

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

 <p><b>INTERNAL MEMORANDUM For Internal Use Only</b></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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**INTERNAL MEMORANDUM / FOR INTERNAL USE ONLY****THE PERPETUATION OF RESIDENTIAL RACIAL SEGREGATION  
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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