



# APAHCDNEWS



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Image: HUD

## APA Election Results

Mitzi Barker, FAICP [mbarker@mtaonline.net](mailto:mbarker@mtaonline.net)

Elections for all APA/AICP offices were held in August, with balloting open from early August to mid-September. This year, there was a new consolidated ballot with candidates for the APA/AICP Presidents, Board, and Commission, combined with Chapter and Division election slates. All voting was conducted electronically; each member received a customized ballot reflecting their Chapter and Division membership as well as electoral region for APA/AICP board and commission seats which are elected by geographic region.

The HCD Division fielded a strong slate of candidates for each of the three officer positions. The votes have been tallied, and the results are:

<b>Chair</b>	Adam Perkins, AICP
<b>Vice-Chair</b>	Lanette Glass, AICP
<b>Secretary/Treasurer</b>	Kyle Flood

New officers will assume their duties in January, as per the recently-adopted updated HCD by-laws. The advantage of being on a combined election schedule is that all national, chapter and division leaders are taking office at the same time, will be receiving leadership orientation at the same time, and everyone will be on an equal footing with regard to familiarity with organization history, who does what, and how things get done. It is a big step forward toward a more uniform and focused approach to leadership development.

Please join me in congratulating Adam, Kyle, and Lanette on their election to HCD leadership, and in thanking Judi Barrett, Chris Glick, and Bill Lavers for their candidacy.



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## Meet HCD New Officers

### Chair

Adam Perkins, AICP

[adam@localinnovations.com](mailto:adam@localinnovations.com)

Thank you for your support in recent H&CD elections. I have big shoes to fill, but am excited to continue the effort to increase our Division's value to both you our members as well as to the constituents we all serve in our various careers. We are building a strong Division of nearly 400 members getting to a size that will serve as a great shared resource and network of ideas and best practices.

Our members have a varied set of experiences and skills centered on all aspects of housing and community development, making our network one I am proud to be a part of.

Please let the me or anyone else on the leadership know what you would like to see more or less of in our Division's activities, as well as any other ideas you have to improve our Division. We look forward continuing to grow the impact of our division, with your help.



### Vice-Chair

Lanette Glass, AICP

[GlassL@HillsboroughCounty.ORG](mailto:GlassL@HillsboroughCounty.ORG)

I currently serve as the Planning and Reporting Section Manager with Hillsborough County Affordable Housing Services Department. I have a Bachelor's Degree in Landscape Architecture from the University of Georgia's School of Environmental Design and have been involved with housing and community development for 25+ years by starting in the field of grant administration with U.S. Department of Housing and Urban Development programs. I became certified by The American Institute of Certified Planners in July of 2001.

I fully support and desire to continue the objectives of the Housing and Community Development Division by promoting the best practices in the field of housing and community development and continue the dialog on community development issues with other professionals in related practices such as social services, health services, homeless services, neighborhood planning and others. We should look at Community Development principals and actions to see if they comprise what we want to see in the future, especially in the future endeavors of entrepreneurship and business enterprise.





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## Meet HCD New Officers

### Secretary/Treasurer

Kyle Flood

[kyleflood@ymail.com](mailto:kyleflood@ymail.com)

Kyle has been a member of APA since 2010, and is excited to serve in his role as Secretary/Treasurer of the Housing and Community Development Division.

Kyle is a Program Manager at the Sacramento Housing and Redevelopment Agency, overseeing the Agency's efforts to preserve and redevelop its public housing properties,

ensuring that they remain available for future generations of low and moderate income families, while at the same time incorporating workforce and market rate units in order to reduce concentrations of poverty and improve access to opportunity. Prior to his role in Sacramento, Kyle was Director of Development at the Philadelphia Housing Authority.

Kyle received his Master of City and Regional Planning degree from the University of Pennsylvania, and graduated with Bachelor's degree in Urban Studies and Political Science from Rutgers University-Camden. Kyle lives in Downtown Sacramento with his dog Gizmo.



## From the Chair

**Mitzi Barker, FAICP** [mbarker@mtaonline.net](mailto:mbarker@mtaonline.net)

### PLANNING AND QUILTMaking

One of the things I value about the planning profession is our diversity in practice. Planners work in government, in community development, in real estate, in universities, hospitals, and native tribes.

We facilitate, regulate, negotiate, navigate, and some of us even legislate. But despite our differences in the kind of work we do, or organizations we work for, we are unified in the way we tend to look

at things, the way we consider communities as fabric, woven from interconnected, interdependent strands. The sanitation engineer sees a sewer – planners see a transportation system, a public health facility, downstream impacts on the environment, and a means to lift a neighborhood out of poverty.





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Planning is not one of those professions that inspire little kids to don costumes and strut about proclaiming their ambition to grow up to be a planner. I for one wanted to be a fireman. I don't think I knew what a city planner was until I was in a public policy program in college, but I was captivated by the work that planners were doing – creating vibrant neighborhoods, solving transportation problems, envisioning and giving shape to the city's future. Most of my planning colleagues have similarly gravitated into the profession from a wide variety of portals, such as geography, urban studies, architecture, civil engineering, social work, political science, and more. That variety of backgrounds enriches our profession, and it gives us options in our career paths.

And just does that path look like these days? Back in the day, as they say, a person might land an entry-level position, and work their way up over time, employed by the same organization. Times have changed. I've heard it said that the average person will change jobs at least once every five years, and that the once-holy grail of continuous progression in responsibility and title is a thing of the past. Rather than being paved with upwardly-leading stepping stones, today's career path may be better characterized as a patchwork quilt, pieced with blocks of complementary colors, but differing in motif, value, and embellishment.



I experienced my first great job-related shake up in the 80s, with the demise of the HUD 701 program (701 provided grants for a wide range of community planning work). I was working in a fairly traditional planning job at the time, with a large metropolitan council of governments. I thought I was doing work that mattered, but when the funding stopped, all of a sudden the work stopped mattering to my employer. I was able to take a few clients with me from that job, cities that wanted my work and were willing to fund it themselves if the regional council wouldn't, and so began my first foray into independent consulting.

Consulting is good in that it means you have fewer gaps or unrelated work phases on your planning resume, and it generates income. The dark side of it is that you are often reliant on your skills alone, and must continually market yourself to keep those contracts coming in. You may also have to take some work that you really don't like doing but are good at because it pays well. The secret to successful consulting is to perfect a model and to use it over and over again, which I did in performing housing market analyses.



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I will confess that I got lonely as a solo practitioner, and pretty burned out. I missed the camaraderie of the office, and most importantly the opportunity to access minds and resources that compensated for my strengths and weaknesses. But there was a paucity of public-sector jobs, and even fewer in the private sector in a shaky economic time. I started looking for positions that would make use of my planning skills, even if they were not technically planning jobs.

The non-profit sector turned out to be the fit I was looking for. First, a job. Second, a job that mattered, where I could contribute something and maybe make a difference in my community. I went to work for a community-based organization that provided housing for families with children who were transitioning out of homelessness. All of my skills in land use regulation, development, real estate, and finance were put to good use. It was a good place to ride out the economy until I could get back into a “real” planning job.

The “real” planning jobs finally did surface, but after a decade in state and local government, I returned to the non-profit sector. I’ve found it affords me terrific opportunities to do creative work, is more entrepreneurial than the public sector, and less focused on billable hours than the private sector. My public sector experience has not gone to waste, either, as I interface regularly with federal, state, and local agencies, and I have an inside track in knowing how things “work” in government.

If you are finding yourself unemployed – or a recent graduate but not yet employed – even as the economy sputters to new life, you do not need to abandon your career or put it on hold until things improve. I would encourage you to look wider than traditional “planning” jobs and to seriously consider how either volunteer or paid work with a community development non-profit can benefit your career. Help the agency navigate through a thorny permitting process for a housing development. Work with a low-income neighborhood to chart out a new future. Help others learn how to have their voice heard in City Hall. Make a new neighborhood a great place to live and work by shaping its physical layout and connection to the rest of the community. Write a well-planned grant proposal or two. Facilitate a visioning session or charrette. Even if you’re temporarily consigned to staffing the drive-up window at McDonald’s to make ends meet, at least you can keep your planning skills sharp and your resume full during the hiatus in professional employment, as well as address our professional imperative to promote social equity. And it may just open up an entirely new twist in your career path.



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Mlive Image

The wise quiltmaker collects materials over time, and stores them for the time when they're needed. At the appointed time, the quiltmaker arranges the pieces, and with a bit of skill and a good measure of improvisation creates something much more pleasing than the sum of its individual parts. Resist cynicism or undue criticism – don't fret that it's not perfect, or not exactly what you thought you had in mind. Take stock of your assets, your skills, your strengths. Be open to the opportunity that hides in calamity; be prepared to run with it. Oh, and when you do, hold on to your hat.

## Featured Articles

Heidi Aggeler [haggeler@bbcresearch.com](mailto:haggeler@bbcresearch.com)

### THE SUPREME COURT THROWS A CURVE BALL:

#### Completing a Fair Housing Study in the Wake of the Court's Disparate Impact Ruling

As the U.S. Supreme Court's term drew to an end in June, fair housing advocates, lawyers and community planners waited for the court's decision about the application of disparate impact theory in the Fair Housing Act.

And there it was, on June 25, 2015, hidden between two very big Court decisions, Obamacare and same sex marriage: A surprise ruling on the interpretation of the Fair Housing Act.

Advocates cheered. Lawyers scrutinized the opinion. Journalists tried to make sense of it for the rest of us. And community planners scratched their heads, wondering what this means for them.

Emails and calls we received about the decision consisted of: *"How does this affect the fair housing study we are currently working on?"*

*"What does this mean for how we allocate housing funds?"*

And, my personal favorite:

*"Will I be retired before HUD requires the new AI?"*

These questions, and more, will be answered in time, as HUD refines its materials that enable local governments and states meet federal fair housing requirements.

Yet the application of the Supreme Court decision will not only change how local governments and states not only report on fair housing activities—it will also demand a closer scrutiny of housing and community development planning. As such, it is prudent to think about planning for your community's approach to fair housing now.



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## **Does This Affect Every City, County, or State?**

Yes. Disparate impact will affect you whether or not you receive HUD block grant funds.

Most communities are aware of fair housing because they receive the federal Community Development Block Grant (CDBG).

Recipients of CDBG must “affirmatively further fair housing choice” as a condition of receiving those funds. How this is done varies by community. At a bare minimum, direct recipients of CDBG must complete a study examining barriers to housing choice, called an Analysis of Impediments to Fair Housing Choice, or AI. HUD provided guidance on AIs way back in the mid-1990s ([www.hud.gov/offices/fheo/images/fhpg.pdf](http://www.hud.gov/offices/fheo/images/fhpg.pdf)).

In 2014, HUD issued a draft template to, among other things, make AIs more uniform. This template—the new AI—is called the Assessment of Fair Housing or AFH. If you haven’t seen it already, you can find a draft of the AFH here:

<http://www.huduser.org/publications/pdf/AFFH-Assessment-Tool-2014.pdf>

Even if you do not receive CDBG directly, your community could be vulnerable to fair housing challenges if your policies and regulations have the effect of limiting housing choices for one or more protected classes. You may want to use HUD’s AFH framework to look for disparate impact concerns regardless of your CDBG status.

## **When Will I Need to Complete an Assessment for Fair Housing?**

When a community is required to complete the AFH is related to submission of their next five-year Consolidated Plan. The first AFHs will probably be required in 2017. Yours may not be due until 2019—four years from now. *(Yes, with any luck, you might be retired).*

What if you are in between Consolidated Plans but are due for a new AI? Many of our clients have received direction from their local HUD office to proceed with business as usual—that is, to complete their AI using the 1990s framework.

The AFH is a big change—so it’s best to begin thinking about what it will mean for you. Unlike the AI planning guides, the AFH has direct requirements for data and maps that can be used to examine fair housing barriers. It also requires answers to questions that probe barriers not evident in data and maps. These require primary data collection, as well as more in-depth program and policy analysis.

## **Do I Really Have to Worry About This Now?**

We think there are three big reasons to start preparing for the AFH now:



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## **1. You may not be collecting the data that you need to complete an AFH.**

The AFH template will contain data tables that can be used to complete many parts of the AFH. But not all of what you need will be in these tables.

Some of the data you need will come from your local public housing authority (PHA), which has expanded requirements in the AFH. Your PHA may never have been asked for the information they will need to provide—for example, how Not-in-My-Backyard Syndrome affects the placement of housing.

In addition, you will need to collect data to examine the impact of your programs and policies on protected classes. You'll need to know if your programs and policies have the effect of limiting housing choice for one or more protected classes. This is where things get tricky, both in collecting of data and in its interpretation.

## **2. You will need to think harder about the public process you use to inform the AFH.**

The AFH does not provide much direction about the citizen participation process, other than asking about its effectiveness. Throughout the AFH, however, you will be required to answer questions about barriers that can only be gathered through community input (e.g., perceptions of equitable treatment and welcoming neighborhoods; principal challenges of persons with disabilities in remaining housed and accessing community amenities). The questions you need to ask of your community are probably more complicated than those you have asked in the past. And you'll need to directly and adequately engage protected classes through focus groups and neighborhood meetings, as well as community stakeholders.

## **3. Last, but not least: The AFH will contain data and maps on segregation that your elected officials may not have seen before.**

Some of this will be sensitive information. It's a good idea to begin preparing them now for what will be a large part of this public document.

### **A New Ballgame**

The AFH may feel like a big challenge now, but, in the end, it should be a big win for all.

Cities and states across the country will be held to a more consistent standard for examining fair housing barriers. The AFH template will provide information that many communities could not afford to collect on their own. Most importantly, the AFH should result in a more robust approach to reducing barriers to housing choice—and furthering opportunity for all.

**Heidi Aggeler** is a Managing Director at BBC Research & Consulting (BBC) in Denver, Colorado, specializing in fair housing research. She has recently completed fair housing studies for the States of Texas and Oregon, the cities of Austin and Denver, and several regional planning agencies. For more information about BBC's work, see <http://www.bbcresearch.com/> or email Heidi at [haggeler@bbcresearch.com](mailto:haggeler@bbcresearch.com).



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## Featured Articles

Kevin McCarthy [kevin.mccarthy@floridahousing.org](mailto:kevin.mccarthy@floridahousing.org)

### THE IMPACT OF FEDERAL COURT'S DECISION ON FAIR HOUSING

This has been a big year for fair housing. Forty-seven years ago, the Congress enacted the Fair Housing Act with the promise of removing barriers to housing choice. This year, the federal administration and the courts began to meaningfully enforce the Act. Two recent events promise to expand housing choice for members of the classes protected under the Act. First, the United States Department of Housing and Urban Development (HUD) issued a new Final Rule clarifying the responsibilities of state and local governments to affirmatively further fair housing when they accept HUD funding. Second, the Supreme Court settled once and for all the ambiguity around the use of disparate impact analysis under the Act.

The affirmatively furthering fair housing rule makes clear that local jurisdictions must take real action to remove barriers to integration. The rule eliminates the Analysis of Impediments to fair housing that each entitlement community and participating jurisdiction prepares as part of its Consolidated Plan and replaces it with a more meaningful Assessment of Fair Housing. More importantly, HUD has promised to provide states and communities with uniform data to evaluate patterns of segregation, isolation, and access to opportunity. The information provided by HUD, combined with the local knowledge of planners and engaged citizens, will allow communities to better understand the existing situation and craft realistic implementable solutions to provide broad and inclusive access to opportunity. Over time, the data-driven approach will provide a clear metric of which strategies work and which do not.

The Supreme Court has confirmed that policies which have an adverse disparate impact on a protected class violate the Fair Housing Act. Most practitioners already knew this to be true; however, the Court's decision in *Texas Department of Housing and Community Affairs v. the Inclusive Communities Project* puts all debate to rest. Ultimately, the Court's decision means that results matter. Good intentions – or the absence of malintent – does not enable a public entity to evade its responsibilities under the Fair Housing Act. Policy makers must evaluate whether their decisions effectively limit the housing choice of members of protected classes. Resource allocation and regulatory decisions are subject to scrutiny, not based on the intent of policy makers, but on statistically significant data about outcomes. The specific case involves the



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decisions of a state housing finance agency implementing the Low Income Housing Tax Credit (LIHTC) program. The tax credit is the most significant source of capital for the development of affordable housing. The same plaintiff is now pursuing litigation against the United States Department of the Treasury which, through the Internal Revenue Service, oversees the tax credit program. If the outcome of this litigation pushes the IRS and state housing finance agencies to prioritize fair housing concerns in the allocation of tax credits, it could lead to significant capital investment to create affordable housing in areas of opportunity.

These events highlight the importance of the work that planners do and the responsibilities that they bear. Policy makers and administrators in various settings are already trying to shirk their obligations under HUD's new fair housing rule and turn the Assessment of Fair Housing into a rote box-checking exercise that has no real chance of expanding housing choice. Lawyers and legal scholars will endlessly parse the meaning of words and phrases in the Supreme Court ruling, especially the discussion of "less discriminatory alternatives" and who bears the burden of proof. As planners, however, we must not lose sight of the animating principal embodied in both the rule and the ruling. Every American family has the right to live anywhere it can afford, and we all must work to remove arbitrary constraints on the supply of affordable housing in areas of opportunity. As planners, we also possess the skills to properly utilize hard data and social scientific research to understand how policy choices shape communities and impact individuals. This objective data-driven approach causes us to put aside our assumptions and focus on what is actually happening in the communities we serve. Hopefully, in another forty-seven years, a future generation of planners will look at the data and see an America where race, color, religion, national origin, sex, disability, and familial status have no bearing on where a person can live, and by extension, her ability to access the American dream of upward mobility and engaged citizenship.

**Kevin McCarthy** is a Policy Administrator at Florida Housing Finance. For more information about Florida Housing Finance Corporation, visit <http://www.floridahousing.org>

## **Disaster Preparedness Planning and Education**

**Tracey Agostini-Queen** [traceyqueen@rocketmail.com](mailto:traceyqueen@rocketmail.com)

I graduated in 2009 from Savannah State University (GA) with a Master's in Urban Studies and Planning. The only job I could find was as an intern, writing zoning ordinances for rural counties (with plenty of farmland and managed woodland). After 8 months they ran out of funds to pay me. Never could find another planning job, so I started substitute teaching.



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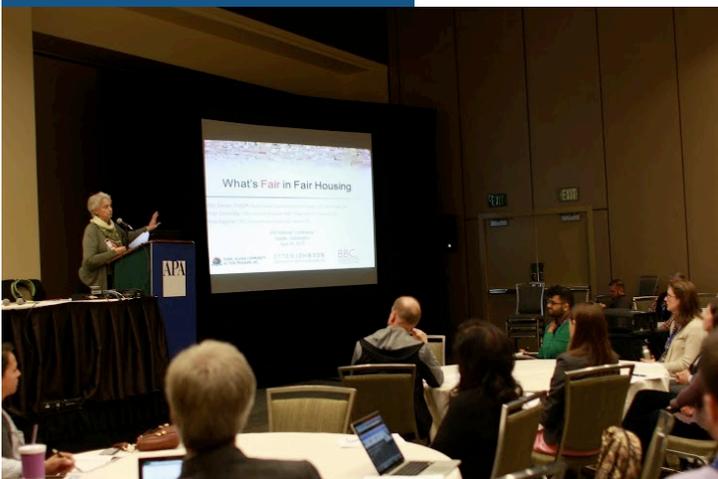
**Tracey Agostini-Queen**  
*is an urban planner,  
literacy instructor, citizen  
scientist. For more  
information, check the  
website [islandwinston.com](http://islandwinston.com)*

Beaufort is surrounded by water, rivers and oceans so while teaching mostly elementary schools I realized that many of the children could not swim. I wanted desperately to combine my planning knowledge with education. Most could not explain to me their response to disasters. I signed up with Lesley University and while working on a Masters Ed. I created a character that would teach the children the correct response to each disaster while eliminating fear. I wrote 9 books, accompanying songs, created movement and dances and lesson plans for each disaster. Nowadays, I dress as the character and teach the volcano class (fire) to students all over Beaufort County. I believe that each family, each library, each school and places of business should have disaster preparedness instructionals.

If you would like to receive the books, CDs and lesson plans please send me your address and I will mail this hazard information packet to you including pictures of me teaching the students.

## Notice & Announcement

If you wish to contribute to our next newsletter published in spring, please contact Seyeon at [apahcdnewsletter@gmail.com](mailto:apahcdnewsletter@gmail.com)



## Current Division Officers

### Chair

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