

## Reading Tips and Study Questions

### 17. FAIR HOUSING

#### Required reading

1. Pattillo, Mary, Sherrilyn Ifill, Rucker Johnson, and Pat Sharkey. 2014. Why Integration? <http://furmancenter.org/research/iri/discussion1>
2. Chetty, Raj and Nathaniel Hendren. 2015. *The Impacts of Neighborhoods on Intergenerational Mobility: Childhood Exposure Effects and County Level Estimates*. Read executive summary: [http://www.equality-of-opportunity.org/images/nbhds\\_exec\\_summary.pdf](http://www.equality-of-opportunity.org/images/nbhds_exec_summary.pdf)
3. Mallach, Alan. 2010. "The Mt. Laurel Doctrine And The Uncertainties Of Social Policy In A Time Of Retrenchment." 63 *Rutgers L. Rev.* 849 (2010-2011)
4. Gordon, Adam, Kathy O'Regan, Denise Scott, and Robin Hughes. 2015. [Housing Subsidies and Inclusive Communities](#).
5. Affirmatively Furthering Fair Housing, 80 *Federal Register* 42272 (July 16, 2015). Skim pages 42348-42371.
6. Allen, Michael, Angela Glover Blackwell, Ed Goetz, Michael Bodaken and Ellen Lurie Hoffman. 2015. A New Approach to Affirmatively Furthering Fair Housing.

#### Recommended reading

- Badger, Emily. 2013. "[Hysteria and racist screeds over HUD plans to map neighborhood diversity](#)," *The Atlantic Cities Blog* (July 26, 2013).
- The New York Times Editorial Board. 2015. Westchester's Tortured Road. *The New York Times* (June 23, 2015).
- NYT (5/1/14): "Fair Housing Collision in Westchester"
- Turner, Margery et al. 2013. *Housing Discrimination Against Racial And Ethnic Minorities 2012*. Executive Summary.
- HUD AFFH Assessment Tool Option A: [http://www.huduser.org/portal/affht\\_pt.html#affhassess-tab](http://www.huduser.org/portal/affht_pt.html#affhassess-tab).
- *Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015)
- Goetz, Chapple, and Lukerman, "The Rise and Fall of Fair Share Housing: Lessons from the Twin Cities," in *The Geography of Opportunity* (2005).
- Ludwig, Jens et al. 2012. Neighborhood Effects on the Long-Term Well-Being of Low-Income Adults. *Science* 337, 1505.
- Sampson, Robert. 2012. Moving and the Neighborhood Glass Ceiling. *Science*. 337, 1464.

#### 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

children; sexual orientation is not specifically protected, but may still be covered under the Act. The recommended HUD report by **Turner et al.** summarizes the results of the most recent round of paired testing audit studies of housing discrimination.

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.

MIT OpenCourseWare  
<http://ocw.mit.edu>

11.401 Introduction to Housing, Community, and Economic Development  
Fall 2015

For information about citing these materials or our Terms of Use, visit: <http://ocw.mit.edu/terms>.