AGENDA ITEM 12

To: Council Members
From: Staff
Date: December 13, 2013 Council Meeting
Subject: Seven50 – Comments by Commissioner Bob Solari

Introduction

At their October 15, 2013 meeting, the Indian River County Board of County Commissioners voted to request time on the Council meeting agenda for Commissioner Solari to respond to Michael Busha’s letter dated September 30, 2013 to Mayor McPartlan concerning Seven50. The attached documents were provided by Commissioner Solari.

Recommendation

For informational purposes only.

Attachments
Attachments

1. Busha letter to McPartlan (9.30.13)
2. Solari/O’Dell email exchange (10.17.13)
3. Solari letter to Busha (11.30.12)
4. Busha letter to Solari (12.12.12)
5. Solari letter to Busha (1.17.13)
6. Busha letter to Solari (2.25.13)
7. Solari letter to Wallace (10.24.13)
8. SFRV&B for EP Action Plan 1, Tasks 1-2
9. Part 2 SEA&OI for Seven Counties
11. Wall Street Journal: Obama Storm Tax
12. Wall Street Journal: EPA’s Pebble Beaching
13. Armed EPA raid in Alaska
14. HUD letter to Astorino (5.10.13)
15. Westchester Gov Housing Settlement
17. Wall Street Journal: HUD’s Race-Based Housing
18. Wall Street Journal: HUD’s Racial Subdivisions
19. Wall Street Journal: Washington’s Fair Housing Assault on Local Zoning
20. HUD’s New Fair Housing Rule (7.22.13)
21. HUD’s Power Grab
22. Washington Times Do Single-family homes threaten the planet?
23. Indian River Industry Wages – 1st Quarter, 2013
24. Busha letter to Solari (11.13.13)
27. Wall Street Journal: Most Online Course Users Well-Educated
28. Wall Street Journal: Rigging Antidiscrimination Law
29. Wall Street Journal: Pacquiao Wins, Uncle Sam Loses
30. Wall Street Journal: We Have Not Yet Begun to Fight the Bike Lanes
September 30, 2013

The Honorable Bob McPartlan
Mayor
City of Sebastian
1225 Main Street
Sebastian, FL 32958

Subject: Seven50

Dear Mayor McPartlan:

As requested, please find some Seven50 talking points in response to Commissioner Solari’s main areas of concern:

• The idea for the Seven50 effort was not generated by the locals, but that we were enticed by HUD to do it.

**Fact:** In 1985, the State’s growth management laws required all regional planning councils to create long-range strategic regional plans for their regions. Since then, TCRPC has completed two – the original in 1987 and then one in 1995. The regional planning councils talked locally about working together on a seven-county long-range strategic plan during 2006-2008. The idea for the plan was called Southeast Florida 2060, but there was no way to fund it so the idea was shelved. Four years later, HUD offered a way to pay for the effort through their competitive Sustainable Community Initiative grant program.

Treasure Coast and South Florida Regional Planning Councils represent 127 different local governments. Their boards are made up of two-thirds elected officials from around the region. These “councils of local government” decided to join together in an effort to apply for the grant and do a joint regional plan. Nearly every local government and several civic-minded groups in the two regions (Southeast Florida Partnership) had signed on individually, agreeing that it was appropriate to apply for the grant. Fact is, without such overwhelming local support, including Indian River County and its Metropolitan Planning Organization, HUD would not have awarded the grant. This was truly a locally sponsored effort.

• It is not consistent with Indian River County’s “core values.”

**Fact:** Please refer him to the Seven50 core values. The ones the citizens of Indian River County are opposed to need to be identified. This opinion is also overly presumptuous and not based on a reading of the Seven50 report.

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Mayor Bob McPartlan
September 30, 2013
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• Does not like the methods Council used to obtain information from the public.
• Does not like one of the planning firms involved (DPZ, Inc. – Andres Duany).
• Believes there has been corruption in how the South Florida Regional Planning Council used the grant money.

Fact: These opinions are completely subjective and there is no evidence to support claims of “corruption.” HUD is more than satisfied about how the grant is being managed by SFRPC. The one planning firm he is concerned about (DPZ) has been paid $94,980 over the last three years or about 2.2 percent of the grant. DPZ’s involvement has been minimal at best. They are not leading any efforts or writing any sections of the Seven50 report.

• Seven50 will lead to federal and state agency control and takeover of local planning, budgeting, and zoning functions – loss of private property rights, etc.

Fact: The Seven50 report contains several data sets; information about future trends; recommendations for how to address and/or take advantage of these trends locally; and ideas for how local governments can work with other local governments and/or the private sector to solve common problems. All of the recommendations and ideas contained in the Seven50 report are entirely voluntary. They are not self-executing. There is no force of law behind the Seven50 requiring implementation. In fact, Seven50 cannot be implemented unless: 1) local government decides it is in their best interest to take action; and 2) considerable local government effort is put forth to carry out the recommendations they believe are beneficial to them.

• Cites the Westchester County, NY vs. HUD case as an example of federal takeover.

Fact: The Westchester County example is a debate about “equal protection” under the law and about a County taking money to build affordable housing and then not providing it according to the grant. The moral or lesson of this story is: if you don’t like the strings attached to the grant, don’t take the money. Again, accepting grant money is solely a local choice.
**Other Talking Points**

These come from officials at meetings of the St. Lucie County Commission and a recent meeting of the Planning and Zoning Board where Commissioner Solari spoke and his followers were present:

1. Boardmembers saw no connection between what will be contained in the Seven50 report and what Commissioner Solari is afraid will happen – federal government takeover, loss of local control, and bigger government.

2. Boardmembers would rather wait to review the Seven50 report before reacting hysterically about a federal government takeover and pull out of the planning effort.

3. Implementation of the Seven50 and accepting federal or state funds is still voluntary under the Seven50 and at the complete discretion of the local government.

4. Boardmembers were resentful of an elected official from another jurisdiction coming uninvited and unannounced to lecture them on his views of the world and waste countless hours of the Boards’ time with the public comment of his followers, disrupting their meetings and preventing them from doing their business.

5. Boardmembers concluded that Commissioner Solari’s problem was not with the Seven50 long-range planning effort, but with his overall mistrust of federal and state agencies, the Obama administration, and government in general. They viewed Commissioner Solari’s comments, and those of his followers, as using the Seven50 as a platform for political gain and to make emotional, political statements against current state and federal government operations and their role in local matters.

**Some Relevant Questions**

1. How will this federal takeover occur? Please take me through the detailed steps of how all local governments will lose control of their local zoning and land use authority and our citizens will lose their property rights, their homes, and be forced to live in a different manner.

2. Will we now be forced to take federal grants and loans?

3. How many times has the MPO and the County Commission voted to take state and federal money to assist with local projects, and how much money?

4. Given the beliefs expressed, should we ever vote to take state and federal money again?
5. Why will the Seven50 regional planning effort affect local governments any more or less than the 1987 and 1995 regional plans? Under those voluntary plans, none of what has been described as bad for local government and our citizens has happened.

6. Since implementation of the plan is voluntary and we haven’t read it yet, why wouldn’t we wait to see what is in the plan before we react so strongly against it? The draft Seven50 document is being released for review on October 11 – two days after our MPO meeting.

7. Isn’t the federal agency takeover we have been warned about contrary to every state, federal, and local law on the books today dealing with local powers? Can all of these laws be violated without recourse? Will all local governments passively submit to illegal actions?

8. Many people have strong feelings about the current administration and goings on in Washington DC. Isn’t all of this emotional commentary just political rhetoric designed to make a political statement against the behavior of the federal government.

Please forgive the length of this response. It has been a long and frustrating process dealing with detractors of the effort based on political emotions and anger that have nothing to do with a regional planning exercise. Additional talking points can also be found in the e-mail you received last Friday.

Sincerely,

Michael J. Busha, AICP
Executive Director

Attachment

cc: Peter O’Bryan, TCRPC Chairman
    Marcela Camblor-Cutsaimanis, Seven50 Project Director
    James Murley, South Florida Regional Planning Council, Executive Director
Seven50 Core Values

Provide more **transportation choices** to increase safety, accessibility, and reliability while reducing household transportation costs.

Ensure the long-term health of the Everglades, Lake Okeechobee, and our coastal ecosystems.

Promote affordable housing opportunities that are market-driven, and expand location and energy efficient **housing choices**.

Improve **economic competitiveness** by giving people reliable access to transportation, employment centers, educational opportunities, and other basic services.

Improve the chances of local governments for capitalizing on federal funding opportunities to increase community revitalization, maintain infrastructure, and support local needs.

**Align federal policies** to remove barriers to collaboration, leverage funding, and increase the effectiveness of existing programs.

Enhance the ability of local government to **address the impacts of sea level rise** through development of disaster preparedness, mitigation and adaptation strategies with specific focus on the protection and restoration of coastal shorelines and beaches.

Protect and enhance the **unique characteristics** of all communities, whether rural, suburban or urban.
Mr. Solari:

It was nice hearing you speak at our September 26th P&Z meeting. Thank you very much for your concern--and time to help St. Lucie County officials realize the impact of Seven50. As a judicial/advisory board member, I welcome input from other public officials with more experience and knowledge in any planning project. Your attached letter from Mr. Busha does not reflect my views since I am aligned with your insight on the mid/long-term negative effects of Seven50 for our community. Your presence and knowledge shared was greatly appreciated at our meeting.

I support your views and to recap our conversation; my difficulty with social engineering and regional planning is with the fact that there has always been a huge gap between equality of opportunity and equality of outcome! Even if life's opportunities were equally acceptable to all, differing talent and luck would still produce a wide gap in social levels.

Isn't it fair that superior skills, greater intelligence or
appetite for hard work should bring a larger share of life's rewards? Or is it the "business" of our government to even out the inequalities that would arise from our differing natural endowments?

Thank you,

Billy O'Dell
St. Lucie County P&Z Commission Member

Date: Thu, 17 Oct 2013 09:15:24 -0400
Subject: September 26 P & Z
From: bsolari@ircgov.com
To: weo56@hotmail.com

Mr. O'Dell:

It was a pleasure meeting with you at the September 26th P & Z meeting.

While I thought the meeting went well, with both sides of the Seven/50 plan being discussed, I was very surprised when I received a copy of a letter that Mr. Busha of the TCRPC wrote to Mayor McPartlan of Sebastian. A copy of that letter is attached. I am particularly concerned with the “Other Talking Points” on page three of the Busha letter. While I would never say that you and your fellow commission members agreed with all or even most of what I said, my feeling when I left was actually that I was reasonably well received by the P & Z Commission. I certainly did not leave with the feeling that I had offended the Commission members and wasted your time. It also surprises me that Commission members were resentful that I had come from another County “to lecture them on his views”. I did say that I was there simply to explain why Indian River County withdrew from Seven/50.
Mr. Busha writes as if the paragraphs on page three reflected the views of all the members of your Commission. As something of a sanity check, I would very much appreciate it if you would address at least some of the “Other Talking Points” and to let me know if what Mr. Busha has written captures your views of the evening. And please, do not spare me. It would be much more beneficial to me if you were frank and open than if you tried in any way to spare my feelings. (In any case, I doubt you could be any harsher than Indian River County’s bloggers.)

Thank you very much for any assistance you can give. Have a great day.

Sincerely,

Bob

Bob Solari
Commissioner, District 5

Indian River County
Board of County Commissioners
1801 27th Street – Building A
Vero Beach, Florida 32960-3365
(772) 226-1438
bsolari@ircgov.com <http://bsolari@ircgov.com>
November 30, 2012

Michael Busha, Executive Director  Victor B. Dover
Treasure Coast Regional Planning Council  Dover, Kohl & Partners
421 SW Camden Avenue  421 SW Camden Avenue
Stuart, FL 34994  Stuart, FL 34994

Gentlemen:

I have been to California a number of times over the past decades. Often, particularly when traveling through newer neighborhoods, I was surprised by the quality of the roads. Not simply the asphalt, but the aesthetics were very pleasing. Coming back to Indian River County I often wondered why California roads seemed somehow better than roads in Indian River County, how they somehow seemed more pleasant to travel along.

It was not until after I became an elected official that the reason for the difference in the roads came to me; cost per mile. In Indian River County, we pay for new roads with impact fees. A road costs so much. A low-density county such as Indian River only generates so many dollars per mile to use to build roads. California has many high-density communities. These communities, with the same impact fee per unit, can generate many times what Indian River can generate for each mile of road built and can therefore, with no greater burden on the individual family, build roads with greater aesthetic appeal. Years ago Indian River County made a choice to be and stay a low-density County.

The result of this choice, to become the low-density County that we are today, is perhaps the most defining feature of our Community. As an elected official in Indian River County, the fact that we are a low-density community is brought up more often than any other feature of our community as that which separates us from our neighbors to the south and that mentioned most often as the reason why they have chosen to live in Indian River County.
I thought of this again during the breakout session of your October 25th "Work Group Road Show" (WGRS). As I understood the first exercise, which our group did not do, it consisted of a number of sets of pictures. Basically, in each set there was an aesthetically pleasing picture matched with a plain, drab uninviting picture. People were asked to pick, which picture they preferred. Not surprisingly, the pretty picture was generally picked. Just as I would, all things being, equal pick the aesthetically pleasing California four-lane highway over the drab Indian River County road; people picked the pretty picture over the drab picture.

However, all things are not equal. And there was no discussion of what makes things unequal. In this case, there was no discussion of cost to the community. For example, it was never asked: In order to have the aesthetically pleasing road, would you be willing to triple the average density in the County?

This is only one aspect of a process that I found to be disingenuous. All of the citizens at the breakout table that I was at, left with the feeling that we were being manipulated, that the decisions had basically been made in advance and that the entire exercise was simply an attempt to justify the already arrived at decisions. One participant said that she felt like a third grader going through the exercises.

This is just one example of what many felt to be a very flawed process. Other examples include:

1. While the meeting was publicized, there was little to indicate to the citizen, who was not intimately involved in the process, what the WGRS would be trying to accomplish. The agenda itself was an example of form over substance. There was nothing in the Agenda that would indicate to a citizen what, if anything, at the WGRS might be of interest to her. Therefore, there was nothing to indicate that something important might be happening that would require her to take time out of her day to attend.

2. Just as disturbing was the answer given to a question asking who was behind the Seven/50 initiative. The citizen was told that it was “partners at different levels who joined in, more than 200 partners growing all the time.” This was a disingenuous answer. The backup that I have says that the answer to the citizens question should have been something like: “In June 2010, the U.S. Department of Housing and Urban development (HUD), in conjunction with EPA and USDOT, awarded a grant of $4,250,000 to the Treasure Coast and South Florida Regional Planning Councils (Councils) to conduct a comprehensive regional planning study through the national Sustainable Communities Initiative (SCI) grant program.” The answer given, that the formation of the Seven/50
Washington. Agencies, I will note that have no knowledge of our local community and whose values, goals and objectives are often the antithesis of the values, goals and objectives of the majority of the citizens of Indian River County. (Later, when pressed on the issue by members of the audience, Mr. Dover did reply that the process was driven by the Federal government).

3. I was struck by the fact that at the breakout table at which I was sitting, there were four citizens (counting myself as one) and also four staff or interested partner members (for example, at my table someone from a planning council, FDOT and the consultants). The team leader would ask something and it always seemed that another interested party would try to drive the citizens in a pre-determined direction. There was no open contentious debate. It felt more like a cleverly designed indoctrination session.

4. A number of the participants thought that the morning was an exercise in manipulation. That the breakout sessions, the mini-polls, the “pick one word” to form a word cloud, and other exercises were no more than activities designed to drive the process to get the results already chosen by the planners and consultants. I would have to agree with them. It was a very professionally driven process. It was all very pretty. However, it was nearly void of substance. Never was it mentioned that things come at a cost. That if you pick one thing you must forgo the other. Yes, you can do this but then you will have to sacrifice that.

Many including myself believe that the entire WGRS was a flawec and manipulative event. My problems with the WGRS, indeed the entire Seven/50, Sustainable Communities Initiative process, however, run much deeper than the half-day event. My greater problems and concerns deal with the core values of the majority of citizens in Indian River County as opposed to the core values of the Sustainable Communities Initiative which were never discussed at the WGRS event.

An important line in the May 2011 “Regional Vision and Blueprint for Economic Prosperity” submitted by the Southeast Florida Regional Planning Council on behalf of the Southeast Florida Regional Partnership, which brought the Seven/50 and WGRS to Indian River County states in part that it would “address the deeply held values in the region”. It may. But none of these “deeply held values” were discussed at the WGRS. More importantly, many of the values of the “Regional Vision and Blueprint for Economic Prosperity”, are inconsistent with, if not anathema to, the values of the majority of citizens in Indian River example. I can only surmise that this is why there was no discussion of these values at the WGRS.

I could not get this letter to you in a timely fashion, were I to try to unpack and articulate all the values expressed in the “Regional Vision and Blueprint for Economic Prosperity”, which are inconsistent with the values held by the majority of citizens in Indian River County but I would like to discuss some conflicting core values, (and please note that I
understand that there are two sides to each of the values. I am not saying which of the values is the correct one. Indeed, a value appropriate for Miami might be right for Miami, but wrong for Indian River County. I am simply expressing what I understand to be “deeply held values” in Indian River County based on having lived here for almost thirty-three years, having worked here for my adult life and having recently been reelected to represent them):

A. Limited Government: The Citizens of Indian River County understand and believe in limited government. That has been clearly demonstrated since the inception of the 2007 downturn. The County has cut its ad valorum tax take by a third. It has reduced its overall budget by almost 40%. An already frugal culture, understanding the problems and needs of many citizens suffering economically, has cut itself significantly by relentlessly focusing on needs and forgoing wants and by limiting ourselves to essential services. The Sustainable Communities Initiative (SCI), being pushed by HUD, the EPA and the U. S. DOT, is part of a culture, which believes that government can never be too large. What is not sustainable is our Country’s debt. But at a time when our debt has reached proportions many believe to be immoral, given the burden we are placing on future generations of Americans, these government agencies have been part of a process that has borrowed another $150,000,000 to, based on a close reading of the “Regional Vision and Blueprint for Economic Prosperity”, reshape America in the image it believes is appropriate.

B. Local Decision Making: Indian River County has shaped itself like no other County in Florida. A simple drive from the offices of the South Florida Regional Planning Council to the Indian River County offices will attest to that fact. If thirty years ago Indian River County had developed consistent with the “deeply held values in the region”, as opposed to the deeply held values of Indian River County, the County would bare little resemblance to what it looks like today. It would look like southeast Florida. And, while we are happy for all those to the south of us who love their communities, we in Indian River County live here because of the ways our communities are different, not because of the way our communities are the same.

C. Property Rights: The majority of citizens of Indian River County understand that property rights are not absolute and that with the benefits of owning property come certain responsibilities and limitations. But, we believe that property rights are essential for a successful County and for a successful America. We further believe that our County has done a better job of balancing the rights and responsibilities of property ownership than have many communities. The federal agencies behind the SCI both by their actions over the past few years and in the “Regional Vision and Blueprint for Economic Prosperity” express a very different view of property rights. In short, they believe that property ought to be used in
ways consistent with its best use for the collective. Indian River residents still believe that while understanding and appreciating the needs of the community, it is the individual who should, in the final analysis, determine what is the best use of her property.

D. Representative Democracy: Indian River County is still a community that believes that Representative Democracy is not only the form of government established at the founding of our County, and that it is the form of government that made America the greatest country in the world but that it is still the best form of government devised by man and still appropriate for our County as well as for our Country. The issue of charter government, a move away from representative democracy towards a more direct democracy, was the biggest issue when I ran for my County Commission seat in 2008. I ran for representative democracy and against charter government, as did others. Charter government was defeated and the citizens of Indian River County reaffirmed their belief in Representative Democracy. The “Regional Vision and Blueprint for Economic Prosperity” clearly supports a move away from Representative Democracy. It supports the broadest of possible “Collaborative Partnerships” designed to be a move toward a plebiscitary form of government, a form of direct democracy, inconsistent with a flourishing Representative Democracy.

E. Fiscal Responsibility: Related to, but not the same as, limited government is the idea of fiscal responsibility. A reading of the “Regional Vision and Blueprint for Economic Prosperity” shows that its goal is to do more than establish a huge bureaucracy to plan for the future; it plans to be a part of the implementation of that plan. The Blueprint states: “…the Partnership, under the leadership of its Executive Committee will develop a structure for its ongoing operations so it can continue to play a meaningful role in shaping the region’s future.” Just as no financial information was given on the cost to build or operate anything that this plan might recommend, no financial information has been given on what the annual operating cost will be to maintain the bloated Partnership that the Blueprint is hoping to establish. As I write this, the United States Federal debt is almost $16.3 trillion dollars. This amount, while large, is dwarfed by the unfunded liabilities of the Federal government, which one website shows to be over $121 trillion dollars. This is a liability of over $1 million for each American taxpayer. Locally we can manage, without help from various Federal agencies, whose goals and objectives the majority of us do not share, to build a “sustainable community”. What we cannot do is manage the unsustainable Federal debt. We can only say no to a process, the Seven/50 initiative, which will lead us further down the path of unsustainable spending.
Liberty: The great tension in American politics today is that between Liberty and social justice. Both are required for a democracy to flourish. I believe that Indian River County has found a reasonable balance between the two. The “Regional Vision and Blueprint for Economic Prosperity”, however clearly pushes for much more social justice at the cost of Liberty. It is pushed by federal agencies, which clearly favor the collective will over individual Liberty. The Mission Statement of the Partnership is one of social justice devoid of Liberty. Other language throughout the Blueprint, indicating that it will address not opportunities but “outcomes”, which it will determine, never mentioning the needs of Liberty, clearly, and perhaps reasonably for a new bureaucracy pushed by the U. S. Department of Transportation, HUD and EPA, reinforce the tenets of social justice at the expense of Liberty.

I can understand the desire for people to want to build a better, brave new world. However, after reading the “Regional Vision and Blueprint for Economic Prosperity” and attending the WGRS on October 25 it is clear to me that you are building a world that many in Indian River County will not be able to afford, based on a set of “deeply held values” inimical to the majority of the residents of Indian River County.

Sincerely,

Bob Solari
District 5

BS:mpl
December 12, 2012

The Honorable Bob Solari, Commissioner
Indian River County Board of County Commissioners
1801 27th Street
Vero Beach, FL 32960-3365

Subject: Seven50 Regional Planning Effort

Dear Bob:

Thank you for your recent critique related to our first public input effort conducted in Indian River County. Also, I appreciate the concerns you expressed over how being part of the Seven50 regional planning effort may invite: 1) unwanted federal government intrusion and regulation in local matters; 2) a loss of local decision-making authority and private property rights; 3) increased government spending and layers of bureaucracy; and 4) changes to the county’s desired low density character and scale.

Staff is currently making adjustments to improve its future public input and notice processes based on your comments. With regard to your other concerns, I can only point to the 1987 and 1995 regional plans prepared by Council for the Treasure Coast Region, which have not resulted in what you predict. If it had, Indian River County would be a much different, less desirable place to live. Participating in the Seven 50 planning effort; implementing the resulting regional plan; changing local plans, zoning, and capital spending; and requesting/accepting federal assistance will be as always, strictly voluntary -- the sovereign right of a local government.

Rather than growing layers of bureaucracy, the Council sees the regional plan as a means of reducing bureaucracy, federal intrusion, and the wasteful duplication of spending. This is what often occurs when adjacent local governments and regional, state, and federal agencies are working independently on the same things. We spoke of three instances identified already by the Seven50 effort where such reductions can occur: a one-stop regional data warehouse; opportunities for consolidation of regional planning council operations; and the establishment of a seven-county sea level rise, transportation planning, and interactive future trends model rather than having several different ones.
The Honorable Bob Solari, Commissioner
December 12, 2012
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In addition to having influence over and access to the benefits described above, it is clear there are several challenges and opportunities for the county to consider that cannot be won alone and will require regional cooperation and solutions. These include: 1) the clean-up and continued health of the Indian River Lagoon; 2) the revitalization of our agricultural industry; 3) the maintenance of our beaches, inlets and intracoastal waterways; 4) improving the county’s access to regional transportation, import/export and travel options; 5) carrying out regional economic development initiatives; 6) the conduct of emergency evacuations and post-disaster recovery efforts; 7) growing higher educational opportunities locally; and 8) establishing a competitive and robust network of fiber optics, which is critical to growing the region’s bioscience/medical cluster. In all of these efforts, the county will be stronger and more successful by standing with a region, rather than by itself.

Finally, the U.S. Department of Transportation, Department of Housing and Urban Development, Environmental Protection Agency, and other federal funding agencies will be using the Seven50 regional plan and those like it being developed around the country to guide future federal funding investments. They consider these regional plans as business or investment plans and will place a special emphasis on distributing their funds to the regions who have them. Counties who opt out of the regional plan unnecessarily place themselves and their citizens at a disadvantage. It is still unclear whether the county’s withdrawal from the regional plan will put the municipalities at a competitive disadvantage as well.

There is an alternative to a complete withdrawal and retreat from the regional planning effort. It would be to provide the county exclusive authorship of sections of the regional plan related directly to Indian River County. In other words, any plan components; terms and conditions of implementation and future involvement; and policies related to private property rights, entrepreneurship, fiscal constraints, federal involvement and other county-specific concerns can be addressed solely by its own hand. This option is available now because we are in the very early stages of the process and no plans or decisions have been made about the contents of the regional plan.

Council offers this alternative because it would prefer the county not isolate itself. Having worked with Indian River County for more than 36 years, Council believes the county has much to offer and to gain in this effort. In addition, it seems premature and unnecessarily reactionary to withdraw at such an early point in the process when the withdrawal option is available at any time in the future.

Both regional planning councils involved in leading this effort have always had the deepest respect for the home rule authority of its local governments. Together they work for their members in the most diverse and economically productive region in the state. The resulting Seven50 plan will not be federal government’s plan. It will be an investment plan for the future.
of the region developed by the local governments, along with their many private and public sector partners. Not this regional planning process or anything else will ever change that. I encourage the county’s continued participation.

Respectfully submitted,

Michael J. Busha, AICP
Executive Director

cc: Indian River County Board of County Commissioners
Joseph Baird, County Administrator, Indian River County
Robert Keating, Community Development, Indian River County
Mayor Susan Adams, City of Fellsmere
Jason Nunemaker, City Manager, City of Fellsmere
Mayor Thomas W. Cadden, Town of Indian River Shores
Richard Jefferson, Town Manager, Town of Indian River Shores
Mayor Harold Ofstie, Town of Orchid
Deb Branwell, Town Manager, Town of Orchid
Mayor Bob McPartlan, City of Sebastian
Al Minner, City Manager, City of Sebastian
Mayor Craig Fletcher, City of Vero Beach
James O'Conner, City Manager, City of Vero Beach
Kevin J. Foley, Chair, Treasure Coast Regional Planning Council
Mayor Samuel Ferreri, Chair, Seven50 Executive Committee
James Murley, Executive Director, South Florida Regional Planning Council
Marcela Camblor-Cutsaimanis, Project Director, Seven50
Victor Dover, Seven50
January 17, 2013

Michael Busha, Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

Dear Michael:

I was hoping that you could help me with two Seven/50 related items, one deals with the Seven/50 database and the second with the initial handling of the Sustainable Communities Initiative grant.

This Tuesday I received an email asking for clarification of the availability of the database to those who are not members of the Seven/50 group. My constituent wrote:

... during the Commission debate you asked the representative how much money had been spent on the Data Barn massive databank program ... the answer was $1.6 million. You asked if that was taxpayer money and she responded, yes.

Then you (or someone) asked if it will be transparent and we will all have access. This is what I heard ... "No, it's restricted." I believe she went on to mention three people ...

In the Council Meeting when asked how much has been spent she mentioned $1.6 million ... and when asked if we could all use it ... she said yes.

I brought this up in my speech and when she came to the podium to refute - she said that she had corrected herself before the commission. I do not remember this ... in any event, it is an important issue.
Michael Busha, Executive Director
January 17, 2013
Page Two

My recollection of what happened at the County Commission meeting is the same as that of my constituent. I recall Ms. Camblor saying that the database would not be available to those who were not members. I do not recall, though she very well may have, Ms. Camblor later correcting herself. Would you please clarify who will be able to use the database? If the database is not available to all members of the public, with the easiest possible access, would you please spell out to whom it will be made available, any and all restrictions and how it will be made available to the public?

The second issue deals with the initial handling of the Sustainable Communities Initiative grant. I have been able to put a few pieces together based on comments that you and others have made at various meetings and after looking at various documents, but I have not been able to put together a whole, coherent picture.

I first heard about the problems with the Sustainable Communities Initiative (SCI) grant at a TCRPC budget meeting. Members were somewhat frantic because up to a million dollars of the grant had been spent and there were, as you put it, “no deliverables”. Another person mentioned that “one-year on” and there was “a one page HUD report”. Another member called it, referring to the South Florida Regional Planning Council (SFRPC): “Their little piggy bank of a project”. Another stated: “They have squandered most of one million dollars.”

The understanding that I left the meeting with was that the SFRPC was overstaffed and that it had used the SCI grant money to avoid layoffs. That it had not up to this point effectively used the money for grant purposes and that significant changes to the management of the grant would have to be made almost immediately or the TCRPC would have to withdraw from participation in the SCI grant. It was further my understanding that the expectation was that the TCRPC would take the lead in the grant management and that a clearer budget would be developed and then followed to insure that all of the requirements of the grant would be met.

You said that members of the Executive committee from the TCRPC were grappling with the problems and that you hoped to put things on a better path by March 30 at an Executive Committee meeting of the Southeast Florida Regional Partnership (SFRP).

There was some more related talk of the problems with the SCI grant at the March 16, 2012 TCRPC meeting. At that meeting, Ramon Trias said: “the project has spent $700,000 with no results so far.” Again, the March 30 meeting was mentioned. At the March 16th meeting Ms. Marcella Camblor spoke and said that there was now discussion about giving the project a new identity and a new name. My understanding of this is that this was to be part of a fresh start meant to get the project back on the right path. It was also my understanding that it was during this period, because of the initial problems, that the name was changed to Seven/50. During her presentation she
stated: "We do have challenges regarding management and budget". Again, I took this to refer to the initial monies misspent by the SFRPC. Again, I understood that these problems Ms. Camblor referred to would be addressed at the March 30, 2012, SFRP Executive Committee meeting.

I had hoped to get some clarity by reading the minutes of the SCI Executive Committee meeting of March 30, 2012. It did not help. The closest thing that I found that might be connected to the problems was a paragraph that noted that, "Following the budget and monitoring structure motion, Marcela Camblor-Cutsalmanis, the new Project Director, introduced and presented the revised Timeline..."

I would very much appreciate a clear narrative and accounting of what happened with the first million dollars. In your opinion were the funds properly spent? I believe that all the statements I made above are accurate but could you please clarify and correct any that you believe mistaken. Could you also give me a copy of all minutes, emails, notes or other documentation, which discuss or would throw light on the problems that the SCI grant initially encountered?

In short, I would like to get a clear picture of what initially occurred with the grant that caused so much angst with members of the TCRPC and members of the SFRP Executive Committee and your help would be greatly appreciated. Thank you.

Sincerely,

Bob
Bob Solari
District 5
BS:mlp
February 25, 2013

The Honorable Bob Solari, Commissioner
Indian River County Board of County Commissioners
1801 27th Street
Vero Beach, FL 32960

Subject: Seven50

Dear Bob:

Your January 17, 2013 letter contained a request for some clarification on two Seven50-related items. One was to whom and how will the Data Warehouse be made available. The audio record from the December 18, 2012 Commission meeting only has Ms. Cambor providing a concise, one-time response to these questions -- the Data Warehouse is available to everyone via the internet, no restrictions. The same response was given to the Vero Beach City Council when a member of the public raised the same questions at its January 8, 2013 meeting. The actual cost of the Data Warehouse is $79,900, of which $67,915 has been spent to date.

The other request was related to the initial handling of the Sustainable Communities Initiative grant. I concur your letter accurately captures the mood and concerns of the Executive Committee and the Treasure Coast Regional Planning Council during the six months prior to March 30, 2012. It is why Council moved to withdraw from the project unless significant grant management changes were made by March 30, 2012. It is also why the Executive Committee moved to restructure how the grant funds and project were being managed. It did so by hiring a Project Director and putting all aspects of the project under more direct control of the Committee.

It is important to understand that all funds expended for the project have been thoroughly vetted by the grantee and “fiscal agent” South Florida Regional Planning Council and with the Grantor, U.S. Department of Housing and Urban Development (HUD). HUD’s conclusion is the project is on-budget, on-schedule and the grantee/project is considered “high performing.” A clearer picture of what monies have been spent and by whom will be provided through the public records you have requested. Staff will assist you as needed in this regard. Also, the attached written record provides the reasoning and benefits behind why the Executive Committee moved on June 1, 2012 to adopt the name, “Seven50.”
As staff for the Council and Executive Committee, my job is to make sure the Seven50 project is completed on-time and on-budget, with all end products considered as an excellent and useful resource to our citizens and elected decision-makers. As a board member of the Council, I look forward to your guidance and support in accomplishing this mission.

Sincerely,

Michael J. Busha, AICP
Executive Director

MJB:lg

Attachments

cc: Marcela Camblor-Cutsaimanis, Seven50 Project Director
    Mayor Samuel Ferreri, Seven50 Executive Committee Chair
    Commissioner Peter O'Bryan, TCRPC Chair
    James F. Murley, SFRPC Executive Director
Paul Wallace, Chairman
South Florida Regional Planning Council
Hinshaw & Culbertson
2525 Ponce de Leon Boulevard, 4th Floor
Coral Gables, FL 33134

Dear Chairman Wallace,

On October 18, 2013, Stephanie Austin spent about 2.5 hours travelling to the Joint SFRPC and TCRPC meeting for the discussion on the recently released Seven/50 planning document. She waited patiently through almost four hours of discussion about the plan. She hoped to comment on the plan, for three minutes, before spending almost 2.5 hours travelling home. Mrs. Austin spent a full day with the hope of speaking for three minutes at a public meeting.

Mrs. Austin began to speak and before she was able to get too far, you very brusquely and rudely cut her off. As I understood your reasoning, you cut her off because you could not see how a regional plan in the San Francisco area could be relevant to a regional plan along a part of Florida’s east coast. In my opinion, it would take a pretty dull mind not to see how a regional plan in one area of a country would not be relevant to a regional planning process in another area of the same country. As was often noted at the joint meeting, each county in the region does not live in a vacuum, thus the need for a regional plan. The same reasoning suggests our region does not live in a vacuum, thus the relevance of what has transpired in other regions has relevance to our planning process.

Even if the relevance could not be recognized, there was no reason for your uncivil treatment of Mrs. Austin. But it gets worse. After the meeting, my wife approached you so she could share her thought that your treatment of Mrs. Austin was wrong. During that discussion, you referred to Mrs. Austin, more than once, as an “ass”. This was bad behavior. You owe Mrs. Austin an apology.

1801 27th Street, Building A
Vero Beach, FL 32960
(772) 226-1480
In Indian River County, we appreciate citizen interest in what we do. We have patience and respect for our constituents. You showed neither to Mrs. Austin. More than that, we believe our residents have a right to speak at public meetings. This is a right shared by the Florida Legislature, as evidenced by legislation that went into effect just weeks ago, dealing with the public’s right to speak. I find it very discouraging you do not have the same respect for this right.

I have not been a supporter of this federally sponsored planning process since I first read the plan’s foundation document, the “Regional Vision and Blueprint for Economic Prosperity”. One reason is because it will take authority in some areas away from locally elected officials and place it in the hands of unelected bureaucrats. What happened on the 18th was an excellent confirmation of this. That an unelected official from a distant county could deny Mrs. Austin her three minutes at the podium is, I am regretfully sure, just one of the first pernicious results of this plan as it takes us down the road to perdition.

I will finish with this, should you come up to Indian River County to speak before the Indian River County Commission, you will be much better treated than you treated Mrs. Austin on October 18th at the joint meeting, which you co-chaired.

Yours,

[Signature]

Bob Solari
District 5

BS:mlp

cc: Peter O’Bryan, Chairman, TCRPC
    Michael Busha, Executive Director, TCRPC
    Mrs. Stephanie Austin
SOUTHEAST FLORIDA REGIONAL VISION AND BLUEPRINT
FOR ECONOMIC PROSPERITY

ACTION PLAN #1
TASKS 1-2

THIS ACTION PLAN #1 dated this ___ day of ___________, 2012, supplements and is considered by all parties to be part of the approach for the creation of the Southeast Florida Regional Vision and Blueprint for Economic Prosperity. This document identifies and describes the specific tasks outlined in the Consultant Agreement in greater detail, identifies the roles of different members and the deliverables from each task, and the financial budgets for each task. Some tasks will be performed by paid consultants and some tasks will be provided through "in-kind" services provided by Partnership members.

Participants in this action plan include, but are not limited to:
The "Client" that consists of:

The South Florida Regional Planning Council,
3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, and

The Treasure Coast Regional Planning Council,
421 SW Camden Avenue, Stuart, FL 34994

The "Consultant" or "Consultant Team" or "the Dover, Kohl & Partners team" that consists of:

Dover, Kohl & Partners,
1571 Sunset Drive, Coral Gables, FL 33143

Duany, Plater-Zyberk & Company
1023 S.W. 25th Avenue, Miami, FL 33135

Criterion Planners
725 NW Flanders St. Suite 303, Portland, OR 97209-3539

Cardno ENTRIX
3460 Fairlane Farms Road, Suite 8, Wellington, FL 33444

HDR, Inc.
2202 N Westshore Drive, Suite 250, Tampa, FL 33607-5711

Rutgers Center for Urban Policy Research (CUPR)
33 Livingston Ave., Suite 400, New Brunswick, NJ 08901

Strategic Economics
2991 Shattuck Avenue, #203, Berkeley, CA 94705

Emerge Consulting Corporation, Clarence Anthony
1655 Palm Beach Lakes Blvd Suite 520, West Palm Beach, Florida 33401

Spikowski Planning Associates
1617 Hendry St., Suite 416, Ft. Myers, FL 33901

Gorman & Company, Inc.
200 N. Main Street, Oregon, WI 53575

The "Consortium Members" and the "Partnership" (Southeast Florida Regional Partnership). The members within the Southeast Florida Regional Partnership are described in conjunction with each task.
Task 2.5 Regional Housing Assessment

Please note that the scope and approach to the Regional Housing Assessment and its component parts may be amended to reflect guidelines and recommendations currently under development by HUD, and input from the Partnership and other key regional stakeholders and advisors to the Partnership.

The Client/Consultant Team will assemble existing housing assessments in the region, undertake a 'gap' analysis regarding regional housing goals regarding fair housing and social equity, and identify partners, implementing entities, resources and timelines for goal achievement.

The Client/Consultant Team will also analyze data and actions and recommend policies related to housing regionally with a focus on planning related issues such as housing supply and demand; existing and projected housing types, location and mix, fair housing opportunities; as well as market and economic-related issues resulting from Florida's current foreclosure situation and its ramifications. The coordinated assessment of these elements is geared towards supporting community and economic development and expanding connectivity to regional assets such as transportation systems, employment centers, educational and workforce development resources, and healthcare opportunities for the region's existing and future residents. The assessment will be a key input to the Task 2.4 demographic forecast, and its preparation will be coordinated with Rutgers Task 2.4 work.

Subtasks for 2.5 Regional Housing Assessment

Through this effort we will create a new integrated model of research that articulates key trends and indicators for the region and becomes a framework for more intensive examination on the local level. The scope of work encompasses three bodies of work that have been typically performed separately: Analysis of Impediments to Fair Housing, Equity Assessment, and a Housing Needs Assessment.

2.5.1 The Analysis of Impediments to Fair Housing will include:

- Current data on population and households based on local studies, US Census American Community Survey (ACS), projections on population and household characteristics, and other local, state, and federal data sources including HUD datasets
- A demographic snapshot that will identify the areas of racial and ethnic concentrations of poverty, document the degree of segregation, and describe likely future trends
- Identification and Assessment of Racial / Ethnic Segregation and Integration
- Identification and Assessment of Racially Concentrated Areas of Poverty
- Identification and Assessment of Access to existing areas of high opportunity particularly from "opportunity-poor" communities
- Identification and Assessment of Major Public Investments (current and future)
- Identification and Assessment of Fair Housing issues, services and activities
- Conclusions regarding finding from the identification and assessment phases and recommendations to be implemented through regional planning
- Major takeaways from stakeholder engagement related to the finding of the Fair Housing Equity Analysis

- Understanding of issues related to the expansion and preservation of affordable housing including zoning and community perception

- A review of private market policies and fair housing activities currently underway. This will include analysis of mortgage lending approvals, subprime mortgages (from HOM Mortgage Disclosure Act or HMDA data). Compliance with the Community Reinvestment Acts (CRA) will be detailed. Recent legal cases and fair housing complaints will be analyzed to detect potential discriminatory patterns. Local jurisdiction's current and previous fair housing activities through local Analyses of Impediments will be analyzed.

- Lessons learned

2.5.2 Equity Assessment. The Equity Assessment will illustrate opportunity-rich communities to understand what needs to be remedied in opportunity-poor communities. This will include an analysis of the access to opportunity neighborhoods with: Education Indicators, Economic Health Indicators, Neighborhood Quality Indicators, Transportation and Mobility Indicators, Health and Environmental Factors:

The Equity Assessment will:

- Measure social and economic disparities for low income communities

- Measure the degree of equitable investment in public infrastructure within communities including measuring accessibility to affordable transportation

- Measure how public investment is leveraged to attract private investment in low-income areas and resources for creating wealth and asset-building including access to financing

- Measure access to educational opportunities including the location of educational opportunities in low income communities

- Assess and recommend policies that promote equity (inclusionary zoning, infill and redevelopment strategies for environmentally contaminated areas).

Approach: Resident and stakeholder input will be gathered through key stakeholder interviews, online and mail survey of select Regional Housing Partners, community forums live and online. Regional partners that will assist in the development of the plan will include, but not be limited to:

- Affordable housing providers

- Community Development Block Grant jurisdictions;

- Economic development organizations

- Fair housing agencies

- Financial institutions and mortgage lenders

- Housing Advisory Committee creates as part of Southeast Florida's regional vision and blueprint for economic prosperity.

- Non-profit organizations

- Public health agencies
• Public housing authorities
• Real estate professionals
• Schools and educational institutions and interests
• Southeast Florida Regional Partnership members
• Transportation organizations (MPOs, SFRTA etc.)

2.5.3 Housing and Livability Plan. The Housing and Livability Plan incorporates the Housing Needs Assessment. The home-building industry, which has historically played a vital role in Florida's economy, is at a standstill: declining property values, an unprecedented number of foreclosures impacting private and public entities (residents, local governments, the financial (bank) system, and Florida's judicial system), housing supply vastly exceeding demand, a potential excess in future entitlements, lack of funding, etc. are some of the issues currently affecting Florida's economy. A Regional Assessment of these issues is necessary in order to define a path to regional recovery and growth.

The Housing and Livability Plan will include, but may not be limited to:

• Existing and projected population (quantity and location)
• Current and future land uses (to determine existing, projected and entitled units)
• Existing and projected housing types and housing mix
• Existing and proposed housing location and its proximity to transit, employment centers, educational resources, etc.
• Existing housing supply and demand by building type and income level
• Existing and projected housing relative to roadway networks and transportation systems
• "Pending" supply (i.e. foreclosures within the banking and judicial system) and an assessment of the policies and funding necessary to make these units available
• Understanding of housing cost burden in the region
• Understanding of the resources that are available to support the production of affordable housing and the opportunities to maximize and leverage resources

Approach: The South Florida and Treasure Coast Regional Planning Councils, working in conjunction with the region's MPOs and local governments (as necessary), will conduct the above mentioned research and gather the information in a format that is suitable to conduct both the Virtual Present and Future Trend modeling scenarios contemplated in the RVB. This information will serve as a basis to create new goals and policies geared at re-establishing economic prosperity and job creation deriving from a balanced housing industry.

This integrated assessment will be a regional policy document which will further the key livability principles adopted by the Partnership in support of the Sustainable Communities Initiative.

• Provide more transportation choices: Develop safe, reliable and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health.
Part 2

Social Equity Analysis and Opportunity Index for the Seven Counties of Southeast Florida

For the requirements of the Fair Housing Equity Analysis (FHEA) of the Seven|50 Southeast Florida Prosperity Plan (HUD Sustainable Communities Regional Planning Initiative)

PART 2 SECTIONS:

1. Analyzing Indicators of Social Equity
2. Indicators and Data Sources
3. Social Equity Indicator Findings
4. Opportunity Index
5. Overall Findings

1. ANALYZING INDICATORS OF SOCIAL EQUITY

This report identifies, explains, and analyzes social equity indicators and a derived opportunity index for the seven counties of the Southeast Florida region. It is in furtherance of Fair Housing Equity Assessment (FHEA) requirements of the Seven|50 regional plan being produced by a consortium led by the South Florida and Treasure Coast Regional Planning Councils as a grantee of HUD’s Sustainable Communities Regional Planning Initiative. FHEA requirements mandate that a comprehensive review of housing equity be undertaken prior to the creation of a Sustainable Communities regional plan. A key part of that review is a social equity analysis and opportunity index.

Social equity can be broadly defined as equal opportunity for all persons. The President’s Council on Sustainable Development defined social equity as “equal opportunity, in a safe and healthy environment”. A popular conceptualization of social equity places it as one of the three fundamental, interlinked factors of sustainability; the other two being environment and economy. Even though there are competing ideas for defining social equity, they all center on concepts of social organization, demography, and (to a lesser extent) culture. In so doing, social equity serves to address how individual persons, households, and communities interact with each other, how fairly each member of society can share in life’s opportunities, and how integrated all persons are, regardless of differentiating variables such as race or education level.

Social equity contributes significantly to any assessment of fair housing because many of the things that limit housing opportunity stem from social, demographic, and/or economic factors. Ultimately, social equity analysis examines how and why different opportunities exist for people in different places.

Census Tracts
Social Equity Analysis for the Seven Counties of Southeast Florida

Data in this report is collected at the census tract level, which is appropriate for two reasons. First, census tracts are generally small in size (usually around 4,000 persons) in metropolitan regions. This allows for a finer level of representation when the data is mapped and allows greater detail to emerge from the spatial patterns. Second, the U.S. Census Bureau collects the full range of demographic, economic, and housing data at this level, so the analysis does not exclude significant indicators. Note that the report makes use of full census tracts instead of partial census tracts for the benefit of increasing the number and variety of indicators that can be used in the opportunity index. Certain indicators, such as Qualified Census Tract status, are only available at the full tract level.

Per the 2010 Census, a total of 1,333 populated census tracts exist across the seven counties of Southeast Florida: 29 in Indian River County, 43 in St. Lucie County, 34 in Martin County, 331 in Palm Beach County, 360 in Broward County, 508 in Miami-Dade County, and 28 in Monroe County.

Table 1. Composition of the Study Area (2010 Census)

<table>
<thead>
<tr>
<th>County</th>
<th>Area</th>
<th>Population</th>
<th>Number of Populated Census Tracts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian River</td>
<td>616.9 sq mi</td>
<td>138,028</td>
<td>29</td>
</tr>
<tr>
<td>St. Lucie</td>
<td>688.1 sq mi</td>
<td>277,789</td>
<td>43</td>
</tr>
<tr>
<td>Martin</td>
<td>752.8 sq mi</td>
<td>146,318</td>
<td>34</td>
</tr>
<tr>
<td>Palm Beach</td>
<td>2,386.3 sq mi</td>
<td>1,320,134</td>
<td>331</td>
</tr>
<tr>
<td>Broward</td>
<td>1,319.6 sq mi</td>
<td>1,748,066</td>
<td>360</td>
</tr>
<tr>
<td>Miami-Dade</td>
<td>2,431.2 sq mi</td>
<td>2,496,435</td>
<td>508</td>
</tr>
<tr>
<td>Monroe</td>
<td>3,737.2 sq mi</td>
<td>73,090</td>
<td>28</td>
</tr>
<tr>
<td>TOTAL</td>
<td>11,932.1 sq mi</td>
<td>6,199,860</td>
<td>1,333</td>
</tr>
</tbody>
</table>

A caveat about census tracts should be observed when reading the report maps: population distribution and density may not be equal throughout the tract. Uneven distribution is likelier to occur in geographically larger and less urban tracts, such as found in the Treasure Coast counties or the western half of the region. Care should be taken not to conflate large tract size with large population or higher intensity of an indicator. This will be reiterated as appropriate throughout the report.

Geographic Organization of the Region

By all accounts, Southeast Florida is a large region—almost the size of Maryland, with a population greater than that of 33 states. The driving distance from Sebastian at the north end of Indian River County to Key West in the south end of Monroe County is more than 300 miles, across which three Metropolitan Statistical Areas are encountered: Sebastian-Vero Beach MSA and Port St. Lucie MSA in the north (also known as the "Treasure Coast" and together accounting for the region's three northernmost counties) and the Miami-Fort Lauderdale-Pompano Beach MSA in the south (commonly referred to as the South Florida MSA).
Social Equity Analysis for the Seven Counties of Southeast Florida

Southeast Florida is diverse and nonhomogeneous with regard to ecology, land use, population density, urbanization, and culture. At the broadest level, the region can be viewed as a pair of dichotomies. The first is between the urbanized and undeveloped portions of the region, particularly along the urban growth boundary that separates Miami-Dade and Broward counties from the Everglades. Large parts of Monroe, Miami-Dade, and Broward counties extend into the Everglades ecosystem and its various preserves, parks, and wildlife refuges, where relatively few people live. Further north, in Martin, St. Lucie, and Indian River counties, the western half is less urbanized than the eastern half. The second dichotomy, meanwhile, separates Palm Beach, Broward, and Miami-Dade counties from the neighboring counties to the north and south. These three counties include the Miami-Fort Lauderdale-Pompano Beach MSA, which is significantly more populated and urbanized than the area covered by the other four counties of the Southeast Florida region.

All this combines to form a pattern in which the eastern half of the region is populated and urbanized and the western half (with the exception of Belle Glade) is not. Housing and population densities, as a result, are not consistent throughout each county or across the region. Throughout the report, these factors will be identified where appropriate.

Summary of Findings

Seven principal findings are revealed in this report:

- The region demonstrates a distinct geographic schism between the Miami-Fort Lauderdale-Pompano Beach MSA and all areas around it.
- There exists a divide between the economic performance of whites and non-whites.
- Geographic distribution of the population by race observes particular patterns.
- Certain conditions are experienced across the region relatively evenly.
- The strongest performing areas of the region tend to be located in or near a relatively small number of towns and cities along the coast or the urban growth boundary of the South Florida MSA.
- Conversely, the weakest performing areas of the region tend to be concentrated in Miami-Dade County, west Palm Beach County, and the exurban western end of the Treasure Coast.
- A significant part of the region experiences moderate performance, which should be tracked carefully.

2. INDICATORS AND DATA SOURCES
Social Equity Analysis for the Seven Counties of Southeast Florida

The report incorporates findings and analysis of 33 indicators, many of which serve as proxies for closely related phenomena. Each of the indicators is mapped at the regional scale across all seven counties. Twenty-seven of the indicators are derived from the U.S. Census Bureau’s American Community Survey. Three school ranking indicators are derived from the Florida Department of Education. Two HUD indicators address Low-Income Housing Tax Credit units and Qualified Census Tracts. An additional indicator, for supermarket access, is derived from The Reinvestment Fund. Information about each resource is provided below.

**American Community Survey:** The most extensively used data resource in this report is the American Community Survey’s Five-Year Estimates for the years 2006 to 2010. This is the most recent and comprehensive ACS sampled dataset available. For demographic, economic, social, and housing data, the ACS collects household data for a range of indicators appropriate for a social equity analysis.

ACS data are based on a sample and are subject to sampling variability with a 90 percent margin of error. This margin of error can be interpreted as providing a 90 percent probability that the interval defined by the estimate, plus and minus the margin of error, contains the true value. In addition to sampling variability, ACS estimates are subject to other errors that are not represented in the margin of error. Further information on the accuracy of data is available at [http://www.census.gov/acs/www/data_documentation/documentation_main/](http://www.census.gov/acs/www/data_documentation/documentation_main/).

**Florida Department of Education:** The Florida Department of Education ranks schools statewide within the following categories: elementary schools, middle schools, high schools, combination schools that include high school grade levels, and combination schools that do not include high school grade levels. Schools are ranked by the number of school grade points they received for the 2010-2011 school year. For elementary and middle schools these points are derived from Florida Comprehensive Assessment Test (FCAT) scores. Schools are awarded one point for each percent of students in the school who were enrolled for the full year who score on grade level or higher on the FCAT and make annual learning gains. High schools are graded using the FCAT components described in the grading criteria for elementary and middle schools, plus several non-FCAT components, including graduation rates, accelerated coursework performance, and postsecondary readiness. Further information is available at [https://app2.fldoe.org/Ranking/Schools/Default.aspx](https://app2.fldoe.org/Ranking/Schools/Default.aspx).

**Department of Housing and Urban Development (HUD):** HUD maintains a database of Low Income Housing Tax Credit (LIHTC) projects at [http://lihtc.huduser.org/](http://lihtc.huduser.org/). LIHTC projects are affordable rental housing units financed through a federal tax credit subsidy. The LIHTC program provides a dollar-for-dollar credit against the tax liability of investors who invest in qualified housing projects. HUD also maintains a database of census tracts wherein 50 percent or more of households earn below 60 percent of the area median gross income of the local Metropolitan Statistical Area or county. HUD defines 60 percent of area median gross income as 120 percent of HUD’s Very Low Income Limits, which themselves are based on 50 percent of area median family income, adjusted for high cost and low income areas. More information is available at [http://www.huduser.org/portal/datasets/qct.html](http://www.huduser.org/portal/datasets/qct.html).

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1 While the 2006-2010 ACS data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas, in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Carras Community Investment, Inc. DRAFT FOR REVIEW ONLY
Social Equity Analysis for the Seven Counties of Southeast Florida

The Reinvestment Fund: The Reinvestment Fund (TRF), a Philadelphia-based community development financial institution, provides data on the proximity of households to supermarkets through a Web-based GIS and marketing tool called PolicyMap, which assists policy makers and developers in deciding on market location and accessibility. Data on the supermarket indicator in this report was obtained from Policy Map/TRF. See http://www.trfund.com/TRF-LSA-widget.html for more information.

All 33 social indicators are grouped into one of five categories: demographic, economic, education, neighborhood, and transportation. These categories organize the reporting of findings. Demographic indicators include race and linguistic isolation. Economic indicators represent income, benefits, and unemployment. Education indicators show levels of educational attainment as well as characteristics of public schools. Neighborhood indicators address aspects of housing and household composition. Lastly, transportation indicators examine vehicle access and commuting patterns.

Many indicators can inform the analysis of different perspectives. For instance, not having access to a vehicle can directly impact a household’s ability to participate in the labor market and suggest economic hardship if that household is located in a low-income community. For this reason, even though the findings of all indicators are shown individually, the report also examines the relationships between indicators and categories through an “opportunity index” that analyzes the natural affinity that many indicators share with each other.

Importantly, this report calls attention to situations of limited or absent social equity as well as situations of high-performing, integrated communities with strong social equity. Areas with middling performance are particularly noted since they represent communities that may join either the stronger-performing or weaker-performing ones.

Demographic Indicators

**RACE:** Four primary categories of race are identified (White, African American, Hispanic/Latino, and Asian), covering the large majority of all persons living in Southeast Florida. Persons of other ancestries or of two or more races are not indicated because of their small representation of the total Southeast Florida population.

- **Percent White**
  *Source: DP05 Demographic and Housing Estimates (ACS 2006-2010)*
  HISPANIC OR LATINO AND RACE  >  Not Hispanic or Latino  >  White alone

- **Percent African American**
  *Source: DP05 Demographic and Housing Estimates (ACS 2006-2010)*
  RACE  >  One race  >  Black or African American

- **Percent Hispanic**
  *Source: DP05 Demographic and Housing Estimates (ACS 2006-2010)*
  HISPANIC OR LATINO AND RACE  >  Hispanic or Latino (of any race)

- **Percent Asian**
  *Source: DP05 Demographic and Housing Estimates (ACS 2006-2010)*
  RACE  >  One race  >  Asian
Social Equity Analysis for the Seven Counties of Southeast Florida

**LINGUISTIC ISOLATION:** A command of English is important for social integration in the U.S. While being unilingual in Spanish or Creole is less of a hindrance in Southeast Florida than elsewhere, an ability to speak English expands opportunities in this country.

- Percent who do not speak English at home
  
  **Source:** DP02 Selected Social Characteristics (ACS 2006-2010)
  LANGUAGE SPOKEN AT HOME  Language other than English
  Speak English less than "very well"

**Economic Indicators**

**HOUSEHOLD INCOME:** Median household income represents the income level where half of total households earn more while the other half earn less. It is less skewed by dramatically higher or lower incomes (outliers) and is thus often considered a more useful income indicator than average income. Household income represents the combined earnings of all persons living in a household, whether those persons are related or not.

- Median household income
  
  **Source:** DP03 Selected Economic Characteristics (ACS 2006-2010)
  INCOME AND BENEFITS (IN 2010 INFLATION ADJUSTED DOLLARS)
  Median household income (dollars)

Per capita income is a measure of mean income and, unlike median income, does not reflect income distribution. However, when paired with population figures, it can be used to gauge the relative wealth of communities.

- Per capita income
  
  **Source:** DP03 Selected Economic Characteristics (ACS 2006-2010)
  INCOME AND BENEFITS (IN 2010 INFLATION ADJUSTED DOLLARS)
  Per capita income (dollars)

**POVERTY:** Poverty indicators show what percentage of individuals or families are below poverty threshold. The Census Bureau identifies poverty thresholds according to the composition of the household. Different types of households have different poverty thresholds, and families are examined differently than single persons or unrelated households.

The poverty indicator for all persons stems from the summing of those identified as poor in all the separate household/poverty threshold categories.

- Percent of all persons in poverty
  
  **Source:** DP03 Selected Economic Characteristics (ACS 2006-2010)
  PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME... IS BELOW
  THE POVERTY LEVEL  All people

The poverty indicator for family households with children (below age of majority) addresses only that particular subset of households and not the total number of residents in the region.

- Percent of families in poverty with children under 18 years
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Source: DP03 Selected Economic Characteristics (ACS 2006-2010)
PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME... IS BELOW
THE POVERTY LEVEL  All families  With related children under 18 years

UNEMPLOYMENT: Unemployment rates vary over time, and the figures shown in the dataset represent averages over a five-year period. Because this indicator shows long-term averages, it may help identify neighborhoods with structural problems involving employment.

* Percent unemployed
  Source: DP03 Selected Economic Characteristics (ACS 2006-2010)
  EMPLOYMENT STATUS  In labor force  Unemployed

NUTRITIONAL ASSISTANCE: The Supplemental Nutritional Assistance Program (SNAP) is a federal aid program that provides low-income individuals and families with financial assistance for food purchases. Minus certain deductions, eligible applicants’ gross incomes must not be more than 130 percent of the poverty threshold.

* Households receiving SNAP benefits
  Source: DP03 Selected Economic Characteristics (ACS 2006-2010)
  INCOME AND BENEFITS (IN 2010 INFLATION ADJUSTED DOLLARS)  With Food Stamp/SNAP benefits

Educational Indicators

1. Educational Attainment
   Three educational attainment indicators are provided to help gauge socioeconomic conditions of the regional population. The first accounts for adults who did not complete high school and may have less than a high school education. The second accounts for high school graduates who may or may not have completed college level courses. It does not include those who earned an associate degree or vocational certificate. The third indicator accounts for adults who have completed at least one four-year bachelor’s degree and may have completed an advanced degree (master’s level, doctorate level, or both).

* Persons 25 years and older without a high school education
  Source: S1501 Educational Attainment (ACS 2006-2010)
  POPULATION 25 YEARS AND OVER  Less than 9th grade AND 9th to 12th grade, no diploma

* Persons 25 years and older with a high school diploma
  Source: S1501 Educational Attainment (ACS 2006-2010)
  POPULATION 25 YEARS AND OVER  High school graduate (includes equivalency)

* Persons 25 and older with a bachelors or advanced degree
  Source: S1501 Educational Attainment (ACS 2006-2010)
  POPULATION 25 YEARS AND OVER  Percent bachelor’s degree or higher
PUBLIC SCHOOLS: These indicators are helpful in identifying future trends for the current generation in primary or secondary education. The Florida Department of Education ranks the performance of elementary and middle schools based on FCAT scores, while high schools are ranked with FCAT and additional factors.

- Letter grade performance of school(s) by census tract  
  Source: Florida Department of Education

Economically disadvantaged households may qualify for a free or reduced school lunch. This indicator may be used as a proxy for family income or economic hardship.

- Percent of students receiving free or reduced lunch rate  
  Source: Florida Department of Education

The minority rate of students may reveal possible relationships between school performance, economic disadvantage, and race. Categories of minority are not indicated.

- Percent minority rate of students  
  Source: Florida Department of Education

Neighborhood Indicators

HOUSING OCCUPANCY: Housing occupancy by owner is used to determine the extent of homeownership by neighborhood and can be used as a proxy for neighborhood stability. Occupancy is claimed if the housing unit was a current place of residence at the time of the survey. If the unit was being occupied for less than two months at the time of survey, it is noted instead as vacant. Owner occupancy is claimed if the owning or co-owning resident lives in the unit, whether or not the unit is mortgaged or fully paid.

- Percent owner-occupied housing units  
  Source: DP04 Selected Housing Characteristics (ACS 2006-2010)  
  HOUSING TENURE › Occupied housing units › Owner-occupied

Residential vacancy rate can be used to identify the ability for neighborhoods or districts to absorb new residents. It can also help identify locations with low permanent populations, which can then be correlated to various factors (e.g., whether the neighborhood is a vacation area or losing families because of foreclosure or unemployment). Vacant units may include housing units for rent, second homes occupied only part of the year, and/or foreclosed properties returning to market. Only habitable properties are included.

- Percent vacant housing units  
  Source: DP04 Selected Housing Characteristics (ACS 2006-2010)  
  HOUSING OCCUPANCY › Vacant housing units

HOUSEHOLD COMPOSITION: Single parent households may or may not serve as an indicator of economic disadvantage, although the highest incomes are often found with dual-earning households and the lowest incomes with single parent households. Analyzed alone, single parenthood in this study does not directly indicate hardship. Many single parent households
experience no economic hardship and any such determination must be made in relation to other indicators.

• Single parent households, male or female, with children present
  Source: DP02 Selected Social Characteristics (ACS 2006-2010)
  HOUSEHOLDS BY TYPE  Male or female householder, no spouse present  With own children under 18 years

Households with children represent an important indicator when tied with factors such as proximity of schools or family amenities.

• Households with children under 18 years of age
  Source: DP02 Selected Social Characteristics (ACS 2006-2010)
  HOUSEHOLDS BY TYPE  Households with one or more people under 18 years

Households with seniors represent another important indicator when tied with factors such as proximity of senior services, medical facilities, and transit.

• Households with persons aged 65 or over
  Source: DP02 Selected Social Characteristics (ACS 2006-2010)
  HOUSEHOLDS BY TYPE  Households with one or more people 65 years and over

HOUSING AFFORDABILITY GAP: This indicator is used to identify neighborhoods with potential housing cost burdens, as measured by the relationship between house price and the median local income. Data for each census tract is derived by comparing three times the median household income to the average home value. (As a rule of thumb, to maintain affordability of lending costs, the purchase price of a home should not exceed three times the buyer’s annual household income.) If the home value is greater than the multiplied income value, the size of the affordability gap is noted.

• Owner affordability gap
  Source: DP04 Selected Housing Characteristics (ACS 2006-2010)
  Derived from: SELECTED MONTHLY OWNER COSTS  Housing units with a mortgage  Median (dollars)

This indicator is also used to identify neighborhoods with potentially unsustainable housing costs, this time as measured by the relationship between monthly rent and the median local income. The calculation of this affordability gap involves taking 30 percent of the median household income, dividing it by 12 (for the number of months in a year) and comparing the resulting figure to the median gross rent. If the rent figure is higher than the derived monthly rent payment, an affordability gap exists. (30 percent of the annual income is the rule of thumb for housing costs.)

• Rental affordability gap
  Source: DP04 Selected Housing Characteristics (ACS 2006-2010)
  Derived from: GROSS RENT  Occupied units paying rent  Median (dollars)
COST BURDEN OF HOUSEHOLDS: Households spending more than 30 percent of their monthly income on housing costs (mortgages or rent) may be at risk of economic hardship over time. These two indicators identify the percent of owner-occupied and renting households, respectively, spending above the 30 percent threshold.

- Percent of owner households spending 30 percent or more of income on mortgage
  Source: DP04 Selected Housing Characteristics (ACS 2006-2010)
  SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF
  HOUSEHOLD INCOME  Housing units with a mortgage  30.0 to 34.9 percent
  AND 35 percent or more

- Percent of renting households spending 30 percent or more of income on rent
  Source: DP04 Selected Housing Characteristics (ACS 2006-2010)
  GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME  Occupied
  units paying rent  30.0 to 34.9 percent AND 35 percent or more

AFFORDABLE HOUSING: Examining LIHTC data can determine if affordable housing is available in communities and the location of where affordable housing is being built.

- Percent of LIHTC units as a share of total housing units per census tract
  Source: HUD Low Income Housing Tax Credit Database

The following indicator identifies Qualified Census Tracts (QCTs), which must have 50 percent of their households earning incomes below 60 percent of the area median gross income of the local Metropolitan Statistical Area or county. HUD defines 60 percent of area median gross income as 120 percent of HUD's Very Low Income Limits, which are based on 50 percent of area median family income, adjusted for high cost and low income areas. QCTs are those in which 50 percent or more of the households are income eligible. In any given region, not more than 20 percent of the total population can reside in a QCT.

- Qualified Census Tract status
  Source: 2012 IRS Section 42(d)(5)(C) Qualified Census Tracts

ACCESS TO A SUPERMARKET: The Reinvestment Fund defines a Limited Supermarket Access (LSA) area as one where the residents must travel significantly farther to reach a supermarket than the "comparatively acceptable" distance traveled by residents in well-served areas. TRF defines "comparatively acceptable" as the distance that residents of well-served areas (block group with incomes greater than 120 percent of the area's median income) travel to the nearest supermarket. TRF established 13 benchmark classifications and compares areas to those that share similar population density and car-ownership rates. LSA areas range in size and density, with the average LSA area measuring 6.4 square miles and having a population of 9,000.

- Proximity to supermarkets by census tract
  Source: The Reinvestment Fund

Transportation Indicators
COMMUTING PATTERN: Commuting by vehicle is generally the least environmentally sustainable of travel options. This indicator helps identify those census tracts whose residents must travel greater distances to work. Persons who work from home are not included.

- Percentage of commuters who drive or carpool
  
  Source: DP03 Selected Economic Characteristics (ACS 2006-2010)
  COMMUTING TO WORK  Car, truck, or van — drove alone / carpooled

The percentage of commuters who walk or take transit is the converse of the previous indicator, and helps to identify those census tracts whose residents live close to work or are served by public transit. Commuting by transit or walking is significantly more sustainable. This indicator may serve by proxy as an indicator of mixed-use or diversified communities. Persons who work from home are not included.

- Percentage of commuters who walk or take public transit
  
  Source: DP03 Selected Economic Characteristics (ACS 2006-2010)
  COMMUTING TO WORK  Public transportation (excluding taxi) / Walked

Travel time to work may be used to help identify the existence of a jobs/housing mismatch.

- Mean travel time to work in minutes
  
  Source: DP03 Selected Economic Characteristics (ACS 2006-2010)
  COMMUTING TO WORK  Mean travel time to work (minutes)

ACCESS TO A VEHICLE: Despite the environmental and quality of life benefits of not needing a vehicle to commute, the total lack of access to a vehicle can greatly limit the ability for a household to participate in activities, reach services, or widen opportunities for household members.

- Percentage of households with no access to a vehicle
  
  Source: DP04 Selected Housing Characteristics (ACS 2006-2010)
  VEHICLES AVAILABLE  Occupied housing units  No vehicles available

3. SOCIAL EQUITY INDICATOR FINDINGS

In this discussion, the primary geographic units are the region, the county, and the census tract. Although municipalities are identified as points of reference, they are not considered primary units herein because of the fluid nature of the geography of opportunity. Areas with strong or weak social equity performance frequently cross the jurisdictional boundaries of towns and cities, leaving the traditional "city vs. suburb" distinction increasingly obsolete. This report prefers to use the political boundaries of counties alone, as the county is the most important administrative division below the state and many of the initiatives in the Seven/50 regional plan will be executed under county authority.

DEMOGRAPHIC INDICATORS
Race represents a fundamental factor in social equity analysis since many of the inequalities in our society have a strong racial underpinning that extends in some cases through generations. In South Florida, linguistic isolation is a corollary to the Hispanic/Latino and black races, as many people who do not speak English natively or fluently in this region are likely to speak Spanish or Creole instead. Note that in this report, African American represents all persons of black ancestry.

Selected Demographic Statistics (2006-2010 ACS 5-Year Estimates)

<table>
<thead>
<tr>
<th>County</th>
<th>Total Population</th>
<th>White</th>
<th>African American</th>
<th>Hispanic</th>
<th>Asian</th>
<th>Do Not Speak English Well</th>
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<tbody>
<tr>
<td>Indian River</td>
<td>135,139</td>
<td>106,127</td>
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<td>14,264</td>
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<td>802</td>
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</table>

RACE: Distribution of White Population

*Regional Findings:* There are 2.42 million white, non-Hispanic persons in the Southeast Florida region, accounting for 39.8 percent of the total regional population of 6.1 million. They are not evenly distributed throughout the region; the northern counties and Monroe County are highly represented, as are the coastal areas along almost the entire length of the region.

*County and Local Findings:* Indian River, St. Lucie, Martin, Palm Beach, and Monroe counties each have predominantly white populations (78.3, 62.8, 81.2, 61.7, and 72.4 percent, respectively). Miami-Dade has the smallest, at 15.9 percent. The majority of census tracts in Martin and Monroe counties are more than 75 percent white. In Palm Beach County, the figure is closer to half, even though almost 62 percent of the county's residents are white. Miami-Dade County has only one area, in the vicinity of Surfside and Bal Harbour, that over the 2006-2010 period was more than 75 percent white. In Broward County, where the racial mix is generally more balanced than in the other counties, areas that are predominantly white are located almost entirely along the coast and in the City of Parkland.

RACE: Distribution of African American Population

*Regional Findings:* A total of 1.21 million African American persons reside in the region, representing 19.6 percent of the total population. There are relatively few areas in the region where they make up more than 75 percent of the local population and outside of these areas their share of the local population is generally less than 25 percent. Their largest penetration is within the three-county MSA and the Belle Glade area on the south edge of Lake Okeechobee.

*County and Local Findings:* Monroe County is underrepresented by African Americans, at only 6.4 percent of its 2006-2010 average population. None of the county’s census tracts have any concentrations of African American persons. A similar situation is evidenced in Indian River, St. Lucie, and Martin counties, although in these northern counties there is a small concentration of
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African Americans in the vicinity of Fort Pierce. In the MSA, areas where African American persons comprise 75 percent or more of the local population include north Miami-Dade County, central Broward County, and the Belle Glade and West Palm Beach areas in Palm Beach County. Central Broward County and north Miami-Dade County both encompass a number of small municipalities that have historically been African American. These include Lauderdale Lakes and Lauderdale Hill in Broward and Opa-locka and Miami Gardens in Miami-Dade.

RACE: Distribution of Hispanic/Latino Population

Regional Findings: Hispanics comprise 37.7 percent of the total regional population (2.3 million persons) and the majority of them are concentrated in Miami-Dade County. Above and below Miami-Dade, Hispanics are highly deconcentrated.

County and Local Findings: Outside of a moderate concentration in southwest Broward County and central Palm Beach County, Hispanics comprise less than a quarter of almost any census tract outside of Miami-Dade. The western tracts of Indian River and Martin counties do exhibit larger percentages of Hispanics, but these are semirural tracts with relatively small populations. Hispanics and Latinos predominantly reside in Miami-Dade County, with a particular density in and around Hialeah. Smaller aggregations of Hispanic and Latino persons exist in the vicinity of Miramar in Broward County and Lake Worth in Palm Beach County. Hispanics are not represented in a significant way in Monroe or St. Lucie counties.

RACE: Distribution of Asian Population

Regional Findings: Relatively few persons of Asian descent reside in Southeast Florida; in fact, only 2.6 percent of total residents (158,000 out of over 6.1 million) are Asian. The vast majority of tracts in the region have fewer than five percent of residents of Asian origin.

County and Local Findings: The westernmost parts of Broward County, from Miramar to Parkland, have an Asian representation of up to 10 percent, creating the largest local extent of the Asian cohort within the entire region. Two census tracts feature a resident Asian population that is greater than 15 percent; one each in Palm Beach and Broward counties, centered near Boynton Beach and Pembroke Pines, respectively.

LINGUISTIC ISOLATION: Percent of Persons who do not speak English well

Regional Findings: Geographically, the majority of the region speaks English well. Most census tracts in which a substantial portion of the population does not (more than 50 percent) are located within the three-county MSA, and in Miami-Dade County in particular.

County and Local Findings: Geographically, the least linguistically isolated counties are Monroe, St. Lucie, and Palm Beach (with the exception of Belle Glade and West Palm Beach). There are four areas where a large number of residents claim not to speak English very well. From north to south, they are the western half of Indian River County, the Belle Glade and West Palm Beach areas of Palm Beach County, and two sectors of Miami-Dade County that extend northwest from Miami through Hialeah to Miami Gardens (along SR 27/Okeechobee Road and west from Miami to the north boundary of The Hammocks). In these areas, 30 percent or more of the population self-identify as not conversant in English.
ECONOMIC INDICATORS

Indicators addressing income, benefits, and unemployment are significant to social equity analyses, as many of life’s opportunities depend on economic indicators that result in an ability to make a good living.


<table>
<thead>
<tr>
<th>County</th>
<th>Total Population</th>
<th>Median Household Income</th>
<th>Per Capita Income</th>
<th>Persons 16 and over in Labor Force</th>
<th>Number of Unemployed in Labor Force</th>
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<tbody>
<tr>
<td>Indian River</td>
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<td>40,031</td>
<td>2,032</td>
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</tbody>
</table>

HOUSEHOLD INCOME: Median Income

Regional Findings: Region-wide, the average median household income was $49,730 in the 2006-2010 period. The highest median incomes (above $70,000) were located along the coast and the western edge of the urban development boundaries. Along the middle of the metropolitan statistical area, a mix of incomes ranging from $30,000 to $70,000 represents the majority of census tracts.

County and Local Findings: Martin and Monroe counties have no census tracts with median incomes in the lowest mapped category. Martin, Broward, Palm Beach, and Monroe counties each had average median incomes above the regional median, at $53,210, $51,694, $53,242, and $53,281 respectively. Notable concentrations of low-earning households are located, from north to south, in Fort Pierce (St. Lucie County), Belle Glade (Palm Beach County), Pompano Beach (Broward County), and the Miami-Hialeah-Miami Gardens corridor in Miami-Dade County.

HOUSEHOLD INCOME: Per Capita Income

Regional Findings: The highest per capita incomes are found almost entirely in the census tracts that line the coast. The lowest are found within the MSA, west Miami-Dade County, and around Lake Okeechobee. There are many more tracts earning per capita incomes below $50,000 than above it.

County and Local Findings: The coastal census tracts of Indian River, Martin, and Palm Beach counties are almost entirely within the highest earning bracket (above $75,000), while in Broward, Miami-Dade, and Monroe counties the highest earning tracts are more scattered. Low earning census tracts are primarily located in west of Indian River, Martin, Palm Beach, and Miami-Dade counties, with additional tracts arising along the middle of the urbanized corridor from Palm Beach south to Miami. Many of the region’s largest cities (including West Palm
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Beach, Fort Lauderdale, Plantation, Hialeah, and Miami) do not exhibit high per-capita incomes. In Miami-Dade County, for instance, the only major cities to have a per capita income above $75,000 are Pinecrest and Coral Gables. In Palm Beach County, only Boca Raton does.

POVERTY: Poverty Rate of All Persons

Regional Findings: Geographically, individual poverty is a concern in all seven counties. Populations with poverty rates above 30 percent (the highest category) are found in multiple census tracts in all counties but Indian River.

County and Local Findings: All major cities and the entire region around Belle Glade have clusters of census tracts where poverty affects 20 percent or more of residents. Areas with the lowest poverty rates are generally located on the western side of the MSA corridor, particularly Broward and Palm Beach counties, and the eastern third of Martin County. Low poverty is found in most parts of Monroe County, too, except in Key West.

POVERTY: Poverty Rate of Families with Children Under 18 Years of Age

Regional Findings: Across the region, low-income families with children tend to be located in the same areas where the overall poverty rate is high. The largest concentrations of poor families are generally located within the MSA.

County and Local Findings: The coastal census tracts in Indian River and St. Lucie counties notably have significantly higher poverty rates for families than for the overall population. Similarly, the I-95 corridor from West Palm Beach south to Pompano Beach is lined by census tracts with poverty rates for households with children above 20 percent. The north end of Fort Lauderdale and the greater Miami region north of SR 27/Okeechobee Road are other localized zones containing a larger share of poor families.

UNEMPLOYMENT: Unemployment Rate of Civilian Population in Labor Force

Regional Findings: Over the course of the 2006-2010 period, most urbanized parts of the region north of Miami have experienced unemployment rates as high as 9 percent, with certain areas experiencing rates above 12 percent. Because this unemployment indicator represents the average rate over the five-year period from 2006 to 2010, it is not necessarily representative of post-recession trends in joblessness but rather the general tendency of census tracts to have low or high unemployment. Throughout much of the MSA and the three counties to the north, unemployment rates higher than 6 percent have been registered.

County and Local Findings: The highest levels of joblessness (more than 12 percent) are found in only a small number of census tracts throughout the MSA region (Palm Beach, Broward, and Miami-Dade counties) plus Belle Glade, although around them are tracts with moderate levels of unemployment. Central Broward County, the Greater Miami area, and Greater Palm Beach show average unemployment between 6 and 12 percent. Monroe County shows the lowest average joblessness of the seven counties, followed by Martin County. The census tracts directly along the coast and the western urban boundary also feature the lowest joblessness rates. With the exception of Fort Pierce in St. Lucie County, all coastal census tracts have not experienced unemployment rates higher than 6 percent.
NUTRITIONAL ASSISTANCE: Households Receiving SNAP Benefits

Regional Findings: Households are eligible for Supplemental Nutritional Assistance Program (SNAP) benefits if they meet income and financial resource qualifications, including a gross monthly income not larger than 130 percent of the poverty level income. The majority of households in Southeast Florida do not participate in SNAP.

County and Local Findings: Two counties, Palm Beach and Miami-Dade, have concentrations of SNAP-eligible households in the Belle Glade and Greater Miami regions, respectively. In Martin and Monroe counties, no census tracts have more than 10 percent of households on SNAP assistance. Throughout the MSA, areas with 10 to 30 percent of eligible households generally are located in the middle of the urbanized corridor (i.e., away from the coast or the western boundary).

EDUCATION INDICATORS

Education is closely linked to social equity and life opportunities. Educational attainment indicators can be used to suggest the future resilience of neighborhoods and communities. High wage jobs are now generally limited to workers with college educations (and, in many cases, advanced degrees specifically). Living wage jobs are almost entirely dependent on having at least a high school education. For the generation currently in school, indicators assessing the academic performance of schools and the composition of student bodies may reveal important trends for the future.

Selected Education Statistics (2006-2010 ACS 5-Year Estimates)

<table>
<thead>
<tr>
<th>County</th>
<th>Total Population</th>
<th>Persons 25 and over without a High School Diploma</th>
<th>Persons 25 and over with only a High School Diploma</th>
<th>Persons 25 and over with a Bachelor’s Degree</th>
<th>Persons 25 and over with an Advanced Degree</th>
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</thead>
<tbody>
<tr>
<td>Indian River</td>
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<td>13,765</td>
<td>28,551</td>
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<td>12,469</td>
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<td>Monroe</td>
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<td>10,678</td>
<td>5,600</td>
</tr>
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</table>

EDUCATIONAL ATTAINMENT: Adult Population without a High School Diploma

Regional Findings: The percent of persons age 25 and over without a high school diploma varies widely across the region, although a full 17 percent of the 4.23 million people in the region 25 years of age and above lack a high school diploma. Generally, the rates are lowest in census tracts outside of the middle of the MSA corridor.

County and Local Findings: Palm Beach, Broward and Miami-Dade counties each have a large number of census tracts with under-educated residents. The corridor along I-95 from Riviera Beach to Boynton Beach in Palm Beach County and the middle of the corridor extending from
Social Equity Analysis for the Seven Counties of Southeast Florida

Deerfield Beach in Broward County south to Miami is composed of numerous tracts whose adult populations without a high school education number 15 percent or more. Some particular areas exist where the number of high school non-graduates exceeds 30 percent include Fort Pierce, Belle Glade, Lauderdale Lakes, Hialeah, Opa-locka, and the northwest of Miami-Dade County, and the Blue Cypress Conservation Area of Indian River County.

EDUCATIONAL ATTAINMENT: Adult Population with only a High School Diploma

_Regiona l Findings:_ Approximately 1.19 million people in Southeast Florida (28 percent of all adults 25 years of age older) have earned just a high school diploma. Many of them reside within the central third of the three-county MSA and in St. Lucie and Monroe counties.

_County and Local Findings:_ The majority of census tracts in St. Lucie and Monroe counties feature tracts whose residents predominantly have only a high school education. The majority of tracts in central Broward and Miami-Dade counties (including Kendall, Pinecrest, and neighboring municipalities in Miami-Dade), plus the extended region around West Palm Beach, also contain tracts whose residents largely have only a high school diploma.

EDUCATIONAL ATTAINMENT: Adult Population with a Bachelor’s or Advanced Degree

_Regiona l Findings:_ Another 1.19 million people in Southeast Florida have earned one or more college degrees. (This figure does not include those who have earned some college-level courses but not completed a degree.) This constituent is the same size as the group with just a high school diploma, but their distribution is different, being largely along the coast and the western urban growth boundary, particularly in Palm Beach and Broward counties.

_County and Local Findings:_ College educated persons largely reside along the coastal census tracts, the western urban boundary, and the cities of Wellington, Boca Raton, Parkland, Weston, Pinecrest, and Coral Gables. In these locations, more than 45 percent of adults have one or more college degrees. The lowest penetration of college education among adults is generally in the middle of the three-county MSA, the area surrounding Lake Okeechobee, and the ruralized west of Indian River and St. Lucie counties.

PUBLIC SCHOOLS: School Rankings

_Regiona l Findings:_ Only few census tracts in the region received an average grade that is the equivalent of a C or D letter grade and none received a failing grade. Public schools are located evenly throughout the region, except immediately along the coast.

_County and Local Findings:_ Many of the best performing census tracts with public schools in the region are located in the western half of the urbanized corridor. Conversely, most of the worst performing census tracts (rankings of C or D) are located throughout the central third of the three-county MSA and in the vicinity of Belle Glade and Homestead.

PUBLIC SCHOOLS: Share of Students who receive Free or Reduced-Rate Lunch

_Regiona l Findings:_ The majority of public schools in the region provides free or reduced-rate lunches to a quarter or more of the student body. The schools on the western side of the urban
Social Equity Analysis for the Seven Counties of Southeast Florida

zone, from Martin to Miami-Dade counties, generally show a lower percentage of students receiving subsidized lunches.

County and Local Findings: In 147 of the 220 census tracts (66.8 percent) in Miami-Dade County in which there are public schools, the number of students receiving the lunch benefit is greater than 75 percent. In Broward County, the figure is 61 out of 161 (37.9 percent) and in Palm Beach County, the figure is 47 out of 124 (37.9 percent). These three counties represent both the MSA district and the largest collection of public schools in the region.

PUBLIC SCHOOLS: Share of Students who are Minorities

Regional Findings: 561 census tracts throughout the region have public schools, and 363 of them (70.3 percent) have student bodies that are at least 75 percent minority. The distribution of these tracts reaches across the entire urbanized corridor from West Palm Beach to Homestead.

County and Local Findings: Miami-Dade County’s schools are heavily populated by non-white students; almost four out of every five census tracts containing schools have a minority student rate of 90 percent or higher (this includes 24 schools that are 100 percent minority). Compared to Broward County or Palm Beach County, where only 29 percent and 21 percent of census tracts with schools are 90 percent minority or higher, Miami-Dade stands apart in the region for the racial composition of its student body.

NEIGHBORHOOD INDICATORS

Neighborhood indicators take on two primary forms—housing variables and household composition variables. They provide insight into the structure and, because housing is generally the largest single investment and expenditure of the average household, the financial health of local communities.

Selected Neighborhood Statistics (2006-2010 ACS 5-Year Estimates)

<table>
<thead>
<tr>
<th>County</th>
<th>Total Housing Units</th>
<th>Total Occupied Units</th>
<th>Owner Occupied Units</th>
<th>Renter Occupied Units</th>
<th>Households with Children</th>
<th>Single Parent Households with Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian River</td>
<td>75,425</td>
<td>57,560</td>
<td>44,186</td>
<td>13,374</td>
<td>14,277</td>
<td>4,488</td>
</tr>
<tr>
<td>St. Lucie</td>
<td>134,098</td>
<td>103,103</td>
<td>78,340</td>
<td>24,763</td>
<td>31,414</td>
<td>9,923</td>
</tr>
<tr>
<td>Martin</td>
<td>77,490</td>
<td>59,203</td>
<td>47,063</td>
<td>12,140</td>
<td>13,422</td>
<td>3,538</td>
</tr>
<tr>
<td>Palm Beach</td>
<td>657,106</td>
<td>523,150</td>
<td>384,995</td>
<td>138,155</td>
<td>142,067</td>
<td>45,641</td>
</tr>
<tr>
<td>Broward</td>
<td>806,858</td>
<td>668,898</td>
<td>463,511</td>
<td>205,387</td>
<td>216,353</td>
<td>67,175</td>
</tr>
<tr>
<td>Miami-Dade</td>
<td>980,580</td>
<td>827,556</td>
<td>480,532</td>
<td>347,024</td>
<td>295,035</td>
<td>93,222</td>
</tr>
<tr>
<td>Monroe</td>
<td>52,847</td>
<td>29,791</td>
<td>19,210</td>
<td>10,581</td>
<td>6,292</td>
<td>1,739</td>
</tr>
</tbody>
</table>

HOUSING OCCUPANCY: Owner-occupied Units

Regional Findings: Homeownership is common throughout each of the four counties outside of the MSA. The majority of census tracts are owner-occupied for more than three-quarters of housing units. Throughout the MSA, average homeownership rates decline, even through high rates are seen along the coast and western urban boundaries. Generally more census tracts appear
with lower owner occupation when approaching the major cities (Miami, Fort Lauderdale, West Palm Beach).

**County and Local Findings:** Owner occupancy is notably lowest in the downtown centers of three of the region's largest cities (West Palm Beach, Fort Lauderdale, and Miami). Low ownership rates are also seen in Belle Glade.

**HOUSING OCCUPANCY: Vacant Units**

**Regional Findings:** Vacancy rates above 30 percent are observed across the entire region, but almost entirely along the coast. (The largest exceptions are the census tracts along Biscayne Bay.) It should be noted that units are counted as vacant if they are habitable and are second homes or available for sale or rent.

**County and Local Findings:** Notably, every census tract in Monroe County, except for downtown Key West, exhibits a 30 percent or higher vacancy rate. Further inland, small areas with vacancy rates above 20 percent can be found north of Vero Beach, in the vicinity of the St. Lucie County Airport, Dania Beach, north Miami-Dade County, and Homestead.

**HOUSEHOLD COMPOSITION: Family Households with a Single Parent, Male or Female**

**Regional Findings:** From Indian River to Miami-Dade counties, single parent households comprise 10 percent or more of households in a substantial number of census tracts. Concentrations of such households are found in the Belle Glade area, from West Palm Beach south to Boynton Beach, and from Parkland south to North Miami. This represents a geographic reach covering much of the three-county MSA.

**County and Local Findings:** Only a few census tracts register a concentration of single parent households above 30 percent of total households—these are located in the vicinity of West Palm Beach, Fort Lauderdale, and Kendall.

**HOUSEHOLD COMPOSITION: Households with Children**

**Regional Findings:** Across the region, approximately 718,800 households have children (representing a total of 31.7 percent of total households). Census tracts with the largest proportion of such households compared to the overall count are located almost entirely along the western edge of the urban growth boundary in the three-county MSA.

**County and Local Findings:** The cities of Belle Glade, Parkland, and Weston, and the exurban region west of Miami Lakes, each contain census tracts in which households with children make up more than 60 percent of total local households.

**HOUSEHOLD COMPOSITION: Households with Seniors**

**Regional Findings:** Census tracts in which households containing persons 65 years of age or more represent more than 40 percent of total households are found in every county but especially in the northern half of the region (Indian River through Palm Beach counties). Their total number is similar to that of households with children—694,600 households, or 30.6 percent of the total count.
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County and Local Findings: Areas with the least number of such households tend to be located on the western side of the MSA corridor (including the cities of Weston, Pembroke Pines, and Miramar) and the downtown districts of Miami and Fort Lauderdale.

HOUSING AFFORDABILITY GAP: Affordability Gap for Homeowners

Regional Findings: The affordability gap for homeowners is starkly evident for all seven counties and especially along virtually all census tracts along the coast and the western urban boundary.

County and Local Findings: Almost all of Greater Miami and virtually all of Martin and Monroe counties register a gap of more than $100,000. All but six census tracts along the 300 miles from Key West to Sebastian fall in the highest gap category. A small number of census tracts demonstrate that home prices are within affordable ranges for the local median incomes; these are distributed throughout central Broward and Palm Beach counties and a large part of St. Lucie County.

HOUSING AFFORDABILITY GAP: Affordability Gap for Renters

Regional Findings: Throughout much of the three-county MSA, an affordability gap exists for renting households. The average gap amount is generally less than $500 per month, although in 24 census tracts (including 10 each in Miami-Dade and Palm Beach counties), the gap amount exceeds $500.

County and Local Findings: Coastal and western urban boundary census tracts largely exhibit no affordability gap. For renting households, Indian River, Martin, and Monroe counties have the best affordability prospects.

COST BURDEN: Mortgage-holders Spending 30% or More of Income on Housing Costs

Regional Findings: Census tracts throughout the entire region show a high percentage of cost-burdened owner-occupying households, distributed evenly from west to east across the three counties of the MSA. Somewhat fewer cost burdened households are located in Indian River, St. Lucie, and Martin counties. Notably, Key West has the lowest percentage of burdened households of any major city in the region.

County and Local Findings: The counties with the largest percentage of census tracts containing cost-burdened homeowners are Broward and Miami-Dade. In both of them, the number of census tracts in which 30 percent or more of homeowners spend more than 30 percent of their income on housing approaches two out of five (39.9 percent in Broward and 38.9 percent in Miami-Dade). Local areas in each county, however, show similar patterns, including Vero Beach, Juno Beach, Wellington, Weston, North Bay Village, and Key Largo.

COST BURDEN: Renters Spending 30% or More of Income on Housing Costs

Regional Findings: In the majority of census tracts across the region, at least 40 percent of renting households spend more than 30 percent of their household income to cover rent payments. Throughout the three-county MSA, 56.5 percent of census tracts with renting households have
more than 60 percent of those households spending above the 30 percent threshold. Those census tracts with the lowest share of renters paying above the threshold are not concentrated in any geographic location, instead being rather randomly distributed across all seven counties.

**County and Local Findings:** Geographically, much of Miami-Dade and Monroe counties experience significant rental cost burdens (60 percent or more of renting households affected), with Broward and Palm Beach counties only somewhat less affected. Very few census tracts anywhere in the region contain renting households whose cost-burden proportion is below 20 percent.

**AFFORDABLE HOUSING: Percent of Low-Income Housing Tax Credit Housing Units as a Share of Total Housing Units**

**Regional Findings:** Across Southeast Florida, 161 census tracts contain LIHTC housing units, with representation in each county. The majority of tracts are located either in the middle of the MSA corridor or near the largest cities of the non-MSA counties.

**County and Local Findings:** Local areas with LIHTC housing units include Sebastian and Vero Beach, Indian River County; north of Port St. Lucie in St. Lucie County; Belle Glade and West Palm Beach in Palm Beach County; Pompano Beach in Broward County; North Miami, Opa-locka, and Homestead in Miami-Dade County; and Key West in Monroe County.

**AFFORDABLE HOUSING: LIHTC Qualified Census Tract Status**

**Regional Findings:** 258 Qualified Census Tracts (QCTs) are distributed throughout the region, with the large majority of them (244) are in the three-county MSA. The region’s QCTs tend to be located either in the western, exurban half of the region or along the middle of the MSA corridor.

**County and Local Findings:** Local concentrations, featuring contiguous groups of QCTs, are located in and around Belle Glade, West Palm Beach, Pompano Beach, Lauderdale Lakes/Fort Lauderdale, and Miami/Hialeah.

**ACCESS TO A SUPERMARKET: Proximity to a Supermarket by Census Tract**

**Regional Findings:** Most census tracts in the region are reasonably close to a supermarket offering fresh and healthful foods. The ones that are not are distributed throughout six of the seven counties (Martin County excluded) and without any particular pattern. The geographic share of Monroe County not located reasonably close to a supermarket is larger than the other counties.

**County and Local Findings:** Palm Beach County has the largest number of LSA (limited supermarket access) census tracts, with 55 of the region’s 169 qualifying tracts. Miami-Dade County is a close second, with 54, followed by Broward County with 43. Geographically, the largest areas without supermarket proximity are in the middle keys and the vicinity of Sugarloaf Key in Monroe County, Belle Glade and the rural wedge between the Jim Corbett Wildlife Management Area and the Loxahatchee Slough in Palm Beach County, and the vicinity south of Vero Beach between Indian River and St. Lucie counties.

**TRANSPORTATION INDICATORS**
Social Equity Analysis for the Seven Counties of Southeast Florida

Social equity is impacted by transportation and distance between home and work (or school, shopping, etc.). Commuting patterns can reveal interesting insights regarding access to jobs, while access to a vehicle can greatly determine the range of opportunities available to a household.

Selected Transportation Statistics (2006-2010 ACS 5-Year Estimates)

<table>
<thead>
<tr>
<th>County</th>
<th>Total Number of Workers</th>
<th>Workers who Commute by Car or Carpool</th>
<th>Workers who Commute by Transit or Walk</th>
<th>Total Households</th>
<th>Households without Access to a Vehicle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian River</td>
<td>53,514</td>
<td>49,411</td>
<td>835</td>
<td>57,560</td>
<td>3,140</td>
</tr>
<tr>
<td>St. Lucie</td>
<td>107,073</td>
<td>100,323</td>
<td>1,285</td>
<td>103,103</td>
<td>4,599</td>
</tr>
<tr>
<td>Martin</td>
<td>58,555</td>
<td>52,877</td>
<td>1,165</td>
<td>59,203</td>
<td>2,706</td>
</tr>
<tr>
<td>Palm Beach</td>
<td>568,708</td>
<td>510,790</td>
<td>18,429</td>
<td>523,150</td>
<td>32,330</td>
</tr>
<tr>
<td>Broward</td>
<td>829,406</td>
<td>745,026</td>
<td>33,436</td>
<td>668,898</td>
<td>47,710</td>
</tr>
<tr>
<td>Miami-Dade</td>
<td>1,106,202</td>
<td>956,248</td>
<td>84,892</td>
<td>827,556</td>
<td>91,558</td>
</tr>
<tr>
<td>Monroe</td>
<td>37,837</td>
<td>28,191</td>
<td>2,115</td>
<td>29,791</td>
<td>2,399</td>
</tr>
</tbody>
</table>

COMMUTING PATTERN: Workers who commute by Car or Carpool

*Regional Findings:* By far the most common means to get to work across all seven counties is private automobile—78.4 percent of all workers get to work in this manner. In all but 75 census tracts, 70 percent or more of workers drive or carpool to work. In fact, in 48.4 percent of all tracts, the number of workers commuting by car is 90 percent or greater.

*County and Local Findings:* Only downtown Miami features a local concentration of census tracts in which less than 70 percent of commuters drive or carpool. This represents the only major city in the entire region with this characteristic. In the northern counties, the rate of commuting by private vehicle is completely widespread, with no census tracts in either Indian River or Martin counties (and only one in St. Lucie) in which fewer than 70 percent of workers commute by car.

COMMUTING PATTERN: Workers who walk or take Public Transit

*Regional Findings:* Alternate commute modes remain overshadowed by commute by car across the majority of the region. Only 119 census tracts feature 15 percent or more of workers who take an alternate commute. The majority of them (86 tracts) are in Miami-Dade County; there are none in Indian River, St. Lucie, or Martin counties. Conversely, there are 166 census tracts (12.5 percent of the region’s total tracts) in which no workers commute by an alternate means. Palm Beach County has the largest number, with 67.

*County and Local Findings:* Some progress is being made in the Greater Miami area towards alternate commutes, where more than 15 percent of workers either walk or commute by transit. Additional areas where alternate commutes are making headway include Key West, downtown Fort Lauderdale, downtown West Palm Beach, and Belle Glade.

COMMUTING PATTERN: Mean Travel Time to Work
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Regional Findings: Commuters in Southeast Florida spend an average of 25 minutes traveling to work. This is the common standard across the entire Southeast Florida region in all but 10.7 percent of census tracts, the average commute time at least 20 minutes.

County and Local Findings: The longest commutes are experienced by residents of communities in the westernmost side of the urban corridor and the south half of Miami-Dade County. Only six census tracts in Miami-Dade enjoy average commute times of less than 15 minutes; incidentally, all six have a commute time of zero minutes and are located either immediately downtown Miami or in the western exurbs.

ACCESS TO A VEHICLE: Households with No Access to a Vehicle

Regional Findings: The large majority of households in the region have access to a vehicle, but a small number of locations throughout the three-county MSA have census tracts where households without a vehicle exceed 15 percent (see below). Generally, in the western parts of the MSA and the majority of each of the other four counties, fewer than five percent of households do not have access to a vehicle.

County and Local Findings: Certain geographic areas have census tracts in which more than 15 percent of households do not have vehicle access and are therefore dependent on transit services, bicycle, or walking to get around. These areas include, from north to south, the Belle Glade area, downtown West Palm Beach, central Broward County, and the Greater Miami area.

RELATIONSHIPS BETWEEN INDICATORS

Many social equity indicators in this report reveal relationships with each other, sometimes in multiple ways. Broadly speaking, spatial patterns exist between indicators that represent hardship in some form (e.g., low household income, unemployment, subsidized school lunches, etc.). Geographically, the region’s coastal and MSA’s westernmost census tracts share more in common with each other than they do with the census tracts in the middle of the MSA. Some of these relationships are examined below.

Demographic Indicators: A stark contrast exists between the areas where whites and African Americans are each most populous, in that they reflect the inverse of the other. Whites are most populous in the region’s northern counties, Monroe County, the coast, and the western urban growth boundary. African Americans are most populous around Belle Glade, central Broward County, and northern Miami-Dade County. In the latter case, these also happen to be among the economically lowest performing areas in the region. Hispanics/Latinos, on the other hand, predominate in Miami-Dade County alone, where whites and African Americans are the minority.

Economic Indicators: Belle Glade, in Palm Beach County, and the wedge between SR 27/Okeechobee Road and I-95 in Miami-Dade County stand apart as areas that underperform on economic indicators. Conversely, the coastal parts of Martin County and north Palm Beach County, plus the western urban growth boundary zone in Broward County, generally outperform on the same indicators.

Education Indicators: Similar to what is seen in racial distribution (but by no means implying a direct correlation), there exists a spatial disparity between college educated and non-college educated residents in the region, with the former located primarily along the outer edges of the urbanized MSA and latter in the middle of the MSA and the western exurbs north of the MSA.
Neighborhood Indicators: There appears to be an inverse relationship between those areas in the region in which homes are more affordable to rent and less affordable to buy, based on the affordability gap analysis. Renters and owners alike face high cost burdens in the same areas along the coast north of Miami and throughout the three-county MSA, the locations of LIHTC housing projects and QCTs are revealed to match up closely.

Transportation Indicators: A strong relationship exists between areas where workers are likelier to take transit or walk to work and areas where higher percentages of households do not have access to a vehicle. (These areas include Belle Glade and north Miami-Dade County.) To be sure, the percentages in either indicator are relatively low, as the majority of the region’s households have vehicles and drive to work. Another, lesser, relationship is seen between commuters who drive and the average travel time, in that many of the census tracts with the highest percentage of commuters who drive also experience the longest commutes.

SUMMARY BY COUNTY

Certain trends are observed across the entire region. For instance, most workers commute by car; there is no county that shows a significant deviation from this. The same applies to the incidence of cost-burdened households (owners and renters alike) and the fact that highly educated persons tend to live on the eastern or western urban fringes more than in the middle of the counties. For other factors, the counties show variability, as described below.

Indian River County: The region’s northernmost county shares much in common with the other Treasure Coast counties to its south. The population is largely white and native in the English language. Relatively large numbers of seniors live in the county. Unemployment is higher outside of the urbanized east, with the dividing line being I-95. Few census tracts are qualified as low income for QCT designation purposes.

St. Lucie County: In demographic composition, St. Lucie has a stronger representation by African Americans and Hispanics in the Fort Pierce area. Otherwise, it is dominantly white and home to a large senior contingent. Similar to the other Treasure Coast counties, St. Lucie qualifies few census tracts for QCT status and its residents largely speak English, but unlike its neighbors to the north and south, this county’s labor force is less college-educated.

Martin County: Martin County closely resembles Indian River and St. Lucie in overall demographics, English fluency, and presence of QCT tracts. Additionally, it ranks generally higher in average incomes and registers lower unemployment rates.

Palm Beach County: Palm Beach is the northernmost county of the Metropolitan Statistical Area (even though not all the county is included in the MSA) and is significantly larger than the Treasure Coast counties combined in census tract count and population. It is more heterogeneous in demographic composition, economic opportunity, and educational attainment than any of its northern neighbors, not least because its land area includes the chronically underperforming Belle Glade area in the west and the consistently strong-performing coast on either side of the MSA corridor. The county has among the highest median incomes but also a higher incidence of overall and family poverty, with a widespread need in the Belle Glade area for SNAP benefits and a low incidence of households with vehicle access.

Broward County: Much like Palm Beach County, Broward is a significantly more populated and urbanized than the Treasure Coast and it exhibits wide variability in indicator performance.
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Demographically, Broward is the most evenly balanced county, with whites not overwhelmingly dominating (as in the northern counties and Monroe) and with the region's largest population of Asian residents and a large Hispanic contingent in the southwest quadrant. African Americans are largely concentrated in central Broward, an area with poor economic performance, in a parallel with Palm Beach County. A tendency observed here, as the rest of the MSA, is for better-educated persons to reside on either side of the MSA; either along the coast or the urban growth boundary.

Miami-Dade County: The region's largest county by population and census tract count, Miami-Dade bucks the trend demographically by being predominantly Hispanic/Latino, with whites making a small minority of the total population. The county is, however, comparable to the rest of the MSA in terms of the concentration of African Americans in its economically poorest census tracts and the tendency of the wealthier and better educated to live either in the west or along the ocean. Miami-Dade underperforms more intensely and widely on economic indicators, with greater need than in Broward or Palm Beach for SNAP benefits and higher rates of poverty.

Monroe County: Overall, Monroe County is a strong performer in many social equity indicators and performs similarly to the Treasure Coast counties, particularly in terms of demographic composition. Its residents have better than average incomes compared to the rest of the region and lower unemployment rates. Notably, Monroe County also shows the highest incidence of vacant housing units (most of which, presumably, are vacation or second homes).

4. OPPORTUNITY INDEX

The use of the word opportunity in this context represents the combined effect of individual social equity indicators on a person or household's ability to achieve their goals. Even though the performance of individual indicators is informative and essential to the study of categorical factors, indicator performance does not exist in a vacuum; the life events that transpire from one day to the next are a result of the influence of all indicators at play at all times. An opportunity index, therefore, provides an instant performance summary of the combined effect of a range of factors that naturally fit together.

The opportunity index in this report is calculated from an aggregation of 14 eligible social equity indicators and converted into a graduated scale that correlates the performance of aggregated indicators to opportunities (that is, opportunities that increase the chances of an individual to succeed, improve themselves, or achieve more). The index is mapped by census tract and gradations range from "very low" to "very high" based on an equal interval classification encompassing the full range of index values. Its purpose is to reveal which areas in Southeast Florida contain strong, weak, and average combinations of opportunity-generating structures and conditions.

The indicators listed below are eligible to be included in the index because research has shown them to have a reasonable and direct relationship to the availability of opportunities. For 11 of the 14 indicators, an increase indicates opportunities become less available (e.g., poverty and unemployment). For these indicators, this inverse relationship was converted into a positive equivalent to build the opportunity index; see Methodology below. For the other three indicators, the original positive relationship was maintained. Justification for each indicator used in the opportunity index follows.

* Percent of persons who do not speak English well
The less capable a person is in communicating in English, the narrower the range of opportunities that person will be exposed to in the course of their life. The majority of Southeast Florida’s Hispanic/Latino persons reside in Miami-Dade County, where a critical mass has developed for Spanish and Creole. However, other parts of the region have not yet achieved this level of multilingualism, which may limit non-English speakers from expanding opportunities outside of Miami-Dade.

* **Median household income**
  o This is the first of three indicators that exhibits a positive relationship. Income has a direct impact on social equity. The higher a household’s income, the greater ability they have to afford the home they live in and the better chances they have to obtain the goods and services necessary to expand life opportunities.

* **Per capita income**
  o This is the second of three indicators that exhibits a positive relationship. The higher this figure is, the more wealth is contained within the area. On its own, it is not necessarily a strong indicator of overall opportunity since very high personal wealth among a few individuals will raise per capita income for all residents in an area. However, when examined with median income, poverty rate, and other economic indicators, it adds a useful dimension to the overall prosperity of an area.

* **Poverty rate of all persons**
  o Poverty is strongly related to lack of regular, livable-wage employment. A lack of financial resources greatly hinders a person’s (or household’s) ability to engage in the activities that lead to social and economic opportunities. Poverty can also be self-reinforcing, in that the deeper one gets into poverty, the harder it becomes, over time, to escape it through traditional means (e.g., employment).

* **Unemployment rate of civilian population in labor force**
  o Employment is closely linked to income and opportunities to widen social and community networks. The longer a person remains unemployed, the harder it becomes for them to develop the skills that make them employable in the future. Additionally, a local area with chronically high unemployment may be experiencing structural employment problems (such as an undereducated labor force) that may restrict normal opportunities for residents to earn a decent living, resulting in a perpetuation of unemployment and related factors, such as poverty.

* **Households receiving SNAP benefits**
  o Formerly food stamps, the Supplemental Nutrition Assistance Program (SNAP) assists low-income people and families purchase the food they need for good health. This is a reliable indicator of economic hardship, as only income-eligible households may qualify for benefits.

* **Adult population without a high school diploma**
  o It has become accepted that a high school diploma is a minimum condition for most low-wage jobs. Education, therefore, provides one of the most important means of generating life opportunities. Not having a high school diploma severely limits the number of jobs positions that one can apply for, which in return impacts one’s ability of wealth creation.
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• Adult population with a bachelor's or advanced degree
  o This is the third of the three indicators that demonstrates a positive relationship. The higher one's education level, the broader the range of employment and leadership opportunities. Higher education permits a person to qualify for better compensating employment, which can be the first step towards wealth creation. Higher educated persons also benefit from stronger networks composed of similar individuals with connections to a wider range of useful opportunities.

• Affordability gap for owners
  • Mortgage-holders spending 30% or more of income on housing costs
    o Housing affordability ranks as one the greatest burdens of a low-income homeowner. The greater the share of income that must be paid to housing costs, the less income available that can be spent on other necessities or the goods and services that leverage or lead to life opportunities.

• Affordability gap for renters
  • Renters spending 30% or more of income on housing costs
    o The same situation that applies to homeownership applies to renters as well, with the exception that the renter has no opportunity to build financial equity, which removes one means to wealth creation.

• Mean travel time to work
  o This indicator shows an indirect relationship between quality of life and commute time. The longer one's commute, the less time is available in the day for other activities relating to work, personal, or family obligations. Long commute times may also indicate an imbalance between places of work and places of residence, which can stem from poor land use planning and may have an impact on the future viability of regional transportation networks.

• Households without access to a vehicle
  o In Southeast Florida, where alternate means of mobility are deficient (e.g., rail and bus transit), uncomfortable at certain times of the day (i.e., walking), or risky (i.e., cycling), travel by car is the common standard. Many destinations are not served by transit and are too far to reach by foot or bicycle. Lack of access to a vehicle greatly hinders a person's ability to make full use of the region around them in Southeast Florida. It shrinks the effective job market area, limits the places that can be conveniently reached, and hampers travel in an emergency. Because vehicle ownership is costly, lack of access can also indicate economic hardship.

The remaining social equity indicators were not used for one of three reasons:

• The indicator does not necessarily characterize an expansion or limitation of opportunities. Indicators in this group include population density, housing density, percentage of households with children, percentage of households with seniors, persons with high school diploma only, percent of housing units occupied by owner, percent of housing units that are vacant, percent of households that are single-parent, percentage of commuters who drive, percent of commuters who walk or take public transit, or any of the race indicators.

• Too few census tracts for that indicator contained data and incorporating those indicators would have weakened the statistical rigor of the index. Indicators in this group include percentage of
Social Equity Analysis for the Seven Counties of Southeast Florida

families in poverty with children, FCAT school rankings, percentage of students receiving subsidized school lunches, student minority rate, and percent of LIHTC housing units in the census tract.

* Indicator data was nominal and could not be converted into a quantity. The two indicators with this condition are census tracts that are listed as QCTs and census tracts with limited supermarket access.

Recent research supports the use of economic and housing indicators in developing a reliable understanding of social equity and life opportunities in a geographic area. This study makes use of this emerging approach.

METHODOLOGY

Construction of the opportunity index was a multistep procedure that formulated two versions of opportunity index from the same set of indicators. Data for the region’s 1,333 census tracts were combined and measured on the same scale for true regional evaluation.

Indicators were then adjusted to move in same direction to show a positive correlation; as the index number gets larger opportunities expand. No change was necessary for the three indicators already exhibiting a positive relationship. For the 11 indicators revealing an inverse relationship, adjustment was accomplished by subtracting 1 from the statistic to obtain the opposite condition for percent data, or by multiplying by -1 to reverse the direction for interval data.

After conversion, all data for each indicator was normalized. Z-scores were calculated for each indicator by subtracting the mean value of the entire data set for each variable from an individual raw score and dividing the difference by the standard deviation. Z-scores allow disparate sets of data to be measured on a common scale—a necessary condition to produce a single index from 14 different indicators.

The formula for producing a z-score from a raw score x is:

\[ z = \frac{x - \mu}{\sigma} \]

where \( \mu \) is the mean of the population (total data points) and \( \sigma \) is the standard deviation of the population.

The opportunity index was calculated in two iterations. In the first, the average of all z-scores for each of the 14 indicators was calculated for each census tract to derive the index. All 14 indicators are weighted equally in this iteration. In the second, an average z-score for each of the five indicator categories was calculated, whereupon the z-scores were averaged to produce the resultant index. All indicator categories are being weighted equally in this iteration, helping to compensate for any skewness caused by the predominance of indicators of a particular type. (For example, there are five economic indicators in the population but only two for education.)

The results for both iterations were mapped by census tract with gradations classified by five equal intervals on a scale of approximately -1 to +1. The quintile divisions are very low (-0.5 or less), low (-
Social Equity Analysis for the Seven Counties of Southeast Florida

0.4999 to -0.001), moderate (0 to 0.4999), high (0.5 to 0.9999), and very high (1 or higher). These divisions do not refer to any nationally recognized or agreed definition of social equity or life opportunity, insofar as such a thing exists, but rather represent the gamut of opportunity available within the region. That is to say, those census tracts with a very high opportunity index rating experience the best combination of life opportunities within Southeast Florida, which may or may not compare equally to very high ranked census tracts from another region in the U.S. studied under methodologically identical conditions.

FINDINGS

The category-equally-weighted map (Map A) shows the distribution of opportunity as calculated for all five indicator categories weighted evenly, whereas the indicator-equally-weighted map (Map B) shows the distribution as calculated for all 14 social indicators weighted evenly. Categorical equal weighting may be considered more valid than indicator equal weighting because it deemphasizes the ability for a group of related indicators to improperly skew the index in a particular direction. Categorical equal weighting implies that each of the five indicator categories (demographic, economic, education, neighborhood, and transportation) is equally important in the index. However, it also deemphasizes equality within each category; the single demographic indicator in the index (linguistic isolation), for instance, is treated as equivalent to the index’s five economic indicators, which are averaged into a single score for the category. Hence the creation of an indicator-equally-weighted map that counters any skewness that may be caused by unequal categorical representation. As it happens, the two maps show similar results. In the discussion that follows, opportunity and social equity are used interchangeably.

Map A:

Regional Summary:

From north to south, the region exhibits variable conditions of opportunity and social equity. The weakest areas for opportunity are generally located either in the rural or exurban western fringe or the greater Miami area. The strongest areas are generally located along the coast, along the urban growth boundary of the MSA, and in the less densely populated counties. Many of the areas exhibiting very low or very high scores correspond to the performance of individual indicators. For instance, many of the census tracts with high unemployment also score low on the opportunity index. (See Local Findings below for more on this.)

Areas with moderate scores should not be overlooked. They represent what should be seen as the minimum performance standard for the region. These areas are at a point where their performance may either decline or improve, depending in part on choices made by their local governments and the strength of the local economy. A large share of Southeast Florida features the average opportunity index score; if these areas were to shift into positive territory, the region as a whole would dramatically improve in terms of future economic and social viability.

Local Findings:

Monroe County scores the best performance overall for social equity; just two census tracts register below average. Miami-Dade County is the weakest county overall for opportunity, with a majority of its urbanized area exhibiting a below-average score. This includes much of greater Miami north of SR 27 and west of I-95. Broward and Palm Beach counties are both weighted towards moderate scores, with numerous census tracts above and below the mid-point and a large
distribution of moderate-scoring tracts throughout both counties. (An exception in Palm Beach County is the Lake Okeechobee rim, where scores are entirely below the mid-point.) Lastly, the three northern counties are generally stronger in opportunity, although not to the same extent as Monroe County; a small number of census tracts score below the mid-point.

More details are provided for communities by county:

**Indian River County**—Indian River is the smallest county by area and second smallest by population. The large majority of residents live east of I-95; to the west lie conservation areas and exurban lands served by just two roads. Within the eastern urbanized zone, only two census tracts exhibit low scores (503.02, 504.01). Both are in the vicinity of the county seat Vero Beach, with the former on the north side of the Vero Beach Municipal Airport and the latter in the municipality of Vero Beach South. The county’s western census tract, 509.04, consistently displays weakness on social equity indicators and ranks very low in the opportunity index. However, at well over half the county’s area and home to only approximately 7,100 persons, it is a decidedly rural region not directly comparable to the urban east.

On the coast, the county is home to one of the region’s relatively few areas that score very high on opportunity—the town of Indian River Shores and the census-designated place (CDP) of Wabasso Beach. Both of these barrier islands have small populations and are within short reach of the county’s two principal cities of Sebastian and Vero Beach. The county’s other high performing places are a large residential area southwest of Vero Beach South and the barrier island that extends south from Indian River Shores into northern St. Lucie County.

<table>
<thead>
<tr>
<th>Indian River County Summary</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very high index score</td>
<td>1</td>
<td>3.4%</td>
</tr>
<tr>
<td>Number of census tracts with a high index score</td>
<td>10</td>
<td>34.5%</td>
</tr>
<tr>
<td>Number of census tracts with a moderate index score</td>
<td>15</td>
<td>51.7%</td>
</tr>
<tr>
<td>Number of census tracts with a low index score</td>
<td>2</td>
<td>6.9%</td>
</tr>
<tr>
<td>Number of census tracts with a very low index score</td>
<td>1</td>
<td>3.4%</td>
</tr>
</tbody>
</table>

**St. Lucie County**—Similar to Indian River County, St. Lucie’s western side (which begins at I-95) is comprised mostly of a single census tract (3822). This tract, plus most of the urbanized corridor east of I-95, scores average on opportunity. Notable exceptions are found in the vicinity of the county’s two principal cities, Fort Pierce and Port St. Lucie, with census tracts ranked below average. Downtown Fort Pierce, in particular (census tracts 3801, 3802, 3803, 3804), is very weak in social equity. On the other hand, of the two census tracts that score high on opportunity, census tract 3821.09 contains PGA Village and County Club, one of the region’s premier golfing destinations. The other tract, 3812.04, covers a barrier island containing three state parks.

<table>
<thead>
<tr>
<th>St. Lucie County Summary</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very high index score</td>
<td>0</td>
<td>0.0%</td>
</tr>
</tbody>
</table>
Social Equity Analysis for the Seven Counties of Southeast Florida

| Number of census tracts with a high index score | 2 | 4.7% |
| Number of census tracts with a moderate index score | 29 | 67.4% |
| Number of census tracts with a low index score | 8 | 18.6% |
| Number of census tracts with a very low index score | 4 | 9.3% |

**Martin County**—Approximately a third of the census tracts east of I-95, where most of the county’s residents live, scores high on opportunity. These tracts encompass Martin County’s entire coast and include the towns of Port Salerno and Hobe Sound and the residential districts around Stuart, the only incorporated municipality in Martin County and the county seat. Stuart’s census tracts score moderately (except census tracts 8 and 12), as does the rest of the county east of census tracts 18,01 and 18,02. These latter tracts, which lie between Lake Okeechobee and the urbanized east, are mostly agricultural, low density (between them, the two tracts have only approximately 9,800 residents), and score low in opportunity. Across the three northern counties, then, a pattern of low social equity is found in the western, non-urbanized zone.

<table>
<thead>
<tr>
<th>Martin County Summary</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very high index score</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Number of census tracts with a high index score</td>
<td>13</td>
<td>38.2%</td>
</tr>
<tr>
<td>Number of census tracts with a moderate index score</td>
<td>17</td>
<td>50.0%</td>
</tr>
<tr>
<td>Number of census tracts with a low index score</td>
<td>2</td>
<td>5.9%</td>
</tr>
<tr>
<td>Number of census tracts with a very low index score</td>
<td>2</td>
<td>5.9%</td>
</tr>
</tbody>
</table>

**Palm Beach County**—This northernmost county of the MSA contains the largest extent of census tracts with high opportunity scores. However, it also contains an underperforming sub-region around Lake Okeechobee that consistently rates poorly on social equity indicators. The county seat, West Palm Beach, is highly mixed in terms of opportunity, with representation from all categories from very low to high. The immediately adjacent city, Palm Beach, scores consistently very high.

The west/east, rural/urban divide seen in the counties to the north is carried into Palm Beach County to a limited extent. The 30-mile-wide area between Lake Okeechobee and Palm Beach Gardens, Wellington, and Royal Palm Beach is relatively depopulated. East of the aforementioned municipalities, the urbanized MSA extends south contiguously to Florida City in Miami-Dade County. The majority of census tracts on the west side of the divide are scored moderately for opportunity, until the Belle Glade area next to Lake Okeechobee, which rates low and very low. Two large conservation areas are located here, on the outside of the MSA, which reduces population density.

Strong performing areas in the MSA include most of the area from the city of Palm Beach Gardens north to the county line. An exception is census tract 2.02, which is found in downtown Jupiter. Additionally, a majority of the area on the east edge of the Loxahatchee National Wildlife Refuge rates at least moderately on opportunity, with
many residential, unincorporated lands to the west of Boynton Beach, Delray Beach, and Boca Raton scoring high. In fact, in this southern part of the county, there are only three isolated census tracts that rate very low: census tract 56.01 in Lake Worth, census tract 68.02 in Delray Beach, and census tract 71 in Boca Raton. The former two tracts are located in the downtowns of the respective cities.

<table>
<thead>
<tr>
<th>Palm Beach County Summary</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very high index score</td>
<td>11</td>
<td>3.3%</td>
</tr>
<tr>
<td>Number of census tracts with a high index score</td>
<td>113</td>
<td>34.1%</td>
</tr>
<tr>
<td>Number of census tracts with a moderate index score</td>
<td>116</td>
<td>35.0%</td>
</tr>
<tr>
<td>Number of census tracts with a low index score</td>
<td>61</td>
<td>18.4%</td>
</tr>
<tr>
<td>Number of census tracts with a very low index score</td>
<td>30</td>
<td>9.1%</td>
</tr>
</tbody>
</table>

Broward County—The strongest performing communities include census tracts in Parkland, Coral Springs, Lighthouse Point, Weston, Davie, Pembroke Pines, Plantation, and the former CDP of Estates of Fort Lauderdale (now divided between Hollywood and Dania Beach). These municipalities share a common trait in that they are all predominantly residential and have higher household incomes. Conversely, the lowest performing census tracts in the county are concentrated in a handful of areas exhibiting low economic performance. These include central Lauderdale Lakes, western Hallandale and Dania Beach, central Pompano Beach, and northwest Fort Lauderdale.

Much of Pompano Beach scores below average in opportunity, the exception being the residential southeast part of the city adjacent to Sea Ranch Lakes. A large share of Tamarac and Lauderhill are similarly positioned, as is the portion of Fort Lauderdale north of Broward Boulevard and west of the FEC railroad. Further south, almost all eastern Miramar and Pembroke Pines census tracts score below average, along with West Park and Pembroke Park.

Moderate performing census tracts are located across the county, in cities with both high scoring and low scoring tracts. All of western Miramar, southwest Pembroke Pines, and western Weston rate as moderate in opportunity. The majority of Tamarac and Coconut Creek and all of southern Coral Springs rate a moderate score. In fact, the entirety of the county’s coastal tracts ranks just moderately in opportunity. (The one census tract that scores high, 901.02, is mostly composed of the West Lake Park recreational area.)

In general, the newer, residential areas in Broward County score well on opportunity, while the older, central cities fare more poorly.

<table>
<thead>
<tr>
<th>Broward County Summary</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very high index score</td>
<td>2</td>
<td>0.1%</td>
</tr>
<tr>
<td>Number of census tracts with a high index score</td>
<td>66</td>
<td>18.3%</td>
</tr>
<tr>
<td>Number of census tracts with a moderate index score</td>
<td>168</td>
<td>46.7%</td>
</tr>
</tbody>
</table>
Social Equity Analysis for the Seven Counties of Southeast Florida

| Number of census tracts with a low index score | 101 | 28.0% |
| Number of census tracts with a very low index score | 23 | 6.3% |

**Miami-Dade County**—The region’s largest county by population and census tract count is also the region’s weakest overall in terms of social equity. Despite outperforming spots in Coral Gables, Pinecrest, North Bay Village, and Key Biscayne, the majority of urban Miami-Dade performs moderately at best. In Miami, the county’s largest city, virtually all parts of the city north of U.S. 1 and west of I-95 score very low in opportunity. This low-performing district extends to the northwest along SR 27 to include five census-designated places (CDPs), the cities of Hialeah, Hialeah Gardens, and Opa-locka, the town of Medley, and the village of Miami Shores.

Miami-Dade is mostly urbanized from the urban growth boundary alongside the Everglades east to the Atlantic, and much of western part of this urban zone is occupied by unincorporated CDPs with, at best, moderately performing census tracts. Extending from Miami in a westerly direction along SR 836 (Dolphin Expressway), another large, underperforming area comprises most CDPs to Kendall and The Hammocks. This area is somewhat stronger than the district described prior (with a low instead of a very low score), but it extends to the western urban boundary of the county and encircles Miami International Airport and Doral. The city of Doral, incidentally, is the strongest performing city in this sub-region, with a moderate score. It also stands apart in the sub-region as being the only predominantly white community.

Directly west of Pinecrest are a series of CDPs with moderate scores in social equity. These include residential districts built within the last three decades such as The Hammocks, The Crossings, Kendall, Richmond Heights, and Country Walk. This narrow corridor of CDPs lies between the low-performing CDPs to the north and another, larger sub-region of underperforming CDPs and municipalities extending all the way south to the waters of Florida Bay. This includes the four mainland municipalities south of Pinecrest (Palmetto Bay, Cutler Bay, Homestead, and Florida City) and nine CDPs. It also includes the western Miami-Dade agricultural lands (census tracts 103, 104, and 102.01) and the Everglades conservation lands in census tracts 115, 114.04, 114.01, and 107.04.

Along the northern edge of the county, the opportunity index varies. The unincorporated lands west of the CDPs of Palm Springs North and Country Club score moderately in opportunity, while the aforementioned CDPs and the city of Miami Gardens score low. The CDP of Ives Estates (census tracts 97.03 and 97.04) score moderately, while the town of Aventura to the east exhibits a mix of moderate and high performing tracts. Lastly, to Aventura’s east, the municipalities of Golden Beach and Sunny Isles Beach score low.

<table>
<thead>
<tr>
<th>Miami-Dade County Summary</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very high index score</td>
<td>2</td>
<td>0.0%</td>
</tr>
<tr>
<td>Number of census tracts with a high index score</td>
<td>41</td>
<td>8.1%</td>
</tr>
<tr>
<td>Number of census tracts with a moderate index score</td>
<td>86</td>
<td>16.9%</td>
</tr>
</tbody>
</table>
Social Equity Analysis for the Seven Counties of Southeast Florida

<table>
<thead>
<tr>
<th>Number of census tracts with a low index score</th>
<th>171</th>
<th>33.7%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very low index score</td>
<td>208</td>
<td>40.9%</td>
</tr>
</tbody>
</table>

**Monroe County**—Geographically the strongest performer of any of the region’s seven counties, Monroe scores at least moderately in all but two of its census tracts. The two outliers, Census Tracts 9724 and 9726, are located in downtown Key West, carrying along a trend seen in the northern counties in which the major municipality shows the most weakness. Key West, Islamorada, and Key Largo score moderately on opportunity, while Marathon scores well. One census tract, 9702, scores very high. This is the area containing the CDP of North Key Largo, an area that ranks consistently high in individual social equity indicators.

<table>
<thead>
<tr>
<th>Monroe County Summary</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of census tracts with a very high index score</td>
<td>1</td>
<td>3.6%</td>
</tr>
<tr>
<td>Number of census tracts with a high index score</td>
<td>8</td>
<td>28.6%</td>
</tr>
<tr>
<td>Number of census tracts with a moderate index score</td>
<td>17</td>
<td>60.7%</td>
</tr>
<tr>
<td>Number of census tracts with a low index score</td>
<td>2</td>
<td>7.1%</td>
</tr>
<tr>
<td>Number of census tracts with a very low index score</td>
<td>0</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Map B:**

**Regional Summary:**

Overall, the distribution of opportunity throughout the region derived from equally weighted indicators is closely comparable to the distribution derived from equally weighted indicator categories. In some areas, opportunity expands, while in others it decreases. All major areas where opportunity ranks as very low or very high in Map A remain so in Map B, as does the general extent of moderate-performing areas.

**Local Findings:**

Monroe County continues to score highest for overall performance, although two census tracts now perform below average (see Local Findings). Miami-Dade remains the most socially unequal county, although the severity is somewhat lessened in some of the census tracts north of Miami. All counties from Broward north preserve the spatial distribution of opportunity, with only minor change between the two variants of the opportunity index.

More details are provided by way of comparison between Maps A and B:

**Indian River, St. Lucie, and Martin counties**—These three northern counties, which form unto themselves a district distinct from the MSA to its south and shares commonalities with Monroe County, exhibit the same trend as from Map A: higher performing census tracts along the coast and in residential areas within unincorporated hinterlands, and low performing tracts on the western fringe. The weakest municipality in
this sub-region remains Fort Pierce, where in fact more local census tracts score low on opportunity when the index is mapped with equally weighted indicators.

_South Florida Metropolitan Statistical Area_—Between the two variants of the opportunity index, there are far more similarities than differences in the MSA. In Palm Beach County, a larger number of census tracts along the northern county line shift from a moderate score to a high score when the index is mapped by equally weighted indicators. Similarly, more census tracts in the western half of Pembroke Pines shift into positive territory. In Miami-Dade County, the south half of Doral (census tract 90.10) moves from moderate to high. The rest of the MSA region, mapped by equal-weight indicators, remains approximately identical.

_Monroe County_—In this county, the greatest changes between the two opportunity index variants are seen. South of Marathon, the county loses performance, moving generally from high performance to a moderate score. Big Pine Key (census tract 9715.02) shifts from a moderate score to a low score and Key West becomes a low performer. North of Marathon, the middle and upper keys maintain their performance levels.

**Summary of Comparisons between Map A and Map B**

<table>
<thead>
<tr>
<th>Geography</th>
<th>Comparison</th>
<th>Level of Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian River County</td>
<td>Census tracts east of I-95 and west of Vero Beach, in a relatively unpopulated part of the county, improve one level in performance when indicators are indexed by equally weighted categories.</td>
<td>Moderate</td>
</tr>
<tr>
<td>St. Lucie County</td>
<td>The area west of Fort Pierce, adjacent to I-95, performs more poorly (by one level) in the opportunity index equally weighted by indicators. Only two census tracts are affected: 3807 and 3809.02.</td>
<td>Minor</td>
</tr>
<tr>
<td>Martin County</td>
<td>The westernmost census tract (18.02) improves in performance by one level in the opportunity index equally weighted by indicators. Two census tracts near Stuart (3 and 6.10) decline in performance to moderate.</td>
<td>Low</td>
</tr>
<tr>
<td>Palm Beach County</td>
<td>A small number of census tracts in the vicinity of Belle Glade, the Loxahatchee Slough, and North Palm Beach decline in performance by one level in the index equally weighted by indicators.</td>
<td>Low</td>
</tr>
<tr>
<td>Broward County</td>
<td>In the index equally weighted by indicators, performance declines by one level in census tracts near central Pompano Beach and northwest Fort Lauderdale. Conversely, performance improves in the same index in Southwest Ranches and western Pembroke Pines, from moderate to high.</td>
<td>Low</td>
</tr>
</tbody>
</table>
Social Equity Analysis for the Seven Counties of Southeast Florida

<table>
<thead>
<tr>
<th>Miami-Dade County</th>
<th>Performance remains virtually unchanged from one index to the other, although the south half of Doral (affecting five census tracts) improves from moderate to high.</th>
<th>Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monroe County</td>
<td>The lower keys, from Big Pine Key to Key West, decline in performance in the index equally weighted by indicators. Approximately half a dozen census tracts are affected.</td>
<td>Moderate</td>
</tr>
</tbody>
</table>

5. OVERALL FINDINGS

The social equity analysis and opportunity index reveal a number of significant patterns in the Southeast Florida region overall and in each of the seven counties. The use of the census tract as the unit of study permits an assessment of conditions that more closely hews to the true nature of geographies of opportunity, for which administrative divisions such as municipalities are of increasingly lesser importance, even notwithstanding the fact that there are certain findings that respect the location and extent of the region’s largest cities. From the analysis, the following seven findings stand out:

No. 1: **The region demonstrates a distinct geographic schism between the Miami-Fort Lauderdale-Pompano Beach MSA and all areas around it.** The MSA comprises the counties of Palm Beach, Broward, and Miami and contains 5.56 million of the 6.1 million persons residing in Southeast Florida. Outside of this MSA are the four remaining counties, each with much smaller populations and lower comparative extents of urban density. This has the effect of making the region a union of two distinct geographies, particularly in light of the stronger social equity performance, in general, of the areas not within this MSA.

No. 2: **There exists a divide between the economic performance of whites and non-whites.** In economic indicators, employment, Southeast Florida’s white residents are generally in a stronger average position, leading to higher opportunity index performance in those census tracts where Caucasians make up the largest share of the population.

No. 3: **Geographic distribution of the population by race observes particular patterns.** For instance, Hispanics dominate in west and south Miami-Dade County, Caucasians dominate in the Treasure Coast and Palm Beach and Monroe counties, and African Americans are dominant near Fort Pierce, Belle Glade, West Palm Beach, central Broward County, and north Miami-Dade County. A strong dichotomy exists in the region, whereby those areas in which whites are the most dominant are also the areas where African Americans are the least dominant, and vice versa. This incidence is less evident regarding the distribution of Hispanics and whites outside of Miami-Dade County.

No. 4: **Certain conditions are experienced across the region relatively evenly.** The region overall experiences certain conditions with relative consistency, whereby areas of notable geographic disadvantage are lower than usual. One example is access to high performing public schools, which are found throughout every county except along the coast where generally few schools are located. From north to south, the region is also highly dependent on automobile travel to work and experiences a similar average commute time. Additionally, housing is a cost burden for renters across the majority of the region.
No. 5: The strongest performing areas of the region tend to be located in or near a relatively small number of towns and cities along the coast or the urban growth boundary of the South Florida MSA. These include, from north to south, coastal Indian River, Martin, and Palm Beach counties, the census tracts alongside the Loxahatchee National Wildlife Refuge in Palm Beach County, Parkland, western Broward County, Aventura, Coral Gables, Pinecrest, and North Key Largo. Geographically, the extent of high performing areas is outpaced by that of the moderate and low performing areas, even when excluding the region’s westernmost census tracts, which cover a large sector of the region and are mostly unpopulated.

No. 6: Conversely, the weakest performing areas of the region tend to be concentrated in Miami-Dade County, west Palm Beach County, and the exurban western end of the Treasure Coast. These areas are characterized by the dominant presence of non-whites, a lower average educational attainment, lower incomes, and greater unemployment. Many of the census tracts in these areas are large in size but small in population; within the urbanized MSAs, the largest weak-performing extent is found in central Miami-Dade County.

No. 7: A significant part of the region experiences moderate performance, which should be tracked carefully. These areas deserve additional attention because they can either improve into better performing areas or decline. Most of the land area of the Treasure Coast counties (apart from the coastal census tracts), the middle region of Palm Beach County between Lake Okeechobee and the MSA, and most of Monroe County perform moderately on the opportunity index. Throughout the Miami-Fort Lauderdale-Pompano Beach MSA, the distribution of moderate-performing census tracts is mixed, with such tracts equally likely to be found next to higher and lower performing tracts. (This is especially the case in central Palm Beach County, western and coastal Broward County, and the CDPs adjacent to Pinecrest.) What makes moderate performing census tracts significant is their susceptibility to becoming a low performing tract. Small improvements or declines in social equity indicators could spell the difference between weakening into a low performing area or strengthening into a high performer.
United States Senate
Environment and Public Works Committee

Minority Report

A Call for Sunshine:

EPA’s FOIA and Federal Records Failures Uncovered

September 9, 2013
REVIEW & OUTLOOK

The Obama Storm Tax

Behold the Obama Administration's new public works plan. Sue cities for polluting waterways and then as part of a settlement require them to spend, or "invest" billions in extraneous sewer improvements. The White House doesn't even need legislation to pour this money down the drain.

The Justice Department and Environmental Protection Agency have taken enforcement actions against 25 cities over the last four years for allegedly violating the Clean Water Act, and there are another 772 on their list. In addition to imposing millions of dollars in penalties, the feds have forced these cities into consent decrees that will cost their local taxpayers $21 billion. The decrees spell out in detail what capital upgrades they must undertake—everything down to the size of their pipes.

The EPA says this extraordinary intrusion on local sovereignty is justified because cities are discharging waste into waterways during heavy rains. Many older wastewater systems include a safety valve that releases untreated stormwater and sewage into lakes and rivers when underground tunnels are flooded. This is to prevent waste from backing up in basements. The EPA has ordered cities to limit such wet weather overflows to four per year, regardless of how much rain they receive or how little muck they discharge.

Many cities have already taken concrete steps to reduce such overflows by developing "green infrastructure" (i.e., permeable pavements, rain gardens, catch-basins) that soaks up and diverts stormwater. Such solutions are easier and less expensive to implement than reconstructing their underground systems as the EPA wants them to do.

The U.S. Conference of Mayors says the EPA's heavy-handed management can't be justified by the supposed environmental or economic benefits. George Hawkins, the general manager for Washington D.C.'s Water and Sewer Authority, told Congress in July about "the growing cost of additional regulatory re-

quirements in order to achieve ever-decreasing water quality gains" and that "communities are being forced to invest more but are increasingly getting less return on these investments." Fossil fuel CEOs couldn't have said it better.

Cities are spending twice as much on water treatment as they did in 1995 and have reduced the contaminants they discharge into waterways during dry weather by 85%. Even so, the EPA says they need to spend at least $300 billion more on maintenance and upgrades to meet the agency's ever-stricter standards.

Since cities don't have that much spare change, they've been making improvements incrementally. But the EPA is demanding that they accelerate their work, which means they'll have to issue bonds as well as raise residents' water and sewer rates. David Berger, the Democratic mayor of Lima, Ohio—which has a median household income of $26,000—told Congress this summer that the EPA's consent decree could raise the average resident's $335 annual sewer bill by $539. Call the surcharge the Obama storm tax.

By the way, that was a month after the EPA announced it would try to offer cities more flexibility. Mr. Berger noted in his testimony that the detente "remains, at this point, a promise, not a reality." He told us last week that cities continue to have difficulty dealing with the EPA's regional offices, which is putting it nicely.

New York City's deputy mayor for operations Cas Holloway is less charitable. The EPA, he wrote in "The Environmental Forum" journal this month, is "treating cities as it might have treated Standard Oil early last century." The agency is "imposing billions of dollars of unfunded mandates without a clear scientific and public health basis for doing so."

Perhaps by targeting cities the EPA is merely trying to show that it's an equal opportunity harassing regulator. To adapt one of the President's favorite phrases, everyone deserves a fair shakedown.
The EPA’s Pebble Beaching

Lisa Jackson's Environmental Protection Agency keeps losing in court, but that doesn't mean she's at all deterred from expanding her authority. Witness her agency's assault on an Alaska mining project before the developers have even submitted their plans for government approval.

The Pebble Partnership—a joint effort by Anglo-American and Northern Dynasty Minerals—has spent a decade and $132 million exploring the potential to dig North America's largest copper and gold mine on state-owned land in southwest Alaska. The deposit is vast and could be among the world's largest supplies of both minerals, creating upwards of 1,000 high-paying jobs.

The Partnership is planning to apply for permits later this year, and in the normal course this would trigger extensive state and federal reviews. The federal review is done by the U.S. Army Corps of Engineers, which under the Clean Water Act has primary authority for deciding whether to issue permits for wetlands. The EPA can later review and revoke the Corps-issued permits with cause.

And there is the regulatory rub. The EPA has long chafed at this secondary role in permitting, though it has learned to use its veto threat to extract concessions from developers along the way. In the Pebble case, however, Mrs. Jackson is moving to superecede the Army Corps and make the EPA the only regulator, notwithstanding the plain language of the Clean Water Act.

Specifically, the EPA launched a preliminary study of what a mine would do to the Bristol Bay watershed, a spawning ground for sockeye salmon. Our sources say the EPA has never before undertaken such an exercise, for the simple reason that it is impossible to determine the environmental impact of a project before it has been proposed. But Mrs. Jackson's EPA is nothing if not creative. The agency invented a hypothetical Pebble mine, with its own engineering standards that industry claims are antiquated and show limited concern for the environment. Volla, the EPA found that its nonexistent mine would harm the watershed. The clear message: Don't even bother submitting a proposal, because even if it passes Army Corps review, the EPA will kill it.

The problem is that Mrs. Jackson's study has been roundly ridiculed—not least by the EPA's own peer-review experts. In a public meeting in August, the 12 peer reviewers lambasted the study for its rushed, "unsatisfactory" and "hypothetical" nature, and for numerous errors. One reviewer, University of Idaho hydrology expert Charles Slaughter, called some of the study's key parts "pure hogwash."

The EPA's response? It may go even further and veto the Pebble mine before the Army Corps does its assessment. Asked specifically by House Oversight Chairman Darrell Issa if the EPA is contemplating a preemptive veto, EPA Associate Administrator Arvin Ganesan didn't deny it in a May letter. He said the statute gives Mrs. Jackson "broad authority" to prohibit a project "whenever" necessary—including "prior to the submittal of an application."

The courts are unlikely to agree. This spring a federal court in D.C. slammed the EPA for revoking an Army Corps permit four years after it was issued for a West Virginia mining project. District Judge Amy Berman Jackson noted that the EPA's view that it could "unilaterally modify or revoke" a Corps permit "at any time" was a "stunning power for an agency to arrogate to itself when there is absolutely no mention of it in the statute."

The EPA's actions with Pebble are no less stunning and are likely to be economically damaging. The Brattle Group, a consulting firm, estimates that some $220 billion in U.S. investments—resource extraction, farming, energy, manufacturing and more—go through the Corps permitting process. Were the EPA to seize power to wall off entire areas to development—before projects are even proposed—much of that investment would go outside the U.S. The EPA's power grab is an insult to the Army Corps and especially to the state of Alaska, which has every reason to evaluate the Pebble project carefully so it doesn't damage the state's lucrative fishing and tourism industries.

Under Mrs. Jackson, the EPA has become less a regulator following the law and more an ideological vanguard that will push its limits to growth agenda as long as and as far as the courts and Congress allow. Watch out in a second Obama term.
Armed EPA raid in Alaska sheds light on 70 fed a with armed divisions

Published September 14, 2013


Recent uproar over armed EPA agents descending on a tiny Alaska mining town is shedding light on federal agencies--including nearly a dozen typically not associated with law enforcement--having..."
May 10, 2013

Honorable Robert P. Astorino
County Executive
Westchester County
148 Martine Avenue
White Plains, NY 10601

Re: Disapproval of FY 2012 and FY 2013 Annual Action Plans; Assurances Required for Approval

Dear Mr. Astorino:

By letter dated April 26, 2013, HUD disapproved Westchester County’s (the “County’s”) FY 2013 annual action plan based on HUD’s rejection of the County’s FY 2013 certification that it will affirmatively further fair housing (“AFFH”). Pursuant to Section 105(c) of the Cranston-Gonzalez National Affordable Housing Act and 24 CFR 91.500, this letter provides the specific reasons for HUD’s disapproval of the action plan, as well as actions the County can take to meet the criteria for approval. Because the underlying concerns that led HUD to disapprove the County’s FY 2011 and FY 2012 action plans are the same, this letter also pertains to the actions the County can take to secure HUD’s approval of those plans. HUD has received the County’s letter dated April 24, 2013, along with an Updated Analysis of Impediments to Fair Housing Choice (“Updated AI”). As explained in more detail in the attached review, the County’s FY 2011, FY 2012, and FY 2013 AFFH certifications remain rejected based on HUD’s review of the County’s Updated AI. It is HUD’s desire to offer Westchester County a clear and constructive path forward that would allow the County to receive its block grant assistance so it, in turn, can promote community development, produce affordable housing and assist homeless persons and families.

A detailed and lengthy history of the events following HUD’s disapproval of the County’s FY 2011 and FY 2012 annual action plans was recounted in HUD’s March 13, 2013 letter (the “March 13 Letter”).¹ In summary, HUD has disapproved the County’s FY 2011, FY 2012, and FY 2013 Action Plans and rejected the corresponding AFFH certifications because the

¹ By letter dated April 27, 2012, HUD disapproved the County’s FY2012 action plan as substantially incomplete. That letter set forth that reasons for disapproval and the actions the County could have taken to meet the criteria for approval. The letter gave the County an opportunity to garner approval of its FY2011 and FY2012 plans by providing assurances: (i) to submit a plan to overcome exclusionary zoning practices, in compliance with the direction provided in a letter from HUD’s Office of General Counsel dated April 20, 2012 letter and (ii) to abide by the District Court’s ruling on the County’s duty to promote source-of-income legislation, and (iii) to incorporate plans to overcome exclusionary zoning and promote source of income legislation into its AI. Almost a year later, on April 24, 2013, the County submitted its revised AI in lieu of the requested assurances. As explained in this letter, HUD has determined that the revised AI is insufficient to support the accuracy of the County’s FY 2012 AFFH certification and therefore, the FY2012 Action Plan remains disapproved (24 CFR 91.500(d)).
County has failed to conduct a proper exclusionary zoning analysis and to develop a clear strategy to overcome exclusionary zoning practices, including, but not limited to, pursuing legal action. The second basis for disapproval has been the County's failure to include a description of its plan to promote source-of-income legislation consistent with the direction from the Monitor and the District Court in its AI. As previously noted, HUD is encouraged by recent action taken to promote legislation that would ban source-of-income as specified in the August 10, 2009 Stipulation and Order of Settlement and Dismissal (the "2009 Settlement"). At the same time, concerns remain given that the Updated AI does not reflect commitment to promote such legislation as an ongoing duty. Therefore, HUD seeks assurance from the County demonstrating that it is committed to continuing its efforts to promote source-of-income legislation.

As to the County's commitment to overcome municipal exclusionary zoning practices, HUD has determined that the Updated AI does not provide sufficient evidence to support the County's FY 2011, FY 2012, and FY 2013 AFFH certifications. Although the Updated AI purportedly engages in some level of fair housing analysis of zoning, it is lacking in substance. The deficiencies noted in HUD's correspondence of March 13, 2013 and March 25, 2013 remain. The County's conclusions are inconsistent with federal precedent in interpreting the Fair Housing Act and applicable state law. Moreover, the "Analysis of Disparate Impact of Zoning Ordinances in Each of the 31 Eligible Municipalities on the Basis of Race" set forth in Appendix 51 of the Updated AI (the "Disparate Impact Analysis") is based on a problematic methodology and asserts conclusions not supported by the data provided. Any future analysis by the County should take into consideration HUD's guidance and the work of the Monitor, James E. Johnson, in his efforts to examine zoning practices within the County.

As detailed in the attached review, the County's Updated AI fails to meet the criteria set forth by the Department to find the County's FY 2011, FY 2012, and FY 2013 AFFH certifications satisfactory. Therefore, the Department has determined that additional assurances from the County are necessary and warranted for HUD to find the County's AFFH certifications to be satisfactory. The following assurances will serve as the foundation for grant conditions that will include timetables and benchmarks that the County must meet to use the funds. If the County provides the following assurances, HUD would be able to approve the annual action plans for FY 2011, FY 2012, and FY 2013:

- The County acknowledges that it has an ongoing duty to affirmatively further fair housing that includes compliance with the 2009 Settlement.

- The County acknowledges that the Settlement includes a duty to promote, through the County Executive, legislation that bans discrimination in housing on the basis of source-of-income. This is an ongoing duty, and the County Executive will continue to take steps to promote the passage of such legislation in accordance with court rulings and recommendations from the Monitor. Such steps will be incorporated into the County's Updated AI, and reported upon in annual performance reports submitted to HUD. The County Executive will refrain from taking steps that hinder passage of such legislation and commits to signing the legislation upon passage.
The County will revise its analysis of exclusionary zoning practices to incorporate the corrective actions previously specified by HUD.2

The County acknowledges that it must develop a clear strategy to overcome exclusionary zoning practices, including, but not limited to, pursuing legal action. Westchester County will develop a plan that will consist of:

- Identification of local zoning practices that are having exclusionary impacts, or fail to take into account regional housing needs, in compliance with HUD’s Office of General Counsel’s letter of April 20, 2012.
- Development of a process for notifying municipalities of zoning issues that hinder the County’s obligations under the Settlement and changes that must be made, and if not made, the consequences of municipalities’ failure to make them;
- Development of a process to involve municipal decision-makers in consultation regarding changes in zoning and land use restrictions;
- Description of how these requirements will be included in future contracts or other written agreements between the County and municipalities; and
- Identification of the types of zoning practices that would, if not remedied by the municipality, lead the County to pursue legal action.

The County will incorporate such zoning analysis and strategy into the Updated AI.

Should the County, HUD, a Court, or the Monitor identify a municipality with exclusionary zoning practices that violate federal, state or local fair housing law, the County will not provide any HUD financial assistance to such municipality, or for developments or other activities in support of any such municipality, until such municipality comes into compliance.

If the County, HUD, a Court, or the Monitor determines that there is exclusionary zoning that violates federal, state or local fair housing law, the County will undertake, if necessary, enforcement efforts in consultation with HUD.

HUD’s acceptance of the County’s annual action plan(s) does not constitute acknowledgment that the County has fully discharged its obligations under the Settlement, or that the County has otherwise complied with the terms of the Settlement, to date or in the future.

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2 The County must examine any data regarding (1) the impact of the application of the six Restrictive Practices specified in the attached review on housing development within the eligible municipalities; (2) the impact such practices have on the racial and ethnic composition of eligible municipalities; and (3) whether the restrictions properly take into account regional needs. Accordingly, the County is directed to examine whether local zoning ordinances are having exclusionary impacts and/or segregative effects by reviewing the types, quantity and quality of housing presently in the local jurisdiction, proposals for developments (those formally submitted, in progress, and those abandoned), interviews with affected parties, demographic data for the various zoning districts within each local jurisdiction, and an examination of the entire region, particularly demographic data for other jurisdictions with different zoning practices, the housing available, and of regional housing needs. An examination of proportional statistics, rather than absolute numbers is required. The development of a clear strategy to overcome exclusionary zoning practices, including litigation, is also required.
Robert P. Astorino
Page 4
May 10, 2013

Settlement, or that the County has otherwise complied with the terms of the Settlement, to date or in the future.

In accordance with 24 CFR 91.500(d), the County must provide its revisions or resubmissions to its FY 2013 plan to the Department by June 10, 2013. The Department is also giving the County an additional opportunity for approval of its FY 2011 and FY 2012 plans. Upon prompt provision of these assurances, signed by the County Executive no later than the June 10th deadline, HUD expects to be able to approve the FY 2011, FY 2012, and FY 2013 annual action plans and allow the block grants for these years to go forward. HUD remains available to provide technical assistance to the County so that it can meet these important requirements. If you have any questions please have the appropriate person contact me at (212) 542-7428.

Sincerely,

Vincent Hom
Director
Community Planning and Development

Attachment

cc: Kevin J. Plunkett, Deputy County Executive
    Robert F. Meehan, Westchester County Attorney
    David J. Kennedy, Assistant US Attorney for the Southern District of New York
    Benjamin Torrance, Assistant US Attorney for the Southern District of New York
    Lara Eshkenazi, Assistant US Attorney for the Southern District of New York
Attachment: Review of Westchester County’s Updated AI

Source-of-Income Legislation

The County’s updated AI, at Chapter 12 pp. 198-200, discusses the history of source-of-income legislation, including the history of litigation, and notes that the County Executive submitted source-of-income legislation to the Board of Legislators on April 24, 2013 with a commitment to sign the legislation, if passed by the Board. We would reiterate, however, that the Second Circuit Court of Appeals has found that the County’s obligation to promote the legislation is a continuing one. See United States ex rel. Anti-Discrimination Ctr. of Metro N.Y. v. Westchester County, 2013 U.S. App. LEXIS 6965 (2d Cir. 2013). As such, the AI must include a description of the County Executive’s plan to continue to promote the legislation.

The Exclusionary Zoning Analysis and Strategy

As explained in the March 13 Letter, HUD has undertaken the review of each submission the County has made to the Monitor regarding its exclusionary zoning analysis and strategy to overcome exclusionary zoning. Additionally, we have now reviewed the Updated AI, including the Disparate Impact Analysis. The County’s Updated AI remains inadequate.

The March 13 Letter, at page 9, reiterates the corrective actions first articulated in HUD’s April 20, 2012 letter (the “Corrective Actions”). The County was required to undertake the following Corrective Actions:

1. Examine the impact of the application of the six Restrictive Practices on housing development within the eligible municipalities;
2. Examine the impact such practices have on the racial and ethnic composition of the eligible municipalities;
3. Examine whether the restrictions properly take into account regional needs; and
4. Develop a clear strategy to overcome exclusionary zoning practices, including litigation.

In examining whether local zoning ordinances are having exclusionary impacts and/or segregative effects, the County was directed to review the following factors:

1. The types, quantity, and quality of housing presently in the local jurisdiction;
2. Proposals for developments (those formally submitted, in progress, and those abandoned);
3. Interviews with affected parties;

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4 See letter from Glenda L. Fussa to Kevin J. Plunkett, dated April 20, 2012.

5 Monitor’s Report and Recommendation Regarding Dispute Resolution (Amended), dated November 17, 2011 (the “Monitor’s Report”).
Robert P. Astorino  
Page 6  
May 10, 2013

(4) Demographic data for the various zoning districts within each local jurisdiction; 
(5) Demographic data for the entire region, particularly demographic data for other jurisdictions with different zoning practices; and 
(6) Regional housing needs.

The County’s Updated AI fails to adequately address the Corrective Actions that HUD has consistently laid out as a path toward compliance. Specifically, the Updated AI does not satisfactorily consider the impact of the six Restrictive Practices on housing development and racial and ethnic composition or regional needs. Nor has the County addressed several of the factors HUD identified as crucial to a proper analysis, including types, quantity and quality of housing presently within a jurisdiction; whether any proposals for development have been curtailed due to local zoning issues; demographic data for the entire region; or regional housing needs.

The County has not examined the impact of the application of the six Restrictive Practices on housing development within the eligible municipalities (Corrective Action # 1)

The Updated AI does not review the types, quantity, and quality of housing presently in the eligible municipalities. With the exception of a few anecdotal notations, the Updated AI does not present a review of housing types and, therefore, fails to address Corrective Action # 1.

The County has not examined the impact of the application of the six Restrictive Practices on the racial and ethnic composition of the eligible municipalities (Corrective Action # 2)

The County’s Disparate Impact Analysis attempts to address Corrective Action # 2. However, it is based upon a problematic methodology. The County uses a methodology that it admits is statistically unreliable in municipalities in which the Black and Hispanic population or the size of its multifamily district is very small. Despite acknowledging this flaw, the County did not engage in any analysis as to why those numbers are so low. Further, the County alternated between using 2000 and 2010 data, and between using data that includes and excludes group quarters. The County merely seeks to do an analysis regarding the sufficiency of the amount of affordable housing within each community. The County’s methodology does not consider whether each zoning ordinance permits such municipality to affirmatively further fair housing. Without consideration of whether the multifamily zones are concentrated in a specific area within each municipality and whether this concentration causes a pattern of segregation, analysis of the numbers of Black and Hispanic people and the amount of multifamily as-of-right zoning cannot shed any light on whether the minority population is integrated within the municipality. Of additional concern, the County asserts conclusions which cannot be supported by the data provided. The Disparate Impact Analysis is therefore inadequate.

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6 See, e.g. Disparate Impact Analysis, Town of Somers. The “Municipality Specific Geographic Considerations” section identifies a 2,260 unit condominium development and a 120 unit townhome development. The notation does not identify the zoning districts in which these two developments exist, nor does it describe the quality of the units.
Robert P. Astorino  
Page 7  
May 10, 2013  

As an initial matter, references to specific municipalities below should not be read to indicate that HUD has made a determination that such municipality employs exclusionary zoning practices. The municipalities and data cited are merely illustrative of HUD’s concerns regarding the County’s chosen methodology and resultant conclusions.

**Methodology**

The County acknowledges that the methodology it employed to conduct the Disparate Impact Analysis is problematic. The very first narrative presented raises as an “important consideration” that the number of Black and Hispanic residents is so small that the County’s chosen methodology is “subject to a high rate of error.” It further cautions that the data presented “cannot be said to provide any statistically significant information.” Similar disclaimers are repeated throughout the Disparate Impact Analysis. For example, in its analysis of the Town of Ossining, the County finds that the Town’s small population “[r]ender[s] any statistical analysis subject to a high rate of error.” Yet in the analyses where the sample size is too small to draw conclusions, the County does not engage in any analysis regarding why the Black and Hispanic population or the size of their multifamily districts is so small. Given the County’s disclaimers, HUD cannot accept its methodology, or the conclusions the County draws from it, as sound.

It is also problematic that the individual narratives vacillate between 2000 and 2010 census data without clear reference to which data is being presented. The County generally presents the total population and minority population based on 2010 census data and includes group quarters. For example, the analysis for the Town of Bedford states that it has 17,357 residents. The County also states that Bedford has a Black and Hispanic population of 3,042 residents without clearly noting that this includes 793 residents of group quarters, many of whom are prisoners at the Bedford Hills Correctional Facility. Touting the number of institutionalized minorities within the Town is disingenuous at best. Furthermore, the language of the Settlement emphasizes that group quarters residents should not be included in the analysis. Inclusion of residents in group quarters serves to skew the analysis, as is evident in the case of Bedford. Furthermore, the County relies upon different data—from the 2000 census—in constructing its minimum lot size charts, included in each “Analysis” section. It is difficult to conduct a proper analysis when using inconsistent data and the County’s conclusions are thus undermined.

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7 See Disparate Impact Analysis, Village of Ardsley, “Important Considerations.”
8 See id.
9 See Disparate Impact Analysis, Town of Ossining, “Important Considerations.” Curiously, the County does not raise any concern in its analysis of the Village of Bronxville, whose population is comparable to the Town of Ossining. See Disparate Impact Analysis, Village of Bronxville, “Important Considerations.”
10 See Stipulation ¶ 7 (instructing that group quarters residents should not be included in the population for purposes of classifying municipalities for the development of Affordable AFFH units).
The County draws conclusions which are not supported by the data

Despite the County’s above-referenced disclaimers regarding the statistical significance of its methodology, the County repeatedly draws conclusions based on it. Even assuming the County’s methodology was not flawed and ignoring the County’s own disclaimers, the Disparate Impact Analysis draws conclusions which are not supported by the data. The County concludes that the zoning ordinances of all 31 eligible municipalities “do[] not have a disparate impact on minorities.” The same conclusion is drawn regarding the impact of the six Restrictive Practices in each eligible municipality.

Regarding restrictions on lot size or other density requirements that encourage single-family or restrict multi-family housing (Restrictive Practice 5), the County reiterates the same concerning conclusion it has articulated in the past:

The restrictions on lot size or density requirements in the zoning districts where multi-family housing is not permitted as-of-right, however, would have no effect of “encouraging” single-family housing or “restricting” multi-family housing within these districts. To build multi-family housing within these districts, a special permit, waiver or variance would be required, and in obtaining that permission, lot size and other density requirements could be waived as well.

It is well-settled that allowing multifamily housing by permit, “which commit[s] multi-family and affordable housing to the total discretion of Town officials,” cannot overcome the exclusionary nature of a zoning code that does not provide for multifamily construction as-of-right. Leaving development to the discretion of Town officials will necessarily lengthen the process of development, increasing costs and dissuading affordable development. The County finds no problem, however, with the zoning ordinance of the Town of Ossining, which does not allow for multifamily development as-of-right in any of its 16 mapped zoning districts. The County notes that the Town of Ossining allows for multifamily development by permit in three districts and that multifamily developments have been built. Nevertheless, the County is obliged to look deeper into a zoning code which on its face does not allow for any multifamily development as-of-right. It fails to do so, weakening support for its conclusion that the Ossining zoning ordinance does not have a disparate impact on minorities.

For each municipality, the County presents a chart which it claims supports its conclusion that “the data does not show that minimum lot sizes have a disparate impact on minorities...” These charts list minimum lot sizes and describe the percentages of single-race Black and

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12 Id.
15 See, e.g., Disparate Impact Analysis, Village of Ardsley, “Analysis.”
Hispanic populations in zoning districts with those minimum lot size requirements. The County does not specify which data they are relying upon in constructing these charts. However, drawing from the data presented by the County to the Monitor on October 5, 2012, we can conclude that the County used 2000 census data, excluding group quarters. For many of the charts, the percentages of Black and Hispanic populations in the County-chosen zones do not decrease as the minimum lot size increases allowing the County to conclude consistently that minimum lot size does not have a disparate impact. However, the County consistently ignores the lowest minimum lot size requirements in constructing its charts. Consequently, the County is forming conclusions based on partial data. It is possible the County would have come to different conclusions had it included more of the data at its disposal.

The chart for the Town of Bedford illustrates this problem. In focusing only on those districts with 10,000 square foot minimum lot size requirements or greater, the County draws its conclusions without considering the zoning districts that are home to 44% of its minority population. These are the exact zoning districts in which the Black and Hispanic populations would be highest if, in fact, the minimum lot size requirements are having a disparate impact. The omission of the districts with the least restrictive minimum lot size requirements skews the data to support the conclusion that higher minimum lot sizes do not have a disparate impact. The County presents the following chart:

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>Single-Race Black Population</th>
<th>Hispanic Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td>1.4%</td>
<td>6.4%</td>
</tr>
<tr>
<td>20,000</td>
<td>0.9%</td>
<td>3.3%</td>
</tr>
<tr>
<td>40,000</td>
<td>1.2%</td>
<td>4.1%</td>
</tr>
<tr>
<td>87,120</td>
<td>0.9%</td>
<td>2.4%</td>
</tr>
<tr>
<td>172,240</td>
<td>1.8%</td>
<td>4.7%</td>
</tr>
</tbody>
</table>

This chart does not include all of the minimum lot size requirements included in the Town of Bedford's zoning code. Inclusion of even one of the additional zones would create a much different picture. Consider, for example, if the County had included data for its Village Apartment district, which sets a minimum lot size requirement of 3,500 square feet. The resulting chart would look like this:

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>Single-Race Black Population</th>
<th>Hispanic Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,500</td>
<td>5.2%</td>
<td>13.6%</td>
</tr>
<tr>
<td>10,000</td>
<td>1.4%</td>
<td>6.4%</td>
</tr>
<tr>
<td>20,000</td>
<td>0.9%</td>
<td>3.3%</td>
</tr>
<tr>
<td>40,000</td>
<td>1.2%</td>
<td>4.1%</td>
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</tbody>
</table>

Had the County included even one additional data point for the Town of Bedford, it is difficult to imagine that the County could have argued that minimum lot size requirements have no disparate impact on minorities. The County must base its conclusions on all of the available data.
Robert P. Astorino
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Even ignoring the County’s omission of available data, it is still difficult to understand how the County concluded that the charts presented for each of the 31 separate municipal analyses demonstrate that large lot zoning does not have a disparate impact on minorities. The County’s charts, based on its own cherry-picked data, repeatedly contradict this conclusion on their face. For example, the chart presented for the Town of North Castle shows that the minority population is almost two times greater in the zones with the lowest minimum lot size listed. This would suggest that higher minimum lot sizes may have a disparate impact - the converse of the County’s conclusion. Similarly, in the Town of Pelham, while the single-race Black population is 5.75% in the zones with a minimum lot size of 5,000 square feet, the population plummets to 1.3% at 10,000 square feet – a decrease of over 75% in the rate of single-race Black population from one zone to another. Still the County concludes the data demonstrates no impact.

Finally, the County does not consider the size of zoning districts in conducting its analysis. Treating all zoning districts as equal, regardless of the amount of land area the zones occupy, skews the data in support of the County’s conclusions. For example, the County notes that the Hispanic population of the Village of Tarrytown is “highly prevalent” in the 30,000 square foot zoning districts, which are the second largest minimum lot size districts in Tarrytown. However, the 30,000 square foot zoning districts only occupy 34.2 acres and are home to only 108 of Tarrytown’s 11,271 residents. Conclusions based upon such a small percentage of residents in a small percentage of the Village undermine the finding that minimum lot size has a complete lack of impact on minorities.

The County has failed to meaningfully address the impact of the six Restrictive Practices on the racial and ethnic composition of the eligible municipalities, Corrective Action # 2, because its methodology raises clear statistical concerns and its conclusions are not supported by the data it presents. These issues render the County’s Disparate Impact Analysis inadequate.

**The County has not examined whether the six Restrictive Practices properly take into account regional needs (Corrective Action # 3)**

Nothing within the Disparate Impact Analysis or the Updated AI as a whole discusses whether the zoning schemes of the eligible municipalities properly take into account regional needs. As both HUD and the Monitor have noted in multiple letters,\(^\text{16}\) the legal standard for the analysis of exclusionary zoning under New York law – commonly referred to as the *Berenson*\(^\text{17}\) test – requires a close examination of regional needs. To date, the County’s sole presentation regarding regional needs was a list provided to the Monitor on July 31, 2012, later updated by letter dated November 20, 2012. This list showed that none of the eligible municipalities had met its share of the housing need, as determined in the 2005 Affordable Housing Allocation Plan.

\(^{16}\) See April 20, 2012 from Glenda L. Fusso to Kevin J. Plunkett, p. 3; March 13, 2013 from Glenda L. Fusso to Kevin J. Plunkett, p. 4; May 14, 2012 from James B. Johnson to the Honorable Robert P. Astorino, p. 4.

\(^{17}\) See *Berenson v. New Castle*, 38 N.Y. 2d 102, 110 (1975).
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The County has attempted to argue that it is not bound by the findings of the 2005 Affordable Housing Allocation Plan that it commissioned. To be clear, HUD does not contend that the County is required to build any units based on the allocation plan. However its contention that the 2005 Affordable Housing Allocation Plan was not adopted by the County does not absolve it of its obligation to address regional needs. Until such time as the County develops a satisfactory needs assessment by which it can apply the Berson doctrine, the 2005 Affordable Housing Allocation Plan remains an adequate tool that the County can use to evaluate the local jurisdictions’ consideration of the regional housing needs. Having not done so, the County fails to address Corrective Action #3.

The County has not developed a clear strategy to overcome exclusionary zoning practices, including litigation (Corrective Action #4)

As with prior Submissions, the County again has not developed a clear strategy to overcome exclusionary zoning practices, as directed by the Monitor’s Report (pages 15-16), HUD’s April 20 Letter (page 12) and the Monitor’s October 1 Letter (page 2). Nothing in the Updated AI addresses a strategy to overcome exclusionary zoning practices, including litigation. With no new information to review, HUD continues to find the strategy presented in the County’s November 2012 Submissions unacceptable. The County has thus failed to address Corrective Action #4.

In summary, the County’s conclusions are still inconsistent with applicable federal precedent interpreting the Fair Housing Act and the Berson doctrine. Since HUD’s disapproval of the County’s FY 2011 Action Plan in July 2011, HUD has provided detailed direction to the County on how to apply established legal precedent in examining whether a zoning ordinance has a discriminatory or segregative impact. The County has also benefited from the Monitor’s efforts to provide direction regarding a proper exclusionary zoning analysis. Nevertheless, despite this extensive guidance, the Updated AI is not a proper analysis of exclusionary zoning practices and does not provide a clear strategy to overcome exclusionary zoning practices, including litigation. In this regard, the County has not applied established legal precedent in examining whether a zoning ordinance has a discriminatory or segregative impact. Furthermore, notwithstanding the availability of data to conduct a proper analysis, the County ignored reasonably available evidence of regional housing needs. The County’s continued inability to comply with the Corrective Actions prevents HUD from approving the County’s FY 2011, FY 2012 and FY 2013 annual action plans.

18 See April 4, 2013 letter from Honorable Robert P. Astorino to Secretary of HUD Shaun Donovan, p. 5.  
Housing Settlement

Last Updated on Wednesday, 17 July 2013 15:30

In August 2009, former County Executive Andrew J. Spano entered into an agreement with the U.S. Department of Housing and Urban Development to settle a housing lawsuit. The settlement was approved by a majority of the Board of Legislators.

Last year, working closely with the federal housing monitor, James E. Johnson, and his team, Westchester County submitted an updated version of its implementation plan for building the fair and affordable housing and complying with other obligations required by the 2009 settlement. In October 2010, the monitor approved what he described as a checklist of the implementation plan, the model ordinance.

The proposed model ordinance provisions, Appendix D-1(i): Model Ordinance Provisions, supplement existing zoning codes in Westchester County's municipalities.

On Feb. 28, 2012, the county submitted to the federal housing monitor a report titled "Review and Analysis of Municipal Zoning Ordinances in Westchester County." The report responds to the direction given in the Monitor's Report and Recommendation Regarding Dispute Resolution (Amended), issued on November 17, 2011 and includes an Appendix - "Compendium Data Tables of 43 Municipal Zoning Ordinances."

Related information and documents
You may read the HUD letter, dated May 13, 2011, that Astorino has cited as an example of HUD overreaching the terms of the settlement, along with the press release issued by the Astorino administration related to the housing settlement matter.

View a map of locations of affirmatively furthered, fair housing developments currently underway, as of January 2013.

Local zoning practices not exclusionary
On July 6, 2012, a comprehensive legal analysis conducted by Westchester County and supported by a leading expert and advocate for affordable housing further concluded that local zoning practices in Westchester are not exclusionary. The submission to the monitor and HUD included an Appendix -- "Status of Comprehensive Plans." The submission was sent in response to a letter from the monitor dated May 14, 2012. Go to Zoning Analysis page to view detailed timeline of correspondence between the County and the Housing Monitor concerning the submission of Zoning Analysis materials.

Affirmative Fair Housing Marketing Plan
A crucial element in the Implementation Plan is the Affirmative Fair Housing Marketing Plan to promote the housing created under the settlement. The federal housing monitor convened an advisory team to provide advice, comments and recommendations on the original plan.

As a result of this collaboration, the monitor approved a plan with a two-pronged approach: one plan, the Westchester County Affirmative Fair Housing Marketing Plan will be implemented by Westchester County; and the second plan, the Housing Development Affirmative Fair Housing Marketing Plan, will be implemented by the housing developers. The revised, two-prong plan was approved in December 2011.

The Discretionary Funding Allocation policy is another important element of the Implementation Plan. This policy was finalized and approved by the monitor in January 2012.

Implementation Plan
Following the federal monitor's approval and acceptance of the implementation plan, the plan shall be incorporated into Westchester County's "Analysis of Impediments to Fair Housing Choice."

I. WESTCHESTER COUNTY FAIR AND AFFORDABLE HOUSING IMPLEMENTATION PLAN

II. APPENDICES - (See below.)

Appendix A-1:
(i) A copy of the county's October 8, 2009 extension request letter
(ii) A copy of the Monitor's letter approving said request, dated October 21, 2009
(iii) A copy of HUD's letter approving extension of deadline, dated December 18, 2009
(iv) A copy of "Monitor's Report Regarding Implementation of the Stipulation and Order of Settlement and Dismissal For the Period of August 10, 2009 through February 10, 2010"

Appendix A-3:
(i) Meeting Matrix, summary of meetings conducted internally and externally in furtherance of the Implementation Plan obligations in 2009
(ii) Master List of Housing Meetings for 2010

Appendix A-4: Listing of Planning Publications Available on the Westchestergov.com Web site

Appendix B-1: Finance Department documentation of $30M wire transfer

Appendix B-2: Finance Department documentation of check issued to Relator's counsel

Appendix B-3:
(i) A copy of 19-20 Capital Request Form
(ii) 5-Year Capital Program

Appendix B-4: Letters in response to its obligations under Paragraph 44(c). along with supplemental communication from HUD, an itemized accounting of the Unallowable Costs
Appendix C-1: A copy of AFFH Policy legislation adopted by the BOL on November 23, 2009

Appendix C-2: A copy of the First Right of Refusal law approved by the BOL

Appendix C-3:
(i) Letter from then-County Executive Spano to BOL members advocating for the adoption of this legislation, dated October 26, 2009
(ii) Letters from then-County Executive Spano to fair housing advocates urging continued support and advocacy for the legislation on November 18, 2009

Appendix D-1:
(i) Model Ordinance provisions
(ii) Documentation of outreach to local Westchester County municipalities re: Model Ordinance and proposed Discretionary Funding Policy
(iii) Office Park Housing Report
(iv) Development approval process charts

Appendix D-2:
(i) Letter of July 30, 2010 to James E. Johnson re: Discretionary Funding
(ii) Discretionary Funding Allocation Policy
(iii) Act #11-2010 by the County Board of Legislators re: Approval of FY 2010 Application to HUD

Appendix D-3:
(i) Amendments to Westchester 2025 & Resolution of the Westchester County Planning Board, adopting the overarching goals of the Stipulation and required policy statement, adopted on January 5, 2010
(ii) Resolution of the Westchester County Planning Board endorsing the substantive provisions of the Model Ordinance, approved on February 2, 2010

Appendix E-1:
(i) Methodology for the identification of Eligible Municipalities/areas (narrative)
(ii) Chart outlining Eligible Municipalities/area by tiers of eligibility under Paragraph (7) of the Stipulation
(iii) Map of Eligible Areas

Appendix E-2:
(i) Flow chart of traditional fair and affordable housing development process
(ii) Summary and Outline of historical funding sources, affordability terms (sale price, rental price, taxes), and timelines for completion of projects
(iii) Summary and Outline of Green Technology Fair and affordable projects
(iv) Westchester County Affordable Housing Program Fact Sheets
(v) Site Factor Assessment Form

Appendix E-3:
(i) Flow chart of data layers for maps
(ii) Current Use of Land in Eligible Communities
(iii) Map of Transportation Features in Eligible Communities
(iv) Map of Areas within one mile radius of Metro North train stations and a Bee-Line bus route in Eligible Communities
(v) Map of county Sewer Districts and Private Sewage Treatment Facilities in Eligible Communities
(vi) Map of Major Water Suppliers in Eligible Communities
(vii) Map of Environmental Features in Eligible Communities
(viii) Map of FEMA Flood Zones in Eligible Communities

Appendix E-4:
(i) List of Disallowed Projects
(ii) December 10, 2009 letter from NYS DHCR re: 37 WildwoodKatonah project
(iii) New 37 Wildwood Pro forma showing need for FHA funding

Appendix E-5: Map of Lowest Concentrations of African Americans and Hispanics

Appendix E-6:
(i) NYS definition of ‘households’ approved by HUD
(ii) Westchester County occupancy standard
(iii) List of Current/Active fair and affordable housing projects as of January 25, 2010
(iv) List of county-owned parcels

Appendix F-1: Federal and State Housing Funding Sources

Appendix F-2: Report on Revolving Loan Fund Feasibility Assessment

Appendix F-3:
(i) November 4, 2009 letter from then-Commissioner Mulligan to NYS DHCR
(ii) May 14, 2010 letter from Deputy County Executive Plunkett to NYS DHCR Commissioner Lawlor

Appendix G-1:
(i) Westchester County Affirmative Marketing Plan
(ii) Housing Development Affirmative Marketing Plan Requirements

Appendix G-2: Centralized Intake and Housing Outreach Plan

Appendix H-1:
(i) Housing Outreach & Education Plan
(ii) Law No. 9-2010 Amending the Laws of Westchester County

Appendix I-1:
(i) A copy of HUD’s October 23, 2009 comments on county’s May 2009 draft AI
(ii) The county’s December 9, 2009 extension request
(iii) HUD’s December 18, 2009 extension approval letter
(iv) A copy of the county’s RFP, dated December 23, 2009
(v) A copy of the resolution of the Westchester County Board of Acquisition and Contract approving the AI consultant

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(vi) A copy of the county's executed contract for services with W. Frank Newton, Inc.

Appendix K-1: FAH Site Tracking Form
Social Engineering in Suburbia

You'd think that federal housing officials these days would focus on repairing a housing market that continues to retard economic growth. Yet the Department of Housing and Urban Development is preoccupied with the precise racial and ethnic make-up of American neighborhoods, such as Westchester County north of New York City.

In 2009 Westchester's then-county executive, Democrat Andrew Spano, reached a settlement with HUD that ended a lawsuit brought by a liberal activist group. The suit alleged that Westchester had accepted federal grants while making false claims about "affordable housing" in the county. Never mind that prior to Team Obama's strong-arming, HUD officials in Republican and Democratic Administrations had praised Westchester's housing practices. Mr. Spano said he agreed to the deal instead of going to trial because he didn't want to put federal funds for the county at risk.

Westchester officials admitted no wrongdoing, but the county did agree to spend $50 million on 750 new subsidized housing units—630 of which must be constructed in enclaves that are less than 3% black and 7% Hispanic—and to market them to minorities. According to the current Westchester executive, Republican Rob Astorino, the county is well along in meeting those goals, but the Obama Administration won't take yes for an answer.

"HUD is trying to expand the terms of the settlement from a straightforward stipulation to build housing into an open-ended utopian integration order," Mr. Astorino says. The Administration wants the county to say that its housing patterns stem from discriminatory practices, though there's no evidence to support the claim. "All of the objective studies that have been done show that housing patterns in Westchester are driven by economics," says Mr. Astorino.

Even the activist group that filed the original lawsuit couldn't show any pattern of discrimination, which is why it filed a false claims suit instead. According to the 2010 Census, Westchester is the fourth most racially diverse county in the state, trailing only Brooklyn, Queens and the Bronx, and Manhattan.

That's not good enough for HUD. Even as more blacks and Hispanics enter the middle-class and migrate to suburbia, liberals fret over their neighborhood preferences. Yet there is a significant body of research detailing how and why ethnic and racial groups often cluster in separate residential areas. Studies have shown that most blacks prefer to live where a majority of the residents are also black. This may horrify HUD officials, but racial and ethnic minorities often prefer to live where they have family ties and social networks.

The Obama Administration acknowledges that its demands on Westchester—which include rezoning—fall outside of the settlement, but the White House is determined to make an example of the county. "We're clearly messaging other jurisdictions across the country that there has been a significant change in the Department of Housing and Urban Development, and we're going to ask them to pursue similar goals as well," said Rob Sims, a deputy secretary at HUD at the time of the settlement.

The good news is that Mr. Astorino is fighting back, and the case could end up back in court, which could spare communities nationwide a lot of grief. Westchester isn't the Jim Crow South, and government attempts to shoehorn people into communities where they otherwise can't afford to live often result in needless racial tensions and divided communities. The problem is not Westchester's "affordable housing" policies. The problem is a government mentality that wants to determine where people should live.
HUD's Race-Based Housing

A major goal of President Obama's second term is to use the brute force of government to reduce inequality. This played out in the struggle over tax increases, but the Obama bureaucracies will do the most to implement this vision. Exhibit A is the Department of Housing and Urban Development's new rule to impose race-based criteria on virtually all new U.S. housing.

HUD this month finalized a rule that interprets the 1968 Fair Housing Act to allow the use of "disparate impact" to determine if private housing projects violate the racial provisions of the 1968 law. Disparate impact is a kind of statistical analysis that doesn't require a showing of discriminatory intent to prove illegal discrimination. The change sought by HUD would vastly inflate and formalize government's ability to socially engineer American neighborhoods.

Clearly no lender, developer, landlord or other housing provider wants to be sued for racism. In the Obama Administration's first term, the Department of Justice threatened Fair Housing Act lawsuits against several banks. The banks quickly consented to monetary settlements, though Justice did not accuse them of intentional discrimination.

HUD replies that it has "long interpreted" the Fair Housing Act to allow for disparate impact. But then why hasn't the agency formalized this interpretation over four decades? The answer is that HUD is almost certainly overstepping the law's authority and intent. The Fair Housing Act prohibits discrimination "because of race, color, religion, sex, handicap, familial status, or national origin." That language implies an explicit intent to discriminate, rather than a result based on a statistical analysis that claims to find a racist pattern in the random decisions made by thousands of individual builders and homebuyers.

HUD argues that "eleven federal courts of appeals" agree with the agency's interpretation, though the Supreme Court has never ruled on whether disparate impact is allowed under the Fair Housing Act. The Justice were preparing to hear such a challenge last year in Magnier v. Gallagher, but HUD and the Justice Department convinced the city of Saint Paul, Minnesota to withdraw the case. The ProPublica website recently quoted deputy assistant secretary Sara Pratt as explaining HUD's St. Paul lobbying by saying that "we were afraid we might lose disparate impact in the Supreme Court because there wasn't a regulation."

But now a similar case, Mount Holly v. Mt. Holly Gardens Citizens in Action, has been appealed to the Supreme Court, which will decide whether to hear it this spring. HUD, not so coincidentally, has pushed out its final rule after all these years in what is no doubt a bid to sway the Justices to defer to the agency's rule-making.

There's much to dispute in this new rule, which makes it all but impossible to defend against disparate-impact claims. The accused must prove nothing they do "actually or predictably results in a disparate impact" or "creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin." This is a field day of variables for a HUD statistician determined to discover racism.

HUD is so confident of its legal standing that the agency didn't bother to do a cost-benefit analysis and says the rule "adds no additional costs to housing providers and others engaged in housing transactions."

Seriously? Lenders, landlords, insurers and everyone else in the housing industry now has to weigh every decision through the eyes of HUD's disparate-impact police. This won't raise compliance and legal costs? It's likely that the new HUD rule will reduce the supply of new affordable housing, as builders back away from projects vulnerable to federal litigators.

The nominal purpose of this kind of regulatory aggression in the second Obama term will be described as racial progress. The more likely result will be to disrupt: the real progress the U.S. has made.
HUD's Racial Subdivisions

Elections have consequences, and one result from November has been to empower President Obama's regulators. Consider what the social engineers at the Department of Housing and Urban Development are doing to Westchester County north of New York City.

At issue is a 2009 settlement with HUD in which Westchester committed to develop 750 public housing units in mostly white neighborhoods over seven years. County executive Rob Astorino has financing for 305 units (110 of which are already occupied), putting Westchester ahead of schedule. HUD could have declared victory and moved on to a real mess like, say, Detroit.

Instead, the agency is interfering with local zoning in Westchester to force more racial diversity on suburban neighborhoods. Last week, HUD New York's Director of Community Planning and Development Vincent Horn wrote Mr. Astorino and threatened to cancel $74 million in unrelated housing and community development funds. To keep the cash, Westchester must produce "a satisfactory zoning analysis and plan to overcome exclusionary zoning practices."

Westchester spokesman Ned McCormack says such a plan is hard to produce because zoning concerns how land is developed—such as where to put sewers, or multifamily homes—not who lives where. Westchester nonetheless examined zoning practices in 43 municipalities for evidence of racial discrimination and found none. HUD rejected that analysis last April. So Westchester commissioned Pace University law professor John Nolon to examine the legality of the county's conclusions. In June, he agreed with Westchester's findings.

HUD didn't dispute Mr. Nolon's analysis but pressed ahead anyway. The bureaucrats think if neighborhoods are majority white they are ipso facto discriminatory. But as everyone knows, families make housing decisions for a myriad of reasons, from affordability to schools to cultural affinity. Discriminatory intent requires proof that financially able minorities are blocked from buying homes in certain neighborhoods, but there is no evidence of that in Westchester. According to the 2010 census, Westchester is the fourth most racially diverse county in the state, behind Brooklyn, Queens and the Bronx and tied with Manhattan.

HUD is also pressing Westchester to "promote" legislation that would force landlords to accept federally subsidized Section 8 housing vouchers to pay rent. Mr. Astorino vetoed such a bill in 2010, and HUD successfully sued the county to reintroduce the measure. Mr. Astorino asked the Democratic-controlled county legislature to resubmit the legislation in August 2012, which it has declined to do. Westchester is appealing to the Second Circuit Court of Appeals.

Meanwhile, HUD is increasing its political pressure on the county. In a separate letter last month to Mr. Astorino's deputy, Kevin Plunkett, HUD cites a 2004 Rutgers study that Westchester commissioned—but never adopted—that concluded the county should build 10,768 additional housing units. HUD calls the study "important evidence" of "regional needs," though it's not part of the 2009 settlement. The additional housing units could cost the county between $730 million to $1 billion. Its total annual budget is only $1.7 billion.

Westchester is less segregated than many ethnic enclaves in New York City. Republican Mr. Astorino and municipalities are united in their belief that local governments should be able to determine zoning rules for such things as multifamily developments or lot sizes. HUD bureaucrats who want to re-engineer neighborhoods according to some diversity formula will do more harm than good.

Wall Street Journal
April 4, 2013
WASHINGTON'S 'FAIR HOUSING' ASSAULT ON LOCAL ZONING

By Robert P. Astorino

Do you think it is a good idea to give the Department of Housing and Urban Development, unchecked power to put an apartment building in your neighborhood? HUD has proposed a new rule that could do just that.

In July, HUD published its long-awaited proposal on "Affirmatively Furthering Fair Housing" in the Federal Register. It is a sweeping set of land-use regulations that has attracted little national attention. The agency wants the power to dismantle local zoning so communities have what it considers the right mix of economic, racial and ethnic diversity. A finding of discriminatory behavior, or allegations of discrimination, would no longer be necessary. HUD will supply "nationally uniform data" of what it thinks 1,200 communities should look like.

Local governments will have to "take meaningful actions to further the goals identified." If they fail to comply, HUD can cut federal funding.

Westchester County, north of New York City, has firsthand experience of what the rest of the nation can expect. HUD and Westchester are battling over local zoning that arose from a 2009 settlement (signed by its predecessor) to build 750 affordable housing units in 31 mostly white communities. Westchester is well ahead of schedule in meeting these obligations. Almost 400 units have financed and 124 are already occupied. But HUD is not satisfied because it wants to control local zoning and remake communities.

HUD has told Westchester that any limits on the size, type, height and density of buildings are "restrictive practices." It demands that the county sue its localities over such common zoning regulations, which are not exclusionary by any stretch of the imagination. If HUD can define what constitutes exclusionary practices, then local zoning as it is known today disappears. Apartments, high-rise or whatever else the federal government or a developer wants can be built on any block in America.

This is not hyperbole. Consider that HUD's list of "restrictive practices" includes limits on density even around reservoirs that supply drinking water to New York City's eight million residents. Who knew ensuring clean water was discriminatory?

HUD's power grab is based on the mistaken belief that zoning and discrimination are the same. They are not. Zoning restricts what can be built, not who lives there.

In the 1970s, New York's highest court, in cases known as the Bertelsen decisions, established rules for what constitutes exclusionary zoning. Westchester's municipalities, whether voluntarily or through legal challenges, have complied with these judicial rules. Any local zoning code also remains open to legal challenge.

As required by HUD, Westchester County analyzed all 853 local zoning districts in February 2012. It found no evidence of exclusionary practices based on race or ethnicity. The county's conclusion was supported in a separate analysis by John R. Nolon, an affordable-housing expert at Pace University's Land Use Law Center.

HUD rejected the findings and cut off $17 million of federal funds to the county. The county prepared seven additional analyses, each one exploring more data as demanded by HUD. But as many times as HUD attempted to move the goal posts, the findings did not change. There is no evidence that zoning requirements on things like, building size and height are racially exclusionary.

Westchester is proudly the fourth most diverse county in New York in its population of African-Americans and Hispanics. Hispanics are the county's fastest-growing ethnic group, increasing in every community in the last census. The number of African-Americans continues to grow in contrast to an exodus from many areas in the Northeast. But HUD won't budge. Its vision: to remake neighborhoods depending on gaining control of local zoning.

The $17 million that HUD is withholding includes Community Development Block Grants to help needy residents with neighborhood revitalization, new playgrounds and sidewalks, programs to prevent homelessness and, ironically, affordable housing. Westchester has sued the federal government to release these funds. Our claim is that HUD is unfairly holding hostage the communities and nonprofit agencies that administer those programs in its fight with the county. A federal judge dismissed Westchester's claim last month, saying HUD's ruling was written in a way that "excludes it from judicial review." The lawsuit is now before the Court of Appeals for the Second Circuit.

HUD has no idea how much its new rule will cost, or whether it will even work. The only economic analysis HUD has provided concerns how much it will cost communities to comply with the paperwork. HUD estimates $3 million to $9 million. The agency has not published any estimate of other effects, such as on local real-estate markets or local budgets. As stated in the Federal Register, "HUD cannot quantify the benefits and costs of policies influenced by the rule."

HUD is asking for comments on its new rule by Sept. 17. If elected officials and citizens do not take control of their streets, neighborhoods and open space to Washington, now is the time to say so.

Mr. Astorino is the Westchester County executive.
HUD's New 'Fair Housing' Rule Establishes Diversity Data for Every Neighborhood in U.S.

July 22, 2013 - 10:54 AM

By Susan Jones
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(CNSNews.com) - To ensure that "every American is able to choose to live in a community they feel proud of," HUD has published a new fair-housing regulation intended to give people access to better neighborhoods than the ones they currently live in.

The goal is to help communities understand "fair housing barriers" and "establish clear goals" for "improving integrated living patterns and overcoming historic patterns of segregation."

"This proposed rule represents a 21st century approach to fair housing, a step forward to ensuring that every American is able to choose to live in a community they feel proud of -- where they have a fair shot at reaching their full potential in life," said HUD Secretary Shaun Donovan.

"For the first time ever," Donovan added, "HUD will provide data for every neighborhood in the country, detailing the access African American, Latino, Asian, and other communities have to local assets, including schools, jobs, transportation, and other important neighborhood resources that can play a role in helping people move into the middle class."

Social engineering

According to HUD, long-term solutions include "helping people gain access to different neighborhoods and channeling investments into under-served areas." The mapping tool may guide development and zoning decisions, for example.

In a July 16 speech to the NAACP, Donovan said the American Dream still isn’t within equal reach of all communities. He lamented the lack of diversity in America’s boardrooms, schools, and the nation’s "strongest neighborhoods."

"We have got to shape a future where ladders of opportunity are available for all Americans," Donovan said. "For African Americans, this is critically important. Historically, for this community, the rungs on these ladders have been too far apart -- making it harder to reach the middle class."

Donovan said HUD’s new neighborhood mapping tool, which uses Census data, will "expand access to high opportunity neighborhoods and draw attention to investment possibilities in under-served communities."

"Make no mistake, this is a big deal," Donovan said. "With the HUD budget alone, we are talking about billions of dollars. And as you know, decades ago, these funds were used to support discrimination. Now, they will be used to expand opportunity and bring communities closer to the American Dream."

Under the Fair Housing Act, HUD requires grantees, such as cities, that receive federal housing funds to "affirmatively further fair housing."

Under the proposed rule, the neighborhood data provided by HUD will be used to evaluate patterns of integration and segregation, racial and ethnic concentrations of poverty, and access to "valuable community assets." HUD wants to know if existing laws and policies -- such as zoning, financing, infrastructure planning and transportation -- create, perpetuate or alleviate segregation.

The proposed rule explicitly incorporates fair-housing decision-making into existing planning processes and "other decision-making that influences how communities and regions grow and develop."

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Page 1 of 2
HUD's Power Grab
The Obama administration plots a wholesale federal intrusion into local housing policy

BY TERRY EASTLAND

President Obama may have been distracted by Syria, but his domestic presidency proceeds apace, seeking what he heralds as "the transformation of the United States." Especially is this true at the Department of Housing and Urban Development, which aims to remake neighborhoods all across America, starting, as we’ll see, in Westchester County, N.Y.

Established in 1965 at the height of the last unambiguously progressive presidency, HUD enforces, among other laws, the Fair Housing Act of 1968, which forbids discrimination in housing on the basis of race and ethnicity. That act, together with other statutes, says HUD, also directs "program participants"—local governments and states that receive federal housing grants, and also public housing agencies—to go beyond simply combating discrimination. They are to take "proactive steps" to "address significant disparities in access to community assets, . . . overcome segregated living patterns and support and promote integrated communities, [and] . . . end racially and ethnically concentrated areas of poverty." HUD has a name for all this proactive step-taking: Affirmatively Furthering Fair Housing, also known in HUD circles by its acronym, AFFH.

It so happens, however, that the transformation of America by means of AFFH has been a bit too slow in coming. Says HUD: "The current practice of affirmatively furthering fair housing as carried out by HUD grantees . . . has not been as effective" as it should have been. Indeed, housing secretary Shaun Donovan has called it "a meaningless paper exercise without any teeth," a difficult metaphor to conceptualize, but you get the point.

Under Donovan, HUD has now crafted a toothier AFFH policy. It can be found in a proposed rule that was published on July 19 in the Federal Register (not on my list of recommended reading, but still where you often have to go to find out what government is planning). The 60-day period for public comment ended last month, and by December the rule likely will have entered the Code of Federal Regulations. It’s titled—what else?—“Affirmatively Furthering Fair Housing.”

Bear with me as I report the basics of the new policy, beginning with the purpose of AFFH, which the rule says is "to improve fair housing choice for all.” People possess improved choice when they "have the information, options, and protection to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or handicap.” And while “all” people should have such choice, the focus of the rule is on accomplishing better choice for blacks and Hispanics in particular.

Grantees—the states, localities, and public housing authorities mentioned above—are required to improve choice, through "planning, strategies, and actions.” And HUD promises to help by providing data on "patterns of integration and segregation; racially and ethnically concentrated areas of poverty; [and] access to education, employment, . . . transportation, and environmental health, among other critical assets.”

From the data, statistically expressed in terms of race and other protected classes, grantees are directed to identify “fair housing issues” in their communities. “Fair housing issue” is a technical term for a segregated living pattern, a racial concentration of poverty, or disparate access to some community asset. Grantees are to determine what accounts for the “fair housing issues” they have identified as they prepare, under a process involving community participation, an “assessment of fair housing” (AFH, by the way).

And that’s what they are to submit to HUD for approval. The AFH is to include goals that “will inform housing and community development policy and investment planning.” The proposed rule gives as an example of such a goal "promoting greater mobility and access to areas offering vital

Terry Eastland is an executive editor at The Weekly Standard.
assets such as quality schools, employment, and transportation." A program participant whose AFH is not approved could lose its federal housing dollars. In other words, you satisfy HUD, or you do without your grants.

In tedious terminology notwithstanding, the proposed rule signals a momentous change in policy. When the Fair Housing Act was passed, "fair housing" meant "non-discrimination" in the various transactions that housing encompasses, from selling a house to securing a home mortgage loan. Over the years, however, fair housing has evolved in the law such that it now means something far more ambitious: "fair housing choice," with its focus on "fair housing issues," which include not only "evidence of illegal discrimination" but also, and more important, various "barriers" that the rule says are "related" to race, color, and national origin, and explain segregated living patterns.

In an interview, Paul Compton, chair of the Affordable Housing and Community Development group at the law firm Bradley Arant Boult Cummings, summarized the change in policy this way: "It's a real shift in emphasis from ensuring that the private sector and participants in federal programs don't unlawfully discriminate to defining the existence of racially and ethnically 'seggregated' neighborhoods to be in themselves a violation of fair housing." Likewise, "if a neighborhood is not integrated in some vaguely defined ratio, then that in itself is a fair housing issue."

Programs affecting neighborhoods must be "reoriented," as Compton put it, in order to make them more integrated and also more livable—incubators of opportunity, in HUD's vision of America.

As Secretary Donovan told the NAACP at its annual convention in July, "It's about more than ... access to the housing itself. It's also about giving every community access to important neighborhood amenities that can make a tremendous difference in a person's life outcome. I'm talking about good schools, safe streets, jobs, grocery stores, health care, and a host of other important factors."

For this vision of America to become a reality, Donovan emphasized to the conventioners, HUD must "maximize the impact [that federal grants] have on communities." Municipalities may find that they have to modify zoning and other land-use decisions in order to accommodate construction of affordable housing units in the communities, mostly white, that HUD wants remade. And because HUD is seeking to leverage decisions involving a community's assets, it appears ready to intrude far more deeply than it already has into state and local governance.

This intrusion from Washington is one reason to take issue with the rule. And there are others. The rule states that "tenant selection and assignment policies should be designed to reduce racial and national origin concentrations, including racially or ethnically concentrated areas of poverty, and to reduce segregation and promote integration." (Emphasis added.) In 2009 the Supreme Court struck down as unconstitutional race-based public school assignments made in order to achieve or maintain integration. It's hard to see how race-based tenant selection and assignment decisions, made for similar reasons, could survive judicial review.

In a letter sent to Donovan last month, three members of the U.S. Commission on Civil Rights—Abigail Thernstrom, Peter Kirsanow, and Todd Gaziano—point out that the rule repeatedly uses the term "segregation" to describe housing patterns in which members of racial or ethnic groups are concentrated in particular areas. They observe that legal segregation was ended more than 40 years ago. In consequence, "geographic clustering of racial and ethnic groups is not in and of itself an invidious phenomenon." The rule takes the opposite view of such clustering and fails to recognize that multiple factors usually account for it. The rule also makes the dubious assumption that people who live in a racial or ethnic cluster will be eager to exercise "fair housing choice" and escape to what HUD considers a better neighborhood.

That assumption is open to doubt, because—quoting the three commissioners—"many members of racial and ethnic minorities prefer to live in communities predominantly peopled by fellow members of their racial or ethnic group." The reasons are evident: They have family and friends there, and they may work and have other involvements there—in churches and community groups. The commissioners write that the common preference for not moving out of a racially or ethnically clustered area "is particularly likely in communities primarily comprised of recent immigrants."

With its new policy, HUD is seeking to use the power of the national government to create communities of a certain kind, each having what the department regards as an appropriate mix of economic, racial, and ethnic diversity. But HUD may be frustrated in this effort if only because, as Abigail and Stephan Thernstrom wrote in America in Black and White: "Neighborhoods are not arbitrary packages of
housing whose occupancy benevolent social engineers can rearrange with predictable and positive consequences.”

Here, perhaps, it is worth noting that in undertaking such a massive, neighborhood-engineering policy, HUD will require the submission of AFFHs by 4,550 municipalities, counties, and states, and by 3,400 public housing authorities. HUD concedes that it cannot quantify the benefits and costs of policies influenced by the rule, identifying only annual compliance costs on the part of program participants, which it estimates at $3 million to $9 million.

Now, let us move from the Federal Register to a real place: prosperous Westchester County, just north of New York City, population 941,113, the fourth most racially and ethnically diverse county (out of 62) in the state of New York, where housing patterns historically have been driven by economics, with people living where they can afford to live, and “moving up” as they are able and want to.

In 2006, however, a “whistleblower” suit was filed against Westchester, alleging that since 2000 the county had received federal housing grants and thus was obligated to “affirmatively further fair housing” but hadn’t done so, thus rendering false the certifications the county made to Washington to receive those funds.

This false claims suit seemed weak, especially since none of the county’s submissions to HUD regarding its fair housing efforts during those years had been disapproved or rejected. Moreover, in 2005 HUD officials hailed the county for its grant-management practices. Eventually, the county, wanting a more reasonable party at the table, asked HUD to intervene, and it did. With Westchester admitting no wrongdoing, the parties settled in August 2009 on terms agreed to by Democrat Andrew Spano, then the county executive.

At the press conference announcing the settlement, HUD deputy secretary Ron Sims hailed it as the “way forward” for AFFH. “[T]here has been a significant change in the Department of Housing and Urban Development,” he said. In retrospect, it’s apparent that the “change” would be fully expressed four years later in the new AFFH rule. “We’re going to ask [other jurisdictions] to pursue similar goals as well,” declared Sims.

Under the settlement, Westchester agreed to spend $51 million to build, in 31 mostly white communities and by the end of 2016, some 750 affordable-housing units, 650 of which would be located in municipalities with fewer than 3 percent African-American residents and fewer than 7 percent Hispanic residents. HUD sees the construction and location of those units as measures that will reduce patterns of racial and ethnic segregation and help overcome discrimination, of which, by the way, the county has not been accused, neither by the party that brought the false claims suit nor by the government. What the settlement will achieve, if nothing else, is the location of more minority renters and homeowners than otherwise might be the case in communities that currently have few minority residents.

Toward that end, the settlement requires the county to “affirmatively market affordable housing” not just within the county but also “in geographic areas with significant non-white populations outside, but contiguous with or within close proximity to, the county.” The county thus must spend some of its marketing budget for the benefit of people who don’t live in Westchester. The outside-county marketing represents a wider casting of the net, to increase the likelihood that applicant pools are more diverse than they might be otherwise.

One county official explained to me the way the pools are expected to work: “If you create a diverse pool of candidates [for the affordable-housing units] having a preponderance of blacks and Hispanics in it, then you’ll get a similarly diverse group of applicants when they pull balls out of bins in the lottery,” which is used by Westchester County (and endorsed by HUD), the point of a lottery being to ensure a random selection. But, this official added, “We all know that there are anomalies in the law of probability. So what happens if we have this pool that’s highly diverse but we randomly select a pool that’s not as diverse as HUD likes? That’s not our fault.”

It’s not, but were that to happen, the county might have to develop new, even more targeted marketing plans, which could discriminate against those lacking the “right” race or ethnicity, though finding a plaintiff, and bringing a case, would not seem an easy task.

A notable irony of the marketing and pool-making efforts is not lost on Westchester County officials. “A classic discriminatory practice in housing,” said one, “is where realtors ‘steer’ people from one neighborhood to another depending on where the realtor thinks they should live, based on race.” In its way, “HUD is trying to steer people to certain neighborhoods. Their social engineering is just another form of steering.”

And it may be steering in the wrong direction, from
the standpoint of many of those whom it seeks to help. In an interview, Stuart Gerson, who represented the county in the false claims case, said, “The demand in Westchester [from minorities] has always been not just for better housing but that it be placed in or contiguous to the neighborhoods where minorities are living now—and not in the far suburban or semi-rural places where the federal government wants it.”

Not that the settlement units have failed to attract concern. As of this writing, 10 of the new affordable housing developments have effectively completed their marketing. They include 180 rental units and 60 houses. Of the 2,215 applicants for the rentals, 41.5 percent were black, 34.7 white, and roughly 24 percent were Hispanic. Of the 165 applicants for homes, 32.2 percent were black, 40.6 white, and 23.8 Hispanic. Finally, of the 122 units that have been built and are now occupied—105 rentals and 17 homes—60 of the occupants are white, 46 African American, 4 multiracial, and 8 declined to indicate their race. Twenty-two of the occupants said they were Hispanic.

And Westchester is ahead of schedule. Of the 750 units the county agreed to build, 300 were to have financing by the end of the year. Already some 395 have it. The number of units now occupied—122—also exceeds the year-end goal.

HUD, though, is hardly satisfied with Westchester’s effort. Indeed, the county and the agency have sharp differences. Last month county executive Robert Astorino, the Republican who defeated Spano in 2009 and is seeking reelection this fall, wrote a column in the Wall Street Journal with the provocative headline: “Washington’s Fair Housing Assault on Local Zoning.”

HUD wants—to use the language of the new AFFH rule—more “fair housing choice” for more minorities. Specifically, it wants more affordable housing units built in mostly white communities—some 5,000 more. For those additional units to be built, more land would have to be zoned to accommodate them. And that means localities, which under the New York state constitution are empowered to make zoning decisions, would have to change ones still in force and, going forward, make ones that otherwise they would not make, under common zoning practices, which place limits on the size, type, height, and density of buildings.

HUD regards such limits as standing in the way of progress. For HUD, they are racially and ethnically “exclusionary” and must be opposed on that ground. Indeed, the department has told the county to sue localities over exclusionary zoning—which the county has declined to do. “Not a good way to build good will,” Astorino wryly observed, in an interview.

In February 2012, in response to a HUD request, the county analyzed all of its 853 local zoning districts for evidence of exclusionary practices based on race and ethnicity, and found none. Since then, it has made seven more such analyses, each time including consideration of more data, as requested by HUD. And each time the county has found no evidence of exclusionary practices, a conclusion supported by an independent authority. HUD, however, has disagreed with the county. And in 2011 it began cutting off housing grants. The total amount withheld through this year amounts to $17 million.

In the Journal, Astorino recounted how last month HUD “finally demanded—without presenting any facts—that the county accept its conclusion that there is exclusionary zoning in Westchester as a condition of releasing the funds.” The county declined, but neither will HUD withdraw its demand.

“Until we reach the conclusions they give us,” Astorino told me, “which have no relationship to actual facts, they will continue to deny our analysis . . . and continue to watch everything we do. And withhold money. It’s not about 750 units. That’s the starting point, not the ending point. It’s about changing the world.”

And so it is.

And what Westchester County has been experiencing in its dealings with HUD is what other housing grantees can expect once the new AFFH policy begins to be enforced. Will that enforcement effort also ignite state and local opposition? Will it lead jurisdictions to consider doing without federal housing money entirely—as is happening now in Westchester County? In three years we’ll find out.
Washington Times

Do single-family homes threaten the planet?

Climate crusaders want to phase out the American dream of a house and yard

By Randal O'Toole and Damien Schiff

Tuesday, November 19, 2013

A plan to squeeze most residents of the San Francisco Bay Area into multifamily housing offers a test case of whether land-use bureaucracies nationwide, encouraged by the Obama administration, should be allowed to transform American lifestyles under the pretext of combating climate change.

Currently, 56 percent of households in the nine-county Bay Area live in single-family homes. That number would drop to 48 percent by 2030, under a high-density development blueprint called Plan Bay Area, recently enacted by the Association of Bay Area Governments and the region’s Metropolitan Transportation Commission.

Plan Bay Area has already drawn several legal challenges, and the debate could spread nationwide if, as may happen, it becomes a model for regulators in other parts of the country.

Owning a single-family home has long been part of the American dream, but Plan Bay Area embraces a dramatically different vision of the ideal community: crowded rows of high-rises and mass-transit platforms.

Population density in the region’s urban areas would increase by 30 percent during the next two decades under the plan. Nearly 80 percent of all new housing and 62 percent of new jobs would be located in just 5 percent of the region’s surface area.

Planners admit this will make single-family housing in the already high-priced Bay Area even less affordable.

To be sure, the plan isn’t the first attempt to herd families into condominiums and apartments. Since at least the 1970s, urban planners around the country have argued that the single-family-home lifestyle results in people driving too much, which supposedly wastes energy and pollutes the air. Thus, 17 years ago, Portland, Ore., adopted a scheme to reduce the share of residents living in single-family homes from 65 percent to 41 percent. In some neighborhoods, if a house burns down, it can be replaced only with an apartment structure.
Even if it's not without precedent, Plan Bay Area could still be revolutionary because of the rationale behind it. It could help spur a nationwide movement for high-density “transit-oriented” development — in the name of reducing global warming. The federal government has signed on. The Obama administration has told metropolitan areas to include land-use regulations in the transportation plans that federal law requires them to update every five years. Washington is also giving communities “livability grants” aimed at promoting high-density development.

As a result, cities that are far removed from San Francisco in a political sense — Des Moines, Iowa, and Lafayette, La., for example — are considering similar land-use restrictions.

Advocates argue that the demand for single-family homes is about to drop as retiring baby boomers and up-and-coming millennials will prefer to live in mixed-use neighborhoods with high densities and easy pedestrian access to stores and entertainment.

This claim isn’t supported by people’s actual behavior. The vast majority of population growth continues to be in low-density suburbs. Surveys of millennials show that more than three out of four aspire to live in a single-family home with a yard.

The data also show that crowding people together isn’t really effective at reducing greenhouse-gas emissions or addressing other urban concerns. Population densities in the San Francisco-Oakland-San Jose urban areas have already grown by nearly 60 percent since 1990, yet per-capita driving still has increased.

Even under planners’ most optimistic projections, Plan Bay Area will have negligible effects on carbon-dioxide emissions: The draconian land-use changes will reduce emissions by only about three-quarters of 1 percent.

In contrast, improved fuel economy, already mandated by the state of California, is projected to reduce per-capita emissions by more than 30 percent in the coming years.

Other transportation programs, such as van pooling and giving drivers incentives to use electric cars, are expected to reduce per-capita emissions by nearly 3 percent more.

As Americans consider the future growth and development of their communities, the Plan Bay Area debate should offer a message of caution. Forcing people to live in crowded “stack and pack” housing developments curtails freedoms without substantially curbing greenhouse gases.

There are many ways to reduce emissions that are genuinely cost-effective, some of which — such as making cars and homes more energy-efficient — could actually pay for themselves in the long run. In contrast, decreeing radical lifestyle changes for average Americans is expensive, intrusive and ineffective — squandering the political and financial capital needed for real improvement in environmental quality and our quality of life.
Randal O'Toole is a senior fellow with the Cato Institute and author of “American Nightmare: How Government Undermines the Dream of Homeownership” (Cato Institute, 2012). Damien Schiff is a principal lawyer with Pacific Legal Foundation. He represents Bay Area Citizens in a lawsuit challenging Plan Bay Area.

Paul Tanner
iamPaulTanner@me.com
## Indian River Industry Wages - 1st Quarter, 2013

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*Assumes a 40-hour week worked the year round

Source: FL Labor Market Statistics, Quarterly Census of Employment and Wages Program
November 13, 2013

The Honorable Bob Solari, Commissioner
Indian River County
1801 27th Street
Vero Beach, FL 32960-3365

Subject: Public Information Request

Dear Commissioner Solari:

Below is the response to the two letters of request for public information, dated October 31, 2013 and received by Council on that same date.

Request Letter #1:

May I please have copies of all agreements between Seven/50, HUD and the EPA, which clearly show where HUD and the EPA agree it will always be voluntary and HUD and the EPA will never use the plan, or any of the information gathered during the planning process, in a coercive manner against any county or municipality in the seven-county region.

May I please have copies of all agreements between Seven/50, HUD and the EPA, which clearly show, where HUD and the EPA agree it will always be voluntary and that HUD and the EPA will never use the plan, or any of the information gathered during the planning process, to alter the behavior of any county or municipality in the seven-county region in order to receive any grant money from HUD or the EPA.

May I please have a copy of any correspondence between Seven/50, HUD, the EPA and the USDOT, where anyone connected with Seven/50 has asked these agencies for assurances neither the plan, nor any of the information in the plan, will ever be used against any county or municipality in the seven-county region in other than a purely voluntary manner.

Response #1:

No agreements or correspondence requested exist in Council’s records. There are also no agreements, correspondence, or grant documents from these federal agencies that say they will use the Seven50 plan or any information gathered during the planning process in any of the ways described in the request.
The Honorable Bob Solari, Commissioner  
November 13, 2013  
Page Two

Request Letter #2:

May I please have copies of all pages from minutes of all TCRPC budget committee meetings and full TCRPC board meetings where this matter was discussed? Also, I would like copies of the pages from minutes of any meetings where the Executive Committee, of what is now Seven50, discussed this matter.

Response #2:

Please see Attachment A

Also, I would like to provide clarification to the statement in your letter that says: “In your February 25, 2013 response to my letter, you concurred with my understanding.” The only thing I concurred with in my February 25, 2013 response, is that the summary from your January 17, 2013 letter accurately captured the mood and concerns of Executive Committee and TCRPC members, which included your own impressions and suspicions about SFRPC’s management of grant funds during the six months prior to March 30, 2013. HUD’s finding on this matter is provided in the third paragraph of my letter (see complete February 25, 2013 letter attached).

The nature and volume of these requests required minimal supervisory, clerical, and duplication resources of the Council. As such, I am returning your personal check. If future requests require more extensive use of Council resources, you will be provided an estimate for your approval prior to responding to the request.

If you need further information, please let me know.

Sincerely,

Michael J. Busha, AICP  
Executive Director

MJB:lg

Attachments

cc: Commissioner Peter O’Bryan, TCRPC Chair  
    Mayor Sam Ferreri, Executive Committee Chair  
    James Murley, SFRPC Executive Director  
    Sam Goren, General Counsel, SFRPC  
    Marcela Camblor-Cutsaimanis, Seven50 Project Director
November 14, 2013

The Honorable Bob Solari, Commissioner
Indian River County
1/01 27th Street
Vero Beach, FL 32960-3365

Subject: Response to Seven50 Questions

Dear Commissioner Solari:

Following is the team’s response to the questions submitted to Council on October 29, 2013.

1) The Plan refers to "Pedestrian-friendly urban environments" and a "more balanced walkable transportation environment" with plenty of shade. Would you please give me the density of residential units per acre that would be suggested by such an urban environment?

The report does not suggest any specific, predetermined density of these "environments" as they vary widely throughout the region. The definition of low, medium and high density varies by what each local government provides for in their comprehensive plan. Furthermore, density is not a prerequisite of walkability. Shade is an important factor for walkability given the climate the region is subject to. Examples of some of the most walkable neighborhoods in the region include residential areas in Coral Gables and the Town of Palm Beach at 2 to 3 du/ac. Osceola Street in Stuart has an effective density of 0.5 du/ac and is one of the most walkable streets in the region. Alternatively, there are several higher density areas in the region that are not "pedestrian-friendly" or "walkable" because the built environment is not planned to include pedestrians. For example, Miami Beach residents (24 units per acre) will not walk on Alton Road as long as Alton Road is treeless, difficult to cross, and a hostile environment for pedestrians.

2) The plan notes that transportation options along key corridors such as US-1 ought to be expanded and notes that "the limited amount of transit-served areas creates developments at these locations to often take the form of high-rise buildings without many middle densities to make up the transition to existing single-family neighborhoods." Would you please tell me the residential density per acre that would be suggested for high-rise buildings and the middle-density areas?

The report identifies key corridors such as US1 and Tri-Rail. The report does not identify any specific, predetermined height as this varies by what local governments allow throughout the region. The definition of high-rise varies by each local government. The same is true about what is considered low, medium or high density. Each local government determines what these
numbers are for their community. There is not a regional definition or regional average density identified or proposed, nor will there be one. The point being made in this paragraph is that regardless of the densities allowed in each local government, when residential developments occur along corridors such as USI and Tri-Rail under existing conditions, these developments tend to maximize the allowable densities and, in general, do not provide an appropriate transition to lower density neighborhoods adjacent to them. The point also being made when this chapter is read in its entirety is that a wider variety of building types and densities - as appropriate and desired by each local government - at these locations, creates a better transition to lower density residential neighborhoods.

3) Page 50 of the plan compares scenarios. Would you please tell me the average residential density of the “Staying the Course” scenario and the average residential density of the “Region in Motion” scenario?

In scenario modeling, density is considered at the Traffic Analysis Zone (TAZ) level and not averaged. None of the scenarios average densities. “Average residential density” cannot be used to accurately describe a region with so much variety. There is no meaningful average to describe a region that includes everything from rural homesteads and croplands to downtowns, office parks and residential subdivisions. In the “Staying the Course” scenario, the densities are those currently existing and projected in each county’s MPO’s long range transportation plans and extrapolated to 2060.

All the scenarios assume a distribution of the projected additional 3 million people by 2060. In the “Staying the Course” scenario, which reflects the implementation of comprehensive plans as they exist today, the projected 3 million person increase is more dispersed throughout the seven counties. The “Staying the Course” scenario projects the counties in the northern part of the region will be the fastest growing in terms of percentage of growth.

In the “Region in Motion” scenario, the projected 3 million person increase is predominately distributed in Broward, Miami-Dade and southern Palm Beach counties, within designated north-south, east-west multimodal transportation corridors, appropriately designed to accommodate an increase in population. The “Region in Motion” scenario proposes strategies that would shift population increases south as a response to specific public input about density, transit, overdevelopment, and preserving the unique character of the northern counties. This shift reduces the projected increase in population in the northern counties by 15 percent.

The “Staying the Course” scenario reflects Indian River County’s current condition and current patterns of development extrapolated out to 2060.

If more information on density is required, please note that a detailed density allocation map by TAZ and by scenario is available in the Data Warehouse.
4) What is Seven50's definition of "People of Color"?

The US Bureau of Census, the Bureau of Economic Business Research, and the American Community Survey among others use this term to refer to: 1) people who do not identify as one race; and 2) people who do not identify themselves as a non Hispanic white person. All these organizations assume that "people of color" are so defined through self-identification. All socio-demographic data used in the report data is from these sources.

5) What is the cost of living, based on some recognized standard for each county, and what is the cost of living for each of the counties as a percentage of the national average?

See Attached Tables

6) What studies show that pre-k is necessary for "higher and continued education"?

This statement is not made in the report.

7) If a second home is habitable and someone's second home does it actually count (as I read on page 88) as part of an area's vacancy rate? What is the rational for counting a second home as part of a vacancy rate?

Vacancy rate, as measured by the US Census, is a measure only of primary housing units. It is stated in the paragraph that second homes, in the context of economic impact, are counted as vacant as the lack of people living in a unit year-round has an impact in the daily economy (i.e. there are no residents in these units contributing to the local economy year round). This impact is especially evident in communities that are highly dependent on seasonal visitors.

Sincerely,

Michael J. Busha, AICP
Executive Director

Attachments

cc: Commissioner Peter O'Bryan, TCRPC Chair
    Mayor Sam Ferreri, Executive Committee Chair
    James Murley, SFRPC Executive Director
    Sam Goren, General Counsel, SFRPC
    Marcela Cambior-Cutsaimanis, Seven50 Project Director
### Florida County Retail Price Index (FCRPI) in Multiple Counties for 2007

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<tr>
<th>Area Name</th>
<th>FCRPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broward County</td>
<td>111.56</td>
</tr>
<tr>
<td>Indian River County</td>
<td>95.35</td>
</tr>
<tr>
<td>Martin County</td>
<td>98.36</td>
</tr>
<tr>
<td>Miami-Dade County</td>
<td>119.68</td>
</tr>
<tr>
<td>Monroe County</td>
<td>142.82</td>
</tr>
<tr>
<td>Palm Beach County</td>
<td>110.12</td>
</tr>
<tr>
<td>St. Lucie County</td>
<td>98.14</td>
</tr>
<tr>
<td>State Average</td>
<td>100</td>
</tr>
</tbody>
</table>

The FCRPI measures the relative expenditure required to purchase the same basket of goods and services purchased by the average Floridian in each of Florida's counties at a particular point in time, in this case August 2007. For example, in Miami-Dade the basket of goods and services purchased by the average Floridian would cost 19.68 percent more than the state average, and 25.5 percent more than in Indian River County (obtained by subtracting Indian River County's FCRPI of 95.35 from Miami-Dade's 119.68 and dividing by 95.35).

The FCRPI uses basically the same methodology as the U.S. Bureau of Labor Statistics to construct the Consumer Price Index (CPI).

**CPI Type:** Florida County Retail Price Index (population-weighted)

**CPI Source:** UF, Bureau Economic & Business Research
Cost of Living Index (COLI) in Metro Areas in Florida for 2013

<table>
<thead>
<tr>
<th>Area Name</th>
<th>COLI</th>
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<tbody>
<tr>
<td>Fort Lauderdale, FL</td>
<td>114</td>
</tr>
<tr>
<td>Sebastian-Vero Beach, FL</td>
<td>95</td>
</tr>
<tr>
<td>Port St. Lucie, FL</td>
<td>95</td>
</tr>
<tr>
<td>Miami-Miami Beach-Kendall, FL</td>
<td>102</td>
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<tr>
<td>West Palm Beach-Boca Raton, FL</td>
<td>114</td>
</tr>
<tr>
<td>National Average</td>
<td>100</td>
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</table>

This is the overall national cost of living index, which takes into account childcare, healthcare, housing, food, transportation, and tax expenses. The nationwide average score is 100. Therefore, if a metropolitan area has a score of 110, that means that that metropolitan area is 10% more expensive than the average U.S. city. Index values above 100 represent higher than average costs, whereas index values below 100 signify expenses below the national average.

**COLI Source:** Economic Policy Institute / U.S. Bureau of Labor Statistics

Monroe County is not available in this database.
Cost of Living Index for Select Florida Metro Areas for 2013

<table>
<thead>
<tr>
<th></th>
<th>Fort Lauderdale, FL Metro Area</th>
<th>Miami-Miami Beach-Kendall, FL Metro Area</th>
<th>Port St. Lucie, FL</th>
<th>Sebastian-Vero Beach, FL</th>
<th>West Palm Beach-Boca Raton, FL Metro Area</th>
<th>Monroe County (No data available)</th>
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</thead>
<tbody>
<tr>
<td><strong>Cost of Living Indices</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Overall Index*</td>
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<td>102</td>
<td>95</td>
<td>95</td>
<td>114</td>
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<td>118</td>
<td>111</td>
<td>174</td>
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<td>Taxes Index</td>
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<td>63</td>
<td>61</td>
<td>106</td>
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<td>Healthcare Index</td>
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<td>Childcare Index</td>
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<td>76</td>
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<tr>
<td>Transportation Index</td>
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<td>88</td>
<td>102</td>
<td>97</td>
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<tr>
<td>Other Necessities Index</td>
<td>142</td>
<td>121</td>
<td>110</td>
<td>106</td>
<td>141</td>
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**Basic Family Budget**: Monthly Costs for a Family with Two Parents and Two Children

<table>
<thead>
<tr>
<th></th>
<th>Monthly Housing</th>
<th>Monthly Food</th>
<th>Monthly Taxes</th>
<th>Monthly Healthcare</th>
<th>Monthly Childcare</th>
<th>Monthly Transportation</th>
<th>Monthly Other Necessities</th>
<th>Monthly Total</th>
<th>Annual Total***</th>
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</tr>
</tbody>
</table>


*This is the overall cost of living index, which takes into account childcare, healthcare, housing, food, transportation, and tax expenses. The nationwide average score is 100. Therefore, if this result has a score of 110, it is 10% higher than the U.S average. Index values above 100 represent higher than average costs, whereas index values below 100 signify expenses below the national average.

**The basic family budget measures the income a family of two parents and two kids in this case needs to secure a modest living standard by estimating community-specific costs of housing, food, child care, transportation, health care, other necessities and taxes.

***Annual income needed for housing, food, taxes, healthcare, childcare, transportation as well as other necessities, combined.
Fracking, Poverty and the New Liberal Gentry

By Fred Siegel

The transformation of American liberalism over the past half-century is nowhere more apparent than in the debates now rolling across an obscure section of upstate New York. In 1965, as part of his "war on poverty," President Lyndon Johnson created the Appalachian Regional Commission. Among the areas to be served by the commission were the Southern Tier counties of New York state, including Broome, Tioga and Chemung. The commission's central aim was to "increase job opportunities and per capita income in Appalachia to reach parity with the nation."

The energy bonanza has bypassed New York, where socialites and celebrities have come out in force to stop it.

Like so many Great Society anti-poverty programs, the effort largely failed. The Southern Tier counties remain much as they appeared in the 1960s, pocked by deserted farms and abandoned businesses, largely untouched by the prosperity that blessed much of America over the past five decades.

Beginning about a dozen years ago, remarkable improvements in natural-gas drilling by means of hydraulic fracturing, or fracking, seemed to promise a way out of poverty. The massive Marcellus Shale Formation under New York and Pennsylvania has proved to be "the most lucrative natural gas play in the U.S.,” Business Week recently noted, because the shale produces high-quality gas and is easily shipped to New York and Philadelphia.

In Pennsylvania, a state long familiar with carbon production through oil drilling and coal mining, Democratic Gov. Ed Rendell backed fracking during his tenure from 2003-11, and the state has experienced a boom in jobs and income. Between 2007 and 2011, in Pennsylvania counties with more than 200 fracking wells, per capita income rose 19%, compared with an 8% increase in counties with no wells, as petroleum analyst Gregg Laskoski wrote for U.S. News & World Report in August.

In New York, the potential natural-gas bonanza has been stillborn. Political support for fracking came largely from Southern Tier landowners scratching out a living on land much of which has been left fallow. These supporters sometimes referred to the environmental benefits of natural gas as opposed to coal. But their core argument was that fracking offered the only chance to rescue a dying region. Many landowners were being crushed by the heavy burden of New York's high property taxes—among the highest property taxes in the nation—and by regulation that made it hard to eke out a living from small dairy herds.

The landowners have been no match for an anti-fracking coalition that drew on the liberal well-to-do and celebrities, including Yoko Ono and Richard Plunz, a professor at the Columbia Graduate School of Architecture, whose primary residences are in New York City but who also own second homes upstate. These better-known opponents have been joined by other progressives, often from Manhattan, in alliance with the liberal gentry of upstate university towns such as Ithaca, Binghamton and Ononta. Fracking is occurring in 31 states and has been approved for California and Illinois. But in New York, the anti-frackers turned opposition to fracking into a litmus test for liberals.

The anti-fracking movement has taken on something of the anti-industrial ethic of mid-19th-century England. The romantic sentiments underlying the anti-fracking movement have been expressed by Adelaide Gomer, the Duncan Hines heiress, who directs the Park Foundation of Ithaca. The foundation finances much of the anti-fracking movement. "Hydrofracking," Ms. Gomer wrote in a 2010 petition, "will turn our area into an industrial site. It will ruin the ambience, the beauty of the region. But, moreover, it will poison our aquifers. We can live without gas, but we cannot live without water."

Fracking supporters know that the process occurs far below aquifers and is not a danger to water supplies—which in any event proponents would have no interest in poisoning. These advocates are, in the standard sense, conservationists concerned with preserving the land even as they use it. The anti-frackers, by contrast, seem most interested in maintaining upstate regions as pristine settings for gracious living and tourism. Unlike the 19th-century British Tories, who felt a paternal obligation to look after the well-being of the peasants they governed, today's liberal gentry operates on a narrowly self-interested basis.

In 2008, the administration of New York's Gov. David Paterson seemed generally positive about fracking, even while emphasizing the need for updated regulations to protect the environment. But while Mr. Paterson was considering the problem, HBO presented "Gaslands," an agitprop film that depicted Pennsylvania as "getting fracked to hell." The film sensitively portrayed water coming out of kitchen water taps being ignited with a flame—the result of fracking, we were told, though the phenomenon was the result of naturally occurring methane.

"Gaslands" had an enormous impact, and it was buttressed by a series of articles in the New York Times so biased against fracking that the newspaper's public editor twice apologized for them. The media's anti-fracking message meshed well with the Park Foundation's subsidies of protests around the region and in Albany. Faced with a surge of anti-fracking sentiment, the state in 2008 imposed a moratorium.

Five years later, the supposedly temporary ban to allow the study of health and regulatory considerations remains in place. Gov. Andrew Cuomo, who took office in 2010, last year floated a compromise. The areas near the reservoirs for New York and Syracuse, the liberal gentry of Ithaca and the wealthy retirees of Cooperstown would be able to maintain the status quo. The 100 towns that had passed local bans on fracking would have their wishes respected. Mr. Cuomo would have confined fracking areas to sections of the Southern Tier counties of Broome, Chemung, Chenango, Steuben and Tioga. In those areas, the shale is deep within the earth and there are no aquifers. Even anti-fracking activists would have a hard time finding a threat to the water table.

The proposed compromise might have seemed reasonable. But the anti-frackers who had demonized the gas industry responded with a resounding no. At a rally earlier this year, actor Mark Ruffalo, another anti-fracking celebrity, warned the politically ambitious Mr. Cuomo: "We'll cream you if you open New York state to fracking."

On Wednesday last week in Albany, the state capital, actress Debra Winger was a prominent speaker at an anti-fracking protest.
Dick Downey, a retired teacher and fracking supporter living in Otego, N.Y., wrote in his local paper, the Daily Star, in 2011 that "the class divide in the argument over drilling in New York is the elephant in the living room. Everyone’s aware of it but no one is talking about it. It pits generational farmers against the newly arrived, well-to-do pensioners against those just hanging on."

Poverty and social class don’t seem significant issues for the residents of Ithaca, the center of the anti-fracking movement. Perched on the edge of beautiful Lake Cayuga, one of New York’s Finger Lakes, Ithaca is home to Cornell University, Ithaca College and the Park Foundation. Ithaca claims to have more restaurants per capita than New York City. In the 2000 presidential election, more residents voted for Ralph Nader than for George W. Bush.

Great Society liberalism had, for all its faults, an ideal of inclusiveness. The environmental anti-industrial liberalism is implicitly organized around exclusion. Environmentalism, with its powerful not-in-my-backyard and not-in-your-backyard currents in upstate New York, has become an ideological cover for the pursuit of self-interest. New York’s liberals are fighting to preserve the status quo, poverty and all.

Mr. Siegel is a scholar in residence at Saint Francis College in Brooklyn and a senior fellow at the Manhattan Institute’s Center for Civic Innovation. This essay is adapted from an article that will be published next spring in Society magazine.
Most Online Course Users Well-Educated

College-level courses distributed free online have much more to do before they achieve their proponents' hopes of eliminating economic, geographic, racial and gender barriers to higher education, according to a University of Pennsylvania study published Wednesday.

The university surveyed nearly 35,000 students from more than 200 countries and territories who participated in the 32 massive open online courses, or MOOCs, it distributes through Coursera, the largest provider of the free courses. Researchers found that most of the students were already well educated, and most were young men looking for new skills to advance their careers.

More than 80% of the U.S.-based students, for example, already had a college degree, compared with about 30% of the general U.S. population. Across the board, Penn's MOOC students already far exceed average educational standards in their countries, the study said.

The economic elite are often first adopters of new technologies, particularly on the Internet. The study found that the "educational disparity is particularly stark" in Brazil, Russia, India, China and South Africa, where almost 80% of the MOOC students came from the wealthiest 6% of the population.

"Far from realizing the high ideals of their advocates, MOOCs seem to be reinforcing the advantages of the 'haves' rather than educating the 'have-nots'," said Ezekiel J. Emanuel, the study's author. "Better access to technology and improved basic education are needed worldwide before MOOCs can genuinely live up to their promise."

Men accounted for 56.9% of all MOOC students in the survey, and for 64% in countries outside the Organization for Economic Cooperation and Development. Coursera didn't have immediate comment. In a September interview, Coursera co-founder Andrew Ng said 40% of the company's students come from developing countries. Coursera, he said, was just beginning to understand how certain needs, such as a lack of access to computers with broadband connections, might affect educational outcomes on MOOCs.

As The Wall Street Journal reported last month, all of the major MOOC providers say they are in the early stages of figuring out how to use technology to improve educational outcomes, particularly for the most needy students. In most MOOC courses, more than 90% of people who sign up don't finish, though many come to online learning with a different intent than regular university students.
It's rare for a case that reaches the Supreme Court to be pulled from the docket, and it's unheard of for this to happen twice in two years on the same legal issue. Yet that is what happened on Friday as the Supreme Court swept a second case challenging the Obama Administration's favorite antidiscrimination cudgel only weeks before it was set to hear oral arguments.

Township of Mount Holly v. Mount Holly Gardens Citizens asked whether the 1968 Fair Housing Act allows the government to charge discrimination by using statistics rather than specific intent. The feds had never employed this theory in housing until the Obama Administration began to use it against lenders. Banks have paid millions to settle lest they suffer the reputational damage of a federal lawsuit. This policy was first challenged in Magnier v. Gallagher, but in February 2012, former Justice Department civil-rights enforcer (now Labor Secretary) Tom Perez engineered a quid pro quo with the City of St. Paul to have that case withdrawn from the High Court's docket.

In June the Justices agreed to hear Mount Holly, but last week the township voted to settle that case. Township officials aren't explain-
Pacquiao Wins, Uncle Sam Loses

The scorecard is in from boxing’s “Clash in Cotai” this weekend in Macau. In what may have been the final fight of his career, Filipino champ Manny Pacquiao won a unanimous decision over American Brandon Rios. The other winner was Macau, which gained prestige on the global sports and entertainment scene.

The biggest loser? That would be Uncle Sam, thanks to U.S. tax rates that push businesses overseas and hamper the economy in Las Vegas and beyond.

Mr. Pacquiao’s previous 14 fights were in the U.S., but this time the former eight-division world champion specifically requested not to fight there. His stated reason: America’s top federal marginal tax rate of 39.6%.

“It all comes down to m-o-n-e-y,” says promoter Bob Arum. “Manny can go back to Las Vegas and make $25 million, but how much of it will he end up with—$15 million?”

Since 2006 the “Pac-Man” had fought only in Nevada and Texas, where there are no state income taxes. This year new and higher federal rates made any U.S. site a no-go,” said Mr. Pacquiao’s financial adviser Michael Koncz in February.

Macau has a top tax rate of 12%. The Pacquiao camp says his purse is a guaranteed $18 million, plus a share of pay-per-view revenues that could add $10 million more.

To accommodate traditional viewers in the U.S., Messrs. Pacquiao and Rios duked it out around noon local time on Sunday, which was prime fight time Saturday night in New York.

There may be better tax experts around than Mr. Pacquiao, who has been involved in a protracted battle with the Philippine Bureau of Internal Revenue over some $50 million in back taxes. And several factors likely contributed to the 34-year-old’s decision to fight closer to home as he recovers from a knockout last year and faces the twilight of his career. But incentives matter, and in seeking better tax treatment Mr. Pacquiao is in good company with the world’s fastest man, Usain Bolt, who avoids racing in high-tax Britain.

The “Clash in Cotai” is the latest, punchiest reminder that business can often float like a butterfly—especially when taxes sting like a bee.
We Have Not Yet Begun to Fight the Bike Lanes

My brave little neighborhood of King Street in Alexandria, Va., has calmly met the challenges of the Revolution, the War of 1812 and the Civil War, but now we're seriously annoyed. What's bothering us are the bike wars. The city of Alexandria has proposed to take away our street's parking spaces and replace them with a dedicated bike lane. The preening activists who favor these lanes are in my town, and they will soon come to a neighborhood near you if they're not there already.

It's not as though local cyclists favor King Street. It's a main artery, State Highway 7, that runs for 70 miles east from George Washington's Alexandria to Patsy Cline's Winchester in the west. Each day the road conveys 15,000 commuters past my house, traveling from Arlington and Fairfax to their jobs in Old Town or to the Patent and Trademark Office, along a two-lane street only 30 feet wide. Cars speed by, and city buses blow through our red lights at 40 miles per hour.

Our stretch of King Street is also extremely steep. The very few cyclists you see on this thoroughfare use the sidewalk as they are permitted to do. Coming up the hill, they rarely move faster than the very few pedestrians, so everyone's safe.

As for the residents, we're really attached to our parking spots. We like to tell our friends to drop by anytime.

The bike wars in my little neighborhood are coming soon to a city near you.

Many people on our street are bicyclists, so we're not antibike. When bicycling; however, we never use King Street. We'll take the safe side streets that get us to wherever we want to go. We're also not fabulously wealthy. We don't hire valets to park cars for our visitors.

But the bike activists are mobilizing the troops. The cycling advocacy blog WashCycle calls for a "Complete Streets" policy that our city adopted, one that gives priority to pedestrians and cyclists over cars.

Part of the bike brigade in Alexandria, Va.

In the abstract, that will sound innocuous, but when the time for implementation arrives, you'll find yourself losing your street parking, street by street, as roads are repaved. And parking spaces are just the beginning. As Mr. Posey wrote on the blog Greater Greater Washington, "If we can't take a few parking spaces, how will we take the traffic lanes?"

When you see the bike activists in your neighborhood, be warned that they tend not to play nice. Our local gang microphones their number and talks of assembling a "critical mass" of cyclists who will ride together up King Street. On their blog, one of them urges bicyclists to "ride slowly and smack in the middle of the lane, especially at peak times."

To think of it, if we've ever been held up by a cyclist blocking traffic when there was plenty of space on the side of the road, you've already participated in the bike wars.

Mr. Buckley is a resident of King Street, Alexandria, Va.