



Housing discrimination has not gone away

Despite legislation, regulations, and court verdicts, housing discrimination is alive and well in many places in Portland. Where it lives, you may not be allowed in.

Grassroot News, N.W.—From out of the narrow minds of the 1950s, the mass hysteria of the McCarthy era to the present strength of the white backlash and the new right, housing discrimination is making a comeback and the statistics prove that it never went away.

Louis Osborne, Director for Fair Housing and Equal Opportunity for the U.S. Department of Housing and Urban Development, says the biggest hurdle to overcome is accepting the fact that housing discrimination still exists in the 1980s. "There is still the problem in achieving equal opportunity and fair housing for all Americans. We have a problem with subtle forms of discrimination and there is a problem with minority Americans knowing what their rights are. We have made efforts to involve the housing industry by instituting a voluntary program where we could try to mitigate the forms of discrimination that are out there in the marketplace. We feel we have met with some success with the National Association of Realtors. However, the problem we are facing is in the rental areas so we are trying to highlight to the community that there are ways and methods which can be utilized to obtain relief if they feel they have been discriminated against."

To bring this point home HUD, along with several other organizations, is sponsoring an Oregon Fair Housing Conference, Friday, April 22, from 8:30-5:30 at the Red Lion, Jantzen Beach.

"Housing discrimination is against the state and federal law," Osborne continues. "We want to inform the community of their rights and the remedies involved in a housing discrimination case. The conference is designed

to discuss the state and federal fair housing laws, what those laws mean and how to utilize the law. We will go through the complaint process, so an individual who has been discriminated against will know how to proceed."

Why does a realtor or homeowner who is selling his home discriminate against another human being? "The answer to that question is not all cut and dried, nor is the answer black or white. This country is made up of a multitude of ethnic and cultural groups. They came over to America in large numbers and were assigned areas in which to live. There was a closeness in cultural activities. This has permeated throughout our society. With minorities, you did not have that cultural identity because slavery took that away. There is a reluctance among many of the majority cultural groups to accept other ethnic minorities into their communities because they still have those close cultural ties. You used to think that it was economic in nature but this is no longer thought to be true."

The example that Osborne gives is one from his own personal experience. "I had a home built in Southeast and my family and I stayed with my father until my home was finished. Throughout this time I assumed I would have no problem getting permanent finances since both my wife and I were working. Also I had quite a bit of money to put into the transaction on my own. One day I called up a mortgage banker and filled out the loan application over the phone. Everything was fine. The banker told me to come down and sign the papers; that it would not be a problem. Well, when I got down there I found out that there was a problem and it was the color of my skin. It's difficult to understand; over the phone it was all right. But the minute I walked into the bank their mortgage procedures changed. It is difficult to prove but I felt it was discriminatory."

What Mr. Osborne experienced is just one of the ways the housing institution discriminates. "Another tactic is the 'run-around.' This means making it impossible to fill out forms, saying the unit is rented when it is not, and giving people the impression that they will check up on you. Sometimes people do not wish their privacy to be disturbed, although the landlord has the right to administer credit checks. But it is the general paper passing that gives the landlord more time to find someone else to occupy the home. With someone else they can come into the unit and rent it out with no problems but with the minority person the paperwork is a lot more detailed."

Bad is good and good is bad

An interesting phenomenon has emerged out of the housing institutions of the 1980s. There appears to be an inverse relationship between poor housing starts and a decline in housing discrimination complaints.

This means when times are good the housing industry will discriminate when it wants to. But with the industry suffering economically they do not have the economic flexibility to discriminate. Marie Parra, an Equal Opportunity specialist for HUD, explains: "These times provide an excellent opportunity for those who have been uncomfortable renting to minorities to rent to them now. If someone wants to buy or rent they are anxious to rent or sell. The bad time for equal opportunity is when times are good. It is unfortunate that it works itself out like that but that is how things are."

Ms. Parra says the discrimination encountered by Hispanics is basically the same but for different reasons. "In Oregon there are a lot of Hispanics in the metropolitan areas but there are also a lot in the rural areas. A lot of the discrimination is triggered by the landlords' mis-

conceptions that most Hispanics are farmworkers or that they have large families which will destroy their properties. Another is that the landlord may feel since all Hispanics are farmworkers that housing should be a service provided by the growers. So, we always run into that problem although the Hispanic population covers the population employment that is found in all segments of this community."

Paper lions or false teeth

Johnnie Bell is director of the State Civil Rights Division. "If a person feels he has been discriminated against because of race, color or sex, marital status or personal handicap, they can file a complaint through our Civil Rights Division. Oftentimes people are evicted and if they feel their eviction is because of those reasons stated earlier they do have a right to file a complaint." Ms. Bell said her office has no jurisdiction over landlords who refuse small children or pets.

"The majority of complaints are not with a realtor but a private individual selling their home." This individual may have some problems with a protected class member moving into the neighborhood. He may steer a protected class member away from buying a home in a certain area. This is a form of discrimination. If a person feels he has been discriminated against, he can call our office and talk with an intake officer (289-5900). After we get the information we notify the respondent and find out if they are willing to settle the complaint before it goes into litigation. If they are not willing to settle we assign the case over for investigation. This can be a lengthy process. Our average investigation time is eight months. We keep trying to settle the case. If again nothing is worked out we assign the case over to the Justice Department." Ms. Bell says housing discrimination cases are very hard to prove because there must be a witness. "You must prove discrimination beyond a reasonable doubt."

The bottom line is to attend the Oregon Fair Housing Conference, Friday, April 22, from 8:30 a.m.-5:30 p.m. at Red Lion, Jantzen Beach, they all agree. "If you feel discriminated against, that is enough. We will be glad to help you place your complaint. We will review your complaint. This will ensure your right to housing is protected."

Oregon to hold first state conference on fair housing

April, national fair-housing month, draws delegates to Oregon's first statewide conference on that subject April 22.

Scheduled from 8:30 a.m.-5:30 p.m. at the Jantzen Beach Red Lion Inn, the conference is co-sponsored by the Portland Community Housing Resource Board (PCHRB), Oregon Department of Housing and Urban Development, Oregon Association of Realtors, Oregon Civil Rights Division and Portland Public Schools.

Keynote speakers are Oregon Labor Commissioner Mary Wendy Roberts and H.J. Belton Hamilton, administrative law judge for the Social Security Administration.

Douglas Felderman, PCHRB program coordinator, said the conference goals are to foster greater understanding of and participation in voluntary affirmative action in housing.

"While state and federal laws prohibit discrimination in housing on the basis of race, color, national origin, sex, marital status and physical or mental handicap, we are hopeful that the conference will not only reinforce compliance with the letter of the law but also further the spirit of the fair-housing law," Felderman said.

Fair housing includes equal access to accurate and truthful information about all available housing and the equal opportunity to examine, finance, rent or buy any available housing, he said.

Felderman said the conference will recognize current and encourage greater participation in the Oregon Association of Realtors' voluntary affirmative marketing efforts in housing.

"It is our belief that the real estate industry, working in voluntary cooperation with government and citizens groups, is the most effective way to achieve fair housing for all," Felderman said.

Felderman said the conference sponsors especially were pleased to have Roberts and Hamilton as keynote speakers.

"Judge Hamilton was instrumental in drafting Oregon's fair-housing laws and Commissioner Roberts is responsible for ensuring that those laws are abided by. Both speakers bring a history and understanding of the issue that would be hard to match," Felderman said.

In addition the conference will feature panel discus-

Live where you want to live

April is Fair Housing Month. The following is an explanation of the two major Federal laws dealing with discrimination in housing in the United States.

Racial discrimination is illegal in all U.S. housing

The Civil Rights Act of 1866 provides that: "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

In the case of *Jones v. Mayer*, decided on June 17, 1968, the U.S. Supreme Court held that the 1866 law prohibits "all racial discrimination, private as well as public, in the sale or rental of property."

1968 Fair Housing Law, as amended, by the Housing and Community Development Act of 1974

In Title VIII of the Civil Rights Act of 1968 (the Fair Housing Law), Congress declared a national policy of providing fair housing throughout the United States. This law makes discrimination based on race, color, religion, sex, or national origin illegal in connection with the sale or rental of most housing and any vacant land offered for residential construction or use.

Acts prohibited by the Fair Housing Law

The Fair Housing Law provides protection against the following acts, if they are based on race, color, religion, sex, or national origin: Refusing to sell or rent to, deal or negotiate with any person; discriminating in terms or conditions for buying or renting housing; discriminating by advertising that housing is available only to persons of a certain race, color, religion, sex, or national origin; denying that housing is available for inspection, sale or rent when it really is available;

"blockbusting"—for profit, persuading owners to sell or rent housing by telling them that minority groups are moving into the neighborhood; denying or making different terms or conditions for home loans by commercial lenders, such as banks, savings and loan associations and insurance companies; denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or renting of housing.

How the Fair Housing Law is enforced

Discriminatory acts covered by the Fair Housing Law can be reported to: Fair Housing, c/o the nearest HUD Regional Office.

The complainant may state a complaint in a letter or use a complaint form. The complaint form may be obtained from the nearest HUD Office. Complaints should be notarized, if possible, and must be sent to HUD within 180 days of the alleged discriminatory act.

If the discriminatory act is covered by the law, HUD will investigate the complaint. If the Secretary decides to resolve the complaint, HUD may attempt informal, confidential conciliation to end the discriminatory housing practice; or, inform the complainant of his or her right to seek immediate court action. In appropriate cases, HUD may refer the complaint to the Attorney General.

Housing covered by the 1968 Fair Housing Law

Prohibitions contained in the Fair Housing Law apply to the following types of housing:

Single-Family housing owned by private individuals when: a broker or other person in the business of selling or renting dwellings is used

and/or; discriminatory advertising is used;

Single-Family houses not owned by private individuals;

Single-Family houses owned by a private individual who owns more than three such houses or who, in any two-year period, sells more than one in which the individual was not the most recent resident;

Multifamily dwellings of five or more units;

Multifamily dwellings containing four or fewer units, if the owner does not reside in one of the units.

Act not prohibited by the 1968 Fair Housing Law

The following acts are not covered by the Fair Housing Law. It is important to remember, however, that these acts are covered by the 1866 Civil Rights Act when discrimination based on race occurs in connection with such acts.

The sale or rental of single-family houses owned by a private individual of three or fewer such single-family houses if: a broker is not used; discriminatory advertising is not used; and, no more than one house in which the owner was not the most recent resident is sold during any two-year period.

Rentals of rooms or units in owner-occupied multidwellings for two to four families, if discriminatory advertising is not used.

Limiting the sale, rental, or occupancy of dwellings which a religious organization owns or operates for other than a commercial purpose to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin.

Limiting to its own members the rental or occupancy of lodgings which a private club owns or operates for other than a commercial purpose.

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The complaint may be referred by HUD to a State or local agency that administers a law with rights and remedies which are substantially equivalent to those of the Federal law. If the State or local agency does not commence proceedings within 30 days and carry them forward with reasonable promptness, HUD may require the case to be returned.

In any case, the complainant will be notified of the type of action to be taken.

Upon receipt of a complaint, HUD will furnish a copy to the person charged with the discriminatory act. The person charged may then file an answer in writing, which should also be notarized.

Court action by an individual

A person may take a complaint directly to the U.S. District Court or State or local court under Section 812, within 180 days of the alleged discriminatory act, whether or not a complaint has been filed with HUD. In appropriate cases, an attorney may be appointed for the complainant and the payment of fees, costs, or security can be waived.

If HUD or the State or local agency is unable to obtain voluntary compliance, the complainant may file suit in the appropriate U.S. District Court.

The court can grant permanent or temporary injunctions, temporary restraining orders or other appropriate relief. It may award actual damages and not more than \$1,000 in punitive damages. The courts are also directed to expedite cases under Section 812 and assign them for hearing at the earliest practical date.

Court action by the attorney general

Information about possible discrimination in housing may also be brought to the attention of the Attorney General. If the resulting investigation indicates that there is a pattern or practice of resistance to full enjoyment of rights granted under Title VIII, or that a group of persons has been denied such rights and the denial raises an issue of general public importance, the Attorney General may bring court action to ensure full enjoyment of the rights granted by Title VII.

How the 1866 Civil Rights Law is enforced

The 1866 Civil Rights Law provides a quick, direct method of obtaining a remedy against racial discrimination in housing; the complainant may take the case directly to a Federal court.

The court could stop the sale or rental of the desired housing to someone else. It could make it possible for the complainant to buy or rent the desired housing. It could award damages and court costs or take other appropriate action of benefit to the complainant.