

Syllabus

LAW 6903: Cities and Suburbs: Race, Taxes, and Development in American Metropolis
PA 5920: Regional Equity: Law, Policy and Planning
Mondale Hall, Room 35
Thursday, 3:35 to 5:30

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In January, 2006 the Met Council is scheduled to release a new set of figures related to affordable housing needs in the Twin Cities region. These figures will estimate the need for affordable housing city by city, and serve as the basis for all regional affordable housing initiatives. These figures are a significant milestone in regional because in the past the Met Council has been criticized for disseminating affordable housing goals that have not been tied to actual need. Given the large gap between the number of affordable housing units in the region and the number of low and very-low income families, it is anticipated that these new goals will represent a sizable increase over what had been in place previously. Subsidies for affordable housing, however, are not likely to increase significantly in the near future, leaving many to wonder how local governments are to meet the targets they will be given by the Met Council.

This seminar will focus on identifying “best practices” being used by local governments across the country and within the Twin Cities region for getting affordable housing built, including regulatory reform, building technology improvements, and financing incentives to induce the private sector to build more affordable units in the absence of greater subsidies. The seminar will also focus on how these best practices might be adopted by more communities here in the Twin Cities.

A portion of the semester will be given over to a series of panels with housing builders, local community development officials, land use lawyers, and local elected officials to investigate the barriers to affordable housing from various perspectives.

Assignments & Grading

There will be two graded assignments. The first is a group project due at the halfway point in the semester, the second an individual assignment due at the end of the semester.

First half project:

Students will choose to be in one of the following three groups:

Group 1: Analysis of new Met Council Affordable Housing Goals with comparison to existing goals. This group will examine the spatial impact of the new goals, comparing them to the distribution of affordability goals under the current (LCA) regime. Included in the analysis is an examination of the rate at which affordable housing is being added in the region currently, and developing projections for future rates of development based on funding availability. (4-5 members needed, some GIS capabilities desired. This project will constitute 50% of the final grade for team members.)

Group 2: Summaries and recapitulation of the barriers to affordable housing as revealed by each of the panels taking place in weeks five through seven. These summaries are to be complemented by other sources. (4-5 members needed. This project will constitute 40% of the final grade for team members.)

Group 3: Listing and description of best practices by Twin Cities communities for the production of affordable housing. Students will work to contact local officials, review comprehensive plans, local studies, and other sources to identify what communities are doing to make affordable housing happen. (This project will constitute 45% of the final grade for team members.)

Second half project:

In the second half of the semester students will interview local officials to determine the extent to which the best practices (identified in #3 above) can or might be put to use in the Twin Cities. Students will interview local development officials in the cities with the largest affordable housing goals (as identified by the Met Council). Each student will be assigned two communities. Students are responsible for interviewing the relevant local officials in each community and for writing up the results. (This project will account for the remainder of the final grade.)

The work described above will produce a series of discrete reports, including a final report incorporating all of the work done during the semester. Students will work under the direct supervision of the course instructors in all phases of these projects.

Course Outline:

Week 1: Introduction

Students must come having read:

Goetz, E.G., Karen Chapple, and Barbara Lukermann (2002) *The affordable housing legacy of the Minnesota Land Use Planning Act*. Minneapolis: University of Minnesota, Center for Urban and Regional Affairs.

- Goetz, E.G. & L. Mardock (1998) "Losing ground: The Twin Cities Livable Communities Act." Minneapolis: Center for Urban and Regional Affairs, University of Minnesota.
- Lukermann, Barbara L., and Michael P. Kane (1994) *Land Use Practices: Exclusionary zoning, de Facto or de Jure?* Minneapolis: Center for Urban and Regional Affairs, University of Minnesota.
- ORFIELD, MYRON, METROPOLITICS: A REGIONAL AGENDA FOR COMMUNITY AND STABILITY, CH 1 AND 7. online
- Ohm, Brian W. 1993. Growth management in Minnesota: the Metropolitan Land Planning Act. *Hamline Law Review*, vol. 16, no. 2, pp. 359-387.

Week 2: Best Practices – nationally.

Orfield, Land Use and Housing Policies to Reduce Concentrated Poverty and Racial Segregation 33 *Ford. U.L.Rev* ___(2006) forthcoming (online)

Mount Laurel-- Southern Burlington County NAACP v. Mount Laurel Township, 67 N.J. 151, 336 A.2d 713 (1975) (Mount Laurel I); Southern Burlington N.A.A.C.P. v. Mount Laurel Township, 92 N.J. 158 (1983) (Mount Laurel II).

Gatreaux-- Alexander Polikoff, *Gautreaux and Institutional Litigation*, 64 *CHI.-KENT L. REV.* 451, 456-57 (1988); *Gautreaux v. Chicago Housing Authority*, 296 F.Supp. 907 (N.D. Ill. 1969); *Hills v. Gautreaux*, 421 U.S. 962 (1975).

Shannon--**Shannon v. HUD**, 436 F.2d 809 (3d Cir. 1970).
Code of Federal Regulations, Title 24-HUD, 24 CFR 941.202.

Week 3: Met Council's new affordable housing goals.

Met Council New Housing Plan Policy 13/39

Week 4: The regional context.

Readings:

Orfield, Myron, *American Metropolitcs: The New Suburban Reality*, summary and ch 2. online

Orfield, Myron, et. al. Institute on Race and Poverty. "Access to Growing Job Centers in the Twin Cities Metropolitan Area (forthcoming).

Ameregis DNR Study

Weeks 5 – 7: Panels

Builders, land-use lawyers, local development officials

Week 8-9: Student reports from first-half projects.

Weeks 10-11: Intersection of school segregation, land use (and supply), and housing policy.

Racial Integration and Community Revitalization: Applying the Fair Housing Act to the Low Income Housing Tax Credit, 58 V and. L. Rev. __ (forthcoming 2006).

Combining State Equal Protection and School Choice to Achieve Metropolitan School Integration: The Hope of the Minneapolis Desegregation Settlement, 24 Law & Ineq. (forthcoming 2006).

GARY ORFIELD, ET. AL., HARVARD CIVIL RIGHTS PROJECT, RACIAL TRANSFORMATION AND THE CHANGING NATURE OF SEGREGATION (2006).

MYRON ORFIELD, ET. AL., INSTITUTE ON RACE AND POVERTY, MINORITY SUBURBANIZATION AND RACIAL CHANGE: STABLE INTEGRATION, NEIGHBORHOOD TRANSITION, AND THE NEED FOR REGIONAL APPROACHES, (2005).

john a. powell, *Opportunity-Based Housing*, 12 J. OF AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT 188 (2003)

Katherine Kersten, Good Intentions are Not Enough: The Perils Posed by Minnesota's Desegregation Plan Center of the American Experiment, March 1995

Weeks 12 – 14: Reports from students and preparation of final report.

Week 15: Implications for policy and action.

What have we learned? What can be done? What is the likelihood that the new housing goals will be achieved?