

Letter from the Founder/Senior Counsel

Housing Mobility as a Civil Right

by Elizabeth Julian

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The notion that low income minority families moving to better housing in better communities, with safe streets, good schools, and job opportunities is something that enhances both the lives of those families and of society is generally supported by both the research, and, frankly, common sense. However, there is also a compelling case to be made that the right to make that choice, and, conversely the denial of the right to make that choice based upon race, involves fundamental civil rights that need no more basis than the Constitution.

The notion of “housing mobility” as a piece of housing policy first derived from federal civil rights litigation seeking to vindicate the fair housing rights of minority families who were being denied housing opportunities based upon their race. The guts of the *Gautreaux v. HUD* (Chicago), *NAAPC v. HUD* (Boston), and *Walker v. HUD* (Dallas) successfully argued that the historical segregation of public housing demanded remedies that would provide families with access to housing opportunities outside of the low income, racially isolated, and often deteriorated housing into which the government had effectively steered them by desire and design.

Certainly, the record in many of those cases demonstrated unequivocally that the separate housing was also unequal. Certainly, the social science research documents the negative effects of such separate and unequal conditions on the well being and life chances of the families subjected to them, further supporting the position that the unlawful segregation is indeed harmful.

But, as in *Brown v. Board*, the fundamental proposition in those cases was that the policy of racial segregation that was imposed and perpetuated by official conduct was itself a violation of rights guaranteed by the Constitution and Laws of the United States. Denying an African American the opportunity to live where whites were afforded an opportunity to live caused actionable injury and gave rise to entitlement to relief. Separate was inherently unequal.

Housing mobility, at its most basic, provides that relief. Good housing mobility policy ensures that minority families are given the full range of choices and opportunities that are and have been available to low income white families. Regardless of what they chose, vindicating that right is a itself legitimate goal of litigation and social policy.

Of course, the research suggests that there are very real, concrete, and practical benefits from exercising that choice a particular way, both for individuals, communities, and society. And it is the power of that research that drives much of the policy work in this area. We truly believe that a case can be made that children are more likely to thrive and succeed, by any number of measures, in lower poverty, less racially isolated environments. And we believe that true choice is one that is in formed by this growing body of research. But, before we get to those arguments, we should remind ourselves that guaranteeing and securing equal opportunity under the law is itself worth the struggle.