

## **IMPEDIMENTS and RECOMMENDATIONS**

Analysis of Impediments to Fair Housing Choice

November 2002

Prepared by the Belmont Fair Housing Committee

### **IMPEDIMENT #1 - Lead Paint and Families with Children**

Housing units built prior to 1978 have a high probability of having lead paint. Given the age of Belmont's housing stock, it is likely that lead-based paint (LBP) hazards exist in a significant number of units. According to the 1990 Census, 75% of Belmont units were built before 1950 when lead based paint was most commonly used. Using HUD estimates of the incidence of lead based paint by year of construction,<sup>1</sup> it is estimated that 57% of all Belmont units have LBP hazards (peeling paint, lead dust or lead in the soil) and that deteriorated lead based paint exists in 43% of all Belmont housing units. It is estimated that about 860 low- and moderate-income families lived in units with LBP hazards in 1990, including about 90 low and moderate-income families with children under age 5.

In recent years, the number of Belmont children found to have elevated levels of lead in their blood as been small and no cases of poisoning were reported between FY98 and FY2001. According to the Massachusetts Department of Public Health, 56% of all Belmont children under age 4 and 42% of all children under age 6 were screened for lead in FY2001; of these, one child had a moderately elevated level of lead in their blood and none had lead poisoning. However, realtors have told us anecdotally that many landlords will not rent to households with young children because of fear of liability.

*Age of Housing Stock and Estimated Lead Based Paint (LBP) Incidence (1990)*

<b>Year Built</b>	<b>% of all units</b>	<b>Total Units</b>	<b>% of units with LBP (HUD)</b>	<b>Units with LBP</b>	<b>% with deteriorated LBP (HUD)</b>	<b>Units with deteriorated LBP</b>
Pre-1940	62.3%	6,209	73%	4,533	56%	3,477
1940-1949	12.7%	1,265	45%	569	32%	405
1950-1959	10.8%	1,073	45%	483	32%	343
1960-1969	6.9%	690	9%	62	3%	21
1970-1979	5.5%	545	9%	49	3%	16
1980-1989	1.9%	186	4%	7	0%	-
<b>Total Units</b>		<b>9,968</b>		<b>5,703</b>		<b>4,262</b>
<b>% of Total</b>		<b>100%</b>		<b>57%</b>		<b>43%</b>

Lead based paint hazards present serious health risks to children under the age of 6 or 7. State law requires that lead paint hazards in homeowner and rental units occupied by children under 6 be removed. Given the often-high cost of lead abatement, a significant number of Belmont landlords instead refuse to rent to families with young children, even though it is illegal to discriminate on that basis

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<sup>1</sup> HUD National Survey of Lead and Allergens in Housing, Final Report, Volume I, page 4-7 and A-8. (2000)

## IMPEDIMENT #2 - The Fiscal Impact of Families with Children

As with many suburban communities, Belmont has an ongoing concern about the fiscal impact of new housing development. Particular concern exists with the impact of new housing development on providing schools. The concern has some justification based on changing demographics in the community.

Belmont's age composition also shifted in the past decade. The number of households with children under 18 rose by 21%, while the number of households with members age 65 or above fell by 10% (though there was a slight increase in residents age 85 and older). In 2000, households with children comprised 32% of all households, up from 27% in 1990, while households with members 65 or older comprised 29% of all households, down from 33% in 1990.

*Changes in Age Groups: 1990 and 2000*

	1980	1990	2000	1990-2000 Change	% Change	% of 1990 Total Pop	% of 2000 Total Pop
Age of Persons							
Under 5	1088	1350	1415	65	+5%	5.5%	5.8%
5-17	5100	3241	4072	831	+26%	13.1%	16.9%
Total under 18	6188	4591	5487	896	<b>+20%</b>	18.6%	22.7%
18-24	1973	2056	1204	-852	-41%	8.3%	5.0%
25-34	4305	4534	3249	-1,285	-28%	15.4%	13.4%
35-44	2915	3811	4249	438	+11%	15.4%	17.6%
45-54	2852	2751	3681	930	+34%	11.1%	15.2%
55-64	3018	2467	2392	-75	-3%	10.0%	9.9%
65 or older	4849	4510	4049	-461	<b>-10%</b>	18.2%	16.7%
65-74	2895	2226	1897	-329	-15%	9.0%	7.8%
75-84	1553	1684	1503	-181	-11%	6.8%	6.2%
85+	401	600	649	49	+8%	2.4%	2.7%
<b>Total Population</b>	<b>26,100</b>	<b>24,720</b>	<b>24,194</b>	<b>-526</b>	<b>-2.1%</b>		

*Total Households: 1990 vs. 2000*

	1980	1990	2000	1990-2000 Change	% Change	% of 1990 Total	% of 2000 Total
With children under 18	2,900	2,569	3,121	+552	<b>+21.5%</b>	26.6%	32.1%
With members 65+	3,420	3,183	2,860	-323	-10.1%	32.9%	29.4%
All other households	3,404	3,912	3,751	-161	-4.1%	40.5%	38.5%
<b>Total Households</b>	<b>9,724</b>	<b>9,664</b>	<b>9,732</b>	<b>68</b>	<b>+0.7%</b>		

The manifestation of these fiscal concerns, however, frequently raises the specter of explicit intentional discrimination against households with families in local decision-making. Recent developments at McLean and the Uplands property, for example, were explicitly driven, in part; by the desire **not** to develop housing that would increase the number of families moving to Belmont. With McLean, decisions regarding the size and pricing of units that would be permitted by local zoning decisions were driven by the expressed desire to attract "empty nesters" rather than families with children. With the Uplands, local zoning decisions to approve commercial development rather than residential development were driven by an expressed desire not to

provide additional or new opportunities for families with children to move to Belmont, thus increasing the services to be delivered by the Belmont schools.

Intentional discrimination based on protected classes is, of course, made unlawful under state and federal fair housing laws. Additional education is necessary to inform local decision-makers that discrimination against families with children is an impermissible grounds for local decision-making.

### **IMPEDIMENT #3 - Disabilities and Households with Aging**

Currently, there are few housing resources in Belmont for residents with special housing needs, as a result of physical disabilities (mobility or sensory impairments), developmental disabilities and chronic mental illness.

The primary resource for this population is the 21 Belmont public housing units reserved for non-elderly disabled households. (The waiting list for the 8-unit residence for individuals with developmental disabilities is administered by the State and there is little turnover.). As of January 2002, the 34 Belmont residents on the waiting list for these 21 units faced an average wait of 10-20 years, since units turn over very infrequently (an estimated one unit every three years). Most non-elderly persons with disabilities tend to have extremely low incomes and thus face serious affordability problems. In addition, a number of Belmont residents with developmental disabilities have aging caregivers and need affordable housing with access to support services. Removing barriers to the production of new housing is a necessity to address the needs of these aging households with disabilities.

The number of housing units in Belmont remains fairly stable, as does the ratio of ownership to rental (approximately 60/40). This is not likely to change dramatically in the future, as there is little buildable land remaining in town. As the Census data presented immediately below shows, the majority of the town's housing stock is single family detached (with a few condominiums). Belmont's housing supply consists primarily of 1-4 unit homes. In 1990, just under half of the units were in 1-unit detached (46%) and attached (2%) structures. Another 45% were in two-family (36%) and 3-4 family homes (9%). Only 6% were in structures of 5 or more units. This stock is relatively old. As of 1990, almost two thirds of Belmont's housing units were built before 1940 and only 12.5% had been built since 1960.

The average size of owner-occupied units is 7.4 rooms, and the average size of rental units is 5.1 rooms. Fully 86% of all housing units are five rooms or larger.

*Belmont Housing 1980-1990*

	1980		1990	
No. of housing units	9,895	100.0%	9,968	100.0%
Single units	5,505	55.6%	4,783	48.0%
2 Family units	3,078	31.1%	3,545	35.6%
3-4 Family units	665	6.7%	869	8.7%
All others	647	6.5%	771	7.7%

### IMPEDIMENT #4 – Perceptions Due to Homogenous Population

Although Belmont is still less diverse than Middlesex County or the state overall, its minority population (non-white non-Hispanic) was 10.2% in 2000, an increase of about 1,100 persons.<sup>2</sup> The racial and ethnic groups with the highest growth rates were Asians at 71% (578 persons), Hispanics at 36% (116 persons) and non-Hispanic blacks and African Americans at 29% (60 persons).

Racial or ethnic group	1980	1990	2000	1990 %	2000%		
					Belmont	County	State
White	25,261	23,615	22,062	95.5%	91.2%	85.9%	84.5%
Black or African American	94	206	266	0.8%	1.1%	3.4%	5.4%
American Indian, Alaska Native	8	24	31	0.1%	0.1%	0.2%	0.2%
Asian	455	815	1,393	3.3%	5.8%	6.3%	3.8%
Native Hawaiian, other Pacific Islander	0	4	2	0.0%	0.0%	0.0%	0.0%
Other		56	100	0.2%	0.4%	2.1%	3.7%
Two or more races		*	340	*	1.4%	2.2%	2.3%
<b>Total Population</b>	<b>26,100</b>	<b>24,720</b>	<b>24,194</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Hispanic Origin (any race)	251	324	440	1.3%	1.8%	4.6%	6.8%
<b>Total Minority Population</b>		<b>1,362</b>	<b>2,468</b>	<b>5.5%</b>	<b>10.2%</b>	<b>16.4%</b>	<b>18.1%</b>

The presence of Black or African-Americans in Belmont continues to be highly concentrated. Of the 265 Black or African-American persons in Belmont, more than 80% (214) live in only four Census tracts.

	Census Tracts							
	3571	3572	3573	3574	3575	3576	3577	3578
Total:	4,148	3,204	2,871	2,277	2,177	2,365	3,283	3,869
Population of one race:	4,111	3,147	2,821	2,253	2,147	2,337	3,241	3,797
White alone	3,880	2,915	2,568	2,118	1,973	2,102	2,991	3,515
Black or African American alone	23	15	39	2	11	37	45	94
Asian alone	195	200	200	123	152	185	177	161
Some other race alone	5	17	8	9	5	12	25	19
Population of two or more races:	37	57	50	24	30	28	42	72
Population of two races:	33	53	50	21	27	27	40	64
White; Black or African American	3	6	2	2	2	1	3	9
White; Asian	20	36	23	14	13	16	15	30
White; Some other race	3	4	17	1	6	6	7	14

Moreover, Black or African-American persons in Belmont tend to be concentrated in the lowest income areas of town. Census tracks 3573, 3576 and 3577, for example, respectively have median per capita income of 83%, 73% and 70% of the Town's average median per capita

<sup>2</sup> In 2000, the Census Bureau revised the way it collects data on race and ethnicity. Starting in 2000, respondents could indicate more than one racial or ethnic category. In Belmont, 340 residents listed themselves as belonging to two (315) or more (25) racial or ethnic categories. As a result, changes between 1990 and 2000 categories are not strictly comparable. The 2000 totals shown in the above table break out the total by race or ethnicity for residents reporting themselves as one race or ethnicity. Of the 315 residents reporting exactly two races, 282 reported themselves as white plus another race (most frequently Asian).

income. In addition, while 3.6% of all Belmont residents live with incomes below 100% of the federal poverty level, Census tracts 3576, 3577 and 3578 have 5.4%, 4.8% and 5.2% of persons below poverty respectively.

*Income Levels and Poverty Rates by Census Tract - 1990*

	<i>Census Tracts</i>								
	<b>3571</b>	<b>3572</b>	<b>3573</b>	<b>3574</b>	<b>3575</b>	<b>3576</b>	<b>3577</b>	<b>3578</b>	<b>Total</b>
2000 Population	4148	3204	2871	2277	2177	2,365	3283	3869	24194
<b>1990 Characteristics</b>									
Median per capita income	30,752	32,278	22,304	26,757	24,199	19,613	18,804	35,029	\$26,793
Ratio to town median	115%	120%	83%	100%	90%	73%	70%	131%	100%
# persons below 100% poverty	45	109	81	63	107	129	151	198	883
# persons below 200% poverty	180	206	369	141	211	401	579	562	2649
% persons below 100% poverty	1.1%	3.4%	2.7%	2.7%	4.7%	5.4%	4.8%	5.2%	3.6%
% persons below 200% poverty	4.4%	6.5%	12.4%	5.9%	9.2%	16.9%	18.5%	14.8%	10.9%

**IMPEDIMENT #5 – Lack of Understanding of the Underpinning of the Lack of Ethnic Diversity in Homeownership**

Aside from opening housing generally to increased diversity in Belmont, there is a need to open homeownership to increased diversity as well. It is not true that the lack of diversity in Belmont arises only because of economic factors such as the lack of affordable housing. Data from Belmont shows a lack of diversification even when controlling for income (as measured by percent of median income). Merely because units may be affordable to households of color<sup>3</sup> does not mean that households of color are becoming homeowners in Belmont. The table below presents data on the distribution of African-American homeowners with incomes at or above 80% of median income. The table also presents data for Hispanic homeowners.

The lack of racial and ethnic diversity in Belmont cannot be attributed exclusively to the lack of available affordable housing. As the table reveals, the number of total African-American homeowners with incomes at or above 80% of median income is consistently less than one percent of the total number of homeownership units affordable at those levels. The performance is nearly identical relative to Hispanic homeowners at that income level.

<b>The Number of African-American and Hispanic Homeowners in Belmont Controlling for Incomes at or above 80% of Median Income</b>				
	<i>Homeowners with Incomes Above 80% of Median</i>			
	81 – 95%	95%+	Total 81%+	Percentage
African-American	0	0	0	0.0%
Hispanic	0	21	21	0.4%
Total units available above 80%				5,735

\*HUD, Comprehensive Housing Affordability Strategy CD-ROM (1993)

<sup>3</sup> Persons of color are defined to include black (not of Hispanic descent) and Hispanic.

By definition, the price of housing is not the limiting factor in this analysis. The data is limited to housing determined to be affordable at 80% of median income or more. The data is also limited to African-American and Hispanic households who have incomes of at least that amount. Something more than the mere unaffordability of homeownership is creating barriers to suburban homeownership for households of color.

As can be seen, the lack of a supply of affordable housing units is not the only barrier to racial-ethnic diversity in Belmont.

Identifying and seeking remedies for these barriers to diversity in homeownership is one essential element in fair housing lending. Fair housing lending involves more than merely "avoiding discrimination." Fair housing lending has as its ultimate goals the elimination of the **effects** of any fair housing impediments, identified through the Town's analysis, outside the Town's control as well as the elimination of any identified impediments within the control of the Town. Belmont needs to undertake further analysis to determine **why** the racial and ethnic disparity in homeownership exists within the community while controlling for income.

### **IMPEDIMENT #6 – Deferred Maintenance, Tight Rental Markets, and Rental Housing Quality**

In 1990, Hispanic and Asian renters were more likely to experience housing problems – primarily cost burden problems, rather than other racial and ethnic groups, primarily because they were more likely to have incomes below 80% of median. The percentage of extremely- and very-low-income Asian and Hispanic renters who had problems was 66% and 100% respectively, compared to 76% for white non-Hispanic renters in the same income bracket; however, the number of Hispanic renter households in this bracket was very small (8). The percentage of homeowners who experienced housing problems did not significantly vary by race or ethnicity. A disproportionate need exists if the incidence of housing needs (measured in percentage) of a particular racial or ethnic group is 10% higher than the overall incidence.

	<b>White (Non- Hispanic)</b>	<b>Black (Non- Hispanic)</b>	<b>Hispanic (all races)</b>	<b>Asian, other (Non-Hips.)</b>	<b>All Households</b>
Renter Households	3583	36	18	138	3775
Owner Households	5711	5	21	102	5849
Homeownership rate	61%	12%	54%	43%	61%
Average Household Income 1989	68,398	40,838	51,188		
Median Age (persons)	38.6	29.2	28.8	31.1	38.0
<b>% of Renters w/Housing Problems</b>					
Extremely Low (0-30% MFI)	61%	*	*	53%	60%
Very Low (31-50% MFI)	80%	*	100%	100%	80%
Low (51-80% MFI)	88%	0%	*	100%	86%
Moderate (81-95% MFI)	64%	100%	100%	*	66%
Middle/Upper (>95% MFI)	13%	22%	100%	9%	13%
All renters	36%	28%	100%	29%	35%

\*No renters in this income bracket

While an *Analysis of Impediments* is not generally intended to focus on housing affordability problems, the existence of substandard rental housing is inextricably linked to the lack of affordable housing in the community. Demand for housing is high. In 2000, the vacancy rate was 0.5% for homeownership units and 1.7% for rental units.<sup>4</sup>

The problem presented is not one of substandard housing. Despite the age of Belmont's housing stock, relatively few units are substandard. According to the 1990 census, Belmont had 12 substandard units (0.1% of its housing stock), which were all occupied by elderly homeowners. In 1980, it had 49 substandard units (0.5% of its housing stock), of which 23 were rental units.

Aside from lead paint, the biggest problem appears to be deferred maintenance. The Board of Health receives about 18-25 complaints a year from renters, including about 3 a year involving lead paint. However, given the tight rental market, tenants are reluctant to complain about conditions, especially tenants with relatively low rents, for fear that their rent will be increased or their lease not renewed. Therefore, most complaints come from tenants nearing the end of their stay.

## CONCLUSIONS AND RECOMMENDATIONS

### **1. Continue to Educate the General Public on Fair Housing Rights**

Continuing education to the general public of fair housing rights, particularly as they relate to the rights of families, is needed. Focusing outreach to populations that are likely to involve households with children is essential.

### **2. Promote Use of Fair Housing Complaint Process**

Promotion of the use of Belmont's fair housing complaint procedure, and referral of appropriate complaints to the U.S. Department of Housing and Urban Development (HUD) and Massachusetts Commission Against Discrimination (MCAD) enforcement authorities is essential.

### **3. Promote Lead Paint Abatements for Income-Eligible Property Owners**

The best way to eliminate discrimination against families with children because of lead paint is to eliminate the lead paint.

- a. A Town-assisted program for income-eligible property owners is an important tool as an alternative to regulatory enforcement.

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<sup>4</sup> This figure exclude properties not available for rent or sale, including properties held off the market, used seasonally or already rented or sold but not yet occupied.

- b. The Massachusetts Housing Finance Agency's "Get the Lead Out" interest-free, deferred loan, financing program for income eligible property owners (and rental units) is an alternative (or supplement) to a Town-funded lead abatement program.

#### **4. Encourage New Affordable Family Housing**

Encouraging new affordable family housing development throughout the community is essential to address local decision-making biases against new family development.

#### **5. Promote Inclusionary Zoning Policy**

Promotion of an Inclusionary zoning policy that requires affordable housing set-asides in residential development, of whatever type and whatever location, will assist in the diversification of all parts of the Town.

#### **6. Encourage New Multifamily Residential Developments**

Encouraging new multifamily residential projects in Belmont will increase the supply of accessible housing. Under federal law, in all new residential developments with four or more units, public entrances and common spaces must be wheelchair accessible. In addition, at the very least, all ground floor units must be wheelchair accessible and fittings must be adaptable (e.g. bathrooms must be constructed in such a way that grab bars can be added). In elevator buildings, all units must be wheelchair accessible and adaptable. Additional steps will be necessary, however, to make these units affordable.

#### **7. Examine the Lack of Racial and Ethnic Minority Homeownership**

A specific examination of the cause of the disproportionate lack of homeownership with racial and ethnic minority populations (controlling for income) is warranted. Assistance from the Town's real estate community, banking community, and non-profit community, as well as from the public sector, is needed to assess the reasons why such a disparity in homeownership exists. Specific recommendations for future responsive actions should be expected in future AI's from the Town of Belmont.

#### **8. Develop Protections for Tenants to Lodge Complaints**

Procedures that will offer tenants protections if complaints are lodged with respect to housing quality problems are warranted. As with lead paint, however, actions are needed that go beyond a mere regulatory response. Programs that allow landowners to afford to make home repairs are as necessary as enforcement procedures.