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Housing policy

Marin housing forum highlights federal pressure to reverse segregation

By Richard Halstead, Marin Independent Journal

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Counties and states face increased pressure from the federal government to undo decades of housing segregation, according to a housing conference Monday in San Rafael.

About 120 people attended the session, sponsored by Fair Housing of Marin at the Marin Center's Showcase Theater. The gathering occurred the same day that Julian Castro, secretary of the U.S. Department of Housing and Urban Development, announced his agency's ruling that landlords who enforce blanket bans on renting to people with criminal records are violating the Fair Housing Act and can be sued.

"I can't tell you how excited this makes me," said Sara Pratt, former deputy assistant secretary for enforcement and programs at HUD, one of the speakers at the San Rafael conference. Pratt works for Relman, Dane and Colfax, a civil rights firm in Washington, D.C.

"This is one of the things I worked on when I was at HUD," Pratt said. "It is one of the areas which my law firm has a lawsuit going right now in New York."

Pratt, however, spent most of her time discussing HUD's "Affirmatively Furthering Fair Housing" rule, which was issued in July 2015. She emphasized that under the new rule, counties and states will have to do more than just combat housing discrimination if they want to qualify for community development block grants.

"The rule gives us the definition," Pratt said. "It means taking meaningful actions, in addition to combating discrimination."

Pratt said the new rule has important implications for states and counties that have enclaves of poverty that are not ethnically diverse. She said states and counties that want to continue to receive federal block grants will have to take steps to reverse segregation and to improve the quality of life for those who remain in the enclaves.

In 2011, Marin County entered into a voluntary compliance agreement with HUD after the department ruled the county had "failed to meet its fair housing obligations." One of the requirements of the agreement was that the county update its analysis of impediments to fair housing choice. The analysis, which is supposed to be updated every five years, had last been updated in 1994.

Speaking at Monday's conference, Marin Supervisor Judy Arnold said the county partnered with Fair Housing of Marin to create a new analysis of impediments in 2011.

"These documents identified barriers in Marin which include laws, regulations, administrative procedures and practices that may have the effect of limiting housing choices for groups protected by fair housing laws," Arnold said.

Marin measures

Arnold said some steps have been taken since then to address these impediments. These include: expanding the county's community block development grant committee to include non-elected community representatives of protected classes; expanding diversity programs for county staff; increasing the amount of information the county provides in Spanish and English; and making county library books more available to children in poor communities.

In addition, Arnold said, "The county recently purchased two family complexes to preserve its affordable housing in Forest Knolls and Fairfax."

The conference's keynote speaker, Richard Rothstein, a research associate at the Economic Policy Institute, a think tank in Washington, D.C., explained why he thinks the federal government has a duty to reverse the nation's legacy of housing segregation.

Rothstein said many people have forgotten the central role that the federal government played in segregating the nation.

'Racially explicit'

"We've adopted this myth of de facto segregation," Rothstein said. But in fact, he said, segregation in America resulted due to "racially explicit public policy. Policy that was designed consciously to segregate the nation by race."

There were two main drivers, Rothstein said. First, the New Deal's Public Works Administration mandated that all public housing be segregated by race. Second, the Federal Housing Administration financed the building of suburban subdivisions during the 1930s, 1940s and 1950s, but loaned the money to builders on the condition that they not sell any of the new houses to African-Americans.

“All of those policies were a violation of the government’s constitutional responsibility,” Rothstein said. “What that means is it is not only a good idea to integrate — whether you think it is a good idea or not, it is a constitutional obligation to reverse the policies that created this segregated landscape that we know in metropolitan areas today.”

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