Pursuing Racial Justice
Effective housing advocacy for poor people requires attention to race for two reasons: race is at the root of poverty problems, and legal strictures against racial discrimination and segregation supply powerful tools for challenging actions that hurt poor people.

Racist ideology is a fundamental cause of poor people’s housing problems in two ways. First, racial distinctions foster the development and maintenance of different programs to serve different groups, with programs for minorities being “stingy, physically alienating, and means tested,” while programs for white Anglos are expensive, attractive, and empowering. Second, racism segregates people and thereby isolates minorities into neighborhoods and communities that then are starved for the educational, employment, health care, transportation, and other facilities and services essential to full human development. This “racial residential segregation is the principal structural feature of American society responsible for the perpetuation of urban poverty and represents a primary cause of racial inequality in the United States.”

In this article I discuss direct attacks on segregation in section I and other uses of race-based legal theories in section II.

I. Direct Attacks on Segregation


gible conditions and management of units, buildings, and neighborhoods, characterize every housing program in the United States.3 Because racial segregation is a principal cause of societal distress, challenging segregation is essential.4 Some warn against such challenges; they argue that segregation is the price we must pay for having housing programs at all.5 I disagree. Most of the housing problems we face today were caused by the intentional racial segregation that every level of government imposed, beginning with explicit racial zoning; camouflaged in Euclidean zoning; enforced de jure in the Federal Housing Administration, Veterans Administration, public housing, and urban renewal programs; and continuing today with white supremacy characterizing the administration of current housing programs.6 Producing more directly subsi-

**Lawsuits have been brought where lawyers were willing to bring them, not necessarily where the segregation is most severe or affects the largest numbers of people.**

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3 See Florence Wagman Roisman, *Long Overdue: Desegregation Litigation and Next Steps to End Discrimination and Segregation in the Public Housing and Section 8 Existing Housing Programs*, 4 CITYSCAPE 171–72 (1999) (substantiating such segregation and discrimination); HUD (U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT), *STATUS OF HUD-INSURED (OR HELD) MULTIFAMILY RENTAL HOUSING IN 1995*, at 4–8 (1995) (showing racial disparities in HUD-assisted housing); Rolf Pendall, *Why Voucher and Certificate Users Live in Distressed Neighborhoods*, 11 HOUSING POLY DEBATE 881, 883 (2000) (“Concentration . . . hinges on race; when assisted households are mostly black and other residents are mostly white, assisted households are much more likely to live in distressed neighborhoods.”); id. at 901, 905 (explaining race as cause of geographic concentration of certificate and voucher holders); *Fair Housing Litigation to Prevent the Loss of Federally Assisted Housing: The Duties of Public Housing Authorities and Project Owners*, 31 HOUSING L. BULL. 73, 75 (2001) [hereinafter *Fair Housing Litigation*] (discussing the relationship between areas with serious voucher utilization problems and hypersegregation).

4 Douglas S. Massey and Nancy A. Denton and others discuss racial segregation as a principal cause of societal distress. See generally MASSEY & DENTON, supra note 2.


dized housing in predominantly minority neighborhoods will exacerbate the educational, employment, health care, and other fundamental disparities that plague the United States.7

When advocates challenge racial segregation, they must insist on remedies that afford not only housing opportunities for poor people of color in neighborhoods and communities that were closed to those people but also increased housing subsidies.8 The model for this kind of litigation is the public housing desegregation cases that advocates have brought in several places.9 Advocates can and should bring the same type of litigation in every jurisdiction with segregated public housing and with respect to every housing program—HOPE VI (Housing Opportunities for People Everywhere), Section 8, the Low Income Housing Tax Credit Program, and state and local housing programs.10

As for conventional public housing, many lawsuits and much commentary lay out the means of establishing liability and requiring remedies that increase the subsidy stock, enlarge resident choice, and promote racial and economic integration.11 However, lawsuits have been brought where lawyers were willing to

7 Housing discrimination continues to be a serious problem in the United States. See Nat'1 Fair Hous. Alliance, 2002 Fair Housing Trends Report (2002), at www.nationalfairhousing.org/html/trends/report.pdf; JOHN YINGER, CLOSED DOORS, OPPORTUNITIES LOST: THE CONTINUING COSTS OF HOUSING DISCRIMINATION (1995). One of the principal causes of continuing discrimination is segregation. See MASSEY & DENTON, supra note 2, at 109 (stating that “segregation, by restricting economic opportunities for blacks, produces interracial economic disparities that incite further discrimination and more segregation”); see also john a. powell, Introduction, 34 CLEARINGHOUSE REV. inside front cover (July–Aug. 2000) (“The recognition that litigation has not fixed the problem should not, however, translate into a demand for the creation of this [decent, affordable] housing in areas of concentrated poverty, nor the abandonment of the struggle for true integration.”).

8 Proponents of HOPE VI (Housing Opportunities for People Everywhere) and other programs often urge desegregation or deconcentration of poor people as a justification for reducing the stock of housing available to poor people of color (e.g., when HUD and a local public housing authority argue for reducing the number of poor people of color living at a particular site). See, e.g., Fair Housing Litigation, supra note 3, at 74 (“National Housing Law Project . . . is deeply skeptical of the effectiveness of the strategies to advance desegregation through policies that remove large numbers of federally assisted housing developments.”). In this article I maintain that race-based arguments are an effective and appropriate tool to assure that neither desegregation nor any other argument succeeds in reducing the quantity and quality of housing available to poor people of color.

9 For a discussion of these cases, see Roisman, supra note 3.

10 HOPE VI Act of 1990, 42 U.S.C. §§ 1437 et seq. (2002); Low Income Housing Tax Credit Program, I.R.C. § 42 (2000). References in this article to “Section 8” are to Section 8 certificates and vouchers, authorized by 42 U.S.C. § 1437f (1994 & Supp. 1999). In this article the term “vouchers” includes certificates.

11 The seminal decisions are those in the Gautreaux litigation. See, e.g., Hills v. Gautreaux, 425 U.S. 284 (1976) (Clearinghouse No. 1969); Gautreaux v. Romney, 448 F.2d 731 (7th Cir. 1971) (Clearinghouse No. 4490); Gautreaux v. Chi. Hous. Auth., 265 F. Supp. 582 (N.D. Ill. 1967), 296 F. Supp. 907 (N.D. Ill. 1969) (Clearinghouse No. 1969). For discussions of liability generally, see Elizabeth K. Julian & Michael M. Daniel, Separate and Unequal: The Root and Branch of Public Housing Segregation, 23 CLEARINGHOUSE REV. 666 (Oct. 1989); Florence Wagman Roisman & Philip Tegeler, Improving and Expanding Housing Opportunities for Poor People and People of Color: Recent Developments in Federal and State Courts, 24 CLEARINGHOUSE REV. 312, 325–42 (Aug. –Sept. 1990); see also Roisman, supra note 3, at 172 (discussing remedies in public housing desegregation cases; such remedies include production of scattered-site housing for black occupants in areas that are not predominantly black; access for minority occupants to government-assisted, privately owned developments in predominantly white areas; and provision of Section 8 vouchers and mobility counseling to encourage use of the vouchers in predominantly white areas). For a recent illustration of how desegregation cases can increase subsidies, see Davis, 278 F.3d 64 (upholding injunction against use of working-family preference in predominantly white housing developments, thus assuring more of those units to households of color).
bring them, not necessarily where the public housing segregation is most severe or affects the largest numbers of people.12 These suits should be brought in those communities.

These lawsuits have downsides. They take time, money, and energy. They are slow and frustrating.13 They are extremely controversial and will subject advocates to attacks not only from their usual enemies but also from their usual friends.14 But if advocates do not bring these suits, the segregation, and its evil effects, will continue. As explained in a recent decision awarding almost $1.5 million in attorney fees to the plaintiffs in such a suit:

Discrimination on the basis of race in public housing has been illegal for many years. Yet, despite the existence of long-standing constitutional, statutory and judicial pronouncements of this legal fact, discrimination-free housing placement for the residents of public housing is nothing more than a dream without the aid of enforcement lawsuits to identify and redress illegal behavior.15

The same theories that underlie desegregation cases against conventional public housing would support litigation challenging HOPE VI projects.16 Developers and public housing authorities often have put HOPE VI to terrible use: forcing displacement of public housing residents, often with no effective relocation; demolishing deeply subsidized family public housing units and replacing them with a smaller number of deep subsidies (in a combination of units and vouchers); and restricting many of the new units to elderly people rather than families.17

Adding injury to injury, this displacement of people and reduction of stock is paid for with the pathetically small amount of funding that might otherwise be used to increase the supply of attractive, deeply subsidized, desegregated housing, for HOPE VI development typically uses public housing, Section 8, and Low Income Housing Tax Credit funding. Whenever HOPE VI funds are used, the housing authority first should assure anyone who is displaced an attractive, deeply subsidized housing opportunity either on site or in a desegregated or other location of that person’s choice. The number of deeply subsidized housing opportunities (units or vouchers) should not be reduced, and units for elderly people should not replace units for families. In addition to supplying desegregated housing opportunities for all displacees who want them, housing authorities should assure that most if not all new housing opportunities that are not on site are in desegregated areas.

Race-based litigation can help achieve these goals. In litigation in Baltimore, for example, the housing authority attempt-

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12 See Roisman, *supra* note 3, at 173–74 (identifying locations where such litigation is needed).

13 See Wilen & Stasell, *supra* note 5, at 118 n.10 (“[O]btaining integrated housing opportunities through litigation is a long and arduous road.”).


17 The “relocation assistance” often is a voucher with inadequate support, so that the household is unable to make use of the voucher. E.g., “Half of the 44 HOPE VI . . . awards . . . in 2000, which involve the planned net loss of at least 10,000 public housing units, were made in areas that HUD has recognized as having serious voucher utilization problems.” *Fair Housing Litigation, supra* note 3, at 75.
ed to use HOPE VI funds to demolish 522 units of low-rise family public housing and 478 units of high-rise public housing for the elderly and to replace them with 450 units of mixed-income elderly housing, only some of which would be public housing. What enabled advocates to avert the loss of these units was the pending public housing desegregation litigation.\textsuperscript{18} In Dallas advocates used the equalization provisions of an order in the desegregation litigation to keep 611 public housing units on site or in the same integrated neighborhood where a proposed HOPE VI project would have eliminated half of those units.\textsuperscript{19}

Race-based claims also would support challenges to ways in which Section 8 promotes segregation, including inadequate recruitment of landlords with units that could supply desegregated housing, ineffective enforcement of fair housing laws, and failure to use other mobility-promoting programs.\textsuperscript{20}

The Low Income Housing Tax Credit Program—the largest federal housing subsidy program for moderate- and low-income people—is re-creating the worst aspects of the public housing program: concentrating assisted housing in predominantly minority, low-income neighborhoods.\textsuperscript{21} This often means that family low-income housing tax credit units are being built in the areas with the least effective public schools, a policy that cries out to be challenged.\textsuperscript{22}

The state housing finance agency allocates tax credits.\textsuperscript{23} One way to put tax credits to work in achieving desegregation is to change the qualified allocation plan that governs the distribution of tax credits. This can be accomplished by advocacy that persuades the housing finance agency to rewrite the qualified

\textsuperscript{18} Thompson, 220 F.3d 241, 243–45 (4th Cir. 2000). The parties had entered into a consent decree that required that new public housing financed with public funds be located only in areas without high concentrations of minority residents or public housing. To accomplish the demolition, the housing authority moved to amend this portion of the consent decree. The district court granted the motion, but the Fourth Circuit reversed. The total net loss threatened was 772 family public housing units and some units for the elderly, for the housing authority also proposed to demolish 250 units and construct a new, elderly-only, mixed-income building at another site. \textit{id.} at 244–46, 249–50.


\textsuperscript{20} Integration-enhancing methods of administration are discussed in the reports of the first and second National Conferences on Housing Mobility. \textit{See} Urban Inst., \textit{Housing Mobility: Promise or Illusion?} 12–134 (Alexander Polikoff ed., 1995); Margery Austin Turner & Kale Williams, \textit{Housing Mobility: Realizing the Promise} 11–140 (1998); \textit{see also} Susan J. Popkin & Mary K. Cunningham, CHAC Section 8 Program: Barriers to Successful Leasing Up (1999), \textit{available} at \textit{www.urban.org/housing/chac.html}.


\textsuperscript{22} \textit{See} Powell, \textit{supra} note 7 (“T[he extent that advocates try to solve the problem by ignoring the consequences of building low-income housing in isolated communities, they do a disservice to low-income people.”).

\textsuperscript{23} Two cities, New York and Chicago, also allocate tax credits. \textit{See} Roisman, \textit{supra} note 21, at 5 n.20.
allocation plan or by joining the agency board and rewriting the plan directly.\textsuperscript{24}

Advocates can and should apply civil rights arguments to other state and local housing programs, including tax programs. Thus, for example, states with income tax systems that mirror the federal income tax system are giving large tax benefits (notably the home mortgage and real estate tax deductions) to predominantly white, Anglo households. This should be the basis for an effective argument that the government has an obligation to spend a proportionate amount on poor people of color.\textsuperscript{25}

Outside the litigation context, advocates should focus attention on state and local legislatures and agencies and seek to establish programs that will make more housing subsidies available. They should encourage creation of a state low-income housing tax credit program to increase the subsidy available and focus use of the federal Low Income Housing Tax Credit Program on very low-income people. They also should encourage the development and effective administration of state and local housing trust funds and inclusionary zoning programs.\textsuperscript{26}

In general, housing advocates should look closely at every predominantly white community that has good schools, employment opportunities, security, and other public and private facilities and services and ask two questions: what keeps poor people of color out of that community, and

\textsuperscript{24} E.g., the Connecticut Civil Liberties Union Foundation has petitioned the Connecticut Housing Finance Authority to revise its procedures so as “to prevent segregation and concentration of family housing developments in areas of minority concentration and poverty concentration.” Letter from Philip Tegeler & Erin Boggs, attorneys, Connecticut Civil Liberties Union Foundation (ptegeler@aol.com), to Gary E. King, president-executive director, Connecticut Housing Finance Authority (Nov. 20, 2001) (on file with Florence Wagman Roisman) (petitioners are awaiting a response to their administrative petition, which they must file before they seek an injunction against the state in court). For more information on joining a housing finance agency board and influencing qualified allocation plans, contact Mark Schwartz, executive director, Regional Housing Legal Services in Glenside, Pa. (marks@rhls.org); he is a member of the Pennsylvania Housing Finance Agency Board.

\textsuperscript{25} See Nantell, \textit{supra} note 1, at 67; see also Bourassa & Grigsby, \textit{supra} note 1, at 521–25 (discussing four tax concessions for owner-occupied housing).

\textsuperscript{26} For an example of a state low-income housing tax credit program, see N.Y. PUB. HOUS. LAW ch. 44-A, art. 2-A, §§ 21–25 (McKinney 2002). For an example of a state housing trust fund, see O HIO REV. CODE ANN. §§ 175.21–.26 (Anderson 2001). With respect to inclusionary zoning, see Roisman, \textit{supra} note 6, at 78–79, 107–8.
what would be the most effective way to get poor people of color into that community? They also should ask: does government-assisted housing already exist there? If so, affirmative marketing plans should be enforced.27 Does the community include any other housing that might be made accessible to poor people of color? If not, what are the prospects for getting voucher holders into that community? What is keeping them out?28 What are the prospects for getting into that community housing that is accessible to poor people of color? The Low Income Housing Tax Credit Program often will be the most likely way; to do this, advocates should consider where to find a nonprofit or other developer that would be interested in creating a project in that community.29

II. Other Uses of Race-Based Legal Theories

In addition to supporting direct attacks on racial segregation and discrimination, civil rights laws can be used to achieve other housing goals. Title VIII of the Civil Rights Act of 1968 can be especially useful for three reasons: it allows liability to be established by proving not only intentional discrimination but also the disparate impact of actions; it includes as an unlawful disparate impact any action or omission that perpetuates segregation in the community; and it imposes on the U.S. Department of Housing and Urban Development and other federal agencies the obligation affirmatively to further the nondiscrimination and desegregation policies of Title VIII.30 The force of Title VIII is that any action or omission that in fact injures poor people of color can be challenged because it perpetuates segregation.31 Thus any action that in fact hurts people of color may be unlawful under Title VIII even if the action seems to be motivated by economic or other concerns.

Courts have held other civil rights laws—the U.S. Constitution, the Civil Rights Act of 1866, Title VI of the Civil Rights Act of 1964—to require a showing of intentional racial discrimination.32 Even when advocates can make that showing, they also should challenge the intent requirement and thereby push the courts

27 See Roisman, supra note 6, at 106–7.
28 E.g., legal services lawyers in Massachusetts have used Title VIII (and other standards) to challenge residency preferences that suburban public housing authorities use in distributing Section 8 vouchers. See Langlois v. Abington Hous. Auth., 207 F.3d 43 (1st Cir. 2000) (Clearinghouse No. 52,920); see also In re Warren, 622 A.2d 1257 (N.J. 1993) (discussing the impact of civil rights laws on residency preferences).
29 If the community rejects the low-income housing tax credit application, civil rights laws—including the Fourteenth Amendment, Title VIII of the 1968 Civil Rights Act (42 U.S.C. §§ 3601 et seq.), and 42 U.S.C. § 1982—can provide relief. See, e.g., United States v. City of Pooler, No. CV 401-263 (S.D. Ga. filed Nov. 13, 2001) (complaint) (Clearinghouse No. 54,347). Pooler is a U.S. Department of Justice suit against a predominantly white suburb for opposing a developer’s application for tax credits; the United States alleges that the city opposed the proposed development because it feared that African Americans would occupy the housing. Id.
30 Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601, 3605(d)–(e) (1994 & Supp. 1999); see Langlois, 207 F.3d at 52 (noting that Title VIII also may impose the “affirmatively further” obligation on local agencies); id. at 52 (discussing a 1998 statute that requires public housing authorities to certify that their annual plans will affirmatively further fair housing and HUD regulations that impose similar obligations); Davis, 278 F.3d 64, 69–77, 82–83 (discussing disparate impact); see also Florence Wagman Roisman, An Outline of Principles, Authorities, and Resources Regarding Housing Discrimination and Segregation (2000), at www.nhlp.org/html/fair/outline.htm.
31 These standards also would apply to other categories of people protected by Title VIII: people of a particular national origin or religion or sex, disabled people, and families with children.
to return to the earlier view that discriminatory effect is sufficient to establish liability under these standards.\textsuperscript{33}

Civil rights claims have been effective in preventing involuntary displacement and other oppressive practices, improving the unit and neighborhood conditions of private housing, and preserving the existing supply of housing subsidies.

Involuntary displacement almost always is vulnerable to claims of intentional racial discrimination or disparate racial impact, even though the displacement presents itself as economic, not racial.\textsuperscript{34} Thus, for example, such claims have prevented displacement by foreclosure and by rehabilitation.\textsuperscript{35}

As home mortgage delinquencies increase, the households most vulnerable to loss of their homes by foreclosure are minority households, both because minorities are the first to suffer from a downturn in the economy in general and because subprime and often predatory lending is prevalent.\textsuperscript{36} Advocates have been successful in using race discrimination claims to attack predatory lending.\textsuperscript{37}

Similarly race discrimination claims can be effective in preventing or ameliorating displacement from subsidized housing.\textsuperscript{38}


\textsuperscript{34}Involuntary displacement often is associated with reduction of the stock of housing subsidies, but it is a separate phenomenon that deserves separate treatment. See, e.g., \textit{Fair Housing Litigation to Prevent the Loss of Federally Assisted Housing: The Duties of Public Housing Authorities and Project Owners}, 31 Housing L. Bull. 157, 161–66 (2001) [hereinafter \textit{Fair Housing Litigation, Part II}] (discussing the effect of loss of public housing on current residents of that housing).


\textsuperscript{36}Regarding the increase in home mortgage delinquencies, see \textit{Office of Policy Dev. & Research}, HUD, U.S. \textit{Housing Market Conditions: National Data} (2001), www.huduser.org/periodicals/ushmc/fall2001/natdata.html (delinquencies and foreclosures) (reporting the Mortgage Bankers Association national delinquency survey showing that total past-due mortgages were up 21 percent from prior year); see also Sarah Kershaw, \textit{Failing Mortgages Soar in New York}, \textit{N.Y. Times}, Mar. 27, 2002, at A1. Regarding the prevalence of subprime lending, see, e.g., \textit{Joint Ctr. for Housing Studies}, HARVARD UNIV., \textit{The State of the Nation's Housing: 2001}, at 16–17 (2001) (stating that between 1993 and 1999 subprime lending surged from 1 percent of purchase and refinance loans to 6 percent of purchase and 19 percent of refinance loans. “[D]efault rates on such [subprime] loans tend to be relatively high . . . . In 1999, subprime refinancings were especially common in predominantly minority neighborhoods and among low-income blacks and women . . . .”).


They also can be effective in preventing or ameliorating displacement from private, unsubsidized housing threatened with demolition or conversion to other uses. They have done so by making this housing less expensive, improving its physical condition, or improving neighborhood services.

Advocates also have used race-based claims to protect the inadequate supply of housing for poor people of color from diminution by prepayments, expiration, and the ability to opt-out of subsidy contracts. The threat of existing units being lost to the low-income inventory, recognized with respect to U.S. Department of Agriculture– and Department of Housing and Urban Development–assisted housing, also exists with respect to low-income housing tax credit projects, particularly those developed between 1987 and 1989, when the law required that the low-income character of the units be maintained for only fifteen years. Race-based claims also can be helpful in battling against loss of subsidized stock by demolition, disposition, and “vouchering out” of

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39 See, e.g., Betsy v. Turtle Creek Assocs., 736 F.2d 983, 987 (4th Cir. 1984) (Clearinghouse No. 37,256) (“Plaintiffs are not required to show a discriminatory impact on anyone but the existing minority residents” of the building at issue); Brown, 654 F. Supp. 1106 (granting preliminary injunction against evictions). In Brown the owners of a privately owned development that served low-income people announced that everyone would be evicted so that the property might be rehabilitated as more expensive housing. Because most of the residents were people of color, advocates claimed that the displacement and conversion to luxury housing would violate Title VIII. Even though the district court required a showing of intentional discrimination, it issued a preliminary injunction; the court stated that plaintiffs had shown circumstances that would support a finding of intent. Those circumstances included the fact that, because of a combination of low vacancy rate, high rents, and continued racial discrimination, displacement of these tenants would significantly reduce the minority population of the city. See id. at 1117–18; see also Harold A. McDougall, Affordable Housing for the 1990’s, 20 U. Mich. J.L. Reform 727, 758 n.148 (1987) (discussing the Brown settlement, pursuant to which HUD agreed to supply 348 Section 8 certificates and vouchers, the city agreed to furnish between $300,000 and $500,000 in rent subsidies, and the developers agreed to set aside, in the 275-unit complex, 68 apartments in which the rent subsidies could be used).

40 See Joint Ctr. for Hou.s. Studies, Harvard Univ., supra note 36, at 24 (stating that 4.6 million low-income renters receive federal housing assistance, but 9.7 million low-income renters receive no federal assistance).


42 See, e.g., Gillanders v. Smith, No. Civ.-86-0867-EJG (E.D. Cal. Sept. 25, 1987) (final judgment and order of dismissal and agreement for settlement of class action) (Clearinghouse No. 41,556) (using Title VIII to preserve Farmers Home Administration development); see also Fair Housing Litigation, supra note 3, at 76 (describing the threats to HUD developments); Joint Ctr. for Hou.s. Studies, Harvard Univ., supra note 36, at 24 (reporting the conversion of 120,000 units and warning of the threat of the loss of many more as “contracts on more than one million units . . . come up for renewal by the year 2004”).

43 26 U.S.C. § 42(h)(6)(A), (D) (1994); see, e.g., Early California Tax Credit Properties at Risk of Conversion, 29 HOUSING & DEV. REP. 554–55 (Jan. 7, 2002) (estimating that, in California, 340 projects, comprising 15,235 units, were developed between 1987 and 1989 and therefore are at risk of conversion to higher-income use); see also Roisman, supra note 21 (outlining this and other issues for legal services advocates to pursue).
publicly funded housing, in connection with HOPE VI and otherwise.44

PEOPLE OF COLOR IN THE UNITED STATES TODAY suffer disproportionately, egregiously, and inexcusably from lack of housing, substandard housing, excessive rents, and dangerous neighborhood conditions. They suffer so because of racism. Civil rights laws should and must be made to afford remedies for these harms. Thus, wherever poor people of color are being hurt, advocates should consider what civil rights claims they can advance to avert or remedy the harm.

Author’s Note and Acknowledgments

I dedicate this article to the memory of David Brady Bryson, the lawyer’s lawyer who taught and inspired in his positions at California Rural Legal Assistance and the National Housing Law Project. David would not have agreed with everything I say in this article, but I am confident that he would have been pleased to have attention focused on these issues. I am grateful to Gideon Anders, Colin Crawford, Michael M. Daniel, Judith Liben, and Barbara Samuels for providing essential information; to Miriam Murphy, for her great skill as a librarian; to Catherine Dorn Schreiber, for her great skill as an editor; to Monica Doerr, Marissa Florio, and Mary R. Deer for research assistance; and to Mary R. Deer for excellent secretarial as well as research work. Because the length of this article was limited, I cited my own prior work to refer to authorities cited there.

44 See Fair Housing Litigation, Part II, supra note 34, at 161. E.g., in Fort Worth advocates used race-based arguments to induce the Fort Worth Housing Authority to agree not to demolish a project until it had supplied permanent or temporary replacement units in white neighborhoods. See Agreement among Fort Worth Housing Authority, City of Fort Worth, and Ripley Arnold Residents’ Association (Oct. 16, 2001) (see agreement, Clearinghouse No. 54,517A).