



CRI 2: H 81/2

Thurgood Marshall Law Library

The University of Maryland School of Law



3 1428 03517695 3

REPORT

ON

MASSACHUSETTS:

HOUSING IN BOSTON

**BY THE
MASSACHUSETTS ADVISORY
COMMITTEE TO THE
UNITED STATES COMMISSION
ON CIVIL RIGHTS**

DECEMBER 1963

**DISCRIMINATION IN HOUSING IN THE BOSTON
METROPOLITAN AREA**



**UNIVERSITY OF MARYLAND
LAW LIBRARY BALTIMORE**

**Report of the Massachusetts Advisory Committee
to the
UNITED STATES COMMISSION ON CIVIL RIGHTS
DECEMBER 1963
DOCUMENTS COLLECTION**

MASSACHUSETTS ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

Dean Robert F. Drinan, S.J., Chairman
Brighton

Robert E. Segal, Vice Chairman
Boston

The Right Reverend John M. Burgess
Boston

Professor Clark Byse
Cambridge

E. Thomas Murphy
Hyannis

Professor Victoria Schuck
South Hadley

John E. Teger
Cambridge

Subcommittee on Housing

Professor Clark Byse

Robert E. Segal

Preface

This report was submitted to the United States Commission on Civil Rights by the Massachusetts Advisory Committee. The Massachusetts Advisory Committee is one of the 51 Committees established in every State and the District of Columbia by the Commission pursuant to section 105(c) of the Civil Rights Act of 1957. Its membership consists of interested citizens of standing who serve without compensation. Among the functions and responsibilities of the State Advisory Committees, under their mandate from the Commission on Civil Rights, are the following: (1) to advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; (2) to advise the Commission as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and (3) to advise the Commission upon matters of mutual concern in the preparation of its final report. The Commission, in turn, has been charged by the Congress to investigate allegations, made in writing and under oath, that citizens are being deprived of the right to vote by reason of color, race, religion, or national origin; to study and collect information regarding legal developments constituting a denial of equal protection of the laws; to appraise Federal laws and policies with respect to equal protection; and to report to the President and to the Congress its activities, findings, and recommendations.

Acknowledgements

The Subcommittee on Housing of the Massachusetts Advisory Committee is deeply indebted to the 19 witnesses who testified at the Open Meeting on March 5, 1963; to Sadelle R. Sacks of the Belmont Fair Housing Committee and Jean Schreiber of the Lexington Fair Housing Committee for their invaluable assistance in arranging for witnesses to testify at the Open Meeting; to Helen R. Kistin, economic consultant, for statistical data, charts, and tables used in chapter 1; to Frank Logue, consultant to the United States Commission on Civil Rights State Advisory Committees in New England, for advice and editorial assistance; to Fenton J. Burke of the Harvard Law School Class of 1963 and Edwin R. Alley of the Harvard Law School Class of 1964 for aid in research and preparation of the report; and to Miss Lu Wendel, secretary to Professor Byse, for stenographic and editorial assistance.

Contents

	Page
Preface	iii
Acknowledgments	iv
Introduction.	1
Chapter 1. The Demography of Negro Housing in Boston	2
Chapter 2. Patterns and Practices of Discrimination.	20
Chapter 3. Counter Measures: Private Groups and Organizations	31
Chapter 4. Counter Measures: The Law.	35
Chapter 5. Conclusions and Recommendations	46
Appendices.	53

Introduction

Of all the frustrating problems faced by the northern, urban nonwhite in his struggle for equal treatment and assimilation into the mainstream of American society, few are as significant as housing.

Housing directly affects the pattern of family living and the structure of other institutional arrangements. Segregated and substandard housing contributes to family disorganization and breakdown. It brings in its train segregated, substandard education and recreation, as well as other inadequate public services. Nonwhites who live in a segregated community are deprived of the stimulation and broadening influence which results from day-to-day association with persons of diverse backgrounds and experiences. And as Chief Justice Warren stated in the celebrated Brown decision, "To separate . . . [young nonwhites] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."¹

These grave consequences of segregated housing caused the Massachusetts Advisory Committee to give priority to the problem. After a preliminary survey by the Subcommittee on Housing, the Advisory Committee decided to hold an Open Meeting on the subject. The Meeting was held in the Federal courthouse in Boston on March 5, 1963; except as noted in a few instances, developments after that date are not included in this report. Nineteen individuals testified at the Open Meeting. The report summarizes their testimony; it also incorporates data from other sources. The report does not deal with urban renewal, as the Advisory Committee believes that that complex and important subject should be the subject of a separate study and report.

1. Brown v. Board of Education, 347 U.S. 483, 494 (1954). Although the Chief Justice was speaking of segregation in public schools, the statement is equally applicable to segregated housing.

1. The Demography of Negro Housing in Boston¹

The number of Negroes in the Commonwealth of Massachusetts is relatively small: in 1960 there were 111,842 (2.2 percent) in a total population of 5,148,578. Over two-thirds of the State's Negro population live in the Boston Metropolitan Area, and more than half (56.5 percent) is concentrated in the City of Boston.²

Within the metropolitan area the Negro population increased from 51,758 in 1950 to 76,914 in 1960, an increase of nearly 50 percent; during the same period the white population increased slightly less than 5 percent. In the suburbs the Negro growth was from 11,701 in 1950 to 13,749 in 1960, about 18 percent; the white increase was approximately 16 percent. In the City of Boston--where more than 80 percent of the area's Negro population live--the increase was from 40,057 in 1950 to 63,165 in 1960, or approximately 58 percent; the city's white population decreased 17 percent during the decade.

The effect of the white exodus and the Negro influx was almost to double the Negro percentage of the city's population--from 5 percent in 1950 to 9 percent in 1960. In the suburbs, the change in the Negro percentage of total population was negligible--0.7 percent in 1950 to 0.8 percent in 1960. Whereas 23 percent of the Negroes in the metropolitan area lived in the suburbs in 1950, the percentage had fallen to 18 by 1960.

It is apparent that the Negro population in the metropolitan area is becoming increasingly concentrated in the City of Boston.

-
1. Unless otherwise indicated, the information in this chapter is drawn from the study prepared by Helen R. Kistin, "Statistical Study of Housing Discrimination Against Negroes in the Commonwealth of Massachusetts," appendix B of Brief for Petitioner, Mass. Comm. Against Discrimination v. Colangelo, 182 N.E. 2d 595 (Mass. 1962); and from the statement submitted by Helen Kistin, at the Open Meeting of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963 (hereinafter cited as "Kistin Statement").
 2. In 1960, there were 13,592 other nonwhites in the Commonwealth. See table 1, footnote 2, p. 5, infra.

BOSTON'S "BLACK BOOMERANG"³ AND SUBURBAN SEGREGATION

In 1960 slightly less than 13 percent of the Commonwealth's white population lived in the City of Boston and slightly more than 35 percent lived in the suburbs of Boston, whereas approximately 56 percent of the Commonwealth's Negro population lived in the city but only 12 percent lived in the suburbs. These disproportionate distributions are aggravated by a neighborhood segregation of Negroes within both Boston and its suburbs.

Within the city, almost the entire Negro population lives in a contiguous, geographically compact area, which has been very aptly described by the Urban League of Boston as a curved area resembling a "black boomerang." Fewer than 1,500 of the 63,165 Negroes in Boston live outside this belt. Inside are the 15 census tracts (of 156 Boston City tracts) in which the population was 50 percent or more Negro in 1960. These 15 tracts alone account for 70 percent of the city's Negro population.⁴

The statement by the executive director of the Urban League of Greater Boston, Inc., J. Westbrook McPherson, is slightly different but in net result similarly stark:⁵

It cannot yet be said, strictly speaking, that Boston's Negro population is residentially segregated into a racial ghetto, except for a few pockets. This is true largely because the Negro population is comparatively small, and the sections into which the city is divided are large

3. Brief presented to the New England Urban Renewal Institute, April 1962, prepared by J. Westbrook McPherson, Executive Director, and Robert Coard, Community Services Secretary, of the Urban League of Greater Boston, Inc.

For descriptions of the conditions in the "black boomerang" area, see *infra*. See also Robert Morgan, "Over the Bridge," Atlantic Monthly, pp. 73-76 (Feb. 1959).

4. Kistin Statement, pp. 4-5. See also table 2, p.6, infra.

5. Statement submitted by J. Westbrook McPherson at the Open Meeting of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963, pp. 1-2 (hereinafter cited as "McPherson Statement").

TABLE 1¹
 Population Changes by Race, Massachusetts, 1950-1960
 [Footnotes Follow Table]

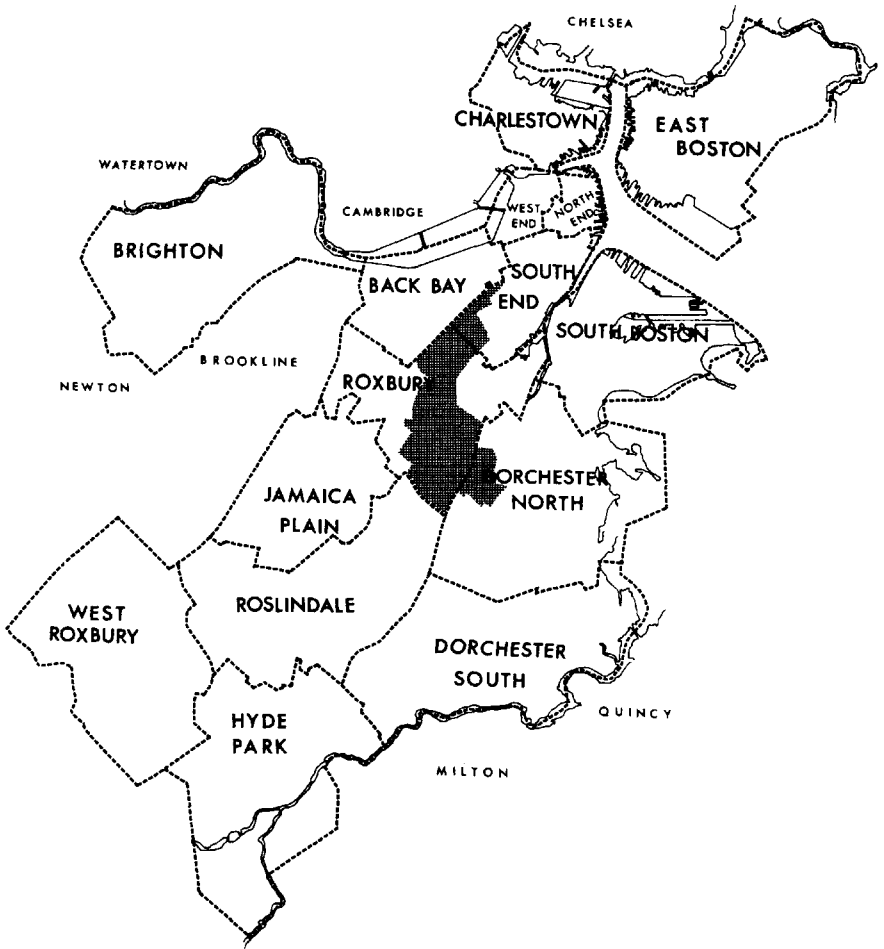
	Number of persons					Percent nonwhite of total population	
	Total	White	Nonwhite			All	Negro
			Total	Negro	All other ²		
Massachusetts							
1950	4,690,514	4,611,503	79,011	73,171	5,840	1.7	1.6
1960	5,148,578	5,023,144	125,434	111,842	13,592	2.4	2.2
Change 1950-60							
Number	485,064	411,641	46,423	38,671	7,752		
Percent	9.8	8.9	58.8	52.8	132.7		
Boston City							
1950	801,444	758,700	42,744	40,057	2,687	5.3	5.0
1960	697,197	628,704	68,493	63,165	5,238	9.8	9.0
Change 1950-60							
Number	-104,247	-129,996	25,749	23,108	2,641		
Percent	-13.0	-17.1	60.2	57.7	98.3		
Boston Standard Metropolitan Area ³							
1950	2,369,986	2,314,261	55,725	51,758	3,697	2.4	2.2
1960	2,513,161	2,427,045	86,116	76,914	9,202	3.4	3.1
Change 1950-60							
Number	143,175	112,784	30,391	25,156	5,235		
Percent	6.0	4.9	54.5	48.6	132.0		
Boston suburbs ⁴							
1950	1,568,542	1,555,561	12,981	11,701	1,280	0.8	0.7
1960	1,815,694	1,798,341	17,623	13,749	3,874	1.0	0.8
Change 1950-60							
Number	247,152	242,780	4,642	2,048	2,594		
Percent	15.8	15.6	35.8	17.5	202.6		

1. Prepared by Helen R. Kistin and published in appendix B of Brief for Petitioner, Mass. Comm. Against Discrimination v. Colangelo, 182 N.E. 2d 595 (Mass. 1962).
2. Predominantly oriental; 64 percent of all other nonwhite in Massachusetts in 1960 and over 70 percent in the Boston area.
3. As defined in 1950. Eleven towns added to the Standard Metropolitan Area in 1960 were subtracted from the total to permit 1950 comparisons. The total population of these towns was 76,140, nonwhite population 976 and Negro population 867 in 1960.
4. Standard Metropolitan Area less the City of Boston.

Sources: U.S. Bureau of the Census. U.S. Census of Population: 1960. General Population Characteristics, Massachusetts, Final Report PC(1)-23B. Introduction, p. XII; table 13, p. 23-27; table 14, p. 23-29; table 15, p. 23-30; table 21, pp. 23-78, 23-80.

U.S. Bureau of the Census. 2 U.S. Census of Population: 1950. Characteristics of the Population, pt. 21, Massachusetts. Introduction, p. XXX; table 33, pp. 21-53, 21-58; table 34, pp. 21-66, 21-67.

TABLE 2¹



**CENSUS TRACTS IN WHICH NEGROES WERE
50% OR MORE OF TOTAL POPULATION IN 1960**

Source: U.S. Census of Population, 1960.

1. Prepared by Helen R. Kistin

But it appears hardly debatable that the trend toward the building of racial ghettos in the cities and towns of Massachusetts is clearly established and well under way

It appears that the real reason Boston doesn't have a Harlem or South Chicago ghetto yet is that we don't have enough Negroes to completely fill this belt.

Within the "black boomerang" area are located the neighborhoods⁶ of Roxbury, North Dorchester, and the South End. Over one-half of the Negroes in Massachusetts in 1960 were confined within these neighborhoods (see table 3, p. 8). Between 1950 and 1960 the Negro population of the Roxbury-North Dorchester General Neighborhood Renewal Plan⁷ area (hereinafter "GNRP") more than doubled whereas the Commonwealth's Negro population grew only one-half. In the South End GNRP area the nonwhite⁸ percentage of the population went from less than 26 percent in 1950 to 34 percent in 1960.

A more startling instance of increasing neighborhood segregation is the transformation of Grove Hall West, a neighborhood in the Roxbury-North Dorchester GNRP area. In 1940 the nonwhite percentage of the neighborhood's population was 18.5; by 1950 it was 30.1; and by 1960 it had escalated to 75 percent.

Neighborhood segregation also exists in the suburbs. The most pronounced example of this concentration is in Medford where, in 1960, 97 percent of the town's Negroes were contained within one census tract out of a total of nine. The general suburban pattern is only slightly less invidious.

. . . A total of 13,700 Negroes live within the metropolitan area, but outside the city. Over 70 percent of this suburban Negro population (10,000 persons) lives within the 14 cities and towns close to the city, often referred to

6. As defined by the United Community Services of Metropolitan Boston.

7. Established by the Boston Redevelopment Authority.

8. About 9 out of 10 nonwhite persons in the Commonwealth and in the Boston area are Negro. Statistics for nonwhites substantially represent the situation of the Negro population.

1. Prepared by Helen R. Kistin and published in appendix B of Brief for Petitioner, Mass. Comm. Against Discrimination v. Colangelo, 182 N.E. 2d 595 (Mass. 1962).
2. As defined by the United Community Services of Metropolitan Boston.
3. Boston Standard Metropolitan Area less City of Boston. (See table 1.)

Totals may not equal 100 percent due to rounding.

Sources: 1950 and 1960 population by race for State, metropolitan area, city, and suburbs. (See table 1.) Boston neighborhoods: population by color computed for neighborhoods in 1960 from census tract reports for the City of Boston, U.S. Bureau of the Census, Advance Tables PH-1.-- Population and Housing Characteristics: 1960, in Neighborhoods of Boston Ranked for Selected Factors, Research Division, United Community Services of Metropolitan Boston, April 1961.

as the "inner core suburbs." Fewer than 4,000 live in the "outer suburbs." Almost half (5,700) live in Cambridge--70 percent in 7 of that city's 30 tracts This pattern of concentration is typical. For instance, over half of Newton's Negro population was in one of ten tracts in 1960 and over 70 percent of the Negro population in Somerville in one of 15 tracts.⁹

These patterns of limited diffusion of Negroes in the City of Boston and in the suburbs do not occur only in private housing.¹⁰ As of September 1, 1963, the Boston Housing Authority administered 32 public housing projects consisting of 10,556 units in 21 federally aided projects and 3,761 units in 11 State aided projects.¹¹ James Bishop, Vice Chairman of the Congress of Racial Equality, testified at the Open Meeting of the Advisory Committee that there was "clear and substantial evidence of segregation existing in the Boston public housing projects."¹² Mr. Bishop also stated:¹³

. . . Of the 25 public housing projects operated by the Boston Housing Authority, seventeen have less than 5 percent Negro families, and in six projects totaling 2,888 family units, there are no Negro families. Four projects . . . are more than 90 percent Negro and are rapidly approaching the 100 percent mark In all of the State-supported projects (3,681 units), there are only 128 (3.5 percent) Negro families

9. Kistin Statement, p. 5.

10. See McPherson Statement 2: "A situation has developed in the Boston public housing situation that is not dissimilar to the picture which pertains in suburban areas and in the private housing in the city."

11. Information from Ellis Ash, Acting Administrator, Boston Housing Authority, Sept. 27, 1963.

12. Record of the Open Meeting of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963, p. 32 (hereinafter cited as "Record"). See also Report on CORE's Public Housing Survey submitted at the Open Meeting (hereinafter cited as "CORE Report").

13. Record, pp. 32-33.

Basically the picture has not improved with the passage of time. With respect to 20 of the projects, it was approximately the same in 1957.¹⁴ However, the percentage of nonwhite occupants in the Mission Hill Extension project went from 63.3 percent in 1957 to 86.6 percent in 1962. In the remaining 4 projects, which had more than token integration in 1957, the percentage of nonwhites has increased.¹⁵

BOSTON'S NEGROES OCCUPY A DISPROPORTIONATE AMOUNT OF INFERIOR HOUSING¹⁶

In 10 of the 12 neighborhoods which comprise South End and the Roxbury-North Dorchester GNRP areas, the proportion of occupied housing that is substandard is over 50 percent, and in one area in the South End it is over 90 percent. In 9 of the 12 neighborhoods over half of the units occupied by nonwhites are substandard.

14. See statistical chart appended to CORE Report.
 15. It is difficult to explain this pattern of segregation on the ground that the racial composition of an individual project merely reflects the racial composition of the surrounding area. The Mission Hill project has 1,023 units, but up until 1962 it had no nonwhite inhabitants; it then had one nonwhite family. Yet in the Mission Hill extension project just across the street, 509 units (86 percent) were occupied by nonwhite families in 1962. Statistical chart appended to CORE Report.
 16. The 1960 U.S. Census of Housing classifies the condition of housing units as follows:
 - Sound: No defects, or only slight defects which are normally corrected in the course of regular maintenance.
 - Deteriorating: Needs more repair than would be provided in the course of regular maintenance, and has one or more defects that must be corrected for safe and adequate shelter. Examples of such defects are unsafe porch or steps, broken or loose stair treads.
 - Dilapidated: Housing which does not provide safe or adequate shelter due to inadequate original construction or critical defects indicating serious damage to the structure.
- A substandard unit is defined by the Public Housing Administration, Washington, D.C., as either dilapidated or lacking one or more of the following plumbing facilities: hot or cold piped water inside the structure, flush toilet inside the structure for exclusive use of the household, and bathtub or shower inside the structure for exclusive use of the household. The census categories refer only to the condition of the structure and the adequacy of plumbing. Housing is classified as "sound" even if it lacks safe central heating, as do 25 percent of the city's housing units.

The overall situation is not much better, as table 4, p.13, demonstrates. Over three-fourths (78 percent) of white households in Boston occupied sound housing, including plumbing, in 1960; but less than half (47 percent) of nonwhite families lived in similar housing. Thirteen percent of white families occupied deteriorating housing: nearly three times that percentage of nonwhites (37 percent) lived in comparable units. The percentage of nonwhites who occupied dilapidated housing was five times that of whites.

Table 5, p. 14, provides another demonstration of the disproportionate Negro occupancy of inferior housing in Boston. A total of 32,792 Boston families live in inferior units.¹⁷

. . . This number represents 13 percent of all white-occupied housing, but over one-fourth of all the housing occupied by nonwhites. When the categories of substandard housing are compared by color of occupants, it is apparent that the condition of this substandard housing occupied by nonwhites is very substantially inferior to white-occupied substandard housing. Over half of these white households live in substandard units which are sound but lacking facilities, against 22 percent of the nonwhites. More than one-third of the substandard units occupied by nonwhites are dilapidated and 40 percent are deteriorating. The comparable percentages for the white-occupied housing are 18 and 29, respectively.

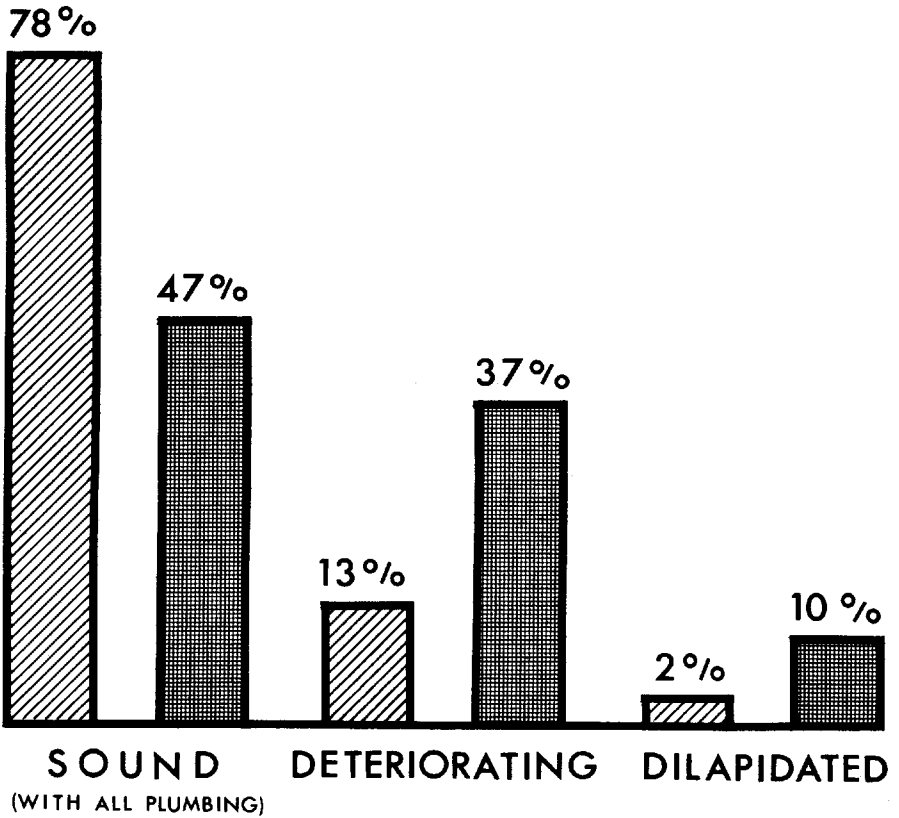
BOSTON'S NEGROES PAY DISPROPORTIONATELY HIGH RENTS FOR INFERIOR HOUSING

Negroes in Boston not only live in segregated areas and occupy a disproportionate amount of inferior housing, they also pay disproportionately high rents for that inferior housing. Although more than half of the white families occupying substandard housing paid less than \$60 gross rent¹⁸ per month, only 38 percent of the nonwhite families renting similar housing paid less than \$60 (see table 6, p. 15). The median gross monthly rent for substandard housing in 1960 was \$59. The median monthly cost for nonwhites, however, was \$65--nearly 10 percent higher than the average for all

17. Kistin Statement, p. 9.

18. Gross rent includes contract rent plus the average monthly cost of heat and utilities if these are not included in contract rent.

TABLE 4¹



LEGEND



WHITE



NON WHITE

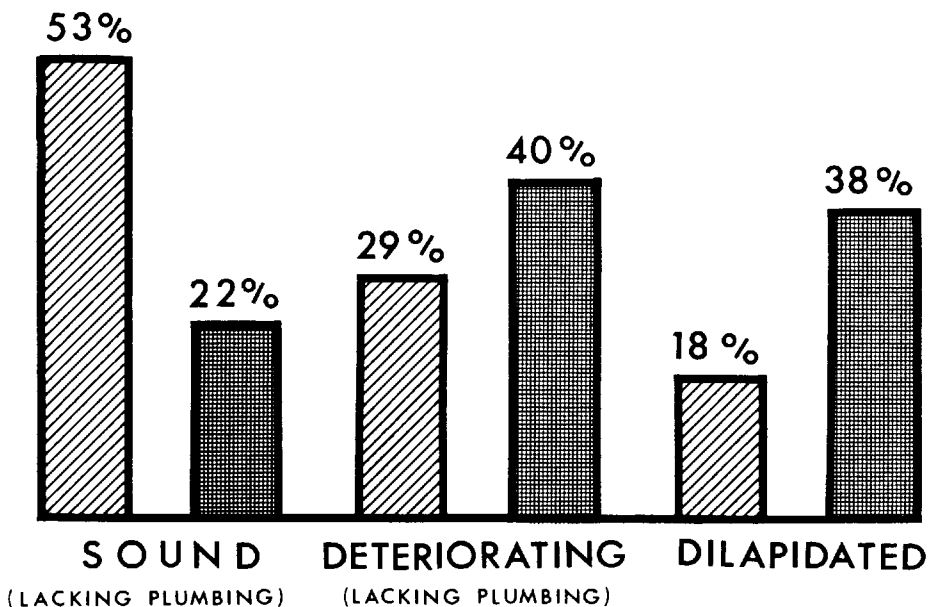
CONDITION OF ALL HOUSING
BY COLOR OF HOUSEHOLD
BOSTON, 1960

Source:

U.S. Census of Housing, 1960

1. Prepared by Helen R. Kistin

TABLE 5¹



LEGEND

- WHITE
- NON WHITE

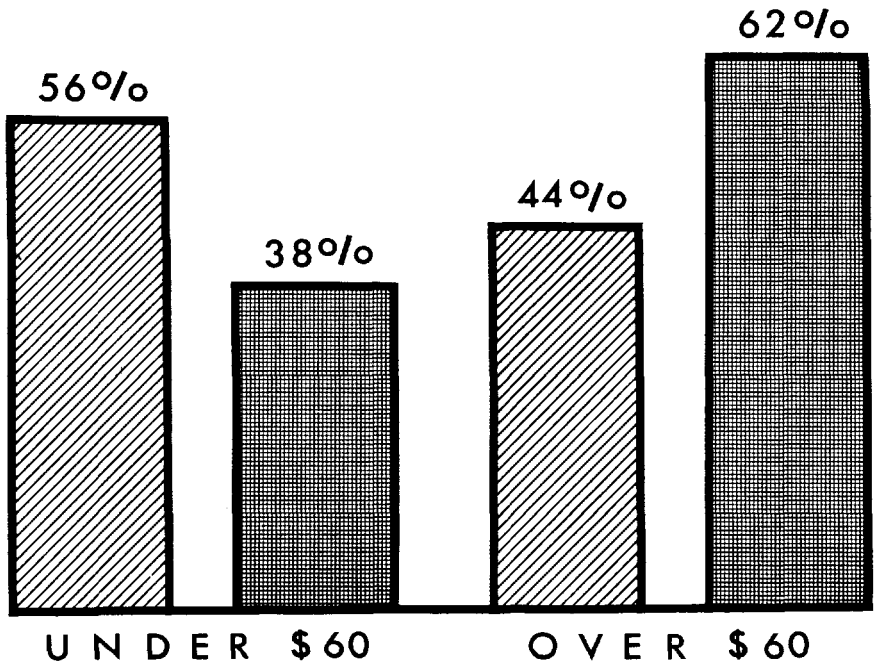
SUBSTANDARD HOUSING
BY COLOR OF HOUSEHOLD
BOSTON, 1960

Source: U.S. Census of Housing, 1960

1. Prepared by Helen R. Kistin

TABLE 6¹

**MEDIAN GROSS MONTHLY RENT
WHITE \$57, NON WHITE \$65**



LEGEND

-  WHITE
-  NON WHITE

**MONTHLY GROSS RENTS
FAMILIES IN SUBSTANDARD HOUSING
BOSTON, 1960**

Source: U.S. Census of Housing, 1960

1. Prepared by Helen R. Kistin

families and 14 percent higher than the median (\$57) paid by whites. Although only one-fourth of white families paid over \$70 a month, well over a third of nonwhite families (38.5 percent) paid in excess of that amount.

These rental disparities are aggravated by the circumstance that the substandard housing occupied by nonwhites is substantially inferior to that occupied by the white population. In other words, the Negro population of Boston pays significantly higher rent for substantially worse housing.

Boston's Negroes also pay a disproportionately high percentage of their income for the substandard housing they occupy (see table 7, p. 17). Whereas 70 percent of whites occupying substandard housing in 1960 spent less than 22.5 percent of their incomes for rent, the comparable nonwhite percentage was 54 percent. Put in other terms, nearly one-half (46 percent) of the nonwhite families occupying substandard units paid more than 22.5 percent of their incomes for shelter, but only 30 percent of white families living in similar units spent as much.¹⁹

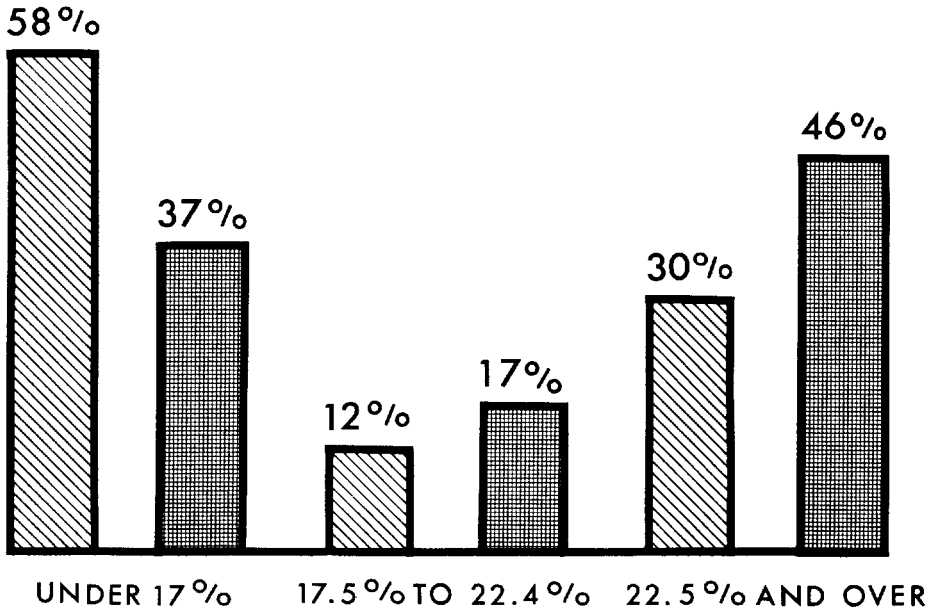
A GHETTO AND ITS ATTRIBUTES

The statistical data presented above amply support the statement of the United States Commission on Civil Rights that there "is an ever-increasing concentration of nonwhites in racial ghettos, largely in the decaying centers of our cities--while a 'white noose' of new suburban housing grows up around them."²⁰ But the statistics do not disclose the high rate of disease and delinquency, the lack of adequate educational and recreational facilities, and the noise and filth that characterize the city's segregated areas.

19. The rental disparities are too great to be explained by the large size of nonwhite families. White households in Boston averaged 2.93 persons while nonwhite households averaged 3.06 persons, a relatively small difference. Also, there is a disproportionate crowding of nonwhite households: "In 1960, 15 percent of nonwhite-occupied units in the city were crowded (averaging more persons than rooms), but only 8 percent of all housing units. Nine percent of nonwhite households were severely crowded (1-1/2 or more persons per room)." Kistin Statement, p. 6.

20. U.S. Commission on Civil Rights, Report on Housing 1 (1961).

TABLE 7 ¹



LEGEND

 WHITE
 NON WHITE

PERCENT OF MONEY INCOME SPENT FOR RENT,
FAMILIES LIVING IN SUBSTANDARD HOUSING
BY COLOR, BOSTON, 1960

Source: U.S. Census of Housing, 1960

1. Prepared by Helen R. Kistin

In all but one of the 12 neighborhoods comprising the South End and the Roxbury-North Dorchester neighborhoods, the annual rate of new pulmonary tuberculosis cases and the infant mortality rates exceeded the city rates during 1955-1959. The Boston Redevelopment Authority found that in the Washington Park Urban Renewal Area, located in the Roxbury-North Dorchester area, "approximately 12.2 commitments by the Youth Service Board for each 1,000 residents under 18 years of age . . . occurred . . . as compared with 3.8 such commitments for the City of Boston as a whole."²¹

The Authority also found that within this area the existing public elementary school plant was insufficient, and that the four existing elementary schools were not fireproof structures, the oldest having been built in 1868 and the newest 38 years ago.²² The area also suffers from a shortage of public playground space; although the area needs 19.4 acres of such space, it has only 2.6 acres.²³

The average net dwelling unit density exceeds that recommended by the Committee on the Hygiene of Housing of the American Public Health Association.²⁴ Intermixed with dwelling units are commercial and industrial uses of the land which "create adverse influences from nonresidential traffic noise" and "smoke detrimental to the dwelling and institutional uses."²⁵ The heavy "through" traffic volume and the traffic generated by nonresidential uses of land in the area make a number of the local residential service streets hazardous to both pedestrian and vehicular circulation.²⁶

Recently, after a tour of the Roxbury area by Boston's councilmen, the City Council, among other things, ordered "a concentrated two-week effort in forcing cleanup of filth observed . . . by them on a bus tour of Roxbury."²⁷ The public works department was instructed to undertake a special cleanup in the Roxbury and Dorchester sections, with deployment of equipment and hiring of extra personnel if necessary. The department was also directed to give permanent attention to regular collections of refuse and garbage in the proposed urban renewal areas.²⁸

21. Public Hearing of the Boston Redevelopment Authority on the Washington Park Urban Renewal Area, June 26, 1962, p. 42.

22. Id. at 41.

23. Ibid.

24. Id. at 40.

25. Ibid.

26. Ibid.

27. Boston Herald, Feb. 12, 1963, p. 1., col. 4.

28. Ibid.

Special cleanups and extra personnel--as helpful and desirable as they may be in particular instances--are not the remedy for the evil of residential segregation in Boston. The right and moral solution to the problem of segregation is desegregation. But when Negroes have sought to move to white neighborhoods they have been the victims of discriminatory practices.

2. Patterns and Practices of Discrimination

Complaints filed with the Massachusetts Commission Against Discrimination, the files of the Fair Housing Federation, and the testimony given at the Open Meeting of the Advisory Committee clearly reveal the patterns of discrimination that have impeded integration and frustrated and humiliated Negroes in their attempts to find decent housing.

REAL ESTATE BROKERS, DEVELOPERS, LANDLORDS, AND HOME OWNERS

The techniques of discrimination employed by real estate brokers, developers, home owners, and landlords are varied, sometimes blunt, sometimes subtle.

Outright refusal

Negroes have been brusquely informed that they were unacceptable as tenants or clients solely because of their race. One Negro, relating his experience to the Advisory Committee, quoted a landlord as saying, "We have come to an agreement that we will not rent to Negroes on this street."¹ In another case, which came before the Massachusetts Commission Against Discrimination, (hereinafter referred to as "MCAD") the Negro complainant was told that Negro tenants were unacceptable and then was abruptly invited to seek housing in Roxbury, i.e., in the "black boomerang" area.²

Convenient rentals and sales

Probably the excuse resorted to most often for refusing housing to Negroes is that the house or apartment in question has been sold or rented. Thus when a Negro applicant met the owner at the appointed apartment, she was told that all the apartments had been rented; this statement was later shown to be untrue.³ Mrs. Gerald McLeod, testifying before the Advisory Committee, recounted one of her experiences as follows:⁴

1. Record, p. 90.
2. MCAD, Case History PrH-I-16-C (1960).
3. Id., PrH-IV-41-C (1962).
4. Record, p. 13. (Emphasis added.)

. . . I saw an advertisement in the newspaper and I called up the real estate broker and asked for more information about this particular house. It was not what we wanted She assured me that she had a lot of houses to show us. We made an appointment to meet the next day. Then I thought that perhaps I should have told her at the beginning that we were Negroes and saved myself an embarrassing trip. I said to myself, I will call back and explain that I am a Negro. When I called back I didn't talk to the real estate agent. I spoke to the secretary. She was very upset about this and said that she would call back. She did call back in a short time and said that she was very sorry but that the houses that she was going to show me were suddenly not available; that either they had been taken off the market or they were sold.

The ostensibly nondiscriminatory rejection

A more refined method of discriminating is the attempt by landlords and owners to raise an ostensibly nondiscriminatory objection to the acceptance of an otherwise qualified Negro applicant. A case which came before the MCAD in 1961 is illustrative.

A "tester" first inquired about the 6-room apartment in question and was told that children were acceptable. When the Negro complainant applied for the apartment, however, the landlord said the first floor tenants would object to children. When the first floor tenants said they did not object, the landlord stated the third floor tenants would object. When the third floor tenants stated they did not object, the landlord said that she objected to children, assertedly because children were destructive and the apartment had recently been renovated.⁵

In another case of the same type, the landlord, having asked the Negro applicant the size of his family and his financial condition, informed him that his family was too large for the apartment and that his income was insufficient. Yet, the following day, a white member of CORE, using the same family circumstances, applied for the apartment and it was offered to him. He was not asked about his salary.⁶

5. MCAD, Case History PrH-III-67-C(1961).

6. Id., PrH-II-8-C(1960).

Delaying and discouraging an applicant

Sometimes, instead of rejecting a Negro's application outright, there will be attempts to dissuade and discourage the applicant by stalling or avoiding him, by delaying the processing of his application or by showing him undesirable homes. Testimony concerning these attempts was contained in statements submitted to the Advisory Committee, such as "then [the] delaying tactics began";⁷ "we were shown two very rundown houses";⁸ we were told "we would not be happy out there."⁹ Mrs. Merlin Reid described her experiences as follows:¹⁰

The first agency we approached was a very large concern. We were asked what price range we were interested in, and were then shown the catalog of homes which were priced considerably beyond our reach. After having graciously shown us the catalog and giving us some mortgage information, the agent then said, "Now your trip wasn't a total waste, was it?" We then completed our business and said that we hoped to hear from him soon. We never heard from him again.

We then approached another agent, in the same town, in reference to houses advertised in the daily newspapers. We were politely shown those houses which were in poor condition, or by some coincidence were already sold. The agent said that we could expect to hear from him soon. We never did. These same events took place at three or four agencies, and we soon began to become discouraged.

7. Statement submitted by Mrs. Gerald McLeod at the Open Meeting of the Mass. Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963.
8. Statement submitted by Mr. and Mrs. Gareth Kinkead at the Open Meeting of the Mass. Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963.
9. Statement submitted by Mr. and Mrs. Robert Hayden at the Open Meeting of the Mass. Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963.
10. Statement submitted by Mrs. Merlin Reid at the Open Meeting of the Mass. Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963.

We finally decided to try another town. The agents, it seemed, were waiting for us at the door. We received the same polite treatment and we departed with the same feeling of degradation and loss.

Sometimes it becomes difficult to locate the people who have the authority to rent or sell,¹¹ or appointments are not kept and promised phone calls are not made,¹² or a prolonged credit check is required.¹³ In one case a broker couldn't find time to accept a deposit check!¹⁴

THE NEIGHBORS

Some brokers, developers, landlords, and owners, while admitting their disinterest in the Negro home seeker, disclaim responsibility for the situation. Brokers contend they are merely obeying their principals' orders; landlords foresee an exodus by their present tenants; owners and developers succumb to the objections of neighbors. As one witness described her experiences, "Regardless of the fact that my husband is a physician, it simply did not matter. Most of the people used the excuse that 'We are afraid of what our neighbors would think.'"¹⁵ After having found an agreeable owner and real estate agent and after putting down a deposit, another Negro buyer failed to secure the house, because "then the neighbors began to threaten both the owner and the agent. Almost immediately our check was returned and another of our dreams shattered."¹⁶ In the words of another Negro homeseeker:¹⁷

. . . She [the owner] told us that no one else seemed interested in the house and, as far as she was concerned, we could buy it. Before we got home the lady called up and left word that the house had been sold. Later on we found out that the house had not actually been sold. A neighbor had seen us there and become upset and disturbed and she talked the owner out of selling the house to us. She actually had to leave town without selling the house because of the objection of the neighbors.

11. See MCAD, Case History PrH-II-14-C(1960).

12. Id., PrH-IV-2-C(1962).

13. Id., PrH-II-18-C(1960).

14. Record, p. 28.

15. Id., p. 9.

16. Statement by Mrs. Merlin Reid, supra note 10.

17. Record, p. 14.

If the owner refuses to accede to the initial neighborhood pressure, he may be exposing himself to outright abuse, as Mr. and Mrs. Dover Wooten learned when they rented an apartment to a Negro family in a three-family dwelling adjacent to their own home.¹⁸

. . . The neighbors got a petition up and threatened the Wootens and their children with all sorts of abuse, for "degrading the neighborhood," and attempting to make a "ghetto" out of the street.

They had raw eggs thrown all over the front of their new house, along with many other unpleasant happenings. Several neighbors said that they would sell their property--and in course of time they did, but not before a "hate" campaign had been thoroughly indoctrinated [sic] in the neighborhood.

The Wooten incident also involves the problem of panic selling. After a few homes in an all-white area have been sold to Negroes, other residents may panic and sell their homes. Panic selling may be stimulated and intensified by "blockbusting." The "blockbuster," preying upon underlying racial prejudice, inspires panic sales by urging white residents to sell their property on the ground that it will drop in value because Negroes are moving into the area.¹⁹

"Panic selling" and "blockbusting" sometimes have been forestalled by prompt countermeasures. In the spring of 1962 a home in a sizeable development (110 houses) in a Boston suburb was sold to a Negro family. Upset by this, a family living nearby quickly sold their home, through a realtor, to another Negro family. The second sale generated a significant amount of apprehension in the area. A white family directly across the street, contending that property values would drop, threatened to sell [its home] to another Negro family. At this point, the local Fair Housing Practices Committee sent a letter to all the homeowners in the development explaining the problem, pointing out the moral issues involved, and imparting information concerning property values. The Committee also arranged to meet with realtors to lay the groundwork for a cooperative effort to prevent panic selling to Negro families in

18. Statement submitted on behalf of Mr. and Mrs. Dover Wooten at the Open Meeting of the Mass. Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963.

19. See U.S. Commission on Civil Rights, Civil Rights U.S.A., Housing in Washington, D.C. 13 (1962); New York Times, Nov. 2, 1963, p. 1.

the future. The panic lessened, and the realtors agreed to cooperate in the future by refraining from promoting the sale of additional houses in the area to Negroes.²⁰

MULTIPLE LISTING

Some real estate brokers in Boston participate in the Multiple Listing Service which provides widespread listings. It is directed by the Multiple Listing Board, "a Board within the Boston Real Estate Board."²¹ Its operation can perhaps best be described by an example. If a homeowner in one of Boston's suburbs experiences difficulty disposing of his home, he may ask, or his real estate broker may suggest, that the home be listed with the Multiple Listing Service. The current listings of the Multiple Listing Service are periodically transmitted to member brokers in the area. Each member in the Greater Boston area may then attempt to sell that particular house to one of his clients. If a member broker sells the house, he divides his commission with the original broker.²²

One of the advantages of the Multiple Listing Service is that it would permit, for example, a Boston broker to sell his client's home in Boston and then sell his client a home in the suburbs--two sales instead of one.

Only members of the Multiple Listing Board may take advantage of this service. Samuel McCoy, a Negro real estate broker from Roxbury, testified before the Advisory Committee that his application for membership had been denied by the Multiple Listing Board.²³ Mr. McCoy indicated that the ostensible reason for the denial was his inability to "reciprocate."²⁴ Mr. McCoy expressed

-
20. The incident is drawn from the files of the Fair Housing Federation. Fair Housing Federation, Problem of Panic Selling in Natick (undated and unpagged).
 21. Record, p. 120.
 22. Interview with Samuel L. McCoy, a Negro broker, Mar. 16, 1963.
 23. Record, p. 120.
 24. The reasoning appears to be that when brokers in certain locations cannot contribute listings of comparable value to the other brokers in the area, they should not be permitted to take advantage of the listings of such other brokers. The implication is that since a broker in the "black boomerang" area cannot provide listings of any value to, say, a Wellesley realtor, he should not be allowed to benefit from the Wellesley realtor's listings. See Record, p. 118.

the opinion that "the reason there is such a concentration of Negroes within the 'black boomerang' area, as it was identified, is because no one is in a position to offer them the listings which are available in Multiple Listings."²⁵

THE BANKS

Whether the area's lending institutions practice discrimination is unclear. There is no reliable evidence. As the U.S. Commission on Civil Rights reported in 1961, "There is no generally available statistical data on the availability of home mortgage credit for minorities" ²⁶ Although "testers" may be used to demonstrate discrimination in leasing or selling housing accommodations, as a practical matter it is impossible to use them to demonstrate discrimination by a lending institution.²⁷

Nevertheless, there appears to be no discernible pattern of discrimination in the lending field at the present time. In 1960 the Massachusetts Fair Housing Practices Act was amended to make it an unlawful practice "for any person engaged in the business of granting mortgage loans to discriminate against any person in the granting of any mortgage loan."²⁸ No complaints alleging violation of this subsection have been filed with the MCAD.²⁹ Also, according to the presidents of two Boston banks, qualified Negroes have recently had no trouble obtaining home financing, if for no other reason than the presence of ample mortgage money in the area.³⁰ Reportedly, four or five Boston banks have been leaning over backwards to make loans to Negroes; some of the loans would have been rejected if applied for by a white person.³¹

25. Record, p. 119.

26. U.S. Commission on Civil Rights, Report on Housing 150(1961).

27. Interview with Alan Gartner, president of the Greater Boston Chapter of the Congress on Racial Equality, Nov. 21, 1962.

28. Mass. Laws Ann. ch. 151B, sec. 4(3B) (Supp. 1962).

29. Interview with Walter Nolan, executive director of the MCAD, Nov. 30, 1962.

30. Interviews with Norman Barrett, president of the Charlestown Savings Bank, Jan. 17, 1963, and Robert Morgan, president of the Boston Five Cents Savings Bank, Jan. 23, 1963.

31. Interview with Robert Morgan, president of the Boston Five Cents Savings Bank, Jan. 23, 1963.

In 1954 the Voluntary Home Mortgage Credit Program (hereinafter "VHMCP") was enacted into law.³² VHMCP is a joint undertaking of private industry and government that relies on private lenders to supply mortgage funds. Its purpose and function have been stated as follows:³³

To the extent that the network of private financing institutions in the mortgage market does not facilitate a flow of such funds into remote areas and small communities and to minority groups, this Program is designed to meet the problem. It is based on the philosophy that private financing institutions can, if organized, handle the problem without the need for more direct Government assistance.

A member of a minority group who has experienced difficulty in securing mortgage loans may apply to the regional office of VHMCP, which forwards the application to one of the cooperating private lending institutions on a rotating basis. If the application is rejected by the institution to which it is first referred, it is referred to the next in line. The program is limited to FHA-insured or VA-guaranteed loans. In Massachusetts, 164 minority group loan applications which had previously been rejected by at least two lending institutions were successfully placed by the VHMCP with private lending institutions between January 1955 and August 1962.³⁴

The program is said to have had at least two beneficial effects in this area.

First, Robert Morgan, president of the Boston Five Cents Savings Bank, feels that it has helped to teach people that a Negro's credit equals a white person's with a comparable income.³⁵ Edward Cooper, a former executive secretary of the Boston Chapter of the NAACP cites the case of a Negro who, after 3 years of trying to obtain mortgage funds, finally was able to do so with the assistance of the VHMCP. The bank accepting the mortgage indicated that it had previously been afraid of Negro credit and that this was the first Negro mortgage it had ever accepted. The bank also indicated that because of the success of this application, it would be quite amenable to future Negro mortgage applications.³⁶

32. 68 Stat. 637 (1954), 12 U.S.C. 1750 cc.

33. VHMCP, Operating Policy Statement No. 1, (1954), quoted in U.S. Commission on Civil Rights, Report on Housing 54 (1961) (emphasis added).

34. Letter from Joseph S. Brown, executive secretary of the Voluntary Home Mortgage Credit Program, to Clark Byse, Feb. 8, 1963.

35. Interview, Jan. 23, 1963.

36. Interview, Feb. 7, 1963.

Second, a leading member of the Negro community feels that the VHMCP, by giving the participating financial institutions responsibility for the success of the program, has made these lending institutions more responsive to minority group mortgage applications. Apparently, there have been a number of cases where a mortgage application, rejected by a particular bank, was later accepted by the same bank when offered under the auspices of the VHMCP.³⁷

PUBLIC HOUSING

That segregation exists in Boston's public housing projects is not denied.³⁸ But the reasons for segregation are controverted. The vice chairman of the Boston chapter of CORE, James Bishop, stated at the Open Meeting that a study based on 165 interviews with individuals living in public housing in Boston demonstrated that "the existing segregation in the Boston public housing projects is the direct result of deliberate discriminatory assignments of applicants by the Boston Housing Authority."³⁹ At the conclusion of Mr. Bishop's testimony, the following colloquy occurred:⁴⁰

Professor BYSE. You have stated that your data demonstrate deliberate discrimination by public officials and by those in charge of the Authority. Do you have any idea why this might be so? Was this due to political forces at work either in or on the Authority, or just perversity?

The WITNESS [Mr. Bishop]. I don't know. I wish that the Boston Housing Authority would give us this information.

. . . Some say it is partially political. There are some political assignments in the public housing. But this could not account for the grossly widespread segregation of the public housing authority.

-
37. Interview with Alfred Brothers, a Negro broker and a member of the Massachusetts General Court, Feb. 15, 1963.
38. See Report on CORE's Public Housing Survey submitted at the Open Meeting of the Mass. Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963; McPherson Statement p. 2; Record, pp. 32-55.
39. Record, p. 40.
40. Id., pp. 47-48.

Victor C. Bynoe, treasurer of the Boston Housing Authority, who testified at the Open Meeting immediately after Mr. Bishop, stated:⁴¹

I suppose after the accusations that have been leveled at the Authority, and this has been going on for some years, I can only say to you that you have indicated here today that in our entire community, the Boston community, we who live in it and experience the situation, that this kind of hearing will as of now begin to open up and to solve the entire racial problem in the City of Boston. The Boston Housing Authority does not and did not and will not countenance any policy dictated from the Authority approving segregation, discrimination or anything of the kind. We are dealing in an area of housing for people in lower income groups. There develops in this type of operation certain things that happen and develops into a situation which you may call "segregation" as you see it.

The ingredients that go to make it up is another problem of those of us who handle it and work with it. "De facto segregation," call it that! But that does not develop from any intended policy on the part of the Authority.

In the "Statement of the Boston Housing Authority" submitted at the Open Meeting, the Authority made the following points: (1) "The nonwhite occupancy ratio in the Authority's total housing problem is higher than that for the City as a whole"; (2) "the nonwhite occupancy ratio in public housing approaches the ratio of nonwhite occupancy in substandard housing which was reported as 16.9 percent in 1960"; (3) "the nonwhite occupancy ratio in public housing generally exceeds the racial pattern in private housing in the neighborhood surrounding the development"; (4) the Authority has under way a program which, at "the end of a 3-year trial period (October 1963)" will enable the Authority to "set in motion a definite program which will have as its objective a complete procedure by which we may relate all tenants, both nonwhite and white, as part of the entire community, gradually changing the direction of the unsocial attitudes, both of our youngsters and oldsters who, because of their economic condition, must live

41. Record, pp. 49-50.

together, regardless of race, creed or color"; and (5) "any significant extension in establishing open-occupancy policy in all-white areas, in maintaining a desirable balance in integrated developments in mixed areas, or in reversing accelerating trends toward total nonwhite occupancy in nonwhite areas . . . is a job for the total community . . . in which the Authority is willing and able to do its part." (Emphasis added.)

In sum, the position of the Authority appears to be that "de facto segregation" exists, that the situation is not as bad as some critics contend, that causes and cures are problems for the "total community" rather than exclusively for the Authority, and that the Authority stands ready to "do its part." There is a certain measure of validity in this position, for without doubt solution of the social ills of residential segregation quite clearly will require mobilization of the resources of the "total community." But the Authority has a peculiar responsibility. First, it administers a statute which provides that no "person shall, because of race, color, creed or religion be subjected to any discrimination or segregation."⁴² Second, as a public agency responsible for allocating an important and scarce social resource, public housing, the Authority has a particular duty to allocate the resource on a nondiscriminatory basis.

It is to be hoped that as a result of the 3-year experiment referred to in the Authority's Statement to the Advisory Committee, the Authority will be able to evolve a satisfactory program. It is also to be hoped that interested organizations of private citizens will cooperate with the Authority, to achieve integrated communities in public housing projects.⁴³

42. Mass. Laws Ann. ch. 121, sec. 26FF (Supp. 1962).

43. On June 19, 1963 (after this part of the Advisory Committee's Report was in draft form) the Boston Housing Authority promulgated a statement of policy on tenancy in public housing. The statement referred to the complaint filed by the NAACP against the Authority before the Massachusetts Commission Against Discrimination and stated that the policy statement was intended to serve as a basis for resolving the complaint. In brief, the policy statement pledges a nondiscriminatory administration designed to "achieve and maintain integrated housing developments." The statement is set forth in appendix B.

3. Counter Measures: Private Groups and Organizations¹

National organizations such as NAACP, the Urban League, and CORE have their Boston affiliates which are active in the fight for equality for nonwhites. Church groups such as the Episcopal Society for Cultural and Racial Unity and the Catholic Interracial Council have also played a role. Other interested groups include the Jewish civil rights units, the American Veterans Committee, the American Friends Service Committee, and Americans for Democratic Action.² More recently (September 1962) the Massachusetts Committee on Discrimination in Housing was organized.³

The activities of three other groups deserve special mention, because of their indigenous development and devoted attention to the housing problem. They are the Fair Housing Committees of Boston and surrounding communities, the Greater Boston Federation of Fair Housing Committees, and Fair Housing, Incorporated.⁴

-
1. For general discussion of the activities of private groups, see U.S. Commission on Civil Rights, Freedom to the Free, Century of Emancipation, 1863-1963, at 161-81 (1963).
 2. See Kistin Statement, p. 4.
 3. The Massachusetts Committee on Discrimination in Housing "is a statewide committee, at present with 20 affiliated organizations and 5 additional cooperating groups. These groups came together because of a common concern over the nature and extent of discrimination in housing. The emphasis of the MCDH is primarily on urban and statewide problems. It is dedicated to the attainment of open, nonsegregated communities throughout the Commonwealth, and the provision of decent, safe and sanitary housing for all income levels. It hopes to accomplish these goals through coordinating and supplementing the legislative, research and educational activities of affiliated groups" Kistin Statement, p. 3.
 4. For detailed information, see Fair Housing, Inc., Annual Housing Report, April 1962-March 1963, appendix A of this report. (Hereinafter cited as 1962-1963 Annual Housing Report.)

The original establishment of the Fair Housing Committees in the Metropolitan Area is described as follows by Robert W. Morgan, Jr.⁵

Since Governor Faubus began holding forth in Arkansas, residents of three Boston communities--Natick, Newton, and Wellesley--have taken a close look at discrimination in their own towns and have set up what they call Fair Housing Practices Committees. The aims of these committees are to persuade persons selling homes to list them with the committees on an open occupancy basis and also to educate neighborhoods about the myths that have sprung up relative to home ownership by Negroes and other minority groups.

Since then Fair Housing Committees have been created in more than 40 other communities. The committees sponsor educational programs designed to promote racial equality and to assist nonwhite families needing housing. The committees help home seekers contact cooperative realtors, accompany the home seekers in their endeavors, apprise them of their rights under the housing statute, and assist them in filing complaints with the Massachusetts Commission Against Discrimination. The committees also have secured open occupancy listings by soliciting from prospective sellers or renters an assurance that the home or apartment will be sold or rented on a nondiscriminatory basis.

By accompanying the Negro home seeker and by persuading owners, landlords, and real estate brokers, the members of the committees have sometimes been able to achieve the purposes of the Fair Housing Practices Act without formally invoking its procedures. By providing testers⁶ to demonstrate discrimination, by apprising Negroes of their rights under the housing act and by assisting them in filing complaints with the MCAD, the local committees have promoted compliance with the act.

5. Morgan, "Over the Bridge," Atlantic Monthly, Feb. 1959, pp. 73, 76.

6. "Testing" is resorted to when a Negro is refused a home and discrimination is suspected. A white person (or anyone by use of the telephone), purportedly in comparable circumstances, will apply for the same housing accommodations in order to determine whether the Negro's rejection was due to his race.

Fair Housing Committees also have assisted real estate brokers. A prominent member of the real estate industry testified at the Open Meeting that the Fair Housing Committees were "the most welcomed thing in many years." He continued:⁷

It is a perfect opportunity for a broker in the community, that had no experience in integration, if you will, it is a wonderful opportunity for a broker to call the Fair Housing Practice Committee and say, "I have a Negro customer and I have a problem. Have you done the groundwork and have you spoken to the owners that listed the house?"

In 1960, the local committees, recognizing the need for coordinated action in the Metropolitan Area, organized the Greater Boston Federation of Fair Housing Committees to coordinate the work of the local committees. In 1961 the Federation assumed direction of a clearing house formerly operated by the American Friends Service Committee. The activities of the clearing house range from notifying the proper local committee to assist a home seeker who is looking for housing, to keeping a current file of all open occupancy listings sent in by committees and individuals. Each month a current list of open occupancy listings and a current list of home seekers are duplicated and mailed to the home seekers and committees. The clearing house keeps a detailed account of each home seeker, checking on his progress at least every 10 days.⁸

The open occupancy listings have enabled Negro home seekers to avoid the degrading rejections and dissembling excuses to which they might otherwise be subjected by hostile owners, landlords, or brokers. The listings also save the home seeker's time and energy by providing him with a select list which would not be available in the open market.

During the period from April 1961 to March 1963, 170 families sought assistance through the clearing house. Of this number, nearly one-fourth located housing with the assistance of the Federation and its committees. Roughly a quarter stopped looking, and about two-fifths found housing on their own, perhaps benefited by the Federation's initial assistance.⁹

-
7. Record, p. 71. See also Natick report, supra ch. 2, note 20.
 8. For detailed discussion, see 1962-1963 Annual Housing Report, appendix A infra.
 9. See figure 2, of 1962-1963 Annual Housing Report, appendix A infra.

While the activities of the Federation have been successful and have been constantly expanding, its growth and operation have been restricted by insufficient funds and manpower. Its successes have been due to the extravagantly unselfish efforts of volunteers who have contributed an immense number of hours. The financial burdens of maintaining both the local committees and the Federation have usually fallen on the same people.

On February 1, 1963, the operation of the clearing house was shifted from the Federation to Fair Housing, Incorporated, a charitable, tax exempt corporation. Within the last few months the United States Housing and Home Finance Agency approved a substantial grant to Fair Housing, Incorporated, to enable it to administer "a two-year program to demonstrate improved methods of locating housing for socially disadvantaged, low income families."¹⁰

10. 1962-1963 Annual Housing Report, note x, appendix A infra.

For further detail concerning the activities of the Fair Housing Committees, the Federation, and the plans of Fair Housing, Incorporated, see appendix A.

4. Counter Measures: The Law

The Massachusetts Fair Housing Practices Act is administered by the Massachusetts Commission Against Discrimination.¹ The objective of the act is to prevent discrimination because of race, creed, color, national origin, or ancestry in the sale, rental, or lease of housing accommodations (or of land intended for the erection of housing accommodations) that are made generally available to the public.² Virtually all housing accommodations in the Commonwealth are covered, for as amended on April 1, 1963, the act excludes from its coverage only the rental of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as his residence.³ Before enactment of the comprehensive amendment of April 1, 1963, the act covered, successively, rentals to and selection of tenants in public housing,⁴ publicly assisted

-
1. Mass. Laws Ann. ch. 151B (1957); Mass. Acts 1963, ch. 197.
 2. Sec. 1, ch. 197, Mass. Acts 1963, extends the coverage of the law to include housing accommodations "which are directly or through an agent made generally available to the public for sale or lease or rental, by advertising in a newspaper or otherwise, by posting of a sign or signs or a notice or notices on the premises or elsewhere, by listing with a broker, or by any other means of public offering."
 3. Mass. Acts 1963, ch. 197, sec. 2. At the time he signed the bill which became ch. 197, Governor Endicott Peabody stated, "Coverage of the Fair Housing Practices Act will be extended from less than 15 percent of our housing to over 90 percent." Statement to Group at the Signing of Senate Bill 350, Governor's Press Office, State House, Boston, undated, p. 1.

It is also an unlawful practice for any person engaged in the business of granting mortgage loans to discriminate against any person in the granting of any mortgage loan. Mass. Laws Ann. ch. 151B, sec. 4(3B) (Supp. 1962).

4. Mass. Laws Ann. ch. 121, sec. 26FF(e), enacted in 1948; id. ch. 151B, sec. 5 (Supp. 1962), enacted in 1950.

housing accommodations⁵ and nonpublicly assisted multiple dwellings⁶ and contiguously located housing.⁷

The MCAD, which administers the act, also has jurisdiction over alleged violations of two sections of the criminal code which prohibit discriminatory advertisements concerning or admission to

-
5. The term "publicly assisted housing accommodations" is defined in sec.1(10) of the act to include generally:
 - (a) Housing constructed after 1950 that is (1) tax exempt or financially supported by State or local government, (2) constructed on land sold below cost by State or local government pursuant to the Federal Housing Act of 1949, or (3) constructed on land acquired by State or local government through condemnation for such construction; and
 - (b) Multiple dwelling housing for which post-1957 financing in whole or in part is through a mortgage guaranteed and insured by the Federal Government; and
 - (c) Housing which is part of a parcel of 10 or more housing accommodations on land that is contiguous and offered for sale or rental by a person who owns the same, if (1) post-1957 financing in whole or in part is through a mortgage guaranteed and insured by the Federal Government, or (2) a commitment for such financing has been issued by a Government agency.
 6. The term "multiple dwelling" is defined in sec.1(11) of the act to be "a dwelling which is usually occupied for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other."
 7. The term "contiguously located housing" is defined in sec. 1(12) of the act to mean "(1) housing which is offered for sale, lease or rental by a person who owns or at any time has owned, or who otherwise controls or at any time has controlled, the sale of ten or more housing accommodations located on land that is contiguous (exclusive of public streets), and which housing is located on such land, or (2) housing which is offered for sale, lease or rental and which at any time was one of ten or more lots of a tract whose plan has been submitted to a planning board as required by the subdivision control law, as appearing in secs.81K to 81GG, inclusive, of chapter forty-one."

or treatment in, "any place of public accommodation."⁸ The Attorney General of Massachusetts has ruled that a real estate agency is a place of public accommodation and, therefore, that it would be unlawful for a real estate agency to offer its services on a discriminatory basis.⁹ The MCAD, in addition, has jurisdiction over unfair employment practices and unfair educational practices.¹⁰

The MCAD is comprised of three commissioners who serve 3-year terms and are eligible for reappointment.¹¹ In 1962, \$108,939 was appropriated "for the service of the Commission, including not more than fourteen permanent positions" for the fiscal year ending June 30, 1963.¹² The staff of the Commission includes an executive secretary, 6 field representatives, and 5 clerical positions.¹³

Any person claiming to be aggrieved by an alleged violation of the statutes administered by the MCAD may sign and file with the Commission a verified complaint within 6 months after the alleged violation occurred.¹⁴ The chairman of the Commission then designates one of the commissioners to make an investigation with the assistance of the staff. The investigation usually includes consultation with the complainant and the respondent. If he determines

-
8. Mass. Laws Ann. ch. 272, secs. 92A, 98 (1958). Apparently through inadvertence, sec. 98 failed to prohibit discrimination because of nationality, "as some Puerto Ricans in the central portions of the Commonwealth have to their dismay had recent occasion to learn." Statement submitted by Gerald Berlin at the Open Meeting of the Massachusetts Advisory Committee (hereinafter referred to as "Berlin Statement").
 9. 1959-1960, Mass. Atty. General, Ann. Report 61.
 10. Mass. Laws Ann. ch. 151B, secs. 3, 5; ibid., ch. 151C, sec. 3.
 11. Mass. Laws Ann. ch. 6, sec. 56(1958). Ch. 719, Mass. Laws 1963, signed by the Governor on Sept. 23, 1963, and effective 90 days thereafter, increased the number of members of the MCAD from 3 to 4.
 12. Mass. Acts 1962, ch. 591, sec. 2, item No. 0462-01.
 13. Interview with Oswald Jordan, acting executive secretary, MCAD.
 14. Mass. Laws Ann. ch. 151B, sec. 5 (Supp. 1962). Although the same section of the act authorizes the attorney general or the Commission to file a housing complaint, neither has ever done so. Interview with Walter Nolan, executive secretary, MCAD, Nov. 30, 1962.

that "probable cause exists for crediting the allegations of the complaint," the investigating Commissioner endeavors immediately, in the words of the act, "to eliminate the unlawful practice . . . by conference, conciliation and persuasion." If conciliation fails, or gives no promise of success, the investigating Commissioner notifies the respondent to answer the charges of the complaint at a hearing before the Commission. The investigating Commissioner does not participate in the hearing except as a witness. If, upon the evidence adduced at the hearing, the Commission finds that the respondent has committed an unlawful practice, the Commission is to enter an order requiring the "respondent to cease and desist from such unlawful practice . . . and to take such affirmative action . . . as, in the judgment of the Commission will effectuate the purposes" of the statutes it administers.¹⁵ Any person who willfully violates a final order of the Commission is subject to a punishment of imprisonment for not more than one year or a fine of not more than \$500, or both.¹⁶

Section 6 of the act provides for judicial review of the Commission's orders, and authorizes the Commission to obtain a court order enforcing its order. In a provision much desired by other State Commissions, the act also authorizes temporary injunctive relief pending the hearing before the Commission.¹⁷

15. Mass. Laws Ann. ch. 151B, sec. 5(Supp. 1962). It is of interest to note that through 1962, the Commission had conducted only 4 hearings on housing complaints. See Fair Housing Report (as of Jan. 1, 1963), table 8, p. 39.
16. Mass. Laws Ann. ch. 151B, sec. 6(Supp. 1962). Licensed real estate agents, salesmen, and brokers are subject to an additional sanction. Mass. Laws Ann. ch. 112, sec. 87(Supp. 1962), provides: "The board (of registration of real estate brokers and salesmen) may suspend, revoke or refuse to renew any license, when the board has found as a fact that the licensee, in performing or attempting to perform any act authorized by his license, has (a) knowingly made any substantial misrepresentation; . . . (k) failed to comply with an order of the Massachusetts Commission Against Discrimination, after administrative hearing and determination under section five of chapter one hundred and fifty-one B, which has become final."
17. Mass. Laws Ann. ch. 151B, sec. 5(Supp. 1962) " After a determination of probable cause hereunder such commissioner may also file a petition in equity in the superior court in any county in which the unlawful practice which is the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, or in Suffolk County, seeking appropriate injunctive relief against such respondent, including orders or decrees restraining and enjoining him from selling, renting, or otherwise making unavailable to the complainant any housing accommodations with respect to which the complaint is made, pending the final determination of proceedings under this chapter"

TABLE 8 ¹

FAIR HOUSING LAW REPORT

As of January 1, 1963

<u>Case Load</u>	<u>1958</u>	<u>1959</u>	<u>1960</u>	<u>1961</u>	<u>1962</u>	<u>Total</u>
Number of complaints filed	12	24	69	81	57	243
Number satisfactorily closed	2	11	47	58	23	141
Number dismissed	10	13	22	21	28	94
Number pending close of year	0	0	0	2	6	8
<u>Type of Charge</u>						
Percentage of complaints based on race	100	96	99	100	100	
Percentage based on religion		4	1			
<u>Settlements</u>						
Number settled by conciliation	2	11	47	58	23	141
Number to reach public hearing	0	0	1	1	2	4
Number to reach court action	0	0	0	3	3	6
How many complainants got the accommodation at issue?	1	2	6	10	8	27
How many got a comparable unit?	0	2	4	0	2	8
How many were offered, but refused the unit at issue or a comparable one?	1	4	17	26	7	57
<u>Dismissals</u>						
Complaint not substantiated	1	8	18	13	18	58
Not covered by law	7	5	2	4	8	26
Dropped by complainant	2	0	2	4	2	10

1. Prepared by the MCAD.

During the 5-year period 1958-1962, 243 complaints alleging unlawful housing practices were filed with the MCAD. (See table 8, p. 39). Of this number, 94 were dismissed because the allegations of the complaint were not substantiated, or the alleged violations were not covered by the law, or the complainant withdrew the charges. Eight cases were pending at the close of the period. The remaining 141 were, in the words of the MCAD, "satisfactorily closed."¹⁸ The terminology may be generous since in only one-fourth of the cases so designated did the complainant actually receive the accommodations at issue or comparable accommodations. Another 40 percent (57) were offered, but refused the unit at issue or a comparable unit. Whether these 57 dispositions were satisfactory to the complainants depends upon the circumstances leading to the complainants' refusals to accept the proffered accommodations. As the Commission stated in its 1960 Annual Report, "People against whom charges of discrimination have been made find it greatly to their advantage to prolong cases as long as possible in the hope that complainants will grow weary and seek housing elsewhere."¹⁹

The precise character of the disposition of the remaining 35 percent of the cases (49) that were "satisfactorily" closed during the 5-year period is not clear. But since none of these complainants received or were offered accommodations, it may be inferred that in this group of cases neither the accommodations at issue nor comparable accommodations were available at the time the case was closed. In such cases the Commission requests the respondent to write a letter to the Commission stating that he will in the future comply with the law.²⁰ Although insistence on receipt of such a letter clearly is preferable to simply closing

18. See 2nd line under caption "CASE LOAD," table 8, p.39.

19. December 1959-December 1960, 15 MCAD, Ann. Rep. 8, and see Mayhew, Law and the Urban Negro. Comment, November 1962, p.6, "The complainant has to live somewhere; he cannot wait in the street until the case is settled."

Note also (1) that the complainant may not agree with the MCAD that the proffered accommodations are in fact comparable (Record, p. 15) and (2) that an offer of accommodations may be a long way from occupancy. Consider, e.g., MCAD Case History PrH-II-18-C(1960), where after the filing of a complaint the respondent agreed to let the complainant have first refusal on a particular apartment, but subsequently after a series of delays the complainant found other accommodations.

20. This procedure is regarded by the Commission as a part of the conciliation process of sec. 5 of the act.

the file, it may be questioned whether such cases should properly be classified as "satisfactorily closed." From the standpoint of the complainant in the case such a disposition is hardly satisfactory. Whether signing such a letter will influence respondent's future actions is difficult to say. If he views law as Holmes' "bad man"²¹ did, the influence would be minimal. If, on the other hand, he is honorable and law-abiding, the letter may have some effect. Viewed realistically, the "I-promise-to-be-good" letter would appear to be of doubtful efficacy.²²

Unfortunately, the Massachusetts laws against discrimination in housing--like similar laws in other States--do not empower the MCAD to enforce either the "I-promise-to-be-good" letters or more formal conciliation agreements.²³

None of the statutes expressly make available to the commissions any means of enforcing conciliation agreements If the threat of public hearing and court enforcement has induced a respondent to sign the agreement, it appears probable that he would be loath to have the proceedings reopened and continued. However, accepting terms of adjustment may, in reality, mask a desire to delay enforcement without any intention of compliance. Normally, the only recourse available to a commission under the statutes is to reopen the case and notice it for public hearing. The unwieldiness of such a process indicates that commissions should be particularly cautious about agreeing upon terms of conciliation unless they are certain that respondents intend to comply fully.

-
21. "If you want to know the law and nothing else, you must look at it as a bad man, who cares only for the material consequences which such knowledge enables him to predict, not as a good one, who finds his reasons for conduct, whether inside the law or outside it, in the vaguer sanctions of conscience." Holmes, Collected Legal Papers 171 (1920).
 22. See also Mayhew, supra note 19, at 8: "The Commission is neither an employment nor a real estate agency; it does not try to fill the next vacancy with a Negro. Moreover, the Commission does not consider it appropriate to test the commitments which it obtains; entrapment would not enhance its reputation as an impartial arbiter."
 23. See "The Right to Equal Treatment: Administrative Enforcement of Antidiscrimination Legislation," 74 Harv. L. Rev. 526, 545-46 (1961).

Amendment of the act to authorize the Commission to execute conciliation agreements and consent decrees that would be judicially enforced with contempt sanctions would make for more effective enforcement.

More effective enforcement would also be facilitated by enlarging (or clarifying) the Commission's power to issue remedial orders, including authority to order the respondent to:

1. Compensate the complainant for losses incurred as a result of the discriminatory practice, such as expenditures for a more expensive housing accommodation during the pendency of the proceedings, and moving expenses that would not have been necessary if respondent had not violated the law.

2. Cease and desist from using the factors of race, creed, color, or national origin in any future housing transaction.

3. Direct his employees to obey the act, to include in his advertisements, for the following 90 days, notice that his accommodations are rented without regard to race, creed, color, or national origin, and to post such a notice at the site of his housing accommodations.

4. Inform the Commission concerning the number of apartments available, their size and rental prices.

The Commission's order in the case of Massachusetts Commission Against Discrimination v. A. J. Colangelo,²⁴ decided by the Supreme Judicial Court of Massachusetts in 1962, contained remedial provisions of these four types as well as a paragraph directing respondent (who had unlawfully refused to rent an apartment to a Negro) to offer the same or similar accommodations to the complainant.²⁵ The court upheld the order directing the respondent to offer complainant the same or similar accommodations but instead of directing enforcement of the other four provisions, it suggested that the parties move to recommit the case to the MCAD "for further proceedings relating to certain specific issues raised by the

24. 182 N.E. 2d 595 (Mass. 1962).

25. Annual Report of Mass. Comm. Against Discrimination, Jan. 1, 1961, to Dec. 31, 1961, pp. 21-22.

remaining" provisions.²⁶ The case later was settled by stipulation between the parties, and in the absence of a court ruling, the remedial powers of the Commission in these respects remain unclear.

Apparently the worst that can now happen to a respondent is that he will be ordered to make an offer of the identical or comparable accommodations if they are available; and if they are not available, all he need do is sign the "I-promise-to-be-good" letter. If the Commission were unmistakably granted the power to order the respondent to cease and desist from further unfair practices (the violation of which would subject him to the court's contempt power) and to award compensatory damages or administrative fines²⁷--the incentive for compliance should be greater.

Former Assistant Attorney General Gerald Berlin, who was the head of the Division of Civil Rights and Civil Liberties in the Office of the Attorney General from the time of its establishment in October 1958, until January 1963, testified at the Open Meeting of the Advisory Committee. Although he recognized that "the equal opportunity laws and the agency which enforces them together exert a prodigious affirmative force upon the community in realizing the ideal of equality," Mr. Berlin criticized the statutes administered by the MCAD in detail.

26. See 182 N.E. 2d 603-604: "This being the first case of its kind to reach this court, it would be unfortunate if certain features of the order, which may become standard, should be established by default. Various parts of the order raise doubts whether the Commission has not in some respects exceeded its authority by imposing requirements upon the respondents which seem particularly extreme in a case of first impression where the basic issue is one of the general constitutionality of the statute. Accordingly, in the interests of justice and of a helpful presentation of similar cases in the future, we shall deal with the order . . . [by suggesting that] if either or both of the respondents within seven days from the date of the rescript file a motion or motions with this court asking that the case be recommitted to the commission for further proceedings relating to certain specific issues raised by the remaining paragraphs, we shall make a further direction."

27. See Commonwealth v. Dias, 326 Mass. 525, 95 N.E. 2d 666(1950); Gellhorn "Administrative Imposition of Penalties" in Administrative Law Cases and Comments 322-52 (2d ed. 1947; Record, pp. 115-17.

Mr. Berlin commented that the language of the enabling statute was unnecessarily complicated, partly because of a too literal following of the wording of Federal and State labor relations acts and partly because of the frequency with which the act had been amended. Mr. Berlin also felt that the procedures set forth in the act were cumbersome and reflected an ambiguous concept of the role of the enforcing agency. He believes that it is not altogether clear when the MCAD has the responsibility to initiate action, when it is the complainant, and when it is the arbiter. He noted that it has never been firmly established that the MCAD has the right to issue cease and desist orders--a right he termed "absolutely indispensable." Mr. Berlin stated that the law has "an appalling number of procedural and substantive loopholes,"²⁸ citing by way of illustration the fact that Puerto Ricans have recently learned that discrimination on account of nationality is not covered in the public accommodations section of the law.

Finally, Mr. Berlin was critical of the cautious philosophy of enforcement relied upon by the MCAD. He believes that the incidence of individual discrimination complaints is in no way commensurate with the extent of discrimination in the community. He stated that chronic patterns of discrimination are self-evident and form an ample basis on which the Commission could employ its seldom-used power to proceed with complaints on its own initiative. He believes that the traditional emphasis on conciliation is no longer necessary and that the Commission's staff should be widely deployed to identify discriminatory practices in the community. He urges the imposing of more stringent conditions to carry out negotiated settlements including the entry of consent decrees in selected cases so that more effective enforcement could be secured whether or not there was a final hearing.²⁹

Mrs. Mildred Mahoney, chairman of the MCAD, took issue with Mr. Berlin's charge that administration of the laws had not been sufficiently vigorous. She quoted the statutory provision for an initial period of "conference, conciliation and persuasion" and stated that the case record indicates great success in resolving complaints in the conference period.³⁰ Mrs. Mahoney's concept of

28. Berlin statement, p. 4.

29. *Id.*, pp. 4-5. See also Boston Globe, Dec. 26, 1962, p.8; "State agencies have lost face with Negroes here. In the sixteen years of its existence the Massachusetts Commission Against Discrimination has only taken six cases to court."

30. Statement of Mrs. Mildred Mahoney, chairman of MCAD, submitted at the Open Meeting of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights, Mar. 5, 1963, pp. 1-2.

the role of the Commission which she heads is summed up in her statement that the most important thing it can do "is to try to develop better group understanding and respect."³¹

The Advisory Committee does not expect to resolve the conflict represented by the different approaches of Mr. Berlin and Mrs. Mahoney. It does, however, invite attention to the fact that with enactment of chapter 197, "the coverage of the Fair Housing Practices Act . . . is extended from less than 15 percent of our housing to over 90 percent"--a sixfold increase.³² It will be recalled that Mr. Berlin expressed the following sombre judgment concerning the situation as it existed before enactment of chapter 197: "The enforcement and procedures are not only too lengthy to be of much use in a good many of the complaints under consideration, but are too slow and complex to allow the agency to handle the complaints in any large volume."³³ That the massive increase in coverage effected by chapter 197 will exacerbate this problem seems clear. Legislative and administrative efforts to simplify and streamline the substantive and administrative provisions of the act would therefore appear to be in order.

-
31. Record, pp. 101-102. See also Record, p. 112: "My brief approach with the Commission does not impress me with them being timid people. What is involved is a basic difference in philosophy. The question which the Commission has tried to answer, and other people are seeking to answer, is whether or not the statute can be made more effective by taking a more militant point of view, by subjecting the respondents . . . to more rigorous demands and by taking more matters to court, by insisting upon more stringent bases for conciliation." Testimony of Leo H. Kozol, Assistant Attorney General in charge of the Division of Civil Rights and Civil Liberties of the Office of the Attorney General.
 32. Statement by Governor Peabody at the signing of the bill that extended the coverage of the act, *supra* note 3. The effective date of chapter 197 is July 1, 1963.
 33. Berlin Statement, p. 2. See also quote in text at 44, footnote reference 28.

5. Conclusions and Recommendations

CONCLUSIONS

1. Boston, like most of the larger New England cities, experienced in the decade 1950-1960 a sharp increase in the Negro percentage of its population. In 1950 about 1 Boston resident out of 20 was a Negro; in 1960 the ratio was about 1 to 11. This shift is the product of a decrease in white population (-17 percent) and an increase in the Negro population (+58 percent). The indications are that this trend is continuing and that Negroes will constitute an increasing percentage of the residents of the City of Boston.

2. Within the City of Boston, the Negro population is strongly concentrated in Roxbury, North Dorchester, and the South End. In these contiguous neighborhoods live half of all the Negroes in Massachusetts, and all but 1,500 of the more than 63,000 Negroes in Boston; in short, Boston's Negro population is segregated within the city.

3. The housing occupied by Negroes in Boston is in poorer condition than housing occupied by whites. As the categories of unsound housing decline from substandard to deteriorated to dilapidated, the ratio of Negro to white occupancy increases.

4. Boston Negroes pay a disproportionately high rent for the inferior housing which they occupy. Half of the white families occupying substandard dwellings pay less than \$60 per month rent; among the Negro families occupying such dwellings, no more than 38 percent are in this low rent category. Only two white families in eight pay more than \$70 per month for substandard dwellings, as compared to three Negro families in eight. The Negro population of Boston thus pays substantially higher rent for substantially worse housing. Since Negro incomes tend to be lower than those of whites, the Negro in Boston pays a higher percentage of his income for his less satisfactory accommodations.

5. The neighborhoods of overpriced, substandard dwellings in which many of Boston's Negroes live tend to have the common attributes of present-day ghettos: higher rates of infant mortality and tuberculosis, poorer educational and recreational facilities, more noise, more filth, more traffic congestion, and more delinquency.

6. Many Negro children in Boston are thus exposed to the kind of segregated neighborhood environment that is productive of feelings of inferiority and of indifference to the broader opportunities that are becoming available to trained, educated Negroes.

7. The concentration of Negroes in overpriced, substandard housing persists in part because of discrimination practiced by home and apartment owners and real estate brokers in Boston and in the suburbs. Statements made at the Advisory Committee's Open Meeting on March 5, 1963, demonstrate that a Negro searching for better housing accommodations in the Boston area today is likely to be subjected to frustrating and humiliating experiences.

8. Patterns of discrimination range from blunt refusals ("We don't rent to colored") to various types of evasion and discouragement, including:

--Statements that the apartment has been rented (after which the "For Rent" sign reappears in the window);

--Statements that the house has been taken off the market (after which it continues to be advertised in the newspaper);

--Questions concerning income, number of children, etc. (asked of nonwhite prospects only);

--Disclaimers of prejudice with apologies that the premises are unavailable because the neighbors, other tenants, or the broker's principal object to Negroes;

--Dissuading the prospect by avoiding him, showing him undesirable properties, and delaying at every opportunity.

9. The Committee believes that housing discrimination is reinforced by the fact that Negro brokers apparently do not participate in the Multiple Listing Service of the Boston Real Estate Board. This practice tends to limit the potential Negro homeowner's access to dwellings in nonsegregated areas.

10. Numerous groups interested in civil rights in general or in the welfare of Negroes in particular have been active in seeking equal housing opportunities for Negroes. Fair Housing Committees--indigenous organizations of private citizens--exist in more than 40 communities in the Boston area. These committees sponsor educational programs, solicit agreements by persons selling homes to list them on an open occupancy basis, attempt to establish good

relations with realtors, accompany Negroes in their search for housing, inform them of their rights under the applicable laws, provide "testers" and stand by to offer assistance and advice when new families move into a given neighborhood.

11. The Fair Housing Committees work closely with Fair Housing, Inc., a charitable, tax exempt corporation. Fair Housing, Inc., operates a clearing house or office in Roxbury which maintains a central file of open occupancy listings and homeseekers and which acts as a liaison between families seeking housing and Fair Housing Committees in the suburbs and the central city. The United States Housing and Home Finance Agency recently approved a substantial grant to Fair Housing, Inc., to carry on a 2-year program to demonstrate improved methods of locating housing for socially disadvantaged, low-income families.

12. The coverage of the Massachusetts Fair Housing Practices Act was greatly increased as a result of a 1963 amendment prohibiting discrimination in the sale or rental of all housing accommodations except the rental of a unit in a two-family dwelling in which the owner occupies the other unit. The act is administered by the Massachusetts Commission Against Discrimination--three commissioners¹ and 14 staff employees--who act on individual complaints as received and emphasize education, conciliation, and persuasion in administering the law.

13. Although the Fair Housing Practices Act has helped some Negroes to secure integrated housing, its procedures have not been widely invoked by those whom it is intended to benefit. The total of 243 housing complaints filed during the years 1958-1962 is not a measure of the extent of housing discrimination in the Commonwealth.

14. The language of the act is confusing, its procedures are time consuming, its enforcement provisions are cumbersome and in some respects ill-defined, and the primary emphasis in administering the act has been the resolution of individual complaints through a process of conciliation, persuasion, and education.

15. Those in the business of selling or renting land, houses and apartments, including local housing authorities, should be familiar with Commonwealth policies on the matter of housing discrimination in view of the existence of forms of fair housing legislation in Massachusetts for 15 years, in the light of the increasing educational activities and direct action programs of private groups,

1. Mass. Laws 1963, ch. 719, signed by the Governor on Sept. 23, 1963, and effective 90 days thereafter, increased the number of members of the MCAD from three to four.

and particularly because of the sudden and pervasive impact of civil rights matters on the national consciousness in 1963. The ancient presumption that everyone knows the law could in all fairness be applied to respondents in housing discrimination cases.

16. While the Fair Housing Practices Act is available to assist a Negro who is willing and able to move to better housing accommodations, it does not help the vast numbers of those who continue to live in apartments and flats which are below standards for health and safety and above standards only in rent. Census figures on substandard, deteriorating, and dilapidated dwellings suggest that housing codes may not have been vigorously enforced. Negro families who cannot or will not move out of the demoralizing environment of substandard, segregated neighborhoods need and deserve resolute enforcement of housing codes.

17. The concentration of Negroes within the City of Boston is as marked in public housing as in private housing. In 1962, all but one of the 1,023 units in the Mission Hill project were occupied by whites, while in the Mission Hill extension project directly across the street, 86 percent of the units were occupied by non-whites. This pattern has persisted although discrimination in public housing has been unlawful for 15 years.

18. Those who most urgently need public housing continue to be large, low-income Negro families for whom the available supply of housing is decreasing. Public housing was created to supply the demands that private housing could not or would not fill--and the three principal factors that tend to limit the available private housing market to dilapidated tenements are in order of increasing importance: income, size of family, and color.

19. Although economic disadvantage and a shortage of low-cost housing are factors contributing to Boston's segregated housing patterns, discriminatory exploitation of the Negro population in matters of housing is undeniable. The 1959 finding of the United States Commission on Civil Rights that "housing . . . seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay" is still an urgent fact in Boston in 1963.

RECOMMENDATIONS

1. We recommend that the United States Commission on Civil Rights report to Congress and the President that despite the enactment of a fair housing law, widespread discriminatory housing practices continue to occur in Massachusetts.

2. We recommend that the Commission on Civil Rights undertake a study of the administration of State and municipal antidiscrimination statutes and housing codes to determine the most effective means of securing vigorous enforcement thereof.

3. We recommend that the Commission on Civil Rights confer with the National Conference on Uniform State Laws and other appropriate agencies concerning the drafting of a Uniform or Model Civil Rights Act to aid the States in enacting clear, comprehensive, effective civil rights legislation.

4. We recommend that the proposed uniform legislation contain explicit provisions enabling a State commission or other authority to:

(a) Execute conciliation agreements and consent decrees judicially enforceable with contempt sanctions;

(b) Issue remedial orders directing the respondent to compensate the complainant for losses incurred as a result of the discriminatory practice;

(c) Issue orders directing the respondent to cease and desist from using the fact of race, color, creed, or national origin in future housing transactions;

(d) Issue orders directing the respondent's employees to comply with the act and requiring respondents to post for 90 days, and include in advertisements during such period, notice that the accommodations are available without regard to race, color, creed, or national origin;

(e) Impose money penalties for violations of the act;

(f) Suspend or revoke licenses of real estate brokers for violation of the act;

(g) Require owners of multiple dwellings to register their apartments with the Commission including the number vacant, their size, and rental figure.

5. We recommend that consideration be given to enactment of legislation containing effective sanctions for housing code enforcement. We refer to legislation similar to that introduced in Connecticut in 1963 and adopted in New York State in 1962, (sec. 309 of the Multiple Dwelling Law), which authorizes the courts, at the expiration of a given period of noncompliance with the housing code, to designate the city as receiver of rents. Such legislation, enabling the city to apply rental funds for correction of code violations, appears to provide to the owners of substandard apartments the greatest incentive for complying with housing codes.

6. We recommend that Executive Order No. 11063 on Equal Opportunity in Housing be amended to include all public housing currently receiving Federal assistance so that continued annual Federal payments be made contingent upon demonstration of compliance with the provisions of the order barring racial discrimination in the rental of facilities provided in part with the aid of Federal funds.

7. We recommend that in the allocation of Federal funds for public housing, the highest priority be given to the provision of facilities for large families of low income. We urge that such funds be used to construct small clusters of suitable housing units or to subsidize private housing that complies with applicable building codes by applying funds to pay the difference between the fair market rental of the unit and the rent that would be paid for a public housing unit of comparable size.

8. Finally, we recommend to our fellow citizens in the Boston area that more of them join in the work of the Fair Housing Committees and similar activities in their communities. More vigorous and effective action by Federal, State, and local authorities is important. But in President Kennedy's words, "Justice cannot await too many meetings. It cannot await the action of the Congress or even the courts. We face a moment of moral and constitutional crisis, and men of generosity and vision must make themselves heard in every part of the land."²

2. Address before the 30th Annual Conference of the U.S. Conference of Mayors, Honolulu, Hawaii, June 9, 1963.

Appendices

APPENDIX I. Annual Housing Report, Fair Housing, Incorporated
April 1962 - March 1963

This report seeks to summarize the housing activity of the Clearing House service during the past year.

It describes the manner in which the Clearing House now functions, its history and development, and its relation to Fair Housing Committees and housing aides in suburban and urban areas radiating around Boston.

It then sets forth in statistical fashion the results of housing activity from April 1961 to March 1963 and discusses in particular the housing activity of the past year.

Introduction

Fair Housing, Incorporated, a charitable, tax exempt corporation, was formed primarily to maintain a housing service for families who, because of their race, religion, color, or national origin, find it difficult to buy or rent housing on the open market in areas of their choice.

The corporation draws a share of its financial support from individual membership. For the remainder, applications for foundation and government grants have been filed.*

* During the writing of this report the United States Housing and Home Finance Agency approved a substantial grant to Fair Housing, Inc., to carry on a 2-year program to demonstrate improved methods of locating housing for socially disadvantaged, low-income families.

This grant will enable Fair Housing, Inc., to expand its housing services by increasing its staff to include a salaried executive director and other necessary personnel, conduct field work in areas where low-cost housing exists, and undertake new activities still in the planning stage. The Clearing House will continue its present services to middle-income homeseekers, but there will be greater emphasis on locating housing for families of low-income over a broader area of greater Boston.

A housing office, located in Freedom House, 14 Crawford Street, Roxbury, is open daily from nine to five. The housing service is supervised by two volunteer directors and the office is staffed by a full-time, salaried office manager.

The housing office acts as a liaison between families who need housing and volunteer contacts in over 50 communities who search out nonsegregated opportunities through realtors, newspaper advertisements, and other means. (See figure 1.) Homeseekers are offered guidance and assistance in visiting sellers, landlords, and realtors, and advice as to their legal rights under Massachusetts housing laws. The office provides a monthly open occupancy listing service and maintains a file on apartments. Homeseekers are given information concerning transportation, price ranges, education, and services in suburban communities previously considered "out of bounds."

The directors and local housing workers attempt to establish good relations with other service agencies, realtors, and the general public. They provide a contact with the nonwhite community and offer a forum for those working in fair housing to exchange ideas and coordinate their activities.

The Origin of Fair Housing

In the past 5 to 10 years, groups of residents in suburban communities became aware and concerned about the all-white nature of their neighborhoods and towns. This concern led to citizen participation in initiating public forums, good neighbor programs, and housing committees, in an effort to break down the barriers which have restricted Negroes to segregated, urban living. This grass roots movement seemed to develop spontaneously around the larger urban centers throughout the country, and by 1960 there were about 18 local housing committees in a radius around Boston.

Although individual committees worked to achieve equal opportunities in the sale and rental of housing, each committee had little access to those families living in the urban, segregated sections of Boston, who comprised the potential buying and renting market.

In recognition of this need, the American Friends Service Committee organized a Clearing House in Cambridge where minority group families who wanted assistance in finding nonsegregated housing could be put in contact with Fair Housing Committees and others working in this field.

At about the same time, a Greater Boston Federation of Fair Housing Committees was formed to coordinate the activities of local committees and to secure a united effort for civil rights legislation and education.

Today the Federation has expanded to represent over 40 towns and communities in and around greater Boston. The local units sponsor educational programs to create a climate in which housing can be made available to all people without regard to race, color, religion, or country of origin; help families to obtain housing in communities of their choice; and stand by to offer assistance and advice when new families move into a given neighborhood.

When the "Friends" discontinued their housing service in March 1961, the Fair Housing Federation took over the administration of the Clearing House. The Federation supported the Clearing House for almost 2 years, but it found that this operation imposed an increasingly serious drain on its financial resources.

At a meeting on January 15, 1963, the Federation agreed to discontinue its operation of the Clearing House and on February 1, 1963, the housing service formally came under the auspices of Fair Housing, Incorporated.

It should be emphasized that the time volunteered by housing committee members and aides has contributed to make the housing service a success.

The local committee members often work cooperatively with realtors in their own communities, obtain open occupancy listings, carry on educational programs, and accompany families in their search for housing.

Housing aides are volunteers who assist homeseekers in urban areas where, for the most part, there are no active committees. The aide is assigned to one family and usually works in the field of rental housing.

The housing office is located in an area where an urban renewal project is under way. Families are relocating, citizen education programs are being conducted by several organizations, and many families are seriously contemplating the move out of a segregated neighborhood for the first time. Word of mouth reports about success in finding housing through the Clearing House are bringing new families to seek our assistance. Three times as many families applied for help this past year as did the year before.

An Overall View of Housing Activity

In the 2 years from April 1961 to March 1963, 227 families came to the Clearing House for assistance. Of these, 57 homeseekers are currently looking for housing as of March 1963.

Figure 2 shows what has happened to the 170 families who have concluded their search for housing during the 2 years. It presents a summary of total housing activity, and then breaks down into statistics for rentals and sales. It compares activity in one year with that in the other. This table and the bar graphs in figures 3A and 3B serve as a basis for three observations:

First, there has been a marked increase in activity over the 2-year period. Of the 170 families who have received help and are no longer looking, 46 were active during the first year, and 124 the second. The March 1963 listing of 57 families currently seeking housing is the largest monthly listing to date. Reasons for the steady increase in the number of people who apply for fair housing assistance would seem to include the following:

A growing awareness of the housing service resulting from publicity, referrals from homeseekers who have had successful experiences and the urban renewal and road building projects which force people to find new housing;

referrals from personnel managers in industrial concerns and agencies such as the Boston Redevelopment Authority, Commission Against Discrimination, National Association for the Advancement of Colored People, Urban League, American Friends Service Committee and others;

improvements in communication and coordination between the network of housing committees and housing aides and the Clearing House office.

Second, the graphs in figures 3A and 3B give us an idea of how successful the Clearing House operation has been. This report focuses on the 124 families of 1962 to 1963, but it should be noted that the proportions for 1961 to 1962 do not differ greatly.

Of the 124 families who concluded their search for housing (1962 to 1963) about one-third (30) found housing through the fair housing service or through agencies recommended by the Clearing House (10). About two-fifths (48) located housing on their own. About one-fifth (23) stopped looking, or were dropped (3) because they couldn't be reached after the initial contact. Almost all those who stopped looking temporarily have been reinstated on current lists.

It is difficult to be certain what degree of success on the part of the housing service these figures represent. Some of the 23 families may have stopped looking for housing because of a change in job location, inability to sell presently owned homes, an unrealistic view of financing the purchase of a home, only a half-hearted desire to move, or a death in the family.

It is also somewhat misleading to draw a sharp line between those who find housing on their own, and those who locate through the housing service. Some families pick up much experience looking for housing with a committee worker or aide and gain enough experience to find housing on their own.

However there are important differences between those who locate through fair housing assistance and those who do not.

All those who secure housing directly through the housing service are now living in previously all-white or stable, integrated areas. At least one-half of those who find housing on their own locate in neighborhoods which already are, or are in the process of becoming, segregated.

In the 2-year period which this report covers, 13 families have found housing directly through fair housing activity during 1961 to 1962, and 40 families found housing from 1962 to 1963. While these figures do not appear to be staggeringly high, it should be emphasized that each of these 53 instances represents a genuine contribution to integrated living, and this fair housing activity has been developing at an accelerating pace.

Third, the Clearing House has thus far been somewhat more successful in helping applicants who want to buy homes than those who seek rentals. To a great extent this can be attributed to the fact that most purchases occur in areas where fair housing committees have been established for some time. The committees may maintain listings of available homes for sale. They may be able to recommend cooperative realtors; many have become nonprofessional "experts" in housing for minority groups.

At the same time, we can expect an increased demand on the Clearing House for rental housing. During the first year slightly more families wanted to buy (25) than to rent (21). But from 1962 to 1963 the trend has been reversed and 70 families applied for aid in rental housing, while 54 were interested in purchasing homes. This trend should become accentuated as a result of urban renewal, and the corporation's undertaking of the demonstration project to help low income families. It is clear that we shall have to develop new and improved methods for dealing with rental housing.*

Geographic Analysis of Housing Activity

We have found that successful placement seems to be related to some extent to the area from which applicants come before seeking our assistance. (See figures 4A and 4B.) Of the 70 families who applied for rental housing from April 1962 to March 1963, almost 40 percent (26) came from out-of-State, over 20 percent (15) came from Roxbury and 40 percent (27) from other greater Boston communities.

It is evident that the out-of-State families are more successful than any other group in locating rental housing in nonsegregated suburban areas. Many homeseekers in this group are professionals in the scientific industries, they have already taken the first steps toward integrated living, they can often afford a higher average rental, and they do not have ties or fixed ideas as to location.

Despite these facts, a number of out-of-State families found rental housing on their own in areas which are racially segregated or where the balance of Negro-white population is changing. Most of these homeseekers had a time problem, i.e., families were waiting out of town, or they had temporary quarters at an expensive motel.

Only 2 out of the 27 families from the greater Boston area located housing through the housing service, and 2 were aided by other agencies (University Housing). Of the remaining 23 families from this geographic area, one-half stopped looking, 2 settled in segregated neighborhoods, and 9 found housing on their own in integrated areas after much experience in looking with fair housing volunteers.

* During the few months required for the drafting of this report increased effort has been put into working with families interested in rentals and as a result nine families have been able to find apartments through the Clearing House since March 1963.

In comparison, only 1 out of 15 families from Roxbury found an apartment through the Clearing House program and two were helped by other agencies. Three families gave up the search and 9 found housing on their own in segregated areas or on the fringe of all-Negro neighborhoods.

It is difficult to be certain what degree of success or failure these figures represent. Our sample is small. Yet some patterns occur too often to be accidental or coincidental. Most applicants from Roxbury are interested in locating in the "inner suburbs" close to public transportation and their jobs, where with but few exceptions there are no housing committees. Most of these families are in the lower income brackets while prices in the nearby suburbs with active committees are high. For the most part, realtors in neighborhoods are not cooperative although discrimination is often difficult to prove for legal purposes. Many of these families are reluctant to take an apartment obtained through pressure techniques or through conciliation by the Commission Against Discrimination for fear of the problems involved in living (especially with children) in a hostile neighborhood or apartment house. Many home-seekers accept segregated housing rather than go through the humiliation and embarrassment of a succession of unrewarding attempts to find housing in an area of their choice. The apartment in a two-family house which is available to low-income families is not covered by legislation, and owner-occupants of these houses, in general, are not yet receptive to the idea of integration.

The fact that close to 30 percent of the applicants stop looking may result as much from their lack of a strong desire to move as from defects in the Clearing House operation. Some people register at the office because of curiosity, others apply for assistance but will not be ready to move for as long as a year or more. One would have to have comparable statistics from real estate brokers to evaluate the significance of the number of families who apply and then stop looking.

The picture on housing sales, 1962-1963, is entirely different from that relating to rentals. The out-of-State group is negligible, making up less than 10 percent (5) of the total. The remainder consists of about 35 percent (19) from Roxbury and a little over half (29) from the greater Boston area.

The housing service has been able to assist about one-half the families who came from Roxbury and one-fourth of those from greater Boston. These homeseekers bought homes in previously all-white or integrated communities.

Approximately one-half the homes bought by families on their own were located in nonsegregated areas. In part, this may be a result of the advice and counsel given by housing workers and the Clearing House office concerning possible areas in which to locate, use of the open occupancy listing which stimulates interest in areas not previously considered and to a great extent the degree of success which some of the local committees have achieved in creating a receptive attitude among the town realtors.

Another note of interest lies in area selection. During the interview process the applicant is asked for his choice of location. He is often unsure, and usually mentions two or three areas. Sometimes the husband will select different areas than his wife. (We often find discrepancies in price range too when interviewing husbands and wives separately.) In many cases the family has had little contact with suburban communities and a staff member may suggest alternative locations which are often accepted. Sometimes certain broad areas are specified, such as North Shore or near route 128 or the "inner suburbs."

From the multiple choices of those seeking rental housing the five communities most often chosen, in order of preference, are: Cambridge, Newton, Brookline, Waltham, and Boston. All but two families who rented apartments through fair housing assistance (including those who were aided by other agencies) located in areas they had selected. On the other hand, only two-fifths of the families who found housing on their own were able to locate in areas of their choice.

Among families who were interested in buying a home the communities most often selected, in order of preference, are: Newton, Lexington, Arlington, Cambridge, and the South Shore. About half the number of families interested in buying homes were able to locate in one of the areas selected beforehand.

It is almost certain that those homeseekers, who purchased houses through the efforts of fair housing in areas not previously specified, did so because they discovered suitable homes on the monthly open occupancy listings and because local committees in communities within the radius of the homeseeker's choice often encourage families to come out and look at the housing opportunities they have to offer.

Open Occupancy Housing

Open occupancy housing is housing available to people without regard to race, color, religion, or country of origin.

The State of Massachusetts has enacted legislation which covers virtually all housing excepting only apartments in owner-occupied two-family units, and individually owned homes, sold privately without a "public offering." This law becomes effective July 1, 1963.

During the period this report covers the housing service has been operating under housing statutes that prohibit discrimination only in the sale of homes which are part of a development of 10 or more contiguous houses, or the rental of apartments in multi-dwellings of 3 or more tenant occupied units.

Some housing committees have been able to work out a cooperative relationship with the realtors in their community. This is the aim of all those involved in programs for "freedom of residence." Of course the success of a committee in achieving an open market is not necessarily a measure of its efforts or its work. The committees are in varying stages of development and each has its own methods of helping minority groups. Each town has its particular characteristics. A community with a big turnover of homes may have more cooperative realtors than a town where few houses come on the market and competition among realtors runs high. Some towns may have much available land and mushrooming developments of homes or garden apartments. Others may have apartment units only in two or three family houses which have not previously been covered by law. Price ranges, distance from Boston, ethnical composition of the residents of a town, tradition, etc., all play an important role in the willingness of the citizens, leaders, and realtors to accept the principles of equal opportunity in housing.

With the knowledge (based on experience) that Negroes virtually could not buy or even see housing through regular real estate channels, the Clearing House and many of the local committees set up an "open" listing program. Housing workers telephone sellers of "owner advertised" housing within the price range of Clearing House applicants and inquire if the particular house is available to anyone regardless of race or religion. No pressure is put on the sellers.

Responses differ in the various communities and range from indignant refusals to towns where 40 percent of those called reply in the affirmative. The telephone campaign has the added advantage of giving the housing worker the opportunity to explain the work of the fair housing movement. In addition to these individual listings a number of realtors, brokers, and builders list houses on this monthly listing, and lists of foreclosed FHA houses are included and distributed monthly.

In April 1962, a total of 31 homes were listed as "available" with 5 in the "under \$18,000" range; in March 1963, 105 houses under \$30,000 were listed with 38 under \$18,000 (not including FHA listings). (See figure 5.)

This graph shows the number of houses listed and the range of asking prices on the March 1963 listing. It also shows the number of homeseekers and the prices they are willing to pay for housing. It is evident that the listing service offers minority families a selection of homes within their ability to pay.

Experience this past year has illustrated the value of making a choice of housing available to the Negro homeseeker. So many families have come to us as a last resort after looking by themselves or through real estate brokers. These are some of the stories most of our applicants tell of their past housing background:

We found a willing seller, but his neighbors made so much trouble he backed out.

Sure the realtor showed us houses, but only the ones no one else wanted.

We've been looking for 3 years but so far we have only been able to see the interior of two houses.

The agency says they have nothing in our price range, but they advertise homes for \$16,000 every Sunday.

In contrast, the listings which the Clearing House prepares give these homeseekers the opportunity to see a variety of homes, they can compare prices and value, they can go out on their own without fear of hostility or embarrassment. In fact some families, who have confined their search for a place to live to working with committees or looking only at open occupancy listings, have been able to buy or rent without ever experiencing discrimination.

The new, wide-coverage housing law which becomes effective this July will result in many changes in the housing market. On the assumption that most citizens are law-abiding, the Clearing House will no longer telephone to ascertain whether people will sell without discrimination. Instead the housing office will offer a free listing service. Landlords, builders, and realtors will be urged to list their properties with us and individual owners may list their homes or apartments directly or through the real estate company or companies they choose. In this way we will be working

with the real estate industry (rather than in competition with them) toward the goal of one day eliminating the need for Fair Housing, Inc.

To date open occupancy listings of homes for sale are more numerous by far than listings of available rentals. The shorter period of time that apartments stay on the market, and the fact that most low-cost rental housing is often advertised only by a "for rent" sign are some reasons which contribute to this.

Fair Housing, Inc., will continue to expand its services to all families needing assistance in locating housing, but it will concentrate on low-income housing for the next few years. We anticipate further development of the housing aid program, an emphasis on obtaining listings of apartments in two-family owner occupied houses which will depend on education and good will, and the establishment of better relations with agents and landlords in the field of rental housing.

Rents and Prices Which Applicants Are Willing to Pay

Housing prices presented here are those which applicants said they were willing to pay (1962 to 1963), and not what they actually paid for housing found. Our experience indicates that a family often pays more than the maximum originally specified, especially in the purchase of homes. However, there have been several instances in which families discover they could not afford the mortgage payments in their original estimation of what they could pay.

Figure 6 is an analysis of prices families offered to pay for rentals and purchases in terms of final disposition, i.e., in the following classifications: found housing through the housing service, found housing on own, or through agencies, and stopped looking.

Figures 7 and 7a illustrate in smoothed curves, the total number of families looking for housing in 1962 to 1963, and the price range they specified they were willing to pay for rentals and purchases.

The range in rentals was from \$70 to \$200 including heat. The median for all rental housing was \$100 and the average or mean was \$110. The median rental homeseekers through fair housing ^[sic]7. For these families the median rental was \$150 and the average \$137 with a range from \$75 to \$200. This is positive evidence that families, who could afford a higher rent and who were interested in locating in suburban areas where committee aid was available, could find accommodations through the Clearing House service.

Analysis of the data by occupation is impossible because there are too many categories and too few in each, but it might be noted that most of those who located through the housing service were in the "professional" category, i.e., doctors, engineers, and administrators.

The range in price preferred by the potential buyers was \$10,000 to \$30,000. The median price preferred was \$19,000, the average or mean, \$18,000. Nineteen families who located homes through fair housing efforts specified prices with a median of \$20,000 and an average of \$19,000, which is slightly higher than the figures for the group as a whole, but there is not the marked deviation in price choice in sales housing as compared to rentals.

Most of the families who were interested in buying a home desired three bedroom, single houses with a preference for newer homes and modern kitchens. A few who indicated an interest in two family houses actually bought singles.

The apartments sought varied greatly in size and families who needed large apartments (four or more bedrooms) in the \$75 to \$100 price range were least successful.

There are indications that the number of families looking for lower priced housing is increasing since March 1963. The supply of lower cost homes for sale, available through our listings seems to be increasing as well, and we expect this trend to continue.

Success in the future will depend on the degree to which we can interest potential buyers to consider the outer suburban areas where prices in general are lower, and persuade apartment seekers to pursue their legal rights not only in filing a complaint with the Commission Against Discrimination, but in following up when conciliation with a landlord or realtor is arranged.

The Negro Family and the Suburban Community

The Clearing House has attempted to keep in contact with many of the families who found housing through fair housing efforts. Almost all the families seem to have adjusted happily to their new community and a number of homeseekers have become active members of the local housing committees.

Problems of opposition and prejudice usually occur before the nonwhite family moves in. Local housing committees, people of good will in the neighborhood, and the clergy have been very helpful as leaders in accepting the new families and making them feel welcome. Other neighbors follow this lead as they get to know the family.

In a few instances, whites have sold their homes after a Negro purchased nearby, but committees have been singularly successful in preventing panic-selling. In one community, realtors agreed to cooperate with the committee to maintain the stable nature of a particular neighborhood. Some committees feel they have a responsibility to find white buyers in the event that a neighborhood shows signs of becoming all Negro.

We know of only one case where neighbors have not accepted a family although 2 years have elapsed since they moved into an apartment in a two-family house in a low middle-income neighborhood. (This family is now seeking to buy a house in a different town.)

What is the attitude of Negroes toward nonsegregated housing?

As one would suspect, attitudes vary from those who are pioneers to people who prefer the security of living among those with whom they can identify. There are families whose education and profession have given them enough background to be secure in a multi-racial or cosmopolitan community. Others are willing to stand firm in asserting their legal rights for equal opportunities in housing.

Some people become so bitter when subjected to discrimination they refuse to take further action in obtaining living accommodations in nonsegregated areas. And still others are interested in leaving the segregated neighborhoods, but want to remain close to the Roxbury social life. These families prefer to find housing on the outer edges of the Roxbury area in Dorchester, Jamaica Plain, Brookline, etc. These communities, where whites feel the threat of a spreading ghetto, are the most difficult in which to establish an interest in or understanding of fair housing.

We have early indications that a large percentage of families being relocated because of urban renewal prefer to remain in Roxbury, close to their work, friends, and relatives. This preference may change more rapidly than has been assumed in the past in the light of the new housing antidiscrimination law and the swiftly advancing movement for Negro rights which is exploding at this moment all over the country.

Conclusion

In the preceding pages we have discussed the housing activities of the Fair Housing Clearing House during the past year with some references to the year 1961 to 1962. These activities have been accomplished entirely through volunteer citizen participation and action from grass roots committees, the Federation of Committees and the Fair Housing, Inc., Clearing House.

It is significant that most of the families who were assisted in locating housing settled in previously all-white suburbs during a period when statistics show that nonwhite population declined in suburban areas and increased in segregated urban neighborhoods.

It is clear that the number of families seeking fair housing assistance has increased during the past 2 years and present indications point to even further acceleration of activity in the future.

In the coming year the Clearing House will concentrate on promoting the availability of existing housing for minority group families, establishing good working relations with the real estate industry, increasing the efficiency of the housing aid program, interpreting the new housing law to those seeking housing, making the Negro community aware of the opportunities for nonsegregated housing, and developing new methods for locating housing for low-income families.

The Federal Housing and Home Finance Agency grant and the promising possibility of private foundation support will give Fair Housing, Inc., the opportunity to join volunteer citizen activity with professional organization and direction.

May 1963

Sadelle R. Sacks,
Director

Figure 1

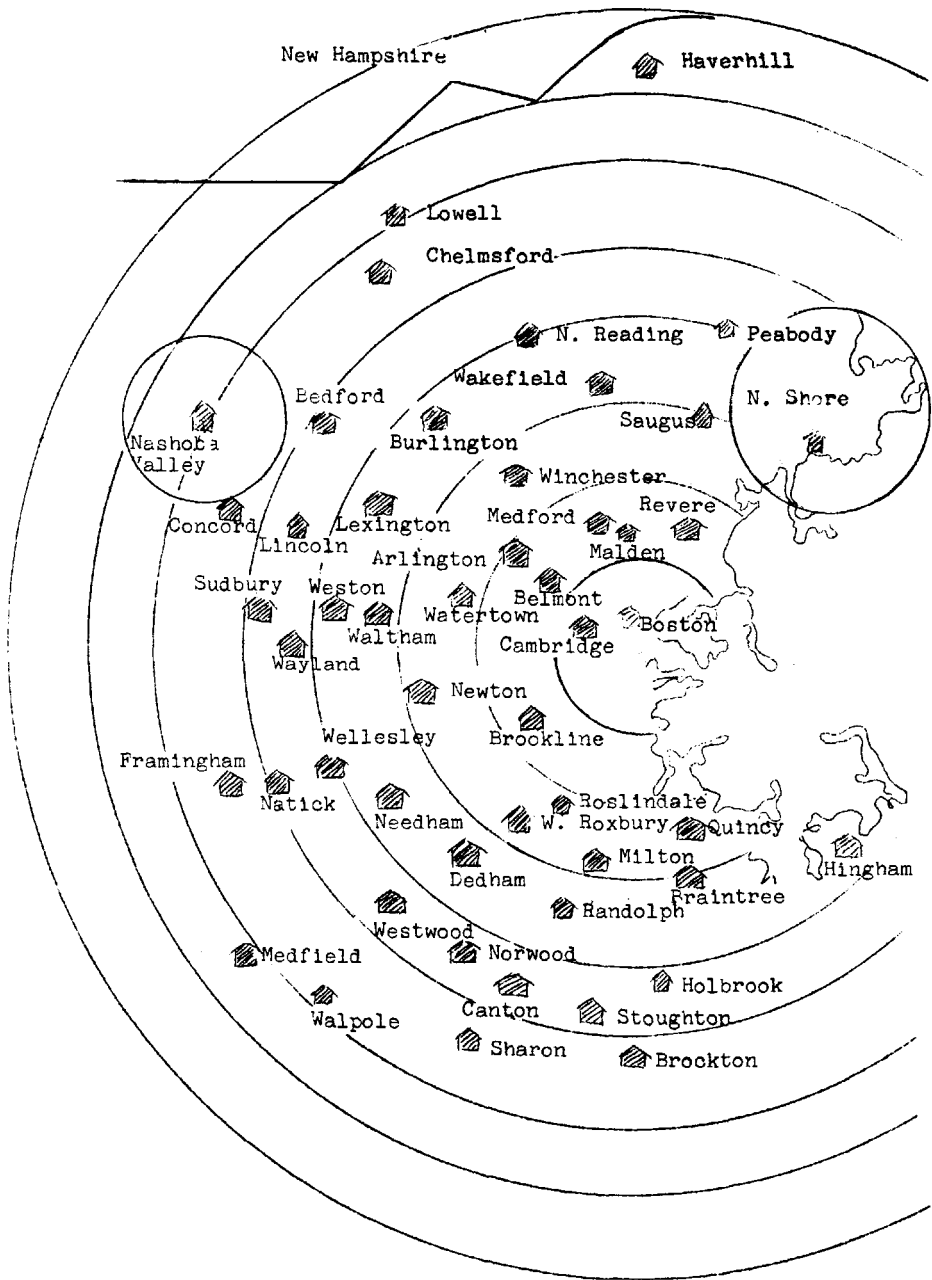


Figure 2

Housing Summary--April 1961 to March 1963

<u>Total housing disposition</u>	<u>Located housing through</u>			<u>Stopped looking</u>	<u>Stopped looking temporarily</u>	<u>Lost contact</u>	<u>Totals</u>
	<u>Fair housing activity</u>	<u>Other agencies</u>	<u>On own</u>				
April 1961 to March 1962	11	2	21	7		5	46
April 1962 to March 1963	30	10	48	23	10	3	124
Totals	<u>41</u>	<u>12</u>	<u>69</u>	<u>30</u>	<u>10</u>	<u>8</u>	<u>170</u>
<u>Rentals</u>							
April 1961 to March 1962	3	2	9	2		5	21
April 1962 to March 1963	11	10	28	14	5	2	70
Totals	<u>14</u>	<u>12</u>	<u>37</u>	<u>16</u>	<u>5</u>	<u>7</u>	<u>91</u>
<u>Sales</u>							
April 1961 to March 1962	8		12	5			25
April 1962 to March 1963	19		20	9	5	1	54
Totals	<u>27</u>		<u>32</u>	<u>14</u>	<u>5</u>	<u>1</u>	<u>79</u>

Figure 3A

Final Disposition of Applicants - Rentals

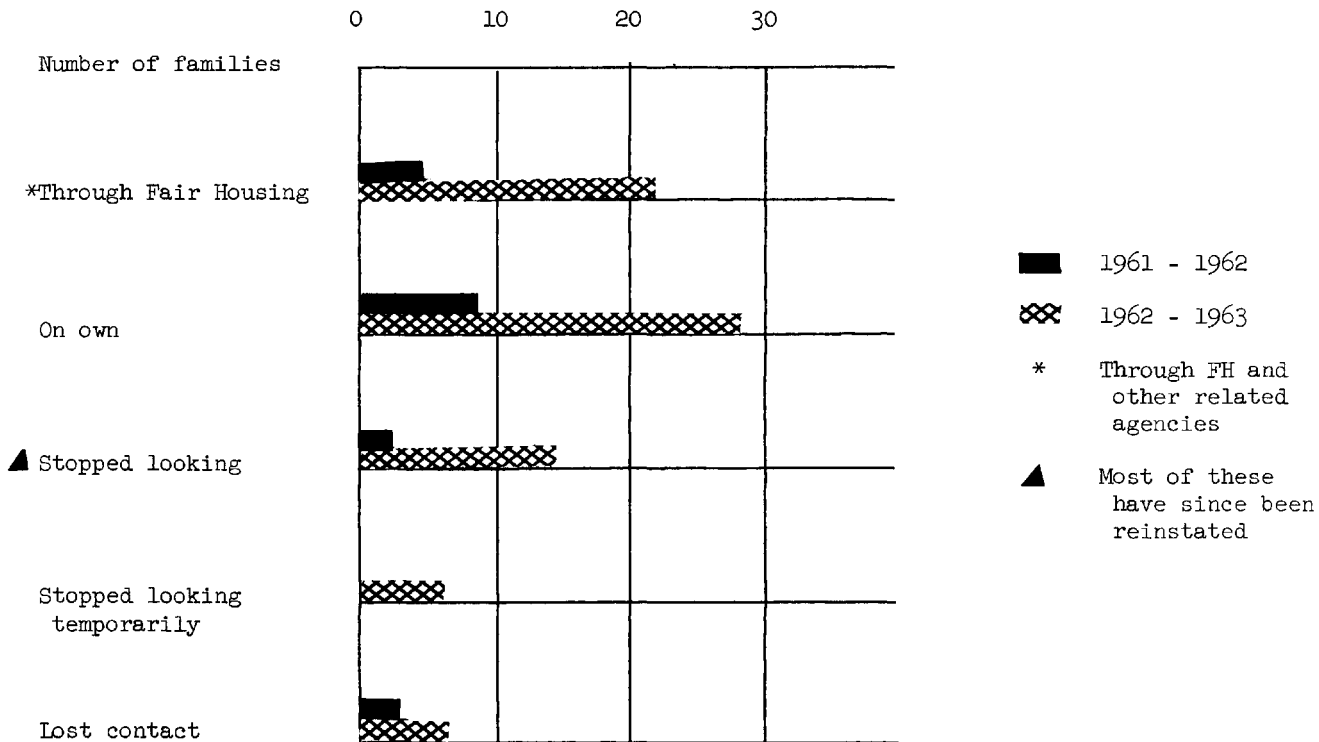


Figure 3B

Final Disposition of Applicants - Purchases

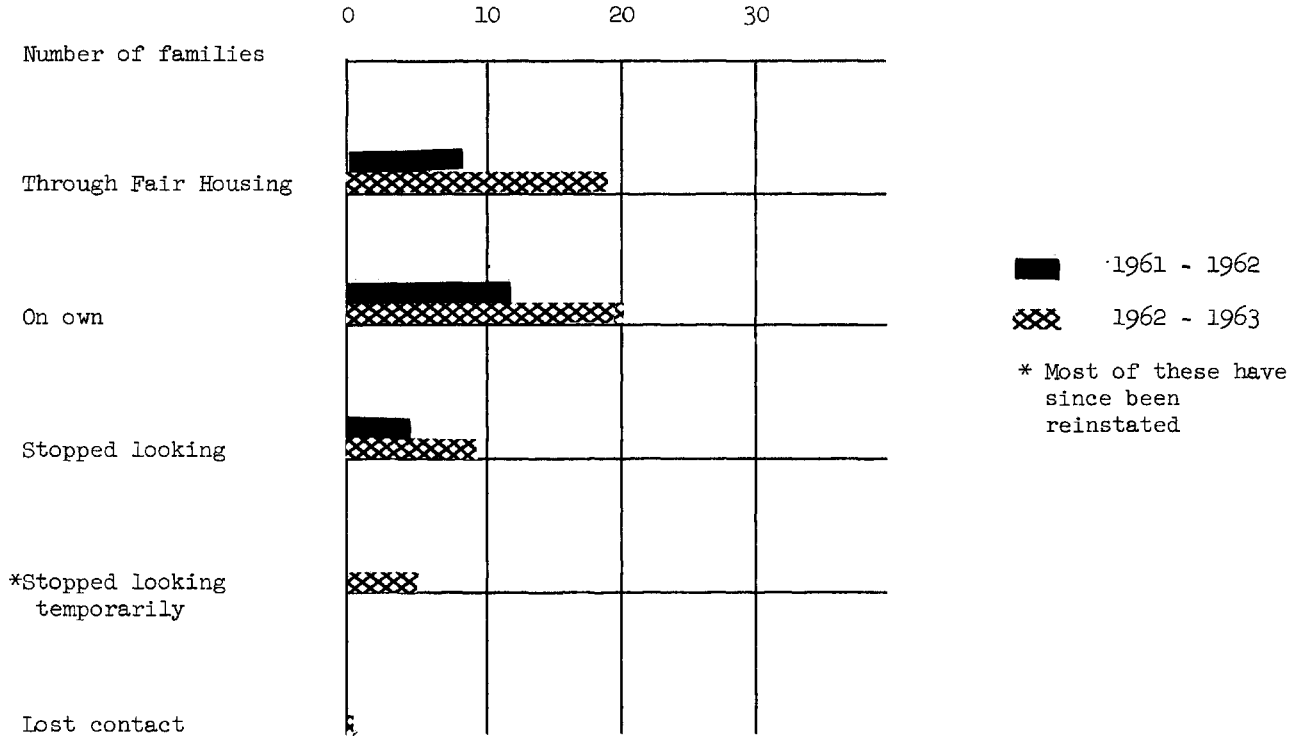


Figure 4A

Rentals Geographic Study 1962-1963

<u>Area from</u>	<u>Found housing through Clearing House</u>	<u>Found housing on own</u>	<u>Found housing through other agency</u>	<u>Stopped looking</u>
Roxbury 15	Beacon Hill (from URA area)	Roxbury Roxbury Roxbury Boston Boston Dorchester Dorchester Dorchester (from URA area) Medford	Cambridge Medford	3
Total 15	1	9	2	3
Dorchester		Randolph Roxbury Dorchester		
Total 6		3		3
Out of State	Framingham Wellesley Waltham Brookline Arlington Watertown Cambridge Natick	Cambridge Cambridge Dorchester Dorchester Dorchester Roxbury Maynard Natick	Cambridge Cambridge Cambridge Waltham Waltham Brookline	
Total 26	8	8	6	4

Brookline		Brookline		
3		1		2
Cambridge	Brighton		Cambridge	
3	1		1	1
Boston		Boston		
6		Brookline		
		2		4
Newton	Brighton(Toll Road)	Framingham	Newton	
3	1	1	1	
Billerica		Billerica		
1		1		
Jamica Plain		Lynn		
1		1		
Medford				
1				1
Springfield				
1				1
Belmont		Watertown		
1		1		
Wakefield		Wakefield		
1		1		
Total 21	2	8	2	9

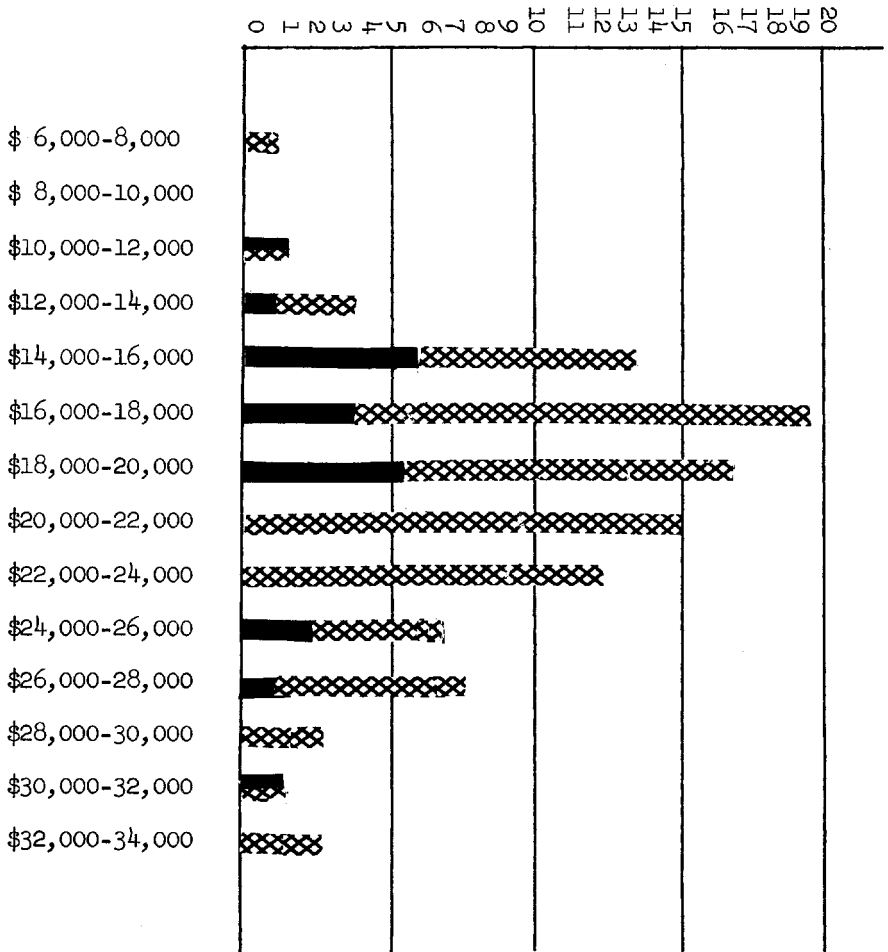
Figure 4B


Purchases 1962-1963

<u>Area from</u>	<u>Found housing through Clearing House</u>	<u>Found housing on own</u>	<u>Found housing through other agency</u>	<u>Stopped looking</u>
Roxbury (*URA area)	Lexington Waltham Burlington Stoughton Ashland Newtonville Wollaston N. Reading Holbrook* Newton*	Dorchester Dorchester Bolton Medford Holbrook* Newton		
19	10	6		3
Out of State	Burlington Framingham	Holbrook		
5	2	1		2
Dorchester		Dorchester Roxbury Roxbury Braintree		
10		4		6
Boston	Arlington Bedford	New Bedford		
4	2	1		1
Newton		Newton Newton Cambridge		
3		3		
Cambridge	South Shore	Cambridge Cambridge		
4	1	2		1
Medford Malden	Bedford			1
Somerville Oxford Holbrook	Sharon Natick Needham			
Weston Wellesley Framingham		Framingham Wellesley Sudbury		
8	4	3		1
Totals 53	19	20		14

Figure 5

Fair Housing Demand and Supply for One Month Period



 Price range of houses available on March 1963 Open Occupancy List.


 Price range specified by applicants on March 1963 Clearing House List.

Figure 6

Rents and Purchase Prices Homeseekers Offer to Pay¹
1962-1963

	Median rental	Average rental	Median purchase price	Average purchase price
Located through Fair Housing Service	\$150	\$137	\$20,000	\$19,000
Located through other agencies	\$105	\$118		
Located on own	\$100	\$101	\$18,000	\$17,750
Stopped looking	\$100	\$104	\$18,500	\$18,000
	Range--\$70 to \$200		Range--\$10,000 to \$30,000	
<p>1. Does not refer to actual price paid. Rental figures are for heated dwelling units.</p>				

Figure 7

Rental Price Specified by Homeseeker

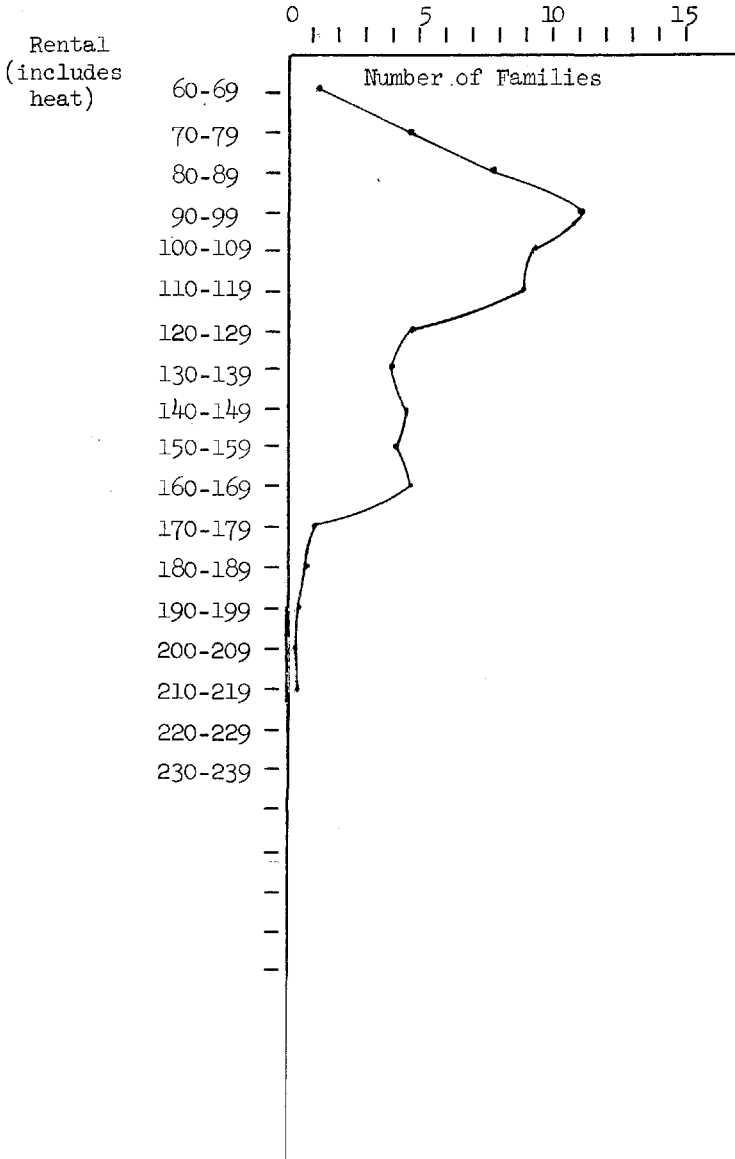
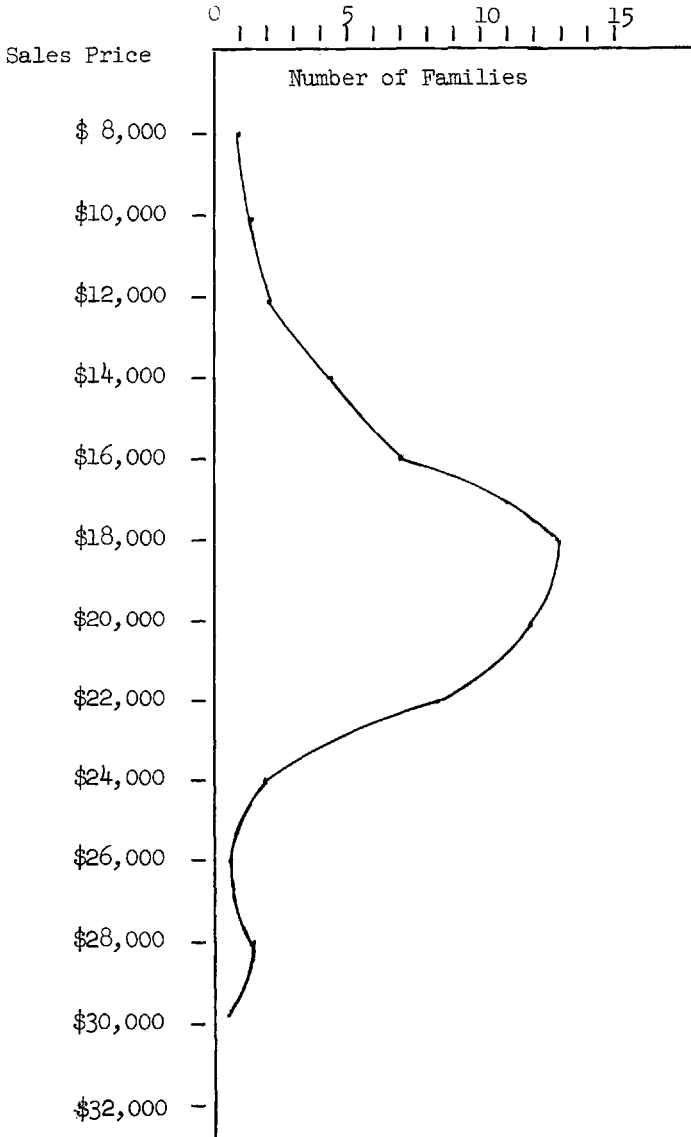


Figure 7a

Sales Price Specified by Homeseeker



APPENDIX II. Boston Housing Authority Press Release, June 19, 1963

The Boston Housing Authority today unanimously adopted a statement of policy on tenancy in public housing, it was announced by Edward D. Hassan, Chairman of the Authority. One of the purposes of the statement, he said, is to demonstrate the intent of the Authority to achieve and to maintain integrated housing developments.

In releasing the statement containing the policy, Mr. Hassan stressed that public housing is public business and that it must demonstrate a capacity to contribute to the general welfare of the community and the Nation.

He noted that the policy represents a renewed commitment by the Housing Authority to play a positive and constructive role in solving the problems of the community through planning with people who have the community's welfare in mind. He also pointed out that the policy is a reaffirmation of the intent of the Housing Authority to conduct a model public housing management program. Members of the Authority voting with Mr. Hassan in favor of the statement of policy were Jacob I. Brier, Vice Chairman; Victor C. Bynoe, Treasurer, Charles H. Savage, Assistant Treasurer, and Cornelius T. Kiley, Secretary.

The statement follows:

The existence of a complaint pending with the Massachusetts Commission Against Discrimination, filed by the NAACP against the Boston Housing Authority is a factual circumstance that imposes an obligation upon all affected parties to resolve the issue promptly. Applicable laws must be respected; profound matters of basic social import are involved; whatever conclusions are reached will have great impact upon trends and tempers in the days ahead.

The public housing program in Boston, nevertheless, must function responsibly irrespective of the existence of a complaint. The Housing Authority starts with the premise that it wants its operations performed responsibly. From this standpoint, policy recommendations for consideration by the Authority and administrative practices and procedures to be undertaken by the staff are being proposed consistent with responsible public housing management. The complaint exists; it must be resolved; but there is a much broader spectrum of integrity in public housing operation than is represented by the subject matter of the complaint. Moral issues in public affairs are not limited to any one segment.

Hopefully, the immediate issue can be resolved through obtaining the consent between the complainant and the respondent to a series of stipulations which entail performance that can be evaluated at any time in the future as conditions of compliance.

There is no reason, however, to regard the date of an official resolution of the NAACP complaint by the MCAD as a first point of beginning policy and administrative improvements in public housing management. That point is now and, in effect, has begun.

Public housing is public business. It must demonstrate a capacity to contribute to the general welfare of the community and the Nation. As part of the arsenal of public resources devised to cope with the problems and complexities of urban living, its focus--peculiarly and exclusively--is on people and their housing needs. All segments of the community have a great stake in the effective functioning of the public housing program.

There is a broad interest, therefore, in the conduct of the Boston Housing Authority's affairs. Many organization interests, apart from the NAACP, sit in judgment on the quality of performance by the BHA. Similarly, State and Federal agencies, apart from the Massachusetts Commission Against Discrimination, have statutory and contractual obligations to evaluate Boston's public housing program.

All these considerations emphasize the constant challenge that does and will exist to adapt the public housing program constantly to the dynamic and changing conditions in our community. Many community resources will have to be enlisted as partners to insure that the services of the BHA best realize their full potential. Citizen advice and participation are essential ingredients in this process.

The proposals that follow apply specifically to the subject of the NAACP complaint. They are intended to serve as a basis for resolving the complaint. They should be examined in the context of the above introductory comments and observations.

1. The Boston Housing Authority will make public its policy and obligation to be nondiscriminatory in all its practices and to achieve and to maintain integrated housing developments. It will adopt whatever policy statements are necessary to recite this objective. It will take appropriate steps to have this policy understood throughout the general community, by tenants, by applicants, and by Authority staff personnel.

2. A tenant selection system will be installed incorporating the following features:

A. All applications will be received and processed without delay in order to make a prompt finding as to eligibility for housing.

B. When an applicant is found to be ineligible he will be so informed, together with the reason(s) for ineligibility.

C. A suitable control system will be established whereby the status of all eligible applicants can be ascertained at any time. The system will incorporate date of application and numbering identification in serial order.

D. All priorities for housing established by Federal and State law and regulation or by contracts for financial assistance with agencies of the State and Federal Government will be observed.

E. Scoring systems will be installed whereby the relative need of eligible applicants will be established insofar as priority requirements create categories of applicants from which final selection of tenants will be made.

F. As vacancies occur, eligible applicants will be referred corresponding to priority requirements, relative need within such categories, and household composition in relation to the size of the available unit.

G. Applicants who express preference at the time of application for referral to a particular housing facility will be required to establish valid reasons related to health, employment, etc. No reasons suggesting prejudice as a basis will be honored. Preferences then shall be limited to areas of the city. The areas shall be defined as those established for planning Boston's Development Program by the Boston Redevelopment Authority (generally known as General Neighborhood Renewal Plan and Community Improvement Areas). Further, such preferences shall be honored only insofar as they are consistent with the order of selection determined by the relevant requirements heretofore outlined. Whether or not a preference is expressed, referrals for all applicants shall be made as

vacancies occur anywhere in the total program, corresponding to the order established by the tenant selection system for the applicant. The basic obligation to the eligible applicant to provide a public housing unit as promptly as his relative status prescribes shall have been fulfilled when the referral is tendered.

H. Modification of the above process, by the exercise of administrative discretion, shall occur only as a consequence of the following circumstances:

(a) maintenance of the economic stability of the housing projects (a legal and practical economic requirement);

(b) to achieve and to maintain integrated housing projects;

(c) to avoid serious jeopardy to the general welfare of a tenant body by referring a household with aggravated cultural deficiencies and social problems that cannot be serviced adequately by a combination of BHA and community resources. (This circumstance refers to the serious multiple social problem household.)

The administration of (b) and (c) above would be guided by counsel obtained from the Advisory Committee resources to be established (see 3 infra) and the program of social services for public housing now in preparation by the Action for Boston Community Development (ABCD).

3. The Boston Housing Authority will appoint an Advisory Committee of representative citizens to advise it on policies and procedures pertinent to all aspects of intergroup and minority interests. This Committee will be charged and encouraged to bring to the attention of the general public the policies of the Authority. The counsel of all available interested persons and groups, including the NAACP, will be solicited in determining the membership structure, and functions of the Committee. The membership of the Committee will include representation from the NAACP.

4. The Boston Housing Authority will employ a competent and trained intergroup relations specialist who will participate directly as an integral part of administrative management in the process of developing policy proposals, operating procedures, and staff requirements.

5. The Boston Housing Authority will develop and conduct a program of education and training in intergroup relations for its staff in order to apply the best techniques available to achieve and maintain integration.

6. The Boston Housing Authority will solicit and recruit competent applicants for employment in all positions regardless of race, creed, or color to the end of achieving and maintaining an integrated staff in all phases of its operations. Fulfillment of this objective will be aided by examining existing staff for possible upgrading and transfer of personnel in conjunction with in-service training programs.

7. The Boston Housing Authority will not honor requests for transfers between projects or within a project that are based upon tenant opposition to Authority policy on nondiscrimination and integration or other evidence of prejudice.

DOCUMENTS COLLECTION

HURGOOD MARSHALL LAW LIBRARY
UNIVERSITY OF MARYLAND
SCHOOL OF LAW
101 WEST FAYETTE STREET
BALTIMORE, MD 21201-1768