Comments on Draft: <u>Regional Analysis of Impediments to Fair Housing Choice in the Western Greater Yellowstone Area</u>

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In offering comments on the draft submitted by Fremont County (Grantee) I have decided to organize them according to the framework OSHC's grantees should follow when developing a Fair Housing Equity Assessment (FHEA). Here I attempt to combine guidance already available on building a FHEA with my own observations on how the information already provided by Fremont County fits into the frameworks and what remains to be done for the Grantee to successfully complete a Regional Analysis of Impediments (RAI).

One of the takeaways after reviewing the RAI draft is that the data collection and analysis performed by the Grantee should always refer back to the fair housing choice of protected groups. As the document "The FHEA compared to the Regional AI" explains: "The Regional AI has a broader analytical scope...in that it must encompass issues associated with race, color, national origin, sex, religion, familial status, and disability..." As the document further clarifies, the RAI will contain the same sections as the FHEA, and within each section (as applicable) the Grantee needs to perform an analysis that addresses the state of fair housing for all protected classes. The Regional AI analysis, as well as the identification of impediments, happens both at the regional level and at the local, jurisdictional level. To be more precise, impediments that are identified as affecting only a particular jurisdiction need to be addressed in the Fair Housing Strategies and Actions section, even if it does not affect the region as a whole.

As the Grantee already knows, the FHEA consists of eight areas: Background, Segregation/Integration, Racially/Ethnically Concentrated Areas of Poverty (RCAPs/ECAPs) or Areas of Minority Concentration, Disparities in Access to Opportunity, Fair Housing Enforcement Infrastructure, Physical Infrastructure (recommended but not required for RAI), Identification of Barriers to Fair Housing, and Fair Housing Strategies and Action Plan. The discussion of the draft provided will take place in the context of this framework.

<u>Background:</u>

The current section "Socio-Economic Analysis" is roughly the equivalent of the "Background" section. As it stands, this section is disjointed and it is not clear what its purpose is within the RAI. The background section needs to provide a complete picture of the demographic composition of the area (in this case the Western Greater Yellowstone Area-WGYA) broken down by counties and major cities. Demographic information must include the racial and ethnic composition of the region and the number of people with disabilities and families with children. This section should also provide the historical context for the current demographics and an analysis of what are the implications of this context for expanding fair housing choice in the region. In addition, the historical context might also illustrate demographic change by comparing past with present demographic composition. Past and current history of racism and discrimination should also be discussed in this section.

In the case of this draft version of the RAI, some of this demographic data is found dispersed throughout the document. Collecting this information in the "Background" section provides the Grantee with a solid starting point for the analysis that will follow in the document. The Background section should also include a discussion of any projections available on future demographic change that would affect the region's diversity; any fair housing or major civil rights victories in the region or any other relevant issues or information relating to fair housing and civil rights in the area.

Starting on page 15, Fremont's RAI provides a general picture of the population change in the region and it breaks it down by counties. This section should be expanded to include the major cities within the region. As explained above, a fair housing lens will inform the gathering of data to focus on race and ethnicity and national origin and disability. The Grantee offers data on page 23 on people with disabilities, but a general picture for the region should be provided before discussing the concentration of people with disabilities in Fremont County. This section of the RAI should also include interpretation of this finding to determine if the factors that led to this concentration amount to an impediment to fair housing choice.

The section on "Total Population: Race and Ethnicity" starting on page 27 needs to be fully developed in two ways: it should provide a complete picture of the racial and ethnic composition of the region, including counties and major cities; and it should also fully address the historical context for trends affecting these groups. The section "Hispanic Concentrations" is more populated with information, but I recommend expanding the interpretation section to gain a more complete picture of the factors that led to the concentrations described and to gain a fuller profile of the Hispanic population (for example, what percentage of the Hispanic population works as farmworkers?; what are other employment options for this community?; what happens after they separate from farmwork?) In the same section the RAI highlights the "limited housing units available" in the city of Tetonia, and also mentions that land use and zoning regulations in Teton County have restricted the creation of housing in agricultural zones. A closer examination and discussion of these policies is necessary to determine if they play a role in the concentration of Hispanics discussed in the section. However, the Grantee would still need to develop a housing needs profile for all protected classes, looking for example at MFI, percentage of these groups living in poverty, and the percentage that experience housing problems to establish disparities.

I will not go into a detailed discussion of every section in this chapter except to say that discussions on income levels by household, employment, homeownership need to be informed by a fair housing lens. These discussions can happen as long as it is clear in the document that the data and analysis is relevant to the identification of impediments to fair housing choice. There needs to be a common thread that runs through the data collection and analysis that shows that the collection and interpretation of data serves the purpose of defining the state of fair housing rights for protected groups in the region. Focusing the data collection and analysis in this way will allow the Grantee to fully integrate fair housing needs into the planning goals for the region. For example, the Grantee could take a look back at the data on housing in the region and analyze it with an eye toward exploring the housing needs of protected classes. Another useful exercise to determine impediments to fair housing for protected classes is to once the Grantee determines affordable housing costs, housing size needed, type

of housing needed, and accessibility need for protected groups, analyze the housing stock in the region in reference to these same areas to establish if needs are being met or not. On page 73 of the RAI it is noted that "Although Multi-Household Units are allowed in all four counties, not all of the ordinances are friendly to the development of those housing types. Teton County Idaho fits into all indicators for a jurisdiction that many [sic] not be friendly to multi-households units. No building permits have been issued for Teton ID since before 2007." This is a notable finding and therefore evidence and data should be analyzed for its fair housing implications.

Segregation/Integration: The Grantee should determine if segregation exists in the region that affects racial and ethnic groups but also people with disabilities and families with children. The identification of segregation patterns must happen at the census tract/neighborhood level. The Grantee should follow the suggested elements under the "Segregation" section in the FHEA Resource document "Emerging Practice in FHEA Development". Discuss the methodology used to identify patterns of segregation. If patterns of segregation are identified, discuss the contributing factors to such patterns. Another useful exercise is to compare the region to other regions of similar size in the state. Follow the FHEA Resource documents for specific examples of some driving factors of segregation.

The Grantee should expand its analysis of local zoning and land use ordinances (page 75) to gage their impact or effect in restricting fair housing choice for protected groups. Are zoning and land use ordinances a factor in limiting access to areas of opportunity for protected groups? Are they also a factor in creating/perpetuating areas of minority concentration? Examine also if there is a lack of housing choices for families with children (number of bedrooms) and people with disabilities (accessible housing).

RCAPs/ECAPs or Areas of Minority Concentration:

In this section the Grantee will identify any areas of racially/ethnically concentrated areas of poverty. This analysis also takes place at the census tract/neighborhood level, and for each area identified the Grantee must describe its characteristics in terms of infrastructure deficiencies and lack or availability public and private sector services. Please refer to the FHEA Resource document for information on how to address this section if no RCAPs/ECAPs are identified.

Disparities in Access to Opportunity:

On page 78 of the RAI the Grantee discusses access to opportunity and government services in the region. The section is very limited on the data collected and analyzed, so this is an obvious area for improvement. The Grantee should also identify existing neighborhoods of opportunity with good schools, good transportation options, and easy access to healthy foods, good infrastructure, and low crime rates (this is not an exhaustive list.) The Grantee can certainly expands on the RAI sections on employment, food stamps, online public services, affordable housing location, and medical care and address these areas through a fair housing lens. The analysis should include identification of any barriers to high opportunity areas in the region for protected groups. Once again we want to refer the Grantee to the FHEA Resource documents for suggestions and examples.

Fair Housing Enforcement Infrastructure:

The "Fair Housing Organizations" is incomplete. It is also not clear why this section lists the location of affordable housing units in the region. The fair housing environment section should focus its discussion on any open findings of discrimination by HUD, an equivalent agency, the Department of Justice, or any court against public and private housing providers in the jurisdiction. The Grantee should also provide a detailed discussion of all the organizations that provide fair housing services and enforcement in the jurisdiction.

Identification of impediments to fair housing choice.

The identification of impediments to emanate from the data collection and analysis as long as the analysis is consistently guided by As it stands the "Possible Impediments" section of the RAI does not fulfill the goal of identifying fair housing barriers, primarily because the data collection and analysis has not consistently been guided by a fair housing lens.

Please contact Ivette Rivera-Giusti, Equal Opportunity Specialist, at 971-222-2648 or at ivette.m.rivera-giusti@hud.gov if you have any questions.