

District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011



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River Forest, Illinois

April 2012

District of Columbia

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Cite this report as:

Planning/Communications, *District of Columbia Analysis of
Impediments to Fair Housing Choice 2006–2011* (River Forest, IL: April 2012).

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Chapter 1

Executive Summary

Reading an executive summary is no substitute for reading the full study. This executive summary only highlights the findings and conclusions of this Analysis of Impediments to Fair Housing Choice. To fully understand the data, findings, conclusions, impediments, and recommendations within the full context in which they are made, it is crucial that you read chapters 3 and 4 first, and then Chapter 5 in which the impediments to fair housing choice are identified and recommendations are made to mitigate them.

The recommendations in Chapter 5 are tightly focused on the city's legal responsibility to affirmatively further fair housing choice.

This Analysis of Impediments examines the District of Columbia since its previous Analysis of Impediments was published in 2005. As explained in detail in Chapter 2, it focuses on the essential goals of the Community Development Block Grant Program (CDBG) and the Fair Housing Act to achieve racial, ethnic, and economic diversity in housing, and on the legal obligation of each recipient of U.S. Department of Housing and Urban Development (HUD) funds to affirmatively further fair housing in *all* of its housing activities and programs regardless of its funding source.

Much of the District of Columbia has been moving toward greater diversity over the past 30 years. The city's African American or Black population has fallen by 143,780, from 70.3 percent in 1980 to 50.7 percent in 2010, while its Caucasian population grew by nearly 60,000, an increase from 26.9 percent in 1980 to 38.5 percent in 2010. The Asian population grew by 14,380, a three and a half-fold increase to 3.5 percent. The city's Hispanic or Latino population of any race more than tripled between 1980 and 2010. It grew by 36,972, from 2.8 percent of the city in 1980 to 9.1 percent in 2010.

These demographic changes have given the District of Columbia an opportunity unparalleled in the history of great American cities: to transform itself into a stable, racially, ethnically, and economically integrated city *without* displacing its most vulnerable residents.

A wave of financially well-off Caucasian in-migration sweeping parts of the District of Columbia is bringing racial and economic integration to what had been overwhelmingly minority neighborhoods in a city that has long been intensely segregated and disproportionately low-income African American. The

gentrification that has accompanied this in-migration is revitalizing neighborhoods and the District's economy.

Across the nation gentrification has brought about massive displacement of each city's most vulnerable population, low-income households, largely African American and to a lesser extent, Hispanic. But our nation's capital can achieve stable long-term racial, ethnic, and economic integration in growing areas of the city if:

- ◆ The District chooses to aggressively use its unique legal and programmatic tools in these gentrifying neighborhoods to preserve existing housing affordable to households of modest means and to assure that a healthy percentage of all new housing is affordable to these same households, and
- ◆ The District acts internally and regionally to begin transforming the dual housing market that created the racial segregation that defines most of its metropolitan area into a unitary housing market free from the distortions housing discrimination has wrought.

The number of jobs and the number of residents have been booming in the District of Columbia as the city undergoes a remarkable transformation since the turn of the 21st century. Parts of the city that had been highly segregated by race and income are now integrating by race, ethnicity, and income. The in-migration by wealthier whites is producing gentrification that is reducing the District's supply of housing affordable to households with modest incomes and threatens to resegregate these gentrifying neighborhoods as virtually all-white.

The degree of integration varies significantly for each of the city's major "minority" groups.

Hispanics. Neighborhood Cluster 2 (Columbia Heights, Mt. Pleasant, Pleasant Plains, and Park View) was the only cluster in which significantly more Hispanic households lived than would be expected in a free market undistorted by discrimination (22.5 percent compared to 4.7 percent in a free market in 2000), experienced a small increase to 26.6 percent in its Latino population between 2000 and 2010 while the white population grew from 23.8 to 40.9 percent. The city's growing Hispanic population has been expanding from Neighborhood Cluster 2 into neighborhood clusters to the east and north that had been 81.6 to 90.5 percent African American in 2000. The Latino population has grown significantly in 18 of the census tracts in these clusters. There is a possibility that new concentrations of Latinos are developing in those areas as this in-migration increases diversity in these neighborhoods.

During the 2000s, the difference in median household income between Hispanics of any race and non-Latino white households grew from \$31,700 in 2000 to \$38,422 in 2010.

Asians. The city's Asian population grew during the 2000s largely throughout the city's wealthier northwest quadrant. There has also been some movement of Asians into the predominantly African American neighborhoods in the District's center.

Movement into the wealthier northwest quadrant is not surprising since the median income of the District's Asian households is second only to non-Hispanic whites. The income difference actually declined from \$31,195 in 2000 to \$22,122 in 2010.

African Americans. No other racial or ethnic group is as segregated as the District's Black population. African Americans are largely concentrated in the city's southeast quadrant where the proportion of Black residents in both 2000 and 2010 was over 93 percent. The proportion of African Americans was over 98 percent in all but a handful of these neighborhood clusters. *This extreme degree of segregation is the District's greatest fair housing challenge.*

The median household income of African American households was just 37 percent of non-Latino White households — a larger income gap than in 2000 when the median Black household income was 45 percent of non-Hispanic White households. To place this income gap in perspective, the 2010 median income for Asian households was 78 percent of non-Hispanic White households and that of Hispanic households was 61 percent.

With over a third of the District's neighborhood clusters impoverished, the in-migration of households with higher incomes is a key contributor to the District's economic health. But the out-migration of middle- and upper-class African Americans has detracted from the District's economic health. The difference in white and Black median incomes is one of the widest in the nation. And the re-segregation of African Americans in suburbs like Prince George's County has not been healthy for the region or the resegregating areas.

The District of Columbia has been doing more to affirmatively further fair housing than any jurisdiction we have studied. The challenge the District faces is that its demographics require it to do much more.

In the growing portions of the District that are integrating, the District faces a challenging balancing act. It needs to balance the gentrification brought about by white in-migration with the preservation and creation of housing affordable to households with modest incomes, primarily African American and to a lesser extent Hispanic — all within a framework of affirmatively furthering fair housing by consciously promoting racial, ethnic, and economic integration throughout the city and its metropolitan area. The District's goal should be to achieve the racial and ethnic composition throughout the city that would exist in a genuinely free housing market not distorted by racial discrimination. Given the huge disparity in median income between African Americans and non-Hispanic Caucasians and the smaller but still large gap between Latinos and non-Hispanic Caucasians, this goal takes on an economic component as well.

Three major factors are creating the barriers to fair housing that have resulted in the extreme racial segregation and much less extreme ethnic segregation within the District and its surrounding metropolitan area:

- ◆ **Differences in income.** As explained beginning on page 147, the median income for African American households in the District is only 37 percent of non-Latino Caucasian households — one of the widest differentials in the nation. Economic segregation produced by the high cost of housing in different neighborhood clusters cannot help but have a racially-segregative impact in the District and its metropolitan area.
- ◆ **Discriminatory practices.** The analysis beginning on page 21 reveals that differences in median household income do *not* explain the high degree of racial segregation within the District. The analysis strongly suggests that African Americans are encountering racially-discriminatory real estate and lending practices in the District and its environs. These practices have created a dual housing market within the District and its metropolitan area — one housing market for Caucasians, Hispanics, and Asians, and a separate housing market for African Americans.
- ◆ **Dual housing market within the District and its metropolitan area.** The dual housing market encompasses both the District of Columbia and the metropolitan area that surrounds it. This dual housing market severely distorts the free housing market and is largely responsible for the hypersegregation in large parts of the District, the lack of integration in Arlington and Fairfax Counties, and the advancing resegregation of Prince George's County. The District will be unable to establish a unitary housing market in which people of all races and ethnicities participate *within its borders* without the cooperation of the metropolitan area to transform the *region's* dual housing market into a unitary market.

It will take a two-pronged effort to transform the dual housing market into a single, unitary housing market. One prong consists of efforts within the District of Columbia. The other involves the metropolitan area in which the District sits. Chapter 5 details these two simultaneous approaches.

To determine whether racial and/or Hispanic segregation exists in the District of Columbia, we identified what the racial and Latino composition of each census tract and neighborhood cluster would be in a free housing market without discrimination — namely a housing market where household income determines where households live. This approach, which is explained in detail beginning on page 21, controls for the substantial differences in median household incomes between African Americans, Hispanics, Asians, and Caucasians.¹ It reveals that only a small part of the District of Columbia had a racial composition in 2000 that would have been expected in a free market without housing discrimination. In 2000, the racial and Hispanic composition of just three of the city's 39 neighborhood clusters was close to what would have been expected in a free market absent discrimination.

1. In 2000, the analysis reports on *households*. Data on households were not available in 2010. As explained in the analysis beginning on page 21, racial and Hispanic composition of *individuals* had to be used as a surrogate for households in 2010. Past experience has shown that the racial and Latino composition of individuals is almost always within 0.5 to 2 percent of the racial and Hispanic composition of households. The full discussion that begins on page 21 should answer most questions about methodology that a reader may have.

Eight of the neighborhood clusters in the northwest quadrant had higher proportions of whites and lower proportions of Blacks than would have existed in a free market without racial discrimination. One neighborhood cluster had a larger proportion of Hispanics than expected in a free market. The vast bulk of the city had higher proportions of African Americans and lower proportions of Caucasians than would have existed in a free market. As noted in the analysis, the racial composition of a dozen neighborhood clusters that comprise wards seven and eight exhibited characteristics of apartheid-like segregation with Blacks constituting 93 percent or more of the population in both 2000 and 2010.

As noted above, racial integration in the District is accompanying gentrification as wealthier, largely Caucasian households move into parts of the District north of the Anacostia River that have long been mostly African American. This movement of whites has brought about substantial and rapid demographic changes in just a single decade. It appears that gentrification is a companion of this in-migration of whites and that significant displacement of African American households with more modest incomes is growing.

Due to the huge difference in median incomes of African American households and non-Latino Caucasian households, the cost of housing plays a major role in the District's ability to foster racial integration in the face of gentrification.

The District, however, has several extremely powerful tools in place to maintain racial and economic integration in these neighborhoods and prevent resegregation to virtually all-white wealthy households by preserving existing housing affordable to households with modest incomes and creating new units affordable to modest-income households. The District needs to aggressively implement its Rental Housing Conversion and Sale Act of 1980, the Affordable Dwelling Unit Program, and the Inclusionary Zoning Implementation Amendment Act of 2006.

Before the inclusionary zoning law went into effect, permits were issued for buildings that include more than 12,000 dwelling units that have not yet been built due to the economic climate. The District routinely extends the building permits for these buildings, thus exempting them from the inclusionary zoning law. As explained beginning on page 153, the District should immediately discontinue this practice and extend a permit only if the owner agrees to fully participate in the inclusionary zoning program. Otherwise, the opportunity to include a very substantial number of dwellings that households with modest incomes can afford will be lost forever.

Given the huge gap in median household incomes, it is no surprise that 96 percent of the households using Housing Choice Vouchers are African American. While 58 percent of the vouchers are used for housing in overwhelmingly Black neighborhood clusters, 38 percent are used in neighborhoods north of the Anacostia River that are undergoing gentrification. The rising rents due to gentrification challenges the ability to continue to use Housing Choice Vouchers in these integrating neighborhoods. More effective use of the tools for preserving and creating affordable housing mentioned earlier is necessary to maintain these opportunities. The DCHousingSearch.org website provides substantial assistance to web savvy home seekers, including Housing Choice Voucher holders, looking for affordable housing throughout the city.

As the District grows more diverse and integration begins in some parts of the city, new concentrations of Hispanics may be developing. The Asian population has been growing in the center of the District as well as in the northwest quadrant. In the District, the median income of Asian households is second only to Caucasians. Asians are also moving into some neighborhood clusters that are predominantly African American, particularly in the center of the city. The increase in Asian households in the wealthier sections of the District suggests that Asians are not experiencing substantial housing discrimination.

The District's Latino population has grown largely in predominantly African American areas in the northeast quadrant. Household income is probably a major contributor to this demographic shift. In addition, it is possible that Hispanics are being steered to these areas. Historically the first wave of immigrants will tend to move close to others of their ethnicity or race. Subsequent generations tend to move out of these ethnic or racial concentrations, unless housing discrimination blocks them. The District should conduct systematic testing to identify possible housing discrimination and provide counseling to expand housing choices, especially the choices of Hispanic as well as Black residents.

An ongoing program of testing for different types of discrimination in housing is essential for efforts to transform the dual housing market into a unitary market. Testing rental and for sale housing offers one of the most effective means to identify the presence and extent of different types of housing discrimination. For example, testing is an extremely effective tool for identifying and documenting steering based on race, ethnicity, and/or national origin where, for example, real estate agents direct and market African Americans to housing in predominantly Black neighborhoods and integrated neighborhoods while agents direct whites to predominantly white neighborhoods and away from integrated neighborhoods. Similarly, real estate agents may be steering Hispanics to the parts of the District where concentrations of Latinos have developed and away from other neighborhoods with relatively few Hispanic residents. While testing for steering is crucial to the District's success, testing for other forms of housing discrimination should also be conducted. Without this data, it is difficult to craft remedies to overcome these obstacles to fair housing choice.²

There is, however, no doubt that the lending industry has been discriminating against applicants based on race and ethnicity in the District of Columbia. Home Mortgage Disclosure Act data for 2009 show that the *lowest income* non-Hispanic whites had higher mortgage approval rates than *all* African American applicants except the highest income Black applicants. Data for 2010 show that mortgage applications by the *lowest income* non-Hispanic Caucasians were approved more frequently than applications from African Americans of *any* income, including those in the highest income brackets. Approval rates for Hispanics were not as low as for Blacks, but were significantly lower than for

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2. While very revealing testing has been conducted in the District for several types of housing discrimination, testing for racial and ethnic steering needs to be conducted. For example, the Equal Rights Center recently reported on testing conducted on behalf of people who are deaf or hard of hearing. Equal Rights Center, *Disconnected: Housing Discrimination Against the Deaf and Hard of Hearing*, (Washington, DC: 2012). Testing for other types of housing discrimination has shown that the number of fair housing complaints actually filed represent just the tip of the iceberg.

non-Latino whites. A much higher proportion of African Americans were saddled with high cost mortgages than any other racial group or Latinos.

People who feel they have run into housing discrimination face difficulties reporting it by phone in the District. We conducted several tests of District operators at the city's general number and the Mayor's 311 Citywide Call Center. Every test resulted in being directed to a different government entity — and all were the wrong entity. None directed our testers to the Office of Human Rights where housing discrimination complaints are handled. The city's home page offers no direct link for reporting housing discrimination. Viewers must use the search function to eventually get to the home page of the Office of Human Rights where information on fair housing and the process for reporting housing discrimination are available, albeit in a less-than-logical manner. The bureaucratic language is so confusing that many users are likely to give up rather than wade through the confusing process to file a fair housing complaint online.

The site, however, makes an effort to be accessible to viewers with limited English proficiency. Still, there are quite a few changes needed to make it much more accessible as detailed in Chapter four. The District has the eighth largest immigrant population in the nation. The District's web page on how to file a language access complaint is a model that should be applied to the District's other web pages on fair housing.

Disabilities. In addition to race, ethnicity, and national origin, disabilities are another frequent basis for fair housing complaints. The percentage of the District's population consisting of noninstitutionalized people with disabilities is nearly 50 percent higher than for the metropolitan statistical area in which the District lies. The District's Department of Housing and Community Development requires developments it funds to incorporate accessible housing design requirements. It remains unclear, however, whether the Department of Consumer and Regulatory Affairs continues to issue construction and occupancy permits to developments that do not comply with accessibility requirements.

The District's zoning for community residences for people with disabilities continues to be convoluted and complex with different zoning provisions improperly based on the nature of the disabilities of the people housed. The zoning continues to discriminate on its face regarding community residences for people in recovery from alcohol and/or drug addiction although the zoning administrator reports that, in practice, these faulty provisions are ignored. Severe concentrations of community residences for people with disabilities exist in the predominantly African American Northeast and Southeast quadrants of the city. These concentrations may become, or already have become, *de facto* social service districts. These concentrations can undermine the ability of a community residence to achieve normalization and foster community integration, the two lynchpins of the community residence concept.

Eight percent of the District's public housing units are now wheelchair accessible, a substantial increase from one percent in 2000 and more than the five percent that Section 504 of the Rehabilitation Act of 1973 requires.

The policies regarding community residences for people with disabilities espoused in *The Comprehensive Plan for the National Capital* show little under-

standing of the nation's Fair Housing Act and the city's own fair housing law. For details, see the detailed analysis that begins on page 126.

This comprehensive plan pays scant attention to ending racial segregation and housing discrimination or preventing ethnic segregation. The plan lacks any goals, objectives, or policies for achieving stable racially- and ethnically-integrated neighborhoods, which in the District would also require economically-diverse housing because the median income of African Americans and Latinos are a fraction of that of non-Hispanic Caucasians.

In a 180 degree reversal of the usual pattern of integration and resegregation, the District of Columbia has a long history in which integration is the period between the first wealthy white household moving into a neighborhood and the last modest income African American household moving out.

Today the wave of gentrification sweeping parts of the District of Columbia offers the District the rare opportunity to accomplish what few large cities have ever done: transform itself from a city that is highly segregated by race and income into an increasingly racially, ethnically, and economically integrated municipality that prevents gentrification from displacing its most vulnerable residents. By implementing the recommendations of this report, the District can end this pattern of integration followed by gentrification and resegregation. Reversing this process starts with making a firm commitment to take the steps enumerated here to affirmatively further fair housing and achieve this goal of racially, ethnically, and culturally diverse neighborhoods throughout the District of Columbia.

Chapter 2

Basis of This Study

Like all jurisdictions that receive Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, the District of Columbia is obligated to identify, analyze, and devise solutions to both private and public sector barriers to fair housing choice that may exist in the nation's capital.

Community Development Block Grants (CDBG) combine a slew of categorical grants into a single grant to cities, counties, and states that gives recipients a fair amount of discretion in how they spend the funds. Passage of the Housing and Community Development Act in 1974 established that *recipients of Community Development Block Grant funds have an obligation to “affirmatively advance fair housing.”*¹

Since 1968, *the U.S. Department of Housing and Urban Development (HUD) has been under a duty to “affirmatively advance fair housing in the programs it administers.”*² In 1996, HUD officials very candidly reported:

“However, we also know that the Department [HUD] itself has not, for a number of reasons, always been successful in ensuring results that are consistent with the Act. It should be a source of embarrassment that fair housing poster contests or other equally benign activity were ever deemed sufficient evidence of a community's efforts to affirmatively further fair housing. The Department believes that the principles embodied in the concept of “fair housing” are fundamental to healthy communities, and that communities must be encouraged and supported to include *real, effective*, fair housing strategies in their overall planning and development process, not only because it is the law, but because it is the right thing to do.”³

As a condition of receiving these federal funds, communities are required to certify that they will affirmatively advance fair housing. Every voucher for funds that a community submits to HUD “implicitly certifies” that the community is affirmatively furthering fair housing.⁴ As HUD has clearly stated, benign activities do not make the cut. Seeking to comply with our nation's laws, HUD officials have determined that “Local communities will meet this obligation by performing an analysis of the impediments to fair housing choice within their communi-

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1. Public Law Number 93-383, 88 Stat. 633 (August 22, 1974). Most of this statute can be found at 42 U.S.C. §§1437 et seq. and 42 U.S.C. §§5301 et seq.
 2. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide*, (Washington, DC. March 1996), Vol. 1, i.
 3. Ibid. Emphasis in original.
 4. *U.S ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, New York, U.S. Dist. Ct. S.D.N.Y., 06 Civ. 2860 (DLC), Feb. 24, 2009, 43.

ties and developing (and implementing) strategies and actions to overcome these barriers based on their history, circumstances, and experiences.”⁵

While the extent of the obligation to affirmatively advance or further fair housing is not defined statutorily, HUD defines it as requiring a recipient of funds to:

- 1 Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
- 2 Take appropriate actions to overcome the effects of any impediments identified through the analysis, and
- 3 Maintain records reflecting the analysis and actions in this regard.”⁶

Throughout the nation, HUD interprets these broad objectives to mean:

- ◆ Analyze and eliminate housing discrimination in the jurisdiction
- ◆ Promote fair housing choice for all persons
- ◆ Provide opportunities for racially- and ethnically-inclusive patterns of housing occupancy
- ◆ Promote housing that is physically accessible to, and usable by, all persons, particularly persons with disabilities
- ◆ Foster compliance with the nondiscrimination provisions of the Fair Housing Act.⁷

The substantive heart of the Fair Housing Act lies in the prohibitions stated in §3604, §3605, §3606, and §3617. It is said that the most important part of these sections is §3604(a) which makes it illegal:

“To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, **or otherwise make unavailable or deny**, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.”⁸

The 1988 amendments to the Act added a similarly-worded provision that added discrimination on the basis of handicap in §3604(f)(1) and required that reasonable accommodations be made “in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.”⁹ In addition, the 1988 amendments mandate that reasonable modifications of existing premises be allowed for people with disabilities and that renters must agree to restore the interior of the premises to the condition it was in prior to making the modifications.¹⁰ The amendments also re-

5. Ibid.

6. Ibid., 1–2.

7. Ibid., 1–3.

8. 42 U.S.C. §3604(a). *Emphasis added*.

9. Ibid., §3604(f)(3)(B).

10. Ibid., §3604(f)(3)(A).

quire new multi-family construction to meet specified accessibility requirements in public areas and individual dwelling units.¹¹

The highlighted provision, “or otherwise make unavailable or deny,” has been read to include a broad range of housing practices that can discriminate illegally, such as exclusionary zoning; redlining of mortgages, insurance, and appraisals; racial steering; blockbusting; discriminatory advertising; housing that excludes people with disabilities or families with children from the upper floors of a high rise; blocking a housing development likely to include a large percentage of minority residents; using zoning to exclude a community residence for people with disabilities; and many more.¹²

As much as practical under budgetary constraints, an analysis of impediments to fair housing choice should seek to determine if any of these practices are present. The Housing and Community Development Act of 1974 clearly states the intent of Congress is that the “primary objective” of the act and “of the community development program of each grantee is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.”¹³

*It is clear that one of the key underlying purposes of the Housing and Community Development Act of 1974 is to foster racial and economic integration.*¹⁴ This key goal of the act is reflected in the technical language “the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income.”¹⁵

Taken as a whole the act has “the goal of open, integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups.”¹⁶ With such a panoptic goal, HUD is obligated to use its grant programs “to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases.”¹⁷ “Congress saw the antidiscrimination policy [embodied in the Fair Housing Act] as the means to effect the antisegregation–integration policy.”¹⁸

These purposes of the act have implications for the proper conduct of an analysis of impediments to fair housing choice. As noted earlier, every jurisdiction that accepts Community Development Block Grant funds is obligated to “affirmatively further fair housing.” In a lawsuit alleging that Westchester County, New York, had not affirmatively furthered fair housing with the \$35 million of CDBG funds it received from 2000 to 2006, the federal district court in the

11. Ibid., §3604(f)(3)(C).

12. Robert Schwemm, *Housing Discrimination: Law and Litigation*, §13:4–13:16, 2007.

13. 42 U.S.C. §5301(c).

14. Daniel Lauber, “The Housing Act & Discrimination,” *Planning*, (February 1975): 24–25.

15. 42 U.S.C. §5301(c)(6).

16. *Otero v. New York City Housing Authority*, 484 F.2d 1122, 1134 (2d Cir. 1973).

17. *N.A.A.C.P. v. Secretary of HUD*, 817 F.2d 149, 155 (1st Cir. 1987) (Breyer, J.).

18. *United States v. Starrett City Associates*, 840 F.2d 1096, 1100 (2d Cir. 1988). The discussion in this paragraph is derived in large part from the discussion on pages 24 and 25 of the district court’s decision in *U.S. ex rel. Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York*, 495 F.Supp.2d 375, 385–386 (S.D.N.Y. 2007).

Southern District of New York ruled “a local government entity that certifies to the federal government that it will affirmatively further fair housing as a condition to its receipt of federal funds must consider the existence and impact of race discrimination on housing opportunities and choice in its jurisdiction.”¹⁹ The court concluded “an analysis of impediments that purposefully and explicitly, “as a matter of policy,” avoids consideration of race in analyzing fair housing needs fails to satisfy the duty affirmatively to further fair housing.”²⁰

Two years later Westchester County agreed to a \$62.5 million settlement and conducted a new analysis of impediments in 2010 that was supposed to address the issues of racial and socioeconomic segregation that it had ignored in violation of the law.

Since then the State of Ohio found the analyses of impediments of at least four Ohio entitlement communities to be inadequate. In California, a HUD investigation led to a settlement agreement with Marin County to meet its obligation to affirmatively further fair housing. Marin County agreed to determine whether government-assisted housing there has perpetuated racial and/or ethnic segregation, to identify the causes of lower racial and ethnic minority residency in Marin County relative to adjacent counties, to take affirmative marketing to promote residency in Marin County of under-represented racial and ethnic groups and people with disabilities, and to examine municipal resistance to affordable housing.²¹

Last November, HUD found the analysis of impediments produced by the City of Houston, Texas to be “incomplete” because it did not identify actions known to the city that perpetuate segregation and did not identify actions to address existing segregation; failed to specify an appropriate strategy or actions to overcome the shortage of housing affordable to African Americans and Latinos; and did not identify fair housing enforcement efforts such as testing even though high levels of discrimination were identified as an impediment to fair housing choice.²²

This analysis of impediments seeks to comply with the decisions in the Westchester County case, the Marin County settlement agreement, and with the purpose and spirit of the Housing and Community Development Act and the nation’s Fair Housing Act. Every effort has been taken to conduct a fair, balanced analysis that follows sound planning, zoning, housing, and fair housing principles and practices.

This is an analysis of “impediments” or barriers to fair housing choice. Consequently it focuses on those policies and practices that impede fair housing choice. In addition to identifying obstacles to fair housing choice, this analysis offers “suggestions” to address regulations, practices, and policies that are *not* yet barriers to fair housing choice, but could develop into impediments if left intact. The

19. *U.S. ex rel. Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York*, 495 F.Supp.2d 375, at 387 (S.D.N.Y. 2007).

20. *Ibid.*, 388.

21. The full 14-page Marin County settlement agreement is available online at <http://www.hud.gov/offices/fheo/library/10-Marin-VCA-final-12-21-2010.PDF>.

22. Letter from Christina Lewis, HUD Houston Fair Housing and Equal Opportunity Director, to James D. Noteware, Director, City of Housing and Community Development (Nov. 30, 2011) (on file with Planning/Communications).

District of Columbia should consider these “suggestions” as constructive recommendations that incorporate fair housing concerns into its planning and implementation process.

Limitations of This Analysis

This analysis of impediments to fair housing choice was prepared for the purposes stated in this chapter. Consequently, it seeks to identify impediments and suggest solutions. However, it does *not* constitute a comprehensive planning program. This analysis is not intended to offer solutions for all of the District’s housing affordability issues; it must remain focused on fair housing. Many of the identified issues warrant additional research and analysis by the city’s planning and community development staff.

Tempting as it always is to lift statements from any study out of context, please don’t! It is vital that this analysis of impediments be read as a whole. Conclusions and observations made throughout this study are often dependent on data and discussions presented earlier. Readers of early drafts of every analysis we have conducted report that they were surprised to find their questions answered one or two pages later. Context is vital to correctly understand this analysis and avoid misleading or erroneous interpretations of its content.

This analysis does not constitute legal advice.

We have assumed that all direct and indirect information that the District of Columbia and other government agencies supplied is accurate. Similarly, we have assumed that information provided by other sources is accurate.

An important note about the data

We have used the most reliable data available. Like any study that uses demographics over a longitudinal period, this study is at the mercy of its data sources.

For example, decennial census and American Community Survey figures for the value of homes are of questionable reliability. Both report what those surveyed think their homes are worth, *not* the actual selling prices during the time period covered. We have used actual sale prices of homes. This problem does not exist with rental housing where tenants tend to know exactly what they pay in rent each month.

Over the years data can be reported in different ways. Categories can be changed at the discretion of those who produce the raw data. Consequently, there are times when it is impossible to precisely match data categories from one year to another.

In Chapters 3 and 4, this study reports data on racial and ethnic composition that include small variations depending on the source material. Various data sources cat-

egorize their data differently. For example, some sources include “Hispanics” *within* their various racial categories. Others tally Latinos as a separate category in addition to African Americans, Caucasians, and Asians. Some of these sources refer to these Caucasians as “White Non-Hispanic.”

Because the number of District residents who are Native American, Alaskan and Eskimo, and Hawaiian/Pacific Islander is extremely low, we have excluded these categories from most tables and graphs to make them more legible and easier to read and use.

Additional data. There are instances in this report where summary data is presented. The raw data on which these summaries are based are available in either an Excel spreadsheet or a PDF file archived with the Fair Housing Division in the Office of Program Monitoring within the District’s Department of Housing and Community Development and available on the department’s website. Footnotes and explanatory material below a table or figure alert readers to the availability of additional data.

Acknowledgments

We are extremely grateful to the professional staff and officials at the District of Columbia for their assistance in the completion of this research.

Fair Housing Program Coordinator Sonia Patricia Gutierrez in the Office of Program Monitoring was the primary manager of this project. She and Program Analyst Lesley Edmond of the D.C. Department of Housing and Community Development provided guidance, insight, data, maps, vital contacts, coordination, feedback, and review without which this analysis could not have been conducted.

Chapter 3

Overview of the District of Columbia

Demographics

Our nation's capital is "one of the great cities of the world. It is a global center of knowledge and power, and the central city of one of America's largest and most prosperous metropolitan areas."¹ The District of Columbia is unique in a plethora of ways. As our nation's capital, it is subject to limitations that Congress can place upon it. As our nation's capital, it is the seat of our federal government which contributes to an employment base unlike that in any other city in the nation.

The District of Columbia is undergoing a dramatic turnaround and resurgence since the turn of the century with nearly 359,000 new jobs added, skyrocketing property values, and, until the Great Recession took its toll, a substantial increase in new residential construction. The District's population was on a downward spiral for the last half of the twentieth century with its population falling from 802,000 in 1950 to 572,05 in 2000. Between 1970 and 2000 alone, the District's population declined by nearly 25 percent.²

Table 1: District of Columbia Population Change: 1980–2010

District of Columbia Population Change: 1980–2010				
Year	Population	Change	Percent Change	Change Since 1980
1980	638,333	—	—	—
1990	606,900	-31,433	-5.2%	-4.9%
2000	572,059	-34,841	-6.1%	-10.4%
2010	601,723	29,664	4.9%	-5.7%

Source: 1980, 1990, 2000, 2010 U.S. Census.

But this trend has reversed itself since the turn of the century with the District's population growing by nearly 30,000 or 4.9 percent in the ten years ending in 2010. But while much of population loss had consisted of Black middle-class

1. *The Comprehensive Plan for the National Capital: District Elements*, (Washington, D.C.: Office of Planning, Oct. 2007) 1–1.
2. *Ibid.* 2–3.

families, the new in-migrants include substantial numbers of Hispanics and younger, single, Caucasians.

Our nation's capital continues to be a very racially, ethnically, and economically diverse city — one with housing patterns highly segregated by race and income. As the data examined in this chapter show, parts of the city are becoming more racially and economically diverse largely through the in-migration of Caucasians with higher incomes than the African Americans they are replacing. With this in-migration comes gentrification that could lead to the resegregation of these neighborhoods from Black to white. These phenomena have led to unique challenges for a city seeking to affirmatively further fair housing choice as it officially seeks to become an inclusive city.

Poverty

As shown in Table 2 below, poverty in the metropolitan region continues to be highly concentrated in the District of Columbia.

Table 2: Percentage of Population in Poverty in the District of Columbia, Surrounding Counties, and Metropolitan Statistical Area: 2010

Percentage of Population in Poverty in the District of Columbia, Surrounding Counties, and Metropolitan Statistical Area: 2010						
Category	District of Columbia	Washington–Arlington–Alexandria, DC–VA–MD–WV Metro Area	Arlington County, VA	Fairfax County, VA	Montgomery County, MD	Prince George's County, MD
All people	19.2%	8.4%	7.3%	5.8%	7.7%	9.4%
Age 65 and over	13.1%	6.5%	8.3%	4.8%	6.9%	5.5%
Under 18 years old	30.4%	10.7%	13.9%	7.2%	9.7%	11.6%
Unrelated individuals for whom poverty status is determined	22.0%	17.3%	7.3%	14.2%	18.9%	20.2%
All families	14.1%	5.4%	6.1%	3.6%	4.9%	6.3%
Families with related children under 18 years old	22.5%	8.3%	11.7%	5.5%	8.1%	8.9%
Married couple families	3.1%	1.9%	2.2%	1.6%	1.7%	2.2%
Female-headed households, no husband present	31.9%	17.4%	21.3%	14.5%	19.0%	12.4%
With related children under 18	42.3%	23.8%	33.0%	19.6%	27.1%	16.2%

Source: 2010 American Community Survey 1-Year Estimate, Tables S1701 and S1702 for each geographic area.

The highest poverty rate for each category is highlighted in the above table. The differences between the District and the surrounding counties are so stark in every category that they suggest a high degree of economic segregation throughout the metropolitan area.

Table 3 below reinforces the finding that poverty within the metropolitan area is concentrated within the District. The degree of poverty is more severe in the District than nationally in seven of the first nine categories.

Table 3: Percentage in Poverty in the District, Metropolitan Area, and Nationally: 2010

Percentage in Poverty in the District, Metropolitan Area, and Nationally: 2010			
Category	District of Columbia	Washington–Arlington–Alexandria, DC–VA–MD–WV Metro Area	United States
All people	19.2%	8.4%	15.3%
Age 65 and over	13.1%	6.5%	9.0%
Under 18 years old	30.4%	10.7%	21.6%
Unrelated individuals for whom poverty status is determined	22.0%	17.3%	26.2%
All families	14.1%	5.4%	11.3%
Families with related children under 18 years old	22.5%	8.3%	17.9%
Married couple families	3.1%	1.9%	5.6%
Female-headed households, no husband present	31.9%	17.4%	30.3%
With related children under 18	42.3%	23.8%	39.6%
Whites, not Hispanic	8.5%	4.7%	10.6%
Hispanic of any race	14.7%	11.4%	24.8%
African American	27.1%	14.0%	27.1%
Asian	20.1%	8.2%	12.5%
Some other race	15.2%	13.5%	27.0%
Two or more races	12.4%	7.3%	20.1%

Source: 2010 American Community Survey 1-Year Estimate, Tables S1701 and S1702 for each of the geographic areas. In the District of Columbia, the samples of "American Indian and Alaska Native," and of "Native Hawaiian and Other Pacific Islander" were too small for estimates to even be made.

The poverty rates for each racial and ethnic class are significantly higher in the District than in the metropolitan area. Asians living in the District have a substantially higher poverty rate than nationally. The poverty rate among District residents who are Black is the same as for the entire nation — and nearly twice as high as for the metropolitan area.

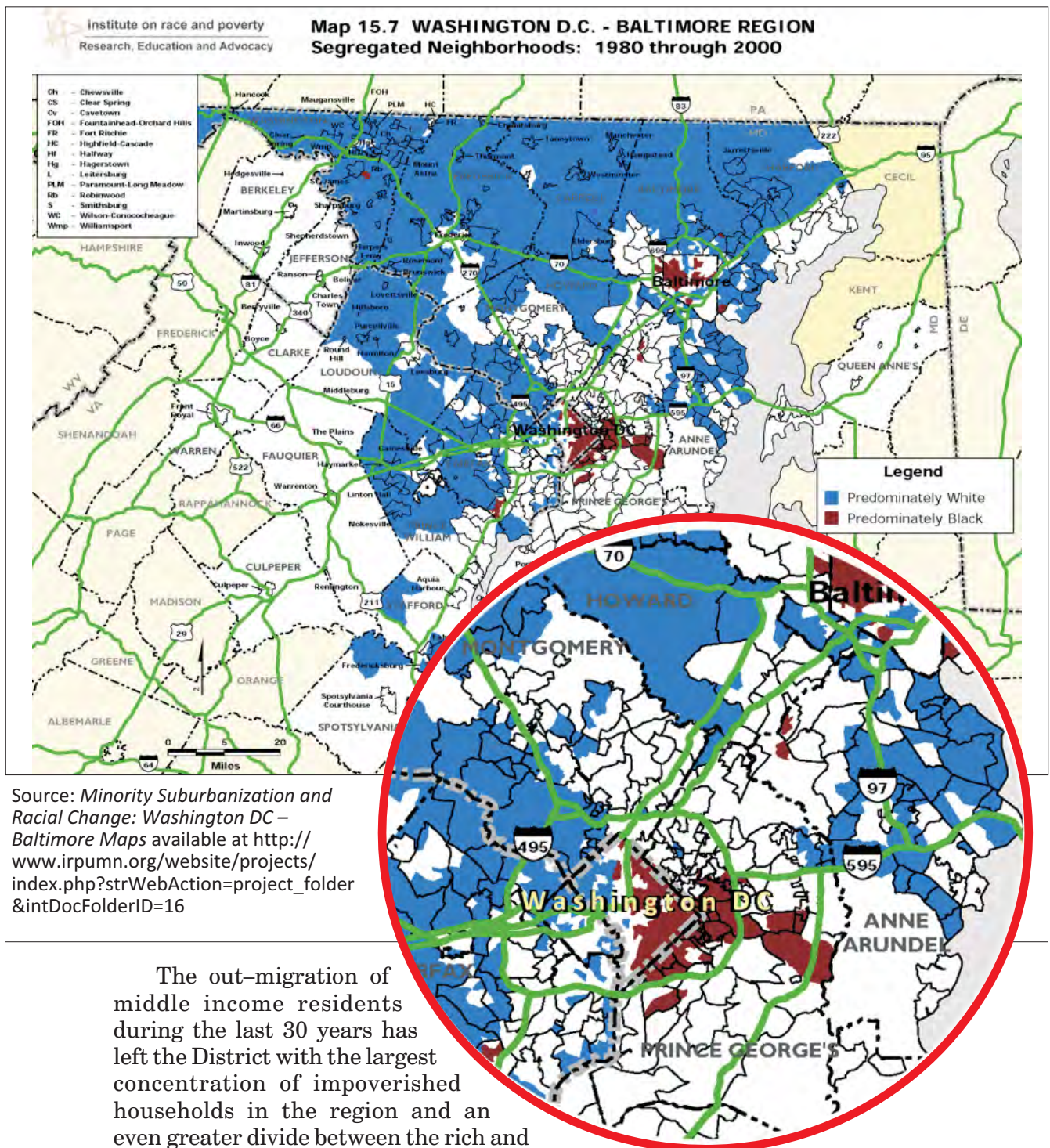
As will be discussed beginning on page 143, the substantially lower incomes among African Americans in the District lead to issues of housing affordability that enter into the fair housing choice equation.

Racial and Hispanic Composition

The District of Columbia's racial and Hispanic composition can best be understood within the context of its metropolitan region that includes parts of Maryland, Virginia, and West Virginia. As illustrated by the map below, the region around the District has long been largely segregated by race.³

3. Sufficient data for 2010 were not available in time for to prepare maps for 2000 through 2010.

Figure 1: Washington, D.C. –Baltimore Region Neighborhoods That Were Segregated 1980 Through 2000

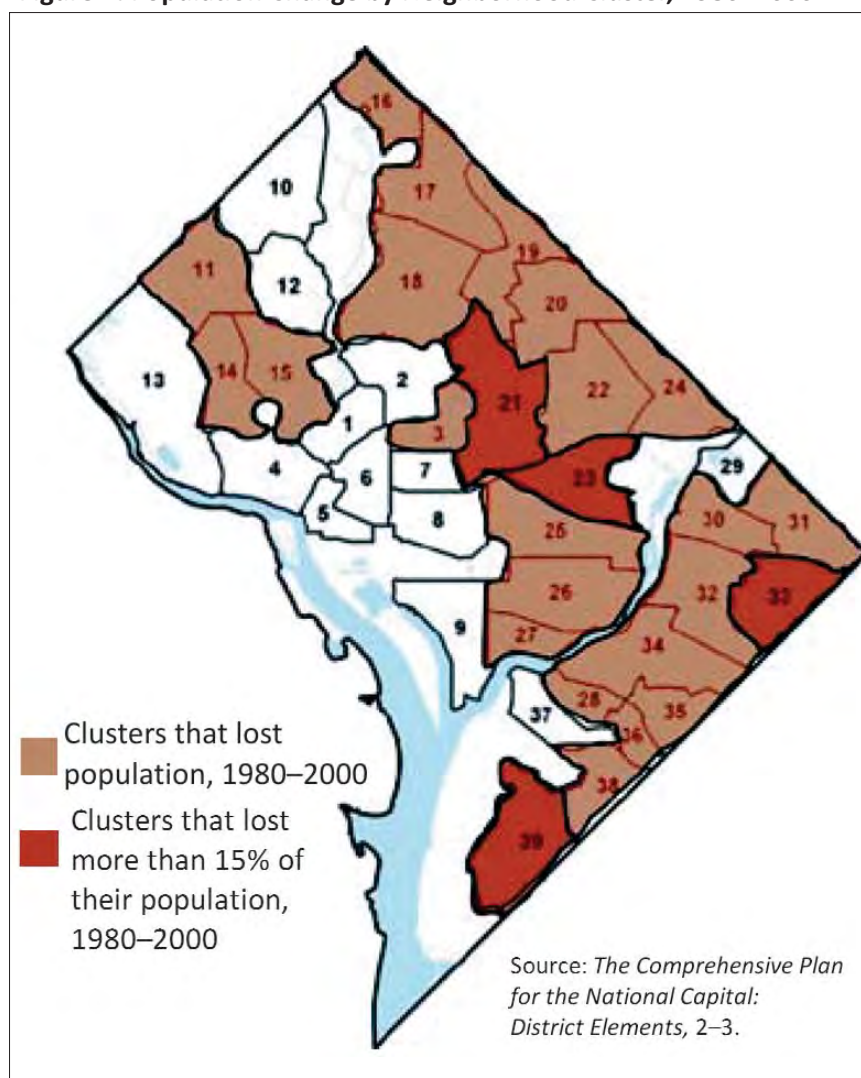


4. Ibid.

tion loss was concentrated in the neighborhood clusters with primarily minority populations between 1980 and 2000 with the overwhelming majority of population loss in neighborhoods east of 16th Street. The area east of the Anacostia River lost 44,000 residents in the 1980s and 1990s. Many of the neighborhoods west of Rock Creek Park gained residents.⁵

The government of the District of Columbia has divided the city into 39 “neighborhood clusters” for planning, analysis, budgeting, and service delivery purposes.⁶ Each cluster consists of one to six neighborhoods. This analysis of impediments frequently uses neighborhood clusters for data and analysis.

Figure 2: Population Change by Neighborhood Cluster, 1980–2000



5. Ibid.

6. To identify in which neighborhood cluster or neighborhood a specific address is located, visit <http://citizenatlas.dc.gov/atlasapps/repothometab.aspx>. To access data on a specific neighborhood cluster, visit <http://www.neighborhoodinfodc.org/nclusters/nclusters.html>. More detailed maps showing neighborhood clusters are available at <http://www.neighborhoodinfodc.org/maps.html>.

But as the table that follows shows, the District's population loss did not come about due to "white flight." Between 1980 and 2010 the District lost over 143,780 African American residents while the Caucasian population grew by nearly 60,000 and the Asian population grew by over 14,380.

These demographic changes have resulted in a city that is no longer more than 70 percent African American, nearly 27 percent white, just 1 percent Asian and 2.8 percent Hispanic of any race as it was in 1980.

Table 4: Racial Composition of the District of Columbia: 1980–2010

Racial Composition of the District of Columbia: 1980–2010					
Year	White	African American	Asian	All Other Reported Races – Single Race	Hispanic of Any Race
1980	26.9%	70.3%	1.0%	1.8%	2.8%
1990	29.6%	65.8%	1.8%	2.8%	5.7%
2000	30.8%	60.0%	2.7%	6.5%	7.9%
2010	38.5%	50.7%	3.5%	3.8%	9.1%

Sources: 1990, 2000, and 2010 U.S. Census. 1980 U.S. Census figures from the Minnesota Population Center. National Historical Geographic Information System. Pre-release Version 0.1. Minneapolis, MN 2004, <http://www.nhgis.org>.

As Table 4 shows, today barely half of the District's residents are Black while the proportion that is Caucasian has grown from 26.9 percent in 1980 to 38.5 in 2010. The proportions that are Asian and Hispanic of any race each more than tripled. As noted later in this report beginning on page 147, the median incomes of white, Asian, and Hispanic households are substantially greater than those of African American households. The difference in median income between white households and Black households is among the greatest of any city in the country. The white, and to a lesser extent Asian in-migration has brought with it gentrification, and for at least a fleeting moment, racial and economic integration in housing within the gentrifying neighborhoods. As discussed later in this report, these changes have given the District the unique opportunity to affirmatively further fair housing choice by stabilizing these newly racially and economically integrated neighborhoods by preserving housing that is affordable to households with modest and lesser means so they can remain in these neighborhoods as they gentrify.

As shown later in this chapter, a good part of the District of Columbia consists of extremely segregated neighborhoods that are more than 93 percent African American and some that are more than 98 percent Black. With a few, but growing number of exceptions nearly all of the city is segregated by race. There is a common misconception that these concentrations and segregation in housing patterns are due *largely* to the different median incomes of each racial and ethnic group. But as explained below, these extreme concentrations would not exist in a free housing market where income determines where somebody lives.

The analysis that follows identifies whether the racial and ethnic composition of a census tract, neighborhood cluster, city, or county adjacent to the District is

probably due to differences in household income or to discriminatory private and/or public sector practices that distort the free housing market.

Methodology. By taking household income into account, the analysis that follows more accurately identifies possible racial and ethnic segregation than simply reporting the proportions of each racial or ethnic group within a neighborhood cluster or census tract. As noted above, there is a common misconception that housing is segregated largely because minority households as a whole earn less than white households. The huge disparity in the median incomes of the District's African American and Caucasian residents certainly contributes to the city's racial segregation, if only thanks to the city's economic segregation. However, the analysis that follows essentially controls for these income differences by explicitly taking into account household income to *approximate* the racial and ethnic composition of a census tract and neighborhood cluster if racial and ethnic discrimination were absent and household income was the primary determinant of where households live.⁷

This approach requires thinking about housing discrimination and segregation a little differently than usual. Discrimination is the likely cause of an area's racial and ethnic composition when the *actual* racial and ethnic composition differs significantly from what the composition would be in a free housing market devoid of discrimination. It is very likely that discrimination is the primary cause of a census tract being 90 percent white if the tract would be expected to be 75 percent white when taking household income into account.

The approach used here compares the actual racial composition of a census tract or a jurisdiction with what the *approximate* racial composition would likely be in a free housing market *not distorted* by practices such as racial steering, mortgage lending discrimination, discriminatory advertising, discriminatory rental policies, mortgage and insurance redlining, or discriminatory appraisals.⁸

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7. This same principle applies to the free market analysis of the entire city and its surrounding counties beginning on page 23.
 8. Determining the approximate racial and ethnic composition of a geographic area like a census tract, neighborhood cluster, or entire city is a fairly straightforward, albeit lengthy, process. Here is the step-by-step procedure using a census tract as an example. First we obtain from the U.S. Census the number of households for the census tract that are in each of 16 income ranges starting with "Less than \$10,000" and "\$10,000 to \$14,999" and ending with "\$150,000 to \$199,999" and "\$200,000 or more." Within each income range, the census specifies the number of Caucasian, African American, Asian, and Hispanic households. We obtain the same data for the entire housing market within which the census tract is located. *The housing market here consists of entire consolidated metropolitan statistical area in which the District of Columbia sits: 12 Maryland counties, 12 Virginia counties, and two West Virginia counties.*

We then multiply the number of Caucasian households in an income category in that census tract by the percentage of white households in that income bracket for the full housing market. This gives us a good approximation of the number of white households in this income bracket that would live in this census tract if income determined who lived there. We calculate these figures in all 16 income brackets for whites, Blacks, Asians, and Hispanics of any race. *This procedure assures that the census tract income of residents in a free market without discrimination is the same as the income of actual residents.* We then add up the number of households in each racial or ethnic group to get the approximate racial and ethnic composition of the census tract if income were the prime determinant of who lives there. From this we calculate the percentages of the census tract that each group comprises. These percentages are then compared to the actual proportion of each racial or ethnic group within the census tract to identify the difference between actual census numbers and a free housing market without discrimination.

Racial discrimination badly warps the free market in housing by artificially reducing demand for housing in some neighborhoods and artificially increasing demand in others.

Racial discrimination in housing also distorts property values. When African Americans, for example, move to segregated neighborhoods, they pay a substantial price in lost housing value. It is well documented that the value and appreciation of homes in segregated minority neighborhoods is generally less than in stable integrated areas and white areas. Segregated minority neighborhoods also often lack jobs and business investment opportunities, making them economically unhealthy compared to stable integrated and predominantly white areas.⁹ For the Black middle and upper classes which had grown so much prior to the Great Recession, living in segregated minority neighborhoods denies them the full economic and educational benefits of middle- and upper-class status enjoyed in stable integrated and in predominantly Caucasian neighborhoods.

In a genuinely free housing market, household income rather than race or ethnicity determines who lives in the community. The tables that follow show the actual racial composition of households in 2000 and the approximate racial composition if housing were a genuine free market *without* the distortions caused by discriminatory housing practices. To help determine whether the past decade has resulted in movement toward or away from stable racial and Hispanic integration, these tables also show the actual racial composition of *individuals* from the 2010 *U.S. Census*.¹⁰ Keep in mind that the free market figures are based on actual household incomes. These data debunk the misconception that dissimilarities in household income explain these differences.

When the actual proportions of minorities are significantly less than the proportions that would exist in a free housing market, it is very likely that factors other than income, social class, or personal choice are influencing who lives in the community. Researchers have concluded “that race and ethnicity (not just social class) remain major factors in steering minority families away from some communities and toward others.”¹¹

In the tables that follow, differences that suggest distortions of the free housing market possibly caused by racial discrimination are highlighted in two shades of cautionary yellow. The darker yellow highlights differences of ten or more percentage points while the lighter shade of yellow points to differences close to, but under ten percentage points. While other researchers have concluded that differences of five percentage points indicate that discrimination is

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9. D. Coleman, M. Leachman, P. Nyden, and B. Peterman, *Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region* (Chicago: Leadership Council for Metropolitan Open Communities, February 1998), 28–29. See chapter 5, note 1.
 10. It was impossible to conduct this free market analysis for 2010 as well as 2000 because the Census Bureau imprudently removed the household income question from the 2010 census short form, making the key household income data by race and ethnicity unavailable. However, we have determined from the 2000 data that the racial and ethnic composition of households and individuals has been consistently within one half to two percentage points of households, which makes individuals a close approximation for households in 2010.
 11. *Ibid.*, v. The methodology, first developed by Harvard economist John Kain, is explained in detail beginning on page 17 of the study. A PDF file of the entire study (28.1 megabytes) can be downloaded at <http://www.luc.edu/curl/pubs>.

distorting the housing market,¹² we have concluded that ten percentage points is more likely to be indicative of possible discrimination by factoring in those households that may prefer to live in a predominantly minority neighborhood.

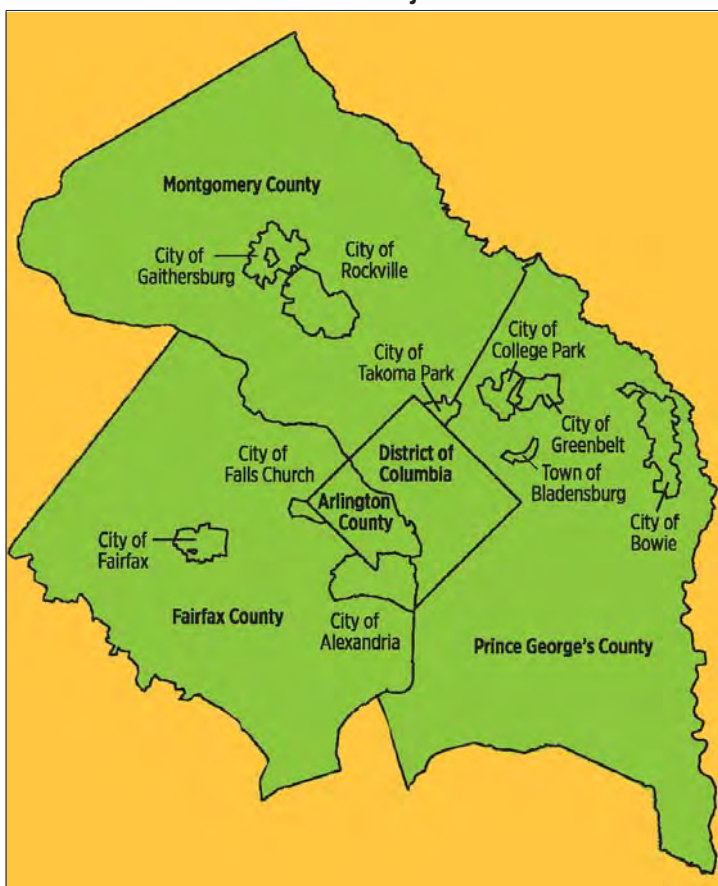
The District in the Context of Its Adjacent Suburbs

Before examining the data for each of the city's 39 neighborhood clusters and its census tracts, it is important to place the District of Columbia within the context of the counties adjacent to it.

The full regional housing market consists of the entire consolidated metropolitan statistical area in which the District of Columbia sits: 12 Maryland counties, 12 Virginia counties, and two West Virginia counties. The District and the four counties that surround it constitute heart of the Districts' housing market. The data and analysis that follow will help identify whether this is a unitary housing market or a dual housing market in which there is one market in which Caucasians participate and a largely separate market in which the vast majority of African Americans participate. The data will also help determine in which housing market or markets Asians and Latinos participate.

The table on the next page shows both the actual racial composition of households in the District of Columbia; Arlington and Fairfax counties in Virginia; and Montgomery and Prince George's County in Maryland in 2000 as well as what would have been expected in a free housing market without racial and ethnic discrimination.

Figure 3: The Heart of the DC Housing Market — The District of Columbia and Four Adjacent Counties



Source: Adapted from Metropolitan Washington Council of Governments, *2011 COG Annual Report | 2012 Regional Directory* (Washington, DC: 2012), 80.

12. See *Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region*.

Table 5: District of Columbia and Adjacent Counties Racial and Ethnic Household Composition 2000 & Individuals 2010

District of Columbia and Adjacent Counties Racial and Ethnic Household Composition 2000 & Individuals 2010				
Jurisdiction	2000 Census			
	White	Black	Asian	Hispanic, Any Race
District of Columbia				
2010 Individuals	38.5%	50.7%	3.5%	9.1%
HHs Actual proportions	36.1%	56.0%	2.6%	5.8%
HHs Free market	62.5%	29.1%	4.2%	4.5%
HHs Difference	-26.3%	26.9%	-1.7%	1.3%
Arlington County, VA				
2010 Individuals	71.7%	8.5%	9.6%	15.1%
HHs Actual proportions	75.3%	8.5%	7.8%	11.2%
HHs Free market	67.9%	23.9%	4.3%	4.3%
HHs Difference	7.4%	-15.4%	3.5%	6.9%
Fairfax County, VA				
2010 Individuals	62.7%	9.2%	17.5%	15.6%
HHs Actual proportions	75.8%	8.3%	10.2%	7.4%
HHs Free market	71.0%	21.0%	4.4%	4.0%
HHs Difference	4.8%	-12.7%	5.8%	3.3%
Montgomery County, MD				
2010 Individuals	57.5%	17.2%	13.9%	17.0%
HHs Actual proportions	69.6%	14.7%	9.4%	7.9%
HHs Free market	69.5%	22.4%	4.3%	4.2%
HHs Difference	0.1%	-7.7%	5.1%	3.8%
Prince George's County, MD				
2010 Individuals	19.2%	64.5%	4.1%	14.9%
HHs Actual proportions	29.8%	62.6%	3.0%	4.7%
HHs Free market	65.9%	25.7%	4.2%	4.6%
HHs Difference	-36.1%	36.8%	-1.3%	0.2%
HHs = Data for 2000 are based on households. Data for 2010 are based on individuals. Data are rounded to the nearest tenth. Source: 2000, 2010 U.S. Census.				

The differences between the actual racial composition and what would have been expected in a free housing market absent discrimination is labeled “HHs Difference.” The 2010 racial and Hispanic composition is for individuals, a very close surrogate for households.

In 2000, Montgomery County, one of the nation’s wealthiest counties, was the only jurisdiction that had an overall racial and Hispanic composition reflective of a free housing market.¹³ The 2010 data for individuals suggest that Montgomery

13. Individual cities within Montgomery County may be segregated and individual cities within the other counties might not be segregated, but that level of analysis is beyond the scope of this study of Washing-

County has become even more integrated overall. Contributing to this success has been nearly 40 years of Montgomery County's mandatory inclusionary zoning law (called the "Moderately Priced Dwelling Unit Program") which has produced more than 12,000 dwellings affordable to households with modest incomes, including over 1,000 units of public housing.

In both Arlington and Fairfax counties the proportions of whites, Asians and Hispanics were greater than expected in a free housing market while the proportions of African Americans were significantly lower.

Taking housing income into account through this methodology, the proportion of African Americans living in Fairfax County was 12.7 percentage points less than what was expected absent discrimination — or less than 40 percent of what was expected. In 2010 Fairfax County had become more diverse. The proportion of Asians had risen to 17.5 from 10.2 percent in 2000 while the proportion of Hispanics of any race had grown from 7.4 to 15.6 percent. Over the same ten years, the proportion of Blacks had changed by less than one percentage point.

Diversity has barely increased in Arlington County. In 2000 the proportion of Blacks living in Arlington County was 15.4 percentage points less — a little more than one-third — than what was expected in a free market without racial discrimination. The 1.8 percentage point increase in the proportion of Asians was negligible. The proportion of Hispanics, however, increased by more than a third, from 11.2 to 15.1 percent.

In 2010, both Arlington and Fairfax counties continue to have greater proportions of whites, Asians, and Hispanics of any race and lower proportions of African Americans than would have been expected in a free housing market

The picture continues to be very different in Prince George's County, Maryland and the District of Columbia. Black middle and upper class District residents who left the District moved to all of the adjacent counties. But the vast majority of them moved — and very possibly were steered — to Prince George's County. This resulted in the widest gaps between actual and free market racial composition among these five jurisdictions as shown in the above table. The proportions of both whites and Blacks were off by about 36 percentage points in 2000 with signs of no abatement in 2010. In 2000, 29.8 percent of Prince George's County's households were Caucasian; 62.6 percent African American. But in a free market without discrimination, the county would have been 65.9 percent white and 25.7 percent Black. The proportions of Asians and Hispanics of any race were very close to what would have been expected in a free market absent discrimination. In 2010, the proportion of whites had declined by more than a third, down to 19.2 percent, while the proportions of Blacks, Asians, and Hispanics all increased. Prince George's County is showing all the classic signs of resegregation from virtually all white to virtually all black. Given what the proportions of Caucasians and African Americans would have been in a free market, it is very likely that racial steering and other forms of housing discrimination produced and are maintaining the resegregation of Prince George's County.

The differences between actual and expected racial composition in the Dis-

ton, D.C.

trict of Columbia in 2000 were less severe than in Prince George's County and may be shrinking in 2010. In the District, the actual proportion of white households in 2000 was 26.3 percentage points less than what would be expected in a free market without discrimination while the actual proportion of Black households was 26.9 percent greater. The proportions of Asian and Hispanic of any race households were close to what would have been expected. In 2010, the proportion of whites had risen to 38.5 percent while the proportion of Blacks had noticeably fallen to 50.7 percent from 56 percent in 2000. The proportion of Asians had barely grown by nearly one percentage point while the proportion of Hispanics of any race had risen by more than half, from 5.8 to 9.1 percent. The proportion of Hispanics continues to be higher than expected in 2000 in the District and the four adjacent counties.

The District of Columbia By Neighborhood Cluster and Census Tract

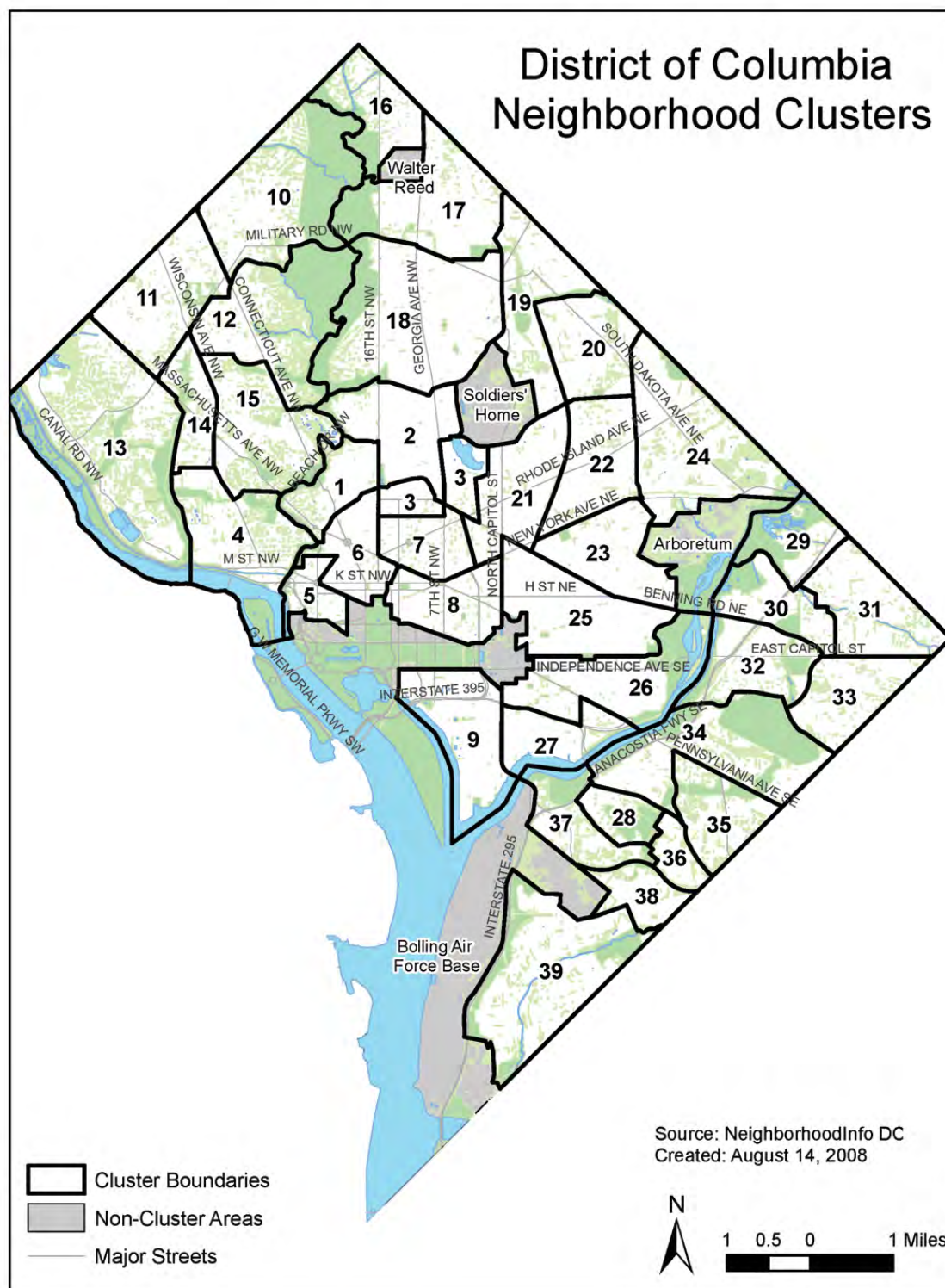
As noted earlier, the District is divided into 39 “neighborhood clusters” for a variety of purposes including planning and analysis. The map below shows each of the District’s 39 neighborhood clusters are located.

For each neighborhood cluster, and the census tracts within, this analysis of impediments identifies the actual proportions of households (“HHs Actual proportions,” where “HH” is an abbreviation for “Households”) of Caucasian, African American, Asian, and Hispanic of any race in 2000 and the approximate proportions that would be expected in a genuinely free housing market that is not distorted by racial or ethnic discrimination (“HHs free Market”).¹⁴ The differences between the actual proportions and free market proportions are shown in the rows labeled “HHs Difference.” The darker yellow highlights differences of ten or more percentage points while the lighter shade of yellow points to differences close to, but under ten percentage points. The District is so segregated that the lighter shade is rarely used.

As explained earlier, this same analysis could not be conducted for 2010 because the household income data were not available. However, past experience has shown that the proportions of *individuals* have consistently been within 0.5 to 2 percent of the proportions of *households*. So individuals can serve as a surrogate for households to indicate the direction of any demographics changes in each neighborhood cluster and census tract during the past decade.

14. The number of households in other ethnic groups and racial classifications (“some other race,” “two or more races”) are so relatively small that data based on their samples are not reliable enough to include in the tables that follow. Note also that a substantial proportion of Hispanics report themselves as being “some other race” which explains why, in some neighborhood clusters and census tracts with high proportions of Hispanics, the proportions of whites, Blacks, and Asians do not add up even close to 100 percent.

Figure 4: Map of District of Columbia Neighborhood Clusters



Neighborhood Cluster 1

Table 6: Neighborhood Cluster 1 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 1	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 1: Kalorama Heights, Adams Morgan, Lanier Heights				
2010 Individuals	76.5%	11.6%	6.8%	12.8%
HHs Actual proportions	71.8%	17.2%	4.5%	10.2%
HHs Free market	65.8%	25.8%	4.2%	4.5%
HHs Difference	5.9%	-8.7%	0.3%	5.7%
Census Tract 38.00				
2010 Individuals	63.4%	19.5%	7.2%	20.3%
HHs Actual proportions	51.3%	34.6%	2.6%	15.5%
HHs Free market	62.2%	29.3%	4.1%	4.7%
HHs Difference	-10.9%	5.4%	-1.5%	10.8%
Census Tract 39.00				
2010 Individuals	74.0%	14.6%	6.2%	12.4%
HHs Actual proportions	65.0%	21.1%	5.3%	12.2%
HHs Free market	63.4%	28.0%	4.1%	4.8%
HHs Difference	1.5%	-6.9%	1.1%	7.4%
Census Tract 40.01				
2010 Individuals	87.2%	4.6%	5.8%	9.2%
HHs Actual proportions	86.7%	5.5%	4.4%	6.8%
HHs Free market	67.9%	23.8%	4.3%	4.3%
HHs Difference	18.7%	-18.3%	0.1%	2.5%
Census Tract 40.02				
2010 Individuals	80.2%	9.0%	7.8%	8.9%
HHs Actual proportions	77.6%	12.7%	4.8%	7.3%
HHs Free market	66.8%	24.8%	4.2%	4.5%
HHs Difference	10.8%	-12.1%	0.5%	2.8%
Census Tract 41.00				
2010 Individuals	83.9%	5.3%	7.4%	9.6%
HHs Actual proportions	88.0%	4.4%	5.9%	6.7%
HHs Free market	71.8%	20.4%	4.3%	3.9%
HHs Difference	16.2%	-16.0%	1.6%	2.8%
HHs = Data for 2000 are based on households. Data for 2010 are based on individuals.				
Sources: Data for 2000 are from 2000 U.S. Census. Data for 2010 are from NeighborhoodInfo DC extracted from the 2010 U.S. Census. NeighborhoodInfo DC configured the 2010 census tracts to match 2000 census tracts to facilitate comparisons.				

It appears that Neighborhood Cluster 1 has become a bit more segregated for African Americans, albeit more integrated for Asians and Hispanics. Overall, the racial and ethnic composition of the cluster in 2000 was close to what would have been expected in a free market devoid of racial and ethnic discrimination. However, the actual proportion of African Americans in three of five census tracts in 2000 was a significant 12 to 18 percentage points lower than expected in a free market. The proportion of African Americans has declined since 2000 with very little change in the proportions of Asians and Hispanics. The changes are so small that it is unclear whether the cause is gentrification, the precipitous decline in Black household income due to the Great Recession, or a combination of the two. In 2000, the actual proportion of Hispanics was more than double what was expected in a free market. In 2010, the proportion of Hispanics, whites, and Asians all grew while the proportion of African Americans declined by roughly one third.

The proportion of Hispanics continues to grow in Tract 38.00 which is adjacent to the burgeoning Hispanic community immediately to the east in Neighborhood Cluster 2. The proportion of Hispanics in this tract is nearly four times what would have been expected in 2000.

The three tracts with significantly higher proportions of whites and lower proportions of African Americans — 40.01, 40.02, and 41.00 — are all on the west side of the cluster, adjacent to Neighborhood Cluster 15 with a similar situation.

Why the percentages do not add up to 100 percent

The percentages in these free market analysis tables will not add up to 100 percent for several reasons. First, they do not include several racial classifications such as “Native Hawaiian and Other Pacific Islander” and “American Indian and Alaska Native,” because the number of people in these classifications is so small that they would not alter the findings and analysis. Second, the tables do not include “Some other race” or “Two or more races” because they would make these tables impossibly complicated and they would not affect the findings and analysis since there are so few people in these classifications. So when the percentages of whites, African Americans, and Asians in a row do not add up to 100, it’s because these other races were not included in the table.

In addition, the category “Hispanic, Of Any Race” is an ethnicity. Hispanics can be of any race. Adding up all the percentages in a row would count Hispanics twice.

Neighborhood Cluster 2

Table 7: Neighborhood Cluster 2 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 2	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 2: Columbia Heights, Mt. Pleasant, Pleasant Plains, Park View				
2010 Individuals	40.9%	39.7%	4.5%	26.6%
HHs Actual proportions	23.8%	54.6%	2.4%	22.5%
HHs Free market	59.3%	32.1%	4.2%	4.7%
HHs Difference	-35.5%	22.5%	-1.8%	17.8%
Census Tract 27.01				
2010 Individuals	54.9%	26.8%	6.7%	24.2%
HHs Actual proportions	44.2%	29.0%	5.0%	18.9%
HHs Free market	62.0%	29.4%	4.2%	4.7%
HHs Difference	-17.8%	-0.5%	0.8%	14.2%
Census Tract 27.02				
2010 Individuals	67.5%	14.6%	5.0%	24.9%
HHs Actual proportions	55.8%	25.4%	4.5%	22.8%
HHs Free market	63.9%	27.7%	4.2%	4.5%
HHs Difference	-8.0%	-2.3%	0.2%	18.3%
Census Tract 28.01				
2010 Individuals	34.5%	37.8%	5.0%	36.6%
HHs Actual proportions	12.8%	59.1%	1.8%	28.2%
HHs Free market	56.3%	34.9%	4.2%	4.8%
HHs Difference	-43.5%	24.3%	-2.4%	23.5%
Census Tract 28.02				
2010 Individuals	43.9%	26.5%	5.1%	43.1%
HHs Actual proportions	20.4%	43.7%	3.2%	41.6%
HHs Free market	56.9%	34.3%	4.1%	4.8%
HHs Difference	-36.5%	9.3%	-0.9%	36.8%
Census Tract 29.00				
2010 Individuals	44.0%	32.8%	4.1%	34.6%
HHs Actual proportions	9.8%	62.9%	0.6%	29.4%
HHs Free market	60.3%	31.1%	4.2%	4.6%
HHs Difference	-50.6%	31.7%	-3.5%	24.7%
Census Tract 30.00				
2010 Individuals	41.5%	45.0%	4.8%	15.7%
HHs Actual proportions	13.6%	69.1%	0.9%	20.4%
HHs Free market	57.1%	34.1%	4.2%	4.7%
HHs Difference	-43.6%	35.1%	-3.3%	15.8%

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District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 2	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Census Tract 31.00				
2010 Individuals	34.9%	39.0%	4.1%	35.9%
HHs Actual proportions	8.7%	77.8%	0.0%	16.5%
HHs Free market	60.8%	30.6%	4.1%	4.8%
HHs Difference	-52.1%	47.2%	-4.1%	11.8%
Census Tract 32.00				
2010 Individuals	23.4%	60.5%	2.2%	24.2%
HHs Actual proportions	4.3%	84.3%	0.0%	9.2%
HHs Free market	59.4%	31.9%	4.2%	4.8%
HHs Difference	-55.1%	52.5%	-4.2%	4.4%
Census Tract 35.00				
2010 Individuals	17.5%	74.1%	3.4%	9.9%
HHs Actual proportions	4.8%	85.1%	1.0%	10.6%
HHs Free market	54.4%	36.6%	4.3%	4.7%
HHs Difference	-49.6%	48.5%	-3.3%	5.9%
Census Tract 36.00				
2010 Individuals	43.5%	40.5%	4.7%	19.2%
HHs Actual proportions	12.4%	71.3%	2.1%	14.1%
HHs Free market	56.5%	34.7%	4.2%	4.7%
HHs Difference	-44.2%	36.6%	-2.1%	9.4%
Census Tract 37.00				
2010 Individuals	34.4%	46.2%	4.4%	26.3%
HHs Actual proportions	20.5%	59.4%	1.5%	28.0%
HHs Free market	57.3%	34.0%	4.1%	4.9%
HHs Difference	-36.7%	25.4%	-2.6%	23.2%

Overall the proportion of whites in Neighborhood Cluster 2 was 35.5 percentage points lower than expected in 2000 while the proportions of African Americans and Hispanics were, respectively, 22.5 points and 17.8 points higher than expected. Eight of the 11 tracts exhibited significantly higher proportions of Hispanic residents than would expected in a free market without discrimination. Since then the proportion of Hispanics has grown in eight of the 11 census tracts, with four now more than one-third Hispanic. In 2010, the proportions of African Americans had declined precipitously in 10 of 11 tracts and by more than one-fourth from 2000 while the proportion of Caucasians grew from 23.8 to 40.0 percent. It is very likely that gentrification accounts for a great deal of these changes.

The differences in tracts 35.00 and 37.00 between 2000 and 2010 are due to the high number of college students living in dormitories. Keep in mind that the households used for the 2000 data do not include residents of group quarters like college dormitories while the count of population, the source of the 2010 data, in-

clude group quarters. In tract 35.00, more than 40 percent of the population lived in dormitories and 92 percent of these students were African American, accounting for 38 percent of the entire tract's 2010 population. In tract 37.00, 11 percent of the 2010 census count were students living in dormitories. Ninety-two percent of these students were Black in 2010. The inclusion of dormitory student accounts for nearly all of the differences in proportions of whites and African Americans between the 2000 and 2010 for both census tracts.

Overall, Neighborhood Cluster 2 appears to be gentrifying with the proportions of Caucasian and African American households moving toward what would have been expected in a free market without discrimination in 2000 while the proportion of Hispanics continues to grow far beyond what would have been expected. If action is not taken to expand the housing choices of Hispanics beyond this neighborhood cluster, a more severe concentration will likely continue to develop.

Neighborhood Cluster 3

Table 8: Neighborhood Cluster 3 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 3	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 3: Howard University, Le Droit Park, Cardozo/Shaw				
2010 Individuals	45.0%	45.6%	5.1%	9.4%
HHs Actual proportions	31.3%	57.3%	1.5%	9.0%
HHs Free market	60.1%	31.2%	4.2%	4.6%
HHs Difference	-28.8%	26.1%	-2.8%	4.4%
Census Tract 34.00				
2010 Individuals	13.5%	81.6%	2.8%	5.5%
HHs Actual proportions	2.4%	90.1%	1.4%	2.1%
HHs Free market	55.5%	35.6%	4.3%	4.6%
HHs Difference	-53.2%	54.4%	-2.8%	-2.6%
Census Tract 43.00				
2010 Individuals	57.5%	28.8%	5.7%	15.1%
HHs Actual proportions	45.6%	39.7%	2.0%	10.1%
HHs Free market	61.7%	29.8%	4.2%	4.6%
HHs Difference	-16.0%	9.9%	-2.2%	5.5%
Census Tract 44.00				
2010 Individuals	65.9%	23.2%	6.8%	9.1%
HHs Actual proportions	35.3%	55.2%	0.6%	13.9%
HHs Free market	62.0%	29.4%	4.3%	4.6%
HHs Difference	-26.7%	25.8%	-3.6%	9.4%

Overall Neighborhood Cluster 3 is becoming more racially diverse, moving toward the proportions expected in a free housing market in 2000. Even tract 34.00 which can be accurately characterized as “hypersegregated” has seen an incremental increase during the past decade in the proportion of white, Asian, and Hispanic residents. The substantial reduction in the proportion of African Americans in tract 44.00 may be due to gentrification and the accompanying increase in the cost of housing. Forty percent of the residents in tract 34.00 lived in dormitories in 2000. Ninety-three percent of those dormitory residents were African American. In 2000, the entire tract's population was very similar to the actual proportions of households. Since 2000, tract 34.00 is also experiencing some white in-migration.

Neighborhood Cluster 4

Table 9: Neighborhood Cluster 4 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 4	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 4: Georgetown, Burleith/Hillandale				
2010 Individuals	86.4%	3.9%	8.4%	6.4%
HHs Actual proportions	91.1%	2.5%	3.5%	3.9%
HHs Free market	70.7%	21.4%	4.4%	3.9%
HHs Difference	20.5%	-18.9%	-0.9%	0.0%
Census Tract 1.0				
2010 Individuals	91.3%	2.5%	5.0%	6.1%
HHs Actual proportions	93.1%	1.9%	2.7%	4.2%
HHs Free market	72.1%	20.0%	4.4%	3.8%
HHs Difference	21.0%	-18.2%	-1.7%	0.4%
Census Tract 2.01				
2010 Individuals	76.4%	7.6%	14.6%	7.0%
HHs Actual proportions	62.1%	37.9%	0.0%	0.0%
HHs Free market	75.8%	16.5%	4.6%	3.5%
HHs Difference	-13.7%	21.5%	-4.6%	-3.5%
Census Tract 2.02				
2010 Individuals	86.9%	3.6%	8.4%	6.3%
HHs Actual proportions	94.2%	1.6%	3.1%	2.2%
HHs Free market	69.9%	22.2%	4.4%	3.7%
HHs Difference	24.3%	-20.6%	-1.3%	-1.5%
Census Tract 3.00				
2010 Individuals	88.5%	3.0%	7.0%	6.5%
HHs Actual proportions	87.6%	3.0%	4.6%	4.8%
HHs Free market	69.6%	22.3%	4.4%	4.1%
HHs Difference	18.0%	-19.3%	0.2%	0.7%

While the proportions of Hispanic and Asian residents have increased a bit throughout Neighborhood Cluster 4, the proportion of African Americans in four of the five census tracts is so low compared to what it would be in a free and unitary housing market, that it is extremely likely that African Americans face discrimination when seeking housing here.

In 2000, the racial composition of the 58 households that lived in tract 2.01 suggests that racial discrimination is *not* occurring within the tract. More than 98 percent of the 4,467 individuals in this tract resided in college dormitories. Of these students, 87 percent were Caucasian and 5 percent Black. The 2010 census data needed to arrive at any further conclusions were not available as of this writing.

Neighborhood Cluster 5

Table 10: Neighborhood Cluster 5 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 5	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 5: West End, Foggy Bottom, GWU				
2010 Individuals	79.2%	7.0%	12.5%	5.7%
HHs Actual proportions	77.4%	4.5%	11.8%	5.5%
HHs Free market	60.3%	31.2%	4.4%	4.4%
HHs Difference	17.1%	-26.7%	7.4%	1.1%
Census Tract 55.00: Blockgroup 3				
2010 Individuals	Blockgroup data not yet available			
HHs Actual proportions	82.6%	5.4%	8.0%	4.9%
HHs Free market	66.6%	25.1%	4.4%	4.3%
HHs Difference	16.0%	-19.7%	3.6%	0.6%
Census Tract 56.00				
2010 Individuals	76.0%	9.2%	13.3%	6.3%
HHs Actual proportions	80.6%	4.3%	8.4%	5.9%
HHs Free market	61.6%	29.9%	4.3%	4.4%
HHs Difference	19.0%	-25.6%	4.1%	1.6%
Census Tract 57.01				
2010 Individuals	80.8%	6.0%	12.2%	4.1%
HHs Actual proportions	64.0%	4.2%	24.6%	4.9%
HHs Free market	50.9%	40.0%	4.4%	4.6%
HHs Difference	13.1%	-35.8%	20.2%	0.4%

Income does not explain the very substantial differences in 2000 between the actual proportions of African American households in Neighborhood Cluster 5 and the higher proportions that would have existed in a free housing market without racial discrimination. In all three census tracts the proportion of African American *households* in a free market without discrimination would have been 25.1 to 40 percent while the actual proportions ranged from just 4.2 to 5.4 percent.

In census tract 57.01, the racial composition of the 2010 census of *individuals* differs noticeably from the 2000 census data for *households* because a substantial proportion of residents lived in college dormitories and not in households. In 2000, more than 60 percent of the 4,361 individuals in tract 57.01 lived in dorms. Seventy-eight percent of the students were white; 10 percent were Black. The differences between 2000 households and 2010 individuals in census tract 56.00 were less severe because few than 19 percent of the 5,946 individuals lived in dormitories in 2000. Of those who did, 79.4 percent were Caucasian and six percent African American.

It is very likely that the presence of George Washington University itself explains to a major extent why the proportion of African American households in 2000 was so much lower than would have been expected in a free market and why the proportions of white and Asian households were higher.

Neighborhood Cluster 6

Table 11: Neighborhood Cluster 6 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 6	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 6: Dupont Circle, Connecticut Avenue/K Street				
2010 Individuals	78.6%	8.1%	10.9%	8.2%
HHs Actual proportion	78.5%	7.5%	6.9%	7.3%
HHs Free market	65.4%	26.3%	4.2%	4.5%
HHs Difference	13.1%	-18.8%	2.7%	2.8%
Census Tract 42.01				
2010 Individuals	82.0%	8.2%	7.5%	8.0%
HHs Actual proportion	76.7%	11.5%	3.6%	8.1%
HHs Free market	65.9%	25.8%	4.2%	4.5%
HHs Difference	10.7%	-14.3%	-0.6%	3.6%
Census Tract 42.02				
2010 Individuals	82.8%	5.3%	9.6%	7.8%
HHs Actual proportion	80.3%	7.0%	6.8%	7.2%
HHs Free market	65.9%	25.8%	4.2%	4.5%
HHs Difference	14.5%	-18.8%	2.5%	2.7%

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District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 6	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Census Tract 52.02				
2010 Individuals	47.4%	12.6%	34.0%	15.8%
HHs Actual proportion	40.5%	28.3%	15.4%	13.7%
HHs Free market	57.3%	34.0%	4.1%	4.9%
HHs Difference	-16.8%	-5.7%	11.3%	8.8%
Census Tract 53.01				
2010 Individuals	82.0%	4.3%	10.8%	8.6%
HHs Actual proportion	80.8%	5.0%	6.1%	7.2%
HHs Free market	65.5%	26.1%	4.2%	4.5%
HHs Difference	15.2%	-21.1%	1.8%	2.7%
Census Tract 53.02				
2010 Individuals	83.0%	4.1%	10.5%	11.1%
HHs Actual proportion	77.2%	8.1%	11.8%	11.0%
HHs Free market	68.9%	23.0%	4.2%	4.2%
HHs Difference	8.3%	-14.9%	7.6%	6.8%
Census Tract 54.01				
2010 Individuals	80.2%	3.8%	14.2%	6.7%
HHs Actual proportion	77.3%	4.9%	12.7%	5.3%
HHs Free market	62.7%	28.9%	4.2%	4.5%
HHs Difference	14.6%	-23.9%	8.5%	0.8%
Census Tract 54.02				
2010 Individuals	52.7%	36.6%	6.5%	14.0%
HHs Actual proportion	No households in 2000			
HHs Free market	—	—	—	—
HHs Difference	—	—	—	—
Census Tract 55 Blockgroup 1				
2010 Individuals	Blockgroup data not yet available			
HHs Actual proportion	78.2%	7.4%	14.5%	2.5%
HHs Free market	65.9%	25.8%	4.2%	4.4%
HHs Difference	12.2%	-18.4%	10.2%	-2.0%
Census Tract 55 Blockgroup 2				
2010 Individuals	Blockgroup data not yet available			
HHs Actual proportion	86.1%	4.1%	3.7%	7.6%
HHs Free market	67.2%	24.6%	4.3%	4.3%
HHs Difference	19.0%	-20.5%	-0.6%	3.3%

The actual proportions of Caucasians are moderately higher and of African Americans moderately lower in Neighborhood Cluster 6 than what would have been expected in a free housing market devoid of discrimination. The proportions of Asian households is greater than what would have been expected in 2000. In 2010 Asian individuals accounted for one out of every ten residents. In 2000, the proportion of Asian households in census tract 52.02 was close to four times what would have been expected in a free housing market. Ten years later, the proportion of Asian individuals in census tract 52.02 had more than doubled to 34 percent. Meanwhile, the proportion of African American residents in tract 52.02 declined over the decade by more than half. It would appear that this census tract has become a magnet for Asians who are replacing African American households.

Throughout Neighborhood Cluster 6, the proportion of Hispanic households has remained close to what would exist in a free housing market.

Two block groups from census tract 55.00 are in Neighborhood Cluster 6. The entire tract shows slight racial change over the past decade with the entire tract being 77 percent white, 9.4 percent African American, 8.8 percent Asian, and 7.4 percent Hispanic in 2010. In 2000, the entire tract was 79.3 percent Caucasian, 8.2 percent Black, and 8.2 percent Asian.¹⁵

Nearly 15 percent of the 1,462 individuals in tract 54.01 lived in dormitories in 2000; 89 percent of the students were Caucasian and 6 percent African American.

The data suggest that Neighborhood Cluster 6 does not appear to be moving toward the racial proportions expected in a discrimination-free housing market and that in census tract 52.02 an Asian in-migration is displacing African American residents.

15. As noted in the table, blockgroup data were not available in time for inclusion in this analysis.

Neighborhood Cluster 7

Table 12: Neighborhood Cluster 7 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 7	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 7: Shaw, Logan Circle				
2010 Individuals	54.0%	29.4%	7.9%	14.7%
HHs Actual proportions	37.7%	48.6%	4.9%	11.7%
HHs Free market	59.4%	32.0%	4.2%	4.6%
HHs Difference	-21.7%	16.6%	0.7%	7.0%
Census Tract 48.01				
2010 Individuals	39.9%	47.2%	7.4%	8.9%
HHs Actual proportions	7.0%	80.3%	4.5%	8.0%
HHs Free market	56.4%	34.8%	4.2%	4.7%
HHs Difference	-49.5%	45.5%	0.3%	3.3%
Census Tract 48.02				
2010 Individuals	30.1%	51.7%	13.1%	7.6%
HHs Actual proportions	9.6%	76.8%	8.1%	5.2%
HHs Free market	57.9%	33.4%	4.2%	4.8%
HHs Difference	-48.3%	43.4%	3.9%	0.5%
Census Tract 49.01				
2010 Individuals	38.3%	52.9%	5.2%	8.5%
HHs Actual proportions	14.8%	77.6%	2.0%	2.8%
HHs Free market	56.6%	34.7%	4.3%	4.5%
HHs Difference	-41.8%	42.9%	-2.3%	-1.6%
Census Tract 49.02				
2010 Individuals	50.6%	31.0%	7.0%	17.4%
HHs Actual proportions	24.4%	65.3%	2.2%	20.2%
HHs Free market	59.4%	31.9%	4.1%	4.9%
HHs Difference	-35.0%	33.3%	-2.0%	15.4%
Census Tract 50.00				
2010 Individuals	57.3%	21.8%	6.4%	23.1%
HHs Actual proportions	41.4%	40.9%	4.9%	17.9%
HHs Free market	60.0%	31.4%	4.3%	4.5%
HHs Difference	-18.6%	9.5%	0.6%	13.3%
Census Tract 52.01				
2010 Individuals	73.0%	13.8%	8.8%	10.1%
HHs Actual proportions	63.5%	24.2%	5.5%	7.7%
HHs Free market	60.9%	30.5%	4.2%	4.7%
HHs Difference	2.6%	-6.3%	1.4%	3.0%

It appears that Caucasians are moving into Neighborhood Cluster 7 in substantial numbers. The proportion of whites in the cluster has grown over the past decade from 37.7 percent to 54 percent while the proportion of African Americans has declined from 48.6 to 29.4 percent. In 2010, the racial composition of all but one census tract in this cluster moved closer to the proportions expected in a free market in 2000. However, tract 52.01 already had a larger white population and smaller Black population than expected in a free market in 2000 moved even further away from what was expected in a discrimination-free housing market. The proportion of Hispanic residents has increased in the western half of this neighborhood cluster as the proportion of African Americans declined by almost in half since 2000.

The decline in Black population has been very substantial for a single decade. This entire cluster appears to be undergoing gentrification that is displacing substantial numbers of African American households that have modest incomes (low- and moderate-incomes). The result, however, is a racial composition that is what would have been expected in a free housing market absent discrimination.

If the District wishes to maintain the racial and economic integration in this cluster and prevent resegregation to virtually all-white and all-higher income households, the District needs to preserve existing housing affordable to households with modest incomes and create new units affordable to modest-income households by aggressively implementing the Rental Housing Conversion and Sale Act of 1980, the Affordable Dwelling Unit Program, and the Inclusionary Zoning Implementation Amendment Act of 2006.

Neighborhood Cluster 8

Table 13: Neighborhood Cluster 8 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 8	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 8: Downtown, Chinatown, Penn Quarters, Mount Vernon Square, North Capitol Street				
2010 Individuals	46.0%	38.2%	13.7%	5.9%
HHs Actual proportions	25.5%	61.7%	9.8%	3.5%
HHs Free market	56.9%	34.4%	4.2%	4.6%
HHs Difference	-31.4%	27.2%	5.5%	-1.1%
Census Tract 47.00				
2010 Individuals	22.6%	63.7%	12.4%	3.5%
HHs Actual proportions	2.6%	91.4%	3.3%	1.4%
HHs Free market	52.7%	38.4%	4.2%	4.7%
HHs Difference	-50.1%	53.0%	-0.9%	-3.2%
Census Tract 51.00				
2010 Individuals	70.7%	17.1%	9.7%	9.8%
HHs Actual proportions	65.7%	23.8%	2.1%	10.4%
HHs Free market	62.8%	28.6%	4.1%	4.9%
HHs Difference	2.9%	-4.9%	-2.0%	5.5%
Census Tract 58.00				
2010 Individuals	64.5%	10.4%	22.8%	6.4%
HHs Actual proportions	53.7%	12.3%	33.1%	2.9%
HHs Free market	62.2%	29.4%	4.3%	4.2%
HHs Difference	-8.6%	-17.1%	28.8%	-1.2%
Census Tract 59.00				
2010 Individuals	57.5%	28.8%	10.2%	7.4%
HHs Actual proportions	14.6%	79.5%	3.4%	3.5%
HHs Free market	55.6%	35.5%	4.2%	4.7%
HHs Difference	-41.0%	44.0%	-0.9%	-1.2%

While census tract 51.00 had racial proportions that would be expected in a discrimination-free housing market, the rest of Neighborhood Cluster 8 had a substantially greater proportion of African Americans and substantially smaller proportion of Caucasians that would be have expected. Since 2000, the racial composition in two of the four census tracts that comprise Neighborhood Cluster

8 has moved closer to what would have been expected in a free market without discrimination. The proportion of Caucasians in tract 47.00 increased almost nine fold — from 2.6 to 22.6 percent — while the proportion of African Americans declined nearly a third — from 91.4 to 63.7 percent — to move both in the direction of what would have been expected in a free market. Also moving in that direction was tract 59.00 where the proportion of whites increased from 14.6 to 57.5 percent while the proportion of Blacks declined from 79.5 to 28.8 percent, both of which are close to what would have been expected in a free market void of discrimination. These figures may understate the proportion of whites and overstate the proportion of Blacks in 2010 because nearly 45 percent of the individuals lived in group quarters. Of the group quarter residents, 85 percent were African American and six percent Caucasian.

Tract 51.00 had a racial composition that would have been expected in a free market in 2000. Over the past decade, the proportion of whites has increased by five percentage points while the proportion of Blacks has declined by nearly seven. The proportion of Asians more than quadrupled while the proportion of Hispanics of any race remained pretty steady.

In tract 58.00, the proportion of whites rose to the level that would have been expected in a free housing market while the proportion of Blacks declined. The proportion of Asians, which was more than seven and a half times what would have been expected in 2000 declined by a third in 2010. Still, the proportion of Asians is more than four times what would have been expected in a free housing market.

Overall, it appears that those portions of Neighborhood Cluster 8 that were mostly African American in 2000 are gentrifying. The cluster continues to be a magnet for Asians, especially in tract 58.00.

To maintain the racial and economic integration in this cluster and prevent re-segregation to virtually all-white, the District needs to preserve existing housing affordable to households with modest incomes and create new units affordable to modest-income households by aggressively implementing the Rental Housing Conversion and Sale Act of 1980, the Affordable Dwelling Unit Program, and the Inclusionary Zoning Implementation Amendment Act of 2006.

Neighborhood Cluster 9

Table 14: Neighborhood Cluster 9 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 9	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 9: Southwest Employment Area, Southwest/Waterfront, Fort McNair, Buzzard Point				
2010 Individuals	35.1%	57.4%	5.2%	5.2%
HHs Actual proportions	31.4%	62.0%	2.1%	3.2%
HHs Free market	60.7%	30.7%	4.2%	4.7%
HHs Difference	-29.3%	31.3%	-2.1%	-1.5%
Census Tract 60.01				
2010 Individuals	40.0%	48.2%	9.0%	7.7%
HHs Actual proportions	32.2%	56.3%	2.5%	4.8%
HHs Free market	61.4%	29.9%	4.1%	4.9%
HHs Difference	-29.2%	26.3%	-1.6%	-0.1%
Census Tract 60.02				
2010 Individuals	0.0%	98.2%	0.8%	1.2%
HHs Actual proportions	4.7%	95.3%	0.0%	0.0%
HHs Free market	52.9%	38.3%	4.1%	4.7%
HHs Difference	-48.2%	57.0%	-4.1%	-4.7%
Census Tract 61.00				
2010 Individuals	48.5%	44.4%	5.8%	5.1%
HHs Actual proportions	32.6%	61.1%	2.4%	3.3%
HHs Free market	63.1%	28.4%	4.2%	4.8%
HHs Difference	-30.4%	32.7%	-1.7%	-1.5%
Census Tract 62.01				
2010 Individuals	73.3%	19.1%	5.3%	7.3%
HHs Actual proportions	90.2%	9.8%	0.0%	0.0%
HHs Free market	66.7%	25.0%	4.4%	4.1%
HHs Difference	23.5%	-15.2%	-4.4%	-4.1%
Census Tract 63.01				
2010 Individuals	43.4%	49.4%	4.4%	4.9%
HHs Actual proportions	41.0%	52.9%	2.6%	3.1%
HHs Free market	62.7%	28.8%	4.2%	4.6%
HHs Difference	-21.7%	24.1%	-1.6%	-1.6%
Census Tract 63.02				
2010 Individuals	85.7%	9.5%	1.2%	4.8%
HHs Actual proportions	100.0%	0.0%	0.0%	0.0%
HHs Free market	75.5%	16.8%	4.5%	3.5%
HHs Difference	24.5%	-16.8%	-4.5%	-3.5%
Census Tract 64.00				
2010 Individuals	6.7%	88.7%	2.0%	3.0%
HHs Actual proportions	4.1%	93.8%	0.3%	1.7%
HHs Free market	52.1%	38.9%	4.3%	4.7%
HHs Difference	-48.0%	54.9%	-4.0%	-3.0%

In 2000, the proportion of African Americans in Neighborhood Cluster 9 was about twice what would be expected in a discrimination-free housing market while the proportion of Caucasians was about half of what would be expected. Census data for individuals in 2010 shows little change over the decade. Several tracts were extremely segregated in 2000. Tracts 60.02 and 64.00 in the east end of the Cluster 9 were nearly all-Black while sparsely populated west end tracts 62.01 (144 residents in 2000, 262 in 2010) and 63.02 (57 residents in 2000, 84 in 2010) were nearly all-white or actually all-white. The proportions of whites and Blacks in these two tracts changed by double digits to move in the direction of expected free market levels over the past decade while tracts 60.02 and 64.00 continued to be extremely segregated. The other tracts moved slightly toward the racial composition expected in a free housing market.

Neighborhood Cluster 10

Table 15: Neighborhood Cluster 10 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 10	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster: Hawthorne, Barnaby Woods, Chevy Chase				
2010 Individuals	81.7%	11.0%	5.5%	6.2%
HHs Actual proportions	79.2%	11.7%	4.3%	5.5%
HHs Free market	72.2%	20.0%	4.4%	3.7%
HHs Difference	7.1%	-8.4%	-0.1%	1.8%
Census Tract 14.01				
2010 Individuals	82.9%	7.0%	8.1%	6.8%
HHs Actual proportions	82.9%	6.0%	6.4%	6.5%
HHs Free market	71.1%	21.1%	4.4%	3.9%
HHs Difference	11.8%	-15.1%	2.0%	2.6%
Census Tract 14.02				
2010 Individuals	78.2%	13.2%	6.2%	7.7%
HHs Actual proportions	66.2%	20.5%	5.8%	9.7%
HHs Free market	68.6%	23.4%	4.5%	3.8%
HHs Difference	-2.5%	-2.8%	1.3%	5.9%
Census Tract 15.00				
2010 Individuals	82.9%	12.0%	3.8%	5.1%
HHs Actual proportions	84.1%	10.5%	2.2%	2.5%
HHs Free market	74.9%	17.5%	4.5%	3.6%
HHs Difference	9.2%	-7.0%	-2.3%	-1.0%

The racial and ethnic composition of the wealthy and racially-integrated Neighborhood Cluster 10 was close to what would be expected in a free housing market in 2000. The 2010 census of individuals suggests no movement in either direction from 2000. In 2000, 34.3 percent of the individuals in tract 14.02 lived in group quarters, primarily nursing homes. Eighty percent of them were Caucasian, 18 percent were Black.

Neighborhood Cluster 11

Table 16: Neighborhood Cluster 11 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 11	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 11: Friendship Heights, American University Park, Tenleytown				
2010 Individuals	85.1%	5.8%	7.7%	6.7%
HHs Actual proportions	90.8%	4.7%	3.0%	2.5%
HHs Free market	73.6%	18.6%	4.5%	3.7%
HHs Difference	17.1%	-13.9%	-1.4%	-1.2%
Census Tract 10.01				
2010 Individuals	85.6%	5.0%	8.0%	6.9%
HHs Actual proportions	92.8%	4.1%	2.0%	2.3%
HHs Free market	73.9%	18.4%	4.5%	3.6%
HHs Difference	18.9%	-14.3%	-2.5%	-1.3%
Census Tract 11.00				
2010 Individuals	84.4%	6.9%	7.3%	6.4%
HHs Actual proportions	88.0%	5.5%	4.5%	2.7%
HHs Free market	73.3%	18.9%	4.5%	3.7%
HHs Difference	14.7%	-13.4%	0.0%	-1.0%

The past decade produced virtually no change in the racial composition of Neighborhood Cluster 11 located in the northwest corner of the District. The proportion of Caucasians continues to be higher than expected in a free housing market while the proportion of African Americans continues to be lower. The proportions of Asian and Hispanic residents, however, did increase during the past decade to levels a bit greater than expected in a free housing market. The data suggest that the cost of housing does not explain these disparities. It is very likely that housing discrimination against African Americans accounts for these differences.

Neighborhood Cluster 12

Table 17: Neighborhood Cluster 12 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 12	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 12: North Cleveland Park, Forest Hills, Van Ness				
2010 Individuals	80.7%	7.4%	10.1%	7.5%
HHs Actual proportions	85.7%	6.1%	5.4%	4.9%
HHs Free market	68.4%	23.4%	4.3%	4.2%
HHs Difference	17.2%	-17.4%	1.1%	0.6%
Census Tract 12				
2010 Individuals	81.9%	6.6%	9.1%	8.0%
HHs Actual proportions	85.4%	6.1%	5.7%	5.5%
HHs Free market	70.3%	21.8%	4.3%	4.0%
HHs Difference	15.2%	-15.7%	1.4%	1.5%
Census Tract 13.01				
2010 Individuals	77.3%	10.5%	10.6%	7.3%
HHs Actual proportions	83.9%	7.9%	5.7%	4.8%
HHs Free market	69.4%	22.6%	4.3%	4.1%
HHs Difference	14.5%	-14.7%	1.4%	0.8%
Census Tract 13.02				
2010 Individuals	81.7%	6.3%	10.5%	7.2%
HHs Actual proportions	86.7%	5.2%	5.1%	4.6%
HHs Free market	67.0%	24.7%	4.2%	4.4%
HHs Difference	19.6%	-19.5%	0.8%	0.1%

All of the census tracts in Neighborhood Cluster 12 sport a higher proportion of Caucasians and lower proportion of African Americans than would be expected in a housing market free of discrimination. The proportion of Blacks is consistently one-third or less of what would be expected in a free market. Census data for 2010 suggests there has been no movement toward remedying this level of segregation. In contrast, the proportions of Asians and Hispanics are roughly what would be expected or even a little bit greater. The data suggest that the cost of housing does not explain these disparities. It is very likely that housing discrimination against African Americans accounts for these differences.

Neighborhood Cluster 13

Table 18: Neighborhood Cluster 13 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 13	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 13: Spring Valley, Palisades, Wesley Heights, Foxhall Crescent, Foxhall Village, Georgetown Reservoir				
2010 Individuals	85.8%	4.8%	7.9%	7.2%
HHs Actual proportions	91.1%	2.9%	2.9%	6.0%
HHs Free market	72.9%	19.4%	4.4%	3.7%
HHs Difference	18.2%	-16.5%	-1.5%	2.3%
Census Tract 8.01				
2010 Individuals	85.5%	5.4%	7.3%	8.7%
HHs Actual proportions	90.6%	3.2%	2.9%	7.1%
HHs Free market	71.2%	20.9%	4.4%	3.8%
HHs Difference	19.3%	-17.7%	-1.4%	3.2%
Census Tract 8.02				
2010 Individuals	83.7%	4.5%	10.1%	8.1%
HHs Actual proportions	88.8%	2.6%	5.5%	4.7%
HHs Free market	70.0%	22.0%	4.4%	3.9%
HHs Difference	18.8%	-19.4%	1.2%	0.8%
Census Tract 9.01				
2010 Individuals	85.9%	4.4%	8.2%	6.1%
HHs Actual proportions	93.4%	2.6%	1.3%	5.5%
HHs Free market	77.7%	15.0%	4.5%	3.2%
HHs Difference	15.7%	-12.4%	-3.1%	2.3%
Census Tract 9.02				
2010 Individuals	89.3%	4.5%	5.3%	5.1%
HHs Actual proportions	92.5%	2.3%	1.5%	4.4%
HHs Free market	75.5%	16.9%	4.4%	3.5%
HHs Difference	17.0%	-14.6%	-2.9%	0.9%

In the far northwest corner of the city surrounded by other disproportionately Caucasian areas, Neighborhood Cluster 13 shows little change in its white, Black, and Hispanic composition over the past decade. While the proportion of Asians and Hispanics in 2010 rose to more than would have been expected in a free market in 2000, the proportion of African Americans remains far below what would be expected in a housing market free of racial discrimination. In tract 9.01, 44.8 percent of the 7,208 individuals in 2000 lived in dormitories. Seventy-three percent of the students were white, 9.4 percent Black — a higher percentage than the households in the tract. The data suggest the cost of housing

does not explain these disparities. It is very likely that housing discrimination against African Americans accounts for these differences.

Neighborhood Cluster 14

Table 19: Neighborhood Cluster 14 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 14	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 14: Cathedral Heights, McLean Gardens, Glover Park				
2010 Individuals	82.7%	6.3%	8.6%	9.0%
HHs Actual proportions	82.1%	5.5%	5.2%	9.5%
HHs Free market	63.9%	27.6%	4.2%	4.5%
HHs Difference	18.2%	-22.1%	0.9%	4.9%
Census Tract 7.01				
2010 Individuals	83.8%	6.1%	7.3%	8.6%
HHs Actual proportions	87.1%	4.2%	3.9%	8.3%
HHs Free market	66.3%	25.4%	4.2%	4.5%
HHs Difference	20.9%	-21.2%	-0.4%	3.9%
Census Tract 7.02				
2010 Individuals	82.4%	6.6%	8.2%	10.6%
HHs Actual proportions	79.4%	7.0%	4.2%	10.8%
HHs Free market	61.5%	29.9%	4.2%	4.8%
HHs Difference	17.9%	-22.9%	0.1%	6.0%
Census Tract 10.02				
2010 Individuals	81.5%	6.4%	10.7%	7.9%
HHs Actual proportions	78.4%	5.5%	7.7%	9.7%
HHs Free market	63.4%	28.2%	4.3%	4.4%
HHs Difference	15.0%	-22.7%	3.5%	5.2%

In 2000 the proportion of African Americans in Neighborhood Cluster 14 was consistently more than 21 percentage points lower than it would have been in a discrimination-free housing market while the proportion of Caucasians ranged from 15 to 20.9 percentage points higher than in a free housing market. The 2010 census data for individuals suggest minimal change during the past decade. The proportions of Asians and Hispanics continue to be higher than what was expected in 2000. The data suggest that the cost of housing does not explain these disparities. It is very likely that African Americans seeking housing in this embassy-filled cluster experience housing discrimination.

Neighborhood Cluster 15

Table 20: Neighborhood Cluster 15 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 15	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 15: Cleveland Park, Woodley Park, Massachusetts Avenue Heights, Woodland-Normanstone Terrace				
2010 Individuals	85.7%	4.8%	7.5%	7.6%
HHs Actual proportions	87.0%	4.0%	4.5%	6.7%
HHs Free market	70.7%	21.4%	4.3%	4.0%
HHs Difference	16.4%	-17.4%	0.1%	2.7%
Census Tract 4.0				
2010 Individuals	85.9%	4.1%	8.1%	8.5%
HHs Actual proportions	87.2%	4.8%	4.5%	0.9%
HHs Free market	75.7%	16.8%	4.4%	3.5%
HHs Difference	11.4%	-12.0%	0.1%	-2.6%
Census Tract 5.01				
2010 Individuals	85.0%	4.6%	9.1%	6.8%
HHs Actual proportions	84.6%	3.4%	7.4%	7.6%
HHs Free market	67.9%	23.8%	4.3%	4.3%
HHs Difference	16.7%	-20.4%	3.1%	3.3%
Census Tract 5.02				
2010 Individuals	86.0%	3.7%	7.6%	8.2%
HHs Actual proportions	87.3%	4.5%	2.6%	5.9%
HHs Free market	70.0%	22.0%	4.3%	4.1%
HHs Difference	17.3%	-17.5%	-1.7%	1.8%
Census Tract 6.00				
2010 Individuals	85.9%	6.1%	6.0%	7.3%
HHs Actual proportions	88.8%	3.9%	3.6%	8.5%
HHs Free market	71.9%	20.3%	4.4%	3.8%
HHs Difference	17.0%	-16.4%	-0.8%	4.7%

Located in the northwest quadrant, Neighborhood Cluster 15 continues to exhibit signs of housing discrimination against African Americans. The proportions of whites and the proportions of Blacks continue, respectively, to be greater and less than what would be expected in a free housing market absent racial discrimination. The proportions of Asians and Hispanics continue to be a bit higher than what would be expected. The cost of housing does not explain these disparities.

Nearly 14 percent of the individuals in tract 6.00 lived in nursing homes in

2000, 75 percent of whom were African American. They accounted for 81 percent of the tract's Black population of individuals. Consequently, the proportion of African American *households* is actually less than the 6.1 percent proportion of *individuals* in 2010 shown in the above table.

Neighborhood Cluster 16

Table 21: Neighborhood Cluster 16 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 16	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 16: Colonial Village, Shepherd Park, North Portal Estates (Consists of only one census tract 16)				
2010 Individuals	25.7%	70.4%	2.0%	5.1%
HHs Actual proportions	23.7%	70.1%	0.9%	2.8%
HHs Free market	73.2%	19.0%	4.5%	3.7%
HHs Difference	-49.5%	51.1%	-3.5%	-0.9%

Located at the northernmost tip of the District, Neighborhood Cluster 16 continues to exhibit a racial composition extremely different than what would be expected in a free housing market. Housing costs do not explain this extreme disparity. It could be due to racial steering.

Neighborhood Cluster 17

Table 22: Neighborhood Cluster 17 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 17	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 17: Takoma, Brightwood, Manor Park				
2010 Individuals	16.8%	69.7%	2.0%	18.2%
HHs Actual proportions	9.7%	81.6%	0.6%	8.6%
HHs Free market	63.1%	28.4%	4.2%	4.6%
HHs Difference	-53.3%	53.2%	-3.6%	4.0%
Census Tract 17.01				
2010 Individuals	18.3%	67.3%	2.6%	17.0%
HHs Actual proportions	12.4%	76.2%	0.5%	8.0%
HHs Free market	63.9%	27.7%	4.2%	4.5%
HHs Difference	-51.5%	48.5%	-3.7%	3.5%
Census Tract 17.02				
2010 Individuals	39.1%	54.3%	3.6%	8.0%
HHs Actual proportions	23.9%	73.6%	0.0%	1.7%
HHs Free market	65.9%	25.8%	4.2%	4.4%
HHs Difference	-42.0%	47.8%	-4.2%	-2.8%
Census Tract 18.03				
2010 Individuals	11.3%	69.3%	2.3%	23.8%
HHs Actual proportions	11.1%	76.8%	1.9%	13.6%
HHs Free market	60.7%	30.7%	4.1%	4.8%
HHs Difference	-49.5%	46.2%	-2.3%	8.8%
Census Tract 18.04				
2010 Individuals	14.1%	68.2%	1.3%	27.0%
HHs Actual proportions	5.4%	81.4%	0.0%	15.6%
HHs Free market	60.7%	30.6%	4.1%	4.8%
HHs Difference	-55.4%	50.8%	-4.1%	10.8%
Census Tract 19.01				
2010 Individuals	11.0%	77.7%	1.1%	15.6%
HHs Actual proportions	4.2%	91.1%	0.0%	4.4%
HHs Free market	64.3%	27.3%	4.2%	4.6%
HHs Difference	-60.1%	63.8%	-4.2%	-0.2%
Census Tract 19.02				
2010 Individuals	12.2%	81.5%	1.4%	9.1%
HHs Actual proportions	6.7%	90.7%	1.2%	1.0%
HHs Free market	65.8%	25.9%	4.3%	4.5%
HHs Difference	-59.0%	64.8%	-3.0%	-3.5%

Located adjacent to the Walter Reed Medical Center in the northeast quadrant, Neighborhood Cluster 17 exhibits signs of racial steering. In a discrimina-

tion-free housing market, the proportions of Caucasians and African Americans would be radically different than what they were in 2000. The past ten years have seen a substantial in-migration of Hispanics of any race that has contributed to the increase in the proportion of whites. Minorities still account for nearly nine out of ten residents in Neighborhood Cluster 17. The cost of housing does not explain the huge disparities in this cluster.

Neighborhood Cluster 18

Table 23: Neighborhood Cluster 18 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 18	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 18: Brightwood Park, Crestwood, Petworth				
2010 Individuals	19.2%	63.6%	1.8%	23.9%
HHs Actual proportions	7.4%	83.0%	1.1%	8.9%
HHs Free market	62.4%	29.1%	4.2%	4.6%
HHs Difference	-55.0%	53.9%	-3.1%	4.3%
Census Tract 20.02				
2010 Individuals	21.3%	63.0%	1.8%	20.8%
HHs Actual proportions	10.4%	79.3%	0.5%	10.6%
HHs Free market	64.6%	27.0%	4.2%	4.5%
HHs Difference	-54.2%	52.2%	-3.7%	6.2%
Census Tract 21.01				
2010 Individuals	14.4%	64.6%	2.1%	31.1%
HHs Actual proportions	3.3%	86.2%	0.3%	10.7%
HHs Free market	60.7%	30.7%	4.1%	4.8%
HHs Difference	-57.4%	55.6%	-3.9%	5.9%
Census Tract 21.02				
2010 Individuals	8.7%	79.5%	0.7%	15.6%
HHs Actual proportions	3.4%	92.4%	0.0%	4.2%
HHs Free market	61.5%	29.9%	4.1%	4.8%
HHs Difference	-58.1%	62.5%	-4.1%	-0.6%
Census Tract 22.01				
2010 Individuals	13.2%	69.4%	1.8%	23.9%
HHs Actual proportions	3.6%	87.7%	1.0%	8.1%
HHs Free market	63.3%	28.3%	4.2%	4.5%
HHs Difference	-59.6%	59.4%	-3.2%	3.6%
Census Tract 22.02				
2010 Individuals	9.9%	74.4%	1.3%	20.6%
HHs Actual proportions	2.4%	92.3%	0.3%	4.5%
HHs Free market	61.4%	30.0%	4.1%	4.8%
HHs Difference	-59.0%	62.3%	-3.8%	-0.3%

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District of Columbia Racial and Ethnic Household Composition 1990–2000 & Individuals 2010				
Cluster 18	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Census Tract 23.01				
2010 Individuals	16.7%	72.8%	1.5%	13.6%
HHs Actual proportions	4.0%	91.5%	0.7%	3.3%
HHs Free market	63.0%	28.5%	4.2%	4.6%
HHs Difference	-59.0%	63.0%	-3.5%	-1.3%
Census Tract 24.00				
2010 Individuals	22.6%	64.9%	2.0%	18.9%
HHs Actual proportions	3.3%	89.6%	0.6%	6.2%
HHs Free market	60.3%	31.0%	4.2%	4.7%
HHs Difference	-57.0%	58.6%	-3.7%	1.5%
Census Tract 25.01				
2010 Individuals	24.9%	58.0%	1.4%	23.1%
HHs Actual proportions	15.3%	72.6%	2.4%	10.5%
HHs Free market	63.6%	27.9%	4.3%	4.4%
HHs Difference	-48.3%	44.7%	-1.9%	6.1%
Census Tract 25.02				
2010 Individuals	27.0%	43.7%	2.2%	42.4%
HHs Actual proportions	8.5%	70.6%	3.6%	22.5%
HHs Free market	60.3%	31.0%	4.1%	4.8%
HHs Difference	-51.9%	39.7%	-0.6%	17.7%
Census Tract 26.00				
2010 Individuals	42.8%	50.4%	3.7%	6.9%
HHs Actual proportions	31.0%	60.7%	2.2%	0.8%
HHs Free market	70.2%	21.8%	4.4%	3.9%
HHs Difference	-39.2%	38.8%	-2.3%	-3.1%

The Hispanic community in Neighborhood Cluster 18 has grown substantially during the first decade of this century. In 2000, Hispanics constituted over 20 percent of the population in just one of the ten census tracts. In 2010, six of ten tracts were at least 20 percent Hispanic with the proportion of Latinos increasing by 188 percent in tract 25.02 to as much as 866 percent in tract 26.00. Tract 25.02 is now over 42 percent Hispanic and tract 21.01 is over 31 percent. This rapid in-migration of Latinos of any race has moved Neighborhood Cluster 18 slightly closer to the racial proportions expected in a free housing market without discrimination. Overall, the proportion of Hispanics in Cluster 18 is now more than five times greater than would have been expected in a free market in 2000. The proportion of African Americans is more than twice what was expected and of whites 31 percent — both an improvement since 2000. The cluster, however, remains a highly concentrated minority area with nearly nine in ten residents members of minority groups. The District needs to carefully monitor this cluster and expand the housing choices of Hispanics and African Americans to other parts of the city.

Neighborhood Cluster 19

Table 24: Neighborhood Cluster 19 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 19	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 19: Lamond Riggs, Queens Chapel, Fort Totten, Pleasant Hill				
2010 Individuals	20.2%	71.4%	1.6%	10.8%
HHs Actual proportions	3.8%	90.9%	0.8%	1.6%
HHs Free market	61.5%	29.9%	4.1%	4.8%
HHs Difference	-57.7%	61.0%	-3.4%	-3.2%
Census Tract 95.01				
2010 Individuals	37.7%	50.5%	2.6%	14.3%
HHs Actual proportions	6.5%	84.1%	1.8%	3.0%
HHs Free market	58.9%	32.4%	4.1%	4.9%
HHs Difference	-52.5%	51.8%	-2.3%	-1.9%
Census Tract 95.05				
2010 Individuals	5.9%	88.3%	1.0%	7.6%
HHs Actual proportions	4.9%	92.6%	0.5%	1.1%
HHs Free market	63.3%	28.1%	4.2%	4.7%
HHs Difference	-58.4%	64.5%	-3.7%	-3.6%
Census Tract 95.07				
2010 Individuals	4.0%	89.1%	0.1%	10.5%
HHs Actual proportions	1.8%	93.0%	0.0%	0.0%
HHs Free market	62.6%	28.8%	4.1%	4.8%
HHs Difference	-60.8%	64.2%	-4.1%	-4.8%
Census Tract 95.08				
2010 Individuals	8.1%	86.9%	1.0%	7.1%
HHs Actual proportions	0.4%	97.5%	0.0%	0.9%
HHs Free market	63.0%	28.5%	4.2%	4.7%
HHs Difference	-62.6%	69.1%	-4.2%	-3.9%

Although still overwhelmingly minority, Neighborhood Cluster 19 is no longer as highly segregated by race as it was in 2000. A significant influx of Hispanics of any race throughout the entire cluster during the decade contributed to the increase in the proportion of whites. However, the proportion of whites for 2010 for the entire cluster and census tract 95.01 is overstated compared to 2000. The figures for 2010 are for *individuals*, not *households* as in 2000. Consequently, the figures for tract 95.01 are deceptive because 35.1 percent of the individuals lived in dormitories and 89 percent of dorm residents were white. Dormitory residents comprised 90 percent of all whites in tract 95.01. Outside the group quarters, fewer than four percent of the individuals in tract 95.01 were white, a figure much closer to the 6.5 percent of households in 2000. This middle class cluster continues to exhibit the characteristics of an area to which African Americans and Hispanics may be being steered.

Neighborhood Cluster 20

Table 25: Neighborhood Cluster 20 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 20	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 20: North Michigan Park, Michigan Park, University Heights				
2010 Individuals	14.1%	82.2%	1.5%	4.5%
HHs Actual proportions	11.0%	85.7%	0.7%	2.0%
HHs Free market	64.8%	26.7%	4.2%	4.6%
HHs Difference	-53.8%	59.0%	-3.5%	-2.6%
Census Tract 95.03				
2010 Individuals	15.0%	82.0%	1.8%	3.9%
HHs Actual proportions	10.6%	88.2%	0.0%	0.6%
HHs Free market	66.8%	24.8%	4.3%	4.5%
HHs Difference	-56.2%	63.4%	-4.3%	-3.9%
Census Tract 95.04				
2010 Individuals	21.5%	75.0%	1.7%	4.0%
HHs Actual proportions	21.0%	74.6%	1.6%	3.0%
HHs Free market	62.7%	28.8%	4.2%	4.7%
HHs Difference	-41.8%	45.8%	-2.6%	-1.7%
Census Tract 95.09				
2010 Individuals	5.7%	89.8%	1.2%	5.7%
HHs Actual proportions	0.6%	95.3%	0.4%	2.4%
HHs Free market	65.2%	26.3%	4.2%	4.7%
HHs Difference	-64.7%	69.0%	-3.8%	-2.2%

Neighborhood Cluster 20 is still highly segregated by race with census tract 95.09 the most extremely segregated. Overall the proportion of Caucasians has been more than 53 percentage points lower than expected in a free housing market while the proportion of African Americans was 59 percent higher in 2000. The 2010 census of individuals suggests that little has changed.

Nearly 11 percent of the individuals in tract 95.04 lived in group quarters, mostly nursing homes. Forty-one percent of these individuals were white; 54 percent were Black.

Neighborhood Cluster 21

Table 26: Neighborhood Cluster 21 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 21	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 21: Edgewood, Bloomingdale, Truxton Circle, Eckington				
2010 Individuals	22.5%	71.6%	2.3%	7.0%
HHs Actual proportions	6.3%	90.5%	0.0%	2.9%
HHs Free market	59.6%	31.7%	4.2%	4.7%
HHs Difference	-53.3%	58.8%	-4.2%	-1.8%
Census Tract 33.01				
2010 Individuals	30.3%	65.2%	2.9%	3.9%
HHs Actual proportions	8.0%	87.6%	0.0%	4.7%
HHs Free market	62.1%	29.4%	4.2%	4.5%
HHs Difference	-54.1%	58.2%	-4.2%	0.2%
Census Tract 33.02				
2010 Individuals	34.8%	59.7%	2.5%	6.0%
HHs Actual proportions	7.8%	89.9%	0.0%	2.7%
HHs Free market	63.9%	27.6%	4.3%	4.5%
HHs Difference	-56.1%	62.2%	-4.3%	-1.9%
Census Tract 46.00				
2010 Individuals	27.3%	66.8%	4.0%	7.3%
HHs Actual proportions	7.5%	90.9%	0.0%	1.7%
HHs Free market	60.3%	31.1%	4.1%	4.8%
HHs Difference	-52.8%	59.8%	-4.1%	-3.1%
Census Tract 87.01				
2010 Individuals	16.3%	79.9%	1.8%	4.7%
HHs Actual proportions	1.8%	95.6%	0.0%	1.3%
HHs Free market	60.9%	30.5%	4.2%	4.7%
HHs Difference	-59.0%	65.1%	-4.2%	-3.4%
Census Tract 87.02				
2010 Individuals	13.9%	82.5%	1.0%	6.4%
HHs Actual proportions	4.2%	92.9%	0.0%	0.6%
HHs Free market	58.1%	33.1%	4.2%	4.8%
HHs Difference	-53.8%	59.7%	-4.2%	-4.1%
Census Tract 92.01				
2010 Individuals	38.2%	53.6%	3.1%	9.4%
HHs Actual proportions	12.5%	81.5%	0.0%	3.0%
HHs Free market	57.3%	33.8%	4.3%	4.8%
HHs Difference	-44.7%	47.7%	-4.3%	-1.8%
Census Tract 92.03				
2010 Individuals	11.4%	83.5%	1.7%	6.7%
HHs Actual proportions	3.8%	90.0%	0.0%	5.8%
HHs Free market	59.4%	31.8%	4.1%	4.9%
HHs Difference	-55.6%	58.1%	-4.1%	0.8%
Census Tract 92.04				
2010 Individuals	6.5%	82.7%	0.5%	12.5%
HHs Actual proportions	7.3%	92.7%	0.0%	2.4%
HHs Free market	55.6%	35.5%	4.2%	4.8%
HHs Difference	-48.3%	57.2%	-4.2%	-2.5%

Neighborhood Cluster 21, part of the District's Fifth Ward, became more racially and ethnically diverse during the past decade. The proportion of Caucasian residents increased substantially and the proportion of African American residents declined a fair amount in all census tracts except tract 92.04 which is adjacent to the extremely segregated tract 93.01 to the east. A small number of Asians have moved into Cluster 21 and the proportion Hispanic residents increased from 2.9 to 7 percent.

On the surface it appears that Tract 92.01 is experiencing a white immigration. However, the 131 whites who lived in college dormitories and nursing homes comprised 47.5 percent of the entire tract's Caucasian population in 2000. So the proportion of white individuals in 2010 living in households was likely to be about 18 percent of all individuals in 2010, not appreciably different than the proportion of Caucasian households in 2000. In tracts 46.00 and 87.01, 3.7 percent and 6.5 percent of the population lived in group quarters. However, their racial and ethnic compositions are similar to those of households.

The extent of racial change in Neighborhood Cluster 21 is substantial in just ten years. The District should monitor this cluster to assure that it achieves stable integration in the long run. If gentrification is occurring, the city needs to preserve existing housing affordable to households with modest incomes and create new units affordable to modest-income households by aggressively implementing the Rental Housing Conversion and Sale Act of 1980, the Affordable Dwelling Unit Program, and the Inclusionary Zoning Implementation Amendment Act of 2006.

Neighborhood Cluster 22

Table 27: Neighborhood Cluster 22 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 22	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 22: Brookland, Brentwood, Langdon				
2010 Individuals	16.0%	79.6%	1.5%	6.1%
HHs Actual proportions	7.5%	88.5%	0.3%	1.7%
HHs Free market	61.3%	30.1%	4.2%	4.7%
HHs Difference	-53.8%	58.4%	-3.9%	-3.0%
Census Tract 91.02				
2010 Individuals	3.3%	93.8%	0.3%	4.2%
HHs Actual proportions	0.6%	96.3%	0.0%	0.9%
HHs Free market	58.2%	33.1%	4.2%	4.8%
HHs Difference	-57.5%	63.2%	-4.2%	-3.8%
Census Tract 93.01				
2010 Individuals	31.6%	63.3%	3.0%	7.0%
HHs Actual proportions	19.9%	73.4%	0.8%	3.4%
HHs Free market	64.9%	26.7%	4.2%	4.6%
HHs Difference	-45.0%	46.7%	-3.4%	-1.3%
Census Tract 93.02				
2010 Individuals	19.0%	73.3%	2.0%	10.5%
HHs Actual proportions	0.7%	99.3%	0.0%	0.0%
HHs Free market	63.4%	28.2%	4.1%	4.7%
HHs Difference	-62.7%	71.2%	-4.1%	-4.7%

Neighborhood Cluster 22, part of the Fifth Ward, has become more racially and ethnically diverse over the past decade with substantial demographic changes in tracts 93.01 and 93.02. However, tract 91.02 is nearly as racially segregated as in 2000. The Brookland neighborhood, which is near the Catholic University, has been one of most diverse in the city. Overall, this cluster continues to exhibit characteristics of an area to which African Americans are steered and from which whites and Asians are steered away.

Neighborhood Cluster 23

Table 28: Neighborhood Cluster 23 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 23	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 23: Ivy City, Arboretum, Trinidad, Carver Langston				
2010 Individuals	8.4%	88.5%	1.0%	4.1%
HHs Actual proportions	0.9%	97.3%	0.4%	1.0%
HHs Free market	56.2%	34.9%	4.1%	4.9%
HHs Difference	-55.4%	62.3%	-3.8%	-3.8%
Census Tract 88.02				
2010 Individuals	7.8%	89.2%	1.0%	4.2%
HHs Actual proportions	0.8%	97.2%	0.8%	1.0%
HHs Free market	58.4%	32.9%	4.1%	4.8%
HHs Difference	-57.5%	64.3%	-3.4%	-3.8%
Census Tract 88.03				
2010 Individuals	34.5%	58.2%	4.0%	8.2%
HHs Actual proportions	3.0%	95.2%	0.0%	0.0%
HHs Free market	54.3%	36.9%	4.1%	4.8%
HHs Difference	-51.3%	58.3%	-4.1%	-4.8%
Census Tract 88.04				
2010 Individuals	4.5%	91.8%	0.2%	5.4%
HHs Actual proportions	0.0%	96.6%	0.8%	2.3%
HHs Free market	55.6%	35.6%	4.1%	5.0%
HHs Difference	-55.6%	61.0%	-3.3%	-2.7%
Census Tract 89.03				
2010 Individuals	2.0%	96.1%	0.3%	2.5%
HHs Actual proportions	1.2%	96.1%	0.0%	0.6%
HHs Free market	57.1%	34.1%	4.1%	4.9%
HHs Difference	-55.9%	62.0%	-4.1%	-4.4%
Census Tract 89.04				
2010 Individuals	1.0%	97.6%	0.3%	1.8%
HHs Actual proportions	0.7%	99.3%	0.0%	0.8%
HHs Free market	54.4%	36.7%	4.2%	4.8%
HHs Difference	-53.7%	62.6%	-4.2%	-4.1%

While the racial composition of Neighborhood Cluster 23 remains extremely segregated by race, the proportion of Hispanics is now roughly what would have been expected in a free market in 2000. At first glance, tract 88.03 would appear to have become much more diverse in 2010. However, 95 percent of the tract's

Caucasian population has been students living in dormitories. It is likely that the racial proportions among *households* in 2010 will be very similar to the proportions shown in the above table for 2000. The overall increase in the proportion of whites is modest and does not suggest gentrification taking place.

Neighborhood Cluster 24

Table 29: Neighborhood Cluster 24 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 24	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 24: Woodridge, Fort Lincoln, Gateway				
2010 Individuals	7.2%	88.2%	1.2%	5.8%
HHs Actual proportions	2.5%	94.2%	0.9%	1.7%
HHs Free market	61.3%	30.1%	4.3%	4.6%
HHs Difference	-58.8%	64.1%	-3.4%	-2.9%
Census Tract 90.00				
2010 Individuals	4.2%	91.7%	2.7%	2.8%
HHs Actual proportions	0.9%	97.2%	0.0%	1.8%
HHs Free market	55.5%	35.6%	4.3%	4.7%
HHs Difference	-54.6%	61.5%	-4.3%	-2.9%
Census Tract 91.01				
2010 Individuals	6.9%	88.5%	0.4%	7.0%
HHs Actual proportions	2.9%	94.8%	1.5%	1.3%
HHs Free market	61.7%	29.7%	4.2%	4.6%
HHs Difference	-58.8%	65.1%	-2.7%	-3.3%
Census Tract 94.00				
2010 Individuals	9.4%	85.5%	1.2%	6.4%
HHs Actual proportions	3.5%	91.0%	0.9%	2.0%
HHs Free market	65.9%	25.7%	4.3%	4.5%
HHs Difference	-62.4%	65.3%	-3.3%	-2.5%

Neighborhood Cluster 24 is extremely segregated with the proportion of Caucasians being 58.8 percentage points lower than expected in a free housing market and the proportion of African Americans 64.1 percentage points higher. The proportion of Hispanics has increased to roughly what would have been expected in a free housing market at the beginning of the decade while the proportion of Asians continues to lag behind. Nine percent of the individuals in tract 91.01 lived in nursing homes; 93 percent of whom were African American much like the households in the tract.

Neighborhood Cluster 25

Table 30: Neighborhood Cluster 25 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 25	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 25: Union Station, Stanton Park, Kingman Park				
2010 Individuals	51.1%	43.9%	3.2%	4.3%
HHs Actual proportions	36.5%	60.2%	1.3%	2.3%
HHs Free market	63.3%	28.2%	4.2%	4.6%
HHs Difference	-26.8%	31.9%	-2.9%	-2.3%
Census Tract 79.01				
2010 Individuals	10.4%	87.3%	0.8%	3.0%
HHs Actual proportions	0.5%	97.1%	1.0%	1.0%
HHs Free market	55.5%	35.6%	4.2%	4.9%
HHs Difference	-55.0%	61.5%	-3.1%	-3.8%
Census Tract 79.03				
2010 Individuals	9.0%	87.8%	0.6%	5.4%
HHs Actual proportions	0.0%	100.0%	0.0%	0.0%
HHs Free market	60.7%	30.7%	4.2%	4.8%
HHs Difference	-60.7%	69.3%	-4.2%	-4.8%
Census Tract 80.01				
2010 Individuals	48.0%	46.6%	2.9%	5.0%
HHs Actual proportions	15.8%	81.0%	0.5%	1.4%
HHs Free market	62.7%	28.8%	4.2%	4.6%
HHs Difference	-46.9%	52.3%	-3.7%	-3.2%
Census Tract 80.02				
2010 Individuals	55.1%	39.6%	3.4%	3.8%
HHs Actual proportions	29.1%	67.8%	1.3%	1.9%
HHs Free market	64.3%	27.2%	4.3%	4.5%
HHs Difference	-35.2%	40.6%	-3.0%	-2.6%
Census Tract 81.00				
2010 Individuals	78.6%	15.6%	4.1%	4.6%
HHs Actual proportions	65.2%	30.5%	1.9%	1.9%
HHs Free market	68.0%	23.7%	4.3%	4.3%
HHs Difference	-2.9%	6.7%	-2.3%	-2.4%
Census Tract 82.00				
2010 Individuals	86.7%	5.9%	5.5%	4.6%
HHs Actual proportions	87.7%	8.4%	2.1%	3.5%
HHs Free market	67.3%	24.4%	4.2%	4.4%
HHs Difference	20.3%	-16.0%	-2.2%	-0.9%

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District of Columbia Racial and Ethnic Household Composition 1990–2000 & Individuals 2010				
Cluster 25	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Census Tract 83.01				
2010 Individuals	76.7%	17.7%	4.1%	3.5%
HHs Actual proportions	70.3%	24.0%	2.9%	5.1%
HHs Free market	68.1%	23.6%	4.3%	4.3%
HHs Difference	2.2%	0.3%	-1.4%	0.8%
Census Tract 83.02				
2010 Individuals	70.9%	23.1%	4.5%	4.3%
HHs Actual proportions	67.6%	30.2%	1.6%	3.2%
HHs Free market	67.6%	24.2%	4.3%	4.3%
HHs Difference	0.1%	6.1%	-2.8%	-1.1%
Census Tract 84.01				
2010 Individuals	30.8%	65.4%	1.8%	4.8%
HHs Actual proportions	9.2%	86.5%	0.0%	4.2%
HHs Free market	62.6%	28.9%	4.1%	4.7%
HHs Difference	-53.4%	57.7%	-4.1%	-0.5%
Census Tract 84.02				
2010 Individuals	54.4%	40.9%	3.1%	4.6%
HHs Actual proportions	24.6%	71.1%	1.8%	1.0%
HHs Free market	58.9%	32.4%	4.2%	4.7%
HHs Difference	-34.3%	38.7%	-2.4%	-3.7%
Census Tract 85.00				
2010 Individuals	42.0%	52.4%	3.7%	4.5%
HHs Actual proportions	4.5%	92.7%	0.0%	2.7%
HHs Free market	60.1%	31.2%	4.2%	4.8%
HHs Difference	-55.6%	61.5%	-4.2%	-2.0%
Census Tract 86.00 (14 households in 2000; 66 individuals in 2010)				
2010 Individuals	22.7%	56.1%	21.2%	3.0%
HHs Actual proportions	28.6%	71.4%	0.0%	0.0%
HHs Free market	67.0%	24.6%	4.3%	4.6%
HHs Difference	-38.4%	46.9%	-4.3%	-4.6%

In 2000, just three of the 13 census tracts in Neighborhood Cluster 25 had a racial composition close to what would be expected in a free housing market without discrimination. In 2010, the racial composition of the cluster as a whole and most of its census tracts had moved closer to what would have been expected in a free housing market at the turn of the century. Tracts 79.01, 79.03, 80.01, 80.02, 84.01, 84.02, and 85.00 which had very low proportions of white households in 2000, experienced varying levels of white in-migration during the decade. In 2010, the proportions of white individuals were closer to the levels

expected in a free market in 2000. It is very possible that gentrification may be taking place and displacing African Americans.

To maintain the racial and economic integration in this cluster and prevent re-segregation to virtually all-white, the District needs to preserve existing housing affordable to households with modest incomes and create new units affordable to modest-income households by vigorously implementing the Rental Housing Conversion and Sale Act of 1980, the Affordable Dwelling Unit Program, and the Inclusionary Zoning Implementation Amendment Act of 2006.

Neighborhood Cluster 26

Table 31: Neighborhood Cluster 26 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 26	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 26: Capitol Hill, Lincoln Park				
2010 Individuals	59.0%	35.8%	3.4%	5.2%
HHs Actual proportions	60.8%	34.3%	2.4%	2.2%
HHs Free market	66.4%	25.3%	4.3%	4.3%
HHs Difference	-5.6%	9.0%	-1.9%	-2.1%
Census Tract 65.00				
2010 Individuals	83.1%	9.8%	5.5%	4.9%
HHs Actual proportions	83.7%	10.9%	4.0%	1.7%
HHs Free market	69.1%	22.7%	4.3%	4.3%
HHs Difference	14.6%	-11.8%	-0.3%	-2.7%
Census Tract 66.00				
2010 Individuals	90.3%	3.8%	4.3%	4.1%
HHs Actual proportions	89.4%	6.2%	2.4%	0.6%
HHs Free market	69.7%	22.3%	4.4%	4.0%
HHs Difference	19.8%	-16.1%	-1.9%	-3.5%
Census Tract 67.00				
2010 Individuals	81.9%	12.8%	4.2%	3.9%
HHs Actual proportions	75.1%	20.1%	1.9%	3.7%
HHs Free market	70.3%	21.7%	4.4%	4.1%
HHs Difference	4.9%	-1.6%	-2.4%	-0.4%
Census Tract 68.01				
2010 Individuals	33.5%	62.7%	2.7%	3.8%
HHs Actual proportions	10.0%	86.2%	0.0%	2.1%
HHs Free market	58.9%	32.3%	4.2%	4.8%
HHs Difference	-48.9%	53.8%	-4.2%	-2.6%
Census Tract 68.02				
2010 Individuals	45.1%	50.8%	2.5%	4.5%
HHs Actual proportions	20.1%	79.9%	0.0%	1.1%
HHs Free market	60.9%	30.5%	4.3%	4.5%
HHs Difference	-40.8%	49.4%	-4.3%	-3.5%

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District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 26	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Census Tract 68.04				
2010 Individuals	Not comparable. See narrative.			
HHs Actual proportions	41.7%	33.9%	0.0%	6.1%
HHs Free market	58.2%	33.0%	4.0%	5.0%
HHs Difference	-16.6%	0.9%	-4.0%	1.1%
Census Tract 69.00				
2010 Individuals	64.9%	29.7%	4.4%	4.0%
HHs Actual proportions	44.1%	51.0%	2.4%	2.7%
HHs Free market	63.3%	28.2%	4.4%	4.3%
HHs Difference	-19.2%	22.8%	-2.0%	-1.6%
Census Tract 70.00				
2010 Individuals	79.0%	16.2%	3.3%	5.8%
HHs Actual proportions	71.1%	22.5%	5.7%	1.7%
HHs Free market	67.8%	24.0%	4.3%	4.3%
HHs Difference	3.2%	-1.5%	1.5%	-2.6%

Overall, Neighborhood Cluster 26 appears to be a stable, racially and ethnically integrated cluster. The racial and Hispanic composition of Cluster 26 has been close to what would be expected in a free housing market with little change during the past decade. But data for the entire cluster mask that the racial composition of six of the eight tracts differs substantially from what would have been expected in a free housing market, especially tracts 68.01 and 68.02.

However, there has been a very substantial white in-migration into tracts 68.01 and 68.02 during the last decade that has brought the racial and Hispanic compositions of both tracts much closer to what was expected in a housing market free of discrimination. It is very likely that gentrification accounts for much of this change.

To maintain the growing racial and economic integration in tracts 68.01, 68.02, as well as 67.00 and 70.00 which are close to the racial composition expected in a free housing market, and prevent resegregation to virtually all-white, the District needs to preserve existing housing affordable to households with modest incomes and create new units affordable to modest-income households by aggressively implementing the Rental Housing Conversion and Sale Act of 1980, the Affordable Dwelling Unit Program, and the Inclusionary Zoning Implementation Amendment Act of 2006.

No observations about the 2010 data for individuals in tract 68.04 can be

made because 90 percent of the tract's 2,628 residents lived in group quarters, not in households which constitute the basis for the actual and free market proportions in 2000. There were just 180 households in 2000. The 2000 Census reported that 86.8 percent of the individuals — not households — in tract 68.04 were African American and just 8.9 percent Caucasian — very different figures from the racial composition of households. Of the group quarter residents, 2,189 were inmates at the Central Detention Facility and the Correctional Treatment Facility of the DC Department of Corrections, with another 177 individuals living in other group quarters. The vast majority of the prison inmates were Black. In 2010, 5.1 percent of the tract's 3,670 residents were white, 87.9 percent African American. As of this writing, the 2010 census figures for group quarters were not available, making it impossible to publish comparable data for 2010 in census tract 68.04.

In 2000, tract 70.00 included 283 people in group quarters, 272 in military quarters — just 13 percent of the tract's total population. Assuming the population in group quarters has not changed much over the decade, that percentage is small enough that it does not skew the data for this analysis. Similarly, the percentage of residents in the full neighborhood cluster who live in group quarters is even smaller enabling reliable observations to be made for the entire neighborhood cluster.

Neighborhood Cluster 27

Table 32: Neighborhood Cluster 27 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 27	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 27: Near Southeast, Navy Yard				
2010 Individuals	47.2%	46.4%	4.9%	5.5%
HHs Actual proportions	8.2%	88.4%	0.3%	2.1%
HHs Free market	53.8%	37.3%	4.4%	4.5%
HHs Difference	-45.6%	51.0%	-4.1%	-2.4%
Census Tract 71.00				
2010 Individuals	34.4%	60.0%	3.7%	5.4%
HHs Actual proportions	12.9%	81.5%	0.5%	3.8%
HHs Free market	56.7%	34.5%	4.3%	4.6%
HHs Difference	-43.9%	47.0%	-3.9%	-0.8%
Census Tract 72.00				
2010 Individuals	60.5%	32.2%	6.0%	5.5%
HHs Actual proportions	2.3%	97.0%	0.0%	0.0%
HHs Free market	50.0%	40.9%	4.4%	4.5%
HHs Difference	-47.7%	56.1%	-4.4%	-4.5%

Neighborhood Cluster 27 has undergone substantial high density redevelopment to more expensive housing this century that has produced a wave of white

in-migration. The number of white individuals living in tract 71.00 increased from 241 in 2000 to 1,000 in 2010 while the number of African Americans declined from 2,417 to 1,747. The total population increased by less than 100 individuals, from 2,818 to 2,911.

Demographic changes in tract 72.00 were even more substantial. The number of Caucasian individuals grew from 60 in 2000 to 1,691 in 2010 while the Black population shrunk from 1,732 to 900 in 2010. The total population grew from 1,825 to 2,794 in the decade.

The city faces a difficult balancing act if it wishes to foster creation of a stable, racially and economically integrated Neighborhood Cluster 27 rather than resegregating the cluster as virtually all-white. The District needs to preserve as much as possible existing housing that is affordable to households with modest incomes, and create new units affordable to modest-income households by aggressively implementing its Affordable Dwelling Unit Program and Inclusionary Zoning Implementation Amendment Act of 2006 for new construction, and the Rental Housing Conversion and Sale Act of 1980 for existing housing.

Neighborhood Cluster 28

Table 33: Neighborhood Cluster 28 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 28	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 28: Historic Anacostia				
2010 Individuals	1.3%	97.8%	0.2%	0.9%
HHs Actual proportions	1.0%	97.9%	0.3%	0.0%
HHs Free market	55.9%	35.3%	4.1%	4.8%
HHs Difference	-54.9%	62.6%	-3.8%	-4.8%
Census Tract 75.03				
2010 Individuals	1.6%	97.0%	0.3%	1.5%
HHs Actual proportions	2.0%	97.2%	0.0%	0.0%
HHs Free market	56.7%	34.6%	4.2%	4.7%
HHs Difference	-54.8%	62.7%	-4.2%	-4.7%
Census Tract 75.04				
2010 Individuals	1.0%	98.5%	0.2%	0.2%
HHs Actual proportions	0.0%	98.7%	0.7%	0.0%
HHs Free market	55.1%	36.1%	4.1%	4.9%
HHs Difference	-55.1%	62.6%	-3.4%	-4.9%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 28 was 62.6 percentage points greater than would be expected in a free housing market while the proportion of whites was 54.9 percentage points

lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. At the end of the decade, all of Neighborhood Cluster 28 continued to be extremely segregated.

Neighborhood Cluster 29

Table 34: Neighborhood Cluster 29 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 29	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 29: Eastland Gardens, Kenilworth (Consists of only census tract 96.01)				
2010 Individuals	1.1%	97.5%	0.2%	1.5%
HHs Actual proportions	0.0%	97.9%	0.7%	0.0%
HHs Free market	59.9%	31.4%	4.2%	4.8%
HHs Difference	-59.9%	66.5%	-3.6%	-4.8%

In 2000, the proportion of African Americans in Neighborhood Cluster 29 was 66.5 percentage points greater than would be expected in a free housing market while the proportion of whites 59.9 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. At the end of the decade, this neighborhood cluster was as extremely segregated as it was at the beginning of the decade.

Neighborhood Cluster 30

Table 35: Neighborhood Cluster 30 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 30	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 30: Mayfair, Hillbrook, Mahaning Heights				
2010 Individuals	1.0%	97.2%	0.2%	2.2%
HHs Actual proportions	0.5%	98.0%	0.2%	1.2%
HHs Free market	56.1%	35.0%	4.2%	4.9%
HHs Difference	-55.6%	62.9%	-4.0%	-3.7%
Census Tract 78.03				
2010 Individuals	1.3%	96.1%	0.2%	3.1%
HHs Actual proportions	0.9%	96.5%	0.4%	1.8%
HHs Free market	57.6%	33.6%	4.1%	4.9%
HHs Difference	-56.7%	62.9%	-3.7%	-3.1%
Census Tract 96.02				
2010 Individuals	0.8%	98.3%	0.1%	1.2%
HHs Actual proportions	0.0%	99.5%	0.0%	0.5%
HHs Free market	54.6%	36.5%	4.2%	4.9%
HHs Difference	-54.6%	63.0%	-4.2%	-4.3%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 30 was 62.9 percentage points greater than would be expected in a free housing market without discrimination while the proportion of whites was 55.6 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. This cluster remained extremely segregated throughout the decade.

If this extremely racially segregated phenomenon is to ever end here and in other similarly-situated neighborhood clusters, the District will need to aggressively expand the housing choices of African American residents of these clusters beyond the city's large Black concentrations and attract people of other races to these clusters. It will require many generations for this effort to bare fruit, but it must start some time.

Neighborhood Cluster 31

Table 36: Neighborhood Cluster 31 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 31	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 31: Deanwood, Burrville, Grant Park, Lincoln Heights, Fairmont Heights				
2010 Individuals	1.2%	97.0%	0.2%	2.5%
HHs Actual proportions	0.7%	97.4%	0.2%	0.7%
HHs Free market	57.3%	33.9%	4.2%	4.8%
HHs Difference	-56.6%	63.6%	-4.1%	-4.0%
Census Tract 78.04				
2010 Individuals	0.8%	97.4%	0.2%	2.1%
HHs Actual proportions	0.0%	96.8%	0.7%	0.0%
HHs Free market	56.1%	35.1%	4.2%	4.7%
HHs Difference	-56.1%	61.7%	-3.5%	-4.7%
Census Tract 78.06				
2010 Individuals	1.5%	96.9%	0.1%	3.2%
HHs Actual proportions	0.7%	98.6%	0.0%	1.3%
HHs Free market	59.0%	32.3%	4.2%	4.8%
HHs Difference	-58.2%	66.3%	-4.2%	-3.5%
Census Tract 78.07				
2010 Individuals	0.8%	97.4%	0.3%	2.3%
HHs Actual proportions	1.0%	96.6%	0.0%	1.0%
HHs Free market	60.0%	31.3%	4.1%	4.8%
HHs Difference	-59.0%	65.2%	-4.1%	-3.8%
Census Tract 78.08				
2010 Individuals	0.9%	97.1%	0.3%	2.1%
HHs Actual proportions	1.3%	97.2%	0.0%	0.6%
HHs Free market	56.3%	34.8%	4.2%	4.7%
HHs Difference	-55.0%	62.4%	-4.2%	-4.1%
Census Tract 78.09				
2010 Individuals	2.2%	96.2%	0.1%	2.8%
HHs Actual proportions	0.4%	97.9%	0.0%	1.0%
HHs Free market	56.8%	34.3%	4.2%	4.8%
HHs Difference	-56.4%	63.7%	-4.2%	-3.8%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 31 was 63.6 percentage points greater than would be expected in a free housing market while the proportion of whites 56.6 was percentage points lower.

This cluster remained extremely segregated throughout the decade. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. Nine percent of the individuals in census tract 78.04 lived in group quarters in 2000. More than 98 percent were African American, much like the households in the tract.

Neighborhood Cluster 32

Table 37: Neighborhood Cluster 32 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 32	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 32: River Terrace, Benning, Greenway, Fort Dupont				
2010 Individuals	1.1%	97.1%	0.2%	2.6%
HHs Actual proportions	0.4%	97.6%	0.3%	0.6%
HHs Free market	57.6%	33.6%	4.1%	4.9%
HHs Difference	-57.1%	64.0%	-3.9%	-4.2%
Census Tract 77.03				
2010 Individuals	1.1%	96.3%	0.1%	3.6%
HHs Actual proportions	0.2%	97.5%	0.0%	1.6%
HHs Free market	56.6%	34.5%	4.2%	4.9%
HHs Difference	-56.5%	63.1%	-4.2%	-3.3%
Census Tract 77.08				
2010 Individuals	0.6%	99.0%	0.0%	1.4%
HHs Actual proportions	0.0%	98.1%	0.0%	0.0%
HHs Free market	56.3%	34.8%	4.1%	4.9%
HHs Difference	-56.3%	63.3%	-4.1%	-4.9%
Census Tract 96.03				
2010 Individuals	0.9%	97.5%	0.4%	1.8%
HHs Actual proportions	0.8%	97.7%	0.4%	0.0%
HHs Free market	58.2%	33.0%	4.2%	4.9%
HHs Difference	-57.4%	64.7%	-3.8%	-4.9%
Census Tract 96.04				
2010 Individuals	1.6%	96.4%	0.2%	2.8%
HHs Actual proportions	1.0%	97.0%	1.0%	0.7%
HHs Free market	59.7%	31.6%	4.2%	4.8%
HHs Difference	-58.7%	65.4%	-3.2%	-4.1%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 32 was 64 percentage points greater than would be expected in a free housing market while the proportion of whites was 57.1 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. At the end of the decade, this neighborhood cluster

was still extremely segregated.

Neighborhood Cluster 33

Table 38: Neighborhood Cluster 33 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 33	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 33: Capitol View, Marshall Heights, Benning Heights				
2010 Individuals	1.2%	97.3%	0.2%	2.5%
HHs Actual proportions	0.2%	98.5%	0.5%	0.3%
HHs Free market	57.1%	34.1%	4.2%	4.8%
HHs Difference	-56.8%	64.4%	-3.7%	-4.5%
Census Tract 77.07				
2010 Individuals	1.1%	97.7%	0.0%	1.7%
HHs Actual proportions	1.0%	98.0%	0.3%	0.0%
HHs Free market	60.2%	31.2%	4.1%	4.8%
HHs Difference	-59.2%	66.9%	-3.8%	-4.8%
Census Tract 99.03				
2010 Individuals	0.9%	98.0%	0.2%	1.6%
HHs Actual proportions	0.0%	98.0%	0.6%	0.9%
HHs Free market	55.3%	35.9%	4.3%	4.6%
HHs Difference	-55.3%	62.1%	-3.7%	-3.8%
Census Tract 99.04				
2010 Individuals	2.9%	92.8%	0.4%	7.2%
HHs Actual proportions	0.0%	96.9%	2.0%	1.1%
HHs Free market	55.7%	35.5%	4.2%	4.9%
HHs Difference	-55.7%	61.4%	-2.2%	-3.8%
Census Tract 99.05				
2010 Individuals	1.2%	97.8%	0.1%	1.9%
HHs Actual proportions	0.0%	100.0%	0.0%	0.0%
HHs Free market	57.1%	34.0%	4.1%	4.9%
HHs Difference	-57.1%	66.0%	-4.1%	-4.9%
Census Tract 99.06				
2010 Individuals	1.1%	97.9%	0.3%	2.4%
HHs Actual proportions	0.0%	98.8%	0.0%	0.0%
HHs Free market	55.8%	35.4%	4.2%	4.8%
HHs Difference	-55.8%	63.4%	-4.2%	-4.8%
Census Tract 99.07				
2010 Individuals	0.5%	99.1%	0.2%	1.1%
HHs Actual proportions	0.0%	99.4%	0.6%	0.0%
HHs Free market	56.0%	35.1%	4.3%	4.6%
HHs Difference	-56.0%	64.3%	-3.7%	-4.6%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 33 was 64.4 percentage points greater than would be expected in a free housing market while the proportion of whites was 56.8 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. At the end of the decade, this entire neighborhood cluster was still extremely segregated.

Neighborhood Cluster 34

Table 39: Neighborhood Cluster 34 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 34	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 34: Twining, Fairlawn, Randle Highlands, Penn Branch, Fort Davis Park, Dupont Park				
2010 Individuals	2.4%	96.4%	0.3%	1.6%
HHs Actual proportions	1.8%	95.6%	0.1%	0.6%
HHs Free market	60.8%	30.5%	4.1%	4.8%
HHs Difference	-59.1%	65.1%	-4.1%	-4.2%
Census Tract 76.01				
2010 Individuals	3.3%	95.8%	0.5%	1.4%
HHs Actual proportions	2.1%	94.7%	0.0%	0.4%
HHs Free market	59.5%	31.8%	4.1%	4.9%
HHs Difference	-57.4%	62.9%	-4.1%	-4.5%
Census Tract 76.05				
2010 Individuals	1.5%	97.3%	0.3%	1.2%
HHs Actual proportions	0.0%	98.2%	0.4%	0.0%
HHs Free market	59.6%	31.7%	4.1%	4.9%
HHs Difference	-59.6%	66.5%	-3.7%	-4.9%
Census Tract 77.09				
2010 Individuals	2.0%	96.1%	0.1%	2.3%
HHs Actual proportions	1.4%	96.7%	0.0%	1.2%
HHs Free market	58.5%	32.8%	4.1%	4.9%
HHs Difference	-57.1%	64.0%	-4.1%	-3.7%
Census Tract 99.01				
2010 Individuals	4.3%	94.4%	0.3%	1.7%
HHs Actual proportions	4.8%	92.9%	0.0%	0.5%
HHs Free market	66.7%	24.9%	4.3%	4.4%
HHs Difference	-61.9%	68.0%	-4.3%	-3.9%
Census Tract 99.02				
2010 Individuals	1.0%	97.9%	0.1%	1.5%
HHs Actual proportions	1.6%	94.8%	0.0%	1.3%
HHs Free market	61.8%	29.5%	4.2%	4.8%
HHs Difference	-60.3%	65.3%	-4.2%	-3.5%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 34 was 65.1 percentage points greater than would be expected in a free housing market while the proportion of whites was 59.1 percentage points lower. At the end of the decade, extreme segregation still characterized this entire neighborhood cluster.

Neighborhood Cluster 35

Table 40: Neighborhood Cluster 35 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 35	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 35: Fairfax Village, Naylor Gardens, Hillcrest, Summit Park				
2010 Individuals	5.2%	93.4%	0.4%	1.9%
HHs Actual proportions	6.4%	90.5%	0.4%	1.5%
HHs Free market	60.7%	30.6%	4.2%	4.8%
HHs Difference	-54.3%	59.8%	-3.7%	-3.3%
Census Tract 76.03				
2010 Individuals	6.2%	92.0%	0.5%	2.2%
HHs Actual proportions	7.2%	88.6%	0.0%	2.4%
HHs Free market	60.0%	31.3%	4.2%	4.8%
HHs Difference	-52.8%	57.3%	-4.2%	-2.4%
Census Tract 76.04				
2010 Individuals	4.1%	94.8%	0.3%	1.6%
HHs Actual proportions	5.5%	92.7%	0.9%	0.5%
HHs Free market	61.6%	29.8%	4.1%	4.8%
HHs Difference	-56.1%	62.9%	-3.2%	-4.3%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 35 was 59.8 percentage points greater than would be expected in a free housing market while the proportion of whites was 54.3 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. At the end of the decade, this neighborhood cluster was still highly segregated throughout.

Neighborhood Cluster 36

Table 41: Neighborhood Cluster 36 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 36	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 36: Woodland/Fort Stanton, Garfield Heights, Knox Hill				
2010 Individuals	1.0%	98.4%	0.2%	1.2%
HHs Actual proportions	0.5%	98.7%	0.0%	0.2%
HHs Free market	54.6%	36.5%	4.2%	4.8%
HHs Difference	-54.1%	62.2%	-4.2%	-4.6%
Census Tract 74.08				
2010 Individuals	1.1%	98.5%	0.1%	1.0%
HHs Actual proportions	0.0%	98.6%	0.0%	0.0%
HHs Free market	54.2%	36.9%	4.2%	4.8%
HHs Difference	-54.2%	61.7%	-4.2%	-4.8%
Census Tract 75.02				
2010 Individuals	1.0%	98.3%	0.2%	1.3%
HHs Actual proportions	0.8%	98.8%	0.0%	0.3%
HHs Free market	54.9%	36.3%	4.2%	4.7%
HHs Difference	-54.1%	62.5%	-4.2%	-4.5%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 36 was 62.2 percentage points greater than would be expected in a free housing market while the proportion of whites was 54.1 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. This neighborhood cluster was just as extremely segregated in 2010 as it was a decade earlier.

Neighborhood Cluster 37

Table 42: Neighborhood Cluster 37 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 37	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 37: Sheridan, Barry Farm, Buena Vista				
2010 Individuals	0.9%	98.2%	0.2%	1.7%
HHs Actual proportions	0.5%	98.1%	0.3%	0.3%
HHs Free market	54.5%	36.7%	4.2%	4.8%
HHs Difference	-54.0%	61.4%	-3.8%	-4.6%
Census Tract 74.01				
2010 Individuals	0.7%	98.2%	0.2%	1.3%
HHs Actual proportions	0.8%	98.4%	0.0%	0.8%
HHs Free market	52.3%	38.7%	4.3%	4.7%
HHs Difference	-51.6%	59.7%	-4.3%	-3.9%
Census Tract 74.06				
2010 Individuals	0.7%	98.6%	0.1%	2.3%
HHs Actual proportions	0.0%	99.1%	0.0%	0.0%
HHs Free market	52.6%	38.5%	4.2%	4.8%
HHs Difference	-52.6%	60.6%	-4.2%	-4.8%
Census Tract 74.07				
2010 Individuals	1.3%	97.9%	0.4%	1.4%
HHs Actual proportions	0.7%	96.8%	1.0%	0.0%
HHs Free market	58.6%	32.7%	4.1%	4.9%
HHs Difference	-57.9%	64.1%	-3.1%	-4.9%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 37 was 61.4 percentage points greater than would be expected in a free housing market while the proportion of whites was 54 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. Extreme levels of racial segregation characterized this cluster in both 2000 and 2010.

Neighborhood Cluster 38

Table 43: Neighborhood Cluster 38 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 38	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 38: Douglass, Shipley Terrace				
2010 Individuals	0.8%	98.5%	0.2%	1.3%
HHs Actual proportions	0.5%	98.7%	0.0%	0.2%
HHs Free market	54.6%	36.5%	4.2%	4.8%
HHs Difference	-54.1%	62.2%	-4.2%	-4.6%
Census Tract 74.03				
2010 Individuals	0.4%	99.2%	0.2%	0.8%
HHs Actual proportions	0.0%	97.1%	0.0%	1.0%
HHs Free market	57.3%	33.9%	4.1%	4.9%
HHs Difference	-57.3%	63.2%	-4.1%	-4.0%
Census Tract 74.04				
2010 Individuals	1.4%	97.4%	0.3%	1.9%
HHs Actual proportions	0.0%	100.0%	0.0%	0.0%
HHs Free market	51.1%	39.9%	4.4%	4.5%
HHs Difference	-51.1%	60.1%	-4.4%	-4.5%
Census Tract 74.09				
2010 Individuals	0.6%	98.9%	0.2%	1.0%
HHs Actual proportions	0.0%	97.5%	0.0%	1.6%
HHs Free market	53.9%	37.2%	4.2%	4.7%
HHs Difference	-53.9%	60.3%	-4.2%	-3.1%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 38 was 62.2 percentage points greater than would be expected in a free housing market while the proportion of whites was 54.1 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. Extreme levels of racial segregation were present throughout the decade.

Neighborhood Cluster 39

Table 44: Neighborhood Cluster 39 Free Market Analysis

District of Columbia Racial and Ethnic Household Composition 2000 & Individuals 2010				
Cluster 39	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Cluster 39: Congress Heights, Bellevue, Washington Highlands				
2010 Individuals	1.1%	98.1%	0.2%	1.4%
HHs Actual proportions	1.1%	96.3%	0.5%	0.6%
HHs Free market	56.8%	34.4%	4.2%	4.8%
HHs Difference	-55.7%	61.9%	-3.7%	-4.1%
Census Tract 73.02				
2010 Individuals	2.2%	96.9%	0.4%	1.9%
HHs Actual proportions	3.1%	93.5%	0.0%	1.3%
HHs Free market	60.1%	31.2%	4.1%	4.8%
HHs Difference	-57.1%	62.2%	-4.1%	-3.5%
Census Tract 73.04				
2010 Individuals	1.2%	98.0%	0.2%	1.1%
HHs Actual proportions	0.6%	97.6%	0.0%	0.0%
HHs Free market	55.3%	35.9%	4.2%	4.7%
HHs Difference	-54.7%	61.7%	-4.2%	-4.7%
Census Tract 97.00				
2010 Individuals	0.7%	98.6%	0.1%	1.0%
HHs Actual proportions	0.0%	95.8%	0.0%	1.8%
HHs Free market	59.8%	31.5%	4.1%	4.9%
HHs Difference	-59.8%	64.3%	-4.1%	-3.1%
Census Tract 98.01				
2010 Individuals	1.0%	98.2%	0.3%	1.7%
HHs Actual proportions	0.0%	98.8%	0.0%	1.2%
HHs Free market	53.5%	37.6%	4.3%	4.6%
HHs Difference	-53.5%	61.1%	-4.3%	-3.4%
Census Tract 98.02				
2010 Individuals	0.8%	99.1%	0.0%	1.6%
HHs Actual proportions	0.0%	98.4%	1.6%	0.0%
HHs Free market	56.3%	34.8%	4.2%	4.9%
HHs Difference	-56.3%	63.6%	-2.6%	-4.9%
Census Tract 98.03				
2010 Individuals	0.9%	98.6%	0.2%	1.1%
HHs Actual proportions	3.5%	92.9%	0.6%	1.6%
HHs Free market	56.7%	34.5%	4.1%	4.8%
HHs Difference	-53.2%	58.3%	-3.5%	-3.2%

— Continued on the next page

District of Columbia Racial and Ethnic Household				
Cluster 39	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Census Tract 98.04				
2010 Individuals	1.8%	97.1%	0.3%	2.3%
HHs Actual proportions	0.8%	99.2%	0.0%	0.0%
HHs Free market	56.3%	34.9%	4.2%	4.7%
HHs Difference	-55.5%	64.3%	-4.2%	-4.7%
Census Tract 98.06				
2010 Individuals	0.5%	98.8%	0.1%	0.9%
HHs Actual proportions	0.5%	97.7%	0.8%	0.6%
HHs Free market	54.6%	36.6%	4.2%	4.7%
HHs Difference	-54.1%	61.1%	-3.4%	-4.1%
Census Tract 98.07				
2010 Individuals	1.9%	97.2%	0.5%	1.9%
HHs Actual proportions	1.4%	93.9%	1.4%	0.0%
HHs Free market	59.8%	31.5%	4.1%	4.9%
HHs Difference	-58.4%	62.4%	-2.8%	-4.9%
Census Tract 98.08				
2010 Individuals	0.6%	98.8%	0.2%	1.1%
HHs Actual proportions	1.0%	96.1%	0.0%	0.0%
HHs Free market	56.5%	34.7%	4.0%	5.0%
HHs Difference	-55.5%	61.4%	-4.0%	-5.0%

At the beginning of the decade, the proportion of African Americans in Neighborhood Cluster 39 was 61.9 percentage points greater than would be expected in a free housing market while the proportion of whites was 55.7 percentage points lower. The proportions of Asians and Hispanics of any race were a fraction of what was expected in 2000. This neighborhood cluster remained extremely segregated throughout the decade.

Census Tracts Not Assigned to a Neighborhood Cluster

Table 45: Census Tracts Not Assigned to a Neighborhood Cluster Free Market Analysis

Washington DC Racial and Ethnic Household Composition 2000 & Individuals 2010				
Census Tracts Not in Clusters	2000 Census			
	White	Black	Asian	Hispanic, Any Race
Census Tract 18.01				
2010 Individuals	69.0%	22.0%	2.8%	12.7%
HHs Actual proportions	100.0%	0.0%	0.0%	0.0%
HHs Free market	69.9%	21.8%	4.4%	4.4%
HHs Difference	30.1%	-21.8%	-4.4%	-4.4%
Census Tract 20.01				
2010 Individuals	26.3%	53.0%	3.0%	26.9%
HHs Actual proportions	15.9%	70.3%	0.0%	14.8%
HHs Free market	62.0%	29.5%	4.1%	4.6%
HHs Difference	-46.1%	40.8%	-4.1%	10.2%
Census Tract 23.02				
2010 Individuals	50.5%	44.7%	3.2%	4.1%
HHs Actual proportions	22.5%	69.4%	2.7%	3.2%
HHs Free market	62.7%	28.7%	4.2%	4.7%
HHs Difference	-40.2%	40.7%	-1.6%	-1.5%
Census Tract 57.02				
2010 Individuals	22.2%	75.0%	0.0%	11.1%
HHs Actual proportions	Zero HHs in 2000			
Census Tract 62.02				
2010 Individuals	21.2%	75.8%	3.0%	0.0%
HHs Actual proportions	Zero HHs in 2000			
Census Tract 73.01				
2010 Individuals	60.3%	29.0%	5.5%	13.0%
HHs Actual proportions	59.7%	32.8%	3.5%	7.0%
HHs Free market	65.0%	26.4%	4.1%	4.9%
HHs Difference	-5.3%	6.4%	-0.6%	2.1%
Census Tract 73.08				
2010 Individuals	4.6%	93.6%	0.9%	2.1%
HHs Actual proportions	Zero HHs in 2000			
Census Tract 89.05				
2010 Individuals	9.7%	90.3%	0.0%	0.0%
HHs Actual proportions	Zero HHs in 2000			
Census Tract 98.09				
2010 Individuals	7.5%	91.0%	0.8%	2.0%
HHs Actual proportions	Zero HHs in 2000			

The census tracts shown in the above table are not assigned to any neighborhood cluster.

Census Tract 18.01. The Walter Reed Army Medical Center comprises most of tract 18.01 near the northern tip of the District. In 2000, 95.9 percent of the population lived in “other noninstitutional,” not households. There were only 14 households in 2000. Given the unique nature of the land uses in this census tract and the infinitesimal number of households, it is not possible to determine whether housing discrimination has been occurring in this tract.

Census Tract 20.01. Tract 20.01 has been more racially diverse than neighborhood clusters 17 and 18 which surround it. Like clusters 17 and 18, tract 20.01 was seriously segregated in 2000 and is becoming more racially diverse and has become a magnet for Hispanics.

Census Tract 23.02. Located in the northeast quadrant, this tract is surrounded by neighborhood clusters 2, 3, 18, 19, and 21. The major land use in tract 23.02 is a group quarter, the Soldier's Home. In 2000, 75 percent of the group quarter residents were African American; 23 percent were white.

Census Tract 57.02. This census tract is located just north of vacant tract 62.02 and south of neighborhood clusters 5 and 6. The population in tract 57.02 grew from zero in 2000 to 36 individuals in 2010. No households lived in this tract in 2000.

Census Tract 62.02. Located on the west side of the District, south of neighborhood clusters 5 and 6 and west of 8 and 9, this tract is almost entirely the open space of the Rock Creek Parkway. The population in tract 62.02 grew from 12 to 33 people over the past decade. No households lived in it in 2000.

Census Tract 73.01. Bolling Air Force Base comprises tract 73.01. In 2000, the racial composition of the households in tract 73.01 was what would be expected in a free housing market without discrimination. More than 11 percent of the tract's individuals lived in military housing. Sixty-two percent of this group were Caucasian and 28 percent were African American. The housing in the census tracts to the east of 73.01 is close to 100 percent African American.

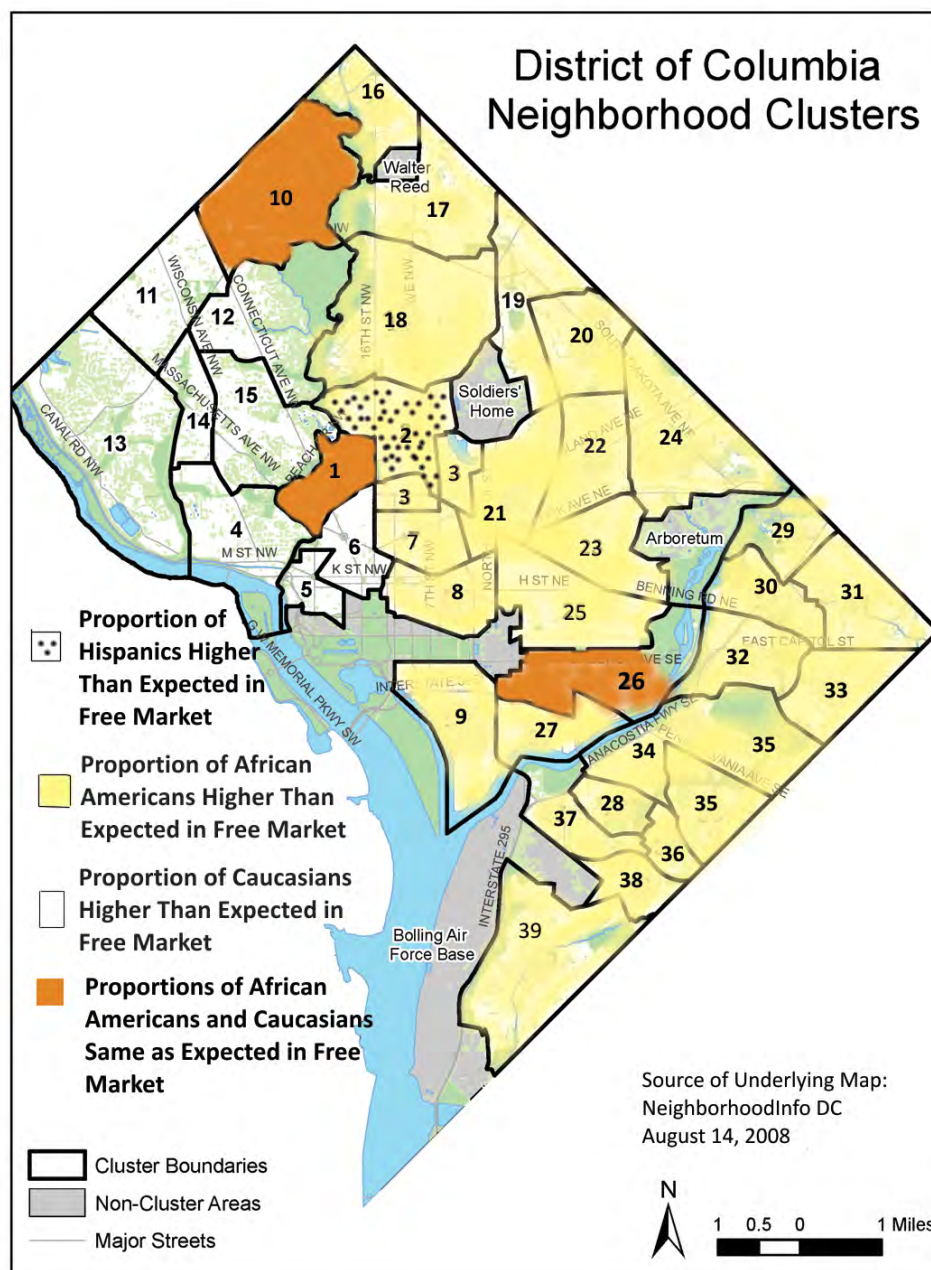
Census Tract 73.08. Tract 7308 is located south of census tract 73.01, the Bolling Air Force Base. The population in tract 73.08 grew from 377 to 1,077 during the last decade. In 2000, when all residents lived in group quarters, 85 percent were African American and 7 percent were Caucasian. There were no households in 2000.

Census Tract 89.05. The United States National Arboretum comprises nearly all of this census tract which is located on the District's east side between neighborhood clusters 23, 24, 25, 26, 29, 30, and 32. The population in tract 89.05 soared from two to 31 over the last decade. There were no households in 2000.

Census Tract 98.09. Tract 98.09 is surrounded by the Bolling Air Force Base on the west, and neighborhood clusters 37, 38, and 39. During the past decade, the population in tract 98.09 declined from 723 to 664. In 2000, all residents lived in group quarters, nearly all of them in Saint Elizabeths Hospital, the District's public psychiatric facility for individuals with serious and persistent mental illness who need intensive inpatient care to support their recovery. In 2000, 81 percent of the patients were African American; 15 percent were Caucasian. There were no households in 2000.

Conclusions

Figure 5: Expected Racial and Hispanic Composition of Neighborhood Clusters in 2000



As the analysis of each neighborhood cluster and above map show, only a small part of the District of Columbia had a racial composition in 2000 that would have been expected in a free market without housing discrimination. The racial and Hispanic composition of just three neighborhood clusters was close to what would have been expected in 2000 in a free market absent discrimination.

Eight of the neighborhood clusters in the northwest quadrant had higher proportions of whites and lower proportions of Blacks than would have existed in a free market without racial discrimination. The vast bulk of the city had higher proportions of African Americans and lower proportions of Caucasians than would have existed in a free market. As noted in the preceding analysis, the racial composition of a dozen neighborhood clusters was extremely segregated with Blacks constituting 93 percent or more of the households in 2000 and 93 or more percent of the individuals in 2010.

But as the map that follows shows, the District is becoming more diverse and integration is starting in some parts of the city, although new concentrations of Hispanics may be developing. The Asian population has been growing in the center of the District as well as in the northwest quadrant. In the District, the median income of Asian households is second only to Caucasians. Asians are also moving into some neighborhood clusters that are predominantly African American, particularly in the center of the city. The increase in Asian households in the wealthier sections of the District suggests that Asians are not experiencing much discrimination in housing, especially racial steering.

The District's Hispanic population has grown largely in predominantly African American areas in the northeast quadrant. There is a possibility that Hispanics are being steered into these areas although their movement into them could be more a product of income. In addition, historically the first wave of immigrants will tend to move close to others of their ethnicity or race. Subsequent generations tend to move out of these ethnic or racial concentrations, unless housing discrimination blocks them. The District should engage in systematic testing and counseling to expand housing choices, especially of those of Hispanic as well as Black residents.

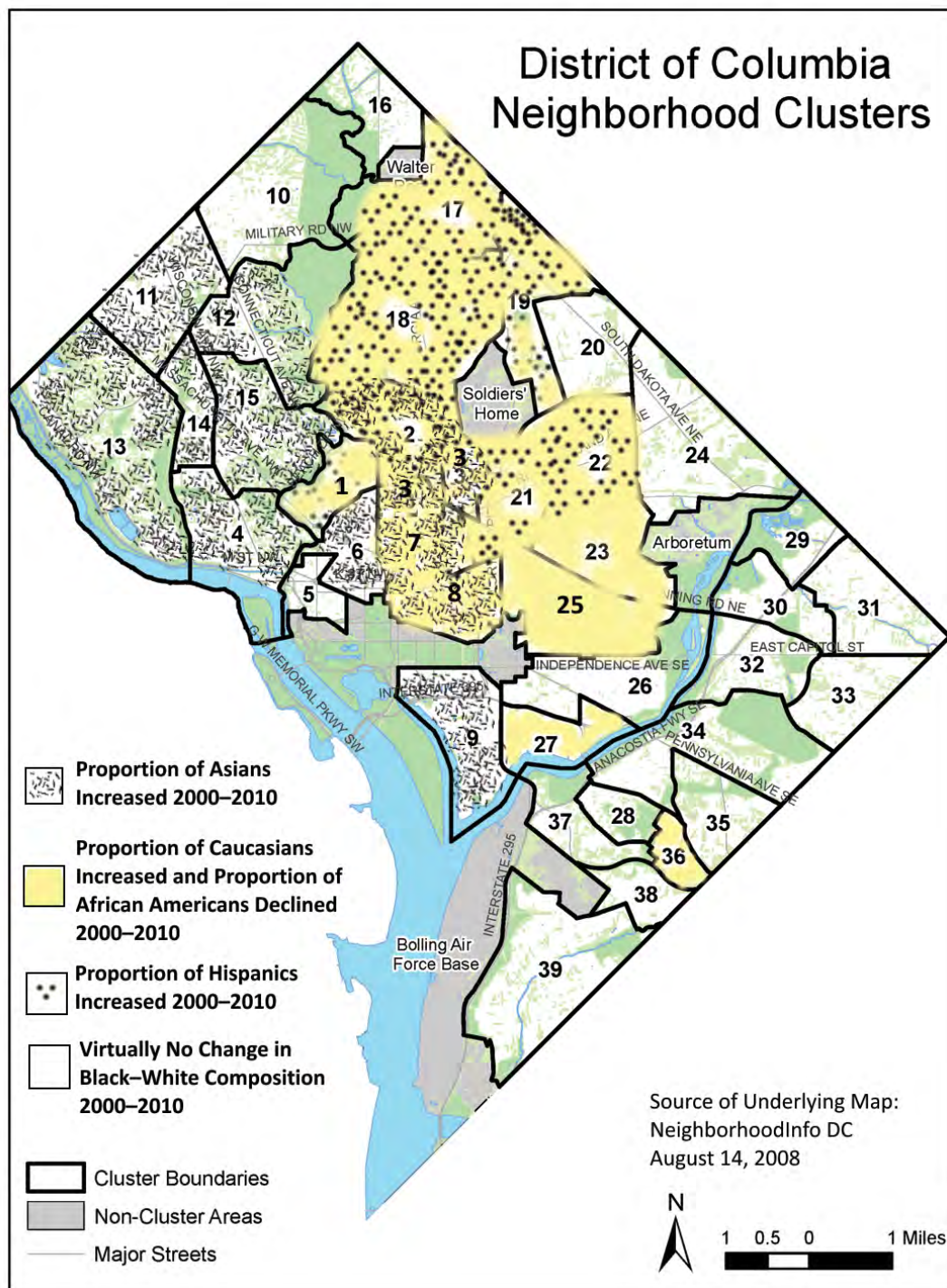
Usually racial integration starts when Blacks move into predominantly white neighborhoods. The opposite is happening in the District with Caucasians moving into many of the same predominantly African American neighborhoods as Hispanics and Asians. This movement of whites has brought about substantial and rapid demographic changes during just a single decade. It appears that gentrification is a companion of this in-migration of whites and that significant displacement of African American households with more modest incomes is growing.

It warrants repeating that to maintain the racial and economic integration in these neighborhoods and prevent resegregation to virtually all-white, the District needs to preserve existing housing affordable to households with modest incomes and create new units affordable to modest-income households by aggressively implementing the Rental Housing Conversion and Sale Act of 1980, the Affordable Dwelling Unit Program, and the Inclusionary Zoning Implementation Amendment Act of 2006.

A large portion of the District continues to be rigidly segregated Black

neighborhoods. The final chapter of this report will proffer recommendations for moving toward integration throughout the city with the caveat that it will take many more generations to achieve.

Figure 6: Demographics Changes in Neighborhood Clusters: 2000–2010



Employment

“Relative economic stability, population growth and higher incomes have helped to position the Washington metropolitan area to enjoy a more brisk recovery from the housing downturn” than in most other cities and metropolitan areas.¹⁶ This has been particularly true in the District of Columbia.

The District of Columbia has enjoyed an eight percent growth in the number of wage and salary jobs from 2001 through 2010 while the Metropolitan Statistical Area in which it sits has enjoyed growth of 10.8 percent.¹⁷

Table 46: Wage and Salary Jobs in the District of Columbia: 2001–2006–2010

Wage and Salary Jobs in the District of Columbia: 2001–2006–2010						
Category	2001		2006		2010	
	Number	Percent	Number	Percent	Number	Percent
Total All Wage and Salary Jobs	653,700	100.0%	687,600	100.0%	710,900	100.0%
Total Goods Production	15,000	2.3%	14,200	2.1%	11,700	1.6%
Total Service Providing	638,700	97.7%	673,400	97.9%	699,100	98.3%
Trade, Transportation, & Utilities	27,100	4.1%	27,900	4.1%	27,100	3.8%
Information	25,800	3.9%	22,200	3.2%	18,600	2.6%
Finance, Insurance, Real Estate	31,100	4.8%	29,400	4.3%	26,600	3.7%
Professional and Business Services	138,800	21.2%	152,100	22.1%	148,700	20.9%
Colleges, Universities, Professional Schools	34,400	5.3%	41,800	6.1%	48,400	6.8%
Health Services	50,900	7.8%	52,200	7.6%	60,000	8.4%
Leisure and Hospitality	47,700	7.3%	54,200	7.9%	59,400	8.4%
Other Services including religious, grantmaking, civic, organizations	55,800	8.5%	60,700	8.8%	64,600	9.1%
Total Private and Nonprofit Sectors	427,500	65.4%	454,600	66.1%	465,200	65.4%
Total Government	226,100	34.6%	233,000	33.9%	245,700	34.6%
Federal Government	185,500	28.4%	192,800	28.0%	209,200	29.4%
Local Government	40,600	6.2%	35,400	5.1%	32,700	4.6%
Public Transportation	4,700	0.7%	4,800	0.7%	3,800	0.5%

Source: "District of Columbia: Wage and Salary Employment by Industry and Place of Work, Annual Averages," prepared by the D.C. Department of Employment Services, Office of Labor Market Research and Information in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics

As shown in table above, the nearly all wage and salary jobs in the District of Columbia have been “service providing” positions rather than producing goods. The

16. Sage Policy Group, Inc., *2010 State of the Business Report: The District of Columbia in an Economic Context* (Washington, D.C: DC Chamber of Commerce, 2011) 12.

17. “District of Columbia: Wage and Salary Employment by Industry and Place of Work, Annual Averages” and “Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Division: Wage and Salary Employment by Industry and Place of Work, Annual Averages” prepared by the D.C. Department of Employment Services, Office of Labor Market Research and Information in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics.

number of jobs in goods production declined 22 percent between 2001 and 2010 while the number of service jobs increased by 9.4 percent. Nearly two out of three jobs were in the private sector during these ten years. The number of federal jobs located in the District increased by 19,600 with half of those new positions established in 2002 and the other half in 2009 and 2010. Jobs in local government and public transportation declined by 8.9 and 19.1 percent respectively.

Of course, it's no surprise that federal positions would constitute 28 to 29.4 percent of the jobs in the District between 2001 and 2010 — this is the nation's capital.

Throughout this decade, most federal positions in the Metropolitan Statistical Area have been located within the District, 63.5 percent in 2010, down from 66 percent in 2001 and 64.4 percent in 2006.¹⁸

The table below shows the number of private sector businesses in the District by industry and number of employees as of 2009, the most recent year for which the data were available.

Table 47: District of Columbia Private Sector Businesses by Industry and Number of Employees: 2009

District of Columbia Private Sector Businesses by Industry and Number of Employees: 2009										
Industry	Total Number of Businesses	Number of Businesses in District of Columbia by Number of Employees								
		1-4	5-9	10-19	20-49	50-99	100-249	250-499	500-999	1000+
Total all sectors	21,210	10,441	3,960	2,936	2,248	808	579	154	57	27
Forestry, fishing, hunting, and Agriculture Support	2	2	0	0	0	0	0	0	0	0
Mining, quarrying, and oil and gas extraction	3	2	0	1	0	0	0	0	0	0
Utilities	42	25	8	2	0	2	2	2	1	0
Construction	384	177	72	57	49	15	13	0	1	0
Manufacturing	104	52	23	16	6	3	3	0	1	0
Wholesale trade	416	238	83	51	29	6	7	1	1	0
Retail trade	1,764	929	385	255	124	40	27	4	0	0
Transportation and warehousing	178	111	22	11	19	6	8	1	0	0
Information	727	354	125	87	88	26	30	11	5	1
Finance and insurance	1,090	590	245	131	81	21	17	2	2	1
Real estate and rental and leasing	1,060	627	225	129	49	17	11	2	0	0
Professional, scientific, and technical services	4,820	2,662	791	588	423	161	131	46	17	1
Management of companies and enterprises	193	76	31	38	25	10	10	1	1	1
Administrative and Support and Waste Management and Remediation Services	1,135	553	157	128	150	61	56	23	6	1
Educational services	534	199	75	91	68	52	33	6	3	7
Health care and social assistance	2,139	988	446	314	251	60	51	15	1	13
Arts, entertainment, and recreation	291	144	42	37	41	11	14	1	1	0
Accommodation and food services	2,203	711	381	424	416	176	71	15	9	0
Other services (except public administration)	4,067	1,946	849	574	428	141	95	24	8	2
Industries not classified	58	55	0	2	1	0	0	0	0	0

Source: U.S. Census Bureau online at <http://censtats.census.gov/cgi-bin/cbpnaic/cbpsect.pl>.

18. Ibid.

Although nearly 70 percent of the companies within the District employ fewer than ten people and almost half of all the companies employed four or fewer people, most of the jobs are with companies with 50 or more employees. So while most of the businesses in the District are small businesses, larger businesses employ substantially more people.

Forty-four percent of all employees, including government, worked for the city's 25 largest employers in 2010 according to the District's Department of Employment Services. The actual number of employees at each employer is not shown because the department declined to release the number of employees for each employer, improperly asserting that this was private information.¹⁹ The department also declined to break down federal and local government positions into the different agencies. Neither the federal government nor local government is a "single" employer.

Table 48: Largest Employers in the District of Columbia: 2010

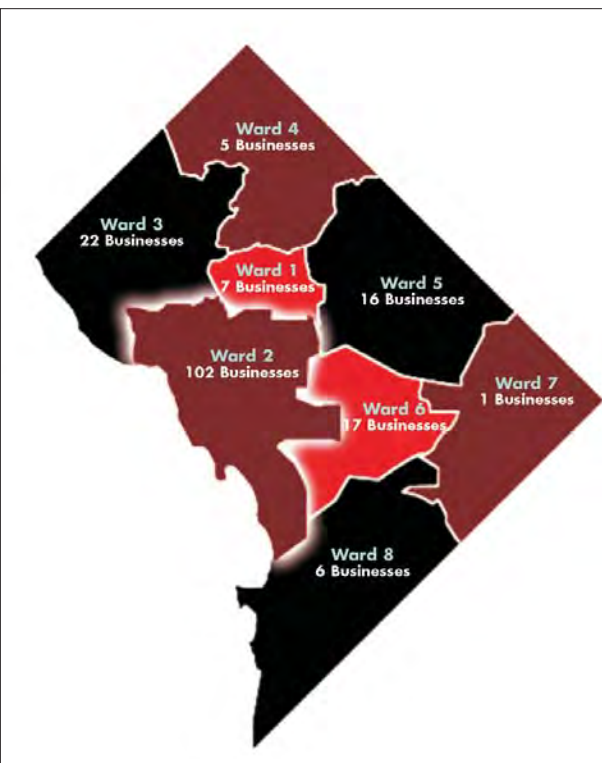
Largest Employers in the District of Columbia: 2010	
Employer	Nature of Employer
Federal Government includes all federal agencies and departments and the military	National government
Local Government includes the District, Housing Authority, public schools, and all other branches of local government	Local government
Georgetown University	Education
George Washington University	Education
Washington Hospital Center	Health services
Children National Health Services Center	Health services
Georgetown University Hospital	Health services
American University	Education
Howard University	Education
Fannie Mae	Lending
Catholic University	Education
Providence Hospital	Health services
Howard University Hospital	Health services
Red Coats	Janitorial services
George Washington Hospital	Health services
Sibley Memorial Hospital	Health services
Safeway Inc.	Food services
The Washington Post	Print media
AlliedBarton Security Services	Security services
Hyatt Corporation	Hotel
CVS Pharmacy	Health services
Computer Science Corporation	Information technology
The Capitol Hilton	Hotel
Booz, Allen, & Hamilton	Management consulting
Gallaudet University	Education
Total number of employees in the District of Columbia: 710,900	Total number of employees at the 25 largest employers: 307,499
Source: Office of Labor Market Research Information, Department of Employment Services, District of Columbia.	

19. This is the first time any city or county has denied this information to the authors of this analysis.

Not surprisingly, 51 percent of the District's 200 largest private sector employers are located in Ward Two which is comprised of the city's central employment area, neighborhood clusters four through eight. The predominantly white Ward Three houses 22 of the 200 largest businesses while the hypersegregated Wards Seven and Eight host just seven. Seventeen of these businesses are in the predominantly African American Ward Six and 16 are in the predominantly Black Ward Five.

District residents constitute just 47 percent (333,626) of the District's 710,900 wage and salary employees. The unemployment rate among District residents has risen by 174 percent during the 2006–2010 study period despite the growth in jobs within the District. This situation reflects the disproportionately high number of District residents who dropped out of high school as well as those whose highest level of education is a high school diploma.²⁰

Figure 7: Locations in the District of Its 200 Largest Private Sector and Nonprofit Employers



Source: Adapted from the *Top 200 Chief Executive Officers Major Employers in the District of Columbia, 2009 Directory* (Washington, D.C.: Office of Labor Market Research Information, Department of Employment Services) 5.

Table 49: District of Columbia Work Force: 2006–2010

District of Columbia Work Force: 2006–2010				
Year	Size of Work Force	Number Employed	Number Unemployed	Unemployment Rate
2010	333,626	300,663	32,963	9.9%
2009	331,973	300,011	31,962	9.6%
2008	334,767	312,877	21,890	6.5%
2007	328,460	310,652	17,808	5.4%
2006	322,199	303,791	18,408	5.7%

2006–2010 reflect revised population controls and model reestimation
Source: U.S. Bureau of Labor Statistics, <http://www.bls.gov/data>.

20. Sage Policy Group, Inc., *2010 State of the Business Report: The District of Columbia in an Economic Context* (Washington, D.C.: DC Chamber of Commerce, 2011) 11.

Because jobs in the District are largely in the professional services, residents with little education simply are not qualified for the high growth medium- and high-wage occupations in the District. More than half the jobs in the District are in management, business, financial, and professional sectors.²¹

So while the District has enjoyed stability and job growth even during the Great Recession, relatively few workers within the District who do not have a college education are benefitting.

Racial and Hispanic Composition of Workers Compared to Residents

The following table shows why this situation is no surprise.

Table 50: Racial and Ethnic Composition of Who Worked in District of Columbia: 2000

Racial and Ethnic Composition of Who Worked in District of Columbia: 2000						
Occupational Group	All Groups	White Non-Hispanic	Hispanic of Any Race	Black Non-Hispanic	Asian Non-Hispanic	Others and Multi-Racial Non-Hispanic
District of Columbia Residents Who Work*	100%	37.2%	8.1%	49.1%	3.0%	2.6%
Total Employed in District of Columbia	661,035	331,944	45,630	230,521	36,216	16,724
	100%	50.2%	6.9%	34.9%	5.5%	2.5%
Management, Business, and Financial Workers	100%	64.0%	4.6%	24.5%	4.5%	2.4%
Science, Engineering, and Computer Professionals	100%	62.7%	3.6%	22.0%	9.4%	2.3%
Healthcare Practitioner Professionals	100%	46.9%	3.7%	35.5%	11.4%	2.5%
Other Professional Workers	100%	65.7%	4.1%	23.3%	4.7%	2.2%
Technicians	100%	39.4%	4.9%	45.0%	7.1%	3.6%
Sales Workers	100%	45.8%	6.6%	35.8%	8.2%	3.6%
Administrative Support Workers	100%	38.8%	5.0%	49.7%	3.9%	2.6%
Construction and Extractive Craft Workers	100%	47.0%	18.4%	31.7%	1.2%	1.7%
Installation, Maintenance, and Repair Craft Workers	100%	39.3%	8.7%	45.6%	3.9%	2.5%
Production Operative Workers	100%	31.2%	11.1%	47.3%	8.1%	2.3%
Transportation and Material Moving Operative Workers	100%	14.7%	7.9%	67.5%	5.6%	4.3%
Laborers and Helpers	100%	21.4%	22.9%	51.2%	2.3%	2.2%
Protective Service Workers	100%	38.7%	2.9%	54.7%	1.7%	2.0%
Service Workers, except Protective	100%	19.1%	24.1%	45.2%	8.3%	3.3%

* = The "District of Columbia Residents Who Work" row is the total civilian (non-military) employed workforce that lives in the District of Columbia.

Source: 2000 Census EEO Data Tool at http://www.census.gov/hhes/www/eeoindex/page_c.html.

21. Ibid. 9.

Even though the data are from 2000, the most recent year available, they show that District residents who are African American — who have the lowest median household income as discussed beginning on page 147 — were, and continue to be, concentrated in lower-wage occupational groups.

As of the middle of the decade, 56 percent of District Latinos, with the next lowest median household income, were also concentrated in lower wage occupational groups that require little education such as building and grounds maintenance and cleaning (17 percent of employed Hispanics 16 and older), food preparation and serving (14 percent), construction trades (11 percent), office and administrative support (9 percent), and sales (6 percent).²² District Hispanics tend to hold the lowest wage and lowest skill jobs within the lowest paid occupations. The major exception for Latinos has been in the construction trade with the highest wages available for workers without a high school or higher degree. The decline in construction jobs during the recent recession has had a disproportionately high effect on Hispanics since they have held so many of the District's construction jobs.²³

Transportation

Of the District's estimated 281,847 commuters in 2010, 42.8 percent traveled by car, truck, or van; 40.3 percent by public transportation (Metrorail and bus); 12.3 percent walked to work; and 4.4 percent commuted by taxicab, motorcycle, bicycle, or other means.²⁴ Nationally almost 3 percent walked and 87 percent drove to work (77 percent alone and almost 10 percent car pooled).

The District of Columbia's transit system is one of the most extensive in the nation. Only New York City has a greater percentage of residents who use public transit to travel to and from work.²⁵ The 38 miles and 40 stations of Metrorail within the District provide rail public transit throughout the District. The full 106 miles and 86 Metrorail stations in the metropolitan region provide rail transit to the employment centers in the District. However, the transit systems often do not connect District residents to employment centers in the suburbs and the system can be expensive and difficult to access. The District reports that "many of those who need transit the most, including the poor and those with special needs, still face mobility problems."²⁶

It is desirable to minimize the time spent commuting because shorter commute times increase the desirability of living in a community. A well-regarded 2004 study arrived at the "unambiguous conclusion" that "The length of their commute to work holds a dominant place in Americans' decisions about where to live. Americans place a high value on limiting their commute times and they are

22. The Urban Institute Metropolitan Housing and Communities Policy Center, *State of Latinos in the District of Columbia* (Washington, D.C.: Mayor's Office on Latino Affairs, Nov. 2009) 41.

23. Ibid. 42–44.

24. Table B08134, "Means of Transportation to Work by Travel Time to Work — Universe: Workers 16 years and over who did not work at home," *2010 American Community Survey 1-Year Estimates*.

25. *The Comprehensive Plan for the National Capital: District Elements* (Washington, D.C.: Office of Planning, Oct. 2007) 2–9.

26. Ibid.

more likely to see improved public transportation and changing patterns of housing development as the solutions to longer commutes than increasing road capacities.”²⁷

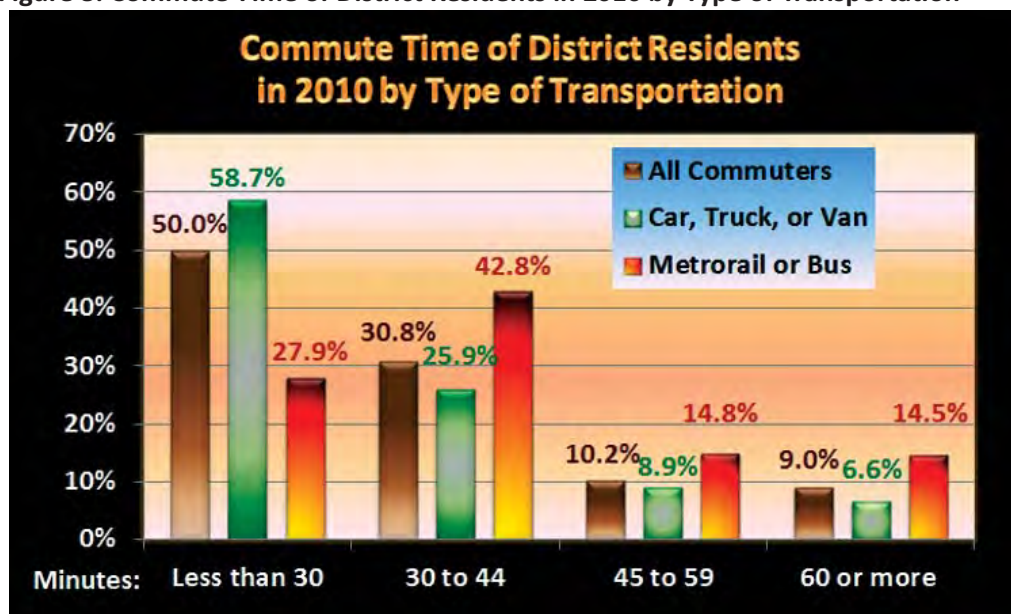
More specifically, this random-sample national survey found:

“A limited commute time is, for most Americans, an important factor in deciding where to live. Being within a 45-minute commute to work is rated highest among a list of fourteen priorities in thinking about where to live (79% “very” or “somewhat” important), followed by easy access to highways (75%) and having sidewalks and places to walk (72%).

“A short commute is particularly important to people who plan to buy a home in the next three years (87%) and women and African Americans place high importance on sidewalks and places to walk (76% and 85%, respectively).”²⁸

As the graph below shows, the commute time of more than 80 percent of District residents falls within that desirable commute of 45 minutes or less.

Figure 8: Commute Time of District Residents in 2010 by Type of Transportation



Source: Tables B08134 and B09134, “Means of Transportation to Work by Travel Time to Work — Universe: Workers 16 years and over who did not work at home,” 2010 American Community Survey 1-Year Estimates.

Nearly six in ten who drove or car pooled to work enjoyed a commute of less than half an hour. A little over a quarter traveled for 30 to 44 minutes while almost one in ten commuted 45 to 59 minutes and only 6.6 percent spent an hour

27. Belden Russonello & Stewart Research and Communications, 2004 American Community Survey National Survey on Communities (October 2004), 1. Available online as a PDF file at <http://smart-growthamerica.org/narsgareport.html>

28. Ibid. 7, 9.

or more commuting. Most people who took public transportation had longer commutes. A bit more than a fourth of those taking public transportation commuted for under 30 minutes. About four in ten traveled 30 to 44 minutes while nearly 15 percent commuted for 45 to 59 minutes and another 15 percent traveled an hour or more.

These figures emphasize the importance of public transit for District residents to reach jobs outside the District's core employment areas.

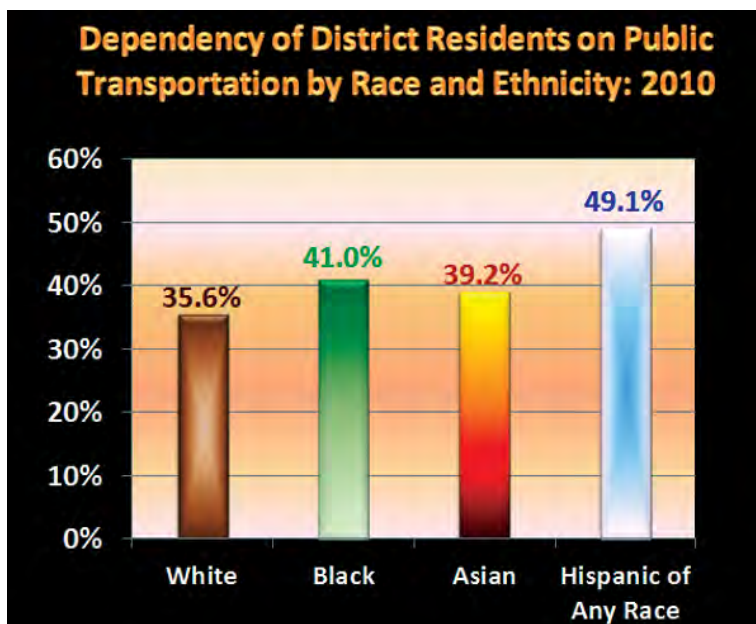
Nearly half of the District's Latino residents were dependent on public transportation, making Hispanics the most dependent on mass transit. Very close percentages of African Americans and Asians were dependent on public transportation while Caucasians were the least dependent.

These figures emphasize how essential public transportation is for the District's minority households and households of modest means to get to work.

Nearly all the city's public housing developments are within walking distance or a relatively short bus ride to a Metrorail station which gives public housing residents, who are among most likely to be transit dependent, the means to get to work in the District and to jobs in inner-ring suburbs within walking distance of a Metrorail station.

This greater dependency on public transportation among Latinos, African Americans, and Asians, results in longer commuting times for the people who can least afford to devote time to lengthy commutes. It reduces the time available for parents to devote to their children and their education, contributing to their children's poorer performance in school than the children from wealthier households and reducing the ability of their children to achieve upward mobility.

Figure 9: Dependency of District Residents on Public Transportation by Race and Ethnicity: 2010



Source: Tables B08105A, B08105B, B08105D, B08105I, "Means of Transportation to Work," 2010 American Community Survey 1-Year Estimates.

Zoning and Availability of Land for Residential Development

Residential Building Permits

Prior to the nation's Great Recession, skyrocketing demand for housing in the District had led to a substantial increase in production. In 2005, the District issued permits to build 2,860 dwelling units, more than twice the annual average of 1,287 from 2000 through 2004 and 11 times more than the annual average of 251 in the 1990s.²⁹

Since then, the numbers of units authorized by building permits each year has fallen as shown in the table below, but still remained far above the averages from the 1990s. In each of the five years, most of the permits were for buildings with five or more units.

Table 51: Number of Housing Units for Which Building Permits Were Issued in the District of Columbia: 2006–2010

Number of Housing Units for Which Building Permits Were Issued in the District of Columbia: 2006–2010					
Number of Dwelling Units in Type of Structure	2006	2007	2008	2009	2010
Total Units	2,105	1,910	536	1,126	739
Single-Family Structures	126	576	248	151	177
Multi-Family Structures: All	1,979	1,334	288	975	562
Multi-Family Structures: 2 Units	14	14	4	82	16
Multi-Family Structures: 3 or 4 Units	6	23	4	4	51
Multi-Family Structures: 5 or More Units	1,959	1,297	280	889	495

Source: SOCDS Building Permits Database at <http://socds.huduser.org/permits/index.html>.

Possible Exclusionary Zoning Provisions

The District's zoning ordinance permits residential development in a variety of residential and mixed-use districts that offer a wide range of densities and settings. The residential development standards for building height, lot dimensions, floor-area ratios, percentage of lot occupancy (building/lot), rear yards, side yards, public space, and parking are not excessive and would not be expected to create barriers to building housing affordable to households of modest means.

To spur the development of affordable housing, the ordinance includes density bonuses, transfer of development rights, and housing linkage to office development.

29. *The Comprehensive Plan for the National Capital: District Elements*, (Washington, D.C.: Office of Planning, Oct. 2007) 5–3, 5–3

Density bonuses. Chapter 26 of the zoning ordinance establishes an Inclusionary Zoning Program that lets a building have up to 20 percent more floor area than normally allowed if it dedicates units affordable to households with modest incomes. The density bonus generally applies to districts R-2 through R-5-D, C-1 through C-3-C, CR, SP, and W-1 through W-3 (§2602). Associated modifications to height and lot dimensions to achieve the bonus density are described in §2604, and separate standards for the Cleveland Park and H Street Northeast Overlay Districts are found in §1306 and §1326.

Transfer of development rights (TDR). Transfer of development rights for affordable dwellings is allowed within the Downtown Development (DD) Overlay District as described in §1706.3 and §1709.

Housing linkage. When a planned unit development (PUD) includes producing or financially assisting the production of dwellings affordable to low- and moderate-income people, it is eligible to increase the amount of floor area devoted to office space above the amount permitted as a matter of right, as described in §2404.

Accessory Apartments

Accessory apartments offer a cost-efficient way to provide additional lower-cost housing and enable home owners with limited incomes or disabilities to remain in their homes by providing income from an accessory apartment and providing a residence for a live-in aide for a household member with disabilities, including the frail elderly. The district's zoning code permits accessory apartments in several residential districts as described in §202, §301, §321, §331, and §351. However, many of the requirements for approval are likely to discourage home owners from even applying to establish an accessory apartment.

The District's 2006 comprehensive plan recognized this problem and recommended changes to the zoning regulations to facilitate development of accessory apartments:

Explore changes which would facilitate development of accessory apartments (also called "granny flats" or in-law units), English basements, and single room occupancy housing units. Any changes to existing regulations should be structured to ensure minimal impacts on surrounding uses and neighborhoods.³⁰

The Zoning Code contains a list of requirements that likely discourage applications for accessory dwellings:

An accessory apartment may be added within an existing one-family detached dwelling if approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the following provisions:

(a) The lot shall have a minimum lot area for the following zone Districts:

30. *The Comprehensive Plan for the National Capital: District Elements*, (Washington, D.C.: Office of Planning, Oct. 2007) 5–20.

- (1) Seven thousand, five hundred (7,500) square feet for R-1-A;
- (2) Five thousand (5,000) square feet for R-1-B; and
- (3) Four thousand (4,000) square feet for R-2 and R-3;
- (b) The house shall have at least two thousand (2,000) square feet of gross floor area, exclusive of garage space;
- (c) The accessory apartment unit may not occupy more than twenty-five percent (25%) of the gross floor area of the house;
- (d) The new apartment may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area; garage space may not be converted;
- (e) If an additional entrance to the house is created, it shall not be located on a wall of the house that faces a street;
- (f) Either the principal dwelling or accessory apartment unit must be owner-occupied;
- (g) The aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6);
- (h) An accessory apartment may not be added where a home occupation is already located on the premises;
- (I) The Board may modify or waive not more than two (2) of the requirements specified in paragraphs (a) through (h) of this subsection; provided, that the following occurs:
 - (1) The owner-occupancy requirement of paragraph (f) shall not be waived;
 - (2) Any modification(s) approved shall not conflict with the intent of this section to maintain a single-family residential appearance and character in the R-1, R-2, and R-3 Districts; and
 - (3) Any request to modify more than two (2) of the requirements of this subsection shall be deemed a request for a use variance.

Changing six of the eight requirements (b, c, d, e, g, h) could facilitate development of accessory dwellings with only a minimal impact on surrounding uses and neighborhoods.

- ◆ *The minimum size requirement for the principal house in §201.10(b).* The present minimum of 2,000 square feet effectively limits accessory apartments to large houses. A standard is needed that would permit accessory dwellings regardless of the size of the principal house.
- ◆ *The requirement in §201.10(c) that an accessory dwelling may not occupy more than 25% of the house.* This requirement may not work well with small houses. For example, it would prohibit a 500 square foot accessory apartment in a 1,500 square foot houses A standard is needed that works for a wider range of house sizes.
- ◆ *The requirement in §201.10(d) that the accessory dwelling may be created only through internal conversion of the house, without any additional lot occupancy or gross floor area, and that garage space may not be converted.* If the lot size is adequate, an accessory unit added-on or external to the

principal house would not necessarily generate any adverse impacts. The zoning code (§2500.5) allows the second story of garages be used to house domestic employees. It is hard to imagine a rational reason not to allow the second story of a garage to be used as an accessory dwelling by applying the same standards that apply to housing of domestic employees.

- ◆ *The requirement in §201.10(e) that if an additional entrance to the house is created, it cannot be located on a wall of the house that faces a street.* An entrance facing the street is safer. Appearance is a legitimate concern that can be addressed by requiring design review or by including standards to ensure that a street-facing entrance is acceptable.
- ◆ *The requirement in §201.10(g) that limits the total number of persons who may occupy the house, including an accessory dwelling to six.* Overcrowding is a legitimate concern properly regulated through the building code. While the definition of “family” allows up to six unrelated people to occupy a dwelling unit, an accessory apartment is a separate dwelling unit occupied by a different “family” than the principle dwelling.
- ◆ *The requirement in §201.10(h) that an accessory dwelling may not be added if there is a home occupation.* The District’s zoning allows a wide range of home occupations. Some would have no bearing on the impact of an accessory dwelling. The code needs standards that take into account the cumulative impact of both home occupations and accessory dwellings.

These suggested changes to zoning of accessory dwellings can be structured to continue to ensure minimal impacts on surrounding uses and neighborhoods.

As the table below suggests, relatively little of the residentially-zoned land in the District is available for development (i.e. unoccupied buildings or vacant).

City staff compiled the data in this table based on development activity from the DC Office of Planning, property lot use codes and tax data from the DC Office of Tax and Revenue, vacant properties from the DC Office of Regulatory Affairs, zoning districts from the DC Office of Zoning, parks from the DC Department of Parks and Recreation, federal parks from the National Parks Service, and water from the National Capitol Planning Commission and DC Department of Public Works. Planning staff reports that some of its source data may be inaccurate or not up to date, but that above table is based on the best data available to the District’s Office of Planning.³¹

31. Any questions about the data should be directed to Eddie Luthy or Charlie Richman in the DC Office of Planning.

Table 52: District Land Available for Residential Use As of the End of 2010

District Land Available for Residential Use As of the End of 2010							
Zoning Districts That Allow Residential Uses		Minimum Lot Area in Square Feet or Floor Area Ratio (FAR)	With Inclusionary Zoning: Minimum Lot Area in Square Feet or Floor Area Ratio (FAR)	Planned Unit Developments: Minimum Lot Area in Square Feet or Floor Area Ratio (FAR)	Total Acres	Land Available to Develop in Acres	Percentage of Land Available to Develop
R-1-A	One-Family Detached Low Density	7,500	—	—	1,969	16.71	0.8%
R-1-B	One-Family Detached High Density	5,000	—	—	6,641	52.99	0.8%
R-2	One-Family, Semi-Detached	Detached: 4,000 Attached: 3,000	Detached: 3,200 Attached: 2,400	—	3,378	66.25	2.0%
R-3	Row Dwellings	Row: 2,000 Semi-detached: 3,000 Others: 4,000	Row: 1,800 Semi-detached: 3,000 Others: 4,000	—	2,047	40.42	2.0%
R-4	Row Dwellings, Conversions, and Apartments	Row & flats: 1,800 Semi-detached: 3,000 Others: 4,000	Row & flats: 1,400 Semi-detached: 3,000 Others: 4,000	Maximum FAR 1.0	3,684	53.14	1.4%
R-5-A	General Residence, Low Density	Maximum FAR 0.9	Maximum FAR 1.1	Maximum FAR 1.0	4,273	68.70	1.6%
R-5-B	General Residence, Moderate Density	Maximum FAR 1.8	Maximum FAR 2.16	Maximum FAR 3.0	1,385	12.55	0.9%
R-5-C	General Residence, Medium Density	Maximum FAR 3	Maximum FAR 3.6	Maximum FAR 4.0	31	0.44	1.4%
R-5-D	General Residence, Medium-High Density	Maximum FAR 3.5	Maximum FAR 4.2	Maximum FAR 4.5	682	2.55	0.4%
R-5-E	General Residence, High Density	Maximum FAR 6	Maximum FAR 7.2	Maximum FAR 6.0	111	0.82	0.7%
SP-1	Special Purpose Medium Density Apartments	Maximum FAR 4	Maximum FAR 4.8	Maximum FAR 4.5	60	0.47	0.8%
SP-2	Special Purpose Medium-High Density Apartments	Maximum FAR 6	Maximum FAR 7.2	Maximum FAR 6.5	270	0.02	0.0%
W-1	Waterfront Moderate Density	Maximum FAR 2.5	Maximum FAR 3.0	Maximum FAR 3.0	89	0.17	0.2%
W-2	Waterfront Medium Density	Maximum FAR 4	Maximum FAR 4.8	Maximum FAR 4.0	25	0.09	0.4%
W-3	Waterfront High Density	Maximum FAR 6	Maximum FAR 7.2	Maximum FAR 6.0	42	3.46	8.1%
CR	Mixed Use	Maximum FAR 6	Maximum FAR 7.2	Maximum FAR 8.0	72	0.19	0.3%
C-2-A	Commercial: Community Business Center Medium Density	Maximum FAR 2.5	Maximum FAR 3.0	Maximum FAR 3.0	945	16.58	1.8%
C-2-B	Commercial: Community Business Center Medium-High Density	Maximum FAR 3.5	Maximum FAR 4.2	Maximum FAR 6.0	192	1.85	—
C-2-C	Commercial: Community Business Center High Density	Maximum FAR 6	Maximum FAR 7.2	Maximum FAR 6.0	155	3.28	—
C-3-A	Commercial: Community Business Center Medium Bulk	Maximum FAR 4	Maximum FAR 4.8	Maximum FAR 4.5	357	3.35	—
C-3-B	Commercial: Community Business Center Medium Bulk	Maximum FAR 5	Maximum FAR 6.0	Maximum FAR 5.5	30	—	—
C-3-C	Commercial: Community Business Center Medium-High Density	Maximum FAR 6.5	Maximum FAR 7.8	Maximum FAR 8.0	752	9.01	—
C-4	Central Business District	Maximum FAR 8.5 to 10	—	Maximum FAR 10.5 to 11	352	0.18	—
C-5	Pennsylvania Avenue Development	Maximum FAR 10 to 12	—	Maximum FAR 12	23	—	—
HE	Hill East District	Zoning Commission Review	—	—	—	—	—
Total Land Zoned for Residential Use					27,566	353.23	1.3%

Source: DC Office of Planning, 2011.

Opportunities for growth are very limited in the landlocked District of Columbia. With over 9,000 resident per square mile, the District is the sixth densest city in the nation. When the federal land that constitutes 40 percent of the District is excluded from the analysis, density is even higher. And with a strict limit on

building heights since 1899, the tallest buildings top out at about 14–stories. The substantial part of the District that is in historic districts also limits its capacity for growth.³²

Opportunities for residential growth include some government–owned land, vacant buildings, underused commercial and industrial sites, failed housing developments, ailing business districts, and hundreds of small “infill” sites particularly in the northeast and southeast quadrants. The city reports there is potential for thousands of new units of housing.

The city does recognize the potential for displacement that new development poses, particularly for lower–income residents.³³

Fair Housing in the District’s Plans

The introduction of the District’s current comprehensive plan starts off with this highlighted statement that appears to support affirmatively furthering fair housing choice:

“Growing inclusively means that individuals and families are not confined to particular economic and geographic boundaries but are able to make important choices— about where they live, how and where they earn a living, how they get around the city, and where their children go to school. Growing inclusively also means that every resident can make these choices— of whether they have lived here for generations or moved here last week, and regardless of their race, income, or age.” — *A Vision for Growing An Inclusive City, 2004*³⁴

It would seem that a key component to achieving these aims would be creating stable, racially–integrated neighborhoods throughout the District. Yet the only time the plan even refers to racial integration is when it states:

“On a neighborhood level, the recent housing boom has challenged the District’s ability to grow a city of inclusive and racially and economically diverse communities.”³⁵

The plan lacks any goals, objectives, or policies to achieve stable, racially–integrated neighborhoods, which in the District would also require economically–diverse housing because the median income of African Americans is 37 percent of the median income of Caucasians as discussed beginning on page 147.

The plan’s “Housing Element” focuses largely on meeting the need for housing affordable to middle–income residents as well as the even more severe housing needs of low–and moderate–income households. It posits seven policies to

32. *The Comprehensive Plan for the National Capital: District Elements*, (Washington, D.C.: Office of Planning, Oct. 2007) 2–6.

33. *Ibid.* 3–7.

34. *Ibid.* 1–1.

35. *Ibid.* 5–5.

expand the supply of housing.³⁶

But nowhere does the plan reference one of the city's most potent tools to preserve housing affordable to households with modest incomes, the Rental Housing Conversion and Sale Act of 1980, which is discussed beginning on page 150. Nor is there even a single mention of low-equity or limited-equity cooperatives or mutual housing associations, which have been one of the most effective forms of home ownership to keep existing housing affordable to households with modest incomes.

The plan directly addresses fair housing in a section labeled "H-3-2 Housing Access" under the broader rubric "H-3 Home Ownership and Access."

The District established its commitment to fair housing under the Human Rights Act of 1977 (DC Law 2-38, DC Code Sec 2-1401 (2001 ed)). This commitment is bolstered by federal regulations, including the Civil Rights Acts of 1964 and 1968, the Americans With Disabilities Act (ADA) of 1990, and the Age Discrimination Act of 1975. Together, these laws effectively prohibit housing discrimination on the basis of race, color, national origin, disability, sex, religion, sexual orientation, personal appearance, political affiliation, or family status.

Despite discrimination laws, DC residents may still be unfairly denied housing on the basis of the factors listed above. Common forms of discrimination include refusal to rent, "steering" to particular neighborhoods by real estate agents, setting different terms for the sale or rental of housing (such as higher security deposits for certain groups), advertising to "preferred" groups, denial of loans or imposition of variable loan terms, and the use of threats and intimidation. The District will work to address these challenges in the future through full enforcement of its fair housing laws.³⁷

The plan continues with these policies for implementation:

Policy H-3.2.1: Fair Housing Enforcement

Strongly enforce fair housing laws to protect residents from housing discrimination. Provide education, outreach, and referral services for residents regarding their rights as tenants and buyers. Provide education and outreach to landlords, property managers, real estate agents, and others on their obligations when housing is made available.

Policy H-3.2.3: Prohibition on Redlining

Ensure compliance with the federal Community Reinvestment Act of 1977, which prohibits the practice of "redlining" local neighborhoods.

Action H-3.2.A: Cultural Sensitivity

Require all District agencies that deal with housing and housing services to be culturally and linguistically competent.

Action H-3.2.B: Employee Education

Undertake a Fair Housing Act education program for all relevant

36. Ibid. 5-8 — 5-9.

37. Ibid. 5-28,

staff persons and public officials to ensure they are familiar with the Act and their responsibilities in its enforcement.³⁸

There is no mention of achieving stable, racially-integrated neighborhoods which would be the eventual and natural end product of ending distortion of the free housing market due to discriminatory practices that violate the Fair Housing Act.

The housing needs of people with disabilities, a protected class under both the federal and District fair housing laws, are addressed in the H-4 Housing Those With Special Needs” section. The plan recognizes that the current distribution of “special needs housing” is “uneven.” “One of the basic premises of the city’s Vision is that special needs housing should be accommodated in all neighborhoods of the city and not concentrated in a handful of areas, as it is today.”³⁹

The plan establishes a policy to “Integrate special needs housing units throughout the city rather than segregating them into neighborhoods that already have high concentrations of such housing.” Similarly it recognizes the need for senior housing and for barrier-free housing for people with physical disabilities.⁴⁰

But there is clearly a disconnect between these policies and the plan’s examination of community residences for people with disabilities.

Current city practices regarding community residences for people with disabilities are discussed and analyzed beginning here on page 126. However, as well-intentioned as they may be, the policies the 2006 comprehensive plan proffers regarding community residences for people with disabilities at a minimum border on the illegal and at worse are blatant violations of the nation’s Fair Housing Act.

The plan accurately recognizes “that such housing is more heavily concentrated in some parts of the city than others. This is a result of a number of factors, including land costs, proximity to supportive services, and the density and character of housing in the city.”⁴¹ Close examination of their locations shows that the vast majority are located in what were African American communities in 2000, some of which have been experiencing Caucasian in-migration during the past decade as reported earlier in this chapter.

The plan seems to endorse continuing the clearly illegal differential treatment of small community residences for people in recovery from drug and/or alcohol addiction. The District’s zoning ordinance’s definition of “family” allows up to six unrelated individuals to live together as a single housekeeping unit. The zoning code correctly treats community residences for most people with disabilities with no more than six residents the same as other families — namely as a permitted use in all residential districts. The plan, however, perpetuates the District’s disparate requirement that community residences for any number of people in recovery obtain a special exception to locate in a residential district. There

38. Ibid. 5–28 — 5–29.

39. Ibid. 5–29.

40. Ibid. 5–30.

41. Ibid. 3–47.

is simply nothing in the Fair Housing Act that allows a city to treat people differently based on their type of disability.⁴²

The plan notes community concerns of “the need to more effectively involve the community in siting decisions, and to provide better notification of siting requests.” It goes on to suggest greater community involvement in siting community residences for people with disabilities, including establishing advisory committees and good neighbor agreements.⁴³ While such requirements can be applied to populations like prison pre-parolees who are not covered by the Fair Housing, requiring advisory committees and good neighbor agreements for community residences *for people with disabilities* almost certainly violates the nation’s Fair Housing Act.

Plan “Action LU–3.4B: Information on Group Home Location” calls for providing “easily accessible information on location and occupancy for all licensed group home facilities in the District. Such information should be accessible via the Internet and also should be available in mapped format, with appropriate protections for the privacy rights of the disabled.”⁴⁴

Suggestion Remove the section “Information on Group Home Location” from *The Comprehensive Plan for the National Capital: District Elements* as soon as possible. In 2008, the State of Nevada imposed a similar requirement for community residences for people with disabilities. A court found these requirements to facially discriminate against people with disabilities under the Fair Housing Act.⁴⁵ If implemented, Action LU–3.4B would almost certainly suffer the same judicial fate.

42. Ibid. 5–8 — 5–9.

43. Ibid. 3–50.

44. *The Comprehensive Plan for the National Capital: District Elements*, (Washington, D.C.: Office of Planning, Oct. 2007) 2–6.

45. *Nevada Fair Housing Center v. Clark County et al.*, 565 F.Supp.2d 1178 (D. Nevada 2008).

Chapter 4

Status of Fair Housing in the District of Columbia

Private Sector Compliance Issues

Fair Housing Complaints and Studies

Complaints of discrimination in housing can be filed with the District's own Office of Human Rights; the Equal Rights Center, a national nonprofit organization; or the U.S. Department of Housing and Urban Development.

In addition to the federal classes of race, color, religion, national origin, disability, familial status, and sex, the District's Human Rights Act of 1977 prohibits discrimination in housing based on the following 12 additional classifications:¹

- ◆ Age
- ◆ Family responsibilities (“the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including the state of being the subject of an order of withholding or similar proceedings for the purpose of paying child support or a debt related to child support”)
- ◆ Gender identity or expression
- ◆ Genetic information (“information about the presence of any gene, chromosome, protein, or certain metabolites that indicate or confirm that an individual or an individual's family member has a mutation or other genotype that is scientifically or medically believed to cause a disease, disorder, or syndrome, if the information is obtained from a genetic test”)
- ◆ Marital status (“the state of being married, in a domestic partnership, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood”)
- ◆ Matriculation (“being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program”)
- ◆ Personal appearance (“the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner style of personal grooming, including, but not limited to, hair style and beards”)

1. §2-1401.01, *Human Rights Act of 1977, As Amended March 14, 2007*, Title 2, Chapter 14 *District of Columbia Code*.

- ◆ Political affiliation
- ◆ Retaliation
- ◆ Sexual orientation
- ◆ Source of income (“the point, the cause, or the form of the origination, or transmittal of gains of property accruing to a person in a stated period of time; including, but not limited to money and property secured from any occupation, profession or activity, from any contract, agreement or settlement, from federal payments, court-ordered payments, from payments received as gifts, bequests, annuities, life insurance policies and compensation for illness or injury, except in a case where conflict of interest may exist”)
- ◆ Status as a victim of an intrafamily offense (victim of domestic violence)

The Human Rights Act notes that discrimination based on sex includes, “discrimination on the basis of pregnancy, childbirth, or related medical conditions.”²

The act specifically defines the prohibited practices of blockbusting and steering.³ The act contains the same “Mrs. Murphy” exemptions as in the federal Fair Housing Act.⁴ It establishes that the Office of Human Rights and the Commission on Human Rights are the vehicles for implementing, administering, and enforcing the District’s Human Rights Act which is substantially equivalent to federal fair housing laws. The District’s Human Rights Act was designated as substantially equivalent to the nation’s Fair Housing Act at the turn of the century with the Office of Human Rights designated as the District’s Fair Housing Assistance Program Agency.

The U.S. Department of Housing and Urban Development (HUD) looks only at violations of the nation’s fair housing law, not violations based solely on the 12 additional classes protected under the District’s fair housing statute. Consequently, complaints of housing discrimination based on any of the additional 12 protected classes should be filed with the District’s Office of Human Rights.

As shown in the table that follows, 39 percent of the housing discrimination complaints filed with the Office of Human Rights during the 2006–2010 study period were based at least in part on disability. A bit more than half as many were based on race with another nine percent based on national origin. Just 18 percent of the complaints involved any of the additional 12 protected classes with one-third of those based on source of income.

Unfortunately the District does not maintain data on whether a complaint involves a rental or “ownership” residence. Compiling that information should be a part of the Office of Human Rights’ routine record keeping and data compilation practices so it can better understand the circumstances under which housing discrimination occurs.

2. Ibid. at §2–1401.05(a).

3. Ibid. at §2–1402.22.

4. Owner-occupied buildings with no more than four units are exempt when it comes to rentals.

Table 53: Fair Housing Complaints Filed With the DC Office of Human Rights: 2006–2010

Fair Housing Complaints Filed With the DC Office of Human Rights: 2006 – 2010						
Basis of complaints	All complaints		Rental		Sales	
	Number	Percent	Number	Percent	Number	Percent
Protected Classes Under Federal Law						
Race	40	21%	Data not available. The Office of Human Rights records system does not identify whether a fair housing complaint involves rental or “for sale” housing.			
National Origin	17	9%				
Color	0	0%				
Religion	7	4%				
Sex	11	6%				
Familial Status	7	4%				
Disability	73	39%				
Total: Federal Protected Classes	155	82%				
Additional Protected Classes Under District of Columbia Law						
Sexual Orientation	3	2%	Data not available. The Office of Human Rights records system does not identify whether a fair housing complaint involves rental or “for sale” housing.			
Gender Identity or Expression	1	1%				
Genetic Information	0	0%				
Source of Income	11	6%				
Age	6	3%				
Personal Appearance	2	1%				
Political Affiliation	0	0%				
Family Responsibilities	0	0%				
Matriculation	0	0%				
Marital Status	2	1%				
Victim of Domestic Violence	0	0%				
Retaliation	8	4%				
Total: Additional DC Protected Classes	33	18%				
Total: All Protected Classes	188	100%				
Some complaints included more than one category. Percentages are of the total number of 188 complaints. No complaints involving zoning were filed with the city during this period although a federal lawsuit was filed. Source: District of Columbia Office of Human Rights						

Fair housing complaints involving property within the District of Columbia that the Office of Human Rights received included:⁵

- ➡ A man with a disability asked his condominium association to make a reasonable modification for him by installing a ramp so he could gain access to his garage. He alleged that because of his disability the condominium association unreasonably delayed responding to his reasonable accommodation request. The condominium association agreed to assign the gentleman a parking space suitable to his needs. During inclement weather (snow, sleet, rain, temperatures above 85 degrees), the association agreed to assign him to another parking location closer to his building. The president of the condominium board and all staff were required to obtain diversity training regarding the needs of people with disabilities from the Equal Rights Center or other certified organization.

5. These are the descriptions of fair housing complaints that the Office of Human Rights furnished.

- ➡ A woman alleged discrimination on the basis of familial status when a Craig's List advertisement led her to a two-bedroom townhouse for rent. The property owner refused to show her the townhouse and told her that the house was located on a busy street and not suitable for children. The settlement required the owner to show the townhouse to the mother when it becomes available in the future and to contact the U.S. Department of Housing and Urban Development to take fair housing training.
- ➡ An African American woman alleged that the manager of her building refused to allow her to move to another unit due to her race and that he allowed a white tenant to move to that unit. The settlement moved the complainant to the unit she had requested and required the landlord to refund her security deposit from the old unit. The landlord gave the woman a one-year lease, installed new stainless steel appliances and a new carpet, and applied a fresh coat of paint throughout the new apartment. The landlord agreed to waive any application or move-in fees.
- ➡ An African American woman claimed that her credit union deliberately made it impossible for her to refinance her mortgage because of her race. The settlement waived all cost or processing fees for her refinancing application. Her credit rating was not affected by the loan application to refinance. She agreed to dismiss with prejudice any complaint, inquiry, or investigation concerning the property. The credit union agreed to post the Fair Housing Act at a location viewable by the public in its management office space.

Substantially more complaints involving property in Washington, D.C. were filed during 2006–2010 with the Equal Rights Center. Overall, 77 percent more complaints were filed with the Equal Rights Center than with the District's Office of Human Rights. Sixty-two percent more complaints were filed based on the federal fair housing law while 167 percent more were filed with the Equal Rights Center based on the 12 additional classes protected under the District's fair housing statute.

Like the complaints filed with the Office of Human Rights, the most frequent complaint involved disabilities (38 percent). Next, as shown in the table below, came national origin at 19 percent of the complaints and then race with 11 percent. The most frequent basis for a complaint under the District's protected classes was source of income with 11 percent and then gender identity or expression at 8 percent.

Unfortunately the Equal Rights Center does not maintain data on whether a complaint involves a rental or "ownership" residence. Compiling that information should be a part of the Equal Rights Center's routine record keeping and data compilation practices so it can better understand the circumstances under which housing discrimination takes place.

Table 54: Fair Housing Complaints Filed With the Equal Rights Center: 2006–2010

Fair Housing Complaints in the District Filed with the Equal Rights Center: 2006 – 2010						
Basis of complaints	All complaints		Rental		Sales	
	Number	Percent	Number	Percent	Number	Percent
Protected Classes Under Federal Law						
Race	37	11%	30	9%	7	2%
National Origin	63	19%	54	16%	9	3%
Color	0	0%	0	0%	0	0%
Religion	5	2%	5	2%	0	0%
Sex	8	2%	7	2%	1	0%
Familial Status	12	4%	12	4%	0	0%
Disability	126	38%	115	35%	11	3%
Total: Federal Protected Classes	251	76%	223	67%	28	8%
Additional Protected Classes Under District of Columbia Law						
Sexual Orientation	0	0%	Data not available. The Equal Rights Center's records system does not identify whether a fair housing complaint under the additional protected classes under District law involves rental or "for sale" housing.			
Gender Identity or Expression	28	8%				
Genetic Information	0	0%				
Source of Income	35	11%				
Age	6	2%				
Personal Appearance	0	0%				
Political Affiliation	0	0%				
Family Responsibilities	0	0%				
Matriculation	3	1%				
Marital Status	0	0%				
Victim of Domestic Violence	2	1%				
Retaliation	0	0%				
Protected Class Not Specified	7	2%				
Total: Additional DC Protected Classes	81	24%				
Total: All Protected Classes	332	100%				
N/A = Data not available. Some complaints included more than one category. Percentages are of the total number of 332 bases of complaints. No complaints involving zoning were filed with the Equal Rights Center during this period although a federal lawsuit was filed.						
Source: Equal Rights Center						

As noted earlier, the U.S. Department of Housing and Urban Development (HUD) investigates only charges of housing discrimination based on the federal fair housing statute and *not* the 12 additional protected classes established by the District's own fair housing ordinance. As shown in the table below, disabilities constitute a slightly higher percentage of federal fair housing complaints filed with HUD, 42 percent. Race constitutes the next most frequent basis with 23 percent of the federal complaints while national origin makes up 12 percent and familial status 11 percent.

HUD provides a very brief description of each complaint that enables us to identify the specific sort of allegedly discriminatory action as well as the protected class in each complaint filed with the federal government. The most frequently cited action was a refusal to rent or negotiate a sale. Retaliation and discrimination in issuing loans constituted the next more frequent action, about one-third as frequently as refusal to rent or negotiate a sale.

Table 55: Fair Housing Complaints Filed With the U.S. Department of Housing and Urban Development: 2006–2010

Federal Fair Housing Complaints in the District Filed with HUD: 2006 – 2010						
Basis of complaints	All complaints		Rental		Sales	
	Number	Percent	Number	Percent	Number	Percent
Includes Only Protected Classes Under the Federal Housing Act						
Race	46	23%	19	10%	9	5%
National Origin	24	12%	12	6%	4	2%
Color	2	1%	0	0%	0	0%
Religion	8	4%	0	0%	3	2%
Sex	15	8%	5	3%	2	1%
Familial Status	22	11%	10	5%	0	0%
Disability	83	42%	31	16%	1	1%
Unknown	1	1%	1	1%	0	0%
Total: Federal Protected Classes	200	100%	77	39%	19	10%
Specific Actions in Addition to Above Classes						
Advertising	10	—	1	—	0	—
Coercion	1	—	1	—	0	—
Harrassment	2	—	0	—	0	—
Loans	12	—	1	—	11	—
Refusal to Rent or Negotiate a Sale	33	—	30	—	3	—
Retaliation	12	—	6	—	0	—
Zoning	1	—	0	—	0	—
The “All Complaints” column includes the complaints for which HUD did not report the type of housing — rental or ownership. Some complaints included more than one class and more than one specific action. Percentages are of the total number of bases of complaints.						
Source: U.S. Department of Housing and Urban Development						

HUD’s reporting system does not specifically identify whether a complaint involved rental or ownership housing. However, we were able to identify the type of tenancy in a some complaints from the short descriptions HUD provides. Analysts of HUD’s data could better understand the circumstances under which housing discrimination takes place if HUD were to routinely report whether a complaint involves a rental or “ownership” residence.

Testing for Housing Discrimination

The Office of Human Rights did not conduct any tests for housing discrimination during 2006–2011. However, 12 single-pair tests were conducted during the investigation of specific fair housing complaints filed with the Office of Human Rights. Tests involved reasonable accommodations and accessibility for people with disabilities, home loans based on national origin or race, rentals based on national origin or race, home sales based on race, and rental based on source of income. The descriptions of the tests did not indicate whether the Office of Human Rights concluded that discriminatory actions had taken place.

Several research studies reveal the extent of discrimination in housing in the District of Columbia based on a household’s source of income or status as a victim of domestic violence.

The District’s Human Rights Act prohibits private landlords from discriminating against a tenant or prospective tenant due to her “source of income”

which means that a landlord cannot refuse to rent to somebody because he intends to pay a portion of his rent with a housing choice voucher.⁶ A housing choice voucher works as a direct payment to the landlord from the jurisdiction housing authority for all or a portion of the tenant's monthly rent.

The two studies the Equal Rights Center conducted documenting discrimination against renters who hold a housing choice voucher suggest that even though source of income discrimination is still substantial, it has declined during the study period of this analysis of impediments.

Between 2003 and 2005, the Equal Rights Center conducted "testing" of locally-advertised rental properties within the financial reach of households that receive housing choice vouchers.⁷ Testers responded to 108 rental advertisements involving 75 apartment buildings and 13 real estate management companies. They posed as voucher holders to inquire about the availability of housing and gathered information about each landlord's policies and practices toward accepting housing choice vouchers.

Just 37 percent of the landlords and rental agents were willing to accept a tenant with a housing choice voucher. Overall, 61 percent of the test callers found that they could not rent a dwelling. Twenty-six percent of the testers were told that vouchers would not be accepted under any circumstances. In another 35 percent of the test calls, housing providers set restrictions that would bar most voucher holders from renting an available unit. These limitations included statements that only buildings of a certain size were available to voucher holders, the building did not pass code inspections, the building had reached its capacity for voucher holders, and rent was higher for voucher holders. Extrapolating the results to the full rental market, these practices made over 4,000 rental units unavailable to tenants with a housing voucher.⁸

Since this initial study, the Equal Rights Center has conducted what it describes as a "concerted campaign to remedy the effects of past source of income discrimination and to prevent future discrimination."⁹ The center has collaborated with the District of Columbia Office of Human Rights in education and outreach efforts as well as administrative enforcement. It conducted scores of events that reached out to holders of housing choice vouchers to educate them about the protections available to them. The center has developed fair housing training courses for landlords and property managers to teach them their responsibilities under fair housing and civil rights laws. The center negotiated agreements with more than 20 landlords to make more than 15,000 apartment units available to voucher holders and publicized the availability of units to voucher holders through a network of affordable housing agencies. The center has also initiated over 20 enforcement actions to require specific landlords and property managers

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6. 2-1401.02 (29), *Human Rights Act of 1977, As Amended March 14, 2007*, Title 2, Chapter 14 *District of Columbia Code*. In addition to the District, at least 13 states and 30 cities or counties such as the Maryland counties of Montgomery and Howard, prohibit housing discrimination on the basis of source of income.
 7. The Equal Rights Center, *In Search of Decent Housing in the D.C. Metropolitan Area: The Affordable Housing Crisis for Section 8 Voucher Holders* (Washington, D.C., April 11, 2005).
 8. *Ibid.* 5.
 9. The Equal Rights Center, *Still in Search of Decent Housing: A Five Year Reflection on Discrimination Against Housing Choice Voucher Holders in the District of Columbia* (Washington, D.C., April 2011) 11.

to comply with the District’s prohibition of source of income discrimination.¹⁰

In April 2011, the Equal Rights Center published the results of 91 tests of 42 management companies and 38 landlords in all four quadrants of the city. As it did with its earlier study, the center defined “discriminatory treatment” as: “(1) the refusal to accept housing vouchers, (2) limiting the use of vouchers, (3) providing different terms and conditions for voucher holders than for non-voucher holder applicants, or (4) imposing requirements that would effectively bar most voucher holders looking for rental housing.”¹¹

In nearly half the tests — 41 of the 91 tests — holders of housing choice vouchers were subjected to at least one form of discriminatory treatment because they held a voucher. The proportion who faced an outright refusal to rent was 15 percent, down from 26 percent in the earlier study. Another 30 percent experienced one of the other three forms of discriminatory treatment described above. The total proportion experiencing source of income discrimination fell from 61 percent in 2005 to 45 percent in 2010. This improvement likely reflects the efforts already undertaken, but also demonstrates the persistence of this form of discrimination and the need for further efforts to end it.

These studies confirm that the number of fair housing complaints filed represents only the tip of the iceberg. Just 11 source of income complaints were filed with the District’s Office of Human Rights during the 2006–2010 period covered by this analysis of impediments while the Equal Rights Center’s testing found that 45 percent of voucher holders experienced illegal discrimination based on the source of their income.

The District expanded its fair housing protections to victims of domestic violence when it passed the “Protection From Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006.” The ordinance was designed to reduce discrimination in housing based on a person’s status as a domestic violence victim, and in doing so, prevent victims from being forced down a path toward homelessness here in the city with the nation’s highest rate of homelessness.

The ordinance amended the city’s Human Rights Act to include status as a “victim of an intra-family offense” as a protected class.¹² It also amended the D.C. Rental Housing Act, D.C. Code §§42-3501, et seq., to allow an individual’s status as a domestic violence victim to serve as a defense against eviction in the District’s landlord-tenant courts, provided that the individual is being evicted because of an incident related to domestic violence; and amended the D.C. Rental Housing Act to allow a victim of domestic violence to terminate a housing lease early, without financial penalty, in order to flee abuse.

10. Ibid. 11–12.

11. Ibid. 12.

12. 2–1401.02 (14A), *Human Rights Act of 1977, As Amended March 14, 2007*, Title 2, Chapter 14 *District of Columbia Code*.

In 2008, the Equal Rights Center conducted systematic testing of 93 multi-family rental properties using “matched pairs” of testers to determine whether domestic violence victims were being denied housing or offered less advantageous terms and conditions in order to rent a unit.¹³ Profiles were created for each pair of testers with the only difference being that one tester was a victim of domestic violence. In each pair, one tester posed as an advocate for the victim of domestic violence. The other tester posed as somebody seeking housing for herself with no connection to domestic violence. Both took the first step in renting an apartment, calling a leasing agent or landlord. The second tester (or “control tester”) would call a landlord or leasing agent at least 30 minutes after the first tester called. The study did not cover those situations where the prospective tenant actually makes an in-person visit to the landlord or rental agent. Nor did this study examine the issue of illegal evictions of victims of domestic violence.

Nine percent of the testers representing domestic violence survivors were denied housing outright which did not happen to any of the control testers. They were told that no units were available while the control testers were told units were available. Another 56 percent of testers representing domestic violence survivors were offered less advantageous rental terms and conditions than the control testers in violation of the District’s fair housing law.¹⁴ Overall, 65 percent of advocates representing a survivor of domestic violence experienced discrimination.

No other systemic testing studies were conducted in the District of Columbia from 2006 through 2011.

Housing Discrimination Lawsuits Against the District and Its Housing Authority

At least three fair housing lawsuits were filed against the District of Columbia or the District of Columbia Housing Authority between 2006 and 2011.

DC Housing Authority. The most recently decided case was brought by the mother of a boy who relies on a feeding tube for nutrition and who has multiple physical and developmental disabilities that require him to avoid excess heat which causes seizures. The District of Columbia Housing Authority assigned Ms. Morton and her four children an apartment that did not have its own thermostat, making it impossible for her to maintain a cool enough temperature in the dwelling unit. Her son, D.G. developed seizure-like symptoms from the excessive heat. Ms. Morton requested a transfer to a unit with adequate temperature control which the housing authority denied in July 2005.¹⁵

Ms. Morton again sought an emergency transfer in May 2007 due to the seizures D.G. was suffering thanks to the excessive heat and rodents that chewed on his feeding tubes, depriving D.G. of nutrition. After four months of no action by

13. The Equal Rights Center, *No Vacancy: Housing Discrimination Against Survivors of Domestic Violence in the District of Columbia* (Washington, D.C., April 2008) 6.

14. *Ibid.* 9.

15. *Morton v. District of Columbia Housing Authority*, 720 F.Supp. 2d 1, 4 (D.C. Cir. 2010)

the Housing Authority, Ms. Morton again requested an immediate unit change. Two weeks later she went public on the evening news. The next day, the housing authority conducted an “emergency extermination” in which 13 rodents were captured. The housing authority approved Ms. Morton’s May request for an emergency transfer the next day and relocated her family to a new unit. The lawsuit that alleged, among other complaints, violation of the nation’s Fair Housing Act and the District’s Human Rights Act, was filed in June 2008.¹⁶

The defendant housing authority filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), failure to state a claim upon which relief may be granted. The defendant also asserted it had governmental immunity from punitive damages, that Ms. Morton had failed to plead facts sufficient to support her claim of intentional infliction of emotional distress, and other defenses.

The court found that the claims against the Director of the District’s Housing Authority should be dismissed, but that the other claims withstood the defendants’ objections. The case was allowed to proceed. The merits of the claims under the Fair Housing Act and the District’s Human Rights Act have yet to be tested in court. The case is currently in discovery and a trial is expected in 2012.

Housing Code Enforcement. In 2000 the District launched its “Hot Properties Initiative” to aggressively enforce its housing code in the District’s “worst” multi-family apartment buildings to protect the health and safety of building tenants. Department of Consumer and Regulatory Affairs staff produced a list of about 75 buildings distributed throughout the city except for the District’s wealthiest neighborhoods: Dupont Circle, upper Northwest, and Georgetown. The staff’s final list of the 27 worst buildings were, on average, located in neighborhoods where the proportion of Hispanic residents was about four times the percentage of Hispanics for the city as a whole. When the city sought to close some of these buildings in and around the Columbia Heights neighborhood, the tenants at 2922 Sherman Avenue and 1458 Columbia Road sought a temporary restraining order and the District eventually abandoned its efforts to close the buildings.¹⁷ Although the city abandoned its efforts to vacate the buildings, it did post closure notices on the buildings in order to get tenants to leave.¹⁸ The plaintiffs noted that the buildings were on the periphery of areas undergoing gentrification.

The case was consolidated with others into a single trial. The plaintiff tenants claimed that when the District attempted to close their buildings, it strayed from its usual practice of considering alternatives to closing the buildings such as using the “5–513” fund to abate the violations and seeking civil penalties or criminal prosecution of the landlords. They argued that the District’s actions violated the nation’s Fair Housing Act by discriminating on the basis of national origin and “place of residence” discrimination under the District’s Human Rights Act. The district court rejected the later claim and the disparate treatment claim under the Fair Housing Act. The jury found disparate impact for closing one of the

16. Ibid.

17. *2922 Sherman Avenue Tenants Association, et al. v. District of Columbia*, No. 04-7126 (D.C. Cir. April 14, 2006) 3–4.

18. Ibid. 18.

three buildings and awarded \$181,500 to 12 former tenants at the building, only two of whom were Hispanic.¹⁹

The appellate court reported that the plaintiffs failed to provide any evidence that the specific buildings on the Hot Properties List were disproportionately Hispanic. The numbers were not there to show that the buildings were occupied predominantly by Hispanics. The evidence at trial, however, did show that when the District pared down the initial list of 75 buildings to 27, the District could not explain why they were so concentrated in Hispanic neighborhoods. The court agreed that “the evidence presented at trial was sufficient to permit an inference that the District intentionally discriminated against Hispanics in deciding which buildings to close” and that the justifications that the District made (protecting the health and safety of tenants in the buildings with the worst housing code violations) was simply pretext for discrimination.²⁰

The court also concluded that the tenants had presented enough evidence at trial for a reasonable jury to conclude the District had discriminated against them on the basis of “place of residence” in violation of the District’s Human Rights Act and that a new trial should be held on that claim and the disparate treatment claim while the disparate impact claim fails.²¹ The cases were settled.

Group Homes for Abused and Neglected Youth. In 2000 Father Flanagan’s Boys Town sought to open on four lots, group homes, each for six abused and neglected youth, including residents with disabilities, and two staff. Even though the site was in the C-2 commercial district where this kind of group home is allowed as of right, city staff told Boys Town to file an application with the Board of Zoning Adjustment so that community opponents could have a say.

The District’s zoning code establishes a framework to allow seven types of “community-based residential facilities” (“CBRFs”). The ordinance also states that CBRFs cannot be treated as any other use permitted under the zoning code, meaning that they cannot be treated as single-family homes, for example. Any land use that is not a single-family dwelling is required to obtain a certificate of occupancy.

This type of home housing six children, plus resident supervisors or staff and their families, is permitted as of right in all residential, mixed use and commercial zones. One that houses seven youths is a permitted use in zones R-5, CR, C-1, and the C-2 district where the Boys Town was located as long as it is not within 500 feet of another CBRF with seven or more residents or in the same “square.” Occupancy caps also apply. The Board of Zoning Appeals can waive the spacing distance after weighing whether facilities will have “adverse impact on the neighborhood because of traffic, noise, or operations” and to waive occupancy caps upon finding “there is no other reasonable alternative to meet the program

19. Ibid. 4–5.

20. This accounting of the facts is based largely on the U.S. Department of Justice’s “Memorandum of Points and Authority in Support of Its Motion for Partial Summary Judgement” which is available online at http://www.justice.gov/crt/about/hce/documents/ddc_brief_sj_10-11-06.php.

21. Ibid. 23.

needs of that area of the District.”²²

Neighborhood opposition formed immediately. Still, in September 2001, city staff issued building permits for the four six-child group homes Boys Town requested after determining that the proposed uses were permitted uses in the C-2 zone. Opponents, however, successfully appealed the staff decision to the Board of Zoning Adjustment which rejected Boys Town’s request for a reasonable accommodation due to the disabilities of the residents because the board said that Boys Town had not sought a reasonable accommodation under the District’s regulations. Boys Town had not sought a reasonable accommodation because it had been told by the city that its proposed group homes were allowed as of right.

The Board of Zoning Adjustment revoked the four building permits. The board ruled that the four group homes were one “facility” and should be treated as a single unit serving 24 youths — one subject to special exception and spacing requirements of the District’s zoning code.

In June 2002, Boys Town submitted applications to simply build four single-family homes. Building permits were issued. Neighbors appealed the issuance and Boys Town then submitted a request for a reasonable accommodation. District staff denied the request claiming that Boys Town did not show that the residents would have disabilities. Further administrative appeals continued.

After three years of delays, set backs, and litigation, Boys Town concluded its efforts were futile and sold the property. The developer who purchased the property encountered no community opposition for its plan to erect 247 apartment units and 5,000 square feet of retail space on the site.

Incidents of Hate Crimes

A hate crime, or “bias crime,” is a criminal offense committed against a person, property, or society that is partially or wholly motivated by the offender’s bias against the victim’s race, religion, disability, sexual orientation, and/or ethnicity or national origin. Data on hate crimes are reported by law enforcement departments to the Federal Bureau of Investigation.

As shown in the table below, nearly 72 percent of the hate crimes in the District from 2006 through 2009 were based on the victim’s sexual orientation. About 14 percent were based on race, seven percent on religion, and six percent on ethnicity.

From 2006 through 2009, the annual number of hate crimes declined by almost 37 percent. However, the number of hate crimes based on sexual orientation declined just 14 percent and remain the major motivation for a hate crime by a large margin.

22. 11 DCMR §§ 358.7-358.8. The District’s zoning provisions for community residences are so complex that we think, but are not 100 percent certain, that the description here is accurate.

Table 56: Reported Hate Crimes in the District of Columbia: 2006–2010

Reported Hate Crimes By DC Police and Metro Transit Police: 2006–2009					
Agency	Number of incidents per bias motivation				
	Race	Religion	Sexual Orientation	Ethnicity	Disability
2009					
DC Total	3	0	31	2	0
DC Police	2	0	30	2	0
Metro Transit Police	1	0	1	0	0
2008					
DC Total	8	1	30	3	0
DC Police	5	0	29	2	0
Metro Transit Police	3	1	1	1	0
2007					
DC Total	3	7	29	2	0
DC Police	3	6	26	2	0
Metro Transit Police	0	1	3	0	0
2006					
DC Total	11	5	36	4	1
DC Police	8	5	36	3	1
Metro Transit Police	3	0	0	1	0

Source: Federal Bureau of Investigation, *Hate Crimes by Jurisdiction*, 2006 through 2009 eds., Table 13, available at <http://www.fbi.gov/ucr/ucr.htm>.

All categories are protected classes under the District of Columbia’s Human Rights Ordinance. As shown in the tables earlier this chapter, few fair housing complaints were based on sexual orientation which is the primary category for hate crimes in the District. It is highly likely that hate crimes based on the victim’s “gender identity or expression,” a distinct protected class under the District’s Human Rights Ordinance, are almost certainly subsumed under “sexual orientation” in hate crime data.

Home Mortgage Lending Practices

Issuance of Home Mortgage Loans

Discrimination by private sector lenders based largely on race has been one of the barriers to fair housing choice throughout the nation for more than half a century. These practices have led to minorities, especially African Americans and, usually to a lesser extent, Hispanics, being denied home loans much more frequently than Caucasians, and being approved at significantly lower rates.

The Home Mortgage Disclosure Act requires lenders to report the race, ethnicity, and income of applicants for mortgage loans and how the applications

were resolved: whether a mortgage was issued or denied as well as whether the applicant did not accept an approved mortgage, withdrew his application, or the application was closed as incomplete.

More than half the home mortgage applications in the District for 2009 and 2010 were for FHA, FSA/RHS, and VA loans. The analysis that follows presents the data for conventional home mortgage loans separately from FHA, FSA/RHS, and VA home mortgage loans because the rates of approval and denial differ between the two classifications of home loans.

Data for the Metropolitan Statistical Area in which the District sits provides some perspective to better understand the loan data for the District of Columbia.

From 2009 to 2010, there was very little change in the approval and denial rates for all applicants. However, during these two years there were significant differences based on race or ethnicity. Applications by Caucasians who are not Hispanic enjoy the highest approval rate and lowest denial rate in both 2009 and 2010.

Table 57: Results of Applications for Conventional Home Mortgage Applications in the Washington, DC – Arlington, VA – Alexandria, VA – Maryland – West Virginia Metropolitan Statistical Area: 2009–2010

Results of Applications for Conventional Home Mortgages in the Washington, DC – Arlington, VA – Alexandria, VA – Maryland – West Virginia Metropolitan Statistical Area: 2009–2010										
Reporting Year: 2010										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	1,125	680	60.4%	34	217	19.3%	156	13.9%	38	3.4%
American Indian or Alaskan Eskimo	105	40	38.1%	3	21	20.0%	40	38.1%	1	1.0%
Asian	5,250	3,647	69.5%	267	560	10.7%	665	12.7%	111	2.1%
African American	2,173	1,249	57.5%	103	447	20.6%	307	14.1%	67	3.1%
Native Hawaiian / Pacific Islander	94	68	72.3%	3	14	14.9%	8	8.5%	1	1.1%
White (non-Hispanic)	16,582	12,878	77.7%	716	1,138	6.9%	1,590	9.6%	261	1.6%
Race Unknown	7,191	4,886	67.9%	283	729	10.1%	1,088	15.1%	205	2.9%
Total	32,520	23,448	72.1%	1,408	3,126	9.6%	3,854	11.9%	684	2.1%
Reporting Year: 2009										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	1,257	720	57.3%	71	261	20.8%	164	13.0%	41	3.3%
American Indian or Alaskan	101	50	49.5%	4	17	16.8%	29	28.7%	1	1.0%
Asian	5,568	3,772	67.7%	312	691	12.4%	646	11.6%	147	2.6%
African American	2,338	1,276	54.6%	168	456	19.5%	366	15.7%	72	3.1%
Native Hawaiian / Pacific Islander	85	58	68.2%	4	14	16.5%	6	7.1%	3	3.5%
White (non-Hispanic)	17,724	13,484	76.1%	828	1,299	7.3%	1,842	10.4%	271	1.5%
Race Unknown	7,543	5,083	67.4%	391	701	9.3%	1,138	15.1%	230	3.0%
Total	34,616	24,443	70.6%	1,778	3,439	9.9%	4,191	12.1%	765	2.2%

Source: Home Mortgage Disclosure Act Table 4–2 for MSA/MD 47894 – Washington–Arlington–Alexandria, DC–VA–MD–WV.

In both years, the approval rate for African Americans was about 20 percentage points lower than for white non-Hispanics while the denial rate for African

Americans was about three times greater. Application withdrawal rates were about 50 percent greater for Blacks than for non-Hispanic whites.

Hispanics were approved at a much lower rate than non-Hispanic whites and denied at a rate nearly three times higher. Although Asians fared better than African Americans and Hispanics, they also were approved less frequently than non-Hispanic whites and denied more frequently. The handful of American Indians and Alaskan Eskimos fared the worst while the small number of Native Hawaiians and Pacific Islanders fared the best among the non-white groups.

Approval and denial rates were even more favorable for non-Hispanic Caucasians who applied for FHA, FSA/RHS, and VA home mortgages in 2009 and 2010. While their approval rates and denial rates tended to be higher than for conventional mortgages, each of the other races or ethnicities again had lower approval and higher denial rates than non-Hispanic whites.

Table 58: Results of Applications for FHA, FSA/RHS, and VA Home Mortgage Applications in the Washington, DC – Arlington, VA – Alexandria, VA – Maryland – West Virginia Metropolitan Statistical Area: 2009–2010

Results of Applications for FHA, FSA/RHS, and VA Home Mortgages in the Washington, DC – Arlington, VA – Alexandria, VA – Maryland – West Virginia Metropolitan Statistical Area: 2009–2010										
Reporting Year: 2010										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	3,866	2,439	63.1%	140	681	17.6%	495	12.8%	131	3.4%
American Indian or Alaskan Eskimo	235	128	54.5%	8	43	18.3%	48	20.4%	8	3.4%
Asian	2,342	1,580	67.5%	91	350	14.9%	279	11.9%	42	1.8%
African American	11,324	7,495	66.2%	477	1,636	14.4%	1,500	13.2%	216	1.9%
Native Hawaiian / Pacific Islander	192	116	60.4%	14	26	13.5%	30	15.6%	6	3.1%
White (non-Hispanic)	15,930	12,680	79.6%	504	1,146	7.2%	1,423	8.9%	177	1.1%
Race Unknown	6,512	4,274	65.6%	232	770	11.8%	1,084	16.6%	152	2.3%
Total	40,401	28,712	71.1%	1,466	4,652	11.5%	4,859	12.0%	732	1.8%
Reporting Year: 2009										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	3,930	2,608	66.4%	170	585	14.9%	438	11.1%	129	3.3%
American Indian or Alaskan	219	130	59.4%	9	31	14.2%	40	18.3%	9	4.1%
Asian	2,239	1,581	70.6%	111	225	10.0%	276	12.3%	46	2.1%
African American	10,344	6,999	67.7%	432	1,428	13.8%	1,292	12.5%	193	1.9%
Native Hawaiian / Pacific Islander	225	166	73.8%	11	27	12.0%	16	7.1%	5	2.2%
White (non-Hispanic)	18,166	14,620	80.5%	563	1,228	6.8%	1,544	8.5%	211	1.2%
Race Unknown	6,711	4,615	68.8%	229	672	10.0%	1,073	16.0%	122	1.8%
Total	41,834	30,719	73.4%	1,525	4,196	10.0%	4,679	11.2%	715	1.7%

Source: Home Mortgage Disclosure Act Table 4–1 for MSA/MD 47894 – Washington–Arlington–Alexandria, DC–VA–MD–WV.

Although approval rates for white non-Hispanics were still significantly higher and denial rates substantially lower than for African Americans and

Hispanics, both Blacks and Hispanics fared better with their applications for these loans than for conventional loans in both 2009 and 2010. While their approval rates were higher and denial rates lower in 2009, in 2010 Asians were approved and denied at rates comparable to African Americans.

Within the District, Hispanic applicants for conventional home mortgages were approved at a higher rate (9.9 percentage points higher in 2010, 11 points higher in 2009) and denied at a lower rate (8.1 points lower in 2010, 4.2 points in 2009) than in the Metropolitan Statistical Area. In 2009, applications from African Americans were approved 3.4 percentage points more often than in the Metropolitan Statistical Area while in 2010 they were approved 4.8 percentage points less frequently. All other minority groups had higher approval rates within the District than in the Metropolitan Statistical Area.

Table 59: Results of Applications for Conventional Home Mortgages in the District of Columbia: 2009–2010

Results of Applications for Conventional Home Mortgages in the District of Columbia : 2009–2010										
Reporting Year: 2010										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	215	161	70.2%	3	24	11.2%	29	13.5%	8	3.7%
American Indian or Alaskan Eskimo	10	6	60.0%	0	1	10.0%	3	30.0%	0	0.0%
Asian	320	231	72.2%	18	27	8.4%	39	12.2%	5	1.6%
African American	397	210	52.9%	16	95	23.9%	56	14.1%	20	5.0%
Native Hawaiian / Pacific Islander	11	9	81.8%	0	1	9.1%	1	9.1%	0	0.0%
White (non-Hispanic)	3,131	2,477	79.1%	104	203	6.5%	301	9.6%	46	1.5%
Race Unknown	1,614	1,150	71.3%	52	153	9.5%	217	13.4%	42	2.6%
Total	5,698	4,234	74.3%	193	504	8.8%	646	11.3%	121	2.1%
Reporting Year: 2009										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	205	140	68.3%	6	34	16.6%	23	11%	2	1.0%
American Indian or Alaskan	11	9	81.8%	0	2	18.2%	0	0%	0	0.0%
Asian	311	225	72.3%	13	29	9.3%	38	12%	6	1.9%
Black or African American	491	285	58.0%	25	80	16.3%	81	16%	20	4.1%
Native Hawaiian / Pacific Islander	8	6	75.0%	1	1	12.5%	0	0%	0	0.0%
White (non-Hispanic)	3,195	2,404	75.2%	137	245	7.7%	360	11%	49	1.5%
Race Unknown	1,469	1,016	69.2%	57	144	9.8%	225	15%	27	1.8%
Total	5,690	4,085	71.8%	239	535	9.4%	727	13%	104	1.8%

Source: Home Mortgage Disclosure Act Table 4–2 for the District of Columbia. Data provided by Reinvestment Partners.

But within the District, applications by African Americans and, to a lesser extent, Hispanics, were approved at a *lower* rate than those submitted by non-Hispanic Caucasians. While applications by white non-Hispanics were approved at a rate of 71.3 percent in 2010 and 75.2 percent in 2009, approvals for African Americans were significantly lower, 52.9 percent in 2010 and 58 percent in 2009. Approvals for Hispanics were substantially higher than for Blacks, but a bit lower than for non-Hispanic whites, 70.2 percent in 2010 and 68.3 percent in 2009.

Approval rates for Asians also lagged behind those for Caucasians by 6.9

points in 2010 and 2.9 percentage points in 2009. With the exception of the handful of applications by American Indians or Alaskan Eskimos in 2010, the highest rate of withdrawn applications was among African American applicants, 20 percent of whom withdrew their applications.

While approval rates are generally higher among applications for FHA, FSA/RHS, and VA home mortgages in the District, significant gaps remain just as with the conventional loans. The approval rate for African American applicants lagged behind non-Hispanic Caucasians by 15.5 percentage points in 2010 and by 14.2 in 2009. Approval for Hispanics trailed non-Hispanic Caucasians by 15.3 percentage points in 2010 following a much smaller 8.6 gap in 2009. After a year of a higher rate of approval than non-Hispanic whites in 2009, the approval rate for Asians fell to 7.6 percentage points lower in 2010.

Table 60: Results of Applications for FHA, FSA/RHS, and VA Home Mortgages in the District of Columbia: 2009–2010

Results of Applications for FHA, FSA/RHS, and VA Home Mortgages in the District of Columbia : 2009–2010										
Reporting Year: 2010										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	198	125	63.1%	10	40	20.2%	19	9.6%	4	2.0%
American Indian or Alaskan Eskimo	14	11	78.6%	0	1	7.1%	2	14.3%	0	0.0%
Asian	97	68	70.1%	3	16	16.5%	9	9.3%	1	1.0%
African American	1,193	750	62.9%	61	200	16.8%	155	13.0%	27	2.3%
Native Hawaiian / Pacific Islander	5	2	40.0%	0	0	0.0%	3	60.0%	0	0.0%
White (non-Hispanic)	1,174	920	78.4%	26	92	7.8%	121	10.3%	15	1.3%
Race Unknown	815	530	65.0%	25	91	11.2%	148	18.2%	21	2.6%
Total	3,496	2,406	68.8%	125	440	12.6%	457	13.1%	68	1.9%
Reporting Year: 2009										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	181	121	66.9%	5	18	9.9%	32	17.7%	5	2.8%
American Indian or Alaskan	10	2	20.0%	1	4	40.0%	3	30.0%	0	0.0%
Asian	105	82	78.1%	3	7	6.7%	12	11.4%	1	1.0%
Black or African American	992	612	61.7%	38	175	17.6%	144	14.5%	23	2.3%
Native Hawaiian / Pacific Islander	5	4	80.0%	1	0	0.0%	0	0.0%	0	0.0%
White (non-Hispanic)	1,442	1,095	75.9%	46	124	8.6%	164	11.4%	13	0.9%
Race Unknown	660	441	66.8%	24	72	10.9%	116	17.6%	7	1.1%
Total	3,395	2,357	69.4%	118	400	11.8%	471	13.9%	49	1.4%

Source: Home Mortgage Disclosure Act Table 4–1 for the District of Columbia. Data provided by Reinvestment Partners.

In every income range, African Americans had the lowest approval rate and highest denial rate in both years for conventional and FHA loans.²³ Hispanics had the next lowest approval rates and next highest denial rates. In a handful of

23. The income ranges used are “Low Income,” defined as less than 50 percent of the Metropolitan Statistical Area’s (MSA) median household income; “Moderate Income,” defined as 50 to 79.9 percent of the MSA’s

income categories, Asians had a higher approval rate than non-Hispanic whites.

In a mortgage market undistorted by discrimination, you would expect that the approval rate for mortgage applicants of any race or ethnicity in the highest income bracket would be *higher* than the approval rate for the households of any race or ethnicity in the lowest income bracket. *But in the District of Columbia, mortgage applications by African Americans of any income, including those in the highest income brackets, were approved less frequently in 2010 than applications from non-Hispanic Caucasians in the lowest income bracket. In 2009, all but the highest income bracket Blacks had a lower approval rate than non-Hispanic whites in the lowest income bracket.* For example, in 2010 the approval rate for conventional mortgages for non-Hispanic whites in the *lowest* income bracket (incomes less than half of the Metropolitan Statistical Area median income) was 71 percent while the approval rate for African Americans in the *highest* income bracket (over 120 percent of the median) was only 50 percent. The approval rate for all African American applications was just 48 percent. The highest approval rate for any African American income bracket was the 55 percent approval rate for upper middle-income African American households (100 to 119 percent of the median).²⁴

To identify a possible explanation for these differences in approval rates, we also examined the reasons for denial for different races, ethnicity (Latino or not Latino), minority status (white, non-Hispanic versus all others), gender, and household income as a percentage of the Metropolitan Statistical Area median income.²⁵ The data revealed no patterns based on race or ethnicity. Across the board in 2010 and 2009, the most common reasons for denial of conventional home mortgages was collateral. Debt-to-income ratio was the second most frequent reason for denial. For low-income applicants (with an income less than half of the median for the Metropolitan Statistical Area) in both 2009 and 2010, debt-to-income ratio was the most common reason for denial followed by collateral. The same held true for moderate income applicants (with an income of 50 to 79.9 percent of the median for the Metropolitan Statistical Area) in 2009.

The situation was very similar in 2010 for FHA and related home mortgages except that in 2010 the primary reason for denial for Asians, Hispanics, and low-income households was debt-to-income ratio followed by collateral. In 2009 the primary reason was collateral except for low income (debt-to-income ratio), and Hispanics where debt-to-income ratio, collateral, and unverified information each accounted for 16.7 percent of the denials. Among the very small number of Asian applicants, credit history and incomplete credit applications each accounted for 28.6 percent of the denials while credit history was the most frequent

median household income; “Middle Income,” which is set at 50 to 99 percent; “Upper Middle Income,” designated as 100 to 119 percent; and “Upper Income,” defined as 120 percent and more of the MSA’s median income.

24. The tables are too large to be readable in print. The spreadsheets with the tables are entitled “DC Conventional Loans 2009–2010.xlsx” and “DC FHA etc Loans 2009–2010.xlsx.” See the worksheets for “Table 5–2” and “Table 5–1” respectively. The spreadsheets are available from the Fair Housing Program Coordinator, Office of Program Monitoring, Fair Housing Division, DC Department of Housing and Community Development.
25. These large worksheets are tables 8–2 and 8–1 in the spreadsheets cited in the footnote immediately above.

reason applications from American Indians or Alaskan Natives were denied.

Some researchers note that loan officers tend to look for “compensating factors” to enable them to approve marginal mortgage applications from Caucasians far more often than they do in applications from African Americans with a virtually identical credit report. Loan officers who apply compensating factors differently based on the race or ethnicity of the applicant violate the Fair Housing Act.

Income differences, reasons for denial, nor any other data explain the much higher denial rates for African Americans and Hispanics compared to non-Hispanic Caucasians. ***Collectively the data strongly suggest that in the District of Columbia, the mortgage lending industry continues to engage in illegal discriminatory practices against Hispanics and, even more so, against African Americans.***

“High Cost” Mortgage Loans

“High cost” mortgages include the sort of loans typically labeled “subprime” and/or “predatory.” They include mortgages based on higher rates, typically three percentage points or more above the yield on a comparable term treasury security. These include mortgages with variable interest rates that can skyrocket in the years after the loan is issued.

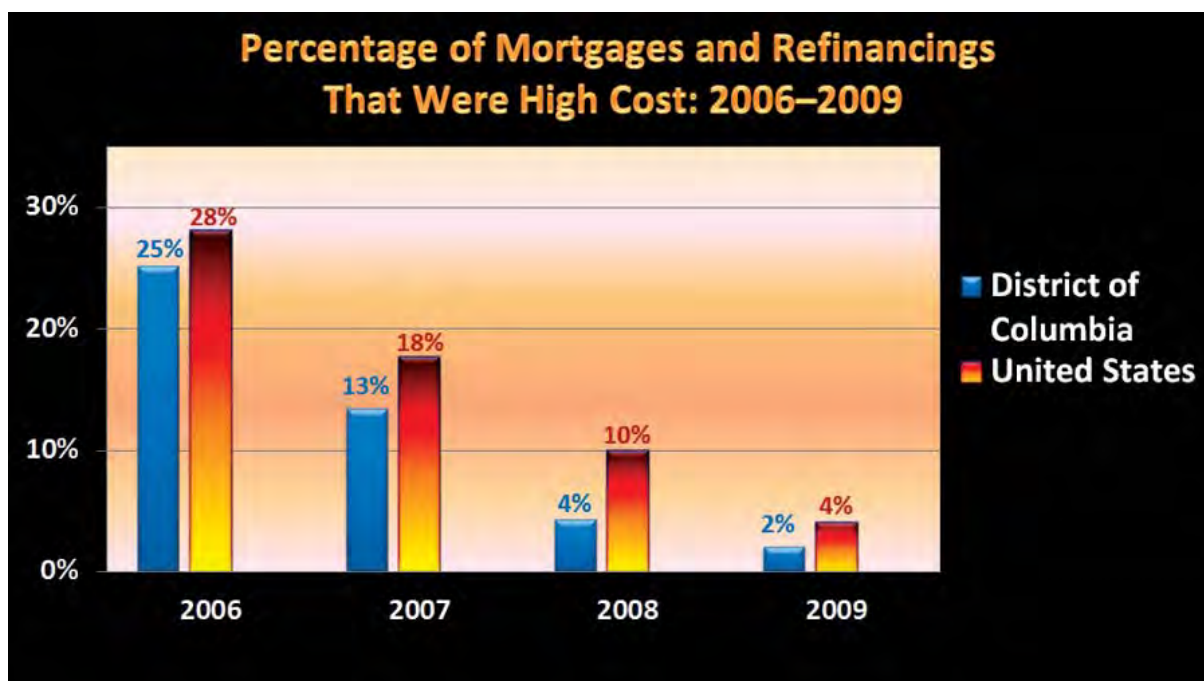
The widespread use of these high cost mortgages is part of the increase in abusive lending practices that generated last decade’s nationwide crisis for homeowners that has continued into the current decade. Their use accelerated significantly in the past decade as lenders sought to extend credit to home purchasers who had poor credit histories and a poor understanding of mortgage loans. These lenders frequently target people with minimal understanding of the terms that constitute a prime mortgage, usually seniors and minorities and poor families buying for the first time. The mortgages to which they steer these folks have abusive terms that can lead to a loss of home equity and loss of the home. These include loans with the moniker “exploding ARMs” under which an adjustable interest rate can soar substantially after two or three years unlike in the prime market where adjustable rate mortgages usually have a cap on annual increases of one or two percent and a lifetime cap of six percent.

According to research by the Center for Responsible Lending, 20 percent of high cost mortgages result in foreclosure, over eight times the rate for mortgages in the prime market. Subprime prepayment penalties and balloon payments only exacerbate the crisis.²⁶

As the following figure shows, a smaller percentage of District residents obtained high cost mortgages and refinancings than the nation each year from 2006 through 2009, the most recent year for which data were available.

26. Detailed information on the signs of a predatory loan are explained in detail online at <http://www.responsiblelending.org/mortgage-lending/tools-resources/8-signs-of-predatory-lending.html>.

Figure 10: Percentage of Mortgages and Refinancings That Were High Cost: 2006–2009



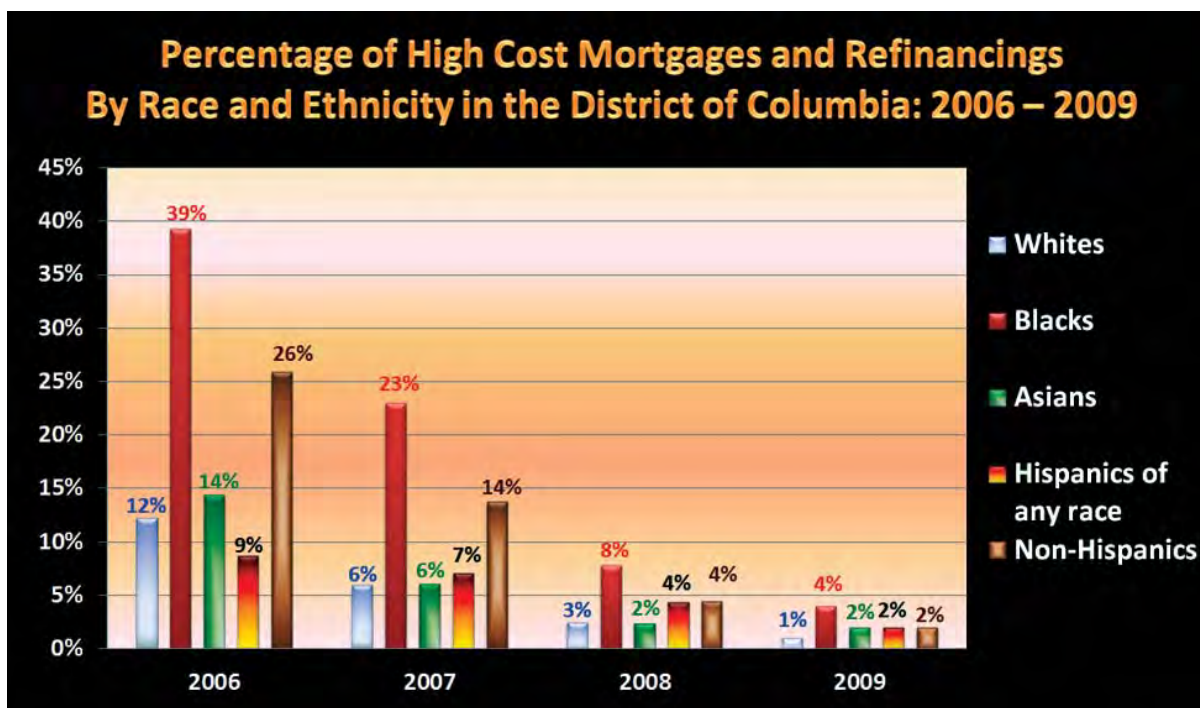
Source: PolicyMap.com “HMDA Report” for the District of Columbia, Nov. 2011.

However, high cost mortgage and refinancing loans become a fair housing issue when lenders treat members of classes protected by the nation’s Fair Housing Act differently and steer them to these loans. While lenders have placed District home buyers of all races into high cost mortgages, the data in the next figure show that lenders have been steering African Americans to high cost loans far more frequently than any other group.

The disparities were most pronounced in 2006 when almost four out of every ten mortgages and refinancings for African American borrowers were high cost. This was more than three times the proportion of Caucasian borrowers saddled with high cost loans, almost three times the proportion of Asians, and more than four times the proportion of Hispanics of any race. In 2007 the disparities were less pronounced, but still extreme. In 2008 and 2009 the proportion of high cost loans was significantly lower for all groups, but still at least twice as much for African Americans as for any other group.

The data strongly suggest that during the study period, the private sector lending industry engaged in widespread discrimination against African Americans by steering them into high cost mortgage and refinancing loans.

Figure 11: Percentage of High Cost Mortgages and Refinancings By Race and Ethnicity in the District of Columbia: 2006–2009



Source: PolicyMap.com “HMDA Report” for the District of Columbia, Nov. 2011.

Availability of Financial Services and Fair Housing

The most recent study of financial services in the District was published by The Urban Institute in February 2004.²⁷ It covered three neighborhoods in Ward 7: Deanwood in Neighborhood Cluster 31, Fort Dupont Park in Neighborhood Cluster 32, and Marshall Heights in Neighborhood Cluster 33. In both 2000 and 2010, over 97 percent of the residents in each of the three neighborhood clusters were African American.

As of 2004, most households still conducted business with banks within a short distance of their homes or work despite the rise of telephone and Internet banking. Consequently the location of financial services in or adjacent to a neighborhood has an impact on residents’ financial decisions.²⁸

In 2004, there were no retail bank branches in these three neighborhoods. While the entire ward within which these neighborhoods are located contained 12.1 percent of the city’s population, it had just eight retail bank branches or 3.6 percent of the branches in the entire District. One check casher was located in these three neighborhoods. The 16 licensed check cashers in Ward 7 constituted 17 percent of the entire District’s total. Check cashing services cost more to use

27. Noah Sawyer, *Neighborhood Fact Sheet 2 — February 2004*, “Financial Services and Assets in Ward 7’s Deanwood, Marshall Heights and Fr. Dupont Park Neighborhoods” (Washington, D.C.: NeighborhoodInfo DC, February 2004).

28. Ibid. 2.

than traditional banking services.²⁹

This short study points out that the home ownership rate in these three neighborhoods was just 35 percent, less than the 41 percent rate for the entire ward and the District as a whole. As of 2000, just 65 percent of homeowners in the three neighborhoods held a mortgage while 68 percent did in Ward 7 and 72 percent in the city as a whole. In 2002, 471 mortgages from 90 different financial institutions were issued in the three neighborhoods. Four of the five largest District lenders in 2002 accounted for 28 percent of those mortgages. The fifth largest District lender, First Savings Mortgage Company, issued no loans in the three neighborhoods and only three in the entire ward and five east of the river.³⁰ It is very possible that many mortgage lenders are redlining Ward 7 and other low-income African American neighborhoods. A thorough study is needed.

As the NeighborhoodInfo DC study notes, many questions remain unanswered and would require additional research to resolve. While there is little doubt that the absence of retail bank branches in this impoverished area increases financial costs to local residents, the impact, if any, on fair housing choice is most uncertain. Households in these three neighborhoods obtained mortgages from 90 different financial institutions in 2002 which suggests that like wealthier households, lower-income households are most capable of finding lenders to issue a mortgage. However, there remains the possibility that many lenders are redlining these neighborhoods due to race or income of the residents.

The Home Mortgage Disclosure Act data discussed beginning on page 114 strongly suggested that mortgage lenders continue to discriminate against African American borrowers on the basis of race.

While there is a possibility that lenders may be redlining impoverished neighborhoods — with just one branch in the entire ward, retail banks certainly have redlined financial services in all of Ward 7 — a thorough citywide study may be warranted. At a minimum, it would be desirable to conduct the research needed to determine whether mortgage redlining is occurring.

Home Appraisal Practices

No studies of appraisal practices were published during the time period covered by this study.

Real Estate Advertising

Since the most recent study of real estate advertising in the District was conducted by the Equal Rights Center in 1995, we reviewed a sample of print and online real estate advertising for this Analysis of Impediments.

29. Ibid. 3–4.

30. Ibid. 4.

Print Advertising

We reviewed 411 print ads, 194 “for sale” and 217 for rentals. The ads appeared in the *Washington Post*, the *Washington Post*’s “Ready to Rent,” the *Washington City Paper* and the 800–page *Washington Post Apartment Showcase*, which generally had one ad per page showcasing District and suburban apartment buildings. The issues we examined were published in April through June 2011.

None of the ads blatantly violated the Fair Housing Act. Display ads showed HUD’s equal opportunity logo while the classified ads did not, although one company placed “EOH” (equal opportunity housing) after its name in all its classified ads. A few ads included the phrase “Section 8 OK” and one ad included “Vouchers OK.” Except for an index of ads in the *Washington Post Apartment Showcase* booklet written in Spanish, all ads and information were in English. The equal opportunity logo was on every display ad in the *Washington Post Apartment Showcase* booklet. The accessibility logo was included in 23 of the 99 ads for apartments in the District of Columbia. Several ads listed the income qualification ceiling for a specific apartment building. There were no photographs of models in these ads.

Online Advertising

We examined the websites of 21 real estate offices and rental leasing and management companies. One real estate firm appeared to be engaging in redlining in violation of the District and federal fair housing laws. The firm’s home page offers a link called “Property Search.” The only District neighborhoods shown are in predominantly white, mostly in the northwest and north central parts of the District. The Southeast Quadrant is completely shut out and there were few homes in the Northeast Quadrant. If a prospective buyer clicks on “Buyer” on the home page, an interactive map appears showing the same predominantly–Caucasian District neighborhoods available from the “Property Search” link. This same interactive map appears by clicking “Explore” on its home page.

All but one firm has the equal housing opportunity logo and/or words on its web page. In addition to showing the logo, EJF Realty displays the headline “Fair Housing Policy. EJF Will Not Discriminate” in large type and offers a link to an entire page that lists what and whom the company won’t discriminate against.

A number of real estate firms included photos of models depicting residents or home seekers. The models depicted different racial and ethnic families and couples including some multi–racial families.

It’s long been known that real estate agents are the gatekeepers of the neighborhoods they serve. The presence of agents of different races and ethnicities sends a clear message to potential home buyers that the firm welcomes a diverse clientele. A real estate firm with a virtually all–white real estate agent staff sends a whites–only message to home seekers while a firm with a solely African American set of real estate agents sends a Blacks–only message to home seekers. So the race or ethnicity of the agents who appear in real estate advertising can send a message to viewers that only certain races or ethnicities are welcome to buy the housing that firms sells.

Most of the real estate firms included photographs of their agents on their

websites. The majority of real estate agents was white. The photographs of agents at several firms, however, reflected a very diverse group of agents. For example, at Long & Foster which has 12 offices across the District, the racial composition of its real estate professionals was diverse. The racial composition seemed to correlate with that of the neighborhood in which each office was located. For example, 16 percent of its agents were Caucasian at the firm's Brookland office which is located in Neighborhood Cluster 22 where the proportion of white residents more than doubled in the past decade to, coincidentally, 16 percent in 2010. At the firm's Foggy Bottom office in the 79 percent white Neighborhood Cluster 5, 88 percent of the agents were white. Given the realities of the real estate industry, these proportions represent progress. This is a greater degree of diversity among real estate agents than we have seen at most real estate firms elsewhere in the nation.

Public Sector Compliance Issues

Land–Use Controls and Building Codes

Housing for People With Disabilities

The percentage of the District's population consisting of noninstitutionalized people with disabilities is nearly 50 percent higher than in the metropolitan statistical area in which the District lies. The largest differences are in the five to 17 year old age cohort where the proportion of the District's noninstitutionalized population with disabilities is 127 percent greater than in the region, the 18 to 64 age cohort where it's 47 percent greater, among African Americans where it's 77 percent higher, and among people of two or more races where it's almost double that of the region.

Table 61: People With Disabilities in the District of Columbia and Washington–Arlington–Alexandria, DC–VA–WV Metropolitan Statistical Area: 2010

Disabilities in the District of Columbia and Washington–Arlington–Alexandria, DC–VA–WV Metropolitan Statistical Area: 2010		
Population Group	Percentage With a Disability	
	District of Columbia	Washington–Arlington–Alexandria, DC–VA–WV Metropolitan Statistical Area
Total civilian noninstitutionalized population	11.1%	7.5%
Under 5 years old	1.2%	0.7%
Five to 17 years old	8.4%	3.7%
18 to 64 years old	8.7%	5.9%
65 years and older	34.0%	30.0%
Black or African American	16.8%	9.5%
Caucasian or white (not Hispanic)	5.2%	8.1%
Asian	4.1%	4.5%
Two or more races	12.1%	6.2%
Hispanic of any race	4.9%	8.1%

Source: Table S1810: Disability Characteristics, 2010 American Community Survey 1–Year Estimates.

All people with disabilities are protected from housing discrimination under both federal and District law. As noted at the beginning of this chapter, discrimination on the basis of disability is the most common basis of fair housing complaints filed in the District of Columbia under both District and federal fair housing laws. The disabilities of the vast majority of District residents are not so severe that they are unable to live with family or on their own, without or without supportive services. For many others with more severe disabilities, the family-like, supportive living arrangement of a community residence is the only way they can live in the community rather than a more restrictive and often inappropriate institutional setting.

Community Residences for People With Disabilities

Twenty-four years ago the Fair Housing Amendments Act of 1988 (FHAA) added people with disabilities to the classes protected by the nation’s Fair Housing Act (FHA). The amendments recognized that many people with disabilities need a community residence (group home, halfway house, recovery community) in order to live in the community in a family-like environment rather than being forced into an inappropriate institution. The FHAA’s legislative history stated that:

“The Act is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the

ability of such individuals to live in the residence of their choice with in the community.”³¹

While some suggest the FHAA prohibits all zoning regulation of community residences, the FHAA’s legislative history suggests otherwise:

“Another method of making housing unavailable has been the application or enforcement of otherwise neutral rules and regulations on health, safety, and land-use in a manner which discriminates against people with disabilities. Such discrimination often results from false or over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose. These and similar practices would be prohibited.”³²

Many states, counties, and cities across the nation continue to base their zoning regulations for community residences on these “unfounded fears.” The 1988 amendments require all levels of government to make a *reasonable accommodation* in their zoning rules and regulations to enable community residences for people with disabilities to locate in the same residential districts as any other residential use.³³

It is well settled that a community residence is a residential use, not a business. The Fair Housing Amendments Act of 1988 specifically invalidates restrictive covenants that would exclude community residences from a residential area. The Fair Housing Act renders them unenforceable against community residences for people with disabilities.³⁴

Typically, a city’s zoning ordinance places a cap on the maximum number of unrelated people allowed to live together in a single dwelling unit.³⁵ For example, many zoning codes set four as the cap on the number of unrelated people who can reside together. In this example, community residences for more than four unrelated individuals are excluded from the residential districts where they belong.³⁶

If a proposed community residence complies with the cap in a zoning code’s definition of “family,” any community residence that abides with that cap must be allowed as of right as a permitted use. The courts have made it abundantly clear that imposing any additional zoning requirements on a community residence that complies with the cap in the definition of “family” would clearly constitute illegal discrimination under the Fair Housing Act. When a definition of “family” places no limit on the number of unrelated individuals who can dwell together, then all community residences must be allowed as of right in all residen-

31. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173.

32. *Ibid.*

33. 42 U.S.C. §3604(f)(B) (1988).

34. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2184.

35. The U.S. Supreme Court sanctioned this type of restriction in *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974) and later modified its ruling in *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494 (1977).

36. The vast majority of community residences for people with disabilities house more than four people. While the trend for people with developmental disabilities is towards smaller group home households, valid therapeutic and financial reasons result in community residences for people with mental illness and for people in recovery from drug and/or alcohol addiction housing eight to 12 residents.

tial districts.³⁷

When a proposed community residence would house more unrelated people than the definition of “family” allows, jurisdictions must make the “reasonable accommodation” that the Fair Housing Act requires to allow such community residences to locate in residential districts. However, different types of community residences have dissimilar characteristics that warrant varying zoning treatment depending on the type of tenancy.

Community residences that offer a relatively permanent living arrangement in which there is no limit to how long somebody can live there (group homes and recovery communities) should be permitted uses allowed as of right in all residential districts. There is considerable debate in legal circles whether a rationally-based spacing distance or a license can be required.

On the other hand, community residences such as a halfway house that sets a limit on length of residency are more akin to multifamily housing and may be subject to a special use permit in single-family districts, although this too is subject to debate in legal circles. There is little doubt that they should be allowed as of right in multifamily districts although there is debate over whether a spacing distance from other community residences or a license can be required.

While a jurisdiction can certainly exclude transitional homes for people *without* disabilities from the residential districts of its choosing, the Fair Housing Act prohibits this kind of zoning treatment for halfway houses and recovery communities that house people with disabilities.³⁸ The key distinction between halfway houses and recovery communities is that tenancy in the former is temporary. Halfway houses impose a limit on how long residents can live there. Tenancy is measured in months.

On the other hand, residency in a recovery community is relatively permanent. There is no limit to how long a recovering alcoholic or drug addict who is not using can live there. Tenancy is measured in years just as it is for conventional rental and ownership housing. Consequently, it is rational for zoning to treat recovery communities like group homes which also offer relatively permanent living arrangements and to treat halfway houses more like multifamily rental housing. Halfway houses should be allowed as of right in multifamily districts. In single-family districts, the higher scrutiny of a special use permit is warranted for a halfway house.

Any examination of a city’s zoning treatment of community residences begins with its zoning definition of “family.”

The District of Columbia’s zoning code defines “family” as:

“[O]ne (1) or more persons related by blood, marriage, or adoption, or not more than six (6) persons who are not so related, including foster children, living together as a single housekeeping unit, using certain

37. See also *Marbrunak, Inc. v. City of Stow, Ohio*, 974 F.2d 43 (6th Cir. 1992).

38. It is extremely well-settled that people with drug and/or alcohol addictions who are not currently using an illicit drug are people with disabilities under the *Fair Housing Act* and the *Americans With Disabilities Act*. See 42 U.S.C. 3602(h) and 24 C.F.R. 100.201(a)(2). See, also, *City of Edmonds v. Washington State Building Code Council*, 115 S. Ct. 1776 (1995).

rooms and housekeeping facilities in common; provided, that the term family shall include a religious community having not more than fifteen (15) members. (19 DCR 281)”³⁹

Under this definition of “family,” any community residence for people with disabilities that houses no more than six unrelated individuals *must* be allowed as of right in all residential districts. The District cannot impose any additional requirements on community residences that comply with this definition of “family” other than those imposed on the residential structure in which the home is located. Community residences for no more than six people with disabilities must be treated the same as any other family. This legal principle does not apply to community residences for people *without* disabilities or to people with disabilities “whose tenancy would pose a direct threat to the health or safety of other individuals.... there must be objective evidence from the person’s prior behavior that the person has committed overt acts which caused harm or which directly threatened harm.”⁴⁰

The District’s zoning ordinance groups community residences of all types under the rubric “community-based residential facility” which it defines as a residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by the Community Residence Facilities Licensure Act of 1977, effective October 27, 1977 (D.C. Law 2–35; 24 DCR 4056) (repealed by District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5–48, as amended; D.C. Official Code §§ 44–501 to 44–509 (formerly codified at D.C. Code §§ 32–1301 to 32–1309 (1998 Repl. & 1999 Supp.))), and facilities formerly known as convalescent or nursing home, residential half-way house or social service center, philanthropic or eleemosynary institution, and personal care home.” Note that this definition does *not* limit community-based residential facilities to those that house people with disabilities.⁴¹

The ordinance goes on to state:

“All community-based residential facilities shall be included in one (1) or more of the following subcategories:

“(a) **Adult rehabilitation home** — a facility providing residential

39. *Zoning Regulations of the District of Columbia*, §199.1.

40. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.A.N. 2173, 2189–2190..

41. The licensing law referenced here defines a “community residence facility as “a facility that provides a sheltered living environment for individuals who desire or need such an environment because of their physical, mental, familial, social, or other circumstances, and who are not in the custody of the Department of Corrections. All residents of a community residence facility shall be 18 years of age or older, except that, in the case of group homes for persons with mental retardation, no minimum age shall apply, unless this requirement is waived in accordance with § 44-505(e). It defines “group home for persons with mental retardation” as “a community residence facility that provides a home-like environment for at least 4 but no more than 8 related or unrelated individuals who on account of mental retardation require specialized living arrangements, and maintains the necessary staff, programs, support services, and equipment for their care and habilitation.” *District of Columbia Official Code 2001 Edition*, Division VIII. General Laws. Title 44. Charitable and Curative Institutions, Subtitle I. Health Related Institutions. Chapter 5. Health-Care and Community Residence Facility, Hospice and Home Care Licensure. Subchapter 1. Licensure. §44–501.(a)(4) and (5).

care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any individual twenty-one (21) years of age or older, under pre-trial detention or sentenced court orders;

“(b) **Community residence facility** — a facility that meets the definition for and is licensed as a community residence facility under the Health Care Facilities and Community Residence Facilities Regulations, 22 DCMR § 3099.1 (1986) (superseded);

“(c) **Emergency shelter** — a facility providing temporary housing for one (1) or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded);

“(d) **Health care facility** — a facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Regulations, 22 DCMR § 3099.1 (1986) (superseded);

“(e) **Substance abusers home** — a community residence facility that offers a sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia, 22 DCMR § 3099.1 (1986) (superseded), for one (1) or more individuals diagnosed by a medical doctor as abusers of alcohol, drugs, or other controlled substances;

“(f) **Youth rehabilitation home** — a facility providing residential care for one (1) or more individuals less than twenty-one (21) years of age who have been detained or committed by a court pursuant to their involvement in the commission of an act designated as an offense under the law of the District of Columbia, or of a state if the act occurred in a state, or under federal law. The facility shall not house persons sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense; or

“(g) **Youth residential care home** — a facility providing safe, hygienic, sheltered living arrangements for one (1) or more individuals less than eighteen (18) years of age, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance. (28 DCR 3483)”⁴²

The city’s zoning code includes conventional definitions of “developmental disability” and “mental disorder.” The only broad definition of “disability” appears in §201.1(f) where the ordinance makes community-based residential facilities for people with disabilities a permitted use in the R-1 zoning district:

“...a “disability” means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person’s major life activities, or a record of having, or being regarded as having, such an impairment, but such term does not include current,

42. Zoning Regulations of the District of Columbia, §199.1.

illegal use of or addiction to a controlled substance.”

Some of the definitions quoted above clearly run counter to the nation’s Fair Housing Act. As noted earlier, community residences for no more than six people with disabilities must be treated the same as any other family because the District’s zoning code defines “family” as including up to six unrelated people. Yet the definition of “substance abusers home” includes homes with as few as one resident. There is no question that people in recovery from addictions to drugs or alcohol are “disabled” and covered by the federal and District fair housing laws.

The city’s Zoning Administrator reports that despite these definitions, community-based residential facilities housing no more than six individuals with disabilities, including substance abuser homes, are allowed as of right in all zoning districts, including R-1, R-2, and R-3 where substance abuser homes are not allowed even by right or by special exception. He reports that they are treated the same as any other family.⁴³ Advocates could not provide any examples that contradicted the Zoning Administrator’s statement.⁴⁴

“Youth residential care homes” are similarly defined as housing any number of youth. When these youth have disabilities, the zoning code runs afoul of fair housing laws because it treats these differently than other families with fewer than seven residents.

However, the zoning code definitions of “adult rehabilitation home” and “youth rehabilitation home” do not violate the fair housing laws even though they too start with just one individual because their populations fit into the direct threat exception discussed on page 129.

The provisions regarding permitted uses and special exceptions are a bit convoluted. In the R-1 districts, the zoning code allows community residences facilities, youth residential care homes, and health care facilities for up to six individuals plus up to two “resident supervisors or staff and their families” as a permitted use allowed as of right.⁴⁵

However, youth residential care homes or community residence facilities for nine to 15 persons not including resident staff and their families are allowed in the R-1 district only by special exception.⁴⁶ The zoning code seems to limit such homes by stating, “There shall be no other property containing a community-based residential facility for seven (7) or more persons either in the same square as, or within a radius of one thousand feet (1,000 ft.) from, any portion of the subject property.”⁴⁷ However, it goes on to say that “The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000 ft.) only when the Board finds that the cumulative effect of

43. Telephone interview with District of Columbia Zoning Administrator Matt LeGrant (December 21, 2011).

44. The District appears to be complying with the summary judgment decision in *Community Housing Trust, et al. v. Department of Consumer and Regulatory Affairs, et al.*, 257 F.Supp.2d 208 (D.D.C. 2003) which involved a group home for five men with chronic mental illness. This home fit within the District’s zoning definition of “family.” But the District chose to treat it as a community-based residential facility which imposed additional requirements on the home. The court found that the District’s zoning provisions were discriminatory on their face and had been discriminatorily interpreted and applied.

45. Ibid. §201.1.

46. Ibid. §281.1.

47. Ibid. §218.2..

the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.”⁴⁸ The ordinance requires that the “facility” meet all applicable code and licensing requirements and not adversely affect the neighborhood due to “traffic, noise, operations, or the number of similar facilities in the area.”⁴⁹

Substance abusers’ homes — which appear to include both halfway houses and recovery communities under the DC definitions and are covered by the Fair Housing Act’s provisions for people with disabilities — as well as youth and adult rehabilitation homes which are *not* covered by the Fair Housing Act provisions for people with disabilities are treated the same as community residences facilities, youth residential care homes, and health care facilities. The zoning code requires a special exception for substance abuse homes for one to eight residents even though the code’s definition of “family” allows up to six unrelated people to live together.⁵⁰ As discussed earlier, this restriction appears to be a clear violation of the nation’s Fair Housing Act. And as discussed on page 131, the city ignores this provision to allow substance abusers’ homes for up to six unrelated individuals in all residential zoning districts.⁵¹

Community residence facilities for more than 15 are allowed by special exception. However, it is difficult to imagine how a “facility” for more than 15 could possibly emulate a family or provide a family-like living environment which is a defining characteristic of a community residence for people with disabilities.

The R-2 districts allow the same permitted uses as in the R-1 districts and reduce the spacing distance for youth residential care home, community residence facility, or health care facility for seven or eight persons from 1,000 feet to 500 feet “from any portion of the property.”⁵²

Youth residential care homes or community residence facilities for nine to 15 persons not including resident staff and their families are treated the same as in the R-1 district except that the spacing distance is reduced from 1,000 feet to 500.⁵³ Substance abuser homes are treated the same as in the R-1 districts except that the spacing distance is reduced from 1,000 to 500 feet.⁵⁴

The R-3 districts allow the same permitted uses as the R-2 districts. The R-2 districts’ provisions for special exceptions apply in the R-3 districts.⁵⁵

The R-4 districts allow the same permitted uses as the R-3 districts. It allows “community-based residential facilities” that house “persons with handicaps” as a permitted use, defining “handicaps” with the same definition used in the nation’s Fair Housing Act. There is no spacing distance or licensing requirement. Provisions substance abusers’ homes are the same as in the R-1 districts except

48. Ibid. §218.6.

49. Ibid. §§218.4–5.

50. Ibid. §221.1.

51. It should be noted, however, that the vast majority of recovery communities and halfway houses have eight to 12 residents for both therapeutic and financial reasons. Homes less than eight people in recovery are few and far between.

52. Ibid. §300.3(d).

53. Ibid. §303.

54. Ibid. §306.

55. Ibid. §§320, 322.

that a 500 instead of 1,000 foot spacing distance is required.⁵⁶

The R-5 allow the same permitted uses as the R-4 districts. They also allow youth residential care homes, community residence facilities, and health care facilities for seven to 15 persons, not counting resident supervisors or staff and their families as long as they are not located in the same square as, or within 500 feet of an existing community-based residential facility for seven or more people.⁵⁷ The special exception provisions are the same as in R-4 districts, except that youth rehabilitation homes, adult rehabilitation homes, or substance abusers' homes can house up to 20 individuals, not counting resident supervisors or staff and their families. Youth residential care homes or community residence facilities for 16 to 25 people are allowed as special exceptions with the same requirements for smaller homes in the R-2, 3, and 4 districts.⁵⁸

Special purpose districts allow as special exceptions youth residential care home or community residence facility for 16 to 25 people, not counting resident supervisors or staff and their families; health care facilities for 15 to 300 (an institutional use, not a community residence), and substance abusers' homes for one to 20 not including resident supervisors or staff and their families.⁵⁹

The Mixed Use Commercial Residential District (CR) allows as of right youth residential care homes, community residence facilities, or health care facilities for up to six individuals and no more than two resident supervisors or staff and their families. Home of these types that house seven to 15 people, are allowed as of right if there is no existing community-based residential facility in the same square or within 500 feet.⁶⁰ Special exceptions include youth residential care homes and community residence facilities for 16 to 25 and substance abusers' homes for up to 20 people.⁶¹

Neighborhood shopping districts (C-1) allow as of right all permitted uses allowed in the R-5 district except community-based residential facilities for seven or more persons, not counting resident staff and their families and youth residential care homes, community residences, and health care facilities for seven or eight people not counting residence staff and their families as long as there is not existing community-based residential facility in the same square or within 500 feet.⁶²

Youth residential care homes and community residence facilities for nine to 15 persons, not including resident supervisors or staff and their families, are allowed as a special exception subject to the same requirements as in the R-2 districts. Substance abusers' homes for up to 15 are allowed as special exceptions under the same requirements as in the R-2 districts.⁶³

The treatment of these community residences in the Community Business

56. Ibid. §§330.5(a), (d) and §335.

57. Ibid. §§350.4(a) and (i).

58. Ibid. §358.

59. Ibid. §513.1.

60. Ibid. §§601.01, 601.2.

61. Ibid. §616.

62. Ibid. §§701.2, 701.3.

63. Ibid. §§711.1(a) and (d).

Center districts (C-2), Waterfront districts, Hill East district (HE) follow the same patterns as in the districts already discussed.⁶⁴

As noted earlier, the District's zoning provisions violate the Fair Housing Act whenever the zoning code requires a special exception for a "community-based residential facility" that houses no more than six people with disabilities because the code places a cap of six unrelated people in its definition of "family." The code consistently treats homes for substance abusers as a special exception, even when only one person lives in it.

In December 2011 the City Council held hearings on a bill that would require that the local Advisory Neighborhood Commission be notified of the potential location of any community-based residential facility of any number of residents.⁶⁵ The City Council has rejected similar bills introduced in previous years. As of this writing, the fate of this legislation has yet to be decided. There is little doubt that such a requirement applied to community residences for people with disabilities would fly in the face of the Fair Housing Act.⁶⁶ The requirement, however, can be applied to homes that do *not* house people with disabilities.

While nobody in the District has been able to provide a count of community-based residential facilities nor a list of them, the District did provide a map showing their locations. The vast majority of community residences appear to be located in predominantly African-American neighborhoods. Only about 30 community residences are located in the city's Northwest Quadrant. In contrast, each of the other quadrants hosts scores of community residences. The map below from the District's 2007 comprehensive plan shows severe concentrations in the Northeast and Southeast quadrants that may become, or already have become, *de facto* social service districts.⁶⁷ These concentrations can undermine the ability of a community residence to achieve normalization and foster community integration, the two lynchpins of the community residence concept.

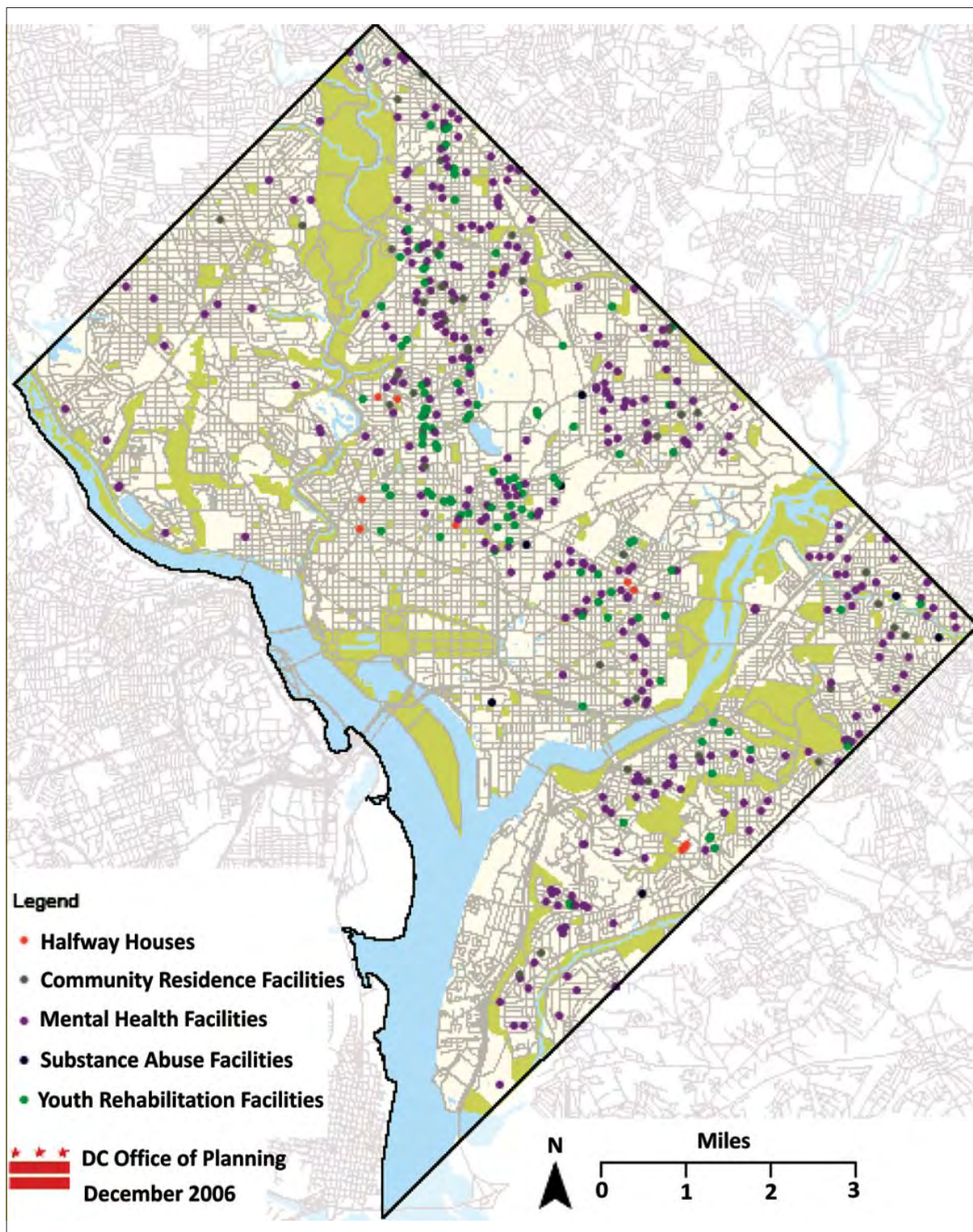
64. Ibid. §§721.5, 732.1, 901.1, 2802.1, 2803.1.

65. "Advisory Neighborhood Commission Residential Facility Notification Amendment Act of 2011.

66. In *Potomac Group Home Corporation v. Montgomery County, Maryland*, Maryland No. H-92-1192 (N.D. Maryland June 14, 1993) the court found a requirement to notify neighbors of a proposed group home for people with disabilities to be facially invalid and that there was "no rational basis or legitimate governmental interest" to support the requirement. The court echoed *Stewart B. McKinney Foundation v. Town Plan and Zoning Commission of the Town of Fairfield*, 790 F.Supp. 1197 (D.Conn. 1992) and *Ardmore v. City of Akron, Ohio*, 1990 West Law 385236, Ohio Civil No. 90-1083 (N. D. Ohio Aug. 2, 1990) that "discriminatory procedural requirements are themselves violative of the Fair Housing Amendments Act."

67. This map is much more legible than more recent maps which, incidentally, show the same pattern.

Figure 12: Locations of Community Residences in the District of Columbia: December 2006



Source: Adapted from *The Comprehensive Plan for the National Capital: District Elements*, (Washington, D.C.: Office of Planning, Oct. 2007)

Building Codes

The zoning code is *not* the proper place to regulate the number of residents in a community-based residential facility for people with disabilities. It is axiomatic under case law that zoning should not differentiate in its zoning treatment of community residences for people with disabilities based on the number of residents. The proper regulatory tool is the building code's occupancy standard for all residential uses that typically requires, for example, 70 square feet of space for the first occupant of a bedroom and 50 or 70 additional square feet for each additional bedroom occupant. It is important to stress that this standard applies to all residential uses and that it applies to community-based residential facilities for people with disabilities because they are residential uses.

The District publishes the changes it has made to the standard building codes it has adopted online at <http://dcra.dc.gov/DC/DCRA/Permits/Construction+Codes>. The District has adopted the *2006 International Property Maintenance Code*, *2006 International Residential Code*, *2006 International Building Code*, and *2006 Existing Building Code*.⁶⁸ Unless the District has altered them, these codes use one of the formulae described immediately above.

Our five inquiries to building code staff in the Department of Consumer and Regulatory Affairs went unanswered. We asked them to confirm the standard described above and whether the District imposes additional requirements on community residences for people with disabilities beyond the requirements for the type of structure in which the community residence is located. One concern is when a community residence for people with disabilities is located in a single-family detached house. Does the District require compliance only with the building code and property maintenance code provisions for a single-family detached house or does it impose a different set of building code requirements on the community residence? We were unable to get an answer.

Public and Subsidized Housing

The District of Columbia Housing Authority owns and manages 53 public housing properties in which 6,074 households resided in 2011, almost all of which are located in neighborhoods that have long been predominantly African American.

The District of Columbia Housing Authority also administers close to 13,400 housing choice vouchers (formerly known as "Section 8") as of late 2011 that allow families to rent in the private market with a rent subsidy so they spend no more than 30 to 40 percent of their annual adjusted income on rent.

As of the end of November 2011, 40,858 different households were on the waiting lists of the District of Columbia Housing Authority: 22,021 for public housing and 38,261 for housing choice vouchers.⁶⁹

68. Municipal regulations and ordinances are available online at <http://www.dcregs.dc.gov>.

69. Email from Hammere Gebreyes, Office of the Executive Director, DC Housing Authority, to Daniel Lauber (Jan. 17, 2012) (on file with author). Some households were on both waiting lists.

Policies and Practices

Live-In Aide Policy. Some housing authorities have counted the income of a live-in aide as part of the income of the public housing or housing voucher family with which the aide lives. This has resulted in the Kafkaesque situation in which the aide is treated as a member of the family and his income is counted toward the family's income — sometimes increasing the family income over the maximum allowed to live in public housing or to receive a housing voucher. This “Catch-22” has been applied most often when the live-in aide is a relative.

The rules and policies of DC Housing Authority explicitly state that the authority seeks to “grant reasonable accommodations, such as a live-in aide.” It defines live-in aide as a “person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (a) Is determined to be essential to the care and well-being of the person(s); (b) Is not otherwise legally or financially obligated for the support of the person(s); and (c) Would not be living in the unit except to provide the necessary supportive services.”⁷⁰

The Housing Authority's rules explicitly state that the “income of an approved live-in aide shall not be included in the calculation of rent....”⁷¹

Overall, the rules governing live-in aides are accommodating and supportive in accord with the *Fair Housing Act*.

Pro-Integrative Site Policy. We asked the DC Housing Authority to provide us with any explicit or implicit policies it may have to locate scattered site public housing or establish public housing developments so they support racial and/or socio-economic integration. The authority has not identified any such policies.

Public Housing

As the table below shows, the occupants of low-income public housing in the District of Columbia are overwhelming African American.⁷²

70. *Notice of Final Rulemaking*, 46 DCR 603; 45 DCR 7913, 7914; 50 DCR 5739; 50 DCR 10347; 51 DCR 8104; 51 DCR 9184; 54 DCR 12303, §6121.2.

71. *Ibid.* §6121.5.

72. Note that DC Housing Authority could not identify the race of the heads of 500 households and, therefore, these 500 households are not included in this table. Nearly all of those whose race could not be identified were non-Hispanic.

Table 62: Racial and Hispanic Composition of Heads of Households in District of Columbia Low-Income Public Housing: 2011

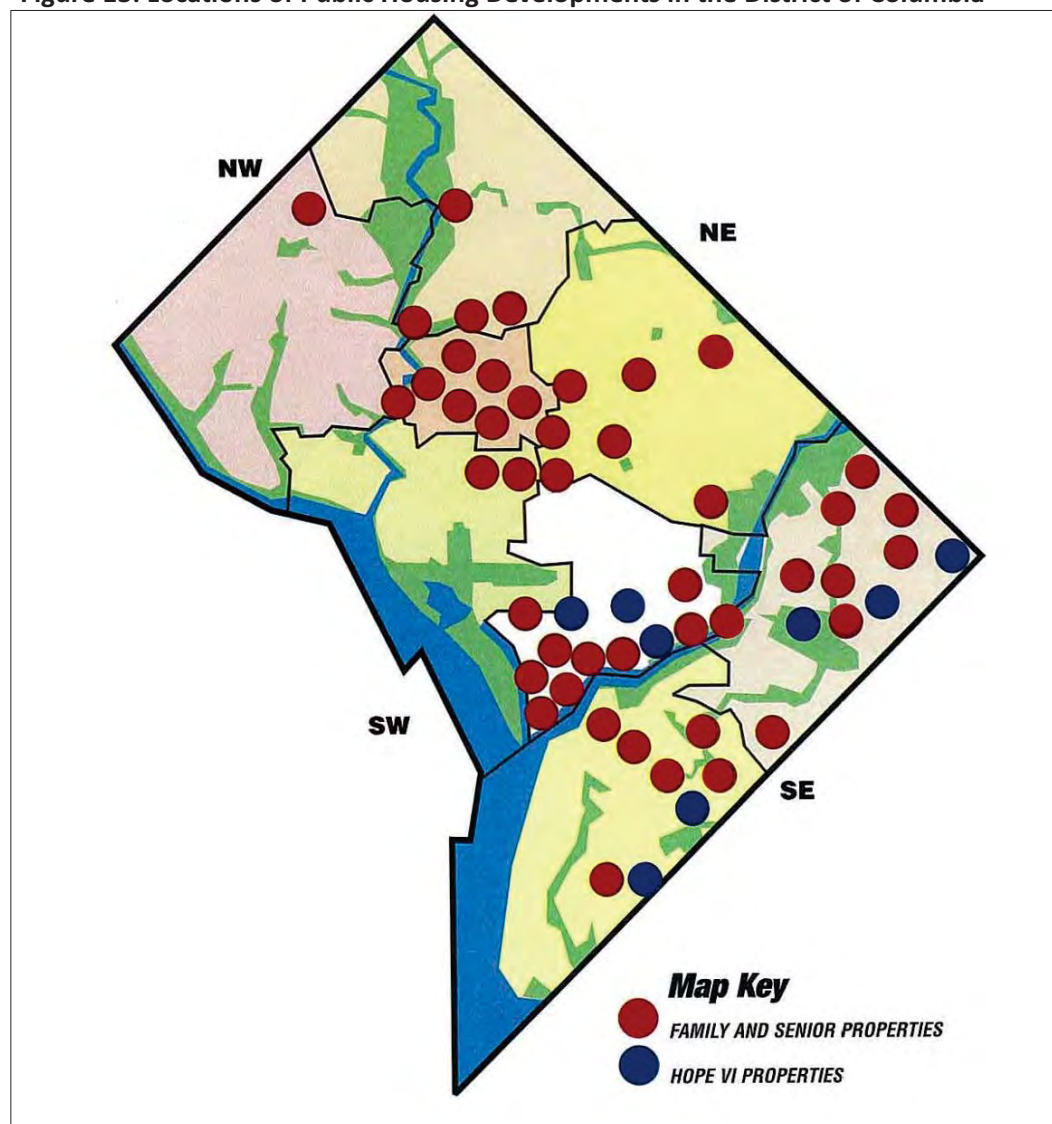
Racial and Hispanic Composition of Heads of Households in District of Columbia Low-Income Public Housing: 2011		
Race or Ethnicity	Number	Percentage
African American	5,462	97.99%
White	75	1.35%
Asian	27	0.48%
Native American	9	0.16%
Other	1	0.02%
Hispanic of any race	136	2.44%
Total of races indicating a race	5,574	100.00%

Source: District of Columbia Housing Authority. Totals exclude households that did not indicate the race (500) or ethnicity (4) of the head of the household. Includes households only in properties that are conventionally owned. Data for other units are not available.

These proportions are not entirely surprising given the huge disparities in median income between African Americans and every other major racial and ethnic group as shown on page 148. These disparities only widened during the past decade as the median income of Black households which was \$30,478 in 1999 grew by less than \$7,000 during the decade. Meanwhile the median household income of Asians more than doubled, growing by more than \$40,000. The median income of Hispanic households of any race rose to \$60,798, an increase of nearly \$35,000. The median income of white, non-Hispanic households rose to \$99,220, an increase of almost \$32,000.

As the map below illustrates, nearly all of the public housing developments in the District were segregated in neighborhood clusters that were predominantly, if not overwhelmingly, African American in 2000.

Figure 13: Locations of Public Housing Developments in the District of Columbia



Adapted from *Ahead of the Curve: District of Columbia Housing Authority Annual Report 2009* (Washington, D.C.: District of Columbia Housing Authority, 2010) 20.

In 2000, Regency House at 5201 Connecticut Avenue, NW, with 150 households, was the only public housing development in a predominantly white neighborhood cluster (cluster 10). There were 113 public housing households in racially stable and diverse Neighborhood Cluster 26.

But the rigid racial segregation of public housing in Black neighborhoods has eased due to the demographic changes in the neighborhood clusters where public housing developments are located as shown in Chapter 3. Thanks to these changes, 43 percent of public housing households live in neighborhood clusters that are integrated or integrating in 2010.

Table 63: Public Housing Households by Neighborhood Cluster

Public Housing Households by Neighborhood Cluster			
Neighborhood Cluster	Number of Households	Percentage of All Public Housing Households	Notes on Demographic Nature of Neighborhood Cluster in 2010
2	583	9.60%	Integrating – same % Black and white
3	179	2.95%	Integrating – same % Black and white
7	528	8.69%	White in-migration; integrating
8	434	7.15%	Integrating; Asian 13.7%
9	846	13.93%	Mostly Black (57.4%), but diverse; some census tracts segregated
10	150	2.47%	White segregated
21	68	1.12%	White in-migration
22	60	0.99%	White in-migration
23	221	3.64%	White in-migration; Integrating
24	116	1.91%	Black segregated >88%; very slight white in-migration
25	5	0.08%	White in-migration; now majority white
26	113	1.86%	Racially diverse, stable; mostly white
27	536	8.82%	White in-migration; slight white majority
29	264	4.35%	Black segregated >97%
31	529	8.71%	Black segregated >97%
32	260	4.28%	Black segregated >97%
33	254	4.18%	Black segregated >97%
35	20	0.33%	Black segregated >93%
36	320	5.27%	Black segregated >93%
37	421	6.93%	Black segregated >98%
39	167	2.75%	Black segregated >98%
Total	6,074	100.00%	

Source: The District of Columbia Housing Authority provided a spreadsheet listing each household in public housing by street address, census tract, and neighborhood cluster. See the tables of neighborhood clusters in Chapter 3 for details on each cluster.

Essentially, much of the District's public housing is now in racially-integrated or integrating neighborhoods via what might be called the "back door" route of gentrification. Instead of locating public housing developments in integrated neighborhoods, the integration is coming to the areas surrounding the public housing developments. The result is increased racial, ethnic, and economic integration in the neighborhoods in which nearly half of the District's public housing developments are located. Still, nearly 39 percent of the public housing households live in what can be characterized as segregated African American neighborhoods. Given the generally incremental nature of demographic change, these developments represent a positive direction supportive of fair housing choice.

At a more micro level, the relatively small number of public housing residents who are not African American are not concentrated within any of the 53 public housing developments.

Accessibility of Public Housing. Section 504 of the Rehabilitation Act of 1973 requires that at least five percent of public housing units must be wheelchair accessible. Back in 2000, about one percent — about 106 units — of the 10,600 public housing units were wheelchair accessible. The number had risen in 2010 to about 500, eight percent of the 6,074 public housing units still standing.⁷³

Subsidized Housing

As with public housing and given the huge disparities in median income, it is not surprising that African Americans comprise the vast majority of District households with a Housing Choice Voucher.⁷⁴

Table 64: Racial and Hispanic Composition of Heads of Households in District of Columbia That Hold a Housing Choice Voucher: 2011

Racial and Hispanic Composition of Heads of Households in District of Columbia That Hold a Housing Choice Voucher: 2011		
Race or Ethnicity	Number	Percentage
African American	11,827	96.18%
White	398	3.24%
Asian	40	0.33%
Native American	21	0.17%
Other	11	0.09%
Hispanic of any race	1,113	9.05%
Total of races	12,297	100.00%

Source: District of Columbia Housing Authority. Totals exclude households that did not indicate the race (1,011) or ethnicity (4) of the head of the household.

As the following figure shows, most Housing Choice Vouchers are used in the city's segregated African American neighborhoods in the southwest, southeast, and northeast quadrants. As with public housing, some neighborhood clusters in which Housing Choice Vouchers are being used have started to integrate racially and economically due to gentrification. The challenge the District will face is enabling these households to remain in their rental units as rents rise even higher due to gentrification. The U.S. Department of Housing and Urban Development has already granted the District's request for "Exception Payment Standards" to allow voucher holders to pay the higher rents common in the District of Columbia.

73. Testimony of Marjorie Rifkin, Managing Attorney, University Legal Services: Hearing Before the DC Advisory Committee to the U.S. Civil Rights Commission, Sept. 16, 2010.

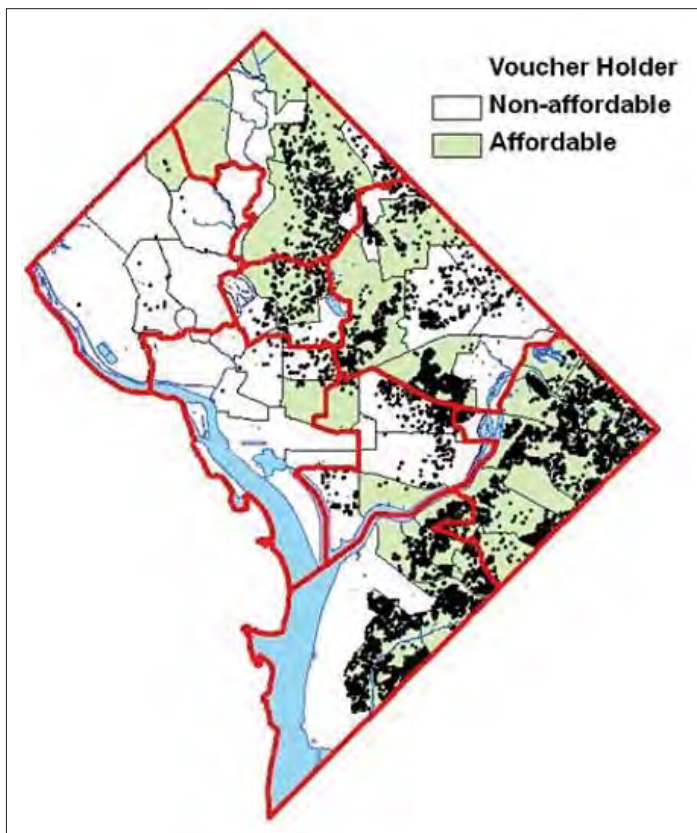
74. Note that DC Housing Authority could not identify the race of the heads of 1,011 households and, therefore, these 1,011 households are not included in this table. Nearly all of those whose race could not be identified were non-Hispanic.

While about 58 percent are used in the District's most racially-segregated African American neighborhood clusters and less than two percent are being used in the city's segregated white neighborhood clusters, 38 percent of housing choice vouchers are being used in the District's racially-integrated, integrating, or racially-diverse neighborhood clusters identified in Chapter 3.⁷⁵ Some of these neighborhood clusters consist of census tracts with substantially different racial compositions making it is possible that the users of housing choice vouchers might be racially segregated within a diverse, integrating, or integrated neighborhood cluster. More detailed on-going monitoring and analysis by the DC Housing Authority is warranted.

As of late 2011, just 59 households — 0.44 percent of the 13,398 vouchers issued through the DC Housing Authority — were being utilized to rent outside the District, all but one in Maryland. Over half of them are being used in Bowie (30 vouchers), 11 in Silver Spring, eight in Temple Hills, seven in Clinton, and two in Oxon Hill. One is being used in Houston, Texas.

The Housing Authority requires all families that accept a housing voucher to attend a mandatory orientation when they enter the voucher program and when they wish to move from one unit to another. They are taught how to use their housing vouchers and where to search for units they can afford with their vouchers. The briefing coordinator explains the responsibilities of the housing authority, the property owner, and the voucher holder, and explains the benefits of locating in neighborhoods with low concentrations of poverty and minorities.

Figure 14: Location of Housing Choice Vouchers and Neighborhoods Affordable to Voucher Holders: 2010



Source: District of Columbia Housing Authority.

75. Percentages do not add up to 100 because they exclude vouchers used outside the District, vouchers used outside neighborhood clusters, and vouchers for which a census tract was not identified. Details are in the spreadsheet *Final DC Vouchers by Cluster with Graph.xlsx* on file with the Fair Housing Program Coordinator, Office of Program Monitoring, Fair Housing Division, DC Department of Housing and Community Development.

Families are also taught what to do if they feel a landlord is discriminating against them because they are using a voucher, illegal under the District's fair housing statute. Voucher holders are given the "Are You a Victim of Housing Discrimination" form. They are given a list of rentals and landlords who have indicated they have units available and directed to the DCHousingSearch.org website. Some landlords attend these orientation sessions to market their units directly to voucher holders.⁷⁶

The Affordability of Housing

Even in the face of the nation's worst collapse in housing prices since the Great Depression, the cost of *most* ownership and rental housing remains beyond the means of *most* Washington, D.C. residents.⁷⁷

The tables that follow show that as the median sales price of homes has risen and fallen during the 2006–2010 study period, they have remained unaffordable to most of the District's population. Rentals still stretch tenant budgets as rents continued to increase despite a rental vacancy rate that *rose* from six percent in 2006 to 9.5 percent in 2010.⁷⁸

Economists and housing experts have long used the rule of thumb that a home is affordable when its purchase price is no more than two and a half or three times the buyer's gross annual income.⁷⁹ Their other test that applies to both owner and tenant households is that housing is affordable if the household spends no more than 30 percent of its gross monthly income on housing.

These are not arbitrary figures. Spending more than 30 percent on housing, leaves a typical household less money for essentials such as food, clothing, furniture, transportation, health care, savings, and health insurance. Local businesses suffer the most from this reduction in discretionary spending money due to high housing costs. Spending more than 30 percent on housing denies monies to other sectors of the economy unless households strapped for cash go into serious debt.

Households that spend more than 30 percent of their gross monthly income on housing costs (rent; or mortgage, property tax, and condominium or home owner association assessments) are considered to be "cost burdened."

76. Telephone interview with Ronald McCoy, Director of Voucher Programs, DC Housing Authority (Nov. 23, 2011); email from Ronald McCoy to Daniel Lauber (Nov. 30, 2011) (on file with author).

77. It is always tempting when conducting an analysis of impediments to try to solve all of the subject jurisdiction's housing issues. But that is beyond the scope of an analysis of impediments. For a very thorough examination of the District's housing issues, particularly affordability, see Comprehensive Housing Strategy Task Force, *Homes for an Inclusive City: A Comprehensive Housing Strategy for Washington, D.C.* (Washington, D.C.: Government of the District of Columbia, 2006) and DC Fiscal Policy Institute, *No-where to Go: As DC Housing Costs Rise, Residents Are Left With Fewer Affordable Housing Options* (Washington, D.C.: Center on Budget and Policy Priorities, Feb. 5, 2010).

78. Table CP04, 2010 American Community Survey 1-Year Estimates for the District of Columbia.

79. For purposes of this analysis, we will err on the conservative side and use three times the median income to establish the price of an affordable house in the District rather than two and a half times.

In the interest of accuracy, we have used medians of home prices *based on actual home sales* provided by the RBI–Real Estate Business Intelligence, LLC. This service’s figures of actual sale prices are much more reliable than the very subjective median home values reported by the U.S. Census and American Community Survey. Those medians are based on the home value reported by those households that respond to the decennial Census and the American Community Survey. Home owners are making subjective estimates that are not as reliable as actual home sale prices, probably because relatively few home owners know the actual current value of their homes.

To make sense of the data, researchers report on median household incomes and median home values. The median is the middle. For example, half of the District’s households have incomes above the median and half below it. Half of the homes sold were priced above the median sale price and half sold of those sold are priced below it.

The vast majority of District tenants and homeowners who need affordable housing are low-income; their incomes are less than half of the area’s median income. Of these 98,000 households, two-thirds spend more than 30 percent of their income on housing. Of the 48,000 households that spend half or more of their income on housing, 85 percent are low-income households.⁸⁰

In 2007, 47,500 of the District’s 244,000 households, almost 20 percent, suffered from severe housing cost burdens — an increase of one-third since 2000. Two-thirds of these households were renters. In 2007, 25 percent of the city’s tenants spent more than half their income on housing compared to 12.5 percent of the Districts’ homeowners.⁸¹

The shortage of housing residents can afford, however, has not been limited to low-income households. In 2007, two-fifths of moderate income households with incomes between half and 80 percent of the area median income (\$47,300 to \$76,500 for a family of four) spent over 30 percent of their income on housing — double the rate in 2000.

The city’s very low-income households have been the most severely hit by the increases in housing costs. Sixty-two percent of District households with incomes less than 30 percent of the area median income were spending at least half of their income on housing in 2007. In 2000, only half of these households were spending that much of their income on housing.⁸²

Ownership Housing

To place the data that follow in some perspective, the median sale price of single-family detached housing in Clark County, Nevada, the epicenter of the housing industry’s collapse, declined 56 percent from 2006 to 2010. Ownership housing in the District did not suffer such a precipitous decline. In fact, between 2006 and 2010 the median sale prices of single-family detached houses and of condominiums and cooperatives rose almost one percent and 4.3 percent respec-

80. DC Fiscal Policy Institute, *Nowhere to Go: As DC Housing Costs Rise, Residents Are Left With Fewer Affordable Housing Options*, (Washington, D.C.: Center on Budget and Policy Priorities: Feb. 5, 2010) 2–3.

81. Ibid. 6.

82. Ibid. 9–9.

tively in non-inflation adjusted dollars. The median of actual sale prices of townhouses and other attached housing fell 14 percent

Each of the three tables that follow covers one type of ownership housing: single-family detached, townhouses and other attached dwellings, and condominiums and market rate cooperatives. Each table reports for 2006 through 2010, the estimated median household income and the maximum home price a median income household can afford. In addition, each table identifies the median price for two or fewer bedrooms, three bedrooms, four or more bedrooms, and all dwellings of the type covered.

While the median of the actual prices for single-family detached houses with three or fewer bedrooms declined during the past five years, the median priced home with three or fewer bedrooms remains far beyond the means of households at or below the median income. The smallest affordability gap was in 2010 when the median income needed to purchase the median priced house with two or fewer bedrooms — \$93,333 — was just 53 percent greater than the \$60,903 median for D.C. residents. The median income needed to purchase the median priced three bedroom house was 105 percent of the median household income in 2010. The median household income required to purchase a house with four or more bedrooms was 369 percent greater than the actual median household income in the District. Taking all single-family detached homes together, a household would need an annual income 228 percent greater than the actual median to afford the median-priced single-family detached home in the District.

Table 65: Affordability of Single-Family Detached Homes in the District of Columbia: 2006–2010

Affordability of Single-Family Detached Homes in the District of Columbia: 2006–2010										
Year	Estimated Median Household (HH) Income	Maximum Price Median Income Household Can Afford	2 or Fewer Bedrooms		3 Bedrooms		4 or More Bedrooms		All	
			Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price
2006	\$51,847	\$155,541	\$103,250	\$309,750	\$165,000	\$495,000	\$284,000	\$852,000	\$198,750	\$596,250
2007	\$54,317	\$162,951	\$121,667	\$365,000	\$199,667	\$599,000	\$300,667	\$902,000	\$239,333	\$718,000
2008	\$57,936	\$173,808	\$116,333	\$349,000	\$166,500	\$499,500	\$297,833	\$893,500	\$228,333	\$685,000
2009	\$59,290	\$177,870	\$109,967	\$329,900	\$138,333	\$415,000	\$264,333	\$793,000	\$190,000	\$570,000
2010	\$60,903	\$182,709	\$93,333	\$280,000	\$125,000	\$375,000	\$284,333	\$853,000	\$200,000	\$600,000

Sources: Median sales prices are provided by RBI – Real Estate Business Intelligence, LLC. Median incomes are from the 2010 American Community Survey 1–Year Estimates File S 1903 "Median Income in the Past 12 Months (in 2010 Inflation-Adjusted Dollars); "Selected Economic Characteristics," 2006 through 2009 American Community Survey 1–Year Estimates for Washington, DC.

As the next table shows, the median price of townhouses and other attached homes (hereinafter referred to as “townhouses”) declined for all numbers of bedrooms during the past five years, making them the most affordable conventional ownership option for three or fewer bedrooms although still well beyond the financial reach of most District households. With a median price of \$310,000 in 2010, the median-priced townhouse with two or fewer bedrooms required an income at least 69.7 percent higher than the 2010 median household income. The

median-priced three bedroom townhouse required an income 80.6 percent greater than the median; four or more bedrooms required an income 202 percent higher. Overall, the median-income household would have to increase its annual income 112 percent to be able to afford the median-priced townhouse.

Table 66: Affordability of Attached Homes and Townhouses in the District of Columbia: 2006–2010

Affordability of Attached Homes and Townhouses in the District of Columbia: 2006–2010										
Year	Estimated Median Household (HH) Income	Maximum Price Median Income Household Can Afford	2 or Fewer Bedrooms		3 Bedrooms		4 or More Bedrooms		All	
			Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price
2006	\$51,847	\$155,541	\$119,967	\$359,900	\$136,667	\$410,000	\$205,000	\$615,000	\$149,983	\$449,950
2007	\$54,317	\$162,951	\$118,500	\$355,500	\$150,000	\$450,000	\$225,000	\$675,000	\$158,333	\$475,000
2008	\$57,936	\$173,808	\$124,667	\$374,000	\$127,667	\$383,000	\$216,667	\$650,000	\$145,000	\$435,000
2009	\$59,290	\$177,870	\$106,667	\$320,000	\$106,667	\$320,000	\$173,500	\$520,500	\$123,332	\$369,995
2010	\$60,903	\$182,709	\$103,333	\$310,000	\$110,000	\$330,000	\$183,833	\$551,500	\$129,000	\$387,000

Sources: Median sales prices are provided by RBI – Real Estate Business Intelligence, LLC. Median incomes are from the 2010 American Community Survey 1–Year Estimates File S 1903 "Median Income in the Past 12 Months (in 2010 Inflation–Adjusted Dollars); "Selected Economic Characteristics," 2006 through 2009 *American Community Survey 1–Year Estimates* for Washington, DC.

Condominiums and market rate cooperatives (hereinafter just “condominiums”) have been the most expensive of the dwelling units with two or fewer bedrooms in the last two years. A household at the median income in 2010 would have to double its income to afford the median-price condominium with two or fewer bedrooms.

Table 67: Affordability of Condominiums and Market Rate Cooperatives in the District of Columbia: 2006–2010

Affordability of Condominiums and Market Rate Cooperatives in the District of Columbia: 2006–2010										
Year	Estimated Median Household (HH) Income	Maximum Price Median Income Household Can Afford	2 or Fewer Bedrooms		3 Bedrooms		4 or More Bedrooms		All	
			Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price	Minimum HH Income to Afford Median Price	Median Price
2006	\$51,847	\$155,541	\$116,333	\$349,000	\$197,167	\$591,500	\$166,650	\$499,950	\$118,333	\$355,000
2007	\$54,317	\$162,951	\$114,083	\$342,250	\$183,333	\$550,000	\$195,350	\$586,050	\$116,667	\$350,000
2008	\$57,936	\$173,808	\$118,333	\$355,000	\$178,333	\$535,000	\$243,317	\$729,950	\$120,000	\$360,000
2009	\$59,290	\$177,870	\$116,667	\$350,000	\$175,833	\$527,500	\$296,667	\$890,000	\$118,449	\$355,348
2010	\$60,903	\$182,709	\$121,667	\$365,000	\$190,500	\$571,500	\$400,000	\$1,200,000	\$123,500	\$370,500

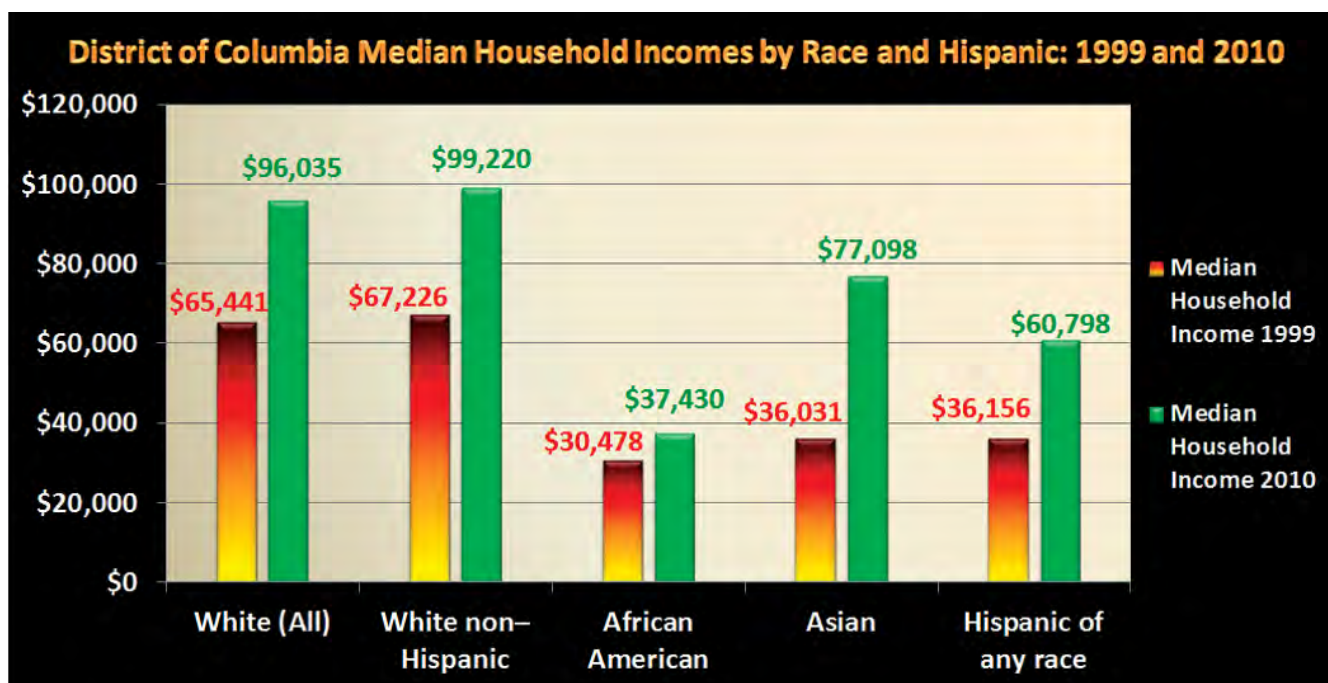
Sources: Median sales prices are provided by RBI – Real Estate Business Intelligence, LLC. Median incomes are from the 2010 American Community Survey 1–Year Estimates File S 1903 "Median Income in the Past 12 Months (in 2010 Inflation–Adjusted Dollars); "Selected Economic Characteristics," 2006 through 2009 *American Community Survey 1–Year Estimates* for Washington, DC.

A median-income household would have to triple its income to afford the median-price three bedroom unit and increase its income five and a half times to af-

ford the median-price condominium with four or more bedrooms in 2010. Overall, in 2010 a household at the median income had just half the income needed to afford the median-price condominium in the District of Columbia.

While this affordability gap poses difficulties for most District residents, the gap is most severe for African Americans. In 2010, the median household income of African Americans within the District was just 37 percent of non-Hispanic Caucasians while the median for Hispanics was 61 percent and of Asians 78 percent of non-Latino whites. The median income gap between African Americans and non-Hispanic whites increased during the decade. In 1999, Black median income was 45 percent of whites; in 2010 it declined to 37 percent. In contrast, the Latino median income which was 54 percent of non-Hispanic whites had risen to 61 percent of non-Hispanic whites and the Asian median income which was 54 percent of non-Hispanic whites in 1999 rose to 78 percent in 2010.

Figure 15: District of Columbia Median Household Incomes by Race and Hispanic: 1999 and 2010



Source: U.S. Census 2000, SF-3, Table P152; 2010 American Community Survey 1-Year Estimates, Table S1903, Median Income in the Past 12 Months (in 2010 Inflation-Adjusted Dollars).

There is no doubt that the high cost of housing in the District has its most severe negative impact on African American households. But as explained in Chapter 3, even taking the differential median incomes into account, income does not explain the extreme degree of racial segregation in the District's neighborhoods.

Most homeowners and tenants in the District are "cost burdened," spending more than 30 percent of their gross monthly income on housing costs (rent; or mortgage, property tax, and condominium or home owner association assessments). As the next table shows, well over a third of District homeowners with a mortgage are spending more than 30 percent of their income on housing costs while 15 out of 100 homeowners without a mortgage are doing the same. Since the mortgage is almost always the single highest cost of home ownership, it is no

surprise that a smaller proportion of home owners *without* a mortgage are cost burdened.

In both categories, cost burdens are severe. Far more homeowners spent over 35 percent of their income on housing costs than the mildly cost burdened who spent 30 to 34.9 percent on housing. During the 2006–2010 study period, more than three-quarters of cost-burdened mortgage holders spent more than 35 percent of their gross monthly income on housing. Among those without a mortgage, the proportion that spent 35 percent or more was two to eight times greater than the proportion that spent 30 to 34.9 percent.

Ownership housing in the District tends to be substantially more expensive than in the nation as a whole. In 2010, median housing costs for District homeowners with a mortgage were 53.3 percent higher than the nation while housing costs were 26.7 percent higher for those without a mortgage.

Table 68: Cost-Burdened District of Columbia Home Owners: 2006–2010

Cost-Burdened District of Columbia Home Owners: 2006–2010								
Year	Home Owners With a Mortgage				Home Owners Without a Mortgage			
	Percentage Who Spent 30 to 34.9% of Their Gross Income on Housing	Percentage Who Spent 35% or More of Their Gross Income on Housing	Total Percentage Cost-Burdened	Median Home Ownership Cost	Percentage Who Spent 30 to 34.9% of Their Gross Income on Housing	Percentage Who Spent 35% or More of Their Gross Income on Housing	Total Percentage Cost-Burdened	Median Home Ownership Cost
2006	8.5%	29.7%	38.2%	\$2,124	1.8%	13.7%	15.5%	\$538
2007	8.0%	30.8%	38.8%	\$2,190	4.0%	8.9%	12.9%	\$539
2008	7.7%	29.8%	37.5%	\$2,240	4.3%	10.4%	14.7%	\$558
2009	10.4%	28.8%	39.2%	\$2,267	1.7%	13.6%	15.3%	\$554
2010	6.6%	29.1%	35.7%	\$2,297	2.8%	12.6%	15.4%	\$546
2010: Nation	8.9%	29.1%	38.0%	\$1,496	3.5%	12.0%	15.5%	\$431

Source: Tables CP94 and DP04, "Selected Housing Characteristics," 2010 American Community Survey 1-Year Estimates for the District of Columbia and the United States

To provide some perspective, in 2009 in the epicenter of the housing crash, Clark County, Nevada, half of the homeowners with a mortgage were cost burdened while 16.9 percent of those without a mortgage were cost burdened.⁸³

Rental Housing

A slightly higher percentage of District tenants than homeowners were cost burdened throughout the study period. As with homeowners, relatively few tenants were just mildly cost burdened. More than 80 percent of the cost-burdened tenants spent 35 percent or more of their gross monthly income on their housing.

Since the turn of the century, rents in the District have outpaced the incomes of most District households as they grew more quickly than in most major cities. Even though the cooling off of the housing market has moderated housing prices the last two years, rents remain far higher than in 2000. This situation is not surprising given that the District's low-cost rental stock shrunk by more than a

83. Planning/Communications, *Clark County, Nevada Analysis of Impediments to Fair Housing Choice 2011* (River Forest, IL: April 2011), 113.

third between 2000 and 2010. The number of rentals with \$750 a month in rent and utility costs plummeted to 45,000 units in 2007 from 69,000 in 2000 while the number of rentals costing \$1,500 a month grew 225 percent to 27,000 from 12,000 during that same period.⁸⁴

Rental housing is now more expensive in the District than nationally. In 2010, the median monthly rent in the District was 40 percent higher than the nation's median rent.

Table 69: Cost–Burdened District of Columbia Tenants: 2006–2010

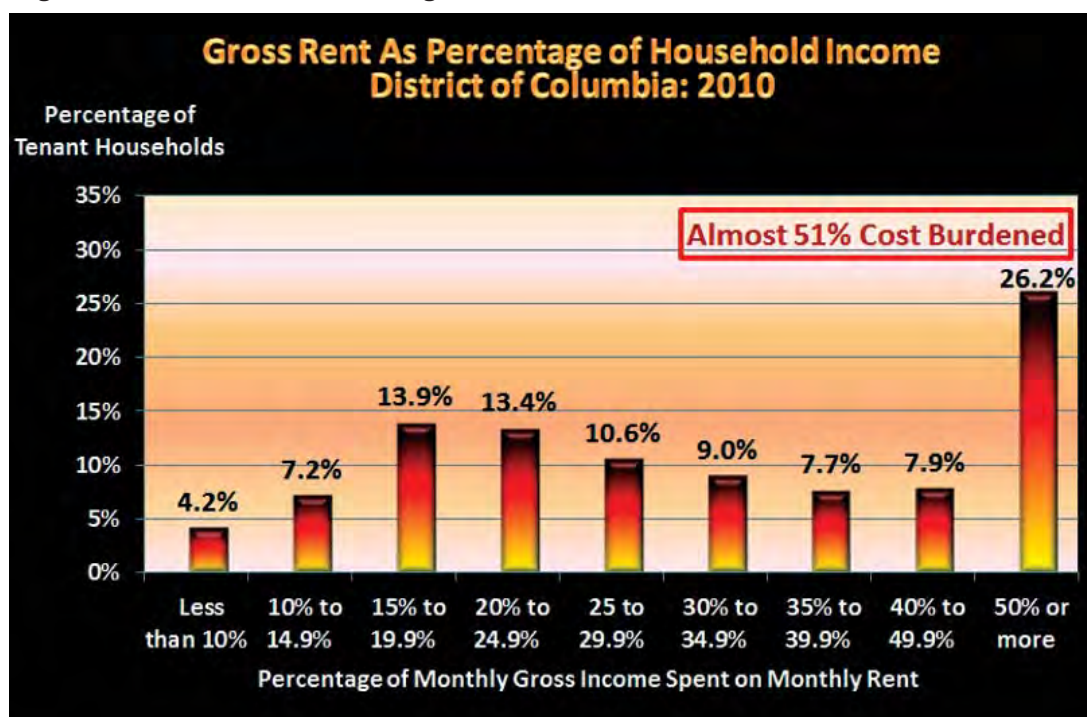
Cost–Burdened District of Columbia Tenants: 2006–2010				
Year	Percentage of Tenant Households That Spent 30 to 34.9% of Their Gross Income on Rent	Percentage of Tenant Households That Spent 35% or More of Their Gross Income on Rent	Total Percentage of Cost–Burdened Tenant Households	Median Monthly Rent
2006	8.0%	39.8%	47.8%	\$980
2007	7.7%	40.8%	48.5%	\$973
2008	9.0%	39.0%	48.0%	\$1,020
2009	7.6%	41.6%	49.2%	\$1,079
2010	9.0%	41.7%	50.7%	\$1,198
2010: Nation	9.2%	43.8%	53.0%	\$855

Source: Tables CP94 and DP04, "Selected Housing Characteristics," 2010 American Community Survey 1–Year Estimates for the District of Columbia and the United States.

As the graph below shows, more than one of every four District tenant households is spending at least half of its gross monthly income on housing, making it very difficult to pay for other necessities of life. Still, the percentage of District tenants who are cost burdened is a little less than for the entire nation.

84. DC Fiscal Policy Institute, *Nowhere to Go: As DC Housing Costs Rise, Residents Are Left With Fewer Affordable Housing Options*, (Washington, D.C.: Center on Budget and Policy Priorities: Feb. 5, 2010) 1.

Figure 16: Gross Rent As Percentage of Household Income District of Columbia: 2010



Source: Table B25070, 2010 American Community Survey 1-Year Estimate.

The District, however, has a well-stocked arsenal of weapons to preserve the affordable housing it still has and build new rental and ownership dwellings affordable to households with modest incomes.

Implementation of the Rental Housing Conversion and Sale Act of 1980

When the District of Columbia enacted the Rental Housing Conversion and Sale Act of 1980, it created one of the most potent tools in the nation for preserving housing affordable to households with modest incomes. The act gave tenants the right to purchase their building and the right of first refusal to purchase their rental building. The act was adopted in response to the condominium conversions that were sweeping the District. Studies of conversions in the District of Columbia found that from 76 to 82 percent of tenants did not purchase their converted apartments and that the monthly cost of ownership was two to four times greater than the preconversion rent.⁸⁵ The District's Emergency Condominium and Cooperative Commission reported that by the beginning of 1979, 12 percent of the District's rentals had been converted to condominium and conversions underway threatened another nine percent. It concluded, "There is a clear and present danger to the continued existence of much of the city's low-and moderate-income housing" due to condominium conversion.⁸⁶

85. Daniel Lauber, "Condominium Conversions: A Reform in Need of Reform," in Charles Geisler and Frank Popper (eds.), *Land Reform, American Style* (Totowa, N.J.: Rowman, and & Allanheld, 1984) 286-290.

86. Ibid. 290.

The Rental Housing Conversion and Sale Act of 1980 was the Districts' innovative approach to creating the opportunity to preserve housing affordable to households with modest incomes. Today it offers an effective way to significantly reduce displacement of lower-income and minority households in neighborhoods undergoing gentrification by facilitating conversion of rentals to limited-equity cooperatives.

In 1980 the District established three loan funds to facilitate the tenant purchase and conversion of rental buildings to low-equity cooperatives, perhaps the most efficient and effective means to keep housing affordable to households with modest incomes.⁸⁷

The District dedicated \$500,000 of a HUD Innovative Grant to fund the "Coop Seed Money Loan Program" which consisted of two types of loans. The "Initial Retainer Seed Money Loan" was up to \$5,000 for the soft costs of converting to low-equity cooperative: attorney, architect, appraiser, organizers, engineers, consultants. The "Comprehensive Seed Money Loan" could cover up to eight percent of total development costs and half of eligible soft costs. Both were interest-free loans to be paid back when the project received its permanent financing from the private sector. The loans were available only for conversions to limited-equity cooperatives.

Under its "First Right Purchase Program," the District offered short-term, low-interest loans from \$3 million of a HUD Innovative Grant and \$2 million of city funds. "Prepurchase Loans" were used to help pay earnest money deposits for purchase contracts. "Gap Financing Loans" made up the difference between the borrowing capacity of the tenant association and the amount needed to finance acquisition, rehabilitation, and marketing of the low-equity cooperative.⁸⁸

The "Home Purchase Assistance Program (HAP)" provided a deferred payment loan up to \$16,000 to write down the monthly housing cost of a household to no more than 28 percent of the household's monthly income. Only lower-income households that meet Section 8 rental income limits were eligible. Priority was given to displacees.⁸⁹

Both short-term and long-term rehabilitation loans were available to rehabilitate tenant-purchased buildings in community development and neighborhood strategy areas.

87. Daniel Lauber and Jesus Hinojosa, "Viewpoint," in *Planning*, April 1984, p. 18. As in any cooperative, an individual or household purchases a share in the cooperative association. The cooperative association holds the mortgage on the entire building. This share entitles the household to occupy a dwelling unit. Each month the occupant pays the cooperative a fee covering the unit's share of the building's mortgage payment, property tax, insurance, contribution to the reserve, and other expenses. Like any other homeowner, the cooperative resident can deduct on their federal income tax the portion of the fee that covers interest on the mortgage and property tax. A low-equity or "limited-equity" cooperative ties the resale price of that share to some measure of inflation such as the Consumer Price Index. A no-equity cooperative does not allow any increase in the resale price of a share. These types of restrictions keep the building affordable to the same income group for which it was originally targeted.

88. District of Columbia Department of Housing and Community Development, "Tenant Purchase Assistance – Program of Financial Assistance," (Washington, D.C.: 1980), 1 (on file with author); MUSCLE, Inc. and University Legal Services, "Becoming a Homeowner: A Summary of the Tenants Association Purchase Process," (Washington, D.C.: August 1980), 1-2 (on file with author).

89. Ibid.

Loans issued as Coop Seed Money and under the First Right Purchase Program were paid back to the District when a low-equity cooperative received its permanent financing from the private sector, essentially replenishing the coffers of each loan fund.

By July 1, 1980, 27 buildings with 2,713 dwelling units had been purchased using the Rental Housing Conversion and Sale Act of 1980. About \$4 million in public dollars were spent, about three percent of the total cost. Over \$167 million of private dollars were spent on these buildings. Twelve of the 27 buildings were converted to limited-equity cooperatives.

This law established timetables for a building's owner to properly offer to sell the building to the tenants. The owner has a choice of notifying the tenants before or after signing a contract to sell the building to a third party. Depending on whether the sale is of a single dwelling unit, a two to four unit building, or a five or more unit building, tenants get a specific length of time to respond. Additional time is allowed for buildings of five or more units for the tenants to form a tenant organization if they don't already have one. If the tenants do not agree to purchase the building, the owner can sell it to a third party.

However, once the owner has contracted with a third party, the tenants have a 15 day right of first refusal to match the purchase price offered by the third party.

Throughout this process, the owner — not the city — is required to notify tenants. The city does, however, put tenants in touch with community-based organizations to provide counseling services and legal advice. The city notifies these organizations by publishing a weekly report of filings. The city's Office of the Tenant Advocate sends each tenant listed on the city's weekly report a letter that explains his rights and offers assistance.⁹⁰

While the Rental Housing Conversion and Sale Act of 1980 does not require translation of the offer of sale or right of first refusal into any foreign language, the District has translated the forms into Spanish and is "working on translating into other languages as required by the District's language access laws."⁹¹

Unlike in 1980, the District no longer keeps track of the number of buildings sold to tenants either under the opportunity to purchase or right of first refusal. It also appears that the District no longer provides the loans it did 30 years ago to facilitate conversion to low-equity cooperatives. The District, however, reported that 12 limited-equity cooperatives with a total of 339 dwelling units were created from 2006 through 2010 — the same number created in 1980 alone. The District does not gather data on whether these units were affordable to households of modest incomes, the number of tenants displaced, or where they moved. No data are available on the monthly rents before and after the sale of any buildings. No data are available on the race, ethnicity, or income of tenants before or after sale of their buildings.⁹² Consequently, it is nearly impossible to determine whether or not the Rental Housing Conversion and Sale Act of 1980 is achieving

90. Email from Lauren Pair, Rental Conversion and Sale Administrator, D.C. Department of Housing and Community Development, Housing Regulation Administration to Daniel Lauber, Planning/Communications (September 29, 2011) (on file with author).

91. Ibid.

92. Ibid.

its original goal of preserving housing affordable to households of modest means.

The act, however, could be a powerful tool to preserve housing affordable to households with modest incomes especially in neighborhoods undergoing gentrification. Conversion of buildings in such neighborhoods to low-equity cooperatives can enable their current residents and others of similar lower incomes to continue to afford to live in them for decades while other buildings in the neighborhood are gentrified.

Inclusionary Zoning

In 2006 the District added another weapon to its affordable housing arsenal with passage of the “Inclusionary Zoning Implementation Amendment Act of 2006”⁹³ which went into effect March 14, 2007. Along with Mayor’s Order 2008–59 on April 2, 2008, the act mandated the adoption of a new Chapter 22 entitled “Inclusionary Zoning Implementation” of Title 14 (Housing) of the District of Columbia Municipal Regulations.

According to the city, this mandatory inclusionary zoning program seeks to create mixed-income neighborhoods, produce housing affordable to a diverse labor force, achieve equitable growth for new residents, and increase home ownership opportunities for low- and moderate-income levels.⁹⁴

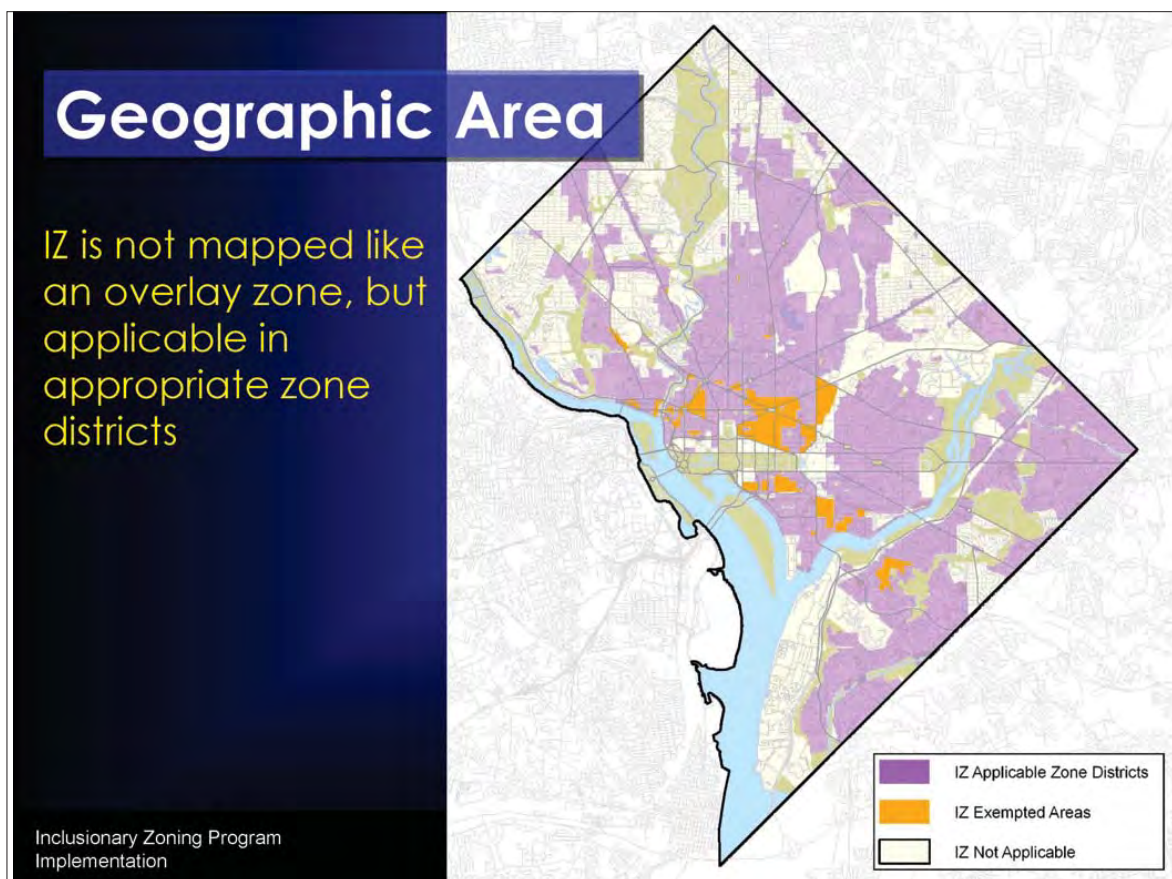
The District’s complex inclusionary zoning law requires that a certain percentage of units in a new development or a “substantial” rehabilitation that enlarges an existing building designate affordable units in exchange for a density bonus.

The law applies to new residential developments of ten or more units and rehabilitation projects that enlarge an existing building by at least 50 percent that add ten or more dwelling units. In low density zoning districts (R–2 through R–5–B, C–2–A, and W–1), the percentage of affordable units required is ten percent of the residential floor area ratio (FAR) or 75 percent of the density bonus, whichever is greater. Units set aside for affordable housing are to be divided evenly between households earning between 50 percent and 80 percent of the “area median income” (AMI).

93. D.C. Law 16-275; D.C. Official Code § 6-1041.07.

94. *2010 Inclusionary Zoning Annual Report* (Washington, D.C.: Department of Housing and Community Development, March 14, 2011) 1.

Figure 17: Zoning Districts Where Inclusionary Zoning Applies



Source: DC Department of Housing and Community Development.

In higher density zones (R-5-C, R-5-D, C-2-B to C-3-C, W-2, W-3, CR, and SR), the percentage of affordable units required is eight percent of the residential floor area ratio or 50 percent of the bonus density, whichever is greater. In the residential zones (R-5-C and R-5-D), units set aside for affordable housing are to be divided evenly between households earning between 50 percent and 80 percent of the “area median income.” In all other zones, the units set aside are for households earning 80 percent of the area median income. Developments required to participate can receive density bonuses up to a 20 percent increase in the floor area ratio.

Logically, dormitories, hotels, diplomatic housing, boarding and rooming houses, and “community-based residential facilities” are exempt from the inclusionary zoning requirements. Zoning districts not listed above are exempt from the law’s coverage. Also exempt are the Georgetown W-2 and Anacostia R-3 historic districts and the DD, TDS, SEFC, NO/C-2-A, and ES overlay zones.

The law does not apply to developments that received predevelopment approval before the effective date of the inclusionary zoning law such as Board of Zoning Adjustments approvals and planned unit development approvals by the Zoning Commission. Also exempt were buildings for which a building permit was issued before the law went into effect.

These totaled more than 12,000 residential units in the “pipeline” being exempted from the mandatory inclusionary zoning law.⁹⁵ However, due to the economic climate, construction has begun on very few of them within the time frame required by the permits or approvals they received. Predevelopment approvals by the Board of Zoning Adjustments and Zoning Commission allow the developer two years to obtain a building permit or require an extension of the approval. As a matter of policy, the Board of Zoning Adjustments and Zoning Commission have been granting extensions instead of requiring the developers to resubmit their applications for zoning approval and be subject to the mandatory inclusionary zoning requirements.⁹⁶

If construction does not begin within six months of the building permit being issued, the permit expires unless the applicant is awarded a six-month extension. Up to three extensions may be granted. If a building permit issued before inclusionary zoning went into effect expires, inclusionary zoning should apply to any housing built on the subject site. The District reports that it is “difficult to enumerate how many of these projects and permits will expire” making it difficult to produce an accurate count of how many projects to which the mandatory inclusionary zoning requirements will apply.⁹⁷

The law and regulations feature some very prudent development standards including:

- ◆ Proportion of affordable studios and one-bedrooms may not exceed market rate proportion
- ◆ Exteriors must be comparable to market rate units
- ◆ Interiors must be comparable to market rate units, but may be built with less expensive materials
- ◆ Affordable units may not be overly concentrated on a floor
- ◆ Administrative regulations require units to be a certain minimum size

The law *does* allow a developer to provide affordable units “off-site” by special exception for developments with exceptionally high condominium association monthly assessments, expensive or specialized social services, or if rentals are no longer economically feasible. The city will grant full or partial exemption from the inclusionary zoning requirements when an applicant can prove that the inclusionary zoning requirements deny economically viable use of the underlying land.

Unlike Montgomery County, Maryland, the District’s inclusionary zoning regulations do not provide for the inclusion of public housing.

The District provides an expedited permitting process for buildings included in the inclusionary zoning program. The District conducts a lottery among potential residents of the inclusionary dwelling units. At least four households are selected for each inclusionary unit.

Through March 14, 2011, no inclusionary units had been produced, placed for

95. Ibid. 5.

96. Ibid.

97. Ibid.

sale, or made available to rent.⁹⁸ However, ground was broken in 2011 for several developments with affordable inclusionary units.

With the District's mandatory inclusionary zoning requirements still in their infancy, it is impossible to evaluate its efficacy yet.

Finding Affordable Housing

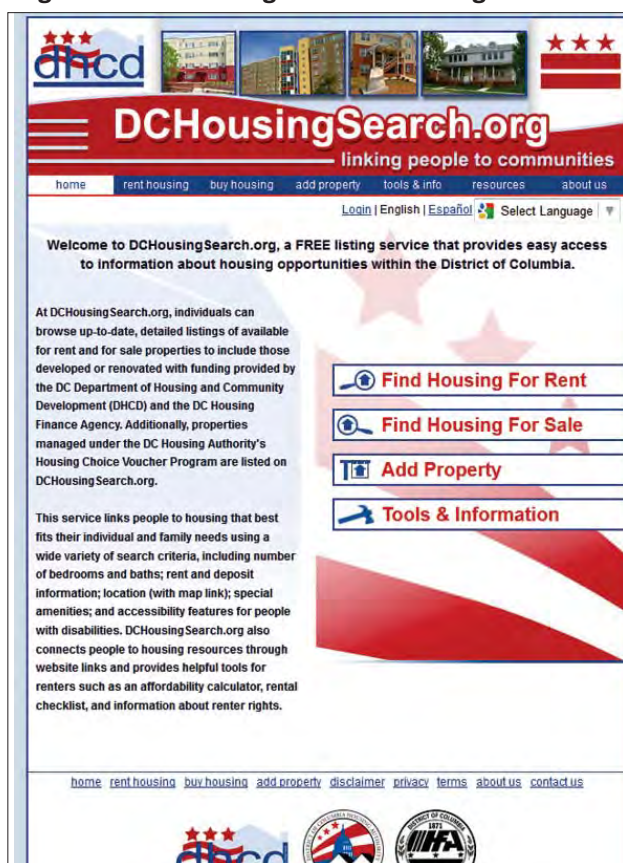
Another extremely valuable weapon in the city's affordable housing arsenal is the website DCHousingSearch.org.

Prospective tenants and home buyers can search this site for rentals and homes for sale that are affordable to them. There are usually over 1,000 units available to rent or buy plus another 12,500 that have been rented, but are still listed. Prospective tenants can get on waiting lists in buildings with these units. About 320,000 searches are conducted here each year.

From 37 to 40 percent of the properties listed here are rented or sold through this site — the highest percentage of any city that has a website like this one.

Recognizing that a substantial proportion of District residents do not have a computer at home, the Department of Housing and Community Development operates a Housing Resource Center on the first floor of its offices located in the city's southeast quadrant where poverty is widespread. The Housing Resource Center provides computers that people can use to search for housing on DCHousingSearch.org.⁹⁹

Figure 18: DCHousingSearch Home Page



98. Ibid. 2.

99. Telephone interview with Gilles Stucker, Housing Resource Administrator, DC Department of Housing and Community Development (Jan. 4, 2012).

The search tools allow for a “Basic” search in which the user specifies the number of bedrooms and bathrooms, rent range, zip codes, proximity to public transit, smoking policy, and whether the landlord speaks English or Spanish. The “Advanced” search adds proximity to shopping, hospital, distance from a specific address, and different types of senior housing. The “Accessible Search,” pictured to the right, adds about two dozen accessibility options.

The site can be viewed in English or Spanish with one click of a mouse and can be translated into over 50 other languages with two clicks.

The “Resources” page includes links to the District’s Office of the Tenant Advocate, the DC Housing Authority, the Housing Regulation Administration, and a slew of organizations that provide home ownership assistance. The first link is to the Department of Housing and Community Development Services and Programs. While fair housing is listed among the services and programs, fair housing is *not* among the subjects available if you follow the link.

Suggestion A link specifically for “Fair Housing” or “Housing Discrimination” should be added to the “Resources” page. The link should take viewers directly to the District’s primary web page for fair housing.

Figure 19: Search Page for Accessible Rentals at DCHousingSearch.org

Conclusions on Affordable Housing

Both ownership and rental housing continue to be unaffordable for most District residents. In 2010 a little more than half the District’s tenants and homeowners were spending more than 30 percent of their gross monthly income on housing costs while nationally about 53 percent spent more than 30 percent on housing. It is clear that within the District, a far greater percentage of African Americans are cost burdened than any other major racial or ethnic group.

With the “Rental Housing Conversion and Sale Act of 1980,” “Inclusionary Zoning Implementation Amendment Act of 2006,” and the DCHousingSearch website, the District has an incredibly powerful array of tools that can affirmatively further fair housing through racial and economic integration by preserving and building housing affordable to households with modest incomes throughout the city. But as explained above, the failure of the District to aggressively implement the Rental Housing Conversion and Sale Act is costing the District countless opportunities to reduce economic and racial segregation and to promote racially and economically inclusive neighborhoods, especially in those parts of the city experiencing gentrification.

It will be several years before the city’s nascent mandatory inclusionary zoning can be evaluated. At this stage, though, two changes can make its implementation much more effective:

- ◆ Change the existing policy of renewing expiring building permits and development approvals issued before the city’s mandatory inclusionary zoning law went into effect. Instead, renew a building permit or development approval only if the developer agrees to comply with the inclusionary zoning requirements. This change will increase the number of dwelling units affordable to households with modest incomes, including in developments that were submitted for city approval just before the inclusionary zoning went into effect to avoid being covered by the new law.
- ◆ Emulate Montgomery County, Maryland, and include scattered site public housing units in the inclusionary zoning program. As the program now stands, dwellings affordable to the households most in need of socioeconomic integration are excluded from the inclusionary zoning program.

Accessing Information About Fair Housing and Reporting Housing Discrimination

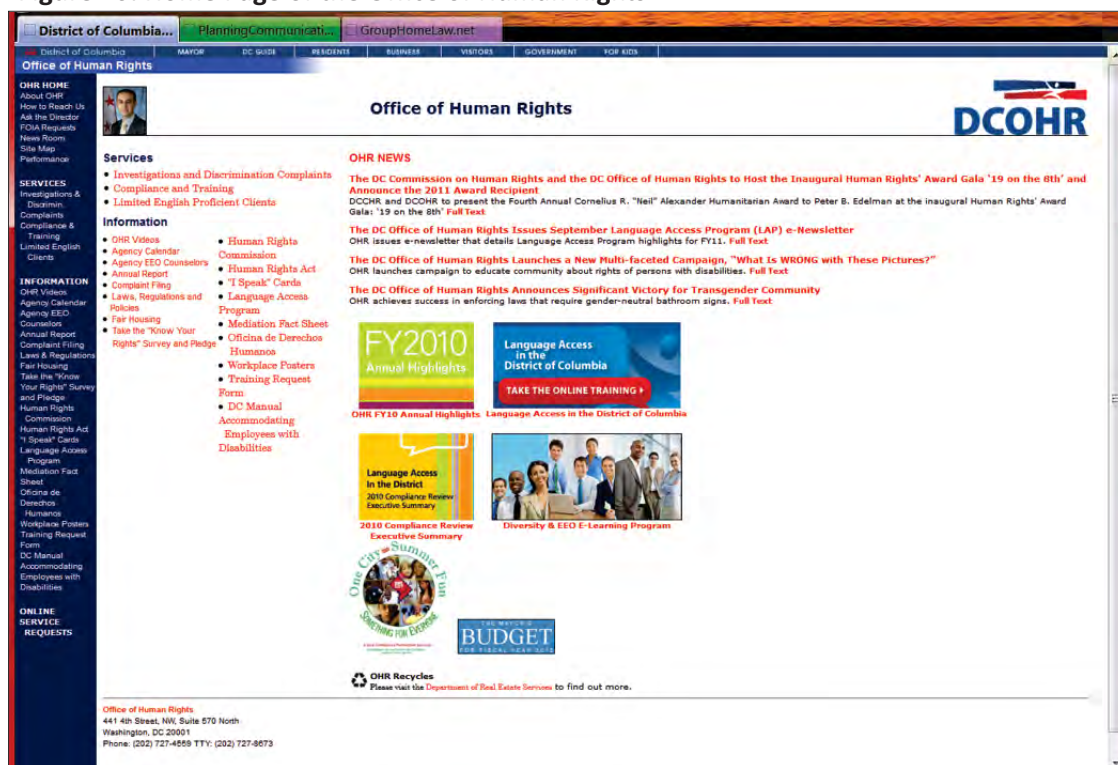
The home page of the District’s website — <http://www.dc.gov> — has no direct link to its pages on fair housing, making it difficult for people to access information about fair housing or to file a housing discrimination complaint online. Visitors must conduct a search for “fair housing” or “housing discrimination” which generates a list of links to web pages. The fourth search result in the list for “fair housing” yields a link to the fair housing page of the Office of Human Rights. The second page of results of a search for “housing discrimination” includes the same link. Once a visitor gets to the Office of Human Rights’ fair housing page, access to fair housing information and the process for reporting a housing discrimination complaint is clear.

Accessing information about fair housing online. The Office of Human Rights’ home page shown below includes links to several fair housing–related pages:

- ◆ “Complaint Filing” [To be discussed below beginning on page 162.]
- ◆ “Fair Housing”

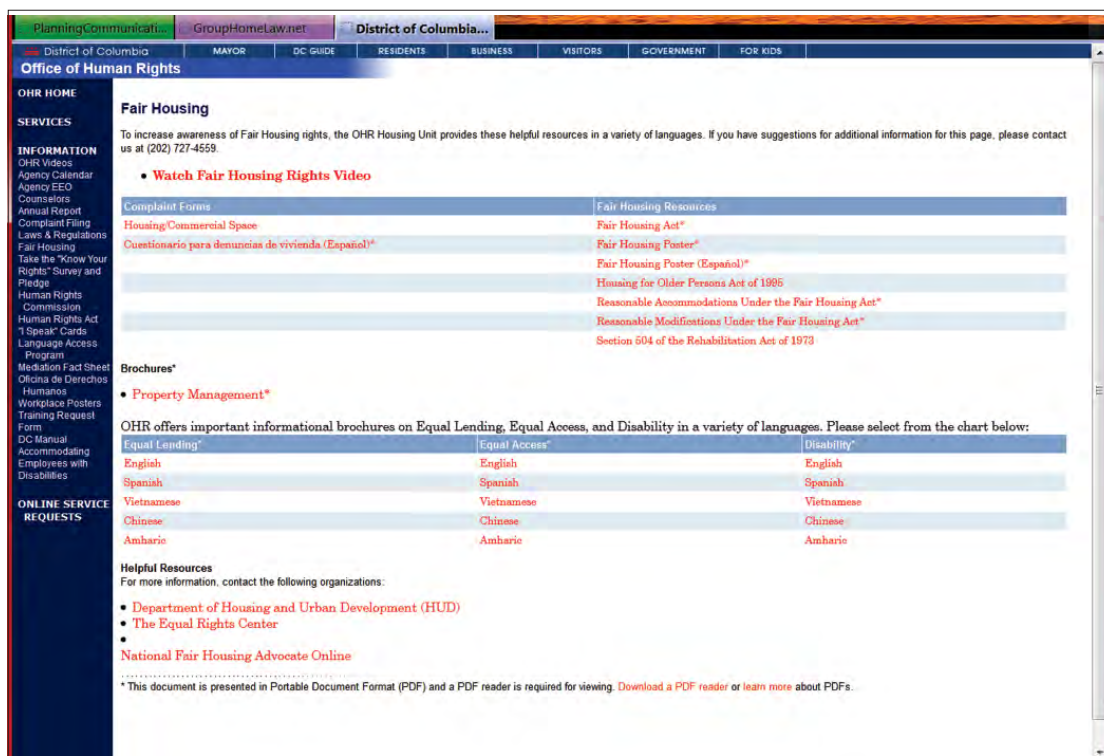
- ◆ “I Speak Cards”
- ◆ “Language Access Program” [To be discussed below beginning on page 163.]
- ◆ “Oficina de Derechos Humanos” — Spanish

Figure 20: Home Page of the Office of Human Rights



The “Fair Housing” link takes the viewer to the office’s fair housing page shown below. First the page offers an English–language video on “Fair Housing Rights.” The next section offers links to complaint forms labeled “Housing/Commercial Space” and “Cuestionario para denuncias de vivienda (Español).” The former is a three–page online intake form to start the process of filing a housing discrimination complaint, also available in a printable version. The later is a Spanish ten–page intake form in a PDF file that the viewer must download and print out to start the process of filing a fair housing complaint.

Figure 21: Office of Human Rights Fair Housing Page



To the right under “Fair Housing Resources” are links to pages at the National Fair Housing Advocate Online for the “Housing for Older Persons Act of 1995” and “Section 504 of the Rehabilitation Act of 1973” as well as links to PDF files of the Fair Housing Act, fair housing posters in English and Spanish, and joint statements from the U.S. Department of Housing and Urban Development and the U.S. Department of Justice on “Reasonable Accommodations Under the Fair Housing Act” and “Reasonable Modifications Under the Fair Housing Act.” These are followed by a link to a PDF of a “Property Management” brochure that spells out in plain language the fair housing responsibilities of landlords.

Suggestion The “Property Management” link should be labeled more explicitly so viewers can better understand what it is, perhaps something along the lines of every “Landlord’s Fair Housing Responsibilities.”

The page also offers links to PDF files of brochures on “Equal Lending,” “Equal Access,” and “Disability.” Links are provided to brochures in English, Spanish, Vietnamese, Chinese, and Amharic. The links are written in English.

Suggestion The District should provide this page in these six languages plus French and Korean as implied, if not mandated, by the city’s Language Access Act of 2004 discussed beginning on page 163. At a bare minimum, the links to each language should be in both English and each foreign language itself.

Under “Helpful Resources” are links to the U.S. Department of Housing and Urban Development’s “Fair Housing/Equal Opportunity” home page; the home

page of the Equal Rights Center, which provides fair housing services and accepts fair housing complaints; and the home page of the National Fair Housing Advocate Online.

On the left-hand side of the page are several additional links related to fair housing:

- ◆ “Complaint Filing” which is discussed below under “Reporting housing discrimination online.”
- ◆ “Human Rights Commission” with links to its “Hearing Guide Book” in English and Spanish, “Procedure for Contested Cases” in English and Spanish, and recent decisions and orders.
- ◆ “I Speak’ Cards” with links to PDF files of “Know Your Rights,” a bilingual card translated into six languages to help people with limited English proficiency request language assistance. This is another page that should be available in each of these six languages as well as in English.
- ◆ “Language Access Program” which takes viewers to the home page for the District’s Language Access Program discussed below beginning on page 163.
- ◆ “Laws & Regulations” which gets viewers to a PDF file of the District’s Human Rights Act of 1977.
- ◆ “Oficina de Derechos Humanos” which takes readers to two pages in Spanish about the services that the Office of Human Rights provides.

Overall the Office of Human Rights site offers an extensive array of information on fair housing, albeit in a scattered and confusing manner, often using bureaucratic language that can only confuse many site visitors. The pages may make perfect sense to somebody well-versed in fair housing or government, but they are more challenging to the average citizen, especially people with less education or limited English-language skills.

Suggestion The District should consider reorganizing its fair housing information pages into a more user-friendly presentation in plain English without bureaucratic jargon. The entire set of fair housing pages should also be available to viewers in all six foreign languages referenced above in addition to English.¹⁰⁰ The site’s “How to File a Language Access Complaint” offers an example of one way to implement this suggestion by providing links in each of the foreign languages.

Reporting housing discrimination online. The home page of the Office of Human Rights includes a banner with a link for “Complaints, Claims & Appeals” that leads to a very well organized and presented page. The two paragraphs for the “Human Rights Commission” include three links that get a viewer to both the online (in English only) and print (in English and Spanish) “Complaint Pro-

100. We recognize that there is a cost component to implementing this suggestion. The upfront costs of creating these pages in the six languages is very likely to be at least partially offset by a reduced need for individual translation services to translate these pages.

cess.” The site, unfortunately, is couched in bureaucratic jargon throughout. For example, the “Complaint Process” starts with “Step 1: Intake Process.” The language should be changed to be more user friendly, to something like “Step 1: First steps to filing a complaint of housing discrimination.”

The page, however, does have links for “Language Access Public Complaint Form” online and in print, in both English and Spanish. But throughout these pages, the language is too bureaucratic for many to understand, especially people with limited English proficiency. Each page shows a “process line” with each step in the process with a link to an explanation of each step.

Reporting Housing Discrimination by Phone. Not everybody, especially people with lower incomes, uses the Internet. An unknown percentage of people who feel they have experienced discrimination when looking to rent or buy need to call City Hall for assistance. We conducted three tests by calling the city’s general number 202/727-1000 which quickly connects the caller to the “Mayor’s 311 Citywide Call Center,” the city’s primary phone number for the public. Our test callers would tell the agent who answered that he felt he was discriminated against when looking for an apartment this week or looking to buy a house. The test caller then asks whom she could speak with about this possible discrimination. Each test caller posed a different scenario and none used the words “fair housing” since it is very likely that somebody actually calling would not use those words. None of the “311” agents directed a test caller to the Office of Human Rights.

The 311 agent did not immediately have an answer for our first test caller. She took over a minute to search on her computer and recommended we call “Equal Opportunity” which turned out to be the city’s Equal Opportunity Employment Commission Field Office.

The agent who took the call from our second test caller gave her the phone number for “Public Housing Discrimination” at the DC Housing Authority. Our test caller had posed a scenario in which she was looking to rent an apartment. She never mentioned public or subsidized housing.

The agent who took our third testers’s call took more than a minute to suggest another wrong number. She advised our caller to contact the Fair Housing Office in the Department of Housing and Community Development. A call to DHCD resulted in being transferred to the rental section where, after repeating our story, we were finally given the number for the Office of Human Rights.

There is an obvious need to train the city’s “311” agents to direct callers with an inquiry of possible discrimination when looking to rent or buy to the city’s Office of Human Rights where fair housing complaints are received.

Language Access Issues

The District of Columbia has the eighth largest immigrant population in the United States. Its growing international character began largely with professionals and students in higher education moving to the city and has grown further mostly due to the arrival of a professional class of international residents, a significant wave of refugees who have resettled in the region, and many immi-

grants seeking economic opportunity who have chosen the District largely because family members and friends already live there.¹⁰¹

How well an individual speaks English can affect that person's access to fair housing information and ability to report housing discrimination. The U.S. Department of Housing and Urban Development (HUD) recognized this fact when it finalized its guidelines for recipients of federal funds in January 2007.¹⁰² Among the targeted populations recipients should consider when planning language services are persons attempting to file housing discrimination complaints and people seeking housing assistance from a public housing authority or a provider of subsidized housing, as well as their current tenants.¹⁰³

The most recent thorough study of language needs in the District was published in 2004. *Polyglot Washington: Language Needs and Abilities in the Nation's Capital* found that in the 2000 U.S. Census, 17 percent of District residents reported speaking a language other than English at home compared to 21 percent of the metropolitan area. While more than 100 different languages are spoken at home in the District, nearly 55 percent of the District residents who speak a language other than English at home speak Spanish compared to 42.6 percent in the metropolitan area.¹⁰⁴

As the table below illustrates, ten years later the percentage of District residents report speaking a language other than English at home had declined from 17 percent to 14.5 percent. Of those speaking another language at home, 47.6 percent speak Spanish, a decline of 7.4 percentage points over the decade. These changes reflect the growing number of immigrants from non-Spanish speaking countries.

Table 70: Language Spoken at Home in the District of Columbia: 2010

Language Spoken at Home in the District of Columbia: 2010			
Language Spoken at Home	Percentage of Total Population	Percentage of Each Language Spoken at Home	
		Speak English "very well"	Speak English less than "very well"
Population 5 years and over	571,592	95.8%	4.2%
Speak only English	85.5%	Not applicable	Not applicable
Speak a language other than English	14.5%	71.4%	28.6%
Spanish or Spanish Creole	6.9%	65.9%	34.1%
Other Indo-European languages	4.0%	80.9%	19.1%
Asian and Pacific Island languages	1.7%	72.5%	27.5%
Other languages	1.9%	70.8%	29.2%

Source: Table S1601: Language Spoken at Home, 2010 American Community Survey 1-Year Estimates.

101. Audrey Singer and Jill H. Wilson, *Polyglot Washington: Language Needs and Abilities in the Nation's Capital* (Washington, D.C.: The Brookings Institution, June 2004), 2.

102. Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice, 72 *Federal Register* 2732 (Jan. 22, 2007).

103. *Ibid.* 2740.

104. *Ibid.* 3.

The Brookings Institution study defined “limited English proficiency” as those speaking English less than “very well” in their response to U.S. Census questions.¹⁰⁵

The District expanded its efforts to provide language services to people with limited English proficiency in 2004, three years before the HUD guidelines were finalized. It has sought to increase access to fair housing information and remedies for the substantial number of District residents who do not speak English very well or even at all.

Those who speak English “well,” “not well,” or “not at all” are considered “limited English proficient” under the District’s Language Access Act of 2004.¹⁰⁶ Intended to provide greater access and participation in public services, programs, and activities for District residents with limited or no proficiency in English, this act requires 34 District government programs, departments, and services to assess the need for, and offer, oral language services (bilingual staff in public contact positions, providing interpreters, both on staff and from other sources); and “provide written translations of documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, which is less, of the population served or encountered, or likely to be served or encountered.” District departments “with major public contact” are also required to implement a language access plan and appoint a language access coordinator.¹⁰⁷

The Council of the District of Columbia identified six languages largely spoken by the District’s immigrant community to be covered by the Language Access Act: Spanish, Chinese, Vietnamese, French, Korean, and Amharic, a Semitic language spoken in Ethiopia and, next to Arabic, the second most-spoken Semitic language on earth.¹⁰⁸ In fiscal year 2010, the District spent \$989,326 implementing the act by providing live interpretation, telephonic interpretation, and written translations.¹⁰⁹

Charged with monitoring implementation of the Language Access Act of 2004, the Office of Human Rights created the Language Access Program to guide and oversee the 34 DC agencies’ compliance with the act. The Office of Human Rights investigates complaints of non-compliance; reviews progress reports and pre-established goals from the 34 District agencies; and conducts “face-to-face” or by telephone language access testing using the six foreign languages noted earlier. The Office of Human Rights issues a compliance review report each year.

In 2010, over 81,160 District residents — 14.2 percent — were born abroad. Of all District residents, 14.5 percent of residents age five and over spoke a lan-

105. The Brookings study counted people who report they speak English “well” as having limited English proficiency because research shows that people tend to overstate their ability to speak English when filling out their census forms. Telephone interview with Julie Wilson, Senior Research Analyst, The Brookings Institution (Nov. 30, 2011).

106. The Language Access Act of 2004, Section 2 (5) specifies ““Limited or no-English proficiency” means the inability to adequately understand or to express oneself in the spoken or written English language.” DC Law 15-167, DC Official Code § 2-1933 *et. seq.*

107. *Ibid.* 1-3.

108. *Office of Human Rights Annual Highlights FY2010* (Washington, D.C.: Office of Human Rights) 22.

109. *Ibid.* 23.

guage other than English. Of these 83,073 residents, 47.4 percent spoke Spanish or Spanish Creole. They constituted 6.8 percent of the District's population.¹¹⁰

In 2010, 2.1 percent of all District households were "linguistically isolated" where all household members 14 and over had limited-English proficiency, including those who did not speak English at all. Of these linguistically isolated households, 12.1 percent spoke Spanish; 6.7 percent spoke other Indo-European languages such as French, Portuguese, Hindi, Urdu, Russian, and Persian; 21.1 percent spoke Asian and Pacific Island languages, and 18.6 percent spoke other languages. The proportion of linguistically isolated households was greater for the entire DC metropolitan area at 4.7 percent. The proportion that spoke Spanish was 21.3 percent, nearly double the rate within the District. The proportion speaking Asian and Pacific Island languages was very similar, 23.5 percent while other languages were significantly lower at 10.9 percent.¹¹¹

As part of its efforts to determine each District's office's degree of compliance with the act and whether these District offices are meeting the needs of linguistically isolated households and other households with limited English proficiency, the Office of Human Rights conducts telephone and face-to-face testing of the 34 District departments and agencies covered by the Language Access Act of 2004.¹¹² The table that follows reports the results for the District departments and agencies that are most involved with fair housing.

110. Table S1603: "Characteristics of People By Language Spoken at Home," *2010 American Community Survey 1-Year Estimates* for the District of Columbia.

111. Table S1602, "No One Age 14 and Over Speaks English Only or Speaks English "Very Well," *2010 American Community Survey 1-Year Estimates* for the District of Columbia and Washington-Arlington-Alexandria, DC-VA-MD-WV Metro Area.

112. Office of Human Rights, *Language Access in the District: 2010 Compliance Review Executive Summary* (Washington D.C.: Office of Human Rights, 2010) 6-8.

Table 71: District Agency Compliance With Language Access Act of 2004: Fiscal Years 2009–2010

Agency Compliance With Language Access Act of 2004: Fiscal Years 2009–2010								
District Agency or Department	Fiscal Year 2009				Fiscal Year 2010			
	Telephone Test Results (Out of a possible 5.5 points)	Face-to-Face Test Results (Out of a possible 6 points)	Comparative Compliance Score (Out of a possible 2 points)	Compliance Rating	Telephone Test Results (Out of a possible 5.5 points)	Face-to-Face Test Results (Out of a possible 6 points)	Comparative Compliance Score (Out of a possible 2 points)	Compliance Rating
Department of Consumer and Regulatory Affairs	3.1	4.5	1.23	Average	3.3	4.3	1.45	Average
Office of Human Rights	Data not available at this level				Data not available at this level			
DC Housing Authority	2.4	4.5	0.83	Below Average	3.1	2.9	1.35	Average
Department of Housing and Community Development	1.5	5.2	1.33	Average	4.2	5.4	1.41	Average
Office of Planning	5.1	4.4	1.46	Average	4.6	5.0	1.55	Average
Office of Zoning	4.6	5.2	1.63	Above Average	4.7	5.0	1.60	Above Average
Office of Tenant Advocacy	3.1	4.0	1.36	Average	4.8	5.0	1.50	Average
Median of 34 District Agencies and Departments	3.2	4.5	1.32	—	3.9	4.6	1.45	—

Compliance ratings are based on the comparative compliance score: Less than .6 is Non-compliance; .6–.99 is Below Average; 1–1.59 is Average; 1.6–1.9 is Above Average; 2 is Exceptional.

Source: Office of Human Rights, *Language Access in the District: 2010 Compliance Review Executive Summary* (Washington D.C.: Office of Human Rights, 2010) 18–20.

It is difficult to gauge the efficacy of the act due to the manner in which the data are reported. The comparative compliance scores are just that, “comparative” among the 34 District departments and agencies covered. A reviewer has no way of knowing whether “average” or even “above average” compliance ratings actually represent strong compliance with the act. All they reveal is each office’s compliance *relative* to the other offices. For all any reviewer knows, “average” could represent a high or a low level of compliance.

Suggestion The District might want to develop a more objective measuring stick for compliance with its Language Access Act of 2004 that establishes a minimum level of acceptable performance for each department rather than using comparative evaluations.

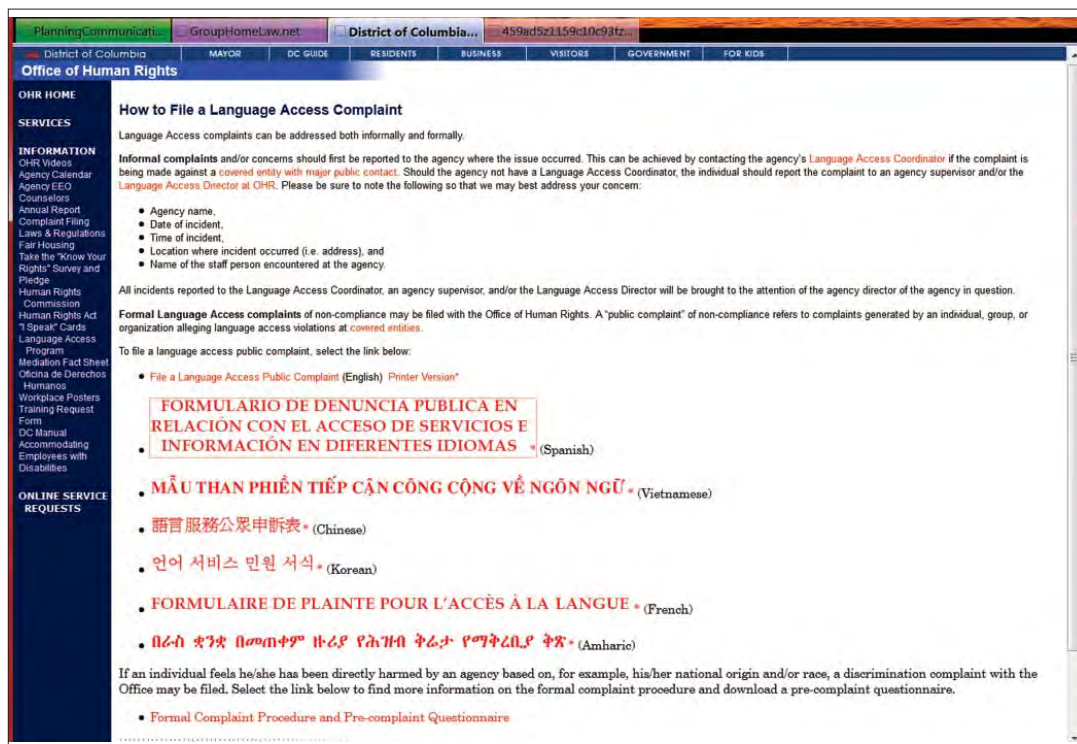
Suggestion Given that the Office of Human Rights is responsible for fair housing enforcement and enforcement of the Language Access Act of 2004, the District might wish to develop a method to evaluate the Office of Human Rights’ implementation of the act and compliance with the act as it does for the other 34 city departments and agencies.

The first complaint under the Language Access Act of 2004 was filed in 2008. Just four of the 19 complaints that have been filed were determined to have violated the act. None involved housing discrimination, the Office of Human Rights,

Department of Housing and Community Development, Office of the Tenant Advocate, or the city's housing authority.¹¹³

The city's web page for filing a language access complaint is a model on which the District's other web pages related to fair housing could be based. It provides links to the forms for filing a complaint in each of the six languages in addition to English. If a speaker of a foreign language makes it to this page, she will at least see the link to filing a complaint in her own language. On other pages, only English is used in a manner that falls outside the spirit of the Language Access Act of 2004, if not the letter of the law.

Figure 22: How to File a Language Access Complaint Web Page



Implementation of the 2005 AI

The District has taken a number of steps to implement the recommendations of its 2005 Analysis of Impediments (AI).

2005 AI Impediment Real estate market participants still do not comply with fair housing laws.

2005 AI Recommendation: *Conduct or fund periodic fair housing testing including of realtors, mortgage lenders, insurance companies and property managers.*

113. Email from Stephanie Franklin, Language Access Program Analyst, Office of Human Rights for the District of Columbia, to Daniel Lauber, Planning/Communications (December 7, 2011) (on file with author).

The District has been conducting fairly extensive testing as discussed earlier beginning on page 107. Budget constraints prevented contracting with the Equal Rights Center to conduct testing during fiscal year 2012.¹¹⁴

2005 AI Recommendation: *Collect information that supplements HMDA data to determine creditworthiness of loan applicants.*

The District reports that this information is readily available from the National Community Reinvestment Coalition.

2005 AI Recommendation: *Incorporate accessible housing design requirements into the review process before issuing building permits for newly constructed units.*

The Department of Housing and Community Development requires the developments it funds to comply with accessibility requirements.

2005 AI Recommendation: *Inspect buildings subject to fair housing accessibility requirements and initiate actions that prompt remediation.*

Because the Department of Consumer and Regulatory Affairs would sometimes issue construction or occupancy permits without requiring compliance with accessibility requirements, the Office of Human Rights repeatedly met with the Department of Consumer and Regulatory Affairs in 2009 and 2010 and conducted an audit of its practices.

2005 AI Recommendation: *Establish a DC Fair Housing Action Network (DC-FAN) whose members disseminate information regarding, among other items, (a) precedents and other changes to fair housing laws resulting from litigation, (b) successful litigation strategies, (c) successful fair housing enforcement strategies (d) new communities whose members are particularly vulnerable to fair housing abuses.*

This recommendation has not been implemented.

2005 AI Recommendation: *Develop and disseminate new educational materials targeted to specific real estate market participants and describing concrete scenarios and action which, while perhaps appearing ambiguous, do not comply with fair housing laws.*

In 2010, the Office of Human Rights developed and distributed new fair housing brochures that detail examples of housing discrimination. The office's website includes a brochure *Fair Housing Best Practices for Property Managers* that addresses fair housing and ac-

114. Testimony of Gustavo Velasquez, Director of the DC Office of Human Rights, to the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, briefing, Washington, D.C., Sept. 16, 2010, pp. 64-76.

cessibility concerns. Several additional brochures addressed to housing consumers can also be used by housing providers to identify illegal practices in which housing providers should not engage: *Know and Protect Your Fair Housing Rights* which focuses on disabilities and accessibility, *Equal Access to Housing* which identifies the classes protected under the District's fair housing statute and gives examples of illegal practices, and *Ensuring Fair Lending in the District* which reports on ways to recognize and prevent discriminatory and predatory lending practices.

2005 AI Recommendation: *Raise public awareness of fair housing issues through a comprehensive annual fair housing assessment report that includes testing results, Office of Human Rights complaints, and other filings from both public and private sources.*

The Office of Human Rights issues annual reports to the public that detail housing complaints filed with the agency, including a breakdown by basis, issues, and the total number of complaints received.

In 2008 and 2009 the Office of Human Rights collaborated with the Equal Rights Center to conduct a mass media fair housing education campaign.

2005 AI Recommendation: *Increase the District's work with representatives of communities within the city, especially vulnerable ones, to inform them of their fair housing rights and available remedies.*

In fiscal year 2008, the Office of Human Rights launched its "We All Belong" initiative and made public education, outreach, and awareness one of its top priorities. The Office of Human Rights partnered with the Equal Rights Center on several education campaigns targeted at the Gay-Lesbian-Bisexual-Transgender (GLBT) community, immigrants, veterans, and persons with disabilities. The annual education campaigns are across a variety of platforms, including mass transit advertising spaces on the web and in print with the Washington Metropolitan Area Transit Authority and District Department of Transportation. The Office of Human Rights has also done extensive outreach at community events, including those hosted by the GLBT and Limited English Proficiency/Non-English Speaking communities. The District conducts an annual Fair Housing Symposium to raise awareness of fair housing issues among non-profit service providers, government, and residents.

2005 AI Impediment Affordable housing for low- and moderate-income households and special needs housing is available in a small and decreasing number of DC neighborhoods.

2005 AI Recommendation: *Implement the recommendations of the Comprehensive Housing Strategy Task Force in a manner that promotes fair housing.*

The District could not provide information on which recommendations, if any, had been implemented. The Department of Housing and Community Development adopted “mixed income” as a objective in which it focuses on deconcentrating impoverished households. In August 2009, the District implemented its Inclusionary Zoning Program discussed here beginning on page 153.

The District reports that between fiscal year 2006 and September 2010, nearly 10,000 affordable dwelling units were built or preserved as affordable.¹¹⁵

2005 AI Impediment Households may not consider housing opportunities across a broad range of neighborhoods that provide a desired quality of life and contain quality affordable housing.

2005 AI Recommendation: *The District should establish a housing choice counseling center that would provide information to recipients of housing assistance as to available units across the city; work with the DC Housing Authority and private landlords to identify barriers that reduce participation in the Housing Choice Voucher program and implement best practices to lower or remove these barriers; and develop and initiate affirmative marketing strategies to promote housing opportunities for all persons across the city.*

The District reports that it did not establish this housing choice counseling center. It reports that it funds local community-based organizations across the city that provide housing and credit counseling to a cross section of the District’s population. However, it does not appear that these organizations provide the sort of counseling the 2005 Analysis of Impediments envisioned to expand the choices of where people look for housing within and around the District.

Each community-based organization is required to submit an annual “Affirmative Marketing Plan” that describes its outreach efforts to the residents least likely to know about the program or service.

The Department of Housing and Community Development, however, opened a Housing Resource Center that is discussed beginning on page 156. It provides assistance for the housing search and housing counseling, although it does not appear to be the type of “housing choice counseling” envisioned in the 2005 Analysis of Impediments.

The Department of Housing and Community Development launched the website DCHousingSearch.org which lists affordable housing units available throughout the city, including properties the DC Housing Authority manages under the Section 8 Housing Choice Voucher Program.

115. Ibid.

The Department of Housing and Community Development has established an affirmative marketing strategy for all of its affordable funded housing to ensure that members of all protected classes have an equal opportunity to benefit from the housing stock and services provided through funds the city distributes. The District of Columbia Housing Authority must also follow an affirmative marketing plan as stated by the U.S. Department of Housing and Urban Development.

2005 AI Impediment Certain members of protected classes exhibit low levels of home buying literacy and high proportions of having no credit history or a blemished credit history.

2005 AI Recommendation: *Expand DC's partnering arrangements with local or national organizations that provide home buying and financial literacy education to increase residents' ability to evaluate mortgage products.*

The Department of Housing and Community Development funds local community-based organizations to provide credit counseling to various ethnic populations. In 2010, over 1,000 people attended the second annual homeowner and foreclosure prevention fair conducted by the department and other agencies. The fair included one-on-one counseling and credit repair.

The department partnered with the Urban Institute to develop data on foreclosures and then targeted the most affected neighborhoods for outreach to both homeowners and tenants affected by foreclosures on their landlords' properties.

The department also worked closely with the District's Department of Insurance, Securities and Banking (ISB) to protect against financial fraud and abuse. ISB developed a foreclosure mitigation kit for distribution.

The District received a \$9.5 million Neighborhood Stabilization Program Grant to be applied to wards five, seven, and eight.

2005 AI Recommendation: *Partner with organizations that represent communities whose members lack bank accounts or have no or poor credit histories to establish accounts with traditional credit providers.*

Community-based organizations shifted much of their focus to assisting households facing foreclosure since the 2005 Analysis of Impediments was issued.

2005 AI Recommendation: *Establish a program certifying credit counseling service providers that meet acceptable standards.*

The U.S. Department of Housing and Urban Development (HUD) already has a program that certifies housing counselors. The District uses that certification since it is funded by HUD to provide these services.

In addition to identifying impediments to fair housing choice, the 2005 Analysis of Impediments repeatedly noted that “a lack of information has made it difficult to be precise about the exact fair housing situation in the District of Columbia.”¹¹⁶

The 2005 report suggested that as the substantially-equivalent organization for enforcing fair housing law, the Office of Human Rights “should provide more extensive information about its activities and performance. OHR should track intake information about persons who may potentially file a complaint, as well as those who actually file complaints.” The report went on to name eight specific sets of statistics to be reported each fiscal year.¹¹⁷

The Office Human Rights has maintained all of the specified data except information about the number of people who inquired about filing a complaint. And while the 2005 Analysis of Impediments did not mention it, we have noted in this chapter that the Office of Human Rights does not maintain data on whether a complaint involved rental or ownership housing. The Equal Rights Center does not make this distinction for complaints filed based on the additional classes protected under the District’s fair housing law.

Suggestion Both the Office of Human Rights and the Equal Rights Center should identify whether each fair housing complaint involves rental or ownership housing and report these data for each protected class. In addition, the protected class, type of housing, and nature of the alleged discrimination should be recorded for all inquiries that do not result in a complaint being filed.

The 2005 Analysis of Impediments also recommended that:

- The District use the annually updated National Home Mortgage Disclosure Act (HMDA) data to track differences in mortgage denials and subprime lending by race and ethnicity, and income. While the District does not track this information, the Urban Institute and National Community Reinvestment Coalition can provide HMDA data to the city.
- The supplementary mortgage lending data that the city should collect should be used to track differences in mortgage denials and subprime lending while controlling for credit history. The city does not track this information and reports that it could be gathered with a grant from the Urban Institute and National Community Reinvestment Coalition.
- The proposed DC Fair Housing Network (DC-FAN) should compile information on fair housing complaints and court cases in a central location, to be shared among DC-FAN members and incorporated into the annual fair housing assessment report. The District has not compiled this infor-

116. Peter Tatian, Kenneth Temkin, Barika Williams, *Analysis of Impediments to Fair Housing Choice in the District of Columbia* (Washington, D.C.: The Urban Institute Metropolitan Housing and Communities Center, December 15, 2005) 32.

117. Ibid.

mation although it reports that this information can be gathered from the Equal Rights Center, Office of Human Rights, U.S. Department of Housing and Urban Development, and the judicial system. However, this information for 2006 through 2010 the proposed DC Fair Housing Network would have produced, is reported at the beginning of this chapter of this Analysis of Impediments.

Chapter 5

Impediments and Recommendations

The District of Columbia has an opportunity, unparalleled in the history of great American cities, to transform itself into a stable, racially and economically integrated city without displacing its most vulnerable residents.

A wave of Caucasian in-migration sweeping parts of the District of Columbia is bringing racial and economic integration to what had been overwhelmingly minority neighborhoods in a city that has long been intensely segregated and disproportionately low-income African American. The gentrification that has accompanied this in-migration is revitalizing neighborhoods and the District's economy.

Across the nation gentrification has brought about massive displacement of each city's most vulnerable population, low-income households, largely African American.

But our nation's capital can achieve stable long-term racial and economic integration in a growing portion of the city if it chooses to aggressively use its unique legal and programmatic tools in the gentrifying neighborhoods to preserve existing housing affordable to households of modest means and to assure that a healthy percentage of all new housing is affordable to these same households.

And it has the opportunity to begin dismantling the dual housing market that created the racial segregation that defines most of its metropolitan area and replace it with a unitary housing market free of the distortions housing discrimination has wrought.

The number of jobs and the number of residents have been booming in the District of Columbia as the city undergoes a remarkable transformation since the turn of the 21st century. Parts of the city that had been highly segregated by race and income are now integrating by race and income. This racial and economic integration is producing gentrification that is reducing the District's supply of housing affordable to households with modest incomes and threatens to resegregate these gentrifying neighborhoods as virtually all-white. A third of the city's neighborhood clusters, all but one of which is at least 93 percent African American, continue to be hypersegregated.

With so much of the District impoverished, the in-migration of households with higher incomes is a key contributor to the District's economic health. But the out-migration of middle and upper class African Americans has detracted from the District's economic health. The difference in white and Black median

incomes is one of the widest in the nation. And the resegregation of Blacks in suburbs like Prince George's County has not been healthy for the region or the resegregating areas.

In the growing portions of the District that are integrating, the District faces a challenging balancing act. It needs to balance the gentrification brought about by white in-migration with the preservation and creation of housing affordable to households with modest incomes, largely African American — all within a framework of affirmatively furthering fair housing, namely consciously promoting racial and economic integration throughout the city and its metropolitan area. The District's goal should be to achieve the racial composition throughout the city that would exist in a genuinely free housing market not distorted by racial discrimination. Given the huge disparity in median income between African Americans and Caucasians, this goal takes on an economic component as well.

The District has the tools it needs to achieve these goals. The key is to use the District's array of tools to preserve housing affordable to households with modest incomes in order to create and maintain stable, racially and economically integrated neighborhoods where gentrification is occurring and is expected to begin, thus affirmatively furthering fair housing choice.

The recommendations in this analysis of impediments seek to help the District of Columbia fulfill its legal obligation to affirmatively further fair housing. As explained in detail in Chapter 2, every jurisdiction that accepts Community Development Block Grants and other funds from the U.S. Department of Housing and Urban Development (HUD) agrees to affirmatively further fair housing. As HUD has acknowledged,

“The Department believes that the principles embodied in the concept of “fair housing” are fundamental to healthy communities, and that communities must be encouraged and supported to include *real, effective*, fair housing strategies in their overall planning and development process, not only because it is the law, but because it is the right thing to do.”¹

“Although the grantee's AFFH [affirmatively further fair housing] obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. *The AFFH obligation extends to all housing and housing-related activities in the grantee's jurisdictional area whether publicly or privately funded.*”²

As Chapter 2 explained, a number of “suggestions” were offered throughout this analysis of impediments. While the regulations, practices, and policies the suggestions address are *not* impediments to fair housing choice at this time, they could develop into impediments if not altered. The District should consider these “suggestions” as constructive recommendations to incorporate fair housing concerns into the city's planning and implementation processes.

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1. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide*, (Washington, DC. March 1996), Vol. 1, i. Emphasis in original.
 2. Ibid. 1–3. Emphasis added.

The recommendations in this chapter provide a framework on which the District can build its efforts. They are not meant to constitute a complete menu of actions that can be taken. The District will likely find that there are additional actions and programs that might be appropriate that are not mentioned here.

Nor are these recommendations intended to solve all of the District's challenges. The impediments identified and recommendations offered are tightly focused on affirmatively furthering fair housing choice.

In the fullest sense of the term, "affirmatively furthering fair housing" means doing more than so many other cities have done while ignoring the discriminatory practices that distort the free housing market and produce segregative living patterns. It means proactively establishing and implementing policies and practices that counteract and mitigate discriminatory housing practices and policies. While a city itself might not engage in discriminatory housing practices or policies, it should recognize that when its passive approach results in segregative living patterns, it needs to take action to correct this distortion of the free housing market as part of its legal obligation to affirmatively further fair housing. The recommendations of this chapter present many of the tools the District can use to "affirmatively further fair housing" in the fullest sense of the term.

It's important to remember that like thousands of cities across the country, the District is under severe budgetary constraints due to the recent recession. In our experience, governments recover from a recession about five years after the nation's economy recovers. The recommendations that follow provide guidance for the District's Fair Housing Action Plan which is where the budgetary constraints may very well limit the District's ability to fully implement these recommendations in a timely fashion. Allowances should be made for fiscal realities.



**Stop reading now if you have
not read chapters 3 and 4**

Readers of long documents are often tempted to skip right to the conclusions and recommendations, sometimes leaving them wondering, "How did the authors ever arrive at that conclusion?" You can avoid this possibility if, before you read this chapter, you read chapters three and four where you will find all the data and analysis on which these conclusions and recommendations are based. You will get the most out of this chapter by reading chapters three and four first.

Factors Impeding Racial Integration

As explained in Chapter 3, racial segregation in housing within the District Columbia is due primarily to three factors in the District and its surrounding metropolitan area:

- ◆ **Differences in income.** As explained beginning on page 147, the median income for African American households in the District is only 37 percent of Caucasian households — one of the widest differentials in the nation. Economic segregation produced by the high cost of housing in different neighborhood clusters cannot help but have a racially-segregative impact in the District and its metropolitan area. An adequate supply of housing affordable to households with modest incomes becomes crucial to achieving racial integration throughout the District and its metropolitan area.
- ◆ **Discriminatory practices.** The analysis beginning on page 21 reveals that differences in median household income do *not* explain the high degree of racial segregation within the District. By comparing the actual racial and Hispanic composition of each neighborhood cluster and census tract in 2000 with what its composition would have been in a genuinely free housing market without discrimination, it becomes abundantly clear that African Americans encounter racially-discriminatory real estate and lending practices in the District and its environs. These practices have created a dual housing market within the District and its metropolitan area — one housing market for Caucasians, Hispanics, and Asians, and a separate housing market for African Americans.
- ◆ **Dual housing market within the District and its metropolitan area.** The District is not an island unto itself. The dual housing market encompasses both the District of Columbia and the metropolitan area that surrounds it. This dual housing market severely distorts the free housing market and is largely responsible for the hypersegregation in large parts of the District, the lack of integration in Arlington and Fairfax Counties, and the advancing resegregation of Prince George's County. The District will be unable to establish a unitary housing market in which people of all races and ethnicities participate within its borders without eventually transforming the region's dual housing market into a unitary market.

This dual housing market has produced very different impacts in the counties that surround the District and in the District itself.

In the two Virginia Counties adjacent to the District of Columbia, the proportion of African Americans living there continues to be significantly lower than would be expected in a free housing market without discrimination. The proportion of Blacks living in both Arlington and Fairfax counties barely changed from 2000 to 2010. The proportion of African Americans in Fairfax County is still less than half of the 21 percent that would have been expected in a free housing market without discrimination in 2000.³ The proportion of African Americans living in Arlington County remains at 8.5 percent in contrast to the 23.9 percent ex-

3. As explained beginning on page 22, other researchers have concluded that differences of five percentage points indicate that discrimination is distorting the housing market. In this analysis of impediments, we

pected in a free housing market. As explained in Chapter 3, *the proportions expected in 2000 take into account household incomes*. In both counties, the proportions in 2010 of both Asians and Hispanics of any race are close to what would have been expected in a free housing market in 2000. These findings strongly suggest that *housing discrimination rather than differences in household income cause the lack of racial integration in the two Virginia counties*.

Montgomery County, Maryland, shows signs of maintaining a unitary housing market in which *all* people participate. In 2000, the proportion of African Americans was just 7.7 percentage points lower than expected in a free housing market while the proportion of whites was just 0.1 percent higher. The proportions of Asians and Hispanics of any race were only 5.1 and 3.8 percentage points higher than would have been expected respectively. In 2010, the proportion of Blacks had increased to 17.2 from 14.7 percent in 2000 while the proportions of Asians and Hispanics of any race increased 4.5 and 9.1 percentage points respectively. As noted in Chapter 3, Montgomery County has deliberately acted to overcome the dual housing market by promoting economic and racial diversity.

The picture is very different in Prince George's County, Maryland where racial integration is becoming a temporary experience. Over the past 30 years, the racial composition of the county has changed dramatically from virtually all-white to much more African American than would be expected in a free housing market without discrimination. As Chapter 3 notes, the proportion of African Americans in 2000 was 36.8 percentage points higher than would have been expected in a free housing market absent discrimination while the proportion of Caucasians was 36.1 percentage points lower. Since then the proportion of whites declined by a third to 19.2 percent in 2010. The proportion of African Americans has remained fairly steady during the past decade, growing from 62.6 percent in 2000 to 64.5 percent in 2010. But in a free housing market, the county would have been just 25.7 percent Black at the turn of the century.

As discussed in Chapter 3, close to a third of the District of Columbia consists of hypersegregated Black neighborhood clusters in which African Americans constitute 93 percent to over 98 percent of the population. In these clusters, the proportion of African Americans is typically more than 60 percentage points higher than would be expected in a free housing market without discrimination while the percentage of Caucasians is 51 to 59 percentage points lower than would be expected.

However, a growing number of neighborhood clusters are integrating economically and racially. Unlike Prince George's County where integration occurred when African Americans moved into virtually all-white neighborhoods — the usual pattern throughout the country — racial integration in the District has been a by-product of gentrification brought about by the in-migration of wealthier Caucasians into what have long been predominantly moderate- and low-income African American neighborhoods.

have taken a more conservative approach and concluded that ten percentage points is more likely to be indicative of likely discrimination by factoring in those households that may prefer to live in a predominantly minority neighborhood.

But like Prince George's County, racial integration in these neighborhoods could be transitory unless action is taken now. This gentrification in the District is increasing rents and the price of homes so much that these areas could resegregate into higher income, virtually all-white communities due to the elimination of dwellings affordable to most of the District's current African American population.

The challenge the District faces is to maintain the racial and economic integration of these neighborhoods and prevent them from resegregating to virtually all-white. Because the median income of Black households in the District is just 37 percent of non-Hispanic white households, this challenge can be met only if a significant proportion of the existing housing that is affordable to the District's current African American households in these integrating and gentrifying neighborhoods is kept affordable to current Black residents.

Private Sector Impediments

Transforming the Dual Housing Market Into a Unitary Market

Impediment #1 The entrenched dual housing market within and around the District of Columbia is responsible for the levels of housing segregation in both the District and the counties that surround it. There is one housing market for African Americans and another for everybody else. The result is a highly segregated District of Columbia where one-third of the city's 39 neighborhood clusters are 93 percent or more African American and just three clusters have proportions of Caucasians and African Americans close to what would be expected in a free housing market lacking discrimination. Due to the extreme difference in the median incomes of the District's white and Black households, this racial segregation is accompanied by economic segregation.

It will take many generations of incremental change to replace this dual housing market with a unitary free market in which all households of every race and ethnicity participate throughout the District and neighboring counties. Underlying this transformation is the need to expand the range of geographic choices households will consider when looking for a new home to rent or buy. And expanding this geographic range necessarily means also expanding the supply of housing affordable to households of modest incomes in those parts of the District and surrounding counties where such housing is nonexistent or in short supply.

Let there be no doubt that this is a daunting task that will require extensive effort and resources within and outside the District. It will require a great deal of intergovernmental cooperation, including governments that are likely to resist participating. It is quite possible that the political will to try to create a unitary housing market will be missing in action. But the long-term welfare of the entire metropolitan area depends on transforming the current dual housing market into a unitary market in which people of all races and ethnicities consider housing throughout the metropolitan area and not just in racial or ethnic enclaves.

The recommendations that follow focus largely on what the District of Columbia can do to mitigate this impediment within its borders. While the District can seek to initiate the necessary regional action, it does *not* control the metropolitan region. As noted below, a regional organization will need to assume the key leadership role to achieve the essential participation of the cities and counties around the District needed to remedy this impediment throughout the metropolitan area.

Recommendations

1.A To achieve lasting stable racial integration, the District of Columbia City Council needs to commit to the goal of transforming the dual housing market into a single, unitary housing market. The District should adopt an explicit goal and policy to promote the expansion of housing choice throughout the city and metropolitan area. Many of the impediments noted in this chapter helped create and maintain the dual housing market. Many of the recommendations proffered in this chapter address the causes of the dual housing market. Implementing them will help transform the distorted dual housing market into a free unitary housing market in which all residents participate and compete for the housing they can afford. While it will likely take decades or even longer to accomplish this goal, it can be achieved only if the District publicly commits to achieve this goal and assigns the resources needed while the opportunity exists.

1.B The District should work to expand the housing choices of existing and potential new residents beyond the neighborhoods dominated by their own race or ethnicity. It needs to make African Americans aware that housing is available to them outside the 13 hypersegregated neighborhood clusters and other areas that are predominantly Black. It needs to make Hispanics aware that housing is available to them outside the central and northeast neighborhoods in which Latinos are concentrating within the District.

Face to face housing counseling has been a very successful tool for expanding housing choice. The District should establish a Housing Service Center, much like the Oak Park Regional Housing Center, where home seekers are introduced to housing options beyond the racial or ethnic neighborhoods to which they often feel they are limited.⁴ It is especially important to expand the housing choices of

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4. Although Oak Park has faced the traditional integration pattern of African Americans moving into a previously all-white community and whites then being steered away from the newly-integrated village, the principles underlying its operation apply anywhere, including the District of Columbia where integration accompanies gentrification caused by wealthier Caucasians moving into predominantly Black neighborhoods. The center is located in Oak Park, Illinois and can be reached at 708/848-7150; Rob Breymaier, Executive Director. Website: <http://www.apartmentsoakpark.org>.

The center is located in Oak Park, Illinois and can be reached at 708/848-7150; Rob Breymaier, Executive Director. Website: <http://www.liveinoakpark.org>. The center maintains a constantly updated database of available rentals in racially-integrated Oak Park, provides fair housing and marketing technical assistance to landlords, and promotes the community to all races and ethnicities. Clients are encouraged to make “affirmative moves” or pro-integrative moves that will promote racial integration in the community. The Housing Center has also provided this service in the predominantly Caucasian western suburbs of Chicago and provides affirmative marketing in its homeownership counseling program. In all cases, the final decision is

the District's African Americans who have been severely segregated into 13 of the city's neighborhood clusters. In addition to in-person counseling, the DCHousingSearch.org website, discussed beginning on page 157, should be revised to directly and indirectly encourage viewers to seek housing throughout the city and metropolitan area. The site should prominently feature photographs depicting African Americans and Latinos as well as Caucasians as living in the District's Northwest Quadrant and the predominantly white suburbs to convey that all people are welcome there — sort of the online equivalent of the billboards and display ads discussed below.⁵

1.C Expanding where people will look for housing also requires an on-going long-term publicity campaign to make Blacks and Hispanics aware that they can move anywhere in the metropolitan area that they can afford. Such a campaign to expand housing choices can include the use of billboards, newspaper stories, display ads, radio and television public services announcements, and the websites of the District and the neighboring counties and suburbs (assuming they can be persuaded to participate). The District should rent billboards to advertise that housing in the surrounding suburbs and counties is available to all by showing models of all races and ethnicities.⁶ Similar small display ads should be run in the real estate advertising sections of local newspapers with substantial African American and/or Latino readership. Identify the predominantly white suburbs by name to encourage African Americans in particular to include them in their housing search. An effort should be made to persuade local newspapers and websites to include a prominent notice with their real estate ads that promote expanding housing choices to include the surrounding counties. The city could also use its website to remind viewers that they can live anywhere they can afford and specifically

the client's. However, the Housing Center expands the housing options known to its clients and 70 to 80 percent of them make a pro-integrative move. In the past, the center provided free escorts to see rentals in suburban areas that African Americans rarely considered and were reluctant to visit.

5. As noted in Chapter 4, the DC Department of Housing and Community Development operates a Housing Resource Center on the first floor of its offices located in the city's southeast quadrant where poverty is widespread. This Housing Resource Center could be the foundation upon which the Housing Service Center could be built. But the Housing Service Center should be located in a more central and diverse location.
6. Before putting up the ads on the billboards in the suburbs, the District would be prudent to discuss its plans with the staff and chief elected official in these cities so they are not surprised when the billboards appear. The District will need to walk a very thin line to bring these suburbs into the fold while working to expand the housing choices of minorities.

In California, the Fair Housing Council of the San Fernando Valley instituted a large-scale advertising and public relations blitz to convince African Americans that they could move to the valley if they so chose. The campaign used newspaper advertisements, radio commercials on Black-oriented stations, billboards, and four-color brochures distributed to 40,000 households in its target area. Of the 1,100 households that responded to the advertising campaign, 120 were referred to brokers. At least 12 households actually moved to the valley; an unknown number went directly to brokers without going through the Fair Housing Council. This effort did succeed at making African Americans aware that they could move to the valley. Before it started, a random sample survey found that 20 percent of Black respondents felt the valley was receptive to minorities. After the campaign, 75 percent felt the valley was receptive. Not surprisingly, the campaign did reveal that Blacks will *not* move for the sake of integration. As other research has found, African Americans and whites tend to move for the same reasons. The purpose of these campaigns is to expand where Blacks and other minorities will look for housing. Daniel Lauber, *Racially Diverse Communities: A National Necessity* (River Forest, Illinois: Planning/Communications, 1990, 2010) available at <http://www.planningcommunications.com/publications>.

name many of suburbs that just happen to have unnaturally low proportions of African American residents. The idea is to change the mind set among the District's Black population to consider housing throughout the metropolitan area, particularly housing closer to their jobs, rather than limiting their search to integrated and predominantly African American neighborhoods in the District.

1.D The catch, of course, is whether minority households can afford the housing outside the District because the median income of the District's Black residents is only 37 percent of its non-Hispanic white residents. The District also needs to increase the supply of housing affordable to households with modest incomes outside the predominantly African American neighborhoods. In addition, with white gentrification within the District producing racial integration in a growing number of predominantly Black neighborhoods, the District needs to preserve housing affordable to existing African American residents so that these neighborhoods can achieve long-term stable integration. The District should vigorously implement the recommendations under "Affordable Housing Essential to Expand Fair Housing Choice" beginning on page 186 to preserve existing housing affordable to households with modest incomes and assure a proportion of new units are affordable to this income group in the gentrifying neighborhoods and throughout the city.

1.E That same catch of affordability exists to an even larger extent in the surrounding metropolitan areas. While a large proportion of the District's middle- and upper-class African American residents have moved to the surrounding suburbs — many are moving only to be resegregated in Prince George's County — the bulk of the District's Black residents cannot move to the suburbs, or to less intensely segregated areas within the District due to the high cost of housing. Working through existing metropolitan organizations or a new metropolitan coalition of local governments, the District should seek to get significant amounts of affordable housing built in the other cities and counties in the metropolitan area. While the political obstacles will be very difficult to overcome, this effort must start while there is still land available to develop. Progress will necessarily be incremental in nature but delaying the effort will only make it harder to achieve the goal.

1.F As the previous paragraph suggests, the District cannot establish a unitary housing market all by itself. It needs to get the leaders of the real estate industry — both rental and ownership — as well as the cities in the four counties that surround the District to buy into the concept of transforming the dual housing market into a unitary free market throughout the metropolitan area. Once the District has committed itself to this transformation, it needs to establish communication with the county and city governments throughout the metropolitan area to bring them into a coalition focused on bringing an end to the discriminatory practices that maintain the dual housing market. It needs to establish Housing Service Centers throughout the metropolitan area to expand housing choices of suburbanites as well to foster racial and ethnic integration throughout the metropolitan area and foster demand for housing in the District among white households of all income levels.

Impediment #2

As noted in Chapter 3, it is *likely* that racial steering — a practice prohibited by the Fair Housing Act — has contributed to much of the racial segregation in the District. The District’s own fair housing law substantially expands the number of protected classes beyond the nation’s Fair Housing Act. As recounted earlier, reported acts of housing discrimination likely represent only the tip of the proverbial iceberg.

“Testing” the practices of real estate practitioners, in both “for sale” and rental housing, has long been a valuable and reliable tool for uncovering discriminatory practices that are at the heart of racial segregation, particularly racial steering where real estate and rental agents direct whites to predominantly white neighborhoods and, in the singular case of the District of Columbia, gentrifying neighborhoods, while they direct African Americans to all-Black neighborhoods and away from predominantly white and integrated neighborhoods.⁷ Testing can help determine the extent of racial steering, if any, by real estate professionals in the District and the surrounding counties.

As discussed on page 83, the growth in the District’s Hispanic population has been largely in predominantly African American areas in the northeast quadrant. There is a strong possibility that Hispanics are being steered into these areas although their movement into them also could be a product of income. In addition, historically the first wave of immigrants will tend to move close to others of their ethnicity or race. Subsequent generations tend to move out of these ethnic or racial concentrations, unless housing discrimination blocks them. The District should engage in systematic testing to determine how much, if any, steering is contributing to these spreading concentrations.

As reported beginning on page 107, the Equal Rights Center’s testing revealed high levels of discrimination based on source of income (namely using a Housing Choice Voucher) and status as a survivor of domestic violence, both classes protected under the city’s fair housing law.

Recommendation

The District should contract with a qualified organization to conduct an ongoing, systematic, and thorough testing program to identify any discriminatory practices in rental and for sale housing, particularly racial steering. Tests should be conducted according to standards that would make their findings admissible in court proceedings. It is crucial that the District follow up when testing uncovers discriminatory practices or policies to bring an end to such practices.

7. Conventionally, racial steering involves real estate agents directing white home seekers to all-white neighborhoods while they send African American home seekers to all-Black or integrated neighborhoods. By steering whites away from integrated neighborhoods, agents force the neighborhood to resegregate to all Black. But as explained in this report, the neighborhoods in the District that are integrating started out as predominantly African American. As discussed in Chapter 3, these predominantly Black neighborhoods are integrating due to wealthier Caucasians moving in. This in-migration is increasing housing costs beyond the means of a great many of the Black residents, resulting in gentrification and, at least for now, the creation of racially and economically integrated neighborhoods. As noted throughout this analysis of impediments, the District faces the challenge of preserving housing affordable to minority households of modest means in these gentrifying neighborhoods in order to establish long-term, stable racial and economic integration.

Mortgage Lending

Impediment #3 Discrimination against African Americans and, to a lesser extent, Latinos in issuing conventional and FHA loans continues unabated in the District as it does throughout the nation.

In a mortgage market undistorted by discrimination, you would expect that the approval rate for higher income mortgage applicants of any race or ethnicity would be higher than the approval rate for the lowest income households of any race or ethnicity. But in the District of Columbia, mortgage applications by African Americans of any income, including those in the highest income brackets, were approved less frequently in 2010 than applications from the lowest income non-Hispanic Caucasians. In 2009, all but the highest income Blacks had a lower approval rate than the lowest-income non-Hispanic whites.

The data strongly suggest that during the study period the private sector lending industry engaged in widespread discrimination against African Americans by steering them into high cost (subprime and predatory) mortgage and refinancing loans. Even with the drastic decline of high cost mortgages in 2009, African Americans received high cost mortgages and refinancings four times more often than whites and twice as often as Asians and Hispanics.

Collectively the data strongly suggest that in the District of Columbia, the mortgage lending industry continues to engage in illegal discriminatory practices against Hispanics and to an even greater extent against African Americans.

Recommendations

3.A The ongoing disparity in loan approval rates suggests a substantial need to provide African Americans, lower-income households, and to a lesser extent Latinos and Asians, with financial counseling to better prepare applicants *before* they submit a mortgage loan application. Such counseling should include educating potential home buyers to recognize what they can actually afford to purchase, avoiding the use of high cost and high risk mortgages, budgeting monthly ownership costs, building a reserve fund for normal and emergency repairs, recognizing racial steering by real estate agents to high cost lenders, and encouraging consideration of the full range of housing choices available. The District should establish this function in city hall or contract with an organization that provides such counseling. Real estate firms should provide a brochure or written notice to potential buyers that informs them about this counseling and alerts them to the signs of discrimination in issuing home loans. While this impediment is not unique to the District of Columbia, the absence of an effective national effort to overcome this discrimination warrants local action.

3.B The District of Columbia is limited in what it can do to alter the behavior of those lenders who engage in discriminatory practices because the regulation of lenders falls within the purview of the federal government, But

because the city can choose where it places its cash reserves and operating funds, the District is in a position to reward those lenders that do not discriminate and penalize those that do. The District should adopt and carry out a policy that it will bank and do business only with financial institutions that do *not* engage in these discriminatory practices. Such a policy and practice would make it in the financial interest of lenders to discontinue discriminatory practices. To implement this policy, the District will need to examine Home Mortgage Disclosure Act and Community Reinvestment Act data on the lending practices of specific local institutions to identify those lenders, if any, that have *not* engaged in discriminatory lending practices.

Joint Private and Public Sector Impediments

Affordable Housing Essential to Expand Fair Housing Choice

As noted throughout this report, the difference in the median income of the District's African Americans and non-Hispanic Caucasians is among the largest in the nation. The median household income for District whites in 2010 was \$99,220, 265 percent of the \$37,430 Black median household income. The size of this gap is so great that in the District, racial segregation and economic segregation go hand in hand. Efforts to affirmatively further fair housing to achieve stable, racially-integrated communities must incorporate economic integration since the median income of the District's African American residents is so relatively low.

This situation makes the creation and preservation of housing affordable to households of modest means a critical component of any effort to end the hypersegregation that dominates the city and achieve racial and ethnic integration throughout the District and its surrounding counties. It could take many generations to achieve these goals, but the speed with which portions of the District are gentrifying, requires that efforts must be undertaken now or the opportunity to achieve these goals will be lost for generations to come.

Impediment #4

The relatively high cost of housing continues to pose a barrier to fair housing choice in the District by fostering economic segregation and the racial segregation that accompanies it due to the median income of the District's non-Hispanic white households being so much greater than the median income of African American households. While wealthier Caucasians have been moving into neighborhoods that had been overwhelmingly African American, gentrification has accompanied this in-migration, leading to higher housing costs and displacement of a substantial percentage of residents with lower incomes who, in the District of Columbia, are disproportionately African American. In addition, the District's supply of rental housing is rapidly shrinking. More than a third of the District's rental stock was lost between 2000 and 2010. One-fourth of all District tenants are spending more than half

of their income on rent, in part due to the shortage of rental dwellings. Unless lower-cost and moderate-priced rental housing can be preserved and new affordable units built in these gentrifying neighborhoods, racial and economic integration will be a very short-lived experience.

The shortage of housing residents can afford, however, has not been limited to just rental housing or low-income households. In 2007, the proportion of the District's moderate income households with incomes between half and 80 percent of the area median income (\$47,300 to \$76,500 for a family of four) who spent over 30 percent of their income on housing doubled from 20 percent in 2000 to 40 percent in 2007.

The city's very low-income households have been the most severely hit by the increases in housing costs. Sixty-two percent of District households with incomes less than 30 percent of the area median income were spending at least half of their income on housing in 2007. In 2000, half of the very low-income households were spending that much on housing

While the cost of housing poses a problem no matter what one's race or ethnicity may be, the huge differences in median household income suggest that the problem is far worse for African Americans for than anybody else.

As explained beginning on page 145, housing ownership is beyond the means of most African Americans who live in the District. Overall, the median-income household would have to more than double its annual income — increase it by 112 percent — to be able to afford the median-priced townhouse. A household at the median income in 2010 would have to double its income to afford the median-price condominium with two or fewer bedrooms. A household would need an annual income 228 percent greater than the actual median to afford the median-priced single-family detached home in the District.

4.A The Rental Housing Conversion and Sale Act of 1980 gives the District one of the most potent tools in the nation to preserve housing affordable to households with modest incomes. When actually implemented, the act facilitates the conversion of rentals to limited-equity cooperatives that enable lower-income households to remain in their homes in the midst of gentrification around them. The District's leadership needs to commit sufficient resources to aggressively implement the act and enable the conversion of many more rentals to low-equity cooperatives especially in those neighborhoods experiencing gentrification and the concomitant integration. The District should revitalize and reinvigorate the Coop Seed Money Loan Program, First Right Purchase Program, and Deferred Payment Loans. The District needs only to look at how the program was run in the early 1980s to understand what it needs to do to preserve affordable housing and achieve stable, long-term racial and economic integration in the neighborhoods that are gentrifying.

4.B The District maintains no data on the buildings subject to the Rental Housing Conversion and Sale Act of 1980 nor any demographic data on their residents. To be able to gauge the effectiveness of the act, the District needs to gather and maintain data on the residents and each building subject to the act

before and after the sale of each building, including but not limited to rents, household demographics (race, ethnicity, income if possible), disposition of the building (sale to a third party, tenant purchase, conversion to low-equity cooperative), rents or monthly ownership costs after sale or conversion, and where tenants who are displaced move to (by demographic data). This data will enable the District to refine the act and its support programs to make them more effective at preserving housing affordable to households of modest means.

4.C The District should explicitly commit to vigorously using the Rental Housing Conversion and Sale Act of 1980 to foster socioeconomic integration, the primary purpose of the Housing and Community Development Act of 1974 which created Community Development Block Grants which is supposed to be used to affirmatively further fair housing.

Impediment #5 As explained beginning on page 154, more than 12,000 units of new development have been exempted from the District's inclusionary zoning requirements because they were in the pipeline when the inclusionary zoning act went into effect. But their exemptions should have expired because ground has not yet been broken for these buildings. The District, however, has routinely granted extensions that have kept these developments exempt from the city's inclusionary zoning requirements. Some of these developments were allegedly submitted to avoid being covered by the new inclusionary zoning provisions.

5.A All these years later, it is difficult to see any rational reason to continue to extend the permits for these buildings. As soon as possible, the District should change its policy of renewing expiring building permits and development approvals issued before the city's mandatory inclusionary zoning law went into effect. Instead, renewal should be granted only if the developer signs a legally binding agreement to comply with the new inclusionary zoning requirements. This change will increase the number of dwelling units affordable to households with modest income in those developments that were submitted for approval to beat the inclusionary zoning law.

5.B The District should emulate Montgomery County, Maryland by including scattered site public housing units in the inclusionary zoning program. As the program now stands, dwellings affordable to the households most in need of socioeconomic integration are excluded from the inclusionary zoning program. As noted earlier, Montgomery County is the only county adjacent to the District that has a racial and Hispanic composition close to what would be expected in a free housing market from which discrimination is absent in part due to its mandatory inclusionary zoning program which has led to over 1,000 scattered-site public housing units being built.

Impediment #6

The District's zoning ordinance imposes significant obstacles to accessory apartments, a cost-effective way to provide housing affordable to individuals and households of modest means and to enable households with declining incomes to remain in their homes. As explained in Chapter 3, many of the zoning provisions likely discourage home owners from even applying to create an accessory apartment.

Recommendation

The District is currently in the process of revising its zoning code and should remove obstacles to accessory apartments with the six changes identified beginning on page 95.

Public Sector Impediments

Incorporating Fair Housing into the Planning Process

Impediment #7

The only reference in the District's comprehensive plan that even hints at achieving stable, racially-integrated neighborhoods is a fairly generic statement, "On a neighborhood level, the recent housing boom has challenged the District's ability to grow a city of inclusive and racially and economically diverse communities."⁸

The city's plan has no goals, objectives, or policies that seek to achieve stable, racially-integrated neighborhoods, which in the District would also require economically-diverse housing because the median income of African Americans is just 37 percent of that of Caucasians.

Recommendation

The District should amend its comprehensive plan to establish explicit goals, objectives, policies, and implementation approaches to achieve stable, racially-integrated neighborhoods throughout the District and metropolitan area.

It can take many generations of implementation efforts to achieve this goal. The longer the District delays directly addressing its racial and economic segregation, the more difficult it will be to bring to an end.

Impediment #8

Nothing in the District's planning process directly addresses any fair housing issues that the city can help resolve and fair housing violations that the city can help prevent. Residential developments that require city review and approval are approved without any effort to promote

8. *The Comprehensive Plan for the National Capital: District Elements*, (Washington, D.C.: Office of Planning, Oct. 2007) 5–5.

compliance with the Fair Housing Act or the accessibility requirements of the Americans With Disabilities Act.

The District should explicitly require developers of all residential developments and buildings to comply with the federal Fair Housing Act and the District's own fair housing law in order to receive zoning approval and a building permit. The city should require every developer to agree to comply with the guidelines suggested below in order to receive a building permit, zoning, planned unit development, and/or subdivision approval. The underlying concepts are to not only ensure that new housing is accessible to people with disabilities as the Americans With Disabilities Act requires, but to also make home seekers aware of the full array of housing choices available to them and to feel welcome in the proposed development.⁹ A number of cities including Hazel Crest and Matteson, Illinois, have adopted ordinances that effectively require compliance with the Fair Housing Act to receive building permits or zoning approval for new construction of all housing. A building permit cannot be issued until the city approves the developer's plans for compliance.¹⁰

The District can also require a developer or landlord to produce and implement a marketing plan to fulfill the mandates of fair housing laws and affirmatively further fair housing choice. Goals would be established and a record kept on the racial composition of current occupants and those looking for housing in the building or development so the plan's success can be evaluated. The same principles can be applied to the conversion of rental dwellings to condominium ownership. The legality of these types of requirements was upheld in federal court in *South Suburban Housing Center v. Board of Realtors*.¹¹

For the developer or landlord, compliance with fair housing laws involves taking positive steps to promote traffic from particular racial or ethnic groups otherwise unlikely to look at their housing in addition to building in accordance with the accessibility standards promulgated in the Americans With Disabilities Act. Building permit and zoning approval should require some or all of the following actions:

8.A Producing print and Internet advertising targeted to the racial or ethnic groups that have not been seeking housing in the area the developer or real estate firm serves. This includes advertising in foreign language newspapers and magazines. Photographs and videos of models portraying residents or potential residents should reflect the full diversity of the District and adja-

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9. Marketing in accord with the Fair Housing Act is nothing new. The precursor of modern fair housing marketing rests in the 1972 federal government requirement that all developers who use Federal Housing Administration insurance must file an "affirmative marketing plan" with the U.S. Department of Housing and Urban Development to encourage a racially-integrated housing market. These plans are to specify "efforts to reach those persons who traditionally would not have been expected to apply for housing." Quoted in Phyllis Nelson, *Marketing Your Housing Complex in 1985* (Homewood, IL: South Suburban Housing Center, 1985), 10.
 10. James Engstrom, *Municipal Fair Housing Notebook: A Description of Local Ordinances, Tools, and Strategies for Promoting a Unitary Housing Market* (Park Forest, IL: Fair Housing Legal Action Committee, 1983), 11, 97.
 11. 713 F.Supp. 1069, 1086 (1989).

cent counties to show that all are welcome to move to the advertised building or development.

8.B Billboards that use models portraying residents or potential residents who reflect the full diversity of the District and surrounding counties to show that all are welcome to move to the advertised building or development.

8.C Giving every client who comes to look at housing a brochure that clearly identifies illegal discriminatory practices and provides clear contact information to file a fair housing complaint. The city should consider producing this brochure and providing a PDF file to each developer, real estate firm, landlord, and rental management firm to print. It is possible that some of the fair housing brochures the city has already produced could be used. Foreign language versions, especially Spanish, should be available at each site.

8.D Including in all print display advertising and online advertising as well as all printed brochures the Fair Housing logo and/or the phrase “Equal Opportunity Housing” and contact information to file a housing discrimination complaint. The city should also seek to get the newspapers and magazines that publish real estate advertising to routinely publish a notice in non-bureaucratic language about how to recognize housing discrimination and how to file a complaint with the city.

8.E No building permit should be issued without full compliance with the accessibility standards of the Americans With Disabilities Act (ADA). The District’s previous analysis of impediments noted the failure of the District to require compliance with the ADA. The need for the District to require compliance remains unchanged.

Impediment #9 The District’s zoning treatment of what it calls “community-based residential facilities” is convoluted and sometimes contradictory. It is very possible that it has contributed to the development of severe concentrations in the Northeast and Southeast quadrants that *may* be creating *de facto* social service districts that undermine the ability of community residences to achieve their goals of normalization and community integration.

The District’s zoning code lumps together community residences for people with disabilities and for those without disabilities together under a single moniker “community-based residential facilities.” Nowhere in the definitions does the code distinguish between the two types of populations housed. Only in the general provisions for the R-4 districts does the code make this distinction.¹² And even there it illegally excludes people with an addiction to a controlled substance. While the city can exclude people currently using illegal drugs or alcohol, it can-

12. *Zoning Regulations of the District of Columbia*, §330.5(d)

not legally make a blanket exclusion for people addicted to a controlled substance who are not currently using.

Without details on the exact number and precise location of community residences it is difficult to precisely prescribe the actions the District should take to mitigate the clustering of community residences. There are, however, several steps the District can implement to help mitigate this obstacle to fair housing choice.¹³

9.A The zoning code provisions for “community-based residential facilities” need to be revised to replace contradictory and confusing provisions with a rational, fact-based zoning scheme that will prevent the expansion of existing clustering and *de facto* social service districts and prevent the creation of additional clustering and *de facto* social service districts. Just the use of the word “facilities” represents a misunderstanding of the nature of these residences. These are *residential uses* with the primary purpose of providing a place of abode in a family-like environment. The word “facilities” implies an *institutional use* which is very much the opposite of a community residence. The zoning code should be amended to more accurately call these uses something like “community residences” instead of “community-based residential facilities.”

9.B The zoning code definitions for the different types of “community-based residential facilities” should be adjusted to be consistent and compatible with the definition of “family.” For example, the definition of “family” allows as many as six unrelated individuals to live together in a single housekeeping unit. As explained beginning on page 126, under this definition all community residences *for people with disabilities* that house six or fewer individuals must be treated as a “family” — they comply with this definition of “family.” However the current zoning code ignores this fundamental legal principle when it defines “substance abusers home” and “youth residential care home” as housing “one (1) or more individuals.” Substance abusers in recovery and youth with disabilities are covered by the Fair Housing Act. When a community residence for them houses no more than six people, these homes are “families” and additional zoning restrictions cannot be applied to them. Imposing additional zoning restrictions on their community residences that meet the definition of family’s cap of six unrelated residents constitutes a violation of the Fair Housing Act. Consequently, the District’s zoning definitions need to be corrected and/or the zoning ordinance needs to be amended to clearly make substance abuser homes for up to six residents and youth resi-

13. As of this writing, the District is in the process of completely revising its zoning code. The current draft defines “Household” as “All persons who will occupy an Inclusionary Unit. A Household may be a single family, one (1) person living alone, two (2) or more families living together, or any other group of related or unrelated persons who share living arrangements.” If adopted, this definition would prevent the District from imposing any limitations on community residences for people with *or without* disabilities. Our experience of nearly 40 years working on zoning for community residences, suggests that this approach result in more intensive clustering of community residences in minority areas with lower-cost housing that will undermine their ability to achieve normalization and community integration. *ZRR Task Force Draft Text for Taskforce Review: Subtitle A* (Washington, DC: January 31, 2012) A-116.

dential care homes for not more than six residents that house youth with disabilities permitted uses in all residential districts with only the zoning restrictions imposed on all families.

9.C The zoning code should be carefully examined and revised to make necessary reasonable accommodations for all types of “community-based residential facilities” for people with disabilities. The Fair Housing Act *does not require* a reasonable accommodation for “community-based residential facilities” occupied by people without disabilities or with disabilities but who pose a threat of danger to themselves or others. Consequently, the community residences for people without disabilities may be subject to greater zoning restrictions than the homes for people with disabilities who do not pose a threat.

9.D The District’s building code, rather than its zoning ordinance, should determine the number of residents who can live together in a “community-based residential facility.” Under well-settled fair housing law, the building code’s formula for determining how many people can live in a dwelling unit should apply to community residences. The zoning ordinance should be amended to recognize this principle.

Accessing Information Involving Fair Housing

Impediment #10 Someone who thinks she has been discriminated against when seeking housing in the District immediately runs into the problem of determining whom to contact and how to file a fair housing complaint if they are not using the Internet. This situation is a substantial barrier to fair housing choice when somebody who thinks he may have faced discrimination cannot quickly and easily contact a live person who can hear the facts of his situation, or he cannot easily obtain information about how to file a fair housing complaint. Each additional step a possible victim must take increases the chances that he will abandon his effort to report a violation. As reported beginning on page 162, our three tests of the city’s “311” information line yielded three different — and wrong — instructions of whom to contact with a possible fair housing complaint.

Recommendation The District needs to train its “311” information operators to refer all calls involving possible discrimination in housing to the Office of Human Rights. The computer database the “311” operators consult needs to be updated to identify the Office of Human Rights as the place to go when a caller thinks she may have encountered housing discrimination.

Impediment #11 Every jurisdiction engaged in affirmatively furthering fair housing choice needs current accurate and current information on matters involving fair housing. In the District of Columbia, such information is all too often not readily available, or even available at all.

The Office of Human Rights does not routinely keep track of whether fair housing complaints involve rental or ownership housing, hindering efforts to fully analyze the nature and extent of housing discrimination. The Equal Rights Center, which collaborates with the Office of Human Rights on fair housing enforcement, maintains information on tenancy only for fair housing complaints based on federal law, but not for complaints based on the District's 12 additional protected classes.

The Office of Human Rights does not record any information about the inquiries it receives about possible housing discrimination, leaving it unable to determine the percentage of inquiries that actually lead to a fair housing complaint.

The District of Columbia Housing Authority does not maintain current records on the race and ethnicity of public housing residents by development and for holders of housing choice vouchers.

As reported beginning on page 122, a small, but thorough 2004 study alerted the District to the absence of financial services in Ward 7 that raised the possibility that lenders may be redlining impoverished neighborhoods. With just one branch in the entire ward, it would appear that retail banks certainly have redlined financial services in Ward 7.

Recommendations

11.A For each fair housing complaint it receives, the Office of Human Rights should record whether it involves rental or ownership housing. The Equal Rights Center should also record this information for complaints based on the District's 12 additional protected classes. Both should report fair housing data by rental and ownership housing.

11.B The Office of Human Rights should record all inquiries on housing discrimination including the nature of the possible discrimination and whether it involves ownership or rental housing. This data should be linked to eventual actual complaints that are filed.

11.C The District of Columbia Housing Authority should maintain current records on the race and ethnicity of public housing residents in each development and of housing voucher holders. The Housing Authority should maintain current maps showing where public housing and housing voucher holders live by race and ethnicity. It needs to analyze the racial and ethnic composition of census tracts and neighborhood clusters in which the vouchers are being used to determine whether vouchers are being used in a pro-integrative manner and, if not, to base efforts to expand the geographic range of choices voucher holders will consider. This data collection and analysis should extend at least into the adjacent counties to help the authority expand "Moving to Work" to enable voucher holders to move closer to jobs and better schools for their children.

11.D A thorough study of predominantly minority neighborhood clusters should be conducted to determine the level of financial services available and

whether redlining of mortgages and/or home owner and renter insurance is occurring.

Impediment #12 The District’s 2005 analysis of impediments noted the difficulty its authors had obtaining data from the District of Columbia. *From Ideas to Action: Implementing a Mixed-Income Housing Strategy in Washington, DC* (2009) reported, “Finally, the inability to collect current data from the District and other cities limited the analysis.”¹⁴ While most of the District staff contacted in the process of researching this analysis of impediments were very helpful, the authors frequently encountered difficulty obtaining even a response from some city staff. In some departments our direct contact was a public relations representative who served as a gatekeeper rather than enabling us to work directly with appropriate staff. As noted in Chapter 3, building code officials never responded to multiple requests for confirmation of building code provisions. Our multiple requests to the head of the District of Columbia Housing Authority went unheeded for months, although once other staff members were contacted they were very helpful. Staff tended to be very narrow in their responses to our inquiries for information rather than expansive as we explicitly asked them to be.

Recommendation A change in culture is needed to facilitate the sharing of information with researchers examining the District of Columbia. Staff members need to feel that they can freely share information with those evaluating the District and with the public.

Engaging the DC Housing Authority in Fair Housing

Impediment #13 The District of Columbia Housing Authority lacks a cogent pro-integrative policy for siting public housing and the use of Housing Choice Vouchers. Nearly all public housing developments were located in predominantly Black areas. Most households that hold a Housing Choice Voucher are located in predominantly minority neighborhoods, many in the hypersegregated African American neighborhood clusters that comprise wards seven and eight.¹⁵

The intensity of racial and economic segregation has eased in recent years primarily due to the gentrification of previously predominantly African American neighborhoods. Today 43 percent of public housing residents now live in neighborhood clusters that were integrated or integrating as of 2010.

14. *From Ideas to Action: Implementing a Mixed-Income Housing Strategy in Washington, DC*, 8.

15. Also see the recommendation regarding the District of Columbia Housing Authority and data beginning on page 193.

13.A The DC Housing Authority should adopt a strategic policy to locate public housing in a pro-integrative manner within the District and, if possible, outside the District in collaboration with the housing authorities of the surrounding counties. New buildings should be located outside the 13 hyper-segregated neighborhood clusters. Existing buildings in disrepair that are located in the gentrifying neighborhoods should receive high priority for restoration and continued use as public housing.

13.B The Housing Authority should expand the geographic range of housing choices that holders of Housing Choice Vouchers consider. Voucher holders should receive the assistance they need to look at rentals outside predominantly African American neighborhoods and in predominantly Caucasian and integrated areas throughout the District as well as in nearby suburbs that might be closer to work and/or offer better public educational opportunities. This policy can be implemented through participation in the Housing Service Center recommended earlier in this chapter. If the city does not establish a Housing Service Center, the Housing Authority should create its own.

13.C The Housing Authority should try to recruit more holders of Housing Choice Vouchers for the Moving to Work program.

Conclusion

In a 180 degree reversal of the usual pattern of integration and reintegration, the District of Columbia has a long history in which integration is the period between the first wealthy white household moving into a neighborhood and the last poor African American household moving out.

Today the wave of gentrification sweeping parts of the District of Columbia offers the District the rare opportunity to accomplish what few large cities have ever done: transform itself from a city that is highly segregated by race and income into an increasingly racially- and economically-integrated municipality that prevents gentrification from displacing its most vulnerable residents. By implementing the recommendations of this report, the District can end this pattern of integration followed by gentrification and reintegration. Reversing this process starts with making a firm commitment to take the steps enumerated here to achieve this goal.

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