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An Opening: Advocating for Equity in a Polarized America

Olatunde Johnson

American society is facing a daunting array of political and social challenges. The ascendance of Trump reflects deep political fissures that seem to have calcified over the last four years. Blatant racist appeals have become part of ordinary politics and our core democratic foundations have been shaken by the emergence of an ethno-nationalist populist ethic that is skeptical of government and evidence-based expertise. The killings by police of unarmed black people, and the convulsive protests in response, made plain the persistence of racism. The pandemic has further ravaged our society: exposing pre-existing race- and class-based inequalities, and—by destabilizing health, income, housing, and neighborhoods—threatening to exacerbate those inequalities. As we recover from the pandemic amid government budget cuts and unemployment, the political possibilities risk being constrained by a narrative of scarcity.

The magnitude of these challenges creates an opportunity. This may seem counterintuitive. But the sheer scale of the disruptions of the last several years pushes us to reexamine the fundamental infrastructure of American society.

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Out of sheer necessity, government responded to the pandemic by providing unemployment insurance and basic income payments, extending sick and family leave, halting evictions and utility shutoffs, and extending broadband access to help students and workers access remote jobs and schooling.

[T]he sheer scale of the disruptions of the last several years pushes us to reexamine the fundamental infrastructure of American society.

These interventions were far from sufficient and are not yet entrenched; we see a patchwork of federal, state and local protections, and most are temporary. And yet together these changes provide an opening for reconstituting our collective notion of the social goods that are essential for an inclusive and sustainable society. Since the pandemic, some jurisdictions have moved

to make sick leave permanent. Non-unionized workers are organizing in the “gig” sector. Campaigns for addressing school inequality and housing affordability have new intensity.

The pandemic and protests of the summer also provide an opportunity for rethinking the goals and strategies of racial justice advocacy. The impact of the pandemic and the persistence of police killings challenge the project of racial liberalism undergirding traditional civil rights advocacy: the idea of vindicating formal rights through courts and achieving progress through incremental policy change. In response, a new wave of racial and social justice organizations urges an abolitionist vision, one that depends not merely on institutional reform, but on institutional transformation. These movements place the dignity and full realization of black lives at their center, using organizing to expand the base of support and to build allies to transform politics and governance.

(Please turn to page 2)

PRRAC's 30th anniversary!

In celebration of PRRAC's founding thirty years ago, and our country's important political turning point in 2020, we've invited members of PRRAC's Board of Directors and Social Science Advisory Board to share their reflections on the present moment and their hopes for the future. (See page 2 for the table of contents.)

PRRAC's founding thirty years ago occurred also during a reckoning with the limits of civil rights strategies, albeit one that was less dramatic. The prior two decades had seen school desegregation, finance equalization and other remedies for racial inequities under attack in federal courts. More broadly, social scientists and policy-makers were questioning whether addressing bias would be enough to undo the structural dimensions of race embedded in our institutions. PRRAC was born as a project of civil rights and anti-poverty advocates to address the intersections of race and class, and to bring social science to bear on policy and legal advocacy. This mission has continued urgency today as we continue to grapple with the human and political dimensions of inequality in American society, even as the changed legal, cultural, and advocacy environment pushes PRRAC and other racial justice organizations to continually re-evaluate our strategies for dismantling the structures of inequality, and to learn from and collaborate with long-standing and emerging community-based organizations and social movements.

At its core, PRRAC's work seeks to interrupt state production of racial and economic inequality. This work will continue to be important in the coming years as federal, state, and local governments take on the project of post-pandemic recovery. PRRAC and its allies will need to make visible how public policies, programs, tax, and funding decisions risk widening racial and economic inequality, and how instead they might be used to advance inclusion. This is a technocratic project, to be sure; but it is also fundamentally a democratic project. This project entails surfacing the hidden inequities of the "submerged state" that are obscured by free market, individualist, and color-blind narratives. In practical terms, this will require applying an equity lens to the administrative rules and programs that inevitably shape the distribution of housing, education, health care, environmental protection and other social goods. This

IN THIS ISSUE:

An Opening: Advocating for Equity in a Polarized America	1
Olatunde Johnson	
Disaster, Abolition and Repair	3
Justin Steil and Somala Diby	
Using Social Science to Design a Compensatory Response to the Racialized Impacts of COVID	3
Paul M. Ong	
Housing as a Race Equity Issue	5
Demetria McCain	
Energy Security and Housing Security	5
Gabriela Sandoval	
Furthering Fair Housing in the Residential Real Estate Industry	7
Max Besbris and Jacob W. Faber	
A Call to Remedy Segregation and Advance Housing Justice: Federal Strategies for 2021 and Beyond	7
Megan Haberle and Philip Tegeler	

work has broader resonance due to growing public consciousness about the historic role of federal policy and law in embedding racial segregation and wealth inequality. Still, PRRAC and others will need to communicate this work beyond the traditional experts, in a manner that engages a broader set of groups and participants. This is a moment to collapse the usual divide between those "inside the beltway" and the rest of us: engaging state and local groups in federal advocacy, and building community-based organizations and subnational participants into the design of innovative federal programs.

These are perilous and destabilizing times. There is no set or proven path forward. More reason to push ourselves to think and create boldly and imaginatively. Happy 30th Birthday PRRAC! Now back to work. ■

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Disaster, Abolition and Repair

Justin Steil and Somala Diby

The literary scholar Saidiya Hartman asked in a recent essay, “Is abolition a synonym for love?” Analyzing W.E.B. Du Bois’s 1920 short story “The Comet,” which is narrated from the perspective of a Black survivor of the near-total extraterrestrial destruction of New York, Hartman notes that it is “as if the enclosure of blackness could only be breached and caste abolished by the destruction of the world.”

In his 1935 historical masterpiece *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*, Du Bois explores how the near destruction of the nation created an opportunity to abolish white supremacy by building a truly multiracial political, social, and economic democracy. Du Bois argues that intertwined issues of land, housing, and education are at the core of an abolition democracy that would create the new institutions and new social relations to enable former slaves to live as equal members of society. The failure to create a right to land and housing for the freed slaves, Du Bois argues, ensured the continuation of a racial caste-based system of economic exploitation—slavery by another name: “To emancipate four million laborers whose labor had been owned, and separate them from the land upon which they had worked for nearly two and a half centuries, was an operation such as no modern country had for a moment attempted. . . . Only the American Negro slave was emancipated without such rights, and, in the end, this spelled for him the continua-

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tion of slavery” (Du Bois 1935:611). And the continuation of this racial inequality, Du Bois argued, would ultimately undermine true democracy.

Without rights in land, Black people in the United States had only the most precarious rights to sell their labor, famously undermined by the Black Codes and Jim Crow. From the nation’s founding, questions of color and capital were central to debates over the lim-

Du Bois argues that intertwined issues of land, housing, and education are at the core of an abolition democracy.

its of democratic control and the protection of property and privilege. The brutal end of Reconstruction answered these questions again for the industrial age. Du Bois noted that because the “upward moving of white labor was betrayed into wars of profit based on color caste,” the “majority of the

world’s laborers . . . became the basis of a system of industry which ruined democracy” (Du Bois 1935: 30). The movement for an “abolition-democracy” was replaced after Reconstruction by a return to “compensated democracy” that gave those who could vote a voice in the selection of elected officials, within a system that protected white power and subordinated Black labor to white profits and capital accumulation. The end result, Du Bois argues, was that “Democracy died, save in the hearts of black folk” (Du Bois 1935: 30). The idea of abolition democracy that would actually create new democratic forms, new institutions, new relations through which we could envision a different and inclusive future for all members of the nation struggled to survive, while a compensated democracy thrived, focused on capital accumulation.

White capital accumulation in the United States, over and over again, has come from the extraction of value from Indigenous, Black, and other non-white

(Please turn to page 4)

Using Social Science to Design a Compensatory Response to the Racialized Impacts of COVID

Paul M. Ong

Social-science research should assume an essential and central role in guiding the nation through COVID-19 driven transitions. The pandemic has upended lives and livelihoods, with profound racial consequences. Creating insights into the patterns, nature

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and magnitude of the social and economic upheavals provides an evidence-based foundation to formulate just policies for the post-COVID world. Most scholars were unprepared for the crisis, but the transformative disruptions have opened the door for progressive responses to systemic racism. Researchers can contribute to a social-change agenda by informing public discourse and debates, and by conducting rigorous and creditable analyses.

(Please turn to page 13)

people, from the theft of Native American land and Black lives, from forced labor under slavery to sharecropping and the convict lease system, from President Johnson's reversal of Sherman's Special Field Order 15 and the repeal of the Southern Homestead Act, from legal doctrines of partition regarding heir's properties that have facilitated the taking of Black owned land to the extraction of elevated rents through rigid residential segregation and redlining, from the razing of Black communities through urban renewal to the extraction of income and home equity through discriminatory reverse redlining and predatory lending. Du Bois's fundamental point, I would argue, is that a true political democracy requires a multiracial economic democracy, which necessitates eradicating oppressive structures that enable white supremacy and creating new democratic institutions in their place.

Central to political and economic democracy is stable housing and rights in land, which are tied in the United States to a reimagining and repair of neighborhoods and local governments so that they can deliver a sturdy and equitable platform of educational and other public resources from which individuals can actually fulfill their capabilities. At a minimum, we need to ensure that everyone in the nation has a healthy home that provides a platform that enables them to realize their potential. Creating healthy homes in racially just neighborhoods requires that we repair our cities and towns in ways that take into account this long history of the theft of Black wealth, of displacement from urban renewal, the siphoning of income from discriminatory and predatory lending. Instead, many wealthy jurisdictions in the United States advance themselves at the expense of everyone else by hoarding public resources. Initial steps towards more affordable homes and more equitable neighborhoods would be coordinated federal and state efforts to prevent this hoarding, to require states to take meaningful actions to address measurable disparities in ac-

cess to place-based resources, to require all municipalities to remove exclusionary land use regulations and make land available for multi-family housing and permanently affordable housing, and to restructure school funding and assignment policies so that an excellent public school education is not an amenity that people see themselves as purchasing with their home but a right for every child. Ultimately, we need to create new regional and national institutions that ensure that

Destruction, calamity, pandemics—these moments reveal to us what we do and do not need; what should be destroyed, and what should reimagined and reinvented.

essential public services, such as public education, public health, public transportation, public spaces, and small business development have all the resources they need to help Americans thrive, equally.

Destruction, calamity, pandemics—these moments reveal to us what we do and do not need; what should be destroyed, and what should reimagined and reinvented. We need to create new institutions and norms of property, changed expectations of the relationship between ownership and profit, that ensure that everyone has a stable, healthy home.

A century ago, Du Bois, in "The Comet" used an imagined near destruction of the world to open up a window into the possibility of racial equality, and then later analyzed the near destruction of the nation in the Civil War in *Black Reconstruction* to illuminate the possibilities for a multiracial democracy. Like most other disasters, the pandemic has disproportionately affected Black, Indigenous, and other people of color, in exposure, infection, loss of life, and economic precarity. The seeming brush with apocalypse in this year of the pandemic, runaway Gilded-Age style inequality, and the

sustained threats to democratic institutions urgently summons our capacity to imagine the creation of new institutions that would move us further toward the true abolition of the legacy of slavery, toward political, social, and economic democracy by reimagining the government structures that perpetuate inequality and the structures of land ownership and housing that create continuing precarity for so many. In this year where we have seen moratoria on evictions and releases from prisons, we have a window both into what should be abolished, and what is possible. A guarantee of homes for all is possible and necessary. Arundhati Roy has described the pandemic as "a portal, a gateway between one world and the next." She writes, "We can choose to walk through it, dragging the carcasses of our prejudice and hatred, our avarice, our data banks and dead ideas, our dead rivers and smoky skies behind us. Or we can walk through lightly, with little luggage, ready to imagine another world. And ready to fight for it." Let us fight for the abolition democracy Du Bois imagined. ■

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Housing as a Race Equity Issue

Demetria McCain

Against a pumpkin-patterned background, a Black woman posted a November query to a Facebook page hosted by a local property manager asking how she should go about transferring her out-of-state Section 8 housing choice voucher to North Dallas, Irving, Allen or Plano. Two days later we, the Inclusive Communities Project (ICP), posted results of our second landlord survey that sought information about which multifamily landlords accept applicants who use housing choice vouchers. The survey captured the Facebook inquirer's two counties of interest (Dallas and Collin) as well as two others (Denton and Rockwall). All counties fell within the Dallas Metroplex, our regional housing market.

ICP's 2020 results are based on a survey of 1413 reasonably-priced private market apartment complexes. With the assistance of Daniel &

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Beshara P.C.'s researchers, the survey found seven percent acceptance by landlords when asked if they would rent to voucher holders. However, 2017 research found twelve percent acceptance. A comparison of the two years

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showed a significant increase in discrimination. A closer look revealed that only five percent of the complexes in majority white non-Hispanic zip codes accepted housing choice vouchers, while twenty-two percent in majority Black zip codes accepted vouchers. With Blacks accounting for over eighty-five percent of the Dallas Housing Authority's voucher population, the

segregative impact of such a disproportionate acceptance tells a grim story.

The woman's Facebook post was not seeking housing in the parts of the City of Dallas or Dallas Metroplex that are replete with subsidized housing, high poverty, governmental neglect and racial isolation. Her post specified the lower poverty, better resourced areas of our housing market as the focus of her housing search, areas for which a host of barriers like voucher discrimination exist for low income housing seekers. She was attempting to actualize the "choice" in the promise of the Housing Choice Voucher Program.

The problems of residential segregation and housing discrimination have impacted the lived experiences of Black people for decades and have been allowed to persist across multiple administrations, Republican- and Democrat-led. Included are experiences like those dramatized by Lorraine Hansberry in her semi-autobiographical 1959 Broadway play, *A Raisin in the Sun*, when restrictive covenants and the acts of the real estate industry played active

(Please turn to page 6)

Energy Security and Housing Security

Gabriela Sandoval

Kalikhia Miller received the shutoff notice she had been dreading on a cold December day. After years of steady payments she'd had a series of health crises and fallen behind on her PG&E bills. As a resident of Section 8 housing Kalikhia knew that having her service shut off would put her in danger of being evicted as well,

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since utility service is often a condition of subsidized housing. She had 48 hours to pay \$2,280.

Ms. Miller suffers from serious health issues including a heart condition, diabetes and fibromyalgia that contribute to high energy costs and had led to thousands of dollars in utility debt during a period of housing instability. In 2007, she was able to move into highly coveted Section 8 housing and worked out a monthly payment plan with her utility company to square her debt and keep current on her balance. Over the years, she was able to pay

off almost \$5,000 in arrears.

But when her health started deteriorating, she fell behind on her bills again. Ms. Miller, facing both a shutoff and an eviction, was desperate when she called TURN—The Utility Reform Network—for help.

A year earlier, TURN had learned from one of our community partners, Poverello House, a homeless shelter and housing advocacy organization based in Fresno, CA, that it was now "as important to access a client's utility bill as it was to have their ID on

(Please turn to page 6)

roles in determining where the Younger family could and could not live. But experiences also include present day families, like the Facebook poster, who desire access to neighborhood services and opportunities that they believe will best help their children thrive.

Thriving is what we have not been doing as a country. Many of us are hurt and angry. The discrimination in how Blacks are treated intersects with too many public sectors to count including public safety, health and housing. A dog whistle by a president who tells suburban moms to not worry because he is going to make certain low income housing does not invade their neighborhoods does nothing to ease already existing housing challenges.

No administration in recent memory has espoused promises of better housing outcomes as part of racial equity priorities. As neither president-elect Biden, nor vice president-elect Harris claim to be fair housing aficionados, the advocacy community should take credit for the team's recognition of housing as a racial equity issue. While plans, platforms and priorities mean little without action, it is encouraging to see such a shift in articulation of the problem. If this shift takes hold of decision makers who have the power to turn the tide on the artificiality of residential segregation, then we may live to see the day when HUD enforces the affirmatively furthering fair housing mandate of the Fair Housing Act, CDBG-funded governmental entities no longer sit silent when landlords discriminate against voucher holders within their jurisdictional boundaries, and landlords no longer erect barriers to qualified Black rental applicants. Sufficient resources for fair housing enforcement and the actualization of federal housing programs that affirmatively further fair housing would also be welcomed changes.

Housing as a racial equity issue is what the authors of the Fair Housing Act had in mind. After more than fifty years, let us look toward the possibility of moving closer to the goal.



file.” It turned out that utility debt was often the final barrier to housing people. “You can get every type of service available to help someone get back on their feet and ready to go into transitional or subsidized housing,” said Robert Huerta, Client Services Manager at Poverello House, “but if they owe their utility company \$2,000, there’s unfortunately nothing we can do.” This has become an increasingly important issue as evidenced by how many organizations serving the unhoused population in California now include a line item in their organizational budget to enable them to pay off their clients’ utility debt.

In 2017, TURN won a \$5 million fund of shareholder money to be used by the large utility companies (Pacific

Our research showed that one out of every four California residents was struggling to keep the lights on.

Gas and Electric, Southern California Edison, Southern California Gas, and San Diego Gas and Electric) to pay off the debt of California residents experiencing homelessness for whom utility debt represented the final barrier to accessing subsidized or transitional housing. These grants were also made available to residents of subsidized housing threatened with eviction due to utility debt. Ms. Miller was one of the first recipients of this SHARE Program (Subsidized Housing Assistance Relief for Energy Program).

The SHARE program was one part of a broader strategy to limit utilities’ ability to shut customers off for non-payment. Alarmed by skyrocketing increases in shutoffs throughout California, in 2016 TURN launched the Power@Home Campaign, a research, education, organizing and policy initiative to advance energy justice. Our research showed that one out of every four California residents was struggling to keep the lights on and energy

insecurity was threatening the health and wellbeing of millions of consumers. In 2018, TURN was shocked to discover that one out of every ten customers disconnected by the large electric utility companies is never reconnected and one out of three natural gas customers shut off by Southern California Gas are never reconnected. We believe these utility shutoffs are a hidden driver of housing displacement, forcing vulnerable families from their homes. The data do not tell us what happens to people whose utility service is never reconnected, but community surveys and individual stories relate that many people move, sometimes crowding in with other family members, couch surfing, or end up living on the streets.

Against the backdrop of California’s housing crisis, TURN’s research and discussions with community partners led us to conclude that there is a significant correlation between being able to maintain utility service and being secure in one’s home. The bottom line is that people struggling to pay energy bills and keep the lights on are also likely to be struggling to pay the rent or their mortgage. This is why energy insecurity can be an early indicator of housing insecurity and potential homelessness.

The SHARE Program temporarily addressed a problem for which there is little data. How many unhoused California residents and, indeed, unhoused families and individuals across the country might be housed simply by paying off their utility debt? Here is what we accomplished: Almost 4,000 (3,909) customers were able to access housing or remain housed with support in the form of a grant from the SHARE program. These grants ranged in size from \$40 to \$7,000 and averaged \$640.

All of this cost investors less than \$4 million dollars, money we think was well spent in promoting the public good. Because TURN won this one-time fund for a program that was stipulated to last only two years, almost \$1 million dollars of the fund was not spent on SHARE and the program

(Please turn to page 12)

Furthering Fair Housing in the Residential Real Estate Industry

Max Besbris and Jacob W. Faber

The Trump-Pence administration aggressively stunted efforts to integrate communities and redress historical inequalities in housing. The incoming Biden-Harris administration has committed to ending discriminatory practices in the housing market and, on paper, many of the goals it has outlined could make housing more accessible. This is particularly true regarding efforts to ensure homeseekers of color receive fair mortgages and avoid foreclosure. In this essay, we call for more attention to processes that typically occur far in advance of mortgage provision and are rife with implicitly and explicitly racist practices: the search for housing. We outline why furthering fair housing policy requires more regulation of real estate agents and make suggestions on how to do so.

Real estate agents are involved in nearly 90% of residential real estate transactions in the U.S. and study after study has documented their discriminatory practices. While the most pernicious forms of discrimination, e.g., refusing to meet with homeseekers of color, have ebbed, agents still regularly steer white homeseekers away from neighborhoods of color, reveal different information and opinions about housing and neighborhoods to white homeseekers and homeseekers of color, and rely heavily on racial stereotypes when selecting housing on behalf of prospective buyers (Besbris and Faber 2017; Korver-Glenn 2018). State-level policy makers have taken note—the NY State Senate recently held

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hearings to investigate discrimination by real estate agents on Long Island uncovered by *Newsday* in 2019—and the Biden administration could also combat these discriminatory practices by agents in multiple ways.

We call for more attention to processes that typically occur far in advance of mortgage provision and are rife with implicitly and explicitly racist practices: the search for housing.

First, recent research shows that a large part of the problem is woefully inadequate education (Besbris 2020). Real estate agents are required to know very little about fair housing laws or their intent. While agent education and

licensure are regulated at the state level, and some professional associations offer their own trainings, the Department of Housing and Urban Development should establish *national* standards and condition block grant distribution on their adoption. Some states require as few as 30 hours of classroom instruction to become a licensed real estate salesperson. This is not nearly enough, considering the effects agents have on housing market and neighborhood demographic outcomes. But more education will only work if the content of that education is better defined and regulated. Audits of licensing classes in New York state revealed that agents-in-training are simply told to remember the dates of the passage of fair housing laws and protected categories. Far more education should be dedicated to understanding segregation—what it is and how it is harmful.

(Please turn to page 8)

A Call to Remedy Segregation and Advance Housing Justice: Federal Strategies for 2021 and Beyond

Megan Haberle and Philip Tegeler

As we embark on the work of a new Administration and begin to undo the damage of the past four years, we are also engaged in building a future vision for America: one that celebrates its diversity, where government helps us all to thrive, and where we are willing to confront our racist history. Housing policy must be a core pillar

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of this systems change.

For millions of Americans, housing cost pressure and insecurity are crucial problems with serious racial impacts and long overdue policy responses. These responses include the expansion of housing resources for low-income households, a path to homeownership for moderate-income families, and the strengthening of tenant protections. But just as crucial as increasing our housing supply is the need to confront the ways that our

(Please turn to page 9)

(FAIR HOUSING: Continued from page 7)

Second, a new administration should provide more funding for and prioritize testing (Oh and Yinger 2015). Paired testing (auditing) of real estate agents, while perhaps time consuming, is not prohibitively expensive as evidenced by the Urban Institute's recent studies of discrimination against same-sex couples and homeseekers with children. The growth of the online market for housing also offers opportunities for large scale testing for relatively small investments (Besbris et al. 2018). Under a new administration, HUD could implement regular testing of real estate agents in housing markets across the country. This would help identify where discrimination is more or less pervasive and could also serve as the basis for systemic enforcement actions by the Department of Justice.

Third, a new administration should fund alternative home search services. Past research has shown that rental homeseekers who use housing counselors during their search find better quality housing in less segregated neighborhoods and tend to stay in their new homes for longer (Darrah and DeLuca 2014). Counselors could also benefit homebuyers. Real estate agents who profit from brokering transactions have incentives to close deals quickly and for as high a price as possible. As a 2020 Department of Justice lawsuit against the National Association of Realtors alleges, such conditions lead to obfuscation and exploitation (see Akerlof and Shiller 2015; Yinger 1995). Put another way, agents are incentivized to steer and share information in unequal ways since it facilitates closing deals quickly. Fostering the development and support of alternative housing search intermediaries like housing counselors and community-based housing groups that do no profit from brokering home sales or lease agreements should become a policy priority (Krysan and Crowder 2017).

Lastly, the federal government should institute reporting rules for real estate agents similar to those required of mortgage lenders by the Home

Mortgage Disclosure Act. Agents should provide information on every client they work with including race, gender, age, household composition, and current address. It is key that these rules also require agents to report the outcomes of their interactions with buyers and sellers. For buyers, agents should report information on the properties discussed and shown, matched with buyer demographics, and including listing price, address, and square

The federal government should institute reporting rules for real estate agents similar to those required of mortgage lenders by the Home Mortgage Disclosure Act.

footage, as well as the amount of any offer made by a buyer, and, if the property was purchased, the final price. For sellers, agents should report on all offers received. Such information is critical to understanding the scale, scope, and impact of racial steering.

Some of these proposed policies will likely be received with skepticism by professional real estate associations. However, the new administration should fight for them. Furthering fair housing will require not only a recommitment to existing policies but also implementing new ones. ■

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housing systems contribute to and reinforce residential segregation—a mechanism of structural racism with deep historical roots that continues in the present day, with stark impacts on racial equality and intergenerational life outcomes. The re-envisioning of our national housing policy must include intentional measures to expand geographic choice and foster diverse communities, while at the same time making community investments where they are needed most.

Our recommendations call for concrete and impactful reforms to existing housing programs. These reforms are needed to break the ongoing cycle of residential segregation and to transform the federal government’s role in perpetuating segregation into one of strong, active promotion of structural change and racial justice. Our recommendations are indebted to the ongoing work of fair housing practitioners, researchers, and advocates (including local organizations often at the forefront of change). They build on the following principles: empowering subsidized households with broader residential choices, through the reform of programmatic barriers, improved services, and legal protections; correcting for decades of subsidized housing siting practices that have confined low-income people of color into high-poverty areas; moving toward a right to housing through expansion of the public and social housing sectors; and giving muscle to fair housing oversight and enforcement to ensure the law results in real change, including in the U.S. Department of Housing and Urban Development’s own housing programs.

Although beyond the scope of this article’s specific housing policy recommendations, we also strongly support the important complementary goals of increased economic development and infrastructure investment for low-income communities (in particular communities of color, which have been historically disinvested), expanded tenant protections, energy justice, environmental remediation and

protection for environmental justice communities, and most immediately, extension of the national eviction moratorium during the ongoing Covid crisis.

RECOMMENDATIONS

1) Provide for universal housing assistance through Housing Choice Vouchers

Millions of households qualify for rental assistance, but cannot receive it because of underfunding. These families face lengthy waitlists for assistance as they face housing insecurity, cost pressures, and homelessness. An immediate intervention is needed. Expansion of the Housing Choice Voucher (HCV) program with full funding to all qualifying households is an important step to ensure that this basic human need for a home is met. The HCV program is an ideal social safety net program, as illustrated by the recent COVID crisis—participating families pay 30-40% of their monthly income for rent, regardless of how their income may fluctuate. With the reforms noted below, expansion of HCV assistance can also provide a means to address the segregation of subsidized households into low-resourced neighborhoods, since program participants will finally be able to have a real choice about where to live, and to choose specific housing that meets their diverse needs and preferences. As elaborated below, HCV expansion should be accompanied by policies and funding to support the expanded construction and preservation of affordable units of public housing and other forms of social housing (in ways that do not replicate the legacy of segregation), so that our subsidized housing policy is not overly reliant on the private market.

2) Enact key reforms to the Housing Choice Voucher program

The design of the Housing Choice Voucher (HCV) program has effectively steered many families into lower-

opportunity, higher-poverty communities. Some progress was made to reform the program during the Obama Administration, but more needs to be done to put the “choice” back into the Housing Choice Voucher program. Among the most important reforms are expanding the Small Area Fair Market Rent (SAFMR) program to give families a real shot at getting into all the communities in their housing market; redesigning the administrative fee system to incentivize moves to higher opportunity areas; eliminating barriers to moves by permitting use of voucher funds for security deposits and moving expenses; improving HUD annual assessments of public housing authorities to prioritize progress toward desegregation; and providing routine funding support for housing mobility counseling programs to give families access to new housing possibilities throughout their regions.

3) Protect against discrimination on the basis of source of income (government assistance including housing vouchers)

Source of income (SOI) discrimination laws that protect voucher families from discrimination have been enacted in 14 states and dozens of local jurisdictions. These laws now protect over half the HCV families in the U.S. However, enforcement is inconsistent, and SOI laws face challenges at the state level. At least two states have taken steps to “preempt” local SOI ordinances, and lawsuits seeking to strike down local laws are pending in at least two states. Now is the time for the federal government to step up to pass a national source of income discrimination law, and to provide funding to state and local legal services organizations (including fair housing organizations with the capacity to litigate) to engage in active enforcement.

4) Expand housing supply for low-income households through the Housing Trust Fund—with civil rights guardrails that ensure housing reaches well-resourced areas

(Please turn to page 10)

and does not further concentrate poverty

The Housing Trust Fund (HTF), a relatively new program that was established in the Housing and Economic Recovery Act of 2008 and began allocating funds in 2016, provides block-grant funding to states to create, preserve, and operate affordable housing for very- and extremely-low income households. It is often layered with other subsidy programs, such as the Low-Income Housing Tax Credit Program, but has a range of flexible uses. This program should be expanded to ensure an increased supply of housing for those most in need. While the HTF currently requires states to use “geographic diversity” as a funding criterion and to certify that they are affirmatively furthering fair housing (that is, promoting integration), civil rights guardrails, including siting criteria, should be stronger and more explicit. Such protections should be embedded in the statutory language of any program expansion. On the agency level, much can be achieved as well: HUD should issue expanded regulations and guidance instructing states on how to better further fair housing in their HTF administration. In addition, both Congress and HUD can foster models through which HTF funding is used to create social housing (as described in the following section).

5) Give public housing a restart by creating new social housing in highly-resourced areas; and make our existing public housing safe and healthy

Public housing has historically been sited and administered in ways that reinforce segregation and that confine low-income people, who lack other choices, to high-poverty neighborhoods that suffer from health burdens, poorly funded schools, and other hallmarks of discrimination, disinvestment and exclusion. Yet this pattern of public housing development is not inevitable, and public (social) housing is a

core source of affordable units, as well as an important complement to other programs that are enmeshed with the private market. Legislation should enable the creation of additional public housing units, with explicit requirements that this new housing expand access to low-poverty areas and (like the original vision of public housing) support families with a range of low to moderate income levels—not just families in extreme poverty—in order to support mixed-income communities. The federal law that bars public housing in communities that refuse it should be repealed. The federal prohibition on expansion of public housing should also be repealed.

In addition, capital funds should be appropriated to provide for repairs and updates to existing public housing stock, much of which poses threats to the health and safety of residents due to disrepair. Households in existing public housing should also be provided with the opportunity to transfer to the housing choice voucher program, should they wish to move to new neighborhoods (for example, to avoid adverse health factors or to seek better-resourced schools).

6) Bring civil rights to the Low-Income Housing Tax Credit Program, through key reforms

The Low-Income Housing Tax Credit (LIHTC) program is currently our nation’s most significant source of affordable housing production for low-income households (supporting the preservation of such housing as well). Administered by the Department of the Treasury, LIHTC currently lacks fair housing regulations, and the LIHTC statute fails to protect against (and in fact contributes to) the program’s role in deepening housing segregation. There is much room for improvement at both the regulatory and the legislative levels. This includes improved siting requirements and incentives, improved standards for community revitalization plans that include LIHTC support, demographic data reporting, and strong affirmative marketing requirements.

7) Update HUD’s site selection criteria to effectively avoid poverty concentration and health risks

Historically, most subsidized housing was deliberately confined to high-poverty, segregated areas, a tradition that continued due to market forces (infused with racism) and neighborhood opposition. Lawsuits brought under the Fair Housing Act helped propel HUD to issue its Site and Neighborhood Standards for HUD-subsidized housing units, such as Project Based Vouchers, Public Housing, and Project Based Rental Assistance. These standards were codified in regulations and set a basic floor for where such housing may be sited. However, they were issued decades ago, and time has shown them to be insufficiently directive and specific to ensure that subsidized housing is actually located with access to well-resourced, healthy communities—effectively disrupting the cycle of segregation. These standards should be strengthened and clarified for all future federally subsidized housing development. Stronger standards should also be accompanied by technical assistance to aid compliance, and strong fair housing reviews by HUD. Standards, guidance, and technical assistance should also be updated to include a robust consideration of climate change factors.

8) Counterbalance the ways the housing finance system undergirds segregation

The creation and acquisition of housing (whether single- or multi-family) relies on our housing finance system, where private market forces intertwine with and benefit from government support and regulation. The government’s role in structuring this system and incentivizing particular outcomes is an important one. It should be harnessed to reshape a legacy system (in which profit and value have had strong ties to racism and segregation) into one that works better to advance equality and broader housing stability. For example, the Community Reinvestment Act, which

awards credit to banks for serving low-income communities of color, should be strengthened and should also incentivize the production of affordable housing outside of segregated areas. The government-sponsored enterprises (GSEs) or successor entities should support lending and loan liquidity for affordable rental units in highly-resourced areas. The Capital Magnet Fund and other government-sponsored housing investment funds should be structured to support opportunity. In addition, a new loan fund program should be established to aid with financing the construction or acquisition of affordable housing in high-cost areas. Such funds can provide flexible capital that can be used by mission-driven organizations, community land trusts, local government agencies, and other entities to acquire and preserve existing affordable properties, especially in high-opportunity areas or areas where families face the threat of displacement.

9) Restore the Affirmatively Furthering Fair Housing (AFFH) Rule, and sharpen its implementation

The AFFH regulation, issued by HUD in 2015 and suspended (and later replaced) by the Trump administration, was heralded by civil rights and affordable housing groups as a long-awaited step in holding HUD grantees (states, many localities, and public housing authorities) accountable for furthering fair housing, as they are required to do under the Fair Housing Act. The AFFH rule also benefited those HUD recipients, as well as local advocates, by providing a structured process for assessing fair housing problems and identifying appropriate steps to redress them. The rule's operation should be restored. Importantly, the early implementation of the rule provided valuable lessons that can be used to improve and strengthen the process going forward. The practical experience of fair housing advocates who engaged in the process can be tapped in revising the Assessment Tool guidance document used by program participants. Should HUD re-enter the

rulemaking process in order to restore the regulation, it should also add a complaint process and the requirement that program participants commit to specific action steps with metrics.

In addition, a growing recognition of the harms of discriminatory land use restrictions (such as exclusionary zoning) provides the opportunity to build on the rule's requirements and to condition HUD and other federal funding on specified state and local reforms. This should include but not be limited to the removal of zoning restrictions, as a fuller set of fair housing policies—that intentionally promote racial and socioeconomic integration (as well as redress disinvestment)—are needed.

10) Invigorate fair housing oversight, one of HUD's central missions

HUD's fair housing staff play a number of crucial roles in protecting against discrimination and advancing fair housing, including ensuring that HUD's recipients further fair housing and that HUD's own programs do so. Within HUD, the Office of Fair Housing and Equal Opportunity (FHEO) processes fair housing complaints against public and private actors, and also reviews program participant fair housing performance and compliance with civil rights requirements. This office is already under-resourced, and additional staff and expertise will be needed as HUD and other housing programs expand. Further, review protocols and criteria should be strengthened, and technical assistance provided as necessary, to guide grantees and housing authorities toward better fair housing outcomes in activities such as public housing development planning, follow-through on AFFH plans, and others.

HUD's Discriminatory Effects regulation (issued in 2013 and demolished in 2020) should also be fully restored to ensure that the legal system is available to correct for systemic discrimination and the perpetuation of segregation, as provided for in the Fair Housing Act.

11) Strengthen the legal services sector to better protect and advance

rights from the ground up

Legal services organizations, located in communities throughout the country, directly serve residents of affordable housing and other low-income households. The services they provide ensure that the rights tenants hold on paper are in reality vindicated and protected. In addition, legal services groups bear witness to many of the systemic problems that result in day-to-day difficulties for their clients, including barriers to fair housing. These organizations would benefit from increased funding, to enable them to hire additional staff and provide fuller and more broadly accessible services. In addition, the current statutory constraint preventing these federally funded groups from engaging in class action litigation and other law reform initiatives should be removed. Removal of federal restrictions and fuller funding would also enable these groups to engage in organizing work to change systemic conditions.

12) Expand public and community control of private rental housing

To meaningfully expand the right to housing in the U.S., a much greater share of rental housing needs to come under community ownership and control. The current economic crisis, in particular, creates an immediate threat of speculative acquisition of distressed rental property and also an opportunity to shift more of this housing to community ownership. The federal government should immediately give maximum flexibility to PHAs and jurisdictions using federal funds to acquire private rental housing for public use, without displacing current tenants. These programs could include the Capital Magnet Fund, the CDFI Fund, the CDBG and HOME programs, public housing reserves, PBRA, and the Housing Choice Voucher Program (including Project Based Vouchers). Longer term, Congress should fund a significant rental housing acquisition fund to flexibly fund private rental housing acquisition and rehabilitation

(Please turn to page 12)

by local CDCs, PHAs, and Community Land Trusts. Congress also has the power to pass a national tenant opportunity to purchase act, delaying speculative purchases and giving tenants leverage to purchase or transfer properties to community ownership. A set-aside of such funds should also be targeted to acquisitions in lower poverty areas. ■

Further Reading

“Housing Choice Voucher Reform: A Primer for 2021 and Beyond” (PRRAC 2020), <https://prrac.org/housing-choice-voucher-reform-agenda/>

“Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program, Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination” (PRRAC, updated 2020), <https://prrac.org/pdf/AppendixB.pdf>.

“Promoting Fair Housing in Housing Trust Fund State Allocation Plans (PRRAC 2016), www.prrac.org/pdf/Promoting_Fair_Housing_in_HTF_State_Allocation_Plans.pdf

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ended. We believe SHARE Program data clearly show the significant impact a targeted assistance program can make in the lives of families struggling to access and maintain housing when shareholder funds are earmarked for that purpose.

Our advocacy is not limited to the SHARE program and is ongoing as high rents, COVID, unemployment and business losses further push struggling families in California to the brink.

As Internet access has become as essential to modern life as heat and light, a challenge we face is how to extend these protections to cell phone and Internet providers.

We have successfully advocated for requirements for utilities to increase enrollment of people eligible for Discount Programs and Medical Baseline—the program that protects medically vulnerable customers from shutoffs. Many people who are eligible for the medical baseline discount because they are dependent on electrically powered equipment or heating or cooling for their health are not enrolled, presumably because they do not know about the program. Our own efforts to increase awareness include a series of informational trainings for health-care workers and community based organizations whose clients may be eligible.

TURN knows that the bills will come due for the shutoff moratorium that has been in place during COVID. We have promoted an approach for customers in arrears that links utility

payment obligations with household income through a Percentage of Income Payment Plan (PIPP) as well as through an Arrearage Management Program (AMP). The latter rewards customers for making regular payments by forgiving 1/12 of existing utility debt for every on-time payment over 12 months. We hope to see these become models for resolving post-COVID utility debt nationwide.

TURN is about to turn 50 and universal access to essential services has always been at the core of our mission. Protections like these have been won primarily through regulatory advocacy and in addition to electric and gas service have covered landline phones. As Internet access has become as essential to modern life as heat and light, a challenge we face is how to extend these protections to cell phone and Internet providers who, despite their astronomical profits, only provide unreliable bare-bones service at a low-income discount.

Since the onset of the COVID-19 pandemic, more than half a million utility customers in California have signed up for utility assistance programs and utility debt has grown exponentially. We have a solid foundation of consumer protections in California and there are a handful of other states working hard to increase energy security. There are important lessons to be learned from these initiatives at the state level that can be built upon for those working at the federal level, as well as those pushing for equitable, universal access to the Internet.

I had the opportunity to check in with Ms. Miller as I wrote this piece. When she called TURN two years ago, she said, “I felt like someone finally listened to me.” I asked her if she had been able to keep up with her bills, which are discounted. “I stay ahead of them now,” she responded. ■

(IMPACTS OF COVID: Cont. from page 3)

Social scientists must generate grounded knowledge to counter misinformation.

Recent events have improved the political landscape for research on race, starting with Black Lives Matter reigniting awareness and protest to levels unseen since the 1960s (Bullard 2020). Moreover, president-elect Joe Biden embraces scientific knowledge for sound public policy (Scientific American 2020) and openly recognizes the urgency of “rooting out” systemic racism” (ABC News 2020). This perspective is reinforced by incoming vice-president Kamala Harris, who grew up experiencing the unjust hardships imposed on people of color, and inherited her mother’s social activism, a parent who is also a renowned scientist (Kopan 2020). The national revitalization and re-legitimization of the pursuit of empirical truth have also expanded opportunities for applied research to inform local policies and actions, a geographic scale where grounded implementation is critically important to fair relief and recovery.

The emerging literature confirms what people fear most—the pandemic has magnified racial disparities. The pandemic has put the reproduction of inequality on steroids, sparking unprecedented rapidly increasing gaps. Pre-existing conditions have made marginalized groups significantly more vulnerable, which translates into disproportionate harms. This is visible in the higher infection and death rates for people of color (Morey et al 2020; Atlantic 2020). Uneven economic dislocations are just as profound with skyrocketing unemployment and waves of business closures (Ong 2020). The financial havoc ripples downstream through heightened housing and food insecurity (Ong et al 2020, Wong et al 2020, Larson et al 2020). COVID-19 has tragically deepened the digital divide for students with remote learning (Peoples et al 2020). Sheltering-in-place and politically induced fear have systematically dampened participation in the 2020 Census in disadvantaged neighborhoods (Ong et al 2020). To-

gether, these differentiated outcomes are part and parcel of a web of overlapping and linked processes that are elements of systemic racism (Ong and Gonzalez 2019).

Socioeconomic forecasting is froth with uncertainty and danger, but it is obvious that current developments, if unchecked, will precipitate long-term harm and widen the racial divide. Those behind on rent and mortgages will struggle to catch up on their mounting debts. Children lagging in distant schooling will find it challenging to catch up on missed lessons. The likely massive differential undercount of minorities in the once-in-a-decade enumeration will politically disenfranchise through redistricting and economically marginalize through lost funding and services. Other changes will unfold over a longer time horizon. Many companies and employees will opt to institutionalize remote work, a realignment favoring the better educated professional class. This and other COVID-19 legacies will realign residential preferences away from density, thus restructuring the urban landscape through new forms of gentrification and displacement.

The predicted dire future need not come to pass. Overcoming the pandemic’s current trajectory will require informed interventions. As others engage in reimagining and re-visioning a just post-pandemic world, social-scientists must identify and propose concrete paths forward. Researchers must commit to the mundane but fundamental trench work of discovering feasible points of intervention, advising on priorities for allocation, and assessing programmatic effectiveness. The crisis offers an opportunity to actively engage in the fight to bend history towards justice. ■

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