

A CASE OF TWO CITIES: RESIDENTIAL HOUSING PATTERNS
IN BALTIMORE CITY: “A CASE STUDY”

by

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ABSTRACT

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It is well documented that there exists a historical pattern of public policy at all levels of government that contributed to the segregated housing patterns in Baltimore City and other major cities in America. These segregated residential housing patterns have had an adverse effect on the African American community and the city of Baltimore at large. There was great hope with the passage of the 1968 Fair Housing Act (FHA) that would make housing discrimination illegal and affordable housing more assessable. This study examines whether these conditions in the past continue in contemporary times and contribute to the same outcomes of the past. In spite of the passage of the FHA making overt discrimination illegal and a plethora of legislation designed to make credit more accessible to minority and underserved communities, living conditions in neighborhoods that have weathered the worst of “redlining”, restrictive covenants, blockbusting, and distressed public housing have shown little improvement. This qualitative study explores, describes, and seeks to explain public policies both past and present, that have contributed to and maintain current residential housing patterns in the city of Baltimore.

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Chapter I: Introduction and Purpose

Introductory Statement

This research examines racialized residential housing patterns prevalent in American major metropolitan areas using the city of Baltimore as a case study. Historically, government-sponsored public policy initiatives enacted directly or indirectly contributed to past residential housing patterns (Rothstein 2017). Public administrators, elected officials, and policy scholars are at the forefront facing challenges that this reality continues to bring at the writing of this study. The central research question is stated as: Does there exist evidence of continued systemic racism in determining racial patterns in neighborhoods in Baltimore, Maryland at the writing of this study, 2020?

Many of the developments that have occurred in other metropolitan areas are similar to what has transpired in Baltimore; however, this is a case study of Baltimore City and the unique circumstances that created and sustains the residential housing patterns that have come to define the city. The methodology is qualitative. The purpose is exploratory, descriptive, and explanatory. This study seeks to examine comparative snapshots of conditions, and relationships throughout the long history of African Americans' quest for fair housing choice from the turn of the twentieth century to the present with a particular focus on conditions pre and post-Fair Housing Act of 1968. To be clear, this is not a year-by-year analysis of the past, but an analysis of living conditions and policies that impacted them in past and contemporary times.

A qualitative case study was selected as the methodology due to the rich contextual nature of this phenomenon that is both common to the American landscape and unique to each metropolitan area. There are three primary objectives that this research seeks to achieve. These objectives can be appreciated by academia and public administrative practitioners alike.

The Intent of the Study

First and foremost, this research seeks to ascertain the current nature of racially segregated housing patterns, probable causes, and the impact it has had and continues to have on the residents of the neighborhoods affected. Efforts to this end will be made by

examining current documents such as strategic, economic, and developmental plans and studies. This will serve in sharp relief to past literature that details barriers and impediments to free housing choice for African Americans in the city of Baltimore.

From the end of the 1960s to the present, there have been many social, political, legal, cultural, and even demographic shifts in America. It would be presumptuous to assume that in 2020, housing patterns in America's major metropolitan areas are separated by race due to continued systemic racism. Overt acts of discrimination in housing have been declared illegal and unconstitutional. There has been a plethora of laws signed to prevent discrimination, grant equitable access to credit, and prevent unfair lending practices. However, contrary to these initiatives, measures of segregation appear to be stagnated. Baltimore city shows a black-white dissimilarity index measuring segregation in 1970 at 81.9%, in 1980 74.7%, and in 1990 it was 71.4% (Massey and Denton 1994). In 2020 the African American population comprises 62.35% of the total population with whites making up 30.45% (U.S. Census 2020). The city has shown a higher concentration of poverty below the federal poverty guidelines than the surrounding jurisdictions in the region. Of the twenty-nine Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) in the region, all are in the city of Baltimore, and all have a poverty rate of 38.5% or better, which is three times the rate within the region at 12.8% (ACS 2017).

Alternative explanations such as the residents' choice of homogeneity, lower socioeconomic status such as educational attainment, and employment status thus having a chilling effect on income, and creditworthiness has been floated as root causes of racial isolation. Much of the national literature has debunked these theoretical possibilities (Massey and Denton 1993). In addition, Baltimore suffers from a huge deficit in the amount of affordable housing stock available for all that seek affordable housing in the region (Root Policy Research 2020).

Demographics show an African American majority in most of Baltimore's neighborhoods, but one must drill down further to discern whether current housing patterns reflect continued systemic racism manifested in negative consequences for the citizens that make up these neighborhoods. This is the quest of this research.

Secondly, this research seeks to increase awareness of the historical and persistent problem of racially segregated housing patterns in Baltimore and other major American cities. The negative outcomes of racially segregated housing, deeply rooted in past American racial relations, are a ubiquitous part of contemporary American life. Contrary to popular belief, this problem was never resolved at the close of the civil rights era, and the words of the Kerner Commission ring true in 2020 as they did when they first appeared in 1968:

“Our Nation is moving toward two societies, one black, one white—separate and unequal.” ... “What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.” (Gooden and Myers 2018)

The Kerner Commission report was clear that systemic racism and lack of opportunities for African Americans in densely populated urban areas were the root causes of the uprising, protests, and riots. The report was released as if on cue months before the assassination of Dr. Martin Luther King in 1968. The embodiment of systemic racism in housing is restrictions where an individual or family can live. It would be less of an urgent social ill if both, root, and persistent causes were elements of a distant past, this research seeks to provide evidence of continuing incidence of segregated housing patterns and the negative outcomes associated with it in contemporary times. The literature review will chronicle the journey of how America arrived at this point in the late 1960s and provide background for the theoretical underpinning of this study.

Building on the pronouncements in the Kerner Commission report and updating the living conditions in Baltimore City, The City Observatory, based in Portland, Oregon made these poignant and astute observations on Baltimore around the time of the Freddie Gray uprisings:

We’ve chronicled the persistence and spread of concentrated poverty in our recent reports and blog posts at City Observatory.

Our *Lost in Place* report tracked the change in neighborhoods of concentrated poverty in the nation’s largest metro areas over the past four decades. Our dashboard for Baltimore shows that the number of high poverty neighborhoods in Baltimore increased

from 38 in 1970 to 55 in 2010. High poverty neighborhoods have shown a hemorrhaging of the population. Only one census tract in Baltimore saw its poverty rate fall from above 30 percent in 1970 to less than 15 percent in 2010.

These data show that Baltimore is somewhat more segregated than the typical large US metro, with a black-white dissimilarity index of 64, ranking about 20th highest (most segregated) of the largest metropolitan areas in the country. And on average black incomes in Baltimore were about 28 percent lower than white incomes, a slightly greater disparity than in the typical large metropolitan area. So, while somewhat more severe than average, the levels of racial segregation and income differentials in Baltimore are hardly unusual in large metro areas (Cortright 2015).

This indicates that since the release of the Kerner Report in 1968, conditions of concentrated poverty directly linked to residential housing segregation have gotten worse in Baltimore City.

Finally, this research seeks to recommend public policy choices based on findings from the research that may better inform policymakers. Policymakers in the public arena seek to provide the most effective strategies in servicing the public. These strategies must continue to avoid the political pitfalls of the past and look to new approaches based on new research of an age-old problem.

Motivation for the Study

What motivates this researcher to undertake this study and this topic of research is multifaceted consisting of a personal, professional, and academic nature. As an African American male living in Baltimore, it is apparent to me that there are two Americas coexisting at best manifesting in turbulent strife and confrontation at its worst. What is also apparent is how little is said or done about this reality as if forbidden and how interwoven it is in nearly all facets of American life. America in 2020 at the writing of this study is still deeply divided by race in which large numbers of African Americans live in isolated pockets of major metropolitan areas characterized by high concentrations of poverty and the lack of real opportunity. This clamors for a deeper understanding of how society arrived at this point and time and what sustains these conditions over time.

On a personal level, I vividly recall living in substandard housing as a child, and the effects it has on a child's sense of confidence and self-esteem. Professionally, as a young public administrator practitioner, I have worked at the Housing Authority of

Baltimore City (HABC) in Baltimore and the District of Columbia Housing Authority in Washington, D.C. In pursuit of this doctorate, I have consistently chosen housing issues as it relates to public administration. For some time, it had become apparent to me that communities and the housing that they are comprised of are transformative and transcend so many other areas of one's life.

Other Areas, Terms, and Conditions for the Study

Isolated communities by race in our inner cities are problematic because it perpetuates a two-tiered system, separate and unequal. African Americans have suffered greatly under this two-tiered system in which individuals living below the federal poverty level in densely segregated sections of the nation's major metropolitan areas are disproportionately disadvantaged in educational and employment opportunities. In fact, quality of life chances, are significantly diminished for minority city residents living in these areas. Crime rates are high and the percentage of residents becoming mainstream productive citizens is low (Glassgow 1980).

Housing conditions such as affordable housing in safe and secure environments are fundamentally significant to nearly all aspects of life. Employment and educational opportunities are well-documented outcomes of healthy housing environments. In addition, both, physical and mental health can be directly linked to unhealthy housing environments, as evidenced in infant mortality rates and life expectancy (Evans, et. al. 2012). Opportunities in building wealth, social capital, and a promising future for the next generation are often limited or denied based on housing choices or the lack thereof (Massey, Douglass S. 2016).

Contextual Background of Racially Separated Housing Patterns

African Americans are in the majority of many of America's largest cities, concentrated in isolated communities characterized by disproportionate high poverty rates, (125% of the federal poverty level). These cities are often plagued with declining populations and a diminishing revenue base where areas of opportunity are often located outside the city boundaries. Without substantial attention to these conditions by public,

private, and non-profit organizations, generational poverty, and a downward spiral of economic development are the most likely outcomes (Frey and Farley 1994).

The gap between black Americans, and white Americans in terms of key indicators of quality of life and life's chances are widening. According to the U.S. Census Bureau, 2020 decennial statistics list the population of the United States at 331,400,000. Of this figure 192,212,000 or 58.0% self-identified as white Americans. The now second largest minority population, African Americans, numbered 39,940,338 or 12.05% of the total population. The largest and fastest-growing minority population is Hispanics, with a growing population that stands at 62,080,040 or 19% of the total population (U.S. Census 2020).

According to data derived from the U.S. Census Bureau, there continues to be a persistent and increasing gap in key indicators for quality of life. In a 2000 census report homeownership among whites is listed at 73.3%, roughly nine points ahead of the national average at 64.6%. Homeownership for blacks is listed at 42.1%% a rough twenty-two points below the national average (U.S. Census, Home Vacancy Survey 2000).

In terms of education blacks still lag behind their white counterparts in the first three levels of educational attainment. This gap is unmistakable and points to a crucial point of disparity, one that is used to lift one's self out of poverty. High school completion data from the U.S. Census in the year 2017 show a seven percent gap of completion with whites completing nationally at a rate of 94% and blacks 87%. In education attainment for higher education for two-year institutions, the tables show a completion rate of 38.18% for whites and 27.73% for blacks, a gap of nearly 11% (U.S. Census 2020). The 2019 U.S. Census tables show for four-year institutions rates of completion after 150% of enrollment for whites 66.65% and blacks 44.25, a gap of over 22%. Sixty-six years after the landmark case of *Brown vs. The Board of Education* there are still highly segregated public school districts and underperforming majority-black public school districts. This is important because achieving a competitive education is transformative. There is a positive relationship between education attainment and job attainment and income (Sexton 1961).

The accumulation of wealth by race shows a stark lopsided picture. The net worth of a typical white family is \$171,000 which is nearly ten times greater than that of a Black family \$17,150 in 2016 (Brookings 2020). There are many reasons that may account for this enormous gap throughout the long history spanning more than four hundred years of American white and black race relations. Gaps in wealth reflect the effects of accumulated inequality and discrimination and differences in power and opportunity. The national pattern of accepting Jim Crow laws and the practice of “redlining” greatly contributed to this gap that persists in contemporary times.

Segregation is a term that is not often used in contemporary parlance and mostly relegated to a past era in which there was rampant legal segregation between white and black Americans. The concept of “separate but equal” was formalized by the *Plessey v. Ferguson*, Supreme Court ruling handed down in 1896 that stated that separate but equal facilities were legal and constitutional. The Plessey ruling defined white and black separation in legal terms (Thompson-Miller, Feagin, and Picca 2015).

According to the literature compiled by several social scientists, literature that was eventually presented as evidence in *Brown v. Board of Education*, there are many measurable detrimental social and psychological effects, particularly on the self-esteem of African American children. However, the true spirit of this ruling was the emphasis of “separate” and the “but equal” was a constitutional workaround as to not violate the 14th Amendment to the Constitution. Those citizens in positions of authority who believed in the doctrine of *Plessey*, in drafting local statutes and ordinances, had no intentions of fulfilling the equal part of “separate but equal” and was only concerned with “separate” race separation.

This court ruling legalized and codified separate facilities for blacks and whites. Whites and blacks, by law and custom, were forced to drink from separate water fountains, swim in separate swimming pools. The indignities on black citizens included entering in the rear of certain buildings, sitting in the back of public transportation vehicles, and giving up one’s seat if a white person was standing.

These laws, customs, and practices in the south were known as “Jim Crow laws”. They were resisted heavily by blacks and conscientious whites who joined the freedom riders taking place throughout the south in places like Mississippi and Alabama

(Anderson 2016). These laws were fought economically with boycotts by everyday citizens, in the courts with landmark cases such as *Brown v. the Board of Education I and II*, and federal laws such as the Civil Rights Act of 1964, Voting Rights Act of 1965, and The Fair Housing Act of 1968 to name a few (Massey 2007).

However, segregation across the board was not just a regional problem but a national problem, and perhaps this was most evident in the way residential housing patterns were drawn, implemented, and enforced in Northern and Midwestern areas as well as the Old South. This practice was ubiquitous throughout the United States, even in “progressive” cities such as Denver, San Francisco, Seattle, and Portland.

Practices of segregation and discrimination were both informal and formal policies of the federal, state, and local governments. The commercial housing, banking, financial, and insurance industries had a vested interest in keeping housing segregated and each played a part in maintaining this social and legal order (Massey and Denton 1993).

America is a nation of immigrants that has attracted people from all over the world. Many of these ethnic groups formed homogenous communities once arriving in America. All ethnic groups may have met with some degree of stigma and ostracism from established nationalists, most notably the Irish, Italians, Jews, and Chinese. However, even with language barriers, the second-and first-generation European and Asian immigrants have been able to relocate, assimilate, and elevate their socioeconomic status in pursuit of a higher quality of life. African Americans migrating from the south, also in pursuit of a better life, were often met with serious and prolonged resistance, discrimination, and segregation (Massey and Denton 1993).

Need for the Study

Many of the nation’s largest cities exhibit similar segregated housing patterns to that of Baltimore City. This is a problem because it continues to have a negative impact on society in general and particularly African American communities. These communities suffer from a lack of private development and public neglect. Poverty is often concentrated in these areas, decreasing life chances and opportunities for upward mobility for its residents. These segregated areas are less likely to benefit from receiving

government services, resources, and amenities that other communities may take for granted. At the same time, due to isolation, they are more dependent on public services and external resources (Massey and Denton 1993).

In many cases, communities in central cities, schools, and places of employment appear as concentrated racially today as they were at the close of the civil rights era in the early 1970s (Thompson-Miller, Feagin, Picca 2015). Moreover, segregation in residential housing directly affects diversity in public schools and the availability of employment access and opportunity. It is often the case that people attend school and seek employment near to where they live. In addition, sources of solid employment in terms of income, the number of positions, and the variety of occupations are less likely to locate or remain in impoverished areas in the central cities.

Identifying and critically examining persistent social problems such as racial segregation in housing, creates awareness. Identifying probable root causes of such problems, with careful research and analysis, can inform better public policy decisions and choices. It is for these reasons that this study is needed.

Contributions of the Study

Much of the past literature involving contemporary segregation have focused on national and regional residential racial trends. This study seeks to critically examine the unique conditions of one of the most isolated cities by race in the nation, Baltimore, MD (Tegeler 2005). This is especially remarkable considering that Baltimore is outside the boundaries of the old former Confederate states of the Old South.

In the shaping of its current residential housing patterns, Baltimore shares many similarities with other major urban areas. However, the conditions of racial segregation and concentrated poverty are so egregious in Baltimore that the city's plight and that of its residents have erupted on the national scene in notable civil unrest in 1968 following the assassination of Dr. Martin Luther King and most recently in 2015 on the heels of the death of Freddie Gray, a young black male suspect in police custody (Pappoe 2016; Fredrickson 2019; Meringold 2019).

There exists an overwhelming need to examine the numerous race and class studies to discover and explore unifying characteristics and relationships. A thorough review may lead to more specific general theories that capture circumstances and conditions that have experienced little change over a century but are common throughout the forty-eight contiguous states. The research should be able to identify housing and community development that provide secure, nurturing environments where families thrive versus insecure toxic environments where families struggle to survive. It should also be able to shed light on root causes that prohibit secure environments from becoming the norms for all communities.

The current literature is heavily concentrated in research of isolated symptoms of impoverished conditions as if these conditions persisted in a vacuum devoid of other social dysfunctions. They can appear oblivious to the historical context from which the symptoms sprung. Conditions such as poor education, poor environmental conditions, crime, drug addiction, black market activities, joblessness, and underemployment outcomes can be directly traced to communities with limited housing options and the opportunity to use housing as a means of building wealth (Chih and Harris 2008 and King, Drabinsky, and Davis 2019). These misconceptions often lead to studies of the population in which the victims of years of systemic racism manifested in culturally isolated and physically segregated housing is blamed for their current conditions (Murray 1984; Lewis 1966).

This study is designed to examine current conditions of segregated housing patterns (seen through the prism of certain socioeconomic characteristics of the residents who live in these areas) and public policy and practices that may contribute to these ongoing conditions. This study also looks toward prescriptive recommendations for the future.

Scope, Limitations, and Defining the Case

This study acknowledges similar phenomena of racially segregated residential housing patterns nationwide, but the focus is on Baltimore City, thus limiting the scope geographically. The study will examine as its unit of analysis the case of Baltimore City, marginalized neighborhoods that make up the city, and residents that comprise these

neighborhoods. A time-series comparison will be made pre and post Fair Housing Act of 1968 in the long struggle for fair and open housing.

Baltimore is ideal for a case study such as this. Baltimore has the distinction of its city residents bringing a class action lawsuit resulting in the landmark federal court ruling of *Thompson v. HUD in 2005*. The court ruling was that Baltimore's public housing residential housing patterns were so segregated and plagued by concentrated poverty that the residents' civil rights were violated, and remedies called for the integration of public housing residents within the region (NAACP, LDF 2014).

In January 2005, after nearly ten years of litigation, Federal District Court Judge Marvin J. Garbis gave public housing residents a precedent-setting civil rights victory. Judge Garbis held that the U.S. Department of Housing and Urban Development (HUD) violated the Fair Housing Act of 1968 by unfairly concentrating African American public housing residents in the most impoverished, segregated areas of Baltimore City. He found that HUD's programs "failed to achieve significant desegregation" in the Baltimore region. Judge Garbis further faulted HUD for treating Baltimore City as "an island reservation for use as a container for all of the poor of a contiguous region." Judge Garbis ruled that HUD must take affirmative steps to implement an effective regional strategy for promoting fair housing opportunities for African American public housing residents throughout the Baltimore region (NAACP, LDF 2014).

Many of America's major metropolitan areas follow similar patterns of highly segregated inner cities surrounded by predominantly white suburbs and could have very well been selected for this study. However, in the interests of limited time and resources, Baltimore meets the appropriate criteria as an ideal representative of a city plagued by institutional housing segregation and the added advantage of being home to the researcher. It is highly recommended that future studies include other major cities, particularly in the North and Midwest regions.

Limiting this study to systemic racism in residential housing leaves out numerous problems pertaining to systemic racism in other areas such as environmental justice, health, education, law enforcement and, employment. These other areas will be included here as symptoms of residential housing, however, in an ideal setting each should be studied separately controlling for segregation currently associated with residential housing due to the high correlation of people seeking a safe environment, good education opportunities, and gainful employment near to their residence.

The proposed study builds on the work of other social scientists, historians, and public administration academicians that have conducted studies and literary works on race, class, and the intersecting dynamics of housing (Massey and Dent 1993, Frey and Farley 1994, Higginbotham 2013). The literature review will lay the groundwork for the contextual, theoretical, and historical background of this study.

Summary of Introduction and Purpose

In this first chapter the study is introduced, the research problem and the research question are identified. The intent of the study and the motivation for that intent by this researcher is discussed. This study, methodologically, assumes a qualitative approach using the format of a case study with multiple sources of evidentiary data.

This chapter also provides significant contextual background for the study. The subject matter, racially segregated housing patterns, suggests a societal problem that took centuries to evolve to its current state, and thus the need to place this problem in its proper context and briefly identify the accompanying social dynamics is needed. Following the context, the need for the study and the potential contributions of the study are discussed.

The need for this study rest with the holistic approach of dealing with structural and systemic pathologies (Chih and Harris 20080. This study seeks to connect the dots from disparate public administrative areas, often thought of as isolated societal concerns. Public health, public housing, homelessness, public nutrition, public safety, and the many areas in which public administrators apply their craft can be performed more effectively and efficiently if safe and affordable housing is seen as a primary goal of elected or appointed public officials instead of one of many isolated problems. This study makes no claims to be the first to introduce this perspective but seeks to build on the works of others using the city of Baltimore as the case. The contribution of this study is the focus on Baltimore, a great American city that has been hamstrung by detrimental policies prior to the 1968 Fair Housing Act. Analyzing the current outcomes, policies, and practices could indicate that a course correction or an accelerated course correction is needed. Showing the economic and human cost of racially segregated housing helps to increase the awareness and consciousness of decision-makers.

Finally, this chapter seeks to define the case, the scope, and the limitations of this study. Again, the case is the current city of Baltimore and its marginalized neighborhoods as seen through the prism of racially separated housing patterns. In pursuit of the research question, examining continued systemic racism, the case will examine the conditions and characteristics associated with racial patterns, and the public policies that either contribute to them or are a response to these patterns. The case is bounded geographically by the city of Baltimore and the surrounding counties that make up the region. The case is bounded by time, focusing on the current real-world present dynamics as opposed to time periods from the past.

The following chapter will explore the literature associated with the rich historical quest for fair housing. As stated earlier, America's obsession with race has produced similar racial patterns in nearly all of its early metropolitan areas (Higgenbotham 2013). Baltimore was not an exception in this and in some areas set the pace. The theoretical conceptual underpinnings in this next chapter are also discussed and set the contextual world view for this phenomenon.

Chapter II: The Literature Review

The purpose of this chapter is to identify and critically examine the key concepts, theories, models, methods, and information reflected in the varied literature on or related to racial segregation in residential housing. This chapter lays the foundation for the research. The review of the literature assesses chronologically an abridged summary of key events in the struggle for free choice in securing assessable and affordable housing by African Americans before the passage of the Fair Housing Act of 1968. A review of the literature on housing would be incomplete if no mention was made of more contemporary problems both directly and indirectly related to residential segregation, such as regentrification and subprime lending targeting Hispanics and African Americans. Reviewing the dimensions in the literature allows for an inductive recap of possible theoretical frameworks that these dimensions suggest.

In this chapter, the literature also addresses the focus of the study, the City of Baltimore as a microcosm of the national struggle for free and fair housing, with its unique history in this area. The literature refers to what is common to all American major

cities and that which is unique to Baltimore in securing affordable housing in a safe and secure environment. Much of the literature is national in its origins and implications such as redlining, restrictive covenants, and the passage of the Fair Housing Act of 1968 itself.

Finally, this chapter presents a summary of the literature review connecting the elements discussed as a segue to the methods section used to conduct the study. Chronologically, the literature traces the aspirations of African Americans to seek and occupy safe and secure affordable housing in which to raise their families. The literature also chronicles the variety of tactics employed against them and the level of resistance they were faced with from the government, private lending institutions, and their white counterparts.

Scholarly works, studies, and literature on residential segregation are well documented (Frey and Farley 1994; Massey and Denton 1993; 2007; 2016; Bobo 1989; Rothstein 2017). The context in which this social problem has come about and manages to persist with seemingly little change is very important and is worth a detailed exploration for the context of this study. With the possible exception of the former apartheid regime in South Africa, America is unique in this widespread separation of people based on race, especially African Americans. Various European, Asian, Middle Eastern, and Hispanic ethnic groups have been able to assimilate and integrate into American society with far less difficulty than African Americans (Tuch and Martin 1997).

Comparatively, Europe has been more receptive to urban assimilation of different ethnic groups of color than the United States of America. No ethnic group has endured hyper segregation, (which is high segregation scores, 60% or better), on several measures of dissimilarities than African Americans (Schuman, Steeh, and Bobo 1985).

This raises questions as to why the problem of the twentieth century and now the twenty-first century remains the “color line” as articulated by W.E.B. DuBois in 1903 (DuBois 1961). Why has this problem been so persistent and pervasive since the freeing of African Americans from the bondage of slavery in 1865? Is the co-existence of two societies one black and one white the product of public policy or a combination of economic viability, housing availability, or individual preference? These questions are what is at the heart of this literature review.

These questions will be explored in the context of the literature, examining the historical background references in which residential segregation evolved into its present form. In this articulation of the research problem, context is very important. Proper context, sheds light on how America as a society arrived at this point and why the root of America's racial disparities in housing choice remains hidden in plain sight.

The research question looks at an old phenomenon through a contemporary lens after several notable cultural, political, social, and even demographical shifts in society at large. After a review of the elements and dimensions of the social problem, patterns inductively may suggest an appropriate theoretical framework or theoretical frameworks that will inform this research and future research projects on this topic.

Residential Segregation: Genesis

As early as the seventeenth century before the founding of the United States, American colonists abandoned the limited system of white indentured servitude in favor of slavery based on the race of the enslaved. This occurred in every one of the thirteen American colonies and parts of the Caribbean. Certain southern states with economies based on labor-intensive agricultural cash crops found this new system to be an integral part of their economy (Higginbotham 2013). Blacks from Africa brought through the perils of the mid-Atlantic slave trade became the answer to making very labor-intensive agricultural operations profitable by significantly reducing the cost of labor. To justify an economic system of enslaving people based on race, a mixture of physical coercive power, Christianity versus paganism, and white supremacy were embraced in a toxic mix of moral relativism (Better 2008).

Strict adherence to a racist philosophy in securing slave labor by the planter class allowed complete control of their black slave population but also allowed control over lower-class whites. Convincing whites on the bottom strata of society of the superiority of being white and a “member of a privileged race”, their first loyalty would be tied directly to the white race and not their class (Massey and Denton 1993).

The idea of white supremacy not only survived the institution of slavery in 1865 but was so ingrained in the social fabric of American society, the majority of white America in every corner of the nation, accepted this to be the natural order of race

relations. With the passage of the 13th, 14th, and 15th amendments to the United States constitution, prospects for full citizenship for the newly freed black people showed great promise.

However, efforts of reconstruction in which black freedmen would begin a new life as full citizens were dealt serious setbacks with the proposed policy of leniency for the former leaders of the Confederacy. The very men who took up arms against the US government would return to positions of power and authority (Higginbotham 2013).

The quest for full citizenship for the black man in America was dealt perhaps its first devastating blow with the assassination of President Abraham Lincoln and the elevation of his Vice President, Democrat and southern sympathizer, Andrew Johnson. While Johnson did not approve of southern secession from the union, he did not believe in black equality with whites and fiercely rejected the efforts of the allies of the newly freed former slaves the “Radical Republicans” (Levine 2021).

The final blow came roughly twelve years after the assassination of Abraham Lincoln with the compromise of 1877, which essentially ended reconstruction. This was an informal arrangement between the Southern Democrats and the Republicans. Republican President Rutherford B. Hayes was seeking reelection in a hotly contested race in which his opponent, Samuel Tilden, Governor of New York, bested him in the popular vote and was at an impasse on twenty disputed electoral votes. This was settled by the Southern Democrats agreeing to allow Hayes to retain the presidency by ceasing their contesting of the electoral votes in return for a complete withdrawal of U.S. troops stationed in the south (Higginbotham 2013). This paved the way for the south to take control with a vengeance depriving blacks of their newly won rights and freedoms.

Residential segregation was not a natural organic occurrence in America. Free blacks in the north had lived among whites during slavery without incident or stigma. Also, in nearly all the major cities, scattered among whites during the remainder of the nineteenth century lived black families in small numbers. Even in the south blacks lived near their white employers, especially cooks and household staff. In cities such as New Orleans, Charleston, and Savannah, just a quick walk from wealthy white residents’ homes, blacks lived in ally dwellings (Massey and Denton, 1993). Blacks during this period were more likely to share a neighborhood with whites than other blacks.

More than just spatially close, blacks who shared a neighborhood with their white counterpart were socially and culturally connected. It was not uncommon for two members of different races to interact socially and even develop deep friendships (Massey and Denton 1993).

This would end abruptly as blacks migrated to the north in large numbers. In 1870, 80% of blacks were predominantly southern and rural people who made their livelihood directly or indirectly connected to the land and agricultural pursuits (Frey and Farley, 1994). Newly freed blacks in the south quickly fell under an arduous sharecropping system created by whites seeking to replace slavery. The newly freed men could work a share of a large planter's land for himself if he worked the land of the planter as well. All his supplies and subsistence to work his land, feed himself, and his family was obtained through the planter's general store. Payment for their crops was cyclical which led to sharecroppers incurring large debts that kept them tethered to the land. This system of dependency left the newly freed men with little hope of ever paying off the acquired debt and freeing themselves from the sharecropping agreement (Massey and Denton 1993).

In addition to the subsistence of sharecropping and the difficulty of finding full-time work, the south instituted a practice of black codes, often with the force of law. These "so-called" black codes popularly known as "Jim Crow" laws forced blacks to live as second-class citizens. The Jim Crow laws, and acts of violence committed against blacks by groups such as the Ku Klux Klan drove many blacks to migrate from the deep-south and into northern cities. Fear and intimidation, slave wages, and perpetual debt to the sharecropping system can best be described as "push factors", forcing large numbers of southern blacks to head north. The majority of blacks, who only knew the south and agriculture as a means of providing for their families, were forced to head north and west. The "pull factors" were the lure of better-paying jobs, a greater sense of security and freedom in the rapidly changing industrialized north and the untamed west (Higginbotham 2013).

Racial Zoning and Prohibitive Laws

City ordinance, that would be known as racial exclusion laws, stipulated that blacks and whites could not live in the same neighborhoods were passed starting with the first such law in Baltimore in 1910, (Tegeler, 2005). This type of ordinance was passed in other major metropolitan areas throughout the country until in 1916 the National Association for the Advancement of Colored People, (NAACP) sued the city of Louisville for its segregation law. The lawsuit resulted in the U.S. Supreme Court declaring this type of law unconstitutional and it was struck down in *Buchanan v. Warley, 1917* (Massey and Denton 2015).

This prompted new tactics by whites to stop the flow of blacks into their neighborhoods. The new tactics consisted of the threat of violence, intimidation, and actual violence. They initially proved to be very effective barriers and impediments to freedom of housing choice for African Americans.

Violence and Intimidation

A series of waves of black migration out of the south would change the dynamics of the black, white dichotomy that has endured to the present day. Regardless of massive south-to-north black migration and white strategic retreat, segregation persisted and was reinforced over the decades from 1940 to 1970 (Massey and Denton 1993). Gone were the days in which earlier white attitudes of limited racial tolerance were the order of the day.

It appeared that racial tolerance was more acceptable as a concept when blacks were fewer in numbers (Farley and Frey 1994). Fear of negative stereotypes concerning black people had become the new normal and blacks were not readily accepted in white neighborhoods. Blacks were made to feel unwelcome by a variety of strategies and tactics. Some of these tactics were unethical and even illegal but that mattered little because blacks at the turn of the twentieth century were still very much a powerless people that could not depend on the judicial system to protect their rights.

From the turn of the century, 1900 to the 1920s, blacks from all walks of life were forced to live in the same part of town that was specifically designated for them. As more blacks migrated from the south, the designated areas swelled to capacity. Confining

blacks to these areas and holding the line of its expansion was the making of the black ghetto, a phenomenon that soon became a firm fixture of the American urban landscape. Historical records of the time indicate that white urban dwellers had no desire to live in the same neighborhoods with established blacks or those making their way from the south (Tuch and Martin 1997; Massey and Denton 1993).

As conditions deteriorated with the influx of so many new black migrants, those blacks with greater means and long-standing in the community sought better residential living accommodations to raise their families. Black citizens venturing into predominantly white neighborhoods did so at great peril to themselves and their families. Prominent black families, who were successful in renting or purchasing a home, were subject to many violent confrontations with established whites in the community.

Individual black families were the first targets of acts of violence by way of threats, physical confrontations against their person, escalation of gunshots, ransacking, lawn cross burnings, and even firebombs. These efforts were desperate attempts to toe the line and enforce historical spatial borders, real or imagined (Higginbotham 2013).

Although violence and race riots never totally ceased as a means of intimidation, tactics used were constantly evolving to combat each successive black wave. These new tactics sought to avoid violence when possible but in many ways were more effective at ensuring blacks did not purchase or rent a home in the neighborhood. White neighborhoods that strongly resisted black integration formed neighborhood improvement associations. These improvement associations were allegedly to maintain the property value of the neighborhood in general but employed the use of restrictive covenants to keep blacks and other undesirable people out (Orser 1994).

Restrictive Covenants

In white neighborhoods that felt threatened, neighborhood improvement associations evolved, ostensibly for security and to protect property value but many of these organizations were organized to rid the neighborhood of unwanted black residents where they were and to prevent future settlements of blacks from seeking residence in their neighborhoods (Massey and Denton 2015). This was operationalized by implementing what was known as restrictive covenants. The way these restrictive

covenants worked is when white families in certain neighborhoods first purchased their homes, they would sign a legal contractual agreement stipulating that neither they, nor their heirs would sell, or lease to blacks or other undesirable minorities. This was done with the knowledge and blessing of the local real estate board and neighborhood improvement association (Massey and Denton 2015).

The largest threat came from blacks and so the covenants were designed to exclude blacks from owning, occupying, or leasing property in these neighborhoods. These covenants were enforceable once the neighborhood reached a threshold of signatures to the agreement. The restrictive covenants were used throughout the nation and were very effective at maintaining the color line.

Local real estate boards took the lead in initiating restrictive covenants and often provided model templates for exclusive white neighborhoods to adopt. When restrictive covenants were challenged and the case went to the Supreme Court, *Corrigan v. Buckley*, 1926 it was upheld (Frey and Farley, 1994). This ruling, which appears unconstitutional on its face, would stand for another twenty-two years.

The scarcity of black housing created a demand and an increased value for real estate agents, both, black and white who valued short-term profit over the “sanctity” of the color line. This practice was known as “blockbusting” (Orser 1994, Massey and Denton 1993). It worked by opening up a few residences available in predominantly white neighborhoods to blacks at costs that often exceeded the cost of similar homes offered to would-be white home buyers. This process may be repeated a second and even a third time while simultaneously spreading the word of a pending black invasion. Playing on the predisposed fears and prejudice of whites to a social life with blacks and a sharp decrease in property value convinced most white families that it was in their best interests to sell for less than the market value. Regardless of their attitudes about sharing a neighborhood with blacks, a reduction in property value would often force the family’s hand. It had become a business decision to stay or to sell. Most families sold and retreated further behind the racial divide (McDougall 1993, Orser 1994).

Blockbusting expanded the ghetto but never changed the racial makeup. Restrictive covenants were used with greater frequency after World War II. There were abundant examples of properties decreasing in value, attributed to the “unethical” real

estate agents who engaged in the practice of blockbusting and redlined communities. Neighborhood by neighborhood would be transformed from all-white to all black, by first the resettlement of the black middle class and then by a wave of less affluent blacks in search of decent housing. Blacks moving in, which so angered whites moving out were also victims of “blockbusting”. They were forced to pay the so-called, “black tax”, higher rents, and mortgages with less favorable terms (Orser 1994).

The huge transformation of previously all-white neighborhoods to all-black neighborhoods gave birth to the term, “white flight” (Massey and Denton 1993). White families after World War II were abandoning the cities in record numbers, opting for new developments in nearby suburbs (Frey and Farley 1994).

In 1948 residential housing covenants were challenged at the U.S. Supreme Court in *Shelley v. Kraemer 1948*. The Supreme Court of the U.S. rendered restrictive covenants unenforceable by law (Frey and Farley 1994). The legal challenge, however successful, did not shut this practice down. This would, however, ensure that the tactics of preserving the color line would change again.

Redlining

In 1933 the federal government began to pass sweeping legislation to provide relief due to the disastrous effects of the Great Depression. A series of programs were created to stimulate the housing construction industry and shore up deteriorating property in urban areas. One such program, the Home Owner’s Loan Corporation, (HOLC), was made possible by the Home Owner’s Loan Act, (HOLA), passed in the year of 1932.

The HOLC was a major early part of the sweeping New Deal legislation in 1933. As part of its core mission, it would serve to shore up loans and financial assistance to mortgages in the cities that were in danger of being foreclosed or defaulting. With limited resources, a large part of its mission had become evaluating which owner of which properties would qualify for loans and other subsidies provided by the HOLC. The process they came up with was a complex system of color-coding properties based on the perceived risks associated with making a loan in urban areas. This process became known by its unflattering name, “redlining” (Farley, Schuman, Bianchi, Colasanto, and Hatchet 1978).

The way “redlining” worked was for the administrators to create a rating system with four categories of real estate properties. Neighborhoods were color-coded on maps: green was reserved for the “best or most desirable properties” (See Figure 1). Property in neighborhoods that were still desirable but not the best was designated with the color code of blue. Properties that were deemed, “definitely declining” were given the color code of “yellow”. “Hazardous” property was color-coded “red”. It was the least desirable property located in the least desirable neighborhoods. “Redlined” property and yellow coded property rarely received HOLC loans (Mitchell and Franco 2018).

To be coded red or hazardous the property was nearly in all cases located in black neighborhoods or neighborhoods that appeared to be transitioning to all black. Other characteristics that were usually considered but no longer with the new rating system were: stable resident status, stable employment history, and higher than the average median income. The fact that many applicants for loans were middle-class to upper-middle-class working families mattered not (Massey and Denton 1993, Frey, and Farley). These property owners and business owners were systematically capital starved. Their properties and the neighborhoods they were in, eventually became self-fulfilling prophecies of failures after years and years of neglect and deterioration (Mitchell and Franco 2018).

The Federal Housing Administration, (FHA), another federal agency was greatly influenced by the rating practices set up by the HOLC, but in many ways, they took it a step further in helping to create a segregated urban America. The FHA came about because of legislation passed, called the National Housing Act of 1937, an act that would shape urban and all housing in America to this very day. The FHA made borrowing money easier for a potential home buyer by reducing the risks to the loaning institutions. Through the FHA the government was able to guarantee 90% of the value of collateral for loans made by private loaning institutions. This required the borrower to come up with the additional 10%, dramatically reshaping the market. This single act put homeownership in the reach of more working middle-class Americans.

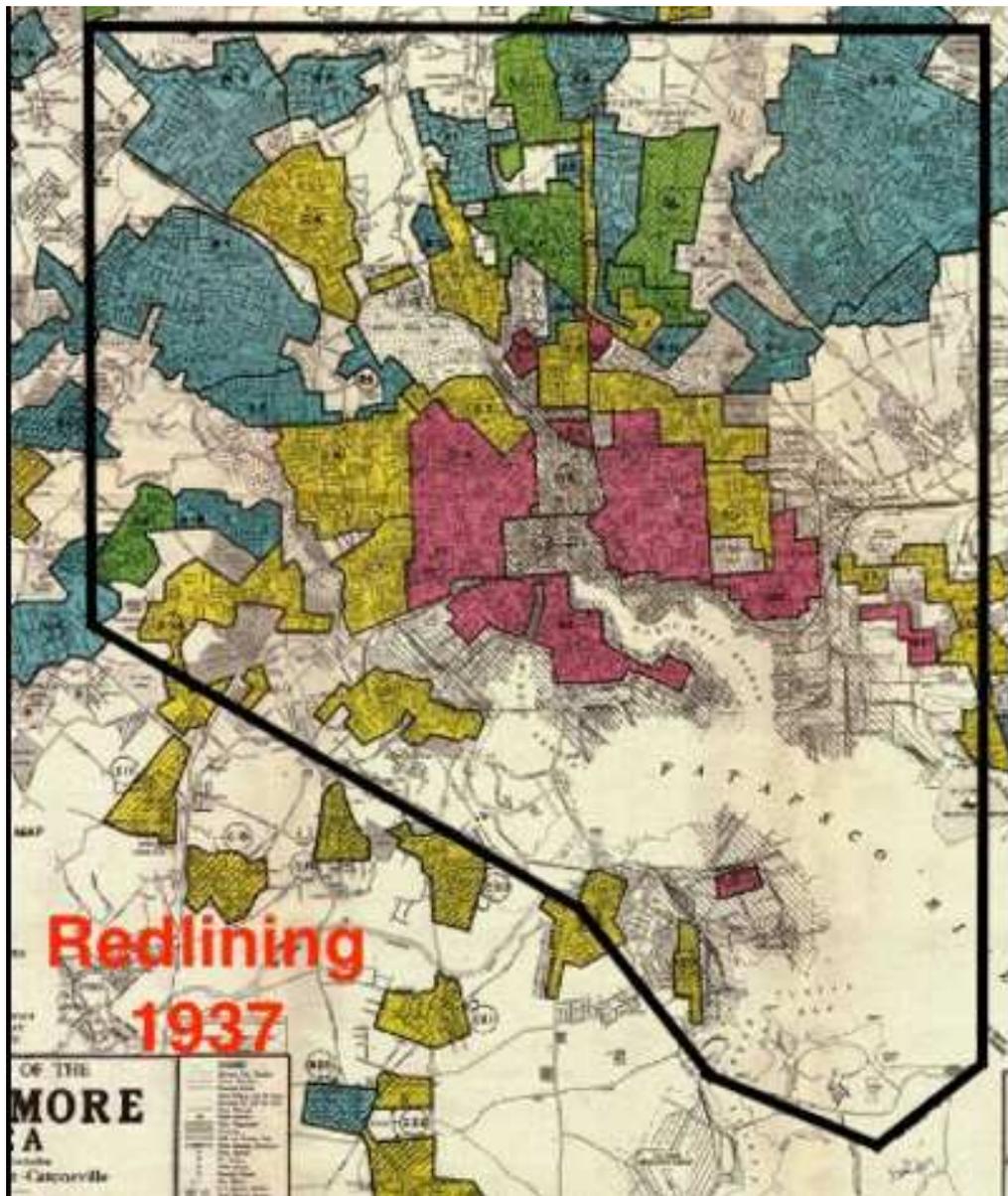
The Veterans Administration (VA), a legislative accomplishment of the Servicemen’s Readjustment Act of 1944, followed the lead of the FHA in making home loans available to returning service members (Massey and Denton 2015). Both agencies

followed the older HOLC ranking system of color-coding the risks associated with each potential loan.

From the very beginning, there was a bias in favor of white families from green and blue coded neighborhoods. Blacks and other minorities in yellow and red coded areas rarely received loans. Ostensibly, the pretense was that the lending institutions backed by the FHA and the VA were only making smart investments, but they were acting on behalf of their clients who were not interested in starting their suburban neighborhoods with black and brown people (Jan 2018).

These practices started by the HOLC, FHA, and the VA became the standard in the industry. Private lending institutions would soon adopt these standards and guidelines set for ranking property. Without capital for repairs and replenishing homes in these “redlined” neighborhoods, a downward spiral was set in place creating blight and further deterioration (Mitchell and Franco 2018). These dwellings and businesses, in neighborhoods that were once former vibrant healthy examples of growing prosperous American communities, were now mere shadows of their former self, only inhabited by the extremely poor and chronically unemployed minorities (Massey and Denton 1993).

Figure 1.
(Red Lining Baltimore, 1937)



Suburban Migration

There is strong survey data on white attitudes toward black neighbors in the 1940s, and that they were overwhelmingly in favor of segregated neighborhoods (Schuman, Steeh, and Bobo, 1985). These attitudes were represented by their elected officials who authored and backed legislation at the city, county, state, and federal levels

that maintained the color line. White-flight reached its peak following World War II and the early 50's. Political clout would now shift to the suburbs on tracts of land surrounding central cities that were previously uninhabited and undeveloped outside the city limits.

A case in point worthy of mentioning, it is anecdotal but very typical of the experience blacks shared with the means to purchase homes but were denied occurred with the Levittown developments. This situation is that of Robert Mereday, a black man who established a successful trucking business not too long after the end of World War II. He had won a contract to deliver drywall and other construction material that went into building the suburb that would be known as Levittown (Rothstein 2017).

His nephew, Vince Mereday, returning from the war in the Pacific theater was hired by his uncle. He sought to purchase one of the new development homes in Levittown, something his uncle dared not do. Vince was paid well and had sufficient income relative to his white counterparts, but his application was refused. What made this even more egregious was the fact that white veterans could buy a property with no down payments and low-interest Veterans Administration (VA) mortgages. Vince Mereday had to pay a greatly exaggerated high down payment and opt for an uninsured mortgage with higher market interest rates in a neighboring all-black development, Lakeview. Further insult to injury is the fact that this was not a one-off incident in which William Levitt, the developer, refused to sell a home to Vince Mereday based on his prejudice and pension for discrimination, the real culprit was with FHA. The Federal Housing Administration who administered an explicit racial policy that if violated by the developer, the federal funding which was the sole source of funding, would have been rescinded (Rothstein 2017).

The passage of the Federal-Aid Highway Act of 1956, during the Eisenhower administration, allowed the emerging suburbanites the freedom to leave the congested city for the single-family units of the spacious suburbs with the ease of getting from town to town and in and out of town on the best new roads constructed in America here-to-fore. The roads, using the eminent domain, often divided, shielded, or eliminated historically African American neighborhoods (Frey and Farley 1994). As with most federally funded projects during the time, little funds were allocated to improve urban roads while simultaneously removing a large portion of the revenue base in the way of taxpayers and businesses (Frey 1979).

Public Housing

The legislation that gave birth to public housing was, the National Housing Act of 1937, and it was part of the sweeping legislation of President Franklin D. Roosevelt's New Deal. However, for purposes here, it is interesting to note how it became another tool in the federal, state, local, and commercial arsenal of enforcing segregation and maintaining the color line in America's major cities (Pappoe 2016).

Public housing units were originally meant to be temporary housing as families dealt with the lack of affordable housing on the private market or were in a state of transition during hard times. The compromises with southern Democrats at the time to secure passage of public housing legislation consisted of intentionally underfunding the public housing projects to make them less competitive with the housing industry and the insistence of site locations being established on cleared slum property. This all but assured that the inhabitants would be people of color in the least desirable areas of town (Pappoe 2016).

In many ways public housing added to the misery of families seeking housing by consigning them to densely concentrated areas of poverty, heavily segregated, and spatially isolated from the rest of the city. Living in public housing had become a government social remedy for broken black families. There was public housing where whites resided as well but very rarely were they intentionally integrated. The segregated isolated housing for the low-income black community in turn would have a direct impact on employment and educational opportunities, thus adversely impacting life chances for hundreds of thousands of minority urban residents (Popkin, Galster, Temkin, Herbig, Levy and, Richer 2003).

Simultaneously, while the federal government was steering poor broken black families to public housing in the densely packed inner city, they were steering white families to the surrounding suburbs with FHA and VA-backed loans. This two-tiered system was sanctioned by the federal government and administered locally by the newly created housing authorities (Massey and Denton 1993).

All levels of government and commercial financial institutions adopted strict segregation policies, often making it difficult for blacks to secure credit. Federal monies could be tied to developers overtly stating "white only" as a function of securing funding.

The result was an affirmation of two urban Americas, one black in the heart of the city, and one white on the periphery and in the suburbs ((Popkin, Galster, Temkin, Herbig, Levy and, Richer 2003).

Consequences of Residential Segregation

The consequences of residential segregation and the detrimental public policies that perpetuated them have contributed to a continued struggle with race relations in America from the turn of the twentieth century to the present day. The most identifiable examples are race riots, uprising, or disturbances that could be ignited by an issue involving the perceived or very real mistreatment of blacks at the hands of whites in authority. A spark of unrest could be ignited by the incidence of police brutality, harassment, and use of deadly force. However, what rarely makes headlines is the loss of untapped human potential languishing behind the curtain of concrete jungles (Massey, 2016).

The loss of potential is evident in many ways. In densely populated, impoverished, and isolated areas of the city, there is a high concentration of crime and substance abuse. High school completion rates tend to be lower than in other areas and those students seeking higher education are considerably less (Ludwig et. al. 2013). The need for governmental assistance and public safety tends to be more than in other areas. Large areas of major cities are rendered impotent in terms of revenue generators and are more likely to require public financial resources. Finally, the systematic exclusion of black families from participating in the market of home purchase deprived them of the potential for building wealth through home equity, exacerbating the already large racial wealth gaps (Oliver and Shapiro, 1995) (Campbell 2014).

Perhaps the largest toll is the human costs of inefficiency by a divided United States. Public policy and bureaucracy such as consent decrees are currently in place because they are still needed to ensure equitable treatment and equal opportunity for all of America's citizens. Attitudes and conditions have not changed sufficiently enough in which all protective measures designed to protect minorities' civil and constitutional rights can be discontinued (Schuman, Steeh, Bobo 1985).

The history, from the turn of the century to 1968, is rich and extensive with examples of racial intolerance, discriminatory policies, resulting in neglect of black neighborhoods and the ability of its residents to seek better housing accommodations. Over time racial intolerance, as measured by the major polling firms, indicate that attitudes of whites toward blacks have become more progressive and tolerable (Schuman, Steeh, Bobo 1985).

Blatant discriminatory policies such as unfair lending practices have been addressed with the passage of the Fair Housing Act of 1968. Congress has passed laws such as the Community Reinvestment Act (CRA) mandating that a certain percentage of loans from financial lending institutions must be made available in minority or impoverished communities that have been historically underserved, denied financial loans, and assistance in the past.

Information about the rights of the borrower must be disclosed before loans were granted. Fundamental real estate changes were implemented and by the end of 1980 many of the policy reforms centered around housing discrimination were becoming institutionalized. This coupled with changing attitudes of the majority population towards the minority population should lead one to be very optimistic for free choice in housing (Dreier 2003).

As the 1980s began, marking an end of the first full decennial since the passage of the Fair Housing Act of 1968, it appears that very little had changed in the makeup of residential housing patterns in the inner cities since the beginning of “redlining”. However, new phenomena gentrification and subprime lending were new contemporary troubling concerns of long-term residents of traditionally African American neighborhoods.

Gentrification

With the transition from industrial to post-industrial service economies and a surplus of housing stock and professional white-collar jobs, numerous U.S. cities became eligible for gentrification. Gentrification can best be described as higher socioeconomic strata of society replacing lower socioeconomic strata in mixed usage zoned areas in the central cities. Changes in median income and education levels are basic indices used to

determine the degree of gentrification, or whether it has occurred at all (Hetzler and Overfelt 2006).

Positive attributes of gentrification rest in the fact that much-needed investment capital are funneled back into the cities by investors that are attracted by market forces. Often private and public partnerships are formed to encourage the development of relatively inexpensive property and tracts of land. Local politicians are quick to claim the positive effects of urban renewal brought about by development projects that are now generating revenue for the city (Hetzler and Overfelt 2006).

The downside is that in many cases there is a wide-scale displacement of people and businesses that existed before the area is gentrified (Hetzler, Olivia, Medina, and Overfelt 2006). The gentrification takes place in neighborhoods that are nearly all minorities. Some may own or operate small businesses that they can afford. The property values in the newly gentrified area and the accompanying taxes increase to the point that many of the original business owners, homeowners, and renters can no longer afford to stay. The displacement usually does not improve the residents' lives. Relocation is usually a formidable task for the displaced residents, often living paycheck to paycheck.

Unless there are special provisions for the poor and or displaced minorities, gentrification that leads to urban renewal, does nothing to change the dynamics of segregation. Previously segregated tracts are just as segregated, but the difference is now they may have higher income whites or Asians instead of lower-income blacks or Hispanics, and the property may be physically walled off and financially out of reach of the former residents (Hetzler, Olivia, Medina, and Overfelt 2006).

Subprime Lending and Residential Segregation

Subprime lending, one of the major factors that contributed to the great recession of 2008, had a disproportionately negative effect on blacks and Hispanics (Been, Ellen, and Madar 2009). This was evident in the disproportionate number of foreclosures and the loss of wealth these two ethnicities endured. It could be argued that subprime lending did not contribute to further residential segregation, but segregated neighborhoods were targets for subprime lending, and the real estate agents and lending institutions did

pounce. The legacy of residential segregation created spatially identifiable populations “primed” for subprime lending.

Corroborating evidence was also provided by Rugh and Massey in “Racial Segregation and the American Foreclosure Crisis.” In this study, these two researchers examined the effects of segregation on foreclosure rates throughout 100 metropolitan areas (Rugh and Massey 2010). They found a disproportionate number of black foreclosures, controlling for other economic factors, where black-white segregation was used as the explanatory variable.

Minority neighborhoods were targeted as if to make up for years of being deemed non-credit-worthy (Roots Research Policy 2020). However, this time, little or no standards were in place. Loans were fast-tracked regardless of credit history or the ability to make good on loan repayments. Those targeted individuals, in many cases, fell behind in mortgage payments. Their loans were bundled with others and an ever-growing housing bubble was the result. This housing bubble, backed by junk bonds was destined to bust for the housing, financial lending, banking, and insurance markets. This in turn would lead to the worst financial crisis since the Great Depression.

These unethical lending practices set up so many poor and minority borrowers to fail (Hwang, Jackeland, Hankinson, and Brown 2015). Many families lost their savings at a time where unemployment spiked to 10%. The gap between acquired wealth between white families and black families grew from about a ratio of four to one (4:1) to six to one (6:1). In dollar amount that looks like \$632,000 in wealth for white families, versus \$98,000 for black families (Lowery 2013).

Baltimore City: A Microcosm of Segregated Urban America

Baltimore City is a typical major city in America in many ways. In 1950 it boasted a population of 949,708, nearly 50,000 less than a million people, at its population peak, according to the 1950 census (U.S. Census Bureau 1950). Seventy years later, the most recent census of 2020 lists Baltimore’s city residents at 575,584, a loss of 39% of its population. This is in keeping with many American cities that have experienced relatively large population loss. Detroit for example peaked at 1,849,568 in 1950 and as of the 2020 census it had lost 64% of its population and is a mere shadow of

its former self with 668,000 residents (U.S. Census Bureau, 2020). Much of this can be explained by the deindustrialization of the major U.S. cities but that is only a partial explanation.

Besides the population loss, Baltimore shares the pattern of residential segregation with other major cities; in fact, the massive population loss in both cities can be directly attributed to institutional residential segregation based on race. Both cities' majority citizens fought to preserve the color line within the city but jumped at the opportunity presented by the FHA and VA to become homeowners of brand-new single development homes outside the city limits. In short, the '50s ushered in the era of suburbanization, white flight, interstate highways, and a rapid exodus of the white middle class to the surrounding counties (Massey and Denton 1993).

Baltimore City in 1910, had the distinction of being the first city to pass a city ordinance prohibiting blacks and whites from living in the same neighborhood, a practice that quickly spread to the rest of the nation. Mayor J. Barry Mahool signed the ordinance into law (Pappoe, 2016). Edgar Allan Poe, the City Solicitor General of Baltimore, named for his granduncle, the famous American poet, commented on the passage of the bill as "a great public moment". He believed that this would limit stress and strife between the two races (Pappoe, 2016).

The pattern of separation and strategic retreats would be replicated time and again, changing only in tactics (Burnett and Dolkart 2019). Baltimore's vacant housing can be directly attributed to policies that led to segregated housing patterns (Pousson 2019). The market was powerless to compete with public policy that allowed large segments of the city to deteriorate into disrepair. Furthermore, the market had no answer to public policy and private practice where race is used as the primary determining factor on who rents or buys. Vacant homes would fall to absentee owners unflatteringly termed "slumlords" with no incentives to repair or maintain their property.

As with other cities within the nation, in Baltimore, restrictive covenants were quickly used by the newly created Home Improvement Associations with the primary purpose of restricting the owning and occupying of property in predominantly white neighborhoods. Private homeowners and the improvement associations religiously encouraged the use of restrictive covenants, but they were not to be outdone by

Baltimore's mayor, Mayor Howard Jackson in 1923. Jackson formed a committee on segregation to encourage more segregation with the use of restrictive covenants.

These covenants were challenged in 1938 in Maryland at the Court of Appeals in *Meade v. Dennistone 1938* and upheld as constitutional and enforceable (Pappoe, 2016). This practice of using restrictive covenants to band blacks from living in white neighborhoods would persist with no serious pushback until another ten years. In 1948 the use of restrictive covenants met its most serious challenge when it was struck down in the U.S. Supreme Court in *Shelley v. Kraemer 1948*, as unenforceable and therefore unconstitutional and in direct violation of the 14th Amendment (Farley and Frey 1994).

The use of the loan risk rating system known as “redlining” was notoriously used in Baltimore and labeled many neighborhoods inhabited by blacks as “hazardous”. All residents in neighborhoods, “redlined” would not receive government-backed loans and then private loans, because the private sector took their lead from public policies and practices. With no capital improvement dollars, the neighborhoods now inhabited almost exclusively by blacks would soon fall into a downward spiral of neglect and deterioration. Again, private lending institutions, underwriting companies, and the real estate professional organizations would adopt the government redlining system, thus sealing the fate of many middle-and working-class black neighborhoods for the next couple of decades. (See Figure 2)

As mentioned earlier, a practice used throughout the nation, “blockbusting” by unscrupulous real estate agents greatly contributed to white flight from the city of Baltimore to the surrounding suburbs. The motive was not necessarily to integrate communities but to profit off the hopes and aspirations of one people and the fears and anxieties of another (Orser 1994).

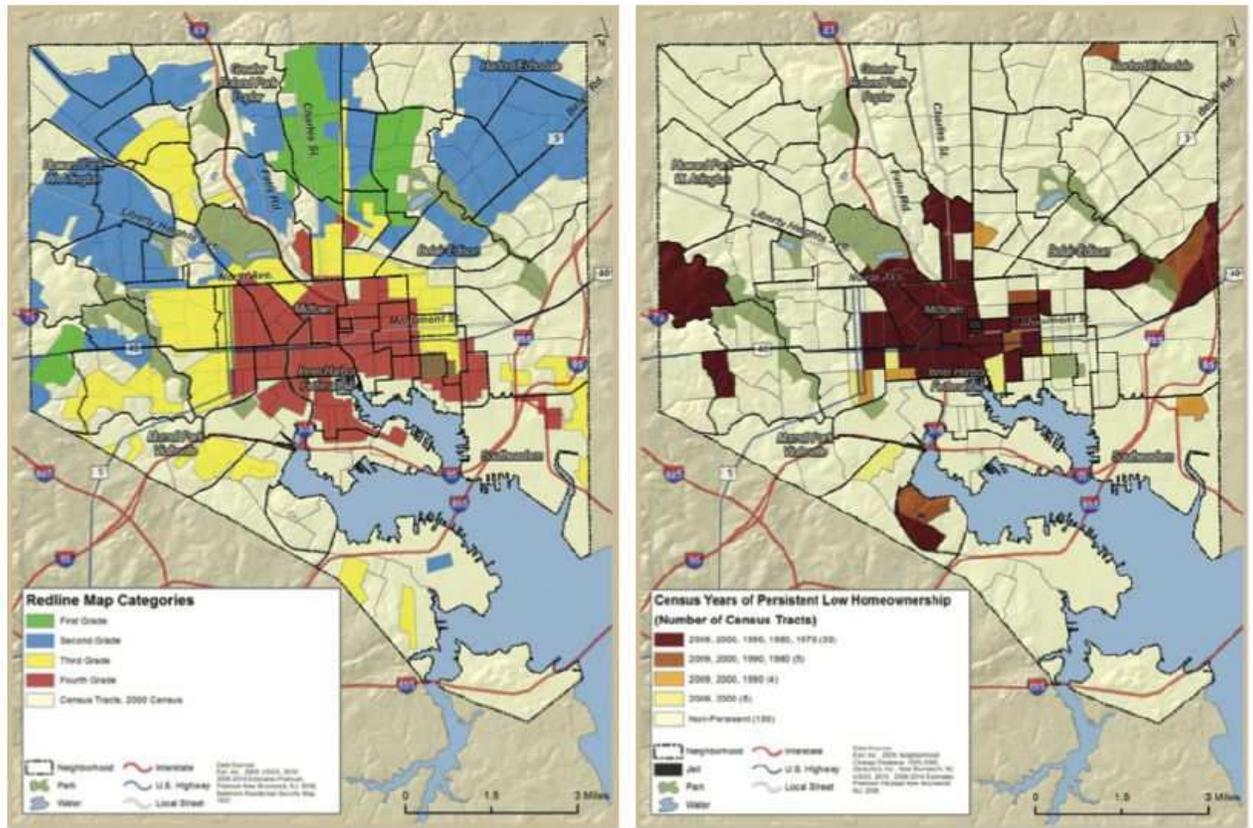
Blockbusting was an attempt to spread rumors, real or imagined of an impending wave of black residents that would lower the quality of living and the property value of predominantly white neighborhoods. Fears were purposefully stoked among residents already anxious and fearful of an uncertain future for their families and property. The objective was to get one household, an early reactor, to sell low to mitigate their “pending losses”. Once the property was sold at prices lower than market value, it would then be sold to an African American family at a price well above the market value. This lucrative,

unethical, but legal practice was used to capitalize quickly to maximize profit margins before the markets changed.

Blockbusting preserved segregated communities while expanding the perimeter of black communities. It served to accelerate the abandonment of the city by white families in favor of the suburbs in the surrounding counties. While Baltimore City began to hemorrhage people by the thousands, surrounding Baltimore County, Howard County, Anne Arundel County, and Harford County grew by the thousands. Many of the remaining now all-black communities in the inner city further deteriorated into the self-fulfilling prophecy of “hazardous”. Blockbusting hurt both black and white families in the loss of equity and wealth-building potential.

A well-written case study on blockbusting in Baltimore was written by Edward Orser: *Blockbusting in Baltimore: The Edmondson Village Story*. Orser documents how a predominantly white community transformed to a predominantly black community from 1955 to 1965, remaining as segregated at the end of the ten years as it was at the beginning (Orser1994). Over twenty to forty thousand people moved in and out of the west Baltimore community known as Edmonson Village.

Figure 2
Redline Map Categories & Census Years of Persistent Low Homeownership



The Larger Issue

The literature reinforces the larger issue of systemic racism in housing touching all areas of life. The focus of this study is the detrimental effects of systemic racism that manifest itself primarily in racially segregated housing patterns. Institutional racism is not limited to housing issues alone but has deep tentacles in all aspects of modern life. It suffices to say that apparent racially segregated housing patterns did not occur in an isolated vacuum. Education, employment, both physical and mental health outcomes, criminal justice, accumulation of wealth, and the ability to start and maintain business are all interconnected with patterns of systemic racism (Rothstein 2017).

Homeownership is a major way that families create wealth, wealth which can be passed down to future generations. Past discriminatory housing practices stunted black families and simultaneously benefited white families’ ability to create wealth. Before the

passage of the 1968 Fair Housing Act, 98% of FHA loans were dispensed to white families. The family wealth gap grew to a disproportionate \$171,000 for white families to \$17,000 for black families (Brookings 2020).

Before the passage of The Fair Housing Act, discriminatory practices were blatant and overt. However, since its passage, the inherent weakness in enforcement became apparent (Fix and Struyk 1993). The burden of providing evidence of discrimination was placed squarely on the aggrieved party. The piecemeal approach of holding large realtors or lenders accountable was the job of the Civil Rights division of the Justice Department. This was beyond the scope of the average would-be-homeowner or renter. That federal division could match the resources in legal fees and court costs needed to curb discriminatory practices in housing (Higginbotham 2013).

Compounding housing discrimination is the fact that residential property taxes are the primary way local public schools are funded. The greater the percentages of homeowners and the quality of homes the greater the resources that are available for public schools (Leib 2019). Ironically, the better the schools, teachers, and academic outcomes the higher the value of the houses and the more likely businesses would be inclined to relocate to these areas. The converse is true for black neighborhoods. The feedback loop between housing and schools compounds the problem of poor-performing schools and declining neighborhoods (Leib 2019).

Systemic racism can result in poor health outcomes when urban planners and local officials locate industrial plants near impoverished minority communities spewing toxic fumes and high concentrations of carbon waste into the air and water (Spears 2014). Residential districts most likely to be in the vicinity of industrial areas are often where black and brown people live. The same can be said for “food deserts” where fresh foods are hard to come by (Gamble 2019). Pest-infested neighborhoods in buildings in various stages of neglect may contain high concentrations of lead paint and other biohazards (Spears 2014).

Crime and policing are adversely impacted by systemic racist policies that are not limited to housing. Racial profiling stop-and-frisk, aggressive policing, deadly use of force, disproportionate charging, and sentencing between white and black suspects are very much a part of this larger picture (Higginbotham 2013).

Residential housing patterns are the appropriate place to start. It, however, is not an issue that occurs in a vacuum but is perpetuated and reinforced by other areas of structural and systemic racism. This is very important for planners and public administrators in the field.

Theoretical Framework: Institutional Rational Choice and Critical Race Theory

Observation of the various dimensions of this social problem suggests two theoretical frameworks that may illuminate, both the variety and the persistence of tactics over decades since the turn of the twentieth century. On many occasions in conducting social research, one theoretical framework is sufficient to encompass the research question and there are times when two or more may provide a deeper understanding of the inner working dynamics at play. Elinor Ostrom gives a good synopsis on the utility of the use of the theoretical framework in conducting scientific inquiry:

The development and use of a general framework help to identify the elements and relationships among those elements that one needs to consider for institutional analysis. Frameworks organize diagnostic and prescriptive inquiry. They provide the most general list of variables that should be used to analyze all types of institutional arrangements. Frameworks provide a metatheoretical language that can be used to compare theories. They attempt to identify the universal elements that any theory relevant to the same kind of phenomena would need to include. Many differences in surface reality can result from the way these variables combine or interact with one another. Thus, the elements contained in a framework help analysts generate the questions that need to be addressed when they first conduct an analysis (Ostrom 2007).

Institutional Rational Choice or simply Choice theory has its roots in classical economic theory. It assumes that individuals (or institutions) make rational choices to further their material, psychological, or social wellbeing. An aggregate collection of these individual choices may inform how institutions, organizations, and other group dynamics behave. For rational choice to become a viable framework it must rest on some very important assumptions, that a) individuals making rational choices are based on self-interests; b) the decisions are based on information that determines logical preference, and c) the actor will consistently choose the best choice as he perceives it to further his interests (Ostrom 2007).

Rational Choice appears to be at play in race interactions in the land that has become America. America at its inception from its early colonial period was an extension of the western European power structure. After abandoning a monarchical feudal system, the new power structure was recognized to be white Anglo-Saxon protestant male property owners as the rightful head of society. Laws were codified to ensure that this was a legal reality as well as accepted practice (Better 2008). The concept of white superiority and all other races as a subordinate was accepted dogma and persisted well beyond the years of America's Civil War, a war that ended the enslavement of black descendants from Africa in America.

The belief in white racial superiority was the accepted paradigm of most white Americans at the turn of the twentieth century and this belief was manifested in America's institutions (Schuman, Steeh, Bobo 1985). Rational choice theory for this dominant group of Americans would necessitate separation of the races, physically, psychologically, and biologically. This course was inevitably pursued, based on a strong sense of the need to preserve power and privilege associated with societal norms that placed a premium on being white (Better 2008).

Strict observance of segregation policies and the ills associated with it became a self-fulfilling prophecy, leaving whole African American communities to wither from neglect and financial resources. Rational Choice dictated a show of strong resistance or further retreat behind the "color line" for whites close to black neighborhoods.

Rational choice theory as a theoretical framework was equally applicable in the black community. Members of the black community who sought to escape the overcrowded areas designated for them to reside were constantly seeking better areas of the city in which to live and raise their families. This would put the white and black populations in urban America in direct conflict as they both sought a rational choice, what they perceived was a better life for themselves and their families.

Rational Choice theory, as with many theoretical framework lenses is not without criticism. In the real world, the information in which to make rational decisions is often incomplete. The time for deciding is finite and some decisions are unknowable at the time that they need to be made, such as what new unknown activity would provide the greatest utility of happiness or fulfillment.

Perhaps the greatest single criticism is when institutions behave in ways that appear to contradict rational self-interests such as honor, pride, jealousy, or tribal cohesiveness that may lead to other determinant factors. Strict adherence to artificial racial barriers has been quite costly to society, often requiring duplicate services and prohibiting natural trade and commerce (McGhee 2021).

Rational choice theory assumes actual choices but for the various stakeholders engaged in the housing market, the choices are limited and, in some cases, nonexistent. Starting with the first actor, the city of Baltimore chose racially segregated housing in 1910. This decision was eventually overturned by the Supreme Court of the United States in 1917 when the National Association for the Advancement of Colored People (NAACP) successfully sued the city of Louisville, KY in *Buchanan v. Warly* (Farley and Frey 1994). The city was also limited in its choices by market forces. The standing community, seeking homogenized neighborhoods, are limited in their choices by market forces and public policy (when such policies are not in their favor). However, the African American community seeking affordable safe, and secure housing, choices were virtually non-existent limited by market forces, public policies, and outright resistance by the standing majority community.

The concept of race is an artificial social construct with general agreement on certain biological physical traits (Patterson 1997). Racism, the belief held by the dominant or majority race that its race is superior and should seek separation from others is irrational, yet it may be the single greatest determining factor of residential segregation in America. With that being said, rational choice theory in conjunction with another theoretical framework, Critical Race Theory, (CRT) may be better suited to formulating general theoretical frameworks in going forward with a study of urban residential patterns shaped by race.

Critical Race Theory, as a theoretical concept was coined by Kimberle Crenshaw one of the founders of the theory along with Derrick Bell. CRT encompasses the complex topic of institutional racism and racist policies woven throughout America's public policies and private institutions. Critical Race Theory is in the tradition of theoretical frameworks that are deeply rooted in social conflict theory.

Table 1:

A scholar of CRT Khirah Bridges outlines a few key tenets:

Principles of Critical Race Theory
* Recognition that race is not biologically real but is socially constructed and socially significant. It recognizes that science (as demonstrated in the Human Genome Project) refutes the idea of biological racial differences. According to scholars Richard Delgado and Jean Stefancic, race is the product of social thought and is not connected to biological reality.
* Acknowledgment that racism is a normal feature of society and is embedded within systems and institutions, like the legal system, that replicate racial inequality. This dismisses the idea that racist incidents are aberrations but instead are manifestations of structural and systemic racism.
* Rejection of popular understandings about racism, such as arguments that confine racism to a few “bad apples.” CRT recognizes that racism is codified in law, embedded in structures, and woven into public policy. CRT rejects claims of meritocracy or “colorblindness.” CRT recognizes that it is the systemic nature of racism that bears primary responsibility for reproducing racial inequality.
* Recognition of the relevance of people's everyday lives to scholarship. This includes embracing the lived experiences of people of color, including those preserved through storytelling, and rejecting deficit-informed research that excludes the epistemologies of people of color.

(Source: Janel, 2021)

The originators of CRT include Derrick Bell, Kimberlé Crenshaw, Cheryl Harris, Richard Delgado, Patricia Williams, Gloria Ladson-Billings, Tara Yosso, among others. CRT transcends a black/white racial binary and recognizes that racism has impacted the experiences of various people of color, including Latinx, Native Americans, and Asian Americans (Janel 2021).

CRT grew from Critical Legal Studies (CLS), which argued that the law was not objective or apolitical. CLS was a significant departure from earlier conceptions of the law (and other fields of scholarship) as objective, neutral, principled, and dissociated from social or political considerations. Like proponents of CLS, critical race theorists recognized that the law could be complicit in maintaining an unjust social order. Where critical race theorists departed from CLS was in the recognition of how race and racial inequality were reproduced through the law (Ostertag and Armaline 2011).

. Further, CRT scholars did not share the approach of destabilizing social injustice by destabilizing the law. Many CRT scholars had witnessed how the law could be used to help secure and protect civil rights. Therefore, critical race theorists recognized that, while the law could be used to deepen racial inequality, it also held potential as a tool for emancipation and for securing racial equality (Janel 2021).

The primary focus of CRT is race; more specifically the social engineering of race where the outcomes favor one race over another. Critical Race Theory recognizes that there is an institutional racist thread based on the concept of white supremacy that manifests itself in white privilege and institutional societal advantages. Institutional racism is seen as pervasive throughout the legal, governmental, and bureaucratic structure. Decisions that have guided policies in housing, employment, education, financing, and health to name a few have been consciously and subconsciously influenced by this iniquitous sense of white privilege and black subjugation (Ostertag and Armaline 2011).

CRT examines racial and social injustices through the lens of structural racist policies intentional and with forethought. Residential segregation as informed by this theoretical framework is seen as a product of this environment and not a benign outcome of economic forces or personal preferences.

Summary and Synthesis of the Literature Review

Theoretical Framework: Institutional Rational Choice and Critical Race Theory are the theoretical frameworks that encapsulate various aspects of the study. Theoretical frameworks ground the research in broad general terms as the relations are defined. The frameworks may inform the general theoretical approach that allows for placing the research question in a proper context for further inquiry.

The genesis of residential segregation generally can be traced to the concept of race and racial categories where certain racial categories were deemed superior and others inferior. This concept was present in 1619 with the arrival of the first Africans at the first British permanent settlement established in Jamestown, Virginia, and would persist straight through the American Civil War, and beyond (Hannah-Jones, Roper, Silverman, Silverstein 2021).

The literature review progresses chronologically and traces the years immediately following the Civil War where initially blacks living in the same neighborhoods as whites were not perceived as a threat. However, this would change as more blacks migrated north. In 1910 the first city ordinance was passed in the city of Baltimore prohibiting blacks and whites from living in the same neighborhood (Gomez 2013). As one tactic to preserve a strict line of separation failed new tactics would arise to replace them. There was the use of violence and intimidation, restrictive covenants, redlining, blockbusting, and the use of public housing, to reinforce previous patterns of segregation.

The consequences of the practice of institutional racist policies pursued by local, state, and federal governments were devastating to the black community and its impact is still being felt in 2020, at the time of the writing of this study. The literature shows that government policy at every level had a part to play in creating two Americas, one white and one black. However, it was not just government but the private sector consisting of the real estate, housing, financial institutions, and the insurance industry who also played a very significant role in creating the two urban Americas we see today.

More recent phenomena that have been the consequences of residential housing patterns are gentrification and subprime lending. These two areas of concern are the latest affront to the African American residents of these communities who have endured generations of neighborhood decline and decay.

Gentrification occurs when inner-city neighborhoods are essentially taken over by external groups with superior resources and higher education levels. They invest capital and enter private/public partnerships that transform older highly segregated neighborhoods into a newly renovated residential and commercial property. This would be considered positive except that the newly renovated areas drive the property value and property taxes to levels higher than the original residents can afford, thus making the neighborhoods out of reach for the residents who may have been part of generations in the neighborhood (Hetzler and Overfelt 2006). This leads to displacement for people who have already witnessed their neighborhoods deteriorate only to be revitalized by an external group that replaces them.

Another recent phenomenon that is equally troubling is the disproportionate number of Latino and African American families that lost homes due to foreclosure at the

height of the subprime lending bust in 2007 (Been, Ellen, and Madar 2009). Targeted minorities for subprime lending are additional examples of systemic racism. It has been referred to as “reverse redlining” (Roots Research Policy 2020). The practice of targeting minorities for unaffordable housing loans who may have had an unsatisfactory credit history, chronic unemployment, or under-employment essentially set these families up for failure. The junk loans they would attain would be bundled with other loans in various states of risk and insured by major insurance companies that specialized in securing financial transactions. In 2008 the growing housing bubble, inflated with subprime lending would bust, robbing those least able to afford it of their life savings (Rugh and Massey 2010). It also set off the worst recession since the Great Depression.

It is important to be cognizant of the fact that the conditions and consequences of residential segregation affected nearly every major American city in very similar ways, however, the focus of this study is Baltimore, Maryland. What happened in Baltimore in terms of residential segregated housing patterns could be considered a microcosm of segregated urban America.

Baltimore is notable for being the first major city to pass city ordinances forbidding blacks and whites to live in the same neighborhood. The city of Baltimore sued Wells Fargo Bank for its predatory lending practices in 2008 – 2010 at the height of the subprime lending scandal (Baltimore Sun, Broadwater, July 12, 2012). However, what has sharply increased the notoriety of Baltimore around this issue are the landmark consent decree rulings in *Thompson v. HUD* and the 2015 uprising sparked by the death of Freddie Gray. Both of these events are forever connected to public policies instituted since the 1910 passage of the nation’s first racial exclusionary law and the numerous tactics that followed to preserve racial separation.

The social problem here is over a century of institutional racism manifesting itself in housing segregation with little substantive change. This is a problem because the isolated areas, both physically, economically, and socially, of hyper-segregated communities have the most need. In addition, segregated racial housing patterns due to systemic racism impacts a plethora of other areas for a wholesome quality of life such as education, employment, health, and the ability to build wealth.

In 2020 at the time of the writing of this study, possible resolutions for this intractable problem must begin by seeking a greater understanding of the association segregated residential patterns have had on the citizens residing in these communities. Little has changed statistically in housing demographics over the past decades after the passage of the 1968 Fair Housing Act. To drill-down and seek an understanding as to post-Fair Housing Act current barriers, impediments, and obstacles for attaining free housing choice is the central focus of the study. This is the explanatory element of the study.

This literature review has sought to provide the contextual fabric chronologically exploring root causes and various tactics and strategies to maintain racial separation over the last century. This is not a problem that occurred over a short period in a specific place, but one that is national and spans several generations. Much of the literature is national and depicts a remarkably similar pattern across all regions and statistical metropolitan areas (SMA)s of the United States.

This study will focus on the city of Baltimore, Maryland. Baltimore has proven to be a living laboratory of the legacy of residential segregated housing patterns created over time. By studying Baltimore, a laser focus on a limited number of census tracts can be observed. This is not the case with regional and national studies. Focusing on Baltimore city increases the clarity in providing evidence to the question: to what extent are segregated residential housing patterns associated with the socioeconomic status of the residents in these areas and what factors or policies contribute to the current state of affairs?

Baltimore has also shown the nation the consequences of a high concentration of isolated hyper-segregated neighborhoods. Out of the city of Baltimore, inferences of how possible resolutions to mitigate the negative consequences of years of segregated residential housing were witnessed. In *Thompson v HUD*, Judge Garbis handed down a landmark ruling declaring that HUD contributed to current segregated conditions when they had it in their power to go in a different direction. The Housing Authority of Baltimore City and the City of Baltimore co-defendants against public housing residents had to make efforts to find affordable housing in the Baltimore region for the city residents.

The city of Baltimore made an indelible mark on the world with a community uprising sparked by the death of a young black male, Freddie Gray, in police custody. Freddie Gray was a resident of Sandtown-Winchester Community, a historic Baltimore neighborhood that itself was the victim of “redlining” and the associated downward spiral of decay and neglect (Jan 2018).

The passage of the Fair Housing Act of 1968 was heralded as legislation to end or mitigate past systemic racist housing policies. The expectations were that the socioeconomic status of the residents in hyper-segregated communities in contemporary times would have improved. Improved here can be defined as citizens being better served by measurable indicators than periods before the passage of the Fair Housing Act. This would be evident in public policies and the delivery of services. This would be evident in the quality and quantity of available housing. This would be evident in the maintenance and revitalization of the affected communities. This study brings a new sense of awareness to an age-old problem that has plagued America for over a century. It is both needed and timely.

Chapter III: Methodology and Research Design

The purpose of this chapter is to define the methodological strategy for the study that will generate data and analysis capable of addressing the study’s central research questions. Again, the question is: Does there exist evidence of continued systemic racism in determining racial patterns in neighborhoods in Baltimore, Maryland. The chapter proposes three interrelated elements: (1) what will count for evidence or data in the study and why; (2) what procedures and processes are proposed for collecting those data; and (3) once collected, what analytical procedures are utilized to analyze the data.

A qualitative case study was selected as the methodology due to the rich contextual nature of this phenomenon that is both common to the American landscape and unique to each metropolitan area. This is a case study of Baltimore City. The research’s purpose is exploratory, descriptive, and explanatory. The questions of what, how, and why about residential housing in a post-Fair Housing Act environment are the general questions to be answered.

The literature review traces the origins of segregated residential housing patterns chronologically and in great detail both nationally and locally. Governmental systemic racism characterized by discriminatory housing practices is undeniably a root cause of segregated residential housing patterns found in Baltimore and nearly every major American metropolitan area, however, since the peak of the Civil Rights movement the nation and the city of Baltimore have experienced deliberate efforts to eliminate, mitigate, or curtail systemic racism when it comes to free housing choice. There have also been major attitudinal, political, and culture shifts in society that points to a greater sense of inclusion, tolerance, and diversity. Measurements of dissimilarity, however, paint a picture of stagnation and in some cases a greater concentration of poverty and isolation than previous periods in the city's history. For these reasons, exploratory, descriptive, and explanatory are deemed appropriate purposes for this study. This study is also a comparative snapshot of conditions, and associations that describe in detail what post-Fair Housing Act Baltimore looks like and feels like during the struggle for fair housing from the turn of the twentieth century to the present. Evidence of continued systemic racist practices is the central focus of the explanatory element of the study.

In general, a case study is an empirical method that investigates a contemporary phenomenon (the "case") in depth and within its real-world context, especially when the boundaries between phenomenon and context may not be evident. In terms of the evidence pertinent to the case in answering the research question, data may be derived from multiple sources that mutually reinforce and validates each other in a constant cross-checking and triangulation fashion. (Yin 2018).

It should be acknowledged that a common concern in the use of the case study methodology is the amount of rigor. The audience interested in the conclusions of the study would like to feel a degree of confidence that the study was designed following systematic procedures and that the study is non-biased in every aspect of the design to include data collection, data analysis, and data interpretation. The narrative produced should seek to eliminate subjective bias as much as humanly possible while acknowledging there is always a degree of subjectivity as evidenced by the selection of the research questions and propositions. Having said this, in presenting the data that supports certain theoretical propositions, counter viewpoints and evidence to the contrary

should also be presented and subjected to cross-checking and triangulation as well (Yin 2018) (Stake 2006).

Qualitative Versus Quantitative for this Study

The determination to use a qualitative as opposed to a quantitative methodological approach is primarily a product of the research question and the level of contextual attention the researcher wishes to devote to the topic. To an extent when either approach or a mixed-methods approach is possible the preference of the researcher can play a part in the selection as well. Qualitative researchers who have written extensively in the field such as Robert K. Yin have offered criteria in which case studies are most applicable. He has indicated that: (1) when your primary research question(s) is “how” or “why” questions, (2) you have little or no control over behavior events, and (3) your focus of the study is contemporary as opposed to historical. (Yin 2006).

There still exists a school of thought that holds that the experiment methodology, is considered the gold standard due to the ability to achieve reliable results. The same researcher at another point in time or any researcher can obtain the same or similar results if all elements and variables are controlled such as interventions or stimuli applied in the same manner, one would expect no difference in the outcome. However, in conducting social science, especially in applied disciplines such as public administration the researcher could rarely establish complete behavioral control nor would it in most cases be ethical to do so. The level of obtrusive experimental procedures would be a strict violation of internal validity as far as testing, instrumentation, and selection bias. It can safely be said, outside of a controlled environment such as a laboratory with no human ethical considerations, the strict experiment methodology or even quasi-experiment methods would not be methods of choice for this research question.

Survey research instruments can be used in case studies but are often used as a separate mode of observation. As with all tools in collecting data it has its strengths and weaknesses. Survey instruments are efficient tools that can be used in questioning large populations on a variety of issues and topics. Standardized questions allow each respondent the opportunity to answer the question in the same manner as all the other respondents. Standardized questions and answer choices are usually asked in minimally

offensive ways to all respondents. Standardized survey questions are also used with strategic sampling techniques where the concept of randomization coupled with all respondents in the universe having an equal or equally weighted chance of being included in the sample is employed. By using strategic sampling techniques in this manner, the researcher can make reasonable inferences about a greater population than the sample size itself.

There are several weaknesses associated with survey research as well. Standardization of questions just mentioned as an asset leaves the respondent very few options to expand on their “Yes”, “No”, “Agree”, or “Disagree” answers. This lack of depth or context may be problematic if the rationale for the responses is as important as the response themselves. Surveys are inflexible in their inability to respond to significant changes in the field that the survey was never designed to capture. For example, if your survey was designed to question community members’ attitudes on capital punishment and halfway through the allotted time for collecting data from the survey a horrific rape or murder of a young child takes place in the community being surveyed. What is likely to happen, is the survey results may be skewed based on the current events. Finally, although not an exhaustive list of weaknesses with this mode of observation, survey responses are self-reported and may be filtered by the respondent’s unwillingness to be honest if they believe that the honest answer is socially unacceptable, such as responses on racial tolerance. Survey fatigue may set in if the respondent perceives the survey to be too long or simply just does not feel like investing the mental energy necessary for completing the survey. A methodology based solely on survey data may omit a great deal of the narrative (Luton 2010).

Quantitative approaches designed to manipulate data points in a database representing elements of the phenomenon using statistical techniques have their place. Techniques such as multiple linear regression, Cronbach’s Alpha, and Pearson’s product-moment correlation to name a few provide evidence for causation, association, and internal consistency and reliability on a narrow question of what a vast phenomenon could be, such as the research question presented here.

The aforementioned research methodologies listed here are ideal for specific research projects, however, in studying a phenomenon such as racial housing patterns in

the city of Baltimore, a qualitative case study methodological approach provides the best option to seek a better understanding of the core relationships and various moving parts in providing evidence to answer the research question in real-time.

In research specific to public administration, the qualitative methodology has emerged as the methodology of choice (McCurdy and Cleary 1984). Similar observations were made by J.L. Perry and K.L. Kraemer after reviewing public administration articles submitted to the Public Administration Review (PAR), specifically that the preference remained for nonquantitative research (J.L. Perry and K.L. Kraemer 1986).

The major two reasons given for selecting qualitative methodological approaches in the field of public administration as the methodology of choice is that a) it generates a broad array of knowledge on the topic in the context of real-world occurrences and b) it allows the researcher and the intended audience a greater window into the world of the subject, which can be very beneficial to the practitioner. This study is best served by an emphasis on the emic, idiographic knowledge that may be generated. The contextualized specific situations occurring in Baltimore City may or may not transfer to other locations. Less emphasis is placed on specific causal and generalizable models because this world that is to be studied may differ from preconceived interpretations. Description and exploration may be prerequisites in future studies calling for quantifiable associations or causal relationships.

Validity, Reliability, and Generalizability

The quality of the research design can be evaluated by its adherence and treatment to concepts of validity, reliability, and generalizability. Qualitative case studies as a methodology must meet the same rigorous standards as quantitative studies. There are notable differences especially in terms of generalizing beyond the case and repetition of basic conclusions. As interesting as the research question and propositions of the case may be, in the spirit of inductive theorizing the greater utility of the study is implications for real-world phenomena that share similar characteristics and relationships.

The first of these important three concepts, validity, is generally defined as a measurement concept that is concerned with the measurement instrument that measures what it purports to measure. In terms of validity, as it relates to a case study, as with all

research methodology, the two broad categories are internal and external validity. Internal validity is more of a concern when the study purpose is explanatory or seeks causal inferences. A common violation of internal validity is conditioned in the study that fails to distinguish between spurious relationships in explanatory studies. This is important for this study because there could be multiple explanatory variables about housing free choice in Baltimore and the surrounding areas. External validity speaks to whether or how a case study can be generalized to future times, similar geographical, or socio-economical situations (Yin 2018).

Construct Validity

In conducting this qualitative study, particular attention is paid to the concept of “Construct Validity”. Construct validity is defined here as identifying correct operational measures for the concepts being studied (Yin 2018). The research question is concerned with providing evidence that affirms or refutes the possibility of “continued systemic racism”. Continued, here is used as it is used in layman’s common speech as defined by the Webster’s Dictionary: “lasting or extending without interruption” (Webster 2020). For the operational definition of “systemic racism,” it is fitting to turn to scholars of Critical Race Theory. Systemic racism here is used synonymously with, “structural” or “institutional racism”. Systemic racism is seen as a pervasive system of oppression throughout the legal, governmental, and bureaucratic structure where decisions are made that affect the social wellbeing of the citizens under its jurisdiction. Decisions that have guided policies in housing, employment, education, public safety, financing, and health to name a few have been consciously and subconsciously influenced by this ubiquitous sense of white privilege and black subjugation. Systemic racism is not individual and occasional acts of bigotry manifest in acts of discrimination, dislike, and or prejudicial treatment (Janel 2021; Ostertag and Armaline 2011; Lin and Harris 2008).

Integrity in construct validity is achieved when the concepts are specific so it will be self-evident when what is observed is an actual incidence of that concept or the converse is observed, it does not qualify as an incidence of the original concept introduced at the onset of the study.

Reliability speaks to whether the data collection, analysis, or interpretations can be repeated with similar results. The level of complications is more extensive with case studies. Determining data that account for evidence is a product of data availability, resources available, and to a degree the preference of the researcher. General results can be achieved with a well-thought-out research plan and strict attention to standardized procedures.

Generalizability is possible with case study research. This is important because the ability to gain a greater understanding of a phenomenon beyond the individual case sets the foundation for testable theoretical concepts. Analytic generalization or making an argumentative claim that can be generalized to similar conditions, places, and times is perhaps the greatest utility of case studies. Statistical (numeric) generalization is not the objective or the claim. Generalization is based on the case study and not the case (Yin 2018).

What Will Count for Evidence or Data in the Study and Why?

Baltimore is a major U.S. city that nearly topped a million citizens according to the 1950 census (U.S. Census, 1950). According to the 2020 census, the total population currently rests at a little under 600,000 and the trends show that the city is constantly hemorrhaging citizens. The city's percentage of black and brown people continues to increase as the overall population continues to decrease. Baltimore is a majority-black city where African Americans account for roughly 68% of the total population (Roots Policy Research 2020).

A basic assumption for this study is that systemic racism is still very much alive in Baltimore, Maryland. The evidence presented seeks to illuminate a pattern of systemic racism that still exists and perpetuates segregated Baltimore. Historically, the color line was drawn in predominantly white neighborhoods as blacks and other minorities made inroads seeking a better life. However, the city itself has taken on the characteristics of the segregated neighborhoods, and neighborhoods in the surrounding counties are also where the color line is drawn.

What is known is that statistically the population demographically and the property in terms of value or renovation have changed very little in the post-civil rights

era and contemporary times. Certain provisions, laws, settlements, judgments were put in place to prevent or mitigate continued systemic housing discrimination and credit denial. The question at hand is did these interventions, initiatives, or prophylactic measures accomplish what they were intended to do? It could also be asked, and there is much speculation on this point, whether they were intended to eliminate or reverse the pattern of segregated residential housing and concentrated poverty (Massy and Denton 1996).

In this case, study what accounts for evidence are archival data such as assessment plans and studies, policy records, historical data, newspaper accounts, academic and popular literature, and research, that can assess the effectiveness of measures taken to mitigate or eliminate systemic racism in housing. For example, one of the most effective tools of the open housing proponents was the passing of the 1968 Fair Housing Act. This act was heralded as a game-changer but even at its inception, due to compromises to secure its passage, it was a flawed piece of legislation as a cudgel to blunt housing discrimination and equal credit access. This legislation and other initiatives can be analyzed as to its effectiveness, the impediments, obstacles, and barriers preventing its effectiveness. The analysis can drill down further as to efforts taken to address complications and their level of effectiveness.

Procedures and Processes for Collecting Data

Strict attention to the methodological sections of other studies selected and cited as evidence for this study regarding soundness and rigor was a guiding principle of what counted for evidence. Studies that went into great detail of its methods used to preserve integrity concerning validity and reliability were chosen over studies that did not present a clear picture of its methodology. By ensuring that which would be considered evidence answered the epistemological question, “how do I know the evidence is based on provable fact and not opinion”.

In compiling evidence for a qualitative case study, one must give considerable thought to collecting data that would account as evidence needed to describe, explore, and even explain the “how” and “why” of the selected topic. Quantitative research can often be completed with the use of primary or secondary data sets, survey instruments, or controlled experiments. Mix methods and multiple data sources are certainly applicable

and available to the researcher using a quantitative approach but not necessarily standard practice. Qualitative methodology, on the other hand, may require several sources of data to provide sufficient evidence, especially case studies (Yin 2018). Another reason for acquiring several sources is for establishing validation and reliability through constant methods of triangulation. In any event, the data collection may become voluminous prompting the researcher to categorize and condense data possibilities to make the research more manageable.

In the modern communication era, much of the information needed that accounts for evidence in this study can easily be assessed online through organizations' websites. Information in academic and popular literature can also be accessed online through the university's library and shared library services.

Official minutes of meetings, position papers, and other published documents from public and non-government organizations such as the Baltimore City Department of Housing and Community Development (HCD), Department of Planning, and the Baltimore Metropolitan Council (BMC) are data resources accessed to determine the direction of the leadership in ensuring open housing and access to resources to improve the neighborhoods impacted by past racial policies that led to segregated racial housing patterns.

In procuring information from various organizations, access is gained by a simple request in the form of letters or e-mails. Additional assurance, when required is used to inform the organization that the information will be used in the pursuit of research. Establishing relationships with point persons or information gatekeepers is often necessary to ensure cooperative transactions in the pursuit of data and information relevant to this study.

Finally, talking to knowledgeable individuals and taking copious notes prove to be useful options. Interviews with individuals who were in positions to know what transpired in the communities and the city at large could prove invaluable in providing the necessary evidence for this topic.

Analytical Procedures Utilized to Analyze the Data

An important characteristic of qualitative analysis is the ability to analyze and prepare data for analysis as soon as it is collected even before it is all collected. Data collected has been prepared, categorized, and even analyzed as soon as it has become available. The process is an inductive one. The analysis is often piecemeal, building a solid body of evidence that in the final narrative describes, explores, and explains elements of the research questions posed.

In general, analysis is performed by compiling detailed notes on every item that accounts for evidence. Similar items that speak to a specific point may be labeled and summarized in groupings or categories. This has been achieved by placing data in various electronic folders and analyzed as soon as available in conjunction with other bodies of evidence.

The data collected are displayed in maps, tables, and charts. Visual imagery accompanied with the narrative serves two purposes, analysis, and display. Using demographical map overlays for example can demonstrate changes or the lack thereof over time. The visuals will also drive the point home for the reader in ways that the narrative may not.

As mentioned earlier, the analysis is often conducted simultaneously with collecting, interpreting, and narrative reporting. However, when several sources of data have been collected the approach has been to sort the information into distinct categories and format the information into a narrative utilizing these data elements. Voluminous amounts of data have been reduced in a process known as de-contextualization to be reconstructed in the process in reverse known as re-contextualization. In essence, the process is to sort the data, categorize the data, interpret the data, draft the qualitative narrative thus building a larger picture. This larger picture will tell the story. It will explore, describe, and even explain, to an extent, the phenomenon in question (Yin, 2018).

The emerging narrative has been compared with other journal articles and theories in the literature. Similarities and stark differences are observed and reported as appropriate.

Propositions associated with this case consist of examining the effectiveness of policy initiatives, legislation at all levels, court rulings, consent decrees, and private sector practices in addressing past and continuous housing discriminatory practices in Baltimore. Expectations for such legislative initiatives, as the Fair Housing Act of 1968, the 1974 Equal Credit Opportunity Act (ECOA), and the Community Reinvestment Act (CRA) enacted in 1977, were for these initiatives to have contributed to greater access to open fair housing and the capability of investing and redevelopment in the neglected neighborhoods.

Dysfunctionalities often associated with urban decay and neglect contrary to the aforementioned interventions such as dwindling and deteriorating stock of affordable housing; credit availability in low-to-moderate income neighborhoods; environmentally safe and healthy neighborhoods; businesses development in low to moderate-income communities; and the characteristics of residents living in low to moderate-income communities are propositions appropriate as indicators for analysis. Each area mentioned could very well be the product of several factors or a combination of factors. The evidence surrounding each should serve the purpose of exploration, description, and explanation.

Chapter IV: Data Analysis

The Data

In this chapter data capable of exploration, description, and explanation are collected for the study and analyzed. Before analysis, it is necessary to introduce what accounts for evidentiary data and the context in which it is appropriate to be considered as such. First, to answer the research questions: Does there exist evidence of continued systemic racism in determining racial patterns in neighborhoods in Baltimore, Maryland. The keyword of focus for the research question is, “continued”. The literature review points to a well-documented historical pattern of systemic racism in which government policies at every level contributed in necessary and sufficient ways in creating and maintaining physical and social isolated sections of America’s cities where black Americans live separate and apart from white Americans. The primary focus here is to see if past conditions that led to hyper-segregated communities characterized by poverty

and isolation in African American communities still exist, evolved, or are no longer a factor.

The first city that passed an ordinance that stipulated racial separation was Baltimore, Maryland in 1910. This type of ordinance commonly referred to as “racial zoning” was struck down by the Supreme Court in 1917 (*Buchanan v. Warly*). The literature review documents the role of state and federal governments in maintaining racial color barriers. There is also clear evidence that these racialized housing patterns were supported and reinforced by the private sector such as the housing construction industry, real estate industry, financial institutions, and insurance companies. One may say all conspired both consciously and subconsciously to maintain a strict color line, separate and unequal when it came to housing in Baltimore City.

Civil Rights reform hit America halfway through the twentieth century with the landmark case of *Brown v. The Board of Education* in May of 1954. This case was a consolidation of five cases into one that reached the Supreme Court. The ruling successfully challenged the “separate but equal” doctrine established in *Plessy v. Ferguson, 1886*, effectively declaring racial segregation in public schools violated African American children’s constitutional rights as articulated in the Fourteenth Amendment. This was followed by *Brown II*, in 1955, which sought greater integration and enforcement remedies (Higginbotham 2013).

The reverberations from *Brown* would have implications in other public areas beyond education but there was still much reform needed on behalf of the civil rights of African Americans and a vast improvement in race relations in America. On the heels of the assassination of John F. Kennedy in 1963, the subsequent elevation to the presidency of Lyndon Bains Johnson, and the tireless activism of the Civil Rights movement led by Dr. Martin Luther King Jr., three highly significant pieces of Civil Rights legislation were signed into law by the new president.

First, on the date of July 2, 1964, the Civil Rights Act of 1964 was signed into law preventing employment discrimination due to race, color, sex, religion, or natural origin. The U.S. Equal Employment Opportunity Commission (EEOC) was also created with this legislation that served as an enforcement arm preventing discrimination in the workplace.

Second, Johnson signed the Voting Rights Act of 1965 which made it illegal to use literacy tests, grandfather clauses, poll taxes, and all other local procedures and tactics designed to disenfranchise African Americans from exercising their right to participate in the electoral process. It further allowed federal examiners to review voter qualifications and monitor polling places.

Finally, of the three, the most significant to this study is the Civil Rights Act of 1968, also known as the Fair Housing Act. The act was floated around for two years and heavily filibustered by both Democrats and Republicans in the north and south (Massey and Denton 1993). This act was finally signed on the heels of the assassination of Dr. Martin Luther King Jr. who fell to an assassin's bullet on April 4, 1968. The landmark legislation was signed on April 11, 1968. This law prohibited discrimination in the sale or rent of a place of dwelling and provided for equal housing opportunities regardless of race, religion, sex, or national origin.

Through legislation, judicial rulings, executive orders, and consent decrees, America has taken several bold steps for the times to make housing assessable, credit available, and public and private developments in low to moderate-income communities available to all people. The expected socioeconomic outcomes for the current residents of low to moderate-income communities are improvement in freedom of housing choice in buying and renting, home value increases for homeowners, and environmentally safe communities comparable to periods before these initiatives were enacted (Higgenbotham 2013).

There have been strides to level the playing field with the passage of landmark civil rights legislation in housing and credit access. There are four major theoretical paths for the resulting housing patterns since the passage of these major reforms. The original sponsors' most optimistic hope for the new legislation would have envisioned a path in which impediments to African Americans' ability to move into the housing of their choice in the city or the greater metropolitan area are minimum or nonexistent. In addition, resources for community development and home improvement are available. Two, the null hypothesis, current conditions are not the result of continued systemic racism. Other forces or the legacy of the past may be the most salient factors for current conditions. Three, market forces are the primary factor determining residential patterns.

Race is inconsequential and housing of choice is open to those of any race or ethnic background that can afford it. Four, continued systemic racism is as prevalent as it ever was. Creative workarounds of the reforms capable of creating disparate conditions for African Americans have evolved to create new impediments to maintain the status quo. These possible theoretical pathways are displayed in table form in Table 1.

Table 1.

Theoretical Possibilities of Current Residential Patterns in Baltimore City and Surrounding Areas

Theoretical Perspective	Expectations for Housing Reforms to mitigate or eliminate systemic racism in housing.	Possible Outcomes and expected standards of life.
1) Reforms have eliminated or mitigated impediments of those in protected classes to move into housing of choice in the city or the greater metropolitan area. Barriers to secure credit for individual or community development are minimum or nonexistent in 2020.	High expectations for housing reforms as a bullwork against systemic racism by public policy makers or private industry practices.	Residents enjoy a higher standard of living with their ability to exercise unfettered choice of housing and access to credit for individual and community development.
2) Ability to move into housing of choice in the city or greater metropolitan area or to secure credit for individual or community development cannot be attributed to systemic racism in 2020. Individual choice for community homogeneity or the legacy of previous policies are the primary contributing factors for existing residential patterns.	No expectations for past housing reforms since housing choice and securing credit are not considered to be impacted by continued systemic racism.	Residents' standard of living may vary with the individual's ability in securing education attainment and employment commensurate with the quality of life they seek.
3) Market forces is the primary factor determining residential patterns. Race is inconsequential and housing of choice are open to those of any race or ethnic background that can afford it.	No expectations for housing reforms since housing choice and securing credit are determined by the "blind hand of economic forces" such as supply and demand and available resources and credit worthiness.	Residents' standard of living may vary with the housing market, housing stock available, individual credit worthiness, and one's ability to navigate the market.
4) Continued systemic racism is the primary determining factor in residential patterns in the city and surrounding area. Continued systemic racism is the primary determining factor for securing credit for individual, or community development. Continued systemic racism is the primary determining factor for environmentally toxic communities and food deserts within these communities.	Low expectations for past housing reforms in securing credit for individual and community development. Low expectations for environmentally friendly neighborhoods if no additional actions are taken. New strategies will need to constantly evolve to discover incidents of systemic racism and ways to enforce and implement existing as well as new reforms.	Pending ability of community stakeholders to document incidents of continued systemic racism, residents will remain in hyper segregated, isolated, environmentally unsafe, and impoverished conditions.

The following are propositions that when analyzed systematically and objectively, giving equal consideration to any alternative or opposing theoretical perspective will serve as evidence that may support or reject conclusions on the research question.

Propositions:

Proposition 1)

The Fair Housing Act of 1968 and its impact on Baltimore's low to moderate-income communities.

- A. Refusal to sell or rent a dwelling to any person because of race, religion, gender, or national origin.

Fair housing nonprofit organizations such as Baltimore Neighborhoods, Inc. (BNI)/Fair Housing Action Center of Maryland, and Maryland Commission on Civil Rights have a history of investigating landlords, real estate agencies, and financial institutions using paired audit studies (Fix and Struyk 1993). White and black teams are assigned similar characteristics and sent out to inquire about the availability of housing advertised for sale or rent in a given housing market. These teams are looking for housing discrimination. Housing discrimination here is defined to be the systematically less favorable treatment of minority auditors (Ondrich, Ross, Yinger 2001). Steps such as the same training are provided to both members of the audit team so that the characteristics are as close as possible to each other without being identified to avoid detection. The only difference of any consequence was the racial-ethnic status of the audit pair (Ondrich, Ross, Yinger 2001).

Systematic differences in treatment by race are documented for inconsistencies (Blank, Dabady, and Citro 2004). Audit studies show that whites continue to receive preferential treatment over blacks in real estate transactions. Blacks are more likely to be “steered” toward all black, already segregated, or racially mixed neighborhoods and away from white residential areas (Turner, 2003; Ross and Turner 2004).

Audit studies likewise indicate the persistence of discrimination against African Americans in mortgage lending as well as the continued informal redlining of black neighborhoods (Ross and Yinger 2002; Hartman and Squires 2013), though in recent

years redlining has given way to “reverse redlining,” or predatory lending in which black borrowers are channeled into high interest, high-risk loans (Squires 2004; Hyra 2013; Rugh, Albright, and Massey 2014).

On a national scale, the evidence is overwhelming of discriminatory acts by landlords and realtors who refused to rent or sell to people in protected classes such as African and Latin Americans. In addition, across the nation, lenders have made it more difficult for blacks who sought credit to purchase homes to attain them. Holding for such intangibles as credit score, credit history, income levels, and employment stability, all things being equal, blacks have found it more difficult than their white counterparts (Fix, Galster, and Struyk 1992).

The most comprehensive analysis of housing market practices was conducted by the Department of Housing and Urban Development (HUD) and the Urban Institute in 1989. Using paired testing (in which comparably qualified white and nonwhite “testers” posing as homebuyers or renters approached housing providers to rent or purchase advertised vacant units), researchers found that blacks and Hispanics encountered some form of unlawful discrimination in almost half their encounters with real estate agents (Fix, Galster, and Struyk 1992).

It was found during this study that discrimination occurred in three basic stages. The first stage information is obtained from the real estate agent or landlord about the availability of units. In this stage, information could be withheld completely or partially. If the information is withheld completely the discrimination could be classified as access denied. If withheld partially or selectively the discrimination could be classified as constrained (Yinger 1993).

The second stage of the “would be transaction” was found that the agent may quote misleading or inaccurate information about a unit that has been identified. The price may be stated as higher than the actual price, or favorable terms such as adjustable-rate mortgages may only be shared with the white member of the audit team.

The final stage involves the location of the rental unit or the property available for sale. The black or Hispanic member of the team may only be shown units or homes in areas where minorities currently exist. Or the realtor would purposely seek to persuade

the minority home seeker away from predominantly white areas which are known as steering (Fix, and Struyk 1993).

This study was able to measure the incidence of discrimination as well as the severity of discrimination. The average difference in the number of units shown or recommended in audits in which minorities are excluded is between 2.1 and 2.5 for sales audits and about 1.6 for rental audits (Yinger 1993).

Housing Urban Development was aware of the shortcomings of the Fair Housing Act and took additional steps to alleviate and mitigate impediments to fair housing choice. In 1995, HUD published a rule consolidating the Comprehensive Affordability Strategy (CHAS) mandated in 1990, the community development plan (required for the Community Development Block Grant (CDBG) recipients, and the submission and reporting requirements for the four-community development formula grant programs (CDBG, Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) into a single plan—the Consolidated Plan.

As part of the Consolidated Plan, grantees would submit an Affirmatively Furthering Fair Housing (AFFH) certification which requires them to undertake Fair Housing Planning (FHP) through:

1. The completion of an Analysis of Impediments (AI)
2. Actions to eliminate any identified impediments.
3. Maintenance of AFFH records.

HUD encourages multiple jurisdictions in metropolitan areas or regions to consult with one another and initiate metropolitan regionwide (Fair Housing Planning FHP). An approach, that was the remedy handed out in the landmark housing case: *Thompson v. HUD*, in essence, to employ a regional approach in affirmatively furthering fair housing (HUD, 1996).

The Baltimore Region 2020 Analysis Impediment report and all of the regional AI reporting that preceded it will be used as evidentiary documents because these documents have captured the persistent impediments and barriers to fair housing of choice in Baltimore and the surrounding counties that make up the region. The region consists of Baltimore City, Baltimore County, Anne Arundel County, Howard County, and Harford

County. Within these documents are evidence of impediments and barriers to acquiring accessible affordable housing as well as evidence of efforts to combat these impediments and barriers.

In the Analysis of Impediments to Fair Housing Choice published October 11, 2011, this document identifies housing discrimination in rentals and sales. It documents the findings of paired testing conducted by Baltimore Neighborhood Inc., (BNI) a nonprofit advocate for fair housing organizations. BNI was a regional fair housing organization that provided a variety of services aimed at fighting housing discrimination, supporting integrated communities, improving tenant-landlord relations, providing community education, outreach, and advocating for accessible housing. BNI had contracts with the City of Baltimore, Baltimore County, and Harford County to complete housing discrimination testing in those jurisdictions. BNI conducted 50 paired tests per year in the City of Baltimore alone for \$1,000 per test and at rental and sales properties at \$1,200 per test (Roots Policy Research 2011).

With these costs per test, it is not surprising that the number of tests was relatively small in comparison to the numerous rental and sales transactions throughout the city. BNI's cumulative testing logs for fiscal years 2008 and 2009 were analyzed for this report. During the two years, BNI completed 92 tests and re-tests for rental housing discrimination at various locations throughout the city. Overall, some level of potential discrimination was determined in 43.5% of cases, while no discrimination was noted in 29.3% of cases (AI 2012). Discrimination was listed as a persistent barrier in the 2020 Analysis of Impediments report. This indicates that the real estate culture has changed very little since the passing of the Fair Housing Act of 1968.

One of the goals that came out of the 2012 AI report was Goal 6: which was to (Review and/or restructure the existing process for receiving, investigating, and recording housing discrimination complaints) (Roots Policy Research 2020). This goal is listed as in progress in 2020 but it speaks to the need of processing discrimination complaints that were going underreported, investigated, and adjudicated in 2012.

The State of Maryland Commission on Civil Rights (MCCR) annual report consistently lists complaints in housing based on racial discrimination. In 2020, housing discrimination was the second-highest number of complaints behind that of complaints

on disabilities. Within that category, Baltimore City leads all other jurisdictions in filing these complaints. This has been consistent for the last five reports (MCCR Annual Report 2020).

The Baltimore Metropolitan Council (BMC) coordinated efforts under the HUD-funded coalition, Opportunity Collaborative to produce two region-wide documents. These documents, The Baltimore Regional Housing Plan and Fair Housing Equity Assessment published November 2014 and the Baltimore Regional Plan for Sustainability published June 2015 shed light on the challenges faced by Baltimore within the region such as a high concentration of impoverished segregated African American communities and efforts to reverse this situation (Opportunity Collaborative 2014).

As many of the planning documents have indicated, discrimination in fair housing choice in Baltimore did not cease shortly after 1968 but became more subtle. The mechanism of enforcing the provisions in the Fair Housing Act has consistently lagged behind the letter and the spirit of the law (Massy and Denton 1994).

B. Discrimination in Advertising the Sale or Rental of Housing.

One of the most fundamental types of discrimination in housing is the denial of access to information about available housing units (Yinger 1993). The Fair Housing Act prohibits the making, printing, and publishing of advertisements that indicate a preference, limitation, or discrimination because of race, color, religion, sex, disability, familial status, or national origin. This applies to nearly all housing, including private housing, public housing, and housing that receives federal funding. The prohibition applies to publishers who knowingly publish the ads as well as those who submit the ads for publishing. Examples may include printed ads such as newspapers and directories, audio radio, visual and audio television, streaming services, or the web (Massey 2015).

Real estate companies, landlords, and advertisers' attempts to circumvent the 1968 Fair Housing Act as it applies to discrimination in advertising were less overt and more subtle but there is evidence that discrimination in this area continued. Advertising in housing would be less likely to use verbiage such as, "white only", or "no families

with children need apply”, but tailor the language to say, “reserved for persons over the age of 18” which discriminates against familiar status, that may place minority families with young children at a disadvantage. It would avoid saying in print or other forms of media “no wheelchairs allowed, or wheelchair access denied,” which would be blatant forms of discrimination towards persons with disabilities. Advertising examples of discrimination against race may use white models only, sublimely targeting white families or individuals, non-families only as a preference. It may advertise only rental units or houses for sale that are single-family detached excluding multi-family dwellings to discourage a large contingent of low to middle-income families that happen to have a greater impact on black or Hispanic families seeking housing. Finally, discrimination against payment types such as governmental assistance was rejected as a form of class and race discrimination. (Schwemm 2020).

The New York Times in 1993 was forced to settle a four-year-old lawsuit for allegedly violating the 1968 Fair Housing Act, specifically about advertising. The case went to the U.S. Supreme Court and was remanded back to a lower court that ruled against the times. The New York Times had to pay \$450,000 for using nearly exclusively white models in housing advertisements and agree to monitor the ads for the use of African Americans and other minorities submitted. This lawsuit was in response to amendments to the FHA added in 1989 that increased the liabilities of the advertisers (Kirk 1970; Oliveri 2010).

Several studies from the mid-1980s assess the effectiveness of the 1968 Fair Housing Act, and those studies were instrumental in supporting the design and political momentum for the amendments to the act adopted in 1989. Several of those studies found that an important barrier to minorities seeking homes was insufficient access to advertising or exclusionary advertising. Some of the studies specifically recommended that liability for discriminatory advertising should extend without damage limits to newspapers (Williams, Qualls, Grier 1995).

The Washington Lawyers Committee for Civil Rights Under the Law conducted a study to support the suit against the New York *Times*. The purpose of the study was to find out in the wake of the Time’s case - whether the biggest daily newspapers in cities with the most diverse populations were complying with the Fair Housing Act in their

portrayal of minorities in housing ads. According to the law, human models used in housing ads “should be definable as reasonably representing majority and minority groups in the metropolitan area.” While the regulations do not say exactly what reasonable representation should be, the emerging legal and practical standard is that human models should include minority faces at the same percentage rate as the minority population in the statistical metropolitan area of the newspaper (Williams, Qualls, Grier 1995). In the *Times* case, the plaintiffs showed that the *Times* used white models ninety-nine percent of the time, while census statistics for New York showed the population of the metropolitan area is racially 30 percent minority.

Using the standard that ads should include minorities at the same percentage rate as the minority population, the author analyzed more than 9,000 housing display ads in 30 big metropolitan dailies, all from urbanized areas with an aggregate minority population of roughly 20 percent or greater. The Baltimore metropolitan area was one of those areas that came up short of the standards according to the studies conducted (Williams, Qualls, Grier 1995).

Baltimore has not been exempted from this form of discrimination. Advertising of housing units for rent or sale is an essential element in attracting or discouraging potential participants in the housing market. This was not lost on the congressional legislators who included language directly addressing fairness in advertising.

C. Affirmatively Furthering Fair Housing Provision of the Fair Housing Act

The affirmatively furthering fair housing (AFFH) provision of the Fair Housing Act recognizes that it is not enough to simply promote non-discrimination but to promote residential integration and equal access to free housing choice. This responsibility applies to local governments and public housing authorities receiving federal housing funds.

The AFFH mandated that all executive departments and agencies “shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of fair integrated residential housing (Abraham, 2020). During the 1980s cases concerning the use of the AFFH had made their

way through the courts, many of them ruling that government action was needed in deconstructing residential segregation (Abraham 2020).

This is important because the AFFH mandate within the FHA has received less attention than the anti-discrimination mandate. The AFFH, however, was hailed as a breakthrough for its potential to not only quell existing discrimination but right the wrongs of past transgressions.

In enacting the Fair Housing Act (FHA) of 1968, Congress sought to “remove the walls of discrimination which enclose minority groups,” and to foster “truly integrated and balanced living patterns.” To augment these goals, 42 U.S.C. § 3608 requires the Secretary of Housing and Urban Development (HUD) to “administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of (the FHA) specifically, HUD must proactively promote nondiscrimination, residential integration, and equal access to housing benefits in its housing programs. The “affirmatively further” provision addresses longstanding practices by federal government agencies, as well as local governments and public housing authorities (PHAs) receiving federal housing grants, which intentionally promoted racial segregation in both the private housing market and in the administration of public housing. Accordingly, modern regulations and executive orders also extend the § 3608(e)(5) duty to local governments and PHAs receiving federal housing funds.

(Collins 2010).

Despite extensive statutory regulations and the legal mechanisms to enforce the (AFFH) provision it is not accomplishing what it was designed to accomplish. Local public housing programs receiving federal funds often fall sway to local interests and concerns willing to take their chances with HUD’s ability or willingness to enforce this provision. HUD does not want to be in the business of withholding funds even after being a part to continuous lawsuits (Collins 2010).

The Baltimore region has fared no better than other major metropolitan areas when it has come to enforcement of this very important mandate of the FHA. This was evident in the landmark case of *Thompson V. HUD, 1995, 2006* (Kline 2007).

One of the important consequences of the affirmatively further provision was to place the onus of the metropolitan area or region to complete an Analysis of Impediments to Fair Housing (AI) Choice periodically. This document clearly acknowledges impediments and barriers like continued discrimination but sets goals, objectives, and an actionable workplan to alleviate or mitigate identified impediments.

The Baltimore Region consisting of Baltimore City, Baltimore County, Howard County, Anne Arundel County, and Harford County are working more collaboratively in dealing with housing and other economic issues facing the region. This approach ensures that some of the wealthier surrounding counties share in the burden of providing affordable housing for individuals and families who seek it. A collaborative regional approach inserts diversity of race and class into the affordable housing market, a market which has disproportionately been borne by Baltimore City.

Despite numerous documented examples of discrimination in the city of Baltimore and the Baltimore region in the sale, rental, advertising, or even affirmatively furthering provision in violation of the FHA, it is not clear that isolated acts of continued discrimination or subtle work arounds explain the current state of hyper segregated concentrated poverty in Baltimore City. Without denying institutional discrimination persist, in both the private housing market and the administration of public and assisted housing, the evidence suggests, market forces, the state of the community, and the residents that inhabit them are at such a serious disadvantage to capitalize off housing and community developments. This appears to be the case if all incidence of systemic racism ceased to exist throughout the region. Furthermore, many current policies provide temporary advantages in the way of additional housing units but does nothing to combat the structure of isolation and revitalizations of long-suffering communities. The evidence is consistent in this proposition that the legacy of systemic racism as practiced from 1910 through 1968 has had direct bearing on the current residential housing patterns and the ability of the community and its residents to reverse the trends of decline and depreciation.

D. Summary: Fair Housing Act of 1968

At the time of this research the Fair Housing Act of 1968 is fifty-two years old. Many fair housing activists had hoped that this act would be a turning point in the way African Americans were treated in their quest for open housing choice and even an ability to improve the communities in which they reside. Although there has been some noted success with laws making housing discrimination illegal, the majority would agree that

the FHA has not been the panacea for fair housing in the inner cities as it relates to African Americans and other people of color.

There are many reasons why the FHA was unable to fulfill the promises that Senator Mondale, President Johnson, and other sponsors of the legislation had hoped it would fulfill. First, the wall of opposition prior to its passage was massive and determined that a fair housing bill would never be signed into law. There were southern Democrats in Johnson's own party who were adamant segregationist and did not wish to see this bill become law. Northern Democrats who represented white neighborhoods in Boston and Chicago feared a backlash from white, blue collar workers were also adamantly opposed to legislation that would make equal housing access to African Americans a reality. Ideological free market Republicans categorically rejected government interference in the housing market also stood in opposition to fair housing legislation. These three groups, for their own reasons, were a strange coalition that stood firmly in the path of any progress on bills before the House and Senate that would become signed fair housing legislation (Higginbotham 2013).

The FHA, in retrospect seem like the appropriate course of action for a more enlightened America following the assassination of President John F. Kennedy in 1963. The Civil Rights bill, surviving one of the longest filibusters in U.S. history, was passed in 1964. This was followed by the Voting Rights in 1965. As stated earlier the proposed fair housing legislation faced organized and determined opposition from a variety of senators with different backgrounds united on one thing, opposing legislation on fair housing. The bill was at an impasse in the senate, prompting Senator Everett Dickerson of Illinois to offer a compromise amendment (Massey and Denton 1993).

The compromise would effectively weaken the bill, thus making it more palatable to some of the opposition arrayed against it. The compromise would reduce the bill's coverage to 80% of the nation's housing stock by excluding owner-occupied. Even more harmful for the effectiveness of the bill was its ability to enforce violations of discrimination (Massey and Denton 1993). The amended bill would eliminate HUD's authority to hold hearings, issue complaints, or publish the cease-and-desist orders. Furthermore, it would lower the penalties for violations. The operational effect would force each individual alleged victim of discrimination to pursue landlords and realtors

with limited resources as a recourse for perceived incidence of discriminatory actions. Due to the unlikeness of aggrieved partitioners to seek civil courts as arbiters of justice there would be no accurate way of gauging the most serious and prolonged offenders. The legislation would suffer from effective enforcement.

The Dirksen compromise was adopted February 28, 1968. March 1, the Kerner Commission on urban riots which identified residential segregation as one of the most prominent causes of black poverty and poor race relations was released having an undeniable sobering effect on Congress that began to sense that something must be done on housing. Finally, what pushed the housing bill that would become FHA into legislation ready for the signature of Lyndon B. Johnson was the assassination of Dr. Martin Luther King, April 4, and the ensuing riots that took place in nearly every major urban area in America. The bill had already cleared the senate with an overwhelming majority 71 to 20 on March 11. On April 10, the senate's version was finally ready for a House vote which it would also pass, albeit much closer 229 to 195. The following day, April 11, 1968, the FHA of 1968 was signed by President Johnson making it the law of the land.

The opposition was never wooed or converted to fair housing for all of America's citizens and the FHA came into being in a much-weakened state than the original sponsors had hoped for. Some would go as far as to say, due to its limited enforcement mechanism it was designed so that it would not and could not work (Massey and Denton 1993).

Reviewing the history of the passage of the FHA and the purposeful weakening of this law at its inception could be seen as a strong piece of evidence of continued systemic discrimination in housing. However, the FHA did present a tool albeit clumsy and less effective than hoped for, it did exist where no law at the federal level of its kind existed before.

Discrimination in advertising was discovered nationally and in the Baltimore region. Major city newspapers and other publications were using exclusively white models when advertising. This violated a formula set up by the courts in which the advertisement diversity would reflect the diversity of the city or the target jurisdiction (Kirk 1970).

Perhaps the weakest provision of the law and the one that could make the most difference is the provision that calls for local jurisdictions to “Affirmatively Furthering Fair Housing”, the AFFH mandated that all executive departments and agencies “shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of fair integrated residential housing (Abraham, 2020). During the 1980s cases concerning the use of the AFFH had made its way through the courts, many of them ruling that government action was needed in deconstructing residential segregation (Abraham, 2020). This requires jurisdictions to not just enforce anti-discrimination policies but to proactively promote policies that would lead to integration and a more inclusive society.

It is appropriate and fair to note that in 1988 the Fair Housing Act of 1968 was amended in a desperate effort to give it teeth. The time allotted to file a housing discrimination complaint was extended from 180 days to two years. There were new provisions added to allow attorney’s fees and courtroom costs to be recovered by prevailing plaintiffs. The amendments also created a streamlined process for trying cases before an administrative judge. It also empowered administrative judges to order full compensation for damages plus civil fines of up to \$10,000 for a first violation, \$50,000 for a third violation and a first conviction in a pattern and practice case. Finally, \$100,000 would be levied against subsequent repeat violations.

Even with these basic enforcement improvements, enforcement efforts varied with presidential administrations and varied with the efforts initiated and followed through by HUD and DOJ. A good example is underfunding by certain presidential administrations or restructuring both priority and enforcement mechanisms.

The Affirmatively Furthering Fair Housing provision has fallen on deaf ears. Local public housing programs receiving federal funds often fall sway to local interests and concerns willing to take their chances with HUD’s ability or willingness to enforce this provision. HUD does not want to be in the business of withholding funds even after being a part to continuous lawsuits (Collins 2010).

The Baltimore region has fared no better than other major metropolitan areas when it has come to enforcement of this very important mandate of the FHA. This was evident in the landmark case of *Thompson V. HUD, 1995, 2006* (Kline 2007).

Proposition 2)

Dwindling and Deteriorating Stock of Affordable Housing

According to the National Low Income Housing Coalition for the Baltimore Towson area there are 98,093 extremely low income renter households and affordable and available rental homes 34,327. That leaves a gap of 63,766 or only 35% of the affordable housing need met (NLIHC 2019).

It has been fifty-two years since the passage of the Fair Housing Act of 1968. This law was followed by credit access laws designed to increase access to credit and check discriminatory lending practices in relation to African Americans and other marginalized communities in urban areas. An amendment to the FHA was signed into law in 1989 that recognized the enforcement flaws of the original law. These were all welcomed steps by residents and advocates of safe and decent housing for all. However, the amount of affordable housing relative to the need fifty-two years is woefully inadequate in nearly all major metropolitan areas. Baltimore city is no exception. The need is constant, and lack of affordable housing leads to a greater percentage of residents that experience homelessness, live in substandard, and overcrowded dwellings in the poorest areas in the city.

A. Possible Causes of a Lack of Affordable Housing

In a free market economy, one would expect the market to rise to the need and provide the necessary housing units to satisfy the demand. With most essential commodities this is the case, however the housing market is fraught with challenges that does not lend itself to the corrective forces of the market (Pousson 2019).

The full scope of affordable housing needs varies as well as the primary contributing factors to the need in each metropolitan area. Geographical physical limitations of the land determine the amount of land available to be developed. Some cities such as Baltimore, San Francisco, Washington, D.C., and the island of Manhattan in New York City, to name a few, are physically limited in the square footage that can be developed. This drives up demand for all land usage which in turn increases the cost

of constructing affordable housing units. Market forces dictate profitability or potential loss for the developer.

Geographical physical limitations and housing market forces can be thought of as a starting point for a potential developer of affordable housing. The next barrier to overcome would be existing protection by federal, state, or local government charged with preserving or protecting historical sites or green spaces. However, the strongest barriers to building affordable housing units, especially in areas of opportunity within metropolitan areas, come from pushback by local citizens based on race and class (Pousson 2019).

The use of exclusionary zoning laws by local governments determine what type of property can be constructed and what type of residents would likely inhabit the developed property. Residents of more desirable areas in the city and surrounding suburbs often express a strong desire not to see affordable housing units near their residence will employ their local elective bodies to ensure that construction of affordable housing units never takes place. The acronym Not in My Back Yard (NIMBY) is an apt description of the strategy and approach the more affluent established residents take when it comes to ensuring affordable housing does not take root in designated areas. This often leaves the most undesirable areas of the city the only areas left for development. This ultimately exacerbates the problem and maintains the status quo.

To construct new housing units, even affordable housing, in the least desirable areas of town is a very risky proposition for a developer. The developer must seek to attract residents that can afford the new units and does not mind living in the most undesirable areas of town.

To make developing affordable housing units in the least desirable part of town profitable, a private developer would need government subsidies to offset the costs and associated risks. This type of investment would be considered a poor investment by private developers and financial lending institutions. An organic housing market does not readily avail itself to increase the quantity and quality of the housing stock in areas of hyper segregation and concentrated poverty. The legacy of policies that led to segregated residential housing in the past, such as redlining, restrictive covenants,

discrimination in lending, block busting, and the detrimental use of public housing have created the current conditions in which affordable housing is scarce in the communities that endured these systemic racist housing policies.

Continued systemic racist policies manifest itself in the lack of enforcement of violations of the FHA by local officials who either ignore the law or blatantly disregard them altogether, preferring to take their chances with fines or other sanctions. Assistance from the federal government has been lacking in enforcement responsibilities. The Department of Housing and Urban Development (HUD) has experienced steady budget decreases and has shown a lack of interest in enforcing laws by withholding funding from federally controlled housing projects (Massey and Denton 1993).

The city of Baltimore shares the problem of decreasing and deteriorating affordable housing stock, with other major metropolitan areas. The 2020: Analysis of Impediments to Fair Housing Choice in the Baltimore Region (AI 2020) covers the dwindling and deteriorating affordable housing stock in the Baltimore region and especially in Baltimore City. The Baltimore region consist of Baltimore City and four surrounding counties, Baltimore County, Howard County, Anne Arundel County, and Harford County. There is a dearth of affordable rental and/or public subsidies in the region. This problem is compounded when one considers affordable housing in areas of opportunity for employment and education (Root Policy Research 2020).

Baltimore City has been on a constant decline in population, median income, and homeownership. Within the region, most of the affordable housing continues to be in the city and disproportionately away from areas of opportunities (Root Policy Research 2020).

Lack of affordable housing leads to overcrowding, families doubling up, an increased risk of eviction, a higher risk of homelessness, and a lack of economic opportunity. Although this shortage affects all poverty-level households in the region, African Americans are disproportionately likely to experience the negative consequences from this shortage of rental units, both overall and in safe communities with access to high-performing schools (Root Policy Research 2020).

B. Current Status of Affordable Housing Relative to the Need

Despite persistent efforts to eliminate barriers to credit access, most of the residents who now occupy the former redlined neighborhoods suffer from the lack of affordable housing. Overcrowding and an unsustainable house burden characterized by income to housing costs ratios highlights this unfulfilled need by the housing market and public efforts to alleviate this shortage. The need for affordable housing is great throughout the region. This need is particularly acute in Baltimore City (Root Policy Research 2020).

A regional approach to providing the need of affordable housing is consistent with the consent decree handed down by Judge Garbis in the landmark ruling in *Thomas v. HUD*. Every jurisdiction within the region is compelled to do its part to alleviate the shortage in their particular jurisdiction. The city of Baltimore provides the majority of affordable housing in the region. This has been consistent since the metropolitan area has been defined as a region with Baltimore City and the county jurisdictions. Currently, Baltimore City provides 67% of the most affordable rental housing compared to 38% in the region. This is a slight improvement from 2010 where the ratio was 70% to 39%. (ACS, 2010 2020).

Baltimore City has the largest number of census tracts that are low opportunity areas. Looking at these areas geographically there is an undeniable correlation of historical discriminatory actions such as racial zoning, restrictive covenants, and exclusionary zoning that coincides with vacant homes and the greatest needs. There is particularly a dearth of affordable housing in high opportunity areas. More affluent areas such as Roland Parks have consistently shown neighborhood resistance to development that would increase the supply of affordable housing, particularly multifamily development (Gomez 2013, King, Drabinski, Davis, 2019; McDougal 1993).

The lack of affordable housing is both a product of the legacy of past practices of systemic racism as well as an evolved form that generates the same outcome. This manifest itself in a heavy toll on the community residents in the lack of education and employment opportunities. This in turn creates an unappealing environment for investment of any kind in deteriorating communities that have become unprofitable to build or rehabilitate.

Depriving these communities of credit for maintenance and upkeep prior to the passage of the FHA 1968 caused the property value to decline and homeowners to leave or live-in substandard housing. In many cases landlords, who bought this neighborhood property very cheaply, had little interests in bringing the property up to adequate inhabitable standards. The properties attracted renters with less and less income that could only afford to live in these substandard conditions. The community would generate less taxable revenue which is a major factor in determining the quality of the area schools. Poorly funded schools often equate to poor performing schools. Poor performing schools from these communities produce less graduates and less college ready students. The under prepared students are less likely to go on to schools of higher education or be high earners in the job market. This serves to perpetuate the cycle of poverty and stagnation in terms of upward mobility with each generation following similar patterns.

In addition, those with low to moderate incomes, are more likely to suffer from “cost burden”. Cost burden occurs when a disproportionate amount of one’s gross income (over 30%) is consumed by the cost of owning or renting a home. These costs include monthly rent or mortgage, utilities, insurances, and property taxes. This may lead to overcrowding and substandard dwellings. Within the region Baltimore City show disproportionate residents who experience undue cost burden (Roots Policy Research 2020).

C. Exclusionary Zoning

Municipalities have taken advantaged of their ability to enact local exclusionary zoning laws, that may appear neutral on its face but often serve to curtail the type of housing that can be built and where it can be located (Rothwell and Massey 2009). The attention to exclusionary zoning and structural environment serves the same purpose as racial zoning with far less legal challenges. These laws have been used the same way that racial zoning and restrictive covenants were used in the past as a means of excluding certain categories of people that are now in protected classes. Race is not used as a criterion but the housing type that are most beneficial to low to moderate income African Americans and Hispanics are categorically disallowed. Housing such as multi-development family homes with greater density, and smaller lot sizes, may not be permitted. Such restrictions limits construction as well as artificially inflates existing

multi-development family housing. This has the effect of placing dwellings most beneficial out of low to moderate income families' price range. It also disproportionately affects African Americans who are more likely than their white counterparts to fall in low to moderate income brackets and need more affordable housing.

A classic example of exclusionary zoning reached the state Supreme Court of New Jersey in 1975. Although the ruling was not challenged at the US Supreme Court, the case reached national prominence. What was at stake was whether a municipality could use its zoning powers of land use and granting building permits in a manner that would restrict citizens' exercising free housing choice. The case, *Burlington County N.A.A.C.P. v. Mount Laurel, 1975* opened the door for numerous lawsuits against municipalities that would use their powers of zoning in an exclusionary fashion that creates barriers to housing choice (Allan 1975). Some of the tactics cited were mandated minimum density levels, multi-family versus single family homes, and lot sizes capable of pricing families in protected classes out of the housing market in a given jurisdiction with no practical remedy (Allan 1975).

The Baltimore 2020 Analysis of Impediments to Fair Housing Choice in the Baltimore Region identified impediments to fair housing choice as it relates to the use of zoning and more importantly recognizing that this use can easily be used as workarounds for centuries old systemic racist policies. Building on zoning practices identified in the 2012 AI, suggestions were compiled to lessen the harmful effects of exclusionary zoning on African Americans and housing advocacy organizations seeking an increase in the affordable housing stock.

Some of the suggestions could be found in Don Elliot's *A Better Way to Zone*, and these suggestions are listed in Table 2.

Table 2.
Exclusionary Zoning Best Practices

Zoning Best Practices
<p>1) Zone for middle income households—include a broad middle range of mixed-use zone districts that occupy the majority of the spectrum of zone districts. Allow multifamily development across a wide variety of mixed-use districts. This practice more effectively produces communities that support neighborhood-serving retail and commercial operations and small businesses by allowing the market to supply services near households.</p>
<p>2) Revise zoning ordinances to better promote attainable housing—step away from minimum lot sizes, minimum dwelling units sizes, and maximum densities of development. Allow more flexibility in zone districts to accommodate the wide range of housing products that accommodate the “missing middle.”</p>
<p>3) Implement dynamic development standards — recognize that communities change over time and development codes need to allow communities to adopt and experiment with market innovations and accommodate changing housing preferences. Parking standards, for example, can vary based on use rates and existence of public parking lots in the area. In more traditionally zoned communities, it is most appropriate to “experiment” with dynamic zoning in mixed use districts, which, as discussed above, should be generous in application and allow multifamily residential housing.</p>
<p>Source: Don Elliott, A Better Way to Zone; in the 2020 Analysis of Impediments to Fair Housing Choice in the Baltimore Region</p>

By utilizing these best zoning practices as delineated here, exclusionary zoning for municipalities is less likely to be used as workarounds for age-old overt systemic racist policies. Exclusionary zoning has been used as a major tool in the arsenal of those who sought to continue residential segregated patterns.

D. Summary: Dwindling Housing Stock

The proposition of Dwindling and Deteriorating Stock of Affordable Housing, except for exclusionary zoning, appears to be the direct and indirect result of systemic racist policies pre-FHA. The lack of educational, employment, and wealth-building opportunities, led to cyclical and generational poverty, in which the communities and city have yet to recover. Exclusionary zoning as a subtle form of continued systemic racist

policies has been reformed but in its most destructive form, could not account for the existing segregated neighborhoods in the city of Baltimore and the concentrated poverty.

The strange paradox that the city of Baltimore finds itself in is that of a city that desperately needs affordable housing, suffers from an unnatural amount of vacant residential buildings, an unfathomable situation that has plagued the city since the nineteenth century (Pousson 2019). Baltimore's official count of vacant buildings topped sixteen thousand properties at the beginning of the national foreclosure crisis in 2008 (Pousson 2019). These vacant properties are heavily concentrated in historically black neighborhoods and are the result of policies that embraced the status quo of segregation through tax and transportation policies (Pousson 2019).

Proposition 3)

Credit Availability in Low-to-Moderate Income Neighborhoods

One of the promises of the Fair Housing Act of 1968 was the elimination of de jure legal denial of the purchase or rental of advertised properties or rental units. To that end, equal access to credit for the individual and community is paramount to realizing that end. This was addressed with a series of laws to ensure equal access to credit for individuals and communities who shared a history of systemic and structural discrimination in their past efforts to secure credit.

When it comes to purchasing a home, without access to credit, freedom of housing choice was effectively eliminated regardless of the historic efforts of the Fair Housing Act. Congress sought to provide relief compatible with the Fair Housing Act by passing the Equal Credit Opportunity Act (ECOA) in 1974 and the Community Reinvestment Act (CRA) in 1977 which was designed to eliminate discrimination against black and underserved neighborhoods. This would effectively render such practice as redlining illegal. It is important to introduce these measures into the discussion and to assess their overall effectiveness in closing the gap in homeownership since the passage of the Fair Housing Act of 1968.

A. Equal Credit Opportunity Act (ECOA)

The Equal Credit Opportunity Act (ECOA) was written as a piece of civil rights legislation designed to protect individuals from being discriminated against by lenders. This loan protection also applied to loans other than housing such as auto, credit cards, and student loans. Members of the following are designated in a protected class: race, color, religion, national origin, gender, marital status, and age of legal status. This law made it illegal to discriminate against members so designated. The ECOA was originally passed in 1974 to protect against discrimination based on gender and marital status which addressed persistent problems of single women securing credit. It was later amended to include the other members in the protected class (Massey and Denton 1993). It further outlawed discrimination against income of origins such as public assistance programs such as Social Security Disability Insurance (SSDI) or Supplemental Nutrition Assistance Program (SNAP).

As of 2011, provisions of the ECOA are enforced by the Consumer Financial Protection Bureau (CFPB). Before the CFPB, enforcement had been the responsibility of the Federal Reserve Board.

B. Truth in Lending Act 1968 (TILA)

Before the passage of the ECOA, congress passed the Truth in Lending Act (TILA) of 1968. It mandated accurate and fair credit billing. Though helpful to the credit-seeking consumer who could now shop around, the TILA was not an anti-discrimination measure because it does not tell banks how much interest to charge or even if they must grant a consumer loan. However, the TILA coupled with the amended ECOA improved the odds of fair lending practices and individuals securing fair loans with legal remedies that prevented arbitrary discrimination (Wyly and Holloway 1999).

C. Home Mortgage Disclosure Act of 1975 (HMDA)

A very important development in the reporting and tracking of lending data by financial institutions occurred when in 1975 congress passed the Home Mortgage Disclosure Act (HMDA). This legislation stipulated that a large segment of financial institutions would be required to report and publicly disclose the type and quantity of loans conducted by that financial institution. This data could be used to determine the type of service provided by the financial institution to its community. Exempt financial institutions are those that originate fewer than 500 closed-end loans, or fewer than 500 open-end lines of credit, in each of the two preceding calendar years (Bhuta, Laufer, Ringo, and Kelliher 2017).

The HMDA and Regulation C (financial disclosure requirements) mandate that banks, lending, and financial institutions must in the spirit of public transparency provide data on loans granted and denied with full disclosure of geographical area and personal characteristics which include race, religion, gender, point of national origin, and anyone considered in a protected class. Financial institutions are required to disclose the location, by census tract, of their home mortgages and home improvement loans. In the United States Code, the HMDA can be found in Title 12, Chapter 29 (Bhuta, Laufer, Ringo, and Kelliher 2017).

The data accumulated annually can be used by government agencies, non-profit fair housing organizations, and individuals who believed that they were victims of housing discrimination and or predatory lending practices. The information can also be used to gauge the effectiveness of the FHA, ECOA, and the Community Reinvestment (CRA) Act of 1977.

D. Community Reinvestment Act of 1977 (CRA)

The next milestone in the acquisition of credit for individuals in low-income communities was the passage of the Community Reinvestment Act (CRA) of 1977. This law was designed to have its largest impact on low-and moderate-income neighborhoods (Dreier 2003). It encourages certain insured depository institutions to proactively assist in

meeting the credit needs of the community at large. The CRA effectively provided an additional tool to make discriminatory practices such as “redlining” illegal. The CRA charges the lending institution with the responsibility of assisting with meeting the legitimate credit needs of all residents in the service area in which they draw deposits (Dreier 1991).

The passage of the aforementioned legislation aimed at eliminating barriers to credit access free from discriminatory lending practices coupled with the Fair Housing Act of 1968 increased the tools available to consumers, activist organizations, and law enforcement championing fair housing choice. The question again is the efficacy of this legislation in providing the African American and Low Moderate Income (LMI) communities with equal and equitable access to credit in securing housing and housing development.

Using the most recent 2020 Analysis of Impediments’ compilation of access to credit by race, ethnicity, the region, and the city, an all too familiar picture emerges. According to data, source the Home Mortgage Disclosure Act (HMDA), loans applied for by African American residents in 2017 in Baltimore City saw denials at 33% where their white counterparts saw denials at 13% Within the Baltimore region, African American loans applied for were denied 26% to Whites 13% (Roots Research, 2020).

An even more graphic and alarming picture is presented by the publication of *Home Mortgage and Small Business Lending in Baltimore and Surrounding Areas* in 2015 by the National Community Reinvestment Coalition (NCRC). The NCRC conducted a study on lending practices by the financial institutions from the period of 2011 – 2013. What they found was that race was the most significant factor in predicting loans in Baltimore City which was a complete contrast in the surrounding counties (NCRC 2015). The report correctly points out that Baltimore City is in one of the wealthiest states in the nation, surrounded by some of the wealthiest counties in the state and the pattern of lending is less about the socio-economic status of the individual but their race in their community and the racial makeup of their community (NCRC 2015). More specifically, the scathing findings in the NCRC study suggest very strongly that systemic racism is alive and well in the city of Baltimore and there are few efforts taken

instead of the passage of the FHA of 1968 and the subsequent legislation promoting equal access to fair lending.

Major Findings of the Report:

- **Disinvestment in most of the city and affluence in the suburbs.**

Baltimore and the surrounding suburban counties show very different patterns of home purchase and small business lending.

- **In the suburbs, economics matter the most in mortgage lending.**

The factors that are most useful in predicting home purchase lending activity are economic: median family income and the level of owner-occupancy in a neighborhood.

- **In Baltimore City, race matters most in mortgage lending.**

Consistently across models, the most statistically significant factor in predicting mortgage lending is race. Mortgage lending is greater in neighborhoods with larger white than African American populations.

- **There are tremendous disparities in home lending for African American and white residents of Baltimore City.**

The disparity ratio of loans to the percentage of the population is 210 percent for whites and 37 percent for African Americans.

- **It's much harder to get a mortgage loan in the poorer neighborhoods.**

In Baltimore City, 70 percent of census tracts are low-to-moderate income (LMI), yet it is very difficult for borrowers of any income to be approved there, especially if they are African American.

- **Mortgage lending flows to wealthier areas.**

The same LMI applicant is 30 percent more likely to be approved for a mortgage loan in a middle- or upper-income area of Baltimore County than in an LMI neighborhood of Baltimore City.

Source: NCRC, *Home Mortgage and Small Business Lending in Baltimore and Surrounding Areas* 2015

E. Summary: Limited Credit Access Availability to LMI Baltimore Communities Post-FHA

Despite the groundbreaking legislation to end de jure housing discrimination with the passage of the Fair Housing Act of 1968, and the subsequent access to credit legislation making it easier for residents in LMI communities to attain credit, lending in Baltimore City has been nothing short of disappointing. The legacy of residential segregation still impacting the African American community in Baltimore has created generational poverty and limited opportunities in education, employment, and the ability to build wealth through home equity. This legacy may negate the need for serious scrutiny of continued systemic racist policies in withholding loans, however, the NCRC study describes Baltimore City as a “lending desert”. Furthermore, their study presents quantitative evidence that indicates race to be the greatest predictor of loans within the city as well as the surrounding jurisdictions.

Proposition 4)

Environmentally Safe and Healthy Neighborhoods

It has been fifty-two years since the passage of the 1968 fair housing act. It is a reasonable expectation that environmentally safe neighborhoods, secure, and healthy enough to raise a family are a proposition that would be consistent with the expectations of this act. The elimination or mitigation of systemic racist policies that created environmentally hazardous conditions near black, brown, and low-income neighborhoods is a reasonable expectation of this law fulfilling its promises of hope. How has Baltimore fared when it comes to environmentally safe neighborhoods since the passage of the FHA?

Nationally, it is well documented that the least environmentally friendly locations in the cities could be found where the powerless people lived (Spears, 2014). This is the case in Baltimore as well. Residents forced to live in environmentally unfriendly neighborhoods appear to be the same victims by a community of past policies of redlining and other forms of municipal neglect. The Fair Housing Act of 1968 and subsequent policies of credit access held promise that positive changes in the way of

environmental justice for low-income African American communities were possible and forthcoming.

Midway through the twentieth-century environmentalist groups turned their attention to urban areas. They raised concerns about the quality of air and water that city residents consumed. They raised concerns about the proximity of residential areas to industrial sites, waste landfills, and sewage treatment plants. It was generally believed that exposure to hazardous conditions impacted all urban areas about the same until they began to drill down and discovered that low to moderate-income communities, blue-collar working communities, and people of color were more likely to be exposed to hazardous environmental living conditions than white and upper-income communities (Diggs 2011).

Studies conducted by Faber and Krieg were published in an article entitled, “Unequal Exposure to Ecological Hazards: Environmental Justice in the Commonwealth of Massachusetts”, found that ecological hazardous sites were disproportionately located near and heavily concentrated in minority and blue-collar neighborhoods and communities (Faber and Kreig 2002). In 2002 an Alabama jury in a unanimous verdict found that the global agrochemical giant Monsanto was legally responsible for polychlorinated biphenyls PCB contamination. PCBs are associated with serious health problems such as liver disease, immunities disorder, and neurobehavioral deficits in children. The contamination was found in unhealthy amounts in the land and the bodies of the people who lived near the company’s Aniston, Alabama plant (Spears 2014).

Another environmental justice story that puts this issue front and center in modern times is the tragic lead levels found in the tap water of Flint, Michigan. Flint, Michigan is a city in southeastern Michigan northwest of Detroit. It has a population of about 100,000 over half are African Americans. The poverty rate is above 40% (Covert 2016).

In the city of Flint 40% of the water, samples were found to contain lead levels at 5 parts per billion (ppb) and that 90th percentile of homes tested was above 25 ppb. For context, the Environmental Protection Agency (EPA) designates 15 ppb of lead to be the highest safe limit in drinking water and the World Health Organization (WHO) set their limit at 10 ppb (Markel 2016).

The danger of lead poisoning is multi-faceted. It is a known brain poison that interferes with the ability to restrain impulses. It disrupts the normal functioning of the body at the cellular level and chemically displaces elements that are essential to daily life such as calcium, zinc, and iron. Lead blocks the red blood cells that deliver oxygen. It is known to interfere with muscular activity and the electrical way messages are transmitted by the brain (Markel 2016).

Baltimore City is suffering from a deteriorating infrastructure, very much like Flint, Michigan. Baltimore also suffers from a large number of vacant houses that contain lead paint before the discontinuation of lead-based paint in 1978. Also, like Flint, the revenue base appears to be shrinking as the responsibilities and obligations increase.

A. Neighborhood Proximity to Hazardous Environmental Sites

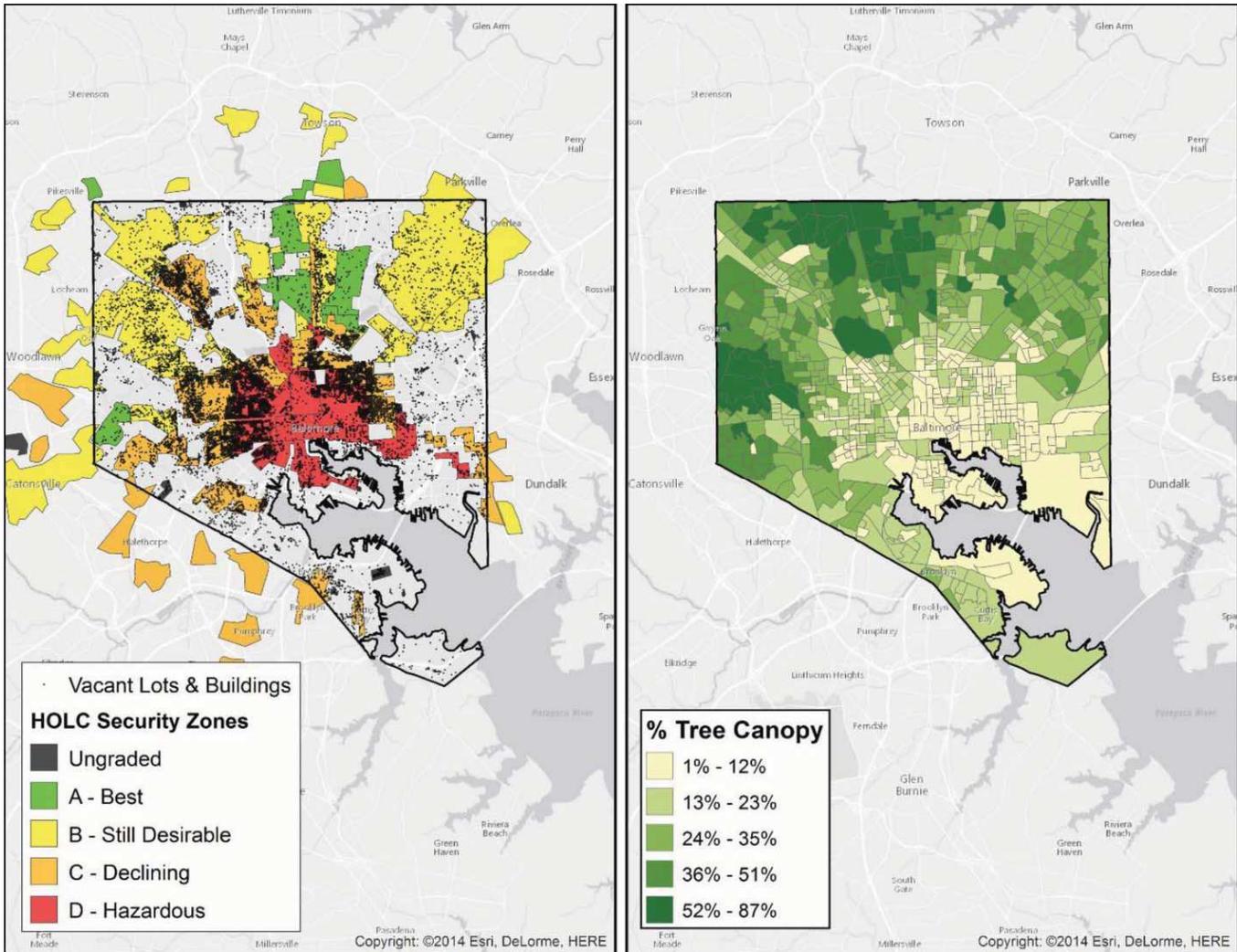
Ironically, Baltimore's African American population missed the proximity to industrial hazardous environmental sites and are currently more likely to reside closer to recreational parks and green space. This flies into the conventional classic environmental justice theories that came to the fore in the 1980s as a movement. Blacks, people of color, and low-income people who lack political clout were more likely than not to encounter disproportionate exposure to environmental hazards and conversely be deprived of benefits (Boone et. al 2010). There is a plethora of literature that reaffirms associations between race, class, and the distribution of environmental hazards and benefits (Bullard 1990; Colten and Skinner 1996). Middle to upper class and whites, in general, are least likely to be exposed to environmental risks (Pulido 2015).

In Baltimore, this was more likely to be the case before a large segment of white Baltimoreans moved to the surrounding suburbs. For example, tree-lined streets and boulevards are considered an amenity. In Figure 1, the redlined neighborhoods of 1938 have the lowest concentration of tree canopy in 2012 (Grove, Ogden, Pickett, Boone, Buckley, Locke, Hall 2018).

The absence of trees produces collateral social and environmental disamenities, including higher levels of crime (Troy, Grove 2016) and higher temperatures, and

vulnerability to heat waves (Huang et al. 2011; Huang and Cadenasso 2016, O’Neil-Dunne 2012; Troy, Nunery, and Grove 2016).

Figure 1.
HOLC Security Zones and Percent Tree Canopy



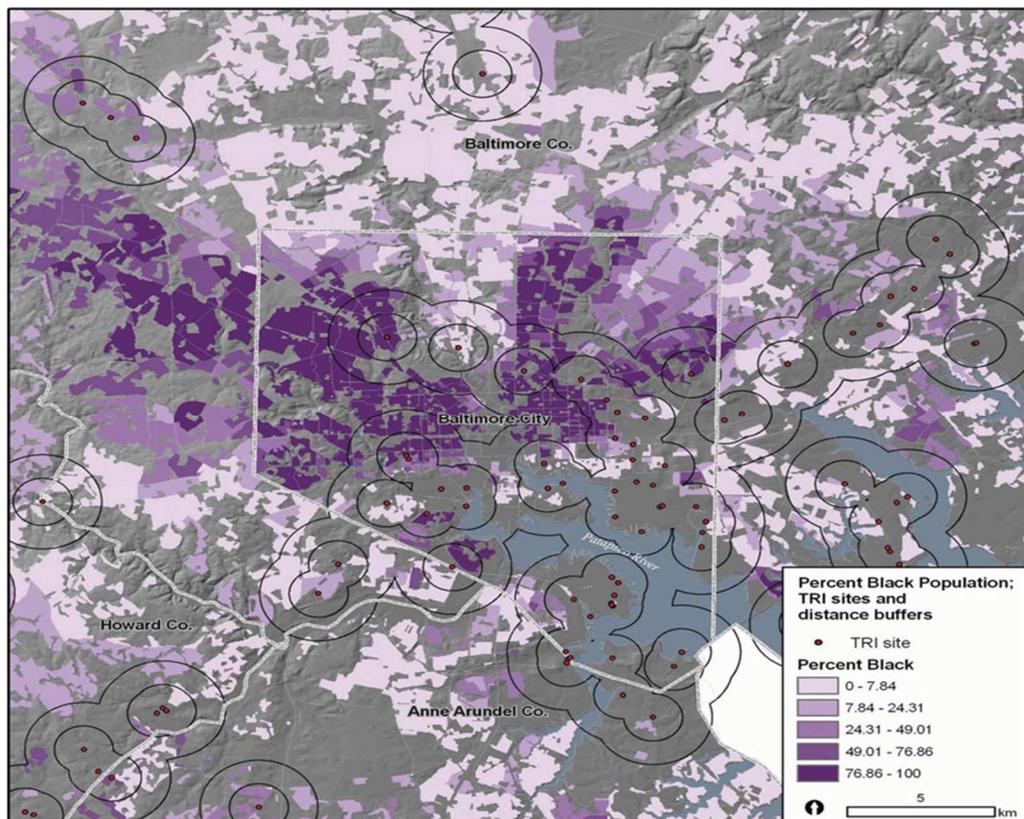
(Source: Grove et. al 2015)

Industrial sites most likely associated with air, land, noise, and water pollutants, or “Toxic Release Inventory” (TRI) are not commonly located in historically predominantly African American communities. This is consistent with the legacy of racial and economic segregation in Baltimore (Grove et. al., 2018). Working in

Baltimore’s manufacturing industries at such sites as the Bethlehem Steel plant at Sparrows Point and General Motors auto plant in south Baltimore were prestigious places of employment and residential areas nearby were reserved for white communities. Blacks who were able to find employment in those industrial sites had a much longer commute than their white counterparts due to customary segregated communities. When the factories and large plants closed down, the neighborhoods for the most part retained their same racial/ethnic makeup (Boone, 2002). In figure 2, the areas of the most concentrated TRI are located in south Baltimore where white neighborhoods still retain majorities. Hazardous conditions in historically black neighborhoods were more likely to be associated with vacant and structurally unsound buildings.

Figure 2.

Toxic Release Inventory Percent Black Population and Distance Buffers



(Source: Boone 2002)

Neighborhoods classified as “hazardous” or “declining” have the highest concentration of vacant lots and buildings in 2012 and the lowest percentage of canopy cover.

African American neighborhoods are more likely to enjoy closer proximity to parks and public recreational sites than their white counterparts. Again, this is due to the changing demographics of the city in which the legacy of segregation and white flight have left the coveted neighborhoods located close to parks and recreational facilities to African Americans who were not allowed the usage of these facilities in the city’s past (Wells, Buckley, and Boone 2008).

B. Public Health and Safety Concerns

Proximity to industrial environmental hazards is just one of many concerns that residents of communities plagued by past systemic racist policies must contend with. Ongoing environmental conditions such as lead dust from abandoned buildings and poor air quality which may trigger increases in asthma cases are very real issues as well. Adults in Baltimore City, 12.4% experiences asthma, according to the Maryland Department of Health and Mental Hygiene, compared to 8.4% statewide and 8.6 % nationally Baltimore City children under 18 years of age also have more than their fair share of asthma, with an asthma prevalence more than twice the national average – 20% vs. 9.4% respectively. The pediatric asthma hospitalization rate for Baltimore is the highest in Maryland and one of the highest in the nation. Asthma accounts for the greatest loss of productivity either through missed days in school or work (Baltimore City Health Department 2021).

Table 3.
Adult Asthmatic Cases Baltimore City, Maryland, and the USA

Adult Asthmatic Cases	
Baltimore City	12.4 %
Maryland	8.4%
USA	8.6%

Source: Maryland Department of Health and Mental Hygiene, 2020

Housing in low-income areas suffering from age, neglect, pest infestation, and maintenance issues have been linked to a disproportionate number of asthmatic cases. Unfortunately, housing in substandard conditions is the only housing within the price range of the very poor, recently incarcerated, disadvantaged minorities, and immigrants. Dr. Elizabeth Matsui, a Johns Hopkins researcher conducted a study in 2005 that found that mice are the leading cause of asthma in Baltimore. Her study found mouse allergen in the air and settled dust in 85 to 90 percent of air samples in children's bedrooms (Root Policy Research 2020).

Lead remains a major problem in low-income areas in the Baltimore City African American communities where the housing stock is the oldest. Lead poisoning occurs when lead enters the bloodstream and builds up to toxic levels. Many different factors such as the source of exposure, length of exposure, and underlying susceptibility (e.g., child's age, nutritional status, and genetics) affect how the body handles foreign substances. No safe blood lead level in children has been identified. Children are at the greatest risk from birth to age six while their neurological systems are developing. Exposure to lead can cause long-term neurological damage that may be associated with learning and behavioral problems and with decreased intelligence (Poisoning-Prevention Program 2020).

Baltimore City led all jurisdictions in Maryland with 246 lead investigations and 246 total hazards. Prince George's County was a distant second with 171 and 182, respectively. Historically, lead-based paint hazards are the single most significant factor in lead exposure for children aged 0-72 months in Baltimore City.

It is the old housing stock, especially those built before 1978 when lead-based paint's use was prohibited. Baltimore has one of the largest inventories of the old housing stock of any major city in America (Poisoning-Prevention Program 2020). Of the more than 260,000 occupied properties in Maryland built before 1950, 40% are in Baltimore City (American Community Survey 2018 5 Year Estimates). Of the 58 properties inspected in Baltimore City, 54 (93%) were built before 1950. Of those 54 properties, lead-based paint hazards (including dust hazards) were identified as a potential source of lead exposure in 94% of the properties inspected. Of the 110 properties inspected in the remaining counties, 39 (35%) were built before 1950. Of those 39 properties, lead-based paint hazards (including dust hazards) were identified as a potential source of lead

exposure in 75% of the properties inspected. From this data, one may conclude that lead-based paint hazards (including dust hazards) were the most significant lead hazards identified in pre-1950 housing for the city of Baltimore and statewide in CY19 (Poisoning-Prevention Program 2020). These environmentally hazardous conditions have a direct bearing on children and adults alike abilities' to maintain mental and physical health and thus productivity.

Undue stress brought on by living in a less than safe and secure neighborhood plagued by domestic violence, gun violence, gang activity, over-policing, and police brutality has deleterious effects on the residents' physical, mental, and emotional health. The American Public Health Association (American Public Health Association 2018) includes street violence and violence at the hands of police officers sworn to protect and to serve as public health issues (American Public Health Association 2018).

According to BNIA, West, East Central, Downtown, and neighborhoods south of the bay experienced the highest risk of violence and gun violence. These neighborhoods are very closely aligned with a high concentration of African Americans and comport to the original 'redlined' neighborhoods as defined in 1938 (Roots Policy Research 2020).

Sandtown Winchester, the neighborhood that was home to a young Freddie Gray who died in police custody and sparked the Baltimore uprising in 2015, is just one of many neighborhoods in Baltimore that has suffered greatly under the policies of redlining and financial neglect. The houses in that neighborhood are from the oldest stock in the state and contain layers of lead paint. Freddie Gray had been diagnosed with lead paint poisoning. He was known to have had several brushes with the law and on his last fatal day in Baltimore he had just taken off running before he was apprehended (Pappoe 2016).

This case is not uncommon in the city of Baltimore and one can see how environmental safety, concentrated poverty, and lack of opportunity led to the tragic end of one individual. One can also see how the sheer injustice of this case coupled with the not-distant memories of Eric Garner's death at the hands of the NYPD and Michael Brown's killing in Ferguson, MO in 2014 the year before, led to a subsequent uprising exposing the city to the scrutiny of the nation. The crime and homicide rate, much of it due to gun violence, and the over-aggressive policing as knee-jerk solutions, are all symptoms of a much larger problem (Meringold, 2019).

Although not an exhaustive list of comorbidities facing the African American community, the challenges caused by the environment as it relates to health considerations are associated with different health disparities among residents based on race, ethnicity, and place of residence (Johns Hopkins 2018). African Americans face lower life expectancies in the state overall, in every county in the region, and especially in Baltimore City, when compared to white residents and all residents. In the Baltimore region, the gaps between blacks and whites are much lower in the suburban counties than in the city (Baltimore City Health Department 2017).

Table 4.

Life Expectancy by Race/Ethnicity by Baltimore Region 2017

	All Races	White	Black
Maryland	79.2	79.9	76.9
Anne Arundel County	79.5	79.5	78.3
Baltimore City	72.8	76.1	70.9
Baltimore County	78.3	78.4	77.3
Harford County	79.0	79.3	76.8
Howard County	83.5	83.1	82.0

Source: Maryland Health Department 2017, Annual Report.

C. Summary: Unsafe Environmental Communities in Baltimore Post-FHA

The expectation that making de jure discrimination in housing illegal would lead to safe environmental neighborhoods in which to raise a family is a logical assumption. Making the acquisition of credit assessable and available to communities that have been historically denied credit to repair and maintain deteriorating property would increase the value of neighborhood properties. Improvements to environmental safety in the neighborhoods impacted by decades of discrimination and neglect with the passage of anti-discriminatory housing laws would indeed be logical assumptions if the detrimental

effects of housing discriminatory practices were the only determinants of environmentally safe neighborhoods.

African Americans in these neighborhoods suffered from the lack of quality employment and educational opportunities by living in the neighborhoods. Poor health outcomes, as was discussed earlier, are both causes and effects of living in neglected communities. What is apparent is that there was no one cause leading to unsafe neighborhoods in the black community, and one cannot look to one area for “the answer” or “the solution”. Several factors are occurring simultaneously in addition to housing discrimination and denial of credit access.

Discrimination in employment was a major factor in keeping the financial resources out of the reach of African Americans interested in purchasing a home or repairing their existing home out of reach. Discrimination in the way of hiring and comparable wages for African Americans were supposed to be remedied by the 1964 Civil Rights Act which prohibited discrimination based on race, color, religion, gender, or national origin...in hiring, promoting, and firing (Lin and Harris 2008; Higginbotham 2013). Even if this new civil rights legislation brought about equal employment opportunities the immediate benefits would not have been enough to offset the disadvantages of financial distress needed to adequately maintain previously neglected communities. The older neglected neighborhoods spiral into a greater state of disrepair as they attract poorer residents in need of housing and willing to reside in substandard living conditions. Landlords exacerbate the problem by neglecting their properties and by further subdividing the units leading to dense overcrowded living conditions.

Overcrowded living conditions in segregated and isolated communities characterized by a high concentration of families and individuals living below the poverty level lead to greater susceptibility to higher crime rates, drug abuse, domestic violence, gun violence, over-policing, and police brutality. The houses in disrepair are disproportionately from older housing stock (built before 1950). They may suffer pest infestation and structural deficiencies. The added stress of these living conditions, poor air, and water quality contribute to poor health outcomes. African Americans living in Baltimore City can expect a lower life expectancy than any other group living in any other jurisdiction.

The lack of environmental justice is a noticeable condition in Baltimore neighborhoods and is partially the result of “continued systemic racism” that manifests itself in two ways. One, denial of city, state, or federal resources as part of a strategic plan to reverse the environmental unsafe conditions that have persisted in the city for decades, and two the continued denial of credit to citizens of heavily populated African American communities holding all other social-economic statuses equal.

Yes, there is “continued systemic racism” in policies that persist in contemporary times but more significantly to the current state of the environmentally safe and secure neighborhood is the past legacy of discrimination and neglect that have plagued the city since the turn of the twentieth century. The plethora of vacant homes is in part a result of blockbusting and white flight. The lack of wealth in the black community is in part a result of redlining and devaluing property primarily based on race. Restrictive covenants allowed the walls of the urban ghettos to be sealed and maintained. Public housing was used as a storage for the chronically poor, unwed female households who desperately sought housing while white families were steered to the suburbs with low-interest loans in which the interests could be deducted and returned to them. In fifty-two years, these obstacles to maintaining a safe and secure environment in which to raise a family would be very difficult if they were all in isolation but the confluence of all of these disadvantages occurring simultaneously creates incredible odds to overcome.

Ann Chih Lin and David R Harris, editors of, *The Color of Poverty* make this very point. Their point is that disadvantages cascades. When multiple disadvantages exist, the problem becomes intractable unless all of the areas are dealt with at once. Baltimore City’s neighborhoods suffer from continued systemic racist policies but are severely hampered by the legacy of past policies that current generations have yet to overcome.

Proposition 5)

Businesses Development in Low to Moderate-income Communities

A. Nationally: Minority-Owned Business Since FHA of 1968

Proposition 5, Business Development in low to moderate African American income communities, speaks to discrimination in credit access before FHA of 1968 as it relates to business startup capital. Redlining not only affected personal loans for mortgages but also affected loans used for startup capital. Credit access, particularly the Community Reinvestment Act passed in 1977 was cause for hope for black-owned and operated businesses and a way to create wealth and local employment. Outcomes a little over fifty years later do not make a convincing case for the success of black business owners in the same neighborhoods that were originally redlined and remain heavily segregated. Entrepreneurship by the residents in the affected communities has lagged behind the rest of the city and surrounding areas. This is evident in Baltimore City and other metropolitan areas throughout the nation. Although nationally, there have been incremental increases in the growth of black-owned businesses, African Americans still lag behind whites and other minorities. In 2014 African Americans owned just 2% of U.S.-based companies. In 2017, they had increased their share to 3.5%. This slight increase was still considerably further behind whites who accounted for 81%, Asians 9.7%, and Hispanics 5.8% (Schulman 2018).

Typical impediments to business ownership by residents of these communities are consistent with historic systemic racism and follow the patterns of Jim Crow discrimination. However, in a newly released study by Dr. Tiffany Howard, Nami Smith, and Uju Nwaigwe entitled: “What Can Major Commercial and Retail banking Institutions Do to Better Support Black Entrepreneurs and Businesses in the U.S.”, they identify specific barriers that black entrepreneurs are currently facing as they navigate the modern business world (Howard, Smith, Nwaigwe, 2020). They identified the legacy of past discriminatory practices that have forced entrepreneurial-minded individuals to remain close to the community, providing goods and services for the sole benefit of the African American community. The areas are depressed characterized by low rates of

homeownership. Subsequently, there is little or no incentive for financial institutions to invest in these businesses and communities because the perception of the return on their investment would not be significant to incur the risk of lending (Howard, Smith, Nwaigwe 2020).

Additional barriers identified by this study was that of financial literacy germane to establishing startup capital, systematic discrimination holding all else equal, and a deficit in business social networks. Dr. Howard in this study gives vivid examples of how these barriers serve as business strangling impediments if measures are not taken to eliminate or mitigate them.

Financial literacy speaks to the basic knowledge of securing credit and navigating through the process of placing one in the optimum position to obtain available assistance and resources. The authors reported on a survey they had conducted (n=68) where 82% of the respondents did not demonstrate financial literacy defined as basic knowledge of their credit score, basic knowledge of the Minority Business Development Agency or Small Business Administration (SBA), or minimum years of operation typically required for a business owner to apply for a small business loan from a traditional bank (Howard, Smith, Nwaigwe 2020).

Despite laws passed by congress to increase greater access to credit for those in protected classes, a significant incidence of discrimination in obtaining credit was observed, which was the second barrier identified: institution discrimination. The authors suggest that institutional discrimination is so pervasive throughout the economic and political system that the best way to combat it is with the use of Community Development Financial Institution (CDFI). CDFIs trace their origin back to the Johnson administration's Great Society programs. Community Development Financial Institution can be any private financial institution that provides development services and capital to assist the residents of underserved communities.

Another key barrier to the success of black businesses in low to moderate-income communities is the lack of social capital networks. Social capital is business networks that are essential in securing startup capital, promotion activities, and expanding the consumer base. Many barriers of this nature are being addressed by creative use of the

Internet, social media platforms, and crowdfunding sources (Howard, Smith, Nwaigwe 2020).

B. The Baltimore Experience

The city of Baltimore and the Baltimore region would benefit greatly from successful minority businesses. Many of the outstanding problems such as low male labor force participation, inadequate skills formation, and poverty would be impacted for the better with the advent of successful minority businesses since the passage of the FHA of 1968 (Sage Policy Group, Inc. 2004).

The Greater Baltimore Committee hired the Sage Policy Group, Inc. in 2004 to conduct a study of minority and women-owned businesses in the Baltimore Metropolitan area. Their findings are quite remarkable and consistent with the premise of the lasting effects of Baltimore's past legacy of racial residential discrimination. The impediments they found were denial of credit and much-needed capital to African Americans and other people of color. Furthermore, this situation cost the city and the metropolitan area billions in lost revenue and potential jobs (Sage Policy Group, Inc. 2004).

The findings, based on the demographics of the Baltimore area and the performance of other metropolitan areas, reveal that a very large chasm exists between the number of minority-owned firms that should exist and the number that do. If one benchmarks the presence of minority businesses in Baltimore against the number that exists in twenty-four other large U.S. metropolitan areas, there is a shortfall of over 13,700 minority businesses in the Baltimore area (Sage Policy Group, Inc. 2004).

The overarching objectives of the analysis include:

- determining the size and importance of the minority and women-owned business communities in the Baltimore region
- determining the extent to which these types of businesses prosper relative to their mainstream counterparts
- identifying barriers to minority business and women-owned business success
- identifying best practices that successfully promote these business communities

- quantifying the economic impact of a successful introduction of these business practices
- determining how mainstream businesses can improve the performance of non-mainstream businesses while simultaneously improving their business performance

Table 5
Missing Baltimore Businesses, 2002 Estimate

	# Of Businesses that Should Exist based on Baltimore's Population and the Performance of Comparison Metros	# Of Businesses that Actually Exist in Baltimore MSA (2002)	Business Shortfall
Minority-	42,935	29,194	13,741
Women-	63,612	58,576	5,036
Total	106,547	87,770	18,777

Source: (SPG 2004)

Most minority businesses are quite small; many are just one-person outfits with no paid employees. However, even with this small average firm size, the minority business shortfall is associated with an absence of over 20,000 jobs and nearly \$3 billion in sales per annum in the Baltimore metropolitan area. To put this in perspective, as of June 2004, the number of unemployed in Baltimore City, the jurisdiction with the highest unemployment in the Baltimore metropolitan area, was roughly 26,000 (Sage Policy Group, Inc. 2004). This is roughly the job loss accounted for by the estimated lack of businesses.

When one considers the multiplicative effect of these “missing” businesses, employment and sales, the impact on the region is even more stark. But for the relative lack of minority-owned businesses, the Baltimore area would have over 30,000 more employees and over \$5 billion more in sales. Mainstream businesses themselves would experience an increase in sales of over \$1.8 billion. Lost employee compensation associated with these “missing” minority businesses equals \$803,747,453. Moreover, state, and local government tax revenues in Maryland are

\$132,723,399 lower than they would be where minority firms were proportionately represented in the Baltimore MSA.

Table 6
Lost Employment and Sales due to Under-Representation of Minority-Owned Businesses in Baltimore MSA

Minority-Owned			
Average firm size (2002)	Average sales per firm (2002)	Direct Foregone Employment	Direct Foregone Sales
1.474	\$217,952	20,255	\$2,994,878,432

Source: (SPG 2004)

Table 7
Total Economic Loss to Baltimore MSA due to Under-Representation of Minority-Owned Businesses in Baltimore MSA

Direct Foregone Employment	Total Foregone Employment, Multiplier = 1.6	Direct Foregone Sales	Total Foregone Sales, Multiplier = 1.67
20,255	32,408	\$2,994,878,432	\$5,001,446,981

Source: (SPG 2004)

This economic loss can be further disaggregated across the various categories of businesses analyzed here, minority-owned, women-owned and mainstream.

Table 8
Distribution of Economic Loss to Categories of Businesses Operating in Baltimore MSA Traceable to Under-Representation of Minority Businesses

Category of Business	Total Foregone Employment	Total Foregone Sales (\$)
Mainstream	10,719	\$1,854,069,339
Women-Owned	936	\$94,308,722
Minority-Owned	20,753	\$3,053,068,920
Total	32,408	\$5,001,446,981

Source: (SPG 2004)

Table 8 shows that all businesses, especially businesses in the mainstream do better in total sales when Baltimore minority businesses are comparable with other minority firms in other MSAs. Mainstream businesses in the Baltimore MSA would stand to gain \$1.854 billion more in sales and would have over 10,719 more employees, a gain of roughly 1.1 percent over 2002 totals if minority business were up and operational comparable to the average in other metropolitan areas (Sage Policy Group, Inc. 2004).

The analysis by the Sage Policy Group research concludes that financing issues explain much of the underperformance of minority businesses in the Baltimore area. SPG also tested, using a dummy variable, whether Baltimore's underperformance could be explained by factors such as discrimination or the presence of a business climate hostile to non-mainstream businesses. Testing for the presence of such factors yielded statistically insignificant results (Sage Policy Group, Inc. 2004).

Baltimore's minority population earns incomes lower than the minority populations in most other major metropolitan areas. As a result, the barriers to capital formation that affect minority business communities everywhere have a disproportionate impact in Baltimore because of the greater need for financial support among fledgling entrepreneurs (Sage Policy Group, Inc. 2004).

Minorities generally, although having a greater need for private loans (due to their low incomes and wealth), tend to have greater difficulty guaranteeing and accessing loans. African Americans and Latinos, especially, are less likely than whites to borrow from banks when starting or expanding their businesses. Other financial barriers include: "limited track record as a business, limited assets of the business, owner not understanding the credit process, lack of working relationship with the bank, owner not having required financial documents and amount of collateral required." These impediments appear to be even greater in Baltimore City than in the surrounding counties (Sage Policy Group, Inc. 2004).

As mentioned earlier, in 2015 the National Community Reinvestment Coalition (NCRC) published a report, *Home Mortgage and Small Business Lending in Baltimore and Surrounding Areas*, there is relatively very little lending activity for a startup or existing businesses. There is a higher investment pattern in the areas surrounding the Inner Harbor, the northern and southern portion nonresidential areas of Baltimore City.

This report has already been discussed in the context of home mortgages and the limited amount of lending in East and West Baltimore, particularly to African Americans (NCRC 2015). This report shows unequivocally when it comes to race regardless of socio-economic status African Americans are least likely to secure a loan. When it comes to jurisdiction, Baltimore City with the largest African American population and the greatest need is less likely to secure loans (NCRC 2015).

C. Summary: Impediments to Limited Business Development in LMI Communities

Baltimore, unlike the surrounding jurisdictions, has a higher concentration of African Americans. African Americans, just one generation ago suffered the cumulative effects of racial zoning, redlining, restrictive covenants, the manipulation of public housing, blockbusting, and the strategic use of exclusionary zoning. The circumstantial evidence appears to suggest that the city of Baltimore continues to suffer from the legacy of racial residential segregation and the intervention of anti-discrimination in housing and credit access has not reversed these effects.

The SPG report lists the impediments to entrepreneurship in Baltimore as financial barriers that include limited track record as a business, limited assets of the business, owner's unfamiliarity with the credit process, lack of working relationship with banks, owner not having required financial documents, and amount of collateral required. The report compares minority business ownership in the Baltimore metropolitan area to other metropolitan areas. A comparison of twenty-four other large U.S. metropolitan areas shows that based on Baltimore's population a shortfall of 13,700 minority businesses exists. The reverberations from this have grave implications on employment, tax revenue, and the multiplier effect on increased revenue for mainstream businesses throughout the region (Sage Policy Group, Inc. 2004).

The National Community Reinvestment Coalition (NCRC) report, *Home Mortgage and Small Business Lending in Baltimore and Surrounding Areas* holding all variables constant contends that in 2011 – 2013 the greatest predictor of loans approved was race in the city of Baltimore and economic activity in surrounding jurisdictions.

The limited amount of minority businesses comparable to twenty-four other major metropolitan areas as pointed out by the SPG report and the strong predictor value of race in securing loans in mortgages and business investments as pointed out by the NCRC report stand as strong evidence that continued systemic racism exists in determining businesses development in low to moderate-income communities.

Not only have the interventions of anti-discrimination in housing and credit access have not reversed the effects of prior Jim Crow discrimination which hinders the current residents going forward, but a strong case can also be made for continued systemic racist policies in both the public and private sector in ensuring equal opportunities for minority businesses.

Proposition 6)

Characteristics of Residents Living in Low to Moderate Income Communities

Proposition 6 examines the average socioeconomic status of urban city residents in the inner city area of Baltimore City and the Baltimore Region. Fifty-two years after the passage of the 1968 Fair Housing Act, quality of life for many of the citizens in neighborhoods that experienced the original “redlined” policies and other forms of discriminatory neglect have shown little improvement in key socio-economic indicators such as wealth accumulation, income, employment, homeownership, and education attainment. On nearly every economic metric the communities that were “redlined” on the original HOLC map lagged behind the city and the region as a whole (Roots Policy Research 2020). This could be, theoretically, the result of any of the alternative concepts listed in Table 1 of this chapter. Does there exist evidence that would suggest that policies, laws, judicial rulings, and practices in the private sector exhibit a pattern of continued systemic racism or are these conditions the result of alternative explanations?

Like so many older American major cities, Baltimore has been experiencing negative population growth. It had reached its peak in the '50s with a population of 949,708 as reported in the 1950 U.S. decennial census (U.S. Census 1950). In 2020, the population of Baltimore stood at 593,490 representing a decrease of 38% from its peak (U.S. Census 2020).

The city once relied heavily on shipping with sea-faring vessels in its harbor shipping the south's cotton crop to other national ports and abroad. Baltimore later set its sights on trade involved with westward expansion as the home and headquarters of the Baltimore and Ohio (B&O) railroad (Burnett and Dolkart 2019). The manufacturing sector that once included a General Motors auto plant and a major Bethlehem Steel plant in Sparrows Point closed for good in the early '90s. The loss and transformation of these two industries may account for some of the population loss, however as early as the 1960s white city residents began leaving the city by the tens of thousands (U.S. Census, 1960).

This phenomenon is known as "white flight" (Orser 1994). White families began to cash in on the Veterans Affairs housing low interest loans shortly after World War II and the Korean War for qualifying veterans. This was followed by Federal Housing Administration (FHA) loans for non-veterans. Both loan types were insured and guaranteed by the federal government and were often denied to African Americans. This subsequently left African Americans in the city vying for homes in communities recently vacated by white Americans as white American city residents began to populate the suburbs in surrounding counties (Orser 1994).

Many reasons were appealing to white families seeking a new start in the newly developed suburbs springing up around the city. Blockbusting discussed earlier, was certainly a factor

but one of the more notorious reasons also involved race and avoiding what appeared to be forced integration (Higginbotham 2013). In the 1950s *Brown v. Board of Education* was handed down in 1954 by the Supreme Court of the United States. This decision made it clear that segregation was "unconstitutional" and had to be remedied with all due "deliberate speed." In the 1960s as discussed earlier, three major pieces of Civil Rights legislation became the law of the land, the 1964 Civil Rights Act that forbade discrimination in hiring and firing, the 1965 Voting Act allowing blacks greater access to the ballot as well as seeking political offices themselves, and the 1968 Fair Housing Act. These laws specifically addressed discrimination which contributed to segregation but did very little to bring about integration. After many iterations of resistance, mass migration to the surrounding jurisdictions and the suburbs appeared to be

the preferred option. Subsequently, upon arrival, creative use of exclusionary zoning laws was used very effectively to keep unwanted people of protected classes out of the new suburban developments (Rothwell 2011).

Since the 1950s, the percentage of the African American population steadily increased as a percentage of the total population (Orser 1994). The percentage of citizens below the federal poverty rate increased as well (U.S. Census 2020). The overall population city declined steadily. The surrounding counties in contrast increased their overall population per capita income, and median household income (U.S. Census 2020).

The 1968 Fair Housing Act may have slowed the rate of segregation by making discrimination against members of the protected classes illegal, but the statistics indicate it did not reverse the trends (Massey 2015). It could even be argued that the new laws may have contributed to the further acceleration of white flight to the surrounding suburbs and loss of revenue to the city (Orser 1994).

A. Population Distribution Trends in the City and Region

According to the 2020 AI and based on the U.S. Census American Community Survey (ACS) 2017 and Annapolis 2016 respectively, 2,722,054 residents were living in the Baltimore Region. The region is relatively diverse with non-Hispanic whites making up only 56% of the population. Non-Hispanic blacks accounted for 29%, Hispanics accounted for 6%, Non-Hispanic Asians accounted for 6%, and all others accounted for 3%. However, for 2017, Baltimore City's racial breakdown is as follows: Non-Hispanic Whites accounted for 28% while non-Hispanic blacks accounted for 62% of the population. All other racial and ethnic categories accounted for 5% or less (ACS, 2017 & 2016).

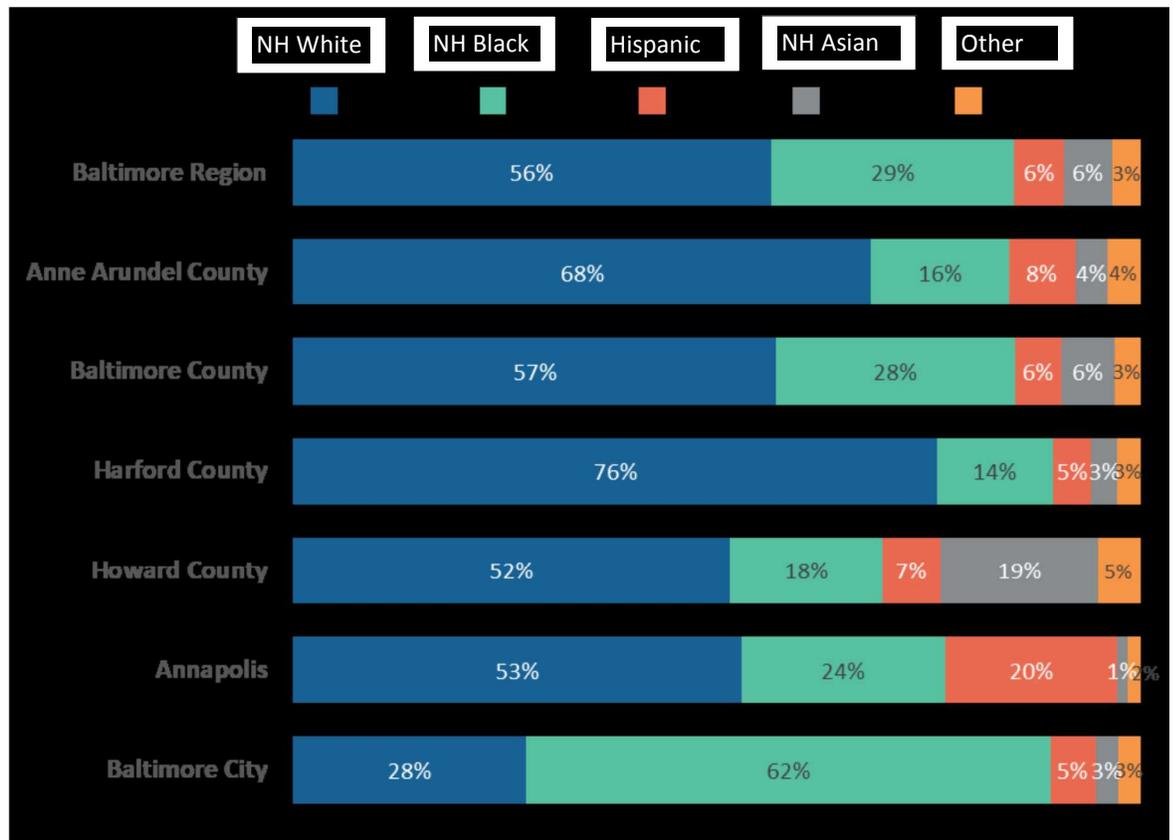
The socio-economic status of Baltimore City residents appears to stagnate in terms of positive outcomes. According to Baltimore's Department of Planning the median household income in Baltimore City was \$50,379 in 2019. The per capita income for an individual was \$31,271. There were 20.4% of Baltimoreans living in poverty (U.S. Census Baltimore City 2019).

In the area of education, approximately 15% of Baltimore City residents did not have a high school degree or GED in 2015 - 2019. Approximately 30% of the population attained a bachelor's, graduate, or professional degree (U.S. Census Baltimore City 2019).

Finally, there were 293,899 housing units. Of the occupied housing units in Baltimore City 52.5% are occupied by renters or subsidized housing and only 47.5% were homeowners (U.S. Census Baltimore City 2019).

Figure 3.

Race and Ethnicity Distribution by Jurisdiction, 2017



Source: 2017 ACS (except Annapolis = 2016).

This chart shows the racial breakdown within each of the surrounding counties and Annapolis City that makes up the Baltimore region. Where the color line was historically drawn at the community and neighborhood level, more recent data show new

inroads of minority populations in the surrounding counties as the city becomes increasingly less diverse.

The following table shows a summary of what Baltimore's 2020 Analysis Impediments considered primary demographic findings. Highlights of these findings show that within the region, Baltimore City houses 49% of the region's residents that are living below the poverty level. Most of the economic disadvantage in the region has been borne disproportionately by African Americans. African Americans were found to be the most segregated of any racial group, the most likely to live in neighborhoods with concentrated poverty and face the largest disparities in educational and health outcomes (Roots Policy Research 2020).

Table 9

2020 Analysis of Impediment’s (AI) Primary Demographic Findings

2020 Analysis of Impediments’ Primary Demographic Findings
<p>Decades of discriminatory practices in the region—federal, local, and private, and primarily in the 20th century—have contributed to a significant economic gap among protected classes in the region. According to a 2015 study of neighborhood income inequality, the Baltimore metropolitan “commuting zone” ranks in the top five for neighborhood-level economic inequity¹.</p> <p>¹ Urban Institute’s <i>Worlds Apart: Inequality between America’s Most and Least Affluent Neighborhoods</i>.</p>
<p>Poverty is unevenly distributed in the region: Baltimore City houses 49 percent of the region’s residents living below the poverty level, compared to 24 percent of all residents throughout the region.</p>
<p>African American residents have faced the most housing and economic exclusion historically in the region. They remain the most segregated of any racial group, the most likely to live in neighborhoods with concentrated poverty and now face the largest disparities in educational and health outcomes.</p>
<p>The region has 29 Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)— neighborhoods that have a poverty rate of 38.5 percent (three times the regional rate of 12.84%)² and higher and are more than 50 percent Non-White and Hispanic residents. These neighborhoods correlate strongly with the lowest two grades on the Home Owners Loan Corporation 1937 “redlining” map and are all located in the City of Baltimore. The region is also home to many racially and ethnically diverse areas, most of which are located in suburban areas. Many of these neighborhoods also have diverse housing types.</p> <p>² Based on 2017 1-year ACS</p>
<p>Concentrations of residents with Limited English Proficiency (LEP) residents and who are foreign-born residents are much less pronounced than racial and poverty concentrations in the region.</p>
<p>Segregation from White population appears to be decreasing modestly for African Americans, as measured by the Dissimilarity Index (DI), although it remains more than one-third higher than it is for the Latino or Asian population. The DI also suggests an upward trend in segregation for Asian or Hispanic residents. Although segregation in the region is high, it is not as severe as in Chicago, Atlanta, Milwaukee, Philadelphia, St. Louis, and even nearby Washington D.C., according to a Brown University study using 2010 Census data.</p>

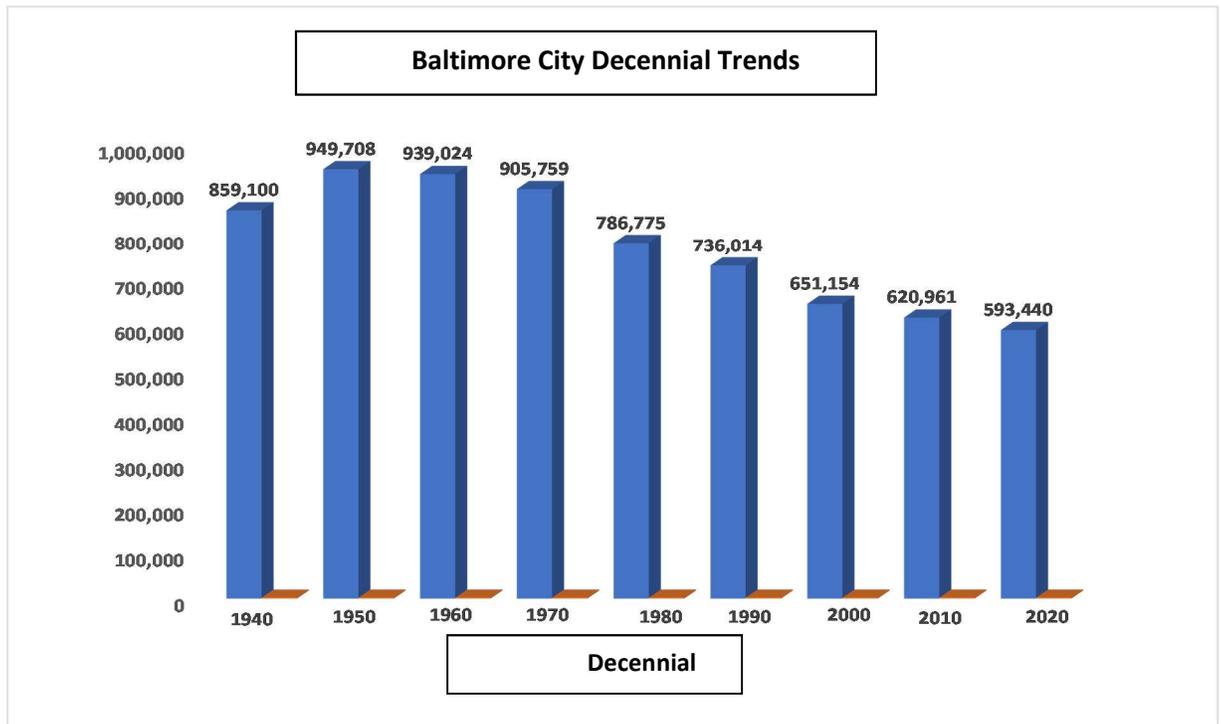
Source: Analysis of Impediments 2020

With the release of the most recent 2020 Census data, it is evident that the trend for Baltimore continues to show a decrease in population. The 2010 U.S. Census had Baltimore’s population listed at 620,770. The 2020 U.S. Census list the city’s population at 593,440, a decrease of 4.4% over the last ten years. This occurred as the state of Maryland’s population increased by 6.8% from 5,773,794 to 6,185,278. In addition,

every county immediately surrounding Baltimore saw an increase in population. In order of increase, Howard County led all in the region with a 13.4%, at a distant second Anne Arundel County saw a 4.4% increase, Harford County increased by 4.3%, and Baltimore County increased the least in the region with an increase of 2.7% (U.S. Census 2020).

Figure 4.

Baltimore City Decennial Trends 1940 - 2020



Source: Baltimore, MD Population history, [Baltimore, Maryland Population History | 1840 - 2020 \(biggestuscities.com\)](https://biggestuscities.com)

In the above chart, Figure 4 shows the population trend of Baltimore, MD. The city peaked at 949,708 in 1950 and was the sixth-largest city in the nation. It has fallen to 30th in the nation according to the recent estimates of the 2020 U.S. Census, a 38% decrease. The surrounding counties have continued to increase in population with each decennial year since the 1950 census. Evidence suggests that the former city residents have remained in the region but have made a conscious choice to vacate the city.

B. Summary: Baltimore City and Region Population Characteristics Traits and Trends

Many plausible explanations may be offered for Baltimore City's precipitous loss in population to the surrounding counties. Equally plausible are explanations that may explain the average socio-economic status of the remaining residents in LMI neighborhoods. However, the decades of systemic racist policies present the strongest body of evidence that explains these two closely linked phenomena. America's major cities surrendered their manufacturing-based economy to a service and communication-based economy. Many families were drawn to spacious new developments on the periphery of the city that were originally reasonably priced with the prospects of deducting interests paid and the property appreciates.

However, the evidence indicates that after several attempts and various tactics employed at resisting integration large swaths of the population simply packed up and moved to the surrounding suburbs and county destinations outside the city limits. The decision to move did not happen in isolation. Public policies facilitated the mass exodus such as public and private steering white families to the suburbs and black families to public housing contributed to the exodus. In 1956 President Eisenhower signed the bill for funding of the Interstate Highway System, thus removing the tether to the city for jobs and older amenities. Private financial institutions and real estate agencies contributed to this move by selectively advertising to predominantly white families new suburban developments and denying black applications and mortgage loans (Orser 1994).

The isolation and limited opportunities in employment and education began with racial zoning, violence, intimidation, restrictive covenants, redlining, and public housing. These activities by the public and private sectors occurred before the passage of the Fair Housing Act. Tactics have changed from overt systemic racist policies creating plausible deniability. What has replaced them were apparent race neutral policies with disproportionate disparate and negative consequences for African Americans and others in protective classes. The Demographic makeup of Baltimore can be traced to the legacy of systemic racist policies before the passage of the 1968 Fair Housing Act. These policies contributed and continue to contribute to the lack of progress in socio-economic

status for the average resident in the African American community in the city of Baltimore.

In summation, of the body of evidence as to continued systemic racism in determining racial patterns in neighborhoods in Baltimore, the evidence suggests that there does exist systemic racist de facto policies that achieve similar outcomes to the outlawed de jure systemic racist policies that predated the FHA of 1968. However, the evidence suggests that a stronger case can be made for the maintenance of the status quo emanating from the confluence of the deleterious effects from the systemic racist policies from the turn of the twentieth century to 1968. Housing discrimination, racial zoning, denial of credit, segregated public housing, maintenance of substandard public high-rise housing leading to isolation in conjunction with discrimination in education, employment, and wages has proven difficult to overcome by successive generations.

Four alternative theoretical constructs were put forward in Table 1 that were all possible pathways for the city of Baltimore after the passage of the Fair Housing Act of 1968.

Theoretical possibility one (1), impediments to moving into housing of choice in the city or the greater metropolitan area are minimum or nonexistent due to the past corrective legislation. In addition, resources for community development and home improvement are available. Two (2), the current conditions are not the result of continued systemic racism. Alternative factors such as individual preference for community homogeneity or the legacy of the past may be the most salient factors for current conditions. Three (3), market forces are the primary factor determining residential patterns. Race is inconsequential and housing of choice is open to those of any race or ethnic background that can afford it. Four (4), continued systemic racism is as prevalent as it ever was and workarounds for the reforms in place have evolved to create new impediments to maintain the status quo.

Six propositions were offered to gauge the support for any or all the theoretical pathways forward. The first proposition is a brief assessment of the most prominent prohibitions of the Fair Housing Act itself and the affirming further clause. The second examines dwindling housing stock and the availability of affordable housing for low to moderate-income residents. The third proposition assesses credit access and availability

to LMI individuals and communities. The fourth proposition examines the neighborhoods in the context of environmental safety and the health outcomes for their residents. The fifth assesses businesses development in low to moderate-income communities. Finally, the sixth examines the characteristics of current Baltimore City residents' socio-economic status who remained in these predominantly black neighborhoods that remain isolated and mired in concentrated poverty.

Evidence was compiled from federally mandated reports. U.S. Census data, as well as city, and regional housing planning documents. There was additional reliance on studies published in academic journals. This evidence presented here relies heavily on quantitative data that compares relative groups and categories.

Despite the fair housing act, which prohibits discrimination in renting, selling, or advertising in housing, to the contrary, the evidence strongly suggests, these incidences of discrimination continue. Across the nation, in Baltimore City, and the Baltimore metropolitan region, evidence has been compiled using audit paired testing and relying on credit loan information from the HMDA. In Baltimore City, African Americans are more likely to see their applications denied, experience steering to mixed or all-black neighborhoods, disproportionate denials of mortgage and business loans. The neighborhoods in which to raise a family are less likely to be environmentally safe and more likely to contain health hazards consisting of a disproportionate number of vacant buildings that may be structurally unsound or covered in decades of lead-based paint. Minority business ventures lag far behind other major metropolitan areas and there is documented evidence that race is the greatest predictor of credit accessibility. The residents themselves have the lowest per capita income in the region and the state. The median family income is the lowest in the region as well. Over fifteen percent of adults failed to attain their high school diplomas. Unemployment in the city is consistently twice that of the surrounding jurisdictions.

There does exist evidence of continued systemic racist policies but upon further analysis of the six propositions a stronger case can be made for the current stagnation of residential patterns in Baltimore City is directly related to the years of systemic racist policies before the passage of the Fair Housing Act of 1965. These policies had such a devastating effect on the previous generations' ability to generate wealth, maximize

education, and employment opportunities, the generations that followed were not in the best position to take advantage of new laws ostensibly passed to prevent discrimination by the housing and finance industries.

Chapter V: Summary and Conclusion

A. Introduction:

In this chapter findings of the study as it relates to the research, the question will be discussed. The significance of the findings of key concepts, methodology, municipal, and state policy will be discussed as well. Conclusions based on the findings in this study will be drawn and implications for practice for three primary stakeholders will be shared, academicians, public administrators, citizens of Baltimore, and similar citizens in similar conditions. Finally, the limitations of this research and suggestions for further research will be made.

A persistent social ill that is ubiquitous throughout the landscape of nearly every large metropolitan area of the United States is residential housing patterns based on the concentration of race, particularly black and white Americans. It is as if it is a case of two cities. This is a problem because, with racial separation and isolation of black Americans in urban America, public policy and private practices of neglect, discrimination, and abandonment have become more pronounced and targeted. This in turn, for most African Americans, has led to missed opportunities in education, employment, and the ability to build wealth by participating in the housing market.

The purpose of this research is threefold. First and foremost, this research seeks to ascertain the current nature of racially segregated housing patterns in Baltimore City, probable causes, and the impact it has had on the residents of the neighborhoods affected. Secondly, this research seeks to increase awareness of the historical and persistent problem of racially segregated housing patterns in Baltimore City. Finally, this research seeks to recommend public policy choices based on findings from the research that may better inform policymakers going forward. There will be no direct inference made from that which has occurred in Baltimore to other major American cities, however at the theoretical level similarities can be compared and contrasted.

This researcher proposed the question for study: Does there exist evidence of continued systemic racism in determining racial patterns in neighborhoods in Baltimore, Maryland. This study is exploratory, descriptive, and explanatory. This is possible due to the unique nature of the subject matter and the research question. The methodology selected to answer the research question rests with a qualitative design in which six propositions are presented for analysis to answer the research question. The propositions were derived from logical expectations and outcomes that would be the result of an effective Fair Housing Act of 1968 and subsequent legislation on community and individual credit access.

The propositions are derived from pathologies identified in the literature review. The propositions upon analysis post-Fair Housing Act 1968 would either provide evidence that would either affirm or reject the research question of a continuation of systemic racism in determining persistent residential housing patterns.

What accounts for the evidence is data from academic studies, city, and regional planning documents, HUD mandated Analysis of Impediments, and a demographic description of the socioeconomic status of residents in some of Baltimore's most maligned neighborhoods, the city, and the region as a whole. Each proposition could theoretically fall in one or a combination of four theoretical perspectives which are delineated in Table 1 in Chapter IV.

1.) Reforms have eliminated or mitigated impediments of those in protected classes to move into the housing of choice in the city or the greater metropolitan area. Barriers to secure credit for individual or community development are minimum or nonexistent in 2020.

2.) Ability to move into the housing of choice in the city or greater metropolitan area or to secure credit for individual or community development cannot be attributed to systemic racism in 2020. The individual choice for community homogeneity or the legacy of previous policies is the primary contributing factor for existing residential patterns.

3.) Market forces are the primary factor determining residential patterns. Race is inconsequential and housing of choice is open to those of any race or ethnic background that can afford it.

4.) Continued systemic racism, albeit less overt, is the primary determining factor in residential patterns in the city and surrounding area. Continued systemic racism is the primary determining factor for securing credit for individual, or community development. Continued systemic racism is the primary determining factor for environmentally toxic communities and food deserts within these communities.

B. Analysis of Findings

The findings were quite conclusive, systemic racism is still a factor in determining racial patterns in Baltimore City. It has taken a more covert, less overt form. It has become more subtle and disguised as race-neutral policies with a disparate effect on African Americans and Latinx Americans. A good example is moving from racial zoning, which was first passed in Baltimore City in 1910, to exclusionary zoning that may emphasize population density issues and square footage of each unit, thus preventing more affordable housing that would benefit less affluent people of color.

However, the evidence presented for continued systemic racism in determining residential housing patterns based on race does not appear to be the major contributing factor for maintaining the status quo of the index of dissimilarity in Baltimore City. In the year 2000, according to a study by Frey and Myers, the index of dissimilarity for Baltimore City, blacks with whites, was 71.2 (Frey, Myers 2000).

Jim Crow policies before the passage of the Fair Housing Act of 1968 are still the greatest contributing factor to continued residential housing patterns in 2020 at the time of this study. It appears the fifty-two-year post-FHA could not overcome decades of redlining, restrictive covenants, denial of credit, and discriminatory policies one or two generations later. The government policies and private practices that ensured residential housing patterns historically characterized by segregation and high concentration of poverty for Baltimore's African American neighborhoods could not be turned around in fifty-two years. Even if there had been no further acts of discrimination at all the law as written and enforced by the federal government was not positioned to reverse the trends in the neighborhood and its habitants. Richard Rothstein, the author of the *Color of Law*, stated that:

Prohibiting discrimination in voting and restaurants mostly requires modifying future behavior. But ending de jure segregation of housing requires undoing the past actions that may be irreversible.....This law is now a half-century old. You might think

that fifty years would be long enough to erase the effects of government promotion of and support for segregation. But the public policy of yesteryear still shapes the racial landscape of today (Rothstein 2017).

The policies that made it easier for whites to move to the suburbs and simultaneously more difficult or impossible for blacks, holding all things equal, has given them an overwhelming advantage and no reason at all to relocate to the city. Home purchase to buy relatively inexpensive homes and see those homes appreciate were influenced by the property rating system. Securing loans for the purchase and maintenance of properties was only the first step. Sustaining sufficient employment at livable wages placed African Americans at a huge disadvantage as they sought to capitalize off of recently passed civil rights legislation of anti-discrimination.

The government GI bill for educating returning soldiers originally benefitted whites-only nearly exclusively. The Federal Housing Administration guarantor of private loans was also almost a benefit exclusively for whites.

These policies would have reverberations for generations. Newly minted white homeowners in the surrounding region could enjoy interests and tax deductions as homeowners, send their children to better-financed schools, benefit from greater employment opportunities and then bequeath these homes to their progeny. Conversely, if this study found very little or no incidence of continued systemic racist policies in housing and lending, the generations of African Americans who have survived the public policies and private practices, in aggregate, are less likely to be able to take advantage of current race-neutral policies. On average, their education level and graduation rates will be lower, their income will be lower, their employment opportunities and income will be less, their families accumulated wealth will be lower or nonexistent. The cascading conditions, unlike other forms of racial segregation and discrimination, are more likely to be generational.

Figure 1.

Venn Diagram of competing causes for current residential housing patterns of Baltimore City and the surrounding area.

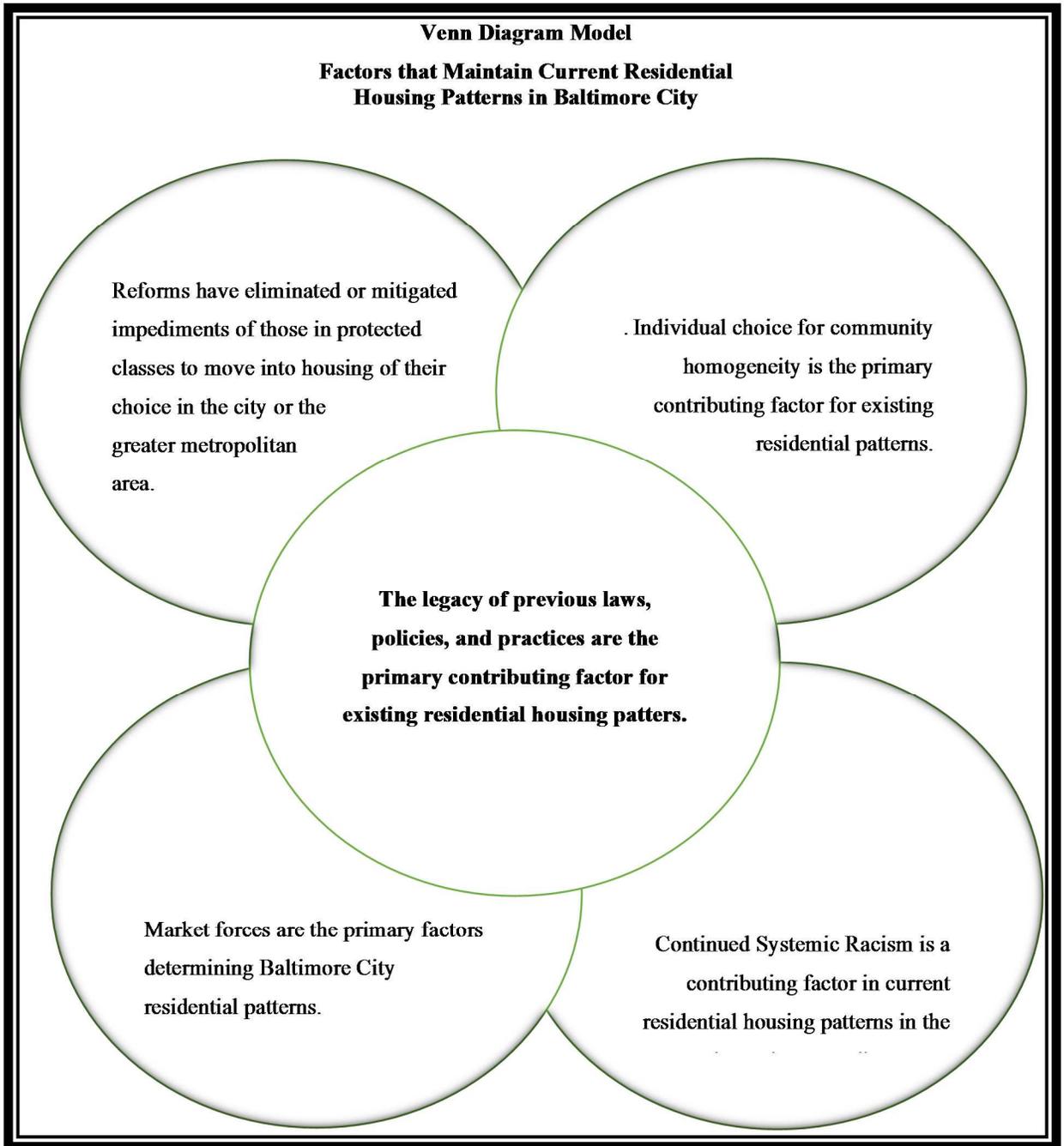


Figure 1. illustrates that according to the research found here, there are elements of all of the theoretical possibilities that serve to maintain the residential housing patterns in Baltimore City and the surrounding area. Systemic racist policies, reminiscent of the past, are still very much a factor but the most dominating contributing element is the past legacies that have not yet been fully addressed or dealt with in a significant way where the people and property are made whole. The Fair Housing Act has eliminated the most obvious and blatant forms of systemic racism in flat denials and advertisements based on race, However, market forces and individual choices are directly impacted by the policies that preceded the Fair Housing Act.

Chapter IV summarizes the findings of each proposition so it would be redundant to go into great detail here in chapter V, but it suffices to say that continued individual and systemic acts of discrimination against African Americans and Latinx populations are very much a part of government decision making and the business calculus.

In examining the propositions to test the research question, the first proposition analyzes the efficacy of the FHA itself. Three important tenants of this proposition are: 1) the FHA makes it illegal to refuse to sell or rent a dwelling to any person because of race, religion, gender, or national origin; 2) discrimination in advertising the sale or rental of housing, and 3) affirmatively furthering fair housing provision of the Fair Housing Act.

The evidence presented for the proposition shows poor performance in the three major areas of the first proposition. Using the method of paired testing, it was found that in the Baltimore region and throughout the nation housing discrimination persisted. African American potential home buyers or renters were more likely to have a less favorable housing shopping experience due to outlawed discriminatory practices according to Baltimore Neighborhood Inc., (BNI).

BNI (not currently operating), was a nonprofit advocate for fair housing organizations and provided a variety of services aimed at fighting housing discrimination, supporting integrated communities, improving tenant-landlord relations, providing for community education, outreach, and advocating for accessible housing performed a variety of paired housing testing.

BNI's cumulative testing logs for fiscal years 2008 and 2009 were analyzed. During the two years, BNI completed 92 tests and re-tests for rental housing discrimination at various locations throughout the city. Overall, some level of potential discrimination was determined in 43.5% of cases, while no discrimination was noted in 29.3% of cases (AI 2012).

Incidence of discrimination was noted in advertising as well by disproportionately using white human models which would give the impression of whites-only (Williams, Qualls, Grier 1994). Acts of discrimination in advertising were documented in 25 of the nation's largest newspapers. The Baltimore Sun was named as one of the newspapers (Williams, Qualls, Grier 1994).

What determines individual acts of discrimination from systemic racism in housing is the persistent systematic government policies that create barriers and impediments to free housing choice. Since the passage of fair housing and credit access laws, their effectiveness in making a difference, falls on government agencies' ability to implement these policies and enforce these laws. In this regard, the agencies such as HUD and local housing authorities have been woefully inadequate (Higgenbotham 2013; Massey and Denton 1993; Rothstein 2017).

The laws are structurally flawed for enforcement by placing the onus on the victim to prove intentional discrimination, often requiring expensive and time-consuming legal challenges. The fines are mere slaps on the risk for large developers, advertising agencies, landlords, or realtors.

Preventing or mitigating continued segregation is not nearly as thorny a problem as compelling integration. This speaks to the provision of Affirmatively Furthering Fair Housing (AFFH), which proactively encourages integration. This provision receives far less notoriety than provisions to clamp down on discrimination. More importantly, AFFH has the potential to reverse conditions, not just curtail discrimination going forward. Effective enforcement would require HUD to withhold funding and proactively go after habitual offenders.

The second proposition: Dwindling and Deteriorating Stock of Affordable Housing examines the current status of affordable housing stock in the city and the region. Again, one would expect that an effective Fair Housing Act would have

eliminated systemic racist policies that serve as barriers and impediments to free housing choice thus increasing the availability of affordable housing throughout the city and the region. According to the National Low Income Housing Coalition, it was found that for the Baltimore Towson area in 2019, there were 98,093 extremely low-income renter households and there were only 34,327 affordable and available rental homes. That leaves a gap of 63,766 or only 35% of the affordable housing need met (NLIHC 2019).

The city of Baltimore provides the majority of affordable housing in the region. This has been consistent since the metropolitan area has been defined as a region with Baltimore City and the county jurisdictions. Currently, Baltimore City provides 67% of the most affordable rental housing compared to 38% in the region. This is a slight improvement from 2010 where the ratio was 70% to 39%. (ACS, 2010 2020).

Perhaps the greatest impediments to a more ample supply of affordable housing are the use of exclusionary zoning policies by local governments. Race is not used as a criterion but the housing type that is most beneficial to low to moderate-income African Americans and Hispanics may be excluded. Housing such as multi-development family homes with greater density, and smaller lot sizes, may not be permitted. Such restrictions limit construction as well as artificially inflate existing multi-development family housing. This has the effect of placing dwellings most beneficial out of low to moderate-income families' price range.

Exclusionary zoning creates disparate conditions that on its face appear race-neutral but given the socio-economic conditions of the residents seeking housing, much of the housing stock is out of the price range of those families and individuals who need them most. Institutional racist policies are very much at play, but they are possible in part because of the legacy of the systemic policies that led to the deterioration of the property and the lack of resources of the residents.

Findings for proposition 3: Credit Availability in Low-to-Moderate Income Neighborhoods, revealed a pattern of denials in credit lending in Baltimore City and denials specifically to African Americans. When other factors such as income, assets, and credit history were controlled for the greatest predictor of approved loans by the financial institutions was the race of the individual seeking the loan. This is prevalent for all income levels (NCRC 2015).

Despite specific legislation mandating fair lending practices and even proactive lending to historically disadvantaged and underserved communities the results of lending proportionate to the need or in comparison to white counterparts have been disappointing. Findings here unequivocally point to a continued pattern of systemic racist policies by private financial institutions when it comes to lending. This coupled with weak enforcement practices by federal, state, and local agencies charged with enforcement and prevention has ensured little change in resources made available since the days of redlining.

Findings for proposition 4: Environmentally Safe and Healthy Neighborhoods speaks to expectations if the FHA and subsequent attempts to ensure fair lending practices were effective in the historically segregated communities. The expectations after fifty-two years since the passage of the Fair Housing Act in 1968 was that the neighborhoods that endured hyper segregation and deprivation of much-needed resources would rebound and return to environmentally safe and nurturing communities. This did not happen. The neighborhoods that were designated as redlined property have continuously deteriorated unabated as if there had been no interventions at all. The neighborhoods are plagued with a disproportionate amount of older substandard housing, vacant buildings with questionable structural integrity containing lead paint, or vacant lots collecting debris and becoming increasingly hazardous.

African Americans in the city were not subjected to the most dangerous industrial sites since these sites were located in solid white areas as whites were the predominant labor force and remained in the area. Ironically, blacks in the city live closer to the parks and recreation areas that were off-limits to them in earlier times due to the same out-migration patterns.

This is contrary to most major metropolitan areas that fight for environmental justice. Neighborhoods where black, brown, and low-income people reside usually lack the political clout necessary to ensure that environmentally hazardous conditions are not located in their communities. These same people are passed over for amenities such as parks and recreational facilities.

The neighborhoods in the neglected African American communities are challenging in terms of physical and mental health. They are more likely to be inundated in high crime rates, substance abuse, and police brutality and harassment.

Environmentally safe and healthy neighborhoods did not follow the passage of the Fair Housing Act of 1968. The data suggest a steady trend of the conditions that created a deterioration of the community. This suggests continued systemic racism in this area as well. However, it is somewhat difficult to discern as to what proportion of the deterioration of the neighborhood should be attributed to a lack of recovery from past systemic racist policies versus a continuation of these policies under new iterations. In essence, the neighborhoods have never recovered.

Findings for proposition 5: business development in low to moderate African American income communities speaks to discrimination in credit access before FHA of 1968 and whether these same practices continued after the passage of FHA. Redlining not only affected loans for mortgages, but it also affected loans used for startup capital. Credit access, particularly the Community Reinvestment Act passed in 1977 was cause for hope for black-owned and operated businesses and a way to create wealth and local employment.

The National Community Reinvestment Coalition (NCRC) report, *Home Mortgage and Small Business Lending in Baltimore and Surrounding Areas* holding all variables constant contends that in 2011 – 2013 the greatest predictor of loans approved was race in the city of Baltimore and economic activity in surrounding jurisdictions.

The limited amount of minority businesses in the Baltimore metropolitan area is comparable to twenty-four other major metropolitan areas as pointed out by the SPG report and the strong predictor value of race in securing loans in mortgages and business investments as pointed out by the NCRC report stand as strong evidence that continued systemic racism exists in determining businesses development in low to moderate-income communities (SPG 2004; NCRC 2015).

The evidence speaks to continued systemic racist policies as one of several barriers to African American entrepreneurship in the areas that have been targeted for redlining, segregation, and isolation. These communities have witnessed other ethnicities

move in, own, and operate businesses often protected from the people they serve behind thick bulletproof plexiglass.

The first half of the twentieth century before the passage of the Fair Housing Act left the communities in such an economic, educational, and employment free fall that if there was a cessation of systemic discrimination there is evidence that the communities were left in no position to compete for investments for business ventures.

Finally reviewing the findings of proposition six, the socio-economic demographical information of Baltimore City and the region, it is apparent that black city residents' full potential is truncated by the policies at the turn of the twentieth century, the Great Depression, post-World War II, the proliferation of the interstates and the rise of the suburbs. The passage of the 1968 Fair Housing Act was a right step in the right direction but woefully inadequate to prevent continued systemic discrimination and less effective still at reversing the harmful effects of past policies.

Examining the demographics of the residents of Baltimore City, a city that is a minority-majority city with African Americans accounting for 62% (ACS 2017). The city of Baltimore has the lowest per capita income \$31,271 is the lowest in the region. The median family income is \$50,379 and 21% of the city residents live in poverty (US Census Baltimore Quick Facts 2019). The city residents lag behind the region in homeownership percentage 42.5% to 65%. In education, Baltimore City high school graduation rates lag behind the other jurisdictions in the region with 71% as the lowest to 92% for Howard County at the high end (Roots Policy Research 2020).

In every incidence, socio-economic indicators that speak to the quality of life in the city of Baltimore and its heavily isolated African American population, show significant gaps behind their white counterparts in the city and other jurisdictions. All city residents collectively fare worse than residents in the surrounding area.

The evidence suggests a direct correlation of the communities affected by structural discriminatory policies such as redlining and credit denials to the current socio-economic indicators. As Rothstein indicated, following generations rarely do significantly better economically than their parents (Rothstein 2017). The multitude of challenges facing African Americans cascades into a state in which it is very difficult to use current policies and opportunities to break the impediments and barriers of the past.

C. Theoretical Framework as Applied to the Findings

The findings here suggest that both institutional rational choice and critical race theory are appropriate theoretical frameworks in assessing the research question. First, institution rational choice or rational choice theory best describes the actors (often elected and administrative officials) seeking to maintain the status quo, residential housing patterns separated by race. Secondly, critical race theory provides a lens through which the levels of government and the many related institutions systemically preserve white privilege and preference while maintaining policies of discrimination, segregation, and separation when it comes to people of color.

The vast white majority have consistently sought communities that our majority white and when a certain tipping point has been reached with in-migration of people of color, white families have been known to move (Higginbotham 2013). Before the passage of the Fair Housing Act of 1968, public and private organizations have historically used their institutions to maintain white supermajorities. This is the choice exercised in the Baltimore region by public and private institutions since the turn of the twentieth century. This is directly related to the current residential housing patterns by race seen in contemporary times.

Rational choice theory is based on assumptions, that a) individuals/institutions making rational choices are based on self-interests; b) the decisions are based on information that determines logical preference, and c) the actor will consistently choose the best choice as he perceives it to further his interests (Ostrom 2007). The interests of the white majority to separate may be informed by irrational fears exacerbated by societal interests such as politicians, the banking industry, the housing construction industry, the insurance industry, and the real estate market.

Critical race theory, growing in notoriety and controversy, speaks directly to a system of laws and policies that preserves a system of white privilege and preference and black neglect and denial seem tailor-made to address the research question of continued systemic racism in residential housing in the Baltimore region. The literature review reveals the numerous tactics, public policies, and private practices used in ensuring segregated communities before the passage of the FHA. The findings in reviewing the six

propositions show evidence that systemic racist policies leading to very similar outcomes are still very much a part of the social fabric governing the Baltimore region, albeit more subtle and race-neutral on its face.

D. Unexpected Outcomes

This study contained elements of all three major research types: descriptive, exploratory, and explanatory. In contemporary times segregated residential housing patterns, the common perception, is that this is a thing of the past, a focal part of America's long history of poor race relations. However, in nearly every major American metropolitan region there is a pervasive pattern of predominantly black and white neighborhoods. The Baltimore region is no exception. This study first sought to describe this phenomenon hiding in plain sight and explore the tentacles of this problem that has reverberations in nearly every facet of life. It also sought to describe, discover, and explain how the residential patterns that prompted the need for the Fair Housing Act of 1968 have remained static if not increased in homogeneity fifty-two years later.

It was found that systemic racism is still very much a part of determining residential housing patterns and housing choices. Despite the many hard-fought battles for laws and policies that would eliminate or mitigate housing discrimination, for all intents and purposes, very little has changed. What is more revealing, is how the previous policies at every level of government and the private sector, continue to affect housing choice in 2020, long after they have been declared illegal by all branches of government. This revelation has a greater impact on residential housing today than continued systemic racist policies in all of their subtle forms.

Beyond a simple explanation of continued systemic racism, the evidence shows the continued negative outcomes of decades of systemic racist housing policies predating the FHA that have never been effectively explained or dealt with by policymakers. Why is this the case? Richard Rothstein accurately points out that discrimination in housing is unlike discrimination in voting, employment practices, or education access. The former deals with actions or inactions that can be changed going forward, however the latter deals with past actions that cannot be so readily undone. Housing creates a sanctuary, a

haven where one can raise a family, educate them, and instill the values that may lead to successful and productive citizens. Just the opposite is true with dysfunctional substandard housing in impoverished neighborhoods coupled with a poor and underfunded educational system.

The black residents living in neighborhoods subjected to redlining and prevented from housing choice by restrictive covenants were never made whole by the passage of the Fair Housing Act and the accompanying bills concerning fair lending practices. They were unfairly cut out of participating in the housing market in which they could have attained wealth as homeowners and bequeath this wealth to succeeding generations.

Housing discrimination did not take place in a vacuum. Discrimination in employment in terms of hiring, firing, promotions, and comparable wages for comparable work was very much an ongoing issue in the black community as well. These forms of discrimination coupled with disparities in housing paved the way for generational poverty that would persist after measures were taken to make illegal original acts of discriminatory behavior in housing. Not only were these residents placed at a decided disadvantage in their neighborhoods, some federal, state, and local programs serve to reinforce residential segregation. Government-sponsored housing development programs that make new housing units available are often located in previously segregated neighborhoods. These new units make small dents in the need for affordable housing in the short term but do nothing to address the dearth of affordable housing in areas of opportunity and the current state of segregated America's residential housing going forward.

Segregated communities for some members of Baltimore's communities were seen as communities of black solidarity and black cohesiveness that represented all members of all walks of life. They would argue that integration destroyed black communal economic viability (Jackson 2007). Others may lament the dissolution of strong black voting blocs (Jackson 2007, Rothstein 2017). Others still, may put forth the argument that close white proximity, integration, or assimilation was never the panacea they sought nor the end goal but the resources in which black communities had been deprived of as a result of segregation and isolation (Higginbotham 2013).

E. Implications for Practice

Implications for actions based on the findings of this study have special meaning for three primary stakeholders, elected officials, first-line administrators, and residents of targeted areas. The deleterious effects of segregated racial housing patterns on the Baltimore African community are well documented. What is becoming more apparent is the very costly nature and the plethora of undesirable outcomes that past and present discriminatory housing practices have had on society as a whole. Heather McGhee, in *The Sum of Us*, makes the very poignant case that segregated housing in the black community in a city such as Baltimore is just as harmful to white Baltimoreans as black Baltimoreans (McGhee 2021). This is very important. For to make significant reversals of living conditions in Baltimore created by past and present policies of housing discrimination and intentional neglect, it will require a conscious and deliberative effort that begins with an informed public followed by political will.

First, the stakeholders that can have perhaps the greatest impact of reversing the harmful effects of segregated residential housing patterns in Baltimore are the public policymakers and the elected officials. The intractable phenomenon was created by all levels of government and the private sector, and it will take all levels of government and the private sector to solve it.

While some strategies to combat the harmful effects of segregated residential housing, are aspirational and will take the national will, some strategies are attainable and can be implemented now. The key is employing both a regional and holistic approach. Providing safe affordable housing is by far the most important step in rebuilding the neighborhoods in Baltimore but far from the only one. In areas of segregation and concentrated poverty, multiple issues are cascading at play detrimental to a sustainable home environment. Stable employment at livable wages, effective educational systems K – 12, and job training or higher education are essential components of rebuilding the communities.

A regional approach is essential because Baltimore City has unfairly borne the majority of the burden of providing the region's affordable housing needs. As exclusionary zoning becomes more prevalent in surrounding jurisdictions housing in the

price range of low-income people is permanently out of reach. The city attracts more families and individuals considerably below the poverty level unable to contribute to the tax base while the surrounding jurisdictions attract more affluent residents quite capable of adding to their revenue base.

Specific approaches would include expanding the Rental Allowance Program (RAP) which is a government program designed to provide rental assistance to families with emergency needs or in danger of becoming homeless. This program only currently services 350 people statewide in any given month (Pappoe 2016). The RAP program could be expanded as the 16,000 vacant houses in Baltimore City are put back online for rental or purchase. Developers would be offered incentives and supplements such as grants, low-interest loans, write-downs, and tax abatements to develop both in low-income neighborhoods and in areas of opportunity.

The Baltimore Housing Mobility Program (BHMP) reached national acclaim helping over 1,500 poor black families move from low opportunity isolated concentrated areas of poverty to mixed-integrated areas of opportunity. The program works on housing vouchers that allow the family to use a mobile voucher system to leave the neighborhood. The *Thompson v. HUD* decision expanded the program to include an additional 400 families through 2018. However, this program is limited because of the lack of affordable housing and landlords willing to participate.

Local elected officials must pass policies that compel developers to include set-asides units as a part of major developments so more affordable units are included in every jurisdiction in the region. This is a regional problem that requires regional solutions. Unnecessary bureaucracy and resistance from residents in areas of opportunity must be abated. Public hearings and education, as to why change is needed for a more inclusive regional approach of accommodating the poor in highly segregated and isolated communities are highly recommended in securing local support.

Many neighborhoods in east and west Baltimore are at least 45-minute drives from job sites that are hiring and training low-skill workers at livable wages. The majority of low-income people in need of employment do not own a personal automobile and do not drive. In areas such as the Baltimore Washington International (BWI) AirPort and Timonium on the periphery of the city, access is provided by light rail lines. The

proposed Red Line, a 14-mile east-west rail transit line that would provide inexpensive travel from Woodlawn in Baltimore County to Johns Hopkins Bayview campus connecting all of the West Baltimore neighborhood in between. This would provide an additional means of commuting to areas of employment and opportunity and eliminate the impediment of reliable transportation. The current Republican governor, Larry Hogan, canceled plans for the Red Line in favor of a less expensive LINK plan that would seek to accomplish the same commuting goals. The Baltimore chapter of the NAACP has sued the state of Maryland over this cancelation (Higginbotham 2013). In keeping with the holistic approach, access to transportation to a location in the city and surrounding jurisdictions that are hiring is essential to sustained employment and sustaining affordable housing.

As part of the 1968 Fair Housing Act, the often overlooked component of “affirmatively furthering” needs to be vigorously enforced by every jurisdiction that receives federal funding. In 2015 the Obama administration encouraged jurisdictions to identify impediments and obstacles to integration. These plans of implementation must be the central focus emanating from the federal and state governments. Prohibiting discrimination is not enough to change the dynamics after nearly a century of de jure segregation. This emphasis should come from the president and congress and be enforced by HUD and the Department of Justice.

The second group of stakeholders is frontline public administrators and planners. A good first practice is to acknowledge what has transpired in the way of government sanctioning residential housing segregation. This must be factored into public policy and public policy solutions. The harmful effects it has caused to the African American community, other minorities, low-income people in general, and the city at large must be a part of the dialogue with the public. Public administrators can ill afford to carry out their functions in their official capacity and not recognize the two urban Americas and take no meaningful steps to address them. Cost budget analysis should be made to highlight the loss in public revenue, the loss in GDP, and the loss of employment opportunities for the city at large.

Finally, perhaps the stakeholders who share the most challenging brunt of residential housing segregation are the citizens who inhabit these neglected properties in

the least desirable areas of the city. According to a 2012 study conducted by Virginia Commonwealth University, in the second section, Part II. Racial Segregation, Redlining, and Community Distress:

The findings show that previously redlined census tracts were significantly more likely to have distress spanning several decades in terms of homeownership and poverty. Census tracts that were at least partially redlined in the 1930s were almost five times more likely to be in the lowest quartile for homeownership in at least two census periods and more than six times more likely to be so for at least five census periods. Redlined tracts were twice as likely to experience persistent poverty and more than three times more likely to do so for at least five census periods (VCU Center for Human Needs 2012).

These residents were prevented by the use of restrictive covenants from moving to more affluent neighborhoods. They were systemically denied credit based on race regardless of creditworthiness. In times of severe need, they were steered to segregated public housing while their white counterparts were granted low interest single development housing in the surrounding county. They were isolated from areas of opportunities that had a devastating impact on educational attainment, employment, and increased income possibilities. Denial from participating in the housing market limited their potential of building wealth and passing it on to the next generation. Finally, after enduring de jure systemic racism the current generations have become victims of de facto segregation manifested in racial steering and exclusionary zoning. In more recent times these same residents have become susceptible to predatory lending and regentrification.

City residents may want to seek housing choices outside of Baltimore's most distressed neighborhoods. This includes newly developed units built in the same segregated neighborhoods. The Baltimore Housing Mobility Program (BHMP) shows promise in long-term solutions. It offers the next generation an opportunity to avoid the social ills characteristic of areas of high concentration of poverty, segregation, and isolation.

If physical relocation is not an immediate option, a greater emphasis must be placed on education and job training. It is well known that education and job training are life transformative, and both can move residents in Baltimore's most impoverished neighborhoods toward greater opportunities.

F. Significance of Findings

In reviewing these findings, the significance of the methodology used in the study, and the significance of state policy are ripe for analysis. First, the methodological approach in acquiring evidence can be an exhaustive undertaking because pieces of evidence are not limited to a single or even multiple data set but can come in numerous forms and great quantity. The researcher must wisely choose the most comprehensive and sound sources that would render further collection redundant. Confidence in the findings is enhanced when several dimensions or in this case propositions are used. Each consistent finding confirming or refuting the expectations of the research question serves as mutual validation.

The significance of the findings concerning state policy raises a few interesting questions for consideration. What is the role of the state in reversing the residential housing patterns in Maryland's largest city and the hub of a vibrant growing economic region? Will the state seek the assistance of the federal government in rehabilitating the communities in east and west Baltimore? It behooves the state of Maryland to restore Baltimore City as a growing economic powerhouse capable of supporting a decent quality of life for all of its citizens. To continue to ignore the blight and problems facing the city brought on by state-sponsored segregation is to continue in the trend of assuming more municipal functions and allocating resources to the city on the back end dealing with current crisis spirals instead of investing in the future where all stakeholders can share in brighter outcomes.

G. Recommendations for Future Research

The focus here in this study is the shaping of residential housing patterns in Baltimore City. The literature review chronicles a tenacious desire by the government at all levels, an implacable white public at large, as well as key industries in the private sector in restricting African Americans' access to open housing of choice before the passage of the 1968 Fair Housing Act and beyond. This study methodically addresses known strategies, policies, and practices to maintain adherence to a strict color line both

past and present. It further expands on the negative consequences these policies and practices have had on the African American community and the city at large.

Three areas for future studies would be appropriate as a follow-up to this one. Studies that address integration instead of anti-discrimination, studies that move beyond physical isolation and address socio-psychological isolation, and studies that examine the various costs directly related to systemic racial policies in housing.

First, studies that move beyond asking whether systemic racism continues to be a factor in shaping residential housing patterns to asking the question of what the impediments to a more integrated society are. Does society agree that integration is a desirable outcome and if so, what is the evidence? What would be the resistance from the white community if any? What would be the resistance from the black community if any? Black politicians may lose their supermajorities and safe seats in the short term, but their constituents may be able to break the extreme isolation and generational poverty in the long term; would this be a factor in gaining their support. What would the resources and associated costs for such a huge overhaul in public policy look like?

Secondly, since the turn of the century with local racial zoning laws, federal redlining of black neighborhoods, restrictive covenants, intimidation and violence, blockbusting and white flight, intentionally segregated public housing, and exclusionary zoning to maintain a physical separation there has been a socio-psychological separation as well. Survival mechanisms that African Americans, low-income, and other people of color adopt as coping mechanisms may serve as impediments to opportunities in education and employment. This paradox guarantees a downward spiral of anti-mainstream values and participation.

Oscar Lewis's concept of the culture of poverty gained a certain level of notoriety with his publication in 1966, in an article entitled *The Culture of Poverty*. Lewis argued that populations that have been socially and economically marginalized living within a capitalized society develop patterns of behavior, values counter to the mainstream values that are both adaptive and reactionary to these harsh conditions and consequently inhibit their mobility of escaping concentrated poverty from one generation to the next. Lewis was met with often scathing rebukes from peers in academia, "often accused of blaming the victim" but enjoyed a degree of acceptance in politically conservative circles.

What is needed is a contemporary analysis of attitudes and outcomes of individuals who have shared the mass trauma of day-to-day survival for their entire life in concentrated impoverished and isolated sections of the city. Whether it is called a culture of poverty or short-term adaptation to day-to-day survival versus long-term preparation for mainstream education and careers would make for good research. The will to break the mental bonds of segregation and isolation may prove as challenging as the will to break the bonds of the physical ones.

Finally, additional research is needed on the financial and health costs associated with maintaining antiquated concepts of white superiority and white separation. In essence, scholars such as Heather McGhee ask the question is there a universal benefit in seeking a less segregated, more diverse, and integrated society. McGhee in her groundbreaking volume, The Sum of Us released in 2021, examines the costs associated with systemic racist policies that continue to have on black Americans but examines the costs and additional hardships born by white Americans and society as a whole (McGhee 2021). While Black Americans are disproportionately affected, the majority of benefit receivers are white, meaning the majority of people losing benefits, like expanded Medicaid, are white. She gives the example of many major cities draining their municipal swimming pools rather than sharing them with African Americans following *Brown*. Blockbusting was very expensive to black families paying higher costs for the property and higher finance costs than the fair market value, but whites lost a tremendous amount of wealth and equity in their homes when they hastily sold and vacated the neighborhoods. After *Brown v. Education* and the protracted time frame to integrate public schools, many school districts closed down and sought private schools rather than integrate. This coupled with the use of public safety in the two urban Americas are unnecessary financial burdens all citizens have to bear. Additional analysis comparing the status quo and a true post-racial Baltimore is timely. Hard numbers can be more persuasive than moral and ethical concerns for cities facing difficult budgetary constraints.

H. Limitations

This study answered the research question: does there exist continued evidence of systemic racist policies in the affirmative. There were ample examples of evidence that confirmed policies of discrimination, although illegal, persist. There were six propositions offered that served as indicators of the efficacy of the FHA of 1968. What was unexpected was the extent that the policies since the turn of the century up until the passage of the FHA continued their deleterious effect on the residents and the residential property.

The limitations are deciding on six logical propositions instead of more or less than six. There is no prescribed methodological way of deciding which propositions to review and which to exclude from the body of evidence. In essence, the limitations revolve around the quantity and quality of the volume of evidence. In the interest of eliminating the scope from becoming voluminous to the point of ad nauseum at some point, decisions have to be made. Such a realization is a limitation.

Another important limitation is the reliance on second-hand data. The sources are credible and well documented. However, first-hand sources designed for the specific study in question are always preferable to secondhand data, if not could be considered a limitation.

I. Conclusion

Segregated residential housing patterns in 2020 in Baltimore, Maryland is a societal problem. The combination of systemic racist policies before the passage of the Fair Housing Act of 1968 and the more subtle continuation of policies crafted to bring about the same outcome has created this problem. The social ills for the most isolated African Americans who comprise a majority of the city, ranging from economic wealth gaps to a life expectancy ten years lower than their white counterparts in surrounding jurisdictions. The city, itself due to policies of isolation and neglect of a large segment of its residents, has constantly declined in population and prestige from a bustling vibrant city reaching nearly a million people in 1950 to nearly half that in 2020. Beyond the

decline in population, crime, per capita homicide rate, drug use, and incarceration rates lead the state and the nation. Fortunately, these are manmade problems with manmade solutions. It will take the will of the people, all of the people and the backing of elected political officials at all levels to reverse the trends that began at the turn of the twentieth century.

For this to happen, there must be a true reconciliation process that informs the nation exactly what has happened, how, and why. In this process, the negative consequences that are directly or indirectly related to these public policies and private practices are exposed. The projected continued negative consequences should be made clear if the city and the nation fail to act. The upside of a more inclusive integrated urban landscape should also be made clear if action is taken with deliberate speed.

What would that action look like? African American communities are not struggling due to the lack of whiteness. They are struggling because of the concerted isolation and neglect in spaces that can easily be identified, neglected, and abandoned by the public and private sectors alike. Integration would alleviate the isolation but do nothing immediately to alleviate the concentrated poverty. Prolonged poverty for residents in marginalized neighborhoods is a direct result of a lack of education and or marketable skills, employment, and wealth-building opportunities. Employment opportunities that pay a livable wage may involve additional or improved public transit lines.

What is needed is a bold multi-faceted attack on multiple fronts of obstacles and impediments that transcends segregated residential housing patterns. Segregated housing has become both a cause and an effect that traps generations in a downward spiral in perpetuity. To break this pattern, the neglected residents and the neglected properties must be addressed with effective plans that reverse trends of previous policies. This may require public-private partnerships between government, financial institutions, and developers. Further affirming, as detailed in the 1968 Fair Housing Act, must be the guiding principle in rebuilding the neighborhoods with racial balance in mind. Tax incentives for developers, signing bonuses, temporary mortgage relief, in essence, a public-private partnership, would encourage more diverse and heterogeneous communities.

Some would criticize the government's heavy hand of “social engineering” and statements such as “forced integration”, others still will squawk at the price tag of striving for a more egalitarian society where more people will have a chance at getting on the first rung of the middle class. In these cases, they should be reminded of land lease grants that benefited mostly whites as new homesteaders or GI bills that allowed white soldiers and sailors a chance at a college education and the purchase of a home that was nearly always denied to the black returning military. The interstate highway, a great and necessary expenditure on infrastructure, served the purpose of connecting the mostly white suburbs to places of employment and education for the white commuters who could travel to and from their destination without having to drive through the heart of the city.

Public administrators, educators, and concerned citizens can ill afford the luxury of ignoring our past policies that have led to segregated residential housing patterns in 2020, nor can a series of seemingly race-neutral policies be employed assuming the legacy of the past has no bearing on the present. Doubling the efforts of eliminating “continued policies of systemic racist policies” is important but more attention is needed to address the plethora of problems that these policies have left in their wake.

America still has to come to grips with its checkered racial past to bring about these needed changes. This is true in Baltimore City, the Baltimore Region, and the nation as a whole.

Sometime during 1776, John Adams, Benjamin Franklin, and Thomas Jefferson coined the phrase, indeed the motto for the fledgling thirteen colonies, “E Pluribus Unum”, a Latin phrase that roughly translates to: “out of many there is one”. This was a most urgent attempt from three of the founders representing Massachusetts, Pennsylvania, and Virginia to begin the process of going forward as one nation for the mutual benefit of all during the pending war.

America is at that crossroads again and “E Pluribus Unam” must take on a new meaning. Instead of the thirteen colonies, it is incumbent upon the nation with the same sense of urgency to recognize the value of every individual regardless of race, religion, ethnicity, gender, sexual orientation, able, or disabled. To think less, to do less in this interconnected society is to the detriment of all. This may require a new way of thinking,

disregarding age-old prejudice and fears. Before public administrators can act on these important initiatives, legislators must enact laws with teeth that will ensure a positive change from decades of segregation and concentrated poverty to a new era of diversity and inclusiveness.

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