

Annual Report 2020-2021

1. HOUSING AS ACCESS TO OPPORTUNITY: ADDRESSING STRUCTURAL BARRIERS

Policy progress and challenges

Housing Mobility Demonstration: The [Notice of Funding Availability](#) was released in July 2020 for \$50 million in funding for 5-10 public housing agencies (PHAs) to develop and evaluate programs to help low-income families with housing vouchers access low-poverty, high-opportunity areas. The demonstration funds, appropriated through the 2019 and 2020 Transportation, Housing and Urban Development Appropriations Acts, will be accompanied by research grants to study best practices in housing mobility programs. We have participated in two webinars explaining the Demonstration (for PHAs and for advocates), and we assisted five housing authorities applying for the NOFA (see Mobility Works discussion, below).

Best practices for RAD “Choice-Mobility” implementation: HUD posted our new [Guidance for Successful Implementation of Rental Assistance Demonstration \(RAD\) Choice-Mobility](#) on its website, and distributed a link to the guidance to PHAs implementing the Rental Assistance Demonstration (RAD) program. The Rental Assistance Demonstration has become the most significant public housing redevelopment program in the U.S., bringing new funds to support aging properties around the country. One essential element of the program is that, after conversion, all tenants have a right to request a portable Housing Choice Voucher, and move to a community of their choice (thus opening up their apartment to another eligible family on the waiting list). Few housing authorities have worked out plans for implementation of this Choice-Mobility feature of the program, so we developed this detailed guidance document for PHAs and advocates, based on our policy research and interviews.

Another victory for source of income discrimination laws: In [Fletcher Properties v. Minneapolis](#), the Minnesota Supreme Court rejected a constitutional challenge to the Minneapolis ordinance prohibiting landlord discrimination against Section 8 Voucher Program tenants (several issues remain to be addressed on remand). PRRAC joined in an [amicus brief](#) in the case, along with the Housing Justice Center and the National Housing Law Project. Minneapolis-based HOME Line also submitted an amicus brief in support of the city.

The Trump Disparate Impact Rule: PRRAC joined the legal effort to reverse the Trump Administration’s destructive re-write of the Fair Housing Act’s disparate impact standard, which was first codified as a regulation to guide HUD implementation by the Obama Administration in 2013. The new HUD rule (issued in the last months of the

Trump Administration) creates a series of new hurdles for victims of discrimination at the pleading stage as well as adding unprecedented new defenses, making it virtually impossible to prevail on a disparate impact claim, at least for complaints filed at HUD. Most egregiously, the rule eliminates “perpetuation of segregation” as a basis for liability under the Act. The plaintiffs include the Open Communities Alliance (CT) and SouthCoast Fair Housing (MA), represented by lawyers from the ACLU, Lawyers Committee, PRRAC, and Cohen & Milstein. Separate cases were filed by the National Fair Housing Alliance in California, and by local civil rights groups in Massachusetts. In the Massachusetts case, a federal district court judge in Massachusetts issued a nationwide preliminary injunction which prevents the rule from going into effect. In the first week of the new Administration, President Biden announced his intention to revisit the rule (see below).

The new President’s opening executive orders: President Biden promised racial equity across the board, and acknowledged the federal role in redlining, housing segregation, and community disinvestment, pledging to redress these impacts. More concretely, his executive order on housing confirmed the pledge to reinstate HUD’s Affirmatively Furthering Fair Housing rule and the Disparate Impact rule.

President’s budget: The President’s ambitious, racial equity-focused 2022 budget proposal to Congress included two crucial provisions to expand and strengthen the Housing Choice Voucher program, including 200,000 new vouchers to low-income families, and a \$491 million request for housing mobility services funding (paralleling a request we made to HUD at the beginning of 2021 along with the National Low Income Housing Coalition and the National Housing Law Project).

The rental search platform Zillow: Our directory of state and local source of income discrimination is being used as part of their new “Local Legal Protections” tool. We have had two follow up meetings with Zillow executives and are hoping to continue a dialogue on other issues.

Universal vouchers: The Financial Services Committee released a bill calling for universal Housing Choice Vouchers (the program currently serves one out of four eligible families) along with a suite of program reforms that we have long advocated, including universal Small Area Fair Market Rents, funds for security deposits, and national source of income discrimination protections.

Publications & trainings

Future federal housing policy: We released an initial set of housing policy reform recommendations in 2020, to inform what we hope will be a major new investment in affordable housing in 2021 and beyond: “[A Vision for Federal Housing Policy in 2021 and Beyond.](#)”

A Housing Choice Voucher reform agenda: As calls grow for a dramatic expansion of the Housing Choice Voucher program, we revisited some of the structural problems with the program that can have the effect of steering families to higher poverty neighborhoods in a comprehensive policy brief, “[Housing Choice Voucher Reform: A Primer for 2021 and Beyond.](#)” which has been widely disseminated and cited in policymaking circles.

Housing Mobility Programs update: We published an update of our biannual survey, [“Housing Mobility Programs in the U.S. 2020”](#) (co-published with Mobility Works).

Housing Mobility Demonstration Webinars: We helped to organize and co-sponsored two national webinars on the Housing Mobility Demonstration – the first was for interested PHAs (with the Center on Budget and Policy Priorities, Opportunity Insights, and the two major public housing trade associations), and the second was for legal services and fair housing advocates (with the National Housing Law Project).

Restoring and improving the AFFH process: Whether Congress immediately repeals the Trump Administration “AFFH rule” or HUD replaces it through rulemaking, advocates and jurisdictions have learned a lot about how to strengthen AFFH during the original rule’s first two years of implementation (and subsequently, when a number of progressive jurisdictions continued to use the suspended AFFH rule to guide their fair housing planning). In December, PRRAC released its initial recommendations for improving the rule in a policy brief, *Reviving and Improving HUD’s Affirmatively Furthering Fair Housing Regulation: A Practice-Based Roadmap*.

Civil rights history in Buffalo: As part of our ongoing work on housing mobility and AFFH in Buffalo, we published *The Legacy of Buffalo’s Landmark Housing Desegregation Case, Comer v. Kemp*, by retired fair housing advocate Scott Gehl, to chronicle the public housing desegregation case brought 30 years ago by legal services advocates in upstate New York (joined by the NAACP Legal Defense Fund), and its continuing relevance today as local advocates (with the support of Enterprise and PRRAC) try to work with the local housing authorities to address the most poverty concentrated Housing Choice Voucher program among the fifty largest metro areas in the country.

Housing and School Segregation in Hartford: Susan Eaton’s detailed account of the state’s history of housing and school segregation in the Hartford region – a localized version of Richard Rothstein’s book “The Color of Law,” was co-published this fall by PRRAC, the NAACP Legal Defense Fund, and Connecticut’s Open Communities Alliance and the Sillerman Center at Brandeis. The title is a play on Connecticut’s state motto: *A Steady Habit of Segregation: The Origins and Continuing Harm of Separate and Unequal Housing and Public Schools in Metropolitan Hartford, Connecticut*. The report also supports the Open Communities Alliance’s HUD fair housing complaint against the state challenging the restriction of CT local housing authority jurisdiction to the borders of its municipality.

Furthering Fair Housing: Lessons for the Road Ahead: PRRAC Deputy Director Megan Haberle contributed a chapter on the past and future of the AFFH rule, “Furthering Fair Housing: Lessons for the Road Ahead,” in Justin Steil et al, eds, *Furthering Fair Housing: Prospects for Racial Justice in America’s Neighborhoods* (Temple University Press, 2021)

Racial Justice in Housing Finance: A Series on New Directions: In May 2021, we released this collection of chapters examining the law and policy assumptions underlying our affordable housing systems. Edited by Megan Haberle and Sophia House, with additional contributions by Carolina Reid, Henry-Louis Taylor, Jr., Henry Korman, Max Bebris, Jacob Faber, Elizabeth Korver-Glenn, Dan Immergluck, Patrice Alexander

Ficklin, Charles Nier III, Josh Silver, Philip Tegeler, Krystle Okafor, Oksana Mironova, Tara Raghuveer, Peter Kye, Darryn Mumphery, Matthew Murphy, and Adam George.

HUD and social housing: A 2021 PRRAC policy brief, *What can HUD do to expand public and community ownership of rental housing?* looks at the ways that existing HUD programs might be adapted to increase funding for the non-profit, public, and community-based housing sector.

Housing Trust Fund: Another recent policy brief, *The National Housing Trust Fund and Fair Housing*, builds on a 50-state survey to identify best practices at state HFAs and recommendations for HUD to improve civil right performance in this growing program.

Along with the National Housing Law Project, we conducted a training on source of income discrimination for almost 200 public housing authority staff from around the state of California.

Advocacy and organizing

Biden/Harris transition: We participated in meetings with members of the HUD transition team, covering fair housing issues in federal housing programs and restoration of the AFFH and Disparate Impact rules; and we shared three sets of written transition recommendations. We also were interviewed, supplied content, and invited to be reviewers for the Ford Foundation sponsored transition project, the “Housing Playbook.”

Housing Choice Voucher advocacy: Working in collaboration with the National Housing Law Project and the National Low Income Housing Coalition, we submitted a memorandum to the new HUD leadership on budget requests to be included in the President’s budget, including flexible funding to support expanded implementation of the Small Area Fair Market Rent rule, use of Housing Assistance Payment funds for security deposits, and additional funds for housing mobility services. PRRAC and NHLP also met with a number of HUD career staff from the public housing and research divisions at HUD to go over our proposals for regulatory and administrative changes needed in the voucher program as it expands. We met separately to compare notes and align our agendas with the two primary PHA trade associations (NAHRO and CLPHA). Overall, we have a very receptive audience at HUD and on the industry side, and we are hopeful that some aspects of our reform agenda will be advanced in the next two years.

AFFH rule: We have been working closely with other advocates on a campaign to quickly reinstate the existing rule, while focusing reform efforts on the AFFH tools and guidance, based on our experience applying the rule in the field over the past few years. We are giving additional attention to changes needed in the application of the AFFH rule to PHAs, and we also met with NAHRO and CLPHA to discuss their concerns about rule implementation.

Disparate Impact rule: Along with parallel cases in CA and MA, the *Open Communities Alliance v. Carson* case (in which we are co-counsel) has been put on hold by mutual agreement of the parties while HUD develops the new disparate impact rule. The Trump version of the rule is currently enjoined by the federal district judge in the Massachusetts case, and the Justice Department has withdrawn its interlocutory appeal in that case.

Housing Choice Voucher payment standards: PRRAC submitted comments on behalf of the Lawyers Committee, National Fair Housing Alliance and six state-based fair housing groups, on improving the rules governing how voucher rent caps are set, to enable families to access higher opportunity areas.

Alliance for Housing Justice: We expanded our commitment to this collaboration with Public Advocates, PolicyLink, Right to the City, and the Lawyers Committee, with new subgrants and contributions to AHJ projects on the right to organize, tenant acquisition of private rental housing, and analyses of HUD powers to intervene in the private rental market. We also volunteered to assist Right to the City's subcommittee on housing acquisition funding.

Housing infrastructure bills: We submitted joint civil rights recommendations on the housing infrastructure bill to the House Financial Services Committee (along with NAACP Legal Defense Fund, Lawyers Committee, National Housing Law Project, National Fair Housing Alliance, and the National Low Income Housing Coalition), urging the Committee to embed principles of affirmatively furthering fair housing into the bill.

Zoning incentives: We joined in a letter to the White House and Congress on proposed federal incentives in the infrastructure bill to address restrictive zoning, pointing out that some land use restrictions may be protective for low income communities facing displacement pressure.

Housing Trust Fund: We submitted regulatory comments on the interim Housing Trust Fund regulations, urging stronger requirements to avoid resegregation.

Housing Mobility Funding: We engaged in an intensive outreach campaign to public housing authority directors around the country to build support in Congress for the housing mobility services funding proposal in the President's budget.

Mobility Works (a technical assistance collaborative with the Baltimore Regional Housing Partnership, the Inclusive Communities Project, and Housing Choice Partners)

Applying for the Mobility Demonstration NOFA: We worked intensively, along with our Mobility Works partners, with public housing authorities in Los Angeles, Minneapolis, Cleveland, Pittsburgh, and Atlanta, to prepare them for a successful application under the July HUD NOFA (four of these PHAs received multi-year grants).

State-funding for a housing mobility program: Allegheny County (and the Allegheny County and Pittsburgh Housing Authorities) received a competitive grant from the Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund (administered by the state Housing Finance Agency) to launch a regional housing mobility program. Pennsylvania joins at least four other states (MA, NJ, NY, CT) that are supporting regional housing mobility programs. Mobility Works helped to start this process in Pittsburgh last year at the invitation of the state HFA.

Mobility Works incorporation: We helped the Mobility Works group advance its new goal of spinning off from PRRAC as an independent 501c3, preparing the incorporation

documents and paperwork for the IRS submission, finalizing an initial board of directors, and developing a successful grant proposal for the non-profit's initial seed funding.

Continuing assistance to PHAs: We also continued to provide training, advice, and support to the start-up programs in Buffalo and Long Island, and completed a first-year evaluation report of the Massachusetts housing mobility program "SNOMass."

Other technical assistance work

In 2020-21, PRRAC assisted Enterprise Community Partners in a HUD funded compliance review of a fair housing settlement in Prince Georges County, MD.

We also assisted the California Housing Finance Agency in developing an agency Affirmatively Furthering Fair Housing Plan, along with colleagues from MIT.

We assisted Housing Choice Partners in developing a fair housing strategy for the Mobile, Alabama Housing Authority.

We worked with Enterprise Community Partners to assist Baltimore County in designing an affirmative marketing and housing mobility plan.

We began work on a HUD guidebook on the "choice mobility" provisions of the Rental Assistance Demonstration, under contract with the HUD technical assistance provider NALCAB.

We joined the Charlotte Mayor's Task Force on source of income discrimination, to help establish policies and goals for absorption of voucher families in higher opportunity neighborhoods in Charlotte-Mecklenburg county.

2. ENVIRONMENTAL JUSTICE

We contributed to a comprehensive set of recommendations on environmental justice and fair housing for the new administration to the EPA, DOJ and HUD transition teams.

Working with faculty and students at the Vermont Law School, we established a publicly accessible repository of federal Title VI materials (regulations, guidance, handbooks, etc), and assumed responsibility for administering a national Title VI environmental justice Listserv.

3. HOUSING/EDUCATION

PRRAC released a detailed policy brief, *Mixed Income Neighborhoods and Integrated Schools: Linking HUD's Choice Neighborhoods Initiative with the Department of Education's Magnet Schools Assistance Program* (March 2021) as part of continuing advocacy to link public housing redevelopment and school integration across the two agencies. We also met with appropriations staff in the House at their invitation to explain the proposal in more detail.

We also released our set of training materials for realtors, sponsored by the National Association of Realtors, "How Real Estate Agents Can (and Should) Promote Diverse Schools," which includes an overview of the benefits of school diversity for real estate professionals, a training

outline on how to talk about schools with real estate clients, and a new video profile of the successful Pasadena program that brings real estate professionals into the local public schools.

Working with the Learning Policy Institute, we convened a “housing-schools working group” to help revive interest in an interagency partnership in support of housing and school integration, and we held a successful initial meeting with HUD and ED staff.

We also joined the advisory board of the Bridges Collaborative, a project of the Century Foundation designed to bring housing organizations, school districts, and charter schools together to promote school integration in selected metro areas.

4. EDUCATIONAL EQUITY AND SCHOOL INTEGRATION

PRRAC engages in educational equity work primarily through its commitment and support of the National Coalition on School Diversity (NCSd), a national membership organization which is administratively based at PRRAC.

Policy progress and challenges

School diversity in the House: The Strength in Diversity Act, a voluntary school integration funding bill which NCSd has been working on for the past two years, finally went to the House floor for a vote, and passed, with some bipartisan support, in September 2021. NCSd members and PRRAC staff were intimately engaged in the drafting, amendment, and communications process around the bill. The passage of the bill makes it more likely that a) some version will be incorporated in the 2022 federal budget, and b) the bill will be well positioned for potential passage in the next Congress. This was the first congressional vote in support of funding for school integration for several decades and comes on the heels of the previous Congress’s removal of anti-busing riders from the annual federal budget (see below).

Anti-busing riders removed: Finally, after 45 years, the last restriction on the use of federal education funds for transportation of students to support school integration (formerly known as “busing”) has been removed from federal law, pursuant to the Consolidated Appropriations Act (2021). The removal of Section 426 of the General Education Provisions Act follows on the removal (in 2018) of two separate annual budget riders prohibiting the use of federal funds for student transportation for school integration.

Equity Assistance Centers: The new administration’s Department of Education rescinded a destructive NOFA for the Equity Assistance Centers, released late in the Trump Administration and intended to replace the existing Centers, which have been functioning well.

Advocacy and organizing

NCSd released two sets of recommendations for the new Administration, “10 Ways The Biden/Harris Administration Can Prioritize School Integration In Its First 100 Days,” and “School Integration Priorities for a Biden/Harris Administration,” and we held meetings with Department of Education senior staff to address the recommendations in more detail.

NCSD led a letter to Congress, signed by 40 organizations, asking for a fivefold increase in funding for the Magnet Schools Assistance Program to at least \$500 million, \$120 million for the grant program based on the Strength in Diversity bill.

We participated in the Los Angeles Unified School District enrollment group, which was designed to generate recommendations to expand diversity in the LAUSD choice system.

5. COMMUNICATIONS/MEDIA ENGAGEMENT

Poverty & Race: We resumed publication of P&R after an extended COVID delay, with two issues in the last three months of 2020. We released the first issue of 2021, with articles on decommodifying housing, the right to education, the Boston AFFH zoning ordinance, and gentrification in schools.

Traditional Media Coverage:

- What is the Fair Housing Rule and how will its Repeal Affect Philly? (Philadelphia Inquirer) August 2, 2020
- Envisioning Higher Education as Antiracist (Inside Higher Ed) July 2, 2020
- Education Dept. Gets \$73.5 Billion in Funding Deal That Ends Ban on Federal Aid for Busing (Education Week) December 22, 2020
- Massachusetts’ Public Schools are Highly Segregated. It’s Time We Treated That Like the Crisis It Is (Boston Globe) December 11, 2020
- Opinion: A Truly Life-Changing Voucher Program is Within Reach for Cuyahoga Metropolitan Housing Authority (Cleveland.com) October 12, 2020
- “America’s Racist Housing Rules Really Can Be Fixed” (Vox, February 17, 2021)
- “Cardona’s Role in Connecticut’s Complex School Desegregation Efforts Becomes Focus: Will He Give Integration a National Platform as Ed Secretary?” (The 74, January 13, 2021)
- “Billions in School Construction in CT Hasn’t Made a Dent in Segregation — But This Year, Things Could Be Different” (Connecticut Mirror, January 4, 2021)

6. ADMINISTRATION & DEVELOPMENT

Expansion of PRRAC’s Social Science Advisory Board: We welcomed Jamila Michener, Cornell University, Dept. of Government; Michael Lens, UCLA, Luskin School of Public Affairs; John Robinson, Washington University in STL, Dept. of Sociology; Vincent Reina, UPenn, Dept. of City & Regional Planning; Jacob Faber, NYU, Wagner School of Public Service; Ana V. Diaz Roux, Drexel University, Dornsife School of Public Health; and Willow Lung-Amam, University of Maryland, School of Architecture, Planning & Preservation.

7. OTHER PRRAC REPORTS AND CONVENINGS

DATE	ITEM	TITLE	SUMMARY
August 2020	NCSD policy paper	Using Cares Act Flexibility to Address	Explores how CARES Act education grants to states and local

		<u><i>Educational Inequities and Bring Schoolchildren Together</i></u>	districts may provide an opportunity for diverse learning across schools and districts that are usually separated by race and income.
August 2020	PRRAC policy brief	<u><i>State Support for Local School Construction: Leveraging Equity and Diversity</i></u>	Historically, state support for suburban school construction facilitated white flight and metropolitan segregation. Today’s funding decisions on school construction can have similar effects.
May 2021	NCSD research brief	<u><i>Which Districts Might Benefit from the Strength in Diversity Act: A Look into the Most Diverse, But Segregated, Large School Districts in the United States</i></u>	Identifies 179 districts across the U.S. that have significant in-district student diversity, but are also highly segregated across schools. These are school districts that might benefit the most from the proposed Strength in Diversity Act, which would provide grants for states and school districts to develop local plans to promote school diversity.
May 2021	NCSD conversation	<u><i>Fifty State Conversation</i></u>	On the Brown v. Board Anniversary, this conversation on school integration featured a screening of Epic Theatre Ensemble’s youth-led <i>Nothing About Us</i> .