

HB 1220: Racially Disparate Impacts Work

Implementing HB 1220 (laws of 2021)

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9/15/2022



Washington State
Department of
Commerce

We strengthen communities



**HOUSING
HOMELESSNESS**



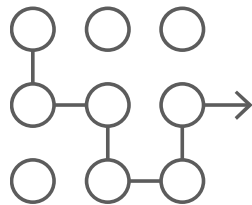
INFRASTRUCTURE



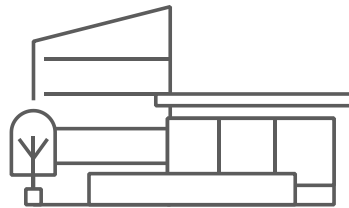
**BUSINESS
ASSISTANCE**



ENERGY



PLANNING



COMMUNITY FACILITIES



**CRIME VICTIMS &
PUBLIC SAFETY**



**COMMUNITY
SERVICES**

HB 1220:

Changed RCW 36.70A.070 (2): The Housing Element

Changed GMA housing goal:

- “**Plan for and accommodate** ~~encourage the availability of affordable~~ housing **affordable** to all economic segments.”

Requires Commerce to provide projected housing need to local governments:

- For moderate, low, very low, and extremely low-income households
- For permanent supportive housing, emergency housing and emergency shelters (referred to as special housing needs)

Local housing element to:

- Identify sufficient capacity of land for identified housing needs
- Within urban growth areas (UGAs), moderate density housing options
- Document barriers to housing availability such as gaps in local funding, development regulations, etc.
- Consider housing locations in relation to employment locations
- Consider role of accessory dwelling units (ADUs)

HB 1220: More changes...

Racially disparate impacts (RDI), displacement and exclusion

- **Identify local policies and regulations that result in racially disparate impacts, displacement and exclusion in housing:**
 - Zoning that may have a discriminatory effect
 - Areas of disinvestment and infrastructure availability
- **Identify and implement policies and regulations to begin to undo racially disparate impacts, displacement and exclusion in housing**
- **Identify areas at higher risk of displacement**
- **Establish anti-displacement policies, considering:**
 - Preservation of historic and cultural communities
 - Investments in housing for lower income segments
 - Equitable development initiatives and land disposition policies
 - Inclusionary zoning and community planning requirements
 - Tenant protections

RDI Guidance Development Process

- Created an Advisory Work Group (planning staff from across the state)
- Worked with Advisory Work Group to:
 - Define terms
 - Review and test methodology and policies
- Interviewed Equity Experts
- Integrate Recommendations into Existing Housing Element Guidance
- Publish Draft Guidance and Host an Online Open House
- Public Comment Period
- Finalize Guidance and Present Webinar



RDI Evaluation Methodology: Policy and Regulation Evaluation

Understand your community: Identify measures to evaluate racially disparate impacts, exclusion and displacement

Analyze data: Examine data for racially disparate impacts, exclusion and displacement and identify areas of higher displacement risk

Evaluate policy: What policies contribute to disparate impacts, displacement or exclusion?

Revise policy: What new or improved policies are needed to undo impacts? Prevent displacement?

Review and revise regulations: What regulations and programs are needed to address and undo impacts?



Community
engagement
throughout

RDI Evaluation

Step 1: Understand your community

- Identify data measures to evaluate similarities or differences in equity issues across different races (e.g., home ownership, cost burden, access to community amenities, etc.)
- Identify populations most likely to experience racially disparate impacts, displacement or exclusion in housing
- Review these measures and populations with community organizations and representatives

RDI Evaluation

Step 2: Analyze the data

- Review demographic data to develop an understanding of racially disparate impacts, displacement and exclusion in housing
 - Who shares in or is excluded from the housing?
 - Are there patterns of exclusion or segregation?
 - Who is at risk of displacement?
- Recommend jurisdictions disaggregate data by race to determine RDI
- Review other data (e.g. demolitions, foreclosure) that may be indicators of displacement
- What are the specific housing barriers encountered locally?
 - Where does residential zoning contribute to disparate impacts or exclusion?

RDI Evaluation

Step 3: Evaluate Existing Policies

- **Evaluate existing policies to see if they:**
 - Support or challenge the GMA housing goal
 - Address identified racially disparate impacts, displacement and exclusion

Criteria	Evaluation
The policy supports the GMA housing goal and addresses RDI, exclusion or displacement.	S: Supportive
The policy can help achieve the GMA housing goal but may be insufficient or does not address RDI, displacement and exclusion in housing.	A: Approaching
The policy may challenge the city’s ability to achieve the GMA housing goal or contributes to RDI, displacement or exclusion. The policy’s benefits and burdens should be reviewed to improve the equitable distribution of benefits and burdens.	C: Challenge
The policy does not impact the city’s ability to achieve the GMA housing goal.	NA

RDI Evaluation

Step 4: Policy revisions

- How can existing policies be strengthened?
- What additional policies can begin to undo disparate impacts, exclusion and displacement?
- How will you monitor and assess RDI, (anti) displacement and exclusion over time?

Step 5: Regulatory review and revisions

- Ensure policies and implementing regulations are consistent and connected
- Regulatory changes should be guided by the updated policies
- Code updates required with comprehensive plan per RCW 36.70A.130

Commerce Guidance Document

- Commerce guidance will recommend what a local government must do to address RCW 36.70A.070(e) – (h)
 - Recommend analysis of racially disparate impacts (RDI), displacement and exclusion
 - Identify areas at risk of displacement
 - Analyze housing policies and regulations
 - Identify and implement policies and regulations to address RDI, displacement and exclusion
 - Establish anti-displacement policies
- Examples of policy and regulatory options, and how to identify areas at risk of displacement, will be provided

Communities may find...

- Current policies are lacking or insufficient to address RDI, exclusion and displacement
- Policy and regulation amendments will be needed, some of which will build on existing plan policies:
 - Increase affordable housing production
 - Preserve existing safe and affordable housing
 - Provide for a diverse mix of housing opportunities throughout the jurisdiction
 - Help existing communities thrive and existing households stay in their homes
 - Monitor impacts of code amendments on housing, including displacement
 - Pay attention to equity and displacement in making decisions on infrastructure and other public investments

Next Steps

- Draft RDI Guidance will be posted on Commerce website by Monday, Sept. 19th
- Draft RDI Guidance material will be available for public review for one month
- Online Open House on Thursday, Sept 22nd from 2-4 pm
- Final RDI guidance published in November
- Webinar in November on completed RDI Guidance

New Proposed Housing Element Guidance Organization

- Book 1: Long Range Planning Framework
- Book 2: Community Engagement
- Book 3: Assessing Housing Needs **
- Book 4: Updating Policies and Strategies **

**Bulk of RDI material will be in books 3 and 4.

Discussion



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Department of
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Definitions

- **Racially disparate impacts:** When policies, practices, rules or other systems result in a disproportionate impact on one or more racial groups
- **Displacement:** The process by which a household is forced to move from its community because of conditions beyond their control
- **Exclusion in housing:** The act or effect of shutting or keeping certain populations out of housing within a specified area, in a manner that may be intentional or unintentional, but which nevertheless leads to non-inclusive impacts
- **Displacement risk:** The likelihood that a household, business or organization will be displaced from its community

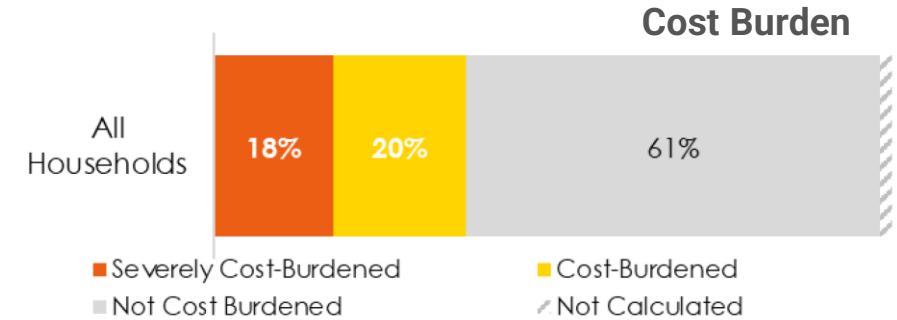
Definitions

- **Discriminatory effect:** The effect, regardless of intent, of differentiated outcomes for a group based on a protected classification. May be an action or failure to act. Protected classifications include race/color, national origin, religion/creed, sex/ gender/ domestic violence status, familial status, disability, marital status, sexual orientation and military/veteran status.
- **Disinvestment:** A process by which a community is not prioritized for investment, or by which a system, policy or action disincentivizes investment in a specific area. Disinvestment processes occur over time, often in the long term

Existing Policy Evaluation

Case Example

- A community completed their housing needs assessment including the new requirements for assessing racially disparate impacts, displacement and exclusion in housing.
- The analysis found that renters are more cost-burdened than owners.
- It also found that Black and Hispanic households are more likely to be renters.
- Desired policy outcomes include protections for renters and affordable homeownership.



Sources: HUD CHAS (based on ACS 2012-2016 5-year estimates), BERK, 2020. Note: 'Not Calculated' represents households with no or negative income.

