• Living Downstream: Fair Housing at Fifty

• George Lipsitz

• National Fair Housing Alliance Annual Meeting

• June 10, 2018
Living Downstream
Pulling Poisoned Fish from the River
Tort Model of Injury

• Discrimination as temporally discrete and
• Intentional
• Individual
• Isolated
• Remedy is to return to the baseline norm before the injury happened, to repair, to make whole
Unacknowledged Injuries

- Discrimination as enduring and
- Institutional and Impersonal
- Collective
- Cumulative
- Continuing and Increasing
Living Downstream
Pulling Poisoned Fish From the River
• Fast Violence Evident
• Slow Violence Hidden
• 60 minutes in Baltimore hides 60 years
• 90 seconds in Ferguson culminate 90 years
To See Clearly
Place as a Proxy for Race

- School District Attendance Zones
- Tax Revenues and Expenditures
- Poverty
- Pollution
- Policing
- Transportation isolation from entry level jobs, fresh food, stores, health care, mortgage and insurance redlining
The Slow Violence of Inequality

The economic reality of Sandtown-Winchester:
Freddie Gray's Neighborhood

- Unemployment: 51.8%
- Children with elevated blood-lead levels: 7.4%
- Vacant homes: 33%
Intergenerational Poverty

• For white families, poverty lasts one generation but wealth remains across generations. For Blacks, wealth is fleeting but poverty is intergenerational.

• Seventy per cent of African American residents of the poorest and most segregated neighborhoods are from families that lived in ghettos in the 1970s

• A majority of Blacks whose parents were middle class have fallen downward
The Racial Health Gap

Lead Poisoning, Asthma

Lung Cancer, Valley Fever

Pollution costs neighboring communities $127 million per year in hidden health damages.
An Unequal Economy Harms Everyone

• Societies with inequality have higher incidences of
  • Violent Crime
  • Infant Mortality
  • Mental Illness
  • Use of Illegal Drugs
• It is not that we struggle for fair housing in a society that is also plagued by inequality
• But rather that
• Unfair housing is the originator and perpetuator of inequality
• We do not seek a raceless inequality but reckon with race in order to remove the major obstacle to new egalitarian institutions and practices.
An Ecology of Inequality

• Recession and residential segregation increase concentrated poverty
• Affluent separate themselves from the negative consequences of poverty and avoid the financial responsibility to ameliorate it.
• As the density of poor people rises, so does joblessness, crime, family dissolution, substance abuse, disease and violence
Promising Litigation

• CCCI v. Modesto (2004)
• U.S. v Koch (2007)
• Kennedy v. City of Zanesville (2008)
• Baltimore and Memphis v. Wells Fargo (2009)
• Anti-Discrimination Center v. Westchester (2009)
• U.S. v. Piekarsky
Like the Wheels of a Mill