



Ending Housing Segregation Step 4: Make desegregation obligations meaningful.

It's the law! In 1991, the Connecticut legislature passed an important civil rights law, CGS Section 8-37cc, which required the Department of Housing and the Connecticut Housing Finance Authority to run their programs in a manner that “affirmatively furthers fair housing.” In other words, the agencies needed to leverage their programs to undo our government’s long and sad history of intentionally promoting segregation. Given the interpretation of the equivalent federal law in 1991 and that state law’s legislative history, it is clear that the statute was intended to be enforceable like other civil rights laws.

Wait, it's not the law! In 2006, the Connecticut Supreme Court ruled that this provision did not include a “private right of action,” meaning that no person hurt by a failure to follow the law could make a legal claim based on it. This, in part, reflected a change in the interpretation of the parallel federal law and also a technical determination about the location of the CT provision within the statutes. The upshot is that, despite the wishes of the legislature, this provision is practically meaningless.

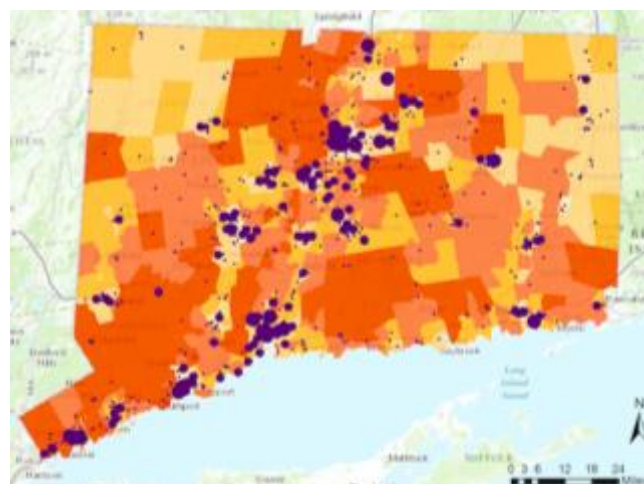
Over the last eight years, changes at the federal level that enhanced the administrative avenues supporting affirmatively furthering rights under the federal Fair Housing Act decreased the urgency of addressing this hole in Connecticut law. However, these advances will likely be rolled back or defunded, making it critical to ensure local protections.

It is time to fix this.

If there is one thing that we have learned from our nation’s civil rights history, it is that civil rights laws are meaningless without a way to enforce them. As was originally intended when the law was passed in 1991, the affirmatively furthering duty should be given the enforceability granted to other housing-related civil rights under state statutes.

Geographically imbalanced subsidized housing is one result of a failure to “affirmatively further fair housing.” Another is disequilibrium in other state investments across regions. Both of these outcomes generate poverty concentration, hurt families and Connecticut’s economic vitality.

Subsidized Housing Locations in CT. On this “Opportunity Map,” the darkest orange shading indicates “very high opportunity” census tracts with greater access to strong schools, safe streets, employment and other opportunities. The lightest shaded areas, or very low opportunity areas, are almost completely obscured by the blue dots reflecting the presence of government-subsidized housing. *Source: Preservation List maintained by CHFA through 2012.*



87% of subsidized housing units are located outside of higher opportunity, according to the best available data, which is missing crucial information, like project cost and bedroom counts, and has not been updated since 2012.

