



ON FAIR GROUND

A SEMIANNUAL FAIR HOUSING NEWSLETTER OF THE LEXINGTON - FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION

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Urban Growth Controls and Affordable Housing

by Executive Director, William D. Wharton

Most Americans do not realize that we are still a racially segregated society. Few people appreciate the depth of Black residential segregation or the degree to which it is maintained by ongoing institutional arrangements and contemporary individual actions.

Many view racial residential segregation, if they acknowledge that it exists today, as a bi-product of 1960's civil rights laws that have not had enough time to work. Others view racial residential segregation with the belief that Blacks prefer to live in Black neighborhoods.

Racial segregation did not just happen; it was manufactured through a series of self-conscious actions and purposeful institutional arrangements that continue today.

As many of you already know, segregation is not a neutral fact. It undermines the social and economic well-being of Blacks to an experience of poverty, joblessness, a majority of children

born out of wedlock, welfare, educational failures, and a host of other social, educational and economic failures.

We admit that affordable housing is not synonymous with race or racial segregation, but we recognize that these issues are intertwined because of the disproportionate affect on minorities. Please keep in mind, when we say affordable housing we are not just talking about low or moderate-income families and individuals, but also families and individuals that make 80% of the median income. In this community, we are talking about families and individuals whose incomes are in the \$40,000+ range. Therefore, in the public sector we are talking about people like police officers, teachers, sanitation workers, secretaries, and their families. In the private sector, we are talking about factory workers and service industry workers like restaurants, construction, retailers and their families. All are very important members of our community whose

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housing choices are sensitive to public policies.

We set out to document and impress upon our local policy makers the present affect of land use decisions and zoning policy on development in our Community in 2001. We received a grant from our local government's CBDG program and contracted with the University of Kentucky Center for Real Estate Studies (UKCRES) to conduct an analysis of the economic impact of various zoning ordinances on the local housing market.

We chose UKCRES because it regularly does work for the government and with housing industries, such as the Homebuilders Association and the Board of Realtors. We hope that their credibility with the government, private housing industry groups, and others will assist us in impressing upon our community that affirmative efforts need to be taken in order to promote racial residential inclusion.

What follows is a short summary of the study's findings.

Methodology of the Study

The study was divided into three phases. The first phase was an exhaustive survey on the economic literature that examines the issues associated with various zoning ordinances and their impact on the housing market. This also included a lengthy discussion on modern growth controls that addressed three questions surrounding modern development. One of those questions involved growth controls

and preservation of farmland and open green spaces. The second question focused on how urban containment policies impact land value, and the third and last question focused on how smart growth initiatives impact land values. The second phase of the study discussed how to utilize the literature survey to design an empirical research study of various local rules and regulations. The third phase of the study discussed the Center's findings with respect to phases one and two.

Overview of Land Use Planning and Urban Growth Controls in Lexington-Fayette County, Kentucky

Lexington-Fayette County merged its city and county governments in 1974, but began implementation of urban growth controls in the 1960s. We call ourselves an "Urban County" as opposed to a "Metro" form of government. Our primary growth control was the creation of an urban service boundary and a rural service boundary. Growth and development are generally limited to inside the urban service area and farming and green space is protected by inclusion in the rural service area. Notwithstanding these developments, Lexington has grown tremendously since 1960 and for a brief period, was Kentucky's largest city before being eclipsed by the emergence of the new Louisville Metro Government in January 2003.

As noted in the study, the "brakes" where applied to growth in the

1990s and its affects are now being felt in the local housing market. A second development was the Urban County Government's Purchase of Development Rights (PDR) program that was implemented during the same period. The PDR program is designed to protect farmland from development by paying participating farmers cash for the right to develop their land into things other than approved agricultural uses.

General findings of the study:

- Growth controls should have a positive effect on land values.
- Growth controls are positively related to higher incomes and land prices.
- Growth controls also produce exclusionary effects on minority and low income households.

Findings of the study of local interest:

- Implementation of the local growth controls has produced the intended affect of limiting Lexington's growth.
- These growth controls began to have its strongest affect in the mid-1990s.
- As the supply of the developable land within the urban service district continues to decline, we can expect higher housing prices that will have the most negative impact on minority and low and moderate-income households.

The entire study can be found on the Commission's web site at www.lfuchrc.org.

THE HUMAN RIGHTS COMMISSION WELCOMES NEW COMMISSIONER ANGELA SLATON



Commissioner Angela Slaton received her B. S. in Business Administration from the University of Phoenix in 1994 and graduated from the Louis D. Brandeis School of Law in 1999. During law school, she clerked for the Division of Protection and Advocacy in Frankfort where she researched issues dealing with Medicaid, persons with disabilities, fair housing, the ADA, and special education. After law school, Ms. Slaton worked as the Staff Attorney for the Lexington Fair Housing Council where she worked to eliminate housing discrimination against all persons in protected classes. During her time at the LFHC, Ms. Slaton served on the Executive Board of the Lexington Network and on the Legal Issues Committee of the National Fair Housing Alliance in Washington, D.C. Currently, Ms. Slaton is the Staff Attorney for the Kentucky Client Assistance Program where she continues her work advocating on behalf of clients with disabilities.

LFUC HUMAN RIGHTS COMMISSION INTERNS - SPRING 2003



Meghan Greenwell
Centre College
Project:
Compliance and
Legislative Issues



Stephanie Hackman
Centre College
Project:
Community Relations
and Fair Housing Issues



Aria Zhalet Higgins
Fayette County Public Schools
EBCE Program
Project:
Case Processing and
Affirmative Action

Compliance Report - 1st & 2nd Quarters of FY 2003 *July 2002 - December 2002*

Cases Received:
Employment - 48
Housing - 8
Public Accommodations - 5

Cases Resolved:
Employment - 60
Housing - 12
Public Accommodations - 3

*Did you know that the LFUC Human Rights
Commission was started in 1963?*

Join us in celebrating our 40th Anniversary!



**ANNIVERSARY
CELEBRATION**

Keep up with the activities as events are
posted on our web site:
WWW.LFUCHRC.ORG



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