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Questions and Answers on Fair Housing Practices Legislation (1962)

Citizens United for a Fair Housing Law in Rhode Island

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CITIZENS UNITED FOR A FAIR HOUSING LAW IN RHODE ISLAND

MARCH 30, 1962

QUESTIONS AND ANSWERS ON FAIR HOUSING LEGISLATION

1. Q. WHAT IS A "FAIR HOUSING LAW"?

A. IT SEEKS TO PROVIDE EQUAL OPPORTUNITY IN HOUSING FOR ALL THE RESIDENTS OF THE STATE, BY ELIMINATING DISCRIMINATION BASED UPON RACE OR COLOR, RELIGION OR COUNTRY OF ANCESTRAL ORIGIN.

2. Q. DOES HOUSING DISCRIMINATION AND SEGREGATION EXIST IN RHODE ISLAND?

A. UNFORTUNATELY, YES. THERE IS WIDESPREAD DISCRIMINATION AND SEGREGATION DIRECTED AGAINST NEGROES. IT IS A COMMON EXPERIENCE FOR NEGROES SEEKING HOUSING OUTSIDE OF EXISTING GHETTO AREAS TO BE TURNED DOWN BY THE OWNER OR THE REAL ESTATE AGENT. EVEN NEGRO FAMILIES OF KNOWN REPUTATION, OF COLLEGE EDUCATION, AND OF GOOD INCOME, EXPERIENCE DIFFICULTY IN BUYING OR RENTING A HOUSE OUTSIDE OF "NEGRO" AREAS. STATISTICALLY, IN PROVIDENCE IN 1960, 50% OF ALL NON-WHITE RESIDENTS WERE CONCENTRATED IN ONLY 4 OUT OF 37 CENSUS TRACTS. IN MOST OF THE RESIDENTIAL AREAS OF THE STATE, THERE ARE NO NON-WHITES.

3. Q. WHAT BILLS ARE PRESENTLY UNDER CONSIDERATION BY THE R. I. LEGISLATURE?

A. A. A FAIR HOUSING BILL PROPOSED BY GOVERNOR NOTTE (S-24) HAS PASSED THE R. I. SENATE, AND IS NOW IN THE R. I. HOUSE, IN THE COMMITTEE ON SPECIAL LEGISLATION. ITS PROVISIONS APPLY TO HOUSING THAT IS PART OF A PLOT OF 10 OR MORE CONTIGUOUS UNITS; AND TO OWNER-OCCUPIED TENEMENTS WITH FOUR OR MORE HOUSING UNITS; AND TO ABSENTEE-OWNED TENEMENTS WITH THREE OR MORE UNITS. IT IS ESTIMATED THAT THIS NOTTE BILL WOULD COVER ABOUT 30% OF THE HOUSING ACCOMMODATIONS OF THE STATE. IT IS BELIEVED THAT THIS BILL HAS A REASONABLE CHANCE OF ADOPTION DURING THE CURRENT SESSION. CITIZENS UNITED HAS VOTED TO SUPPORT THIS BILL.

B. ANOTHER FAIR HOUSING BILL, DRAFTED BY RICDH (H-1007), IS IN THE R. I. HOUSE, IN THE COMMITTEE ON JUDICIARY. ITS COVERAGE OF THE HOUSING SUPPLY IS ALMOST COMPLETE. THIS IS A GOOD BILL, BUT IT IS BELIEVED TO HAVE LITTLE CHANCE OF PASSAGE DURING THIS SESSION.

C. REPRESENTATIVE ARLINE KIVEN HAS RECENTLY INTRODUCED ANOTHER BILL (H-1504) WHICH WOULD INCLUDE THE REAL ESTATE BUSINESS WITHIN EXISTING LAWS AGAINST DISCRIMINATION. THIS IS A GOOD BILL. THERE IS LITTLE KNOWLEDGE AS TO ITS POSSIBLE CHANCE OF PASSAGE DURING THE CURRENT SESSION.

4. Q. WHAT CAN I AS A CITIZEN DO TO HELP PASS FAIR HOUSING LEGISLATION?

A. WRITE OR TELEPHONE TO YOUR STATE REPRESENTATIVE. TELL HIM THAT YOU FAVOR FAIR HOUSING LEGISLATION. TELL HIM WHY. ASK YOUR FRIENDS TO DO THE SAME.

5. Q. IS THIS ANTI-DISCRIMINATION LEGISLATION SOMETHING NEW IN RHODE ISLAND?

A. No. IN 1949, R. I. PASSED LEGISLATION TO PROHIBIT DISCRIMINATION IN

EMPLOYMENT. IN 1952, OUR LEGISLATURE EXTENDED THIS ANTI-DISCRIMINATION LEGISLATION TO INCLUDE PUBLIC ACCOMMODATIONS AND PUBLIC HOUSING.

6. Q. IS THIS MATTER OF FAIR HOUSING LEGISLATION SOMETHING PECULIAR TO R. I.?
A. NO. THERE HAVE BEEN FAIR HOUSING LAWS ON THE BOOKS OF OTHER STATES SINCE 1921. EACH YEAR, ADDITIONAL STATES AND CITIES PASS SUCH LAWS. AT THE PRESENT TIME, THERE ARE 16 STATES AND OVER 50 CITIES WHICH HAVE SOME FORM OF LEGISLATION TO PROHIBIT DISCRIMINATION IN HOUSING. THE EXACT PROVISIONS OF EACH LAW VARY. THE PENDING NOTTE BILL IS PATTERNED AFTER THE LAWS OF MASSACHUSETTS AND OF NEW YORK STATE.
7. Q. WHY IS RACIAL DISCRIMINATION IN HOUSING A MATTER FOR STATE CONCERN?
A. SUCH DISCRIMINATION DENIES TO CERTAIN RESIDENTS OF THE STATE THE EQUAL RIGHT TO ACQUIRE PROPERTY AND TO CHOOSE HOUSING. FURTHERMORE, SUCH DISCRIMINATION IS HARMFUL TO THE STATE AS A WHOLE. IT CREATES RACIAL GHETTOS. IT RESULTS IN OVER-CROWDING OF SUCH GHETTO AREAS. IT CAUSES SEGREGATION IN SCHOOLS, RECREATION FACILITIES AND OTHER PUBLIC SERVICES. IT CAUSES RACIAL MISTRUST, DISHARMONY AND TENSION.
8. Q. WHY DOES THE STATE HAVE THE POWER TO ENACT A FAIR HOUSING LAW?
A. THE STATE HAS NOT ONLY THE POWER, BUT THE DUTY, TO PASS LAWS FOR THE PROMOTION OF THE GENERAL WELFARE, AND FOR THE PROTECTION OF THE RIGHTS OF THE CITIZENS. THE GOVERNMENT MAY NOT SIT BY IDLY WHILE SOME OF ITS CITIZENS ARE UNJUSTLY DEPRIVED OF THEIR RIGHTS.
9. Q. IS THE PROBLEM OF HOUSING FOR NEGROES ONE OF DISCRIMINATION, OR IS IT ONE OF ECONOMICS?
A. IT IS A FACT THAT, ON AVERAGE, THE ECONOMIC POSITION OF THE NEGRO IS BELOW THAT OF THE WHITE, BECAUSE OF DISCRIMINATION IN EMPLOYMENT. THIS IS A DIFFERENT PROBLEM, WHICH THE STATE IS TRYING TO IMPROVE THROUGH EXISTING LAWS AGAINST DISCRIMINATION IN EMPLOYMENT. BUT NEGROES FIND DIFFICULTY IN ACQUIRING HOUSING REGARDLESS OF THEIR ECONOMIC CAPACITY. EVEN WELL-TO-DO NEGRO FAMILIES FIND MOST DOORS CLOSED TO THEM IN MOST NEIGHBORHOODS OF THE STATE.
10. Q. DO NEGROES WANT TO LIVE CLOSE TO OTHER NEGROES? DO THEY WANT TO LIVE AMONG WHITES?
A. DIFFERENT NEGROES MAY HAVE DIFFERENT DESIRES AS TO WHERE THEY WISH TO LIVE. THEY SHOULD BE AS FREE AS OTHER MEMBERS OF THE COMMUNITY TO CHOOSE THEIR PLACES OF RESIDENCE. THOSE WHO MAY WISH TO LIVE NEAR OTHER NEGROES WANT TO BE FREE TO DO SO OF THEIR OWN FREE WILL, NOT TO BE FORCED TO DO SO. THOSE WHO MAY WISH TO LIVE IN NEIGHBORHOODS WHERE THERE ARE FEW OTHER NEGROES WANT TO BE FREE TO CHOOSE SUCH NEIGHBORHOODS UNRESTRICTED BY DISCRIMINATION. IT IS UNJUST FOR ONE SEGMENT OF THE POPULATION TO DENY TO ANY MINORITY GROUP THE FREEDOM OF CHOICE OF RESIDENCE, AND TO FORCE THEM TO LIVE IN SEGREGATED GHETTOS.

11. Q. DOES A FAIR HOUSING LAW DEPRIVE THE OWNER OR MANAGER OF AN APARTMENT HOUSE OF HIS FREEDOM TO CHOOSE HIS TENANTS?
- A. NO. IT LIMITS THIS FREEDOM IN ONE RESPECT ONLY: HE MAY NOT REJECT AN APPLICANT ONLY BECAUSE OF RACE OR COLOR, RELIGION OR ORIGIN. APART FROM THIS LIMITATION, HE IS FREE TO CHOOSE THOSE WHOM HE WISHES TO HAVE AS TENANTS.
12. Q. DOES A FAIR HOUSING LAW FORCE THE OWNER OR MANAGER OF AN APARTMENT HOUSE TO ACCEPT AS A TENANT ANY APPLICANT FROM ANY MINORITY GROUP?
- A. NO. THE OWNER OR MANAGER OF AN APARTMENT HOUSE MAY APPLY WHATEVER OBJECTIVE STANDARDS ARE REASONABLE TO ALL APPLICANTS, AND MAY REJECT APPLICANTS IN HIS JUDGMENT SO LONG AS THE MATTER OF RACE OR COLOR, RELIGION OR ORIGIN, IS NOT THE REASON FOR SUCH REJECTION.
13. Q. DOES A FAIR HOUSING LAW TAKE AWAY THE PROPERTY RIGHTS OF AN OWNER?
- A. THERE ARE NO ABSOLUTE RIGHTS IN PROPERTY. NO OWNER OF ANY PROPERTY IN ANY CITY MAY USE HIS PROPERTY IN SUCH A WAY AS TO HARM THE PUBLIC WELFARE. THAT IS WHY CITIES AND STATES APPLY RESTRICTIONS ON THE USE OF PROPERTY IN RESPECT TO SANITATION, SAFETY, ZONING, FIRE PREVENTION, ELECTRICAL INSTALLATION, PLUMBING INSTALLATION, MINIMUM HOUSING STANDARDS, SIGNS AND BILLBOARDS, AND OTHER ASPECTS OF USE OF PROPERTY BY OWNERS. THE OWNERSHIP OF PROPERTY GIVES NOT ONLY RIGHTS BUT ALSO OBLIGATIONS; THE OBLIGATION TO USE THE PROPERTY IN SUCH A WAY AS NOT TO HARM THE COMMUNITY. FURTHERMORE, ALL CITIZENS OF THE STATE, REGARDLESS OF COLOR, SHOULD HAVE THE EQUAL RIGHT TO ACQUIRE PROPERTY.
14. Q. WOULD PROPOSED LEGISLATION LIMIT MY RIGHT TO CHOOSE A ROOMER OR LODGER WITHIN MY HOME?
- A. NOT AT ALL. PROPOSED LAWS DO NOT AFFECT THE LETTING OF ROOMS TO LODGERS WITHIN A FAMILY DWELLING.
15. Q. CAN RACIAL PREJUDICE BE ELIMINATED BY LEGISLATION? CAN WE LEGISLATE MORALITY?
- A. THE PURPOSE OF SUCH LEGISLATION IS NOT TO MAKE PEOPLE MORAL; BUT TO PREVENT IMMORAL BEHAVIOR. LEGISLATION IS ALSO AN IMPORTANT PART OF THE EDUCATIONAL PROCESS. IT PUTS THE DIGNITY AND THE AUTHORITY OF THE STATE SQUARELY BEHIND THE PRINCIPLE OF EQUAL OPPORTUNITY IN HOUSING FOR ALL THE CITIZENS OF THE STATE; THUS AIDING IN THE TOTAL EDUCATIONAL PROGRAM BASED ON THE AMERICAN CONCEPT OF EQUALITY OF OPPORTUNITY.
16. Q. DOES THE ENTRY OF MINORITY FAMILIES INTO A NEW NEIGHBORHOOD CAUSE PROPERTY VALUES TO DECLINE?
- A. NO. A RECENT ARTICLE IN THE "PROVIDENCE BULLETIN" ON THE NEARBY CITY OF NEWTON, MASSACHUSETTS REPORTS THAT A NUMBER OF NEGRO FAMILIES HAD MOVED INTO PREVIOUSLY ALL-WHITE NEIGHBORHOODS OF THAT CITY WITHOUT ANY DISTURBANCE TO THE NEIGHBORHOODS OR ANY DEPRECIATION OF PROPERTY VALUES. THIS HAS BEEN THE EXPERIENCE OF CITIES THROUGHOUT THE COUNTRY. SPECIAL STUDIES HAVE BEEN MADE IN CITIES AS FAR APART AS SAN FRANCISCO, LOS ANGELES,

PORTLAND, BALTIMORE, NEW YORK AND PHILADELPHIA; ALL DISPROVING THE MYTH THAT PROPERTY VALUES DECLINE.

17. Q. IF ONE NEGRO FAMILY MOVES INTO A NEW NEIGHBORHOOD, WILL THERE BE A FLOOD OF OTHER NEGRO FAMILIES?

A. THIS HAS NOT HAPPENED IN THOSE NEIGHBORHOODS THROUGHOUT THE STATE, IN PROVIDENCE AND SOME OTHER CITIES, WHERE NEGROES ARE NOW LIVING, AND WHERE THEY HAVE BEEN LIVING FOR LONGER THAN A GENERATION. IF THE WHITE NEIGHBORS FALL VICTIMS TO PANIC HYSTERIA AND SELLING, AND MOVE OUT AT ONCE, THE RESULTANT VACANCIES WILL BE TAKEN UP BY NEGROES WHO NOW FIND IT DIFFICULT TO GET HOUSING OUTSIDE OF THE EXISTING GHETTOS OF PROVIDENCE. IF THE WHITES DO NOT PANIC, THE NEIGHBORHOOD REMAINS STABLE. IF NEGROES ARE PERMITTED TO CHOOSE FREELY WHERE THEY WISH AND CAN AFFORD TO LIVE, THEY WILL DISTRIBUTE THEMSELVES THROUGHOUT THE STATE WITHOUT HEAVY CONCENTRATIONS IN ANY ONE AREA. AFTER ALL, ONLY 2% OF THE STATE'S POPULATION ARE NEGROES.

18. Q. DO NEGROES MAINTAIN THEIR PROPERTY AS WELL AS WHITES?

A. STUDIES HAVE BEEN MADE OF INTERRACIAL HOUSING AREAS. THE EVIDENCE IS CLEAR THAT NEGROES MAINTAIN THEIR PROPERTY AT LEAST AS WELL AS THEIR WHITE NEIGHBORS. THEY HAVE THE SAME INTEREST IN THEIR PROPERTY AND IN THEIR NEIGHBORHOOD AS DO THEIR WHITE NEIGHBORS. IT IS UNJUST TO BLAME THE NEGROES FOR THE POOR CONDITION OF THE OVERCROWDED SLUM AREAS WHERE THEY ARE FORCED TO LIVE BECAUSE OF RACIAL DISCRIMINATION. THE NEGRO IS THE VICTIM OF SUCH OVERCROWDING, NOT THE CAUSE.

19. Q. WHAT WILL BE THE METHOD OF ENFORCEMENT FOR A FAIR HOUSING LAW?

A. A FAIR HOUSING LAW WILL BE ADMINISTERED WITHIN THE EXISTING POWERS OF THE R. I. COMMISSION AGAINST DISCRIMINATION. THE COMMISSION WILL INVESTIGATE CHARGES OF UNFAIR DISCRIMINATION AND IF IT FINDS PROBABLE CAUSE FOR A CHARGE WILL SEEK TO SETTLE THE MATTER BY PERSUASION OR CONCILIATION. IF SUCH EFFORTS FAIL, A HEARING IS HELD AT WHICH BOTH THE COMPLAINING PARTY AND THE PERSON CHARGED MAY PRESENT EVIDENCE. THEN THE AGENCY EITHER DISMISSES THE COMPLAINT, OR ISSUES AN ORDER REQUIRING THE RESPONDENT TO CEASE AND DESIST FROM UNFAIR DISCRIMINATION.

20. Q. DOES A FAIR HOUSING LAW PROVIDE CRIMINAL PENALTIES FOR VIOLATORS?

A. NO. THE COMMISSION AGAINST DISCRIMINATION SEEKS TO ACHIEVE ITS PURPOSES BY COOPERATION OF THE PARTIES CONCERNED, THROUGH PERSUASION AND CONCILIATION. FAILING THIS, IT MAY ISSUE A "CEASE AND DESIST" ORDER AS MENTIONED ABOVE. IF SUCH AN ORDER IS IGNORED, THE COMMISSION MAY ASK THE SUPERIOR COURT TO ISSUE A "CEASE AND DESIST" ORDER. IF THIS COURT ORDER IS IGNORED, THE JUDGE MAY IMPOSE A PENALTY OF FINE OR IMPRISONMENT FOR A CIVIL, NOT CRIMINAL, VIOLATION. DURING ITS 13 YEARS OF EXISTENCE IN R. I., THE COMMISSION AGAINST DISCRIMINATION HAS NOT YET BEEN REQUIRED TO SEEK A COURT ORDER, AND THERE HAVE BEEN NO PENALTIES IMPOSED BY A COURT.

21. Q. WOULD A FAIR HOUSING LAW GIVE ANY UNUSUAL ENFORCEMENT POWERS TO THE COMMISSION?

A. NO. FOR THE PAST 13 YEARS, THE R. I. COMMISSION AGAINST DISCRIMINATION HAS

BEEN OPERATING WITH THE POWERS, DUTIES AND PROCEDURES WHICH ARE CUSTOMARY FOR SUCH ADMINISTRATIVE BODIES, INCLUDING MANY STATE AND FEDERAL COMMISSIONS DEALING WITH REGULATION OF PRIVATE COMMERCE. PROPOSED LAWS WOULD NOT INTRODUCE ANY INNOVATIONS OF PROCEDURES, BUT WOULD SIMPLY APPLY THE SAME METHODS THAT HAVE BEEN SUCCESSFULLY ADAPTED IN THIS STATE TO EMPLOYMENT, TO PUBLIC ACCOMMODATIONS AND TO PUBLIC HOUSING.

22. Q. SOME LEGISLATORS HAVE PROPOSED A PUBLIC REFERENDUM ON FAIR HOUSING LEGISLATION. IS THIS WISE?

A. NO. THE PEOPLE ELECT THE MEMBERS OF THE GENERAL ASSEMBLY TO LEGISLATE FOR THEM. THE LEGISLATORS ARE EXPECTED TO STUDY POSSIBLE LEGISLATION IN ALL AREAS OF STATE CONCERN; TO DETERMINE WHAT IS GOOD FOR THE STATE IN EACH CASE; AND TO VOTE IN ACCORDANCE WITH THEIR CONSIDERED JUDGMENTS. LEGISLATORS SHOULD NOT EVADE THEIR RESPONSIBILITY BECAUSE A PARTICULAR MATTER BECOMES CONTROVERSIAL. FURTHERMORE, THIS WOULD SET A DANGEROUS PRECEDENT FOR OTHER LEGISLATION. ONE RESULT OF SUCH A PRACTICE WOULD BE TO REDUCE THE PRESTIGE AND IMPORTANCE OF THE LEGISLATIVE BRANCH OF GOVERNMENT. ANOTHER RESULT WOULD BE TO RETURN TO A "TOWN MEETING" TYPE OF GOVERNMENT FOR OUR STATE, WHICH IS AN IMPOSSIBLE METHOD IN A POLITICAL ENTITY OF 860,000 PERSONS. THE LAW PROVIDES FOR A REFERENDUM ONLY FOR SUCH SPECIAL SITUATIONS AS BOND ISSUES AND CONSTITUTIONAL AMENDMENTS.

23. Q. WHY DO SOME REAL ESTATE AGENTS OPPOSE FAIR HOUSING LEGISLATION?

A. IT IS DIFFICULT TO UNDERSTAND WHY REAL ESTATE AGENTS OPPOSE A LAW WHICH WILL PROTECT THEM. THEY CLAIM THAT THEIR DISCRIMINATION IS FORCED UPON THEM BY THE WISHES OF OWNERS AND BY THE THREATS OF NEIGHBORS. IT REQUIRES COURAGE FOR ANY ONE AGENT TO WITHSTAND SUCH PRESSURE IN THE ABSENCE OF A LAW PROHIBITING DISCRIMINATION. WHEN THERE IS SUCH A LAW, EVERY AGENT WILL BE FREE TO CARRY ON HIS BUSINESS WITHOUT DISCRIMINATION, BECAUSE THE LAW GIVES HIM AN ANSWER TO OWNERS WHO EXPRESS A WISH TO DISCRIMINATE, AND GIVES HIM A PROTECTION AGAINST THREATS FROM NEIGHBORS. IT ENABLES EACH AGENT TO RESPOND THAT THE LAW DOES NOT PERMIT HIM TO DISCRIMINATE, AND THAT ALL AGENTS ARE IN THE SAME SITUATION.

24. Q. WHAT IS THE MORAL AND LEGAL BASIS OF FAIR HOUSING LEGISLATION?

A. THE DECLARATION OF INDEPENDENCE STATES: "THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, THAT AMONG THESE ARE LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS. THAT TO SECURE THESE RIGHTS, GOVERNMENTS ARE INSTITUTED AMONG MEN".