

## A New Vision for Fair Housing in the Real Estate Industry - Part 1: How the Housing Search Process Perpetuates Segregation

Maria Krysan & Allison K. Bethel

In November 2020, the nation’s largest real estate trade association, the National Association of Realtors®(NAR), formally and publicly apologized for its role in contributing to racial inequality:

*“What Realtors® did was an outrage to our morals and our ideals. It was a betrayal of our commitment to fairness and equality. I’m here today, as the President of the National Association of Realtors®, to say that we were wrong. We can’t go back to fix the mistakes of the past, but we can look at this problem squarely in the eye. And, on behalf of our industry, we can say that what Realtors® did was shameful, and we are sorry... Because of our past mistakes, the real estate industry has a special role to play in the fight for fair housing.”*

NAR President Oppler cited, among other things: (1) NAR’s opposition at the time to the Fair Housing Act of 1968; (2) its denial of membership in NAR based on race and sex; and (3) NAR’s being complicit in redlining. The association laid out a plan to be-

*Maria Krysan (krysan@uic.edu) is a Professor in the Department of Sociology at the University of Illinois at Chicago and a Senior Scholar at the University of Illinois’ Institute of Government and Public Affairs.*

*Allison K. Bethel (allisonb@uic.edu) is a Clinical Professor of Law and Director of the Fair Housing Legal Clinic at UIC School of Law. She is licensed to practice law in Florida and Illinois.*

come a leader in Fair Housing, as its Vice President of Policy Advocacy, Bryan Greene, explained at the time: “Now we are talking about expanding the Fair Housing Act in ways we could not have imagined perhaps several decades ago.”

Currently, NAR aligns its “duties to the public” to the mandate of the Fair Housing Act—as reflected in its code of ethics and standards of practice, which focus on non-discrimination in the treatment of clients and the advertising of housing. Most recently, in November 2020, NAR added a prohibition against “harassing speech, hate speech, epithets, or slurs” against protected classes as well.

Unfortunately, it is increasingly clear based on what we know about how segregation is perpetuated, that ensuring

non-discrimination in the sale and advertising of housing and prohibitions against harassing speech are insufficient to tackle the inequities that have been created by residential segregation. Decades of racist housing policies at the local, state, and federal level; practices by the real estate industry; and white residents who took action to maintain their segregated white communities, together created the segregated cities of our nation. And there is now substantial momentum built into the system, so that disrupting residential segregation will require a broader array of tools than merely stopping discrimination (though we obviously need to do that too).

An industry working to reimagine the Fair Housing Act must create its new vi-

*(Continued on page 2)*

### IN THIS ISSUE:

**A New Vision for Fair Housing in the Real Estate Industry - Part 1: How the Housing Search Process Perpetuates Segregation.....1**  
 Maria Krysan & Allison K. Bethel

**Opportunity Hoarding, Schools, and Racial Reckoning.....3**  
 Sheryll Cashin

**Integration Through Immersion: The Possibilities of Two-Way Dual Language Programs .....5**  
 Elizabeth M. Uzzell & Jennifer B. Ayscue

**A New Vision for Fair Housing in the Real Estate Industry - Part 2: An Actionable Fair Housing Strategy for Real Estate Agents and Agencies.....7**  
 Allison K. Bethel & Maria Krysan

(HOUSING SEARCH: Cont. from page 1)

sion in a way that is informed not only by the historical policies that baked segregation into our cities, but also by a clear understanding of how the legacy of segregation impacts how its clients navigate their housing searches. In Part 1 of this article, we amplify the contemporary causes of persistent segregation and review the legal context that the industry operates within. In Part 2, we offer specific suggestions for the industry as it seeks to reimagine the Fair Housing Act and its role in supporting integration rather than perpetuating segregation.

## How the Housing Search Process Contributes to Residential Segregation<sup>1</sup>

In their book, *Cycle of Segregation: Social Processes and Residential Stratification*, Maria Krysan and Kyle Crowder point out that residential segregation has become a self-perpetuating system. It is partly maintained by the drivers of segregation that have informed academic and policy discussions for decades: racial differences in income and wealth (itself, in part, a product of segregation); preferences driven by racial prejudice and experiences of discrimination; and discriminatory practices by government and the real estate industry. But even if all of these were eliminated, segregation would persist because of a series of additional factors that shape where people search for homes and then end up living. As we think about how the real estate industry can help work to disrupt the cycle of segregation, we need to keep two features of the housing search in mind: (1) searchers rely on incomplete information about their options and use shortcuts to decide where to look; and (2) social factors shape what people know—or think they know—about their housing options.

### **People Take Shortcuts to Guide Their Housing Search**

On the face of it, this first feature of housing searches appears to have little to do with segregation or race but is simply a function of the limits of human beings when making complex decisions like

<sup>1</sup>This section of the article is taken from Maria Krysan and Kyle Crowder, *Cycle of Segregation: Social Processes and Residential Stratification* (Russell Sage Foundation, 2017)

buying a home. Specifically, neither real estate agents nor the clients they serve process information like a computer. Clients do not approach a search with complete and accurate information about every possible community or housing unit that might be available to them. They cannot absorb every detail about a community as they decide where to consider or not consider moving. Rather, people use shortcuts to eliminate large numbers of possible neighborhoods or communities before settling on a handful to pursue in detail. As research shows, often this decision about the handful of places to search is made prior to contacting a real estate agent and without relying on meticulous and careful research into census data about neighborhood and community features. Instead, people take shortcuts, one of which is that if they know one detail about a place, they often assume they know a lot of other things about it.

And here's where race and its legacy

---

***In a segregated city, all three of these things—social networks, lived experiences, and the media—are racialized.***

---

can interfere in the housing search process.

In a segregated city, the one detail people often know (or think they know) is a neighborhood or community's racial composition. Based on that assumption about the racial composition of a community (which may or may not be accurate), searchers imagine they also know about its school quality, safety, property values, and the like. These assumptions lead people to quickly eliminate lots of possibilities as they zero in on the handful of places where they will search.

This means that although the process of using shortcuts to eliminate places is neutral because race is such a prominent feature of many cities, the use of these shortcuts (often connected to race) will regularly have a racial consequence.

### **People Build Perceptions and Knowledge of Communities and Neighborhoods Throughout Their Life**

The second feature of housing searches that ties to the perpetuation of segregation relates to how people accumulate knowledge about neighborhoods and communities. Even when not looking for a place to live, people are con-

stantly gathering information about the communities and neighborhoods where they live. They assemble impressions of communities and receive subtle—and sometimes not-so-subtle—advice about where one should and should not live.

This information comes from three primary sources: our social networks, lived experiences, and the media.

Social networks—our friends, family, co-workers, neighbors, and acquaintances—all shape the places we've heard of and the communities we become aware of. This can be through visiting our friends and family in their neighborhoods, but it can also be based on simply knowing where they live and hearing indirectly about what it's like.

If and what we know about communities is also shaped by our lived experiences. These are the places we are exposed to through living our lives: where we work, shop, worship, play, and go to school. It includes the routine places we pass through every day. But it also includes the places we occasionally travel to or through, like when we take our children to soccer games or swim meets or when we visit a town to attend a festival, concert, or go shopping.

Finally, in the absence of personal networks or lived experiences, the media often fills in the gaps of our community perceptions and tells us what a place is like, what kind of people live there, and whether we might like to live there. This media can be wide-ranging, from local news to print media to movies, TV shows, ads, songs, neighborhood listservs, and social media.

In a segregated city, all three of these things—social networks, lived experiences, and the media—are racialized. When our social networks are segregated (which they often are in a segregated city), the information flowing from those

(Continued on page 9)

## ***In Memoriam***

This issue of *Poverty & Race* is dedicated to the memory of James Loewen, author of *Lies My Teacher Told Me* and *Sundown Towns*, who helped to change the way American history was taught in Mississippi and across the country, and who was one of the important scholars who brought to light the racist histories hidden just below the surface in so many of our communities.

---

# Opportunity Hoarding, Schools, and Racial Reckoning

Sheryll Cashin

**Preamble from the author:** *I call the Black people trapped in high-poverty neighborhoods “descendants,” in recognition of an unbroken continuum from slavery. Occasionally, I also use this honorific to describe Black Americans like myself, who do not live in the “hood” but descend from the long legacy of slavery. Descendants are typecast and consigned to the bottom of the social order. Denizens of poverty-free, very-white spaces entrenched advantages, and everyone else struggles to access opportunity in real estate markets premised on exclusion begun a century before to contain descendants.*

Segregation is the fundamental subtext for all school finance and school quality debates. Public schools are more racially segregated than they have been at any point in the last fifty years. Most Black and Latinx public school students attend majority-minority schools. Nearly 40 percent of Black students attend schools that have been described as apartheid schools, with more than 90 percent students of color (Frankenberg et al, 2019).

Boundary maintenance is as apparent as opportunity hoarding in public education. Sometimes affluent and apartheid schools are shockingly close to each other. According to a recent analysis on school boundaries, one in five public school students “live[s] virtually across the street from a significantly whiter and richer school district” and for every student enrolled in affluent bastions, three neighboring students “are left behind in

---

*Sheryll Cashin (Sheryll.Cashin@law.georgetown.edu) is the Carmack Waterhouse Professor of Law, Civil Rights and Social Justice at Georgetown University and a member of PRRAC’s Board of Directors. This article is an excerpt from the sixth chapter, “More Opportunity Hoarding: Separate and Unequal Schools,” of her new book White Space, Black Hood: Opportunity Hoarding and Segregation in the Age of Inequality (Beacon Press, 2021) – available wherever books are sold. Reprinted with permission from Beacon Press.*

lower-funded schools serving far more nonwhite students” (EdBuild, 2020).

A Black-American lawyer tells me about moving his child from J. O. Wilson Elementary in northeast Washington, DC, a school nearly 90 percent Black with low test scores, to a “lottery school” blocks away that was about 70 percent white. Both schools were public, but the “white” one could be accessed only by negotiating and winning a lottery process. It was much better-resourced, with more consistency and less turnover among teachers, the lawyer said. As a parent whose children bypassed our neighborhood elementary school for a “lottery” slot to well-resourced, racially diverse public charter schools in D.C., I understand his choice and the extremes. Our family was able to avoid sending our Black sons either to overwhelmingly white schools or to apartheid, impoverished schools. We were lucky, literally

---

**Sometimes affluent and apartheid schools are shockingly close to each other.**

---

winning the school lottery on the third try, landing at the Washington Yu-Ying Elementary School, which afforded my sons an excellent international baccalaureate immersion education in Mandarin. No one would call this fabulous school in which white children were a minority “white space.” But among public neighborhood and charter schools in the District, extremes of very white and very Black, advantaged and hyper-poor, continue. Whether intentional or acquiesced in, it is still segregation. An old idea has been made new and respectable in its colorblind pretensions and willful ignorance to systems that exclude. An unspoken and unspeakable subtext is that some children are valued more than others, effectively told that they are less worthy of public investment than others. It is an American horror we do not own up to.

About 80 percent of all students in the United States attend a public school, and most of them are assigned based on where they live (McArdle and Acevedo-Garcia, 2017). Racial disparities in per-pupil spending persist in states with regressive approaches to school funding because

people of color are more likely to live in high-poverty school districts with lower tax revenues (Miller and Epstein, 2011). The Department of Education projects that the white student population in public high schools will decrease in this decade as the Black, Latinx, and Asian/Pacific Islander populations grow apace (U.S. Department of Education, 2018). As public schools become poorer and more colored, and more whites and affluent people retreat to private or home schools, these tensions are likely to worsen.

When the Supreme Court decided *Brown v. Board of Education of Topeka* in 1954, it overruled the formal fiction of *Plessy v. Ferguson* that separate could be equal. The *Brown* case should also be understood as finally overruling *Dred Scott* and attempting to bring Black Americans into equal personhood and citizenship (powell, 2001). In the unanimous *Brown* opinion, Chief Justice Warren wrote about the common public school as an institution critical to rendering American youth successful citizens: “Education is perhaps the most important function of state and local governments...It is the very foundation of good citizenship... it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms” (347 U.S. 483, 1954).

Warren did not address inequality of resources between white and then-Negro schools, focusing instead on the intangible messages that state-sponsored segregation sent to Black children. Warren also did not address the message that segregation and white supremacy sent to white children, although the NAACP did raise this issue in its brief (Appellate Brief for Appellants, *Brown v. Board of Education of Topeka*). Whatever Black children thought of Jim Crow segregation in 1954, and the evidence was mixed regarding their alleged feelings of inferiority, segregation had material consequences. Racially identifiable schools were unequal then, as they are now. The Supreme Court in ensuing years effectively sanctioned separate and unequal schooling, particularly with *Milliken v. Bradley*, the 1974 case that exempted

*(Continued on page 4)*

(*OPPORTUNITY: Cont. from page 3*)

white suburbs surrounding Detroit from participating in cross-boundary school integration with the city, and hence exempted white suburbs everywhere. *Milliken*, decided only six years after the Court had finally begun to enforce *Brown* with alacrity, presaged its demise.

There are myriad ways in which opportunity is hoarded in public education. Beyond inequitable public funding, affluent parents raise funds privately to pay for additional resources. For their own children, they would not stand for schools that look like prisons, twenty-five-year-old textbooks, leaking or wasp-infested ceilings, useless and outdated technology, crowded classrooms, and exhausted teachers who pay for supplies with their own limited paychecks. These are among the conditions thousands of teachers across the country shared with the *New York Times* in 2018 (Sedgwick, 2018).

Affluent schools differ markedly in the type of education they offer. Though students in advantaged schools suffer the stresses of an arms race to selective higher education, they are engaged to think critically and have the possibility of stimulating, liberal inquiry. Descendant children receive soul-crushing drills to meet standardized tests, privatized “reforms” designed by and profiting outsiders, school-to-prison policing, and school closures that punish whole communities for being poor (Rooks, 2017).

There are alternatives to an America divided against itself, investing less in the education of its fastest-growing populations, preparing white youth less for the realities of living in a diverse country. Louisville, Kentucky, evolved from a place that once promoted segregation to one that resists it. For decades in the twentieth century, the city was hypersegregated. Like every other place that constructed ghettos, Louisville used zoning, redlining, urban renewal, highways, and other tactics to contain Black people. Then-mayor Charles Farnsley admitted Louisville’s urban renewal plan was designed to “drive the Negro back from the central area” so that “downtown did not become a black belt” (Corsey, 2020).

In the 1970s, more than 90 percent of the students in Louisville schools were Black, and approximately 95 percent of students in Jefferson County’s suburban district were white (Century Foundation, 2016). The region’s taste for integration had to be acquired. White mothers were the mass of massive resistance to school integration throughout the nation (Gilles-

pie McRae, 2018). When a court ordered Louisville schools to desegregate in 1970, white parents protested against busing. The Kentucky National Guard had to be called in. In time, with actual experience participating in integrated schools, leaders and parents grew to appreciate the benefits of a unified city-county school system in which there were no failing, apartheid schools to run from.

After court-ordered school desegregation was lifted, Louisville’s unified school district maintained a race-conscious school assignment and busing plan because it wanted schools to stay integrated. In 2007, the Supreme Court declared voluntary school integration plans in Louisville and Seattle, Washington, unconstitutional because they considered the race of individual students. But Jus-

---

***Transforming systems from exclusionary to inclusive, from racist to anti-racist, requires coalition and hard, never-ending work. And seeing and naming the systems that harm descendants is the first step to racial reckoning.***

---

tice Anthony Kennedy, who wrote the critical opinion in the case, *Parents Involved in Community Schools v. Seattle School District No. 1*, declared that all school districts have a compelling interest in promoting school diversity and avoiding racial isolation. Kennedy suggested race-conscious alternatives like drawing school attendance zones to mitigate residential segregation in order to achieve school integration (551 U.S. 701, 2007).

Louisville worked with school integration expert Gary Orfield to adopt a new plan that mixes students based on their neighborhood characteristics. Among multiple neighborhood factors considered are race, household income, and parents’ education. The school district exempted racially balanced neighborhoods from busing, creating incentives for parents to choose residential integration. And students can apply for sought-after magnet and specialty programs like language immersion (Semuels, 2015; Siegel-Hawley, 2013). Researchers found that levels of housing segregation fell precipitously in Louisville Metro as parents knew that school assignments did not depend on where students lived

(Siegel-Hawley, 2013; Taeuber, 1979). In 2010, metropolitan Louisville was no longer hypersegregated. Black-white dissimilarity—the percentage of Blacks who would have to move to be evenly distributed—declined from very high to moderate over four decades. Successful and enduring school integration explains this transition (Semuels, 2015).

In 2003, the city of Louisville combined its government with surrounding Jefferson County. This shared destiny of tax base and resources is called Louisville Metro, a consolidation that reduced white flight and stabilized property values in the urban core (Semuels, 2015). Louisville Metro is still shaped by past racism, but it has begun to work at residential integration. The Metropolitan Housing Coalition successfully pressured the government to correct and amend its laws. Louisville enacted a local fair housing law that covers virtually all rental properties, including those exempted by federal law. It is considering banning discrimination by source of income, which protects low-income voucher holders. Louisville also amended its zoning code to incentivize developers to build multifamily and affordable housing in formerly sacrosanct single-family zones. For now, Louisville does not have a mandatory inclusionary zoning law, and like many cities, does not have enough affordable housing, but advocates continue to fight for inclusion.

Louisville has adopted an online interactive project, titled “Redlining Louisville,” which maps past HOLC redlining and current neighborhood data. It is a digital reckoning of sorts. Mayor Greg Fischer said the project was meant to acknowledge “unnecessary hurdles... placed in front of some residents [and] spark a community conversation that results in removing those hurdles” (Louisville/Jefferson County Information Consortium, 2017). A municipal agency makes the tool available to the public through its website. It conducted a year-long series of community dialogues to spread knowledge about how and why west end Black neighborhoods became separate and unequal (Mock, 2017).

In 2019, Louisville Metro published its first formal housing-needs assessment, examining the full range of types of housing needed to provide diverse residents with fair, affordable options and access to economic mobility within each neighborhood. The assessment identifies policies and development strategies to meet

(Continued on page 14)

# Integration Through Immersion: The Possibilities of Two-Way Dual Language Programs

Elizabeth M. Uzzell & Jennifer B. Ayscue

Although it has been more than 65 years since *Brown v. Board of Education* declared segregated schools to be inherently unequal, the goal of racial integration has not yet been fulfilled in the United States. Rather than implementing integration on equal terms, *Brown* eventually led to many Black schools closing and students of color attending White schools. Even before *Brown*, *Mendez v. Westminster* (1947) asserted the rights of students of Mexican descent to attend white schools—the implication being that students of color would be better served in white settings. While it is true that white schools typically had more resources available and offered a desegregated educational experience, the effect was weakened in cases where schools did not provide a culturally inclusive experience for students of color. The idea that white schools are better, and that children of color should be the ones who are “bused,” persist to this day because white supremacy, which justified school segregation, still influences the education system. Black and brown students continue to feel its effects, and not only because of race. Today, Latinx emergent bilinguals are among the most segregated students in the U.S., often experiencing separation based not only on race and poverty but also language (Gándara, 2010).

Desegregation reached a peak in 1988, and many schools have since resegregated (Frankenberg et al., 2019). True integration, which involves equal status inter-

actions, is beneficial for both students of color and white students, and has resulted in documented academic, interpersonal, and long-term positive effects (Allport, 1954; Linn & Welner, 2007; Mickelson & Nkomo, 2012). Students of color who attend integrated schools have improved academic performance, lower dropout rates, and higher graduation rates (Balfanz & Legters, 2004; Mickelson et al., 2013; Mickelson et al., 2020; Swanson, 2004). Students who attend integrated schools tend to have reduced prejudice and more friendships across racial lines, making them more capable of succeeding in a diverse society (Tropp & Saxena, 2018). They experience increased educational and occupational attainment, greater economic returns, health benefits, and less adult poverty (Johnson, 2011, 2019).

## ***A growing movement to support bilingualism rather than only English acquisition may have helpful implications for students of color and racial integration.***

However, without attention to true integration, the experiences of students of color in desegregated schools have been varied. Students of color, Black students in particular, are more subject to disparities in discipline, lower-level academic tracking, and overidentification for special education (Losen & Martinez, 2020; Mickelson, 2001; Oakes, 2005; Sullivan & Bal, 2013); while students of color who enter school speaking a different language than English have historically been encouraged to replace that language with English (Gándara & Orfield, 2010).

A growing movement to support bilingualism rather than only English acquisition may have helpful implications for students of color and racial integration. While dual language immersion programs allow emergent bilingual students to nurture their first language as they learn

English, two-way immersion (TWI) programs in particular offer one avenue for true racial integration. Unlike one-way immersion, TWI aims for a 50/50 balance of native and non-native speakers; therefore, a Spanish TWI program would have a balance of Spanish speakers and Spanish learners. These programs have proved successful for language acquisition by promoting bilingualism and biliteracy, and have additional academic and social benefits (Lindholm-Leary et al., 2007; Thomas & Collier, 2014; Valentino & Reardon, 2015). However, they have rarely been viewed as a means for voluntary integration. Given the academic, social, and long-term benefits of integration, and the negative impacts of worsening segregation for students of color, the possibility of TWI programs to facilitate desegregation and integration must be investigated.

For our study, we asked the question: How does TWI facilitate true racial integration? We chose a qualitative approach because true integration indicates that students are in a racially diverse environment and that their experiences in those classrooms are equitable. Specifically, students of color and white students collaborate as equals in mutually beneficial environments.

In order to discover if TWI provides this mutually beneficial environment, we collected data at one rural elementary school in the Southeast. The school district in which the school resides had experienced increased Latinx enrollment in years prior and decided to implement TWI in six of its schools to support Spanish-speaking students instead of solely relying on English as a second language (ESL) services. TWI in this school began in kindergarten and had students rotate on a daily basis between an English-speaking classroom and a Spanish-speaking classroom, rather than remain in one classroom where both languages are spo-

*(Continued on page 6)*

*Elizabeth M. Uzzell (emuzzell@ncsu.edu) is a Ph.D. candidate and graduate research assistant in Educational Evaluation and Policy Analysis at North Carolina State University.*

*Jennifer B. Ayscue (jayscue@ncsu.edu) is an assistant professor in the Department of Educational Leadership, Policy, and Human Development at North Carolina State University.*

*A version of this study was published in Education Policy Analysis Archives.*

### **Calling all federal employees!**

It is giving season again, and PRRAC's ID # in the Combined Federal Campaign is 11710. We appreciate your support!

*(INTEGRATION: Cont. from page 5)*

ken. We observed in eight classrooms, both Spanish and English, and interviewed 12 of the 14 TWI teachers, the principal, and the guidance counselor.

Based on our observations, these classrooms were not only racially desegregated but also had the hallmarks of true integration. We used open coding of interview transcripts to generate four themes describing the nature of integration in this TWI program, and triangulated our data with observations and documents from the school website and school board meeting minutes. We found that TWI at this school facilitates integration by promoting equal status, bilingualism, biculturalism, and an environment where all students could be successful.

Teachers reported that because all students were emergent bilingual, they interacted as equals, with one teacher saying, “They’re [Spanish speakers] going to learn how to speak in English from the English speakers, as well as the English speakers to learn from them. So they respect each other. They know that they are facing the same difficulties even if they are from different backgrounds.” Students were encouraged, both formally and informally, to work together through cooperative learning. We observed students collaborating to understand difficult mathematics concepts, practice vocabulary, and discuss their reading in English and Spanish. We also saw that in less structured environments like recess, students of different racial and linguistic backgrounds chose to play together. One participant, who also had a son in the program, explained that TWI helped students develop close, long-lasting relationships: “I don’t know that [my son] would have been best friends with a Hispanic child or learned anything about their culture if he hadn’t been involved in this program.”

The goals of bilingualism and biculturalism stand in contrast to assimilation through English acquisition and the hidden curriculum. Bilingualism, or even multilingualism, effectively rejects the preference for English monolingualism, as the principal observed, “It used to be that Hispanic parents would [say], ‘No, I want him to learn English and then delete that native language,’ and now they see the value in, ‘Let’s continue to learn Spanish, continue to improve the skills in your native language, and learn English as well.’”

Biculturalism offers an alternative to the ethnocentric view of the world often presented in U.S. schools and challenges

the perceived inferiority of non-US countries. As one Spanish TWI teacher shared, “The students that are not Hispanic can embrace our culture and can be exposed to our culture, our language. And we as teachers, we share that part of us with them.” By celebrating their own countries of origin, TWI teachers helped expand the worldviews of their rural students.

Importantly, TWI had the goal of providing this mutually beneficial environment for all students; bilingualism, biliteracy, and biculturalism were goals for all students, not a select few. Teachers also reported that they found the TWI curriculum more rigorous, particularly because of the difficulties associated with language immersion, which helped students learn the skill of perseverance. Furthermore, these

---

***[W]e recommend thoughtful implementation of TWI in communities experiencing segregation, with a focus on equity.***

---

skills would serve students well for life. As one teacher expressed, “One of the things that I am always telling them is that they have, they always have advantages. They have one step ahead of other students that’s around them because that will open a lot of doors for them.” Learning to work and communicate with students from different linguistic and racial backgrounds is a skill that students need to thrive in a diverse society.

Several participants expressed interest in expanding TWI. One participant explicitly stated, “It should be everywhere.”

Although the program had experienced some challenges with enrollment and implementation, the overall picture of integration through TWI at this school was a positive one. Not only are Spanish speakers pulled out of linguistic isolation and supported to become bilingual, but benefits also accrue for Spanish learners.

Students who participate in TWI have been found to outperform non-TWI peers on standardized tests (Lindholm-Leary et al., 2007), are more likely to have positive relationships across cultures (Block, 2011), and have increased earning potential due to their bilingualism (Rumbaut, 2014). Similarly, students who attend integrated schools have increased academic, social, interpersonal, economic, and long-term benefits (Johnson, 2011, 2019; Linn & Welner, 2007;

Mickelson & Nkomo, 2012). Though the focus has historically been on getting students of color into white schools, where there are more readily available resources, white students also fare better in desegregated schools and are later able to succeed in a diverse workplace (Siegel-Hawley, 2012). With the potential for better learning outcomes and long-term success for all students, TWI can be a helpful tool for integration.

As such, we recommend thoughtful implementation of TWI in communities experiencing segregation, with a focus on equity. The program should be tailored to the local context, offer a partner language that meets the needs of emergent bilinguals, and be accessible to low-income families. Enrollment should be monitored to ensure that the programs are facilitating desegregation. These programs can further promote equity by assessing student learning in both languages rather than solely measuring English proficiency and creating incentives for bilingual teachers (Gándara, 2020). Along with promotion in the local context, TWI can be used as a driver for integration at the state and federal levels. The federal government could amend Title III of the Every Student Succeeds Act to include TWI as a form of bilingual education and provide grants to support implementation. These initial steps may help accomplish the goals of integration and bilingualism.

Many TWI programs are found in elementary schools; therefore, future research should include a longitudinal study of students who have been in TWI from kindergarten through high school, compared to those who were only in elementary programs, to determine the long-term effects of participation and whether expansion of TWI into secondary schools would be beneficial. It would be important to prioritize collaboration with state and federal entities to create a database of TWI programs that includes racial enrollment information to analyze the extent to which they are actually desegregated. Finally, TWI programs have been found to be particularly beneficial for Black students (Thomas & Collier, 2014), yet Black students tend to be underrepresented in language immersion. If these programs are to facilitate racial integration, it is essential that Black students are included. Therefore, future research should explore TWI programs that enroll larger shares of Black students. ■

*(Continued on page 13)*

---

# A New Vision for Fair Housing in the Real Estate Industry - Part 2: An Actionable Fair Housing Strategy for Real Estate Agents & Agencies

Allison K. Bethel & Maria Krysan

Real estate agents who endorse the National Association of Realtors® “Fair Housing Declaration” promise to “Take a positive approach to fair housing practices and aspire to follow the spirit as well as the letter of the law.” Keeping in mind the complex web of causes of contemporary patterns of segregation, as outlined in Part 1 of this article, and the crucial role that real estate agents play in marketing housing and – often without realizing it—perpetuating segregation, we make the following suggestions about how the industry can reimagine its role in expanding Fair Housing.

## ***Revisit Fair Housing Education for Real Estate Agents***

Despite the complexity and nuance surrounding the legal context of the Fair Housing Act—where steering is prohibited, but proactively promoting integration is required—research suggests that the industry does not educate agents in this complexity.

For example, in a recent ethnographic account of licensing curriculum in New York—where the requirement is four hours of Fair Housing training—Max Besbris (2020) found that what passed for training on fair housing “lacked substance and nuance.” The primary emphasis of the curriculum was on making sure that agents-in-training knew the year when the Fair Housing Act was passed, who it covers, and how to define such terms as redlining and steering. As Bes-

---

*Allison K. Bethel (allisonb@uic.edu) is a Clinical Professor of Law and Director of the Fair Housing Legal Clinic at UIC School of Law. She is licensed to practice law in Florida and Illinois.*

*Maria Krysan (krysan@uic.edu) is a Professor in the Department of Sociology at the University of Illinois at Chicago and a Senior Scholar at the University of Illinois’ Institute of Government and Public Affairs.*

bris (2020, p. 103) described it, “Much of this instruction focuses on enforcement rather than conveying the desirability of a more equitable housing market. In the textbook provided by a Manhattan licensing school, the first page of the chapter on fair housing warns aspiring real estate agents about testers working for the state or federal government who pretend to be buyers asking questions that agents legally cannot answer.”

Findings from HUD’s 2010 housing audit, a recent ethnographic study by Elizabeth Korver Glenn (2021), and Newsday’s (2019) investigation into

---

## ***Agencies should ask themselves: Are we locating our offices so that we can market the entire city?***

---

housing discrimination on Long Island, are just three vivid reminders that the industry has agents who continue to operate in a way that explicitly supports segregation and violates the Fair Housing Act. The industry should identify ways to hold accountable those who violate the non-discrimination elements of the Fair Housing Act, and real estate agents who are guided by racist principles and racial stereotypes of both buyers and sellers should not be allowed to be involved in real estate transactions.

But what is insidious is that segregation will persist even without such people, which means that Fair Housing training also needs to be more nuanced.

Given the racist foundations of this industry and how the vestiges of that racism impacts—subtly and not so subtly—the day-to-day operations of the real estate market, much more needs to be done. Licensing curricula need to be updated to reflect the complex and continuing forces that perpetuate segregation. This includes such things as the social factors that impact who shows up in real estate offices looking for help;

how segregation itself shapes the neighborhoods clients tell their agents they want to live in; and the assumptions and stereotypes clients hold about neighborhoods that are often not based in fact. Agent education that unpacks the sources of neighborhood stereotypes, the persistent causes of inequality and disinvestment, and the easy use of stereotypes by clients and agents alike in making decisions about places to move—or to recommend one’s clients move—is needed.

To evaluate the effectiveness of such bolstered training, agencies could do self-testing. Like “secret shoppers,” fair housing testers are trained to pose as home seekers and inquire about housing opportunities, and the results of these tests can be used to support or refute a claim of discrimination. Industry professionals generally fear testing because it has been so effective in exposing their illegal activities in fostering discrimination. The FHA contains a provision allowing for industry self-testing, but it is rarely done, likely out of fear of the results. But the Act includes protections on the use of test results and some incentives to encourage use. If agencies are serious about examining their practices, self-testing could help in their efforts.

## ***Expand Real Estate Agent Education About Integrated Neighborhoods in Particular***

From the standpoint of what the real estate industry could do to follow the spirit of the law of fair housing, and to affirmatively further fair housing and support integrated communities, it is useful to remember that many of the same factors that shape individual homebuyers’ perceptions of communities and neighborhoods also impact real estate professionals’ perceptions. Their professional (and personal) social networks are likely segregated—both at the individual level, as well as at the level of their office, agency, and firm. The lived experienc-

*(Continued on page 8)*

(ACTIONABLE: Cont. from page 7)

es of agents—again, both personal and professional—are often racially distinct. The media that industry actors consume about communities and neighborhoods overlaps with what their clients consume.

Real estate agencies can identify creative ways to provide their agents with opportunities to learn more—and more deeply—about all the neighborhoods and communities in their market. There have been innovative efforts in this regard around one neighborhood feature in particular: school quality.

Substantial research has demonstrated that people's assumptions about school quality are shaped by assumptions about racial composition and test scores. And online search tools reinforce that limited perspective. But efforts like the Pasadena Schools program help enrich real estate agents' knowledge about school quality through lived experiences (agents volunteer in the schools and take tours). And in the Quad Cities, real estate agents plan to work together with school leaders to create materials that allow schools to provide "fair, accurate, comprehensive details about the schools—not just test scores." Efforts like these can help expand real estate agents' understanding of the market beyond what their social networks, lived experiences, and the existing media tell them about neighborhoods and communities. And these experiences, and any corresponding marketing strategies that flow from them, can proactively address and break down what are often negative media messages about diverse neighborhoods.

### ***Real Estate Office Locations, Staffing Practices, and Operations***

Above and beyond providing specific opportunities for agents to learn more about communities in their market, and agency marketing efforts flowing from those efforts, there are other institutional strategies the industry should consider.

For example, we know that the real estate industry is itself racially segregated—with Black agents more likely to serve Black clients and offices marketing white neighborhoods more likely to be staffed by white agents. And we know that many brokers focus on specif-

ic areas and consequently do not know other areas outside their own often segregated circles. And even if they do know of them, they may hold conscious or unconscious biases against them because of historical or media stereotypes.

Thus, the industry could turn an eye on its institutional practices, including the location of its offices and how it hires and mentors its agents to break down this segregation and build up their individual and collective knowledge base. Agencies should ask themselves: Are we locating our offices so that we can market the entire city? Do we have more offices and agents in predominately white neighborhoods than in diverse or predominately Black neighborhoods? Do we have mentoring programs set up to help disrupt

---

***[A]gents should be trained to help clients challenge the assumptions and biased information they bring with them about neighborhoods.***

---

these segregated practices? What are we doing to ensure that our staff is diverse and knowledgeable about all parts of a city?

As offices move to the cloud, agencies should also ensure that their websites are accessible and welcoming to clients of all races and ethnicities. Attention should be given to words and images with a view towards actively promoting fair housing principles. As an example, most agencies include the minimum equal opportunity sentence in promotional materials. But the print is usually small, and thus its message is easily overlooked. These messages could easily be enhanced in both form and content to promote equitable housing.

Addressing some of these things can help address others. For example, diversifying offices would create organic opportunities for staff education and cross-fertilization so that agents' knowledge of communities is more robust and breaks out of their siloes—siloes created and perpetuated by a system that is much bigger than any given individual.

An example of what not to do is seen in the recent fair housing complaint filed against Redfin, an online real estate company. According to the complaint,

Redfin redlines minority neighborhoods – the same kind of redline that was drawn pre-Fair Housing Act – and does not do business there. It also has a policy to not do business in areas where the homes fall below a minimum home value because it is not profitable for the company. Redfin has this practice, it states, because it cannot pay a living wage to agents serving poorer neighborhoods.

This rationale is a perfect example of the cycle of segregation at play today. Most of the neighborhoods that meet these criteria were created by decades of redlining, steering, and predatory lending practices, both before and after the passage of the Fair Housing Act. Redfin's approach is no way to address the systemic racism that deflated these property values to begin with; it simply punishes the victims of discrimination a second time. At a time when we need to uplift communities of color depressed by decades of oppression, this business model furthers the cycle of segregation.

### ***Allow Agents to Promote Integrated Communities – Break the Cone of Silence***

Today's real estate professionals generally refuse (and are taught as much, as we saw above) to discuss race or other factors contributing to neighborhood diversity, fearing they will be sued. Much like the failed "don't ask, don't tell" policy of the military, real estate agents often refuse to discuss race even if the client raises it. To be sure, this is tricky territory. But what we do know is that the cone of silence strategy is not working because it neither stops real estate agents from discriminating through steering nor does it promote fair housing.

On the one hand, to be clear, racial steering in service of segregation is still happening under the cone of silence. It is just on the down-low. For example, agents can circumvent the cone of silence by providing racial information through code (using the adjectives "urban" or "changing" to signal to white clients (usually) that a neighborhood has Black people living in it) and selective website referrals (which have their own data biases). Such methods are difficult to police because advocates must prove

*(Continued on page 11)*



(HOUSING SEARCH: Cont. from page 2)

networks funnels us into segregated neighborhoods. Our lived experiences flow directly from segregation, which means that in a segregated city, our lived experiences—and the communities they expose us to—are segregated. And, finally, media—social and otherwise—often paint biased pictures of communities, particularly communities of color. So these seemingly neutral features of housing searches are anything but neutral because they are constructed through daily activities, networks, and media exposures shaped by racial segregation.

## Understanding the Dual Legal Context of Fair Housing

From the 1930s – 1960s, the legal system baked racial segregation into our cities through explicit laws, policies, and practices (restrictive covenants, redlining, zoning, blockbusting, public housing siting, etc.). These laws and practices confined people by race geographically and mentally, creating many of the social networks and lived experiences impacting our housing searches today. They also fueled negative images of what it looked like to live in or near people of color and fostered stereotypes about things like crime and housing values that remain today.

The legal foundation for efforts around integration and fair housing was the landmark legislation passed in 1968 in the wake of Martin Luther King, Jr.'s assassination. The Fair Housing Act of 1968 made it illegal to refuse to rent or sell to people based on race, color, religion, and national origin. Sex, disability, and familial status were added later. Additionally, the law imposed an affirmative mandate on governmental agencies to promote fair housing. While advancements have been made since 1968, racial segregation is alive and well today; and while the legal system does not support segregation explicitly in the same way, it is still part of the problem.

### Creating the Boundaries - Steering

Steering - the practice of directing people to a particular area where their race predominates or away from an area where their race does not predominate - is an effective method of creating and maintaining segregated neighborhoods. It sets up

demographic patterns that impact social networks and lived experiences for generations. HUD's most recent national housing audit (2010) found that steering was one of the most common forms of race-based housing discrimination in the U.S.

Prior to the passage of the Fair Housing Act, steering was expressly authorized in ethical guidelines for real estate agents. The guidelines specifically prohibited sales or rentals to "members of any race or nationality, or any individual whose presence will be clearly detrimental to property values in a neighborhood." In 1972, the U.S. Supreme Court recognized in *Trafficante v. Metropolitan Life Insurance Co* that, in addition to creating separate and unequal neighborhoods, steering deprives people of the social benefits

---

***It is not sufficient to stop discriminating (though that needs to happen too) because explicit discrimination is not the only factor restricting choices and hurting our cities.***

---

of living in an integrated community.

Subsequent cases that recognized harms flowing from steering include stigmatizing a neighborhood or people even if the statements about the racial makeup are true. While real estate agents were primary culprits, other industry professionals steer too, such as property managers, owners, leasing agents, etc. For example, it is well documented that mortgage industry professionals contributed to the financial meltdown of the early 2000s as people of color and other protected classes were steered to predatory loans destined for failure. As these loans collapsed, neighborhoods and lives were also destroyed.

With the passage of the Fair Housing Act in 1968, steering became illegal. But that does not mean it stopped. The latest mutation of it is digital steering. Search engines and algorithms now steer people to places and things based on race or other protected characteristics discerned from computer usage. In 2019, Facebook settled a fair housing case alleging digital steering where users of color who were seeking housing were directed to minority neighborhoods.

The current housing search processes outlined above, which contribute to the

cycle of segregation, are themselves a consequence of real estate practices—both past and present. Thus, an industry seeking to “do Fair Housing like never before” must recognize that clients come to their offices with an understanding of the market that has been shaped by race, and that past legal and illegal efforts by the real estate industry (and others) created segregated cities. It will take more than simply not discriminating or refraining from racial harassment to overcome this cycle of segregation. Proactive steps are called for—and are in line with the mandate of the Fair Housing Act to affirmatively further fair housing, the legal context for which we turn to now.

### Affirmatively Furthering Fair Housing

Much of the way we have enforced Fair Housing in this country has focused on stopping bad practices like steering. We have not, until recently, focused much on how we can proactively promote fair housing. The courts recognize that the Fair Housing Act has two purposes – eliminating discrimination and promoting integration. But the law on promoting integration has been slow to develop.

Even though the provision requiring governmental agencies to “affirmatively further fair housing” (AFFH) was in the Fair Housing Act from the beginning, it did not receive much notice until 2007 when the case of *United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, 495 F. Supp. 2d 375, 376 (2007) was filed. This case applied the federal False Claims Act, rather than the Fair Housing Act, to Westchester's obligation to affirmatively further fair housing and claimed that Westchester falsely certified it was affirmatively furthering fair housing to receive millions in federal funds. In granting partial summary judgment for the plaintiffs, the court found the certification requirement was not perfunctory; rather, it was a substantive requirement rooted in the history and purpose of the Act.

### What Does All This Mean for a Real Estate Industry Seeking to Reimagine Fair Housing?

From a legal context, following *Westchester*, interest in affirmatively furthering fair housing was heightened. Local governments scrambled to reexamine  
(Continued on page 10)

(HOUSING SEARCH: Cont. from page 9)

their actions. HUD, the federal agency charged with enforcing the FHA, issued new rules on it. It looked like the dawn of a new day—until politics stalled implementation of the new standards.

From the standpoint of the real estate industry, the racial reckoning of the summer of 2020, following George Floyd's murder, seems to be signaling the dawn of yet another new day. Whereas historically, there has been little discussion of formally extending the concepts of affirmatively furthering fair housing to real estate agents or others in the private market, the recent efforts by NAR and other industry professionals signal an appetite to begin such a long-overdue conversation. History has shown that we need both the private market and government to be involved if we are to advance the cause of racial justice.

Given the power of the real estate industry to shape residential outcomes, an industry committed to reimaging Fair Housing should aspire to be more than a cog in the wheel of that system. It is not sufficient to stop discriminating (though that needs to happen too) because explicit discrimination is not the only factor restricting choices and hurting our cities. The industry must work to disrupt the cycle. And that means talking about race, not hiding from it.

From a legal standpoint, it may be that the industry needs to follow the guidance of the great civil rights leader John Lewis

and ask what kind of “good trouble” it can get into as it works to do fair housing “like it’s never been done before.” In Part 2 of this article, we offer several concrete ideas that could be undertaken by the industry to start to embrace the spirit of the law, and possibly push the letter of the law in a way that creates greater choices while also disrupting the cycle of segregation. ■

## Resources

*Maria Krysan and Kyle Crowder, Cycle of Segregation: Social Processes and Residential Segregation* (2017). New York: Russell Sage Foundation

Jacob W. Faber. 2020. “We Built This: Consequences of New Deal Era intervention in America’s racial geography.” *American Sociological Review*.85(5): 739-775

Margery Austin Turner et al. “Housing Discrimination Against Racial and Ethnic Minorities 2012: Executive Summary” (2013). Washington, DC: Urban Institute. [https://www.huduser.gov/portal/Publications/pdf/HUD-514\\_HDS2012\\_execsumm.pdf](https://www.huduser.gov/portal/Publications/pdf/HUD-514_HDS2012_execsumm.pdf)

*Equal Opportunity in Suburbia: Report of the United States Commission on Civil Rights* (July 1974) (arguing that to promote integration successfully, a duty to promote integration must also be imposed upon private entities).

## PRRAC’S SOCIAL SCIENCE ADVISORY BOARD

*Dolores Acevedo-Garcia*  
Brandeis University

*Camille Zubrinsky Charles*  
Dept. of Sociology, Univ. of Pennsylvania

*Regina Deil-Amen*  
Univ. of Arizona College of Education

*Stefanie DeLuca*  
Johns Hopkins University

*Ana V. Diaz Roux*  
Drexel University  
Dornsife School of Public Health

*Ingrid Gould Ellen*  
New York University  
Wagner School of Public Service

*Jacob Faber*  
New York University  
Wagner School of Public Service

*Lance Freeman*  
Columbia Univ. School of Architecture,  
Planning and Preservation

*Heidi Hartmann*  
Inst. for Women’s Policy Research

*Rucker C. Johnson*  
Univ. of California-Berkeley  
Goldman School of Public Policy

*William Kornblum*  
CUNY Center for Social Research

*Maria Krysan*  
Univ. of Illinois, Chicago

*Michael Lens*  
UCLA, Luskin School of Public Affairs

*Willow Lung-Amam*  
University of Maryland

*Jamila Michener*  
Cornell University

*Roslyn Arlin Mickelson*  
Univ. of No. Carolina-Charlotte

*Pedro Noguera*  
UCLA Graduate School of Education

*Paul Ong*  
UCLA Luskin School of Public Affairs

*Gary Orfield*  
UCLA Civil Rights Project

*Ann Owens*  
University of Southern California

*Vincent Reina*  
University of Pennsylvania

*John Robinson*  
Washington University in St. Louis

*Patrick Sharkey*  
Princeton University

*Gregory D. Squires*  
Dept. of Sociology, George Washington Univ.

*William Trent*  
Univ. of Illinois at Urbana-Champaign

*Margery Austin Turner*  
The Urban Institute

*Margaret Weir*  
Dept. of Political Science  
Univ. of California, Berkeley

*David Williams*  
Harvard School of Public Health

(ACTIONABLE: Cont. from page 8)

what the code words mean and how the home seeker understood them. A claim involving the statement “we don’t rent to Blacks” presents a more straightforward legal case of racial discrimination than one where the statement is “we don’t rent to voucher holders” (except in those areas with source-of-income protections).

On the other hand, the prohibition against speaking about a community’s racial composition or the value of living in a racially diverse community means that clients who are explicitly seeking out racially integrated communities are met with a wall of silence when they ask their agents for suggestions. Agents who might otherwise offer advice and suggestions to such clients in the spirit of the Fair Housing Act’s mandate to affirmatively further fair housing do not do so if they feel that they cannot discuss it. There is little to no guidance on what agents trying to affirmatively further fair housing can do when speaking about race. The only guidance seems to be, “just don’t talk about it at all,” which generally means opportunities like this to help disrupt the cycle of segregation are missed.

Is anyone allowed to talk about the integration mandate of the Fair Housing Act during a home search? HUD-approved housing counselors can advise home seekers on housing opportunities in ways that expand opportunities and choices and affirmatively further fair housing. While counselors do not focus on race, they are authorized to discuss fair housing, housing selection, and mobility – all factors that contribute to neighborhood diversity. The courts and HUD have determined this is not steering because it encourages home seekers to consider areas they might have otherwise excluded.

We think it is time to consider how real estate professionals might participate in housing counseling that promotes integration and respond meaningfully to clients seeking housing in diverse neighborhoods. The only cases involving conduct by real estate agents, sadly, deal with actions contrary to fair housing.

But several cases have explicitly approved race-based affirmative marketing and promotion of integration by HUD-approved nonprofit housing centers. See, e.g., *Steptoe v. Beverly Area*

*Planning Association*, 674 F. Supp. 1313 (N.D.ILL. 1987); and *South Suburban Housing Center v. Board of Realtors*, 713 F. Supp. 1068 (N.D.ILL 1989); 24 CFR 5.100. While there may be different views on whether or how far real estate agents can go in counseling or to otherwise promote fair housing under existing law, there is clearly room for the industry to do more. The NAR statement is a nice first step, but we challenge the industry to develop standards of practice that are as aggressive in making pro-fair housing law as it has been in making anti-discrimination law.

Perhaps HUD and industry officials can collaborate on a counseling model and other affirmative actions that industry professionals can take to promote integra-

---

***We need to talk about race so that we can build awareness to confront it in all its subtle - and not-so-subtle - manifestations. Being silent does not help us understand and combat both conscious and unconscious bias.***

---

tion. While there is certainly reason to be wary of real estate agents doing the right thing when it comes to race, we believe there are many who are seeking ways to support fair housing, and they could be trained and trusted to comply with the law.

Given the role real estate agents play in giving advice and navigating the market for their clients, they are in a unique position to do this—with the appropriate safeguards to protect against discrimination and undue influence. It must be done so that more, not fewer, housing options are provided. And so that it does not affect their client’s ability to select a prior option. And, of course, clients can always decline the additional information. Even if the home seeker ultimately makes a traditional (non-affirmative) move, their awareness has been expanded, and they may share the information with their networks.

Ultimately, the idea is that agents should be trained to help clients challenge the assumptions and biased information they bring with them about

neighborhoods. Such information is provided by the real estate industry not to steer them—which ultimately is about limiting their choices—but to expand their options and choices.

### ***Expand the Points of Contact for AFFH***

This idea that clients—like the agents who serve them—are subject to social factors that influence awareness of, and perceptions about, different neighborhoods and communities, suggests that efforts to gain knowledge, experiences, and networks that expand that knowledge would be useful more generally. And this kind of information sharing and/or counseling should and could be provided to people before the home search even begins, through town halls, community forums, and the like. Since most steering cases deal with activity at the point of sale, having conversations in advance would arguably not violate the law and could lead home seekers to begin searches with less bias.

Real estate agencies should affirmatively create advertisements, materials, and events that promote neighborhoods throughout their community and are specifically designed to positively highlight diverse communities and counter-act stereotypes (like local versions of ad campaigns developed by the National Fair Housing Alliance in the early 2000s).

A further effort could focus on ways to extend the AFFH mandate to the private market. Although an amendment to the law might be difficult and time-consuming, rulemaking, licensing requirements, voluntary agreements, or MOUs with HUD might be more viable alternatives. Also, since the AFFH mandate extends to all state activities relating to housing and urban development, if state real estate licensing boards are authorized/overseen under state law, states might be obligated to provide enhancements in training and other initiatives to ensure that real estate professionals affirmatively further fair housing. Whatever the method, the concept should be explored because history has shown that the public and private sectors must both be obligated to enforce fair housing, or it fails.

*(Continued on page 12)*

(ACTIONABLE: Cont. from page 11)  
**Revisit Targeted Advertising Regulations**

HUD has specifically approved targeted advertising of housing units to promote integration, but the regulations are dated and limited. For example, they do not include internet advertising which, as shown by the Redfin case mentioned here, the Facebook case (see Part 1 of this article), and others, is already being used to thwart integration efforts and perpetuate existing patterns of segregation. It is past time to thoughtfully reimagine and rethink approaches to targeted advertising. Strategic messaging helped change perspectives on same-sex marriage and may do the same for housing discrimination. While it presents its own set of civil rights issues, its potential for combating conscious and unconscious bias and facilitating lasting change is significant.

### **Incentivize Real Estate Agents to Implement and Practice Pro-Integration Strategies**

Finally, providing incentives for real estate agents to implement and practice pro-integration strategies bears examination. Incentives for inclusive zoning, affordable housing, and other measures to expand housing choice have been used to affirmatively further fair housing. A detailed discussion is beyond the scope of this piece, but it is noted that the concept could be explored as it relates to real estate agents and might include such things as incentives for participating in

training, advertising, and collaborations with other industries and institutions.

### **In Closing...**

Much of the emphasis behind our recommendations for industry action centers around the central premise that for too long fair housing efforts have translated into real estate agents being told to say nothing about race. But if the message is to say nothing, then, as we now know from George Floyd's murder, saying nothing says something. And the message is not good.

We should be talking about race now more than ever. We need to build awareness about how it has shaped the industry. We need real estate industry professionals who can recognize the structural forces that perpetuate segregation. We need to talk about race so that we can build awareness to confront it in all its subtle—and not-so-subtle—manifestations. Being silent does not help us understand and combat both conscious and unconscious bias.

We believe that an industry poised to reimagine fair housing could ask itself: What would happen if we educated real estate agents about the racial history of the industry, allowed agents to talk about fair housing, and respond meaningfully to home seekers requesting information on housing opportunities, to help them expand their understanding of their choices in the housing market? Perhaps it will start a little of that “good trouble” that John Lewis was talking about. ■

## **Resources**

Max Besbris, *Upsold: Real Estate Agents, Prices, and Neighborhood Inequality* (2020). Chicago: University of Chicago Press.

Ann Choi, Keith Herbert, Olivia Winslow, and Arthur Browne, Long Island Divided (2019). *Newsday*, November 17, 2019. <https://projects.newsday.com/long-island/real-estate-agents-investigation/>

Elizabeth Korver Glenn, *Race Brokers: Housing Markets and Segregation in 21st Century Urban America* (2021). Cambridge: Oxford University Press.

### **Examples of Efforts by the Real Estate Industry**

Dan Reed, “Realtors Reckon with Race,” (*Shelterforce*, 2021).

Fair Housing Declaration of the National Association of Realtors®, <https://www.nar.realtor/fair-housing/fair-housing-program/fair-housing-declaration>, accessed 8/28/21.

Realtors Supporting our Schools, the Pasadena Schools Program, is described here: <https://pasedfoundation.org/our-work/outreach/realtor-initiative/realtors/> and here: <https://www.prrac.org/selling-housing-and-schools/>

Quad Cities Realtors' efforts in the schools are described here: <https://realtorparty.realtor/news/quad-div2017-html>

## **New On PRRAC's Website**

*Public Housing Authorities and the New California AFFH Law: How to Spot Key Fair Housing Issues and Set Goals* (PRRAC & NHLP, July 2021)

*Working with PHAs to Adopt Policies that Affirmatively Further Fair Housing: An Advocacy Guide and Toolkit for Local Advocates* (PRRAC & NHLP, July 2021)

*Genuine Engagement with Housing Choice Voucher Families* (Mobility Works & PRRAC, July 2021)

*Racial Justice in Housing Finance* (PRRAC, May 2021)

*The National Housing Trust Fund and Fair Housing: A Set of Policy Recommendations* (PRRAC, April 2021)

*What Can HUD Do to Expand Public and Community Ownership of Rental Housing?* (PRRAC, April 2021)

Regulatory comments and federal policy advocacy letters on HUD's new AFFH rule, HUD's reinstatement of the discriminatory effects rule, civil rights in the housing infrastructure bill, Congressional funding for housing mobility services and voucher expansion, exclusionary zoning, school discipline and segregation, the Secretary of Education's discretionary grant priorities, and the White House/OMB racial equity initiative.

(INTEGRATION: Cont. from page 6)

## References

- Allport, G. W. (1954). *The nature of prejudice*. Addison Wesley.
- Balfanz, R., & Legters, N. E. (2004). Locating the dropout crisis: Which high schools produce the nation's dropouts? In G. Orfield (Ed.), *Dropouts in America: Confronting the graduation crisis* (pp. 57-84). Harvard Education Press.
- Block, N. (2011). The impact of two-way dual-immersion programs on initially English dominant Latino students' attitudes. *The Journal of the National Association for Bilingual Education*, 34(2), 125-141. <https://doi.org/10.1080/15235882.2011.598059>
- Braddock, J. H., & McPartland, J. M. (1989). Social-psychological processes that perpetuate racial segregation: The relationship between school and employment desegregation. *Journal of Black Studies*, 19, 267-289. <https://doi.org/10.1177/002193478901900301>
- Frankenberg, E., Ee, J., Ayscue, J. B., & Orfield, G. (2019 May). *Harming our common future: America's segregated schools 65 years after Brown*. The Civil Rights Project/ Proyecto Derechos Civiles.
- Gándara, P. (2010). Overcoming triple segregation. *Educational Leadership*, 68(3), 60-64.
- Gándara, P. (2020). Equity considerations in addressing English learner segregation. *Leadership and Policy in Schools*, 19(1), 141-143. <https://doi.org/10.1080/15700763.2019.1711134>
- Gándara, P. & Orfield, G. (2010). A return to the "Mexican Room": *The segregation of Arizona's English learners*. The Civil Rights Project/Proyecto Derechos Civiles.
- Johnson, R. C. (2011). Long-run impacts of school desegregation and school quality on adult attainments. *NBER Working Paper Series*. National Bureau of Economic Research. <https://doi.org/10.3386/w16664>
- Johnson, R. C. (2019). *Children of the dream: Why school integration works*. Basic Books.
- Lindholm-Leary, K. J., Hardman, L., & Meyer, P. (2007). Sharing success. *Language Magazine*, 6(5), 20-23.
- Linn, R., & Welner, K. (2007). *Race-conscious policies for assigning students to schools: Social science research and the Supreme Court cases*. National Academy of Education.
- Losen, D. J., & Martinez, P. (2020). *Lost opportunities: How disparate school discipline continues to drive differences in the opportunity to learn*. The Center for Civil Rights Remedies at the Civil Rights Project/Proyecto Derechos Civiles and Learning Policy Institute.
- Mickelson, R. A., Bottia, M. C., & Larimore, S. (2020). A metaregression analysis of the effects of school racial and ethnic composition on k-12 reading, language arts, and English outcomes. *Sociology of Race and Ethnicity*.
- Mickelson, R. A. (2001). Subverting Swann: First- and second-generation segregation in the Charlotte-Mecklenburg Schools. *American Educational Research Journal*, 38(2), 215-252. <https://doi.org/10.3102/00028312038002215>
- Mickelson, R. A., Bottia, M. C., & Larimore, S. (2020). A metaregression analysis of the effects of school racial and ethnic composition on k-12 reading, language arts, and English outcomes. *Sociology of Race and Ethnicity*.
- Mickelson, R. A., & Nkomo, M. (2012). Integrated schooling, life course outcomes, and social cohesion in multiethnic democratic societies. *Review of Research in Education*, 36, 197-238. <https://doi.org/10.3102/0091732X11422667>
- Rumbaut, R.G. (2014). English plus: Exploring the socioeconomic benefits of bilingualism in southern California. In Callahan, R.M. & Gándara, P.C., eds., *The bilingual advantage: Language, literacy, and the labor market* (pp. 182-208). Multilingual Matters. <https://doi.org/10.21832/9781783092437-009>
- Oakes, J. (2005). *Keeping track: How schools structure inequality* (Second ed.). Yale University Press.
- Siegel-Hawley, G. (2012). How non-minority students also benefit from racially diverse schools. The National Coalition on School Diversity. Retrieved from <https://school-diversity.org/pdf/DiversityResearchBriefNo8.pdf>
- Sullivan, A. L., & Bal, A. (2013). Disproportionality in special education: Effects of individual and school variables on disability risk. *Exceptional Children*, 79(4), 475-494. <https://doi.org/10.1177/001440291307900406>
- Swanson, C. B. (2004). Sketching a portrait of public high school graduation: Who graduates? Who doesn't? In G. Orfield (Ed.), *Dropouts in America: Confronting the graduation rate crisis* (pp. 13-40). Harvard Education Press.
- Thomas, W. P., & Collier, V. P. (2014). English learners in North Carolina Dual Language Programs: Year 3 of this study: School Year 2009-2010. North Carolina Department of Public Instruction.
- Tropp, L.R. & Saxena (2018). Re-weaving the social fabric through integrated schools: How intergroup contact prepares youth to thrive in a multiracial society. The National Coalition on School Diversity. [http://school-diversity.org/wp-content/uploads/2018/05/NCSD\\_Brief13.pdf](http://school-diversity.org/wp-content/uploads/2018/05/NCSD_Brief13.pdf)
- Valentino, R. A., & Reardon, S. F. (2015). Effectiveness of four instructional programs designed to serve English learners: Variation by ethnicity and initial English proficiency. *Educational Evaluation and Policy Analysis*, 37(4), 612-637. <https://doi.org/10.3102/0162373715573310>

## Thank you for supporting PRRAC!

Joe Darden  
William and Pauline Gardiner  
Alan Glickman  
Hilton Obenzinger & Estella Habal  
Fred L. Pincus & Natalie Sokoloff  
Alexandra Woods  
Candance Stowell  
Dennis Parker  
Xeneida Brown  
Brendan Goodwin  
Robert Principe

David Berrigan  
Josephine McNeil  
Michael Santos  
Kai Richardson  
Ray Bromley  
Alanna Pawlowski  
Jeffery Kaplan  
Erica Zimny  
Mary McLaughlin  
Jefferson Brown  
John Donegan

(OPPORTUNITY: Cont. from page 4)

assessed needs, and Louisville Metro has committed to revisiting this assessment every five years (Louisville, KY Office of Housing and Community Development, 2019). Louisville is far from perfect. Demands for justice for Breonna Taylor, killed by Louisville police on March 13, 2020, and for transformation and accountability of policing in the city continue. In late May 2020, white women moved forward when a Black Lives Matter leader asked them to use their bodies to stand between the police and Black protestors. They formed a line, locked arms, and the photo of these white allies went viral (Eadens, 2020). It was a moment that suggested possibilities for mutual liberation from the dogmas and structures of supremacy.

Louisville Metro's economy soared as segregation levels fell (Semuels, 2015). Whether separatists like it or not, they are tied to others. Economies ignore boundaries. Metropolitan regions that are less segregated do better economically as a whole than those still fragmented by fear (Acs et al, 2017).

Other communities got started much earlier than Louisville in attacking the segregationist order: Shaker Heights, Ohio. Oak Park, Illinois. The Shepherd Park neighborhood of Washington, DC. They are among the local unicorns that intentionally pursued residential integration in the 1960s. Perhaps visionary residents recognized that the damage from segregation would be mutual. Or they affirmed their "I-am-not-a-racist" identity by acting to prevent systemic racism in housing markets.

Places with a sizeable middle class that integrate rather than exclude poor families have higher rates of upward mobility for poor children: DuPage, Illinois. Bergen, New Jersey. Bucks, Pennsylvania. Fairfax, Virginia. King, Washington State. Montgomery, Maryland. These are among the top counties in the country for social mobility. Every year a child lived in these places would raise her earnings as an adult. At the opposite end of the spectrum, places with stark residential segregation, including Baltimore and Milwaukee, penalize children who live there, detracting from their life chances and adult earnings. Counties with higher rates of social mobility tended to be less segregated, with lower-income inequality, better schools, less violent crime, and more two-parent households (Chetty et al, 2018). In the 2018 book *Moving Toward Integration*, three housing scholars documented that

for the 10 percent of Blacks who live in urban metro areas with only moderate segregation, their outcomes on indicators like employment, education, and life span are much closer to that of whites than in highly segregated places that correlate with stark racial inequality (Sander et al, 2018).

Some localities become "equality innovators," as legal scholar Robin Lenhardt calls them (Lenhardt, 2011; Johnson, 2016). They raise minimum wages to enable human beings to live as such. They ban boxes that limit job prospects for returning citizens. They mandate inclusionary housing. They enact and enforce human rights and antidiscrimination protections along multiple dimensions. Transforming systems from exclusionary to inclusive, from racist to anti-racist, requires coalition and hard, never-ending work. And seeing and naming the systems that harm descendants is the first step to racial reckoning. ■

## References

Erica Frankenberg, Jongyeon Ee, Jennifer B. Ayscue, and Gary Orfield, "Harming Our Common Future: America's Segregated Schools 65 Years After Brown," (Civil Rights Project, 2019).

"Dismissed: America's Most Divisive Borders," EdBuild, 2020.

Nancy McArdle and Dolores Acevedo-Garcia, "Consequences of Segregation for Children's Opportunity and Wellbeing," (*A Shared Future: Fostering Communities of Inclusion in an Era of Inequality*, Harvard Joint Center for Housing Studies, 2017).

Raegen Miller and Diana Epstein, *There Still Be Dragons: Racial Disparity in School Funding Is No Myth* (Center for American Progress, July 2011).

"Projections of Education Statistics to 2026 Forty-Fifth Edition," (U.S. Department of Education, April 2018)

John A. Powell, "The Tensions Between Integration and School Reform," (*Hastings Constitutional Law Quarterly*, 2001).

*Brown v. Board of Education of Topeka*, 347 U.S. 483, 493 (1954).

Appellate Brief for Appellants, *Brown v. Board of Education of Topeka*, 11 (1952)

Josephine Sedgwick, "25-Year-Old Textbooks and Holes in the Ceiling: Inside America's Public Schools," (*New York Times*, 2018).

Noliwe Rooks, *Cutting School: Privatization, Segregation, and the End of Public Education* (New York: New Press, 2017).

"Redlining Louisville: Racial Capitalism and Real Estate," Gil Corsey, "Once a Booming Strip of Black Business, Wall Street Faded from Louisville's Memory for Failed Urban Renewal," (2020).

Century Foundation, *Louisville, Kentucky: A Reflection on School Integration*, (2016).

Elizabeth Gillespie McRae, *Mothers of Massive Resistance: White Women and the Politics of White Supremacy* (New York: Oxford University Press, 2018).

*Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007).

Samuels, "The City That Believed in Desegregation"; Genevieve Siegel-Hawley, "City Lines, County Lines, Color Lines: The Relationship Between School and Housing Segregation in Four Southern Metro Areas," (*Teachers College Record* 115, 2013).

Siegel-Hawley, "City Lines, County Lines, Color Lines," 1, 24; see also Karl E. Taeuber, "Housing, Schools, and Incremental Segregative Effects," (*Annals of American Academy of Political and Social Science* 441, no. 157, 1979).

Alana Semuels, "The City That Believed in Desegregation," (*Atlantic*, 2015).

"Redlining Louisville: The History of Race, Class, and Real Estate," (*Louisville/Jefferson County Information Consortium*, 2017).

"Redlining Louisville: Racial Capitalism and Real Estate"; Brentin Mock, "Louisville Confronts Its Redlining Past and Present," (*Bloomberg CityLab*, 2017)

"Housing Needs Assessment," Louisville, KY Office of Housing and Community Development (2019).

Savannah Eadens, "Viral Photo Shows Line of White People Between Police, Black Protesters at Thursday Rally," (*Louisville Courier-Journal*, 2020).

Gregory Acs, Rolf Pendall, Mark Treskon, and Amy Khare, *The Cost of Segregation: National Trends and the Case of Chicago, 1990-2010* (Urban Institute, 2017).

Raj Chetty et al., "The Opportunity Atlas: Mapping the Childhood Roots of Social Mobility," (National Bureau of Economic Research Working Paper Series, 2018).

Richard H. Sander et al., *Moving Toward Integration* (2018)

R. A. Lenhardt, "Localities as Equality Innovators," (*Stanford Journal of Civil Rights & Civil Liberties*, 2011); see also Olatunde C.A. Johnson, "The Local Turn: Innovation and Diffusion in Civil Rights Law," (*Law & Contemporary Problems* 2016).

# Resources

## Education

Lukes, Dylan, and Christopher Cleveland. "The Lingering Legacy of Redlining on School Funding, Diversity, and Performances," The Annenberg Institute at Brown University, EdWorking Paper (2021): No. 21-363.

Owens, Anne, and Thalia Tom. "Intersecting Inequalities: Racial/Ethnic and Socioeconomic Differences in Math Achievement and School Context in California," The Annenberg Institute at Brown University, EdWorking Paper (2021): No. 21-372.

Schneider, Jack, Peter Piazza, Rachel S. White, and Ashley Carey. "Student Experience Outcomes in Racially Integrated Schools: Looking Beyond Test Scores in Six Districts," *Education and Urban Society*, 1-31 (2021).

Francies, Cassidy, and Bryan Kelley. "State Policy Options to Promote K-12 Integration," *Education Commission of the States Policy Guide*, July 2021.

George, Janal A. "The End of 'Performative School Desegregation': Reimagining the Federal Role in Dismantling Segregated Education," *Rutgers Race & the Law Review*, Vol. 189, 2021.

## Housing

Frey, Nicholas. "Neighborhood segregation persists for Black, Latino or Hispanic, and Asian Americans," The Brookings Institution, April 2021.

Finio, Nicholas, Willow Lung-Amam, Gerrit-Jan Knaap, Casey Dawkins, and Elijah Knaap. "Metropolitan planning in a vacuum: Lessons on regional equity planning from Baltimore's Sustainable Communities Initiative," *Journal of Urban Affairs*, Volume 43 (2021): 467-485.

Fischer, Will, Sonya Acosta, and Anna Bailey. "An Agenda for the Future of Public Housing," The Center on Budget and Policy Priorities, March 2021.

Reynolds, Kathryn, Lyndia Lo, Abby Boshart, and Martha Galvez. "Federal Reforms to Strengthen Housing Stability, Affordability, and Choice," The Urban Institute, March 2021.

### **Preserving Vulnerable Businesses in Gentrifying Neighborhoods**

The University of Maryland's Center for Smart Growth has launched the "Small Business Anti-Displacement Network" (SBAN), a network of small business leaders from across the country who are combating the conditions that make small businesses in gentrifying neighborhoods vulnerable to displacement. SBAN's goal is to identify, evaluate, and share innovative and promising practices and policies as well as facilitate community- and capacity-building among small business leaders to encourage the adoption of impactful strategies. The project director is Professor Willow Lung-Amam (a member of PRRAC's Social Science Advisory Board). For more information and to subscribe to their newsletter, go to [antidisplacement.org](http://antidisplacement.org).

Wang, Ruonlu, and Sowmya Batachandran. "Inclusionary Housing in the United States – Prevalence, Practices, and Production in Local Jurisdictions as of 2019," Grounded Solutions Network, 2021.

"Tenant Screening and Selection – How it Works in the Twin Cities Area and Opportunities for Improvement," Family Housing Fund and Housing Justice Center, March 2021

Jones, Antwan, Gregory D. Squires, and Sarah Crump. "The relationship between inclusionary zoning policies and population health," *Housing and Society Journal*, 18 May 2021.

Commission on Human Rights and Opportunities. "Connecticut Zoning and Discrimination," 2021.

Open Communities Alliance. "Zoning for Equity: Identifying Planning and Zoning Barriers to Affordable Housing," June 2021.

Friedman, Samantha, Colleen E. Wynn, and Hui-shien Tsao. "Racial and Ethnic Residential Segregation by Family Structure and the Presence of Children in Metropolitan America," Springer Science and Business Media, LLC, 2021.

Finnigan, Kara S., Elizabeth DeBray, Andrew J. Greenlee, Megan Haberle, and Heidi Kurniawan. "Using Fair Housing Planning as a Tool to Address Schooling Inequalities," *Education Law & Policy Review*, Vol. 6, Sept. 2021.

"What Works to Promote Inclusive, Equitable Mixed-Income Communities," National Initiative on Mixed-Income Communities, Jack, Joseph and Morton School of Applied Social Sciences, and Case Western Reserve University, 2021

## Environmental Justice

U.S. Environmental Protection Agency. "Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts," 2021.

Benjamins, Maureen R. and Fernando G. De Maio. "Unequal Cities: Structural Racism and the Death Gap in America's Largest Cities," *Johns Hopkins University Press*, 7 Sept. 2021.

Poverty & Race (ISSN 1075-3591) is published three times a year by the Poverty & Race Research Action Council, 740 15th Street NW, Suite 300, Washington, DC 20005, E-mail: [info@prrac.org](mailto:info@prrac.org). Katherine DeFord, editorial assistant; Michael Mouton, layout editor. Subscriptions are \$25 year, \$45/two years. Foreign postage extra. Articles, article suggestions, letters and general comments are welcome, as are notices of publications for our Resources Section—email to [kdeford@prrac.org](mailto:kdeford@prrac.org). Articles generally may be reprinted, if PRRAC gives advance permission.

© Copyright 2021 by the Poverty & Race Research Action Council. All rights reserved.

# Poverty & Race Research Action Council

740 15th St NW • Suite 300

Washington, D.C. 20005

Email: [info@prrac.org](mailto:info@prrac.org)

Website: [www.prrac.org](http://www.prrac.org)

Address Service Requested

5-9/2021

Nonprofit  
U.S. Postage  
PAID  
Jefferson City, MO  
Permit No. 210

## POVERTY & RACE RESEARCH ACTION COUNCIL Board of Directors/Staff

### CHAIR

Olatunde C.A. Johnson  
Columbia Law School  
New York, NY

### VICE-CHAIR

José Padilla  
California Rural Legal Assistance  
San Francisco, CA

### SECRETARY

John a. Powell  
Othering and Belonging Institute  
University of California Berkeley  
Berkeley, CA

### TREASURER

Brian Smedley  
American Psychological  
Association  
Washington, DC

John Charles Boger  
University of North Carolina  
School of Law  
Chapel Hill, NC

John Brittain  
University of the District of  
Columbia School of Law  
Washington, DC

Sheryll Cashin  
Georgetown University Law Center  
Washington, DC

Craig Flournoy  
University of Cincinnati  
Cincinnati, OH

Rachel Godsil  
Rutgers Law School  
Newark, NJ

### Damon Hewitt

Lawyers' Committee for Civil Rights  
Under Law Washington, DC

### David Hinojosa

Lawyers' Committee for Civil Rights  
Under Law  
Washington, DC

### Elizabeth Julian

Inclusive Communities Project  
Dallas, TX

### Chinh Le

Legal Aid of the District of Columbia  
Washington, DC

### S.M. Miller

The Commonwealth Institute  
Cambridge, MA

### Dennis Parker

National Center for Law and Economic  
Justice  
New York, NY

### Gabriela Sandoval

The Utility Reform Network  
San Francisco, CA

### Theodore M. Shaw

University of North Carolina  
School of Law  
Chapel Hill, NC

### Justin Steil

MIT, Dept. of City &  
Regional Planning  
Cambridge, MA

### Philip Tegeler

President/Executive Director

### Gina Chirichigno

Director, National  
Coalition on School Diversity

### Michael Mouton

Communications &  
Partnerships Manager

### Brian Knudsen

Senior Research Associate

### Peter Kye

Policy Counsel

### Katherine DeFord

Operations & Development  
Assistant

### Darryn Mumphery

Law & Policy Fellow

### Oluwatoyin Edogun

Law & Policy Intern

### Natali Collazos

Law & Policy Intern (summer)

### Angelica Qin

Policy Intern (summer)

[Most recent organizational affiliations listed for identification purposes only]