



# Fair Housing

in Southeastern Pennsylvania  
Rights Center

We fight housing discrimination. We strengthen communities.



Fair Housing to the Rescue: From Centuries of Disenfranchisement to Title VIII of the Civil Rights Act of 1968, as Amended

Angela McIver, CEO



# Fair Housing Rights Center in Southeastern Pennsylvania (FHRC)

Organized in 1990 and incorporated in 1992

Mission: Ensure equal access to housing opportunities for all persons.

To achieve its mission: FHRC educates the public on fair housing laws, provides legal assistance to individuals who have experienced unlawful housing discrimination, monitors the community for compliance with applicable housing laws, works with all government entities to preserve and implement housing laws, and offers information and referrals on housing related issues

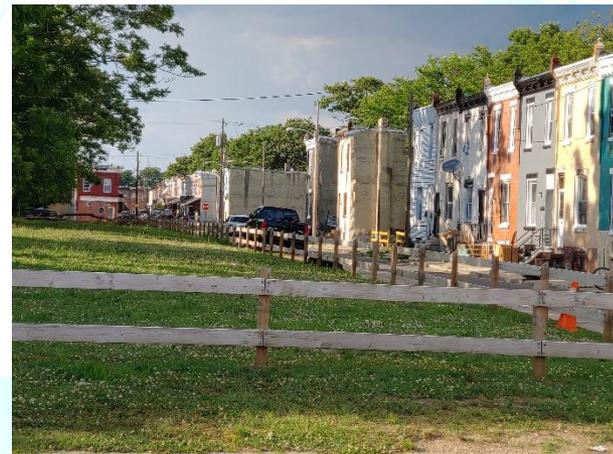
Services include: Education and Outreach, Testing/Investigations, Complaint Reception & Resolution, Advocacy, Consultancy, and Information & Referral

# Today We Will Learn

1. How did we get here?
2. A review of policies that disenfranchised African-Americans
3. A review of legal forms of conditional enfranchisement
4. A look at the period of so-called freedom
5. Marginalization during the pre and post Civil Rights Movement
6. History of Fair Housing
7. What housing discrimination is
8. Examples of housing discrimination
9. Who are the protected classes?
10. Why is this important?
11. Race and fair lending discrimination
12. What Reveal from The Center for Investigative Reporting uncovered about modern-day redlining
13. What can we do to address redlining, segregation, and gentrification
14. Effects of housing discrimination
15. Filing a fair housing/fair lending complaint
16. Press releases
17. Thank you!

# How did we get here?

## Images of a marginalized area

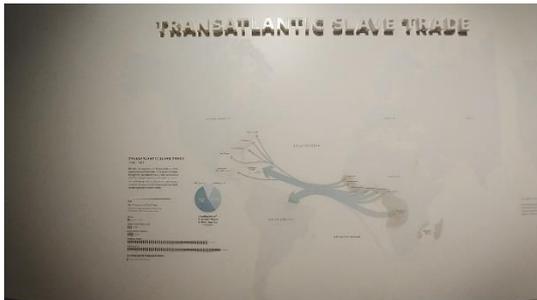


# Sequence of Events and Centuries of Disenfranchisement against African- Americans

1619 Twenty African slaves were brought to Jamestown, Virginia. Like indentured servants, the slaves were probably freed after a fixed period of service.

1638 The Maryland Doctrine of Exclusion states the following, "Neither the existing Black population, their descendants, nor any other Blacks shall be permitted to enjoy the fruits of White society."

## Transatlantic Slave Trade



1641 Massachusetts is the first colony to legalize slavery.

1641-1681 Antimiscegenation Laws were enacted. Those laws were based on the false racial concept of "white" people that were invented as a matter of law in America, which gave birth to white supremacy. Those laws prohibited a person of African descent from voting, owning a gun, and taking legal action against White people. Whites turned Africans into the false racial constructs including negros/niggers.

1660s A transition occurs in which the majority of white bonded people are replaced with Black chattel slavery as the main source of labor. Because white, Black, and indigenous people had alliances that needed to be broken, "whiteness was created to solve a class conflict between wealthy planters and white servants. It had a political function to divide and conquer.

1669 Antimiscegenation laws ushered in the Casual Killing Act of slaves: "If any slave resist his master (or other by his master's order correcting him) and by the extremity of the correction should chance to die, that his death shall not be accompted felony."

1676-1677 Bacon's Rebellion was an armed rebellion that occurred in Virginia in which a "divide and conquer strategy" was crafted to separate ethnic groups by skin color.

1682 Virginia declares that all imported black servants are slaves for life.

# Disenfranchisement against Americans-Americans Continued

## Domestic Slave Trade



## The Belmont Mansion, a stop on the Underground Railroad



1700 Pennsylvania legalizes slavery.

1711 Pennsylvania prohibits the importation of Black and Indian slaves.

1770 Escaped slave, Crispus Attucks, is killed by British forces in Boston, MA. He is one of the first colonists to die in the war for independence.

1775 The slave population in the colonies is nearly 500,000. In Virginia, the ratio of free colonists to slaves is nearly 1:1. In South Carolina, it is approximately 1:2.

1775 Anthony Benezet of Philadelphia founds the world's first abolitionist society.

1776 In Philadelphia, Pennsylvania, members of the Continental Congress sign the Declaration of Independence.

1780 Pennsylvania begins gradual emancipation.

1780 A freedom clause in the Massachusetts constitution is interpreted as an abolishment of slavery. Massachusetts enfranchises all men regardless of race.

1783 American Revolution ends. Britain and the infant United States sign the Peace of Paris Treaty.

1793 Under the Fugitive Slave Act, the United States outlaws any efforts to impede the capture of runaway slaves.

1820 Because of the Missouri Compromise, Missouri is admitted to the Union as a slave state, Maine as a free state. Slavery is forbidden in any subsequent territories north of latitude 36°30'

# More Disenfranchisement against African-Americans



1847 Escaped slave Frederick Douglass begins publishing the North Star in Rochester, NY.

1849 Harriet Tubman escapes after fleeing slavery, and she returns south at least 15 times to help rescue several hundred others.

1857 In the Dred Scott case, the SCOTUS decides seven to two that Blacks can never be citizens and that Congress has no authority to outlaw slavery in any territory.

1860 Abraham Lincoln of Illinois becomes the first Republican to win the United States Presidency.

1860 Southern secession occurs when South Carolina secedes in December. More states follow the next year.

1861-1865 The U.S Civil War ensues and claims 623,000 lives.

# Legal Forms of Conditional Enfranchisement

1863 President Lincoln issues the Emancipation Proclamation, which decrees that all slaves in Rebel territory are free on January 1, 1863.

1865 The 13<sup>th</sup> Amendment of the United States Constitution abolished slavery and involuntary servitude, except as punishment for a crime.

1865-1877 Reconstruction is the period after the Civil War that was planned by Abraham Lincoln. In part, Reconstruction was meant to redress the inequities of slavery and its political, social, and economic legacy and to solve the problems arising from the readmission to the Union of the 11 states that seceded – but Reconstruction was undermined. The planters and everyone who benefitted from the enterprise of slavery felt cheated, short-changed, and wholeheartedly believed the wrong side lost the war.

1868 The 14<sup>th</sup> Amendment was enacted to ensure that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protections of the laws.

1866 Confederate veterans in Pulaski, Tennessee, organized the 19<sup>th</sup> century Klan as a social club. The organization quickly became a vehicle for southern White underground resistance to Reconstruction, restoration of White supremacy, and violence against newly enfranchised Black freeman.

1870 The 15<sup>th</sup> Amendment states, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”



# New Forms of Antimiscegenation during the Period of So-called Freedom

Ida B. Wells-Barnett, an American investigative journalist, educator, suffragist, and an early leader in the Civil Rights Movement



Mid-1860s Slave Codes were the forerunners of Black Codes, which were adopted by mid-western states to regulate or inhibit the migration of free African-Americans to the mid-west.

Jim Crow was enacted after the period of Reconstruction. It refers to a series of racist, state, and local laws, and measures that were discriminatory and imposed segregation against African-Americans in the Southern United States. The laws mandated de jure segregation in all public facilities in states of the former Confederate States of America. Starting with “separate but equal” and restricting movement and knowing one’s place were a few effects of Jim Crow; however, those laws were also intended to restrict the autonomy of African-Americans in order to force them to work in a labor economy.

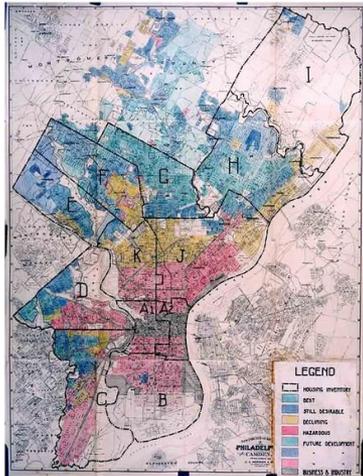
1882-1968 Lynching in America occurred, in part, because Black bodies were valued and policed for outputs that grew wealth.

1896 Plessey v. Ferguson was a landmark SCOTUS decision that upheld the constitutionality of racial segregation under the “separate but equal” doctrine.

1917 Buchanan v. Warley was a SCOTUS decision that struck down racial zoning laws, but in its place, racial covenants became a popular tool that essentially did the same thing.

1934 Under Pres. F.D. Roosevelt, the Federal Housing Administration was created to help usher in a new generation of homeowners, once again Blacks were excluded. One of the most infamous outcomes of the Roosevelt Administration were the Home Owners Loan Corporation (HOLC) – Redlining Maps that included a legend/grading system: Green or A – First Grade or BEST; Blue or B – Second Grade or STILL DESIRABLE; Yellow or C – Third Grade or DECLINING; and Red or D – Fourth Grade or HAZARDOUS (RISKY or DANGEROUS).

HOLC Redlining Map of Philadelphia



# Marginalization Ensued during the Pre and Post Civil Rights Movement

Signing of Title VIII of the Civil Rights Act of 1968, also known as the Federal Fair Housing Act



1954 *Brown v. Board of Education of Topeka* was a landmark SCOTUS decision in which justices ruled unanimously that racial segregation of children in public schools was unconstitutional. The decision was also a cornerstone of the Civil Rights Movement and helped establish the precedent that “separate but equal” education and other services were not, in fact, equal at all.

1955 Rosa Louise McCauley Parks wearily refused to relinquish her seat on a bus to a white man. She was arrested, fingerprinted, and incarcerated. When Parks agreed to have her case contested, it became a cause celebre ( a cause that attracts great attention) in the fight against Jim Crow.

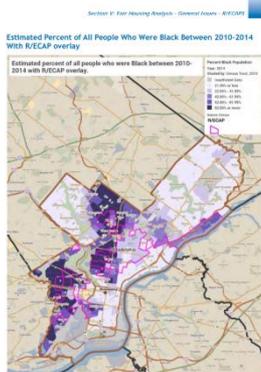
1955 Emmitt Louis Till was a 14-year-old African-American who was lynched in Mississippi after being accused of offending a white woman in her family’s grocery store.

1955 The Rev. Dr. Martin Luther King, Jr. emerged as the most visible spokesperson and leader of the Civil Rights Movement.

1964 Cheyney, Goodman, and Schwerner, who were three men of the Civil Rights Movement, were murdered. Cheyney’s murder that consisted of torture, chain-whipping, and shooting, contributed to the passing of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

1966-1967 Dr. King moved to Chicago to serve as the nation’s first tester in housing. He worked with Pres. Johnson to achieve housing fairness rights that would readdress redlining and other harm that negatively impacted African-Americans who were forced into residential racial segregation.

Representation of Blacks in Philadelphia from 2010-2014 in Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) Map



# Fair Housing Act – History

- ❑ After the assassination of Dr. Martin Luther King, Jr., on April 4, 1968, the federal Fair Housing Act passed on April 11, 1968
- ❑ 42 U.S.C. §§ 3601-3619 or Title VIII of the Civil Rights Act of 1968 as amended
- ❑ The 1968 law prohibited discriminatory practices in housing with regards to most housing transactions including, sale, rental, and financing based on race, religion, color, and national origin
- ❑ Gender was protected following the passage of the Equal Credit Opportunity Act of 1974
- ❑ Fair Housing Act was significantly strengthened when it was amended in 1988. Two new protected classes - disability and family status – were added.



# Housing Discrimination

I'VE HEARD ABOUT  
**SEXUAL HARASSMENT**  
AT WORK... BUT I DIDN'T EXPECT IT  
IN MY OWN APARTMENT.

**YOU FILED A COMPLAINT WITH HUD.**

If a landlord makes unwelcome sexual advances or if he threatens you with eviction or refusal to make repairs because you bring this lawsuit forward, file to sue for housing discrimination with HUD. HUD won't sue for harassment, and you'll have to file.

**Fair Housing Is Your  
Right. Use It!**



Visit [hud.gov/fairhousing](http://hud.gov/fairhousing) or call the HUD Hotline  
1-800-669-9777 (toll-free) 1-800-927-9275 (TDD)



# Different forms of housing discrimination

1. Intentional: “We can’t rent to you”
2. Disparate Impact: “Our policy begins with a minimum loan amount of \$60,000”
3. Steering: “I know the perfect neighborhood for you”
4. Refusal to allow Reasonable Accommodations and Reasonable Modifications for persons with disabilities: “You cannot have your service dog here; you have to pay the pet fee”
5. Design and construction features ensure accessibility requirements: “Our homeowners association voted against installing ramps here”



## *Discrimination Today*



# Protected Classes

The Fair Housing Act prohibits discrimination based upon:

Race



Color (skin tone)



Religion



National Origin



Gender



Familial Status (single mothers, large families)



Disability: Physical or Mental Impairment

# State & Local Protections

## Pennsylvania



Age (40 and older)

## Philadelphia



Source of Income



Marital Status

Sexual Orientation



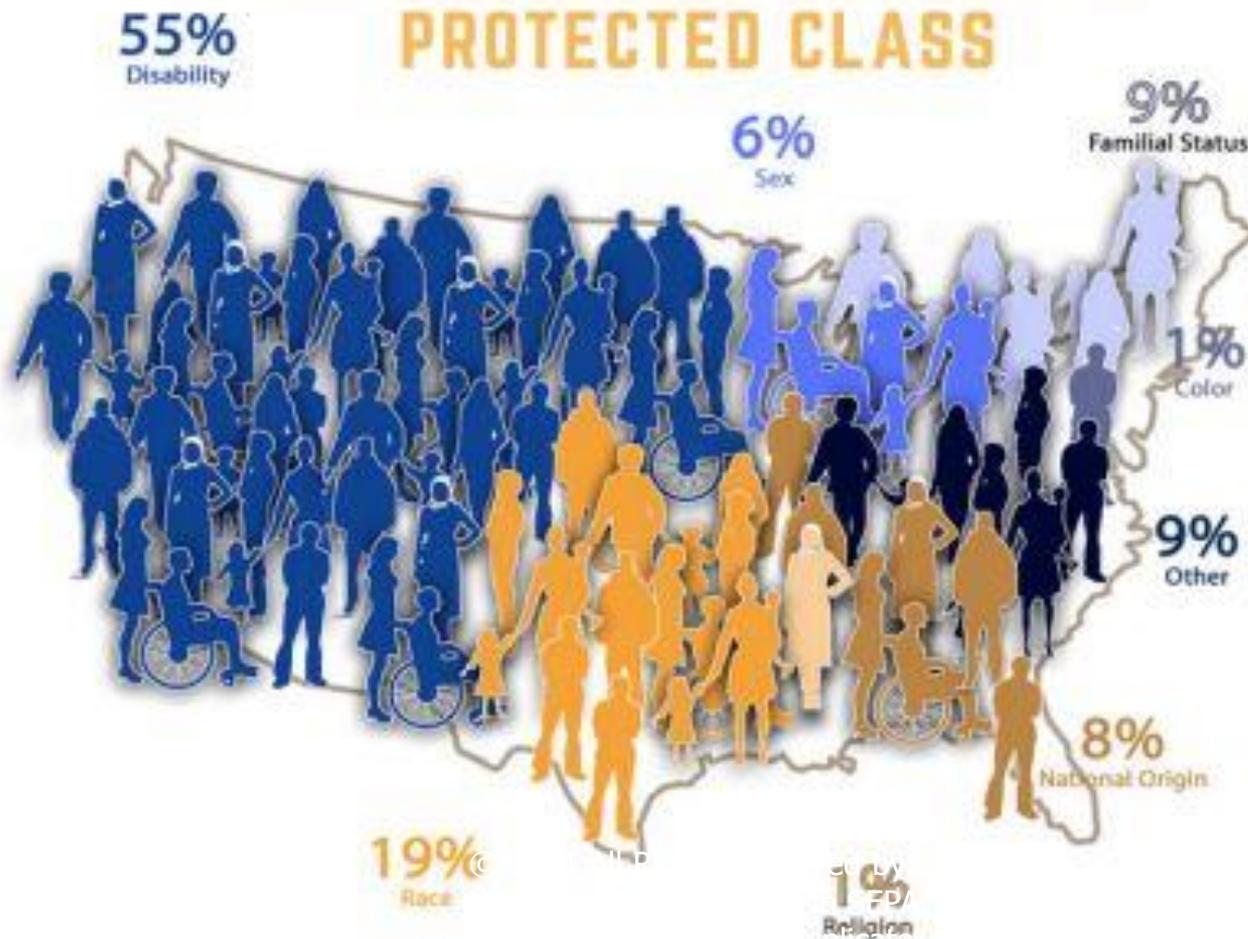
Gender Identity

Domestic Violence

Always check in each locality to find out if there are additional fair housing protections.

**Why is this  
important?**

# PERCENT OF COMPLAINTS BY PROTECTED CLASS



# Race Discrimination

**Discrimination** studies indicate that discrimination based upon race occurs nationally about 3,700,000 times per year or 1 in every 4 transactions.



# Fair Lending Discrimination

- Refuse to make a mortgage loan or refinance a mortgage loan;
- Refuse to provide information regarding loans;
- Impose different terms or conditions on a loan, such as different interest rates, points, or fees;
- Discriminate in appraising property;
- Refuse to purchase a loan or set different terms or conditions for purchasing a loan; and
- Discriminate in providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or other financial assistance secured by residential real estate.



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## Reveal from The Center for Investigative Reporting, Part I

- Yearlong analysis combed through 31 million loan records from 2015 through 2016 and homed in on 6 million conventional home purchase loans
- Out of 409 metro areas, it found applicants of color in 61 metro areas were more likely to be denied a conventional home purchase mortgage, even after controlling for nine (9) economic and social factors including: the applicants' income, amount of the loan, and the neighborhood where they wanted to buy property.



Gentrification became low-income lending law's unintended consequence, by Aaron Glantz and Emmanuel Martinez, February 16, 2018

## Reveal from The Center for Investigative Reporting, Part II

- The analysis showed black applicants consistently were turned away more often than whites in 48 metro areas, Latinos in 25, Asians in nine (9), and Native Americans in three (3). In Washington, D.C., the nation's capital, Reveal found all four (4) groups were significantly more likely to be denied a home loan than whites
- The Reveal focused its story in Philadelphia because among the largest metro areas, it has one of the widest lending disparities: Prospective black borrowers were almost three (3) times more likely to be denied a conventional home purchase loan as white applicants.



Gentrification became low-income lending law's unintended consequence, by Aaron Glantz and Emmanuel Martinez, February 16, 2018

## Reveal from The Center for Investigative Reporting, Part III

Reveal found that loopholes in the 1977 Community Reinvestment Act have resulted in a cruel twist. The law was supposed to address redlining, fight blight, and improve conditions in communities of color. But as those communities gentrify, banks are able to claim lending credit for lending to white newcomers, while people of color are denied credit and pushed out.



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# Reveal from The Center for Investigative Reporting, Part IV

Here is a review of mortgage loans in Point Breeze from 2012 to 2016:

- According to data required by the Home Mortgage Disclosure Act (passed in 1975), 806 white applicants were granted loans and rejected 152 times;
- African American applicants were granted 275 loans and were rejected 471 times; and
- The results presented fewer opportunities for African Americans to purchase new properties and obtain HELOC to repair their homes.



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# Reveal from The Center for Investigative Reporting, Part V

- Increasingly mortgage brokers are offering and granting home loans
- In Philadelphia, there has been a dramatic growth of unregulated mortgage brokers
- Mortgage brokers are not regulated by the Community Reinvestment Act (CRA); therefore, they do not have the same requirements to lend to LMI persons and in LMI communities
- CRA applies to banks with branches and have deposit requirements
- The new Comptroller has committed to updating CRA and met with the Americans Bankers Association who complained of, “Overly restrictive concepts of community and economic development, under CRA and rules should be loosened”



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# What can we do to address redlining, segregation, and gentrification?

- Work with a local housing counseling agency
- Fix or improve credit rating
- Increase knowledge and understanding of financial literacy and fair lending laws
- Start or expand an economic development plan
- Advocate for new and important laws that are intended to produce equality and equity. For example, Philadelphia and the Commonwealth have considered implementing local and state-wide CRAs
- Learn each political party's mission, goals, and objectives
- Contact your local, state, and federal representatives
- Start or participate in networks, coalitions, or associations that support voting and special interest activities, namely civil rights
- Hold people and entities accountable for their actions by organizing, strategizing, mobilizing, and voting against discriminatory policies and practices
- File fair housing/fair lending complaints when discrimination occurs

# Effects of Housing Discrimination

- Mental Health Disorders (Trauma, Anxiety, Depression, Grief)
- Homelessness (Living on the Street, Couch-Surfing, Shelters, Cars)
- Institutionalization (Hospitals, Behavioral Health, Incarceration)
- Health Disparities (Hypertension, Diabetes, Infections)
- Premature Death (Shortened Life Expectancy)
- Under-education (Under-performing schools, School Closures, Achievement Gap)
- Segregation (Racial Internment Camps)
- Economic Deprivation (Low or No Access to Business and/or Financial Products)
- Crime and Violence (Increased Law Enforcement and Murder Rates)
- Retail and Food Deserts (Inadequate Access to and Far Distance from Nutritious Foods)
- Displacement due to Gentrifying Neighborhoods (Rising Rents, Over-Taxation, Class and Cultural Differences, Implicit and Explicit Biases)
- Latest Subprime Lending Practices (NINA Loans, Stated Income Loans, Interest Only Loans, Bridge Loans, Contract Loans)
- Exposure to Environmental Hazards (At Risk for Cancer and Other Health Threats, Low Property Value)

*“...the ultimate achievement is to defeat the enemy without even coming to battle...”*

The Art of War, Sun Tzu

# Authors that researched and wrote about redlining and segregation:

Douglas S. Massey & Nancy A. Denton, authors of *American Apartheid: Segregation and the Making of the Underclass*

TaNeahsi Coates, author of *The Case for Reparations*

Isabel Wilkerson, author of *The Warmth of Other Suns: The Epic Story of America's Great Migration*

Richard Rothstein, author of *The Color of Law: A Forgotten History of How Our Government Segregated America*

Reniqua Allen, author of *It Was All a Dream: A New Generation Confronts the Broken Promise to Black America*

Mehrsa Baradaran, author of *The Color of Money: Black banks and the Racial Wealth Gap*

James H. Carr and Nasdine K. Kutty, editors of *Segregation: The Rising Costs for America*

Gregory D. Squires, editor of *The Fight For Fair Housing: Causes, Consequences, and Future Implications of the 1968 Federal Fair Housing Act*

Shawn D. Rochester, author of *The Black Tax: The Cost of Being Black in America*

## **File Fair Housing/Fair Lending Complaint:**

U.S. Department of Housing and Urban Development (HUD), Region III,  
Philadelphia Office, (888) 799-2085

DOJ Civil Rights Division, Filing Fair Lending Complaints, (202) 514-4609

PA Office of Attorney General Bureau of Consumer Protection, (800) 441-2555

Pennsylvania Human Relations Commission (PHRC): Harrisburg Regional  
Office, (717) 787-9780; Philadelphia Regional Office, (215) 560-2496, and  
Pittsburgh Regional Office, (412) 565-5395

Fair Housing Rights Center in Southeastern PA (FHRC), 215-625-0700

File a lawsuit in federal court

## **Fair Housing Rights Center in Southeastern Pennsylvania Reach Agreement to Ensure Disabled Rights in Parking and Air Quality Case**

### ***Complaint Alleges Housing Discrimination Based on Disability***

Philadelphia, PA — A Montgomery County resident with the assistance of the Fair Housing Rights Center in Southeastern Pennsylvania (FHRC) recently settled a housing discrimination complaint against Grosse and Quade Management Company (Gross & Quade) and Kenilworth Investment Associates, L.P. The complaint arose after the resident made a reasonable accommodation request to more easily reach her door due to her physical condition after receiving life sustaining treatment. The management company denied the accommodation proposing their own alternative without engaging in the interactive process. She also requested that there be policies restricting smoking in front of her window which caused her pre-existing respiratory condition to be exacerbated. This request was also denied.

Pursuant to the Fair Housing Amendments Act of 1988, reasonable accommodations are changes in rules, policies, practices and the way services are provided, which are necessary to ensure persons with disabilities equal opportunity to fully use and enjoy their homes. The FHA makes it illegal to discriminate based on disability, race, color, national origin, religion, sex, and familial status. Using this law, the resident was able to assert their fair housing rights. “Fair housing protects people with disabilities; therefore, it is incumbent upon all housing providers to adopt and execute clear reasonable accommodations policies,” said Angela McIver, Chief Executive Officer of the Fair Housing Rights Center in Southeastern Pennsylvania.

FHRC assisted the resident in filing a housing discrimination complaint with the U.S. Department of Housing and Urban Development (HUD) due to the management company’s denial of the reasonable accommodation. The resident and the management company were able to resolve the dispute through the HUD Conciliation Process. As part of the agreement, Grosse & Quade has agreed to pay the resident \$4,800. She was granted injunctive relief of being assigned an accessible parking space and establishing a non-smoking area in front of her apartment. “Rental housing fills an important social need. To serve people with disabilities, housing providers must be willing to grant reasonable accommodations in a timely manner and on a case-by-case basis. Having an effective reasonable accommodations policy is one way that housing providers convey their values to staff and residents,” said McIver...



We fight housing discrimination. We strengthen communities.

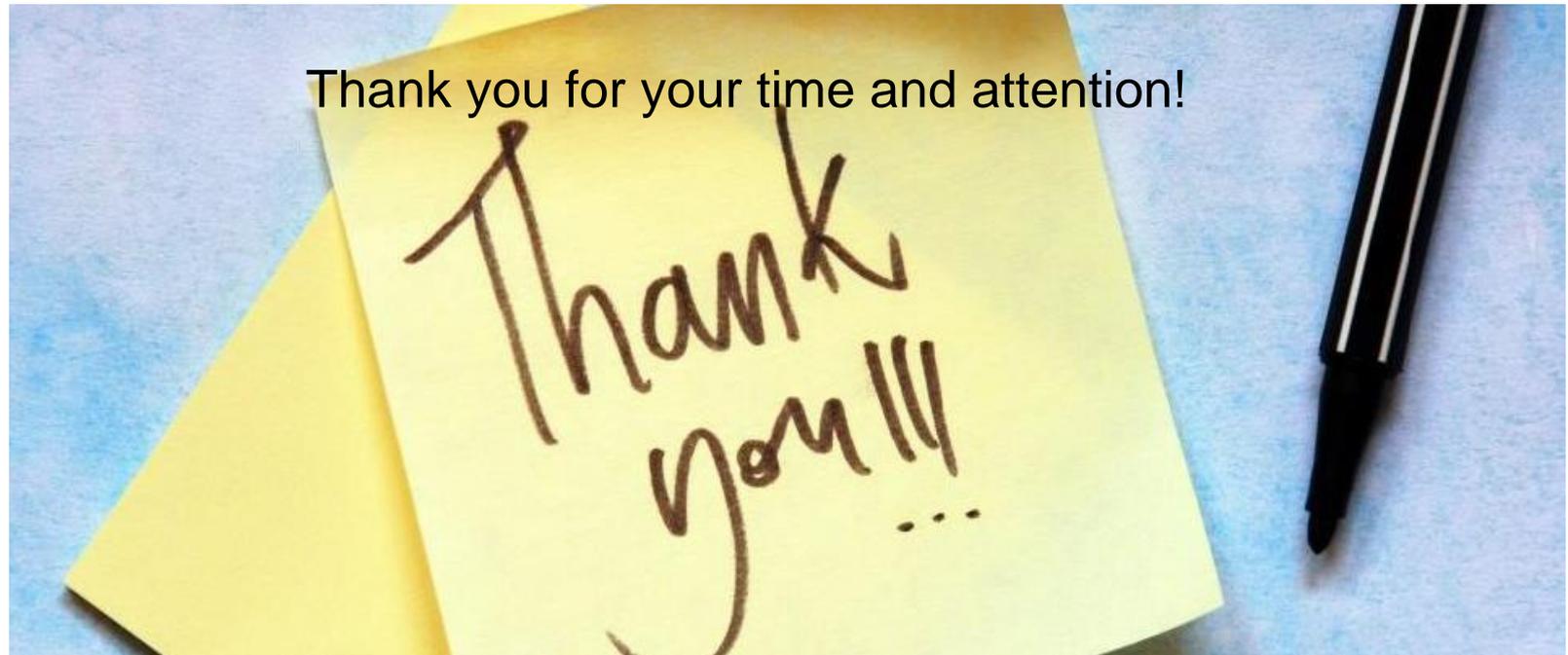
## **Fair Housing Rights Center in Southeastern Pennsylvania Ensures Equal Access to Housing for Survivors of Domestic Violence**

### *Complaint asserts rights of domestic violence survivors*

Philadelphia, PA —A Philadelphia County resident with the assistance of the Fair Housing Rights Center in Southeastern Pennsylvania (FHRC) recently settled a housing discrimination complaint against Capital Realty Group (Capital Realty) and Larchwood Gardens, LLC (Larchwood Gardens). The resident alleged that Capital Realty discriminated against them due to a domestic violence incident. The management company used a negative reference from the previous landlord as justification for denying her application.

Pursuant to the Fair Housing Act of 1968 (sex was added in 1974), housing providers are prohibited from discriminating against a person based on their sex. In 2011, the Department of Housing and Urban Development released [guidance](#) stating that laws and policies that negatively impact survivors of domestic violence have a discriminatory effect against women and are therefore prohibited. The U.S. Bureau of Justice Statistics found that 85% of victims of domestic violence are women and that women are five times more likely to experience domestic violence than men. Therefore, federal law prohibits housing providers from using negative landlord references when considering a tenant’s application if the negative reference is related to a domestic violence situation.

“As the eviction crisis ensues, we are learning how women are impacted by terminology that is being used by one housing provider to another, which signals to approve or decline applicants housing,” said Angela McIver, Chief Executive Officer of FHRC. “The Fair Housing Act is a powerful federal law that can be used to protect a victim of domestic violence who should not be victimized by an abuser and then encounter discrimination while applying for new housing...”



Thank you for your time and attention!

Thank  
you!!

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