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Regional Housing Mobility and Interdistrict School Integration: What We Know and What We Need to Do

In two major recent studies, Professor Raj Chetty and his colleagues found substantial increases in adult income levels and long-term educational attainments for children who move to and grow up in lower-poverty communities—especially where children stay in these neighborhoods for a substantial period of time. This research builds on findings from the Moving to Opportunity research that had already found substantial health benefits for women and girls who move to low poverty neighborhoods. It also builds on several decades of educational research demonstrating strong short- and long-term educational benefits for low-income children attending racially and economically integrated schools (see www.school-diversity.org). All of this research confirms what practitioners have long known, that relief from segregation isn't just a right, it is also good for children. Accordingly, in this issue, we are not going to go over this ground again. Instead, we turn our attention to what needs to be done: what are the barriers standing in our way, and how can we make housing and school integration work in more of our segregated metropolitan areas? — the editors

Mobility Works America

Elizabeth Julian

In 1978, Congress chartered the Neighborhood Reinvestment Corporation, a non-profit organization to support community development in the United States. NRC was chartered based on the belief that investing in local community development organizations was the best way to revitalize lower-income communities and address the conditions of slum and blight that impacted so many people in those

communities. In 2005, NRC began doing business as NeighborWorks America. NWA provides grants and technical assistance to more than 240 community development organizations working in nearly 4,400 urban, suburban and rural communities across the country. NWA also provides training for community housing and development professionals through its national training institutes. It had total revenues

of approximately \$248 million in 2012-13, most of which were government grants (NWA is one of several specially earmarked annual appropriations for community development organizations).

NWA is an excellent model for a new national housing mobility initia-

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Elizabeth Julian (ekjulian@inclusivecommunities.net), a PRRAC Board member, is President of the Inclusive Communities Project in Dallas. This article is drawn from a longer piece in development calling for a more balanced federal housing investment strategy. Part 1 (this issue), sets out an initial view of what a national housing mobility program on the scale of

NeighborWorks might look like. In Part II (next issue), a proposal for a new opportunity-based CDFI program, first introduced in a 2008 article for the Urban Institute, will be reintroduced as model for directing additional federal resources toward fostering more open and inclusive communities, building on another successful model in the community development field.

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tive to support families living in high-poverty, highly distressed areas who would like to live in areas with less poverty, less crime, less distress and more opportunity. The recent studies on housing mobility by Raj Chetty and colleagues culminate decades of research and evaluation of housing mobility as an anti-poverty strategy for low income families. From the Northwestern University evaluations of the Gautreaux families' experience in Chicago, through two decades of research and evaluation of the data coming from HUD's Moving to Opportunity (MTO) experiment, there is now clear and convincing evidence that letting low-income families move from high-poverty neighborhoods to neighborhoods with more opportunities has a positive impact on children's life chances in terms of health, education and economic well-being. There is also now clear and convincing (and gut-wrenching) evidence that the life chances of children growing up in areas of high poverty and severe distress are significantly diminished. It is time for creation of a Congressionally-chartered housing mobility non-profit organization to support housing mobility for low-income families in distressed communities who choose to take that path out. It could operate much as NWA does.

Housing mobility organizations,

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Possible Congressional findings for MobilityWorks America

(a) The Congress finds that—

(1) Moving To Opportunity demonstration has proven its worth as a successful program to improve the life chances of low-income children by providing them housing vouchers, counseling and housing search assistance to move from areas of high poverty and urban distress to areas of low poverty and greater opportunity.

(2) The demand for housing mobility counseling services in cities throughout the United States warrants the creation of a public corporation to institutionalize and expand housing mobility counseling services, and other related services which promote access of low-income families living in high-poverty areas to areas with lower poverty, less crime, better schools, healthier environments, and access to greater economic opportunity.

(b) The purpose of this subchapter is to establish a public corporation which will continue and expand the efforts of the Department of Housing and Urban Development to promote access to opportunity for low-income children and their families by working cooperatively with local housing providers, housing authorities, governments, schools, and the broader community to allow children to escape the life-sapping experience of living in neighborhoods of high poverty, high crime, environmental hazards, failing schools, and lack of economic opportunity, by moving to neighborhoods of safety, security and opportunity.

like community development organizations, are best operated at the local level, working directly with the families who live in highly distressed areas, and providing counseling and related support and assistance to help the family find the right place for them in the broader housing market. While housing mobility organizations have never been funded to the degree that CDC's have, by government or philanthropic organizations, the metrics of success for children making these moves are now clear. And there are such organizations in communities around the country to build on and learn from. The regional mobility programs in Chicago, Baltimore and Dallas which assist families participating in the Housing Choice Voucher program are examples of what can be accomplished even with little reliable government or philanthropic support. It is time to invest in building a network of local housing mobility organizations that can provide the same sort of expertise and support to families that want to live in higher-opportunity areas, as the CDCs provide to local communities on the issues of reinvest-

ment and revitalization. While much has been accomplished by CDCs in the past 35 years, it is now clear that there is no silver bullet when it comes to dealing with decades of entrenched poverty, segregation and neglect. Giving families who would like a choice to live in higher-opportunity communities a chance to do so is an anti-poverty policy that makes sense and that deserves equivalent support alongside our long-standing efforts to revitalize high-poverty communities.

So, how could it work? The purpose of this short piece is to plant the seed of an idea which will hopefully engage law and policy makers, experts, advocates and low-income families to work together to provide a robust and creative answer to that question. However, the NRC/NWA model is an excellent place to start, given its mission and history.

The NWA Board of Directors consists of high-level government officials, including the Secretary of HUD, a member of the Board of Governors of the Federal Reserve system, a member of the Chief Counsel Office of the

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Housing Mobility: Why Is It So Controversial?

Alexander Polikoff

Origins: A Desegregation Remedy

Housing mobility dates to the 1976 U.S. Supreme Court decision in BPI's Gautreaux litigation. Lower courts had found the U.S. Department of Housing and Urban Development guilty of knowingly funding racial discrimination in Chicago. The discrimination was that to prevent African Americans from entering white neighborhoods via subsidized housing, the Chicago Housing Authority was building virtually all of its thousands of public housing apartments in black neighborhoods. A unanimous Supreme Court ruled that the remedy for HUD's wrongdoing could be metropolitan-wide and didn't have to be confined within Chicago's geographic boundaries.

In the wake of that ruling, rather than chance whatever remedial arrangement lower courts might order,

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Polikoff is the author of a number of articles and book chapters on housing, civil liberties and urban affairs, and of Housing the Poor: The Case for Heroism (1977), Waiting for Gautreaux: A Story of Segregation, Housing, and the Black Ghetto (2006), and The Path Still Open: A Greater Chance for Peace Than Ever Before (2009). In 2006, he received the Lifetime Achievement Award of The American Lawyer magazine.

BPI and HUD agreed on a settlement. In 1974 Congress had enacted a new form of subsidized housing called Section 8 Certificates, later renamed Housing Choice Vouchers. Vouchers pay a portion of a tenant's rent in privately owned homes and apartments; instead of being confined to publicly owned housing, families with vouchers could—theoretically—move wher-

Why wasn't the Gautreaux experience transformed into national policy? There are several reasons.

ever they wished. For minority families in inner-city neighborhoods, however, a voucher by itself was not a ticket out of segregation. Under the Gautreaux settlement, HUD not only supplied vouchers to Gautreaux families but also paid for search assistance and counseling. The assistance was to make it realistically possible for inner-city families to move from segregated to integrated or predominantly white neighborhoods.

Which is what happened. During the next 22 years (the agreed life of the settlement), over 7,000 families, almost all African-American and very poor, were enabled to move out of segregated, inner-city Chicago. Some moved to outlying city neighborhoods, but most moved to suburbs that were predominantly white and had far lower poverty rates than inner-city Chicago. Housing mobility—vouchers *plus* counseling and search assistance—was born.

Moving to the suburbs appeared to be a good thing for most of the Gautreaux families who did it. Sociologists at Northwestern University, studying the experiences of both “suburban-movers” and families who re-

mained in the city, came up with some startling conclusions. For example, children of suburban-movers were four times more likely than those of city-movers to finish high school, twice as likely to attend college, and far more likely to find jobs. Suburban-moving mothers were also more likely to be employed. A social scientist in the audience at one of the Northwestern presentations said that if by moving to suburbs inner-city black families could achieve the life-enhancing results being reported, policy-makers should drop other initiatives and concentrate on housing mobility.

Why Didn't Housing Mobility “Take Off”?

Given the Gautreaux program's favorable results, why didn't housing mobility “take off”? Why wasn't the Gautreaux experience transformed into national policy? There are several reasons.

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Michael E. Stone

This issue of *Poverty & Race* is dedicated to the life and work of Michael E. Stone, who passed away in May, 2015 and whose research, writings and activism on housing affordability and the links of housing, beyond physical shelter, to site and setting, neighbors and community, municipality and public services, habitability, accessibility, rights and responsibilities, costs and benefits deeply influenced the field.

Moving to Opportunity. One was MTO—the letters stand for Moving to Opportunity—a ten-year (1994-2004) HUD demonstration designed to test Gautreaux results in which over 4,000 families in five different cities participated. When MTO was over and evaluated, its results were mixed. Although compared to non-movers the moving families showed improvements in physical and mental health, there were no short-term employment and educational gains beyond those experienced by the control group (it was not until recently, in Raj Chetty and colleagues' research on long-term outcomes, that the powerful educational and income benefits for children were finally documented).

These early “non-results” cast doubt on the whole housing mobility enterprise for almost a decade. As Robert Sampson, a NYU sociologist, put it, “MTO publications and presentations appear to have cast doubt on the general thesis that neighborhoods matter in the lives of poor individuals” (Sampson 2008: 191). That thesis is of course the bedrock upon which housing mobility rests. MTO was not just a bump in the road; it was a dagger pointed at the heart of housing mobility. Why undertake the challenges of helping families escape severely distressed neighborhoods if moving to better neighborhoods doesn't matter?

Later analyses, however, disclosed flaws in MTO's structure and implementation that explained why MTO families didn't experience Gautreaux-like results. For example, because (unlike-Gautreaux) the MTO demonstration did not employ a segregation/integration criterion for receiving neighborhoods, many MTO families moved short distances, often within the same school district, into heavily minority areas. Famed Harvard scholar William Julius Wilson concluded that MTO “tells us little about . . . the effect of neighborhood on the development of children and families” (Wilson 2010: 209). And two recent landmark studies demonstrate that neighborhoods matter a great deal in the lives of indi-

viduals, indeed across generations (Sampson 2012; Sharkey 2013). But the damage had been done, and for years conventional opinion held that MTO proved “mobility didn't work.”

Entrenched exclusion of African Americans from privileged places. Fewer aspects of the American experience are more deeply ingrained than racial residential segregation, especially of African Americans. The story of how government policy (federal, state and local) and private prejudice have combined over generations—and still combine to this day—to keep black

Fifty years of place-based revitalization policies have yielded very little durable progress.

Americans from living in white neighborhoods is an oft-told tale that will not be repeated here. (See the references at the end of this article.) Because the thrust of mobility is precisely to enable poor families of color, particularly African Americans, to move into predominantly white neighborhoods, mobility confronts directly the powerful social and political forces in American society designed to “protect” against that happening.

Privileging Place-Based Strategies. The power of social exclusion has been abetted by the continuing debate between so called “place-based” strategies to improve severely distressed neighborhoods and mobility programs intended to enable families to escape from them. Place-based strategies seek to improve conditions within distressed neighborhoods, through economic development and upgraded facilities and amenities, in order to revitalize them. These strategies do not threaten white communities with incoming black families, and they attract constituencies, such as community development corporations and private developers, with financial stakes in the programs. The combination has led to over fifty years of fo-

cus on place-based programs variously called “community development,” “neighborhood revitalization,” and the like. (From this perspective, mobility, apart from enabling black families to move into white neighborhoods and lacking constituencies, is sometimes seen as undermining place-based initiatives by facilitating the departure of poor but motivated families from the very places to be revitalized.) Yet fifty years of place-based revitalization policies have yielded very little durable progress (to borrow Pat Sharkey's phrase) and, even though many proponents of place-based initiatives agree that mobility should be a part of any strategy to improve the lives of families trapped in severely distressed neighborhoods (Goetz 2003: 237-319; Sharkey 2013: 172-179), a continuing bias in favor of place-based strategies has made it difficult for mobility to gain traction.

Gun-Shy Bureaucracy. In the face of these powerful sources of entrenched opposition to housing mobility, the HUD bureaucracy that sets rules for the voucher program has often feared charges of “social engineering,” in spite of many years of doing just that. Even in the relatively progressive Obama Administration, reform has been painfully slow (PRRAC, 2013), with HUD continuing to be gun-shy about encouraging a program that would facilitate the movement of poor black families into white neighborhoods. Moreover, the cost savings, realized when children and their families are healthier, better educated, and less likely to need public assistance or run afoul of the criminal justice system, accrue to other agencies, not HUD. So, with little to gain financially and risks to run politically, instead of mandating mobility services, HUD has maintained rules that favor speedy issuance and use of vouchers over finding good locations. For most African-American families, the rules typically mean a hurried rent-up—racing against expiration of the voucher search time (usually an inadequate 90 days)—in a familiar, black-segregated, high-poverty neighborhood.

Indeed, HUD rules actually incent-

ivize administrators to shovel out newly issued vouchers as quickly as possible and shun mobility, for the latter takes more time (to find available dwellings in good neighborhoods) and costs “extra” money (for counseling, housing search assistance and higher rents in destination neighborhoods). HUD argues that because voucher funding is limited to what Congress appropriates (vouchers are not “entitlements”; there are long waiting lists), the extra costs mean that fewer families can be served. Serving fewer families is indeed HUD’s favorite reason for not fostering mobility. Why the reason is unpersuasive is explained below.

Mobility is Difficult. Finally, mobility is hard to do. It is hard for families to move into unfamiliar, distant, sometimes hostile neighborhoods, far from familiar support networks,

and it is hard to find enough landlords in white working- and middle-class neighborhoods willing to rent homes and apartments to families of color. Even in a supportive environment, free of the attitudes spawned by MTO and the socio-political objection, no one really knows how much mobility would be possible in the real world of tight rental markets and racial prejudice.

The result has been that except for two large mobility programs in Baltimore and Dallas operating under court orders in Gautreaux-type lawsuits, and less than a dozen smaller (and intermittently funded) programs scattered across the country, mobility is an idea whose time has not yet come. Indeed, given the obstacles, one cannot but wonder whether it ever will. Why then are we engaged in what may seem a quixotic endeavor?

Housing Mobility and Concentrated Poverty

The multiple reasons we support housing mobility programs include: fairness to African-American families trapped in segregated high-poverty neighborhoods; remedying, in however limited a way, generations of government-fostered segregation; and benefiting the larger society by enabling more children of color to become productive citizens instead of victims caught in the welfare and criminal justice systems. In recent years, post-Gautreaux research on the effects of concentrated poverty on young children has deepened understanding of this last reason.

At least since Dickens indelibly rendered *Oliver Twist*’s searing experiences, policymakers and social sci-

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Disparate Impact Upheld

Last week’s Supreme Court decision in *Texas v. Inclusive Communities Project*, holding that disparate impact is cognizable under the Fair Housing Act, sparked much celebration as a victory for civil rights. Decades of precedent will remain standing, the constitutional foundation of this Act and other civil rights legislation is unshaken, and the important enforcement efforts of our colleagues in government and elsewhere can continue. Justice Kennedy’s opinion focused largely on the results-based language of the Act, relying on its sibling statutes, Title VII and the ADEA, as interpretive guides. The opinion acknowledged disparate impact doctrine’s crucial role in permitting victims of discrimination to “counteract unconscious prejudices and disguised animus...In this way disparate-impact liability may prevent segregated housing patterns that might otherwise result from covert and illicit stereotyping.” The opinion also detailed some of the same historical elements highlighted by the respondents and the amicus briefs: in particular, that concerns about entrenched segregation and racial exclusion sparked the Act’s passage and have undergirded its application over the years.

Although the opinion cautions that remedies should be “race-neutral” in order to avoid triggering “serious constitutional questions,” Justice Kennedy adheres to the framework established by the 2007 *Parents Involved* case, which made allowances for policy architecture that considers racial composition. (“While the automatic or pervasive injection of race into public and private transactions covered by the FHA has special dangers, it is also true that race may be considered in certain circumstances and in a proper fashion”—as with school site selection and attendance zoning.) Fair housing accountability and outcome-based programs will remain a focus of advocacy, as crucial mechanisms for integration—a benefit for our society in full (accruing to all racial groups), including our future generations.

Congratulations to the Inclusive Communities Project (ICP President Betsy Julian and Vice President Demetria McCain are members of PRRAC’s Board), to their lawyers, Mike Daniel and Laura Beshara, and to all of the lawyers and organizations who weighed in as amicus curiae.

See Professor Florence Wagman Roisman’s assessment of the decision at page 17, below!

entists have been thinking about poverty. But focused thinking about *concentrated poverty* did not begin until the 1987 publication of William Julius Wilson's *The Truly Disadvantaged*. In the ensuing years society has learned a great deal about the effects of concentrated poverty.

The challenges of being poor are familiar and can be summarized in a phrase—the daily struggle for survival. But the challenges of being poor and living in a really poor place are worse, a kind of “double jeopardy.” A study by that very name cites research showing that even if children live in a high-poverty neighborhood for a limited time, negative effects on verbal ability linger after departure from the neighborhood (Hernandez 2012: 10). A Brookings Institution Study asks, “Why Does Concentrated Poverty Matter?” and answers with a list that includes limited educational opportunity, high crime, poor health, and many more (Kneebone et al. 2011). Recent research is showing that the worst of these negative effects is visited upon young children.

The ACE Study. The Adverse Childhood Experiences, or ACE Study, is the largest examination ever conducted of the effects of childhood abuse, neglect and other stressors on adult mental and physical health (Felitti et al. 1998). The results demonstrate an astonishing correlation between childhood adversity and adult well-being. As a result of the ACE Study, childhood adversity is often termed America's most important public health issue.

Although the ACE Study establishes correlation, not causation, medical research is exposing the causal links. For example, one study finds that early, repeated activation of the body's stress system actually alters brain chemistry. A consequence is that adults who have experienced early trauma often show increased aggression, impulsive behavior and weakened cognition.

From countless sources in the literature, but also from common sense,

we know that severely distressed neighborhoods are places where stress and trauma are pervasive. We know therefore that high “ACE scores” are likely to be accumulated not only within households—the focus of the ACE Study—but also within the geography of concentrated poverty.

But a high ACE score is not just a number. Children with a score of four or above are more than twice as likely as those with a score of zero to have heart or lung disease in adulthood, and over four times more likely to suffer depression. A male child with an ACE score of six is forty-six times more likely than one with a zero score to

Nearly half of poor black children (45%) live in concentrated poverty tracts, nine times the rate for poor white children.

use drugs intravenously as an adult. Children with a score of six or more die on average two decades earlier than those with zero scores.

Statistically speaking, therefore, children growing up in concentrated poverty neighborhoods face a high risk of blighted adulthoods. Hundreds of studies, writes William Julius Wilson, suggest that concentrated poverty increases the likelihood of “joblessness, dropping out of school, lower educational achievement, involvement in crime,” and so on (Wilson 2010: 46).

That conclusion comes from an academic. Around the one-hundredth anniversary of the Emancipation Proclamation, James Baldwin wrote in non-academic language to his nephew and namesake that he had been “set down in a ghetto . . . born into a society in which your countrymen have destroyed and are destroying hundreds of thousands of lives” (Baldwin 1962).

Getting Worse? Concentrated poverty in the social science literature is generally viewed as a neighborhood—a census tract—with a poverty rate of 30 or 40% or more, although 20% is

the threshold at which the negative effects of concentrated poverty are said to appear. Social scientists generally view the poverty rate as a rough proxy for the characteristics associated with severely distressed neighborhoods.

Recent data tell us that we have more of such places than ever before. Since 2000, both the number of concentrated poverty census tracts and the number of poor people living in them has increased by some 50% (Jargowsky 2013: 3). Despite some geographic spreading out, the tracts are predominantly in a small number of cities within large metropolitan areas. For example, in the Chicago area, 97 of 115 concentrated poverty tracts and 88% of persons living within them are in the city of Chicago (Jargowsky 2013: 15).

Nationwide, nearly 8 million children live in concentrated poverty census tracts, over half of them in “double jeopardy” because in addition to living in very poor places, their families are in poverty (Casey 2012: 1). In some large cities, over half the entire child population lives in concentrated poverty neighborhoods (Casey 2012: 2). For African Americans, the statistics are especially sobering—nearly half of poor black children (45%) live in concentrated poverty tracts, *nine* times the rate for poor white children (Casey 2012: 2).

To repeat that startling statistic for emphasis, nearly half of poor African-American children live in concentrated poverty neighborhoods. Given that we now know that, with high statistical likelihood, these children will suffer blighted adulthoods, this is a shocker. We are talking about the appalling fact that nearly one of every two poor African-American children in this country faces a high risk of a blighted adulthood. Though he lacked the data we now possess, that is what James Baldwin may well have meant when he wrote fifty years ago of the destruction of hundreds of thousands of lives.

What to Do?

What can society do about this ongoing destruction of the lives of Afri-

can-American children? Here are some possibilities, and the difficulties each faces.

(1) *Undo the residential segregation that is the root cause of the problem?* Volumes of history explain how deeply entrenched and intractable is this root cause. Data show that for decades there have been only very modest changes in the segregation of African Americans, and virtually none at all in the big cities in which most African Americans live. Segregation in schools, closely linked to residential segregation, is actually increasing.

(2) *Revitalize concentrated poverty neighborhoods?* Despite often heroic efforts, multiple studies show that after a half century of trying, precious few revitalizing initiatives have been

successful. HUD's recent Choice Neighborhoods Initiative is trying to learn from some of these past efforts, and reinvest in more carefully targeted ways. But even if this new approach proves to be more successful, we need to recognize that revitalization takes a long time and doesn't necessarily have the potential to benefit current generations of children. To pursue neighborhood revitalization without at least an equal commitment to housing mobility means writing off the great potential of many of these children.

(3) *Enable African-American children to attend middle-class schools?* Though this approach can be successful in some segregated metropolitan areas (see accompanying article, page 13), it is less feasible in the largest seg-

regated cities in which most African Americans live.

(4) *Housing mobility?* We've described the challenges and they are considerable. But Gautreaux, Baltimore and Dallas mobility programs show that it has been and can be done at the scale of thousands of families.

Which is to say that of the four remedial approaches listed, mobility is the most "practical." As to the objection that spending money on mobility means serving fewer families, there are these answers. First, vouchers may be viewed as serving two groups of families: those in desperate need of shelter, any shelter; and those in desperate need of escaping concentrated poverty. Given what we now know about

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(MOBILITY: Continued from page 7)

the grievously harmful lifelong effects of growing up in concentrated poverty, it is not sound policy to structure the voucher program to serve only the first group. Second, setting realistic ceiling rents to avoid overpaying in distressed neighborhoods will ameliorate some of the “extra cost”.

Third, the concern about maximizing the number of families served must be tempered by HUD’s basic goal of providing decent housing *in a decent environment*. A recent study, examining voucher programs in the fifty most populous metropolitan areas, comes to the disheartening conclusion that “vouchers have actually perpetuated the concentrated poverty and racial segregation that they are intended to

challenge.” (Metzger 2014: 544)

Finally, apart from the moral imperative to avoid “destroying hundreds of thousands of lives,” enabling children to grow up in safe neighborhoods with good schools and working families is likely to reduce health, welfare and criminal justice costs and in the long run to be beneficial, even in a narrow fiscal sense, to the larger society.

Getting Children Out of Harm’s Way

In the Baltimore mobility program, families with children under age eight who live in Baltimore City’s concentrated poverty census tracts are being given a priority for available vouch-

ers, accompanied by high-quality counseling and housing search assistance. The results, as in Gautreaux years ago, are beginning to come in. One mother, enabled to move to a Baltimore suburb, puts it succinctly: “I think moving saved my family’s lives.” (McDaniels 2014)

Our national voucher policy can and should include Baltimore-style initiatives, which set aside some of HUD’s scarce housing vouchers for distribution to those willing and able (with counseling and search assistance) to use them in safe neighborhoods with good schools. The aspirations—and rights—of these families and children are why the seemingly quixotic mobility objective remains high on our agenda. □

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Diverse Neighborhoods: The (mis)Match Between Attitudes and Actions

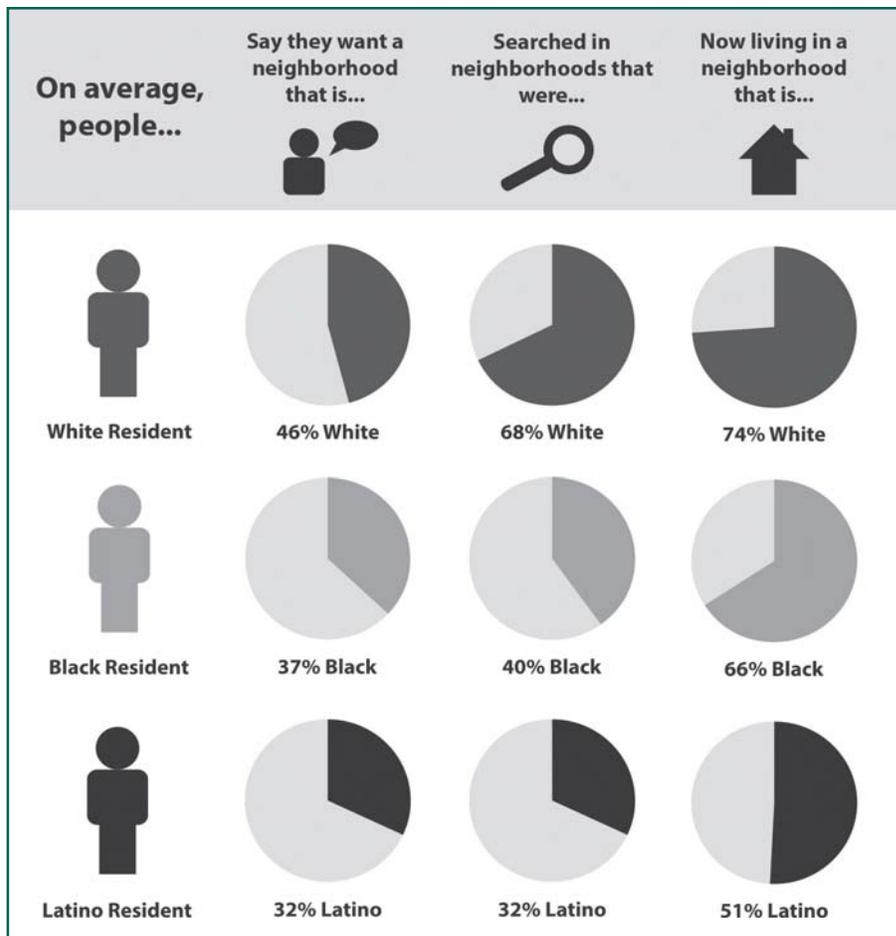
Maria Krysan, with Esther Havekes & Michael D.M. Bader

One of HUD’s four programmatic goals is to “Build inclusive and sustainable communities free from discrimination.” In 2013, HUD’s Office of PD&R issued a five-year Research Roadmap that highlighted the importance of—but lack of research about—the housing search process of racial and ethnic minorities and in particular as it relates to residential segregation and stratification processes. As the Roadmap (HUD Research Roadmap FY2014-FY2018, 2013, p. 98, available at http://www.huduser.org/portal/pdf/Research_Roadmap.pdf) points out: “HUD does not know how households search for housing and what their preferences are when searching for housing.” Understanding this critical process is foundational for a number of core HUD programs

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and policies, including the Housing Choice Voucher program, housing integration strategies, and discrimination testing and enforcement. In a forthcoming research article (“Realizing racial and ethnic neighborhood preferences? Exploring the mismatches between what people want, where they search and where they live,” to appear in *Population Research and Policy Review*, published by Springer), which I wrote together with Esther Havekes and Michael D.M. Bader, we heed this call, using an innovative survey conducted in Chicago. We provide compelling patterns that reveal salient racial and ethnic differences in terms of the relationship between where people

want to live, where they live, and, importantly, where they look to live. That is, mismatches between their attitudes toward living in diverse neighborhoods and their actions, reflected in the kinds of neighborhoods in which they search and live. What is new about this study is that for the first time we have detailed data on the places people searched for housing—and we are then able to explore how the racial composition of those locations relates to what they say they want and where they actually live. Because our interest is in how this speaks to the stubbornly persistent patterns of racial segregation in Chicago and other major U.S. cities,

(Please turn to page 10)

we examine the attitudes and actions related to a neighborhood's racial/ethnic composition in particular.

Our data come from a random sample of people aged 21 and older who live in households in Cook County (which includes the city of Chicago) who were interviewed in their homes between August 2004 and August 2005. The survey touched on a variety of topics related to neighborhoods, preferences and housing searches, including (1) a measure asking people to create a neighborhood with their ideal racial/ethnic composition; (2) a map showing 41 communities throughout the Chicago metropolitan area that they used to identify communities where they searched during the previous 10 years; and (3) their current residence (so that we could use Census data to determine the racial/ethnic composition of their current neighborhood).

The first salient pattern from our data is that people from all three major racial/ethnic groups in the Chicago area (whites, blacks, and Latinos) report a preference for a diverse neighborhood (see first column of charts in the Figure). Whites report a preference for the greatest percentage of their own group—at 46% white residents, the neighborhood falls just short, on average, of being majority white. But whites are the largest group. African Americans and Latinos also create ideal neighborhoods where their own group is the largest—but at, on average, 37% and 32%, respectively, their own group is not the numerical majority. The rest of the neighborhood—for whites, blacks, and Latinos—is comprised of about equal percentages of the other groups they were invited to include (the options they were given were: Hispanics, Arab Americans, African Americans, Asian Americans, and whites).

With these attitudes for a rather remarkable level of neighborhood diversity in mind, we now turn to the two related actions for which we have data. Specifically, how do these attitudes relate to (1) the racial composition of

the person's current neighborhood; and, most importantly, (2) where people actually searched for housing. We can examine the level of matches or mismatches. That is, to what extent do people search in the kinds of neighborhoods they say they prefer and, then, to what extent do these search locations match or mismatch the neighborhoods in which people actually live?

What we discover is that the kind of (mis)match varies depending on the searcher's race/ethnicity. Beginning with whites, the clear message is that although whites say they want to live in diverse neighborhoods, the places where they search for housing are

All groups report wanting to live in more diverse neighborhoods than they currently live in.

clearly less diverse—compare the fact that the average white searcher says they want, on average, just 46% of their neighbors to be white, but they search in neighborhoods that are on average 68% white (see Column 2 in the Figure). Perhaps not surprisingly, their current neighborhoods reflect the fact that they searched in whiter communities: The average white searcher lives in a neighborhood that is fully 74% white (see Column 3 in the Figure).

For African Americans and Latinos, the plot is different but the punchline the same as for whites. On the one hand, all three groups fail to live in the racially diverse neighborhoods that they say they want. But the plot differs because both African Americans' and Latinos' search locations match quite closely their attitudes—a pattern that was not true for whites. Specifically, Blacks say they want, on average, a 37% black neighborhood and they search in neighborhoods that are on average about that level, 40% black (see Column 2 in the Figure). Where things fall apart for African Americans is in the step from searching to

moving—despite searching in diverse neighborhoods, blacks end up living in neighborhoods that are on average 66% black (see Column 3 in the Figure). A similar, though less extreme pattern occurs for Latinos: They search in diverse neighborhoods where Latinos are, on average, just 32% of the residents (thus matching their stated preferences), but they end up living in just over majority Latino (51%) neighborhoods (Column 3 in the Figure).¹

Whites' most salient mismatch is between where they say they want to live and where they search—and then live. But African Americans and Latinos experience the greater mismatch at a later stage—they search in the diverse neighborhoods they say they want, but for some reason they end up moving into less diverse neighborhoods. The reasons for these mismatches are not clear in our data, but there are several possibilities. Whites may be overstating a desire to live in racially diverse neighborhoods out of social desirability pressures in the direction of feeling a need to report to their interviewer that they want a diverse neighborhood. But their actions speak louder than these words.² Alternatively, whites may have “blind spots” to racially diverse neighborhoods—meaning that their knowledge of the different communities and neighborhoods in their region is limited and they are unaware of where to search for the diverse neighborhoods they say they want (see *P&R*, Vol. 17, No. 5, 2008). Finally, it may also be that the diverse neighborhoods that

¹ Although the results reported here are for average percentages within each racial/ethnic group, parallel analyses that look at the percentage of respondents within a racial/ethnic group whose stated preference, search locations, and current neighborhoods are +/-15% points show the same pattern. These detailed results will be reported in the published article.

² Although this may be due in part to a lack of neighborhoods available that match their preferences, we note that the map of 41 communities that we presented to respondents over-represented racially diverse communities so that there were communities that matched their stated preferences (see published article for more details).

they are aware of lack other features and amenities they desire, so they are not part of their search.

The explanation of the mismatches for Latinos and African Americans are different, since the mismatch occurs at a later stage. Most important, our study contradicts the central tenet of those who argue that minorities “self-segregate”: Not only do African Americans and Latinos report a desire for diverse neighborhoods, but by and large they succeed in searching in neighborhoods that match that desire. The question is—what happens between the search and the move that results in African Americans and Latinos living in less diverse neighborhoods than they desire and in which they search? It may be that African Americans and Latinos search in these communities, and they learn something about the communities that makes them undesirable. Alternatively, they may experience hostility or discrimination when searching in these

neighborhoods, thus creating barriers that impede them from translating their attitudes into actions.

Although these results are not conclusive, the patterns point both to an area ripe for future research and policy implications. For whites, as noted above, one explanation for the mismatch is that whites may be unaware of communities that are diverse—and these blind spots explain the disjuncture between attitudes and action. If this is part of the answer, then one policy implication is that racially diverse neighborhoods need to market themselves more effectively to potential new residents of all races/ethnicities, but perhaps especially to whites. The results for African Americans and Latinos suggest a different point of intervention—that between the search and the move. This pattern suggests that for Blacks and Latinos the policy interventions should focus on what happens between the search and the move, since they say—and try to

act on—their preferences for more diversity. The nature of the intervention would depend on whether the decision not to move into a place that was searched in was an outgrowth of discriminatory treatment (pointing to a need for stepped up enforcement) or other barriers. The results point to the continued importance of HUD’s call for research on the role of the housing search process in the building of inclusive communities. All groups report wanting to live in more diverse neighborhoods than they currently live in; policies need to figure out ways to make it possible for people to translate those attitudes into actions—actions that will, in the aggregate, help to foster the inclusive communities that HUD—and our nation—envisions. □

For further reading:

Lareau, Annette & Kimberly Goyette, editors. 2014. *Choosing Homes, Choosing Schools*. New York: Russell Sage Foundation

(MOBILITY WORKS: from page 2)

Comptroller of the Currency, the Director of the Office of Thrift Supervision, and a member of the Board the National Credit Union Administration. The chairman of the Board is the Comptroller of the Currency.

Given the now clear benefits of housing mobility for families in terms of children’s physical and mental health, education, employment and earnings, as well as social and developmental outcomes, the Board of Directors for MobilityWorks America (MWA) could include the Secretaries of HUD, HHS, Departments of Education, Labor, and Treasury, to insure that federal programs support families in their efforts to access opportunity.

In addition to the Board of Directors, there could be a National Advisory Board made of up individuals with experience in housing mobility from around the country, including practitioners, academics and policy advocates, who would help design the initial structure, and help guide the investment in mobility efforts.

42 USC §8101 (Congressional Findings and Declaration of Purpose for NeighborWorks)

(a) The Congress finds that

(1) the neighborhood housing services demonstration of the Urban Reinvestment Task Force has proven its worth as a successful program to revitalize older urban neighborhoods by mobilizing public, private, and community resources at the neighborhood level; and

(2) the demand for neighborhood housing services programs in cities throughout the United States warrants the creation of a public corporation to institutionalize and expand the neighborhood housing services program and other programs of the present Urban Reinvestment Task Force.

(b) The purpose of this subchapter is to establish a public corporation which will continue the joint efforts of the Federal financial supervisory agencies and the Department of Housing and Urban Development to promote reinvestment in older neighborhoods by local financial institutions working cooperatively with community people and local government, and which will continue the nonbureaucratic approach of the Urban Reinvestment Task Force, relying largely on local initiative for the specific design of local programs.

The overarching goal would be a national housing mobility organization which supports and invests in a network of regional housing mobility organizations which provide direct counseling and other forms of assistance to

individual families, as well as engage in related activities at the local level to enhance and expand the ability of families to take advantage of the housing mobility option.

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Following in the successful path charted by NRC/NWA at the national level, MobilityWorks could engage in development of policy, training, research/evaluation, and oversight/monitoring of grant recipients. For example, there have been six National Housing Mobility Conferences over the past 20 years bringing practitioners, policymakers, researchers and clients together to talk about what works, and building the movement from the grassroots up. A nationally chartered non-profit modeled after NRC/NWA could give local organizations the support and consistency necessary to take this important work to the next level. MWA would also provide a consistent set of standards to ensure that housing mobility programs maintain strong opportunity-targeting as a condition of continued financial support.

At the local/regional level, the benefits provided by the basics of mobility counseling work (individual counseling, housing search assistance, landlord outreach and recruitment, move-related financial assistance, and post-move assistance focused on stability and accessing opportunities in the new communities of choice) could be expanded by networking and partnering with other non-profit, philanthropic and governmental institutions along with the private real estate and financial sectors to enhance the ability of families to find housing and access opportunities being created by market-driven investment in non-low-income areas.

Initially, it would make sense for the focus of MWA to be on helping HUD leverage the benefits of the Housing Choice Voucher program by providing mobility assistance to voucher families who wish to use their vouchers to live in better neighborhoods and communities in a region. The voucher program has long been recognized as having the potential to greatly expand housing choice, potential that to date has been limited, particularly in large metropolitan areas, by lack of resources and public policies committed

42 USC §8105 (powers and duties of NeighborWorks)

(1) The corporation shall continue the work of the Urban Reinvestment Task Force in establishing neighborhood housing services programs in neighborhoods throughout the United States, monitoring their progress, and providing them with grants and technical assistance. For the purpose of this paragraph, a neighborhood housing services program may involve a partnership of neighborhood residents and representatives of local governmental and financial institutions, organized as a State-chartered non-profit corporation, working to bring about reinvestment in one or more neighborhoods through a program of systematic housing inspections, increased public investment, increased private lending, increased resident investment, and a revolving loan fund to make loans available at flexible rates and terms to homeowners not meeting private lending criteria.

(2) The corporation shall continue the work of the Urban Reinvestment Task Force in identifying, monitoring, evaluating, and providing grants and technical assistance to selected neighborhood preservation projects which show promise as mechanisms for reversing neighborhood decline and improving the quality of neighborhood life.

(3) The corporation shall experimentally replicate neighborhood preservation projects which have demonstrated success, and after creating reliable developmental processes, bring the new programs to neighborhoods throughout the United States which in the judgment of the corporation can benefit therefrom, by providing assistance in organizing programs, providing grants in partial support of program costs, and providing technical assistance to ongoing programs.

(4) The corporation shall continue the work of the Urban Reinvestment Task Force in supporting Neighborhood Housing Services of America, a nonprofit corporation established to provide services to local neighborhood housing services programs, with support which may include technical assistance and grants to expand its national loan purchase pool and may contract with it for services which it can perform more efficiently or effectively than the corporation.

to the effort. Given the enormous investment that the voucher program represents, it only makes sense to leverage that investment with a commitment of resources designed to make that investment yield maximum dividends in terms of improved life chances for children. Not every voucher family will choose the mobility option, but for those who do, or want to, they should be given the support which will allow them, and our society at large, to obtain the full benefits of that choice.

According to the organizational narrative, the origins of NWA are traced back to 1968, and to Dorothy Mae Richardson's work to create the Neighborhood Housing Services of Pittsburgh. In similar fashion, the origins of MWA can be traced back to Dorothy Gautreaux and her 1966 litigation

on behalf of low-income black families in Chicago which created the first housing mobility program, and provided thousands of low-income black families with life-changing opportunities to move out of the Chicago ghetto. After 45 years, it is time to invest in the vision of an open, inclusive and fully integrated society through empowering low-income families to access opportunities throughout a region, not containing them in historically segregated and underserved areas. By building on the successful NRC/NWA model of investing in revitalization and community development, Congress can finally address both the separate and unequal vestiges of the policies of racial segregation, conditions for which government at all levels it is largely and irrefutably responsible. □

Learning from Inter-district School Integration Programs

Kara S. Finnigan & Jennifer Jellison Holme

Across the U.S., urban school districts are in a deepening state of crisis. Problems of academic failure, financial debt and enrollment loss have been reported in many of the nation's largest cities, including Buffalo, Chicago, St. Louis, Washington, DC, Newark and Philadelphia. Such problems prompted Education Secretary Arne Duncan to label the Detroit Public Schools a "national disgrace," and Kansas City's schools as "among the worst in the nation."

In local and national policy debates, there are two distinct explanations about the reasons for these crises. One explanation—for which there is some consensus on both the political left and right—attributes these problems primarily to the failings of the districts and schools themselves, particularly a lack of fiscal and academic accountability. The solution, according to this narrative, is to inject the system with competitive market forces; raise standards; improve accountability systems; tie teacher pay to student achievement; re-staff and "turnaround" schools; or pool failing schools into a state-run "Recovery School District." This narrative, therefore, treats the educational crises as a technical problem—and the solution, the narrative goes, should come in the form of a "technical fix," through an improved mixture of incentives, sanctions and supports for

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This article is drawn from a three-year study funded by the Ford Foundation.

schools.

Another, largely different, explanation for school failure comes from outside the mainstream education policy discourse. This narrative attributes the struggles faced by urban districts to decades of discriminatory policy decisions that created deep inequities between urban school districts and their surrounding suburbs. Such policies include discriminatory government and banking policies and real estate practices that promoted white flight to suburbs while locking families of color into urban cores, or in

Inter-district desegregation policies should be expanded.

some contexts, into isolated inner-ring suburbs. The damaging effects of these practices were compounded by the powers state legislatures delegated to suburban municipalities to incorporate into autonomous legal entities, with their own tax bases, school systems and land use policies. Together, these policies and practices promoted economic competition between cities and suburbs (and between suburbs themselves) that fueled residential racial segregation, tax base inequalities, and—for those districts on the "losing" end—poor educational performance. Policy solutions emerging from this diagnosis focus on addressing the inequality and inefficiency created by multiple, competing jurisdictions within metropolitan areas through "regional" policies that aim to connect cities and suburbs on issues such as transit, housing, air quality and land use. These policies include strategies to reduce racial and economic segregation between jurisdictions, such as housing vouchers and strategic siting of affordable housing that move people across city and suburban lines. Unfortunately, these poli-

cies have rarely been implemented at any significant scale.

Educational policies have also been adopted to address these same issues: For over five decades, there has been a long-standing yet little known type of school choice policy designed to promote racial and economic integration across district lines. These policies are commonly referred to as inter-district school integration policies and have been adopted in 13 metropolitan areas in 10 states in the US, beginning in the 1960s through the 2000s. They are premised upon the idea that segregation and racial isolation between school districts are a fundamental cause of educational inequality. They seek to address this root cause of failure by allowing students to move across the boundaries of districts, both to create more integrated learning environments and to provide students the opportunity to access greater resources, academic and social opportunities, and networks. Over the past five decades, tens of thousands of students have participated in, and graduated from, these programs. These are the types of policies recently pointed to by a *New York Times* editorial as a way to address growing segregation in New York State's schools. Based on our research in this area, we take a closer look at these long-standing inter-district desegregation policies in eight metropolitan areas: St. Louis, Hartford, Minneapolis, East Palo Alto (and the surrounding region) CA, Rochester NY, Boston, Omaha and Milwaukee.

Description of Programs and Research on Outcomes

Inter-district desegregation programs, while less well known than

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other types of choice policies like charters and vouchers, are voluntary school choice programs that have been adopted and implemented in metropolitan areas in the U.S. over the last six decades. The first policy was adopted in the 1960s in Rochester, during a difficult time of race riots, with the most recent policy enacted by the Nebraska state legislature in 2007 during controversial discussions about how to solve metropolitan inequities in the area. Unfortunately, no reliable numbers exist as to the number of students who have participated in or graduated from inter-district desegregation programs. Even current enrollment and retention in these programs can be difficult to determine, as many programs do not track these numbers or report them annually. We estimate, based upon most recent numbers from each program collected through our study, that approximately 40,000 students participate each year across these eight metropolitan areas in either urban-suburban transfer programs or inter-district magnet schools.

These programs vary in size and structure, from nearly 600 students in Rochester (the oldest program) to more than 6,000 in Omaha (the newest) to nearly 19,000 in Hartford (the largest). Some districts have required enrollment numbers through court settlements while others accept students based upon projections of “space available” each year. Enrollment goals also vary across programs, with some focusing on race and others on SES, and some using a lottery, with others using a complex interview process. All of the programs provide students with transportation and many provide additional resources to suburban schools that participate. Some also provide “hold harmless funding” to schools that send students under these programs. Several plans incorporate regional magnet schools, and some incorporate counseling and student supports.

Overall, these programs are highly popular with parents. Indeed, most of these programs have waitlists of families vying for seats. In 2011, approxi-

mately 900 students waited for kindergarten in Boston’s METCO, with an additional 1,200 for first or second grade. In Rochester, there is no waiting list, but only approximately 10% of applicants are placed each year.

While features of these specific programs vary, research on integration programs more broadly has found consistently positive benefits for students: improved achievement scores; reduced dropout rates; increased graduation rates; and improved racial attitudes. School integration has also been found to yield long-term educational and social benefits, such as increased college-going, employment and earnings. Similar benefits have also been found

These programs vary in size and structure.

in studies specifically focusing on inter-district desegregation programs. Quantitative studies have found positive test-score gains for participants in math, reading, social studies and science, as well as long-term benefits such as improved occupational attainment. Qualitative studies have found that students who participated in these programs often experienced short-term social and academic challenges, but they benefitted from significant long-term gains, including better preparation for college and improved comfort in diverse settings. Thus, although research on educational reforms often yields mixed and contradictory evidence, the research evidence on inter-district desegregation programs consistently finds that such programs yield significant academic, employment and social benefits for participants.

Key Features in Promoting Educational Opportunity Across Metropolitan Areas

Our research has suggested that to promote greater equity between school districts and to reduce economic and racial isolation, these policies must evolve to focus more comprehensively

on regional equity. In essence, these inter-district desegregation policies should be expanded and incorporated within a broader strategy to promote greater equity and reduce inequality across metropolitan areas through a combination of choice and place-based investment in high-poverty schools. We have identified three core policy components of what we call Regional Educational Equity Policies that, in combination, have the likelihood of enhancing educational equity and academic achievement for all students across metropolitan areas. We briefly describe these areas, drawing attention to the places in our study that illustrate the different components.

1) *Regional equity choice programs.* As discussed above, inter-district desegregation policies have been one of the only policies to successfully tackle regional equity in education. These programs offer important lessons for crafting school choice policies that are designed to promote diversity across districts in a region: First, it is critical that students are able to participate in a *lottery* and are placed for the *duration* of their educational career, as occurs in the Tinsley program in CA. This ensures fairness of treatment both in access and upon entry similar to any resident child. Second, *transportation* must be provided both for regular schooling and for extracurricular activities to ensure that students are able to access the wide-ranging opportunities in their schools. In Rochester, transportation is provided for all students and some districts have worked to provide buses before and after school. Third, it is important that programs provide additional *supports* to transfer students, whether academic or social-emotional. For example, the METCO program provides counselors in receiving schools. Additional supports could be provided through reading or math specialists and social workers, as needed. Fourth, *professional development* is critical, as many schools do not have experience with the diverse populations or may not understand the challenges students face crossing racial

barriers. Both Minneapolis' and Hartford's programs provide professional development to educators across the region to help them better understand racism and poverty, and become more engaged in how their teaching might privilege white middle-class populations. Finally, determination of *available seats* should be set according to equity targets rather than "space available" each year.

2) *Place-based reforms.* Most current equity strategies focus on *either* improving urban districts through urban renewal approaches *or* increasing mobility across boundaries, but do not pay attention to the interconnections between these approaches. To ensure viability and metropolitan equity, it is important to develop regional strategies comprised of *both* mobility and place-based (urban) investment. One promising strategy is to invest in a handful of the most challenged neighborhoods—e.g., as Omaha has done through its Elementary Learning Centers, or through comprehensive strategies in targeted neighborhoods involving housing, education and health. Another is to (re)invest in urban districts by targeting funds, including school turnaround funds, as was recently proposed in New York State, toward redesign of failing schools with specific educational approaches—e.g., through STEM, early college, pathways to technology (P-Tech) or other approaches, and requiring that seats are set aside to serve students from other districts to increase racial and socioeconomic integration within urban districts.

3) *Regional governance.* Within metropolitan areas, cities and suburban districts often "compete," resulting in policy choices that worsen inequalities between districts. Thus, with respect to either school choice or place-based reforms, it is important to have a regional governing body that includes representatives from across the region, to ensure that decisions about programs are made with regional equity goals in mind and with the input of all stakeholders. This group may

PRRAC Update

• Many thanks to **Sarah Clayman** for her service over the past year as PRRAC's Administrative & Development Associate. Sarah is going back to school to pursue her goal of becoming a high school teacher (social studies of course!). And we recently welcomed our new Administrative & Development Assistant **Lisa Flores**, a graduate of UC-Santa

Cruz who has been interning this year at the National Education Association.

• Also – welcome to our 2015 summer interns: **Rebecca Williams**, who just finished her first year at Georgetown Law School, and **Audrey Berdahl-Baldwin**, a history major at Princeton University.

be either appointed or elected, and must determine an equitable voting process—e.g., by weighting voting by numbers of students involved or resident population of that district, to ensure that urban district priorities are not overlooked. The regional governance board should administer programs resulting from the Regional Educational Equity Policies, including outreach or processing applications, as in Hartford, or marketing/advertising and evaluating programs, as in Omaha. In our study, county or

These programs are highly popular with parents.

intermediary offices of education, such as the BOCES system in NY and countywide offices in CA, were also serving in this role, given the infrastructure that already existed that could be built upon for these regional equity purposes.

State and Federal Policy Targets and Resources

In this section, we share recommendations for policymakers who are interested in creating Regional Educational Equity Policies with these three critical components. For such policies and programs to be spearheaded and sustained, given the competing political and educational pressures within

metropolitan communities that reduce the likelihood of addressing these longstanding inequities, state and federal action is more critical than ever before.

Funding: A primary barrier to participation in Regional Educational Equity Policies is funding. State and federal policymakers must consider reallocating resources or using existing resources in the following ways:

- Regional equity school choice programs: Several key financial supports should be in place to support these programs:
 - o To create an inter-district choice program to foster diversity in today's policy context, funding is necessary to incentivize districts to enroll students from other districts—whether urban or suburban. In some places—e.g., CT—legislation provides additional per pupil funding once certain thresholds are met and at additional levels. These financial incentives have had a positive impact on the budgets of many suburban schools.
 - o Targeted funding is also needed for additional costs—e.g., for transportation costs, capital improvements, professional development and student supports. These funds could be allocated on a per pupil basis or in grant allocation. (Please turn to page 16)

(INTEGRATION: Continued from page 15)

tions for participating districts to ensure that the key features described above are met.

- o In at least the first few years of policy implementation, sending districts, particularly urban districts, should be “held harmless” on current funding levels as the system begins to be put in place to promote regional equity. This requires financial set-asides to maintain state funding levels.

- Place-based investments: Targeted funding—aligned with regional equity goals—is needed to strengthen and support urban districts. For example, in Omaha, a small regional tax is levied across all property in the metro area to fund targeted programming and early childhood services in the highest-poverty areas of the city. Furthermore, for regional equity choice policies to be most successful, they should be two-way, meaning both urban and suburban districts send

and receive students. Since most urban districts have a number of schools that have been targeted under sanctions for years, this is the opportunity to truly invest in “turnaround” by changing some of these into high-priority inter-district magnets (this approach is now being piloted in New York State). Funding stipulations relating to diversity targets would be necessary to ensure these magnets are aligned with regional equity goals and can attract families from outside the city—for example, by setting enrollment goals linked to metropolitan area demographics and withholding funding if these goals are not met.

- Beyond state funding allocations, legislation could allow for (or require) a small regional tax to support these efforts, as has occurred in Omaha, which, as noted, funnels a small tax from across all districts in the metropolitan area into regional and place-based programming. In essence, Omaha has been at the forefront in recognizing that since the whole region gains from reduced inequality the whole region must pay into these efforts.

Accountability. Beyond funding, an additional barrier relates to accountability for both schools and teachers, which has the potential to undermine regional educational equity, given the high stakes involved for districts and educators.

- A number of suburban educators told us that the accountability systems created disincentives for diversity transfers, as educators were reluctant to enroll students who count as a “subgroup” or would be perceived as having greater academic needs, thereby subjecting their schools (or themselves) to lowered ratings. To reduce this barrier, schools and teachers could be “held harmless” if they open seats to students who

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Resources

Robert Bifulco, Casey Cobb & Courtney Bell, “Can Interdistrict Choice Boost Student Achievement? The Case of Connecticut’s Interdistrict Magnet School Program,” *Educational Evaluation and Policy Analysis*, 31 no. 4. (2009)

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Sean Reardon & Ann Owens, “60 years after Brown: Trends and Consequences of School Segregation,” *Annual Review of Sociology*, 40 (2014)

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The Power of the Supreme Court's Decision in the Fair Housing Act Case, *TDHCA v. ICP*

Florence Wagman Roisman

Courts and commentators will have much more to say about the significance of the U.S. Supreme Court's June 25, 2015 decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project (TDHCA v. ICP)*. I believe it makes three enormously important contributions to the law and policy governing housing discrimination and segregation.

The three contributions regard residential racial segregation, disparate impact, and the Low Income Housing Tax Credit program. Although the case went to the Supreme Court as a challenge to disparate impact as a basis for liability and usually is discussed in that context, I think the ruling's implications for residential racial segregation are even more important, so I discuss those first.

1. Residential Racial Segregation

The opinion does three important things with respect to residential racial segregation: it identifies integration as a purpose of the Fair Housing Act (FHA); it indicts federal, state, and local governments for causing and exacerbating residential racial segregation; and it affirms the obligation to advance integration.

The Fair Housing Act does not use the words "integration" or "segregation." The legislative history, early

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Supreme Court decisions, and many opinions from the courts of appeals identify residential racial integration as a purpose of the statute, but there has not been a recent Supreme Court acknowledgment of this. This decision provides that acknowledgment and reaffirmation.

The Court underscores the contemporary significance of the Kerner Commission report, which "identified resi-

We may hope that the Supreme Court's opinion in TDHCA v. ICP will lead these agencies affirmatively to obey the command of the Fair Housing Act before that statute marks its 50th anniversary.

dential segregation and unequal housing and economic conditions in the inner cities as significant, underlying causes of . . . social unrest" and "found that both open and covert racial discrimination prevented black families from . . . moving to integrated communities." (Slip opinion 6.) The Commission recommended enactment of a fair housing act "[t]o reverse '[t]his deepening racial division' . . ." (Sl. op. 6.) Congress enacted the FHA "to resolve the social unrest in the inner cities." (Sl. op. 7.) The Court concluded its opinion by writing of our "striving to achieve our 'historic commitment to creating an integrated society,'" admonishing (Sl. op. 24, emphasis added):

The FHA must play an important part in avoiding the Kerner Commission's grim prophecy that "[o]ur Nation is moving toward two societies, one black, one white—

separate and unequal." . . . *The Court acknowledges the Fair Housing Act's continuing role in moving the Nation toward a more integrated society.*

The Court also acknowledges the role of federal, state, and local governments in creating this racial division. On this point, even the dissent agrees, citing "the country's shameful history of segregation and *de jure* housing discrimination . . ." (Dissent of Justice Alito, Sl. op. 10.) The majority's review cites work by Michael Klarman, Kenneth Clark, and a group of Housing Scholars who filed a brief *amici curiae* in the case.

The Court says that the FHA makes unlawful "zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification." (Sl. op. 17.) Indeed, the Court states that "[s]uits targeting such practices reside *at the heartland* of disparate-impact liability" and cites three archetypal cases in which Huntington, NY, Black Jack, MO, and St. Bernard Parish, LA were held liable for such practices. (Sl. op. 17, emphasis added.) The Court says that the FHA enables litigants "to counteract unconscious prejudices and disguised animus that escape easy classification as disparate treatment," to "stop . . . municipalities from enforcing arbitrary and, in practice, discriminatory ordinances barring the construction of certain types of housing units," to "prevent segregated housing patterns that might otherwise result from covert and illicit stereotyping." (Sl. op. 17-18.)

The Court notes that while *de jure* residential racial segregation has been declared unconstitutional, "its vestiges remain today, intertwined with the country's economic and social life."

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(Sl. op. 5.) The Court’s eloquent conclusion warns that “Much progress remains to be made in our Nation’s continuing struggle against racial isolation.” (Sl. op. 24.) Recent events in Ferguson, Baltimore, Charleston, and many other places have illuminated this tragic truth. Recent studies from Harvard, Stanford, Minnesota, and elsewhere have demonstrated the devastating impact of segregated neighborhoods and the life-enhancing advantages of inclusionary land use in high opportunity areas. The Court puts itself on the “right side of history” by re-invigorating “our ‘historic commitment to creating an integrated society’” and insisting that the “FHA must play an important part in avoiding the Kerner Commission’s grim prophecy that ‘[o]ur Nation is moving toward two societies, one black, one white – separate and unequal.’” The last substantive line of the Court’s opinion is a call to action for advocates: “The Court acknowledges the Fair Housing Act’s continuing role in moving the Nation toward a more integrated society.” (Sl. op. 24.)

2. Disparate Impact

The petition that asked the Supreme Court to grant *certiorari* in this case presented two questions: are disparate impact claims cognizable under the FHA and, if they are, “what are the standards and burdens of proof that should apply?” The Court granted *cert.* on the first question only.

All the federal Article III courts of appeals that had considered this question—eleven of the twelve—had held disparate impact cognizable under the FHA. The U.S. Department of Housing and Urban Development had recently issued a regulation recognizing disparate impact as cognizable under the FHA. Nonetheless, the Supreme Court granted *cert.* in this case, as it had in two earlier disparate impact cases where petitions had been dismissed by the parties.

Given this background, the Supreme Court’s holding that the FHA

encompasses disparate impact claims is a welcome confirmation for civil rights advocates. It is especially significant that the Court’s decision rested on an interpretation of the statute, not on deference to the HUD regulation. The Court’s holding relied on the FHA’s “results-oriented language, the Court’s interpretation of similar language in Title VII and the ADEA [Age Discrimination in Employment Act], Congress’ ratification of disparate-impact claims in 1988 against the backdrop of the unanimous view of nine Courts of Appeals, and the statutory purpose.” (Sl. op. 23.)

An important aspect of the opinion is the recognition that the disparate impact standard helps to identify intentional discrimination that is not overt. As the Court says, disparate impact liability “permits plaintiffs to counteract unconscious prejudices and disguised animus that escape easy classification as disparate treatment.” (Sl. op. 17.) The decision’s recognition of “unconscious” or implicit bias will enable advocates to “prevent segregated housing patterns that might otherwise result from covert and illicit stereotyping.” (Sl. op. 18.)

The Court had not agreed to decide the question about what standards or burdens of proof should apply in disparate impact cases. The Fifth Circuit Court of Appeals had held that the district court should apply the burden-shifting standards in the HUD regulation. The Supreme Court, quoting the employment discrimination standard, said that “Disparate-impact liability mandates the ‘removal of artificial, arbitrary, and unnecessary barriers’ . . . ” so that governmental priorities “can be achieved without arbitrarily creating discriminatory effects or perpetuating segregation.” (Sl. op. 18.) Plaintiffs must “allege facts at the pleading stage or produce statistical evidence demonstrating a causal connection” between the defendants’ policy or policies and the disparity. (Sl. op. 20, 21.) Defendants have to “state and explain the valid interest served by their policies” (Sl. op. 18) and must “prove [each policy] is necessary to achieve a valid interest.” (Sl.

op. 19.) This seems to me a restatement of existing law—the consensus of the courts of appeals in FHA cases and the HUD regulation. On remand in this case and in other cases, the courts will sort out whether this is the case.

3. The Low Income Housing Tax Credit Program

The third aspect of the decision that seems to me very important is its implications for the Low Income Housing Tax Credit (LIHTC) program, the largest subsidized housing production and rehabilitation program in the United States. The Court said that “this case involves a novel theory of liability.” (Sl. op. 18, citing *Seicshnaydre, Is Disparate Impact Having Any Impact? An Appellate Analysis of Forty Years of Disparate Impact Claims Under the Fair Housing Act*, 63 Am. U. L. Rev. 357, 360-363 (2013).) Studies of the LIHTC program elsewhere have shown the same pattern as that of which ICP complains in this lawsuit: a disproportionate allocation of tax credits for family units to minority-concentrated, high-poverty, under-resourced neighborhoods with substandard schools, environmental hazards, inadequate employment opportunities, unsafe and unhealthy conditions. (See, *Affordable Housing, Racial Isolation*, Editorial, *The New York Times*, June 29, 2015.) State housing finance agencies administer the LIHTC program under the jurisdiction of the Department of the Treasury. Treasury, HUD, and the state housing agencies are obligated to eschew actions that discriminate against minorities and actions that perpetuate segregation; they also are obligated by the FHA affirmatively to further the policies and purposes of the FHA, which include “moving toward a more integrated society.” (Sl. op. 24.)

Advocates for inclusionary housing policies should make strong use of this Supreme Court opinion to induce local, state, and federal agencies to take

effective action “to achieve our ‘historic commitment to creating an integrated society’” (Sl. op. 24.) In this process, “race may be considered in certain circumstances and in a proper fashion.” (Sl. op. 22.) The Supreme Court has encouraged “private developers to vindicate the FHA’s objectives and to protect their property rights by stopping municipalities from enforcing arbitrary and, in practice, discriminatory ordinances barring the construction of certain types of housing units.” (Sl. op. 17.) When

state and local governments block developers’ proposals for family LIHTC developments in high opportunity areas, those agencies will have “to state and explain the valid interest served by their policies.” (Sl. op. 18.) They must “prove [the policy] is necessary to achieve a valid interest.” (Sl. op. 19.) Merely uttering the word “revitalization” will not satisfy the LIHTC statute’s reference to housing that contributes to “a concerted community revitalization plan.” As the district court in this case indicated in its re-

medial order, the FHA counsels endorsement of family units in “neighborhoods with good schools and disqualifi[cation of] sites that are located adjacent to or near hazardous conditions, such as high crime areas or landfills.” (Sl. op. 3.) As advocates press these points with government agencies, we may hope that the Supreme Court’s opinion in *TDHCA v. ICP* will lead these agencies affirmatively to obey the command of the Fair Housing Act before that statute marks its 50th anniversary. □

(INTEGRATION: Continued from page 16)

change the demographics of the classroom or school. This concern could also be diminished if No Child Left Behind requirements continue to be weakened or if the reauthorization of ESEA focused more attention on diversity goals.

- Rather than the current punitive labels, accountability systems could reward districts and schools for taking steps to becoming more diverse and improving regional equity. This may mean providing some reprieve for districts and schools that receive students in terms of labeling and sanctions or it could

mean providing schools that have intentionally targeted attracting diverse populations with a special designation as a “Diversity School.” Providing this designation on students’ high school transcripts may provide an advantage in an increasingly competitive college admissions environment and could potentially attract both urban and suburban families.

Concluding Thoughts

The programs that we studied have worked hard, often against strong political and educational pressures, to reduce inequities related to educational

access and opportunity in their metropolitan areas, though none have been able to stem the tide of growing racial and socio-economic inequality. As a result, at this point in time, state or federal policy action is critical to not only support these policies across the country but also to foster the creation of similar efforts in other metropolitan areas. Importantly, it is only with the intentional focus on policies that foster regional educational equity both through schooling as well as through broader policies to reduce racial and socioeconomic isolation of families (i.e., through affordable housing, equitable transit and workforce development) that the urban school “crisis” can be addressed, and that opportunity can be improved for all youth. □

Resources

Most Resources are available directly from the issuing organization, either on their website (if given) or via other contact information listed. Materials published by PRRAC are available through our website: www.prrac.org

Race/Racism

- “**Black Girls Matter: Pushed Out, Overpoliced, and Underprotected**” (2015, 29 pp.), by Kimberlé Williams Crenshaw, with Priscilla Ocen and Jyoti Nanda, for the African American Policy Forum & Center for Intersectionality and Social Policy Studies. Available at www.aapf.org

- “**Spotlighting the Work of Women in the Civil Rights Movement’s Freedom Rides**” By Anna Holmes appeared in the June 2, 2011 *Washington Post*. Holmes provides a detailed narrative of SNCC’s journey. The article can be found at portside.org
- “**A Social and Racial Justice Press by People of Color**” has been launched by Justice Matters Press. More information can be found at justicematters.press
- “**Black Lives Matter**” by Resist examines the Black Lives Matter movement, social impact, and vision for the future. More information can be found at resist.org
- “**Photographing Freedom: A Photographic Memoir of the Civil Rights Movement**”: Inf. from

- ***The Earth, the City, and the Hidden Narrative of Race*** is a forthcoming book by Carl Anthony. Inf. from BreakthroughCommunities@gmail.com
- **“The Retail Race Divide: How the Retail Industry is Perpetuating Racial Inequality in the 21st Century,”** by Catherine Ruetschlin & Dedrick Asante Muhammed (36 pp., June 2015), is available from JADAMS@NAACPNET.ORG
- **“One Community, No Exclusion”** (June 2015, 26 pp.), by Lori Bikson, Craig Guarrani & Roger D. Moldanado, is available (free) from the Anti-Discrimination Ctr., 212/537-5824
- **“Allied in the Fight: Jews, Blacks and the Struggle for Civil Rights”** is an exhibit, **July 9-Sept.** at the Ctr. for Jewish History, 15 W. 16th St., NYC, 212/294-8301, www.cjh.org
- **America’s Journey for Justice.** The NAACP and a coalition of partners are leading an “860-mile march from Selma, AL to Washington, DC” **Aug. 1–Sept. 15, 2015**, which will include “nationwide demonstrations, teach-ins, and the #JusticeSummer campaign.” More info at www.naacp.org

Civil Rights or Race/Racism

- **“Stars for Freedom: Hollywood, Black Celebrities and the Civil Rights Movement,”** by Emilie Raymond, has been published by Univ. Wash. Press, Kclavel@uw.edu

Poverty/Welfare

- **“Financialization and Equal Opportunity”** (Feb., 2015, 68 pp.), by Wallace C. Turbeville from Demos. Available at www.demos.org

Criminal Justice

- **“Turning Back the Tide: Promising Efforts to Demilitarize Police Departments”**(April 2015, 17 pp.), a report by PolicyLink & the Advancement Project. Available at www.advancementprojectca.org
- **“Values, Leadership, and Sustainability: Institutionalizing Community-Centered Policing”** (April 2015, 25 pp.), a report by PolicyLink & the Advancement Project. Available at www.advancementprojectca.org
- **“American Indian/Alaska Native Youth and Status Offense Disparities: A Call for Tribal Initiatives Coordination and Federal Funding”** is available from pilnik@juvjustice.org
- **“Dismantling the Prison State”** and **“Costs and Consequences of the War on Drugs,”** both by Patrick

Radden Keefe of The Century Fdn., are available from keefe@tcf.org

Economic/Community Development

- **Spring Edition of The Angle: 21st Century Movement for Economic Justice** (May 2015, 11 pp.), a publication by the NAACP. Available at www.naacp.org/programs/entry/economic-opportunity
- **“Development Without Displacement: Shifting the Narrative on Gentrification and Public Health”** (April 2015), a webinar by the Alameda County Health Dept. for the National Collaborative for Health Equity. Available at nationalcollaborative.org
- **“Good Data = Good Decision Making for Community-Driven Change”** (April 2015, 18 pp.), a report by the Advancement Project. Available at www.advancementprojectca.org
- **“Community Safety: A Building Block for Healthy Communities”** (Jan. 2015, 24 pp.), a report by the Prevention Institute and Advancement Project. Available at www.advancementprojectca.org

Education

- **“Best and Promising Practices to Address Violence and Personal Safety in Safe Routes to School Program”** (March 2015, 18 pp.), a report by the Advancement Project. Available at www.advancementprojectca.org
- **“The Debt Divide: The Racial and Class Bias Behind the ‘New Normal’ of Student Borrowing”** (May 2015, 34 pp.), a report by Mark Huelsman from Demos. Available at www.demos.org
- **“How the Child and Adult Care Food Program Improves Early Childhood Education”** (June 2015, 22 pp.), a report by Christine Binder, Joel Berg, Maryam Adamu & Katie Hamm from the Ctr. for American Progress. Available at www.americanprogress.org
- **School Law Institute** will be held **July 13-17 at Teachers College, Columbia.** Inf. at 212/678-3331, SLI@tc.edu
- **“Physical Fitness Disparities in California School Districts,”** by Gabriella Green, Jordan Henry & Jenny Power (55 pp., June 2015), is available (no price given) from 213/260-1035, rgarcia@cityprojectca.org
- **50th Anniv. Elementary & Secondary Education Act** (celebrating as well 10th anniv. of Voting Rights Act) will be held **Oct. 2-4 in New Orleans.** Inf. from Schott Fdn., 617/876-7700, www.schottfoundation.org
- **“Cheating Our Future: How Decades of Disinvestment by States Jeopardizes Equal Education Opportu-**

nity” (36 pp., June 2015), from The Leadership Conf. Educ. Fund & Education Law Ctr., is available from 202/466-3311, www.civilrights.org

- “**Is School Funding Fair? A National Report Card,**” by Bruce Baker, David Sciarra & Danielle Farrie (Spring 2015), is available from 202/466-3311, www.civilrights.org

Employment/Labor/Jobs Policy

- ***Under the Bus: How Working Women Are Being Run Over,*** by Caroline Fredrickson (April 2015, 256 pp.), The New Press, available for purchase at <http://thenewpress.com/books/under-bus>
- “**Clocking-In**” (June 2015), a multi-media project produced by Race Forward on “racial and gender inequities in the restaurant, retail, and domestic industries.” Available at www.raceforward.org

Families/Women/Children

“**The Raising of America: Early Childhood and the Future of Our Nation** (July 2015), documentary by California Newsreel. DVD available at www.nationalcollaborative.org

“**Resilient Latino Youth: In Their Own Words**” (March 2015, 76 pp.), a report by Patricia Foxen for the National Council of La Raza. Available at www.nclr.org

Health

- “**Building on Strength: Keeping Young Children Connected to WIC**” is a June 2015 Policy Action Brief from Children’s Health Watch. The brief discusses strategies to improve retention, strengthen communication, and changes to the Wise Investment in Our Children Act. The brief can be found at www.childrenshealthwatch.org
- “**Affordable Housing’s Place in Medicaid Reform: Opportunities Created by the Affordable Care Act and Medicaid Reform**” is available (no price given) from the Natl. Housing Conf., info@nhc.org

Homelessness

- “**Compounding Stress: The Timing, Duration and Effects of Homelessness on Children’s Health,**” by Megan Sandel, Richard Sheward & Lisa Sturtevant (June 2015), is available from childrenshealthwatch@childrenshealthwatch.org

Housing

- “**Safe Homes, Safe Communities: A Guide For Local Leaders On Domestic Violence and Fair Housing**” (April 2015, 40 pp.), a report by the American Civil

Liberties Union. Available at www.aclu.org/report/safe-homes-safe-communities

- “**Are Mortgage Servicers Following the Rules?**” (Jan. 2015, 12 pp.), by Nancy Wilberg Ricks for the National Council of La Raza. Available at www.nclr.org
- “**Historical Shift from Explicit to Implicit Policies Affecting Housing Segregation in Eastern Massachusetts,**” a historical guide by The Fair Housing Center of Greater Boston. Available at http://www.bostonfairhousing.org/timeline/1970s-present-Local-Land_use-Regulations.html
- **Neighborhood Social Mix** is the topic of the latest issue of *Housing Studies*. This study discusses the benefit of a diverse neighborhood. It is available at www.tandfonline.com
- “**The Housing Affordability Gap for Extremely Low-Income Renters in 2013,**” by Josh Leopold, Lisa Getsinger, Pamela Blumenthal, Katya Abazajian & Reed Jordan (a 4-page. June 2015 Policy Brief), is available from The Urban Inst., www.urban.org
- **RI Just Cause Eviction:** Video on successful campaign to enact such a law for tenants living in foreclosed properties available at www.youtube.com
- “**Building Self-Sufficiency for Housing Voucher Recipients: Interim Findings from the Work Rewards Demonstration in NYC,**” by Stephen Nunez, Nandita Verma & Faith Yang (216 pp., June 2015), is available from updates@mdrc.org

Immigration

- “**Living the American DREAM: Profiles of DACA Recipients**” (June 2015, 35 pp.), National Council of La Raza, available at www.nclr.org

Miscellaneous

- “**Investing in Our Future: A Latino Policy Agenda for the 114th Congress**” (May 2015, 44 pp.) by the National Council of La Raza. Available at www.nclr.org
- “**Tribal Nations and the United States**” (Jan. 2015, 47 pp.), a policy paper by the National Congress of American Indians. Available at www.ncai.org
- “**FY 2016 Indian Country Budget Request: Promoting Self-Determination, Modernizing the Trust Relationship**” (Jan. 2015, 136 pp.) by the National Congress of American Indians. Available at www.ncai.org
- **National Urban League Conference, Save Our Cities: Education, Jobs and Justice. July 29–Aug. 1, 2015,** Ft. Lauderdale, FL. Info available at conf2015.iamempowered.com

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