

A pervasive form of housing discrimination that's still legal

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Earlier this week, the Baltimore County Council considered a bill that would have barred landlords from turning away prospective renters based on how they come by their rent money.

“Source of income” laws are meant to protect low-income tenants for whom fair housing’s more well-established edicts — landlords can’t discriminate by race, religion, disability or family status — aren’t enough. They additionally ban landlords from discriminating against renters who get help covering their rent from the government. Such laws mean landlords can’t legally broadcast “No Section 8” in their Craigslist ads. They can’t make a policy of rejecting voucher holders outright.

Washington, D.C., Chicago, Philadelphia, Seattle and San Francisco have such laws (although landlords still flout them). So do Baltimore City and Howard, Montgomery and Frederick counties in Maryland. But there’s no blanket federal law, and advocates in Maryland have failed to get a state one. So it remains perfectly legal in much of the country for landlords who can’t discriminate against blacks or single mothers to discriminate against low-income families with vouchers. Last year, the Texas state legislature even passed a law banning local communities from enacting *their own laws* making the practice illegal.

Because this kind of discrimination is broadly accepted, the federal government’s largest housing program for the poor doesn’t work like it should. Families with vouchers designed for the private market find much of the private market closed to them. A policy that was supposed to help households leave the concentrated poverty of public housing projects now often steers them instead into concentrated poverty in private apartments and neighborhoods where everyone knows “Section 8 is okay.”

Baltimore County, comprising the inner-ring, majority-white suburbs around predominantly-black Baltimore City, is precisely the kind of place where such a law is needed. The county has never had any public housing. It has a long racially charged history of obstructing fair housing (in 1970, HUD famously withheld sewer funding from Baltimore County over its support for residential segregation). And the roughly 6,000 voucher holder households there today are disproportionately clustered in the poorer neighborhoods, near the lowest-performing schools.

The county was in fact required to consider a “source of income” law as part of a settlement with HUD reached just this year over its long-running discriminatory housing. But on Monday, the council rejected the bill, 6 to 1.

The law’s only supporter was the council’s lone black council member. Said that councilman, Julian Jones, according to the Baltimore Sun: “This bill has been and continues to be about a very simple point: prejudice and discrimination.”

That the bill failed in this suburban county with its own troubled housing history reveals how deeply entrenched opposition to desegregation remains. As has been the case in fights over these laws across the country, the debate in Baltimore County focused more on the rights of neighborhoods to keep the poor at bay than the rights of poor families to escape poverty.

“We should be working to eliminate poverty, not spread it around,” council member David Marks tweeted Monday night after the vote. “That means focusing on things like job growth ...”

The problem, though, is that concentrating poverty makes it nearly impossible to eliminate. And the policy of doing so is inseparable from race. Throughout the United States, poor blacks live with vastly higher neighborhood poverty levels than do poor whites, because of the long history of private and government discrimination against them.

That racial history is hard to separate from comments by opponents in Baltimore County who warned of a “massive flood” of Section 8 voucher holders if the law passed. “In Baltimore County’s history, that means a massive flood of poor black people,” says Barbara Samuels, an attorney with the ACLU in Maryland. “It was the same old Baltimore County. The same old story.”

David Simon, the creator of “The Wire,” compared Baltimore County this week to Yonkers, N.Y., the scene of a vicious 1980s desegregation battle chronicled in Simon’s HBO miniseries “Show Me a Hero.”

A group called the Baltimore County Campaign for Liberty waged an online campaign against the bill. It suggested inaccurately that the federal government would soon make available enough money to give a voucher to all 35,000 families currently on the county’s waiting list. “You work hard to provide a good life in a good neighborhood for yourself and your family,” another notice by the group read, arguing that the anti-discrimination law would lead to decline of those neighborhoods.

“It was very old-fashioned racist stuff,” says Matt Hill, an attorney for the Public Justice Center, who represented the coalition of groups that brought the HUD complaint against the county. “It was disgusting. And I’m just heartbroken, because I really didn’t realize how powerful that kind of thinly veiled racism and classicism was in the county. I thought, ‘it’s 2016. It’s not 1960.’ ”

“Source of income” laws sound like a relatively narrow idea. But without them, many other proposals for how to leverage housing to alleviate poverty don’t work as well. We can counsel families on how to find the kinds of neighborhoods where their children would thrive, but that plan frays if there are few properties there that will accept them. We can offer families subsidies that would cover more expensive housing near good schools, but that doesn’t matter if landlords there won’t take the money.

Over time, discrimination takes many shifting forms, from blunt objections to black neighbors to coded arguments about the rights of landlords to avoid government paperwork. But in many

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