

Testimony to the National Commission on Fair Housing and Equal Opportunity

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Introduction

Over the past 40 years, the fair housing movement has certainly made important progress toward ensuring the rights of individuals in their search for housing. Most significantly, systemic victories against lending and insurance redlining have improved the access to these services for people of color and other protected persons. In addition, random and systemic audits of real estate companies have provided gradual improvement in the expansion of homeownership locations available to protected persons.

However, the first 40 years of fair housing advocacy has almost completely failed at improving the integration of metropolitan communities. Differing segregation measurements show that communities throughout the United States continue to suffer from high segregation¹. In many regions, while change occurs it often creates short-term integration that is replaced in short order by re-segregation. Common examples include gentrifying neighborhoods in central cities and suburban municipalities that experience increases in minority population. In the vast majority of these cases, increased diversity is followed by re-segregation that is due to displacement or flight².

This continual changing structure of segregation is due in part to the fact that in 1968, when the Fair Housing Act passed, American cities were already segregated in a way that privileged whites over people of color in nearly every quality of life measurement. Moreover, the most significant systemic victories (or their remedies) did not begin to manifest until the 1980s³.

In their HUD-funded, landmark study of neighborhood diversity, Philip Nyden, John Lukehart, Michael Maly, and William Peterman found that the most stable diverse communities have “developed the institutional structures, social arrangements, and political-social environment to sustain their diversity. Among these structures are community organizations developed specifically to promote the community as racially and ethnically diverse⁴.” Included among the activities are efforts to promote positive perceptions of diverse communities, affirmative marketing programs that seek to

¹ The most common of these are available at SUNY Albany’s Lewis Mumford Center’s web site <http://mumford1.dyndns.org/cen2000/data.html>.

² Two Chicago examples (where I am most familiar with changing neighborhoods) include Uptown, where low-income African Americans are increasingly isolated in the “Heart of Uptown” while the surrounding portion of the neighborhood gentrifies rapidly, and Cicero where Latino in-migration has coincided with white flight from the suburb.

³ For instance, the remedies from the Gautreaux case began their implementation in the 1980s. The major systemic lending and insurance cases were decided in the 1980s and 1990s.

encourage inclusiveness, and active promotion of the goals of fair housing. They conclude that “stable diverse neighborhoods will not develop on their own; they require active intervention to counter misconceptions about diversity and a lack of institutional support for diversity⁵.”

HUD and the fair housing community have largely failed to embrace the need to support community organizations that will affirmatively further fair housing in ways that foster and improve integration. The language of the most stable federal funding for fair housing activities, the Fair Housing Initiatives Program (FHIP), makes no mention of affirmative furthering or integration efforts in its fundable activities. It focuses solely on enforcement efforts through either investigation or education and outreach. This failure makes it nearly impossible for organizations focusing on integration to receive funding via FHIP.

At the same time, HUD does little to enforce the mandate for CDBG entitlement jurisdictions and their sub-grantees (EJs) to affirmatively further fair housing. In many cases, the only activities EJs engage in are poster contests for children or leaving fliers at libraries and municipal offices – activities that are not affirmative. Cases of affirmative activities such as promoting a community to underserved populations, establishing an active commission or sub-commission, or encouraging pro-integrative policies in their planning and development processes are extremely rare.

This is all the more tragic given that the academic literature on the subject of improving regional integration overwhelmingly supports the effectiveness of intentional programs. Cleveland State University professor Dennis Keating provides the most direct statement regarding neighborhood and community integration. In his study of racial change in Cleveland’s suburbs (including Shaker Heights), Keating explicitly frames his argument around the statement that, “to achieve the goal of community integration, affirmative housing policies are required⁶.” Others concur and/or provide evidence that integration cannot be achieved solely through enforcement activity⁷.

Keating and others come to this conclusion because they are aware of the limitations of fair housing enforcement techniques. The reactive nature of fair housing enforcement provides a number of restrictions to effective engagement in integrated communities. National estimates figure that less than 1% of discrimination complaints are reported⁸. When complaints are reported and referred to HUD or local agencies, the extremely long time it takes to remedy the complaints deters many complainants from completing the process. **Most importantly, complaint-based fair housing efforts have**

⁴ Nyden, Phil et al. (1998) Neighborhood Racial and Ethnic Diversity in U.S. Cities. *Cityscape: A Journal of Policy Development and Research*. v4, n2, p9

⁵ Ibid p266

⁶ Keating, W. Dennis. (1994) *The Suburban Racial Dilemma: Housing and Neighborhoods*. Temple University Press. p4.

⁷ Among others see: powell, john, et al. (2007) *Communities of Opportunity: A Framework for a More Equitable and Sustainable Future for All*; Briggs, Xavier ed. (2005) *The Geography of Opportunity: Race and housing Choice in Metropolitan America*. Brookings Press; Schwemm, Robert (2007) “Why Do Landlords Still Discriminate (and What Can Be Done About It)” *John Marshall Law Review*. v40.

⁸ National Fair Housing Alliance 2006 *Trends Report*.

absolutely no effect on the most difficult obstacle to integrated communities – white avoidance of communities of color.

Racial Attitudes Toward Integration

The reluctance of whites to live in communities of color is in continuous opposition to integration through at least three distinct processes. The best known of these three is white flight, in which white residents leave communities when minority populations increase in their neighborhood or community. A second, more benign, process is white avoidance, where whites refuse to consider moves to predominantly minority communities. A third process is gentrification, where communities seem integrated for a short period as whites begin to move into communities that become newly desirable and eventually significantly displace minority residents partly due to economic circumstances.

In all these cases, attitudes toward racial integration play a primary role. University of Pennsylvania professor Camille Zubrinsky Charles has conducted extensive research into racial housing preferences. In a multi-city survey, Charles found that only 45% of whites are willing to move into a neighborhood that is one-third black and fewer than 30% of whites would consider moving into a neighborhood that is majority black⁹. Latinos and Asians have similar attitudes toward black neighborhoods, always finding them to be the least desirable of any racial makeup.

Likewise, professor Lincoln Quillian of Northwestern University analyzed data from the Panel Study of Income Dynamics (matched data from multiple censuses) and found that whites are very reluctant to move from a current residence to a census tract where the percentage of African Americans is higher¹⁰.

In 2002, professors Evan McKenzie and Jay Ruby wrote an article chronicling their revisiting of integration strategies in Oak Park, IL. Oak Park is a model for promoting meaningful and lasting community integration. The authors concluded that, even in a community where diversity and integration are values, the programs should continue. In particular, the section regarding the primary community organization implementing the affirmative policies, the Oak Park Regional Housing Center, concludes that:

[T]he reason for its creation has not changed. White people are reluctant to rent in neighborhoods where there are a significant number of black tenants... If Oak Park is to continue to realize its goal of dispersed integration then the Center will have to continue to induce white demand in East Oak Park.¹¹

⁹ Charles, Camille Zubrinsky. (2001) Processes of Racial Residential Segregation. From O'Connor, Alice et al. eds. Urban Inequality: Evidence from Four Cities. p237.

¹⁰ Quillian, Lincoln. (2002) Why is Black-White Residential Segregation so Persistent?: Evidence on Three Theories from Migration Data. Social Science Research v31,p209.

¹¹ McKenzie, Evan and Jay Ruby (2002) Reconsidering the Oak Park Strategy: The Conundrums of Integration. p30

The research for McKenzie and Ruby's article included Ruby volunteering to spend time as the receptionist for the Oak Park Regional Housing Center when he discovered that "white clients who knew almost nothing about Oak Park arrived at the Center convinced they knew where the 'bad' places to live are located"¹².

The attitudes chronicled here are not always based on explicit racial prejudice. In many cases, they are indicative of knowledge gaps that perpetuate misperceptions and misconceptions. In 2004, UIC professors Maria Krysan and Tyrone Forman found that people of all races are ill informed of neighborhoods and communities where they are not in the majority. Whites were the most likely to not know about communities where they were not in the majority.

Regardless of how these attitudes are shaped, it is important to note that the work of integration cannot be solely the responsibility of people of color and others protected by the Fair Housing Act. Moreover, accomplishing integration requires more than enforcing the limited number of complaints filed. True affirmative furthering of fair housing mandates that whites must participate in integration efforts as well.

Other Structural Factors

The lack of regional or inter-municipal programs to address segregation has also hampered pro-integration advocacy and policy. In particular, the decision in *Miliken v Bradley* is significant. Despite its content relating to school desegregation, the Supreme Court's decision to limit the ability to address inter-municipal remedies to segregation played an important role in perpetuating the geography of inequality that provides the foundational structure of nearly all American metropolises today.

The geographies of housing segregation and regional opportunity/inequality correlate nearly one-to-one. This pattern was first confirmed by the Leadership Council for Metropolitan Open Communities in its 2006 report *The Segregation of Opportunity* and has been repeatedly confirmed in other metropolitan regions across the nation.

Another hope lost was that an increase in the African American middle class would produce greater integration and reduced discrimination. Yet, study after study shows that wealthy African Americans are more isolated than poor whites¹³. (It should be noted that personal decisions to abandon the goals of integration and instead move to predominantly minority enclaves has also limited integration.) And, while Asians and Latinos have experienced greater success than African Americans regarding integration with non-Hispanic whites, housing professionals continue to steer Asians and Latinos to ethnic enclaves and a lack of resources for folks with limited English proficiency in many suburbs serves as an impediment to fair housing choice.

In short, the federal government and the fair housing community have had limited success in promoting integration because of a reactive strategy that fails to

¹² Ibid.

¹³ Smith, Geoff et al. (2007) *Paying More for the American Dream: A Multi-State Analysis of Higher Cost Home Purchase Lending*. (available at the Woodstock Institute's website).

provide models of inclusion or leadership on affirmative measures. This is partly due to the language of the Fair Housing Act and the Community Development Act. However, it is also significantly the result of a lack of imagination and innovation in fair housing advocacy (an understandable situation given the diminutive and precarious funding and support for fair housing activities).

Proactive Models of Intentional Integration and Affirmative Furthering

In cases where integration, opportunity, and inclusion come together, an intentional effort to be proactive has occurred and in some cases continues to occur. The best known of these programs are located in the Chicago region – the voucher-oriented Gautreaux program and the market-oriented Oak Park Regional Housing Center. Chicago continues to provide further innovation on this subject including a new start-up organization called MoveSmart.org a regional non-profit that aims to expand housing choices by reducing knowledge gaps that perpetuate segregation.

However, similar programs exist in other communities, such as the Inclusive Communities Project in the Dallas/Fort Worth region, the Heights Community Congress in Cleveland's southeast suburbs, the Maplewood/South Orange Community Coalition in New Jersey.

Essentially, these programs inform housing seekers of their rights and opportunities from the beginning of their search process rather than after housing providers have denied them or discouraged them from quality housing options. These efforts create and sustain diverse, integrated communities of inclusion and harmony. They also create environments that minimize discrimination and expand housing choices. As such, these programs work to guarantee the right to fair housing choice at the beginning of a housing search rather than after an act of discrimination.

Housing patterns form the foundation for all other geographic structures of equality and opportunity. **Prioritizing affirmative – pro-integrative – measures will add a sorely missing component to fulfilling the rights of all persons guaranteed under the Fair Housing Act as well as promote a structure of equal opportunity in our metropolitan regions that will assist in ameliorating nearly all other metropolitan problems.** 40 years after the Fair Housing Act, it is time we embraced the full spirit and intent of the law.