

Ben Carson: Obama's housing rules try to accomplish what busing could not

Comments by [Ben S. Carson](#) - - Thursday, July 23, 2015

ANALYSIS/OPINION:

Remember busing, that brilliant social experiment that was to usher in a new era of racial utopia in America? Undaunted by the failed socialist experiments of the 1980s, the Obama administration has recently implemented a new [Department of Housing and Urban Development \(HUD\)](#) rule designed to “desegregate” housing by withholding funds from communities that fail to demonstrate their projects “affirmatively further” fair housing.

To place this in context, it's useful to look back at the failure of school busing. After *Brown v. Board of Education* effectively ended de jure discrimination in public accommodations from schools to housing, many whites in the South continued to flout *Brown* and did everything they could to keep blacks out of all-white high schools.

In response, various municipalities mandated busing as a means of forcibly integrating public education and — by fiat — ensuring that educational funding was not unequally distributed based on race. The rationale was that if white parents had to send their children to black schools, they would help to ensure that those schools were better equipped.

But by almost every objective, the experiment failed. Not only was there no real statistical improvement in school integration (the percentage of blacks attending majority black schools from 1972 to 1980 moved from 63.6 percent to 63.3 percent), but the program was unpopular among both blacks and whites.

Both middle-class whites and blacks who could, fled to the suburbs to escape mandated busing. This contributed to a blighted inner cities in which poverty and school segregation became even more concentrated. Furthermore, even inner-city black school districts resented busing and the fact that their children were forced to travel for hours as part of a social experiment.

To be fair, white flight was not exclusively the consequence of forced integration policies. Other private and public housing policies such as redlining, restrictive covenants, discriminatory steering by real estate agents and restricted access to private capital — all attempts at social engineering — exacerbated the suburban segregation in the 1970s and '80s.

It is true that the Fair Housing Act and other laws have greatly reduced explicit discrimination in housing, but significant disparities in housing availability and quality persist. To address them, The Obama administration's new agency rules rely on a tortured reading of the Fair Housing laws to empower the [Department of Housing and Urban Development](#) to “affirmatively promote” fair housing, even in the absence of explicit discrimination.

The new rule would not only condition the grant of [HUD](#) funds to municipalities on building affordable housing as is the case today, but would require that such affordable housing be built primarily in wealthier neighborhoods with few current minority residents and that the new housing be aggressively marketed to minorities. In practice, the rule would fundamentally change the nature of some communities from primarily single-family to largely apartment-based areas by encouraging municipalities to strike down housing ordinances that have no overtly (or even intended) discriminatory purpose — including race-neutral zoning restrictions on lot sizes and limits on multi-unit dwellings, all in the name of promoting diversity.

These rules come on the heels of a Supreme Court decision narrowly upholding the use of “disparate impact” analysis in determining whether municipal housing policies have a racially discriminatory effect, whether intended or not. *Texas Department of Housing and Community Affairs vs. Inclusive Communities Project, et al.*, turned on whether the Texas housing agency decision to authorize more subsidized housing developments in poor rather than wealthy areas was racially discriminatory since it resulted in less affordable housing being made available in wealthier, non-black areas. The court ruled that it was proper for the lower courts and [HUD](#) to make a determination based on “disparate impact” rather than any specific intent to discriminate.

Fair housing advocates saw this as a victory, but as with other mandated social-engineering schemes, the sort of unintended consequences Justice Samuel Alito alluded to in his dissent lurk in the shadows. New York Mayor Bill DeBlasio recently announced a plan to build almost 80,000 new affordable housing units in the city’s minority neighborhoods, but the new rules could conceivably prevent their construction because of the “disparate impact” doing so might have on minority access to affordable housing in non-minority areas of the city.

These government-engineered attempts to legislate racial equality create consequences that often make matters worse. There are reasonable ways to use housing policy to enhance the opportunities available to lower-income citizens, but based on the history of failed socialist experiments in this country, entrusting the government to get it right can prove downright dangerous.

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