

HOUSING AND THE LAW: LESSON 7: DISCUSSION QUESTIONS

DISCUSSION QUESTIONS

1. The district court ruled that the Texas Department of Housing must create extra criteria that will help them determine how to distribute low-income housing tax credits. This approach included examining neighborhoods with good schools and neighborhoods that were considered dangerous.
 - a. Do you agree with this position? Why or why not?
2. Disparate-impact was a major part of this case. When it comes to African Americans' civil rights, is the intention or the impact more important when determining discriminatory actions?
 - a. Why?
3. The Texas Department of Housing claimed the outcomes were not on purpose. Do you agree with this assertion? Can a person's civil rights be violated by accident?
 - a. Why or Why not?
4. The Supreme Court ruled in favor of the ICP but emphasized that courts should make sure disparate-impact claims are not abused. The Court was worried that if these claims became too popular, the progress toward eliminating discriminatory practices through developing affordable housing may be harmed, because it may restrict developers' ability to provide low-income housing in general.
 - a. Do you agree with this position? Can disparate-impact claims harm progress towards housing discrimination? Why or Why not?
5. The Court also says that housing authorities must use race-neutral strategies to improve communities and prevent discrimination. Race-neutral means that race cannot be a factor in fighting racial isolation. It should be noted that race-based policies created the racial inequity in housing seen today.
 - a. Therefore, is it possible to create racial equity in housing using color-blind policies even though race-based polices created the problem? Why or why not?

Writing Prompt

Consider the role of race-based laws and policies that created the current racial housing inequity. The Supreme Court has argued that housing authorities must use race-neutral strategies to prevent discrimination. Others believe that the only way to create racial housing fairness is through race-based policies—for example, promoting integration by intentionally building low income housing, which often has large populations of African Americans, in suburban areas, which are often majority White. Which position do you agree with?

- Write a letter to Supreme Court detailing your decision. Remember to consider counter-arguments in your position.