

Fifty Years Of “The People v. HUD”:

A HUD 50th Anniversary Timeline of Significant Civil Rights Lawsuits And HUD Fair Housing Advances

The Department of Housing and Urban Development (HUD) was a child of President Lyndon B. Johnson’s War on Poverty and part of his Great Society plan to eliminate poverty and racial injustice in America. Yet, as HUD’s first Secretary, Robert Weaver, recognized, the agency inherited the racialized politics and policies of its predecessor agencies. In 1968, President Johnson’s new housing agency moved into its “brutalist” architectural-styled headquarters in Washington D.C., only a few months after the Fair Housing Act became law. Since that time, the fate of both the agency and the Fair Housing Act has been intertwined. HUD and its grantees have been sued, and HUD has learned valuable lessons from these cases. HUD has also brought its own fair housing claims against state and local governments and housing providers, often working alongside the same advocates who have brought discrimination and segregation claims against HUD. HUD has benefited enormously from strong civil rights advocacy, and many of HUD’s most important regulatory guidelines have emerged from this advocacy. We offer this selected timeline as a tribute to this ongoing history and, we hope, an inspiration to a new generation of civil rights and tenant activists.

Originally developed by PRRAC for HUD's 50th Anniversary in 2015; updated in April 2017



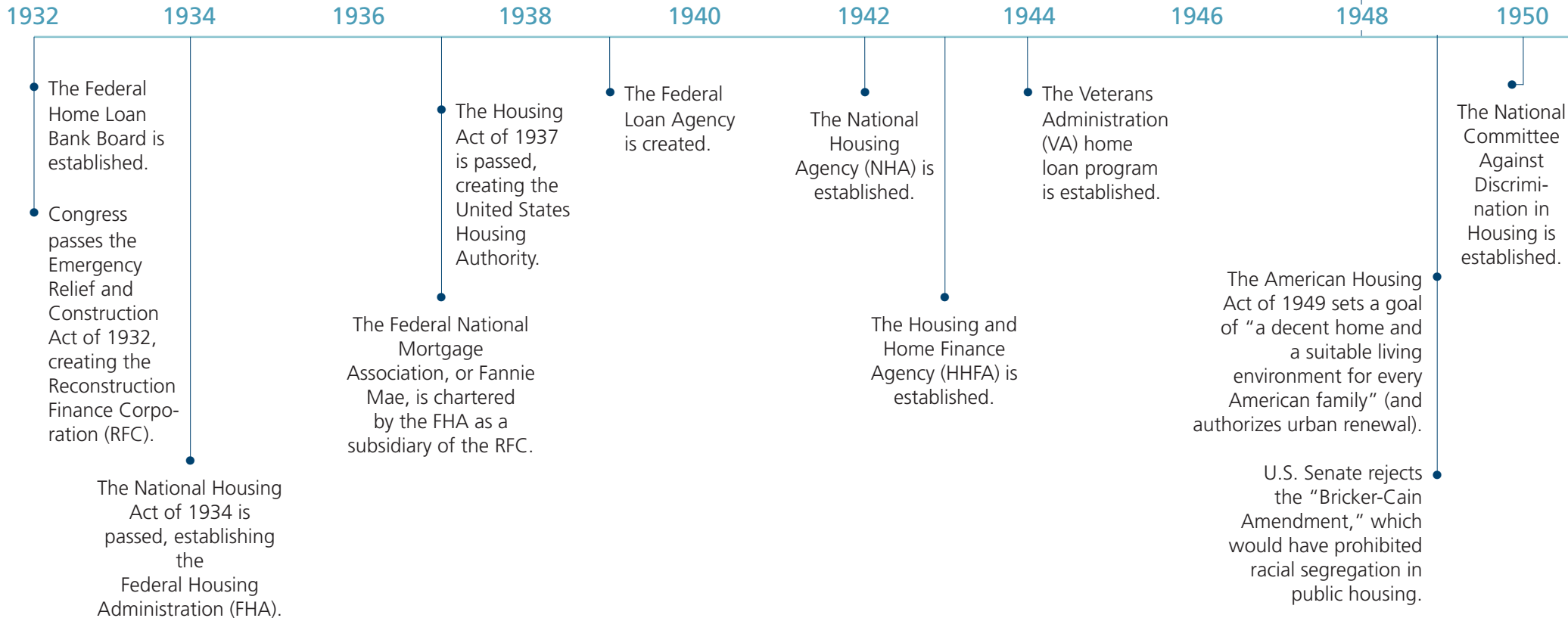
Franklin Delano Roosevelt



First Houses, NYC–1935

Shelley v. Kraemer (and Hurd v. Hodge): The U.S. Supreme Court holds that courts cannot enforce racially restrictive covenants on real estate.

“Pre HUD” Era





Pruitt-Igoe (St. Louis)



Lyndon B. Johnson



John F. Kennedy

Gautreaux v. Chicago Housing Authority: Black residents of Chicago's public housing file a lawsuit against the Chicago Housing Authority and HUD, alleging that the defendants had intentionally segregated public housing by race.



Creation
of HUD
1965

"Pre HUD" Era

Era of

1952

1954

1956

1958

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1962

1964

1966

The U.S. Supreme Court decides *Brown v. Board of Education* May 17, 1954.

The Housing Act of 1954 provides additional funding for urban renewal.

The U.S. Supreme Court decides *Berman v. Parker*, expanding the use of eminent domain for urban renewal, and allowing the clearing of homes and businesses for development in SW Washington DC (including the site of the future HUD headquarters).

Federal courts in St. Louis and Detroit strike down public housing segregation rules, following the *Brown v. Board of Education* precedent.

New York City passes first municipal open housing ordinance (1957).

In a speech to the U.S. Conference of Mayors, HUD Secretary Weaver calls the HHFA a 'bureaucratic monstrosity'

November 20, President John F. Kennedy signs Executive Order 11063, Equal Opportunity in Housing.

The Public Housing Administration marks the completion of the 500,000th unit of public housing.

President Lyndon B. Johnson creates the Task Force on Urban Affairs and Housing.

The Lawyers Committee for Civil Rights Under Law is established.

August 28, 1963 the March on Washington for Jobs and Freedom assembles over 200,000 Americans in Washington D.C.

November 1, President John F. Kennedy is assassinated.

August 10, the Housing and Urban Development Act creates HUD to succeed the HHFA.

The Watts Riot in Los Angeles (August 11- 17).

June, the Freedom Summer campaign begins.

Three civil rights workers – Andrew Goodman, Michael Schwerner, and James Chaney – are murdered in Mississippi June 21, by the Ku Klux Klan.

July 2, the Civil Rights Act of 1964 is passed.

January 7, Martin Luther King, Jr. announces the Chicago Freedom Movement.

November 3, the Model Cities Program is created.

- *Hale v. U.S. Department of Housing and Urban Development*: Black residents of Memphis, Tennessee file a lawsuit against HUD and the Housing Authority, challenging refusal to approve housing opportunities in white residential areas.

- *Otero v. New York City Housing Authority*: in suit against NYCHA and HUD, challenging a neighborhood preference for replacement housing in an urban renewal area, Court of Appeals extends AFFH obligation to state and local HUD grantees.

- *Jaimes v. Lucas Metropolitan Housing Authority*: Residents in Toledo sue the Metropolitan Housing Authority and HUD for creating and maintaining racially segregated public housing.

- *City of Hartford v. Hills*: lawsuit against HUD and seven suburban towns challenges failure to plan for inclusion of integrated housing in spending HUD funds.

- *Hills v. Gautreaux*: The U.S. Supreme Court rules that HUD can be required to include both suburban and urban communities in a metropolitan remedy.

- *Clients' Council v. HUD*: Black residents of Texarkana, AR file a lawsuit against the Texarkana Housing Authority and HUD, alleging that the defendants had knowingly supported racially discriminatory practices in the administration of public housing.

- *Arthur v. Starrett City*: Black residents in public housing in Brooklyn, NY file a lawsuit alleging that the housing development had violated federal and state law by discriminating on the basis of race.

- *Young v. Pierce*: Black residents in East Texas file a lawsuit against HUD, alleging that HUD had knowingly created, promoted, and maintained racially segregated housing in East Texas housing authorities.

- *United States v. Yonkers Board of Education*: The United States joins an NAACP lawsuit against the City of Yonkers, the Yonkers Board of Education and the Yonkers Community Development Agency, alleging that the defendants have engaged in intentional racial segregation in the administration of both subsidized public housing programs and public schools.

Era of Secretary James T. Lynn (R): 1973-1975

Era of Secretary Carla A. Hills (R): 1975-1977

Era of Secretary Patricia R. Harris (D): 1977-1979

Era of Secretary Moon Landrieu (D): 1979 - 1981

1973

1974

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1976

1977

1978

1979

1980

- President Richard Nixon announces a "moratorium" on new public housing development



- The Housing and Community Development Act of 1974 is passed, endorsing "spatial deconcentration" as national policy goal.

- The Community Development Block Grant (CDBG) program is created.

- The National Low Income Housing Coalition is founded by Cushing N. Dolbeare.

- *Lau v. Nichols*: U.S. Supreme Court interprets Title VI to protect persons with Limited English Proficiency.



- HUD creates the Gautreaux Housing Demonstration program.

- Secretary Patricia Harris establishes an Assisted Housing Mobility Task Force.

- HUD's Areawide Housing Opportunity plan is announced.



- HUD establishes the "Regional Housing Mobility Program."

- HUD publishes the first Housing Market Practices Study, reporting on the results of paired tests.

- May, John Calmore publishes *Fair Housing vs. Fair Housing in Clearinghouse Review*.

- October 8, President Jimmy Carter signs the Housing and Community Development Act of 1980.



Young v. Pierce: The U.S. District Court in Texas holds HUD liable for maintaining a system of segregated public housing in East Texas and orders HUD to undertake remedial efforts.

Walker v. HUD: Black residents in Dallas file a lawsuit against the Dallas Housing Authority and HUD, alleging that the defendants had engaged in intentional racial discrimination and segregation in the administration of low-income public housing.



Tinsley v. Kemp: Residents in Kansas City file a lawsuit against the Housing Authority of Kansas City and HUD, challenging de facto demolition of a public housing development.

Project B.A.S.I.C. v. Kemp: Project B.A.S.I.C., a tenant-advocacy organization, and residents of Providence, RI allege that the proposed demolition of a public housing development will have a racially discriminatory impact and increase segregation in the city.

Comer v. Kemp: Residents of Buffalo, NY challenge racial segregation and exclusion in subsidized housing programs, including the Section 8 voucher program, in the Buffalo metropolitan area.

N.A.A.C.P., Boston Chapter v. Kemp: The U.S. District Court in Boston holds HUD liable for failing to administer housing programs in the Boston area in a manner to affirmatively further fair housing, and orders HUD to develop a regional remedy.

Gautreaux v. Landrieu: The U.S. District Court approves a consent decree that includes a regional housing mobility program.

Era of Secretary Samuel R. Pierce Jr.(R): 1981-1989

1981 1982 1984 1985 1986 1987 1988 1989

• National Housing Law Project publishes *Displacement: How To Fight It* (Chester Hartman, et al.).

• Metropolitan Action Institute publishes *More Places to Live: A Study of Inter-jurisdictional Housing Mobility Programs*.

• February, the *Dallas Morning News* publishes the Pulitzer prize winning series "Separate and Unequal." (Craig Flournoy and colleagues).

• The Low-Income Housing Tax Credit (LIHTC) is created.

• Section 8 portability is established by Congress.

• The "Fair Housing Initiatives Program" (FHIP) is authorized by Congress to fund state and local fair housing efforts.

• The Fair Housing Amendments Act of 1988 is passed (expanding Act to include disability and familial status).

• The National Fair Housing Alliance is launched.

The Poverty & Race Research Action Council (PRRAC) is founded by lawyers from the NAACP Legal Defense Fund, Lawyers Committee for Civil Rights, ACLU, and the Center on Law & Social Policy

Elizabeth Julian and Michael Daniel publish "Separate and Unequal: The Root and Branch of Public Housing Segregation" in *Clearinghouse Review*.

- *Hawkins v. Kemp*: Black public housing residents in Omaha, NE file a lawsuit against the Omaha Housing Authority and the City of Omaha for maintaining a system of racially discriminatory and segregated public housing.

- *Christian Community Action v. Kemp*: Advocates file a lawsuit against City of New Haven and HUD, challenging the siting of replacement public housing units from a demolished high-rise development and the history of segregated public housing development in the city.

- *Giddins v. HUD*: Residents of Yonkers and Westchester Counties in New York file a lawsuit against HUD and local defendants, based on concentration of Section 8 rental certificates in segregated neighborhoods.

- *Hollman v. Kemp*: Residents of Minneapolis, MN challenge pattern of intentional racial discrimination in the public housing programs in Minneapolis.



Sanders v. HUD: The U.S. District Court approves a settlement to provide an estimated \$58 million in public housing and community development funding, designed to desegregate public and private housing in Allegheny County, PA. HUD assembles a task force to develop a desegregation plan for Allegheny County.

Latinos United v. Chicago Housing Authority: A coalition of community groups in Chicago file a lawsuit against HUD and the Chicago Housing Authority, claiming discrimination against Hispanics in the distribution of housing assistance in Chicago.

Era of Secretary Jack F. Kemp (R): 1989-1993

Era of Secretary Henry G. Cisneros

1990

1991

1992

1993

1994

- The HOME Investment Partnerships Program is created.
- HUD notice H90-43 (Section 8 portability) is published.

- Urban Institute publishes the second *Housing Discrimination Study* for HUD, documenting extent of direct discrimination in housing and sales.
- The Advisory Commission on Regulatory Barriers to Affordable Housing publishes – “Not in My Back Yard”: Removing Barriers to Affordable Housing – submitted to President George Bush and Secretary Jack F. Kemp.

- April 29 - May 5, riots occur in Los Angeles after the beating of Rodney King.
- August, the Final Report of the National Commission on Severely Distressed Public Housing is issued.
- The Hope VI program is created.
- The Moving to Opportunity demonstration program is established by the Housing and Community Development Act of 1992

- Douglas Massey & Nancy Denton publish *American Apartheid: Segregation and the Making of the Underclass*.
- September: HUD takes over the Vidor, Texas Public Housing Authority, where HUD investigation had uncovered blatant discriminatory practices
- HUD formally approves a disparate impact claim in *HUD v. Mountainside Mobile Estates Partnership*

MD Senator Barbara Mikulski leads effort to de-fund the Moving to Opportunity program in response to community opposition.

- January 17, President Bill Clinton signs Executive Order 12892 – Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing.
- January 19, a National Fair Housing Summit is convened by HUD, bringing together over 1,000 fair housing advocates from across the country, with separate meetings for lawyers in pending fair housing cases against the Department.
- October, the first National Conference on Assisted Housing Mobility is held in Washington, D.C.



(D): 1993-1997

Era of Secretary Andrew Cuomo (D): 1997-2001

Era of Secretary Mel Martinez (R): 2001-2004

1995 1996 1997 1998 1999 2000 2001 2003 2004

• *Thompson v. HUD*: Residents in Baltimore, MD file a lawsuit against HUD, the Housing Authority of Baltimore City, and the City of Baltimore, alleging that the defendants had created and maintained a racially segregated system of public housing in Baltimore City.

• *Thompson v. HUD*: The U.S. District Court approves a Partial Consent Decree, which includes a new housing mobility program for Baltimore City public housing residents.

• *Walker v. HUD*: In 1994, and subsequently in 1996, the U.S. District Court holds that Dallas Housing Authority and HUD are liable for knowingly and willingly promoting and maintaining racial segregation in low income housing programs administered by DHA in the City of Dallas. The U.S. District Court also holds HUD liable for failing to affirmatively further fair housing.

• *Adker v. HUD*: A settlement is reached establishing a Fair Housing Center to help desegregate Dade County's (FL) federally-assisted housing programs and to increase desegregated housing choices and opportunities for eligible residents.

• *Wallace v. Chicago Housing Authority*: Residents of Chicago sue the Chicago Housing Authority, alleging that the defendant had failed to provide adequate relocation assistance and effective social services to families displaced by public housing demolition, and had steered low-income minority residents into segregated Black communities.

• Keynote address delivered to University of PA fair housing symposium by Roberta Achtenberg, HUD Assistant Secretary for Fair Housing, acknowledging HUD's history of segregation.



• The original "Affirmatively Furthering Fair Housing" rule is proposed by HUD.

• The Affirmatively Furthering Fair Housing proposed rule is withdrawn.

• *Olmstead v. L.C.*: in case filed against the Georgia state hospital system, the US Supreme Court rules that unjustified segregation of persons with disabilities violates the Americans with Disabilities Act.

• The Millennial Housing Commission is convened



- *Inclusive Communities Project. v. HUD:* A Dallas based non-profit organization files a lawsuit against HUD, alleging that HUD should use smaller rental housing market areas, instead of large multi-county regions, as the basis for determining Fair Market Rents (“FMRs”).
- *U.S. ex rel. Anti-Discrimination Center v. Westchester County:* Federal “False Claims Act” lawsuit filed by Anti-Discrimination Center of Metro New York, Inc. against Westchester County, NY is unsealed, alleging that the county filed false certifications to HUD that it had “affirmatively furthered fair housing.”

- *Inclusive Communities Project v. Texas Dep’t of Hous.:* Lawsuit against the Texas Department of Housing and Community Affairs claiming disproportionate allocation of tax credits to properties in heavily minority-populated areas and limiting access to higher opportunity communities for families with vouchers.
- *Greater New Orleans Fair Housing Action Center v. HUD:* Greater New Orleans Fair Housing Action Center and the National Fair Housing Alliance, along with Black homeowners from Louisiana, file a lawsuit alleging that HUD’s “Road Home” program has a discriminatory and disparate impact on African Americans.

• *U.S. ex rel. Anti-Discrimination Center v. Westchester County:* The U.S. District Court approves an historic \$62.5 million settlement agreement. The litigation is the first to use the federal False Claims Act (“FCA”) to enforce a County’s obligation to “affirmatively further fair housing.”

Inclusive Communities Project. v. HUD: The U.S. District Court approves a settlement that establishes Small Area FMRs in the Dallas region and promises a national demonstration program.

• *Thompson v. HUD:* The U.S. District Court approves a final Settlement Agreement to resolve outstanding issues related to the Partial Consent Decree and other remaining claims.

Inclusive Communities Project v. Texas Dep’t of Hous.: The U.S. District Court rules that the allocation of Low Income Housing Tax Credits in Dallas resulted in a disparate impact on African-American residents under the Fair Housing Act.

Era of Secretary Alphonso Jackson (R): 2004-2008

Era of Secretary Steve Preston (R): 2008-2009

Era of Secretary Shaun Donovan (D): 2009-2014

2005

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2008

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2012

2013



HUD issues final Title VI guidance on Limited English Proficiency, requiring language access and assistance for HUD program participants.

- The National Housing Trust Fund is enacted by Congress.
- National Commission on Fair Housing and Equal Opportunity holds hearings in five cities and issues a final report to the next administration.



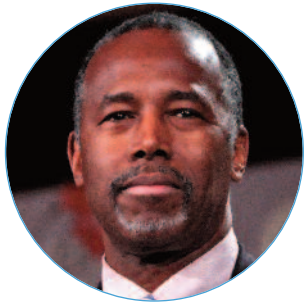
• April, HUD announces plan to develop a new rule on Affirmatively Furthering Fair Housing (AFFH).



- HUD launches Small Area FMR Demonstration based on Dallas litigation.
- February, HUD issues a final “disparate impact” rule, clarifying burden of proof.
- July, HUD issues a proposed “Affirmatively Furthering Fair Housing” rule.

• *Inclusive Communities Project v. Department of Treasury and Office of the Comptroller of the Currency* filed (challenging federal complicity in segregation of Low Income Housing Tax Credit developments in the Dallas metropolitan area).

• February: In *Inclusive Communities Project v. Texas Dep't of Housing*, the U.S. Supreme Court hears oral argument on whether disparate impact claims may be brought under the Fair Housing Act.



— Era of Secretary Julian Castro (D): 2014 - 2017 —

— Era of Secretary Ben Carson (R): 2017-Present

2014 2015 2016 2017



- July 2015: Final rule on Affirmatively Furthering Fair Housing!
- June 2015: "Disparate Impact" upheld by the U.S. Supreme Court in *ICP v. Texas*!

Acknowledgements

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For Further Reading

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Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton University Press 2005)

Arnold Hirsch, *Making the Second Ghetto: Race and Housing in Chicago 1940-1960*, (University of Chicago Press, 1983).

Other References

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Elmer Staats, *Section 236 Rental Housing: An Evaluation with Lessons for the Future*, Government Accountability Office Report to Congress (January 10, 1978), available at www.gao.gov/assets/130/121049.pdf.

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Lori Waite, Divided Consciousness: The Impact of Black Elite Consciousness in the 1966 Chicago Freedom Movement, in *Oppositional Consciousness: The Subjective Roots of Social Protest* 170-203 (Jane Mansbridge & Aldon Morris, eds., University of Chicago Press 2001).

Elizabeth K. Julian, et al, “Separate and Unequal – The Root and Branch of Public Housing Segregation,” 23 *Clearinghouse Review* 666 (1989).

John R. Logan, et al, “The Persistence of Segregation in the Metropolis: New Findings from the 2010 Census,” 12 *City Community* 160 (2013).

Alexander Polikoff, *Waiting for Gautreaux*, (Northwestern University Press, 2007).

Yale Rabin, “The Roots of Segregation in the Eighties” in *Divided Neighborhoods* (Gary A. Tobin ed., 1987).

Margery Turner et al, *Housing Discrimination Study: Analyzing Racial and Ethnic Steering: Prepared for U.S. Department of Housing and Urban Development*, The Urban Institute (October 1991).

Mark Baldassare et al, *Los Angeles Riots: Lessons for the Urban Future* (Westview Press 1994) available at www.ncjrs.gov

Rachel Bratt, *Rebuilding a Low-Income Housing Policy* (Temple University Press 1989).

Susan Molinari et al, *Meeting Our Nation’s Housing Challenges: Report of the Bipartisan Millennial Housing Commission Appointed by the Congress of the United States*, The Millennial Housing Commission (May 30, 2002), available at www.ncsha.org/resource/millennial-housing-commission-report.

Susan Popkin et al, *A Decade of Hope VI: Research Findings and Policy Challenges*, The Urban Institute (May 2004) available at www.urban.org/UploadedPDF/411002_HOPEVI.pdf.

Tama Leventhal & Jeanne Brooks-Gunn, Moving to Opportunity: an Experimental Study of Neighborhood Effects on Mental Health, *American Journal of Public Health* 1576-1582 (September 2003), available at ajph.aphapublications.org/doi/pdf/10.2105/AJPH.93.9.1576.

Thomas Kean et al, “Not in My Back Yard”: Removing Barriers to Affordable Housing: Executive Summary, *Advisory Commission on Regulatory Barriers to Affordable Housing* (July 1991)

Michael Vernarelli, “Where Should HUD Locate Assisted Housing?” in *Housing Desegregation and Federal Policy* (John M. Goering, ed. 1986).

Ron Wienk et al., *Measuring Discrimination in American Housing Markets* (1975), available at files.eric.ed.gov/fulltext/ED182397.pdf

Endnotes

1932

Federal Home Loan Bank Board: The Federal Home Loan Bank Board (FHLBB) was created by the Federal Home Loan Bank Act of 1932. According to a Treasury Department report, it was comprised of “twelve cooperatively owned regional banks that borrowed funds on behalf of state-chartered members and were overseen by the FHLBB. The following year, the Home Owners’ Loan Act of 1933 granted the FHLBB the authority to charter and regulate federal thrifts.” See “The Department of the Treasury Blueprint for a Modernized Financial Regulatory Structure,” United States Department of the Treasury (2008), available at <http://www.treasury.gov/press-center/press-releases/Documents/Blueprint.pdf>; *The New Suburban History*, 17 (Kevin M. Kruse & Thomas J. Sugrue ed. 2006). See also U.S. Department of Housing and Urban Development, “HUD History,” http://portal.hud.gov/hudportal/HUD?src=/about/hud_history.

1933

Federal Housing Administration: As part of President Franklin D. Roosevelt’s New Deal, the Federal Housing Administration (FHA) was established by the National Housing Act of 1934 (Pub.L. 84–345, 48 Stat. 847, enacted June 28, 1934) with the goal of reducing unemployment by stimulating housing construction and stopping the surge of bank foreclosures on family homes. The FHA is still in existence today under the Assistant Secretary for Housing and serves as the main federal agency handling mortgage insurance. See Alex Schwartz, *Housing Policy in the United States* 53 (Routledge 2nd ed. 2010).

1937

Federal National Mortgage Association: The Federal National Mortgage Association, or Fannie Mae, was also founded as part of the New Deal. It is a government-sponsored enterprise (publicly traded since 1968) with the purpose of providing “reliable, large-scale access to affordable mortgage credit in all communities across the country at all times so people can buy, refinance, or rent homes.” See Federal National Mortgage Association, “Company Overview,” <http://www.fanniemae.com/portal/about-us/company-overview/about-fm.html>.
Housing Act of 1937: Building upon the National Housing Act of 1934,

the Housing Act of 1937 (Pub.L. 75–412, 50 Stat. 888, enacted September 1, 1937), referred to as the Wagner-Steagall Act, created a mechanism for the U.S. government to provide subsidies to local public housing agencies. The act also created the United States Housing Authority within the United States Department of the Interior, which was designed to lend money to states or communities for low-cost construction.

1939

Federal Loan Agency: In 1939, the United States Housing Authority was reorganized under the Federal Works Agency (FWA), pursuant to the Reorganization Plan No. 1 of 1939 as authorized under the Reorganization Act of 1939. The FWA was an independent government agency that administered public construction, building maintenance, and public works relief functions and laws from 1930 to 1949. The Federal Loan Agency was also created at this time to oversee the FHA, the RFC, Fannie Mae, the Federal Home Loan Bank Board, and the Home Owners Loan Corporation. See HUD History, *supra*. See also Frederick C. Mosher, *American Public Administration: Past, Present, and Future*. University of Alabama Press (1975).

1942

National Housing Agency: The National Housing Agency was an emergency agency created by President Franklin D. Roosevelt under Executive Order 9070, February 24, 1942, under the First War Powers Act of 1941 (55 Stat. 838), December 18, 1941, to consolidate federal housing agencies and functions. See “General Records of the Department of Housing and Urban Development (HUD),” National Archives, <http://www.archives.gov/research/guide-fed-records/groups/207.html>. See also Rachel Bratt, *Rebuilding a Low-Income Housing Policy* 121 (Temple University Press 1989) (noting that “As early as 1942, President Franklin D. Roosevelt identified the value of consolidating all federal housing functions into a single unit, the National Housing Agency (NHA).”)

1943

Housing and Home Finance Agency: In 1947, NHA was replaced by the Housing and Home Finance Agency (HHFA), which is HUD’s immediate predecessor. See Bratt, *supra* (1942), at 121. As noted by Wendell Pritchett, the HHFA “managed a wide variety of programs, including mortgage insur-

ance, public housing, urban redevelopment, local and regional planning, construction of public facilities (e.g., water and sewer systems), financing of college housing, and assistance to mass transit.” Wendell Pritchett, Robert Clifton Weaver and the American City: The Life and Times of an Urban Reformer 211-12 (University of Chicago Press 2008). See also Alan Rabinowitz, Urban Economics and Land Use in America: The Transformation of Cities in the Twentieth Century, 132-133 (2004) (crediting HHFA for modernizing the housing market).

1944

Veterans Administration Home Loan Program: In 1944, the Servicemen’s Readjustment Act of 1944 (P.L. 78-346, 58 Stat. 284m), known informally as the G.I. Bill, created the Veterans Administration (VA) home loan program, which has guaranteed millions of single-family and mobile home loans to veterans. The program was designed to offer long-term financing to American veterans or their surviving spouses. See HUD History, *supra*. For more information, See “Summary of VA Home Loan Guaranty Benefits,” U.S. Department of Veterans Affairs, available at www.benefits.va.gov/BENEFITS/benefits-summary/SummaryofVAHome-LoanGuarantyBenefits.pdf.

1948

Shelley v. Kraemer, 334 U.S. 1 (1948) (“The historical context in which the Fourteenth Amendment became a part of the Constitution should not be forgotten. Whatever else the framers sought to achieve, it is clear that the matter of primary concern was the establishment of equality in the enjoyment of basic civil and political rights and the preservation of those rights from discriminatory action on the part of the States based on considerations of race or color.”)

Hurd v. Hodge, 334 U.S. 24 (1948) (“The power of the federal courts to enforce the terms of private agreements is at all times exercised subject to the restrictions and limitations of the public policy of the United States as manifested in the Constitution, treaties, federal statutes, and applicable legal precedents.”)

1949

American Housing Act of 1949: As a part of President Harry Truman’s Fair Deal program, the American Housing Act of 1949 (Title V of P.L. 81-

171) expanded the federal government’s role in mortgage insurance and issuance and the construction of public housing. Title I of the American Housing Act authorized funds to assist in slum clearance and urban redevelopment. See HUD History, *supra*.

Bricker-Cain Amendment: Senator John Bricker of Ohio and Senator Harry P. Cain of Washington sought to kill the 1949 public housing bill by introducing the Bricker-Cain Amendment. Historians have suggested that the amendment served to split northern liberals and southern segregationists. See Arnold R. Hirsch, Searching for a “Sound Negro Policy”: A Racial Agenda for the Housing Acts of 1949 and 1954, 11 Housing Pol’y Debate 393 (2000).

1950

National Committee Against Discrimination in Housing: In 1950, the National Committee Against Discrimination in Housing (NCDH) was created to coordinate research on housing issues impacting minorities, and to engage government, real estate, and community stakeholders to help eliminate discrimination in housing. See A Brief History of the Open Housing Movement, Harvard University Joint Center for Housing Studies (1998) www.jchs.harvard.edu/publications/communitydevelopment/von_hoffman_W98-3.pdf. See also Amistad Research Center, National Committee Against Discrimination in Housing, Inc. (1945-1974), <http://www.amistadresearchcenter.org>.

1954

Housing Act of 1954: The Housing Act of 1954 amended the 1949 Housing Act to provide funding for not only new construction and demolition, but also for urban renewal. Two years later, in the Housing Act of 1956, provisions were added that gave preferences to the elderly. Also, authorization was given to provide relocation payments to persons displaced by urban renewal. See R. Allen Hays, The Federal Government and Urban Housing, 223 (1985). See also HUD History, *supra*.

Berman v. Parker, 348 U.S. 26 (1954) (“If owner after owner were permitted to resist these redevelopment programs on the ground that his particular property was not being used against the public interest, integrated plans for redevelopment would suffer greatly.”)

1955

St Louis, Mo: Davis v. St. Louis Hous. Auth., Race Relations Law Reporter 1 (1956).

Detroit, Mich.: Detroit Hous. Comm'n v. Lewis, 226 F.2d 180, 181 (6th Cir. 1955).

1957

NYC Open Housing Ordinance: See Charles G. Bennett, "Bill Barring Bias in Housing Passed By City Council," N.Y. Times, Dec. 6, 1957, at 1 ("Councilmen favoring the measure hailed it as 'historic' and predicted that its effect would be felt around the world. The measure forbids discrimination, on the basis of race, creed, or national origin, in private multiple dwellings housing three or more families.").

1962

Secretary Weaver speech: See Pritchett, *supra* (1943), at 228-29.

Executive Order 11063: Signed by President John F. Kennedy on November 20, 1962, Executive Order 11063, Equal Opportunity in Housing, "prevent[s] discrimination because of race, color, creed, or national origin in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are owned or operated by the Federal Government . . ." Exec. Order. No. 11063, 27 Fed. Reg. 11527 (Nov. 20, 1962).

Public Housing Administration: See Pritchett, *supra* (1943), at 234.

1963

Lawyers Committee for Civil Rights Under Law: The Lawyers' Committee for Civil Rights Under Law was founded to answer President John F. Kennedy's call for the formation of a group of lawyers to "counter and reduce racial tensions by way of volunteer citizen actions." See The Lawyers' Committee for Civil Rights Under Law, About Us, <http://www.lawyerscommittee.org/about?id=0001>.

March on Washington: On August 28, 1963, approximately 250,000 African Americans traveled to Washington D.C. to protest for racial equality in America and the end of all forms of Jim Crow segregation in employment, public accommodations, housing, and education. The demonstration was organized and led by A. Phillip Randolph and Bayard Rustin, and included prominent civil rights leaders such as Whitney Young, Roy Wilkins, James Farmer, John Lewis, and Dr. Martin Luther King Jr. In front of the Lincoln Memorial, Dr. Martin Luther King Jr. delivered his famous 'I Have a Dream' speech. See "45 Years Ago: A. Philip Randolph's 1963 March on Washington," *The Journal of Blacks in Higher Education* 5 (Summer 2008), available at <http://www.jstor.org/stable/40407148>. See also William P. Jones, The March on Washington: Jobs, Freedom, and The Forgotten History of Civil Rights, W.W. Norton & Company, Inc. (2013).

Task Force on Urban Affairs and Housing: The Task Force on Urban Affairs and Housing was designed to recommend federal multipurpose grants to cover a broad range of public and social services. President Lyndon B. Johnson also created the Task Force on Metropolitan and Urban Problems, which was designed to recommend comprehensive local determinations of area-wide needs, involving block grants for urban services and urban renewal. See Rosemary Orthmann, "Task Force Reports of the Johnson White House, 1963-1969." LexisNexis (2009). See also Pritchett, *supra* (1943), at 282 (noting that "although it proposed several new programs, much of the task force's final report advised the president on the organization of HUD, recommending, for example, that the existing fiefdoms of the Federal Housing Authority, Urban Renewal, and Public Housing be eliminated and that HUD be operated by regional directors who reported directly to Weaver and Wood.").

1964

Freedom Summer: A civil rights project spearheaded by the Student Non-Violent Coordinating Committee (SNCC) and lasting from early June until late August. Approximately 1000 people, including many white northern college students, traveled South to volunteer in one of the forty-four local projects, including registering black voters and teaching in so-called Freedom Schools. See Doug McAdam, Freedom Summer 4-5 (Oxford University Press 1988) (noting that "Freedom Summer served both as the organizational basis for much of the activism of the Sixties as well as an important impetus for the development of the broader counterculture that emerged during the era").

“Mississippi Burning” Murders: The deaths of Goodman, Schwerner, and Chaney provoked a national outrage and led to the first successful civil rights federal prosecution in Mississippi. The Federal Bureau of Investigation referred to the federal investigation of the case as “Mississippi Burning.” See Howard Zinn, A People’s History of the United States: 1492-Present, 456 (2d. ed. 2005). See generally Douglas O. Linder, Bending Toward Justice: John Doar and the “Mississippi Burning” Trial, 72 Miss. L.J. 731 (2002).

Civil Rights Act of 1964: Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964 and prohibited discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Title VI is enforced at HUD by the Office of Fair Housing and Equal Opportunity.

1965

The Department of Housing and Urban Development: The Department of Housing and Urban Development (HUD) was established “[t]o assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities.” Housing and Urban Development Act of 1965, Pub. L. 89-117. The first secretary of HUD, Robert Weaver, was also the first African American cabinet member.

Watts Riot: The Watts Riot occurred during the summer of 1965 in Los Angeles, California, and was a turning point in the history of American race relations. The violence had an impact on Secretary Weaver’s role as the highest-ranking African American in the federal government. President Lyndon B. Johnson viewed the newly created Department of Housing and Urban Development as a vehicle to address the tensions in the community and improve life for Americans. See Pritchett, supra (1943) at 259-60. See also John H. Barnhill, “Watts Riots (1965)” in Revolts, Protests, Demonstrations, and Rebellions in American History, Volume 3. (Steven L. Danver ed. 2010)

1966

Chicago Freedom Movement: The 1966 Chicago Freedom Movement was a collaborative effort between the Southern Christian Leadership Conference, and local Chicago activists to address racial inequality and housing

segregation in the urban North. See PRRAC, “Chicago 1966: An Historical Commemoration,” www.prrac.org/projects/Chicago1969.php. See also Lori Waite, Divided Consciousness: The Impact of Black Elite Consciousness in the 1966 Chicago Freedom Movement, in Oppositional Consciousness: The Subjective Roots of Social Protest 170 (Jane Mansbridge & Aldon Morris, eds., University of Chicago Press 2001).

Model Cities Program: The Model Cities Program, overseen by HUD, was created by President Lyndon B. Johnson’s Great Society initiative to assist cities in navigating HUD procedures and a complicated array of government programs in other federal agencies. The program ended in 1974. See Pritchett, supra (1943) at 285. See also Bret A. Weber and Amanda Wallace, “Revealing the Empowerment Revolution: A Literature Review of the Model Cities Program,” *Journal of Urban History* (2012).

Gautreaux v. Chicago Housing Authority: In 1969, the U.S. District Court held that the Chicago Housing Authority had deliberately engaged in discriminatory tenant-assignment and site-selection procedures. See Gautreaux v. Chi. Hous. Auth., 296 F. Supp. 907 (N.D. Ill. 1969).

1967

Race Riots: See Pritchett, supra (1943) at 303 (noting that “The conflicts of 1967...were several magnitudes greater than the nation had witnessed in previous years. A federal study of urban riots that year reported 8 major disorders, 33 serious riots, and 123 minor uprisings...It began in the city of Newark, New Jersey...The riots that began a week later in Detroit dwarfed those in New Jersey.”). See also Segregation: The Rising Costs for America, 76 (James H. Carr & Nandinee K. Kutty eds. 2008) (“... a convulsive wave of mob violence erupted during July and August of 1967, when black ghettos in the sixty U.S. cities exploded in a cataclysm of frustration and rage.”).

1968

Kerner Commission Report: See Pritchett, supra (1943) at 315 (The Kerner Commission report “blamed white racism for the riots...[and] called for a massive program for housing, education, and employment...[It] also recommended the passage of a ‘national, comprehensive and enforceable open occupancy law.’”) See also Report of the Nat’l Advisory Comm’n on Civil Disorders, 203 (Bantam Books 1968) (“Segregation and poverty have created in the racial ghetto a destructive environment totally unknown to

most white Americans. What white Americans have never fully 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, and white society condones it.”).

King Assassination: Dr. King’s assassination incited riots in 125 cities where at least 39 people were killed. The following day, President Johnson organized a meeting with civil rights leaders and Secretary Weaver. They agreed to work for the passage of the civil rights bill as a testimonial to King’s legacy. Less than a week later, on April 11, 1968, the House passed the Fair Housing Act. See Pritchett, supra (1943) at 316.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968 (Pub.L. 90–284, 82 Stat. 73, enacted April 11, 1968), commonly known as the Fair Housing Act, prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin. In 1974, those classes were expanded to include gender, and in 1988, people with disabilities and families with children. The Fair Housing Act requires HUD, among its many other obligations, to affirmatively promote fair housing in the administration of its housing programs, marking a historic shift in the federal government’s stance toward racial discrimination and segregation in the housing market. See Schwartz, supra (1933) at 277. See also Bratt, supra (1942) at 131. Senator Ed Brooke on the passage of the Fair Housing Act (from the legislative debate) declared, “Today’s Federal housing official commonly inveighs against the evils of ghetto life even as he pushes buttons that ratify their triumph—even as he OK’s public housing sites in the heart of the [African-American] slums, releases planning and urban renewal funds to cities dead-set against integration, and approves the financing of suburban subdivisions from which [African-Americans] will be barred.” 114 Cong. Rec. 2281 (1968). For a good review of the legislative history of the Fair Housing Act’s pro-integration provisions, see Florence W. Roisman, “Affirmatively Furthering Fair Housing in Regional Housing Markets: The Baltimore Public Housing Desegregation Litigation,” 42 Wake Forest L. Rev. 333 (2007).

Civil Rights Act of 1968: Other sections of the Civil Rights Act of 1968 included a “major expansion of existing urban development programs and several new ones. Recognizing the continuing opposition to integrated housing, Weaver’s proposals focused on housing production.” The Act would also “double the funding for affordable housing and to set a goal of producing 500,000 units a year during the 1970s. According to the plan, the federal government would support the construction of 600,000 units of pub-

lic housing and 400,000 units of rent-subsidized housing in the next four years, almost three times the amount produced in the preceding four years...[as well as] substantial increases in funding for the urban renewal and Model Cities programs...[and] a program to subsidize the purchase of homes by low-income persons.” Pritchett, supra (1943) at 318-19.

Jones v. Alfred H. Mayer Co., 392 U.S. 409, 441-43 (1968) (“Just as the Black Codes, enacted after the Civil War to restrict the free exercise of those rights, were substitutes for the slave system, so the exclusion of Negroes from white communities became a substitute for the Black Codes. And when racial discrimination herds men into ghettos and makes their ability to buy property turn on the color of their skin, then it too is a relic of slavery.”).

Hicks v. Weaver, 302 F.Supp. 619, 623 (E.D. La. 1969) (finding that “. . . through its Secretary Weaver, HUD has violated the plaintiffs’ rights under 42 U.S.C. 2000d...HUD was not only aware of the situation in Bogalusa but it effectively directed and controlled each and every step in the program. Nothing could be done without its approval. HUD thus sanctioned the violation of plaintiffs’ rights and was an active participant since it could have halted the discrimination at any step in the program.”).

1969

Shannon v. HUD: 305 F. Supp. 205 (E.D. Pa. 1969) vacated, 436 F.2d 809 (3d Cir. 1970).

1970

Shannon v. HUD, 436 F.2d 809 (3rd Cir. 1970) (stating “[HUD cannot] remain blind to the very real effect that racial concentration has had in the development of urban blight...[and] must utilize some institutionalized method whereby, in considering site selection or type selection, it has before it the relevant racial and socio-economic information necessary for compliance with its duties under the 1964 and 1968 Civil Rights Acts.”)

1971

Resident Advisory Bd. v. Rizzo, 564 F.2d 126 (3d Cir. 1977).

Gautreaux v. Romney, 448 F.2d 731 (7th Cir. 1971).

Also in 1971, See Mahaley v. Cuyahoga Metro. Hous. Auth., 500 F.2d 1087

(6th Cir. 1974) (challenging segregation and racial exclusion in the greater Cleveland region).

1972

Site and Neighborhood Standards: See Michael Vernarelli, “Where Should HUD Locate Assisted Housing?” in Housing Desegregation and Federal Policy (Goering, ed. 1986).

Also in 1972, See Hart v. Cmty. Sch. Bd. of Brooklyn, New York Sch. Dist. No. 21, 383 F. Supp. 699 (E.D.N.Y. 1974) (innovative class action challenge to interrelated housing and school policies leading to segregation of local elementary school in Coney Island, New York), aff’d sub nom. Hart v. Cmty. Sch. Bd. of Ed., N.Y. Sch. Dist. No. 21, 512 F.2d 37 (2d Cir. 1975).

1973

Hale v. HUD, Civ. Action No. C-73410 (W.D. Tenn August 23, 1985) (Order approving consent decree).

Otero v. N.Y. City Hous. Auth., 484 F.2d 1122, 1134 (2d Cir. 1973) (“Action must be taken to fulfill, as much as possible, the goal of open, integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups whose lack of opportunities the Act was designed to combat.”).

1974

The Housing and Community Development Act of 1974 (HCDA): The Housing and Community Development Act of 1974, (12 U.S.C. 1706e), amended the Housing Act of 1937 to create the Section 8 Existing, New Construction, and Substantial Rehabilitation programs. The act also authorized HUD to award “Entitlement Communities Grants” under the Community Development Block Grant program.

The Community Development Block Grant (CDBG): The Community Development Block Grant departed from earlier models of federal government support for urban redevelopment by entitling cities and urban counties to a block of funds, to be spent at local option, but within broad guidelines established by Congress. In this bill, Congress viewed cities and counties as “the best judges of their own community development priorities and the

best designers of the best ways to pursue these priorities.” See generally Chris Walker et al, The Impact of CDBG Spending on Urban Neighborhoods: Final Report, The Urban Institute (August 2002), http://www.urban.org/UploadedPDF/410664_CDBG_Spending.pdf. See also Schwartz, *supra* (1933) at 8.

The National Low Income Housing Coalition (NLIHC): The National Low Income Housing Coalition was founded to advocate for social justice in housing and to ensure that low-income individuals have access to affordable and decent homes. See National Low Income Housing Coalition, About Us, <http://nlihc.org/about>.

Lau v. Nichols, 414 U.S. 563 (1974).

Jaimes v. Toledo Metro. Hous. Auth.: In 1985, the Court of Appeals affirmed the U.S. District Court’s finding that there had been racial discrimination in the public housing in Lucas County, but held that the plaintiffs lacked standing and reversed part of the judgment. See Jaimes v. Toledo Metro. Hous. Auth., 758 F.2d 1086 (6th Cir. 1985). In 1987, the Court of Appeals again affirmed the finding of intentional discrimination and segregation by the public housing authority, and also affirmed portions of an affirmative action plan designed to remedy past discrimination. However, the Court of Appeals declined to issue a ruling on HUD’s liability and refused to enforce portions of the affirmative action plan. See Jaimes v. Lucas Metro. Hous. Auth., 833 F.2d 1203 (6th Cir. 1987). In 1989, the U.S. District Court found HUD liable for intentional discrimination and segregation in public housing in Lucas County, Ohio, and the court ordered HUD to comply with the terms of the affirmative action plan. See Jaimes v. Toledo Metro. Hous. Auth., 715 F.Supp. 835 (N.D. Ohio 1989).

1975

Hills v. Gautreaux, 425 U.S. 284 (1976). See also Douglas S. Massey and Nancy A. Denton, American Apartheid: Segregation and the Making of the Underclass, 191 (1993) (explaining that the Supreme Court unanimously “. . . reaffirmed HUD’s complicity in promoting segregation and declared that the entire metropolitan area was the relevant housing market for a remedy.”).

Hartford v. Hills, 408 F. Supp. 879 (D. Conn. 1975), overruled by Hartford v. Glastonbury, 561 F.2d 1032 (2d Cir. 1976).

1977

Gautreaux Implementation: In response to the Supreme Court ruling in Hills v. Gautreaux, HUD creates the Gautreaux Housing Demonstration, which includes the use of Section 8 certificates on a metropolitan-wide basis with extensive counseling and outreach services to promote housing desegregation. See Michael Vernarelli, *supra* (1972) at 218. The Gautreaux Demonstration “represented the first large-scale effort on the part of HUD to redress the discriminatory effects of its past policies.” See *id* at 218.

1978

Assisted Housing Mobility: The purpose of the Assisted Housing Mobility Task Force was to make specific recommendations to help promote housing mobility and deconcentration for the Section 8 and other assisted housing programs. See Vernarelli, *supra* (1972) at 222.

1979

Regional Housing Mobility Program: See Megan Haberle, “A Blueprint for Opportunity: A Look Back at HUD’s Regional Housing Mobility Program,” *Poverty & Race*, (May/June, 2014), available at www.prrac.org/pdf/MayJune2014PRRACHaberle.pdf.

Clients’ Council v. Pierce: In 1982, the U.S. District Court dismissed the claims against HUD and held that HUD officials had met their duty to promote fair housing in Texarkana, Arkansas. See Clients’ Council v. Pierce, 532 F. Supp. 563 (W.D. Ark. 1982), but in 1983, the Court of Appeals held HUD liable for maintaining racially discriminatory practices against Black residents See Clients’ Council v. Pierce, 711 F.2d 1406 (8th Cir. 1983).

Arthur v. Starrett City Assoc., 98 F.R.D. 500 (E.D.N.Y. 1983). After the settlement of a private fair housing complaint challenging “integration maintenance” quotas at a large subsidized housing complex, the U.S. Justice Department sued to challenge the agreement, which had permitted continuation of some racial goals along with expansion of housing opportunities for families of color. The Court of Appeals held that Starrett City’s practices of “renting apartments in its Brooklyn housing complex solely on the basis of applicants’ race or national origin, and of making apartments unavailable to black and Hispanic applicants that [were] then made available to white applicants” violated federal law. United States v. Starrett City Assoc., 840 F.2d 1096 (2d Cir. 1988).

1980

John O. Calmore, “Fair Housing vs. Fair Housing: The Problems with Providing Increased Housing Opportunities through Spatial Deconcentration,” 14 *Clearinghouse Rev.* 7 (1980-1981).

Young v. Pierce, 628 F. Supp. 1037 (E.D. Tex. 1985).

United States v. Yonkers Bd. of Educ.: In 1984, the U.S. District Court dismissed the third-party complaint against HUD. See United States v. Yonkers Bd. of Educ., 594 F. Supp. 466 (S.D.N.Y. 1984). Then, in 1985, the U.S. District Court held the City of Yonkers liable for intentional racial segregation in public housing in Yonkers. The U.S. District Court ordered the defendant to take steps to remedy the past segregation. See United States v. Yonkers Bd. of Educ., 624 F. Supp. 1276 (S.D.N.Y. 1985). In 1987, the U.S. Court of Appeals held that the U.S. District Court had properly imposed an affirmative duty on the City to build public housing outside of the City’s predominantly minority neighborhoods and had correctly found that Yonkers’ segregated housing patterns were the result of the City’s intentional discrimination. See United States v. Yonkers Bd. of Educ., 837 F.2d 1181 (2d Cir. 1987), *cert. denied*, 486 U.S. 1055 (1988).

1981

Gautreaux v. Landrieu, 523 F. Supp. 665 (N.D. Ill.1981).

1982

Chester W. Hartman et al., Displacement: How to Fight It (Natl Hous. Law Project 1982).

Metropolitan Action Institute, More Places to Live: A Study of Interjurisdictional Housing Mobility Programs (1982).

1985

Craig Flournoy & George Rodrigue, “Separate and Unequal: Illegal Segregation Pervades Nation’s Subsidized Housing,” *The Dallas Morning News*, Feb. 10, 1985 (first article in a Pulitzer Prize winning series).

Young v. Pierce, 628 F.Supp. 1037 (E.D. Tex. 1985). In 1995, the U.S. District Court issued a final judgment requiring HUD to undertake desegrega-

tion measures and to promote housing mobility. See *Young v. Cisneros*, Civ. Action No. P-80-8-CA, Final Judgment and Decree, (E.D.Tex. March 30, 1995). In 2004, the U.S. District Court terminated the litigation and issued an order modifying the final judgment. See *Young v. Martinez, et al.*, Civ. Action No. P-80-8-CA, Order Modifying Final Judgment, (E.D.Tex. January 13, 2004).

Walker v. HUD: In 1987, the parties entered into a consent decree to remedy the discrimination, but the Dallas Housing Authority violated the decree and the litigation ensued. In 1989, the U.S. District Court declared that the City of Dallas would be added as a defendant and the plaintiffs were entitled to summary judgment against the City of Dallas, holding that the City was a substantial cause of the racial segregation and discrimination in the public housing programs in Dallas. See *Walker v. HUD*, 734 F. Supp. 1231 (N.D. Tex. 1989). In 1990, the U.S. Court of Appeals vacated a judgment regarding court-ordered subsidization obligations imposed on HUD, and reversed a judgment regarding post-decree legislation that impacted federal funding. Both issues were remanded for further proceedings. See *Walker v. HUD*, 912 F.2d 819 (5th Cir. 1990); 943 F.2d 1314 (5th Cir. 1991) (vacated).

1986

Low-Income Housing Tax Credit (LIHTC): Established by the Tax Reform Act of 1986, the Low-Income Housing Tax Credit (LIHTC) provides financial incentives for developers to invest in the development of affordable housing. The LIHTC has been described as “the single most important funding source for development of low-income rental housing.” See Schwartz, *supra* (1933) at 89-90.

1987

Section 8 Portability: Housing and Community Development Act of 1987, S. 825, 100th Cong. (1987)

1988

Fair Housing Amendments Act of 1988: The Fair Housing Amendments Act of 1988 established an administrative enforcement mechanism, provided stiffer penalties, and expanded coverage to include persons with disabilities and families with children. See Robert G. Schwemm, “The Fair Housing Amendments Act: Legislative History,” 27 *Trends in Housing* 1 (Aug.-Sept. 1988). When Congress passed the amendment, it said the new law was: “[A]

clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream. It repudiates the use of stereotypes and ignorance, and mandates that persons with handicaps be considered as individuals. Generalized perceptions about disabilities and unfounded speculations about threats to safety are specifically rejected as grounds to justify exclusion.” See H.Rpt. 100-711, at p. 18, reprinted at 1988 U.S.C.C.A.N 2173, 2179.

1989

Elizabeth K. Julian & Daniel M. Michael, “Separate and Unequal - The Root and Branch of Public Housing Segregation,” 23 *Clearinghouse Rev.* 666 (1989-1990).

N.A.A.C.P., Boston Chapter v. Kemp, 721 F. Supp. 361, 366 (D. Mass. 1989) (finding HUD liable for “. . . failing to (1) promulgate regulations and guidelines setting forth standards for HUD’s administration and the recipients’ use of funds; (2) secure a minority needs assessment in a timely manner; (3) finance the increase of desegregated housing stock to give minority families meaningful choice of location, and (4) require effective fair housing enforcement by the City.”), remanded from *N.A.A.C.P. v. Sec’y of Housing and Urban Development*, 817 F.2d 149, 155 (1st Cir. 1987) (Breyer, J) (noting that the Fair Housing Act is “an obligation to do more than simply refrain from discriminating (and from purposely aiding discrimination by others)...HUD [must] use its grant programs to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases.”)

Tinsley v. Kemp: The U.S. District Court denied the defendants’ motion to dismiss in 1990, *Tinsley v. Kemp*, 750 F. Supp.1001 (W.D. Mo. 1990), and in 1991 approved a Consent Decree, to be funded by HUD, which called for the complete renovation of one public housing project and the desegregation of public housing generally in Kansas City. See *Tinsley v. Kemp*, No. 89-0023-CV-W-1. (1991). Subsequently, in 1992, residents of Riverview housing development filed a lawsuit against HAKC and HUD, asserting the same “de facto demolition” claims as Tinsley. In 1993, the litigation was settled and HAKC agreed to perform a comprehensive modernization of the Riverview development with financing from HUD. See *Boles v. Cisneros*, No. 92-0526-CV-W-9, Consent Decree (W.D. Mo. January 29, 1993).

Project B.A.S.I.C. v. Kemp: In 1989, the U.S. District Court denied the motion for an injunction against the scheduled demolition of the public

housing development in the City of Providence. See Project B.A.S.I.C. v. Kemp, 721 F. Supp. 1501 (D.R.I. 1989), aff'd mem., No. 89-1910 (1st Cir. Oct. 5, 1989), on denial of reh'g, No. 89-1910 (1st Cir. Oct. 12, 1989). The U.S. Court of Appeals subsequently ordered the Housing Authority of the City of Providence (PHA) to complete the construction of replacement public housing units with 23 months of the date of the opinion. PHA and HUD appealed from the time schedule imposed by the court and the U.S. Court of Appeals agreed that the court's order lacked adequate legal support. See Project B.A.S.I.C. v. O'Rourke, 907 F.2d 1242 (1st Cir. 1990). In 1991, the parties entered into settlement negotiations.

Comer v. Kemp: In 1993, the U.S. District Court dismissed the complaint for lack of standing and held that the claims were moot. See Comer v. Kemp, 824 F. Supp. 1113, 1134 (W.D.N.Y. 1993); Comer v. Kemp, No. 89-1556 (W.D.N.Y. Aug. 19, 1993) (order granting entry of final judgment on to certain defendants). In 1994, the U.S. Court of Appeals vacated judgments of the U.S. District Court and remanded for further proceedings. The decision continued the trend to treat standing expansively in Title VII litigation. See Comer v. Cisneros, 37 F.3d 775 (2d Cir. 1994).

1990

HOME: Similar to the CDBG program, HOME is a block grant program for Entitlement Communities, but is directed primarily at affordable housing development or redevelopment, and home ownership. See Schwartz, *supra* (1933) at 215.

Section 8 Portability: HUD Notice H 90-43 (July 2, 1990), replaced by HUD Notice 91-19 (Mar. 4, 1991).

Hawkins v. Cisneros: In 1994, the U.S. District Court approved a settlement agreement, requiring several hundred displaced residents to be provided with mobility counseling, relocation assistance payments, additional assistance through Section 8 vouchers and certificates, and assistance to find housing in higher opportunity neighborhoods. See Hawkins v. Cisneros, Civ. Action No. 90th-0-55, Settlement Agreement (D. Neb. January 21, 1994).

1991

Housing Discrimination Study: See Margery Turner et al, Housing Discrimination Study: Analyzing Racial and Ethnic Steering: Prepared for U.S.

Department of Housing and Urban Development, The Urban Institute iv (October 1991) (“Both minority and majority homebuyers are limited in their neighborhood choices in two important ways. First, black and Hispanic homebuyers who are shown and recommended addresses are likely to be steered to neighborhoods that are lower percent white and less affluent than those shown and recommended to comparable white Anglo homebuyers. And second, all homebuyers who start their search by inquiring about the availability of units advertised in major metropolitan newspapers are likely to be shown and recommended houses in predominantly white Anglo neighborhoods, rather than in integrated or minority neighborhoods.”).

Removing Barriers to Affordable Housing: See Thomas Kean et al, “Not in My Back Yard”: Removing Barriers to Affordable Housing: Executive Summary, Advisory Commission on Regulatory Barriers to Affordable Housing 4 (Washington 1991), available at http://www.michaelcarliner.com/files/Front-Exec-Sum-Kemp_91_NIMBY_Report.pdf (noting, “Whether the search for housing takes place in rapidly growing suburban areas or older central cities, the basic problem is the same: because of excessive and unnecessary government regulation, housing costs are too often higher than they should and could be.”).

Christian Community Action v. Cisneros: In 1995, the parties agreed that replacement public housing units would be located outside of areas of high minority concentration, in scattered sites in New Haven, and that HUD would provide new Section 8 tenant-based mobility certificates targeted for use throughout the region, including funding a new regional housing mobility program. See Christian Cmty. Action v. Cisneros, Civ. No.3:91cv00296, Settlement Agreement (D. Conn July, 1995).

Giddins v. HUD, No. 91 Civ. 7181 (S.D.N.Y., filed Oct. 24, 1991). See Philip D. Tegeler, Housing Segregation and Local Discretion, 3 J.L. & Pol’y 220, n. 43 (1994-1995) (noting discriminatory administration of the § 8 program in Yonkers and Westchester Counties).

1992

Los Angeles Riots: See generally Mark Baldassare et al, Los Angeles Riots: Lessons for the Urban Future (Westview Press 1994). See also CNN, Los Angeles Riots Fast Facts, <http://www.cnn.com/2013/09/18/us/los-angeles-riots-fast-facts/>.

Hope VI: A \$5 billion program launched in 1992, HOPE VI was designed to replace severely distressed public housing projects with redesigned mixed-income housing. The program also provided housing vouchers to assist public housing residents with renting apartments in the private market. See Susan Popkin et al, [A Decade of Hope VI: Research Findings and Policy Challenges](#), The Urban Institute (May 2004), available at http://www.urban.org/UploadedPDF/411002_HOPEVI.pdf. The program was criticized by low income housing advocates for its impact on the loss of subsidized housing, its rescreening requirements that prevented many former residents from returning to the development, and weak relocation programs that often moved families to equally poor and racially isolated communities.

Moving to Opportunity: Launched in 1994, the Moving to Opportunity demonstration provided public housing residents with special-purpose vouchers and mobility counseling to help them move to low-poverty areas. The initiative was designed to measure the impact of such assistance on both neighborhood outcomes and the well-being of families.

Hollman v. Cisneros: In 1995, the parties agreed that HUD would fund the demolition of dilapidated and racially segregated public housing units and replace those units with others located throughout the Minneapolis metropolitan area. See [Hollman v. Cisneros](#), Civ. Action., No. 4-92-712. Stipulation and Consent Decree, (D. Minn. Mar. 8, 1995).

1993

Douglas S. Massey & Nancy A. Denton, [American Apartheid: Segregation and the Making of the Underclass](#), (Harvard University Press 1993).

1994

Fair Housing Summit: See Ellen Pader, [The National Fair Housing Summit, Poverty & Race](#) (March/April 1994), available at http://www.prrac.org/full_text.php?text_id=526&item_id=5190&newsletter_id=13&header=Housing.

AFFH Executive Order: Executive Order 12892, available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/EXO12892.

Sanders v. HUD: In 1988, a lawsuit was filed against HUD, the County of Allegheny, the Allegheny County Housing Authority, and the Redevelopment Authority of Allegheny County, alleging that the defendants had established and maintained racially discriminatory federally assisted housing developments in the Pittsburgh area. In 1993, HUD admitted liability for failing to affirmatively further fair housing in the ACHA public housing program. In 1994, HUD assembled a task force to develop a desegregation plan for Allegheny County and the U.S. District Court approved a consent decree as a settlement to the litigation. See [Sanders v. HUD](#), 872 F.Supp. 216 (W.D. Pa. 1994). In 1998, the Township of South Fayette commenced a lawsuit to prohibit the ACHA from acquiring townhouses in South Fayette to create “scattered-site” single-family public housing units, in compliance with the consent decree negotiated in 1994 in Sanders. The U.S. District Court dismissed the complaint for failing to demonstrate adequate legal grounds to support their demand. See [South Fayette v. Allegheny County Hous. Auth.](#), Civ. Action No. 98-1565, 1998 WL 838902 (W.D. Pa. November 17, 1998).

Latinos Unidos v. Chicago Housing Authority: In 1996, the U.S. District Court approved a settlement agreement requiring HUD and the Chicago Housing Authority to increase Hispanic participation in Chicago Public Housing and Housing Choice Voucher programs. See Melita Maria Garza, “CHA Opens Section 8 Lists for Latinos,” [Chicago Tribune](#) (Apr. 23, 1996), available at http://articles.chicagotribune.com/1996-04-23/news/9604230122_1_latinos-united-latino-participation-latino-community.

1995

Roberta Achtenberg: Roberta Achtenberg. “Symposium: Shaping American Communities: Segregation, Housing & The Urban Poor.” 143 U. Pa. L. Rev. 1191, 1193 (May 1995) (noting “[t]hat the federal government, including HUD, has a long history of having precipitated and perpetuated housing discrimination, there can be no question.”).

Thompson v. HUD, 1995 WL 17209874 (D. Md. Jan. 31, 1995) (alleging that “[o]n account of the defendants’ racially discriminatory actions and inactions, the plaintiffs and the class they represent have been denied the opportunity to live in neighborhoods of their choice and have been restricted to racially segregated neighborhoods where they are subjected to concentrated poverty, unemployment, drug trafficking and criminal violence.”).

Also in 1995, See *Glendale Neighborhood Ass'n v. Greensboro Hous. Auth.*, 901 F. Supp. 996 (M.D.N.C. 1995) (neighborhood association challenge to HUD approval of low income development in predominantly minority community in Greensboro, NC).

1996

Thompson v. HUD, Civ. Action No. MJG-95-309, Order Certifying Class and Approving Partial Consent Decree (D. Md. June 25, 1996).

Walker v. HUD, Civ. Action No. 3:85-CV-1210-R, Order Regarding Facts Established By Class Plaintiffs' Motion For Partial Summary Judgment against DHA and HUD, May 26, 1994; *Walker v. HUD*, Civ. Action No. 3:85-CV-1210-R, Findings of Fact and Conclusions of Law: HUD Motion To modify Remedial Order Affecting HUD, June 12, 1996.

1998

Adker v. HUD, Civ. Action., No. 87-0874-CIV-PAINE. (TEB), Final Judgment (S.D. Fla. October 27, 1998).

1999

Olmstead v. L. C., 527 U.S. 581 (1999) (holding that individuals with mental disabilities have a right to live in the community if “the State’s treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the affected individual, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities.”)

2000

The Millennial Housing Commission: The Millennial Housing Commission was directed by Congress to conduct a study examining the importance of affordable housing to the infrastructure of the United States and to identify opportunities to increase the role of the private sector in providing affordable housing. See Xavier de Souza Briggs, ed., *The Geography of Opportunity: Race and Housing Choice in Metropolitan America* 328 (Brookings Institution Press 2005). See also Susan Molinari et al, *Meeting Our Nation’s Housing Challenges: Report of the Bipartisan Millennial*

Housing Commission Appointed by the Congress of the United States, The Millennial Housing Commission 3-4 (May 30, 2002), available at <https://www.ncsha.org/resource/millennial-housing-commission-report> (“The Millennial Housing Commission’s vision can be stated quite simply: to produce and preserve more sustainable, affordable housing in healthy communities to help American families progress up the ladder of economic opportunity.”).

2003

Wallace v. Chi. Hous. Auth., 298 F. Supp. 2d 710 (N.D. Ill. 2003).

2007

Inclusive Communities Project, Inc. v. HUD, 2009 WL 3122610 (N.D. Tex. Sept. 29, 2009).

U.S. ex rel. Anti-Discrimination Ctr. of Metro New York, Inc. v. Westchester Cnty., N.Y., 495 F.Supp.2d 375 (S.D.N.Y. 2007) (holding, in part: “In the face of the clear legislative purpose of the Fair Housing Act, enacted pursuant to Congress’s power under the Thirteenth Amendment as Title VIII of the Civil Rights Act of 1968, to combat racial segregation and discrimination in housing, an interpretation of ‘affirmatively further fair housing’ that excludes consideration of race would be an absurd result.”)

2008

Inclusive Communities Project v. Texas Dept. of Housing and Community Affairs: See the website of Daniel & Beshara, P.C. <http://www.danielbesharalawfirm.com/Pages/ICPvTDHCA.aspx> for a full history of this case.

Road Home lawsuit: *Greater New Orleans Fair Hous. Action Ctr. v. HUD*, 723 F. Supp. 2d 14 (D.D.C. 2010).

The National Housing Trust Fund (HTF): The National Housing Trust Fund (HTF) was designed to be a permanent federal fund authorized by the Housing and Economic Recovery Act of 2008. HTF provides grants to states to help expand and improve the supply of rental housing for extremely low- and very low-income families, including homeless families. See National Council of State Housing Agencies, Housing Trust Fund, <http://www.ncsha.org/advocacy-issues/housing-trust-fund>.

National Commission on Fair Housing and Equal Opportunity: See Henry Cisneros et al, The Future of Fair Housing, National Commission on Fair Housing and Equal Opportunity 3 (January 2009), available at www.civilrights.org/publications/reports/fairhousing/future_of_fair_housing_report.pdf.

2009

U.S. ex rel. Anti-Discrimination Center v. Westchester County: See Anti-Discrimination Center Westchester County, <http://www.antibiaslaw.com/westchester-case> for a full history of the case.

2011

Inclusive Communities Project: See Inclusive Communities Project, Inc. v. Texas Dep't of Hous. & Cmty. Affairs, 2014 WL 2815683, at *1 (N.D. Tex. June 23, 2014).

2012

Small Area FMR Demonstration: See 77 Fed. Reg. 69651 (November 20, 2012), available at http://www.huduser.org/portal/datasets/fmr/fmr2013f/FY13_SAFMR_Notice.pdf.

Thompson v. HUD: In 2005, the U.S. District Court had held that HUD had violated the Fair Housing Act by concentrating Black public housing residents in low-income and segregated areas of Baltimore, and for failing to adequately consider regional approaches to minimizing racial segregation in public housing in the Baltimore Region. See Thompson v. U.S. HUD, 348 F. Supp.2d 398 (D. Md. 2005). In 2012, the U.S. District Court approved a final Settlement Agreement to resolve outstanding issues related to the Partial Consent Decree and other remaining claims. See HUD, Civ. Action No. MJG-95-309, Settlement Agreement (D. Md. August 24, 2012).

2013

Disparate Impact Rule: See “Implementation of the Fair Housing Act’s Discriminatory Effects Standard,” 24 CFR Part 100 (February 15, 2013), available at <http://portal.hud.gov/hudportal/documents/huddoc?id=discriminatoryeffectrule.pdf>.

Affirmatively Furthering Fair Housing Rule: See U.S. Department of Housing and Urban Development, “HUD’s Notice of Proposed Rulemaking on Affirmatively Furthering Fair Housing” (July 19, 2013, available at http://www.huduser.org/portal/affht_pt.html).

2014

Inclusive Communities Project, Inc. v. Department of Treasury and Office of the Comptroller of the Currency, Civ. Action No. 3:2014 cv 03013 (N.D. Tex. Aug. 22, 2014).

2015

ICP v. Texas: To listen to the oral argument in the Supreme Court, go to The Oyez Project at IIT Chicago-Kent College of Law, Texas Dept. of Housing And Community Affairs v. Inclusive Communities Project, http://www.oyez.org/cases/2010-2019/2014/2014_13_1371.

Texas Department of Housing and Community Affairs v. Inclusive Communities Project, 135 S. Ct. 2507 (June 25, 2015).

“Affirmatively Furthering Fair Housing” (Final Rule), 80 Fed. Reg. 42272 (July 16, 2015).



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