

hud Challenge

COMMUNITY ISSUE





Conference Announced

"Fair Housing—An American Right/Right for America" is the theme of the upcoming National Conference on Voluntary Concepts and Programs in Support of Fair Housing to be held June 1-3 in Rosslyn, Virginia. Sponsored by HUD's Office of Voluntary Compliance, Fair Housing and Equal Opportunity, the Conference agenda includes plenary sessions with outstanding authorities on fair housing and civil rights. Workshops will be held covering such topics as a New Horizons Program for Cities, Counties, and Planning Agencies; Affirmative Marketing for Housing Industry Groups; New Concepts in Voluntary Compliance; Federal Involvement in Fair Housing; and Financing Fair Housing. There is no registration fee. For further details, contact HUD's Office of Fair Housing and Equal Opportunity, 451-7th St., S.W., Room 5228, Washington, D.C. 20410 (202/755-6848 or 755-5404).

Proposed Museum of Building Arts

Washington, D.C.'s historic Pension Building, which encloses what has been described as "the most astonishing room in Washington," is the site of a proposed National Museum of the Building Arts. Purpose of the museum is to advance public knowledge about building construction, architecture, and urban planning at a time of increased concern about the environment and citizen participation in city planning. A committee, comprised of distinguished leaders in architecture, education, engineering, business, and labor, has received \$85,000 in grants from HUD, the National Endowment for the Arts, and the L.A.W. Fund to formulate a program for the proposed museum. Plans call for the museum to have displays that emphasize the Nation's historic and regional architectural and engineering accomplishments. In addition, there will be an archive of drawings and documents, a library and reference service, and a study center. The committee will work out a program that would make the best use of the resources of the U.S. Department of the Interior, the Library of Congress, the Smithsonian Institution, and the building industry and design professions.

Transition to an Older Society

If American women continue to bear so few children and the death rate continues to drop, by the year 2030, the median age of Americans will be 37.3—or 8.4 years older than it is today. As a result of this phenomenon, it seems unlikely that any aspect of American life—the economy, housing styles, education, musical taste, land use, recreation, manufacturing, medical care, retirement practices and even politics—will emerge untouched. The fertility rate of American women continues its downward trend

and reached a new low in 1976 for the fifth consecutive year. For the first 11 months of 1976, the rate was 65.71 births for each 1,000 women of child-bearing age (15 to 44), down from 66.7 in 1975. For the past several years, the average number of children born to each family (total fertility rate) has sagged below the "replacement level" of 2.1. This is the figure at which the population would cease to grow, after some decades. The total fertility rate was 1.8 in 1975, down from the 3.7 children for each family in 1957. Improved medical care has resulted in a declining death rate which, in turn, has caused a steady expansion of the ranks of the elderly. The Census Bureau has projected that 17 percent of Americans, or one in every six, will be over 65 by the year 2030, compared to one in 10 today, if recent trends continue. This means that the demand should rise for retirement homes, medical care, recreational facilities, and entertainment suited to the taste of the elderly. Also, the needs of the aged could become a major political issue. By that time, they may control close to a third of the vote.

County Passes Strict Barrier-Free Architecture Legislation

The County Council of Prince Georges County, Maryland, a suburb of Washington, D.C., has passed legislation calling for barrier-free architecture that has been hailed by some experts as "the best in the Nation." The measure covers new and substantially renovated buildings, both residential and commercial. Some notable features of the legislation are:

- New sidewalks must be textured or scored to show blind persons where doors are located.
- Offices and restrooms will have raised letters or Braille markings.
- New buildings will have visual fire alarms, such as flashing red lights, to aid the deaf.
- New apartment buildings must provide 25 percent of the units with special features for the handicapped, and one in every 10 units in motels with 20 or more units must be so equipped.
- New library stacks will be placed 36 inches or more apart to accommodate wheelchairs.
- New auditoriums must have 2 percent of their seats for persons in wheelchairs where the view will be similar to that from other seats.
- At least 2 percent of new parking lot spaces, close to ramps, must be allocated to the handicapped.
- Swimming pools, either public or semi-public, as in motels, must have hydraulic lifts to enable the handicapped to enter and leave the water.
- New supermarkets will be required to have at least one lane wide enough to accommodate wheelchairs. Parking spaces in "prime locations, closest to the stores" must be provided.

hudChallenge

U.S. Department of Housing and Urban Development Patricia Roberts Harris, Secretary

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CORRECTION: The by-line and attribution for the article on page 18 of the March 1977 issue of HUD Challenge belong to Milton J. Francis, Office of Housing Programs. Charles Rassias, HUD Office of International Affairs, was incorrectly cited.

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FAIR HOUSING — From the Ideal to the Reality

by Patricia Roberts Harris
Secretary,
U.S. Department of Housing and
Urban Development

These initial months as Secretary for Housing and Urban Development have been a time of education and enlightenment for me and for the members of my staff: education in the ways this Department works and in the details of the programs we direct and administer; enlightenment regarding the true dimensions of the national housing situation and the effects it has on people at all levels of society.

A modern American poet perhaps

summed up the challenges that confront us when he wrote: "Between the ideal and the real lies the question."

The ideal tells us that we have the resources, the programs, the tools, and the personal talent necessary to meet the national housing challenge. The question is whether there is a national will to forge the reality of a decent home and suitable living environment for every American family.

Even if we can make sufficient housing available we are confronted with the question of how to make it accessible to all Americans. There is an awesome gap between the ideal of equality that is stated in the laws of our country and the reality of housing discrimination across the spectrum of society today.

Public law and a continuing democratic tradition guarantee equality and make discrimination illegal. Far removed from this ideal, however, are the realities of racially-impacted

neighborhoods, substandard ghetto housing and untold instances of person-to-person discrimination in the sale, rental and financing of housing.

The question posed to fair housing advocates today is whether or not we can kindle a national commitment to enforce the fair housing law and comply with its provisions. Without such a commitment, the national housing challenge will remain unanswered.

Just as fair housing is a right guaranteed by law, it is also a principle that is right for America and its people.

Fair housing is right for America because it is both an embodiment and a fulfillment of the concept of individual freedom on which this country is based. It is right because the concept of equal justice and affirmation of the worth of the individual are cornerstones of our system of government.

Fair housing is right because any act of discrimination involves a denial of justice and the denial of a measure of dignity; and ours is a Nation that treasures justice and the sense of human dignity.

Fair housing is right, lastly, because we have seen that discrimination is divisive and destructive of national resolve, and because the current moment in history is one that calls for unity of purpose and a willingness to join in common efforts to meet the crises that confront all Americans.

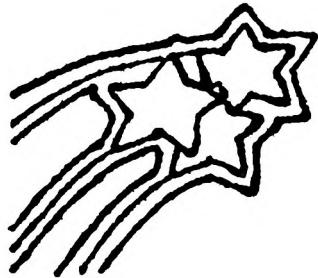
We at HUD have the responsibility to help communities provide suitable shelter and a decent environment. The elimination of housing discrimination is part of this mission. We cannot achieve the first aim unless we accomplish the second. It should be self-evident that these two goals comprise our tasks here at the Department of Housing and Urban Development and in the communities where our programs have their impact.

It is my hope that everyone at HUD—and each citizen—will join in the twofold effort to answer the questions that lie between the *ideal that we know is possible and the reality that we hope to construct.* □



Fair Housing in America's Third Century

by Glendora M. Putnam



As we begin the third century of our Nation's existence we carry with us an agenda full of aims and promises yet unfulfilled. These objectives, for the most part, have their origin in the fundamental precepts that define and strengthen the fabric of our society.

One of the most prominent of our third century aims is the elimination of discrimination and the provision of a just measure of equal opportunity for all American citizens. In 1968, Congress codified the right to equal housing opportunity with passage of the national Fair Housing Law, Title VIII of the 1968 Civil Rights Act.

It is well that we begin a new century of national existence with explicit goals and aims, but it is also useful to question our Nation's ability to meet these goals and the national desire to achieve them.

The national Fair Housing Law clearly expresses national desire and intent to eliminate housing discrimination, but it should be augmented and amended to meet that goal.

The Law sets forth an administrative scheme that can be used by citizens who feel they have been discriminated against, but in the crucial area of enforcement it provides no judicial means to seek direct redress of grievance. Thus, the Law lacks teeth.

The work of the Office of Fair

Housing and Equal Opportunity includes an enforcement effort, but the Office still lacks a concrete enforcement scheme. Resolutions of complaints of housing discrimination are purely voluntary. If the Equal Opportunity Officer can persuade the parties involved in a discrimination complaint to agree on a remedy, the complainant's grievance may be redressed. If there is no voluntary agreement, the complainant's government cannot pursue his or her cause through the judicial system.

While it is true that Title VIII allows a citizen to seek redress of his grievance in the Federal Courts, the assistance that can be provided by the Office of Fair Housing and Equal Opportunity is sharply circumscribed. In essence, the remedy is a hollow one, for few complainants have the will or the financial resources to pursue in the courts what the government has inadequately sought to guarantee.

Clearly, Title VIII, while it speaks to the national desire to eliminate discrimination, requires amendment to enhance the national ability to achieve this goal.

Home Mortgage Disclosure Act

When Congress passed the Home Mortgage Disclosure Act in 1975 it intended to augment the national ability to eliminate housing discrimination. The Act specifies that financial institutions must collect and make available to the public and private sectors comprehensive information on how money is lent for housing, to what kinds of people, in what amounts, and in what neighborhood areas mortgage funds are loaned and invested.

The availability of such data will help determine patterns of discrimination in lending that heretofore could not be discerned. The data will indicate whether a disproportionate number of minorities are denied mortgage loans, whether or not certain urban neighborhoods are being systematically deprived of funds needed for rehabilitation and new construction, and the amount of cap-

ital deposited in urban areas that is invested in suburban areas.

Full implementation of the Home Mortgage Disclosure Act could help form the basis for aggressive pursuit of justice through the courts, thus enhancing the enforcement function of the Fair Housing Law; but implementation of the Act has not yet become a reality and those Federal financial regulatory agencies which administer the Act are only now beginning to formulate guidelines and regulations for the use of their regulatory staff. In the meantime, the lack of implementation invites protracted conciliation efforts, creates complaint backlogs and discourages present and prospective complainants. Additionally, a vast array of discrimination schemes remains untouched.

While it was intended to fortify national ability to eliminate housing discrimination, the Home Mortgage Disclosure Act also, ironically, has become a barometer of the national desire to meet this goal. Swift implementation of the Act in all its provisions would serve to indicate that the national will to eliminate housing discrimination does indeed exist.

It is clear, then, that the Office of Fair Housing and Equal Opportunity cannot be aggressive itself in pursuing discriminatory practices. Hampered by the lack of an adequate data system, it cannot ferret out those practices which are inherently discriminatory within the housing delivery system.

Data secured through the Home Mortgage Disclosure Act and full implementation of that Act will help, but even that will be insufficient unless there is some legislated means by which this Department can bring transgressors before the Court.

Unless the National Fair Housing Law and the Home Mortgage Disclosure Act become more than paper tigers, we may be well into our fourth century before Fair Housing becomes that right which is so *right* for America. □

Ms. Putnam is Former Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

Housing: Segregation's Last Stand

by William R. Morris

The ninth anniversary of Title VIII of the 1968 Civil Rights Act provides the Nation with yet another opportunity to observe the progress we have made since Fair Housing became the law of the land. The occasion also gives us a chance to crystal-ball the future of equal housing opportunity, and to agonize a bit over wrenching problems of racial and economic integration, and the growing segregation in neighborhoods of many American communities. Beyond that, the celebration of this anniversary leads me to map out how we can get from where we are now to where we want to be 4 years from today.

Compounding social problems in housing is the ongoing interplay between the economic needs of the country, inflationary pressures on the housing industry and energy shortages. The real impact of these inseparable influences has been the rapid reduction of housing opportunities for all Americans, and particularly poor and black minorities. When new home construction drops, "trickle-down" housing supply is further restricted for lower-income groups. And so, the chances for our disadvantaged population to improve their shelter shrinks proportionately lower.

To top it all off, the U.S. Supreme Court, in recent decisions, appears to

be tightening the noose of the white suburbs around the increasing core of blacks and poor in the bowels of our cities. These new restrictions obviously make it harder, and perhaps impossible, to prove racial discrimination in situations where zoning commissions and school boards can easily cover up their real intentions: to fall back on the Court's decisions that the mere effect of discrimination is not enough—intent must be proven. As we all know, the intent to discriminate is much harder to prove than is the effect, which usually is self-evident. By its actions, the Supreme Court has made it harder for the white suburbs to be desegregated!

As a parallel development in recent years, Government regulations make it extremely difficult to build or rehabilitate federally-assisted housing in inner-city areas. Where then do blacks who are also poor—and a majority fall into this category—turn to find decent housing within their means to pay?

In one important respect, this anniversary is quite different from all the rest. This year marks the first time since the Fair Housing Law was enacted that a Democratic Administration and Congress will hold the responsibility for 4 full years for curbing housing discrimination and integrating our communities.

Housing: Target of Civil Rights Efforts

The signs are spreading fast that housing is once again becoming a major target of the civil rights movement in its resolve to remove perhaps the last remaining barrier to an integrated society. More and more the argument is made and reaffirmed that the Federal Government has failed to fully use its power and resources to further fair housing objectives, as prescribed in the law.

Recent Congressional hearings confirm that none of the Federal financial agencies has ever issued a formal finding of discrimination against any of the mortgage-lending institutions regulated by them—despite their own

statistics which show that blacks applying for home loans were rejected about two times as often as white applicants with similar incomes.

How many local governments have lost Community Development Block Grants due to discrimination? How much Section 8 money has HUD denied local governments or building owners because of discriminatory practices? Previous administrations have given only cosmetic attention to enforcing civil rights laws in housing.

It is now becoming more clear to a large segment of the American public that, if present Government policies are not quickly changed, the Nation is not likely to reverse the growing decay and abandonment of our cities, particularly older urban centers facing more white flight to the suburbs and sunbelt areas. The deterioration of once attractive neighborhoods and downtown shopping areas is commonplace in a growing list of cities.

HUD was given a primary mission to reduce urban decay, stimulate standard housing and to better rationalize urban development. Inherently this meant giving special attention to the Nation's racial minorities and the economically deprived. These were the people, and these continue to be the people, living in disproportionate numbers in blighted neighborhoods, most poorly housed, and least likely to have access to public or private benefits without Federal assistance.

There exists today a host of constitutional interpretations, statutes, Executive Orders and lesser mandates, all aimed at compelling public officials and the private sector to be more equitable with regard to racial and low-income minorities. It has come to be recognized that there must now be additional requirements to give expressed attention to the discriminatory elements involved in housing and community development programs, before they can equally benefit minorities.

Recent national surveys confirm what has been known for some time. Next to jobs, the second most impor-

tant concern of blacks is their housing. For too long now the public has lived with the stark reality of slums and segregated areas in our cities, and paper shacks in half-hidden rural settlements. These conditions have come to be regarded as permanent features on the landscape and are accepted as part of our social fabric.

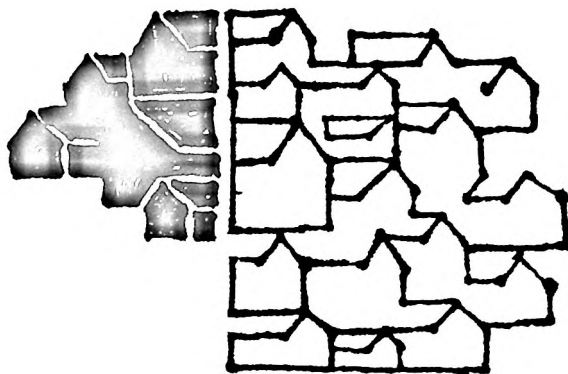
It is timely for HUD to ask its disadvantaged consumers what they would most like to have in Federal housing programs during the next 4 years.

In my travels across this Nation over the past 8 years as Housing Director for the National Association for the Advancement of Colored People (NAACP), the unique opportunity has been provided for me personally, and our 1700 State and local affiliates to come as close as anyone to understanding the genuine needs of the country's largest minority group.

Blacks continue to look to the Federal Government as a "last resort" for justice and protection against humiliation and hardship resulting from being denied a place to live simply because of their race. They also look to their Government to make it possible for them to secure decent housing that they can afford; and neighborhoods offering simple dignity, freedom from crime, and other debilitating influences of the slums.

All too often HUD is suspiciously viewed by minorities as a part of their problem rather than a part of the solution to their needs and concerns. The Department must initiate and maintain predictable policies to restore confidence, trust and integrity in HUD, its programs, and its officials. Affirmative actions should be directed by the Secretary to overcome the disillusionment and bitterness brought on by the abrupt suspension in January 1973 of housing subsidies and categorical grants, and the effects of the conservative policies since then.

Secretarial initiatives are also required to regain the confidence of minorities who wish to see the



Government take prompt and decisive action against the violators of civil rights and equal opportunity requirements, particularly those local officials, public agencies, and powerful housing industry groups who perpetrate widespread patterns and practices of racial bias.

The tenants of subsidized projects and residents in adjoining neighborhoods both seek improved management in federally-assisted developments. They look for management to instill a sense of pride in these developments, rather than despair and alienation. Special counseling programs to help families in single-family and multifamily housing adjust to their new surroundings and responsibilities should be made available in all areas undergoing revitalization or preservation.

Minorities in Housing

There are far too few minorities active in the housing industry today. Minority representation of one to four percent is commonplace among many trade organizations who depend largely on HUD programs for their survival. Blacks desirous of careers in the housing industry need Government help to overcome racially-exclusionary practices in professional and trade organizations in housing. As a disadvantaged class, minorities should be entitled to a fair share of the economic benefits in this \$30 billion

a year industry. Federally-assisted projects should be used to expand opportunities for jobs, new businesses and professional careers. Housing can provide substantial aid to the overall economic betterment of poor communities.

Housing Choices Sought

There is an unquestioned consensus among blacks that they want to expand their choices in the location and type of housing open to them. All are not anxious to inundate white suburban communities; many wish to remain in the central cities and should have the right to do so. Opportunities must be assured blacks as well as whites to obtain housing without restriction as to race or economic status, and in all sections of our metropolitan areas.

More and more courts and local officials are eyeing integrated residential neighborhoods as a solution to school desegregation dilemmas. HUD has shown little interest in using its resources in joint efforts to reduce the segregation in schools caused by residential racial patterns.

The NAACP has long supported federally-approved fair-share plans that provide for the balanced dispersal of low-income housing throughout metropolitan areas. In support of Federal efforts to provide for a truly integrated society we think it would be a good start if

HUD were to require "Racial Impact Statements" in all of its loan and grant programs and project applications. The NAACP is also strong in its belief that Equal Opportunity must be "institutionalized" in all of HUD's programs and operations.

To correct past practices the Secretary can require "Affirmative Fair Housing Marketing Plans" from financial institutions making home loans—to overcome redlining, and from real estate and homebuilding organizations serving each metropolitan area. These Plans should provide enforcement mechanisms to assure performance. Where possible, Federal "carrots" could be made available to encourage voluntary actions which exceed minimum legal requirements.

Rural Housing

The underutilization of HUD programs that help to expand housing opportunities for the poor in rural areas needs to be reviewed and corrected. The Department's policies in this area must be more clearly defined and one-stop servicing offered where jurisdictions overlap. Conflicting underwriting standards and loan criteria should be resolved. A greater coordination with Farmers Home Administration programs should be pursued without further delay and a larger allocation of HUD's financial assistance should be set aside to assure that demonstrated needs of small town and rural areas are more adequately met.

Some Recommendations

• One new approach to making better use of little-used programs might be to implement an expanded system of "Regional Arrangements" that offers bonus benefits to targeted metropolitan-wide efforts. Cities facing widespread disinvestment in their core areas could be called upon to develop "Local Reinvestment Plans" for redlined neighborhoods.

• A "Uniform Citizens Participation Act" is also needed to consolidate and clarify fragmented and confusing Federal requirements in dozens of programs. A system of providing

special grants to black colleges and undergraduate student scholarships should be explored as a means to increase the number of minorities as paraprofessionals in urban planning jobs. Technical assistance is also needed to enable minority appointments to local and regional planning boards to function more effectively.

• HUD should seriously consider initiating a special "Desegregation Program" to stem the growing separation between blacks in the cities and whites in the suburbs. Metropolitan-wide programs should be developed and funded with discretionary funds of the Secretary, for use in the 20 most segregated cities in the Nation and in communities subject to court-ordered school desegregation. Additional Community Development Block Grants should be set aside to revitalize hardcore inner-city areas and make them more attractive to middle-income families. Efforts should be made to secure a greater involvement of private industry in city rebuilding efforts. Special help from other Federal agencies can be better coordinated to encourage job-producing industries to return to the cities. Neighborhood businesses must also be helped to remain in areas to be revitalized.

• A HUD Equal Opportunity and Planning Task Force should be assigned to the targeted metropolitan areas to help develop and monitor Affirmative Action Plans; perform areawide compliance reviews; and otherwise assure that the needs and opportunities for racial minorities and the poor are addressed adequately.

The new frontiers of our Nation are in our cities. The challenge facing the Department of Housing and Urban Development, and indeed all of America, seems to be, "Where shall blacks and the poor live?"

And please, no more studies of the blacks! □

Mr. Morris is Housing Director of the National Association for the Advancement of Colored People, with headquarters in New York City. He is also Executive Director of NAACP-National Housing Corporation.

The Office of Fair Housing and Equal Opportunity: An Overview

The Civil Rights Act of 1968, through Title VIII, established a national policy of fair housing and provided for the establishment of the Office of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

The Assistant Secretary for Fair Housing and Equal Opportunity is mandated to direct and coordinate fair housing and equal opportunity efforts within HUD and related activities of all other Federal departments and agencies.

Nationwide implementation of HUD responsibilities and programs in the areas of fair housing and equal opportunity rests with the regional administrators and field office directors, assisted by their Fair Housing and Equal Opportunity staffs.

The laws and authorities by which the Assistant Secretary for Fair Housing and Equal Opportunity is directed are:

— Title VIII, Civil Rights Act of 1968, as amended, which relates to fair housing.

— Title VI, Civil Rights Act of 1964, which prohibits discrimination in programs or activities receiving Federal financial assistance.

— Executive Order 11063, which relates to equal opportunity in federally assisted housing.

— Executive Order 11246, (as amended by Executive Order 11375), which prohibits the denial of equal employment opportunity by Federal and/or federally assisted construction contractors.

— Section 3 of the Housing and Urban Development Act of 1968, as amended, pertaining to training, employment and business opportunities



1. Chester C. McGuire, Ass't. Secretary for Fair Housing and Equal Opportunity
 2. James W. Lowe, Exec. Ass't. to the Ass't. Secretary
 3. John Finch, Director, Management Analysis Div.

for low income residents and businesses in HUD assisted project areas.
 — Executive Order 11478, providing for equal employment opportunity within the Department of Housing and Urban Development.

— Executive Order 11625, specifying liaison with the Office of Minority Business Enterprise, the U.S. Department of Commerce, and coordination of HUD's efforts to encourage minority business enterprise in its own programs.

— Section 109 of the Housing and Community Development Act of 1974, prohibiting discrimination in programs subject to the provisions of Title I of the Act.

Hearings Division

The Assistant Secretary for Fair Housing and Equal Opportunity is responsible for the conduct of administrative meetings under Title VIII of the Civil Rights Act of 1968, as amended, and for initiating administrative hearings under Executive Orders 11063, 11246 and Section 3, as amended. The Assistant Secretary's special responsibilities for hearings and meetings are carried out by a Hearings Division.

Office of Fair Housing and Contract Compliance

This office is responsible for Civil Rights Compliance activities under



1. Mildred Morse, Director, Program Compliance Div.
 2. Robert Carter, Deputy Director, Office of Management and Field Coordination
 3. Kenneth Holbert, Director, Office of Fair Housing Enforcement and Contract Compliance
 4. Nathaniel Smith, Director, Housing and Community Development Div.

Title VIII of the Civil Rights Act of 1968, as amended: Section 3 of the Housing and Urban Development Act of 1968, as amended; and Executive Orders 11246 and 11063. This office develops standards and guidelines for processing complaints and compliance reviews and receives Regional Office requests for subpoenas and reviews, Regional Office final investigative reports and conciliation reports.

Office of HUD Program Compliance

This office is responsible for compliance and enforcement activities under Title VI of the Civil Rights Act of 1964; HUD contract clauses prohibiting discrimination in employment; Section 109 of the Housing and Community Development Act of 1974; and Executive Order 11478, relating to equal employment opportunity within HUD.



1. Thomas Jenkins, Assistant for Operations
 2. Laura Spencer, Director, Fair Housing Enforcement Div.
 3. Laurence Pearl, Director, Office of HUD Program Compliance

Office of Voluntary Compliance

This office develops and implements activities aimed at achieving voluntary actions that will fulfill the Equal Opportunity Program goals and objectives stated and implied in the statutes, Executive Orders and priorities of the Administration. The staff provides assistance to national organizations, develops voluntary programs and provides areawide affirmative fair housing marketing agreements and plans. The office also provides guidelines and public endorsement of fair housing activities.

Office of Management and Field Coordination

All administrative and management services required for operating Fair Housing and Equal Opportunity programs at the national and regional levels are performed by the Office of Management and Field Coordination. This office prepares and administers the budget, coordinates training, collects data and prepares reports on the racial and ethnic characteristics of applicants, recipients of and participants in all HUD aided programs, conducts field reviews and performs all necessary management and administrative functions. □

The Housing Discrimination Hot Line

by Thomas O. Jenkins

"Is this 800-424-8590?"

Approximately ninety times each month that question is asked of the people who staff the HUD Office of Fair Housing and Equal Opportunity Housing Discrimination Hot Line.

Most of those calls are from people who for one reason or another believe they have been discriminated against. Since passage of the Fair Housing Law in 1968 it has been illegal to discriminate in housing on the basis of race, color, religion, or national origin. In August, 1974, the law was amended to prohibit sex discrimination.

The Office of Fair Housing and Equal Opportunity within HUD is equipped to advise people of their rights and the remedies available to them. Sometimes the situation can be rather complicated, for, in addition to the Fair Housing Law, there is the Civil Rights Act of 1964 and various other laws and Executive Orders. Each has its own technicalities and procedures.

Cases in Point

Carmen, a young Puerto Rican woman from Chicago decided that she would like to move into one of the new security high rise apartment complexes in the suburbs. The rental agent asked for her name and then informed her that there were no vacancies. Suspecting that discrimination was involved, she asked her fiancé, José, to call for her. When José contacted the rental agent and gave his name as John Caldwell, he was told that there were, in fact, four apartments available immediately. The next day the applicants filed a complaint with the local HUD office.

In Philadelphia, a racially-mixed couple was denied rental of a home. A divorced woman with small

children was denied credit and mortgage loans.

A young woman, Sheila, was passed over for promotion 2 years in a row. Later, three male employees in her office who had the same responsibilities as she were given promotions. When she asked her supervisor to explain his actions, he said, "Those men have wives and children to support. You live alone." What can be done about these cases?

The Office of Fair Housing and Equal Opportunity is responsible for assuring that all complaints, such as Carmen's, are investigated and conciliated if discrimination is found. Additionally, the Office has the responsibility for assuring that programs and activities funded by HUD operate in a nondiscriminatory manner and that equal employment opportunity is a department-wide policy.

HUD's Equal Employment Opportunity Counseling Program is designed to advise and assist all employees who may have grievances. In Sheila's case, the counselor advised her to file a complaint. She did so and was granted a retroactive promotion.

In a supportive effort to these regulatory requirements, the Office assists national organizations, and private and government agencies in developing voluntary approaches to accomplishing the objectives of the Federal Fair Housing Law throughout the United States.

An example of this kind of assistance is HUD aid to the Mobil Oil Company, which has a nationwide locator service that helps its employees find suitable housing which they can afford.

Fair housing and equal opportunity are necessary to the operations of Federal, State and local government, businesses, and private citizens. Everyone has a right to a way of life, free of discrimination. This Office was created to assure that those rights are protected. □

Mr. Jenkins is Assistant for Operations, HUD Office of Fair Housing and Equal Opportunity.

Fair Housing and the Outdoor Advertising Association

by Wilson Tanner

"It is always gratifying to see an industry become involved for the betterment of an ideal and a respect for the law. The membership of the Outdoor Advertising Association of America and their voluntary participation in the Fair Housing posting campaign is doing both. My appreciation and compliments to all concerned in this most worthwhile endeavor." (Statement by the Honorable Thomas P. O'Neill, Jr., Speaker of the United States House of Representatives.)

On April 2, 1976, a nationwide outdoor advertising campaign was put into action. The message on the many displays was strong, but simple. "Fair Housing... An Ideal for Americans" was to be displayed, from this date forward, throughout the United States.

One might ask, "How does a campaign of this nature begin? Who starts the ball rolling? And, why this specific message?" Early in 1976 the Washington staff of the Outdoor Advertising Association of America received a phone call from Lloyd Davis, who introduced himself as the Director of the Office of Voluntary Compliance of HUD. Davis asked for a meeting with the top level management of the Outdoor Advertising Association of America's Washington office. He mentioned public service advertising.

Anyone who has worked in a mass communications medium is aware of the ongoing requests for "public service advertising." These requests, often referred to as "freebies," come from virtually every sector of the country imaginable. Once in a while, however, a request for public service advertising

ing surfaces that is uniquely different, interesting and, most important worthwhile. Such was the case when Davis and his Assistant, Jimmie Sumpter, explained their desire to promote Fair Housing on a national basis. Davis said, "We are sincere in making this request for a national billboard campaign, since we are dedicated to do a good job for our Department, but more important, a good job for the people of this country. We have had some success and have made some advances. Our track record is so far impressive and we feel, with the help of the outdoor advertising industry, we can effectively relay the Fair Housing message to the country." When asked how many billboards were needed, Davis and Sumpter replied, "Only 1,000!"

The Executive Committee of the Outdoor Advertising Association of America was told of the HUD request. The plan to display 1,000 posters nationwide, on a strictly voluntary basis by the membership of that Association was approved.

The Fair Housing posting campaign was ready to begin. It was agreed that the HUD Office of Voluntary Compliance, would work closely with the Outdoor Advertising Association of America to create and distribute the Fair Housing message. It was agreed that the message would be strong, colorful, simple and meaningful. "Fair Housing... An Ideal for Americans," in red, white and blue, was to become the message for the outdoor advertising campaign.

Campaign Launched

At the April 2, 1976, campaign "kick-off," it was noted by then Secretary of the Department of Housing and Urban Development, Carla Hills, that the Outdoor Advertising Association of America would try to display 1,000 poster panels throughout the country with the message. To date, voluntary orders from the Association's membership have totaled close to 3,000.

Since the April 2, 1976, "kick-off," poster orders have been sent to the Outdoor Advertising Association



This Fair Housing billboard is located adjacent to the Sun Plaza Apartments, a Section 236, HUD-insured multifamily housing development in Albuquerque, New Mexico. Standing left to right are: Fayne Coffman, Chief, Multifamily Mortgage Servicing Section, Albuquerque Insuring Office; Mr. and Mrs. Paul Maggin, Project Managers; Luther G. Branham, Director; and Christine Garcia, Equal Opportunity Specialists, Albuquerque Insuring Office; and Ron Randel, Sales Manager, Markham Advertising Company, Albuquerque.

of America's Washington office in droves, ranging from one poster in small towns, to 150 posters in a large metropolitan city. Some plant members are planning to include the Fair Housing message on their larger painted bulletins. The president of the Outdoor Advertising Association of America, Frank Cawl, Jr., said, "Standardized outdoor advertising can be thought of as a strong but silent voice, which can talk to the people of America in an effective and powerful way. Increased public awareness that Fair Housing is an ideal for all Americans is the obvious goal of our campaign."

The Fair Housing poster campaign is still going on today. It started with a simple but sincere request and a mutual understanding of the goals and objectives of the

Office of Voluntary Compliance and the ability of the Outdoor Advertising Association of America to help achieve those goals. Chairman of the Board of the Outdoor Advertising Association of America, Harry T. Goss, said, "The success of our industry and our Association depends on our members' ability to effectively advertise and communicate the goods and services of our country, along with the ability to communicate ideals or facts involving the social improvement of our society. The Fair Housing campaign should serve as tangible proof of our ability along those lines and we welcome the challenge to promote this ideal on a national basis." □

Mr. Tanner is Associate Vice President of the Outdoor Advertising Association of America.

Affirmative Marketing: A National Policy for Fair Housing

by Laura Spencer

Affirmative marketing to achieve racial inclusiveness in the Nation's neighborhoods is not a new idea, but recently developed procedures for enforcing Affirmative Fair Marketing regulations in projects assigned by HUD could make the idea a nationwide reality.

The prerequisites for affirmative marketing are found in Title VIII of the Civil Rights Act of 1968, which makes the provision of fair housing a national policy; and in Executive Order 11063, which provides that all actions necessary be taken to prevent discrimination on the basis of race, color, creed and national origin in federally-financed housing and related facilities.

Regulations issued pursuant to these directives call for all developers and builders engaged in business with HUD to submit Affirmative Marketing Plans that set forth the ways in which they intend to pursue the goal of providing fair housing.

On January 27, 1977, proposed compliance procedures for Affirmative Fair Housing Marketing were published in the Federal Register (FR 5097). These proposed regulations can form the basis for mounting a national campaign to ensure compliance.

The proposed regulations spell out the responsibilities for monitoring and technical assistance delegated to HUD's Area Offices and describe the procedures for compliance reviews which are conducted by the Regional Offices.

In order to make early determinations of whether the applicant is in compliance, the proposed regulations

provide a "show cause" procedure by which the applicant can provide documentation of efforts to comply with the Affirmative Fair Housing Marketing Regulations and the applicant's submitted Plan.

If the data submitted at the "show cause" meeting do not indicate that the applicant is in compliance, then 20 days thereafter the applicant is advised that an on-site compliance review will be conducted.

If the findings of this on-site review indicate noncompliance, conciliation is undertaken. Refusal or failure to conciliate will be the basis for the imposition of sanctions.

At this point, a second "show cause" session to impose sanctions takes place, during which the applicant is given the opportunity to present evidence of compliance. Failure to indicate compliance following this session results in the matter being referred to the Assistant Secretary for Fair Housing and Equal Opportunity for a determination of whether sanctions should be imposed pursuant to the Department's debarment regulations.

The procedures in this proposed system are clear and concrete and have been formulated to provide due process to respondent applicants. The initial "show cause" meeting provides an opportunity to determine compliance without conducting an on-site compliance review, thereby saving considerable staff time while expediting the compliance procedure for both the respondent and the Department.

Integrated housing requires a clear policy, a commitment to implement that policy, and hard work. The Department's administration of Title VIII contains these elements. Affirmative Fair Housing Marketing Regulations and the proposed Fair Marketing Compliance Procedures are the tools by which integrated housing can be secured. □

Ms. Spencer is the Director of the Fair Housing Enforcement Division, HUD Office of Fair Housing and Contract Compliance.



HUD-NAHB Voluntary Affirmative Marketing Agreement

by Charles Cope



That HUD and the National Association of Home Builders could agree upon a mutually acceptable Voluntary Affirmative Fair Housing Marketing Agreement, as they did late last year, is not surprising. The two organizations have many beliefs in common, notably one in the need for

adequate housing for all Americans.

To the local builder, active in government-supported construction activities and therefore required to conduct an affirmative marketing program, it means that he and the rest of the affected builders in his local association can organize and, as a group, adopt a plan that is assured acceptance by HUD. And to the local HUD representative, it means both the ability to offer a plan approved by HUD and NAHB and a reduction in the amount of work necessary to screen and approve the plans for individual builders. So the advantages are mutual, providing an excellent example of the advantages of public/private sector cooperation.

Now the agreement must be sold to NAHB members and affected HUD personnel. After former HUD Secretary Carla A. Hills and then NAHB President John C. Hart signed the model agreement in October 1976, Hart wrote to the 80,000 members of NAHB's 623 State and local associations:

The model agreement was written in accordance with the Civil Rights Act of 1968, which directed HUD to develop affirmative marketing programs that would prevent or eliminate discrimination in housing.

The model is voluntary for both Home Builders Associations (HBA's) and individual builders. If adopted by HBA's or other builder groups, the model plan gives builders an opportunity to meet their fair housing marketing obligations with an extremely workable program. Presently, anyone building FHA housing must enter into a separate affirmative marketing agreement with HUD for each FHA home or subdivision—a process that is costly as well as burdensome.

Once you have had a chance to study and consider the alternatives, I am confident that most of you will view this model affirmative marketing program as a common sense solution to an extremely complicated problem of creating an awareness among all Americans of the housing oppor-

tunities in their particular communities.

This agreement also demonstrates that the private and public sectors can work together effectively in a joint enterprise and for the common good of the Nation.

This statement recognizes the important shift in the relationship between government and the housing industry in recent years on enforcement of equal opportunity obligations. The NAHB and HUD have provided the opportunity for builder associations and individual builders to *participate* in the effort to provide equal opportunity in housing and at the same time achieve solid business objectives (expansion of markets and reduction of time spent on filings to HUD field offices). For HUD it means that more valuable staff time may be allotted to the substance of fair housing and less to the routine of report processings.

Unlike the minimum requirements of the 1968 Act, the HUD-NAHB agreement encompasses *all* housing regardless of whether it is HUD-insured or HUD-assisted. The builder and the builder groups must keep records and make out-reach efforts to minorities through advertising and public information programs. The builder is required to designate an equal opportunity officer who will be responsible for administering the affirmative marketing program, including the training of employees.

HUD is committed to providing technical assistance to make the agreement an effective tool for accomplishing its task.

The framework is now in place, but the job of bringing the agreement to every part of America has a long way to go. Builders must be convinced that this is a better way to proceed. Builders who deal exclusively with conventional financing may prove hard to enlist. We have little time for self congratulations; we must proceed with the work at hand. □

Mr. Cope is Director of Federal Programs, National Association of Home Builders.

Fair Housing and the Real Estate Industry

by Gilbert DeLorme, Jr.



Housing discrimination is one of America's most serious problems. Without it there would be less decay in the cities, less unemployment and fewer jobs unfilled, and no need for courts to order busing to achieve desegregation. It is a problem that concerns all Americans but is of special concern to the real estate industry.

Fair housing can be viewed as a question of who sells what, to whom, and how. Real estate practices cannot fail to have an impact on housing discrimination, either as part of the solution, or as part of the problem. Under Federal law, and under the law of many States and localities as well, housing discrimination is illegal. Not just "bad," "evil," or "morally wrong," but illegal. Fair housing is the law of the land.

Thus, the law of fair housing is very much a part of the law of real estate. It may not be called "real estate law" and it may appear in a different part of the statute books, but fair housing laws forbid certain real estate practices and require others.

HUD Study

HUD's Office of Policy Development and Research has sponsored a 30 month study by the National Center for Housing Management (NCHM) relating to the role and activities of State Real Estate Commissions in achieving compliance with the Federal fair housing law. This is thought to be the first national effort focussing on the crucial role of these commissions in fair housing matters.

The project involved research regarding the legal powers and administrative activities of these agencies as they relate to fair housing, functional job analysis of the real estate salesperson's and broker's work, and the development of educational materials for use in training practitioners and applicants for real estate licenses in fair housing law.

Licensing Law

NCHM conducted a legal analysis of the real estate laws in each of the 50 States and found that none of the States had explicit authority to sanction licensees for all fair housing violations. Eight of the 51 jurisdictions having explicit or implicit authority to promulgate rules on fair housing had done so. In NO case had the license of a broker or salesperson been revoked or suspended as a result of a fair housing violation. Sixteen commissions reported a total of 107 complaints, resulting in five cases involving sanctions.

As a part of the project NCHM developed a model Fair Housing Rule for State Real Estate Commissions to clarify both the real estate practitioner's responsibility to comply with housing law and the authority of commissions to enforce such compliance.

Licensing Examinations

The real estate licensing tests in 32 States were examined by educational psychologists to determine whether or not cultural or racial bias was involved. None of the State examinations was found to utilize culturally or racially biased questions. However, the item mix of the examinations did not always appear to accurately reflect the work functions of brokers and salespersons. A grid for evaluating fair housing questions and sets of sample fair housing questions were developed to improve coverage of this law in licensing examinations.

Study Results

Major results of this study are found in a booklet which HUD published in June 1976 entitled *Fair Housing and the Real Estate Industry*. This publication contains material written in layman's terms defining and clarifying fair housing law, the role of State real estate commissions in enforcing the law among real estate brokers and sales agents and in achieving fair housing, a synopsis of the problems faced by commissions in administering and enforcing fair housing law, and suggested remedies for these problems. In addition, the booklet contains the model Fair Housing Rule for use by States, sample fair housing questions for improving the coverage of fair housing law in State licensing examinations, and a general summary of real estate licensing laws.

Educational and Training Materials

The Office of Policy Development and Research asked the National Center for Housing Management (NCHM) to develop a collection of fair housing educational materials appropriate for use by real estate practitioners, State real estate license law officials, and private citizens interested in fair housing enforcement within the the real estate brokerage field. Based on the booklet, *Fair Housing and the Real Estate Industry*, NCHM developed a series of training modules to be used to train real estate license candidates and

licensees in the meaning and coverage of fair housing law. The materials for the five-module package include an *Instructor's Guide* geared for use by trainers with little or no training experience, and a *Training Workbook* with definitions, explanatory materials, and exercises for use by trainees. The five modules vary in delivery time from approximately a half hour to one hour to make them flexible enough for use in training situations ranging from full time, formal pre-licensing classroom instruction to short, informal in-house training and continuing education situations.

The series of training modules deals with who is protected by Federal fair housing law and what they are protected against. The modules are designed to build on each other consecutively, so that learning is constantly reinforced. They concentrate on Federal fair housing law, which is of national concern, and leave State and local coverage to the individual trainer. Materials are written in every day language and concentrate on the content rather than the wording of the statutes.

The modules contain detailed instructions for the trainer, including notes on manner and style of presentation, as well as indications of possible sources of assistance and information in the community. Exercises accompanying each module are designed to develop the trainees' understanding of the law through participation in assessment and discussion of practical, day-to-day real estate sales and rental situations.

Care has been taken throughout to avoid threatening or "laying down the law" to trainees, and, at the same time, to make sure they will understand and be able to abide by the law. The training materials are intended to help and encourage the trainees to do the right thing, rather than enumerate how they can be punished for doing something wrong.

Response from the Industry

The two major organizations involved

in development of licensing examinations, the California Department of Real Estate and the Educational Testing Service, have responded to NCHM's recommendations concerning fair housing coverage on their examinations in a variety of positive ways. In fact, one of these organizations immediately began including fair housing items on their exams for salespeople for the first time. Both organizations were briefed on NCHM's methodology for analyzing the adequacy of Title VIII coverage of their exams, and both have agreed to the wisdom of utilizing this analytical method in the future.

From the inception of the project, the three major professional and trade associations, National Association of Realtors (NAR), National Association of Real Estate Brokers (NAREB), as well as National Association of Real Estate Law Licensing Officials (NARELLO), gave advice and support. Each recognized that compliance with the fair housing law could only be achieved through information, education, and cooperation. The data and cooperation required of individual brokers, salespeople, and real estate commissions could not have been achieved had it not been for the active involvement of key officials from each of these organizations. Their endorsements of the materials and the vigorous follow-up actions already taken by professional real estate sales and licensing organizations are encouraging. Additional interest is anticipated on the part of potential licensees in those States acting upon NARELLO's recommendation that four percent of the examination be devoted to fair housing.

The combined concern of State licensing officials, examination developers, and professional organizations demonstrated by their response to this research should go a long way toward achieving the objectives of equal opportunity in the housing market. □

Mr. DeLorme is Vice President and General Counsel of the National Center for Housing Management.

Title VI Takes Off

by Laurence D. Pearl

Title VI of the Civil Rights Act of 1964 provides that:

No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title VI enforcement in the Housing and Home Finance Agency started slowly. Regulations were issued in January 1965, a few complaints were received and processed, but not much else occurred.

The Title VI function was placed in the Office of the Assistant Secretary for Equal Opportunity when that position was created in 1968. It soon became apparent that a major difficulty in the Title VI program was that the "responsible Department official" for Title VI enforcement was not a single official, but the official in each case who was responsible for program administration. This problem was addressed in 1971 when the Assistant Secretary for Equal Opportunity became the "responsible Department official" for Title VI for all HUD programs.

The year 1974 marked the first time that HUD was involved in a Title VI hearing. Under Title VI and the Department Regulation, an administrative hearing is conducted when the Department finds a re-

recipient of assistance in apparent non-compliance and compliance cannot be achieved by informal means. If the hearing results in a finding of non-compliance, the Department may terminate funding to the recipient in the program or activity in which discrimination occurred, and the recipient may become ineligible for future HUD assistance. The City of Cheyenne and its Model Cities program were the subject in the 1974 hearing. The Cheyenne hearing resulted in a finding of noncompliance and more than \$200,000 of HUD assistance to Cheyenne was withheld as a result. A Federal District Court reversed the Department's finding, the Government appealed, and the case was argued in September 1976 before the Tenth Circuit U.S. Court of Appeals in Denver.

HUD EO Function Expanded

In December, 1975 the Secretary of HUD approved a reorganization of the Office of Fair Housing and Equal Opportunity which established the Office of HUD Program Compliance. One function of the new Office was to breathe new life into HUD's Title VI program. A prime objective was the development of a comprehensive handbook for Title VI. Another important step involved the inauguration of a detailed training program for regional staff engaged in processing Title VI complaints and conducting Title VI compliance reviews.

Under the statute, HUD has an obligation to assure compliance by HUD recipients. Thus, compliance reviews are required to be conducted even when complaints are not received. It is estimated that the Department has approximately 14,000 recipients of assistance. This includes 3200 housing authorities, 600 planning agencies, 1300 Community Development Block Grant recipients (entitlement), 1600 discretionary Community Development Block Grant recipients (those which do not receive entitlement funds) and 7100 owners and sponsors of subsidized housing projects.

In Fiscal 1975 and 1976, approxi-

mately 200 compliance reviews were conducted—a substantial increase over previous activity. The completion of 200 reviews a year means, however, that on the average a recipient can expect to be reviewed once every 70 years. Thus, the director of an average HUD recipient project need not worry about being found out of compliance during his or her lifetime.

Our ambitious goal for Fiscal Year 1977 is to conduct 600 compliance reviews which will examine recipients in every HUD program, instead of concentrating on local housing authorities as we have done in the past.

Following the establishment of the Office of HUD Program Compliance, the number of hearings scheduled has increased sharply. From December 1975 to January 1977, the Assistant Secretary for Fair Housing and Equal Opportunity recommended, and the Secretary of HUD concurred in, nine hearings. Two of the recipients settled voluntarily before the hearing, one hearing is currently in progress, and the remaining six will shortly receive their notices of opportunity to request a hearing.

While hearings and fund cutoffs are dramatic, they do not provide an adequate measure of the effectiveness of the Title VI program: Effectiveness should be measured by the number of recipients reviewed and the number of recipients found in apparent noncompliance which choose to come into compliance. Thus, the bottom line of effectiveness is increased opportunities for previously excluded groups—usually minorities.

There are currently 34 local housing authorities which control over 26,000 units of low-rent housing under compliance agreements requiring affirmative action to desegregate their units. Ten authorities, controlling more than 12,000 units had previously been subject to such a plan, had successfully implemented the plan, and have come into substantial compliance. The large number of housing authorities with Title VI problems reflect the inadequacy of current Department policy in this area.

Following passage of the Civil Rights Act of 1964 Housing Authorities were advised that they could follow "freedom of choice" plans which allowed prospective tenants to select the project or projects in which they wished to live. However, such plans turned out to not be really free, since "choice inhibiting factors" which grew out of past patterns of segregation and racial concentration tended to discourage cross-racial choices. Thus, in 1967, the Department promulgated a tenant selection and assignment policy which is still in effect at the time of this writing. Authorities were required to adopt a "first come, first served" policy. They had to offer the project with the largest number of vacancies to a prospective tenant, followed by the project with the second and third largest number of vacancies. If the applicant turned down all three choices, he or she was required to go to the bottom of the waiting list. This policy has not been particularly successful in changing the entrenched racial patterns of occupancy in low-rent public housing. A new plan, currently in Department clearance, would require an authority to take race into account affirmatively in setting occupancy goals for projects under its jurisdiction. Goals would be based on the percentage of minorities and nonminorities eligible for low-rent housing, plus or minus several percentage points to provide some leeway. Authorities would adopt local plans to help achieve their goals. We believe that implementation of this new policy will result in measurable change from the fairly rigid pattern of segregation that persists in much of the Nation's stock of low-rent housing.

The Title VI program is not yet in full flight, but picking up speed. We believe that the program can make a major contribution to the national goal of achieving fair housing and fair treatment in all HUD programs. □

Mr. Pearl is Director Of the Office of Program Compliance, HUD Office of Fair Housing and Equal Opportunity.



international affairs

International Information Systems in the U.N. and Specialized Agencies

by Raymond Aubrac

Most of the organizations in the United Nations system are mandated to collect and disseminate information in their specialized areas. This duty has been discharged through a variety of activities, including publication of serials or monographs, meetings of experts, seminars, and training programs. When information technology became sufficiently developed to provide computer systems, U.N. organizations took advantage of these improvements.

Information retrieval techniques, which encompass the handling of information in libraries, archives, and documentation services, are utilized in several ways. First, there is the establishment of a system to deal with the documentation produced by a *given organization*, whether a governmental body, secretariat, or field activity. One example is the U.N. Documentary Information System, which provides member countries with retrieval facilities for all official documentation of the General Assembly and its subsidiary bodies.

The second type of application is a system covering *specific topics* that fall within the competence of an international organization, incorporating both internal and external documentation. Such a system is usually linked with library facilities. The Integrated Scientific Information System of the International Labor Office is a good example of this type. The third utilization of information retrieval techniques is that of the *referral service*, which can be organized on a traditional basis or with computer-operated files. Instead of furnishing the information directly, a referral service provides references to existing national or international systems. The U.N. Industrial Development Organization (UNIDO) and the U.N. Environmental Program (UNEP) are operating or promoting such services, linked with hundreds of existing systems.

Intergovernmental Systems

Any attempt to give a global picture of information systems based on permanent intergovernment and inter-institution cooperation would fall short of the comprehensive studies now available. It is important to mention, however, that there seems to be a clear trend toward a new form of international cooperation and an increasing willingness at the political level to establish a durable means of exchanging knowledge.

The first of the internationally promoted information systems, the International Nuclear Information System (INIS) of the International Agency for Atomic Energy, represents a breakthrough from the Cold War and an early step toward U.S.-Soviet cooperation. Under the INIS formula, each country agrees to find, catalog, and index information published within its own borders and report it to a central unit which merges the contributions into a

comprehensive data base. INIS, which began operations in 1970, now captures more than 90 percent of the world's nuclear literature. As new international information systems are established, they will be organized in different patterns. Some already in existence, such as INIS, are based on the *territorial* formula. Others, such as the UNIDO and UNEP referral services, are known as *networks*.

Developing Countries

It is important that developing countries establish an information infrastructure, both to serve their own users and to provide their share of input for international systems. The weakness of certain of their institutions, particularly libraries and archives, often makes access to information generated by or about the countries very difficult. In many instances, the information is unpublished documentation that is easily lost. Therefore, the first objective of national documentation centers in such countries must be to collect their own information material and process it for retrieval. The second objective is to provide selected input to international systems.

To make national documentation systems operational takes more time and effort than many governments realize. An increasing share of technical and financial cooperation is being devoted to such projects, and the amount will probably increase. It can be predicted that the development of information systems will reinforce tendencies toward regionalization and technical cooperation among developing countries which can benefit from one another's experiences.

Developed Nations

Many information systems are now in successful operation in the U.S. and Europe, with some having an international scope and serving users well beyond national borders. In addition, international organizations of developed countries—such as the Organization for Economic Cooperation and Development and the European Community—are setting up their own networks.

An increasing level of resources seems to be earmarked for information activities. As far as the U.N. system is concerned, this will remain true unless we face new political or financial crises. Impressive improvements can be expected in certain areas. One should be the field of telecommunications, when satellites and other sophisticated devices become available for the international transfer of knowledge. Another is the field of automatic translation, when current projects in machine translation between formalized languages become operational on a worldwide basis. □

Mr. Aubrac recently completed a term as Special Advisor to the Under Secretary General for Economic and Social Affairs.

Fair Housing and the Federal Government

by Deborah Seabron

A problem hinted at several decades ago has come into sharp focus in recent years: minority group Americans have been denied access to clean, safe and decent housing because of discriminatory practices and attitudes within the institutions of government.

Title VIII of the Civil Rights Act of 1968 clearly indicates a Federal obligation and responsibility to remedy this injustice. What has not been clear is that all Federal agencies and departments have a role in realizing the national fair housing goal. As lead agency in achieving fair housing, HUD, through the Assistant Secretary for Fair Housing and Equal Opportunity, chairs a 52-member Federal Equal Housing Opportunity Council dedicated to identifying and implementing specific actions agencies can take to further fair housing.

Title VIII of the 1968 Civil Rights Act and Executive Order 11063 require Federal agencies to promote fair housing in an affirmative manner. The Council provides guidance in advancing this requirement; and Inter-agency Fair Housing Agreements with HUD commit agencies to pursuing Council goals in a realistic, results-oriented fashion.

The first of the Agreements was signed with the U.S. Department of Commerce in January 1975. Months of meetings and negotiations resulted in the consummation of six additional Agreements in 1976.

The signature of the Attorney General on November 8, 1976, gave the Agreement a legal stamp of approval and automatically eliminated many of the barriers previously encountered by HUD in attempts to finalize Agreements with other agencies.

The diversity of involvement on



the Council provides HUD the latitude to seek innovative ideas to strengthen program areas from a fair housing standpoint. A review of agency programs with housing and related needs of minorities in mind indicates that the interagency fair housing agreement is a useful tool. The Office of Voluntary Compliance in the Office of Fair Housing and Equal Opportunity works with other agencies to define program areas and offer suggestions for actions to promote fair housing.

Some correlations are obvious, such as funding decisions that consider the relationship of integrated schools to integrated neighborhoods. Other agency efforts are not so obvious, but they can produce positive results. One such effort is the Federal Home Loan Bank Board's Neighborhood Housing Service Program in Chicago, established to help preserve declining neighborhoods. Employees of the local Federal Home Loan Bank Board (FHLBB) meet with community people regularly and determine the needs of communities in a move to head off blight in local neighborhoods.

Simply stated, HUD is attempting to get every Federal agency and department to do three things:

- plan facility locations to advance housing options and choices for employees, particularly minorities and women;
- install an equal housing locator service for employees, particularly minorities and women; and
- use agency program funding authority to further fair housing.

The overall movement toward establishing fair housing on a firm foundation is itself based on the simple principle that everyone has certain human rights.

Organizations like the Council must, through their examples, strive to affect the collective conscience of the public and instill in the citizenry appreciation for the values, goals and ideals that go beyond the limited power of the law and allow fair housing to be not just the law but national policy. □

Ms. Seabron is an Equal Opportunity Specialist in the Office of Voluntary Compliance.

New Horizons

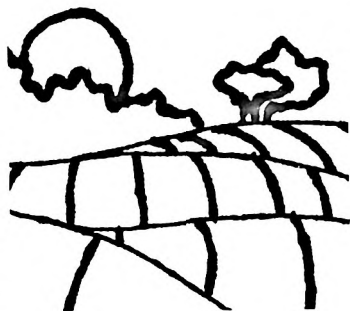
by Patricia Ganley

As the new year signaled new beginnings, the Office of Voluntary Compliance (OVC) welcomed 1977 by launching the National New Horizons Fair Housing Assistance Project. Designed to provide technical assistance to local governments and regional planning agencies that desire to improve the fair housing posture of their communities, the project is particularly aimed at communities receiving Community Development Block Grant and/or 701 Comprehensive Planning Assistance funds.

The goal of New Horizons is to develop and implement community-wide fair housing strategies through creative use of the full range of available resources. OVC Housing and Community Development teams, along with Fair Housing and Equal Opportunity field office staffs, will seek the cooperation of the mayors, county chief executives or planning directors, local communities, the private sector and all the Federal Government resources flowing into a geographic jurisdiction.

Initially some 20 local governments and 15 regional planning agencies were selected, primarily from Regions I through V. Area Offices selected include: Washington, D.C.; Richmond, Virginia; Baltimore, Maryland; Philadelphia, Pennsylvania; Hartford, Connecticut; Newark, New Jersey; Birmingham, Alabama; Columbus, Ohio; New Orleans, Louisiana; and Portland, Oregon.

Potentially one of the most effective new approaches to programs in government, the New Horizons Project evolved from the results of the OVC Five Cities Program with the National League of Cities, the U.S. Conference of Mayors, the San Leandro, California Fair Housing Demonstration Program and the Hartford Area Office's experience in promoting fair housing among Community Development Block Grant recipients.



A substantial number of communities across the country have shown some weaknesses in the area of fair housing. Many communities need to learn to look at the program comprehensively. The majority of problems found in monitoring the Block Grant Program in communities were in the area of equal opportunity. Recognizing this situation prompted the Office of Voluntary Compliance to promote the New Horizons Project on a national basis.

The Hartford Area Office Director, in granting second year Community Development Block Grant monies, sent conditional letters to 24 of 33 recipients where it was felt Title VIII support was weak. The grant was conditioned with a stipulation that the recipient come forward with a fair housing plan to promote Title VIII. This city plan is above and beyond the affirmative fair housing marketing plan required of developers of FHA housing.

Following is an example of the wording used in one of the notification letters to a Connecticut city:

"Concern was noted during the HUD review of the first year grantee performance report and second year application for block grant funding relative to compliance with Title VIII of the Civil Rights Act of 1968. Consequently, the city of — — — will be required to develop and submit to HUD for review within 90 days of the date of this letter a plan to affirmatively further fair housing in the city.

"At a minimum, the plan must contain the following elements:

- The actions to be taken to further Title VIII.

- The proposed method of program implementation.

- A timetable for effecting the plan throughout the city.

- A method of local compliance, monitoring, and result measurement of actions taken to further housing and the provisions of Title VIII.

"As you can readily discern, HUD is seeking a Title VIII affirmative action plan which can be evaluated for both quantity and quality of actions effected to further fair housing.

"Failure to develop a Title VIII affirmative action plan as described above within the specified 90-day time period may result in the application of statutory or regulatory sanctions for failure to comply with the material provisions of the HUD Form 7082 'Funding Approval.'"

The New Horizons Project can be of help in the development and implementation of such an affirmative action plan. The resources of Central Office and the Regional Offices can be made available to those communities which have difficult fair housing problems to solve.

Endorsements of the New Horizons Fair Housing Assistance Project are being sought from other Federal agencies, the U.S. Chamber of Commerce, the AFL-CIO, the United Auto Workers, the National League of Cities, the U.S. Conference of Mayors, the International City Managers Association, the National Association of Housing and Redevelopment Officials, the National Association of Counties, the American Institute of Planners, the Society of Planning Officials, the National Urban Coalition, the National Urban League, the League of Women Voters, the Interreligious Coalition for Housing, and the National Committee Against Discrimination in Housing. □

Ms. Ganley is an Equal Opportunity Specialist in the Office of Voluntary Compliance, HUD Office of Fair Housing and Equal Opportunity.

Data Collection and Analysis

by John Finch

The Office of the Assistant Secretary for Fair Housing and Equal Opportunity has been delegated responsibility for ensuring that minorities, women and the poor participate equitably as beneficiaries of HUD-assisted programs. Data collection on the characteristics of applicants and recipients is essential for program evaluation and consequent policy development. Other uses include preparation of reports responsive to other Federal agencies with civil rights responsibilities, such as: semi-annual reports to the Office of Minority Business Enterprise (OMB), Department of Commerce, on minority entrepreneurship reflected in HUD Contracts and HUD Funds deposited in minority banking institutions; and detailed reports to the U.S. Commission on Civil Rights regarding progress in fair housing and equal employment opportunity.

Old Approach

Data collection activities in HUD programs traditionally have involved review of data collection forms in program regulations, handbooks and other issuances to ensure adequate coverage of equal opportunity requirements. The premise underlying this approach is that each office within the Department is responsible for administering its programs in such a manner as to promote equal opportunity for all participants in, and beneficiaries of, HUD programs. The Management Analysis Division within the Office of Fair Housing and Equal Opportunity coordinates the collection of data on the racial and ethnic characteristics of applicants, recipients and participants in all HUD assisted programs. Other specific activities include analysis of racial data currently collected in HUD programs

to determine the extent to which equal opportunity requirements are being met; preparation of data for evaluating the impact of HUD efforts with regard to civil rights compliance and enforcement activity; and individual and areawide plans for affirmative fair housing marketing. All of these activities are aimed at ensuring that equal opportunity requirements are met through appropriate collection and utilization of data.

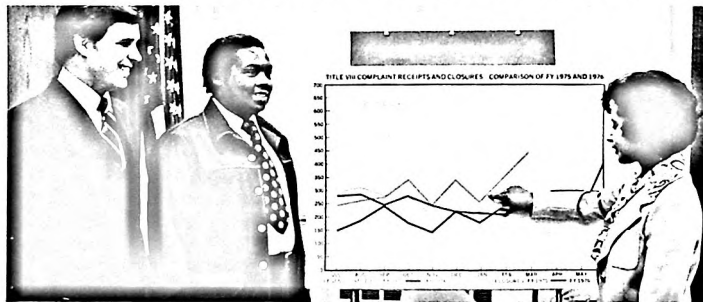
Recent data-related activities of the Office of Fair Housing and Equal Opportunity include the following:

Identification of Fair Housing and Equal Opportunity Data Requirements—A comprehensive review of HUD data requirements was completed under contract during fiscal year 1976, and recommendations for meeting those requirements were prepared for the Department's top management. This task was a major step toward furthering fair housing and equal opportunity through improved data collection and analysis. It supplemented efforts to identify departmental data needs for fair housing and equal opportunity in specific program areas such as the Section 8 program.

Automation of Complaint and Compliance Review Activity Data—During 1976, the Office of Fair Housing and Equal Opportunity assisted in the final design of an automated system for reporting complaint and compliance review activity in the field. This new system, which will become

operational during fiscal year 1977, will enable the Department to be more responsive to requests by both executive and legislative branches of government for critical information on a timely basis. It will also provide for more efficient storage and retrieval of essential information for purposes of improved budget planning, work measurement and goals management. It is expected that the new system will contribute to a reduction in staff time devoted to manual reporting, tabulation and compilation of data, and improve effectiveness and efficiency in carrying out the Department's civil rights programs.

Field Office Data Requirements—A Fair Housing and Equal Opportunity workshop was convened during fiscal year 1976 to identify methods for meeting field staff data requirements in the area of fair housing and equal opportunity. As a result of the workshop a comprehensive report containing recommendations for meeting Fair Housing and Equal Opportunity (FH&EO) data requirements in the field was submitted to HUD's Office of Administration. In an initial effort toward fulfilling those recommendations, steps have been taken to enable modification of HUD's automated Field Office Reporting/Management System to include additional FH&EO data elements. Additionally, steps have been taken to develop a data guide for use by Fair Housing and Equal Opportunity staff and others in



(l. to r.) John Finch, Office of Fair Housing and Equal Opportunity; Walter Brown, Office of Administration; and, Ruth Clark, Program Analyst in the Office of Fair Housing and Equal Opportunity, examine a "Current Data" chart showing comparison of complaint processing activities for FY '75 and '76.

the field. In this way, the Office of Fair Housing and Equal Opportunity is attempting to address the data needs of field personnel in terms of locating and using basic data sources most commonly available, such as Census Bureau publications and tapes, and to identify new data sources and systems periodically.

Data Reports and Analyses—In fiscal year 1976, Fair Housing and Equal Opportunity's Management Analysis Division manually produced for Departmental distribution monthly reports on complaint and compliance review activity data, along with data for HUD's Statistical Yearbook and Report on Productivity. Data was also prepared in response to Congressional requests from the Judiciary Committee, Subcommittee on Civil and Constitutional Rights, regarding Fair Housing and Equal Opportunity. In addition, a number of special analyses were performed concerning HUD's complaint and compliance review activity.

In carrying out its civil rights responsibilities, the Department needs access to a broad variety of data regarding the race and sex of those who are and are not served by HUD programs. The sources for such data include HUD forms, data from local public agencies, the Census Bureau, lending institutions, home owners and managers, and local governments. The Department has taken some initial steps in an effort to develop a more systematic and uniform process for civil rights data collection and analysis. The most important task facing the Department in this area is to implement and institutionalize a systematic process for collecting and analyzing race and sex data. This will be particularly urgent in view of a recent proposal of OMB to create an inter agency task force to devise a single government-wide approach to civil rights data collection and to require each agency to prepare a plan for collection of such data. □

Mr. Finch is the Director of the Management Analysis Division, HUD Office of Fair Housing and Equal Opportunity.

A New Direction in the Federal Contract Compliance Program Under Executive Order 11246

by Dwight Lawrence

Since issuance of Executive Order 11246 on September 24, 1965, by then President, Lyndon B. Johnson, Federal agencies have striven to develop a program of affirmative action, compliance and enforcement, which would significantly expand employment opportunities for minorities and women in the work force of contractors doing business with the government or participating on construction projects funded in whole or in part with Federal funds.

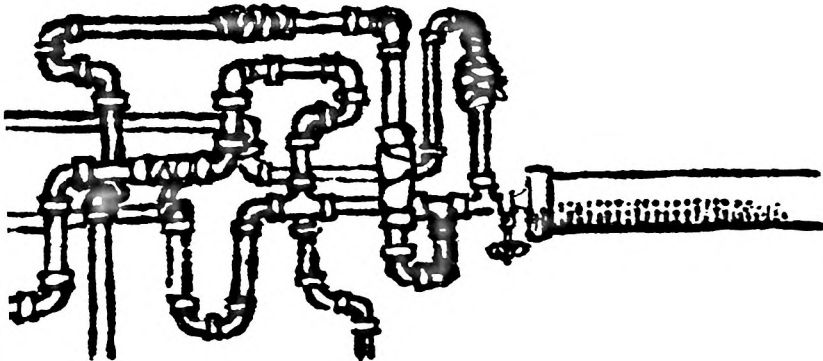
Executive Order 11246, which was amended in 1967 by Executive Order 11375 to include sex, prohibits employment discrimination based on race, color, religion, sex or national origin, and requires government contractors, subcontractors and those engaged in federally-assisted construction projects to take affirmative action to insure that employees and

applicants for employment are treated without regard to these irrelevant factors.

While the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor has overall administrative and management responsibility for implementing the Executive Order, each Federal agency involved in funding construction projects has the responsibility for establishing and executing a program which will insure compliance of its contractors with the requirements of the Executive Order. The resulting effect of this mandate imposed on each agency has been a potpourri of compliance procedures which vary from agency to agency and which have ultimately produced a generally weak and ineffectual compliance program throughout the government.

New Guidelines

The recently developed operations manual, "Contract Compliance in Construction," issued by the OFCCP to take effect October 1, 1976, may well be the glimmer of light at the end of the tunnel. The Manual sets forth clear and specific procedures and responsibilities for each of the four principal actors in the compliance and enforcement scenario: the OFCCP National Office; the OFCCP Regional Offices; the Federal compliance agencies; and the Federal and federally-assisted construction contractors and subcontractors.



The OFCCP National Office administers the total program, interprets policy and evaluates the performance of each Federal agency. The OFCCP Regional Offices coordinate the program in the field between compliance agencies and monitor and evaluate the performance of the field offices of each compliance agency. The compliance agencies perform the compliance and enforcement functions through the conduct of compliance reviews and show-cause meetings and, with the approval of OFCCP, conduct hearings to determine whether sanctions, including termination and debarment, should be imposed against a contractor for noncompliance. In addition to submitting reports on their minority utilization, contractors and subcontractors are required to include the applicable Bid Conditions, with the appropriate goals and timetables in all contracts executed with a lower tier subcontractor. They must also advise such subcontractors on their responsibilities for carrying out the affirmative action requirements of the Executive Order.

Compliance Review Format

To achieve uniformity in conducting compliance reviews, a standard compliance review format has been developed (and tested in Chicago) for use by all compliance agencies. If, after a careful examination of a contractor's payroll records, the compliance officer determines that the minority utilization goals have not been met, the contractor can be found in compliance only by producing sufficient documentary evidence to establish that he or she took affirmative action in the 12 areas enumerated in the Bid Conditions. This would amount to a showing that a "good faith effort" was made to comply with the Executive Order.

Historically, it has been in the application of the "good faith effort" provisions that Federal agencies have varied so widely in their enforcement of Executive Order 11246. Without clear direction and guidelines, a mere oral agreement by a contractor to take some minimal steps was suf-

ficient for some agencies to determine the contractor to be in compliance. Such laxity, of course, made it difficult for other agencies to enforce the requirements vigorously and led to frequent complaints by contractors that inconsistent requirements were being applied by different agencies. Contractors are now clearly notified of the deficiencies that have been identified and the specific actions which must be taken to remedy these deficiencies as well as their right of appeal prior to the imposition of sanctions.

The Manual also shifts the emphasis of the construction compliance program from the construction project to the individual construction contractor, which permits the agency to focus on those contractors who consistently have been found out of compliance with the Order. In view of limited staff resources, this is the more desirable approach. As an incentive for good performance, contractors who consistently meet or exceed the established minority utilization ranges will be relieved of some of the reporting requirements.

With most economic indicators forecasting a steady expansion of the residential housing market, the new procedures and the new enforcement posture of OFCCP and the Federal agencies forecast significantly greater opportunities for minorities and women to obtain skill training and construction jobs.

The inaction on the part of Federal agencies has long been an important factor in maintaining the barriers which have kept minorities and women out of the construction trades. Perhaps this new initiative by OFCCP and the Federal compliance agencies in structuring a more effective construction compliance program will provide the impetus needed to eliminate barriers to minorities and women becoming permanent parts of the construction work force. □

Mr. Lawrence is Director of the Contract Compliance Division, HUD Office of Fair Housing and Contract Compliance.

HUD's Fair Housing and Equal Opportunity Research

by John B. Carson, Jr.

Despite enactment of the Federal Fair Housing Law in 1968, current patterns and practices of discrimination still deny equal housing opportunities to many Americans. HUD's Office of Policy Development and Research works to shed light on the nature and effects of discriminatory housing practices and to gain new insight into effective techniques for expanding equal housing opportunities. Working closely with the Office of the Assistant Secretary for Fair Housing and Equal Opportunity, the research staff designs and manages projects, often under contract to outside organizations.

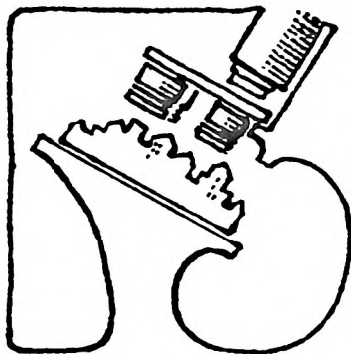
Among the most significant research and demonstration projects supported by HUD are the following:

- In 1976 Jaclyn, Inc. of Providence, R.I. completed a nationwide study to determine the extent of compliance among developers/sponsors with advertising guidelines for fair housing and affirmative fair housing marketing regulations. Findings from the study indicate that advertising guidelines for fair housing are not regularly followed by HUD or non-HUD developers/sponsors. In the 15 cities examined ads were not found to be overly discriminatory,

but they did not affirmatively solicit minorities. HUD developers/sponsors were found far more likely to develop affirmative marketing plans and to become participants in areawide plans than were non-HUD developers/sponsors. The study also revealed that much of the affirmative marketing proposed in the plans was not executed by either HUD or non-HUD developers/sponsors.

- A study to determine the actual, rather than the stereotypical, stability of the income of women borrowers has been completed by Ketron, Inc. of Philadelphia. With statistical methods, packaged as actuarial tables, Ketron projected women's expected income during the crucial early years of a mortgage. The tables indicate that, in the late 1960's, women were performing substantially better with respect to income growth and stability than today's mortgage banker would expect. Work experience among the women surveyed that a widely used "rule-of-thumb," that second family incomes from working married women should be discounted 50 percent, is unwarranted. These results and those from related research should encourage more realistic income appraisal methods and more equitable lending practices, particularly for home mortgages.

- Mark Battle Associates, Inc. of Washington, D.C. studied which affirmative marketing techniques and approaches are most effective in achieving success of Affirmative Fair Housing Marketing (AFHM) efforts by developers of HUD-assisted housing. Mark Battle found that developers require a better understanding of affirmative marketing requirements before more effective affirmative marketing plans can be developed. This is addressed in *The Developer's Guide to the Design and Implementation of Affirmative Fair Housing Marketing Plans*. A report providing developers and builders of federally insured/assisted housing with a suggested approach to designing and implementing such plans. The large study also found that HUD Equal Opportunity personnel require greater understand-



ing of planning for marketing of housing to be able to evaluate plans more effectively. HUD evaluation of AFHM plans is too often based on whether or not information is provided, rather than plan effectiveness. These findings have resulted in the preparation of *The HUD Guide to Evaluating Affirmative Fair Housing Marketing Plans* for HUD personnel, giving them guidelines and criteria for judging AFHM plans.

- The Stanford Mid-Peninsula Urban Coalition of Stanford, California, and the Leadership Council for Metropolitan Open Communities of Chicago are concurrently developing, demonstrating, and evaluating a model comprehensive fair housing enforcement program. In the future communities may use this program to combat illegal housing discrimination.

- A study is being conducted by A.L. Nellum and Associates, Inc. of Washington, D.C. to identify, develop and demonstrate administrative strategies which can be used by State civil rights-human rights agencies for combating systemic discrimination. As a means to this end, 10 State agencies will be given supplemental funds to expand their anti-discrimination activities. This will permit the State agen-

cies to enlarge enforcement efforts without disturbing their complaint process, and will permit HUD to observe the effect of such activities upon HUD's Title VIII complaint workload as well as upon the housing opportunities of minorities and women.

- Juarez and Associates of Los Angeles is studying factors which deny or impede the access of Hispanic persons to HUD administrative remedies, and to HUD programs in general. Techniques and procedures for increasing the participation of Hispanic persons in HUD programs as employees and entrepreneurs will be developed.

- Ketron, Inc. is assessing the operation of State laws prohibiting housing discrimination based on sex and/or marital status. This research will delineate the overall impact of State laws prohibiting housing discrimination based on sex and/or marital status, and will provide recommendations for correcting persistent housing discriminatory practices. This information can then be used to develop a more effective Federal Government policy with regard to the administration of the Federal law prohibiting housing discrimination, including a determination of the need, if any, for additional regulations, Executive Orders, or legislation pertaining to sex and/or marital status.

- Mark Battle Associates, Inc., has recently begun a study to identify effective affirmative fair housing techniques that may be used by private fair housing groups to combat traditional and new forms of housing discrimination. To assist in meeting this objective, 10 private fair housing groups will be provided with funds to expand their anti-discrimination efforts. HUD will then observe the impact of these efforts upon the Department's fair housing workload and upon the achievement of fair housing. □

John B. Carson, Jr., is a Social Science Analyst in HUD's Office of Policy Development and Research.

Cooperative Efforts in Fair Housing Law Enforcement

by Kenneth Holbert

During Calendar Year 1976, three notable instances of cooperative enforcement efforts took place involving the Housing and Civil Rights Sections of the U.S. Department of Justice and the Fair Housing Enforcement Section of HUD's Office of Fair Housing and Equal Opportunity. The three cases are known as the Fogelman, Dittmar and Crestview cases.

In the Fogelman case in Memphis, Tennessee, conciliation agreements had been negotiated during August 1975 involving five individual complainants. The agreements provided for adherence to the provisions of the Federal Fair Housing Law, awarded specific remedies to the complainants and required periodic reports to be filed with HUD for all properties managed by the Fogelman Management Company.

While these conciliation agreements were in effect, a Memphis newspaper conducted an investigative survey of the rental practices of local real estate firms. The survey revealed that discrimination in Memphis housing rentals was widespread. The Fogelman Management Company was among the firms surveyed and some of its practices, which appeared to be discriminatory, were disclosed in the news story.

The Justice Department launched an investigation of the newspaper charges. The Atlanta Regional Office of HUD had also received complaints of discriminatory rental practices against the Fogelman Management Company. It was determined that a number of violations of the conciliation agreements had indeed occurred and that the violations established a pattern or practice of Title VIII violations.

HUD and the Justice Department agreed on a common approach based on the investigative work undertaken by Gray and Kaltenboan.

HUD notified the Fogelman Company that it wished to negotiate violations of conciliation agreements. The Justice Department sent the Fogelman Company a letter of notice—a notification that is sometimes provided prospective defendants informing them that the Department is prepared to discuss charges prior to the filing of a suit under Section 813 of the Fair Housing Law.

The Fogelman Company agreed to participate in new discussions concerning the allegations of discrimination in its rental practices.

The results of these discussions were individual conciliation agreements for six of the HUD complainants. A letter of apology and a comprehensive consent decree were entered in the United States Federal District Court for the Western District of Tennessee. The decree provided free housing opportunities for up to 6 months, plus moving expenses or cash, for more than 300 minority citizens of Memphis who had sought to rent apartments managed by Fogelman.

The Crestview Case

The Crestview Corporation owns and manages apartment complexes and groups of rental houses in Virginia and Florida. HUD's Philadelphia Regional Office had received and processed more than a dozen complaints involving Crestview properties and was in the process of investigating several recent complaints in 1974 when the Justice Department filed a pattern/practice suit of racial discrimination against Crestview.

The suit was amended on January 27, 1975, to include a complaint alleging discrimination based on sex which was also pending action by HUD. HUD and the U.S. Department of Justice jointly negotiated a settlement with Crestview, and a conciliation agreement and consent decree were simultaneously entered into. The two documents cross-reference each other in the provision of strong

affirmative action to eliminate and prevent discrimination. They provide that the corporation offer monetary rewards to persons who, in the opinion of the Secretary of HUD, have been the victims of discrimination. In addition, Crestview is also obligated to maintain records that detail rentals and rental prospects according to sex and ethnic background.

The Dittmar Case

The case of the United States vs. Dittmar Corporation involves a pattern/practice suit directed against the Dittmar Corporation, a Virginia based firm, because of its written policy of not renting to citizens of African nations and South American nations, (excluding Chile, Argentina or Uruguay), Central Americans, Turks, Arabs and employees of United Airlines.

American citizens were allegedly excluded from this written policy, regardless of their racial origin.

The Dittmar Corporation alleged that the policy was not based on color or national origin, but resulted from the difficulty of collecting rent from citizens of certain countries.

A complaint filed with HUD by Colonel Adolfo Rossi, a citizen of Paraguay, supplied the necessary factual data. When the matter came to trial, HUD assisted in locating Rossi, who had left the country, and thereby secured the evidence needed to pursue the matter.

A consent decree and subsequent negotiations resulted in substantial payment to Rossi and three other victims of discrimination.

All three of these cases, Fogelman, Crestview and Dittmar, illustrate the sometimes subtle, sometimes blatant attempts to discriminate in housing that are present today, and all three depended for their resolution on new approaches to cooperative activities that can strengthen and enhance the authority provided by the Federal Fair Housing Law. □

Mr. Holbert is Director of the Office of Fair Housing and Contract Compliance.

Voluntary Compliance and the Real Estate Industry

by Ross J. Lloyd

"The real estate industry is the single most important factor in the elimination of discrimination in housing. . . " These words appear in an agreement entered into by the New York State Association of Realtors and the New York State Division of Human Rights. The realization that the real estate industry is deeply involved in the fair housing situation is hardly a new one. It is obvious to all, including real estate professionals, that their pivotal role in the buying and selling of most residential property has had and will continue to have a significant effect upon the availability and location of housing for minorities.

There is no need to review those real estate industry policies which in the past have worked to limit housing choices for certain racial and ethnic groups. Suffice it to say that enactment of fair housing laws, coupled with abandonment by the industry of many of its old policies, has removed at least the direct and open obstacles to equal housing opportunity. Granting that covert discrimination is still practiced, it can be said that the industry as a whole does not condone such acts. Thus, at the industry-wide level, the problem is not one of eliminating discriminatory policies, but rather of overcoming the lingering effects of past discrimination. Specifically, the industry faces the problem of re-educating all those clients who believe they may exclude potential neighbors on the basis of their minority status. Equally important, those millions of homeseekers

against whom barriers had been erected and who are understandably reluctant to believe that the barriers have actually fallen must be told and shown that they may reside wherever their hearts desire and their finances permit. For today's real estate professionals, including those who have never engaged in housing discrimination, the message is this: Fair housing will become a reality only when affirmatively promoted.

The Office of Voluntary Compliance has undertaken a dual faceted program aimed at bringing about affirmative actions within the real estate profession. An Affirmative Marketing Agreement has been entered into with the National Association of Realtors (NAR), the principal organization representing the real estate industry. A National Agreement has also been consummated with the National Association of Real Estate Brokers. In addition, the Office of Voluntary Compliance is presently negotiating an Affirmative Fair Housing Agreement with the National Association of Real Estate License Law Officials (NARELLO), an organization whose membership includes the real estate licensing agencies of the various States. The value of obtaining two principal agreements in the same professional area is not merely a matter of two being twice as good as one. The fact that the two organizations involved function differently makes it desirable to take differing affirmative action approaches in the Agreements. Consequently, a broader spectrum of affirmative actions is provided.

The National Association of Realtors The National Association of Realtors (NAR) is composed of about 1600 local boards of realtors, plus State and regional associations. The Affirmative Marketing Agreement was drafted jointly by the Office of Voluntary Compliance and NAR but is to be implemented by local boards and their member realtors on an individual basis. Since December 16, 1975, when it was officially approved

by NAR, the Agreement has been signed by 145 local Boards. The Office of Voluntary Compliance expects to obtain the endorsement of an additional 80 boards by the close of fiscal year 1977 next September.

By signing the NAR Agreement, individual realtors commit themselves to a fair housing program which has several features. The signatories agree to reach out to minority homeseekers through advertising and the display of fair housing posters. Office procedures and techniques are to be shaped to ensure against racial steering and other discriminatory practices. Education and training of sales personnel in affirmative marketing is provided. Minority brokers are encouraged to join the Board and signatories agree to recruit minority employees and associates.

Although realtors are applauded for their commitment to fair housing as embodied in the Affirmative Marketing Agreement, all parties remain mindful of the fact that participation of individual real estate professionals in the Agreement and, indeed in NAR itself, is voluntary. Just as in church, where the people hearing the sermon are usually the ones who least need it, so it must be anticipated that affirmative marketing principles are not finding acceptance in that segment of the industry where there is greatest need for their application. It is in recognition of this circumstance that the Office of Voluntary Compliance has sought a second Agreement in the real estate field.

State Licensing Agencies

Unlike NAR, in which membership is voluntary, the State licensing agencies reach all real estate practitioners within their jurisdictions. No one may engage in the practice of real estate without a license and the licensing agencies not only grant licenses but suspend or revoke them under certain conditions. Thus, if a State licensing agency commits itself to a fair housing program on behalf of its licensees, the licensees are not free to decide whether or not to

participate in the program.

While the Agreement has not yet been finalized, its fundamental features have been established. The Agreement will provide for the elimination of all barriers to minority participation in the real estate profession and for affirmative endeavors to promote such participation. It will ensure that licensees are informed regarding fair housing principles and practices by testing their knowledge through licensing examinations and continuing education. Finally, the Agreement will provide for more effective policing of fair housing law violators.

The latter point, policing of fair housing law violators, deserves a few words of explanation. All States require that real estate licensees conform to certain standards of conduct. Nonconformity can result in loss of the license. The applicable standards vary from State to State; the States are about evenly divided as to whether violation of a fair housing law is grounds for removal of a license. The Office of Voluntary Compliance is of the opinion that the threat of license removal is the strongest possible deterrent to housing discrimination within the real estate industry. Accordingly, it is seeking through the NARELLO Agreement to secure the voluntary commitment of licensing agencies to deal with fair housing law violators as firmly as they deal with transgressors of other laws affecting the practice of real estate.

The Office of Voluntary Compliance has approached the industry directly through the National Association of Realtors and indirectly through the National Association of Real Estate License Law Officials. The dual approach promises to be a highly effective mode of enlisting the aid of the industry in the affirmative action movement toward equal housing opportunity. □

Mr. Lloyd is an Equal Opportunity Specialist in the Office of Voluntary Compliance, HUD Office of Fair Housing and Equal Opportunity.

The Voluntary Plan Approach to Equal Mortgage Lending

by Lee A. Black

When a loan officer declines to make a loan on property in a particular neighborhood, he may rationalize his action on the ground that falling real estate values in the neighborhood render the property unsafe security for an investment. The rationale might be proper and justifiable if nothing else is involved. Recent studies indicate, however, that there is more to the loan officer's decision than meets the eye.

Whether called "redlining" or "disinvestment" or some other name, the practice is the subject of great controversy.

New York Hearings

In New York City, the New York Public Interest Research Group recently completed a study of the lending practices of the seven largest savings banks. The study revealed that six of the seven institutions had invested only a small percentage of deposit funds in mortgages to residents of the Brooklyn area. The startling finding of the study in New York was the fact that mortgages "granted by the seven savings banks were not evenly distributed in the borough," according to the *New York Times* (Dec. 6, '76). It was reported that in the predominantly black (97.8 percent) Bedford-Stuyvesant neighborhood no mortgages were granted. By contrast 100 loans were accorded to applicants from the Mill Basin area where the black population is less than two percent. This finding prompted

Eleanor Holmes Norton, Chairperson of the New York City Human Rights Commission, to hold hearings on redlining. The hearings and the study are, in the words of Chairman Norton, "corroborative of the pattern of both racial and geographic discrimination."

Philadelphia Study Shows Trend

Another study was conducted in Philadelphia by the Housing Association of Delaware Valley with similar results. It was discovered that the willingness of mortgage lenders to make loans varied widely among selected neighborhoods. The neighborhoods were substantially identical in all significant factors except one—race. The study revealed that the neighborhoods with high percentages of minority residents received a disproportionately small amount of the funds being lent, even though the houses were of the same age, value, and vacancy rate and had the same percentage of owner-occupants, and their owners were in the same economic stratum.

Findings such as these indicate that loan underwriting decisions in the areas studied may be affected by considerations which are irrelevant. Needless to say that such underwriting actions are also illegal. Title VIII of the Civil Rights Act of 1968 makes it unlawful to discriminate in financing residential real estate.

HUD Fosters Industry Initiative

In fairness to the lenders, it must be acknowledged that compliance with anti-discrimination laws in making mortgage loans is no simple matter. The problem the loan officer faces is eliminating from the underwriting process all considerations which are not demonstrably related to the creditworthiness of the loan applicant or the soundness of the security for the loan.

HUD, of course, is concerned that a way be found to correct improper practices and remedy the damage they have done. The Office of Voluntary Compliance is actively seeking the cooperation of lending institu-

tions in reaching a solution to the redlining problem. To date, several voluntary agreements have been signed which have as their purpose the promotion of fair housing through equal financial opportunity.

Cuyahoga Plan

In the Cleveland area, for example, the Cuyahoga Plan brings a multiplicity of interests together in a Review Committee. On the request of an applicant, the committee reviews a loan application which has been denied to determine whether the denial was justified by non-discrimi-

“...compliance with anti-discrimination laws in making mortgage loans is no simple matter.”

natory, credit-related considerations. The committee is broad-based, having representatives not only from lenders but from civic and consumer groups. A significant consequence of the committee's functioning is that the original lender will very often take a second, closer look at a rejected application.

Hartford Plan

In Hartford, Connecticut, a lending plan represents the combined efforts of the major mortgage lenders, the Urban League and the HUD Area Office. The plan is based on the wide discretion and full lending authority accorded loan officers in that locality. A positive attitude on the part of lending personnel is emphasized. Perhaps more significant, an affirmative action officer is provided for at the senior officer level. This individual not only monitors his organization's performance under the

plan but is the ultimate review officer acting for the bank's chief executive on rejected applications. Outside the institution, a final review by the Connecticut Human Rights Agency on Human Rights and Opportunities is available.

Philadelphia Plan

A third plan is operating in Philadelphia under the auspices of the above-mentioned Housing Association of Delaware Valley. Under the plan, properties on which mortgages are requested are appraised based on their structural condition and the condition of other homes on the immediate block. Primary consideration is given to the abandonment and vacancy rate, which should be no more than 10 percent, and to the median property value in the block. The figure set during planning was \$6,000. If these criteria are not met, however, it still does not mean that the applicant will be rejected. If there are other positive influences at work, they will be taken into consideration. These include the existence of a strong and cohesive neighborhood or community organization, the presence of a nonprofit developer rehabilitating abandoned units or some other continuing program by public agencies, lenders or private groups to rehabilitate or improve housing, or evidence of the cooperation of absentee owners with neighborhood residents to improve housing and make needed repairs.

Other lending plans have been adopted and additional plans are under discussion. The plans constitute only first steps—perhaps halting steps—but they do make plain that something can be done about redlining. Moreover, it is apparent that voluntary action by the lending institutions themselves is possible. These plans are positive and valuable undertakings on the part of the financial community and stand as examples of what can and should be done. □

Mr. Black is an Equal Opportunity Specialist in the HUD Office of Voluntary Compliance.

Housing Opportunity Plans: A Metropolitan Housing Strategy

by Jane Karadbil

The key to equal housing opportunity is choice. Most middle and upper income families can select much of the lifestyle they wish to follow. They can live in cities or in suburbs; they can choose long or short commuting times; they can be selective about schools and other factors which influence the quality of life. Lower income and minority families in many metropolitan areas do not have these options. In many areas, there is no affordable housing for them in the suburbs where they work. Their options are limited to housing in areas of low income or minority concentration.

Efforts to “open up” the suburbs and provide access to better schools and housing have often failed because of suburban opposition to subsidized housing development. Concerned about schools, overloaded community services, neighborhood security, and racial transition, communities have avoided subsidized housing through restrictive zoning, building codes, and refusal to establish public authorities to provide subsidized housing.

The initiation of the HOP's program, however, has become the best and most important tool, thus far, for increasing housing opportunities. To recognize the pioneering efforts of the few agencies with real accomplishments in this area, and more importantly, to encourage it in others, former Secretary Carla A. Hills announced in March 1976, the availability of \$20 million in Section 8 housing assistance funds to be

awarded to jurisdictions participating in exceptional regional housing plans. Under the program, Housing Opportunity Plans (HOP's) submitted by areawide planning organizations were to be selected as the basis for award of the \$20 million. A Central Office team led by the Office of Policy Development and Research worked together to implement the program.

HUD defined a Housing Opportunity Plan (HOP) as a program developed by an areawide agency and supported by its member jurisdictions, which has the effect of increasing the geographic choice of housing for low and moderate income persons throughout the area served by the agency, by providing housing opportunities outside areas of low income and minority concentration. A HOP had to include a plan for allocating housing assistance, numerical goals for housing assistance for each participating jurisdiction, and agreement on strategies for implementation to see that the plan becomes reality. At least half of the jurisdictions in the area served by the agency, representing at least 75 percent of the population, must participate in the plan for it to qualify for HUD approval and bonus housing assistance.

Applications for the funds were submitted by 22 areawide agencies and were reviewed by the task force of Central, Regional and field office personnel from the Office of Policy Development and Research, Community Planning and Development, Housing, and Fair Housing and Equal Opportunity.

In August 1976, seven HOP's were selected and a total of \$20 million in supplemental Section 8 assistance was awarded to participating jurisdictions. To give additional momentum to the program and the seven selected plans \$475,000 in Section 701 comprehensive planning grants for planning and program development activities to implement the selected HOP programs was also awarded. In addition, local jurisdictions which were participating in the selected HOP's are also eligible to apply for a share of \$1.5 million in



Housing developed under an HOP Program supplemental Community Development Block Grant funds to support activities which would implement the HOP's.

● In 1970, a lower income family living in Dayton, Ohio, had little choice of housing. Ninety-five percent of all assisted housing in the metropolitan area was located within the city limits of Dayton, which made up less than 3 percent of the total population in the area. Today, through a "fair share" plan developed by the Miami Valley Regional Planning Commission and supported by its member jurisdictions, over 8,000 units, or 60 percent of all federally-assisted housing units built since 1970, have been built in outlying suburbs, small towns and rural areas. The poor family has a choice in Dayton, and it is helped to make that choice through information, referral and other outreach services.

● In the late 1960's, as many lower paying jobs in the Washington area began moving to the suburbs, the Deputy Mayor of the District of Columbia urged the Washington Metropolitan Council of Governments (WASHCOG) to develop a strategy for providing lower cost housing in outlying locations. Housing opportunities for the lower and moderate income workers were concentrated in the center city, leaving the suburbs without the labor needed to maintain their economic growth. Since that time, a Fair Share housing strategy adopted by WASHCOG and its member jurisdictions has distributed assisted housing through the metro-

politan area, providing housing for low and moderate income families near employment opportunities, and relieving the center city of an increasing concentration of assisted housing in low income and minority areas.

● There are almost 200 municipalities in the Minneapolis-St. Paul metropolitan area, making the development of regional strategies for growth, housing and other important public issues a difficult challenge. Because of this jurisdictional fragmentation and the lack of support for assisted housing in many suburban areas, almost all assisted housing in the early 1970's was being built in the two center cities. In 1972 only 11 suburbs had any subsidized rental housing. To respond to this problem, in 1972 the Metropolitan Council adopted an allocation plan for subsidized housing which would link the growth management strategies being followed by Metro Council with the objective of providing geographic choice for lower income families. Priority for this subsidized housing was given to developed, better serviced suburban communities that offered the most amenities and job opportunities for lower income persons. In 1974, the Minnesota legislature gave Metro Council authority to operate its own housing program, and today it operates a Section 8 Existing Housing program which together with a local government program provides assisted housing opportunities in 72 communities, virtually all of the jurisdictions in the urbanized area.

Providing a choice of housing for all races and income levels is not an easy task. Before the HOP's program, the agencies working for increased housing opportunity had only two major tools. First, the 701 Comprehensive Planning program provided basic financial support for regional planning, and since 1968, has required a housing element in each comprehensive plan. In 1974, that requirement was augmented to address "the elimination of the effects of discrimination in housing," and "the distribution of housing resources to meet the needs of all citizens in

order to provide a choice of housing types and location."

Second, metropolitan agencies used the A-95 process to shape the overall development of their region according to regional priorities, and to use their review and comment responsibilities for all Federal program applications by member jurisdictions as a lever to encourage support for assisted housing. In the Miami Valley, Ohio region, despite significant opposition from some sectors of the population, local elected officials unanimously supported the Regional Planning Council's proposed Fair Share Plan because they understood the linkage between favorable review of other Federal program applications for water and sewer, highways, and parks and their acceptance of assisted housing.

In the early 1970's, several pioneering areawide planning organizations (APO's) began working, primarily with funds provided under HUD's Section 701 Comprehensive Planning Program, to develop metropolitan solutions to housing problems. Accomplishments of these APO's were significant enough to encourage HUD to seek implementation of metropolitan housing strategies throughout the country through the initiation of the Housing Opportunity Plan Program (HOP).

The origin of the HOP's idea lies in a few metropolitan areas where areawide agencies and local governments have cooperated in providing increased housing opportunities for lower income persons outside the traditional areas of low income and minority concentration, an objective HUD seeks to fulfill with a wide range of programs and policies. "Fair Share" plans developed under these cooperative arrangements produced significant accomplishments: The seven APO's whose plans were selected were:

- Metropolitan Council of Governments (Minneapolis—St. Paul metropolitan area)
- Metropolitan Washington (D. C.) Council of Governments
- Puget Sound Council of Govern-

ments

- Southern California Association of Governments
- Joint Planning Commission of Lehigh and Northampton Counties, Pennsylvania
- Southern Iowa Council of Governments
- Miami Valley (Ohio) Regional Planning Commission

Developing a plan for distributing assisted housing throughout a metropolitan region is only a small part of a good Housing Opportunity Plan. Implementation is the key. Implementation requires keeping participating local governments in the program and getting additional support from others; providing services that help low income and minority families who want to move to find housing outside their own immediate neighborhood and facilitating actual housing development by working with developers. The Housing Opportunity Program gives special preference to areawides whose Plans take extra steps to ensure that deconcentration and interjurisdictional mobility become reality. All of the winning Plans went beyond simply building assisted housing in the suburbs; each had a program that helped inner city low income and minority families find out about and use these opportunities. For example, the Metro Council of the Twin Cities area has no residency requirements or preferences for its housing programs. A person can apply for a Section 8 Existing Certificate in any one location and use that certificate in any of the 42 suburban jurisdictions in the metropolitan area participating in the program. Through special outreach efforts, Metro Council encourages center city residents to apply for this program. The housing authorities of Minneapolis and St. Paul exchange applications with the Metro Council's housing authority so that an applicant for assistance needn't travel to a distant location to apply for a unit.

The Southern Iowa Council of Governments, recognizing through its assessment of housing needs the problem of providing assistance in a rural

area, worked as a catalyst to get a regional housing authority established. Today, assisted families can move throughout a seven-county area through a Section 8 Existing Housing program. A small project for the elderly to meet the particular needs of this rural area is being built with the bonus funds allocated in 1976.

The Housing Information File (HIF) created by the Metropolitan Washington Council of Governments (WASHCOG), provides a detailed description of every subsidized project currently occupied, under construction, or proposed in the Washington D.C. metropolitan area. Copies of HIF are widely distributed to social service agencies, realtors and other groups to increase the access of lower income housing to families living throughout the region. WASHCOG has also initiated a Minority Real Estate Case Development and Advancement Program with assistance from the Ford Foundation which assists minority persons in obtaining professional accreditation and employment in the real estate sales and management fields. Finally, WASHCOG has been instrumental in the establishment of a region-wide fair housing affirmative marketing agreement designed to address key aspects of the rental, sale and financing of all housing in the region.

As the examples demonstrate, areawide planning is as essential to the success of assisted housing as it is to equal opportunity. Secretary Patricia Roberts Harris has noted, "Areawide agencies can be the catalyst in securing local government support for assisted housing. Coordinated planning is the only way we can assure that the necessary transportation, water and sewer systems, and other regional and local facilities and services will be available to protect HUD's involvement. It is important that HUD work closely with areawide planning organizations through the A-95 process in all HUD programs."

The future of areawide housing planning and the Housing Opportunity Plan program is promising. Thirty million dollars in supplemental

Section 8 assistance has been earmarked for the program in 1977. Revised regulations, based on a year's experience with the program, have been published in the Federal Register. The changes are intended to strengthen the role of areawide agencies and Housing Opportunity Plans in the allocation of HUD-assisted housing, and to further promote interjurisdictional mobility and choice of housing. One third of the \$30 million has been reserved for award to plans which did not win last year, so that areawide agencies which are just beginning to work with their local governments on regional housing strategies will have a chance to win funds. Finally, additional 701 and community development block grant funds will also be awarded to selected Plans in FY 77.

Secretary Harris has affirmed her support for the HOP program. "The Housing Opportunity Plan demonstration begun by HUD in 1976 will be expanded in 1977, and I intend to insure that the Department's full resources are brought to bear on the challenge of increasing housing opportunities through cooperation among the participating governments of areawide organizations. I shall work to underline the critical role and importance of areawide planning to the assisted housing programs."

A partnership of areawide agencies, local governments and Federal agencies working together for equal housing opportunity has begun. The goal of providing lower income people with a choice of adequate, affordable housing is becoming a reality. The efforts of the Miami Valley Regional Planning Council and other leading areawide agencies, and the continuing support of the Housing Opportunity Plan Program, have demonstrated that regional housing problems can be solved through voluntary cooperation between local governments, private organizations and citizens. □

Ms. Karadbil is a Program Analyst in HUD's Office of Policy Development and Research.

A Fair Housing Law Without Enforcement Authority: A Twentieth Century Anachronism

by Kenneth Holbert

While the 1968 Civil Rights Act contains a comprehensive series of prohibitions against discriminatory housing practices, it provides no means by which the administering agency can enforce its provisions.

"Unlike other social legislation... Title VIII limits complaint resolution activities to 'conciliation'."

Title VIII of the 1968 Act, the National Fair Housing Law, establishes an administrative agency which is fully empowered to receive and

investigate complaints of discrimination in housing. Unlike other social legislation such as the Fair Labor Standards Act, however, Title VIII limits complaint resolution activities to "conciliation." There is no ability on the part of HUD to complete the processing of a complaint where the facts warrant. The complainant must either initiate suit, using individual private attorneys, or the case is left incomplete.

On occasions where the facts display a pattern or practice of resistance to the provisions of Section 813 of the Law, HUD is empowered to refer the case to the Department of Justice which is then charged with the responsibility of initiating suit.

The Department of Justice, however, cannot secure a remedy in normal litigation terms because its past efforts to achieve money damages have been denied by the U.S. Court of Appeals for the 4th Circuit and the United States Supreme Court denied the Justice Department's application for Writ of Certiorari.

Civil Rights organizations, fair housing groups and members of Congress and the Senate have indicated their displeasure at this gap in the Law almost since the passage of the 1968 Civil Rights Act.

In 1976, two versions of an amendment to provide law enforcement authority under Title VIII were introduced in Congress. In January, 1977, the 95th Congress received a Senate-sponsored amendment introduced early in the session.

There is evidence, both in the country and in Congress that the movement is gaining ground to make Title VIII a complete statute by the addition of law enforcement power. As the 9th Anniversary of the Federal Fair Housing Law is observed, perhaps we will witness the elimination of this telling anachronism in 20th Century Fair Housing Law. □

Mr. Holbert is the Director of the HUD Office of Fair Housing and Contract Compliance.



Trends in the Administration of Title VIII Complaints

Enforcement of Title VIII of the Civil Rights Act of 1968, which prohibits discrimination in the sale or rental of housing and certain other housing abuses, is accomplished by the receipt, investigation and conciliation of complaints. The total number of complaints received under this title has increased threefold in the five year period from 1970 to 1975, from a total of 1,025 to 3,180. The total complaint workload increased by a slightly greater amount, from 1,429 in 1970 to 4,687 cases in 1975. The data series on the number of complaints closed, which originated in 1972, reveals that the number of closures for each of the succeeding three years exceeded the number of complaints received during those years. The number of complaints referred to State or local agencies increased from 255 in 1970 to a high of 1,641 in 1973. The incidence of outside referrals fell to 1,147 in 1975.

Of the issues raised in these complaints, refusal to rent ranged from a low of 46 percent to a high of 59 percent of the total and the issue of discriminatory terms and conditions ranged from 21 to 29 percent. The refusal to sell issue accounted for less than 10 percent of total in each of the 5 years.

The issues of discriminatory advertising, false representation, blockbusting, discriminatory financing, discriminatory brokerage service, discriminatory membership and failure to comply with poster regulations each ranged below ten percent over the period 1970 to 1975.

Title VIII-Complaint Processing Characteristics: 1970 to 1975 (by Calendar Year)

	1970	1971	1972	1973	1974	1975
*Total, Complaints Received	1,025	1,570	2,572	2,713	2,763	3,180
**Carry Over from Previous Year	404	804	985	1,830	1,666	1,507
Total Workload	1,429	2,374	3,557	4,543	4,429	4,687
Total, Complaints Closed	N.A.	N.A.	1,735	2,894	2,922	3,186
Total, State/Local Referrals	255	516	1,237	1,641	1,419	1,147

Issues Involved in These Complaints: Percent Distribution

	1970	1971	1972	1973	1974	1975
Refusal To Rent	46.5%	52.0%	59.2%	58.2%	47.5%	50.8%
Discriminatory Terms And Conditions	24.3	25.6	21.3	24.9	29.2	28.9
False Representation	7.2	6.2	2.3	3.0	6.7	5.6
Refusal To Sell	6.8	8.5	9.6	6.9	6.9	9.0
Discriminatory Advertising	6.7	2.1	1.6	3.5	4.4	2.1
Block Busting	3.4	3.3	3.0	2.1	3.4	2.5
Discriminatory Financing	3.1	1.1	1.5	.3	1.0	—
Discriminatory Brokerage Service	1.8	1.1	1.3	1.0	1.0	1.0
Other Issues	.2	.1	.2	.1	—	—

Source: HUD Statistical Yearbook, 1970-1975.

*1972-1975 totals include EO 11063 complaints and the 1975 total includes 49 Title VIII re-opened complaints.

**1970 and 1971 totals include complaints recalled from State agencies.

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