

Making Room at the Inn:
Housing for the Least Among Us

Michael Allen
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19th Annual Fair Housing Luncheon
The Fair Housing Center of Grand Rapids
April 20, 2006

We would not be gathering today under this banner—CHANGING THE LANDSCAPE: WELCOMING EVERYONE TO OUR BACKYARD—unless we had a real concern that someone was being kept out. Kept out because of prejudice; kept out because of poverty, kept out to preserve our privacy, lest we be forced to share a physical space with people who may be different from us.

At its heart (and, one might say, at its soul), NIMBYism reflects a fear of “the stranger”—the one who, by virtue of skin color, country of origin, disability or poverty, looks “different.” As people of good will, we support shelter and affordable housing programs, with our tax dollars and our volunteer hours. But we secretly hope it won’t be located too close to us, and sometimes we say so out loud, to the planning commission, board of zoning appeals or city council. When every back yard is off limits, and there is nowhere to put the much-needed housing, two things happen: First, the people with the fewest advantages (the “least among us”) end up in bad places—homeless, in substandard and dangerous housing, in psychiatric hospitals or in jails and prisons. As a result, the social and geographic distance between us and these disfavored groups increases. Like a snowball rolling down hill, as this phenomenon picks up momentum, it becomes more and more difficult to reverse. The divisions harden, as do our hearts, and we simply surrender to the status quo, convinced that our own small acts cannot change this state of affairs. After all, didn’t Jesus say: “You have the poor with you always...?”

In fulfillment of their religious beliefs, thousands of congregations across the country operate shelters, transitional and permanent housing, feeding programs, job training and other social services. As you know, those congregations are picking up the slack for what state and local governments will not or cannot do. And, whether with active encouragement or in spite of the neglect of elected officials, they are doing so in spectacular fashion.

But these private acts of charity are not enough to turn the tide of community opposition, and one city or town after another enacts restrictive zoning rules to keep from becoming a “magnet” for poor people. This selfish “race to the bottom” conflicts with federal law, with the ethical and faith traditions of many Americans, and with the economic reality that it is much more expensive for society to neglect the needs of poor

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people than to address them.

Because we cannot always count on our “better angels” to prevail, we have civil rights laws to guide the actions of private and public housing providers. We know from today’s gathering—and the good work done by the Fair Housing Center of Grand Rapids every day of the year between these momentous annual events—that the Fair Housing Act forbids discrimination on the basis of race, color, religion, national origin, gender, familial status and disability. The Fair Housing Act also requires state and local governments to “affirmatively further fair housing,” that is, not simply to refrain from active discrimination, but to take affirmative steps to eliminate barriers to equal housing opportunity, whether created by government or by private parties. Funny thing is: most community opposition to affordable housing is rooted in ill feeling toward people in these groups, whether it is incorporated into the zoning code or simply held in the hearts of neighbors who would prefer not to have “those people” in the neighborhood.

The Americans with Disabilities Act goes a step further, and requires state and local governments to serve people with disabilities in the most integrated setting appropriate to their needs. The U.S. Supreme Court punctuated this point in its 1999 decision in *Olmstead v. L.C.*, which held that a state is liable for its failure to offer community-based housing and services to people with disabilities who had been isolated and segregated in institutions like psychiatric hospitals and nursing homes.

Finally, we have laws like Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 which place additional, affirmative obligations on recipients of federal funds. Failure to comply can result in suspension or termination of this funding.

So when we say that we will change the landscape and welcome everyone to our back yard, do we really mean it, or does it just sound good for this once-a-year gathering when we aspire to better things and when our rhetoric soars to great heights? When we go back to our jobs tomorrow, what will have changed? Do we go back to business as usual, and welcome only certain people to our communities? Or do we listen to our hearts, our ethical and faith traditions and the mandate of the civil rights laws—all of which, by the way, point in precisely the same direction—and seize this opportunity to show our children that we can make the world a better place for all of them?

There was a time in this country, even with its imperfect history concerning race

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and civil rights, when neighbors looked out for their neighbors as part of a “social contract” or “covenant,” inspired by purposes higher than one’s own individual well-being and security. Many scriptural traditions use the term “covenant” to describe the sacred relationship between the Creator and those here on Earth. The Founders used this same term to describe the trust-filled relationship between citizens and their government. It is a measure of how far we have fallen that the term is no longer understood as a binding and solemn agreement to work toward the common good. Rather, when we hear the word “covenant” these days, we may assume it refers to some restrictive provision in a residential deed, designed to keep out “undesirables.” Nearly 60 years after the Supreme Court outlawed the enforcement of racial covenants, our communities are using more sophisticated means to exclude affordable housing, shelters, group homes and other forms of housing for the least among us.

But in this Passover and Easter season, our faith traditions call on us to welcome—not to spurn—the “stranger.” Passover teaches us that the Jewish home must extend hospitality to the lonely, the forsaken, the poor and the hungry. We set out a cup for Elijah and Miriam, and we ask our children to open the door for them during the meal, symbolically affirming our responsibility for the well-being of the least among us.

Passover also marks the liberation from Egypt, or Mitzrayim, literally, “a narrow place.” Each year, the Passover Seder reminds Jews that many people are still suffering from oppression, from poverty, from the results of narrow thinking, and that none of us can be free until all of us are free. Last Thursday night we read: “This year we are oppressed....Next year, may we be free. May we live in a community that is quick to open rather than close its doors, a community that strives to love and respect all humanity, a community that can celebrate differences and find comfort in that which holds us together.” There is much we can do to remove ourselves from narrow places and narrow thinking, but like that liberation nearly 3000 years ago, we may also need the help of the Creator, whether we use the name Yahweh, Jesus (or even Allah, as we recall that the central teachings of the Koran call upon Muslims to help those in need).

Just days before the Last Supper (a Passover Seder, in fact), Jesus was most concerned about people who were poor, homeless and marginalized, as we read in Matthew 25:32-40:

And all nations shall be gathered together before him: and he shall

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separate them one from another.... Then shall the king say to them that shall be on his right hand: Come, ye blessed of my Father, possess you the kingdom prepared for you from the foundation of the world. For I was hungry, and you gave me to eat: I was thirsty, and you gave me to drink: I was a stranger, and you took me in: Naked, and you covered me: sick, and you visited me: I was in prison, and you came to me. Then shall the just answer him, saying: Lord, when did we see thee hungry and fed thee: thirsty and gave thee drink? Or when did we see thee a stranger and took thee in? Or naked and covered thee? Or when did we see thee sick or in prison and came to thee? And the king answering shall say to them: Amen I say to you, as long as you did it to one of these my least brethren, you did it to me.

Matthew echoes the Hebrew Bible, in Deuteronomy, 15:7-11, which reminds us that it is not just our relatives or loved ones who deserve our concern, but all of our neighbors:

“Is there a poor man among you, one of your brothers, in any town of yours in the land Yahweh your God is giving you? Do not harden your heart or close your hand against that poor brother of yours, but be openhanded with him and lend him enough for his needs....When you give to him, you must give with an open heart; for this Yahweh your God will bless you in all you do and in all your giving. Of course there will never cease to be poor in the land; I command you therefore: Always be openhanded with your brother, and with anyone in your country who is in need and poor.”

As the evangelical preacher Jim Wallis reminds us, the persistence of poverty is not an excuse for doing nothing. Rather, it is the precise scriptural reason that believers must redouble their efforts to address it. In Wallis’s view,

“Jesus is assuming the *social location* of his followers will always put them in close proximity to the poor and easily able to reach out to them....The critical difference between Jesus’s disciples and [our current situation] is precisely this: our lack of proximity to the poor. The continuing relationship to the poor that Jesus assumes will be natural for his disciples is unnatural to [our affluent world]. [Our] social location ...

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has changed; we are no longer ‘with’ the poor, and they are no longer with us. [We don’t] know the poor and they don’t know us. [We] talk about the poor but have no friends who are poor.”

(Jim Wallis, *God’s Politics: Why The Right Gets it Wrong, and the Left Doesn’t Get It*, p. 211).

As our social and geographic distance from poor people has increased, we have turned inward, to focus on our own needs. Chief among these is our “home,” the stable, private, safe and quiet place that shelters us from the pressures of the modern world and gives us a foundation from which we can achieve dreams, for ourselves and for our children. We want to live in neighborhoods that are safe and that give us access to appropriate services. Above all, we want stable housing that will allow us to pursue education and training, employment, recreation and all other aspects of the American dream.

Why is the fulfillment of this aspiration for some of our neighbors so threatening to the rest of us? And why do the private lives of people who are poor, homeless, or who have disabilities become legitimate subjects of public inquiry and discussion in the halls of local government, as citizens debate whether certain people are worthy of admission to our communities? People who are poor, homeless, or who have disabilities want, need and deserve the same range of housing and human services choices that you and I have. They need more, not less, protection from the kind of exclusionary restrictions found in too many communities across the country.

Beyond granting specific protections from discrimination, the civil rights laws embody a level of tolerance and inclusion not yet embraced by the general public. While there is still significant resistance in many communities to the existence of affordable housing, shelters, human services centers and group homes for people with disabilities, civil rights laws have given residents and providers powerful tools to overcome such resistance. And, yet, how do we translate the towering rhetoric of these laws into reality? How do we redeem the pledge of equal opportunity in housing and access to human services? The answer, I submit, is through widespread education and vigorous enforcement. Only by achieving these twin goals can we hope to convince the public and their elected officials that we are talking not about a matter of charity, or majority rule, but of civil rights, which are bestowed upon each of us by virtue of our membership in American society.

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Nearly 40 years ago, our nation made housing choice an inalienable right. With the passage of the Fair Housing Act in 1968, we declared an end to exclusion and segregation. On the surface, much has changed in the country's attitude about equal housing opportunity, but 40 years of rights enforcement alone has not been enough to change deep societal attitudes about integration. Hardly a week goes by when we don't read of a significant lawsuit involving a landlord, mortgage provider or insurance company providing differential service on the basis of race or national origin. Neither did the passage of the Fair Housing Amendments Act of 1988 which, for the first time, outlawed discrimination on the basis of disability, by itself, alter the underlying assumptions and stereotypes about people with disabilities and others in need of community-based social services.

Rather than talking about the benefits of full community integration of all of our neighbors in need, the dialogue in many communities remains stuck on the perceived effect on property values, public safety and the "character" of the neighborhood. Despite more than 100 studies finding no causal link between affordable housing and service programs and these perceived ills, neighbors from coast to coast continue to raise these arguments in pitched battles to "protect" their neighborhoods. Why do we legitimize these stereotypes, and assume that poor people will be a drain on our communities? We are all entitled to a place at the table.

Recently, we have heard renewed emphasis on "fair share" and "equal distribution" of affordable housing. In the abstract, these terms suggest that every part of every community has an equal responsibility for hosting and welcoming their disadvantaged neighbors. In the real world, we know that more affluent neighborhoods are not assuming their fair share, and that poor and minority communities may be doing more than theirs. Even with the full force of the Fair Housing Act, there continue to be economic barriers to ensuring housing opportunity in every part of every city. Imagine what would occur if the Act's basic protections against exclusion were weakened or eliminated.

Elected officials are wary of any attempt to limit their exercise of the zoning power, even in the face of evidence that it is employed in a manner that excludes our neighbors in need. In many communities, the volatile mixture of neighborhood opposition and the instinct of local officials to resist what they perceive as federal preemption of local zoning powers has yielded an environment in which new housing options for poor people are actively discouraged. Can this possibly be a desirable result when hundreds of thousands of people remain homeless and an equal number of people with disabilities continue to live in state hospitals, nursing homes and

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other spirit-robbing institutions simply waiting for the creation of new community-based housing? And what happens when states choose to close their large hospitals, and when cuts in Medicaid and the inevitable pressures of managed care require more serious consideration of community-based housing for people now living in institutions? Will communities still be saying: “Not in My Back Yard?”

I am happy to talk about an aggressive program of public education, technical assistance to local officials, alternative dispute resolution, financial support to locate affordable housing in wealthier neighborhoods, good neighbor agreements, best practices and model zoning ordinances. But let me make one thing absolutely clear: We will explore these alternatives only in the context of maintaining the vital civil rights protection for a full range of housing choice for the least among us.

The Fair Housing Act became law because of Dr. King’s life and because of his death. It was clearly his passion during the last years of his life. And, on news of his assassination, a recalcitrant Congress finally moved the legislation, delivering it to President Johnson’s desk just six days later. The Act represents the best of American values: equal opportunity in housing for all citizens regardless of race, color, religion, national origin, gender, familial status or disability. That is our “line in the sand.” That is the bedrock principle we will not compromise. As Dr. King said: “[W]e still have a long, long way to go before we reach the promised land of freedom. Yes, we have left the dusty soils of Egypt, and we have crossed a Red Sea that had for years been hardened by a long and piercing winter of massive resistance, but before we reach the majestic shores of the promised land, there will still be gigantic mountains of opposition ahead and prodigious hilltops of injustice.”

Drawing on scripture, Dr. King asked us to adopt a “divine dissatisfaction” about the state of affairs in America in 1967. Had he lived, he might have said the very same thing about the conditions we face today:

Let us be dissatisfied until America will no longer have a high blood pressure of creeds and an anemia of deeds. Let us be dissatisfied until the tragic walls that separate the outer city of wealth and comfort and the inner city of poverty and despair shall be crushed by the battering rams of the forces of justice. Let us be dissatisfied until those that live on the outskirts of hope are brought into the metropolis of daily security. Let us be dissatisfied until slums are cast into the junk heaps of history, and every family is living in a decent sanitary home Let

us be dissatisfied until integration is not seen as a problem but as an opportunity to participate in the beauty of diversity. Let us be dissatisfied until men and women, however black they may be, will be judged on the basis of the content of their character and not the basis of the color of their skin. Let us be dissatisfied. Let us be dissatisfied until every state capitol houses a governor who will do justly, who will love mercy and who will walk humbly with his God. Let us be dissatisfied until from every city hall, justice will roll down like waters and righteousness like a mighty stream. ... Let us be dissatisfied.”

(“Where Do We Go from Here?” an address by Dr. Martin Luther King Jr. to the Southern Christian Leadership Conference, 1967)

Surveying our communities (and our hearts) today, we must still be dissatisfied. At present, we live in a system in which a few vocal opponents can stop just about any housing project designed to ease chronic homelessness or support the community integration of people with disabilities, or improve the living conditions of poor families. As a result, millions experience homelessness, are trapped in institutions, or are consigned to dangerous and unhealthy housing, all because communities have pulled up their drawbridges and flooded their moats to keep affordable housing from being built. We should be dissatisfied, and angry. And we should demand more. We need to become “radicals,” literally returning to the roots of our religious and civic faiths in order to restore the true meaning of “covenant,” and to say from this point forward that our private theologies will inform our public advocacy. Together, let us chart a new course for rebuilding our social contract and reconnecting neighbors to one another, all in the context of vigorous enforcement of the right to “housing of one's choice in the community.”

Here are eight things we can all do today to ensure that we free ourselves from “narrow spaces,” and start to address the real housing needs of all of our neighbors:

- Participate in assessments of homelessness and affordable housing needs in our communities, through the Continuum of Care and Consolidated Plan processes, and shine the light of public scrutiny on the findings and recommendations
- Insist that federal, state and local funds are spent on the needs identified in those plans, including appropriate levels of funding for fair housing enforcement by government and private groups like the Fair Housing Center of Grand Rapids

- Complain when the state moves too slowly to liberate people with disabilities from institutional settings, as required by the ADA and the Supreme Court decision in the *Olmstead* case.
- Require that every local and state government update its Analysis of Impediments to Fair Housing Choice, and conduct a community-driven self-evaluation to highlight progress and deficits.
- Challenge local and state governments to adopt zoning and land use rules that encourage the development of affordable housing
- Ask local and state elected officials to adopt mandatory inclusionary zoning and “fair share” plans to ensure that affordable housing is built and integrated into every community
- Develop local and state funding sources for affordable housing, funded by real estate transfer taxes and other “mainstream” sources, so that all members of the community are sharing the responsibility
- Enforce civil rights, including the “affirmatively furthering” obligation of the Fair Housing Act, by seeking to suspend or terminate federal funding to localities that are not taking steps to eliminate barriers to choice

Our private acts of charity are necessary, but not sufficient. We must harness our private values to secure a greater public commitment to the rights and well-being of the least among us. It is not enough to heed God’s command on the Sabbath; we must do it 24/7/365. As a wise friend of mine once said: “God is not what we believe. God is what we do.” In that spirit, I now enjoin you to go forth and to demonstrate, by good works and ceaseless advocacy, that we can approach the promised land of equal housing opportunity for all.

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