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# Long Overdue: Desegregation Litigation and Next Steps To End Discrimination and Segregation in the Public Housing and Section 8 Existing Housing Programs

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It is not 30 but 130 years since the U.S. Congress prohibited racial discrimination in housing, directing that “all citizens ... shall have the same right ... as is enjoyed by white citizens ... to inherit, purchase, lease, sell, hold, and convey real and personal property.” (U.S. Congress 1866.)<sup>1</sup> In 1954 the Supreme Court held that the Federal, State, and local governments are constitutionally obligated to eschew racial discrimination in their programs and activities.<sup>2</sup> In 1968 the Court held that the Constitution requires disestablishment of existing segregation and elimination of the vestiges of past segregation “root and branch.”<sup>3</sup> These mandates were reinforced in 1964, 1968, and 1994 (U.S. Congress, 1996, 1968a; U.S. President, 1994). The 1968 Federal Fair Housing Act requires HUD to act affirmatively “to end segregation in federally assisted housing.” (Schwemm, 1996:21.2 note 7.)

Despite this plethora of legal requirements, housing programs administered by Federal, State, and local government agencies consistently have been characterized by pervasive racial discrimination and segregation. In particular, residents of both public and Section 8 Existing housing<sup>4</sup> still suffer separate and unequal treatment on the basis of race. (Coulbaly, Green, and James, 1998).<sup>5</sup> HUD has acknowledged the existence of “a profoundly disturbing pattern of racial disparities within the public housing system:” Most African-American public housing residents live in largely African-American and poor communities, whereas Whites, living in elderly housing, typically live in areas with large numbers of Whites who are not poor. (U.S. Department of Housing and Urban Development, 1994a: Foreword, 1995.) Typically, African-American public housing residents endure housing and neighborhood conditions that are vastly inferior to the housing and neighborhood conditions that White public housing residents enjoy.<sup>6</sup>

Similarly, HUD has found a “pattern of racial segregation and economic isolation” in the Section 8 Existing housing program (U.S. Department of Housing and Urban Development, 1995a:VII). In this “pattern of stark contrasts [ ...n]early 85 percent of whites live in census tracts where fewer than 20 percent of the residents are black,” while 40 percent of Black rental assistance recipients live in areas that are at least 40 percent Black, making Black rental assistance recipients “more than 11 times more likely than assisted white families to live in such neighborhoods.” (U.S. Department of Housing and Urban Development, 1995a:7.)

In general, HUD has helped to create and exacerbate these conditions (Coulibaly, Green, and James, 1998; Massey and Denton, 1993; Roisman, 1995a, 1995b).<sup>7</sup> The few desegregative steps HUD has taken generally have been motivated by civil rights suits filed against the Department. This article describes the lawsuits and HUD’s recent actions and suggests ways in which those actions must be improved, enlarged, and refined.<sup>8</sup>

## The Desegregation Litigation and HUD’s Responses

The seminal desegregation suit against HUD was *Gautreaux v. Romney*, in which the Fifth Circuit Court of Appeals held the Department liable for its “knowing acquiescence in [the] admitted discriminatory [public] housing program” in Chicago.<sup>9</sup> Following *Gautreaux*, desegregation suits were filed against HUD in many places.<sup>10</sup> Several more courts held HUD liable for intentional racial segregation<sup>11</sup> and for failing to perform its duty “affirmatively to further” fair housing.<sup>12</sup>

Through court decisions and consent decrees, these cases produced a range of remedies:

- Production of scattered-site public housing in areas not predominantly Black.<sup>13</sup>
- Access requirements for HUD-assisted privately owned developments.<sup>14</sup>
- Equalization of public housing units and neighborhoods.<sup>15</sup>
- Funding of fair housing enforcement agencies.<sup>16</sup>
- Creation of housing mobility programs through which HUD provides Section 8 certificates and funding for mobility counseling for desegregative moves (Roisman and Tegeler, 1990).<sup>17</sup>

The housing mobility program using Section 8 certificates for desegregative moves was pioneered in *Gautreaux*, studied extensively, and hailed as effective (Rosenbaum, 1991; Rosenbaum and Popkin, 1991).<sup>18</sup> In 1992 Congress enacted the Moving to Opportunity (MTO) program to replicate the *Gautreaux* mobility program on a demonstration basis. MTO used poverty, rather than race, as the determining factor for eligibility and destination. (U.S. Congress, 1992).<sup>19</sup>

Beginning in 1993 HUD took the following steps to desegregate some public housing and Section 8 housing:

- Settled several pending desegregation suits (U.S. Department of Housing and Urban Development, 1995b, 1996a).
- Acknowledged some of its past illegal conduct (Achtenberg, 1995).<sup>20</sup>
- Implemented the MTO program (U.S. Department of Housing and Urban Development, 1996b).
- Extended mobility counseling to other areas by creating the Regional Opportunity Counseling (ROC) initiative (Turner and Williams, 1998).<sup>21</sup>

- Signaled a possible new approach to Title VI enforcement (U.S. Department of Housing and Urban Development, 1997b, d).<sup>22</sup>
- Improved its data collection and reporting about segregation and discrimination (U.S. Department of Housing and Urban Development, 1996c, 1995a, 1994a).<sup>23</sup>

These steps are welcome, but inadequate. They have three principal defects. First, HUD's actions have bypassed areas of greatest need. Second, HUD often has not performed specific obligations imposed by settlements and court orders and has undercut its professed interest in desegregation in many other ways. Third, the relief HUD has provided has been inadequate in both quantity and quality. HUD must extend relief to areas of greatest need, perform its obligations, and genuinely and effectively promote desegregation.

## Required Improvements in HUD Performance

### HUD Must Extend Relief to Areas of Greatest Need

Most HUD desegregative action has been taken where lawsuits were filed. These locations are determined not by where the need or violations are greatest but by serendipitous factors, notably the availability of counsel with skill, vision, and commitment to civil rights work (Kushner, 1992). HUD should focus its future actions on communities where many people would benefit and there is considerable evidence of discrimination and segregation.<sup>24</sup> There are four groups of prime candidates for desegregative action:

- Fourteen metropolitan statistical areas (MSAs) with large Black populations were identified as hypersegregated in 1980 and 1990 by Douglas Massey and Nancy Denton<sup>25</sup> (Denton, 1996, 1994; Massey and Denton, 1993). Of these 14 MSAs, only 3 (Buffalo, New York;<sup>26</sup> Baltimore;<sup>27</sup> and Chicago)<sup>28</sup> are the sites of comprehensive public housing desegregation lawsuits. (The *Gautreaux* suit in Chicago did not include surrounding Cook County, which is highly segregated.)<sup>29</sup> In New York City, suit was brought against the PHA only and settled in 1992.<sup>30</sup> Suits involving particular housing developments in Kansas City, Missouri, are producing some desegregation there.<sup>31</sup> In the nine remaining MSAs (Newark, New Jersey;<sup>32</sup> Philadelphia;<sup>33</sup> Cleveland;<sup>34</sup> Detroit;<sup>35</sup> Gary-Hammond-East Chicago; Indianapolis;<sup>36</sup> Los Angeles-Long Beach;<sup>37</sup> Milwaukee;<sup>38</sup> and St. Louis),<sup>39</sup> no general civil rights litigation or other effective step has been taken to achieve desegregation and equality in public housing and Section 8.<sup>40</sup>
- Fourteen additional MSAs with large Black populations have high segregation indices; 4 of these became hypersegregated in 1990 (Massey and Denton, 1993; Denton, 1994; Harrison and Weinberg, 1992). Of these 14, only 6 (Boston;<sup>41</sup> Pittsburgh;<sup>42</sup> Dallas;<sup>43</sup> Miami;<sup>44</sup> Cincinnati;<sup>45</sup> and Memphis, Tennessee)<sup>46</sup> have been the sites of desegregation litigation. (The Dallas suit does not include Ft. Worth and the Miami suit does not include Hialeah.)<sup>47</sup> The remaining eight (Columbus, Ohio; San Francisco<sup>48</sup>-Oakland; Birmingham, Alabama; Greensboro-Winston Salem, North Carolina; Houston;<sup>49</sup> Norfolk-Virginia Beach, Virginia; Tampa-St. Petersburg, Florida; and Atlanta<sup>50</sup>) have experienced no effective desegregation litigation or other remedy.<sup>51</sup> Two of the eight (Oakland and Birmingham) were hypersegregated in 1990 (Denton, 1994).
- Twelve metropolitan areas became hypersegregated in 1990 and have experienced no desegregation remedy: Albany, Georgia; Baton Rouge, Louisiana; Beaumont-Port Arthur, Texas; Benton Harbor, Michigan; Flint, Michigan; Monroe, Louisiana; New Orleans, Louisiana; Saginaw-Bay City-Midland, Michigan; Savannah, Georgia;<sup>52</sup> Trenton, New Jersey; and Washington, D.C.-MD-VA<sup>53</sup> (Denton, 1994).

- Other large PHAs (more than 2,500 units) with high segregation indices that have experienced no comprehensive desegregation remedy include: Cook County, Illinois; Augusta, Georgia; Charlotte, North Carolina; Mobile, Alabama; Jersey City, New Jersey;<sup>54</sup> Bridgeport, Connecticut; Metro Development Housing Agency (Nashville and Davidson), Tennessee; San Antonio, Texas,<sup>55</sup> and Wilmington, Delaware (U.S. Department of Housing and Urban Development, 1994a).<sup>56</sup>

## HUD's Rhetoric Must Be Matched by Action

Just as HUD's desegregative focus has not been on areas of greatest need, it also has been substantively deficient. The Department has taken small desegregative steps relative to the need in each community and the harm that segregation has done. Thousands more people are eligible for, in need of, and desirous of the Section 8 rental assistance and subsidized units are not being served.<sup>57</sup>

Moreover, HUD frequently does not do what it has agreed or been ordered to do. Even after Clinton administration officials professed their dedication to desegregation, plaintiffs have found that HUD does not comply with consent decrees and court orders.<sup>58</sup>

In addition, HUD has undercut desegregation efforts in several ways, including the following:

- It reduced Fair Market Rent (FMR) levels and made it more difficult for recipients to secure exception rents and "over-FMR tenancies."
- It constrained the time that recipients have to locate units in desegregative locations.
- It shirked its obligation to assure fair housing in other Federally assisted housing programs.

**Rent Levels.** FMR levels "play a critical role in determining the availability of units for mobility program participants in desirable neighborhoods." (Turner and Williams, 1998:116, 144). HUD's reduction of FMRs from the 45th to the 40th percentile of area rents "may significantly reduce the pool of rental housing units from which Section 8 participants can choose," at least in some markets (Turner and Williams, 1998:116 note 20; U.S. Department of Housing and Urban Development, 1997a).<sup>59</sup>

Potential movers can secure housing for rents that are above FMR if they qualify for "exception rent levels." Exception rents "can significantly increase the number of units available," particularly in desegregative areas. (U.S. Department of Housing and Urban Development, 1995a:38). However, HUD's new regulations make it more difficult for recipients to secure exception rents. The regulations eliminate the PHAs' discretion to increase rents and give HUD sole discretion to make FMR adjustments.<sup>60</sup>

Similarly, the statute allows a family to pay rent that exceeds 30 percent of its income if that rent is reasonable and the family can afford it (42 U.S.C. Section 1437f(c)(3)(B)). However, HUD's new regulations purport to give PHAs the option to disallow any such "over-FMR tenancies."<sup>61</sup>

**Search Time.** "Families run out of time during their housing search, particularly if the certificates are restricted to very low-poverty or low-minority neighborhoods, or if the housing market as a whole is tight." (Turner and Williams, 1998:10.) Nonetheless, HUD has authorized PHAs to extend the original 60-day search period for only 60 additional days.<sup>62</sup>

**Assuring fair housing in other federally assisted housing.** Housing subsidized under other programs administered by HUD, the Department of Agriculture, and the Treasury Department offers an important resource for desegregating public housing and Section 8. HUD has been egregiously derelict in enforcing the Affirmative Fair Housing Marketing Plans required in its own programs (Lazarus, 1993; U.S. Department of Housing and Urban Development, 1990; Goering, 1986; Office of Management and Budget, 1982; and Rubinowitz et al., 1974). The Department has not promulgated regulations implementing its duty affirmatively to further the policies of Title VIII and it has failed completely to carry out its obligation to assure fair housing in programs administered by other Federal agencies.<sup>63</sup> HUD's failure affirmatively to further fair housing in Low Income Housing Tax Credit developments is particularly important, since this program is the principal source of new subsidized housing and its sponsors are forbidden to discriminate on the basis of Section 8 status.<sup>64</sup>

HUD has had the effrontery to publish its ongoing intention to flout these mandates. The Department's strategic plan proposes only to "reduce segregation by at least 5 percent in each HUD-funded project over five years" and to take 5 years to "negotiate and sign inter-departmental agreements" with the Departments of Veterans Affairs, Agriculture, and others. The plan does not even identify the Treasury Department (U.S. Department of Housing and Urban Development, 1997c: appendix.)<sup>65</sup>

## HUD Must Provide Effective Relief in the Target MSAs and other areas

There are at least eight actions HUD should take immediately in target MSAs and in areas where litigation has been brought.

**1. HUD should create a fair housing enforcement organization in each MSA that does not have one, with a particular charge to work to protect Section 8 recipients from unlawful discrimination.** This should be the highest priority for the use of Fair Housing Initiatives Program (FHIP) funds.<sup>66</sup>

As HUD acknowledges, "the willingness (or unwillingness) of landlords to rent to Section 8 certificate-holders [is a] ... critical element in the success of mobility initiatives." (Turner and Williams; 1998: iii; U.S. Department of Housing and Urban Development, 1995a:33).<sup>67</sup> HUD also acknowledges that many landlords discriminate against Section 8 recipients (U.S. Department of Housing and Urban Development, 1995a).<sup>68</sup>

To some extent, landlord aversion to Section 8 is due to program design<sup>69</sup> and administrative problems<sup>70</sup> that should be corrected through competent PHA administration and HUD oversight. However, discrimination against Section 8 recipients also is based on race, gender, familial status, and "the prevalence of stereotypes that characterize low-income, minority households as unworthy or unreliable tenants...." (Turner and Williams, 1998: 118; U.S. Department of Housing and Urban Development, 1995a; Malaspina, 1996). These forms of discrimination must be met with vigorous enforcement of antidiscrimination laws<sup>71</sup> and public education. Housing providers and Section 8 recipients must be made aware of this effort so they know in advance that strong support will be provided (Farley et al., 1997).

**2. HUD should authorize and encourage every Section 8 administering agency in the target MSAs to grant exception rent levels, approve over-FMR tenancies, enlarge the 120-day search time,<sup>72</sup> and advise recipients that this relief is available.** HUD also should use its authority under the new housing legislation to enable the use of Section 8 certificates and vouchers in neighborhoods that are better-served by public and private

facilities, neighborhoods that usually pose—and are perceived to pose—special barriers to the entry of low-income people of color (Turner, 1998). Under the new legislation, for example, HUD must ensure that the payment standards for vouchers are high enough to serve the purposes exception rents serve for certificates. (National Housing Law Project, 1998a:187.)

**3. HUD should be strategic in selecting agencies to administer Section 8 and should require application of mobility concepts in the full Section 8 program.** Particularly in distributing new Section 8 authority, HUD should assess carefully the relative advantages of administration by local PHAs, nonprofits, regional or State agencies, or HUD itself. Some studies have deprecated local administration (see, for example, U.S. Department of Housing and Urban Development, 1997a, 1995a; Tegeler, Hanley, and Liben, 1995; Tegeler, 1994; Malaspina, 1996). Regional and State agencies have problems as well as advantages (see Housing Assistance Council, 1997b.) Some PHAs (notably those in Dallas, Texas, and Alameda County, California), have administered mobility programs admirably (Turner and Williams, 1998). Administration of the *Gautreaux* mobility program is performed by a private, nonprofit organization (Davis, 1993; Roisman and Botein, 1993).

HUD should use different agencies in different situations, basing its decision on the structure, history, form, and particular staff of each institution (see Putman, 1993). Moreover, the full Section 8 program should incorporate mobility concepts. Some PHAs, such as Alameda County, California, have done this (Turner and Williams, 1998:6; Peterson and Williams, 1995; Tegeler, Hanley, and Liben, 1995; Fischer, 1994).<sup>73</sup>

**4. HUD should review all residency preferences.** Residency preferences disadvantage inner-city residents who seek to make suburban moves (U.S. Department of Housing and Urban Development, 1996a, 1995b; Tegeler, Hanley, and Liben, 1995; Tegeler, 1994).<sup>74</sup> In 1994 HUD changed its regulations to specify that residency preferences must be approved by HUD and “must be consistent with HUD’s affirmative fair housing objectives.”<sup>75</sup> (24 CFR Sections 5.410(h)(2), 982.202.) Nonetheless, many PHAs continue to employ residency preferences without HUD scrutiny or approval.

**5. HUD should require that PHAs make payments needed to facilitate desegregative moves.** Two kinds of payments would promote desegregation. First, families need compensation for increased costs involved in searching for and moving to low-poverty or low-minority neighborhoods. These costs include transportation and childcare during the search and security deposits, utility hookups, and moving expenses thereafter (Turner and Williams, 1998; Malaspina, 1996).

Second, “a small number of mobility programs have offered holding payments to landlords who accept Section 8 families, to compensate them for the delay (and lost rent revenue) caused by the housing inspection and lease approval process.” Turner and Williams (1998: 120, referring to these as *sometimes controversial*; see also Sard, 1993). HUD should require such payments to facilitate desegregative moves.

**6. HUD should improve mobility programs by directly addressing employment and gender issues.** The great promise of housing mobility programs has been their potential to improve the educational and vocational performance of children and increase labor market participation by mothers.

The *Gautreaux* studies show great advances for children (Rosenbaum, 1991). For mothers, however, the results are mixed. More mothers who moved to the suburbs had jobs than did those who moved within the city. However, suburban mothers were not earning

more money or working more hours than urban mothers (Rosenbaum and Miller, 1997). Those who study or administer mobility programs agree that if employment consequences for mothers are to be improved, additional services must be provided<sup>76</sup> (Turner and Williams, 1998; Rosenbaum, 1991; Popkin, Rosenbaum and Meaden, 1993; Briggs, 1997). Mobility programs, HUD's work-related programs, and all of Section 8 should incorporate these additional services.<sup>77</sup>

Relocating women to places where there are more jobs, where mothers feel safe traveling and leaving their children,<sup>78</sup> where job applicants' addresses do not repulse employers,<sup>79</sup> and where others have jobs,<sup>80</sup> is only the first step toward improving their labor market position. Such relocation does not necessarily mean that the movers will secure good places in the labor market.

Most of the adults in these programs are women of color, who are or have been recipients of Aid to Families with Dependent Children (AFDC) (Rosenbaum et al., 1993; Polikoff, 1988). These women face special barriers in finding, acquiring, and retaining any jobs. Their employment opportunities generally are limited to jobs that offer less pay, benefits, security, desirable working conditions, and opportunities for advancement than do jobs available to people who are not poor, female, and Black (Austin, 1988; Fitzpatrick and Gomez, 1997; Hershey, 1997; Jeffries and Schaffer, 1996; Hanson and Pratt, 1995; Badgett and Williams, 1994; White, 1993; Tomaskovic-Devey, 1993).<sup>81</sup> In light of all the special barriers to effective labor force participation by poor, Black women, it is astonishing that simply allowing them to change their location has increased their labor market participation.<sup>82</sup> To bring more movers into the labor market and to improve all movers' labor market positions with respect to hours, pay, benefits, retention, and advancement, special attention must be paid to the particular needs of this population (Edin and Lein, 1997; Burbridge, 1993).

For example, those who administer or study mobility programs agree that "child care and referrals to job training and placement are among the most urgent needs for families striving to overcome dependency." (Turner and Williams, 1998:III; Fitzpatrick and Gomez, 1997.) In general, personal associations are a principal resource in the job search for women (and men). However, "channels of information are gendered," which means that "the jobs women are most likely to learn about are the jobs that their female informants know about or have held...." (Hanson and Pratt, 1995:198–199.) Reliance on these sources would perpetuate the over-representation of women "in low-paying occupations and industries ... characterized by shorter career ladders, fewer benefits, fewer available work hours, and greater rates of unemployment." (Fitzpatrick and Gomez, 1997:324; Hanson and Pratt, 1995; Schultz, 1990.)

To encourage women to seek better jobs, intensive job counseling is necessary. Other serious problems faced by women include job retention (particularly for low-wage, entry-level, female, minority workers who have been on AFDC),<sup>83</sup> and discrimination and harassment (particularly for women of color) (Hershey, 1997; White, 1993; Winston, 1991). Transportation is crucial not only to improve access to jobs, shopping, and health care, but also to enable movers to retain direct contact with "critical social resources" (Rosenbaum, 1991:206–1208; Briggs, 1998, 1997; Hanson and Pratt, 1995).<sup>84</sup> Some creative solutions have been advanced. *Gautreaux* program administrators "consider[ed] ways of helping families obtain inexpensive used cars." (Rosenbaum, 1991:1206.) In one community, "rental car companies...provided low-cost cars to individuals moving to areas where public transportation is not available." (Turner and Williams, 1998:128.) Car sharing—leasing vehicles for as little as an hour—is "an idea whose time has come."<sup>85</sup> (National Public Radio 1998.)

**7. HUD should preserve and desegregate federally assisted housing developments.**

Mobility practitioners have emphasized the importance of “increas[ing] access by mobility programs to housing developments subsidized by HUD or the Low Income Housing Tax Credit.” (Turner and Williams, 1998:144.) HUD should review, enforce, and improve the Affirmative Fair Housing Marketing (AFHM) plans for those developments and should promote a “one-stop-shopping” arrangement for all subsidized housing (Tegeler, 1994). The Department should use its regulatory authority over all federally assisted developments to prohibit their discrimination against Section 8 recipients, require AFHM plans, and preserve subsidized housing developments threatened with withdrawal to unsubsidized status.

**8. HUD should institute a Title VI compliance review in each target MSA, beginning with the largest and most segregated.**

Each review should address not only the public housing and Section 8 programs<sup>86</sup> but also other Federally assisted programs, including State and local Community Development Block Grants.<sup>87</sup> By reviewing all federally assisted activities in the MSA—and drawing on all the programs for relief—HUD would be able to make a substantial start at desegregating housing in those communities. One form of relief to which HUD should pay particular attention is the promotion of inclusionary zoning ordinances, which hold great potential for desegregation.<sup>88</sup>

Public housing and Section 8 have been segregated and discriminatory since their creation, despite laws to the contrary. It is long past time for HUD to act firmly, directly, and swiftly to undo and redress the shameful and destructive segregation and discrimination that it has fostered in its own programs.

## Conclusion

Public housing and Section 8 have been segregated and discriminatory since their creation, despite laws to the contrary. It is long past time for HUD to act firmly, directly, and swiftly to undo and redress the shameful and destructive segregation and discrimination that it has fostered in its own programs.

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*Florence Wagman Roisman is an associate professor of law at Indiana University School of Law—Indianapolis. She is grateful to the law school for a research grant that enabled her to respond to HUD’s invitation to write this article. She thanks Reference Librarian Richard Humphrey for his swift and skillful responses to her many requests, counsel in the desegregation suits who provided essential information, Lorena Bray for superb research assistance, and Lorra Schroeder for excellent secretarial work.*

## Notes

1. The 1866 statute was understood from its enactment to apply to State and local government action. In 1968 the Supreme Court held that the 1866 act applies to private as well as government action. *Jones v. Mayer*, 392 U.S. 509 (1968).
2. *Brown v. Board of Education*, 347 U.S. 483 (1954); *Bolling v. Sharpe*, 347 U.S. 497 (1954).
3. *Green v. County School Board*, 391 U.S. 430, 437–38 (1968). While Green involved public education, the same principles apply to publicly assisted housing.

4. *Public housing* refers to housing owned by public housing authorities (PHAs) and financed under the U.S. Housing Act, 42 U.S.C. Section 1437 et seq. *Section 8 Existing housing* refers to the certificate and voucher programs authorized by 42 U.S.C. Section 1437f(b) and (o), whereby privately owned housing is leased to low-income occupants and subsidies are paid by the PHA to the private owner. In this article *Section 8* refers to the Section 8 Existing housing program. Substantial changes to the program were made by U.S. Congress (1998).
5. See, for example, *Davis v. New York City Housing Authority*, 1997 U.S. Dist. LEXIS 10451, which cites “the persistence of discriminatory practices and resulting segregation in New York City public housing as late as 1991.”
6. See, for example, *Walker v. U.S. Department of Housing and Urban Development*, 734 F.Supp. 1289 (N.D. TX 1989).
7. For cases describing intentional segregation by HUD and its predecessors, see *Cohen v. Public Housing Administration*, 257 F.2d 73 (5th Cir 1958); *Gautreaux v. Romney*, 448 F.2d 731 (7th Cir. 1971); and *Young v. Pierce*, 628 F.Supp. 1037, 1044–1047 (E.D.TX 1985).
8. Other civil rights cases have been filed against State and local agencies, including PHAs. Sometimes private parties file these suits (for example, *Davis v. New York City Housing Authority*, supra note 5, and *Pitt v. Hartford Housing Authority*, D.CT, Civ. Action No. 3:97cv2019 (JBA), Ruling on Motion for Court Approval of Proposed Settlement Agreement and Other Pending Motions (April 16, 1998). Sometimes the U.S. Government files suit (for example, *U.S. v. Parma, OH*, 661 F.2d 562 (6th Cir. 1981), cert. denied, 456 U.S. 926 (1982)). This article is concerned only with cases in which HUD was a more than nominal defendant.
9. *Gautreaux v. Romney*, supra note 7. This lawsuit against HUD was a companion to a suit against the Chicago Housing Authority. *Gautreaux v. Chicago Housing Authority*, 296 F.Supp. 907 (N.D. Ill. 1969). Ultimately, the U.S. Supreme Court affirmed the propriety of relief that affected suburbs as well as the City of Chicago. *Hills v. Gautreaux*, 425 U.S. 284 (1976).
10. A list of desegregation cases against HUD appears in the appendix. The list is based on, but adds several cases to, a list prepared by Erica Hashimoto (Poverty and Race Research Action Council, 1977).
11. See, for example, *Clients Council v. Pierce*, 778 F.2d 518, 1045–57 (8th Cir. 1985); *Young v. Pierce*, supra note 7.
12. *NAACP, Boston Chapter v. Kemp*, 721 F.Supp. 361 (D.MA 1989).
13. See, for example, *Gautreaux v. Chicago Housing Authority*, 304 F.Supp. 736, enforcing 296 F.Supp. 907 (N.D.IL 1969); Polikoff, 1988; *Gautreaux v. Chicago Housing Authority*, 4 F.Supp.2d 757 (N.D. IL 1998) (holding HOPE VI funding to this standard); *Walker v. HUD*, supra note 6, at 1302–1303 (N.D.TX 1989); *Walker v. HUD*, N.D. TX, Civ. Action No. 3:85–CV–1210–R, Memorandum Opinion (Oct. 6, 1997), pending on appeal sub nom. *Highlands of McKamy IV and V v. Dallas Housing Authority*, 5th Cir., No. 97–11083.

14. See, for example, Polikoff, 1988. Also see *Gautreaux v. Landrieu*, 523 F.Supp. 665, 668–69 (N.D.IL 1981), *aff'd sub nom. Gautreaux v. Pierce*, 690 F.2d 616 (7th Cir. 1982) (approving consent decree that embodied earlier informal arrangements).
15. See, for example, *Walker v. HUD*, *supra* note 13, City Consent Decree (September 20, 1990), Remedial Order Affecting DHA (February 7, 1995), and Modified Remedial Order Affecting HUD (December 5, 1997); *Young v. Cisneros*, E.D. TX, Civ. Action No. P–80–8–CA, Final Judgment and Decree (March 30, 1995); and *Sanders v. HUD*, 872 F.Supp. 216 (W.D. PA 1994).
16. See, for example, *Young v. Cisneros*, *supra* note 15.
17. The *Gautreaux* Section 8 mobility program was provided for in a consent decree that endorsed and expanded an earlier demonstration program. See Polikoff, 1988. See also *Gautreaux v. Landrieu* and *Gautreaux v. Pierce*, *supra* note 14. Subsequently, mobility programs were created through litigation in Cincinnati; Dallas; Memphis, Tennessee; Yonkers, New York; New Haven and Hartford, Connecticut (under threat of litigation); and elsewhere (Peterson and Williams, 1995).

Special masters and receivers have been appointed in several of these cases, including those in Chicago, Dallas, East Texas, and Baltimore. See, for example, *Gautreaux v. Chicago Housing Authority*, 981 F.Supp. 1091 (N.D.IL 1997); *Gautreaux v. Pierce*, 1987 U.S. Dist. LEXIS 6269 (1987); *Walker v. HUD*, 734 F.Supp. 1231, 1233 (N.D.TX 1989); *Young v. Pierce*, 685 F.Supp. 975, 976 (E.D.TX 1988); *Young v. Pierce*, 640 F.Supp. 1476 (E.D.TX 1986); *Thompson v. HUD*, D.MD, Civ. Action No. MJG–95–309, Order Certifying Class and Approving Partial Consent Decree (June 25, 1996).

18. A list of *Gautreaux* studies is provided by Roisman, 1995b; see also Rosenbaum and Miller, 1997.
19. Moving to Opportunity (MTO) is a small demonstration program in five cities: Baltimore, Boston, Chicago, Los Angeles, and New York. It provides Section 8 certificates that allow families living in public or assisted housing in high-poverty central-city neighborhoods to move to low-poverty neighborhoods (Turner and Williams, 1998; U.S. Department of Housing and Urban Development, 1996b).
20. See also *Sanders v. HUD*, *supra* note 15 at 217 (HUD admission of liability under 42 U.S.C. Section 3608(e)(5)); *Walker v. HUD*, *supra* note 13, HUD's Responses to Plaintiffs' Requests for Admissions, at 76–77 (May 11, 1994); U.S. Department of Housing and Urban Development, 1995b.
21. HUD also has introduced desegregative concepts into the Public Housing Vacancy Consolidation (PHVC) program. For various reasons, observers question whether this will prove to be a mobility program (see Turner and Williams, 1998). Destroying public housing without replacing all the demolished units is not an admirable desegregation strategy (see Calmore, 1980).
22. HUD's Title VI regulations state that recipients of Federal financial assistance "must take affirmative action to overcome the effects of prior discrimination" and that "even in the absence of such prior discrimination, a recipient ... should take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin." 24 CFR Section

1.4(b)(6)(i),(ii). In the past, HUD has taken an indefensibly restrictive view of Title VI and HUD's Title VI regulations. HUD maintained that Title VI did not apply to PHAs that had established de jure segregation prior to 1964. (See U.S. Department of Justice, 1985:41–42 note 11). (“HUD’s decision not to require specific affirmative action to desegregate de jure segregated projects would appear to constitute an interpretation of ‘previously discriminated’ in 24 CFR 1.4(b)(6) as meaning ‘prior to taking affirmative action and after becoming subject to title VI.’ ” This interpretation is embodied in Handbook 7401.1, chapter 1, appendix 1, the public housing handbook. HUD’s Title VI handbook, 8040.01, which dates from 1976, does not mention the issue of ending de jure racial segregation and its effects or the existence of unequal conditions as Title VI problems. See also U.S. Department of Justice, 1977, and U.S. Commission on Civil Rights, 1974.

HUD’s recent Title VI review of the Housing Authority of the City of Galveston (GHA) Texas, takes a different view. HUD found that GHA had “failed to meet its duty to take affirmative measures to remove the effects of siting its large, originally de jure segregated, family public housing projects in neighborhoods that either shared the racial and national origin characteristics of the projects or were uninhabited....” “Once Title VI became effective,” HUD determined, “GHA had, and continues to have, an obligation to take reasonable action to remove or overcome the consequences of its previous segregation.” HUD found that “the failure of GHA and GRACE [its subsidiary] to promote the development of public housing opportunities outside minority-concentrated areas and their recent sale of properties outside such areas substantially impairs their ability to provide housing in a manner which is consistent with Title VI and HUD’s implementing regulations. Through its failure to provide family public housing in non-minority areas and its sale of properties located in non-minority areas, GHA ... subjects its tenants to segregation and separate treatment ... in violation of 24 C.F.R.”1.4(b)(1)(iii). and violated 6(i) and (ii). (U.S. Department of Housing and Urban Development, 1997b: 1–2–1–5.)

While HUD deserves credit for this revised interpretation, one must note that HUD’s findings followed, and may have been induced by, a lawsuit filed against HUD. *Ethridge v. Housing Authority of City of Galveston*, S.D.TX, CA No. G–96–404, Order Granting Plaintiffs’ Motion for Leave to File First Amended Complaint [adding HUD as defendant] (January 15, 1997).

23. HUD’s other steps clearly are rooted in the civil rights lawsuits. The improvements in data collection and reporting may reflect concern about civil rights, unrelated to the litigation. It is unclear to what extent HUD has made the data improvements described as *in progress* in Shlay and King (1995).
24. Note, however, that “the incidence of racially homogeneous housing projects does not appear to be related to the size of the PHA, housing projects occupied exclusively by black tenants being found [not only] ... in Philadelphia and Chicago [but also in] ... such small cities as Milford, Connecticut, and Terre Haute, Indiana.” (Coulibaly, Green, and James, 1998:113.)
25. *Hypersegregation* describes MSAs for which census data show high levels of segregation on at least four of five dimensions by which segregation is measured (Massey and Denton, 1993). Two of the 16 MSAs that were hypersegregated in 1980 were not hypersegregated in 1990 (See Denton, 1994).

26. *Comer v. Kemp*, 37 F.3d 775 (2d Cir. 1994).
27. *Thompson v. HUD*, D.MD, Civ. Action No. MJG-95-309, Order Certifying Class and Approving Partial Consent Decree (June 25, 1996). Baltimore also has an MTO demonstration, a Regional Opportunity Counseling (ROC) initiative, and two Voluntary Mobility Programs (Turner and Williams, 1998).
28. The *Gautreaux* litigation and *Latinos United v. Chicago Housing Authority* (U.S. Department of Housing and Urban Development, 1996a). Chicago also is the site of an MTO demonstration and a Voluntary Mobility Program (Turner and Williams, 1998).
29. Paul Fischer found “extreme racial concentration” in Cook County public housing and Section 8. About public housing he wrote that, “approximately 89 percent of black family units are located in the most black census tracts....” “Regarding Section 8, he wrote, “Black Section 8 families in the HACC [Housing Authority of Cook County] program are disproportionately concentrated in heavily black areas.” (Fischer, 1994:393, 387.) HUD has identified the Cook County Housing Authority as very segregated. (U.S. Department of Housing and Urban Development, 1994a). There is a small Voluntary Mobility Program in suburban Cook County (Turner and Williams, 1998).
30. See *Davis v. New York City Housing Authority*, 839 F.Supp. 215 (S.D.N.Y. 1992) (approving consent decree); *Davis v. New York City Housing Authority*, supra note 5 (reviewing case history and the “considerable evidence of past discrimination” and segregation). New York City also has an MTO demonstration (Turner and Williams, 1998).
31. *Tinsley v. Kemp*, 750 F.Supp. 1001 (W.D.MO 1990) led to modernization of public housing and some desegregation. *Tinsley v. Kemp*, W.D.MO, No. 89-0023-CV-W-1, Consent Decree (November 25, 1991). So too did *Vann v. Housing Authority of Kansas City, Missouri*, 87 F.R.D. 642 (W.D. MO 1980).
32. *Newark Coalition v. Newark Redevelopment Authority*, D.NJ, Civ. Action No. 89-1303 (DRD), addresses improved housing conditions rather than desegregation. See Poverty and Race Research Action Council (1997). Newark participates in a statewide ROC initiative (Turner and Williams, 1998).
33. A 1941 decision against the Philadelphia Housing Authority and HUD’s predecessor allowed segregation to continue. *Favors v. Randall*, 40 F.Supp.743 (E.D. PA 1941). *Resident Advisory Board v. Rizzo* challenged the failure of HUD to proceed with the Whitman public housing development in a neighborhood that urban renewal had made into an all-White area. *Resident Advisory Board v. Rizzo*, 564 F.2d 126 (3d Cir. 1977), cert denied, 435 U.S. 908 (1978). The Whitman project was built and has been satisfactorily occupied on an integrated basis (Downey, 1996). A more recent suit challenges the egregiously substandard conditions in Philadelphia’s public housing. *Residents’ Advisory Board v. Philadelphia Housing Authority*, E.D. PA, Civ. Action No. 93-0479. (See U.S. Department of Housing and Urban Development, 1996a). Philadelphia also has a ROC Initiative (Turner and Williams, 1998).
34. An unsuccessful suit against HUD and others sought to remove impediments to siting of public housing in Cleveland’s suburbs. *Mahaley v. Cuyahoga Metropolitan Housing Authority*, 500 F.2d 1087 (6th Cir. 1974); see also *Banks v. Perk*, 341 F.Supp. 1175 (W.D. OH 1972) (local defendants enjoined from siting public housing in predominantly Black areas).

35. In 1950 the NAACP Legal Defense Fund successfully sued the Detroit Housing Commission for segregation. The court ordered “gradual” desegregation, which has yet to occur. *Detroit Housing Commission v. Lewis*, 226 F.2d 180, 184 (6th Cir. 1955). Referring to education, Gary Orfield (1996) has written that “Detroit was the second most segregated metropolitan area in the United States in 1992 and 1993.” Detroit has a PHVC Program (Turner and Williams, 1998). For an excellent history of segregation in Detroit’s public housing, see Sugrue, 1996. For a view of corruption and mismanagement in Detroit’s Section 8 program, which HUD chose not to correct by taking over the program, see *U.S. v. Brown*, 151 F.3d 476 (6th Cir. 1998).
36. Indianapolis has a PHVC program (Turner and Williams, 1998).
37. Los Angeles has an MTO demonstration (Turner and Williams, 1998).
38. Milwaukee has an ROC initiative (Turner and Williams, 1998).
39. *Brown v. U.S. Department of Housing and Urban Development* and *Anderson v. U.S. Department of Housing and Urban Development*, E.D.MO, Civ. Action Nos. 90th–1357–CAS and 4:93CV001622 CAS, Order (April 17, 1995) (approving settlement) involved the Vaughn and University House public housing developments. The settlement included a housing mobility program.
40. These MSAs also include many of the Nation’s areas of concentrated poverty. (U.S. Department of Housing and Urban Development, 1994b; and Jargowsky, 1997).
41. There have been two major lawsuits in Boston: *NAACP, Boston Chapter v. HUD*, 817 F.2d 149 (1st Cir. 1987) (HUD failure “affirmatively to further” fair housing); and *NAACP v. Boston Housing Authority*, 723 F.Supp. 1554 (D.MA 1989) (Settlement Agreement; segregation in public housing). For a review of past efforts to desegregate public housing in Boston, see *Boston Housing Authority v. Atlanta International Insurance Company*, 781 F.Supp. 80 (D.MA 1992). See also U.S. Department of Housing and Urban Development, 1995, which discusses both suits; Turner and Williams, 1998; U.S. Department of Housing and Urban Development, 1996a. Boston also is the site of an MTO demonstration, PHVC program, and ROC initiative (Turner and Williams, 1998).
42. *Sanders v. Cisneros*, supra note 15 (Allegheny County, PA).
43. *Walker v. HUD*, supra note 6.
44. *Adker v. HUD*, S.D. FL, No. 87–0874–CIV–Paine.
45. *Huntley v. Cincinnati Metropolitan Housing Authority*, S.D.OH, No. C–1–95–959, Order (September 3, 1998); *Hutchins v. Cincinnati Metropolitan Housing Authority*, S.D.OH, No. C–1–79–131, Order (June 4, 1984). See Poverty and Race Research Council (1997). Nancy Denton found the Cincinnati Ott-KY-IN MSA hypersegregated in 1990 (Denton, 1994; U.S. Department of Housing and Urban Development, 1995a). Cincinnati also has a ROC initiative (Turner and Williams, 1998).
46. *Hale v. HUD*, 1985 WL 11179 (W.D. TN 1985). (See Poverty and Race Research Council, 1997, and U.S. Department of Housing and Urban Development, 1995).
47. Nancy Denton (1994) found the Miami-Hialeah metropolitan area hypersegregated in 1990.

48. A suit involving transfer policies in San Francisco public housing was settled in 1995. *Nguyen v. San Francisco Housing Authority*, N.D.CA, No. C 93 1127-FMS, Order: Approval of Class Settlement (January 5, 1995). A 1953 decision invalidated discrimination in the public housing program. *Banks v. Housing Authority of San Francisco*, 260 P.2d 668 (Ct.App. 1953). HUD's predecessor, the Public Housing Authority, was not a defendant, but "the racial policies of the [Housing Authority] were in fact approved by the Public Housing Administration." *Id.* at 22.
49. There was an unsuccessful suit in Houston to prevent destruction of a large public housing development. *Resident Council of Allen Parkway Village v. HUD*, 980 F.2d 1043 (5th Cir. 1993) cert. denied, 510 U.S. 820 (1993); and 1993 U.S. App. LEXIS 4579.
50. *Crow v. Brown*, 457 F.2d 788 (5th Cir. 1977) challenged the refusal to site public housing in unconsolidated Fulton County. Atlanta has a PHVC program (Turner and Williams, 1998).
51. Several of these areas also have been identified by the U.S. Department of Housing and Urban Development (1994a) as having highly segregated public housing.
52. HUD (1994a) has identified Savannah's PHA as large and very segregated.
53. Washington has an ROC initiative (Turner and Williams, 1998). For a view of corruption in the Section 8 program there, see *U.S. v. Gatling*, 96 F.3d 1511 (D.C. Cir. 1996).
54. Jersey City participates in the State ROC initiative (Turner and Williams, 1998).
55. See Peterson and Williams, 1995.
56. HUD's strategic plan calls for "concentrating" fair housing enforcement (U.S. Department of Housing and Urban Development, 1997c: objective H7).
57. See, for example, *Gautreaux v. Chicago Housing Authority*, 981 F.Supp. 1091, 1093, which states that the 30 years of *Gautreaux* litigation have produced "fewer than 3,000 scattered-site units and 7,100 Section 8 certificates for a class comprising 40,000 families." See also Davis, 1993, which reports telephone company estimates that 10,000 calls were made on the day that registration opened for the *Gautreaux* mobility program. HUD's recent strategic plan indicates no sense of urgency about achieving desegregation. The Department sets the outrageously inadequate goal of reducing racial and ethnic segregation in public and federally assisted housing by 5 percent at the end of 5 years in 50 percent of "selected localities." (U.S. Department of Housing and Urban Development, 1997c.) This goal comes 35 years after President Kennedy undertook to eliminate such segregation with "the stroke of a pen" and 30 years after Congress enacted Title VIII (see Bond, 1996; Drinan, 1984). I am indebted to Michael M. Daniel, Esq., for calling this to my attention.
58. See, for example, *Young v. Cuomo*, supra note 15, Plaintiffs' Notice of Default and Non-Compliance (August 26, 1998); *Hawkins v. Cisneras*, D. Neb., Civ. Action No. 90-0-55, Notice of Non-Compliance with Settlement Agreement (December 14, 1998).
59. See Housing Assistance Council (1997a, 1997b), which shows that reduced FMRs constrain housing choice in nonmetropolitan areas also. Both reports preceded the reduction to the 40th percentile.

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HUD initiated the reduction as a “cost savings measure.” 60 Fed. Reg. 42222, 42223 (August 15, 1995) (Final Rule). Congress subsequently ratified the change in an appropriations act. 110 Stat. 26, 43 (January 26, 1996b:74.)

60. The new regulations constitute “a major regression from the currently popular policy of granting PHAs ever widening discretion to decide how to implement Federal housing programs. The regulations take away from PHAs much of the authority they previously had to set exception rents and to approve units for the certificate program that rent for more than the FMR.” (National Housing Law Project, 1998b:74).
61. 24 CFR Section 982.506(a). The National Housing Law Project says that since the statute “contains no language granting the PHA discretion not to allow any over-FMR tenancies ..., this part of the regulations is at least arguably invalid.” (National Housing Law Project, 1998b:75.)
62. HUD’s regulations authorize only the HUD field office to approve an additional extension, although the PHA may extend the time beyond 120 days as a reasonable accommodation for a person with a disability. 24 CFR Section 982.303(b).
63. 42 U.S.C. Section 3605(e)(5); U.S. President, 1994; Roisman, 1998.
64. 26 U.S.C. Section 42(h)(6)(B)(iv). See Roisman, 1998.
65. International peace agreements have been concluded in less time than HUD proposes to take to sign agreements with its sister agencies. (See Initiative on Conflict Resolution and Ethnicity, 1999. (I am grateful to my colleague George Edwards for bringing this authority to my attention.))
66. 42 U.S.C. Section 3616(a). State and local Community Development Block Grant funds also could be used for these agencies. At least nine of the target MSAs’ Indianapolis; Jersey City, New Jersey; Tampa-St. Petersburg, Florida; Charlotte, North Carolina; Savannah, Georgia; Norfolk, Virginia; Greensboro-Winston-Salem, North Carolina; Flint and Benton Harbor, Michigan—do not have private enforcement agencies (National Fair Housing Advocate Online, 1998).
67. See also Fischer (1994:395), who notes that “The concentration of Section 8 families in the southern suburbs [of Cook County] cannot be explained by the relative differences in the numbers of affordable two- and three-bedroom units.... There are large numbers of affordable units in all regions of suburban Cook County, yet very few are occupied by Section 8 households.”
68. See *Salute v. Stratford Greens Garden Apartments*, 136 F.3d 293 (2d Cir. 1998); *Knapp v. Eagle Property Management Corporation*, 54 F.3d 1272 (7th Cir. 1995); *Attorney General v. Brown*, 400 Mass. 826, 511 N.E.2d 1103 (S.J.C. MA 1987). See also Turner and Williams, 1998; Beck, 1996; and Malaspina, 1996.
69. See Malaspina, 1996, who suggests that the housing quality standards and “good cause for eviction” requirements be eliminated. The “take one, take all” provision to which many landlords objected has been repealed. See *Salute*, supra note 68, at 297. The new housing legislation may have removed some of these objections (U.S. Congress, 1998; National Housing Law Project, 1998a: 189, U.S. Congress 1998§ 554 and 582 (a)(2).

70. “Some [landlords] consider the added paperwork, the delays—from rental decision to inspection to PHA approval to actual move-in—or the need to receive and account for two checks each month, to be uneconomic.” (Turner and Williams, 1998.) See also *Attorney General v. Brown*, supra note 68, 511 N.E.2d at 1108–9. The new housing act requires PHAs to expedite inspections. (U.S. Congress 1998, § 545, revising 42 U.S.C. § 1437 f(o) (8)(E).) PHAs also do not do adequate outreach to landlords. (See, for example, Housing Assistance Council, 1997b.) HUD’s new Section 8 regulations eliminate former Section 982.153(b), which required particular outreach efforts. See 63 Fed. Reg. 23825 (April 30, 1998).
71. Federal law prohibits race, gender, and familial status discrimination (U.S. Congress, 1968a); State and local laws sometimes also prohibit discrimination based on source of income (Kushner, 1995). Discrimination on the basis of Section 8 status is forbidden in the Low Income Housing Tax Credit program. (26 U.S.C. Section 42(h)(6)(B)(iv).) Cf. Housing Secretary Cuomo’s erroneous statement that “you can’t discriminate against a person on the basis that they have a Section 8 rental subsidy.” (National Public Radio, 1997:796.)
72. HUD has given field offices the authority to extend this time. HUD should exercise that authority for all the target MSAs.
73. The administrative fee structure should be revised to avoid problems with portability (Tegeler, Hanley, and Liben, 1995; Tegeler, 1994). The goal is to create a situation in which the Section 8 agency realizes a benefit when recipients make desegregative moves (Turner, 1998; Malaspina, 1996:321). HUD’s Section 8 Management Assessment Program (SEMAP) should incorporate more desegregation standards (see 24 CFR Part 985, added by 63 Fed. Reg. 48548 (September 10, 1998)). Further changes will be required by U.S. Congress, 1998.
74. See also *Langlois v. Abington Housing Authority*, D.MA CA No. 98–12336–NG, order of preliminary injunction (December 30, 1998). *Melrose Housing Authority*, HUD ALJ 01–92–0175–1 (1993), and *In re Township of Warren*, 132 N.J. 1,622 A.2d 1257, 1257–77 (N.J. 1993).
75. 59 Fed.Reg. 36616, 36662, 36687 (July 18, 1994). HUD acknowledged that the regulation was deficient because it lacked “stated criteria” for approval; HUD said that it would initiate a corrective rulemaking 59 Fed. Reg 36,619 (1994). HUD has not produced a rule and apparently has permitted PHAs to continue to use unapproved residency preferences, although HUD acknowledges that such preferences “actually perpetuate...existing segregation where PHA jurisdictions are racially concentrated already....” (U.S. Department of Housing and Urban Development, 1995b:124.)
76. The additional help may have the supplemental beneficent effect of making landlords and others more receptive to the program. “Several programs also find that their commitment to provide post-move support—to the landlord as well as the family—plays a role in convincing landlords to participate.” (Turner and Williams, 1998:120; Rosenbaum and Miller, 1997.)
77. These include Moving to Work (U.S. Congress, 1996) and Section 3 (U.S. Congress, 1968b; 24 CFR Part 135). Section 3 implementation in HOPE VI replacement units can offer important employment opportunities, if requirements are included in the contracts and are enforced. I am grateful to Julie Levin, Esq., for this point.

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78. When *Gautreaux* suburban movers, who were substantially more likely than city movers to be employed after the move, were “asked how the suburban move helped them obtain jobs, all suburban participants mentioned the greater number of jobs in the suburbs. Improved physical safety was the second most mentioned factor. Adults reported that they did not work in the city because they feared being attacked on the way home from work, or they feared that their children would get hurt or get in trouble with gangs. The suburban move allowed mothers to feel safe enough to go out and work.” (Rosenbaum and Miller, 1997. See also Orfield and Ashkinaze, 1991.)
79. See Kirschenman and Neckerman, 1991, for a discussion of “address discrimination”: employer assumption that an inner-city address connotes characteristics that the employer does not want. See also Hanson and Pratt, 1995:228, which discusses the problems of a female jobseeker. “A number of employers told us that her address alone was enough to disqualify her for a job in their establishment. [Job applicants] ... would avoid telling prospective employers ... of their address.... [T]hey refused that geographical label as part of their identity.”
80. “Seeing neighbors work, suburban *Gautreaux* adults reported that they felt that they too could have jobs, and they wanted to try to obtain employment.” (Rosenbaum and Miller, 1997:1432–3.) Rosenbaum and Miller translate this into “positive role models and social norms,” but it may as easily mean that seeing employment possibly encouraged the movers to try to get jobs themselves. “[W]orkers need more than work ‘skills’ and information about jobs; they need to be able to envision their own place in the labor market.” (Hanson and Pratt, 1995:231.)
81. For reports and explanations of increased income for single, Black, female heads of households, see Holmes, 1998, and Badgett and Williams, 1994.
82. Compare the observation by Rosenbaum (1991:1205) that “This program revealed that these *low-income people had capabilities that were not evident when they lived in the city.*” (Emphasis in original.)
83. Researchers at Project Match, which provides long-term, individualized employment help to AFDC recipients who live in Chicago’s public housing, found that 57 percent of those who secured jobs lost them within 6 months. “For many participants, keeping a job was harder than preparing for and finding one....” (Hershey, 1997:16).
84. Childcare and transportation also are vital in nonmetropolitan areas. (See Housing Assistance Council, 1997b, regarding an effective program that provides “resources for child care, automobile repair, health insurance, eyeglass and dental work ..., books and school supplies, and a supplementary stipend for on-the-job training.”)
85. Car sharing “has been popular in Europe and in the four Canadian cities where it’s been introduced”; in Portland, Oregon, such programs operate with support from the State Department of Environmental Quality and the city of Portland. (National Public Radio, 1998). Discussions were under way for implementing such a plan in Edinburgh, Scotland (Hughes, 1998).
86. The PHA review should include delays in Section 8 inspections and lease approvals, requirements that applications be made in person, and other forms of bureaucratic disenfranchisement. (Tegeler, 1994.) See Lipsky, 1984, for a definition of *bureaucratic disenfranchisement*.
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87. The CDBG review is especially important since devolution has given more money to local and State agencies.
88. (See Roisman 1996b:521; Walljasper, 1999.) In Montgomery County, Maryland, where there is an inclusionary zoning requirement (Peterson and Williams, 1995), “none of the 2,515 rental assistance recipients live[s] in heavily poor areas” and fewer than 10 percent of rental assistance recipients live in “neighborhoods with either very high or very low black representation.” (HUD, 1995a:17.)

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## Appendix

### Desegregation Suits in Which HUD Is a Defendant

Citations are to most recent, most prominent, most pertinent, or only reported decisions. No effort has been made to provide citations to all reported decisions.

- \*Austin, Texas: *Blackshear Residents Organization v. Housing Authority*, 347 F.Supp. 1138 (W.D.TX 1971).  
*Blackshear Residents Organization v. Romney*, 472 F.2d 1197 (5th Cir. 1973).
- Baltimore: *Thompson v. HUD*, D. MD, Civ. Action No. MJG-95-309, Order Certifying Class and Approving Partial Consent Decree (June 25, 1996).
- \*Bogalusa, Louisiana: *Hicks v. Weaver*, 302 F.Supp. 619 (E.D.LA. 1969).
- Boston: *NAACP, Boston Chapter v. Kemp*, 817 F.2d 149 (1st Cir. 1987).  
*NAACP, Boston Chapter v. Kemp*, 721 F.Supp 361 (D.MA 1989).
- Buffalo, New York: *Comer v. Kemp*, 37 F.3d 775 (2d Cir. 1994).
- Chicago: *Gautreaux v. Romney*, 448 F.2d 731 (7th Cir. 1971).  
*Hills v. Gautreaux*, 425 U.S. 284 (1976).  
 \* *Latinos United v. Chicago Housing Authority* (See U.S. Department of Housing and Urban Development, 1996a.)  
*Gautreaux v. Chicago Housing Authority*, 981 F.Supp. 1091 (N.D. IL 1997).  
*Gautreaux v. Chicago Housing Authority*, 4 F.Supp.2d 757 (N.D. IL 1998).
- Cincinnati: *Huntley v. Cincinnati Metropolitan Housing Authority*, S.D.OH, No. C-1-95-959, Order (September 3, 1998).  
*Hutchins v. Cincinnati Metropolitan Housing Authority*, S.D.OH, No. C-1-79-131, Order (June 4, 1984).
- \*Cleveland: *Mahaley v. Cuyahoga Metropolitan Housing Authority*, 500 F.2d 1087 (6th Cir. 1974).
- Commerce, Texas: *NAACP, City of Commerce Branch v. Housing Authority of the City of Commerce*, 1998 U.S. Dist. LEXIS 8961 (N.D. TX 1998).
- Dallas, Texas: *Walker v. U.S. Department of Housing and Urban Development*, 734 F.2d. Supp. 1231, 1271, 1289 (N.D. TX 1989).  
*Walker v. U.S. Department of Housing and Urban Development* 912 F.2d 819 (5th Cir. 1990); 943 F.2d 1314 (5th Cir. 1991) (vacated).

- East Texas: *Young v. Pierce*, 628 F.Supp. 1037 (E.D. TX 1985)  
*Young v. Cisneros*, E.D.TX, Civ. Action No. P-80-8-CA,  
Final Judgment and Decree, March 30, 1995.
- \*Galveston, Texas: *Ethridge v. Housing Authority of City of Galveston*, S.D.TX,  
CA No. G-96-404, Order Granting Plaintiffs' Motion for  
Leave to File First Amended Complaint (January 15, 1997).
- \*Holyoke, Massachusetts: *Ramos v. Proulx* (See U.S. Department of Housing and Urban  
Development, 1996a).
- Kansas City, Missouri: *Tinsley v. Kemp*, 750 F. Supp.1001 (W.D.MO 1990).  
*Tinsley v. Kemp*, W.D.MO, No. 89-0023-CV-W-1, Consent  
Decree (November 25, 1991).  
*Vann v. Housing Authority of Kansas City, MO*, 87 F.R.D.  
642 (W.D.MO. 1980).
- Memphis, Tennessee: *Hale v. U.S. Department of Housing and Urban Development*,  
W.D.TN, Civ Action No. C-73410 (August 23, 1985) (Order  
approving consent decree).
- Miami: *Adker v. U.S. Department of Housing and Urban Develop-*  
*ment*, S.D.FL, No. 87-0874-CIV-PAINE. (TEB), Final Judg-  
ment (October 27, 1998).
- Minneapolis: *Hollman v. Cisneros*, D.MN, No. 4-92-712. Stipulation and  
Amended Consent Decree (Amendment No. 3), May 13, 1998.
- New Haven, Connecticut: *Christian Community Action v. Cisneros*, D.CT, Civ. No.  
3:91cv00296, Settlement Agreement (July 1995).
- Newark, New Jersey: *Newark Coalition for Low Income Housing v. Newark*  
*Redevopment Authority*, D.NJ, Civ. Action No.  
89-1303(DRD).
- Omaha, Nebraska: *Hawkins v. Cisneros*, D.Neb., Civ. Action No. 90th-0-55,  
Settlement Agreement (January 21, 1994).
- Philadelphia: *Resident Advisory Board v. Rizzo*, 564 F.2d 126 (3d Cir.  
1977), cert. denied, 435 U.S. 908 (1978).
- Pittsburgh: (Allegheny County): *Sanders v. U.S. Department of Housing*  
*and Urban Development*, 872 F.Supp. 216 (W.D.PA 1994).  
See also *Township of South Fayette v. Allegheny County*  
*Housing Authority*, W.D. PA Number. Civ. A. 98-1565, 1998  
WL 838902 (November 17, 1998).
- Providence, Rhode Island: *Project B.A.S.I.C. v. Kemp*, 947 F.2d 11 (1st Cir. 1991).  
*Project B.A.S.I.C. v. O'Rourke*, 907 F.2d 1242 (1st Cir. 1990).
- \*San Francisco: *Hai Nguyen v. San Francisco Housing Authority*, N.D.CA,  
No. C93 1127-FMS (Order; Approval of Class Settlement,  
January 5, 1995).

- \*St. Paul, Minnesota: *Robinson v. Cisneros*, D.MN, No. CIV 3-95-384, Settlement Agreement (June 21, 1996).
- Texarkana, Arkansas: *Clients' Council v. Pierce*, 778 F.2d 518 (8th Cir. 1985), vacated as moot, 785 F.2d 1387 (8th Cir. 1986).
- Toledo, Ohio: *Jaimes v. Toledo Metropolitan Housing Authority*, 715 F. Supp. 835 (N.D.OH 1989).  
*Jaimes v. Toledo Metropolitan Housing Authority*, 833 F.2d 1203 (6th Cir. 1988).
- \* *Jaimes v. Toledo Metropolitan Housing Authority*, 758 F.2d 1086 (6th Cir. 1985).  
*Arthur v. City of Toledo, Ohio*, 782 F.2d 565 (6th Cir. 1986).
- Yonkers, New York: *Giddens v. U.S. Department of Housing and Urban Development*, S.D. N.Y., No. 91-7181 (See Poverty and Race Research Action Council, 1997).  
*United States v. Yonkers Board of Education*, 837 F.2d 1181 (2d Cir. 1987), cert. denied, 486 U.S. 1055 (1988).  
*United States v. City of Yonkers*, 96 F.3d 600 (2d Cir. 1996), cert. denied, 117 S.Ct. 2479 (1997).

\* Indicates cases not included in Poverty and Race Research Action Council (1997).