

***Promises Kept:***  
***A Study in Organizational Evolution***  
***Housing Opportunities Made Equal of Richmond, Virginia***

***By Patricia S. Morris***

***Edited by Connie Chamberlin and Mary Samsell***

**2001**

## **Acknowledgements**

As a young adult in the early 1970s, I lived in a small apartment on Monument Avenue in the Fan District of Richmond. Although I knew of HOME's existence and believed in the work that they were doing, my awareness came only through newspaper articles. I had no idea of the depth of HOME's impact on housing.

As I began this project, I was aware of HOME's national reputation, but I knew nothing about the power and effect of their work. As I read through the numerous HOME files of handwritten notes and hand-typed documents that were obviously created in the pre-personal computer era, I realized that HOME's early success was all about people – who they were, what talents and skills they had, what they gave to the organization, who they knew, who helped them, who challenged them, and who carried the ball at each turning point. As I interviewed some of those people, and some of those involved today, I learned that HOME's success is still about the people -- the incredibly talented and committed Board and staff that carry on the work that began in 1971.

Choosing which of these people to interview for the project was very difficult. Connie Chamberlin, Kent Willis, Barbara Rabin, and Marcia Penn helped me to identify those who could serve as examples of the skilled leadership that HOME has enjoyed during its entire existence. My sincere apologies to anyone who was left out of the process – as much as I would like to have talked to everyone, this project would still be unfinished if I had tried to find them all.

The people who so graciously took the time to talk to me about HOME had one striking thing in common – they were all thrilled to learn that someone was writing the organization's history. They were glad to reminisce about the work they did and the people whom they met through their affiliation with HOME. They all praised the courage and commitment of the staff and Board of Directors that brought HOME to where it is today. And each one of them mentioned in one way or another that their experience working with HOME was one that was fulfilling and something in which they were proud to have been involved.

Personally, I can't begin to thank Marcia Penn enough for her support and inspiration, as well as her encouragement to take on this project. HOME certainly would have found a writer who would find the organization's history as fascinating as I have, but without Marcia, it wouldn't have been I. For that, I am immensely grateful. Grateful, too, for Connie Chamberlin's insightful advice and editing assistance, and especially for her patience while it took more than the expected amount of time to complete. I also appreciate Diane Pendleton's willingness to help me search through boxes and boxes of HOME archival materials to find just those files that I would need for the project and Susan Scovill's assistance with legal language. And of course, I couldn't have finished the project without the help of my editor and research assistant, Mary Samsell.

Patricia S. Morris

## **Preface – Lessons Learned**

The study of HOME's evolution would be valuable to anyone interested in understanding the kinds of things that can make a nonprofit organization a success. I have learned many things from my research of HOME. Here are just a few.

- First, HOME was founded to elevate an issue whose time had come – people were ready to hear the message that HOME's founders brought to them.
- HOME's mission has remained clear and powerful throughout its history.
- The fact that HOME was established in the former capitol of the Confederacy was key in that the segregationist beliefs and practices that began in Virginia's early history were still strong and pervasive throughout the region. But Richmond wasn't then, and still isn't, devoid of considerable numbers of forward thinking people. Enough people who believed in racial equality were living in the Richmond Metropolitan area in the early 1970s to make efforts like HOME's possible. HOME's success in Richmond sent a powerful message to other cities across the country.
- HOME was fortunate to have, throughout its history, three incredibly talented and skilled Executive Directors. Because of their intense belief in the mission of the organization and their interest in the cause, they still communicate with each other, providing continuity and perspective to the organization's work.
- HOME's Board has continued since its founding to be diverse and strongly committed to the mission.
- HOME's leaders had courage and conviction and they weren't afraid of publicity.
- HOME's Board members and the Executive Directors were all connected to the surrounding community through churches, through social circles, and through their connections to other service agencies. But more than just being well connected, they were willing to use their connections and call on their friends and colleagues to help build support for the cause. Their commitment was a 24-hour reality, and they didn't hesitate to use the power of networking to further the mission.
- Because of the successful networking, early support came from social, business, religious, and political sectors, giving HOME a broad base upon which to build.
- The reality of funding was dealt with up front. HOME started with nothing, and the Board understood the necessity of fundraising and were successful in building a sound financial base.
- Fate cannot be ignored, and it surely played a part in HOME's eventual success. But HOME's leaders understood that we often shape our own fate. When opportunities presented themselves, they went for it. They asked for what they needed and they never failed to recognize the potential connections between different segments of the community and how the future could be influenced by bringing them together.

## **Promises Kept: A Study in Organizational Evolution Housing Opportunities Made Equal of Richmond, VA - 2001**

In the thirty years since its formation, Richmond's Housing Opportunities Made Equal (HOME) has risen from its grassroots beginnings to be a powerful agent for equal opportunities in housing. The organization's legal and educational efforts have had considerable impact not only in Richmond but in the nation as well. At the 1987 HOME annual meeting, Virginia Governor Gerald L. Baliles said of HOME:

....HOME's standing grew – indeed, over the years HOME has won national recognition for its effectiveness as a fair housing organization....And, as your reputation has grown, so, too, has your support in the community.....By this participation, business and educational support for the activities of HOME sends a clear message to all sectors of the community....In an important sense, I believe that the evolution of HOME – particularly in its increasing support within this community – indicates a widespread recognition that fair housing is something that affects everyone.

Beyond simple and fundamental issues of equity, the existence of fair housing practices – or the lack thereof – makes a loud and revealing statement on the character of a community...The character of a community, in turn, profoundly influences the economic development of that community (1987).

The story of HOME's success serves both as an inspiration to those who wish to make a positive difference in their communities and as a model of how to do so effectively.

### ***Equal Rights under the Law: An Historical Perspective***

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

Civil Rights Act (1866)

Overriding the veto of President Andrew Johnson, Congress passed the first Civil Rights Act in 1866, following adoption of the Thirteenth Amendment to the U.S. Constitution that abolished slavery. The Act declared all persons born in the United States to be citizens — regardless of race, color, or previous condition. As citizens, they could make and enforce contracts, sue and be sued, give evidence in court, and inherit, purchase, lease, sell, hold, and convey real and personal property. The language of the Act was clear. So was the reality.

Denial of these rights was merely a misdemeanor offense — if a case were taken to court and if a court decided that a crime had, indeed, been committed. Intimidation and lack of resources prevented most victims of discrimination from seeking legal recourse; lack of political power made victory highly unlikely. Twenty years later, a case came to court and the decision had the devastating effect of legalizing the racial segregation already in practice. The 1896 case of *Plessy v. Ferguson* centered on the racial segregation of railway travel. It was decided that rights of a man ejected from a train and jailed for refusing to leave his seat in a “whites only” car had not been denied on the grounds that accommodations for “non-whites” existed. The Plessy decision set the precedent that “separate” facilities for blacks and whites were constitutional as long as they were “equal.” The “separate but equal” doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools. (Cozzens)

For a period of time in the late 19<sup>th</sup> century, African-American communities grew and many black-owned businesses thrived. Times-Dispatch staff writer Carrie Johnson wrote about this “golden age” for African-Americans in the 150<sup>th</sup> anniversary issue of the paper:

....In the years directly before and after the turn of the century, Richmond blacks began to find their political voices and demand equal treatment. ....In the years after the Civil War, before Virginia passed laws that suppressed the black vote, 25 blacks served in the two branches of the Richmond City Council, 18 of them in the decade between 1880 and 1890. ....The General Assembly also had black legislators through 1890.

But any political gains by blacks in the late 19<sup>th</sup> century were quickly erased by the adoption of the new Virginia Constitution in 1902. ....The new constitution imposed a poll tax and other restrictions on voting, and the effects were devastating to the minority electorate. In 1896, there had been nearly 3,000 black voters in Jackson Ward. Under the new constitution, 33 managed to register.

....With Virginia blacks practically disenfranchised, the Richmond City Council wiped out black political power in 1903 when it voted to obliterate Jackson Ward as a political entity, virtually eliminating the possibility of election of a black councilman.

....Segregation didn't stop at the ballot box. In 1904, Virginia passed a law permitting segregation of the state's streetcars. ....The law that had permitted streetcar companies to use their own judgment in separating the races was amended in 1906. Segregation was made mandatory (Johnson, 10/15/00)

In American Apartheid: Segregation and the Making of the Underclass, authors Massey and Denton explain the beginning of legal housing segregation:

The movement toward legally enforced residential segregation began in 1910, when Baltimore's city council passed an ordinance establishing separate white and black neighborhoods in the city. Additional laws to establish legal segregation in housing were passed in Virginia between 1911 and 1913, when Ashland, Norfolk, Portsmouth, Richmond, and Roanoke all adopted ordinances emulating Baltimore's. By 1913, the movement had spread southward to Winston-Salem and Greenville, North Carolina, and it reached Atlanta, Georgia in the same year. By 1916, Louisville, St. Louis, Oklahoma City, and New Orleans all had passed laws establishing separate black and white districts in their cities. As the movement gathered steam, some northern cities began to consider the possibility of adopting similar ordinances to resolve their racial difficulties (1993).

### ***The First Fair Housing Rulings***

In 1917, the U.S. Supreme Court ruled in *Buchanan v. Warley*, a case in Louisville, Kentucky, that racial zoning ordinances requiring segregation were unconstitutional and a violation of the Thirteenth Amendment. This case was particularly noteworthy because the “separate-but-equal” ruling that the 1896 Court made in *Plessy v. Ferguson* was rejected by the 1917 Court. Not to be deterred, segregationists then devised restrictive covenants, which were private agreements among landowners limiting the occupancy of the land in the future. A typical covenant contained the following language:

No part of the land hereby conveyed shall ever be used, or occupied by or sold, demised, transferred, conveyed unto, or in trust for, leased or rented, or given, to Negroes, or any other person or persons of Negro blood or extraction, or to any persons of the Semitic race, blood, or

origin, which racial description shall be deemed to include Armenians, Jews, Hebrews, Persians, and Syrians (HOME Law Manual, 1991).

Ginter Park, a wealthy neighborhood on the northern edge of Richmond, used restrictive covenants in the early 20<sup>th</sup> century. But in 1948, the U.S. Supreme Court, in the case of *Shelley v. Kraemer*, ruled that racially restrictive covenants violated the Fourteenth Amendment. The Court stated:

Equal protection of the laws is not achieved through indiscriminate imposition of inequalities (*Shelley v. Kraemer*, 1948).

During the thirty years between 1930 and 1960, many states and localities took steps to ban housing discrimination. By 1959, thirteen states and thirty-four localities had fair housing laws. By 1964, before the federal Fair Housing Act of 1968 was enacted, eighteen states and Washington, DC enacted fair housing legislation.

Despite these laws, however, the first real stride in equal rights for the races since the 1866 Civil Rights Act occurred with the U.S. Supreme Court's unanimous ruling on *Brown v. Topeka Board of Education* case, in 1954. The decision declared purposeful segregation of public schools unconstitutional.

The decision both opened the grounds for legal recourse and allowed for the hope of success. Not only did the decision nullify segregation laws in public education, but it was also applied to the more insidious forms of segregation through both the drawing of student populations from segregated school districts and the drawing of school districts to insure segregation. Attitudes and habits, however, cannot be changed over night by order of a court. The Court's decision, as any such substantial change would, created great social turmoil across America.

### ***How Richmond Reacted to Equal Rights***

Richmond, Virginia was certainly no exception to the turmoil that the 1954 Supreme Court Ruling brought. White parents moved to the suburbs or deserted the public school system and enrolled their children in private schools not covered by the integration laws. Racial backlash and open hostility across the city brought a great deal of national attention to the city. In spite of the U.S. Supreme Court ruling that public schools must be integrated, as late as the 1960s and early 1970s, Richmond area schools, as did many school systems throughout the country, remained largely segregated.

In the decisions of two nationally pivotal cases originating in Virginia, *Green v. New Kent County* (1968) and *Bradley v. School Board of Richmond* (1973), the language revolved around finding more effective and expedient solutions to school integration. Busing was the mechanism used to get children from one end of the district to the other. Richmond's answer was to attempt consolidation of the city's "black" school system and suburbia's "white" system to form a metropolitan district. Busing (or "forced busing" as opponents called it) was supposedly designed to accomplish integration, but many people, blacks and whites alike, were distressed to have their children bused to schools that were far away from their homes. So many parents complained about the busing program that many came to believe that the system was in fact designed to fail, because the establishment didn't really want to comply with the law. "See, it doesn't work!" was a refrain heard over and over at cocktail parties and parent/teacher meetings.

### ***Fair Housing – The Key to Integration***

Many people across the country believed that the key to the failure of school integration issue lay in the fact that neighborhoods were racially segregated and therefore neighborhood schools were either black or

white. An example can be found in a case in Detroit, Michigan. According to the findings of the U. S. District Court of Appeals for the Sixth Circuit in *Milliken v. Bradley*, 1974, which centered on school integration,

“Governmental actions and inaction at all levels: federal, state, and local, have combined with those of private organizations, such as lending institutions and real estate associations and brokerage firms, to establish and maintain the pattern of residential segregation throughout the Detroit metropolitan area” (Harvard). This pattern repeated in cities across the country, including Richmond, contributing to neighborhood segregation.

Clearly, discrimination had been made illegal in 1866. The Civil Rights Act of 1957, which struggled to pass, addressed only voting rights and not others<sup>1</sup>. It did, however, set up the Civil Rights Commission and a new division of the Department of Justice. The Civil Rights Act of 1964 finally outlawed racial discrimination in public facilities, hotels, and restaurants, made some moves towards equal opportunities in employment, and *again* addressed voting rights. These laws are evidence of progress, but they also point out the slow movement of that progress—that prior laws had not had the desired effects.

In June 1968, the U.S. Supreme Court reaffirmed the 1866 act, by rendering a decision in the case of *Jones v. Mayer* that

...when racial discrimination herds men into ghettos and makes their ability to buy property turn on the color of their skin, then it too is a relic of slavery...At the very least, the freedom that Congress is empowered to secure under the 13<sup>th</sup> Amendment includes the freedom to buy wherever a white man can live. If Congress cannot say that being a free man means at least this much, then the 13<sup>th</sup> Amendment made a promise the Nation cannot keep (1968).

The court decision permitted those discriminated against on the basis of race to seek justice in the federal courts by filing suit against the individual or company responsible. But even the reaffirmation of these rights by the Court did not change practices.

It was only after the riots in Washington, D.C. when Dr. Martin Luther King was assassinated that Congress finally passed the Fair Housing Act. Title VIII of the Civil Rights Act of 1968, often simply called Title VIII, banned discrimination in the sale, rental, or financing of housing based on race, color, sex, religion, or national origin. The statute listed a number of specific practices that were prohibited: refusal to deal, false denial of availability, discriminatory terms and conditions, discriminatory advertising, financial discrimination, denial of participation in brokerage services, blockbusting, and anything that otherwise made housing unavailable. Complaints had to be filed within 180 days of the act of discrimination, and resolutions reached through Federal efforts to persuade the parties to change their practices or a private lawsuit. In reality, many people who suffered both overt and subtle discrimination had no knowledge of which agencies to approach for help, where to make the complaint, and most were without the financial resources necessary for legal assistance. <sup>2</sup>

Whether habitual or formalized by law, racial discrimination and segregation were, to varying degrees, the norm throughout the country, in the North and South alike. In *American Apartheid* Massey and Denton illustrated the difference between segregation, the notion, and segregation, the practice (1993). They noted that at the time of publication of their book, about one-third of the African-American population lived in sixteen cities in neighborhoods so completely segregated racially that interracial contact was almost

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<sup>1</sup> Even so, significant voting rights were not addressed until 1965, when the Voting Rights Act was passed.

<sup>2</sup> The law was substantially amended in 1988 to add additional protected classes.

impossible. The authors assert that the root of many problems facing African-Americans today can be traced back to their lack of opportunities that resulted from residential segregation.

### ***Equality in Housing Opportunities: Effective Solutions Emerge***

Fair housing groups began organizing in the 1960s and 1970s to find ways to enforce laws and to change attitudes about integration. HOME of Richmond, Virginia was one of these early groups. In its Articles of Incorporation, filed on September 7, 1971, HOME stated:

The purposes for which the corporation is organized are: to make open housing a reality in the Richmond metropolitan area by encouraging owners and landlords to comply voluntarily with the law and offer their properties on a non-discriminatory basis, assisting potential buyers and renters, carrying forward educational programs, and supporting litigation where necessary for compliance with anti-discrimination laws (HOME, 1971).

James L. Hecht, who was the Chairman of the Board of a very successful fair housing organization in Buffalo, NY, and one of the founders of HOME in Richmond, states in his book Because It Is Right: Integration in Housing that white Americans pay for the discrimination they practice. His reasoning is that two thirds of the world population is non-white. Thus the worldview on Americans is that if we will treat non-white citizens of our own country with hostility, then how Americans feel about the rest of the world is obvious. Furthermore, the economic costs of ghettos place a serious tax burden on the white communities, and the cycle of decay in the cities began with whites moving out into the suburbs. Additionally, he felt that the preoccupation with racial issues exhausted the energies of public administrators such that issues of education, housing, transportation, and pollution are allocated fewer resources and attention. Finally, Hecht proposed that the denial of basic rights breeds desperation and violence (Because It Is Right, p. 21).

To Hecht, however, the most compelling reason to end discrimination was phrased by President John F. Kennedy in his message encouraging Congress to pass a civil rights act: “not merely for reasons of economic efficiency, world diplomacy and domestic tranquility – but, above all, because it is right (Because It Is Right, p. 21). This belief motivated Hecht and other founders of HOME in Richmond. Ultimately, HOME’s goal was to keep the promise issued to black citizens over 100 years before.

It was also HOME’s premise that only when people of different races live together in a neighborhood, will they overcome the prejudices and hostility that come from ignorance. They see parents struggling to balance career and family, tackling problems with the car, and worrying about how they will pay for their children’s college tuition. They see children playing and struggling with their schoolwork. These daily observances encourage people to notice how alike they are. Open housing is the most efficient and perhaps the only effective method of true social integration.

Richmond’s Carillon neighborhood adjacent to Byrd Park made open housing work in the 1970s. In a newsletter to HOME members, Jim Hecht wrote, “When black families begin moving into all white neighborhoods, disintegration of these neighborhoods does not necessarily take place. For the residents of the Carillon area of Richmond, this statement particularly holds true, for they have worked hard to make the Carillon area a stable, integrated community. This pleasant West End residential area was rapidly changing from an all white community to all black, but the residents had the insight to unite in a concerted effort to prevent the formation of yet another community identified by racial lines” (Hecht, 5/73). The Carillon Civic Association’s successful integration of their neighborhood provided proof that diligent efforts toward open housing could effect change and the neighborhood still provides a model for others today.



## ***HOME's Beginning***

HOME grew from a small group to its powerful presence in the community today because the right people found each other at the right time in history. Their mission was clear from the beginning and they were not afraid to call on their connections to political and social power for help along the way.

Before moving to Richmond with her then husband, Alan Wurtzel, Barbara Rabin, one of HOME's founders and its first Executive Director, had been a member of a fair housing group in Montgomery County, Maryland. Upon moving to Richmond in 1967, Rabin met Jean Boone, who worked with the Urban League of Richmond, was an adjunct professor at Virginia Commonwealth University, and was also interested in fair housing. Through this casual contact a grassroots movement was born. Boone and Rabin gathered others interested in the issue and began a small group. Although the group failed to firmly establish itself, Boone and Rabin's interest continued.

Several other groups had made previous attempts at organizing in Richmond, but none had been able to make much of an impact, and eventually all of them had disbanded.

Rich Miller, needing a project for one of his courses at Union Theological Seminary, also gathered some people together, eventually including Rabin and Boone, to start a fair housing group. Some of the people involved with these groups heard about Miller's group and wanted to help. Because Miller, Rabin, and Boone were all very busy, this precursor to HOME had a very loose structure. Rabin was, by all accounts, an extremely bright and capable person and was, importantly, well connected in the community. However, because she was raising three young children while working on her doctoral degree in political science, she was hesitant to take on a position of leadership, although she did immediately become involved with the group. The group worked to put together a mailing list and had a few meetings in Rabin's home, but like other groups before them they didn't get very far.

Jim Hecht, a research associate in the film department of E. I. Du Pont de Nemours and Company in Buffalo, New York, moved to Richmond in August 1970 after being transferred by DuPont, which closed his Buffalo lab. Hecht had served as President of HOME, a new fair housing group in Buffalo, and began writing about his experiences with fair housing. Because of his standing at DuPont, Hecht had entrée to and moved in society circles that were not usual for fair housing proponents. His daughter went to Collegiate and his son to St. Christopher's, both exclusive private Richmond schools. In October 1970, *Because It Is Right* was published, an exploration of housing discrimination and fair housing action in Buffalo and across the country.

A reporter for the Richmond Times-Dispatch heard about Hecht's book and interviewed him for the paper. According to Hecht, it was not a very complimentary article. It even put him in somewhat of a bad light because his children were in private schools, which on the surface negated his standing on integrated housing and neighborhood schools. But it made people aware of his existence in Richmond, as well as his background in fair housing. Through this article, Rich Miller learned of Hecht's work. He was apprehensive at first because of the negativity of the newspaper article, but after getting to know Hecht, Miller felt he would be an asset in fair housing work. Hecht was involved with another group of people who got together to begin a fair housing group.

The early organizational board meetings of this group were held in Hecht's living room, then at All Souls Presbyterian Church. They continued to meet, usually in churches, but occasionally in Green Hollowell's construction business offices. Rabin went to a few meeting informally and worked on the draft of the incorporation documents during 1971. HOME filed Articles of Incorporation in September 1971. The initial Board of Directors were Penny Briceland, Barbee Chauncey, Edward Gregory, Sherman Harris,

James Hecht, Randolph Kendall, Tim Langston, Melvin Law, Walter Loving, Al Matthews, Rich Miller, Martin Nordingler, Sy Dubow, George Gardner, and Nancy Day. Miller was the first President, followed by Sezen Wilson the following year. Ultimately, Rabin, and Boone also joined HOME's Board. Miller left the organization after a year when he moved from Richmond.

Rabin helped to organize a handful of board members, including a couple of planners from Richmond's city planning commission staff, to do a few neighborhood profiles both as a marketing tool for the organization and because real estate transaction data suggested that in almost every neighborhood at least a small portion of the housing was quite affordable and might be of interest to persons of color if they knew about them.

### ***Developing Support***

Hecht's participation in the organization's beginnings was important not only because of his experience in leading HOME in Buffalo and the inspiration his book provided that things really could be done, but also because of his personal relationships with people who could help HOME effect change in Richmond. These relationships were critical to HOME's early support. One was Bob Naylor, his boss at Du Pont, whose father was the head of a Baptist seminary in Texas. Gene Williams, a clergyman coordinating local Baptist church organizations in Richmond knew of Naylor's father and Hecht met Williams when Greene Hollowell brought Williams to one of HOME's Board meetings. HOME's connections with the community through the churches grew stronger as a result. Hecht asserted in his book that America's clergy had been the largest group up to 1970 that was responsible for advancing fair housing. He believed that the link between HOME and the local churches was an important one. Giving the men and women in their congregations the resolve to do what they know is right, clergymen were in a position to be particularly helpful in obtaining the money and manpower to do the job in building a fair housing organization.

HOME's first public meeting was planned to build greater exposure for the cause. It took place at Thomas Jefferson High School on November 7, 1971. The meeting received support from the Baptist, Catholic, and Episcopal leaders. With an attendance of 175 -200 people and, according to Hecht, "lots of speeches," the meeting was deemed a success.

In a private policy-setting meeting prior to this public gathering, the Board members had a lively discussion about the direction the organization needed to take in fulfilling its mission. On the one hand, they could continue to educate the public and hope for the best, and on the other hand, they could take a more active role in making change happen. Hecht said to the group, "You can't just educate people, you've got to take offenders into court and add a deterrent for their illegal behavior. If this organization is only making noise, it won't work. Taking people into Federal Court is a powerful tool, and that tool must be used if we're going to make a difference" (Hecht Interview). Hecht's remarks created quite a stir. Among others, Sherman Harris, then head of the Richmond Anti Defamation League, opposed litigation, viewing the approach as radical. There was considerable disagreement among the participants. When Hecht's point ultimately prevailed, Sherman and a handful of others walked out. The participants who remained were united in a course of action.

### ***Hecht Becomes President of HOME***

John S. Spong, Rector of St. Paul's Episcopal Church, was a key player in HOME's history. At St. Paul's the subject of racial equality had been discussed frequently. Spong recruited Hecht and his wife to the Church and put Hecht on a committee in hopes that Hecht would help to propose and support community programs in this area. Spong did support a proposal for the Church to appropriate funding in

the amount of \$10,000 for an educational project within the Isaiah 58:12 Program that was designed to help urban Richmond and included fair housing principles. The committee proposed that the project include a community education program on fair housing developed by HOME. The vestry eventually failed to approve the funding by one vote on December 11, 1972, not because of racist views, but because there was a fear that it would eventually hurt the church. Hecht's disappointed turned to energy that fueled HOME's progress.

In a letter to this author, Hecht states, "Why was this failed effort important? Quite simply, if that had not happened, HOME would not have become what it did.... I had not intended to become president. However, what happened at St. Paul's caused me to change my mind. I saw that very valuable resources would be available to HOME even without the Isaiah funding if they could be tapped" (Hecht, 3/5/01) Although this project failed, Spong and many of the members of St. Paul's Church continued to support HOME over the years. The efforts of the church brought the support of Buford Scott, Governor Linwood Holton, Bill Westbrook, and Harry Jacobs.

### ***Critical Social and Political Support***

S. Buford Scott, a very influential Richmond native, had also been one of the backers of the project for the Isaiah 58:12 Program. When Hecht conveyed his disappointment over the failure of St. Paul's Church vestry to sponsor the Isaiah Project and turned his attention to HOME, Scott took notice and wanted more information about the group. He invited Hecht to lunch to get to know him. Scott was already supportive of fair housing in principle and was considering giving HOME his nod of approval, but needed to understand and appreciate Hecht's motivation more fully. In the course of the luncheon meeting, Scott found Hecht not only committed to fair housing, but also possessing the vision and capabilities to make a difference. Scott agreed to be what the group called a "Friend of HOME," providing the first public support for HOME from an influential social leader.

Scott's support proved very important for HOME on a number of occasions. The role Scott played in the beginnings of HOME was more important than he admits. According to Hecht, Scott didn't realize how very important it was that he showed public support of HOME. Scott's position in the community and his reputation as a man of integrity helped HOME gain the support of 42 other prominent political and civic leaders for the Friends of HOME, including then Richmond City Councilmen, Henry Valentine, Bill Daniels, John McGurn, Lee Tait, and Mayor Tom Bliley. Additionally, because of the involvement of these influential men, Councilman Wayland Rennie, a white realtor, was also willing to take a stand for HOME. The support of these community leaders was a key factor in HOME being awarded its first state grant funding, and to its eventual growth.

John Ritchie, Virginia Governor Linwood Holton's executive assistant, was another early HOME supporter. Ritchie invited Hecht and others from HOME to the Governor's mansion for lunch with Holton. Hecht said that at the time he wasn't sure why they had been invited, but Ritchie later admitted to him that he knew it would be an important opportunity for publicity and public relations for the organization. In fact, the luncheon was noticed and reported by a local newspaper and was considered to be a sign of the Governor's support of HOME.

### ***The Organization Blossoms***

Hecht, Rabin, and the early Board did a fantastic job of building up the organization. They recruited for the Board and found talented, passionate people willing to do the work necessary to build awareness and support in the community. Rabin speaks very highly of the early Board, which consisted of leaders who were predominantly professionals in the legal, banking, and social service fields, but mixed by race and

gender. She says that Hecht was a guiding force, with strong vision and great personal strength. She describes him as being focused on outcome, not process, and process was her strength, so there was a good balance between them. Rabin was described by all who knew her as bright, passionate, bold, and extremely capable – “a zealot of the good kind,” according to Philip Davidson (Davidson interview).

In its first moves toward formal organization in the spring of 1971, HOME updated the mailing list that Rabin’s earlier group had assembled. This list was used to solicit the public for membership and for disseminating information through a newsletter that was, in the beginning, authored by Hecht. Al Matthews, HOME’s first president, worked in Student Affairs at Virginia Commonwealth University (VCU). Penny Briceland was the first secretary. Sezan Wilson, whose husband, Richard, was Vice President of VCU, was the vice president, later served briefly as President, and then spent years as a Board member doing a variety of volunteer jobs. Richard Brandt was the first treasurer, which was a huge job. The Board was successful in building up about 500 members to support the organization, and the processing of the membership checks and thank you letters alone was a daunting task. In addition to handling these, Brandt also paid the bills and submitted all of the Federal tax forms before an office staff took these tasks over.

About a year or so after those first meetings, Rabin felt that it was clear that the neighborhood profiles, as well as HOME’s complaint and testing program, couldn’t go much further if it depended exclusively on time commitments of people otherwise fully employed or occupied. Increasing activity, however, would require increasing finances. Rabin saw the need for a staffed organization for a counseling program and to sustain the organization in the long term. Hecht was also very eager for HOME to move in this direction. Rabin approached her friend Marcia Penn for help. Penn was then working for the state government in the Planning and Community Affairs office, managing a small state fund for innovative solutions to urban problems. With Penn’s encouragement and advice, Rabin submitted a grant proposal asking for \$1,500 on behalf of HOME. Subsequently awarded, this became the group’s first government grant funding. Previously, membership dues and contributions from individual supporters had been HOME’s sole sources of income.

### ***The First Major Funding***

In 1974, the City Council administered funding from the U. S. Department of Housing and Urban Development (HUD). The Fund included money from both the Commonwealth of Virginia and HUD. HOME applied for and received a \$36,000 grant, \$20,000 of which came from HUD and the rest from the State, which helped to provide information and individual counseling aimed at making home seekers aware of the full range of housing options open to them. The award was given on the recommendation of an intergovernmental review committee and the Division of State Planning and Community Affairs. It was particularly meaningful because funds were not restricted to private organizations, but could have been allocated to government agencies. Rabin and Hecht worked to garner political support early in the grant process, eventually convincing the Council to award the funding to HOME.

In approaching the City of Richmond for this grant funding, Rabin knew that a successful appeal would require a majority of support from the then mostly white City Council. Rabin and Hecht made it their business to know each Councilman personally and were able to successfully convince them that supporting HOME would not put them in significant political danger. Rabin said that she was pleased that Tom Bliley, a white councilman in her part of the city who later became a very influential member of Congress, voted in their favor. Willie Dell and Henry Marsh, both African American attorneys and on the City Council, also supported HOME. Marsh, respected for his earlier efforts to bring blacks and whites together to work on economic solutions for the city, actively advocated for the organization in the

business community, as well as the political arena. His support also proved critical to their funding requests.

### ***The First Executive Director***

During their early discussions about the need for a paid staff, Rabin and Hecht were mainly concerned about how they could raise the money to pay for a Director and an office assistant. The 1974 grant funding made it possible for HOME to plan for a staff. Hecht often mentioned to the Board that Rabin should be considered for the job, and they all agreed that she would be a committed and enthusiastic leader. Rabin, however, had been hesitant to take on a paid job because of responsibilities to her family and the time needed to complete her doctoral requirements. Within six months of the grant, however, her dissertation was under control, and after lengthy consideration, Rabin accepted the Board's offer to become HOME's first Executive Director. Everyone was impressed with her and four months after approval of her hiring, she opened HOME's first office. Hecht says that Rabin had "a great sense of long-range strategy. She was able to get things accomplished in a very controversial area without making enemies. (Hecht, 8/19/01)"

Rabin's experience and personality made her an ideal first Executive Director for HOME. She had received her Bachelor's Degree in Political Science from Oberlin College, and a Masters' and Doctorate in Political Science from American University. Before her move to Richmond, she worked in Washington, D.C. for the U.S. Senate Committee on Urban Problems and had followed the work that Walter Mondale and Hubert Humphrey did as they gathered support for the sponsorship of what became the 1968 Fair Housing Act. She had also done some earlier graduate work with New Jersey Senator Harrison Williams doing constituency relations dealing with urban problems and fair housing issues. In short, she was very familiar with the legal and political aspects of fair housing. As a Jew, Rabin also grew up understanding the effects of discrimination and knowing how divisive the issue of race was in America.

After moving to Richmond, Rabin had witnessed the turmoil over busing and even saw gas masks being used on Broad Street during the race riots following Dr. Martin Luther King's assassination. Devastated, she found it difficult to live in Richmond. She believed something had to be done to end the ugliness of racial segregation. Fortunately, she was someone who not only recognized the need, but also was committed and capable of making change happen. Rabin had proven her ability as a change agent in her work with public education. She was one of a handful of people who were instrumental in developing the concept and support for John B. Cary Model Elementary School, Richmond's first Model school. By design, it was integrated both racially and economically. The work of this small group led to the establishment of other Model schools, the Open High School, and an organization called Citizens for Excellence in Public Schools in Richmond, VA, which Rabin helped to found.

Rabin was excited about the possibilities of HOME - what she and the organization might be able to do. She still was not completely convinced that the organization *could* survive, but knew that it *needed* to. She also knew that there were beginning to be modest legal and educational tools to use.

### ***Early Directions: Enforcing the Law***

Gallup and Harris polls in 1963 had found that only a minority of people truly opposed open housing. According to some of HOME's early Board Member Orientation materials:

People are much more inclined to discriminate because they think it is the thing to do. People's actions are strongly influenced by the social standards of their particular community. Surveys repeatedly have shown that individuals feel that others in the community discriminate much more

than they themselves do. One effective manifestation of social pressure in the past has been economic in nature. Even if a businessman or individual did not choose to discriminate, often the actions of the community made it economically unsound for him not to discriminate.

If this analysis of the situation largely is correct, then part of the answer in eliminating discrimination is to convince people that discrimination is socially and economically unacceptable. The mere presence of an organization such as HOME begins to convince people that discrimination may not be “the thing to do.” To the extent that HOME is effective in furthering racial integration, particularly in housing patterns, then a shift in the standards of the community inevitably occurs.

To speed up the process of eliminating discrimination, well-enforced laws can make it more evident to people that discrimination is inappropriate (HOME).

HOME’s vision in the beginning was to be an enforcer of the existing fair housing laws. The need for effective ways to fight discrimination was clear and convincing. No matter how many laws there were, nothing would change unless the laws were enforced. One of the problems, however, was that housing discrimination could be difficult to detect. In many cases, only a comparison between the way similarly qualified people are treated will show that discrimination is occurring.

### ***The Testing Program***

To solve the problem of investigating discrimination, a testing program was designed to provide a mechanism for gathering evidence to be used in litigation. The first testers were mostly Board members. All of them were trained to be objective and careful observers and record keepers before visiting the companies. William H. Henderson, Jr. who served on the board from 1973 to 1976, ran the testing program, which was very time consuming. Henderson also worked for HUD and knew the inside workings of that agency. Hecht says that Henderson did a tremendous job organizing and coordinating the testers. Sezan Wilson coordinated the program before Henderson took it over, and continued to assist when he wasn’t available. David Depp, a Board member, and his wife were two of the early testers in the program.

The testing program began at the end of 1971 and was highly controversial in the community. The process began when clients brought complaints against specific rental agents. Pairs of testers, posing as bona fide home seekers, were sent out to apartment complexes. The black testers was usually sent first, followed by the white tester. The manner in which the agents responded to the testers’ queries was documented and the two experiences compared. When the program began, subtle (and some not so subtle) racial discrimination was frequently found to be the norm. Agents told black applicants things like, “we just rented the apartment,” or “we’ll put your name on the waiting list.” The white tester encountered no such problems. The white testers were often shown more apartments and homes than the black testers, and were offered apartments and homes right away. White and black testers presenting the same housing requests were usually shown homes in very different sections of Richmond. When evidence of discriminatory practices was found, it was used for litigation, making the testing program both visible and powerful.

Rabin tells of a pivotal moment in her understanding of HOME’s mission. Kay James, an African-American, worked at HOME for three years as a part-time tester and later became the full time test coordinator. Rabin describes James as a wonderful tester. “She was,” according to Rabin, “incredibly savvy and sophisticated and could read people very well.” (Rabin interview) James was dispatched to test a small apartment building on Richmond’s north side and returned from the interview glowing. She had

asked for an apartment and talked with the rental manager. She told Rabin that she and the manager had “hit it off well.” They had cake and coffee and talked for a while. The woman had even shown James pictures of her children and grandchildren. She said she would put James’s name on the waiting list and call her the very first time they had an opening.

As was their usual procedure, HOME sent out a white tester to the same apartment building the next day. The white tester reported having no chitchat or coffee with the same manager, but was offered three apartments immediately. Rabin told James about this and said that James “dissolved before her eyes.” (Rabin interview) James was crushed that she had been discriminated against without her even being aware of it. Rabin’s resolve to continue the controversial testing program was strengthened.

Henry Marsh agreed that the evidence gained through the testing program was a critical element, a motivating and primary force in changing the practices, and eventually attitudes, of rental agents. Testing revealed things that the perpetrators of racial discrimination didn’t want the public to know. Agents charged that the practice was entrapment, and therefore illegal. In reality testing is simply controlled observation, and in many cases it is the only way in which a pattern of discrimination can be demonstrated. Although the housing industry throughout the nation attempted to have testing invalidated as they defended themselves against litigation that had used testing as evidence, the courts continually backed the legality and appropriateness of the concept.

HOME found that testing and successful litigation had a powerful deterrent effect on the housing industry and rental agents. Based on evidence gained through the testing program, HOME initiated 14 federal suits in 1972 and 1973, more than any other fair housing group in the country, and won most of them. Rental agents began to fear HOME because they never knew if a customer was a tester. Agents’ fears of being caught practicing discrimination and subsequently involved in lawsuits gave HOME its greatest power and may have brought about as much change as the litigation itself. Once the process was found to be effective, HOME built up its cadre of testing volunteers and expanded its program to include real estate sales companies. The effectiveness of the testing was unarguable. As HOME’s reputation as an agent of change grew, community support also grew.

Throughout its history, HOME has consistently maintained credibility, and even in its early phase, never filed a lawsuit unless it had good evidence to back up the claim. HOME earned the reputation of an organization that was well founded. This reputation was critical to their success in working in a confrontational environment. They were socially and politically astute and got very good legal advice from the beginning.

### ***Early Directions: Educating the Community***

While litigation was essential to eliminate current discrimination, it was also clear that an open housing market could only be achieved if home seekers had the knowledge they needed to find secure and desirable housing. To meet this need, a rental and homebuyer counseling program was begun, which helped HOME’s clients become educated in their legal rights and responsibilities as a tenant or homeowner. The Board was very involved in the establishment and oversight of these two areas.

In the 1973, HOME decided that educational brochures would help them to raise money and public awareness. William E. Westbrook, Jr., who came to HOME through his association with Hecht at St. Paul’s Church, assisted in the development of a brochure through his ad agency, Jacobs, Morgan and Westbrook. The agency donated creative talent to design and produce the piece, and Hecht contributed \$1,000 to pay for the printing. A bumper sticker was produced: “Open Housing. It hits people right where they live.”

Westbrook and Jacobs also helped HOME secure support from the local NBC television affiliate, WWBT Channel 12. A very creative and effective public service spot that ridiculed discrimination was produced:

VIDEO

AUDIO

White neighbor watching as two black men carry furniture into the house next door.

**White:** Looks like we're getting a new neighbor.

**Black:** Yeah.

White man walks along with one black man as he carries things in.

**White:** Nice furniture...must have money. Always good to see money moving in next door.

Golf clubs go by.

Plays golf...good, good, take him to the club.

White man lifts paper covering from a painting.

Good taste. Looks like quite a family. I can't wait to meet this guy.

Black man wipes hand on pants, reaches to shake hands.

**Black:** How do you do, neighbor?

Freeze frame.

**Announcer:** A lot of things could surprise you about a black family moving into your neighborhood.

Superimpose HOME and address

For the facts on open housing, write HOME.

The station donated airtime in a total of 350 spots that ran five times a day each day, in prime time as well as late nights. Rabin knew the spot was effective. Whenever the TV spot ran the phone would ring.

Channel 12 continued to support HOME through the years. The station also produced a very effective one-hour documentary on equal opportunity that was shown twice during prime time viewing hours in 1982. In her handwritten notes preparing for an interview with Diane Walker for the documentary, Barbara Rabin said:

HOME's educational programs are designed to 1) sensitize Richmonders to the fact that housing discrimination hurts *everyone*; 2) to show people that most Richmonders *do* support fair housing; and 3) to show people that fair housing benefits everyone of us: Fair housing *really works for everyone* (Rabin, 1982)

### **Board Leadership**

HOME's strength in the early years was based in great part on the skills and dedication of its Board of Directors. HOME's Board knew both its audience and its enemies and developed leadership strength by



recruiting people with passion and commitment. Although most of the Board members interviewed gave Rabin and Hecht the lion's share of the credit for HOME's initial success, the Board itself was a vital force, clearly important in the organization's development.

Since its founding, HOME's members had been committed to promoting equal opportunities in the rental, sale, and financing of housing in the Richmond metropolitan area. In the beginning, the only way they were able to work towards these goals, however, was through responding to housing discrimination complaints. Because HOME's initial annual budget was only about \$1,000 per year, even these cases had to be handled on an entirely voluntary basis.

Some of the early Board members were recruited by HOME's founders and others found their way through personal associations with those already involved. One such Board member was Eileen Dooley, who served as President for a term, and who was also responsible for gathering support from Bishop Walter F. Sullivan and the Catholic Diocese of Richmond. Although it would be impossible to list the background and contributions of each of these dedicated board members, the following people exemplify the diversity, talent, and commitment of the early Board.

- Jean Boone earned her Masters Degree in Social Work at Boston University and moved to Richmond in 1966 to be nearer to her fiancé Ray Boone, then the editor of the *Afro-American Newspaper*. Ms. Boone worked as Associate Director for Housing and Economic Development for the Urban League of Richmond. She also taught at Virginia Commonwealth University where Marcia Penn was her student. Boone and Penn, sharing an interest in fair housing, worked together on HOME's Board.

Through her husband's connections in the community, Boone met many more people interested in equal opportunities and fair housing, one of them being Barbara Rabin. Boone joined Miller and Rabin in their early work, and later joined HOME as a Board member. She remembers that as the group evolved, they looked towards other organizations for models, and found that their own process was far more aggressive than others they studied.

Boone characterizes the majority of the Richmond white middle class during the Civil Rights era as having "opted out"—uninvolved in the struggle for integration. But many from the upper and upper-middle classes *did* get involved, and their connections and financial support helped to further the cause. She says of HOME's early successes: "The right people made the right compelling argument to people who could make change happen. It was as simple and as complex as that" (Boone interview).

She said that HOME's Board worked from a theoretical and intellectual perspective. They not only talked about what was wrong, but also said simply, "Let's fix it." (Boone interview) She credits HOME's success with the fact that HOME's mission has remained clear from the beginning and the strategies have stayed straightforward throughout the organization's evolution. She left the Board in 1977, moving out of Richmond for a time.<sup>3</sup>

- *Marcia Penn*, in addition to her role in gaining HOME's first government grant, joined the Board in 1979. She maintains that HOME in its earliest years was not just about growth, but also about vision. The timing was right, and though Rabin and Hecht were strong and vibrant leaders, it was never about them. It was always about the cause.

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<sup>3</sup> Boone has since returned to Richmond and is co-owner of a weekly newspaper.

Penn characterized HOME's early Board of directors as integrated and diverse in the best sense, not just racially, but by gender and professional experience as well. All of the Board members were truly passionate, motivated, and positive during a very controversial time in the organization's and the city's history. Their hearts and their energy were given freely to making HOME a reality.

Penn describes the early Board as much like Rabin—high achievers and unafraid to tackle the hard work. An esprit de corps and a high level of trust was present. It was in many ways like working in a political campaign—they rallied around the cause. Penn says all of the Board members and staff seemed to feel a great sense of relief to be with like-minded people. The Board meetings were always crowded and provided a place and time to demonstrate concern and commitment. It was about learning to live together. A sense of friendship developed, and the Board was a willing partnership.

- *John Moeser* joined the Board beginning in 1976. Tom Morris, a friend of his, was on the Board at that time, and Moeser knew Rabin as well. He and his wife attended All Souls Presbyterian Church with Jim Carpenter,<sup>4</sup> who was also involved with HOME.

Moeser and his wife, a public school teacher, were both committed to integration. After he finished his doctorate at George Washington University, Moeser was offered a teaching position at VCU. When the couple moved to Richmond, they were in culture shock when they found the city was caught in the past and still racially very segregated. They found a house in the integrated Byrd Park Carillon neighborhood, but three lending institutions denied their application and they couldn't understand why. It was through their agent who overheard a conversation between a banker and his subordinate that they learned that the reason was the fact that the house was in an integrated neighborhood.

The Carillon Civic Association had supported HOME's work from the beginning. Moeser felt that he was with kindred spirits. He saw that there was a lot of work to be done in fair housing and joined the Board readily when asked. Moeser remembers the relationship between Hecht and Rabin as an uncommonly positive tug of wills back and forth. He said the Board worked well together, and "none was a shrinking violet." (Moeser interview) He was also very impressed with the high level of commitment of the Board and found it energizing. He saw HOME as a small, but tenacious organization. Says Moeser, "When it sank its teeth in, it wouldn't let go. They meant business" (Moeser interview)

Moeser played a quiet role for HOME. The Community Block Development grant funding had to go through the City Strategy Team (CST). Moeser served on one the CST and knew the role of the organization in the funding process. He worked through the multi-layer funding process by which the CST recommended funding to the City Manager, who then made recommendations to the City Council. Moeser's position on the CST helped to protect HOME's interests from the inside.

- *Philip Davidson* joined the Board in 1975 and served as president from 1977 to 1980. At the time he was a vice president at Bank of Virginia (eventually to become Signet Bank and later First Union). Davidson was introduced to Hecht by a mutual friend who attended St Paul's church. He had also met Rabin at a meeting of the Citizens for Excellence in Public Schools and knew her to be a

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<sup>4</sup> Carpenter later became a Richmond City Councilman.

competent activist with a passion for changing attitudes.

Davidson's initial interest stemmed from a long-standing personal and family commitment to fair play and justice in all aspects of life. He was still relatively new to Richmond and was very concerned about the impact of busing on the community and the still present segregationist practices that were so widespread. Hecht was president when Davidson joined, but was later reassigned by Du Pont to the Wilmington, Delaware plant. Davidson was asked by the Board to follow Hecht as President. Davidson said it wasn't a hard decision. He felt that Hecht and Rabin had conceived HOME so well from the beginning that when he stepped in to replace Hecht, all he had to do was "coordinate an already well-oiled machine." (Davidson interview) He spent time helping the staff and Board operate more productively as they grew.

- *Virginia Ritchie*, wife of the fore-mentioned John Ritchie, was invited to be on the Board in the late 1970s primarily because of her background as a public school teacher. She accepted because of her life-long interest in excellence in education. Like many, she believed very strongly in the close relationship between integrated neighborhoods and the quality of education. She believed fair housing would have a more positive influence on education than the city's busing plan. She describes the busing issues at that time as very grim and the black and white communities as polarized.

Ritchie, on the Board for about 10 years, describes the group as very hard working. She says that, because the staff was small, volunteers did much of the work educating the public. Ritchie remembers handing out pamphlets at Willow Lawn Shopping Center with another Board member. She also participated in the testing program. Ritchie also recalls that even though Rabin was officially staff, she functioned more as a Board member, not being perceived by Board members as being separate from the Board, but rather a part of it.

- *Sam Davis*, a Board member who joined the organization in the late 1970s, described HOME as a civil rights organization with a strong advocacy stance that often pushed the envelope. HOME later evolved into a compliance monitoring organization that wasn't quite as controversial, but still was not considered mainstream. It was this ability of HOME to be radical and socially acceptable at the same time that interested Davis.

Davis believes that he was originally invited to be on the Board because of his position as a strategic planner at Philip Morris, and thus a link to an important prospective funding source. He worked on committees for four years before becoming an officer, and later became president. According to Davis, his education and experience in religion and business as well as his civil rights work in Georgia gave him skills to use in his leadership role.

Davis credits Rabin as being the only person in Richmond who could have taken HOME to the level it became. "She had good contacts and resources and, most importantly, great skills and commitment" (Davis interview). Davis also describes Rabin as having real integrity and "walk[ing] the line like no one else" (Davis interview). Rabin got buy-in from the community, because her cause was right and also because she was an incredible negotiator. Davis added, "She was bright, fearless, and never personalized anything." (Davis interview).

These leaders are impressive examples of the talent and personal commitment to racial equality that HOME's Board contained. The skills they brought to HOME can be seen in their later activities. There were others, of course, who worked hard to fulfill the mission of the organization. Members of the legal

and banking profession, many community volunteers, and some who had been clients of HOME served on the Board in the first half of HOME's history.

### ***Community Leadership***

In addition to Board members, numerous volunteers worked within the community to gain publicity and support. Some gave out pamphlets at shopping centers, others spent time training and working as testers, raising money for HOME's operations, soliciting memberships, and completing a myriad of other tasks that were needed while HOME's staff was still very small.

One such important supporter was Henry Marsh, who was never on HOME's Board, but was an early supporter and instrumental in gaining funding and recognition for HOME in the political arena. According to Marsh, Richmond was highly polarized during the busing plan years. The African-American community felt powerless and struggled to gain influence. Marsh was elected to the Richmond City Council in 1966. At that time, Richmond City Council was elected by at-large votes, each voter having nine votes and the top nine winners sat on the Council. As a result of the annexation of part of Chesterfield County in 1970, which had been engineered largely to dilute the black vote, the Virginia Supreme Court ruled that the annexation was racially tainted. The only way Richmond could retain the annexed area was to remove the at-large voting process and replace it with voting districts. The effect of this ruling was that the City Council became much more attentive to the smaller constituencies of the neighborhoods. By 1977, five out of the nine councilmen were African-Americans. Still, even though blacks had political power with the District System, whites held the economic power through control of the large businesses.

Marsh was a principal organizer of *Richmond Renaissance*, an organization that was designed to bring businesses into the political decision-making process to help revitalize the city. He persuaded the Council to share power with the business sector through the organization. This power sharing was difficult for the politicians. However, the economic pie was shrinking, and the City needed resources. Empowering business leaders through the sharing of the political decision-making process brought much needed funding into the City's revitalization efforts. The organization is still active today. Because of such activities, Marsh was well known and respected by political and business leaders, and therefore, his support of HOME in the black community was a key factor in the organization's early successes.

Marsh and the majority of the City Council were sympathetic to HOME. During Marsh's tenure as Mayor, the organization enjoyed significant funding assistance through the Community Block Development Grant program to support the counseling program. Marsh was willing to work in an advisory capacity with HOME, but because of his position on City Council, he couldn't be involved with the litigation. James W. Benton, Jr., then a member of Marsh's firm, Hill, Tucker, and Marsh and now a judge on the state appellate court, did join the HOME Board as their legal advisor and took several cases to court.

George William Warren IV, also with Marsh's firm, was not on HOME's Board, but handled many cases for HOME and he and Benton were both honored for their work for HOME at a public banquet on January 15, 1976. Many other supporters were also honored and Virginia Governor Linwood Holton was the keynote speaker. The honorees included the Reverend John S. Spong, for his leadership – six of HOME's early Board and six of the Friends of HOME were members of St. Paul's Episcopal Church. Mr. and Mrs. Earl Wynn were honored for being the first ones to file suit in Federal Court on a housing discrimination case; Walter F. Sullivan, Bishop of the Catholic Diocese of Richmond was honored for contributing not just money, but recruiting other supporters and giving personal effort and time to the cause. Harry M. Jacobs, Jr. and William E. Westbrook, Jr. were honored for their work on the video spot and WWBT-Channel 12 for their airing of the spot, and for a one-hour documentary on HOME. The

Richmond Afro-American was honored for their trustworthy information about discrimination and where to find help for victims. City Councilman Wayland W. Rennie was honored for helping to pass city ordinances that made it possible for Council to fund HOME; Randolph C. Kendall, Jr. was honored for his strong support of HOME through the Urban League of Richmond. The Richmond Community Action Program was honored for providing two years of secretarial and public relations assistance. And finally, Governor Holton was also honored for his public and personal support of home.

### ***HOME Moves to a New Office and Enlarges Staff***

Having begun her tenure working from home, Rabin moved the organization in the mid 1970s to 503 E. Main Street in a second floor space above a real estate company. Because HOME was the recipient of two City administered grants, furniture was donated to HOME by the City of Richmond. An administrative assistant was hired, and Sandra C. Coles joined the organization.

Coles, a licensed real estate broker, had been working in an apartment complex. As an African-American, she had been faced with discrimination herself, and knew she wanted to help other people. A friend told her about a job at HOME and Coles applied and was hired because of her experience in the rental industry. Before finding HOME, she didn't know how she could help. Coles said that Rabin had outlined very specifically the organization's systematic method of fighting housing discrimination. Coles' first assignment was to oversee a task force of 25 volunteers charged with gathering information throughout the region to develop a Renters' Guide. The process was one of discovery for Coles. She knew that discrimination was prevalent, but through maps and demographics saw it more clearly. The guide, entitled "An Apartment Seeker's Guide" contained information on 500 apartment complexes with 43,000 apartments in the Richmond Metropolitan area. It was first published in 1975 and was frequently updated.

After the work on the guide was finished, Coles became HOME's first housing counselor. Rabin called her an effective coach and said that Coles had helped many people to find suitable homes. Coles also did some work with testing in the home buying market. Coles stayed on the staff for five years. She returned in the mid-1980s as a Board member, and was then hired again by HOME in 1994 as a housing counselor.<sup>5</sup>

As the organization grew, Rabin added to her staff of testers and counselors. Kent Willis was hired in February 1978 under the Federal Comprehensive Education Training Act (CETA), a program that assisted in the employment of the underemployed. Willis had an undergraduate degree in Philosophy from William & Mary College and had done previous advocacy work for environmental causes and for Goodwill Industries.

### ***Racial Steering Study***

Rabin knew from the beginning that a study to determine the extent of racial steering in the Richmond area needed to be done. Between May 1978 and February 1979, Rabin and Willis conducted a steering study using testing as the basis for gathering information. Trained black and white testers audited fifty-nine real estate firms. The findings of the study were startling. White testers were shown more than twice as many homes in predominately white neighborhoods as black testers. Blacks were shown four times as many houses in neighborhoods with a substantial black population (10-49%) as whites. The net effect of the practice was that once a few blacks moved into a neighborhood, real estate firms halted their marketing efforts towards whites, redirecting blacks to the neighborhoods—hence the term, "steering."

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<sup>5</sup> Coles is the current administrator of HOME's down payment assistance program and helps people become homeowners.

Willis' work with the steering study gave numbers, but he wanted to see if there was a pattern of steering that could be seen on a map. He wanted to get a sense not just of the racial composition of census blocks and neighborhoods as elements of racial steering, but the broad areas of the city and county where blacks might be steered. So he created an oversized hand colored map using the data collected from the steering study that clearly show the level of integration in all of the neighborhoods in the metropolitan area. Rabin made an appointment with Richmond's Mayor Henry Marsh to review the study findings. Marsh's office was piled with books and papers, so they spread the map out on the floor to view it in full. Davidson, President of the Board at the time, remembers that he, Rabin, and Marsh were down on all fours looking at the map. Even though each of them knew that segregation was widespread in Richmond, the map was powerful visual evidence. The meeting helped to energize them all for the work ahead.

### ***The Community Responds to the Steering Study***

The Richmond Afro-American reported a statement by Leonardo Chapelle, who was then the Executive Director of the Richmond Human Relations Commission:

...Agents and firms used anything to create fear on the part of people living there. Real estate agents moved black people into the white neighborhood at a high rate to "fuel the flames" of white flight to the suburbs. According to Chapelle, the blockbusting practices and the subsequent white flight to the suburbs are directly related to the city's present system of having to bus children ten miles across town to achieve racial integration in the schools (Afro-American, 3/29/80, p1).

The steering study was meant to call attention to the problem for other organizations, such as the Virginia Real Estate Commission, which did not acknowledge their contribution to the housing discrimination problem. At that time, the Commission, through the compliance division in the State Attorney General's office, controlled real estate licensure and the Assistant Attorney General was assigned to oversee the licensure process. The study unleashed a storm of anger and denial on the part of the real estate industry and was very controversial. It was, to put it mildly, a low time in HOME's ongoing relationship with the industry.

The community reacted passionately to the study. Kathleen Miller, President of the League of Women Voters wrote a letter in support of fair housing to the Richmond Times Dispatch, which published it in their Voice of the People section on April 5, 1980. John Moeser, a HOME board member, also wrote a letter to the editor that supported the HOME study. His letter drew attention to some of the damaging effects of racial steering:

Not only does such a practice take advantage of the newcomer who is unfamiliar with the full range of locational options and who looks to the broker or agent for complete disclosure of those options, but steering may well lead to demographic patterns which affect the economic health of particular jurisdictions (Times-Dispatch 4/2/80).

Moeser's letter was also signed by his colleagues, all of whom were professors in the Urban Studies and Planning Department of Virginia Commonwealth University: Christopher Silver, Allen Fonoroff, Peter J. Roggeman, Jonathan Davidson, Peter Schulz, Patrick W. McCreery, John C. Brown, and Morton B. Gulak.

Anna Soulios, President of the predominantly white Richmond Board of Realtors, gave a public response to the HOME study that was reported in the Richmond Afro-American. According to Soulios, the Board "fully endorsed" the principles of fair housing. The Afro-American reported, however, "...Her statement

did not question the accuracy of the survey conclusions which criticized the local real estate sales industry, nor did she indicate any possible additional efforts by the industry to eliminate steering” (Afro-American, 4/5/80).

### ***Neighborhood Profiles***

Most of the testing that HOME had done up to this point had been in the rental market. But Rabin and Willis were interested in expanding opportunities for homebuyers as well. The earlier steering studies showed the extent of steering, but Rabin knew they needed more information on the neighborhoods themselves. Several neighborhood profiles already existed from earlier work of HOME. HOME was still doing them on a piecemeal basis, but in 1980, Rabin wrote a proposal to CETA to do a broad based study of almost 100 neighborhoods in the metropolitan area. It was funded and Willis supervised the project.

The study used the 1960, 1970, and 1980 Census data to determine if neighborhoods were classified as “stable” African-American or White, were in “transition,” or were “integrated.” The challenge was to define each neighborhood by physical boundaries for the study. To do this, Willis talked to people living in the area where they believed the neighborhood began and ended. In the suburbs it was much easier to determine than in the City of Richmond because so many communities were gated or had entrance signs. They also visited all of the neighborhoods where testers had been taken. The profiles showed where a neighborhood was, what the home prices were, what transportation and community facilities existed, and also gave names of residents who could be contacted to find out more about the neighborhood. The original intent of these neighborhood homeowner profiles was to be an educational tool for home seekers. The theory was that home-seekers would be able to learn about all neighborhoods and thus make informed choices about where they wanted to live.<sup>6</sup>

According to Willis, who worked in this subject matter then, home ownership was much harder to test than renting because a tester was typically able to do only one test per day. Real estate sales activity was more complex and time consuming, requiring extensive reports. Important questions included how long the agent spent with the client, how helpful they were, and what houses were shown. Through Willis’ work HOME was able to gather evidence and conduct successful litigation in the home ownership market. When a counseling position opened up Willis became a landlord/tenant advisor.

### ***Educating the Real Estate Community***

During the late 1970s, according to Board President, Philip Davidson, it was very frustrating for HOME to work with the Attorney General’s office. Most states’ fair housing laws were part of larger civil rights laws, but Virginia was one of the first states to pass a substantially significant fair housing law. Because Virginia had no human rights commission then, fair housing was placed with the Attorney General.<sup>7</sup> The AG’s office investigated complaints and monitored compliance with the law.

The AG typically designated one person to focus on fair housing. In most cases the person was not located with the rest of the Assistant AGs but in a separate place - young, green and having no support— basically “a law student on an island (Davidson interview).” It seemed virtually impossible to get the office to move, and it mostly seemed to operate in a state somewhere between passive indifference and actual

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<sup>6</sup> HOME’s current President, Connie Chamberlin, *does* note, however, that the information contained on the profiles could also be used for precisely the opposite effect. An agent could “steer” the client by showing only certain neighborhood profiles to whites and certain ones to blacks.

<sup>7</sup> In the early 1990s, fair housing compliance and investigation was moved under the Department of Commerce.

resistance. Cases got tangled in red tape and buried in bureaucracy. He said it was unbelievably difficult to work within the judicial and compliance system. Ninety percent of the cases ended turning on technicalities, such as jurisdiction or whether it touched on a compliance issue. Much of HOME's energy was consumed on tangential details.

In 1979, Davidson, was publicly very critical of the Virginia Real Estate Commission's lack of leadership in the fair housing field. In fact, he was quoted in the Richmond News Leader as saying, "The Virginia Real Estate Commission has taken no initiative in enforcing the fair housing laws of Virginia and in specific instance has created serious roadblocks" (News Leader, 4/23/79, pg. 32). Although the Commission denied Davidson's claims and professed to be concerned about fair housing, it was clear to HOME that a great deal of work needed to be done to educate the real estate industry.

Rabin and her staff developed a seminar on racial steering designed to offer real estate firms management tools helpful to avoid both the appearance and the practice of racial steering. The seminar also suggested methods for principal brokers to use in monitoring and evaluating their firm's performance in regard to fair housing. HOME presented their program to the Richmond Board of Realtors' Equal Opportunity Committee and to real estate firms in the Richmond area. HOME's member newsletter of October 1979 stated:

While HOME believes strong legal penalties for violators of the law are essential, we are also of the opinion that significant expansion of equal housing will come primarily when the heads of real estate firms set a high standard for equal opportunity performance for all of their personnel, and when they build fair play into their firm's everyday routine practices. We offer our seminar for that purpose (Rabin, 10/79).

Even as late as 1980, the political arena was still divided in its assessment of housing discrimination. The Virginia Real Estate Commission was attempting to make positive changes in practices, but without the support of the administration. The Washington Post published an editorial that denounced Virginia's Governor John N. Dalton's position on fair housing:

To the understandable dismay of civil rights organizations in Virginia the administration of Gov. John N. Dalton is blocking efforts to make the state's open housing law work. As a result, the law remains little more than an unenforceable statement of what should be strict state policy. The administration's ringing endorsement of legislative inertia comes in an order from the governor's secretary of commerce and resources, Maurice B. Rowe. He has ordered the Virginia Real Estate Commission to withdraw proposed amendments that would give the agency the power to lift real estate licenses of brokers who are found to have violated the fair housing law.

....Though the NAACP and other organizations claim that this [order to withdraw the amendments] has led to less-than-aggressive enforcement anyway, it is the lack of sanctions that is the most glaring deficiency. The commission is appealing a state circuit court ruling that it lacks authority to life an agent's license unless the state attorney general's office has successfully prosecuted the agent in court. This can take years, as well as money, to litigate (Post, 1980).

### ***A Turning Point in Fair Housing***

Not satisfied with the pace of government enforcement of the fair housing laws, HOME decided to try to develop a more pro-active enforcement role for private non-profits like itself. Rabin, having carefully read and re-read the federal Fair Housing Act, thought the plain language of that Act seemed broad enough to permit fair housing testers and their organizations to sue on their own behalf if they could show that they



had been directly injured by discriminatory real estate practices. Further, there seemed to Rabin to be nothing in the Act's legislative history or in any subsequent case law that would contradict this novel statutory interpretation.

Therefore, she designed and implemented a series of tests of about a dozen large apartment complexes that had moderate rents and were located throughout the Richmond metropolitan area in predominantly white neighborhoods. All of the selected complexes had been subjects of discrimination complaints to HOME by black home seekers in prior years. In about three-quarters of the complexes a pattern either of outright refusal to rent to black persons or of racial steering showed up in the new testing series. The primary testers for this project were Sylvia Coleman, who is black, and R. Kent Willis, who is white.

HOME could have litigated, theoretically, against all of the identified complexes. But in practical terms it could afford to undertake only one major litigation effort at a time. Rabin proposed that, since a court might not be persuaded by the novel legal theory to be used, a prudent course would be to join HOME and its testers with a more traditional plaintiff. HOME therefore waited a few weeks to select which particular defendant it would sue until a black bona fide home seeker, whose housing requirements matched the apartments being marketed by one of the firms in question, sought HOME's assistance.

When home seeker Paul Coles visited the HOME office and described the type of housing and location in which he was interested, HOME counselors supplied him with the names of all the complexes from the list that had current vacancies in his desired location and price range. The next day Mr. Coles returned to the HOME office visibly distressed. His story paralleled the black tester's experience. Coles told the counselors that when he inquired at the attractive Camelot Apartments, owned by Havens Company, the manager there directed him instead to another complex that Havens also owned, which was shabbier, older, in a different location, and which he didn't like at all. Rabin discussed HOME's potential litigation with him and he decided almost immediately to join in. So suit was filed in Federal District Court against Defendant Havens Realty Company. The plaintiffs were Paul Coles, HOME, Coleman, and Willis.

The *Wall Street Journal* reported the story:

A white tester, a black tester, and a fair housing group called Housing Opportunities Made Equal had sued Havens Realty Corp., charging that the company gave false information about the availability of housing in the suburbs of Richmond, VA. In 1979, a federal judge in Richmond ruled that because the defendants weren't actually seeking housing, they weren't actually injured. The judge dismissed their suit.

The judge, however, found that bona fide home seeker Paul Coles had indeed been injured by Havens. He awarded \$33,250 to Mr. Coles in damages and attorneys fees, which was then the highest penalty paid for a fair housing violation in Virginia. The judge also required Arthur E. Havens, Jr., owner of Havens Realty, to surrender his license to engage in real estate brokerage in Virginia for six months. Havens was also required to undertake a variety of affirmative actions to rid his company of discriminatory practices and to submit compliance reports to the Virginia Real Estate Commission and HOME.

HOME had prevailed in the traditional part of its case. But the opportunity it sought for structuring a more pro-active litigation strategy for non-profit organizations against housing discrimination was stalled by the District Court.

HOME decided to challenge the District Court ruling through an appeal to the Fourth Court of Appeals sitting in Richmond. McGuire, Woods, Battle & Booth represented HOME there. Agreeing with HOME's interpretation of the Fair Housing Act, the Fourth Circuit found that the testers and HOME did

have standing to sue if it could show that Havens' racial steering practices had frustrated the organization's counseling and referral services, with a consequent drain on its resources.

Now it was Havens' turn to challenge the appellate court decision. It filed its request for review by the United States Supreme Court. Although the Supreme Court agrees to take only a very small fraction of the cases filed with it, it took this one. HOME held its collective breath.

The case was argued to the Supreme Court by on December 1, 1981 and was decided on February 24, 1982. Justice William Brennan delivered the opinion for a unanimous court and Lewis Powell filed a concurring opinion. The *New York Times* describes the case this way:

The case in question, *Havens Realty Corporation v. Coleman*, involved two persons sent by a civil rights organization in Richmond, VA to answer an advertisement for an apartment. One, a black woman, was told there were no vacancies; the other, a white man, was told that several apartments were available. Both sued, and the Federal Court of Appeals affirmed their standing to do so. The Supreme Court overturned the lower court on the white tester's standing, since he had been given truthful information, but upheld the decision on the black tester's standing.

In the opinion that bolsters the effectiveness of the law, Associate Justice William J. Brennan, Jr., wrote that the [1968 Fair Housing] Act prohibits landlords from telling 'any persons because of race, color, religion, sex, or national origin that any dwelling is not available,' and that a person who has been given false information "has suffered injury in precisely the form the statute was intended to guard against' (p. E15).

The *Wall Street Journal* then reported what happened next in the case:

A federal appeals court found that the testers and the Fair-Housing group did have standing and reinstated the lawsuit. Havens Realty appealed to the Supreme Court. Yesterday, the high court said a tester who received false information from a realtor about availability has standing to sue for violations of federal law (p. 12).

The Richmond Afro-American reported it this way:

Rabin was the architect of the suit, *Coleman v Havens Realty Corporation*, which became nationally known as "Havens." The plaintiffs were HOME, black tester Sylvia Coleman, and white tester R. Kent Willis. HOME argues among other points that Havens' practices deprived its members of important social, professional, business and economic, political and aesthetic benefits of interracial associations that arose from living in integrated communities free from discriminatory housing practices (Afro-American 4/25/81).

The decision reverberated across the United States. In addition to all of the Virginia daily and weekly papers, major newspapers across the country reporting the court decision included the Washington Post, the Baltimore Sun, the Los Angeles Daily Journal, and The Wall Street Journal. Professional journals following the case included United States Law Week and the National Law Journal. Even small local publications like the newsletters of the Fair Housing Council of the San Fernando Valley and the Toledo Community Housing Resources Board carried articles about the case. The Havens case established the validity of testers and private fair housing organizations as plaintiffs. The case made fair housing organizations across the country vastly more effective in their prosecution of fair housing cases. Prior to this decision, only individuals who were bona fide home seekers could be assured of standing. After

Havens, organizations with evidence of discriminatory practices were able to and did file suit whether or not an individual home seeker had come forward with a complaint.

In this, as in other events in HOME's evolution, the role that relationships played was great. The Fried, Frank, law firm donated \$490,117 in pro bono time to bring the Havens case to the Supreme Court. Their extraordinarily able legal team included Daniel M. Singer, Theodore C. Hirt, and Dennis J. Riley and was led by Vanessa Ruiz, who later became a judge in the District of Columbia. The case might never have made it to the Supreme Court had the firm not made this significant contribution of legal time, secretarial work, and other costs.

The relationship between the Fried, Frank firm and HOME had its beginning at the 1977 Swarthmore College reunion. One of Jim Hecht's wife's classmates from Swarthmore was married to Daniel Singer, an attorney who worked at Fried, Frank. At the reunion, Hecht talked to Singer and made the arrangements for Rabin and others from HOME to meet with Singer's firm in DC. Coincidentally, Rabin also was a friend of Singer and his wife because her husband, Alan Wurtzel, had worked for Fried, Frank before they moved to Richmond. This fortuitous conversation, as well as the personal relationships that already existed, is a clear example of how HOME's Board and staff maximized their work by calling on available connections to provide the necessary support and resources.

### ***HOME Loses Its Director But Finds Itself***

In the spring of 1983, Rabin was struggling with a divorce and the decision of whether or not to leave Richmond. Sam Davis, then HOME's president, said they had many heart to heart conversations. Davis says that letting go of HOME, her "baby," was traumatic for Rabin, although she had seen it through its adolescence. Eventually, however, Rabin decided it was time for her to move on. Her resignation was announced in the Richmond Times-Dispatch on July 28, 1983. She entered the University of Virginia Law School, and continued her civil rights work, serving on the Board of Directors of the National Committee Against Discrimination in Housing and on the Virginia Advisory Committee to the U.S. Civil Rights Commission, on the Board of the National Fair Housing Alliance, and then as a housing attorney at the Boston Lawyers Committee for civil Rights..

HOME was now faced with the daunting task of finding a replacement for an icon. The Board's first intent was to find someone built in Rabin's mold. Because HOME had a solid national reputation, the Board felt that the organization needed a strong leader and chose to conduct a national search. Willis administered the process, which took about five to six months, and they flew in several candidates. Bill Tisdale, Executive Director of the Metropolitan Milwaukee Fair Housing Council was the Board's top choice. They were thrilled when he accepted the position, but disappointed when he subsequently changed his mind and decided to stay in Milwaukee.

Willis and Kay James, who was then HOME's Director of Community Education, were named Co-Executive Directors while the Board did their search for Rabin's replacement. Willis shared his perception of what the Board thought of both of them and why neither one of them was immediately offered the job. He says the Board wasn't sure that the public would accept him because of his image – many saw him as a "hippie." He had, however, been with the organization for a long time and knew how it worked. James had been there for less time and didn't have the administrative experience the Board felt was necessary, but she had the right professional image. The Board was looking for the right combination, and at first glance, neither Willis nor James fit the requirements.

Shortly after Rabin left, James was offered another job and left HOME, so Willis continued to manage the organization during the national search. Willis says that the Board slowly recognized he was not only doing

the Executive Director's job, but he also could "put on a coat and tie" and present the public image needed (Willis interview). Realizing this, they decided to offer him the job. *Florrie Brassier*, who worked for HOME and was in charge of the Fair Housing Program, added that the staff had encouraged Willis to apply for the job. In celebration of his promotion, the staff and Board held a party to which the price of admission was a tie for Willis. Brassier laughs today when she describes the wild assortment of ties that Willis acquired that evening.

Willis's greatest supporters included Philip Davidson, Sam Davis, Judy Goldberg, then the Associate Director of ACLU, and Reverend Steve Spottswood. Sam Davis adds that Willis was not chosen by default. He says that, in the midst of the search, the Board looked-up and saw someone doing exactly what was needed at that time. The organization had gone through a life cycle change and determined that they didn't need to replicate Rabin. The search process, as frustrating as it was initially, made it possible for the transition to Willis to occur naturally.

### ***Subtle Changes Occur***

Their decision to promote Willis gave HOME the opportunity to deepen and strengthen their operation. Willis made several moves to improve human resources. At one point, he refused to allow the Board to increase his salary to provide funds for achieving greater parity with the other staff. He increased the diversity of the management staff and began a health benefits program.

Shortly after Willis became Executive Director, Paul Turner was elected as President. Turner's personality was a perfect balance for Willis. He and Willis had a good relationship that Willis believes was critical in helping them to establish the proper staff/Board balance at this critical time.

*Paul Turner* had been on HOME's Board for almost 18 years. Although he was a lawyer with Christian, Barton, and Epps, he was not a civil rights lawyer and never litigated a HOME case. His motivation for being involved was to give balance to his professional life and act on feelings he had had for a long time. He had grown up in the late 1950s and early 60s in an integrated neighborhood in Washing, DC, called "Shepherd Park," where an organization called "Neighbors, Incorporated" had been instrumental in fighting "blockbusting" and other improper real estate tactics that sought to panic homeowners and resegregate integrated neighborhoods.

He had learned firsthand from an African-American neighbor across the street what it was like prior to enactment of the public accommodations law to drive from Washington to Florida without stopping because there were no decent, safe motels and restaurants for African-Americans in the segregated South. He was looking for a way to do something positive for civil rights. HOME provided that opportunity. Turner believes Shepherd Park survives today as an integrated neighborhood in northwest Washington, DC.

Turner became involved in the management aspect of the organization because he liked people. He stayed involved in this capacity because he felt there was a value to continuity within the Board. This continuity assisted the staff and Board during the transition from Rabin to Willis. Turner describes himself as cautious, and he helped Willis and the Board to make sure that they went to court with carefully researched facts. He understood the legal system and had a feel not only for the potential of litigation, but also for its limitations. Turner brought a different approach to the oversight of the organization because he recognized that HOME had advanced to a new stage in its evolution and needed a change.

Turner describes Willis as a bright, hard-working man who was fun to work with. One of his favorite memories was a trip that he and Willis took to Washington, D.C. on the train to testify at a Congressional hearing. Turner was a Washington native and always enjoyed the train ride to the District. He felt that it

was exciting to be in the Capital building, and he added that Willis was not only very articulate, but was also delightful company. During his tenure, Turner worked on a program to help real estate firms comply with fair housing laws. He chaired the task force that developed the “Steering Education Program” mentioned earlier.

During his long tenure on the Board, Turner had the opportunity to observe the growth and changes in the organization. He characterizes Hecht as a man with courage and ideals. When talking about the organization, Turner says that all three of the Executive Directors of HOME have been very talented people. Furthermore, HOME has, in his opinion, maintained a balance with litigation and subtle movement towards other things. He admires all of the people involved, especially the testers, whom he describes as “gutsy.” “Without them, the law was only words. HOME wasn’t all words—it was action” (Turner interview). Turner, now an Assistant Federal Public Defender for the District of Nevada (Las Vegas), said that he misses very much working with HOME.<sup>8</sup>

Willis was responsible for improving HOME’s relationship with the Richmond area realtors. According to Sam Davis, Willis was a good businessman and made sound business judgments. Willis also developed relationships with bankers and mortgage lenders and gained their respect. Willis said that the entire Board kept a good balance with him while he was Executive Director. They deferred to him to do the Executive’s job and provided guidance and policies. They didn’t micromanage, and he had their full support and cooperation. It was helpful that Willis had some Board experience from prior organizations, and he says that he had a special relationship with the HOME Board.

Willis believes that the unique thing about the Board was that it brought strong leadership from both the black and white communities in Richmond, something that he believes no other organization had accomplished. The Board willingly shared power, and this cooperation helped them bridge the gap between both segments of the Richmond population.

### ***HOME’s Programs Expand***

HOME grew from a grassroots living room group to a formal nonprofit organization with 476 members and an active Board of Directors by 1985. They began to operate three basic programs: Homeseeker Assistance, Community Education, and Discrimination Assistance. These programs grew to include the production of a Renters’ Guide, 22 pamphlets each describing various Richmond area neighborhoods, a real estate broker education seminar, a fair housing community support campaign, a Subsidized Housing Guide, a Short-term Housing Guide, a Guide to Housing for the Handicapped, a Homebuyer’s Guide, and a Landlord/Tenant Handbook. Individuals could also receive help through one-on-one counseling services and legal assistance for direct discrimination. In 1986, HOME and the National Committee Against Discrimination, under contract with Dr. Christopher Silver, an urban studies specialist at Virginia Commonwealth University, wrote a Fair Housing Manual for localities. The manual cost was paid for with part of a grant from HUD and administered by the Virginia Department of Commerce.

In the mid 1980s Richmond United Neighborhoods (RUN) was an umbrella organization backed by seven local churches. Regina Chaney was one of those church members and worked with the organization on the Interest Rate Committee that was concerned with what local banks were doing in response to the Community Reinvestment Act (CRA). Ben Campbell was also on this committee. At the time of the merger of First & Merchants Bank with Virginia National Bank (VNB) RUN met with the bank and representatives from the Federal Reserve to create more opportunities for low-income families. VNB was not interested. RUN also met with several other banks, with the same result. RUN decided to use the

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<sup>8</sup> Connie Chamberlin notes that this feeling is mutual!

power of the CRA to ensure action. They filed a protest under the CRA against Sovran Bank and an agreement was subsequently made. RUN's Homeowner Counseling Program had been operating for about eighteen months, and Sovran became a leader in coordinating other local banks to join in the effort. Sovran's Vice President, Hunter Hanback, was the contact person and was very supportive. He convinced the banks to form a committee in 1985, and a program called *Homebase* was set up at St. Paul's Church. Fifteen banks joined the effort and donated about \$30,000 to \$35,000 each annually.

*Homebase* worked with the Richmond Urban Institute to create a bid for applicants. Seventy people applied in the first round in July 1985 and eighty-five in November. The office was located at 4 N. 18<sup>th</sup> St in Richmond. There was a paid staff, including Campbell as Executive Director and Chaney as Housing Counselor. The organization bought a few houses, developed them and resold them, but fell into financial difficulties. When Chaney saw that the organization wasn't viable, she called Hanback to talk about continuing the Homeowner Counseling Program. They put out a bid and HOME applied and succeeded in taking over the program and Chaney's continued involvement as a counselor. She built up the program at HOME, participating in outreach seminars in the public libraries and conducting pre-purchase counseling with homebuyers. She later became interested in default counseling and began that work as well. Chaney is still with HOME today and is the Director of Revitalization Services and works with the Down Payment Assistance Program, Home Repair, Homeowner Counseling, the Neighborhoods in Bloom Project, and is a mediator for the City of Richmond.

The best part of this outcome, says Willis, was that because the funding for the counseling program came from the original group of banks that funded *Homebase*, he was required to meet with the banks regularly and was able to establish solid relationships with the bankers. These relationships were the beginning of HOME's annual corporate support and the further diversification of their funding base.

When Marsh left the City Council and Roy West became Mayor in 1982, what seemed like solid funding (80 to 90% of the total that HOME had at the time) became questionable. Although Chuck Richardson and others were supportive, West was not committed to HOME and cut the annual funding in half. Because of this income crisis, Willis began to look to United Way and other diverse sources of support. Once again, several fortuitous factors came together. A proposal to United Way was created as a partnership between HOME and the Daily Planet where Willis' wife worked. The proposal outlined a program of counseling services and prevention programs with the homeless population. The grant sought to pay for a counselor to spend half time at HOME and half time at the Planet. Because homelessness was a growing concern, the project was funded and HOME received \$18,750.

After this program was deemed a success, the United Way began funding HOME directly. The conservative *Richmond News Leader* published an editorial stating that HOME shouldn't be funded by the United Way:

...We confess to certain reservations about some of the Charities designated by the United Way as member agencies....We do not believe the United Way should be in the business of underwriting, directly or indirectly, the agendas of self-appointed activists with axes to grind... (News Leader 9/23/87).

*Valorie Watkins*, who was President of the Board in 1986, describes the relationship with United Way as very tense and difficult, a "political hot potato (Watkins interview)." Watkins had been asked to be on the Board because of her previous work with Civil Rights as an attorney for Hill, Tucker & Marsh and Special Assistant to the Mayor, Henry Marsh. She had also been President of the Urban League of Richmond and was very sensitized to the issues surrounding fair housing. The relationship between Henry Marsh and Roy West was strained, and Watkins was initially concerned that her position as President might cause

problems for HOME with the Richmond City Council, but HOME was able to navigate the political waters successfully with the help of Susan Fore Brown, who was Vice President of the Board at the time. It also helped that Governor Gerald Baliles was willing to speak in support of HOME at the annual meeting in 1987. Watkins was working for Baliles at the time and asked him to help them out. When he agreed, she said that she was very proud of his decision, which carried some political risk.

In spite of the public support, the controversy publicized by the press prevented United Way from funding such a high profile organization even though HOME had good ground level and front line support. United Way refused to approve HOME for funding as a Member Agency. It was a tension-filled period, but after working through the controversy United Way proposed to fund the outreach to the homeless program by putting HOME on contract. This contract funding continued until the present, when United Way's volunteer committee reviewing the United Way budget came to the realization the HOME was not a Member Agency. They extended an invitation. After several good discussions, in July 2001 HOME indicated that it was pleased to become a Member Agency and United Way said it was proud to welcome HOME.

### ***HOME Works Through The Courts***

Willis recognized that HOME's power as a litigating organization could keep the real estate community in check. Rabin had built a solid legal foundation through the early litigation work of HOME, and the organization gained considerable credibility within legal circles. Although litigation was very controversial, HOME's success in the courts gave them national exposure.

As Executive Director, Willis led the organization through *Saunders v General Services Corporation*, another precedent setting case brought under the Fair Housing Act of 1968. It was the first case in the nation based on discriminatory advertising. In order to make a successful case, HOME needed the best facts possible.

General Services Corporation had produced color brochures, highlighting their apartment complexes. The brochures featured photos of over 300 people. Only six of these were minorities, and four of those were sitting on a school bus not directly related to the apartment complexes. Once the case was filed, HOME gained access to GSC's records during discovery. HOME found "smoking guns" galore. Photos of a swimming pool with black swimmers in it were marked with notes that indicated there should be no blacks in the pool. The intention of discrimination was clear. U. S. District Court Judge Robert R. Merhige, Jr. ruled against GSC. The Court decision was carried in the Washington Post and The Wall Street Journal on May 14, 1987, and in the New York Times on May 31, 1987.

Kerry Alan Scanlon, an attorney with the Washington Lawyers' Committee for Civil Rights Under Law, and William H. Jeffress, Jr. and Rory K. Little, of Miller, Cassidy, Larroca & Lewin of Washington, D.C. were attorneys of record for the case. Timothy M. Kaine, then of Little, Parsley & Cluverius of Richmond, was local counsel for HOME. According Tim Kaine,

. . . it had been 121 years since the passage of the federal civil rights statutes, 19 years since the enactment of comprehensive federal fair housing laws, and 17 years since Virginia enacted its own state fair housing act, the sad reality of housing discrimination had not been eliminated (Kaine interview).

The national press picked up the case immediately and the Richmond case was followed by major litigation alleging discriminatory advertising against newspapers such as the Washington Post and the New York Times. Within a year there was a national trend to represent minorities in realty advertising.

*Tim Kaine*, an attorney with McCandlish Kaine, began working with HOME in 1984 and is still working with the organization today. He grew up in Kansas and graduated from Harvard Law School. While at Harvard, he met his wife, who was the daughter of Virginia Governor Linwood Holton and after they got married, the couple decided to move to Richmond. Kaine already knew about HOME, because a friend of his from law school had worked on the Havens case. Kaine had followed the case closely and was familiar with the outcome and its affect on the national fair housing scene.

HOME has never had attorneys on staff representing discrimination victims, and instead referred them to knowledgeable attorneys, providing counseling and support throughout the process. One such referral to Kaine was the case of Okainer Dark, an antitrust law professor at the T. C. Williams School of Law, University of Richmond. Dark had tried to rent an apartment in Richmond's Fan District, a fashionable yet affordable area that was one of the most desirable locations in the city, but she was told that it had just been rented. As it turned out, one of Dark's university students had also applied for the same apartment just minutes after Dark had been there. The landlord had asked the student what color Professor Dark was, and then said to the student, "I can't rent to those people." (Kaine interview) The student then called Professor Dark and told her about it. It was devastating for the professor to be denied access in the first place, but the fact that it was a student of hers that brought the bad news made her embarrassment even more painful. She contacted HOME, who counseled her and referred her to Kaine. The case settled in 1987. Before it was over after the judge expressed his outrage at the facts.

### ***Home Works in Washington***

HOME's leadership in the national fair housing field was clear. Willis testified many times before Congressional committees. On June 18, 1986, he spoke at a hearing before the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs for the U.S. Senate on the proposed Guidelines for Fair Housing Testing (Fair Housing Initiatives Program - FHIP). He was there on behalf of a coalition of private fair housing councils across the country, which included HOME. The proposed FHIP guidelines required that complainants make a formal allegation of discrimination before testing could be done, and that two tests must be conducted. Willis registered objections to these requirements, saying that the second test would expose the tester and change the behavior of the practitioner. He also stated that the requirements were contrary to twenty years of experience of fair housing councils across the country, as well as to fifteen years of court rulings. He also argued that the 1982 U.S. Supreme Court decision on the Havens case was based on the legitimacy of one test.

In May 1987, Willis and Paul Turner testified before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee on proposed amendments to the Fair Housing Act. Just as the FHIP money ultimately materialized after the Senate testimony in 1986, so did the Fair Housing Amendments Act of 1988 materialize after the 1987 testimony. This is not to say that HOME caused these things to happen, but HOME was one of the players at the national level influencing the outcome. Willis says that Turner's role was important in both of these opportunities to effect change.

### ***1988 - A New Era Begins***

Willis left the organization in 1988 to become Executive Director of the Virginia affiliate of the American Civil Liberties Union, where he is today. In a great part because of Willis's work, a transformation occurred in the Richmond market right around the end of his tenure as Executive Director. When HOME first began most realtors considered HOME their enemy. By the time Willis left HOME, the Richmond Association of Realtors, under the leadership of President Boyd Smith, began working with HOME to train their staff and to provide speakers for their association meetings. HOME had finally gotten the real



estate community's attention, and Smith recognized the need for realtors to join, not fight the move towards open housing.

Constance K. Chamberlin was hired to replace Willis as the Executive Director. In a strategy just like the search for Rabin's replacement, the Board convened a search committee and conducted a national search for someone to follow Willis. They instructed Willis himself to interview desirable candidates and narrow the choice down to four or six candidates; they would then interview those and choose between them. Willis says that Chamberlin's qualifications were far and away the best and that he recommended to the Board that they hire her. After they interviewed the top candidates, the Board agreed and Chamberlin was offered the job.

Chamberlin graduated from Smith College magna cum laude with a degree in history, and did graduate work in history at the London School of Economics and the University of North Carolina at Chapel Hill. She brought extensive experience in non-profit management, legal affairs, and community relations, but none in housing. For the eight years prior to joining HOME, she had been Executive Director of the Waterford Foundation, a nationally known historic preservation organization active in land use planning and regulation, education, and real estate.

Chamberlin has been appointed by Virginia Governor Gerald L. Baliles to the Governor's Commission to Study Historic Preservation, and at the time of her hiring by HOME, also chaired the committee on enabling legislation for the commission. She served on the Board of Advisors for the National Trust for Historic Preservation and was a founding member of the Preservation Alliance of Virginia.

### ***The Fair Housing Act is Expanded and the National Fair Housing Alliance is Born***

In 1988, Congress significantly amended the federal Fair Housing Act, which had been enacted 20 years earlier. Persons with disabilities (handicap) and families with children (familial status) were added to the law as protected classes, the \$1,000 cap on punitive damages was removed, civil penalties were added to the list of potential remedies, and real enforcement provisions were added to the administrative complaint process through HUD. HUD was given the authority to make determinations of reasonable cause to believe that a discriminatory practice had occurred, and issue charges of discrimination; complainants could have fair housing claims litigated on their behalf by either HUD or the Department of Justice in judicial proceedings. The 1988 Amendment gave complainants a way to file fair housing claims without lawyers.

States which wished to maintain (or obtain) recognition as substantially equivalent agencies had to amend their state fair housing laws so as to provide the same rights and remedies as the amended federal law. Virginia's law, originally enacted in 1972, was substantially revised in 1991 to conform to the federal law.

Also in 1988, a small group was meeting regularly to see if they could form a group to take the place of the National Committee on Discrimination in Housing, which was by that time defunct. The goal was to represent fair housing organizations and provide a unified voice, technical assistance and training support to help local groups become effective enforcement organizations. The group was named the National Fair Housing Alliance (NFHA). Chamberlin was on the original planning group, which subsequently became the initial Board of Directors. Bill Tisdale, who had been offered the job of HOME's Executive Director when Barbara Rabin left, was the first President. Connie served as the second President and served four terms. Rabin, coincidentally, was active in the development of the NFHA and Chamberlin got to know her through their planning work.

Over the years, HOME has benefited significantly from the expertise and experience of the other NFHA members. Chamberlin states that HOME's Board has been remarkably wise in supporting her work with the national organization.

### ***David and Goliath: Fair Housing and the Insurance Industry***

HOME continued to grow and moved from its first offices on E. Main Street to a larger building at 1218-1220 W. Cary, which was donated to the organization by Earl Dickinson (whose father was a Virginia Senator). HOME's role in national fair housing circles also grew to become an influential one. HOME stands out as a model organization that is willing to share solutions, information, and training with others. In fact, cooperation and collaboration are commonplace in the national arena and are critical to the success of groups across the country.

The Toledo Fair Housing Center began investigating insurance complaints in the 1980s. During the early 1990s, HOME also became increasingly concerned about discrimination in the homeowner's insurance industry. Underwriting guidelines of most major insurance companies stated that homes over a certain number of years old (usually more than 50) and under a certain value (usually worth less than \$50,000) were not eligible for insurance. This practice is known as insurance redlining, and originated in the insurance industry in the 1920s and 1930s. The net effect has been the broad denial of insurance to homes in low-income neighborhoods and has contributed to the deterioration of older urban areas. Chamberlin says that these policies did not come about by accident, but by deliberate design.

The NFHA sponsored a testing project in ten cities in the early 1990s that led to administrative complaints against State Farm, Allstate and Nationwide Insurance companies. State Farm settled around 1994, and as part of the settlement, they agreed to eliminate age and value restrictions from the underwriting criteria. Because they were (are) the largest provider of homeowners' insurance in the U.S., their rejection of these criteria made it very difficult for other companies to maintain that there was a business necessity to keep them. HOME's participation in the State Farm settlement came through Chamberlin's position as an officer of the NFHA.

Allstate settled the complaint made by the NFHA. Negotiations between the NFHA, Toledo, HOME, and Milwaukee and Allstate Insurance Company led to an agreement that Allstate would change their policies, thus avoiding the filing of a complaint by any of the other partners. Allstate, too, eliminated discriminatory underwriting provisions and agreed to work with the NFHA and the partners to review and revise virtually all of their business practices to ensure that insurance was being made available on a non-discriminatory basis.

In addition, several fair housing organizations, including Toledo Fair Housing Center, HOME of Cincinnati, Metropolitan Milwaukee Fair Housing Council, the National Fair Housing Alliance, and HOME of Richmond, agreed to coordinate an investigation of insurance policies and got together in 1994 to apply for Housing and Urban Development funding. This project was known as the Homeowners Insurance Project.

Each of the organizations applied for the funding independently, and in each proposal was the stipulation that at least two of the organizations plus the NFHA must be funded in order for the project to be successful. HUD was impressed with the level of cooperation and all of the organizations were awarded funds. They worked jointly, meeting regularly and bringing in experts to learn how to investigate insurance. Statisticians, former insurance examiners, economists, and lawyers trained them, and they began investigating insurance companies in their own cities. These experts included Steve Dane and Bill Lynch, attorneys from Toledo and Milwaukee respectively, and Cal Bradley, an economist/sociologist

from Chicago. The Toledo group had already done some work and shared their information with the other groups.

Early in the Homeowners Insurance Project, which began in 1995, HOME went to Tim Kaine and told him that they were embarking on a year and a half project that required the involvement of an attorney to educate them because no one in Richmond knew much about insurance policies. Tim referred them to a new associate in their firm, Rhonda Harmon. Harmon went to the meetings around the country with Chamberlin and over time, she became very knowledgeable about the subject. Through the support of the unique cooperative venture, and by doing a considerable amount of research, each organization became expert. They obtained copies of underwriting policies, mapped agent office locations for the previous five-year period to determine how available agents were to minority clients, and continued their testing investigations.

The NFHA also filed a claim against Nationwide Mutual Insurance Company with HUD. HUD sat on the Nationwide complaint and finally referred the complaint at NFHA's request to the Department of Justice, which did little investigation. Justice settled, in a very inadequate settlement, which included minimal changes in policies and procedures and \$10,000,000 in investments (not donations) in ten cities around the country.

The goal in all of these efforts was to change the way that homeowners insurance is offered in the U.S. The recognition that urban neighborhoods were so negatively affected and disinvested by redlining was a key component of the fair housing work. NFHA, Milwaukee, Toledo and HOME filed administrative complaints against Travelers, Aetna, Prudential, and Liberty Mutual. HUD sat on those complaints. Toledo settled its lawsuit with Nationwide. The government, however, did little to help the situation, so this small group of organizations decided to move forward on its own.

### ***HOME Negotiates a Transformational Settlement***

By 1996, HOME had gathered evidence for over a year and a half from Nationwide Mutual Insurance Company and found stunning evidence of discrimination. Chamberlin was quoted in a financial magazine for the global insurance market, *Reactions*, saying about the fifteen tests conducted, "We matched pairs of houses that were similar in all respects – the same kind of construction, the same kind of age, well-maintained houses in good neighborhoods. The only difference was that one neighborhood was a majority African-American neighborhood, the other was a majority white neighborhood (*Reactions*, 11/8/98)." Thirteen of the tests showed discrimination.

HOME decided to file suit against the Nationwide Mutual Insurance Company. HOME asked Tim Kaine to take the case and filed suit in Richmond Circuit court. Three African American individual homeowners whose houses were used in the testing joined HOME in the suit: Shelton Jones (who non-suited before the trial), Wanda Canada, and Donna Sulley. Canada and Sully were both dismissed by the judge. Attorneys of record included Steve Dane, of Toledo, and Thomas M. Wolf, Tim Kaine, and Rhonda M. Harmon of Mezullo & McCandlish of Richmond.

The comparative size of the legal firms representing HOME and Nationwide was unequal. This was the first trial of the insurance industry in the U.S. focusing on discrimination in homeowners insurance. Kaine says that it was the largest and single most difficult case he'd ever had in terms of being outmatched with resources. Nationwide had four large law firms working with them, two in Richmond, one in Chicago, and one in Toledo. The Nationwide firms buried HOME in papers and requests for discovery. Discovery distracted HOME staff from their other work and all of their \$500,000 in reserves was spent on the

process. Chamberlin credits the Board of Directors for being willing to expend so much in staff time and money.

HOME's secret weapon was Rhonda Harmon, who was on a maternity leave from Kaine's firm and working from home. Harmon read every paper, digested every detail and fed the information back to HOME. HOME answered every request for documentation and didn't let this approach deter its pursuit of justice.<sup>9</sup>

It was a long and tedious process, but the facts became even stronger during discovery. Discovery brought documents from the Columbus, Ohio office of Nationwide that offered strong evidence of discriminatory practices. The Dallas Morning News, in an article by Jon Senderling, outlined the evidence.

Among other things, the evidence showed that the company had:

- Used racial profiling to identify "target markets."
- Labeled as undesirable every ZIP code with substantial minority population.
- Pulled all of its agents from neighborhoods with substantial minority populations.
- Actively discouraged agents from selling in black neighborhoods.
- Limited hiring efforts to draw from only overwhelmingly white areas, virtually ensuring that no blacks would be hired.
- Denied insurance to owners of "insurable" homes in black neighborhoods.
- Used actuarially unsound underwriting criteria that had the effect of excluding older homes (most of the homes in urban, black neighborhoods) (Senderling, 3/20/2000).

Kaine, Harmon, and Wolf put forth a brilliant trial strategy. The trial took two weeks in October 1998 and HOME won \$500,000 compensatory damages and \$100 million punitive damages, the largest civil rights verdict in the history of the U.S. Andrew M. Cuomo, U. S. Secretary of Housing and Urban Development said about the verdict:

[This] record award makes clear that discrimination is not just morally intolerable but a bad business practice. This historic verdict sends a clear message that discrimination does not pay (Free Press, 10/29-31/98).

Connie Chamberlin said to the Richmond Times Dispatch, "I think that this verdict is going to change the way insurance is sold in the United States (RTD, 10/27/98)."

Not surprisingly, Nationwide appealed to the Virginia Supreme Court. The verdict was overturned on a four to three vote by a deeply divided court. In rendering their decision, the majority of the Court conveyed that HOME was not the right party to bring the suit. The minority argued strongly that without HOME there could be no suit. In his dissenting opinion with Justices Lacy and Keenan, Justice Hassell listed in twelve pages the evidence against Nationwide that arose during the trial. He also wrote:

The effect of the majority's construction of the word "injured [person]" is to render meaningless the General Assembly's 1991 amendment of the Virginia Fair Housing Law to include housing organizations within the definition of "person." This Court has held that the General Assembly does not perform meaningless, useless, or vain acts when enacting legislation. This Court stated in *Natrella v Board of Zoning Appeals* (1984) :

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<sup>9</sup> During the case, Tim Kaine, who served on the Richmond City Council, ran for and was elected Mayor of Richmond in July 1998. The case went to trial in October 1998.

“ The rules of statutory interpretation argue against reading any legislative enactment in a manner that will make a portion of it useless, repetitious, or absurd. On the contrary, it is well established that every act of the legislature should be read so as to give reasonable effect to every word and to promote the ability of the enactment to remedy the mischief at which it is directed.”

By ignoring this basic principle of jurisprudence, the majority has effectively repealed those portions of the Virginia Fair Housing Law, which relate to fair housing organizations such as HOME.

Furthermore, the majority’s resort to the common law for a definition of “injury” is in direct conflict with Code 36-96.1:1 of the Virginia Fair Housing Law (Hassell, dissenting opinion).

It appeared to everyone that the case was over. However, being an organization of tenacious Board members, staff, and lawyers, and knowing that they were right, HOME decided not to give up. HOME’s attorneys filed a motion to the Virginia Supreme Court that the court should re-consider its decision because it was just plain wrong. Most of the states in the U.S. have fair housing laws, as does the Federal government. In the motion to the Court, HOME pointed out very clearly the same thing that the dissenting justices expressed – that Virginia is one of only two states that actually allows that fair housing organizations have standing to sue, and the court’s decision failed to honor that eligibility.<sup>10</sup> HOME also included amicus briefs from the Virginia Department for the Rights of Virginians with Disabilities, the Virginia NAACP, the NAACP Legal Defense Fund, the NFHA, and the Legislative Black Caucus of the Virginia General Assembly.

Only about once a decade does the Virginia Supreme Court rethink its decision. About one month after filing the document asking the court to do just that, the Court decided to withdraw its former opinion entirely and rehear the case six weeks hence. In the same article quoted above, Jon Senderling wrote:

For three centuries, Virginia’s courts provided the legal rationale to justify – and the judicial machinery to enforce – the unmitigated racism of slavery, Jim Crow laws, and de facto segregation. The situation was so oppressive that after passage of the federal Civil Rights Act of 1964, almost everyone pressing a case involving racial discrimination bypassed the state courts in favor of federal courts.

Now, the Virginia Supreme Court actually may be poised to break from its long history of racial injustice – by embracing an opportunity to end a particularly invidious expression of racism, redlining. Certainly, everyone who cares about justice and fairness must hope that is the case (Senderling, 3/20/2000).

Nationwide was aghast at the court’s decision and wanted to settle because they knew that a new trial was not a good sign. Actually, in the original opinion, the three dissenting justices wrote a total of fifteen pages citing facts about what Nationwide did wrong. Nationwide, knowing that the information was public, felt pressures from both sides.

In July 1999, Chamberlin, Galen Barnes, the new CEO of Nationwide Insurance, and Shanna Smith, the Executive Director of the National Fair Housing Alliance, had begun meeting to discuss possible settlement. On the day the Court signed the decision to rehear the case, an Associated Press reporter called Chamberlin and asked her how she felt about it. HOME had not yet received notification from the

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<sup>10</sup> Organizations are defined as persons in Massachusetts and have standing to sue.

Court, but they found the decision posted online. Chamberlin called Barnes and requested that they continue meeting. HOME felt that even if a settlement amount could be reached they could not withdraw their petition to the Court.

A settlement was finally reached after midnight the night before the Virginia Supreme Court was to hear new arguments in April 2000. It included \$17.5 million for HOME and agreements by Nationwide to review and change underwriting guidelines, procedures, and practices to ensure that its insurance was offered on a non-discriminatory basis. The settlement stipulated how HOME's share had to be spent, and the funds were used to support the Home Repair Program, the Down Payment Assistance Program and for Default Counseling in the City of Richmond. In addition, a donation of \$8 million was made to the National Fair Housing Alliances. The small group of fair housing organizations had taken on the one of the largest industries in the country and won. The benefits of this action were two-fold: discriminatory practices were held to be morally right and also proven to be highly profitable for the insurance industry. Potentially good customers in urban cities are providing the industry with opportunities for expanding business. Incidentally, Chamberlin credits Nationwide today with some of the best industry practices.

The work hasn't finished, however. HOME, NFHA, Toledo and Milwaukee filed a lawsuit against Travelers (which had bought out Aetna) in 2000, joined in the suit by the Fair Housing Action Center in New Orleans and the Equal Rights Center in Washington, D.C. This inspired HUD to investigate the Travelers complaints filed three and a half years earlier. The parties to the complaints considered this HUD action to be pointless and settled their suit with Travelers/Aetna in 2001. Meanwhile, HUD is still sitting on the complaints against Prudential and a lawsuit is currently in the process of being filed jointly by HOME, the NFHA, Toledo and Milwaukee against Prudential.

In addition to filing complaints when necessary, HOME also works cooperatively with willing insurance companies to identify problems and improve policies. In essence, the work that the fair housing groups has done, and continues to do, shows that the Federal government is unwilling and/or incapable of conducting a thorough investigation of an insurance company and holding that company accountable. Thus fixing a problem, the existence of which had been acknowledged since the early 1970s, became the work of a very small group of very small organizations, which rushed in where the government feared to tread – and won.

Why is all of this litigation important? It has always been the belief of HOME and NFHA that the relatively small settlements reached through private negotiations, while seemingly large to the individual consumer, mean little in trying to change the practices of large corporations. It is only through the litigation process and the astounding settlements and judgments that successful lawsuits often bring, that the attention of an industry is made to focus on discrimination practices. If the price of discrimination is high enough, change will come. HOME's success has offered credibility to this belief.

### ***HOME's Creative Solutions Lead to Settlements***

In one case in the mid 1990s, HOME got a call from a white woman who said that Wedgewood Village Apartments, a 160-unit complex in eastern Henrico County, was discriminating against African-Americans. She knew this because a friend of hers, who was black, was told that the complex had no vacancies, but the woman was a tenant and knew there were vacancies. HOME did not have names of applicants having been discriminated against, so they sent testers in. The testing showed discrimination and HOME filed a complaint with HUD, who sat on it for four or five years before moving forward.

Finally, the conciliation process brought a \$50,000 settlement offer with Wedgewood, but they were not interested in settling. HUD finally completed its investigation and accused Wedgewood of a seven-year pattern of discrimination, but Wedgewood was still not interested. HUD found reasonable cause and assigned an attorney to take it in front of the administrative law judge, but at this point either party could have elected to take the case to Federal Court. HOME did just this, and the case went to the Justice Department to handle. HOME intervened (filed a companion law suit, thus gaining independent control) and this got Wedgewood's attention. The Justice Department investigated in addition to processing the law suit and located three people who had been discriminated against and who were willing to join the law suit.

Westwood finally settled, but not until HOME convince HUD to withhold funding to the apartment complex. Wedgewood was a subsidized complex for people whose income fell within a certain range in order to qualify for renting an apartment. The settlement, which came before the Nationwide settlement was the largest settlement at the time and included \$480,000 and the establishment of a Victim Fund. Wide publication of the Victim Fund netted nine people who had been discriminated against, and coincidentally included a woman who had just been hired as a receptionist for HOME.

HOME has stretched its creativity in finding solutions to other cases as well. One involved a black woman with a young son who had tried to rent a house on the Boulevard in Richmond. The owners gave her the wrong information about the rental price. After HOME investigated, the case was settled. The owners didn't have much money themselves, so they agreed to give the young woman the apartment rent-free for one year, and a lien on the building to ensure her housing.

Another case involved a white couple living in a trailer park in Chesterfield County. Their black friends were not allowed to visit them and they contacted HOME. HOME sent three testers to the park; the two white testers were told rental units were available, but the black tester was told nothing was available and his name would be placed on a waiting list. HOME and the white couple filed suit against the trailer park owner. The suit was settled in U.S. District Court and the owner was required to provide a two-year lease with one year's free rent to the complainants.

### ***HOME's Past Decade***

When Chamberlin joined HOME, not much testing was being done because it was time consuming and costly, and the pool of trained testers had dwindled. Funding from the Fair Housing Incentive Program (FHIP) became available, providing money for testers. As Executive Director, one of her first tasks was to apply for FHIP funding and to recruit a new group when the funding was awarded. From \$50,000 to \$100,000 was awarded each year until 1999 to support stipends for testers. Chamberlin built up the testing program and hired a test coordinator. This in turn allowed HOME to respond more effectively to individual complaints. HOME did not apply for FHIP funding in 2000 because the regulations have grown increasingly cumbersome, making the funding more difficult to use. The grant application process is highly competitive, and the 50-page application requires so many details that the process is distracting from the regular work tasks of HOME staff. HOME's operating budget must now carry the testing program expenses.

HOME's successful lawsuits have generated considerable publicity and they help to keep discrimination cases down. But the testing program continues investigating the rental, sales, lending, and insurance businesses and is active year round. About 150 to 200 pairs of testers are sent out annually. They are looking for patterns of behavior rather than investigating single companies as a result of a complaint.

Home continues the work that it began in the 1970s and 1980s. Racial steering is a practice that is still going on in some realty companies, and HOME continues its testing program to identify these practices. Assessment of the overall impediments to fair housing, identifying policy issues, analyzing census data and talking to people about their findings are the kinds of work the organization is involved in today.

Most people agree that racial discrimination is still present today, but much harder to find. Realtors are aware of the laws and those that continue to practice discrimination do so in very subtle ways. The shift to more subtle discrimination tends to happen when fair housing organizations are working within a community. Sometimes they take applications from everyone, but only rent or sell to “acceptable” clients. Discrimination happens deeper into the process than in previous years. According to Sandra Coles, “Discrimination is still strong, but discreet. It is hiding under different rocks (Coles interview).” HOME makes a point to look under all kinds of rocks.

Chamberlin acknowledges that many of the newer realtors have been trained on the fair housing laws and are functioning reasonably well. State regulations require licensed real estate agents to receive this training every two years. With the support of the Virginia Association of Realtors (VAR), the Virginia Fair Housing Office, and the Virginia Real Estate Board, HOME applied to HUD for funding to develop a new curriculum for training licensees in fair housing practices. The Foundation of the VAR underwrote the distribution of curriculum guides to all of the statewide trainers. HOME developed a good partnership with the VAR and this gave HOME credibility with real estate agents. In a summer in the mid-1990s representatives from HOME, the VAR, the Virginia Housing and Development Authority (VHDA) and HUD traveled to seven cities in Virginia in a van to do training seminars. The real estate groups liked the HOME training and continue using it today. In fact, through ten years of working together, the relationship between HOME and the VAR grew from animosity to cooperation. Real estate agents have learned to trust HOME, and can call anonymously to ask questions and get help on fair housing issues.

Over the past ten years, Chamberlin has worked to expand the capacity of the organization. HOME must have the ability to do more systemic investigations, which are more costly and time consuming, and it must expand the kinds of tests and investigations. HOME is now involved with testing for accessibility.

At the time of the 1988 Amendments, great attention in the public was being paid to the changes in the law that protected families with children. The elimination of apartments that were restricted to adults seemed much more far-reaching to the general public than the protection extended to the handicapped. HOME is now spending time working on fair housing for the special needs population. Chamberlin says that they also need to do more work in the area of home appraisals.

### ***HOME's Work Continues to Grow***

Over the years, HOME has grown from an organization primarily involved in litigation to one more involved with other activities. Litigation was effective, but only worked with part of the overall problem of housing discrimination. According to Florrie Brassier, Chamberlin transformed HOME from a relatively new advocacy group to a fully functioning organization. When Chamberlin started, the annual operating budget was \$250,000 per year and there was a staff of five. Chamberlin and the finance staff developed an indirect cost rate to be used for HUD grant proposals, which took an enormous amount of work and organizational analysis. Chamberlin was also very good with the board meetings, making them efficient and systematic. Over time, from the mid 1980s to the early 1990s, improvements were also made in the working relationship between HOME and the state office. The State, HOME and HUD began working more effectively, in a large part due to the fact that Susan Scovill, an attorney, began working with the state in the real estate division and was very skilled working with the three entities. She subsequently became the State Fair Housing Administrator and later was hired by HOME, where she is today.



During the 1980s, HOME began adding programs to level the playing field in the housing market, however there was a huge need for services that outpaced their ability to fulfill the need. Barbara Rabin had begun a counseling program in the beginning. Despite improvement, there are still many barriers to fair housing due to the past lack of opportunities. Counseling helps clients to overcome some of those barriers. The counseling work that Rabin began is still a vital part of HOME's operation today. Other services have been added as well. In 1989, the Virginia General Assembly authorized the Homeless Intervention Program, which provided temporary financial help and counseling. The goal was to help people from becoming homeless and it was good for families and for the State as well. HOME applied to administer these funds, and became one of eight entities chosen.

This was HOME's first financial assistance program, and counseling was an essential part of the program to ensure that the money awarded to a client was been spent effectively. Very few of the organizations administering funding were doing housing counseling at that time. The State Department of Housing and Community Development hired HOME to train program administrators to do housing counseling. In the early days of the program HOME was unlike others because they directly served the public and were effective at doing it. Besieged by people in need, HOME took applications only once a month and the lines began building up at midnight and by the time the office opened there would be several hundred people in line. HOME refined the application process and now takes applications over the telephone.

In 1990, the Richmond City Manager, Robert Bobb, called HOME and asked them to administer Down Payment Assistance funds for first time homebuyers purchasing homes through banks owned by the Richmond Community Development Corporation (CDC). This was the beginning of the current Down Payment Assistance Program that concentrates on the City of Richmond. Coupled with intensive counseling, these homebuyers are usually able to stay in their homes. HOME is rigorous in their assessment of families to determine their readiness to succeed. HOME's first loyalty is to the client, what they want and need, and the success rate is high. One of the initiatives coming out of this program is that the home is inspected. HOME is now working to have every home supported by City funding inspected by a professional to ensure it is in good condition and will not interfere with the family's success.

Several years ago, the financial assistance program expanded to include support for Housing Opportunities for People With A.I.D.S. and temporary assistance for needy families through the Share Home Initiative Program. The settlement funds from the Liberty Mutual case now assists people with home repairs. The Financial Assistance Program added service to a wider and wider area as HOME got calls from all over Virginia and North Carolina. Today, the bulk of the work that HOME does is from North Carolina to Fredericksburg. HOME tries to help everyone who calls.

### ***The Greatest Need***

The greatest need, however, is for fair housing technical assistance to help victims of discrimination. HOME began working with local governments to identify barriers to fair housing. HUD requires localities receiving Community Block Development Grants to do assessments of the barriers to fair housing. HOME did one for the City of Richmond in 1997 and it brought an article in the Richmond Times-Dispatch that was half of the front page plus a full page in length. HOME also did one for Chesterfield County.

HOME says that in order to eliminate barriers to fair housing, it takes a combination of individual litigation, systemic litigation, housing counseling, and financial assistance. Additionally, it is important to educate the public with issues using an approach that local governments can support with policies to

ensure equal access. Throughout its existence, HOME was the only organization in the area doing all of these things.

After the 1988 Fair Housing Amendments included persons with disabilities, since the early 1990s HOME has been working more and more with clients with disabilities. HOME negotiates on their behalf with landlords of apartment complexes for reasonable accommodations and modifications, which is required by the 1998 law. People with A.I.D.S. are also a covered class under the 1988 law, and HOME developed a partnership with Central Virginia for Aids Support and Education (now defunct) to provide information on protections for their clients. HOME continues to work on behalf of people with A.I.D.S., providing housing assistance; no one else is doing this work in Virginia. HOME works with clients to avoid foreclosures and evictions, and other general housing problems.

Lately, HOME has been working with Group Homes. The 1988 Amendments include group homes in the definition of single family dwellings, but many neighborhoods resist having group homes in their midst. The success of group homes is dependent on the response of the neighbors – supportive neighborhoods produce better results for the group home residents. To help educate the public, about four or five years ago, HOME sponsored a symposium on NIMBYism (Not In My Back Yard). All parties involved with group home activities were invited – neighbors, politicians, service providers, and people with disabilities. HOME helped by teaching alternative dispute resolution in addition to providing information on successful group homes.

HOME also helps group homes to file administrative complaints to HUD and the State Fair Housing Office under the 1998 Act. In 2000 the Association of Retarded Citizens of Augusta County filed a complaint with HOME's help against a developer. HOME assisted with the negotiation of a \$50,000 settlement. HOME is now working with Heart Havens (backed by the United Methodist Churches) to file a complaint against Augusta County for the denial of a building permit.

### ***HOME Today***

Many changes have occurred at HOME since 1971. Like many nonprofits seeking to redefine leadership roles, HOME changed Connie Chamberlin's title from Executive Director to President, and the Board leader is now the Chairman of the Board. HOME's annual budget is about \$2.7 million with a staff of thirty. About 67% of their clients are African-American with claims of racial discrimination; the rest are clients with complaints of discrimination because they have children and those faced with discrimination because of their physical disabilities. The Board of Directors includes from 26 to 30 members, most of whom are from law, business, government, and social service backgrounds. HOME's information and services reach more than 6,000 people annually. HOME works to help people move beyond the generations of discrimination and to gain access to housing through education and counseling. The budget includes \$1 million set aside for a down payment assistance program for clients in the City of Richmond, Henrico and Chesterfield counties.

HOME works primarily in the Metropolitan Richmond area, but works with the Housing and Community Development department around the state. Their counseling program reaches as far as Danville and Roanoke and they have a new satellite office in Petersburg that concentrates on counseling services and financial assistance through the Virginia Homeless Intervention Program and Housing Opportunities for Persons with A.I.D.S. HOME offers all of its services through the Petersburg office, but not necessarily full time. All of the Richmond office resources are available to Petersburg citizens through local Petersburg telephone numbers.

Chamberlin states that HOME strives to be an organization that is nurturing and caring for its employees, but at the same time has the necessary accountability structure to make the organization run efficiently and effectively. It is this balance that allows HOME to gain the trust of its clients and to help them in the best way possible. They have expanded their knowledge and expertise in fair housing over the years from rental to sales to lending and to homeowners' insurance. Staff are now getting to know the Equal Credit Act and the Truth in Lending laws. The bulk of HOME's funding comes from the City of Richmond and it also receives some State funding.

### ***HOME's Current Chairman Speaks***

*Victor Branch*, an African American who is V.P. and Government and Community Relations Manager for Bank of America in Richmond, is HOME's current Chairman of the Board. He joined the Board in 1997 at the invitation of Corey Nicholson who was then President. Branch describes HOME as being in "high gear" when he came on. Branch brought a business perspective and had some fundraising background, so his perspective added something needed. Branch had no trouble accepting the post on the Board – he saw the impact HOME was having in the community and he was captivated by it. The Bank of America has a history of working with underserved communities and Branch's participation with HOME was also part of the bank's outreach.

Branch worked on various projects before being elected Chairman. He helped the Board to begin thinking in a development (fundraising) manner. The majority of the Board today is very mission- oriented and focused on advocacy and litigation. Branch feels strongly that in order for HOME to remain independent, it must diversify its funding base to depend less on government support. Although HOME has made progress, Branch says, "We aren't there yet (Branch interview)." Most of the funding is coming from litigation and government support. HOME needs an endowment as well. Their budget has doubled in the past four years and with the opening of the Petersburg office, more growth is expected.

Branch's most important work has been with the development of a Strategic Plan, which was recently completed. Marcia Penn was hired to facilitate the process. Branch says that Penn got them focused and kept them on task; he and the Board learned a lot through the process about leveraging their resources and how to set achievable milestones. With the new plan, they now have a road map and are managing the organization to align with the future direction set out in the plan.

Branch can't say enough about the talented staff and the strengths they bring to the table with the Board. He credits Chamberlin with being one of those rare people who can represent those who are not like her, effectively understanding their needs. Even though she isn't walking in their shoes, she can articulate their struggles. He says she is the top in her field, well respected in the fair housing industry, and transcends HOME, bringing the cause to the national forefront. Branch says about Chamberlin, "I get out of her way, but stand ready to be a resource when she needs one. I try to remove as many obstacles as I can so HOME can do the work they need to do (Branch interview)." He and Chamberlin meet regularly to assess HOME's position and strategize for future activity. He also says his biggest challenge is about leadership development – what to do to ensure that there is a qualified Chairman of the Board ready to follow him. Branch's term will end January 2003 and the Board is rich with talent and commitment, so the author has no doubt he will prepare his successor well.

### ***Strategic Plan 2000-2010***

HOME spent over twelve months developing and refining its strategic plan. The Board revisited and reconfirmed the mission and revised the bylaws to provide the framework for more effective governance. Staff meetings and retreats were held to identify organizational strengths, weaknesses, opportunities, and

threats. A survey was sent to over 500 individuals, including former clients, local government representatives, funders, other service providers, and members of the community, asking for their opinion of HOME and its services and the services they thought HOME should be providing. Over 25% responded. Charles Peters, a Board member who had professional skills in this area, conducted an environmental scan. The Scan featured interviews that were held with numerous leaders in the community to learn what issues they considered most important and what role they believed HOME should play in addressing those issues.

### ***The Environmental Scan***

The Environmental Scan sought to determine the state of fair housing trends in the Nation, in Virginia, and more specifically in the Richmond area. A series of interviews was conducted, in person and by telephone, by Peters, who was the retired Director of Community Development for the City. Peters spoke to people considered knowledgeable of the trends, needs, and current programs. The results of his study show that housing for low and moderate income persons, and equal housing opportunities for minorities are not issues that are being looked at in a manner in which solutions will emerge.

For the past 15 to 20 years, housing for low-income families has received decreasing governmental financial and other support, although the housing market is strong. Public policy is directed at strengthening neighborhoods, demolishing dilapidated structures, reducing public housing, privatizing the ownership and operation of assisted housing, and bringing the middle class back into the city. Not much incentive exists to build low-cost housing units, and rental units are not a priority. As cities are upgrading their housing, suburban counties continue to pass regulations that restrict density to a level that makes low-cost housing unattractive financially, thus private developers aren't interested. There is also a growing trend of predatory lenders taking advantage of the poor and elderly urban homeowners whose home equity is their primary asset. Outrageous interest charges and the homeowner's inability to repay the loans are causing foreclosures to occur at an alarming rate.

Many reasons are cited in Peters' report for the lack of interest in the discussion of housing issues. The controversial issues that affect funding for housing production, which is the area that is getting the most attention by traditional advocates, cause people to avoid equal opportunity discussion. The competition between the City of Richmond and the surrounding counties doesn't help. Negative public attitudes still remain about the public housing failures of the 1950s, 60s, and 70s and a general change in our culture's emphasis on personal gratification contribute to the avoidance of the issue. According to Peters, "NIMBYism is alive and well in the Richmond area." (Peters) Citizens and politicians have opposed even moderate-income apartment complexes. Statistically, Richmond's low-income population includes a disproportionate number of minorities: African-Americans, Spanish speaking, and Asian. Housing problems are complex issues, and most people don't have the time or the inclination to become actively involved.

The growth of Community Development Corporations (CDC) is one of the few positive elements in the area. These organizations tend to involve communities in solutions to meet local needs and most work very well. Richmond has some of the strongest CDCs in Virginia, but Virginia lags behind the national number and strength of these organizations. Locally, there is also a lack of public and private leadership.

HOME is seen by many as the organization most able to provide accurate information to clarify issues and to educate the policy makers and the public. HOME continues to be respected as a national leader in the quality of its services in monitoring and enforcement, education, and counseling. But the people interviewed by Peters for his study also believe that HOME is still not doing enough. They believe that the organization needs to become more aggressive and increase its profile to become the leader in a public

debate about housing issues: the interrelationships of housing and neighborhood deterioration, race, insurance, lending, and public policy.

### ***Where Are The Early Supporters Now?***

James W. Benton, Jr., an attorney with Henry Marsh's firm who did a tremendous amount of legal work for HOME, later became a justice in the Virginia Court of Appeals. Dr. Thomas R. Morris, a Board member who was at that time a professor at the University of Richmond, is now President of Emory & Henry College in Southwest Virginia. John Ritchie, husband of board member Virginia Ritchie, helped in the political arena. He subsequently served as the Executive Director of the Virginia Housing and Development Authority until his retirement in 2000. Kay James, who served as Co-Executive Director of HOME in the early 1980s, has been Dean of Regent University in Virginia Beach, and an Assistant Cabinet Secretary in the second Bush Administration. Tim Kaine, legal counsel for HOME, served as Richmond's Mayor and is running for Lt. Governor of Virginia. Jack Spong became the Bishop of the Episcopal Diocese of Newark, New Jersey and is now retired. Marcia Penn became involved with HOME again almost thirty years later when she was asked to serve as a governance consultant and helped HOME's board develop the skills necessary to oversee a growing and increasingly complex organization.

Jean Boone is now co-owner of The Richmond Free Press, a weekly newspaper. Philip Davidson became executive vice president of Signet Bank, retiring in 1997 to operate a strategy consulting practice that focuses on nonprofit organizations in Metro Richmond. Virginia Ritchie became Director of the Central Richmond Association and is now Chair of the Hand Workshop Art Center Board. Richard Taylor, HOME's Board President in 1990, is now Chief Judge for the Richmond Juvenile and Domestic Relations Court. Florrie Brassier, who was the Assistant Director for Fair Housing for Virginia from 1983-85, was hired by Barbara Rabin for HOME, then left the staff, later came back as a Board Member, served as President, and is now the Director of a new fair housing group in Spokane, Washington. Valorie Watkins, an attorney with Hill, Tucker, & Marsh when she was on the HOME board, left her law practice and is now a licensed real estate agent in Richmond and frequently refers clients to HOME for their down payment assistance program.

### ***Strategic Plan 2000-2010 (an excerpt from the Plan)***

**HOME's mission is to ensure equal access to housing for all people, through counseling, education, and advocacy.**

Traditionally HOME has worked toward the achievement of this mission one person at a time, through services to individuals such as housing counseling and financial assistance, although periodically it has been required to divert its resources from this priority to challenge and overcome barriers caused by housing discrimination. Many people have been helped and many lives have been changed as a result of this focus on individuals, but the larger issues of equal access to housing have remained intractable. Countless Virginians still face barriers to housing choice not of their making and not within their power to resolve.

After the intensive process of gathering information, data, and recommendations from a wide range of people about the best way in which HOME should serve the community in the future, the Board of Directors has concluded that effective progress toward equal access requires a broadening of HOME's traditional approach. While individual services and education will continue to be a cornerstone of HOME's efforts, HOME must also take a more systematic and active advocacy role. HOME must not only continue to serve as an independent advocate for its

individual constituents, but must now also address directly and systematically the larger public policy issues that will lead to systemic change.

Housing is not simply shelter. Where you live makes a difference in the quality of your life, what kind of schools your children will attend and the opportunities they will have, the kinds of jobs that will be open to you, and whether or not your investment will grow. Yet the barriers to housing choice are complex and deeply ingrained in our society, and will not be dismantled by solving only one individual problem at a time.

While this type of advocacy is critical to achieving the just society to which HOME is dedicated, advocacy is controversial, and the threat of loss of funding can radically impair the ability of an organization to pursue goals of social change. As a result, the Board has also concluded that to be successful, HOME must become financially independent.

Through its commitment to expanded services, effective advocacy, and autonomy, the Board believes that over the next decade HOME will be able to make a major difference in the lives of those it serves and will help to create the conditions for change in Virginia that will improve the futures of thousands of individuals and families.

To guide HOME's progress for the next ten years, the Board has, therefore, adopted the following three major goals:

- To expand housing counseling and fair housing services.
- To assume leadership and shape housing policy
- To become financially independent and autonomous.

The Strategic Plan 2010 includes further definitions of the goals, plus ways of measuring HOME's success in reaching these goals.

## **Conclusion**

If HOME accomplishes the goals in its Strategic Plan 2000-2010, it will not be the same organization that it is today. In order to make the shift to broaden their focus, exceptional leadership on both the part of the Board and the staff will be essential. As growth continues, internal capacity building must be undertaken to ensure that the infrastructure can accommodate new pressures. Job functions will change over time, and therefore training and support will be a critical success factor for staff. As the needs and responsibilities of the organization grow, the Board will play a vital role in oversight and support. Increased professionalism among both staff and Board is necessary.

Judging from HOME's thirty-year history, an evolutionary change of this magnitude, while challenging, is clearly possible. Begun by passionate and capable people, HOME has not only survived the various stages of its development. It has thrived. The timing and political climate for HOME's existence was right; the right people came together, made a plan, and worked towards a clear and compelling goal. Each one of these people brought with them passion, competence, intelligence, and connections to individuals, businesses, and governmental agencies. They weren't afraid to call on these connections, and they were smart and strategic in the manner in which they made these calls. As each person left and moved on, another equally capable person was there to replace them and the work continued. HOME went through several phases and each time it emerged at a higher level than it was before. It adapted well to different circumstances and different times. As the organization evolved, the community needs were evaluated carefully and promises kept. The passion is still strong and this more than anything gives evidence to the likelihood of success.

Jim Hecht said that a fair housing organization's primary goal is to become obsolete. The fact that HOME is still necessary says more about our culture than it does about HOME. In fact, the Harvard Civil Rights Project, which is a joint venture of several internal Harvard entities, issued a study in July 2001 about the resegregation of public schools in the past decade. Because most school districts or divisions in the U.S. are closely related to housing and neighborhood divisions, public schools are dependent on fair housing practices to help them reach equality of opportunity in education.

The Executive Summary of this report states:

Almost half a century after the U.S. Supreme Court concluded that Southern school segregation was unconstitutional and "inherently unequal," new statistics from the 1998-99 school year show that racial and ethnic segregation continued to intensify throughout the 1990s. This resegregation is happening despite the nation's growing diversity, in particular the rapid expansion in the Latino student population, and is contributing to a growing gap in quality between the schools being attended by white students and those serving a large proportion of minority students. Although public schools in the South remain more integrated than they were prior to the civil rights revolution, they are resegregating at accelerating rates. In the decade between 1988 and 1998, most of the progress made toward increasing integration during the previous two decades was lost.

The steady resegregation of schools in the south is noteworthy because, between 1964 and 1970, this region witnessed the nation's greatest increase in racial integration. Prior to 1964, the intense segregation of schools in the South affected the nation's largest number of black students. However, as a result of the remarkable transformation that took place in its schools for almost a quarter century – between 1964 and 1988 – the South boasted the highest level of integration of its schools in the nation, and the most substantial contact between black and white students. Even today, despite the rapid pace in which schools are resegregating, the South remains the only region of the country where whites typically attend schools with significant numbers of blacks.

National school segregation trends parallel these patterns. More than 70% of the nation's black students now attend predominantly minority schools. Yet, the most dramatic and largely ignored trends affect Latino students. While intense segregation for blacks is still 28 points below its 1969 level, it has actually grown 13.5 points for Latinos. In 1968, only a little more than 20% of Latino students were enrolled in intensely segregated schools. In 1998, more than one-third of Latino students attend intensely segregated schools.

According to the data, white students remain the most segregated from all races in their schools. Whites on average attend schools where less than 20% of the students are from all of the other race and ethnic groups combined. On average, blacks and Latinos attend schools with 53% to 55% students of their own group. Latinos attend schools with far higher average black populations than whites do, and blacks attend schools with much higher average Latino enrollments. American Indian students attend schools in which about a third (31%) of the students are from Indian backgrounds.

The report also charts the rapid growth of minority populations in the nation's suburbs, which have traditionally been described as overwhelmingly white. Yet, despite the growing diversity of these areas, suburban schools remain segregated, particularly in the large metropolitan areas. The high level of suburban segregation reported for African American and Latino students in this report suggests that suburban communities must address a major set of challenges to achieve greater integration and equality in its schools (Orfield & Gordon 2001).

The report looks more specifically at national and regional trends and the implications of those trends. It explores American attitudes about desegregated schools, and most importantly, offers eleven basic policy recommendations. However, only one of the recommendations suggested an "exploration of school and housing policies to avoid massive resegregation of large sections of the inner suburbs (Orfield & Gordon, 2001)." It is disturbing to note that the issue of fair housing is still not recognized by experts in the education field as being critical to the success of integration of schools.

It is clear that HOME still has a lot of work to do with enforcing fair housing practices, educating the public, and helping governmental and private agencies develop policies that address the inequities that exist today. Perhaps in another thirty years, we won't need HOME. But it's comforting to know that while we do, they are still there, working boldly and diligently, keeping their promise to Virginians and providing a model for others in the nation to follow.



## Important Dates:

- **1866** – U.S. Congress passed the first Civil Rights Act.
- **1968** – U.S. Congress passes the Fair Housing Act.
- **1971** – HOME registered with the State Corporation Commission on September 7 and held its first public meeting at Thomas Jefferson High School in Richmond.
- **1972** - HOME's first supported legal action, *Wynn v. Gray Realty*, was won.
- **1973** – Internal Revenue Service recognizes HOME as a 501(c)(3) nonprofit organization on July 16. Governor Linwood Holton appointed Charles R. Foxx, a black realtor from Chesapeake, to a five-year term on the Virginia Real Estate Commission, the first black ever appointed to this commission that oversees licensing real estate brokers – HOME was one of the organizations in Virginia that had urged Holton to appoint a black person.
- **1974** – HOME received a combined \$36,000 grant from the State (\$16,000) and HUD (\$20,000). Both of these were re-granted through the City of Richmond City. HOME hired its first Executive Director on October 1. “Friends of HOME” was formed to gain public support.
- **1975** - City of Richmond adopts a fair housing ordinance; Richmond City Community Development Fund awarded HOME \$30,000. Ford Foundation awarded HOME \$21,600 for the establishment of a new system of mortgage repayments; Renter's Guide was completed and published by HOME.
- **1976** - Richmond City Community Development Fund awarded HOME \$46,000. 58 real estate brokers & agents pass HOME criteria and are endorsed in HOME brochure.
- **1977** – James Hecht was transferred to Wilmington, DE by E.I. DuPont
- **1979** - HOME began a research project to determine the extent of steering in the Richmond area.
- **1980** – Federal District Court ruled Havens had established conscious and deliberate policy of discrimination at Camelot Townhouses & Colonial Court. The home seeker was Paul Coles. Judge Warriner dismissed HOME & testers as not being injured parties. HOME appealed to U.S. District Court, which unanimously reversed the lower court. Racial Steering Study results were published by HOME.
- **1982** – HOME's landmark U.S. Supreme Court case, *Havens v. Coleman* firmly established the right of testers and fair housing organizations to sue real estate firms that violate the fair housing law. HOME launched a campaign on fair housing awareness; raised \$20,000 from area businesses and organizations
- **1983** – HOME signed an anti-bias accord with General Services Corporation; Rabin was honored by the Y.W.C.A. as Outstanding Woman in Greater Richmond for 1982 in the area of Human Relations; Rabin left Richmond and HOME; Kent Willis wrote “Renting in Richmond: The Need for an Independent Landlord and Tenant Commission.” “Richmond Landlord-Tenant Resource Committee was established”
- **1984** – National Urban League nominated HOME for national honor: – The U.S. Department of Housing and Urban Development gave HOME the award for “effective use of the public-private partnership concept to promote equal opportunity in housing.” The HUD Richmond office presented HOME with a certificate of outstanding achievement “for vigorously pursuing fair housing objectives through litigation.” HOME was featured on NBC Today Show and Arthur Blackwell, Jr., a former client, represented the organization.
- **1986** – Kent Willis testified before Congressional Subcommittee about proposed FHIP guidelines.
- **1987** – U.S. District Court Judge Robert R. Merhige, Jr. ruled in HOME's favor that General Services Corporation had violated the Fair Housing Act, which prohibits discriminatory advertising. GSC appealed. Third Annual Home Buyers' Fair was conducted; computerized home seeking services were established; Virginia Governor, Gerald L. Baliles spoke to HOME members at the Annual Meeting.

- **1988** – Fair Housing Amendments Act of 1988 passed by U.S. Congress. Connie Chamberlin was hired as Executive Director. The National Fair Housing Alliance was formed.
- **1989** – HOME received \$12,000 settlement from General Services Corporation case. “Training Manual for Housing Counselors” was prepared by HOME for Virginia Department of Housing & Community Development. New strategic plan was adopted by the Board of Directors.
- **1991** – HOME established Advisory Committee with HUD Funds for combating discrimination against the disabled. Statewide teleconference was conducted for community education & training via commercial broadcast. HOME celebrated its 20<sup>th</sup> anniversary.
- **1992** – HOME moves its offices from 503 E. Main Street to 1218-1220 W. Cary Street to a building donated by Earl Dickinson.
- **1995** – HOME, NFHA, Toledo, Milwaukee, and HOME of Cincinnati applied for and received funds from HUD for a joint investigation of discriminatory insurance practices.
- **1996** – HOME filed a lawsuit against Nationwide in October.
- **1998** – HOME is awarded \$100 million punitive damages and \$500,000 compensatory damages in a suit against Nationwide Mutual Insurance Company.
- **2000** – Nationwide appealed the Richmond court decision; the Virginia Supreme Court overturned the lower court’s decision; in a once-in-a-decade decision, the Supreme Court decided to rehear the case; HOME and Nationwide settled for \$17.5 million. HOME moved again, this time to larger quarters in the Bookbinders Building 2201 W. Broad St.
- **2001** – HOME established a second office in Petersburg, VA. HOME Board approved a new strategic plan for 2010.

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