

Colonized Time, Racial Time, and the Legal Time of Progress

Rasheedah Phillips

The relationship between Black people, clock time, and its embodiment of Western linear time has always been contentious. Linear time, as Carol Greenhouse notes, “provides a reservoir of symbols with which the legitimacy of hierarchies can be defended and reproduced.” The entanglement of clock time and labor is pronounced in the plight of victims of chattel slavery, where enslaved Africans’ bodies and their time, through labor, were commodified. This is a powerful demonstration of how “the rise of capitalism and the work-clock . . . went hand-in-hand: time became a quantifiable measure of exchange-value in the marketplace for trading in the commodity of human labour, the currency in which the workers’ lives—their time, reified—was bought and sold.” (Giordano Nanni, 2012). Regarded as no more human than a watch or clock, enslaved Africans, considered property, were denied full humanity under the law and thus were forbidden access to the temporal domain of their pasts. They were also forbidden access to the temporal domain of the Western progressive future, where, as Charles W. Mills observes, “[w]hites are self-positioned as the masters of their own time, as against those mastered by time.”

Practices of temporal oppression and uses of clocks, watches, and nature as instruments of surveillance, labor regulation, objectification, and punishment were perfected during slavery and persisted in different forms post-liberation. Under these circumstances, clock time was transformed into what Michael Hanchard calls “racial time . . . the inequalities of temporality that result from power relations between racially dominant and subordinate groups . . . produc[ing] unequal temporal access to institutions, goods, services, resources, power, and knowledge.” This racial time was very literal. On most plantations, “the

masters ha[d] complete control over the distribution of the negro’s time.” (Slavery Meeting at Colchester, Essex County Standard, January 19, 1838). As Black people sought more control over their own time and labor after the Civil War, the tropes would later morph into “negro time” and an evolution of the phrase “colored people’s time,” co-associating Black time and Black people with lateness and laziness.

Racial time was also used to catalyze and perpetuate systemic oppression, denying Black communities’ access to and agency over the temporal domains of the past, present, and future. Evolving alongside the struggle for emancipation were legacies of de facto and legalized discrimination in public spaces, housing, and land in the United States, always keeping true freedom in check. Known as slave codes, Jim Crow laws, and Black Codes, and showing up in the form of redlining and racially restrictive covenants in the real estate, these laws were commonly thought of as spatial

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segregation that restricted Black people's movements through space.

However, the laws that were designed to deny Black people the right to vote, restricting where they could live, learn, and work, were just as much a project of temporalized segregation. Charles W. Mills called such laws a "racial regime (racial slavery, colonial forced labor, Jim Crow, or apartheid politics) [that] imposes, inter alia, particular dispositions and allocations of time that are differentiated by race: working times, eating and sleeping times, free times, commuting times, waiting times, and ultimately, of course, living and dying times." Defiance or challenge of these laws often resulted in arrest or imprisonment, hefty fines, or extreme punishments of death and violence against Black individuals or entire communities.

One particularly pernicious form of racialized temporal oppression and spatialized segregation are Sundown Towns (Loewen, 2005). Sundown towns are towns all over the United States where strict racial segregation and exclusion against Black people were practiced and reinforced by threats and physical violence. Black people traveling through a town had to be outside its limits by dusk and were not allowed to settle down or live in these areas. The towns also extended into entire "sundown counties" and "sundown suburbs." These towns were often demarcated by signs: "Whites only within city limits;" advertised in newspapers: "Don't let the sun set on you here, you understand?;" signified by actions such as blowing a loud whistle to indicate the time that Black people needed to leave; or through violent, physical attacks such as shootings, beatings, and lynchings of Black people. People who did not obey the signs were subject to state violence and death, while the average white citizen was allowed to enforce the law without consequence.

The temporal and legal legacies of sundown towns, redlining, and other forms of spatial-temporal control and displacement continue into the present. The timeline from the so-called ending of chattel slavery to the present reflects a society designed to systematically leave Black families and other marginalized people behind. Today, more than fifty years after the passage of the Fair Housing Act of 1968's prohibition against housing discrimination, exploitative real estate practices, racial exclusion from housing opportunities, and the deep inequities flowing from them are not historical artifacts. They appear in the form of realtors and property managers showing Black renters and those seeking homeownership fewer options in neighborhoods cut off from adequate transportation, grocery stores, or green space. They appear in the form of policing practices and extralegal violence. They appear as exclusionary zoning practices and redevelopment that displace Black residents from their homes and communities in favor of neighborhoods that become whiter and/or wealthier. Housing, displacement, time, and the temporal domain of the future are inextricably linked.

Revisiting the Past, Reshaping the Future: Policy Advocacy on Access to Eviction Records

Time inequities show up at every step of the process leading to evictions and in its aftermath — from the short periods of time included in a notice to vacate, severely out of line with the time needed to secure new housing, to the eviction filing that can permanently blemish a tenant's records. Eviction records are snapshots in time of an individual's past that are often used to prevent people from accessing housing far into the future. These records remain easily accessible to the public and to tenant screening companies for indeterminate lengths of time, even when the filing does not lead to an eviction or when an eviction filing is resolved in a tenant's favor.

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Decision makers, such as landlords and judges, are positioned to determine the relationship of the past to the present, and the present to the future for a tenant. Landlords may refuse to rent to tenants who have even one eviction filing on their record, regardless of the outcome of the case or other details that may offer additional context on a prospective tenant's past rental circumstances, and often irrespective of how remote in time that record occurred. Likewise, criminal records that may bear no relationship to a renter's ability to be a good or responsible tenant are used as a means of denying people with remote or unrelated criminal histories access to housing. In addition, tenant screening companies' scoring algorithms are opaque, leaving tenants with little recourse to contest a bad score. The tenant screening companies running background checks cannot always ensure that eviction records are completely accurate. These companies often use algorithms based on these incomplete records to make suggestions to landlords about whom to accept for housing. And even if the information on the record is accurate, a payment that is late by a few days becomes a record that lasts years into the future, punishing tenants by locking them out of decent housing for years to come.

It has been shown around the country that eviction records have a disparate impact on Black women and their families, causing dangerous cycles of generational poverty and instability. This grim reality is reflected in cities like Philadelphia, where over 71% of annual evictions are filed in Black and Brown communities. The COVID-19 pandemic significantly exacerbated disparities facing Black communities and other communities of color, seniors,

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Planning for Opportunity: How Planners Can Expand Access to Affordable Opportunity Bargain Areas

Nicholas Kelly and Ingrid Gould Ellen

1. Introduction

The work of Raj Chetty and his co-authors shows the power of neighborhoods to shape child outcomes. Yet neighborhoods in the United States are marked by stark racial and economic disparities. There are many barriers to addressing these disparities, most notably political, but one critical issue is cost. Neighborhoods that deliver richer opportunities are typically more expensive and thus providing housing subsidies in such neighborhoods means fewer families are served. We show in our new paper published in the *Journal of the American Planning Association* that many *affordable* neighborhoods offer ample opportunities for economic mobility, and we provide both planners and other government officials with a concrete way to identify them.

First, we propose a new, simplified index of economic opportunity, the School-Violence-Poverty (SVP) Index based on the evidence about what matters most to the outcomes of young children: school quality, the violent crime rate, and the poverty rate. Second, we argue for “opportunity bargain” analysis, which enables planners and families to find high opportunity areas that have lower rents than expected, and show that such high-opportunity bargain areas exist in two high-cost locations: New York City and Greater Boston. We believe these two innovations can help planners identify affordable, high opportunity areas that provide families with the best chance to succeed, as well as help improve *matches* between individuals and neighborhoods by providing better information to planners and families in the housing search process.

2. Redefining neighborhood economic opportunity: The School-Violence-Poverty Index

Do we really need another opportunity index? While the path-breaking Opportunity Atlas helped identify areas that produced better outcomes for children two to three decades ago, it has less relevance for planners looking to identify opportunity areas today, given that many neighborhoods have gentrified in the last 20 years – and some have also declined. Other indices that do rely on contemporary data, such as the Diversity Data Kids Child Opportunity

Index, include many neighborhood variables that matter for kids, such as schools – but also many other variables that carry mixed evidence on whether they impact neighborhood economic opportunity, such as proximity to jobs. Furthermore, these indices do not include violent crime rates given the historical difficulty of accessing those data.

We believe the School-Violence-Poverty (SVP) Index addresses these drawbacks by focusing only on these variables most relevant for child outcomes – and with data updated for contemporary neighborhood conditions. Significant research has indicated that high-quality schools are critical to improving the life chances of children. There is also considerable evidence demonstrating that exposure to violent crime has negative impacts on children, including reducing skills in vocabulary and reading, and undermining self-regulation, attention, and impulse control. And finally, the Moving to Opportunity demonstration showed the significant positive impacts that low-poverty neighborhoods have on helping low-income children earn more as adults. In focusing on these three metrics, the SVP Index answers the question planners and policymakers want to know: where is opportunity located in their communities *today*, and how can it be identified clearly and simply without incorporating other variables that may be at cross-purposes to these factors, such as commute time. And while of course numerous other variables matter for families – including the crucial importance of community and a sense of place that

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we all value in neighborhoods – these preferences are too idiosyncratic to include in a single index. That’s why we only include the three variables that are most likely to matter for all children and encourage families to complement these factors with other crucial neighborhood indicators on a case by case basis.

When comparing the SVP index to the Opportunity Atlas, the SVP Index, because it draws on more recent data, incorporates the fact that many areas in cities have seen greatly reduced crime rates and improved schools since the 1980s and 1990s. The SVP index therefore more accurately reflects opportunity today. While the Diversity Data Kids Index also draws on contemporary measures, the SVP index focuses on those three indicators most relevant for children. In Greater Boston, for example, the Diversity Data Kids Index rates surrounding high opportunity suburbs such as Brookline as equivalently high opportunity to some Boston neighborhoods with lower-performing schools or higher crime, due to inclusion of indicators such as proximity to jobs on which evidence is mixed.

The one significant limitation of the SVP index is the lack of publicly accessible crime data in a uniform manner nationwide. We worked to collect data on violent crime in New York City and Greater Boston to build the index in those areas, but recognize this makes creating these indices in other communities more labor intensive (though far from impossible). We hope that given nationwide efforts to increase police transparency, police department data will only become more easily accessible for planners, and that planners will work to collect this data from their local police departments to make this critical information available.

3. Finding Opportunity Bargains

It’s one thing to create a new opportunity index – and quite another to find opportunity areas that families can actually afford. Indeed, we find that many opportunity indices leave planners in the lurch without taking into account the crucial element of cost, given that opportunity areas are generally much more expensive than others. To address this, we use data on rental prices, opportunity measures, neighborhood amenities and housing characteristics to locate those areas that scored highly on the SVP index but had rents *lower* than expected given their levels of opportunity. Controlling for housing characteristics, we were able to identify those areas that a) score above average on the SVP index, b) have rents below the median rent for the region and c) have median rents 10% lower than expected, as *high-opportunity bargains*.

In New York City and Greater Boston, we found that 15% of areas were high-opportunity bargains. These areas were remarkable in that they had nearly as high-performing schools, similar violent crime rates, and only slightly higher poverty rates than expensive high-opportunity areas – but had rents that were on average \$1,000 per month lower in New York City and \$700 lower in Greater Boston. In New

York City, high-opportunity bargains tended to be in south Brooklyn, Staten Island and parts of Queens, while Manhattan, as one might expect, had rents higher than expected given their SVP score. In Greater Boston, suburbs outside the city to the southwest and northeast represented a discount compared to the more tony suburbs northwest of Boston, despite similar levels of opportunity. In both cases, high-opportunity bargain areas do come with one key tradeoff: a greater distance to the city center. While this may matter for some families, it will not matter for all.

High-opportunity bargain areas tended to have fewer restaurants on Yelp – an amenity some renters may care about, but many low-income families may not prioritize compared to school quality and safety.

Why do opportunity bargains exist? We found that in both areas, high-opportunity bargain areas tended to have fewer restaurants on Yelp – an amenity some renters may care about, but many low-income families may not prioritize compared to school quality and safety. In New York City, opportunity bargains still had a great public transit access; and while in Greater Boston these areas did not have subway access – they did have commuter rail stops. Interestingly, in both communities, there was a lower percentage of college graduates than expensive opportunity areas – indicating these neighborhoods may be off the radar of college educated professionals who bid up rents in more expensive communities. And in both cases, high-opportunity bargain areas had more moderate household incomes as compared to expensive opportunity areas. As a result, these communities are a bit off the beaten track– hidden gems that low-income families could take advantage of, if they were aware they existed.

The racial diversity of high-opportunity bargain neighborhoods is also critical, especially for low-income families of color. In New York City, we found that three-quarters of these areas were diverse (at least 10% and less than 90% Black and Hispanic). In Greater Boston, however, high-opportunity bargain areas were much less diverse, with just 8% of high-opportunity bargain communities meeting this definition of diversity. This is partly due to the lack of diversity in the suburbs of Greater Boston – indicating opportunity bargain areas may be most helpful for more diverse cities and regions. Overall, however, diverse high-opportunity bargain areas were very similar to nondiverse opportunity areas in terms of neighborhood amenities, with slightly better access to public transit and proximity to downtown.

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School Integration in New York City: Kenneth Clark and the Allen Report

Christopher Bonastia

On February 3, 1964, in what arguably was the largest protest in civil rights history, nearly half a million students boycotted schools to protest segregation in the New York City school system. The book excerpt below tells the story of the unsuccessful political efforts that followed those protests. In the wake of the Board of Education's repeated failures to combat school segregation, the integration movement receded for nearly 50 years after that. However, beginning around 2014, a new cohort of student activists reignited the fight for school integration. In early 2020, they began envisioning a May 18 citywide boycott that would evoke the indelible protest action that had occurred 56 years earlier. Regrettably, the emergence of the COVID pandemic scuttled those plans. As the devastation of the pandemic began to unfold, both the DOE and student activist groups turned their attention to addressing the immediate needs of students. Integration activists were able to glean some hope from the un-screening of all middle school admissions in 2021-22 and 2022-23. Whether this change becomes permanent remains to be seen.

In May 1964, State Education Commissioner James E. Allen's Advisory Committee on Human Relations and Community Tensions released its report *Desegregating the Public Schools of New York City*, commonly known as the Allen Report. Kenneth Clark, who had been urging the city to take desegregation seriously for a decade, was one of three members of the Advisory Committee. The Board of Ed had requested Allen's recommendations days after the February 1964 school boycott to protest ongoing segregation in city schools. Diane Ravitch neatly summarized the committee's estimation of the board's integration track record as plainly insufficient: "It dismissed Open Enrollment and the Free Choice Transfer policy (too dependent on voluntary choice by Negro and Puerto Rican parents), the school building program (too many schools built in the ghetto), junior high school feeder changes (too limited in impact), and pairing of schools," which would reduce segregation by only 1 percent if all proposed pairings were effected. Most civil rights supporters were heartened by the report's pointed criticisms of board integration efforts.

At the same time, despite Allen's and Clark's strong belief in integration, the report was highly pessimistic about the prospects for substantial reductions in racial isolation,

whatever the degree of planning undertaken by school authorities or pressure exerted on them. Demographic shifts that brought ever-rising Black and Puerto Rican enrollment, coupled with the residential segregation of these groups in teeming low-income neighborhoods and the loss of white residents, sharply circumscribed possible integration solutions. Moreover, the panel asserted, any viable integration plan would require acceptance by both whites and minorities and not fuel further white flight.

Upon the release of the Allen Report, Board President James Donovan, readying for a cruise to Europe with his wife, said that hundreds of millions of dollars would be required from federal, state, and city coffers to integrate schools in the Big Apple. The federal government should pony up a substantial chunk of money, he argued, contending that the city should not be expected to absorb the costs of the large influx of Black and Puerto Rican families (700,000 combined since World War II) if Miami was not expected to pay the tab for the 200,000 Cuban refugees who had settled in that city. Eight hundred thousand whites had moved out of New York City during that time. "White parents must realize that they will have to stop running," Donovan warned. "Unless they do, this problem has virtually no solution."

The Allen Committee, while cautioning that it is "inaccurate and cruel" to assert that classrooms with no white students cannot be high quality, urged the city to act firmly in eliminating school segregation to the extent possible. "Among all the great cities of the North," the panel proclaimed, "New York's public schools stand a better social chance of achieving authentic desegregation than possibly any of the others," citing "a heritage of cultural innovation and educational progress" and the lack of backlash against civil rights efforts. The latter was a perplexing statement,

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4. Why the SVP Index Matters for Planners

The SVP Index and opportunity bargain analysis will be useful to both planners and families. For planners, these tools will be crucially important for those designing housing voucher programs to highlight affordable, high-opportunity bargain neighborhoods. Especially for housing agencies that use metropolitan-wide payment standards – meaning there is one maximum rent for voucher across a region – finding those areas that are affordable and high opportunity can help voucher holders stretch their limited voucher dollars to find the best communities for their families. By analyzing affordable opportunity areas in their regions, and crucially providing that information to voucher holders in an intuitive way, housing agencies could greatly expand access to opportunity for low-income families.

Planners can also use these tools to help target public subsidy dollars for new housing development, by prioritizing areas that offer rich opportunities for families at a discount. Specifically, planners can prioritize high-opportunity bargain areas as places to build affordable housing, and where to conduct rezoning to allow more housing. While some cities have focused on increasing density in expensive, high opportunity neighborhoods – a critical goal – we argue planners should also examine those less expensive, but nearly as high opportunity areas for housing as well, to maximize the number of families that can live in high opportunity neighborhoods. Low-income families can also directly use this analysis to locate neighborhoods with lower than expected rents that still offer rich opportunities for children.

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To be sure, even if opportunity bargain analysis were widely adopted, it would not solve segregation or inequality in access to opportunity. Our regions are the product of a housing system developed under White supremacy in housing that allows White families to hoard opportunities from communities of color. More systematic changes would be needed to address these disparities, such as municipal incorporation to reduce the number of fragmented suburban municipalities engaging in exclusionary zoning. But while we work towards these more impactful changes, we think improving housing search itself through innovations like we present here can be a critical, low-cost way to expand access to opportunity.

By providing a simple, easy to construct opportunity index focused only on the most critical neighborhood amenities for children and by introducing the crucial – and often overlooked – element of cost into the discussion, we hope to make policies aimed at increasing access to opportunity more rigorous and practical. By comparing the SVP Index against current rents, planners can identify high-opportunity bargains: those under-the-radar areas that are affordable and provide children with ample opportunities to succeed. ■

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given the large anti-integration rallies that had occurred months before the report's release. The report stated plainly: "If school segregation cannot be fought effectively here, if the public school children of New York City must be relegated to second class status for lack of energy and effort, the nation will have reason to despair." This proclamation would prove prescient.

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The panel's most notable recommendation was to resequence elementary, junior high, and high school educa-

tion from a 6-3-3 plan to a 4-4-4 plan. In plain language, the proposal meant that students would enter junior high two years earlier than previously and would presumably experience more integrated school environments, since neighborhood elementary schools were often highly segregated. However, as Jeremy Lerner observed in January 1967, the 200 new intermediate schools that would be needed to replace the 140 junior highs would serve smaller geographic areas and thus might be more segregated than before. The 4-4-4 plan, Lerner adjudged, was "the most celebrated and expensive non-solution to the integration problem" proposed in the Allen Report. Indeed, the board implemented the 4-4-4 plan in a very small number of mostly segregated schools before ending transfers of ninth grade students to high schools and continuing its construction of segregated intermediate schools in 1967. Similarly, the board agreed with the Allen recommendations that high schools should become comprehensive, rather than bifurcated into vocational and academic ones (which increased segregation). By 1967, the superintendent asked the board to abandon its comprehensive high school plan. As Annie Stein explains,

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Parents' Conceptions of School Enrollment as Property

Valerie Sterne and Janelle Taylor

The structure of public education in the U.S., with its unequal funding, enrollment rights tied to property, and *de facto* segregation has created a system where high-opportunity schools are a scarce resource to be hoarded. The resources provided to individual schools and the opportunities gained from them vary widely, making resource-rich, high-opportunity schools a sought-after commodity. Public school enrollment policy, which determines who has access to specific schools and who is excluded, was established with land use and local funding and control in mind (Gutek, 1991). Enrollment policies that couple residential address with assignment to a particular school create a sense that enrollment rights are gained through a real estate marketplace. Both individuals and institutions treat public schools as a private good, where access can be bought, sold, and even stolen. Access to schools that are perceived as providing the most value to an individual greatly affects the marketplace value of the homes that are zoned to them (Dougherty, 2012). This restricts access to high-opportunity schools to those that have the necessary capital and income to buy into the neighborhood, and bars everyone else (Goldstein & Hastings, 2019; Holme, 2000). Realtors and popular real estate websites advertise the specific schools that a home is zoned to and their ratings. Both the school ratings and demographics influence parents' home purchase choices (Billingham & Hunt, 2016; Holme, 2000).

Home buyers conceptualize school enrollment rights as property that they have purchased with their home. These enrollment rights are imagined as property in two distinct but related ways: the school as a commodity that delivers an economic benefit to the students, and the property value of real estate that is related to the perceived value of the zoned school. Both conceptions of property were illustrated in comments on a digital public forum around possible boundary changes in Austin, Texas (Thought Exchange, 2019). Parents indicated that enrollment rights to a specific school is property that they purchased with their home as in the fol-

lowing statement. "We don't think it's ok to just suddenly redraw boundary maps. We moved into our house, put roots down and spent our life savings in order to be in a location specifically for the school." Parents buy access to specific schools that they believe will provide their children with a set of economic advantages. The beliefs about how this value is mediated through the school are entangled with racialized conceptions of school quality. Though not often explicitly stated, many parents conceptualize the quality of the education that a school can provide as related to the demographics of the student body (Billingham & Hunt, 2016; Hailey, 2022). Another commenter on the public forum (Thought Exchange, 2019) stated: "Anderson HS will

be dumbed down to the point - top colleges won't recruit from it. You must have competitive students in top hard classes. Once your student demographic changes drastically everything else will follow." When the demographics of their child's school is open to change, they believe that their property, the quality of education that they have purchased with their home, is under threat.

The second way in which school enrollment is concep-

tualized as property pertains to the very real effects that school demographics have on home prices. Concentrated wealth and whiteness at schools is valued in the real estate marketplace (Billingham & Hunt, 2016; Goldstein & Hastings, 2019). When a school's demographics change, the demand for homes zoned to the school change. Homeowners understand that they could lose out on their investments if the demographics of their zoned schools are materially altered. Another parent commented on the same forum about possible school boundary changes: "Property values are driven by school ratings. That's what every realtor will tell you when purchasing a home in Austin. Our property values will fall if we are re-zoned from schools ranked a 10 to schools ranked a 2. Middle-class people lose out on their investments." Parents conceptualize enrollment to public schools as private property, an appurtenance to their home that affects real estate value and their wealth.

In *Milliken v. Bradley* (1974), a landmark Supreme Court case, the Court ruled that because the suburbs were not actively segregating Detroit schools, they could not be forced to actively desegregate them. This ruling implied that school

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districts could exclude students from outside of district boundaries, so long as the exclusion was not the explicit policy of the districts. As a result, parents wrongly construed the Milliken ruling as confirmation that the right to exclude (a core tenet of property rights) applied to school enrollment.

The conception of school enrollment as property requires parents to perceive that education is a property right carrying the right to exclude. This right to exclude is supported by the expectations of exclusive control and access to a specific school that home buyers have when they purchase their homes. Homeownership, then, gives taxpayers control over the education of their community; and this control is protected by law enforcement and school district officials through civil and criminal penalties (Baldwin Clark, 2019). In fact, school districts and district attorneys have pursued penalties against parents for residency violations or the act of enrolling their children in a school district in which neither the child nor the parent reside (Baldwin Clark, 2019; Baldwin Clark, 2021). Most states require a student to prove bona fide residence to enroll in a school – inextricably tying residency to school attendance (Baldwin Clark, 2019). By criminalizing residency violations, the state, through criminal and civil law, protects and confirms parents' perceived property right to school enrollment and allows school attendance to be governed by residency restrictions, education law, and civil and criminal penalties. The punishment of residency violations gives the false impression that taxpayers hold a property right to their child's seat in the classroom. Parents police this perceived property right by advocating for the strict enforcement of district boundaries and excluding students who do not reside within the neighborhood (Baldwin Clark, 2021).

However, school enrollment is actually not a property right in the traditional sense. Property interests, or rights, must arise from legitimate claims of entitlement based on positive laws (federal, state, or local) (Tanious, 2022). Thus far, courts have declined to find a property interest in attendance at a particular school (Tanious, 2022). Claims of entitlement to attendance at a particular school stem in part from ideals of white privilege and the historically racist foundations of school choice (Pierce, 2021). Further, penalties for "stealing education" contribute to race-class opportunity hoarding (Baldwin Clark, 2021).

Opportunity hoarding (Tilly, 1998) is when a network acquires access to a valuable resource that is subject to monopoly, members hoard the resource, and create beliefs and practices that maintain their control of the resource. When the network is bounded by an external category, such as race, the opportunity hoarding "contributes to the creation and maintenance of categorical inequality." (Tilly, 1998). In

the United States the category of whiteness has contributed to the maintenance of segregated and inequitable schools (Wilson, 2020). "In ways so embedded that it is rarely apparent, the set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset... Whites have come to expect and rely on these benefits, and over time these expectations have been affirmed, legitimated, and protected by the law" (Harris, 1993, p. 1713). Both the behavior of parents in accessing and maintaining segregated schools and the systems within public and private institutions have interacted to 'affirm, legitimate, and protect' the right of privileged, mostly White, parents to hoard access to well-resourced, high-opportunity schools (Cashin, 2021).

The sorting of students into segregated schools and districts with inequitable resources and opportunities is harmful for our society, economy, and democracy. The educational goals of democratic equality, social efficiency, and social mobility have all been promoted as objectives in directing the focus of our public education system throughout the history of the United States (Labaree, 1997), but are at odds with existing funding and enrollment policy that allows for opportunity hoarding. A well-functioning democracy requires a well-educated populace with the shared values

necessary to participate in democratic systems. Public schools that emphasize democratic equality prepare students to take on the duties that are required in a system that shares power of governance through democratic systems. Students who attend schools from a wide range of backgrounds are better pre-

pared to work with people that have different perspectives, which is necessary for a functioning democracy (McGlothlin & Killen, 2010; Mickelson & Nkomo, 2012, Tropp & Saxena, 2018). Enrollment policy that results in segregated schools weakens our ability to continue to function as a democracy.

When the purpose of public education is conceptualized as a private good, one that is to serve individuals rather than society as a whole, schools become commodities. Parents seek to gain access to schools that will best serve the economic interests of their children, without consideration on how their choices affect the rest of the students within the system. The opportunity hoarding behaviors of parents and exclusionary practices that are codified and enforced by laws, undermine the goals of public education: democratic equality, social efficiency, and social mobility. The belief that enrollment rights are property, purchased with one's home, complicates our ability to address these issues. As long as people and institutions 'affirm, legitimate, and protect' the positional advantage of whiteness, we will fail to live out the values we claim to possess. ■

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“The whole agitation for the comprehensive high school to eliminate the segregated, antiquated and expensive vocational schools had been turned into its opposite—the enlargement and enrichment of the predominantly white elite academic schools.”

A longer-term approach to integration also recommended by the panel, the creation of vast educational complexes to serve students from a wide geographic swath, would have proven the most expensive and far-reaching approach to integration, if it had been attempted on more than the constricted basis that it eventually was. The report also called for complete equalization of facilities in Black and Puerto Rican neighborhoods and enhanced recruitment of minority teachers and other personnel. Those two recommendations in particular seemed achievable, but like recommendations in so many previous (and future) reports, they languished in office files or were implemented on a piecemeal basis before being abandoned quickly. A new study could always be authorized. The board would continue to employ administrative checkpoints to retain the status quo.

In confronting the problems of educational inequality, New York City was far from alone among big cities. In fact, according to the Allen Report, school segregation was less severe in New York than in other large cities. From 1958 to 1963, the white percentage of students in public elementary schools had declined from 62 to 51 percent. Whites made up less than a quarter of public elementary students in Manhattan, half in Brooklyn, 42 percent in the Bronx, 77 percent in Queens, and 89 percent in Richmond (Staten Island). Using a generous definition of desegregated schools—those that were 10 to 90 percent Black and Puerto Rican—the Allen Committee reported that 44 percent of elementary schools, 59 percent of junior highs, and 67 percent of high schools met this criterion. At all three levels, the number of “segregated white” schools (over 90 percent white) exceeded the number of “segregated Negro and Puerto Rican” schools (over 90 percent Black and Puerto Rican). At the high school level, only one segregated Black

and Puerto Rican school existed, and that one, Girls’ High School in Brooklyn, was slated to close. Of the twenty-eight other high schools in that borough, ten were segregated white. This was rather surprising, given that the public school population there, at least at the elementary level, was half Black.

Beneath these broad-brush statistics, the data was more troubling. In his widely read *Dark Ghetto* (1965), Kenneth Clark noted that only two of Harlem’s twenty elementary schools had Black enrollments under 89.9 percent. (As was often the case during this era, it was unclear how, or if, Puerto Ricans were being counted in the statistics.) All four junior high schools had over 91 percent Black enrollments. No high schools operated within Harlem’s borders. In the autumn before the release of the Allen Report, Clark had concluded that the inadequacy of Harlem schools was so pressing that improving education there had to be the main focus, even if that meant delaying desegregation. “If I were a white parent, I would not want my child to attend these schools. I can’t see how anyone can expect Negro parents to send their children to them.” Voluntary transfers of students from segregated schools to more integrated ones were mere “tinkering,” he believed, since they did nothing for the substantially greater number of students stuck in failing schools. Triage would not be sufficient.

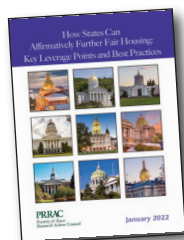
Clark had concluded that the inadequacy of Harlem schools was so pressing that improving education there had to be the main focus, even if that meant delaying desegregation.

Yet, in *Dark Ghetto*, Clark viewed Black boycotts calling for immediate desegregation fatalistically, given the “timidity and moral irresolution of whites,” who could easily kill mandatory integration with a countermovement of

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NEW ON PRRAC’S WEBSITE

Shadow reports on housing discrimination and school segregation, submitted to the Committee on the Elimination of Racial Discrimination, for the UN review of US treaty compliance.



“Expanding Federal Support for Tenant Organizing in Federally Assisted Housing and the Housing Choice Voucher Program” (Policy Brief, with NHLP)

“How States Can Affirmatively Further Fair Housing” (PRRAC report)

Regulatory comment letters on the Community Reinvestment Act, Civil Rights Data Collection, Charter school funding priorities, and the FHFA strategic plan



(*Colonized Time*, Continued from page 2)

disabled people, and LGBTQ+ people. These communities are the most likely to have lost income during the pandemic, putting them at greater risk of eviction filings, and therefore putting them at risk of homelessness and instability beyond the pandemic.

And yet, eviction records are often just a brief snapshot of a person going through a difficult period. These difficult times do not last forever - tenants may recover from an illness, job loss, family death, or domestic violence issues that lead to an eviction - but the eviction record will still follow them, trapping them in substandard housing or preventing access to better job opportunities that require them to relocate. Tenants are often punished for exercising their legal right to withhold rent for repairs, resulting in an eviction filing. The tenant ends up with a permanent blemish on their record because the landlord failed to uphold their end of the agreement by providing a safe and habitable home. As a result, renters are kept in dangerous cycles of poverty because of policies that make these records easy to incur and difficult, if not impossible, to get rid of.

Policymakers around the country are exploring options that will work to dismantle the significant barriers that eviction records place on accessing stable and healthy housing by regulating access to such records and how they can be used in rental decisions. For example, a protection that requires landlords to consider additional information about a tenant, instead of relying solely or primarily on eviction records to make rental decisions, allows the tenant to shift the relationship of the past to the present and the present to the future. Adding information and context to the record unlocks it and breaks the record's temporal hold over the present and future.

In October 2020, Philadelphia City Council successfully passed Resolution #200531, introduced by Councilmember Isaiah Thomas, on the matter of eviction record sealing. The resolution, co-written by community organizers and housing advocates who are impacted by eviction records called, in part, on "the First Judicial District to institute administrative rules that allow the court to seal evictions and corresponding civil matter between a landlord and a tenant in the interest of justice, and without consent from the opposing party as well as invest in alternative processes of resolving landlord-tenant disputes."

In November 2020, working with the tenant organizers who got the resolution passed, I co-authored a report called "Breaking the Record: Dismantling the Barriers Eviction Records Place on Housing Opportunities," exploring the ways in which eviction records cause long-term harm for a tenant's ability to access housing. The report became the cat-

alyst for an eviction records coalition that has met monthly since it was released. The group is composed of over forty-five housing advocates, impacted tenants, organizers, and landlords advocating for laws and protections that diminish the negative impacts that eviction records disproportionately have on Black women and other marginalized communities. The coalition was formed with the mission to advocate for the enactment of eviction sealing legislation in the state of Pennsylvania and tenant screening legislation in the City of Philadelphia to equalize power between landlords and tenants, regardless of gender, race, disability, and income. As a coalition, we believe in centering the leadership of those most affected by eviction histories and rejecting the false dichotomy of deserving and undeserving tenants when it comes to housing protections. We are grounded in the work of resisting racism, gender-based violence, ableism, and economic oppression, and we believe in building life-affirming alternatives. We understand that eviction and the impact of having an eviction history is one of many housing-related injustices. This coalition engages in transformational systems-change work in a collective fashion.

Through our coalition work, we achieved several of our objectives in a very short period of time. In April 2021, Philadelphia City Councilmember Kendra Brooks introduced the Renter's Access Act, and it was passed nearly unanimously in June 2021, going into effect 90 days later on October 13, 2021. The Renter's Access Act ("RAA") seeks

to address the harm caused by eviction records, which make it harder for tenants to find safe and affordable housing. The RAA has several new protections: landlords must provide uniform written rental screening criteria to each tenant applying to their unit, and if a tenant is rejected, they must provide a

written statement why, including any third-party information they used to make their decision, increasing transparency around what criteria is being used to evaluate applicants. In addition, landlords are required to go through an individualized review and to give weight to other circumstances besides just an eviction record. It also prohibits policies that reject applicants solely based upon their credit score or eviction record. The RAA gives applicants the right to dispute inaccurate information or to seek reconsideration in the case of mitigating circumstances, while requiring landlords to give time for consideration of new information.

Unlike with what we typically think of as linear time, the past is not dead or closed off in a liberatory housing future. Information and narrative can be added to the past that will have an impact on the present or future. Because eviction filings disproportionately affect Black communities and communities of color, the policy is an important race

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***When we envision equitable and
liberatory housing futures...
there is no value placed on a past
that would prevent one from
having a roof over one's head.***

(*Colonized Time*, Continued from page 10)

equity tool and solution for decreasing those racial impacts and increasing access to safe, healthy, and affordable housing futures. Such measures are the bare minimum for achieving housing equity; however, when we arrive at our liberated housing futures, records are no longer useful because all humans have access to housing, no matter what has happened in their past. When we envision equitable and liberatory housing futures that are accessible for all, and that are capable of reaching back to repair the past, there is no value placed on a past that would prevent one from having a roof over one's head, and no one is denied access to housing stability. We must design our legal policies firmly believing that this is not only possible, but that it is already true.

Conclusion

Equitable and liberatory housing futures calls for dismantling or realigning systems that deprive people of temporal and spatial equity and that raise irreparable conflicts in timelines. The pandemic underscored the need for approaches to housing access, development, and infrastructure building that not only address the immediate crisis, but that accounts for the roots of systemic racial inequities and how they have operated over time.

Being conscious of time's impact, challenging its ubiquity, and using Afrofuturist approaches to design legal policy, we can practically and actively address how future(s) are made inaccessible to Black communities and other marginalized communities. According to Charles W. Mills, such "chronopolitical contestation by its very nature is likely to encompass past, present, and future, since as we have seen from the beginning, group time will typically identify itself with historical narratives that also seek to explain the present and stake particular claims on the future." Including Afrofuturist principles and time awareness into housing policy design can help disrupt time's

linear flow, recasting and opening up access to futures where Black and Brown people are housed, healthy, joyful, and thriving. ■

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their own, undergirded by threats to exit the public schools. At this time, 30 percent of white and 10 percent of Black students were enrolled in nonpublic schools. Without the creation of quality education, integration was a dead letter. Though Clark's belief in integration would be as long-standing and unwavering as any public figure's, he refuted claims that demands for exemplary ghetto education constituted a capitulation to segregation. Because far-reaching integration was impossible, the goal must be to "save as many Negro children as possible now." Children, Black or white, "must not be sacrificed on the altar of ideological and semantic rigidities," he warned.

Black students in Harlem were clearly being sacrificed. As their school careers unfolded, they fell further and further behind their peers in New York City and the nation in reading and math achievement: in the third grade, one year behind their city peers; in sixth grade, nearly two years; and in eighth grade, almost two and one-half years—and three years behind students nationally. Summarizing the existing evidence, Clark concluded that "fewer than half of the ghetto youth seem likely, as matters now stand, to graduate from high school. And few of them are prepared for any job; fewer still will go on to college." Physical checkpoints in the early years made subsequent meritocratic checkpoints self-enforcing.

Clark did not place great faith in the effectiveness of protest to forge change in school policies. He sharply criticized local leaders, sometimes self-appointed, "who often do not have responsibility for the burdens of a complex organization, [and thus] can assume postures of

milittance and make flamboyant statements which appeal to the crowd without regard to whether the statements lead to change." Not having to bother themselves with planning, strategy, and the like, "it is enough that they have an arsenal of words and are adept at name-calling and are ruthless in their ability to ascribe nefarious motives to anyone who disagrees with them. The most successful of these wildcat civil rights leaders use the technique of demagogic intimidation of the more responsible civil rights leaders."

One might guess that Clark had Malcolm X in mind. However, Clark often spoke warmly about the former Malcolm Little. In 1976, Clark remembered: "Up until Malcolm's death, we were quiet, understanding friends, and I'm not sure that the word 'friend' is the precise word here, but there was a quality of mutual respect and understanding, even with disagreements." Malcolm had accepted the invitation of Clark's son Hilton to speak with students at his elite and very white Connecticut prep school (Kent School). When the elder Clark would invite Malcolm to speak to his classes at the City College of New York, "all that stuff about 'Whitey' disappeared, because there'd be only one or two black youngsters in my class, and Malcolm would . . . embrace the students psychologically. He was a very empathic man. You would never know it by some of the extreme things he said. You know, he was trying to shake people up." Clark also recollected that he and Malcolm would discuss the "division of labor" in the civil rights movement: "He knew that he had a difficult role to play, which would complement the kind of role that more 'respected' civil rights leaders played." ■

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