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Causes of Racial Residential Segregation and Housing Inequality

- Unfortunately, there is no single cause, but many. It is important to understand them and the differences among them because they are often conflated. Among them:
- Racially restrictive covenants
- Redlining
- Violence
- Discrimination
- Exclusionary Zoning



Historical Phases in Evolution of Racial Residential Segregation

- Very broadly speaking, there are four phases to the evolution of racial residential segregation in the United States:
- 1. 1880-1917 (the creation of segregation)
 - · Primary mechanism: racial zoning
- 2. 1900-1930s (the local real estate industry era)
 - Primary mechanism: Restrictive covenants 1930-1970 (federal government extends and deepens)
- 3. 1930-1970 (federal government extends and deepens)
 - Primary mechanism: HOLC/FHA Redlining & Segregative Public Housing
- 4. 1970-present (race 'neutral' policies of municipal power)
 - Primary mechanism: Zoning/land use and municipal power



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Racial Zoning Era (1880-1917)

- Precursor: In 1880, San Francisco adopted an ordinance that banned laundries in white neighborhoods.
 - This was struck down by the US Supreme Court in Yick Wo.
- The first racial zoning law? The Bingham Ordinance: In 1890, San Francisco tried to exclude Chinese residents from certain areas of the city.
 - This was also struck down by a federal court.
- The first comprehensive racial zoning ordinance was adopted by Baltimore in 1910, and it divided the city into racial districts.
- Many other southern cities, such as Atlanta, Birmingham, Miami, Charleston, Dallas, Louisville, and New Orleans, adopted this type of racial zoning ordinance until the Supreme Court struck them down in 1917, in *Buchanan v. Warley*.
- Critically, these ordinances were not invalidated on account of their racial motivations, but as an unconstitutional restriction on property rights.



Racially Restrictive Covenants

 There are land use restrictions inserted by developers that prohibited sellers from selling to people of certain races, ethnicities, or religion.

 The reason they were used is because they were a 'collective action' solution: they could be enforced by neighborhoods, unlike simple deed restrictions inserted by a single homebuilder.



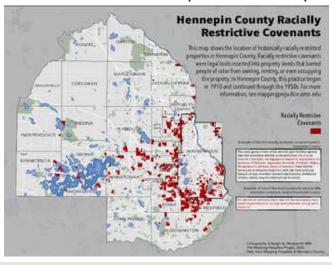
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Racially Restrictive Covenants

- We don't know how widespread they were, precisely. Large scale documentation projects are just now underway to answer this question.
- In Minneapolis, they found more than 25,000. In Seattle, more than 15,000. And more than 7,000 in Chicago. This is painstaking and difficult research.
- Racially restrictive covenants were held unenforceable in 1948 in the case of *Shelley v. Kraemer*.
- They are also rendered illegal by pretty much every meaningful fair housing law, federal, state or local since.



Restrictive Covenant Map for Minneapolis



Source: https://conservancy.umn.edu/handle/11299/217471

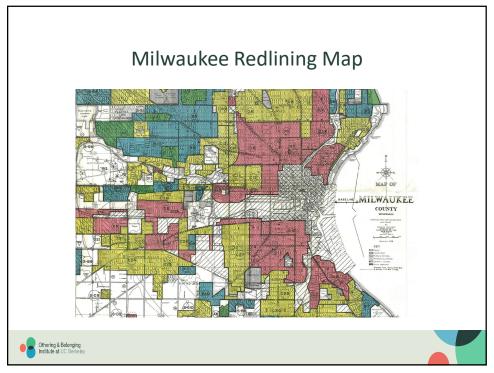
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Redlining

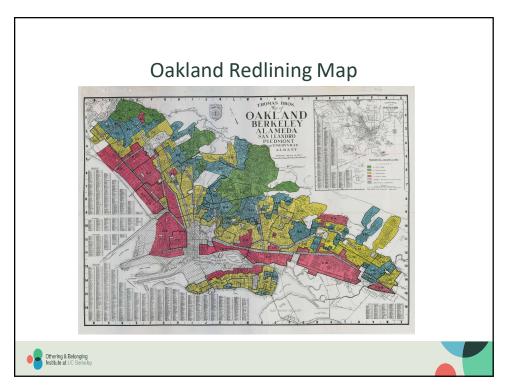
- The HOLC city survey program sent appraisers across the nation to evaluate neighborhoods. Using four basic categories to designate risk (A, B, C, and D), neighborhoods were ranked with the lowest ranked category color-coded red in more than 200 cities.
- The problem with the HOLC appraisal system was not a result of HOLC's assessment decisions (which approved mortgage assistance in all four categories), but because other financial institutions and the private market adopted the HOLC ranking system and in how the race-based appraisal system and mortgage insurance infiltrated federal policy and spread to other federal agencies.
- In short, these maps stigmatized Black neighborhoods as risky or unworthy of private investment.



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Violence

- Violence, directed at the Black community and to would-be Black migrants, especially racial pioneers into white neighborhoods, was a critical force that helped shape residential segregation.
- New movers into previously all-white neighborhoods could expect more than taunts and harassment, they were often victims of vandalism with eggs, rocks, bricks and paint, and worse.
- When Black families tried move into white neighborhoods, it
 was not unusual for them to face mob violence or
 intimidation in the form of burning crosses. In Detroit alone,
 there are over two hundred documented such incidents in
 the post-war period before open housing laws.



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Theories

- Three common explanations:
 - 1. Discrimination in Housing Markets
 - 2. Divergent Compositional Preferences
 - 3. Economic Differences Between Racial Groups

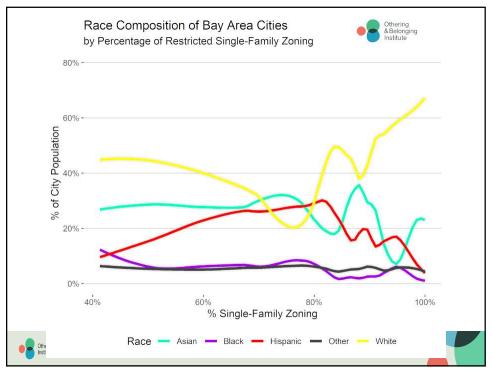
Additional Explanations:

- 4. Differences in Background Knowledge of Neighborhoods (Maria Kryson and Kyle Crowder)
- 5. White Avoidance of Black & Latino Neighborhoods (Quillian et al)
- There is evidence in support of each of these theories, although the debate is highly nuanced (e.g. debate over HDS surveys).
- The bottom line is that there is no academic consensus about the precise causes and maintenance of racial residential segregation or their relative importance.



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Roots of Structural Racism: Segregation Map Trick 2010 Segregation Integration High Mick Segregation Low Medium S



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Single-Family Zoning & Racial **Residential Segregation** Table 2: City Composition by Single-Family Zoning Percentage All cities with Bay Area measured zoning Total 40-75% 75-90% 90-100% Within-City Segregation 0.15 0.13 0.04 0.13 NA Divergence from Bay Area 0.11 0.13 0.21 0.13 NA % White 40% 34% 33% 53% 36% % Black 8% 3% 5% 6% 6% % Hispanic 22% 26% 16% 23% 24% % Asian 30% 33% 21% 30% 26% % Other 6% 5% 5% 5% 5% 2,679,078 2,421,052 803,597 5,903,727 7,675,798 Population Number 21 24 22 67 Othering & Belonging Institute at UC Berkele

De Jure or De Facto?

- Richard Rothstein argues that American racial residential segregation is *de jure*, not *de facto*, as is commonly asserted, and therefore government has a constitutional responsibility to remedy it and the harms it caused.
- [For example, consider Levittowns:] "Of course, William Levitt was a bigot. Left to his own devices, he would have refused to sell a home to an African American. But he wasn't left to his own devices. He built the project with FHA and VA guarantees for his bank loans. If the FHA and VA had obeyed their constitutional obligations, they would have said to Levitt, 'Yes, we'll guarantee your loans, provided you sell homes in a non-discriminatory fashion.' That they didn't do that makes the financing of Levittown unconstitutional," i.e.,, 'de jure'. That Levitt was a bigot was true, but irrelevant." The Bill of Rights and the Civil War Amendments make the government's role determinative."





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De Jure or De Facto?

- I have a slightly different position: Whereas Rothstein finds most segregation to be "de jure," I find the distinction to be largely untenable.
- Government policy was influenced by private/market actors and vice versa to such an extent that they can never be fully disentangled.
- "[t]he distinction between government and private action [···] can be amorphous both as a historical matter and as a matter of present-day finding of fact. Laws arise from a culture and vice versa. Neither can assign to the other all responsibility for persisting injustices."
- I concur.





