



FAIR HOUSING NEWS

A newsletter about fair housing, community development, & neighborhood quality of life



EQUAL HOUSING
OPPORTUNITY

GREETINGS!

Welcome to this Summer edition of *Fair Housing News* produced by the GBCHRB as a public service! To join the mailing

list: <mailto:wkladky@gbchr.org>. You can go to our website <http://www.gbchr.org> for

laws, links, etc. Watch our TV show on our YouTube Channel -

<https://www.youtube.com/@gbchr1/featured> and

<http://www.youtube.com/user/wkladky1>! Or our radio show

<http://gbchr.org/2radio-2/>!

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NATIONAL NEWS

2-Year Evaluation of Benefits of Cook County, Illinois, Ban of Housing Discrimination Based on Criminal History. In 2019, the County enacted the [Just Housing Amendment](#) (JHA) to ensure equitable housing access for individuals with criminal records. The

ordinance prohibits people who are selling or leasing housing units from soliciting criminal background information until an applicant has been determined to be otherwise qualified to occupy a residence. The Cook County Commission on Human Rights (CCCHR), responsible for protecting county residents and workers from discrimination and wage theft, amended its [rules and regulations](#) to include interpretive rules for JHA. Managed by the Cook County Commission on Human Rights (CCCHR), Applicants are evaluated based on non-criminal criteria, followed by a criminal background check with offense details and rehabilitation efforts. Read more on how CCCHR enforces the JHA [here](#). Enforcement data from the 2022 [evaluation](#) found CCCHR has received 38 JHA complaints: 26 were improper denials based on criminal conviction history, and 12 discriminatory advertisements including illegal wording such as “no felons” and “no convicted drug dealers.” 27 complaints have been closed. Of these, 18 had monetary awards of \$31,000 and training for housing providers, 2 cases resulted in the complainant being rehoused, and 7 were withdrawn. CCCHR incorporated the two-step process into software that small landlords commonly use for applicant screening. With the updated software, CCCHR estimates over 7,000 housing applications per month will be JHA-compliant screened. [Read the 2023 HUD In Depth article.](#)

Fair Lending Report of the
Consumer Financial
Protection Bureau

CFPB Releases 2022 Fair Lending Annual Report to Congress.
The Consumer Finance Protection Bureau (CFPB)’s [Fair Lending](#)

cfpb Consumer Financial
Protection Bureau



[Annual Report to Congress](#) showed that the CFPB’s fair lending work centered on the consumers and communities most affected by unlawful discrimination: (1) Work with partners on combating redlining and deep-seated discrimination in the home appraisal industry; (2) Studies released finding factors regarding fair access to credit, including how medical debt affects many, how people in under-resourced rural areas struggle to access financial services, and the challenges faced by justice-involved individuals and families; (3) Rules and guidance released on the importance of fair lending protections for prospective applicants, applicants for credit, and existing account holders; and (4) Its interpretive rules, advisory opinions, circulars, and other tools stressed fair lending is a top priority for all financial institutions. 2022 foci included: (1) Fought algorithmic bias, digital surveillance and data harvesting, dark patterns, and advanced technologies that are black boxes, the CFPB bolstered expertise in data science and analytics to identify fair lending violations at every stage of the credit lifecycle, such as via automated systems marketed as artificial intelligence; (2) Held creditors and service providers accountable for complying with fair lending and other federal consumer financial laws, using whatever technology; (3) Worked with other agencies, as per a [joint statement with the Department of Justice, Federal Trade Commission, and U.S. Equal Employment Opportunity Commission](#) [Read the June 29, 2023 CFPB article.](#)



Innovative Mental Health Legislation to Incentivize States to Provide Improved Community-Based Services for Adults with Mental Health Disabilities Introduced.

New York’s Senator Kirsten Gillibrand and Congressman Daniel Goldman (D-NY-10) have proposed the “Strengthening Medicaid for Serious Mental Illness Act.” Read their press release [here](#). The [Bazon Center](#) co-wrote the legislation, which has been endorsed by the [National Health Law Program](#). The Act would provide desperately needed mental health support to the 14 million adults living with a serious mental

illness (SMI) – such as schizophrenia, bipolar illness, and major depressive disorder. Many living with SMI are in a devastating cycle between hospitals, jails, and housing instability due to lack of access to community-based treatment. Over 1/3 did not receive any form of mental health treatment (2021). This bill creates new services under Medicaid, sets a national standard for SMI care, and incentivizes states to provide intensive community-based services to treat SMI. These services – such as Assertive Community Treatment (ACT), housing-related services, supported employment, peer support services, and mobile crisis services - have been proven to help individuals with disabilities live well in their own homes and communities. The services help people avoid unnecessary institutionalization in hospitals and other facilities which under Olmstead constitute disability-based discrimination. June 2023 Monthly Briefing, Judge David L. Bazelon Center for Mental Health Law, 2023. [Read the June 22, 2023 Press Release.](#) [Read the June 22, 2023 NHeLP release.](#)

Lawsuit Settlement Requires ASL Interpreters, Auxiliary Aids and Services to be made Available to New York Deaf Residents. The settlement by New York’s Fair Housing Justice Center (FHJC) and Phoenix Houses of New York, Inc, the final defendant regards a 2021 federal lawsuit filed in the Eastern District of New York (EDNY) alleging disability discrimination by four operators of residential drug and alcohol rehabilitation residences located in New York. This alleged that the defendants refused to provide American Sign Language (ASL) interpreter services and declined to give Deaf and hard of hearing persons access to their residential recovery facilities, in violation of the Fair Housing Act,



the Rehabilitation Act, the Affordable Care Act, the New York State Human Rights Law, and the New York City Human Rights Law. The case was the result of an [FHJC investigation](#), a new innovation in systemic fair housing testing of residential treatment centers.

Separate settlements with defendants Arms Acres, Inc. and Liberty Management Group, Inc., and with defendant Odyssey House, Inc.

were previously reached. Phoenix Houses have agreed to pay monetary relief of \$40,000 and to extensive injunctive relief including: (1) Not refusing to admit prospective residents because they are Deaf and/or hard of hearing, and to not refuse to provide auxiliary services such as ASL interpreters when necessary; (2) Adopting new policies and procedures for communications with Deaf or hard of hearing people, including developing a customized plan for residents requesting auxiliary services; (3) Changing the defendant’s website to prominently feature information on fair housing, accessibility, and sign language interpretation, and anti-discrimination laws; (4) Placing a sign at the admissions area informing the public to inquire about any disability accommodations needed; (5) Training key facility staff on legal issues concerning Deaf and hard of hearing people, including cultural competency training of Deaf culture and other protected classes, and types of services and assistance that may need to be provided to persons who are Deaf or hearing impaired; and (6) Maintaining and making available records for FHJC review documenting efforts to comply with the terms of the settlements. The full settlement can be read [here](#). The mission of the nonprofit FHJC is “to eliminate housing discrimination; promote policies and programs that foster open, accessible, and inclusive communities; and strengthen enforcement of fair housing laws in the New York City region.” [Read the July 14, 2023 FHJC article.](#)



RECENT RESEARCH

Periodically, we will present some of the most recent research in Fair Housing and related issues. Contact the GBCHRB for more information.

Research Finds American Real Estate Agents’ Racial Bias Continues to Strengthen Housing Segregation. “Racialized Real Estate Agency in U.S. Housing Markets: A Research Note” by Hannah Lee, Kyle Crowder, and Elizabeth Korver-Glenn. Recent case studies have demonstrated that U.S. real estate agents as a whole continue to reinforce racial residential stratification through the 2020s. This research uses novel survey data gathered from real estate agents across the nation to explore agents’ ideas about clients of color in the housing market, as well as their daily work, such as how they conduct business through social networks. The findings provide evidence of the subtle and more overt ways that these ideas and practices that constitute what the researchers call racialized real estate agency and contribute to ongoing racial segregation. For example, in 2021 Korver-Glenn found that real estate agents (and other real estate professionals) in Houston continue to explicitly evaluate people and neighborhoods through the lens of racist stereotypes. <https://journals.sagepub.com/doi/10.1177/10780874231152590>. [Read the complete article.](#)

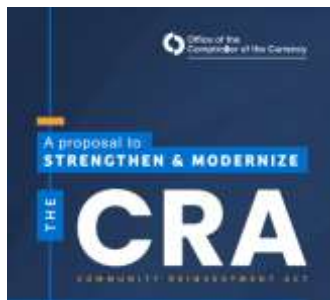
“Getting Suburbs to Do Their Fair Share: Housing Exclusion and Local Response to State Interventions” by Jennifer Girouard, *RSF: The Russell Sage Foundation Journal of the Social Sciences* February 2023, 9 (1) 126-144. <https://doi.org/10.7758/RSF.2023.9.1.06>. This research examines why white affluent suburbs as sites of persistent resistance to race and class integration. Historically, local ordinances and exclusionary practices, such as zoning, have been used to maintain

racial and economic exclusion in suburbs. Recent research has found that this pattern of segregation was a federal, state, and local governmental practice that in effect was designed to “carve urban and suburban spaces into a racialized geography. By invoking an ideology of citizenship, private property, and market forces as rationales for enabling municipalities to restrict housing, these local land use and zoning ordinances became tools of racial exclusion while appearing ‘race neutral’” (Faber 2020; Freund 2007; Rothstein 2018; Silver 1997; Trounstein 2018).



“Structural Racism, Historical Redlining, and Incidence of Kidney Failure in US Cities, 2012–2019” by Nguyen, Kevin; Buckle-Rashid, Rachel; Thorsness, Rebecca; Agbai, Chinyere; Crews, Deidra C.; and Trivedi, Amal. *Journal of the American Society of Nephrology*, June 12, 2023. <https://pubmed.ncbi.nlm.nih.gov/37303086/>. This just-released study concluded that historical redlining is associated with present-day disparities in kidney failure incidence. Compared with national averages of all adults in the study’s sample, rates of kidney failure incidence were higher for Black adults in our study sample, irrespective of other factors. This is more evidence of the reality that the legacy of historical racist policies continues to affect contemporary racial inequities in kidney health.

“Neighborhood Racial Segregation Predict the Spatial Distribution of Supermarkets and Grocery Stores Better than Socioeconomic Factors in Cleveland, Ohio: a Bayesian Spatial Approach” by Ortis Yankey, Jay Lee, Rachel Gardenhire & Elaine Borawski, *Journal of Racial and Ethnic Health Disparities* (2023). <https://link.springer.com/article/10.1007/s40615-023-01669-4>. This recent study of whether racial segregation predicted the spatial distribution of supermarkets and grocery stores better than socioeconomic factors (e.g., space demand, declining population, higher poverty) or vice versa found that there was 13% decrease in the number of stores for a census tract with a higher majority of Black people compared to areas with a lower number of Black people. The conclusion is that structural racism evidenced in policies like residential segregation has a significant influence on the spatial distribution of food retail in Cleveland and probably other cities.



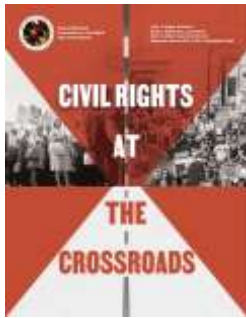
MARYLAND NEWS

Advocates Urge Maryland to Adopt a State CRA Law to Increase Racial Equity & Reinvestment.

In a recent National Community Reinvestment Corporation (NCRC) report, the NCRC argues that Maryland should adopt its own state Community Reinvestment Act (CRA) like Massachusetts and Illinois. [Download the whitepaper](#). Locally, [Economic Action Maryland](#)’s [Policy Brief](#) advocates a Maryland CRA Law. That organization, the NCRC, and other housing advocates plan to

push for a bill in the 2024 Annapolis Session. Del. Melissa Wells (D-Baltimore City) introduced legislation this year proposing a state-level community reinvestment act, but withdrew it. According to the advocates: (1) The law would apply to banks and credit unions with \$46 billion in assets and the top 10 mortgage companies, which made over 68,000 loans in 2018-2020; (2) A state CRA law would help reduce racial and equity gaps in lending: 33% of recent Baltimore loans went to African Americans though they are 62% of the population; and (3) The Law would close Federal law loopholes: the federal CRA applies to banks, whereas other state laws now in Massachusetts and

Illinois also apply to mortgage companies and credit unions; and (4) This is needed to address racial and income disparities in access to loans. In Maryland, lenders made 20% of their single-family loans to African Americans in 2018-2020 while 29% of the state was African American. In Baltimore, lending institutions made 58% of their loans to low- and moderate-income (LMI) borrowers during 2018-2020 though 73% of the city was LMI. [Read the June 13, 2023 NCRC article.](#) [Read the recent Maryland Matters article.](#)



Maryland Commission on Civil Rights Denounces Supreme Court's Affirmative Action Decision. “The fate of affirmative action has officially been decided, with the U.S. Supreme Court ruling against the use of race in college admissions – deeming the admissions programs at both Harvard University and the University of North Carolina at Chapel Hill unconstitutional. The Court says colleges and universities can no longer take race into consideration as a specific basis for granting admission, a landmark decision overturning long-standing precedent that has benefited Black and Latino students in higher education.

MCCR considers this to be a significant blow to diversity and inclusion and an absolute step backwards in the promotion of equity and opportunity for those who have most often been marginalized and excluded. Our nation’s future as a thriving multiracial democracy depends on students having the freedom and opportunity to learn, work together, and understand what unites us...” [Read the July 6, 2023 MCCR release.](#)

Maryland Celebrates ADA's 33rd Anniversary with Town Hall. The U.S. Access Board held a public town hall meeting on July 25 at the national headquarters of the National Federation of the Blind in Baltimore. Presidentially appointed Access Board members and representatives from other federal member agencies heard about the state of accessibility in Baltimore and the D.C.-Maryland-Virginia area. The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. Created in 1973 to ensure access to federally funded facilities, the Access Board is now a leading source of information on accessible design. The Access Board develops and maintains design criteria for the built environment, transit vehicles, information and communication technology, and medical diagnostic equipment under the Americans with Disabilities Act of 1990 (ADA) and other laws. www.mdod.maryland.gov.



FAIR LENDING NEWS

Lawsuit Accuses Key Bank of Lying About Liquidity. KeyBank allegedly “made materially false and misleading statements” about its liquidity that harmed investors when the truth came out and caused abrupt major drops in Key’s stock price, attorneys from Brager Eigel & Squire [claimed](#) in a class action lawsuit. The National Community

Reinvestment Coalition commented: “I wish I could say that I’m surprised to hear KeyBank has been accused of duping its shareholders. But the bank’s leadership repeatedly broke its promises to me and our member organizations who were counting on KeyBank to keep its promises to marginalized communities in recent years. The allegations in this new lawsuit – that KeyBank misled its investors about something as central as the long-term soundness of its liquidity – make me wonder: What else is KeyBank hiding?” NCRC [ended ties](#) with KeyBank in 2022 after discovering that the bank had

[become the worst major mortgage lender for Black people in the US](#) and appeared to be [engaged in redlining in several of its major markets](#). The bank had previously partnered with NCRC in a community benefits agreement that helped it win approval for a merger that greatly expanded its market share, then failed to fulfill those commitments while significantly raising dividend payments to insiders. The bank initially disputed NCRC's findings in the press, then agreed that the numbers merit an independent audit amid shareholder pressure. NCRC has since [urged regulators](#) to downgrade KeyBank's Community Reinvestment Act rating, to force it to improve its lending performance before it could expand its business and open new branches. [Read the August 10, 2023 NCRC release.](#)

Figure Bank's Withdrawn National Banking Charter Application Shows the Uninsured National Bank Idea is Dead.

If Figure's application to become an uninsured nationally-chartered bank had been granted, it would have upended legal precedent and created a blueprint for evading community reinvestment responsibilities. The Community Reinvestment Act (CRA) requires banks to meet people's banking needs in the places where they take insured deposits. A bank that does not have deposit insurance therefore has no CRA obligations to the marginalized. Figure understood that difference and made that clear when it wrote in its application that "Figure Bank will not be subject to CRA requirements and evaluation." Had Figure been allowed to charter and begin making money from the privilege of a charter without spending any back into low- and moderate-income communities per law, other companies and individuals would have sought the same permission. Many saw the application as a manifestation of past intentions to create a special charter format for fintechs (such as cryptos) with a new definition of what is a bank. [Read the August 8, 2023 NCRC article.](#)



HUD & DOJ ENFORCEMENT

HUD Charges California Landlord with Sexual Harassment and Discrimination. The U.S. Department of Housing and Urban Development (HUD) has charged the owner, property manager, and maintenance worker of a single-family property in Bakersfield, California, with sexually harassing a female tenant and retaliating against her when she complained about it, in violation of the Fair Housing Act. Read [HUD's Charge](#). HUD's Charge alleges that the maintenance worker harassed the tenant because of her sex, including daily sending her graphic sexual text messages and groping her in her home. After the tenant said the conduct was unwelcome and complained to the property manager, saying she planned to go to the police, the landlord allegedly refused to make critical repairs to her heating appliance, leaving her without heat and gas for a month, and her daughter fell ill. As the tenant was vacating her home, the landlord changed her door's lock to prevent her from getting her belongings and refused to return her security deposit. If you believe you are the victim of housing discrimination, contact HUD at (800) 669-9777 (voice) 800-927-9275 (TTY) or the Department of Justice at (800) 896-7743 or 202-514-4713. www.hud.gov/fairhousing. www.justice.gov. [Read the July 11, 2023 HUD release.](#)

HUD Announces Partnership with the National Association of Real Estate Brokers (NAREB) to Address Appraisal Bias and Discrimination. This collaboration will increase education, outreach,



and efforts to combat racial appraisal bias in home property valuation. It includes online counselor training, roundtable discussions on bias and discrimination, educational material distribution, and appraisal-related training. Training include discussion of strategies to combat appraisal bias; best practices for housing counselors to help clients impacted; and available resources to support housing counselors and clients. HUD's Office of Housing Counseling and National Fair Housing Training Academy will work with NAREB. [PAVE](#) is a HUD-led interagency task force of 13 agencies dedicated to ending bias in home valuation. According to the [PAVE Action Plan](#), the PAVE Task Force's recent [progress](#) has FHA appraisal data publicly available and helped a well-trained appraiser profession and consumers to take actions, such as filing fair housing claims through the HUD Office of Fair Housing and Equal Opportunity. [Read the August 2, 2023 HUD release.](#)



HUD Charges Landlord and Realtor with Disability Discrimination.

Serrot Management LLC, the owner of a dwelling in Maplewood, NJ, and its realtor have been charged with violating the Fair Housing Act by refusing to allow a prospective tenant with a disability to live with her assistance animal. [Read the Charge.](#) HUD's Charge alleges that they approved the complainant's rental application, but imposed discriminatory terms and conditions on her tenancy and then withdrew approval after learning that she required an assistance animal. Although she offered documentation for her assistance animal, the landlord still required conditions, denied her reasonable accommodation request, and finally denied her housing. A U.S.

Administrative Law Judge will hear HUD's charge. After a hearing, if an administrative law judge finds that discrimination occurred, they may award damages to the individuals for their losses. The judge may also order injunctive relief, other equitable relief, payment of attorney fees, and civil penalties. If the federal court hears the case, the judge may also award punitive damages to the complainant. [Read the July 14, 2023 HUD article.](#)

U.S. Department of Justice Files Sexual Harassment and Retaliation Lawsuit Against Georgia-Based Rental Property Owners and Manager.

The lawsuit alleges that since at least 2008, they made repeated and unwelcome sexual comments and advances to female tenants, inappropriately touched their bodies without permission, entered their homes without their permission or knowledge, requested sexual acts, offered them rental benefits in exchange for sex, and took retaliatory actions against female tenants who rejected his sexual advances. The complaint also alleges that his son Daniel Shambayati, Akbar Keshavarz, 1511 Rosewood LLC and IDHD Properties LLC are vicariously liable for Iraj

Shambayati's discriminatory conduct, because he acted as their agent when he sexually harassed tenants at properties in which they had an ownership interest. The lawsuit seeks monetary damages to compensate persons harmed by the alleged harassment, civil penalties, and a court order barring future discrimination. [Read the Complaint.](#) [Read the August 8, 2023 DOJ release.](#)



CALENDAR

Maryland Equity and Inclusion Leadership Program. The Maryland Equity and Inclusion Leadership Program is offered jointly by the [Schaefer Center for Public Policy at the University of Baltimore](#) and the [Maryland Commission on Civil Rights](#). The 8-week program combines asynchronous and live online instruction

and is totally comprehensive, academically grounded, and job-relevant. Participants interact online and in peer groups. They complete a project focused on diversity, equity, and inclusion. Sessions are Monday – Thursday, Self-paced session (Work on your own.), Friday – 9:00 a.m. – 1:00 p.m., Live session via Zoom. The cost per person for the Maryland Equity and Inclusion Leadership Program (MEILP) is \$2,500, which includes all training sessions and program materials and textbooks. To learn more: meilp.ubalt.edu. Enrollment is now open! Cohort 4: Fall 2023, Cohort 5: Spring 2024. [Apply Here](#).



FAIR HOUSING RESOURCES

Interested In Fair Housing? Community Development? Insurance? Foreclosure Prevention? Check Out the [GBCHRB's YouTube Channel](#)! Watch interviews about insurance, discrimination, affordable housing, Fair Housing laws, disability issues, mortgage lending, and related issues. Our radio shows:

<http://gbchrb.org/2radio-2/>

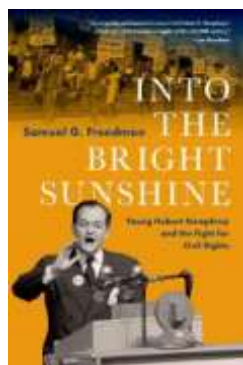
The GBCHRB Distributes Free Fair Housing Brochures, Posters, and Guides.

We have Fair Housing information, brochures, guides, & posters in English, Spanish, Korean, Russian, and for people with disabilities, as well as brochures and guides about housing and insurance. 443.347.3701 / <mailto:wkladky@gbchrb.org>.



What Do You Think of This Newsletter? Is it good? Bad? How can we improve it? What issues should we cover more? Less? Any good ideas? Tips? Good jokes?!

Positive or negative, we want to hear from you! Send your comments to <mailto:wkladky@gbchrb.org>.



INTERESTING BOOKS

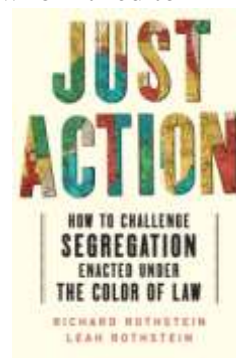
Into the Bright Sunshine: Young Hubert Humphrey and the Fight for Civil Rights by Samuel G. Freedman. Oxford University Press: 2023. 504 pages.

\$34.95. This book celebrates and chronicles the Democratic Party's 1948 adoption of a Civil Rights plank at its presidential nominating convention. Hubert Humphrey was the driving force behind this important landmark in the Civil Rights movement. Included is the history of Humphrey's many contributions to liberal politics, especially regarding civil rights. As Mayor, Humphrey fought Minneapolis' notorious racism and anti-Semitism. His allies included a Black

newspaper publisher, a Jewish attorney, and a professor who had fled Nazi Germany. The adversaries were the white supremacists, Christian Nationalists, and America Firsters - one of whom tried to assassinate him on February 6, 1947. <https://hennepinhistory.org/minneapolis-mayor-under-fire/>.

Just Action: How to Challenge Segregation Enacted Under the Color of Law by Leah Rothstein and Richard Rothstein. 352 pages. W.W. Norton, 2023.

Hardcover, \$25.00. In his best-selling book *The Color of Law: A Forgotten History of How Our Government Segregated America* (W.W. Norton, 2017), Richard Rothstein provided “the most forceful argument ever published on how federal, state, and local governments gave rise to the reinforced neighborhood



segregation” (William Julius Wilson). This book discusses specific instances, strategies, and organizations that are successfully working to reduce housing segregation. According to Lisa Rice, president of the National Fair Housing Alliance: Just Action "contains plain, concrete actions we can take to be agents of change in the neighborhoods where we live, moving our nation closer to the ideals upon which it was founded. Just Action is the book America needs for this moment."

<https://www.justactionbook.org/>, <https://wnorton.com/books/9781324093244>.



REST IN PEACE

Charles J. Ogletree Jr., Equal Justice Advocate, 70. As a litigator, Ogletree defended famous and unknown clients, including Tupac Shakur and Tulsa Race Massacre of 1921 survivors, whom he helped to sue the city and the state of Oklahoma for restitution in 2003. He worked in Washington city’s public defender’s office and developed a reputation as a fierce, brilliant defender of indigent clients. As a professor at Harvard Law School, whose faculty he joined in 1985, Ogletree expanded its clinical training efforts especially in public and indigent defense, and founded the Criminal Justice Institute, which gave students the opportunity to work in Boston area juvenile and district courts. He also created what he called Saturday School, an open, informal program aimed at Black students needing extra racial support. Ogletree also mentored a new generation of Black lawyers including President Barack Obama and Michelle Obama, becoming a friend of the President. Ogletree served as the lead counsel to Anita Hill after she accused Clarence Thomas, then a nominee for the U.S. Supreme Court, of sexual harassment. Ogletree was more known as a practitioner of the law than as a scholar, but he made a number of contributions to civil rights jurisprudence. Most notable was *All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education* (2004), a memoir, history and critique of the Supreme Court’s failure to follow up on the promises of the Brown decision. “As much as we think we have legally solved the problem of race,” he told the *Boston Globe* in 2004, “as a practical matter we are still confronted with the same problems now that we faced 50 years ago, and it’s shocking that many of the communities that were integrated after 1954 are more segregated than they were then.” [Read the August 5, 2023 New York Times obituary.](#)
