Reading Tips and Study Questions
17. FAIR HOUSING

Required reading
4. Gordon, Adam, Kathy O'Regan, Denise Scott, and Robin Hughes. 2015. Housing Subsidies and Inclusive Communities.

Recommended reading
- NYT (5/1/14): "Fair Housing Collision in Westchester"

Session overview and discussion questions
The federal Fair Housing Act of 1968 capped decades of struggle to allow all Americans basic protection to seek housing in all communities. The Act was finally passed by Congress and signed by President Lyndon Johnson in the tense weeks following the assassination of Martin Luther King, Jr., four years after the Civil Rights Act. The Act established procedures for detecting and prosecuting discrimination in the marketplace; enforcement is provided by HUD's Office of Fair Housing and Equal Opportunity (FHEO). The recommended video is an example of the kind of public education program this office carries out. Subsequent amendments added protections for people with disabilities and households with
Mary Pattillo asks why “integration” is the goal and argues that “promoting integration as the means to improve the lives of Blacks stigmatizes Black people and Black spaces and valorizes Whiteness as both the symbol of opportunity and the measuring stick for equality.” Sherrilyn Ifill argues that segregation harms whites as well and pragmatically that integration may be the only effective path to equal access to neighborhoods. How do Sharkey’s and Johnson’s arguments fit within Pattillo’s and Ifill’s positions?

Raj Chetty, Nathaniel Hendren and others have used IRS data on incomes to conduct a series of groundbreaking studies on intergenerational economic mobility. They find that place is one of the strongest predictors of the likelihood that a child with parents who have incomes in the lowest income quintile will grow up to have an income in the highest quintile in adulthood. What aspects of place seem to matter? At what stage in life? What are the mechanisms that connect these aspects of place to actual outcomes?

Courts and state governments have often taken the lead role in efforts to diversify communities. Mallach provides an account of the Mount Laurel case in New Jersey, a long state court fight over land use rules that effectively zoned out low-income residents. The court ultimately formulated a “fair share” housing requirement for low-income housing in every community in the state. California is another state that requires each jurisdiction to show how it is meeting its fair share in the required housing element of the general plan. Two weeks ago we discussed the 40B program in Massachusetts, which is another kind of state program to overcome territorial, not-in-my-backyard (NIMBY) opposition to the kind of affordable housing that can open up opportunity for minority households in suburban enclaves.

Federal funding for affordable housing development sometimes seems to work at cross-purposes, as Adam Gordon points out. Where should LIHTC credits be targeted and why?

In 2015, HUD finally released a new final rule explaining in more detail the obligations that entities that receive federal housing and community development funds have to further fair housing. What are the key elements of the new rule? What effect do you think it will have if any? Michael Allen, Angela Glover Blackwell, Ed Goetz, Michael Bodaken and Ellen Lurie Hoffman debate what is necessary for effective implementation, where that implementation should be targeted, and what negative effects it could have.

As Badger describes, the federal government’s broader approach to “affirmatively further” fair housing by expanding the supply of “permanently” affordable housing in communities that are less diverse and typically have better schools, lower crime rates, stronger fiscal bases, and other advantages has sparked tremendous backlash. And the effectiveness of the new rule will rely significantly on HUD’s willingness to enforce it. The NY Times articles describe HUD’s ongoing fight with Westchester County (suburban New York
City) over the county’s failure to use federal funds (specifically CDBG) to increase opportunities for affordable housing in wealthy communities to accommodate low-income minority households.