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Race, Ethnicity, and Fair Housing Enforcement: A Regional Analysis*

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ABSTRACT

This article systematically compares how federal, state, and local civil rights agencies in the ten standard regions of the United States enforce fair housing law complaints filed by Blacks and Latinos. Specifically, it explores the extent to which regional outcomes at all three levels of government are decided favorably where, between 1989 and 2010, a racial or ethnic violation of the Fair Housing Act of 1968 or the Fair Housing Amendments Act of 1988 is alleged. The results reveal significant variations in outcomes between these groups across the country. Most importantly, the probability of an outcome favorable to the complainant depends on the region in which the complaint is filed, the race or ethnicity of the complainant, and the racial or ethnic composition and the number of complaints filed per capita in the state in which a complaint originates. In general, while complaints filed by Latinos are more likely to receive a favorable outcome than those filed by Blacks, favorability rates for Latinos are more dependent on the region where the complaint is processed than they are for Blacks.

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I. INTRODUCTION

Scholars have thoroughly examined how laws and public policies vary across the fifty states.¹ They have also investigated the laws and policies of specific regions and their constituent states,² as well as regions within individual states.³ However, they have never explored differences that exist across the ten regions used by the federal government⁴ or undertaken systematic quantitative comparisons of these regions along any specific legal or enforcement dimension. As a step toward filling this gap, we empirically investigate enforcement variations across the ten regions in federal fair housing law enforcement as they pertain to Blacks and Latinos.

Little is known about regional fair housing policy and enforcement or how the regions differ. For example, are parts of the United States traditionally thought to have adopted liberal civil rights policies and enforcement practices performing significantly better than those understood to have not? A large body of literature demonstrates that the South has long trailed the federal government and other regions in civil rights protections.⁵ Yet newer research documents what appears to be recent southern progress, so that the region is not significantly unlike the

1. See, e.g., ROBERT S. ERIKSON, GERALD C. WRIGHT & JOHN P. MCIVER, *STATEHOUSE DEMOCRACY: PUBLIC OPINION AND POLICY IN THE AMERICAN STATES* (1993); *POLITICS IN THE AMERICAN STATES: A COMPARATIVE ANALYSIS* (Virginia Gray et al. eds., 10th ed. 2013).

2. V. O. KEY, JR., *SOUTHERN POLITICS IN STATE AND NATION* (1949); DUANE LOCKARD, *NEW ENGLAND STATE POLITICS* (1959).

3. James G. Gimpel & Jason E. Schuknecht, *Reconsidering Political Regionalism in the American States*, 2 *STATE POL. & POL'Y Q.* 325 (2002); JAMES G. GIMPEL & JASON E. SCHUKNECHT, *PATCHWORK NATION: SECTIONALISM AND POLITICAL CHANGE IN AMERICAN POLITICS* (2004).

4. See Figure 1 *infra*.

5. See, e.g., David E. Bernstein, *Philip Sober Controlling Philip Drunk: "Buchanan v. Warley" in Historical Perspective*, 51 *VAND. L. REV.* 797 (1998); James R. Dunn, *Title VI, the Guidelines and School Desegregation in the South*, 53 *VA. L. REV.* 42 (1967); Michael J. Klarman, *Brown, Racial Change, and the Civil Rights Movement*, 80 *VA. L. REV.* 7 (1994); MICHAEL J. KLARMAN, *FROM JIM CROW TO CIVIL RIGHTS: THE SUPREME COURT AND THE STRUGGLE FOR RACIAL EQUALITY* (2004); Robert A. Leflar & Wylie H. Davis, *Segregation in the Public Schools – 1953*, 67 *HARV. L. REV.* 377 (1954).

remainder of the country on matters of racial or ethnic rights.⁶ While some research indicates that the South may no longer significantly lag behind the nation, do some regions perceived to be more progressive, like the Northeast or the West Coast, perform better than the nation?

Housing discrimination and segregation are vital civil rights issues that deserve greater attention. Discrimination and segregation in housing have numerous negative political, economic, social, and psychological effects on Blacks and Latinos,⁷ yet they persist despite efforts to reduce them.⁸ Social scientists have hypothesized significant regional differences in general rates of racial and ethnic discrimination,⁹ but they have never focused on how enforcement of housing discrimination laws varies across regions.

To address this concern, we examine the resolution of housing discrimination complaints filed by Blacks and Latinos by region. We rely on two data sets obtained from the US Department of Housing and Urban Development (HUD) through Freedom of Information Act requests.¹⁰ These data sets contain all complaints filed between 1989 and 2010 under two of the nation's foremost fair housing laws—the Fair Housing Act of 1968 and the Fair Housing Amendments Act of 1988, both of which we

6. CHARLES S. BULLOCK III & RONALD KEITH GADDIE, *THE TRIUMPH OF VOTING RIGHTS IN THE SOUTH* (2009); Charles S. Bullock III, Eric M. Wilk & Charles M. Lamb, *Fair Housing Enforcement in the South and Non-South*, 96 SOC. SCI. Q. 941 (2015); John Iceland, Gregory Sharp & Jeffrey M. Timberlake, *Sun Belt Rising: Regional Population Change and the Decline in Black Residential Segregation, 1970–2009*, 50 DEMOGRAPHY 97 (2013); THE MYTH OF SOUTHERN EXCEPTIONALISM (Matthew D. Lassiter & Joseph Crespino eds., 2010).

7. See, e.g., Allison P. Anoll, *What Makes a Good Neighbor? Race, Place, and Norms of Political Participation*, 112 AM. POL. SCI. REV. 494 (2018); John O. Calmore, *Racialized Space and the Culture of Segregation: "Hewing a Stone of Hope from a Mountain of Despair"*, 143 U. PA. L. REV. 1233 (1995); Douglas S. Massey, *Getting Away with Murder: Segregation and Violent Crime in Urban America*, 143 U. PA. L. REV. 1203 (1995); Jessica Trounstine, *Segregation and Inequality in Public Goods*, 60 AM. J. POL. SCI. 709 (2016).

8. See, e.g., James A. Kushner, *The Fair Housing Amendments Act of 1988: The Second Generation of Fair Housing*, 42 VAND. L. REV. 1049 (1989); CHARLES M. LAMB, *HOUSING SEGREGATION IN SUBURBAN AMERICA SINCE 1960: PRESIDENTIAL AND JUDICIAL POLITICS* (2005); DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* (1993); RICHARD H. SANDER, YANA A. KUCHEVA & JONATHAN M. ZASLOFF, *MOVING TOWARD INTEGRATION: THE PAST AND FUTURE OF FAIR HOUSING* (2018).

9. See, e.g., James H. Kuklinski, Michael D. Cobb & Martin Gilens, *Racial Attitudes and the "New South,"* 59 J. POL. 323 (1997); Nicholas A. Valentino & David O. Sears, *Old Times There Are Not Forgotten: Race and Partisan Realignment in the Contemporary South*, 49 AM. J. POL. SCI. 672 (2005).

10. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY DATA SET (Obtained by the authors under the Freedom of Information Act) (2005); U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY DATA SET (Obtained by the authors under the Freedom of Information Act) (2013).

shall refer to collectively as Title VIII—and the substantially equivalent civil rights laws passed by state and local governments throughout the United States since the 1980s.

This article focuses on favorable outcomes for Blacks and Latinos in the federal regions. It explores regional differences in favorable outcome rates for these groups, the extent to which their relative population size within the general population affects favorable outcomes, the number of complaints filed by each group per state, and the likelihood that favorable outcomes are affected by whether a local, state, or federal agency processed a complaint.

II. THE FAIR HOUSING ACT AND REGIONAL ENFORCEMENT

The Fair Housing Act of 1968¹¹ designates HUD as the lead federal agency to enforce Title VIII. HUD attempts to carry out this function by investigating and closing housing discrimination complaints.¹² These complaints include discrimination based not only on race and national origin but also on sex, religion, and color.¹³ Congress expanded these protected classifications to include disability and family status (families with children under the age of eighteen) when it passed the 1988 Fair Housing Amendments Act.¹⁴ The Fair Housing Act prohibits several specific practices, including refusing to rent or sell; discriminating in the terms, conditions, or privileges of rentals and sales; discriminatory advertising; and discrimination in loans for purchasing, constructing, improving, or repairing housing.¹⁵

Persons alleging discrimination file a complaint with either HUD or a state or local civil rights agency that participates in HUD's Fair Housing Assistance Program (FHAP).¹⁶ State and local FHAP agencies are in jurisdictions that have passed housing discrimination laws substantially equivalent to Title VIII in terms of rights, procedures, remedies, and the availability of judicial review.¹⁷ In fiscal year 2017, thirty-five states and

11. 42 U.S.C. §§ 3601–3619, 3631.

12. *See, e.g.*, Charles S. Bullock III, Charles M. Lamb & Eric M. Wilk, *Cooperative Federalism and Fair Housing Enforcement*, 99 SOC. SCI. Q. 728 (2018); Charles M. Lamb & Eric M. Wilk, *Civil Rights, Federalism, and the Administrative Process: Favorable Outcomes by Federal, State, and Local Agencies in Housing Discrimination Complaints*, 70 PUB. ADMIN. REV. 412 (2010).

13. Lamb & Wilk, *supra* note 12, at 413.

14. *Id.*

15. *Id.* at 415.

16. *See, e.g.*, Office of Fair Housing and Equal Opportunity, HUD, *Annual Report to Congress FY 2016 18-21* (2017).

17. Lamb & Wilk, *supra* note 12, at 414.

fifty localities were designated as FHAP agencies, and they received 83.7% of all Title VIII complaints, compared to 16.3% by HUD.¹⁸ As this suggests, state and local civil rights agencies play a critical role in enforcing housing discrimination laws and over time have increasingly processed and closed Fair Housing Act complaints.¹⁹

FHAP agencies are not evenly distributed throughout the United States; a large percentage of them are in the eastern half of the country or on the West Coast, as seen in Table 1.²⁰ In this article we make regional comparisons across the ten standard federal regions. Region I contains Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, while Region II has only two states, New Jersey and New York. Region III includes Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, plus the District of Columbia. Region IV covers eight Southeastern states: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Region V encompasses Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Region VI has Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Region VII consists of Iowa, Kansas, Missouri, and Nebraska. Region VIII takes in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. Region IX is made up of Arizona, California, Hawaii, and Nevada. Finally, Region X contains Alaska, Idaho, Oregon, and Washington.

18. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY ANNUAL REPORT TO CONGRESS FY 2016 (2017), 15, 18. Similarly, FHAP agencies closed 80% of all Fair Housing Act complaints in Fiscal Year 2011 compared to only 20% by HUD. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ANNUAL REPORT ON FAIR HOUSING FISCAL YEAR 2011 (2012), 54–55.

19. See, e.g., Charles S. Bullock, III, Charles M. Lamb & Eric M. Wilk, *Memo to President Biden on State and Local Fair Housing Enforcement*, N.Y.U. J. LEGIS. & PUB. POL'Y QUORUM (2021).

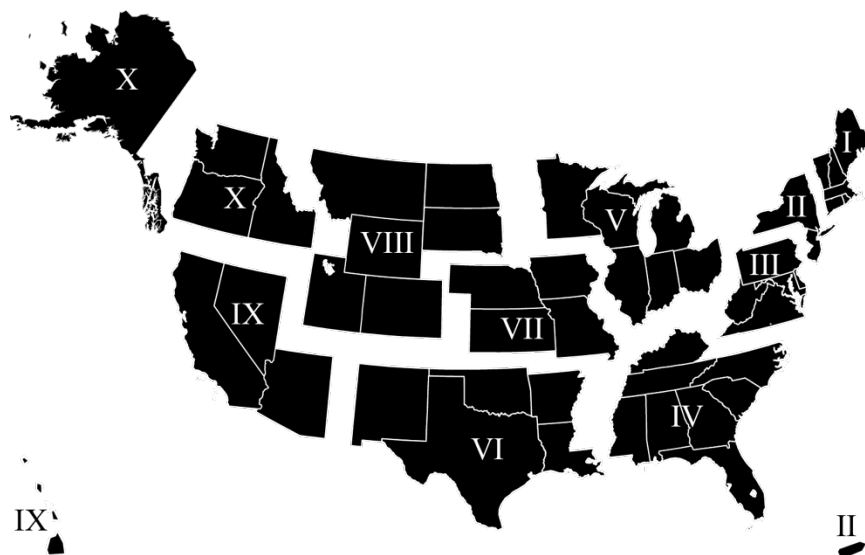
20. See, e.g., Fair Housing Assistance Program (FHAP) Agencies, https://www.hud.gov/program_offices/fair_housing_equal_opp/partners/FHAP/agencies (last visited Feb. 18, 2023).

Table 1²¹: State and Local FHAP Agencies by Region, 2018

Region	State	Local
I. New England	5	2
II. New Jersey-New York	2	2
III. Mid-Atlantic	3	5
IV. Southeast	5	13
V. East-North-Central	5	13
VI. Southwest	3	5
VII. West-North-Central	4	10
VIII. Mountain	3	0
IX. South Pacific	3	1
X. North Pacific	2	2

We analyze regional fair housing enforcement in this study by measuring all state and local FHAP favorability rates for Blacks and Latinos after aggregating those rates according to the states included in each federal region. In order to simplify the following discussion, we will refer to Region I as the New England region, Region II as the New Jersey-New York region, Region III as the Mid-Atlantic region, Region IV as the Southeast region, Region V as the East-North-Central region, Region VI as the Southwest region, Region VII as the West-North-Central region, Region VIII as the Mountain region, Region IX as the South Pacific region, and Region X as the North Pacific region. Figure 1 shows the ten standard federal regions and the outlines of states in each region.

21. *State of Fair Housing Annual Report to Congress, FY 2018-FY 2019*, 51-55 (2019). Alabama, Alaska, Idaho, Mississippi Montana, Nevada, New Hampshire, New Mexico, South Dakota, Wisconsin, and Wyoming had no state or local FHAP agencies in 2018.

Figure 1: Standard Federal Regional Boundaries

III. DATA AND METHOD

The two data sets²² analyzed here contain all Fair Housing Act complaints filed nationwide from 1989 through 2010 and include enforcement information on civil rights agencies at all three levels of government. This HUD material has information on where a complaint was filed and whether it was processed by HUD or a state or local agency; when a complaint was received and closed; the type of discrimination alleged; whether conciliation was attempted and, if so, the date(s) that conciliation was attempted and ultimately reached; whether monetary relief was awarded and, if so, the amount; and the reason a case was closed. Because federal, state, and local civil rights agencies are processing these discrimination complaints, this information allows measurement of the extent to which complaints receive favorable outcomes from each level of government. The analysis here is based on all racial and national origin complaints filed by Blacks and Latinos over the twenty-two-year period.

The dependent variable is whether the enforcement process provides a favorable outcome for the alleged victim of discrimination. Favorable

22. *See supra* note 10.

outcomes improve the complainant's position. Title VIII complaints have five possible outcomes.

Two outcomes—conciliations and cause determinations—are favorable, whereas the other three outcomes—administrative closures, dismissal as irrelevant, and no-cause determinations—are not. In conciliations, the responsible agency successfully mediates a resolution between a complainant and a respondent. Cause determinations include those cases in which the agency determines there is reasonable cause to believe that the Fair Housing Act has been violated. By contrast, in an administrative closure, no resolution is reached (as when a complainant fails to cooperate with an investigation), and irrelevant claims are those unrelated to Title VIII (such as when a landlord-tenant dispute does not involve housing discrimination).

IV. DESCRIPTIVE ANALYSIS

Figure 2 presents the percentage of favorable outcomes received by Black and Latino complainants by federal regions. Figure 1 reveals initial findings that constitute a common theme in this article. Latinos attain higher favorable outcome rates than do Blacks except in the New Jersey-New York region (Region II) and the Southeast (Region IV). The overall favorability rate for Latinos is 29.6%, compared to 26.0% for Blacks. Standard deviations confirm the visual inspection with a value of 4.6 for Latinos compared with 2.3 for Blacks. The greater variability in the resolution of Latino than Black complaints was confirmed when means and standard deviations were calculated using states as opposed to regions with a standard deviation of 12.3 for Latinos and 5.7 for Blacks.

Figure 2²³: Favorability Rates for Blacks and Latinos Claiming Racial or National Origin Discrimination by Region, 1989–2010

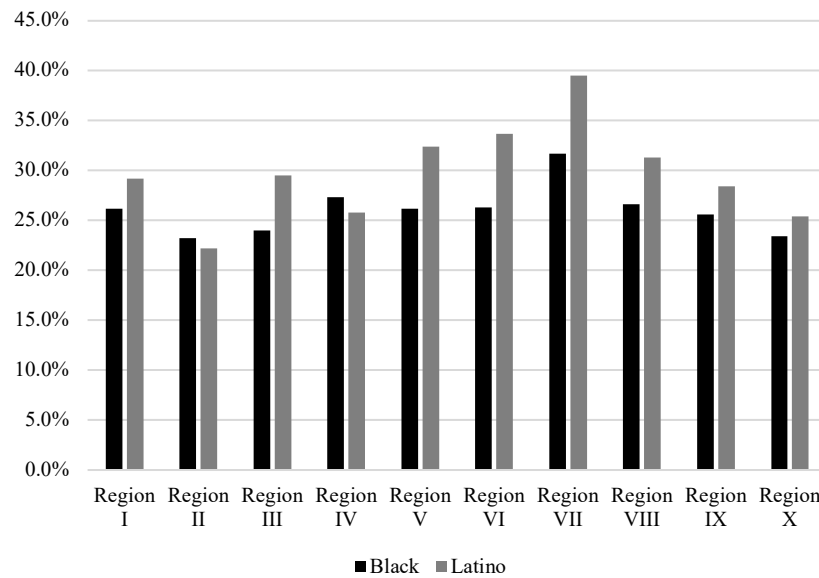


Figure 2 discloses that Blacks' and Latinos' complaints filed in the West- North-Central region (Region VII) had the greatest likelihood of a favorable outcome. Latino success rates are relatively high in Regions V, VI, and VIII but are lowest in the New Jersey-New York region (Region II), which also reported the lowest rates for Blacks. Black complainants also experienced less success in Regions III and X.

Table 2 compares favorability rates for both groups across the ten regions and the outcomes conferred by each level of government. The data with race-based complaints filed by Blacks appear at the top of the table and Latino complaints below. The first column for each group displays the overall favorable outcome rate in a region. The second and third columns show the percentage of favorable outcomes granted by HUD and FHAP agencies, respectively. The HUD-FHAP column displays the difference

23. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY DATA SET (Obtained by the authors under the Freedom of Information Act) (2005); U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY DATA SET (Obtained by the authors under the Freedom of Information Act) (2013).

between the favorability rate provided by HUD and FHAP agencies. Negative numbers indicate that FHAP agencies outperform HUD's favorability rates for the group. The final two columns separate FHAP rates for state and local agencies. The total row that appears beneath the results for all regions presents the average favorability rate and standard deviations for each group across all regions.

Table 2: Rates of Favorable Outcomes in Race and National Origin Complaints for Blacks and Latinos by Region and Processing Agency, 1989–2010

Black Complaints							
	Regions	All	HUD	FHAP	HUD-FHAP	State	Local
I	New England	26.2	37.7	23.9	13.8	23.9	24.1
II	New Jersey-New York	23.1	29.6	19.5	10.1	18.8	56.1
III	Mid-Atlantic	23.9	31.9	26.2	5.7	25.5	32.0
IV	Southeast	25.0	23.4	25.8	-2.4	21.0	31.4
V	East-North-Central	26.2	30.6	23.8	6.8	23.2	28.7
VI	Southwest	26.2	25.4	26.8	-1.4	24.8	30.6
VII	West-North-Central	31.7	38.7	25.8	12.9	26.6	25.5
VIII	Mountain	26.4	37.2	19.9	17.3	19.9	—
IX	South Pacific	25.5	25.8	25.3	0.5	25.9	15.9
X	North Pacific	25.7	26.0	25.5	0.5	26.3	18.2
	Total	26.0	29.6	28.5		23.6	29.2
	St. Dev.	2.1	5.9	2.4		2.7	10.9

Table 2 (cont.)

Latino Complaints							
	Regions	All	HUD	FHAP	HUD-FHAP	State	Local
I	New England	29.2	46.8	25.3	21.5	24.3	40.0
II	New Jersey–New York	22.2	31.2	18.7	12.5	18.3	35.0
III	Mid-Atlantic	29.5	31.8	31.7	0.1	22.8	48.1
IV	Southeast	25.8	23.3	26.4	-3.1	18.8	34.8
V	East-North-Central	32.4	39.3	27.5	11.8	27.6	26.2
VI	Southwest	33.7	31.2	34.9	-3.7	24.4	44.1
VII	West-North-Central	39.5	38.0	40.4	-2.4	44.0	36.6
VIII	Mountain	29.7	34.6	26.8	7.8	26.8	—
IX	South Pacific	28.4	29.3	28.2	1.1	29.0	18.3
X	North Pacific	26.9	28.9	26.1	2.8	25.8	31.4
	Total	29.7	33.4	28.6		26.2	34.9
	St. Dev.	4.3	6.2	5.6		6.8	8.5

Table 2 suggests several specific findings. First, HUD provides the highest rate of favorable outcomes for Blacks, while local agencies most frequently find for Latinos. For both groups, success at state FHAP agencies is substantially less than when complaints are processed locally or by HUD. Second, overall favorable outcomes for both groups are most likely in the West-North-Central region (Region VII). Black complaints processed by HUD most often succeed in the West-North-Central region (Region VII) (38.7%), while Latinos in New England (Region I) fare best with HUD (46.8%). Third, the New Jersey-New York region (Region II) is noteworthy because it is here that FHAP agencies provide the lowest

rates of favorable outcomes for Blacks and Latinos. Fourth, state FHAP agencies in New Jersey and New York (Region II) are notably unsuccessful when compared with local FHAP agencies. Fifth, the disparity between successful resolutions by HUD and FHAP agencies is especially pronounced in New England (Region I), where the 21.5-point difference for Latinos is the largest in the table and the 13.8-point difference for Blacks is the second largest for that group. Sixth, HUD's successful closure rate in New England (Region I) far exceeds the national average while the rate for FHAP agencies is below the national average (almost two standard deviations below for Blacks). Seventh, with one exception, regional favorability rates are higher for Latinos than for Blacks. Eighth, local FHAP agencies generally perform well in the Southeast (Region IV) with successful closure rates near the average for all local FHAP agencies and score much better than HUD or state FHAP agencies in the region. Finally, the largest outcome gap showing HUD as more successful than FHAP agencies for Blacks occurs in the Mountain region (Region VIII) (37.2% to 19.9%), an area with relatively few Blacks.

V. MULTIVARIATE ANALYSIS

This analysis employs multivariate logistic regression in which the dependent variable is coded as 1 for a favorable outcome and 0 for an unfavorable outcome. Individual complaints are the units of analysis, and the main independent variable of interest is the complainants' race or ethnicity. Four categories of complainants are those who self-identified as Black, Latino, both Black and Latino, and neither Black nor Latino categories. Those who identify as both appear in both the self-identified Black and self-identified Latino categories. Those who identify as neither are not included given the purpose of the study. Blacks (including those who also self-identified as Latino) filed a total of 66,298 race-based or national origin complaints, and self-identified Latinos filed 13,637.

Dummy variables for the type of agency responsible for processing a complaint are also included. In addition to variables indicating complaints handled by HUD or FHAP, a third category called "Returned" is included to account for those complaints that originally fell under the jurisdiction of a FHAP agency but for some reason was returned to HUD. In some cases, it could be that a FHAP agency was decertified while the complaint was still being processed. It could also be that the FHAP agency could not process the complaint within the 100-day deadline required by HUD regulations, so the complaint was returned to HUD. These cases deserve to be noted as a separate value because, even though they were ultimately

processed by HUD, treating them as other HUD cases could bias the results in favor of FHAP agencies over HUD.

A complainant may cite several types of discrimination, including the terms, conditions, or privileges of the sale or rental of housing, advertising, financing, refusal to rent, refusal to sell, coercion, or false representation. These are used as control variables in the model. A complainant may also mention more than one type of discrimination in a complaint, so the categories are not mutually exclusive. As such, the dummy trap does not apply, and all categories are included. Another variable is included to capture any other issue that may be cited. Furthermore, the Fair Housing Act stipulates that the Justice Department file a lawsuit if the agency believes the respondent is responsible for a pattern or practice of repeated violations of Title VIII. In these cases, the probability of a favorable outcome is high and is captured in the pattern or practice variable.

Previous research has found that under some circumstances geographical areas that process a higher volume of complaints per capita generally have a higher proportion of favorable outcomes.²⁴ There is also reason to believe that where a higher proportion of the population identifies as nonwhite, this might influence the outcome of race- or ethnicity-based complaints.²⁵ Therefore, control variables for each of these are included. Population data are taken from the 2000 U.S. Census because that is roughly the midpoint of the data set.²⁶

A fixed effects model is used, where dummy variables are created to capture any year-to-year differences. The coefficients for the issue dummies and the yearly fixed effects do not appear in the tables due to the large number of variables and to emphasize the primary focus of the analysis.

Table 3 shows Fair Housing Act complaints for Blacks and Latinos. Column (a) includes those complaints processed by HUD, whereas columns (b) and (c) present the results for complaints handled by state and local agencies, respectively. The West-North-Central region (Region VII), which Figure 1 shows had the highest rates of favorable outcomes from both Blacks and Latinos, is the excluded category. The multivariate

24. Charles S. Bullock III, Charles M. Lamb, & Eric M. Wilk, *African American and Latino Discrimination Complaints: Comparing Volume and Outcomes*, 102 SOC. SCI. Q. 2676 (2021).

25. *See id.*

26. *See* U.S. DEPARTMENT OF COMMERCE, THE BLACK POPULATION 2000: CENSUS 2000 BRIEF (2001), <https://www.census.gov/prod/2001pubs/c2kbr01-5.pdf>; U.S. DEPARTMENT OF COMMERCE, THE HISPANIC POPULATION 2000: CENSUS 2000 BRIEF (2001), <https://www.census.gov/prod/2001pubs/c2kbr01-3.pdf>.

models confirm the major conclusions provided by the descriptive analysis.

Table 3: Probability of a Favorable Outcome in Race and National Origin Complaints by Region and Processing Agency, 1989–2010[^]

	HUD (a)		States (b)		Localities (c)	
	β	pr.c	β	pr.c	β	pr.c
Region (Base category: Region VII)						
<i>Region I</i>	.257*	.06	-.199*	-.04	-.594**	-.12
	(.110)		(.098)		(.213)	
<i>Region II</i>	-.072	—	-.371**	-.06	-.058	—
	(.103)		(.125)		(.328)	
<i>Region III</i>	-.405***	-.08	-.038	—	-.423	—
	(.105)		(.122)		(.241)	
<i>Region IV</i>	-.321***	-.06	-.394***	-.07	-.561*	-.12
	(.094)		(.120)		(.220)	
<i>Region V</i>	.002	—	-.192	—	-.651***	-.13
	(.087)		(.099)		(.204)	
<i>Region VI</i>	-.326***	-.06	-.240*	-.05	-.314	—
	(.073)		(.102)		(.168)	
<i>Region VIII</i>	.075	—	-.363***	-.06	—	—
	(.099)		(.109)			
<i>Region IX</i>	-.133	—	-.017	—	-1.409***	-.23
	(.070)		(.082)		(.203)	
<i>Region X</i>	-.220**	-.04	-.111	—	-.799***	-.15
	(.070)		(.072)		(.152)	
Black	-.157***	-.03	-.139***	-.03	-.350***	-.08
	(.038)		(.036)		(.052)	
Complaints per State Capita	.043***	.10	-.005	—	-.063**	-.15
	(.010)		(.012)		(.026)	
Pattern or Practice	2.031***	.47	—	—	—	—
	(.038)					
Constant	-1.079***		-1.116***		-.148	
	(.152)		(.196)		(.391)	
N	28,523		27,262		10,794	

[^] Fixed effects model with coefficients for years omitted.

Issue variables also omitted for sake of space.

*** = $p < .001$. ** = $p < .01$. * = $p < .05$.

Results in Table 3 column (a) generally correspond with the descriptive analysis. Reinforcing the descriptive analysis, with the control variables in place, HUD is significantly more likely to provide favorable outcomes for Blacks and Latinos in New England (Region I). Favorable outcomes are significantly less likely in Regions III, IV, VI and X. Elsewhere, outcomes are not significantly different from those in the West-North-Central region (Region VII). The negative sign for the Black variable confirms what other data indicated: Latinos are more likely than Blacks to receive favorable outcomes. The complaints per state capita variable suggests that the likelihood of HUD conferring a favorable

outcome in a particular state is greater where higher levels of complaints per capita are filed. As expected, the likelihood of a favorable outcome increases where a pattern or practice of discrimination occurs.

Table 3 column (b) shows the findings for complaints processed by state FHAP agencies. Favorable outcomes to Black and Latino complainants are most likely in the West-North-Central region (Region VII), as indicated by the negative signs for all regions in the table. State FHAP agencies are least likely to generate favorable outcomes in New England (Region I), New Jersey-New York (Region II), Southeast (Region IV) and Mountain (Region VIII) areas. The race variable shows that, like HUD, states are more likely to find in favor of Latinos than Blacks. Finally, the number of complaints filed per state has no significant impact on the likelihood of a state agency reaching favorable outcomes. Pattern or practice determinations are not made by FHAP agencies.

Column (c) of Table 3 presents the results for local FHAP agencies. All the regional coefficients are negative, indicating it is in the excluded region, Region VII, where local FHAP agencies most often render favorable judgments. Positive outcomes for complainants are significantly less likely in Regions I, IV, V, IX and X. Like with HUD and state FHAP agencies, local agencies are also more likely to award favorable outcomes to Latinos than to Blacks, but the magnitude of the difference is greatest for complaints processed by local agencies. Column (c) indicates that local complaints filed by Latinos are 8% more likely than Black complaints to result in a favorable outcome. This is more than twice the 3% difference observed for HUD and state FHAP agencies. Finally, the coefficient for the complaints filed per state has the opposite of its expected effect, perhaps because the variable does not account for the distribution of complaints filed in each state. It may be that those localities with a higher volume of complaints filed per capita generally have higher rates of favorable outcomes, though we are unable to examine this question with our current data.

Table 4 divides the population of complaints into three separate categories: those by Blacks in column (a), those by Latinos in column (b), and all complaints based on race or national origin in column (c). The level of government agency responsible for processing the complaint is taken into account along with the region where the complaint was filed, the racial and ethnic composition of the state where the complaint originated, the complaints filed per capita in the state of origin by each group and race (for column c).

Table 4: Likelihood of Favorable Outcome for Groups and Complaints Filed per 10,000 State Population at the Complaint Level, 1989–2010[^]

	Black Complaints (a)		Latino Complaints (b)		All Complaints (c)	
	β	pr.c	β	pr.c	β	pr.c
Level of Agency (Base category: HUD)						
State Agencies	-.124*** (.023)	-.03	-.255*** (.051)	-.05	-.188** (.022)	-.04
Local Agencies	.081** (.029)	.02	.282*** (.061)	.06	.105*** (.026)	.02
Returned	-.461*** (.030)	-.08	-.676*** (.071)	-.12	-.490*** (.027)	-.09
Region (Base category: Region VII)						
Region I	-.158** (.110)	-.03	.107 (.114)	—	.031 (.072)	—
Region II	-.348*** (.058)	-.06	-.036 (.124)	—	-.114 (.085)	—
Region III	-.289*** (.053)	-.05	.065 (.115)	—	-.108 (.080)	—
Region IV	-.310*** (.049)	-.06	-.177 (.101)	—	-.216** (.078)	-.04
Region V	-.167*** (.045)	-.03	.236* (.110)	.05	.056 (.063)	—
Region VI	-.203*** (.044)	-.04	.322* (.129)	.07	-.001 (.062)	—
Region VIII	-.188* (.074)	-.03	.087 (.116)	—	.050 (.077)	—
Region IX	-.144** (.047)	-.03	.255* (.115)	.05	-.091 (.063)	—
Region X	-.108* (.043)	-.02	-.098 (.083)	—	.004 (.048)	—
PCT Black in State	.003 (.002)	—	—	—	.008*** (.004)	.06
Black Complaints per 10K State Capita	-.0003 (.0004)	—	—	—	-.003*** (.001)	-.08
PCT Latino in State			0.0007 (.1125)	—	.003 (.002)	—
Latino Complaints per 10K State Capita			0.026*** (.005)	.18	.028*** (.003)	.19
Total Complaints per 10K State Capita					.032* (.015)	.04
Black					-.018 (.056)	-.04
Pattern or Practice	1.189*** (.488)	.27	4.148*** (1.061)	.68	2.248*** (.382)	.51
Constant	-.944*** (.074)		-1.371*** (.187)		-1.307*** (.113)	
N	66,298		13,637		79,935	

[^] Fixed effects model with coefficients for years omitted.

Issue variables also omitted for sake of space.

*** = $p < .001$. ** = $p < .01$. * = $p < .05$.

HUD is the excluded category and the first set of variables in Table 4 columns (a), (b), and (c) confirm that local agencies are more likely than HUD to provide favorable outcomes to both groups. State agencies are the least likely, whereas HUD ranks between local and state agencies. Of course, these results do not focus on variation across regions, but Table 2 indicates that states substantially outperform HUD only in the case of Latino complaints in the West-North-Central region (Region VII). Table 2 shows that state FHAP agencies have slightly higher success rates than HUD for Blacks in Regions IX and X. The results for Black complaints run counter to the descriptive analysis in Table 2, although the difference between local agencies and HUD is small. After controlling for other factors, the findings conform to previous analyses.²⁷ Returned complaints are much less likely to have a favorable outcome.

Turning to the regional variables, Table 4, column (a) presents the results for complaints filed by Blacks. As in Table 3, the West-North-Central region (Region VII) is the excluded category. The negative results for every region in Table 4 confirm the descriptive statistics in Table 2, where the highest favorability rates for Blacks appear in Region VII, with Black success rates significantly lower in all other regions.

Table 4, column (b) reveals that Regions V, VI and IX award the highest levels of favorable outcomes for Latinos. These findings are at odds with the descriptive analysis presented in Table 2, where Region VII ranked the highest. The Latino Complaints Per State Capita variable may provide insight into this difference. That variable achieves statistical significance and has a fairly large impact. In contrast, the Black Complaints Per State Capita variable fails to achieve significance in Table 4 column (a). Regions V, VI and IX have high levels of Latino residents and, therefore, have higher rates of Latino complaints filed per capita compared to Region VII, where the Latino population is smaller. Consequently, in analyzing Table 4 column (b), it seems that complaints filed per capita drive the results and are a necessary variable to consider when examining regional performance.

The difference in these group variables is among the most interesting findings in Table 4 column (c). First, the total complaints filed by state, regardless of racial or ethnic group, has an overall impact. The most peculiar result in column (c) is the reversed impact of the complaints filed by state for Blacks and for Latinos. The coefficient for the Latino Complaints by State variable is significant and in the expected direction,

27. Bullock, Wilk & Lamb, *supra* note 6; Lamb & Wilk, *supra* note 12.

where the more complaints filed per capita, the higher the level of favorable outcomes. Yet the coefficient for the Black Complaints Filed Per Capita variable has a negative, yet insignificant, impact on the rate of favorable outcomes, which may be due to the high degree of collinearity between the complaints filed per state and the PCT Black in the State variable ($r = .6$). PCT Black has the expected effect with higher favorability rates in states with a large Black percentage. Finally, the race variable once again confirms that Latino complaints are more likely than Black complaints to secure favorable outcomes.

VI. CONCLUSION

This article addresses a topic ignored in the scholarly literature: legal policy enforcement across the ten federal regions. We investigate how federal, state, and local civil rights agencies have enforced the Fair Housing Act of 1968 and the Fair Housing Amendments Act of 1988 by exploring the level of favorable outcomes provided to Blacks and Latinos who file racial or national origin discrimination complaints. The empirical analysis indicates that the likelihood of a favorable outcome for these complainants depends on multiple factors: (1) the level of government agency processing the complaint, (2) the region in which the complaint was filed, (3) the race or ethnicity of the complainant, (4) the number of complaints per capita filed per state, and (5) the racial composition of the state where the complaint was filed. However, the last two variables have a significant impact only for Latino outcomes. It is also important to note that these two variables are highly correlated, which may explain why only one achieves statistical significance for each group. The correlation coefficient for state racial composition and complaints filed per state is .6 for both Blacks and Latinos.

The results from the multivariate analyses indicate that local FHAP agencies provide the highest levels of favorable outcomes for both Blacks and Latinos. One difference between the groups is that there is greater variability for Latinos from region to region and state to state regardless of the government processing agency. Since FHAP agencies normally handle about 80% of all Title VIII complaints and state agencies process more complaints than do local FHAP agencies, the lower level of success before state FHAP agencies raise concerns. HUD performs better than FHAP agencies (state and local combined) in most regions for both Blacks and Latinos. Table 2 shows that Latino success with HUD exceeds that with state FHAP agencies everywhere except the West-North-Central region (Region VII), and Black success at HUD is greater except in

Regions IX and X, where the HUD and state FHAP rates are essentially equal. Complainants usually fare better with local FHAP agencies than HUD, although the differences are less clear cut with Latinos winning more often before local agencies than HUD in five of nine regions. Black complainants do better with local FHAP agencies in three regions while success rates are equal for HUD and local FHAP agencies in the Mid-Atlantic region (Region III).

Conducting this analysis has been complicated by its many moving parts—ten federal regions and favorable outcome rates for HUD as well as numerous state and local FHAP agencies. Therefore, instead of attempting to summarize the myriad findings in this article, we have chosen to emphasize three major conclusions. First, the North-West-Central region (Region VII) is most likely to provide favorable outcomes to Blacks and Latinos. It is also one of three regions where FHAP agencies render higher rates of favorable outcomes for Latinos than does HUD. Second, the Southeast region's (Region IV) FHAP agencies produce high favorability rates exceeding those of HUD. This conclusion aligns with recent literature suggesting change in at least some southern states in favor of stronger civil rights enforcement than in the past.²⁸ Third, FHAP agencies are least likely to rule in favor of racial and ethnic minorities in the New Jersey-New York region (Region II), even though Region II is frequently considered to be liberal in orientation. HUD outperforms FHAP agencies to the greatest extent in Regions I, II and, in the case of Blacks, VII and VIII.

If we assume that the regional processing units (HUD and FHAP agencies) receive similar distributions of fact situations in their complaints, some striking inconsistencies become apparent. One type of inconsistency involves variations in the incidence of favorable findings across reviewing agencies in a region. In New England (Region I), for instance, HUD is significantly more likely to find in favor of complainants while state and local FHAP agencies in the region are significantly less likely to render favorable decisions. As a second example, in the Southwest region (Region VI), state FHAP agencies tend to be favorably inclined to complainants while HUD is not. A second type of inconsistency involves the treatment of Blacks and Latinos in a region. In Regions V, VI, and IX, Latinos are likely to receive a favorable result while Black complainants succeed at a significantly lower rate.

28. See BULLOCK & GADDIE, *supra* note 6; Bullock, Wilk & Lamb, *supra* note 6; Iceland, Sharp & Timberlake, *supra* note 6; and Lassiter & Crespino, *supra* note 6.

What could explain these inconsistencies in favorable outcomes within regions? For example, in some, but not all regions, Blacks and Latinos may be treated differently. This assumes, perhaps incorrectly, that the distribution of complaints in terms of severity or documentation is comparable for the two groups. If evidence, which is not available for this research, should prove that assumption to be correct, it would raise questions about bias among the civil rights personnel handling complaints. Differences across reviewing authorities within a region suggest the absence of a common culture within a region. Local authorities in New Jersey-New York (Region II) are far more likely to find for complainants than HUD or state FHAP agencies. On the other hand, local FHAP agencies in the South Pacific region (Region IX) find for complainants much less often than HUD or state FHAP personnel. Of course, if there are dramatic differences in the nature of the complaints received by different processing agencies or filed by different minority groups, that could account for the inconsistencies noted above.

At this point, with the evidence at hand, it is not possible to do more than to offer explanations testable if more complete information should come available. One potential explanation for the regional variations observed here is that, despite efforts to promote a common interpretation of agency regulations nationwide, differences may have emerged in regional HUD offices. Similarly, notwithstanding efforts to ensure that FHAP agencies apply the same standards as HUD, norms may have developed in some FHAP offices requiring more or less proof before finding for complainants. Another possibility is more idiosyncratic. Some bureaucrats processing complaints may be more sensitive to the fact situations outlined in complaints. Bureaucrats in civil rights agencies may identify with complainants who share their race or ethnicity. Survey research has found that Blacks are more likely than Whites to believe that racism remains a problem and that Blacks more often face discrimination than do Whites.²⁹ Bureaucrats who have experienced behavior like that alleged in a complaint may be more responsive. A possibility which might account for variations among HUD regional offices would be differences in priorities assigned the various programs that HUD administers.

It is also conceivable that Latinos fare better than Blacks in Title VIII complaints because the unfair practices cited by the former are, on balance, more egregious than those confronted by the latter.³⁰ The coming of age of the Black Civil Rights Movement predates that of comparable Latino

29. See, e.g., Massey & Denton, *supra* note 8, at 105.

30. See, e.g., Bullock, Lamb & Wilk, *supra* note 24, at 2687.

community activism. A longer period of demanding equal treatment may have made Blacks unwilling to tolerate a wider range of discriminatory behavior. The presence of a larger share of Latinos than Blacks not legally in the country might result in hesitancy in the former community to complain. If, for either of these reasons or for others, Latinos are less inclined to complain, the complaints they file may often detail more serious or clear-cut violations than some of those received from Blacks.

The findings here prompt three policy recommendations. First, Congress should provide additional funding to entice more local civil rights agencies to pass the necessary fair housing laws—some for the very first time—and become certified in the FHAP program, supplemented by greater bureaucratic support and encouragement from HUD. Second, Congress should hold HUD to a higher standard of performance regarding national origin complaints when compared to local agencies. Third, Congress and HUD should hold FHAP agencies to a higher standard of performance in race and national origin cases generally. In today's climate, though, where civil rights enforcement is a low priority with Congress and the judiciary, dramatic change is unlikely.