

Reflective Case Study Analysis

Introduction

The lessons learned in Public Policy Course 680 have significantly impacted how I view public policy. I currently work as a public relations specialist for the Fair Housing Enforcement Project, a United States Department of Housing and Urban Development funded program. We operate as a program of Monroe County Legal Assistance Corporation, a not-for-profit public interest law firm. In my role, I have had the opportunity to learn of public policy and government from a human service advocate prospective, and therefore it becomes easy to ignore its ambiguity. However, this course has considerably raised my consciousness as to why policy makers behave the way that they do.

Overview of Issue

In our program, we provide free legal assistance for people who feel they have been discriminated against in a housing transaction on the basis of their race, color, national origin, religion, gender, family status, and disability pursuant to the Fair Housing Act. These groups are also known as the protected classes. In my mind and the minds of others in the movement, there is rightfully no other side to fair housing. Housing discrimination is simply wrong. Why should anyone be denied a housing opportunity because of things they have little or no control over such as race? For this reason, it makes it very difficult for advocates like me to understand the decreasing level of financial support for fair housing that the government has provided over the past few years. Generally speaking, advocates look at fair housing under what seems to be the *rational model*. We believe that promoting fair housing reduces the risk of the community losing members and the private sector losing business. When there is equal access to housing for all, the

entire community benefits. In this regard the long-term benefits significantly outweigh the costs producing the greatest good for everyone. With fair housing everyone has the potential to win.

Stakeholder Analysis

I presume that policy makers view this perspective as one-sided. They have to represent all the stakeholders in the movement. I imagine from their perspective, fair housing is critical but perhaps only to the extent that it does not make any one group of stakeholders angry.

Consider for a minute the stakeholders in the movement. See table 1.1.

Table 1.1

Those that provide housing i.e. landlords, rental and real estate agents, feel that they have the most to lose.

WHO'S MAD?	WHO'S GLAD?
HOUSING PROVIDERS	DISCRIMINATION VICTIMS IN PROTECTED CLASSES
DISCRIMINATION VICTIMS NOT IN PROTECTED CLASSES	HOUSING ADVOCATES
TAXPAYERS	CIVIC MINDED INDIVIDUALS
HATE GROUPS	
FREE SPEECHERS	

These housing providers often feel that

the laws significantly restrict their ability to select who they want living in their property.

Taxpayers may disagree with the laws because often the cost to further fair housing can affect property values and shift the tax base. Whether it is building affordable housing or requiring

housing providers to accept certain protected classes, some of the taxpayers are concerned that these initiatives will negatively impact their community. Then there are individuals who may

disagree with the laws simply because they are not included in them. Unfortunately,

discrimination is legal on the basis of anything that does not fall into a protected category. For instance, sexual preference, marital status, and smoking are not considered federally protected

classes. Hate groups and separatists are against the laws because they do not want to live in a community with people who are different from themselves. Lastly there are the groups that

believe that the law restricts the community's right to free speech and strips away a community's ability to make their own decisions about who their neighbors are.

On the contrary there are supporters of the laws. Those that have the greatest risk of being discriminated against support the laws because the laws are designed to protect their rights. They benefit the most from the laws when they are enforced. Advocates that are employed by sources that are required to abide by the law are glad that the laws exist as well. Not only because they are employed but also because these individuals generally believe in equity and fairness in the community. Lastly, the entire civic-minded community that believes that fair housing is an asset in attracting and retaining members of a diverse community.

Demographics

There are certainly more fair housing opposers than there are supporters because many, particularly those that have never been discriminated against, feel that discrimination is not a problem. They do not see nor do they feel the injury. The community has taken a *Pollyanna approach* in suggesting that everything will turn out fine. Many believe that people have equal opportunity because the world is generally fair. This simply is not the case. The Rochester community demonstrates this point best in the 2000 Census. It revealed an incredible amount of community segregation. Even the area's positive attributes took a negative turn. The Census tracts revealed that there is heavy and increased poverty concentration in the inner city and wealth in the suburbs. The Census showed that the Latino population has increased by 10,000 persons however the concentration of Latinos is pooled in the inner city. Coincidentally, the Census tracts also reflect a fleeing of the white population to suburbs from the city. There was a 25% loss of the white population from 1990 to the 2000 Census. The city of Rochester remains predominately minority. There was also some positive growth within the African American community moving into the suburbs. Conversely, those suburban communities where there was

an increase in the minority population revealed a decrease in the white population, pushing whites even farther away from the city into the suburbs.

The Census tracts therefore show true rings of segregation and possible discrimination. Donald Rumsfeld says it best, “Demographics is destiny.” These demographics tell the Rochester community, that segregation is ever present. It should alert political officials to prepare for increased education about diversity and the potential for future social conflict. Given that the Census also reflected economic disparities, the politicians will also need to look at ways to break the poverty cycle. They will have to revitalize the city to increase the property values, stabilize tax base and ensure that they do not lose more community people. Contrary to what the opposers believe, persons in segregated areas lose housing value, affording minorities in the poverty concentrated areas no opportunity to accumulate wealth and pass it on. This “segregation tax” significantly contributes to a city’s corroding tax base.

Agenda Setting

Looking at these concepts and applying them to the fair housing movement is quite an interesting task. The Fair Housing Act was passed by Congress in 1968. People that currently fall into the protected categories were readily denied housing before this time. Interestingly, the Act was passed as the fallout of the Civil Rights movement. It was a response to the assassination of Dr. Martin Luther King and Congress’ way of demonstrating commitment toward equal rights. They used a catalyzing event like the assassination of a renowned leader to put fair housing *on the agenda* and appease the minority population. However, the Act was rarely enforced in the beginning. It was not until the mid to late eighties when advocates joined the movement to actually enforce the law by suing landlords, making them provide monetary awards to victims and publicly embarrassing them when they refused to comply with the law.

The government began providing funding to support the enforcement of fair housing at this time, again realizing that this was the opportunity to play savior against the “bad guys” and demonstrate their commitment toward the issue. Today, housing providers know that housing discrimination is illegal. So to save themselves the public embarrassment and lawsuits, they politely, but illegally, turn people in the protected categories away or dissuade them from a housing opportunity. This makes it very easy to camouflage discrimination. Through testing and other investigative measures, advocates have been able to prove that discrimination still exists. However, these measures although legal, are considered controversial.

Lessons Learned

My point is that this shift makes the policy makers’ role more complicated. There are fewer blatant discriminatory remarks made than in the past. The problem is no longer visible to everyone, just to those it hurts and the ones it most often hurts are atypically taxpayers and voters. Because of this, policy makers (in this case, government) do not want to support efforts that litigate against housing providers that are seemingly doing nothing wrong. Particularly because they are the main voters and taxpayers that put them in office. It has become painfully obvious to advocates in the movement that government is pulling back support and slowly taking this policy off of the agenda. Regardless of the studies that clearly demonstrate that housing discrimination persists, the government is slowly taking away funding for enforcement or recommending that victims file complaints directly with HUD in an effort for disagreeing parties to verbally “reconcile” their differences instead of go to court. Why? Based on the information learned in this course, I would say that the government is taking a close look at who its stakeholders are. The government does not want to lose the support of either side, particularly the business sector. So instead of throwing complete support for enforcement or providing no

financial support at all, it provides some financial support. Unfortunately, it is just enough to hush the masses.

Conclusion: Incremental Model

The future forecast shows the government slowly changing fair housing policy before our eyes by creating a new popular option to promoting fair housing. They are moving from enforcement to education. Fair housing programs that educate communities through challenges with discrimination are more likely to receive government funding. In others words, if you do not sue the business community, we will continue funding your program. The government has taken a middle of the road approach suggesting that those that have done wrong will stop their illegal actions if simply educated. Although there is truth to this and education is needed, there has to be some way to enforce the law. Enforcing laws is how to increase compliance with them. Advocates believe that education alone is a way to offer repeat offenders an easy out and sets a negative precedent to those who are abiding the law. We feel that when someone pays out of their pocket and is called on their illegal actions, they are more likely to stop their discriminatory behavior.

I believe this policy shift is more than a compromise, but an example of the *incremental model* at its finest. The government slowly makes change to refine the law so that no one stakeholder is more mad or glad than the other. It is a way of balancing the scale. Unfortunately, much of the success within fair housing will have to come from the community coming forward and vindicating their rights and tipping that scale. In order to make effective policy change, the community has to first know their rights and then enforce them. Advocates also need to encourage victims to report instances of discrimination and not walk away because if they do not, it will appear as if there is no problem. Together they have to demonstrate to

policy makers that they will not stand for the injustice of housing discrimination. This is the only way that policy makers will see housing discrimination as a problem worth truly solving.