

Fair Housing Strategies for the Future: A Balanced Approach

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When the Federal fair housing law was passed in 1968, Americans were once again promised that this Nation would embark on a new course destined for equal housing opportunities for all. Thirty years later that promise has yet to be fulfilled. For many civil rights advocates, including this author, fair housing remains an elusive dream cloaked in the rhetoric of freedom and acceptance.

Thirty years ago, the Federal Kerner Commission issued an ominous warning about the creation of two separate and unequal American societies, one White and one Black. Could the commission have envisioned that, at the end of the 20th century, U.S. housing patterns would be described as *hypersegregated* and its communities as *disenfranchised*. By analyzing the present-day realities of racial residential segregation, a number of conclusions may be drawn.

First, irrefutable historical evidence suggests that racial isolation and segregation patterns do not result from natural selection, free choice, or mere happenstance. Nor are they significantly linked to economic factors. Rather, conscious and deliberate actions were taken to design, construct, and maintain policies and practices that impede equal access to housing opportunities. Those practices, coupled with contemporary acts and long-standing institutionalized discrimination, have drawn the current boundaries of racial segregation. These boundaries are physical as well as perceptual. Communities and neighborhoods that have historically excluded racial minorities, or in which pioneering minority households have been harassed or interfered with, send a clear message that they are off-limits to minority citizens.

Secondly, residential racial integration has not been high on the national priority agenda. This country has never had a national housing policy, even though our laws state clearly that individuals have the right to live in an integrated society. The interpretation of fair housing law and regulation as a directive, rather than a suggestion, has been generally ignored by policymakers at all levels of government. These policymakers fail to recognize the long-range and detrimental effects that housing segregation has on all of society, not just members of minority groups.

Since the fair housing laws were passed, government has moved with all deliberate lethargy to enforce them and, in many instances, has participated in obstructing and impeding their enforcement. Subsequently, housing discrimination is still commonplace.

Our government has never committed the level of resources (human or financial) necessary to effectively combat illegal forms of housing discrimination. If we assume that integrated communities result from the desegregation of residential patterns, we must admit that public policy has failed to embrace integration as a goal and has ignored or directly undermined efforts to achieve racially diverse neighborhoods.

Fair housing laws have assisted some individuals in exercising their rights and securing housing, usually through private organizations and private litigation. Focus on enforcement alone will never create a truly integrated society. Enforcement is too narrow a strategy to bring about the type of systemic and societal change needed. Decades of living in isolation from one another have created great inequalities among racial groups. These inequalities have fueled fears and ignited hostility. In short, the prolonged existence of residential racial segregation has created a self-perpetuating situation in which slogans such as *nondiscrimination* and *equal housing opportunity* offer little hope or meaning.

Segregation comes at a high price. The non-White—individuals, neighborhoods, and metropolitan structures—pay that price through monetary, social, educational, and emotional losses. Racial isolation shapes human relationships among social groups and it penalizes business and property owners, investors, and jobseekers.

Some of segregation's costs are easy to recognize. In the Black community they include the so-called *dual housing market*, which remains a major institutional barrier to economic progress; limited access to educational opportunities, employment, and homeownership; and the inability to accrue wealth. The Black middle class pays a high price to leave racially concentrated areas and is confronted with very limited housing choices once it does. As a result, African-Americans are denied the standard prerequisite of middle-class status: a home in a secure neighborhood where housing values increase and schools provide access to good jobs and further education.

No single factor explains the persistence of America's dual housing market. However, both anecdotal and empirical data point to housing discrimination as a major contributor. During the past 35 years private fair housing organizations have battled with housing industries on local levels in an attempt to identify and eradicate illegal forms of housing discrimination. In 1968 the Federal fair housing law gave these fair housing advocates a long-awaited boost. As a result of this new civil rights mandate, more than 400 private fair housing organizations were established between 1968 and 1975 to assist with local enforcement and education activities. Unfortunately, State and local resistance to these groups' vigorous fair housing advocacy effectively limited their scope. In addition scarce long-term, renewable public funding sources—and the decision by philanthropic institutions to support less controversial projects—led to a sharp decline in these organizations. By the mid-1980s there were fewer than 60 private fair housing groups operating nationwide.

Private, nonprofit fair housing organizations, such as the Milwaukee organization I direct, function as "fair housing assistance groups" that gather evidence on housing discrimination and provide education services. These programs are designed to provide fair housing services that have not been available through Federal, State, and local public enforcement agencies. These services include fair housing counseling; technical assistance to housing consumers, providers, and Government officials and their staffs; outreach, education, and training programs; research into systemic forms of discriminatory housing practices; and direct assistance to persons alleging violations of fair housing laws.

Private fair housing organizations fill the evidence gap by gathering objective and credible data on the level and extent of discrimination in the housing market. Most groups gather this data using a controlled method called *testing* to determine whether equally suited homeseekers are treated the same by various housing providers and measures the quality, content, and level of information and service provided to each homeseeker. Testing is typically conducted by pairs of individuals who are matched on all socioeconomic characteristics, except for the characteristic on which discrimination is believed to be based. Testing can be conducted in response to an individual complaint or it can be used to investigate larger systemic practices. Once testing is completed, fair housing organizations work to ensure that the right to private action in State and Federal courts is a realistic alternative for victims of housing discrimination.

In addition to testing, private fair housing organizations offer an array of other services to housing providers and government agency staff. These include fair housing education and training, assistance in self-testing for fair housing compliance and operation of mobility and pro-integration programs and services. The most effective private fair housing organizations offer complaint-based and systemic testing as well as fair housing outreach and education services. Despite this array of services, however, individual fair housing organizations cannot have the systemic impact necessary to overcome institutionalized forms of discrimination that permeate the Nation's housing industry.

Since racial discrimination affects many social institutions, a comprehensive and coordinated attack on several fronts is required. HUD's recent approach to address these problems by calling for public-private partnerships to eradicate discriminatory practices. These partnerships propose formal working alliances between representatives of government, the housing industry, and private fair housing organizations to identify and dismantle barriers to equal housing opportunity.

Successful fair housing partnerships do exist. However, these partnerships have typically been limited to sponsorship of education and outreach projects that involve joint participation in local housing task forces or annual fair housing conferences. For example, the primary activity of the Wisconsin Fair Housing Network, which is composed of housing industry members; representatives of Federal, State, and local government agencies; and advocates, is an annual statewide fair housing conference.

One must question if this approach by HUD has been an effective way to dismantle segregated housing patterns. With few exceptions, these public-private partnerships have not resulted in a widespread reorganization of housing patterns, increased minority representation in the housing industry's workforce, or meaningful changes in how the housing industry does business. Sadly, many partnerships have caused little more than wider distribution of fair housing posters and more actionless calls for race-neutral housing industry policies. Meanwhile, more low-income and minority residents are living in isolation with no hope of tapping into the American Dream.

The push to make education a remedy for racial discrimination is predicated on the assumption that discriminatory acts are perpetrated by well-meaning but slightly biased or uninformed persons. This approach assumes that housing providers, although recalcitrant in their beliefs, will be persuaded to "take the high road" if they can be taught the economic benefits of practicing fair housing. It totally disregards the deeply entrenched patterns of institutionalized racism that operate throughout the housing industry. That racism is manifested through behavior patterns, policies, business locations, service advertising and marketing, assumptions about where and how people of color live, and the

predominance of White male decisionmakers and authority figures in the real estate, mortgage lending, and insurance industries. Conducting training seminars on fair housing laws, producing brochures on the importance of a just society, or sponsoring local essay contests once a year do little to untangle the web of deep-seated practices that divide our society.

The housing industry has not acted alone in fostering America's segregated housing patterns. The Federal Government has continued to play a major role on several fronts to perpetuate racial disparities, even as it championed public-private partnership as a means to eradicate housing discrimination.

Government has been a willing and active participant in discriminatory housing practices throughout this country's history. Racially segregated residential patterns have been maintained through such government practices as zoning and land use regulation, legislation, court decisions, and numerous documented acts of commission and omission. A noteworthy example of governmental culpability is present-day segregated public housing projects. By maintaining the segregated residential patterns of low-income and minority households, these projects permanently relegate Black public housing residents to designated "Black" areas of the community.

The forceful combination of both public and private discriminatory actions can only be addressed through a multifaceted and coordinated approach.

Fair Housing Strategies for the Future

What solutions can be offered to break down racially segregated housing patterns? What role must the private fair housing movement play in this process? I suggest the following:

- Acknowledge that the housing industry and the government created and perpetuated segregated living patterns and obstacles to equal housing. Any future actions to ameliorate those patterns must be accomplished through a concerted approach by those entities.
- Assess what kind of Nation we want to become. This assessment cannot be limited to rhetorical statements on the benefits of diversity or quotes from the speeches of Rev. Martin Luther King, Jr. A serious assessment must involve a conscious decision regarding whether the United States will become a balkanized, desegregated, or integrated society.
- Private fair housing organizations must coalesce to ensure that there are uniform and comprehensive fair housing activities. They cannot continue to use the disjointed approaches that dominated the Fair Housing Act's first two decades. The National Fair Housing Alliance (NFHA), a private, not-for-profit consortium of more than 90 private fair housing organizations, was created to establish a national fair housing agenda. NFHA should continue its work to implement national enforcement and education programs; provide technical assistance to government and the housing industry; and serve as a central voice for issues relating to the implementation of fair housing laws, regulations, and programs designed to expand equal housing opportunity. In addition, NFHA must become an even more effective player in national housing activities.
- Assess what must be done to bring about fair housing in this country. What roles should government, the housing industry, and other institutions play? What are they unwilling or unable to do? The balance must be addressed by private fair housing organizations and advocates.

- Develop a national agenda for fair housing. After 20 years as a fair housing advocate, I can see that the absence of a clear action plan has greatly deterred efforts to dismantle residential discrimination and segregation in our communities. We must look at successful planning models to help us accomplish established goals.

Fair housing must become a national priority. This will not happen until the housing industry comes to a better understanding of the nature and extent of discrimination and the toll it takes on our communities. Additionally, fair housing must be viewed as a non-political and bipartisan movement that enjoys public support no matter which political party has a voting majority.

- Identify and sustain sufficient funding levels for public and private fair housing activities and programs. If we are to wage a real war against discrimination and segregation, we need adequate funding. In particular, private fair housing organizations must be aggressive in their efforts to secure long-term commitments of public and private funding to fulfill their missions.
- Implement a balanced approach. Use the four major players to achieve a balanced approach to fair housing. These players include government, the housing industry, the academic community, and private fair housing advocates. Each player could make a unique contribution to implement a plan of action that includes a variety of activities designed to eradicate discriminatory housing practices and promote equal housing opportunities.

Role of Government

Create cooperative environments. Historically, neither government nor the housing industry has looked to the private fair housing movement for guidance. Private fair housing advocates are invited to attend various meetings, are asked many questions, and are allowed to offer opinions. However, the majority of this sharing involves retroactive participation to evaluate decisions already made or programs already in progress. The government does not value, coordinate, or use the experience and resources that fair housing advocates offer. In some instances, it appears that government works against, rather than cooperating with, private fair housing enforcement groups.

Requests for proposals (RFPs), which fair housing organizations submit to receive government funding, discourage collaboration between these organizations and create a competitive, rather than a cooperative environment. When seeking funding, fair housing organizations compete with each other and with other organizations that do not even provide direct victim assistance or education services.

For example, three organizations (the Metropolitan Milwaukee Fair Housing Council, the Fair Lending Coalition, and Select Milwaukee) have been categorized as fair housing programs under the City of Milwaukee Community Development Block Grant (CDBG) program. Each of these organizations provides unique services that expand housing opportunities. The Metropolitan Milwaukee Fair Housing Council (MMFHC) provides traditional housing discrimination investigation, education, systemic research, and technical assistance services. The Fair Lending Coalition (FLC) works with area lenders to ensure compliance with the Community Reinvestment Act (CRA). Select Milwaukee promotes city neighborhoods and provides educational services designed to enhance the city's quality of life.

The City of Milwaukee annually receives approximately \$30 million in CDBG funds. Of that amount, approximately \$208,000 is designated to carry out these citywide fair housing activities. Each organization in the CDBG fair housing category is allocated a

maximum funding level for these activities. MMFHC receives \$70,000; FLC, \$100,000; and Select Milwaukee, \$38,000. The organization must either accept what has been allocated for their programs or negotiate a funding increase. Unfortunately, one organization's funding increase means a budget reduction for the other fair housing category members. This common funding practice creates a cut-throat environment of significant magnitude and consequence and is the subject of perennial complaints lodged against government concerning fair housing.

Federal, State, and local funding strategies for fair housing activities are generally implemented without coordination. This creates fragmented programs that operate in isolation without the benefit of adequate financial assistance to carry out effective program activities.

Place a high priority on fair housing. At a minimum, government's contribution to future fair housing strategies should include the elimination of segregation and discriminatory practices in its own housing policies and programs. No level of government has placed a high priority on fair housing mandates. In fact, HUD's mandated "Analysis of Impediments (AI) to Fair Housing" reports are generally viewed by State and local government units as a contractual obligation instead of a useful tool to identify and eliminate barriers to fair housing. Until government at all levels assumes its proper leadership role, the eradication of residential segregation will remain an elusive dream.

Additionally, the government must continue and expand current enforcement efforts by HUD and the U.S. Department of Justice (DOJ), U.S. Department of Agriculture (USDA), and financial regulatory agencies. The Federal Government must commit greater resources to antidiscrimination enforcement efforts, including financial and technical support for and coordination of enforcement activities with State, local, and private enforcement agencies.

Measure performance of fair housing organizations. Funds allocated to support fair housing activities should be tied to performance outcomes. Measurements of service quality and program effectiveness must be tempered with realistic goals for the number of fair housing cases handled. In many locales, fair housing programs are evaluated using measurements that were designed for housing rehabilitation or elderly transportation programs. These measurements are inadequate for fair housing programs that provide intangibles that are as important as the number of cases handled. For example, once a fair housing complaint about an illegal advertisement is publicized, it sends a corrective message to innumerable housing providers who may have thought such wording was permissible. A fair housing presentation to 50 League of Women Voters members may ultimately result in thousands of citizens being informed about fair housing through League members during the course of a year.

Unfortunately, fair housing organizations are often evaluated by counting the number of complaints filed and resolved within the contract period. Consequently, qualitative accomplishments, like those mentioned above, may never make it into the monthly activity reports to fair housing funding sources. While numerical measurements are important, they should not be used as the sole basis for assessing a fair housing program's effectiveness. Government, in particular, should work toward establishing collaborative relationships with private fair housing organizations and advocates.

By the same token, private fair housing organizations must begin to reduce their exclusive reliance on the operating funds they receive from HUD's Fair Housing Initiatives Program (FHIP) and local COMMUNITY DEVELOPMENT BLOCK GRANT contracts. Both of these funding sources are tied to the dictates of the governments that administer

them and may be reduced to conform to the minimum level a community will tolerate. For example, some fair housing organizations do not receive funds to implement testing or other enforcement because these activities do not conform with the community's fair housing comfort level. Some local government funding sources may require fair housing organizations to eliminate program activities that may be viewed as too affirmative.

Initiate complaints. Although clearly permitted by Federal statutes, there have been few instances when HUD has initiated investigations into patterns and practices of housing discrimination through "Secretary-Initiated Complaints." Similar inaction is also evident on the State level, even State-initiated investigations are permitted through the offices of States' attorneys general. These investigations would represent a more proactive approach by government and would result in more comprehensive enforcement alternatives for housing discrimination victims.

Expand disclosure policies. Federal disclosure policies under both CRA and the Home Mortgage Disclosure Act (HMDA) should be expanded to include smaller financial institutions that are not currently covered under reporting requirements. Establishment of Federal disclosure policies governing the provision of homeowners insurance is also crucial. Business records that include rate filing, rating territory, agent location, and the type of policies available by census tract should be compiled and reported to regulatory agencies for review and evaluation.

Increase housing opportunities. Government must also make a commitment to expand and support affirmative marketing, mobility assistance and pro-integration programs designed to increase housing opportunities in nontraditional areas of the community. This proactive approach would reverse some residential segregation trends.

In addition to including pro-integration programs within its own assisted housing programs such as Section 8, government must recognize affordable housing as a fair housing issue and act to:

- Reverse past policies governing the location of affordable housing so suburban municipalities can no longer keep such housing out of their communities.
- Utilize a mix of incentives and requirements for expanding affordable housing, including creative use of tax-credit programs and low-income unit set-asides.
- Provide communities with incentives to expand the availability of affordable housing choices to nonresidents who work in the community and want to move there.

Facilitate public/private partnerships. Government must organize and facilitate functional public-private partnerships that will strengthen and reinforce broad-based approaches to dismantling segregated housing patterns. It is only through coordinated and collaborative efforts that the effects of housing discrimination can be reversed and redirected to expand housing choice.

Public-private partnerships are formal work-sharing relationships between public and private fair housing advocates. These partnerships must be established and operated with clear and effective action plans. As noted above, current partnerships are generally focused on local fair housing education and outreach initiatives with short-term goals and limited financial futures. Government has failed to establish partnerships that are designed to coordinate multijurisdictional enforcement activities over long periods of time. In a few cases, State fair housing enforcement agencies work with private fair housing organizations.

Future fair housing strategies must include the continuation of FHIP, the HUD program that provides direct funding to private fair housing groups, as well as HUD's Fair Housing Assistance Program (FHAP), which provides funding to public fair housing agencies operating in substantially equivalent jurisdictions (State or local public enforcement authorities).

The continuation and expansion of public-private partnerships with other government departments and agencies including DOJ, USDA, the U.S. Department of Defense, and Federal regulatory agencies are also important and necessary goals for future fair housing activities.

Role of the Housing Industry

Promote fair housing in sales and rental. The real estate sales and rental industries must change the philosophy and policies that govern the ways in which homes and housing are marketed. In particular, the housing industry workforce must be racially integrated. Although there has been an increase in the participation of racial minorities in the housing sales industry, there are still deficits, particularly in the customer service area. The industry's marketing force must also be integrated so there are sufficient numbers of minority agents working in White neighborhoods and White agents working in minority neighborhoods. Additionally, the industry must increase African-American and Latino employment within all its segments—especially decisionmaking and supervisory positions—if residential segregation is to be reduced.

Fair housing strategies also must include efforts to convince marketers to affirmatively address sales campaigns to all segments of the market, not just to those markets with which they are familiar or have traditionally targeted. Successful residential desegregation can only be achieved if housing professionals conscientiously change the segmented ways in which housing is marketed. Housing providers do advertise in minority markets. However, even when advertising reaches minority homeseekers, they are often not shown the full range of housing available. The housing industry must move from a complacent compliance mindset to a vigorous action mode if integrated neighborhoods and markets will become commonplace.

Future fair housing strategies must focus on small rental housing providers who are not affiliated with an apartment association or income-property owners group but play a significant role in segregation. Often, these small housing providers conduct narrow marketing through religious periodicals, neighborhood business contacts, and word-of-mouth. This narrow marketing may actually increase both the opportunity to discriminate and the ability to detect it.

Equalize Mortgage Lending. For the past several years serious attention has been focused on the mortgage lending community's role in perpetuating segregated housing patterns. Mortgage lending reports continue to indicate that White applicants are approved for mortgages at a disproportionately greater rate than equally or better qualified Black applicants. Three laws help agencies and advocates monitor compliance with fair housing lending requirements. The Equal Credit Opportunity Act (ECOA) of 1974 requires lenders to retain loan files for a minimum of 25 months so their underwriting decisions can be reviewed. HMDA (1975) requires that lenders report the race of their loan applicants, the disposition of each application (accepted, rejected, or pending) and the census tract of the property for which the application was placed. CRA (1977) mandates that federally regulated financial institutions meet the credit needs of local communities in which they are chartered. Each institution must file statements that identify its service areas, the

community's credit needs (including low- and moderate-income areas), and how it is meeting those needs. Lending institutions must actively support the expansion of statutory obligations under these Acts to ensure comprehensive collection and reporting of disclosure data and compliance with all fair housing and/or fair lending requirements.

Monitor homeowners insurance provision. The private fair housing movement has been, and plans to continue being, very active in the area of homeowners insurance provision. Property insurance is an essential element of homeownership. Illegal practices relating to the uniform availability of coverage, differential application of underwriting standards, and unequal provision of service based on race or the racial composition of the neighborhood directly contribute to residential segregation.

Despite its objections to the contrary, the insurance industry is covered by the Federal Fair Housing Act. According to several district, circuit, and appellate court rulings, as well as interpretive regulations promulgated by HUD, insurance is considered one of the services and facilities that are prerequisites to obtaining dwellings.

In 1991 the National Fair Housing Alliance (NFHA) conducted a national testing project to determine whether policies and practices of homeowner insurance providers restricted or denied property insurance to households or neighborhoods in violation of the Federal fair housing law. Insurance testing involves both a tester and a test house, so data were collected in nine cities on African-American and Latino insurance applicants and their neighborhoods. Test results indicated that minority testers were treated differently 53 percent of the time when their houses and neighborhoods were matched with the houses and neighborhoods of White testers (Smith, 1997:108). A significant amount of insurance testing has been conducted since that time. Results generally indicate that providers of homeowners insurance still treat applicants differently based on race or the racial composition of their neighborhoods. Testing also has been conducted to determine whether differences in treatment were based on the applicant's sex or disability.

Discrimination in the provision of homeowners insurance is generally difficult to identify due to the mystique surrounding the insurance industry's decisionmaking processes. The industry should help consumers make informed choices regarding insurance products and services that are designed to increase housing value and stabilize neighborhoods.

To their credit, several insurance companies have instituted self-testing programs to ensure that their agents and staff comply with fair housing laws. Additionally, companies have implemented community education programs and developed partnerships with community-based and advocacy organizations to provide information on home safety, risk reduction, and insurance products and services, and to promote fair housing practices.

The insurance industry must expand its fair housing activities and programs. It should increase homeowners' knowledge of safety and risk, market all products and services to all segments of the community, and develop directed community-investment and reinvestment programs for those neighborhoods previously redlined. Years of unfair housing practices must be reversed through reinvestment in neighborhoods that experienced discriminatory practices in the provision of homeowners insurance products and services.

Monitor Property Appraisers. Members of the property appraisers industry play a key role in providing housing and establishing community residential patterns. The American Institute of Real Estate Appraisers (AIREA) was established in 1924 to provide "the proper determination of the value of property," according to AIREA. Although decisions made by real estate appraisers are vital to housing transactions, relatively little attention

has been directed to evaluating the practices of these professionals and how they impact housing discrimination and residential patterns. Training and practice standardization for appraisers is currently not federally regulated, appraisers generally are not required to receive formal fair housing training, and there has not been broad-based involvement of fair housing advocates in monitoring their activities. Future fair housing strategies must involve education programs to ensure that a variety of professionals, including appraisers, comply with equal housing opportunity mandates.

Role of the Academic Community and Other Researchers

Government, the housing industry, private foundations, and the general public take the view that discrimination and segregation are diminishing at an adequate rate and that no further intervention is necessary. In addition, private fair housing practitioners are seen as jacks-of-all-trades: experts in the law; in the dynamics of discrimination; in public policy and legislative battles; and in the policies, practices, education, and training needs of government, housing, and academic institutions. We also are expected to be legal advocates, counselors, investigators, and researchers who are familiar with methodology, sampling, regression analysis, and data collection and analysis. Many believe we have access to a plethora of fair housing data, are knowledgeable about all related subjects and issues, and can argue, synthesize, publish, distribute, and apply that knowledge.

The truth is that fair housing practitioners need help from the academic and research communities. In the areas of research and public policy, these academicians cannot be content to sit on the sidelines as mere data collectors, issue forecasters, and analyzers. They must become actively involved in finding solutions to the social ills that result when racial discrimination and segregation perpetuate an unjust society. Researchers must disseminate their public policy recommendations. Academic journals do not circulate to the general public and academic retreats, conferences, and meetings are not public forums. Information researched, cited, and debated through these forums must be widely distributed to those who make recommendations and decisions and to those who structure policy and implement programs.

Many view fair housing practitioners as self-serving. Some accuse us of wanting to maintain victim status to preserve our jobs and refer to us as *poverty pimps*. To counter these views, it is imperative that sources outside the fair housing movement develop research that details the deleterious effects of residential segregation. The academic community and fair housing advocates must develop partnerships so that data developed through academic research can be coordinated with fair housing strategic plans to provide an empirical basis for the real-life encounters that racial minorities have during the housing search and through disinvestment and redlining of their neighborhoods. Empirical data collected by social scientists can buttress complaint data and case information that is generally anecdotal, may not be representative of the nature and extent of discriminatory practices, or do not describe the effect of discriminatory practices on residential segregation.

To combat illegal discrimination, researchers must gather empirical evidence to support the claims of fair housing advocates concerning the extent of the problem, community needs assessments, and program resource requirements. Researchers and applied social scientists working in government programs, in the fair housing movement, and in the field of civil rights can help formulate and recommend public policy and join with fair housing advocates to speak out on public policy issues. Some of these activities may include serving on local fair housing boards, task forces, and committees. In many instances the path to lawmakers, policymakers, and funding sources is paved with academic research.

Research is also needed on housing industry dynamics and the activities of housing rental and sales agents. There has not been much research in the area of housing provider practices since Rose Helpers' book, *Racial Policies and Practices of Real Estate Brokers* (1969). Research of this type would benefit the design of future systemic fair housing projects.

Other potential research areas include:

- The factors considered by homeseekers during their housing search and patterns, if any, that emerge.
- Existing affirmative housing programs and impediments that continue to inhibit housing choice.
- Proven techniques for promoting equal housing opportunity.
- The impact of segregation and institutionalized discrimination on the victim, including the impediments to education, employment opportunities, and wealth.
- The social costs of discrimination that impact society as a whole.

Role of the Private Fair Housing Movement

Future priorities must challenge private fair housing organizations to move beyond their traditional interests. If the movement is to enjoy meaningful participation in decision-making and policymaking it must increase its political influence. This can only be achieved if private fair housing organizations align in a collaborative manner to coordinate program priorities and use of their limited resources. Organizations must also adhere to standardized methods of program management, operation, and service delivery. Interorganizational communication, as well as standardized staff training and program procedures, are necessary to achieve consistent service provision. The alternative would open the door for the establishment of bad case law due to inadequate evidence gathering or case preparation. This is too grave a consequence to chance. The fair housing movement cannot survive if each individual group continues to operate in isolation. To effectively combat the forces of housing discrimination, these organizations must depend on their collective strength and effectiveness, characterized by one voice, one body, and many arms working in concert to achieve the goals of a national fair housing policy.

The private fair housing movement has been characterized as *reactive* when it come to fair housing legislation, regulation, and program development. However, since NFHA was established in 1988, the private fair housing movement has made significant strides to impact this civil rights area. NFHA must remain vigilant despite budget limitations and public apathy that continue to impede progress in mounting a sustained attack on residential segregation.

Historically, government positions on fair housing issues rarely go far enough or fast enough to change the pace of residential segregation. Likewise, some housing industry participants have consistently impeded efforts to change the balance of power regarding equal housing opportunity. Subsequently, private interests are left with the responsibility to push government and the housing industry to take action.

In order to dismantle segregated housing patterns, proactive fair housing programs are necessary. Enforcement, pro-integration, and public-private partnership programs are key activities that will lead to progress on these fronts.

Continue enforcement assistance activities. Complaint-based and systemic testing must remain staples in the private enforcement arsenal. We must improve our capacity to gather litigation-quality evidence of discrimination and address discriminatory practices by large, interstate housing providers.

Private fair housing organizations must pool human and financial resources to attack institutionalized discriminatory practices. One such partnership, established by fair housing groups in 1994, uncovered illegal practices within the insurance industry that led to the filing of complaints with HUD against the Prudential, Travelers, Aetna, and Liberty Mutual insurance companies in 1997. Enforcement efforts of this type must be replicated nationwide to identify and eradicate institutional forms of housing discrimination.

Discrimination—and the fair housing enforcement landscape—have changed. Private fair housing advocates cannot hope to keep pace with high technology practices of discrimination using antiquated techniques. For example, changes in how the real estate industry lists, markets, advertises, and sells homes has made the Internet a potentially ripe area for a wide variety of housing discrimination. One-stop-shopping operations, now available through a number of larger housing providers, also pose technological challenges for fair housing advocates. For example, an entire housing transaction, including appraisal, inspection, mortgage, insurance, and moving services, can be provided with one contract from one company. These consumer services, previously limited to companies offering relocation assistance, are now available and used as a private client service.

The private fair housing movement must also adopt activities that keep illegal housing practices in the public spotlight. Use of discrimination indices that are based on coordinated systemic tests lets a fair housing organization use actual examples of local discriminatory practices when talking about fair housing. Presenting this data to government agencies and the general public corroborates the group's work and gives these audiences the opportunity to hear a more sophisticated version of the housing discrimination story. This information must also be relayed to funding sources, which should be reminded that the problem of illegal discrimination has not yet been solved.

Operate mobility and pro-integration programs. Given the fact that vouchers and certificates will probably be the main vehicles for dispensing future housing assistance, fair housing strategies must focus attention on mobility programs like HUD's Moving To Residential Opportunity (METRO), Cincinnati's Section 8 Mobility Assistance, Milwaukee's former Center for Integrated Living (CIL), and the Chicago Leadership Council's fair housing programs. Currently, few of these programs are in operation compared with the total number of fair housing activities and services that exist.

Mobility programs provide a variety of services designed to inform homeseekers about area housing opportunities and help them expand their housing search beyond the community's traditional racial boundaries. By counseling both minority and White homeseekers, these programs can put a hold on current residential patterns until the real estate industry begins practicing affirmative marketing.

Affirmative housing programs must become part of both public-and private-sector activities. At a minimum these programs should include:

- Affirmative marketing.
- Affirmative housing search assistance.

- Monetary inducements or advantages that attract and assist persons making nontraditional moves. Such incentives might include tax credits, low-interest mortgages, downpayment and rental-cost disbursements, equity insurance programs in racially diverse or minority neighborhoods, and bonus rent payments to tenants making pro-integrative moves.

Affirmative housing programs of this type are designed to eliminate the current fragmented system for delivering information about sales and rental housing opportunities. They also provide information about communities and neighborhoods—such as neighborhood amenities, transportation routes, shopping, and recreation—that may be unfamiliar to homeseekers. These programs offer counseling services that address the special problems faced by low-income households. They also monitor issues, such as fear of intimidation and isolation, which may arise following pro-integrative moves.

Work with the housing industry. The Fair Housing Council of Greater Washington, D.C., describes compliance testing programs as the “privatization of the fair housing movement.” The council receives a significant percentage of its budget from compliance contracts with the housing industry. These contracts offer an alternative means of promoting fair housing by allowing limited enforcement resources to be used for other essential program activities.

More common relationships between fair housing organizations and the housing industry involve fair housing training programs and joint conferences and seminars. These activities should continue to be fair housing strategies for the future. Real estate professionals, income property managers and owners, lenders, and insurers often participate in such programs with fair housing advocates. These efforts represent an important way to open communication and exchange ideas about how to increase fair housing opportunities and dismantle discriminatory barriers to locational choice.

Conclusion: Dismantling the Dual Housing Market

Residential segregation must be attacked. It was not created naturally and it will not go away naturally. Private fair housing groups must continue to be the impetus behind vigorous enforcement activities. However, we must have government support as well as the commitment and active participation of the housing industry to achieve stable integration. The tools necessary to reduce housing discrimination and segregation are well developed. The law is well established and there are growing capacities to conduct effective enforcement. However, these efforts do little to bring about integration, even though they help reduce residential segregation. Fair housing strategies must go beyond enforcement, compliance testing, and education. Whole communities must be held accountable for the success of fair housing principles. Collaboration with fair housing groups and community-based organizations, local chambers of commerce, and local religious associations are essential to sell the concept that affirmative marketing is a viable resource to help communities become diverse.

Academic research must be developed to support the work of fair housing practitioners by providing evidence to policymakers and funding sources that the problems of residential segregation and discrimination persist. Applied social scientists must become actively involved in disseminating their research and recommendations for change.

The fair housing movement must effectively articulate and carry out an aggressive agenda to accomplish the goals of equal housing opportunity. This agenda must minimally include:

- Expanding equal housing opportunities and promoting the value of multiracial and multicultural associations.
- Recognizing that only private fair housing organizations will monitor the government's compliance with fair housing laws.
- Training fair housing practitioners to be legislative advocates. Legislation must reflect enforcement and educational needs identified by fair housing advocates and others.
- Recognizing that it is up to fair housing advocates to undertake activities that counter the residual effects of racial isolation and segregation in local communities.
- Identifying activities that are practical, political, and achievable. Solutions must address what still should be done.

A comprehensive, balanced approach to the problem of residential segregation and discrimination is necessary. Multifaceted approaches must be coordinated and unified. A national fair housing action plan, which combines enforcement, education, research, and affirmative efforts, must be developed.

The current system of residential patterns was established through conscious and deliberate acts. Consequently, it will take conscious and deliberate acts to undo America's legacy of institutionalized residential segregation.

Author

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