



# HOME & 50 Years of Fair Housing in Virginia

An exhibit celebrating 50 years of Housing Opportunities Made Equal of Virginia's commitment to equal access to housing for all Virginians.





## Free but Not Equal

For nearly a century after the Civil War, Jim Crow laws legalized segregation and discrimination against racial and ethnic minorities. They affected nearly every facet of daily life—including where people could live.

Four years after the Civil Rights Act was passed, the Fair Housing Act of 1968 extended federal protections against discrimination in housing but lacked a concrete way to enforce them.

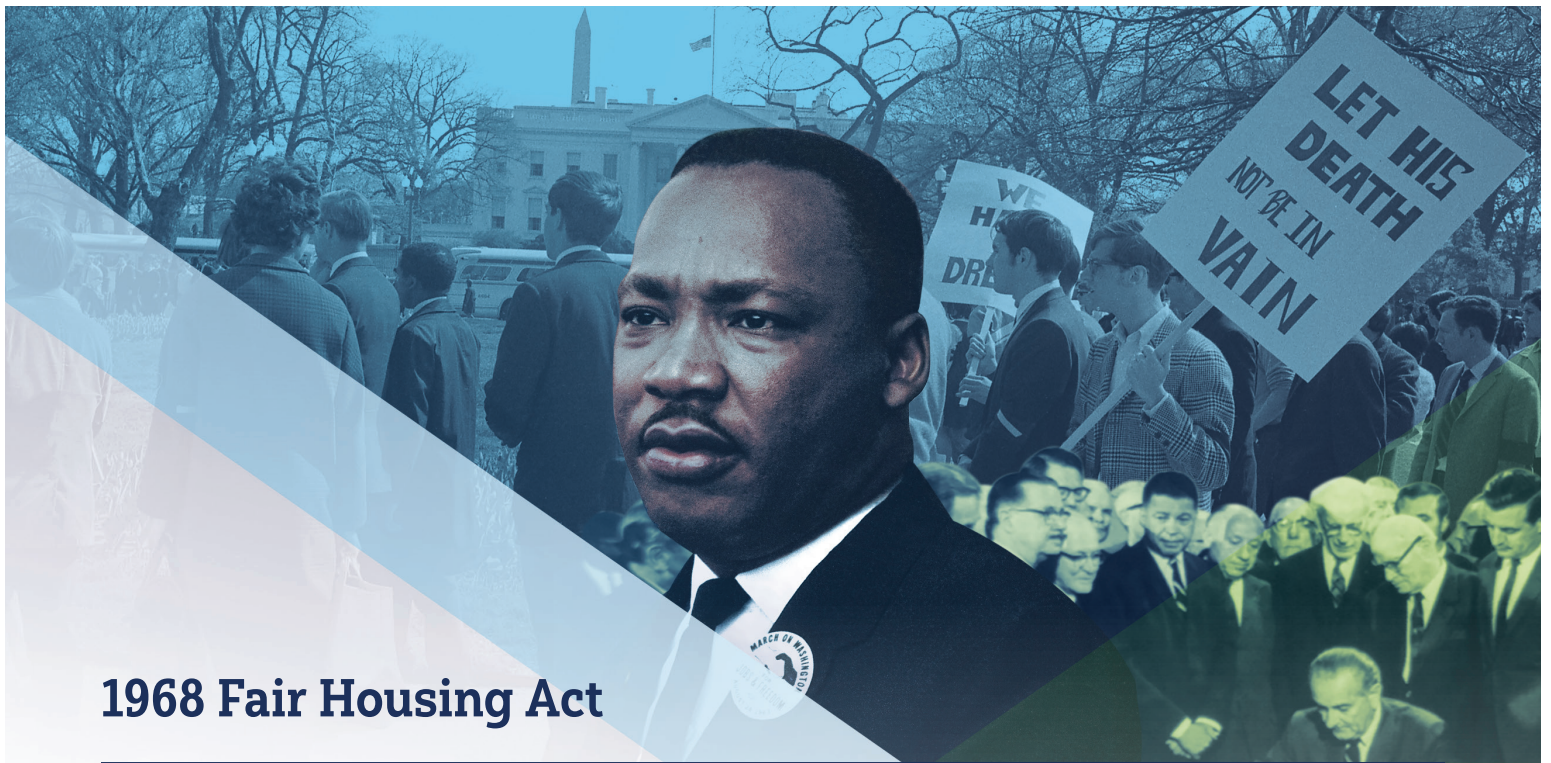
In 1971, Housing Opportunities Made Equal (HOME) was founded to fight discriminatory housing practices in Richmond. Today, HOME strives to ensure that every Virginian has access to housing.



HOME & 50 Years of Fair Housing in Virginia exhibit explores and celebrates the impacts of the fair housing work of HOME since its inception in 1971. The exhibit begins by reviewing the actions and events that led up to the Fair Housing Act of 1968 and highlights key victories in fair housing and desegregation that had lasting impact in not just here in Virginia, but across the nation as well.

[HOMEofVA.org/50th](https://HOMEofVA.org/50th)





## 1968 Fair Housing Act

**Seven days after the assassination of Dr. Martin Luther King Jr., fair housing was made law.**

Seven days after the assassination of Dr. Martin Luther King, Jr., President Lyndon B. Johnson signed The Civil Rights Act of 1968 into law. Title VIII of the Act, often called the federal Fair Housing Act, prohibits discrimination in the sale, rental, or financing of housing based on race, color, religion, or national origin. The statute listed 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. The federal Act was later amended to add sex, familial status, and disability.



*Seven Days*, National Fair Housing Alliance

Demonstrators with signs, one reading “Let his death not be in vain”, in front of the White House after the assassination of Martin Luther King. April, 1968. Photographed by Marion S. Trikosko, retrieved from the Library of Congress’ U.S. News & World Report Magazine collection.

Civil Rights March on Washington, D.C. [Dr. Martin Luther King, Jr. and Mathew Ahmann in a crowd.] August, 1963. Photographed by Rowland Scherman, retrieved from the National Archives and Records Administration. Colorized by Jordan J. Lloyd. U.S. Information Agency.

President Johnson signing Civil Rights Bill, April 11, 1968. Photographed by Warren K. Leffler, retrieved from the Library of Congress’ U.S. News & World Report Magazine collection.



## 1971 HOME is Founded

**A group of passionate citizens founded Housing Opportunities Made Equal, Virginia's first fair housing organization to fight housing discrimination and enforce the Fair Housing Act.**

The making of Richmond's first fair housing organization started with the right people finding each other at the right time in history.

Housing Opportunities Made Equal of Richmond 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. Barbara Wurtzel Rabin and Jean Boone soon joined. HOME's mission was clear from the beginning: to ensure equal access to housing for all people.

In the fifty years since its formation, Housing Opportunities Made Equal of Virginia has risen from its grassroots beginnings in Richmond to become a powerful agent in Virginia for equal opportunities in housing. The organization's fair housing and housing counseling efforts have had considerable impact not only in Virginia but in the nation as well.







## 1982 Havens Realty Corp v. Coleman

**In a racial steering case brought by HOME and its testing program, organizational standing was granted by the U.S. Supreme Court giving fair housing groups like HOME the ability to sue.**

HOME's first executive director Barbara Wurtzel Rabin was not satisfied with the pace of government enforcement of fair housing laws. She interpreted the Fair Housing Act to allow testers and organizations like HOME to sue on their own behalf if they could show direct injury by discriminatory real estate practices. Barbara designed and implemented a series of 59 tests on apartment complexes in predominantly white neighborhoods throughout the Richmond metropolitan area to see the extent of racial steering. The results led HOME to the U.S. Supreme Court. The unanimous landmark decision in *Havens Realty Corp. v. Coleman* found that HOME and its testers have standing to sue in fair housing cases. This verdict set national precedent and expanded fair housing enforcement nationwide. It is considered the single most important fair housing case ever decided and is still used in most cases today.



*The Importance of Organizational Standing*

"Justices Permit 'Testers' to Sue For Housing Bias." February, 1982. Wall Street Journal.

## HOME ad case sets national precedent

Advertisements for housing that contain no or few black human models may be a thing of the past. In a landmark decision, a federal court judge has ruled that advertising materials used by General Services Corporation (GSC) — which is Richmond's largest apartment management firm — discriminates against blacks. The judge ordered the firm to pay \$12,800 in damages to the local fair housing group Housing Opportunities Made Equal, Inc. (HOME) and black apartment dwellers. Home's Saunders

testify, the reader would obtain the message that 'these apartments are not for me or my kind.' These brochures, he wrote, "indicate that GSC's apartment complexes are for white, not black tenants, thus discouraging blacks from seeking housing there."

HOME filed suit on the basis that its purpose — which is to promote fair housing in the Richmond area — is frustrated by GSC's advertising. The judge ruled that HOME was damaged because of the racial bias in the advertising that prevented it from obtaining

marketing agencies, ad designers, publishers and printers — that traditional advertising practices must change."

GSC has released a statement saying that the lawsuit was unnecessary and that it has never been GSC's policy to indicate racial preferences in their advertising. To the contrary, Judge Merhige said that GSC was "aware that the models used (in advertisements) would affect the type of tenants a business could attract." He said that GSC's policy was to use a diverse group of people in its advertisements to represent the community.

Willis added that the law does not require that human models be used in housing advertising, only that blacks be appropriately represented when models are included.

In a separate but related ruling, Judge Merhige found that GSC had defrauded HOME in not living up to the terms of a previous agreement stemming from discrimination charges brought against GSC by HOME in 1982. He declared the agreement null and void, making public apology from former GSC executives that they had been in the past discriminating against blacks in managing apart-



## 1987 Saunders & HOME v. General Services Corporation

**HOME filed the first fair housing enforcement case in the nation based on discriminatory advertising.**

Kent Willis, HOME's second executive director, led the organization through Saunders v. General Services Corporation (GSC), another precedent setting case.

This was the first case in the nation to be tried based on discriminatory advertising in housing. GSC 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 a number of "smoking guns." 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 and the court ruled against GSC.

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 initiative to represent minorities in realty advertising.

"HOME ad case sets national precedent." June 1987. Richmond Afro-American.

"Richmond Area Map and Apartment Locator".





# Area is 'for whites only'

## Owner will not sell his house to blacks

BY MEREDITH FISCHER  
TIMES-DISPATCH STAFF WRITER

Rufus T. Matthews doesn't plan on going anywhere.

But if the Chesterfield County resident decides to move, he said he would not sell his house to a black person.

This neighborhood is for whites only, Matthews said Thursday, standing outside his 10000 Ashmore Road home. "And until I find a buyer, I am not going to sell it to a colored person."

The 30-year-old owner of the home allegedly discriminated against a black woman who wanted to buy the house.

The organization and the woman who was allegedly discriminated against filed complaints with the Virginia Fair Housing Office. The agency is investigating the matter, Chamberlin said. "I was appalled but not surprised, unfortunately, when I heard what happened," she said. "This is not at all uncommon. I think it's an example of a mind-set that still exists."

Chamberlin said the housing office will investigate the complaints and a board of real estate professionals and citizens will determine whether to bring a discrimination charge against Matthews.

The group receives about 200 complaints each year and ends up investigating about half that amount, Chamberlin said. She added that most cases are settled without any further action.

The group sent out two "testers," a black person and then a white person to see the house and ask about availability.

According to Constance Chamberlin, president of HOME, Matthews told the black tester that there was "a deed restriction on the house that would allow him to sell it to a Mexican or a Chinese, but prevented him from selling it to a regular colored person."

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Matthews, who spends his afternoons fixing old cars in his driveway, said he didn't understand why everyone was making such a fuss.

A woman who also lives in the three-bedroom home said she takes care of children there to make money.

Several boxes are stacked outside the house, which is assessed at about \$74,000. A chain-link fence surrounds the house. It is secured with rope and a metal hook.

"I was trying to do what's right," Matthews said, taking a puff on his pipe. "I can't sell it to a colored person, as far as I know."

Chamberlin said that in the 1920s and 1930s, it was not uncommon for individuals to place deed restrictions on homes, which prevented minorities from buying them.

"But that has not been enforceable since 1948," she said. "That was a long time ago."

Matthews said he cannot read or write, but if someone sent him a piece of paper "saying they passed the law, then a colored person can buy it."

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\* Times-Dispatch staff writer Paige Akin contributed to this report.

## 2005 Pitts v. Matthews

**When a man refused to sell his house to an African American woman based on the restrictive covenant in his deed, HOME took action.**

Although restrictive covenants have not been enforceable since 1948, they can still be found on deeds in the 21st century. A 2005 case in Chesterfield County showed just how racism still plays out in housing.

Rufus Matthews told the prospective purchaser, "I can't sell you this house 'cause you're colored." Those were the words Nealie Pitts heard after seeing a for sale sign on the Matthews' house. Matthews said, "neighbors had decided to keep that area there all white."

HOME's black tester investigated and was told that a deed restriction on the house would allow him to sell it to a "Mexican or a Chinese," but prevented him from selling it to a "regular colored person."

The case sided in favor of Ms. Pitts in 2005, but just as important, sent a message to sellers everywhere that restrictive deeds are illegal.





## 2008 Foreclosure Rescue Scams

**HOME led a campaign to outlaw foreclosure rescue scams that preyed on minority and elderly communities in Virginia.**

The stock market crash of 2008 and global financial crisis initiated a housing market crash. Coupled with the highest unemployment rates seen in decades, homeowners across the country were confronted with the dreadful prospect of losing everything. Predatory foreclosure rescue scams targeted members of vulnerable minority and elderly communities.

Many homeowners fell victim to rescue scams and made their housing situation even more dire. An example was a young African American woman who bought a home in 2001 for \$84,000. She fell behind on her mortgage and in 2005 was approached by a so-called "helping" organization. They persuaded her to sign the house over to them. They sold it a month later for \$131,000. The owner received \$5,000. The investors in the "helping" scam received more than \$35,000.

HOME successfully led a campaign with the Virginia General Assembly to outlaw foreclosure rescue scams. The bill became law on July 1, 2008.



## 2009 Trust in Lending Act

**In order to protect homeowners, HOME and organizations across the state worked together to pass a bill that requires mortgage brokers to work in the best interest of the borrower.**

In the fallout of the 2008 foreclosure crisis, it became evident that some mortgage brokers were responsible for the majority of subprime loans and were not working in the best interest of the borrowers. Loans were often granted regardless of the borrower's ability to afford the loan or they were given higher interest rates when they qualified for better loans. It affected everyone, not just those who lost their housing as property values plummeted.

Housing organizations across the state worked with HOME, Del. Jennifer McClellan, and Sen. Donald McEachin to pass the Trust in Lending Act (HB1776) in the 2009 Virginia General Assembly. The Act added additional protections for homeowners to ensure mortgage brokers work in the best interest of the borrower. The bill became law on July 1, 2008.







## 2015 HOME v. Shockoe Valley View

**An investigation revealed design and construction violations in new apartments that made them inaccessible to people with disabilities.**

The Fair Housing Act requires all new multi-family housing built after 1991 to be accessible and usable by people with disabilities. In 2014, HOME launched a broad investigation on design and construction violations to protect people with disabilities.

In 2015, HOME settled a case for \$600,000 against Shockoe Valley View Apartments for failing to design and construct apartments in compliance with accessibility requirements. The settlement included retrofitting the complex by making extensive modifications to ensure accessible routes for people who use wheelchairs, as well as usable and accessible features in each unit.

The case sent a clear message to architects, builders, and developers in Virginia and across the country that apartment buildings must be designed and built so people with disabilities can live there without encountering barriers.





## 2016 HOME v. Executives Inc

**Because it restricted tenants based on national origin, a policy requiring at least one English-speaker was recinded.**

In 2013, a Spanish-speaking woman seeking a home came to an Executive Inc. rental property with her bilingual daughter. The receptionist denied access to the home seeker and her daughter when they came to the conclusion that, "no adult on the lease would be able to speak sufficient English."

During the investigation process, HOME uncovered that Executives did have a policy "requiring at least one application to speak English to the satisfaction of property management." HOME alleged that the policy unfairly excluded otherwise qualified families from obtaining the housing of their choice because of their national origin. The property management firm changed their policy and paid damages.





## 2017 Underserved Communities

**HOME addressed differences in homeownership rates between African American homeowners and white homeowners. This gap is the foundation of wealth inequality in America.**

Heather Crislip, HOME's fourth president and CEO, led an investigation that addressed HOME's concerns around regional mortgage lending patterns and their impact on services provided to minority communities. The investigation prompted HOME to bring its findings directly to government regulators and one of the Richmond region's leading lenders, Wells Fargo.

The result was one of the largest agreements ever reached involving a financial institution and an individual fair housing organization. The partnership provided over \$4 million in the form of program support and down payment assistance to HOME. This was to increase homeownership opportunities and expand mortgage lending to African Americans and African American neighborhoods in the Richmond metropolitan region.

As part of the partnership, HOME worked with Wells Fargo to conduct fair housing compliance testing at Wells Fargo branches and provided other monitoring and training assistance.



## 2019 Disparate Impact

**A model policy was created to stop blanket bans on all criminal history for rental applicants.**

For years, HOME investigated the disparate impact (or the disproportionate and adverse impact against a group of people) that criminal history restrictions on apartment applications had on people of color.

In 2019, HOME filed a case against Sterling Glen Apartments over its blanket criminal record screening policy. HOME argued that they discriminated against people based on race.

As part of the settlement, a model policy was created as guidance that required applicants to be first screened based on their income and credit, then allows for a limited and relevant criminal background screening creating more diverse communities and helps many people who are trying to get their lives back on track be members of their community of choice.

The new policy created an industry model for how landlords can screen applicants fairly and avoid discrimination.





## 2020 New Protected Classes

**After decades of advocacy, Virginia added new protected classes to its fair housing law including source of funds, sexual orientation, gender identity, and military status.**

For decades, HOME worked tirelessly with many partners to strengthen fair housing laws in Virginia that exceeded the federal protections. In 2020, four new protections were added to Virginia fair housing law with the passing of two new bills.

Protections were added that made it unlawful to discriminate based on a person's source of funds. This includes any lawful funds such as any assistance, benefit, or subsidy program.

The Virginia Values Act added sexual orientation, gender identity, and military status to the list of protected classes. This made Virginia the first state in the South to enact comprehensive protections for the LGBTQ community against discrimination in housing, employment, public spaces, and credit applications.



[HOMEofVA.org/50th](https://HOMEofVA.org/50th)

Housing Opportunities Made Equal of Virginia (HOME of VA) made extraordinary strides in ensuring equal access to housing for all Virginians over the past 50 years. However, we haven't done it alone.

It takes time. It takes evidence. It takes money. Most importantly, it takes passionate people like you to uncover systemic or subtle forms of housing discrimination. You can join the movement and help HOME ensure equal housing access for the next 50 years and beyond. Testers uncover the truth about discrimination in Virginia.

**Learn more about becoming a tester:**

[HOMEofVA.org/BecomeATester](https://HOMEofVA.org/BecomeATester)

**All good work has a cost. Donate now to support our mission:**

[HOMEofVA.org/Donate](https://HOMEofVA.org/Donate)

**This exhibit was made possible by  
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