



Lehigh Valley Planning Commission

# newsletter

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## LVPC develops guidance for municipalities on fair housing

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The Lehigh Valley Planning Commission has broken new ground in the development of an educational white paper document on the subject of fair housing, a project many months in the making. On November 9<sup>th</sup>, the LVPC will be providing an educational workshop for municipalities on fair housing from 6:00-8:00 pm at the LVPC office.

The Fair Housing Act, which comprises Title VIII of the Civil Rights Act of 1968, made it unlawful to refuse to sell, rent to or negotiate with any person because of that person's affiliation with a protected class. Those protected classes include race, color, national origin, religion or sex; a 1988 amendment to Title VIII added disability and familial status (specifically the presence of a child under 18 or pregnant women) to the list of protected classes.

The LVPC created this particular report largely as a response to local and national considerations that have significantly altered how the Fair Housing Act can influence municipal decision making. The considerations include the following:

1. the release of a Regional Analysis of Impediments (RAI) to Fair Housing for the Lehigh Valley, completed as part of the region's obligations as a recipient of the U.S. Department of Housing and Urban Development (HUD) Sustainable Communities Grant, which concluded at the end of 2014;
2. the *Regional Housing Plan* created by the LVPC in fall 2014, which commits the agency to educating municipalities of their obligations under the Fair Housing Act, also completed through the Sustainable Communities Grant; and
3. the *Inclusive Communities* Supreme Court Decision of June 2015, which affirms the idea that legislation with disparate impact or discriminatory effects can still violate fair housing laws, regardless of intent.

It is essential that municipalities understand what they must do to comply with the Act, particularly in light of the June 2015 Supreme Court decision, which raises the bar for what can constitute a discriminatory act when it comes to municipal legislation. This document intends to give municipalities the resources by which they can promote access for everyone to housing of certain basic standards.

Also nestled within this extensive paper are two other key policy tools that significantly affect access to housing: building codes and inclusionary zoning. The section on building codes focuses specifically on Pennsylvania's statewide application of the Uniform Construction Code (UCC) and its implications for making housing accessible to certain protected classes. The section on inclusionary zoning updates a model ordinance, originally created as a separate document by the LVPC in 2008. Inclusionary zoning is a zoning-based means of addressing barriers to entry in regards to housing, based on income. Good inclusionary zoning strategies can help support the construction of affordable housing. The section on inclusionary zoning updates this 2008 model ordinance, improving its references and incorporating more recent research and examples. These three sections—fair housing, building codes and inclusionary zoning—comprise the bulk of the document.

In addition to this critical educational tool, the LVPC has updated several other model ordinances released in previous years. The model ordinances in general are among the LVPC's most popular smaller publications; all are available on the website, and some of them rank among the top documents in terms of the number of online "hits". The development of the fair housing document and the update of the Inclusionary Zoning model ordinance prompted the LVPC to revisit several of the other model ordinances, which were then updated and revised. This "suite" of new and improved ordinances includes the fol-

lowing, which will be released along with the fair housing document:

- Conservation Subdivisions
- Cottage Housing Development
- Density Bonuses
- Mixed Uses

Lastly, the LVPC updated two other educational documents, released at approximately the same time as many of the model ordinances:

- Traditional Neighborhood Development: A Fresh Look at an Alternative Development Approach
- Street Connectivity: Improving the Function and Performance of Your Local Streets

Both the fair housing document and the additional model ordinances reflect the LVPC's continued commitment to bringing the latest in planning, design and policy strategies that help the Lehigh Valley's municipalities prepare for growth and change in the future.