

Report to the City of Memphis Analysis of Housing Rights

May 1, 2022



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Executive Summary

Throughout the country, record-high housing prices coupled with dwindling housing stock have had a severe impact on American families. The City of Memphis, TN, is no different. Throughout the summer and early fall of 2021, the National Fair Housing Alliance (NFHA), under a contract with the City of Memphis, conducted a scan and analysis of housing rights and policies in Memphis. Analytical reports about the housing issues facing Memphians are plentiful. Their findings have largely remained consistent over the years: Memphis residents contend with segregation and housing disparities, people of color have less access to opportunity, residents with disabilities face barriers to housing choice, and far too many residents and landlords lack knowledge about tenant and fair housing rights and responsibilities. These are long-standing challenges requiring thoughtful solutions.

NFHA's report contains significant community input, obtained through a series of interviews with community-level practitioners and housing experts and a survey of local residents. Several focus areas were identified, including: how the City of Memphis addresses residents' housing-related needs; knowledge about and enforcement of fair housing and tenant protections; segregation, displacement, and gentrification; and the impact of COVID-19.

NFHA's research uncovered many challenges for Memphis to overcome. Section I outlines housing issues, fair housing and housing laws, land use and zoning policies, and fair housing/lending cases and sets forth critiques of existing housing laws and policies. Conversations with legal experts highlighted shortcomings in local and state laws that make it more difficult to help tenants struggling with housing insecurity and discrimination. Additionally, while it is a problem nationally, the COVID-19 pandemic has complicated the ongoing affordable housing crisis in Memphis. Finally, NFHA's research found that the City of Memphis remains deeply segregated, which reflects discrimination in housing.

NFHA's research further documents that the recommendations of housing advocates and community leaders need to be heeded if real change is to happen. In Sections II and III, conversations with community experts and the results of the community survey identify strengths and shortcomings in Memphis' housing policies. NFHA's community survey found that while 82% of respondents are aware of housing discrimination in Memphis, only 50% know how to pursue their fair housing rights. Conversations with community experts identified key ways to address shortcomings in housing policy, including investments in direct outreach to educate residents, initiatives to empower residents to have a successful home buying and lending process, and continued support for the Memphis Housing Trust Fund to help low-income or fixed-income homeowners.

There are concrete steps the City of Memphis can take to address the concerns identified in NFHA's research and improve access to fair, safe, and affordable housing for residents. NFHA's recommendations reflect its scan of the state of housing in Memphis and the input of community and legal leaders. These recommendations are set forth in Section IV. They include that the city should coordinate with local housing partners to launch a full-service fair housing center. The City of Memphis should also review its zoning code to allow for housing integration and consider amending the code to affirmatively further fair housing requirements. Similarly, the city should strengthen its code enforcement to ensure compliance in occupied rental units. Finally, Memphis should institute a range of programs to promote homeownership and support tenants' rights.

The City of Memphis faces many challenges to improve access to affordable and fair housing for its residents. NFHA's research provides a pathway to desegregate communities, empower homebuyers, and ensure every family has a safe and affordable roof over its head.

Section I: Overview of Housing Issues, Law, and Policies

Memphis is a city at a crossroads. For decades, the city annexed surrounding suburban communities but still experienced population loss. Now, the city has reversed course and chosen instead to focus on investment in its core neighborhoods. This has led to concern that the city's current practices will lead to gentrification and benefit development companies at the expense of longtime Black residents. Majority-Black neighborhoods in Memphis have experienced decades of neglect, and activists are concerned that this new focus on investment and development will cause further harm. Better housing and fair housing laws and policies may provide a solution to these concerns, if implemented properly and enforced vigorously. The following section provides an overview of housing issues, law, and policies in Memphis.

A. Fair Housing Laws

In Memphis, fair housing rights are covered by the Tennessee Human Rights Act,¹ the City of Memphis Fair Housing Ordinance,² and the federal Fair Housing Act (the "FHA").³

¹ TENN. CODE ANN. § 4-21-601 *et seq.*

² MEMPHIS, TN., CODE § 10-36 *et seq.*

³ 42 U.S.C. § 3601 *et seq.*

1. Tennessee Human Rights Act

The Tennessee Human Rights Act (“THRA”) makes it unlawful to discriminate against an individual in the sale, rental, or financing of dwellings, and in other housing-related transactions on the basis of the following protected classes: race, color, creed, religion, sex, disability, familial status, or national origin.⁴ Discriminatory practices include, but are not limited to: (1) refusing to sell, rent, negotiate for the sale or rental, or otherwise make unavailable or deny, real property or a housing accommodation on the basis of a protected classification; (2) discriminating in the terms, conditions or privileges of the sale or rental of real property or a housing accommodation; (3) misrepresenting that real property or a housing accommodation is not available for inspection, sale, or lease due to a person’s protected classification; and (4) circulating housing advertisements or making discriminatory statements that indicate a limitation based on a protected classification.⁵ Additionally, the statute includes specific provisions outlawing blockbusting, which are representations made by real estate professionals that the composition of a neighborhood with respect to a protected characteristic has changed or is about to change, for the purpose of inducing a person to sell his or her real property.⁶ The THRA allows aggrieved parties only 180 days to file a complaint with the agency as opposed to the one-year statute of limitations under the federal law.

This statute also provides certain exemptions from its fair housing provisions that generally align with the exemptions provided under the FHA. Specifically, the statute’s fair housing provisions do not apply to: (1) the rental of housing accommodations that contain no more than two families living independently of each other, if the owner or a member of the owner’s family resides in one of the housing accommodations; (2) the rental of a room in a housing accommodation by an individual if such individual or a member of such individual’s family resides there; (3) limitations on the sale, rental, or occupancy of a dwelling owned or operated by a religious organization for non-commercial purposes, which gives preference to persons of the same religion, unless membership in that religion is restricted on the basis of race, color, or national origin; and (4) the rental of single-sex dormitories, including those operated by higher education institutions.⁷

The U.S. Department of Housing and Urban Development (“HUD”) has certified Tennessee’s fair housing law to be substantially equivalent to the FHA in terms of

⁴ TENN. CODE ANN. § 4-21-601.

⁵ *Id.*

⁶ § 4-21-603.

⁷ § 4-21-603.

substantive rights, procedures, remedies, and judicial review.⁸ Accordingly, the Tennessee Human Rights Commission (“THRC”) enforces the Tennessee Human Rights Act and, under HUD’s substantially equivalent designation, also processes complaints of discrimination under the federal Fair Housing Act.

2. City of Memphis Fair Housing Ordinance

In addition to the state fair housing statute, Memphis has passed its own city-wide fair housing ordinance. The Memphis Ordinance protects against discrimination based on a person’s source of income as well as race, color, religion, sex, disability, familial status, and national origin, similar to the state fair housing statute.⁹ Source of income discrimination protections are particularly important to preserving the ability of vulnerable groups, such as Section 8 voucher holders or recipients of Social Security Disability Insurance, to access housing. Source of income protections were added to the Memphis Ordinance in 2002, in conjunction with the redevelopment of public housing properties in the region and the concurrent transfer of housing assistance from unit-based to tenant-based voucher assistance.

Similar to the TN Human Rights Act, the Memphis Ordinance prohibits discrimination on the basis of a protected class in the sale, rental, or financing of dwellings, and in other housing-related transactions.¹⁰ Also similar to the state statute, the Memphis Ordinance makes unlawful: (1) refusing to sell, rent, or otherwise make unavailable real property or a housing accommodation on the basis of a protected classification; (2) discriminating in the terms or conditions of the sale or rental of real property or a housing accommodation; (3) misrepresenting that real property or a housing accommodation is not available for inspection, sale, or lease due to a person’s protected classification; and (4) circulating housing advertisements or making discriminatory statements that indicate a limitation based on a protected characteristic.¹¹

The Memphis Ordinance exempts: (1) any reasonable local, state, or federal law regarding the maximum number of occupants permitted to occupy a dwelling; (2) the rental of housing accommodations in which two families live independently of each other, if the owner or a member of the owner’s family resides in one of the housing accommodations; (3) the rental of a room in a housing accommodation by an individual if such individual or a member of such individual’s family resides there; (4) limitations on the sale, rental, or occupancy of a dwelling owned or operated by a religious

⁸ U.S. Dep’t of Hous. & Urban Dev., *Fair Housing Assistance Program (FHAP) Agencies* https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/agencies.

⁹ MEMPHIS, TN., CODE § 10-36-3.

¹⁰ MEMPHIS, TN., CODE §§ 10-36-3 & 10-36-5.

¹¹ MEMPHIS, TN., CODE § 10-36-5(B).

organization for non-commercial purposes, which gives preference to persons of the same religion, unless membership in that religion is restricted on the basis of race, color, or national origin; and (5) the rental of single-sex dormitories, including those operated by higher education institutions.¹²

Additionally, the Memphis Ordinance delineates enforcement procedures for fair housing violations.¹³ An individual subjected to housing discrimination may file a written complaint with the city's fair housing officer within 365 days of the alleged discriminatory conduct.¹⁴ The city's fair housing officer will then investigate the incident to determine whether sufficient evidence exists to initiate an action for violating the Memphis Ordinance.¹⁵ The Memphis Ordinance provides for a \$50 fine for a violation of any provision, in addition to a penalty not exceeding \$200.¹⁶ Each day that a violation continues constitutes a new violation.¹⁷

Currently, the City's designated fair housing officer is the Memphis Fair Housing Center ("MFHC").¹⁸ MFHC was established in 1997 with a grant from the City of Memphis, including annual funding of \$125,000 from the city to operate the center. MFHC is a HUD-approved Housing Counseling Agency and is part of Memphis Area Legal Services, Inc.¹⁹ In addition to enforcing the city's fair housing provisions, MFHC also provides fair housing education and comprehensive counseling services.²⁰

HUD has not certified Memphis' fair housing law as substantially equivalent to the FHA.²¹ A substantial equivalence certification means that the local or state fair housing agency administers a law that provides substantive rights, procedures, remedies, and judicial review provisions that are substantially equivalent to the FHA.²²

3. Problem of Preemption: Equal Access to Intrastate Commerce Act

Although the THRA and the Memphis Ordinance play an important role in fair housing protection for Memphians, both the statute and the ordinance have limitations. For example, the Equal Access to Intrastate Commerce Act (also informally

¹² MEMPHIS, TN., CODE § 10-36-4.

¹³ MEMPHIS, TN., CODE § 10-36-6.

¹⁴ MEMPHIS, TN., CODE § 10-36-6(B).

¹⁵ MEMPHIS, TN., CODE § 10-36-6(E).

¹⁶ MEMPHIS, TN., CODE § 10-36-7.

¹⁷ *Id.*

¹⁸ BBC Research & Consulting, *Analysis of Impediments to Fair Housing – Shelby County and City of Memphis*, Section VII VII-4 (March 25, 2019) .

¹⁹ *Id.* at BVII-5. .

²⁰ *Id.*

²¹ U.S. Dep't of Hous. & Urban Dev., *Fair Housing Assistance Program (FHAP) Agencies*, https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/agencies.

²² U.S. Dep't of Hous. & Urban Dev., *Fair Housing Assistance Program (FHAP)*, https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP#FHAP2.

known as the Special Access to Discriminate Act), which was initially passed to prevent cities from enacting anti-LGBT discrimination protections, preempts any law that deviates from, modifies, or supplements the Tennessee Human Rights Act's definition of discriminatory practices.²³ Additionally, the THRA limits the Memphis Ordinance by defining sex only as the sex of the individual assigned at birth.²⁴

a. Definition of "Sex"

First, the THRA limits the reach of the Memphis Ordinance by explicitly defining sex as the individual's sex assigned at birth.²⁵ This provision forecloses any ability for courts to interpret sex in either the THRA or the Memphis Ordinance as inclusive of gender identity and/or sexual orientation. Although the Memphis Ordinance does not explicitly include discrimination protections on the basis of gender identity or sexual orientation, the recent Supreme Court decision in *Bostock* demonstrates that a strong argument exists that discrimination on the basis of sex encompasses sexual orientation and gender identity. However, the state statute preempts any attempts to include sexual orientation or gender identity in the Memphis Ordinance.

b. Protected Classes

In addition to the THRA's restrictive definition of sex, the Equal Access to Intrastate Commerce Act prevents local governments from enacting any law that deviates from, modifies, or supplements the THRA's definition of discriminatory practices.²⁶ This provision voids the Memphis Ordinance's existing protection against source of income discrimination and prevents city government from enacting any additional protections in the future.²⁷ The Equal Access to Intrastate Commerce Act essentially strips away the city government's ability to expand protections in the area of anti-discrimination law, including fair housing law. This creates a large impediment to furthering fair housing at the municipal level.

4. Problem of Enforcement

The Memphis Ordinance creates a weak enforcement process for individuals who have experienced discrimination. First, the Memphis Ordinance does not give victims of housing discrimination the ability to recover for their injury because the

²³ TENN. CODE ANN. § 7-51-1802.

²⁴ TENN. CODE ANN. § 4-21-102(20).

²⁵ *Id.*

²⁶ TENN. CODE ANN. § 7-51-1802(a).

²⁷ *See id.*

Memphis Ordinance does not provide a right to damages or injunctive relief. Second, the Memphis Ordinance does not create any private cause of action for housing discrimination claims under the Memphis Ordinance in either federal or state court. The only way for an individual to receive any type of judicial process is if the individual submits a complaint to the city's fair housing officer who determines whether sufficient evidence exists to initiate an action for violating the Memphis Ordinance. Third, the Memphis Ordinance provides no mechanism for judicial review of the fair housing officer's determination of whether a violation of the Memphis Ordinance exists. An individual cannot appeal this decision and must accept the fair housing officer's determination. Lastly, the penalties under the Memphis Ordinance are very low with a maximum cap of only \$250 per day for fair housing violations.

These deficiencies in the Memphis Ordinance disincentivize individuals from pursuing fair housing claims for violations under the Memphis Ordinance and make the Memphis Ordinance relatively toothless against discriminatory actors in the housing market. These limitations in the operational utility of the Memphis Ordinance are in part driven by restrictions under the Tennessee Constitution that limit the ability of local jurisdictions to create a private cause of action that could result in penalties of more than \$50 if the penalties are punitive in nature.²⁸

5. Housing Discrimination Complaint Trends

Between Oct. 1, 2011, and Sept. 30, 2018, the City of Memphis received 105 housing discrimination complaints.²⁹ Most complainants alleged more than one basis of discrimination and more than one type of discrimination. For the basis of discrimination, 51% were based on race (54), 50% were based on disability (52), 23% were based on sex (24), 18% were based on retaliation (19), 11% were based on familial status (12), 3% were based on national origin (3), 2% were based on religion (2), and 2% were based on color (2).³⁰ The surrounding portions of Shelby County excluding Memphis received only 21 housing discrimination complaints during the same period, which highlights the fact that the bulk of the region's housing discrimination complaints occurred in the City of Memphis.³¹

Eighty percent of the housing discrimination complaints filed included allegations of discriminatory terms, conditions, privileges, or services and facilities; 34% alleged discriminatory refusal to rent; 31% alleged otherwise denying or making

²⁸ See *City of Chattanooga v. Davis*, 54 S.W.3d 248, 256 (Tenn. 2001) (civil penalties more than \$50 that are punitive in nature are impermissible under the Tennessee Constitution).

²⁹ BBC Research & Consulting, *Analysis of Impediments to Fair Housing – Shelby County and City of Memphis*, Section VII-5 (March 25, 2019)

³⁰ *Id.*

³¹ *Id.*

housing unavailable; and 25% alleged failure to make reasonable accommodations.³² Other reasons for complaints included discriminatory advertisements, statements, and notices (12%), discriminatory financing (6%), failure to permit reasonable modifications (3%), discriminatory refusal to sell (3%), false denial or representation of availability – rental (2%), and use of ordinances to discriminate in zoning and land use (1%).³³

B. Blight and Vacant Properties

An important aspect of Memphis' recent housing policy involves the improvement of blighted properties. Between 1970 and 2010, Memphis experienced territorial growth through periodic annexations of surrounding land but without any population increase (~610,000 residents).³⁴ The static population coupled with annexation meant that approximately 110,000 residents left the core of the City of Memphis during these decades.³⁵ The population decrease led to a dramatic increase in under-utilized or abandoned properties, particularly in the city core and first-ring suburban neighborhoods.³⁶ Between 2008 and 2010, a citywide survey found that 40,000 of Memphis' 200,000 residential properties were blighted, a blight rate of approximately 20%.³⁷ The city government responded with an aggressive litigation strategy to minimize blight under the Tennessee Neighborhood Preservation Act.

1. The Problem of Blight in Memphis

For decades, the population decrease in Memphis' core neighborhoods has resulted in an increase in abandoned properties falling into neglect and disrepair. The City of Memphis defines blight as not only unoccupied, unmaintained structures, but also vacant lots, high weeds and grass, substantial amounts of trash scattered in the neighborhood, and illegal dumping sites.³⁸ A single property can be blighted; however, blight typically becomes a policy issue when multiple blighted properties detrimentally affect a neighborhood's health, safety, security, and property values.³⁹ In

³² *Id.* at VII-6

³³ *Id.*

³⁴ Steven E. Barlow, Daniel M. Schaffzin, & Brittany J. Williams, *Ten Years of Fighting Blighted Property in Memphis: How Innovative Litigation Inspired Systems Change and a Local Culture of Collaboration to Resolve Vacant and Abandoned Properties*, 25 J. AFFORDABLE HOUS. & CMTY. DEV. L. 347, 354 (2017).

³⁵ State of Memphis Housing Summit (Paul Young).

³⁶ Barlow, *supra* note 21.

³⁷ *Id.* at 356.

³⁸ City of Memphis and Memphis and Shelby Cnty. Div. of Planning & Dev., *Memphis 3.0 Comprehensive Plan 28* (April 20, 2021), https://b923a92a-3277-4799-b7a9-b31566e3191d.filesusr.com/ugd/100a0d_b0c93cb3914d438e86e99b980ddcd322.pdf

³⁹ Kermit Lind and Joe Schilling, *Abating Neighborhood Blight with Collaborative Policy Networks—Where Have we Been? Where are we Going?*, 46 U. MEMPHIS LAW REV. 803, 806 (2016).

2016, 48,452 parcels, which constituted approximately 13% of the City's tax parcels, had an indicator of blight.⁴⁰ Of the 48,452 blighted parcels, there was a vacancy rate of 16% for housing units, 10% for other uses (office, industrial, and retail space), and 56 square miles of vacant land.⁴¹ The high incidence of blight has negatively affected property values in Memphis, which has reduced the city's tax revenue and ability to lure new residents and businesses.⁴²

Moreover, as referenced in the State of Memphis Housing 2020: Rising to Respond to Crisis report, pockets of hyper-vacancy (over 15%) are scattered throughout many neighborhoods in Memphis. While a certain level of vacancy is essential for a healthy market and is necessary for creating supply, concentrated hyper-vacancy often results in higher levels of long-term vacancy (houses that are vacant for more than six months), which negatively impacts neighborhood market resiliency (Wang and Immergluck, 2018). The City has taken pro-active measures to address this issue, for example, creating the Blight Authority of Memphis in 2015, and the development of action steps outlined in Memphis 3.0, under objective 1.3. Addressing vacancies and blight elimination is a huge undertaking and requires significant resources. Engaging with a national organization such as Grounded Solutions as a thought partner could be instrumental in advancing the city's goals and/or developing innovative solutions. Additionally, assessing the viability of the use of CDBG funding allocated and/or reprogrammed under the "slum and blight elimination" eligibility should be explored.

2. Tennessee Neighborhood Preservation Act

The Tennessee Neighborhood Preservation Act ("NPA") creates a cause of action for owners of a surrounding residential property, a nonprofit corporation, or any interested party to recover monetary damages from the owner of blighted property or to enforce housing codes.⁴³ Under this Act, the owner of a residential rental property or unoccupied residence must maintain the exterior of the property and lot at community standards for residential property in the area.⁴⁴ The owner of the blighted property may defend against the claim by showing that the failure to maintain property occurred as a result of an act of nature, serious illness, or a legal barrier.⁴⁵

⁴⁰ MEMPHIS 3.0, *supra* note 37.

⁴¹ *Id.*

⁴² J.B. Wogan, *It Takes a Village: The Idea Behind Memphis' Anti-Blight Strategy*, GOVERNING (May 17, 2016), <https://www.governing.com/topics/urban/gov-memphis-blight-elimination-charter.html>.

⁴³ Bill Terry & Kerri Courtney, *Tenn. Advisory Comm'n on Intergovernmental Rel., Dealing with Blight: Strategies for Tennessee Communities* 10 (2012) <https://www.tn.gov/content/dam/tn/tacir/documents/Blight.pdf>; *see* TENN. CODE ANN. § 13-6-103 *et seq.*.

⁴⁴ TENN. CODE ANN. § 13-6-103.

⁴⁵ TENN. CODE ANN. § 13-6-104(a).

The NPA permits any nonprofit, interested party or neighbor to bring a civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation.⁴⁶ This provision gives owners of residential properties affected by nearby property that has fallen below “community standards” a cause of action against the owner of the blighted property.⁴⁷

3. University of Memphis Law School Neighborhood Preservation Clinic

The City of Memphis uses the NPA as its central tool for combatting blight. In 2009, Mayor A C Wharton organized “Mayor A C Wharton’s Campaign to End Blight” through coordinated litigation by the city’s Law Division under the NPA.⁴⁸ Within the first 100 days of announcing the campaign, the city filed 138 lawsuits against owners of allegedly blighted properties.⁴⁹ This number increased to 200 NPA cases on file by 2013.⁵⁰

As part of the city’s anti-blight campaign, the city worked with the University of Memphis School of Law to create the Neighborhood Preservation Clinic (the “Clinic”), which files lawsuits under the NPA on behalf of the City of Memphis.⁵¹ Since the Clinic first opened in January 2015, the clinic has filed over 560 cases.⁵² Since 2008, the city, in conjunction with the clinic, has filed over 1,600 NPA cases.⁵³ The city’s anti-blight campaign has also relied on local nonprofit partners to carry out this initiative. For example, the Blight Authority of Memphis (BAM), a nonprofit authorized by Memphis’ City Council, works to convert vacant, abandoned, foreclosed, and tax delinquent properties back into productive use and to reduce blight. Neighborhood Preservation, Inc. (NPI) similarly works to collaboratively develop practical and sustainable resolutions to blighted properties and to the systems that lead to widespread neglect, vacancy, and abandonment of real estate through policy advocacy as well as implementation of comprehensive neighborhood improvement projects.⁵⁴ These partnerships have contributed to the blight reduction program’s success.

Additionally, the city’s dedication to the allocation of funds toward blight elimination contributed to the anti-blight campaign’s success. In 2012, Memphis settled a lawsuit against Wells Fargo for predatory lending and used a portion of the

⁴⁶ See TENN. CODE ANN. § 13-6-106.

⁴⁷ *Id.*

⁴⁸ Barlow, *supra* note 21, at 359-60.

⁴⁹ *Id.* at 360.

⁵⁰ *Id.*

⁵¹ *Id.* at 361-62.

⁵² *Id.* at 363.

⁵³ *Id.*

⁵⁴ Barbara Esuoso, *Battling Blight in Memphis*, AM. PROSPECT, Oct. 5, 2017, <https://prospect.org/economy/battling-blight-memphis/>.

\$400 million payout for homeowner down payment assistance and blight remediation.⁵⁵ Furthermore, Memphis allocated \$3 million in HUD Community Development Block Grants to residential redevelopment projects in 2016.⁵⁶ The collaboration of government, nonprofits, and the private sector has helped ensure a successful and ongoing anti-blight initiative in Memphis.

C. Memphis 3.0 (Comprehensive Plan)

Memphis 3.0 is the city's most recent Comprehensive Plan for the next 20 years. The plan utilizes an anchor strategy that encourages development in places where change was desired by residents.⁵⁷ Memphis 3.0 is the first comprehensive plan for the city since 1981 and represents a substantial departure from past city planning efforts.

1. Legal Basis and Effect

The city released Memphis 3.0 under the authority of Tennessee Code Annotated (TCA) Section 13-4-201, which provides that it is the function and duty of a city's planning commission to make and adopt an official general plan for the physical development of the city.⁵⁸ Joint Resolution and Ordinance Number 2524 provides for the Memphis and Shelby County Land Use Control Board to serve as the planning commission for both the City of Memphis and Shelby County.⁵⁹

Once the Board and Memphis City Council adopt a general plan for the city, TCA Section 13-4-202(B)(2)(B)(iii) states that all subsequent land use decisions in the city must be consistent with the plan.⁶⁰

2. "Build Up, Not Out"

An important policy reversal in Memphis 3.0 is the policy of "Build Up, Not Out." Prior to Memphis 3.0, the city historically grew geographically through decades of annexing surrounding suburban communities.⁶¹ Despite decades of annexing surrounding suburban communities, the city's population remained stagnant at approximately 600,000 Memphians.⁶² Such annexations added 110,000 residents,

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ See generally *Memphis 3.0 Plan Summary*, CITY OF MEMPHIS GOV'T, April 2019, https://55ee3575-ef4b-4936-80dc-35ff0aea1e7d.filesusr.com/ugd/100a0d_4c40d3f0fa9d45139ad7cbcdad411331.pdf.

⁵⁸ MEMPHIS 3.0, *supra* note 37, at 3.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² State of Memphis Summit.

which coupled with the stagnant population, actually indicates that 110,000 people had left Memphis' core neighborhoods during the ensuing decades.⁶³

Memphis 3.0 ends the city's annexation policy and instead reverses the policy toward investment in Memphis' core neighborhoods. The Build Up, Not Out policy coincides with Memphis' period of de-annexation.⁶⁴ In 2013, the Tennessee State Legislature established an annexation moratorium until May 2014 and later voided the city's authority to annex land without written consent from property owners in the affected area or a referendum.⁶⁵ During this time, the city chose to pursue a policy of de-annexation in response to community input and to promote sustainable urban growth.⁶⁶ The city officially de-annexed Eads and River Bottoms on Jan. 1, 2021, which led to a 1% decrease in population and a 10% decrease in land.⁶⁷ The city also discontinued sanitary sewer infrastructure outside the city's corporate boundaries in 2017 as part of the gradual shift toward a focus on Memphis' core and neighborhoods.⁶⁸ This shift coincided with historically high reinvestment and construction activity within the city and has resulted in the city's current development boom.⁶⁹

3. Focus on Anchors

As part of the city's reorientation toward investing in its core and neighborhoods, Memphis 3.0 aims to focus development on centers of activity identified as "anchors," which serve as community hubs in various Memphis neighborhoods.⁷⁰ By focusing investment on these hubs, Memphis hopes to support neighborhood development and revitalization.⁷¹ In addition to investments in anchors, Memphis 3.0 also prioritizes investments in vacant lots as sites for infill, disinvested places for redevelopment, and underutilized land for "higher and better uses that improve the quality of life in Memphis."⁷²

Memphis 3.0 has identified six types of anchors in the city, which are as follows: (1) Neighborhood Crossings; (2) Neighborhood Main Streets; (3) Urban Main Streets; (4) Urban Centers; (5) Urban Core/Downtown; and (6) Medical and Institutional

⁶³ *Id.*

⁶⁴ MEMPHIS 3.0, *supra* note 37, at 20.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.* at 47.

⁷⁰ *Id.* at 52.

⁷¹ *Id.*

⁷² *Id.* at 54.

Campus.⁷³ Neighborhood Crossings are nodes that provide convenient services to surrounding residential neighborhoods in which they are embedded, which allow neighbors to walk or bike to their destinations. Neighborhood Main Streets provide retail and services to surrounding neighborhoods. These streets are walkable or bikeable locations that function as nodes of activity and allow community members to meet their needs in a single trip.⁷⁴ Urban Main Streets provide pedestrian-friendly retail and services to surrounding neighborhoods and are considered centers of activity.⁷⁵ Urban Centers feature civic and cultural institutions that serve multiple neighborhoods throughout the city.⁷⁶ Urban Centers also include walkable retail, services, and leisure activities for residents and are accessible from across the city by multiple modes of transportation.⁷⁷ Urban Core/Downtown is a city-wide walkable area for people to work, live, shop, and play.⁷⁸ Lastly, Medical and Institutional Campuses are characterized by buildings that primarily serve a single institutional use and some supportive uses.⁷⁹ The above-mentioned anchor types are further divided into sub-categories.

The city's focus on "anchors" as targets for neighborhood development and reinvestment also helps increase the city's density.⁸⁰ The combination of annexation and a stagnant population has led to a significant decrease in population density, which has made it difficult for the city to operate utilities and services, such as transit.⁸¹ By focusing on core neighborhood investments, the city hopes to increase neighborhood densities and serve a greater number of people in a smaller area.⁸² Examples of anchor investments include landscaping, streetscape improvements, adding new sidewalks and crosswalks, and providing temporary spaces for businesses at sidewalk edges.⁸³

⁷³ *Id.* at 55.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.* at 54.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.* at 69.

4. Plan Elements

a. Concentrate City Investment, Density, and Growth in the City's Core and Neighborhoods

The central aspect of Memphis 3.0 is based on targeted public investment and incentives around key anchors in the city.⁸⁴ The city will initially provide seed money in the amount of \$2 million with annual recurring funding supplied from the general fund.⁸⁵ This funding will be used for road improvements (streetscape improvements, road diets, etc.), pedestrian improvements, wayfinding signage, gateway markers, transit improvements, sewer upgrades, storm water solutions, public Wi-Fi, and civic spaces (parks and greenways).⁸⁶ The city will rely on Small Area Planning to incorporate community input and to make incremental investments in anchors and anchor neighborhoods.⁸⁷

Opportunities to strengthen the recommendations in Memphis 3.0 are to develop and implement consistent policies and strategies that would affirmatively further fair housing. Doing so would likely address expressed concerns about the plan.

b. Develop Strategies to Reduce Blight and Vacancy

Another key feature of Memphis 3.0 is to develop strategies to address blight and vacancy.⁸⁸ The City-County Blight Elimination Charter defines blight as including litter, graffiti, unkempt lots, vacant and abandoned homes, and abandoned buildings.⁸⁹ The city has developed the Vacant Lot Activation Toolkit to provide guidance on future uses of vacant lots based on the surrounding area and community desire and need.⁹⁰

The Toolkit recommends that vacant land within an anchor or anchor community be redeveloped for mixed use, which includes commercial, residential, and institutional (such as a school building or community-support) uses.⁹¹ Other lots within anchor communities should be redeveloped into a combination of commercial and residential development.⁹² For vacant land in transitional areas not feasible for near-term development, the Toolkit recommends turning vacant and underutilized land into civic spaces that support community institutions, such as schools, churches, and community

⁸⁴ *Id.* at 162.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ MEMPHIS 3.0, *supra* note 37, at 165.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

centers.⁹³ Lastly, the Toolkit recommends rehabilitating historic vacant buildings that have cultural significance. Potential rehabilitation tools for these vacant buildings include public art, temporary beautification, and long-term rehabilitation.⁹⁴

c. Promote Mixed-Income Communities

Memphis 3.0 also promotes the creation of mixed-income communities through the promotion of low-income and affordable housing within new development projects.⁹⁵ In particular, the city lacks “missing middle housing” in the form of duplexes, courtyard apartments, bungalow courts, townhouses, multiplexes, and live-work spaces.⁹⁶ Memphis 3.0 recommends the city support amending state legislation to tax missing middle housing at a lower rate than commercial development to incentivize missing middle housing development.⁹⁷ Other action items for the city include: (1) amending city and county housing programs aimed at promoting single-family homeownership to also include structures of up to four units and accessory dwelling units; (2) providing incentives to developers to integrate and deliver low-income housing as part of new development projects; and (3) relaxing regulation on accessory dwelling units to allow smaller lots to add units by right.⁹⁸

d. Strengthen Neighborhood Commercial Districts

The anchor strategy emphasizes mixed-use anchors, which are high activity nodes that may include commercial, institutional, civic, and residential uses, and aims to increase neighborhood commercial districts.⁹⁹ Memphis 3.0 also focuses law enforcement, code enforcement, and environmental enforcement on supporting the city’s commitment to these areas.¹⁰⁰ Other actions include: (1) focusing on residential infill efforts in anchor neighborhoods and neighborhood commercial districts with appropriate population density; (2) establishing a neighborhood commercial fund to assist with building improvements, tenant build-outs, and infrastructure improvements; and (3) improving walkability and multimodal access within and around community and city-wide anchors.¹⁰¹ In terms of business development, Memphis 3.0 also provides incentives for businesses who hire within the surrounding neighborhoods and supports

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ MEMPHIS 3.0, *supra* note 37, at 170.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.* at 171.

⁹⁹ *Id.* at 172.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

local business and minority- and women-owned businesses through “Buy Local” campaigns.¹⁰²

e. Additional Considerations

Besides housing and land use, Memphis 3.0 also addresses other considerations. Memphis 3.0’s second goal is to increase high quality vibrant civic spaces by developing new master plans for parks and public facilities, improving access to existing parks, and investing in civic space improvements.¹⁰³ Memphis 3.0’s third goal is to create sustainable and resilient communities by addressing the health of environmental systems, improving energy efficiency and renewable energy, and increasing community protections from future natural disasters.¹⁰⁴ The Memphis 3.0 Transit Vision recommends short- and long-term maps that focus resources on greater frequency in the transit system to maximize ridership and decrease commute times.¹⁰⁵

D. Memphis Redlining Issues

Redlining is a form of unlawful discrimination in which a lender provides unequal access to credit because of the race, color, national origin, or other prohibited characteristics of the residents of the area in which the credit seeker resides or will reside or in which the residential property to be mortgaged is located. It may violate both the federal Fair Housing Act and the Equal Credit Opportunity Act.

Redlining originated in the early part of the 20th century when the Federal Home Loan Bank Board and the Homeowner’s Loan Corporation evaluated and assigned “risk” ratings to neighborhoods throughout hundreds of cities in the United States. The “risk” of a neighborhood was tied to its racial composition, and Black and “Mexican” residents represented the highest risk. These neighborhoods of color—of which Memphis had, and still has, many—were assigned the lowest rating and were depicted on maps as red. The consequence was that these neighborhoods were denied access to mortgage credit and financial services. Today, the practices described herein are outlawed, but redlining persists and access to credit is restricted in communities of color in Memphis.

Modern-day redlining is often assessed using publicly available data: (1) a lender’s Community Reinvestment Act (CRA) Assessment Area (AA); (2) branch location Census tract demographics; and (3) Home Mortgage Disclosure Act (HMDA) data. A

¹⁰² *Id.* at 173.

¹⁰³ *Id.* at 178-84.

¹⁰⁴ *Id.* at 188.

¹⁰⁵ *Id.* at 402.

lender's marketing plan and materials, which are not likely to be publicly available, can be used in conjunction with publicly available data to develop a redlining risk self-assessment. In some instances, other factors may be used in the assessment. All mortgage lenders have the information that is needed to assess their redlining risk. Yet despite this, data paint a picture of a city in which credit has been and continues to be restricted in communities of color. For example, according to data reviewed in LendingPatterns (an online HMDA data portal operated by ComplianceTech) in 2020, approximately 63% of Memphis' 122 majority Black Census tracts lack a single FDIC or NCUA-insured financial institution compared to just 36% of Memphis' 50 majority White Census tracts. Additionally, according to 2020 HMDA data, approximately 53.5% of loan approvals were in Memphis' majority White Census tracts, which comprise less than one-third of all Census tracts in the city. Another indicator that suggests redlining occurs in Memphis is the city's subpar Black homeownership rate. In 2019, according to a report issued by LendingTree, Black Memphians only owned about 35% of the owner-occupied homes in the metro area despite comprising nearly half of the population.¹⁰⁶

E. Notable Recent Housing Civil Rights Matters

Hale v. HUD (1985)

Francis Hale was the lead plaintiff in a class action lawsuit challenging the siting of public housing in predominantly black neighborhoods under the Fair Housing Act and other civil rights laws and the Constitution.¹⁰⁷ The consent decree in the case required the establishment of the Memphis Special Mobility Program. Under the Memphis Special Mobility Program, HUD provided 540 rental certificates to families on the Memphis Housing Authority's waiting list who were willing to move to neighborhoods where their race represented less than 40% of the neighborhood.¹⁰⁸

Memphis Center for Independent Living v. Makowsky Construction Co. (2010)

The Memphis Center for Independent Living filed a complaint in federal court alleging violations of the design and constructions provisions of the Fair Housing Act.

¹⁰⁶ <https://www.lendingtree.com/home/mortgage/black-american-homeownership/>

¹⁰⁷ *Hale v. HUD*, No. C-73410 (W.D. Tenn August 23, 1985) (consent decree entered)..

¹⁰⁸ John Goering et al., United States Department of Housing & Urban Development, *Report to Congress: Promoting Housing Choice in HUD's Rental Assistance Programs* 56 (April 1995).

The U.S. Department of Justice intervened in the case.¹⁰⁹ Under the consent order resolving the case, the defendants retrofitted three large apartment complexes including the interiors of ground-floor units as well as sidewalks, entryways, and other public exterior spaces.¹¹⁰ They also made available upon request certain other accessibility enhancements such as roll-in showers and roll-under cooking surfaces. The defendants also surveyed two other large apartment complexes for compliance with the accessibility requirements of the Fair Housing Act. The defendants paid \$260,000 to compensate individuals who experienced harm at any of these properties due to non-compliance, \$20,000 to Memphis Center for Independent Living, and \$20,000 as a civil penalty to the United States.

City of Memphis v. Wells Fargo Bank, N.A. (2012)

In this case, the City of Memphis sued Wells Fargo for allegedly engaging in a pattern or practice of targeting Black neighborhoods in Memphis and Shelby County for deceptive, predatory, or otherwise unfair lending practices in violation of the Fair Housing Act and the Tennessee Consumer Protection Act. The pleadings alleged that between 2000 and 2009, Wells Fargo targeted Black mortgage borrowers and steered these borrowers towards loans that they could not afford.¹¹¹ This targeting led to a disproportionate number of foreclosures in predominantly Black neighborhoods in Memphis and Shelby County.¹¹²

The lawsuit concluded through a settlement in 2012 between Wells Fargo and the City of Memphis and Shelby County. Wells Fargo was required to pay \$3 million to Memphis and Shelby County to support economic development, \$4.5 million in grants for mortgage down payment assistance and home renovation projects, and \$425 million to affected residents of Memphis and Shelby County over the next five years.¹¹³

¹⁰⁹ First Am. Compl. in Intervention, *Memphis Ctr. for Indep. Living v. Maykowsky Constr. Co.* No.: 01-2069 D/Bre (Aug. 29, 2002) (complaint filed). <https://www.justice.gov/crt/housing-and-civil-enforcement-cases-documents-257>.

¹¹⁰ Consent Order, *Memphis Ctr. for Indep. Living v. Maykowsky Constr. Co.* No.: 01-2069 D/Bre (2004) (consent order filed), <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/15/makowskysettle.pdf>; Press Release, U.S. Dep't of Justice, [Justice Department Reaches Fair Housing Act Settlement with Memphis Developers, Architects and Engineers](https://www.justice.gov/press-releases/2007/02/07) (Feb. 7, 2007), https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/grant2_pr.pdf.

¹¹¹ First Am. Compl. at 2-3, *City of Memphis v. Wells Fargo Bank, N.A.*, No. 09-2857-STA (W.D. Tenn. April 7, 2010) (first amended complaint filed), <https://clearinghouse.net/doc/43102/>.

¹¹² *Id.*

¹¹³ James O'Toole, *Wells Fargo pledges \$432.5 million in lending payments to settle lawsuit*, CNN MONEY (May 31, 2012), <https://money.cnn.com/2012/05/30/news/companies/wells-fargo-memphis/index.htm>.

United States v. BancorpSouth Bank (2016)

The Consumer Financial Protection Bureau and the Department of Justice sued BancorpSouth Bank in 2016 for violations of the Fair Housing Act and the Equal Credit Opportunity Act (ECOA) for BancorpSouth's policies and practices that unlawfully discriminated against African Americans and other residents of predominantly minority communities.¹¹⁴ BancorpSouth allegedly denied mortgage loans to Black applicants at higher rates than similarly situated non-Hispanic White applicants.¹¹⁵ BancorpSouth also allegedly engaged in unlawful redlining by providing loans in majority White neighborhoods while avoiding loans in majority-minority neighborhoods.¹¹⁶ BancorpSouth allegedly further discriminated against Black borrowers in pricing mortgage loans by charging an average of 30-64 basis points more than similarly situated White borrowers for first lien and second lien mortgage loans.

BancorpSouth reached a settlement with the CFPB and Department of Justice, in which BancorpSouth agreed to pay: (1) \$4 million in direct loan subsidies in minority neighborhoods in Memphis; (2) a minimum of \$800,000 for community programming, advertising, outreach, and credit repair; (3) \$2.78 million to Black consumers unlawfully denied or overcharged for their loans; and (4) a \$3 million penalty.¹¹⁷

National Community Reinvestment Coalition v. First Tennessee Bank (2016)

In *National Community Reinvestment Coalition v. First Tennessee Bank*, the Coalition filed an administrative complaint with HUD against First Tennessee Bank for violations of the Fair Housing Act which involved discrimination against Black and Latinx mortgage loan applicants by denying mortgage loans and failing to place bank branches in majority-minority areas.¹¹⁸ The two parties reached a settlement in which First Tennessee agreed to contribute \$270,000 over three years to support partnership

¹¹⁴ Compl. at 1, *United States v. BancorpSouth Bank*, No. 1:16cv118-GHD-DAS (N.D. Miss. June 29, 2016) (complaint filed), <https://www.justice.gov/crt/file/873196/download>.

¹¹⁵ *Id.* at 2-3.

¹¹⁶ *Id.*

¹¹⁷ **Error! Hyperlink reference not valid.** [Consent](#) Order at 1, *United States v. BancorpSouth Bank*, No. 1:16cv118-GHD-DAS (N.D. Miss. June 29, 2016) (consent order filed); Press Release, U.S. Dep't of Justice, Justice Department and Consumer Financial Protection Bureau Reach Settlement with BancorpSouth Bank to Resolve Allegations of Mortgage Lending Discrimination (June 29, 2016), <https://www.justice.gov/opa/pr/justice-department-and-consumer-financial-protection-bureau-reach-settlement-bancorpsouth>.

¹¹⁸ Conciliation Agreement Between Nat'l Cmty. Reinv. Coal. and First Tenn. Bank, No. 04-16-0075-8 (2016), <https://www.hud.gov/sites/documents/15NCRC-V-FIRSTTENNBANK.PDF>; Ben Lane, *First Tennessee Bank reaches \$1.9 million settlement over discriminatory lending*, HOUS. WIRE (Feb. 1, 2016), <https://www.housingwire.com/articles/36175-first-tennessee-bank-reaches-19-million-settlement-over-discriminatory-lending/>.

efforts with one or more community-based organizations to provide home repair or other grants in minority communities or to provide credit, financial, homeownership, or foreclosure prevention services to residents in affected areas.¹¹⁹ First Tennessee also agreed to pay \$25,000 in damages to the National Community Reinvestment Coalition.¹²⁰

United States v. Fairfax Manor Group, LLC. (2017)

A woman with disabilities as the result of a stroke and her brother who acted as her caretaker filed an administrative complaint with the U.S. Department of Housing and Urban Development (HUD) against a Memphis apartment complex for failing to remove a concrete parking bumper and failing to assign a parking space closer to their apartment as reasonable accommodations and reasonable modifications.¹²¹ The administrative complaint also alleged that the defendants retaliated against complainants by filing an eviction action after complainants filed a fair housing complaint. HUD conducted an investigation and issued a charge of discrimination. The complainants elected to have their claims heard in federal court, and the Department of Justice filed a complaint on their behalf. The Department of Justice and the defendants settled the case. The settlement agreement required the defendants to pay \$52,500 in damages to the complainants, participate in Fair Housing Act training, adopt a reasonable modification and accommodation policy, and engage in reporting and recordkeeping for four years.¹²²

United States and Consumer Financial Protection Bureau v. Trustmark National Bank (2021)

The Department of Justice and the Consumer Financial Protection Bureau settled a lawsuit against Trustmark National Bank alleging that the bank redlined areas of Memphis in violation of the Fair Housing Act and the Equal Credit Opportunity Act. The Department of Justice announced the settlement the same day that they filed their complaint. The complaint alleged that Trustmark avoided lending in predominantly

¹¹⁹ Conciliation Agreement Between Nat'l Cmty. Reinv. Coal. And First Tenn. Bank at 4-5,

¹²⁰ *Id.*

¹²¹ **Error! Hyperlink reference not valid.** Compl.at 3-8, *United States v. Fairfax Manor Grp*, No. 17-2751 (W.D. Tenn. Oct. 12, 2017) (complaint filed), <https://www.justice.gov/crt/case-document/complaint-united-states-v-fairfax-manor-group-llc-wd-tenn>.

¹²² Settlement Agreement at 5-9, *United States v. Fairfax Manor Grp*, No. 17-2751 (W.D. Tenn. March 19, 2018) (settlement agreement filed), <https://www.justice.gov/crt/case-document/settlement-agreement-united-states-v-fairfax-manor-group-llc-wd-tenn>.

Black and Hispanic neighborhoods in Memphis. Specifically, the complaint alleged that Trustmark's branches were located in majority-White neighborhoods, that the bank's loan officers were concentrated in majority White neighborhoods, that Trustmark's outreach and marketing avoided predominantly Black and Hispanic neighborhoods, and that Trustmark's internal fair lending policies and procedures were inadequate to ensure that the bank provided equal access to credit.¹²³

Under the consent order, Trustmark will pay \$3.85 million into a loan subsidy fund to increase credit opportunities for current and future residents of predominantly Black and Hispanic neighborhoods in the Memphis area, dedicate at least four mortgage loan officers or community lending specialists to these neighborhoods, and open a loan production office in a majority-Black and Hispanic neighborhood in Memphis.¹²⁴ Trustmark will also devote \$400,000 to developing community partnerships to provide services to residents of majority-Black and Hispanic neighborhoods in Memphis and set aside at least \$200,000 per year for advertising, outreach, consumer financial education, and credit repair initiatives in Memphis. Trustmark will pay a total civil money penalty of \$5 million to the Office of the Comptroller of the Currency and CFPB. Finally, Trustmark already has established a Fair Lending Oversight Committee and designated a Community Lending Manager.

National Fair Housing Alliance, et al. v. Fannie Mae, Deutsche Bank, and Bank of America, et al. (pending litigation)

On Dec. 5, 2016, the National Fair Housing Alliance (NFHA) and 20 local fair housing organizations sued Fannie Mae for purposely failing to maintain its foreclosures (real estate owned, or "REO" properties) in middle- and working-class Black and Latinx neighborhoods to the same level of quality as it maintained REO properties in middle- and working-class White neighborhoods.¹²⁵ NFHA and other local fair housing organizations conducted investigations of Fannie Mae's real estate activities and determined that Fannie Mae REO properties in communities of color were more likely to have 10 or more maintenance or marketing deficiencies, such as trash visible on the property, unsecured or broken doors, and damaged, boarded, or unsecured windows.¹²⁶

¹²³ Compl., *United States v. Trustmark Nat'l Bank*, No. : 2:21-cv-2664 (W.D. Tenn. Oct. 22, 2021),,, <https://www.justice.gov/crt/case-document/file/1445246/download>.

¹²⁴ Consent Order, *United States v. Trustmark Nat'l Bank*, No. : 2:21-cv-2664 5-15 (W.D. Tenn. Oct. 27, 2021),,, <https://www.justice.gov/crt/case-document/file/1445181/download>.

¹²⁵ Compl. at 2–3, *Nat'l Fair Hous. Alliance. v. Fed. Nat'l Mortgage Ass'n*, No. 3:16-cv-06969 (N.D. Cal. Dec. 5, 2016) (compl. filed), <https://nationalfairhousing.org/wp-content/uploads/2021/07/Lawsuit-Against-Fannie-Mae.pdf>.

¹²⁶ *Id.* at 5–6.

These racial disparities are reflected in Memphis. Seventy percent of Fannie Mae REO properties in predominantly White Memphis neighborhoods had fewer than five maintenance deficiencies or problems, whereas only 11.4% of Fannie Mae REO properties in communities of color had fewer than five maintenance deficiencies or problems.¹²⁷ Conversely 86.6% of REO properties in communities of color had five or more maintenance deficiencies or problems, whereas only 30% of REO properties in predominantly White neighborhoods had five or more maintenance problems.¹²⁸ The disproportionate neglect of REO properties in communities of color is alleged to also extend to trash on property, broken or boarded windows, and overgrown or dead shrubbery.¹²⁹

The National Fair Housing Alliance and its partner local fair housing organizations have also sued Deutsche Bank, Ocwen, and Altisource (in the Northern District of Illinois) and Bank of America and Safeguard (in Maryland federal court) for similarly failing to maintain REO properties in middle- and working-class Black and Latinx neighborhoods, including those located in the Memphis metro region, despite maintaining similar properties in White neighborhoods.¹³⁰

On Feb. 7, 2022, the NFHA and the 20 local fair housing organizations announced a \$53 million settlement of their lawsuit against Fannie Mae.¹³¹ The fair housing organizations will use over \$35 million of the settlement to promote homeownership, neighborhood stabilization, access to credit, property rehabilitation, and residential development in the 39 metropolitan areas at issue in the case, including Memphis.

The other REO cases are in discovery.

¹²⁷ *Id.* at 58.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Second Am. Compl. at 2, *Nat'l Fair Hous. Alliance v. Deutsche Bank Nat'l Trust*, No. 18 CV 839 (N.D. Ill. May 8, 2019) (Second Am. Compl. filed), <https://nationalfairhousing.org/wp-content/uploads/2019/11/SecondAmendedComplaint-5-8-19.pdf>; Press Release, Nat'l Fair Hous. Alliance, *Deutsche Bank, Ocwen Financial, and Altisource Accused of Racial Discrimination in 30 U.S. Metro Areas* (Feb. 1, 2018), <https://nationalfairhousing.org/2018/02/01/deutsche-bank-ocwen-financial-and-altisource-accused-of-racial-discrimination-in-30-u-s-metro-areas/>; Compl. at 4, *Nat'l Fair Hous. Alliance v. Bank of Am.*, No. 1:18-CV-1919 (D. Md. June 26, 2018), http://www.fairhousingnorcal.org/uploads/1/7/0/5/17051262/bofa_-_complaint_and_demand_for_jury_trial.pdf; Press Release, Nat'l Fair Hous. Alliance, *Bank of America Accused of Racial Discrimination in 30 U.S. Metropolitan Areas and 201 Cities*, (Aug. 31, 2016), <https://nationalfairhousing.org/2016/08/31/bank-of-america-accused-of-racial-discrimination-in-30-u-s-metropolitan-areas-and-201-cities/>.
U.S.

¹³¹ Settlement Agreement at 4, *Nat'l Fair Hous. Alliance v. Fed. Nat'l Mortgage Ass'n*, No. 3:16-cv-06969 (N.D. Cal. Feb. 7, 2022) (settlement agreement signed), <https://nationalfairhousing.org/wp-content/uploads/2022/02/Fully-Executed-Settlement-Agreement-1.pdf>.

National Fair Housing Alliance, et al. v. Redfin

The National Fair Housing Alliance (“NFHA”) and nine other fair housing centers sued Redfin Corp. on Oct. 28, 2020, for digital redlining throughout the country, including Memphis, in violation of the Fair Housing Act.¹³² Redfin currently has a policy of setting minimum home listing prices in each housing market on its website and does not offer any real estate brokerage services to buyers or sellers under that price.¹³³ This policy is alleged to disproportionately limit Redfin’s services in communities of color and consequently disincentivizes homebuying within these communities, reduces housing demand and values, and perpetuates residential segregation.¹³⁴

In Memphis, NFHA found on March 27, 2019, that of 966 homes located in Extremely Non-White zip codes (zip codes that are 70% or more Non-White), 39 (4.04%) were offered Redfin’s Best Available Service.¹³⁵ However, of the 325 homes located in Extremely White zip codes (zip codes that are 70% or more White), 154 (47.38%) were offered Redfin’s Best Available Service.¹³⁶ These numbers were alleged to demonstrate that buyers and sellers of homes in Extremely White zip codes were 11.74 times more likely to be offered Redfin’s Best Available Service than buyers and sellers of homes in Extremely Non-White zip codes.¹³⁷ Additionally, 80.75% of homes in Extremely Non-White zip codes were alleged to be “No Service” homes because of failure to meet the minimum price threshold under Redfin policy, whereas only 19.38% of homes in Extremely White zip codes were alleged to be “No Service” homes.¹³⁸ NFHA conducted additional tests and found similar disparities on June 20, 2020, Oct. 4, 2018, and Dec. 6, 2018.¹³⁹

On April 29, 2022, NFHA and the nine other fair housing organizations announced a settlement. Under the terms of the settlement, Redfin will change its minimum housing price policy, alter other practices, and pay \$4 million to settle the suit brought against it by NFHA and the other fair housing organizations. The settlement proceeds will be used to conduct programs that expand homeownership opportunities in the cities covered by the lawsuit, oversee monitoring and compliance of the settlement, and cover litigation and investigation expenses. See <https://nationalfairhousing.org/wp-content/uploads/2022/04/FINAL-Joint-Statement->

¹³² Compl. at 2–3, *Nat’l Fair Hous. Alliance v. Redfin Corp.*, No. 2:20-cv-01586 (W.D. Wash. Oct. 28, 2020) (compl. filed), <https://nationalfairhousing.org/wp-content/uploads/2021/12/Redfin-Filed-Complaint-1.pdf>.

¹³³ *Id.* at 2.

¹³⁴ *Id.*

¹³⁵ *Id.* at 45.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.* at 45–46.

¹³⁹ *Id.* at 46–47.

F. Evictions in Memphis

An eviction happens when a landlord involuntarily displaces tenants from property he or she owns.¹⁴⁰ As in most cities throughout the United States, an eviction can occur quickly. An eviction in Memphis can be completed in as little as 30 days.¹⁴¹ A landlord must have a reason to evict a tenant before a rental agreement or lease has expired.¹⁴² In general, the first step in the eviction process is for the landlord to provide notice. The amount of notice that a landlord must provide a tenant varies according to the circumstances. For example, only three days' notice to tenants is required for a tenant who commits a violent act or is a threat to the health and safety of others.¹⁴³ Landlords are required to provide 14 days' notice to a tenant who has not paid rent.¹⁴⁴ If the tenant pays the rent and the tenant has not received a notice to terminate the lease for non-payment within the last six months, the landlord may not terminate the lease.¹⁴⁵

If a landlord does not have a legal reason to evict a tenant, the landlord must wait until the end of the rental agreement or lease before ending a tenancy and asking a tenant to leave.¹⁴⁶ Tenants may waive their right to notice in Shelby County if they signed a lease that says that their landlord does not have to give them written notice or if the tenant tells the landlord that they do not want written notice.¹⁴⁷

Eviction cases are filed in county-level General Sessions Court.¹⁴⁸ After a landlord files an eviction case in court, the tenant will receive a summons or notice to appear in court for a hearing on the eviction.¹⁴⁹ If the tenant does not attend the hearing and the landlord does attend, the court usually rules in favor of landlords by

¹⁴⁰ Eviction Lab, *Questions and Answers About Evictions* (2018), <https://evictionlab.org/why-eviction-matters/#what-is-an-eviction>.

¹⁴¹ Rayna Ahmed et al., Legal Services Corp., *A Common Story – The Eviction Process in Shelby County 2* (2021), <https://lsc-live.app.box.com/s/31yrsiygjxzljrj5cmhipyuqp51qgcm>.

¹⁴² Beth Dillman, *The Eviction Process in Tennessee: Rules for Landlords and Property Managers*, <https://www.nolo.com/legal-encyclopedia/the-eviction-process-tennessee-rules-landlords-property-managers.html>.

¹⁴³ Memphis Public Interest Law Center, *Landlord Tenant Law in Shelby County* 15 (Nov. 2020), <https://mpilc.org/wp-content/uploads/2020/12/Landlord-%E2%80%93-Tenant-Law-In-Shelby-County.pdf>.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ Beth Dillman, *The Eviction Process in Tennessee: Rules for Landlords and Property Managers*, <https://www.nolo.com/legal-encyclopedia/the-eviction-process-tennessee-rules-landlords-property-managers.html>

¹⁴⁷ Memphis Public Interest Law Center, *Landlord Tenant Law in Shelby County* at 16.

¹⁴⁸ Rayna Ahmed et al., Legal Services Corp., *A Common Story – The Eviction Process in Shelby County* at 2.

¹⁴⁹ *Id.*

default.¹⁵⁰ If the tenant appears in court and the landlord does not, the court may dismiss the eviction lawsuit but the tenant must request dismissal.¹⁵¹

When tenants appear in court, they may raise defenses to the eviction.¹⁵² If the tenant loses the trial, a tenant may appeal and request a stay of the eviction judgement.¹⁵³ But tenants must provide a full year's rent as an appeal bond, which puts an appeal out of reach for most tenants.¹⁵⁴

If a tenant loses and does not appeal, the tenant has 10 days to leave the home with all their possessions.¹⁵⁵ If the tenant does not leave after 10 days, the landlord can return to court to file a writ of possession to remove the tenant from the property.¹⁵⁶ Once granted by the court, the Shelby County Sheriff will forcibly remove the tenant and their possessions from the property.¹⁵⁷

1. Analysis of Evictions in Memphis Before COVID-19

Before the COVID-19 rental crisis, evictions were common in Memphis. In 2016, landlords in Memphis obtained 6,514 evictions judgments.¹⁵⁸ Landlords in Memphis filed 20,532 evictions in 2016¹⁵⁹ or 17.8 evictions per day, resulting in an eviction rate of 4.89% per 100 rental homes.¹⁶⁰

The Eviction Lab at Princeton University conducts research and creates data tools to help policymakers and the public understand the eviction crisis. Eviction Lab has ranked large cities throughout the country by the number of eviction judgments and rate of eviction filings. In 2016, Eviction Lab ranked Memphis No. 12 by number of eviction judgments obtained and No. 41 by rate of eviction filings per 100 rental homes.¹⁶¹

¹⁵⁰ *Id.*

¹⁵¹ *Id.* at 4.

¹⁵² *Id.* at 2.

¹⁵³ *Id.* at 4.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Eviction Lab, *Top Evicting Large Cities in the United States – Ranked by Evictions*, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>.

¹⁵⁹ Eviction Lab, *Displaying Eviction Statistics for 2016 – Memphis, Tenn.*, <https://evictionlab.org/map/#/2016?geography=states&bounds=-181.052,-8.724,44.648,51.686&type=er&locations=47,-86.066,35.836>.

¹⁶⁰ *Id.*

¹⁶¹ Eviction Lab, *Top Evicting Cities in the United States - Ranked by Eviction Rate*, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>; Eviction Lab, *Top Evicting Cities in the United States – Ranked by Evictions*, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>

According to Eviction Lab, most evictions in Memphis occur in neighborhoods that are majority Black.¹⁶²

Landlords prevail in most evictions.¹⁶³ Shelby County is no exception. Landlords prevailed in 80% of their eviction cases according to an analysis of court filings conducted by the Legal Services Corporation.¹⁶⁴ Tenants prevailed in only 1.3% of eviction cases filed in Shelby County.¹⁶⁵ Landlords withdrew their evictions in 18.7% of eviction cases filed but maintained the right to refile them later.¹⁶⁶

2. Analysis of Evictions After COVID-19

COVID-19 created enormous financial hardships for workers, families, businesses and communities.¹⁶⁷ According to the Census Bureau Household Pulse Survey, 208,038 Tennessee residents reported falling behind in their rental or mortgage payments and had low or no confidence that they would be able to make next month's payment on time during the period Aug. 18-Aug. 30, 2021.¹⁶⁸

Tennessee adopted an eviction moratorium to lessen the impact of COVID-19 on residents. The eviction moratorium was in effect in Tennessee from March 13 to June 1, 2020.¹⁶⁹ Courts in Shelby County were closed until June 15.¹⁷⁰ New eviction filings were still allowed during the moratorium.¹⁷¹

On Sept. 20, 2020, the Centers for Disease Control and Prevention (CDC) issued a nationwide order temporarily halting evictions because an eviction ban would mitigate the spread of COVID-19. On March 15, 2021, a district judge in the Western District of Tennessee ruled that the CDC lacked statutory authority to impose a nationwide eviction moratorium.¹⁷² The Sixth Circuit agreed and affirmed the district court's decision, halting the CDC's eviction moratorium in Tennessee, Kentucky, Michigan, and Ohio.¹⁷³

¹⁶² Eviction Lab, *Eviction Filings by Neighborhood Demographics*, <https://evictionlab.org/eviction-tracking/memphis-tn/>.

¹⁶³ Rayna Ahmed et al., Legal Services Corp., *A Common Story – The Eviction Process in Shelby County* at 4.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Paul M. Ong, UCLA Luskin Institute on Inequality and Democracy, *Systemic Racial Inequality and the COVID-19 Renter Crisis* 4 (August 7, 2020), ucla.app.box.com/s/t8x503d781kfmocclgdgeibioloq234.

¹⁶⁸ U.S. Census Bureau, Week 36 Household Pulse Survey: August 18-August 30, Housing – Table 2b. Confidence in Ability to Make Next Month's Payment for Renter-Occupied Housing Units, by Select Characteristics (2021), <https://www.census.gov/data/tables/2021/demo/hhp/hhp36.html>.

¹⁶⁹ Eviction Lab, Covid-19 Housing Policy Scoreboard – Tennessee, (June 30, 2021), <https://evictionlab.org/covid-policy-scorecard/tn/>.

¹⁷⁰ Eviction Lab, Eviction Tracking – Memphis, Tenn. <https://evictionlab.org/eviction-tracking/memphis-tn/>.

¹⁷¹ *Id.*

¹⁷² *Tiger Lily LLC v. United States HUD*, 525 F. Supp. 3d 850, 864 (W.D. Tenn. 2021).

¹⁷³ *Tiger Lily, LLC v. United States HUD*, No. 21-5256, 2021 U.S. App. LEXIS 21906, at *1 (6th Cir. July 23, 2021).

The Emergency Rental Assistance Program in Memphis will pay up to a year of back rent for tenants and one month of future rent.¹⁷⁴ If landlords accept Emergency Rental Assistance funds, they cannot file an eviction for 45 days.¹⁷⁵ Landlords are not required to accept the rental assistance and may proceed with evictions.¹⁷⁶ However, if a landlord rejects payment from the program, the tenant can be paid directly, up to a maximum amount of \$15,000. The City of Memphis has received a total of \$88,431,252 in Emergency Rental Assistance and through reallocations of some of the State’s funding as of March 2022.

Most of the applicants for the Emergency Rental Assistance Program are members of protected classes. For example, in June 2021, 93% of applicants for assistance in that program were Black and 56% were women.¹⁷⁷

Shelby County Health Directives require that landlords serve a notice notifying tenants of the availability of Emergency Rental Assistance with the service of process of an eviction action or at least two weeks before a writ of possession to remove a tenant from their home, whichever is shorter.¹⁷⁸

Landlords have filed 20,379 evictions in Memphis since March 2020.¹⁷⁹ In 2021, eviction filings have ranged from under 40% to 80% of historical averages.¹⁸⁰ Majority Black neighborhoods continue to see the largest number of eviction filings.¹⁸¹

Eviction Lab gave a poor rating to Memphis for its COVID-19 housing policies. Eviction Lab rated Memphis’ COVID-19 housing policies a half a star.¹⁸² Eviction Lab credited Memphis and Tennessee for:

- a. Tennessee courts requiring landlords to certify that a dwelling is not subject to the CARES Act federal eviction moratorium before hearing eviction lawsuits.
- b. Suspending hearings on evictions.
- c. Staying the removal of tenants following an eviction judgment.
- d. Tolling or extending deadlines in eviction cases.

¹⁷⁴ With The Eviction Ban Over, *Here’s How One City Is Hustling To Help Those Who Need It*, National Public Radio (Sept. 1, 2021), <https://www.npr.org/2021/09/01/1031899066/cdc-eviction-ban-moratorium-emergency-rental-assistance-memphis>.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ Innovate Memphis, *Rental and Utility Assistance Program – Data Dashboard 8* (June 2021).

¹⁷⁸ *See, e.g.*, Shelby County Health Department, *Formal Issuance of Health Order and Directive 21 8-11* (May 14, 2021).

¹⁷⁹ Eviction Lab, *Eviction Tracking – Memphis, Tenn.*, <https://evictionlab.org/eviction-tracking/memphis-tn/>.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Eviction Lab, *COVID-19 Housing Policy Scorecard – Tennessee*, <https://evictionlab.org/covid-policy-scorecard/tn/>.

- e. The Tennessee Public Utilities Commission ordered utilities to reconnect service that was disconnected for lack of payment on or after March 12, 2020.

Eviction Lab noted that there were many other housing policies that Tennessee did not adopt. According to Eviction Lab:

- a. Tennessee landlords could still give notice of eviction to tenants.
- b. Tennessee did not prevent landlords from filing to evict tenants for nonpayment of rent.
- c. Tennessee did not prevent landlords from filing to evict tenants who have experienced pandemic-related financial hardship.
- d. Tennessee did not prohibit landlords from filing to evict tenants for non-emergency reasons.
- e. Eviction case records in Tennessee were not sealed.
- f. Law enforcement in Tennessee during the pandemic could still enforce an order to remove a tenant from their home who experienced pandemic-related financial hardship.
- g. Law enforcement in Tennessee during the pandemic could still enforce an order of eviction for nonpayment of rent.
- h. Law enforcement in Tennessee during the pandemic could still remove tenants from their homes to enforce non-emergency eviction orders.
- i. Tennessee did not extend eviction moratorium protections.
- j. Tennessee did not give tenants a grace period to pay rental debt accrued during the pandemic.
- k. Tennessee did not prohibit landlords from reporting missed or late rent payments to credit agencies.
- l. Tennessee did not issue orders to directly address foreclosure cases.
- m. Tennessee did not prevent landlords from charging late fees.
- n. Tennessee did not prohibit landlords from raising rent when renewing leases during the pandemic.
- o. Tennessee did not make emergency rental assistance available during the 2020 state-level eviction moratorium, although it became available to Tennessee renters later in the pandemic. The City of Memphis provided \$1 million in funding for an eviction settlement program between April and December 2020. The program provided direct legal services to

tenants to negotiate with property owners to settle delinquencies and dismiss any evictions.

p. Tennessee did not provide legal counsel to tenants who face eviction.¹⁸³

Some of these policies were prohibited during the eviction moratorium.

G. The COVID-19 Rental Crisis and Fair Housing

Nationwide, 8.8 million renters have fallen behind on their rent.¹⁸⁴ Low-income and minority renters are most likely to be harmed by the pandemic.¹⁸⁵ Compared with non-Hispanic whites, Blacks and Latinx renters are two- to two-and-a-half times more likely to be unable to pay rent.¹⁸⁶ This systematic inequality is caused by pre-existing income and educational inequalities and reinforced by the different impacts of COVID-19 on employment.¹⁸⁷

Emergency savings are an important factor contributing to racial disparities in housing distress.¹⁸⁸ Differences in the amount of cash on hand before the pandemic explained more than a quarter of the disproportionate rates of missed housing and utility payments.¹⁸⁹ As a recent study noted, “[i]nequities in emergency savings and, more broadly, wealth can be traced back to a history of exclusion and discrimination against Black households in government-subsidized asset-building programs (for example, the Homestead Act and Social Security), along with systemic barriers experienced today (such as labor market discrimination).”¹⁹⁰

The impact of COVID-19 is not limited to renters based on race or national origin. It has also had an impact on renters based on age. According to the Brookings Institution, young adults (18-39 years old) were the most vulnerable to housing-related hardships, followed by middle-aged adults (40-54 years old), and then older adults (55+ years old).¹⁹¹

¹⁸³ *Id.*

¹⁸⁴ Consumer Financial Protection Bureau, *Housing Insecurity and the COVID 19 Pandemic* 6 (March 2021), <https://www.consumerfinance.gov/data-research/research-reports/housing-insecurity-and-the-covid-19-pandemic/>.

¹⁸⁵ *Id.* at 2; Paul M. Ong, UCLA Luskin Institute on Inequality and Democracy, *Systemic Racial Inequality and the COVID-19 Renter Crisis* at 4.

¹⁸⁶ Paul M. Ong, UCLA Luskin Institute on Inequality and Democracy, *Systemic Racial Inequality and the COVID-19 Renter Crisis* at 1.

¹⁸⁷ *Id.*

¹⁸⁸ Lowell R. Ricketts, Federal Reserve Bank of St. Louis, *Racial and Ethnic Disparities in Housing Distress during the Pandemic* (April 12, 2021), <https://www.stlouisfed.org/on-the-economy/2021/april/racial-ethnic-disparities-housing-distress-pandemic>.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ Yung Chun and Michal Grinstein-Weiss, Brookings Institution, *Housing inequality gets worse as the COVID-19 pandemic is prolonged* (Dec. 18, 2020) <https://www.brookings.edu/blog/up-front/2020/12/18/housing-inequality-gets-worse-as-the-covid-19-pandemic-is-prolonged/#:~:text=Housing%20inequality%20g>.

H. Summary of the City of Memphis and Shelby County's Analysis of Impediments to Fair Housing

The City of Memphis collaborated with Shelby County to provide a regional Analysis of Impediments that was issued on March 19, 2019. The Analysis of Impediments identified the following impediments to fair housing:

1. **Segregation:** Relatively high levels of racial and ethnic segregation exist in Memphis and Shelby County, particularly for African American residents of the region.¹⁹²

The City and the County found that contributing factors include historical housing patterns, distribution of affordable housing, land use and zoning regulations, disparities in mortgage lending, and economic factors.¹⁹³

2. **Housing Disparities:** African American and Hispanic households, households with people with disabilities, and large family households experience housing problems at higher rates than non-Hispanic White and Asian households in the region. Housing problems include displacement due to income or job loss, eviction or poor or unsafe housing conditions, access to credit, and poor or substandard housing conditions.¹⁹⁴

Lower homeownership rates among most minority groups, low availability of affordable units in a range of sizes, lack of private investments in specific neighborhoods, economic factors, and lending discrimination contribute to housing disparities.¹⁹⁵

3. **Disparities in Access to Opportunity:** Racial and ethnic minorities experience less access to low poverty neighborhoods, school quality, and labor markets. Non-Asian minority students have lower access to quality schools, even when accounting for income.¹⁹⁶

¹⁹² BBC Research & Consulting, *Analysis of Impediments to Fair Housing – Shelby County and City of Memphis*, Section VIII 1 (March 25, 2019).

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.* at 2.

Contributing factors to disparities in access to opportunity include availability of affordable units, limited support for multifamily housing, location of publicly assisted housing, NIMBYism, lack of private investments in specific neighborhoods, lending discrimination, steering, land use and zoning laws, limited/lack of public transit in certain areas, and economic disparities.¹⁹⁷

4. **Barriers to Housing Choice for People with Disabilities:** There is a shortage of affordable accessible housing for people with disabilities.¹⁹⁸ One in four households with a member who has a disability is living in housing that does not meet their accessibility needs. People with disabilities need modification funding to make their homes accessible. Landlords and the general public need training on the reasonable modification and accommodation provisions of fair housing laws.¹⁹⁹ People with disabilities in the region face difficulty accessing community amenities and facilities, health care, and employment because of transportation issues.²⁰⁰ Lack of accessible housing, lack of fair housing knowledge and compliance among landlords, limited public transportation, and lack of public and private investment are barriers to housing choice for people with disabilities.²⁰¹

The City of Memphis Division of Housing & Community Development (HCD) funds Aging in Place Home Repairs, which addresses accessibility and home modifications for seniors and people with disabilities. HCD also funds Memphis Area Legal Services to provide training on reasonable accommodations and reasonable modifications.

5. **Location and Utilization of Publicly Assisted Housing.** African American residents are overrepresented and Hispanic households are underrepresented among residents of publicly assisted housing compared to their representation among all households earning less than 50% of Area Median Income (AMI).²⁰² A relatively high proportion of Low-Income Housing Tax Credit (LIHTC), project-based Section 8, and other multifamily housing is located in neighborhoods with high poverty. Public housing is concentrated near downtown Memphis. Other publicly assisted housing is distributed

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ *Id.* at 3.

²⁰² *Id.*

throughout North and South Memphis and Midtown. There are few publicly assisted housing developments in East Memphis, Germantown, Cordova, and Collierville.²⁰³

A lack of affordable housing, opposition to housing development in residents' neighborhoods or NIMBYism, and land use and zoning regulations contribute to the location of publicly assisted units and the overrepresentation of African American residents in publicly assisted housing.²⁰⁴

6. **Lack of Fair Housing Capacity.** Residents in the region believe that discrimination is occurring in the rental, sales and credit markets.²⁰⁵ Fifteen percent of survey respondents believed they experienced discrimination when they looked for housing. Twenty three percent of survey respondents who identified themselves as African Americans, families with children, or people with disabilities reported experiencing discrimination. Rates were also high among households living in publicly assisted housing (38%), large families (29%), and low-income households (23%). About one in ten people report steering by a real estate professional. Steering was higher in Shelby County than in the city of Memphis.²⁰⁶ Residents responding to the survey identified NIMBYism as an issue. Residents generally reported limited or lack of community support for low-income housing and apartment buildings and housing for low-income seniors, people recovering from substance abuse, and people with disabilities.²⁰⁷ Some survey respondents stated that people of different races are not welcome in certain neighborhoods due to race. Legal cases and investigations indicate unfair predatory lending, redlining, and lack of maintenance of Real Estate Owned (REO) properties are issues in credit markets in the region.²⁰⁸

The City of Memphis and Shelby County' Analysis of Impediments identified perceived and actual housing discrimination, lack of fair housing knowledge

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.* at 4

among landlords and real estate professionals, and fair housing violations within the banking industry as contributing factors.²⁰⁹

The City of Memphis and Shelby County identified strategies to address **impediments to fair housing**:

1. Provide down payment assistance to low- and moderate-income home buyers.
2. Offer home repair and rehabilitation programs for low- and moderate-income owners.
3. Partner with local non-profits to create more affordable housing by using HOME CHDO set-aside funds.
4. Boost residents' access to residential capital through partnerships with local lenders and by providing credit counseling and financial literacy classes.²¹⁰
5. Increase staff capacity at Shelby County to address fair housing concerns of tenants, become a HUD Certified Housing Counseling Agency, have two HUD certified Housing Counselors on staff at Shelby County, and develop a tenants rights counseling curriculum in Shelby County.
6. Develop an eviction prevention program.
7. Encourage housing choice voucher use in high opportunity areas through mobility counseling and landlord recruitment.²¹¹
8. Develop priorities for siting LIHTC and other affordable housing in the City of Memphis and work to promote community support for affordable housing in high opportunity areas.
9. Develop policies and procedures such as an anti-NIMBY policy, developer incentives for affordable housing, and an inclusionary zoning ordinance that supports affordable/workforce housing.
10. Review land use and zoning regulations to ensure that a diversity of housing choices is allowable in residential districts. Clarify code provisions related to the siting of multifamily development and compliance with fair housing and accessibility standards.
11. Adopt a visitability ordinance or developer incentives to encourage or require universal design to improve accessibility/adaptability in market-rate new housing construction.²¹²

²⁰⁹ *Id.*

²¹⁰ *Id.* at 5.

²¹¹ *Id.*

²¹² *Id.* at 6.

12. Support fair housing outreach and education through fair housing events and training, fair housing materials in multiple languages, and landlord/tenant resources.
13. Offer training for real estate professionals with a focus on reducing racial steering.
14. Collaborate with local fair housing organizations to conduct regional fair housing enforcement testing and research testing to better understand private discrimination in the housing market.²¹³
15. Collaborate with economic development initiatives in the City of Memphis to help focus investment and job training resources to improve access to opportunity in under-resourced areas.
16. Increase access to job training resources for under-employed residents and people with disabilities through partnerships with regional service providers and employers.
17. Promote economic public and private investment in distressed areas of Memphis that have high minority concentrations through: (1) partnerships with lenders such as community development financial institutions (CDFIs); (2) identification of areas including County-owned land where new construction of affordable housing could serve as an economic catalyst for revitalization; and (3) coordination of investments with the Memphis Blight Elimination Steering Team.²¹⁴
18. Strengthen regional transportation planning and expand public transit service to increase access to jobs and services.
19. Provide pedestrian improvements like sidewalks and street lighting to improve accessibility.
20. Collaborate with school districts in Shelby County to improve equity in school quality and access to high performing schools.
21. Complete a Regional Resilience Plan and implement resilience projects in areas susceptible to flooding to preserve and create community assets such as parks.²¹⁵

The City of Memphis has implemented many of the recommendations of the Analysis of Impediments. Memphis has home repair and rehabilitation programs for low- and moderate-income owners and partners with local non-profits to create more affordable

²¹³ *Id.*

²¹⁴ *Id.* at 7.

²¹⁵ *Id.*

housing by using HOME CHDO set-aside funds. Memphis is focused on assisting residents facing eviction through the Emergency Rent Assistance and partnerships with attorneys. Memphis has a Housing Policy Plan in place that will address priorities for the siting of LIHTC properties and other affordable housing. The City of Memphis has made some progress in clarifying the code provisions on the siting of multifamily development. It has supported fair housing education and outreach through its partnership with Memphis Area Legal Services. Finally, Shelby County has started to implement a Resilience Plan.

Section II: Community Member Interviews

An integral part of this project was to conduct interviews with expert legal and housing development leaders to gain perspective from those who live and work in Memphis. Their first-hand knowledge from working with residents is essential in understanding the perception and needs of the community in terms of neighborhood dynamics, development programs, local housing market conditions, fair housing and tenant rights, and basic infrastructure. The interviewees came from a variety of occupations including community development, social work, housing counseling, law, and education. All provided insight into what has been accomplished already towards restoring the Memphis housing market and what still needs improvement.

These are the questions asked of four of the community leaders:

1. What is the City of Memphis doing to address residents' needs?
2. Is it relevant that your organization is located in a specific geographical area, and what impact does that have?
3. In your opinion, residents of Memphis most frequently experience housing discrimination because of...?
4. What should the City of Memphis be doing to address housing discrimination?
5. How would you describe tenant housing protections available to residents of Memphis as they relate to evictions?
6. Do you think that the City of Memphis should increase the number of protected classes to include criminal backgrounds or source of income? If so, why?
7. Are there other top priority needs and goals for housing in Memphis that you would like to mention?
8. How would you describe fair housing laws, specifically laws and resources, that are available to residents of Memphis?

Included in Appendix A is a list of questions asked of the other respondents interviewed as part of the community scan.

In response to question 3 above about housing discrimination, the predominant answers were race and poverty. One person shared that the poverty rate for Black Memphians is roughly three times that of White Memphians. According to the University of Memphis' 2020 Memphis Poverty Fact Sheet, the poverty rate among non-Hispanic Blacks in the City of Memphis in 2019 was 26.1%, which exceeded the national rate of 21.2% for this group. The poverty rate for non-Hispanic Whites was 9.3%, which was comparable to the national rate for this group at 9.0%.²¹⁶ Many of the participants stated that Memphis is a highly race-segregated city with low-priced and under-maintained housing stock. Many factors have contributed to that, such as race discrimination, gentrification, and the lack of knowledge of housing rights for both renters and property owners. Race and poverty are significant barriers to affordable and livable housing for area residents.

The 2019 Memphis Poverty Fact Sheet confirms that over the last five to six years the triangulation of race, poverty, and housing equity is historically consistent with patterns seen decade after decade and that the African American homeownership rate has steadily decreased to 1960 levels.²¹⁷ Overall, Memphis was making some progress in the re-stabilization of neighborhoods, but with the recent housing crash, plus COVID, that progress is now lost. Memphis remains one of the top mid-sized cities in the nation where race and income have limited housing options so that more residents live in substandard housing.

Please note that this section contains only a summary of interview responses, without comment or analysis by NFHA, except in a few places in which NFHA has added supporting data and references. Not all the information in the responses may be accurate, but it reflects the state of community knowledge and perception and may reveal areas that require additional outreach and education by the city.

A. Housing Stock

One interviewee wants the City of Memphis to acknowledge it is short 33,000 units of housing and streamline the process of housing development. Many of those interviewed indicated it was important for the city to acknowledge and address the shortage of housing.

Several community leaders commented that the current Memphis housing stock is older and not well maintained. A housing counselor mentioned that someone could pay between \$500-\$600 in rent, but they could pay an equal amount in utilities

²¹⁶ <https://www.memphis.edu/benhooks/programs/pdf/2020povertyfactsheet.pdf>.

²¹⁷ <https://www.memphis.edu/socialwork/research/files/documents/2019povertyfactsheet.pdf>.

because homes lack proper roofs, insulation, and newer windows, which would make the homes more energy efficient. Many landlords need to be held accountable to maintain their properties and not defer maintenance, to allow for reasonable utility bills. Many interviewees also recommended the city government provide a home repair/rehab and weatherization program for low- or fixed-income residents that could ultimately stabilize the housing market with decent and safe housing. Governmental officials must also encourage local lenders to grant loan opportunities for these updates and repairs.

Many interviewees requested that the city limit or place a cap on the number of properties outside investors and businesses can purchase within any one neighborhood. CDCs are seeing several homes bought below market value with cash. This not only reduces the home valuation in each neighborhood but the overall economic stability in Memphis. Two central concerns were expressed. First, outside investors are not required by law to provide information on a public file like their name, current contact information, or mailing address. This becomes a concern when tenants are seeking help with repairs or have questions for the landlord, or if city officials need to locate the homeowner regarding code violations. Second, many CDCs worry that if most housing in their neighborhoods is purchased by corporate or outside investors, the opportunities for homeownership would be limited. What are the consequences if these investors bail out of the housing market, and who will be held accountable for finding homes for displaced residents?

Since 2000, Memphis has experienced a substantial shift from homeownership to rental housing to the point that there are more residents who rent than own. According to a study done by Zillow in 2018, "Memphis experienced a rise [in rentership] from 44.1% in 2000 to 45.1% in 2006 and 56.1% in 2016."²¹⁸ The city notes in its State of Memphis Housing Report 2020 that between 2000 and 2018 "89.6% of the city's neighborhoods saw an increase in rental housing"²¹⁹ Although the CDCs acknowledge the city has implemented homeownership educational workshops, along with informational brochures and websites, they want to see a more direct hands-on program that guides residents through the homebuying process. This includes managing debt, repairing or creating a credit history, demonstrating employment history, and meeting loan requirements of mainstream lenders. One housing counselor provided an example of how, over a two-year period, she was able to work with a voucher dependent family to achieve homeownership. Not only does homeownership increase generational wealth, it empowers people to see something they probably had not been able to envision for themselves.

²¹⁸ https://www.zillow.com/research/cities-gaining-renters-20915/#_ftnref1.

²¹⁹ <https://www.memphistn.gov/wp-content/uploads/2020/09/Housing-Report-V8.1.pdf>, Page 11.

B. Gentrification and Displacement

In 2007-2009, the foreclosure crisis and great recession led to high rates of home foreclosures in Memphis, particularly in communities of color. This led to a high rate of conversion of owner-occupied homes to rentals. Out-of-state investors bought significant numbers of properties and redeveloped them. These rental properties were then priced at levels out of the reach of many community residents, leading to displacement and gentrification. There are higher rates of renting than ownership, which makes it hard for families to afford to stay in neighborhoods as they change.

Some CDC directors noted that residents and developers tend to not rebuild in the poorest of poor areas. Instead, they are building in areas where there has already been infrastructure expansion and where they think urban assets will slowly expand. There is some desire to return to the central city, but large-scale gentrification is not yet a big problem in Memphis.

Hope VI projects and Choice Neighborhoods have displaced residents in many communities. There are current initiatives to bring people back from displacement caused by these major building projects, but many residents believe there are more and intentional barriers to limit their return.

The legacy of steering and redlining continue to impact neighborhood choice, and the recent foreclosure crisis absolutely devastated already unstable neighborhoods.

Experts were asked how the current system of project specific tax abatement and local subsidies, such as PILOTs, BIDs, TIFs, etc. impact neighborhood displacement. Most agreed that these measures have no discernable impact on neighborhood displacement, since the affordable housing PILOT generally makes housing more affordable in areas where there is already affordable housing, and the development PILOTs are primarily used for downtown, high-profile projects that have little-to-no impact on residential neighborhoods.

Similarly, the same question was asked as to its impact on residential segregation. Most experts agreed that tax abatement, local subsidies and PILOT programs increased residential segregation since the City of Memphis was not strategic enough to think of how to disrupt segregation through these subsidies. Others felt that because the subsidy measures were not approached in a holistic manner, many decisions were left up to market forces and political power to determine allotment and subsidy terms.

C. Segregation

Interviewees were asked if Memphis neighborhoods had become less segregated in recent years. The responses were somewhat mixed with some stating that segregation had stayed the same and others that it had worsened. Two experts pointed out that Memphis historically has been fundamentally racially segregated, but over time that has evolved to more of an economic segregation. If people were interested in moving into a particular neighborhood where they have the same economic and educational background, there was more inclination of acceptance, regardless of race or ethnicity. There are pockets in the suburbs where African Americans are moving into predominantly White neighborhoods, but the reverse is not often occurring. A few experts discussed “modern day redlining,” stating that you cannot get loan products in areas or neighborhoods where homes are priced less than \$50,000. Lenders are setting low loan limits on the amount you can finance, which has had a disparate negative impact on neighborhoods of color.

Many experts called for strong fair housing regulations and local enforcement to decrease segregation, as well as funding for affordable housing developments with consistent financial resources.

D. Evictions

Experts said that Memphis has been named the eviction capital of the U.S. Most tenants do not know what their rights are and, unless they are very well connected to a CDC or another agency, they are at the mercy of their landlords. There are laws for the eviction process, but it is a matter of if you know them and how to find help. Currently, there is limited education and a limited number of attorneys willing to represent those who are going through the eviction process. Tenants are not provided with legal representation when they go to eviction court, so 99% of the time the landlord is awarded judgment. Several examples of Eviction Settlement Programs were discussed during the interviews, and many seek to develop their own in Memphis.

Leaders want to see additional funding allocated to Memphis Area Legal Services and an increase in the number of certified eviction counselors. Finally, residents need to be educated on their housing rights to break the cycle of misinformation about the eviction process.

E. Tenant Rights and Fair Housing

An interviewee stated that, “Many generations of bad habits continue because of the lack of knowledge. The way to break these cycles is with education and

accessible information.” Community leaders believe that the majority of Memphians do not know their tenant or fair housing rights. Because of that lack of knowledge, residents do not seek advice or help from social services and therefore rarely pursue legal actions. For example, one interviewee mentioned that many low-income renters do not inform landlords of needed repairs, like a nonfunctioning A/C unit or leaking roof, thinking that request alone will lead them to eviction.

There seems to be a profound lack of understanding and implementation of tenant and fair housing rights. Because of this, tenants fear eviction if they request repairs to their home. Every single community leader interviewed for this project stated that this education gap contributes to residents not being able to reach decent and affordable rental housing, or the opportunity of homeownership. Additionally, the tenant and fair housing information that the City of Memphis provides should be more accessible; having brochures or websites may be the easiest way to disseminate information, but it is not necessarily the most accessible, since not everyone has computer access or the ability to navigate the internet. Here are some suggestions on how to distribute fair housing materials more publicly:

- Use local avenues to reach tenants or homebuyers, such as “bulletin boards” or community boards to display/share information, including brochures.
- Place materials in salons, barbershops, laundromats, utility payment centers/check cashing locations, supermarkets, and places of worship.
- Share posters and brochures with all social service providers/Catholic Charities/Salvation Army – places where families may turn if in need.
- Utilize local cable or public radio stations for PSA placement or informational interviews and request interviews at specific times, such as Fair Housing Month (April); Homeownership Month (June); traditional prime rental months (Fall and Spring).
- Customize HUD-approved PSAs (NFHA has a catalog of PSAs for print, radio, malls, public transit locations, billboards, etc.
- Allow the city to share information with schools/PTAs.
- Host a booth at appropriate community- or city-sponsored fairs and events.

Another interviewee mentioned that when families do find services through the city’s fair housing department or with Memphis Area Legal Services, most of the assistance they can provide is “reactive” to the family’s current needs, and they are unable to structure a case strong enough to get legal traction. They continued by saying the fair housing team has limited staff with more clients in dire situations, and thus is only able to assist minimally.

Finally, all the community leaders interviewed were asked questions pertaining to the Fair Housing Act; however, few were familiar with it or could provide knowledgeable answers. One person stated that the Fair Housing Act, passed in the

1960s during the civil rights movement, was antiquated and should be updated. Most responses contained information about affordable housing and the need for decent, safe rental housing. This raises questions of its own. If the community leaders are not confident in the understanding and legal rights afforded through the Fair Housing Act, then how can residents expect to be fully informed?

F. The Needs of Community Development Corporations

Memphis Community Development Corporations (CDCs) are struggling financially. They would like more government support so they in turn can develop, build, and rehab affordable housing. Many mentioned they would like the city to allow take-backs of blighted land or vacant properties in their neighborhoods so they can develop these spaces into habitable housing units.

CDCs feel abandoned by traditional lenders and want the government to step in and be proactive in responding to community needs and willing to fund housing developments in communities of color.

Lastly, leaders expressed the need to expand the rental assistance voucher program and make landlords more accountable for property safety, including decent lighting, security features, and proper maintenance to avoid lead paint health issues or mold problems.

G. Recommendations for City Action

The leaders interviewed encouraged government to expand tenant protections, especially for those in the eviction process, and support the expansion of fair housing rights to include source of income and criminal history as locally protected classes. Note: source of income is already in the city ordinance.

Generally, local leaders commend the efforts of the City of Memphis Housing and Community Development (HCD) division. They recognize and support the Memphis 3.0 action plan, along with opportunities to attend community education events, including those on renters' rights and pathways to homeownership. The most acknowledged HCD program is the Affordable Housing Trust Fund. All interviewees spoke highly of this newly designed program and believe that the City of Memphis should take a more active role in securing additional and continued funding sources. One interviewee even stated that sustainable funding for the Memphis Affordable Housing Trust Fund is imperative to building affordable and safe housing, along with hiring knowledgeable and supported city staff. One interviewee dissented, stating that people give Memphis 3.0 far more power than it has as a plan. They supported the Accelerate Memphis program, which is designed to address and invest in

infrastructure, noting they do not invest in infrastructure on behalf of private developers, who are attempting to displace residents.

Many neighborhood groups feel disenfranchised from basic city services and believe there is substantial disinvestment in communities of color. For example, one community no longer has a public library or a community center where people can gather and meet for events. Banks and credit unions have moved out of most communities of color, offering very limited alternatives. If the lenders have stayed, they are usually reluctant to lend to African American businesses or provide loans for home repair. There is also a lack of locally housed social services, training centers, and technical school opportunities. Frequently mentioned recommendations were establishing a community calendar and tracking community events. Other leaders are looking to the city government to coordinate community partners coming together to discuss strategy and topics of interest, all supporting the effort to provide residents of Memphis with safe, affordable, and livable housing.

Section III: Community Survey

In partnership with the National Fair Housing Alliance, BLDG Memphis conducted a survey on behalf of the City of Memphis, Housing & Community Development Division.²²⁰ BLDG Memphis drives investments in Memphis neighborhoods through building capacity in members, public policy, and civic engagement.²²¹ This survey was distributed, and advertised to a list of outlets,²²² as a part of National Fair Housing Month in April 2021.²²³ The survey was published in English and Spanish, and advertised on both Facebook and the website Welcome Home Memphis, a program that supports Memphis' fair housing initiatives. The survey was created to gain knowledge about Memphians' experience with housing issues and concerns. A total of 730 completed surveys were evaluated.

Overview of Survey Responses and Relevant Findings

Six questions in the survey asked respondents to self-identify demographic and housing status information. Most survey respondents identified their race as Black (81.2%), followed by White (14.8%) and then "other" (3.3%). The remaining respondents identified as Asian, American Indian, or Pacific Islanders, with each group comprising less than 1% of the respondents. Relatedly, 96.2% of respondents do not

²²⁰ Welcome Home Memphis Survey, and Summary <http://home901.org/survey/>.

²²¹ <https://www.bldgmemphis.org/>.

²²² List in Appendix A.

²²³ <https://www.wmactionnews5.com/2021/04/26/portal-open-memphis-fair-housing-rights-survey/>.

identify as Hispanic or Latinx. Respondents identified a broad range of ages. Thirty-five to 44-years-olds made up 24.2% of respondents, followed by 25- to 34-year-olds (21.4%) and then 45- to 54-year-olds (19.9%). The remaining respondents identified as 55 to 65 (15.9%), older than 65 (13.3%), and 18 to 24 (5.3%).

Some 56.5% of respondents to the survey were renters, and most of these people (82.5%) said they were tenants under a lease; 12% also reported they have a rental voucher of some kind. Of the respondents, 34.8% indicated they are currently homeowners, but 38.5% said they have now or at one time owned a house in Memphis. Lastly, 2.9% of respondents described themselves as landlords, 2.6% indicated they live in a shelter or transitional housing, and 7% of respondents described their housing status as "other."

The survey asked four questions related to fair housing and housing discrimination.

Eighty-two percent of respondents reported they know or believe that housing discrimination happens in Memphis. The top three bases for discrimination according to respondents are race, source of income, and color. Source of income discrimination often includes discrimination against someone because they receive a Housing Choice Voucher (HCV) (sometimes called "Section 8" Vouchers). According to 2020 data from HUD, 99% of HCV recipients in Memphis are non-Hispanic or Hispanic Black.²²⁴ With this context, discrimination based on source of income against voucher recipients in the city is tantamount to race discrimination. Also noteworthy about these responses is that national data reported annually by NFHA indicates that discrimination based on disability is the most frequently reported basis for discrimination.²²⁵ Approximately half of survey respondents reported they know what housing discrimination is but, in contrast, approximately half reported that they do not understand how to pursue their rights, regardless of their understanding of housing discrimination. Additionally, only 13.6% of respondents agreed with the statement that the law in Memphis "offers enough protection, and there are resources and information available to help residents pursue their rights" as they relate to housing discrimination. The remaining 86.4% agreed with one or more of the following statements regarding housing discrimination: the law does not offer enough protection, there are not enough resources to help residents, or they did not know enough about the law or available resources. See page 6 in this report for additional discussion of fair housing, including data on fair housing complaints received by the City of Memphis and in Shelby County, and page 15 about notable fair housing cases related to the city.

²²⁴ <https://www.huduser.gov/portal/datasets/assthsg.html>.

²²⁵ NFHA 2021 Fair Housing Trends Report, page 9:
<file:///C:/Users/JMONTE~1/AppData/Local/Temp/trends%202021.pdf>.

The survey asked two questions about housing habitability code enforcement. Most respondents (80.1%) indicated they have not reported or received a code violation in the past 10 years, nor do they know someone who has. When asked to select statements from among nine that described their knowledge related to housing code ordinances and enforcement in Memphis, the two most common choices were that respondents are not familiar with Memphis' housing code ordinances (34.5%) and respondents do not believe that code enforcement issues are promptly resolved (24.1%). The least common response was that people believe that code enforcement ordinances favor tenants (3.3%). See page 6 for additional discussion of blight and housing code enforcement.

The survey asked two questions related to evictions in Memphis. Nearly 44% of respondents reported that they or someone they know has faced eviction in the past 10 years. This response, unfortunately, makes sense considering eviction data. Pre-COVID data estimate that one in four renters in Memphis faced eviction.²²⁶ Furthermore, according to data obtained through The Eviction Lab nearly 80% of eviction filings in Memphis between January 2020 and October 2021 originated from Census tracts that were majority Black.²²⁷ When asked to select statements from among six that described their knowledge related to tenant protections under the law related to evictions in Memphis, the two most common choices were that respondents are not familiar with the process for evictions (31.2%) and that laws favor landlords while there are too few resources available to persons facing eviction. The least common response was that laws favor tenants and resources are available to persons facing eviction (7.9%).

The survey asked two questions related to foreclosures in Memphis in the past 10 years. Just over 24% of respondents reported that they or someone they know has faced a foreclosure in the past 10-year period. When asked to select statements from among four that described their knowledge related to foreclosures in Memphis, the most common response was that people do not know the process of foreclosure (56.2%) followed by people know where to search or find community resources and legal assistance (23.4%).

The survey asked four questions related to other potential barriers to housing in Memphis. When asked if a past eviction or foreclosure affected their ability to obtain new housing, 18.4% of respondents indicated "yes." Additionally, 38.8% of respondents indicated that they or someone they know had experienced housing hardship, eviction, or foreclosure due to COVID-19. When asked about barriers related to language and immigration status, 7.8% of respondents indicated that they have had

²²⁶ https://44a80b6b-6dd9-4124-844d-f0a17fe0931c.filesusr.com/ugd/c63498_570bc867e7d54572bfc58e98b4f14257.pdf .

²²⁷ <https://evictionlab.org/>.

trouble accessing housing or housing-related services due to their immigration status or English language proficiency. Lastly, respondents were asked to select from a list of barriers to safe and affordable rental housing in Memphis that they or someone they know has experienced in the past 10 years. The most common barrier according to 62.7% of respondents has been credit score/history requirements. The next three most common barriers according to respondents speak directly to affordability: unaffordable rents (52.5%), unaffordable rent increases (39.2%) and unaffordable security deposits (32.2%). Among the remaining barriers were criminal history (21%) and denial of a housing voucher (15.9%).

Keeping credit scores and affordability in mind, respondents were also asked if they or someone they know used title or payday lending services to pay rent, utilities, a mortgage, or for housing repairs in the last 10 years. Nearly 40% of respondents have used or know someone who has used payday or title lending services *in the last 12 months* to pay rent, utilities, a mortgage, or for housing repairs.

Lastly, the survey asked two questions about housing-related resources in Memphis. When asked if they are aware of resources available to Memphis residents who may be experiencing or are about to experience homelessness, 52.6% of respondents indicated “no,” 37.9% indicated “yes” but that more resources need to be made available, and 9.5% indicated “yes” but that there are sufficient resources. Respondents were asked if they know how to access different types of housing-related information, training, and resources in Memphis. Roughly 44% of respondents indicated they know how to access fair housing information, training, and resources, and 35.1% know how to access homebuyer education. Less than 30% of the respondents indicated they know how to access information, training, and resources related to the following: financial literacy, tenant education, homeowner repair assistance, landlord education, and foreclosure prevention education.

Section IV: Recommendations (see also Section II G)

A. Develop Local Private Fair Housing Resources and Capabilities

The City of Memphis should coordinate with existing fair housing partners to launch an independent, full-service, non-profit fair housing center in the region. Memphis Area Legal Services provides important fair housing services. It has a noteworthy legacy of important advocacy from the days of its inception. Still, the region lacks a full-service, local fair housing center that performs a broad range of activities, including education, outreach, investigations, enforcement, and policy

advocacy for persons in all protected classes and income ranges. Notably, an independent office would permit the center to engage in systemic enforcement and policy advocacy that a local legal services office is precluded from pursuing, including pursuing complaints as an organizational complainant and engaging in legislative advocacy. This would allow the region to apply for HUD's Fair Housing Initiatives (FHIP) program funds more competitively, including dedicated investigations and enforcement funds.

An independent, fair housing organization would also provide training, education, and outreach to the real estate industry, lenders, and the general public. The city's 2019 Analysis of Impediments identifies a lack of knowledge of fair housing laws as a significant impediment to fair housing. It identifies training to real estate professionals on real estate steering as a strategy. A full-service, independent, fair housing organization in Memphis could also conduct complaint-based and systemic enforcement testing and research testing to determine the nature and extent of discrimination in Memphis' rental, sales, and lending sectors. The 2019 Analysis of Impediments identifies a need for enforcement and research testing. Additionally, the city should consider developing a local Fair Housing Assistance Program (FHAP) to take advantage of additional federal funds to support local fair housing enforcement.

B. Issues Ripe for Fair Housing Enforcement

The lack of sustained fair housing enforcement in the Memphis area means several issues are likely ripe for broad systemic enforcement. The segregation and wealth inequity in the region has been sustained through active components of the housing market, including neutral policies and practices that have an unjustified discriminatory impact and persistent, intentional discrimination. These are a few areas where targeted enforcement may stem persistent inequality throughout the region:

1. Mortgage redlining/reverse-redlining: The credit markets have a history of targeting subprime products to communities of color when credit is abundant while restricting access to mainstream credit when the market constricts. These patterns continue to play out by the lending, insurance, and appraisal markets in the region. Fair housing enforcement in these markets is required to open credit markets to long-neglected neighborhoods in the region.
2. Accessibility issues in multifamily housing: The federal Fair Housing Act was amended in 1988 to, among other things, require new multifamily housing to be built with certain baseline accessibility requirements for people with disabilities, including accessible routes through the property,

doors with sufficient widths, bathrooms with sufficient clear floor space, and other features. Throughout the country, local building code offices often do not properly monitor compliance in new construction. It may be the case that new Memphis developments may be subject to compliance monitoring.

3. Rental price differences by race: The rental market in Memphis is segregated along racial lines. Local legal experts interviewed for this report identified persistent discrimination in the rental market whereby tenants received worse terms and service along racial lines. Fair housing testing—where mystery shoppers are deployed to inquire about housing and related services in a controlled manner to identify evidence of differential treatment—is a viable means to investigate and ultimately enforce discriminatory treatment in the local rental market.

C. Developer Engagement on Fair Housing Impact

The City of Memphis should continue to work with private residential real estate developers to provide compensation, affordable set-aside units, or other benefits for residents who are displaced by development projects.

Inclusionary housing policies are an example of a broader policy measure that mitigates the negative effects of development. Inclusionary housing policies have been successfully implemented in states, counties, and cities throughout the country. Under inclusionary housing policies, market-rate developers of rental or for-sale housing are required to set aside and rent or sell a certain percentage of units at affordable prices. Inclusionary policies sometimes allow developers to pay “in-lieu fees” instead of setting aside affordable units. The revenue from in-lieu fees can be used to develop affordable housing. An inclusionary zoning ordinance was one of the goals and strategies recommended by the city’s 2019 Analysis of Impediments. Inclusionary housing policies, however, are currently unlawful in Tennessee.²²⁸ In 2018, the Tennessee legislature passed PC 685, which banned inclusionary zoning in Tennessee in response to the City of Nashville’s inclusionary zoning ordinance.²²⁹

²²⁸ Mike Reicher, *State Senate Votes to Block Nashville’s Affordable Housing Ordinance*, The Tennessean, March 8, 2018, <https://www.tennessean.com/story/money/2018/03/05/tennessee-senate-affordable-housing-nashville-inclusionary-zoning/397032002/>; Jeff Strand, *Tennessee Legislature Must Stop Preventing Cities from Addressing Affordable Housing*, The Tennessean, Dec. 30, 2019, <https://www.tennessean.com/story/opinion/2019/12/30/inclusionary-zoning-could-help-tennessee-affordable-housing/2639151001/>.

²²⁹ *Id.*

D. AFFH

Since 1968, the federal Fair Housing Act, has obligated the City of Memphis to affirmatively further fair housing (AFFH), as it has all recipients of federal funds for housing and community development. HUD, which has both rulemaking authority and enforcement responsibility under the Act, defines AFFH as follows:

“Affirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development.” (See 24 CFR § 5.151)

This definition emphasizes the need for jurisdictions like Memphis to take meaningful action to fulfill its AFFH obligations.

For much of the last 26 years, HUD has implemented the AFFH provisions of the Fair Housing Act in large part by requiring its grantees to conduct fair housing plans, which are intended to identify key barriers to fair housing choice and strategies to overcome those barriers. In 2015, HUD issued an AFFH rule that provided greater clarity and guidance about how its grantees should conduct their fair housing plans and align those plans with their Consolidated Plans and Public Housing Authority Plans. This link was intended to ensure that grantees actually took meaningful actions to address barriers to fair housing. The regulatory landscape for AFFH has been evolving, and HUD is currently in the process of drafting a new regulatory framework. While the contours of that framework are still under development, it is expected to be very consistent with the 2015 rule and will be based on the definition of AFFH above. Thus, an understanding of the definition and the framework from the 2015 rule provides Memphis with useful guidance about how it should approach fulfilling its statutory obligation to affirmatively further fair housing.

Fortunately, the Analysis of Impediments to Fair Housing Choice (AI) that was adopted by Memphis in 2019 largely follows the format of the fair housing plans required under HUD's 2015 rule. There is significant overlap and consistency between

that AI and the issues identified in this report and the recommendations offered here. However, one significant difference between Memphis' 2019 AI and the fair housing plans required under the 2015 AFFH rule is the AI's lack of specific metrics and timelines for implementing the fair housing goals identified. Without such benchmarks, it will be difficult to gauge whether Memphis is taking the kinds of meaningful actions to affirmatively further fair housing that are at the heart of the AFFH obligation.

To remedy this shortcoming and better position Memphis to be confident that it is meeting its statutory obligations, we recommend that Memphis develop metrics and timelines for the goals in its 2019 AI, including those that align with the key issues identified in this report. Further, Memphis should identify the government agencies or other entities responsible for implementing those strategies and allocate the resources necessary for that implementation through the Annual Action Plans for its Consolidated Plan or from other sources. Each year, it should make public reports on its progress toward meeting each of those goals and determine whether any changes in strategy are needed. Taking these steps will help ensure that the city is acting meaningfully to further fair housing as required by the Fair Housing Act. It will also prepare the city for the next round of fair housing planning that will be required when HUD issues a new AFFH regulation in the near future.

To help eliminate the perpetuation of redlining and segregation as noted by the interviewees and survey results, the City of Memphis should implement a robust, effective AFFH plan, utilizing the assessment tools provided under the HUD AFFH 2015 rule. To streamline the seemingly arduous process for jurisdictions, explore utilizing [Enterprise's Opportunity 360](#) or [My Sidewalk](#) AFFH tools. The AFFH Plan should include measurable outcomes and deadlines for completing goals.

E. Review of the Land Use and Zoning Code and Title Clearance

The Unified Development Code should be reviewed to ensure that a broad range of residential uses is allowed in each residential housing zone, including multifamily housing, affordable housing, and other publicly assisted housing and provisions that impede multi-family and affordable housing are removed. The review should include an analysis to ensure compliance with accessibility standards and fair housing laws. The City's 2019 Analysis of Impediments suggests a similar review of the zoning code.

To address concerns regarding continued displacement, gentrification, and segregation, Memphis should consider amending its Zoning Code to include affirmatively furthering fair housing (AFFH) requirements in an effort to advance equity and inclusion. An AFFH requirement would require residential projects to undergo a review to consider impacts on neighborhood residents who have been historically

discriminated against so that steps can be taken to reduce those impacts, provide new housing opportunities, and address past histories of exclusion. An example of this approach is the City of Boston's model:

<http://www.bostonplans.org/housing/affirmatively-furthering-fair-housing-article-80>

Title defects in their property were a consistent theme, and barriers to clean title ownership were discussed during the expert interview sessions. The result of lack of access to the legal system is that property transfers have occurred generation after generation without the benefit of wills or estate plans. In the absence of such tools, land ownership has become increasingly fractionated with the passing of each generation. Low-income communities, more specifically Black landowners, have been disproportionately negatively impacted.²³⁰ It is highly recommended that the city convene the legal community to include law clinics and legal aid organizations to discuss this issue further and develop in-kind or low-cost solutions to assist low-income owners who need title clearance services.

F. Use Code Enforcement to Improve Habitability

The City of Memphis should strengthen its code enforcement capabilities to ensure rental units are maintained in a habitable manner. The city's code enforcement division has prioritized resources on blighted and abandoned property, often focusing on external conditions, while code enforcement has not been proactive about internal conditions where people are living. To the extent the Code Enforcement Division may issue demands for remediation when a family is living in a dilapidated unit, there is a lack of subsequent enforcement to ensure ultimate compliance. City code enforcement should invest more resources in the code enforcement department and use those resources to take a public stand against landlords who do not maintain their rental property in a habitable condition.

G. Support Tenants Rights Programs

The City of Memphis should institute a range of programs to support local renters who endure a hardship with general housing insecurity and Memphis' dilapidated housing stock.

The 2019 Analysis of Impediments recommends establishing an eviction prevention program, including emergency rental assistance, renter basic skills education, tenants' rights counseling, and mediation between landlords/tenants, etc. The city has implemented an emergency rental assistance program to address the

²³⁰ <http://hprc.southerncoalition.org/?q=node/5>.

COVID-19 rental crisis. But there is the need for broad public education about the Emergency Rental Assistance program, both for prospective tenant-participants and landlords who may be reluctant to participate without fully understanding the program's operations. Local efforts, largely funded by the City of Memphis, are underway to establish an information desk in the courthouse to provide know-your-rights information to the public, and the city should support these efforts.

The City of Memphis should continue to develop strategies to secure funds to support affordable rental housing subsidies, including long-term rental assistance. Since the average rents for low-income tenants are in the \$600-\$800 range, a couple of hundred dollars a month could have a broad impact. The City of Memphis has an affordable housing trust fund and other resources to support affordable housing.

The city should continue working towards instituting a rental registry, despite state actions to shut this down. Rental registries already exist in many metropolitan areas, including Los Angeles, CA; Raleigh, NC; and Dallas, TX. While often created to help support habitability code enforcement, they have the potential to do much more and can be a vehicle to enhance tenant protections. A simple registry that requires property owners to register each rental unit in the city and provide (and regularly update) their contact information can be an enormously valuable tool, helping hold landlords accountable in a market that has seen a general increase in renters, a decline in the Black homeownership rate, a high rate of eviction filings, and an increase in out-of-state investor landlords.

The city should consider a Just Cause Eviction ordinance. Just cause eviction ordinances are laws that allow tenants to be evicted only for specific reasons, including a failure to pay rent or violation of the lease.

Funds should be dedicated to support a right to counsel in eviction court. Tenants with legal representation in an eviction are more likely to keep their homes and avoid an eviction judgment than tenants who do not have a lawyer. Legal representation has several other advantages for tenants. Attorneys may also be able to keep eviction filings off tenants' records, negotiate deals that allow tenants reasonable amounts of time to move out, reduce or eliminate back rent owed to the landlord, or assist tenants in applying for rental assistance. Right-to-counsel programs have been successfully implemented in many cities throughout the country.

Efforts should be taken to assist residents with expunging or masking evictions from tenants' records. Keeping eviction filings off tenants' credit reports increases the likelihood that they will find decent, safe housing because landlords will not deny them housing because of their eviction history. Eviction filings and judgments also can affect tenants' credit scores.

H. Encourage the Development, Preservation, and Promotion of Affordable Housing

Adequate funding for the creation and preservation of affordable housing remains a challenge and a priority, as documented in the City of Memphis' 2020-2024 Consolidated Plan. The city started an Affordable Housing Trust Fund in 2019. The Memphis Affordable Housing Trust Fund is a designated source of public funds set aside to fund affordable housing. The city should explore innovative ways and best practices from other communities to capitalize the Memphis Affordable Housing Trust Fund further. New funding to capitalize the Housing Trust Fund could be generated from taxes and fees, particularly those associated with real estate, interest on market and government accounts, and government-owned property repayments, among others.

The City of Memphis should support the further development of Community Land Trusts. Community Land Trusts are nonprofit, community-based organizations or government entities that seek to provide permanent affordable housing by owning land and reselling or leasing homes built on the land, often by acquiring, rehabbing, reselling, or leasing blighted properties. Enlisting national thought leaders, such as the Center for Community Progress, on strategies to establish and implement best practices is recommended. The city can also enlist local governmental agencies and nonprofits to advise it on best practices for Community Land Trusts. Shelby County has a Land Bank that seeks to return county-owned properties into productive use as quickly as possible to preserve property values, encourage redevelopment, revitalize neighborhoods, minimize blight, maximize the tax base, and reduce tax-supported expense. There are also Community Land Trusts in the Binghamton and Uptown neighborhoods of Memphis.

Blight Authority of Memphis (BAM) has two programs that support the further development of land banks. First, the Land Deposit Program is a program that allows a non-profit developer to transfer property to BAM to be held in the Land Bank tax free for a defined short term. By holding the property, BAM reduces holding costs for the nonprofit, while it assembles properties or engages in other activities, such as pre-development planning, financing, and structuring. BAM later transfers the property back to the non-profit. Second, under the Property Donation program, BAM can receive donations of properties, allowing property owners to unload properties that are burdensome to own and pose harm and liabilities to the surrounding houses in the neighborhood. The donated property becomes part of the Land Bank, furthering the conversion of vacant properties to productive use.

Additionally, the city should consider expanding the City's current tax abatement eligibility requirements to include it as a tax incentive to developers, building owners, and owner-occupants who create or preserve affordable housing. Property tax abatements directly reduce the amount of taxes owed for a specified period. They can be offered as an incentive to encourage the construction or rehabilitation of buildings that include a share of or all affordable units. Property tax exemptions reduce the property's assessed value or rate of taxation, thereby resulting in a lower tax bill. Exemptions are commonly offered to encourage rental property owners to make upgrades that improve the condition of lower-cost units. The increased value resulting from the upgrades is excluded from property tax calculations for a defined period.

Some cities, towns, and counties offer tax abatements or exemptions to owners who participate in project-based rental assistance and other housing subsidy programs. Some cities, towns, and counties also offer tax exemptions or other forms of property tax relief to income-qualified homeowners, senior residents, persons with disabilities, or veterans.²³¹

The Section 8 Homeownership Program (SHAPE) is also a way to move current Memphis Housing Authority (MHA) Housing Choice Voucher holders from self-sufficiency to homeownership. In partnership with MHA, the city should evaluate the program and lessons learned and implement a more robust program to maximize the use of the number of homeownership vouchers available.

Memphis is still considered an affordable market despite the uptick in housing prices throughout the country. Homes can be purchased at or below \$100,000. However, it is difficult for prospective buyers to secure small-dollar mortgage loans from lenders because these small-dollar mortgage loans are not as profitable as larger loans. That situation is exacerbated amid a pandemic when lenders are more focused on portfolio profitability. In addition, when purchasing homes at the \$100,000 or below price point, more than likely, minor to moderate repairs are required, and there are limited mainstream mortgage products available that will allow buyers to purchase and rehab a home. To address these concerns, we recommend exploring the creation of small-dollar purchase mortgage programs with a rehab option with local and regional lenders and/or CDC's that emulate mainstream mortgage products such as the 203K program.

If passed by Congress and signed into law by the President, the Build Back Better Act would provide \$5 billion in funding for the Neighborhood Homes Investment Act (NHIA), a tax credit program designed to develop and rehab 125,000 affordable housing units in economically distressed communities. The NHIA offers

²³¹ <https://localhousingsolutions.org/housing-policy-library/tax-abatements-or-exemptions/>.

practical solutions for communities looking to repair existing distressed homes whose cost to repair would exceed their market value and bring much needed affordable, move-in-ready, housing stock for owner-occupants. NHIA offers tax credits to attract private investment for building and rehabilitating homes for owner occupancy, helping to sustain and grow local economies. NHIA is a financing tool that covers the gap between the cost of building or renovating homes and the price at which they can be sold, thereby supporting renovation and new construction depending on the specific needs of a community or homeowner. Under the NHIA, states would allocate tax credit authority on a competitive basis to project sponsors (developers, investors, lenders, or local governments), totaling \$1 billion per year in 2022-2024 and \$2 billion in 2025. The Internal Revenue Service (IRS) would be responsible for developing regulations for the program, collect data on program administration, and monitor performance. Project sponsors would be responsible for using tax credits to raise equity capital from investors who would be responsible for construction and marketing costs. Investors would receive tax credits only after construction or rehab work is completed and the property is occupied by an eligible homeowner. The Biden Administration's most recent Housing Supply Action Plan includes support for the NHIA.

I. Initiate or Expand Financial Health Initiatives

By way of expert interviews and through the review of resident surveys, the need to expand general housing rights and financial empowerment education was identified as an enormous need. In summary, the needs conveyed were as follows:

1. Safe, stable, and healthy homes.
2. Reliable financial information, counseling, and coaching.
3. Access to affordable financial products and services.

Recommendations to help expand the financial health of Memphians include:

1. Increase and/or allocate funding for financial education to include but not be limited to Financial Literacy, Homebuyer Education, and Post Purchase Education.
2. Develop a City/County-wide comprehensive media campaign, including target ethnic print, radio, and social media outlets to increase awareness and provide information to citizens about housing rights and available housing program resources.

3. Explore opportunities and models to create alternative lending services solutions to payday lenders with partners such as Patriot Bank and local, minority depository institutions such as Liberty Bank (formerly Tri-State Bank of Memphis), and CDFIs with track records of well-serving communities of color such as Hope Credit Union.
4. Explore expanding grant-funded and/or low-cost rehab and repair programs for low- to moderate-income homeowners and landlords.
5. The City of Memphis has a myriad of down payment assistance programs primarily targeted to assist Memphians at 80% or below median income who desire to purchase a home. Provided that funding is available or can be secured, the city should consider reevaluating the DPA program and adding in a criterion of targeting the assistance to first-generation homebuyers. Lack of down payment is a major barrier to homeownership for families. Many consumers of color have sufficient income to pay a monthly mortgage obligation; however, they lack intergenerational wealth because exclusionary federal, state, and local policies and practices prevented their families from being able to access homeownership. These families have been unable to provide a gift of down payment assistance to successive generations. Consumers who are the first generation of would-be homeowners face significant challenges because their families lack the wealth that homeownership can provide, but they often cannot rely on guidance, networks, and assistance from family to access homeownership opportunities. By investing in targeted first-generation DPA programs that assist first-generation homebuyers, we can take a significant initial step toward closing the racial wealth and homeownership gaps. The targeted first-generation DPA assistance should be extended to up to 120 percent AMI. The city should also increase the \$10,000 maximum amount for DPA.
6. Homeownership has decreased in Memphis. The city should consider convening local and regional lenders, and or CDFIs with strong track records of well-serving communities of color such as HOPE Credit Union, to explore the creation of Special Purpose Credit Programs (SPCPs). The Equal Credit Opportunity Act allows institutions to develop SPCPs, which provide a tailored way to meet special social needs and benefit economically disadvantaged groups, including groups that share a common characteristic such as race, national origin, or gender. Properly designed, SPCPs can play a critical role in promoting equity and inclusion, building wealth, and removing stubborn barriers contributing to financial inequities, housing instability, and residential segregation. SPCPs are also consistent with and provide a targeted and effective way of overcoming discrimination and segregation.

An example of a local SPCP in operation includes the [San Diego Black Homebuyers Program](#).

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- Steve Barlow, President and co-founder of Neighborhood Preservation, Inc.
- Vincent Sawyer, J.D.

Interview Participants:

- Local experts and practitioners

Survey Respondents:

- 750+ Memphis residents

Appendix A:

BLDG Memphis shared the Memphis Fair Housing Survey at the following outlets/events:

1. WMC (local news)
2. WREG (local news)
3. Fox-13 (local news)
4. Local Memphis WPTY (local news)
5. WKNO Radio/NPR
6. StoryBoard Memphis
7. BLDG Memphis- Facebook, Instagram, Linked In, Newsletter
8. Targeted Facebook Ads
9. The Daily Memphian/Behind the Headlines
10. High Ground News
11. Commercial Appeal
12. Inside Memphis Business
13. Memphis Business Journal
14. MLK50
15. Tri-State Defender
16. Radio Ambiente
17. La Prensa Latina
18. Latino Memphis
19. Housing and Community Development (HCD) Newsletter
20. Center for Transforming Communities Newsletter
21. State Representative London Lamar Newsletter
22. Urban Land Institute Newsletter
23. Lakeetha Barnes from the Office of Councilman Eddie Jones (shared in newsletter)
24. Janita Hendricks from the Office of Senator Katrina Robinson (shared in newsletter)
25. United Housing Newsletter
26. Home 901.org (Landing Page for Newsletter)
27. Community Partners
 - a. Johnnie Hatten Restoration Time Family and Youth Services
 - b. Lyndsey Pender The Works, Inc.
 - c. Abigail Sheridan Memphis Medical District Collaborative (MMDC)
 - d. Brody Wamble Power Center CDC
 - e. Larry Martin Kingdom Power Outreach Ministries

- f. Porsche Stevens Frayser CDC
 - g. Kayla Gore My Sistah's House
 - h. Lenell Burton Alcy Ball Development Corporation
28. Lynn Sanders UnitedHealthcare (shared to disabled members who are renters and homeowners in Shelby County)
 29. Altonio Smith Innovate Memphis (posted the survey)
 30. Community Alliance for Homeless (shared on their social media)
 31. Binghamton Voice Meeting
 32. Memphis Fair Housing Forum
 33. Memphis Urban League Young Professionals