

**The New York Times** | <https://nyti.ms/2ghvpKQ>

---

**The Upshot**  
POLICY CLASH

# How Ben Carson Could Undo a Desegregation Effort

Emily Badger @emilymbadger NOV. 23, 2016

President Obama's civil-rights legacy looked on track, not long ago, to include a major push against America's deeply entrenched housing segregation. In 2015, his administration rolled out a rule requiring local communities to assess their own patterns of racial and income segregation and make genuine plans to address them.

The move followed years of debate and came as segregated cities like Baltimore and Chicago faced renewed bouts of racial unrest. The federal government, advocates hoped, was finally trying to repair a long-unkept promise of the 1968 Fair Housing Act.

Now that rule is likely to be undermined — and possibly erased — by a Department of Housing and Urban Development headed by Ben Carson. On Monday, president-elect Donald J. Trump officially offered the cabinet post to Mr. Carson, a neurosurgeon and a former presidential candidate, who grew up poor in Detroit but has no experience in housing policy.

While we know little about what Mr. Carson would do at the agency, he has played down the role of government in his own up-from-urban-poverty story. (“If you don’t succeed,” his mother taught him, according to his autobiography “Gifted Hands,” “you have only yourself to blame.”) And he has specifically criticized the Obama housing rule.

Known as “affirmatively furthering fair housing,” the rule has been politically contentious. Its backers argue that it is essential to remedying the long history of government and private-sector discrimination that has resulted in poor, segregated neighborhoods persisting to this day. Critics say that the rule amounts to government overreach into the decisions — and demographic makeup — of individual communities and a free housing market.

Republicans in Congress have tried to defund its implementation. Mr. Carson wrote last year that the new policy followed the government’s history of failed “mandated social-engineering schemes,” and would redirect low-income housing primarily into wealthy, white communities that oppose it.

If he is confirmed by Congress, Mr. Carson would have wide latitude to shape or slow the rollout of the rule, along with broader enforcement of the Fair Housing Act.

Diane Yentel, the president of the National Low Income Housing Coalition, said Mr. Carson’s interpretation of the rule as a social experiment “reveals a fundamental misunderstanding of obligations that have been around since 1968.” The Fair Housing Act passed that year included two mandates: one banning discrimination in the housing market, and the other requiring local communities to “affirmatively further” the fair-housing goal of integration.

The latter language means that it’s not enough to punish landlords or communities who intentionally deny minorities housing. Communities also have a responsibility to actively ensure open housing markets, which exist today neither in public housing clusters on Chicago’s segregated South Side nor in exclusive New York City suburbs that use zoning laws to outlaw multifamily housing.

George Romney and Jack Kemp, past Republican HUD secretaries, acknowledged that second implication of the law. But for much of the time since the Fair Housing Act was passed, this “affirmative” mandate has been largely ignored by both local communities and HUD itself. The Obama administration rules were an effort to address that half-century oversight. And some fair-housing advocates have spent just as long fighting for it.

Mr. Carson recently told Fox News that “we cannot have a strong nation if we have weak inner cities.”

“That is the very insight that motivated Senator Edward Brooke — another African-American Republican — to include a provision in the 1968 Fair Housing Act requiring cities, counties and states to ‘affirmatively further fair housing’ as a condition of receiving federal funding,” Michael Allen, a lawyer with the civil-rights law firm Relman, Dane & Colfax, wrote in an email.

The Obama administration rule “looks nothing like the partisan caricatures that have sprung up around it,” said Phil Tegeler of the Poverty and Race Research Action Council. Many advocates wanted the rule to be much tougher than what emerged from several years of debate with local communities.

In practice, the rule provides those communities with detailed data on factors like racial demographics, poverty rates, school quality and housing voucher use to help them determine whether lower-income and minority families are isolated from good schools or segregated from opportunity. The rule requires communities to use that information to draft plans to reduce segregation where it exists. Those that habitually defy the requirements risk lose funding from the agency.

The first round of communities scheduled to complete the process have been at work on assessments due over the coming year. Before they’re done, a new administration hostile to the idea could begin writing another rule that would reverse this one, or it could simply halt implementation. Or Congress could pass a law defunding it, even as it remains on the books. For all the years that went into shaping the rule, a new administration could relatively easily set it aside.

That about-face would also fundamentally change the conversation in Washington about how poor, segregated communities came to exist in their current incarnation. Mr. Carson and other critics call efforts to dismantle them “social engineering,” but these places were created through policies that can themselves be labeled social engineering: redlining that denied blacks mortgages; policies that concentrated public housing in poor, minority communities; government decisions to locate highways that isolated them further. While many of these policies were first put into place decades ago, communities remain shaped by them today.

The “affirmatively furthering” mandate was based on the idea that this history of active government intervention requires an active government remedy, too.

A theme of Mr. Trump’s campaign was that structural forces hinder American workers in the Rust Belt and beyond (like the decline of manufacturing, the lack of educational opportunity, the opioid epidemic). At HUD, Mr. Carson would have ample opportunity to show whether he believes that structural forces undermine poor urban minorities (housing segregation, historic disinvestment, troubled schools) — and if government should take an active role in pursuing a remedy.

The Upshot provides news, analysis and graphics about politics, policy and everyday life. Follow us on Facebook and Twitter. Sign up for our newsletter.

A version of this article appears in print on December 6, 2016, on Page A18 of the New York edition with the headline: How a Housing Desegregation Effort Could Come Undone.