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Opinion

Why Would HUD Gut Its Own Disparate Impact Rule?

Whatever happened to the American Dream of owning a home and giving your children a better life than you experienced as a child? Is this 'dream' being deferred or denied?

In 2019, these questions are as timely as they are timeless. Beyond rising housing costs for would-be buyers and renters alike, serious doubts are emerging about the nation's commitment to the letter and spirit of fair housing laws, related enforcement, and regulations supporting both.

Today's Black homeownership rate is 41.1% – lower than it was when the 1970 census showed this same data point at 42%.

Since 2013, the disparate impact rule has objectively examined the effects of business practices with lenders, landlords, insurers, and real estate professionals against the provisions of the 1968 Fair Housing Act. The rule required that first a plaintiff must establish a discriminatory effect in policies and/or practices, before the defendant(s) would bear the responsibility of proving their own practices were nondiscriminatory.

But in the August 19 Federal Register, HUD proposed a new rule that would expand



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the disparate impact rule into a five-step process that would shift the burden of proving discrimination nearly exclusively to plaintiffs. By proposing that third parties test practices against algorithms to determine fairness, defendants in fair housing cases

“The proposed rule would make it substantially more difficult for victims of housing discrimination

could later move for dismissal and/or be shielded from liability.

“Secretary Carson has proposed a rule that represents yet another egregious step by this Administration toward the dismantling of key civil rights protections in America,” said Congresswoman

Maxine Waters in reaction. The veteran lawmaker is also the Chair of the Housing Financial Services Committee. “The proposed rule would make it substantially more difficult for victims of housing discrimination, including persons with disabilities, families with children, and racial minorities, to prove their case in a court of law and thereby hold bad actors accountable for their actions.”

New York Congresswoman Carolyn B. Maloney was even more direct in a Twitter post. “What is wrong with Ben Carson. You can't expand housing rights by limiting civil protections. The 'D' in HUD doesn't stand for 'Discrimination.'”

During delivery of Capitol Hill testimony earlier this spring, Nikitra Bailey, an EVP with the Center for Responsible Lending (CRL) also underscored the importance of disparate impact in fair housing.

“Disparate impact analysis encourages creative approaches that both increase effectiveness and inclusion,” testified Bailey. “This process and the value of disparate impact analysis was recently pointed out and endorsed by the largest personal loan company in the country, Lending Club.”

Other organizations actively engaged in opposing

HUD's proposed rule reversal include the Lawyers' Committee for Civil Rights Under the Law, the Leadership Conference for Civil and Human Rights, NAACP Legal Defense Fund, and the National Fair Housing Alliance.

Between now and October 18, concerned citizens, advocates, organizations and others have a brief opportunity to stand up and speak out against the Carson proposal. Once this 60-day public comment period concludes, HUD will have the green light to move forward as planned or modify its proposal.

Before the Fair Housing Act's enactment, local zoning laws across the country supported segregation along with redlining Black communities to exclude borrowers from mortgage and home improvement loans along with a litany of real estate practices that denied Blacks and other people of color opportunities to build family wealth.

Particularly by omitting Black neighborhoods from multiple listing services, door-to-door block-busting practices inflamed racial tensions with warnings of lost property values if integration was to occur.

Read the rest of this commentary at TheSkanner.com

Despite U.S. Open Loss, Serena Williams is still the Greatest of All Time

Serena Williams lost her bid for what would have been her sixth U.S. Open Singles title.

It was the second straight year that Williams lost in the finals.

But, with 23 Grand Slam tournament titles and a .850 career winning percentage, Williams legacy as the world's greatest tennis player was solidified a long time ago.

“Serena Williams's legacy is sealed, whether or not she ever hits a tennis ball again”

“Serena Williams's legacy is sealed, whether or not she ever hits a tennis ball again,” Tera W. Hunter, a professor of history and African American studies at Princeton, wrote in an op-ed for the *New York Times*.

“It's sad she didn't beat Bianca Andreescu at the finals of the U.S. Open Championships and match Margaret Court's record of 24 Grand Slam sin-



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gles titles. But her contributions to the game are much bigger than reaching another Grand Slam Final,” Hunter wrote.

Williams, 37, began playing tennis at the age of 5 in Compton, California.

Under the tutelage of her father, Richard Williams, Serena and her sister Venus rose to stardom in the 1990s. The duo took the tennis world by storm with Serena Williams ultimately surpassing her sister and others as easily the best in the sport.

Serena Williams, who has earned approximately \$100 million in her career, won her first Grand Slam title at the age of 17 and she hasn't looked back.

Here are just some of her accomplishments:

- At the 1999 U.S. Open, became the second African-American woman to win a Grand Slam title at 17

years old.

- By winning the 2001 Australian Open doubles championship with Venus Williams, became the fifth pair to complete a Career Doubles Grand Slam and the only pair to win a Career Doubles Golden Slam.
- At the 2001 U.S. Open, marked the first time in the Open Era, and the second time in 117 years that sisters met in a Grand Slam final (with Venus)
- At the 2002 Roland Garros final, she became the first younger sister to defeat her older sister in a Grand Slam singles tournament.
- By winning the 2003 Australian Open, became the fifth woman to hold all four Grand Slam singles titles simultaneously.
- By winning the 2003 Australian Open, became the first African-American to win the championship.
- By winning the 2003 Wimbledon ladies' title, Williams became just the fifth woman in the Open Era to win back-to-back Wimbledon crowns.
- By reaching the final of the 2003 Australian Open, she and sister Venus became the first players to compete in 4 consecutive slam finals.
- By winning the 2005 Australian Open by defeating Mauresmo and Davenport,

became the only player in tennis history to win three Grand Slam singles titles (1999 U.S. Open, 2002 Roland Garros) by beating the top two ranked players.

- By winning the 2007 Australian Open became the first unseeded player since 1978 to win a slam; she was ranked #81 in the world.
- Her six-year gap between Wimbledon titles (2003–2009) is second only to Evonne Goolagong Cawley's nine years in the Open Era.
- Her eleven-year gap between Roland Garros titles (2002–2013) is the longest in the Open Era.
- By winning the 2010 Roland Garros doubles with sister Venus, they became the first pair since 1998 to hold the four doubles slams at the same time.
- By winning the 2010 Roland Garros doubles with sister Venus, they became the first pair in the Open Era to complete the Career Doubles Golden Slam twice.
- In 2012 Wimbledon, in her semifinal match against Azarenka, she hit a record 24 aces in a match.
- In 2012, she set a record for most aces served in a tournament, hitting 102 aces in the tournament.

Read the rest of this commentary at TheSkanner.com