

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CARMEN THOMPSON, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HOUSING AND URBAN  
DEVELOPMENT, *et al.*,

Defendants.

Civil Action No. MJG-95-309

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## Executive Summary

### Written Direct Examination of John Powell

The segregation of African American public housing residents isolates them from the opportunities that are critical to quality of life, health, stability, and social advancement. The safe and stable neighborhoods, successful schools and employment opportunities generally available to Whites in the greater Baltimore region have been denied to African American public housing residents in the City of Baltimore. To remedy this segregation two objectives must be met: 1) the remedy must give African American public housing residents the opportunity to live in racially integrated areas in the Baltimore region and 2) the remedy must affirmatively connect African American public housing residents to high opportunity neighborhoods in the Baltimore region.

To guide the remedy in this case, I propose a “communities of opportunity” approach based upon six principles:

- First, the remedy must be sensitive to opportunity and to the importance of location in determining access to opportunity. My analysis finds African American public housing residents are segregated from high opportunity areas of the region. I recommend utilizing opportunity mapping to rectify this segregation and to guide this remedy.
- Second, given the distribution of opportunity in and demographic conditions of the Baltimore region, the remedy must be metropolitan-wide to be successful.
- Third, HUD must consider race in the coming years, as part of the remedial process, to both assess the desegregative results of the remedy, and to avoid re-segregating low income African Americans in other areas of the Baltimore region, such as the inner ring suburbs, and destabilizing communities of opportunity due to this reconcentration.
- Fourth, the remedy should be a structured choice model in which residents voluntarily participate in a program that creates housing opportunities in integrated, high opportunity communities.
- Fifth, while process-based remedies are important, the remedy must be goal driven. In order to meet its goals of desegregation and opportunity access, the remedy must be adaptive to the dynamic nature of the housing market and responsive to lessons learned during implementation.
- Finally, to ensure housing opportunities in high opportunity communities, the remedy must require HUD to utilize the wide variety of tools available to it, including vouchers and new housing production.

The remedy suggested in my report is specifically designed to create desegregative housing opportunities in the Baltimore region, in order to remedy the extreme segregation faced by the plaintiff class and to meet the remedial needs of this Court. Many of the critiques of my remedial proposal by HUD experts fail to account for the remedial goals of the Court and HUD experts do not offer any alternative remedy that would address the segregation of African American public housing residents in Baltimore.

In my report, I make the following findings, which provide the foundation for the recommended remedy:

- Segregation is harmful, and living near opportunity is beneficial to African American subsidized housing residents. A persistent and significant level of residential segregation continues in our nation's metropolitan areas, such as Baltimore, and this segregation has detrimental impacts in regard to health, safety, education and economic security for African American public housing residents living in low opportunity segregated communities. In the Baltimore region, African American subsidized housing residents are disconnected from much of the region's economic opportunities and job changes in the region are magnifying this disparity. In addition, the benefits of living in low poverty or high opportunity areas are significant and supported by experience in various mobility programs.
- Personal preferences and economics are not the primary reasons for segregation and efforts to address discrimination can help achieve desegregation. Economic factors can not explain the extreme segregation of African American public housing residents. Poor Whites are much more spatially dispersed in the Baltimore region, and more likely to be located in higher opportunity areas, than poor African Americans. Government actions and policies are responsible for creating and enforcing conditions of racial segregation for African American subsidized housing residents in metropolitan areas, such as Baltimore.
- My recommendations provide more choice to African American subsidized housing residents, and avoid reconcentration of African American subsidized housing residents. Currently, African American subsidized housing residents in Baltimore are extremely segregated and have severely restricted choices. Currently in Baltimore, mostly segregative choices are available to them and largely segregative choices will remain for these residents if remedial action is not taken.
- A regional approach is necessary to remedy HUD's fair housing violation. Only a regional approach can offer desegregative housing opportunities for African American subsidized housing residents in the Baltimore region. The demographic and economic conditions within the Baltimore region make any non-regional remedy impractical and most likely unsuccessful.
- New subsidized housing production in high opportunity areas will be critical and must be included in this remedy. Research and prior experience from housing mobility programs indicate that housing market conditions (or tight housing markets) can limit the success of voucher-based mobility programs. Additional subsidized housing construction is a necessary strategy to compensate for these deficiencies in the housing market.

**Remedial Phase Expert Report**

**Of john powell**

**In Thompson v. HUD**

**August 19, 2005**



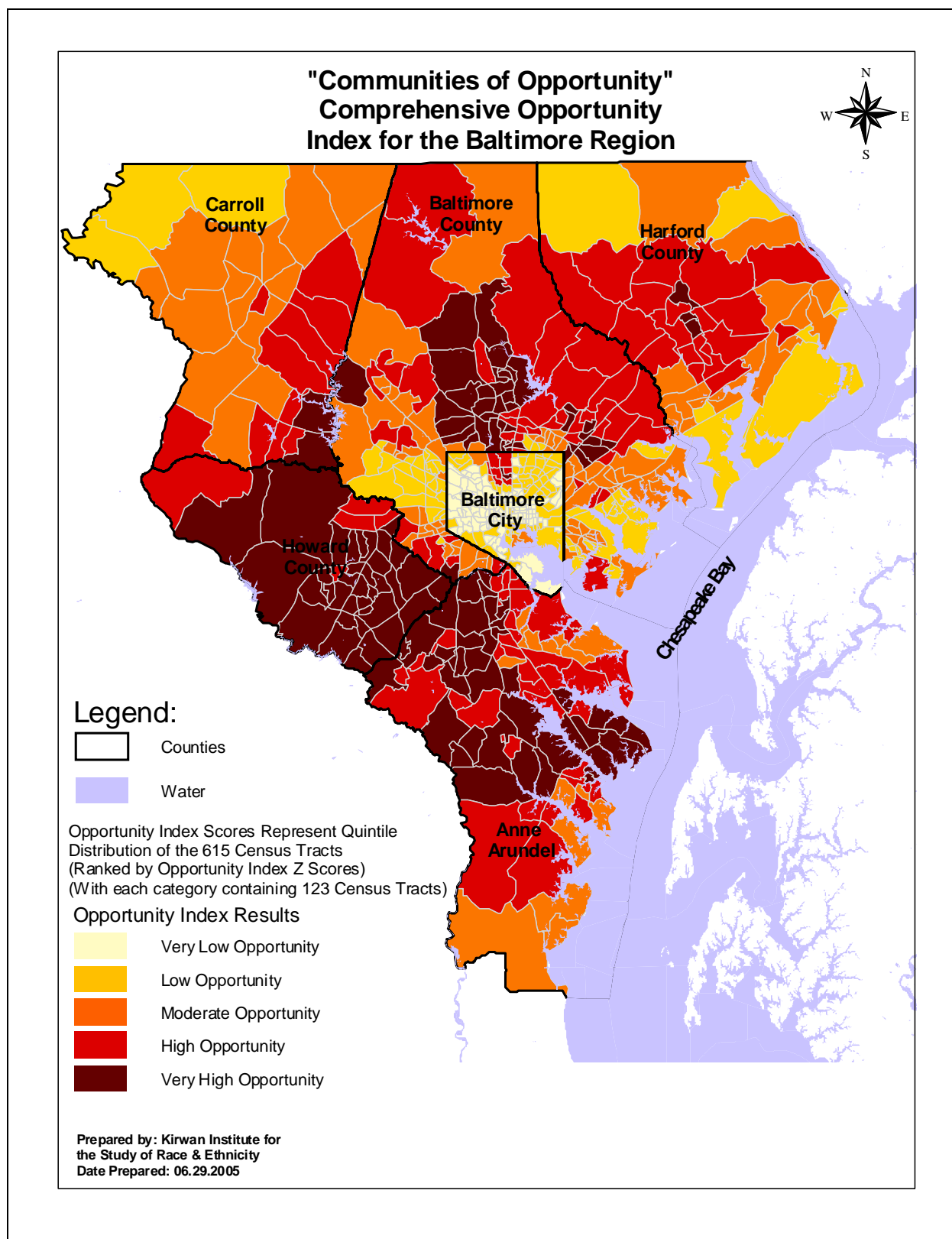
*Remedial Phase Expert Report of John Powell  
August 19, 2005*

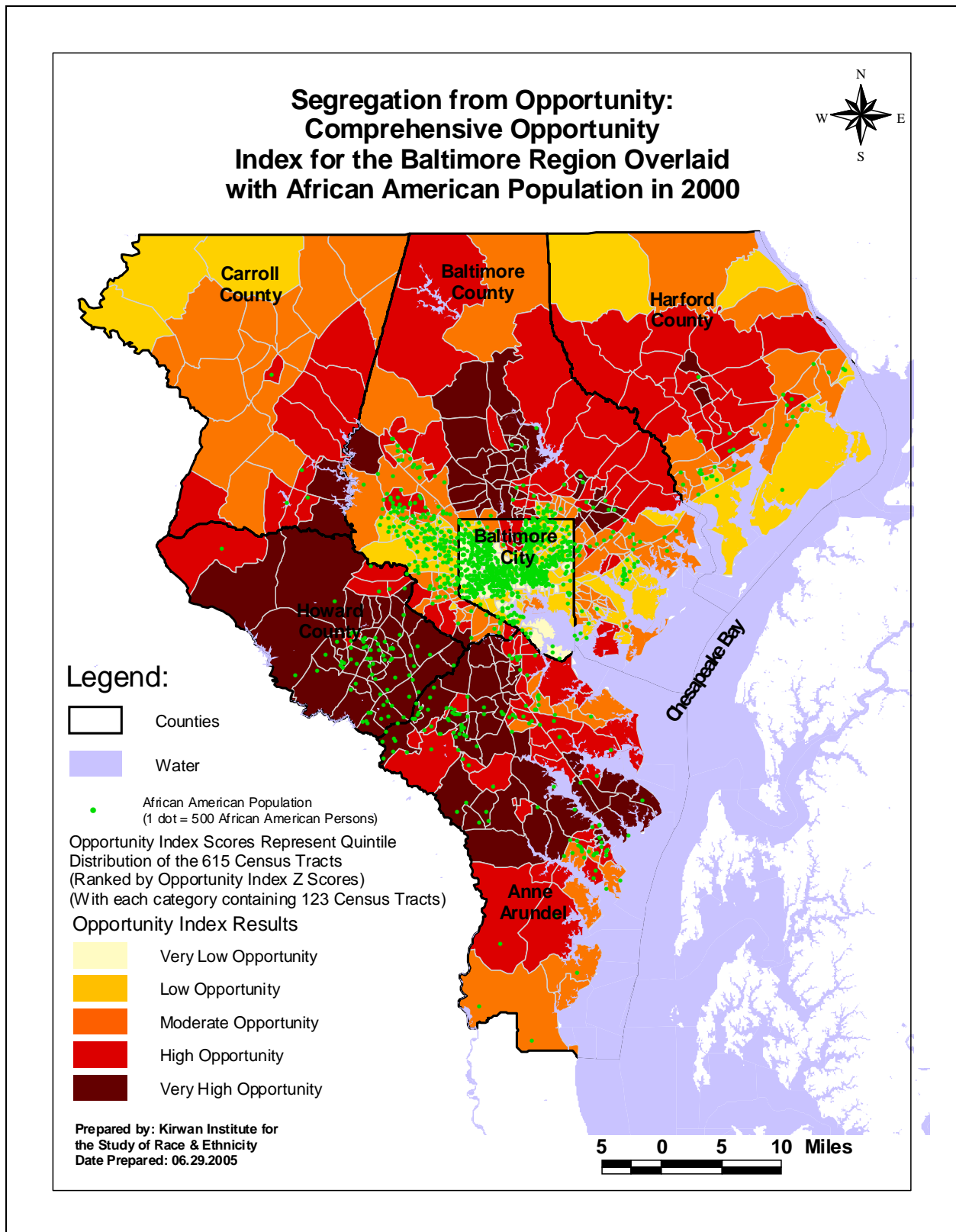
### **Executive Summary**

The segregation of African American public housing residents isolates them from the opportunity structures that are critical to quality of life, stability, and social advancement. The safe and stable neighborhoods, successful schools and employment opportunities available to Whites in the greater Baltimore region have been denied to African American public housing residents. To effectively remedy the segregation inflicted upon African American public housing recipients two objectives must be met: 1) the remedy must give African American public housing residents the opportunity to live in racially integrated areas in the Baltimore region and 2) the remedy must affirmatively connect African American public housing residents to high performing neighborhoods of opportunity in the Baltimore region.

I propose a “communities of opportunity” approach to guide the remedy. With this approach, using mapping technology I identify communities of opportunity in the Baltimore region (*see map on page 3*). My analysis finds African Americans (and most subsidized housing) to be segregated from opportunity rich areas of the region (*see map on page 4*). I recommend utilizing opportunity mapping to rectify this segregation and to guide this remedy. As described in this report, opportunity mapping analysis provides a powerful analytical framework to guide the expansion of affordable housing opportunities in the Baltimore region.

I believe six principles should guide the remedy in this case. First, the remedy must be sensitive to opportunity and to the importance of location in determining access to opportunity. Second, the remedy must be metropolitan-wide to be successful. Third, a race-conscious approach is necessary to ensure an effective remedy in light of HUD’s housing duties and the realities of the housing market. Fourth, the remedy should not force the dispersal of public housing residents, but should be a structured choice model in which residents voluntarily participate in a program that creates housing opportunities specifically in integrated high opportunity communities. Fifth, while process based remedies are important, the remedy must also be goal driven and adaptive to the dynamic nature of the housing market. Finally, the remedy must require HUD to utilize the wide variety of tools available, including vouchers and new housing production, to ensure housing opportunities in high opportunity communities.





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## **Introduction**

To redress the harms created by HUD's failure to desegregate and further fair housing in Baltimore, it is my opinion that a remedy must be implemented that accomplishes two intertwined objectives that lie at the heart of the Fair Housing Act and at the heart of the constitutional obligation to disestablish segregation. The remedy must give African American public housing residents the opportunity to live in racially integrated areas of the Baltimore metropolitan region. It must also ensure that African American public housing residents are able to move to communities that provide the opportunities that have heretofore been denied to them by virtue of the segregated public housing system in Baltimore.

In order to accomplish these twin objectives, I propose a "communities of opportunity" approach to guide the remedy in this matter. This approach is founded upon and informed by decades of research on opportunity and well-being and the determinative role that racial segregation plays in these. It is also informed by the successes and limitations of past public housing policies and programs, and by programs and policies in the housing arena in general. It is a methodology that identifies opportunity-rich areas in the Baltimore region and uses this identification to guide the location of public housing opportunities. As I discuss below, it is also my opinion that this opportunity-oriented targeting of vouchers and housing production should be combined with other remedial features, including supportive services, to ensure that participating public housing residents are able to successfully access those opportunities afforded by the remedy.

Section I of this report, lays the foundation for the communities of opportunity approach, drawing upon research on the relationship between opportunity and racial segregation in general, and as it specifically relates to past public housing programs (Section IA). I apply this approach to public housing in Baltimore by analyzing the distribution of opportunity in Baltimore and identifying those areas of the region in which housing opportunities should be targeted (Section IB). I also discuss lessons learned from other housing mobility programs that should inform this remedy (Section IC). Furthermore, it is my opinion that the remedy imposed ought to be shaped by several principles and considerations; in Section II of this report I discuss those principles.

## **Statement of Qualifications**

I am a Professor of Law at the Ohio State University and the Executive Director of the Kirwan Institute for the Study of Race and Ethnicity. I graduated from Stanford University with a B.A in Psychology and a Philosophy minor in 1969. I went on to receive my Juris Doctor from Boalt Hall at the University of California at Berkeley in 1973. From 1978 to 1980, I was a Post-Graduate Human Rights Fellow at the University of Minnesota.

I have worked as a practicing attorney in the Seattle Public Defender's Office, in private practice, for Evergreen Legal Services, and as the Executive Director of Legal Services of Greater Miami. I have been a consultant to the government of Mozambique and lived and worked in India. I have also worked in Europe and South America. I am the former National Legal Director of the American Civil Liberties Union (ACLU).

I have taught at the Columbia University School of Law, Harvard Law School, University of Miami School of Law, American University, the University of San Francisco School of Law, and the University of Minnesota Law School and I currently teach at Ohio State University, where I hold the Williams Chair in Civil Rights and Civil Liberties at the Moritz College of Law. I held the Earl R. Larson Chair in Civil Rights and Civil Liberties Law at the University of Minnesota Law School and also the Marvin J. Sonosky Chair of Law and Public Policy. I was also a graduate professor in American Studies at the University of Minnesota.

I am a member of the National Bar Association, the National Conference of Black Lawyers and the National Housing Law Center Association. I have worked with the National Housing Law Project, the Minnesota Supreme Court's Implementation Committee on Multicultural Diversity and Racial Fairness and am a former chair of the Minneapolis Affordable Housing Task Force.

I co-founded the Poverty & Race Research Action Council (PRRAC) and founded the Institute on Race and Poverty (IRP) at the University of Minnesota and the Kirwan Institute for the Study of Race and Ethnicity at the Ohio State University. I am recognized as an expert on issues relating to race, ethnicity, poverty and the law. Over the past 10 years, I have overseen over sixty funded research projects. Many of these projects focused on expanding our understanding of racial disparities and the structures from which they arise. These projects have been international, national, and local in scope: developing worldwide indicators of racial disparity for the World Conference Against Racism (WCAR) in Durban, South Africa; two extensive studies of racial profiling and police behavior (one for Saint Paul, Minnesota and one for multiple jurisdictions across the State of Minnesota); an analysis of voting patterns and disenfranchisement among racial minorities in Minnesota and the country in general; an examination of structural racism in the contemporary United States with a focus on metropolitan dynamics and regional planning; a survey of racial preferences for the *Hollman* case in Minnesota; a project examining the effectiveness of the *Mt. Laurel* initiative in creating opportunities for marginalized people of color; a project examining the effectiveness of the *Metropolis 2020* plan in creating a revitalized and equitable Chicago metropolitan area; a research initiative to identify strategies and impediments to minority business development in Cleveland; a project analyzing the gender disparity in performance between African American male and female students; a diversity awareness research initiative; a report comparing the effectiveness of race-conscious remedies in South Africa, Brazil and the United States; and projects that have developed templates for measuring opportunity structures, for analyzing opportunity-based housing, and for analyzing the racial justice qualities of proposed initiatives.

I have published three books including *In Pursuit of a Dream Deferred: Linking Housing and Education Policies*. I have contributed book chapters to anthologies analyzing the entrenchment of racial disparities through urban sprawl, examining regionalism, understanding racial categories, understanding how structural racism functions in America and understanding the contributions of government taxation policies and housing policies to segregation. I have written extensively about racial justice and regionalism, concentrated poverty and urban sprawl, the link between housing and school segregation, opportunity-based housing, and other issues and, I have published over 50 articles in academic journals, law reviews, and newspapers.



I am considered to be a leading expert in the area of opportunity-based housing and I have played an integral role in the development and implementation of the concept. Specifically, I have published a number of studies related to opportunity-based housing, spoken throughout the country on the topic of opportunity-based housing, and have worked with numerous opportunity-based housing initiatives. The opportunity-based housing concept was influenced by my earlier work mediating a dispute between advocates of in-place affordable housing strategies and mobility based affordable housing strategies in the Chicago region. This work expanded into an early opportunity mapping initiative in the Minneapolis-St. Paul region and my work advising Chicago Metropolis 2020. As a consultant I advised Metropolis 2020 to adopt the opportunity-based housing framework, which it did. Since my work with Metropolis 2020 the organization has worked with major employers to better connect housing and employment in the region.

I have also worked with the Leadership Council for Metropolitan Open Communities in Chicago (LCMOC). The LCMOC is the largest fair housing organization in the nation, and was founded as a result of Dr. Martin Luther King's open housing campaign in 1966. LCMOC administered the Gautreaux program in Chicago and thus has unique experience in understanding the effect of place on the outcome of subsidized housing residents. In 2001, I prepared a policy paper outlining the potential for an opportunity-based housing framework for the Chicago region. The LCMOC is using the opportunity-based housing framework to further both their advocacy and efforts to reform policy reform for the Chicago region.

My work in applying the opportunity-based housing framework has expanded beyond the Chicago region and I have applied the model from a research and policy perspective in multiple states and regions. Most recently, I advised the Wisconsin Housing and Economic Development Agency on how to modify their Low Income Housing Tax Credit guidelines to reflect principles of the opportunity-based housing framework. I conducted several recent statewide research projects on the connection between Low Income Housing Tax Credit housing production and opportunity. The most recent projects--in North Carolina and Maryland--assessed how state housing finance agency policies were siting developments relative to segregation and opportunity. In 2004, I completed an opportunity analysis of the subsidized housing supply in Columbus, Ohio for a faith-based regional housing advocacy agency.

I am in high demand as a speaker and average about 75-100 speeches a year to groups to policymakers, business executives, faith-based organizations, advocacy groups and funding organizations. I am known as one of the pre-eminent authorities in the country on linking metropolitan growth patterns to civil rights. In the past few months alone I have spoken about race, regionalism and equity at three national conferences and several national and regional training events for the Gamaliel organization, a national faith-based foundation that trains and supports community organizers. I cosponsored a national "Race and Regionalism" conference in May of 2005 with the Institute of Race and Poverty and am co-editing a book to be published from conference findings in 2006. I have recently been awarded a grant by an organization of African American business leaders in Cleveland to assess the impact of regionalism on the social, economic and political health of the African American community in the Cleveland region. I also am cofounder of the African American Forum on Race and Regionalism, a group



representing the leading African American experts on interactions between regional dynamics and racial disparity.

My curriculum vitae is attached to this report, and provides a more detailed look at my accomplishments and qualifications. I am being paid \$275/hr for time spent in research on this report and \$300/hr for time spent in testifying at deposition or at trial. In preparing my expert reports, I have been assisted by Jason Reece, Research Associate at The Kirwan Institute for the Study of Race and Ethnicity, Gavin Kearney, former Director of Research at the Institute on Race and Poverty at the University of Minnesota Law School, and to a lesser extent by other members of my staff at the Kirwan Institute. The methods of analysis, secondary sources, databases, and other sources that I rely upon in this report are consistent with the manner in which I routinely address issues and questions of the nature discussed in this report.

## **I. The Remedy Should Connect Subsidized Housing Residents to Communities of Opportunity**

An effective remedy must connect subsidized housing recipients to areas of opportunity in the Baltimore region. A race-conscious, voluntary remedy that combines vouchers with housing production and other supply-side strategies, and is targeted to integrated communities of opportunity, provides the best mechanism for doing so.

The foundation for this opportunity-based housing model is addressed in Section IA, immediately below. It is based on decades of empirical evidence demonstrating the link between racial segregation and access to opportunity, and has informed a number of housing initiatives throughout the country. In Section IB, of this report, I apply the opportunity-based approach to Baltimore, identifying high and low opportunity areas in the Baltimore region. Not surprisingly, my analysis reveals that African Americans are segregated from high-opportunity communities and that subsidized housing is clustered in segregated low-opportunity areas. The opportunity framework used in this analysis should inform where units are placed and be used to evaluate how the remedial process is progressing. The opportunity maps discussed in this section provide a framework for guiding subsidized housing policy to remedy the segregation facing African American subsidized housing recipients. The high opportunity areas identified in this analysis are locations for further investigation for targeting subsidized housing opportunities. Low opportunity areas should not be designated for remedial housing opportunities. In Section IC, I identify some key lessons learned from other voucher and mobility programs that should inform this remedy.

### *Opportunity Based Housing*

Whites and people of color have different levels of access to opportunity, and housing segregation is a central cause of this disparity. Ideally, the remedy imposed in this matter should deliberately connect affordable or assisted housing to regional opportunities, such as high performing schools, meaningful employment, viable transportation, quality childcare, responsive health care, and other institutions that facilitate civic and political activity.<sup>1</sup> I refer to such an approach as “opportunity-based housing.”

The central premise of opportunity-based housing, borne out of experience, is that residents of a metropolitan area are situated within an interconnected web of opportunities that shape their quality of life.<sup>2</sup> The location of housing is a powerful impediment to or asset for accessing these opportunities and as such housing policies should be oriented towards providing this access wherever it may exist. While policy discussions often focus on the dichotomy of city and suburb, opportunity is dynamic, as evidenced by the existence of declining inner ring suburbs and redeveloping inner city neighborhoods in many regions today.

### *The Opportunity Based Housing Model in Practice*

Variants of the opportunity based housing model can be seen in a number of areas, including fair share and workforce housing strategies. Both models seek to open the region’s

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<sup>1</sup> John A. Powell, *Opportunity-Based Housing*, 12-WTR J. AFFORDABLE HOUSING AND COMMUNITY DEV. L. 188.

<sup>2</sup> John A. Powell, *Opportunity-Based Housing*, 12-WTR J. AFFORDABLE HOUSING AND COMMUNITY DEV. L. 188.

housing markets to address the exclusionary impact of land use policies.<sup>3</sup> Both aim to connect housing to economic opportunities, implicitly in the case of fair share housing programs such as *Mount Laurel*, and explicitly in the case of work force housing initiatives which seek to create housing opportunities close to regional employment opportunities and affordable at the wages that such opportunities pay.<sup>4</sup> Due to the “win-win” nature of work force housing initiatives (for both housing advocates and employers), work force housing programs are growing across the nation.<sup>5</sup>

The opportunity-based housing framework has been most explicitly accepted in the Chicago region. The region’s largest fair housing organization, the Leadership Council for Metropolitan Open Communities (which was charged with administering the Gautreaux program) has embraced the opportunity-based housing framework. As stated by the organization in its 2005 report *The Segregation of Opportunities: The Structure of Advantage and Disadvantage in the Chicago Region*, “The Council has focused its energies on institutional, structural change and recognized housing, where one lives, as a crucial point of access to other economic and life opportunities.” The organization has conducted two opportunity mapping exercises in the region to assess if African Americans are separated from opportunity and to frame advocacy efforts to reduce regulatory barriers that bar access to opportunity for African Americans.<sup>6</sup>

Chicago Metropolis 2020 is another regional organization that has embraced the opportunity-based housing framework. The organization was created by business interests but also includes labor, civic, religious and governmental organizations. Metropolis 2020 seeks to guide regional development policy to promote a socially, environmentally and economically healthier region. The organization has embraced the opportunity based housing framework for future growth of the region. As discussed in the *Metropolitan Housing Index: Housing as Opportunity*, a study analyzing what housing policy reform would improve the region’s economy:

The decision to focus the Index on housing is significant in two respects. First, it underscores our belief that housing is far more than a place to live. A home is also a gateway to opportunity - the most important connection to jobs, schools, transit and community. If we are to provide access to economic opportunity for more Chicago area families, then we must provide a broader range of housing choices throughout the region. Second, the Metropolis Index reinforces our belief that housing, like so many other issues, must be tackled regionally. It is an economic imperative: Workers must have housing choice reasonably close to job centers if our economy is to remain robust.<sup>7</sup>

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<sup>3</sup> Edward Goetz, *Fair Share or Status Quo? The Twin Cities Livable Communities Act*, 20 JOURNAL OF PLANNING EDUCATION AND RESEARCH 39 (2000).

<sup>4</sup> Roland Anglin, *Searching for Justice: Court-Inspired Housing Policy as a Mechanism for Social and Economic Mobility*, 29 URB. AFF. Q. 432-53 (1994).

<sup>5</sup> Tim Sullivan, *Putting the Force in Workforce Housing*, 70 PLANNING MAGAZINE 26 (2004).

<sup>6</sup> COMMUNITIES OF OPPORTUNITY (2003) and SEGREGATION VS. OPPORTUNITY (2005). The Leadership Council for Metropolitan Open Communities: Chicago, IL.

<sup>7</sup> Chicago Metropolis 2020. METROPOLITAN HOUSING INDEX: HOUSING AS OPPORTUNITY (2004) Introduction available on-line at: [http://www.chicagometropolis2020.org/10\\_20.htm](http://www.chicagometropolis2020.org/10_20.htm)

Metropolis 2020 has moved forward on housing initiatives connecting affordable housing to economic opportunities. The organization also developed a corporate pledge that commits employers to considering public transit access and availability of affordable housing when making expansion of investment decisions. More than 100 business leaders in the Chicago region have signed this pledge.<sup>8</sup>

Principles of opportunity-based housing can also be seen in the framework some states are using for assessing Low Income Housing Tax Credit (LIHTC) applications. Established in 1987, the Low Income Housing Tax Credit program is the largest single source of publicly subsidized affordable housing construction today. The LIHTC program accounts for over \$5 billion in federal subsidies annually and the program produced over 800,000 subsidized units in the 1990's (in contrast, HUD's affordable housing production was less than 50,000 units during this time).<sup>9</sup> The Internal Revenue Service administers LIHTC, but individual states have significant flexibility in setting evaluation criteria for the projects. Traditionally, LIHTC has concentrated units in distressed segregated neighborhoods (most notably in the Northeast and Midwest). Increasingly, however, states are revising their project siting criteria to focus on building in areas of opportunity. LIHTC provides a good example of how affordable housing production can be tied to opportunity. Traditionally, LIHTC evaluation criteria primarily targeted distressed neighborhoods (or Qualified Census Tracts) for investment, but research indicates that preferences for higher poverty neighborhoods declined in state qualified allocation plans in the 1990's.<sup>10</sup> States are now more likely to mandate that the only distressed neighborhoods eligible for credits are those with active revitalization plans and some states have begun to orient LIHTC neighborhood preferences more to economic opportunity.<sup>11</sup> Also, many states integrate other opportunity structures into their site selection evaluation, such as proximity to childcare, access to public transit, and access to nearby services, such as grocery stores and medical facilities.<sup>12</sup>

Several states add incentive scoring "points" in the competitive scoring criteria for Low-income Housing Tax Credit developments in areas of income diversity, population growth or job

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<sup>8</sup> Chicago Metropolis 2020. THE METROPOLITAN PRINCIPLES CORPORATE PLEDGE FAQ. Available on-line at: [http://www.chicagometropolis2020.org/10\\_20faq.htm](http://www.chicagometropolis2020.org/10_20faq.htm)

<sup>9</sup> Lance Freeman, SITING AFFORDABLE HOUSING: LOCATION AND NEIGHBORHOOD TRENDS OF LOW INCOME HOUSING TAX CREDIT DEVELOPMENTS IN THE 1990'S. Brookings Institute (2004). Available on-line at: [http://www.brookings.edu/urban/publications/20040405\\_Freeman.htm](http://www.brookings.edu/urban/publications/20040405_Freeman.htm); See also Myron Orfield, Exec. Dir., Institute of Race and Poverty, RACIAL INTEGRATION AND COMMUNITY REVITALIZATION: APPLYING THE FAIR HOUSING ACT TO THE LOW INCOME HOUSING TAX CREDIT; Draft Working Paper provided by author.

<sup>10</sup> Jeremy Gustafasen & J. Christopher Walker, ANALYSIS OF STATE QUALIFIED ALLOCATION PLANS FOR THE LOW-INCOME HOUSING TAX CREDIT PROGRAM (2002). Prepared for HUD by the Urban Institute Metropolitan Housing and Communities Policy Center. Available on-line at: [http://www.huduser.org/publications/hsgfin/analysis\\_of\\_sqa\\_plans.html](http://www.huduser.org/publications/hsgfin/analysis_of_sqa_plans.html)

<sup>11</sup> For an example of a LIHTC program requiring revitalization plans in qualified census tracts please review North Carolina's QAP guidelines at: <http://www.nchfa.com/Rental/RD2005qap.aspx>

<sup>12</sup> Research by Lance Freeman indicates that LIHTC production is still primarily in racially concentrated areas, the program is locating projects in less segregated and lower poverty neighborhoods than other traditional site based subsidized housing programs. See Lance Freeman, SITING AFFORDABLE HOUSING: LOCATION AND NEIGHBORHOOD TRENDS OF LOW INCOME HOUSING TAX CREDIT DEVELOPMENTS IN THE 1990'S. Brookings Institute (2004). Available on-line at: [http://www.brookings.edu/urban/publications/20040405\\_Freeman.htm](http://www.brookings.edu/urban/publications/20040405_Freeman.htm)

opportunities.<sup>13</sup> Wisconsin recently modified its scoring criteria to prioritize zip codes with recent job growth for LIHTC investment.<sup>14</sup> LIHTC developers seeking to build affordable housing in these areas are given 5 bonus points when applications for tax credits are reviewed. Minnesota utilizes indices of population growth and job growth to prioritize LIHTC projects.<sup>15</sup> Illinois designed “live near work” criteria (granting 5 bonus points to applicants) to promote LIHTC development in suburban areas with job growth and labor shortages.<sup>16</sup> Although 5 bonus points is not a large component of the total scoring criteria for LIHTC projects, the additional point margin can be critically important due to the high degree of competition between developers for tax credits awards. While these initiatives by individual state are admirable, HUD could and should use its leadership role to have the IRS require all states, including Maryland, to follow suite or at least provide strong incentives for the states to do so.

Elements of the opportunity-based housing concept can also be seen in recently proposed legislation reauthorizing HOPE VI. While it remains to be seen whether the proposed legislation would actually provide access to opportunity, it explicitly acknowledges that housing location is critical “to support excellent outcomes for families; especially children, with emphasis on excellent, high performing neighborhood schools and excellent quality of life amenities, such as first class retail space and green space.”<sup>17</sup> In the proposed reauthorization, HOPE VI project evaluation would consider the quality of nearby educational opportunities and continue to focus on siting developments in lower poverty neighborhoods.

#### **A. Foundation of the Communities of Opportunity Approach**

Beyond the various policies and programs discussed above, the opportunity-based housing model I recommend is based on an extensive body of research identifying the harms of segregation and impact of neighborhood conditions on family well being. Neighborhood conditions have a critical impact on quality of life and access to opportunity. Racial segregation results in segregation from opportunity for African Americans and this isolation inflicts significant harm on African Americans (particularly those in subsidized housing). Mobility programs for subsidized housing recipients prove that accessing higher opportunity communities improves family social, economic and educational well being. Experiences from previous mobility programs also illustrate that the programs must provide support services and counseling for recipients, be fully integrated into regional opportunities, be race-conscious and recognize the constraints of the regional housing market.

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<sup>13</sup> The State of Minnesota grants bonus LIHTC points for projects built in the top ten and top twenty (job and population growth) counties in the State, for more information visit:

<http://www.mhfa.state.mn.us/multifamily/HTC2005forms.htm>. California grants bonus points for projects in locations with inclusionary housing policies in high income and high job growth areas through its “balanced communities” guidelines. For more information visit: <http://www.treasurer.ca.gov/ctcac/programreg/20050608.pdf>

<sup>14</sup> Source: Low Income Housing Qualified Allocation Plan for the State of Wisconsin. Available on-line at: [http://www.wheda.com/TCA\\_Appendices/Appdx\\_T\\_05.pdf](http://www.wheda.com/TCA_Appendices/Appdx_T_05.pdf)

<sup>15</sup> Tax Credit Allocations: States Reflect in '01, Mull QAP Changes for Next Year, Vol. AFFORDABLE HOUSING FINANCE (September 2001.) Available on-line at: <http://www.housingfinance.com/ahf/articles/2001/01SeptQAPchanges/index.html>

<sup>16</sup> 2005 Qualified Allocation Plan for the Low-income Housing Tax Credit. Illinois Housing Development Authority. “Live near Work” QAP information available on-line: <http://www.ihda.org/ViewPage.aspx?PageID=93>

<sup>17</sup> Draft reauthorization bill for the Hope 6 program. Prepared by Senator Barbara Mikulski of Maryland. Introduced on July 27, 2005. For more information visit: <http://mikulski.senate.gov/record.cfm?id=241669>. For a summary of the reauthorization bill visit: <http://www.clpha.org/page.cfm?pageID=729>

### The Interrelationship of Racial Segregation and Opportunity Segregation

The segregation of African Americans results in their isolation from opportunity and clustering of subsidized housing contributes to this isolation. African Americans are primarily segregated into low-opportunity communities, with limited job access, neighborhood instability and poor schools. This opportunity segregation (and the harms associated with it) are present in the Baltimore region and are reinforced by the region's clustering of subsidized housing opportunities.

African Americans remain the most racially segregated population in the nation (in reference to Whites). Despite very modest improvements in recent decades, racial residential segregation remains severe in most metropolitan regions in the United States. Nationally, the average metropolitan region has a dissimilarity index score for African Americans and Whites of .65 in 2000. This means that 65% of the metropolitan African American population would have to relocate in order for them to become fully integrated in our metropolitan regions.<sup>18</sup>

In most metropolitan regions today, few truly integrated communities can be found.<sup>19</sup> In regions with larger African American populations, segregation is even more extreme.<sup>20</sup> Residential segregation (as measured by the dissimilarity index) declined by more than 12 points between 1980 and 2000 in regions that were less than 5% African American, but this decline was only 6 points in regions that were more than 20% African American.<sup>21</sup>

In Baltimore, levels of segregation have decreased slightly over recent decades but the region is still highly segregated. These trends are seen in the dissimilarity index and other segregation indices (including the isolation index, delta index, and absolute centralization index).<sup>22</sup> African Americans primarily live in the City of Baltimore and the western suburbs of Baltimore County (**See Map 1**). Generally, dissimilarity index scores greater than 0.6 indicate a very high degree of residential segregation. Various analyses of Baltimore indicate dissimilarity index levels greater than 0.71 for the City of Baltimore and greater than 0.67 for the metropolitan area.<sup>23</sup> Others segregation indices also show high levels of residential segregation for the Baltimore region. Analysis by the U.S. Census Bureau using five different measures of

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<sup>18</sup> E. Glaeser, & J. Vigdor, RACIAL SEGREGATION IN THE 2000 CENSUS (2001). The Brookings Institution Survey Series. The Brookings Institute, Center on Urban and Metropolitan Policy. Available on-line at: <http://www.brookings.edu/dybdocroot/es/urban/census/glaeser.pdf>

<sup>19</sup> Sheryll Cashin, THE FAILURES OF INTEGRATION (2004).

<sup>20</sup> Sheryll Cashin, THE FAILURES OF INTEGRATION (2004).

<sup>21</sup> John Logan, ETHNIC DIVERSITY GROWS: NEIGHBORHOOD INTEGRATION LAGS BEHIND (2001). Lewis Mumford Center for Comparative Urban and Regional Analysis. on-line at: <http://mumford1.dyndns.org/cen2000/report.html>

<sup>22</sup> J. Iceland, D. Weinberg, & E. Steinmetz, RACIAL AND ETHNIC SEGREGATION IN THE UNITED STATES: 1980-2000 (2002). U.S. Census Bureau. Available on-line at: [http://www.census.gov/hhes/www/housing/ressseg/pdf/paa\\_paper.pdf](http://www.census.gov/hhes/www/housing/ressseg/pdf/paa_paper.pdf)

<sup>23</sup> ETHNIC DIVERSITY GROWS: NEIGHBORHOOD INTEGRATION LAGS BEHIND (2001), Lewis Mumford Center for Comparative Urban and Regional Analysis <http://mumford1.dyndns.org/cen2000/report.html>. See also, Douglas S. Massey and Nancy A. Denton, AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS (1993) at 20 ("A simple rule of thumb in interpreting these indices is that values under 30 are low, those between 30 and 60 are moderate, and anything above 60 is high."); Edward L. Glaeser and Jacob L. Vigdor, RACIAL SEGREGATION IN THE 2000 CENSUS: PROMISING NEWS (April 2001) <http://www.brookings.org/dybdocroot/es/urban/census/glaeserexsum.htm> at 3 ("Generally, dissimilarity measures above 0.6 are thought to represent hypersegregation.").



segregation finds the Baltimore region to be the 14<sup>th</sup> most segregated large metropolitan area in the nation as of the 2000 Census.<sup>24</sup>

The segregation of African Americans in metropolitan areas is not just segregation from Whites, but also segregation from opportunities critical to quality of life, stability and social advancement. Bruce Katz and Margery Turner synthesized the impact of this opportunity segregation in the 2003 Brookings Institute research brief *Rethinking Affordable Housing Strategies: An Action Agenda for Local and Regional Leaders*:

Residential segregation denies families of color full and free choice about where to live, while often denying minority neighborhoods the services and resources they need to thrive and grow. As a consequence, minorities' access to quality schools, jobs, and economic opportunity is limited. The most extreme consequences of residential segregation are found in the central cities' large urban areas. Because communities of color experience higher poverty rates than whites, the concentration of minorities in inner city neighborhoods also concentrates poverty and compounds its social costs. As jobs, wealth and economic opportunities have migrated to the suburbs, poor minority communities in the central city have become increasingly isolated and cut off from access to the mainstream of our society and economy. Thus, housing segregation helps sustain economic inequality and contributes to the persistence of urban poverty.<sup>25</sup>

Residential location plays a determinative role in life outcomes and social, physical and mental health.<sup>26</sup> As stated in the findings report of the Congressional bi-partisan Millennial Housing Commission:

Neighborhood quality plays an important role in positive outcomes for families. Stable housing in an unstable neighborhood does not necessarily allow for positive employment and child education outcomes.<sup>27</sup>

African Americans continue to be concentrated in opportunity-poor inner city neighborhoods. Racial segregation in America results in segregation from opportunities such as employment, high quality education and safe, stable healthy neighborhoods. In the Baltimore region, persistent residential segregation, opportunity segregation, and the concentration of assisted housing in opportunity poor communities is evident. Research suggests that this correlation is apparent to many Whites and that they use the presence or absence of people of color as a proxy for the neighborhood and educational quality of a specific community.<sup>28</sup>

### *Economic Opportunity*

Segregation affects the employment opportunities of low-income communities of color by

<sup>24</sup> J. Iceland, D. Weinberg, & E. Steinmetz, RACIAL AND ETHNIC SEGREGATION IN THE UNITED STATES: 1980-2000 (2002). U.S. Census Bureau. Available on-line at:

[http://www.census.gov/hhes/www/housing/resseseg/pdf/paa\\_paper.pdf](http://www.census.gov/hhes/www/housing/resseseg/pdf/paa_paper.pdf)

<sup>25</sup> Bruce Katz and Margery Austin Turner. RETHINKING AFFORDABLE HOUSING STRATEGIES: AN ACTION AGENDA FOR LOCAL AND REGIONAL LEADERS (2003). Research Brief, The Brookings Institution. Available on-line at: <http://www.brookings.edu/dybdocroot/es/urban/knight/actionbrief.pdf>. Page 7.

<sup>26</sup> The Millennial Housing Commission was a bi-partisan federal commission assessing national housing policy and needs. The commission released their final report in 2002. (Hereinafter MEETING OUR NATION'S HOUSING CHALLENGES). Available on-line at: <http://www.mhc.gov/MHCReport.pdf>

<sup>27</sup> Millennial Housing Commission. MEETING OUR NATION'S HOUSING CHALLENGES (2002). Page 11.

<sup>28</sup> Please see race-conscious discussion in Section II.

impeding their educational growth and by physically isolating them from job opportunities.<sup>29</sup> As white middle-class populations have moved outward to the fringes of metropolitan areas, businesses and jobs have followed. Policies that restrict the residential choices of public housing residents create a “spatial mismatch” between job opportunities and low-income families that need them.<sup>30</sup> Moreover, gains achieved during the 1990’s in closing the gap between African Americans and jobs were generated by increasing the residential mobility of Blacks rather than redistributing employment opportunities.<sup>31</sup> Jobs that remain in central business districts and are geographically accessible from racially and economically segregated neighborhoods are disproportionately unattainable because of a skills mismatch between job seekers and job requirements.<sup>32</sup> Inner cities residents also have more difficulty getting vital information about job openings and support during the application process because of their isolation.<sup>33</sup>

Research by the Brookings Institute in 2005 indicates that the “spatial mismatch” phenomenon persists. Analysis of metropolitan residential patterns and employment in 2000 for the U.S. reveals that 54% of the metropolitan African American population would need to relocate in order to eradicate the mismatch between housing and jobs for African American households. In comparison only 34% of Whites were segregated from employment.<sup>34</sup>

Current transportation policies exacerbate the effects of this spatial mismatch. The lack of viable transit options in most metropolitan areas limits options for those without cars and it prevents central city residents from accessing jobs located in the suburbs.<sup>35</sup> Nationally, people of color tend to rely on public transportation far more than whites, and the distances they must travel to new jobs in regions experiencing spatial mismatch can hurt their employment prospects.<sup>36</sup> In urban areas, African Americans and Latinos together comprise 54 percent of public transportation users (62% of bus riders, 35% of subway riders, and 29% of commuter rail riders.) Twenty-eight percent of public transportation users have incomes of \$15,000 or less, and 55

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<sup>29</sup> See, e.g., Richard Price and Edwin S. Mills, Race and Residence in Earnings Determination, 17 J. URB. ECON. 1-18 (1985); Mark Alan Hughes, Misspeak Truth to Power: A Geographical Perspective on the ‘Underclass’ Fallacy, 65 ECON. GEOGRAPHY 187 (1989); Harry J. Holtzer, The Spatial Mismatch Hypothesis: What has the Evidence Shown? 28 URB. STUDIES 105 (1991); and J.F. Kain, The Spatial Mismatch Hypothesis: Three Decades Later, 3 (2) HOUSING POL’Y DEB. 371 (1992).

<sup>30</sup> A 1999 study showed that predominantly white suburbs in the United States contain 69.4% of the low skill jobs, while the central city typically holds 10.2 % of these jobs. Similarly, a recent study found that “metro areas with higher levels of black-white residential segregation exhibit a higher degree of spatial mismatch between blacks and jobs” and that the same applied to other communities of color. See Michael Stoll, Harry Holtzer, and Keith Ihlanfeldt, WITHIN CITIES AND SUBURBS: RACIAL RESIDENTIAL CONCENTRATION AND THE SPATIAL DISTRIBUTION OF EMPLOYMENT OPPORTUNITIES ACROSS SUBMETROPOLITAN AREAS (1999), available on-line at: <http://ideas.repec.org/PaperSeries.html>.

<sup>31</sup> *Id.*

<sup>32</sup> These jobs require college degrees more than in any other sub-metropolitan area. *Id.*

<sup>33</sup> See Cong. Office Of Tech. Assessment, THE TECHNOLOGICAL RESHAPING OF METROPOLITAN AMERICA 222 (1995). (Hereinafter TECHNOLOGICAL RESHAPING). Available on-line at: <http://www.smartgrowth.org/pdf/TTROMA.pdf>

<sup>34</sup> M. Stoll., JOB SPRAWL AND THE SPATIAL MISMATCH BETWEEN BLACKS AND JOBS (2005). The Brookings Institute. Available on-line at: [http://www.brookings.edu/dybdocroot/metro/pubs/20050214\\_jobsprawl.pdf](http://www.brookings.edu/dybdocroot/metro/pubs/20050214_jobsprawl.pdf)

<sup>35</sup> Robert D. Bullard, Addressing Urban Transportation Equity in the United States, 31 FORDHAM URBAN LAW JOURNAL 1183 (October 2004).

<sup>36</sup> Robert D. Bullard, Addressing Urban Transportation Equity in the United States, 31 FORDHAM URBAN LAW JOURNAL (October 2004).



percent have incomes between \$15,000 and \$50,000. Only 17 percent have incomes above \$50,000. Just 7 percent of white households do not own a car, compared with 24% of African-American households, 17 percent of Latino households, and 13 percent of Asian-American households.<sup>37</sup> In addition to the barrier of distance, the employment prospects of transit riders are also diminished by longer commute times relative to car owners and infrequency of service.<sup>38</sup> Spatial isolation contributes to the employment gap between African Americans and Whites, as indicated by a recent survey of spatial mismatch research:

Our review of recent SMH (spatial mismatch hypothesis) studies clearly suggests that the lack of geographical access to employment is an important factor in explaining labor market outcomes...<sup>39</sup>

Racial segregation is also heavily correlated with concentrated poverty; concentrated poverty is defined as a neighborhood where more than 40% of the population lives in poverty. African Americans and Latinos are the most likely to be segregated into concentrated poverty neighborhoods and 70% of the 7 million people living in concentrated poverty neighborhoods were African American or Latino in 2000.<sup>40</sup> Paul Jargowsky described the detrimental effect of living in concentrated poverty neighborhoods in his 2002 study of concentrated poverty.

The concentration of poor families and children in high-poverty ghettos, barrios, and slums magnifies the problems faced by the poor. Concentrations of poor people lead to a concentration of the social ills that cause or are caused by poverty. Poor children in these neighborhoods not only lack basic necessities in their own homes, but also they must contend with a hostile environment that holds many temptations and few positive role models. Equally important, school districts and attendance zones are generally organized geographically, so that the residential concentration of the poor frequently results in low-performing schools. The concentration of poverty in central cities also may exacerbate the flight of middle-income and higher-income families to the suburbs, driving a wedge between social needs and the fiscal base required to address them.<sup>41</sup>

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<sup>37</sup> Thomas W. Sanchez et. al., MOVING TO EQUITY: ADDRESSING INEQUITABLE EFFECTS OF TRANSPORTATION POLICIES ON MINORITIES, The Civil Rights Project and Center for Community Change, Harvard University (June 2003). Accessed July 11, 2005 from [http://www.civilrightsproject.harvard.edu/research/transportation/trans\\_paper03.php#fullreport](http://www.civilrightsproject.harvard.edu/research/transportation/trans_paper03.php#fullreport).

<sup>38</sup> “[T]he time spent traveling per mile for black central city residents is twice that of suburban whites, partly because more whites use their own car to get to work than do blacks (69 percent for whites versus 43 percent for blacks) who are more dependent on public transportation.” See Congressional Office of Technology Assessment, TECHNOLOGICAL RESHAPING 221-22 (1995) (citing Harry Holzer, Keith Ihlanfeldt, and David Sjoquist, *Work, Search, and Travel among White and Black Youth*, 35 JOURNAL OF URBAN ECONOMICS 320-345 (1994)).

<sup>39</sup> K. Ihlanfeldt, K. & D. Sjoquist, *The Spatial Mismatch Hypothesis: A Review of Recent Studies and Their Implications for Welfare Reform*, 9 HOUSING POLICY DEBATE 881 (1998). See also H.J. Holzer, *The spatial mismatch hypothesis: what has the evidence shown?* 28 URBAN STUDIES 118 (1991). Page 118 (“The preponderance of evidence from data of the last decade shows that spatial mismatch has a significant effect on black employment”).

<sup>40</sup> Paul Jargowsky, STUNNING PROGRESS, HIDDEN PROBLEMS: THE DRAMATIC DECLINE OF CONCENTRATED POVERTY IN THE 1990s (May 2003). The Brookings Institute. Available on-line at: <http://www.brookings.edu/es/urban/publications/jargowskypoverty.htm>

<sup>41</sup> Paul Jargowsky, STUNNING PROGRESS, HIDDEN PROBLEMS: THE DRAMATIC DECLINE OF CONCENTRATED POVERTY IN THE 1990s (May 2003). The Brookings Institute. Available on-line at: <http://www.brookings.edu/es/urban/publications/jargowskypoverty.htm>. See Page 2.

On average, African Americans in the Baltimore region live in neighborhoods with higher poverty, higher unemployment and higher vacancy rates than other residents (**See Table 1**). The average African American neighborhood in the Baltimore region has a poverty rate that is nearly three times the poverty rate of the average White neighborhood. The vacancy rate in the average African American neighborhood is nearly double the rate for the average White neighborhood. The average African American neighborhood unemployment rate is more than double the rate found in the average White neighborhood.<sup>42</sup>

African Americans are also more likely to be isolated from employment opportunities in the Baltimore region than other residents. Research by the Brookings Institute in 2005 found that nearly 53% of African Americans in the Baltimore region would need to relocate to overcome the mismatch between employment centers and African Americans.<sup>43</sup> This spatial disparity is greatest between African Americans and entry level, low skill employment opportunities and this is particularly problematic for public housing residents who tend to need such jobs. As seen in **Map 2**, the largest clusters of estimated entry level and low skill employment opportunities are found in the suburbs surrounding the City of Baltimore, while African American neighborhoods are found primarily in the central city. Most of the region's recent job growth is oriented toward the suburban fringe of the region, and not well connected to the public transportation network indicating that this mismatch is worsening (**See Map 3**). Spatial analysis of projected job growth in the Baltimore region suggests that these trends will worsen in the future. As seen in **Map 4**, the projected fastest growing areas for job growth in the region are primarily outside of both the City of Baltimore and Baltimore County.

#### *Educational Opportunity*

While the African American labor force is isolated from economic opportunities, African American children remain concentrated in the poorest performing and most economically segregated school districts in the nation. Educational opportunities for most African Americans are segregated by race and class. Almost half of African American students in the U.S. attend a central city school district, compared to 17% of White students.<sup>44</sup> Research measuring dissimilarity for metropolitan school districts in 2000 found that black/white dissimilarity in schools was .65, thus nearly 2 out of 3 children would need to transfer to integrate the nation's metropolitan school districts. While neighborhood segregation declined slightly during the 1990's, school segregation increased. Racial segregation is accompanied by economic segregation and African American children are much more likely to attend high poverty schools than their white counterparts. The average African American child attends a school with a 65% student poverty rate, compared to 30%

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<sup>42</sup> This data represents the characteristics found in typical neighborhood for the average African American and White resident of the Metropolitan Area. These figures were calculated by the Lewis Mumford Center and can be reviewed on-line at the "Measuring Neighborhood Inequality," from the "Separate and Unequal" databases on neighborhood characteristics by race. Lewis Mumford Center for Comparative Urban and Regional Analysis. <http://mumford1.dyndns.org/>

<sup>43</sup> M. Stoll, JOB SPRAWL AND THE SPATIAL MISMATCH BETWEEN BLACKS AND JOBS (2005). The Brookings Institute. Available on-line at: [http://www.brookings.edu/metro/pubs/20050214\\_jobsprawl.htm](http://www.brookings.edu/metro/pubs/20050214_jobsprawl.htm)

<sup>44</sup> Christopher Swanson, WHO GRADUATES? WHO DOESN'T? A STATISTICAL PORTRAIT OF PUBLIC HIGH SCHOOL GRADUATION, CLASS OF 2001 (February 25, 2004). Education Policy Center, The Urban Institute. Available on-line at: [http://www.urban.org/UploadedPDF/410934\\_WhoGraduates.pdf](http://www.urban.org/UploadedPDF/410934_WhoGraduates.pdf)

for the average White student's school.<sup>45</sup> Segregated high poverty schools are also failing African American students. Three quarters of White students in ninth grade graduate on time while only half of African American students finish high school with a diploma in four years.<sup>46</sup> Researchers feel that this is creating an educational crisis for urban youth, as stated by Gary Orfield at the Harvard Civil Rights Project.

When an entire racial or ethnic group experiences consistently high dropout rates, these problems can deeply damage the community, its families, its social structure, and its institutions.<sup>47</sup>

Racial and economic segregation harm the quality of education received by children for a number of reasons. Poverty creates numerous challenges for families and their children's learning processes that schools must address. In segregated areas, the scale of these challenges is much greater as the number of kids experiencing them is greater. As one study has found, "high poverty schools have to devote far more time and resources to family and health crises, security, children who come to school not speaking standard English, seriously disturbed children, children with no educational materials in their homes, and many children with very weak educational preparation."<sup>48</sup> Low-income students and students of color are also less likely to have qualified teachers, more likely to have teachers who completed an alternative certification program, and more likely to be taught by substitute teachers.<sup>49</sup>

Because of these educational impediments, research has consistently found that both racial and economic segregation negatively affects students. For example, one study finds that there is a "consistent negative effect of high poverty concentrations in school on students' academic achievement."<sup>50</sup> Another study finds that the poverty of a school, far more than the poverty of an individual, determines educational outcomes, and that impoverished students do better if they live in middle-class neighborhoods and/or attend more affluent schools.<sup>51</sup>

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<sup>45</sup> John. Logan, CHOOSING SEGREGATION: RACIAL IMBALANCE IN AMERICAN PUBLIC SCHOOLS, 1990-2000 (March 29, 2002). Lewis Mumford Center for Comparative Urban and Regional Research. Available on-line at: <http://mumford.albany.edu/census/SchoolPop/SPReport/page1.html>

<sup>46</sup> G. Orfield, D. Losen., J. Wald, & C. Swanson. LOSING OUR FUTURE: HOW MINORITY YOUTH ARE BEING LEFT BEHIND BY THE GRADUATION RATE CRISIS (March 2004). A Joint Release By: The Civil Rights Project at Harvard University, The Urban Institute, Advocates for Children of New York and the Civil Society Institute. Available on-line at: <http://www.civilrightsproject.harvard.edu/research/dropouts/dropouts04.php>

<sup>47</sup> DROPOUTS IN AMERICA: CONFRONTING THE GRADUATION RATE CRISIS. 2004. Harvard Education Press. Cambridge, MA. Edited by Gary Orfield. (Page 2)

<sup>48</sup> See Gary Orfield and John T. Yun, DEEPENING SEGREGATION IN AMERICAN PUBLIC SCHOOLS (1997), Harvard Project on School Desegregation. Available on-line at [http://www.civilrightsproject.harvard.edu/research/deseg/Resegregation\\_American\\_Schools99.pdf](http://www.civilrightsproject.harvard.edu/research/deseg/Resegregation_American_Schools99.pdf) See also, WHAT MATTERS MOST: TEACHING FOR AMERICA'S FUTURE, A REPORT OF THE NATIONAL COMMISSION ON TEACHING AMERICA'S FUTURE (Spring 1996): Summary Report. (Racially segregated schools more often rely upon transitory teachers, have curricula with greater emphasis on remedial courses, higher rates of tardiness and unexcused absence, and lower rates of extracurricular involvement).

<sup>49</sup> Linda Darling-Hammond, Recruiting Teachers for the 21<sup>st</sup> Century: The Foundation for Educational Equity, 68 JOURNAL OF NEGRO EDUCATION 254, 279 (2000).

<sup>50</sup> See William T. Trent, Outcomes of School Desegregation: Findings from Longitudinal Research, 66 J. NEGRO ED. 255 (1997).

<sup>51</sup> Stephen J. Schellenberg, Concentration of Poverty and the Ongoing Need for Title I, in Gary Orfield & Elizabeth H. DeBray eds., HARD WORK FOR GOOD SCHOOLS: FACTS NOT FADS IN TITLE I REFORM, 130, 137 (1999).

Conversely, a wealth of research indicates that students who receive education in integrated environments fare better than their segregated peers. For example, a recent analysis of school desegregation in Louisville, Kentucky found that students of color who attend more integrated schools demonstrate increased academic achievement levels and higher test scores.<sup>52</sup> Intergenerational gains also ensue when students of color attend desegregated schools. One study concludes “improving economic and educational opportunities for one generation of minority individuals raises the socioeconomic status of the next generation, so that those who follow are more apt to begin school at the same starting point as their non-minority classmates.”<sup>53</sup> Attending a desegregated school also translates into higher goals for future educational attainment and occupational choices<sup>54</sup> and improved social networks.<sup>55</sup>

The benefits of an integrated education do not just accrue for students of color. Diverse educational settings contribute to all students’ ability to participate in a pluralistic society.<sup>56</sup> Blacks and Whites who attend desegregated schools are more likely to attend a desegregated college, live in a desegregated neighborhood, work in a desegregated environment, and possess high career aspirations.<sup>57</sup>

Educational disparity has far reaching implications due to the fact that educational attainment is linked to many life indicators including health, income and employment. There is a strong positive relationship between the education level and health status of an individual; the lower the level of educational attainment the higher incidence of mortality rates and more common the prevalence of specific diseases such as cancer and heart disease.<sup>58</sup> This can be largely attributed to the relationship between educational attainment and earnings. In the United States, each successively higher education level is associated with higher earning power, and data over the last 25 years shows that this gap is only widening.<sup>59</sup> Furthermore, higher levels of educational attainment are associated with greater labor force participation rates and a lower

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<sup>51</sup> See MICHAEL Kurlaender & John T. Yun, IS DIVERSITY A COMPELLING EDUCATIONAL INTEREST? EVIDENCE FROM METROPOLITAN LOUISVILLE, Harvard Civil Rights Project (1999). Summary available on-line at <http://www.diversityweb.org/Digest/W01/louisville.html>

<sup>52</sup> See MICHAEL KURLAENDER & JOHN T. YUN, IS DIVERSITY A COMPELLING EDUCATIONAL INTEREST? EVIDENCE FROM METROPOLITAN LOUISVILLE (Harvard Civil Rights Project) 1999. Summary available on-line at <http://www.diversityweb.org/Digest/W01/louisville.html>

<sup>53</sup> See William T. Trent, Outcomes of School Desegregation: Findings from Longitudinal Research, 66 J. NEGRO ED. 255 (1997).

<sup>54</sup> See MICHAEL KURLAENDER & JOHN T. YUN, IS DIVERSITY A COMPELLING EDUCATIONAL INTEREST? EVIDENCE FROM METROPOLITAN LOUISVILLE (Harvard Civil Rights Project) 1999. Summary available on-line at <http://www.diversityweb.org/Digest/W01/louisville.html>

<sup>55</sup> Amy Stuart Wells, The "Consequences" of School Desegregation: The Mismatch Between the Research and the Rationale, 28 HASTINGS CONST'L Q. 771, 773 (2001).

<sup>56</sup> See MICHAEL KURLAENDER & JOHN T. YUN, IS DIVERSITY A COMPELLING EDUCATIONAL INTEREST? EVIDENCE FROM METROPOLITAN LOUISVILLE (Harvard Civil Rights Project) 1999. Summary available on-line at <http://www.diversityweb.org/Digest/W01/louisville.html>

<sup>57</sup> Robert Crain and Amy Stuart Wells, Perpetuation Theory and the Long-Term Effects of Schools Desegregation, 531 REV. OF ED'L RESEARCH (Winter 1994); M. Dawkins and J.H. Braddock, The Continuing Significance of Desegregation: School Racial Composition and African American Inclusion in American Society, 53 J. NEGRO ED. 394 (1994).

<sup>58</sup> Center for the Advancement of Health. December 2002. LIFE LESSONS: STUDYING EDUCATION'S EFFECT ON HEALTH. Vol 7, No. 12. Available at: <http://www.cfah.org/factsolife/vol7no12.cfm>  
Healthy People 2010. November 2000. A SYSTEMATIC APPROACH TO HEALTH IMPROVEMENT. Available on-line at: [http://www.healthypeople.gov/document/html/uih/uih\\_2.htm](http://www.healthypeople.gov/document/html/uih/uih_2.htm)

<sup>59</sup> U.S. Census Bureau. Day, J. C. & Newburger, E.C. July 2002. The Big Payoff: Educational Attainment and Synthetic Estimates of Work-Life Earnings. Available at: <http://www.census.gov/prod/2002pubs/p23-210.pdf>

probability of unemployment. The gap in employment rates between college and high school graduates has been widening steadily as well.<sup>60</sup>

Educational opportunity is segregated by race and class in the Baltimore region. The dissimilarity index for African American and White students in the Baltimore region's schools was .73 in 2000 indicating that nearly 3 of 4 African American students in the region's public schools would need to change schools to desegregate the region's schools.<sup>61</sup> The average African American student in the Baltimore region attends a school with a student poverty rate of 42%, while the average White student attends a school with a 19% student poverty rate.<sup>62</sup>

The majority of African American children in the Baltimore region are concentrated in the Baltimore City school district, the poorest performing district in the region. In 2005, 51% of African American K-12 students in the region attended schools in the Baltimore City district, compared to 23% of the region's total student population.<sup>63</sup> For low-income African American children (those most likely to be living in subsidized housing) this concentration is more extreme. In 2000, 59% of African American children (all persons under 18 years of age) in the Baltimore region were found in the City of Baltimore, while 77% of the region's African American children in poverty (as defined by the Census Bureau in the 2000 Census) were found in the City of Baltimore.<sup>64</sup> Analysis of students who are eligible for free and reduced lunch supports this finding. In 2003, the percentage of economically disadvantaged students (the federal government's definition for free and reduced lunch children) in the Baltimore City School District was 73%, nearly three times the rate of the Baltimore County district (29%), and more than four times the rate of any other district in the region.<sup>65</sup> Test scores in the Baltimore City district are considerably lower than those of its regional counterparts. Only 37% of Baltimore City students who took proficiency exams passed the reading proficiency test and only 26% passed the math proficiency test in 2003. The pass rates for all other districts in the region were approximately double the rates of Baltimore City.<sup>66</sup> The Baltimore City District also contains the lowest percentage of classes taught by highly qualified teachers among all districts in the region. In 2004, almost two-thirds of classes taught in the Baltimore City schools were not taught by highly qualified teachers (65.7%).<sup>67</sup> In comparison, 37.0 % of classes taught in the Baltimore County district were not taught by highly qualified teachers. For other districts in the region this figure was considerably lower: Anne Arundel County (17.8%), Carroll County (13.1%), Harford County (19.9%) and Howard County (18.3%).<sup>68</sup>

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<sup>60</sup> Joint Economic Committee Study. January 2000. INVESTMENT IN EDUCATION: PRIVATE AND PUBLIC RETURNS. UNITED STATES CONGRESS. Available on-line at: <http://www.house.gov/jec/educ.htm>

<sup>61</sup> School segregation database for Metropolitan Areas by the Lewis Mumford Center for Comparative Urban and Regional Analysis. <http://mumford1.dyndns.org/>

<sup>62</sup> John. Logan. CHOOSING SEGREGATION: RACIAL IMBALANCE IN AMERICAN PUBLIC SCHOOLS, 1990-2000 (2002). Lewis Mumford Center for Comparative Urban and Regional Research.

<sup>63</sup> Data from Maryland on-line database for school district indicators and demographics and [www.mdreportcard.org](http://www.mdreportcard.org)

<sup>64</sup> Data from the U.S. Census Bureau, 2000 Decennial Census of Population and Housing. <http://www.census.org>

<sup>65</sup> Source of data: No Child Left Behind School Partnership Database for Maryland School Districts at: <http://www.schoolresults.org>

<sup>66</sup> Source of data: No Child Left Behind School Partnership Database for Maryland School Districts at: <http://www.schoolresults.org>

<sup>67</sup> Source of data: 2004 Maryland Report Card. Maryland Department of Education at: <http://www.msp.msde.state.md.us>

<sup>68</sup> Source of data: 2004 Maryland Report Card. Maryland Department of Education at: <http://www.msp.msde.state.md.us>



**Maps 5 through 8** depict indicators of educational quality/opportunity in the region's elementary school catchment areas. Most of the elementary schools in the City of Baltimore perform poorly based on all indicators (with the notable exception of the northern central area within the City of Baltimore). As seen in **Map 5**, the highest concentration of schools with large numbers of students eligible for free and reduced lunch (students in poverty) is located in the City of Baltimore. Conversely, low poverty schools are primarily located in the region's suburban counties. Proficiency test scores show similar spatial disparities, with most of the City of Baltimore's elementary schools performing poorly and suburban elementary schools (primarily in Baltimore County and Howard County) performing better (**Maps 6 and 7**). Spatial patterns of teacher qualification also follow these trends; the largest number of schools with large proportions of classes are taught by non-highly qualified teachers located in the City of Baltimore (**Map 8**).

### *Health and Environment*

Racial and economic segregation also have negative health consequences. A recent study concluded:

Racial residential segregation is the cornerstone on which black-white disparities in health status have been built in the U.S. Segregation is a fundamental cause of health differences between blacks and whites because it shapes socioeconomic conditions for blacks not only at the individual and household levels but also at the neighborhood and community levels.<sup>69</sup>

Margery Austin Turner and Dolores Acevedo-Garcia, in a review of research on neighborhood effects on health, note that residents of poor, segregated neighborhoods experience poorer health outcomes because of increased exposure to the toxic substances that are disproportionately sited in their communities, and because of greater barriers to sustaining healthy behaviors such as limited access to adequate grocery stores.<sup>70</sup> Recent research in Maryland finds that Census tracts with higher African American populations and lower socioeconomic status are more likely to be high risk in respect to exposure to cancer causing air toxins.<sup>71</sup>

A *New York Times* article synthesized research on the negative health effects of living in a racially and economically segregated environment. Among other things, the article noted that research "has shown that people who live in disadvantaged neighborhoods are more likely to have heart attacks than people who live in middle-class neighborhoods, even taking income differences into account."<sup>72</sup> The article also references recent findings from research on the Moving to Opportunity program: "HUD's most remarkable early findings had to do with health. In Boston, poor children who moved to low-poverty neighborhoods were less likely to experience severe asthma attacks. Adults in New York who moved were less likely to suffer

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<sup>69</sup> David R. Williams and Chiquita Collins, Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health, 116 PUBLIC HEALTH REPORTS 404, 405 (Sept.-Oct. 2001). Specific health risks of segregated neighborhoods that the authors reference include: elevated risks of cause-specific and overall adult mortality, infant mortality and tuberculosis; elevated exposure to noxious pollutants and allergens; a lack of recreational facilities; higher cost, poorer quality groceries; and limited access to high quality medical care.

<sup>70</sup> Margery Austin Turner and Dolores Acevedo-Garcia, Why Housing Mobility? The Research Evidence Today, 14 POVERTY & RACE RESEARCH ACTION COUNCIL NEWSLETTER (January/February 2005).

<sup>71</sup> Benjamin J. Apelberg, Timothy J. Buckley and Ronald H. White, Socioeconomic and Racial Disparities in Cancer Risk from Air Toxics in Maryland 113 ENVIRONMENTAL HEALTH PERSPECTIVES (June 2005).

<sup>72</sup> Helen Epstein, *Enough To Make You Sick?*, *The New York Times Magazine* (10/12/03).

from symptoms of depression and anxiety than those who stayed behind, and adults in Boston were more likely to report that they felt ‘calm and peaceful.’”<sup>73</sup>

### *Crime and Safety*

One of the primary motives for public housing residents’ participation in residential mobility programs is the desire to live in a safer neighborhood.<sup>74</sup> This is not surprising given the relationship between segregation, violence, and crime. A number of studies have linked segregation to an increased likelihood of perpetrating and being victimized by violence and crime.<sup>75</sup> The level of stress experienced in high-poverty, isolated neighborhoods contributes substantially to this risk. When parents face a high level of stress, child abuse and neglect, and family breakups are more likely.<sup>76</sup> Children exposed to violence can be more anxious and aggressive when they are in school, and may have trouble concentrating. These and other risk factors have a cumulative effect and this accumulation of risk contributes more significantly than any one factor to the likelihood that young people will be exposed to violence.<sup>77</sup>

### *Population Stability and Opportunity*

Over the last several decades, many American central cities, including Baltimore, have undergone significant population decline. These population losses have been greatest in cities and neighborhoods that are poor and are racially segregated.<sup>78</sup> This out-migration deepens the levels of racial and economic segregation in these neighborhoods, as those who are able to move are more likely to be affluent and white.

As one would expect, loss of population, particularly upper and middle class population, is accompanied by loss of tax base. This in turn leads to a decline in the quality of municipal services and in the availability of funding for education, resulting in increased tax rates for those who are least able to shoulder them. Also accompanying central city population declines are the out-migration of investment and employment opportunities discussed above.<sup>79</sup> Conversely, more

<sup>73</sup> Helen Epstein, Enough To Make You Sick?, The New York Times Magazine (10/12/03).

<sup>74</sup> The MOVING TO OPPORTUNITY INTERIM IMPACTS EVALUATION found that “perhaps most notable from the perspective of the families themselves is the fact that they were successful in achieving the goal that loomed largest in their motivation to move out of their old neighborhoods: improvements in safety.” Orr, Feins, Jacob, and Beecroft (Abt Associates Inc.) and Sanbonmatsu, Katz, Liebman and Kling (NBER), U.S. Department of Housing and Urban Development Office of Policy Development and Research, Executive Summary of MOVING TO OPPORTUNITY INTERIM IMPACTS EVALUATION (September 2003). Page ix. Available on-line at: <http://www.huduser.org/publications/fairhsg/mtoFinal.html>

<sup>75</sup> See, e.g., Robert J. Sampson, Stephen W. Raudenbush, and Felton Earls, Neighborhoods and Violent Crime: A Multi-Level Study of Collective Efficacy, 277 SCIENCE 918-24 (1997).

<sup>76</sup> YOUTH AND VIOLENCE: A REPORT OF THE SURGEON GENERAL (January 2001). Available on-line at <http://www.surgeongeneral.gov/library/youthviolence/youthvioreport.htm>.

<sup>77</sup> YOUTH AND VIOLENCE: A REPORT OF THE SURGEON GENERAL (January 2001). Available on-line at <http://www.surgeongeneral.gov/library/youthviolence/youthvioreport.htm>.

<sup>78</sup> G. Thomas Kingsley and Kathryn L.S. Pettit, Population Growth and Decline in City Neighborhoods, 1 URBAN INSTITUTE: NEIGHBORHOOD CHANGE IN URBAN AMERICA (December 2002). Available on-line at: <http://www.uiress.org/Template.cfm?Section=Bookstore&Template=/Ecommerce/ProductDisplay.cfm&ProductID=4160>

<sup>79</sup> powell, j. How Government Tax and Housing Policy Have Racially Segregated America in Karen Brown & Mary Louise Fellows, eds., TAXING AMERICA (1997).

stable neighborhoods tend to have higher property values, higher quality public services, and higher household incomes.<sup>80</sup>

As African Americans and Latinos increasingly move to the suburbs these patterns tend to follow them. They are more likely than whites to move to fiscally stressed suburbs with poor public services. Recent research has found that in major metropolitan areas nearly 80% of African Americans and Latinos who live in the suburbs live in “at-risk suburbs”.<sup>81</sup>

Research on Baltimore’s inner-ring suburbs, particularly those in Baltimore County and northern Anne Arundel County, illustrates trends similar to the national trends.<sup>82</sup> Although Baltimore’s inner-ring suburbs are growing more racially diverse, they are growing more economically isolated and overall population growth has been stagnant. Between 1980 and 2000, Baltimore’s inner-ring suburbs experienced a 10% increase in the African American population, while the White population decreased by 15%. The inner-ring suburbs also have a diminishing share of the region’s employment, decreasing household income and increasing poverty rates.<sup>83</sup> The Baltimore County suburb of Lochearn illustrates this point; between 1980 and 2000 the African American population increased from 49% of the total population to 78%. During this same time period, its poverty rate nearly doubled while inflation adjusted income and home values declined. Similar trends were seen in other suburbs like Lansdowne and Woodlawn.<sup>84</sup>

#### *Subsidized Housing and Opportunity Segregation*

The clustering of assisted housing reinforces racial and opportunity segregation. Although subsidized housing does not necessarily cause White flight (especially if sited in moderate numbers), the extreme clustering of units in inner city neighborhoods does contribute to racial segregation. As of 2000, three quarters of the nation’s traditional assisted housing units were located in central cities while only 37% of the nation’s metropolitan population lived in

<sup>80</sup> See e.g., Chengri Ding and Gerrit-Jan Knaap, Property Values in Inner-City Neighborhoods: The Effects of Homeownership, Housing Investment, and Economic Development, 13 (4) HOUSING POLICY DEBATE 701-727 (2003). It should be noted, however, that stability by itself may not be an unmitigated good. One recent study found that neighborhoods with residential stability and low affluence were associated with poor health outcomes.

Christopher R. Browning and Kathleen A. Cagney, Moving Beyond Poverty: Neighborhood Structure, Social Processes and Health, 44 JOURNAL OF HEALTH AND SOCIAL BEHAVIOR 552-571 (December 2003).

<sup>81</sup> Myron Orfield and Thomas Luce, MINORITY SUBURBANIZATION AND RACIAL CHANGE: STABLE INTEGRATION, NEIGHBORHOOD TRANSITION, AND THE NEED FOR REGIONAL APPROACHES. Report of Institute on Race and Poverty (presentation at the “Race and Regionalism Conference in Minneapolis, MN May 6-7, 2005.) Available on-line at:

[http://www.irpumn.org/website/projects/index.php?strWebAction=project\\_detail&intProjectID=15](http://www.irpumn.org/website/projects/index.php?strWebAction=project_detail&intProjectID=15). “At Risk” suburbs are defined as fiscally stressed suburbs with below average public resources and above average public resource needs.

<sup>82</sup> Bernadette Hanlon & Thomas Vicino, THE STATE OF THE INNER SUBURBS: AN EXAMINATION OF SUBURBAN BALTIMORE, 1980 TO 2000. Center for Urban Environmental Research and Education, University of Maryland, Baltimore County (2005). Available on-line at: [www.umbc.edu/cuere](http://www.umbc.edu/cuere)

<sup>83</sup> Bernadette Hanlon & Thomas Vicino, THE STATE OF THE INNER SUBURBS: AN EXAMINATION OF SUBURBAN BALTIMORE, 1980 TO 2000. Center for Urban Environmental Research and Education, University of Maryland, Baltimore County (2005). Available on-line at: [www.umbc.edu/cuere](http://www.umbc.edu/cuere)

<sup>84</sup> Bernadette Hanlon & Thomas Vicino, THE STATE OF THE INNER SUBURBS: AN EXAMINATION OF SUBURBAN BALTIMORE, 1980 TO 2000. Center for Urban Environmental Research and Education, University of Maryland, Baltimore County (2005). Available on-line at: [www.umbc.edu/cuere](http://www.umbc.edu/cuere)



central cities. Low Income Housing Tax Credit projects are also clustered in central city locations: in 2000 58% of all LIHTC units were found in central city locations.<sup>85</sup>

While the average metropolitan neighborhood had a 13% poverty rate in 2000, neighborhoods with traditional assisted housing<sup>86</sup> had a poverty rate of 29%. While only 4% of all metropolitan housing units were in concentrated poverty neighborhoods, more than 11% of assisted housing units were found in concentrated poverty neighborhoods. The average neighborhood with traditional assisted housing had household incomes that were more than 40% lower and home values that were more than 20% lower than the average metropolitan neighborhood.<sup>87</sup> Research in the 50 largest metropolitan regions (where the majority of African Americans live) has identified even greater concentration of assisted housing in high poverty (low-opportunity) areas. Almost 50% of public housing and 27% of project based section 8 housing is located in a concentrated poverty neighborhood in the 50 largest metropolitan regions.<sup>88</sup> It is my understanding the expert report of Dr. Gerald Webster will illustrate the concentration of subsidized housing in the Baltimore region in segregated lower opportunity communities.

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<sup>85</sup> Lance Freeman, SITING AFFORDABLE HOUSING: LOCATION AND NEIGHBORHOOD TRENDS OF LOW INCOME HOUSING TAX CREDIT DEVELOPMENTS IN THE 1990'S, Brookings Institute (2004). Available on-line at: [http://www.brookings.edu/urban/publications/20040405\\_Freeman.htm](http://www.brookings.edu/urban/publications/20040405_Freeman.htm)

<sup>86</sup> Note: This figure does not include LIHTC Units. LIHTC units were on average found in neighborhoods with a 19% poverty rate in 2000. <sup>86</sup> Lance Freeman, SITING AFFORDABLE HOUSING: LOCATION AND NEIGHBORHOOD TRENDS OF LOW INCOME HOUSING TAX CREDIT DEVELOPMENTS IN THE 1990'S, Brookings Institute (2004). Available on-line at: [http://www.brookings.edu/urban/publications/20040405\\_Freeman.htm](http://www.brookings.edu/urban/publications/20040405_Freeman.htm)

<sup>87</sup> Lance Freeman, SITING AFFORDABLE HOUSING: LOCATION AND NEIGHBORHOOD TRENDS OF LOW INCOME HOUSING TAX CREDIT DEVELOPMENTS IN THE 1990'S, Brookings Institute (2004). Available on-line at: [http://www.brookings.edu/urban/publications/20040405\\_Freeman.htm](http://www.brookings.edu/urban/publications/20040405_Freeman.htm)

<sup>88</sup> Deborah Devine et. al., HOUSING CHOICE VOUCHER LOCATION PATTERNS: IMPLICATIONS FOR PARTICIPANT AND NEIGHBORHOOD WELFARE, U.S. Department of Housing and Urban Development, Office of Policy Development and Research (2003). Available on-line at: [http://www.huduser.org/publications/hsgfin/location\\_paper.html](http://www.huduser.org/publications/hsgfin/location_paper.html)

## B. Identifying Communities of Opportunity in Baltimore

The first step in applying an opportunity-based approach in this remedy is to assess the regional distribution of opportunity.<sup>89</sup> Mapping opportunity in the region requires selecting variables that are indicative of high (or low) opportunity. Once derived, opportunity maps should be used to guide subsidized housing (and affordable housing) policy. For the purpose of this remedy, the identified high opportunity areas should be further considered as potential locations for subsidized housing opportunities. Site-specific impediments may eliminate some locations from consideration and some anomalies may exist, but tracts identified as high opportunity areas provide a geographic framework within which to locate subsidized housing. In the future this analysis should be updated as the remedy progresses. Opportunity is dynamic and additional analysis should be undertaken to identify future potential high opportunity areas not captured in this analysis, in the future the exact measurements and metrics of opportunity may need to be periodically updated.

### *Measuring Opportunity*

The opportunity indicators upon which I have focused include measures of economic health, educational opportunity, and neighborhood quality (and/or other quality of life indicators).<sup>90</sup> Economic opportunity is primarily measured by focusing on the availability of jobs and on job growth as a way of determining future areas of job availability.<sup>91</sup> Educational opportunity is primarily measured through student performance measures, teacher qualifications, and student economic status.<sup>92</sup> Neighborhood quality is measured through a wide range of data reflecting neighborhood stability and quality, including housing values, vacancy, poverty rates and crime.<sup>93</sup> For this report, I have gathered data on these opportunity indicators for communities and neighborhoods throughout the Baltimore region.

For present remedial purposes, indicators of opportunity need to be tailored to the unique needs of subsidized housing residents. While opportunity indicators generally focus on standard categories of opportunity (jobs, school quality, and neighborhood quality), for our purposes this should be expanded and framed to address needs that are specific to this population, such as entry-level job access and public transit access. Moreover, the overall guidance provided by opportunity mapping should be employed flexibly so that the individual needs and attributes of public housing residents can be accounted for in a manner that maximizes desegregation and opportunity access. Indicators of opportunity will be of varying significance for different public housing residents. For example, school quality will be of less importance to elderly residents than to residents in general. Similarly transit access may be less critical for public housing residents that own cars.

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<sup>89</sup> John A. Powell, Opportunity-Based Housing, 12-WTR J. AFFORDABLE HOUSING AND COMMUNITY DEV. L. 188.

<sup>90</sup> COMMUNITIES OF OPPORTUNITY (2003) and SEGREGATION VS. OPPORTUNITY (2005). The Leadership Council for Metropolitan Open Communities, Chicago, IL.

<sup>91</sup> COMMUNITIES OF OPPORTUNITY (2003) and SEGREGATION VS. OPPORTUNITY (2005). The Leadership Council for Metropolitan Open Communities, Chicago, IL, and LOW INCOME HOUSING QUALIFIED ALLOCATION PLAN for the State of Wisconsin. Available on-line at: [http://www.wheda.com/TCA\\_Appendices/Appdx\\_T\\_05.pdf](http://www.wheda.com/TCA_Appendices/Appdx_T_05.pdf)

<sup>92</sup> COMMUNITIES OF OPPORTUNITY (2003) and SEGREGATION VS. OPPORTUNITY (2005). The Leadership Council for Metropolitan Open Communities, Chicago, IL.

<sup>93</sup> COMMUNITIES OF OPPORTUNITY (2003) and SEGREGATION VS. OPPORTUNITY (2005). The Leadership Council for Metropolitan Open Communities, Chicago, IL.

Opportunity mapping is a critical step to link subsidized housing to opportunity. Although opportunity mapping provides an understanding of neighborhoods in the region where opportunity is great and where additional in-depth (site-based) analysis should be conducted. Conversely, opportunity mapping identifies where low opportunity areas are located. In the context of this remedy, this opportunity mapping analysis is a critical first step.

*Opportunity Mapping is grounded in Practice*

As discussed earlier, principles of opportunity-based housing have informed programs and policies for decades. With advances in research technology and Geographic Information Systems, opportunity mapping has also been increasingly used to guide such policies, as evidenced by several recent housing initiatives. For example, two opportunity-mapping exercises have been conducted in the Chicago region. The most recent assessment by the Leadership Council for Metropolitan Open Communities identifies “communities of opportunity” in the six-county Chicago metropolitan area.<sup>94</sup> The opportunity-mapping project assists in analyzing housing need in the Chicago region as well as assessing the application of housing programs.<sup>95</sup>

The policy of locating subsidized housing based on “impacted” or “non-impacted” areas in the Baltimore consent decree, utilizes some of the principles of opportunity mapping, focusing on an absence of poverty and racial concentration as indicators of opportunity. As seen in **Map 13**, 2000 Census Tracts that meet the race and poverty impacted areas guidelines (with 2000 African American populations and poverty higher than the regional average) generally coincide with low-opportunity areas in Baltimore. The growth in neighborhood indicator systems in major cities also uses a similar spatial framework to analyze neighborhood distress.<sup>96</sup>

An extensive neighborhood indicator system for the City of Baltimore is already in use. The Baltimore Neighborhood Indicators Alliance (BNIA) utilizes neighborhood indicator analysis to inform housing and development policies. As stated by the BNIA:

The Alliance designed its core functions based on the knowledge that Baltimore needed a common way of understanding how our neighborhoods and overall quality of life are changing over time. Baltimore needed a common threshold from which to have discussions about what is best for changing conditions. Baltimore needed a mechanism to hold itself, and all others who work, live, play, and invest in its neighborhoods, accountable for moving in the right direction.<sup>97</sup>

The private sector utilizes similar models in identifying appropriate locations for residential and commercial investment. Commercial entities make investment decisions based upon market research to quantify a geographic market’s relative health by using indicators. The databases used in this type of “cluster analysis” spatially identify locations for new businesses

<sup>94</sup> COMMUNITIES OF OPPORTUNITY (2003) and SEGREGATION VS. OPPORTUNITY (2005). The Leadership Council for Metropolitan Open Communities, Chicago, IL.

<sup>95</sup> SEGREGATION VS. OPPORTUNITY (2005). The Leadership Council for Metropolitan Open Communities, Chicago, IL.

<sup>96</sup> G. Thomas Kingsley, BUILDING AND OPERATING NEIGHBORHOOD INDICATOR SYSTEMS: A GUIDEBOOK, National Neighborhood Indicators Partnership, The Urban Institute (March 1999). Available on-line at: <http://www.urban.org/nnip/pdf/guidebk.pdf>

<sup>97</sup> BALTIMORE NEIGHBORHOOD INDICATOR ALLIANCE. Available on-line at: <http://www.bnai.org/about/index.html>

and investments.<sup>98</sup> Similar to opportunity mapping, these indexes provide a first step in site location decisions and are followed by more detailed site-by-site analyses of investment potential.

#### *Indicators and Methods*

For the purpose of this analysis, opportunity was measured in three primary categories: economic opportunity/mobility, neighborhood health, and educational opportunity (**Maps 9-12**). A cumulative map of regional opportunity was created based on all three categories (**Map 12**). Census Tracts are classified into five groups (very low, low, moderate, high, very high) based on the quintile in which their opportunity index scores fall. Each group contains 123 census tracts. Thus, very low-opportunity areas represent the 123 lowest scoring Census Tracts in the region and very high-opportunity areas represent the 123 highest scoring Census Tracts.

Multiple opportunity indicators were identified and analyzed at the census tract level for each category of opportunity. Data for the opportunity indicators was obtained from multiple sources including the U.S. Census Bureau, state and national school quality databases and the Baltimore Regional Council.<sup>99</sup> The indicators identified in **Appendix A**, were used to assess the relative level of opportunity for the primary opportunity categories. **Appendix B** describes in more detail how the opportunity index was calculated and what Geographic Information Systems techniques were used to analyze the data.

Social science research and previous opportunity mapping research guided the selection of indicators chosen for this analysis. Although the precise measurements used to assess indicators are flexible and can be refined, the primary indicators utilized (education, economic opportunity, and neighborhood health) are critical to the opportunity analysis. For example, the manner in which educational quality is measured can be modified, but education as a core indicator of opportunity must be included in the analysis.

#### *Indicators of Economic Opportunity and Mobility*

For purposes of the remedy, economic opportunity and mobility must be particularized to the unique employment and mobility needs of African American subsidized housing residents. As indicated by the spatial mismatch literature, proximity to employment is important to accessing employment opportunities. It is apparent from the extensive literature on spatial mismatch that inner city residents do not have access to much of the region's employment opportunities.<sup>100</sup> Jobs are moving further away from the inner city and this disparity is even greater for entry level or low skill jobs.<sup>101</sup>

In addition, lower income central city residents of color are much more dependent on public transportation. In the City of Baltimore, African American auto ownership is very low (an estimated 44% of African American households did not own an automobile in the 2000 Census) and more residents rely on public transit to reach employment. In the 2000 Census, 20% of

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<sup>98</sup> Sheryl Cashin, *THE FAILURES OF INTEGRATION* (2004).

<sup>99</sup> For a complete description of all indicator data, see Appendix A.

<sup>100</sup> For more information please review the discussion on spatial mismatch in the "economic opportunity" section of this report.

<sup>101</sup> For more information on spatial mismatch, see Section 1A.

commuters in the City of Baltimore used public transit to reach work and this figure was even higher for African American commuters (28%).<sup>102</sup>

Given these factors, measures of locally available entry level and low skill jobs, and identification of areas with less competition for entry-level jobs, employment trends, and transit access must be included in an opportunity analysis.<sup>103</sup> Specific economic opportunity indicators data included:

- The number of estimated entry level and low skill employment opportunities within 5 miles of each census tract in 2002.<sup>104</sup> The analysis focuses on entry level and low skill jobs as these are jobs most likely to be attainable for subsidized housing residents.<sup>105</sup>
- The ratio of entry level and low skill employment opportunities per 1,000 residents within 5 miles of each census tract in 2002. This measure helps to determine locations with relatively high demand for entry-level workers. Although low wage jobs may be found in inner-city areas, there are also many low-income workers nearby competing for these jobs. Therefore, jobs located near concentrations of low income households may be less accessible to potential employees than jobs outside the urban core. Previous researchers have also utilized a method of "weighting" job accessibility measurements to account for this competition for available jobs.<sup>106</sup>
- The absolute change in employment opportunities within 5 miles of each census tract from 1998 to 2002. This is included to identify areas of increasing employment opportunity.
- The proportion of each census tract within one-half mile of a public transit line. As addressed in the discussion above, public transit is important for low income inner city African Americans. Although transit is highly flexible and can be improved in non transit, high opportunity communities, to best address the direct needs of subsidized housing residents, transit was included as one of the factors in the opportunity analysis.
- The median commute to work time (in minutes). Commute time is a general measure commonly utilized to assess the proximity to regional employment opportunities. The purpose of including this measure was to identify areas that are the most accessible (in respect to travel time) to the region's employment opportunities.

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<sup>102</sup> U.S. Census Bureau, Census 2000, STF3 data. <http://www.census.gov>

<sup>103</sup> It is important to note, however, that there is a long history of transportation discrimination and areas with exclusive housing policies are also likely to be areas that resist transit lines. Thus, an opportunity-based housing approach must balance the need to meet the transit needs of residents with the potential for reinforcing the exclusion of public housing residents from opportunity-rich areas that do not participate in the mass transit system. In crafting a remedy, it is important to recognize that the transit system is flexible and, to the greatest extent possible, efforts should be made to overcome transit barriers in otherwise opportunity-rich areas.

<sup>104</sup> Five miles is the proximity distance used in previous opportunity mapping analysis. This distance measure could be further refined based on local input and assessment of the potential travel barriers of subsidized housing residents.

<sup>105</sup> There are various methodologies to define entry level or low skill employment; this is just one approach utilizing zip code industry business patterns data. It should be noted that this methodology will differ from the methodology used in the expert report of Dr. Basu. From my understanding, Dr. Basu's low wage employment analysis utilized county level occupational employment data, this county level data source is not available at the geographic scale needed for our analysis (zip codes) and therefore was not an applicable methodology for our analysis.

<sup>106</sup> Gary Barnes, TRANSPORTATION & REGIONAL GROWTH STUDY EXAMINES JOB ACCESS FOR LOW-INCOME HOUSEHOLDS, Center for Transportation Studies, University of Minnesota (November 2000). Available on-line at: <http://www.cts.umn.edu/trg/news/2000/jobaccess.html>.



*Indicators of Neighborhood Health*

Neighborhood quality affects residents by determining local public and private services; shared norms and social control, peer influences, social networks, crime and violence, and job access.<sup>107</sup> Research shows that living in a severely distressed neighborhood undermines the health and well-being of both adults and children.<sup>108</sup>

Measures of neighborhood health included:

- Rate of population change from 1990 to 2000.<sup>109</sup> As discussed earlier, population declines are associated with neighborhood disinvestment, higher taxation and lower public service quality.<sup>110</sup>
- Estimated crime rates in 2000. Crime and physical deterioration are identified by residents as the most critical elements of neighborhood quality.<sup>111</sup> The crimes include murder, rape, robbery, assault, burglary, theft, and motor vehicle theft. Linking low crime areas to subsidized housing is not unprecedented. A recent article by *The Dallas Morning News* reported that the Dallas Housing Authority will soon stop allowing section 8 voucher use in areas where crime rates within a ¼ mile of the section 8 housing development are higher than the city average in the previous six months.<sup>112</sup>
- Poverty rates for the general population in 2000.<sup>113</sup> An extensive body of literature has identified the detrimental impact of concentrated neighborhood poverty on quality of life.<sup>114</sup>
- Vacant property rates in 2000, gathered from the 2000 Census of Population and Housing. As discussed earlier, physical deterioration is a principle indicator of neighborhood quality.<sup>115</sup> Vacant property is also associated with higher crime, higher

<sup>107</sup> Margery Austin Turner and Dolores Acevedo-Garcia, Why Housing Mobility? The Research Evidence Today, 14 POVERTY & RACE RESEARCH ACTION COUNCIL NEWSLETTER (January/February 2005), Page 16.

<sup>108</sup> <sup>108</sup> Margery Austin Turner and Dolores Acevedo-Garcia, Why Housing Mobility? The Research Evidence Today, 14 POVERTY & RACE RESEARCH ACTION COUNCIL NEWSLETTER (January/February 2005).

<sup>109</sup> Although population loss can be more specifically targeted to loss of middle income and higher income residents, in this analysis loss was measured by the total population only. Refinement of this analysis may want to modify this methodology to target these households.

<sup>110</sup> G. Thomas Kingsley and Kathryn L.S. Pettit, Population Growth and Decline in City Neighborhoods, 1 URBAN INSTITUTE: NEIGHBORHOOD CHANGE IN URBAN AMERICA (December 2002).

<sup>111</sup> M. R. Greenberg, Improving Neighborhood Quality: A Hierarchy of Needs 10 (3) HOUSING POLICY DEBATE 601-624 (1999).

<sup>112</sup> Kim Horner, Rentals in Unsafe Areas Won't Get Vouchers; Dallas Agency's Program Will Make Crime Rates a Factor, *The Dallas Morning News* (08/10/05).

<sup>113</sup> Although unemployment is referenced often in the literature in respect to neighborhood conditions, for this analysis poverty was utilized as a better measure of socio-economic status. We had concerns about the accuracy of local unemployment rates and the potential impact of varying degrees of labor force participation distorting the local unemployment rates. Thus, neighborhood unemployment rates may vary significantly based on labor force participation, potentially showing low unemployment if large numbers of the work force have stopped looking for employment.

<sup>114</sup> For more information please review discussion on concentrated poverty in the economic opportunity section, earlier in this report.

<sup>115</sup> M. R. Greenberg, Improving Neighborhood Quality: A Hierarchy of Needs 10 (3) HOUSING POLICY DEBATE 601-624 (1999).

public service costs, and neighborhood property depreciation and as a threat to public safety.<sup>116</sup>

- Property values for owner occupied homes in 2000, measured as median home value in the 2000 Census.<sup>117</sup> As discussed earlier in this report, more stable neighborhoods tend to have higher property values.<sup>118</sup> Housing prices and neighborhood quality are highly correlated, and housing prices are influenced by many factors, including proximity to jobs and commercial establishments, access to environmental amenities, taxes and public services, and the income level of neighborhood residents.<sup>119</sup>

#### *Indicators of Educational Opportunity*

A comprehensive analysis of educational opportunity should rely on a broad variety of measures. For purposes of this analysis, however, I have focused on a handful of key indicators. These include teacher quality, economic segregation and isolation, and measures of academic proficiency.<sup>120</sup> As discussed in more detail below, measures of educational opportunity include:

- The proportion of elementary and middle school students qualifying for free and reduced lunch in 2004. As stated earlier in this report, school quality and the economic status of its student body have been shown to have significant connections to student performance.<sup>121</sup> Higher poverty schools have been proven to negatively impact student performance, regardless of the individual student's economic status. Also, teachers in higher poverty schools must spend more time to address the additional needs of high poverty students and as a result have less time to focus on teaching course work.
- The proportion of classes not taught by highly qualified teachers in 2004. Teacher qualifications are important in assessing whether students receive high quality instruction.<sup>122</sup>

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<sup>116</sup> For more information on the impacts of vacant and abandoned properties visit the resource page of the National Vacant Property Campaign. Located on-line at: <http://www.vacantproperties.org/facts.html>

<sup>117</sup> Much of the research on housing cost and neighborhood quality focuses on homeowner property values and not rents. In this analysis, home values were utilized due to concerns about the statistical validity of data on rental property rents in suburban areas. Some suburban areas have relatively few rental units and only a sample of these units is used to produce Census 2000 gross rent data. Thus, utilizing rents to determine neighborhood quality may be less reliable than utilizing home values.

<sup>118</sup> Chengri Ding and Gerrit-Jan Knaap, Property Values in Inner-City Neighborhoods: The Effects of Homeownership, Housing Investment, and Economic Development, 13 (4) HOUSING POLICY DEBATE 701-727 (2003). It should be noted, however, that stability by itself may not be an unmitigated good. One recent study found that neighborhoods with residential stability and low affluence were associated with poor health outcomes. Christopher R. Browning and Kathleen A. Cagney, Moving Beyond Poverty: Neighborhood Structure, Social Processes and Health, JOURNAL OF HEALTH AND SOCIAL BEHAVIOR 44: 552-571 (December 2003).

<sup>119</sup> Chengri Ding and Gerrit-Jan Knaap, Property Values in Inner-City Neighborhoods: The Effects of Homeownership, Housing Investment, and Economic Development, 13 (4) HOUSING POLICY DEBATE 701-727 (2003).

<sup>120</sup> The state of Maryland uses additional indicators of educational quality that were not used in this analysis. These include attendance, absenteeism and graduation rates. For the purpose of this attendance, graduation data was not utilized because of concerns about the validity of this indicator for elementary schools (which were the basis of our analysis).

<sup>121</sup> The Century Foundation, CAN SEPARATE BE EQUAL? THE OVERLOOKED FLAW OF AT THE CENTER OF NO CHILD LEFT BEHIND (2004). Available on-line at: <http://www.equaleducation.org/publications.asp?pubid=468>

<sup>122</sup> L. Darling-Hammond and B. Berry, Recruiting Teachers for the 21st Century: The Foundation for Educational Equity, 68 (3) THE JOURNAL OF NEGRO EDUCATION 254-279 (1999).

- The proportion of elementary and elementary school students proficient in reading in 2004 (as measured by the 3<sup>rd</sup> and 5<sup>th</sup> grade Maryland school assessments). Although test scores are not perfect tools to measure student proficiency and may be discriminatory, given the central role that they play in determining advancement and the opportunities available to students, and the importance of scores in the federal No Child Left Behind legislation they must be acknowledged as important measures.
- The proportion of elementary and elementary school students proficient in math in 2004 (as measured by the 3<sup>rd</sup> and 5<sup>th</sup> grade Maryland school assessments). See comments above.

### *Comprehensive Opportunity Map*

I have combined the individual indicators of opportunity to derive a composite map of opportunity for the Baltimore region. The opportunity-based housing framework guides analysis of neighborhoods with respect to a holistic approach to defining opportunity. As Galster and Killen note, the housing, mortgage, criminal, labor, political, social service, educational systems and local social networks are “bound in an immensely complicated nexus of casual interrelationships.”<sup>123</sup> While the opportunity-based housing framework emphasizes housing as the central determinant of opportunity, this is largely because of housing location relative to other opportunity structures, such as jobs and education. **Map 12** depicts the overall opportunity index for the Baltimore region. This comprehensive assessment includes all 14-opportunity indicators, measured by averaging standardized scores for the three sub-categories (economic opportunity and mobility, neighborhood health, educational opportunity).

### *Results*

As seen in **Maps 9 through 12**, the distribution of opportunity has distinct spatial patterns in the region. Economic opportunity and mobility are greatest in three primary areas in the region. North of the City of Baltimore in Baltimore County, in some areas near downtown Baltimore, and in areas of Howard and Anne Arundel Counties southwest of the City of Baltimore (**Map 9**).

**Map 10** depicts the distribution of healthy neighborhoods in the Baltimore region. Indicators of neighborhood health locate the healthiest neighborhoods almost entirely outside the City of Baltimore. Large clusters of healthy neighborhoods are found in all surrounding counties in the region.

**Map 11** depicts the distribution of educational opportunity in the Baltimore region and these results mirror neighborhood health in the region. The distribution of educational opportunity is highly skewed toward the region’s suburban counties. All very low educational opportunity census tracts are clustered within the City of Baltimore. The only suburban County with a large concentration of low educational opportunity areas is the portions of Baltimore County west and east of the City of Baltimore.

While the individual opportunity maps provide insight into specific areas for improvement, the comprehensive opportunity map is most critical for informing housing policy as it provides the most complete assessment of opportunity in the region. As seen in **Map 12**, opportunity-rich areas are distributed throughout the counties in the region but the primary

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<sup>123</sup> George Galster and Sean Killen, The Geography of Metropolitan Opportunity: A Reconnaissance and Conceptual Framework, 6 (1) HOUSING POLICY DEBATE 7-43 (1995).



concentration of high-opportunity tracts are found in suburban counties. The largest clusters of very high opportunity tracts are located in central Baltimore County, southern Howard County, northern Anne Arundel County and southern Harford County. The City of Baltimore is the primary location of very low-opportunity tracts in the region, but areas of high opportunity are found on the north central edge of the City of Baltimore.

*African Americans are Segregated into Low Opportunity Areas*

In the Baltimore region, the distribution of opportunity rich and poor communities mirrors patterns of racial segregation. As seen in **Map 15**, African Americans are segregated away from high-opportunity neighborhoods and into low-opportunity neighborhoods in the Baltimore region. Census tracts identified as very low-opportunity were 81% African American in 2000 and very high-opportunity tracts were only 12% African American in 2000. Conversely, very low-opportunity tracts were 15% White and very high-opportunity tracts were 80% White in 2000. In the six county region, over 72% of African Americans are located in either very low or low-opportunity areas; in contrast only 18% of Whites reside in very low or low-opportunity areas (**See Table 2**).

Racial segregation from opportunity operates independently of income in Baltimore as low-income Whites are considerably less segregated from opportunity than low-income African Americans.<sup>124</sup> Almost 84% of the region's low-income African American households were found in low-opportunity Census Tracts. In comparison, only 33% of the region's low-income White households were found in low-opportunity Census Tracts. More low-income Whites lived in higher opportunity Census Tracts (37%) than lived in low-opportunity Census Tracts (33%). Only 10% of low-income African Americans lived in high-opportunity Census Tracts (**See Table 3**).

Similarly, high-income African Americans do not have the same access to higher opportunity areas as high-income Whites in Baltimore. Sixty seven percent of high-income White households lived in high-opportunity Census Tracts in 2000, while only 30% of high-income African Americans lived in high-opportunity Census Tracts. In 2000, more than half of high-income African American households (56%) lived in low-opportunity Census Tracts, compared to 11% of high-income White households (**See Table 3**).

*Affordable Housing is Deficient in High Opportunity Areas*

Rental housing is primarily clustered in low-opportunity areas but opportunity rich census tracts do contain a significant number of rental housing units. Analysis of price data for these rental units in high-opportunity areas indicates that it is relatively expensive and thus beyond the means of low-income households. Nearly half of the region's rental housing in 2000 was found in low-opportunity communities (49%). Of the 104,000 rental housing units located in high-opportunity areas, approximately 60% cost more than the HUD fair market rent for a 2 bedroom apartment in the Baltimore region as of 2000 (\$643). The region's supply of rental units below fair market rent in 2000 was even more clustered in low-opportunity areas than rental

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<sup>124</sup> Low Income households earn less than \$30K, Middle Income households earn \$30K to \$60K, and High Income households earn more than \$60K. This methodology was adopted from the Lewis C. Mumford Center's research on the dynamics residential segregation by race and income, delineating (poor, middle income and affluent households). For more information visit the Mumford Center's website at: <http://mumford.albany.edu/census/segregation/home.htm>

units in general. Only 21% of the 210,000 rental units with rent less than \$650 a month were found in high-opportunity communities (**See Table 4**).<sup>125</sup>

*Subsidized Housing is Concentrated in Low Opportunity Areas*

The region's subsidized housing is primarily clustered in low-opportunity areas. **Map 14** illustrates this clustering of subsidized housing sites in 1998 and LIHTC sites in 2001 in low-opportunity areas (primarily in the City of Baltimore) in the region.<sup>126</sup> Nearly two-thirds of Section 8 voucher households (65%) are located in low-opportunity Census Tracts (**Table 5**). Approximately 20% of all Section 8 households are located in high-opportunity areas, and an even lower percentage of African American Section 8 households are located in high-opportunity areas. Over three-fourths (77%) of all African American Section 8 voucher holders were found in low-opportunity Census Tracts, while only 29% of White Section 8 voucher holders were located in these tracts. Conversely, high-opportunity Census Tracts contained 35% of White voucher holders and only 15% of African American Section 8 households (**Table 5**).

*Additional Considerations When Applying Opportunity Mapping to the Remedy:*

Identifying communities of opportunity is a dynamic process that should adapt to account for the particular needs of subsidized housing recipients and to incorporate new and updated data as it becomes available. The opportunity maps created for this report provide an initial portrait of how opportunity-based housing can be applied to the remedy.

**C. Mobility Program Lessons for Remediating Racial and Opportunity Segregation**

It is my understanding that the expert report of Turner and Briggs will discuss the successes and failures of public housing mobility programs in terms of providing access to integrated environments and to opportunity. Given this, my discussion will focus on specific lessons that can be learned from these programs in terms of implementing an opportunity-based housing strategy.

*The Gautreaux Program*

The first lawsuit to result in a metropolitan-wide housing desegregation remedy was filed over three decades ago on behalf of the more than 40,000 African-American families in, or waiting for, public housing in Chicago.<sup>127</sup> The Court ordered HUD to develop and implement a program that would result in the movement of thousands of black families from poor, segregated neighborhoods to low-poverty, white suburban neighborhoods. This metropolitan-wide remedy became known as the *Gautreaux* program and was the country's largest and longest-running residential, racial, and economic integration effort.<sup>128</sup> Over twenty years, about six thousand

<sup>125</sup> Note: gross rent data from Census 2000, the Census gives values in ranges for the number of units within ranges of \$ values (e.g. \$550 to 699, \$600 to \$649). Thus \$650 was selected as the dividing range to represent units that cost more or less than HUD's 2 bedroom FMR in 2000.

<sup>126</sup> Data used in this map was from the HUD 1998 picture of subsidized housing and is not current; LIHTC developments in this data were updated to 2001 but all other data from this map is from 1998. Due to the age of this data, this information will not be consistent with more recent data from the expert report of Gerald Webster. A small number site based data in the HUD 1998 picture of subsidized housing has not geographic information (longitude and latitude coordinates). Due to this missing geographic information these points could not be mapped.

<sup>127</sup> Leonard Rubinowitz & James Rosenbaum, *CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA* (2000). Page 2.

<sup>128</sup> Leonard Rubinowitz & James Rosenbaum, *CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA* (2000). Page 2.

families participated in this remedy and it was administered by the Leadership Council for Metropolitan Open Communities, which counseled families, recruited landlords, worked with public housing agencies, and made subsidy payments under the Section 8 program.

The *Gautreaux* remedy used both tenant vouchers for participants to access existing housing and incentives for Section 8 units to be set aside in new construction. For the former, the remedy required that no more than 25% of participants relocate within the City of Chicago or within minority areas of the metropolitan area beyond Chicago. In order to avoid resegregation, the Leadership Council “initially deemphasized and later excluded the large portions of the city and parts of the southern and western suburbs where significant numbers of Blacks lived. Those areas contained a disproportionate amount of the area’s affordable rental housing – and many landlords there accepted Section 8 tenants.”<sup>129</sup> Moreover, the Council limited the total number of *Gautreaux* families in any one area in order to maintain existing racial integration.<sup>130</sup> Further, the Council assured landlords that applicants were pre-screened for credit-worthiness, and that both tenants and landlords participation would be anonymous.

*The Moving to Opportunity Demonstration Program*

The success in providing housing opportunities throughout the metropolitan region, and the positive results that ensued, were the impetus for HUD’s Moving to Opportunity (MTO) program which began in 1994.<sup>131</sup> MTO was designed as a ten year social science experiment to rigorously test the “geography of opportunity” thesis supported by *Gautreaux*. However, unlike the *Gautreaux* remedy, the MTO program was poverty, not race-based. As a result, families often moved to neighborhoods that were highly racially segregated and within the same service districts, such as public school districts, as their prior housing. MTO demonstration sites included Baltimore, Boston, Chicago, Los Angeles, and New York.

*Counseling, transportation, and affordable, appropriate units are critical to successful mobility program implementation:*

To identify barriers to effective desegregation with mobility vouchers, we reviewed research on representative housing desegregation programs which included a mobility-based remedy. In Chicago, an overwhelming majority of tenants enrolled in the Chicago Housing Authority’s mobility program had trouble finding a place they liked with enough bedrooms; finding landlords who would accept Section 8 vouchers, and accessing transportation for apartment hunting.<sup>132</sup> Because of this, most voucher users were reconcentrated in high-poverty segregated neighborhoods, or poor, minority areas at the neighborhoods scale, even if the census tract was

<sup>129</sup> Leonard Rubinowitz & James Rosenbaum, CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA (2000). Page 58.

<sup>130</sup> Leonard Rubinowitz & James Rosenbaum, CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA (2000).

<sup>131</sup> HUD also incorporated the mobility approach into its Regional Opportunity Counseling (ROC) and Vacancy Consolidation Programs. Leonard Rubinowitz & James Rosenbaum, CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA (2000).

<sup>132</sup> Mary K. Cunningham and Susan J. Popkin, CHAC MOBILITY COUNSELING ASSESSMENT FINAL REPORT (October 2002). Published by the Urban Institute (Washington D.C.) and the Great Cities Institute at the University of Illinois at Chicago. Available on-line at: [http://www.urban.org/UploadedPDF/410588\\_CHACReport.pdf](http://www.urban.org/UploadedPDF/410588_CHACReport.pdf)

largely low poverty.<sup>133</sup> Pointing to the need for meaningful connection to stable communities of opportunity, more respondents wanted help with long-term, rather than short-term, services, such as obtaining a GED and getting computer training.<sup>134</sup>

In Dallas, operating under the consent decrees issued in *Walker v. HUD*, African American public housing tenants were similarly struggling with a tight housing market, increasing rents, and community resistance.<sup>135</sup> Because about half of Dallas Housing Authority families need three-bedroom apartments, and only 3.5% of the private market offers units this large, there is intense competition for available units.

In Minneapolis, during the implementation of a negotiated consent decree in *Hollman v. Cisneros*, African-American participants had difficulty locating a unit in non-impacted area that would rent to them; therefore they had to make segregative moves out of necessity.<sup>136</sup> Lack of transportation was another problem with accessing suburban areas. Minneapolis' Hmong community opposed forced dispersal, and felt rushed to find new units, again struggling to find units with enough bedrooms for large families.<sup>137</sup>

*Unrestricted voucher use leads to reconcentrations of poor minorities:*

Unstructured choice voucher programs may disperse some tenants successfully, but a 2003 HUD study of Housing Choice Voucher (HCV) location patterns found that minority participants are much more likely to live in neighborhoods where poverty is concentrated: "Black and Hispanic families are more likely than White participants to live in neighborhoods where poverty is concentrated...the latter are more likely to live in low-poverty neighborhoods."<sup>138</sup>

While *Gautreaux* emphasized racial desegregation through a race-based structured choice framework, research from MTO and HOPE VI, which are not race based, tend to show racial reconcentrations. Although HOPE VI was not a housing mobility program, the experiences of HOPE VI voucher users are relevant. While HOPE VI survey respondents who used vouchers to move wanted to move to safer, less poverty-stricken neighborhoods, 30 to 40% still live in high

<sup>133</sup> Mary K. Cunningham and Susan J. Popkin, CHAC MOBILITY COUNSELING ASSESSMENT FINAL REPORT (October 2002). Published by the Urban Institute (Washington D.C.) and the Great Cities Institute at the University of Illinois at Chicago.

<sup>134</sup> Mary K. Cunningham and Susan J. Popkin, CHAC MOBILITY COUNSELING ASSESSMENT FINAL REPORT (October 2002). Published by the Urban Institute (Washington D.C.) and the Great Cities Institute at the University of Illinois at Chicago.

<sup>135</sup> Susan J. Popkin, et. al., CH. 3: BASELINE CASE STUDY: DALLAS in BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: CASE STUDIES –VOLUME 2; Prepared by the Urban Institute in February 2000 for HUD. Available on-line at: <http://www.huduser.org/publications/pubasst/baseline.html>

<sup>136</sup> Mary K. Cunningham et. al., CH. 5: BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: MINNEAPOLIS by BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: CASE STUDIES – VOLUME 2; Prepared by the Urban Institute in February 2000 for HUD.

<sup>137</sup> Mary K. Cunningham et. al., CH. 5: BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: MINNEAPOLIS by BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: CASE STUDIES – VOLUME 2; Prepared by the Urban Institute in February 2000 for HUD.

<sup>138</sup> Devine, Deborah et. al. HOUSING CHOICE VOUCHER LOCATION PATTERNS: IMPLICATIONS FOR PARTICIPANTS AND NEIGHBORHOOD WELFARE. U.S. Dept. of Housing and Urban Development, Office of Policy Development and Research (January 2003).

poverty and high crime neighborhoods.<sup>139</sup> Since there is no race-conscious element in unrestricted voucher use, 76% still live in neighborhoods with at least 80% minorities.<sup>140</sup> Because of the lack of appropriate units in the suburbs for large families, many families reconcentrated in the city, in under-resourced neighborhoods similar to their previous ones.<sup>141</sup> In fact, because the housing market was so limited, residents vied for any available housing away from their former developments, regardless of any increases (or lack thereof) in amenities and services.<sup>142</sup>

One last note of caution with respect to the use of mobility-based programs is the possibility that the neediest families, those hardest to house (large families with children; adults with disabilities and lack of education and skills) might be lost entirely, leading to a reconcentration of the very poorest *outside* of public housing.<sup>143</sup>

Research on mobility programs to date thus illustrates the need for a race-conscious opportunity-based housing framework: public housing residents need not just housing vouchers, but a choice of units that meets their needs in a range of opportunity-rich areas across the metropolitan area. Otherwise, unstructured choice may lead, as it has in the past, to significant reconcentrations of racialized poverty in neighborhoods already facing increasing poverty and lack of opportunity.<sup>144</sup>

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<sup>139</sup> Larry Buron, Abt Associates, AN IMPROVED LIVING ENVIRONMENT? NEIGHBORHOOD OUTCOMES FOR HOPE VI RELOCATEES. Urban Institute Metropolitan Housing and Communities Center Brief No. 3, (September 2004). Available on-line at: [http://www.urban.org/UploadedPDF/311059\\_Roof\\_3.pdf](http://www.urban.org/UploadedPDF/311059_Roof_3.pdf)

<sup>140</sup> Larry Buron, Abt Associates, AN IMPROVED LIVING ENVIRONMENT? NEIGHBORHOOD OUTCOMES FOR HOPE VI RELOCATEES. Urban Institute Metropolitan Housing and Communities Center Brief No. 3, (September 2004).

<sup>141</sup> Robin E. Smith et. al. at the The Urban Institute Metropolitan Housing and Communities Policy Center; HOUSING CHOICE FOR HOPE VI RELOCATEES (Final Report: April 2002). Prepared for HUD. Available on-line at: [http://www.urban.org/UploadedPDF/410592\\_HOPEVI\\_Relocates.pdf](http://www.urban.org/UploadedPDF/410592_HOPEVI_Relocates.pdf)

<sup>142</sup> Robin E. Smith et. al. at the The Urban Institute Metropolitan Housing and Communities Policy Center; HOUSING CHOICE FOR HOPE VI RELOCATEES (Final Report: April 2002). Prepared for HUD.

<sup>143</sup> Susan J. Popkin et. al., The Gautreaux Legacy: What Might Mixed-Income and Dispersal Strategies Mean for the Poorest Public Housing Tenants? 11 (4) HOUSING POLICY DEBATE 911-942 (2000).



## II. Concluding Remedial Principles

In order to effectively remedy the harms in this matter, it is my opinion that the remedy must account for the following principles/considerations:

- A. The remedy must be sensitive to opportunity and to the importance of location in determining access to opportunity. Where we live and where we have the opportunity to live determine not only our ability to live in an integrated environment, but also determine our ability to access those opportunities and resources that are critical to life outcomes and health.**

HUD officials have long recognized that housing, in particular its location, is a key determinant of a family's well-being and access to opportunity. For example, in a 1967 "Briefing on Civil Rights Progress," HUD officials stated the Department's commitment to eradicating segregation and providing housing in healthy and opportunity-rich environments:

The Department is publicly committed to extract the legal maximum from existing laws and orders on equal opportunity and civil rights in administering its programs so as to break down racially restrictive housing and provide the disadvantaged and discriminated against families with the widest possible opportunity and choice for good housing in wholesome environments. Indeed, the all-important focus of the Department's business and endeavors is people and improving their life and choices for all members of the public to the optimum. ... We must look at the totality of the urban environment and the quality of the lives of all its people and the impact of our programs on broadening their opportunities and choices.<sup>145</sup>

Then HUD Secretary Robert C. Weaver similarly acknowledged the link between fair housing and opportunity one year later:

[T]he enforced patterns of racial separation, which have characterized many aspects of our society, are handmaidens to the problems of racial discrimination and hostility which so plague us today. Separate but equal is inherently unequal because it denies to one group the choices and opportunities which are the promise of American life and the badge of first class citizenship. The goal is ... to allow every man the same natural choices as to where to live and travel and the same opportunity to fulfill his potential.<sup>146</sup>

Similar statements and policy commitments have been espoused by HUD officials since that time. For example, during a 1993 Senate hearing, then-Secretary of HUD Henry Cisneros denounced "the extreme spatial segregation or separations in American life by income, class and

<sup>145</sup> Robert A. Sauer and B. T. McGraw, United States Department of Housing and Urban Development, Secretary's Staff Meeting, BRIEFING ON CIVIL RIGHTS PROGRESS, July 12, 1967, at pp.12-13; Adker 058914, 058925-6 (HUD1).

<sup>146</sup> Memorandum from Robert C. Weaver, HUD Secretary to "All Principal Staff" RE: "Clarification of Law and Department Policy RE: Integration," p.2 (Oct. 15, 1968); Adker 056850, 056852 (HUD1).



race."<sup>147</sup> In its stead he called for the deconcentration of poverty and greater residential choices for impoverished persons of color, particularly in suburban areas.<sup>148</sup>

These statements are consistent with a large and growing body of knowledge on the harms of segregation and its denial of opportunities to people of color. These harms touch all major life areas including education, employment, and health and safety. Conversely, research and experience indicate that there are a number of benefits to accessing housing in neighborhoods that are racially and economically integrated. The harms of residential segregation and benefits of providing public housing residents with access to integrated neighborhoods are more fully discussed in Section I of this report.

## **B. The remedy must be metropolitan-wide.**

In order to remedy the harms of its failure to desegregate and further fair housing, HUD must pursue metropolitan-wide strategies. Various policies and practices, including those of HUD, have triggered two related demographic changes in the City of Baltimore over recent decades: substantial population loss and a large increase in the proportion of residents that are African American.<sup>149</sup> Between 1950 and 2000, the city lost a third of its population and the African American population increased from 24% of the City's population in 1950 to 64% in the 2000. During this same time period, over a half million Whites left the City.<sup>150</sup> As a result of these demographic trends the City of Baltimore and the larger Baltimore region are severely segregated.<sup>151</sup>

<sup>147</sup> Hearing Before the Senate Comm. on Banking, Housing and Urban Affairs, 102d Cong., 2d Sess. 7 (Apr. 28, 1993) (statement of Henry Cisneros, Secretary of Housing and Urban Development).

<sup>148</sup> In his testimony, Secretary Cisneros warned that "[u]nless we can deconcentrate the populations of our poorest ... [u]nless we can make it possible for people to have greater choice and move to suburban areas ... we will not succeed." Hearing Before the Senate Comm. on Banking, Housing and Urban Affairs, 102d Cong., 2d Sess. 7 (Apr. 28, 1993) (statement of Henry Cisneros, Secretary of Housing and Urban Development).

<sup>149</sup> Expert report of Shelly Lapkoff, Ph.D. "Demographic Analysis of Baltimore and Its Federally Assisted Housing" (October 1<sup>st</sup>, 2003)

<sup>150</sup> Expert Report of Shelly Lapkoff, Ph.D. DEMOGRAPHIC ANALYSIS OF BALTIMORE AND ITS FEDERALLY ASSISTED HOUSING (October 1<sup>st</sup>, 2003).

<sup>151</sup> African American/White residential segregation in the Baltimore region as measured by various indices is high. Multiple dissimilarity indices and studies support this finding. A Census Bureau analysis of multiple segregation indices found Baltimore to be the 14<sup>th</sup> most segregated region in the nation. See J. Iceland, D. Weinberg, & E. Steinmetz, RACIAL AND ETHNIC SEGREGATION IN THE UNITED STATES: 1980-2000 (2002). U.S. Census Bureau, for more information. Available on-line at: [http://www.census.gov/hhes/www/housing/ressseg/pdf/paa\\_paper.pdf](http://www.census.gov/hhes/www/housing/ressseg/pdf/paa_paper.pdf) Segregation indices produced by multiple studies and research institutes indicate Baltimore's segregation levels are high (generally averaging around .67). For more information, see: ETHNIC DIVERSITY GROWS: NEIGHBORHOOD INTEGRATION LAGS BEHIND (2001), Lewis Mumford Center for Comparative Urban and Regional Analysis. Available on-line at <http://mumford1.dyndns.org/cen2000/report.html>. See also, Douglas S. Massey and Nancy A. Denton, AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS (1993) at 20 ("A simple rule of thumb in interpreting these indices is that values under 30 are low, those between 30 and 60 are moderate, and anything above 60 is high."); Edward L. Glaeser and Jacob L. Vigdor, RACIAL SEGREGATION IN THE 2000 CENSUS: PROMISING NEWS (April 2001); and DEMOGRAPHIC ANALYSIS OF BALTIMORE AND ITS FEDERALLY ASSISTED HOUSING Census 2000 Special Report CENSR-3, U.S. Census Bureau. Available on-line at <http://www.brookings.org/dybdocroot/es/urban/census/glaeserexsum.htm> at 3 ("Generally, dissimilarity measures above 0.6 are thought to represent hypersegregation.").

As this Court noted in its January decisions, the demographics of the City of Baltimore make desegregating public housing with only City-level remedies impossible:

Geographic considerations, economic limitations, population shifts, etc. have rendered it impossible to effect a meaningful degree of desegregation of public housing by redistributing the public housing population of Baltimore City within the City limits.<sup>152</sup>

As seen in **Map 1**, African American majorities are found in most of the Census Tracts within the City of Baltimore. As of 2000, only 26 of the City's 200 Census Tracts contained an African American representation lower than the regional average of 27%. Over half of the City's Census Tracts were more than 75% African American.<sup>153</sup> Moreover, the average African American in the City of Baltimore was living in a Census Tract that was 83% African American in 2000.<sup>154</sup> This segregation is even more pronounced for African Americans living in poverty. The City of Baltimore contains almost 60% of the Baltimore region's African American population, but nearly 80% of the Baltimore region's African Americans living in poverty are found in the City of Baltimore.<sup>155</sup> With these population distributions, meaningful public housing desegregation that focuses only on the City of Baltimore is impossible. This Court noted the futility of trying to desegregate housing within the City of Baltimore alone:

The Court finds it no longer appropriate for HUD, as an institution with national jurisdiction, essentially to limit its consideration of desegregative programs for the Baltimore Region to methods of rearranging Baltimore's public housing residents within the Baltimore City limits.<sup>156</sup>

Due to these constraints, a regional approach is necessary to provide public housing residents with integrated housing choices. This Court, in its January decision, articulated the need for such an approach:

The Court finds an approach of regionalization to be integral to desegregation in the Baltimore Region and that regionalization was an important alternative course of action available to Federal Defendants. By the term 'regionalization' the Court refers to policies whereby the effects of past segregation in Baltimore City public housing may be ameliorated by providing housing opportunities to the Plaintiff class beyond the boundaries of Baltimore City.<sup>157</sup>

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<sup>152</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 11.

<sup>153</sup> Based upon analysis of Census 2000, STF3 Census Tract data (analysis does not include population claiming two or more races in 2000).

<sup>154</sup> Data taken from the University of Albany SUNY's Lewis Mumford Center for Comparative Urban and Regional Research "Separate and Unequal: Racial and Ethnic Neighborhoods in the 21<sup>st</sup> Century" database. Available on-line at: <http://mumford.albany.edu/census/SepUneq/PublicSeparateUnequal.htm>

<sup>155</sup> Data derived from analysis of Census 2000, STF3 data for the Baltimore region.

<sup>156</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 13.

<sup>157</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 12.

In addition to being necessary to provide desegregated public housing opportunities (as noted above and discussed in detail in Section I of this report), a metropolitan-wide approach must be utilized because opportunity is largely lacking in those Baltimore neighborhoods that public housing residents are currently able to access. For public-housing residents to access a variety of critical opportunities -- such as good schools, healthy neighborhoods and economic opportunities -- they must have the opportunity to live in opportunity-rich neighborhoods throughout the metropolitan area. Thus, a successful remedy would not reconcentrate public housing residents from the central city in those inner-ring suburbs facing the same shortage of resources and diminished opportunities. A successful remedy would instead transcend the city-suburb dichotomy and focus on creating public housing options wherever desegregated, opportunity-rich neighborhoods exist.

In the absence of effective regional housing planning, local actions can undermine efforts to integrate housing and provide access to opportunity. Political fragmentation -- the division of metropolitan areas into numerous local governmental entities -- plays a significant role in the racial segregation and opportunity segregation that exist in metropolitan America, including in the Baltimore region in particular. Political fragmentation allows municipalities to enact parochial policies, such as exclusionary zoning, that ensure residential segregation. These policies contribute to racial segregation and segregation from opportunity. Suburban housing and land use policies that promote larger lot development have been found to depress the growth of suburban rental housing and limit in-migration of African American and Latino households.<sup>158</sup> These exclusionary policies combined with the fragmentation of local government and school districts in metropolitan areas works to uphold persistent racial segregation.<sup>159</sup> Density, site restrictions and land use restrictions make most affordable housing difficult to construct. For example, lot size requirements, provisions requiring large setbacks, or a lack of land zoned for multi-family housing add to the cost of housing construction.<sup>160</sup>

Because county government, as opposed to municipal government, is Maryland's primary form of local government, the Baltimore region is often described as a "big box" region. Overall, big box regions have been shown to exhibit lower segregation indices than "small box" regions.<sup>161</sup> However, Baltimore is one of the most segregated big box regions in the nation, and has been described by David Rusk as highly "inelastic" because of the inability of the City of Baltimore to annex and influence more of the region.<sup>162</sup> Of the 119 major metropolitan areas analyzed by David Rusk, Baltimore falls in the top 10% of inelasticity, with a similar measure to

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<sup>158</sup> Rolf Pendall, Local Land Use Regulations and the Chain of Exclusion, 66 (2) J. AMERICAN PLANNING ASS'N (Spring 2000).

<sup>159</sup> For more information regarding the nexus between fragmentation and segregation please review my article: "Sprawl, Fragmentation, and the Persistence of Racial Inequality: Limiting Civil Rights by Fragmenting Space," found in Greg Squires, ed., URBAN SPRAWL: CAUSES, CONSEQUENCES, AND POLICY RESPONSES (2002).

<sup>160</sup> For more information regarding the nexus between fragmentation and segregation please review my article: "Sprawl, Fragmentation, and the Persistence of Racial Inequality: Limiting Civil Rights by Fragmenting Space," found in Greg Squires, ed., URBAN SPRAWL: CAUSES, CONSEQUENCES, AND POLICY RESPONSES (2002).

<sup>161</sup> David Rusk, *Inside Game Outside Game: Winning Strategies for Saving Urban America* (Washington D.C.: Brookings Institution Press, 1999) and *Cities Without Suburbs 3<sup>rd</sup> Edition: A Census 2000 Update* (Washington, D.C.: Woodrow Wilson Center Press, 2003).

<sup>162</sup> David Rusk, *INSIDE GAME OUTSIDE GAME: WINNING STRATEGIES FOR SAVING URBAN AMERICA* (1999) and *CITIES WITHOUT SUBURBS 3<sup>RD</sup> EDITION: A CENSUS 2000 UPDATE* (2003).

that of Pittsburgh, Cleveland, and New Haven.<sup>163</sup> Inelastic areas, usually corresponding with small box governance structures (i.e. Pittsburgh and Cleveland) are more racially segregated than elastic areas. Therefore, despite the potential for reduced segregation in a big box structure, Baltimore exhibits the increased racial segregation of an inelastic region due to the powers possessed at the county level. This fact was identified in the 1996 analysis of impediments prepared for the Baltimore Metropolitan Council.

Although it is beyond the scope of this report to identify every zoning requirement or land use policy that has or may have a negative impact on fair housing choice in the Region, it is clear that some zoning requirements and land use policies in the Region do have such an impact and they present an impediment to fair housing choice.<sup>164</sup>

Just as fragmented planning promotes exclusion, regional inclusionary policymaking can effectively reduce metropolitan segregation and inequity. For example, Montgomery County, Maryland has one of the longest running inclusionary zoning ordinances in the nation. The Montgomery County program, requiring private development to make 15% of units affordable in large housing developments, has produced over 11,000 affordable housing units since its inception. Research by David Rusk in Maryland projected the impact of applying such a policy to the Baltimore region. Rusk estimates that had such a policy been in place in Baltimore between 1980 and 2000, the region would have produced an additional 15,800 units of workforce housing and 7,900 units owned by a subsidized housing authority.<sup>165</sup> He notes that less than 10% of these units would have been located in Baltimore City. Perhaps the most striking part of Rusk's projection is that if these units had been specifically targeted to the residents of Baltimore city's poorest neighborhoods, all concentrated poverty would be eliminated.<sup>166</sup>

Although this type of inclusionary zoning policy is beyond the power of HUD to mandate, it illustrates metropolitan-wide policies can reduce metropolitan racial and economic segregation. It also demonstrates the potential created when regional planning mechanisms supersede local exclusionary impulses. HUD must not rely on local governmental entities to implement a remedy that desegregates public housing on a regional level. HUD is not impotent to encourage, facilitate and structure incentives and disincentives for local practices in order to further regional desegregation and need not provide federal approval, ratification, funding and assistance or legitimacy to practices that impede the regional implementation of fair housing.

It is my understanding that the expert report of Margery Austin Turner and Xavier De Souza-Briggs will discuss how fragmentation of public housing programs among local Public Housing Authorities also maintains the segregation of public housing residents by limiting their ability to seek housing opportunities in jurisdictions other than the ones in which they currently

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<sup>163</sup> David Rusk, CITIES WITHOUT SUBURBS 3<sup>RD</sup> EDITION: A CENSUS 2000 UPDATE (2003). See Table 2.2.

<sup>164</sup> Baltimore Metropolitan Council, ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING IN THE BALTIMORE METROPOLITAN AREA., Prepared by Ardingier Consultants and Associates Columbia, Maryland. November 1996. See Page 56.

<sup>165</sup> David Rusk, HOUSING POLICY IS SCHOOL POLICY: AN ANALYSIS OF THE INTERACTION OF HOUSING PATTERNS, SCHOOL ENROLLMENTS, AND ACADEMIC ACHIEVEMENT IN THE BALTIMORE AREA PUBLIC SCHOOLS. Prepared for the Abell Foundation. (June 30, 2003). Provided by author.

<sup>166</sup> David Rusk, HOUSING POLICY IS SCHOOL POLICY: AN ANALYSIS OF THE INTERACTION OF HOUSING PATTERNS, SCHOOL ENROLLMENTS, AND ACADEMIC ACHIEVEMENT IN THE BALTIMORE AREA PUBLIC SCHOOLS. Prepared for the Abell Foundation. (June 30, 2003). Provided by author.

reside. This is particularly true in the context of voucher programs where local administration limits voucher portability. An effective remedy should ensure that opportunities are provided throughout the Baltimore region and be designed in a manner that overcomes the structural impediments created by fragmented administration.

**C. The remedy must be race-conscious. Such a remedy is compelled by the nature of the violation in this matter, and by the nature of HUD's fair housing duties. As demonstrated below, it is also compelled by the realities of the housing market, which preclude an effective race-neutral remedy.**

A race-conscious remedy is appropriate in this case because of the undisputed history of de jure racial segregation of public housing in Baltimore. A race-conscious remedy is also necessary to avoid unintended outcomes that frustrate the goals of providing meaningful opportunity access in integrated neighborhoods to public housing residents. One very real outcome that could emerge from a race-neutral approach is a re-clustering of African American public housing residents in new neighborhoods in a manner that triggers new waves of White flight. Such a process could destabilize otherwise healthy neighborhoods and frustrate the goal of providing public housing residents with meaningful access to opportunity and to integrated neighborhoods. Research regarding the stability of integrated neighborhoods during the last two decades of African American suburbanization supports this concern. In a study of integrated neighborhoods in 15 major metropolitan areas from 1980 to 2000, researchers found that traditionally integrated neighborhoods were found to rapidly segregate after the African American make-up of the neighborhood exceeded 29%.<sup>167</sup> It is my understanding that the expert report of Briggs and Turner discusses that re-clustering of African American public housing residents could also trigger declines in neighborhood property values further contributing to neighborhood destabilization. A race-neutral remedy that failed to consider these dynamics and the racial demographics of neighborhoods in which subsidized housing opportunities might be created runs the long-term risk of replicating the racial segregation and denial of opportunities currently experienced by public housing residents.

Neighborhood racial composition is a direct consideration when Whites are making housing and school choices.<sup>168</sup> In a 2001 national survey, researchers found that the likelihood of White's choosing to purchase a home in a neighborhood declined significantly as the percentage of African Americans in the neighborhood surpassed certain thresholds. Whites become much less likely to purchase a home in a neighborhood with an African American composition higher than 15% and if the African American population increased to more than

<sup>167</sup> Myron Orfield and Thomas Luce, MINORITY SUBURBANIZATION AND RACIAL CHANGE: STABLE INTEGRATION, NEIGHBORHOOD TRANSITION, AND THE NEED FOR REGIONAL APPROACHES. Report of Institute on Race and Poverty (presentation at the "Race and Regionalism Conference in Minneapolis, MN May 6-7, 2005.) Available on-line at:

[http://www.irpumn.org/website/projects/index.php?strWebAction=project\\_detail&intProjectID=15](http://www.irpumn.org/website/projects/index.php?strWebAction=project_detail&intProjectID=15).

<sup>168</sup> Multiple studies have identified race as a factor impacted the location decisions of Whites. For more information see Nancy Denton and Douglas Massey, Residential Segregation of Blacks, Hispanics and Asians by Socioeconomic Status and Generation, 69 SOCIAL SCIENCE QUARTERLY 797-817 (1998); Lawrence Bobo and Camille Zubrinsky, Attitudes on Racial Integration: Perceived Status Differences, Mere In-Group Preferences or Racial Prejudice? 74 SOCIAL FORCES 883-909 (1996); and George Galster, Residential Segregation in American Cities: A Contrary Review, 7 POPULATION RESEARCH AND POLICY REVIEW 93-112 (1988).



65%, few Whites would choose the neighborhoods.<sup>169</sup> Although some debate exists around the implicit motivation for these choices, it is clear that Whites equate the presence of African American residents in a neighborhood with poor neighborhood quality regardless of the underlying reality:

Whites avoid living in neighborhoods with non-token black populations because of the associations they make between the presence of blacks and high crime, low housing values, and low quality education.<sup>170</sup>

Additionally, because racial segregation and opportunity segregation are largely coextensive, White residential choices motivated by a desire to live in opportunity-rich areas also exacerbate segregation.<sup>171</sup> That said, it is possible to fashion an effective integrative remedy in spite of these preferences. A recent study by George Galster of section 8 housing voucher usage found that such usage in high property value White neighborhoods had positive or negligible effects unless they were used in large numbers in a concentrated area.<sup>172</sup>

Residential choices driven by race and residential choices driven by opportunity can both have adverse effects for African Americans and for this reason an effective remedy should be both race-conscious and opportunity-conscious. The choices that Whites make are always related to the structures of opportunity and the housing market. Government policies directly impact the distribution of opportunity and the housing market, therefore government policy influences the racialized choices made by Whites. White perceptions have been influenced by the government's long history of actions and policies that have concentrated and segregated assisted housing, and discriminatory actions by other government agencies and private actors that diminish opportunity in African American communities. A remedy that does not take into account race and opportunity will not account for the racialized choices made by White homeowners and renters. Although, White flight is a real phenomenon, the government is not powerless to influence this behavior. The potential for White flight can be addressed and mitigated if the following steps are taken: new assisted housing opportunities should be located in moderate numbers and not over concentrated, assisted housing should be targeted to higher opportunity White areas and not lower opportunity White communities and assisted housing should be sited at a metropolitan level.

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<sup>169</sup> Michael Emerson, Karen Chai and George Yancey, Does Race Matter in Residential Segregation? Exploring the Preferences of White Americans, 66 AMERICAN SOCIOLOGICAL REVIEW 922-935 (2001).

<sup>170</sup> Michael Emerson, Karen Chai and George Yancey, Does Race Matter in Residential Segregation? Exploring the Preferences of White Americans, 66 AMERICAN SOCIOLOGICAL REVIEW 922-935 (2001).

Michael Emerson, Karen Chai and George Yancey, Does Race Matter in Residential Segregation? Exploring the Preferences of White Americans, 66 AMERICAN SOCIOLOGICAL REVIEW 922-935 (2001).

*See also*, Thomas Shapiro and Heather Beth Johnson, Assets, Race, and Educational Choices, INCLUSION IN ASSET BUILDING: RESEARCH AND POLICY SYMPOSIUM, Center for Social Development: Washington University (2000). ("Our research provides clear evidence that race is paramount in the minds of white Americans when they make school and community choice decisions. Moreover, we believe that the role their 'choices' play in the social reproduction of racial stratification looms large in contemporary U.S. society.") Page 4.

<sup>171</sup> Amy Stuart Wells and Jennifer Jellison Holme, , A.S. and Holme, J.J., No Accountability for Diversity: Standardized Tests and the Demise of Racially Mixed Schools, Chapter 10 in Jack Boger and Gary Orfield, eds., THE RESEGREGATION OF THE AMERICAN SOUTH (2005).

<sup>172</sup> George Galster, Peter Tatian and Robin Smith, The Impacts of Neighbors Who Use Section 8 Certificates on Property Values, Vol. 10. No. 4. HOUSING POLICY DEBATE (1999).



A race-conscious remedy is also important because of the persistence of racial discrimination in the housing market.<sup>173</sup> It is reasonable to expect that this discrimination will impact African American participants in the remedy. A race-conscious remedy could track this, reveal broad discriminatory patterns, and allow for remedies to be adapted to overcome the role of discrimination.

Experiences from another state support the finding that a race neutral remedy would be unsuccessful in this context. The potential for such an outcome that does not achieve its original purpose is illustrated by the *Mount Laurel* decisions in New Jersey and the “fair share” policies that emerged from them. Plaintiffs in the first *Mount Laurel* decision claimed that local municipalities in New Jersey were creating and perpetuating racial segregation through racially discriminatory “exclusionary zoning” policies. The court rejected this race-based claim and accepted defendants’ assertion that these policies were driven by purely economic motives. Nonetheless, the court invalidated these policies under the New Jersey constitution and mandated that each municipality take steps to provide for its fair share of the low and moderate income housing needs of its region.

Over time, the *Mount Laurel* decisions, and the state housing act that resulted from them, have resulted in the construction of a large number of low- and moderate-income housing. Because the fair share remedy has been implemented in an ostensibly race-neutral manner, however, it has not reduced the racial segregation of New Jersey’s regions as would be expected if these exclusionary policies were solely economically motivated. Suburban units are overwhelmingly occupied by White low and moderate income residents while central city units are overwhelmingly occupied by residents of color.<sup>174</sup> These trends have been attributed to a number of factors. One is that some suburban municipalities have fulfilled their fair share obligations by deliberately constructing low- and moderate-income housing that is more likely to be occupied by white residents and less likely to be useful for residents of color. For example, municipalities have favored the production of elderly housing and studio and one bedroom units, both of which serve a disproportionately white sector of the low and moderate-income population, and have refused to create multi-bedroom housing, housing that is more likely to benefit families of color. It is critical that the remedy in the present matter evaluate the racial impacts of the various mechanisms through which desegregation and access to opportunity are to occur. Failure to do so creates the capacity for well-intentioned “race-neutral” policies to be implemented in ways that frustrate the goals of the remedy.<sup>175</sup>

**D. The remedy need not and should not force the dispersal of public housing residents who wish to remain in their present location.**

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<sup>173</sup> See, e.g., Camille Z. Charles, *The Dynamics of Racial Residential Segregation*, 29 ANNUAL REVIEW OF SOCIOLOGY 167-207 (2003).

<sup>174</sup> Naomi Bailin Wish, PhD and Stephen Eisdorfer, Esq., *Mount Laurel Housing Symposium: The Impact of Mount Laurel Initiatives: An Analysis of the Characteristics of Applicants and Occupants* 27 SETON HALL L. REV. 1268 (1997).

<sup>175</sup> See, Florence W. Roisman, *The Role of the State, the Necessity of Race-Conscious Remedies, and Other Lessons from the Mount Laurel Study*, 27 SETON HALL L. REV. 1386 (1997).

It is my opinion that the remedy imposed in this matter should impose mandates upon HUD consistent with its statutory and constitutional duties. I believe that public housing residents, however, should be given the opportunity to opt into the integrative housing program or programs that result from this matter. While participation should be optional, to be effective, the remedy should present participants with structured choices, choices guided by the duty to desegregate public housing and provide access to opportunity. Moreover, interest in the opportunities created via the Partial Consent Decree in this matter suggests that there is strong demand for the type of program envisioned.<sup>176</sup>

Past experiences with public housing programs demonstrate success where residential choice and the goals of desegregation are balanced, i.e. in those cases where program participation is optional and desegregation guides choices within the program. Chicago's Gautreaux program illustrates the potential benefits of a voluntary structured choice mobility program. To address racial discrimination in Chicago's public housing program, the Court-ordered Gautreaux program facilitated the move of thousands of Black families from pockets of severe urban poverty and lack of opportunity to low-poverty, White suburban neighborhoods. The Gautreaux remedy was guided by a race-conscious, structured choice model in which residents voluntarily applied to move out of existing public housing into a limited range of suburban communities. Suburban areas identified as already having a disproportionate share of the region's affordable housing, or areas already integrated, were eliminated to avoid reconcentrating racialized poverty in inner-ring suburbs. High demand for the program illustrated that many African American public housing residents were eager to have the choice to move to safer, more affluent communities while others opted to remain in public housing within the City of Chicago.<sup>177</sup>

#### **E. The remedy must be goal-driven.**

The processes and policies through which African American public housing residents are offered the opportunity to live in desegregated, opportunity-rich neighborhoods are critical. To be truly effective, however, the success of these processes and policies must be explicitly evaluated against the goals of desegregation and opportunity access. I believe that this Court envisioned such a remedy when it stated in a letter of April 14, 2005:

[T]he Court must be presented with evidence that permits the consideration of remedial actions invoking the Court's power to require processes to effect HUD's meeting its legal duties while retaining HUD's executive discretion to the fullest extent appropriate.<sup>178</sup>

Evaluating any process-based remedies against their success in providing African American public housing residents with access to desegregated, opportunity-rich neighborhoods would

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<sup>176</sup> According to the October 2004 Statistical Report from Baltimore Metropolitan Quadel, up to this date over 7,200 families applied to take part in Partial Consent Decree Program. The Local Defendants Report for the period of July 2005 indicates that between January 1<sup>st</sup> and June 30<sup>th</sup> of 2005 an additional 1,469 families submitted preliminary applications to take part in the Partial Consent Decree Program.

<sup>177</sup> Miriam Wasserman, Can A Neighborhood Affect The Success of Its Residents?, 11 REGIONAL REVIEW (2001) (<http://www.bos.frb.org/economic/nerr/r2001/q4/chances.pdf>).

<sup>178</sup> Hon. Marvin J. Garbis, Letter. "To All Counsel of Record Re: Thompson v, H.U.D., MJG-95-309" (April 14, 2005).

ensure that HUD meets its legal duties without mandating the means by which they do so. Such an evaluation would help ensure the effectiveness of the processes pursued, and would also provide HUD with the flexibility to adapt its strategies in response to unexpected outcomes or changing conditions.

The possibility of a remedy being undermined by unexpected outcomes is discussed in section II(C) above. The possibility of it being undermined by changing conditions is evidenced by the changing conditions of Baltimore's rental housing market over the last decade or so, and the impact of this change on the viability of public housing vouchers. As of the mid-1990s, HUD considered the Baltimore region's housing market to be "soft," indicating that rental vouchers would provide ample opportunity for public housing residents to access opportunities throughout the region.<sup>179</sup> These conditions have changed rapidly, however. As this Court observed earlier this year, Baltimore now has a tight rental market and this change has significant implications for the impact of public housing programs: "One of the 'lessons learned' from the HOPE VI program was that housing vouchers are 'not viable replacement housing options' in tight housing markets like Baltimore's."<sup>180</sup>

**F. The remedy should make use of the variety of tools available to HUD.**

Housing vouchers have proven to be an effective method of providing access to opportunity if programs are supported properly and adequately account for housing market conditions. In tight or fluctuating housing markets, however, vouchers may provide access only to segregated, opportunity-poor neighborhoods and/or may not allow holders to access housing at all. Market forces "tend to steer low-income residents into areas where other low-income residents already live" – even when the goal is to deconcentrate poverty.<sup>181</sup> This is particularly true in tight housing markets such as those of Baltimore. A recent study of the effectiveness of vouchers in creating housing mobility found:

Mobility programs were hindered by a lack of units at or below the FMRs. Very tight rental housing markets in NYC, Minneapolis, Dallas and Omaha made the competition for units very intense and made it difficult for housing authorities to recruit landlords to participate in the program.<sup>182</sup>

Experiences from the HOPE VI program further illustrate the problems with vouchers in constrained housing markets. Beyond the cost of rent in opportunity-rich areas, HOPE VI relocatees with Section 8 vouchers often clustered in poor areas due to the lack of units outside such areas that met their needs. Specifically, because of the lack of rental units for large families in less segregated lower poverty areas, many families reconcentrated in under-resourced

<sup>179</sup> David Varady, CASE STUDIES OF VOUCHERED-OUT ASSISTED PROPERTIES. U.S. Department of Housing and Urban Development, Office of Policy Development and Research. (Page 1-8; Exhibit 15.)

<sup>180</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 291.

<sup>181</sup> John M. Hartung and Jeffrey Henig, *Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor*, 32 URBAN AFFAIRS REVIEW 403-419 (January 1993). Page 416.

<sup>182</sup> Edward G. Goetz, *Housing Dispersal Programs*, 18 JOURNAL OF PLANNING LITERATURE 3-16 (August 2003).

neighborhoods similar to those they had left.<sup>183</sup> The limited utility of vouchers was noted by this Court in its previous decision: "One of the 'lessons learned' from the HOPE VI program was that housing vouchers are 'not viable replacement housing options' in tight housing markets like Baltimore's."<sup>184</sup>

Real estate data produced by Metropolitan Regional Information Systems, Inc. indicate rapid increases in housing cost in the Baltimore metropolitan market. The median sales price for a home in the Baltimore region increased by 64% between 2000 and 2004.<sup>185</sup> Between 2003 and 2004 median sales price has increased from \$172K to \$210K, an increase of 22%. According to the National Low-income Housing Coalition, 2 Bedroom Fair Market rents for the Baltimore Metropolitan Statistical Area have increased from \$628 in 1999 to \$847 in 2005, an increase of 35%.<sup>186</sup> It is my understanding that the expert report of Dr. Basu will address the changing housing market conditions in the Baltimore region in greater detail.

It is my understanding that the expert report of Dr. Gerald Webster will indicate that voucher users in the Baltimore region are highly clustered in the City of Baltimore and suburban vouchers are generally clustered near the City's boundaries. For African American voucher holders, this clustering is even more severe, with most voucher holders located in urban areas. Some of the market constraints in the region's rental housing supply impact these trends. Regionally, rental housing remains clustered in the City of Baltimore and inner-ring suburban communities (**See Map 16**). In the 2000 Census, the City of Baltimore contained 40% of the region's occupied rental housing, in comparison the City of Baltimore contained only 20% of the region's owner occupied housing units.<sup>187</sup> Fifty percent of rental housing in the Baltimore region is in Census Tracts with an African American population greater than 27.2% (the metropolitan average African American population) and more than 50% is located in tracts with an African American population that is smaller than 27.2%.<sup>188</sup> Those rental options that do exist outside of these areas are cost prohibitive at current subsidy levels; gross rents in most of the suburban portions of the Baltimore region are more expensive than rental housing found in the City of Baltimore (**See Map 17**). The remedy ordered in this matter needs to account for these dynamics. Vouchers must be structured to provide access to opportunity-rich areas and must be designed to adapt to fluctuating market conditions.

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<sup>183</sup> Robin E. Smith et. al. at the The Urban Institute Metropolitan Housing and Communities Policy Center; HOUSING CHOICE FOR HOPE VI RELOCATEES (Final Report: April 2002). Prepared for the US Department of Housing and Urban Development. However, "[those] who moved farther away from their developments were more likely to discuss increased opportunity as a by-product of their move."

<sup>184</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 291.

<sup>185</sup> Real estate data taken from the on-line housing price database at Metropolitan Regional Information Systems Inc. Located on-line at: <http://www.mris.com/tools/stats/index.cfm>

<sup>186</sup> Fair market rent data taken from the "Out of Reach" housing wage database produced by the National Low-income Housing Coalition. The database uses HUD's FMR estimates and gives fair market rent data for 2-bedroom units in the Baltimore region. Available on-line at: <http://www.nlihc.org/or2004/>

<sup>187</sup> Source: U.S. Census Bureau, Census 2000. STF3 data. <http://www.census.gov>

<sup>188</sup> Based on analysis of Census Tract rental unit data and African American population data from the 2000 Census.

## **Appendix A: Opportunity Indicators**

The following notes and source information pertain to the indicators utilized in the opportunity index. Discussion of the relationship between each indicator and high or low-opportunity is included in the body of the report.

### **Indicators of Economic Opportunity and Mobility:**

1. Proximity to Recent Job Growth 1998-2002: Measured with 1998 and 2002 U.S. Census Bureau Zip Code Employment Data. Source of Data: U.S. Census Bureau Zip Code Business Statistics. Calculated by analyzing the number of estimated jobs in 2005 within 5 miles of the center of each Census Tract. Zip code business patterns data contains information for all business establishments with one or more paid employees. This data does not include the self-employed, domestic service, railroad, agricultural production workers, and most government workers.
2. Proximity to Potential Entry Level and Low-Skill Jobs 2002: Estimated with U.S. Census Bureau Zip Code Employment Data. Estimate based on industry categories associated with low skill or entry-level employment. The potential number of low-skill and entry-level jobs is based on industry employment from the zip code level. Entry level job industries included: Forestry, fishing, hunting, and agriculture, Mining, Construction, Manufacturing, Wholesale trade, Retail trade, Transportation & warehousing, Admin support, waste mgt, remediation services, Accommodation & food services and Other services (except public administration). An estimate of entry level employment for each sector was calculated based on the median of the employment range given by the Census Bureau. Final figures were calculated by analyzing the number of estimated jobs in 2005 within 5 miles of the center of each Census Tract. Zip code business patterns data contains information for all business establishments with one or more paid employees. This data does not include the self-employed, domestic service, railroad, agricultural production workers, and most government workers.
3. Ratio of Entry Level and Low Skill Employment Opportunities per 1,000 Residents: Calculated by assessing the number of estimated entry level and low skill jobs (discussed in #2 above) per 1,000 residents living within 5 miles of the center of each Census Tracts. Population figures were calculated from Census 2000, Census Tract data for population (STF3 data).
4. Proximity (within a ½ mile) of Public Transit Lines: Analyzed by calculating the proportion of each Census Tract (in area) within 0.5 miles of a public transit line. Measured with public transit GIS data acquired from the Baltimore Regional Council.
5. Median Commute to Work Time: Median commute time for workers traveling to work from each Census Tract. Measured with U.S. Census Bureau Decennial Census data. Date Source: Census 2000, STF3 Dataset at the Census Tract level.

### **Indicators of Educational Opportunity:**

**Note: All data was collected and analyzed for elementary school only, the larger number of elementary schools (and smaller catchment areas) enabled a more precise geographic**



**analysis of opportunity than high schools or middle schools which have larger catchment areas.**

1. Proportion of Students Eligible for Free and Reduced Lunch: Data represents the percentage of students eligible for free and reduce lunch in 2004, this is the most common indicator traditionally used to identify student poverty. Data acquired from the State of Maryland, Department of Education for 2004.
2. Proportion of Classes Not Taught by Highly Qualified Teachers: Data represents the proportion of classes taught by “not highly qualified” teachers, as defined by the Federal No Child Left Behind Act. Data acquired from the State of Maryland, Department of Education for 2004. “Highly Qualified Teachers” defined by the Federal No Child Left Behind Act. General qualifications for “highly qualified teachers” include: earning a bachelor’s degree from an accredited institution of higher education and having a valid standard professional certificate of advanced professional certificate or resident teacher certificate in the subject area they are teaching. Additional requirements are expected dependent grade level taught, these requirements can be found at: [http://www.marylandpublicschools.org/MSDE/programs/esea/docs/TQ\\_Regulations/general\\_definition.htm](http://www.marylandpublicschools.org/MSDE/programs/esea/docs/TQ_Regulations/general_definition.htm)
3. Proportion of Elementary Students Proficient in Reading: Data represents the proportion of students proficient or advanced in 3<sup>rd</sup> and 5<sup>th</sup> grade reading tests. Data acquired from the State of Maryland, Department of Education for 2004.
4. Proportion of Elementary Students Proficient in Math: Data represents the proportion of students proficient or advanced in 3<sup>rd</sup> and 5<sup>th</sup> grade math tests. Data acquired from the State of Maryland, Department of Education for 2004.

**Indicators of Neighborhood Health:**

1. Rate of Population Change 1990 to 2000: Proportional change in population from 1990 to 2000. Measured with U.S. Census Bureau Decennial Census data for 1990 and 2000. Data Source: 1990 and 2000 Census Tract population data (1990 data adjusted to 2000 Census Tract boundaries). Neighborhood change data was from the Geolytics Neighborhood Change Database software. Due to limitations with this data, 100% count population data was utilized instead of sample population counts.
2. Neighborhood Poverty Rates in 2000: Proportion of the population meeting Census Bureau poverty criteria in 2000. Measured with U.S. Census Bureau Decennial Census data. Date Source: Census 2000, STF3 Dataset at the Census Tract level. Persons in poverty determined by the U.S. Census Bureau.
3. Median Owner Occupied Home Values in 2000: Measured with U.S. Census Bureau Decennial Census data. Data Source: 2000 Census Tract data on median owner occupied home values.
4. Property Vacancy Rates: Measured with U.S. Census Bureau Decennial Census data. Calculated by dividing the number of vacant properties defined as “other”, (thus not for sale or rent, or for seasonal use) by the total number of housing units (utilizing the 1990 vacant “other” definition. Data Source: Census 2000, STF3 Dataset at the Census Tract level. Data was extracted from the Geolytics Neighborhood Change Database software.



5. Estimated Crime Index 2000: Calculated with Block Group crime index data produced by AGS demographic for 2000. Original data extracted from the ESRI Business Analyst software. The Crime Index data is an estimate produced by AGS demographic based on multiple years of local crime data (from the 1990's) and more recent macro level (state and jurisdictional) crime data. A summary of the methodology utilized to create this index can be found online at:  
[http://www.appliedgeographic.com/AGS\\_Methodology\\_2004.pdf](http://www.appliedgeographic.com/AGS_Methodology_2004.pdf)

## **Appendix B: Notes on Geographic Information Systems techniques and statistical methods.**

### **Calculating the Opportunity Index:**

The various opportunity indicators were analyzed relative to the other Census Tracts within the region by standardizing through the use of z scores. A z score is a statistical measure that quantifies the distance (measured in standard deviations) a data point is from the mean of a data set. The use of z scores allows data for a census tract to be measured based on their relative distance from the average for the entire region. The final “opportunity index” for each Census Tract is based on the average z score for all indicators by category. The corresponding level of opportunity (very low, low, moderate, high, very high) is determined by sorting all census tracts into quintiles based on their opportunity index scores. Thus, the census tracts identified as “very high” opportunity represent the top 20% of scores among census tracts. Conversely, census tracts identified as “very low” opportunity represent the lowest scoring 20% of census tracts.

Z scores are helpful in the interpretation of raw score performance, since they take into account both the mean of the distribution and the amount of variability, the standard deviation. The z score indicates how far the raw score is from the mean, either above it or below in in standard deviation units. A positive z score is always above the median (upper 50%). A negative z score is always below the median (lower 50%) and a z score of zero is always exactly on the median or equal to 50% of the cases. Thus, when trying to understand the overall comparative performance of different groups with respect to a certain variable, we can assess how a certain group (of individuals, tracts, etc) is performing with respect to the median performance for the certain variable.

No weighting was applied to the various indicators, all indicators were treated as equal in importance, please refer to the discussion in Section 1B for more information on this issue.

### **Notes on Geographic Information Systems (GIS) Techniques:**

1. Due to geographical inconsistencies with the various sources of data, specific geographic information systems techniques were applied to analyze the data at the census tract level. An “area aggregation” or “area weighting” was used to redistribute data for conflicting boundary files. This analysis was done using the “Two Themes” Arcview analysis extension. This is a very traditional approach to transforming geographic attribute data. This technique aggregates data based on the proportional area shared by overlapping polygons. This technique was used in all analysis of zip code employment data.
2. GIS boundary files were gathered from the following sources: U.S. Census Bureau, Maryland State Data Center and the Baltimore Regional Council. All maps and GIS analysis were produced in the following projection: Maryland State Plane 1983.
3. Educational opportunity scores were calculated by analyzing the characteristics of elementary schools only. School indicator data was gathered for individual school “catchment” areas for elementary schools within the region. This catchment area data was then transferred to the corresponding census tracts within each catchment area for analysis. For areas with no (or missing) elementary catchment data, district wide averages (for all schools) for each indicator were used.

4. When calculating final z scores for the neighborhood health indicators, census tracts with missing data were given z scores of 0 (analyzed as being equivalent to the mean for the region).
5. A small number of zip codes in the Census Business Patterns database contain only employment ranges for confidentiality purposes. For these zip codes the median value of the employment range was used to estimate the number of employees in that zip code.
6. The comprehensive opportunity index score represents the average score of the three subcategories (economic opportunity and mobility, educational opportunity and neighborhood health) for each census tract. Thus, the impact from the difference in the number of indicators in each sub-category (education only has 4 indicators instead of 5 indicators in the other categories) is eliminated in the comprehensive analysis.

## Appendix C: Curriculum Vitae of john a. powell

### *john a. powell*

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#### ***EDUCATION***

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UNIVERSITY OF MINNESOTA, *Post-Graduate Human Rights Fellow*, 1978-1980

UNIVERSITY OF CALIFORNIA/BERKELEY (BOALT HALL), *Juris Doctor*, 1973

STANFORD UNIVERSITY, *Bachelor of Arts in Psychology, Philosophy Minor*, 1969

#### ***EMPLOYMENT***

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*Professor of Law*, OHIO STATE UNIVERSITY, MORITZ COLLEGE OF LAW 2003-present

*Gregory H. Williams Chair in Civil Rights and Civil liberties*, Ohio State University,  
2003-Present

*Executive Director*, THE KIRWAN INSTITUTE FOR THE STUDY OF RACE & ETHNICITY, OHIO  
STATE UNIVERSITY, 2003-present

*Professor of Law*, UNIVERSITY OF MINNESOTA LAW SCHOOL, 1993-2003

*Adjunct Professor of Law*, HUBERT H. HUMPHREY INSTITUTE, UNIVERSITY OF MINNESOTA,  
1993-2003

*EARL R. LARSON CHAIR IN CIVIL RIGHTS AND CIVIL LIBERTIES LAW*, UNIVERSITY OF MINNESOTA  
LAW SCHOOL, 2001-2003

*Marvin J. Sonosky Chair of Law and Public Policy*, UNIVERSITY OF MINNESOTA LAW  
SCHOOL, 1999-2000

*Julius E. Davis Professor*, UNIVERSITY OF MINNESOTA LAW SCHOOL, 1997-1998

*Executive Director*, THE INSTITUTE ON RACE & POVERTY, UNIVERSITY OF MINNESOTA LAW  
SCHOOL, 1993-2003

*Graduate Professor in American Studies*, UNIVERSITY OF MINNESOTA, 2001-2003

*Adjunct Professor*, AMERICAN UNIVERSITY, 1999

*Adjunct Professor of American Studies*, COLLEGE OF LIBERAL ARTS, UNIVERSITY OF  
MINNESOTA, 1997

*Consultant*, FORD FOUNDATION AFRICA PROGRAM, Spring 1994

*Consultant*, INTERNATIONAL ORGANIZATION OF CONSUMERS UNION, 1993-1994

*Wasserstein Public Interest Fellow*, HARVARD UNIVERSITY LAW SCHOOL, Spring 1993

*Adjunct Professor of Law*, COLUMBIA UNIVERSITY SCHOOL OF LAW, 1990-1993

*National Legal Director*, AMERICAN CIVIL LIBERTIES UNION, 1987-1993

*Professor*, UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW, 1984-1987

*Mediation Trainer*, CONCILIATION FORUM OF OAKLAND, 1985-1987

*Director*, THE LEADERSHIP PROJECT/NLADA, 1983-1985

*Adjunct Professor of Law*, UNIVERSITY OF MIAMI LAW SCHOOL, 1981-1983

*Executive Director*, LEGAL SERVICES OF GREATER MIAMI, 1981-1983

*Staff Attorney/Litigation Resource*, EVERGREEN LEGAL SERVICES, 1979-1981

*Instructor*, SOUTHERN INDIA, 1978-1979

*Consultant*, GOVERNMENT OF MOZAMBIQUE, 1978

*Fellow*, INTERNATIONAL HUMAN RIGHTS POST-GRADUATE FELLOWSHIP PROGRAM,  
UNIVERSITY OF MINNESOTA LAW SCHOOL, 1977-1978

*Mediator*, VARIOUS COMMUNITY GROUPS IN THE SEATTLE AREA, 1975-1977

PRIVATE PRACTICE, 1976-1977

*Staff Attorney*, SEATTLE PUBLIC DEFENDER, 1973-1976

*Law Clerk*, DNA/PEOPLES (LEGAL SERVICES), 1972

### **OTHER PROFESSIONAL ACTIVITIES**

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MEMBER/AFFILIATIONS: National Bar Association, National Conference of Black Lawyers, National Legal Aid and Defender Association, National Housing Law Center Association, Washington State Bar Association, Congressional Black Caucus Foundation, TIDES Foundation Board, Poverty & Race Research Action Council (PRRAC), National Economic Development and Law Center, Transatlantic Human Rights Group, National Urban League, Smart Growth America, Center for Social Inclusion Advisory Board, African American Forum on Race & Regionalism, African American Leadership Academy

AWARDS: Recipient of the History Maker Award

**PERSONAL**

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Born: May 27, 1947

Background: Grew up in Detroit, Michigan as the sixth of nine children. Attended high school in Detroit at Southeastern. Played basketball and ran track in high school, and ran track in college.

Travel: Central and Northern Europe, Canada, Japan, Thailand, Brazil, Mexico and other parts of Central America, South Africa, Tanzania, Kenya, Mozambique, Zimbabwe, Zambia, the Seychelles, Botswana, Ethiopia, Malawi, India, New Zealand, Australia.

**PUBLICATIONS**

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**BOOKS**

*Structural Racism in a Diverse Society*, j.powell, Michael Omi and Manuel Pastor (forthcoming).

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**Appendix E: Tables****Table 1: Neighborhood Characteristics for the average White and African American person in the Baltimore MSA****Neighborhood Characteristics  
for the Average Person by Race**

	<b>Non-Hispanic White</b>		<b>Non-Hispanic Black</b>	
	<b>1990</b>	<b>2000</b>	<b>1990</b>	<b>2000</b>
<b>INDICATORS OF INCOME</b>				
Median HH Income	\$53,985	\$57,889	\$34,882	\$37,549
Per Capita Income	\$23,871	\$27,008	\$15,596	\$18,162
% Below Poverty	6.6	6.8	20.8	18.8
<b>INDICATORS OF HUMAN CAPITAL</b>				
% College Educated	25.7	32.3	15.5	20
% Professional	37.9	41.2	27.3	30.9
% Unemployed	3.7	3.7	10	10.1
<b>INDICATORS OF HOUSING</b>				
% Vacant Housing	5.3	5	8.2	10.7
% Homeowners	69.3	72.7	46.5	52.8

Source: Table directly adapted from "Separate but Unequal" database from the Mumford Center at: <http://mumford.albany.edu/census/SepUneq/PublicSeparateUnequal.htm>  
 Note: Data represents the neighborhood conditions for the average neighborhood by race.  
 Calculations performed by the Mumford Center.

**Table 2: Population by Race by  
Opportunity Area in the Baltimore Region in 2000**

<b>Number of People by Opportunity Area 2000</b>	<b>Total Population</b>	<b>White Population</b>	<b>African American Population</b>
Very Low Opportunity	365,383	56,352	296,633
Low Opportunity	460,346	232,819	204,425
Moderate Opportunity	508,852	416,234	68,401
High Opportunity	594,452	510,440	53,822
Very High Opportunity	583,398	467,608	67,957
<b>Percentage of Persons by Race by Opportunity Area 2000</b>	<b>White Population</b>	<b>African American Population</b>	
Very Low Opportunity	15.4%	81.2%	
Low Opportunity	50.6%	44.4%	
Moderate Opportunity	81.8%	13.4%	
High Opportunity	85.9%	9.1%	
Very High Opportunity	80.2%	11.6%	
<b>Percentage Region's Population by Race by Opportunity Area in 2000</b>	<b>Total Population</b>	<b>White Population</b>	<b>African American Population</b>
Very Low Opportunity	14.5%	3.4%	42.7%
Low Opportunity	18.3%	14.9%	29.7%
Moderate Opportunity	20.3%	24.4%	9.4%
High Opportunity	23.7%	30.4%	7.5%
Very High Opportunity	23.2%	26.9%	10.7%
Source: Opportunity Analysis and Census 2000 STF3 Tract Data			



**Table 3: Population by Race and Income/Poverty by Opportunity Area in the Baltimore Region in 2000**

Percent of Regions Households by Income & Race by Opportunity Area 2000	Low Income Whites	Low Income African Am.	Middle Inc Whites	Middle Inc African Am.	Hi Income Whites	Hi Income African Am.
Very Low Opportunity	8.8%	57.5%	3.9%	37.6%	1.7%	24.6%
Low Opportunity	23.8%	26.2%	17.0%	34.3%	9.6%	31.0%
Moderate Opportunity	26.4%	6.8%	27.2%	10.8%	21.6%	14.2%
High Opportunity	24.2%	4.9%	28.4%	7.7%	32.6%	12.7%
Very High Opportunity	16.8%	4.6%	23.6%	9.6%	34.6%	17.4%
<p>Low Income households earn less than \$30K, Middle Income households earn \$30K to \$60K, and High Income households earn more than \$60K. This methodology was adopted from the Lewis C. Mumford Center's research on the dynamics residential segregation by race and income, delineating (poor, middle income and affluent households). For more information visit the Mumford Center's website at: <a href="http://mumford.albany.edu/census/segregation/home.htm">http://mumford.albany.edu/census/segregation/home.htm</a></p>						
Percent of Regions Persons in Poverty by Race and Opportunity Area 2000	Region's White Pop. In Poverty	Region's Af. Am. Pop. In Poverty				
Very Low Opportunity	12.6%	65.8%				
Low Opportunity	25.8%	20.4%				
Moderate Opportunity	24.5%	5.8%				
High Opportunity	21.7%	3.6%				
Very High Opportunity	15.5%	4.4%				
Sources of Data: Opportunity Analysis and U.S. Census Bureau, 2000 Census Tract Data						

**Table 4: Rental Housing Characteristics by Opportunity Area in the Baltimore Region in 2000**

Rental Housing Characteristics by Opportunity Area in 2000	Rental Units Gross Rent Less than \$650	Rental Units Gross Rent More than \$650	% of Rental Units with Rents Less than \$650	% of Rental Units with Rents More than \$650	% of Region's Rentals with Rents < \$650	% of Region's Rentals with Rents > \$650
Very Low Opportunity	71,376	4,025	94.8%	5.3%	34.0%	4.2%
Low Opportunity	60,031	14,851	81.4%	20.1%	28.6%	15.6%
Moderate Opportunity	35,610	14,587	75.0%	30.7%	17.0%	15.4%
High Opportunity	25,924	25,627	46.2%	45.7%	12.3%	27.0%
Very High Opportunity	17,076	35,884	32.6%	68.6%	8.1%	37.8%
Sources of Data: Opportunity Analysis and U.S. Census Bureau, 2000 Census Tract Data						

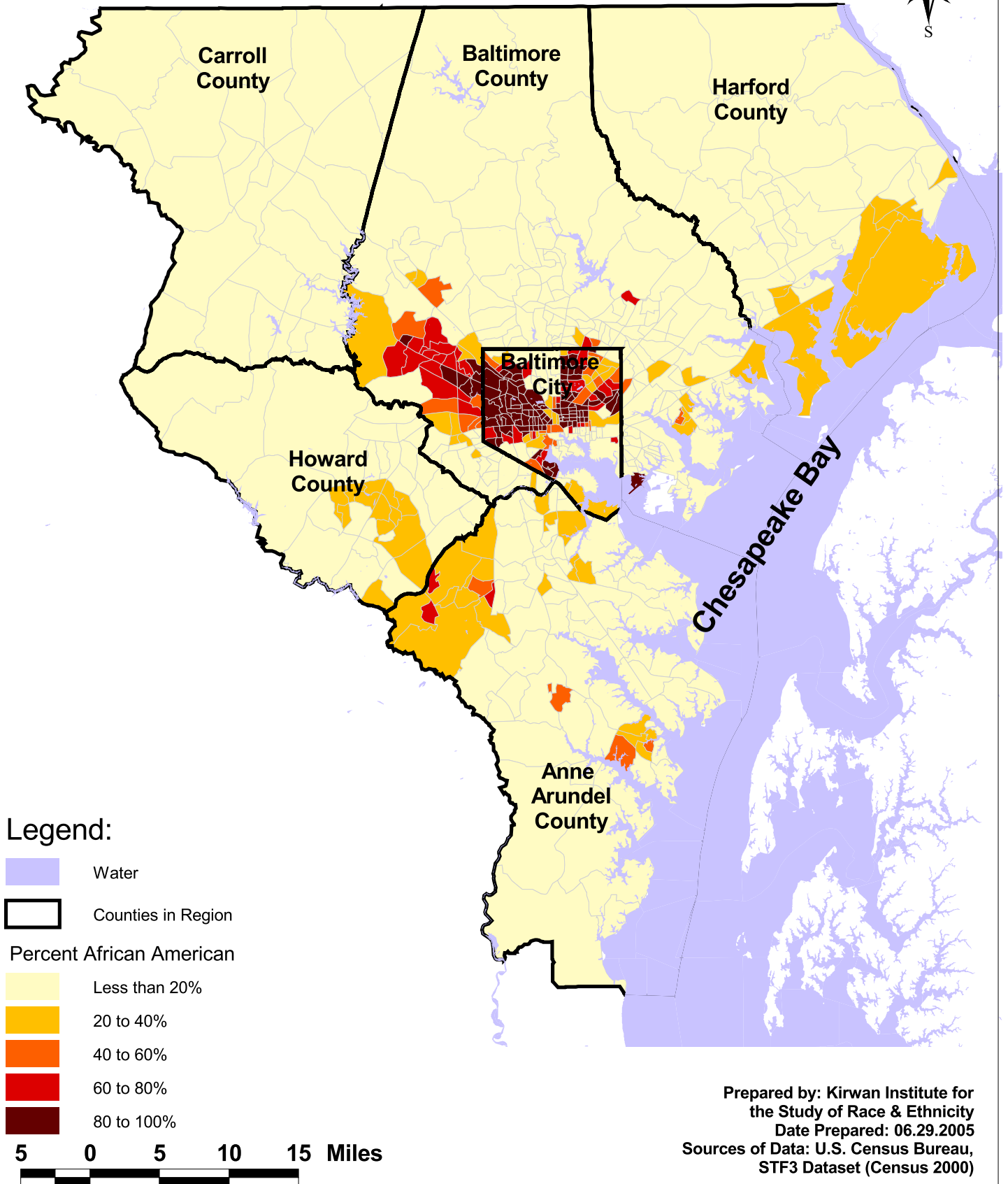
<b>Table 5: Section 8 Vouchers by Opportunity Area</b>			
<b>Number of Units by Opportunity Area</b>	<b>Section 8 Households</b>	<b>White Section 8 Households</b>	<b>African Amer. Section 8 HH's</b>
Very Low Opportunity	6,701	233	6,436
Low Opportunity	5,908	1,138	4,736
Moderate Opportunity	2,989	1,737	1,228
High Opportunity	2,173	1,193	947
Very High Opportunity	1,621	488	1,090
<b>Number of Units by Opportunity Area</b>	<b>Section 8 Households</b>	<b>White Section 8 Households</b>	<b>African Amer. Section 8 HH's</b>
Very Low Opportunity	34.6%	4.9%	44.6%
Low Opportunity	30.5%	23.8%	32.8%
Moderate Opportunity	15.4%	36.3%	7.8%
High Opportunity	11.2%	24.9%	7.3%
Very High Opportunity	8.4%	10.2%	7.7%
Source: Section 8 Voucher Data from HUD			

## **Appendix F: Maps**

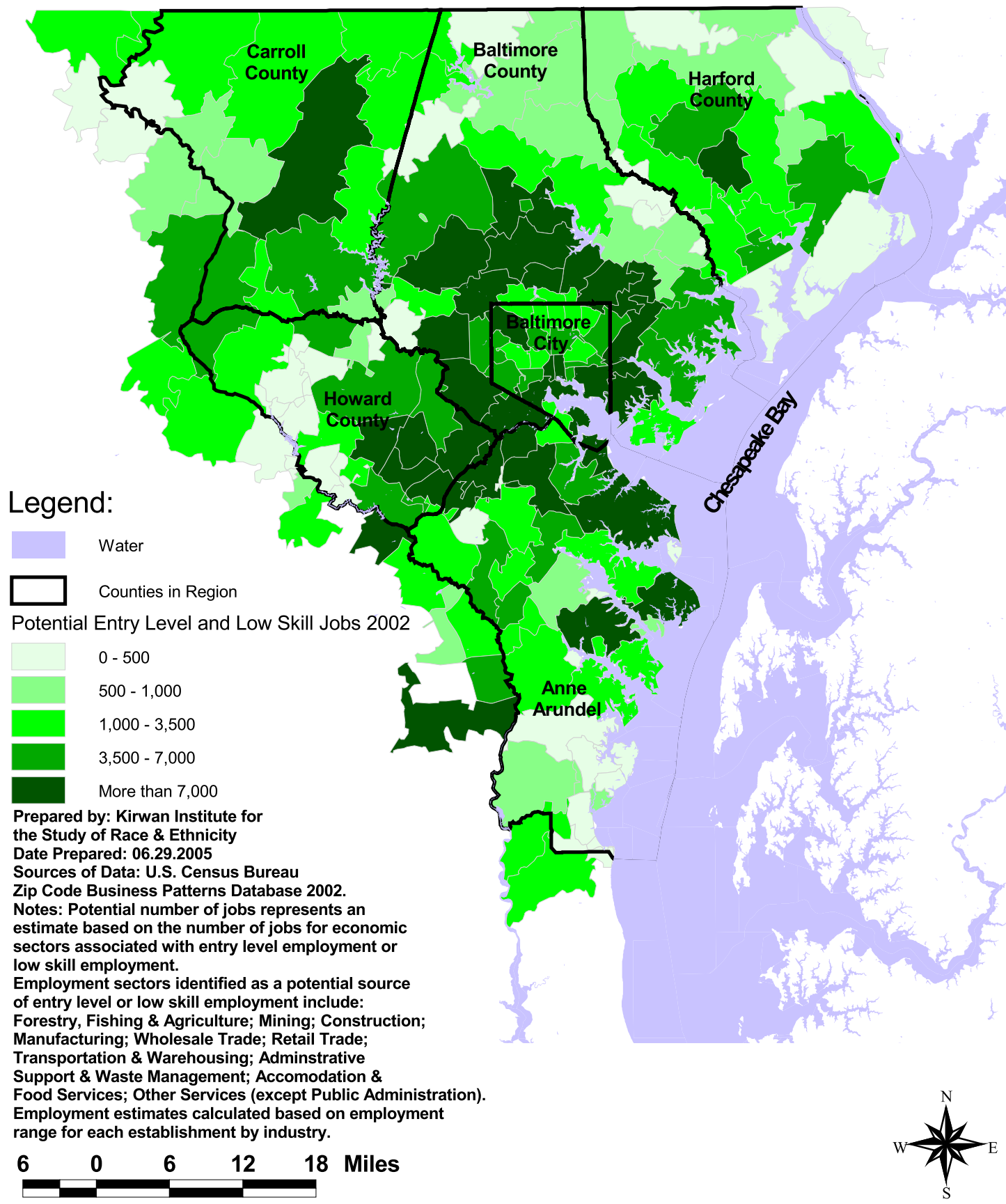
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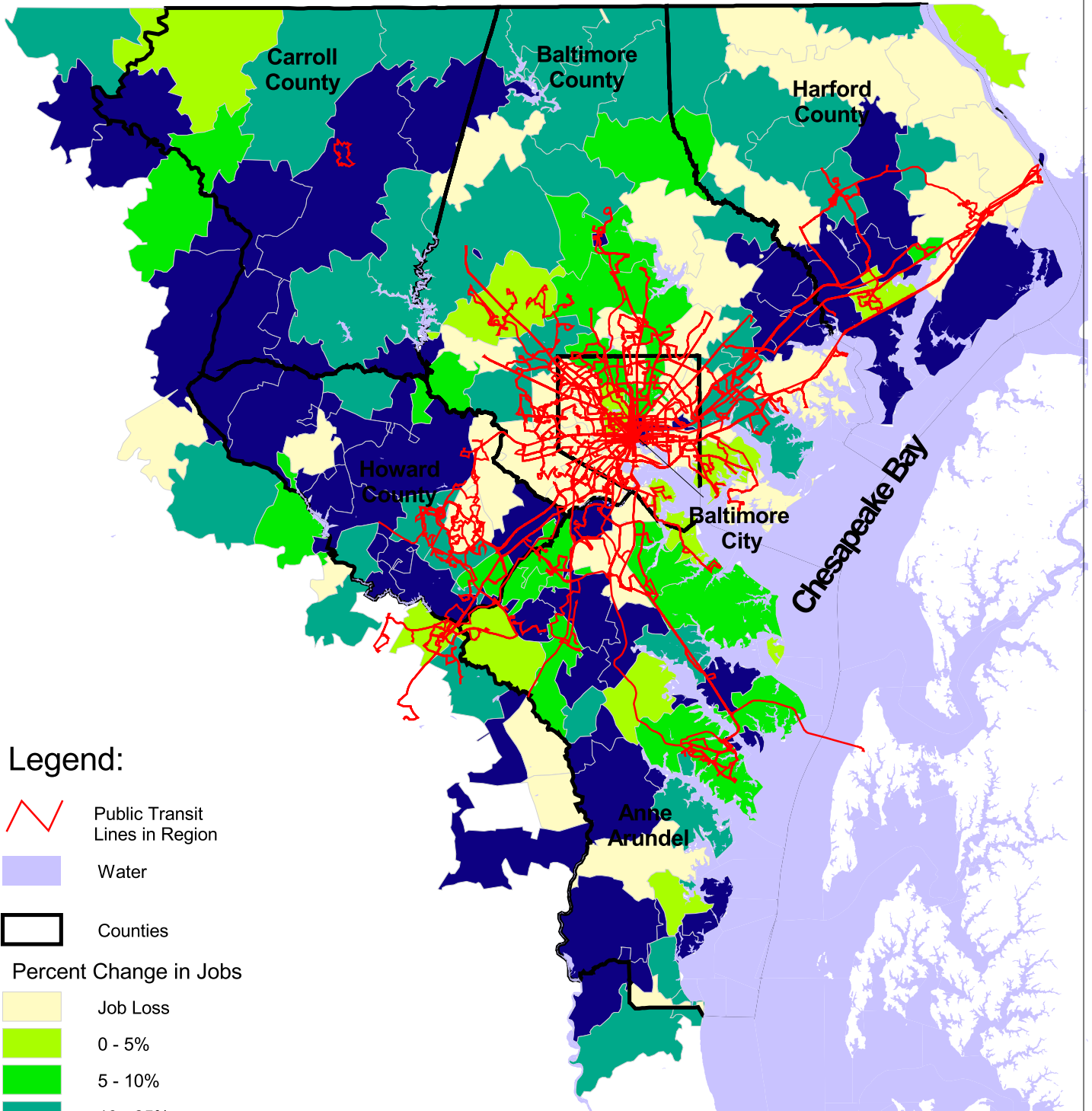
# Map 1: Concentration of African American Population in the Baltimore Metropolitan Region 2000 (Percent African American by Census Tract)



## Map 2: Estimated Entry Level and Low Skill Employment by Zip Code in 2002 for the Baltimore Region



### Map 3: Change in Jobs by Zip Code 1998 to 2002 and Public Transit Lines



#### Legend:

 Public Transit Lines in Region

 Water


 Counties

#### Percent Change in Jobs

 Job Loss

 0 - 5%

 5 - 10%

 10 - 25%

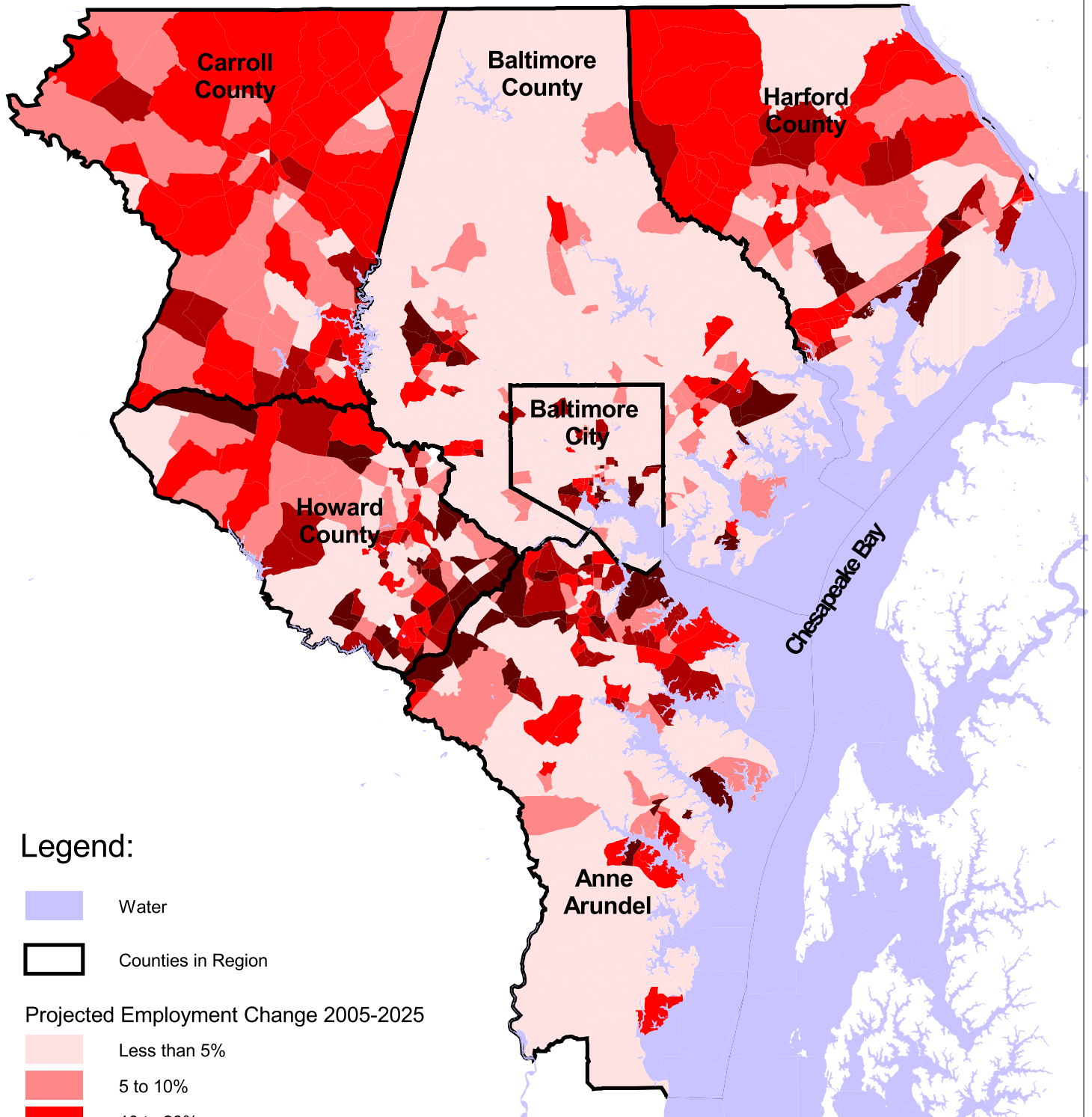
 More than 25%

5 0 5 10 15 Miles  




Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 02.10.2005  
Sources of Data: HUD and  
U.S. Census Bureau








## Map 4: Projected 20 Year Change in Jobs by Traffic Analysis Zone in the Baltimore Region (2005 to 2025)



### Legend:

-  Water
-  Counties in Region

### Projected Employment Change 2005-2025

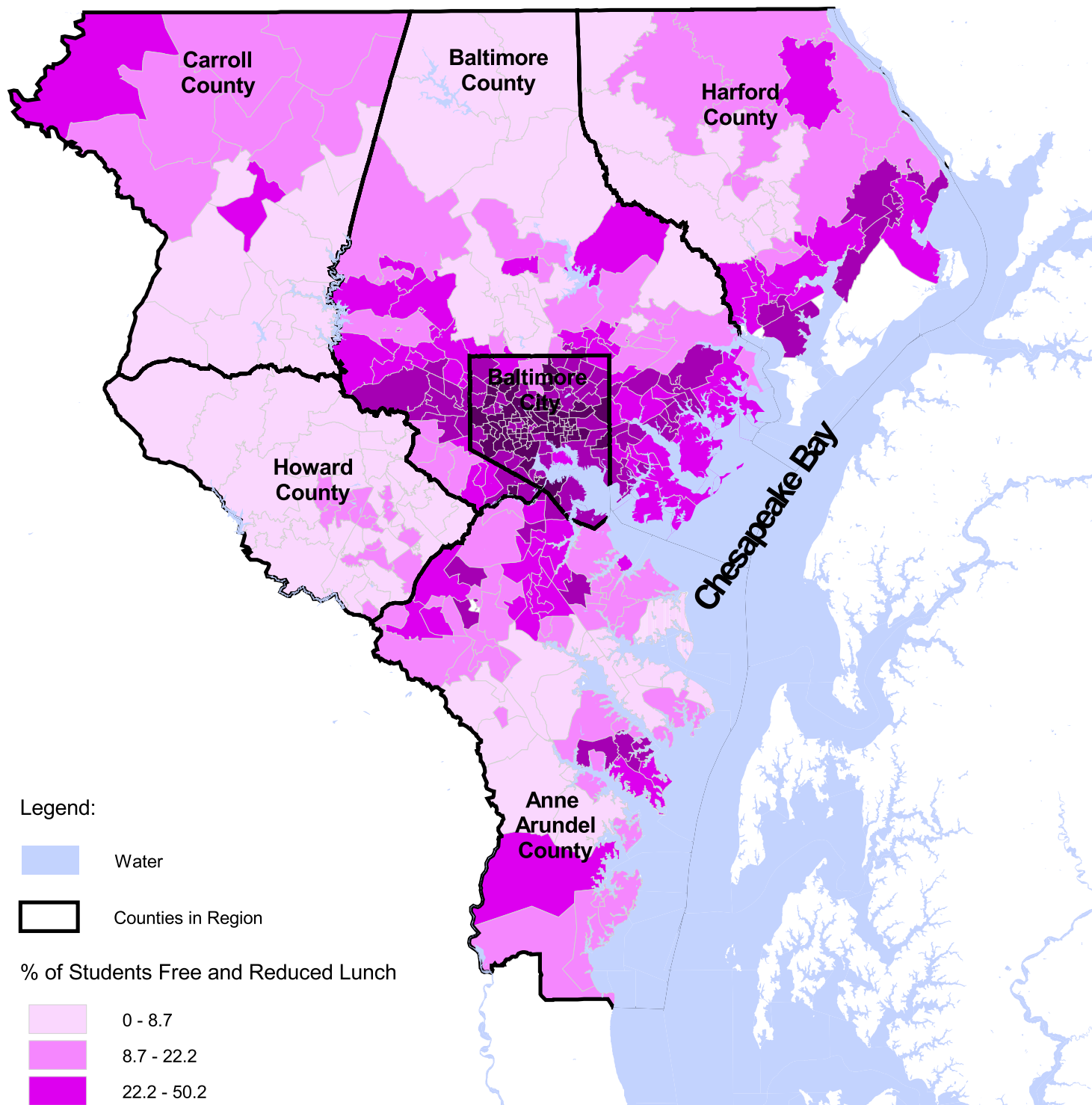
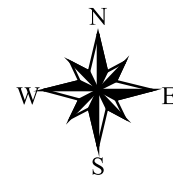
-  Less than 5%
-  5 to 10%
-  10 to 20%
-  20 to 50%
-  More than 50%

5 0 5 10 15 Miles



Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Sources of Data: Baltimore Regional  
Council and U.S. Census Bureau  
Notes: Number of jobs represents an  
estimate for each Traffic Analysis Zone (TAZ).

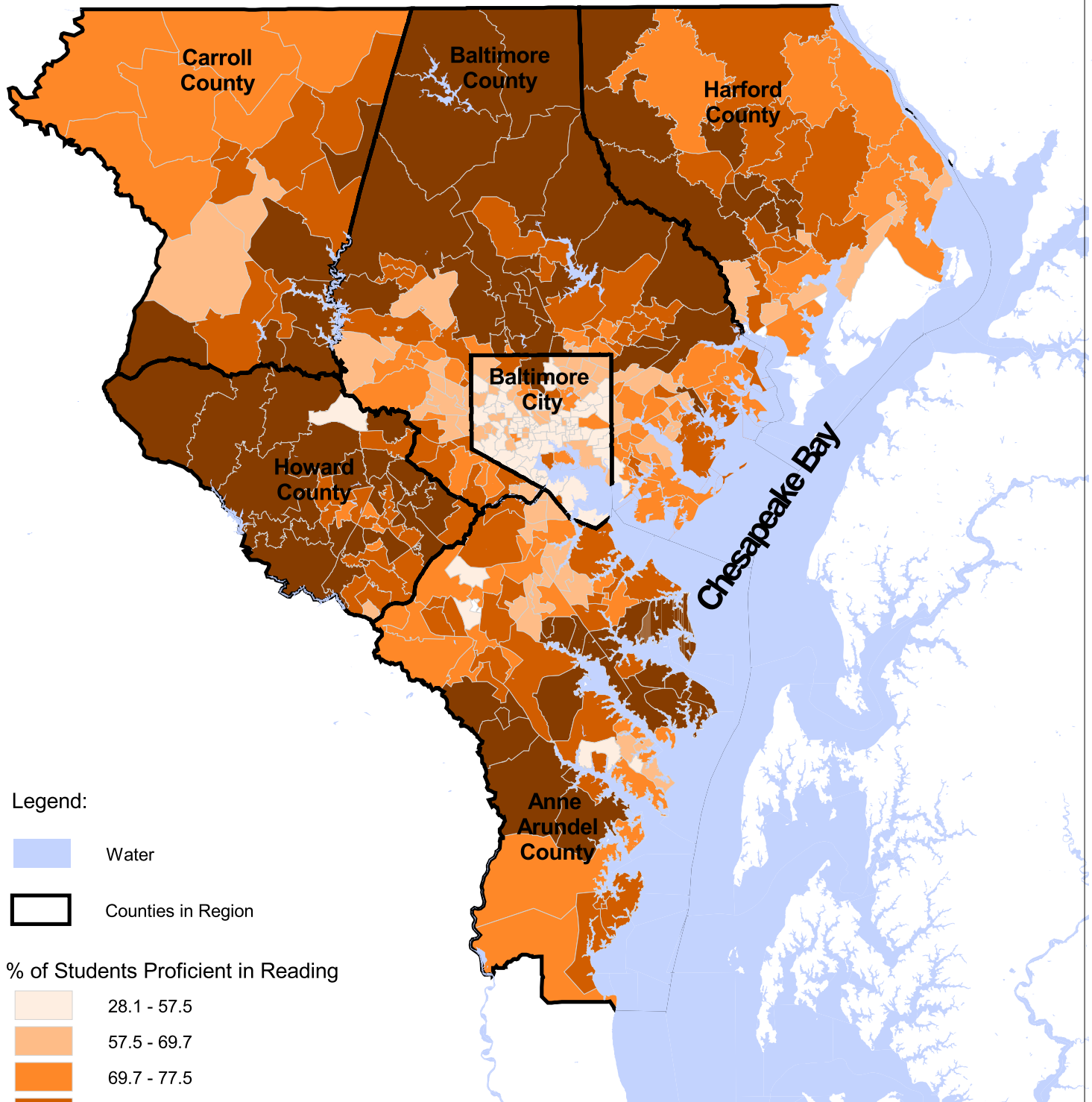
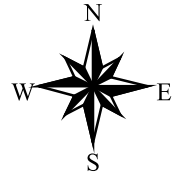
## Map 5: Percentage of Elementary Students Eligible for Free and Reduced Lunch 2004 (Students in Poverty)



Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Source of Data: State of Maryland Dept. of Education

Note: Boundaries represent, elementary school catchment areas (received from school districts). Data represents individual school data for each catchment area. Areas with missing data were given the corresponding data for the district average.

## Map 6: Percentage of Elementary Students Proficient in Reading 2004



### Legend:



Water



Counties in Region

### % of Students Proficient in Reading



28.1 - 57.5



57.5 - 69.7



69.7 - 77.5



77.5 - 86.5

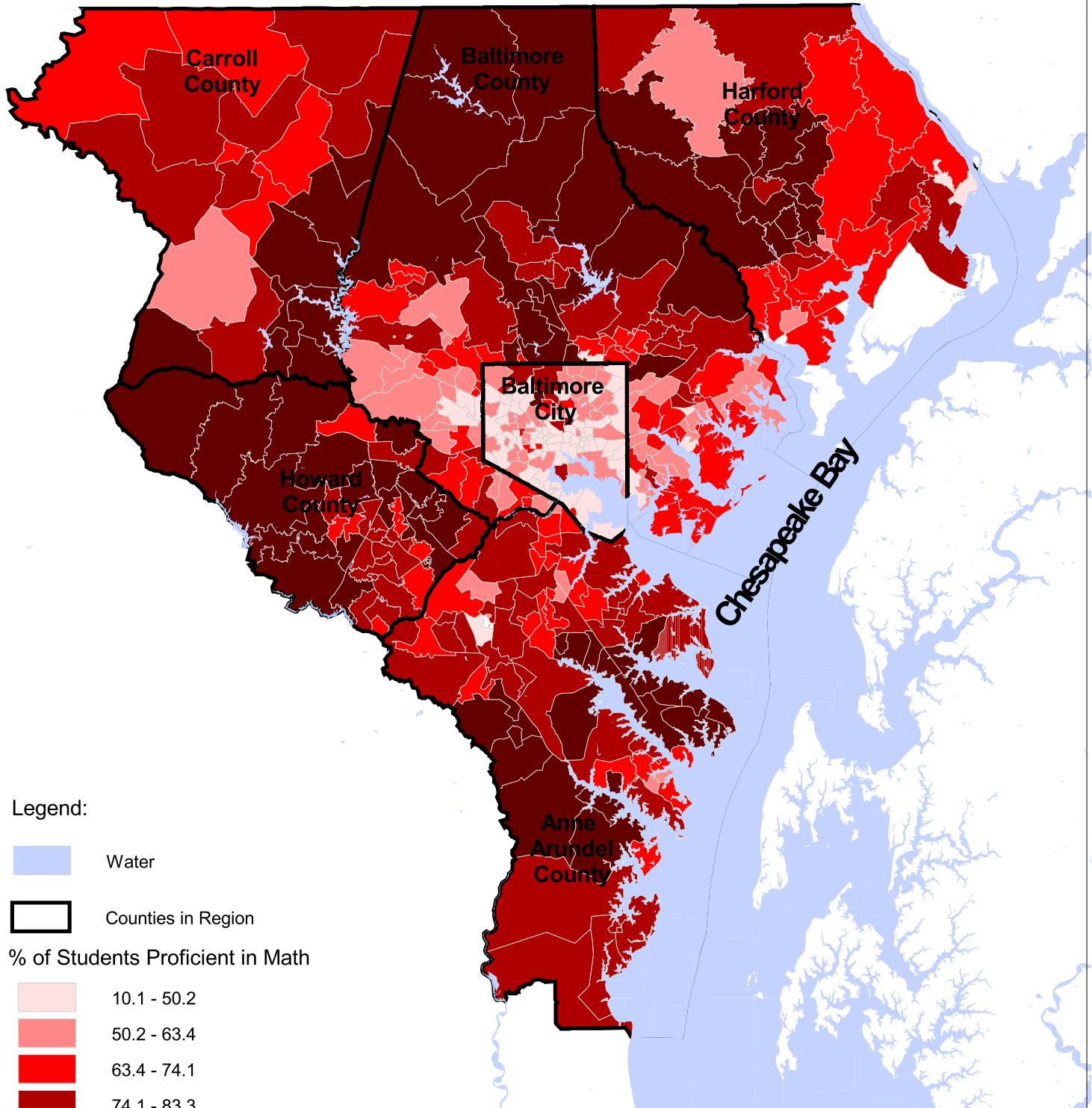
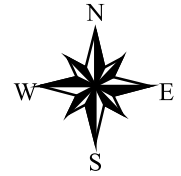


86.5 - 98.4

Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Source of Data: State of Maryland Dept. of Education

Note: Boundaries represent, elementary school catchment areas (received from school districts). Data represents individual school data for each catchment area. Areas with missing data were given the corresponding data for the district average.

## Map 7: Percentage of Elementary Students Proficient in Math 2004

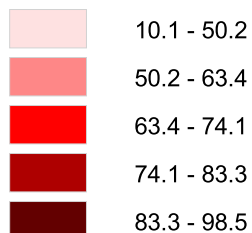


### Legend:

 Water

 Counties in Region

### % of Students Proficient in Math

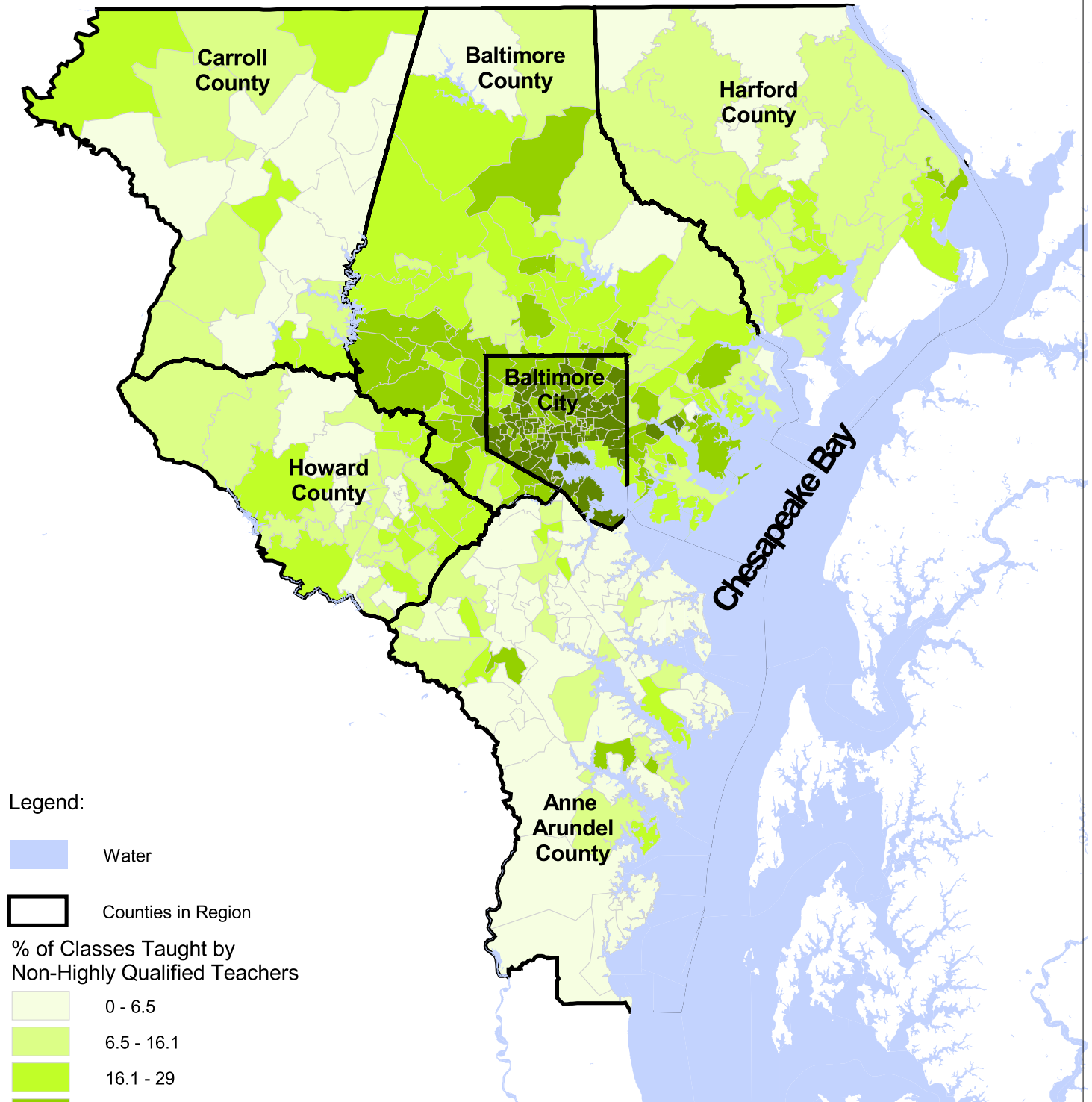
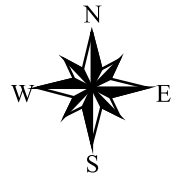


Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Source of Data: State of Maryland Dept. of Education

Note: Boundaries represent, elementary school catchment areas (received from school districts). Data represents individual school data for each catchment area. Areas with missing data were given the corresponding data for the district average.



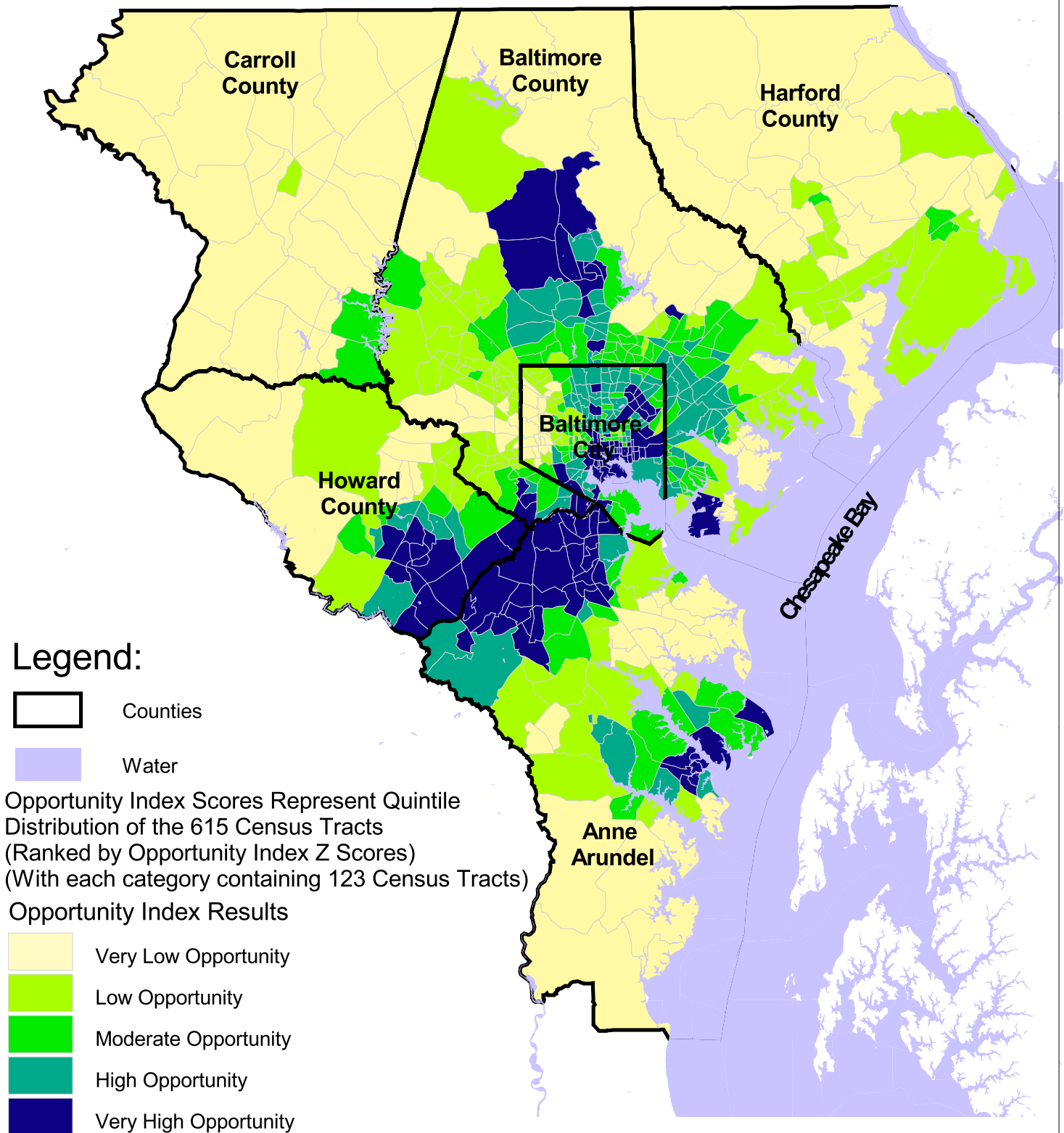
## Map 8: Percentage of Elementary Classes Taught by Non-Highly Qualified Teachers in 2004



Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 06.29.2005  
 Source of Data: State of Maryland Dept. of Education

Note: Boundaries represent, elementary school catchment areas (received from school districts). Data represents individual school data for each catchment area. Areas with missing data were given the corresponding data for the district average.

## Map 9: Economic Opportunity and Mobility Index for the Baltimore Region

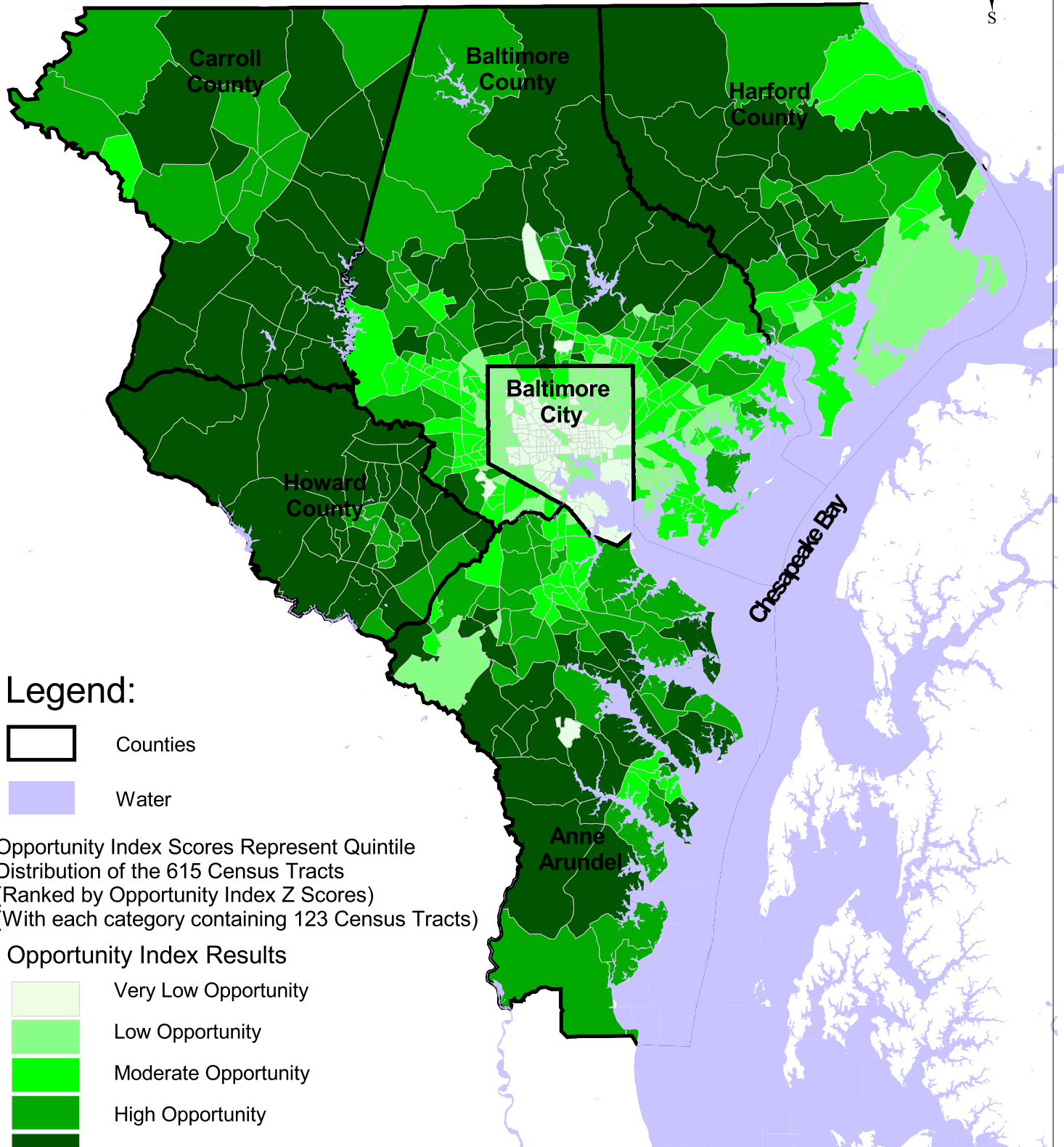


Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 06.29.2005  
 Sources of Data: Opportunity Analysis (See Maps 9-12 and Appendix A).

5 0 5 10 Miles



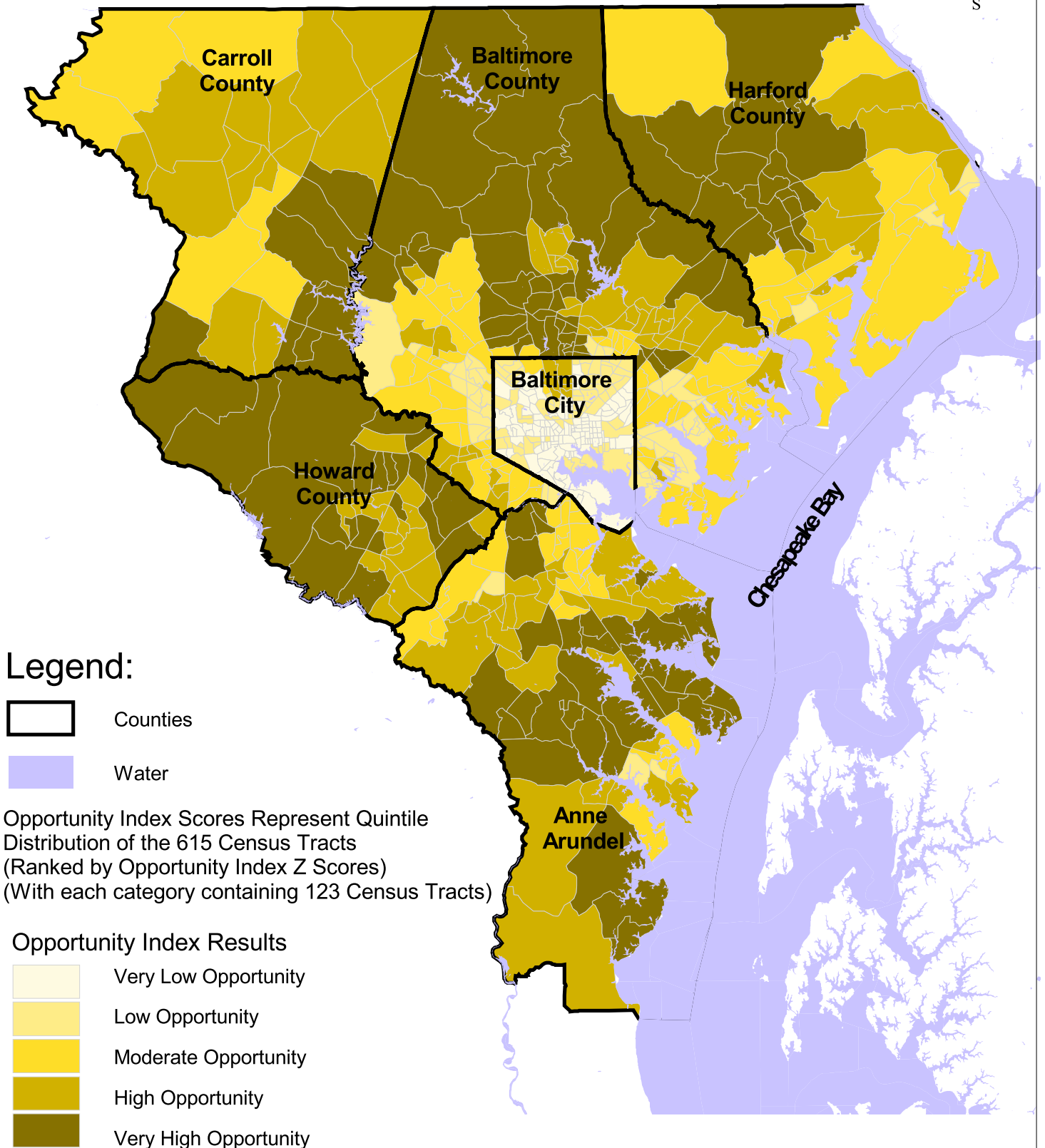
## Map 10: Neighborhood Health (Opportunity) Index for the Baltimore Region



Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Sources of Data: Opportunity  
Analysis (See Maps 9-12 and Appendix A).

5 0 5 10 Miles

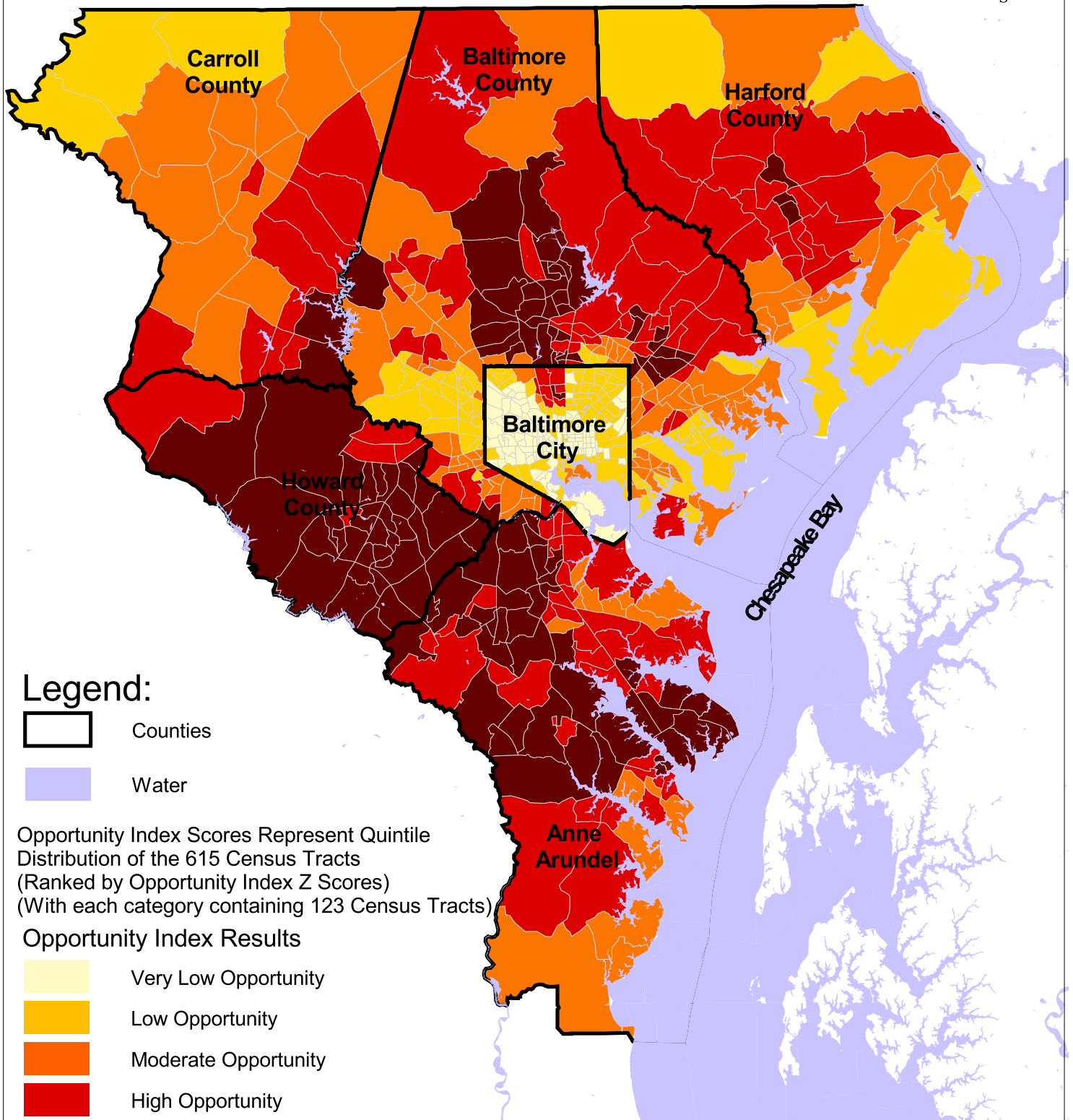
## Map 11: Educational Opportunity Index for the Baltimore Region



Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 06.29.2005  
 Sources of Data: Opportunity Analysis (See Maps 9-12 and Appendix A).

5 0 5 10 Miles

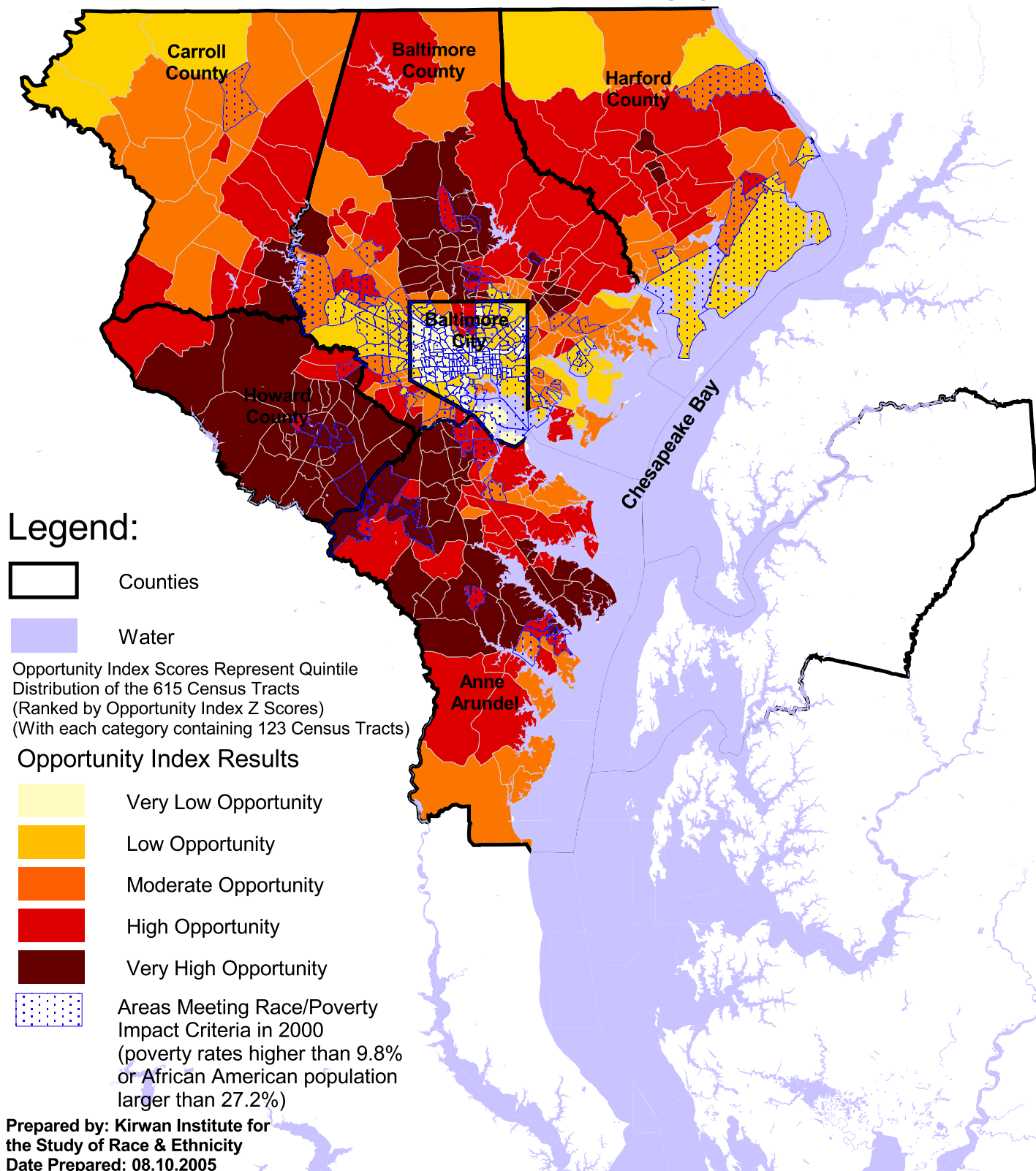
## Map 12: Comprehensive Opportunity Index for the Baltimore Region



Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 06.29.2005  
 Sources of Data: Opportunity Analysis (See Maps 9-12 and Appendix A).

5 0 5 10 Miles

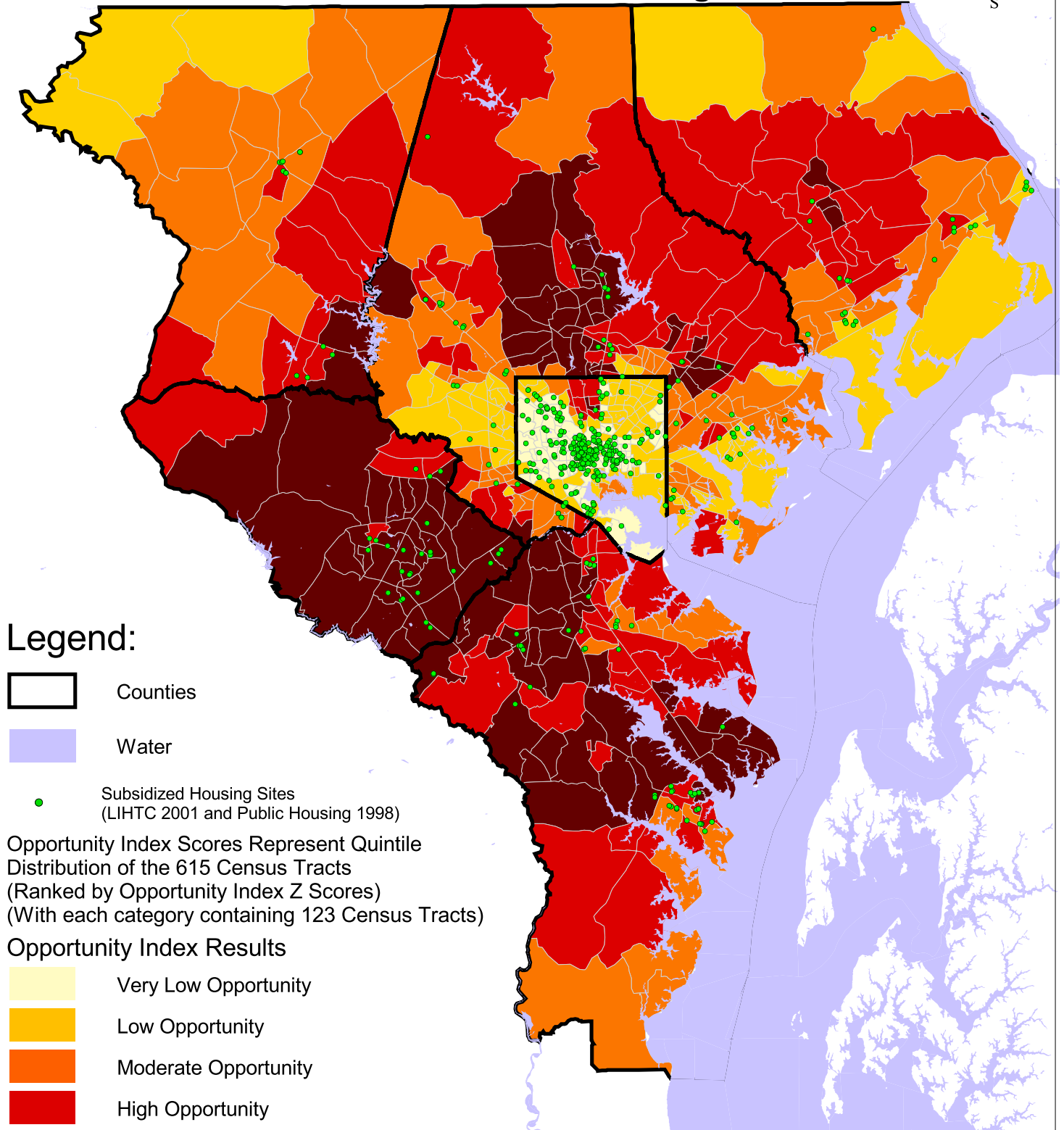
# Map 13: Census 2000 Tracts Meeting Race/Poverty Criteria for Impacted Areas overlaid with Opportunity Areas (Tracts w/ Race or Poverty Rates Higher than 2000 MSA Average)



Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 08.10.2005  
 Sources of Data: Census 2000, Opportunity Analysis (See Maps 9-12 and Appendix A).



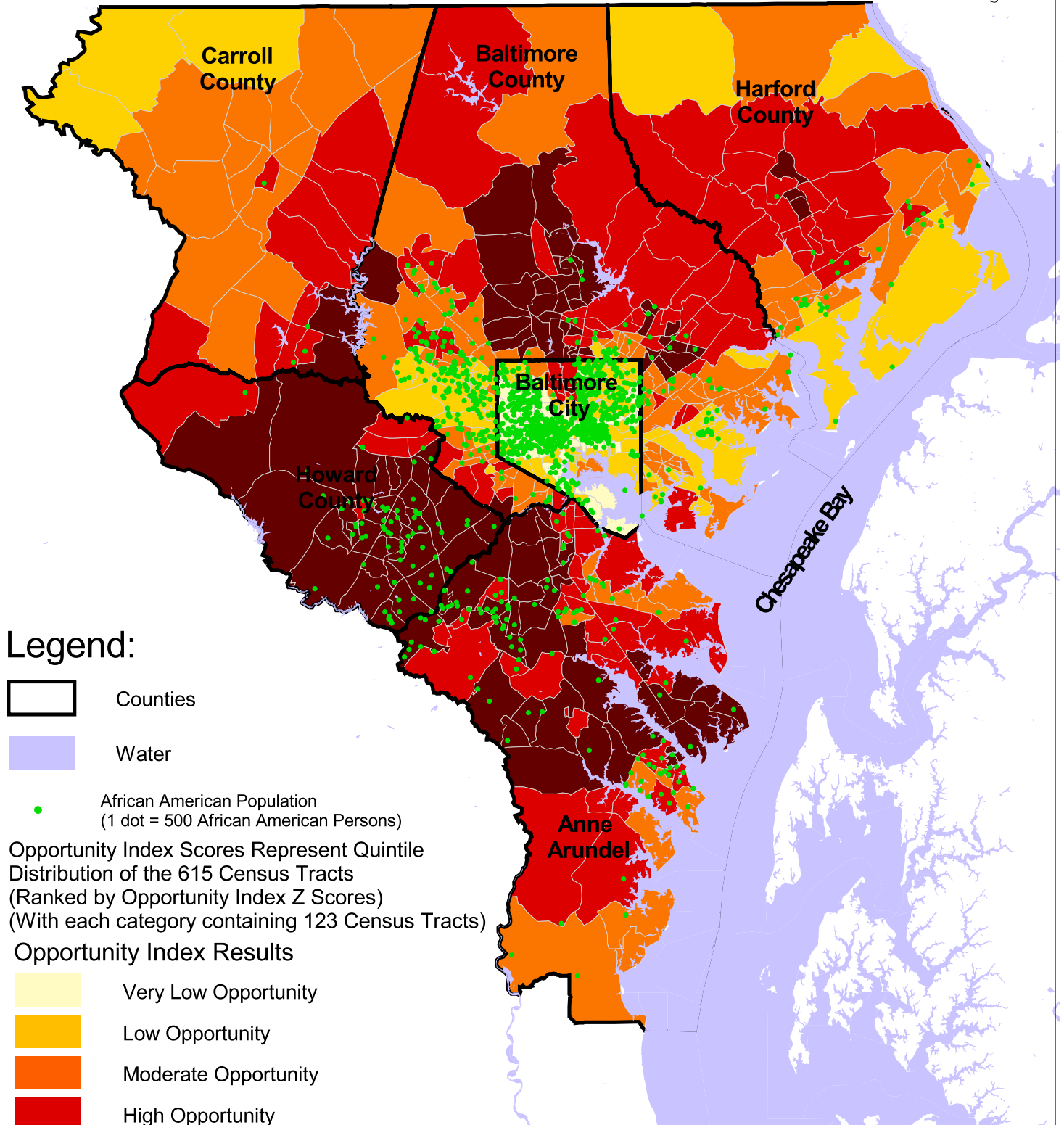
## Map 14: Comprehensive Opportunity Index for the Baltimore Region Overlaid with Subsidized Housing



Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 06.29.2005  
 Sources of Data: Opportunity Analysis (See Maps 9-12 and Appendix A).

5 0 5 10 Miles

# Map 15: Comprehensive Opportunity Index for the Baltimore Region Overlaid with African American Population in 2000

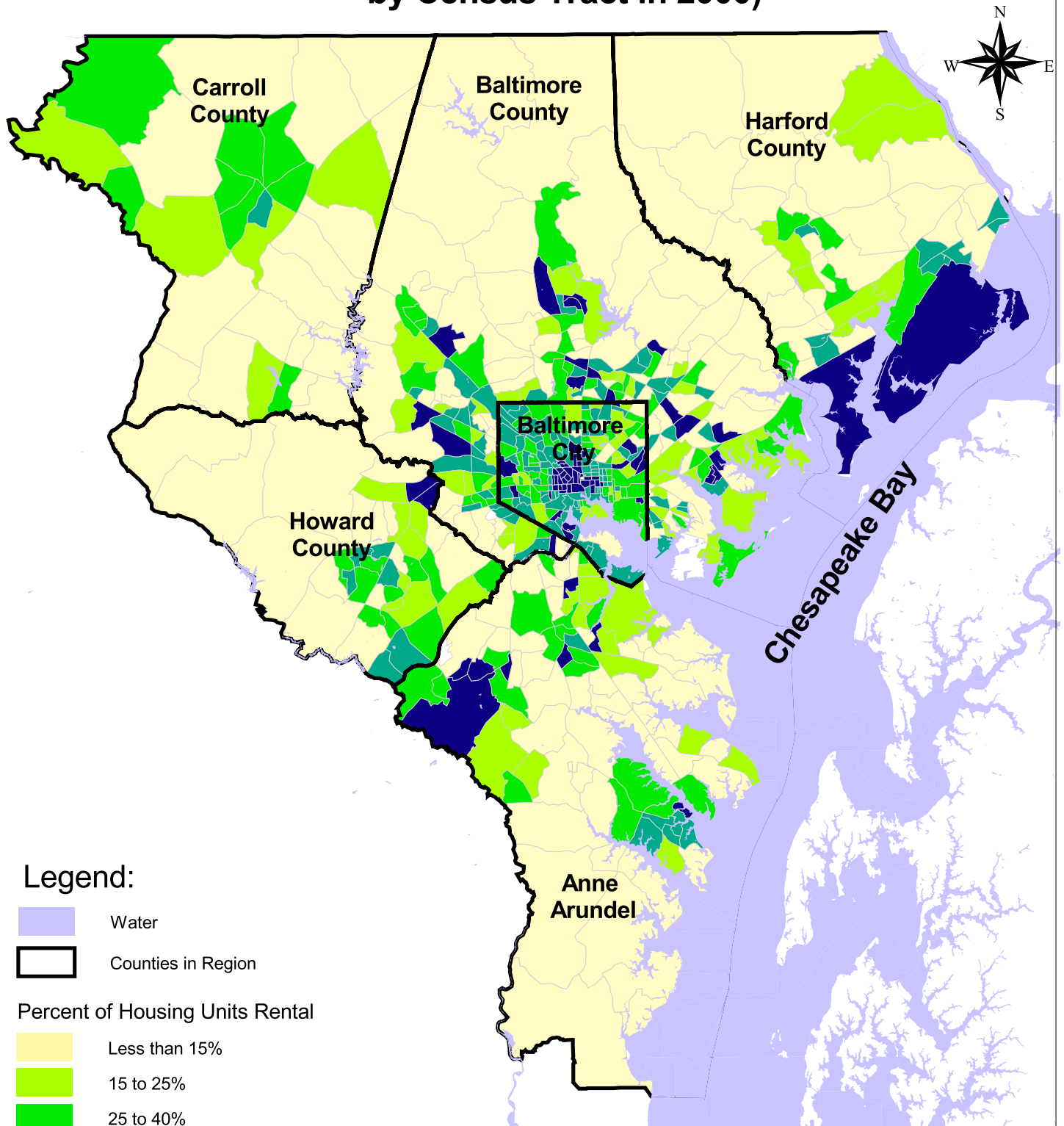


Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 06.29.2005  
 Sources of Data: Opportunity Analysis (See Maps 9-12 and Appendix A).

5 0 5 10 Miles



## Map 16: Distribution of Rental Housing (Percent of Housing Stock Rental by Census Tract in 2000)



### Legend:

- Water
- Counties in Region

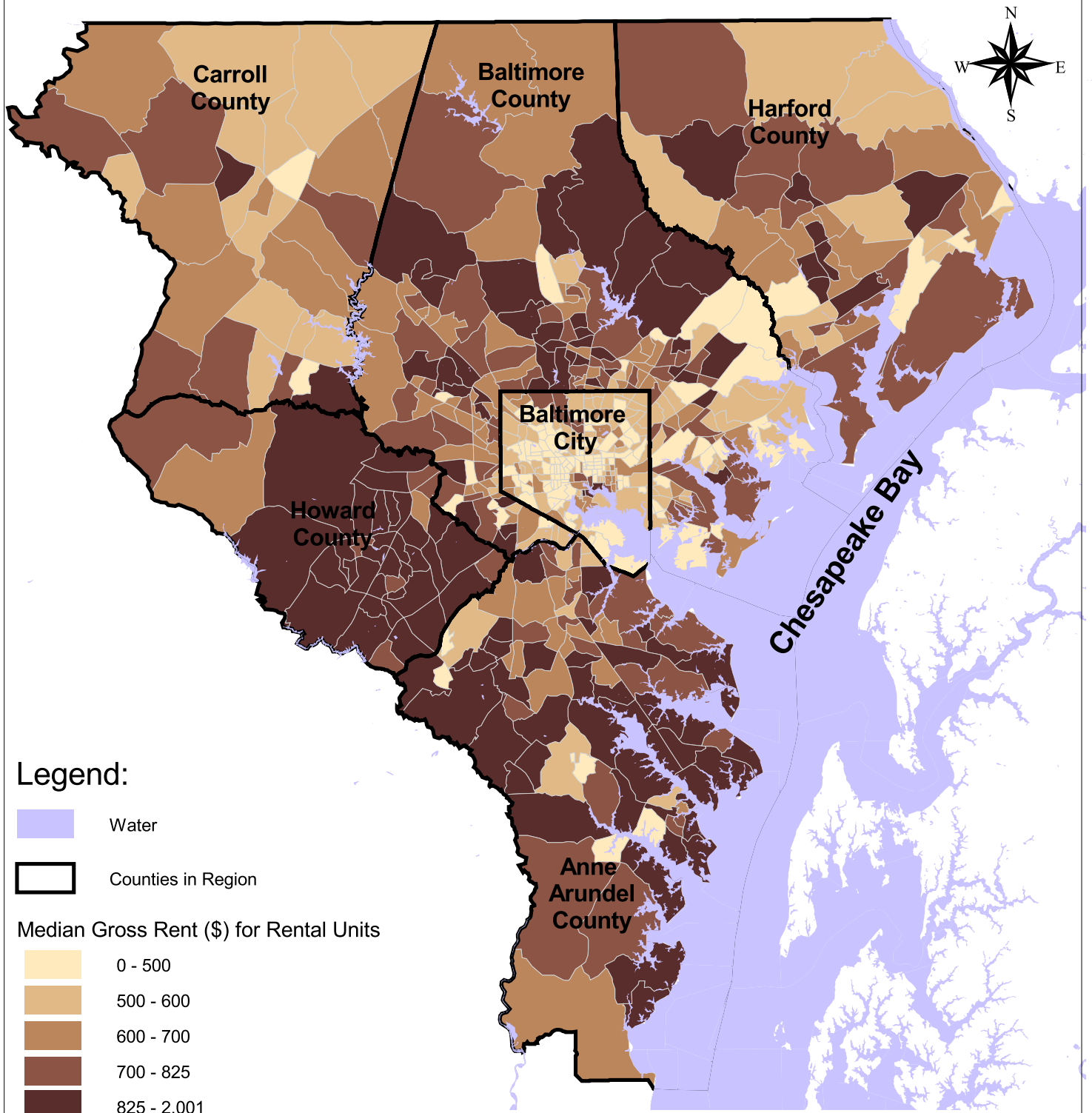
### Percent of Housing Units Rental

- Less than 15%
- 15 to 25%
- 25 to 40%
- 40 to 65%
- More than 65%

5 0 5 10 15 Miles

Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Sources of Data: U.S. Census Bureau,  
STF3 Dataset (Census 2000)  
Notes: Vacant Rentals Not Included.

# **Map 17: Affordability of Rental Housing in the Baltimore Region (Gross Rent by Census Tract in 2000)**

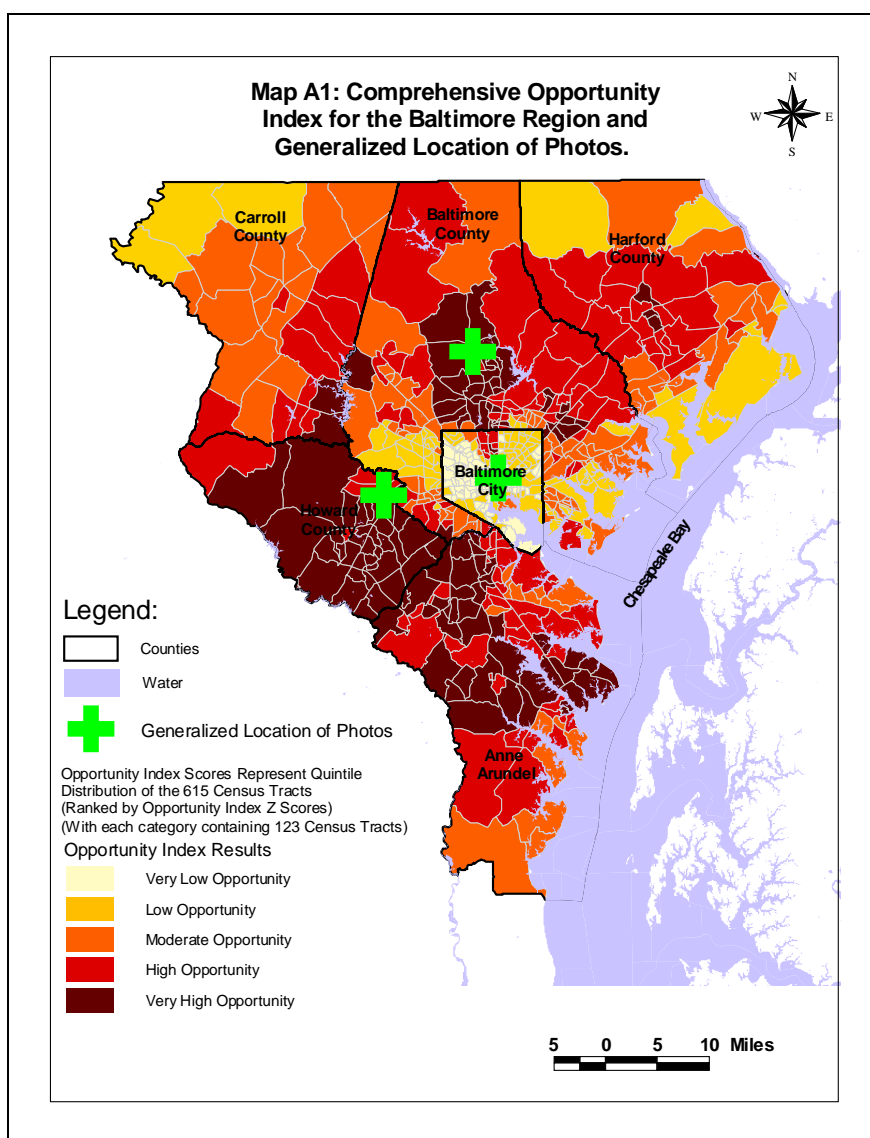


Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Sources of Data: U.S. Census Bureau,  
STF3 Dataset (Census 2000)  
Notes: Gross rent includes utility costs.

5 0 5 10 15 Miles

### Appendix G: Photo Display of Conditions in Low and High Opportunity Areas

To better understand the conditions in high and low opportunity communities, I have assembled a collection of photographs related to employment opportunity, educational opportunity and neighborhood conditions in some of the region's high and low opportunity communities. As indicated in the map below (**Map A1**) our photos were collected from two high opportunity areas and one low opportunity area. The general vicinity of photo sites is indicated on the map below. High opportunity area photos were collected from Baltimore County and Howard County and low opportunity area photos were collected from a neighborhood in the City of Baltimore. High opportunity area photos were primarily from the Cockeysville area in Baltimore County and the Ellicott City area in Howard County. Low opportunity photos were primarily near the Johnson Square area in the City of Baltimore.



### Economic Opportunities



**Figure 1: Low Opportunity Area – With a limited market for retail, most traditional retail employment centers are in decline in low opportunity areas. Photo from the Old Town Mall shopping district in the City of Baltimore (Near intersection of Aisquith and Monument).**



**Figure 2: High Opportunity Area – Thriving retail economic center in Baltimore County (Hunt Valley Mall).**





**Figure 3: Low Opportunity Area - Remaining businesses in some low opportunity communities are marginal enterprises, as seen in this photo in the City of Baltimore. Photo location at intersection of Homestead and Harford Road.**



**Figure 4: High Opportunity Area – A Concentrated hub of economic activity (offices and retail) in Baltimore County (Hunt Valley Mall Area).**



**Figure 5: High Opportunity Area – As illustrated in these photos, new employment opportunities are more abundant in high opportunity areas (Photo on left, 225 International Circle, Hunt Valley, photo on right from Hunt Valley Mall).**



**Figure 6: Low Opportunity Area – view of downtown (photo on left) and proximity of public housing to Johns Hopkins (photo on the right). Although this low opportunity area is in close proximity to downtown employment opportunities, research on spatial mismatch indicates that many of these employment opportunities are not accessible to low income people and the labor market competition is more difficult for these opportunities. Conversely, most new employment opportunities are growing in suburban areas far from the Central Business District. (Photo on left at Fayette and Broadway, photo on right Aisquith St).**



**Figure 7: High Opportunity Area – light rail transit (photo on left) and bus transit (photo on right) are available in these high opportunity suburban areas. Light rail stop located at the Hunt Valley Mall in Baltimore County, bus stop in Ellicott City, Howard County.**



**Educational Opportunity**



**Figure 8: Low Opportunity Area – Johnston Square Elementary School in the City of Baltimore.**



**Figure 9: High Opportunity Area – St. John Lane Elementary School in Howard County.**



**Figure 10: Low Opportunity Area – Dunbar middle school (left) and barbed wire fencing at Johnston Square Elementary (right) in the City of Baltimore.**



**Figure 11: High Opportunity Area – Patapsco middle school (left) and Hollifield elementary school in Howard County.**





**Figure 12: Low Opportunity Area – Children’s playground and recreational area located at Harford Road between Chase and Eager in the City of Baltimore.**



**Figure 13: High Opportunity Area - Children’s playground near Warren elementary school in Baltimore County.**

**Neighborhoods and Housing:**



**Figure 14: Low Opportunity Area – Public housing development in the City of Baltimore (Abbot Court, Latrobe Homes).**



**Figure 15: Low Opportunity Area – Public housing development in the City of Baltimore (Abbot Court, Latrobe Homes).**





**Figure 16: Low Opportunity Area – Public housing development in the City of Baltimore (Aisquith Street between Orleans and Monument).**



**Figure 17: Low Opportunity Area – Public housing development in the City of Baltimore (Aisquith Street between Orleans and Monument).**



**Figure 18: High Opportunity Area – Housing options found in high opportunity areas (photos from Greenside Drive).**



**Figure 19: High Opportunity Area – Housing options found in high opportunity areas (photos from Ellicott Hills).**



**Figure 20: High Opportunity Area – Housing options found in high opportunity areas (photos from High View in Hunt Valley and Normandy Drive in Ellicott City).**





**Figure 21: High Opportunity Area** – As illustrated in these photos, population growth, new investment and construction are often found in high opportunity communities. Image on left from Ellicott Hills and image on right from Old Bosley Road.



**Figure 22: Low Opportunity Areas** - In low opportunity communities, vacancy is more prevalent than new construction. As illustrated in this streetscape view of vacant properties in the City of Baltimore. Photo from northeast corner of 20<sup>th</sup> and Greenmount.



**Figure 23: Low Opportunity Area** – Some new construction has occurred due to the Hope VI program in some low opportunity communities, as illustrated in this photo of the New Hope Circle Hope VI development in the City of Baltimore. Although the housing has been rehabilitated, residents of these communities remain in the same low performing neighborhoods (in respect to schools, jobs, and other neighborhood conditions). (Photo from Forrest Street).



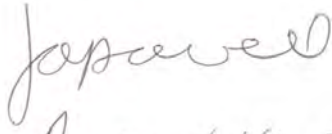
**Figure 24: Low Opportunity Area – Crime, vandalism and public safety are significant issues in low opportunity communities. Note the 24 hour police observation camera in the picture on the left (box attached to light pole in center of picture) and graffiti on playground equipment in image on the right. Image on the left taken at NW corner of the intersection of Preston and Greenmount, image on the right taken at Johnston Square elementary playground.**



**Figure 25: Low Opportunity Area - Abandoned housing in low opportunity area as seen in streetscape photo from the 1200 block of Valley Street in the City of Baltimore.**

**Appendix H: Signature Page**

**Signed:**



August 19, 2005

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john a. powell

August 19, 2005

**Remedial Phase Expert Rebuttal Report**

**john powell**

**In Thompson v. HUD**

**January 6, 2005**

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**2. Introduction**

I emphasize six guiding principles in the design of a remedy for HUD's fair housing violation. First, the remedy must be sensitive to opportunity and to the importance of location in determining access to opportunity. Second, the remedy must be metropolitan-wide to be successful. Third, a race conscious approach is necessary to ensure an effective remedy in light of HUD's housing duties and the realities of the housing market. Fourth, the remedy should not force the dispersal of subsidized housing residents, but should be a structured choice model in which residents voluntarily participate in a program that creates housing opportunities specifically in integrated, high opportunity communities. Fifth, while process based remedies are important, the remedy must also be goal driven and adaptive to the dynamic nature of the housing market. Finally, the remedy must require HUD to utilize the wide variety of tools available, including vouchers and new housing production, to ensure housing opportunities in high opportunity communities.

This report rebuts assertions made by HUD expert remedial reports by Clark, Olsen, Schuck and Shroder. These reports make flawed and incorrect arguments to dispute the need for an



opportunity based desegregative housing mobility program in the Baltimore region. HUD expert rebuttal reports do not convincingly refute the fundamental principles behind my proposed remedy. HUD expert arguments are also internally contradictory and selectively present evidence to support their claims. I have identified six primary flaws in the collective arguments presented by Clark, Olsen and Shroder.<sup>1</sup>

1. Many of the arguments by HUD experts Clark, Olsen and Shroder do not address the remedial needs of this Court. Expert arguments by Clark repeatedly cite examples that are not applicable to the plaintiff class. Additional arguments by Clark reargue issues from the liability phase of this litigation. Expert arguments by Clark, Olsen and Shroder do not address the need for HUD to further fair housing or create desegregative housing opportunities or offer information that can assist in designing a remedy to HUD's fair housing violation.
2. Contrary to the assertion of HUD experts, segregation is harmful, and living near opportunity is beneficial to African American subsidized housing residents. Clark claims that segregation is in decline and not significant, while de-emphasizing the potential impacts of living in low opportunity segregated communities. Clark, Olsen and Shroder claim that benefits of living in low poverty or higher opportunity areas are neither proven nor significant. These claims by HUD's experts are incorrect and misleading.
3. Clark incorrectly argues that preferences and economics are the primary reasons for segregation and based on this reasoning, concludes that efforts to address discrimination will not achieve desegregation. Clark is wrong in disregarding the impact of discrimination and policy in enforcing or creating conditions of racial segregation in metropolitan areas.
4. Contrary to HUD experts, my recommendations provide more choice to African American subsidized housing residents, and avoid reconcentration of African American subsidized housing residents. Clark, Olsen and Shroder are incorrect in arguing that a race conscious remedial program denies choice to African American subsidized housing residents and would be doomed to fail. HUD experts' arguments in this regard are illogical, contradictory and incomplete.
5. A regional approach is necessary to remedy HUD's fair housing violation. HUD experts are wrong in claiming that a regionalized remedy is inappropriate for this remedy, and their arguments deny the established fact that only a regional remedy can offer desegregative housing opportunities for African American subsidized housing residents.
6. Contrary to expert Olsen's opinion, new subsidized housing production in high opportunity areas will be critical and must be included in this remedy. Olsen incorrectly claims that additional construction of affordable housing units is cost-prohibitive and that "tight" housing markets do not necessitate supply side housing production to complement housing vouchers."<sup>2</sup> Olsen's arguments are misleading and flawed on several accounts.

Detailed discussion of these issues is provided in the following report. Section 3 addresses how expert arguments are not relevant for designing a fair housing violation remedy for Baltimore's African American subsidized housing residents. Section 4 provides evidence that segregation is detrimental for African American subsidized housing residents and supports the claim that living near opportunity is beneficial. Section 5 refutes claims by HUD expert Clark that only income and preferences explain racial segregation and segregation from opportunity for African

---

<sup>1</sup> My response to Schuck is limited to the only specific comment in his report which directly referenced my report. "Remedial Phase Expert Report of Peter H. Shuck." (Pages 15-16)

<sup>2</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 8-11 and 12-18.

Americans in the Baltimore region. Section 6 illustrates how my proposal expands opportunity for African American subsidized housing residents and does not restrict opportunities. Section 7 discusses why a regionalized remedy is critical to addressing HUD's fair housing violation. Section 8 rebuts HUD expert arguments that construction of new subsidized housing opportunities will not be needed to remedy HUD's violation.

**3. Numerous HUD expert arguments do not address the need to design a regional remedy that provides desegregated housing opportunities to African American subsidized housing residents.**

A number of criticisms contained in the expert reports of Clark, Olsen and Shroder do not go to the matter at issue: furthering fair housing in Baltimore and redressing harms created by HUD's failure to pursue desegregative public housing strategies. As stated by the Court in its January finding:

[T]he failure adequately to take a regional approach to the desegregation of public housing in the region that included Baltimore City violated the Fair Housing Act and requires consideration of appropriate remedial action by the Court.<sup>3</sup>

Expert arguments by Clark repeatedly cite examples that are not applicable to the plaintiff class. Additional arguments by Clark reargue issues settled during the liability phase of this litigation. Expert arguments by Clark, Olsen and Shroder do not address the need for HUD to further fair housing or create desegregative housing opportunities and do not offer information that can assist in designing a remedy to HUD's fair housing violation.

**3.1. HUD expert arguments over generalize and do not apply to the extreme segregation experienced by the plaintiff class.**

Clark argues that region wide decreases in segregation for the African American population indicate increased housing opportunities for African Americans. He ignores the established fact that the plaintiff class for this litigation is extremely segregated and has few housing opportunities outside of those offered by HUD. As documented in section 4.1.1 of this report and in the report of Plaintiffs' expert Dr. Gerald Webster, African American subsidized housing residents face severe levels of segregation and few subsidized housing opportunities are available to these households outside of Baltimore's distressed segregated inner city neighborhoods.<sup>4</sup> Clark's arguments about the preferences of African Americans do not disaggregate these preferences for African Americans by income level and are directly contradicted by the significant interest in mobility programs exhibited by African American subsidized housing residents both in Baltimore and across the nation.<sup>5</sup> Clark focuses much of his analysis of segregation on the overall African American population and does not distinguish the extreme levels of segregation and limited

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<sup>3</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 104.

<sup>4</sup> Plaintiff remedial expert report by Gerald R. Webster. "The Geography of Public and Assisted Housing Facilities in Baltimore, 1960 to the Present." The remedial expert report of Plaintiff expert Gerald Webster identified the extreme segregation of African American subsidized housing residents in the Baltimore region. Webster finds that public housing projects, African American Section 8 residents and project-based Section 8 housing units are primarily found in highly segregated and impoverished Census Tracts (Pages 2 and 3).

<sup>5</sup> African American subsidized housing residents have indicated a strong desire to participate in mobility based housing desegregation programs, most notably in Chicago's Gautreaux program. This interest is also very evident in the Baltimore region's partial consent decree program. According to the October 2004 Statistical Report from Baltimore Metropolitan Quadel, up to this date over 7,200 families applied to take part in Partial Consent Decree Program. The Local Defendants Report for the period of July 2005 indicates that between January 1<sup>st</sup> and June 30<sup>th</sup> of 2005 an additional 1,469 families submitted preliminary applications to take part in the Partial Consent Decree Program.

housing choice available to subsidized housing residents or those who might be seeking subsidized housing.

### 3.2. HUD experts reargue issues settled during the liability phase.

Clark repeatedly asserts opinions that contradict the finding of this Court and are not appropriate for the remedial phase of this litigation. Specifically, Clark's assertions regarding overall levels of segregation in Baltimore and his efforts to attribute continued segregation to individual choice belie the fact that this Court has found that African American public housing residents are very much segregated and that HUD's failure to consider regional public housing strategies has played a role in this. As Clark states:

Although there are still proportionately more African Americans in inner city neighborhoods than there are white households, overall the evidence suggests that families of color are not being denied free choice about where to live. The evidence from this report and other research documents that income and preferences are much stronger forces in the levels of separation that continue to exist in our metropolitan areas.<sup>6</sup>

Clark applies this rationale to claim that HUD has not contributed to the segregated housing opportunities in the Baltimore region. As Clark states:

Thus, the reasons for poor and minority concentrations in inner cities are multi-faceted and are not the outcomes of housing policies and housing decisions by HUD. Nor can HUD intervene with any sure ability to change these fundamental forces.<sup>7</sup>

These assertions ignore substantial empirical data to the contrary, and directly contradict the Court's finding that African American public housing residents have little choice to live in desegregated neighborhoods.<sup>8</sup> According to this Court:

While many African-Americans who succeeded economically chose to live in majority Black neighborhoods, others, particularly those in public housing, did not have any realistic opportunity to live in a mixed race environment absent desegregative action by governmental entities.<sup>9</sup>

Clark and Shroder argue that regionalization is neither feasible nor appropriate for furthering fair housing opportunities for African American subsidized housing residents.<sup>10</sup> These opinions also counter the finding of this Court from the liability phase of this litigation. As the Court stated in its January 6<sup>th</sup> Memorandum of Decision:

The Court finds an approach of regionalization to be integral to desegregation in the Baltimore Region and that regionalization was an important alternative course of action available to Federal Defendants.<sup>11</sup>

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<sup>6</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 25.

<sup>7</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 4.

<sup>8</sup> Plaintiff remedial expert report by Gerald R. Webster. "The Geography of Public and Assisted Housing Facilities in Baltimore, 1960 to the Present."

<sup>9</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 6.

<sup>10</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 27-28. Mark D. Shroder. "Summary of expected testimony by Mark Shroder in Thompson v. HUD. November 21, 2005. Page 31.

<sup>11</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 151-152.

The Court has also recognized that a regional approach is necessary to desegregate due to demographic conditions within the City of Baltimore. As the Court stated in its January 6<sup>th</sup> Memorandum of Decision:

Geographic considerations, economic limitations, population shifts, etc. have rendered it impossible to effect a meaningful degree of desegregation of public housing by redistributing the public housing population of Baltimore City within the City limits.<sup>12</sup>

### **3.3. HUD expert arguments do not address HUD's duty to further fair housing and create desegregative housing opportunities.**

The Court's January 6<sup>th</sup> Memorandum of Decision directed that HUD "live up to its statutory mandate to consider the effect of its policies on the racial and socioeconomic composition of the surrounding area and thus consider regional approaches to promoting fair housing opportunities for African-American public housing residents..."<sup>13</sup> HUD rebuttal experts do not propose a constructive response to this directive. For example, arguments by Olsen concerning the cost efficiency of various assisted housing programs do not consider HUD's duty to further fair housing. Arguments by Clark, Shroder and Olsen regarding the extent of benefits to those living in low poverty areas do not address HUD's mandate to offer desegregative housing opportunities in order to further fair housing. Arguments by Olsen focusing on the narrow grounds of economic efficiency in housing programs do not consider fair housing goals. HUD experts' arguments about the validity of social science research are not relevant considering the goal of providing desegregative housing opportunities. In addition, these arguments are flawed and contradict positions expressed by HUD. Collectively, expert opinions by Clark, Olsen and Shroder do not provide any constructive remedy for this violation and in essence argue instead that no remedy is possible.

Olsen compares the financial cost of various assisted housing programs to refute claims that supply-side programs are appropriate for this fair housing remedy.<sup>14</sup> Olsen's focus on financial efficiency ignores the requirement that HUD must desegregate public housing. Olsen's suggestion, like other Defendant expert suggestions, may seem reasonable when evaluated in narrow terms of short term maximum economic efficiency, but it fails to consider the legal violation and whether various alternatives would achieve the remedial goal of furthering fair housing.

Clark, Olsen and Shroder argue extensively over the merits of research related to the benefits of living in low poverty (or high opportunity) areas. Clark de-emphasizes the presence of, and significant harms derived from, segregation and the limited choice for African American subsidized housing residents in Baltimore.<sup>15</sup> Shroder writes extensively about supposed flaws in the research regarding benefits to the Gautreaux program.<sup>16</sup> Shroder claims that the benefits of living in low poverty have not been scientifically established due to subject selection bias in research on prior programs, based on the premise that only motivated households participate in the research.<sup>17</sup> In addition, Olsen incorrectly asserts that the benefits of living in low poverty are

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<sup>12</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 11.

<sup>13</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 13.

<sup>14</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 8-11.

<sup>15</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 9-11.

<sup>16</sup> Mark D. Shroder. "Summary of expected testimony by Mark Shroder in Thompson v. HUD. November 21, 2005. Page 20-25.

<sup>17</sup> Mark D. Shroder. "Summary of expected testimony by Mark Shroder in Thompson v. HUD. November 21, 2005. Page 26.

overstated and not significant.<sup>18</sup> (See section 4.3 for a discussion of the benefits of living in high opportunity areas).

HUD experts' arguments regarding this research are flawed, internally contradictory and based upon selectively cited research findings. In addition, their arguments are irrelevant in the context of designing a fair housing remedy. HUD experts cannot refute the fact that African American subsidized housing residents in Baltimore have extremely limited housing options and few opportunities outside of distressed segregated communities. Academic debates over the merits of Gautreaux and MTO research do not address this issue. Concerns about selection bias in mobility research are irrelevant when even "motivated" subsidized housing residents in the Baltimore region have extremely limited ability to access subsidized housing in higher opportunity areas. The goal of this remedial process is to craft a remedy to address HUD's failure to provide fair housing opportunities and to provide subsidized housing residents with the choice of accessing desegregated, opportunity rich areas. It is nonsensical to argue against such a remedy because the benefits realized by programs that provide a desegregative housing option only accrue to those residents who exercise utilize the program.

In addition, HUD experts' opinions concerning the harms of segregation and benefits of living near opportunity directly contradict positions and policies of HUD. HUD officials have long recognized that housing, in particular its location, is a key determinant of a family's well-being and access to opportunity. For example, in a 1967 "Briefing on Civil Rights Progress," HUD officials stated the Department's commitment to eradicating segregation and providing housing in healthy and opportunity rich environments:

The Department is publicly committed to extract the legal maximum from existing laws and orders on equal opportunity and civil rights in administering its programs so as to break down racially restrictive housing and provide the disadvantaged and discriminated against families with the widest possible opportunity and choice for good housing in wholesome environments. Indeed, the all-important focus of the Department's business and endeavors is people and improving their life and choices for all members of the public to the optimum. ... We must look at the totality of the urban environment and the quality of the lives of all its people and the impact of our programs on broadening their opportunities and choices.<sup>19</sup>

Then HUD Secretary Robert C. Weaver similarly acknowledged the link between fair housing and opportunity one year later:

[T]he enforced patterns of racial separation, which have characterized many aspects of our society, are handmaidens to the problems of racial discrimination and hostility which so plague us today. Separate but equal is inherently unequal because it denies to one group the choices and opportunities which are the promise of American life and the badge of first class citizenship. The goal is ... to allow every man the same natural choices as to where to live and travel and the same opportunity to fulfill his potential.<sup>20</sup>

Similar statements and policy commitments have been espoused by HUD officials since that time. For example, during a 1993 Senate hearing, then-Secretary of HUD Henry Cisneros denounced "the extreme spatial segregation or separations in American life by income, class and race."<sup>21</sup> In its stead, he called for the deconcentration of poverty and greater residential choices for impoverished

<sup>18</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 3-5.

<sup>19</sup> Robert A. Sauer and B. T. McGraw, United States Department of Housing and Urban Development, Secretary's Staff Meeting, BRIEFING ON CIVIL RIGHTS PROGRESS, July 12, 1967, at pp.12-13; Adker 058914, 058925-6 (HUD1).

<sup>20</sup> Memorandum from Robert C. Weaver, HUD Secretary to "All Principal Staff" RE: "Clarification of Law and Department Policy RE: Integration," p.2 (Oct. 15, 1968); Adker 056850, 056852 (HUD1).

<sup>21</sup> Hearing Before the Senate Comm. on Banking, Housing and Urban Affairs, 102d Cong., 2d Sess. 7 (Apr. 28, 1993) (statement of Henry Cisneros, Secretary of Housing and Urban Development).



persons of color, particularly in suburban areas.<sup>22</sup> These statements are consistent with a large and growing body of knowledge on the harms of segregation and its denial of opportunities to people of color.

Clark, Olsen and Shroder do not provide a remedial solution to address HUD's fair housing violation, and instead only attempt to undermine Plaintiffs' expert proposals. Clark argues that a race conscious remedy program is not likely to succeed, but the reasons he provides apply with greater force to the conclusion that a race neutral remedy will fail as well. After stating that desegregation is happening naturally, Clark asserts the contradictory position that integration is not possible and therefore a race conscious remedy to integrate will probably fail. This conclusion is supported by a course of reasoning threaded by the notion that residential neighborhoods and population movements are too dynamic and volatile for an integration effort to succeed.<sup>23</sup> Therefore, in arguing that a race conscious approach would be unsuccessful, expert Clark is arguing, in effect, that there can be no remedy.

Olsen and Shroder also assert that an opportunity based desegregative remedy cannot be implemented, but neither Olsen nor Shroder propose an alternative remedy. Olsen incorrectly asserts that a program to build housing opportunities in low poverty areas will reduce housing options for African Americans and that few African Americans would take advantage of these opportunities.<sup>24</sup> (See Section 6 for my response to this argument). Shroder claims that units will not be built in high opportunity areas due to financial and/or political constraints and that reconcentration is inevitable, before concluding that these efforts would not further fair housing. Shroder offers no alternative explanation for how HUD can remedy its fair housing violation in the Baltimore region.<sup>25</sup> The collective opinions of Clark, Olsen and Shroder posit that no remedy is possible to address HUD's fair housing violation. We must reject arguments that imply or suggest that conclusion. The goal of the remedial process is to try to craft an effective remedy, not argue that there can be no remedy.

#### **4. Segregation harms African American Subsidized Housing Residents and can be remedied.**

HUD's rebuttal reports by Clark, Olsen and Shroder make multiple claims about the extent of segregation, impacts of living in segregated low opportunity communities and benefits of living in higher opportunity (low poverty) areas. Clark claims that segregation is in decline and not significant, while de-emphasizing the potential impacts of living in low opportunity segregated communities. Clark, Olsen and Shroder claim the benefits of living in low poverty or higher opportunity areas are not proven or significant. These claims by HUD's experts are flawed, incorrect and not relevant to the context of this remedy. My rebuttal points concerning these arguments are addressed in the following section.

##### **4.1. Segregation is significant for African Americans and is extreme for African American subsidized housing residents.**

According to Clark:

Over the past 40 years, since the establishment of the civil rights acts of the 1960s, there has been continuing progress towards a more integrated society. ... While indices of .9

<sup>22</sup> In his testimony, Secretary Cisneros warned that "[u]nless we can deconcentrate the populations of our poorest ... [u]nless we can make it possible for people to have greater choice and move to suburban areas ... we will not succeed." Hearing Before the Senate Comm. on Banking, Housing and Urban Affairs, 102d Cong., 2d Sess. 7 (Apr. 28, 1993) (statement of Henry Cisneros, Secretary of Housing and Urban Development).

<sup>23</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 10-11 and 19-20.

<sup>24</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 11-12.

<sup>25</sup> Mark D. Shroder. "Summary of expected testimony by Mark Shroder in Thompson v. HUD. November 21, 2005. Page 17-18

were common in 1960, now many large cities have dissimilarity indices in the mid .6 range and lower. In a sample of large Primary Metropolitan Statistical Areas (PMSAs) Baltimore is midway in the range of cities, and has declined over each decennial decade.<sup>26</sup>

Contrary to Clark's opinion, while segregation has declined since 1970, there is little doubt that segregation continues to be substantial in the Baltimore region. Although the Baltimore region has decreased slightly in levels of segregation, the region is still significantly segregated. According to multiple dissimilarity index figures produced by educational research centers and the Census Bureau, the City of Baltimore dissimilarity index is at least 0.71, and greater than 0.67 for the Baltimore metropolitan area (**Table 1**). Generally, dissimilarity index scores greater than 0.6 indicate a high degree of residential segregation.<sup>27</sup> When assessing indicators of residential segregation other than the dissimilarity index, Baltimore also shows a high level of segregation. Analysis by the U.S. Census Bureau using five different measures of segregation finds the Baltimore region to be the 14<sup>th</sup> most segregated large metropolitan area in the nation as of the 2000 Census (**Table 2**).

According to a report by the Lewis Mumford Center, the dissimilarity index score for the Baltimore Metropolitan Statistical Area decreased from .745 in 1980 to .679 in 2000. The Census Bureau reports a decrease in dissimilarity index score from .744 to .675 during this same time period (**Table 3**). During this time period, the rate of Baltimore's decrease in dissimilarity index score (9.3%) was not as large as the average decrease throughout the nation (12%) (**Table 3**). Moreover, this rate of decline is not as significant as Clark suggests. According to researchers at the Lewis Mumford Center, a change of 10 or more points in the dissimilarity index in one decade is considered very significant, a change of 5 to 10 points in one decade is considered moderate, and a change of less than 5 points is considered small and inconsequential.<sup>28</sup> For the City and the region of Baltimore there has been a change of approximately 7 points over the last *two* decades.

And while it is certainly true that there is less segregation in the country than thirty years ago, this does not mean that segregation is no longer a problem and there is no need to address a legal finding of government action and inaction that contributes to the persistent high level of segregation. In addition, this case is particularly concerned with the plaintiff class, which is subject to extreme segregation and racial isolation.<sup>29</sup> Clark's arguments are also contradictory; Clark cites the above trend for the proposition that the country is naturally moving to integrate. Yet, he also asserts that because of the dynamic of the housing market, integration is not possible.<sup>30</sup>

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<sup>26</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 11.

<sup>27</sup> "Ethnic Diversity Grows: Neighborhood Integration Lags Behind," Lewis Mumford Center for Comparative Urban and Regional Analysis (2001) <http://mumford1.dyndns.org/cen2000/report.html>. See also, Douglas S. Massey and Nancy A. Denton, "American Apartheid: Segregation and the Making of the Underclass" (1993) at 20 ("A simple rule of thumb in interpreting these indices is that values under 30 are low, those between 30 and 60 are moderate, and anything above 60 is high."); Edward L. Glaeser and Jacob L. Vigdor, Racial Segregation in the 2000 Census: Promising News (April 2001) <http://www.brookings.org/dybdocroot/es/urban/census/glaeserexsum.htm> at 3 ("Generally, dissimilarity measures above 0.6 are thought to represent hypersegregation.").

<sup>28</sup> "Ethnic Diversity Grows: Neighborhood Integration Lags Behind," Lewis Mumford Center for Comparative Urban and Regional Analysis (2001), found on-line at: <http://mumford1.dyndns.org/cen2000/WholePop/WPreport/MumfordReport.doc>

<sup>29</sup> Plaintiff remedial expert report by Gerald R. Webster. "The Geography of Public and Assisted Housing Facilities in Baltimore, 1960 to the Present."

<sup>30</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 28-29.

**4.1.1. Recent trends in African American suburbanization are not significantly altering patterns of racial and opportunity segregation.**

Clark asserts that the recent trends in African American suburbanization make concerns about inner city African American segregation outdated and irrelevant.

The tenor of the powell report reiterates the notions of African American concentration in inner city neighborhoods but in fact as the recent census shows nearly half of all African Americans nationwide are living in the suburbs.<sup>31</sup>

Clark's claims regarding African American suburbanization are misrepresentative and ignore the fact the African Americans are still subject to discrimination and racial steering in the suburban housing market. Clark's claim that nearly half of African Americans now reside in suburbs is an exaggeration. Clark's sources indicate that only 38.9% of African Americans lived in the suburbs in 2000.<sup>32</sup> In addition, Clark's assertion downplays the fact that proportionally, Whites greatly outnumber African Americans in suburbs. In Baltimore's suburban counties in 2000, Whites outnumbered African Americans by a 5 to 1 margin.<sup>33</sup> More importantly, the plaintiff class of Baltimore's African American subsidized housing residents are clearly not suburbanizing, thus these arguments are irrelevant to assessing the denial of choice inflicted upon subsidized housing residents due to HUD's subsidized housing policies.

There are other problems with Clark's assertion. The African American subsidized housing population is not taking part in this suburbanization. The implication that African Americans movement to the suburbs is a move to greater integration, or to greater opportunity is often not the case. Clark does not disaggregate low income African Americans from middle class African Americans.<sup>34</sup> But there is also strong data that show even middle class African Americans have fewer housing choices than their White cohorts.<sup>35</sup> Middle class African Americans are moving to suburbs with declining opportunities.<sup>36</sup> For the purpose of this case, it is important to focus both on the plaintiff class and on the Baltimore region.

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<sup>31</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 24.

<sup>32</sup> The original source material for Clark's citation regarding this figure is from an article in American Demographics from August of 2001. David Whelan. "Blacks Boom in the Burbs". American Demographics. August 31, 2001. A study by the Brookings Institute found that in 2000 for the nation's largest metropolitan areas (those with more than 500,000 residents), 38.8% of the African American population lived in suburbs. William H. Frey. "MELTING POT SUBURBS: A CENSUS 2000 STUDY OF SUBURBAN DIVERSITY. (2001). The Brookings Institute. Available on-line at: <http://www.brookings.edu/metro/projects/census/freyexecsum.htm>

<sup>33</sup> Suburban Counties defined as Anne Arundel, Baltimore, Carroll, Harford and Howard Counties. In the 2000 Census, 1,477,008 Whites lived in these Counties, compared to 274,007 African Americans. Source: U.S. Census Bureau, 2000 Decennial Census of Population and Housing. STF3 Dataset. Figures represent data only for single race persons.

<sup>34</sup> Dissimilarity analysis indicates reduced racial segregation for African Americans with higher incomes. See: John Iceland, et al. Class Differences in African American residential patterns in US Metropolitan areas: 1990-2000. SOCIAL SCIENCE RESEARCH. 34. Pages 252-266. (2005)

<sup>35</sup> Dissimilarity analysis also finds that higher income African Americans are highly segregated from higher income Whites and suggests that higher income African Americans are more likely to live with poorer Whites than higher income Whites. See: John Iceland, et al. Class Differences in African American residential patterns in US Metropolitan areas: 1990-2000. SOCIAL SCIENCE RESEARCH. 34. Pages 252-266. (2005)

<sup>36</sup> Research by Sheryll Cashin finds that higher income African Americans suburbanizing to Prince George's County are experiencing diminished opportunities when contrasted to the opportunities available to other affluent suburban counties outside Washington D.C. Sheryl Cashin, THE FAILURES OF INTEGRATION. Published by Public Affairs. (2004).

The choices available to African Americans are limited for a number of reasons. A significant factor in this disparity is the continued racial steering in the housing market.<sup>37</sup> As a result, African Americans find themselves with limited housing opportunities within suburban areas, thus pockets of racially concentrated neighborhoods have been found within today's suburbs.<sup>38</sup> Also, recent evidence suggests that African Americans are moving to declining suburbs that are in the process of becoming (or already are) low opportunity communities. As African Americans and Latinos increasingly move to the suburbs they are much more likely to move to declining inner ring suburbs. They are more likely than whites to move to fiscally stressed suburbs with poor public services. Recent research has found that in major metropolitan areas, nearly 80% of African Americans and Latinos who live in the suburbs live in "at-risk suburbs."<sup>39</sup>

Research on Baltimore illustrates patterns consistent with national trends.<sup>40</sup> Although Baltimore's inner-ring suburbs are growing more racially diverse, they are growing more economically isolated with little to no population growth. While the Baltimore region's population grew by 10% in the 1990s, overall population growth in Baltimore's inner suburbs was static. Growth that did occur in the region's inner suburbs was primarily African American population growth, but this growth was offset by loss of White population. Between 1980 and 2000, Baltimore's inner ring suburbs experienced a 10% increase in the African American population, while the White population decreased by 15%.<sup>41</sup>

Baltimore's inner ring suburbs are beginning to experience the same patterns of opportunity isolation found in inner city areas. The inner ring suburbs have a diminishing share of the region's employment, decreasing household income and increasing poverty rates.<sup>42</sup> The Baltimore County suburb of Lochearn illustrates this point; between 1980 and 2000 the African American population increased from 49% of the total population to 78%. During this same time period, its poverty rate nearly doubled while inflation adjusted income and home values declined.

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<sup>37</sup> See Christy's citation Casey J. Dawkins, "Recent Evidence on the Continuing Causes of Black-White Residential Segregation." *Journal of Urban Affairs* 26 (3), 2004. Pages 379-400. "Recent studies provide more convincing evidence of the link between housing market discrimination and residential segregation by race. These studies suggest that housing market discrimination may affect segregation through several mechanisms: price discrimination, exclusion, steering, and by altering the perceived desirability of particular neighborhoods. Of these, steering and outright exclusion from suburban areas appear to have become more important in recent years." (p. 396)

<sup>38</sup> Dissimilarity analysis from the Lewis Mumford Center for African American and Whites in Baltimore's suburban counties indicates relatively high levels of segregation, with African American-White dissimilarity of .566 in suburban Baltimore. Source: Mumford Center for Comparative Urban and Regional Analysis, University of Albany. Available on-line at:

<http://mumford.albany.edu/census/WholePop/WPSegdata/720sb.htm>

<sup>39</sup> Myron Orfield and Thomas Luce, MINORITY SUBURBANIZATION AND RACIAL CHANGE: STABLE INTEGRATION, NEIGHBORHOOD TRANSITION, AND THE NEED FOR REGIONAL APPROACHES. Report of Institute on Race and Poverty (presentation at the "Race and Regionalism Conference in Minneapolis, MN May 6-7, 2005.) Available on-line at:

[http://www.irpumn.org/website/projects/index.php?strWebAction=project\\_detail&intProjectID=15](http://www.irpumn.org/website/projects/index.php?strWebAction=project_detail&intProjectID=15). "At Risk" suburbs are defined as fiscally stressed suburbs with below average public resources and above average public resource needs.

<sup>40</sup> Bernadette Hanlon & Thomas Vicino, THE STATE OF THE INNER SUBURBS: AN EXAMINATION OF SUBURBAN BALTIMORE, 1980 TO 2000. Center for Urban Environmental Research and Education, University of Maryland, Baltimore County (2005). Available on-line at: [www.umbc.edu/cuere](http://www.umbc.edu/cuere)

<sup>41</sup> Bernadette Hanlon & Thomas Vicino, THE STATE OF THE INNER SUBURBS: AN EXAMINATION OF SUBURBAN BALTIMORE, 1980 TO 2000. Center for Urban Environmental Research and Education, University of Maryland, Baltimore County (2005). Available on-line at: [www.umbc.edu/cuere](http://www.umbc.edu/cuere)

<sup>42</sup> Bernadette Hanlon & Thomas Vicino, THE STATE OF THE INNER SUBURBS: AN EXAMINATION OF SUBURBAN BALTIMORE, 1980 TO 2000. Center for Urban Environmental Research and Education, University of Maryland, Baltimore County (2005). Available on-line at: [www.umbc.edu/cuere](http://www.umbc.edu/cuere)

Similar trends are seen in other suburbs, such as Lansdowne and Woodlawn.<sup>43</sup> The opportunity analysis I conducted for my expert report also confirms suburban opportunity segregation in Baltimore. Almost a third (31%) of African Americans living in Baltimore's suburban counties in 2000 were living in low opportunity Census Tracts: while only 14% of the Baltimore region's suburban Census Tracts were low opportunity. Less than half of suburban African American population growth in the 1990s was located in high opportunity Census Tracts, while 28% of suburban African American population growth in the 1990s was found in low opportunity areas (**Table 4**).<sup>44</sup>

Clark's arguments regarding region wide measures of segregation are also not relevant to the remedial issues before the Court. Clark's discussion of region wide segregation is not as relevant given the extreme levels of segregation faced by subsidized housing residents. The court recognized this fact in its decision:

While many African-Americans who succeeded economically chose to live in majority Black neighborhoods, others, particularly those in public housing, did not have any realistic opportunity to live in a mixed race environment absent desegregative action by governmental entities.<sup>45</sup>

As identified in the expert report of Dr. Gerald Webster, African Americans in subsidized housing are extremely segregated, even more so than the general population. This concentration can be seen in the distribution of rental households receiving public assistance (defined by the Census Bureau as households receiving Temporary Assistance for Needy Families). As seen in **Map 1**, data from the U.S. Census Bureau illustrates that renters who are on public assistance are extremely concentrated in the City of Baltimore. This concentration is even more extreme than the concentration of the overall distribution of renters in the region. While the City of Baltimore contained only 40% of the region's rental households in 2000, it contained nearly 70% of rental households on public assistance. In fact, 76% of renters who are in poverty and on public assistance in the region in 2000 were found in the City of Baltimore (**Table 5**).

#### **4.2. The harms of segregation are well documented.**

Contrary to the opinions expressed by Clark and other HUD experts, the negative impacts of living in segregated, high poverty, low opportunity communities are well documented. The segregation of African Americans in metropolitan areas is not just segregation from Whites, but also segregation from opportunities critical to quality of life, stability and social advancement. African Americans are segregated into low opportunity communities, with limited job access, neighborhood instability and poor schools. This opportunity segregation (and the harms associated with it) are present in the Baltimore region and are reinforced by the region's clustering of subsidized housing opportunities. Residential location plays a significant role in life outcomes and social, physical and mental health, as even HUD expert Clark concedes.<sup>46</sup> My

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<sup>43</sup> Bernadette Hanlon & Thomas Vicino, *THE STATE OF THE INNER SUBURBS: AN EXAMINATION OF SUBURBAN BALTIMORE, 1980 TO 2000*. Center for Urban Environmental Research and Education, University of Maryland, Baltimore County (2005). Available on-line at: [www.umbc.edu/cuere](http://www.umbc.edu/cuere)

<sup>44</sup> Finding based on analysis of population growth by race in Baltimore's suburban Census Tracts from 1990 to 2000. Data on population growth was extracted from Geolytics Neighborhood Change Database. Population growth figures were cross referenced with opportunity index calculations from my remedy report.

<sup>45</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 6.

<sup>46</sup> The Millennial Housing Commission was a bi-partisan federal commission assessing national housing policy and needs. The commission released their final report in 2002. (Hereinafter MEETING OUR NATION'S HOUSING CHALLENGES). Available on-line at: <http://www.mhc.gov/MHCReport.pdf> Clark notes the benefits of dispersed moves in his report due to the structural advantages of suburban areas. William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 12.



remedial expert report extensively details the significant body of research regarding the impacts of this segregation and should be referenced for a detailed discussion of these harms.<sup>47</sup>

**4.2.1. Clark's jobs and job patterns (spatial mismatch) findings are incorrect and do not adequately address jobs mismatch in the Baltimore region.**

Clark presents research findings to contradict the substantial body of evidence regarding the spatial mismatch phenomena. The study that Clark cites does not support his conclusion. Clark states:

There is also a debate about whether there is a spatial mismatch at all. This debate revolves around how the spatial mismatch is measured and how job opportunities are calculated.<sup>48</sup>

Clark's support for this statement is based on a study completed by Shen in 2001, in which the author found more turnover jobs in the central city (20.4% of the region's total turnover employment) than new jobs (6.9% of the region's total new employment). Clark interprets Shen's findings to conclude that the central city is a much more likely location of employment opportunity for less educated workers than the suburbs, thus questioning the fundamental premise of spatial mismatch.

Clark is incorrect in accepting this finding as questioning the fundamental premise of spatial mismatch. Shen's finding illustrates that in the Boston region nearly 80% of turnover job opportunities are located in the suburbs. This combined with Shen's earlier findings regarding new job growth would mean that 8 out of 10 turnover-related job opportunities are in suburban Boston and 9 out of 10 new job opportunities are in suburban Boston.<sup>49</sup>

In addition, the rate of turnover for jobs does not by itself indicate accessible job opportunities. One would need to know the type of job, level of skill and the reason for the turn over. Temporary jobs are by definition high turnover and are often less desirable jobs. Shen's claim is not that it does not matter where a population is in relation to jobs. His assertion is that there may be more jobs in the Boston area than originally thought. This does not reject the spatial mismatch theory but suggests a different way of measuring it. The method that Shen uses to measure mismatch is limited and misleading and largely irrelevant for Baltimore. These results do not provide convincing evidence to rebut the decades of spatial mismatch research.

Job opportunities found in the City of Boston were also not uniform. Shen finds that the central city jobs in his study were primarily concentrated in the Central Business District and that most inner city neighborhoods were deprived of economic opportunity. As Shen states:

This map indicates clearly that the central business district (CBD) and a considerable number of suburban zones were opportunity rich areas, whereas many central city low income neighborhoods...were the most pronounced opportunity poor areas.<sup>50</sup>

Moreover, Clark's assertions based on this study do not address spatial mismatch issues in the Baltimore region. My analysis of opportunity in the Baltimore region did factor proximity to employment in the region, thus high opportunity areas should be accessible to job rich areas of

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<sup>47</sup> For a detailed discussion of the impacts of segregation and opportunity segregation please review pages 15 to 25 of my previous expert report.

<sup>48</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. page 22.

<sup>49</sup> Qing Shen. "A Spatial Analysis of Job Openings and Access in a U.S. Metropolitan Area". AMERICAN PLANNING ASSOCIATION JOURNAL. Winter 2001. Vol. 67, No 1. Page 60.

<sup>50</sup> Qing Shen. "A Spatial Analysis of Job Openings and Access in a U.S. Metropolitan Area". AMERICAN PLANNING ASSOCIATION JOURNAL. Winter 2001. Vol. 67, No 1. Page 60.

the region. Clark provides an analysis of “service sector” jobs by County in the region, but he provides no description of the industries represented in his definition of “service sector” jobs and admits that many service sector jobs will not be an appropriate skill match for less skilled workers.<sup>51</sup> Clark’s analysis also does not take into account the extensive geographic mobility of most suburban households and that many suburban households drive into the central city for professional employment opportunities.

Clark also ignores recent job growth trends in the Baltimore region. Clark’s job figures for the City of Baltimore in 2000 of 298,378 jobs are outdated due to more recent employment dynamics. More recent 2003 data from the source utilized by Clark indicate that the City of Baltimore has lost nearly 20,000 jobs between 2000 and 2003, with the City of Baltimore’s employment figure in 2003 totaling 281,185 jobs. In comparison, Baltimore’s suburban counties gained over 21,000 new jobs between 2000 and 2003.<sup>52</sup> In addition, multiple sources of data and previous studies indicate that job opportunities and new job growth are highly decentralized in the Baltimore region. Clark claims that jobs are not decentralized in the Baltimore region, stating:

The notion that there are several thousands or even hundreds of jobs in the suburbs are simply not sustained by a jobs-per-population proportional analysis.<sup>53</sup>

Here Clark is not challenging the mismatch principle but challenging the facts, but his facts are wrong. Clark’s analysis is misleading: in fact hundreds of thousands of job opportunities are found in Baltimore’s suburbs. In 2003, 757,994 jobs were located in the Baltimore region’s suburban counties, representing 72.9% of the total employment in the Baltimore region.<sup>54</sup> These figures are supported by our analysis of entry level and low skill job opportunities in the Baltimore region (**See Map 2**) and by a 2001 study conducted by the Baltimore Metropolitan Council. The 2001 study identified 19 different centers of employment for low skill workers in the surrounding region.<sup>55</sup> Although the Baltimore Metro Center is identified as a significant source of low wage or low skill employment, it contains only 13% of the 78,000 low wage jobs identified in the region’s 19 employment centers (**Table 6**).

As of 1999, however, 45% of low income households in the Baltimore region lived within the city of Baltimore and 70% of the region’s TANF (Temporary Assistance for Needy Families) recipients resided within the city.<sup>56</sup> Research by the Brookings Institute in 2005 found that nearly 53% of African Americans in the Baltimore region would need to relocate to overcome the mismatch between employment centers and African Americans.<sup>57</sup> These findings indicate a serious imbalance between where low-skill job opportunities exist and where low skill African American job seekers live. Spatial analysis of projected job growth in the Baltimore region suggests that these trends will worsen in the future. As seen in **Map 3**, the projected fastest

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<sup>51</sup> William Clark. “Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs’ Expert Reports.” November 23, 2005. Page 21.

<sup>52</sup> Source: U.S. Census Bureau, County Business Patterns, 2003 NAICS Business Patterns. Available on-line at: <http://censtats.census.gov/cbpnaic/cbpnaic.shtml>

<sup>53</sup> William Clark. “Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs’ Expert Reports.” November 23, 2005. Page 21.

<sup>54</sup> Source: U.S. Census Bureau, County Business Patterns, 2003 NAICS Business Patterns. Available on-line at: <http://censtats.census.gov/cbpnaic/cbpnaic.shtml>

<sup>55</sup> Baltimore Metropolitan Council. 2001. *Regional Job Access and Reverse Commute Transportation Plan*. Baltimore, MD: Author.

<sup>56</sup> Baltimore Metropolitan Council, *Regional Job Access and Reverse Commute Transportation Plan* (2001).

<sup>57</sup> M. Stoll, *JOB SPRAWL AND THE SPATIAL MISMATCH BETWEEN BLACKS AND JOBS* (2005). The Brookings Institute. Available on-line at: [http://www.brookings.edu/metro/pubs/20050214\\_jobsprawl.htm](http://www.brookings.edu/metro/pubs/20050214_jobsprawl.htm)

growing areas for job growth in the region are primarily outside of both the City of Baltimore and Baltimore County.<sup>58</sup>

Clark also asserts that transportation policies and central city job development strategies (such as enterprise zones) are just as important as mobility in addressing spatial mismatch. While these additional strategies may be beneficial complementary policies to pursue along with housing mobility strategies, they are not sufficient to address job disparities alone. Nor is there reason to limit the strategies used to address poverty and joblessness to just one strategy. Enterprise zones have not been proven to effectively produce job opportunities at a scale that would reverse trends of job decentralization.<sup>59</sup> Enterprise zones are also not guaranteed to produce jobs that will directly benefit the people residing in segregated low opportunity neighborhoods. Transportation policies alone are not sufficient to address the needs of African Americans in accessing employment. In a later study, Shen co-authored a paper that delved deeper into the racial dynamics of automobile ownership and racial segregation, finding that there is a significant racial difference in promoting job accessibility through expanding automobile ownership. Shen's conclusion is that detrimental neighborhood factors outweigh the benefits of auto access for impoverished inner city African American residents who live in opportunity poor neighborhoods. As Shen states:

Our evidence suggests that while automobile subsidies may be an effective means of increasing the job accessibility of African Americans, the impact of these subsidies will tend to be mitigated by neighborhood conditions if African Americans continue to reside in neighborhoods with poor job accessibility, few positive role models, and few networks to new job sources.<sup>60</sup>

#### **4.3. The benefits of living near opportunity are well documented.**

HUD experts Clark, Olsen and Shroder claim that the benefits of living in low poverty (or higher opportunity) areas are overstated and not scientifically proven. Clark claims that the MTO program did not reduce concentrations of poverty in the Baltimore region.<sup>61</sup> Olsen states that the benefits of living in low poverty areas are exaggerated and claims that only MTO has scientifically attempted to measure the impact of living in low poverty areas, ignoring a large body of social science research.<sup>62</sup> Shroder expands on this theme by attacking the credibility of the Gautreaux research and claims that Gautreaux lacks internal and external validity.<sup>63</sup>

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<sup>58</sup> Source: Job growth figures obtained from the Metropolitan Regional Council and are calculated by Traffic Analysis Zone.

<sup>59</sup> Reviews of state enterprise zone programs indicate that they do not have a significant impact on local employment and that they are not promising strategies for addressing the employment problems of poor inner city neighborhoods. See Daniele Bondonio and John Engberg, Enterprise zones and local employment: evidence from the states' programs, 30 REGIONAL SCIENCE AND URBAN ECONOMICS 519-549 (2000); and Avis C. Vidal, Reintegrating Disadvantaged Communities into the Fabric of Urban Life: The Role of Community Development, 6 (1) HOUSING POLICY DEBATE (1995). HUD's 2001 interim impact assessment of the federal Empowerment Zones and Enterprise Communities (EZ/EC) indicated difficulty measuring program results. Job growth did occur in five of the six EZs, but job growth could be a result of the EZ policies or of the general economic upturn in the 1995-2000 period. The interim analysis also does not demonstrate whether or not zone residents were the beneficiaries of the job growth that did occur. See INTERIM ASSESSMENT OF THE EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES (EZ/EC) PROGRAM: A PROGRESS REPORT AND APPENDICES (November 2001, report 219 p. and appendices 132 p.) accessible from [http://www.huduser.org/publications/econdev/ezec\\_rpt.html](http://www.huduser.org/publications/econdev/ezec_rpt.html)

<sup>60</sup> Casey J. Dawkins, Qing Shen, Thomas W. Sanchez. "Race, space, and unemployment duration." JOURNAL OF URBAN ECONOMICS 58 (2005) Page 108.

<sup>61</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 13-16.

<sup>62</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 3-5.

<sup>63</sup> Mark D. Shroder. "Summary of expected testimony by Mark Shroder in Thompson v. HUD. November 21, 2005. Page 20-25.

HUD experts' criticisms of research related to the benefits of living in low poverty (or higher opportunity) areas are exaggerated. Although the research addressing the benefits of living in low poverty areas is not perfect, the cumulative body of work is compelling in illustrating the benefits of living in low poverty (or higher opportunity) areas. HUD experts also incorrectly understate the benefits associated with the MTO program for program participants. HUD experts also contradict each other in reviewing the benefits of living in low poverty areas. Finally, claims of participant bias in mobility research are legitimate but not significant enough to discredit all mobility research, and not particularly relevant to the remedy proposed here. Our task is not to conduct an experiment but to design a remedy, and make it available to the families who want to take advantage of it.

**4.3.1. Both the Gautreaux and MTO programs are important examples to consider for this remedy.**

HUD experts' criticism of Gautreaux and dismissive views of MTO miss critical differences in both mobility programs. First, Gautreaux is an important mobility program example due to its success, longevity and its race conscious administration. Second, MTO movers were primarily moving to low poverty, but not necessarily higher opportunity areas, therefore some of the benefits that could have resulted from such a mobility program were not realized. Finally, despite this shortcoming, MTO did show positive results for participants. The fact that these results were not as significant as Gautreaux is due to the short duration of the program and the fact that overall economic growth in the 1990s improved the economic conditions of the control group.

MTO was purposefully designed as a ten-year social science experiment to rigorously test the "geography of opportunity" thesis supported by Gautreaux. However, unlike the Gautreaux remedy, the location restrictions on the MTO program vouchers were poverty not race based; therefore, families often moved to neighborhoods that were still highly segregated and within the same social service districts, such as public school districts.<sup>64</sup> Further, the Gautreaux program was in place much longer. This enabled researchers evaluating its impacts to observe residents over a longer period of time, and also allowed for evaluation of a much larger group of participants (approximately 6,000 families).<sup>65</sup> Both of these factors enhance the reliability of Gautreaux research findings in general and relative to those of MTO.

While Gautreaux emphasized racial desegregation through a race based structured choice framework, research from MTO, which was not race based, tend to show racial reconcentrations. The salient fact is that even the majority of MTO participants in the experimental group, who were required to move into low poverty areas, moved to heavily minority areas. This is significant because MTO movers were very likely moving into contiguous neighborhoods transitioning into higher poverty, increasingly segregated neighborhoods. These would not be high opportunity areas. The MTO program often moved people from high poverty rather than to opportunity. The approach by MTO also demonstrates the limit of just using income and not race to define locational criteria for housing opportunities. Some movers stayed in the same school district after the move, and some movers returned to their old high poverty neighborhood, but for those that did stay in low poverty neighborhoods there still was improvement. Although the MTO

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<sup>64</sup> Orr, Feins, Jacob, and Beecroft (Abt Associates Inc.) and Sanbonmatsu, Katz, Liebman and Kling (NBER), U.S. Department of Housing and Urban Development Office of Policy Development and Research, Executive Summary of MOVING TO OPPORTUNITY INTERIM IMPACTS EVALUATION (September 2003). ("[N]early three-quarters of the children in families in the experimental group who leased up with program vouchers were attending schools in the same school district they were in at baseline", p. xii.)

<sup>65</sup> Leonard Rubinowitz & James Rosenbaum, CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA (2000). Page 2.

demonstration project focused on the poverty of the neighborhood, it did not focus on other critical factors such as availability jobs and high quality schools.<sup>66</sup>

**4.3.2. Both Gautreaux and MTO research supports the finding that their are benefits from living in low poverty areas.**

Despite these important differences, these studies agree that mobility strategies are feasible, beneficial, and sometimes profoundly life changing for those who participate. This should not be surprising, given that twenty years of social science research has consistently supported the notion that an interconnected web of opportunity, from employment and neighborhood investment, to education and support for child and health care, influences the stability, health, and achievement of families.<sup>67</sup> The relative methodological strength of the MTO program design in controlling for self-selection should not obscure the fundamental differences between the programs in terms of race, nor should it de-emphasize the positive findings of MTO. These included improved housing, neighborhood conditions, safety, and adult and child health conditions for those randomly selected people who moved to low poverty areas.<sup>68</sup>

Where MTO had less positive or inconclusive results by the time of the interim study, researchers noted the important caveats that a) in specific areas like education, results reflected the fact that people were not moving far enough away to escape dismal public services, i.e. “nearly three-quarters of the children in families in the experimental group who leased up with program vouchers were attending schools in the same school district they were in at baseline”; b) results for education, employment, and economic self-sufficiency measures were expected to take longer than 4 to 7 years to become evident; c) the impacts of the demonstration were becoming more favorable over time; and d) that the control group was not static: the employment rate among sample adults more than doubled, and welfare receipts declined by more than half in the strong economy of the 1990s. Therefore, “these powerful external forces could make it less likely that MTO would show significant impacts on employment and earnings relative to the control group.”<sup>69</sup>

Recognition that residential location plays a determinative role in life outcomes and social, physical and mental health was recognized in the official findings of the Congressional bi-partisan Millennial Housing Commission.<sup>70</sup> As stated in the findings report of the Congressional bi-partisan Millennial Housing Commission:

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<sup>66</sup> Orr, Feins, Jacob, and Beecroft (Abt Associates Inc.) and Sanbonmatsu, Katz, Liebman and Kling (NBER), U.S. Department of Housing and Urban Development Office of Policy Development and Research, Executive Summary of MOVING TO OPPORTUNITY INTERIM IMPACTS EVALUATION (September 2003). (“[N]early three-quarters of the children in families in the experimental group who leased up with program vouchers were attending schools in the same school district they were in at baseline”, p. xii.)

<sup>67</sup> See, for example, iconic works such as William Julius Wilson, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY*. Chicago: The University of Chicago Press, 1987; Paul A. Jargowsky, *POVERTY AND PLACE: GHETTOS, BARRIOS AND THE AMERICAN CITY*. New York: Russell Sage Foundation 1997.

<sup>68</sup> Orr, Feins, Jacob, and Beecroft (Abt Associates Inc.) and Sanbonmatsu, Katz, Liebman and Kling (NBER), U.S. Department of Housing and Urban Development Office of Policy Development and Research, Executive Summary of MOVING TO OPPORTUNITY INTERIM IMPACTS EVALUATION (September 2003).

<sup>69</sup> Orr, Feins, Jacob, and Beecroft (Abt Associates Inc.) and Sanbonmatsu, Katz, Liebman and Kling (NBER), U.S. Department of Housing and Urban Development Office of Policy Development and Research, Executive Summary of MOVING TO OPPORTUNITY INTERIM IMPACTS EVALUATION (September 2003).

<sup>70</sup> The Millennial Housing Commission was a bi-partisan federal commission assessing national housing policy and needs. The commission released their final report in 2002. (Hereinafter *MEETING OUR NATION’S HOUSING CHALLENGES*). Available on-line at: <http://www.mhc.gov/MHCReport.pdf>



Neighborhood quality plays an important role in positive outcomes for families. Stable housing in an unstable neighborhood does not necessarily allow for positive employment and child education outcomes.<sup>71</sup>

HUD experts' opinions about the benefits of living in low poverty are also contradictory. Clark contradicts Olsen and acknowledges that those individuals who take part in mobility programs do show notable improvements. Clark states:

There is evidence that supports the view that overall, participating tenants do gain from the dispersed moves. However, the gains seem to come not from the lower concentration of poverty per se, but from the "structural advantages of the suburban areas, such as schools, public services, and job accessibility."<sup>72</sup>

The evidence presented by Clark in the preceding statement is the foundation of the opportunity based housing model proposed in my remedial report. Locating people near advantageous opportunity structures such as high performing schools, meaningful employment, viable transportation, quality childcare, responsive health care, and other institutions that facilitate civic and political activity will produce better life outcomes.<sup>73</sup> The central premise of opportunity based housing, borne out of experience, is that residents of a metropolitan area are situated within an interconnected web of opportunities that shape their quality of life.<sup>74</sup> The location of housing is a powerful impediment to or asset for accessing these opportunities, and as such housing policies should be oriented towards providing this access wherever it may exist. In the case of subsidized housing residents in the City of Baltimore, they have little to no access to the advantageous opportunity structures discussed above.

#### **4.3.3. Selection bias does not justify dismissing the research**

It is no secret that research generated from voluntary programs suffers from selection bias; motivated individuals "self-select." Decades of social science research, including research of Gautreaux and MTO, demonstrates the advantages of living in a high opportunity neighborhood for low income people. The MTO program also underscores the importance of providing subsidized housing residents with the choice to live in desegregated opportunity rich areas. It is true that not everyone is necessarily best served by a voucher program; therefore, complementary and alternative approaches are necessary. It has been show that program demand for mobility programs consistently and overwhelmingly exceeds supply; that voucher mobility programs are beneficial and feasible; and that even randomly selected people who move to high opportunity neighborhoods experience improved housing, neighborhood conditions, safety, and adult and child health.<sup>75</sup>

### **5. Income and Preferences do not explain African American segregation.**

Clark disregards the impact of discrimination and policy in enforcing or creating conditions of racial segregation in metropolitan areas. Clark argues that preferences and economics are the

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<sup>71</sup> Millennial Housing Commission. MEETING OUR NATION'S HOUSING CHALLENGES (2002). Page 11.

<sup>72</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 12.

<sup>73</sup> John A. Powell, Opportunity-Based Housing, 12-WTR J. AFFORDABLE HOUSING AND COMMUNITY DEV. L. 188.

<sup>74</sup> John A. Powell, Opportunity-Based Housing, 12-WTR J. AFFORDABLE HOUSING AND COMMUNITY DEV. L. 188.

<sup>75</sup> Orr, Feins, Jacob, and Beecroft (Abt Associates Inc.) and Sanbonmatsu, Katz, Liebman and Kling (NBER), U.S. Department of Housing and Urban Development Office of Policy Development and Research, Executive Summary of MOVING TO OPPORTUNITY INTERIM IMPACTS EVALUATION (September 2003).

primary reasons for segregation and based on this reasoning, concludes that efforts to address discrimination will not achieve desegregation. In Clark's words:

Of course, it is not that preferences alone, or economics alone, create the patterns of separation – rather preferences and economics interact to create the patterns of separation that we observe in America's cities.<sup>76</sup>

Clark applies this reasoning to claim that HUD policy has no ability to counter these forces of preference and income. As Clark states:

Thus, the reasons for poor and minority concentrations in inner cities are multi-faceted and are not the outcomes of housing policies and housing decisions by HUD. Nor can HUD intervene with any sure ability to change these fundamental forces.<sup>77</sup>

Clark's arguments regarding the impact of preferences and economics in producing racial segregation are incomplete and contradictory. Poor Whites are much more spatially dispersed in metropolitan areas and more likely to be located in higher opportunity areas than poor African Americans. While Clark's economic arguments seem to restrict choice for poor African Americans, they do not apply to poor Whites. Nor does income restrict poor Whites in accessing opportunity rich communities as it does poor African Americans.

Clark's arguments regarding preferences do not provide a complete assessment of how preferences impact actual housing choice. Preferences are a complex phenomenon and are not necessarily reflected by the actions of individuals who are constrained by discrimination and limited housing choice. Clark's arguments also overlook the fact that desire to locate in a safer, higher opportunity community will outweigh preferences of racial makeup for many low income African Americans. For example, based on Clark's preferences arguments, few African Americans would want to participate in the various mobility programs implemented across the country. Clark seems to suggest that African Americans prefer to remain in only African American city neighborhoods. The evidence shows however, that African Americans, like other groups, wish to gain the benefits of living in areas of high opportunity. Desire to participate in Gautreaux and other mobility programs has been strong and this is reflected in the fact that more than 8,600 families applied to take part in the partial consent decree program in the Baltimore region.<sup>78</sup> In fact, the demand for Gautreaux overwhelmed the capacity of the program. This demand for desegregative housing programs would not be possible if racial neighborhood preferences were the primary factor influencing individual housing decisions. Further, the MTO and related housing voucher studies show that voucher users who subsequently move into more segregated, higher poverty neighborhoods after the initial move are often doing so *involuntarily*, due to higher rents, discrimination, and the like, pointing to the need for coordinated and alternative strategies, such as the provision of new, affordable housing suitable for low income families.<sup>79</sup>

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<sup>76</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 9.

<sup>77</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 4.

<sup>78</sup> According to the October 2004 Statistical Report from Baltimore Metropolitan Quadel, up to this date over 7,200 families applied to take part in Partial Consent Decree Program. The Local Defendants Report for the period of July 2005 indicates that between January 1<sup>st</sup> and June 30<sup>th</sup> of 2005 an additional 1,469 families submitted preliminary applications to take part in the Partial Consent Decree Program.

<sup>79</sup> People who subsequently moved cited rising rent and utility costs; tight (competitive) rental markets; relationships with landlords; landlords selling the building, and the like. See Popkin, Susan J. et. al. "Families in Transition: A Qualitative Analysis of the MTO Experience – Final Report" Prepared for U.S. Department of Housing and Urban Development, Office of Policy Development and Research under a subcontract with Abt Associates, Inc. (May 2002).

Clark also fails to address the fluidity of preferences. Data indicate that the preference for neighbors changes if a few African Americans move to a previously all White neighborhood and have a relatively positive experience.<sup>80</sup> There is also a difference in preference between low income African Americans and middle income African Americans. Low income African Americans are very open to moving to majority White areas.<sup>81</sup> Finally, Clark's own assertions about the country's move toward integration and African Americans moving to the suburbs are inconsistent with his claim about preference.

### 5.1. Income does not explain racial segregation

Clark posits that income dynamics play a critical role in African American segregation and therefore racial discrimination is less significant in creating racial segregation and racialized concentrated poverty. As Clark states in his report:

Differences in incomes and assets provide an important part of the explanation for continued concentration of minority households in inner cities of US metropolitan areas and Baltimore.<sup>82</sup>

In offering this argument, Clark fails to appreciate the fact that economic and racial segregation overlap, but are not coextensive. As stated by Richard Sander in *Individual Rights and Demographic Realities: The Problem of Fair Housing*:

Controlled studies have calculated the degree of racial segregation that would exist if economic status were the sole determinant of residence, and have found that income differences only explain from ten percent to thirty-five percent of the racial segregation actually observed. And middle-class blacks experience virtually the same level of segregation as the black community as a whole.<sup>83</sup>

If income dynamics were the primary factor driving residential segregation, then poor Whites should be as spatially isolated as their African American counterparts. But, as indicated by data in the Baltimore region, this is not the case. **Map 4** depicts the location of poor residents by race in the Baltimore region. It demonstrates that impoverished Whites are spatially distributed throughout the Baltimore region while impoverished African Americans are not found in many of the suburban areas that contain large numbers of poor Whites.<sup>84</sup>

According to the 2000 Census, more than twice as many poor Whites in the region lived in suburbs than in the City. In contrast, approximately 1 out of 4 poor African Americans in the region were found outside of the City of Baltimore (**Figure 1**). In total, nearly 70% of the Baltimore region's Whites in poverty were found in suburban areas, while only 20% of African Americans in poverty were located in suburban counties (**Figure 2**). Put another way, Whites in poverty outnumber African Americans in poverty in Baltimore's suburbs by a 2 to 1 margin and

<sup>80</sup> Maria Krysan and Reynolds Farley, "The Residential Preferences of Blacks: Do they Explain Persistent Segregation?" *SOCIAL FORCES* 80(3): 937, 969 (March 2002).

<sup>81</sup> Maria Krysan and Reynolds Farley, "The Residential Preferences of Blacks: Do they Explain Persistent Segregation?" *SOCIAL FORCES* 80(3): 937, 969 (March 2002).

<sup>82</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 8.

<sup>83</sup> Richard H. Sander, *Individual Rights and Demographic Realities: The Problem of Fair Housing*, 82 Nw. U. L. Rev. 874, 886 (1988)(citing K. TAEUBER & A. TAEUBER, *NEGROES IN CITIES* 85 (1965); Simkus, Residential Segregation by Occupation and Race in Ten Urbanized Areas, 1950-1970, 43 AM. SOC. REV. 81 (1978); Clark, Residential Segregation in American Cities, U.S. COMMISSION ON CIVIL RIGHTS, *ISSUES IN HOUSING DISCRIMINATION* at 29, 35-38; Farley, The Residential Segregation of Blacks from Whites: Trends, Causes, and Consequences, U.S. COMMISSION ON CIVIL RIGHTS, *ISSUES IN HOUSING DISCRIMINATION* 14, 22).

<sup>84</sup> Data in Map 4 represent the distribution of White and African American persons in poverty at the Census Tract level in the Baltimore region from the 2000 Census.

nearly two-thirds of the more than 97,000 poor people in Baltimore's suburban counties were White in 2000 (**Figure 3**).

Recent national research also finds that African Americans face significant levels of residential segregation regardless of their economic status. A 2005 study found that dissimilarity indexes between African Americans and Whites of the same income were almost as high as for African Americans and Whites as a whole. For example, in 2000 dissimilarity for Whites and African Americans earning less than \$20,000 annually was 0.631. Comparatively, dissimilarity for poor African Americans and the total White population was 0.697. Similar trends are seen for high income African Americans (earning more than \$75,000 annually in 2000) who recorded a dissimilarity score of 0.629 when compared to Whites with similar incomes. In summary, regardless of income, African Americans remain significantly segregated from Whites, even from Whites with the same income characteristics.<sup>85</sup>

Clark also claims that asset disparities between African Americans and Whites explain the racial segregation of African Americans.<sup>86</sup> Although the asset disparity between African Americans and Whites is well established and does impede access to homeownership, Clark's reasoning does not apply to the housing patterns most pertinent to this remedy. Clark's rationale is not applicable to the rental housing market which also shows significant disparities in the concentration of African American rental households and White rental households. More than 77% of the Baltimore region's White renter households were found in Baltimore's suburbs, while only 36% of the region's African American renters were in the suburbs. White renters outnumber African American renters in Baltimore's suburbs by nearly a 3 to 1 margin in 2000 (**Table 7**). In addition, the same concentration of African Americans and dispersion of Whites is observable when analyzing the distribution and racial characteristics of households utilizing housing vouchers (**Map 5**).

## **5.2. Opportunity access is not determined solely by income**

Clark claims that the opportunity index designed for this remedy is complex and that income is a proxy that will present identical results. As Clark states in his report:

However, what the index is measuring can be captured with a simple measure of median household income. The correlation of median household income by tract and the five category overall measure of opportunity is .77 where a perfect relationship would be 1.00. As we can see the index is nearly coincident with and is being defined by median household income.<sup>87</sup>

This claim is simply wrong. While there is some correlation between income and high opportunity, they are hardly identical with substantial and important differences. Clark's assertions regarding the connection between opportunity and income are overstated, and income is not a better alternative to defining opportunity in the Baltimore region. Opportunity will be correlated with income, as Clark addressed in his report: "higher income neighborhoods are likely to have better schools, be safer, have lower vacancy rates and less crime."<sup>88</sup> The correlation between income and opportunity is not as exclusive as Clark suggests. This was part of the limitation of the MTO program, it relied too heavily on income as a proxy for opportunity. The opportunity index is designed to address this limitation and to provide a comprehensive

<sup>85</sup> John Iceland, et al. Class Differences in African American residential patterns in US Metropolitan areas: 1990-2000. SOCIAL SCIENCE RESEARCH. 34. Pages 252-266. (2005)

<sup>86</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 8.

<sup>87</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 25.

<sup>88</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 25.

assessment of the opportunity structures that are critical for low income people, thus providing a more complete assessment of the conditions within communities.

To illustrate why income is an insufficient proxy for opportunity, I have recalculated our opportunity index based on only median household income and compared these findings to our opportunity map of the region. In total, 52% of the Census Tracts in the region did not record the same opportunity ranking when income was the sole factor used to determine opportunity. Locations where these maps contradict in determining high opportunity areas are depicted in **Map 6**. Census Tracts in blue are locations that are high opportunity based on income but not high opportunity based on the opportunity index, Census Tracts in red are areas that were high opportunity based on our index but not based on income.

As indicated in **Map 6**, significant discrepancies can be found in assessing areas of high opportunity when using income instead of our opportunity index. Most notably, many income-derived areas of opportunity are in distant parts of the region that are not in close proximity to job opportunities. Also, western Baltimore County and some Tracts within the City of Baltimore appear to be high opportunity based on income, but were not high opportunity in our opportunity index due to public school conditions. Also, areas that we have identified as high opportunity due to job access, transit access and other factors were not high opportunity based on income. Most notably, the Census Tracts in central Baltimore County (the Hunt Valley area) are grouped in this category.

Clark also infers that the correlation between income and opportunity proves his earlier statements that income dynamics are the primary reason driving racial segregation and accordingly opportunity segregation. As Clark states in his report:

Are African Americans being denied access to these higher income neighborhoods? Although there are still proportionately more African Americans in inner city neighborhoods than there are white households, overall the evidence suggests that families of color are not being denied free choice about where to live.<sup>89</sup>

In fact, income cannot fully explain the racial disparities in access to high opportunity communities in the Baltimore region. Clark's findings regarding opportunity segregation are not supported by evidence from my remedial expert report. African Americans are highly segregated from high opportunity areas in the Baltimore region, and even higher income African Americans are more segregated than their high income White counterparts. In addition, low income Whites are not as segregated from opportunity as low income African Americans.

Census Tracts identified as very low opportunity were 81% African American in 2000 and very high opportunity Tracts were only 12% African American in 2000. Conversely, very low opportunity Tracts were 15% White and very high opportunity Tracts were 80% White in 2000. In the six county region, over 72% of African Americans are located in either very low or low-opportunity areas; in contrast only 18% of Whites reside in very low or low opportunity areas (**See Table 8**). Racial segregation from opportunity operates independently of income in Baltimore as low income Whites are considerably less segregated from opportunity than low income African Americans.<sup>90</sup> Almost 84% of the region's low income African American

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<sup>89</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 25. Clark cites my expert report on page 16 as supporting his assertion in this quote. Upon review of the cited text in my report, I can find no discussion which supports the assertion that Clark makes in this statement.

<sup>90</sup> Low income households earn less than \$30K, Middle Income households earn \$30K to \$60K, and high income households earn more than \$60K. This methodology was adopted from the Lewis C. Mumford Center's research on the dynamics residential segregation by race and income, delineating (poor, middle income and affluent households). For more information visit the Mumford Center's website at: <http://mumford.albany.edu/census/segregation/home.htm>



households were found in low opportunity Census Tracts. In comparison, only 33% of the region's low income White households were found in low opportunity Census Tracts. More low income Whites lived in higher opportunity Census Tracts (37%) than lived in low opportunity Census Tracts (33%). In contrast, only 10% of low income African Americans lived in high opportunity Census Tracts (See Table 9).

Similarly, high income African Americans do not have the same access to higher opportunity areas as high income Whites in Baltimore. Sixty seven percent of high income White households lived in high opportunity Census Tracts in 2000, while only 30% of high income African Americans lived in high opportunity Census Tracts. In 2000, more than half of high income African American households (56%) lived in low opportunity Census Tracts, compared to 11% of high income White households (See Table 9).

To summarize, the correlation between income and opportunity is evident. But contrary to Clark's assertions, income does not adequately define opportunity in the region and is not a suitable substitute for the opportunity index. In addition, contrary to Clark's claims, income does not fully explain access to opportunity. Our data supports our claim that African Americans remain segregated from opportunity in the Baltimore region and this racial segregation is more than a reflection of disparities in income.

### 5.3. Preferences do not explain racial segregation

Clark's analysis of personal residential preferences as the basis for ongoing segregation ignores critical complexities of how preferences are formed and exercised and is belied by evidence that in many circumstances African Americans will pursue housing opportunities in White neighborhoods. According to Clark:

...white households want majority white neighborhoods, while African American households prefer neighborhoods which are slightly more majority African American, or are 50/50 in composition. (half African American and half white). This gap in preferred neighborhood composition inevitably leads to separation in the residential structure of the city.<sup>91</sup>

However, Clark's analysis overlooks several critical aspects of residential preferences. Preferences and behavior are two different phenomena and may differ significantly based on the factors limiting choice. Clark treats preferences as though they are innate and immutable. In doing so, he ignores research that has found that these preferences are "inextricably linked to discrimination and white hostility. ... [T]he role of preferences in the future of integration is based ... on past and present patterns of discrimination."<sup>92</sup> Because these preferences are rooted in experience, it is often the case that when an African American family is able to successfully relocate to a White neighborhood, that family's preferences will shift.<sup>93</sup>

In his previous rebuttal report Clark acknowledges that African American and White families prefer many of the same amenities in a neighborhood: jobs, safety, quality schools, to name a few.<sup>94</sup> He fails to acknowledge, however, that when their desire for these amenities conflicts with their desired racial balance, the desire for good schools, public safety and access to job opportunities is more important than the racial composition of their neighbors for many African

<sup>91</sup> William Clark. "Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs' Expert Reports." November 23, 2005. Page 9.

<sup>92</sup> Maria Krysan and Reynolds Farley, "The Residential Preferences of Blacks: Do they Explain Persistent Segregation?" *SOCIAL FORCES* 80(3): 937, 969 (March 2002).

<sup>93</sup> Maria Krysan and Reynolds Farley, "The Residential Preferences of Blacks: Do they Explain Persistent Segregation?" *SOCIAL FORCES* 80(3): 937, 969 (March 2002).

<sup>94</sup> William Clark. "Housing Patterns and Housing Choices in Baltimore City and the Baltimore Metropolitan Area: A Report in the Case of Thompson v. HUD" (September 30, 2003) at 3, 17.

American families. Preferences in isolation are not a sufficient measure of what people actually do. A study by Maria Krysan and Reynolds Farley found that although blacks “wish to reside in 50-50 neighborhoods ... our data report a great willingness...to move into attractive, affordable homes in neighborhoods with a much lower density of African Americans, as long as a few African American families reside in the neighborhood.”<sup>95</sup> Farley and Krysan further found that “more than one-third of all blacks were willing to move into an exclusively white neighborhood with attractive, affordable housing.”<sup>96</sup> People do not just have preferences; preferences are formed and influenced by other preferences and environmental conditions. Despite the complexity, African Americans have and continue to support integration and to prefer not to live in an all African American neighborhood.<sup>97</sup>

This willingness on the part of African Americans to choose neighborhood quality over racial demographics is reflected in demand for integrative programs. For example, despite initial fears that no families would seek suburban relocation through the Gautreaux Housing Mobility Program, demand for this opportunity greatly exceeded available slots:

Soon after the program began ... initial skepticism was overcome and demand rose to almost unmanageable levels. The Leadership Council was forced to limit registration for the program to a one-day telethon each year. By the early 1990s, the organization was receiving an estimated 10,000 calls on registration day.”<sup>98</sup>

Moreover, findings from the Gautreaux project support the preceding statement and indicate that when it is feasible, subsidized housing residents that move to non-poor areas will remain there:

Critics have said that most families would not remain in white suburbs. Yet recent research, which located 1,506 out of a sample of 1,507 families, found that over two-thirds of suburb-mover families remained in suburbs seven or more years after entering them.”<sup>99</sup>

Finally, Clark presents a rather pessimistic view that due to preferences, integration is impossible because “...it is difficult to maintain stable integrated neighborhoods.”<sup>100</sup> This suggests that although the court has found liability, there is no potential remedy for African American subsidized housing residents in the City of Baltimore. But, Clark’s own evidence and other research refute this pessimistic view of the potential for creating desegregative moves. Clark’s own assertions regarding the decline in segregation in recent decades contradict this view. In addition, research by Myron Orfield at the Institute on Race and Poverty suggests that integrated neighborhoods are much more stable in locations where region wide remedies have been attempted to address segregation (in this circumstance, remedies to address school segregation).<sup>101</sup>

<sup>95</sup> Maria Krysan and Reynolds Farley, “The Residential Preferences of Blacks: Do they Explain Persistent Segregation?” *SOCIAL FORCES* 80(3): 937, 969 (March 2002). Page 970.

<sup>96</sup> Maria Krysan and Reynolds Farley, “The Residential Preferences of Blacks: Do they Explain Persistent Segregation?” *SOCIAL FORCES* 80(3): 937, 969 (March 2002). Page 974.

<sup>97</sup> Research by Sheryl Cashin finds some signs of “integration fatigue” by African Americans, but concludes the African Americans still primarily prefer integration based on survey research. *THE FAILURES OF INTEGRATION*. Published by Public Affairs. (2004). (Page 17).

<sup>98</sup> Miriam Wasserman, “Can A Neighborhood Affect The Success of Its Residents” *REGIONAL REVIEW*, 11(4) (2001) (<http://www.bos.frb.org/economic/nerr/r2001/q4/chances.pdf>).

<sup>99</sup> James Rosenbaum, “Relocation Works” *BOSTON REVIEW* (Summer 2000).

<sup>100</sup> William Clark. “Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs’ Expert Reports.” November 23, 2005. Page 9.

<sup>101</sup> Myron Orfield and Thomas Luce, *MINORITY SUBURBANIZATION AND RACIAL CHANGE: STABLE INTEGRATION, NEIGHBORHOOD TRANSITION, AND THE NEED FOR REGIONAL APPROACHES*. Report of Institute on Race and Poverty (presentation at the “Race and Regionalism Conference in Minneapolis, MN May 6-7, 2005.) Available on-line at: [http://www.irpumn.org/website/projects/index.php?strWebAction=project\\_detail&intProjectID=15](http://www.irpumn.org/website/projects/index.php?strWebAction=project_detail&intProjectID=15).

## **6. Despite Defendants' Experts' Assertions to the Contrary, My Proposal Expands Choice for African American Subsidized Housing Residents.**

Defendants' experts (Clark, Olsen and Shroder) argue that a race conscious remedial program denies choice to African American subsidized housing residents and is destined to fail. In fact, my proposal provides residential choices to African American subsidized housing residents that do not currently exist in Baltimore. Moreover, a race conscious remedial program is necessary to avoid reconcentrations of African American subsidized housing residents. The very finding of segregation on the part of HUD by this court is sine qua non of the limited choice of the plaintiff class.

### **6.1. My proposed remedy would expand the housing choices of African American subsidized housing residents in Baltimore.**

Clark contends that a race conscious remedy is "social engineering" while Olsen argues that proposals for more units in opportunity rich communities with relatively small populations of color will restrict the number of housing options. According to Olsen, "Plaintiffs' experts propose remedies that will limit the neighborhood choices of African Americans."<sup>102</sup> Shroder contends that a remedy with locational constraints will limit the housing options of African American voucher holders. All of these arguments are fundamentally flawed and illogical given the goal of remedying HUD's fair housing violation.

Currently, African American subsidized housing residents in Baltimore are extremely segregated and have severely restricted choices. Currently in Baltimore, mostly segregative choices are available to them and largely segregative choices will remain for these residents if remedial action is not taken. The Court remarked on this fact in its decision:

One of the beneficial results of the instant case was a Consent Decree whereby, pursuant to an agreed Court Order, the high-rise projects were demolished. Nevertheless, there have not been significant opportunities for African-American residents of Baltimore City public housing to reside in racially mixed, rather than predominantly African-American, areas.<sup>103</sup>

Contrary to the opinions of HUD's experts, our proposal will expand choice for African American subsidized housing residents and open access to high opportunity non-segregated communities to them. The remedial program that we propose is voluntary, and only participants who desire to make desegregative moves to higher opportunity communities would do so. Those subsidized housing residents that prefer to remain in segregated areas would be free to do so. That said, evidence from other mobility programs and from the partial consent decree program in Baltimore suggests that there is tremendous demand for desegregative housing options.<sup>104</sup>

### **6.2. The necessity of a race conscious remedy.**

It is a documented fact that race neutral housing remedies can fail to open up housing opportunities to African American households and can create conditions that may result in re-concentration of units and neighborhood instability. A race conscious remedy is appropriate in this case, not only because of the undisputed history of de jure racial segregation of subsidized housing in Baltimore, but because of the need to address the unintended but predictable outcomes of race neutral policies that often frustrate the goal of providing meaningful opportunity access in

<sup>102</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 2.

<sup>103</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 7.

<sup>104</sup> According to the October 2004 Statistical Report from Baltimore Metropolitan Quadel, up to this date over 7,200 families applied to take part in Partial Consent Decree Program. The Local Defendants Report for the period of July 2005 indicates that between January 1<sup>st</sup> and June 30<sup>th</sup> of 2005 an additional 1,469 families submitted preliminary applications to take part in the Partial Consent Decree Program.

integrated neighborhoods to subsidized housing residents. One potential outcome that could emerge from a race neutral approach is a re-clustering of African American subsidized housing residents in new neighborhoods in a manner that triggers new waves of White flight.<sup>105</sup> A race conscious remedial program guards against re-clustering of voucher holders in vulnerable inner ring suburbs and outer city neighborhoods.

Clark asserts that a race conscious voucher program is “probably likely to fail as a strategy for integrating residential neighborhoods.” Clark’s ignores the fact that a race conscious remedy was successful in Chicago’s Gautreaux program. Gautreaux opened access to desegregated lower poverty areas in a manner that did not spur White flight in receiving neighborhoods.<sup>106</sup>

Clark’s rebuttal suggests that it is “extremely difficult to maintain the exact balance of races and ethnic groups which will maintain stable integrated neighborhoods” because of strong own-race preferences on the part of White, Asian and Hispanic households.<sup>107</sup> Clark misconceives the intent of a race conscious program. Far from being designed to create an “exact balance of races,” a race conscious approach is necessary so that new assisted housing opportunities do not create neighborhood imbalance, which will undermine the efforts of the remedial program. Racial balance is not the goal of a race conscious remedy. The goal is to avoid creating rapid racial imbalance and racial reconcentration, which could stimulate White flight.

Clark asserts that “whites in general will leave neighborhoods in which they are likely to become a minority.”<sup>108</sup> While this may be true, he is incorrect to conclude from this that it is “not clear that there is any mechanism for intervening in the extent to which whites...” leave neighborhoods.<sup>109</sup> Clark concludes that White flight will be inevitable if subsidized housing is sited in White neighborhoods, but ignores contradictory research co-authored by a former HUD expert William Rohe. There is clear empirical research demonstrating that subsidized housing can be placed in White neighborhoods without creating neighborhood instability.<sup>110</sup> A recent study by George Galster of Section 8 housing voucher usage found that such usage in high property value White neighborhoods had positive or negligible effects on property values unless they were used in large numbers and in concentrated areas.<sup>111</sup> Thus, moderate use of Section 8

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<sup>105</sup> In a 2001 national survey, researchers found that the likelihood of White’s choosing to purchase a home in a neighborhood declined significantly as the percentage of African Americans in the neighborhood surpassed certain thresholds. Whites become much less likely to purchase a home in a neighborhood with an African American composition higher than 15% and if the African American population increased to more than 65%, few Whites would choose the neighborhoods. Although some debate exists around the implicit motivation for these choices, it is clear that Whites equate the presence of African American residents in a neighborhood with poor neighborhood quality regardless of the underlying reality. See Michael Emerson, Karen Chai and George Yancey, Does Race Matter in Residential Segregation? Exploring the Preferences of White Americans, 66 AMERICAN SOCIOLOGICAL REVIEW 922-935 (2001).

<sup>106</sup> “...the Gautreaux program encountered only sporadic, moderate, and relatively isolated adverse public reaction...In Chicago, there was little community reaction to the Gautreaux program even though homeseekers’ destinations included predominantly white neighborhoods. In the suburbs, there were scattered and sporadic concerns.” See Leonard Rubinowitz & James Rosenbaum, CROSSING THE CLASS AND COLOR LINES: FROM PUBLIC HOUSING TO WHITE SUBURBIA (2000). Pages 62-63.

<sup>107</sup> William Clark. “Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs’ Expert Reports.” November 23, 2005. Page 19.

<sup>108</sup> William Clark. “Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs’ Expert Reports.” November 23, 2005. Page 19.

<sup>109</sup> William Clark. “Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs’ Expert Reports.” November 23, 2005. Page 19.

<sup>110</sup> Lance Freeman and William Rohe. Subsidized Housing and Neighborhood Racial Transition: An Empirical Investigation. HOUSING POLICY DEBATE. Volume 11, Issue 1. 2000

<sup>111</sup> George Galster, Peter Tatian and Robin Smith, The Impacts of Neighbors Who Use Section 8 Certificates on Property Values. HOUSING POLICY DEBATE Volume 10. No. 4. (1999).

housing vouchers would not have the “opportunity impact” that many Whites fear. By avoiding reconcentration of Section 8 vouchers, creating new areas of racial imbalance can be avoided.

Clark’s White flight arguments support the conclusion that a race neutral program that fails to consider these dynamics would be likely to replicate the racial segregation and denial of opportunities currently experienced by subsidized housing residents. A race conscious approach can take into account the racial composition of a neighborhood and mitigate the potential for White flight. New assisted housing opportunities should be located in moderate numbers and not over concentrated; assisted housing should be targeted to higher opportunity not lower opportunity White areas; and assisted housing should be sited at a regional level.

## **7. A regional approach is necessary to remedy HUD’s fair housing violation.**

Both Clark and Olsen emphasize the problems with the potential regionalization of subsidized housing administration in the Baltimore region. Olsen asserts that a regionalized program of Section 8 vouchers would not improve the efficiency or implementation of the voucher program, but offers no compelling evidence to support this opinion.<sup>112</sup> Clark attacks the notion of the effectiveness of regional governance in addressing concentrated poverty and segregation and asserts that regionalism will weaken the political voice of the African American community.<sup>113</sup>

### **7.1. The Court recognizes the importance of a regional remedy.**

This Court has established the need for a regional remedy to address HUD’s fair housing violations and HUD’s ability to establish a regional program administration.

The Court finds an approach of regionalization to be integral to desegregation in the Baltimore Region and that regionalization was an important alternative course of action available to Federal Defendants. By the term “regionalization” the Court refers to policies whereby the effects of past segregation in Baltimore City public housing may be ameliorated by the provision of public housing opportunities beyond the boundaries of Baltimore City. Testimony by HUD officials at trial indicates that Baltimore City itself recognized the importance of regionalization. But, of course, it was HUD and not Local Defendants, that could have meaningfully acted upon a regional approach.<sup>114</sup>

As this Court noted in its January decision, the demographics of the City of Baltimore make desegregating public housing with City-only remedies impossible:

Geographic considerations, economic limitations, population shifts, etc. have rendered it impossible to effect a meaningful degree of desegregation of public housing by redistributing the public housing population of Baltimore City within the City limits.<sup>115</sup>

### **7.2. Clark’s critique of regionalism is incomplete, incorrect and irrelevant**

Outside of the established fact that only a regionalized housing program can effectively remedy HUD’s fair housing violation, Clark’s assertions are incorrect and confuse different types of regionalism. Clark’s conclusions are primarily derived from research related to government

<sup>112</sup> Mark D. Shroder. “Summary of expected testimony by Mark Shroder in Thompson v. HUD. November 21, 2005. Page 31. Shroder states: “I would like to be able to testify that the performance of state or metropolitan agencies in voucher administration is either better or worse than that of city and county agencies, but measurement and sample size problems impede my ability to do so.”

<sup>113</sup> William Clark. “Housing Vouchers and Housing Choices in Metropolitan Baltimore: Rebuttal to Plaintiffs’ Expert Reports.” November 23, 2005. Page 27-28.

<sup>114</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 151-152.

<sup>115</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 11.



consolidation, in particular recent research by Savitch and Vogel from the University of Louisville, in which the impact of Louisville's City-County consolidation impacted the political voice of urban communities.

The well established understanding of the variety of ways to implement regionalism eludes Clark in his discussion.<sup>116</sup> Consolidation and government mergers are only one type of regionalism and are not generally regarded as successful for addressing social equity and preserving minority political voice. In contrast to Clark's assertion, research investigating other forms of regionalism has supported the notion that greater social and racial equity can be produced through regional policies.<sup>117</sup>

In addition, consolidation and mergers are rare and in no way relevant to the regional housing strategies recommended in this case. Regional administration of subsidized housing is not fundamentally different from the regional administration of transportation policy through the metropolitan planning organizations. In no way would regional administration of subsidized housing policy prove detrimental to the political voice of the African American community.

**8. Contrary to expert Olsen's opinion, new subsidized housing production in high opportunity areas is critical to remedy the harms of subsidized housing segregation and must be included in this remedy.**

Olsen claims that additional construction of affordable housing units is cost-prohibitive and that "tight" housing markets do not necessitate supply side housing production to complement housing vouchers.<sup>118</sup> Olsen's arguments are incorrect and flawed on several accounts. Olsen fails to consider that efficiency isn't the sole measure of effective housing policy. Additionally, Olsen ignores the large body of research that indicates supply side production is needed for mobility programs in tight housing markets. My remedial proposal suggests that HUD utilize both vouchers and housing production to expand housing choice for African American subsidized housing residents. This recommendation is based on documented problems with voucher-only based assistance in promoting mobility for African American families. In addition, the need for additional housing production is evidenced by the shortage of rental housing in Baltimore that meets the needs of larger households.

**8.1. Olsen's cost efficiency arguments are not appropriate in addressing HUD's fair housing violation**

Olsen argues that new subsidized housing is neither necessary nor desirable as part of this remedy. Although some elements of Olsen's cost efficiency arguments are debatable, Olsen's assertion contains a persistent flaw that undermines his criticism. His assessment of whether new housing is "necessary" or "desirable" turns upon his finding that new housing will reduce the economic efficiency of housing assistance programs and limit the number of families served.<sup>119</sup> Olsen's argument ignores considerations of access to opportunity, location, and racial concentration central to this litigation. As a result, much of his argumentation is not relevant to designing this remedy.

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<sup>116</sup> For a detailed discussion of the variety of regionalism based policies please review "The Regional Governing of Metropolitan America" by David Miller at the University of Pittsburgh (2002). David Miller. THE REGIONAL GOVERNING OF METROPOLITAN AMERICA. WESTVIEW PRESS. 2002.

<sup>117</sup> For a more thorough discussion of these findings please review "Regions that Work" by Manuel Pastor and "Metropolitica" by Myron Orfield. Manuel Pastor. REGIONS THAT WORK. UNIVERSITY OF MINNESOTA PRESS. 2000. Myron Orfield. METROPOLITICS. BROOKINGS INSTITUTION PRESS. 1997

<sup>118</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 8-11 and 12-18.

<sup>119</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Pages 5-6.

Olsen compares current low income housing assistance programs and finds that “recipient-based housing assistance has provided equally good housing at a much lower cost than any type of unit-based,” or supply-side, assistance, even in tight housing markets.<sup>120</sup> Olsen concludes that recipient based assistance is preferable to unit based assistance because it maximizes the number of families served within a given budget. His analysis focuses on economic efficiency without appropriate attention to fair housing concerns that touch this remedy. Efficiency analysis does not, by itself, address the issue of remedying HUD’s fair housing violation. This oversight undermines Olsen’s analysis in several ways.

First, the question of efficiency is not directly helpful in evaluating whether the proposed remedy would redress HUD’s fair housing violation. Indeed, HUD could maximize the quantity of families assisted and remain in complete violation of its legal obligations. A highly cost-effective program may result in persistent and continuing racial segregation. Second, it is reasonable to suspect that Olsen’s definition of “equally good housing” is not coterminous with the one before the court in the context of this litigation. Although it is unclear precisely what factors Olsen considers to categorize housing as “equally good,” in all likelihood it does not take into account neighborhood racial segregation, a matter of direct concern in this litigation, or the disconnection from opportunity structures created by racial segregation.

## **8.2. Olsen’s analysis of tight markets and voucher use is inappropriate and flawed**

Olsen claims that tight housing markets do not necessitate supply-side programs in order to achieve desegregation. Olsen supports this claim with an analysis of housing voucher utilization rates and vacancy rates. Olsen claims that his analysis proves that vouchers are being utilized more in areas with lower rental vacancy rates, thus proving that vouchers are sufficient for tight housing markets. As Olsen states:

I find that the average voucher utilization rate is 85.8 percent for housing agencies in metropolitan areas with higher than average vacancy rates and 87.9 percent for housing agencies in metropolitan areas with lower than average vacancy rates. That is, the voucher utilization rate is actually higher in the tightest housing markets and hence tighter housing markets do not necessitate supply-side programs.<sup>121</sup>

Olsen’s analysis of voucher utilization is both inappropriate for the context of this remedy and methodologically flawed. Under Olsen’s methodology we could have a 100% “utilization” of housing vouchers, with no desegregative housing opportunities available and with HUD still in complete violation of its legal obligations. Olsen’s analysis defines voucher success by whether the voucher is used, not by whether the voucher enables residency in desegregated neighborhoods. Olsen’s analysis fails to account for the geographic disparities in rental vacancy within metropolitan housing markets. Olsen incorrectly defines successful use of vouchers in terms of efficiency or “utilization” instead of in terms of offering desegregative housing opportunities.

In fact, in tight housing markets, voucher programs tend to steer residents into areas where other low income residents already live. Based on the evidence from other mobility programs, in a “tight” housing market, families authorized to use vouchers are more likely to use them in opportunity poor neighborhoods which are likely to be racially concentrated.<sup>122</sup>

Olsen is also incorrect in arguing that repair and improvement can substantially increase the availability of rental units in tight housing markets such that new housing is not necessary.<sup>123</sup>

<sup>120</sup> Edgar O. Olsen. “Expert Report on the Remedial Phase Thompson v. HUD.” Nov 28, 2005. Page 8.

<sup>121</sup> Edgar O. Olsen. “Expert Report on the Remedial Phase Thompson v. HUD.” Nov 28, 2005. Page 14.

<sup>122</sup> John M. Hartung and Jeffrey Henig., Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor, 32 URBAN AFFAIRS REVIEW 403-419 (January 1993). Page 416.

<sup>123</sup> Edgar O. Olsen. “Expert Report on the Remedial Phase Thompson v. HUD.” Nov 28, 2005. Page 16-18.

Even if this were true to meet aggregate housing need, Olsen's proposal would not create desegregative opportunities in high opportunity areas with few rental units. Thus, Olsen's proposed strategy for meeting housing need by upgrading existing rental units would not assist in helping HUD remedy its fair housing violation. Repairing or improving apartments may alleviate some of the region's housing need, but it does not provide desegregative housing opportunities in high opportunity neighborhoods, especially those areas that lack sufficient affordable rental opportunities.

Olsen's analysis of voucher use in tight markets fails to account for one of the primary factors impacting voucher use, the geographic disparity in available voucher eligible units. Rental housing is not geographically uniform in regards to its availability and cost. Generally, suburban areas have fewer rental units and higher rents for available units, especially in highly desirable locations. In contrast, inner city areas will have an abundance of units that are affordable but are located in low opportunity areas. As a result of these dynamics, the rental market may be extremely "tight" in suburban communities while inner city communities can have excessive rental vacancies.

These geographic trends are evident in the Baltimore rental market. Baltimore's rental market contains distinct spatial disparities in the prevalence of rental units (**Map 7**), cost of rental units (**Map 8**) and distribution of vacant housing units for rent (**Map 9**). Suburban areas in the Baltimore region have fewer rental units and higher rents than Baltimore's inner city neighborhoods. The distribution of vacant rental units that were for rent in 2000 is also concentrated in the City of Baltimore and communities on the periphery of the City of Baltimore. Olsen's analysis of metropolitan level trends fails to account for this geographic disparity and obscures the real dynamics of the rental market.

### **8.3. Tight housing markets minimize the effectiveness of vouchers.**

Olsen's finding that "tight housing" markets do not impact the use of housing vouchers is directly contradicted by established research. Evidence from other mobility based housing programs illustrates the fact that the private market does not provide a sufficient supply of affordable rental units in desegregated higher opportunity areas.<sup>124</sup> This shortcoming is most notable for larger rental units (3 or more bedrooms), which are needed by African American families.<sup>125</sup>

Housing vouchers have proved to be an effective method of providing access to opportunity if programs are supported properly and adequately account for housing market conditions. In tight or fluctuating housing markets, however, vouchers may provide access only to segregated, opportunity poor neighborhoods and/or may not allow holders to access housing at all. Market forces "tend to steer low-income residents into areas where other low-income residents already live" – even when the goal is to deconcentrate poverty.<sup>126</sup> This is particularly true in tight housing markets such as Baltimore's. A recent study of the effectiveness of vouchers in creating housing mobility found:

Mobility programs were hindered by a lack of units at or below the FMRs. Very tight rental housing markets in NYC, Minneapolis, Dallas and Omaha made the competition for units very intense and made it difficult for housing authorities to recruit landlords to participate in the program.<sup>127</sup>

<sup>124</sup> John M. Hartung and Jeffrey Henig., Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor, 32 URBAN AFFAIRS REVIEW 403-419 (January 1993). Page 416.

<sup>125</sup> Robin E. Smith et. al. at the The Urban Institute Metropolitan Housing and Communities Policy Center; HOUSING CHOICE FOR HOPE VI RELOCATEES (Final Report: April 2002). Prepared for the US Department of Housing and Urban Development.

<sup>126</sup> John M. Hartung and Jeffrey Henig., Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor, 32 URBAN AFFAIRS REVIEW 403-419 (January 1993). Page 416.

<sup>127</sup> Edward G. Goetz, Housing Dispersal Programs, 18 JOURNAL OF PLANNING LITERATURE 3-16 (August 2003).

Experiences from the HOPE VI program further illustrate the problems with vouchers in constrained housing markets. Beyond the cost of rent in opportunity rich areas, HOPE VI relocatees with Section 8 vouchers often clustered in poor areas due to the lack of units outside such areas that met their needs. Specifically, because of the lack of rental units for large families in less segregated lower poverty areas, many families reconcentrated in under-resourced neighborhoods similar to those they had left.<sup>128</sup> The limited utility of vouchers was noted by this Court in its previous decision: "One of the 'lessons learned' from the HOPE VI program was that housing vouchers are 'not viable replacement housing options' in tight housing markets like Baltimore's."<sup>129</sup>

In Minneapolis, research has found that during the implementation process of the consent decree in *Hollman v. Cisneros*, most people who were relocated involuntarily through demolition moved to neighborhoods that had less poverty and minority concentration than their public housing sites. But many of these neighborhoods had a much higher minority and poverty concentration rate than the metropolitan average and were therefore probably in transition to being concentrated.<sup>130</sup> African American participants had difficulty locating a unit in a non-impacted area that would rent to them due to the tight housing market; therefore they had to make segregative moves out of necessity.<sup>131</sup> Despite the various limitations of the *Hollman* remedy, it did result in some positive effects. In addition, now that more new units have been constructed, tensions surrounding the program's implementation have dissipated.<sup>132</sup>

In Chicago, an overwhelming majority of tenants enrolled in the Chicago Housing Authority's mobility program had trouble finding an apartment they liked that had enough bedrooms, had difficulty locating landlords who would accept Section 8 vouchers and faced challenges accessing transportation for apartment hunting.<sup>133</sup> In Dallas, operating under the consent decrees issued in *Walker v. HUD*, African American public housing tenants similarly had difficulty finding suburban rental housing in a tight housing market that was experiencing increasing rents.<sup>134</sup> Because about half of Dallas Housing Authority families need three-bedroom apartments, and

<sup>128</sup> Robin E. Smith et. al. at the The Urban Institute Metropolitan Housing and Communities Policy Center; HOUSING CHOICE FOR HOPE VI RELOCATEES (Final Report: April 2002). Prepared for the US Department of Housing and Urban Development. However, "[those] who moved farther away from their developments were more likely to discuss increased opportunity as a by-product of their move."

<sup>129</sup> Hon. Marvin J. Garbis, Memorandum of Decision. *Carmen Thompson et al. vs. US Department of Housing and Urban Development et al.* (January 6, 2005). Page 291.

<sup>130</sup> Goetz, E.G. "Desegregation lawsuits and public housing dispersal - The case of *Hollman v. Cisneros* in Minneapolis," JOURNAL OF THE AMERICAN PLANNING ASSOCIATION, 70 (3): 282-99. 2004.

<sup>131</sup> Mary K. Cunningham et. al., CH. 5: BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: MINNEAPOLIS by BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: CASE STUDIES – VOLUME 2; Prepared by the Urban Institute in February 2000 for HUD. See also, Edward Goetz. "Deconcentrating Public Housing in Minneapolis: *Hollman v. Cisneros*." CURA Reporter. University of Minnesota. Center for Urban and Regional Affairs. Volume 32. Number 4. Fall 2002. Available on-line at: <http://www.cura.umn.edu/>

<sup>131</sup> Mary K. Cunningham and Susan J.

<sup>132</sup> Family Housing Fund. "Hollman Ten Years Later 1991-2002." Available on-line at: [http://www.fhfund.org/educational\\_materials\\_reports.asp](http://www.fhfund.org/educational_materials_reports.asp) See also, Edward Goetz. "Deconcentrating Public Housing in Minneapolis: *Hollman v. Cisneros*." CURA Reporter. University of Minnesota. Center for Urban and Regional Affairs. Volume 32. Number 4. Fall 2002. Available on-line at: <http://www.cura.umn.edu/>

<sup>133</sup> Mary K. Cunningham and Susan J. Popkin, CHAC MOBILITY COUNSELING ASSESSMENT FINAL REPORT (October 2002). Published by the Urban Institute (Washington D.C.) and the Great Cities Institute at the University of Illinois at Chicago. Available on-line at: [http://www.urban.org/UploadedPDF/410588\\_CHACReport.pdf](http://www.urban.org/UploadedPDF/410588_CHACReport.pdf)

<sup>134</sup> Susan J. Popkin, et. al., CH. 3: BASELINE CASE STUDY: DALLAS in BASELINE ASSESSMENT OF PUBLIC HOUSING DESEGREGATION CASES: CASE STUDIES –VOLUME 2; Prepared by the Urban Institute in February 2000 for HUD. Available on-line at: <http://www.huduser.org/publications/pubasst/baseline.html>

only 3.5% of the private market offers units this large, there was intense competition for available units.

Research on mobility programs to date thus undeniably illustrates that voucher programs can and do work, but that they should be supplemented by construction of a number of units that both provide affordable opportunities in communities where rents exceed voucher values and that meet the needs of larger families in a range of opportunity rich areas across the metropolitan area. Otherwise, deficiencies in the rental market might lead to significant reconcentration of subsidized housing residents in neighborhoods already facing increasing poverty and lack of opportunity.<sup>135</sup>

#### 8.4. The Baltimore region will need more supply side production.

Olsen incorrectly asserts that my analysis proves that high opportunity areas do not require additional production of subsidized rental units. Olsen states in his report:

Evidence presented by the plaintiffs' experts indicates clearly that higher subsidies are not necessary to enable voucher recipients to live in a wide variety of neighborhoods. Turner and Briggs show that rental housing for which recipients could potentially use vouchers is quite widely dispersed. Powell notes that about 40 percent of rental units in his high-opportunity areas rent for less than HUD's Fair Market Rent for two-bedroom unit.<sup>136</sup>

Olsen uses this statistic from my report out of context and ignores other statistics that I discuss that directly refute his conclusion. Overall, high opportunity areas lack a significant number of affordable rental units when compared to low opportunity areas. In 2000, only 20% of the region's rental housing that cost less than HUD Fair Market Rents was located in high opportunity areas.<sup>137</sup> In fact, rental units that met HUD Fair Market Rents were three times more likely to be found in a low opportunity census tract than a high opportunity census tract in 2000. In addition, Olsen's comment does not address the need for larger rental units in higher opportunity areas. As addressed in the preceding section, mobility programs have documented significant problems in providing larger rental units in desegregated areas of opportunity.

The Baltimore region will require additional subsidized housing production due to the fact that the region does not contain enough appropriate rental housing in desegregated areas of opportunity. **Map 5** indicates that the current distribution of voucher users is concentrated within specific areas of the Baltimore region and African American voucher users are even more concentrated. The concentration of voucher users suggests that voucher eligible properties outside of the City are limited and African American voucher holders may have difficulty accessing these units. As a proportion of total housing units, rental units that are 3 bedroom or larger are primarily concentrated in the central city (**Map 10**). The 3 bedroom or larger units that are found outside of the central city are often more costly. As illustrated in **Map 11**, the distribution of

<sup>135</sup> In his expert report, Peter Schuck states:

Professor Powell is clear that he would not force dispersal of those who wish to remain in their racially concentrated neighborhoods, which might seem to imply that he would accept the reconcentration and clustering that he predicts will result from the use of vouchers.

"Remedial Phase Expert Report of Peter H. Shuck." (Pages 15-16). While Schuck opines that this "might seem to imply" that I would accept a voucher program that results in reclusterings, in fact I would not. There is a critical distinction between my position, and the implication that he attempts to infer from it. I support the proposition that families must have residential choices. In fact, this is a central goal of fair housing. However, the reconcentration that can result from voucher programs are not a function of choice. They are exactly the opposite: a function of the difficulties that voucher holders face when attempting to relocate to desegregated high opportunity areas.

<sup>136</sup> Edgar O. Olsen. "Expert Report on the Remedial Phase Thompson v. HUD." Nov 28, 2005. Page 22.

<sup>137</sup> As stated in my previous expert remedial report.



lower cost (costing less than \$750 a month in 2000) 3 bedroom or larger rental units in the Baltimore region is spatially concentrated in the central city, with most suburban areas containing higher cost 3 bedroom or larger rentals.<sup>138</sup>

Lower cost larger rental units are much less prevalent in high opportunity communities. Thus, subsidized housing residents seeking larger inexpensive rental units in these areas may have difficulty finding units in high opportunity areas due to the limited number of housing units to choose from. High opportunity areas contain only 19% of the region's lower cost (with rents less than \$750) rental units that are 3 bedrooms in size or larger. In contrast, low opportunity areas contain nearly 70% of these units in the region. Lower cost 3 bedroom or larger rental units make up only 5.8% of the rental housing stock and 1.5% of the total housing stock in high opportunity areas.<sup>139</sup> These dynamics of unit availability, spatial dynamics and unit size evident in the Baltimore region have hindered other mobility based housing programs, especially for African Americans. Thus, Baltimore will need some production and provision of new rental opportunities in high opportunity neighborhoods.

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<sup>138</sup> Note: \$750 was the cost break between higher cost and lower cost rental units. Although this figure does not match HUD FMR for 1999 in the Baltimore region (HUD FMR for a 3 bedroom unit in the Baltimore MSA in 1999 was \$831), this figure was the closest in proximity to HUD's 3 bedroom FMR. The Census Bureau does not provide as much detail in cost data for units listed by bedroom size, with the closest price breaks for units near HUD FMR being \$750 and \$1,000 per month. For this analysis \$750 was chosen because it was closer to HUD FMR than \$1,000 rents. Units that did not have any cash rent in 1999 were not included in the analysis.

<sup>139</sup> Based on analysis of 3 bedroom units by cost and census tract opportunity index score, data on unit size and cost from the U.S. Census Bureau (see preceding footnote concerning cost data from the Census Bureau).

Table 1: Dissimilarity Index Scores for Baltimore Metropolitan Area 2000

<b>Dissimilarity Index Scores (African American: White) For Baltimore City and Baltimore MSA in 2000</b>	
<b>Dissimilarity Index Score from Mumford Center at University of Albany</b>	
<b>Geographic Area of Analysis</b>	<b>2000</b>
City of Baltimore	0.712
Baltimore Metropolitan Area	0.679
<i>Source: Mumford Center for Comparative Urban and Regional Analysis, University of Albany</i>	
<b>Dissimilarity Index Score from Population Studies Center, University Of Michigan</b>	
<b>Geographic Area of Analysis</b>	<b>2000</b>
City of Baltimore	0.715
Baltimore Metropolitan Area	0.682
<i>Source: Population Studies Center, University of Michigan</i>	
<b>Dissimilarity Index Score from U.S. Census Bureau</b>	
<b>Geographic Area of Analysis</b>	<b>2000</b>
City of Baltimore	0.711
Baltimore Metropolitan Area	0.675
<i>Source: U.S. Census Bureau</i>	

Table 2: Scores for Baltimore MSA and National Rank in 2000 out of the largest Metropolitan Areas based on Multiple Measures of Segregation

<b>Scores in 2000 from Multiple Segregation Indicators and National Rank based on Indicator</b>						
<b>Score in 2000 for the Baltimore MSA</b>	<b>Dissimilarity Index</b>	<b>Isolation Index</b>	<b>Delta Index</b>	<b>Absolute Centralization Index</b>	<b>Spatial Proximity Index</b>	
Baltimore MSA	0.675	0.68	0.81	0.82	1.52	
<b>Rank of Baltimore MSA out of the 43 Largest MSA's in Nation based on Different Segregation Indicators</b>	<b>Dissimilarity Index</b>	<b>Isolation Index</b>	<b>Delta Index</b>	<b>Absolute Centralization Index</b>	<b>Spatial Proximity Index</b>	<b>Average Ranking</b>
Baltimore MSA	17	10	29	18	8	14
Note: Rank out of 43 metropolitan areas, with 1 representing the most segregated metropolitan area based on indicator and 43 representing the least segregated metropolitan area based on indicators.						
<i>Source: Iceland, J., Weinberg, D. &amp; Steinmetz, E. (2002) "Racial and Ethnic Segregation in the United States: 1980-2000." Census 2000 Special Report CENSR-3, U.S. Census Bureau.</i>						

Table 3: Change in Dissimilarity Index Score 1980 to 2000 from Mumford Center and U.S. Census Bureau

<b>Segregation Index (Black and White) for 1980, 1990 and 2000</b>					
	<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>Change</b>	<b>% Change</b>
City of Baltimore	0.790	0.759	0.712	-0.078	-9.9%
Baltimore Metropolitan Area	0.745	0.716	0.679	-0.066	-8.9%
<i>Source: Mumford Center for Comparative Urban and Regional Analysis, University of Albany</i>					
	<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>Change</b>	<b>% Change</b>
Baltimore Metropolitan Area	0.744	0.713	0.675	-0.069	-9.3%
National MSA Average	0.727	0.678	0.640	-0.087	-12.0%
<i>Source: Iceland, J., Weinberg, D. &amp; Steinmetz, E. (2002) "Racial and Ethnic Segregation in the United States: 1980-2000." Census 2000 Special Report CENSR-3, U.S. Census Bureau.</i>					

Table 4: Suburban African American population change 1990 to 2000 by opportunity index score for Census Tracts. Note: Suburban Census Tracts include Tracts for Anne Arundel, Baltimore, Carroll, Harford and Howard Counties.

Opportunity Index Score for Suburban Census Tracts	African American Population		A.A. Population Change 1990 to 2000	% of Total Suburban A.A. Population Growth 1990 to 2000
	1990	2000		
1 = Very Low	N/A	N/A	N/A	N/A
2 = Low	57,744	90,240	32,496	28.4%
3 = Moderate	42,789	72,176	29,387	25.7%
4 = High	33,896	54,234	20,338	17.8%
5 = Very High	41,362	73,441	32,079	28.1%
Grand Total	175,791	290,091	114,300	100.0%

Note: No suburban census tracts had an opportunity index score of 1.  
Source: Geolytics Neighborhood Change Database, Census STF 1 population counts for 1990 and 2000 Census Tracts, normalized by 2000 Census Tract boundaries.

Table 5: Distribution of renters receiving public assistance income and renters in poverty receiving public assistance income from the 2000 Census for the Baltimore Region.

	Total Rental Households	Renters on Public Assistance	Renters on Public Assistance and in Poverty
Suburban Counties	191,694	6,330	2,778
City of Baltimore	128,117	14,206	8,780

	% of Region's Rental Households	% of Region's Renters on Public Assistance	% of Region's Renters on Public Assistance and in Poverty
Suburban Counties	59.9%	30.8%	24.0%
City of Baltimore	40.1%	69.2%	76.0%

Note: Suburban Counties include Anne Arundel, Baltimore County, Carroll, Harford and Howard  
Source: U.S. Census Bureau, 2000 Decennial Census of Population and Housing  
Definition: Public Assistance income defined as people receiving TANF

Table 6: Employment Centers in the Baltimore Region; Source: 2001 Regional Job Access and Reverse Commute Transportation Plan, Baltimore Metropolitan Council

TABLE B-4 Employment Centers in the Baltimore Region, 1999 (RPDs with Potentially High Numbers of Low Wage Jobs)		
RPD, Identified as Employment Center	Total Jobs*	Potential Low Wage Jobs**
Metro Center	140,764	10,045
Columbia	55,074	8,730
Towson	64,809	6,893
Hunt Valley	49,414	5,911
Glen Burnie	26,767	4,880
Bel Air - Fallston	31,990	4,735
Ellicott City	25,571	4,348
Westminster	25,459	4,162
Annapolis	37,495	4,013
Edgewood - Joppa	19,386	3,724
Owings Mills	30,575	3,644
Security (Woodlawn)	34,488	3,431
Catonsville	15,466	2,715
Aberdeen - Havre de Grace	17,891	2,669
Laurel (U.S. 1 Corridor)	26,288	2,010
Perry Hall - White Marsh	12,886	1,844
East Point - Dundalk	12,656	1,669
Middle River	18,915	1,481
Friendship (BWI)	43,640	1,172

Source: Baltimore Metropolitan Council, 1999.

\* Total number of jobs of the 14 major industry groups, determined using Dun and Bradstreet and InfoUSA, December 1999. \*\* Potential number of low wage jobs, determined using a ratio provided by the U.S. Department of Commerce Bureau of Economic Analysis Occupational Employment Survey (OES), 1999.

Table 7: Distribution of rental households by race of householder for the City of Baltimore and suburban Counties in the Baltimore region.

	<b>Renter Occupied Housing Units</b>	<b>White Renter Households</b>	<b>African American Renter Households</b>
Suburban Counties	191,694	130,513	48,082
City of Baltimore	128,117	37,264	84,542
	<b>% of Renter Households White</b>	<b>% of Renter Households African American</b>	
Suburban Counties	68.1%	25.1%	
City of Baltimore	29.1%	66.0%	
	<b>% of Region's White Renter Households</b>	<b>% of Region's Af. Am. Renter Households</b>	
Suburban Counties	77.8%	36.3%	
City of Baltimore	22.2%	63.7%	
Note: Suburban Counties include Anne Arundal, Baltimore County, Carroll, Harford and Howard			
Source: U.S. Census Bureau, 2000 Decennial Census of Population and Housing			

Table 8: Population by race in 2000 for opportunity areas in the Baltimore region.

<b>Table 8: Population by Race by Opportunity Area in the Baltimore Region in 2000</b>			
<b>Number of People by Opportunity Area 2000</b>	<b>Total Population</b>	<b>White Population</b>	<b>African American Population</b>
Very Low Opportunity	365,383	56,352	296,633
Low Opportunity	460,346	232,819	204,425
Moderate Opportunity	508,852	416,234	68,401
High Opportunity	594,452	510,440	53,822
Very High Opportunity	583,398	467,608	67,957
<b>Percentage of Persons by Race by Opportunity Area 2000</b>	<b>White Population</b>	<b>African American Population</b>	
Very Low Opportunity	15.4%	81.2%	
Low Opportunity	50.6%	44.4%	
Moderate Opportunity	81.8%	13.4%	
High Opportunity	85.9%	9.1%	
Very High Opportunity	80.2%	11.6%	
<b>Percentage Region's Population by Race by Opportunity Area in 2000</b>	<b>Total Population</b>	<b>White Population</b>	<b>African American Population</b>
Very Low Opportunity	14.5%	3.4%	42.7%
Low Opportunity	18.3%	14.9%	29.7%
Moderate Opportunity	20.3%	24.4%	9.4%
High Opportunity	23.7%	30.4%	7.5%
Very High Opportunity	23.2%	26.9%	10.7%
Source: Opportunity Analysis and Census 2000 STF3 Tract Data			

Table 9: Population by race, income and poverty in 2000 for opportunity areas in the Baltimore region.

<b>Table 9: Population by Race and Income/Poverty by Opportunity Area in the Baltimore Region in 2000</b>						
<b>Percent of Regions Households by Income &amp; Race by Opportunity Area 2000</b>	<b>Low Income Whites</b>	<b>Low Income African Am.</b>	<b>Middle Inc Whites</b>	<b>Middle Inc African Am.</b>	<b>Hi Income Whites</b>	<b>Hi Income African Am.</b>
Very Low Opportunity	8.8%	57.5%	3.9%	37.6%	1.7%	24.6%
Low Opportunity	23.8%	26.2%	17.0%	34.3%	9.6%	31.0%
Moderate Opportunity	26.4%	6.8%	27.2%	10.8%	21.6%	14.2%
High Opportunity	24.2%	4.9%	28.4%	7.7%	32.6%	12.7%
Very High Opportunity	16.8%	4.6%	23.6%	9.6%	34.6%	17.4%
<p>Low Income households earn less than \$30K, Middle Income households earn \$30K to \$60K, and High Income households earn more than \$60K. This methodology was adopted from the Lewis C. Mumford Center's research on the dynamics residential segregation by race and income, delineating (poor, middle income and affluent households). For more information visit the Mumford Center's website at: <a href="http://mumford.albany.edu/census/segregation/home.htm">http://mumford.albany.edu/census/segregation/home.htm</a></p>						



Figure 1: Total population, Whites and African Americans in Poverty by Location in the Baltimore Region. Source: U.S. Census Bureau. Census 2000, suburban counties defined as including: Anne Arundel, Baltimore (County), Carroll, Howard and Harford

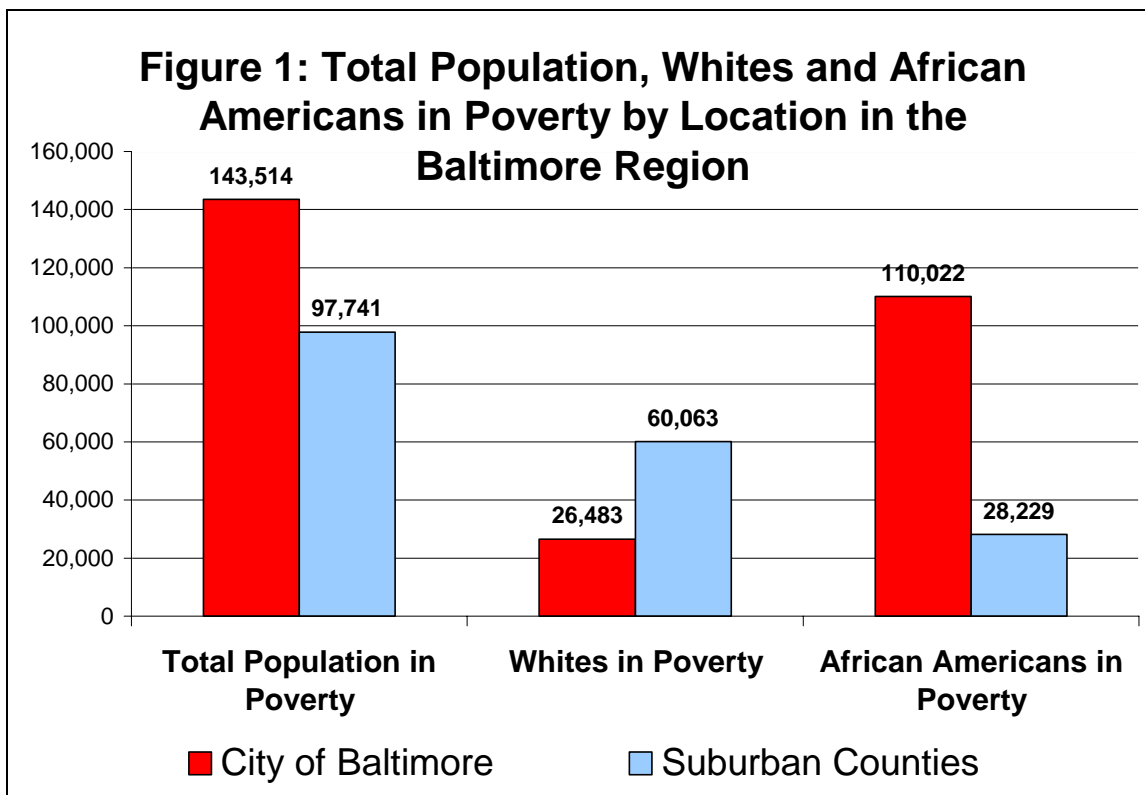


Figure 2: Percent of total population, Whites and African Americans in Poverty by Location in the Baltimore Region. Source: U.S. Census Bureau. Census 2000, suburban counties defined as including: Anne Arundel, Baltimore (County), Carroll, Howard and Harford

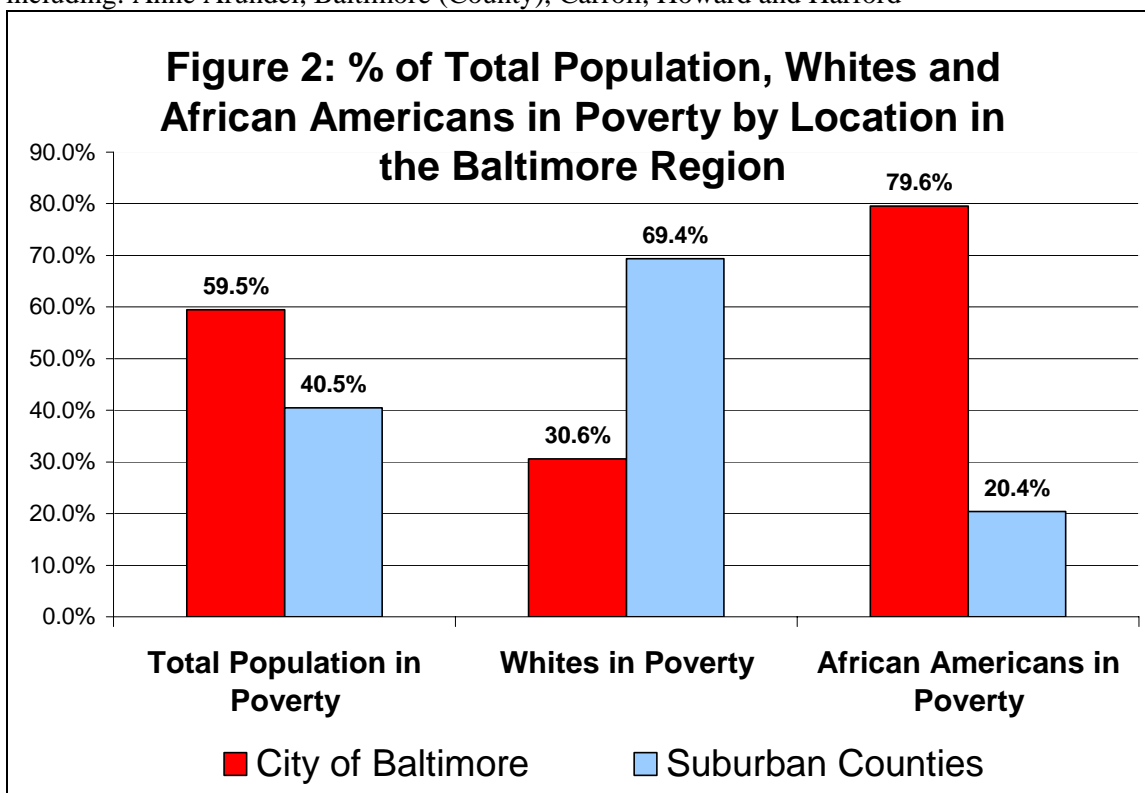
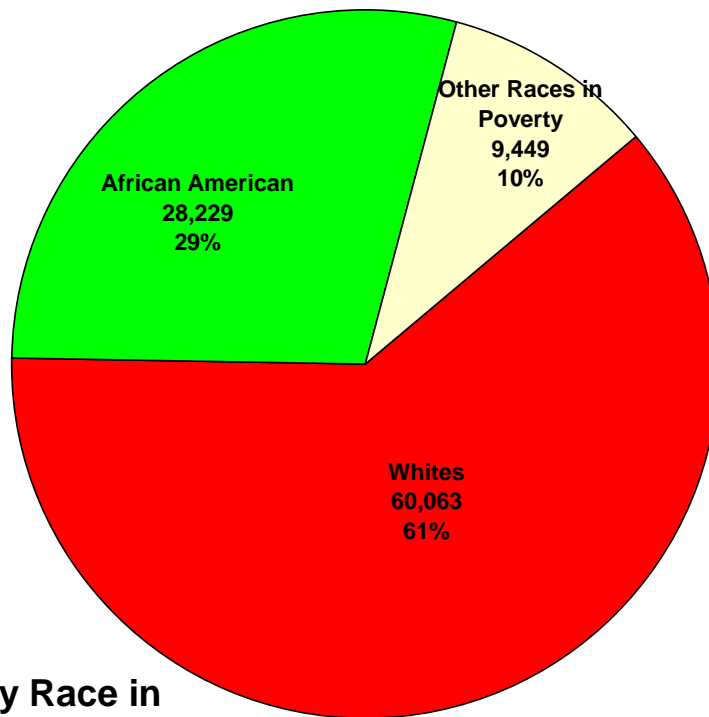
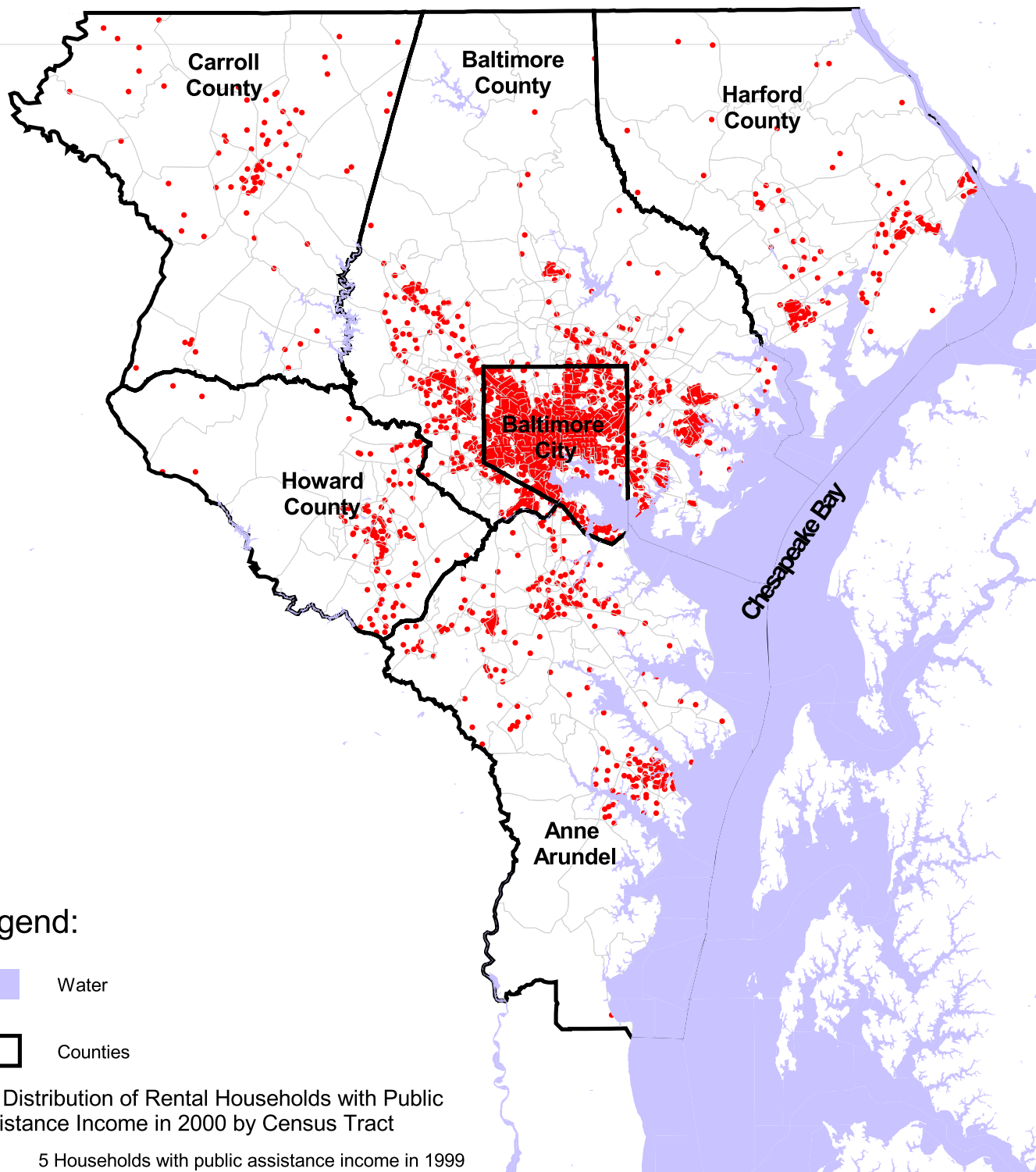


Figure 3: Breakdown of racial characteristics of people in poverty in the Baltimore's suburban counties. Source: U.S. Census Bureau. Census 2000, suburban counties defined as including: Anne Arundel, Baltimore (County), Carroll, Howard and Harford



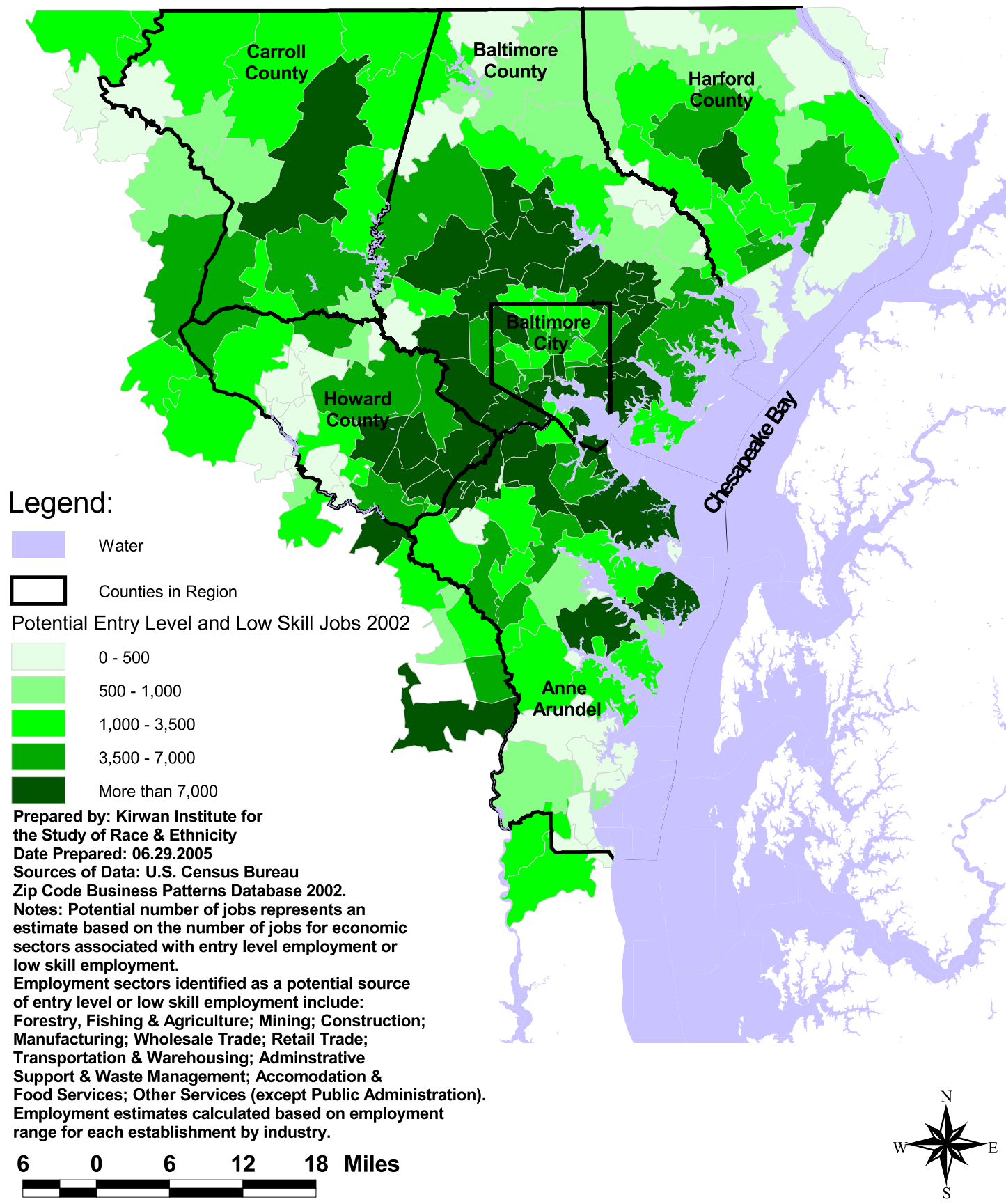
**Figure 3:**  
**People in Poverty by Race in**  
**Baltimore's Suburban Counties**

**Map 1: Distribution of renters with public assistance income in 1999, from the 2000 Census.**  
**Public assistance income defined as households with TANF income in 1999.**

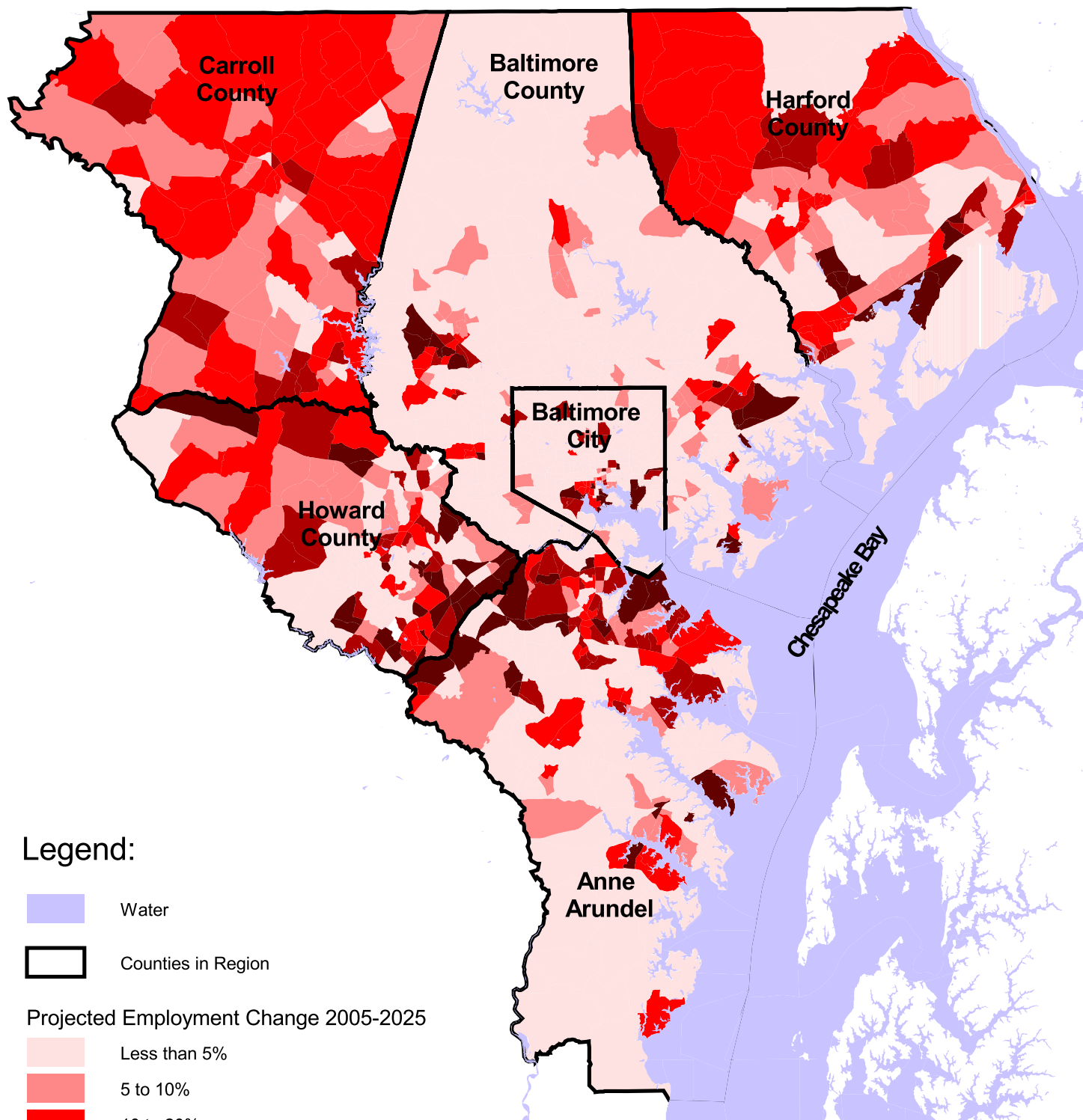


Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 12.28.2005  
Sources of Data: U.S. Census Bureau

## Map 2: Estimated Entry Level and Low Skill Employment by Zip Code in 2002 for the Baltimore Region



# **Map 3: Projected 20 Year Change in Jobs by Traffic Analysis Zone in the Baltimore Region (2005 to 2025)**



## **Legend:**

- Water
- Counties in Region

## **Projected Employment Change 2005-2025**

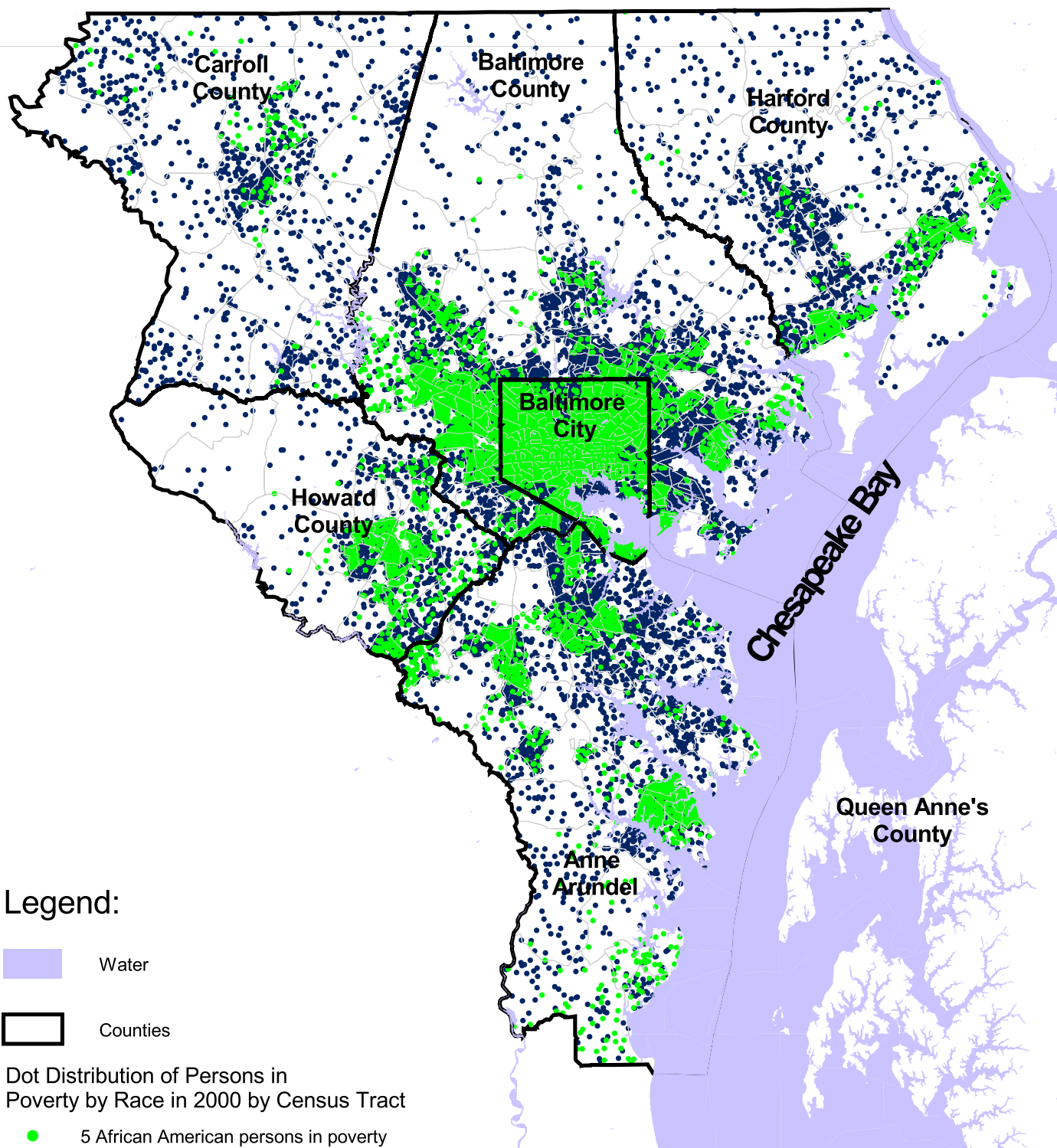
- Less than 5%
- 5 to 10%
- 10 to 20%
- 20 to 50%
- More than 50%

5 0 5 10 15 Miles

Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Sources of Data: Baltimore Regional  
Council and U.S. Census Bureau  
Notes: Number of jobs represents an  
estimate for each Traffic Analysis Zone (TAZ).



# Map 4: Distribution of African American and White persons in Poverty in 2000.




## Legend:

 Water

 Counties

Dot Distribution of Persons in Poverty by Race in 2000 by Census Tract

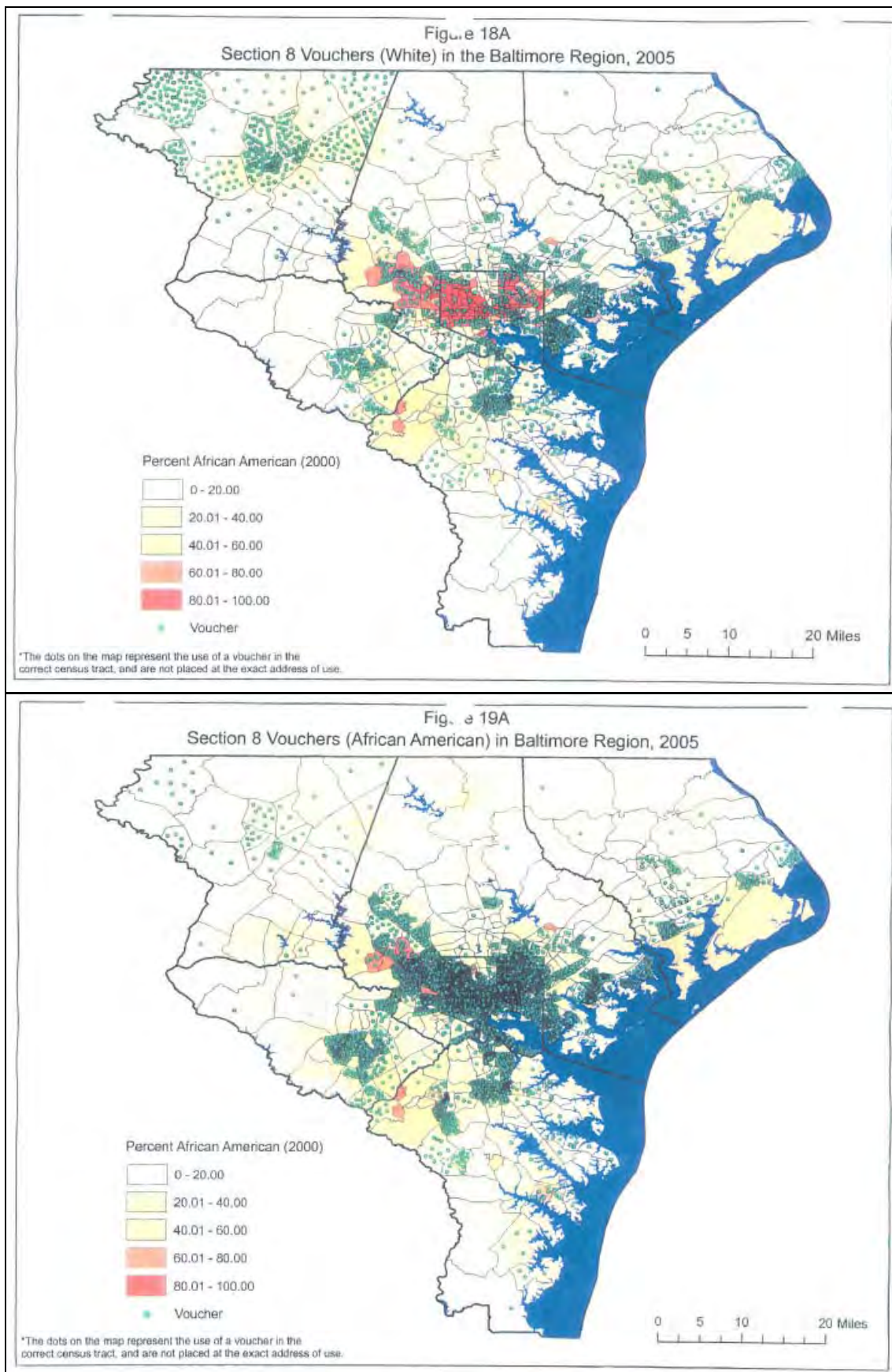
 5 African American persons in poverty

 5 White persons in poverty

5 0 5 10 15 Miles

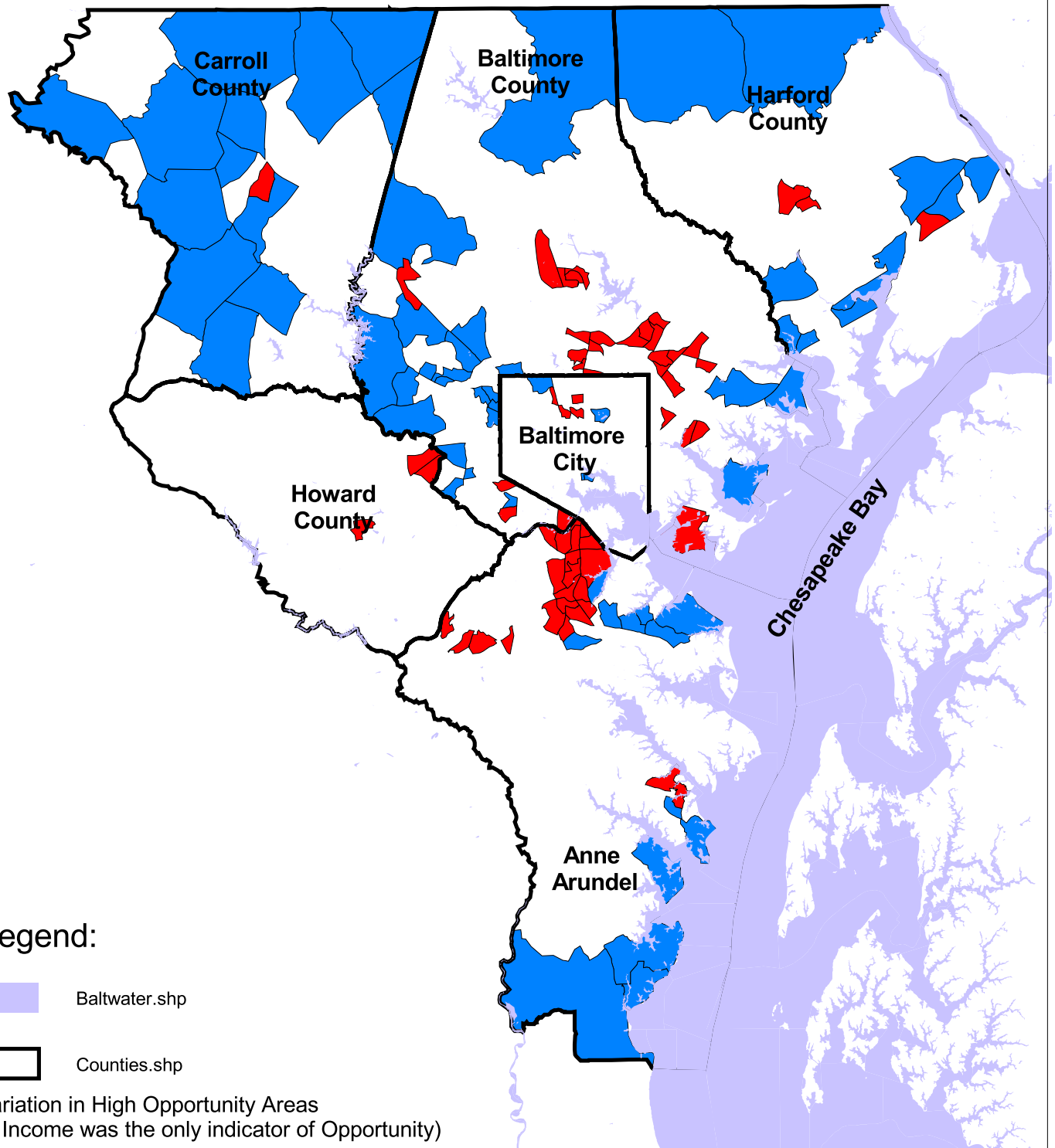


Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 12.28.2005  
Sources of Data: U.S. Census Bureau




Map 5: Distribution of White and African American Section 8 Voucher residents in the Baltimore Region 2005. Maps taken from expert report of Gerald Webster "The Geography of Public and Assisted Housing Facilities in Baltimore, 1960 to the Present." Maps 18A and 19A.

# **Map 6: Opportunity Analysis Based on Income** **Map indicates how the distribution of high opportunity areas would differ if income was used as the only indicator of opportunity.**





## **Legend:**

 Baltwater.shp

 Counties.shp

**Variation in High Opportunity Areas  
 (If Income was the only indicator of Opportunity)**

 High Opportunity Areas based on Median Household Income, that were not High Opportunity based on the Opportunity Index Analysis.

 Low Opportunity Areas based on Median Household Income, that were High Opportunity based on the Opportunity Index Analysis.

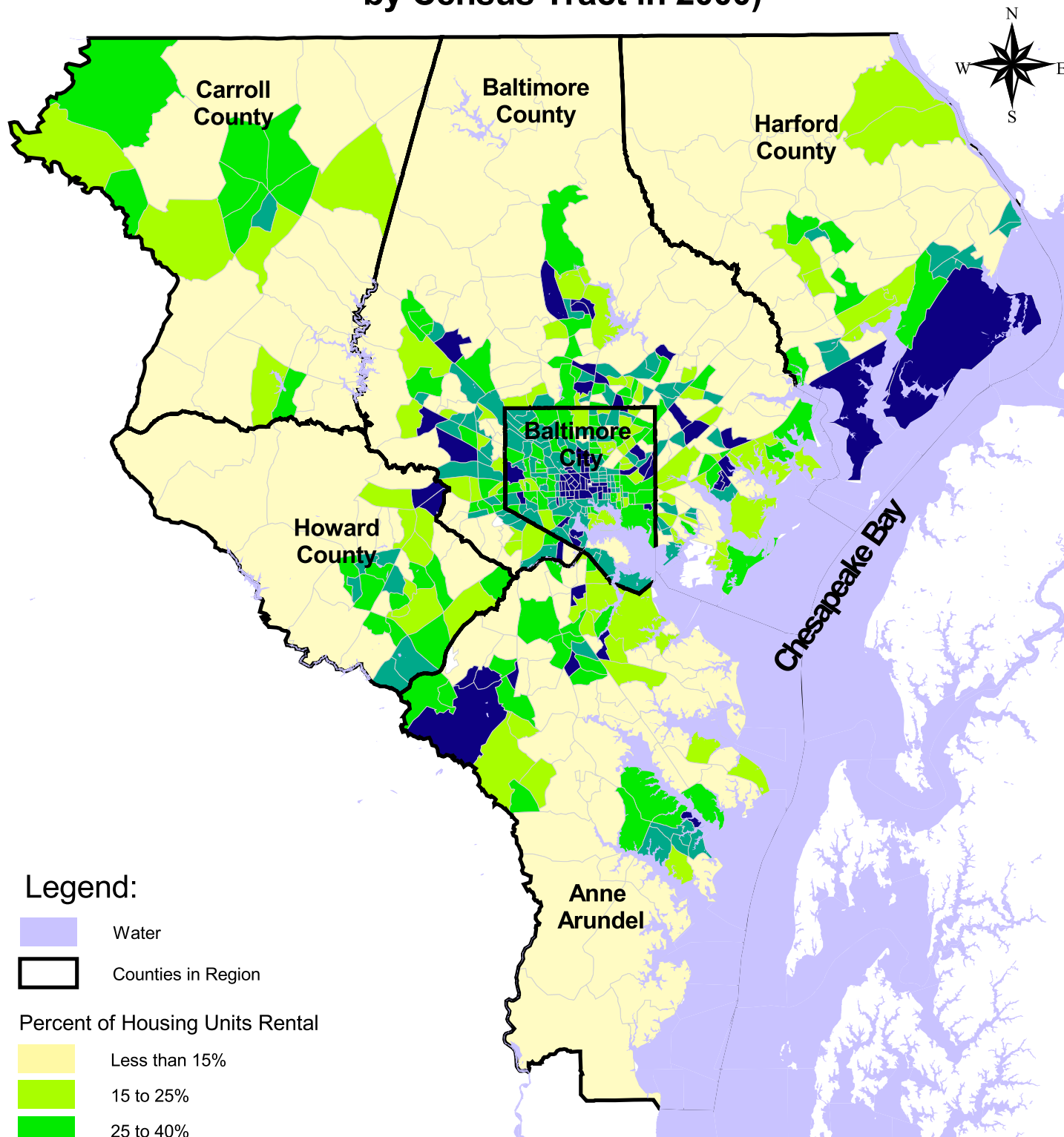
**5 0 5 10 15 Miles**

**Prepared by: Kirwan Institute for  
 the Study of Race & Ethnicity  
 Date Prepared: 12.20.2005**

**Sources of Data: U.S. Census Bureau and  
 Previous Opportunity Analysis, from powell expert report.**



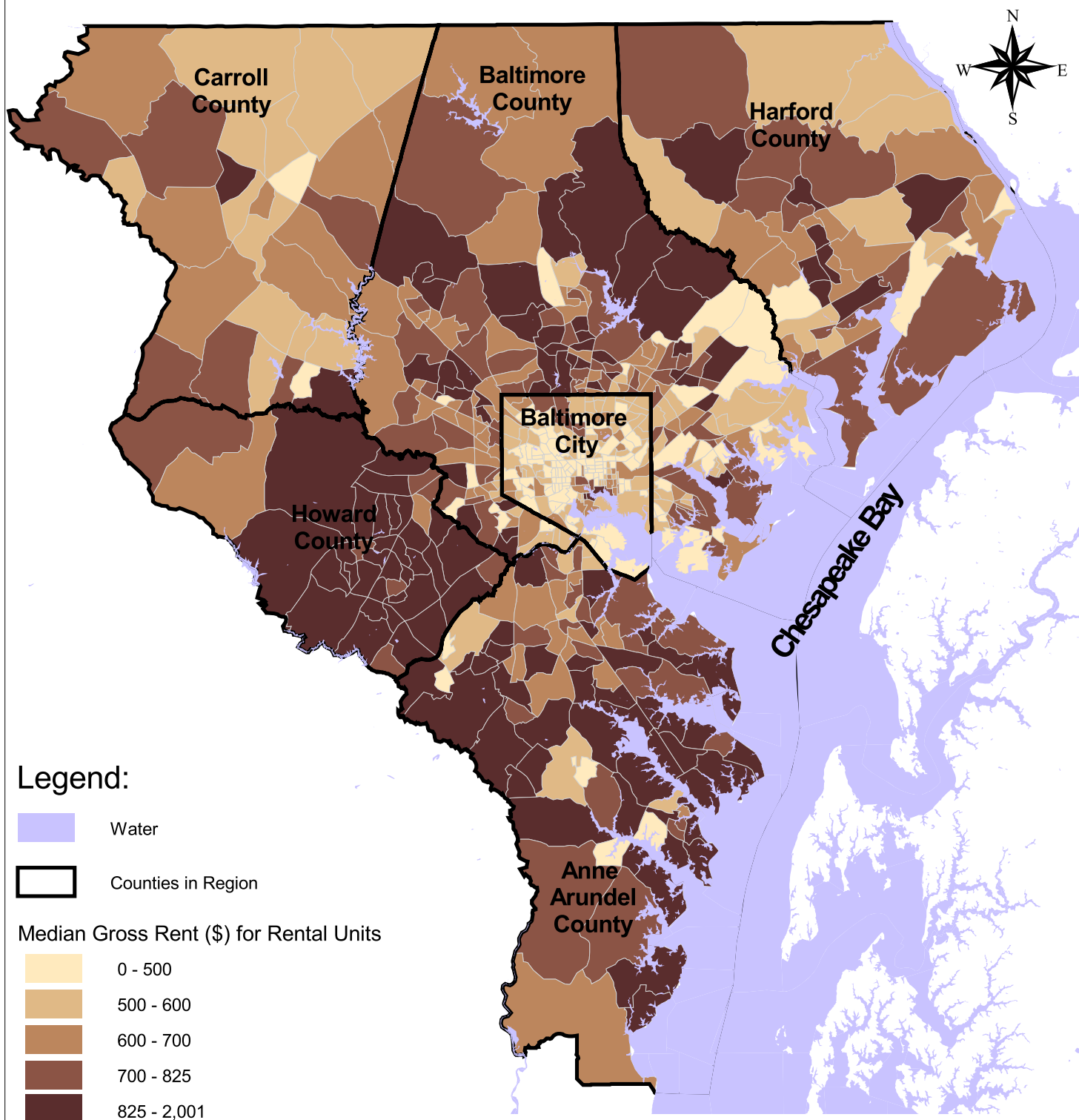
## Map 7: Distribution of Rental Housing (Percent of Housing Stock Rental by Census Tract in 2000)



5 0 5 10 15 Miles

Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Sources of Data: U.S. Census Bureau,  
STF3 Dataset (Census 2000)  
Notes: Vacant Rentals Not Included.

## Map 8: Affordability of Rental Housing in the Baltimore Region (Gross Rent by Census Tract in 2000)

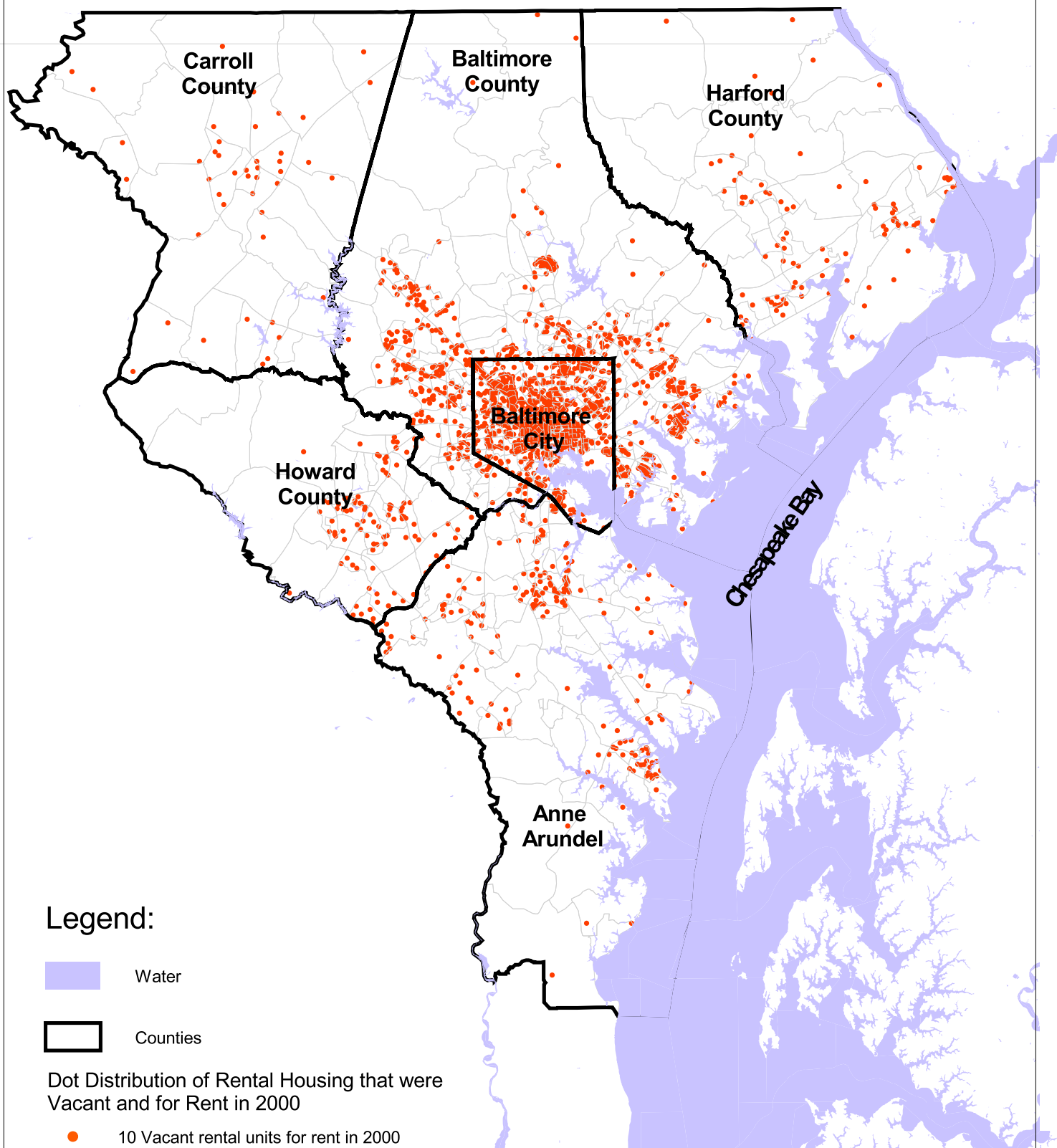


Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 06.29.2005  
Sources of Data: U.S. Census Bureau,  
STF3 Dataset (Census 2000)  
Notes: Gross rent includes utility costs.

5 0 5 10 15 Miles



## Map 9: Distribution of vacant rental units that were for rent in 2000

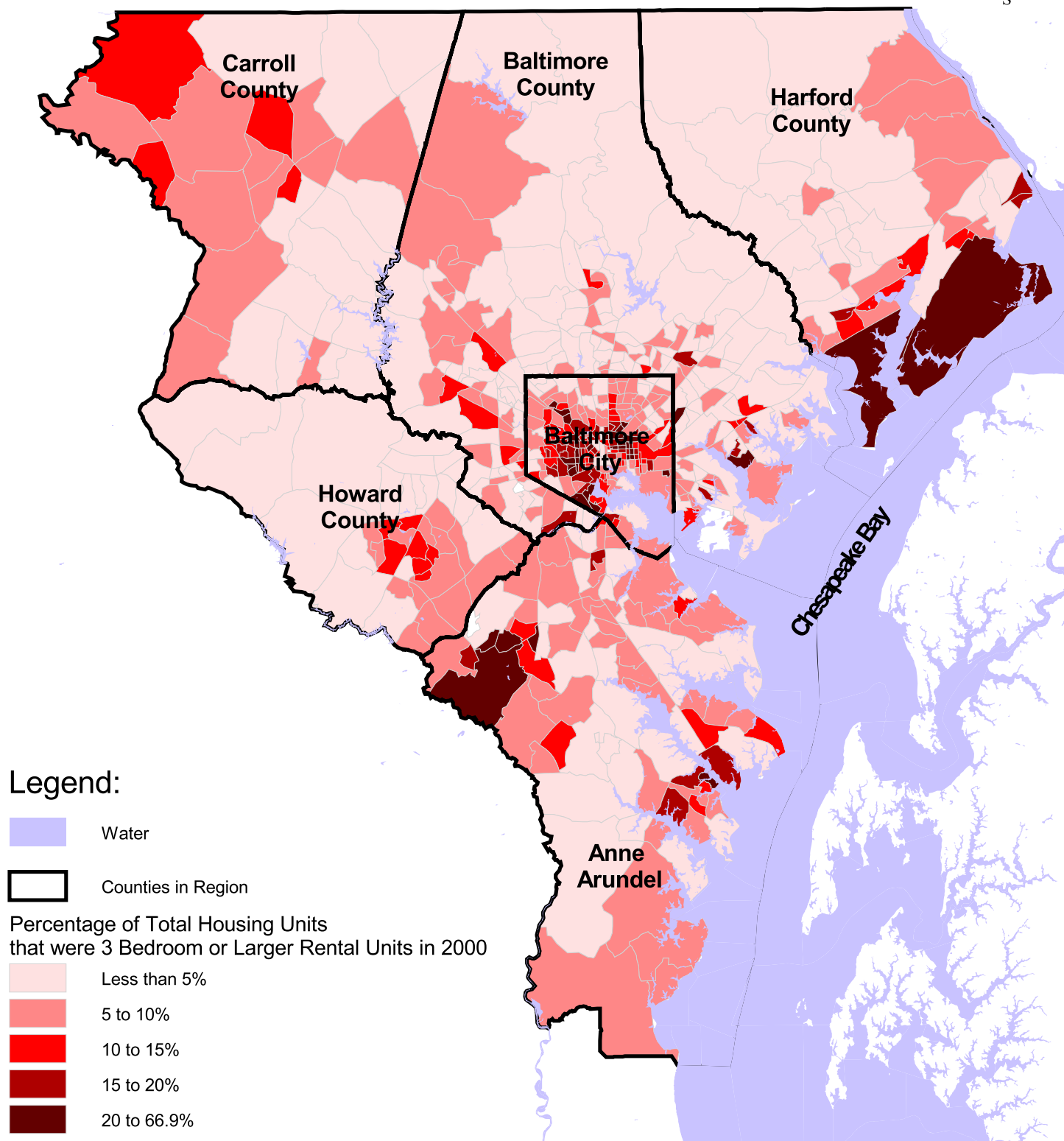


Prepared by: Kirwan Institute for  
the Study of Race & Ethnicity  
Date Prepared: 12.28.2005

Sources of Data: U.S. Census Bureau;  
Geolytics Neighborhood Change Database

5 0 5 10 15 Miles

## Map 10: Proportion of Housing Units that were 3 bedroom or larger rental units in 2000

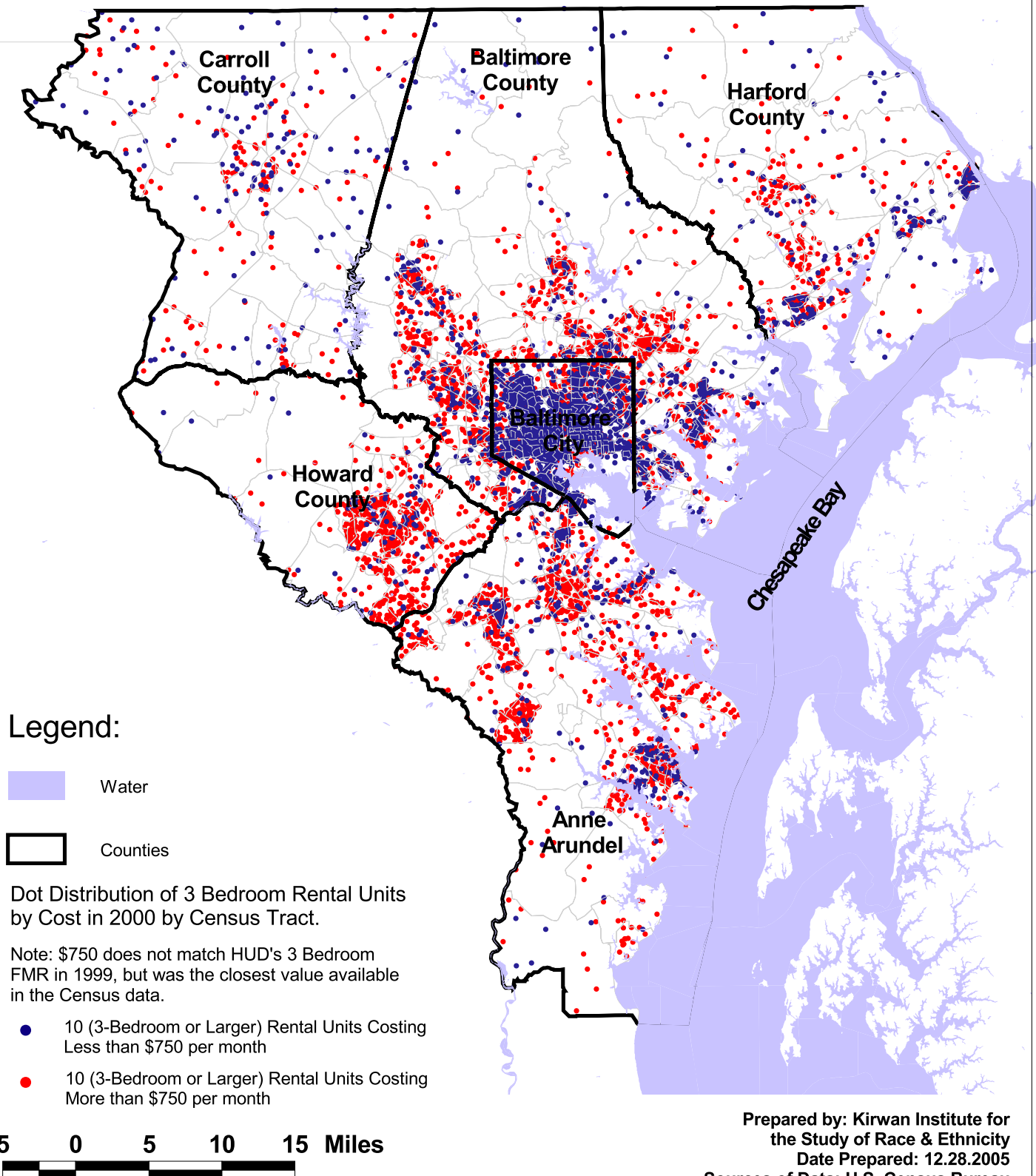


5 0 5 10 15 Miles

Prepared by: Kirwan Institute for the Study of Race & Ethnicity  
 Date Prepared: 12.29.2005  
 Sources of Data: U.S. Census Bureau, STF3 Dataset (Census 2000)

# Map 11: Distribution of 3 bedroom rental units by monthly gross rent in 1999.

Overlay of 3 bedroom units costing less than \$750 with 3 bedroom units costing more than \$750 to indicate locations with more expensive 3 bedroom rental supply.



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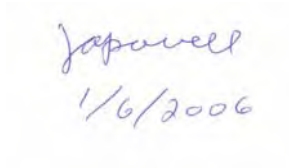
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**Signature Page**

**Signed:**

A rectangular box containing a handwritten signature in blue ink that reads "japowell" and a date below it that reads "1/6/2006".

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john a. powell

January 6, 2005