

# Legal Aid of North Carolina, Inc.

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*Serving low-income clients in Wayne, Greene, Lenoir, Nash, Wayne and Wilson Counties*

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Shycole Simpson-Carter, Community Relations Director  
Community Relations Department  
P.O. Drawer A  
Goldsboro, NC 27530

## **RE: Written Comments on Goldsboro's Consolidated Plan and Annual Action Plan**

Legal Aid of North Carolina (“LANC”) submits the following comments concerning Goldsboro’s Consolidated Plan and Annual Action Plan on behalf of its client WAYne Forward Anti-Poverty Coalition (“WAYne Forward”). WAYne Forward is a coalition of individuals and organizations that seeks to address poverty in Wayne County by focusing on solutions to increase access to healthcare, quality education, quality careers, and affordable housing. Legal Aid assists WAYne Forward’s Affordable Housing Work Group to promote affordable and fair housing and equitable community development.

Below are some concerns expressed by WAYne Forward regarding housing and community development along with recommended strategies to address the lack of affordable housing. We request that you consider these concerns and strategy recommendations as you complete the final draft of the Consolidated Plan and Annual Action Plan.

### **A) WAYne Forward Concerns and Recommendations**

#### **1. Insufficient Housing Stock that Meets the Minimum Housing Code**

Minimum housing codes are meant to protect public health, safety and general welfare of inhabitants and occupants of residential structures. Housing that does not meet the minimum housing code threatens the health and safety of the public. Ensuring that homes, especially rental properties, maintain the minimum housing code as established by the City’s ordinances is extremely important.

The City of Goldsboro could increase the number of housing that meets the minimum housing code by increasing code enforcement; however, code enforcement should be done in an equitable manner. Targeted code enforcement displaces those in need of housing. However, equitable code enforcement occurs when a local government implements a strategic approach that brings housing up to code while limiting widespread condemnation and demolition. If code enforcement is not done in an equitable manner, then code enforcement could lead to blight and vacancy which would spur future gentrification. Legal Aid clients have advised us that often when they report the conditions of their housing to the City’s inspection department, they have been warned by City

inspectors that they could be evicted if the home is condemned. Tenants shouldn't have to choose between reporting an unlivable condition and having a place to live. Therefore, the City should review existing code enforcement policies and procedures to determine how code enforcement could be conducted in an equitable manner. One policy that could be implemented is to place a cap on fees that are assessed on homes in violation of minimum housing codes, especially owner-occupied or renter-occupied homes. Additionally, the City could explore creating a hardship assistance fund for low-income homeowners who occupy homes in code violation so that their homes can be brought up to code. Overall, it is important for the City to take a balanced, equitable approach when implementing code enforcement.

Equitable Development is an approach to creating healthy, vibrant communities of opportunity. Equitable outcomes occur when smart, intentional strategies are put in place to ensure that low-income communities and communities of color participate in and benefit from decisions that shape their neighborhoods and regions. It's important to note that revitalization can lead to gentrification if it's not done in an equitable manner.

## 2. **Gap in Assessing Homelessness Needs**

The City acknowledges that counting and addressing the homeless population is extremely difficult, but it does not offer a strategy in its draft Consolidated Plan on how to address the problem of homelessness in its jurisdiction. A huge contributor to the problem is the lack of a clear definition of homelessness, the mobility of the population, and the cyclical nature of homelessness for many individuals. Most local agencies tasked with re-housing homeless persons are doing so with Emergency Solution Grants, which limits the definition of homelessness to "chronic homelessness," and actually living on the street. Yet, we know that there are citizens who do "couch surf" and who do not have a permanent place to live. In addition, individuals that are homeless are often reluctant to be interviewed about their experiences. The City of Goldsboro communicates that a collaborative community approach is needed in order to address the needs of the homeless. Although this is true, the City of Goldsboro could implement a variation of the following approaches in identifying the homeless population.

Indirect direct estimation involves eliciting information from knowledgeable sources or key collaborators about the number of homeless people in an area or the number receiving services, including tallies of the number of people using shelters and other services and estimates of the number of people turned away or otherwise not receiving services. Though it seems Goldsboro implements a variation of this method, this method requires that each of the collaborators must define "homeless" according to standard criteria and report the number of homeless people encountered over the same period. Additionally, this method is only as effective as the number of agencies in which it collaborates with.

A single contact census is usually taken by individuals in a defined area where the largest proportion of the homeless population can be found. However, for practical reasons, data collection of this type is conducted over a short period of time with a way to eliminate duplicate information.

Capture-recapture methods go beyond multiple-count methods by matching data on individuals observed at two or more points in time. It allows conclusions about the movement of individuals in and out of the population as well as statistics about the population from which the sample was drawn. Capture-recapture techniques involve matching observations of individuals made at each of two or more data collection periods.

The Community has expressed the need for more shelters for woman and children. Additionally, the need for wrap around services is apparent for the homeless population. Currently, local shelters and groups in Goldsboro are involved in a housing group called the Neuse Housing Committee. The City should implement a plan with this local committee that addresses the lack of physical shelters in conjunction with wrap around services for those in need.

### **3. Limited Number of Landlords Who Participate in Section 8 Voucher Program**

Although HUD's Section 8 Vouchers can assist low-income households with rental housing, there is a limited number of landlords who participate in the voucher program. It is possible that some landlords have biases or misconceptions about individuals who have vouchers which could impact their choice not to accept vouchers. Nevertheless, increasing the number of landlords who accept vouchers is vital to meet housing needs in Goldsboro.

The City could coordinate with the Housing Authority of the City of Goldsboro (Housing Authority) and local non-profits to create a landlord incentive program that incentivizes private landlords to accept Section 8 vouchers. Incentives could include offering landlords with lease signing bonuses, lease continuity bonuses, and reimbursements for tenant property damages up to a specified amount. Localities such as the City of Durham<sup>1</sup>, Orange County<sup>2</sup>, and Charlotte Housing Authority<sup>3</sup> have explored using a landlord incentive program to increase rental options.

Furthermore, the City can support the Housing Authority in its efforts to expand affordable housing in areas of opportunity. The City could work with the Housing Authority to build more project-based section 8 housing in areas of opportunity. This would also give more low-income residents an opportunity to find housing and to minimize private landlords denying the acceptance of the vouchers.

### **4. The Consolidated Plan does not Define Affordability in the Context of AMI**

Affordable housing is a broad concept and can encompass a range of incomes. Although the City intends to provide affordable housing for low to moderate income households, it is unclear what the AMI range includes. For instance, affordable housing could be for households earning 0% to 80% of the AMI or affordable housing could be for households earning 0% to 100% of the AMI. A clear definition of the City's affordability target based upon AMI should be provided in order to assess the exact need for fair housing and affordable housing in Goldsboro.

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<sup>1</sup> <https://durhamnc.gov/DocumentCenter/View/25424/LandlordEngagementWorkshopPresentation-FINAL>

<sup>2</sup> <https://www.orangecountync.gov/DocumentCenter/View/11345/HCV-Leasing-Bonus-Program?bidId=>

<sup>3</sup> [http://manage.cha-nc.org/public/content/resources/LandlordIncentive\\_updated.pdf](http://manage.cha-nc.org/public/content/resources/LandlordIncentive_updated.pdf)

**5. The Plans do not Specify the Number of Proposed Housing Units for Low-Income Households Compared to Moderate Income Households.**

The Consolidated Plan and Annual Action Plan address goals to increase affordable rental and homeownership opportunities; however, the plans do not specify the proposed number of housing units for low-income households compared to the number of housing units for moderate income households. For example, Goal 2 of the Consolidated Plan proposes 156 rental units to be constructed, but there is no breakdown of how many rental units will be for low-income households compared to the number for moderate income households. Since the Consolidated Plan indicates that there is a great need for housing for low-income households, then the City should prioritize opportunities for more low-income households to gain safe and affordable housing.

**6. Lack of City-wide Affordable Housing Policy or Plan**

In order to develop affordable housing in an equitable manner, there should be a City-wide affordable housing policy or plan. This policy or plan could provide details on tools or strategies, including land use strategies, that will be used to increase affordable housing throughout the city. This policy would be a roadmap for affordable housing development in Goldsboro, and it could provide transparency to the public on how affordable housing goals will be accomplished. Localities such as Wake County<sup>4</sup> and the City of Durham<sup>5</sup> have affordable housing plans which provide details on achieving affordable housing goals. The Community Relations Department should collaborate with the Planning Department to create a comprehensive affordable housing policy or plan.

**7. The Community Relations Department has Limited Staff Capacity to focus on a Comprehensive, City-wide Housing Development plan that will Affirmatively Further Fair Housing in areas of opportunity**

Affirmatively furthering fair housing requires intentional steps to increase fair housing choice in areas of opportunity. WAYne forward is concerned that the Community Relations Department would be limited in its efforts to undertake actions to increase fair housing due to its limited staff capacity. Further, residents and community stakeholders expressed the lack of any new single-family housing development occurring within the City's jurisdiction. They believe the lack of a comprehensive and strategic plan around housing is the cause. Therefore, one recommendation from the community is that the City should hire a director of housing and development, who will handle this one task.

**8. The New Analysis of Impediments Has Not Been Provided to the Public to Review in Conjunction with the Consolidated Plan and AAP**

The Consolidated Plan mentions that the final draft of the Analysis of Impediments (AI) is being developed, however, it would have been helpful to read at least a draft of the AI in conjunction with the Consolidated Plan and AAP so that the public would have a

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<sup>4</sup> <https://endhomelessnesswake.org/wp-content/uploads/2017/12/Wake-County-Affordable-Housing-Plan-Full-Document.pdf>

<sup>5</sup> <https://durhamnc.gov/DocumentCenter/View/28819/Affordable-Housing-Goals>

better understanding of the extent of the impediments to fair housing choice. Typically, the AI is drafted before the Consolidated Plan in most jurisdictions because it informs the Consolidated Plan. Based upon the Fair Housing Act and the Affirmatively Furthering Fair Housing Rule, the City must allow for citizen engagement and public input into the drafting of the Analysis of Impediment. The AI document provides key datapoints, including community input, to identify potential impediments to furthering fair housing and strategies to meet articulated fair housing goals. Since African-Americans are disproportionately impacted by the lack of affordable housing, the impediments to fair housing should be described in the AI. It's important to note that one of the goals of the Fair Housing Act is to prevent discrimination, and race is a protected category. Housing discrimination based upon race is an impediment that should be addressed in the AI along with potential goals that could be used to remove this impediment.

Furthermore, the AI process has certain public hearing requirements and its own public hearing comment period. The last AI for the City was prepared in 2015 and expired in 2019. Please provide WAYne Forward with a timeline for when this important community planning process will take place. We look forward to reviewing the final draft of the AI.

#### **9. There is a Lack of Public/Private Partnership to Create a Comprehensive Affordable Housing Plan**

Developing affordable housing is a challenging undertaking which requires, strategic planning, creative strategies, various funding options, meaningful community input, and stakeholder collaboration. Therefore, the City should foster a public/private approach to creating a comprehensive affordable housing plan to meet Goldsboro's affordable housing needs. The City should invite key stakeholders including local community groups such as WAYne Forward to meetings to discuss how affordable housing could be carried out in Goldsboro.

#### **10. The City Should Allocate More Money Towards the Urgent Housing Repair Program**

There is a concern that there are insufficient funds for the urgent housing repair program. CDBG funds may be used to assist existing homeowners with the repair, rehabilitation, or reconstruction of owner-occupied units. Grantees, like the City of Goldsboro, have the flexibility under the CDBG Program to design repair and rehabilitation programs that meet the needs of their residents. Examples of the types of local programs that may be funded include:

- General programs aimed at rehabilitation of existing structures, including substantial rehabilitation programs, which typically bring the property up to local codes and standards.
- Special purpose programs, including:
  1. Energy efficiency programs aimed at improving the energy efficiency of homes through additional insulation, new windows and doors and other similar improvements;

2. Handicapped accessibility programs through which improvements, such as installation of ramps and grab bars, are made to homes of persons with disabilities to make the home more accessible;
3. Emergency repair programs that provide for the repair of certain elements of a housing unit in emergency situations, such as repairs to a roof that is leaking, but the whole house is not rehabilitated; and
4. Weatherization programs aimed at improving a home's ability to withstand the elements, including insulation and weather-stripping.

As part of a comprehensive plan to provide affordable and fair housing, it is important that the City takes inventory of its blighted and abandoned housing. Many stakeholders agree that there are issues with the quality of housing in the City, and that a lot of housing is uninhabitable. Couple this with the City being in a repeated disaster-prone region. There are citizens who suffered housing lost caused by hurricanes Matthew and Florence. Recovery has not been swift in Eastern NC, including in Goldsboro. It will take the leveraging of public and private investment to replenish lost housing stock caused by disasters. Due to the inequities in communities, nature disasters often impact neighborhoods occupied by black and brown people, who often live in flood plains. One way the City can address the condition of housing, is by amending the budget to direct more funding towards urgent housing repair. Also, by allocating more CDBG funding towards urgent housing repair.

## **11. Insufficient Notice Associated with Affordable Housing Efforts**

Community engagement and participation is a requirement in the City obtaining HUD federal funding and complying with its duties under the Affirmatively Furthering Fair Housing Rule. The main goal of soliciting feedback is to ensure that community voices are heard. If the City's marketing and notice efforts are only known to a select group set and not publicly advertised for easy access, this will hinder the amount of true feedback that's needed from the community. Methods such as advertising on the City's webpage and placing advertisements in the paper have been used in the past. Though these efforts engage a certain amount of Goldsboro's citizens, widening the effort could have greater impact, as not all citizens have a newspaper subscription or access to the internet. Mailing pamphlets to residents informing of important meetings and engaging local churches and organizations to advertise important efforts related to affordable housing would be beneficial to the City.

On a related note, some stakeholders have complained about the lack of notice for certain funded programs, like the HOME program and the Essential Single-Family Rehab Program administered to supplement disaster funds. There is a specific concern that the City has not used all of its HOME funds from previous funding cycles to create additional home opportunities and some residents are unclear about why the funds have not been spent.

If more diverse methods of notice displayed in English and Spanish are distributed by the City, more people would apply for such important housing programs.

## **12. Fund Management and Transparency**

The City could be more transparent in how it manages CDBG & HOME projects. There is a community concern that CDBG funds were used to demolish structures such as the Centre Street Hotel. Community sentiment is that this would have been prime real estate to establish affordable housing. Additionally, leaving vacant and abandoned spaces contributes to the overall deleterious appearance of neighborhoods, and make them more vulnerable to crime and increased poverty. Since there is a significant lack of quality affordable housing, the Community would like to see an intentional plan for creating affordable housing within the City.

The Consolidated Plan and Annual Action Plan identify important goals and projects, but there are limited details on how they will be carried out. Also, our community group expressed concerns related to the City's methodology used to calculate and allocate funds to the various goals or projects. There is a concern that certain goals or projects may not have enough money allocated to them. For example, Goal 1 to Affirmatively Further Fair Housing only has a total of \$10,000 allocated to it, and it is unclear what specific meaningful actions the City can undertake with such a limited budget.

Additionally, there is a concern that none of the CDBG-CV funds appear to be allocated for COVID-19 testing. Furthermore, there is a concern about how the City will hold the organizations that receive CDBG-CV funds accountable to ensure that they appropriately spend the money.

Overall, the City should be more transparent with the public on how it manages funds for housing and community development.

## **12. The Consolidated Plan and Annual Action Plans did not Address Ways to Overcome Neighborhood Resistance to Affordable Housing**

The Plans mention that there has been neighborhood resistance to increased development and affordable housing. Many neighborhoods have fought rezoning requests to add density based upon perceived or real increases in traffic congestion. This neighborhood resistance seems to reflect the acronym N.I.M.B.Y. ( Not In My Backyard) where people do not want certain developments or environmental changes in their neighborhoods based upon real or perceived concerns or based upon biases about who or what will be located in their neighborhoods.

Despite the N.I.M.B.Y. sentiment, especially in areas of opportunity, the City still has a duty to affirmatively further fair housing which includes increasing fair housing choice in areas of opportunity. Areas of opportunity are locations in the City that are accessible to jobs, grocery stores, health care, daycare and transportation.

Affirmatively furthering fair housing requires the City to do more than simply state the impediment, but the City must be proactive in removing barriers to fair housing choice. One way, the City can do this is through zoning and land use strategies-which are forthcoming in this document.

Goldsboro should implement the following actions in an effort to combat the negative effects of N.I.M.B.Y.-ism.

- Educate the community as to what affordable housing is and address common misconceptions. It's important to express that public housing and affordable housing aren't mutually exclusive. Even if it is, the City still has a duty to affirmatively further fair housing or risk the lost of important federal dollars.
- Address legitimate concerns from the community. There could be real concerns about density or heavy traffic that can be addressed. The City could determine if there are ways to minimize issues like heavy traffic congestion while increasing housing options. Ultimately, there must be a balance between meeting the affordable housing and fair housing requirements and minimizing development concerns.
- Provide open houses & showcase examples or renderings of what affordable housing could look like. These open houses could also give residents the chance to share ideas on how affordable housing could look in their communities.
- Explain property management, to the community and introducing the community to the property management group is also key. Ensuring that all parties are engaged in the phases of development would assist in community concerns. Property management could explain their lease-up plans, screening criteria and house rules to the community as well.

### **B) Proposed Strategies to Address Affordable Housing**

The following section identifies potential strategies that the City could research and consider using to address the barriers affecting affordable housing and achieve its four core goals for affordable housing.

- **City's goal to create affordable housing in vulnerable areas and in areas of opportunity**

One strategy to help meet this goal is for the City to designate "**Redevelopment Zones**" which could accommodate an increase in density, and serve as the location for mixed-use and mixed-income developments. Increasing allowable density creates a significant amount of value for existing property owners and creates an incentive to redevelop older (and presumably less expensive) housing stock.

Another strategy is using "**Voluntary Inclusionary Up-zoning**" in certain areas which would connect greater housing development to incentives for affordable housing. This strategy differs from mandatory inclusionary zoning which requires developers to build affordable housing. Instead, the voluntary inclusionary up-zoning would be a voluntary option for developers who are willing to provide affordable housing in exchange for incentives. For example, the City could allow a zoning change which permits a developer to have taller building height or greater

density in exchange for the developer including a portion of affordable housing units.

A third strategy could be “**Affordable Housing Overlay Zones.**” The City could identify zones where affordable housing will be created. These zones can offer developers incentives to build affordable housing. Incentives could include streamlined permitting process, increased density bonus, lower parking restrictions, increased building heights or allowing housing development in locations not zoned for residential uses.

The City could allow “**Accessory Dwelling Units**” to support affordable housing. They are second dwelling units that are located within the principal detached dwelling or located within a separate accessory structure. They can be created in various ways including by adding an addition to the principal dwelling, converting part of the home into an apartment, and converting a garage into a housing unit. Accessory dwelling units can provide additional affordable housing, especially for aging seniors, on certain existing residential properties.

- **City’s goal to preserve affordability and housing quality**

One strategy to preserve housing affordability is for the City to create “**Conservation Zones**” which could be areas in which the existing form of the neighborhood is maintained and where new development is limited. Protect the character, density and affordability of certain neighborhoods.

Another strategy would be to implement “**Equitable Code Enforcement,**” in relation to addressing minimum housing codes as discussed above in concern #1.

- **City’s goal to promote equitable and accessible housing options**

A potential strategy would be to strengthen connections between affordable housing, transit and workforce development programs. Cities benefit when residents can easily travel between employment opportunities and reasonably priced housing. When city leaders collaborate with local workforce and transportation agencies alongside larger local employers, it can result in transit-oriented development which spurs both the creation of affordable housing units with price protections for lower-wage earners and reliable transportation to employment opportunities for communities.

Land acquisition and banking function for the use of affordable housing is another possible strategy. Goldsboro could acquire vacant sites from absentee landlords and then partner with private or nonprofit developers to build affordable rental units. Local sourced trust funds and partnerships with philanthropies are important partnerships to have in light of diminishing federal resources for home ownership and stabilization of city owned properties.

- **City’s goal to stabilize residents at risk of involuntary displacement**

One strategy to help long-term residents remain in their neighborhoods is for the City to create a **Housing Assistance Displacement Program**, especially for renters. Although the City should minimize the number of residents displaced,

those who will be displaced should have the opportunity to seek program support to relocate within their neighborhoods. This Housing Assistance Displacement Program could help residents faced with involuntary displacement with resources including, but not limited to, finding another affordable home (*City staff assistance or local non-profit partner assistance*); providing a security deposit for a new home; paying utility connection fees; and offering first month's rent for a new home.

### **Conclusion**

We appreciate the opportunity to share comments on behalf of our client WAYne Forward. We look forward to a formal response from the City regarding this letter, and we are eager to have future discussions with the City about the implementation of the Consolidated Plan and Annual Action Plan goals.

Sincerely,

*Yolanda L Taylor*

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Matthew Whittle, Co-Advocate of WAYne Forward, Facilitator of WAYne Forward's Affordable Housing Work Group