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*Segregation  
in  
Louisville  
and  
Lexington  
Public  
Housing*

*Kentucky Advisory Committee  
to the U.S. Commission on  
Civil Rights*

*This summary report of the  
Kentucky Advisory Committee to  
the United States Commission  
on Civil Rights was prepared for  
the information and considera-  
tion of the Commission.  
Statements and viewpoints in  
the report should not be  
attributed to the Commission or  
to the Advisory Committee, but  
only to individual participants  
in the community forum where  
the information was gathered.*

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## **THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957 and reestablished by the Civil Rights Commission Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice, investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the laws; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the Civil Rights Commission Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee;; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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Kentucky Advisory Committee to the  
U.S. Commission on Civil Rights  
September 1988

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The Kentucky Advisory Committee submits this summary report for the information of the Commission on segregation in Louisville and Lexington public housing.

The report summarizes information received at community forums convened by the Advisory Committee in those two cities in 1985. Every effort was made to assure a balanced perspective on the issues by inviting participation from representatives from government and community agencies, housing authorities, and tenants.

The information provided does not result from an exhaustive review of issues, policies, and programs concerning fair housing in Lexington and Louisville; rather it provides an overview of concerns which may merit further investigation by the Committee.

Respectfully,

PORTER G. PEEPLES, SR., Chair  
Kentucky Advisory Committee

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## BACKGROUND

In keeping with its responsibility to monitor civil rights developments throughout the State, the Kentucky Advisory Committee to the U.S. Commission on Civil Rights voted in September 1984 to conduct two community forums designed to collect information on the status of desegregation in public housing. The first forum was held in Louisville in May 1985, and the second in Lexington in September of that same year. To each forum the Advisory Committee invited Federal, State, and local officials, public housing residents; and representatives from various civil rights and community organizations to share information and provide a balanced perspective. A summary of the information collected as background prior to the forums and at the forums is presented in this report. Further, some updated information is contained herein.

## THE STATUS OF PUBLIC HOUSING DESEGREGATION IN LOUISVILLE

### Housing Authority of Louisville

Andrea Duncan, Executive Director of the Louisville Housing Authority (HAL), reported that the agency manages 6,176 public housing units, including 1,103 highrise units for the elderly and 50 scattered site units, all of which are located in HAL's 14 housing projects. HAL, with 5,626 family tenants, has the highest number of public housing residents in Kentucky, followed by the Lexington-Fayette Urban County Housing Authority which has 1,552 family tenants. Public housing residents in HAL projects include 4,190 (74 percent) black family tenants and 1,436 (26 percent) white family tenants. HAL maintains a waiting list which is 72 percent black and other minority and 28 percent white. According to Ms. Duncan, racial or ethnic minority families other than black in the housing units or on the

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waiting list are fewer than 1 percent. Ms. Duncan cites this high proportion of black applicants as an obstacle to increasing the proportion of white tenants and thus improving the racial balance of HAL housing projects.

History of Public Housing Desegregation in Louisville

Ms. Duncan provided a historical background on public housing in the city. Public housing in Louisville was constructed by development pairs—one black site and one white. The target population originally was middle class families and persons temporarily set back financially by the Depression. During the 1950's, slum clearance became the primary goal, and the public housing population changed. As economic conditions improved, some of the original middle-class white tenants purchased homes in the suburbs. They were replaced by lower income blacks, many of whom had been displaced by urban renewal. In addition, more segregated public housing was constructed. By the 1960's, a major tenant population shift occurred, and all but one project had become totally black. Elderly whites were placed in the new elderly highrises for the elderly as they were constructed in the late 1960's and early 1970's.

Galen Martin, Executive Director of the Kentucky Commission on Human Rights (KCHR) presented the following information:

On May 24, 1957, the United States District Court for the Western District of Kentucky approved a "Plan of Integration" for the City of Louisville Municipal Housing Commission which required the public housing authority to permit all applicants to request occupancy in any project without regard to race or color.

In 1979 the Louisville Housing Authority adopted a voluntary desegregation plan in which it committed to make a good faith effort to achieve a minimum of five percent occupancy by both white and non-white tenants in each of its housing projects by January 1, 1980; 10 percent by January 1, 1981; 15 percent by January 1, 1982; and 20 percent by January 1, 1983.

In December 1984 the KCHR issued a 10-year report on the status of public housing desegregation in Kentucky which showed that the Louisville Housing Authority had failed to meet the desegregation goals it had set in its 1979 voluntary plan. Only two projects had met the 1983 goal of 20 percent white or nonwhite tenants. Five of the projects remained under 5 percent white or nonwhite in 1984.

#### Statements From Local Agency Representatives

KCHR Executive Director Martin cited institutionalized systemic racism, segregation by governmental policy, the failure of public officials to adopt affirmative action plans, and the past location of public housing in predominantly black communities as the primary causes of segregated public housing in Louisville. In addition, he said that "all of the city's housing activities and expenditures ought to be examined in the light of their impact on school desegregation." According to Mr. Martin, segregation in housing units managed by the HAL actually increased slightly between 1980 and 1984, although it decreased for the overall 10-year period of the State commission's study.

Louisville Community Development Cabinet Director Sharon Wilbert expressed concern about the "incredible lack of decent and affordable housing in the city for low- and moderate-income individuals." She said past housing policies had adverse side effects on future development, and allowed and encouraged white flight from the city. This, she said, created an imbalance in the population and tax bases and led to the deterioration of the city. In addition, she felt that, in the past, banks and mortgage companies had redlined housing areas based on race. She acknowledged, "This community has problems...but conditions are slowly changing." She concluded that there is an overriding need for more rapid integration.

According to Ms. Wilbert: "There is discrimination in every way in Louisville and very bad attitudes. It's very often the black person, more particularly the black female, that comes up on the short end of the stick--particularly if she has children."

Bill Wilson, President of the Louisville Board of Aldermen, stated that, "There is a desegregation problem in Louisville, but it is not widely acknowledged. It is not a priority in the minds of those who can make the changes." He said that there is a lack of knowledge on the part of the aldermen and the community as a whole regarding public housing segregation. "It is not in the news. Reporters don't write about it to the degree that they write about other things, like education, etc."

HAL Executive Director Duncan said that there is no system which will implement desegregation without itself creating unfair or discriminatory situations. She maintained, however, that HAL had initiated and adopted policies in pursuit of a desegregation goal between 1975 and 1985. She outlined some of these policies as follows:

HAL's efforts included a refusal policy limiting the number of refusals for placement offers to three. This policy, adopted in the mid-1970's, represented the first breakthrough in public housing desegregation. Prior to that time, applicants could remain on the waiting list indefinitely, refusing offers for placement until they received an offer at the location of their choice.

In 1982, HAL revised its admission policy, which included a goal to "encourage racial and ethnic desegregation of all communities and facilities operated by HAL." In all cases, consideration for placement included income range, size of unit, and the order in which applications are received, with preferences given to families who live or work in the Jefferson County limits. Persons refusing placement offers three times, for whatever reason, are removed from the waiting list.

In April 1982, HAL adopted an affirmative action plan with specific emphasis on establishing a goal of 50-50 racial balance at the new scattered site properties to be constructed throughout the city.

According to Ms. Duncan, the desegregation plan was developed voluntarily with the assistance of the KCHR, and was implemented "in spite of the fact that the U.S. Department of Housing and Urban Development would not take action on the plan at the time." She said that HUD "failed to respond to the plan for either approval or disapproval," and added that:

HUD takes a fairly low profile in terms of monitoring desegregation. I was personally rather surprised at the response to the desegregation plan that we put forth in 1982, that it absolutely was not acted upon. I thought it would have been embraced, and it was as though the agency [HUD] did not want to deal with it at all. We sent numerous inquiries to Washington HUD that never came back. It's still never been officially approved by HUD. Although they approved the rest of the policy, they would not deal with the desegregation piece of it. The local HUD office said the affirmative action plan was out of their jurisdiction and it had to be sent to D.C. HUD acknowledged receipt of the plan and said it was considering it. That was 3 years ago.

Ms. Duncan cited the composition of the waiting list as one of the hindrances to achieving desegregation goals. Of those persons certified as eligible, 25 percent were white and 75 percent were minority. According to her, HAL's policy permits priority placement for a family willing to aid the authority's desegregation goals. This system, however, provides preference for white applicants, allowing them to be placed within weeks compared to the 12-24 months which minority applicants must sometimes wait.

Ms. Duncan further cited the number of available units as another obstacle in achieving the desegregation goal. At the time of the community forum, HAL had a vacancy rate of 2 percent and a turnover rate of 11 percent. She said that there is "an extremely limited number of units available for applicants--black or white." She reported that HAL is considering new goals and strategies for the next 4 years, and is meeting with members of the KCHR to develop them.

### Tenant Representatives

Lang Homes Council President Inez Cobble said that deplorable living conditions were the primary deterrent to white applicants accepting placement in Lang Homes. She cited poor maintenance, rodent infestation, decaying pipes, faulty boilers, sewage problems, and the corrosion of window frames as some of the "many" problems prevalent in the Lang Homes projects. She stated, "At one time we were going to go out on a rent strike for better living conditions and better treatment from management. We, as a community, cannot attract white families when we have nothing to offer." Ms. Cobble concluded: "The chances of balancing the ratio among black and white families in our community is far away in the future. Until these problems are solved in my development there will always be [a racial] imbalance in families living in Lang Homes."

### HUD Representative

Charles Stigger, HUD's Area Office Director for Fair Housing and Equal Opportunity, believes that HUD is "somewhat at fault" for the segregated conditions prevalent in Louisville's public housing projects because "HUD changed its viewpoint on what is considered segregation." He stated that the U.S. Supreme Court Justices have said that "race should not be taken into consideration" in placing applicants in public housing. He said that, in his opinion, "If we don't take race into consideration, we are never going to integrate the housing authorities."

Mr. Stigger went on to say that although the City of Louisville receives large sums of Community Development Block Grant funds, public housing is never given the first priority in meetings held to

determine how those funds should be spent. He felt that the local housing authority board must make public housing desegregation a priority.

Mr. Stigger acknowledged that the Washington HUD office never responded to the HAL's requests for approval of its desegregation plan. He said that unofficially he had been told that the desegregation plan would violate Title VI of the Civil Rights Act of 1964 because it takes race into account and gives one person preference over another in order to achieve a racial balance. (Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on grounds of race, color, or national origin. 42 U.S.C. Sec. 2000d (1982).)

He continued, saying that the housing authorities' hands are tied in the way they operate because HUD can withhold their funds if they do not operate the way HUD dictates. In spite of this, Mr. Stigger noted that some housing authorities have taken it upon themselves to develop a plan for desegregating.

Mr. Stigger reported that, although HUD has a unit that conducts Title VI compliance reviews, it has not conducted such a review of the Louisville housing authority since 1964. (A Title VI compliance review by HUD is a mechanism to ensure that local housing authorities do not discriminate in administering programs or in the selection of tenants.) The Louisville area office of HUD "recommends authorities for compliance reviews all the time," but the regional office determines which authorities will be reviewed. He said that he wondered why Louisville has not been selected in recent years.

Mr. Stigger also said that HUD has proposed selling all public housing to cities and letting them manage it. Also under consideration is the concept of selling units to public housing tenants so that they become property owners. He reported that discussions regarding this are underway with tenants in the College Court Project.

THE STATUS OF PUBLIC HOUSING DESEGREGATION IN LEXINGTON

Lexington-Fayette Urban County Housing Authority

The Lexington-Fayette Urban County Housing Authority (LFHA) reported that it manages 1,844 traditional public housing units and an additional 134 highrise units for the elderly under HUD's Section 8 program, which subsidizes the rents of eligible lower income families by paying the difference between rent charged by the owner and rent paid by the tenant. These 1,978 units are located in the LFHA's six housing projects. In addition, LFHA administers 671 existing Section 8 certificates.

The LFHA, with 1,552 family tenants, has the second highest number of public housing residents in Kentucky. This local authority has the highest percentage of black family tenants of any housing authority in the State. Public housing residents in LFHA included 1,362 (88 percent) black family tenants and 190 (12 percent) white family tenants. Minority families other than black constitute less than 1 percent of public housing residents. This numerical disparity occurred notwithstanding the fact that the waiting list of applicants for public housing occupancy was approximately 50 percent black and 50 percent white. Between September 1984 and September 1985, LFHA housed 415 families, of which 336, or 81 percent, were black and 79,

or 19 percent, were white. Blacks account for 13.3 percent of Lexington's total population.

Statements of Local Agency Representatives

The Kentucky Advisory Committee raised questions about the disproportionate concentration of black families living in public housing in the LFHA properties. In response, KCHR Executive Director Martin said that his agency believes "that the policies, actions, and inactions implemented by the housing authority itself are the key reasons both for the poor distribution of black and white families...and for the very high percentage of black families within the authority."

He further identified the following as causes of segregated public housing in Lexington-Fayette County:

1. Policy decisions which led to the construction of the two largest projects (Bluegrass-Aspendale and Charlotte Courts) in predominantly black neighborhoods "were based on centuries of institutionalized racism."
2. The location of these projects in black neighborhoods and their overwhelming black occupancy have created the appearance that public housing is for blacks, thus encouraging blacks to seek public housing and discouraging needy whites from obtaining it. The sites were selected to maintain segregation and public policy required that segregation be maintained.
3. Whites in need of public housing seek other types of federally subsidized housing (Section 8 and Section 236 interest reduction loans for private ownership of homes) rather than the traditional large projects.
4. The refusal policy, which allows applicants to refuse public housing assignments three times without losing eligibility, thus enabling white families to get the housing location of their choice.
5. The lack of concrete, comprehensive affirmative action plans.

Lexington-Fayette Urban County Human Rights Commission Executive Director Anthea Borman stated:

Despite the efforts of [her] Commission, strong enforcement of the open housing laws, and widespread community support, in 1985 housing segregation remains a fact of life in Fayette County. The majority of blacks and whites live among members of their own race in segregated neighborhoods. Even though there are some blacks living in traditionally white neighborhoods and subdivisions, and some whites in black neighborhoods, this is only token integration.

According to Ms. Borman, several meetings and discussions have been held since 1966 between the State and local human rights commissions, LFHA, and HUD to address the desegregation of Lexington's public housing facilities. Each time, she said, LFHA was urged to conduct a study of its tenant assignment practices and develop an affirmative action plan. However, according to Ms. Borman, on each occasion, LFHA representatives insisted that their policies were not discriminatory and had been approved by HUD, although by 1982 the percentage of black occupants had increased to 88 percent while applications for public housing were almost equally divided between blacks and whites. She maintained that it was evident to the local human rights commission that there was no support for desegregation from the housing authority's board of directors, who had not acknowledged the existence of a problem, and thus would undertake no effort to redress it.

Austin Simms, Executive Director of the Lexington-Fayette Urban County Housing Authority, denied that there are "black projects" and "white projects." He said:

All our complexes are majority black even though, in recent years, we have both purchased and built projects in what were traditionally white neighborhoods. As to why all of our units are predominantly black, I can only assume that either low-income whites allow their prejudices to outweigh their general welfare and refuse to accept housing authority apartments or that the other federally funded low-income housing programs in this city do not successfully market or offer housing to black families.

Mr. Simms agreed with Mr. Martin that "another possible reason for the racial imbalance between public housing and privately subsidized housing is that the vast majority of public housing projects in Lexington are in predominantly black areas of town and have received comparatively little renovation since their construction in the late 1930s and early 1960s."

The Lexington-Fayette County Human Rights Commission, in a June 1985 press release, stated "that government-owned and government subsidized housing continues to remain segregated...especially in the Lexington-Fayette Urban County Housing Authority, where the black occupancy rate ranges from 66 percent to 97 percent." The day following the press conference the mayor made a public statement in support of the policies of LFHA of which he is a member and the appointing official.

According to the Lexington-Fayette County Human Rights Commission, the LFHA appears to offer units to blacks and whites in a fair and nondiscriminatory manner. The LFHA has made special efforts to increase the number of whites in predominantly black complexes, with some small success. The commission says, however, that the LFHA needs to develop a comprehensive written affirmative action plan to which all employees, board members, and residents are committed, in order to desegregate their present complexes and to assure the integration of all new units to be built.

While most of the Lexington public housing complexes are predominantly black, LFHA director Austin Simms emphasized that:

The Lexington Housing Authority neither operates separate units for blacks and whites, nor does it make a distinction in the sites offered to either race. Although HUD has never recommended that our Tenant Selection Assignment Plan address the integration

or desegregation of our complexes, we have attempted to work on methods and procedures that would create enhanced opportunities for housing all low-income families in the community.

According to Mr. Simms, the tenant selection process is "mandated by Federal regulation and approved by HUD." The process requires only that an applicant be placed according to the number of bedrooms required and by income range. Within each income range, the earliest date and time of application prevails. As the units become available, folders are sent from central leasing to the manager of the particular property who then proceeds to offer units to the applicants in the order described above. Mr. Simms stated that there have been no allegations that the authority selectively offers units to one race over another.

Between May 1985 and September 1985, LFHA made 242 offers to families on the waiting list who either refused to accept the unit or failed to respond. Of the offers made, 136 were to white families and 106 were to black families.

According to Mr. Simms, of the 79 white families housed between September 1984 and September 1985, the largest number (41) moved into the predominantly black Bluegrass-Aspendale development, which is the largest complex and "has been the most difficult to rent." In Charlotte Court, also predominantly black and the second largest project with 356 units, white occupancy increased from 2 families to 16 families.

In addition, Mr. Simms stated that he wrote a letter to HUD questioning whether the LFHA should continue using the 1980 approved Tenant Assignment Plan described earlier or whether the LFHA should adopt an affirmative action plan that "sets forth an end result of a

balanced racial mix." He quoted the August 14, 1984, response from the Acting HUD Area Office Manager Ted Freeman:

Your plan for tenant selection...in the Lexington Authority appears to be both proper and acceptable to HUD. As long as you do not discriminate in the acceptance of applicants nor use "skip" procedures for making offers to clients, your plan meets the requirements of HUD.

Mr. Simms said he would develop and implement an affirmative action plan if he was instructed by HUD to do so. He queried, "Where in the regulations does it say we [LFHA] must desegregate?" He maintained that the LFHA is implementing a tenant selection policy "strictly in compliance with HUD regulations on the basis of income, family size, and composition," and accordingly moving to the bottom of the list any family who refuses to accept a unit on the basis that they do not wish to live in the projects where the unit being offered is located.

Lexington-Fayette Urban County Council member Edgar A. Wallace maintained that the tenant assignment plan used by the local housing authority should definitely address race if desegregation is to be achieved. He suggested that one solution may be to remove from the waiting list for a period of 6 to 12 months those white applicants who refuse to live in either the Bluegrass-Aspendale or Charlotte Court projects. Mr. Wallace stated that this approach might tend to force whites to accept the offer to live in those two predominantly black occupied projects. Currently, when white applicants refuse offered units in Bluegrass-Aspendale or Charlotte Court, they are moved to the bottom of the waiting list. Mr. Wallace said that because of congressional rules and HUD regulations, these same persons tend to move back to the top of the list more quickly than do even lower

income whites or blacks because of the Brook Amendment, which requires that the authority consider income as a criterion for occupancy. Blacks, he asserts, are at a disadvantage because black unemployment and underemployment are disproportionate to that of whites. This circumstance, he stated, prevents black applicants from advancing to the top of the waiting list as quickly as white applicants.

In a subsequent telephone conversation, Mr. Simms explained that in order to achieve some mix of income levels in the various housing projects, HUD regulations require the allocation of units according to quotas for three different income levels. More openings occur under the high income level quota, and as more whites than blacks in the higher income level apply, white applicants tend to move up the waiting list more quickly.

Although Mr. Wallace deemed the Tenant Assignment Plan inadequate to desegregate Lexington's public housing, his further position was that the local housing authority is not alone in its failure to achieve desegregation. He stated that comprehensive vigorous roles should be assumed by the Lexington-Fayette Urban County Human Rights Commission, the Urban County Council, the local branch of the National Association for the Advancement of Colored People, the local Urban League, and others. He stated, however, that the local human rights commission is charged with the responsibility and funded for the purpose of enforcing the fair housing laws in Lexington, and as such should assume the principal role in the desegregation effort.

Urban County Council member John Wiggington agreed that economic factors restrict the housing choices of Lexington's black citizens and

in many instances limit them to public housing. According to Mr.

Wiggington:

white applicants who are one, two, or three on the waiting list are discriminating in their selection of projects. Whites decide that they are going to go into the housing authority projects on their own terms--live where they want and move in when they want. Whites determine to live at the location they find most desirable.

Mr. Simms explained that whites can be more discriminating in their selection of housing projects by simply refusing to accept units in predominantly black neighborhoods and instead go into government-assisted private housing. Blacks, though eligible to do the same thing, are less apt to apply for such private housing.

Mr. Wiggington acknowledged that segregation exists in the city's public housing, but did not think it resulted from any discriminatory action by the housing authority. He stated that the economic circumstances of Lexington's black citizens force them to live in public housing while the rampant presence of drugs and crime in public housing deters whites from moving in. In his opinion, if the city creates an atmosphere that is attractive to everybody and everybody has the same opportunity to stay or to leave, a desirable racial mix in public housing would be attained.

In a report issued in July 1987, subsequent to the Advisory Committee forums, the Kentucky Human Rights Commission charged that government inaction has perpetuated segregation in government-funded housing in Lexington and Fayette County. The report, entitled "Black Families Segregated in Old Public Housing, White Families Concentrated in Newer Government-Assisted Apartments in Fayette County," said that as of July 1, 1986, 80.1 percent of all blacks who were living in government-subsidized housing in Fayette County were in the county's

public housing projects which are mostly located in the inner city. It reported that, conversely, blacks constituted only 20 percent of the tenants in government-assisted housing which is predominately in suburban areas. In a statement made when the report was released, the commission's director, Galen Martin, said that there is a "chilling effect" from past segregated housing patterns which has encouraged a perpetuation of these patterns in government-funded housing, which is more segregated than private apartment complexes that receive no government funding. He said that governmental agencies have an obligation to overcome the "institutionalized, systemic racism" that they created.

Lisa Avery, special assistant for public affairs in HUD's regional office in Atlanta, said that the report provides no factual basis to conclude unlawful discrimination caused the segregated housing patterns. She said that there is no probable cause to believe that the housing authority engaged in unlawful discriminatory practices, and without that it is impossible to determine whether any remedy is appropriate.

#### Tenant Representatives

Participating tenants agreed that there is a need for blacks and whites to live together in public housing. However, Margaret B. Floyd, a life-long public housing tenant, stated that blacks should not be forced to transfer to create a racial balance. Some black tenants stated that if whites moved in, the housing authority would likely provide improved maintenance of the properties, thus making the projects more desirable for all tenants.

All tenants who participated in the forum agreed that when whites move into the Bluegrass-Aspendale or Charlotte Court projects, they move out within 3 months. The tenants stated that they all have experienced problems living in public housing, but that they were more interpersonal than race related. The problems most often cited were related to drugs and other crimes as well as fights between children, irrespective of race.

None of the tenants stated that they believed the LFHA is responsible for the segregated projects. Most agreed that because the two largest projects are located in historically black neighborhoods, whites chose to live elsewhere.

HUD Representative

Charles Stigger, HUD's Area Office Director for Fair Housing and Equal Opportunity, said that HUD has never said in writing that the LFHA was in violation or noncompliance of Title VI. However, Mr. Stigger said HUD continued to point out that the authority's projects were becoming all black. According to Mr. Stigger, if the present trend of tenant selection and assignment continued, the projects would be at least 95 percent black within 3 to 4 years.

Mr. Stigger acknowledged that the local housing authority does follow the HUD approved Tenant Assignment Plan, but added that something has to be wrong with a system that continuously culminates as all minority. He added that HUD's desegregation policy is not very clear. In fact, he said, HUD does not have a written policy regarding desegregation. Further, HUD's current position (unwritten policy) is that if housing authorities are known to take race into consideration, those authorities probably will be found in noncompliance by HUD.

According to Mr. Stigger, the ultimate responsibility for integrating public housing lies with public housing officials and public housing authorities. He felt that the local authorities must work out their own desegregation plans, since they know the peculiarities of their own communities.

When questioned by the Kentucky Advisory Committee regarding the next compliance review for the Lexington Housing Authority, Mr. Stigger responded that there are some 2,000 housing projects in Federal Region IV (Southeast), and it takes HUD approximately 8 years to complete a rotation, given the small staff responsible for monitoring Title VI. The public housing section of HUD also conducts audit reviews of public housing authorities, in which it seeks to determine whether an authority is solvent or collects rents in a timely fashion. Lexington will receive such an audit in the next year, but the area HUD office has yet to be advised which authority will be designated.

#### The Section 8 Program

Housing Authority Director Simms reported that under HUD's Section 8 program for existing housing, the payment of rent subsidies in Lexington is administered by the Lexington-Fayette Urban County Housing Authority. The local authority controls more than 670 existing Section 8 certificates which it issues to certified eligible applicants. The applicants, in turn, seek housing in the private market and present the authority-issued certificate to the property owner with whom the local housing authority will contract and pay directly on behalf of the tenant. According to Mr. Simms, the Section 8 existing housing program as a whole is used mainly by blacks.

However, in the more than 1,000 Section 8 new family units which are owned and operated by private individuals, these are occupied predominantly by whites.

Under the new Section 8 program, HUD contracts directly with the developer and owner to make housing assistance payments for new or rehabilitated units which are occupied by eligible low-income families. While the requirements for the selection of applicants to Section 8 subsidized housing are the same as those for public housing, blacks disproportionately live in public housing and the new Section 8 subsidized housing is disproportionately white.

Mr. Simms said that the local housing authority has no control over the new Section 8 program, which is a nontraditional HUD-funded rental assistance housing program. Some forum participants suggested that the Kentucky Advisory Committee address the issue of the desegregation of the new Section 8 program in Lexington to determine whether discrimination is the reason that the Section 8 properties are racially identifiable.

#### Affirmative Steps to Increase Desegregation

Galen Martin proposed several steps the LFHA should take to better desegregate its projects. They included sending letters to tenants in the largest racially identifiable projects, encouraging them to volunteer to relocate to the new housing projects, and replacing those black tenants who volunteer to relocate with white ones; maintaining a 50-50 black and white racial balance at the new Irishtown project; and conducting a survey of the relative housing needs of blacks and whites for the purpose of establishing a racially based ratio to use as a guide for determining public housing assignment policy.

According to Mr. Martin, this plan has significantly reduced segregation at the 18 local housing authorities which have implemented it. Housing Authority Director Simms said he would not take these steps unless directed by HUD to do so.

SUMMARY

This memorandum summarizes information provided to the Kentucky Advisory Committee at community forums in Louisville and Lexington. It does not purport to be an exhaustive review of the issues pertaining to fair housing in those two cities. Rather, it provides a look at issues and concerns which the Advisory Committee may decide merit further investigation and analysis.

Information from forum participants indicated that, despite efforts to the contrary, public housing authorities in both Louisville and Lexington maintain racially identifiable housing projects.

Possible reasons given for this included:

--failure of public officials to adopt comprehensive affirmative action plans and goals;

--the location of public housing in predominately black communities;

--the creation of the appearance that public housing is for blacks;

--low turnover rates in public housing due to the limited number of units available, making change difficult and slow;

--failure of HUD to respond to proposed desegregation plans;

--substandard maintenance and deplorable living conditions which serve as a deterrence to some applicants; and

--the expression of choice of white applicants, which is facilitated by the right of refusal and which enables them to avoid substandard housing, those leaving such complexes to blacks already resident or unable to exercise any choice in housing.