## CITIZENS UNITED FOR A FAIR HOUSING LAW IN RHODE ISLAND

JAMUARY 28, 1959

## QUESTIONS AND ANSWERS ON FAIR HOUSING PRACTICES LEGISLATION

- 1. O. WHAT IS A "FAIR HOUSING LAW"?
  - A. IT IS A LAW STATING THAT THERE SHALL BE NO DISCRIMINATORY PRACTICES IN THE SELLING, RENTING OR LEASING OF HOUSING ACCOMMODATIONS PASED UPON THE RACE OF COLOR, RELIGION OF COUNTRY OF ANCESTRAL ORIGIN OF THE APPLICANTS.
- 2. Q. WHY IS RACIAL OR RELIGIOUS DISCRIMINATION IN HOUSING A MATTER FOR STATE CONCERN?
  - A. Such discrimination not only denies the rights and proper privileges of the inmabitants of the state, it also weakens its institutions and foundation. Practices
    of discrimination based upon race or color, addition or country of ancestral origin
    in the bale, bentar on lease of housing accordations have resulted in ghettos
    into which members of minority groups are forced, even though this compels extreme
    overchowding and deterioration of such areas. Such housing segregation tends to
    result in segregation in schools, recreational facilities and other public services,
    organic of neighborhood standards, the development of inter-group fear and distrust which breeds conflict, tension, disharmony, and unsocial practices. Hence
    the practice of unkair discrimination in housing impairs and threatens the mealth,
    safety, peace and general welfare of the inhabitants of the State.
- 7. Q. WHAT IS THE BASIS OF THE STATE S POWER TO EMACT A FAIR HOUSING LAW?
  - A. THE STATE IS EMPOWERED TO EMACT A PAIR HOUSING LAW IN THE EXERCISE OF ITS RESPONSIBILITY AND DUTY TO PASS LAWS FOR THE PROMOTION OF THE GENERAL WELFARE, PROSPERITY AND MEALTH, AND THE PROTECTION OF THE CITIZENS, OF THE STATE. THE STATE OF R. I. HAS SEEN A PICHEER IN THE EXACTHEMY OF ANTI-DISCRIMINATION LAWS IN THE FIELDS OF EMPLOYMENT, PUBLIC ACCOMMODATIONS AND PUBLIC HOUSING.
- 4. Q. HOW MANY STATES MAVE ALREADY PASSED LAWS DEALING WITH MOUSING DISCRIMINATION?
  - A. TWELVE STATES (COMMECTICUT, ILLINOIS, INDIANA, MASSACHUDETTS, MICHIGAN, MINHESOTA, NEW JERSEY, NEW YORK, OREGON, PENNSYLVANIA, PRODE ISLAND, WASHINGTON).
- 5. Q. DOES A FAIR HOUSING LAW DEPRIVE THE OWNER OF MANAGER OF A HOUSE OF HIS FREEDOM.
  TO SELECT HIS TEMANTS?
  - A. NO. IT LIMITS THIS PREEDOM IN ONE RESPECT ONLY: THE OWNER OR MANAGER MAY NOT RE-JECT AN APPLICATION OF A PERSON FOR MOUSING FACILITIES BECAUSE OF RACE OR COLOR, RELIGION OR COUNTRY OF ANZESTRAL ORIGIN. APART FROM THIS LIMITATION, HE IS LEFT FREE TO CHOOSE THE PERSONS WHOM HE WANTS AS TENANTS.
- 5. C. Does a fair mousing law force the owner or hanager of a mouse to accept as a tenent a member of a minority group?
  - A. MO. THE CYMEN OF MANAGER OF A HOUSE MAY REJECT ANY APPLICATION SO LONG AS THE RACE OF COLOR, RELIGION OF COUNTRY OF ANCESTRAL ORIGIN OF THE APPLICANT IS NOT THE REASON FOR SUCH REJECTION.

- 7. Q. DOES A FAIR HOUSING LAW AFFECT THE PROPERTY RIGHTS OF A HOUSE OWNER?
  - A. TO A CERTAIN EXTENT IT DOES, AS DO ZONING LAWS, BUILDING AND HOUSING STANDARDS AND CODES, FIRE PREVENTION LAWS, AND MANY OTHER LAWS DEALING WITH REAL PROPERTY. LIKE ANY OTHER RIGHT, THE RIGHT OF A HOUSE OWNER IS NOT ABSOLUTE BUT IS SUBJECT TO LIMITATIONS AND RESTRICTIONS PROVIDED FOR BY LAW IN THE PUBLIC INTEREST.
- 8. Q. WOULD THE PROPOSED LAW LIMIT MY RIGHT TO CHOOSE A ROOMER OR LODGER WITHIN MY MOME?
  - A. NOT AT ALL. THE PROPOSED LAW DOES NOT AFFECT THE LETTING OF ROOMS TO LODGERS WITHIN A FAMILY OWELLING.
- 9. Q. WHY ARE RELIGIOUS AND DENOMINATIONAL INSTITUTIONS EXEMPTED?
  - A. ALTHOUGH RELIGIOUS GROUPS IN R. I. HAVE NOT REQUESTED THIS EXEMPTION, THE U. S. CONSTITUTION PROVIDES THAT CONGRESS (AND BY INFERENCE THE STATE LEGISLATURES) "SHALL MAKE NO LAW RESPECTING AM ESTABLISHMENT OF RELIGION". RELIGIOUS GROUPS HAVE THE RIGHT TO GIVE PREFERENCE IN THEIR ACTIVITIES TO THEIR OWN MEMBERS, AND THE PROPOSED LAW HAS BEEN SO VORDED AS TO REMOVE THE POSSIBILITY OF DOUBT AS TO CONSTITUTIONALITY.
- 10. Q. CAN RACIAL AND RELIGIOUS SIAS AND PREJUDICE BE ELIMINATED BY LEGISLATION SUCH AS A FAIR HOUSING LAW?
  - A. NOT BY LAW ALONG. ELIMINATION OF BIAS AND PREJUDICE CANNOT BE ACMIEVED IN THE ABBENCE OF AN EDUCATIONAL PROGRAM BASED ON THE AMERICAN CONCEPT OF EQUALITY OF OPPORTUNITY. FAIR HOUSING LEGISLATION HELPS IN THIS EDUCATIONAL PROCESS IMAS—NUCH AS IT DEMONSTRATES THAY THE ORGANIZED COMMUNITY FIRMLY ENDORSES AND SUPPORTS THIS CONCEPT.

IT IS THE PRIMARY PURPOSE OF FAIR HOUSING LEGISLATION TO MAKE UNFAIR DISCRIMINATION PRACTICES UNLAWFUL WHILE THE EDUCATIONAL PROCESS GOES ON TO REDUCE FEELINGS OF BIAS AND PREJUDICE. LEGISLATION ALONE CANNOT MAKE PEOPLE VIRTUOUS; ITS PURPOSE IS TO PROTECT INDIVIDUALS FROM INJUSTICE, AND THE COMMUNITY FROM THE EVILS RESULTING FROM ANTI-SOCIAL BENAVIOR.

- 11. Q. DOES THE ENTRY OF MINORITY FAMILIES CAUSE PROPERTY VALUES TO DECLINE?
  - A. No. Studies in San Francisco, Los Ángeles, Portland, Baltimore, New York and Philadelphia, and actual experience in many other localities have shown that the moving of members of minority groups into a neighborhood does not result in the Deterioration of property values. It is the social and economic standard of the inhabitants of a neighborhood, not their race or religion, which determines its character, its desirability as a place of abode, and the trend of property values within the neighborhood.
- 12. Q. IF ONE NEGRO FAMILY MOVES INTO A NEIGHBORHOOD, WILL THERE BE A FLOOD OF OTHER NEGRO FAMILIES?
  - A. This has not happened in the objens of meighborhoods in Providence and Eldewhere in R. 1. Where non-vhite families have been living for as long as a generation. If the white neighbors fall victims to panic-selling and hysteria and move out at once, the resultant vacancies may well be taken up by non-whites who find it difficult to find housing outside of the six existing ghettos in Providence. If mon-whites are permitted to live freely where they vish and can afford to live, they will be easily integrated without heavy concentrations. After all, there are only 2% of non-whites in R. 1.

- 12. Q. DO NEGROES MAINTAIN THEIR PROPERTY AS WELL AS WHITES?
  - A. AN EXAMINATION OF INTERRACIAL HOUSING DEVELOPMENTS AND INTERRACIAL MEIGHBORHOODS PROVES THAT NEGROES MAINTAIN THEIR PROPERTY AS WELL AS OR BETTER THAN THEIR WHITE WEIGHBORS. THEY, TOO, HAVE A PROPERTY INTEREST IN THEIR HOMES AND A CIVIC INTEREST IN THEIR MEIGHBORHOODS. IT IS WRONG TO BLAME THE NEGRO FOR THE POOR CONDITION OF THE SLUM AREAS WHERE HE IS FORCED TO LIVE. THESE CONDITIONS ARE NOT CAUSED BY NEGRO OCCUPANCY. HE IS THE VICTIM, NOT THE CAUSE.
- 14. Q. WHAT MACHINERY DOES A FAIR HOUSING LAW SET UP TO IMPLEMENT THE BAN ON DISCRIMINA-
  - A. IT EXTENDS THE POWERS OF THE EXISTING 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 WITH SUCH DISCRIMINATION MAY PRESENT
    EVIDENCE. Upon the EVIDENCE, THE AGENCY EITHER DISMISSES THE COMPLAINT, OR, IF
    IT FINDS THE CHARGE PROVED, ISSUES AN ORDER REQUIRING THE RESPONDENT TO CESSE AND
    DESIST FROM UNFAIR DISCRIMINATION IN THE SALE, RENTAL OR LEASE OF HOUSING FACILITIES. IT CAN BE EXPECTED THAT THE COMMISSION WILL BE AS SUCCESSFUL IN ITS PROGRAM
    OF EDUCATION AND CONCILIATION IN ITS WORK FOR FAIR HOUSING PRACTICES AS IT HAS
    BEEN IN THE FIELD OF EMPLOYMENT PRACTICES, PUBLIC ACCOMMODATIONS, AND PUBLIC
    HOUSING.
- 15. Q. DOES A FAIR HOUSING LAW PROVIDE CRIMINAL PENALTIES FOR VIOLATORS?
  - A. No. THE COMMISSION AGAINST DISCRIMINATION SEEKS TO ACHIEVE ITS PURPOSES FIRST BY COOPERATION OF THE PARTIES CONCERNED (PERSUASION, CONCILIATION), AND, FAILING THIS, BY THE ISSUANCE OF "CEASE AND DESIST" ORDER AS DESCRIBED ABOVE. IF SUCH AN ORDER IS IGNORED THE COMMISSION MAY GO TO THE SUPERIOR COURT FOR A "CEASE AND DESIST" ORDER. IF THIS COURT ORDER IS IGNORED, THE JUDGE MAY INPOSE A PENALTY OF FINE OR IMPRISONMENT FOR A CIVIL, NOT CRIMINAL VIOLATION. AN APPEAL FROM THIS ACTION MAY BE TAKEN IN THE SUPREME COURT. DURING ITS TEN YEARS OF EXISTENCE IN R. 1. THE COMMISSION AGAINST DISCRIMINATION HAS NOT YET BEEN REQUIRED TO SEEK A COURT ORDER, AND THERE HAVE BEEN NO PENALTIES IMPOSED BY A COURT.
- 16. Q. WOULD A FAIR HOUSING LAW GIVE ANY UNUSUAL ENFORCEMENT POWERS TO THE COMMISSION?
  - A. None whatever. For ten years the R. I. Commission has had the customary powers, duties and procedures given to all such administrative bodies including many state (and Federal) commissions dealing with regulation of private commerce. The proposed law would not introduce any innovations of procedure, but would simply apply the same methods that have been so successfully adapted, originally to employment and later by extension to public accommodations and public housing. The scope of the Commission's concern should once again be extended to include private housing so as to strengthen purther the basic structure of democracy in the State.
- 17. Q. IS FAIR HOUSING LEGISLATION CONSTITUTIONAL?
  - A. YES. LAWS AGAINST DISCRIMINATION HAVE BEEN UPHELD CONSISTENTLY BY STATE AND FEDERAL COURTS INCLUDING THE U. S. SUPREME COURT. THE LATTER COURT HAS STATED THAT THE STATE HAS THE RIGHT TO "PUT ITS AUTHORITY BEHIND ONE OF THE CHERISHED AIMS OF AMERICAN FEELING BY FORBIDDING INDULGENCE IN RACIAL OR RELIGIOUS PREJUDICE". IN THE ONLY DECISION SO FAR DEALING SPECIFICALLY WITH A FAIR HOUSING LAW, SUCH A LAW HAS BEEN UPHELD BY THE NEW YORK STATE SUPREME COURT AS CONSTITUTING A LEGITIMATE EXERCISE OF THE STATE'S POWER.