encourage housing development closer to public transportation. In Massachusetts, Chapter 40R favors areas near transit stations for smart growth development; however, the regulation does not specify a preferred distance between proposed districts and transit stations. In practice, most of the region's smart growth districts qualify because they are deemed to be highly suitable locations. Only eight of the area's 23 districts qualify for Chapter 40R incentives because they are close to a transportation node (i.e., within a half mile). Nevertheless, TOD is a key feature of emerging land use policies. It is supported in Massachusetts through such programs as the Commercial Area Transit Node Housing Program, which provides funding for housing development located near commercial areas and public transportation nodes.

Chapter 40R contemplates a more comprehensive approach to TOD by requiring mixed-income housing and a mix of other non-residential uses. As observed by MAPC in other studies, these kinds of investments can not only revitalize a neighborhood, they can also displace the existing residents and deprive them of the benefits of greater prosperity and opportunity.<sup>56</sup> The deployment of affordable housing near public transportation without other investment is unlikely to alter the existing inequities in the distribution of quality of life opportunities, and could easily exacerbate or at least perpetuate current patterns of residential segregation. As a consequence, fair housing considerations and principles of equity must be embedded in any TOD project, and in any smart growth planning effort in order to avoid sustaining racialized patterns of inequity in access to opportunity.

Other sections of the FHEA discuss the observations of the area's planners about inequities in access to job opportunities in the use of transportation resources. Notwithstanding these issues,

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<sup>56</sup> Growing Station Areas: The Variety and Potential of Transit Oriented Development in Metropolitan Boston (MAPC, June 2012)

access to public transit is far denser in the Inner Core Communities than in many of the outlying communities.

### Zoning Reform

The localized land use authority represented by zoning and other ordinances is a grant of power by the Commonwealth through its zoning statute, despite the extent of local control. The state's zoning law, Chapter 40A has been the subject of attempts at modernization and reform in recent years through the introduction of multiple pieces of legislation. A current piece of legislation endorsed by many is FY14 H. 1859, an Act Promoting the Planning and Development of Sustainable Communities. Fair housing and considerations of equity are addressed in some of the provisions of the proposed law:

- The law sets out for the first time state-wide standards for inclusionary zoning, borrowing from the best practices of multiple jurisdictions within the Commonwealth.
- Affordable housing development would be exempt from the imposition of impact fees.
- The proposal has an opt-in provision (chapter 40Y) which would provide strong incentives for communities to allow prompt and predictable by-right housing and commercial development, focused in appropriate smart-growth locations, coupled with environmental and open space protections. Participating municipalities will get access to additional regulatory and fiscal resources and tools to realize their plans for sustainable development. To obtain “opt-in” status under Chapter 40Y, a community must take the following actions, and demonstrate to the regional planning agency (RPA) that it has conformed:
  - Establish a housing development district(s) in smart-growth locations that can accommodate, through by-right development, a 5% increase the community's total number of existing housing units by-right. Minimum densities are set for single-family, duplex-triplex, or multi-family housing.
  - Establish an economic development district in smart-growth locations that permits prompt and predictable permitting of commercial / industrial development.
  - Mandatory use of open space residential design (OSRD) for developments of 5 units or more on land zoned for a minimum lot-size of 40,000 s.f. per unit.
  - Mandatory use of low impact development (LID) techniques for developments that disturb over one acre of land.
- The following regulatory and financial tools would be authorized and available for a community's use after it has opted in:
  - Reduction of the vested rights period for subdivisions from 8 to 5 years.
  - Enhanced use of impact fees to support public schools, libraries, municipal offices, affordable housing, and public safety facilities.
  - Authorization to enter into development agreements.
  - Adoption of rate of development measures (annual caps on building permit issuance) in areas inside and outside of housing development districts.
  - Adoption of natural resource protection zoning (NRPZ) at area densities of 10 acres or more per dwelling unit to protect identified lands of high natural resource value.
  - Preference for state discretionary funds and grants; priority for state infrastructure investments, such as water and sewer infrastructure, school building funds, and biking and walking facilities; and requirements that the state take into consideration regional plans and local master plans in its capital spending.
  - Eligibility to receive state planning funds to reimburse for costs of developing and reviewing implementing regulations.

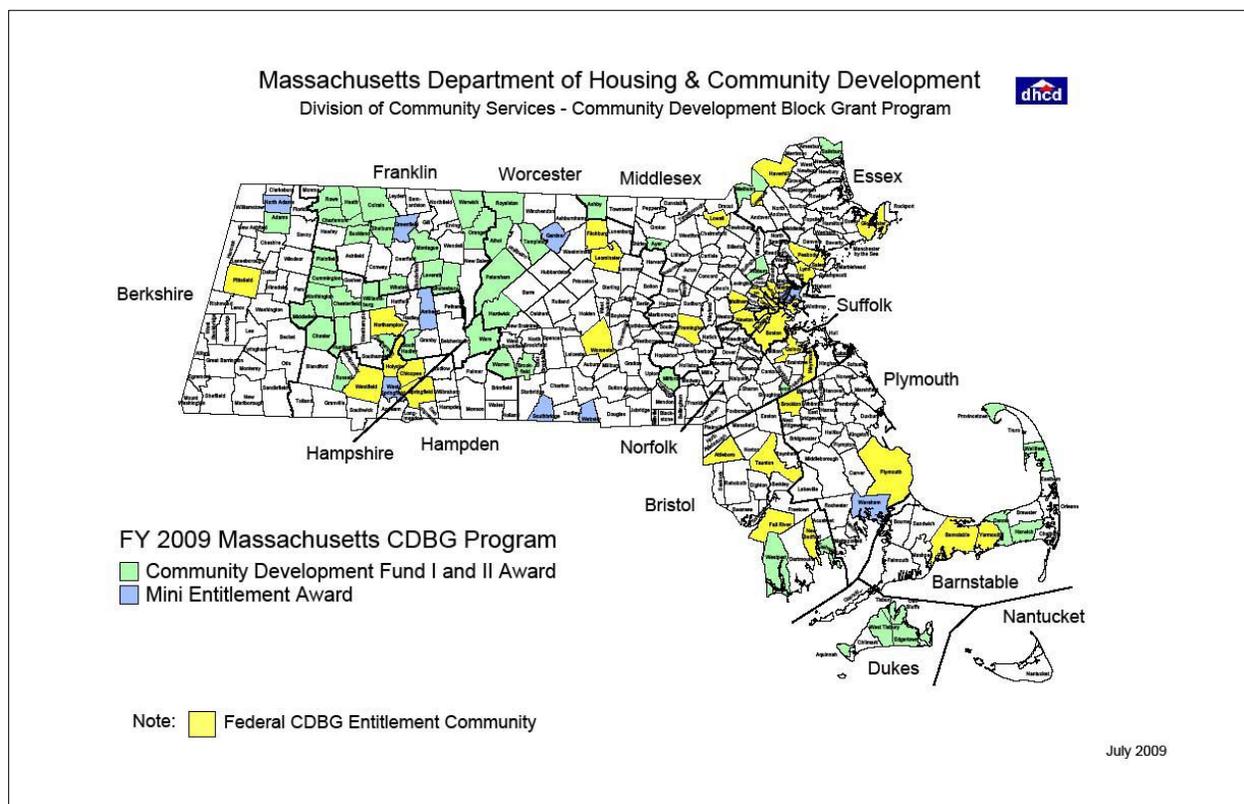
## 6. Investment of Public Resources & State Fair Housing Leadership

In 2007, Governor Deval Patrick issued Executive Order 478, entitled, “Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action.” Executive Order 478 states the current administration’s goal of eliminating discrimination and affirmatively promoting equal opportunity in all aspects of state government, including in the Commonwealth’s capacity as an instrumentality through which civic, public and private resources are regulated and distributed. The Order states that “Equal Opportunity and diversity shall be protected and affirmatively promoted in all state, state-assisted, and state-regulated programs, activities and services.” This section of the FHEA explores some of the housing-related mechanisms currently utilized by Massachusetts to achieve that objective.

### The DHCD Consolidated Plan

As a state recipient of community planning and development funds, DHCD is in a far more flexible position than entitlement jurisdictions and HOME consortia with respect to the geography in which it can spend HOME and CDBG funds. Under HUD rules, HOME funds allocated to states may be distributed to non-recipient communities for reallocation by the municipality to housing activities, or a state may directly fund a project, or it may jointly fund a project with another participating jurisdiction. DHCD also receives CDBG solely for use in non-entitlement areas of the state. As depicted in **Map 4.5**, in 2009 most CDBG funds are used in non-entitlement communities outside of the Metropolitan Boston region, in part because the bulk of the Commonwealth’s entitlement communities are within the area.

### **Map 4.5**      **Massachusetts Community Development Block Grant (CDBG) Program Spending**



Source: Report of the Regionalization Advisory Commission (April 10, 2010)

DHCD's Consolidated Plan is informed by sustainable development principles. Some principles reflect the smart growth concepts expressed in Chapter 40R and in proposed zoning reform legislation, such as concentrating mixed use development, prioritizing transportation choice and promoting regional planning. The sustainable development principles also include the concept of expanding housing choice, focused not on issues of race or ethnicity, but addressing the needs of people with disabilities, affordability and single family and multifamily development.

Fair housing considerations are also part of the Consolidated Plan, expressed in the Massachusetts Fair Housing Mission Statement and Principles. Several principles stand out in the context of considering how planning activities affect both the creation of opportunities in places where quality is absent and the expansion of access to areas where high quality opportunities already exist: the enhancement of mobility, the promotion of greater opportunity, and the balanced allocation of resources to promote diversity and equity and improve neighborhoods while limiting displacement. The Fair Housing Mission Statement is set out in full in **Figure 4.1**.

**Figure 4.1** Massachusetts Fair Housing Mission Statement and Principles

The mission of DHCD through its programs and partnerships is to be a leader in creating housing choice and providing opportunities for inclusive patterns of housing occupancy to all residents of the Commonwealth, regardless of income, race, religious creed, color, national origin, sex, sexual orientation, age, ancestry, familial status, veteran status, or physical or mental impairment. It is DHCD's objective to ensure that new and ongoing programs and policies affirmatively advance fair housing, promote equity, and maximize choice. In order to achieve its objective, it is guided by the following principles:

- **Encourage Equity.** Support public and private housing and community investment proposals that promote equality and opportunity for all residents of the Commonwealth. Increase diversity and bridge differences among residents regardless of race, disability, social, economic, educational, or cultural background, and provide integrated social, educational, and recreational experiences.
- **Be Affirmative.** Direct resources to promote the goals of fair housing. Educate all housing partners of their responsibilities under the law and how to meet this important state and federal mandate.
- **Promote Housing Choice.** Create quality affordable housing opportunities that are geographically and architecturally accessible to all residents of the commonwealth. Establish policies and mechanisms to ensure fair housing practices in all aspects of marketing.
- **Enhance Mobility.** Enable all residents to make informed choices about the range of communities in which to live. Target high-poverty areas and provide information and assistance to residents with respect to availability of affordable homeownership and rental opportunities throughout Massachusetts and how to access them.
- **Promote Greater Opportunity.** Utilize resources to stimulate private investment that will create diverse communities that are positive, desirable destinations. Foster neighborhoods that will improve the quality of life for existing residents. Make each community a place where any resident could choose to live, regardless of income.
- **Reduce Concentrations of Poverty.** Ensure an equitable geographic distribution of housing and community development resources. Coordinate allocation of housing resources with employment opportunities, as well as availability of public transportation and services.
- **Preserve and Produce Affordable Housing Choices.** Encourage and support rehabilitation of existing affordable housing while ensuring that investment in new housing promotes diversity, and economic, educational, and social opportunity. Make housing preservation and production investments that will create a path to social and economic mobility.

- **Balance Housing Needs.** Coordinate the allocation of resources to address local and regional housing need, as identified by state and community stakeholders. Ensure that affordable housing preservation and production initiatives and investment of other housing resources promote diversity and social equity and improve neighborhoods while limiting displacement of current residents.
- **Measure Outcomes.** Collect and analyze data on households throughout the housing delivery system, including the number of applicants and households served. Utilize data to assess the fair housing impact of housing policies and their effect over time, and to guide future housing development policies.
- **Rigorously Enforce All Fair Housing and Anti-Discrimination Laws and Policies.** Direct resources only to projects that adhere to the spirit, intent, and letter of applicable fair housing laws, civil rights laws, disability laws, and architectural accessibility laws. Ensure that policies allow resources to be invested only in projects that are wholly compliant with such laws.

### The DHCD Analysis of Impediments

Like participating jurisdictions, DHCD is required to certify as a condition of receipt of HUD funds that it will affirmatively further fair housing by completing an AI and carrying out a fair housing action plan.<sup>57</sup> The current DHCD AI identifies impediments and actions that are similar to those in the jurisdictional AI.<sup>58</sup> The content of DHCD's findings also reflect its statewide leadership responsibilities:

- **Discrimination, Linguistic Isolation, Fair Housing Enforcement and Education.** Like the local jurisdictions and HOME consortia, DHCD observed that the volume of fair housing complaints did not coincide with fair housing audits or the perception of people of all races that the more exclusive communities are unwelcoming to people of color. It also noted the persistent evidence of discrimination in home mortgage lending. Like many local communities, the presence of lead paint was viewed as a barrier to housing for families with children. Restrictive zoning practices were called out as a particular impediment to choice. It noted that linguistic isolation was often a barrier to mobility and choice for immigrant families. The AI proposed incorporating fair housing principles into DHCD's programs (as it did with the Consolidated Plan), including its smart growth approval process under Chapter 40R, carrying out fair housing education and training in the context of those programs, and continue to use CDBG and other funds for lead paint control activities.
- **Accessibility, Segregation and Disability.** The DHCD AI recognized that need to assure that the technical and scoping standards of the Massachusetts Architectural Access Board were properly implemented. It also identified a mismatch that often led to households occupying accessible units when no member of the family needed the features of the unit, and specifically found that there is a need to assure community-based integrated housing opportunities for people with significant disabilities.
- **Fair Housing Efficacy.** In its role as a state wide agency with responsibilities that involve supervision of local housing authorities, individual subsidized property owners and interaction with other public and quasi-public housing agencies, the DHCD AI noted a lack of overall capacity within state government on fair housing issues, as well as a lack of information about the characteristics of people living within state-funded housing.

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<sup>57</sup> DHCD is also a state-wide housing authority for purposes of administering the Section 8 Housing Choice Voucher program, which it operates under the waiver provisions of HUD's Moving to Work program. It is unclear whether the requirement to conduct an AI for PHA plan purposes is affected by the MTW arrangement.

<sup>58</sup> Further minor updates were incorporated into the DHCD AI in July 2012.

- **Affordable Housing.** The AI highlighted the prime mission of DHCD to carry out affordable housing programs. The AI saw a need to utilize its land use-related authority under Chapter 40B and Chapter 40R to assure the expansion of housing choice in higher opportunity areas while at the same time assuring that activities are carried out in low-income neighborhoods and other disinvested areas to revive opportunity. In this regard, the AI reiterated a commitment to addressing zoning barriers in individual communities. It also identified a need for affirmative fair housing marketing techniques that would allow households of color to gain access to assisted housing in more White, higher opportunity places. It saw local resident selection preferences in DHCD-funded programs as a barrier to choice. The AI specifically called for using the Chapter 40B tenant selection procedures in all state programs in order to mitigate any discriminatory effect of local resident selection preferences.
- **Equity in Sustainability.** The AI identified a special need to incorporate principles of fair housing and equity not only into housing programs, but also into the sustainability work of coordinating housing development with transportation and planning for other resources. The goal of this work is to not only to achieve equity of opportunity but also “to avoid the creation or perpetuation of segregation and concentrated poverty.” Action steps in this domain include the balanced siting of affordable housing across an entire regional landscape, use of tenant-based vouchers to promote mobility to low-poverty areas, and equity in access to public transit.

Since 2007, DHCD has worked to carry out the action steps described in the AI. Among the accomplishments is the publication of an agency language assistance plan to assure that linguistically isolated households have meaningful access to DHCD-funded programs. DHCD also created an *ADA/Section 504 Self-Evaluation and Transition Guide* to assist local housing authorities in evaluating compliance with the architectural access and other requirements of the Americans with Disabilities Act and Section 504. The Affirmative Fair Housing Marketing Plan Guidelines, previously applicable only to Chapter 40B housing, are now in broad use in multiple programs funded by DHCD and other state public and quasi-public agencies. Other accomplishments include the implementation of a civil rights review in applications for discretionary funding, multiple trainings on fair housing laws and obligations, implementation of a demographic data collection system for many of the Commonwealth’s housing programs, and other activities.

The reference to equity in sustainable development policies highlights an additional challenge for DHCD. One element of the Compact Neighborhoods Policy is the expectation that the Chapter 40R zoning bylaws submitted for approval will, among other features, “promote the development of housing appropriate for diverse populations, including households with children, other households, and households including individuals with disabilities and the elderly.” Nothing in Chapter 40R or in the Compact Neighborhoods Policy speaks to the highly segregated nature of the region or to the consequent disparities in the availability of high quality opportunities, although DHCD’s 40R guidelines do require affirmative fair housing marketing. Embedding some of the action steps outlined in the AI in programs like Chapter 40R in a manner that expands housing opportunities to the new districts created in high opportunity places as well as in the revitalizing locations that are in the Gateway Cities will be crucial in assuring fair housing equity.

#### Low Income Housing Tax Credits and the Qualified Allocation Plan

HUD’s consolidated planning rules require states with CDBG and HOME recipients to “describe the strategy to coordinate the Low-Income Housing Tax Credit with the development of housing that is affordable to low-income and moderate-income families.” Its *Fair Housing Planning Guide* encourages state AIs to consider the effect of siting and neighborhood standards in the use of

community planning and development funds, and also to consider “policies that restrict the provision of housing and community development resources to areas of minority concentration.”

Part Three of the FHEA discusses, among other topics, the significant concentration of LIHTC units in racially identified, high poverty neighborhoods and the effect those siting decisions have on access to opportunities like good schools. State housing credit agencies in other states have been held liable for violating the Fair Housing Act where the location of LIHTC housing has similar siting characteristics.<sup>59</sup> The allocation of tax credits is governed by a Qualified Allocation Plan (QAP) and DHCD’s QAP has for some time incorporated the Fair Housing Principles that are also a feature of the state’s Consolidated Plan. Application of the principles so far has not altered what appear to be segregative siting outcomes.

Policy changes are needed to increase LIHTC applications from high opportunity municipalities. The Commonwealth’s QAP for 2012 makes an attempt to remedy the situation with the introduction of four “Housing Development Funding Priorities” that will govern the allocation of LIHTC. The priorities include housing for extremely low-income households without regard to the location of the housing, housing in distressed and at-risk neighborhoods “where strategic investment has a strong likelihood of catalyzing private investment, improving housing quality” and promoting a mix of incomes, preservation of existing affordable housing, and last, production of family housing “in neighborhoods... that provide access to opportunities” such as jobs, transportation, education and public amenities, defined by unspecified “publicly available data.”

The effect of the new priority approach is uncertain. Studies in other locations tend to show that affordable housing catalyzes revitalization when developed in conjunction with other efforts that improve infrastructure, schools, and other public investments and when the affordable development is accompanied by private development in commercial, retail and market rate housing development. Simple preservation of existing affordable housing without more has the potential of simply perpetuating siting decisions that are often discriminatory. The concept of prioritizing development in neighborhoods that provide access to opportunities could balance the potentially segregative effects of the other priorities. As is discussed in Part Five, the metrics used to identify opportunity are crucial.

## **7. Regional Economic Development and Regional Coordination**

Quality of life opportunities are affected as much by planning for and deploying economic development resources as they are by investments in housing and community development activities. In recent years, the Commonwealth has initiated several economic development planning efforts directly affecting the Sustainable Communities region. It is not clear the extent to which fair housing considerations and principles of equity are involved in those efforts.

One of the state’s activities was the *Report of the Regionalization Advisory Commission*, mandated by the legislature in Chapter 60 of the Acts of 2009 and completed in 2010. The Advisory Commission’s legislative mandate was to “review all aspects of regionalization including possible opportunities, benefits and challenges to regionalizing services within the commonwealth,” including “education, public safety, public health, public works, housing, veterans’ services, workforce development, municipal finance and structure, elder services and transportation.” Much of the final report was focused on the cost savings and efficiencies that might result from various levels of regional collaboration. With respect to housing and community development, the Commission’s recommendations included the expansion of regional operation of housing authorities, regionalized monitoring of compliance with Chapter 40B use restrictions, planning for housing, economic and

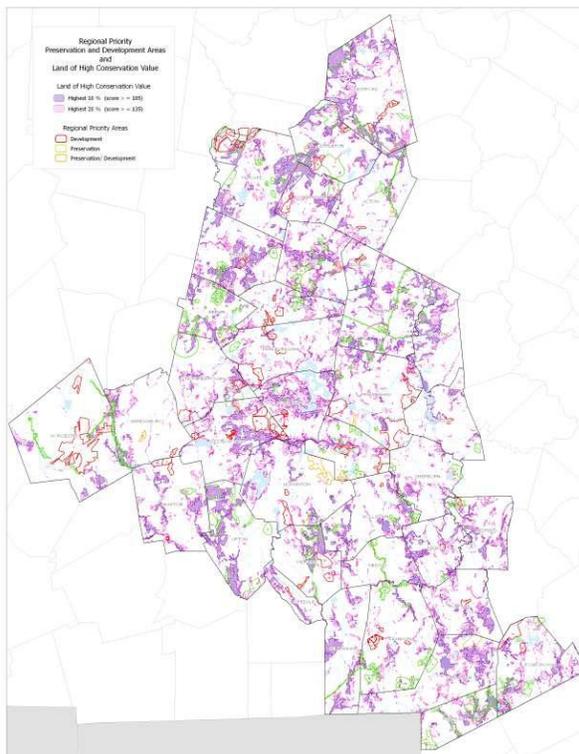
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<sup>59</sup> *Inclusive Communities Project v. Texas Dept. of Housing and Community Affairs*, 860 F. Supp. 2d 312 (N.D. Texas 2012).

infrastructure development on a regional scale, and the establishment of collaborative development and tax sharing structures among municipalities. The *Report* did not consider issues of segregation, concentration of poverty, concentration of assisted housing or disparities in access to opportunity that are the subject of the FHEA or of the region's AI. It did note a need for some attention to issues of equity, observing that regionalization of Chapter 40B comprehensive permitting could easily lead to a circumstance where an exclusionary community claimed credit for another community's affordable units. Such a result "is inconsistent with [the] statutory anti-exclusionary intent" of the law.

More recent economic development activities led by the Commonwealth have not engaged questions of fair housing and equal opportunity. One example is in the Interstate 495/MetroWest Development Compact Plan. The I-495 Compact Plan involved "the identification and evaluation of priority areas – areas intended for development and areas intended for preservation" in a collaborative effort of multiple local, regional and state stakeholders, including municipalities, regional planning agencies, environmental and smart growth groups, the Executive Office of Housing and Economic Development, the Executive Office of Energy and Environmental Affairs and the Department of Transportation. The planning process resulted in the designation of more than 800 locally identified priority areas in 37 cities and towns in the Compact Plan region. It also resulted in the identification of another 192 state priority areas, depicted in **Map 4.6**. By identifying priority areas, the Compact Plan hopes to guide the award of and the use of critical resources for the development of transportation resources, including commuter rail service, assistance to regional transit authorities, construction of limited access highways, interchanges and local connector roads, intermodal facilities and bicycle and pedestrian ways. It also would direct the expenditure of funds for crucial infrastructure needed to spur development, including housing opportunity, like water and wastewater services.

**Map 4.6** Priority Development Sites Identified in the 495 Compact Plan



The Compact Plan took notice of a “gap of 30,000 or more housing units” under the growth scenarios projected for the I-495 Compact Plan Region. The Plan did not address the means by which the housing gap would be closed, but recommended four action steps which reflect the housing development goals expressed in other initiatives such as Chapter 40R. The first would survey the already identified priority development areas “to explore their potential for housing,” especially housing as part of mixed use development. A second recommendation is to “focus on the provision of residential uses in village and town centers.” Third, the Plan suggested more diversity in housing opportunities, primarily with respect to increasing higher density development in “duplexes, condominiums, and multifamily housing.” Last, the Plan recommended “housing in development areas with transit access or the potential to support transit service.”

If carried out, the development concepts in the Compact Plan are expected to generate tens of thousands of new jobs and other opportunities. The Plan specifically noted the relationship of housing choice to these opportunities. “A consequence of limited housing choice is that it is more difficult for workers to live close to where they work. This is significant because it means that there is a mismatch between employment and housing; people cannot afford to live in the Region in which they work.”

34 Sustainable Communities area municipalities lie within the Compact Plan’s region, including 6 towns that are in the balance of area outside the MAPC planning region. In the aggregate, these towns represent 12 percent of the Metropolitan Boston region population, but only 7.5 percent of the region’s people of color. None of the 34 communities is ranked low or very-low by the Kirwan-McArdle opportunity measure. The Compact Plan region includes 3 communities not part of the Sustainable Communities area; Worcester, Grafton and Shrewsbury. When these municipalities are considered, the Compact Plan region appears more diverse, with people of color representing 19.6 percent of all inhabitants; that is, a population that is 7 percent Latino, 3 percent Black and 6.3 percent Asian. However, nearly half the Compact Plan region’s Blacks, over 40 percent of the Latinos and more than 20 percent of all Asians live in the low opportunity community of Worcester. Similar planning efforts were completed for the 31 communities identified for the South Coast Rail Corridor Plan. That plan is more focused on development in connection with the expansion of commuter rail facilities in a region stretching from Canton at its northernmost point to the south coast communities of Westport and Dartmouth. It is intended as “a blueprint for clustering jobs and homes around stations, maximizing the economic benefits of rail investment, minimizing sprawl development, and preserving the farms, fields, and forests of the South Coast.” Fourteen Sustainable Communities municipalities lie in the South Coast planning area. It is a more and economically and racially diverse region that includes Fall River and New Bedford as well as places like Stoughton and Sharon.

Both the I-495 Compact Plan and the South Coast Rail Corridor Plan highlight the need to assure that same fair housing concepts and principles of equity that figure so prominently in some of the Commonwealth’s housing planning documents make their way into plans for the use of resources for economic development, roadways, rail and other transportation services, investments in drinking water and wastewater facilities, and plans for the production of housing. The very construction of the planning geography for the Compact Plan runs the risk that people of color who live in I-495 communities like Lawrence and Lowell, or in places that are accessible by connector roads to the Compact Plan area such as Brockton, will not experience the prosperity associated with production of new housing or creation of good jobs. It is this chance for opportunity that is the promise of Executive Order 478, and it is a promise that should be fulfilled.

## **8. Fair Housing Planning**

There are a number of other organizations in the Boston metropolitan area devoted to civil rights in general and fair housing issues in particular, and their engagement is critically important to this process. Among the organizations most directly involved is the Fair Housing Center of Greater Boston (FHCGB), which has participated in the HUD-funded Fair Housing Initiatives Program or the Fair Housing Assistance Program. HUD announced in May 2013 that it had awarded the Fair Housing Center of Greater Boston (FHCGB) \$550,000 to assist people in the five county Boston metropolitan area who believe they have been victims of housing discrimination. The grant has three components:

With \$325,000 awarded under HUD's Private Enforcement Initiative, FHCGB will provide sixty education and training sessions to housing seekers and housing providers in twelve different languages and provide nine Affirmatively Furthering Fair Housing (AFFH) trainings to non-profit organizations, cities, towns and/or municipalities. The project will serve members of all protected classes under the Fair Housing Act and substantially equivalent state law, including the following targeted underserved populations: people of color, people with disabilities, homeless individuals and families, immigrants with limited English proficiency, and low- and moderate-income home seekers.

With \$125,000 from HUD's Education and Outreach Initiative, FHCGB will provide fair housing training to the general public, municipalities, landlords, property managers, real estate brokers, community development corporations, and advocacy organizations with a particular emphasis on discrimination affecting the lesbian, gay, bisexual and transgender community to determine whether there is evidence of sex discrimination, discrimination based on source of income which may indicate unlawful discrimination based on race, national origin, or other protected class, fair lending, and will conduct an Analysis of Impediments to Fair Housing Choice. The Center will also conduct a fair housing conference as part of this initiative.

With the third component of its grant – \$100,000, also from HUD's Education and Outreach Initiative – FHCGB will work with faculty to develop two academic modules that will integrate a fair housing curriculum within a public policy course offered at Tufts University (Tufts/UEP) and within an urban design seminar offered through the Gateways Program at the Boston Architectural College. Other activities will include recruiting four interns to participate in a 14-week, paid internship during the fall and spring semesters. Tufts/UEP interns will research discriminatory lending patterns in Somerville and Medford with a particular emphasis on predatory lending, rescue mortgage scams and foreclosures, and Boston Architectural College interns will create a disability access toolkit for developers, architects and contractors. FHCGB staff will participate in seminars, colloquia and campus events at both schools.

Suffolk University Law School also received a \$150,000 grant from HUD to expand a partnership with the Boston Fair Housing Commission to explore the prevalence of housing discrimination in Boston. The grant provided resources so that students could be paid to serve as testers to identify and assess discrimination cases firsthand. The grant covered complaint-based testing, which focuses on reports of discrimination, and systematic testing to uncover a pattern or practice of discrimination. Testing also focused on discrimination regarding family status, disabilities, sexual preferences, and housing subsidies. A course on Housing Discrimination and Landlord Tenant Law was also offered.

MAPC also hired a consultant and worked with the Fair Housing Caucus of the Metro Boston Consortium for Sustainable Communities to create an online Fair Housing Toolkit and accompanying training. The Toolkit outlines policy and practice interventions for furthering fair housing principles that are geared towards a primary audience of municipal staff and developers.

## Part Five: Findings and Recommendations

In considering the causes of the racial rebellions that worked such substantial damage within the Black segregated neighborhoods of the nation's cities in the middle part of the 1960s, the Kerner Commission observed that the causes of the violence derived from related harms: the systematic promotion of racial discrimination and separation through direct government action and the sanctioning of private, discriminatory behavior; the deliberate exclusion of people of color from the most advantageous public and private benefits; and the corresponding disinvestment in the neighborhoods to which *de jure* and *de facto* policies confined people of color. Seven years later, the report of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights observed many of the same conditions in the Boston region.

The civil rights injuries observed by the Kerner Commission remain a feature of the Metropolitan Boston area forty years after the enactment of Title VIII and more than thirty years after the same findings by the Advisory Committee. The findings set out in the concluding section of the FHEA reflect this central fact. They also reflect several other core understandings of both the Kerner Commission and the Advisory Committee. That is, housing alone cannot be the sole focus of a fair housing equity analysis. Instead, the focus must be on the centrality of a household's place of residence to key qualities of opportunity, like education and jobs.

### **A. The Sustainable Communities Region is Deeply Segregated**

#### **Finding 1: Segregation in the Region is a Condition Marked Primarily by White Isolation**

1.1 The demographic data explored in Section Two evidence profound regional racial and ethnic segregation, a condition initially caused by deliberate policies of discrimination, particularly in housing. Because of that history, it is easy to consider the question of segregation solely from the perspective of people of color. And it is certainly true that people of color are highly concentrated in a few locations within the region. Nearly half of all Blacks, Latinos and Asians live in just six communities with just one-fifth of the area's population. These extraordinary levels of racial concentration are especially significant for Blacks, 62.5 percent of whom live in those majority-minority municipalities, and for Latinos, of whom 54.3 percent live in those places. Conditions of concentration are also replicated at the municipal level in many communities. Nearly half of Boston's people of color live in just four of the city's neighborhoods. Local analyses of impediments to fair housing choice observe the segregation within other cities and towns like Framingham.

1.2 While past and present conditions of discrimination draw attention to concentration of people of color, the region's racial and ethnic separation is experienced most significantly by Whites. Segregation indices typically used by the Census Bureau indicate that despite the extent of concentration of people of color, the average Black, Latino and Asian individual is likely to live in a census tract with at least some White people. In contrast, the average White person in the metropolitan area lives in a tract where more than 80 percent of the other residents are White, and less than 5 percent of Whites are likely to live in a tract where they are in the minority with respect to Blacks or Latinos.

1.3 Conditions of racial separation are even more profound for children. Nearly 62 percent of the Metropolitan Boston region's Black school age children live in just four municipalities: Boston, Brockton, Randolph, and Lynn, all of which are majority minority communities. While the City of

Boston is home to nearly 44 percent of the region's Black school age children and 23 percent of its Latino children, fewer than 3 percent of the MAPC region's Non-Hispanic White children live there.

### **Finding 2: The Regional Increase in Racial and Ethnic Diversity is Mainly Attributable to Immigration**

In aggregate, immigrants and native-born U.S. citizens are alike in terms of basic measures of success such as income or social standing such as education. [However,] the challenges that many immigrants face include poverty, limited English language skills and low educational attainment in some sectors. The incidence of poverty, for example, is greater for immigrants than for natives, especially for recent immigrants. The geographic concentration of recent immigrants into several urban areas in Eastern Massachusetts means that poverty is also concentrated geographically.<sup>60</sup>

2.1 The Sustainable Communities region is more diverse than ever before. The number and percentages of people of color has increased to the point where 26 percent of the area population are now members of racial and ethnic minority groups. This growing diversity is caused in large measure by the significant the numbers of immigrants arriving in the region.

2.2 Residential patterns for immigrants are similar to people of color as a whole. Nearly half of the immigrant residents of the region live in just 10 communities: Lawrence, Chelsea, Malden, Everett, Randolph, Lynn, Revere, Lowell, Boston and Cambridge. Nine of these 10 municipalities are ranked low or very-low opportunity places by the Kirwan-McArdle index. Five of the six majority-minority jurisdictions are among the 10 communities.

2.3 These patterns also reflect differences in the concentration of Asian and White immigrants in the area. Black and Latino immigrants are highly concentrated in just a few places many of which are low and very-low opportunity jurisdictions. The level of segregation affecting people of Asian descent is far less profound that for Blacks and Latinos. Moreover, there are large numbers of immigrant Asians in many of the region's high and very-high opportunity locations, including in communities like Brookline, Watertown, Belmont and Newton.

2.4 The extent of immigration to the region also means that some 16 percent of the area population lives within linguistically isolated households in which no person speaks English. The languages spoken by these families vary widely. More than one-third are Spanish-speaking individuals. An equal proportion speak languages from Europe and the Indian sub-continent. Approximately 25 percent speak Asian languages. The degree to which immigrants live throughout the region suggests that linguistic isolation is present in a wide variety of communities, and further suggests the need to address the presence of language barriers as well as race and ethnicity as a significant fair housing condition.

### **Finding 3: Racial and Ethnic Segregation is not Explained by Differences in Income or Rates of Poverty**

[F]or the most part, Latinos and African Americans in the Boston metropolitan area continue to live in and purchase homes in quite different areas than whites... while African-American and Latino homebuyers do face greater affordability constraints on average, affordability alone does a poor job

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<sup>60</sup> Clayton-Matthews, Alan and Watanabe, Paul, March 2012 Massachusetts Immigrants by the Numbers, Second Edition: Demographic Characteristics and Economic Footprint (Immigrant Learning Center, 2d ed. March 2012).

in explaining segregation. Clearly, the concentrated residence and homebuying patterns manifest in the Boston metropolitan area are attributable to more than money.<sup>61</sup>

3.1 On average, households of color have lower incomes than their White counterparts, and are more likely to be low-income households or families in poverty than Whites. Low-income households and families in poverty also tend to concentrate in municipalities and in census tracts in individual communities that are also racially identified. The majority-minority communities of Boston, Lawrence, Lynn and Lowell are all places with certain neighborhood concentrations of high levels of poverty and large percentages of people of color.

3.2 To the extent that racial separation is explained by differentials in income, there is evidence that many rental dwelling units in predominantly White, high opportunity areas affordable to low-, very-low and extremely low-income households (including 2, 3 and 4 family properties owned by small landlords) are occupied by higher income families. This mismatch has the potential of excluding lower-income households from better housing in higher quality areas not only lower income households of color, but also participants in housing subsidy programs.

3.3 Despite these conditions, the extent of segregation in the Metropolitan Boston region is not explained solely by differentials in income and poverty among racial and ethnic groups. Data supplied by HUD shows, for example, that after correcting for disparities in income, 83 cities and towns are “severely” segregated with White individuals compared to all people of color, 110 communities are severely segregated with Whites compared to Blacks, 99 are severely segregated with Whites compared to Latinos, and 76 are considered severely segregated when Whites are compared to Asian people. Along the same lines, the percentage of *non-poor* Blacks and Latinos living in poor census tracts is more than double the percentage of *poor* Whites.

**Finding 4: Despite Important Progress, People with Significant Disabilities Continue to Live in Segregated, Institutional Settings or Inaccessible Housing**

The elder and disabled populations in Massachusetts are growing. They are a diverse group of individuals and many depend on state-supported programs. With a broad array of home and community-based services, including case management and housing supports, they may live in less restrictive, and sometimes less expensive, community-based settings where many wish to remain.<sup>62</sup>

4.1 About 10 percent of the population of the metropolitan area consists of people with one or more disabilities. Most of these individuals live outside of institutional settings in cities and towns across the entire area.

4.2 The Commonwealth has to date committed substantial resources to providing housing opportunities for people with significant disabilities through planning activities consistent with the principles articulated in *Olmstead v. L.C.* and the Americans with Disabilities Act. Despite these advances, large numbers of people with significant disabilities in institutions or at risk of institutionalization lack access to integrated, permanent, affordable supportive housing. This situation is made worse by inconsistent and cumbersome HUD rules that make it difficult to use mainstream affordable housing resources for permanent supportive housing.

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<sup>61</sup> Harris, David J. and McArdle, Nancy, *More than Money: The Spatial Mismatch Between Where Homeowners of Color in Metropolitan Boston Can Afford to Live and Where They Actually Reside* (Metropolitan Boston Equity Initiative of the Harvard Civil Rights Project, January 2004).

<sup>62</sup> *The Community First Olmstead Plan* (Commonwealth of Massachusetts, 2008).

4.3 Chapter 40B comprehensive zoning has resulted in the construction of nearly one-third of the region's accessible housing for people with disabilities, much of it located in higher opportunity communities outside the Inner Core. MassAccess further facilitates the availability of accessible housing for people with disabilities. However, the failure of the Massachusetts Architectural Access Board to update its regulations and inconsistent capacity to monitor and enforce existing codes at the municipal level impedes the ability to construct fully compliant accessible housing.

## **B. Segregation and Discrimination is the Cause of Deep Disparities in Access to Quality of Life Opportunities**

Neighborhood counts. Access to decent housing, safe neighborhoods, good schools, useful contacts and other benefits is largely influenced by the community in which one is born, raised and resides. Place and race continue to be defining characteristics of the opportunity structure of metropolitan areas.<sup>63</sup>

### Finding 5: Disparities in Opportunity Especially Affect Blacks and Latinos

5.1 When viewed in the aggregate, HUD opportunity data indicates that more than two-thirds of all White households live in communities ranked moderate, high or very-high opportunity as compared to, 53.5 percent of Asian families, less than one-fifth of all Black households and just 21.6 percent of Latino families. In other words, 31.6 percent of Whites, 46.5 percent of Asians, 81.1 percent of Blacks and 78.4 percent of Latinos live in low and very-low opportunity places. Other data supplied by HUD says that the average White person lives in a census tract with an opportunity score of 6.12 out of 10. The scores for other racial groups are 2.82 for Blacks, 3.16 for Latinos and 5.27 for Asians.

5.2 In the same way that segregation is not explained entirely by gaps in income, access to opportunity is an issue of race and not poverty. Just 30 percent of non-poor White residents live in the bottom two opportunity categories and more than 81 percent of non-poor Black residents do; on the other hand, nearly half of poor White residents live in high or very-high opportunity areas, compared to just 10 percent of poor Black residents.

5.3 The disaggregated opportunity indices evidence the same degree of racial disparities in access to good schools, exposure to conditions of poverty, levels of employment and housing stability. Only in one opportunity dimension measured by HUD—access to jobs—is there relative equality.

### Finding 6: The Region's Transportation System is a Barrier to Equal Opportunity

6.1 Despite the relative equality of access to jobs indicated by HUD data, workers living in communities of color experience much longer commutes to jobs than their White counterparts, suggesting that HUD data regarding access to jobs presents an incomplete picture.

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<sup>63</sup> Squires, Gregory D. and Kubrin, Charis E., *Privileged Places: Race, Opportunity and Uneven Development in Urban America* (Shelterforce Online, Fall 2006).

6.2 Two-thirds of the people living in communities of color who rely on public transportation to travel to work experience commutes of one hour or more, compared to 40 percent of workers traveling from White communities.

6.3 The lack of spending for public transit serving circumferential routes is an impediment to full and equal access to jobs and other amenities for people of color.

6.4 Despite the requirements imposed through litigation and other efforts, the area's public transportation system is not accessible to people with disabilities, creating a barrier to their ability to travel to work, go to school, shop and travel to necessary services.

6.5 Spending patterns for the Chapter 90 transportation infrastructure program suggest other disparities in investment. Per capita Chapter 90 spending in the majority-minority communities is \$83 per person while it is \$327 per person in all other communities. Per capita Chapter 90 spending across the region is \$325. In the 5 very-low and 10 low opportunity communities in the region, it is \$117 and \$205.

**Finding 7: Residential Segregation in the Region Results in Segregated Schools and Large Disparities in Equality of Education**

7.1 Patterns of residential segregation and concentration of poverty are magnified in the region's schools, where measures of racial isolation are equal to or even more severe for schoolchildren when compared to the total population.

7.2 School segregation and concentrations of poverty result in extreme disparities in school performance, reflected not only in the HUD opportunity indices that measure proficiency in skills like reading and mathematics but also in higher dropout and dramatically lower graduation rates for racially identified school systems.

7.3 The evidence is that regional approaches to education which permit children in segregated school districts to attend a higher quality school result in those children having significantly higher levels of proficiency in learning skills, much lower dropout rates, and dramatically higher graduation rates. However, the promise of programs like METCO remains unfulfilled due to declines in funding and the fact that no new districts have joined the program for nearly 30 years.

**Finding 8: Homeowners of Color Experience Greater Levels of Housing Instability**

8.1 Overall patterns of segregation are reflected in homeownership, with Black, Latino and Asian homebuying confined to a small fraction of the Sustainable Communities region.

8.2 Racially identified neighborhoods experience greater volatility in the cost of home purchases, including much more significant losses in home values during the financial crisis of recent years.

8.3 Home Mortgage Disclosure Act data shows persistent patterns of discriminatory outcomes in mortgage lending, with Black, Latino and Asian purchasers experiencing disparate levels of loan denials for conventional mortgage loans.

8.4 The racial and ethnic disparities in the availability of conventional mortgage loans resulted in much greater reliance on high cost, subprime loans by Black and Latino homebuyers, who borrowed from subprime lenders at 5 times the rate of White borrowers.

8.5 Greater rates of subprime lending in communities of color has resulted in equally disproportionate rates of foreclosure. These conditions exacerbate the decline in property values for homeowners of color and accelerate neighborhood instability and deterioration.

**Finding 9: The Use of Affordable Housing Resources in the Region Exacerbates Segregation and Concentrations of Poverty**

9.1 With some exceptions, the need for affordable housing among all racial groups as measured by cost burdens and housing quality is roughly equal. Black and Latino homeowners experience disproportionately higher rates of cost burden and housing problems as compared to Whites and Asians. Low-income and very-low-income Asian renters experience greater rates of housing problems as compared to all other groups.

9.2 Affordable rental housing with project-based capital and operating assistance is concentrated in just a few communities in the region, with ten cities serving as the location for half of the area's units, including five of the Metropolitan Boston region's majority-minority municipalities. This pattern of concentration also exists *within* individual communities such as Boston and Framingham, where assisted housing tends to be located in racially identified, high poverty and low opportunity census tracts.

9.3 While the concentration of assisted housing in segregated, high poverty areas is in part a legacy of deliberately segregative siting decisions, the same patterns persist in programs not marked by that history. Sixty percent of the region's housing financed with Low Income Housing Tax Credits is located in Boston and nearly 70 percent of those units are sited in the region's majority-minority communities. More than one-quarter of the area's LIHTC units are located in just two Boston neighborhoods; highly segregated Roxbury and Dorchester.

9.4 Despite a promise of mobility, the same overall pattern persists in the tenant-based Housing Choice Voucher program. However, there are large racial disparities in the use of Section 8 vouchers. Blacks, Latinos and Asian voucher families are far more likely than White voucher participants to live in high poverty, majority-minority census tracts. White Section 8 holders are more likely to live in moderate and high income, integrated tracts at disproportionately higher rates than voucher holders of color.

9.5 Like other structures that perpetuate segregation, the concentration of assisted housing results in particularly deep disparities in access to quality education by the region's schoolchildren. Federal public housing, developments with project-based rental assistance and LIHTC properties serving families with children are generally located near low performing, high poverty and majority-minority schools. The situation is somewhat better for Section 8 participants with children, who tend to live near high poverty, low performing schools that are less racially identified than the schools serving properties with project-based assistance. However, racial disparities in the Housing Choice Voucher program persist with respect to access to quality education. White Section 8 households with children live near better performing, lower poverty schools than their Black and Latino counterparts, and they are served by better schools than Black and Latino households *without* rental assistance.

**Finding 10: Patterns of Residential Segregation Result in Greater Exposure to Environmental Hazards, Neighborhood Violence and Crime for People of Color**

10.1 Environmental hazards exist in both high opportunity and low opportunity communities. However, jurisdictions with greater numbers of people of color are ranked among the most environmentally overburdened places with the greatest density of environmental hazards.

10.2 Public safety concerns are a feature of virtually every community in the region. Like environmental hazards, majority-minority communities experience violent crime and property crime at rates that vastly exceed crime rates in comparably sized municipalities. Violent crime especially affects young men of color. Despite the disparities, rates of homicide and violent crime continue to decline.

**Finding 11: Housing Discrimination is a Barrier to Equal Opportunity in the Region.**

11.1 Findings from fair housing audits, research studies, HMDA data and the continuing presence of hate crime in the region indicate that housing discrimination is a significant impediment to equal housing opportunity in the region.

11.2 An average of 250 complaints of housing discrimination are filed each year with the Massachusetts Commission Against Discrimination and HUD's Office of Fair Housing and Equal Opportunity from within the Metropolitan Boston region. The greatest volume of complaints allege discrimination based on disability, race or color, family status, receipt of public assistance (such as a Section 8 voucher) and national origin. Despite the evidence of housing discrimination from other sources, only about 5% of these complaints result in either findings of discrimination or settlement agreements that favor the complainant.

11.3 Most jurisdictions with the obligation to complete analyses of impediments to fair housing choice acknowledge the existence of housing discrimination in their community. The gap between the evidence of discrimination and the relatively low numbers of complaints resulting in findings of discrimination is attributed to lack of fair housing education, outreach and enforcement resources and a lack of coordination of fair housing activities at the regional level.

**C. The Public and Private Systems and Structures Through Which Opportunities are Identified and Resources are Allocated Can Reinforce or Mitigate Inequity**

**Finding 12: The Use of Metrics that Quantify Inequity in Opportunity and that Guide the Deployment of Resources is Essential**

12.1 The use of opportunity metrics like those supplied by HUD for the FHEA make it possible to identify the disparities and injuries that result from discrimination, segregation and other impediments to choice of location of home. When disaggregated into separate factors like school quality, economic opportunity and neighborhood quality, opportunity data allows for the identification of both the strengths and weaknesses within a specified geography. Disaggregation of the metrics also permits the targeted allocation of resources to address neighborhood or community deficits, supporting or augmenting conditions of strength and creating conditions that link people of color and others protected by fair housing laws to better opportunities through housing, transportation and educational opportunities.

12.2 The selection of the variables that make up the opportunity metrics is an expression of the value placed upon specific characteristics of a particular geographic. For purposes of fair housing

and housing equity, the broad categories selected by the Kirwan Institute and HUD identify the characteristics of a place that typically affect choice in selection of a home, when that choice is unimpeded by barriers like discrimination: educational opportunity, economic opportunity, neighborhood and housing quality, neighborhood stability, access to jobs and engagement in the labor market and exposure to poverty. However, the variables selected by HUD do not fully capture conditions of significance in the Boston region, such as educational proficiency when evaluating educational opportunity, or the presence or absence of crime and environmental hazards when considering neighborhood quality. Unless augmented with other information, some sources of information may not easily permit a comparative analysis that expresses disparities within a geography.

12.3 The opportunity metrics supplied by Kirwan and HUD provide point-in-time information which is helpful for evaluating specific issues but not in assessing overall trends or patterns. They do not capture trends over time and thus do not show the positive effects of revitalizing activities or neighborhood decline.

**Finding 13: The Boundaries of Planning Geographies within the Sustainable Communities Region Affect the Allocation of Public and Private Resources but are Not Coordinated in a Manner that Promotes Equity**

13.1 The Sustainable Communities planning geography and the planning area for transportation include 164 municipalities because the cities and towns within the region are “intricately linked.” However, the planning activities that create connections within the region and affect the use of resources are directed only to the 101 jurisdictions making up the statutory planning area for MAPC. Exclusion of the 63 other communities has important consequences for fair housing and equity. These balance-of-area places include large numbers of people of color and high concentrations of assisted housing, they have high rates of housing need measured by conditions like rates of foreclosure, and they are among the region’s most environmentally compromised locations. MAPC’s subregional planning groups, which forge relationships among municipalities for shared planning and resource allocation similarly, are configured in such a way that can preclude connections between high opportunity and low opportunity places, and cities and towns that are nearby but racially isolated from one another.

13.2 Federal community planning and development funds are disbursed through entitlement jurisdictions and consortia. These geographies differ in their boundaries from the 101 municipality MAPC planning region and from MAPC’s subregions. Each of the federal community planning and development areas also differ quite substantially from each other with respect to concentrations of poverty, isolation of people of color and Whites, and the quality of opportunities. HUD rules place major constraints on collaborative planning and the use of funds across the boundaries of these geographies, interfering with the ability to build connections that facilitate opportunity.

13.3 The regional use of resources for public housing and tenant-based rental assistance is also highly fragmented among 91 separate housing authorities, a situation that exacerbates the concentration of assisted housing in racially identified, high poverty locations. The balkanization of housing authorities is somewhat mitigated by the use of optional regional waiting lists for the Housing Choice Voucher program, judicial decisions that permit the use of Section 8 vouchers without constraint on portability and DHCD’s operation of regional voucher programs. However, the distribution of housing resources in ways that promote equal access remains limited by the use of local resident selection preferences and planning that does not cross town lines.

**Finding 14: The HUD's AI Requirements and the Presence of HOME Consortia Permits Sub-regional Fair Housing Planning, but Barriers to Collaboration Remain**

14.1 Nearly half the municipalities and numerous housing authorities in the Metropolitan Boston region participate in HUD programs that require the completion of an Analysis of Impediments to Fair Housing Choice and activities that further fair housing. Sixty-seven of these municipalities are members of HOME consortia. However, only Boston's AI considers metropolitan conditions, and only two of the region's five HOME consortia maintain AI that take into account the entire consortia. No housing authority was identified with an AI. The absence of public housing fair housing planning and the lack of regional fair housing planning is in part due to an absence of HUD leadership.

14.2 The 24 AI reviewed for the FHEA identified common impediments to fair housing choice that are also reflected in the FHEA. They include the presence of segregation among and within communities, the concentration and lack of affordable housing, the presence in the marketplace of lower cost small rental properties that might be leveraged to promote housing opportunity, the existence of zoning and other land use controls at the local level that preclude the development of inclusive housing opportunities, and the presence of housing discrimination in local real estate markets, including discrimination affecting families with children due to lead paint, the lack of accessibility in housing and a lack of permanent supportive housing opportunities for people with significant disabilities.

14.3 There is some promise in the concept of a regional AI promoted by HUD in its Sustainable Communities program and HUD's Proposed Rule urging the development of a regional AI for its community planning and development and public housing grantees. However, significant policy questions are at this writing unanswered.

**Finding 15: Zoning and Land Use Practices Contribute to Inequity but Promising Practices Could Mitigate the Impact**

15.1 The Commonwealth's zoning and related laws devolve the authority for administering land use control to local municipalities. The use of this authority results in the exclusion of multifamily rental housing and affordable small lot homeownership opportunities from large segments of the Metropolitan Boston region. These practices in turn are major contributing causes of segregation in the area.

15.2 Chapter 40B comprehensive zoning relief significantly contributes to the development of affordable homeownership and rental opportunities in high opportunity, White communities. Chapter 40B developments also appear to bring racial and ethnic diversity to White segregated municipalities. Although it is counterintuitive, this trend is attributed to the use of local resident selection preferences in Chapter 40B projects. The use of a local preference triggers DHCD rules requiring owners to engage in affirmative practices that assure non-resident households of color equal preference status. The effectiveness of these affirmative marketing practices for achieving and maintaining racial and ethnic inclusiveness is also greater in homeownership projects than for rental developments, perhaps because more rental housing is age restricted. It also appears that diversity in the households living in 40B projects may diminish over time, suggesting the need for policies addressing unit turnover.

15.3 State incentives for inclusionary zoning, such as Chapter 40R and the Gateway Cities initiative, are relatively new. The effectiveness of Chapter 40R in promoting affordable, racially diverse housing in high opportunity locations, though initially promising, remains unproven, although

it is not clear if the trend is due to larger forces in the real estate market. Gateway Cities to date have led to comprehensive community revitalization planning activities in majority-minority and low opportunity municipalities in the region. These programs do not include state-mandated admission and occupancy policies comparable to Chapter 40B, and it is unclear if they will result in the kind of diversity that characterizes housing developed using the comprehensive zoning law.

15.4 Transit oriented development is a feature of Chapter 40R and is also urged by advocates for sustainable development. TOD activities can be a revitalizing force in distressed, racially identified, high poverty locations when carried out in connection with other investments in that bring opportunity to an area. However, TOD, like other forms of development, must be carried out consistent with principles of equity in order to preclude poor fair housing outcomes. Simply locating affordable housing in neighborhoods with bus lines and subways without other revitalizing investments may perpetuate or exacerbate concentrations of poverty and segregation. Comprehensive revitalization that includes transit improvements may also have the effect of displacing lower-income households of color and depriving them of the opportunities associated with TOD unless the needs of the neighborhood's residents are addressed in a conscious and deliberate manner. TOD in opportunity locations without conscious efforts at racial and economic inclusion will only reinforce existing patterns of exclusion.

**Finding 16: The Commonwealth Exercises Leadership in Achieving Equity Primarily through Housing Policy; Transportation and Economic Development Policies Require Greater Attention to Equity**

16.1 Executive Order 478, an order regarding non-discrimination, diversity, equal opportunity, and affirmative action creates a framework for achieving equity in the Commonwealth's housing and economic development programs. The order gives the Office of Diversity and Equal Opportunity the authority to: establish guidelines for agency affirmative action and diversity plans, establish periodic reporting requirements concerning the implementation of their plans, provide assistance to agencies in achieving compliance, monitoring and assessing the status of agency compliance and to investigate instances of non-compliance, and where appropriate, determine and impose remedial courses of action.

16.2 The Commonwealth's Consolidated Plan and Analysis of Impediments to Fair Housing Choice have been the primary tools used to promote fair housing equity in DHCD's housing programs, with significant and tangible results, including the development of a language assistance plan to assure meaningful access to state administered housing programs for linguistically isolated people, and new tools to assure accessibility in housing. More recent policies for the allocation of Low Income Housing Tax Credits are addressed to the concentration of LIHTC units in racially identified locations. The effect of the new approach will be evidenced as units are placed in service.

16.3 Other policy initiatives are no less promising but so far lack clear commitments to equity. These initiatives include the Compact Neighborhoods Policy for the development of 10,000 new units of housing across the state, as well as other efforts that will determine the distribution of public and private resources for both housing and economic opportunity, such as regionalization of municipal activities and regional project to map priority development, preservation, and infrastructure investment priorities in the Metropolitan Boston region.

# Recommendations

The FHEA recommends four broad categories of action that advance the obligation to further fair housing.

1. To achieve fair housing equity in the region, the deployment of private and public resources must be informed by an understanding of the civil rights consequences of planning and funding decisions. Agencies must **utilize data collection methods and adapt training resources to support integration of fair housing into planning and funding decisions.**
2. There must be vigorous, region-wide enforcement of fair housing and civil rights obligations, including not only the rooting out of discrimination, but also the duty to further the purposes of Title VIII. Agencies must **allocate resources for coordinated regional enforcement of fair housing and civil rights laws and to further fair housing.**
3. Investments in people and places should be made from a regional perspective, and in a balanced manner that promotes opportunity and reverses conditions of disparity in both distressed locations and in communities that are exclusionary.<sup>64</sup> Agencies must **deploy resources regionally in a manner that balances investments in distressed and high opportunity locations to promote opportunity and reverse conditions of disparity.**
4. It is crucial to create sustainable connections that link people and places in ways that achieve equity.<sup>65</sup> Agencies must **create structural connections between people and places that advance equity.**

## **Recommendation 1: Utilize Data Collection Methods and Adapt Training Resources to Support Integration of Fair Housing into Planning and Funding Decisions.**

*“To comply with the duty to further fair housing, a funding agency] must utilize some institutionalized method whereby, in considering site selection or type selection, it has before it the relevant racial and socio-economic information necessary for compliance with its duties under the 1964 and 1968 Civil Rights Acts... Increase or maintenance of racial concentration is prima facie likely to lead to urban blight and is thus prima facie at variance with the national housing policy.... Nor are we suggesting that desegregation of housing is the only goal of the national housing policy. There will be instances where a pressing case may be made for the rebuilding of a racial ghetto. We hold only that the agency’s judgment must be an informed one; one which weighs the alternatives and finds that the need for physical rehabilitation or additional minority housing at the site in question clearly outweighs the disadvantage of increasing or perpetuating racial concentration.”<sup>66</sup>*

**1.1: Develop a set of metrics to measure disparities in protected classes’ ability to access quality of life opportunities throughout the region. The metrics may be used to guide planning activities of HUD program participants and help ensure the deployment of resources in an equitable manner.**

A data set should be developed that can be used to measure disparities in living conditions and quality of life factors experienced by people within the classes protected by fair housing laws. Data should be made available in a way that permits continuing fair housing equity analyses within the geographic boundaries constructed for planning and the distribution of public and private benefits,

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<sup>64</sup> As expressed by the National Advisory Commission on Civil Disorders in 1968 and again in 1975 by the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights,

<sup>65</sup> Kirwan Institute for the Study of Race and Ethnicity

<sup>66</sup> *Shannon v. U.S. Dept. of Housing and Urban Dev.*, 436 F.2d 809 (3<sup>rd</sup> Cir. 1970).

including, for example, census tracts and neighborhoods that permit comparative evaluation within cities and towns, and areas that allow for comparison among different municipalities, sub-regional planning areas and HOME consortia. At least some of the data should be compiled using a method near equivalent to the HUD opportunity index. The variables comprising such an index should be selected with reference to characteristics of a place that typically affect choice in selection of a home, when that choice is unimpeded by barriers like discrimination: educational opportunity, economic opportunity, neighborhood and housing quality, neighborhood stability, access to jobs and engagement in the labor market, exposure to poverty, school quality, the presence or absence of crime and environmental hazards. Data should show changes over time. It should be provided in a sufficiently disaggregated manner to permit its use as a guide for planning and the deployment of resources in a way that addresses disparities. The data should be used in conjunction with data from other sources that show places of racial isolation, concentrations of poverty and similar fair housing related information.

**1.2: The development of fair housing data, training curricula and other fair housing capacity building tools should be made available to municipalities and allied organizations. The information can be used to guide decision-making related to the distribution of public funding.**

Opportunity metrics and associated fair housing information are useful only when used to address disparities in the context of decisions about the distribution of public benefits like housing and community development funds and with respect to matters that affect private uses, such as zoning and permitting decisions. There is a wide range of capacity across the Metro Boston Region to compile and know how to use such information. Data should be supplied and training resources should be made available to municipalities and HUD program participants about how information can help affirmatively further fair housing in surrounding areas and in the region.

**1.3: Dismantling inequity and promoting choice and opportunity should be included as specific operational outcomes for planning and funding decisions.**

Consistent with the principles articulated in Executive Order 478, each decision about the distribution of place-based public and private benefits should consider whether, how and the extent to which the outcome will reduce disparities and improve choices for protected classes. . The decision making process should extend broadly to siting decisions about affordable housing, the award of public funds for housing, community development, transportation and education, the approval or denial of zoning relief or special land use designations such as a Chapter 40R district, and it should apply to all levels of geography, including municipalities and HUD program participants and state government agencies. Requirements for such decision making should be embedded in Sustainable Communities implementation plans, MetroFuture activities, reforms to zoning laws, in local zoning and similar ordinances, in agency rules and in sub-regulatory policies that determine the distribution of benefits. Funding decisions should not impede choice of opportunity or increase isolation and segregation because of race, color, ethnicity, disability, family status or other fair housing characteristics. Criteria for decision making should include incentives for outcomes that decrease segregation, expand choice and reduce disparities. Along the same lines, Chapter 40B guidelines should be revised to remove incentives to develop age restricted housing instead of family housing by reducing the capacity to count age restricted units for purposes of the subsidized housing inventory.

**1.4: Develop a Regional Analysis of Impediments to Fair Housing Choice.**

A Regional Analysis of Impediments to Fair Housing Choice should be developed. Any final rule for a Regional AI should include a mechanism to identify a lead agency with the responsibility for analyzing

fair housing equity conditions within a specific regional geography and stating concrete actions steps that remove barriers to equal housing opportunity and further the goal of Title VIII to reverse conditions of inequity and segregation. The geography of the Regional AI should ensure and reinforce the importance of linking high opportunity, White segregated municipalities and lower opportunity jurisdictions with populations of people of color and others with protected characteristics, such as people with disabilities. Communities within the geography should be required to join in the Regional AI as a condition of receiving specifically identified state and federal funds, such as HUD community planning and public housing funds, Chapter 90 transportation assistance, and discretionary awards for housing, infrastructure development, transportation, education, environmental remediation and conservation. As a component of membership in a Regional AI, member municipalities should be required to identify disparities within their boundaries, disparities between their community and others within the AI geography and action steps to be carried out within defined time periods to remove barriers to choice and equity. There should be incentives, such as preferred status for discretionary grant programs, for completing those activities and disincentives for failing to reach reasonable goals.

## **Recommendation 2: Allocate Resources for Coordinated Regional Enforcement of Fair Housing and Civil Rights Laws and to Further Fair Housing.**

Despite strong legislation, past and ongoing discriminatory practices in the nation's housing and lending markets continue to produce levels of residential segregation that result in significant disparities in protected classes' access to good jobs, quality education, homeownership attainment and asset accumulation. To make real progress toward equal housing opportunity, all of the jurisdictions within a metropolitan area must be coordinated in their efforts.<sup>67</sup>

### **2.1: Seek resources that will allow for regional fair housing audits and activities that promote consistent enforcement of fair housing and civil rights laws.**

Local Analyses of Impediments consistently identify the need for more fair housing education, outreach, audits and enforcement resources to combat the housing discrimination that is known to exist in the region. Funds should be identified and allocated specifically to fair housing enforcement audits to identify and remedy acts of discrimination and close the gap between what is known about housing discrimination and the lack of positive outcomes for fair housing complainants. Audit and enforcement activity should focus on discrimination in rental and for-sale activities, and home mortgage lending, since HMDA data evidences persistently disproportionate denial rates for purchasers of color. It should also scan for discrimination that affects all protected classes, including (but not limited to) participants in tenant-based rental subsidy programs, compliance with architectural access and reasonable accommodation requirements affecting people with disabilities, lead paint compliance and family status discrimination, and sexual orientation. In the absence of comprehensive zoning reform, funds should be allocated to initiatives that dismantle restrictive municipal land use requirements that impede the development of a full range of equally available housing opportunities, including multifamily rental, small lot homeownership and affordable rental and for-sale housing.

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<sup>67</sup> The Future of Fair Housing: Report of the National Commission on Fair Housing and Equal Opportunity (December 2008).

**2.2: Utilize tools to assist municipalities and developers with information about how to affirmatively further fair housing and require fair housing training for new members of municipal planning and zoning boards.**

State agencies, local governments, and recipients of local, state and federal funds are required to operate under a variety of fair housing and civil rights laws, including Title II of the Americans with Disabilities Act, applicable to programs and activities carried out or supported with state and local funds; the disability rights provisions of Section 504 of the Rehabilitation Act and the non-discrimination requirements of the Title VI of the 1964 Civil Rights Act and the Age Discrimination Act of 1975, applicable to recipients of federal financial assistance; and the duty to further fair housing under Title VIII and related laws. Tools like the MAPC Fair Housing Toolkit should be used by all these parties to help municipalities and developers understand laws and how to affirmatively further rather than create impediments to fair housing choice. For example, self-evaluation templates can be utilized to determine civil rights compliance in zoning ordinances with respect to matters such as policy modifications to accommodate people with disabilities in land use and building construction. Forms and guidelines for language assistance planning can be created to assist recipients of federal funds in complying with the Title VI mandate of assuring equal access by linguistically isolated people to housing and services.

Require new members of Planning Boards and Zoning Boards of Appeals in Massachusetts municipalities to attend an annual training about Massachusetts and federal fair housing laws, disparate impact, and requirements to affirmatively further fair housing. Technical help can also be made available to assess the impact of marketing and tenant selection policies that might have an exclusionary effect, including local resident selection preferences. The MAPC Fair Housing Toolkit, includes “best practice” examples that can be carried out to promote fair and equal access, and will include highlights of current policies that work to advance fair housing and could be adopted more broadly in the region as part of municipal housing policy.

**2.3: HUD and the Massachusetts Architectural Access Board (AAB) should modernize technical and scoping standards for accessible housing.**

In order to promote consistency in design and construction standards for accessible housing, HUD should follow the lead of the U.S. Department of Justice with respect to the Americans with Disabilities Act and adopt the 2004 ADA Accessibility Guidelines as the technical and scoping standards for housing governed by Section 504 of the Rehabilitation Act, and should take other steps to modernize FHEO’s Section 504 rules, including addressing accessibility in homeownership and mixed-income housing, standards for transition planning and self-evaluations and other similar matters. The Massachusetts AAB should also update its regulations so that at minimum they provide for a level of accessibility in housing equal to the Fair Housing Act. The AAB should also consider adopting some form of the model International Building Code as its regulations. If the AAB is unwilling or unable to act, then the Commonwealth’s housing agencies, including DHCD, MassHousing and the quasi-public agencies, should adopt design requirements that achieve similar results.

**2.4: HUD and the Internal Revenue Service should adopt a single consistent set of policies that permits selection preferences and other forms of targeting of units for people with significant disabilities receiving long term supportive services in order to leave or stay out of institutions.**

HUD and the IRS must establish flexible policies that guide the use of mainstream housing resources to facilitate compliance with the requirements of *Olmstead*, the ADA and Section 504. The policies should permit housing authorities, state housing credit agencies like DHCD and housing providers to

adopt resident selection practices, including preferences and set-asides, that permit the targeting of units to individuals with disabilities receiving long term community supports through Home and Community Based Services waivers, Money Follows the Person, and similar initiatives that are carefully calibrated to serve individuals, who, because of the nature of their disability, are in or are most at risk of being placed in an institution. The policies should be consistent across all housing programs except where a statute requires something different, and should allow for enough provider discretion to allow for local conditions, without advanced approval by HUD.

**2.5: The Commonwealth should allocate sufficient resources to carry out the objective of creating 1,000 new units of permanent supportive housing for people in institutions and at risk of institutionalization.**

In carrying out the objective under Chapter 58 to create 1,000 new units of permanent supportive housing for people with disabilities, the Commonwealth's interagency task force should identify and allocate the resources needed to make the housing available to all groups of people with disabilities served by Home and Community Based Service waivers, Money Follows the Person and similar initiatives. Dwelling units should, to the extent possible, be integrated within general occupancy developments. Resources should include those funded through mainstream federal programs, including LIHTC and the programs administered by HUD. The task force should seek a waiver of the current HUD requirement for advance approval by the HUD Office of General Counsel for targeting units to people served under specific waiver or MFP authority.

**Recommendation 3: Deploy Resources Regionally in a Manner that Balances Investments in Distressed and High Opportunity Locations to Promote Opportunity and Reverse Conditions of Disparity.**

We must invest in places by supporting neighborhood development initiatives, attracting jobs with living wages and advancement opportunities, and demanding high quality local services for all neighborhoods, such as local public schools that perform. We must also encourage better links among people and places, fostering mobility through high-quality public transportation services and region-wide housing mobility programs.<sup>68</sup>

**3.1: HUD and the IRS should issue guidance addressing the fair housing site and neighborhood standards in the LIHTC and other federal housing programs.**

HUD's recently issued rules on prohibited disparate impact under the Fair Housing Act define discriminatory conduct to include "perpetuation of segregation." In response to public comment, FHEO declined to provide any guidance on how that concept applied to federally financed affordable housing and community development activities. Along the same lines, the IRS has no rules governing the content, including the fair housing content, of qualified allocation plans for the reservation of Low Income Housing Tax Credits to individual projects. Both agencies should provide guidance on how to balance the use of affordable housing and community development resources in a way that furthers fair housing, invests in historically disinvested locations undergoing revitalization, creates opportunities for low income households and families of color in places from which they are excluded and reverses conditions of disparity. Policy should in particular assure that assisted housing is preserved in a manner that does perpetuate segregation and also protects the ability of low-income residents to exercise a meaningful choice in housing location.

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<sup>68</sup> The Geography of Opportunity: Building Communities of Opportunity in Massachusetts (January 2009).

### 3.2: DHCD should Monitor Changes to the QAP and Adjust for Fair Housing Outcomes.

DHCD recently made significant fair housing related changes to the LIHTC Qualified Allocation Plan, including the use of a priority selection for projects in high opportunity locations and another for preservation of assisted housing. Project siting outcomes should be carefully monitored to determine the civil rights consequences of the policy changes. DHCD should also consider financial incentives to locating LIHTC developments in opportunity areas, including the use of the 130% basis boost in high opportunity locations.

### 3.3: Leverage the Use of Affordable Housing and Community Development Resources to Create Opportunity and Revitalize Neighborhoods.

One method for expanding access to opportunity is to leverage resources such as LIHTC, HOME, project-based rental assistance and other affordable housing and community development funds to advance and link to housing development strategies that expand choice in high opportunity locations. For example, public subsidies could be leveraged by a multifamily, market-rate rental housing developer and used to serve lower-income households.

### 3.4: Reverse Inequities in Transportation Spending.

Transportation agencies should act on the finding of a need to expand and improve circumferential public transit to promote access to employment and should correct apparent per capita funding disparities between better funded higher opportunity suburban locations and inner core communities that are dominated by people of color.

### 3.5 Carry Out Transit Oriented Development of Affordable Housing in High Opportunity Places and as a Part of Comprehensive Neighborhood Revitalization.

Locating affordable housing within walking distance of public transportation will help cost burdened households by lowering the share of household income spent on the combined housing and transportation costs. Including a mix of housing types and levels of affordability in transit oriented areas will help diversify these areas both demographically and economically. Locating affordable housing near transit in high opportunity areas can also provide low-income households with direct access to higher quality schools, recreation areas, fresh food, and jobs. Policies for affordable housing as a component of transit oriented development should require affordability in connection with larger public transit investments for economic development, such as South Coast Rail, or as part of a comprehensive investment strategy in distressed locations targeted for revitalization.

### 3.6: Continue Efforts to Halt Neighborhood Decline Due to Foreclosure.

Efforts aimed at slowing and halting neighborhood decline and disinvestment due to subprime lending and foreclosure should continue through alternative loan programs for moderate income home purchasers, homeowner counseling and other initiatives. These activities should augment efforts to combat lending discrimination.

### 3.7: Reduction in Environmental Hazards and Improvements in Public Safety should be a Deliberate Component of Neighborhood Revitalization.

Neighborhood revitalization efforts in racially identified areas, especially initiatives that involve housing, should require remediation of environmental hazards not only on the site of the housing but also in the contiguous areas in order to reduce disparate exposure to environmental risks by households of color. Neighborhood revitalization should include changes to the built environment,

engagement with youth and families and other initiatives to reduce violence, property crime and other threats to public safety.

#### **Recommendation 4: Create Structural Connections Between People and Places that Advance Equity.**

The report recommends that Federal and State Government subsidies to suburban communities be made contingent upon those communities developing nondiscriminatory housing, employment, and land use policies. The report recommends that local constraints over housing and land use be regulated by the State in the interest of all the citizens of the region. We call for an effective State planning body, machinery to regulate land transactions, and the creation of one or more metropolitan development corporations with broad powers to acquire and develop land. We call for regional housing authorities and an effective State financial assistance program. The report also recommends that the State develop a system to coordinate jobs and housing; that the practices of suburban industrial development commissions be controlled in the interest of the region; and that suburban employers who receive Federal and State funds be required to take affirmative measures to insure the availability of jobs to inner-city residents.<sup>69</sup>

##### **4.1: Enact Zoning Reform.**

Current proposals for reforming Chapter 40A such as the proposed bill A.1859 know as “CLURPA,” go some distance towards regional balance in land use controls. Considerations of “fair share housing needs” should account not only for households of median income, but also extremely low-income, very-low-income and low-income households. DHCD guidelines that credit communities for new units of affordable housing in the subsidized housing inventory should assure diversity of housing type (between rental and homeownership), should result in a range of incomes (extremely low, very low and low-income households as well as market rate housing), and diversity among the households served (including families with children and people with disabilities), and should not provide full credit where age limited housing and other restrictions predominate.

Land use reform should also explicitly state fair housing equity as a public policy goal, and as a limitation on municipal zoning authority, and should prohibit any land use controls that have the purpose or the effect of denying housing opportunities to any class of people protected by civil rights laws, including all the characteristics protected by Chapter 151B: race, religious creed, color, national origin, sex, sexual orientation, age, genetic information, ancestry, marital status, status as a veteran or member of the armed forces, family status or disability.

##### **4.2: Regionalize Access to Affordable Housing.**

Recent proposals to regionalize local housing authorities should be carried out in a manner that assures true region-wide access to affordable housing resources. Whether PHAs are consolidated to serve specific geographies or are compelled to form consortia, the geographic configuration of regionalized authorities should focus on a unified application and tenant selection process across municipalities and public housing authorities while working to also connect racially-diverse or segregated households with predominantly White, higher opportunity municipalities. Specific operational features of regionalized PHAs should assure equal access across municipal borders. Jurisdictional local resident selection preferences should be abolished or limited. Admission and unit assignment should assure diversity in occupancy based on race, color, ethnicity, disability and family status. Private owners of housing assisted with public funds or that have the benefit of zoning relief

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<sup>69</sup> *Route 128: Boston’s Road to Segregation* (Massachusetts Advisory Committee to the U.S. Commission on Civil Rights, January 1975).

(like housing developed through Chapter 40B or Chapter 40R) should operate under similar standards for regional access.

#### **4.3: Promote Diversity in Assisted and Affordable Housing through Marketing.**

Alongside the regionalization of access to assisted housing, it is crucial to operationalize aggressive affirmative fair housing marketing that makes all assisted units within a region available to all residents within the region. Affirmative fair housing marketing should have the goal reaching the households least likely to apply for occupancy to a specific site. Careful attention should be paid to the characteristics of applicant pools and waiting lists. Adjustments like those required for Chapter 40B units under DHCD guidelines should be utilized whenever there are imbalances between the families on a waiting list or in occupancy and the fair housing characteristics of eligible households in the region. Standards for marketing should apply to all forms of assisted housing, including public housing, Housing Choice Vouchers, Chapter 40B and 40R housing, privately owned subsidized housing and housing financed with local, state or federal affordable housing and community development funds, such as HOME, CDBG and Community Preservation Act assistance. The requirements should apply at initial lease-up and upon unit turnover.

#### **4.4: Fund and Carry Out a Housing Mobility Assistance and Counseling Program.**

Regionalized housing authorities, regional non-profit organizations, community planning and development jurisdictions and HOME consortia with housing programs should be funded to carry out a housing mobility assistance and counseling program. The program should target families, especially families with children living in racially identified, low and very-low opportunity communities and census tracts. It should connect these households with housing opportunities in high and very-high opportunity locations, providing assistance with housing search, security deposits and moving expenses when needed, and follow up support in acclimating to new communities. The focus of the program should include the Housing Choice Voucher and state funded voucher programs, but should also extend to families seeking admission to rental units with project-based subsidy, affordable unassisted rental and for-sale units constructed through Chapters 40B and 40S, and unsubsidized affordable rental housing assisted with LIHTC, HOME, CPA and similar sources of financing. It should also affirmatively reach out to small property owners in high opportunity communities to reduce the mismatch involved in lower priced rental housing occupied by higher income families.

#### **4.5: Expand METCO through Additional Funding and Other Incentives.**

Despite its successes, no new school districts have joined METCO since the 1970s and funding for the program has declined. The program should be expanded to allow more students to participate, and to expand the number of participating school districts.

#### **4.6: Realign the Borders of Planning Regions and Create Pathways to Opportunity.**

Planning for the use of public and private resources takes place within specific geographies. In addition to approaches that regionalize the use and access to housing resources, and in addition to reforms to zoning and land use practices that encourage cross-border collaborations, planning areas must be configured in a way that creates pathways to housing, jobs, schools, open space, recreational facilities and other civic and private amenities between lower opportunity, racially segregated areas and suburban areas of growth. This means, for example, that the 101 community MAPC planning region not only considers conditions in the 63 municipalities whose characteristics affect outcomes in the MAPC area, but that the balance-of-area communities are active participants in the collaborative deployment of resources for education, housing, transportation and economic development. It means that the MAPC's subregional planning committees are configured to promote

active partnerships not just among jurisdictions with similar characteristics but through relationships with communities with dissimilar opportunity, racial and ethnic profiles. It requires collaboration within HOME consortia to achieve fair housing and equity outcomes in the use of HOME and other resources between communities that are White segregated and those that are racially identified.

#### **4.7: Remove Regulatory Barriers that Impede the Use of Housing and Community Development Funding Across Municipal and Jurisdictional Boundaries.**

In the HOME and CDBG program, HUD should revise its eligibility rules to permit greater use of housing and community development funds across jurisdictional borders to promote access to opportunity and affirmatively further fair housing. The manner in which local resources for housing (such as CPA funds) are regulated should be reviewed and made more flexible as appropriate to permit collaborations across municipal boundaries of mainstream funding sources.

#### **4.8: Create a Regional Fair Housing Compact.**

Fair housing conditions are dynamic. Dramatic change can follow the removal of structural impediments to fair access. MAPC, in collaboration with DHCD, community planning and development jurisdictions (including the HOME consortia), and any communities part of a regional AI should create a Regional Fair Housing Advisory Committee and an accompanying Regional Fair Housing Compact. Overseen by the Regional Fair Housing Advisory Committee, the Compact could be used to: assess the implementation of any fair housing actions recommended in the FHEA and by HUD program participants as part of jurisdictional AIs and regional AIs; monitor fair housing conditions in the Metro Boston region and make further or modify recommendations based on changed circumstances; and identify municipal technical assistance needs and connect municipal officials with trainings and information regarding how to meet their obligations to affirmatively further fair housing.

**Table 1: Matrix of Recommendations for Affirmatively Furthering Fair Housing in the Metropolitan Boston Region**

This matrix outlines the four categories of recommended activity and the findings associated with each. The recommendations were informed by an analysis of regional demographic trends, discrimination complaints, academic and market research, and a critical review of issues of race, place and housing opportunity in the context of the Metropolitan Boston region.

Relevant Findings	Recommendations	Responsible Partners
<b>Recommendation 1: To achieve fair housing equity in the region, the deployment of private and public resources must be informed by an understanding of the civil rights consequences of planning and funding decisions. Agencies must utilize data collection methods and adapt training resources to support integration of fair housing into planning and funding decisions.</b>		
1,2,3, 4, 5, 12	1.1: Develop a set of metrics to measure disparities in protected classes’ ability to access quality of life opportunities throughout the region. The metrics may be used to guide planning activities of HUD program participants and help ensure the deployment of resources in an equitable manner.	MAPC
11	1.2: The development of fair housing data, training curricula and other fair housing capacity building tools should be made available to municipalities and allied organizations. The information can be used to guide decision-making related to the distribution of public funding.	HUD, DHCD, fair housing centers and testing programs
1,2,3, 5, 6	1.3: Dismantling inequity and promoting choice and opportunity should be included as specific operational outcomes for planning and funding decisions.	HUD, DHCD, MAPC
1,2,3, 4, 11, 14	1.4: Develop a Regional Analysis of Impediments to Fair Housing Choice.	MAPC
<b>Recommendation 2: There must be vigorous, region-wide enforcement of fair housing and civil rights obligations, including not only the rooting out of discrimination, but also the duty to further the purposes of Title VIII. Agencies must allocate resources for coordinated regional enforcement of fair housing and civil rights laws and to further fair housing.</b>		
11	2.1: Seek resources that will allow for regional fair housing audits and activities that promote consistent enforcement of fair housing and civil rights laws.	HUD, DHCD, fair housing centers and testing programs
11	2.2: Utilize tools to assist municipalities and developers with information about how to affirmatively further fair housing and require fair housing training for new members of municipal planning and zoning boards.	State agencies, local governments, recipients of local, state, and federal funds
4	2.3: HUD and the Massachusetts Architectural Access Board (AAB) should modernize	HUD, Massachusetts AAB

Relevant Findings	Recommendations	Responsible Partners
	technical and scoping standards for accessible housing.	
4	2.4: HUD and the Internal Revenue Service should adopt a single consistent set of policies that permits selection preferences and other forms of targeting of units for people with significant disabilities receiving long term supportive services in order to leave or stay out of institutions.	HUD, IRS
4	2.5: The Commonwealth should allocate sufficient resources to carry out the objective of creating 1,000 new units of permanent supportive housing for people in institutions and at risk of institutionalization.	Commonwealth of Massachusetts Interagency Task Force
<p>Recommendation 3: Investments in people and places should be made from a regional perspective, and in a balanced manner that promotes opportunity and reverses conditions of disparity in both distressed locations and in communities that are exclusionary. Agencies must <b>deploy resources regionally in a manner that balances investments in distressed and high opportunity locations to promote opportunity and reverse conditions of disparity.</b></p>		
11	3.1: HUD and the IRS should issue guidance addressing the fair housing site and neighborhood standards in the LIHTC and other federal housing programs.	HUD, IRS
9, 12, 16	3.2: DHCD should Monitor Changes to the QAP and Adjust for Fair Housing Outcomes.	DHCD
9	3.3: Leverage the Use of Affordable Housing and Community Development Resources to Create Opportunity and Revitalize Neighborhoods.	
6	3.4: Reverse Inequities in Transportation Spending.	Boston Region MPO
6	3.5: Carry Out Transit Oriented Development of Affordable Housing only in High Opportunity Places or as a Part of Comprehensive Neighborhood Revitalization.	MAPC, local governments
8	3.6: Continue Efforts to Halt Neighborhood Decline Due to Foreclosure.	HUD, DHCD
10	3.7: Reduction in Environmental Hazards and Improvements in Public Safety should be a Deliberate Component of Neighborhood Revitalization.	MAPC, local governments
<p>It is crucial to create sustainable connections that link people and places in ways that achieve equity. Agencies must <b>create structural connections between people and places that advance equity.</b></p>		
15	4.1: Enact Zoning Reform.	Massachusetts Legislature, local governments, MAPC
3, 9	4.2: Regionalize Access to Affordable Housing.	HUD, DHCD

Relevant Findings	Recommendations	Responsible Partners
1,2,3, 9	4.3: Promote Diversity in Assisted and Affordable Housing through Marketing.	Municipalities
4, 9	4.4: Fund and Carry Out a Housing Mobility Assistance and Counseling Program.	DHCD
1,2,3, 5, 7	4.5: Expand METCO through Additional Funding and Other Incentives.	Legislature
5, 13, 14	4.6: Realign the Borders of Planning Regions and Create Pathways to Opportunity.	MAPC, HOME Consortia
14, 16	4.7: Remove Regulatory Barriers that Impede the Use of Housing and Community Development Funding Across Municipal and Jurisdictional Boundaries.	HUD
11, 14	4.8: Create a Regional Fair Housing Compact.	MAPC, DHCD, Home Consortia

# Appendix 1: A Fair Housing Primer

Massachusetts residents are protected under federal, state and local fair housing laws. The federal Fair Housing Act, passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin. The Act covers most types of housing including rental housing, home sales, mortgage and home improvement lending, and land use and zoning. Excluded from the Act are owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.

Massachusetts fair housing laws codified in Chapter 151B of the General Laws provide for broader coverage and prohibit discrimination based on race, color, religion or creed, marital status, disability, military status, presence of children in the household, national origin, sex, age, ancestry, sexual preference, source of income (including rental assistance), and – since June 2012 – gender identity or expression.

This Appendix describes the laws that govern housing discrimination, the prohibited conduct, the agencies charged with enforcing the laws, and their jurisdiction and procedures.

## Jurisdiction and Protected Classes

Several agencies share responsibility for administrative enforcement of housing discrimination laws in the Boston metropolitan area: the Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development (FHEO), the Massachusetts Commission Against Discrimination (MCAD), and the Boston Fair Housing Commission (BFHC) and the Cambridge Human Rights Commission. Their sometimes overlapping jurisdiction depends on the authority delegated by the underlying laws, the classes of people protected by each law, and the size or type of the housing involved in a complaint of discrimination.

MCAD and the BFHC are both certified by HUD as administering laws that are substantially equivalent to the Fair Housing Act. Both agencies receive federal funding under the Fair Housing Assistance Program, and share federal Fair Housing Act (Title VIII) enforcement activities with HUD. Title VIII complaints originating in Boston are generally addressed by the BFHC. Complaints in the metropolitan region outside of Boston are processed by MCAD, except in Cambridge where those matters are investigated by the Cambridge Human Rights Commission. HUD's FHEO is responsible for enforcement of laws that forbid discrimination in housing receiving HUD assistance such as Title VI of the 1964 Civil Rights Act and Section 504 of the 1973 Rehabilitation Act. FHEO also investigates and resolves complaints of housing discrimination arising under the Americans with Disabilities Act. MCAD and the BFHC are not authorized to address claims arising under these laws.

Massachusetts Chapter 151B outlaws housing discrimination based on a range of protected characteristics that include those governed by the Title VIII, but also include additional categories such as source of income and rental assistance discrimination. Both MCAD and the BFHC are authorized to act on complaints of housing discrimination arising under Chapter 151B that are not within FHEO's jurisdiction under the Fair Housing Act. Boston's fair housing ordinance prohibits discrimination based on gender identity, a protected class not covered by Title VIII or Chapter 151B.

**Table 7-1** depicts the laws governing housing discrimination, the groups protected by the laws, and the agencies with jurisdiction over complaints of discrimination arising under each law.

**Table 7.1      Laws Governing Housing Discrimination**

Law	Protected Groups	Agencies with Jurisdiction
Federal Fair Housing Act, Title VIII	Race, color, national origin, religion, gender, disability, family status	FHEO, MCAD, BFHC
MA Chapter 151B	Race, color, national origin, religion, gender, disability, marital status, sexual orientation, age, genetic information, ancestry, status as a veteran or member of the armed forces, source of income (e.g., rental assistance or public assistance)	MCAD, BFHC
Boston Fair Housing Ordinance	Race, color, national origin, religion, disability, gender identity or expression, age, ancestry, sexual preference, sex, marital status, children, source of income, military status	BFHC
Federal Title VI of the 1964 Civil Rights Act	Race, color, and national origin in programs receiving federal housing assistance	HUD
Federal Section 504 of the 1973 Rehabilitation Act	Disability in programs receiving federal housing assistance	HUD
Federal Americans with Disabilities Act	Disability in state or local housing programs	HUD
Federal Age Discrimination Act	Age, in programs receiving federal housing assistance.	HUD

Jurisdictional differences are also triggered by the size and other characteristics of the housing structure. For example, under the Fair Housing Act, dwellings in owner-occupied buildings with four or fewer units are exempt from many of the Title VIII prohibitions against refusing to rent or sell. Under Chapter 151B, covered housing does not include owner-occupied buildings with two or fewer units. Under both laws, the exemptions do not apply to units rented or sold with the assistance of a broker or real estate agent.

#### Prohibited Conduct

Under the Fair Housing Act, Chapter 151B, and Boston’s fair housing ordinance conduct is unlawful when any of the following actions are motivated by the protected status of a complainant:

- Refusing to rent, sell, negotiate for rental or sale, or otherwise deny or withhold housing. Making a written or oral inquiry about the protected characteristics of a buyer or renter, and keeping records of buyer or renter characteristics. Inquiries about disability are permitted when necessary to assign an accessible unit, or a unit set aside for persons with disabilities.
- Discrimination in terms and conditions of a rental, sale, or occupancy, including segregating people with protected characteristics in a part of a building, development, or community.
- Discrimination in mortgage lending and credit.
- Discrimination in brokering a sale or rental, in appraising property, and in other real estate related services, including insurance.
- Discrimination in membership in brokerage listing services.
- Retaliation, coercion, intimidation, and harassment (including sexual harassment) against any person in connection with fair housing rights.
- Aiding the discrimination of others.
- Discrimination in advertising.
- Blockbusting.
- Refusal of reasonable accommodation
- Refusal; of reasonable modification

### The Role of the Courts

Litigation and case law have played an important role in defining the obligation to affirmatively further fair housing. Two cases are particularly relevant for MetroFuture planning: NAACP, Boston Chapter v. HUD and Anti-Discrimination Center of Metropolitan New York v. Westchester County, N.Y. The decision in the landmark NAACP, Boston Chapter v. HUD case has influenced the housing practices of the City of Boston and the Massachusetts Department of Housing and Community Development (DHCD) for nearly two decades. In that case, the court defined the duty to further fair housing to include the following components: HUD and its grantees must not engage in acts of discrimination; they must assess the civil rights impact of funding decisions in connection with federal housing programs; and they must act affirmatively so that over time, federal housing resources are deployed in a manner that dismantles residential patterns of segregation and achieves truly open housing markets, without regard to race, color, religion, sex, disability, familial status, or national origin.

HUD, The City of Boston and DHCD were all parties to the 1991 settlement proceedings in NAACP, Boston Chapter and all entered into agreements to refrain from discrimination and to carry out activities to further fair housing. Among other provisions, the agreements resulted in: the creation of a metropolitan area-wide Metrolist of affordable housing opportunities administered by Boston Fair Housing Commission (BFHC or Commission); enhanced fair housing enforcement powers for the Commission; and affirmative fair housing marketing requirements for all affordable housing developed in the city, also administered by BFHC.

The other significant judicial decision defining the responsibilities of jurisdictions in carrying out an AI is the more recent Anti-Discrimination Center of Metropolitan New York v. Westchester County, N.Y. The plaintiffs in that case claimed that Westchester County, as a recipient of CDBG and other federal funds, falsely certified that the jurisdiction was furthering fair housing by failing to take into account discrimination based on race and conditions of racial segregation as impediments to fair housing choice. In ruling for the plaintiffs in February 2009, the court held that it is the responsibility of jurisdictions to consider conditions affecting all classes protected by fair housing laws.

In light of this history, it is a daunting task to establish the proper balance between dismantling the features of the private and assisted housing markets that impede wide metropolitan choice in housing and promote racial integration on the one hand, and investing in disinvested locations on

the other. The recommendations identified by MAPC, its consultants, advisory committee, and other stakeholders attempt to strike a better balance between these two objectives by focusing on activities within and outside of communities of color, and also by focusing on the local, state, and federal programs that are the inheritors of the programs first utilized for discriminatory purposes.

### **Important Legal Cases Relevant to Fair Housing and Civil Rights**

- The NAACP Boston Chapter Rulings
- NAACP, Boston Chapter v. Pierce, 624 F. Supp. 1083 (D. Mass. 1985)
- NAACP, Boston Chapter v. Sec'y of Housing and Urban Dev., 817 F. 2d 149 (1 Cir. 1987)
- NAACP, Boston Chapter v. Kemp, 721 F. Supp. 361 (D. Mass. 1989)
- NAACP, Boston Chapter v. Kemp, Consent Decree (involving US Department of Housing and Urban Development, March 8, 1991) (on file with authors).
- City of Boston v. Kemp, Settlement Agreement (March 8, 1991) (providing for City compliance with Consent Decree, establishment of Boston Fair Housing Commission, HUD compliance reviews, approval of City's Fair Housing Plan, and creation of Opportunity Clearing Center).
- Agreement Between the Executive Office of Communities and Development and HUD (undated) (providing for EOCD support for home rule legislation to implement City fair housing plan, EOCD participation in affirmative fair housing marketing activities, and improving mobility in MRVP).
- Other Relevant Legal Rulings
- Anti-Discrimination Center of Metropolitan New York v. Westchester County, 06 Civ. 2860 (S.D. N.Y., February 24, 2009)
- Boston Housing Authority v. Cassio, 428 Mass. 112 (1998)
- Gardner v. Quincy Housing Authority, C.A. No. 82-3873-N (D. Mass., Settlement Agreement, March 25, 1985)
- Heritage Homes of Attleboro, Inc. v. The Seekonk Water District, 648 F.2d 761 (1 Cir. 1981).
- Olmstead v. L.C., 527 U.S. 581 (1999)
- Weeks v. Waltham Housing Authority, C.A. No. 76-402-F (D. Mass., Entry of Judgment, July 22, 1977)

## Appendix 2: Supplemental Tables on Population, Segregation, and Income Disparities

### Counting People versus Households

The FHEA focuses on people as well as households and describes trends in both. In evaluating how fair housing conditions affect access to education, health indicators, employment, etc., the focus is people. The relative youthfulness of the region's populations of color makes their needs an especially important consideration for long range planning.

Housing demand, however, is not driven by population growth but by household growth, shifts in household size and composition, and the age and income of the householder. Because there are significant differences among racial and ethnic groups, we examine characteristics such as family type, income and poverty, and access to employment and transportation by household, not population. The following table illustrates the difference in population growth and household growth since 1990, by racial/ethnic group. In all cases households grew at a faster rate than population, reflecting the increase in smaller – in particular, single person – households.

Table 7.1 Percent Change in Population v Households by Race/Ethnicity by Decade, 1990 – 2010

Decade	Population					Households				
	White	Black	Asian	Hispanic	Total	White	Black	Asian	Hispanic	Total
1990-2000	-1.6%	15.0%	71.6%	48.0%	6.2%	2.5%	15.9%	94.5%	51.8%	8.9%
2000-2010	-4.4%	22.5%	46.6%	45.3%	3.5%	-1.8%	29.2%	50.5%	51.3%	4.5%
1990-2010	-6.0%	40.8%	151.5%	115.0%	9.9%	0.7%	49.7%	192.7%	129.7%	13.8%

Usually the gain (or loss) in population will be two or three times that of households, depending on tenure and household characteristics. For example, one notable exception to this is the Black population in the City of Boston. The city gained Black households at a substantially greater rate than it gained population.

Whether a municipality qualifies as “majority-minority,” that is, whether non-Hispanic Whites are in the minority, differs depending on whether the measure is based on total population, household population or households. The table below depicts the demographics of six municipalities that are majority-minority based on total population and household population. Based on a count of households, only Lawrence, Chelsea and Randolph are majority-minority communities.

Table 7.2

Municipality	Percent non-Hispanic White		
	Total population	Household population	Households
Lawrence	20.50%	20.30%	29.20%
Chelsea	25.20%	24.50%	37.60%
Randolph	39.10%	39.80%	48.60%
Brockton	42.90%	43.60%	51.80%
Boston	47.00%	46.40%	54.40%
Lynn	47.60%	48.80%	59.90%

Table 7.3 Neighborhood Concentration of Blacks and African-Americans in Boston  
(Population)

	Hyde Park			Mattapan			So. Dorchester			Roxbury			Boston			
	Total	% District	% City	% Region	% District	% City	% Region	% District	% City	% Region	% District	% City	% Region	Total	% City	% Region
Population	31,813	100.0%	5.2%	0.7%	100.0%	5.6%	0.8%	100.0%	9.7%	1.3%	100.0%	9.7%	1.3%	617,594	100.0%	13.9%
White	8,899	28.0%	3.1%	0.3%	3.6%	0.4%	0.0%	26.1%	5.4%	0.5%	6.5%	1.3%	0.1%	290,312	47.0%	8.8%
Black	14,944	47.0%	10.8%	4.9%	75.1%	18.8%	8.5%	41.4%	18.0%	8.1%	55.6%	24.1%	10.9%	138,073	22.4%	45.1%
Asian	510	1.6%	0.9%	0.2%	1.0%	0.6%	0.1%	11.3%	12.3%	2.3%	1.2%	1.3%	0.2%	54,846	8.9%	18.5%
All Other	1,020	4.0%	3.9%	0.3%	4.6%	5.0%	0.4%	9.2%	18.0%	1.6%	9.7%	15.3%	1.4%	26,446	5.2%	19.0%
Latino	6,440	20.2%	6.0%	1.5%	16.4%	5.2%	1.4%	13.2%	7.3%	1.9%	29.8%	16.5%	4.3%	107,917	17.5%	25.9%
Total Minority	22,914	72.0%	7.0%	2.0%	96.4%	10.2%	2.9%	73.9%	13.5%	3.8%	93.5%	17.1%	4.8%	327,282	53.0%	28.2%

## Figure 7.1 Census Bureau Measures of Segregation

Within each of these dimensions, several segregation measures are possible. The indices referenced here are among the most common, and they are the measures used by the researchers whose work we cite in this assessment.

- *Evenness* refers to the spatial distribution of different racial and ethnic groups within a metropolitan area. It is most commonly measured by a dissimilarity index that measures the degree to which a minority group is distributed differently than the majority group (non-Hispanic Whites) across geographic units such as census tracts, neighborhoods or municipalities. The dissimilarity index, which ranges from 0 (complete integration) to 1 (complete segregation), indicates the percentage of the minority group that would need to move to be distributed exactly like the majority population.
- *Exposure* measures the degree of potential contact, or the possibility of day-to-day interaction, between different racial/ethnic groups. The two related measures of exposure are interaction and isolation. The former measures the exposure of minority group members to members of the majority group while the latter measures the degree to which minority members are exposed only to one another. When measuring two groups, the isolation and interaction indexes sum to 1.0, with lower values of interaction and higher values of isolation both indicating higher levels of segregation.
- *Clustering* measures the extent to which minority and majority populations live in segregated enclaves, spatially disparate from one another. It is most often captured with an index of spatial proximity. The spatial proximity index equals 1 when there is no differential clustering between minority and majority populations. It is greater than 1.0 when members of each group live nearer to one another than to members of the other group, and is less than 1.0 if minority and majority members live nearer to members of the other group than to members of their own group.
- *Centralization* indicates the degree to which a particular group is located near the center of an urban area. The most commonly used measurement, the absolute centralization index, varies between -1.0 and 1.0, where a positive value indicates the tendency of group members to reside close to the urban core. A negative value indicates a tendency to live in outlying areas, and a score of 0 means that the group is uniformly distributed throughout the metropolitan area.
- *Concentration* refers to the relative amount of physical space occupied by a group of people. The most common measure of concentration, the delta index, depicts differences in population densities experienced by people of different races. The delta index also varies from 0 to 1, and measures the proportion of a group's population which would have to move across neighborhoods to achieve a uniform density across a metropolitan area.

Source: *Racial and Ethnic Residential Segregation in the United States: 1980-2000* by John Iceland and Daniel H. Weinberg with Erika Steinmetz, U.S. Census Bureau, (2002)

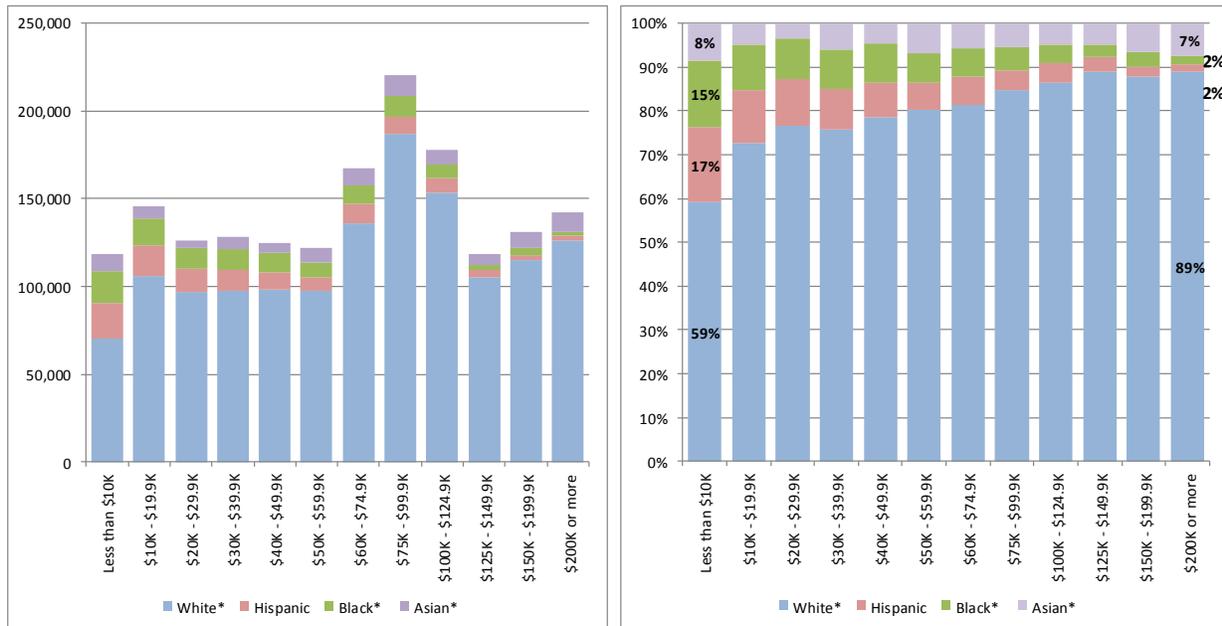
### Predicted Racial and Ethnic Composition of Municipalities Based on Income Disparities

The HUD methodology for predicting the percentages of people of color who are expected to live in a municipality based on the income levels within the community is based on the metropolitan area's income distribution by race. The predicted value for a racial or ethnic group within a particular jurisdiction is calculated as the number of households in the city or town within specific income categories, multiplied by the group's share of the income group at the metropolitan level. The totals of all income categories are then summed to determine the predicted number of each racial and ethnic group in the community. The total is compared to the actual numbers of people living in the

municipality to ascertain an actual to predicted ratio. A value of less than 50 percent indicates that the racial or ethnic group's representation is severely below the predicted level; 50-70 percent indicates a share that is moderately below that predicted; 70-90 percent, mildly below; at 90-110 percent, the group's share approximates what had been predicted; and 110 percent or greater indicates the racial/ethnic group's representation is above that predicted.

**Figure 7.2** helps illustrate this methodology. The graph on the left in the figure shows the distribution of the metropolitan area's households by income, with the color coding indicating each of the major racial/ethnic groups' share of households in that income band. The figure on the right translates that information into percentages, illustrating what percent of each income group is White, Black, Asian, or Hispanic. This figure indicates that while 15 percent of Black and 17 percent of Latino households earn less than \$10,000 annually, only 2 percent (of each group) earns over \$200,000. Therefore a low income community like Lawrence, where nearly 18 percent of households earn less than \$10,000, would be expected to have more Latino and Black residents than Mendon, where just 0.5 percent of households earn below \$10,000.<sup>70</sup>

**Figure 7.2 Metropolitan area Household Distribution by Income and Race/Ethnicity**



Source: 2010 1-Year American Community Survey, Boston-Cambridge-Quincy MSA

<sup>70</sup> The data depicted in Figure X are based on the 5 county metropolitan area. Income ranges have been combined and only the four major racial/ethnic groups are presented for simplicity sake.

## Appendix 3: Supplemental Tables for Findings

### Appendix 3-1

Sustainable Communities Opportunity Indices	
Opportunity Dimensions	Variables
Poverty Index	Family Poverty Rate
	Percent Households Receiving Public Assistance
School Proficiency Index	School Math Proficiency / State Math Proficiency
	School Reading Proficiency / State Reading Proficiency
Labor Market Engagement Index	Unemployment Rate
	Labor force Participation Rate
	Percent with a Bachelor's or higher
Job Access Index	Tract-level Job Counts
	Tract-level Job Worker Counts
	Origin-Destination Flows
	Aggregate Commute Time
	Tract-Tract Average Commute Time by Mode
Housing Stability Index	Homeownership Rate
	Percent Loans Low-Cost (Re-Fi)
	Percent Loans Low-Cost (New Purchases)
	Percent Vacant (Non-Seasonal)
	Percent Crowded

Appendix 3-2

**Major Infrastructure and Expansion Projects Programmed with Highway Funding in the Amended Recommended Plan, with Costs**

	2012	2012-2015	2016-2020	2021-2025	2026-2030	2031-2035
Ongoing No-Build Highway Projects						
Route 128 Additional Lanes (Randolph to Wellesley)**	\$117,000,000	\$86,000,000	\$31,000,000			
Crosby's Corner (Concord & Lincoln)**	\$38,668,424	\$38,668,424				
Recommended Highway Projects						
Trapelo Rd. (Belmont)	\$16,471,337	\$16,471,337				
Middlesex Turnpike Improvements, Phase III (Bedford, Burlington, & Billerica)*	\$21,147,443		\$20,147,443			
Rantoul St. (Beverly)	\$15,748,820	\$15,748,820				
Sullivan Sq./ Rutherford Ave.. (Boston)*	\$94,000,000		\$103,562,290			
Commonwealth Ave. (Boston)*	\$12,446,850	\$12,446,850				
I-93/Route 3 Inter-change - Braintree Split (Braintree)	\$36,000,000					\$85,320,000
I-93/I-95 Interchange (Canton)	\$235,500,000			\$377,040,000		
I-95 Northbound/ Dedham St. Ramp/ Dedham St. Corridor (Canton)	\$35,000,000			\$56,040,000		
Bruce Freeman Rail Trail (Concord to Westford)*	\$18,700,000	\$8,788,000		\$15,869,000		
Route 126/Route 135 Grade Separation (Framingham)	\$58,500,000				\$113,950,000	
Route 53 Final Phase (Hanover)	\$1,100,000	\$1,144,000				

Assabet River Rail Trail (Hudson to Acton)	\$18,100,000		\$23,820,000			
Route 1 Improvements (Malden, Revere, Saugus)	\$175,196,000					\$415,200,000
Route 109 (Medway)	\$11,234,840		\$11,234,840			
Needham St./ Highland Ave./ Winchester St. (Newton & Needham)	\$18,400,000			\$29,460,000		
I-93/I-95 Interchange (Reading, Stoneham, Wake- field, & Woburn)	\$276,000,000				\$537,621,000	
Bridge St. (Salem)	\$11,223,250		\$14,769,000			
Route 18 Capacity Improvements (Weymouth)*	\$38,340,000	\$23,568,240				
Montvale Ave. (Woburn)	\$3,403,540		\$4,307,000			
New Boston St. Bridge (Woburn)	\$7,896,853		\$9,992,000			
Conley Haul Rd. (Boston)*	\$25,000,000					
Recommended Highway Program						
Clean Air and Mobility Program (Regionwide)	\$2,000,000 per yr	\$823,010	\$10,937,000	\$12,680,000	\$14,700,000	\$17,039,000
Recommended Transit Project						
Green Line Extension from Medford Hillside to Mystic Valley Pkwy. (Rte. 16)	\$140,608,000		\$186,900,000	\$3,200,000		

### Appendix 3-3

#### Most Extensively Overburdened Communities in Massachusetts (By Total Environmental Hazard Points)

Rank	Town Name	Total Points	Class Status of Town	Racial Status of Town
1	Worcester	1,698	Low Income (\$35,623)	Moderately-High Minority Pop. (22.9%)
2	Boston - Downtown	1,449	Medium-Low Income (\$45,053)	High Minority Pop. (29.9%)
3	Springfield	1,222	Low Income (\$30,417)	High Minority P op. (43.9%)
4	Cambridge	1,191	Medium-Low Income (\$47,979)	High Minority Pop (31.9%)
5	New Bedford	964	Low Income (\$27,569)	Moderately-High Minority Pop. (21.1%)
6	Lowell	807	Low Income (\$39,192)	High Minority Pop. (31.4%)
7	Boston - East Boston	781	Low Income (\$31,310)	High Minority Pop. (32.2%)
8	Boston - Dorchester	770	Low Income (\$37,890)	High Minority Pop. (65.8%)
9	Brockton	709	Low Income (\$39,507)	High Minority Pop. (38.5%)
10	Boston - South Boston	661	Medium-Low Income (\$40,311)	Moderately-Low Minority Pop. (13.0%)
11	Fall River	658	Low Income (\$29,014)	Moderately-Low Minority Pop. (8.8%)
12	Framingham	654	Medium-High Income (\$54,288)	Moderately-High Minority Pop. (20.2%)
13	Everett	606	Medium-Low Income (\$40,661)	Moderately-High Minority Pop. (20.3%)
14	Waltham	598	Medium-High Income (\$54,010)	Moderately-High Minority Pop. (17.0%)
15	Pittsfield	596	Low Income (\$35,655)	Moderately-Low Minority Pop. (7.4%)
16	Somerville	589	Medium-Low Income (\$46,315)	Moderately-High Minority Pop. (23.0%)
17	Woburn	589	Medium-High Income (\$54,897)	Moderately-Low Minority Pop. (9.4%)

18	Quincy	578	Medium-Low Income (\$47,121)	Moderately-High Minority Pop. (20.4%)
19	Lynn	576	Low Income (\$37,364)	High Minority P op. (32.1%)
20	Salem	560	Medium-Low Income (\$44,033)	Moderately-Low Minority Pop. (14.6%)

Source: Unequal Exposure to Ecological Hazards in 2005: Environmental Injustices in the Commonwealth of Massachusetts

Appendix 3-4

Most Intensively Overburdened Communities in Massachusetts (Total Environmental Hazard Points per Square Mile)				
Rank	Town Name	Points per Square Mile	Class Status of Town	Racial Status of Town
1	Boston - Downtown	321.2	Medium-Low Income \$45,053	High Minority (29.9%)
2	Boston - South Boston	211.2	Medium-Low Income \$40,311	Moderately-Low Minority (13.0%)
3	Chelsea	187.9	Low Income \$30,161	High Minority (42.1%)
4	Boston - Charlestown	183.2	Medium-High Income \$56,110	Moderately-High Minority (17.7%)
5	Boston - East Boston	173.2	Low Income \$31,310	High Minority (32.2%)
6	Cambridge	167.1	Medium-Low Income \$47,979	High Minority (31.9%)
7	Everett	165.5	Medium-Low Income \$40,661	Moderately-High Minority (20.3%)
8	Somerville	139.6	Medium-Low Income \$46,315	Moderately-High Minority (23.0%)
9	Boston - Dorchester	127.7	Low Income \$37,890	High Minority (65.8%)
10	Boston - Roxbury	123.9	Low Income \$27,133	High Minority (89.9%)
11	Boston - Allston/Brighton	107.3	Low Income \$38,941	High Minority (26.5%)
12	Watertown	91.6	Medium-High Income \$59,764	Moderately-Low Minority (8.6%)
13	Malden	75.6	Medium-Low Income \$45,654	High Minority (27.9%)
14	Lawrence	74.4	Low Income \$27,983	High Minority (51.4%)
15	Boston - Jamaica Plain	72	Medium-Low Income \$41,524	High Minority (41.0%)
16	Lowell	55.5	Low Income \$39,192	High Minority (31.4%)
17	Boston - Hyde Park	46.2	Medium-Low Income \$44,704	High Minority (52.7%)
18	Woburn	45.7	Medium-High Income \$54,897	Moderately-Low Minority (9.4%)
19	Medford	44.8	Medium-Low Income \$52,476	Moderately-Low Minority (13.6%)
20	Worcester	44	Low Income \$35,623	Moderately-High Minority (22.9%)

Source: Unequal Exposure to Ecological Hazards in 2005: Environmental Injustices in the Commonwealth of Massachusetts

## Appendix 4: Selected Sources Utilized in the Preparation of the FHEA

- Action for Regional Equity, a coalition of 11 Massachusetts organizations working toward regional solutions to economic, environmental and social inequities, including creating more opportunities for housing that is affordable to Massachusetts' increasingly diverse population
- The Metropolitan Boston Equity Initiative, a yearlong effort launched in 2004, that investigated racial change and the implications of such change for social and economic opportunity within the region's diverse population. Conducted by the Civil Rights Project at UCLA (formerly at Harvard University), and sponsored by the Foley Hoag, Hyams, Boston, John Hancock and Fannie Mae Foundations
- Chapter 334 of the Acts of 2006 requires DHCD to collect and report data on the number, location, and residents of assisted housing units and recipients of state or federal assistance in the Commonwealth. More specifically, DHCD will analyze the data to ensure that housing choice, equitable housing opportunities, and inclusive patterns of housing are available across the state. Nancy McArdle evaluated the state's subsidized housing programs under the 2006 Data Collection Act
- DHCD will report annually to the state legislature. DHCD may provide reports to other interested parties in a manner consistent with all applicable privacy laws.
- Charles Hamilton Houston Institute at Harvard University, a hub for scholarship, strategy, socially concerned legal education, and open public forums on matters central to civil rights in the 21st century. David Harris, Managing director

### Relevant Research includes:

- We Don't Feel Welcome Here: African Americans and Hispanics in Metropolitan Boston by Josephine Louie (2004)
- Racial Equity and Opportunity in Metropolitan Boston Job Markets by Nancy McArdle (2004)
- Asian Americans In Metropolitan Boston: Growth, Diversity, and Complexity by Paul Watanabe, Michael Liu and Shauna Lo (2004)
- Race and the Metropolitan Origins Of Postsecondary Access to Four Year Colleges: The Case of Greater Boston by Joseph B. Berger, Suzanne M. Smith and Stephen P. Coelen (2004)
- Racial Segregation and Educational Outcomes in Metropolitan Boston by Chungmei Lee (2004)
- Beyond Poverty: Race and Concentrated-Poverty Neighborhoods in Metropolitan Boston by Nancy McArdle (2003)
- Segregation in Neighborhoods and Schools: Impacts on Minority Children in the Boston Region by John R. Logan, Deirdre Oakley, and Jacob Stowell (2003)
- Segregation in the Boston Metropolitan Area at the End of the 20th Century by Guy Stuart (2000)
- Race, Place, and Opportunity: Racial Change and Segregation in the Boston Metropolitan Area, 1990-2000 by Nancy McArdle (2003)
- More than Money: The Spatial Mismatch Between Where Minorities Can Afford to Live and Where they Actually Reside by David Harris (Greater Boston Fair Housing Center) and Nancy McArdle (The Civil Rights Project) (2004)
- The Color of Money in Greater Boston: Patterns of Mortgage Lending and Segregated Housing at the Beginning of the New Century by Jim Campen (2004)
- The Anatomy of Segregation: How Racial Stereotypes and Housing Preferences Constrain Integration in the Multi-Ethnic Boston Metropolitan Area by Tara Jackson (International Communications Research)
- State-assisted Housing and Rental Assistance in Massachusetts: Who is Served and Where?, an analysis of information gathered under the 2006 Housing Data Collection Act by Nancy McArdle (2011) for Action for Regional Equity

The Imprint of Preferences and Racial Attitudes in the 1990s: A Window Into Contemporary Residential Segregation Patterns in the Greater Boston Area by Tara D. Jackson, Ph.D.  
MAPC's State of Equity in Metropolitan Boston Indicators Project  
Racial Residential Segregation in American Cities by Leah Platt Boustan, appearing in *The Oxford Handbook of Urban Economics and Planning*, eds. Nancy Brooks, Kieran Donaghy and Gerrit Knaap. Oxford University Press (2011)

#### Additional Selected Sources:

- Boston Public Health Commission, Mayor's Task Force Blueprint: A Plan to Eliminate Racial and Ethnic Disparities in Health (June 2005)
- Boston Public Schools, Acceleration Agenda: A Five Year Strategic Direction to Transform Boston Public Schools, 2009-2014 (Working Draft, November 18, 2009)
- Boston Redevelopment Authority, Boston Population 2000, Selected Housing Characteristics: Housing Structures, Utilities, and Housing Costs in Boston Neighborhoods (April 15, 2003)
- Department of Neighborhood Development, Consolidated Plan (July 1, 2008 to June 30, 2013)
- Bluestone, Barry, et al., *The Greater Boston Housing Report Card* series (Kitty and Michael Dukakis Center for Urban and Regional Policy, 2003-2011)
- Campen, Jim, Changing Patterns: Mortgage Lending to Traditionally Underserved Borrowers & Neighborhoods in Boston, Greater Boston and Massachusetts, series (Massachusetts Community and Banking Council)
- Commonwealth Corporation, Working Together: A Massachusetts Regional Workforce Strategy Initiative, Report on Phase 1 (April 2009)
- Department of Housing and Community Development, 2010-2014 Consolidated Plan (May 2010)
- Department of Housing and Community Development, Affirmative Fair Housing Policy (April 2009)
- Department of Housing and Community Development, Analysis of Impediments to Fair Housing Access and Action Steps to Mitigate Impediments (June 2007)
- Department of Housing and Community Development, The State of the Massachusetts Housing Market: A Statewide and Regional Analysis (November 2008)
- Disability Law Center, Disability Discrimination Audit of the Housing Market of Newton, Massachusetts: Final Report (January 2007)
- Fair Housing Center of Greater Boston, Access Denied: Discrimination Against Latinos in the Greater Boston Rental Market (April 2002)
- Fair Housing Center of Greater Boston, Housing Discrimination Audit Report: A Report Prepared for the City of Newton (April 10, 2006)
- Fair Housing Center of Greater Boston, We Don't Want Your Kind Living Here: A Report on Discrimination in the Greater Boston Rental Market (April 24, 2001)
- Fair Housing Center of Greater Boston, You Don't Know What You're Missing: A Report on Discrimination in the Greater Boston Home Sales Market (October 2005)
- Friedman, Samantha, Squires, Gregory, Galvan, Chris, Cybersegregation in Boston and Dallas: Is Neil a More Desirable Tenant than Tyrone or Jorge? (April 9, 2010)
- Gerardi, Kristopher, Shapiro, Adam Hale and Willen, Paul S., Subprime Outcomes: Risky Mortgages, Homeownership Experiences, and Foreclosures (Federal Reserve Bank of Boston Working Paper 7-15, Revised May 2008)
- Glaser, Edward R. and Gyourko, Joseph, The Impact of Zoning on Housing Affordability Harvard Institute of Economic Research, Discussion Paper No. 1948, March 2002)
- Harris, David J. and McArdle, Nancy, More than Money: The Spatial Mismatch Between Where Homeowners of Color in Metropolitan Boston Can Afford to Live and Where They Actually Reside (January 2004)

- Jackson, Tara, The Imprint of Preferences and Racial Attitudes in the 1990s: A Window into Contemporary Residential Segregation Patterns in the Greater Boston Area (Harvard Civil Rights Project, January 2004)
- Journey to 2030 - Amendment: Transportation Plan of the Boston Region Metropolitan Planning Organization (November 19, 2009)
- Kirwan Institute for the Study of Race and Ethnicity, The Geography of Opportunity: Building Communities of Opportunity in Massachusetts (January 2009)
- Kneebone, Elizabeth Job Sprawl Revisited: The Changing Geography of Metropolitan Employment (April 2009)
- Massachusetts Affordable Housing Alliance, et al, Paying More for the American Dream IV: The Decline of Prime Mortgage Lending in Communities of Color (May 2010)
- McArdle, Nancy et al., Beyond Poverty: Race and Concentrated-Poverty Neighborhoods in Metropolitan Boston (The Civil Rights Project, Harvard University, December 2003)
- Stoll, Michael, Job Sprawl and the Spatial Mismatch Between Blacks and Jobs (Brookings Institution Metropolitan Policy Program, February 2005)
- Stone, Michael E., Housing Affordability for Households of Color in Massachusetts (University of Massachusetts at Boston, December 2006)
- The State of the Massachusetts Housing Market: A Statewide and Regional Analysis, prepared by the Economic and Public Policy Research Unit, University of Massachusetts Donahue Institute, in conjunction with Bonnie Heudorfer, Housing and Planning Consultant, 2008
- U.S. Department of Treasury, Making Home Affordable Program: Servicer Performance Report Through April 2010 (May 2010)