

## Impediments to Fair Housing and Strategies to Combat Impediments

(Replaces 2012 AI pages 147-162)

# VERMONT FAIR HOUSING ACTION PLAN 2017

1. The State's supply of decent, affordable housing is inadequate. "Not in My Backyard" (NIMBYism) is a significant factor affecting the development of affordable housing.

### Investment Strategies:

- a. *Proposed Action:* Through the efforts of DHCD, VHFA, and VHCB, the State should continue to strike a balance in investing in both concentrated areas of poverty and areas of opportunity. Investment in housing that is available to families with children is especially important.
- b. *Proposed Action:* DHCD should continue to refuse to grant funding requests for municipalities found to have discriminatory land use provisions.
- c. *Proposed Action:* Anecdotal evidence suggests that difficulties in evicting tenants lead property owners to withdraw housing units from the rental market. DHCD and others should evaluate the extent to which difficulties in the eviction process decrease the availability of rental housing. If it is found that these challenges are affecting the supply of housing, DHCD should recommend and support solutions to that problem, including solutions that will improve housing stability and eviction prevention.

### Education Strategies:

- d. *Proposed Action:* DHCD and other agencies should continue to promote fair housing training, education, and outreach services for various stakeholders, including code officials, tenants, municipal officials, landlords, land trusts, CHDOs, various property management companies, and realtors. Training should specifically include Vermont's legal prohibition on discrimination in housing based on receipt of public assistance
- e. *Proposed Action:* The State, through DHCD, should expand fair housing training opportunities by creating an online training course more easily accessible to municipal officials and grantees of federal funds.
- f. *Proposed Action:* The State, through DHCD, should develop a Fair Housing Training Guide for permitting officials and affordable housing developers to ensure everyone involved in the development of affordable housing is aware of their legal rights and obligations under the federal and state Fair Housing Acts.

### Planning Strategies:

- g. *Proposed Action:* The State should build upon VHFA's Directory of Affordable Rental Housing to create a statewide database of all identified publicly and privately-funded affordable housing units to better serve the identified need, including real-time availability data and detail about accessibility features of available units and any restrictions on residency, e.g. by age of resident.
- h. *Proposed Action:* DHCD and others should continue to encourage municipalities to address the need for affordable housing in Town Plans and modify zoning requirements as needed to facilitate the development of affordable housing.

- i. *Proposed Action:* DHCD and others should increase awareness of Vermont’s legal prohibition on making zoning decisions based on income or receipt of public assistance.
  - j. *Proposed Action:* DHCD should require VCDP applicants to certify their compliance with 24 V.S.A. sec. 4412, which prohibits any zoning bylaws that would have the effect of (a) excluding housing that meets the needs of the population as reflected in the municipal plan, (b) excluding mobile homes, modular housing, or prefabricated housing, (c) excluding mobile home parks from the municipality, (d) excluding multiunit or multifamily dwellings from the municipality; (e) excluding accessory dwelling units from areas zoned for single family dwellings; and (f) excluding residential care homes or group homes from areas zoned for single family dwellings.
  - k. *Proposed Action:* DHCD should require VCDP applicants to explain how their Town Plan supports efforts to affirmatively further fair housing.
2. The State’s supply of affordable housing that is accessible to persons with disabilities is inadequate.
- a. *Proposed Action:* The State should promote the development of training for architects and interior designers regarding compliance with the State’s accessibility standards for residential construction (20 VSA sec. 2907) as well as HUD’s Fair Housing Design Manual.
  - b. *Proposed Action:* The Vermont Human Rights Commission should work with the New England ADA Center, the Department of Fire Safety, and others to develop an inspection protocol and appropriate training for compliance with the accessibility standards for residential construction.
  - c. *Proposed Action:* The State should continue to provide funding to VCIL for its Home Access Program. This will enable VCIL to maintain its efforts to keep persons with disabilities housed in accessible units.
3. Discrimination based on disability, familial status (e.g. presence of minors), and other protected categories continues to impact fair housing choice in Vermont.
- a. *Proposed Action:* The Fair Housing Committee of the Vermont Housing Council should collaborate to develop education and outreach regarding Fair Housing targeted at landlords and condominium associations.
  - b. *Proposed Action:* The Fair Housing Committee should work with local television stations to produce and promote Public Service Announcements to educate the public on Reasonable Accommodations and Reasonable Modification, to combat discrimination based on disability.
  - c. *Proposed Action:* VHCB should continue to require Fair Housing training for recipients of HOME funds.
  - d. *Proposed Action:* Vermont Legal Aid or others should continue testing for discrimination in rental and other housing, because often people may not realize they are victims of discrimination or may not complain. If possible, testing should include State-protected classes, such as receipt of public benefits, as well as federally protected classes.

4. There continue to be barriers that make it difficult for minority households and new Americans to become homeowners.
  - a. *Proposed Action:* The State, local units of government, fair housing advocates, certified housing counselors, and financial lenders should continue their work to increase home ownership among minorities, residents of LMI census tracts, and LMI residents through methods including:
    - i. Continuing to expand sustainable home ownership opportunities through financial literacy education, including credit counseling and pre- and post-home purchase education.
    - ii. Providing lending, credit, and banking services in LMI census tracts and minority census tracts.
    - iii. Continuing marketing and outreach efforts of affordable mortgage products that are targeted for residents of LMI census tracts, LMI residents, and minorities.
  - b. *Proposed Action:* DHCD should encourage Homeownership Centers to target outreach to minority groups, perhaps making connections with organizations such as NAACP, Refugee Resettlement, and other groups that represent or work with members of protected classes.
  - c. *Proposed Action:* The Fair Housing Committee should work with the Vermont Association of Realtors to encourage the inclusion of an “affirmative marketing” statement in all real estate marketing.
  
5. Members of the protected classes should be more fully represented on State boards and commissions dealing with housing issues.
  - a. *Proposed Action:* The State should ensure that its outreach efforts in making gubernatorial appointments to boards and commissions includes a directed effort to solicit applications from members of classes protected by the federal and state Fair Housing Acts.
  
6. Lack of public transit service outside higher-density, developed areas limits housing choice, especially for low income Vermonters, including a disproportionate number of those in protected classes.
  - a. *Proposed Action:* Identify opportunities for the development of medium density affordable family housing along existing transit routes. Collaborate with VTrans and public transportation providers throughout the State to serve these areas with public transit.
  
7. Underemployment and lack of jobs that pay a livable wage limit housing choices.
  - a. *Proposed Action:* The Fair Housing Committee should continue to support a variety of anti-poverty and economic development initiatives, including increases to the minimum wage.