

1: INTRODUCTION

FRIENDS OF FAIR HOUSING,

On April 11, 1968, the federal Fair Housing Act was signed into law. On that day, President Lyndon B. Johnson stated that, “Now, with this bill, the voice of justice speaks again. It proclaims that fair housing for all — all human beings who live in this country — is now a part of the American way of life.”

The hard-fought struggle for many decades to pass a federal law would not have been possible without organizing efforts led by civil rights organizations, religious leaders, and ordinary Americans who cared deeply about equality and justice. Demonstrations and marches occurred in many cities, demanding fair housing and an end to segregation. Tragically, in the end, it took the assassination of Rev. Dr. Martin Luther King Jr. on April 4, 1968 and the subsequent eruption of violence in dozens of American cities to propel Congress to pass the Act.

Dr. King was deeply committed to fair housing and what he deemed to be the goal of the civil rights movement – the creation of the beloved community. He understood that residential segregation was the foundation for many of the inequalities of our society, and therefore, fair housing was a requisite cornerstone of a just society. Dr. King once said, “Our goal is to create a beloved community, and this will require a qualitative change in our souls as well as a quantitative change in our lives.” In other words, to create the beloved community requires not only winning hearts and minds, but also both restraining the actions of the heartless who discriminate and instituting policies that foster the creation of more just, equitable, and inclusive communities. For Dr. King, the beloved community was not an abstract ideal or unattainable dream, it was a worthy goal that was fully achievable. The future Dr. King envisioned was a place free from discrimination and segregation, in housing and all facets of American life.

That is what the Fair Housing Act represented – a way to move this nation just a little closer to creating the beloved community that Dr. King and so many others envisioned.

But fifty years later, the promise of the Fair Housing Act remains unfulfilled and the beloved community unrealized. The Fair Housing Act’s goals of equal housing and integration remain elusive as illegal housing discrimination and residential segregation persist at unacceptable levels. The inequalities that flow from residential segregation continue to harm some of the most marginalized and vulnerable populations in our society.

For over four decades, my life’s work has been devoted to enforcing fair housing laws. While I acknowledge that, as a nation, we have made some progress and we are certainly better for having established fair housing as the law of the land, we still do not have fair housing. The social, political, and economic resistance to fully implementing fair housing policies and practices is still quite formidable. Housing discrimination based on race, national origin, disability, source of income, sexual orientation, and other protected characteristics is still pervasive.

After more than a decade of working to promote fair housing in the New York City region, those of us at the Fair Housing Justice Center (FHJC) have come to recognize that we need to cultivate many more allies in this struggle who can work with us to advance fair housing. It is for this reason that the FHJC, along with our partners Union Theological Seminary and the Interfaith Assembly on Homelessness and Housing (IAHH), launched the *Building the Beloved Community* interfaith initiative in honor of the 50th anniversary of the passage of the federal Fair Housing Act.

When we first thought about how we could engage people of faith to advocate on fair housing issues through this initiative, we realized that a guide about fair housing, past and present, did not exist. Therefore, we created this Fair Housing Toolkit to assist diverse faith communities in promoting fair housing.

This toolkit can be used as a resource to educate yourself about fair housing history as well as current issues, to inform you about your fair housing rights, and to empower you and your faith community to advance fair housing. Above all, we hope the information contained in this toolkit will inspire your religious congregation or faith community to join our Interfaith Action Network so that you can be engaged in this struggle for fair housing. If we hope to make more progress over the next fifty years than we did in the past fifty years, we need your support, your engagement, your voice, and your leadership. Please join with us in our effort to build the beloved community by working to promote fair housing and create a metropolitan region of more welcoming, open, and inclusive communities.

Sincerely,

A handwritten signature in black ink that reads "Fred Freiberg". The signature is written in a cursive, flowing style.

Fred Freiberg
Executive Director
Fair Housing Justice Center

ABOUT THE BUILDING THE BELOVED COMMUNITY INITIATIVE

The *Building the Beloved Community* initiative is aimed at harnessing the power of religious communities and faith-based organizations to work toward building the beloved community by advancing fair housing in the New York City region. The *Building the Beloved Community* is being organized by the Fair Housing Justice Center, and in partnership with Union Theological Seminary and the Interfaith Assembly on Homelessness and Housing, in honor of the 50th anniversary of the passage of the federal Fair Housing Act. This initiative is focused on educating faith communities and organizations across the region about our shared history of discrimination and residential segregation; providing information about fair housing rights and how to exercise them; and empowering individuals and communities to effectively act for justice on fair housing issues in order to create more equitable, welcoming, and inclusive communities. This collaborative effort between fair housing advocates and leaders from diverse faith communities will help move us much closer to realizing Dr. King's vision of the beloved community.



To learn more about this project, visit www.bbcfairhousing.org.

ABOUT THE FAIR HOUSING JUSTICE CENTER

The Fair Housing Justice Center (FHJC), a nonprofit civil rights organization is dedicated to eliminating housing discrimination; promoting policies and programs that foster more open, accessible, and inclusive communities; and strengthening enforcement of fair housing laws in the New York City region. The FHJC serves all five boroughs of New York City and the seven surrounding New York counties of Nassau, Suffolk, Rockland, Dutchess, Orange, Putnam and Westchester.



In order to achieve its mission, the FHJC:

- Assists individuals and organizations with housing discrimination complaints to exercise their fair housing rights.
- Initiates investigations to identify, document, and eliminate systemic housing discrimination.
- Advocates for programs and policies that create more open, accessible, and inclusive communities.
- Engages in outreach and educational activities to increase public awareness about fair housing rights.
- Provides technical assistance, training and other tools to upgrade and strengthen fair housing law enforcement.

The FHJC's counseling and investigative services are provided to the general public free of charge without regard to household income.

In the past 13 years, the FHJC as established itself as a leader in fair housing at the local, state, and national level. FHJC investigations have led to dozens of legal challenges that have changed the way many housing providers and other do business; opened tens of thousands of housing units to populations previously excluded; and yielded millions in damages and penalties for victims of housing discrimination. Most importantly, by empowering people to exercise their fair housing rights, the FHJC has changed lives. FHJC's work has influenced local, state, and national housing policies; increased public awareness about fair housing issues and rights; and improved how fair housing laws are enforced.

To learn more about the Fair Housing Justice Center, visit www.fairhousingjustice.org.

ACKNOWLEDGMENT AND DISCLAIMER

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2: FAIR HOUSING HISTORY

PART 1 HOW OUR METROPOLITAN REGIONS BECAME RACIALLY SEGREGATED (1890'S-1950'S)

IN THE LATE 1800'S, MANY AFRICAN AMERICAN INDIVIDUALS AND FAMILIES BEGAN MOVING FROM THE SOUTH TO OTHER PARTS OF THE UNITED STATES. This was the beginning of what historians often refer to as the “Great Migration,” in which over five million African Americans moved from the South to other parts of the United States before 1960.¹ To be sure, many families faced overt housing discrimination encountering landlords, developers, and homeowners who refused to rent or sell to them. Yet others found housing providers who were willing to convey property without regard to race. As a result, some African American households were able to acquire apartments, homes, and farms in various cities and neighborhoods throughout the United States. Even though African American people faced significant discrimination, and even violence at times, they were not systematically segregated in predominantly African American neighborhoods during this time.² The 1890 Census illustrates that no major metropolitan area showed rigid patterns of residential racial segregation.³ Several events would radically change that reality.

First, in 1896, the U.S. Supreme Court ruled in *Plessy v. Ferguson* that a Louisiana law mandating segregation on rail cars was not unconstitutional. This decision established the legal foundation for many state and federal laws, sometimes referred to as “Jim Crow” laws, that enforced racial segregation. *Plessy* also advanced the proposition that “separate” could be “equal” under the law, which had a profound impact on housing policies and practices throughout the first half of the 20th Century.⁴

The second significant development at the turn of the century was the formation and growth of an organized real estate industry that embraced, as one of its guiding principles, the necessity of segregating the races. The National Association of Real Estate Exchanges (NAREE), formed in 1908, instructed its members as early as 1913 to not contribute to race mixing.⁵

Around the same time, many local governments used their legislative authority to promote racial segregation. In 1910, after the City of Baltimore passed a racial zoning ordinance, cities in Alabama, California, Colorado, Florida, Georgia, Kentucky, Maryland, Missouri, North Carolina, Oklahoma, South Carolina, Texas, and Virginia passed similar laws.⁶ These ordinances identified the areas where people could live based on their race for the express purpose of keeping the races separated. These apartheid laws were crafted by white political leaders who were interested in “protecting” white neighborhoods from encroachment by African Americans and other people of color. An ordinance passed in 1914 by Louisville, Kentucky read:

1 William Cohen, *The Great Migration as a Lever for Social Change*, in *Black Exodus: The Great Migration from the American South* 78 (Alferdteen Harrison ed., 1991).

2 Douglas S. Massey & Nancy A Denton, *American Apartheid: Segregation and the Making of the Underclass* 14-26 (1993).

3 Robert L. Dorman, *The Creation and Destruction of the 1890 Federal Census*, 71 *Am. Archivist* 350, 350-83 (2008).

4 Harvey Fireside, *Separate and Unequal: Homer Plessy and the Supreme Court Decision that Legalized Racism* (2005).

5 Stephen P. Meyer, *As Long As They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* 7 (2001).

6 Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* 45-46 (2017).

“An ordinance to prevent conflict and ill-feeling between the white and colored races in the City of Louisville, and to preserve the public peace and promote the general welfare, by making reasonable provisions requiring, as far as practicable, the use of separate blocks, for residences, places of abode, and places of assembly by white and colored people respectively.”⁷

Contrary to prior cases, a 1917 Supreme Court decision, *Buchanan v. Warley*, held that Louisville’s racial zoning ordinance was unconstitutional.⁸ Despite this decision, the National Association for the Advancement of Colored People (NAACP) spent more than three decades challenging the continued use of racial zoning throughout the southern United States.⁹

Through numerous legal challenges, cities were eventually proscribed from using their zoning powers to explicitly dictate where people could live based on race. But the organized real estate industry was not easily deterred. In 1916, NAREE changed its name to National Association of Real Estate Boards (NAREB). In 1917, NAREB advocated for the use of “race restrictive covenants” on property deeds and for the development of “Homeowner Associations” to “protect” new subdivisions. Race restrictive covenants, enforceable in state courts, were used to prevent African Americans and other people of color from moving to white neighborhoods.¹⁰ A 1919 covenant from a subdivision in the Milwaukee suburb of Wauwatosa, Wisconsin stated:

“At no time shall the land included in the Washington Highlands or any part thereof, or any building thereon be purchased, owned, leased or occupied by any person other than of white race. This prohibition is not intended to include domestic servants while employed by the owner or occupant of any land included in the tract.”¹¹

By 1924, NAREB adopted and enforced a new Code of Ethics which made it an ethical duty for a member real estate agent or broker to discriminate based on race and national origin.¹² Article 34 of the Code, which remained in effect until 1950, read:

“A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality or individuals whose presence will clearly be detrimental to property values in that neighborhood.”¹³

During this time, the leadership of NAREB was coordinating and supporting efforts by many local real estate boards to develop and implement plans to restrict the movement of African American people and other people of color to white neighborhoods. To aid local Boards with these efforts, NAREB developed and disseminated a “model” race restrictive covenant in 1927.¹⁴ One provision of the model agreement that was circulated stated:

“1. The restriction that no part of said premises shall in any manner be used or occupied directly or indirectly by any negro or negroes, provided that this restriction shall not prevent the occupation, during the period of their employment, of janitors’ or chauffeurs’ quarters in the basement or in a barn or garage in the rear, or of servants’ quarters by negro janitors,

7 Baltimore, Md., Ordinance 692 (May 15, 1911).

8 *Buchanan v. Warley*, 245 U.S. 60 (1917).

9 Richard A. Epstein, *Lest We Forget: Buchanan v. Warley and Constitutional Jurisprudence of the Progressive Era*, 51 Vand. L. Rev. 787 (1998).

10 Karl Taeuber, *The Contemporary Context of Housing Discrimination*, 6 Yale L. & Pol’y Rev. 339, 340-42 (1988).

11 Lois M. Quinn, *Racially Restrictive Covenants: The Making of All-White Suburbs in Milwaukee County* 2 (1979).

12 Joe R. Feagin, *A House is Not a Home: White Racism and U.S. Housing Practices*, in *Residential Apartheid: The American Legacy* (1994).

13 Margalynne Armstrong, *Race and Property Values in Entrenched Segregation*, 52 U. Miami L. Rev. 1051 (1998).

14 Allen R. Kamp, *The History behind Hansberry v. Lee*, 20 U.C. Davis L. Rev. 481 (1987).

chauffeurs or house servants, respectively, actually employed as such for service in and about the premises by the rightful owner or occupant of said premises.”¹⁵

By 1928, half of all homes owned and occupied by white people in the United States had deeds with race restrictive covenants.¹⁶ The proliferation of race restrictive covenants by a burgeoning real estate industry, enforceable by state courts of law, effectively segregated many of America’s neighborhoods by race.¹⁷ In many cities, governmental racial zoning was also responsible for creating clear patterns of residential segregation.¹⁸ While American cities became more segregated by race, the American economy was about to collapse.

The Great Depression of 1929 prompted the federal government to establish housing policies and programs as part of the “New Deal,” all designed to stabilize our nation’s economy and rebuild the middle class. But the “New Deal” was no deal for African American citizens. Most African American people were excluded from the benefits of programs that would ensure access to decent rental housing and home ownership opportunities. When African American participation was permitted, it was almost always on a segregated basis.¹⁹

Out of the New Deal, the Federal Home Loan Bank Act established the Federal Home Loan Bank Board (FHLBB) in 1932. The FHLBB provided funds to Savings and Loan Associations to make homeownership more accessible and affordable, but not to everyone. The Home Owners Loan Act of 1933 established the Home Owners Loan Corporation (HOLC). The HOLC, a public agency administered by the FHLBB, made refinancing available at low cost to help homeowners who were struggling to make their mortgage payments. The FHLBB commissioned the development of a rating system for neighborhoods for use by the HOLC with “Residential Security Maps” which included four categories.²⁰ The least desirable areas, where financing was not available, were neighborhoods where African American people resided and were coded “Red.” This is the origin of the practice later adopted by some lenders known as “redlining.” While the HOLC stopped purchasing loans by June 1936, the federal government continued to discriminate in its housing programs.

Congress, through the National Housing Act of 1934, created the Federal Housing Administration (FHA). The FHA adopted the residential security map system used by the HOLC but additionally aided appraisers by providing a worksheet (FHA Form 2082) that included a “Racial Occupancy Designation” with space to indicate if a neighborhood was “White,” “Mixed,” “Foreign,” or “Negro.” The FHA also provided a “Model” race restrictive covenant and **required** it to be used as a condition for obtaining FHA financing.²¹ Here is an excerpt out of the 1938 FHA Underwriting Manual:

“Areas surrounding a location are investigated to determine whether incompatible racial and social groups are present, for the purpose of making a prediction regarding the probability of the location being invaded by such groups. If a neighborhood is to retain stability, it is necessary

¹⁵ *Id.*

¹⁶ David M.P. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America* 94 (2007).

¹⁷ Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (1987).

¹⁸ Paige Glotzer, *Exclusion in Arcadia: How Suburban Developers Circulated Ideas about Discrimination, 1890–1950*, 41 *J. Urb. Hist.* 479 (2015).

¹⁹ Susan J. Popkin, George C. Galster, Kenneth Temkin, Carla Herbig, Diane K. Levy, & Elsie K. Richer, *Obstacles to Desegregating Public Housing: Lessons learned from Implementing Eight Consent Decrees*, 22 *J. Pub. Policy Analysis & Mgmt.* 181 (2003).

²⁰ Lois Lee Woods II, *The Federal Home Loan Bank Board, Redlining, and the National Proliferation of Racial Discrimination 1921-1950*, 38 *J. Urb. Hist.* 1036 (2012).

²¹ Keith F. Gotham, *Urban Space, Restrictive Covenants and the Origins of Racial Residential Segregation in a US City, 1900-50*, 24 *Int'l J. Urb. & Reg'l Res.* 616 (2000).

that the properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally contributes to instability and a decline in values.”²²

Between 1930 and 1950, three out of five homes purchased in the United States were financed by the FHA, yet less than 2% of the FHA loans were made to non-white buyers.²³

By the mid-1930's the federal government provided financing for the development of public housing to alleviate overcrowding in congested urban areas and provide decent, safe, and affordable housing for families. Localities were permitted to determine both the location of public housing and who would occupy it. As a result, most public housing was initially operated on a racially segregated basis with public housing for whites located in white neighborhoods and public housing for African Americans located in predominantly black neighborhoods.²⁴

During World War II, U.S. military troops served in fighting units segregated by race. Back in the United States, the federal government financed war worker housing that was usually segregated by race as well.^{25 26} Following the war, returning African American veterans continued to face segregation and exclusion.²⁷ The Serviceman's Readjustment Act of 1944 enabled the Veteran's Administration (VA) to make mortgages available to returning veterans, but the VA adopted the FHA's discriminatory underwriting standards.²⁸ As a result, most African American veterans were ineligible to purchase homes through this program. Additional housing developments were built throughout the country for returning veterans and most were only available on a racially segregated basis.

The FHA and VA loan programs made homeownership a reality for the majority of white Americans. Between 1934 and 1969, the homeownership rate increased from 44 to 63 percent.²⁹ During this same period, less than one percent of all African Americans were able to obtain a mortgage through these programs.³⁰ Thus, while the federal government rebuilt the white middle-class, the opportunity to create transgenerational wealth through homeownership was denied to minority households.³¹ As a result, white non-Hispanic households currently have a median net worth of \$79,400 compared to \$7,500 for African American households.³²

Federal housing policies in the 1930's and 40's helped to solidify residential segregation in most of our nation's metropolitan regions. By 1948, 85% of all new residential developments in the United States were racially restricted.³³ A public policy group, Citizen's Governmental Research Bureau, in

22 John Kimble, *Insuring Inequality: The Role of the Federal Housing Administration in the Urban Ghettoization of African Americans*, 32 *Law & Soc. Inquiry* 399, 399-434 (2007).

23 Marc Seitles, *The Perpetuation of Residential Racial Segregation in America: Historical Discrimination, Modern Forms of Exclusions, and Inclusionary Remedies*, 14 *J. Land Use & Envtl. L.* 89 (1998).

24 Richard H. Sander, *Housing Segregation and Housing Integration: The Diverging Paths of Urban America*, 52 *U. Miami L. Rev.* 977 (1998).

25 *New Apartment Buildings Exclusively for Negroes*, *Milwaukee J.*, July 11, 1943.

26 *Two Negro Housing Projects Approved; to Hold 42 Units*, *Milwaukee Sentinel*, Nov. 25, 1943.

27 *Negro Housing Project Leads to Noisy Protests*, *Milwaukee Pub. Paper*, May 8, 1994.

28 Massey, *supra* note 2 at 53.

29 Douglas S. Massey, *Origins of Economic Disparities: The Historical Role of Housing Segregation*, in *Segregation: The Rising Costs for America* 39-80 (James H. Carr & Nadine K. Kutty eds., 2008).

30 Stella J. Adams, *Putting Race Explicitly into the CRA*, in *Revisiting the CRA: Perspectives on the Future of the Community Reinvestment Act* 167, 168 (Prabal Chakrabarti et al. eds., 2009).

31 *Id.*

32 G. William Domhoff, *Power in America: Wealth, Income, and Power, Who Rules America?* (Apr. 2017), <https://whorulesamerica.ucsc.edu/power/wealth.html>.

33 David M. P. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America* 94 (2007).

Milwaukee reported in 1946 that 90% of all land in the City of Milwaukee deeded since 1910 contained race restrictive covenants.³⁴

A Supreme Court decision in 1948, *Shelley vs. Kramer*, declared that race restrictive covenants could not be enforced in courts of law.³⁵ This decision, however, did not deter real estate agents and homeowners from continuing to use race restrictive covenants and place them on property deeds throughout the 1950's and well into the 1960's.³⁶ Whites were able to move, often aided by federally-insured mortgages, to newer neighborhoods and suburbs that were racially restricted, while most African Americans remained isolated and contained in overcrowded central city neighborhoods and too often relegated to unsafe, unhealthy, and sub-standard housing.³⁷

Many of the prominent leaders and thinkers within the real estate industry and government during the early part of the 20th century were concerned with preserving and protecting white neighborhoods, white privilege, and white wealth. The actions of these white men were predicated on a set of racist beliefs that African Americans and other people of color, because of their perceived inferiority, posed an inherent threat to property values and the economic interests of white people. Some of these architects of American residential segregation were transparent about their racial views and it is reflected in their writings. It is noteworthy that many of the white men (e.g., Ely, Babcock, Fisher, Hoyt, etc.) who were involved in crafting the discriminatory federal housing policies and programs that emerged from the New Deal were the same men who had been key architects of the segregationist policies advanced by the real estate industry in the 1920's, policies that had created a dual housing market and racially segregated neighborhoods in our metropolitan regions.

It is vital to understand the interplay and coordination between a real estate industry that was driven by an explicitly racist ideology and government agencies that formulated equally discriminatory federal housing policies. It is difficult to even comprehend the enormous private and public resources that were devoted to segregating the races or the massive number of people and institutions that became deeply invested in creating and sustaining residential racial segregation in the United States.

The history of housing segregation illuminates many truths about our current society. First, it is necessary that we recognize the fact that our nation, both through our government and many of our private institutions, intentionally segregated the races and that these discriminatory actions unfairly benefited white people, socially and economically, over generations. These actions systematically harmed and isolated African Americans and other people of color. Secondly, this history amply demonstrates why the American civil rights movement fought hard to pass the historic federal Fair Housing Act fifty years ago. Finally, this history also provides useful insights into what level of effort and resources may be required over time to create more open, equitable, and integrated metropolitan regions.

34 Metropolitan Milwaukee Fair Housing Council, *Analysis of Impediments to Fair Housing: Milwaukee County, Wisconsin 2008 98-99* (2008).

35 Mark Tushnet, *Shelley v. Kraemer and Theories of Equality*, 33 N.Y.L. Sch. L. Rev. 383 (1988).

36 Joe T. Darden, *Black Residential Segregation Since the 1948 Shelley v. Kraemer Decision*, 25 J. Black Stud. 680 (1995).

37 A. Leon Higginbotham, Jr., *Race, Sex, Education and Missouri Jurisprudence: Shelley v. Kraemer in a Historical Perspective*, 67 Wash. U. L. Rev. 673 (1989).

SOME OF THE ARCHITECTS OF AMERICAN SEGREGATION

RICHARD T. ELY, an economist, sometimes referred to as the “father of real estate” or “father of land economics,” established the Institute in Land Economics and Public Utilities at the University of Wisconsin in 1920. In his book, *Outlines of Economics* (1914) Ely attributed the poverty of African Americans to the “economic inertia and shiftlessness of Negroes themselves.”³⁸ Ely asserted that “lower strata groups” are best suited for agricultural tenancy because they “are deficient in economic qualities. The Negroes of the South furnish an illustration.”³⁹ Ely worked closely with the U.S. Dept. of Commerce in establishing the federal Home Owners Loan Corporation (HOLC) in 1933.

NATHAN WILLIAM MACCHESNEY served as General Counsel to the National Association of Real Estate Boards (NAREB). Nathan MacChesney authored the Realtors Code of Ethics (1924-1950) including Article 34. MacChesney also authored and, through NAREB, distributed a model race restrictive covenant available for use by Realtors in 1927.

FREDERICK BABCOCK was a prominent real estate appraiser. In his book, *The Valuation of Urban Real Estate* (1932), Babcock wrote, “Among the traits and characteristics of people which influence land values, racial heritage and tendencies seem to be of paramount importance.”⁴⁰ He added, “Most of the variations and differences between people are slight and value declines are, as a result, gradual. But there is one difference in people, namely race, which can result in a very rapid decline. Usually, such declines can be partially avoided by segregation and this device has always been in common usage in the South where white and Negro populations have been separated.”⁴¹ Babcock became the chief appraiser and Assistant Administrator for the Federal Housing Administration from 1934-40 and the author of several editions of the FHA Underwriting Manual.

ARTHUR A. MAY was the former dean of the American Institute of Real Estate Appraisers. In *Valuation of Residential Real Estate* (1942), May explained that the essential criterion of the neighborhood is the resident’s homogeneity in income level, race and ethnic background, and, to a lesser extent, religion.⁴² In discussing depreciation, May defined economic obsolescence as loss in value arising from decrease in owner-occupancy appeal and consequent lack of demand. He cited, “the encroachment of inharmonious racial or national groups—all these bring with them a decrease in owner-occupancy appeal and loss in value.”⁴³ In a section entitled “Infiltration of inharmonious people” May wrote, “The encroachment of an antipathetic racial or national group brings with it, first, the threat and, ultimately, the effect of decreased values... In every large city housing a proportion of foreign-born or people of races other than white, this situation must be reckoned with.”⁴⁴ May’s theory that the movement of inharmonious racial groups into a neighborhood adversely impacts the value of property was incorporated into federal policy. May included an appendix in his book that contained a copy of the Appraisal Report used by the Veteran’s Administration which required the appraiser to provide information on the character of the neighborhood including “Typical Influences” and the first category listed is “Racial.”⁴⁵

38 Richard T. Ely, *Outlines of Economics* (1893).

39 *Id.*

40 Frederick Babcock, *The Valuation of Urban Real Estate* (1932).

41 *Id.*

42 Arthur A. May, *Valuation of Residential Real Estate* (1942).

43 *Id.*

44 *Id.*

45 *Id.*

SOME OF THE ARCHITECTS OF AMERICAN SEGREGATION (CONTINUED)

HOMER HOYT was a land economist, real estate appraiser, and real estate consultant. In his book, *One Hundred Years of Land Values in Chicago*, published in 1933, Hoyt provided a “ranking” of races and nationalities for impact on property values from most beneficial (1) to most adverse (10):

1. English, Germans, Scotch, Irish & Scandinavians
2. North Italians
3. Bohemians & Czechoslovakians
4. Poles
5. Lithuanians
6. Greeks
7. Russian Jews
8. South Italians
9. Negroes
10. Mexicans⁴⁶

Hoyt became an influential housing economist for the Federal Housing Administration (FHA) from 1934 -1940. While at the FHA, Hoyt developed a grading system, from A through D, to assess risk on FHA loans. “A” grade areas featured “no residents of a race other than white nor of a nationality on a lower economic scale than the old American stock” and “no factories or stores... mixed in with residences.” “D” grade areas featured “an intermixture of races and nationalities” and “a mixture of residential, industrial and commercial buildings.” The FHA would insure long-term mortgages in “A” grade areas, 20 years at B, 10 years at C, and none in D-rated areas. As grades decline, interest increases, compounding the risk identified by the FHA.

HERBERT U. NELSON served as the Executive Secretary of the National Association of Real Estate Boards (NAREB), the prior name of the National Association of Realtors (NAR). In his capacity as NAREB Executive Secretary, Nelson encouraged and assisted local real estate boards to adopt plans to develop “black belts” and restrict the movement of African Americans and other racial minorities. Nelson was directly involved in crafting and lobbying for the legislation that created the Home Owners Loan Corporation (HOLC) in 1933.

⁴⁶ Homer Hoyt, *One Hundred Years of Land Values in Chicago* (1933).

SOME OF THE ARCHITECTS OF AMERICAN SEGREGATION (CONTINUED)

STANLEY L. McMICHAEL was a real estate agent, real estate appraiser and author. *McMichael's Appraising Manual* (1931) became the National Standard for the Appraisal Profession and was Endorsed by NAREB and the American Institute of Real Estate Appraisers (AIREA).⁴⁷ McMichael listed "Social or racial changes" among signs of "invasion by incompatible uses" under the causes of "blighted" areas and advised appraisers to observe whether there were "undesirable racial elements in the neighborhood" and, if so, whether they were likely to expand in a way that might injure the property.⁴⁸ In his Book, *City Growth Essentials* (1928), McMichael recommended rigid segregation stating: "Property values have been greatly depreciated by having a single colored family settle on a street formerly occupied exclusively by white residents."⁴⁹ McMichael's appraisal methods were regarded as "best practices" within the real estate industry and within government housing programs for many decades.

ERNEST M. FISHER taught urban land economics at Columbia University from 1945 until 1961 and was appointed the first director of Columbia's Institute for Urban Land Use and Housing Studies in 1948. He was widely published in the field of real estate and public policy. After retiring from Columbia, Fisher consulted for various agencies and organizations and was appointed director of education and research for the National Association of Real Estate Boards (NAREB). Ernest M. Fisher wrote in *The Principles of Real Estate Practice* (1924), "It is a matter of common observation that the purchase of property by certain racial types is very likely to diminish the value of other property in the section."⁵⁰ Fischer became a prominent consulting economist for the Federal Housing Administration.

47 Stanley L. McMichael, *McMichael's Appraising Manual*, (1931).

48 *Id.*

49 Stanley L. McMichael & Robert Fry Bingham, *City Growth Essentials* (1928).

50 Ernest M. Fisher, *Principles of Real Estate Practice* (1924).

PART 2 THE FIGHT TO SECURE PASSAGE OF OPEN HOUSING LAWS (1950'S - 1968)

BY 1950, THE LONG HISTORY OF GOVERNMENT ACTION AND PERVERSIVE PRIVATE MARKET HOUSING DISCRIMINATION LEFT OUR METROPOLITAN REGIONS EXTREMELY SEGREGATED BY RACE. White people, in large numbers, moved out of congested urban areas and into suburban communities. Most African Americans were left behind often in overcrowded and impoverished urban neighborhoods, cut off from many opportunities.

In the 1940's, local citizens in New York City began organizing around the issue of fair housing. In 1943, the Metropolitan Life Insurance Company announced plans to build a \$100 million housing development called Stuyvesant Town for whites only.⁵¹ This local organizing effort led to the creation of the New York State Committee on Discrimination in Housing (NYSCDH) and, by 1950, the National Committee Against Discrimination in Housing (NCDH). NCDH was dedicated to eliminating housing discrimination and segregation in the United States. NCDH became the preeminent organization that led the effort nationally to promote open housing and fair housing legislation. NCDH also became involved in promoting the passage of fair housing legislation at the local and state level.

Their efforts paid off when, in 1957, New York City became the first city in the nation to adopt a fair housing law prohibiting housing discrimination.⁵² And by 1961, New York State passed a fair housing law that applied to public and private housing.⁵³

During the 1960 presidential campaign, candidate John F. Kennedy stated that, if elected, he would end racial discrimination in federally aided housing "by a stroke of the presidential pen."⁵⁴ Months after he was elected, civil rights leaders chided the president for not picking up the pen. In November 1962, President Kennedy finally signed Executive Order 11063. President Kennedy's order mandated that the federal government take, "all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin in the sale, leasing, rental, or other disposition of residential property... provided in whole or in part with the aid of loans, advances, grants, or contributions hereafter agreed to be made by the Federal Government..."⁵⁵ Unfortunately, the order turned out to be more of a symbolic gesture as little effort was made to enforce the new policy. For example, the order left it up to individual housing and funding agencies to police themselves, which led to continued non-compliance in many states and localities.⁵⁶

51 Charles V. Bagli, *Other People's Money* (2013).

52 Michael H. Schill, *Local Enforcement of Laws Prohibiting Discrimination in Housing: The New York City Human Rights Commission*, 23 *Fordham Urb. L.J.* 991 (1996).

53 *Fair Housing*, New York State Office of the Attorney General, <https://ag.ny.gov/civil-rights/fair-housing> (last visited May 29, 2018).

54 Senator John F. Kennedy, Speech at National Conference on Constitutional Rights and American Freedom (Oct. 12, 1960).

55 Exec. Order No. 11,063, 3 C.F.R. 652 (1962).

56 *Id.*

Efforts to pass fair housing legislation were met with stiff and well-funded opposition in most cities and states around the country, often led by the organized real estate industry. In Wisconsin, the Realtors Association broke rank and ultimately supported passage of an Open Housing Law in 1965. However, the Association's support came at a heavy price – state law provided only a \$10-200 fine for violators and made it illegal to anyone, including a victim of housing discrimination, to use “testing” to gather corroborative evidence to aid with enforcement of the law.⁵⁷ Incorporating this testing prohibition into the Open Housing Law effectively prevented its enforcement, a key factor that led to support of the law by the real estate industry.

In Illinois, the Coordinating Council of Community Organizations (CCCO), a coalition of local civil rights organizations, invited Dr. Martin Luther King, Jr. and the Southern Christian Leadership Conference (SCLC) to join a campaign in Chicago in 1965 challenging residential racial segregation.⁵⁸ By the summer of 1966, the Chicago Freedom Movement, as it became known, focused on open housing through non-violent marches, sit-ins, and demonstrations. These activities culminated in a summit meeting and agreement with Chicago Mayor Richard Daley to adopt a fair housing policy and take steps to implement fair housing in the Chicago area.⁵⁹

Milwaukee, Wisconsin also became a hotbed of activism for open housing in the 1960s. Beginning in August 1967, Father James Groppi and the NAACP Youth Council led two hundred consecutive days of demonstrations and marches for open housing.⁶⁰ The marchers were often confronted by angry and violent mobs of whites as they traveled from Milwaukee's north side across the 16th Street viaduct to the predominantly white south side of Milwaukee. The marches were aimed at getting local communities, including the City of Milwaukee, to pass open housing laws, which finally occurred in 1968 shortly after the passage of the federal Fair Housing Act.

By 1968, more than four hundred citizen-based fair housing organizations existed across the country, most for the express purpose of advocating for the passage of fair housing laws. And many of these groups achieved success. More than nineteen states and the District of Columbia banned discrimination in the sale and rental of housing. Provisions in these new laws varied greatly. President Lyndon Johnson supported the passage of a federal law so that there would be more uniform coverage across the entire nation. But since the time President Johnson had introduced his first fair housing bill to Congress in 1966, there had been little support for passage of such a law.⁶¹ Several important events in 1968 would give this national legislation new life.

On March 1, 1968, the National Advisory Commission on Civil Disorders, often referred to as the “Kerner Commission” after the name of Commission's chair, former Illinois Governor Otto Kerner, issued its final report.⁶² President Johnson established the Commission in 1967 to study the widespread civil disturbances that occurred in American cities.⁶³ The Kerner report concluded that America was becoming, “two societies, one black and one white – separate and unequal.”⁶⁴

57 Wis. Stat. § 101.222.

58 Stephen P. Meyer, *As Long As They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* 183 (2001).

59 *Id.* at 187.

60 Jean M. White, *James Groppi - From the Church To the 'Real World'*, *Washington Post*, June 11, 1978.

61 Wendell E. Pritchett, Robert Clifton Weaver and the American City: *The Life and Times of an Urban Reformer* 257 (2008).

62 The United States Kerner Commission, *Report of the National Advisory Commission on Civil Disorders* (1968).

63 Exec. Order No. 11,365, 32 Fed. Reg. 11,111 (Aug. 1, 1967).

64 The United States Kerner Commission, *supra* Note 49.

The report stated:

“What most white Americans have never understood, but what the Negro can never forget – is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.”⁶⁵

After considering different policy alternatives, the Commission concluded, “there is no substitute for enactment of a federal fair housing law. The key to breaking down housing discrimination is universal and uniform coverage, and such coverage is only obtainable through federal legislation.”⁶⁶

The topic of fair housing was not going away. On April 1 and 2, 1968, the United States Supreme Court heard oral arguments in *Jones v. Alfred H. Mayer Co.*, a case brought by Joseph Lee Jones, an African American man who attempted to purchase a home in a new subdivision in the St. Louis area and was rejected by the developer because of his race.⁶⁷ Jones filed his lawsuit alleging that the Civil Rights Act of 1866 (42 U.S.C. §1982), which grants the right to all citizens of the United States to “inherit, purchase, lease, sell, hold, and convey real and personal property” had been violated and that he was entitled to pursue a legal claim for damages.⁶⁸

On April 4, 1968, The Rev. Dr. Martin Luther King Jr. was assassinated in Memphis, TN. Over 100 American cities erupted in violence and civil disturbances, and most members of Congress knew that something had to be done to quell the violence.⁶⁹ President Johnson and others in Congress saw this tragedy and crisis as an opportunity to push fair housing legislation forward. A bi-partisan bill sponsored by Sen. Edward Brooke (R) of Massachusetts and Sen. Walter Mondale (D) of Minnesota, which had been languishing in Congress for some time, sailed through both houses and passed with very little debate.⁷⁰ During the relatively short debate over the proposed fair housing bill, Sen Brooke stated, “fair housing does not promise an end to the ghetto,”⁷¹ but added, “it promises only to demonstrate that the ghetto is not an immutable institution in America.”⁷² The African American Senator cited his own difficulties in finding a home after he returned from military service during World War II to illustrate the prejudice in the American housing market.⁷³ Brooke proposed that to combat the, “unconscionable bitterness between white and Black Americans, it is incumbent upon our Government to act, and to act now.”⁷⁴ Sen. Mondale explained that the reach of the proposed law was “to replace the ghettos”⁷⁵ with “truly integrated and balanced living patterns.”⁷⁶

Title VIII of the 1968 Civil Rights Act, also known as the federal Fair Housing Act, was signed into law by President Johnson on April 11, 1968, just one week after the murder of Dr. King.⁷⁷ The new law prohibited discrimination in housing based on race, religion, color, and national origin.⁷⁸ The U.S.

65 *Id.*

66 *Id.*

67 *Jones v. Mayer*, 392 U.S. 409 (1968).

68 *Id.*

69 Jonathan Zasloff, *The Secret History of the Fair Housing Act*, 53 *Harv. J. on Legis.* 247 (2016).

70 *Id.*

71 Edward Brooke, *Bridging the Divide: My Life* 176 (2007).

72 *Id.*

73 *History of Fair Housing*, U.S. Dep't of Housing & Urban Development, https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutftheo/history (last visited May 29, 2018).

74 90 *Cong. Rec.* 2,281 (1968)

75 *Id.*

76 *Id.*

77 The Fair Housing Act, 42 U.S.C. § 3603 (1968).

78 42 U.S.C. § 3604.

Department of Housing and Urban Development (HUD) was given authority to enforce the new law. The U.S. Department of Justice (DOJ) also had the ability to bring claims for injunctive relief when it could identify a pattern and practice of discrimination. Finally, any individual could go directly to court to seek redress under the law.

The new law contained several restrictive provisions and exemptions that limited the enforcement powers of the federal government and the overall scope of the law. For example, one provision commonly referred to as the “Mrs. Murphy” exemption, excluded from coverage over two million housing units, primarily owner-occupied buildings with four units or less. However, owners of these smaller buildings would soon learn that they were covered under another law. On June 17, 1968, the Supreme Court issued its decision in the *Jones v. Mayer* case holding that the 1866 Civil Rights Act prohibited racial discrimination against citizens in all housing and was enforceable by filing lawsuits in federal court.⁷⁹

Another important, but lesser known, provision of the federal Fair Housing Act stated that HUD and recipients of federal financial assistance must “administer the programs and activities relating to housing and urban development in a manner affirmatively to further” the Act.⁸⁰ This provision was intended to ensure that, going forward, our nation’s housing and community development activities would be designed and implemented to reverse the harm caused by America’s history of housing discrimination and segregationist policies by removing the remaining barriers to housing choice and reducing residential racial segregation.

The growing national fair housing movement of the 1950’s and 60’s was largely focused on efforts to secure passage of a federal fair housing law that would prohibit discrimination in housing based on race, color, religion and national origin. While political support for passage of a fair housing law had swelled by 1968, the legislation might not have been enacted at that time but for the tragic assassination of Dr. King. Many advocates were hopeful that the new law also would compel the federal government, through its future housing and community development activities, to address the issues raised by the Kerner Commission and reverse the damage caused by our nation’s long history of segregationist policies and racial discrimination.

While the historic passage of fair housing laws explicitly made housing discrimination illegal, important questions remained. Was the law strong enough to deter future discrimination in housing? Would federal, state, and local governments devote the resources needed to vigorously enforce fair housing laws? Would local, state, and federal governments take their obligation to affirmatively further fair housing and work to remove barriers to housing choice and reduce residential racial segregation?

⁷⁹ *Jones v. Mayer*, 392 U.S. 409 (1968).
⁸⁰ 42 U.S.C. § 3608.

PART 3 LESSONS LEARNED: 50 YEARS OF FEDERAL FAIR HOUSING POLICY (1968-2018)

FOLLOWING THE PASSAGE OF THE FEDERAL FAIR HOUSING ACT (FHA) IN 1968, MANY FAIR HOUSING ADVOCATES WERE CAUTIOUSLY OPTIMISTIC THAT GOVERNMENT RESOURCES FOR ENFORCEMENT WOULD BE FORTHCOMING. But early on it became abundantly clear that much of the work of enforcing the new law would fall disproportionately on private individuals and civil rights organizations working with attorneys to file lawsuits. Immediately following the passage of the Fair Housing Act, HUD Secretary Robert C. Weaver requested \$11 million from Congress to fund 850 new positions at HUD to help enforce the new fair housing law.⁸¹ He received only \$2 million to fund about 200 positions nationally.⁸² Dr. Weaver later told reporters that without adequate staff to enforce the law, “fair housing legislation is a meaningless gesture.”⁸³ Looking back at government enforcement for the two decades that followed the passage of the Act, those words proved to be prophetic.

But private lawsuits brought under the new Fair Housing Act did have an impact and created an impressive body of case law that supported fair housing rights. For example, in 1972, the U.S. Supreme Court held that both African American and white tenants could file a lawsuit under the FHA challenging their landlord’s alleged practice of manipulating waiting lists and using discriminatory acceptance standards based on race.⁸⁴ The Court recognized that the FHA protected the right of everyone to enjoy the social, business, and professional benefits of an integrated community. Due in large part to the women’s movement of the early 1970’s, the definition of “everyone” expanded explicitly to prohibit sex discrimination in Congress’s 1974 amendment of the FHA.

The ability to enforce the FHA also gained a major victory in 1975 when a federal court ruled that the anti-testing provision of the Wisconsin Open Housing Law was unconstitutional and could no longer be enforced.⁸⁵ This court decision and many that followed made it clear that testing was a vital investigative tool to enforce the Fair Housing Act and that this activity could not be restricted by government action.

Throughout the 1970’s private individuals routinely went to court to enforce their fair housing rights, particularly as it became increasingly clear that the enforcement powers of HUD and DOJ were limited by the text of the FHA itself. For example, HUD had no administrative enforcement authority and could only mediate complaints. DOJ could only seek injunctive relief in pattern and practice cases. Although there was no limit on compensatory damages that private litigants could seek, the Fair Housing Act prescribed a cap on punitive damages of \$1000. On top of these limitations, many enforcement agencies lacked the political will to enforce fair housing laws and were unwilling to allocate the resources needed to vigorously enforce these laws. As a result, the number of local fair housing organizations began to grow again.

81 Wendell E. Pritchett, Robert Clifton Weaver and the American City: The Life and Times of an Urban Reformer (2008).

82 *Id.*

83 *Id.*

84 *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205 (1972).

85 *United States v. Wisconsin*, 395 F. Supp. 732 (W.D. Wis. 1975).

By the mid-1970's, the National Committee Against Discrimination in Housing (NCDH) was convening conferences with more than three dozen fair housing organizations participating. The missions of these organizations were quite similar. They called attention to the continuing harm caused by pervasive housing discrimination and pronounced residential racial segregation, while also providing investigative (testing) and legal resources to assist victims of discrimination to pursue their claims most often through the courts.

In 1977, HUD worked with NCDH to conduct a nationwide testing study of housing market practices in metropolitan areas.⁸⁶ The results showed an alarmingly high level of illegal racial discrimination in America's housing markets. The study results also spurred the formation of more local fair housing organizations around the country in the years that followed.

Fair housing organizations gained an essential tool when, in 1982, the Supreme Court held in *Havens Realty v. Coleman* that, under certain circumstances, testers and fair housing organizations have the legal standing to file lawsuits in court under the Fair Housing Act, seeking damages and injunctive relief.⁸⁷ In the years since the *Havens* decision, fair housing advocates have been able to open up innumerable housing units and communities by challenging and stopping illegal housing discrimination without being solely dependent on individual tenants or homebuyers to file complaints.

During this same time in New York, an important housing and school desegregation case brought by the NAACP and DOJ against the City of Yonkers and State of New York was winding its way through the federal courts.⁸⁸ In 1985 a federal judge issued a 600+ page decision detailing over thirty years of government decisions to build subsidized housing only in minority areas of Yonkers and maintain a segregated public school system.⁸⁹ After enormous local opposition, a housing remedial order was put in place to build both public housing and affordable privately-owned rental and condominium units in white areas of Yonkers to promote residential integration. The plan also included several pro-integrative housing counseling and assistance programs, such as down-payment assistance to first-time homebuyers.⁹⁰

By the later 1980's, several national foundations announced that they were pulling support away from the NCDH and investing in other priorities. Unable to find other sources of funding to sustain the organization, NCDH closed its doors in 1987. The loss of NCDH happened at a time when the number of local fair housing organizations was rapidly growing. By 1988, the National Fair Housing Alliance (NFHA) was formed to fill the void left by the closing of NCDH and to provide leadership on fair housing issues at the national level.

There were numerous attempts in the late 1970's and early 1980's to pass legislation that would strengthen the federal Fair Housing Act. All of them failed until 1988.

In 1988, Congress enacted the Fair Housing Amendments Act (FHAA or "the Amendments"), which expanded the coverage and protections of the law to persons with disabilities and families with children.⁹¹ The new FHAA provisions included the right to reasonable changes in rules and policies as accommodations to enable individuals with disabilities to access and use housing, and the right to

86 Ronald E. Wienk, *Measuring Racial Discrimination in American Housing Markets: The Housing Market Practices Survey* (1979).

87 *Havens Realty Corp. v. Coleman*, 455 US 363 (1982).

88 Lena Williams, *Judge Finds Yonkers Has Segregation Policy*, N.Y. Times, Nov. 21, 1985.

89 *Id.*

90 *Id.*

91 Fair Housing Amendments Act of 1988. H.R. 1158, 100th Cong. 1987.

reasonable physical modifications in existing housing to provide greater accessibility.⁹² The FHAA also required that all new multifamily housing (4 attached units or more) built after 1991 be designed and constructed with certain minimum accessible and adaptable features.⁹³

In addition to expanded protections, the FHAA enlarged the enforcement role of both HUD and DOJ. The FHAA empowered HUD to issue initial findings of discrimination, subpoena evidence during investigations, and hold administrative hearings to determine whether the FHA had been violated. HUD administrative law judges now had the authority to order compensatory damages, injunctive relief, and civil penalties (paid to the federal government). The Amendments also granted authority to the HUD Secretary to file self-initiated administrative complaints alleging systemic forms of discrimination.⁹⁴

Congress even included an alternative enforcement route in the FHAA, by requiring DOJ to file a lawsuit in court seeking relief for individual complainants after certain referrals from HUD.⁹⁵ And the Amendments specifically authorized DOJ to seek civil penalties for the federal government and monetary damages on behalf of aggrieved persons or individuals harmed by patterns or practices of discrimination. During the early 1990s, DOJ increased its Housing Section from a dozen to over fifty attorneys dedicated to enforcing the FHA in federal courts across the country. DOJ also initiated its own internal testing program during this same time, which conducted testing investigations that led to the filing of dozens of pattern or practice cases alleging race, national origin, disability, and familial status discrimination.

While the Amendments created some hope that government would finally provide a more efficient and effective mechanism for enforcing the FHA, two nagging questions remained. Would the government finally devote the resources needed to support this new enforcement role on a sustained basis? And, in turn, could the government be more proactive with its enforcement and less dependent on receiving individual housing discrimination complaints?

In 1990, Congress passed the American with Disabilities Act (ADA).⁹⁶ While the ADA has limited applications in housing, it did open many opportunities for people with disabilities to have greater access to employment, public services, places of public accommodation, transportation, and other areas of community life. In 1999, the Supreme Court decision in *Olmstead v. LC* mandated that people with disabilities not be segregated or institutionalized so that they can live in the community in the most integrated setting possible.⁹⁷

Over the past five decades, many localities and states have passed fair housing laws, some mirroring the federal Fair Housing Act and others offering wider coverage or greater protections. For instance, the New York State Human Rights Law currently prohibits discrimination based on age, marital status, sexual orientation and military status.⁹⁸ The New York City Human Rights Law also includes citizenship/ alienage status, gender identity, lawful occupation, domestic partnership status, lawful source of income, and status as a victim of domestic violence/stalking.⁹⁹ While the effectiveness of local and state government enforcement agencies varies greatly based on the priorities of the political leadership at

92 *Id.*

93 *Id.*

94 *Id.*

95 *Id.*

96 42 U.S.C. 126 § 12101.

97 *Olmstead v. LC*, 527 US 581 (1999).

98 N.Y. Exec. Law § 296(5).

99 New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, 8-203 (2018).

any given time, both state and local laws in New York do provide a right to file a lawsuit in state court or an administrative complaint to enforce these fair housing rights.

Between 2013 and 2016, HUD promulgated significant regulations intended to aid with enforcement of the Fair Housing Act, including a regulation defining harassment claims under the FHA and one proscribing a process for states and cities receiving HUD funding to evaluate their efforts to affirmatively further fair housing. One key HUD regulation, called the Discriminatory Effects Rule, explained the burden of proof when alleging that an unjustified, facially neutral rule or policy has an adverse, disparate impact on a group of persons protected by the FHA or maintains or creates housing segregation.¹⁰⁰

Although federal appellate courts had agreed for decades that proof of intent is not required under the FHA to establish illegal discrimination, these courts had applied different standards of proof, making enforcement uneven across the country. The Supreme Court clarified the issue in 2015 when it decided in *Inclusive Communities Project v. Texas Dept. of Housing & Comm. Affairs* that, under certain circumstances, a neutral policy may violate the FHA.¹⁰¹ This guidance, combined with HUD's Discriminatory Effects Rule, has further strengthened fair housing enforcement.

The need to revitalize distressed neighborhoods that have historically faced disinvestment and the need to remove barriers to housing choice and reduce residential segregation are sometimes erroneously framed as competing or conflicting policy goals. The twin goals of the Fair Housing Act, as articulated by its sponsors, recognized the need for both non-discrimination in housing and the creation of integrated residential living patterns.¹⁰² But sponsoring legislators also recognized that the law needed to repair the harm “to the whole community” that many decades of discrimination and disinvestment had caused.¹⁰³ This means that, as a nation, the law challenges us to remove barriers to housing choice and implement inclusionary policies in neighborhoods and communities that have historically been unwelcoming or closed to people based on race or national origin. It is just as essential that we promote equitable development in distressed, revitalizing, or gentrifying neighborhoods to ensure that these neighborhoods are genuinely transformed into places of opportunity for all. Both efforts require political will and a large infusion of resources. Both require equity and fairness. And to realize fair housing, our success in achieving either goal is inextricably linked to our ability to make progress on both.

Since the passage of the 1968 Fair Housing Act, the character or nature of housing discrimination has profoundly changed. This change portends significant challenges for consumers and enforcement agencies. In 1968, it was not unusual for a person of color inquiring about housing to be greeted by a slammed door or even a racial epitaph. While, sadly, that type of discrimination still occurs, it is more the exception than the rule. To understand how most housing discrimination occurs today, one must replace the image of a “slammed door” with that of a “revolving door” where people are now politely and subtly escorted in, out of, and away from the desired housing, often without knowing that discrimination occurred. If consumers are unaware they are being discriminated against, they have no reason to file a complaint. If complaints are not filed, most government agencies will not initiate any enforcement action. If no enforcement action is taken, the discrimination will continue. This reality makes testing more important than ever before because it is frequently the only tool that can be used to ferret out and eliminate discriminatory housing practices. Since organizations like the

100 Discriminatory Effect Rule, 24 C.F.R. § 100.500 (2013).

101 *Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc.*, 135 S.Ct. 2507 (2015).

102 114 Cong. Rec. 2708 (1968).

103 *Id.*

Fair Housing Justice Center often possess the most effective testing capability, the role of private fair housing organizations continues to be critical.

In the fifty years since the passage of the federal Fair Housing Act, residential segregation has been slightly reduced and the level of illegal housing discrimination has decreased, but progress on both fronts has been exceedingly slow and incremental. Over the same period, fair housing laws were significantly strengthened. Courts continued to render decisions that affirm and effectuate the purpose of this important civil rights law. Unfortunately, all levels of government have not devoted the level of resources needed to support vigorous enforcement of fair housing laws. As a result, illegal discrimination in the rental, sale, financing and insuring of housing is still pervasive. Discriminatory barriers can still be found in some government housing policies and programs. Moreover, the duty to affirmatively further fair housing has proved to be a low priority for most governmental units receiving federal funds. As a result, our nation has failed to repair the harm caused by nearly a century of discriminatory policies and practices.

The past fifty years of federal fair housing policy has demonstrated both the value of the law and the need for more vigorous enforcement of the law. The promise of the Fair Housing Act is still largely unfulfilled. Many segments of the population do not enjoy equal housing opportunity and our metropolitan regions are still quite segregated by race and national origin. What is the harm that results from continuing discrimination and residential segregation? What actions can all of us take to reduce illegal housing discrimination and create open, accessible, and inclusive communities?

3: FAIR HOUSING RIGHTS

FAIR HOUSING BASICS

FEDERAL, STATE, AND LOCAL FAIR HOUSING LAWS PROHIBIT HOUSING DISCRIMINATION IN THE RENTAL, SALE, INSURING, AND FINANCING OF HOUSING. These laws protect everyone by making it illegal to discriminate based on certain protected characteristics. That means that you have certain legally protected rights should you experience illegal housing discrimination.

Most housing for rent or sale is covered by fair housing laws. There are some narrow exemptions for certain types of housing, but you should know that housing not covered by one law may be covered by another. For example, when it comes to housing discrimination based on race, color, and/or national origin, virtually all housing is covered.

Fair housing laws apply to every aspect of the housing process and real estate related transactions. We use the term **housing provider** to talk about who is required to follow fair housing laws. A housing provider may include a landlord or real estate broker; a co-op or condominium board; and a rental management company or building superintendent. The laws also apply to other types of people or entities involved in housing transactions, such as lenders, appraisers, insurance companies, apartment listing services, and housing developers.

THE LAWS

FAIR HOUSING ACT

The federal Fair Housing Act prohibits discrimination based on:

- Race
- Color
- Religion
- Sex (including sexual orientation and gender expression)
- National Origin
- Familial Status
- Disability

NEW YORK STATE HUMAN RIGHTS LAW

The New York State Human Rights Law includes all the federal protected characteristics and prohibits discrimination based on:

- Age
- Marital status
- Military Status
- Lawful source of income (including vouchers)
- Status as victim of domestic violence, sex offenses, and stalking

NEW YORK CITY HUMAN RIGHTS LAW

The New York City Human Rights Law includes all the federal and state protected characteristics and prohibits discrimination based on:

- Domestic partnership status
- Immigration/citizenship status
- Lawful occupation

HISTORY AND TERMINOLOGY OF FAIR HOUSING PROTECTIONS FOR PEOPLE WITH DISABILITIES

The Fair Housing Act defines a disability as a physical or mental impairment that substantially limits one or more major life activities. It is important to note that people who currently have a disability, used to have a disability, or are perceived to have a disability are all protected. Some state and local fair housing laws have even broader definitions of disability.

A person with a disability has the right to a **reasonable accommodation**, which is an alteration of a rule, policy, practice, or service if such a change is necessary to provide the person with a disability an equal opportunity to use and enjoy the housing. For example, if a rental building has a strict no pet policy and a tenant with a disability requires the use of an assistance animal, then that tenant may request that the landlord change the policy as an accommodation.

A person with a disability also has the right to a **reasonable modification**, or a physical alteration of a dwelling unit or common areas, if the modification would afford the person with a disability the opportunity to fully use and enjoy the housing. For example, a Deaf person may request a light that flashes when someone rings the doorbell be installed in an apartment, or a person with a mobility impairment who uses a wheelchair may ask to install a ramp at the entrance to a common area with two steps that all building residents use. Depending on the type of modification and housing involved, the landlord or condo/co-op board may have to pay for the physical modification. However, in some instances, the resident may be required to pay. Fair housing laws vary on this issue.

Requesting an accommodation should initiate a "dialogue" between the parties to discuss how the accommodation or modification may be made. The purpose of this dialogue is to determine whether a request is reasonable and to consider alternative solutions so that individuals with a disability can fully use and enjoy their housing.

WHAT CONDUCT IS PROHIBITED BY FAIR HOUSING LAWS?

The following conduct is prohibited under fair housing laws if based on any of the protected characteristics:

- Refusing to rent, sell, insure or finance housing, or to negotiate for housing, or otherwise making housing unavailable.
- Advertising or making any statement that indicates a preference, limitation, or discrimination.
- Misrepresenting the availability of housing for rent, sale, or to show.
- Steering individuals into or away from certain buildings, parts of buildings, or neighborhoods to segregate populations.
- Discriminating in the terms or conditions of housing or providing unequal services and facilities.
- Refusing to provide a reasonable accommodation by altering rules, policies, practices, or services for persons with disabilities.
- Refusing to allow a reasonable modification to the premises for persons with disabilities.
- Harassing or failing to take corrective action in response to complaints about harassment.
- Threatening, coercing, intimidating, interfering with or retaliating against a person for exercising, or for assisting others to exercise, their fair housing rights.
- Failing to design and construct new multi-family housing built for first occupancy after March 13, 1991 in an accessible manner.

SEXUAL HARASSMENT IN HOUSING

Fair housing laws prohibit sexual harassment by a landlord, rental agent, building manager, superintendent, or other employees or agents of a housing provider. Sexual harassment can include, but is not limited to, the following types of conduct:

- Requesting sexual favors in exchange for reduced rent, rental services, repairs, or other accommodations (sometimes referred to as “quid pro quo”);
- Making sexually inappropriate comments or lewd gestures, unwelcome touching, or other severe or pervasive conduct that creates a sexually hostile living environment;
- Retaliating against a tenant who refuses an employee’s or agent’s sexual overtures.

If you are being sexually harassed, contact the FHJC or your local fair housing organization for assistance.

FAIR LENDING

Lending and real estate transactions can be complicated and difficult to understand for anyone, especially those who are new to the lending process. Thankfully, consumers do have protections from discrimination and unequal treatment. Fair housing and fair lending laws protect consumers when it comes to obtaining a home mortgage, home refinancing loans, home repair loans, and other real estate-related credit transactions.

Creditors are prohibited from considering a protected characteristic when:

- Determining whether to accept or reject an application;
- Setting terms or conditions, fees, and interest rates;
- Recommending or evaluating a borrower for certain loan products.

All lawful income should be considered and treated equally by a lender in a real estate-related credit transaction.

If any of the following occur, it may be a sign that lending discrimination is taking place:

- You are treated differently in person than on the phone.
- You are discouraged from applying for credit.
- You hear the lender make negative comments about groups of people protected under these laws.
- You are refused credit even though you qualify for it.
- You are offered credit with a higher rate than the rate you qualify for.
- You are told that the lender will not count your income because you are pregnant and expect to take maternity leave for a time.
- You are told that financing may be more difficult to obtain in certain neighborhoods.
- You are denied credit, but not given a reason why or told how to find out why.
- Your deal sounds too good to be true.
- You feel pushed or pressured to sign.

If you suspect that you are not being treated fairly by a lender, contact the FHJC or your local fair housing organization for assistance.

WHAT DOES HOUSING DISCRIMINATION LOOK LIKE TODAY?

Housing discrimination can sometimes be very overt and blunt. It may be easy for you to tell that you are being treated unfairly. However, much of the housing discrimination that occurs today is more subtle and difficult for home seekers to detect.

Here are some examples of what housing discrimination looks like today:

Example 1: An African American woman visits an apartment building to inquire about renting a one-bedroom apartment. The landlord tells her that there are no one-bedroom apartments currently available to rent within the building. However, an hour later, when a white woman asks about renting a one-bedroom apartment in the building, the same landlord informs the white woman about two available one-bedroom apartments and shows her the available apartments.

Under fair housing laws, it is illegal for housing providers to misrepresent the availability of housing based on protected characteristics.

Example 2: A woman who uses a wheelchair is looking for an apartment. She visits a newly constructed 27-story building that just opened. However, as the leasing agent shows her an available apartment, she discovers that some of the doorways are too narrow for her to pass through, there is a step up to the outside balcony, and the only bathroom is so small that it lacks the clear floor space needed to use the facilities.

The Fair Housing Act requires all covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991 to be accessible to and usable by people with disabilities.

Example 3: A woman lives in an apartment building for about a year and the landlord tells her that he plans to raise her rent. The landlord tells the tenant he could be persuaded to change his mind about the rent increase if she were willing to accede to his sexual advances.

Under fair housing laws, it is illegal for housing providers to harass or fail to take corrective action regarding complaints about harassment.

Example 4: A Latino home buyer meets with a real estate broker about his interest in purchasing a home for him and his family in a nearby suburban community that happens to be predominantly white. Instead of taking the prospective buyer to see homes in the requested community, the broker recommends homes in two communities which are predominantly Hispanic. The agent tells the man that he and his family will likely be “more comfortable” in these communities.

Under fair housing laws, it is illegal for housing providers to steer individuals into or away from certain buildings, parts of buildings, or neighborhoods to segregate populations.

Example 5: An elderly Deaf man is referred by his doctor to a local nursing home facility for care. He asks the nursing home if they would provide an ASL interpreter so that he can communicate with his in-house medical team on days when they meet with him. The nursing home refuses to provide an ASL interpreter or offer an equivalent auxiliary aid or service for him to ensure effective communication, citing the added expense as the reason for refusing his request.

Under fair housing laws, it is illegal for housing providers to refuse to provide a reasonable accommodation by altering rules, policies, practices, or services for persons with disabilities when such an accommodation is needed for effective communication so that the housing can be fully used and enjoyed.

Example 6: A Muslim man arrives home one day to discover that a racial and religious slur has been spray-painted across his apartment door. The tenant asks his building superintendent to repair his door. Not only does the super refuse to do so, but on his next rent bill he finds that the super has written a similar slur across the top of the bill. The tenant informs his landlord about the manager's conduct, but the landlord refuses to intercede to stop this harassment.

Under fair housing laws, it is illegal for housing providers to harass or fail to take corrective action regarding complaints about racial or religious harassment.

Example 7: During a conversation with the president of her condominium board, the president discloses to a white resident that he refuses to rent or sell apartments to Asian Americans because "their food is too smelly" and it might offend others in the building.

Under fair housing laws, it is illegal for housing providers to refuse to rent, sell, insure or finance housing, or refuse to negotiate for housing, or otherwise make housing unavailable based on race or national origin.

Example 8: A new rental building advertises available apartments as being perfect for young professionals. While taking a tour of the available units, a prospective tenant is told by the leasing agent, "This apartment building was really designed to meet the lifestyle needs of younger single people with lots of amenities geared to help today's millennials socialize. If you have children, you might want to look for a place where other families reside and that has playrooms and amenities better suited for children."

Under fair housing laws, it is illegal for housing providers to advertise or make any statements that indicate a preference, limitation, or discrimination based on family status.

Example 9: A leasing manager in a newly renovated building located in a gentrifying African American neighborhood begins offering substantial rent specials to white prospective tenants but does not offer the same rent incentives to persons of color who inquire about apartments for rent.

Under the fair housing laws, it is illegal for housing providers to discriminate in the terms or conditions of housing based on race or national origin.

Example 10: A family with a rental subsidy locates an available apartment below the maximum rent amount allowed by the subsidy program. The building's rental manager tells the family that the landlord does not accept any "programs" and suggests they look elsewhere for housing.

Many fair housing laws make it unlawful to discriminate based on lawful source of income, including the use of a housing subsidy.

Example 11: An elderly man with disabilities begins using a wheelchair. He has been living in the same rental building for 20 years. There are two steps at the entrance of the building, and he has found that he is no longer strong enough to open the door at the main entrance to the building. He requests that building management accommodate him by installing a ramp at the front door with an automatic door opener so that he can come and go from the building on his own. He also mentions in his letters to the company that other elderly tenants in the building would benefit from these changes and he attaches a note from his doctor explaining why he needs the modifications. The building management denies his request stating that the requested modifications would destroy the aesthetics of the building entrance.

Under fair housing laws, a person with a disability may request a reasonable modification if it is necessary to use and enjoy the housing. A refusal to grant such a request may constitute illegal housing discrimination. Depending on the type of modification and housing involved, the housing provider may have to pay for the physical modification. However, in some instances, the resident may be required to pay.

Example 12: An African American woman visits her neighborhood bank to inquire about obtaining a home mortgage to purchase her first home. The lender asks her questions about her income, debt, assets and credit and then strongly suggests she consider an FHA loan. She asks if that is the only loan program she qualifies for and the lender says it is. Thinking that she qualifies for other types of financing, she asks a white friend to visit the same lender and provide financial information that makes her similarly qualified in every respect. The same loan officer tells her friend that she would qualify for a first-time homebuyer loan product that the bank offers, as well as a 30-year conventional mortgage. The loan officer discourages the friend from considering an FHA loan saying that, in the long run, an FHA loan is costlier than the bank's first-time homebuying program.

Under fair housing and fair lending laws, it is illegal for a bank to provide different information or less favorable terms and conditions on a home mortgage based on race.

Example 13: An elderly man with disabilities is applying for an apartment and is asked for proof that his Social Security/Disability income will continue for at least 3 years before his application can be approved.

Under fair housing laws, it is illegal for housing provider to require more stringent terms and conditions based on disability or source of income.

Example 14: A single woman with three children applies to rent a two-bedroom apartment and she is told that no more than three people can reside in their two-bedroom apartments.

Under fair housing laws, it is illegal to establish overly restrictive occupancy standards that discriminate against families with children.

WHAT CAN YOU DO TO PROTECT YOUR FAIR HOUSING RIGHTS?

While there is nothing that home-seekers can do to prevent housing discrimination, there are some steps that you can take to protect yourself in the unfortunate event that illegal discrimination occurs:

- **Keep a Written Record/Take Notes.** Whether a person is searching for housing, contending with a discriminatory eviction or the non-renewal of a lease, or dealing with harassment or some other discriminatory practice, keeping a journal or written record is generally a good idea. Writing down dates and times of all contacts with housing providers and agents can be useful should the information be needed later to recount the events involving an alleged discriminatory housing practice. Whether renting or buying a home or apartment, consumers are advised to take notes during the housing search and keep the notes until the search has been concluded.
- **Save Documents.** Save receipts, copies of advertisements or listings, rental applications, leases, business cards, correspondence, brochures and any materials you receive from a housing provider. You never know if you may need those documents in the future.
- **Obtain Names.** When home buyers or renters initiate contact with a housing provider in person, over the telephone, or even by email or text, it is always a good idea to ask for the name of the person with whom they are communicating. Proving discrimination claims can be particularly challenging if the identity of the housing provider or agent is unclear or unknown.
- **Call the FHJC or your local fair housing organization.** If you suspect that you or someone you know have encountered illegal housing discrimination or have questions about fair housing rights, please call the FHJC or your local fair housing organization **as soon as possible**.

WHAT REMEDIES ARE AVAILABLE UNDER FAIR HOUSING LAWS?

Fair housing laws open doors, break down barriers, and repair the harm caused by discriminatory housing practices. If you believe you have experienced or witnessed housing discrimination, you can report it to HUD, your state or local government agency responsible for investigating housing discrimination complaints, or to your local fair housing organization. When you report housing discrimination, you are helping to stop discrimination, increasing housing opportunities to others who have previously been excluded, and making your community more open to everyone.

Depending on what organization you file a complaint with, there are several ways in which your complaint will be investigated and handled. Most local fair housing organizations are equipped to conduct, when possible, covert testing investigations to gather information about a housing provider's practices. Testers are individuals who pose as prospective renters or buyers and simulate transactions in fair housing investigations. If a testing investigation corroborates that discrimination is occurring,

this evidence can often be used to help victims of housing discrimination meet their burden of proof in an administrative hearing or court of law.

In general, when someone prevails with a housing discrimination complaint, the following types of remedies and penalties are available:

- **Court orders or injunctions** to stop the illegal discrimination. A court can require a housing provider take steps to ensure discrimination will not occur in the future, such as establishing non-discriminatory policies, providing training for agents, affirmative advertising, and similar activities. In situations in which people have been illegally denied housing, harassed, or threatened with an eviction or non-renewal of a lease for discriminatory reasons, court orders have been issued that enable individuals or families to obtain the housing sought or remain in their current housing.
- **Monetary compensation** to be paid to the victim of discrimination for out-of-pocket expenses, economic loss, lost housing opportunity, emotional distress, and other damages.
- **Punitive damages and civil penalties** to punish the discriminating parties and deter others in the community from discriminating in the future. Punitive damages are paid to the victim of discrimination. A civil penalty is a monetary fine paid to the government.
- **Attorney fees and costs** can, in most cases, be recovered by prevailing plaintiffs in fair housing cases.

4: EDUCATIONAL TOOLS

RECOMMENDED FAIR HOUSING RESOURCES

FILM AND MEDIA

- *A Raisin in the Sun* film, adapted from the play of the same name by Lorraine Hansberry (1961)
- *Brick by Brick: A Civil Rights Story* by Bill Kavanagh (2007): <http://www.brick-by-brick.com/>
- “Adam Ruins Everything: Nikole Hannah Jones on the Rippling Effects of Redlining and Segregation” Podcast (November 10, 2017): <https://www.youtube.com/watch?v=z7c8vpt0Z8w>
- *The Problem We All Live With*, Parts One & Two, *This American Life*, NPR (July 31, 2015): <https://www.thisamericanlife.org/562/the-problem-we-all-live-with-part-one>

BOOKS

- *Arsenal of Exclusion and Inclusion* by Interboro.
- *The Fight for Fair Housing* by Gregory D. Squires.
- *Cycle of Segregation* by Maria Krysan and Kyle Crowder.
- *American Apartheid: Segregation and the Making of the Underclass* by Douglas S. Massey and Nancy A. Denton.
- *As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* by Stephen Grant Meyer.
- *Challenges to Equality: Poverty and Race in America* edited by Chester Hartman.
- *Closed Doors, Opportunities Lost: The Continuing Costs of Housing Discrimination* by John Yinger.
- *Colored Property: State Policy & White Racial Politics in Suburban America* by David M. P. Freund.
- *Crossing the Class and Color Lines: From Public Housing to White Suburbia* by Leonard S. Rubinowitz and James E. Rosenbaum.
- *Family Properties: Race, Real Estate, and the Exploitation of Black Urban America* by Beryl Satter.
- *Fragile Rights Within Cities: Government, Housing, and Fairness* edited by John Goering.
- *Housing Segregation in Suburban America Since 1960: Presidential and Judicial Politics* by Charles M. Lamb.
- *Race, Real Estate, and Uneven Development: The Kansas City Experience* by Kevin Fox Gotham.

- *Race, Space, and Exclusion: Segregation and Beyond in Metropolitan America* by Robert M. Adelman and Christopher Mele.
- *Racial Policies and Practices of Real Estate Brokers* by Rose Helper.
- *Saving the Neighborhood: Racially Restrictive Covenants, Law and Social Norms* by Richard R.W. Brooks and Carol M. Rose.
- *The Color of Law: A Forgotten History of How Our Government Segregated America* by Richard Rothstein.
- *The Geography of Opportunity: Race and Housing Choice in Metropolitan America* edited by Xavier de Souza Briggs.
- *The Integration Debate: Competing Futures for American Cities* edited by Chester Hartman and Gregory D. Squires.
- *The Selma of the North: Civil Rights Insurgency in Milwaukee* by Patrick D. Jones.
- *Places of Their Own: African American Suburbanization in the Twentieth Century* by Andrew Wiese.
- *Public Housing and the Legacy of Segregation* by Margery Austin Turner, Susan J. Popkin, and Lynette Rawlings.

CHILDREN'S BOOKS

- *The Fair Housing Five & The Haunted House*, a children's book by the Greater New Orleans Fair Housing Action Center.

ARTICLES

- "50 Years after the Kerner Commission," by Janelle Jones, John Schmidt, and Valerie Wilson, Economic Policy Institute, February 26, 2018: <https://www.epi.org/files/pdf/142084.pdf>
- "Kept Out: For people of color, banks are shutting the door to homeownership," by Aaron Glantz and Emmanuel Martinez, The Center for Investigative Reporting, February 15, 2018: <https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/>
- "Mapping Segregation," New York Times, July 8, 2015: <https://www.nytimes.com/interactive/2015/07/08/us/census-race-map.html>
- "Living Apart: How the Government Betrayed a Landmark Civil Rights Law," by Nikole Hannah-Jones, ProPublica, June 25, 2015: <https://www.propublica.org/article/living-apart-how-the-government-betrayed-a-landmark-civil-rights-law>.
- "The Racial Wealth Gap: Why Policy Matters," by Amy Traub, et al., Institute for Assets & Social Policy, 2015: <https://iasp.brandeis.edu/pdfs/2015/RWA.pdf>

- “The Case for Reparations,” by Ta-Nehisi Coates, *The Atlantic*, June 2014: <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.
- “Where is the Land of Opportunity? The Geography of Intergenerational Mobility in the United States,” by Raj Chetty, et al., June 2014: www.equality-of-opportunity.org/assets/documents/mobility_geo.pdf
- “The Persistence of Segregation in the Metropolis: New Findings from the 2010 Census,” by John R. Logan and Brian J. Stults, March 24, 2011: www.s4.brown.edu/us2010/Data/Report/report2.pdf
- “Why Housing Choice and Mobility Matter,” by Margery Austin Turner and Susan J. Popkin, *The Urban Institute*, August 17, 2010: <https://www.urban.org/sites/default/files/publication/29666/901374-Why-Housing-Choice-and-Mobility-Matter.PDF>
- “A Test of Our Fairness,” by Fred Freiberg, *The Urban Lawyer*, Vol. 41, No. 2, pp. 239-248 (Spring 2009): <http://www.fairhousingjustice.org/wp-content/uploads/2012/11/FreibergUrbanLawyerArticle.pdf>
- “The Story of the Contract Buyers League” by James Alan McPherson, *The Atlantic*, 1972: <https://cdn.theatlantic.com/assets/media/pdf/2014/05/mcpherson-contract-buyers.pdf>
- “Report of the National Advisory Commission on Civil Disorders: Summary of Report,” 1968: www.eisenhowerfoundation.org/docs/kerner.pdf

DISCUSSION GUIDES FOR RESOURCES FEATURING THE FHJC

On the following pages are a few discussion guides for the housing story from the docu-series *America Divided*, the documentary film *A Matter of Place*, and an episode of NPR's *This American Life*. Each of these resources delve into the subject of fair housing and feature the work of the Fair Housing Justice Center. These guides are designed to lead a discussion of the material covered in each of these resources.

“THIS IS OUR AMERICA. AND IT ISN’T WHAT WE PROMISED.”**BACKGROUND**

The EPIX-Original docu-series *America Divided* features stories about inequality in education, housing, healthcare, labor, criminal justice and the political system – all woven into an eight-story, five-part series.

You can request a DVD or MP4 of any of the stories that make up *America Divided* at: <https://docs.google.com/forms/d/e/1FAIpQLSfcjsbM2fRLdUWoB8MpNyMIS4pjBuUE1-eBeSCHhaQITKfErQ/viewform>

You can also find full episodes of *America Divided* on multiple platforms, such as EPIX, Hulu, and Amazon. To learn more, visit <https://americadividedseries.com/how-to-watch/>.

A HOUSE DIVIDED

One of the eight stories in this groundbreaking series focuses on the divide in housing. In “A House Divided,” legendary TV producer Norman Lear explores housing inequalities in New York City. The creator of “All in the Family,” “Good Times,” and “The Jeffersons” speaks with realtors, homeless people, housing activists, landlords and city officials in New York City to explore the city’s affordability crisis and, with the help of the Fair Housing Justice Center (FHJC), goes undercover to investigate housing discrimination.

DISCUSSION QUESTIONS

- One of the myths of the ‘American Dream’ is the possibility of “upward mobility.” If you work hard and play by the rules, you and your children will be able to realize a better and more prosperous future than the previous generation. Reflect on how this promise compares to your own experience.
- How does the continuing racial segregation and inequality in the housing market perpetuate inequalities in other institutions such as our educational system or our criminal justice system?
- The film shows an example of continuing racial discrimination in the rental market. Does it surprise you that this type of discrimination still occurs decades after our nation passed fair housing laws? How do you experience race discrimination in your community?

- Gentrification places enormous pressure on poor neighborhoods and often leads to displacement - whether by unscrupulous landlords and real estate speculators who illegally harass people out of their apartments or by market forces that result in increased rents and home values pricing existing residents out of their homes. Are there any policies or strategies that you can think of that might make it possible for cities to revitalize and improve distressed urban neighborhoods while ensuring that the communities remain open and become more inclusive without causing massive displacement? What role can you play in this process as an individual?
- In the film, Norman Lear asks the question, "Is skin color still destiny?" Are the life chances and opportunities available to people still dictated by race or national origin? What do you think?
- Nikole Hannah-Jones states that we have fair housing laws, but we don't have fair housing. And Fred Freiberg states that adequate resources have never been devoted to vigorously enforce the federal Fair Housing Act. These experts say that the reason for this is a lack of political will. What can we do when, as citizens, we find many of our leaders lack the political will to solve an intractable problem or address a major need in our society?

RELATED MATERIALS

- Visit <https://americadividedseries.com> for additional discussion guides for each of the stories in the series and promotional materials.
-

“WE HAVE A RIGHT TO FIGHT.”

BACKGROUND

The film connects past struggles for fair housing to contemporary incidents of housing bias based on race, sexual orientation, disability, and source of income. It presents three stories of people who faced housing discrimination in present-day New York City. They poignantly describe the injuries inflicted on them during these incidents, as well as their resolve to fight for justice. Through experts, civil rights advocates, and fair housing testers, the film also recounts our nation’s often overlooked history of residential segregation and introduces viewers to systemic and pervasive injustices that, despite the existence of fair housing laws, continue to inflict harm on entire communities and individuals throughout America.

DISCUSSION QUESTIONS

- What kinds of policies could be instituted to encourage better housing practices?
- What are the benefits to individuals and society that come from advocating for fair housing rights?
- Reflecting on how today housing providers often “discriminate with a handshake and a smile,” what are ways we can address the issue? What are the solutions this film offers? What are other avenues for addressing discrimination and segregation that are not shown in this film?
- What questions does this film leave you with? What topics and issues do you feel like you need to know more about?
- William’s neighbor is an example of someone who may not be directly experiencing discrimination but is an ally to someone who is. What are some ways we can be allies in our own lives and communities?

RELATED MATERIALS

- Visit the FHJC website to find more information on the work the Fair Housing Justice Center does to address and eliminate housing discrimination: www.fairhousingjustice.org.
-

“WHERE YOU LIVE CAN REALLY MATTER.”

This American Life, Episode 512: House Rules (Nov 22, 2013). You can listen to this episode at: <https://www.thisamericanlife.org/radio-archives/episode/512/house-rules>.

BACKGROUND

Where you live is important. It can dictate quality of schools and hospitals, as well as things like cancer rates, unemployment, or whether the city repairs roads in your neighborhood. This episode of *This American Life* features a collection of stories focused on the issue of housing discrimination in the United States. This story is primarily told to Nancy Updike by the at-the-time ProPublica reporter Nikole Hannah-Jones, and includes interviews with fair housing testers.

DISCUSSION QUESTIONS

- Nikole Hannah-Jones uses the imagery of being on a city bus or the subway and watching the racial make-up change as you pass through neighborhoods. What other ways is segregation visible?
- In what ways did where you grew up impact your life and who you are today?
- What makes a good neighborhood? What factors do you take into account when considering where to live?

OTHER RESOURCES

Accessibility First

<http://www.fairhousingfirst.org/>

Long Island Housing Services

<http://www.lifairhousing.org>

National Fair Housing Alliance

<http://nationalfairhousing.org>

National Law Center on Homelessness & Poverty

<https://www.nlchp.org>

National Low Income Housing Coalition

<https://www.nhc.org/>

New York City Commission on Human Rights

<http://www.nyc.gov/cchr/>

New York State Division of Human Rights (NYDHR)

<http://www.dhr.ny.gov/>

**United States Department of Housing and
Urban Development (HUD)**

Fair Housing and Equal Opportunity

https://www.hud.gov/program_offices/fair_housing_equal_opp

**United States Department of Justice Housing and
Civil Enforcement Section**

U.S. Department of Justice Civil Rights Division

<https://www.justice.gov/crt/housing-and-civil-enforcement-section>

Westchester Residential Opportunities, Inc. (WRO)

<http://www.wroinc.org>

Poverty and Race Research Action Council

<http://www.prrac.org/>

The Urban Institute

Metropolitan Housing and Communities Policy Center

<https://www.urban.org/policy-centers/metropolitan-housing-and-communities-policy-center>

5: ADVOCACY

FAIR HOUSING JUSTICE CENTER POLICY GOALS

THE MISSION OF THE FAIR HOUSING JUSTICE CENTER (FHJC), A NONPROFIT CIVIL RIGHTS ORGANIZATION, IS TO ELIMINATE HOUSING DISCRIMINATION; PROMOTE POLICIES AND PROGRAMS THAT FOSTER OPEN, ACCESSIBLE, AND INCLUSIVE COMMUNITIES; AND STRENGTHEN ENFORCEMENT OF FAIR HOUSING LAWS IN THE NEW YORK CITY REGION.

The FHJC supports and advocates for local, state, and federal policies and programs that:

GOAL #1:

Help to ensure that all people, including populations whose housing choices have historically been restricted or are currently limited, are able to equally access and enjoy the full range of housing opportunities and communities that exist in the region. Place matters. Expanding housing choice increases access to opportunities, reduces inequalities, and enables people to enjoy the social, professional, and economic benefits of integrated living.

GOAL #2:

Reduce residential racial segregation, promote equitable development including in communities that have historically been disinvested or continue to be deprived of resources, amenities, benefits, and/or services, and foster the creation of more open, accessible, and inclusive communities. Residential segregation, concentrated poverty, and housing discrimination contribute to increased homelessness, fuel gentrification and displacement, and nourish a host of other harmful social, educational, and economic inequalities. Efforts to affirmatively further fair housing should be aimed at dismantling barriers to housing choice, promoting residential integration, and repairing the harm that has been and continues to be inflicted on people and communities of color.

GOAL #3:

Ensure that populations facing housing discrimination are adequately protected and that fair housing laws are vigorously enforced. The current passive, largely complaint-responsive, and under-resourced approach to government enforcement fails to document subtle and systemic forms of housing discrimination and leaves some of the most vulnerable and marginalized populations unprotected. A pro-active, systemic, and well-resourced enforcement approach, with testing as the centerpiece, can more effectively document and eliminate discriminatory housing practices and achieve greater compliance with fair housing laws.

LIST OF FAIR HOUSING POLICY ISSUES THAT STILL NEED TO BE ADDRESSED

In the New York City region, policies and programs could help address the following needs:

- Need to counter local opposition to affordable housing in areas that have historically resisted the development of such housing.
- Need to allocate greater resources to support more vigorous and pro-active enforcement of fair housing laws, including fair housing testing, by public enforcement agencies and private fair housing organizations.
- Need to ensure that developers design and construct new multifamily housing so that it is accessible to people with disabilities.
- Need to develop a regional mobility counseling and assistance program to aid people with rental subsidies to access housing in opportunity-rich areas.
- Need to reduce residential segregation and concentrated poverty by incentivizing the siting of more affordable housing in areas where few affordable or assisted housing units currently exist.
- Need to change land-use policies and/or zoning regulations that limit or preclude the development of affordable housing opportunities.
- Need to require condo and co-op boards to disclose a reason for rejecting applicants.
- Need to add protections for other marginalized populations that continue to face discrimination and exclusion in the housing market.
- Need to expand opportunities for home ownership by populations that have historically been underserved by lenders, real estate agents, and government financing programs.
- Need to remove regulatory barriers that limit access to housing opportunities by people with disabilities.
- Need for regional cooperation to ensure equitable development and a fair distribution of resources among all neighborhoods.
- Need to develop comprehensive revitalization strategies in distressed neighborhoods that include economic and infrastructure development, job-creating programs, and high-performing schools so that all neighborhoods become places of opportunity.
- Need to promote the development of more mixed-income housing that reaches all income levels.
- Need to eliminate local residency preferences that prevent all populations from having equal access to affordable housing opportunities and programs.
- Need for stricter licensing and training requirements for people in the business of renting and selling property.
- Need for the state and local governments to develop and implement strategies that affirmatively further fair housing by expanding housing choice and creating open, accessible, and inclusive communities.

30 WAYS YOU CAN ADVANCE FAIR HOUSING

1. GET TO KNOW YOUR NEIGHBORS.

Becoming acquainted with your neighbors can open your mind to different experiences, faiths, cultures, and ways of life. These associations enrich your life and the lives of others. Welcome new residents to the community. Building a strong, caring community requires knowing your neighbors.

2. IDENTIFY HOW YOUR FAITH TRADITION AND OTHER FAITH TRADITIONS SUPPORT FAIRNESS, EQUALITY, AND INCLUSION.

There are deeply held and widely shared beliefs across every historic faith tradition. People from different faith traditions can be more unified and effective in advocating for fair housing if there is a greater understanding about why discrimination, inequality, and exclusion are contrary to the teachings and beliefs of different faiths.

3. MAKE SURE THAT POLICIES AND RULES IN YOUR BUILDING OR HOUSING COMPLEX COMPLY WITH FAIR HOUSING LAWS.

Sometimes, a housing provider's policies or rules are posted, attached to leases, or distributed to residents. Take time to read these policies or rules to make sure that there is nothing that raises concerns about discrimination or limits the ability of any population to access, use, or enjoy the housing opportunity. If you do see something that concerns you, call your local fair housing organization and they can help you figure out if a policy or rule appears to run afoul of fair housing laws.

4. GIVE YOUR BUSINESS TO COMPANIES THAT HAVE DEMONSTRATED A COMMITMENT TO FAIR HOUSING.

When you need housing or housing-related services, patronize real estate companies, landlords, insurance companies, and/or banks that have a solid track record of complying with fair housing and fair lending laws. When looking for a place to rent or purchase, do your level best to become an informed consumer and make sure the servicer that wants your business does not have a history of violating fair housing or fair lending laws. Does the entity advertise that they support equal housing? Do they include the equal housing logo or a policy statement on their website or in written materials? Do their advertisements use human models that feature diverse populations and convey the message that they welcome business from all populations? Do they employ people of all backgrounds? Exercise good judgment about where you invest or spend your hard-earned money.

5. REPORT HOUSING DISCRIMINATION YOU WITNESS OR EXPERIENCE.

If you are the victim of discrimination or you learn about discriminatory practices in your community, report them to a fair housing organization or government enforcement agency. Reporting this conduct is doing your part to stop housing discrimination. You can create change and help make your community more open to everyone.

6. LEARN ABOUT THE HISTORY OF DISCRIMINATION AND SEGREGATION.

Past is prologue. Understanding the past is essential to identify the changes we should be making now to build a more inclusive and equitable community. Unfortunately, this history is not always taught in our educational institutions. Read the history section included in FHJC's Fair Housing Toolkit to get started. Then do your own research and read periodicals and books that are devoted to the subject of housing discrimination, civil rights, and segregation. The Toolkit also includes a bibliography of books that you might want to consider reading.

7. KNOW YOUR RIGHTS AND RESPONSIBILITIES UNDER LOCAL, STATE, AND FEDERAL FAIR HOUSING LAWS.

Private fair housing organizations and government enforcement agencies have brochures and literature describing existing fair housing rights and responsibilities. The FHJC's Fair Housing Toolkit provides information on this important subject as well. As a consumer, it is vital that you understand your fair housing rights. If you are a housing provider, it is equally important that you take some time to learn about your obligations under local, state, and federal fair housing laws.

8. TEACH YOUR CHILDREN ABOUT DISCRIMINATION AND FAIR HOUSING.

Parents should talk with their children about discrimination and why their community may not be as diverse as they would like. Look for books and resources that help young children understand concepts of tolerance, equality, and inclusion. You should advocate that your faith community sponsor activities for children and young people that focus on these issues if that is not already done. There are also children's books and programs that touch on these issues, such as the book *The Fair Housing Five and the Haunted House* by the Greater New Orleans Fair Housing Action Center.

9. STAY INFORMED ABOUT FAIR HOUSING EVENTS AND ISSUES IN THE NEW YORK CITY REGION.

Follow the FHJC on social media and sign up to receive FHJC's Opening Acts e-newsletter. You can follow the FHJC on Facebook at [@fairhousingjusticecenter](#) and Twitter at [@fairhousingnyc](#) to keep apprised of upcoming fair housing events, conferences, legal action, policy issues, and other activities that you may want to know more about. If you are informed, you will be in a better position to do your part to make fair housing a reality

10. RECOMMEND A BOOK ABOUT FAIR HOUSING OR CIVIL RIGHTS FOR YOUR BOOK CLUB.

There are plenty of very interesting books on fair housing and on civil rights. Some recent book we recommend are *The Color of Law: A Forgotten History of How Our Government Segregated America* by Richard Rothstein; *Race, Not Place: A New Vision of Opportunity in America* by Sheryll Cashin; *Between the World and Me* by Ta-Nehisi Coates; *The Fight for Fair Housing* edited by Greg Squires; and *Cycle of Segregation: Social Processes and Residential Stratification* by Marla Krysan and Kyle Crowder.

11. SPONSOR A COMMUNITY SEMINAR ON FAIR HOUSING OR INVITE A SPEAKER TO YOUR COMMUNITY TO TALK ABOUT FAIR HOUSING ISSUES.

The FHJC and other local fair housing organizations are always willing to make presentations to faith-based organizations and communities. There are also academic experts and government officials who are often willing to speak to groups as well about fair housing issues.

12. SPONSOR SEMINARS ON MULTICULTURALISM, DISABILITY AWARENESS, RACIAL SENSITIVITY, LGBTQ ISSUES, AND OTHER ISSUES IN YOUR COMMUNITY.

Dr. Martin Luther King Jr. once said, “Our goal is to create a beloved community and this will require a qualitative change in our souls as well as a quantitative change in our lives.” Helping your community become more knowledgeable about issues such as multiculturalism, disability awareness, racial sensitivity, etc. is one way to push forward the qualitative change of souls, and thereby make your community more open, accessible and welcoming to all. Check to see if you can partner with an organization experienced with hosting seminars on these issues, and let the conversation begin.

13. HOST A SCREENING OF A FAIR HOUSING FILM IN YOUR COMMUNITY.

Whether you pick a classic like “Raisin in the Sun” or a more contemporary documentary short like the FHJC’s “A Matter of Place,” film is a great medium for provoking thought and conversation. After the film is shown, lead a discussion about the film. Do the situations depicted in the film resonate with the people in attendance or have things changed, and if so, how? What more must still be done to bring about fair housing?

14. SPONSOR AN EVENT IN YOUR COMMUNITY THAT USES ART TO HIGHLIGHT FAIR HOUSING ISSUES.

Art can be a compelling vehicle for raising awareness about discrimination and exclusion. Produce a local theater production, hold a poetry reading, sponsor a slam-poetry competition, organize a concert or dance recital, or host an art or photographic exhibit on civil rights. These types of activities can increase awareness of and build support for fair housing in an informative and entertaining way.

15. SPONSOR OR PARTICIPATE IN AN EVENT FOR FAIR HOUSING MONTH.

April is designated as National Fair Housing Month because the federal Fair Housing Act was enacted on April 11, 1968. Many organizations plan special events to commemorate the passage of the law. Consider working with your faith community to sponsor an event of some kind to recognize and affirm the concepts of fairness, equality, and inclusiveness in housing.

16. VOLUNTEER AT YOUR LOCAL FAIR HOUSING OR CIVIL RIGHTS ORGANIZATION.

The FHJC and most local fair housing and civil rights organizations are always looking for volunteers who can be trained to help with event-planning, fundraising, conducting research, making presentations, and other activities. For high school and college students, there are often opportunities to gain academic credit and experience by interning with fair housing organizations. It is a great way to learn more about current fair housing issues while making an important contribution to your community.

17. SPONSOR OR WORK ON A FUNDRAISING BENEFIT FOR YOUR LOCAL FAIR HOUSING ORGANIZATION.

There is always more work to be done. Fundraising events, donors, and contributions from the community are vital sources of revenue to sustain fair housing programs. Your contribution matters.

18. ENCOURAGE YOUR FAITH COMMUNITY OR RELIGIOUS CONGREGATION TO JOIN THE FHJC'S INTERFAITH ACTION NETWORK.

Collaborate with diverse faith communities who are committed to building more open, just, and inclusive communities. Joining this network will help you stay informed about fair housing issues in the region and keep you apprised of fair housing cases, community events, and other activities. Sign up for the Interfaith Action Network at www.bbcfairhousing.org.

19. SHARE YOUR FAIR HOUSING STORY.

Share the story of how where you live has impacted your life and why you support fair housing in your community. You can share your story with the FHJC by emailing it to fhjc@fairhousingjustice.org with the subject line "My Fair Housing Story" or by posting on your Facebook and Twitter with the hashtag #MyFairHousingStory. Talk to your friends, family, and co-workers about why fair housing matters to you. By lifting up fair housing in your network, you can educate others about this issue and encourage others to support fair housing in their communities.

20. REGISTER TO VOTE AND GET INVOLVED IN REGISTERING OTHERS TO VOTE.

While it is vital that you register to vote and exercise your right to vote, it is equally important to learn whether the candidates support fair housing and, if elected, will dedicate more resources to ensure that fair housing laws are vigorously enforced; embrace policies that expand housing choice and reduce segregation in schools and housing; and support equitable community development so that all neighborhoods become places of opportunity. Attend candidate forums, voice your concerns, and write letters letting them know that fair housing is a priority issue for you and your community. If you are not already registered, visit <https://www.usa.gov/register-to-vote> to find out how you can register to vote in your state. You can find out who your elected representatives are and how to contact them here: <https://www.usa.gov/elected-officials>.

21. SUPPORT PROPOSED FAIR HOUSING POLICIES AND PROGRAMS.

So much work must still be done to prevent discrimination and to repair the harm caused by past discrimination and decades of segregation. You can help by lending your support for programs, policies, or legislation that would advance a fair housing agenda. Speak with your local fair housing organization to find out ways you can be involved in these efforts.

22. SPEAK OUT AGAINST HATE CRIMES, BIGOTRY, INTOLERANCE, AND DISCRIMINATION OF ANY KIND WHEN IT SURFACES.

Use your voice individually and through your networks to condemn acts of hatred, bigotry, and intolerance of any kind and insist that your community remain open and welcoming to all. Show your support for people who are the target of hate crimes.

23. ADVOCATE FOR PUBLIC SPACES AND HOUSING IN YOUR COMMUNITY TO BE OPEN AND ACCESSIBLE TO PEOPLE WITH DISABILITIES.

Fair housing is also about ensuring that people with disabilities have an equal opportunity to fully participate in the life of the community. That is not possible when public spaces and/or much of the housing is not accessible. Accessibility is a civil right. Work with local fair housing groups and disability rights organizations to advocate for more accessible housing and public spaces.

24. ADVOCATE FOR INTEGRATED, EQUITABLE, AND HIGH-PERFORMING SCHOOLS.

Educational equality and fair housing go hand in hand. Integrated, equitable, and high-performing schools can foster more housing integration, and housing integration can lead to more integrated schools. If you are on a PTSA, school board, or are simply a concerned parent, get involved and find out if there are ways to ensure that schools in your community serve diverse student populations in an equitable manner and are delivering a high-quality educational experience to all.

25. ADVOCATE FOR SCHOOL CURRICULUM AND PROGRAMS THAT FOSTER GREATER UNDERSTANDING, TOLERANCE, AND RESPECT FOR OTHERS.

Find out if the curriculum at your children's schools teaches the history of discrimination and residential segregation. Work with schools to ensure that this history is taught in social studies, American history, and other classes. Encourage your school to include fair housing as part of special programs designed to better prepare students for living in a pluralistic, multiracial, and multicultural world.

26. PARTICIPATE IN COMMUNITY REVITALIZATION EFFORTS IN HIGH-POVERTY OR ECONOMICALLY DISTRESSED COMMUNITIES.

For every neighborhood to become a place of opportunity, a substantial infusion of public and private resources will need to be devoted to economic development, job-creation programs, school improvements, infrastructure development, etc. Local neighborhood organizations, community development corporations, and tenant organizations offer opportunities for people to become involved in advocating for these and other changes.

27. COMPOSE LETTERS TO THE EDITOR OR OP-ED ARTICLES SUPPORTING FAIR HOUSING ISSUES.

Op-eds and letters to the editor are excellent ways to express your concerns and make your views known on vital fair housing issues. A dispute over the construction of affordable housing, a hate crime incident, proposed legislation that would weaken fair housing laws, and a decision to zone out group homes for people with disabilities are just a few of the issues that might prompt you to compose an op-ed article. Check with your local newspapers and other media outlets for their guidelines on submitting op-eds and letters to the editor. If you need assistance with your op-ed, call your local fair housing organization.

28. ATTEND A FAIR HOUSING COURT HEARING OR TRIAL TO SHOW YOUR SUPPORT FOR THE VICTIM OF DISCRIMINATION.

Fair housing hearings and trials do not happen often as most cases settle, but when they do go forward, it is important for the trier of fact to see that the community finds housing discrimination a matter of great public importance by showing up in the courtroom to watch the proceedings. Your local fair housing organization can provide you with notice about when a hearing or trial is scheduled so that you can try to attend.

29. TESTIFY AT PUBLIC HEARINGS AND BEFORE LEGISLATIVE BODIES ON PRESSING FAIR HOUSING ISSUES.

Voice your concerns or support for proposed legislation or regulations that impact fair housing rights and opportunities. Too often, legislators make decisions without the benefit of hearing from people who care about fair housing and those who place a high value on ensuring that their communities are open to all. If you are unable to attend a hearing, write to your legislators and let them know your opinion, that you vote, and that you support fair housing.

30. ORGANIZE OR PARTICIPATE IN A RALLY, DEMONSTRATION, OR PETITION-DRIVE ON A FAIR HOUSING ISSUE.

Join with local fair housing and civil rights organizations when actions are planned to support or protest an issue that impacts fair housing within the region. Organized, non-violent action campaigns were often necessary fifty years ago to pass fair housing laws and there may be occasions when such tactics are still necessary to see that these laws are enforced and that fair housing rights are fully protected.