

Supreme Court's Latest Race Case:

Observers fear Texas discrimination lawsuit could gut the Fair Housing Act

By **Nikole Hannah-Jones**
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Last January, the U.S. Supreme Court took up one of the most important civil rights cases of the last decade. If you've never heard of Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, you have company. The issue of housing segregation has never captivated the nation's attention like affirmative action or voting rights.

Two days after the Martin Luther King Jr. holiday, the court heard arguments in the Texas case that many fear could gut the Fair Housing Act, the landmark 1968 law that was passed just days after King's assassination.

"This case has as broad of a reach as anything the court has decided in the last 10 years," said Myron Orfield, director of the Institute on Metropolitan Opportunity at the University of Minnesota Law School, because housing segregation is the foundation of racial inequality in the United States.

The case concerns whether the Fair Housing Act, which sought to end the longstanding segregation of America's neighborhoods, should be read to only bar intentional discrimination. For four decades, federal courts have held that the law should be interpreted more broadly, ruling again and again that if the policies of governmental agencies, banks or private real estate companies unjustifiably perpetuate segregation, regardless of their intent, they could be found in violation of the Fair Housing Act.

All 11 of the federal circuit courts that have considered the question have seen it that way. As well, the U.S. Department of Housing and Urban Development, the agency charged with administering the act, issued a regulation enshrining the principle in 2013.

The nation's highest court does not typically intervene in cases unless there's been disagreement in the lower courts. But this court has been determined to have its say on the housing issue and the legal theory that has come to be known as "disparate impact." The Texas case marks the

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Discrimination in Housing: How to File a Complaint



PHOTO BY JERRY FOSTER

The Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, national origin, religion, sex, disability and the presence of children.

1) What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

2) What Is Prohibited?

In the Sale and Rental of Housing: No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable

Deny a dwelling

Set different terms, conditions or privileges for sale or rental of a dwelling

Provide different housing services or facilities

Falsely deny that housing is available for inspection, sale, or rental

For profit, persuade owners to sell or rent (blockbusting) or

Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

In Addition: It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This

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Need Help? Try These Housing Programs



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Homeownership for the African American Community

The African American Alliance for Homeownership "AAAH" is a non-profit 501c3 community based alliance, comprised of housing and business professionals. Their mission is to increase homeownership and economic stability for African Americans and other underserved individuals by improving access to homebuyer resources and education.

If you would like more information about AAAH, or if you would like to sign up for a program, call 503-595-3517.

Hacienda CDC – Many Services Available in Inner Northeast Portland

Hacienda CDC is a Latino Community Development Corporation that strengthens families by providing affordable housing, homeownership support, economic advancement and educational opportunities.

Since 2006, Hacienda's Homeown-

ership Support Program has formed a central piece of Hacienda's strategy to help families build and protect their assets. Certified housing counselors provide financial education to first-time homebuyers and work with them 1-on-1 during the home buying process.

Hacienda also owns and manages nearly 400 units of affordable rental housing made available to low-income households, primarily located in the Killingsworth/Cully corridor.

For more information go to www.haciendacdc.org.

NAYA Offers Wide Range of Housing Help

Native Americans in Portland pay a larger share of their income for renting and owning, experience higher levels of homelessness, and are less likely to own a home than White Portlanders. They are denied applications for home loans for similar homes at a rate much higher than whites and access supportive services

to help alleviate this problem and prevent homelessness at lower rates than Whites.

We own affordable housing in several locations and are working to develop more.

Get the details at www.nayapdx.org.

PCRI – Affordable Rentals and More with a Culturally Competent Focus

Years of redlining by financial institutions left families in the inner north and northeast neighborhoods of Portland unable to secure conventional mortgages. As a result, hundreds of properties became vacant and neglected. Property values plummeted, and in stepped an unscrupulous mortgage firm who scammed hundreds of unsuspecting families.

For more information, call 503-288-2923.

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