

REMARKS OF SENATOR EDWARD W. BROOKE
AT FAIR HOUSING MONTH CEREMONY
APRIL 4, 1978

IT IS A GREAT PLEASURE FOR ME TO JOIN SENATOR HUMPHREY, SECRETARY PATRICIA HARRIS, ASSISTANT SECRETARY CHET MCGUIRE, BOB WEAVER, CHAIRMAN OF THE NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, AND THE MANY DISTINGUISHED GUESTS HERE THIS MORNING TO COMMEMORATE THE TENTH ANNIVERSARY OF THE SIGNING OF THE FAIR HOUSING LAW AND TO REDEDICATE OURSELVES TO THE GOALS EMBODIED IN THAT LAW.

TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968 STATES SIMPLY AND CLEARLY THAT "IT IS THE POLICY OF THE UNITED STATES TO PROVIDE, WITHIN CONSTITUTIONAL LIMITATIONS, FOR FAIR HOUSING THROUGHOUT THE UNITED STATES." IT DIRECTLY PROHIBITS DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN OR SEX. IT FURTHER REQUIRES FEDERAL AGENCIES "TO ADMINISTER THEIR PROGRAMS AND ACTIVITIES ... IN A MANNER AFFIRMATIVELY TO FURTHER THE PURPOSE" OF THE ACT. AS ONE WHO WAS ACTIVE IN THE INITIAL PASSAGE OF THIS LANDMARK BILL, I HAVE BEEN FOLLOWING ITS IMPLEMENTATION OVER THE YEARS. AND I KNOW THAT MANY OF YOU IN THIS ROOM SHARE MY CONCERN THAT WE HAVE JUST NOT MADE SUFFICIENT PROGRESS TOWARD MEETING THE GOAL OF ELIMINATING DISCRIMINATION IN HOUSING IN THE PAST TEN YEARS.

THIS AUDIENCE IS ALL TOO AWARE OF THE EXISTING PATTERNS AND PRACTICES OF RESIDENTIAL DISCRIMINATION, SEGREGATION IN PUBLICLY-ASSISTED HOUSING, AND THE INABILITY OF THE POOR AND

MINORITIES TO ENTER THOSE "WALLED CITIES" WHICH WE KNOW AS EXCLUSIONARY SUBURBS. IN A RECENTLY COMPLETED STUDY, THE AMERICAN BAR ASSOCIATION CONCLUDED THAT EXCLUSIONARY ZONING AND OTHER LOCAL GOVERNMENTAL ACTION "HAVE PREVENTED ACCESS TO DECENT HOUSING AND HAVE REINFORCED AND AGGRAVATED PATTERNS OF RACIAL AND ECONOMIC SEGREGATION." AND THE ABA STUDY FOUND THAT "COURTS AND LEGISLATURES HAVE DONE FAR TOO LITTLE TO PREVENT THIS GOVERNMENTAL ABUSE OF POWER." CLEARLY THE CONGRESSIONAL DECLARATION IN 1968 THAT HOUSING DISCRIMINATION MUST END HAS NOT YET LED TO EQUALITY OF OPPORTUNITY IN HOUSING FOR MANY OF OUR POOR AND MINORITY CITIZENS.

IT IS MY JUDGMENT THAT THE ISSUE OF EQUAL ACCESS TO HOUSING SHOULD BE ONE OF THE HIGHEST PRIORITIES IN ANY APPROACH TO DEALING WITH OUR URBAN PROBLEMS. AND WE MUST MAKE SUFFICIENT DECENT HOUSING AVAILABLE AND ACCESSIBLE TO ALL AMERICANS.

I AM PLEASED THAT HUD SECRETARY PATRICIA HARRIS HAS MADE THE ELIMINATION OF HOUSING DISCRIMINATION AN INTEGRAL PART OF THE MISSION OF HER DEPARTMENT. AND SHE HAS RECOGNIZED THAT "FAIR HOUSING" MUST BE INTERNALIZED AS PART OF EACH HOUSING ASSISTANCE AND COMMUNITY DEVELOPMENT PROGRAM AT HUD. IN THE PAST YEAR, HUD HAS:

- BEGUN TO MONITOR EFFECTIVELY THE PERFORMANCE OF LOCALITIES RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR COMPLIANCE WITH EQUAL OPPORUTNITY

- IN HOUSING AND EMPLOYMENT;
- EXERCISED ITS POWER TO CUT OFF COMMUNITY DEVELOPMENT FUNDS TO COMMUNITIES THAT FAIL TO MEET THE HOUSING NEEDS OF THE POOR AND MINORITIES AND CONDITIONED THE RECEIPT OF SUCH FUNDS ON A COMMUNITY'S WILLINGNESS TO PROVIDE LOW-INCOME HOUSING AND PROMOTE EQUAL OPPORTUNITY IN HOUSING AND EMPLOYMENT;
 - PROVIDED FOR A SETASIDE OF FUNDS IN FY 79 IN THE SECTION 8 EXISTING HOUSING PROGRAM TO PROMOTE FREEDOM OF CHOICE IN HOUSING IN ACCORDANCE WITH THE SUPREME COURT'S GAUTREAU DECISION; AND
 - RECOGNIZED THE SERIOUS FLAWS IN THE EXISTING FAIR HOUSING LAW BY SUPPORTING H.R. 3504, A BILL INTRODUCED BY CONGRESSMAN DON EDWARDS AND CONGRESSMAN ROBERT DRINAN TO PROVIDE NEEDED INCREASED ENFORCEMENT POWER IN HUD AND THE DEPARTMENT OF JUSTICE.

THESE AND OTHER STEPS WHICH HAVE BEEN TAKEN BY HUD ALONG WITH THE ACCOMPLISHMENTS OF ORGANIZATIONS SUCH AS THE NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING REPRESENT THE HOPEFUL SIGNS IN FAIR HOUSING TODAY. BUT WE ALL MUST RECOGNIZE THE LONG UNFINISHED AGENDA WHICH LIES AHEAD.

MOST IMPORTANTLY, AN ADEQUATELY FUNDED AND CONTINUING FEDERAL COMMITMENT TO HOUSING IS ESSENTIAL. I AM STRUCK BY THE FACT THAT WE HAVE JUST RECENTLY COMMEMORATED THE TENTH ANNIVERSARY OF THE KERNER COMMISSION REPORT. THAT REPORT RECOMMENDED THAT SIX MILLION HOUSING UNITS BE PROVIDED FOR LOW AND MODERATE INCOME FAMILIES IN FIVE YEARS, BEGINNING WITH 600,000 UNITS IN THE FIRST YEAR. AND IN THAT SAME YEAR, CONGRESS ESTABLISHED A NATIONAL HOUSING GOAL OF SIX MILLION NEW PUBLICLY-ASSISTED HOUSING UNITS OVER THE TEN YEAR PERIOD. WE ALL KNOW THAT THESE HOUSING GOALS HAVE NOT BEEN MET. INDEED, SINCE THE PRESIDENTIAL MORATORIUM ON SUBSIDIZED HOUSING PROGRAMS IN 1973, ONLY ONE HOUSING PROGRAM HAS PRODUCED ANY APPRECIABLE HOUSING FOR LOW-INCOME FAMILIES. AND THAT PROGRAM, KNOWN AS "SECTION 8", HAS PROVIDED FEWER THAN 50,000 OCCUPIED NEW AND SUBSTANTIALLY REHABILITATED UNITS.

IT IS EQUALLY SHOCKING TO ME THAT THE FEDERAL GOVERNMENT HAS STILL NOT ADEQUATELY RECOGNIZED ITS COMMITMENT TO OUR EXISTING PUBLIC HOUSING STOCK -- WHERE ALMOST 60 PERCENT OF THE UNITS ARE OCCUPIED BY MINORITY HOUSEHOLDS. CLEARLY AN ESSENTIAL PART OF PROMOTING FAIR HOUSING IS THE MAINTENANCE AND PROVISION OF DECENT HOUSING IN A VARIETY OF NEIGHBORHOODS AND AT RENT LEVELS WHICH LOW-INCOME MINORITY FAMILIES CAN AFFORD.

ANOTHER ELEMENT OF A FAIR HOUSING STRATEGY IS THE EFFECTIVE IMPLEMENTATION AND ENFORCEMENT OF THE FAIR HOUSING LAWS. BUT A

RECENT GAO REPORT ISSUED IN FEBRUARY OF THIS YEAR WAS EXTREMELY CRITICAL OF THE EXISTING ENFORCEMENT OF THE LAWS BY ALL FEDERAL HOUSING AGENCIES. THE GAO FOUND THAT THESE AGENCIES HAVE NOT BEEN EFFECTIVE IN IDENTIFYING AND ELIMINATING DISCRIMINATORY PRACTICES AND IN SEEKING TIMELY AND APPROPRIATE SETTLEMENT OF COMPLAINTS. I HOPE THAT HUD, THE FARMERS HOME ADMINISTRATION AND THE VETERANS ADMINISTRATION WILL LOOK CLOSELY AT THE FINDINGS AND RECOMMENDATIONS OF THE GAO FOR MORE EFFECTIVELY RESOLVING TITLE VIII COMPLAINTS AND ELIMINATING DISCRIMINATORY PRACTICES IN PRIVATE HOUSING. I THINK THAT THERE IS MUCH WHICH CAN BE DONE WITHIN THE FRAMEWORK OF EXISTING LAW TO PROVIDE STRONGER AND MORE TIMELY ENFORCEMENT OF THE FAIR HOUSING LAWS.

BUT THE RESPONSIBILITY FOR FAIR HOUSING CANNOT REST ON THE FEDERAL HOUSING AGENCIES ALONE. THE FOUR FINANCIAL REGULATORY AGENCIES -- THE FEDERAL HOME LOAN BANK BOARD, THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE COMPTROLLER OF THE CURRENCY, AND THE FEDERAL RESERVE BOARD -- ARE DIRECTLY RESPONSIBLE FOR ENFORCING THE PROHIBITION AGAINST DISCRIMINATION IN LENDING WITH RESPECT TO BANKS AND SAVINGS INSTITUTIONS UNDER THEIR JURISDICTION. FAIR LENDING ENFORCEMENT HAS BEEN AN AREA OF GREAT INTEREST TO THE SENATE BANKING COMMITTEE OVER THE PAST FEW YEARS. OUR COMMITTEE HELD OVERSIGHT HEARINGS ON EQUAL OPPROTUNITY IN LENDING TWO YEARS AGO AND HAS CONTINUED TO FOCUS

ON THE CREDIT NEEDS OF LOW-INCOME AND MINORITY FAMILIES WITH THE ENACTMENT OF THE COMMUNITY REINVESTMENT ACT LAST YEAR.

RECENT ACTIONS BY THE FEDERAL HOME LOAN BANK BOARD TO ASSURE EQUAL OPPORTUNITY IN LENDING HAVE BEEN QUITE ENCOURAGING. ITS PROPOSED RULES ON NON-DISCRIMINATION REQUIREMENTS WOULD SUBSTANTIALLY STRENGTHEN THE BANK BOARD'S ABILITY TO IDENTIFY AND ELIMINATE PATTERNS OF UNLAWFUL LENDING DISCRIMINATION. I AM HOPEFUL THAT THESE REGULATIONS WILL SOON BE PROMULGATED IN FINAL FORM. THE BANK BOARD, THE FDIC AND THE COMPTROLLER OF THE CURRENCY HAVE ALL REACHED SETTLEMENTS IN THE LITIGATION BROUGHT AGAINST THE FOUR REGULATORY AGENCIES IN 1976 TO ENFORCE THE FAIR HOUSING LAWS. EACH OF THESE SETTLEMENTS PROVIDES FOR DATA COLLECTION AND ANALYSIS, COMPLAINT INVESTIGATION PROCEDURES AND MORE EFFECTIVE MONITORING AND ENFORCEMENT.

WITHOUT DOUBT, THE WORK OF FAIR HOUSING ADVOCATES IS FAR FROM OVER. LEADERSHIP IS STILL REQUIRED TO DEVELOP, INFLUENCE AND IMPLEMENT THE POLICIES WHICH ARE NEEDED TO PROMOTE THE REALITY OF EQUAL OPPORTUNITY IN HOUSING. AND OCCASIONS SUCH AS THIS TENTH ANNIVERSARY CELEBRATION WILL SERVE TO EDUCATE, INFORM, AND REMIND ALL AMERICANS OF THEIR RIGHTS AND RESPONSIBILITIES UNDER THE FAIR HOUSING LAW. HUD'S NEW THEME FOR FAIR HOUSING COMPLIANCE IS "FAIR HOUSING -- A BASIC RIGHT/RIGHT NOW." THAT IS THE CHALLENGE AND IN THAT SPIRIT WE RENEW OUR COMMITMENT TO FAIR HOUSING TODAY.