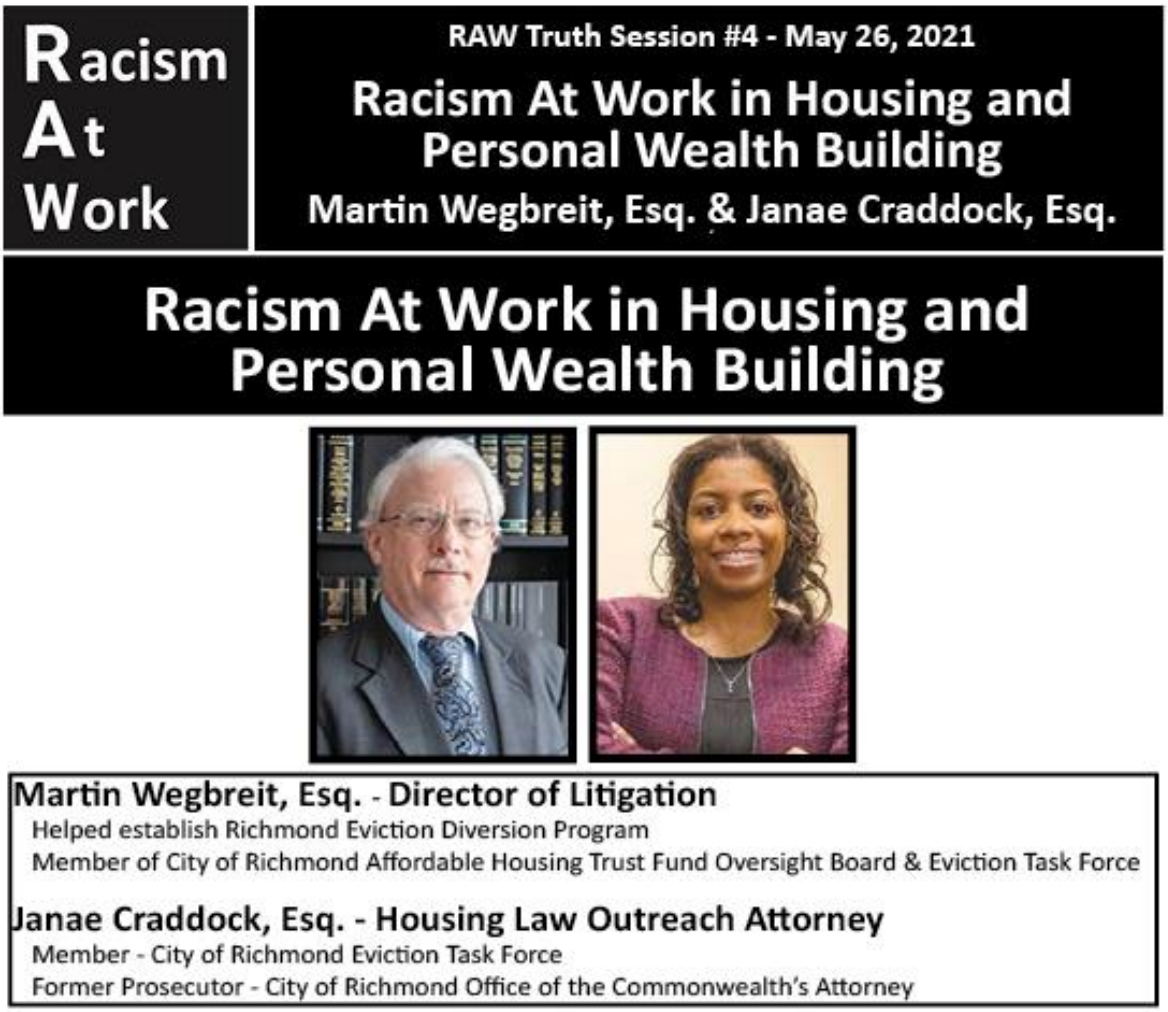
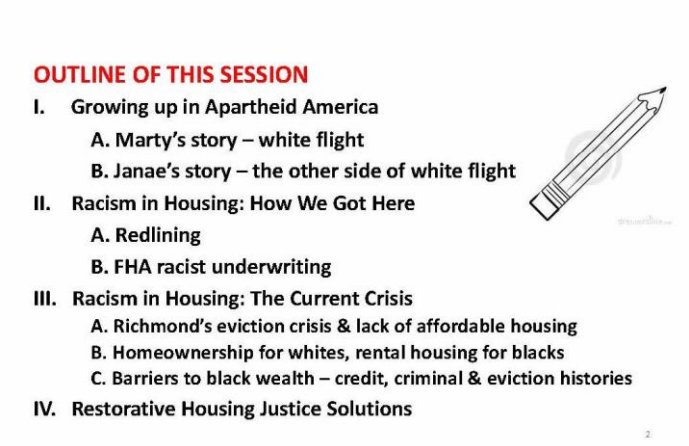


PRESENTATION OVERVIEW

Attorneys Martin Wegbreit and Janae Craddock discussed the history of systemic racism in housing in the United States and Richmond in particular and then proceeded to describe the contemporary effect of those practices that have limited and restricted home ownership to people of color. They began this presentation by comparing the effects of housing practices in their own lives. In the earlier part of the twentieth century blacks were systematically denied access to funding for housing mortgages and restricted to certain 'redlined' areas. After World War Two, the housing boom created a new era of creating generational wealth that was restricted to white ownership. The Fair Housing Act of 1968 made access to blacks more available but continuing unfair and discriminatory practices in both ownership and rental properties were described. They ended with a list and discussion of current efforts, resources and agencies available in the effort to make housing more affordable and available to blacks in Richmond and Virginia.

PRESENTATION SUMMARY

Dr. Raymond Tademy (RT): Martin Wegbreit is a graduate of University of Michigan Law School and currently is the Director of Litigation of the Central Virginia Legal Aid Society in Richmond. He has been a legal aid attorney in Richmond for forty-two years. He is also a member of the following: City of Richmond's Affordable Housing Oversight Trust Board; Richmond; City of Richmond's Eviction Task Force; Steering Committee of the Campaign Committee to Reduce Evictions; the Legal Advisory Board of Housing Opportunities; The Virginia State Bars' Committee on Access to Legal Services.



Janae Craddock is a native of Richmond, Virginia and a graduate of the University of Richmond. While studying for a law degree at Campbell University she realized a passion for helping others and an interest in public service. This included serving in the Office of the Commonwealth's Attorney in the City of Richmond. (She has worked with) the Central Virginia Legal Aid Society focused on providing legal advice for individuals facing eviction and other landlord-tenant issues. In 2019 she was appointed by the Mayor of Richmond to serve on the city's Eviction Task Force. The same year she was recognized as one of Style Weekly's 'Forty Under Forty,' She is a member of the Virginia State Bar Association, the Old Dominion Bar Association.

Martin Wegbreit (MW): We appreciate the opportunity to present to Coming To The Table-RVA. We thought we'd start with our personal stories. What we're going to do first is talk about our personal histories. Mine is about 'white flight' Janae's is about the other side of 'white flight'. I was born in Southwest Washington, D..C., in the early 1950's and my family moved out to the Montgomery County, Maryland suburbs (as a young boy). The high school I went to had 2250 students, three of whom were black. That was true not only in my high school, it was true in most of the other high schools in Montgomery County, Maryland and was true in all the other high schools in suburbia around the country.

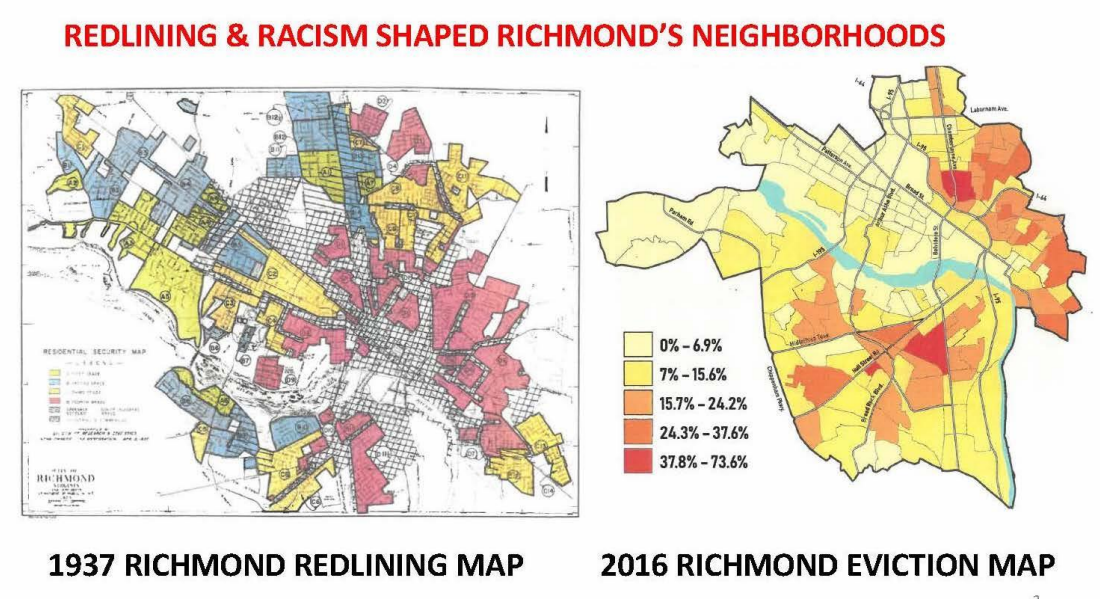
It wasn't until much later in life that I realized that this was like growing up in apartheid South Africa when I was really growing up in apartheid America. That's my story. Janae's story is very different, that doesn't get told very often, the other side of 'white flight'. Janae will you tell us your story about growing up in Richmond during the 'white flight' era

Janae Craddock (JC): Good evening, my name is Janae Craddock. I was born and raised in Richmond, Virginia and am two generations removed from 'red lining' so it wasn't something I experienced, but it was like 'court ordered' segregation. But it is something that affected my life. My mother and father are both from the City of Richmond. My grandparents purchased a home in the Battery Park area of Northside Richmond in the 1950s during that time that white flight was occurring. It was at a time, post Would War Two that a lot of middle class black families were moving into these neighborhoods and white neighbors were fleeing to the suburbs as a result of policies that we will discuss later. My mother was a product of bussing, she as was bussed to Thomas Jefferson High School in the City of Richmond as a result of policies to desegregate the school system. I came along sometime later and even though all these policies had been done to desegregate the schools, at that time we had a de facto segregation. I grew up in the city in predominantly African-American neighborhoods. Even though it was in the late eighties and nineties, you could still see the differences my counterparts were experiencing in the far west end of Richmond or other parts of the city.

We talk now about food deserts; there were limited grocery stores around where I grew up. You hear about limited resources for the inner city schools; that's not a new occurrence either. My mother did not go to schools in our school zone; she knew education was the key to advancement and she wanted to make sure my brother and I had the best education possible; that meant going outside our school zone. You would think that with all the policies in place to dismantle school segregation, it would seem that what occurred, while it wasn't necessarily

government instituted racism or segregation, the impact of it was still prevalent and alive as well. So that would lead us into the meat of our discussion tonight because the question is 'how did we get there?' It didn't happen overnight as you've seen from the divergent stories that Marty and I share. There is an essentially a forty year age difference between he and I. He and his family and others who look like him had the opportunity to move out of the city and once they moved out the resources were (also) taken out of the inner cities which led up to where we are today.

MW: We can start the story of how we got here almost any area of history; the seventeenth, eighteenth, nineteenth century anywhere in the twentieth century, but probably the best place to start is the 1930's when the federal government started getting into housing policy, in particular with the passing of the Housing Act and the building of public housing and the practice of redlining which was a government sponsored practice. On the left is the redlining map, that was produced by a New Deal organization called Home Owners Loan Association. These existed in every metropolitan and were color-coded. The red-lined areas were considered by the government as too risky in which to invest, loan, sell insurance; they were the areas where 'undesirables' lived; black, immigrants.



You compare the red-lining map on the left with the eviction map on the right compiled by VCU, you see it is the same map. The eviction areas today are almost the same as the red-lining area almost eighty years ago. The sins of the grandparents are visited on those two generations down. How did this happen? It really got underway after World War II.

If you have read the book 'The Color of Law' by Richard Rothstein, you already know most of what I'm about to say. There were millions of servicemen coming home from the war. They needed housing. Developers could supply the housing but they needed loans from banks. The banks could supply the loans, but they needed some insurance, some guarantee that the loans wouldn't go belly-up. The government could (provide the (money for) the loans but they didn't want to take on too much risk, so they said to minimize our risk we want you to agree to a simple condition; don't sell to black people. You could see it in the underwriting manual that was used in the 30s, 40s and 50s.To maintain stability it is necessary that properties shall continue to be occupied by the same social and racial classes.

FHA Underwriting Manual – 1935, 1947, 1952



Part II
233–235

UNDERWRITING MANUAL

social groups are present, to the end that an intelligent prediction may be made regarding the possibility or probability of the location being invaded by such groups. If a neighborhood is to retain stability it is necessary that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally leads to instability and a reduction in values. The pro-

The next slide is another example.

FHA Approval Requirements

- Construction materials
- Design specifications
- Sale price
- Neighborhood zoning
- Commitment not to sell to blacks

284 (3). Recorded deed restrictions should strengthen and supplement zoning ordinances and to be really effective should include the provisions listed below. The restrictions should be recorded with the deed and should run for a period of at least twenty years. Recommended restrictions include the following:

(*a*) Allocation of definite areas for specific uses such as single or double-family houses, apartments, and business structures.

(*b*) The placement of buildings so they will have adequate light and air with assurance of a space of at least ten feet between buildings.

(*c*) Prohibition of the resubdivision of lots.

(*d*) Prohibition of the erection of more than one dwelling per lot.

(*e*) Control of the design of all buildings through requiring their approval by a qualified committee and by appropriate cost limitations.

(*f*) Prohibition of nuisances or undesirable buildings such as stables, pig pens, temporary dwellings, and high fences.

(*g*) Prohibition of the occupancy of properties except by the race for which they are intended.

(*h*) Appropriate provisions for enforcement.

This is the FHA Approval Requirements. Not only did they require material, the design, the zoning requirements, but they also require commitment not to sell to blacks and prohibition of the occupancy of properties except by the race for which they are intended. In the 40s,50s and even into the 60s, it was official government policy of home ownership by whites, and rental housing for blacks. We go to the next slide.

We've Known for Decades

- "Throughout the country large groups of American citizens—mainly *Negroes*, but other minorities too—are denied an equal opportunity to choose where they will live. Much of the housing market is closed to them for reasons unrelated to their personal worth or ability to pay.
- New housing, by and large, is available only to whites. And in the restricted market that is open to them, negroes generally must pay more for equivalent housing than do the favored majority."
  - United States Commission on Civil Rights, *Housing*, **1961**

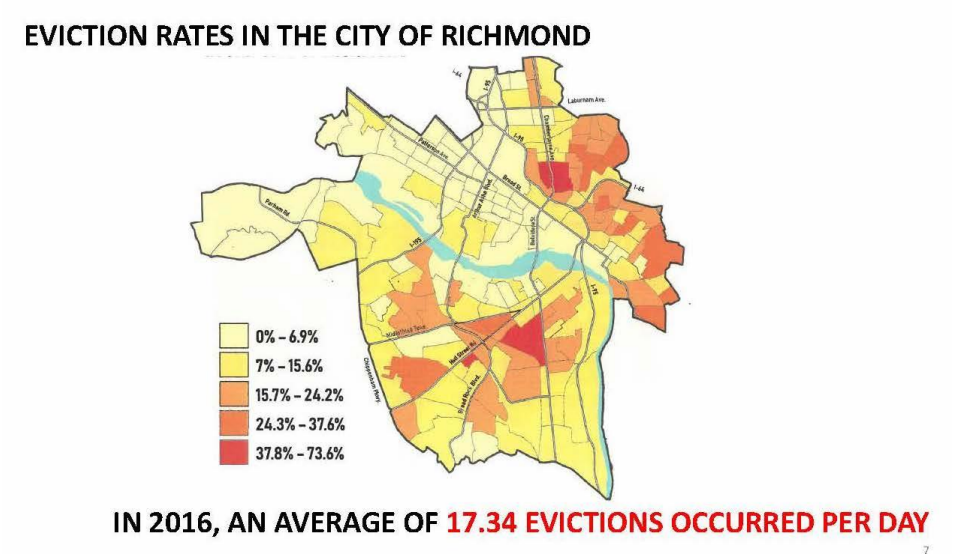


You will see that we've known this for decades. These are quotes from a U.S. Commission on Civil Rights Housing Report I got from Dr. Julian Hayter at the University of Richmond School of Law and it is clear that what was known then that it was a restricted market and Negroes must pay more for equivalent housing than the favored majority unrelated to personal ability to pay. That explains why, in the 60's my high school in Montgomery County, Maryland, out of 2250 students we had 3 black students.

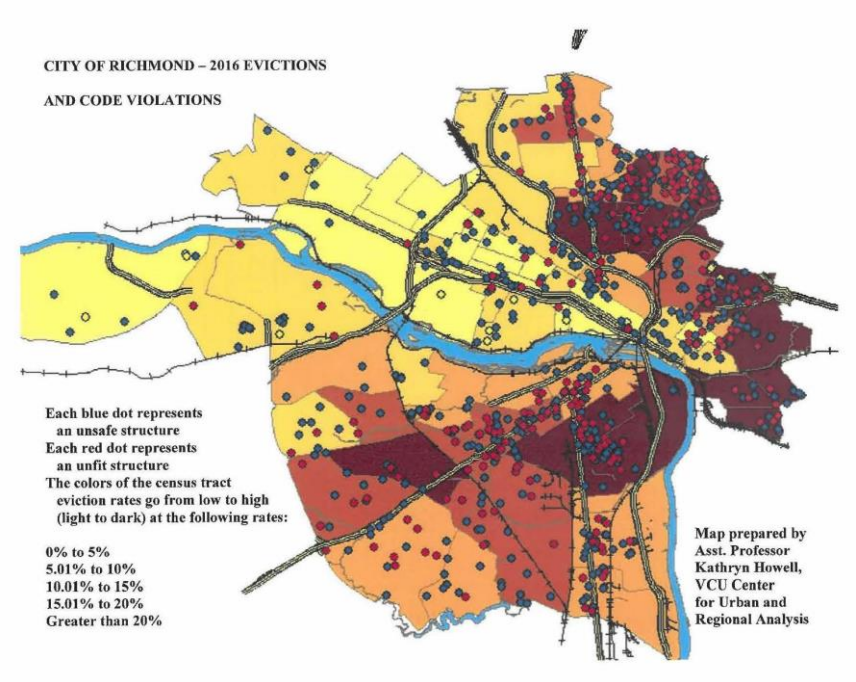
All of this until 1968 was perfectly legal ;not to sell to blacks; it was perfectly legal not to make loans, not sell insurance, not make investments to black people or in black neighborhoods simply because of the color of peoples' skin. it didn't all go away when the Fair Housing Act of 1968 was enacted. It was enacted within 10 days of the assassination of Martin Luther King and the ensuing civil unrest that occurred. The act had been debated for years before, never got any traction. That's what it took for people to legally buy anywhere they chose and not face discrimination and flat out refusal to buy property that they wanted to buy.

JC: Let me be clear, when I say how we got here, Richmond in the second half of 2018 was the second highest eviction rate among large cities in the country. When I think about how we got here, that is the statistic I am battling with. When you think about it from an outside perspective, a lot of people think eviction is only about non-payment of rent; having poor housing opportunities is just about lack of resources but its truly a glimpse into the haves and have nots and race is not something that can be separated from that. A prime example is the next slide.

This is a slide that shows you the eviction rate by areas of the city. The eviction rates are highest in those areas where redlining was prevalent, prior to 1968 This data was collected in 2016 and high now we don't have a lot of current data (due to Covid), so we can't say what the 2021 eviction rate was. But the data from 2016 shows that eviction in the cCty of Richmond. We face about 40,000 evictions every year. That's about 18,000 households. Every year families, parents, children, grandchildren face eviction in the City of Richmond.



It doesn't all boil down to money. hat puts people in this predicament. It goes back to pre-`968, pre-Fair Housing Act because race has always been a factor in this country as to where you could live. You had done of the founding fathers Thomas Jefferson mention 'life liberty and the pursuit of happiness, a concept he gleaned from John Locke who said 'the right to life, liberty and property.' Whether it was property or happiness, it was still tied to your race because during that time black men and women didn't have the pursuit of happiness. nor did they have the right to own any property. Going back to that concept, even though in 1968 people were able to buy homes, build equity in those homes, there was already a wealth gap and with that wealth gap, the less likelihood they would be able to own their own homes.



The above map shows you that in areas where there were high eviction rates there were also a lot of unsafe structures. You have a lot of code violations. You may say, oh, maybe that's because people don't take care of their property, but (I would say) the policies of the 1930's, the New Deal policies (prohibited people) from having equity, being able to take loans and invest in their property.

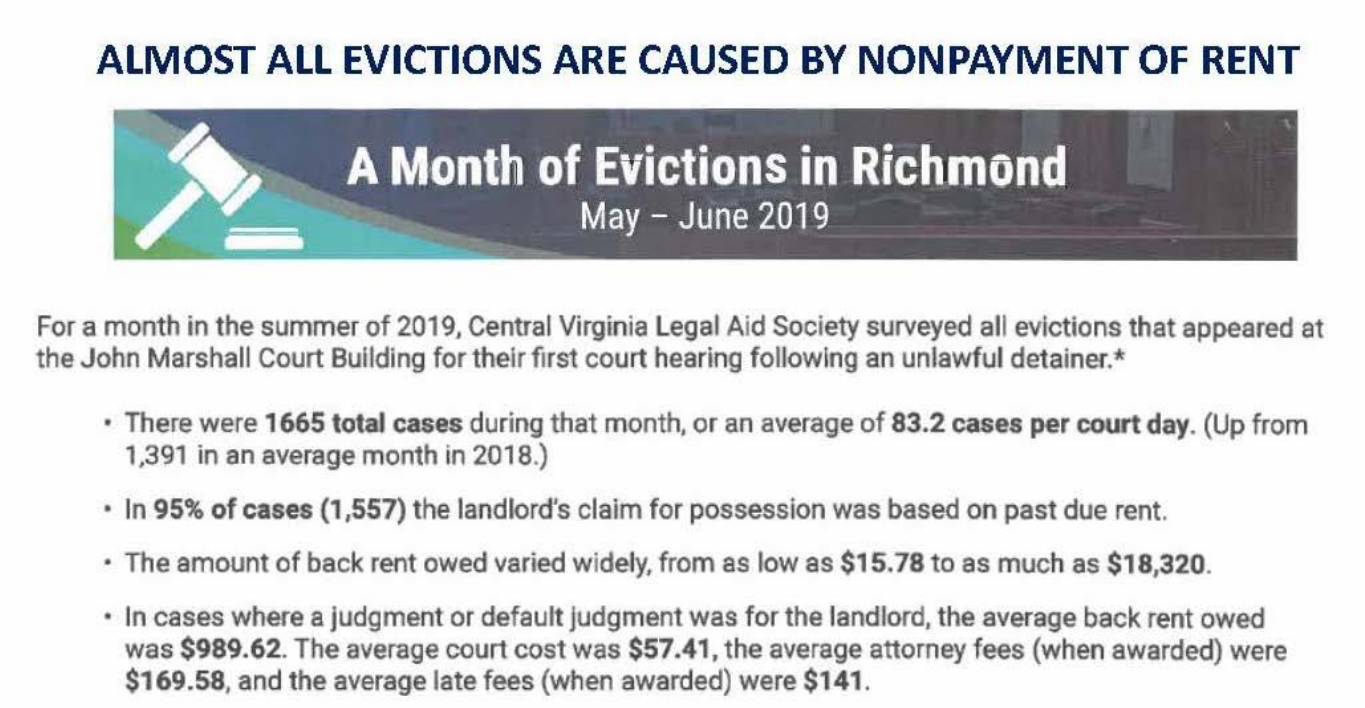
MW: These areas where code violations are concentrated are the same areas that were redlined, that were starved of money 70-80 years ago. What would you expect; it had nothing to do with the people who lived there, it had to do with capital not going in there a perfect correlation between the high eviction areas and the high code violation areas. The next slide talk about education,

School Name	Eviction Rate	Chronic Absences[1]	% White	% African American	% Hispanic	Accreditation
Fox	4.4%	3.8%	64.1%	17.1%	8.4%	Full
Mary Munford	4.8%	3.6%	75.4%	11.0%	5.0%	Full
Fisher Model	6.1%	11.0%	13.9%	58.8%	19.5%	Full
Cary	7.8%	12.3%	8.2%	83.2%	3.7%	Full
Southampton	10.2%	13.9%	7.0%	80.7%	7.0%	Full
Chimborazo	10.6%	14.6%	4.1%	93.1%	0.4%	Denied
Carver	11.1%	18.2%	1.5%	92.2%	0.8%	Full
Bellevue	12.5%	12.9%	4.2%	89.4%	4.2%	Partial
Westover Hills	12.7%	12.6%	7.1%	83.3%	5.0%	Denied
Blackwell	12.9%	9.7%	1.5%	82.0%	11.1%	Denied
Linwood Holton	13.4%	8.1%	29.9%	60.7%	3.1%	Full
George Mason	13.9%	28.9%	0.9%	92.9%	0.9%	Denied
Ginter Park	14.4%	10.7%	0.7%	94.0%	0.4%	Denied
Broad Rock	14.6%	15.4%	4.2%	60.0%	32.1%	Full
Francis	14.7%	11.1%	2.4%	62.2%	32.3%	Denied
Elizabeth D Redd	15.1%	6.5%	2.1%	68.9%	26.7%	Full
Miles Jerome Jones	16.8%	12.9%	3.8%	69.9%	23.9%	Full
Swansboro	17.5%	12.5%	2.7%	93.0%	2.7%	Denied
Fairfield Court	18.2%	19.5%	0.4%	96.6%	0.8%	Full
GH Reid	18.5%	11.0%	1.9%	57.8%	38.7%	Denied
Greene	19.1%	6.1%	1.7%	16.0%	81.1%	Full
Woodville	20.6%	25.9%	0.9%	93.3%	1.5%	Denied
Oak Grove	20.8%	19.3%	1.9%	79.5%	14.4%	Denied
Overby Sheppard	22.0%	20.6%	2.4%	95.6%	0.5%	Denied
Obama (formerly Stuart)	24.3%	16.4%	1.8%	90.4%	2.5%	Full

SOURCE: VA DEPT OF EDUCATION, PRINCETON EVICTION LAB, US DEPT OF EDUCATION OFFICE OF CIVIL RIGHTS

When you look at eviction rates, that's a quantifiable effect of housing issues that we have in Richmond. What a lot of people don't realize is that we have a child welfare crisis in Richmond as a vestige of some of our housing policies of the past. What the above slide shows you is a list of all the elementary schools in the city of Richmond. For the schools that fall into the highest eviction rate, they are not accredited. For the schools with the most absenteeism, they are in the areas with the high eviction rates and also where accreditation is an issue. How and why is that an issue? Eviction puts a strain on the entire family. When you have a family needs to be rehoused and not knowing where they are going to be the next day, it's hard for a student to be focused on reading, writing and arithmetic, whatever the new version of that may be. You have the issue of them not knowing where they will stay from night to night. Even the issue of how to get to their school. It's an issue that's not obvious on the surface when thinking about housing, but it's a child welfare problem. When you go to an eviction court, you see it's primarily African-American women, predominantly mothers. When you look at 18,000 evictions, you're looking at families facing homelessness and stuck in a 'have and have not' system.

MW: As described in the book 'Evicted,' due to mass incarceration we have a situation where black men get locked up and black women get locked out. You don't have to spend too much time in the Richmond District Court to see the effect of this. We didn't have good numbers on this until the summer of 2018-19.as to why this was happening. We reviewed every single eviction case for an entire month and you can see the results the summer of 2019

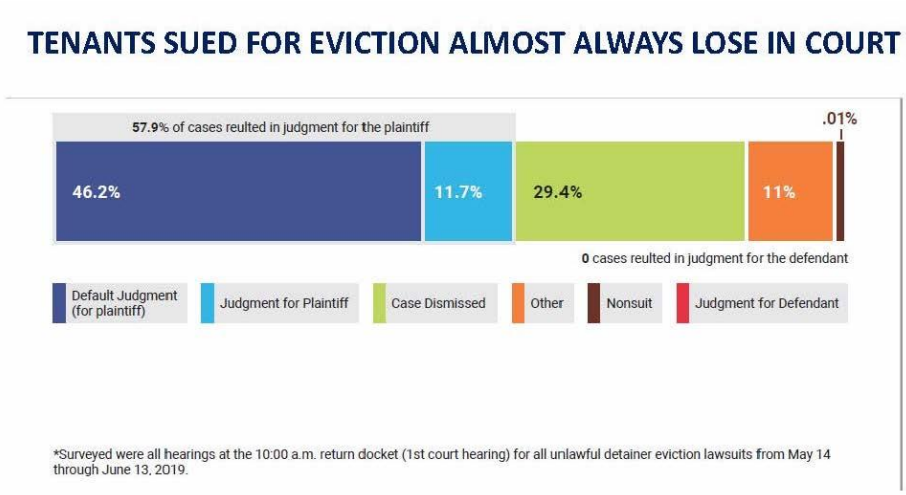


In each month there were over1600 cases, a little over 83 for each court day, In over 95% of cases the evicting due to non-payment of rent. The average rent owed was a little under $1,000.

JC: Before we go to the next slide, it's important to note that the Landlord-Tenant Act sets the proceedings as to how evictions occur, so families can go to being homeless in less than a month. There have been some legislative changes to address that, but essentially if you're 5 days late, by the 10th or 11th of the month, the landlord can initiate an eviction case and if you have no defense, 14 to 21 days later you can be put out. This is not something happening in a six month time frame, this can happen within a 30-45 day time frame.

MW: It's cheap and quick for landlords to do this. The fee to file an eviction notice is $62; in North Carolina $128: in Alabama $250. So it's cheap. The court has a website with a form that can be filled outing filed. By statute the case has to be heard within 21 days. The next slide shows how often they win. Fifty-seven percent of the time

they win. Thirty percent of the time the case is dismissed; we don't have data on why that happens. Sometimes the tenant realizes the inevitability of the situation and just moves. There are few if any tenant victories, certainly without a lawyer being in court with them.



The first question from the judge is 'Do you owe the rent?" Anything but an answer "no "will result in the tenant losing. Half the time there is a default judgment where the tenant doesn't even show up because of the history of failure in challenging these evictions and tenants don't realize that they have a right to challenge these evictions or that they can have a legal aid attorney assist them.

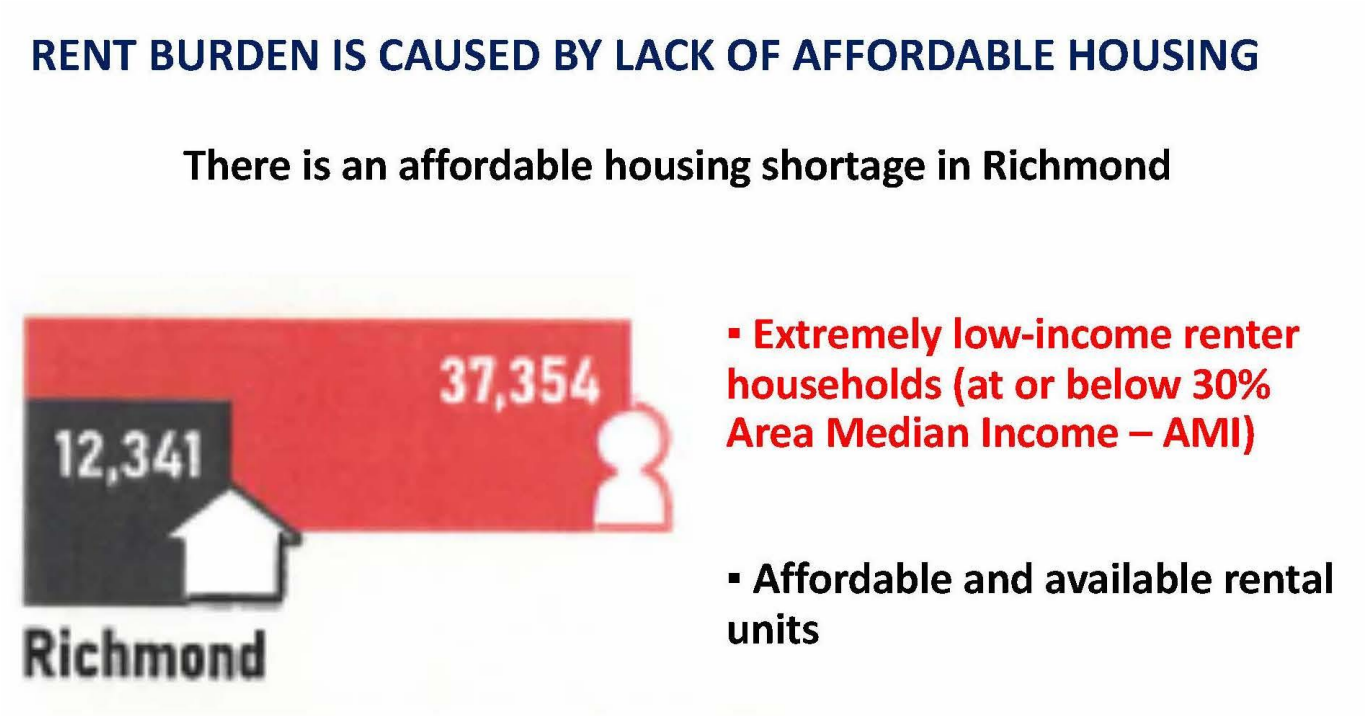
JC: That brings me back to the statement 'Justice is what you pay for.' Unlike criminal cases where you are told if you cannot afford a lawyer, one will be appointed to you, that is no a statutory right, so individual have to know about legal aid or pro bono attorneys; most landlords have attorneys. So it's a Leo sided system of justice. Tenants are not usually aware of the procedures and what might be beneficial to their case.



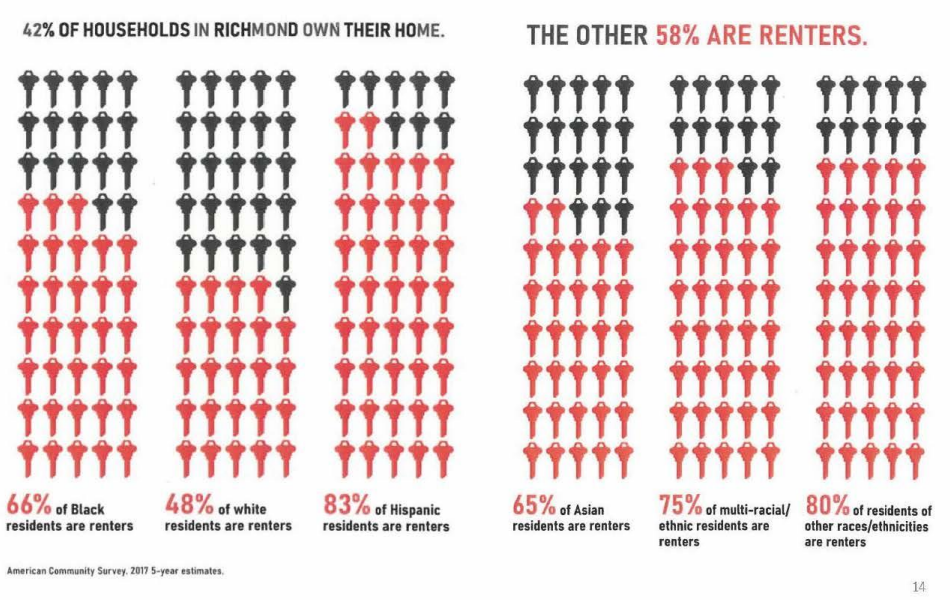
MW: One of the issues we confront is 'why don't they just pay they rent?' It's because so many tenants in

Richmond are renters and you can't because of the history that so many black people have been denied access to wealth and access to income. The government says if you pay more than 30% of your income on rent, that is unsustainable. A little over 50% of renters in Richmond are cost burdened with about 30-50 percent of those spending half their income on rent and another 21% spending over 50% other income on housing costs. In that situation you are on the knife's edge all the time, Any unexpected increase in expenses such as car repair or medical expenses or loss of income puts you one day away from that blackball rush to judgment resulting in being evicted. Why is there so much cost burden? That is explained in the next slide

The lack of affordable housing. We are looking at the number of affordable housing units needed in Richmond for low-income renters and the number actually available which is a little of 12,-000, a 25,000 gap between what is needed and what is actually available. Janae and I were talking just the other day about when was the last time any substantial low income housing was constructed in the city of Richmond. Neither of us could remember. The government has been dis-investing in low income housing not just during the past couple of years, but for the last couple of decades. When you don't invest in housing for those in the 30% or even 50% median income can afford, this is the inevitable result; a high rate of eviction that has a disparate impact on people who are already disadvantaged; particularly black and brown.



JC: We could see earlier about the effects of redlining and how the impact of the lack of home ownership has on the city of Richmond and nationally, but particularly in the city of Richmond. This slide below shows that if you look at the first column, 66% of black residents are renters and 48% white. When you look at the difference in home ownership you have to ask why; is it because the white city residents had a higher desire to own homes; is it because they have better access to jobs, to credit; what is it?



It goes back to the black residents of Richmond starting from ground zero. They didn't inherit any property and if they did it was in a dilapidated state, particularly in those redlined areas because there was no investment made into it. When you don't own a home you face a higher rate of eviction as well as poor housing conditions.

In neighborhoods with 75% or more white residents 16% of homes are bought by investors. In neighborhoods with 75% or more black residents, 60% of single family homes are bought by investors. What sets the neighborhoods apart, is the fact of race. Research shows that when you control for other factors such as income, what sticks out the most in when it comes to eviction is race.



Investors don't have a connection to these areas;; we see all the time in court investors from New York and Delaware.. They buy these properties and don't put any money into them, they have a lot of code violations, they don't really have any incentive to try to have a community fabric and build up the community. Individuals in these homes are dispensable, they are just like some type of currency. If you don't pay you rent (regardless of the

circumstances) , I'll file a fee (and get you evicted)

MW: That's a perfect example of what we're talking about. The flats of Ginter Park, along Chamberlayne Avenue, a limited liability corporation registered in Delaware and located in New York, with not assets in Virginia. They ran the property down terribly, whole buildings collapsed, a bank filed a lawsuit in Richmond City Court to start receivership and take control away from the investors, Cedar Grove Partners and place it in the hands of a local attorney. The attorney sold the buildings to satisfy the bank's mortgage and there was $1,000,000 left over that the pro bono lawyers wanted to be put on hold so the tenants could make a claim for expenses, security deposit, other damages they sustained. The money was eventually sent to the company in New York. A classic example of how out of state investors prey on the black community and draw wealth out of the city of Richmond
There was a note in the chat; 'we want solutions.' So do we.

The next slide is a list of some solutions . I wish they were local solutions and the las four are state solution; I wish there were more national solutions but in the current state of paralysis and the vey slim majority of one party over the other, we have to look at local solutions.

RESTORATIVE HOUSING JUSTICE SOLUTIONS



1. **Housing Resource Line**
2. **Maggie Walker Land Trust**
3. **Richmond Affordable Housing Trust Fund**
4. **Richmond Eviction Diversion Program**
5. **Virginia Affordable Housing Trust Fund**
6. **Virginia Housing Choice Voucher (HCV) Rental Program**
7. **Virginia Housing Choice Voucher (HCV) Homeownership Program**
8. **Virginia Low-Income Housing Tax Credit (LIHTC) Program**

One of the problems tenants face is knowing where to turn in facing eviction; there is no centralized place for tenants to turn to get housing resources. That changed in September when a private non-profit, the Partnership For Housing Affordability. People can now call them as a 'one stop shopping' instead of going from church to church community organization to community organization. Another local solution is the Maggie Walker Land Trust which lowers the cost of purchasing a home by owning the land rather than purchasing the house itself. This is controversial because there is a long standing desire, particularly of black people, to own the land itself. At the same time, that lowers the entry cost even though you only have equity in the house and not the land. Nevertheless some equity is better than no equity. Another solution is the Richmond Affordable Trust Fund, started in 2016 with 1 million dollars, it's now up to 2.9 million dollars. When first proposed in 2010, experts told Richmonders Involved in Strengthening Our Community (RISC), a minimum of 10 millions dollars was needed. Last fall the Richmond City Council unanimously approved a resolution to fund it at 10 million dollars a year, but at the budget just passed, we are still stuck at 2.9 million. Federal funding coming down would increase it to 10 million; certainly that's something we need to push for.

The Richmond Eviction Diversion Program is the only such program in the Commonwealth funded in 2019 but still stuck at a little under half a million dollars a year, way less than actually needed; federal dollars we think will go to this. There is the Virginia Affordable Housing Trust Fund, funded by 25 million. By comparison, Charlotte, North Carolina has a house trust fund just for Charlotte of 100 million dollars. Virginia does not have a Housing Choice Voucher Rental Program. There is a federal Housing Choice Voucher Rental Program but the waiting list is not measured in months or years, but close to a decade. As the book

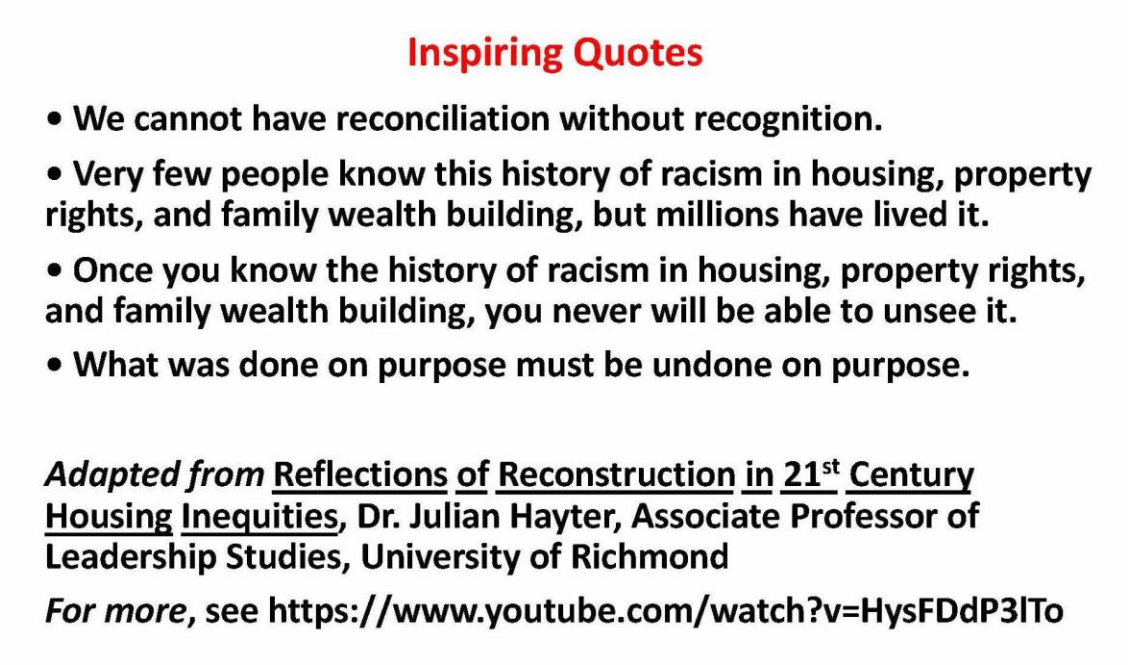
'Evicted' pointed out, we have a national housing program. It just happens to promote housing for middle class people; it's called the Home Mortgage Deduction Program which anyone who has a home mortgage can get, no questions asked, and that costs the government way more than an universal choice housing program would cost. If the mortgage deduction program were scaled back, the federal government could afford a universal voucher so that instead of 1 out of ever 4 people eligible for federal housing assistance getting it, everyone got it. Another choice would be the Virginia Housing Choice Voucher Homeownership Program. The federal government has a housing choice voucher homeownership program but the problem is 1% of the down payment has to come from the from the prospective homeowner. So even if you're buying a modest home, 10o,000-150,000 you have to come up with 1%. For the prospective homeowners Janae and I represent, that 1,000 dollars might as well be a million dollars. Again, it's the denial of wealth over generations.

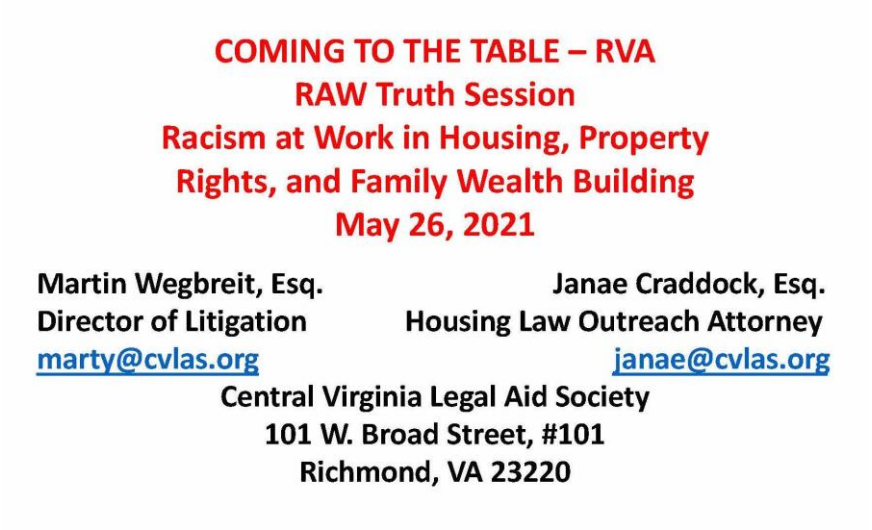
Virginia could enact a homeownership program which would involve zero down payment which is what white people got the benefit of during the post war period and black people were locked out of the market. The major source of somewhat affordable new housing is the federal Low-Income Housing Tax Credit Program, It doesn't tie the rent to the income (of the renter) but at least (sets aside) a certain number of units in a development for lower income rent in return for a tax credit. Virginia does not have this program. These are all choices a state and local government could make to provide restorative housing justice; the overwhelming beneficiaries would be the people who have been locked out of the housing market - black people who were forced into rental housing.

JC: In 2022 renters will be allowed to have access to cases that were dismissed for non-payment expunged; right now they don't have that option, so that in an application for housing, the landlord may see that even if it were dismissed; that could (affect the application).

MW: Excellent point. The tenant record, eviction record are two of the three major barriers, including mass incarceration along with low credit which again have historically prevented black people from wealth opportunities.







Question and Answer Period

Dr. Tademy (RT): Talking with Professor Mark Goldman about systemic racism, he said several systems interlock to suppress people. What other institutions, businesses, practices contribute indirectly to this issue of eviction and being unable to own a home.

MW: I'll answer that and also a question I've seen in the chat; 'why hasn't all new housing development in Richmond contain a provision for low cost housing?'. Virginia is a 'Dylan Rule' state as opposed to a home rule state. In a home rule state, localities can pass whatever ordinances they want. In a Dylan Rule state local governments can only pass ordinances the state government allows them to. In affordable housing there are two statutes, one of which allows a fixed locality (Arlington, Alexandria, Charlottesville) to allow for affordable housing that gives builders a 'density bonus' that allows more density than would be ordinarily desirable as long as a certain number of units are set aside for low income people. Richmond is not one of those jurisdictions. Richmond cannot have an ordinance that compels developers to build affordable housing for low income people. The state legislature could propose (such a statute) but it hasn't happened. The state legislature could make Virginia a home

rule state. That it is a Dylan Rule state has its roots in racism. 'Let's now allow too much local control; who knows what can happen if black people get in control.'

RT: I'll real concerned about what's going on with incarcerated populations; people coming out and having no place to go.What recommendations would you make to help people coming out to find affordable housing? Many coming out are homeless and are going back into the system.

JC: You can't just deny rent to someone; there has to be some basis; criminal record itself is not sufficient. As we know criminal record has a disparate effect on black males. It has been challenged in the court system.

MW: Criminal record is not a protected class (such as) race, color, religion, disability,

JC: But black is a protected class.

MW: the statistics are there; blacks are 3 to 6 times more likely to be arrested. In the waning years of the Obama administration, there was a HUD guidance (on the proper use of criminal records in fair housing that makes it clear that criminal arrests can't be used in screening out applicants. Even a conviction has to be very narrowly tailored in terms of the crime it was and how long ago it was. They have to show that you won't be a threat to the landlord and that you will be a good tenant and good neighbor. Burglary, assault, those are fair things for a landlord to consider but a ban on any conviction you've ever had in your life, that is a clear violation of the fair housing law.

JC: I think the question goes more the question of the immediate impact of individuals coming back into the community?

RT: There is definitely a need for individuals coming out and the quality of the support and services they might be getting. I have seen too many coming out who can't get a bus ticket or are homeless; it's a common thing.

JC: There was an Office of Re-Entry and I don't know if that is still alive. There are a lot of non-profits that are leading the charge on this. Maybe that will be something that will be addressed; a lot of agencies are moving toward restorative justice. That goes to the (consideration) that you can't just look at everything in a vacuum; all those components (housing, criminal justice) have an impact on the individual.

Ron Alpern (RA): (Thanked everyone for an outstanding presentation).The summary will be released in the June newsletter. Watch for the news list of the RAW library where materials will be made available (books, articles, videos) This ends the first round of presentations. We will have an informal half hour to follow, I want to call viewers to the chat which discusses the good work RISC is doing.

Paul Hedges: Thank you all, this is my first visit. By way of an introduction, I have a small private practice law firm here in the Virginia Beach area.We've been doing this for 30 years or so, trying to serve low income and a lot of the people of color and disadvantaged people. In addition I am the acting executive director of Virginians for Reconciliation, a bi-partisan group of 70 (people from all walks of life) and we've been working for the last 30 years to tackle problems like this (RAW presentation) We've been looking for solutions for 30 years. I was also a commissioner on our local housing authority board and tacked a lot of these problems from that seat. I deal with a lot of people out of jail, out of prison, evicted parties; the problems are innumerable. I have limited resources and
limited ability, but I've been down in district court watching people get evicted, largely people of color. My role is to ask a lot of questions. I will back to my group and let them know you are here and get behind other people who are doing similar kinds of good work.

MW: Paul is being too modest; he is the acting executive director of Virginians for Reconciliation; the Board president was the former Governor of Virginia, Bob MacDonald which shows that this issue cuts across party lines, racial lines, and shows that racial issues are not a zero sum game. There is no mystery to the types of things that

need to be done. None of this was accidental or just happened; it was all done intentionally (over the past 80 years) and won't be undone unless its undone intentionally. It requires out elected and non-elected leaders to actually lead and (make the necessary investment) commensurate with the investment that created the problem. There is no lack of solutions; what is needed is the will of the large groups of people to demand that it be done. The Fair Housing Act of 1968 was debated for years before (it was enacted) after the death of Martin Luther King and civil unrest occurred. We are now one year past civil unrest in Richmond and in the rest of Virginia. There has been some change but just as Black Lives Matter, black incomes matter, black wealth matters, black housing matters, black education and healthcare matters. I'd like to see the kind of pressure that has been placed on police misconduct put on other types of misconduct.

RA: Your last comment underscores the theme of this series; systemic racism is a cancer that has infected the entire society. People need to go back to the 1980s and look at what the rhetoric and programs of HUD were during that period when it was regarded by the Reagan administration as a welfare program that wasn't needed and the gutting of affordable housing in the contemporary era can be traced back to that. My question (for either MW or JC) is, that while your focus was on 1968, and beyond, by and large, what I I find so interesting in Marty's phrasing of the policies of the 30's was how home ownership was for whites and rental for blacks in the period of the run-up to World War II when there were housing shortages in major cities, and you have historically strongly segregated neighborhoods. That set the circumstances for landlords gouging tenants and charging African-American tenants exorbitant rents because what was supposed to be a free market was distorted. My question is 'are you familiar with historical studies in Richmond that look at those periods and look at how that policy led to the kind of speculation in that era that you've alluded to in more contemporary times?'

JC: I'm not aware of specific data, but i think it goes back to what we said earlier about the widening of the wealth gap and the lack of home ownership and the ability to build equity in homes. Research shows that is one of the biggest factors in the ability to build wealth and the wealth gap today. That being said, when you are not able to invest in your home as a homeowner, it's 'every month what is it now,' there's always something that needs to be done, so when you don't have the capital to do so, the housing goes into a state of disrepair (as opposed to) having access to wealth and have that leg up, so that property can be bought up at a reduced rate and then turn around and rent it back; now the families are renting properties they used to own. You can't look at it just in the 80s and 90s, it goes back. In Richmond we're still living with the vestiges, the effects of those Jim Crow and New Deal and systematic racism even though it was outlawed in1968.

MW: You don't have to look much farther than the government in the 1950s decided to put I95, right through Jackson Ward, destroying Jackson Ward, at least dividing it in two, displacing both home ownership and rentals of black people and creating more of a housing shortage. When you've got a shortage, the price goes up, that's Adam Smith capitalism and you wonder why 51% of renters in Richmond are cost burdened; that legacy is still haunting us today. There are plenty of other examples; gentrification in Church Hill and Manchester and again that's decreasing the supply of low income housing and increasing the cost of renting that Jenae and I see every time we go to the courthouse.

JC: The reason they are able to buy these homes at such a (low price), is a lot of these homes (owe) back taxes, they have so many code violations that they are condemned. The reason these families haven't been able to keep up goes back to those practices of the past.

RA: I'm going to combine two comments on the chat. Bill Winters said it seems to him that a simple solution would be to allow a longer time to complete the eviction process, giving the tenant a longer time to come up with the necessary funds. What are the new processes that got mandated here in the last year or so that provides for some of that flexibility?

JC: The pandemic changed the way we operate when it comes to landlord-tenant relations in Virginia. The VRLTA Tenant Act gives a five day grace period and the landlord can give a notice to the tenant and give another five

days and then the landlord can initiate an eviction notice law suit. If it is initiated, the case goes to court. The pandemic changed that. I don't know if pressure is the right word; it seems like (the General Assembly) has been in special session all year that has been addressing some of these housing issues. One of the biggest changes, though it may be temporary, is that there must be a 14 day notice to the tenant when they don't pay the rent. They are also required to apply for rent relief. There are millions of dollars (of federal funding) available to assist tenants right now. It's a crisis for landlords and a crisis for tenants. In an effort to keep people housed, but also (to help those who have lost employment), the government has allocated all these funds to the state (for) tenants who have suffered a loss of income (as a result of the pandemic); that has been loosely construed and they are paying up to 15 months of back rent. So there is a lot of money out there for tenants and landlords at this time.

The landlord cannot initiate an eviction until they have applied for this assistance or the tenant has done so. That has shifted the playing field; it puts pressure on the landlord to so something besides go down to the courthouse and file the paperwork; it has created some feeling among the landlords and their attorneys. While that requirement may run out when the emergency ends, that money will still be available. This puts the onus on the landlord; is this eviction about power and control or is it because (the tenant) is behind on the rent. If it's truly about money, the money will still be there.That will be a good social experiment when the landlords see that the money is actually there to pay off these past debts. The 14 day requirement is not becoming a permanent part of the VRLTA that expires in July, 2022.Those are the biggest changes.

MW: It's a one billion dollar bailout for landlords.There is no reason for any tenant to be evicted until the last dollar is spent .Even after June 30 when landlords won't be required by law to apply (for the money), there are legal principles that say they need to do so anyway. Landlords can't evict if there is a third party willing to pay. If you don't take steps to mitigate the damages, you forfeit the right to collect that money. Most landlords see that but some are just bad businesspeople.

JC: If there is a pattern of that, they may be setting themselves up for a Fair Housing Act for treating tenants differently. Our organization and other need to be mindful of that if the landlord (is discriminating) between who is a 'good fit' for rental assistance.

MW: A lot of our colleagues at Central Virginia Legal Aid Society now are insisting that the Attorney General see that the housing is fair. The government is beginning to act on that.

RA: I hope that Marty and Paul Hedges will begin a dialogue with his colleagues in the Attorney General's office to see how bipartisan leadership can emerge as a strong voice for how to craft a process that does this and does it right. Lamont Taylor: 'Does Richmond have a program to help homeowners with assistance with back taxes and code violations?'

Lamont Taylor (**LT):** Everything we've talked about so far for the most part has been about renters. I have friends who have inherited homes and have fixed income and are face with upkeep and back taxes. Is there any program to help them?

MW: Richmond does have tax relief for the elderly. They will enter into payment plans; but only with someone actually on the deed. Some properties are owned by heirs. That disproportionately affects blacks who are less likely to have a will. The way to change that is for (large groups of people to demand a change).

LT: If you are heir to a property and own it with 2 or 3 other siblings, you can't use that program?

MW: Janae is that the experience you have had?

JC: The city is only accepting payment from the 'true owner'. The true owner can't make the payment, and the heirs aren't aware of the probate process, and that they need to go to the court and go through the probate

process to have that house deeded in their name. That is also the case when it comes to paying taxes as well; the heirs may have the money but it (won't be allowed as payment of taxes). Anyone inheriting property should make sure it is deeded properly.

RA: For anyone interested in this topic, they should access the 'Project: Homes; What Do We Do' link that Hayat put on the chat: https://www.projecthomes.org/what-we-do

"The firm possession of a yard, a porch, a grape arbor. Propertied black people spent all their energies, all their love, on their nests. Like frenzied, desperate birds, they over decorated everything; fussed and fidgeted over their hard-won homes; canned, jellied, and preserved all summer to fill the cupboards and shelves; they painted, picked, and poked at every corner of their houses. And these houses loomed like hothouse sunflowers among the rows of weeds that were the rented houses. Renting blacks cast furtive glances at these owned yards and porches, and made firmer commitments to buy themselves "some nice little old place." In the meantime, they saved, and scratched, and piled away what they could."

Toni Morrison, "The Bluest Eye " (pp. 26-27).
Vintage International - Knopf Doubleday Publishing Group. Kindle Edition.