

**HOUSING AND THE LAW: LESSON PLAN 7**

**LESSON 7**

**HOW DID *TEXAS DEPARTMENT OF HOUSING V. INCLUSIVE COMMUNITIES PROJECT, INC. (2015)* IMPACT HOUSING DISCRIMINATION IN THE UNITED STATES?  
(90 MIN)**

**Objectives**

- Students will critically examine the recent *Texas Department of Housing v. Inclusive Communities Project, INC. (2015)* court case through its background, facts, legal issue, and the Supreme Court’s decision and reasoning.
- Students will discuss the implications of law and policy within historical and present-day context.
- Students will continue to examine the impact of discriminatory housing practices.
- Students will be able to distinguish between primary and secondary sources.

**Standards:**

- **Common Core:** CCSS.ELA-Literacy.RH.9-10.1; CCSS.ELA-Literacy.RH.9-10.2; CCSS.ELA-Literacy.RH.9-10.3; CCSS.ELA-Literacy.RH.9-10.4; CCSS.ELA-Literacy.RH.9-10.9; CCSS.ELA-Literacy.RH.11-12.1; CCSS.ELA-Literacy.RH.11-12.2; CCSS.ELA-Literacy.RH.11-12.3; CCSS.ELA-Literacy.RH.11-12.5; CCSS.ELA-Literacy.RH.11-12.7; CCSS.ELA-Literacy.RH.11-12.8; CCSS.ELA-Literacy.RH.11-12.9.
- **VA Standards of Learning (SOL):** VUS.1; VUS.9a; GOVT.1; GOVT.3; GOVT.12

**Materials**

- Handout 1: *Texas Dept. of Housing v. Inclusive Communities Project* summary
- Handout 2: *Texas Dept. of Housing v. Inclusive Communities* excerpted opinion (primary source)
- Lesson 7 Key Terms
- Lesson 7 Discussion Questions/Writing Prompt

<b>Probing for Prior Knowledge</b> (5-10 minutes)
<ul style="list-style-type: none"> <li>• Review the different exclusionary housing practices that have been discussed thus far and the historical court cases dealing with discriminatory housing practices. Review the language and implications of the Federal Housing Act (FHA).</li> <li>• Explain to students that this lesson will examine a recent 2015 court case in which the Supreme Court examines whether or not the FHA could be applied to <b>disparate-impact claims</b>.</li> <li>• This lesson uses a secondary source that cites primary source material as well as an annotated and adapted version of the original primary source. The first handout is a summary of the case with the important facts, legal issue and the Supreme Court’s decision and reasoning. Students should be</li> </ul>

able to understand these parts of a case. Students can also refer to annotated opinion for a closer examination of the Court’s ruling and reasoning.

**TEXAS DEPT. OF HOUSING V. INCLUSIVE COMMUNITIES PROJECT (2015)**  
**Historical Background (10 min)**

Explain the following to students (*sample language*):

“Previously we learned about the Federal Housing Act (FHA), which prohibited discrimination in housing practices based on race, religion or national origin. The FHA was passed in 1968 and considered an important milestone for civil rights. It was created in response to Black Americans’ frustrations of lack of decent and affordable housing. In the case we read today, the Supreme Court must determine whether the FHA’s language meant to prohibit discriminatory outcomes that resulted from an action, regardless of whether or not the intentions were to discriminate. This is called **disparate-action**.”

**Key Terms**

(10-15 minutes)

Review terms and definitions as a class. Clarify any terms students may have had difficulty with. Make sure to reinforce the vocabulary as students read the material.

**Reading Materials**

(20-30 min)

Break students into groups of 4-5. Students can read individually or together in groups/pairs. Students can use the graphic organizer provided while reading to help track their comprehension.

Be sure to explain the difference between primary and secondary sources with students:

*Sample Language:*

- Primary sources are firsthand accounts of what happened during a particular historical time period. They can be letters, diary entries, speeches, newspapers (from that time period), photographs, etc.
- Secondary sources are not complete firsthand accounts, although they can contain primary source information such as quotes from people who lived during that time in history. Secondary sources are accounts recorded outside of (that is, after) the particular historical time period they discuss.

They can be published research articles, books, and other forms of media on a particular historical topic.<sup>1</sup>

Groups should be heterogeneous based on reading levels so that students can collaborate effectively with less assistance from the teacher. Circulate and offer help if needed.

**Discussion**  
(30 minutes)

After reading and reviewing documents, instruct students to begin answering discussion questions. Explain to students that they will be working together to determine the best argument/position for each question. To do this, they will engage in three rounds of dialogue (time permitting) with each question.

- In the first round, students will consider one position and come up with reasons or evidence to support it.
- In the second round, students will consider the opposing position, identifying reasons or evidence to refute the first position.
- In the third round, students will work together to come up with the best answer to the question.

Remind students that they are working together to come up with the most convincing argument.

You can also assign roles within groups, such as question reader, note taker, reporter.

Students will share responses with the whole class after the group discussion.

*Circulate while students discuss; do not necessarily provide answers but ask probing questions to proposed simple solutions.*

**Writing Prompt**

Have students independently answer the writing prompt after whole class discussion

- *The writing prompt can be assigned as homework if time does not permit completion.*

<sup>1</sup> For more information, see <https://umb.libguides.com/PrimarySources/secondary>

## Standards

### Common Core Social Studies Standards

- **CCSS.ELA-Literacy.RH.9-10.1**  
Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.
- **CCSS.ELA-Literacy.RH.9-10.2**  
Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text
- **CCSS.ELA-Literacy.RH.9-10.3**  
Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.
- **CCSS.ELA-Literacy.RH.9-10.4**  
Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.
- **CCSS.ELA-Literacy.RH.9-10.9**  
Compare and contrast treatments of the same topic in several primary and secondary sources.
- **CCSS.ELA-Literacy.RH.11-12.1**  
Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
- **CCSS.ELA-Literacy.RH.11-12.2**  
Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
- **CCSS.ELA-Literacy.RH.11-12.3**  
Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.
- **CCSS.ELA-Literacy.RH.11-12.5**  
Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.
- **CCSS.ELA-Literacy.RH.11-12.7**  
Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.
- **CCSS.ELA-Literacy.RH.11-12.8**

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

- **CCSS.ELA-Literacy.RH.11-12.9.**

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

### VA Standards of Learning (SOL)

- **VUS.1:** The student will demonstrate skills for historical thinking, geographical analysis, economic decision making, and responsible citizenship by a) synthesizing evidence from artifacts and primary and secondary sources to obtain information about events in Virginia and United States history; b) using geographic information to determine patterns and trends in Virginia and United States history; c) interpreting charts, graphs, and pictures to determine characteristics of people, places, or events in Virginia and United States history; d) constructing arguments, using evidence from multiple sources; e) comparing and contrasting historical, cultural, economic, and political perspectives in Virginia and United States history; f) explaining how indirect cause-and-effect relationships impact people, places, and events in Virginia and United States history; g) analyzing multiple connections across time and place; h) using a decision-making model to analyze and explain the incentives for and consequences of a specific choice made; i) identifying the rights and responsibilities of citizenship and ethical use of material and intellectual property; and j) investigating and researching to develop products orally and in writing.
- **VUS.9a:** The student will apply social science skills to understand the emerging role of the United States in world affairs during the end of the nineteenth and early twentieth centuries by explaining changes in foreign policy of the United States toward Latin America and Asia and the growing influence of the United States, with emphasis on the impact of the Spanish-American War.
- **GOVT.1:** The student will demonstrate skills for historical thinking, geographical analysis, economic decision making, and responsible citizenship by a) planning inquiries by synthesizing information from diverse primary and secondary sources; b) analyzing how political and economic trends influence public policy, using demographic information and other data sources; c) comparing and contrasting historical, cultural, economic, and political perspectives; d) evaluating critically the quality, accuracy, and validity of information to determine misconceptions, fact and opinion, and bias; e) constructing informed, analytic arguments, using evidence from multiple sources to introduce and support substantive and significant claims; f) explaining how cause-and-effect relationships impact political and economic events; g) taking knowledgeable, constructive action, individually and collaboratively, to address school, community, local, state, national, and global issues; h) using a decision-making model to analyze the costs and benefits of a specific choice, considering incentives and possible consequences; i) applying civic virtues and democratic principles to make collaborative decisions; and j) communicating conclusions orally and in writing to a wide range of audiences, using evidence from multiple sources and citing specific sources.

- **GOVT.3:** The student will apply social science skills to understand the concepts of democracy by a) recognizing the fundamental worth and dignity of the individual; b) recognizing the equality of all citizens under the law; c) recognizing what defines a citizen and how noncitizens can become citizens; d) recognizing majority rule and minority rights; e) recognizing the necessity of compromise; and f) recognizing the freedom of the individual.
- **GOVT.12:** The student will apply social science skills to understand the role of the United States in a changing world by a) describing the responsibilities of the national government for foreign policy and national security; b) assessing the role of national interest in shaping foreign policy and promoting world peace; and c) examining the relationship of Virginia and the United States to the global economy, including trends in international trade.