

# The Struggle for Housing Equality: Impact of Fair Housing and Community Reinvestment Laws on Local Advocacy

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## Abstract

*This article considers how the Fair Housing Act and the Community Reinvestment Act (CRA) structure local housing advocacy. Although both laws aim to reduce housing discrimination, they offer different sets of resources to these groups, thereby shaping the strategies, activities, and strength of these groups. This study compares CRA advocacy with fair housing advocacy in Denver, Colorado, and Minneapolis, Minnesota, during the 1990s. In both cities CRA advocacy shifted from protest to partnership strategies. Coalitions broke up and monitoring capacity declined. Different fair housing movements were evident in the two cities, with Denver advocates using partnerships and educational strategies and Minneapolis advocates using protest and lobbying tactics. The study argues that national policy designs and features of local context explain the similarities and differences in housing advocacy across the cases.*

“I couldn’t get 15 people out here to demonstrate for fair housing,” said a Denver city official in summer 1999, citing a lack of visible public demand and activity as one reason that the city devotes few resources to the issue. Yet just a week earlier, a Denver nonprofit fair housing organization, Housing For All, won a Best Practices Award from the U.S. Department of Housing and Urban Development (HUD) for its innovative Residential Insurance Council, a partnership with insurance companies to improve fair practices in homeowners’ insurance. In contrast, Minneapolis city officials are well aware of local fair housing activism: An advocacy group sued the city in 1992 for racially segregating public housing on the city’s north side, and in 2004 the mayor and city council continue to participate in implementing the court settlement of that case.

These examples illustrate the differing orientations of fair housing advocacy in Denver and Minneapolis. In Denver housing activist groups forge quiet partnerships with private

industry; in Minneapolis they visibly confront the government's housing policy shortcomings.

On community reinvestment issues, however, the tactics and trajectories of local activist groups are similar. In both cities groups engaging in community reinvestment advocacy use partnerships more than protests, and their recent level of activity has declined. In the early 1990s groups picketed banks that had poor records of lending to low-income people and minorities. By the late 1990s the same or similar groups were operating loan counseling services for these banks. According to an Association of Community Organizations for Reform Now (ACORN) staffer in Minneapolis, "The biggest reason [the banks] continue to work with us is not because they're afraid of protests, but because [the loan program] actually works."

Although housing literature describes the community reinvestment movement as vigorous and the fair housing movement as weak, this research tells a different story. In the Denver and Minneapolis case studies presented here, the local fair housing movements are active and engaging in innovative strategies (although not always in the public eye and not without obstacles). In contrast, the community reinvestment movements in these cities have become marginalized, their influence declining over time.

This study accounts for these patterns by analyzing the structure of the national policies (the Fair Housing Act and the Community Reinvestment Act, or CRA) that govern each policy arena. It examines the goals, target groups, agents, rules, tools, and resources of each approach. Both laws were intended to reduce housing discrimination, although they define the problem differently and offer different tools to fight it. Both laws also shape the capacity of local nonprofit organizations, although in different ways.

This study shows a similarity in the use of the community reinvestment law and a divergence in the use of fair housing law between the two cities. In the case of the community reinvestment law, advocacy groups in both cities responded to it in similar ways and experienced similar trajectories of fragmenting coalitions and loss of capacity to monitor banking practices. For fair housing law, local conditions mediated the national law's impact on local action, producing different movements in each city. This study examines the possible roles of three factors in shaping these differences in fair housing advocacy in the two cities: differences in local rates of change in racial diversity and poverty, differences in the state political context, and differences in local organizational networks. In a larger perspective, the study provides a critique of research approaches that look only at the national policy picture rather than investigating how policies actually take shape at the local level.

## National Fair Housing and Community Reinvestment Policies

Community reinvestment and fair housing laws are useful for a comparative study of the local impact of federal urban policy. Each addresses aspects of housing discrimination with distinctive policy designs. This article compares how the two policies build the resources of local nonprofit groups and channel their activities and at the same time contribute to the difficulties groups face when they address housing disparities. Understanding the relationship between national policy and local advocacy is particularly relevant in these cases because private citizens and groups generally are credited with enforcing fair housing and community reinvestment laws (Bradford and Cincotta, 1992; Christiano, 1995; Fishbein, 1992; Massey and Denton, 1993; Smith, 1994; Squires, 1994, 1996). Nonprofit and community-based groups have pressured government agencies to act and

also have undertaken enforcement efforts themselves. Squires (1994) calls community organizations the “driving force” behind all CRA successes. As for fair housing, Smith (1994) notes, “without the ingenuity of the private movement, housing discrimination would go virtually unchecked in the United States.”

CRA (Public Law 95–128) is a regulatory policy dating from 1977 that requires banks to “meet the credit needs of the communities they serve,” specifically the low- and moderate-income neighborhoods in their service areas. The policy was intended to address *red-lining*, the bank practice of denying loans in neighborhoods deemed poor credit risks. Federal regulatory agencies examine bank records for evidence of investments in inner-city neighborhoods; CRA compliance becomes especially important to banks that want to merge or branch. Regulators are supposed to take CRA activity into account and penalize banks for poor performance.

The 1968 Fair Housing Act, in contrast, is a civil rights law that aims to secure equal access to housing. It protects people from discrimination by race, national origin, religion, disability, and family status. It covers the entire housing industry and offers two avenues for remedies: victims of discrimination can take their claims to court or use HUD’s administrative law system.

Observers and activists have long pointed out flaws in both fair housing and community reinvestment policies. Critics point out that weak enforcement structures limit the policies’ ability to solve problems of housing and neighborhood discrimination (Bullard, Grigsby, and Lee, 1994; Fishbein, 1992; Schwemm, 1988; Yinger, 1995). However, evaluation requires more than an assessment of the instrumental logic or technical adequacy of a policy. Policies have important political implications; that is, fair housing and community reinvestment laws both open doorways and construct barriers for advocates and influence the course of political action on issues of housing and race. This article considers how the Fair Housing Act and CRA structured local community activism and political processes in these two cities.

## Policy Designs and Participation

By grounding its inquiry in two national policies, this research draws on a longstanding theoretical argument in political science that focuses on the policymaking process and how public policies work. This policy design perspective originates in the work of Dahl and Lindblom (1953) and Simon (1996), who highlighted the range of policy instruments available to decisionmakers and the consequences of different choices for addressing social problems and for advancing democracy.

Work in this tradition places policies in a central analytic position, conceptualizing them as critical structures that embody prior politics and channel subsequent politics and problem solving. Thus this approach focuses on a policy’s *design*, or its framework to establish incentives and distribute resources, as a key influence on politics and participation. This set of institutional features, although not necessarily coherent or rational, is expected to structure political action in ways that privilege some ideas and interests over others (Lieberman, Schneider, and Ingram, 1995; Schneider and Ingram, 1993, 1997). Policy designs shape not only the details of implementation but also political mobilization, participation, and, by extension, the nature of democracy.

The policy design perspective builds on other scholarship that theorizes about policy’s influence on group activity. For example, the study of policy typologies predicts how policies will structure politics, although this approach tends to analyze policies along only a few dimensions (Lowi, 1964; Wilson, 1973). Studies of nonprofit organizations

link the growth of the nonprofit sector to government policies (Salamon, 1987; Young, 1999) and document the threats that government contracting relationships pose to an independent nonprofit sector (Smith and Lipsky, 1993). Studies also explore how the tax code and other regulations shape nonprofit group behavior, including their goals, strategies, and advocacy activities (Reid, 1999; Smith, 1999). A policy design framework encourages attention to a range of policy design features, from the more obvious funding mechanisms to procedural resources and the intangible problem definitions that policies offer groups.

Each element of a policy design, including its goals, target groups, and implementation structure, offers sets of incentives and disincentives to political actors. It sets up initial expectations about which groups are likely to be involved and what activities they will undertake. Policy designs offer incentives for political participation to groups that share the law's problem definition and have the skills required by the implementation structure. Incentives for action may be material (for example, funding) or nonmaterial (for example, legitimacy or a role in a process established by the law). Groups whose understanding of the problem differs or that lack the expertise needed to use a policy's administrative procedures will not receive the same degree of support or legitimacy from the policy. Analyzing a policy's design therefore enables scholars to anticipate the form and direction of mobilization at the local level.

## Incorporating Local Perspective

Thinking about policies as institutional structures that privilege certain packages of ideas and interests directs attention to how policy shapes political action. However, this approach anticipates that groups, regardless of their context, will respond to policy incentives in the same way. Clearly, in the American political system, where policies often cross levels of government, local conditions are expected to affect the nature of local response to national policies. Literature on urban politics and federalism documents varied local responses to federal policy.

Urban scholars have long studied the connections between national policy and local group action. Mollenkopf (1983) argues that federal-level political actors used national urban policy to reconfigure local-level political coalitions, which in turn gave rise to new forms of conflict and changed social conditions in U.S. cities (see also Greenstone and Peterson, 1973). More recently, Gregory (1998) documents the impact that War on Poverty programs had on African-American political activism in one New York neighborhood. Other work examines variation in how cities use federal programs and how they respond to external constraints such as economic imperatives (Derthick, 1972; Logan and Swanstrom, 1990; Rich, 1993). Scholars of federalism and implementation also have long recognized that local factors mediate implementation of federal policy. Derthick (1972), for example, finds that "domestic programs are neither 'federal' nor 'local,' but a blend of the two," this blend arising from "a process of adjustment to local interests." Ingram's earlier work describes implementation of federal policy as a bargaining process between national and state actors (1977).

It is likely that local policy implementation will reflect both national and local influences. On one hand, national policy's imprint on local action will reflect its design and the actions of federal agents, for example, the level of resources appropriated, the nature of the tools used, and the level of discretion that agents receive. On the other hand, national policy's power also depends on how it fits into the existing political landscape. Are local groups able to take advantage of national incentives? Are they interested in doing so? Do they have other resources that allow them to ignore national policy or deviate from it? In this research, the relative weight of national and local influence varied between the two

programs examined. For community reinvestment, national policy exerted a strong influence on local action, relatively unmediated by local context. Housing activists in Denver and Minneapolis responded to the policy in similar ways. For fair housing, in contrast, local factors shaped the response of activist groups to the national policy design such that distinct models of fair housing action emerged in each city.

## Data and Methods

### National Policy Designs

Data for national policy design analysis come from primary and secondary sources such as the original fair housing and community reinvestment statutes and amendments to them contained in later legislation, congressional hearings and debates, HUD reports, documents written by national interest groups, and academic literature about these national policies. In addition, a series of in-person semistructured interviews were conducted with 27 federal officials and activists in Washington, D.C., in August 1998 and February 1999. The analysis of policy designs adapts Schneider and Ingram's (1997) framework, which deconstructs policies into sets of goals, target groups, and implementation structures. To summarize these concepts:

- Goals are expressed explicitly in the text of the statute and implicitly in the tools the statute provides; they also are expressed during congressional hearings and debates.
- Target groups are those whose behavior the policy is meant to affect: the groups that will benefit from the policy and those that are required to change their behavior to conform with the policy (or risk receiving sanctions). A policy defines different sets of benefits and burdens and directs them to selected groups.
- The implementation structure consists of agents that are assigned authority to enforce the policy and the rules and the tools they are given.

### Local Action

Data for analysis of local action was collected during field research in Minneapolis and Denver from September 1998 through January 2000. It included 70 in-person semistructured interviews with past and present civil rights, fair housing, community reinvestment, and housing activists as well as interviews with both elected and civil government officials at the local, state, and federal levels. Attendance at related events and workshops in both cities; archival materials, including government documents and local newspapers; and advocacy group archives all contributed to the research.

### Case Studies: Minneapolis and Denver

Minneapolis and Denver may seem unusual choices of case cities. Typically the issues of racial segregation and housing politics evoke images of older industrialized cities with large minority populations and polarized race relations, such as Detroit, Chicago, or Cleveland. These are the cities where housing segregation and its politics have been studied most extensively (Bayer, 1996; Hirsch, 1983; Keating, 1994; Massey and Denton, 1993; Mohl, 1996; Sugrue, 1996). The research presented here adds to the understanding of race and housing politics by extending the scope of empirical work to another kind of city—a medium-sized city with a relatively large White population. The political dynamics of racial and ethnic diversity in such places may differ from those in “majority minority” cities but are no less salient as a subject of inquiry (Hero, 1998).

Denver and Minneapolis are theoretically appropriate cases for a number of reasons. Both are medium-sized cities with similar levels of economic growth and both have

histories of progressive economic development and social policies and of multiracial or biracial political coalitions. These factors are often used to explain variations in political outcomes at the local level. Controlling for these factors allows a focus on national policy impact on local politics.

Exhibit 1 presents basic demographic data for the two cities from 1980 to 2000. In 2000 Denver’s non-Hispanic Whites constituted 51.9 percent of the city’s population with Hispanics being the largest minority group, at 31.7 percent of the population (exhibit 1). The non-Hispanic White population of Minneapolis in 2000 was 62.5 percent, with African Americans being the largest minority group, at 17.9 percent of the population. The poverty rates were similar for the two cities: 10.6 percent for Denver and 11.9 percent for Minneapolis.

Additional data on racial and ethnic concentrations indicate that fair housing and community reinvestment are relevant issues in both Minneapolis and Denver. In Minneapolis African Americans tend to be concentrated in neighborhoods north and south of downtown, with the southwest parts of the city being largely White. In Denver African Americans are residentially concentrated in northeast Denver, and Hispanics, in northwest Denver. South Denver is largely White. Dissimilarity indices in 1990 for African Americans in Denver and Minneapolis were 64 and 62, respectively; for Hispanics they were 47 and 35. The figures indicate the proportion of a city’s African-American or Hispanic population that would have to move if all neighborhoods were to reflect the city’s demographic composition. These figures are slightly below the U.S. averages of 69 and 51 (U.S. Census). Low-income African Americans experience segregation most severely in both cities; affordable housing is concentrated in the central cities of both metropolitan areas (Orfield, 1997; James, 1994). Housing discrimination, lending discrimination, and redlining have been documented in both cities (Chin, 1993; James, 1994; Flaming and Anderson, 1993; Minnesota Fair Housing Center, 1996).

## Community Reinvestment: Policy Design and Local Action

The case of community reinvestment activism conformed to the expectations of policy design theorists. Despite any differences in local conditions, national policy prompted similar responses in both Minneapolis and Denver. However, in contrast with what the

### Exhibit 1

Demographic Data for Denver and Minneapolis: 1980, 1990, and 2000

	Denver			Minneapolis		
	1980	1990	2000	1980	1990	2000
Total population	492,686	467,610	554,636	370,951	368,383	382,618
White (%)	76.3	61.6	51.9	87.7	77.5	62.5
African American (%)	12.0	12.5	11.1	7.7	12.9	17.9
Asian American (%)	1.8	2.1	2.8	1.4	4.3	6.1
Native American (%)	0.9	0.8	1.3	2.5	3.2	2.2
Hispanic (%)	18.7	22.8	31.7	1.3	2.0	7.6
Median family income (\$)	19,527	32,038	39,500	19,737	32,998	37,974
Poverty rate (% families)	10.3	13.1	10.6	9.0	14.1	11.9

Note: 1990 racial percentages are based on non-Hispanics; Hispanics may be of any race.

Source: U.S. Bureau of the Census (1970, 1980, 1990).

community reinvestment literature (with its case studies of vibrant advocacy efforts) leads one to expect, these movements were declining in both cities by the late 1990s. Activists were no longer picketing banks to draw attention to poor records of lending to low-income people and minorities. Rather, their organizations received loans or grants from local banks to engage in development or to operate remediation programs. Community development corporation (CDC) directors and staff tended not to follow the issue closely. Efforts to involve the city government in conscientious banking practices succeeded to some extent but had become routine and less emphasized in city hall. The pattern of declining oppositional strategies and monitoring, along with increasing partnering, is strikingly similar in both cities.

## Community Reinvestment Policy Design

The national community reinvestment policy design offers local actors a distinctive set of resources to address particular housing discrimination issues. Exhibit 2 summarizes goals, target groups, agents, rules, and tools for CRA and for the Fair Housing Act.

### Exhibit 2

#### Comparison of Two Policy Designs

Variable	Community Reinvestment Act (CRA)	Fair Housing Act
Goals	Encourage banks to meet community credit needs Limit redlining	Protect civil rights Provide affordable housing on a non-discriminatory basis
Target groups		
Benefits	Low- and moderate-income neighborhoods and individuals	Racial, ethnic minorities Women Families with children People with disabilities
Burdens	Lending institutions	Housing industry (real estate agents, property owners/landlords, developers, leasing agents, lending institutions, and insurance companies)
Agents		
Federal	U.S. Department of the Treasury Office of Thrift Supervision Comptroller of the Currency Federal Reserve Board Federal Deposit Insurance Corporation	U.S. Department of Housing and Urban Development U.S. Department of Justice
Local	Nonprofit organizations	State and local civil rights agencies Nonprofit organizations
Rules	Lenders have continuing, affirmative obligation to help meet the credit needs of local communities (covers most lending institutions)	Prohibits specified practices (covers most housing) Affirmatively furthers fair housing
Tools	Bank examination process (CRA ratings and public comment period)	Complaint process and public comment period Litigation, including pattern suits Grant programs

CRA's stated goal was to require federal regulatory agencies to "encourage" financial institutions "to help meet the credit needs of the communities in which they are chartered consistent with safe and sound operation" (Public Law 95-128). Legislative history suggests that CRA was adopted as an effort to limit lending institutions' practice of redlining (Fishbein, 1992; Squires, 1992; U.S. Senate, 1977). CRA targeted the low- and moderate-income neighborhoods in lending institutions' service areas as beneficiaries of the law. It imposed burdens on a narrow set of actors, a subset of lending institutions. CRA states that under preexisting law, these institutions are supposed to demonstrate that they serve "the convenience and needs" of their communities and that they have "continuing and affirmative obligations" to do so.

CRA offers the public, including local nonprofit groups, the opportunity to intervene in the regulatory process and makes information available that groups can use when doing so. The statute directs the four bank regulatory agencies to enforce the law. CRA essentially expanded the bank examination process by requiring the Federal Reserve Board, the Office of Thrift Supervision, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation to assess banks' service to low- and moderate-income neighborhoods. The regulatory agencies examine how banks meet community needs, and CRA charged them to take this record into account when reviewing bank applications for insurance, mergers, relocations, and expansions.

CRA does not explicitly state the role of private groups in enforcing the law; this role is embedded within preexisting regulatory processes. No direct material resources have been available under CRA to nonprofits. Rather, CRA provides a process in which groups can intervene and information they can use to do so. The role of community groups derived from the agencies' existing requirement to hear public comments when reviewing applications from financial institutions (Christiano, 1995; Fishbein, 1992). Groups can file a challenge with the appropriate regulatory agency to an institution's request for merging or expanding on the grounds that the institution is not serving low- and moderate-income neighborhoods well enough. In theory, regulators could deny a bank's application on this basis; in practice, this rarely happens (Yinger, 1995). CRA thus offered nonprofits an avenue to use the data that banks had been obligated to disclose since the passage of the 1975 Home Mortgage Disclosure Act (HMDA). The 1989 Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) increased the utility and general availability of these data. Not only did FIRREA make CRA evaluations public information, it also amended HMDA to require disclosure of more data such as the disposition of loan applications and the applicant's income level, race, and gender (Yinger, 1995).

### **Local Community Reinvestment Activism: From Protest to Partnership**

CRA, then, offered procedural and informational resources. The doorway CRA opened for local groups is the public comment period that occurs when a lender requests permission to make a change or during a regular compliance examination. Local groups have the chance to influence the institution's lending practices by intervening in the process (or by threatening to do so). CRA offers data (both the CRA ratings themselves and HMDA data on lending activity) that groups can use to monitor local activity and make their case for change. Community reinvestment policy has never offered direct material resources, although the prospect of material resources, such as credit or grants secured from lending institutions, provides an incentive for local groups (particularly CDCs) to support local CRA activity. Note that organizations need an initial stock of resources (funds and expertise) to analyze HMDA data and to navigate the regulatory process. Exhibit 3 summarizes the two phases of community reinvestment activism found in Minneapolis and Denver.



### Exhibit 3

#### Community Reinvestment Activism in Denver and Minneapolis

Variable	Phase 1	Phase 2
Goal	Change lending patterns to low-income, minority neighborhoods and individuals	Monitor lending activity
Target	Selected lending institutions City hall	Selected lending institutions City hall
Strategies	Protest and negotiation	Partnership
Arenas/visibility	Public arenas High visibility	Private, specialized arenas Low visibility

**Players.** Nonprofit advocacy organizations and CDCs were dominant players in the community reinvestment movement in both Denver and Minneapolis. Community reinvestment is neither the exclusive nor the primary activity for most of these groups. The groups have received help from local university professors in analyzing HMDA data and from national nonprofits that track the community reinvestment issue and provide technical assistance on data analysis and the intervention process.

**Movement Orientation and Strategies.** In the early 1990s groups in both cities engaged in protests against banks they found to have poor records of community lending. By the end of the 1990s community reinvestment action was oriented toward partnerships, with lending institutions and advocacy groups engaged in only a low level of monitoring lending activity.

#### Community Reinvestment Activism in Denver

The Denver Community Reinvestment Alliance (DCRA) formed in 1993 as a coalition of advocacy groups and nonprofit developers working on CRA issues. This CRA-focused coalition grew out of an initiative by the Metropolitan Organization for People, a faith-based advocacy group that had highlighted redlining’s contribution to the abandoned and dilapidated homes cropping up in several of the city’s low-income neighborhoods. A staff member at the University of Colorado’s Center for Community Development worked with DCRA, providing analysis of lending data. The group initiated a direct-action strategy against several banks. NEWSED, a CDC located in west Denver, provided office space to the coalition, and one of its top staff members served as cochair. DCRA and NEWSED eventually filed one CRA challenge, with technical assistance from the Washington, D.C.-based National Council of La Raza. They also received technical assistance from the National Community Reinvestment Coalition.

As a result of DCRA action, Norwest Bank agreed to work with the group to market more loans to African Americans, Hispanics, people with disabilities, and low-income people. The bank contracted with the group to provide a sensitivity training course to its employees and placed a DCRA representative on a lending advisory board (Keating, 1995). In 1994 DCRA filed a complaint with the U.S. Department of Labor, charging Colorado National Bank with employment discrimination; the charge was investigated and dismissed the following year (Berenson, 1995).

City officials began to consider banks’ community lending records in choosing city depositories by making “community responsiveness” a condition (Berenson, 1996c). The

city sponsored the formation of the Denver Community Reinvestment Partnership to promote lending to small businesses and to low-income and minority borrowers. According to the *Denver Post*, six banks joined “with great fanfare” and pledged to make target amounts of small business loans, low- and moderate-income mortgage loans, and historic preservation mortgage loans by 1997. In return, the city split its payroll and reserve deposits among the banks in the partnership. According to the *Post*, “More importantly, the partnership quelled community activists who were pressing banks to make more loans to low-income and minority borrowers” (Berenson, 1996b). DCRA secured a role on a citizens’ committee that monitored the depository choice process. Colorado National Bank, the institution DCRA felt had the worst record, quit the partnership in 1996, dissatisfied with results of a survey on small business lending (Berenson, 1996a).

By the end of the 1990s DCRA had abandoned direct-action tactics. Representatives now served on an advisory panel to the city that reviews local lenders’ community responsiveness. At least two CDCs had pulled back from DCRA, in part because of discomfort with direct-action strategies. One CDC director had served a term on the board of directors of the National Community Reinvestment Coalition; that individual no longer follows the issue as closely. One DCRA leader moved out of town, and another became less involved. The latter described DCRA as having gotten the attention of the banks and the city and having shifted to an oversight role, but she seemed skeptical about whether community members could really have a voice in the new partnership arrangement. Additionally, she felt that the interest among former DCRA supporters had shifted to affordable housing development, and she expressed doubt that the group could gather together enough people to hold a protest if one became necessary.

## Community Reinvestment Activism in Minneapolis

In Minneapolis community reinvestment strategies also included direct action against banks and negotiations with the city on choosing depositories. These activities occurred in the late 1980s and early 1990s but had diminished by 1998.

The city’s involvement stemmed from the efforts of the Minneapolis Community Development Agency (MCDA), which tracked local banks’ participation in its development programs. The Minneapolis Consortium of Community Developers, a coalition of CDCs, worked with MCDA to rank banks applying to be city depositories. In 1991 and 1992 the consortium negotiated with First Bank and the city delayed a decision on its depository status until the bank had committed funds to Low Income Housing Tax Credit projects (Goetz and Sidney, 1995). Previously, the city had asked the Federal Reserve Board for an extension in the public comment period when First Bank was attempting to acquire a suburban bank. Days after this occurred, the bank and MCDA worked out a way for the institution to boost its participation in the agency’s programs.

The depository oversight process seemed to work with some banks more than others, according to an MCDA staff member. Additionally, because of employee turnover at the banks, relationships were broken and not renewed. “I finally thought, there’s just no point in beating up on First Bank anymore. I mean, the culture is not there at the top levels,” this respondent said. With the rise in Minneapolis of a network of community banks that participate in city programs, the focus shifted away from the mainstream lenders.

By 2000 the depository requirement used lenders’ CRA ratings as a proxy for more detailed analysis; as long as the institution had a “satisfactory” rating (the second best, behind “outstanding”), it qualified to be a city depository. US Bank, formerly First Bank, recently dropped in its rating from outstanding to satisfactory; the MCDA employee noted that this change seemed to have attracted little attention from advocates. CDCs’

attention to local lenders declined in part because they rely more heavily on subsidies than loan money as housing development costs rise, according to one consortium member. They focus their political activism on the state and city governments to try to raise more public funds for affordable housing.

Also in the late 1980s and early 1990s ACORN and the St. Paul Ecumenical Action Committee (SPEAC), a faith-based grassroots organization, spearheaded direct-action campaigns against local lenders, including an event where advocates tied a red ribbon around a downtown bank building. By 2000 these groups operated homeownership counseling programs, working with prospective homebuyers to prequalify them for mortgages, then channeling them to participating lenders. When a shift in the banking landscape occurs, such as when a local bank wants to merge, there is some degree of heightened attention. ACORN organized a protest in fall 1998 during a local hearing at the Federal Reserve on the proposed merger between Norwest and Wells Fargo Banks, but it is not clear whether these actions bring new resources to advocacy groups or their constituencies. In addition, some events, such as the hearings themselves, are precipitated more by national actors than by local ones. This includes the national ACORN office and a coalition of legislators from states affected by the proposed merger. Since the waning of protest tactics, most community reinvestment activity occurs in less visible arenas: the boardrooms of lending institutions, the city auditor's office or the community development offices at city hall, and sometimes even in boardrooms of the CDCs themselves, because some of them have local bank officers serving on their boards.

To summarize, groups in both cities have taken advantage of the opportunities CRA offers. They have used data to press claims on banks, they have intervened in the examination process or threatened to do so, and they have secured some program dollars for themselves. However, during the process, coalitions have fallen apart, monitoring has declined, and groups in the two cities do not think they could mobilize crowds to hit the streets again if they discovered a bank was scaling back its commitments.

## Fair Housing: Policy Design and Local Action

Unlike the similar patterns of action and evolution of community reinvestment activism in the two cities, the fair housing movements in Denver and Minneapolis are vastly different. This outcome challenges the policy design framework, which tends to view local program results in terms of the structure of national policies. Yet, fair housing groups in the two cities have responded to the national fair housing policy design in different ways, ways very much conditioned by their local contexts.

In the late 1990s educational strategies and partnerships with the housing industry characterized fair housing activity in Denver. These activities tended to occur out of the public eye. In Minneapolis in contrast, open confrontation was common, and activists aimed to mobilize the public to press elected officials for policy change. Action in Denver spanned the protected classes of race, ethnicity, gender, family, and disability status as well as different sectors of the private housing industry. But in Minneapolis fair housing activity targeted low-income minorities and aimed to change government practices that created barriers to affordable housing.

## Fair Housing Policy Design

The Fair Housing Act's stated goal is to provide for *fair housing*, an ambiguous term on its own, throughout the United States (Public Law 90-284, SEC. 801). The statute's content suggests two dimensions of fair housing: protection of individual civil rights and provision of affordable housing. The policy delineated different sets of resources for each

goal. Exhibit 2 provides a summary of the policy design of fair housing including goals, target groups, agents, rules, and tools.

**Protecting Civil Rights.** Fair housing policy's civil rights dimension involves identifying and punishing discriminatory practices and providing remedies to individual victims of discrimination. Most of the fair housing statute consists of rules and tools designed to minimize racial discrimination against individual homeseekers by working to eliminate discrimination from the process of housing transactions, such as realtor-client relations and mortgage lending, in the private sector. HUD has primary authority to implement the law and operates a national enforcement process to receive, investigate, and conciliate or adjudicate complaints of discrimination. Fair housing law offers protected classes several options if they wish to pursue a remedy for discrimination (SEC. 810–813). They may opt to go directly to federal court, or they may file an administrative claim with HUD. They also may pursue their claim under state or local fair housing laws in court or through the appropriate local administrative agency. Once HUD has determined there is reasonable possibility of discrimination, a complainant or a respondent may elect to have a jury trial rather than an administrative hearing.

Most federal fair housing resources are devoted to this enforcement process. The policy design offers several incentives for local nonprofit organizations (and private attorneys) to participate. Both administrative law judges and trial judges and juries may award attorney's fees and damages to fair housing organizations (Bensinger, 1996).

In addition, HUD operates the Fair Housing Initiatives Program (FHIP), a competitive grant process designed to fund private nonprofit fair housing organizations to undertake enforcement activities. Education and outreach activities have been funded as well, although at lower levels. Over the years HUD's relations with the real estate industry have sometimes offered nonprofit groups and community members opportunities to participate in fair housing monitoring and education. For example, as part of HUD's implementation of an agreement signed in the late 1970s with the National Association of REALTORS®, HUD sponsored the creation of local Community Housing Resource Boards (CHRBs) made up of industry and community members. Advocacy activities and advocate membership were restricted under the Reagan administration, and CHRBs were discontinued in 1992 when a new partnership agreement with the realtors was signed (Metcalf, 1988).

**Providing Affordable Housing.** The second goal of fair housing policy is to provide affordable housing on a nondiscriminatory basis. The Fair Housing Act requires HUD to integrate "fair housing federal" into its existing housing programs "in a manner to affirmatively further the purposes of this title" (SEC. 808). This dimension directs attention to the operating procedures and outcomes of programs such as public housing, Section 8, and the Community Development Block Grant (CDBG).

Resources for local advocacy groups to promote nondiscrimination in affordable housing tend to be opportunities to intervene. Groups may file a fair housing lawsuit against HUD, the federal government, and/or a recipient of federal housing subsidies such as a public housing authority or a local government. They may also attempt to hold local governments accountable to the "affirmatively further" requirement. For example, since its inception in 1974, the CDBG program has directed recipient jurisdictions to certify each year that they are affirmatively furthering fair housing. Under different HUD and presidential administrations this has been taken more or less seriously, but it sometimes has provided a way for nonprofit organizations pursuing fair housing activities to secure funds.

Critics have long noted HUD's poor track record in rooting out discrimination in its own programs (Roisman, 1999). Whereas the fair housing statute is quite detailed in its delineation of the enforcement process for punishing discrimination in the private sector, it offers no guidance on how HUD is to incorporate fair housing into its own housing programs. This higher level of discretion has meant more variation over time and by presidential administration in how HUD and others define *fair housing* and the *affirmatively further* requirement relative to affordable housing programs. These changes alter the incentives and avenues for local actors to participate. During the Clinton administration, HUD took steps to desegregate some public and Section 8 housing, signaling a change in orientation toward this fair housing dimension and perhaps making more real the policy's opportunities for local advocates to press for change (Roisman, 1999; Thompson, 1996).

## Patterns of Local Fair Housing Action

The fair housing policy design thus offers local groups a diverse set of direct and indirect material resources as well as several procedural resources. The comparative case study shows two patterns of fair housing activity at the local level, summarized in exhibit 4. In Denver local fair housing actors used procedural and material resources from national policy to pursue the protection of civil rights in the private sector. In Minneapolis more local actors have focused on opportunities for intervening in the affordable housing/public-sector dimension of fair housing and have relied less on material resources from national policy.

### Denver: Protecting Civil Rights in Housing Through Education and Partnerships

In 2000 the dominant players in Denver's fair housing arena were nonprofit organizations that enforced fair housing law and educators who instructed members of the real estate industry about the law's requirements. The dominant thrusts of fair housing action were to enforce the law's provisions to protect individuals' civil rights relative to housing and to educate real estate brokers and other members of the housing industry about how to comply with the law. The movement's orientation emphasized partnerships with industry, and most fair housing strategies focused on changing behavior or remedying discrimination in the private sector, including real estate sales, rentals, lending, or insurance. Activity tended to occur behind the scenes in less visible arenas such as state agencies and industry events.

## Exhibit 4

### Comparison of Two Models of Fair Housing Activism

Variable	Denver	Minneapolis
Goal	Protecting civil rights	Providing affordable housing
Target	Private-sector practices	Public-sector practices
Strategies	Partnerships with private sector Education of private sector Behind-the-scenes, specialized arenas	Litigation Mobilization
Arenas/visibility	Low visibility	Courts, legislature (state and city) High visibility

**Players.** Two nonprofit organizations specializing in fair housing have been active in Denver since at least the 1980s, and a new group formed in 1997. Housing For All is metropolitan Denver's fair housing center, founded in 1987 at about the same time the federal FHIP program began. It is funded primarily through this program. This group investigates housing complaints and works with complainants in preparing documents and filing them, usually with the state civil rights agency or with HUD. The center has four staff members, and its board includes several individuals from Denver's Park Hill neighborhood, the city's historic epicenter of fair housing activity. Board members also include real estate brokers, attorneys, a property manager, and, until recently, the director of the city's civil rights division. A panel of attorneys consults with Housing For All on specific cases. A second fair housing enforcement organization also funded with FHIP funds recently was formed. This group, Home Inc., is not yet widely known among fair housing players and is somewhat linked to affordable housing provision because it is housed in the NEWSED offices. Generally, it conducts activities similar to Housing For All's and holds workshops for members of the community on their rights as homeseekers, tenants, and owners.

The Denver CHRB was established in 1979 soon after the first agreement was signed between HUD and the National Association of REALTORS. During the time that HUD sponsored CHRBS, the Denver group received funding for its education and outreach activities, including the production of brochures and sponsorship of a scholarship fund for minority realtors. The group had office space in a satellite Colorado Civil Rights Division (CCRD) office (which was also the precursor of Housing For All). In 1983, in response to HUD changes in the CHRB program under the Reagan administration, the Denver CHRB became a freestanding organization devoted exclusively to education and outreach, separate from the enforcement role played by CCRD. (Housing For All was incorporated in 1987 to fulfill what local activists felt was a gap in the nonprofit fair housing landscape.)

When HUD completely discontinued the CHRB strategy in the early 1990s, the Denver group remained together and is one of only a handful of CHRBS still in existence. The group now has one full-time staff member and receives CDBG funds from the city's Community Development Agency and funds from the Colorado Association of REALTORS and the Denver Board of REALTORS. The current director is taking a more entrepreneurial strategy and beginning to look for other local funding sources as well as marketing the CHRB's fair housing education services to the housing industry. The group's board consists primarily of housing industry members—real estate brokers, representatives from the apartment association, and mortgage brokers—and is chaired by the director of the state's real estate licensing agency (who also is a long-time resident of Park Hill). It is also linked to the public school system: a Parent-Teacher Association (PTA) member and a school administrator from northwest Denver sit on the CHRB board.

**Movement Orientation and Strategies.** Fair housing activity in Denver tends to emphasize partnerships with industry and education for housing professionals. Housing For All created two partnerships for which it recently won Best Practices Awards from HUD.

Housing For All established the Residential Insurance Council in 1997 after the group's series of paired-comparison tests of the homeowner insurance industry indicated that minorities experienced differential treatment. (HUD had funded the insurance testing through an FHIP grant.) Housing For All convened 10 insurance companies and the state and city civil rights agencies to present the results of its testing evidence and to start a discussion of the next steps. The group's choice to form a partnership was strategic, according to its director. Insurance discrimination is difficult to prove in court, and

although the group thought the testing evidence indicated differential treatment based on race, it was unsure that its results were conclusive enough to be persuasive in court or in an administrative law hearing. Its members felt that the adversarial relationship that would characterize a 4- to 5-year administrative complaint process would be counter-productive: insurance practices regarding minorities would not change during this time. In addition, the group did not have the funds to pursue a class action lawsuit. Working with the insurance agencies, Housing For All developed a loss-mitigation program for the low-income neighborhoods in Denver where testing uncovered denials of insurance. The program, recently funded by the Ford Foundation through the Neighborhood Reinvestment Corporation, has commitments from the insurance companies as well. It will offer neighborhood residents antitheft devices and loans to improve home security, establish neighborhood watch systems, and work to improve street lighting.

The second partnership to win a HUD award began when CCRD sponsored testing of the mortgage lending industry (funded through a HUD grant) and published reports in 1993 and 1994. A partnership emerged among the Colorado Mortgage Lenders Association (CMLA), CCRD, the Colorado Housing Finance Agency, and several local banks. CMLA set a 5-year goal of lending \$1 billion to minority, low- to moderate-income, and first-time homebuyers. Partnership activities have included development of a self-testing protocol (not yet in use), a consumer brochure on the mortgage loan process, a mentoring program, and a guide to affordable housing.

Fair housing audits, or large-scale testing of industry practices, funded through federal grants were the impetus for formation of both partnerships. Housing For All, Home Inc., and CCRD also conduct complaint-based tests when investigating individual allegations of discrimination; this is the most common use of testing in Denver. Fair housing activists recognize the critical role of this strategy in detecting discrimination. They have learned through experience that the housing industry often reacts with hostility and suspicion to this type of testing. There is some effort therefore to educate the industry about testing. And, as the Housing for All/Residential Insurance Council and CMLA partnerships show, models have developed that use results in ways other than pursuing litigation. Audits tend to be used for educational purposes and to spur industry to make changes in its practices.

A third fair housing partnership, one between CHRB and the Denver public schools, has existed for decades. The school district provides office space for CHRB; a PTA member and a school administrator serve on the CHRB board. Many fair housing activists interviewed for this study think that real estate brokers steer White and middle-class clients away from Denver because the schools have a bad reputation. This concern dates back to the late 1960s when school desegregation efforts began. As a result of a lawsuit ending with a U.S. Supreme Court ruling in 1973, the schools were placed under a court order and a mandatory busing program was implemented; court oversight ended only in 1995. The proportion of White students in Denver public schools dropped from 54 percent in 1974 to less than one-third by the late 1990s (Stevens, 1994).

The group of Denver fair housing activists who got their start in Park Hill and northwest Denver neighborhood issues have long been aware of the link between housing and school integration. These activists have kept alive the portion of CHRB activity that focuses on schools. For example, the group ran eight “Yellow School Bus” tours in 2000, funded partly with CDBG dollars. Real estate brokers receive continuing education credit for these tours, which consist of riding a school bus to a particular Denver school (often a magnet school), touring the school and meeting the principal, and discussing fair housing

issues with a CHRB board member. A neighborhood tour is led by someone familiar with the history and landmarks in the area. During the fair housing discussion, brokers are provided with data that emphasize the high achievement levels in Denver schools as well as demographic data on neighborhoods. CHRB members want to debunk brokers' perceptions of racial concentrations by showing them that neighborhoods may be more integrated than they think. Clearly, they see this as a way to prevent steering. CHRB also runs a few programs in the schools each year that are designed to enhance students' pride in their neighborhoods.

Other CHRB strategies consist of conducting continuing education training sessions for real estate brokers and other housing professionals. The group also offers training programs for fair housing trainers themselves to update them on recent developments in fair housing regulations and implementation and to offer them fresh teaching methods to use in the courses required for licensure.

**Fair Housing Problem Definition.** Most fair housing activity in Denver, then, relates to the civil rights dimension of fair housing, focusing on either finding instances of discrimination and pursuing remedies for victims (Housing For All and Home Inc.) or preventing discrimination by teaching potential discriminators (members of the housing industry) what the law prohibits and how to handle situations in which a real estate professional risks behaving in a discriminatory fashion (CHRB). These activities span all protected classes, with an increasing amount of time and activity geared toward the rights of people with disabilities and toward regulations related to families with children (such as occupancy standards). Fair housing activities also reach into many sectors of the private housing industry, from real estate sales and rental to lending and insurance. Current activities tend not to focus on public-sector practices that contribute to housing segregation or discrimination such as exclusionary zoning or siting of public housing.

**Arenas for Action.** Most fair housing activity in Denver occurs in specialized arenas, away from view of the general public. Individual allegations of discrimination are investigated primarily through Housing For All and then referred to the state civil rights agency for further investigation and adjudication. The local HUD office takes systemic claims and claims involving subsidized housing, and some complainants choose to go to court. Fair housing training sessions are arranged directly between trade groups and fair housing groups. Media coverage of discrimination cases and issues is infrequent; when it does occur, news stories tend to appear in the business sections of Denver's two main newspapers rather than the general news sections. Advocacy groups will go to the media if they are dissatisfied with resolution of an issue through more specialized channels. For example, when the state civil rights agency did not find probable cause on a case that Housing For All felt was particularly egregious, the group filed suit in court instead and informed the media.

## Minneapolis: Providing Affordable Housing Through Confrontation and Mobilization

Fair housing advocacy in Minneapolis looks quite different from the patterns just described for Denver. In 2000 the dominant players in the Minneapolis fair housing arena were an array of nonprofit advocacy organizations plus a few policy activists: one a state legislator, the other a legal scholar. The dominant thrust of fair housing action was to increase the supply of affordable housing regionally and to preserve the existing stock. The movement's orientation was confrontational and geared toward mobilization of affordable housing constituencies and the general public. Most fair housing strategies focused on securing changes in public-sector practices. They ranged from litigation to lobbying the



city council and state legislature, to mobilization tactics aimed at creating a public dialogue about inclusive communities and generating public demand for local policy change.

**Players.** An array of nonprofit advocacy organizations, many of them led by activist lawyers, has been active in Minneapolis since the early 1990s. The National Association for the Advancement of Colored People (NAACP), using legal services provided by the Legal Aid Society and a private civil rights law firm, has filed two major lawsuits related to fair housing. In the same time period, three lawyers (one from the city's civil rights agency, one from the Community Action Agency, and one from Legal Aid) organized the city's first private nonprofit fair housing organization. This effort eventually resulted in the formation of two groups: (1) the Housing Discrimination Law Project, housed in Legal Aid and funded partly with federal FHIP funds, and (2) the Minnesota Fair Housing Center, which receives funding from Minneapolis and surrounding jurisdictions' CDBG funds, from Community Action, and from two state agencies. The executive directors of both groups are attorneys; the center's board also includes representatives from the real estate industry and communities of color, as well as affordable housing and neighborhood advocates. In addition, several affordable housing groups also engage in fair housing activity in Minneapolis.

Two key fair housing advocates, neither directly connected to the organizations noted above, have taken both important public and behind-the-scenes leadership roles on fair housing issues in Minneapolis: Myron Orfield, a member of the state legislature until 2002, and civil rights lawyer and scholar John Powell [sic]. Orfield sponsored state fair housing legislation aimed at reducing city-suburban disparities in the Twin Cities metropolitan area while serving as a state representative from Minneapolis. Until 2002 Powell, a former American Civil Liberties Union legal director, headed the Institute on Race and Poverty, a research center housed in the University of Minnesota Law School. This center convened conferences and produced reports that documented central city concentrations of poor minorities; Powell also met individually with government officials and activists. In 1999 he chaired the mayor's Affordable Housing Task Force.

**Movement Orientation and Strategies.** Fair housing action in Minneapolis tends to be confrontational and/or geared toward mobilizing low-income constituencies or the general public. One dominant confrontational strategy has been the class action lawsuit. In 1992 the NAACP and Legal Aid brought a class action fair housing suit against HUD, the Minneapolis Public Housing Authority, the city, and the state for intentionally segregating African Americans in public housing in the near north side of the city. This lawsuit, *Hollman v. Cisneros*, resulted in a negotiated consent decree. Under the decree the city's 770 concentrated public housing units are being replaced with units scattered throughout the metropolitan area and a community planning process is guiding redevelopment of the north side public housing (Goetz and Sidney, 1997; Thompson, 1996).

Another example of this adversarial orientation is the Affordable Housing Stabilization Project formed in 1998 with support from the Family Housing Fund, a local foundation that supports affordable housing development and research. Under this project affordable housing activists and lawyers are developing fair housing and other litigation strategies to prevent Section 8 prepayment that threatens affordable units throughout the metropolitan area.

Fair housing advocates sometimes combine litigation with mobilization strategies. In 1995 the NAACP filed suit against the state, charging that racial and class segregation result in inadequate education for Minneapolis children. Plaintiffs sought a metropolitan-wide housing integration policy as part of the relief, although this was not part of the

final settlement reached in 2000 (Drew, 1995). At the same time it filed the suit, the NAACP founded the Education and Housing Equity Project, intended to build public support for the lawsuit's mediation and also more generally to build support for racially and economically inclusive communities. In the late 1990s the group conducted "Community Circles" on schools, housing, and race in 35 suburban and city locations (Education and Housing Equity Project, n.d.). Local residents convened to discuss problems and to build consensus on policy alternatives for increasing diversity in their communities.

Another campaign that combined mobilization and litigation took place in Brooklyn Park, an inner-ring suburb of Minneapolis. A tenant group joined with the Metropolitan Interfaith Coalition on Affordable Housing (MICAHA), a faith-based affordable housing coalition that mobilizes religious congregations on housing issues, to organize residents of an apartment complex threatened with demolition. (Nearly 60 percent of the residents were people of color.) When organizing efforts did not succeed, the tenant group worked with the Housing Discrimination Law Project on a legal strategy that included a fair housing lawsuit. Advocates testified at city hearings, wrote letters to government officials and newspapers, held community meetings, placed flyers on car windshields, and eventually threatened a fair housing lawsuit. The result was preservation of 1,100 units of affordable housing.

MICAHA also undertook an additional fair housing project last year in its collaboration with a local theater company to write a play on fair housing issues and produce it for congregations throughout the metropolitan area. The play was followed by a group discussion during which MICAHA passed out postcards to be sent to state legislators as well as signup sheets to identify volunteers for further affordable housing activities in the congregation's community. Another recent mobilizing effort was Metro Sabbath, the Catholic Archdiocese Office of Social Justice's lobbying campaign to increase state funding for affordable housing; materials sent to congregations throughout the metropolitan area aimed to educate congregations about racial and income residential polarization and to generate political action (Beckstrom, 1999).

**Fair Housing Problem Definition.** Most fair housing activity in Minneapolis focuses on problems experienced by low-income people and occurs in the context of a larger discussion of regional urban-suburban disparities that began in the early 1990s. Fair housing activity aims to increase or preserve the affordable housing supply, to reduce concentrations of affordable housing and of poor people of color in the central core, or to remedy housing discrimination faced by low-income people.

In Minneapolis activists tend to frame housing problems in terms of class more than race, and generally they understand that targeting low-income people will also target minorities. State legislator Orfield (1997) termed his proposals "fair housing" bills; although he talked about racial disparities as well as class disparities, the resulting compromise legislation focused on encouraging suburbs to develop affordable housing. Rather than focusing on private-sector fair housing issues, most activity targets government housing programs and policies.

**Arenas for Action.** Unlike the situation in Denver, fair housing is on the public agenda in Minneapolis largely through the initiative of affordable housing advocates who engage in legislative strategies that rely on generating public pressure. Class action lawsuits also are regularly reported in the press, in part because plaintiffs actively seek media coverage in an effort to generate public support. Fair housing advocates also use the media to disseminate research findings on local housing conditions, again to attempt to underscore the urgency of affordability and poverty-concentration issues.

## Effects of Local Context on Fair Housing Activism

The divergent patterns of fair housing advocacy in Denver and Minneapolis show that one cannot always predict local outcomes from the structure of federal policies. Groups facing the same set of policy resources and incentives chose very different courses of action in the two cities. This section explores the roles of three local contextual factors in shaping the very different choices local nonprofits have made in Denver and Minneapolis: differences in rates of change in racial diversity and poverty, different state political contexts, and differences in organizational networks.

**Differences in Rates of Change in Racial Diversity and Poverty.** Differences in the rate of demographic change help explain why fair housing activism in Minneapolis has focused on low-income minorities and why the movement adopted a higher profile in Minneapolis than in Denver. Although in both cities a majority of residents are White, Denver is an historically multiethnic city with a sizable Hispanic population and a somewhat smaller African-American population. The proportion of Denver residents who are African American has remained essentially the same from 1980 to 2000; in the same period the proportion of Hispanics grew from 18.7 to 32.0 percent. Denver Hispanics, however, have not been as active on fair housing issues as have Whites and African Americans. Minneapolis, on the other hand, experienced much more rapid, dramatic shifts in the racial composition of its population during the 1980s and 1990s. The Minneapolis minority population grew by 32,000 people during the 1980s, a 69-percent increase. It has continued to increase in numbers and diversity in the 1990s (Goetz, 1998).

In addition, in Minneapolis the minority population has become more impoverished. One study concluded that “compared to the nation as a whole, minority races in Minnesota are experiencing more poverty at a faster rate of growth, while their White counterparts are generally better off in Minnesota than across the country” (Ahlburg, 1998). Whereas poverty declined slightly among African Americans nationwide during the 1980s, in Minnesota the rate increased from approximately 24 percent in 1980 to approximately 36 percent in 1990. Indeed, African-American poverty rates in the Twin Cities are among the highest in the nation (Korenman, Dwight, and Sjaastad, 1997). In 1980 approximately one-quarter of Twin Cities African Americans lived in ghetto neighborhoods; by 1990 nearly half did. Korenman et al. (1997) define *ghetto* as a place where the African-American poverty rate exceeds 40 percent.

Differences in the rate of racial change and impoverishment of minorities have two implications for fair housing action. First, rapid increases in minority population have driven the convergence of fair housing and affordable housing issues in Minneapolis. Affordable housing advocates, who are primarily White, have realized that their constituents (at least in the core city) now are often people of color. Fair housing thus becomes a tool to use in achieving their affordable housing goals. For example, threats to demolish affordable housing can be framed as discriminatory or at least as having a disparate impact on racial minorities. In the 1990s affordable housing advocates became interested in, and open to, the incentives to participation that fair housing policy offers. Second, the novelty of diversity in Minneapolis means that race is news there, so the media focus on racial issues. For activists this both helps and hurts. To some extent, media images of minorities are associated with crime and welfare and thus fuel negative stereotypes, making their jobs harder (Jeter, 1998). On the other hand, the media attention gives race and housing issues agenda status in a way not experienced by activists in Denver. Most activists interviewed, however, felt that media coverage of race hurts more than helps, and they therefore try to frame housing issues in terms of class; an example is trying to persuade suburban jurisdictions to build affordable housing.

**Differences in State Political Context.** Different political contexts in the two states help account for the focus of housing activists on private-sector practices in Denver and public-sector policies in Minneapolis. This difference also influences the visibility of fair housing issues. Although both cities have histories of liberal, progressive leadership, the state contexts differ. Colorado is a generally conservative and Republican state; Minnesota is generally a liberal and Democratic state, where even Republicans have a tradition of progressivism (Cronin and Loevy, 1993; Lass, 1998). Republicans have controlled both houses of the Colorado legislature since 1976 (Cronin and Loevy, 1993), whereas in Minnesota Democrats controlled the state senate for 26 years and the state house for a decade until the 1998 elections (Lohn, 1999). In Minneapolis affordable and fair housing activists turn to the state for both policy changes and funding resources, but Denver fair housing activists do not view Colorado as a viable source of policy or material support.

In Denver, where fair housing activism is oriented toward protecting civil rights, activists and government agency staff report that they purposely try to keep a low profile, reasoning that higher visibility might well attract negative attention. Nonprofit fair housing enforcement groups are funded through HUD and do not rely on the state for material support. However, they do rely on the state civil rights agency to enforce both state and federal laws. (The agency is known among housing activists as being conservative in findings of cause on housing discrimination cases.)

In this political context, it is perhaps not surprising that fair housing groups try to partner with industry and keep adversarial relations to a minimum, confined to specific allegations and investigations of discrimination. The state civil rights agency persuaded the legislature to make changes in state fair housing law (so that it conforms to national law) by framing the issue in terms of how changes would benefit the housing industry, that is, reducing uncertainty for the industry by providing a viable state adjudication process rather than relying solely on the lengthy federal process. The state agency employs a fair housing specialist who performs education and outreach. In a recent budgeting cycle, her position was preserved essentially because the housing industry supported her; she helps the industry navigate the complex regulations of federal fair housing law.

The state context constrains a regional affordable housing/fair housing agenda in Colorado. For example, Denver activists do not see the adoption of fair-share legislation, which succeeded in the Minnesota legislature (albeit in a weak form), as even in the realm of possibility in Colorado. In Minnesota, which has a stronger tradition of using redistributive policy (Lass, 1998), activists view the state as the locus of government with the most resources to contribute to affordable housing. The 1998 elections brought a Republican majority to the state house, and the election of Governor Jesse Ventura, a third-party candidate, left advocates wondering what to expect. Nonetheless, that legislative session resulted in the highest appropriation for affordable housing in Minnesota history (Hopfensperger, 1999). The state thus represents a viable resource and instrument for Minnesota advocates. The Minnesota Fair Housing Center, although denied HUD funds, has secured research grants from the state social services department to study the link between homelessness and fair housing and helped secure a special appropriation from the state human rights department for fair housing testing.

**Differences in Organizational Networks.** Fair housing activism in Denver is rooted in civil rights tradition, whereas in Minneapolis, the current fair housing efforts involve activists from other spheres adapting to new circumstances by engaging in fair housing advocacy. In Denver current fair housing activity is part of a long and continuous history of fair housing activism that first emerged in the late 1950s in the city's Park Hill neighborhood (Branscombe and Branscombe, 1993–95). Residents of this neighborhood

mobilized to fight blockbusting and racial turnover and to promote stable integration. Their efforts led to passage of the state fair housing law in 1959, the first in the nation to cover private housing. It preceded the national law by 9 years.

Many activists who got their start in these early fair housing battles still live in Park Hill, and many have made careers of fair housing, housing, civil rights, and related pursuits in government and nonprofit settings. One neighborhood activist also worked on fair housing for decades with the state and city civil rights agencies.

Former employees of Denver's original fair housing center, which had 50 employees before the national law ever existed, are now scattered throughout state and city governments and the housing industry. They work in Denver's Community Development Agency, head the Colorado Housing Finance Authority, work as realtors in the city, and are active in industry fair housing training, serving as board members of Housing For All and CHRB. With such a network, it is not surprising that Denver groups have taken advantage of most HUD funding opportunities that have arisen, including special demonstration projects, nationwide housing audits, fair housing planning projects, and the FHIP program, securing grants year after year to support the local fair housing center. Fair housing activists in Denver have adapted their strategies to incorporate changes in national law such as the addition of people with disabilities and families with children to the protected classes. As the national fair housing movement and HUD have focused on mortgage lending and insurance, Denver activists have explored these issues too.

Minneapolis has nothing like this continuity of activism and expertise on fair housing. Rather, the current movement draws on the network of affordable housing activists who developed and gained strength during the 1970s and 1980s. Although a local fair housing movement in the late 1950s and early 1960s secured passage of state and city fair housing laws, most activists moved on to other causes. Many became involved in the national civil rights movement; some, including faith-based organizations, became involved in housing development. Civil rights groups turned to employment issues, police brutality, and neighborhood revitalization. Many of the fair housing opportunities that Denver activists took advantage of went untapped in Minneapolis.

Today, as Minneapolis demographic changes converge with a shortage of affordable housing, affordable housing and antipoverty advocates have become fair housing activists as well, adapting fair housing tools to their purposes. These activists are politically skilled, comfortable with public engagement, and oriented toward mobilization strategies that have worked for them on affordable housing issues; they bring these orientations to the fair housing issue.

When local conditions strongly shape group choices about which national resources to use, the inevitable result is a partial approach to addressing housing discrimination. In Denver the movement faces the danger of industry co-optation. Partnership is standard operating procedure; litigation is frowned upon. Indeed, Denver groups generally cannot raise funds to pursue major lawsuits; therefore, a major national policy resource remains virtually untapped. Additionally, public-sector policies that perpetuate segregation, such as public housing siting and zoning laws, remain unchallenged. In Minneapolis, in contrast, the focus on the public sector leaves the private-sector housing industry basically untouched and not held accountable for segregated housing patterns in the region. The strongest advocacy groups in the Twin Cities define fair housing in terms of class with a focus on affordable housing; therefore, minorities who do not have low incomes are less likely to be protected against discrimination.

## National Policy Designs and Nonprofit Organizations

Fair housing literature portrays the movement as declining since the 1960s. Case studies of community reinvestment, in contrast, suggest a burgeoning movement (Massey and Denton, 1993; Squires, 1992, 1996). This study, however, found the opposite: two local fair housing movements, although quite different in their orientations and facing different sets of challenges, were engaging in innovative strategies. The two community reinvestment movements were stagnant, and their influence had declined over time.

Analysis of these unexpected outcomes reveals both the importance of national policy designs in shaping group activity and the critical role that local context plays in governing group response to national policy. More generally, the cases offer insight into the specific public policy mechanisms that establish relationships between government and nonprofit organizations and, in particular, the extent to which such mechanisms support local nonprofit groups and their capacity to build political strength and sustain themselves.

A comparison of housing activism in these two cities shows that features of policy design influence the behavior and vitality of nonprofit organizations. In the case of community reinvestment, the incentive structure within the national policy ironically seems to jump-start advocacy movements, then leads coalitions to break apart and undermine advocates' capacity to monitor discriminatory practices. This evolution is evident among groups that used CRA resources in Denver and Minneapolis. On the other hand, the fair housing policy design offers a wider array of resources that nonprofits are able to balance with local resources to maintain action. In addition, the research suggests that some policy designs shape local advocacy more directly than others; the relative weight of local context varies by policy design. The local factors that produce variation in Denver and Minneapolis fair housing movements have not given rise to differences in the community reinvestment arena.

Comparing the mix of resource types that policy designs offer local groups sheds light on group behavior and the dilemmas the groups face. Material resources offer nonprofits the chance to build capacity but also may reduce their autonomy (Smith and Lipsky, 1993). Procedural resources require a degree of autonomy; that is, a group must have a stock of funds and expertise to take advantage of a procedural resource such as the opportunity to file a lawsuit. Key differences in the fair housing and community reinvestment policy designs, summarized in exhibit 5, have important consequences for the political strength and organizational capacity of fair housing and community reinvestment groups.

### Resources From Community Reinvestment Policy

The mix of resources contained in the community reinvestment policy design places nonprofit groups in a difficult situation: Using the law seems to transform group activity and erode capacity for tapping CRA resources. That is, groups that succeed at challenging local lending institutions and that successfully negotiate to change lending practices often secure material resources that are not available directly through national policy. This outcome may actually limit group capacity to continue to monitor local lending activity and to demand further change. For example, when a group begins to operate a homeownership counseling program with support from local banks, it not only builds partnerships with lenders that need to be maintained, it also diverts time and staff from CRA monitoring functions such as analyzing data or reviewing institutions' CRA evaluations and programs. A similar dilemma arises for CDCs, whose primary goal is always to carry out development. During the initial phase of CRA advocacy, groups leverage capital that helps poor and minority neighborhoods; this capital flow then becomes institutionalized so that it represents a long-term benefit only as long as conditions remain constant. The question is the degree to which community-based organizations can maintain influence

## Exhibit 5

### Policy Resources Available to Nonprofit Organizations

Resources	Community Reinvestment Policy	Fair Housing Policy
Direct material	None	Fair Housing Initiatives Program Community Development Block Grant
Indirect material	Loans and grants from private lending institutions	Attorney's fees Compensatory and punitive damages
Procedural	Public comment period	Administrative law judge system Federal and state court system
Informational	HMDA data CRA ratings and evaluations	Technical support (FHIP conferences)

over the level of capital invested in these programs and also adapt to changing conditions in the local banking community to protect or improve such flows. If leadership shifts or bank mergers threaten to diminish an institution's commitment to community reinvestment, will local nonprofits be able to respond? The case studies suggest that this mobilization capacity erodes over time.

### Resources From Fair Housing Policy

By contrast, the fair housing policy design offers a wider range of resources, as exhibit 5 also shows, that entail both advantages and disadvantages for local nonprofit organizations. Here, local conditions influence nonprofit choice of national resources. Groups sometimes use national policy to compensate for local resource deficiencies; local resource stocks sometimes shape group response to national policy, enabling them to use, or constraining them from using, particular resources. Fair housing organizations in both cities use federal grants available for enforcement activities. In exchange they adapt their mix of activities to HUD's changing programmatic requirements and refrain from overtly political activity such as lobbying. With federal grant money supplying the bulk of their operating funds, these groups are vulnerable to federal budget cuts. (These resources are especially useful in contexts where local resources for fair housing enforcement are limited, such as Denver; in other instances local resource strengths may protect nonprofits from federal retrenchment.) In Denver CHRB, with its educational focus, sustained the withdrawal of federal funding due to program shifts at HUD by gaining access to local resources. This was due in part to Denver's embedded network of housing professionals and their support of fair housing education.

Organizations dedicated to the affordable housing mission of fair housing policy are likely to emerge only if there is a local resource base, because no direct material resources exist for this function. The same is true for groups pursuing discrimination complaints through litigation rather than through the administrative process. There is a need for an initial stock of resources to support a lawsuit, which will bring material resources (court-awarded damages) to the group only if it is successful. In Minneapolis this local resource base is a sophisticated network of affordable housing support and lawyer advocates that includes local foundations and agencies such as Legal Aid.

## National Policy and Local Mobilization

Before recommending policy change, it clearly makes sense to consider how national policy change could alter the incentive structure locally to better sustain mobilization, to close gaps in advocacy, or to achieve more comprehensive use of the law. In the cases of fair housing and community reinvestment, an interesting strategy is emerging from nonprofits themselves. Field research in Washington, D.C., and recent literature (for example, Fishbein, 1992; Yinger, 1995) suggest that at the national level, fair housing and community reinvestment activists increasingly are turning to one another, importing strategies from one area to the other, or considering how to combine the tools provided by the two laws for stronger impact. Such borrowing might be understood as activists' attempts to compensate for weaknesses in one policy design by looking to the other. For example, the national CRA advocacy organization has applied for (and won) HUD fair housing funds to train its members in mortgage lending testing. This group has added a fair housing specialist to its staff. In Denver CHRB, a group that is a remnant from a discontinued lending institutions for operating support that banks could claim as CRA activity when federal regulators examine them for CRA compliance. In sum, although scholarship on these two issues tends to remain separate and distinct, this study finds that both fair housing and community reinvestment groups understand the connections between fair housing and community reinvestment policies: Both designs target housing discrimination with different tools and incentives.

But the complex interplay of national policy with local factors in shaping local advocacy activities, strategies, and institutions complicates the task of making recommendations for policy change: Changing national policy is not enough to produce desired local outcomes. For example, the significance of national policy will vary across contexts. In the case of fair housing, groups in contexts hostile to civil rights enforcement rely on national resources to supply even a modicum of antidiscrimination protection. When national commitment wanes the negative repercussions are greater in these local contexts. In the case of CRA, strong national commitment prompts lenders to take community reinvestment activities seriously. Using CRA resources may actually erode the capacity of local advocacy groups to monitor and defend commitments, so the commitment of federal regulators to carry out the law becomes even more critical if CRA's goals are to be achieved.

More generally, this research highlights the link between mobilization and policy effectiveness: If a national policy is to work, it is usually local groups that must respond to it. Often, these local groups are nonprofit organizations rather than government actors. Evaluating a policy, then, involves more than asking whether it provides the right instruments or targets the right causal factors. To reduce housing discrimination (or any social problem), it is necessary to think about how and whether policies generate, sustain, and strengthen local advocacy. As society comes to rely increasingly on nonprofit organizations to supply public services and to build social capital, research that carefully examines the relationship between government, the private sector, and the nonprofit sector becomes especially relevant.

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