

U. S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107

AUG 29 2017

The Pittsburgh Urban Redevelopment Authority  
c/o Robert Rubenstein, Acting Executive Director  
200 Ross Street  
Pittsburgh, PA 15219

Dear Respondent:

Subject: Housing Discrimination Complaint  
Hill District Consensus Group v. City of Pittsburgh  
HUD Case No. 03-16-4149-8

The U.S. Department of Housing and Urban Development (HUD) administratively enforces the Fair Housing Act of 1968 (the Act). HUD has completed its investigation of the above-referenced complaint. Efforts to voluntarily conciliate the complaint during the course of the investigation were unsuccessful.

Based on the evidence obtained during the investigation, HUD has determined that no reasonable cause exists to believe that a discriminatory housing practice has occurred. Accordingly, HUD has completed its administrative processing of this complaint under the Act, and the complaint is hereby dismissed. The enclosed Determination of No Reasonable Cause contains a summary of the factual evidence supporting this dismissal.

**Retaliation is a violation of the Fair Housing Act.** Section 818 of the Act makes it unlawful to retaliate against any person because he or she has filed a housing discrimination complaint; is associated with a complainant; has counseled or otherwise assisted any person to file such a complaint; or has provided information to HUD during a complaint investigation. Section 818 also protects complainants against retaliatory acts that occur after a complainant has withdrawn, settled, or conciliated a housing discrimination complaint. Section 818 protects complainants against retaliatory acts that occur after a finding of no reasonable cause. Any person who believes that he or she has been a victim of retaliation for any of the reasons listed above may file a housing discrimination complaint with HUD within one (1) year of the date on which the most recent alleged retaliatory act(s) occurred or ended.

**Right to file a civil lawsuit.** Notwithstanding HUD's dismissal of this complaint, under Section 813(a) of the Act, the complainant may file a civil lawsuit in an appropriate federal district court or state court within two (2) years of the date on which the alleged discriminatory housing practice occurred or ended. The computation of this two-year period does not include the time during which this administrative proceeding was pending with HUD. If, upon the application of either party, the court determines that the party is financially unable to bear the costs of the civil lawsuit, the court may appoint an attorney, or may authorize the commencement of or continuation of the civil lawsuit without the payment of fees, costs, or security.

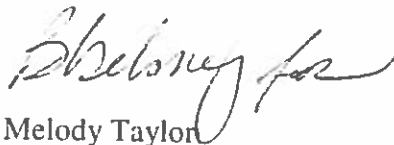
**Reconsideration.** A complainant may ask HUD to reconsider its Determination of No Reasonable Cause. Requests for reconsideration must be in writing and must set forth the specific reasons why the complainant believes that the Determination of No Reasonable Cause is in error. Reconsideration requests must be limited to the allegations and issues in the complaint. The complainant must identify the relevant information that he or she believes is incorrect, or that was omitted from the complaint investigation. The request must include all new and material evidence that the complainant believes supports the reconsideration request.

Please direct all reconsideration requests to: Director, Office of Enforcement, FHEO, U.S. Department of Housing and Urban Development, Room 5226, 451-7th Street, SW, Washington, DC 20410-2000. Before requesting reconsideration, please review the Final Investigative Report. The enclosed Determination provides instructions for obtaining a copy of the Report.

**Public Disclosure.** Section 103.400(a)(2)(ii) of HUD's regulation implementing the Act requires that HUD shall publicly disclose the dismissal of this complaint, unless a complainant or respondent requests in writing that no such disclosure shall be made. Requests for nondisclosure must be made within thirty (30) days after receipt of this Determination. Nondisclosure requests should be submitted to the same HUD Office that issued the Determination. Notwithstanding such a request, the fact of this dismissal, including the names of all parties to the complaint, is public information and is available upon request.

If you have any questions regarding this closure, please contact the point of contact listed below for assistance.

Sincerely,



Melody Taylor  
Director, Region III  
Office of Fair Housing and Equal Opportunity

Enclosures

## Determination of No Reasonable Cause

CASE NAME: The Hill District Consensus Group v. City of Pittsburgh, et al.

NUMBER: 03-16-4149-8

### I. JURISDICTION

Complainant Hill District Consensus Group is an organization dedicated to representing the interests of the residents of Pittsburgh's Hill District neighborhood. Hill District Consensus Group's mission is to advance racial and economic justice, including access to affordable housing in the Hill District. Complainant alleged that Respondents made unavailable or denied housing to the Hill District's African American residents, because of their race, when they decided to approve a preliminary land development plan for the redevelopment of the Lower Hill area which did not include the same levels of affordable housing specified in the Greater Hill District Master Plan. Complainant also alleged that as a result of their approval of the preliminary land development plan, the City of Pittsburgh failed to affirmatively further fair housing.

Respondents are the City of Pittsburgh ("City"), a municipal government in the Commonwealth of Pennsylvania; the City of Pittsburgh Planning Commission ("Planning Commission", "Pittsburgh Planning Commission"), a panel appointed by the Mayor charged with guiding land use and land development in the City; the Urban Redevelopment Authority, the City of Pittsburgh's economic development agency; and the Sports and Entertainment Authority of Pittsburgh and Allegheny County ("Sports and Entertainment Authority"), a public body which provides venues for sporting, entertainment, educational, cultural, civic, and social events for the public.

The subject property is currently a vacant 28-acre parcel of land located at 1001 Fifth Avenue in Pittsburgh, Pennsylvania. The property does not have a Section 803 or 807 exemption under the Fair Housing Act ("Act"). If the Complainant's allegations of racial discrimination are substantiated and proven, then the alleged actions of the Respondents would violate Section 804 (a) of the Fair Housing Act of 1968, Title VI of the Civil Rights Act of 1964, and Section 109 of the Housing and Community Development Act of 1974. Section 804 (a) makes it illegal to make housing unavailable or deny a dwelling to any person because of their race. Title VI prohibits discrimination based on race, color or national origin in programs or activities receiving Federal financial assistance. Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs or activities funded with HUD community development funds. The City of Pittsburgh receives HUD Community Development Block Grant funding from HUD's Office of Community Planning and Development.

The last date of alleged racial discrimination was on December 2, 2014, and the Complainant alleges the fair housing violations by the Respondents are continuing. The

complaint was timely filed with the U. S. Department of Housing and Urban Development ("Department") on February 29, 2016.

## II. COMPLAINANT'S ALLEGATIONS

Complainant alleged that Respondents discriminated on the basis of race and also failed to satisfy their duty to affirmatively further fair housing when they approved a preliminary land development plan which provides substantially less affordable housing than specified in the Greater Hill District Master Plan, and does not provide any affordable housing to very low- or extremely low-income households.

Complainant further alleges Respondents failed to require compliance with the City's zoning code because of the race of Lower Hill District residents, and Respondents' actions had a disparate impact on African Americans, who statistically and historically suffer from much higher rates of poverty in the City of Pittsburgh. Complainant alleged that, as a result of their alleged discriminatory actions, Respondents' actions frustrated its mission of advancing racial equality in housing in the Hill District.

Complainant alleged that it and other community organizations conveyed to the City, its entities, and the Pittsburgh Arena Real Estate Development LP ("Pittsburgh Arena Real Estate Development"), the developer, the importance of including a substantial amount of low-income housing for African American residents to be able to rent units at this future housing development. Complainant alleged that, despite the affordable housing requirements set forth in the Hill District Master Plan, Respondents still approved a plan that will have the effect of excluding very low- and extremely low-income African American residents from renting at this development.

## III. RESPONDENTS' DEFENSES

Respondents City of Pittsburgh, Pittsburgh Planning Commission, and the Urban Redevelopment Authority assert that the District Master Plan is only a strategic guide, should not be construed as a legal planning document, and was never adopted by Respondents the City of Pittsburgh, Pittsburgh Planning Commission, or the Urban Redevelopment Authority. The Respondents defend that the legally binding documents for development of the property, including the construction of affordable housing, are solely contained in the City of Pittsburgh's Zoning Code and the Community Collaboration and Implementation Plan. Respondents assert the Community Collaboration and Implementation Plan was signed by all parties with direct responsibility for the property, and they never legally obligated themselves to any affordable housing provision that was contained in the Hill District Master Plan. Respondents also note they support the idea of the developer creating more affordable housing units than the currently proposed levels.

Respondents City of Pittsburgh, Pittsburgh Planning Commission, and Urban Redevelopment Authority defend that Complainant's allegation that Respondents are failing to provide low-income housing in the development of the Lower Hill is factually incorrect, and that the Community Collaboration and Implementation Plan sets a goal that 20% of the units will be affordable. Respondents also defended that the Planning Commission's decision to approve the preliminary land development plan expressly stated to Arena Real Estate Development that the Final Land Development Plan must include an affordable housing plan showing Arena Real Estate Development's commercially reasonable efforts to achieve the affordable housing goals set forth in the Community Collaboration and Implementation Plan.

Respondents City of Pittsburgh, Pittsburgh Planning Commission, and the Urban Redevelopment Authority defended that making 30% of units at the subject property affordable to very low- and extremely low-income households would reinforce and worsen segregation in the Hill District. Respondents further argued that there is no evidence or proof that concentrating more affordable housing on the property would have the effect of affirmatively furthering fair housing.

Respondents City of Pittsburgh, the City of Pittsburgh Planning Commission, and the Urban Redevelopment Authority defended that a private entity, Pittsburgh Arena Real Estate Development, possesses the actual development rights to the property and Respondents Sports and Entertainment Authority and the Urban Redevelopment Authority only have limited advising rights with respect to Pittsburgh Arena Real Estate Development's development plans. Respondents further defended that they have no mechanism to block or alter Pittsburgh Arena Real Estate Development's lawful development plans and the City is required by law to approve any Final Land Development Plan that complies with the Preliminary Land Development Plan and the Zoning Ordinance. They also defended that the Option Agreement with Pittsburgh Arena Real Estate Development does not allow any of the Respondents to unilaterally impose any new terms or conditions on the Preliminary Land Development Plan, such as the addition of more affordable housing or any of the deeper housing subsidies demanded by the Complainant.

Moreover, the Pittsburgh Arena Real Estate Development has not submitted an actual final plan that identifies specifically the amount or income mix of low-income housing they will develop on the property.

#### IV. FINDINGS

##### A. Background

The Hill District is a historically African American collection of neighborhoods near downtown Pittsburgh. In the 1950's, the City used its eminent domain authority to clear many of the businesses and housing in the Lower Hill District to make room for

redevelopment, which resulted in the displacement of more than 8,000 residents and 400 businesses. Most of the residents were African Americans and most of the businesses were owned by African Americans. In the early 1960's, the Civic Arena and adjacent parking lot were built on the site, and the Civic Arena became the home arena of the Pittsburgh Penguins in 1967..

In 2007, in an effort to keep the Penguins from leaving Pittsburgh to play hockey in another city, local and state officials struck a deal with the Penguins ownership, which allowed for the development of a new arena for the Penguins, while also giving the Penguins exclusive development rights to the site of the former Civic Arena.

The following year, in 2008, a coalition of Hill District community organizations (One Hill Neighborhood Coalition or "Coalition"), including the Hill District Consensus Group, appealed the Planning Commission's approval of the new arena. The legal dispute between the parties was settled in August 2008 with the establishment of the Hill District Community Benefits Agreement ("Community Benefits Agreement"), which was entered into by the Coalition, Respondents City of Pittsburgh, the Urban Redevelopment Authority and the Sports and Entertainment Authority, the County of Allegheny, and Penguin Entities, including Pittsburgh Real Estate Development. The Community Benefits Agreement's purpose was to ensure the new arena construction would act as a catalyst for development in the Hill District and would also generate more economic opportunities for residents.

The Community Benefits Agreement provided for \$8.3 million in financial resources for neighborhood improvement projects in the Hill District. The Community Benefits Agreement also stipulated the Sports and Entertainment Authority, City, County, and Urban Redevelopment Authority would procure funding for the development of a Hill District Master Plan, which would serve as a conceptual framework to guide future development projects in the Hill District. The Community Benefits Agreement explicitly stated that "The Hill District Master Plan shall not preempt the authority of the City Planning Commission or any applicable government entity to approve any master plan, any land development, subdivision or other related plans submitted in connection therewith from time to time; provided, however, that the Hill District Master Plan shall serve as a statement of guiding principles for any such plan."

Following an extensive effort to engage residents and community stakeholders, the Greater Hill District Master Plan Final Report was issued in June 2011. Appendix C of the Master Plan outlines "Strategies for Reclaiming the Lower Hill" and includes a statement that "[a]ll housing development plans for the Lower Hill must, to the greatest extent feasible ... provide that at least 30% of all units must be affordable to very low-income households (at or below 50% AMI). If public funding is used or if a project-based subsidy is available, then at least half of the affordable units must, to the greatest extent feasible ... be affordable to extremely low-income households (at or below 30% AMI). In allocating housing and community development resources, the City and Urban

Redevelopment Authority should encourage a higher percentage of affordability and/or the use of deep subsidies to achieve deeper income targeting. To the extent possible, and subject to funding availability and HUD approval, [the Housing Authority of the City of Pittsburgh] should consider making project-based subsidy available for mixed-income housing development in the Hill District, particularly in the Lower Hill.”

In June 2012, Councilman Lavelle convened the Lower Hill Working Group to “assure community participation, representation and the implementation of the Master Plan on the Development Site.”

In September 2012, the Lower Hill Working Group produced a community document it sent to Pittsburgh Arena Real Estate Development. The document outlined the Lower Hill Working Group’s primary goals and objectives for the development of the subject property, with a “conceptual underpinning” from the Master Plan and a “specific focus on how it can be effectively implemented on the Development Site. The Implementation Plan was signed on September 11, 2014, by Pittsburgh Arena Real Estate Development, City, County, and Lower Hill Working Group. Section II.3 of the CCIP explicitly states that the overarching goal is to “provide opportunities for home ownership and affordable housing on the Development Site and throughout the Greater Hill District” and includes a “Success Metric” of 20% inclusionary units on the site with 15% at 80% AMI; 2.5% at 70% AMI; 2.5% at 60% AMI. The Community Collaboration and Implementation Plan further states that “these are goals” and “commercially reasonable efforts” will be made by the development team to meet these goals and that metrics will be maintained for 10 years. Finally, the CCIP obligates PAR and private developers working in the Lower Hill District to commission a housing study and to consider additional inclusionary affordable housing opportunities and potential affordable housing funding and financing sources.

The same day the Community Collaboration and Implementation Plan was signed, Pittsburgh Arena Real Estate entered a Comprehensive Option Agreement (“Option Agreement”) with Respondents Urban Redevelopment Authority and Sports and Entertainment Authority for the development rights to the subject property, which replaced the previous 2007 Option Agreement. On September 19, 2014, Pittsburgh Arena Real Estate Development submitted a preliminary land development plan to Respondent Pittsburgh Planning Commission for review.

On November 18, 2014, Respondent Pittsburgh Planning Commission held a hearing regarding its review and pending approval/disapproval of the Preliminary Land Development Plan for the Lower Hill. Complainant Hill District Consensus Group gave a statement to Respondent Pittsburgh Planning Commission at this meeting stating that: 1) it is highly likely that the housing prices in the Preliminary Land Development Plan (according to the AECOM Market Analysis) would exclude African Americans; 2) the development must create a favorable social impact for agency approval and social impact should be determined in accordance with AFFH obligation; and 3) the development must comply with plans and policies of the City for agency approval and both the 2012 Analysis

of Impediments and the Community Benefits Agreement direct greater affordability than the Preliminary Land Development Plan provides. Complainant asked the Planning Commission to order a fair housing market study.

On December 2, 2014, Respondent Pittsburgh Planning Commission conditionally approved Pittsburgh Arena Real Estate Development's Preliminary Land Development Plan. The approval was conditioned on compliance with Council Bill 2014-0708, which was titled, "Affordability Requirements for Specially Planned Zoning Districts" (pending in City Council at the time) in its current or amended form if approved by City Council. Among its many other provisions, this council bill requires that Specially Planned District plans include at least 30% affordable housing units in new projects. Council Bill 2014-0708, however, was shortly afterwards withdrawn by Councilman Lavelle. The Planning Commission's approval for the Final Land Development Plan was also conditioned on Pittsburgh Arena Real Estate submitting affordable housing plans, approved by the Executive Management Committee of the Community Collaboration and Implementation Plan, for all Final Land Development Plans that include residential development. Finally, all developers involved in Final Land Development Plans must submit a "Statement of Affirmation," affirming that they will use commercially reasonable efforts to collaborate on the implementation of the Community Collaboration and Implementation Plan.

In May 2015, the City of Pittsburgh established an Affordable Housing Task Force. The task force is co-chaired by Councilman Lavelle and City Planning Director Gastil and includes "Policy and Recommendations," "Community Engagement," "Needs Assessment," and "Feasibility" sub-committees and is charged with "assessing the current and projected future landscape of housing affordability in the City of Pittsburgh, evaluating current programs and initiatives to produce new affordable units and preserve existing ones, and provides recommendations to the Mayor and City Council."

## B. Analysis

### Otherwise Deny or Make Housing Unavailable (Disparate Treatment)

Complainant alleges the City Zoning Code requires that proposed developments comply with City plans and policy documents, which would include the Hill District Master Plan. Complainant alleges that Respondent Pittsburgh Planning Commission understood that not requiring Pittsburgh Arena Real Estate to abide by the District Master Plan would exclude African Americans from being able to rent at the subject property, but nevertheless chose to approve the Preliminary Land Development Plan.

To demonstrate a case of disparate treatment, there must be evidence showing, or raising an inference, that Respondents approved the Preliminary Land Development Plan without requiring the amount and level of affordable housing called for in the Hill District Master Plan with the intent to discriminate against African Americans. The investigation did not



uncover any direct or indirect evidence that Respondents sought to make housing unavailable to African Americans at the subject development site because of their race.

Otherwise Deny or Make Housing Unavailable (Disparate Impact)

Complainant alleges that regardless of intent, Respondents' decision to provide conditional approval for Pittsburgh Arena Real Estate Development's Preliminary Land Development Plan for the subject property has a disparate impact on African American residents of the city since the conditional approval does not require housing units that would be affordable to very low- or extremely low-income households. Complainant alleges that a lack of affordable housing for very low income city residents will disproportionately limit African American housing opportunities in the subject property.

To prevail in a claim alleging that policies and procedures have a discriminatory effect on the basis of race, color, or national origin under Title VI:

(a) The evidence must show that a practice or predictably results in a disparate impact on a group of persons on the basis of a protected characteristic.

(b) If the evidence reveals a discriminatory effect, Respondent bears the burden of showing that the challenged practice is necessary to achieve one or more of their substantial, legitimate, nondiscriminatory interests.

(c) Respondent still may be liable under the Act if the evidence shows those interests could be served by another practice that has a less discriminatory effect.

The only "practice" identified by complainant is the decision to approve the preliminary land development plan. The investigation did not find that this action will predictably result in a disparate impact on a group of persons based on race. The investigation found that African American renters in the City of Pittsburgh are disproportionately economically situated at the 0-50% AMI level. The Department found that fewer African American tenants are likely to live at the subject project if the units are rented at 80% AMI as opposed to 50% AMI.<sup>[BMR1][LRL2]</sup> Accordingly, African Americans would be disproportionately unlikely to afford to live at the subject property if units were rented at the minimum numbers and levels of affordability identified as "success metrics" in the CCIP, which was incorporated into the approval of the Preliminary Land Development Plan. However, the investigation found that it cannot yet be predicted what number and level of affordable housing will actually be proposed or created in the Lower Hill District.

The Preliminary Land Development Plan does not propose a specific number of housing units. It does not propose a specific amount or level of affordable housing. It does refer to the Community Collaboration and Implementation Plan, stating: "CCIP is intended to work in parallel with the Preliminary Land Development Plan and to be implemented over

the course of the redevelopment.” While the CCIP contains as “success metrics” the number and levels of affordable units that would exclude a disproportionate number of African Americans from housing opportunities at the Lower Hill District, these metrics are not limits on affordable housing development. The Community Collaboration and Implementation Plan also states that the “Development Team” (PAR and private developers involved in the redevelopment of the Lower Hill District) will do the following:

- “Work with the URA and Housing Authority of the City of Pittsburgh to commission a housing study to determine the current housing demand within the Greater Hill District community, including the Development Site (Housing Study).”
- “discuss potential funding or financing for additional inclusionary housing development on the Development with the public sector, as well as foundations, corporations, and other community groups,”
- “evaluate the inclusion of more affordable rental housing...in the residential development on the Development Site, based on the results of the Housing Study...Additional factors to be evaluated will include applicable density requirements of the PLDP, private and public financing availability for rental and for-sale housing and other relevant market conditions...,”

At the time the complaint was filed, and while under investigation by the Department, no final plan including residential development had been proposed or submitted for review. Given PAR’s and private developers’ obligations under the CCIP to consider additional inclusionary affordable housing opportunities and potential funding and financing sources, it is entirely possible that such plans will involve a higher number and/or level of affordable units than the minimum numbers and levels identified as “success metrics” in the CCIP, which Complainants allege are discriminatory. Therefore, it is not predictable that the approval of the Preliminary Land Development Plan will lead a disproportionate number of African American residents to be excluded from housing opportunities in the Lower Hill District. Accordingly, the first element of a disparate impact claim has not been satisfied.

#### Failure to Affirmatively Further Fair Housing

The investigation revealed that the City of Pittsburgh is a participant in the Department’s Community Development Entitlement Block Grant Program and receives direct HUD funding under that program. As a recipient of Community Development Block Grant funds, the City of Pittsburgh must certify annually that it will comply with the civil rights requirements of the Block Grant Program to include the Fair Housing Act, Title VI of the Civil Rights Act of 1964 and Section 109 of the Housing and Community Development Act of 1974, all of which prohibit discrimination based on race. Additionally, the recipient must certify that it will take actions to affirmatively further fair housing within its jurisdiction. The investigation revealed that the City of Pittsburgh has signed such

certifications in its submissions to HUD.

The Department's regulations, found at 24 CFR 91§225 state "Each jurisdiction is required to submit a certification that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard."

The Complainant alleged that the Respondents, in their oversight, approval, support, ownership, and participation in the development process at the subject property, failed to affirmatively further fair housing.

The investigation revealed that the City of Pittsburgh last updated its Analysis of Impediments to Fair Housing Choice in 2012. The City's continuing need for affordable rental housing was identified as an impediment in that document, as was the need for a countywide approach to affirmatively furthering fair housing. The Analysis of Impediments states as a goal that additional affordable rental housing will be developed outside impacted areas throughout the City of Pittsburgh and the surrounding region, especially for households whose income is less than 50% of the median income.

The Department's review of the 2016 Annual Action Plan for the City of Pittsburgh noted concerns regarding the City's goals and strategies for addressing the need for affordable rental housing impediment. The goal and strategies for addressing this impediment, set forth in the City's Analysis of Impediments, shows an intent to foster or facilitate the construction of new affordable rental units and to provide the means to rehabilitate and maintain existing affordable housing stock. The Department expressed concerns to the City of Pittsburgh regarding placing additional affordable housing in the Hill District, stating that "plans for any new affordable units in the Hill District . . . need to be scrutinized very carefully, and should not proceed unless objective data indicate that the activity will not further concentrate low-income minority residents in these neighborhoods, or further concentrate subsidized rental housing there."

The investigation revealed that the City of Pittsburgh has a population of 304,391. White non-Hispanics account for 66% of the City's population, African Americans account for 26.1%, Asians 4.4% and Hispanics 2.3%. Allegheny County's population is 80.6% white (non-Hispanic) and 13.1% African American

The investigation revealed that the City of Pittsburgh has approximately 175 affordable housing projects throughout the City. As discussed in further detail below, many of those projects are in the Hill District.

There is an estimated total of 1,093 public housing units in the Hill District.

The list of public housing developments under the ownership/management of the Housing Authority of the City of Pittsburgh includes Addison Terrace, The Legacy Apartments, Scattered Sites North, Bedford Hills Apartments Phase 1B, and Bedford Dwellings.

In addition to public housing developments, the Hill District also has several Project-Based Section 8 developments. Bedcliff Apartments, Dinwiddie Housing Phase I, John Paul Plaza, Hill Com I, Hill Com II, K. Leroy Irvis Towers, Allegheny Union Plaza, Allegheny Union Baptist are all Project-Based Section 8 developments in the Hill District. There is an estimated total of 579 of these units in the Hill District.

Additionally, between 2011 through 2016, the Pennsylvania Housing Finance Agency financed the development of 4 different properties in the Hill District through the Low-Income Housing Tax Credit program. The City of Pittsburgh 2015-2017 Analysis of Impediments includes a list of Low Income Housing Tax Credit projects developed through 2012. That list includes 733 affordable units developed in the same zip code as the project site (15219) and lists four additional Low Income Housing Tax Credit projects proposed for zip code 15219.

Further, the investigation revealed the City of Pittsburgh has implemented mixed-income housing projects in high opportunity areas of the city, including in the Larimer/East Liberty apartment community. Under this project, 334 units of mixed-income housing will be created. In 2016, the City of Pittsburgh and the Urban Redevelopment Authority helped ensure 143 units in Crawford Square Apartments, a project adjacent to the subject development site, were preserved for both low and very low income residents.

In summary, the investigation revealed that there are already almost 2,000 subsidized housing units in the Hill District. In 2008, the median household income of the 1-mile radius around the site was \$17,536, which is approximately half of the median household income of the City. [BMR3][LRL4]The investigation established that the Community Collaboration and Implementation Plan was a comprehensive document designed to bring jobs and economic investment and capitalize on new opportunities created by the redevelopment of the arena site. Furthermore, the investigation found that the City intended to use the subject development as a catalyst for revitalization of the Hill District and that the Community Collaboration and Implementation Plan establishes the goal that fifteen percent of the units be affordable at 80% AMI; 2.5% at 70% AMI; and 2.5% at 60% AMI. Accordingly, the Department did not find that Respondents failed to affirmatively further fair housing by approving the Preliminary Land Development Plan for the subject site.

## V. CONCLUSION

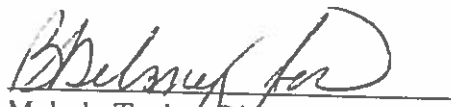
Based on the evidence described above, the Department has concluded that there is no reasonable cause to believe that Respondents City of Pittsburgh, Pittsburgh Planning Commission, Urban Redevelopment Authority and Sports and Entertainment Authority

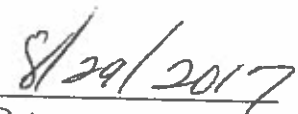
either intentionally or unintentionally discriminated against Complainant Hill District Consensus Group on the basis of race in violation of Sections 804 (a) of the Act. The Department has concluded that Respondents did not violate Title VI of the Civil Rights Act of 1964 or Section 109 of the Housing and Community Development Act of 1974 with respect to the issues alleged in this complaint.

For a copy of the Final Investigative Report for this case contact:

U.S. Department of Housing and Urban Development  
Melody Taylor, Director  
Region III, Office of Fair Housing and Equal Opportunity  
The Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3380

On behalf of the Department of  
Housing and Urban Development

  
Melody Taylor, Director  
Region III, FHEO

  
Date