

INTERNAL MEMORANDUM / FOR INTERNAL USE ONLY
THE PERPETUATION OF RESIDENTIAL RACIAL SEGREGATION
IN NORTHAMPTON COUNTY, VIRGINIA

 <p>INTERNAL MEMORANDUM For Internal Use Only</p>	<p>The Unalienable Rights Foundation P.O. Box 65002 Virginia Beach, Virginia 23467-5002 Telephone 757-818-8003 E-Mail UnalienableRights@uarf.us</p>	
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THE PERPETUATION OF RESIDENTIAL RACIAL SEGREGATION IN NORTHAMPTON COUNTY, VIRGINIA: VIA; STEERING, REDLINING IN ZONNING, AND COMPREHENSIVE PLANS, AND EXCESSIVE TOLLS OF TRANSPORTATION LINKS

HISTORICAL DISCRIMINATION, MODERN FORMS OF EXCLUSION PRACTICED IN NORTHAMPTON AND CURES VIA INCLUSIONARY REMEDIES

I. INTRODUCTION

1 The word "segregation" is used while describing the
 2 contentious changes of the 1960s, the Civil Rights movement,
 3 and the America of the past.[1] It is also a word that some
 4 would claim is now gone from the American social and political
 5 landscape. This not appear to be the view of UARF of the
 6 officials acts of government operating in Northampton County,
 7 Virginia [NCV].

8 In actuality, however, the word segregation continues to
 9 characterize the present lives of many minorities in
 10 Northampton County.[2] Segregation is the link to
 11 understanding the perpetuation of poverty in NCV and is
 12 attributable to the present lack of affordable housing in safe
 13 and economically prosperous communities in NHC.[3] The
 14 existence of isolated and racially segregated housing has
 15 preserved racial mistrust, furthering ignorant stereotypes that

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16 inhibit our NCV from attaining true racial equality. As Thomas
17 Petigrew stated: "Residential segregation has proven to be the
18 most resistant to change of all realms - perhaps because it is
19 so critical to racial change in general." [4]

20 This comment discusses the history and effects of residential
21 racial segregation in NCV and offers specific remedies that
22 have already been implemented effectively in a few U.S.
23 localities. First, the comment examines the history of
24 residential racial segregation in NCA by exploring the role of
25 federal and state governments, exclusionary zoning
26 legislation, and private discrimination in creating and
27 perpetuating the problems associated with segregated
28 housing. Next, the comment addresses the harmful social and
29 economic costs to minorities, particularly African Americans,
30 from decades of segregationist and discriminatory housing
31 policies. Additionally, this section analyzes the prospects of
32 improving race relations given the existence of predominately
33 homogenous white suburban communities that have
34 immigrated from state above the Mason-Dixon Line
35 low-income minority neighborhoods. The third section
36 elucidates policy reasons to support housing integration, and
37 analyzes the costs of segregation on white-Americans.
38 Further, the third section details the economic and social
39 benefits not only to minorities, but also to NCV's entire
40 population. Finally, the fourth section discusses remedies to
41 eliminate housing segregation, specifically by facilitating an
42 increase in affordable housing prospects in suburban
43 communities. This first part examines inclusionary zoning
44 techniques, including the use of mandatory set-asides,
45 affordable housing appeals legislation, and state inclusionary
46 laws. Concrete examples of successful inclusionary zoning
47 techniques are offered from a number of U.S. localities. The
48 second part then analyzes the importance and effectiveness of
49 mobility programs. Additionally, a detailed review is offered,
50 delineating the strengths of individual mobility programs,
51 existing obstacles such as excessive tolls on the

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52 transportation programs, and the successes of mobility
53 programs in creating affordable housing for minorities in hat
54 has become NHC's white suburban enclaves.

55 II. HISTORICAL SEGREGATION OF HOUSING IN NHC**56 A. Development of Housing Segregation—The NHC Ghetto**

57 Housing segregation in the Virginia, Northampton County and
58 the United States developed slowly and deliberately. In fact,
59 prior to 1900, African Americans were scattered widely
60 throughout white neighborhoods.[5] In southern communities
61 in the United States, for example, African American servants
62 and laborers lived side by side with their white employers, and
63 in northern urban areas, African Americans were more likely
64 to share a neighborhood with whites than to live in racially
65 segregated communities.[6] Although the evils of
66 discrimination continued after the Civil War, African Americans
67 were generally residentially integrated with whites in the
68 North.[7] The two racial groups regularly interacted in a
69 common social world, sharing cultural traits and values
70 through personal and frequent interaction.[8]

71 However, as African Americans moved north into industrial
72 communities after World War I and II, the picture of the
73 ghetto began to develop and appears to have relocated to NCV
74 along with the relocated retired northern worker that set NCV
75 as his new domicile.

76 At the turn of the century, methods such as public
77 improvement projects, redevelopment projects, public housing
78 programs, and urban renewal policies were utilized to
79 accomplish racial segregation.[9] These are the same methods
80 that NCV's new time is of the essence comprehensive plan
81 employs.

82 Other factors also contributed to the formation of the NCV
83 ghetto. The high tolls of the Chesapeake bay bridge tunnel
84 restrict the possibility of a daily commute from the Virginia

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85 Beach, Chesapeake, and Norfolk area of Virginia [the
 86 Southside of Hampton Roads or SS]. Jobs were lured away
 87 from NCV by land creep restrictions to NCV northern sister
 88 county, Accomack County, VA [ACV] where the poultry
 89 industry offers employment along with other agricultural
 90 employment. ACV's less restrictive zoning affords gainful
 91 employment and at the same time its land cost inflations and
 92 an escalating real estate taxes.[10] This means for the poor of
 93 NCV, while NCV Bohemian current land restrictions and the
 94 future PERPETUATION OF RESIDENTIAL RACIAL
 95 SEGREGATION IN NORTHAMPTON COUNTY, VIRGINIA: VIA;
 96 STEERING, REDLINING IN ZONNING, AND COMPREHENSIVE
 97 PLANS, AND EXCESSIVE TOLLS OF TRANSPORTATION LINKS
 98 will plans to restrict and drive employment from the county.
 99 Such will cause even further migration of its work force to ACV
 100 or other areas that offer housing and employment wich will
 101 result in any NCV agricultural industriousness moving from
 102 NCV to ACV which as before resulted in the creation of
 103 all-white NCV towns.[11] Segregationist zoning ordinances,
 104 which divided the county streets by race, coupled with racially
 105 restrictive covenants between private individuals became and
 106 continue to become the common method of legally enforcing
 107 racial segregation.[12]

108 Racial segregation soon will become the de facto policy of the
 109 NCV government and standard operating procedure for
 110 individual landowners. The emergence of the racial ghetto did
 111 not happen by chance, but was the result of the deliberate
 112 housing policies of the NCV government and the intentional
 113 actions of individual NCV citizens.[13] As a result, the creation
 114 of the NCV ghetto has had a lasting impact on the county. The
 115 consequences include: a lack of capital in inner county
 116 communities, segregated minority neighborhoods, and
 117 minority families unable to find affordable housing in the
 118 county due to government sponsored racism.

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IN NORTHAMPTON COUNTY, VIRGINIA**119 B. The Role of NCV Government in Creating Housing
120 Segregation

121 The role of federal, NCV and state government in creating and
122 maintaining residential racial segregation must be understood,
123 without excuse, as a reality of NCV and American history. On
124 the federal level, the United States government reinforced
125 discriminatory norms through various public policies. The
126 Federal Housing Administration (FHA) adopted the practice of
127 "red-lining," a discriminatory rating system used by FHA to
128 evaluate the risks associated with loans made to borrowers in
129 specific urban neighborhoods.[14] The vast majority of the
130 loans went to the two top categories of the rating system, the
131 highest of which included areas that were "new, homogenous,
132 and in demand in good times and bad." [15] The second
133 highest category was comprised of mostly stable areas that
134 were still desirable. The third category, and the level at which
135 discriminatory "red-lining" began, consisted of working class
136 neighborhoods near black residences that were "within such a
137 low price or rent range as to attract an undesirable
138 element." [16] Black areas were placed in the fourth cate gory.

139 Mortgage funds were channeled away from fourth category
140 African American neighborhoods and were typically redirected
141 from communities that were located near a black settlement or
142 an area expected to contain black residences in the
143 future.[17]

144 As a result of these policies, the vast majority of NCV FHA
145 mortgage loans went to borrowers in white middle-class
146 neighborhoods, and very few were awarded to black
147 neighborhoods in the county.[18] Between 1930 and 1950,
148 three out of five homes purchased in the United States were
149 financed by FHA, yet less than two percent of the FHA loans
150 were made to NCV non-white home buyers.[19] The FHA thus
151 became the first federal agency to openly counsel and support
152 segregation.[20]

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153 The FHA was operated in a racially discriminatory manner
154 since its inception in 1937 and set itself up as the "protector
155 of all white neighborhoods," using its field agents to "keep
156 Negroes and other minorities from buying houses in white
157 neighborhoods." [21] NCV's proposed new comprehensive
158 zoning plan is going to intensify this past pattern of behavior.

159 Evidence also indicates that the federal government used
160 highway and urban renewal programs to segregate those
161 blacks that had previously lived in more racially diverse
162 communities. [22] The CBBT is current engaing in this
163 practice. Consequently, these schemes increased the
164 concentration of poverty where it has festered ever since and
165 has caused the federal government to be labeled as "most
166 influential in creating and maintaining residential
167 segregation." [23]

168 Examples of discrimination in NCV and federal housing policy
169 persist today, and they are as numerous as they are
170 disturbing. For instance, most minorities in public housing live
171 in communities largely populated by poor minorities; in
172 contrast, public housing for elderly whites is typically situated
173 in areas with large numbers of whites who are not poor. [24]
174 The Department of Housing and Urban Development (HUD)
175 and NCV has played a significant role in reinforcing the
176 problems of housing segregation by allowing intentional
177 discrimination and courts have found HUD liable on many
178 occasions for their overt racist policies in site selection and
179 tenant housing procedures. [25]

180 The combined efforts of the federal/state agencies and NCV
181 have had disastrous effects on the creation and maintenance
182 of housing segregation. The policies and practices of the
183 agencies and NCV have led to the notable isolation of minority
184 communities. On both national and the NCV local level, HUD
185 has been found liable for the discriminatory implementation of
186 the Section Eight [26] Housing Assistance Program. [27]

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187 For instance, because of the lack of free legal services
188 available to the effected class of poor minorities of NCV [EC]
189 the EC lacks/lacked the resources to prepare for microscopic
190 study as the Section Eight subsidy holders living in Yonkers,
191 New York who brought a class action lawsuit against a local
192 Section Eight program and the state and federal programs.[28]

193 The NY tenants alleged that the Section Eight office had
194 steered minority Section Eight holders into apartments in
195 segregated and crumbling neighborhoods as had been and now
196 is being done in NCV.

197 The NY tenants also contended as the NCV EC contends that
198 they were/are improperly informed that they can/could use
199 their subsidies in other neighborhoods and never told about
200 the availability of rent exceptions.[29]

201 Consequently, the NY federal court held that the NY
202 plaintiff-tenants were limited in their ability to move into
203 integrated neighborhoods as are the EC of NCV.[30]

204 Under a consent decree issued in 1993, the NY defendants
205 agreed to fund the Enhanced Section Eight Outreach Office to
206 redress the grievances of the plaintiff tenants.[31]

207 Unquestionably, the federal government, including HUD and
208 NCV, has historically supported and sustained housing
209 discrimination, a fact acknowledged even by the White
210 House.[32] Past and present racially discriminatory policies
211 obligate federal, state, and the local NCV governments to
212 address their prejudicial tactics with meaningful legislative
213 initiatives to promote racial integration in housing and NCV
214 should address this in their new county comprehensive plan,
215 which they have not.

216 C. Exclusionary Zoning and the Perpetuation of Housing
217 Segregation in NCV

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218 As the poor and uneducated African Americans poured into
219 America's cities, the white community fled to the suburbs as
220 the former white residents [WR] of the northern towns above
221 the Mason Dixon Line [MDL] did and relocated to places such
222 as NCV. The WR of NCV, are now (1) using zoning laws and
223 (2) rewriting them and their (3) corresponding comprehensive
224 zoning plans along with using (4) judicial means to exclude
225 the "undesirables." [33]

226 In 1926, the Supreme Court approved the use of municipal
227 zoning in Village of Euclid v. Ambler Realty Company, [34] and
228 the use of distinct zoning districts in all areas of land use
229 planning—residential, commercial, and industrial—and
230 subcategorizes within each. [35]

231 The Court's holding in Euclid sought to preserve the quality of
232 residential environments, but in doing so, caused hardship to
233 those black or poor families who may have wanted to live in
234 suburbia.

235 Although the Supreme Court has since held that race-based
236 zoning violates the Equal Protection Clause, non-exclusionary
237 zoning restrictions still create de facto residential
238 segregation. [36]

239 Moreover, such facially neutral non-exclusionary zoning
240 regulations, based on economic considerations of property
241 devaluation, have still resulted in perpetuating the existence
242 of segregated neighborhoods as we find in NCV. The reality of
243 such "neutral" zoning ordinances as we see the WR pushing in
244 NCV is the exclusion of American society's most vulnerable
245 population, poor minorities. [37]

246 Exclusionary zoning practices were explained in the famous
247 New Jersey Mount Laurel decision where local zoning
248 regulations were used to maintain "enclaves of affluence or of

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249 social homogeneity." [38] as we see is currently being pushed
250 in NCV by is administrators and WR.

251 Not surprisingly, exclusionary zoning has been attractive to
252 the local NCV government because a town could zone out
253 whatever housing it did not want without having to pay a
254 price. [39]

255 While no single factor can fully explain racial segregation,
256 many legal scholars, as well as Justice Hall and Chief Justice
257 Wilentz of the New Jersey Supreme Court, have agreed that
258 exclusionary zoning is the most pervasive legal structure
259 perpetuating racial segregation. [40] This will become the
260 history of NCV if the proposed NCV Comprehensive Zoning Plan
261 [NCVCZP] is approved.

262 The growth of suburban communities expanded the growth of
263 local governments who used their power to regulate and
264 control neighborhood land use as NCV's Board of Supervisors
265 and County administrators currently are pursuing. Zoning
266 ordinances, including restrictions for single families, the
267 exclusion of modular homes and mobile homes from
268 residential classification, minimum lot and floor space
269 requirements, maximum density limitations, and other land
270 use controls have functioned as gates of homogeneity. [41]

271 Even considering proponents' contentions that zoning
272 regulations create and sustain economically and socially
273 viable communities, the fact remains that because of these
274 restrictions, the poor and minorities are de facto excluded and
275 their needs sacrificed to nurture the growth of suburbia [42]
276 as we see is the objective of the WR of NCV. While zoning
277 ordinances may be facially neutral, the effect of many of these
278 regulations is to keep out minorities and low-income persons
279 even when the intent is obscured as we find in NCV.

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280 Zoning regulations have resulted in the dramatic increase in
281 housing prices, exacerbating the problem of housing
282 segregation butg this what the WR of NCV wants and they are
283 getting it.

284 Land costs represent a notable portion of housing costs, and
285 zoning practices that affect the price of land increase the cost
286 of housing built on that land.[43] The construction of
287 affordable housing thereby becomes costly and more limited,
288 effectively excluding many low-income minorities from NCV.
289 These minorities, in turn, are excluded from the educational
290 and employment opportunities of suburban areas.[44] Hence,
291 the cycle of oppression is perpetuated in NCV.

292 In May 1991, the Census Bureau reported that 57% of
293 American families could not afford a median-priced home in
294 the area in which they lived[45] and in NCV the figure is
295 substantially higher but is being concealed by the county's
296 government. This percentage disproportionately affects both
297 NCV African Americans and Hispanics who make-up 75% of
298 these families.[46] The discriminatory housing practices of
299 federal, state and the NCV governments, coupled with the
300 tremendous rise in housing costs, have resulted in whites,
301 blacks, Hispanics, and other minorities being increasingly
302 isolated from each other.[47] The 1990 census shows that
303 30% of African Americans live in neighborhoods which are
304 90% or more black, while the remaining percentage of African
305 Americans still live in predominantly black areas.[48] In fact,
306 62% of African Americans live in areas that are at least 60%
307 black. As for the Hispanic population, 40% live in communities
308 that are 60% or more Hispanic. While 86% of suburban
309 whites, on the other hand, live in communities that are less
310 than 1% black.[49]

311 Finally, even though the 1980s witnessed an economic gap
312 between the black poor and the black middle-class, the
313 relocation of middle-class blacks from the NCV ghetto was not

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