

A Personal Reflection— Housing Opportunities for All

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Where we live and whether we own our homes profoundly affect our lives. A good home in a good neighborhood forms the cornerstone of the American dream: personal safety, access to better educational and employment opportunities, and a better quality of life. Home equity can be used to open businesses, send children to college, or improve the quality of life.

Racial and ethnic minorities have been deprived of equal opportunities for much of our Nation's history. This has dashed the dreams and hopes of many families and has had a devastating impact on the rest of our country. President Clinton has said that racial and ethnic tensions in America's communities threaten us all.

It has been an honor to serve as the Assistant Secretary of Fair Housing and Equal Opportunity in the Department of Housing and Urban Development for the last 17 months, where it is my charge to bring us closer to President Clinton's vision of One America. However, it is not only in my professional life that I have had experience fighting discrimination.

My own experience shows me that where we live makes a real difference. My father passed away while I was young. My mother was left with four young children and had to move into a public housing development in South El Paso where crime and illegal drug use were becoming common, and it became difficult for my mother and me to direct my brother's interests away from peer pressure and temptation. I knew that if we could not escape the limited opportunity and harmful social pressure of our current environment, my brother might never live out his full potential.

Real hope arose for us with the opening of a new public housing development in a better neighborhood in our community. This public housing development is composed of detached homes with fenced in yards. Unfortunately, our family's application to move there was denied.

Even though I was not yet a lawyer, this became the first case I would argue. I pled my cause with the manager of the new housing development, telling him of my family's struggles to improve our lives. The manager agreed to let us move in. My family lived at that development for more than 10 years—until after I had graduated from Harvard University and the rest of my siblings had all left home to attend college.

Our family's move to the new neighborhood opened up a whole new world. It showed me that government can work for ordinary people. It also showed that safe and affordable housing in a healthy environment can make all the difference in the world.

It took the assassination of Martin Luther King, Jr. in 1968 for Congress to help others who were trapped in the barrios and ghettos throughout the United States. Until that time our laws had failed to address business practices that incorporated the most insidious forms of bigotry. Often, real estate agents would not show homes in White neighborhoods to minority home seekers. Many banks and insurance companies took out maps and literally redlined high minority neighborhoods into which they would not extend credit or homeowners insurance. Even as late as the 1960s, official government policies sanctioned segregation in public housing and in federally guaranteed mortgage loans.

Unfortunately, the passage of the 1968 Fair Housing Act involved many compromises. Under it, victims of discrimination could sue in Federal court to vindicate their rights, but only the U.S. Department of Housing and Urban Development had authority to negotiate voluntary conciliation agreements with those accused of discriminating. Fair housing protection for the disabled and families with children was a distant vision.

Efforts to strengthen the Fair Housing Act began in the late 1970s, when Congress recognized that the 1968 legislation had not made the difference it was intended to make. In fact, as he spearheaded the effort to strengthen the Fair Housing Act, Senator Edward Kennedy characterized the 1968 Act as a "toothless tiger." As a result of the efforts of Senator Kennedy and many others, Congress passed the Fair Housing Amendments Act in 1988.

This legislation extended the protection of the law to people with disabilities and families with children. It authorized the Department not only to conciliate allegations of housing discrimination, but to investigate and prosecute them. The legislation also provided HUD with valuable partners in fighting housing discrimination by certifying States and municipalities as eligible to support their fair housing education and enforcement efforts.

Together, HUD and its new partners vigorously prosecuted housing discrimination, driving most of it underground. To be sure, there are still cross burnings, terrorist threats against minority home seekers, and Whites only facilities as many cases brought by the Department illustrate.

But these days housing discrimination usually comes with a smile and a handshake. For instance, a rental agent may promise to contact a minority applicant when there is a vacancy, but secretly hold vacant units for White applicants. Despite its more kindly appearance, this kind of discrimination is just as poisonous.

Recent federally funded studies, using techniques that can measure the more subtle forms of housing discrimination, found that African-Americans and Hispanics face discrimination in 35 to 77 percent of rental transactions in several U.S. cities. The 1997 Home Mortgage Disclosure Act data, which are the most recent data available, found that African-Americans face more than a 50–50 chance of being denied a conventional residential mortgage loan. In 1998 the homeownership rate for Whites was 72.6 percent, but only 46.1 percent among Blacks, and 44.7 percent among Hispanics.

Predominantly White suburbs ring many of our inner cities. Unlike their suburban counterparts, minorities in these inner cities enjoy fewer employment opportunities and limited transportation facilities to reach jobs in the suburbs. These are the two societies—one predominately suburban and White, the other predominately inner city and minority—that

the Kerner Commission Report warned about in 1968. This is America on the eve of the 21st century.

The Department of Housing and Urban Development wants to tear down the walls between these different societies and open up housing opportunities for all Americans. Our aggressive strategy attacks housing discrimination from all sides simultaneously. This strategy includes:

- Proposing the largest single budget increase in civil rights law enforcement in two decades.
- Negotiating with the lending and insurance industries to eliminate vestiges of underwriting policies originally developed during the Jim Crow era.
- Enforcing design and construction requirements for new housing to ensure its accessibility for persons with disabilities.
- Conducting joint investigations with private fair housing groups and with cities, counties, and States.
- Working with the U.S. Department of Justice to promptly investigate hate crimes.
- Developing new ways to identify and protect potential victims of discrimination.
- Negotiating voluntary “best practices agreements” with mortgage lenders to encourage proactive lending to underserved populations.
- Providing education and outreach on fair housing, especially to underserved populations, such as recent immigrants, the homeless, and non-English speaking citizens who may not be aware of their fair housing rights.
- Undertaking a nationwide audit to empirically determine the depth and breadth of the housing discrimination the Department battles.
- Ensuring that the practices of government-sponsored housing enterprises are consistent with fair lending laws.
- Promoting environmental justice.
- Ensuring fair housing planning by recipients of Federal funds.
- Doubling the number of enforcement actions the Department brought during the first term of the Administration.

Admittedly, this is a very broad and ambitious agenda. It has to be.

Over a century ago, our Constitution was amended to remove every “badge of slavery” and to guarantee equal protection of the laws. This Administration is committed to fulfilling that promise.

I am fortunate to serve a President with a vision for One America and a Secretary who will not tolerate housing discrimination. I am also fortunate to be joined in this struggle by such a broad and distinguished group of statesmen and scholars as those who contributed to this publication. I greatly appreciate their efforts and leadership, knowing that as we approach a new century, children growing up will have more opportunities than I did and will benefit from our hard-won struggle.

Author

Since her arrival at HUD, Assistant Secretary for Fair Housing and Equal Opportunity Eva M. Plaza has played a vital role as enforcer of the Civil Rights Act. As the chief enforcer for Fair Housing, she has doubled the rate of enforcement actions taken against violators and has succeeded in obtaining millions of dollars in settlements for HUD.

Prior to her appointment as Assistant Secretary, she served as Deputy Assistant Attorney General over the Torts Branch at the U.S. Department of Justice where she managed several civil division offices, including aviation, admiralty, constitutional torts, environmental torts, medical malpractice, AIDS litigation, banking litigation, and vaccine and radiation litigation. Prior to her Presidential appointments, Plaza worked as a litigation trial attorney in Washington D.C.