



## FAIR HOUSING ACT

The **Fair Housing Act, 42 U.S.C. 3601 et seq.**, prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of:

- Race or Color
- Religion
- National Origin
- Sex
- Disability
- Familial Status



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On April 11, 1968, President Lyndon B. Johnson signed into law the Civil Rights Act of 1968, also known as the Fair Housing Act. The law was a follow-up to the Civil Rights Act of 1964 and updated the Civil Rights Act of 1866, which also had prohibited discrimination in housing after the Civil War. President Johnson proclaimed “Today, we are going to put on the books of American law what I genuinely believe is the most farsighted, the most comprehensive, the most massive housing program in all American history.” You are familiar with the Fair Housing Act. You’ve studied it to gain your real estate agent license, and it is probably a part of your annual ethics continuing education classes. You know the what, that we have the Fair Housing Act or more formally, Title VIII to the Civil Rights Act of 1968. But how familiar are you with the why?

Image Source:

[http://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview#\\_Additional\\_Resource](http://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview#_Additional_Resource)



Today's session is "A History of How We Arrived at the Fair Housing Act." It will include a look at acts of habitation discrimination throughout the world, our country's challenges with segregation and the steps that led to the passage of the Fair Housing Act. This effort is an exploratory attempt to show the threads that connect one piece of history to the next. I can guarantee you that this session is not perfect or that it encompasses the whole truth of the matter. But I hope that you appreciate some aspect of it. As always, as per the LREC's guidance, we have tried to create a piece that will help you help your client.

## LEARNING OBJECTIVES

- The real estate agent will display a general knowledge of the Civil Rights Act of 1964.
- The real estate agent will display a general knowledge of the Supreme Court Case Corigan v. Buckley.
- The real estate agent will display a general knowledge of how the Federal Housing Administration negatively affected minority homeownership.
- The real estate agent will display a general understanding of the "Not In My Backyard" or NIMBY.
- The real estate agent will display a general knowledge of the government efforts in the 1960s in the movement toward the passage of the Fair Housing Act.
- The real estate agent will display a general knowledge of the auxiliary efforts after the passage of the Fair Housing Act.

# PEOPLE HAVE BEEN FORCED FROM THEIR HOMES INTO PRESCRIBED LOCATIONS FOR MANY MILLENNIA



Hebrew exiles after defeat  
By Assyrians & Babylonians



Central African Republic



Ukrainian Refugees

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Compelling populations to move from their homes to other locations has been a reality of civilizations going back to at least the Old Testament era.

Image Source: <https://www.pewresearch.org/fact-tank/2022/03/25/after-a-month-of-war-ukrainian-refugee-crisis-ranks-among-the-worlds-worst-in-recent-history>

## Partition of India in 1947 in India and



The historically largest forced population transfer was associated with the Partition (Dividing) of India in 1947 that was tied to the change of political borders that accompanied the end of British rule in South Asia and the eventual creation of three independent nations, India, Pakistan & Bangladesh. India is largely a Hindi state, and Pakistan and Bangladesh, Muslim. In 1947 up to 12 million people in the Punjab Province with a total of up to 17 million people across British India were forced to move from their homes.

Video Source:

[https://www.youtube.com/watch?v=YkLFGWTKPY4&t=60s&ab\\_channel=AlJazeeraEnglish](https://www.youtube.com/watch?v=YkLFGWTKPY4&t=60s&ab_channel=AlJazeeraEnglish)

## These relocations and restrictions ARE OFTEN LINKED to major war efforts AND SOCIAL upheaval

- German Peoples after WW2
- Chinese Tang Dynasty against the Uyghurs
- French against Algerians
- Australians against Aborigines
- White S. Africans against people of color



The same types of actions have occurred throughout the world. Today China is being chastised worldwide for its mistreatment of Uyghers, including their resettlement. For over a hundred years, French rulers kept an apartheid-like system in Algeria. Following World War 2, Germanic peoples throughout Eastern Europe were forced from their homes. Australia forced Aboriginal people from their homelands to missions. As part of the apartheid laws in S. Africa, The Group Areas Act was passed in 1950, which assigned a part of S Africa for each racial group to live in.

Image Source: <https://www.bbc.com/news/world-asia-china-22278037> Image Source:

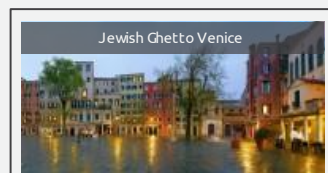
<https://www.semanticscholar.org/paper/Between-the-Medina-and-the-Metropole%3A-Race-%26-Urban-Pouliot/9427d23117e8b22a574db7690a24d47b853aa831> Image Source: <https://www.alamy.com/aerial-view-of-an-informal-settlement-in-central-johannesburgsouth-image68947925.html>

Image Source: <https://www.nma.gov.au/defining-moments/resources/coranderrk> Image Source:

<https://minusca.unmissions.org/en/life-gradually-resuming-boyo>

## Cultures in power have often displayed a tendency to unfairly treat those not in power

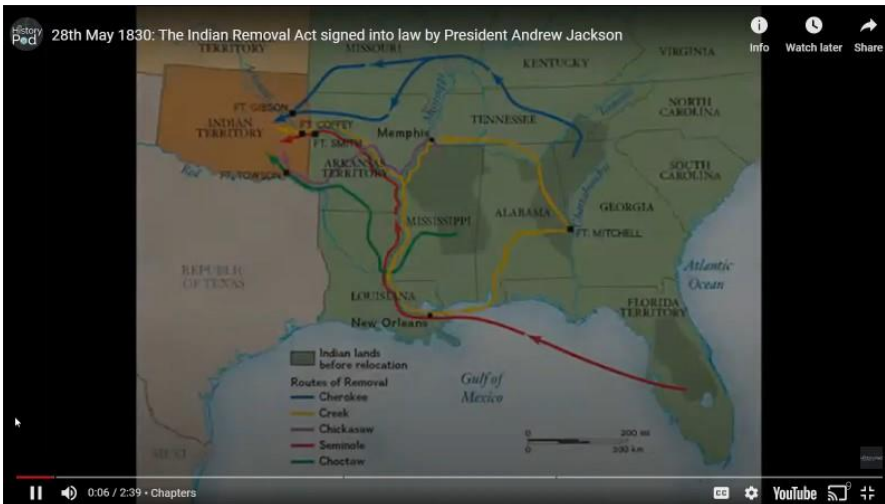
- 1182: Jews are expelled from Orleans
- 1494: Polish king Jan I creates first Jewish ghetto in country; would exist until 1868
- 15<sup>th</sup> Century: Jews segregated to "mellahs" in Morocco
- 1516: First Jewish ghetto created in Venice
- 1543: Martin Luther advocates an eight-point plan to get rid of the Jews as a distinct group either by among other tactics, razing and destroying Jewish homes
- 1593: Pope Clement VIII confirms the Papal bull of Paul III that expels Jews from Papal states except ghettos in Rome and Ancona
- 1742: Elizabeth of Russia issues a decree of expulsion of all the Jews out of Russian Empire
- 1762: Rhode Island refuses to grant Jews citizenship stating, "no person who is not of the Christian religion can be admitted free to this colony"
- Today: Israeli treatment of Palestinians



Arguably the most infamous mistreatment of other cultures in the Western World would be that against Jews. From 1182 in Orleans, France, when they were expelled from the city until today, Jews have been repeatedly discriminated against, in Europe, largely by Christian communities, but also by Muslims in the Middle East and Africa. Ironically, today much of the world condemns Israeli mistreatment of Palestinians as reflected in housing discrimination to include separate roads for Israeli and Palestinian people, the West Bank barrier, the Palestinian West Bank land enclaves, inequality in infrastructure, and inequality of access to land and resources between Palestinians and Israeli Settlers. Image Source:

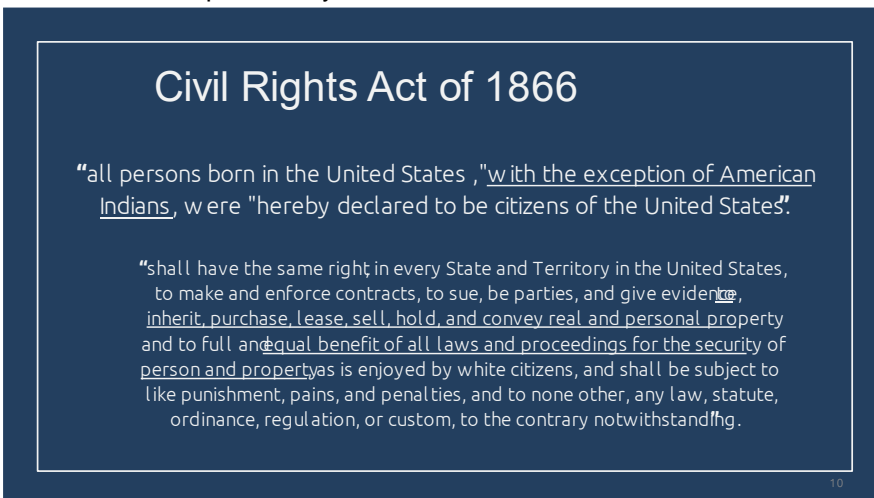
<https://traveler.marriott.com/venice/venice-jewish-ghetto> Image Source:

<https://www.thenationalnews.com/mena/2022/08/01/meet-the-palestinian-family-whose-home-is-surrounded-by-israeli-settlements>



In our country the mistreatment of those with power against those without can be witnessed with our actions against Native or Indigenous Americans. On May 28, 1830, Congress passed the Indian Removal Act, beginning the forced relocation of thousands of Native Americans in what became known as the Trail of Tears. Throughout U.S. history before the formation of the country, Native Americans were forced from their homelands. The map shows the routes of the five southeastern tribes that were forced to leave their homelands in the Southeast and live in Indian Territory in what is now Oklahoma. Interestingly, a surprising number of Americans initially opposed Indian removal. The first bill in Congress passed by only 103 votes to 97. Tennessee Rep. Davey Crockett was a vocal opponent, for instance. But the demand for new lands was high, and former Army officers such as Andrew Jackson used their experiences as Indian fighters to gain political popularity and get elected to office. Native Americans opposed removal from their ancestral lands, resulting in a long series of battles with local white settlers. The forced relocation ultimately proved popular with voters. It freed more than 25 million acres of fertile, lucrative farmland to mostly white settlement in Georgia, Florida, North Carolina, Tennessee, Alabama, Mississippi, and Arkansas. More than 46,000 Native Americans were forced—sometimes by the U.S. military—to abandon their homes and relocate to “Indian Territory.”

Video Source: [https://www.youtube.com/watch?v=knb-kFEOx2M&t=7s&ab\\_channel=HistoryPod](https://www.youtube.com/watch?v=knb-kFEOx2M&t=7s&ab_channel=HistoryPod)



The Civil Rights Act of 1866 was the first United States federal law to define citizenship and affirm that all citizens are equally protected by the law. It was mainly intended, in the wake of the American Civil War, to protect the civil rights of persons of African descent born in or brought to the United States. It is important to note that the act did not apply to Indigenous Americans. The Act was passed by Congress in 1866 and vetoed by United States President Andrew Johnson. In April 1866, Congress again passed the bill to support the Thirteenth Amendment, and Johnson again vetoed it, but a two-thirds majority in each chamber overrode the veto to allow it to become law without presidential signature. The objective of the second part of the Act was to define the rights which come with citizenship, such as property rights. To a large degree they were a response to the Black Codes, laws limiting black freedom, especially in the South. This act would be supported in the constitution with the passage of the 14<sup>th</sup> Amendment.



Video Source: <https://vimeo.com/643510848>

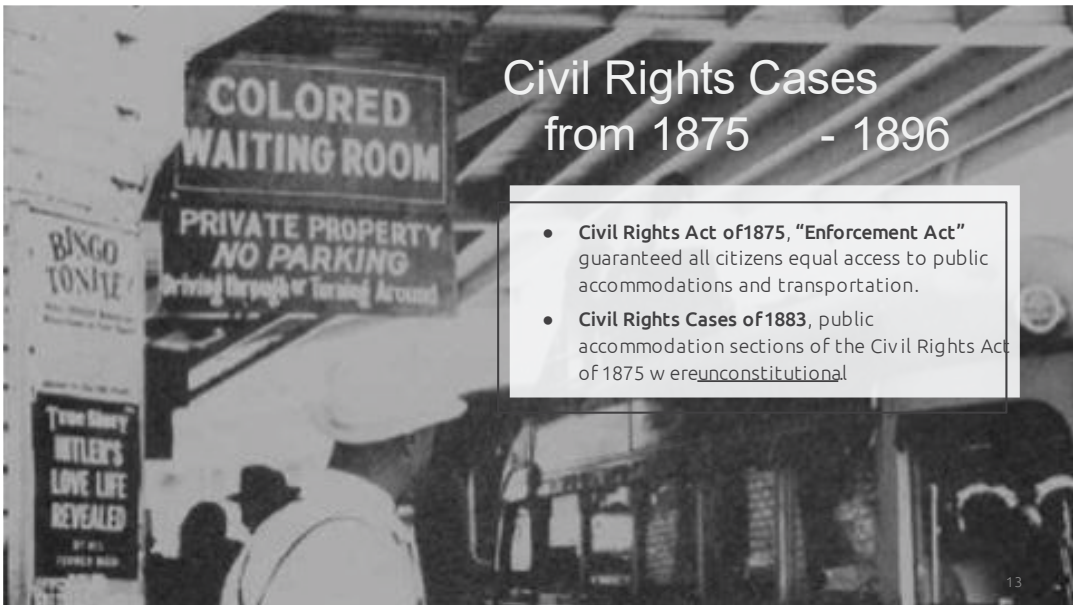
## Home Ownership and Housing Integration, 1870 - 1910

- Black home ownership would increase between 1870 - 1910 by about 16% from 7.7 - 23.5%.
- Black home ownership rates in the South are not known but considered to be low.
- Rental properties in large cities were relatively integrated.

Year	White	Black	Racial Gap (White - Black)
1870	54.2 [53.6]	7.7 [7.2]	46.5 [46.4]
1880	54.9	13.5	41.4
1890	51.1	18.7	32.4
1900	49.4	21.0	28.4
1910	48.5	22.9	25.6
1920	48.3	22.5	25.8
1930	49.9	24.5	25.4
1940	45.6	23.0	22.6
1950	58.7	34.3	24.4
1960	64.3	38.1	26.2
1970	65.4	41.6	23.8
1980	67.7	45.2	22.5
1990	68.2	43.3	24.9
2000	71.3	46.3	25.0
2007	72.2	46.5	25.7

In the North and the West, for the remainder of the 1800s, property ownership for blacks and other peoples of color would increase. In addition, in large cities integration existed in tenant areas between newly arriving European immigrants and non-white people. The census of 1870 started asking questions about home ownership. It must be noted that census data about blacks in the South was not very detailed, and little is known about their home ownership rates.

Table Source: [https://www.researchgate.net/figure/Rates-of-Owner-Occupancy-per-100-Households-All-Household-Types\\_tbl2\\_227362941](https://www.researchgate.net/figure/Rates-of-Owner-Occupancy-per-100-Households-All-Household-Types_tbl2_227362941)



## Civil Rights Cases from 1875 - 1896

- Civil Rights Act of 1875, "Enforcement Act" guaranteed all citizens equal access to public accommodations and transportation.
- Civil Rights Cases of 1883, public accommodation sections of the Civil Rights Act of 1875 were unconstitutional.

Meanwhile, from 1875 – 1896 civil rights were argued in courts on a continual basis. In 1875 Congress attempted to correct the shortcomings of the 1866 Act with the Civil Rights Act of 1875, sometimes referred to as the "Enforcement Act," which guaranteed all citizens, including Black people, equal access to public accommodations and transportation. Eight years later, however, the Supreme Court ruled in the Civil Rights Cases of 1883 that public accommodation sections of the Civil Rights Act of 1875 were unconstitutional, declaring that the Thirteenth and Fourteenth Amendments did not give Congress the power to regulate the affairs of private individuals and businesses. This key point would set the tone of U.S. law and court sentiment for much of the next 75 years. Image Source: [https://www.artnet.com/artists/arthur-rothstein/bus-station-with-colored-waiting-room-sign-mu\\_XKjeqXmJvsV233nAq9w2](https://www.artnet.com/artists/arthur-rothstein/bus-station-with-colored-waiting-room-sign-mu_XKjeqXmJvsV233nAq9w2)

## Little to No ESTABLISHED Housing Segregation in the 19<sup>th</sup> & Early 20<sup>th</sup> Centuries

- In the South and North, Black and White residents lived in close proximity.
- Black people held service positions that necessitated they lived close to white people.
- Applied to all races and cultures except the Chinese.



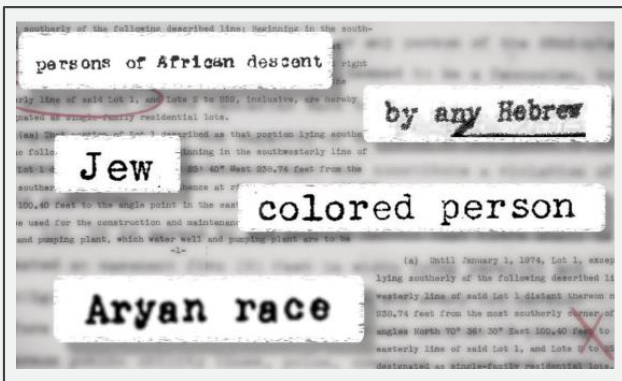
In the South blacks and whites lived in close proximity. Even when southern states enacted laws that forbade racial mixing in schools, theaters, restaurants, recreation facilities and hotels, on buses, trolleys, and trains, they did not mandate residential segregation. A black family would not be allowed to purchase a house on St. Charles Avenue; however, they could live 2 blocks away. North of the Mason-Dixon line, African Americans in the 19th and early 20th centuries often shared neighborhoods with whites. Both of situations reflected the reality that most Blacks held service positions requiring them to clean, cook, and provide childcare to whites and needed to live near to their places of work. This condition generally applied to all races and cultures except for the Chinese, who were often confined to "Chinatowns."



In 1896, the Supreme Court passed its Plessy v. Ferguson decision, which declared that racially separate accommodations were legal as long as they were equal in quality and that the states had the power to enact laws requiring racial segregation in those accommodations.

Video Source: <https://www.pbslearningmedia.org/resource/bf09.socst.us.const.plessy/plessy-v-ferguson>

## Segregation Laws in the South/Restrictive Covenants in the Rest of the Country



- Post Civil War Black Codes in the South would evolve into Jim Crow laws at the turn of the 19<sup>th</sup> Century, which would among other things start to segregate black Americans from white Americans in certain areas
- Government Law prohibited racial, ethnic, and religious minorities from buying, leasing, or occupying homes in certain areas usually neighborhoods with significant white majorities or newly constructed subdivisions.

At the turn of the century, from the late 1800s to the early 1900s, we see the emergence of laws nationwide that restrict the freedoms of peoples of color, especially Blacks. In the South, the Jim Crow laws were a collection of state and local statutes that legalized racial segregation. The laws were meant to marginalize African Americans by denying them the right to vote, hold jobs, get an education or other opportunities. North of the Mason / Dixon line especially, governments created laws that restricted racial mixing in certain areas, usually neighborhoods with significant white majorities or newly constructed subdivisions.



## Buchanan v. Warley 1917

Buchanan was a white individual who sold a house to Warley, a black individual in Louisville, Kentucky. Louisville had an ordinance that prohibited black residents from living on a block where the majority of residents were white.

Since 8 of 10 houses were occupied by white residents, Warley was not allowed to live on the block.

Buchanan sued Warley in Jefferson County Circuit Court to complete the sale. Warley cited the city ordinance as the reason for non-completion of the sale.

The question went to the Kentucky Court of Appeals. Buchanan alleged that the ordinance violated the Due Process clause of the Fourteenth Amendment. The Kentucky Court of Appeals upheld the statute.

The U.S. Supreme Court would declare the status unconstitutional.

### RACE SEGREGATION LAW IS ATTACKED

Louisville Case Argued in  
Supreme Court; Other  
Cities Affected.

WASHINGTON, April 10.—Constitutionality of race segregation ordinances was argued Monday before the supreme court in a case investigating the validity of the Louisville, Ky. regulation, mak-

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But, in 1917 the Supreme Court reversed the Kentucky Court of Appeals and ruled that a Louisville, Kentucky ordinance enforcing housing segregation was unconstitutional. In an opinion written by Justice William R. Day, the Court recognized Louisville's interest in exercising its police power and the "promotion of the public health, safety, and welfare." However, the Civil Rights Act of 1866 and the Fourteenth Amendment assured "the enjoyment of all the civil rights...enjoyed by white persons." Louisville's interest did not justify the ordinance, which would "deny rights created or protected by the Federal Constitution." Therefore, the ordinance was unconstitutional. So, government laws promoting housing segregation were declared unconstitutional in 1917.

You might think, then, that the matter of housing segregation was settled then. Image Source:

<https://conlaw.us/case/buchanan-v-warley-1917>

## Corrigan v. Buckley 1926

- Was a U.S. Supreme Court case in 1926 that ruled that the racially restrictive covenant of multiple residents on S Street NW, between 18th Street and New Hampshire Avenue, in Washington, D.C., was a legally binding document that made the selling of a house to a black family a void contract.
- This ruling set the precedent upholding racially restrictive covenants in Washington soon after this ruling, racially restrictive covenants flourished around the nation.
- Plessy v. Ferguson cited

1727 S Street NW, Washington D.C. 20009,  
former home of Helen and Dr. Arthur Curtis

However, in the aftermath of Buchanan v. Warley, other less explicit methods to force and maintain segregation were extensively used, such as racially restrictive covenants and exclusionary zoning. The covenants were documents drawn up by members of a neighborhood and stated that the signers would not sell their homes to any non-white person. The agreements were instituted on a private scale and so never had to face justification from the courts. Racially restrictive covenants had first appeared in deeds of homes in California and Massachusetts at the end of the 19th century. Some covenants generally barred "non-Caucasian" groups, while others would list specific races, nationalities, and even individuals with disabilities. Image Source: <https://www.loopnet.com/Listing/1727-S-St-NW-Washington-DC/14972500>

## The Depression, the New Deal and Segregated Public Housing



- The Great Depression led to a significant increase in home loan defaults and number of people who were behind on their mortgages.
- As part of the Roosevelt Administration's New Deal series of public projects to aid the economy, the first steps to assist the housing crises were public housing projects.
- The initial plan targeted white middle and lower class homeless.
- The projects were not to be integrated
- After the program started, some black public housing ensued.

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Three years later in 1929, the Great Depression starts. In 1933 after Franklin Roosevelt took office and as the country was reeling and nearly half of the homeowners had either lost their houses or were behind on their loans, the Public Works Administration began to build the first public housing, primarily providing support to white lower and middle-class families. Some projects for African Americans were also built, but they were explicitly segregated, including in neighborhoods that were not segregated before.

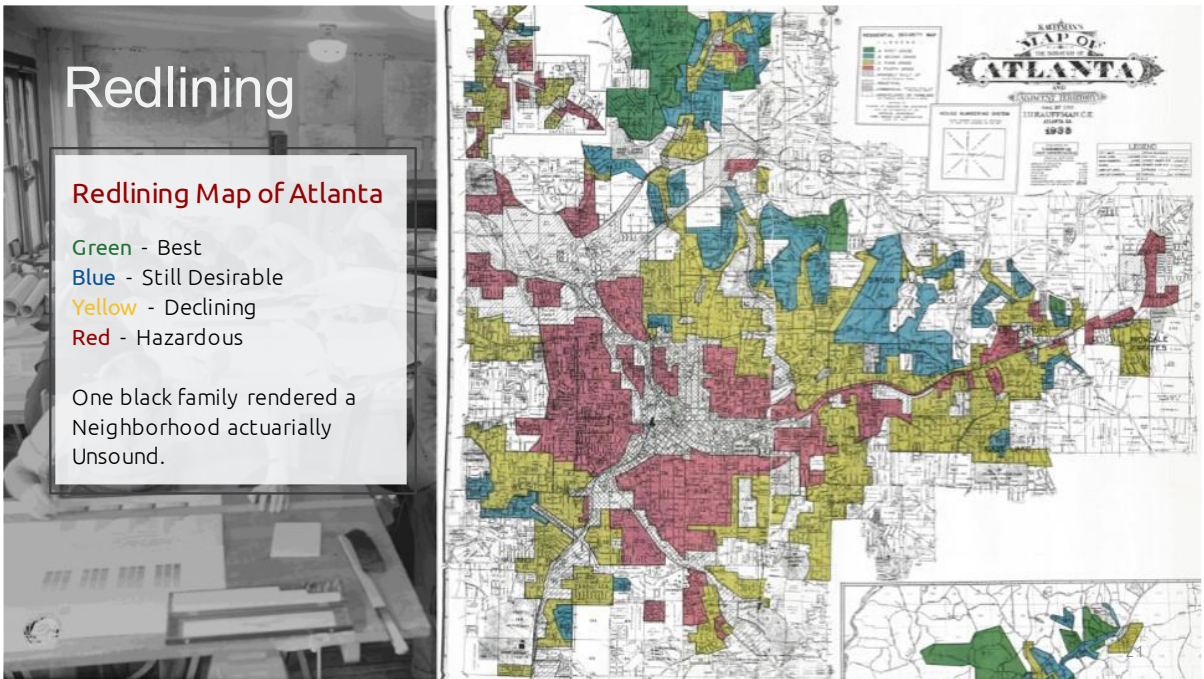
### Federal Housing Administration, 1934

- In 1934 the **Federal Housing Administration** established
- Most importantly, it subsidized mass builders of suburbs,.....but with a caveat:
  - Would not insure mortgages for people of color especially African Americans.
  - Redlined communities (the discriminatory practice of denying services (typically financial) to residents of certain areas based on their race or ethnicity).
  - Every home would have a clause in the deed that prohibited resale to people of color.

#### "Racial" Provisions of FHA Underwriting Manual, 1936

- 228. Deed restrictions are apt to prove more effective than a zoning ordinance and where these restrictions relate to types of structures, use to which improved properties are put, and other matters, they should be carefully considered together with other restrictions, especially for type and use of structure considered to be present. . . . It must be realized that deed restrictions, to be voiding the deed restrictions through inadequate enforcement of their provisions.
- 229. The geographical position of a location may afford in certain instances a uniform type of residential properties, and if the location is away from main thoroughfares at this location is remote. The Valuator should consider careful Natural or artificially established barriers will prove effective in protecting against influences afforded by these means include prevention of the infiltration of incompatible racial elements.
- 233. The Valuator should investigate areas surrounding the location to determine whether a change in social and racial classes. A change in social or racial classes should be found adequate before a high rating is given to this feature.
- The social class of the parents of children at the school will in many instances be a factor in determining the desirability of a location, if the children of parents represent a far lower level of society or an incompatible racial element, the

The Federal Housing Administration, operated through the New Deal's National Housing Act of 1934, promoted homeownership by providing federal backing of loans—guaranteeing mortgages. FHA-secured loans had more favorable terms than loans available before the creation of the administration: the FHA required that all federally insured loans be fully self-amortizing over a repayment period of at least 25 years, whereas prior loans had shorter repayment periods and typically left the borrower with an outstanding balance on the house. However, from its inception, the FHA limited assistance to prospective white buyers. The assistance program not only limited recipients to white Americans, but it also established and then reinforced housing segregation in the United States, effectively drawing lines between white and black neighborhoods that would persist for generations.



Here is a map reflecting redlining in Atlanta.

Image Source: <http://ellakhoward.com/redlining-atlanta>

Image Source: <https://iac.gatech.edu/news/item/647879/conversation-about-redlining-details-matter>

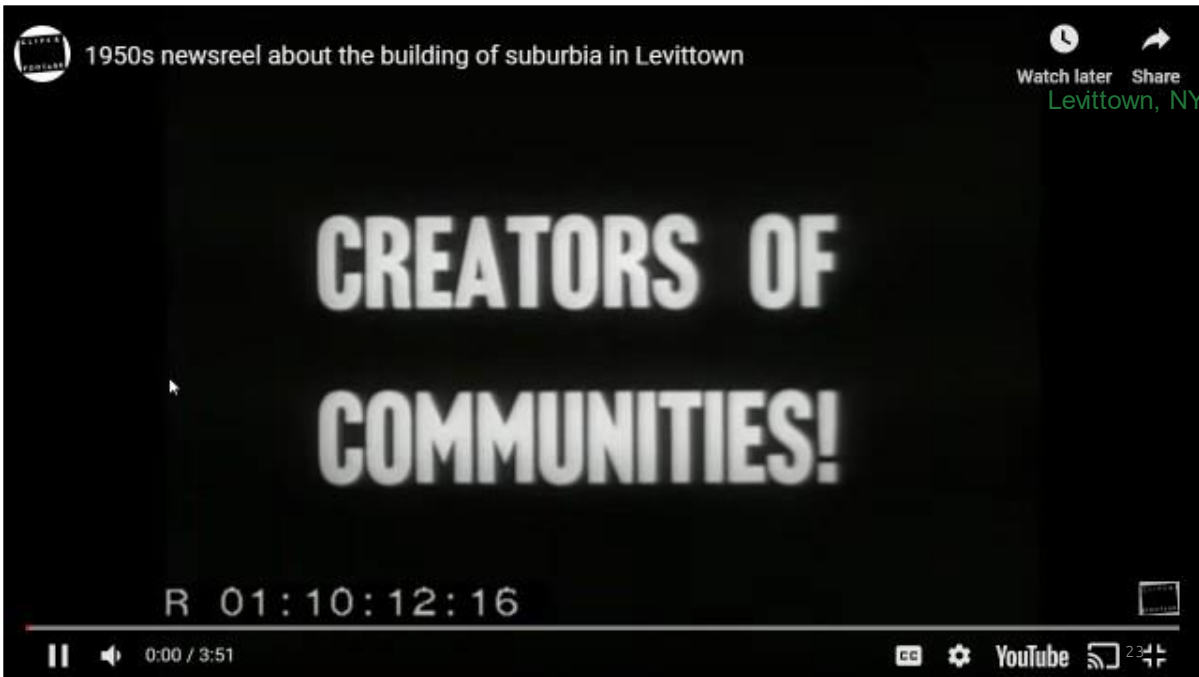
## Why Did the FHA Create Segregation Directives?

The Federal Housing Administration justified this action by asserting that if blacks bought houses in or even near these neighborhoods, the property values of the homes they were insuring would decline, and therefore, their loans and the federal program would be at risk.



There was no basis for this claim on the part of the Federal Housing Administration. In fact, when African Americans tried to buy homes in all-white neighborhoods or in mostly white neighborhoods, property values rose because African-Americans were generally willing to pay more for properties than whites, because their housing supply was so restricted, and they had so many fewer choices. So, the rationale that the Federal Housing Administration used was never based on any kind of study. It would, though, create self-fulfilling prophecies.

Image Source: <https://ctmirror.org/2021/10/06/address-disparities-in-connecticut-housing-policies-and-practices>



85% of the subdivisions built in the New York City area in the 30s and 40s had FHA restrictive covenants applied to them. The building firm, Levitt & Sons, headed by Abraham Levitt and his two sons, William and Alfred, built communities called "Levittown", in [New York, Pennsylvania and New Jersey](#). Levittown, NY has a total of 6.9 square miles and by 1953 would have a population of 70,000 people, with no black residents. Video Source:

[https://www.youtube.com/watch?v=OApZePeJSdU&t=15s&ab\\_channel=Clips%26Footage](https://www.youtube.com/watch?v=OApZePeJSdU&t=15s&ab_channel=Clips%26Footage)



## Other Means of Segregation

- The FHA, in writing recommended that builders choose subdivisions sites that were separated from black neighborhoods by highways.
- The FHA required a 6-foot wall to separate a new white community from an existing black area

The *Underwriting Manual* of the Federal Housing Administration recommended that highways be a good way to separate African American from white neighborhoods. These guidelines were not a matter of law, they were a matter of government regulation. But they also weren't hidden. In Detroit, the FHA required a builder agree to construct a 6-foot cement wall be built around a neighborhood to separate it from a nearby black community before a loan would be permitted.

Image Source: <https://www.bridgedetroit.com/built-to-keep-black-from-white-the-story-behind-detroits-wailing-wall>



Dedication of the Terrace Village housing project, Pittsburgh, PA, October 11, 1940

## Housing Act of 1937 (Wagner -Steagall Housing Act)

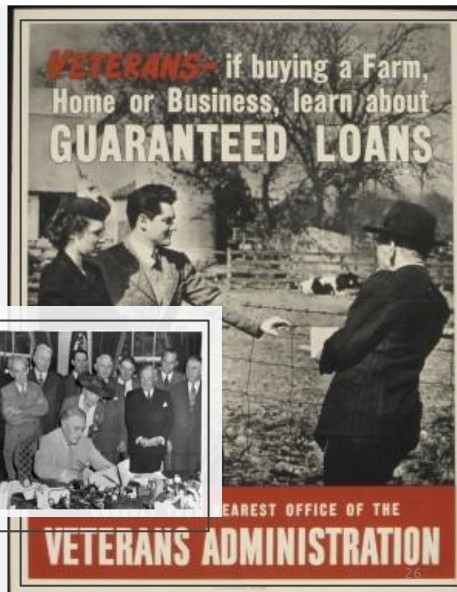
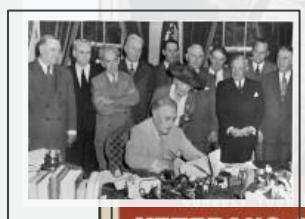
- Provided public housing for many of the nation's poorest.
- Black Americans gained public housing projects.
- However, these projects were segregated from white locations.
- Black public housing generally established next to black neighborhoods.

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The 1937 Wagner-Steagall Housing Act created the U.S. Housing Authority (USHA), fulfilling Roosevelt's pledge to assist the "one third of a nation that was ill-housed." The USHA also made real inroads in providing affordable public housing for blacks. However, the public housing projects would fall under local government control and would remain segregated, and Black housing projects were placed in or adjacent to black majority neighborhoods. Image Source: <https://fdr.blogs.archives.gov/2012/09/04/found-in-the-archives-41>

## Formation of the G.I. Bill & Veteran's Administration Home Loan Program, 1944

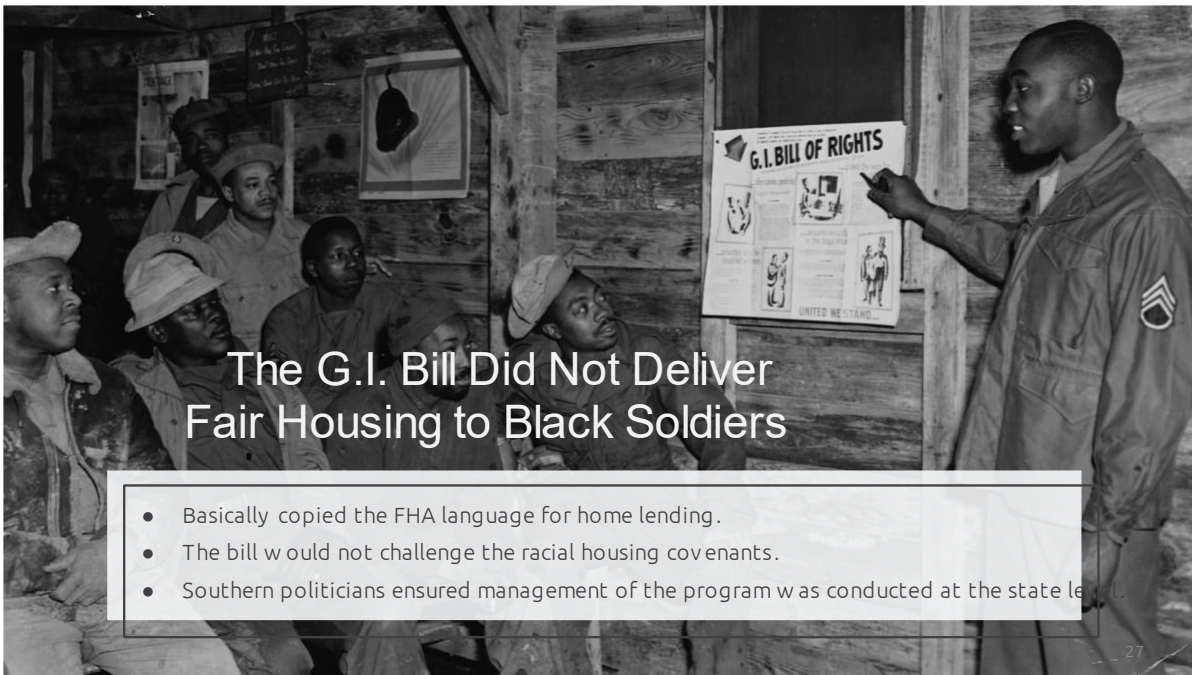
- In 1944 the government started planning for the end of the war and the returning soldiers.
- Concerned about another depression occurring.
- Created the **Servicemen's Readjustment Act of 1944 (G.I. Bill)**.
- Included low-cost mortgages for home loans.
- A returning G.I. could buy a house for about \$100 down and \$100/month.



Anticipating the end of World War 2, the government was concerned that the returning soldiers would be coming home to no jobs and a housing shortage and that the country stood a strong risk of entering another depression. Thus, Congress passed The Servicemen's Readjustment Act of 1944, commonly known as the G.I. Bill. This law provided a range of benefits for some of the returning World War II veterans (commonly referred to as G.I.s), which included low-cost mortgages, low-interest loans to start a business or farm, one year of unemployment compensation, and dedicated payments of tuition and living expenses to attend high school, college, or vocational school. With \$100 down and at a cost of about \$100 a month a returning G.I. could buy a house. Image Source:

[https://commons.wikimedia.org/wiki/File:%22VETERANS,\\_IF\\_BUYING\\_A\\_FARM,\\_HOME\\_OR\\_BUSINESS,\\_LEARN\\_ABOUT\\_-\\_NARA\\_-\\_515967.jpg](https://commons.wikimedia.org/wiki/File:%22VETERANS,_IF_BUYING_A_FARM,_HOME_OR_BUSINESS,_LEARN_ABOUT_-_NARA_-_515967.jpg)

Image Source: <https://www.khanacademy.org/humanities/us-history/postwarera/postwar-era/a/the-gi-bill>



## The G.I. Bill Did Not Deliver Fair Housing to Black Soldiers

- Basically copied the FHA language for home lending.
- The bill would not challenge the racial housing covenants.
- Southern politicians ensured management of the program was conducted at the state level.

Though the bill helped white Americans prosper and accumulate wealth in the postwar years, it didn't deliver on that promise for veterans of color. The GI Bill guaranteed low-interest mortgages and other loans, but they were not administered by the VA itself. Thus, the VA could cosign, but not actually guarantee the loans. This gave white-run financial institutions free rein to refuse mortgages and loans to blacks. Image Source: <https://www.history.com/news/gi-bill-black-wwii-veterans-benefits>



In 1947, only 2 of the more than 3,200 VA-guaranteed home loans in 13 Mississippi cities went to Black borrowers. These impediments were not confined to the South. In New York and the northern New Jersey suburbs, fewer than 100 of the 67,000 mortgages insured by the GI bill supported home purchases by nonwhites.

.06% vs .15%

Image Source: <https://glam.auctr.edu/collections/gi-bill-of-rights>

## Blockbusting Preyed on Racial Fears

Blockbusting: the practice of persuading owners to sell property cheaply because of the fear of people of another ethnic or social group moving into the neighborhood, and then profiting by reselling at a higher price to the incoming ethnic or social group



### Would you panic if a Negro moved next door?

"I'm broad-minded," said one homeowner when Negroes moved into his block. But a short time later he panicked—and sold his house at a loss.

In this week's Post, you'll read how speculators decide which blocks are "ripe" for racial change. How they use vicious tactics to force

out the whites. And how one speculator brags that he could "bust" your block in no time at all.

The Saturday Evening  
**POST**  
July 14-21, 1954  
A Curtis Magazine

29

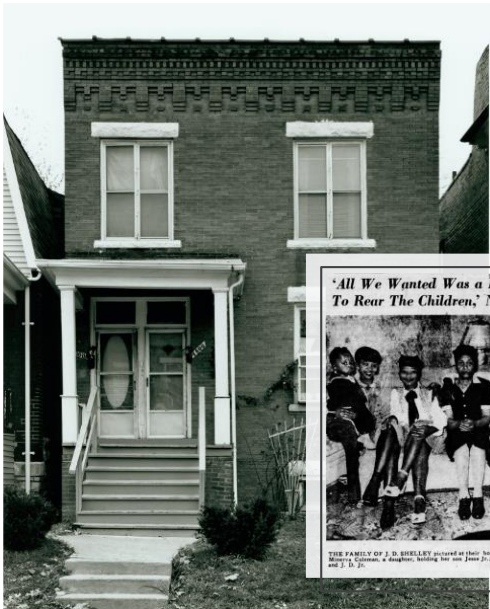
Meanwhile, individual actions compounded fair housing challenges. In 1954, one Palo Alto, California real estate agent seized upon the sale of a single home on the east side of the city. Floyd Lowe, President of the California Real Estate Association at the time, quickly began amplifying racial tensions by warning residents that the one black family moving into their neighborhood marked the beginning of an impending invasion into their community. The strategy — known in time as "blockbusting" — worked as Lowe had intended it to: white families quickly sold at lesser values, enabling Lowe to market these homes to black buyers at inflated prices. Within a few years the neighborhood was predominantly Black, yet fast-tracked towards an economically disadvantaged area, as residents struggled with exorbitant mortgages, schools became overcrowded, and white-owned businesses fled the local economy.

Image Source: <https://medium.com/@DmitriMehlhorn/a-requiem-for-blockbusting-68152244e77a>

## All in the Family: Lionel Moves into the Neighborhood



30



# Shelley v. Kraemer 1948

- In 1945 a black family by the name of Shelley purchased a house in St. Louis, Missouri.
- Unaware of a restrictive covenant on the property.
- White neighborhood resident, Louis Kraemer sues to block the sale.
- Missouri Supreme Court recognized the covenant and blocked the sale.
- U.S. Supreme Court declared the covenant unconstitutional after it was brought to government level.

In 1945 the housing covenant question again visited the Supreme Court, when a black family by the name of Shelley purchased a house in St. Louis, Missouri. At the purchase, they were unaware that a restrictive covenant preventing people of color from occupying the property had been in place since 1911. Louis Kraemer, who lived ten blocks away, sued to prevent the Shelleys from buying the property. The Supreme Court of Missouri supported the covenant.

In an opinion joined in by all participating justices (6 of 9), U.S. Supreme Court Chief Justice Fred Vinson held that the Fourteenth Amendment's Equal Protection Clause prohibits racially restrictive housing covenants from being enforced. Vinson held that while private parties could abide by the terms of a racially restrictive covenant, judicial enforcement of the covenant by a court qualified as a state action and was thus prohibited. By the way, it is generally understood that the reason that 3 of the Supreme Court Justices recused themselves was because they lived in houses with racial covenants.

Image Source: [https://www.stltoday.com/shelley-v-kraemer-1948/article\\_a1a21ad2-e03c-11e7-9b20-6bb5c15289a2.html](https://www.stltoday.com/shelley-v-kraemer-1948/article_a1a21ad2-e03c-11e7-9b20-6bb5c15289a2.html)

Image Source: <https://hereshistorypodcast.libsyn.com/shelley-v-kraemer>

## 50s & 60s, White Movement from Large Cities to the Suburbs Continued

- White families were offered financial incentives to buy new houses largely in the suburbs.
- An understanding existed that separation of races quelled racial strife
- The lending, insurance and real estate industries supported housing segregation

Statement in the code of ethics of the National Association of Real Estate Boards:  
*"A realtor should never be instrumental in the introducing into a neighborhood a character of property or occupancy, member of any race or nationality, or any individual whose presence will clearly be detrimental to property values in the neighborhood."*



Though we witnessed the deconstruction of the housing covenants with Shelley v. Kraemer, in the 50s and 60s white people were increasingly enticed to move to the suburbs with subsidized loans that were less than the rent they were paying for public housing. Federal government agents traveled the country giving lectures about how moving into single-family homes away from central cities was a way to avoid racial strife. The lending, insurance and real estate industries reinforced the status quo with continued red-lining and a general program of segregation. In 1930, 40 percent of Americans owned their homes; by 1960 more than 60 percent were homeowners. Most of that growth was outside of central cities. Image Source: <https://americanhistory.si.edu/america-on-the-move/americanhistory-and-suburb>



## However, Racial Segregation Was Just the Product of Government Institutions or Birds of a Feather

not

- White homeowners' associations worked to keep "undesirables" out of neighborhoods.
- Actions justified by "economic interests" such as access to home loans and maintaining property values.

In the South legal restrictions to racial intermarriages or mixing in public places achieved the ends of that populace. In the North and West, the regulation of housing markets achieved the same ends.



33

But the fact of the matter was residential segregation by race also had grassroots support. One of the largest social movements in the post-war United States consisted of white homeowners' organizations that rose in northern and western cities and fought to keep "undesirables" out of neighborhoods. Their rationales for neighborhood defense included economic self-interest, concerns about property values and access to home loans and population mixing. In the South, those fears were allayed through legal restrictions on intermarriage and racial mixing in public places; in the North and West, those fears were addressed by the regulation of housing markets.

Image Source: <https://iowaculture.gov/history/education/educator-resources/primary-source-sets/great-migration/white-tenants-our-white>

## Criminal Acts Against Non-Whites Integrating White Communities



- Mobs
- Window Breakings
- Cross burnings
- Arson

34

Cross burnings, arson, window breakings, and mobs greeted black newcomers to white neighborhoods in nearly every major northern city between the 1920s and the 1960s.

# LEARNING OBJECTIVES Review

- The real estate agent will display a general knowledge of the Civil Rights Act of 1866.
- The real estate agent will display a general knowledge of the Supreme Court Case Corigan v . Buckley
- The real estate agent will display a general knowledge of how the Federal Housing Administration negatively affected minority homeownership.
- True or False: The Civil Rights Act of 1866 protected the right of property ownership for all U.S. citizens? (Native Americans were not considered citizens at the time.)
- True or False: In the Supreme Court Case, Corigan v. Buckley of 1926, Housing Covenants were declared unconstitutional?
- True or False: The initial Federal Housing Administration guidance in 1934 on loans effectively blocked the loan approval opportunities for people of color?

## TEN MINUTE BREAK

35

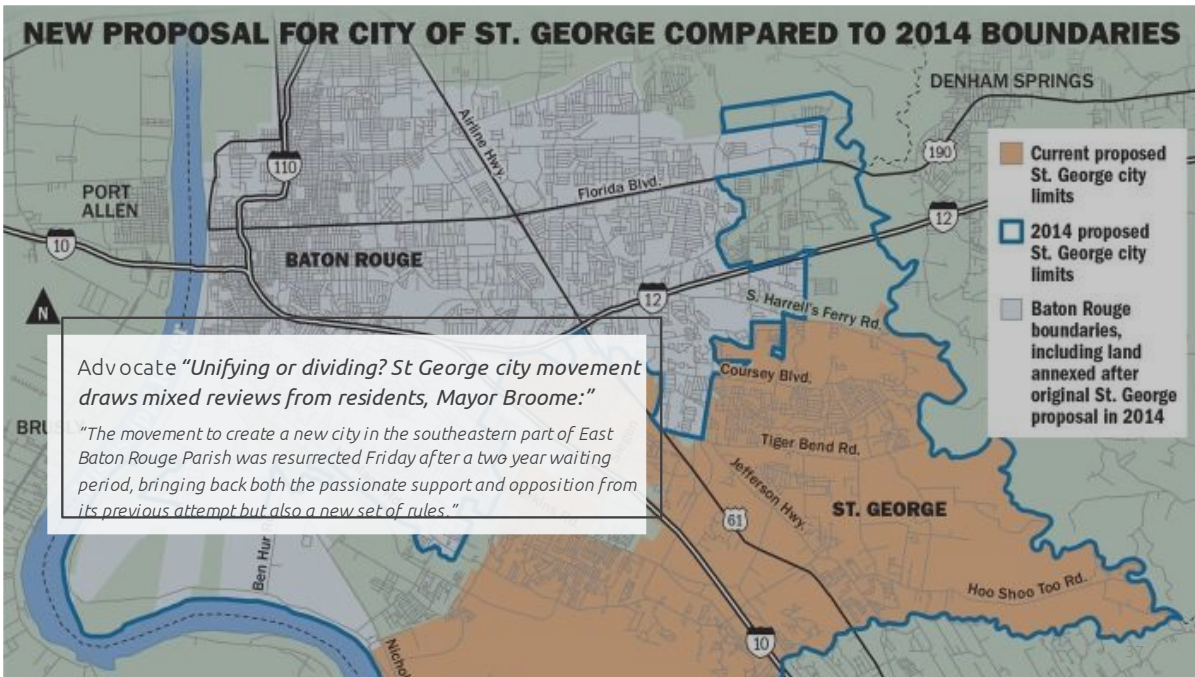
## Minorities, Especially Black People, Become the Primary Tenants of Public Housing

- Low-cost FHA loans led to White exodus from public housing
- Minorities moved into the largely vacant public housing locations
- Public sentiment would grow against large, minority cities and against public housing



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With the exodus of whites from public housing to the suburbs, white housing projects were left deserted, and the government opened them up to people of color. It would be about this time that public sentiment toward public housing and large cities that were minority run would start to decline.



Today the attempt by the affluent section of Baton Rouge to secede from the city to create St. George is an arguable reflection of these types of tensions.

Image Source: [https://www.theadvocate.com/baton\\_rouge/news/st-george-map-get-detailed-view-of-adjusted-boundaries-of-proposed-new-city/article\\_007a441e-20a5-11e8-8370-5f14c49d3ca3.html](https://www.theadvocate.com/baton_rouge/news/st-george-map-get-detailed-view-of-adjusted-boundaries-of-proposed-new-city/article_007a441e-20a5-11e8-8370-5f14c49d3ca3.html)

## Urban Renewal in the 50s & 60s

In the 50s & 60s the federal government moved to revitalize large urban areas.

Actions included:

- Razing neighborhoods in poor conditions
- Erecting new public housing
- Expanding university footprints
- Creating large cultural attractions
- Incorporating interstates into large cities

38

As the suburbs were growing at exponential rates, the federal government also moved to make changes to America's large cities. The actions included razing neighborhoods in very poor condition, often minority projects, and erecting new public housing, expanding university footprints in the cities, creating large cultural attractions, and running the emerging interstate system into urban areas.



*'We hope to buy the first one and then object to the other 199 being built'*

## NIMBY (Not in My Backyard)

- New, public housing erected near poor, minority subdivisions.
- Urban interstates constructed in poor areas of the city.

39

During this time, an additional phenomenon known as “Not in My Backyard” or NIMBY expanded in the urban areas. When cities started to look for new locations for public housing or where to run the interstates in the cities, the wealthier, more powerful community members used their influence to keep these projects away from their neighborhoods. New public housing, now almost 100% non-white in most major cities, was placed in minority communities. Interstates, which would naturally disrupt environments in a city, wherever they were to be run, were laid out in poorer areas.

## Infrastructure Proposal

*“For more than a century, Claiborne Avenue, which ran through the Tremé community, served as a center of New Orleans’ Black economic and cultural life. Then, in the late 1960s, a federal infrastructure initiative brought the bustling street’s dominance to an abrupt end, with an elevated freeway replacing the oak trees and buildings that had once lined the avenue.”*

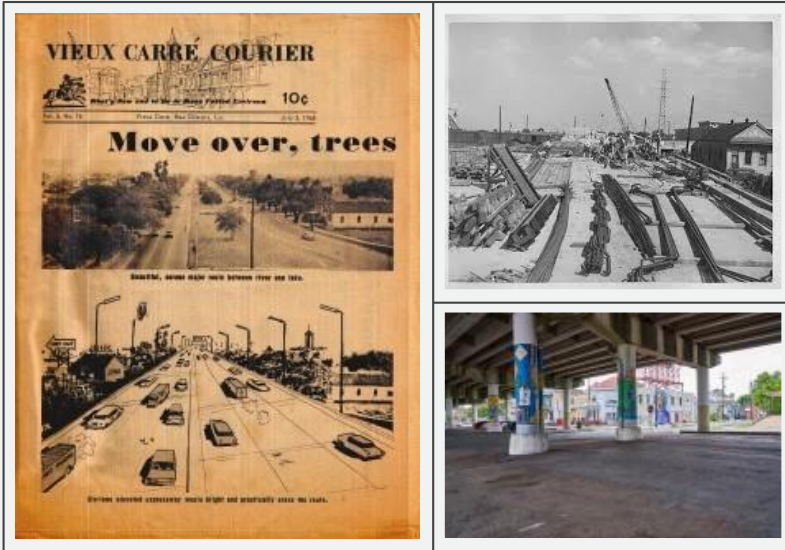
- Smithsonian Magazine



40

Per NOLA, when the Federal Highway Act of 1956 earmarked billions of dollars for interstates across the country, New Orleans officials advanced two projects proposed by planning official Robert Moses. One targeted the French Quarter, a mostly white neighborhood that was already famous as a historic part of the city. The other focused on Claiborne Avenue. While well-connected local boosters managed to block the French Quarter plan, many in the Tremé neighborhood weren’t even aware of the proposal for Claiborne, as no public hearing process existed yet, and officials didn’t bother consulting with local residents. Image Source: <https://www.smithsonianmag.com/smart-news/documenting-history-iconic-new-orleans-street-and-looking-its-future-180977854> Image

Source: [https://www.google.com/search?q=Claiborne+Avenue&tbm=isch&ved=2ahUKEwjmx4iT9Mr9AhVMNd4AHeUYD70Q2cCegQIABAA&oq=Claiborne+Avenue&gs\\_lcp=CgNpbWcQAZIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQyBwgAEIAEEBgyBwgAEIAEEBgyBwgAEIAEEBg6BAgjECc6BwgjEOoCECdQrAdYqfACYP\\_yAmgDcAB4AIABnQGIAfMBkgEDMS4xmAEAoAEBqgELZ3dzLXdpei1pbWewAQRAAQE&sclient=img&ei=D8AHZKaENczq-LYP5bG86As&bih=836&biw=1607&hl=en#imgcr=glgECISbabe4rM&imgdii=HXn\\_XButwAg4gM](https://www.google.com/search?q=Claiborne+Avenue&tbm=isch&ved=2ahUKEwjmx4iT9Mr9AhVMNd4AHeUYD70Q2cCegQIABAA&oq=Claiborne+Avenue&gs_lcp=CgNpbWcQAZIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQyBwgAEIAEEBgyBwgAEIAEEBgyBwgAEIAEEBg6BAgjECc6BwgjEOoCECdQrAdYqfACYP_yAmgDcAB4AIABnQGIAfMBkgEDMS4xmAEAoAEBqgELZ3dzLXdpei1pbWewAQRAAQE&sclient=img&ei=D8AHZKaENczq-LYP5bG86As&bih=836&biw=1607&hl=en#imgcr=glgECISbabe4rM&imgdii=HXn_XButwAg4gM)



41

According to the Congress for the New Urbanism, construction of the Interstate 10 Claiborne Expressway led to the destruction of 500 homes. It divided local neighborhoods, causing a decrease in activity in that business district and a declining quality of life. “Steel reinforcing rods now occupy the spaces where the roots of live oaks once spread, concrete pillars replaced their trunks, and the shadow of the interstate highway now towers above the neutral ground where generations of families used to walk to work, interact, picnic, and socialize,” notes the Claiborne Avenue History Project on its website. The Claiborne Expressway was just one of many projects carried out under the Federal-Aid Highway Act, which routed interstates through Black and Latino communities across the country. In some cases, the government seized homes that were in its way by eminent domain. The highways also physically enforced racial divisions in ways similar to the FHA’s previous guidance. Image Source: <https://acloserwalknola.com/historical-context/north-claiborne-avenue> Image Source: <https://chieforganizer.org/2019/07/05/aftermath-of-expressway-fights-fifty-years-ago> Image Source: <https://antigravitymagazine.com/feature/right-of-way-navigating-the-past-present-and-future-of->

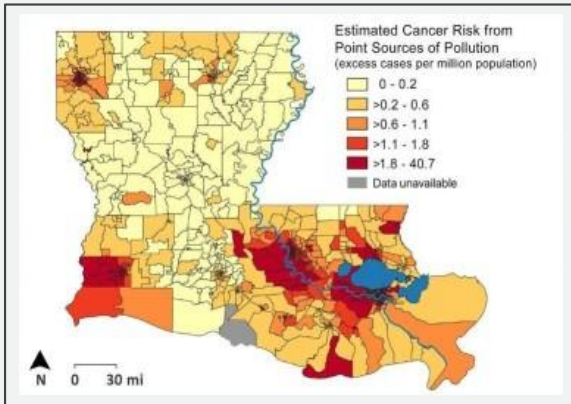


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[the-claiborne-corridor](#)

Video Source:  
[https://www.youtube.com/watch?v=1AIG7HwM7y0&list=PL5rtbtQPnKpqPqvTqJSsUVZodg97YPnNd&index=2&t=3s&ab\\_channel=WWLTV](https://www.youtube.com/watch?v=1AIG7HwM7y0&list=PL5rtbtQPnKpqPqvTqJSsUVZodg97YPnNd&index=2&t=3s&ab_channel=WWLTV)

## NIMBY & Industrial Plants by Black Communities



- Louisiana has the highest concentration of petrochemical facilities in the Western Hemisphere.
- In Cancer Alley, 46 individuals per one million develop cancer compared to the national average of 30.
- Most of Cancer Alley's residents are impoverished Black Americans who live near petrochemical plants.
- Toxic waste sites are often placed in primarily poor, black neighborhoods.

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Louisiana's petrochemical industry provides its citizens some of the state's best-paying job opportunities. However, Louisiana communities containing industrial plants and high percentages of black residents experienced seven to 21 times more toxic air emissions than similar locations with higher percentages of white residents, according to a new study by researchers with the Tulane Environmental Law Clinic. Those findings include the 184-mile stretch of the lower Mississippi River from just north of Baton Rouge to Plaquemines Parish that's often referred to by environmentalists and some community residents as "Cancer Alley." <https://www.theguardian.com/us-news/2019/dec/11/gordon-plaza-louisiana-toxic-landfill-site>  
Image Source: <https://law.tulane.edu/news/tulane-study-louisianas-severe-air-pollution-linked-dozens-cancer-cases-each-year>

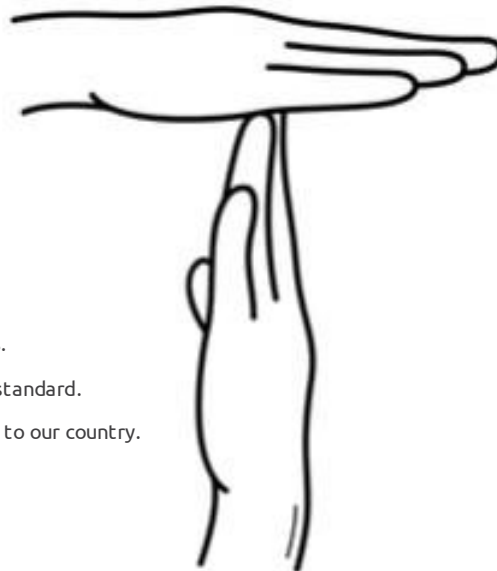
### Let's Take a Short Timeout

We actually examine ourselves.

Many countries do not have the luxury or the desire to conduct such self-evaluations.

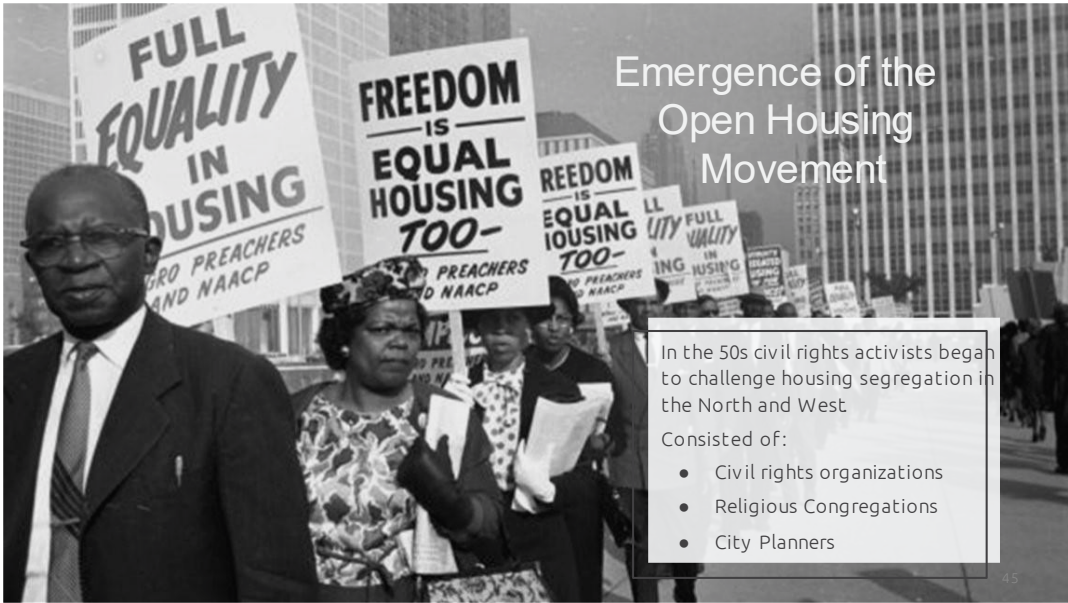
We should probably expect to be held to a higher standard.

However, these types of mistreatments are not limited to our country.



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Let's pause for a moment and take a breath. One important point I'd like to reiterate from this session is my opinion that the unfair actions covered in this class are not behaviors limited to this country. For one thing many countries are just not at the level of development where they are even examining their prejudices.



## Emergence of the Open Housing Movement

In the 50s civil rights activists began to challenge housing segregation in the North and West

Consisted of:

- Civil rights organizations
- Religious Congregations
- City Planners

As an adjunct to the Civil Rights movement in the South, by the middle of the twentieth century, civil rights activists, mostly in the North and West, began to challenge the color line in housing. The fight against housing segregation began locally during the Second World War. It accelerated rapidly during the 1950s and 1960s, when a coalition of civil rights organizations, religious congregations, and city planners began to challenge the official policies and informal practices that created and maintained segregated housing.

## A Fight for a Generation

The efforts against housing segregation would take about 25 years.

- Included:
- Protests
  - Advocacy
  - Litigation
  - Legislation



In response to open housing laws and efforts, NAREB modified its code of ethics after 1948, removing race-specific language. But the association left the determination of what constituted an incompatible “character or use” of a property up to “local determination in accordance with local practice.” As open housing efforts increased, legislatively, NAREB mounted a city-by-city and state-by-state campaign against open housing laws, arguing that they interfered with freedom of choice and represented a heavy-handed and possibly unconstitutional application of government power over individual economic transactions. By the early 1960s, critics of fair housing laws argued they amounted to “forced housing” that deprived individual buyers and sellers of their freedoms in service of social engineering. The National Association of Home Builders also lobbied against anti-discrimination measures, arguing that they would hamper new housing starts. Image Source: <https://www.nar.realtor/about-nar/history/annual-conventions-since-1908>



## Not a Linear Line of Victories

- NAACP lost a law suit trying to forbid discrimination in the Levittowns.
- NAACP, representing several black World War 2 veterans, lost another Levittown case, where they argued that since the government was backing the loans for the housing purchases in those communities, discrimination should be prohibited.

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The battles were hard-fought, and the civil rights activists' victories were infrequent. In 1949 and again in 1952, the National Association for the Advancement of Colored People (NAACP) unsuccessfully attempted to persuade the Federal Housing Administration, which underwrote mortgages in the newly constructed Levittowns outside New York City and Philadelphia, to forbid discrimination in those developments. In 1955, the NAACP represented several black veterans who wanted to move into Pennsylvania's Levittown development, arguing that because the developer relied on federally backed loans, he should not be permitted to discriminate by race. A federal judge ruled against the plaintiffs on the grounds that the government could not be held responsible for a private business' decisions to segregate. Meanwhile, Veteran, William Myers and his wife, Daisy would endeavor to purchase a house in Levittown on a resale.

Image Source: <https://worldnews.com/1607709/little-known-black-history-fact-william-and-daisy-myers>



UNSPECIFIED- MARCH 13: "Leaders of the protest, holding flags, from left Bishop James Shannon, Rabbi Abraham Heschel, Dr. Martin Luther King and Rabbi Maurice Eisendrath." Tomb of the Unknown Soldier at Arlington Cemetery, February 6, 1968. Published February 7, 1968. (Photo by Charles Del Vecchio/The Washington Post via Getty Images)

## Efforts Outside the Courts

- Activists worked to change public opinion to accept housing integration
- Jewish and Black groups joined to fight housing discrimination against each other
- Religious and civil rights organizations lobbied state and local governments to pass laws supporting fair housing
- Whites organized and pledged to support fair housing

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Facing opposition in the courts, activists focused on changing the hearts and minds of white Americans to accept racial integration. At the forefront were religious activists. In major northern cities, Jewish and Black groups found common cause in challenging discriminatory practices that excluded both from parts of the housing market. Religious and civil rights organizations joined to lobby city councils and state legislatures to pass laws prohibiting discrimination in residential real estate. By the 1960s hundreds of thousands of white Americans had signed pledges that they would not discriminate in property sales or rentals. In communities around the United States, activists formed local fair housing organizations, and by 1965, there would be more than one thousand nationwide-which pressured local real estate brokers to list houses on a non-discriminatory basis.



## National Committee Against Discrimination in Housing (NCADH) & President Kennedy

- A group combating housing racial segregation was **National Committee Against Discrimination in Housing**.
- President John Kennedy, after making campaign promises to end housing discrimination, created an executive order to end it in new housing developments.



Meanwhile the National Committee Against Discrimination in Housing and other civil rights organizations were putting pressure on city and state governments to enact anti-discrimination regulation and laws, including forbidding the use of racial language in real estate advertisements and forbidding discrimination by race in home sales and rentals. Between 1959 and 1967 many large cities and twenty-four states had enacted anti-housing discrimination laws, though many of them lacked rigorous enforcement mechanisms.

John F. Kennedy, after being elected, wavered on his campaign pledge to eliminate housing discrimination with “the stroke of a pen.” But in November 1962, just after the midterm elections, he signed Executive Order 11063, prohibiting racial discrimination in all new housing developments that relied on federal funds. The effort was considered modest, but it represented the first presidential effort to undo pro-segregation housing policies. Image

Source: <https://www.politico.com/story/2018/11/20/kennedy-order-bars-housing-bias-1962-1000423>

Image Source: <https://ggwash.org/view/69846/these-maps-reveal-how-dc-was-racially-segregated> Image Source: <https://www.abbreviations.com/NCADH>

## Civil Rights Act of 1964

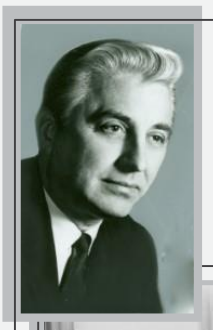


- The Civil Rights Act of 1964 forbade discrimination for public accommodations, education and the workplace
- Remained silent on housing
- Johnson Administration did not think they could pass the whole act if it included fair housing
- Pro-business Republicans argued the provisions of fair housing violated the rights of the property owner
- Northern Democrats feared their constituents would vote them out of office on the measures of fair housing
- Southern Democrats were against the whole act

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The Civil Rights Act of 1964 forbade discrimination for public accommodation, education, and the workplace, but remained silent on housing. When President Lyndon Johnson’s staff and congressional committees had drafted what would become the landmark Civil Rights Act of 1964, they did not seriously consider language forbidding housing discrimination because of the stiff opposition to fair housing. Pro-business Republicans amplified NAREB’s argument that any regulation of real estate sales would interfere with the individual’s right to contract. Many northern Democrats, well aware of their constituents’ opposition to integration, were unwilling to fight for fair housing. Southern Democrats resisted the law in its entirety.

Image Source: <https://www.businessinsider.com/photos-of-the-civil-rights-act-of-1964-2015-6>



## The Legislative Battle for the Fair Housing Act

- 1966, Johnson Administration begins to address Fair Housing.
- Congressional resistance was similar to that of 1964.
- A weakened bill was floated that allowed segregated discrimination and the “Mrs. Murphy Exemption,” which would eventually survive the Fair Housing Act.
- Representative Roman Conrad Pucinski of Illinois pointed to the pressure over fair housing legislation as the cause of the closest re-election of his career to that point.



53

The Johnson Administration began to address fair housing in the spring of 1966. The push-back in Congress reflected earlier efforts. Representative John Flynt of Georgia noted, “Any attempt to destroy or weaken the right of private ownership of property is an attempt to destroy a system of private capital, and to substitute a totalitarian form of government in its place, whether it is called socialism, state socialism, or communism.” Generally, efforts were made to offer a very much watered-down bill that included exemptions for realtors to discriminate, when the homeowner expressly wanted discrimination and the “Mrs. Murphy Exemption.” The “Mrs. Murphy” exemption provides that if a dwelling has four or fewer rental units and the owner lives in one of those units, that home is exempt from the FHA as long as no advertising or real estate agent is involved in the process. The Mrs. Murphy Exemption would survive the Fair Housing Act.

Image Source: <https://www.washingtonpost.com/news/retropolis/wp/2018/04/11/the-fair-housing-act-was-languishing-in-congress-then-martin-luther-king-jr-was-killed>

## Civil Efforts to Pressure Congress

- Dr. Martin Luther King, Jr spearheaded Chicago Open Housing Movement to push the city to enforce its fair housing ordinance and to eliminate poor housing conditions in the city.
- Part of an effort to show that unfair housing were not just southern problems.
- The encounters were hostile.



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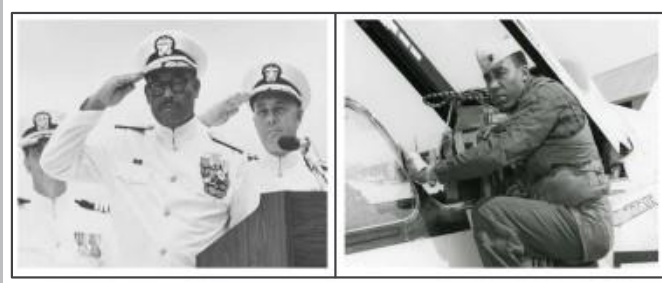
Meanwhile, the Chicago Open Housing Movement was underway. Spearheaded by Dr. Martin Luther King Jr, the movement sought to press Chicago into enforcing its existing fair housing ordinance and to eliminate segregated slum housing conditions in the city. The organizers wanted to bring home the message that racism and segregation were not merely problems in the South. The hostile and sometimes violent responses, aired on national media, were so intense that Dr. King remarked that even in the Deep South he had not encountered mobs as antagonistic to civil rights as those in Chicago.

## Civil Unrest Grew

- Civil unrest increased over substandard minority housing and “excessive policing.”
- Conservatives blamed civil rights advocates for lawlessness.
- Democrats lost seats in midterms.
- Far left Democrats withdrew support of Johnson Administration over the Vietnam War.



Civil Unrest and rioting increased with complaints about substandard living conditions and excessive policing in heavily segregated neighborhoods. The riots caused tens of millions of dollars in damage and left nearly a hundred people dead. As the nation reeled from the violence, conservatives blamed civil rights advocates for creating an atmosphere of lawlessness. In the mid-term elections the Democrats lost much of their majority in Congress, while the more liberal of the party started to withdraw support for the administration as a protest against the Vietnam War.



### Lt. Carlos Campbell, 1967

Navy lieutenant, Carlos Campbell, testified on the housing discrimination he faced in Washington D.C.

- Searched for a home for weeks.
- Told directly he wouldn't be accepted because of his race.
- Received delaying tactics such as excessively long processing times.
- Had to lease from a white military member.

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In August 1967, Lt. Carlos Campbell, a navigator in the U.S. Navy, testified to Congress of his difficulties finding housing in Washington D.C. He described how he spent weeks searching in vain for an apartment: He went to dozens of apartments in the area, often while in uniform. Some places turned him away directly, saying they wouldn't rent to blacks or weren't integrated. Others turned him away less directly by saying that they had an exceptionally long waiting list, or that it would take at least four weeks to process a routine application. Ultimately the only way Lt. Campbell was able to find a place for his family to live was by renting the home of a fellow military officer who was being posted elsewhere for a couple of years. Image Source:

<https://www.usni.org/magazines/proceedings/2020/october/time-reckoning>

## Kerner Commission Report

- Systemic racism and segregation were strong threat to the nation
- Two Americas forming.
- Fair housing legislation immensely important



While congressional negotiations continued on different bills addressing civil rights and fair housing, on March 1, 1968, the National Advisory Commission on Civil Disorders or Kerner Commission published its report on the mass rioting of the previous summer. It stated that systemic racism and segregation were among the greatest threats to the nation and warned that "America is moving toward two societies, one black, one white-separate and unequal". Among the Commission's top recommendations was that Congress enact sweeping fair housing legislation that would cover the sale or rental of all housing, including single-family homes.

Image Source: <http://www.pbs.org/moyers/journal/03282008/profile.html> Image Source: <https://www.radiodiaries.org/last-witness-kerner-commission>



## Martin Luther King, Jr's Assassination and the Passage of Title VIII of the Civil Rights Act

- Martin Luther King, Jr. is assassinated on April 4, 1968
- Out of respect for King and in light of the ensuing riots, Congress passes **Title VIII of the Civil Rights Act** known as the **Fair Housing Act**



58

A month later, on April 4, 1968, Martin Luther King, Jr. was assassinated. Riots broke out in more than one hundred cities. The combination of protest and disruption-and a sense that housing segregation was one of the root causes of urban uprisings-made legislative action seem more urgent than ever. Congress passed Title VIII of the Civil Rights Act, forbidding discrimination in housing, on April 10, 1968. Image Source:

<https://www.britannica.com/event/Civil-Rights-Act-United-States-1964> Image Source:

<https://apps.hhs.texas.gov/training/cbt/SNAP-Ed/3-civil-rights.html>

Image Source: <https://www.npr.org/2018/04/04/598826351/despite-swirl-of-conspiracy-theories-investigators-say-the-mlk-case-is-closed> Image Source: <https://www.history.com/topics/black-history/civil-rights-act>

## Title VIII's Limits

- **Title VIII** did not empower federal agencies to enforce fair housing
- Individuals or advocacy groups required to conduct investigations and litigation



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Title VIII's passage was a historical monument, however the Act did have its limits. Primarily, it did not empower federal agencies to enforce fair housing. Instead, private individuals or advocacy groups had to take the lead investigating, documenting, and litigating housing discrimination. Many fair housing organizations, legal services agencies, and civil rights groups began to direct resources to fair housing litigation, but enforcement depended on their ability to identify plaintiffs, document intentional segregation, mediate disputes, and raise funds to fight costly court cases.

## Community Development Act of 1974

Included an amendment adding sex to the FHA's protected characteristics list.



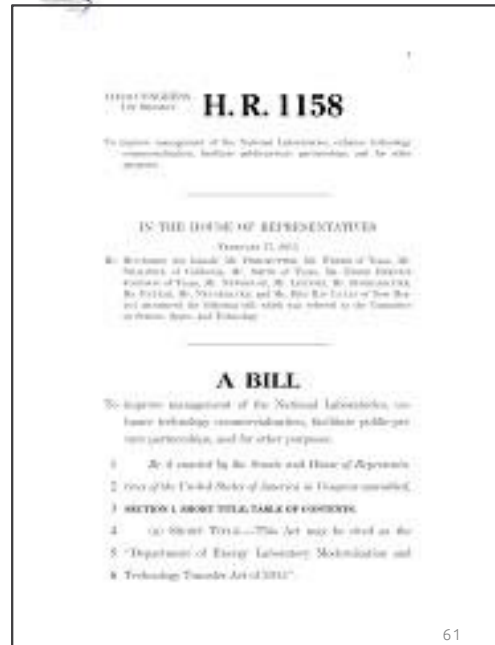
60

The Fair Housing Act covered only race, color, religion, and national origin as protected characteristics. Between 1970 and 1974, numerous attempts were made in both the House and Senate to add sex to the FHA's list of protected characteristics. These efforts were finally successful when Congress passed the Community Development Act of 1974 with an amendment to that bill that was approved without debate adding sex to the FHA's protected characteristics list.

## 1988, H.R. 1158

- Added protections to the handicapped and familial status
- Strengthened the Department of Housing and Urban Development's (HUD) enforcement power to file administrative complaints

Individual states and municipalities realized greater success adding new protected categories to their fair housing statutes.



In 1988 H.R. 1158 was signed. It added protections to the handicapped and familial status. It also strengthened the Department of Housing and Urban Development's (HUD) enforcement power by allowing the agency to file administrative complaints, allowing matters to be adjudicated by administrative law judges who were empowered to award "appropriate relief" as well as civil penalties, and allowing HUD to seek temporary and preliminary injunctions. States and municipalities have had greater success in adding new protected categories to their fair housing statutes. I think California has gender identity as another protected status.

## Louisiana Equal Housing Opportunity Act

**Louisiana Equal Housing Opportunity Act, La. R.S. §§ 51:2601, et seq.:** The law protects people from housing discrimination based on race, color, religion, sex, disability, familial status, or national origin. The Act provides state-level protections similar to the federal Fair Housing Act (FHA).

Both the federal Fair Housing Act and the Louisiana Equal Housing Opportunity Act make it illegal to deny a person housing solely on the basis of:

- Color
- Race
- Religion
- Sex
- National Origin
- Disability
- Familial status (including children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18)



Here is Louisiana's list of protected persons.

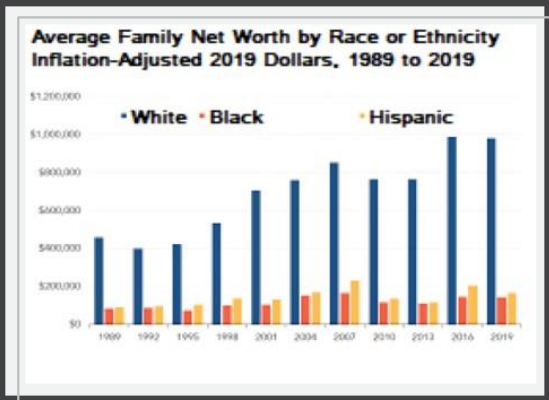
## From the code of ethics of the National Association of Realtors

“Realtors shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.”

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And here is the code of ethics of the National Association of Realtors.

## Effects of Housing Discrimination



The largest racial disparities in the U.S. can be measured in wealth.

- Savings
- Real Estate, the own occupied home on average being the biggest asset for the average family
  - 70% White Americans own homes
  - 45% Black Americans own homes
    - The value of homes owned by Black Americans is significantly lower
    - The amount of equity gained for Black Americans is significantly lower

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What are the effects of 100 years of housing discrimination? Today, the starkest racial disparities in the United States are in wealth, a category that includes such assets as stocks, bonds, and especially real estate. Census surveys and social scientific studies have documented an enormous gap in asset holdings between blacks and whites, largely because of differences in real estate holdings, the only significant asset that most Americans own. Blacks are still less likely to own their own homes, only about 45 percent, compared to 70 percent of whites. And because of effects of previous discrimination and lingering racial segregation, the value of homes that blacks own is significantly lower than that of whites as is the equity value they have in their homes.



People got tax deductions with their houses.

They used the equity to:

- Send their children to college
- Take care of themselves in their old age rather than burdening the next generation

Passed their paid off homes to their descendants.

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People got tax deductions because of these houses. They used the equity to send their children to college and to take care of themselves in their old age and not be a burden to their children, and they passed debt-free homes to their descendants.

A screenshot of an NPR website interface. At the top, it says "35-Minute Listen" with a "PLAYLIST" button and other icons. The main content area features a photograph of a barbed wire fence in the foreground, with several tall, brick apartment buildings in the background. Below the photo, there is a caption: "Federal housing policies created after the Depression ensured that African-Americans and other people of color were left out of the new suburban communities — and pushed instead into urban housing projects, such as Detroit's Brewster-Cougle towers." Below the caption, it says "Paul Senneker". To the right of the main content is a sidebar with a "Fresh Air" player, a "COMING UP" section, an "ALREADY PLAYED" section, a "Build a playlist" section, and a "SPECIAL THANKS TO Jarl and Pamela Mohn for their support of NPR" section. At the bottom of the page, there are two "wealth gap 3.png" thumbnails and a "Show all" button.

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A summation of the effects of housing discrimination can be found here.



# Housing and Urban Development Act of 1968

*"The most important housing law passed in 1968 was not the Fair Housing Act, it was the Housing and Urban Development Act of 1968. But that is not how history has remembered it. If you Google "Housing Act of 1968" nearly every result refers to the Fair Housing Act. This misremembering is not accidental—it reflects the race and class trajectory of America over the past five decades."*

Fred McGhee - 5 September 2018, Shelterforce Magazine



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There are those who contend that the Housing and Urban Development Act, signed on Aug 1, 1968, went much further than the Fair Housing Act's protection against prejudice to create more habitable housing developments and provided monies to low- and moderate-income families for home purchasing. Much of that program was shut down in 1972 by the Nixon Administration. The Act's goals have since then been reignited in spurts, but not to the degree of the original goals.

## President Washington's Letter to the Touro Synagogue, 1790

1790

The Touro Synagogue's warden, Moses Seixas, wrote to George Washington expressing his support for Washington's administration and good wishes for him. Washington sent a letter in response, which read in part:

*"... the Government of the United States ... gives to bigotry no sanction, to persecution no assistance. ... May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid. May the father of all mercies scatter light and not darkness in our paths and make us all in our several vocations useful here, and in his own due time and way everlastingly happy."*

- Letter of George Washington to the Hebrew Congregation in Newport, Rhode Island

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The Touro Synagogue or Congregation Jeshuat Israel (דוש ישועת ישראל) is a synagogue built in 1763 in Newport, Rhode Island. It is the oldest synagogue building still standing in the United States, the only surviving synagogue building in the U.S. dating to the colonial era, and the oldest surviving Jewish synagogue building in North America. In 1946, it was declared a [national historic site](#). The Touro congregation annually reads President Washington's letter on religious pluralism and celebrates the occasion with invited speakers. President Washington's ideals illustrated here speak to much of what this nation has consistently said it aspires. The Fair Housing Act and its ensuing adjuncts protect those ideals against prejudice based on religion and 6 other identifiers. It is our job as lenders, insurers and real estate agents to ensure those ideals and protect against these prejudices.

# LEARNING OBJECTIVES

- The real estate agent will display a general understanding of the term, NIMBY.
- The real estate agent will display a general knowledge of the government efforts in the 1960s in the movement toward the passage of the Fair Housing Act.
- The real estate agent will display a general knowledge of the auxiliary efforts after the passage of the Fair Housing Act.
- NIMBY stands for:
- True or False: The Kerner Report concluded that Fair Housing was not necessary to help abate the civil unrest in the country?
- True or False: Disabilities were part of the original protected characteristics of the Fair Housing Act when it was released in 1968?

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