

Lofty Rhetoric, Prejudiced Policy: The Story of How the Federal Government Promised—and Undermined—Fair Housing

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The federal government has long recognized the importance of housing to the lives of all Americans. Unfortunately, this recognition has been consistently accompanied by outright complicity in the establishment and perpetuation of residential segregation and the resulting inequities. For over a century, the federal government has carried out, reinforced, or intentionally ignored discriminatory practices and systems in the housing market against racial minorities and low-income households, undermining equal opportunity at every turn. When opportunities to further the cause of fair housing have arisen, often as the result of courageous leadership and progressive legislation, they have been squandered by some combination of political cowardice and haphazard implementation. Until legislators and policymakers finally decide to directly—and sufficiently—address the obstacles that prevent universal access to safe, high-quality, affordable housing, the United States will continue to underdeliver on its promises within this hugely important aspect of American life.

INITIAL HOUSING LEGISLATION

As with many issues that involve racial disparities in the United States, the roots of housing segregation can be traced back to the legacy of slavery and the failed promise of Reconstruction. In the aftermath of the Civil War, despite initial promises by governmental actors and widespread political advocacy by Black leaders, African Americans were systematically denied access to private land ownership, beginning a pattern of governmental overpromising and underdelivering around issues of fair access to

quality housing that continues to the present day (Von Hoffman, Alexander. *The Origins of the Fair Housing Act*. In Stell, Kelly, Vale & Woluchem, *Further Fair Housing: Prospects for Racial Justice in America's Neighborhoods*, 2021).

Abandoned by federal policymakers, Black Americans took matters into their own hands by participating in the broader urbanization of American society, a movement known as the Great Migration. By 1920, half of Americans were living in cities, including the first wave of African Americans in Chicago, Los Angeles, Detroit, and New York City. In many cases, private actors and local governments responded with racial hostility and enforced both formal and informal boundaries, but in other cases this mass migration resulted in the country's first integrated neighborhoods. Indeed, during this era, most African Americans moved into neighborhoods that were less than 30% Black ([ProPublica](#), 2015).

In the early 1930s, the Great Depression provided the first political opportunity for large-scale government involvement in the housing market. According to housing scholar Bradford Hunt, “High unemployment, the continued presence of slums, and the collapse of new housing construction opened the door to state action.” The first major piece of modern federal housing legislation, the “National Housing Act of 1934” was a New Deal program designed to shore up the housing market after catastrophic bank foreclosures. The act aimed to curb private mortgage lending by establishing a public loan insurance program and to motivate new residential construction by increasing available credit. To accomplish these aims, the bill established the Federal Housing Administration (FHA) and the Federal Savings and Loan Insurance Corporation (FSLIC). (Hunt,

D. Bradford. *Public Housing in Urban America*. American History, 2018).

As soon as the FHA started insuring loans, however, it began deploying discriminatory practices against Black Americans and households with low incomes. Local governments had already demonstrated their willingness to establish segregated living patterns through the explicitly racial zoning ordinances that arose in the 1910s, but now the federal government got involved. The FHA selectively insured mortgages in racialized patterns, thereby directly contributing to housing segregation in cities across America. And while the shaded Home Owners Loan Corporation (HOLC) maps are the most well-known examples of redlining, the practice of denying coverage to entire neighborhoods based on racial and socioeconomic composition was already in place by the time of their publication and was the default practice for decades to come (Fishback, Price, Rose, Jonathan, Snowden, Kenneth & Storrs, Thomas. *New Evidence on Redlining by Federal Housing Programs in the 1930s*. National Bureau of Economic Research, 2021). FHA underwriting manuals, for example, urged employees not to insure loans in areas that were or could become integrated.

In 1935, another New Deal program, the Public Works Administration, constructed Techwood Homes in Atlanta, GA—the first federal public housing project. This initiative, however, was also marred with discriminatory behavior; the Techwood project displaced hundreds of Black households to establish an all-white public housing community (NLIHC, 2019). The PWA later employed a “neighborhood composition rule,” which prevented new projects from changing the racial makeup of an area, thereby preventing racial integration at projects in all-white neighborhoods (Hunt, 2018). In this way, the United States’ first large-scale attempts at improving housing outcomes for all its citizens were immediately undermined by its own discriminatory actions, a pattern that would prove recurrent.

The next major housing bill, the “US Housing

Act of 1937,” was passed only three years later. The focus now was on a growing list of urban housing challenges, including ‘slum removal’. The presence of unsafe, unsanitary, low-income housing in neighborhoods across the United States was, of course, an entirely predictable outcome of the intentional redlining practices carried out by the FHA but addressing state-sanctioned segregation was not included in the bill’s priorities. The bill did manage to create a United States Housing Authority (USHA) and funded the first large-scale public housing initiative in the country’s history, but these accomplishments were also undermined by discriminatory actions.

Indeed, the segregationist tendencies of federal, state, and local officials continued in full force. In fact, in many cases, federal action made segregation much worse than it had been before. New public housing and urban renewal initiatives were highly racialized, in effect bulldozing previously integrated neighborhoods and building segregated housing projects. When integrationists such as Frank Horne at the USHA and Elizabeth Wood at the Chicago Housing Authority tried to further fair housing aims, they were met with private and public backlash (Von Hoffman, 2021). This process of government engineered resegregation is a forceful rejoinder to arguments that present-day segregation reflects individual choice and personal preference, rather than intentional policy decisions.

GROWING RECOGNITION OF HOUSING’S IMPORTANCE: THE “HOUSING ACT OF 1949”

With the federal government’s chosen policies actively contributing to entrenched segregation and concentrated poverty, challenges continued to grow. Recognizing the immense housing challenges facing the country, in 1944 President Roosevelt included the right of every family to a decent home in his ‘Second Bill of Rights.’ Under President Truman, housing issues became a substantial component of his “Fair Deal” program, with the stated goal of “a suitable home for every American.” These efforts to

elevate housing's importance culminated in the passage of the "Housing Act of 1949," which was accompanied by lofty rhetoric about the importance of housing to daily life.

The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family, thus contributing to the development and redevelopment of communities and to the advancement of the growth, wealth, and security of the Nation.

In practice, however, the bill essentially served as an extension of earlier housing policies, just on a larger scale, with funding going to 'slum clearance' and 'urban renewal', increased authorization for federal provision of mortgage insurance, and funding for housing research and farm buildings. In the words of housing scholar Alexander von Hoffman (2000): the bill "set lofty goals—to eliminate slums and blighted areas and provide a decent home for every American family—but provided only the limited mechanisms of public housing and urban renewal to meet them." (Van Hoffman, Alexander. *A Study in Contradictions: The origins and legacy of the housing act of 1949*. Housing Policy Debate, 2000).

Perhaps the most important aspect of the bill—funding for the development of more than 800,000 public housing units—was again undermined by racial and socioeconomic segregation. Congressional Republicans used southern fears of residential integration to defeat an amendment that would have prohibited segregation, and new housing projects constructed during this time were often segregated. At the same time, the Federal Housing Administration actively contributed to the creation of all-white suburbs, encouraging the use of racially restrictive covenants in newly constructed developments (Rothstein, Richard.

The Color of Law: A Forgotten History of How Our Government Segregated America. W.W. Norton, 2017). The result was rampant segregation in metropolitan areas across the country. Indeed, Historian Alfred Hirsch has analogized the use of federal housing policy in this era as "domestic containment" of Black Americans, similar to the strategies employed to prevent the spread of communism in Europe.

FINALLY, FAIR HOUSING LEGISLATION

Over the next twenty years, the booming post-war economy dramatically increased housing construction, especially in the suburbs, but did little to solve the issues arising from the segregated housing patterns that the federal government had helped to create. Momentum had been building for years for a housing component to civil rights legislation passed in the mid-1960s, but a major push by President Lyndon Johnson in 1966 failed to generate sufficient momentum. However, after the dramatic conclusions of the Kerner Commission ("Our nation is moving toward two societies, one black, one white—separate and unequal.") and the assassination of Martin Luther King Jr. on April 4, 1968, Congress finally passed the "Fair Housing Act."

Reading the statements of the Act's co-sponsors, Walter Mondale and Edward Brooke, one can sense the recognition of housing's primacy to other social ills and—more importantly—that segregation had continually undermined previous attempts at well-intentioned housing reform. Mondale argued:

But every solution and every plan for the multiple evils in our cities and their ghettos is drastically and seriously affected by racial segregation in housing. With high concentrations of low-income, poorly educated, and unemployed persons in our cities—and without dispersal or balance throughout our communities—our cities will never be able to solve the problems of de facto school segregation, slum housing, crime and violence, disease, blight, and pollution.

Gone were the denials that the federal government had been a major contributor to

this intractable problem. In a speech urging the passage of the bill, Senator Brooke noted that “the prime carrier of galloping segregation has been the Federal Government. First it built the ghettos; then it locked the gates; now it appears to be fumbling for the key.”

The Fair Housing Act is most well-known for banning discrimination across race, color, religion, or national origin in housing transactions (including mortgage lending and renting). In 1974, sex was added as a protected characteristic, and the 1988 amendments to the bill expanded the list to include familial status (covering households with children) and disability. Most of the enforcement activity that has arisen under the FHA has fallen under this umbrella, with individuals and HUD filing complaints against discriminatory parties.

But the FHA has a second, explicitly stated goal: to reverse housing segregation and promote “truly integrated and balanced living patterns.” Importantly, the FHA included language that required HUD to administer its programs in such a way that *affirmatively furthers fair housing* (often referred to as AFFH), with accompanying responsibilities for local governments that received HUD funds. The goal, in other words, was to infuse integrationist, fair housing principles into all HUD programs, including the FHA, public housing, and urban renewal initiatives, among others.

The Fair Housing Act was complemented by the “Housing and Urban Development Act of 1968,” which contained another large expansion of public housing construction as well as the initiation of public-private partnerships designed to increase the supply of housing and reduce rents for low-income households. These were precisely the type of initiatives that were now supposed to be imbued with fair housing principles under the AFFH provision.

In fact, following the passage of the Fair Housing Act, multiple circuit court cases (*Otero vs. NYCHA* 1973, *NAACP Boston vs. HUD* 1987) have ruled that the bill’s language requires government action in pursuit of integrated living patterns,

rather than the mere absence of discriminatory practices. However, despite the attempts of advocates such as Senator William Proxmire to incorporate ‘carrot and stick’ provisions into the text of the bill, which would have outlined the specific incentives and penalties behind AFFH mandate, its practical implications were left intentionally vague (Van Hoffman, 2021).

A PIVOTAL BATTLE BETWEEN ROMNEY AND NIXON

For a brief period, it seemed as though policymakers had finally recognized fundamental truths about the importance of housing and the perils of segregation. Indeed, as described more fully in this [ProPublica article](#), George Romney—Nixon’s HUD secretary and a Republican presidential candidate in 1968—sought to leverage the FHA’s “affirmatively further” language to address suburban segregation almost immediately. Romney, according to ProPublica, “ordered HUD officials to reject applications for water, sewer and highway projects from cities and states where local policies fostered segregated housing.”

In describing his rationale for forceful political action, Romney argued, “The youth of this nation, the minorities of this nation, the discriminated of this nation are not going to wait for ‘nature to take its course.’ What is really at issue here is responsibility – moral responsibility,” (Lamb, Charles. *Housing Discrimination in Suburban America since 1960: Presidential and Judicial Politics*. 2005). One can see a path towards equitable housing patterns emerging in this moment, emboldened by federal legislation and strong political leadership.

Unfortunately, that path never materialized. Facing pressure from reactionary southern and suburban constituencies, President Nixon stepped in and prevented Romney’s proactive integrationist approach, noting that he was convinced “forced integration of housing or education is just as wrong” as legal segregation. Eventually, he pushed Romney out of his cabinet altogether. In his resignation letter, [Romney](#) decried politicians’ tendency to “avoid specific

positions concerning, and discussion of, ‘life and death’ issues in their formative and controversial stage for fear of offending uninformed voters and thus losing votes.”

With Romney gone, Nixon continued his efforts to undermine substantive progress related to affordable and integrated housing; In 1974, Nixon’s moratorium on the construction of new public housing effectively signaled the end of hopes that such housing would contribute to integrated, rather than segregated, housing patterns. The “Housing and Community Development Act of 1974,” passed in the same year, established the Section 8 voucher program, part of a larger shift from a focus on publicly constructed housing to an emphasis on public-private partnerships.

NEW POLICIES, MISSED OPPORTUNITIES

Despite vouchers’ potential as an integrative tool—in a perfect world, low-income individuals and families could use them to access well-resourced, safe neighborhoods they couldn’t otherwise afford—implementation challenges including source-of-income discrimination, underfunding, and a lack of complementary supports have resulted in a situation where vouchers primarily subsidize the cost of living in under-resourced, segregated neighborhoods (DeLuca, Stefanie & Garboden, Phillip. *Segregating Shelter: How Housing Policies Shape the Residential Locations of Low-Income Families*. 2013 and DeLuca, Stefanie & Garboden, Phillip. *Why Don’t Vouchers Do A Better Job of Deconcentrating Poverty? Insights from Fieldwork with Poor Families*. Poverty & Race, 2012).

For example, a recent study found that 9 in 10 voucher holders in Massachusetts were turned away from rental units in high opportunity neighborhoods. As a result of these barriers and others, only around 20% of voucher households lived in low-poverty neighborhoods as of 2010, falling well short of accomplishing significant integrationist aspirations (Collinson, Robert, Ellen, Ingrid, & Ludwig, Jens. *Reforming Housing Assistance*. 2019).

Relatedly, the “Tax Reform Act of 1986” established the Low Income Housing Tax Credit (LIHTC), which allocates tax credits to states on a per capita basis, which states in turn award credits to developers to support the construction and rehabilitation of low-income, rental housing. The LIHTC quickly surpassed public housing and project-based housing as the primary form of affordable housing construction in the United States. While LIHTC has successfully increased the number of affordable units in states across the country, it has failed to improve fair housing outcomes. Studies show that LIHTC units are built in neighborhoods with higher rates of poverty compared to the average rental unit.

Making matters worse, following the passage of the Fair Housing Act, affluent, well-resourced, predominantly white neighborhoods began to turn to ostensibly colorblind single family zoning ordinances to prevent denser housing patterns that might yield more mixed-income, racially diverse communities. These ordinances drove up housing prices for current property owners at the expense of lower income renting households and voucher holders.

In the decades that followed, progress around fair housing policy was halting, and even when new initiatives arrived, they were often held back by a lack of practical measures—especially related to enforcement. For example, in 1988, lawmakers updated the criteria for HUD’s largest program, the Community Development Block Grant, mandating that any communities requesting funding submit an ‘Analysis of Impediments,’ (AIs) which outlined local barriers to fair housing along with potential solutions. Unfortunately, HUD rarely reviewed these documents and even more rarely withheld funding for non-compliance.

Despite HUD delivering \$137 Billion to local housing authorities between 1972 and 2012, [ProPublica](#) “could find only two occasions since Romney’s tenure in which the department withheld money from communities for violating the Fair Housing Act.” Indeed, across the decades, HUD’s Office of Fair Housing and Equal Opportunity has remained the smallest of the

four major divisions within the agency. Instead, for more than forty-five years after the FHA passed, “affirmatively furthering fair housing” consisted of local governments self-certifying their own compliance every few years, without any formal oversight or review by HUD.

Prior to the Obama Administration, President Clinton’s Administration was the most ambitious in its approach to fair housing since LBJ. In 1994, Clinton issued Executive Order 12892, which established the President’s Fair Housing Council, with the authority to “review the design and delivery of Federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing.” Later, under Secretary Henry Cisneros, HUD published the Fair Housing Planning Guide in 1996, which aimed to provide scaffolding for local communities’ pursuit of fair housing goals.

Both of these initiatives, however, were accompanied by a lack of practical implementation. Insufficient technical assistance was provided for the AI process, and the AIs that were submitted were rarely reviewed and never enforced (GAO, 2010). Later in Clinton’s term, HUD Secretary Andrew Cuomo attempted to provide greater clarity around the AFFH rule but was met with pushback from the Council of Mayors, among other stakeholder groups (ProPublica, 2015). Another Clinton-era housing initiative, HOPE VI, which included the demolition of large-scale housing projects in favor of mixed income housing also fell short of its fair housing potential, in many cases actually reducing the supply of affordable housing and leading to widespread displacement (NLIHC, 2007).

PROGRESS UNDER OBAMA, BACKSLIDING UNDER TRUMP

Early in Obama’s first term, several factors led to an uptick in interest around improving the federal approach to fair housing. First, the housing crisis’s disproportionate impacts on highly segregated communities led to an increased sense of urgency around the concentration of poverty and racial disparities

in the housing market. Second, HUD conducted an internal review of its fair housing protocols and found them to be severely lacking. Finally, the GAO conducted its own review of the AFFH compliance process, and its conclusions were also damning. The GAO report “detailed a lack of clarity for grantees” and noted that HUD had overseen “inconsistent compliance requirements” for decades; more than half of jurisdictions receiving HUD funding could not produce their AIs and those that could were largely out of date (Bostic, Rafael, O’Regan, Katherine, & Pontius, Patrick with Kelly, Nicholas. Fair Housing from the Inside Out: A Behind-the-Scenes Look at the Creation of the Affirmatively Furthering Fair Housing Rule . In Stell, Kelly, Vale & Woluchem, *Further Fair Housing: Prospects for Racial Justice in America’s Neighborhoods*. 2021).

In response, the Obama Administration, led by HUD Secretaries Shaun Donovan and Julian Castro, adopted a much more aggressive interpretation of the AFFH rule. This new policy, published in 2015 after years of internal debate, provided cities and towns applying for HUD funding with an extensive data and mapping tool to analyze demographic trends—including race, disability, familial status, socioeconomic status, and English proficiency—across neighborhoods to identify specific barriers that explain segregated patterns and come up with potential strategies to address them, a process known as Assessment of Fair Housing (AFH). Communities were also required to publish public reports on their progress, and to set and track goals in pursuit of fully integrated housing patterns.

This rule was rolled back by Trump HUD appointee Ben Carson, citing complaints about the burden of reporting, and while the Biden Administration has reimposed some of the language from the Obama rule, it has kept the reporting requirements light to alleviate unnecessary administrative mandates. Even supporters of the more assertive AFFH regulations noted that there were issues with the quality data and mapping tool and that the reporting requirements were unwieldy and hard to navigate without extensive technical support

well beyond HUD's current capacity (Pritchett et al., 2021). The appropriate resting place in the balancing act between transparency and autonomy is an open question that will continue to be debated in the future. Indeed, the Biden Administration has committed to providing an updated rule in the near future.

THE CURRENT STATE OF FAIR HOUSING

Since the passage of the Fair Housing Act in 1968, the rate of white homeownership has increased, from 66% of white households owning a home to 71%. During this same time, the Black homeownership rate has remained low—roughly 44%—despite a brief climb to 49% prior to the financial crisis in 2007. Furthermore, while metropolitan areas have, on the whole, become more diverse in the last half century, neighborhood composition tells a different story. In the largest 100 cities in the United States, the average white person lives in a very segregated neighborhood, with over 70% white neighbors. Additionally, suburbs and rural areas are even more segregated than metropolitan areas. This is at least partially due to discrimination—studies have routinely found that minority renters are told about and shown fewer homes and apartments than equally qualified whites (Christensen, Peter & Timmins, Christopher. *The Damages and Distortions from Discrimination in the Rental Housing Market*. National Bureau of Economic Research, 2021).

Even in neighborhoods where integration has increased, it is largely Latino or Asian households moving in, rather than Black households, a trend that indicates the seemingly intractable nature of Black-white racial prejudice in the United States. Nor has the limited racial integration that has occurred led to equivalent rates of socioeconomic integration. Over the last forty years, the percentage of low-income households living in predominantly low-income census tracts has increased (from 23% to 28%), and so has the level of high-income households in predominantly high-income census tracts (9 to 18%), coming at the expense of middle class and mixed income

neighborhoods, which have declined over the same time period (Pew, 2012).

The FHA's failure to live up to its author's hopes has not been lost on co-sponsor Walter Mondale. In a 2015 speech at HUD, he noted:

“When a black family with an income of \$157,000 a year is less likely to qualify for a prime loan than a white family with an income of \$40,000 a year, the goals of the Fair Housing Act are not fulfilled. When real estate agents only show integrated schools and suburbs to black and Latino middle-class families, and steer white families away from those same neighborhoods and schools, the goals of the Fair Housing Act are not fulfilled. When the federal and state governments will pay to build new suburban highways, streets, sewers, schools, and parks, but then allows these communities to exclude affordable housing and non-white citizens, the goals of the Fair Housing Act are not fulfilled.”

An early memo from the Biden Administration, *Memorandum on Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies*, echoes similar challenges, noting—among other concerns—the racial gap in homeownership, persistent undervaluation of properties owned by families of color, a disproportionate burden of pollution and exposure to climate change falling on low-income communities of color, and the presence systemic barriers to safe, accessible, and affordable housing for all. Since the passage of the FHA, the memo notes, “access to housing and creation of wealth through homeownership have remained persistently unequal.”

Racial discrimination, such as steering by real estate agents and selective renting by landlords, remains an issue. Perhaps more importantly, however, the rights-based approach that has defined the implementation of the Fair Housing Act neglects the importance of socioeconomic status in determining access to certain societal benefits. In the words of housing scholar Wendell Pritchett, “In a society in which property ownership provided one of the primary means to achieving middle class status, the use of rights-based strategies was of limited assistance

to persons who lacked the financial means to take advantage of newly won rights.” Richard Rothstein also notes that following the act’s passage, lack of affordability became the primary driver of segregation (Rothstein, 2017). Without concrete measures to enable households with limited financial means the ability to move to well-resourced areas, protection from racial (or any other protected characteristic) discrimination offers little consolation. In other words, to achieve the goal of integrated living patterns, the federal government must fulfill its affirmative duty to further fair housing.

THE NEED FOR AN AFFIRMATIVE AGENDA

In a speech advocating for passage of the Fair Housing Act in 1968, Senator Phillip Hart argued, “This problem of where a family lives, where it is allowed to live, is inextricably bound up with better education, better jobs, economic motivation, and good living conditions.” Exactly 50 years later, in 2018, the National Low Income Housing Coalition launched the Opportunity Starts at Home Campaign (OSAH) in recognition of this exact premise: that where one lives dramatically influences all other facets of their life. But as the implementation of the Fair Housing Act has failed to fundamentally address the profound legacy of segregation in our housing patterns, and because those patterns are in many ways more entrenched and damaging today, there is an urgent need to imbue the fair housing effort with new meaning—and new policies.

The Biden Administration’s *Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies* contains a pledge to rectify the government’s discriminatory history, particularly noting the repealed AFFH rule as an area of focus. So, nearly one year after this initial pledge, where do we stand and where should we go from here?

AFFH RULE

The Biden Administration needs to issue a final version of the Affirmatively Furthering Fair Housing Rule. A successful rule will balance the

legitimate concerns about regulatory burden and efficiency with the moral and political imperatives of making substantive progress towards equalizing access to opportunity. After interviewing both federal and local fair housing stakeholders, a group of housing experts from the University of Pennsylvania and the Reinvestment Fund offered a set of recommendations for a revised rule (and process): provide additional financial and expert assistance for communities (especially around identifying action steps) completing the AFH, improve the quality of the data and mapping tool, allow communities to focus on a smaller number of meaningful goals, and expand all-government fair housing efforts grounded within the Domestic Policy Council.

Additionally, as noted by Megan Haberle of the NAACP Legal Defense Fund, even the efforts under the Obama Administration to fulfill the intentions of the AFFH provision largely existed within the purview of the EEO office within HUD. Truly fulfilling the mandate of AFFH, however, requires that fair housing is not merely a compliance process; fair housing principles should infuse all HUD programs. An improved AFFH process would align the grant and implementation processes for key programs such as Housing Choice Vouchers and the Low-Income Housing Tax Credit with fair housing goals.

ADDITIONAL IMPROVEMENTS

There are also several important legislative proposals that have been introduced in Congress that could make important fair housing contributions. The “Fair Housing Improvement Act,” for example, would ban source of income discrimination and discrimination based on veteran status. The “Fair and Equal Housing Act,” meanwhile, expands the FHA to cover sexual orientation and gender identity. Finally, the “Housing Fairness Act of 2021” makes more general improvements to the fair housing programs at HUD. Furthermore, the “Housing Supply and Affordability Act,” the “American Housing and Economic Mobility Act,” and the “Yes In My Backyard Act” focus specifically on zoning reform, but each would make important contributions to advancing the cause of fair

housing if enacted because of the discriminatory impact of exclusionary zoning.

Additionally, other pieces of housing legislation make indirect, but important contributions to furthering integration and equalizing access to opportunity. For example, the “Eviction Crisis Act” is a bipartisan bill that would create a fund for short term financial assistance for low-income households experiencing financial shocks, thereby avoiding the catastrophic consequences of an eviction. Because evictions often start a downward spiral that results in moving to neighborhoods with fewer resources, the “Eviction Crisis Act” would likely have significant fair housing consequences.

If implemented, these policies would finally take a much-needed affirmative and resource-intensive approach to promoting integration and addressing the segregated nature of housing that has been embedded in American society throughout the modern era. After nearly a century of missed opportunities, it is time to act on the lessons of our mistakes, time to implement policy that is feasible, sound, and fundamentally right.