



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

October 28, 2020

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin
Senior Legislative Budget and Policy Analyst

FROM: Warren E. Burris, Sr.
Senior Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CR-092-2020 Analysis of Impediments (DR-1)

A handwritten signature in black ink, appearing to read "W E Burris", is written over the "FROM" line of the memorandum.

CR-092-2020 (sponsored by: Council Chair Turner by request of the County Executive)

Assigned to Committee of the Whole (COW)

A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE for the purpose of approving and adopting the Analysis of Impediments to Fair Housing Choice for the Prince George's County.

Fiscal Summary

Direct Impact:

Expenditures: None

Revenues: None

Indirect Impact:

Potentially positive

Legislative Summary:

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CR-92-2020, proposed by the County Executive and sponsored by Council Chair Turner and Councilmembers Taveras, Streeter, Davis, Harrison, Glaros, and Franklin, was introduced on September 22, 2020 and referred to the Committee of the Whole. CR-092-2020 provides the framework for the County to assure that residents are free from discrimination by identifying barriers and challenges to obtaining housing that need to be addressed. The Fair Housing Act of 1968 states that it is the policy of the United States to provide fair housing throughout the country. The federal law requires each jurisdiction receiving federal funds to certify that it affirms fair housing choice: “Affirmatively Further Fair Housing - The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.”¹

If adopted, CR-092-2020, would approve the County’s Analysis of Impediments in compliance with the federal regulation that requires the County to:

- conduct an analysis to identify impediments to fair housing choice through an Analysis of Impediments within the County;
- take appropriate actions to overcome the effects of any impediments identified through the analysis; and
- maintain records reflecting the analysis and actions taken in this regard.

Current Law/Background:

The United States has a long history of discrimination in the housing and community development. Disparity in opportunities and segregated communities do not exist by accident, they were rooting in intentional policies to disenfranchise minorities and low-wealth residents. “The story goes back hundreds of years and its chapters are headlines about government policies, industry practices, and individual discrimination. The word racism not written on any page, but it can be read between the lines. It’s a story of racially restrictive real estate covenants, toxic red lines on mortgage lending maps, blockbusting and racial steering by real estate agents, redlining by homeowner’s insurance companies, exclusionary zoning by local communities, and community opportunities to affordable housing. It goes back to land grants and housing opportunities for White persons that were deliberately and structurally denied to Black people and it comes forward to the millions of instances of housing discrimination perpetuated today and the deliberate acts of institutions and communities to prevent people of color from living in their neighborhoods.”²

In 1968, in honor of Martin Luther King Jr, President Lyndon Johnson signed the Civil Rights Act of 1968 and MLK had a “dream” or vision of what our nation could be with equal justice for all. Specifically, Title VII of the Civil Rights Act, more specifically known as the Fair Housing Act, as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, familial status, national origin, and disability. As the federal agency responsible for creating and administering Housing and Community Development programs, the Department of Housing and Urban Development (HUD) is charged with ensuring that all its programs and grantees develop plans to through assess any barriers or impediments to fair housing.

¹ [HUDEXCHANGE](#)

² (2017), The Case for Fair Housing. 2017 Housing Trends Report. National Fair Housing Alliance.

“Section 808(e)(5) of the Fair Housing Act requires the Secretary of HUD to administer the Department’s housing and urban development programs in a manner to “affirmatively further fair housing (AFFH).” HUD in large part carries out this obligation by requiring HUD grantees to affirmatively further fair housing through its Emergency Shelter Grants (ESG); Community Planning and Development (CPD) Programs: Community Development Block Grants (CDBG) and Home Investment Partnerships (HOME); and Housing Opportunities for Persons with AIDS (HOPWA). Through its CPD programs, HUD’s goal is to expand mobility and widen a person’s freedom of choice.”³

Pursuant to the 24 CFR 91, Fair Housing Planning is a component of the Consolidated Plan; therefore, Citizen Participation required for the Consolidated Plan applies. One of the most critical components of the Fair Housing Planning process is the Analysis of Impediments. 24 CFR 5.150-168 outlines the requirements and reporting HUDS responsibility to Affirmatively Further Fair Housing. Each local jurisdiction’s executive must certify that the jurisdiction is Affirmatively Furthering Fair Housing. HUD requires each jurisdiction to conduct an Analysis of Impediments to Fair Housing Choice at least once every 3-5 years consistent with its Consolidated Plan cycle.

The Analysis of Impediments (AI) is a comprehensive review of a state or entitlement jurisdiction’s laws; regulations; and administrative policies, procedures and practices. The AI involves an assessment of how these laws, regulations, policies, and procedures affect the location, availability, and accessibility of housing. It also assesses how conditions, both private and public, affect fair housing choice. Once the jurisdiction completes the AI, it must report on its implementation by summarizing the impediments identified and describing the actions taken to overcome the effects of the impediments identified through the Consolidated Annual Performance Evaluation Report (CAPER). A summary of the Analysis of Impediments and the jurisdictions accomplishments for the past program year are part of the CAPER.

Sections 102 through 106 of Subtitle 15A of the County Code currently outlines the policy guidelines, administration, management and application process of utilization of the five (5) year consolidated plan and annual action plans as required by the Department of Housing and Urban Development (HUD) consistent with 24 Code of Federal Regulations Part 91 that outlines that viable strategies and activities development communities by providing decent and affordable housing, suitable living environment and expanded economic development opportunities to low and moderate income persons.

Division 12 of Subtitle 2 of the Prince George’s County Code establishes the Human Relations Commission (HRC), which has the function of the County government to foster and encourage the growth and development of the County in such a manner that all persons shall have an equal opportunity to pursue their lives free of discrimination imposed because of race, religion, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, sexual orientation, physical or mental handicap, or familial status.

Resource Personnel:

DHCD Staff
Council Administration

³ [HUD Exchange -Fair Housing and Equal Opportunity Fact Sheet](#)

Discussion/Policy Analysis:

The Prince George's County Department of Housing and Community Development, in collaboration with the City of Bowie conducted their Analysis of Impediments as required by federal law, Section 808(e)(5) of the Fair Housing Act. CR-092-2020 represented the 2020 Analysis of Impediments for the City of Bowie and Prince George's County. The previous Analysis of Impediments was completed in 2012 and updated legislation last year, CR-046-2019.

24 Code of Federal Regulations (CFR) 5.150-168 outlines the requirements and reporting responsibility to Affirmatively Further Fair Housing and the Analysis of Impediments. Most of the data used in this document was collected from the US Census, Prince George's County, the State of Maryland and varied other sources. CR-092-2020, the Analysis of Impediments was broken down in Sections to include: Assessment and review of the Past goals and Actions (2012 Report); review of the Fair Housing to Impediments Updates (2019); and provides a comprehensive analysis of disparate access in Prince George's County and the City of Bowie. In addition, the 2020 Analysis of Impediments will "outline specific goals and actions steps needed for the County and the City of Bowie to advance fair housing, expand housing choice, mitigate economic and racial segregation, and target investments in communities most in need."⁴

In review of the past goals, the document outlines that following actions and concerns related to the previous Analysis of Impediments:⁵

- The Human Relations Commission (HRC) is still in the process of seeking HUD certification as a Fair Housing Assistance Program agency (FHAP) and it also still lacks "Substantial Equivalency" that must be authorized by the Prince George's County Council.
- DHCD still lacks capacity and non-profit partners to increase 'Housing Rights' training for residents, tenants and landlords'
- The County needs to prioritize and make progress on its programs for the disabled tenants as the 504 officers doesn't have the necessary capacity to update list of available units; and
- The County has made progress in improving its public housing units as identified in the Section 504 Needs Assessment.

In the preparation of this Analysis of Impediments, there was thorough analysis of the demographic, economic, and housing information for the County and the District of Columbia region describing the underlying conditions and behaviors that shape the housing market and access to housing opportunities. This analysis centered in the population, income & poverty, employment, and the housing market. Key findings determined that while the Black population stayed relatively stable, the White population continued to decline; the disabled populations will likely increase significantly in the next two decades; Rates of poverty among Hispanics are higher in Prince George's than in Bowie; the job growth in the County outpaced that of its neighbor Montgomery County and the State although most of the jobs are reliant on the public sector and low wage industries; and in both the County and the City of Bowie, there have been a decrease of rental units with rents less than \$1,000, while at the same time, new rental housing stock have rents estimated over \$2,000. Rising rents have created a significant affordability challenges for individuals and families with low and moderate incomes.

Further, the document provides research and analysis on Racially and Ethnically Concentrated Areas of Poverty (R/ECAPS) as defined by HUD, the effects of the history of segregation and integration; the

⁴ (2020) 2020 Analysis of Impediments to Fair Housing Choice Prince George's County & City of Bowie Maryland, P. ES1

⁵ Id.

disparities in access to opportunities (including the impacts of education, employment, transportation, low poverty exposure, and environmentally healthy neighborhoods); the disproportionate housing needs (including the effect of housing costs burden, evictions homelessness, publicly subsidized housing, homeownership, lending practices, fair housing complaints); and disability and access.

The document concludes with outlining the Fair Housing Goals and Strategies. “This report identified the following top fair housing issues based in the Analysis of Fair Housing Issues, Disparity in Access, to Opportunity and Disproportionate Housing Needs:⁶”

- Inadequate Fair Housing Enforcement
- Limited Housing Choices for persons with Disability
- Persistent Housing Challenges Among Hispanic Residents
- Insufficient Funding for No-profit Organization
- Limited Homeownership Options for Subgroups of County City residents
- Need for Affordable Housing for Vulnerable Populations
- Limited Access to High Quality Neighborhoods for Residents in many parts of the County

The goals identified include: complete steps to create fair housing enforcement ecosystem; address deficiencies related to the Ripley settlement; Prioritize programs and funding for disabled and vulnerable populations; ensure language access for County residents; and balance investments in revitalizing distressed communities with expanded affordable housing options in neighborhoods of opportunity.

- *Potential Benefits of Adopting CR-092-2020*

Adoption of CR-092-2020, ensures the Department of Housing and Community Development complies with the federal regulation to affirmatively further housing choice and assures that residents are free from barriers to for decent, safe. Affordable housing.

- *Potential Costs of Adopting CR-092-2020*

Adoption of CR-092-2020 should not cause any negative impact to the County as General Funds are not used to support the provision of the Analysis of Impediments.

Fiscal Impact:

Direct Impact

Adoption of CR-092-2020 should not impact the County’s revenue as no General Funds will be used in the provision of programs and services of the Analysis of Impediments.

Indirect Impact

Adoption of CR-092-2020 may represent future positive impact through the identification and removal of impediments to housing choice, contributing to a more vibrant community and local economy.

⁶ IBID

Considerations:

- ✓ Ensure timeline for Citizen Participation has been completed in accordance with federal legislation, 24 CFR 91.105(a)(2)(i); 115(a)(2) and the Prince George's County Consolidated Plan, CR-047-2020.
- Understand actions steps and process needed from the Council to authorize, "Substantial Equivalency⁷" certification

Effective Date of Proposed Legislation:

The Resolution shall become effective as of the date of its adoption.

If you require additional information, or have questions about this fiscal impact statement, please reach me via phone or email.

⁷ The Department of Housing and Urban Development, Fair Housing Assistance Program,