

## Chapter 6: 2020-2024 Fair Housing Plan

Using the trends, data, and our knowledge of historical and existing policies and practices discussed in the full 2020 Analysis of Impediments to Fair Housing report, the City of Duluth has identified four impediments to fair housing choice to focus on for the next five years. The goal of this Fair Housing Plan is to address the most pressing fair housing issues with both short and long term strategies. This Plan focuses on building a more equitable community in the face of a legacy of policies and practices that have created deep inequities in our city, including segregation and racialized poverty.

### Exclusionary Section 8 Policies

Of the 1,309 households using Section 8 HCV in the private rental market in 2018, 24% of householders were Black, 10% of householders were Indigenous, 69% of householders were female, and 50% of householders had a disability. The citywide population of Duluth is 3% Black, 2% Indigenous, 51% female, and 14% people with disabilities. The utilization rate for Section 8 Housing Choice Vouchers issued in 2018 was approximately 54%, indicating that there can be significant difficulty in securing housing after receiving a Section 8 voucher. Therefore, private rental market policies that advertise no Section 8 or that do not allow Section 8 have a disproportionately negative effect on multiple protected classes.

#### **Impediment 1: Exclusionary rental housing practices and policies directed at Section 8 Housing Choice Voucher holder**

**Strategy 1.1:** Conduct outreach to landlords to gather information on what they see as deterrents to renting out to Section 8 Housing Choice Voucher holders and work with the Housing and Redevelopment Authority (HRA) to raise landlord awareness about Section 8 vouchers.

**Strategy 1.2:** Collaborate with local partners to create and expand educational programs and incentives for landlords that address Section 8 Housing Choice voucher holder stereotypes, administrative barriers, and advertising practices.

**Strategy 1.3:** Produce and endorse model language that can be used by landlords in advertising or leasing documents inclusive to Section 8 Housing Choice Voucher holders.

**Strategy 1.4:** Consider implementing a Section 8 protection ordinance or something similar that prohibits landlords from advertising “no Section 8” or denying prospective tenants solely on the basis of receiving public assistance through Section 8. Review Minneapolis, MN and Portland, OR ordinances for guidance.

## Exclusionary Criminal Background Policies

White people are underrepresented and BIPOC are overrepresented in prisons and jails in MN compared to the state's population<sup>37</sup>. There is significant research showing that arrest and incarceration rates are disproportionately higher for BIPOC<sup>38</sup>. This means that BIPOC disproportionately have criminal histories, so blanket criminal histories policies for tenant selection have a disproportionately negative effect on protected classes. HUD guidance suggests that having a blanket criminal history policy could be a violation of the Fair Housing act because "an arrest is not a reliable basis upon which to assess the potential risk to residents or property". HUD suggests using a policy that evaluates criminal history on a case-by-case basis in addition to justifying tenant denial by assessing the correlation between an individual's criminal history and their risk to residents or property. In short, strategies to address this impediment aim to create fewer housing barriers for people with criminal histories.

### **Impediment 2: Exclusionary rental housing practices and policies directed at persons with criminal histories**

**Strategy 2.1:** Create a criminal history rental-housing guide that summarizes best practices in leasing to persons with criminal history and provide landlords with language to use for applications and leases.

**Strategy 2.2:** Collaborate with local partners to create and expand educational programs and incentives for landlords. Build upon existing programs that address eviction prevention training and invest in funds that incentivize apprehensive landlords who wouldn't normally lease out to tenants with criminal backgrounds.

**Strategy 2.3:** Collaborate with partners, including local landlords, to develop a unified background check that will streamline tenant application processes and eliminate duplicate fees for background checks.

**Strategy 2.4:** Create an educational marketing campaign, similar to "ban the box," that supports best practices in leasing to people with criminal histories.

<sup>37</sup> <https://www.prisonpolicy.org/profiles/MN.html>

<sup>38</sup> <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

## Involuntary Displacement

The key difference between neighborhood revitalization and gentrification is that gentrification causes involuntary displacement of residents and community-serving small businesses. Investments in neighborhoods that improve communities are a good thing, but these investments should be paired with anti-displacement strategies to ensure that everyone in the community benefits from revitalization. Research regarding involuntary displacement shows that certain demographic characteristics, such as being a renter rather than a homeowner or having a lower income make it more difficult for individuals to resist displacement. In Duluth, vulnerability to displacement disproportionately affects protected classes including BIPOC and people with disabilities. In Duluth 40% of all households rent, but BIPOC households are disproportionately renters (71%) rather than owners (29%). The most recent American Community Survey in Duluth estimates median annual earnings for people with a disability at \$9,780, compared to \$21,994 for people without a disability. The ACS estimates per capita annual income for Duluth's white population at \$26,346, \$8,994 for the Black population, and \$10,696 for the Indigenous population. The distribution of affordable housing, including in neighborhoods where historic displacement has occurred or is in its early stages, is crucial in addressing displacement and providing fair housing choice.

### **Impediment 3: Involuntary displacement and limited housing choice caused by gentrification**

**Strategy 3.1:** Commit to monitoring and tracking neighborhood changes at regular intervals in order to identify the location of populations who are vulnerable to displacement, neighborhoods that are prone to gentrification, and neighborhoods that are undergoing gentrification.

**Strategy 3.2:** Create anti-displacement strategies through public engagement and research addressing displacement of protected classes in Duluth and codify anti-displacement strategies at the city level, for example by integrating them into the Community Development funding application and other processes.

**Strategy 3.3:** Disseminate research and guidance on anti-displacement strategies to local partners.

**Strategy 3.4:** Develop a framework that considers housing choice along with the transportation and service needs of the expected/predicted tenants when siting new

## Built Environment

Conservative land use and zoning policies contribute to the built environment by creating a tradition of exclusionary development patterns while restricting density, location, and availability for new residential development. This limits housing supply and options, increasing overall housing costs, disproportionately affecting low-income populations and protected classes. In Duluth 44% of housing units were built before 1939. The older housing stock lends itself to what is called “naturally occurring affordable housing,” essentially housing that is cheaper because it is lower quality. As discussed above, some protected classes are disproportionately lower income, so deferred maintenance and health concerns created by substandard housing, such as lead paint and mold, have the potential to disproportionately affect protected classes. Some older and now substandard homes also have the potential to affect those with disabilities because they were not built for accessibility and pose high, unachievable costs to retrofit for ADA compliance.

### **Impediment 4: Policies and physical limitations in the built environment**

**Strategy 4.1:** Conduct a feasibility study that investigates creative tools to incentivize or require some affordable and/or accessible units in new housing developments.

**Strategy 4.2:** Continue to make changes to the City’s Unified Development Code that address outdated land use and zoning policies, which in turn affect density and mixed income neighborhoods and residential developments.

**Strategy 4.3:** Explore an alternative rental-licensing program, such as a targeted or tiered system, that addresses rental housing quality, regulatory body and property owner accountability.

**Strategy 4.4:** Support new or existing rehabilitation programs that focus on healthy homes and retrofitting for ADA accessibility. Implement these programs in a variety of neighborhoods throughout Duluth.

## Fair Housing Plan Implementation

The next few pages offer a roadmap for implementing the strategies discussed above. The first table lists the entities who will help implement the strategies as well as their anticipated roles at each step in the process. Following that table, each of the four impediments is listed showing the timing and steps for implementing each strategy. The implementation plan is intentionally broad to ensure that measured progress is made throughout the next five years, but to also leave room for flexibility. The timeline for strategy implementation aligns with the City’s HUD funding fiscal years so that progress in implementation can be reported on in annual Action Plans.

Collaborators	Roles				
	Listen and Provide Input	Research and Analyze	Develop	Educate	Evaluate
City of Duluth - Planning & Economic Development Department	<p>Convene meetings and build or maintain positive relationships with partners</p> <p>Collect quantitative data (i.e. surveys) and qualitative data (i.e. conversations and focus groups)</p> <p>Share experiences and provide input to help develop policies, practices, and written materials</p>	<p>Conduct research, review best practices and case studies</p> <p>Analyze and distill input and data</p>	<p>Develop written resources such as guides, one-pagers, and reports</p> <p>Develop language and mechanisms for policies and practices</p>	<p>Disseminate paper educational materials and raise awareness</p>	<p>Evaluate, track, and monitor outcomes and effectiveness</p> <p>Collect and track reports of non-compliance</p>
City of Duluth - Life Safety Division	<p>Share experiences and provide input to help develop policies, practices, and written materials</p> <p>Utilize relationships/points of contact with landlords to elicit feedback and input</p>		<p>Inform the development of deliverables and provide feedback on draft deliverables</p>	<p>Disseminate paper educational materials in rental licensing correspondence and raise awareness during rental inspections</p>	<p>Collect and track reports of non-compliance</p>
City of Duluth - Human Rights Office	<p>Share experiences and provide input to help develop policies, practices, and written materials</p> <p>Relationship and trust building, connection to community</p>		<p>Inform the development of deliverables and provide feedback on draft deliverables</p>	<p>Disseminate paper educational materials and raise awareness</p>	<p>Collect and track reports of non-compliance</p>
Housing and Redevelopment Authority - Section 8 Voucher Program	<p>Share experiences and provide input to help develop policies, practices, and written materials</p> <p>Relationships with landlords</p> <p>Collaboration with community orgs</p> <p>Convene meetings</p>		<p>Inform the development of deliverables and provide feedback on draft deliverables</p>	<p>Provide education and training</p>	<p>Evaluate, track, and monitor outcomes and effectiveness</p> <p>Collect and track reports of non-compliance</p>
Duluth Landlord Association	<p>Share experiences and provide input to help develop policies, practices, and written materials</p>		<p>Inform the development of deliverables and provide feedback on draft deliverables</p>	<p>Using network to raise awareness</p>	
Community members (focus on protected classes)	<p>Share experiences and provide input to help develop policies, practices, and written materials</p>		<p>Inform the development of deliverables and provide feedback on draft deliverables</p>		
Community organizations that have relationships with landlords (Landlord Incentive Program, Tenant Landlord Connection, Affordable Housing Coalition, etc.)	<p>Share experiences and provide input to help develop policies, practices, and written materials</p> <p>Utilize relationships with landlords to elicit feedback and input</p> <p>Convene meetings</p>		<p>Inform the development of deliverables and provide feedback on draft deliverables</p>	<p>Utilize relationships with landlords to raise awareness</p> <p>Provide education and training</p>	<p>Evaluate, track, and monitor outcomes and effectiveness</p> <p>Collect and track reports of non-compliance</p>

**Impediment 1: Exclusionary rental housing practices and policies directed at Section 8 Housing Choice Voucher holders**

<b>Strategy</b>	<b>Phase 1</b> April 1, 2020 - March 31, 2022	<b>Phase 2</b> April 1, 2022 - March 31, 2024	<b>Phase 3</b> April 1, 2024 - March 31, 2025
<p><u>Strategy 1.1</u> Conduct outreach to landlords to gather information on what they see as deterrents to renting out to Section 8 Housing Choice Voucher holders and work with the Housing and Redevelopment Authority (HRA) to raise landlord awareness about Section 8 vouchers.</p>	<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>	<p>Educate Evaluate</p>
<p><u>Strategy 1.2</u> Collaborate with local partners to create and expand educational programs and incentives for landlords that address Section 8 Housing Choice voucher holder stereotypes, administrative barriers, and advertising practices.</p>	<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>	<p>Educate Evaluate</p>
<p><u>Strategy 1.3</u> Produce and endorse model language that can be used by landlords in advertising or leasing documents inclusive to Section 8 Housing Choice Voucher holders.</p>		<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>
<p><u>Strategy 1.4</u> Consider the feasibility of a Section 8 protection ordinance that prohibits landlords from advertising “no Section 8” or denying prospective tenants solely on the basis of receiving public assistance through Section 8. Review Minneapolis, MN and Portland, OR ordinances for guidance.</p>		<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>

**Impediment 2: Exclusionary rental housing practices and policies directed at persons with criminal histories**

<b>Strategy</b>	<b>Phase 1</b> April 1, 2020 - March 31, 2022	<b>Phase 2</b> April 1, 2022 - March 31, 2024	<b>Phase 3</b> April 1, 2024 - March 31, 2025
<p><u>Strategy 2.1</u> Create a criminal history rental-housing guide that summarizes best practices in leasing to persons with criminal history and provide landlords with language to use for applications and leases.</p>	<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>	<p>Educate Evaluate</p>
<p><u>Strategy 2.2</u> Collaborate with local partners to create and expand educational programs and incentives for landlords. Build upon existing programs that address eviction prevention training and invest in funds that incentivize apprehensive landlords who wouldn't normally lease out to tenants with criminal backgrounds.</p>		<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>
<p><u>Strategy 2.3</u> Collaborate with partners, including local landlords, to develop a unified background check that will streamline tenant application processes and eliminate duplicate fees for background checks.</p>		<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>
<p><u>Strategy 2.4</u> Create an educational marketing campaign, similar to "ban the box," that supports best practices in leasing to people with criminal histories.</p>	<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>	<p>Educate Evaluate</p>

**Impediment 3: Involuntary displacement and limited housing choice caused by gentrification**

<b>Strategy</b>	<b>Phase 1</b> April 1, 2020 - March 31, 2022	<b>Phase 2</b> April 1, 2022 - March 31, 2024	<b>Phase 3</b> April 1, 2024 - March 31, 2025
<p><u>Strategy 3.1</u> Commit to monitoring and tracking neighborhood changes at regular intervals in order to identify the location of populations who are vulnerable to displacement, neighborhoods that are prone to gentrification, and neighborhoods that are undergoing gentrification.</p>	<p>Research and Analyze Develop Evaluate</p>	<p>Research and Analyze Develop Evaluate</p>	<p>Research and Analyze Develop Evaluate</p>
<p><u>Strategy 3.2</u> Create anti-displacement strategies through public engagement and research addressing displacement of protected classes in Duluth and codify anti-displacement strategies at the city level, for example by integrating them into the Community Development funding application and other processes.</p>	<p>Listen and Provide Input Research and Analyze</p>	<p>Develop Educate</p>	<p>Educate Evaluate</p>
<p><u>Strategy 3.3</u> Disseminate research and guidance on anti-displacement strategies to local partners.</p>	<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>	<p>Educate Evaluate</p>
<p><u>Strategy 3.4</u> Develop a framework that considers housing choice along with the transportation and service needs of the expected/predicted tenants when siting new affordable housing developments including projects funded by the Community Development Funding Program and tax credit projects with affordability components.</p>	<p>Listen and Provide Input Research and Analyze</p>	<p>Develop Educate</p>	<p>Educate Evaluate</p>



**Impediment 4: Policies and physical limitations in the built environment**

<b>Strategy</b>	<b>Phase 1</b> April 1, 2020 - March 31, 2022	<b>Phase 2</b> April 1, 2022 - March 31, 2024	<b>Phase 3</b> April 1, 2024 - March 31, 2025
<p><u>Strategy 4.1</u> Conduct a feasibility study that investigates creative tools to incentivize or require some affordable and/or accessible units in new housing developments.</p>		<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Educate Evaluate</p>
<p><u>Strategy 4.2</u> Continue to make changes to the City’s Unified Development Code that address outdated land use and zoning policies, which in turn affect density and mixed income neighborhoods and residential developments.</p>	<p>Listen and Provide Input Research and Analyze</p>	<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Develop</p>
<p><u>Strategy 4.3</u> Explore an alternative rental-licensing program, such as a targeted or tiered system, that addresses rental housing quality, regulatory body and property owner accountability.</p>	<p>Listen and Provide Input Research and Analyze</p>	<p>Listen and Provide Input Research and Analyze Develop</p>	<p>Develop Educate Evaluate</p>
<p><u>Strategy 4.4</u> Support new or existing rehabilitation programs that focus on healthy homes and retrofitting for ADA accessibility. Implement these programs in a variety of neighborhoods throughout Duluth.</p>	<p>Educate Evaluate</p>	<p>Educate Evaluate</p>	<p>Educate Evaluate</p>