

An Unfinished Agenda

Why it's time for fair housing and community development to reunite to fight the vestiges of segregation. By [ELIZABETH JULIAN](#)

In the fall 2007 issue of *Shelterforce*, Greg Squires argues that the appropriate response to the U.S. Supreme Court's recent rejection of voluntary programs designed to desegregate public schools is a more aggressive fair-housing movement. I agree. Earlier in the year, in a short piece in the January/February 2007 issue of *Poverty and Race* about what I would propose that the 110th Congress do to effect progressive change around the intersections of race and poverty, I urged that the Democratic-controlled Congress address the issues and challenges presented by our country's segregated condition. Squires urges candidates for the presidency in 2008 to give more attention to the issues related to race, housing, and community-development concerns.

But while both Squires and I strive for a polity in which our elected representatives will address the nation's social and economic inequities, I do not believe that the results we hope for can be achieved either in the context of a political campaign or in the context of public policymaking without (1) the fair-housing and community-development communities coming together around a common agenda that rejects racial segregation as an organizing principle for community and (2) grass-roots advocacy that demands that agenda be reflected in housing and community-development policy at the local, state, and national levels. While this article is primarily directed to those who see themselves as practitioners in the fields of fair housing and community development, because it is at the grass-roots level that this discussion must start, the geography of race is a subject that the country needs to address, and that requires leadership at all levels.



Squires rightly decries Justice Roberts' insistence on "colorblindness" as reflecting either ignorance of the nation's racial history or just another effort to maintain white privilege. But aren't we advocates for low-income people guilty of the same diversionary tactics? In approaching our work, how often have we said among ourselves that "it's class, not race?" We may say it because we want to believe it, or we may say it because we think that the white majority will be more generous in addressing poverty if it is not thought of as a "race issue." Whatever the reason, it is just another way of denying the very real role that race plays in the creation and perpetuation of distressed communities.

If it is not race but only class discrimination that causes social and economic inequities, why are there such stark disparities between poor whites and poor people of color? And if it is race, then *why* is it race? Is it because white people are inherently more functional, capable, etc.? Or is it because America historically erected a social, legal, and political structure that was built upon that assumption, and as a society we have never completely dismantled it? I imagine that *Shelterforce's* readers would say we believe the latter, but we don't act like we believe it. Otherwise, the fair housers and the community developers would be working together more effectively to redress the race-based geographic inequality that oppresses communities of color and the de-facto segregation that limits individual opportunity and choice.

Racial disparities exist in almost every indicator of individual health and well-being. Those disparities play themselves out particularly viciously in the context of low-income communities. By and large, poor whites do not live in or suffer from the conditions that exist in communities of concentrated poverty to the extent that blacks or Hispanics do. These conditions are largely the products of segregation and discrimination, and the solutions must address that legacy directly.

What, specifically, is the legacy of segregation?

1. Minority communities that are located in environmentally degraded areas.
2. Minority communities subjected to decades of discrimination in the provision of public services.
3. Minority communities avoided by private retail investment because of residents' race, and assumptions about their ability to function as a "market."
4. Minority communities avoided by job creators because of assumptions about the conditions in the community and the abilities of the work force that lives there.
5. Chronically under-funded schools in minority communities, the consequence of unequal distribution of resources based upon racial geography, which continue to struggle to serve a student population that is disproportionately disadvantaged.
6. Minority individuals subjected to economic discrimination that depressed earning power and incomes.
7. Minority individuals whose parents were not able to acquire property and accumulate wealth on the same terms as whites because of discrimination in the real-estate market, leading to a racial gap in inherited wealth particularly with the aging of the Baby Boomer generation.
8. White communities that, as they became more racially diverse, were targeted for disinvestment by the public and private sectors, making it more difficult to achieve the benefits of a more integrated community.
9. Exclusive white communities whose real-estate prices and property values are based upon assumptions about the negative impact of "too much" of a minority presence. This "segregation premium," which whites are often willing to pay for that reason, reinforces the notion that more inclusive racially and economically diverse communities are undesirable.

Squires suggests that a number of things are being done, and can be done, to address these and other legacies of segregation both in terms of individual housing discrimination and community-based discrimination. I agree with most of his suggestions, as well as with his observation that individual fair-housing cases, while absolutely appropriate and necessary, are not sufficient to address the larger task. I would urge fair-housing and community-development advocates to come together in their work on the ground and in their public-policy work around a more ambitious agenda that reflects the individual, institutional, and structural aspects of the problem of racial segregation in our communities. What might that agenda look like?

Congress should hold hearings and make findings about the extent and scope of the ongoing effects of segregation on individuals and communities. The record has been made in courts, in academia, and in social-policy circles, but not in the one place it could matter most: Congress. Findings based upon a thorough and honest assessment of the lingering effects of segregation would not only spur a legislative response for explicit remedial measures to address segregation's vestiges but would also provide support for other advocacy work by fair-housing and community-development activists.

For example, while the legislative history of the Fair Housing Act and legal decisions interpreting it have made clear that addressing segregation is one of the act's purposes, the act itself does not use the term "segregation." Perhaps that wasn't necessary in 1968 when racial segregation was the housing civil-rights issue, but today the act, particularly as amended, is a much bigger tent, and the country's consciousness of the history and ongoing effects of segregation has dimmed. Congress should make explicit that the duty to further fair-housing practices imposes a responsibility on recipients of housing and community-development funds to take affirmative steps to ameliorate racial segregation, and make it a violation of the Fair Housing Act for governmental entities to engage in policies or practices that perpetuate racial segregation.

Moreover, Congress should evaluate all existing housing and community-development programs from the standpoint of whether they are currently designed to achieve the legitimate governmental interest of reducing segregation and racial isolation in residential housing markets. The HOPE VI public-housing program, which is replacing distressed public housing with new mixed-income development, must balance the interests of the current residents who may want to return to the redeveloped site with the need to break the stranglehold of segregation that public housing has historically represented. This can be accomplished by requiring some replacement units in non-minority, lower-poverty areas where no public housing currently exists and guaranteeing that no resident of, or applicant for, public housing is required to accept a unit in a census tract in which his race predominates as a condition of receiving federal housing assistance.

In the Section 8 voucher program, Alex Polikoff's proposed national housing mobility program, calling for a realistic targeting of housing vouchers toward the minority poor locked into inner-city ghettos (see "Lessons from a Chicago Saga," *Shelterforce*, Spring 2007), should be implemented as a means of supporting minority families who wish to make that housing choice but are currently held hostage by housing policy that does not recognize the fair-housing rights of low-income people.

The Low Income Housing Tax Credit program—one of the most important vehicles for the creation of new affordable housing—currently requires that tax credits be targeted toward Qualified Census Tracts (any census tract in which at least 50 percent of households have an income of less than 60 percent of the area median gross income.) As a practical matter this steers tax-credit developments into high-poverty, racially concentrated areas and is an excellent example of how a housing program can be used to perpetuate rather than ameliorate segregation. The tax-credit statute should be amended to more effectively balance the interests

of community revitalization with the goal of affirmatively furthering fair housing by expanding housing available to low-income families in higher-opportunity areas.

The Community Reinvestment Act should provide for incentives to financial institutions whose investments promote more racially and economically inclusive communities, including housing-related financing that expands housing opportunities for low-income families in high-opportunity areas where there is little or no affordable housing. In the private homeownership market, local initiatives such as that undertaken by the Village of Oak Park, Ill., to which the Squires article alluded, including subsidizing mortgages for families whose move into a neighborhood contributed to racial diversity and reduced racial isolation, are examples of the kinds of unapologetic race-conscious efforts to undo the legacy of segregation our policymakers should pursue.

Fair-housing organizations and advocates should refocus their advocacy on the systemic problem of institutionalized discrimination and segregation, including initiating litigation based in case law regarding the appropriate role of the Fair Housing Act in promoting integration and dismantling segregation. In *ACORN, et al v. Garden City, et al*, for example, a recent case filed in New York State under the Fair Housing Act and related civil rights laws, a local community organization is challenging a historically white city's pattern and practice of excluding affordable housing in order to keep out people of color. The case involves a nonprofit seeking to develop an affordable-housing site, along with individuals who would like to reside in the affordable housing once it is built. The suit recognizes that allowing overwhelmingly white communities to engage in land-use practices that exclude low-income people of color is as unacceptable as refusing to provide services to a overwhelmingly minority community.

Those working in low-income communities of color no doubt know that the conditions which residents face often are the result of systemic and structural imperatives that were begat by legally imposed segregation. For this reason, they should be bolder in using litigation and other forms of race-based advocacy to obtain resources and remedy for those communities. Municipal-services cases filed by legal-services and civil-rights advocates during the 1970s and early 1980s documented the conditions in the minority community involved that were the result of conscious and deliberate governmental action to deprive them of the support and services that existed in areas where whites lived. (See *Hawkins v. Town of Shaw*, 438 F.2d 1286 (5th Cir. 1971), *aff'd en banc*, 461 F.2d 1171 (5th Cir. 1972); *Johnson v. city of Arcadia*, 450 F. Supp. 1363 (MD.Fla. 1978); *Dowdell v. City of Apopka*, 511 F. Supp. 1375, *aff'd in part*, and *rev'd and remanded in part*, 698 F. 2d. 1181 (1983).)

More recently, litigation in Dallas on behalf of a minority neighborhood led a federal court to conclude that "...The sordid history of the City's decision making process regarding racially-segregative zoning and related policies, when viewed in conjunction with the discriminatory effects of zoning decisions, industrial nuisances, and landfill practices, offers substantial circumstantial of evidence of discriminatory intent." (See *Miller v. City of Dallas*, 2002 WL 230834, N.D.Tex. 2002.)

Litigation and administrative advocacy initiated by the National Fair Housing Alliance and its affiliates on the issue of property insurance and lending discrimination has effectively used the Fair Housing Act to address the effects of segregation on the opportunities afforded both individuals and communities. Those cases, and related advocacy efforts, reveal how resources that are essential to stable, healthy, and prospering neighborhoods and communities have been withheld from minority communities by private business enterprises because of the predominant race of the areas' residents.

Finally, in a recent case, *Kennedy, et al v. City of Zanesville, et al*, a black community in Ohio is suing under the Fair Housing Act and other civil-rights statutes for the decades-long refusal of the white-controlled governmental entities of which they are a part to run water lines to the Coal Run Road area. The facts reveal that members of the community, located just outside the City of Zanesville, were relatively organized and worked for years to get the various governmental bodies involved to extend water lines to Coal Run Road. However, it was not until the black residents hired legal counsel and filed a discrimination complaint in 2002 based upon the Fair Housing Act that the governor's office stepped in and convened a meeting of all concerned to address the issue. Coal Run residents finally received running water in early 2004. The pending lawsuit, which seeks damages, is instructive of the role that effective race-based legal advocacy can play in effecting remedy for a longstanding pattern and practice of discrimination in the way a minority community has been treated in the context of provision of public services (or lack thereof).

Community development organizations should harness gentrification efforts rather than oppose them, by being open to greater racial and economic inclusiveness that protects and insures current residents a continued place in the community and at the decision table. Recent *Shelterforce* articles ("The Purchase of a Lifetime" and "A Winning Campaign," Spring 2007) about residents' fight to stay in a gentrifying Washington D.C. neighborhood and a community embracing inclusionary zoning as a means to respond to gentrification underscore the difficulties of learning to "live together" in the wake of neighborhood change, but they also reveal the possibilities for a positive outcome.

Anyone involved in affordable-housing development is all too aware of the NIMBY dynamic, whereby local officials give in to angry white homeowners who do not want housing that might be occupied by "those people" in their neighborhood. No one should give implicit support to these actions by failing to condemn them and/or agreeing that the affordable housing should be

put only where poor people already live, and only where it is “wanted.” Allowing NIMBYism to act as an effective heckler’s veto to efforts to expand affordable housing in non-low-income, predominately white communities may theoretically make more affordable-housing resources available to low-income communities, but it is a Faustian bargain. It helps perpetuate the perception that low-income people of color are happy being “contained” in “their” communities and ignores the fact that low-income people of color, no less than their middle-class counterparts, are not monolithic in their desires about where and how they want to live.

Community-development activists should partner with fair-housing activists to break down barriers that exclude low-income people of color from a community where it is clear that the legacy of segregation is otherwise going to persist. Without such concerted efforts to break segregation’s bonds, community-development practitioners effectively and repeatedly undermine the mission at the heart of their field. A society that allows such exclusion is not likely to be a society that will see the needs and viability of a minority community as a high priority. Advocates interested in working outside the traditional community-development and fair-housing boxes can employ community-organizing skills to identify and organize groups of individuals who want to live in more diverse and inclusive communities and provide them with the tools to make their voices heard.

If Squires is right—and I think he is—that the Supreme Court has put fair housing back on the social and political agenda, it will only stay there with effective advocacy. While the term “fair housing” has come to mean many things both in the courts and in the arena of public policy, the core issue that the Supreme Court’s education decisions thrust back into the national debate and into the national psyche is *racial segregation*. And although the terms “movement” and “activist” may seem relics of a bygone era to many of us who now think of ourselves as “practitioners” in our chosen “fields,” community developers and fair-housing advocates would do well to reconnect with our common history and sense of social and racial justice that spurred the work that we do as a catalyst for concerted action.

There will be a new U.S. president elected in 2008, and signs are that the country is prepared to move toward a more progressive agenda on many fronts. It’s time for the fair-housing and community-development worlds to come together to lay out a common agenda calling for fair and affordable housing in stable, healthy communities that are racially and economically inclusive. This will require that we deal forthrightly with the national legacy of racial segregation and what it means for the people and the communities of which we are all a part. It is the elephant in the room, and he is not going away.

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RELATED RESOURCES

- [Poverty and Race Research Action Council, Inc.](#)
- [The Kirwan Institute for the Study of Race and Ethnicity](#)
- [PolicyLink, Inc.](#)
- "[Structural Racism and Efforts to Radically Reconstruct the Inner-City Built Environment](#)," by Henry Louis Taylor, Jr. and Sam Cole.
- [Metropolitan Housing & Communities Policy Center hosted by The Urban Institute](#)