PRRAC
Poverty & Race
POVERTY & RACE RESEARCH ACTION COUNCIL
May – August 2024 Volume 33: Number 2

Title VI Turns 60: Is it Too Late to Awaken the Sleeping Giant?

Johnathan Smith

This year marks the 60th anniversary of the Civil Rights Act of 1964. It is not an understatement to say that this landmark civil rights legislation, enacted in the heart of the Civil Rights Movement, has transformed American society. Title II of the Civil Rights Act, which prohibited discrimination in places of "public accommodation," was prominently utilized during the 1960s to combat lunch counters, restaurants, hotels, and other commercial establishments that refused to serve Black Americans. Title IV empowered the federal Departments of Education and Justice to hold accountability school districts who failed to comply with *Brown v. Board of Education*. Title VII, perhaps the most well-known provision of the law, prohibited discrimination in employment discrimination, led to the creation of the Equal Employment Opportunity Commission, and has been used by millions of Americans. Yet there is one provision of the Civil Rights Act that, by almost all accounts, has failed to live up to its potential: Title VI.

Title VI of the Civil Rights Act has a lofty objective. It provides that recipients of federal financial assistance (i.e., mostly federal funding) cannot discriminate on the basis of race, color, or national origin. Considering that each year the federal government provides billions of dollars to practically every major aspect of American life—schools, transportation, law enforcement, prisons, health care, agriculture—the reach of Title VI is massive.

Title VI of the Civil Rights Act has a lofty objective. It provides that recipients of federal financial assistance (i.e., mostly federal funding) cannot discriminate on the basis of race, color, or national origin. Considering that each year the federal government provides billions of dollars to practically every major aspect of American life—schools, transportation, law enforcement, prisons, health care, agriculture—the reach of Title VI is massive. As President John F. Kennedy explained when signing the legislation:

> Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.

And Title VI's reach is not limited to only intentional discrimination (i.e., disparate treatment). Shortly after the enactment of the Civil Rights Act, the Department of Justice recognized that Title VI also prohibits actions that are facially nondiscrimination but nonetheless result in discrimination (i.e., disparate impact).

The unutilized potential of Title VI has not gone unnoticed. Some prominent civil rights leaders have referred to Title VI as the "sleeping giant" of the Civil Rights Act. For decades, many civil rights advocates, especially in the environmental justice moment, have demanded that the federal government use Title VI more aggressively to address the discrimination and pollution impacting frontline communities and other communities that are most directly impacted by environmental harms. In the aftermath of the killing of Michael Brown by law enforcement officials in Ferguson, Missouri and then the killings of George Floyd and Breonna Taylor by the Minneapolis and Louisville Police Departments respectively, racial justice advocates argued that Title VI should be utilized to hold law enforcement agencies accountability for the unjustified killing of Black and Brown individuals and that the federal government, including the Department of Justice, withhold funding from agencies involved in such conduct.

(Continued on page 2)

(Title VI Turns 60: Is it Too Late to Awaken the Sleeping Giant?, Continued from page 1)

In response to these calls, there have been recent efforts to bolster Title VI enforcement efforts. President Biden, at the start of his administration, signed a number of executive orders designed to address systemic discrimination and increase equal opportunity. In implementing those executive orders, a number of federal agencies took steps to enhance their Title VI programs. Relatedly, in September 2021, the U.S. Department of Justice's Associate Attorney General, Vanita Gupta, ordered a review of the Justice Department's implementation and administrative enforcement of Title VI and other analogous statutes that prohibit discrimination in federal financial assistance. In a June 2022 blogpost where she outlined the steps the Department will take to bolster its Title VI protocol following the review, she quoted President John J. Kennedy in writing: "Simply justice requires that public funds, to which taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, or results in racial discrimination."

Yet despite these actions, Title VI has retained its more limited profile. And there are reasons why Title VI has not gained the prominence other provisions of the Civil Rights Act have enjoyed. First, unlike other sections of the legislation, Title VI places a heavy premium on "voluntary compliance." While Titles II, IV, and VII allow a relatively straightforward path for individuals who believe they are harmed to file suit in federal court, Title VI erects a number of roadblocks for federal agencies who provide the federal funding before they are authorized to file suit. For example, those agencies are required, at each step of the process, to engage with their federal funding recipients to explore whether they are willing to pursue voluntary compliance. Additionally, federal agencies may feel constrained in suspending or terminating funding to an entity in response to a finding of discrimination. (For example, suspending federal funding to a hospital that has engaged in discrimination but is otherwise providing life-saving medical care may have unintended consequences.)

Second, in 2001, the Supreme Court issued its opinion in *Alexander v. Sandoval*, where it held that Title VI's private right of action only extend to claims of disparate treatment, not disparate impact. As such, only the federal agency that provided the federal funding has the statutory authority to bring an action against a recipient asserting disparate impact discrimination. Given that most forms of contemporary systemic discrimination involve elements of disparate impact, the ability to pursue such claims under Title VI rests solely within the discretion of federal agencies. And since the priorities of those agencies often change dramatically across administrations, it can be challenging to rely solely on executive agency enforcement to address these concerns.

Additionally, disparate impact provisions in federal civil rights laws, including Title VI, have faced increased scrutiny in recent year from litigants who assert that disparate impact liability is not authorized by statute and is inconsistent with the Constitution's Equal Protection Clause. Those arguments have found increased receptivity from conservative judges who are skeptical of expansive readings of federal civil rights protections. Most notably, in 2023, the Louisiana Attorney General filed suit against the Environmental Protection Agency (EPA), after EPA opened a disparate impact investigation into state agencies to determine whether those agencies had used federal funds to discriminate by failing to adequately protect communities of color adjacent to pollutant-emitting facilities. In January 2024, the federal district court judge accepted Louisiana's arguments and enjoined both the EPA and DOJ from imposing "any disparate-impact-based requirements against the State or any State agency" in civil rights cases under Title VI of the Civil

(Continued on page 4)

In This Issue:

Negating Objections to Housing Decommodification through Strategic Tenant Movement Support for Comprehensive Economic and Social Rights

Thomas Silverstein

A growing chorus of community organizing, civil rights, and affordable housing groups is coalescing around the demand for transformative investments in social housing as a key to solving our housing crisis, ending homelessness, facilitating a just carbon transition, and remedying racial injustice. Social housing is decommodified housing and can take the form of public housing, other state or municipally owned housing, community land trusts, limited equity cooperatives, and housing owned and operated by mission-driven nonprofits. If built and operated in accordance with housing justice principles, social housing really does have the potential to deliver on these lofty but essential goals. At the same time, we are far from winning transformative investments in social housing, and, in order to get to the place where victory is near at hand, we, as a housing justice movement, need to understand not only why Congress did not pass the significant affordable (but not necessarily social) housing investments of Build Back Better but also how opponents prevented the public housing program from becoming our country's transformative investment in social housing. In national, state, and local fights in the middle third of the twentieth century, real industry groups worked hand-in-glove with homeowners to oppose public housing, often resorting to both red-baiting and race-baiting in furtherance of their goals. To not repeat that saga, we must carry on the fight for social housing in the context of a broader movement for a holistic set of economic rights that drives a wedge between industry groups and a sizeable proportion of homeowners.

We must carry on the fight for social housing in the context of a broader movement for a holistic set of economic rights that drives a wedge between industry groups and a sizeable proportion of homeowners.

In light of the federal government's retreat from expanding affordable housing supply through the public housing program, the United States' two primary vehicles for meeting growing affordable housing need are the Low-Income Housing Tax Credit (LIHTC) program and the Housing Choice Voucher (HCV) program. A curious fact about these two programs is that, while they have their opponents on the right (largely motivated by austerity logic), the posture of the real estate industry towards them is relatively sanguine. When considering how the programs function, it is not hard to see why: both programs adopt the neoliberal logic of leveraging the private sector to meet social welfare needs; provide massive subsidy to for-profit (and some non-profit) developers, landlords, and property managers; and leave the basic structure of the housing market in place. When there are proposals to tackle the affordable housing crisis by expanding these programs as Build Back Better would have done, the opposition does not come from the kinds of industry groups that played a significant role in throttling the public housing program in the middle of the twentieth century.

Why not, then, pursue an approach to solving the housing crisis that would garner industry support, driving a wedge between homeowners and industry but positioning tenants on the side of industry? Unpacking the reasons why could be the subject of its own article, but, briefly, it is important to make three observations. First, although the LIHTC and HCV programs can be tweaked around the edges to better conform with social housing principles such as those articulated by the Alliance for Housing Justice, in operation, they typically do not, and attempts to better ensure that they do (such as by requiring permanent affordability or nonprofit ownership) would undercut the very industry support posited as a potential benefit in the fight for Build Back Better. Second, both programs have significant scalability issues with tax credits deriving some of their value from their scarcity (thereby meaning that more available tax credits could mean lower tax credit equity prices) and vouchers boosting the market power of landlords to increase rents and thereby the per-household cost of assistance. Third, both programs, to differing degrees (with LIHTC by far the worse offender than the HCV program), are inefficient insofar as they build intermediaries, who are all motivated to achieve their desired profit margin, into the process of providing affordable housing.

If we want to solve the problems that we need to solve and to do so in ways that are consistent with housing justice principles, scalable and efficient social housing is the ticket, but it is the ticket to a train that industry is not going to want to board. Industry will not support the demand for

(Continued on page 6)

(Title VI Turns 60: Is it Too Late to Awaken the Sleeping Giant?, Continued from page 2)

Rights Act. In April 2024, 23 Republican Attorneys General sent a letter to the EPA asking the agency to start a rule-making process to amend its Title VI regulations to remove the disparate impact provisions. The letter mirrors that arguments adopted by the district court in the *Louisiana v. EPA* litigation.

This all begs the question: is it simply too late to try to revive Title VI? Given the headwinds blocking meaningful use of the statute, it might be tempting to abandon efforts. However, notwithstanding these challenges, there is a way to continue to robustly and effectively use Title VI to ensure recipients do not engage in unlawful discrimination. As set forth in greater detail below, by switching from a back-end enforcement model to a front-end compliance model, Title VI can still be used to ensure that federal financial assistance is not used to propagate unlawful discrimination.

Historically, federal agencies have relied on an administrative enforcement model to enforce Title VI. Under this approach, agencies open investigations after they receive a discrimination complaint or obtain other evidence that suggests a recipient may have engaged in unlawful conduct. If the agency establishes that discrimination has occurred (or if, more likely, the recipient decides to engage in voluntary compliance discussions), the agency and recipient work together to remedy any alleged discrimination and hopefully take steps to ensure it does not happen again. In this framework, the agency is only mobilized to act after the alleged bad actions have occurred. On the other hand, under a compliance model, agencies would start working recipients before any allegations of discrimination have been made (and possibly even before the recipient has received the federal funding). Rather than waiting for bad actions to occur, agencies would proactively engage with recipients to "issue spot" places of potential concern and develop effective solutions. Hopefully, there would never need to be an investigation, because the discrimination never takes place.

A front-end compliance model has a number of advantages of relying solely on back-end enforcement. First, a front-end approach provides federal funding recipients (and applicants seeking those funds) with the opportunity to take proactive steps to prevent discrimination from occurring in the first place. If federal agencies provided information and guidance about compliance, and also closely monitored their recipients, they could create an "early warning system." Such a system would allow recipients to promptly take corrective action if there are indications of discrimination; federal agencies could also adjust their funding patterns accordingly. An "early warning system" is also likely to be more productively received by recipients than a back-end "gotcha" investigation notice.

Second, a front-end approach is much more likely than a back-end approach to lead to quicker reforms and changes by recipients. Administration enforcement and litigation are time-intensive processes. Most of the federal agencies' Title VI regulations do not have time restrictions, and it is not uncommon for agencies to take years to investigate a complaint. Even if an agency makes a finding of discrimination, a recipient can litigate that determination in federal court, which can also take years. And as noted above, an investigation notice or finding of discrimination is not likely to be well received by recipients, increasing their resistance and the overall timeline. Front-end compliance, on the other hand, allows the agency to work collaboratively with the recipient from the beginning.

Third, a front-end compliance model is consistent with the purpose and intention of the statutory text. Unlike other provisions of the Civil Rights Act of 1964, Title VI places a premium on voluntary compliance. Congress clearly wanted federal agencies to work closely with recipients to ensure that the statute's antidiscrimination mandate is satisfied. This makes sense. Federal funding goes to critical aspects of our society: health care, public safety, education, and more; Congress would want to make sure that any discrimination that occurs is cured quickly. Moreover, Congress likely appreciated that one of the remedies of a Title VI violation—suspension or termination of federal funding—is difficult to implement given the critical and often necessary services provided by recipients of federal funding.

A front-end approach provides federal funding recipients (and applicants seeking those funds) with the opportunity to take proactive steps to prevent discrimination from occurring in the first place. ...An "early warning system" is also likely to be more productively received by recipients than a back-end "gotcha" investigation

Fourth, a front-end model sidesteps any litigation exposure. In working proactively and collaboratively with recipients, federal agencies do not need to rely on legal liability constructs like disparate treatment or disparate impact to address concerns about potential discrimination. Rather, agencies are simply working to ensure that their recipients are complying with the terms and conditions of their grants and contracts.

Some federal agencies have already begun to experiment with a front-end, compliance-based approach to Title VI. In 2007, the U.S. Department of Transportation's (DOT)

(Continued on page 12)

Rosenwald Fellows and the Journey to *Brown v. Board of Education*

Stephanie Deutsch

Julius Rosenwald was a son of German Jewish immigrants who, in 1895, made the astute decision to buy into a small, unknown mail-order business called Sears, Roebuck. Thanks in part to his astute management, Sears was extraordinarily successful — the Amazon.com of its day — and Rosenwald became wealthy beyond his wildest dreams. As an observant Jew, Rosenwald had been raised to consider the thoughtful sharing of wealth a responsibility. And as one who had grown up in Springfield, Illinois, across the street from Abraham Lincoln's home, he was aware of the 1908 race riot there; he began to see violence against African Americans as akin to the pogroms driving increasing numbers of Jews from Europe. Rosenwald began to see assistance to African Americans as a way to use his wealth in a socially responsible way.

The Rosenwald Fund went on until 1948, awarding 588 fellowships to African Americans and 222 to "white Southerners." The names of these fellows read like a Who's Who of achievement in fields from the arts to international diplomacy.

Discussion of the philanthropy of Julius Rosenwald often focuses on the encouragement and financial support he offered to African Americans through the building of 4,977 schoolhouses across 15 states. This work, initiated by Rosenwald as a friend and admirer of Booker T. Washington, strengthened communities and created the opportunity for elementary education where previously there had been none. A third of all African American children in the South from 1920-1950s benefited from the education they received in these Rosenwald schools.

But there was another avenue by which the Julius Rosenwald Fund supported the work of African Americans: the Rosenwald Fellowship program. This support provided remarkable sustenance to the "talented tenth," as W.E.B. DuBois called the men and women who would become the first generations of black leaders in the arts and in scholarship, "fellows" who would attract wide attention and respect. In particular, it was recipients of Rosenwald fellowships who provided much of the insight and scholarly research that led to the 1954 Supreme Court decision *Brown v. Board of Education of Topeka* that struck down the legal concept of "separate but equal."

The fellowship program was created in 1928 and implemented the following year. Rosenwald had just handed over management of his charitable foundation to a professional, Edwin Embree, a man he had met when they both served on the board of the Rockefeller Foundation.

Embree, the grandson of a prominent abolitionist, shared Rosenwald's commitment to promoting opportunity for African Americans. One of his first proposals as head of the Rosenwald Fund (as noted in the executive committee minutes) was to create a program offering financial assistance to "individuals of exceptional promise."

Rosenwald died in 1932, but the Fund went on until 1948, awarding 588 fellowships to African Americans and 222 to "white Southerners." The names of these fellows read like a Who's Who of achievement in fields from the arts to international diplomacy. James Weldon Johnson, author of "Lift Every Voice and Sing," and acclaimed opera singer Marian Anderson, were among the first fellows; author James Baldwin and painter Jacob Lawrence were some of the last. In 1931 a fellowship went to future Nobel Peace Prize winner Ralph Bunche.

The Rosenwald Fellows and *Brown v. Board*

Pauli Murray, photo: Schlesinger Library, Radcliffe Institute, Harvard University

In 1944 a Rosenwald fellowship enabled a young **Pauli Murray**, who had just graduated as valedictorian of her class at Howard University Law School, to continue her legal studies at the University of California at Berkeley. The restrictive housing covenants she encountered there infuriated her and, as she later wrote in her memoir, "Song in a Weary Throat", "fueled my determination to find the key to a successful legal attack upon racial segregation."

In a seminar paper she argued that the impact of the "separate but equal" policy enshrined in the *Plessy v. Ferguson* case did "violence to the personality of the indi-

(Continued on page 16)

(*Negating Objections to Housing Decommodification*, Continued from page 3)

transformative investments in social housing, because, in the mirror image of LIHTC and HCV, they will not be leveraged to play their neoliberal role of social welfare provider, they will not receive massive subsidy, and the structure of the housing market will in fact change.

Understanding how transformative investments in social housing would change the housing market requires understanding two related imperfections of the current market: scarcity and lack of competition. Housing, overall, in some places, and for poor and working class households, everywhere, is too scarce. The causes of this are complex, but, while it would be possible to mitigate the harm of scarcity through measures like zoning reform and interest rate cuts without fundamental transforming the market, market-based solutions to housing scarcity ultimately face scalability problems because, beyond a certain point, the profit accrued by building new housing is offset by reductions in the value of the same actors' existing holdings. At a point even further down the line, the price point for newly constructed housing in a glutted market would be lower than cost inputs, such as labor and materials, that are not as easy to affect with housing and land use policy tools as is the cost of land.

Real estate sector incumbents that benefit from scarcity and lack of competition, ranging from multinational corporations to individual homeowners, have obvious incentive to fight against the abundance and competition represented by scaled-up social housing.

Real estate sector incumbents that benefit from scarcity and lack of competition, ranging from multinational corporations to individual homeowners, have obvious incentive to fight against the abundance and competition represented by scaled-up social housing. Together, the real estate industry and homeowners have tremendous political power, both in terms of the money to influence elections and in terms of actual votes as nearly two-thirds of households in the United States own their homes. If they move in lockstep, the reality is that we cannot win. To win, it will be necessary to cleave economically precarious homeowners from financially secure ones and the real estate industry. Effectuating that cleavage will require an agenda that goes beyond housing.

As the long list of types of social housing suggests, social housing is not one particular thing, but the most consistent common thread across these types of housing is that social housing is not treated as a commodity. Although it might not be realistic for all housing to be social housing, the fight for social housing cannot be neutral as to what proportion of total housing is social housing. That is true both because increasing the share of the pie that is comprised of social housing would result in more households having their needs met in a manner that is affordable to them and because the commodification of the balance of the housing market makes the provision of social housing more difficult. One reason why commodification makes social housing production harder is that, if land is a highly valued commodity, social housing developers may find themselves being outbid for scarce land by for-profit developers. Additionally, the more profits exist in the real estate sector, the more industry actors can invest those funds in lobbying against public funding of social housing production with the goal of limiting the supply of housing that is capable of undercutting incumbent landlords on cost. If industry lobbying were not effective at shaping public policy, corporations would not invest vast sums of money in the enterprise. Presumably, these outcomes would occur less and less as more households' needs are met by the social sector. Crowding out the for-profit market is therefore an important step.

Meaningfully achieving that crowding out requires not only massive investment but also a rethinking of who can and should live in social housing. In general, our dominant affordable housing programs are highly means tested. Households lose subsidy and, in some instances, dwellings, if their incomes rise above certain thresholds that are typically framed as percentages of the Area Median Income (AMI) for the metropolitan region or rural county in which they live. Existing programs vary slightly in their details, but none meaningfully serve households with incomes above 80% of AMI. In reality, the vast majority of households living in affordable housing have incomes at or below 60% of AMI and a considerable portion have incomes at or below 30% of AMI. Unsurprisingly, just 43% of households nationally have incomes at or below 80% of AMI, and just 14% of households have incomes at or below 30% of AMI.

That data suggests that a policy regime cannot credibly claim to crowd out the private market if it cedes the housing needs of 57% of households (or even 86% of households) to that private market. Crowding out the private market therefore requires either an abandonment of means testing or higher eligibility ceilings (e.g., 200% of AMI) such that the private market would be left with a small sliver of wealthy households to serve. This move away from stringent means testing should not be confused with a shift towards a different kind of rigid, mixed-income model wherein house-

(Continued on page 8)

Life in Grants Pass

John Square III and Helen Cruz

According to HUD, there were an estimated 653,100 people experiencing homelessness in 2023, which is approximately 20 out of every 10,000 people in the United States. Unfortunately, many unhoused individuals are burdened with fines imposed by cities for sleeping in parks and other public spaces. I recently had the opportunity to speak with Helen, a formerly unhoused person who has dedicated herself to advocating for the homeless community. After her husband, two dogs, and she were forcibly removed from their encampment and the city issued her thousands of dollars in fines for sleeping in parks, Helen decided that something had to be done.

Grants Pass, Oregon v. Johnson *concerned the rights of homeless individuals in Grants Pass, Oregon. The case centered around the city's ordinances that penalized homeless people for sleeping or camping in public spaces.*

Grants Pass, Oregon v. Johnson concerned the rights of homeless individuals in Grants Pass, Oregon. The case centered around the city's ordinances that penalized homeless people for sleeping or camping in public spaces. These kinds of restrictions are found in municipalities all across the country. The plaintiffs—a group of homeless individuals—argued that these ordinances effectively criminalized homelessness and violated Eighth Amendment protections against cruel and unusual punishment. The ruling in *Grants Pass* upholding the local ordinance is likely to have devastating effects on the homeless community in America. Helen and I discussed her experiences with homelessness and the potential implications of the *Grants Pass* case in a conversation presented below.

John Square III:

Today we are joined by Helen, an advocate for the homeless community who was previously unhoused in Grants Pass, Oregon. Thank you for joining us, Helen!

Helen Cruz: Thank you for having me.

John: The first question is how did experiencing homelessness affect your view of America?

Helen: It didn't really affect my view of America, but what it did affect was my faith in humanity in general. You know, the way that people are so inhumane and cruel towards the homeless communities. I just don't think it's right.

John: How would you explain the problems with the current sheltering system to those who haven't interacted with it?

Helen: Well, from my own experience. I know that at our shelter here, the Gospel Rescue Mission, what they basically do is they give you a blackout period for thirty days. If you go into the mission, they make you work for them, but they also want you to find a job. And if you do find a job, then you have to give them 10% of your wages.

You have to sign in, you have to sign out. There's no smoking. They wake you up at 6:30 every morning. You don't have control of your own medication. It's almost like a jail setting—you have to surrender your medication to them. Then, if you have any kind of [physical disability], if you have to walk with a walker or a cane, and, you know, if you can't work for him and they don't have a bed for you.

John: I did not know that.

Helen: I mean, they can put people out in the street with a vest on to clean up litter and stuff like that?

Which is fine— I get that part of it. But if you're not able to do that because you have some type of disability, then they won't even take you.

John: So if you can't work you're left to fend for yourself?

Helen: Yeah.

John: So the next question: How did the law in Grants Pass affect you?

Helen: Oh, it affected me in many ways. When I was living in the park—me and my husband—I was dealing with something in town. The next thing I knew, I got a call from him saying they had completely swept our camp. Left him and my two dogs sitting on the curb. They rolled up my tent like it was a burrito, dragging it down the sidewalk like it was a sack of potatoes, threw it in the back of their truck, and told me that I could pick it up at the police station. And when I picked it up at the police station, my tent poles were all broken and they just dumped it in the middle of the parking lot. I had photos, I had paperwork, I had everything in there. And because I had a little ice chest in there, my entire thing…everything…it was soaked.

John: That kind of goes back to what you were mentioning about, experiencing homelessness, that it made you not necessarily think poorly about the country, but about the humanity of the people in the country.

Helen: Yeah! I mean, the way that people treat people. The community here in Grants Pass thinks that [the] homeless should not even be around there. There is a whole watch

(Continued on page 10)

(*Negating Objections to Housing Decommodification*, Continued from page 6)

holds of many income levels live in the same developments but in rigid proportions (e.g., 20% of units for households at or below 30% of AMI, 20% of units for households above 30% of AMI and at or below 50% of AMI, 20% of units for households above 50% of AMI and at or below 80% of AMI, 20% of units for households above 80% of AMI and at or below 120% of AMI, and 20% of units for households above 120% of AMI). We would not artificially cap the proportion of units available to the lowest income tenants. Instead, socially housing would ideally be open to and affordable to all with all households paying no more than a set percentage of their income in rent (preferably less than the current norm of 30%) and with subsidy, potentially including but not limited to cross-subsidy from tenants whose rent contributions exceed the cost of providing their units, making it possible to sustainably house lower income households. As households' incomes rise, they would not be pushed out of social housing – as sometimes happens with extant affordable housing, depending on the subsidy program – but instead would merely pay more rent in absolute terms, but not relative to their incomes.

Eligibility for social housing for middle-income households will not automatically translate into occupancy and, indeed, income-based rents may be unappealing to households that could find private market-rate housing available for which they might only need to pay 10% or 15% of their income. In some markets, like the San Francisco Bay Area, where it can be challenging for middle-income households to find market-rate housing they can afford, the cost of social housing will be appealing, but we cannot design a social housing system that is only sustainable in the hottest real estate markets. More is needed. Fortunately, that more, rather than caving to the potentially discriminatory preferences of middle-income households (through means like capping the proportion of extremely low-income households in a given development), actually enhances quality of life for low-income households. Specifically, amenities, high building quality, attractive design, and prime location should all make social housing desirable to everyone, regardless of income level.

Building housing that is physically and geographically desirable will do a lot to attract a socioeconomically diverse group of residents to social housing communities, but it will not, on its own, sway the kinds of homeowners who teamed up with the real estate industry to oppose public housing. Homeownership, ironically due in significant part to federal policy interventions that were roughly contemporaneous with the creation of the public housing program, has been an effective wealth creation mechanism for many families. Middle-class white families, in particular, have done pretty well for themselves with federally-backed mortgages and the mortgage interest deduction.

What does the wealth associated with homeownership buy? Among other things, it could buy the ability to afford deductibles and co-pays needed to access medical care, higher education tuition, private school tuition in places where public elementary and secondary schools are struggling, childcare, nutritious food, and a secure retirement.

Public policy can make that version of success less essential. It can do this by narrowing the gap between being a social housing tenant and a homeowner in our society. To do so, a policy need not even be perceived of as particularly radical. For example, the otherwise very regressive Tax Cuts and Jobs Act of 2017, passed during the Trump Administration, rendered the mortgage interest deduction superfluous for millions of homeowners by significantly increasing the standard deduction for all taxpayers, whether renters or homeowners. That change did not hurt the financial position of these homeowners. Indeed, nearly all are benefiting financially from the increase in the standard deduction.

While we should grab the low hanging fruit that is within reach, it will not be possible to neutralize homeowner opposition and convert some of that opposition to support without achieving some more ambitious wins. To figure out what those more transformative changes might be, it helps to ask: what does the wealth associated with homeownership buy? Among other things, it could buy the ability to afford deductibles and co-pays needed to access medical care, higher education tuition, private school tuition in places where public elementary and secondary schools are struggling, childcare, nutritious food, and a secure retirement. Whether cast as needs or merely as desirable attributes of a good life in a prosperous country, government has the power to render them irrelevant as reasons to cling to a commodified housing system. With Medicare-for-All, free public higher education, better funded public elementary and secondary education, subsidized childcare, expanded food assistance, and more generous Social Security benefits, the utility of an extra, say, $50,000 in home equity will shrink dramatically.

Public policy can reduce the marginal benefit of greater household wealth gained through home equity accumulation within one's lifetime by increasing quality of life and meeting basic needs through public goods, but can it lessen

(Continued on page 9)

(*Negating Objections to Housing Decommodification*, Continued from page 8)

the appeal of being able to convey generational housing wealth to one's heirs? To a degree, the answer is yes. To the extent that a desire to secure their children's health, well-being, and economic security motivates people to leave wealth to the next generation, the health, education, child-care, nutrition, and retirement interventions noted above are just as germane looking forward as they are in the present. Beyond that, it is worth observing that, if we are able to peel off the homeowners who may be able to use their housing wealth to meet their needs through the end of their lives but who would not have anything left to leave at that point, we will already have the basis for a coalition of renters and less economically secure homeowners that comprises a super-majority of the population. The high end of the range of estimates of U.S. households that receive an inheritance at any point in their lives tops out at about 40%. And, if we decide to prioritize the intergenerational transfer of modest amounts of housing wealth, that goal can be accommodated within a social housing system through the expansion of some existing community land trust and limited equity cooperative models.

Of course, the point of all of this is not to suggest that the housing justice movement can fix the housing crisis and win the objective of scaled-up social housing simply by accomplishing the much "easier" goal of solving every other major domestic policy challenge facing the United States. Rather, the point is that there is a critical need for greater interconnectedness among movements for social, economic, and racial justice in this country. Organizers are already fighting for policies to meet our needs with respect to health, education, child-care, nutrition, and retirement. Some of that work is taking place within the same organizations that are doing critical housing justice work. Even when that is not the case, the organized base of the groups advancing this work outside of housing policy often overlaps with the organized base of the housing justice movement. The rudimentary pieces of a more interconnected movement are present; they just need to be put together.

Connecting those dots is not just important for better positioning the housing justice movement to win homeowner support through an agenda that decreases the incentive to support ever-increasing home prices, it is also important because of another lesson from the middle of the twentieth century: if there is not sufficient mutual accountability, portions of a broad progressive coalition may sell each other out to achieve their own wins. The most egregious examples of this unfolding include domestic workers and farm workers not being protected by the Fair Labor Standards Act and the Social Security Act, exemptions that both had the intent and impact of harming Black workers. Avoiding similar outcomes in the future is clearly important.

There are green shoots that are suggestive of the potential for a more interconnected, mutually accountable movement. Teachers' and nurses' unions have started to support housing justice demands, both through collective bargaining with their employers and through policy advocacy. The Debt Collective has fought to liberate poor and working-class people from the burden of student loan debt, medical debt, consumer debt, and housing debt. At the federal level, there was intensive coordination around the Coronavirus Aid, Relief, and Economic Security Act and the American Rescue Plan Act, but, underscoring that green shoots are a start rather than a finish, a collaborative approach to Build Back Better could not prevent the outcome of an Inflation Reduction Act that offered a great deal for the environmental movement and relatively little for others. We still need to become stronger in addition to becoming more interconnected and mutually accountable.

The human need for housing is inextricably linked to other basic human needs. By situating the fight to meet that need alongside the fights to meet other similarly essential needs, the housing justice movement would reclaim the most aspirational rhetoric of the New Deal Era, working to secure, in the words of President Franklin Delano Roosevelt, "freedom from want." By working towards the decommodification of housing, the movement has the potential to unwind one of the more harmful aspects of the nuanced legacy of the New Deal, the creation of a housing finance systems oriented towards ever-increasing home values and, frequently, racial and economic exclusion. It would do so by giving homeowners who at least occasionally benefit from that system a viable alternative, thereby driving a wedge in the decades-old alliance of real estate industry groups and homeowners. By doing the work through a more interconnected, mutually accountable movement, those who are organizing for housing justice would increase the chances of victory and of not being left behind. ■

By situating the fight to meet that [housing] need alongside the fights to meet other similarly essential needs, the housing justice movement would reclaim the most aspirational rhetoric of the New Deal Era, working to secure, in the words of President Franklin Delano Roosevelt, "freedom from want."

Thomas Silverstein (tsilverstein@lawyerscommittee.org) is the Director of the Fair Housing & Community Development Project at the Lawyers' Committee for Civil Rights Under Law.

(Life in Grants Pass, Continued from page 7)

group out here. They call themselves Park Watch, okay? And they will go around and they harass. They're more vigilant than even some of the homeless out here, they harass the homeless community. They belittle them. They put them on Facebook, degrading them like they're animals or something.

John: You participated in multiple organizing efforts around the Supreme Court case and spoke at the rally on the steps on the day of oral arguments. What called you to get involved?

Helen: Well, the day they took everything I own I went down and I filed an appeal for the park exclusion—a park exclusion here is if you get two tickets within the same park, they can exclude you from that park. After what they've done to my stuff and left my husband sitting on the curb with my two dogs, I was mad. So I went down and I asked all my paperwork to file an appeal. And when I got there, they didn't have the paperwork for it. Nobody had ever done it before. So I had to physically hand-write my own appeal. And so I did, and I submitted it to the city council. Even though, you know, they didn't rule in my favor or our favor, nevertheless, it's opened up a big can of worms. And, you know, look at where it's gotten me so far. You know, I wanted to see something different. And I want to see a change.

John: That leads me to my next question. What are your thoughts on the ruling in Grants Pass? Do you buy the Court's reasoning?

Helen: Well, Jeremiah [Hayden], a reporter for Street Roots…I actually had a discussion with him, and I pretty much told him that, to me, it's appalling that nine people dressed in little black robes hold the fate of somebody's life in their hands. The fact that they have so much power. I just don't think it's right,

John: So, in terms of the case [Grants Pass], what do you believe the Grants Pass case calls us to do?

Helen: I think the call to action would be to build more housing and get a hold of your local and state governors and senators. I mean, right now, the city and city Council of Grants Pass are the ones that hold our fate in their hands. You know, we were allotted $9.37 million of American rescue money for affordable housing and public health. Do you know what they're doing with that money? They're building a swimming pool.

John: That's ridiculous.

Helen: Yeah, for $11 million. That blows my mind, and I am so frustrated. And, you know, when I go to my city council—and I'm always there—they see me coming through the door. It's like, oh, God, here she comes. But you know what? I'll go in there, and I got an entire community of Grants Pass that are against the homeless, and I'm the only one standing up there going, "Hey, no, this ain't right."

I don't do [politics] very much, but I learned a lot when I was in DC this last time. Get all your politicians, your local politicians keep beating them down with emails and stuff like that, you know, get some housing built.

John: I agree. I'm going to transition to questions about housing policy. So—and you might have just answered this— what is one policy you would change to solve, homelessness in America?

Helen: Build houses. Build housing. Build, build, build. I mean, there it's not it's not going to get solved unless you start putting up structure, you know, and even in Grants Pass, they have one [shelter] Gospel Rescue Mission. Then we had six little houses we called Boundary Village, but they were only supposed to be transitional housing. You're supposed to be in there for six months, get on your feet, and then you're supposed to transition out of there into a home of your own. But we have no place to transition to. None. One percent of housing in Grants Pass is all we have. It's very frustrating.

John: If housing were a fundamental right, like the right to free speech or education, how do you think things would be different in our country?

Helen: You know, if [housing] was a right, like freedom of speech…until society as a whole realizes that people who are homeless are not going to go away, I don't see much [changing].

You know, Jesus was homeless. If we can't come together as individuals then how are we going to come together as a nation?

John: Do you think that if there were the same protections as there are with the right to bear arms and free speech… that if [the right to housing] was something that people were generally more inclined to protest about or how you said to advocate for a change to their local and state politicians… How would that affect the homeless population?

Helen: Right now the homeless community over here is scared. I can try to get together rallies and stuff like that, but the fact of the matter is that they're intimidated. They're afraid of the repercussions that are going to happen. You know, and I don't think that it's fair for them to be bullied.

You know, to be homeless is not a choice. We're out here because we didn't have a choice. Something may have happened in our lives that put us in the position that we're in right now, you know? And we don't want to be out here, but we have no place to go. This has impacted the entire United States.

And back to Grants Pass, when I moved here there were 16,000 people, I'd been here four decades. But it's grown and then this [case] went nationwide. It breaks my heart to think that America has fallen so far down when it comes to humanity. Yeah. You know, hey, I don't get it. Political red tape and policies that just don't make sense to me. How about we just come back to the basics? Be kind to each other, one another. Just come back to the basics a little bit. Quit putting all these measures and policies and everything out there.

John: Is there anything else that you would like to add to the record?

Resources

Education

Aliprantis, Dionissi, and Mukund Jayaram. "K–12 Schools in Ohio Are Separate and Unequal." *Economic Commentary* 2023-16 (2023).

Boustan, Leah Platt, Christine Cai, and Tammy Tseng. *White Flight from Asian Immigration: Evidence from California Public Schools.* No. w31434. National Bureau of Economic Research, 2023.

Chetty, Raj, David J. Deming, and John N. Friedman. *Diversifying society's leaders? The causal effects of admission to highly selective private colleges*. No. w31492. National Bureau of Economic Research, 2023.

García, Jorge Luis, James J. Heckman, and Victor Ronda. "The Lasting Effects of Early-Childhood Education on Promoting the Skills and Social Mobility of Disadvantaged African Americans and Their Children." *Journal of Political Economy* 131, no. 6 (2023): 000-000

Michelmore, Katherine, and Peter Rich. "Contextual origins of Black-White educational disparities in the 21st century: Evaluating long-term disadvantage across three domains." *Social Forces* 101, no. 4 (2023): 1918-1947.

Peterson, Paul E., Angela K. Dills, and M. Shakeel. "Are Connections the Way to Get Ahead? Social Capital, Student Achievement, Friendships, and Social Mobility. Program on Education Policy and Governance Working Papers Series. PEPG 23-01." *Program on Education Policy and Governance* (2023).

Rich, Peter, and Ann Owens. "Neighborhood–School Structures: A New Approach to the Joint Study of Social Contexts." *Annual Review of Sociology* 49 (2023).

Wodtke, Geoffrey T., Ugur Yildirim, David J. Harding, and Felix Elwert. "Are Neighborhood Effects Explained by Differences in School Quality?" *American Journal of Sociology* 128, no. 5 (2023): 1472-1528.

Health

Alvarez, Camila H. "Structural racism as an environmental justice issue: a multilevel analysis of the state racism index and environmental health risk from air toxics." *Journal of Racial and Ethnic Health Disparities* 10, no. 1 (2023): 244-258.

Arcaya, Mariana C., Ingrid Gould Ellen, and Justin Steil. "Neighborhoods And Health: Interventions At The Neighborhood Level Could Help Advance Health Equity: Article examines interventions at the neighborhood level that

(Continued on page 13)

(Life in Grants Pass, Continued from page 10)

Helen: [Message to the homeless community] Don't be afraid to be heard. Because if you aren't, I don't see anything changing. When I am asked, "What do you think is going to happen if they rule in favor of Grants Pass?" All hell is going to break loose. "What if they rule in favor of the homeless?" I don't see much change because our city council will not do anything over here. You know, they have used $9.37 million for everything else except for what they were supposed to use for. And, you know, I don't know if you read up on Tracy Rosenthal, she's from, New Republic magazine. She's got a pretty good article going in there, too. She was here, and I gave her a tour of Grants Pass and the parks and let her see first-hand. It's pretty bad over here. They turned off all the water.

John: Wait, in the parks?

Helen: Yeah! They turned it off. They turned off the water fountains. They lock the bathrooms at night. So I reached out to some folks in D.C.: Ann Olivia with the National Alliance for Homelessness and some of her people over there, and they donated money. I go deliver sandwiches every Tuesday to everyone in the parks. Well, there was no water there. So, Ann Olivia and the Alliance were kind enough to donate some money to me, and I've spent most of my time delivering water because it's 103 [degrees] here.

John: It's very hot this summer. So I can't imagine—that's so inhumane.

Helen: Yeah. If people would stand up for themselves and just say, hey, it's not right. And then we need the other side to go, "Hey, you know what? We're just one paycheck away from being where they are." They need to realize that. And instead of being so mean, try a little kindness. It's not a handout it is a hand-up.

In the wake of the *Grants Pass, Oregon v. Johnson* ruling, Helen urges that it is more crucial than ever for individuals to advocate for the homeless community by reaching out to their local and state officials. This decision emphasizes the growing need for compassionate solutions for those experiencing homelessness, highlighting the need for policies that prioritize human dignity and access to essential resources. ■

John Square III is a rising second-year law student at the Howard University School of Law and a Law & Policy Intern at PRRAC.

Helen Cruz is a resident of Grants Pass, Oregon and a housing rights activist.

(Title VI Turns 60: Is it Too Late to Awaken the Sleeping Giant?, Continued from page 4)

Federal Transit Administration (FTA) issued a "Title VI Circular," a document providing guidance to its funding recipients about how to ensure they comply with their nondiscrimination obligations under Title VI. By affirmatively laying out the steps that recipients can take to avoid developing practices and policies that may result in discrimination, the Circular sets forth a roadmap for Title VI compliance. Moreover, the Circular does not only address intentional discrimination; it also directs recipients to evaluate whether any actions (e.g., changes to a transit route or a station location) would have a disproportional and adverse impact on individuals of color (or other protected classes). To the extent those actions would have that impact, recipients are asked to consider alternative options as well as if there are ways to mitigate the adverse effect.

In 2021, DOT built upon this effort when it issued a Department-wide "Title VI Order." Unlike the Circular, which is limited to the FTA, the Order applies to all of DOT. As noted in the introduction, "[t]his Order's overriding objective is to ensure all DOT assisted programs are implemented in compliance with Title VI so that all members of the public enjoy equality of opportunity, regardless of race, color, or national origin (including limited English proficiency)." To that end, it provides a framework for making sure that all DOT components establish and maintain programs and policies to ensure Title VI compliance. For example, the order requires that DOT components conduct a Title VI assessment of each applicant seeking federal funds, to help guarantee, before any grant is made, that the applicant is not planning to use the funding in a way to furthers discrimination. The Order also requires recipients of DOT funding to create community participation plans, to ensure that all relevant stakeholders—including communities of color and people with limited English proficiency—have a meaningful opportunity to engage with the recipient and ensure that there are not Title VI violations.

The steps taken by DOT are illustrative of ways that federal agencies can move away from an enforcement-only approach to Title VI and think creatively how to ensure maximum compliance with Title VI. But they only represent the beginning phases of a process under which federal agencies can reimagine how they use Title VI proactively and innovatively to work with their recipients and work to prevent discrimination. After sixty years, it is past time to wake up the sleeping giant. ■

Johnathan J. Smith (johnjsmith@post.harvard.edu) served as Deputy Assistant Attorney General in the Civil Rights Division at the U.S. Department of Justice until April 2024.

Federal agencies can reimagine how they use Title VI proactively and innovatively to work with their recipients and work to prevent discrimination.

Resources

Alexander V. Sandoval, 532 US 275 - Supreme Court 2001 - Google Scholar.

Associate Attorney General Vanita Gupta Releases Memo on Implementation and Administrative Enforcement of Title VI and Safe Streets Act. 23 June 2022.

Attorney General Moody Leads Multistate Legal Action Demanding the EPA Rescind "Environmental Justice" Initiatives Harming States | My Florida Legal.

Louisiana V. US Environmental Protection Agency, Dist. Court, WD Louisiana 2024 - Google Scholar.

"The U.S. Department of Transportation Title VI Program." *US Department of Transportation*.

The White House. "Advancing Equity and Racial Justice Through the Federal Government | the White House." *The White House*, 14 Feb. 2024.

Title VI Legal Manual (Updated). 22 Apr. 2021.

"Title VI Requirements and Guidelines for Federal Transit Administration Recipients." *FTA*.

PRRAC Executive Director National Search

With the anticipated departure of PRRAC's longtime executive director, Phil Tegeler, PRRAC has hired an executive search firm to find a dynamic individual to lead PRRAC into its next act. The Executive Director is a full-time position and reports to the PRRAC Board. The Executive Director supervises seven staff members as well as several technical consultants. This position requires that the Executive Director be present in the Washington, D.C. office on average for three days a week. The ideal candidate is grounded in racial justice policy, understands the role of law, policy, and social movements in advancing structural change, is dynamic and innovative, and is an excellent collaborator. For more information, please see the full job posting on PRRAC's website, www.prrac.org/vision/

(*Resources,* Continued from page 11)

could help advance health equity." *Health Affairs* 43, no. 2 (2024): 156-163.

Fox, Sarah. "The Prospect and Perils of Climate Preemption for Public Health." *NEULR* 15 (2023): 1.

Grenon, Marissa Christine. "Fishing with a Porpoise: Economic Incentives and Human Dimensions of Conservation Must Align with Regulatory Efforts to Save the Vaquita." *NEULR* 15 (2023): 161.

Hernández, D. (2022). Climate Justice Starts at Home: Building Resilient Housing to Reduce Disparate Impacts From Climate Change in Residential Settings. *American Journal of Public Health*, 112(1), 66-68.

Lin, Mia. "Is Meta the next Big Tobacco? How State Attorneys General Can Use Consumer Protection Litigation to Enforce Corporate Accountability." *NEULR* 15 (2023): 37.

Oscilowicz, Emilia, Isabelle Anguelovski, Margarita Triguero-Mas, Melissa García-Lamarca, Francesc Baró, and Helen VS Cole. "Green justice through policy and practice: a call for further research into tools that foster healthy green cities for all." *Cities & health* 6, no. 5 (2022): 878-893.

Tanana, Heather. "Protecting Tribal Health from Climate Change." *NEULR* 15 (2023): 89.

Housing

Bates, Lisa K. "A research agenda pending revolution." *Housing Policy Debate* (2023): 1-4.

Bell, Chloe K. "The Lasting Impact of Housing Discrimination on Industrial Development, Environmental Injustice, and Land Use." *Environmental Injustice, and Land Use (October 1, 2021)* (2021).

Bernard, Cory R., and Anthony Proano. "Too Hot to Handle: Curbing Mobile Home Heat Deaths in a Warming Climate." *Wash. J. Env't L. & Pol'y* 12 (2022): 1.

Coley, Rebekah Levine, Bryn Spielvogel, Dabin Hwang, Joshua Lown, and Samantha Teixeira. "Did HOPE VI move communities to opportunity? How public housing redevelopment affected neighborhood poverty, racial composition, and resources 1990–2016." *Housing Policy Debate* 33, no. 4 (2023): 909-940.

Corinth, Kevin, and Amelia Irvine. "The Effect of Relaxing Local Housing Market Regulations on Federal Rental Assistance Programs." (2023).

Craw, Michael. "Effects of proximity to multifamily housing on property values in Little Rock, Arkansas, 2000–2016." *Housing Policy Debate* 33, no. 4 (2023): 891-908.

Dawkins, C. J. (2023). Bringing institutions into the opportunity hoarding debate. *Housing Policy Debate*, 1-4.

DeLuca, Stefanie, Lawrence F. Katz, and Sarah C. Oppenheimer. ""When Someone Cares About You, It's Priceless": Reducing Administrative Burdens and Boosting Housing Search Confidence to Increase Opportunity Moves for Voucher Holders." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 9, no. 5 (2023): 179-211.

Douglas, Isabella P., Deland Chan, Lucy Zhang Bencharit, and Sarah L. Billington. "Understanding How Racism and Affect Impact Public Opinions toward Affordable Housing in the United States." *Journal of Planning Education and Research* (2024): 0739456X241230002.

Dubé, Jean, François Des Rosiers, and Nicolas Devaux. "Yes or Not in My Backyard (YIMBY vs. NIMBY)? The Impact of New Social Housing Construction on Single-Family House Prices in Quebec City (Canada)." *Housing Policy Debate* (2023): 1-26.

Elder, Elizabeth Mitchell, Ryan D. Enos, and T. A. L. I. Mendelberg. "The Long-Term Effects of Neighborhood Disadvantage on Voting Behavior: The "Moving to Opportunity" Experiment." *American Political Science Review* (2023): 1-17.

Ellen, Ingrid Gould. "A Response to David Imbroscio: Neighborhoods Matter, and Efforts to Integrate Them Are Not Futile." *Housing Policy Debate* (2023): 1-4.

Ellen, Ingrid Gould, Katherine M. O'Regan, and Katharine WH Harwood. "Advancing choice in the housing choice voucher program: Source of income protections and locational outcomes." *Housing Policy Debate* 33, no. 4 (2023): 941-962.

Freemark, Yonah. "Achieving Housing Abundance Near Transit." *Berkeley, CA: Terner Center for Housing Innovation, UC Berkeley*.

Furth, Salim, and MaryJo Webster. "Single-Family Zoning and Race: Evidence From the Twin Cities." *Housing Policy Debate* 33, no. 4 (2023): 821-843.

Greenlee, Andrew J. "Follow the Money (Deeper)—A Clinical Diagnosis of Opportunity Hoarding." *Housing Policy Debate* (2023): 1-6.

Hangen, Forrest, and Daniel T. O'Brien. "The choice to discriminate: How source of income discrimination constrains opportunity for housing choice voucher holders." *Urban Affairs Review* 59, no. 5 (2023): 1601-1625.

Howell, J., Whitehead, E., & Korver-Glenn, E. (2023). Still Separate and Unequal: Persistent Racial Segregation and Inequality in Subsidized Housing. *Socius*, 9.

Imbroscio, David. "Beyond opportunity hoarding: Interrogating its limits as an account of urban inequalities." *Housing Policy Debate* (2023): 1-19

Keene, Danya E., Whitney Denary, Annie Harper, Anna Kapolka, Emily A. Benfer, and Peter Hepburn. ""'A Little Bit of a Security Blanket": Renter Experiences with COVID-19–Era Eviction Moratoriums." *Social Service Review* 97, no. 3 (2023): 000-000.

Kang, Seungbeom, Jae Sik Jeon, and Whitney Airgood-Obrycki. "Exploring mismatch in within-metropolitan affordable housing in the United States." *Urban Studies* (2023): 00420980231180490.

(Continued on page 14)

(*Resources,* Continued from page 13)

Kelleher, Ann. 2023. *Finding Home, Hope, and a Future: Achieving Integrated Social Services at Harbor Care*. Resource Publications.

Krings, Amy, and Colette Copic. "Environmental justice organizing in a gentrifying community: Navigating dilemmas of representation, issue selection, and recruitment." *Families in Society* 102, no. 2 (2021): 154-166

Kuai, Y. (2023). A Missed Opportunity? The 4% Low-Income Housing Tax Credit Program. *Housing Policy Debate*, 1-24.

Kye, Samuel H., and Andrew Halpern-Manners. "If Residential Segregation Persists, What Explains Widespread Increases in Residential Diversity?" *Demography* 60, no. 2 (2023): 583-605.

Lens, Michael C. "What is an Opportunity Enthusiast to Do?" *Housing Policy Debate* (2023): 1-5.

Leung-Gagné, Josh, and Sean F. Reardon. "It Is Surprisingly Difficult to Measure Income Segregation." *Demography* (2023).

Logan, John R., Samuel Kye, H. Jacob Carlson, Elisabeta Minca, and Daniel Schleith. "The role of suburbanization in metropolitan segregation after 1940." *Demography* 60, no. 1 (2023): 281-301.

Lowell, Warren, and Imari Smith. "Wealthier Neighbors and Higher Rents: The Rental Assistance Demonstration and Gentrification." *Urban Affairs Review* 59, no. 5 (2023): 1626-1664.

Manville, Michael. "Liberals and Housing: A Study in Ambivalence." *Housing Policy Debate* 33, no. 4 (2023): 844-864.

Markley, Scott. "Federal 'redlining' maps: A critical reappraisal." *Urban Studies* (2023): 00420980231182336.

McElroy, Erin, and Manon Vergerio. "Automating gentrification: Landlord technologies and housing justice organizing in New York City homes." *Environment and Planning D: Society and Space* 40, no. 4 (2022): 607-626.

Monkkonen, Paavo, Michael Lens, Moira O'Neill, Christopher Elmendorf, Gregory Preston, and Raine Robichaud. "Do Land Use Plans Affirmatively Further Fair Housing? Measuring Progress." *Journal of the American Planning Association* (2023): 1-14.

Nardone, Anthony, Kara E. Rudolph, Rachel Morello-Frosch, and Joan A. Casey. "Redlines and greenspace: the relationship between historical redlining and 2010 greenspace across the United States." *Environmental health perspectives* 129, no. 1 (2021)

Pasheilich, Gary L. "Environmental Justice Consideration in Affordable Housing." *The National Law Review* 12, no. 94 (2022).

Pennington, D'Ana, and Christina Rosales. "Stable Rents, Rooted Communities: A practical guide for building a local rent stabilization policy." *Local Progress* (2023).

Samuels, Elizabeth A., Richard Andrew Taylor, Akshay Pendyal, Abbas Shojaee, Anne S. Mainardi, Evan R. Lemire, Arjun K. Venkatesh, Steven L. Bernstein, and Adam L. Haber. "Mapping emergency department asthma visits to identify poor-quality housing in New Haven, CT, USA: a retrospective cohort study." *The Lancet Public Health* 7, no. 8 (2022).

Schneider, Jakob Kendall, Mary Clare Lennon, and Susan Saegert. "Interrupting inequality through community land trusts." *Housing Policy Debate* 33, no. 4 (2023): 1002-1026.

Schwemm, Robert G. "Reflections on Arlington Heights: Fifty Years of Exclusionary Zoning Litigation and Beyond." *UIC L. Rev.* 57 (2023): 389.

Smith, Megan C., and Thomas H. Byrne. "Locked Out: The Systematic Exclusion of Poor Renters From Federally Subsidized Housing." *Housing Policy Debate* 33, no. 4 (2023): 983-1001.

Schwartz, Alex, and Kirk McClure. "The Geography of Absence: Cities, Towns, and Suburbs with No LIHTC Housing." *Housing Policy Debate* (2023): 1-20.

Warsaw, Phillip, and Sudha Kannan. "The Intersections of Energy and Housing Justice: Lessons from the COVID-19 Pandemic." *Environmental Justice* (2023).

Zhang, Simone, and Rebecca A. Johnson. "Hierarchies in the Decentralized Welfare State: Prioritization in the Housing Choice Voucher Program." *American Sociological Review* 88, no. 1 (2023): 114-153.

Poverty/Welfare

Cooper, Daphne M. *The Persistent Poverty of African Americans in the United States: The Impact of Public Policy*. Anthem Press, 2024.

Giannarelli, Linda, Sarah Minton, Laura Wheaton, and Sarah Knowles. "A Safety Net with 100 Percent Participation: How Much Would Benefits Increase and Poverty Decline?" *Washington, DC: The Urban Institute* (2023).

Racial Justice

Fortner, Michael Javen. "Racial capitalism and city politics: Toward a theoretical synthesis." *Urban Affairs Review* 59, no. 2 (2023): 630-653.

Kysel, Ian M. and Alex G. Sinha. "Executing Racial Justice." UCLA Law Review Discourse, forthcoming 2023. SSRN.

Logan, John R., Elisabeta Minca, Benjamin Bellman, and Amory Kisch. "From Side Street to Ghetto: Understanding the Rising Levels and Changing Spatial Pattern of Segregation, 1900–1940." *City & Community* (2020): 15356841231188968.

Mboup, Fatima. "Economic Activity by Race." (2023).

Mahajan, Avichal. "Highways and segregation." *Journal of Urban Economics* (2023): 10s3574.

Sprainer, Helen. "Air Quality Equity: Why the Clean Air Act Failed to Protect Low-Income Communities and Communities of Color from COVID-19." *NYU Env't LJ* 30 (2022): 123. ■

Current Issue of HUD's *Cityscape Journal* (Summer 2024)

Available at www.huduser.gov/portal/periodicals/cityscape.html

"Symposium: Fifty Years of Tenant-Based Rental Assistance"

Guest editors: Brian McCabe and Peggy Bailey

The Evolution of Funding Policy in the Housing Choice Voucher Program

Barbara Sard

Participation, Transition, and Length of Stay in Federal Housing Assistance Programs

Andrew J. Greenlee and Kirk McClure

Location Patterns of Housing Choice Voucher Households Between 2010 and 2020

Gretchen Armstrong, Alexander Din, Mariya Shcheglovitova, and Rae Winegardner

Section 8 in the Courts: How Civil Rights Litigation Helped to Shape the Housing Choice Voucher Program

Philip Tegeler and Sam Reece

Landlords and Housing Vouchers: 50 Years of Feedback

Philip M.E. Garboden, Eva Rosen, and Isaiah Fleming-Klink

Increasing Residential Opportunity for Housing Choice Voucher Holders: The Importance of Supportive Staff for Families and Landlords

Stefanie DeLuca and Jacqueline Groccia

Discrimination Against Voucher Holders and the Laws to Prevent It: Reviewing the Evidence on Source of Income Discrimination

Martha Galvez and Brian Knudsen

Porting to Opportunity: An Analysis of Portability in the Housing Choice Voucher Program

Greg Miller

Special Purpose Voucher Programs for People With Disabilities: How They've Evolved, What We've Learned, and Where We're Headed

Lisa Sloane, Liz Stewart, and Kevin Martone

Using Tenant-Based Vouchers To Help People Leave Homelessness: Lessons from Los Angeles

Nichole Fiore, Jill Khadduri, and Sam Dastrup

The Role of Vouchers in the Low-Income Housing Tax Credit Program

Dan Emmanuel and Andrew Aurand

Project Basing Housing Choice: What We Know and Need to Know About Project-Based Vouchers

Daniel Teles and Alyse D. Oneto

Can Rental Markets Absorb a Major Voucher Expansion?

Will Fischer

Learning from a Crisis: Strategies to Increase Flexibility in Housing Choice Voucher Implementation

Sarah Gallagher, Sophie Siebach-Glover, Alayna Calabro, Victoria Bourret, and Andrew Aurand

Direct Rental Assistance: Returning to the Roots of Housing Allowances

Paul Joice, Katherine O'Regan, and Ingrid Gould Ellen

The Future of Rental Assistance: Lessons Learned from Implementing and Evaluating a Direct-to-Tenant Cash Assistance Program, PHLHousing+

Vincent J. Reina, Matthew Z. Fowle, Sara R. Jaffee, Rachel Mulbry, and Miranda Fortenberry

And more!

(Rosenwald Fellows and the Journey to Brown v. Board of Education*,* Continued from page 5)

vidual affected whether he is white or black." Continuing her work after graduation, she researched and wrote a 740-page book called "States' Laws on Race and Color," detailing the varying segregation laws in each of the states. Thurgood Marshall later called this extraordinary work the "Bible of *Brown v. Board*."

A few years later, Marshall, as director of the Legal Defense and Education Fund of the NAACP and working towards a legal challenge to segregation in education, drew on this work as well as on input from an exceptional group of men and women, many of whose careers had been assisted by Rosenwald fellowships.

Robert Lee Carter, for example, graduated from Howard University Law School with the highest grade point average in the school's history. A Rosenwald fellowship in 1940 enabled him to continue his legal studies at Columbia University where he wrote a thesis exploring the "due process" clause of the 14th Amendment and the ways it had been used to challenge state laws allowing discrimination. Starting in 1944, he was on the staff of the NAACP's Legal Defense Fund.

Mamie Phipps Clark and her husband Kenneth B. Clark were psychologists who had been granted Rosenwald fellowships in 1940 to study the effects of awareness of racial difference on young children. Their research included the famous experiment in which children were asked to choose which of two dolls they identified with (the moment brilliantly captured in a photograph by another Rosenwald fellow, Gordon Parks). The Clarks determined that the separation from white peers that they experienced severely undermined their sense of self-confidence and self-worth.

Carter recruited the Clarks for the NAACP's legal work. and they testified in several early lawsuits challenging school segregation. They also wrote a paper, "The Effects of Segregation and the Consequences of Desegregation: A Social Science Statement," and recruited 30 other scholars and psychologists—among whom were two more Rosenwald fellows, sociologists **Ira DeA. Reid** and **E. Franklin Frazier**—to sign it.

As the several legal challenges to school segregation were gathered into *Brown v. Board of Education*, and in response to questions raised by the Court, Marshall determined to bolster his arguments with historical context. Rosenwald fellows significantly contributed to that effort.

John Aubrey Davis was a professor of Political Science at Lincoln University whose graduate studies had been supported by three Rosenwald fellowships (1938, '39, and '40), and had been Robert Carter's teacher when he was an undergraduate there.

Mabel Murphy Smythe was an economist awarded a Rosenwald fellowship in 1941. She became Thurgood Marshall's deputy director for Non legal Research.

Also, three historians were recruited to offer insight into the history of public education in the South and the development of segregation:

Horace Mann Bond, president of Lincoln University, had strong ties to the Rosenwald Fund having received fellowships that enabled him to complete his graduate studies in the history of education and having worked for the Fund in a number of capacities including visiting and reporting on rural schools.

C. Vann Woodward, a white Fellow in 1940, was an expert on the history of the South after the Civil War.

John Hope Franklin's two fellowships, in 1937 and 1938, enabled him to receive his PhD in history from Harvard. He went on to become the foremost African American historian of his generation.

The Supreme Court ruling issued on May 17, 1954, found segregation in schools "inherently unequal," that it violated the equal protection clause of the 14th Amendment and, as such, was unconstitutional. Scholar Alfred Perkins, writing in the Journal of Negro Education, determined that Rosenwald fellows had played a "pivotal role" in the extensive legal, historical, psychological and sociological arguments presented to the high court.

The fellows shared much in the way of experience and personal connections, but what "truly bound them together," Perkins wrote, "was not acquaintance and shared experience but similarity of outlook, a particular view of the social purposes of their scholarly vocation. What they held, along with Rosenwald Fund officials, was the profound conviction that scholarly endeavor could provide the basis for societal reform."

And what of the law student whose youthful insights about segregation in housing had led to work that inspired Thurgood Marshall? In her memoir, Pauli Murray wrote that it was only years after the landmark decision handed down in 1954 that she realized the extent to which the reasoning she had articulated in her 1944 seminar paper—the insight that segregation inherently places the "Negro in an inferior social and legal position" and that this does him inestimable harm— had helped form the arguments that resulted in the *Brown* decision.

Visiting Howard University in 1963, she asked her friend Spottswood Robinson, then dean of the Law School, if he knew what had become of her paper from many years before. "To my surprise," she wrote, "he promptly produced it from his files and had a copy made for me." And then he told her that, while working as part of the NAACP legal team preparing arguments for *Brown v. Board*, he had remembered her paper and taken another look at it. "It was," he told her, "helpful to us."

By any standard, the "exceptional promise" shown by Pauli Murray and the other men and women in whom the Rosenwald Fund invested paid off handsomely. We are still feeling the effects of their extraordinary contributions to our country.

Rosenwald's remarkable philanthropy may soon be celebrated in a National Historic Park. A congressionally

(Continued on page 17)

(*Rosenwald Fellows and the Journey to* Brown v. Board of Education, Continued from page 16)

mandated Special Resource Study of Rosenwald and sites associated with his life and work found that these were of national significance. Congressional leaders and others have proposed to the President that, using his authority mandated in the Antiquities Act, he create a National Monument honoring Rosenwald in three sites — the Nichols Tower at the former headquarters of Sears, Roebuck and Company in Chicago; Rosenwald's boyhood home in Springfield, Illinois; and the San Domingo School in Wicomico County on Maryland's Eastern Shore. This would be the first of the 429 units of the National Park Service to honor the legacy of a Jewish American. It would tell a positive story of people of widely different backgrounds coning together and partnering to bring about positive change.

There is no better example of this than the way so many talented and thoughtful men and women who had benefitted from Rosenwald fellowships contributed to the legal decision asserting that segregation by race had — has — no place in American democracy. ■

Stephanie Deutsch is the author of *You Need a Schoolhouse, Booker T. Washington, Julius Rosenwald and the Building of Schools for the Segregated South*, published in 2011 by Northwestern University Press. She is part of the Campaign to Create a Julius Rosenwald and Rosenwald Schools National Historical Park.

Resources

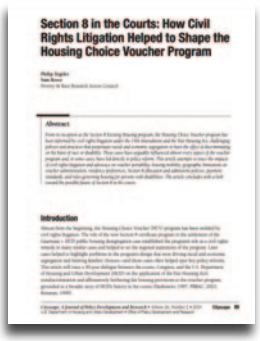
Rosenwald Schools, African American Cultural Heritage Action Fund, Saving Places.

Pauli Murray House, African American Cultural Heritage Action Fund, Saving Places.

Schulz, Kathryn, *The Many Lives of Pauli Murray*, The New Yorker (April 10, 2017).

This piece was previously published in 2020 by the National Trust for Historic Preservation.

NEW ON PRRAC'S WEBSITE


Section 8 in the Courts: How Civil Rights Litigation Helped to Shape the Housing Choice Voucher Program

"Section 8 in the Courts: How Civil Rights Litigation Helped to Shape the Housing Choice Voucher Program"

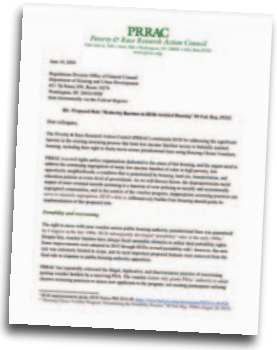
(July 2024)

Comments on proposed HUD rule "Reducing Barriers to HUD-Assisted Housing"

(June 2024)

Letter to Senate Appropriations Committee re flexibility in the use of voucher funds, and support for housing mobility programs

(June 2024)


PRRAC


PRRAC

"How magnet schools might collaborate across housing and transportation agencies to enhance school diversity efforts"

(April 2024)

PRRAC.org

Thank you for supporting PRRAC!

Rosalind Kotz
Andrew Beveridge
Thomas Jerome Edwards
Amy Klaben
Jennifer O'Neil
Kris Keniray
Dennis Parker
Susan Davidoff
Gabriela Sandoval
Robert Hahn
Ann Moses
Katherine DeFord
Silvia Argueta
Peggy Wiesenberg
Jack Boger
Sara Surface
Jeremiah Goldstein & Varley Sims Paul
Sandra Baron & Joel Blau
Paul Birnberg
John & Marie Brittain
Jeffrey Kaplan
Steven Brockhouse
Alexander Kayne & Jody Yetzer
Scott & Danis Gehl
Justin Steil
Henry & Dorothee Schriever
Karan Sheldon
Girardeau A. Spann
Amy & Steve Eppler-Epstein
Craig Flournoy
Christine Beneman
Prudence Brown
Carole Ramsay
Casey Cobb
Zachary Mortensen
Dan Goldstein
Susan Bennett
Gita Gulati-Partee
Jefferson Brown
Robert Dubrow
Barbara Sard
Tamica Daniel
Nancy McArdle
Margaret Weir
Barbara Samuels
Helen Hershkoff
Ira Goldstein
Bethany Berger
Beth Gurney
David Williams
Carl Riehl
Nicholas Marantz
Sheryll Cashin
David Hinojosa
James Schulman
Olati Johnson
ReNika Moore
Richard & Sheila Henderson (in honor of Thomas J. Henderson)
Chinh Le
Richard Rothstein
Berkman-Hill Family
Joe Sellers & Laurie Davis
Alan Mallach
Jill Khadduri
Allan Rodgers
Lois Athey
Laurence D. Pearl
Leslie Proll
Alan Glickman
Bridgette Sheridan & Margery Adams
Dennis Keating
Stephen Siegel & Robin Drayer (in honor of Chester Hartman)
Peter & Catherine Schreiber
Florence Roisman
Jonathan Orleans
Texas Housers
Richard Kazis
Jon & Alice Bauer
Michael & Heli Meltsner
Michelle Adams
Jonathan Birnbaum
William Rubenstein
Emilio & Regina Estela
Brancart & Brancart
Mitzi Ware
Anna McIntosh
Daniel Goldstein & Kathleen Higgins
Judy Pigott
Center for Community Futures

Social Science Advisory Board (SSAB)

PRRAC's Social Science Advisory Board is a group of leading scholars who are committed to PRRAC's vision of an inclusive society, and who believe that civil rights and poverty law advocacy need to be informed by research. Our Social Science Advisory Board members provide us with important insights into the work we do to affect federal, state and local housing, educational, and environmental policies.

Are you a print subscriber to P&R?


Poverty & Race
POVERTY & RACE RESEARCH ACTION COUNCIL
Brown at 70 and Milliken at 50
For All of Our Children: Justice Thurgood Marshall's Faith in Integration Is Still Right
Brown v. Board of Education: The Soul of Our Multiracial Democracy

Sign up for our biweekly PRRAC updates to keep up to date on PRRAC research and advocacy at: www.prrac.org/update-sign-up

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. Audrey Lynn Martin, guest editor; Tessa Delgo, editorial assistant. 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 TDelgo@prrac.org. Articles generally may be reprinted, if PRRAC gives advance permission.

PRRAC
Poverty & Race
Research Action Council

740 15th St NW • Suite 300
Washington, D.C. 20005

Email: info@prrac.org
Website: www.prrac.org

Address Service Requested

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