On the Sesquicentennial of the Fourteenth Amendment

Theodore M. Shaw

This year marks the one hundred and fiftieth anniversary of the Fourteenth Amendment to the Constitution of the United States. As originally written by the Founding Fathers, the Constitution was deeply flawed by its compromises with slavery. From the day it was adopted, a cataclysmic struggle over the issue was inevitable. The reckoning came in the form of a great and terrible Civil War that literally and figuratively scarred and changed the American landscape. Coming three years after the War’s end, the Fourteenth Amendment followed what Abraham Lincoln called “a new birth of freedom,” and it forever transformed the character of the American republic.

In 1857, Dred Scott v. Sanford, the Supreme Court’s most shameful decision, denied citizenship to African Americans, free or enslaved, and placed the Court’s imprimatur on the ideology of white supremacy. Eleven years later, the Fourteenth Amendment guaranteed state and national citizenship to all persons born or naturalized in the United States and wiped away the stain and the force of Dred Scott. It articulated our nation’s most cherished ideals and promised its people equality and fairness under law. The Amendment defined the relationship between the federal government and the states, between the national government and the people, and between the states and the people. It enshrined the principles of equality and protection of the laws, due process, and privileges and immunities as the fundamental wellsprings of equality and fairness.

The sesquicentennial is an appropriate time to reflect on the original purposes of the Amendment, its narrow interpretation by the Supreme Court over the years, and the repeated betrayals of its original beneficiaries. In the years following its adoption, for African Americans the Amendment was, more often than not, dormant, followed by an era of service to corporate interests, before its mid-twentieth century awakening to those seeking equality. The Equal Protection Clause was applied to make governmental distinctions based on race, national origin, and religion presumptively unconstitutional, and while not as highly suspect, gender-based classifications eventually followed.

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The Fourteenth Amendment was born from three post-Civil War realities: 1) In the aftermath of the Civil War, even after the Thirteenth Amendment’s prohibition on slavery, Dred Scott’s ruling on citizenship remained intact. Black Americans were no longer slaves, but they were neither citizens nor equal persons; 2) Nothing short of a constitutional amendment could provide an ironclad guarantee that Dred Scott would be overruled; and 3) President Andrew Johnson’s (1865-1869) hostility to Congress’ Reconstruction agenda, and his repeated vetoes of legislation aimed at assisting the freedmen, and of civil rights measures, could only be superseded by a constitutional amendment. The Civil Rights Act of 1866 aimed to protect African Americans against betrayal of its original purpose, its narrow interpretation by the Supreme Court over the years, and the repeated betrayals of its original beneficiaries.

The Fourteenth Amendment was first interpreted by the Supreme Court in The Slaughterhouse Cases, in which New Orleans butchers challenged an animal slaughtering monopoly granted by the Louisiana legislature. The case had nothing to do with race; it involved a challenge by businessmen against the state’s exercise of its police powers to regulate, in the name of public health, the noxious animal slaughtering business that poured filthy, disease-ridden waste into public waterways. John A. Campbell, a former justice of the U.S. Supreme Court who had resigned at the outbreak of the Civil War to serve the Confederacy, was a committed opponent of the Reconstruction agenda, including the three post-war amendments. As the attorney for the butchers, he seized what he thought was an opportunity to undermine Reconstruction by using the amendments in a manner that would have surprised their framers. On behalf of the butchers, he invoked the Thirteenth and Fourteenth Amendments to invalidate the state-granted slaughterhouse monopoly. In a 5-4 decision, a majority of the Court rejected the butchers’ claims, adopting a narrow reading of the privileges or immunities clause. Fearing a broad reading of the Fourteenth Amendment would transfer power and authority from the states to the federal government, Justice Samuel F. Miller’s opinion distinguished federally protected privileges or immunities from those protected by state governments, a distinction that would have profound ramifications for the application of the Bill of Rights.

Perhaps more importantly, writing for the majority, Justice Miller observed,

[In light of...events almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without none of them would have even been suggested: we mean the freedom of the slave race. The security and firm establishment of that freedom, and the protection of the newly made freeman and citizens from the oppressions of those who had formerly exercised unlimited dominion over him.]

Miller added that he did not believe that the Amendment only applied to African Americans; by its own terms its protections were universal. Nevertheless, he thought it important to remember that the one abiding purpose of the three Reconstruction Amendments was the protection of African Americans, four million of whom were emerging from slavery. Over the years, legal scholars and historians have discredited The Slaughterhouse Cases, especially its privileges or immunities clause analysis, which all but read the clause out of the Constitution.

Arguably, the language of Miller’s opinion in Slaughterhouse was the high-water articulation of the Fourteenth Amendment’s special signifi-
Do Housing Choice Voucher Holders Want to Move to Opportunity?

Erin Boggs, Sam Brill & Lisa Dabrowski

Introduction

Open Communities Alliance (OCA), a Connecticut-based civil rights non-profit that advocates for balanced affordable housing placement, launched in 2014. Because a central part of our advocacy message is that, along with investments in under-resourced areas, it is critical that low-income families of color have access to thriving communities, we have frequently been asked whether low-income families of color actually want to make such moves, often with the strong presumption that they do not. We knew there is demand for such access from focus groups and conversations with our clients, as well as the long waiting lists at subsidized housing developments in resource-rich communities. What we have not had to date is broader survey evidence attesting to the interest on the part of lower income families of color in moving to predominantly white, higher opportunity areas.

Over the past several months, OCA has worked with a set of community partners to gather direct survey responses that confirm our observation that while many lower income families of color are committed to staying in communities that are currently disinvested, many are also very interested in moves to areas that are more likely to offer greater safety and access to high performing schools. This article focuses on the results of one such survey.

City of Hartford Housing Choice Voucher Survey

Open Communities Alliance analyzed survey responses from 302 individuals receiving Housing Choice Vouchers (HCV or Section 8) through the City of Hartford’s HCV program.* The survey asked voucher holders to consider issues they face in using their vouchers, what their first-choice neighborhood would be in the metropolitan area, and what factors or barriers prevented them from moving to this neighborhood if they were not able to do so.

Profile of Voucher Holders Responding to the Survey

Demographics – Nearly all those surveyed were people of color—only 6% of respondents were White, non-Hispanic. The remaining 94% were listed as Black non-Hispanic, Hispanic, mixed race or other.

Sources of Income – Voucher holders reported a mix of sources of income, which can overlap, including welfare and food stamps (48%), wages/salary (42%), and Social Security (39%). Combined, this points to the fact that the overwhelming majority (73%) of voucher holders either have a disability, are working (but at a wage sufficiently low to qualify for housing assistance), and/or are seniors. Indeed, 46% of voucher holders earning a salary or wage still also received federal benefits (either welfare or Social Security).

Family Size – The majority of voucher holders were families with children (62%), and the average number of children in the family was just above two.

Key Findings

Moving to Opportunity

Many voucher holders in the survey expressed an interest in moving to higher-opportunity areas but very few were able to make such moves. Forty-five percent of those Housing Choice Voucher holders surveyed shared that they would consider “high” or “very high opportunity” areas, such as Glastonbury, Farmington, and Simsbury, as assessed in our state-wide opportunity-mapping analysis as a first choice for a new home.

* The survey was conducted in 2017. Eight written questions were posed in English and Spanish and a bilingual counselor was available to provide assistance. The HCV program is a federal housing subsidy program that covers a portion of rental costs of market rate rental units for families earning less than 50% of the Area Median Income up to a set cap. Program participants are expected to contribute between 30% to 40% of their income towards their rent with the remainder covered by the program.

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formation about a range of neighborhoods and their positive attributes, even more voucher families would express interest in high opportunity moves. Only 21% of those who listed a higher opportunity area as their first-choice neighborhood were actually able to move there—in total, just 8% of all of those surveyed.

**Barriers to Moving**

Lack of affordable units more than lack of transportation prevented these opportunity moves. Voucher holders reported that a combination of high rents and lack of available rentals were the most common barrier to opportunity moves—cited by 66% of respondents. Fortunately, the Hartford metropolitan area was one of the regions selected for the mandatory Small Area Fair Market Rent program, so going forward we are hopeful that more rentals will be available for voucher families in opportunity areas.

Lack of transportation was cited by 32% of respondents, less than half the rate of housing cost and availability.

**Housing Priorities**

Personal safety, unit conditions, school quality, and transportation were the four factors most commonly cited by voucher holders when asked what they were looking for in a new neighborhood or unit. Significantly, families with children had a different perspective. Among all respondents, access to high quality schools and access to transportation ranked almost equally, cited by about a third of respondents. For families with children, access to high quality schools was cited as a priority by 20% more respondents than access to transportation.

**Conclusion**

These survey data present a compelling case for public policy to play a larger role in facilitating more opportunity moves for Housing Choice Voucher holders.

*Because this survey was conducted in person outside of the HCV holder’s home, it is possible that families needing accommodations due to physical mobility challenges did not participate at rates that reflect their actual level of participation in the program. For this reason, the need for accessible rental units is possibly underrepresented in the survey responses.*
Like every major American city, New York is deeply spatially divided along racial lines, due to redlining, residential segregation and discrimination. Arguably no place exhibits this more clearly than north Brooklyn’s Broadway Triangle, the intersection of white Williamsburg, predominantly Latino Bushwick and traditionally black Bedford-Stuyvesant (Bed-Stuy). Today, the area remains a potent case study of how government action and market forces actively continue residential racial segregation, but also of how to effectively fight back and promote integration through a combination of community activism and litigation using a race-conscious fair housing framework.

In 2006, the Bloomberg administration, in partnership with the United Jewish Organizations (UJO) and Ridgewood Brooklyn Senior Citizens Council (RBSCC), began planning for the development of a large parcel of city-owned land on the Williamsburg/Bed-Stuy border in the Broadway Triangle. The UJO serves a particular portion of Brooklyn’s Hasidic community, the RBSCC is located outside of Williamsburg and Bed-Stuy and did not provide services to either neighborhood. Furthermore, UJO had a proven history of discriminatory practices, and no experience in developing large affordable housing projects. Quickening how the needs of the larger community would fail to be served by these groups, our organization, Churches United for Fair Housing (CUFFH) was born.

Unsurprisingly, the proposed development plan did not address the needs of the area’s large Black and Latino populations. Plans focused on three- to four-bedroom units in low-rise buildings, which not only limited the total number of units but ensured that most units were suitable primarily for large, mostly Hasidic families, and unsuitable for the much larger number of small Black and Latino families in nearby Bedford-Stuyvesant.

The plan also effectively excluded non-white residents by limiting the residency preference to the predominantly white Community District 1 (Williamsburg), despite the project’s proximity to predominantly Black and Latino Community District 3 (Bed-Stuy). A demographer found that while the Bedford-Stuyvesant area was 77 percent black at the time, likely only 3 percent of residents in the new housing to be built would be black (!).

To combat this overt segregation and exclusion, CUFFH utilized a two-pronged strategy. CUFFH began organizing clergy and lay leaders to build a network of churches across the affected neighborhoods. This network joined with community groups to form the Broadway Triangle Community Coalition (BTCC) to demonstrate and build community power against any project that would clearly disproportionately serve one segment of the population. Despite repeated demonstrations and community vocalization, the project was overwhelmingly approved by the all-white community board and the city council. In response to this overt act of exclusion and segregation, the Broadway Triangle Community Coalition filed suit against the city. Broadway Triangle Community Coalition et al. v. Bloomberg et al. was filed in the New York State trial court in 2009. Because no study of the racial impacts of this development were ever performed as part of the approval process, we argued that the requirement to affirmatively further fair housing was not met. Though the city completes a city-wide fair housing analysis every four years, this was deemed unsatisfactory by Judge Emily Jane Goodman, who in the course of ruling for the plaintiffs on disparate impact grounds, noted that “[t]here can be no compliance with the Fair Housing Act where defendants never analyzed the impact of the community preference.”

BTCC was granted an injunction in 2012, and ultimately settled the case in 2017. The settlement included a requirement that housing options provided must meet the needs of Bed-Stuy residents, including a restriction that bedroom sizes more closely match the demographics of the neighborhood. The settlement also guaranteed that the process for selecting and designing the developments would be reopened to all...
affordable housing developers. Additionally, the predominantly black community of Bed-Stuy would also be included alongside Williamsburg in receiving preference in applying to these new units.

This case highlights the necessity for housing choice, especially in city-funded development. If racially and economically marginalized communities are not granted equal opportunity to housing and also face increased pressure to move out of their neighborhoods, their right to fair housing choice is violated. Equal opportunity is in part defined by ability and access—for a choice to be fair, available options must not rent burden or otherwise punish renters. For a family with a yearly income of $25,000, the choice between two different luxury units is no choice at all.

Furthermore, CUFFH found that centering race and fair housing proved vital and effective at both mobilizing community-members and as a legal strategy. As Taylor Pendergrass, NY Civil Liberties Union senior staff attorney stated at the time, “this decision puts the city clearly on notice: When it proceeds to develop housing—whether in the Broadway Triangle or anywhere else—it must evaluate the potential impact on segregation and develop projects that include the entire community and will create more integrated neighborhoods.”

Despite the victory at this site, broader forces have continued to push segregation in the Broadway Triangle.

After Bloomberg’s exit from office, Mayor de Blasio has continued to use market-driven strategies to attempt to alleviate housing insecurity. The de Blasio administration has sought to encourage as much development in low-income black and brown neighborhoods as possible, and to require each private development to provide a sliver of “affordable” housing. This strategy has clearly failed, and only accelerated segregation. Between 2000-2015 in Bushwick, Bed-Stuy and Williamsburg, respectively, the Latino population changed -13%, -16% and -16%, the black population dropped -22%, -17% and -4%, and the white population grew +610%, +1235% and +41%, according to data from Comptroller Scott Stringer’s office.

As neighborhood change has persisted, so too have more individual cases of residential segregation arisen. In early 2017, the Rabsky Group proposed to build 1,146 housing units on the so-called Pfizer site, also at the heart of the Broadway Triangle. The developer has refused to make a legally binding and enforceable commitment to specify the number of one- and two-bedroom apartments, those —while twenty-five percent of the units would be designated as “affordable,” only ten percent would be priced to be affordable for a family making under $40,000 per year. The remaining fifteen percent would be priced for residents making over $50,000 per year, with some renting for over $1,700 per month. This is being proposed in an area where the median income for Black and Latino households in the area is less than $25,000 per year compared with a median annual income for white residents of $61,198.

Facing similar circumstances as in the original Bloomberg case, CUFFH has begun deploying a similar strategy. On the community organizing front, CUFFH brought 400 congregants to shut down a hearing in front of the Borough President who subsequently voted No on the proposed rezoning necessary to develop that site. CUFFH then mobilized at a hearing before the Department of City planning, and were the first individuals to ever be arrested in a city planning land use hearing. Though city council eventually voted to approve the rezoning, it did so with 6 no’s and 2 abstentions. The near unprecedented departure from the council’s normal unanimous approvals of rezonings can be credited to CUFFH’s aggressive organizing efforts. After the project’s approval, a coalition, BRASH (Brooklyn Residents Against Segregated Housing) that includes CUFFH once again filed a lawsuit on the grounds of violating the Fair Housing Act, this time against the Department of City Planning, and the original complaint was reinstated.

When granting the restraining order, the judge noted the overwhelming community presence in the courtroom.

Ingrid Gould Ellen and Keren Horn, Housing and Educational Opportunity: Characteristics of Local Schools Near Families with Federal Housing Assistance (PRRAC, August 2018); an updated look at the data behind our widely disseminated 2012 report.

“Deconstructing Segregation in Syracuse: The fate of I-81 and the future of one of New York State’s highest poverty communities,” by Buffalo-based Make Communities examines efforts to take down the interstate highway that divided Syracuse, NY in the 1960s.

This past spring, as part of its ongoing observation of the fiftieth anniversary of the passage of the Fair Housing Act, PRRAC assembled a distinguished and varied group of panelists to discuss the wide-ranging impact of the Act in the context of “Fair Housing Intersections.” Recent developments could have cast a shadow over the discussion: the Department of Housing and Urban Development has taken actions to retreat from its mandates of combatting discrimination and promoting fair housing and integration – most notably, the suspension of the Affirmatively Furthering Fair Housing Regulation. In spite of these ever-present and oftentimes growing threats, the Intersections panel powerfully emphasized the continued vitality of the Fair Housing Act and the need to pursue its goals in new and innovative ways.

Appropriately, given the conversation’s focus on intersectional issues relating to housing, each of the panelists viewed questions about the impact of the Fair Housing Act from a different perspective. The environmental justice leader Vernice Miller-Travis emphasized the issues of environmental justice that attend issues of housing segregation. Demetria McCain, President of the Inclusive Communities Project (and a PRRAC board member) called upon her experience creating racially diverse and economically thriving communities to highlight the vital role that fair housing plays in assuring equality and opportunity. Former Secretary of the U.S. Department of Education John B. King recounted the barriers that persistent housing segregation poses in attempts to assure equal education opportunity. Former Secretary of the Department of Transportation Anthony Foxx outlined the ways that segregation in housing and lack of equal access to transportation have worked together to deprive people of opportunity in every aspect of their lives. Each panelist agreed that these issues represented only some of the ways that housing is central to a hub of intersecting structures, which can either guarantee full inclusion in society’s benefits or relegate individuals and communities to conditions of deprivation and disadvantage.

Each of the panelists acknowledged the considerable challenges facing those who rely on the Fair Housing Act to end the dramatic differences in access to opportunity which the Act was intended to address. But instead of dwelling on past and present failures, each speaker emphasized the need to persevere, sometimes at the indi-
cance for African Americans. In the following years, although the Amendment was increasingly applied to grant broader protections to corporate interests, when it came to race claims on behalf of African Americans, it was applied in an increasingly narrow fashion, culminating in the Court’s infamous decision in *Plessy v. Ferguson*.

In *United States v. Cruikshank* (1876), and again in *The Civil Rights Cases* (1883), the Supreme Court ruled that Section Five of the Fourteenth Amendment did not authorize legislation protecting individuals from racial discrimination by private actors. *Cruikshank* overturned the convictions of several white men who were involved in the massacre of more than one hundred black people in a battle between white “redeemers” who sought forcibly to remove from power a black sheriff and other Republican Reconstruction candidates elected in Colfax, Louisiana. *The Civil Rights Cases* were five consolidated challenges under the Civil Rights Act of 1875 to discrimination by private actors who operated theaters, street cars, concert halls, and other businesses. Justice Joseph P. Bradley,writing for an eight member majority, rejected the argument that under the Thirteenth Amendment this discrimination was a badge of slavery; that would be “running the slavery argument into the ground.” And as to the Fourteenth Amendment, although slavery was not yet cold in its grave, Bradley incred-ibly accused those African Americans who challenged racial discrimination under its protections of seeking to be “the special favorites of the laws,” thus invoking the specter of what in the next century would be called “reverse discrimination.”

The Hayes-Tilden Compromise that resolved the disputed presidential election of 1876 ended Reconstruction, followed in 1877 by withdrawal of federal troops from the South, ushering in what many southern leaders called the “Redemption,” or the restoration of white supremacist leadership (along with a reign of racial terror and the passage of Jim Crow laws throughout the South). By the end of the century, racial subordination by law was firmly entrenched. *Plessy*, with its intellectually dishonest assertion that the separate-but-equal doctrine did not impute racial inferiority of black people, was decided in 1896. Two years later, in 1898, the Wilmington, North Carolina insurrection and massacre was the only successful coup d’etat in American history; between 60 and 300 African Americans were killed and a racially integrated and democratically elected local government was overthrown. The Fourteenth Amendment provided little or no protection for black Americans in the post-Reconstruction era, and for them, by the dawn of the Twentieth Century the Amendment had little or no meaning. This was the *Lochner* Era, during which the Amendment served corporate interests and big business while racial subordi-nation reigned unchecked.

In 1929, Charles Hamilton Houston, an African American Amherst College and Harvard Law graduate (class of 1923), became dean of Howard University Law School. Under his leadership, Howard became a full-time law school and a training ground for a generation of lawyers who revived the Fourteenth Amendment’s mission of racial equality and equal protection of the laws. Houston mentored Thurgood Marshall, Oliver Hill, and the cadre of lawyers who mounted the assault on *Plessy v. Ferguson* and Jim Crow segregation in higher, elementary and secondary education. The series of cases they litigated culminated with *Brown v. Board of Education* in 1954, which overturned *Plessy*’s application of separate-but-equal in the field of education and cracked the edifice of Jim Crow constitutionalism. *Brown* was followed by a three decade, hard-fought enforcement effort before the Supreme Court began to bring the desegregation of public schools to an end in the last years of the Twentieth Century.

In higher education the Civil Rights Movement produced a policy and practice of conscious efforts, called “affirmative action,” to admit African Americans, Latinos, and people of color to selective colleges and universities in the late 1960s and ‘70s. Those efforts were attacked as “reverse discrimination” in *Board of Regents of the University of California v. Bakke* (1978), in which the Supreme Court effectively killed the remedial rational of affirmative action. Allan Bakke, a white applicant to medical school, won his Fourteenth Amendment discrimination claim, even while Justice Lewis Powell wrote an opinion that allowed colleges and univer-

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sities to pursue their First Amendment-based interest in diversity in student enrollment. For African Americans, though, *Bakke* ended their ability to invoke the Fourteenth Amendment in pursuit of higher educational opportunity. In the forty years since *Bakke*, the Supreme Court has not heard or allowed their participation in oral arguments in the cases brought by white plaintiffs challenging affirmative action and diversity efforts. The voices of black and brown people in these cases—in *Gratz*, *Grutter*, *Fisher I*, and *Fisher II*—have been marginalized as they have been limited to *amicus curiae* status, even though it is their qualifications that have been under assault, their educational opportunities that have been at issue, and arguably they ultimately have had the most at stake. In every case involving college admissions over the last forty years, the only full parties allowed to shape the record or to present oral argument have been white plaintiffs alleging “reverse discrimination” and the universities they have sued.

Two cases challenging diversity efforts in higher education—one involving the University of North Carolina at Chapel Hill, and the other against Harvard University—are now pending in federal trial courts. Justice Kennedy, who in *Fisher II* wrote the Court’s opinion upholding *Grutter* and *Bakke*, has retired. His proposed successor is understood to be an even more staunch conservative who, if confirmed, may join the three justices who have been implacable opponents of race-conscious diversity efforts and a fourth who is thought to share their views.

The Supreme Court appears, once again, to be poised to turn the Fourteenth Amendment away from its original purpose of protecting against discrimination and providing equal opportunity for African Americans and people of color. On the one hundredth anniversary of *Plessy*, I participated in a symposium at Harvard Law School, at which I attempted to reclaim the part of Justice Miller’s *Slaughterhouse* opinion that set forth the original purpose of the great Amendment, even while recognizing, as one must, its universal application. Second Circuit Judge Guido Calabresi brought clarity to what I attempted to articulate, with a piercingly brilliant observation to the effect that we might talk about two Fourteenth Amendments: the Fourteenth Amendment that applies to every one, and the Fourteenth Amendment with the Thirteenth Amendment inside of it. The latter is the Fourteenth Amendment that Miller identified. It is not that Miller did not recognize the Amendment’s universal application; the plain language of the Amendment requires that recognition. But over the years, the Supreme Court has acknowledged that part of the Thirteenth Amendment that aimed to address the “badges and incidents of slavery,” and the Fourteenth Amendment’s close relationship with the Thirteenth. There is a part of the Fourteenth Amendment that should still address its original purpose, which is not yet completed—that which called it into being. *Slaughterhouse*’s reading of the Amendment’s privileges or immunities clause has discredited the opinion in its entirety, but privileges or immunities aside, many scholars and judges deny that the Fourteenth Amendment has particular significance for African Americans. But the Fourteenth Amendment’s universal application does not require that we deny its original purpose. It is counterintuitive to assert that the legacy of America’s three hundred and fifty year slavery/Jim Crow continuum is unrelated to massive and continuing racial inequality that persists today. The question is whether the Fourteenth Amendment must stand mute in the face of that legacy.

The Fourteenth Amendment has been applied to protect women from discrimination, to protect against national origin discrimination, to protect against religious discrimination, to protect same-sex marriage rights, and to guarantee equal protection of the laws. As we commemorate the sesquicentennial of the Fourteenth Amendment, its meaning and application is still very much in dispute and
First and most important, the desire to move to higher opportunity areas on the part of low-income families of color with vouchers is real and significant, though such moves are too often out of reach. More than 45% of those surveyed sought such moves, though only about 8% of all of those surveyed actually made opportunity moves using their vouchers.

Second, the voucher holders responding to this survey bust myths often associated with the Housing Choice Voucher program. Despite perceptions to the contrary, 73% of those voucher holders responding to this survey are either working, disabled, and/or elderly. Also, contrary to the myth of large families, responding voucher families with children have, on average, just above two children per family.

Third, nearly all (99%) of families with children in the City of Hartford tenant-based Housing Choice Voucher program are female-headed households, highlighting the importance of connecting the dots between the beneficial outcomes of moving to higher opportunity areas not only for children but also for women. There is a growing body of research indicating that moves to lower poverty, opportunity-rich communities result in lower rates of depression and other mental health issues, and higher rates of employment for women (Sharkey 2013, Engdahl 2009; Mendenhall et al 2006).

Fourth, while transportation is important, it is not the central barrier that naysayers often cite as preventing opportunity moves. It was neither the leading factor cited in preventing those who wish to move, nor was it the leading factor cited in choosing new neighborhoods or units in general. Based on these responses, it appears that families with children are much more interested in attaining access to high quality schools than living near public transportation.

Finally, what does thwart opportunity moves is the lack of affordable rental units, a problem that can improve with certain public policy changes. Implementation of the Small Area Fair Market Rent rule, for example, will increase the value of vouchers in higher opportunity areas. Equally important is increasing the supply of affordable rental housing, for instance by reforming restrictive zoning codes and improving the point allocation system for Low Income Housing Tax Credits and other housing production programs.

Results of Other Surveys

In addition to assessing the housing location wishes of a sample of voucher holders working through the City of Hartford Program, OCA partnered with community partners to survey families in two other settings.

Hartford Knights is a school-based mentoring program working in the North End of Hartford, which includes some of the lowest income census tracts in the nation. Hartford Knights and OCA partnered to survey local families about interest in participating in a program that would provide vouchers to families with environmentally-triggered health issues allowing them to move to higher opportunity areas likely to improve health outcomes. Sixty-four percent of the 265 families responding to the survey, 40% of whom had vouchers or were on the voucher waiting list, indicated an interest in participating in such a mobility program. Of those surveyed who had vouchers (19% of the total), 78% were interested in mobility moves.

OCA also had the opportunity to partner with a community organizing group called Christian Activities Council to survey residents of a scattered site Project Based Rental Assistance project in the severely disinvested Clay Arsenal neighborhood in Hartford. Fifty-eight percent of the 68 families surveyed wanted to use their newly issued tenant-based voucher to leave Hartford, with 17% indicating an interest in leaving the state and 42% indicating an interest in moving to higher opportunity areas in the Hartford suburbs. Twenty-five percent expressed an interest in staying in Hartford.

While these surveys are of varying scales, they support for the proposition that there are a range of preferences among low-income families of color, making it essential that we actually ask families what they want and invest to ensure that all moves lead to opportunity.

References


are committed to continuing the fight for housing justice in the Broadway Triangle and throughout New York City!

Continuing to oppose segregative developments, CUFFH has realized the need for a resurgent integration program, and that any effort to do so must foreground race. The redlining, segregation and discrimination that shaped America’s residential racial divide explicitly targeted communities of color; policies seeking to undo that damage must recognize that history in order to effectively combat segregation. Simply focusing on “affordable” housing and not fair housing perpetuates the warped logic of speculative development, and fails to meaningfully address racial segregation. In the 50 years since the passage of the Fair Housing Act, HUD has failed to address residential segregation in a meaningful way. This lack of enforcement has allowed cities to move forward with colorblind policies that either perpetuate or dramatically exacerbate existing residential segregation.

Going forward, in addition to the necessary work of reacting to individual developments, we must proactively fight for integration on a city-wide scale. We must add mechanisms to enforce the affirmative furthering fair housing requirements outlined in the Fair Housing Act in each and every rezoning the city facilitates, or else these rezonings will continue to further racial segregation. Incorporating a Racial Impact Study into the rezoning process would give the city the opportunity to demand tangible remedies from developers to not just discourage segregation but to affirmatively further integration. These demands may be expressed through complaints and victories in the courts, but community organizing and community power keep this issue on the front page, forcing our elected officials to be accountable to the communities that they are segregating.

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