



**Testimony before the Housing Committee**

**Greg Kirschner, Legal Director, Connecticut Fair Housing Center**

**In Support of Senate Bill 155**

Senator Winfield, Representative Butler, and members of the Housing Committee, thank you for taking the time to listen to my testimony today.

My name is Greg Kirschner. I am the Legal Director at the Connecticut Fair Housing Center, and have been involved in representing the victims of housing discrimination for more than ten years.

Connecticut has made a laudable commitment to increasing investment in affordable housing under the current administration. While the creation of more affordable housing is absolutely essential, it is also critical to recognize that place matters.

S.B. 155 is a sensible step in ensuring that Connecticut's allocation of Low Income Housing Tax Credits effectively affirmatively furthers fair housing by promoting development of affordable housing in communities where little presently exists while also stimulating economic development in traditionally under-resourced areas by prioritizing truly catalytic development opportunities.

Connecticut's affordable housing in general, and housing created under the Low Income Housing Tax Credit program in particular, is markedly concentrated in areas of poverty that are racially concentrated. The consistent funding of affordable development in these limited geographic areas denies housing choice to individuals accessing this housing, and, based on the existing correlation between race and income, perpetuates Connecticut's historical segregated living patterns.

The placement of affordable housing is under increased scrutiny based on two recent and significant developments. First, the United States Supreme Court expressly recognized the use of the disparate impact theory to enforce the Fair Housing Act. Notably, the Supreme Court ruling came in a case that challenged the allocation of low income housing tax credits in Texas. The disparate impact theory analyzes whether a facially neutral policy or practice has a disproportionate impact on a class of persons protected under the Fair Housing Act. In the Texas case, and in cases addressing the same issue in Minnesota presently before HUD, the method for allocating low income housing tax credits have led to concentration of affordable housing in areas of poverty.

Second, HUD issued regulations pertaining to the Fair Housing Act's requirement that recipients of federal funds affirmatively further fair housing. Issuing these rules is just one example of HUD's commitment to enforcing the affirmatively furthering obligation which will involve scrutinizing how States use federal dollars to promote integration and how they respond to the identification of impediments to fair housing.

S.B. 155 will help harmonize Connecticut's method for awarding low income housing tax credits with its obligation to affirmatively furthering fair housing, and it will do it in a way consistent with HUD's desire to promote mobility as well as economic development. First, S.B. 155 rewards proposals that seeks to build affordable family housing in communities with historically little affordable housing development and that offer strong economic, social and educational opportunities to residents. Second, S.B. 155 similarly promotes the allocation of credits to support re-investment in economically challenged communities where new housing is part of a broader plan to foster economic development. In this way, S.B. 155 fosters a commitment to the two cornerstones of affordable housing development identified by HUD: integration to promote equal access to thriving communities and economic development to improve opportunities in existing communities of racially concentrated areas of poverty. S.B.

155 prioritizes and encourages the best use of the Low Income Housing Tax credit program but does not preclude their use for other less integrative or catalytic development activities should there be insufficient proposals to utilize all the available funding.

In its Analysis of Impediments to Fair Housing, Connecticut took a sober assessment of the challenges it faces in ensuring fair housing for all. But acknowledging the problem of persistent racial segregation in housing is not enough. Action is needed. Enacting S.B. 155 would be an important first step.

