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SECTION 8’S FAILURE TO INTEGRATE: THE INTERACTION OF CLASS-BASED AND RACIAL DISCRIMINATION

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Abstract: In his book, As Long as They Don’t Move Next Door, Stephen Grant Meyer examines the history of housing segregation in the United States. He asserts that, while African Americans have made great advancements toward equal citizenship, the continued tendency of Whites and African Americans to live in separate neighborhoods remains a significant impediment to improving race relations in the United States. Meyer concludes that the negative perception many Whites have of African Americans is responsible for the lack of integration found in America’s neighborhoods. This Book Review takes Meyer’s analysis a step further and argues that in order to promote long-term change in neighborhood integration, it is also necessary to address the underlying class-based fears, grounded in the protection of their property, that cause many white Americans to discriminate against African Americans.

Despite the passage of the Fair Housing Act in 1968, the sentiment among observers is virtually unanimous: black and white housing segregation remains at a very high level and is decreasing only modestly.1 Furthermore, high levels of segregation characterize the experiences of all groups of African Americans, including those in the middle-class.2


1 See Nancy A. Denton, Half-Empty or Half-Full: Segregation and Segregated Neighborhoods 30 Years after the Fair Housing Act, 4 CITYSCAPE 108 (1999). Segregation is often measured using the Index of Dissimilarity. See id. The Index shows that segregation in large metropolitan areas has declined only eight points in the North and nine points in the South during the last twenty years. See id.; see also STEPHEN GRANT MEYER, AS LONG AS THEY DON’T MOVE NEXT DOOR 217 (2000); Joe R. Feagin, Excluding Blacks and Others from Housing: The Foundation of White Racism, 4 CITYSCAPE 79, 80 (1999).

2 See Feagin, supra note 1, at 82.
After years of neglect, regional housing desegregation, and the implicit discrimination that is both a cause and an effect of racial segregation, has reemerged as an urgent theme of public policy. Of course, since a successful remedy for this situation demands a discussion of its causes, a discussion of what causes segregation also has been prominent in the policy debates on housing.

In his book, *As Long as They Don’t Move Next Door*, author Stephen Meyer attempts to answer this question of causation by examining the history of housing segregation in the United States, focusing primarily on the one hundred years between the end of the Civil War and the passage of the Fair Housing Act (FHA) in 1968. Meyer concludes that the FHA has failed to integrate neighborhoods because “race still matters in the United States.” While Meyer admits that African Americans still face “institutionalized” discrimination from realtors, lenders, and local governments, he believes that the primary reason for the failure of the FHA and subsequent federal housing legislation is the personal racial attitudes of individual Americans. It is his thesis, in fact, that “racial conflict over housing in the twentieth century evinces not so much a problem of inadequate enforcement by government agencies or the inadequacy of the laws themselves as a determined effort on the part of white home owners, landlords, and tenants to keep their neighborhoods white.” In essence, he maintains that as long as people are motivated to maintain racial segregation, they will find ways to do so.

Meyer presents an abundance of convincing evidence that, on the surface, racial attitudes are a particularly burdensome impediment in the integration process. However, asserting that “race still

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5 See generally Meyer, supra note 1. Meyer discusses the extent of segregation throughout the country and analyzes its causes, decade by decade. See generally id.

6 See id. at 10.

7 See id. at 217–18. Minorities are still less likely than whites to obtain mortgage funding, and if they do, are less likely to receive favorable terms, such as lower interest rates. See id.; see also Feagin, supra note 1, at 82–83.

8 See Meyer, supra note 1, at 221.

9 See id. at 222.

10 See id. at 218. For example, Meyer cites a 1996 poll that shows that nearly forty percent of white Americans support laws permitting property owners to discriminate on the basis of race when selling or renting their homes. See id. He also surveys the nation’s newspapers to emphasize the abundant acts of intimidation, including cross burnings and van-
matters” is too simplistic an explanation for the complexity inherent in racial segregation. For example, Meyer fails to consider that within this phenomenon of racial prejudice there also lies a heavy overtone of class-based discrimination.

This Book Review attempts to further Meyer’s explanation of housing discrimination by showing how basic economic bias has had a cyclical effect on segregation, serving as both its cause and effect. In turn, segregation has produced conditions that play upon class-based prejudice, in the first instance, and this class-based prejudice then intertwines with and serves as a proxy for individual racial discrimination. This Book Review also illustrates this interplay of economics and class and racial discrimination within the context of the federal government’s section 8 voucher program. Although two of the goals of the program have been to increase racial integration and to deconcentrate high-poverty areas, as the statistics on segregation will attest, it has not been very successful in achieving these goals.

Part I gives a brief overview and history of the section 8 voucher program. Part II suggests that one of the reasons for the lack of success of the section 8 program is its failure to address the implications of dual discrimination that voucher holders face based on race and class. Finally, Part III suggests ways that legislation can address these prejudicial attitudes, thereby increasing the success of voucher holders in their efforts to find housing in non-segregated areas. Finally, this Book Review concludes that only by addressing the class-based fears that also underlie racial discrimination in housing will desegregation ever occur.

I. HISTORY OF SECTION 8

Section 8 vouchers are the primary means of federal housing assistance to low and very low-income people. A voucher is a government payment on behalf of a household to be used solely to pay a portion of the recipient’s housing. Instead of direct government

dalism, that African Americans still endure when trying to move into white neighborhoods. See id. at 219–21.

11 See id. at 10.

12 See Brian Maney & Sheila Crowley, Ph.D., Scarcity and Success: Perspectives on Assisted Housing, 9 J. AFFORDABLE HOUSING AND COMMUNITY DEV. L. 319, 321 (2000).

13 See id. at 325. They were initially part of the original tenant-based assistance programs that the U.S. Housing Act of 1937 implemented. See id. Although the program formerly distributed both housing certificates and vouchers, each with different rental payment formulas, on October 1, 1999 the programs merged into one voucher-based
provision of lower income housing, the government provides gap-subsidies, paying the difference between thirty percent of the recipient’s income and a “payment standard” set by the local public housing authority.14 The fact that the minimum wage is inadequate to afford the fair market rent for a two-bedroom apartment everywhere in the United States shows the importance of this government aid.15

Local public housing authorities (PHA’s) administer most voucher programs.16 The theory behind the voucher program is that the economic resources it provides low-income individuals afford them greater housing choices. Tenant-based vouchers are portable and are sometimes used as part of mobility programs; recipients from one jurisdiction can often use their voucher to move to any jurisdiction in the country.17 The ability to afford housing, coupled with the mobility allowance, was intended to promote racial integration.18 Advocates of the program envisioned it as a way for poor urban minorities to escape the social ills of the city and move to the suburbs.19 In-

14 See id. at 327. Under the new voucher system, the payment standard is anywhere between 80% and 110% of the Fair Market Rate (FMR) set by the Department of Housing and Urban Development (HUD). See id. at 327. Under the old system, recipients could either rent an apartment for more than the FMR and pay more than thirty percent of their income, or find an apartment for less than the FMR and keep the savings. See Paula Beck, Fighting Section 8 Discrimination: The Fair Housing Act’s New Frontier, 31 HARV. C.R.-C.L. L. REV. 155, 157 (1996).

15 See Maney & Crowley, supra note 12, at 322.

16 See Meyer, supra note 1, at 218. Meyer writes about how some municipal governments still discriminate against African-American homeowners. See id. at 218. For example, some municipal governments still impose specific zoning restrictions, thereby excluding low-income housing in certain areas. See id. The distribution of section 8 vouchers by local PHA’s presents another way that municipal governments discriminate; according to the National Low-Income Housing Coalition (NLIHC), “[R]esearchers have found that HUD’s allocation procedures . . . may preclude equal access to funds by racial and ethnic minorities.” Maney & Crowley, supra note 12, at 337. “In particular . . . there is a tendency to limit access to vouchers to African Americans and other racial/ethnic minorities who disproportionately live in central locations.” Id.

17 See Maney & Crowley, supra note 12, at 326.


19 See Beck, supra note 14, at 156; Maney & Crowley, supra note 12, at 343.
deed, judicial decrees to end segregation often include voucher mobility programs.\textsuperscript{20}

For instance, the original mobility program, Chicago's Gatreaux program, was the result of a 1976 United States Supreme Court decision that determined that the Chicago Housing Authority had deliberately located its public housing in areas with high concentrations of poor African Americans.\textsuperscript{21} As a remedy, the housing authority developed a program to assist public housing residents, through the use of section 8 vouchers, to move either to private apartments in low-poverty neighborhoods within the city or to mostly white suburbs.\textsuperscript{22}

II. DISCRIMINATION WITHIN SECTION 8

In 1996, a black woman from Philadelphia used her voucher to move to a row house in a white neighborhood that contained a large number of properties subsidized by section 8 vouchers.\textsuperscript{23} She was immediately the object of racial taunts; two days after she moved in, a neighbor raised the Confederate flag.\textsuperscript{24} Seven weeks after her arrival, she moved out.\textsuperscript{25} Similar stories of voucher recipients unable to utilize them due to discrimination are ubiquitous.\textsuperscript{26} It is easy to conclude then, that the section 8 voucher program has met with limited success in its goals of promoting racial integration and deconcentrating high-poverty areas.\textsuperscript{27}

Part of the reason for this limited success is a limited number of economic resources.\textsuperscript{28} For example, a March 1999 report found that 660,000 people were still waiting for vouchers.\textsuperscript{29} Furthermore, even though 1.3 million Americans receive such vouchers, simply not enough of the housing available is in non-minority locations to which

\textsuperscript{20} See Carr, supra note 4, at 143.
\textsuperscript{22} See Beck, supra note 14, at 158 n.20.
\textsuperscript{24} See id.
\textsuperscript{25} See id.
\textsuperscript{26} See, e.g., Stephanie A. Crockett, Portsmouth Helps Tenants Find Homes but Few Landlords Accept Families in Aid Program, Virginian-Pilot and Ledger-Star, July 7, 2000, at B1.
\textsuperscript{27} See Beck, supra note 14, at 158; Carr, supra note 4, at 140; see also Tim Grant, Subsidized in the Suburbs, St. Petersburg Times, June 4, 1999, at 1; Megan Towey, Chicago Hope, Nat'L J., Apr. 22, 2000, at 1278.
\textsuperscript{28} See Maney & Crowley, supra note 12, at 321.
\textsuperscript{29} See The Housing Crunch, The Progressive, May 1, 2000, at 8. President Clinton has proposed spending $690,000 this year for 120,000 new housing vouchers. See Building One America, U.S. Newswire, Sept. 16, 2000.
minities could then relocate, especially in competitive markets.\textsuperscript{30} The housing shortage produces rent inflation, thus further limiting the ability to use vouchers because of the rent caps on vouchers.\textsuperscript{31}

Events in Minneapolis, Minnesota illustrate precisely this lack of affordable housing and the consequences it renders.\textsuperscript{32} In 1995, a federal judge approved of a $117 million race discrimination settlement, including 900 more section 8 rent-subsidy vouchers for low-income renters.\textsuperscript{33} As part of the decree, 424 low-income housing units were demolished, with the goal of relocating the families who had lived in the units to the suburbs or areas of the city that did not have concentrations of low-income housing.\textsuperscript{34} However, by 1999, Minneapolis had only a one percent vacancy rate; despite efforts to remedy historic patterns of segregation, there were few places to house the dislocated families.\textsuperscript{35} In Minneapolis, as in other cities facing similar affordable housing crises, the tight market makes the housing discrimination that many section 8 enrollees face an even larger problem.\textsuperscript{36}

It is clear that racial discrimination plays a part in the inability of recipients to find housing in non-segregated areas.\textsuperscript{37} For example, four percent of section 8 administrators specifically cited racial discrimination when asked why voucher holders cannot find housing.\textsuperscript{38} Research conducted for HUD goes even farther and suggests that there is a "[s]ection 8 submarket where the number of units available is restricted, and members of racial and ethnic minorities participating in the section 8 program benefit from their majority status."\textsuperscript{39} Furthermore, even though one of the driving theories behind section 8 housing is the promotion of racial integration, it appears that "[s]ection 8 programs in each site tend to serve the dominant racial and ethnic group better than it serves others."\textsuperscript{40} In fact, many recipi-
ents end up using their subsidies to pay for their current low-income housing units or move within their own segregated neighborhoods; section 8 is clearly not helping poor minorities leave poor minority neighborhoods. 41

However, to believe exclusively Meyer’s premise that it is primarily racial bias that leads to discrimination and racial segregation ignores “the power of greed.” 42 In the survey submitted to voucher administrators regarding the inability of voucher holders to find housing, for example, eleven percent of the respondents felt that it was because “owners do not want to participate in Section 8.” 43 In fact, researchers have found that most recipients experience discrimination from at least one landlord because of their section 8 status and the stigma associated with accepting public assistance. 44 Furthermore, researchers have found that the persons least likely to succeed in using their vouchers include section 8 enrollees who tried to rent units in which the typical tenant is not a section 8 recipient, suggesting a reluctance on the part of landlords and neighbors to allow poor individuals into their neighborhoods. 45

To illustrate this, a May 1996 article in Baltimore, Maryland’s The Daily Record gave an account of the judicial settlement between the American Civil Liberties Union (ACLU) and HUD that included a provision creating a section 8 rent voucher program that would allow 1,300 residents to move from the city projects into suburban housing. 46 Residents of the Maryland counties to which the voucher holders would most likely be headed strongly protested the provision. 47

41 See Beck, supra note 14, at 158; Maney & Crowley, supra note 12, at 339; Mark A. Malaspina, Note, Demanding the Best: How to Restructure the Section 8 Household-Based Rental Assistance Program, 14 YALE L. & POL’Y REV. 287, 307 (1996).


43 See Maney & Crowley, supra note 12, at 335. Beck writes, “Landlords blatantly discriminate against Section 8. They told me plain and simple they don’t take Section 8; that’s their policy.” Beck, supra note 14, at 161.

44 See Beck, supra note 14, at 161.

45 See Maney & Crowley, supra note 12, at 334. These individuals often base this class-discrimination on the fear and perception that poor people will bring with them a variety of social ills, such as high-crime rates, that will adversely affect their property values. See id.; see also Beck, supra note 14, at 161. “You want to go somewhere nice. But landlords know you are from the projects and they think you’re bad.” Maney & Crowley, supra note 12, at 339 (quoting Brian Rogel, CHA Residents Moving to Segregated Areas, CHI. REP., July-Aug. 1998).

46 See Gregory C. Baumann, Federal Court Plays Town Hall, DAILY RECORD (Baltimore), May 31, 1996, at 1.

47 See id.
The article explained that "some [residents] have voiced frustration at the prospect of working to live in the same conditions as families who get government help with their rent."48

The residents also expressed fear that poor city residents would reconcentrate in county neighborhoods, thus, in essence, recreating a city slum in the suburbs.49 Ironically, because of the wide-spread discrimination against prospective section 8 tenants by private landlords, voucher holders often end up living in large clusters; this often does result in slum conditions and resentment by the surrounding community.50

These residents were evincing class-based discrimination based on economic fears.51 Yet, as some literature suggests, one can readily see how such prejudice could become intertwined with, and perpetuate, racial discrimination when several premises are brought together.52 First, because of the current prevalence of racial segregation, white suburban Americans tend to have little contact with America’s urban centers; instead, they tend to rely on the mass media for their view of life in urban ghettos.53 Second, minorities, particularly African American, largely populate suburban areas, especially those areas labeled “ghetto” or “slum.”54 Third, economic choices, themselves sometimes grounded in racial prejudice, have created pockets of poverty in the urban centers, as well as the production of an “underclass that is spatially limited to urban ghettos."55 Thus, the “conditions of

48 See id.
49 See id. A revised settlement subsequently put strict limits on where families with vouchers can relocate. See id. Off-limits are areas in which more than ten percent of the residents live below the poverty line, along with complexes that already rent twenty percent of their units to section 8 tenants and census tracts in which the minority population exceeds 25.9%. See id. Furthermore, as part of the settlement terms, counselors will be provided to help families adjust to the change from city life to suburban life. See id.
50 Beck, supra note 14, at 159; Maney & Crowley, supra note 12, at 348; Baumann, supra note 46.
51 See Baumann, supra note 46.
52 See, e.g., MEYER, supra note 1, at 221.
53 See Feagin, supra note 1, at 85–86. “Because of their residential separation, many Whites assume that the life experiences and consciousness of people of color are dramatically different from and inferior to their own ... all-Black enclaves are seen by some Whites as dark and seductive places where Whites can go to find drugs or prostitution.” Id.
54 See id. at 85; Malaspina, supra note 41, at 291–92.
55 See Feagin, supra note 1, at 83. Feagin writes:

[The] suburban migration of Whites has been stimulated by the investment decisions of industrial corporations, banks, and developers and has been assisted by Federal Government subsidies for home mortgages and road building. In this uneven development process, capital flows to housing in the sub-
inner-city life” are created: an inadequate tax base for schools leading to undereducation; restricted access to neighborhood jobs leading to unemployment; drug use; violence; and welfare use.56

These “social ills” fuel negative stereotypes toward African Americans and reinforce the desire of whites to remain segregated.57 It is poverty, in the first instance, that plays upon their fears. Landlords maintain that discrimination against section 8 is justified because poor families often overcrowd apartments and damage property.58 This fear, Meyer contends, is extremely powerful and prevalent because “buying a house . . . is the largest single investment that most Americans will make. Appreciation of the property’s value can lead to economic security. Its depreciation, however, can lead to personal economic ruin and its attendant anxiety and tension.”59

Because most urban poor are African American, and because the vast majority of African Americans live in residential ghettos, this economic bias transforms itself into racial attitudes.60 “Race thus becomes a proxy, such that being a Black equates with being a poor tenant or poor neighbor.”61 And neighborhoods must keep these poor (black) individuals out, lest their neighborhoods become “ghetto-like” too.62

urbs and away from housing development in the central cities. Moreover, the decentralized suburbs provide growing numbers of jobs for their mostly White population. These job and residential redistributions contribute to the racial polarization of metropolitan areas.

Id.

56 See Johnson, supra note 42, at 1615.

57 See George C. Galster, The Evolving Challenges of Fair Housing Since 1968: Open Housing, Integration, and the Reduction of Ghettoization, 4 Cityscape 123, 130 (1999). Galster discusses his concept of statistical discrimination, which he defines as differential treatment based on the discriminator’s belief that race is highly correlated with one or more valued attributes. See id. He writes:

[A] landlord may refuse to rent to any Black because he thinks that there is a higher probability that a Black tenant may use the apartment to sell drugs. . . . The statistical discriminator does not disfavor minorities because of animus, but rather because experience, media reports, or other evidence, “proves” that, on average, minorities are less likely to possess certain desirable traits.

Id.

58 See Beck, supra note 14, at 159. “Middle class communities often shun Section 8, fearing it will hurt their property values and bring criminals into their neighborhoods.” Grant, supra note 27, at 1.

59 See MEYER, supra note 1, at 2.

60 See Malaspina, supra note 41, at 291–92.

61 See Beck, supra note 14, at 155.

62 See MEYER, supra note 1, at 8.
As further evidence of the effect that class-based discriminations has on racial prejudice, some literature suggests that African Americans will encounter less discrimination and racism as they achieve higher degrees of economic status. Some commentators have even suggested that, as an African American’s income increases and socio-economic status improves, the applicability of stereotypical attributes decreases, negating their “Blackness.” This is supported by the finding that African Americans generally are accepted more readily in white affluent neighborhoods than in poor ones.

Researcher Alex M. Johnson, Jr. suggests, for example, that the existence of wealth, because of the positive attributes associated with it, such as high levels of education and prestigious employment, serves as a vehicle through which a limited number of African Americans do move into and integrate white communities. He writes, “Green . . . becomes the operative color . . . .” This is supported by the finding that the white households that do support integration tend to prefer that minority neighbors have roughly the same income and education levels as their own. As long as African Americans have similar resources, white homeowners do not worry that they will compromise the integrity of the neighborhood. Acceptance of persons with vouchers is more risky: vouchers are seen as “free money” and, thus, do not guarantee that the holders have the resources or ability to “keep up” with their white neighbors.

Affluent white neighborhoods tend to contain a higher percentage of African Americans relative to white working class and middle-income communities. One would expect, if class-based prejudices strongly influence segregation, that people of similar economic situations would be clustered together, regardless of race. For example, it would seem likely that poor individuals would live in integrated “poor” communities. Instead, the data reveals that the poor are more likely to live in segregated communities. However, the fact that such situations exist may still support the suggestion that segregation is

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63 See id. at 11; Johnson, supra note 42, at 1624.
64 See Johnson, supra note 42, at 1602, 1624.
65 See MEYER, supra note 1, at 11; Johnson, supra note 42, at 1602.
66 See Johnson, supra note 42, at 1639.
67 See id. at 1640.
68 See Carr, supra note 4, at 143.
69 See id; Johnson, supra note 42, at 1640.
70 See Johnson, supra note 42, at 1640.
71 See id. at 1639.
72 See id. at 1602.
based on not only racial discrimination, but also on class-based prejudices. 73

For example, some literature argues that the only significant "possession" of lower-class white Americans is their "whiteness," a notion fueled by the negative stereotypes of urban African Americans. 74 Thus, discrimination in these neighborhoods is a function of the protection of their most valuable "asset." 75 Even though these individuals may have the same or even less socioeconomic status as African-American voucher holders, the "privilege" of living in a segregated neighborhood with other whites negates this low-class status. 76

White racial solidarity, then, becomes a collective norm. 77 Like wealthier white neighborhoods, lower class white neighborhoods may refuse to allow African-American voucher holders into their communities out of fear that their "whiteness"—their property value—will diminish. 78 This may explain the case, mentioned above, of the Philadelphia woman who was chased out of a lower-class white neighborhood. 79

Furthermore, discrimination based on these class-based fears of an individual's economic status as a voucher holder is currently legal under federal law. 80 Thus, because this fear often intertwines with and serves as a proxy for racial discrimination, the racial discrimination that underlies class-based fears becomes functionally legal as well. A few states and municipalities, however, have enacted statutes that prevent landlords from discriminating against voucher holders. 81 These

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73 See id. at 1638–39.
74 See, e.g., id. at 1641–42.
75 See Johnson, supra note 42, at 1642.
76 See id.
77 See id. at 1620; see also Feagin, supra note 1, at 85.
78 See Johnson, supra note 42, at 1642. (Johnson does not mention section 8 voucher holders specifically in his discussion; however, his discussion applies to them.)
79 See Fletcher, supra note 23, at A1.
80 See Beck, supra note 14, at 160. In 1949, Congress amended the Housing Act of 1937 to prohibit discrimination based on the receipt of public assistance against prospective public housing tenants. See id. This amendment was later superseded. See id. at 160–61. Discrimination based on income source is not included in the federal Fair Housing Act. See id. at 160.
81 See Jim Harger, Ordinance Now Covers Rent Subsidies, GRAND RAPIDS PRESS, July 6, 2000, at 1. For instance, in July 2000, the Grand Rapids City Commission changed the city's Fair Housing Ordinance to outlaw discrimination based on "lawful sources of income." Id. The amendment came about after a task force discovered that some landlords were turning prospective tenants away solely because they received section 8 subsidies. Id. The Commission also recommended the amendment with the belief that landlords may use Section 8 as a pretext for refusing to rent to racial minorities. Id.
III. Changes to Promote Integration

Housing vouchers could be an invaluable resource for individuals looking to move out of deteriorating housing conditions.\textsuperscript{83} Studies indicate that many section 8 voucher recipients would like to move to areas of higher income, which often means suburban locations, where they perceive the quality of life to be better.\textsuperscript{84} However, both the acceptability and the legality of section 8 discrimination enable the preservation and proliferation of racial discrimination.\textsuperscript{85} They also ensure the failure of the section 8 program to promote integration.\textsuperscript{86}

A. Short-Term Solution: Get Housing

Because one of the major obstacles to the success of the section 8 program in promoting integration is the refusal of landlords to participate, it is obvious and vital that changes be made in landlord participation.\textsuperscript{87} One way to change landlord participation is to appeal to landlords' economic security. For example, HUD could make it easier for landlords to remove disruptive tenants, either by denying a lease renewal or through eviction, by allowing landlords to do so under state and local guidelines, as opposed to the more stringent and procedurally arduous guidelines that they currently must follow.\textsuperscript{88} Another option is to eliminate the quality standards and inspection system currently required by HUD,\textsuperscript{89} with the idea that potential renters can make their own judgments regarding housing quality. This could

\textsuperscript{82} See Beck, \textit{supra} note 14, at 168.
\textsuperscript{83} See Tegeler et al., \textit{supra} note 18, at 455–57; Malaspina, \textit{supra} note 41, at 289.
\textsuperscript{84} See Malaspina, \textit{supra} note 41, at 306.
\textsuperscript{85} See Beck, \textit{supra} note 14, at 155.
\textsuperscript{86} See id. at 159.
\textsuperscript{87} See Malaspina, \textit{supra} note 41, at 311.
\textsuperscript{88} See id. at 312–13; Florence Wagman Roisman, \textit{Long Overdue: Desegregation Litigation and Next Steps to End Discrimination and Segregation in the Public Housing and Section 8 Existing Housing Programs}, 4 \textit{Cityscape} 171, 175 (1999).
\textsuperscript{89} See Maney & Crowley, \textit{supra} note 12, at 324. For example, section 8 currently requires an apartment inspection and other forms of administration approval before an owner and tenant may sign a lease. See id.
increase the amount of housing available as well as silence landlords’ objections—and excuses—that they cannot afford modifications.90

Another short-term solution involving neighborhood “appeasement” is to limit the number of section 8 holders relocating in the same neighborhood, thus keeping the influx of potentially “undesirable” tenants barely perceptible to the neighbors,91 the desired effect being practical, if not noble. For example, research has shown that “the more successful a program is in helping minority households move to White or integrated neighborhoods, the more likely it is that those predominantly White neighborhoods will ‘flip’ and become predominantly minority or resegregated” as Whites move out.92 Interestingly, research also shows that, when the number of relocated voucher-holders is limited, there may even be a positive effect on property values.93

Another viable option is to take more affirmative steps against discriminating landlords via the court system. Because landlords can generally use bias against section 8 holders as a pretext for racial discrimination, an amendment to the federal Fair Housing Act that would prohibit discrimination based on an individual’s status as a subsidy holder would be useful.94 Even though several states and municipalities have enacted such statutes, enforcement has generally been inadequate; thus, a federal remedy is necessary.95 The threat of legal sanctions for their discriminatory actions could, at the very least, provide voucher-holders with a mode of legal recourse and, perhaps, change the behavior, if not attitudes, of landlords.

Clearly, legislation would not, and indeed could not, be a panacea. First, proving class-based discrimination may not be easy.96 For

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90 See Malaspina, supra note 41, at 303.
91 See Grant, supra note 27. In a June, 1999 article in the St. Petersburg Times, a housing expert is quoted as saying, “If [low income renters] all go to the same area or same community, they create another mini-ghetto. The point is to avoid that.” Id. (quoting Peter Dreier).
92 See Carr, supra note 4, at 141; see also Beck, supra note 14, at 159.
93 See Maney & Crowley, supra note 12, at 348.
94 See Beck, supra note 14, at 171. For example, Paula Beck recommends adding an amendment that prohibits discrimination based on “status with regard to rental assistance.” Id.; see also Malaspina, supra note 41, at 315.
95 See Maney & Crowley, supra note 12, at 320. Local political pressure and the tendency of local governments to act in response to the discriminatory attitudes of their constituents, has often frustrated the potential of section 8 to integrate communities. See Maney & Crowley, supra note 12, at 320; Tegeler, supra note 3, at 215; Malaspina, supra note 41, at 315.
96 See Beck, supra note 14, at 185.
example, in *Attorney General v. Brown,* in Massachusetts, the Supreme Judicial Court of Massachusetts held that, under a similar state statute, the defendant landlord should have a chance to prove that his refusal to rent was based on legitimate business reasons. Additionally, landlords may circumvent the legislation by imposing stringent application requirements for *all* potential tenants, which section 8 holders may not be able to fulfill.

Legal recourse requires detection and actual complaint; as many observers have pointed out, however, section 8, class-based discrimination might be subtle and unrecognizable to those who experience it. Also, relief premised on Fair Housing Act violations has traditionally been the result of "serendipitous" factors, such as the availability of talented and committed counsel, and not necessarily when the need is greatest. Furthermore, assuming that an individual who has experienced discrimination is able to litigate his case and receive a favorable disposition, HUD has not always performed the specific obligations imposed by court orders, thus negating the usefulness of the legislation in the first place.

These problems notwithstanding, Meyer shows that there is an even more basic problem involved in relying solely upon legislation to promote integration. He writes, "Legislated change, after all, seems to occur as an evolutionary . . . process. But, without the sanction of popular opinion, laws have little force . . . ." As long as people are motivated to discriminate and segregate they will do so; policies that aim only to end discriminatory practices will not successfully end segregation because people will only find different ways to discriminate. Thus, the most salient option in promoting racially-integrated neighborhoods is to reverse the discriminatory attitudes that furnish the motivation in the first instance, whether the motivation be class-based or race-based or one as a pretext for the other. In other words,

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97 See id. at 169. For example, landlords may assert that they cannot make the repairs necessary to bring a unit into compliance with HUD’s standards. See id.

98 See Malaspina, supra note 41, at 316. For example, they may require extensive credit checks, references, or cosigner requirements, that section 8 holders might tend to fail more than non-holders applying for the same housing unit. See id.

99 See Carr, supra note 4, at 140–41; Denton, supra note 1, at 113; Galster, supra note 57, at 132.

100 See Roisman, supra note 88, at 173.

101 See Maney & Crowley, supra note 12, at 342; Roisman, supra note 88, at 173.

102 See MEYER, supra note 1, at 222.

103 See Carr, supra note 4, at 140.
because race continues to matter in the United States,\(^{104}\) the soundest way to promote integration would be to eliminate artificial racial distinctions and negative stereotypes.\(^{105}\)

**B. Long-Term Success: Changing Attitudes**

In order to accomplish long-term change in housing desegregation, a three-prong attack is needed: (1) neighborhood revitalization in the inner city, (2) extensive counseling to section 8 recipients, and (3) a program of outreach to landlords.

Researcher George Galster proposes an expanded definition of *fair housing* to include the opportunity to live in an environment where one’s life chances are not unduly constrained.\(^{106}\) Implicit in this suggestion is a much-needed mandate for legislation that would revitalize America’s cities.\(^{107}\) As much as housing policy has been at the forefront of political discussion, many policy makers seemingly continue to ignore the persistent effects that deteriorating city conditions have on the segregation of minorities.\(^{108}\)

As one researcher writes, “With regard to poverty, there is an economic component or causative factor of segregation that must be addressed.”\(^{109}\) Thus, African Americans will be in a better position to end racial discrimination and segregation with the passage of legislation that improves their impoverished surroundings. For example, legislation could require municipalities or allow private investors to increase the job-base in inner-cities, as well as to improve substantially the quality of city schools.\(^{110}\)

Increased access to income and education would have three results. First, it would allow African Americans the financial wherewithal to invest in housing of their choosing, whether in city or suburban neighborhoods.\(^{111}\) For instance, jobs and education—and the tangent effects they have such as decreased drug use and dependence on wel-

\(^{104}\) See Scott Baldauf, *When Zoning Becomes Segregation Tool Dallas Court Ruling that Suburb’s Laws are “Discriminatory” May Reverberate Across US*, CHRISTIAN SCIENCE MONITOR, Aug. 11, 2000, § U.S.A., at 2. For example, Baldauf wrote, “[Sunnyvale, Texas] town leaders, according to a court complaint, admitted their motives [in regard to zoning laws that did not allow low-income housing] were based on race.” *Id.*

\(^{105}\) See Beck, *supra* note 14, at 165.

\(^{106}\) See Galster, *supra* note 57, at 124; see also Tegeler et al., *supra* note 18, at 486.

\(^{107}\) See Tegeler et al., *supra* note 18, at 461.

\(^{108}\) See Johnson, *supra* note 42, at 1610–12.

\(^{109}\) See *id.* at 1614; see also Tegeler, *supra* note 3, at 209.

\(^{110}\) See Carr, *supra* note 4, at 144; Maney & Crowley, *supra* note 12, at 349.

\(^{111}\) See Johnson, *supra* note 42, at 1624.
fare—would allow African Americans “to defeat the proxy associated with the color of their skin.” This would make white neighborhoods more accessible because, as observers have found, white households tend to prefer that minority neighbors have roughly the same income and education levels as their own. Moreover, and just as important, jobs and education would help combat the negative stereotypes of African Americans that motivate the dual discrimination in the first instance.

Furthermore, improving neighborhood quality in the city would also combat the perception that suburban neighborhoods will decline if racial transition occurs, thus assuaging fears of white property owners. Conversely, revitalization of troubled neighborhoods will, in the long-term, increase the demand for those homes too. White households must be willing to move to integrating or integrated communities, or else they will resegregate.

In the context of section 8, in order to supplement neighborhood revitalization, it is also necessary to provide counseling and assistance to all voucher recipients, perhaps modeled after Chicago’s Gatreaux program. In this successful program, the administering agency counselors find landlords to participate in section 8, and counsel recipients about the move, especially regarding the expectations and obligations that becoming a tenant entails.

Additionally, HUD and local PHA’s need to implement programs of landlord outreach and promote positive images of the section 8 program and its clients. For example, the NLIHC advocates the dis-

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112 See id. Of course, it would also decrease African Americans’ need for section 8 vouchers in the first instance, thus making it easier for those who need vouchers to obtain and use them.

113 See Carr, supra note 4, at 143.

114 See Feagin, supra note 1, at 86. Additionally, if African Americans could live in higher quality homes, even if these homes were in revitalized inner-city neighborhoods, they would be able to build up housing equity, which would enable them to relocate to areas of their choosing, rather than to areas that resources and discrimination dictate. See id.

115 See Carr, supra note 4, at 144.

116 See Denton, supra note 1, at 118. Interestingly, Carr cites a 1992 survey in which only fifteen percent of Whites polled said they would move out of their neighborhood if it became twenty percent black, but over fifty percent said that they would not move into a neighborhood that was twenty percent black. See Carr, supra note 4, at 141.

117 See Beck, supra note 14 at 159; Tegeler et al., supra note 18, at 481; Malaspina, supra note 41, at 303.

118 See Malaspina, supra note 41, at 320.

119 See Crockett, supra note 26. For example, as part of a settlement agreement in a class-action suit, the Portsmouth (Virginia) Redevelopment and Housing Authority
tribution of marketing materials to educate landlords, especially those in white suburban areas, about the benefits of participating in the section 8 program. These efforts will serve to decrease the fear of landlords that renting to section 8 recipients entails risks to their property, thereby making their housing more accessible and integrating more neighborhoods.

CONCLUSION

Meyer writes that "only when the prospect of integration ceases to be seen as a threat will racial relations in the United States really improve." In order to achieve integration then, it is necessary to address the issues that make the prospect so threatening to white neighborhoods. History, in the form of the Fair Housing Act, has shown that attempting to regulate individuals' behavior will not produce revolutionary results. Clearly, short-term responses such as enacting and implementing anti-discrimination laws can have some beneficial effect on preventing discriminatory behavior. For example, they may encourage, if not force, contact between whites and African Americans. Research has shown positive effects on white attitudes towards African Americans as a result of actual contact, as opposed to the media-induced negative stereotyping that often occurs as a result of segregation.

To promote long-term "evolutionary" change, though, Meyer is correct in his assertion that the attitudes that motivate the behavior must be addressed. In the context of preventing housing discrimination and promoting neighborhood integration, this means also ad-

(PRHA) implemented many of these initiatives. See id. PRHA employees have taken residents on tours of the city to familiarize them with the various neighborhoods, as well as providing residents with small group and individual counseling to educate residents about housing options, including housing available in neighboring towns. See id. Additionally, PRHA will try to increase the number of affordable housing units available through a landlord outreach program, that would educate landlords about the benefits of participating in the section 8 voucher program. See id. Finally, PRHA is providing self-sufficiency classes for tenants who move into section 8 housing, including topics such as landlord-tenant relationships, in order to ease the transition and to make section 8 tenants independent and successful members of their new community. See id.; see also Maney & Crowley, supra note 12, at 321. The NLHIC found that only sixteen percent of PHAs currently conduct outreach to owners to engage them in the section 8 program. See Maney & Crowley, supra note 12, at 343.

120 See Maney & Crowley, supra note 12, at 321.
121 MEYER, supra note 1, at 222.
122 See Denton, supra note 1, at 113.
123 See MEYER, supra note 1, at 222.
dressing the underlying class-based fears, grounded in concern over the protection of property, that white Americans have toward African Americans.\textsuperscript{124}

\textsuperscript{124} See \textit{id.}; Galster, \textit{supra} note 57, at 130.