

3. I have reviewed the HUD approved proposals by the Providence Housing Authority (PHA) for scattered site public housing, and have examined relevant demographic and housing data for the city of Providence. My analysis of the proposals and data lead me to conclude that the overall effect of the defendant's plan for 240 units of scattered site public housing to replace the 240 units demolished at Hartford Park will increase and reinforce minority segregation in Providence.

4. If the proposed plan to locate half of the 240 replacement units in areas of minority concentration is carried out as intended by the PHA the number of minority households living in areas of minority concentration will significantly increase, the transition to greater density of minority concentration in some areas will be accelerated, and the opportunities for low income minority households to obtain affordable housing outside areas of minority concentration will be far fewer than existed before the demolitions at Hartford Park. In addition, these adverse outcomes will be further compounded by the fact that over a third of the sites claimed by the PHA to be outside areas of minority concentration are actually in or contiguous to existing areas of minority concentration.

Qualifications

5. I completed my graduate work in Architecture and City Planning at the University of Pennsylvania from which I received my B. Arch. degree in 1960. My early professional experience included work as a city planner in the United States and in England. Since 1967 I have been a planning consultant with a practice focused on the impacts of government policies and actions dealing with housing and land use on low income minority groups. From 1975 to 1989 I was associate professor and professor in the Department of Urban and Environmental Planning in the School of Architecture at the University of Virginia. I have lectured at numerous other colleges and universities.

6. I have been a consultant to the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), the U.S. Commission on Civil Rights, the National Housing Law Center, the Center for

Social Welfare Law, state and local governments, and public interest organizations concerned with equal opportunity and housing integration.

I am a charter member of the American Institute of Certified Planners (AICP). A copy of my biographical resume dated January, 1991 is appended hereto as exhibit A.

7. I have had extensive professional experience with issues of displacement, relocation, and public housing site location. During 1970 and 1971, as consultant to HUD I assisted in the preparation of site location criteria for public housing, and I prepared training materials for Equal Opportunity officials in HUD regional offices. Other relevant consulting experience includes:

- A. participation in the preparation of a plan, for the Cayahuga Metropolitan Housing Authority, to distribute public housing within the City of Cleveland, Ohio, and in the suburban municipalities that lie within the surrounding county;**
- B. preparation of a Plan for Minority Housing for the City of Minneapolis, Department of City Planning;**
- C. preparation of a plan for the relocation of black households displaced by the City of Hamtramck, Michigan, and for increasing the supply of low and moderate income housing in the city, for the U.S. District Court for the Eastern District of Michigan.**
- D. a study examining the effects of public housing policies and actions by the City of Philadelphia and its agencies on the nature and extent of racial segregation in housing in the City, for Community Legal Services of Philadelphia.**
- E. Studies of the relationship between racial segregation in public schools and the housing and land use policies of government agencies - including the site selection and tenant assignment policies of housing authorities - in Norfolk, Virginia, Kansas City, Missouri, Charlotte and Goldsboro, North Carolina, Chattanooga and Knoxville, Tennessee, and Austin,**

and El Paso Texas, for the NAACP Legal Defense Fund and the Mexican-American Legal Defense Fund; and

F. evaluation of a proposal by the Housing Authority of Allegheny County, Pennsylvania, to demolish a 210 unit public housing project in Braddock, Pennsylvania, and build 95 units of scattered site replacement housing, for Neighborhood Legal Services Association of Pittsburgh.

8. In preparing this declaration, I reviewed Block Statistics and Tract Reports from the 1970 and 1980 Censuses of Population and Housing for Providence, HUD Regulations 941.202: "Site and Neighborhood Standards", HUD Notice H-81-2: "Clarification of Site and Neighborhood Standards for New Assisted Housing Projects in Areas of Minority Concentration", and the documents listed below. Those documents identified by the citation AR refer to the Administrative Record filed by HUD on 1 March, 1991.

Memorandum from Benjamin W. Little to Casimir Kolaski, Subject: "Scattered Site Development, Providence, RI, Site and Neighborhood Standards, Preliminary Review", 29 June 1989, ("AR:1", A80-106).

Memorandum from Benjamin W. Little to Casimir Kolaski, Subject: "Phase II, Scattered Site Development, Providence, RI, Site and Neighborhood Standards Review", 5 January 1990, ("AR: 2", A329-366).

"Scattered Site Status Report", Providence Housing Authority, 30 November, 1990, Exhibit "B" to "Joint Summary of Status of Construction of Replacement Housing Units and Status of Litigation", attached as Exhibit "B".

"Comprehensive List of Assisted Housing in Providence", single page table listing public and assisted housing, by program, by family and elderly, by census tract, undated, but post Hartford Park demolition, ("AR: 3", E95).

Declaration of Robert Howe, 13 October 1990, including Exhibit "A" "PHA Waiting List October 3, 1990" attached as Exhibit "C".

Declaration of Raymond Neirinckx, 15 October 1990, attached as Exhibit "D".

"Final Investigation Report, *Ida Lacorbiniere et al, v. City of Providence et al*", Joseph S. Vera, Director, Office of Fair Housing and Equal Opportunity, HUD Region I, to City of Providence and Providence PHA, 28 May 1982, attached as Exhibit "E".

"Investigative Report, Rose Veiga et al, v. Providence Housing Authority", Robert W. Laplante, Director, Office of Fair Housing and Equal Opportunity, HUD Region I, to Beverly Ledbetter, Chair, Board of Commissioners, Providence Housing Authority, attached as Exhibit "F".

"Final investigation Report, *Joan Martinez, v. City of Providence*", from Joseph S. Vera, Director, Office of Fair Housing and Equal Opportunity, HUD Region I, to Casimir Kolaski, Supervisor, Providence Service Office, 22 August, 1983, attached as Exhibit "G".

"Report on Audit of the Providence Housing Authority, Providence, Rhode Island, Low Rent Housing Program", 3 May, 1983. Attached as Exhibit "H".

Memorandum from Benjamin W. Little, Director, Office of Fair Housing and Equal Opportunity, HUD Region I, to Michael Dziok, Director, Office of Housing Development, HUD Region I, Subject: "Preliminary Site Review for Providence, R.I. Housing Authority's Scattered Site Program", 22 June 1988, ("AR: 4", A11-15).

Letter from Casimir Kolaski to Stephen O'Rourke with appended list of HUD approved sites, 12 January, 1990, attached as Exhibit "I".

Letter from Casimir Kolaski to Stephen O'Rourke with appended list of HUD approved sites, 26 February, 1990, attached as Exhibit "J".

9. All of the data sources and documents used in the preparation of this Declaration are readily available to HUD, the PHA, and the City of Providence.

Distribution of Minority Population in the City of Providence

10. According to the 1980 Census of Population the City of Providence had a total population 156,804, of which 123,222, or 78.6%, were non-Hispanic white; 17,973, or 11.5% were non-Hispanic black; 9071, or 5.8% were Hispanic; 1,048, or .6% were Native American, Eskimo, or Aleut; 1,694, or 1.1% were Asian; and 3,796, or 2.4% were non-Hispanic other. The total minority population of 33,582 comprised 21.4% of Providence population. (Table 1)

11. Minorities are segregated in three distinctly identifiable areas of Providence. These three areas, covering all or parts of 17 of Providence's 37 census tracts, contain 86.4% of the City's minority population. The first area of minority concentration is in the southern section of the City (South concentration), and the second two are in north-central Providence, separated only by the rights of way of I-95 and Route 1 (NE concentration and NW concentration). Outside of these three areas of minority concentration significant numbers of minorities are located in distinct enclaves in three public housing projects and in clusters of blocks in and adjacent to Brown University. The three areas of minority concentration, the three housing projects, and the Brown University blocks accounted for 93.8% of all minority population in Providence in 1980.

12. Neither the geographic boundaries of these areas nor the high degree to which minorities are segregated in Providence is accurately revealed by examination of population data at the tract level. Readily available Census Block Statistics clearly reveal that patterns of minority distribution bear no actual relationship to Census tract boundaries. For example, portions of both Tract 11 and Tract 13 are part of the South concentration. Taken as a whole neither of these two tracts had a minority percentage higher than that for the City. However, an examination of the Census Block Statistics reveals that the minorities in those tracts are concentrated in the blocks adjacent to Tracts 12 and 14, both of which have high minority concentrations.

13. It is also important to recognize that an examination of Census of Population data tabulated at a single time, whether at tract or block level, provides no basis for determining trends. Only through the comparison of data

for the same geographic area for more than one time period is it possible to identify trends.

14. Here it should also be noted that because the Block Statistics do not include the category American Indian, Eskimo, or Aleut, or the category Other, the percentages of minorities calculated from the Block Statistics and cited below significantly understate the actual percentages. For example in Tract 32 the tract data indicates that minorities are 42.2% of the population (Table 1). However, based on the Block Statistics which include only Black, Hispanic, and Asian and Pacific Islander, the percentage is 33.4.

15. The South concentration encompasses contiguous Tracts 1, 2, 3, 4, 5, 6, 7, 12, and 14, and spills over into the contiguous Tracts 11 and 13. These eleven tracts include 69.6% of the minority population of Providence. If the all white portions of Tracts 11 and 13 are excluded, then this area of minority concentration is nearly 54% minority. If total population of all eleven tracts is included, then the area is 49.4% minority.

16. The Northeast concentration is a compact area and includes all of Tract 31, except the extreme southern portion, the western half of Tract 32, and the southwest corner of Tract 33. It is generally bounded by Olney on the south, Hope on the east, Stenton on the north, and Route 1 on the west. However, a comparison to 1970 block data indicates that most contiguous blocks on the eastern, and northern edges of this area are in transition to minority concentration. This area contains 11.1% of the minority population. Within this area of concentration minorities comprise 46.7% (see note in 14 above) of the population.

17. The Northwest concentration west of I-95 is centered on two public housing projects in Tract 27, Chad Brown and Admiral Terrace. This area has a very irregular boundary and extends over portions of Tracts 25, 26, and 27. It is roughly bounded by Park on the south, Oaklawn, Malbone, and Douglas on the west, Clym on the north, and I-95 on the east. Within the area a number of blocks are less than 20% minority, and the degree of minority concentration does not diminish steadily with increasing distance from the public housing projects. Blocks with heavy concentrations of minorities are interspersed with less concentrated blocks.

18. The data clearly suggests that the portion of this area south of the public housing projects in Tracts 25 and 26 is in transition to greater density of minority concentration. This area contains 5.7% of the city's minority population, and within this area minorities comprise 23.1 % (see note in 14 above) of the population. Despite the relatively low level of minority concentration in this area, it is striking by contrast with the surrounding Tracts 22, 23, 24, 28, and 29, which range from 1.8% to 5.6% minority, and taken as a whole are 2.7% minority.

19. In the few census tracts in Providence whose minority percentage approximates that of the city, and which are not on the edges of the larger areas of minority concentration described above, examination of the Block Statistics shows that minorities are not dispersed among the population in those tracts, but live in small enclaves in public housing projects or university housing. In 1980 such enclaves were to be found in Census Tracts 18, 20, 28, and 36.

20. In Tract 18, which was 15.6% minority in 1980, and contained 2.6% of the City's minority population, 91.1% of all minorities in the tract lived in the Hartford Park public housing project. Without the minority population of Hartford Park minorities would comprise 1.6% of the population of Tract 18.

21. In Tract 20, which was 20% minority in 1980, and contained 1.9% of the City's minority population, 96.1% of the minorities in the Tract lived in the Manton Heights public housing project or in the block immediately adjacent to it. If we exclude only the minority residents of Manton Heights, minorities would comprise 2.9% of the population of Tract 20.

22. In Tract 28, which was 5.6% minority in 1980, and contained .8% of the City's minority population, 51.5% of the minorities in the Tract lived in the Valley View housing project operated by the PHA. Without the minority population of Valley View minorities would comprise 1.9% of the population of Tract 28. The sale and conversion of 144 of the project's 256 units to non-subsidized housing reduced the opportunities for low income minority households to live in Tract 28 by 56.2%.

23. In Tract 36, which was 11.8% minority in 1980, and contained 2.8% of the City's minority population, 70.4% of the minorities in the Tract lived in 9 of the Tract's 94 blocks, clustered in around the campus of Brown University. In all probability, a significant proportion of the residents of this tract, both minority and non-minority, are students at Brown University who are not permanent residents of Providence.

The Loss of Family Public Housing Units in Providence

24. The current controversy over the location of replacement units for those demolished at Hartford Park can best be understood in the context of overall changes that have been made by the PHA in the numbers and distribution of family and elderly public housing units, and the changes in the racial composition of public housing that have taken place.

25. As of 1976 the PHA operated 13 public housing projects with a total of 3,405 units (Ex. "G", p. 28). Of these 6 were family projects, six were elderly projects, and one, Hartford Park contained both family and elderly units (*id.*).

26. As originally built these 13 projects contained 3,473 housing units of which 2,295 were family and 1,178 were elderly (*id.*, and Ex. "H", pp. 8,9). Hartford Park had 512 family units and 236 elderly units for a total of 748.

27. By 1976, 68 family units at Roger Williams had been deprogrammed, and 240 family units at Hartford Park had been converted to elderly units, reducing the total number of family units by 308 to 1,987 (Exhibit "G", p.28).

28. By January, 1983, 207 family units at Chad Brown, 180 family units at Admiral Terrace, and an additional 552 family units at Roger Williams had been deprogrammed, further reducing the total number of family by 939 units to 1,048, or 45.7% of the original number (*id.*)

29. Between 1983 and 1988, 82 family units at Coddington Court and 50 units at Manton Heights have been converted to elderly units, and 186 units at Chad Brown and Admiral terrace have been restored to family use leaving a current total of 1,102 family units (AR: 3), or 48% of the original number

30. A review of trends in minority occupancy of family public housing units in Providence reveals that the elimination of family housing units by the PHA followed significant increases in the percentage of minority occupancy of family projects, particularly those such as Hartford Park and Manton Heights, which had been overwhelmingly white (Exhibit "G", pp. 8-14).

31. While not, strictly speaking, public housing, and therefore not included in the figures above, the Valley View project, in Census Tract 28, was, nevertheless, a significant source of affordable housing for low income minority families in an overwhelmingly white area of Providence. That project, built as veteran's housing after World War II, was owned and operated as low rent housing by the PHA. The sale and conversion to non-subsidized housing of 144 of the 256 units of the Valley View project during the 1980's further reduced both the supply of affordable housing, and the number of opportunities for low income minority families to live outside areas of minority concentration.

32. As a result of these reductions in the numbers of affordable family housing units there has been a net loss of 434 family housing units in public housing projects in locations that provided opportunities for low income minority families to live outside areas of minority concentration, 240 at Hartford Park in Census Tract 18, 144 at Valley View in Census Tract 28, and 50 at Manton Heights in Census Tract 20.

33. Since 1954, except for the 240 unit scattered site project, which is the subject of this controversy, the PHA has built only 12 family public housing units. All 12, built in 1989, are located in areas of minority concentration, 4 in Tract 25, and 8 in Tract 6 (AR: 4). Approval of these sites by HUD was conditioned on their inclusion in the larger scattered site project to be balanced by sites outside areas of minority concentration under the "sufficient and comparable" provisions of HUD's site selection policies. This has not been done. The addresses of these 12 sites do not appear in AR: 1, AR: 2, or in Exhibit "B".

34. The PHA, has eliminated 1193 family public housing units, or 52% of the total (excluding Valley View), and having undertaken to provide a total of 120 new family public housing units outside areas of minority concentration since 1954, has clearly not taken steps to provide, "sufficient, comparable

opportunities.....for minority families, in the income range to be served by the proposed project, outside areas of minority concentration.." (24 CFR 941.202 and HUD H-81-2), nor have any steps been taken by HUD to require the PHA to do so.

Minority Composition of the Hartford Park Project, Public Housing in Providence, and the Waiting List for Public Housing

35. In 1987, prior to the demolition of 240 of the public housing units in the Hartford Park project, 71% of the units at that project⁴ were occupied by minorities (Exhibit "F" at Exhibit 4). The demolition of those 240 units reduced the opportunities for low income minority households to live in overwhelmingly white Tract 18 by nearly a third.

36. The 29% white occupancy at the Hartford Park project prior to demolition was the highest percent white for any of the PHA's four family projects (*id.*). As a result Hartford Park was the most integrated of the PHA's family projects (Exhibit "G", p. 8).

37. In 1987, prior to the demolition of 240 of the public housing units of the Hartford Park project, 77% of all units in the PHA's family public housing projects were occupied by minorities (*id.*).

38. As of 4 October, 1990, minorities comprised 78.9% of those on the PHA waiting list for public housing (Exhibit "C", p. 9). Moreover, 87% of those on the waiting, list at that time, for 3, 4, or 5 bedroom units were minorities (*id.*).

39. According to the 1980 Census, the proportions of families, by sub-groups within the population, with incomes below the poverty level in Providence are as follows: White, 11.5%; Black, 33.7%; Hispanic, 31.8%; Asian, 34.5%; and American Indian, Eskimo, or Aleut, 39.1%. These figures indicate that the rate of dependency on public housing for affordable housing is at least three times as great for minorities as it is for whites.

The Hartford Park Demolitions and the Locations of Scattered Site Replacement Units: The Effects on Segregation in Providence

40. As indicated above the Hartford Park project provided one of only a few opportunities, in Providence, for low income minority households to live in majority white surroundings. In addition the project itself was the most racially integrated of the PHA's family housing projects (Exhibit "F").

41. Since the demolitions at Hartford Park eliminated 240 opportunities for low income minority households to live in predominantly white surroundings, any proposal for replacement housing that locates fewer than 240 units in predominantly white surroundings will increase the level of minority segregation in Providence.

42. As of 30 November 1990, the locations of 208 of the 240 scattered site replacement units had been identified by the PHA. The sites for 32 units remained to be identified and approved (Exhibit "B" and Table 2).

43. The sites that have been identified by the PHA have been numbered sequentially in the table appended to Exhibit "B", and their locations have been examined in relation to the areas of minority concentration in Providence described in paragraphs 11 - 23 above.

44. Based on the use of 1980 Census Tract data alone, it would appear that 107, or 51.4%, of the 208 units that have been identified by the PHA, are located outside tracts whose level of minority concentration exceeds that of the City as a whole. However, when the locations of these sites are examined in relation to the areas of minority concentration described in paragraphs 11 - 23 as revealed by the 1980 Census Block Statistics, it is clear that only 76, or 36.5%, are outside actual areas of minority concentration.

45. The 36 units proposed by the PHA for Tract 26 is the largest number of units proposed for any single tract in Providence. Because the percent minority in Tract 26 in 1980 was 20.6%, .8% lower than the overall percent minority for the City, the 36 units proposed for Tract 26 were designated as units located outside areas of minority concentration.

46. Except for the sites at 98 Chad Brown (2 units) and 15 Dome (2 units), all of the 36 units proposed by the PHA in Census Tract 26 are either in, or contiguous extensions of, the Northwest area of minority concentration (Exhibit "B" and Table 2).

47. Of the 36 units proposed by the PHA for Tract 26, 21 have received final approval from HUD (Exhibits "B", "I", and "J")

48. Despite their location within or directly contiguous to the Northwest area of concentration, the sites for the 21 units in Tract 26 were submitted by PHA and approved by HUD as sites outside areas of minority concentration.

49. Of the 36 units proposed by PHA for Tract 26, 14 have been completed and occupied, and 7 are in various stages of construction (Table 2), including 3 units on Derry Street that have not yet received final approval from HUD. Of the remaining 15, one is awaiting (as of 30 November, 1990) the commencement of site work and 14 are in various stages of processing by the PHA and HUD (Table 2).

50. The addition of such a large number of public housing units to a growing area of minority concentration such as the Northwest concentration, with 384 existing public housing units in Chad Brown and Admiral Terrace, will significantly increase the level of low income minority concentration in that area, reinforce its image as an area of minority concentration, and accelerate the rate at which the concentration will grow.

51. Of the 60 units on which construction had been completed by 30 November, 1990, 54, or 90%, are located in areas of minority concentration (*id.*).

52. Of the 54 units that were under construction as of 30 November, 1990, 33, or 61.1%, are located in areas of minority concentration (*id.*)

53. Given the fact that the overwhelming majority (87%) of those on the waiting list for family public housing are minority, the early construction of 90% of the new scattered site units in areas of minority concentration impacts minorities disproportionately by restricting their choices to those areas of minority concentration, and increases the probability that the much smaller

proportion of whites on the waiting list will gain access to the units built later outside the areas of minority concentration.

Conclusions and Opinion

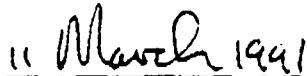
54. From the above findings it is clear that the past actions of the PHA have massively reduced the number of family public housing units in Providence, and that this reduction has coincided with the growth of minority population in Providence and their increasing need for public housing.

55. Over a third of the units eliminated provided opportunities for minority families to live in predominantly white areas of providence.

56. The current proposals, if implemented, would further reduce the opportunities for low income minority families to live in integrated areas, increase the level of minority concentration in existing areas of minority concentration, reinforce the identity of areas of minority concentration, accelerate the rate at which the level of minority concentration increases, and increase the level of segregation in public housing.



YALE RABIN, AICP



Date