



TESTIMONY OF THE CONNECTICUT FAIR HOUSING CENTER ON S.B. 752

My name is Greg Kirschner. I am the Legal Director of the Connecticut Fair Housing Center (“the Center”), a statewide organization whose mission is to ensure that all Connecticut residents have access to the housing of their choice. I will be providing testimony on behalf of the Center today in support of S.B. 752 “An Act Concerning Housing Segregation.”

Contrary to what many believe, housing segregation is the result of decisions made by federal, state and local actors over many years. Decisions to keep public housing segregated by race after World War II and the coding of neighborhoods by banks for redlining created the segregated communities that exist not only in Connecticut but throughout the United States. Such segregation, that has continued year after year and then decade after decade since discrimination in housing became illegal is a moral stain and an economic drag on our state. Combating this longstanding problem requires a comprehensive approach by public officials and private actors on many levels. We are pleased to support S.B. 752 which promotes integration in Connecticut.

Connecticut’s early establishment of the Commission on Human Rights and Opportunities, state laws pre-dating the federal civil rights legislation of the 1960s; including the right to be free from segregation in the State Constitution mark the State as a leader in terms of civil rights and fair housing. But at the end of the day, ending segregation takes more than prohibiting individual acts of discrimination. It requires affirmative steps. The obligation to affirmatively further fair housing – to eradicate racial and ethnic segregation - already exists under federal and state law. However, as the past half century has made clear, Connecticut cannot accomplish this solemn task without a comprehensive and enforceable plan to do so.

S.B. 752 creates a sensible and efficient framework for the State to fulfill its obligation. S.B. 752 would require Connecticut to take stock of the housing that exists today and what we need to do to ensure housing choice becomes a reality. Gathering data, such as creating a comprehensive list of government built or subsidized housing, with the understanding that its purpose is to support desegregation, is critically important for making informed choices about the placement of future affordable housing.

S.B. 752 includes important practical changes and improvement to existing efforts to end segregation. Improving mobility counseling and empowering housing authorities to respond to the needs and wishes of their residents by creating housing opportunities in areas that offer better resources for them and their families will help unlock the potential of vouchers to offer true mobility and housing choice. Similarly, it is vital to update and strengthen the requirement that developers receiving subsidies create and successfully implement affirmative fair housing marketing plans. While such an obligation already exists it lacks sufficient oversight and enforcement. An affirmative marketing plan needs to be more than the paper on which it is written. Research by the Center suggests that few housing providers meaningfully comply with the existing obligation and no framework exists for holding to them to account.

To that end, Section 3 of S.B. 752 proposes changes to the State's affirmative fair housing marketing plan requirements. As every business person knows, marketing plays a key role in bringing in customers. If a product is not advertised in a particular locale, it is unlikely the business will attract customers from that region. Similarly, if subsidized housing is marketed only in areas that are ethnically or racially homogeneous, it is likely that the housing will have a homogeneous population. The State of Connecticut recognizes the key role marketing plays in determining who applies for housing and how this tool can be used to promote integration. The State's regulations

on affirmative fair housing marketing plans (AFHMP) require subsidized housing providers to reach out to people least likely to apply to a particular development. People least likely to apply are those who do not live in the area of the housing development and need additional outreach to inform them of their opportunity to live in the development. Sec. 8-37ee.301. By placing an emphasis on marketing to those who do not live in the area of the housing development, fair housing marketing plans promote integration.

Unfortunately, too many subsidized housing providers do not know they are required to create an AFHMP and do not use them when opening waiting lists. During the last 12 months, the Center requested copies of AFHMPs from 92 subsidized housing providers who control more than 4,000 units of subsidized housing in 22 municipalities. The Center was able to get AFHMPs for only 30% of the units. Responses to the Center's requests included housing providers stating they did not know what an AFHMP was, did not have one, or had a plan to undertake an affirmative marketing campaign without specifying what the campaign would include. Several had AFHMPs that dated to the early 1980s before both the State and Federal Fair Housing Acts were amended to include additional protected classes. Clearly, the AFHMP statute and regulations are not being followed or enforced.

Section 3 of S.B. 752 ensures that subsidized housing is marketed to everyone by expanding and enhancing the requirements to create an AFHMP. First, the bill expands the entities required to use an AFHMP to market the opening of waiting lists by including Low Income Housing Tax Credit (LIHTC) properties. LIHTC are being used to develop much of the new affordable housing both in Connecticut and around the country. Yet these properties are not bound by the same fair housing marketing requirements as other subsidized housing. This bill would remedy that oversight. As importantly, however, it requires DOH to review AFHMPs annually to

ensure that the plans are attracting people least likely to apply and promote integration. By ensuring that the State's existing subsidized housing is marketed to everyone, access to this important resource will be available to everyone who is qualified, not just those living in the municipality where the housing is located.

S.B. 752 does not supplant Connecticut's other efforts to combat segregation but will complement and improve them. Many of the complaints about 8-30g revolve around the lack of local input and control. The incentives to encourage towns to take an active approach to meeting the goals of 8-30g have proven to generally be insufficient. The framework offered by S.B. 752 for the state and municipalities to jointly evaluate resources and needs will foster a pro-active approach to planning that may break the inertia that still grips many towns and lead to more efficiently producing affordable, integrated housing with less energy and resources spent on being reactive and defensive.

In conclusion, it is always easy to look at legislation that plots a new daring course and ask why now? But taken in the context of the more than half century of history that has failed to erase the lingering effects of state sponsored racial discrimination, the better question is why hasn't this happened yet?

I would be happy to answer any questions you may have.