

Fair Housing Enforcement in the South and Non-South*

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Objective. We compare outcomes in racial discrimination fair housing complaints processed by southern state and local civil rights agencies to those handled by state and local agencies outside the South and the federal agency, HUD (Department of Housing and Urban Development). *Methods.* Based on data obtained directly from HUD, we rely on a fixed effects logistic regression model with cluster-correlated standard errors. *Results.* First, southern local agencies are significantly more likely to provide outcomes favorable to complainants in racial discrimination fair housing cases than are local agencies outside the South. Second, state and local agencies in the Deep South provide favorable outcomes to the same extent as their nonsouthern counterparts. Third, southern local agencies are more likely to provide favorable outcomes than is HUD, whereas southern state agencies provide favorable outcomes at roughly the same rate as HUD. Variations within the South partially explain these findings. *Conclusion.* We find evidence of progressive changes in southern fair housing enforcement, although those changes occur in an uneven fashion depending on the state or locality.

Discrimination and segregation continue in the American housing market (Lee et al., 2008; Logan and Stults, 2011; Turner et al., 2013). To combat these problems, scholars have recommended more aggressive government action in fair housing enforcement (Lamb, 2005; Massey and Denton, 1993; Oliver, 2010). More effective and efficient fair housing enforcement will require improvements in government resolution of housing discrimination complaints.

Using a rich, comprehensive data set obtained through a Freedom of Information Act request (U.S. Department of Housing and Urban Development, 2005), we compare federal, state, and local enforcement of the Fair Housing Act of 1968 (Title VIII of the Civil Rights Act of 1968) and the Fair Housing Amendments Act of 1988 (also known as Title VIII).¹ Specifically, we ask: To what extent do Title VIII complaints filed with federal, state, and local civil rights agencies result in favorable outcomes? In light of the South's racial past, we are especially interested in comparing southern state and local agencies' Title VIII enforcement in racial discrimination complaints to that of the Department of Housing and

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¹Other research relies on these data. See Ross and Galster (2007), Lamb and Wilk (2009, 2010), and Wilk and Lamb (2011).

Urban Development (HUD) and to state and local agencies outside the South.² Examining how state and local agencies participating in HUD's Fair Housing Assistance Program (FHAP) decide discrimination disputes sheds light on the extent to which resistance to civil rights continues in the South. We therefore compare the incidence of southern and nonsouthern favorable outcomes in Title VIII enforcement.

The article begins with a brief description of the intergovernmental fair housing enforcement system and a literature review. After stating our hypotheses and discussing the data, methods, and model, we present the results. Finally, we present the findings and conclusions.

The Enforcement System

The Fair Housing Acts of 1968 and 1988 prohibit discrimination on the basis of race, color, religion, sex, national origin, disability, and family status in the sale, rental, and financing of housing as well as in brokerage services. The statutes outlaw six practices: refusing to rent or sell housing; discriminating in the terms, conditions, or privileges of rentals and sales in housing; indicating a preference, limitation, or discrimination in advertising; misrepresenting the availability of housing for rent or sale; discriminating in loans for purchasing, constructing, improving, or repairing housing; and discriminating in access to or membership in multiple-listing services or organizations for real estate brokers (see Schwemm, 2013).³

Title VIII creates an intergovernmental enforcement system, though state and local participation is optional. In 1979, HUD initiated FHAP to provide financial assistance to state and local civil rights agencies that adopt laws substantially equivalent to Title VIII in terms of rights, procedures, remedies, and availability of judicial review. If a substantially equivalent state or local agency exists, HUD must refer complaints to that agency; as a result, HUD forwards most complaints to state or local agencies. Those agencies have 100 days to close complaints before HUD takes over the complaint. In the absence of a state or local FHAP agency, HUD investigates, conciliates, and closes the complaint.

Over time, state and local civil rights agencies have played an increasingly vital role in Title VIII enforcement (Lamb and Wilk, 2009, 2010). By late 2004, 37 states and the District of Columbia, including all southern states except Alabama and Mississippi, had HUD-certified, substantially equivalent FHAP agencies. Moreover, 65 local jurisdictions, including 24 in the South, had substantially equivalent FHAP agencies in 2004 (U.S. Department of Housing and Urban Development, 2006:43–47). By 2008, FHAP agencies investigated 80 percent of all Title VIII complaints (U.S. Department of Housing and Urban Development, 2009:14).

This article investigates whether complaints handled by state or local agencies achieve favorable outcomes at rates comparable to those attained by the federal government. This assessment is particularly relevant as it relates to complaints filed with southern state or local agencies. Although Lamb and Wilk (2010) find that federal Title VIII enforcement does not necessarily result in the most favorable outcomes, no research has directly compared

²The South consists of the 11 states of the Confederacy. As used in the literature, the Deep South refers to Alabama, Georgia, Louisiana, Mississippi, and South Carolina, whereas the Peripheral South refers to Arkansas, Florida, North Carolina, Tennessee, Texas, and Virginia.

³Some practices outlawed by Title VIII have generated far more complaints than others. For example, complaints involving refusals to rent have been frequent through the years, whereas complaints involving access to or membership in multiple-listing services for real estate brokers have been relatively rare. See Lamb and Wilk (2010) and Yelowitz, Scott, and Beck (2013).

outcomes between South and non-South agencies. Wilk and Lamb (2011) demonstrate that state and local FHAP agencies, including those in the South, process complaints more efficiently than HUD. Even though that analysis compares state and local agencies within and outside the South to HUD, it does not compare southern and nonsouthern agencies, an omission we address here.

Literature and Hypotheses

Many aspects of southern politics have changed significantly since the 1960s (Black and Black, 1987; Bullock and Rozell, 2014). Although some recent research documents the region's civil rights progress (Bullock and Gaddie, 2009; Lassiter and Crespino, 2009), a much larger body of literature provides three reasons why the South may remain relatively conservative on matters of civil rights and race.

First, realignment of white southerners to the Republican Party points to a lingering conservatism (Carmines and Stimson, 1989; Hutchings, Walton, and Benjamin, 2010; Valentino and Sears, 2005). Although research from the 1970s indicates that racial attitudes alone could not explain the growth in GOP identification (Beck, 1977), others have since concluded that race, among other factors, facilitated Republican gains even if those attitudes were only subtly injected into campaigns (Black and Black, 2002; Knuckey, 2006).

Second, white racial attitudes in the South remain relatively conservative (Glaser, 1994; Hutchings, Walton, and Benjamin, 2010; Schuman et al., 1997). Of course, conservative racial views are apparent throughout the country, and some white southerners possess progressive racial attitudes. However, Kuklinski, Cobb, and Gilens (1997:346) find that the South remained the nation's "stronghold of racial prejudice," and the idea of a black family moving next door was four times more likely to anger southerners than nonsoutherners. Valentino and Sears (2005) find more racial conservatism among southern whites than elsewhere. Donovan (2010) finds southern whites most resistant to policies that aggressively combat racial inequality and unlikely to vote for black candidates.

Third, southern legislatures lagged behind the rest of the nation in passing fair housing laws, and as of 2015, Alabama and Mississippi had still not enacted a law substantially equivalent to Title VIII.⁴ Southern state governments have fallen short of advancing major changes in race relations, and state legislatures and bureaucracies have often been unresponsive when southern governors have supported civil rights change (Black and Black, 1987).

Past southern resistance to civil rights and what appears to be the region's lingering racial conservatism prompts three testable hypotheses concerning the likelihood of an outcome favorable to the complainant in response to claims of racial discrimination in housing. First, complaints filed in the South should be less likely to result in favorable outcomes than complaints filed elsewhere in the country, regardless of whether they were processed by HUD or by a state or local agency. More specific hypotheses are developed with regard to the type of processing agency and the region where the complaint was filed. The federal government took the lead in implementing civil rights policy, whereas southern state and local governments have a long history of resistance. Thus, it can be expected that race-based complaints are less likely to result in a favorable outcome for alleged victims of housing discrimination if they are processed by southern state or local agencies as opposed

⁴State legislatures outside of the South passed fair housing laws before and after World War II, long before Congress or the southern states passed similar legislation. See Collins (2006).

to HUD. One final test of southern enforcement of Title VIII is developed by comparing southern state and local agencies to agencies outside the South. Stated succinctly, the three hypotheses to be tested are as follows:

Hypothesis 1: *Whether processed by HUD or a state or local civil rights agency, Title VIII complaints alleging racial discrimination are less likely to result in favorable outcomes if they originate in the South.*

Hypothesis 2: *Southern state and local agencies are less likely to provide favorable outcomes in race-based Title VIII complaints than is HUD.*

Hypothesis 3: *Southern state and local agencies are less likely to provide favorable outcomes in race-based Title VIII complaints than are nonsouthern state and local agencies.*

Data, Method, and Model

The HUD Title VIII data set provides detailed information on every complaint filed from 1989 through 2004, with the individual complaint representing the unit of analysis (U.S. Department of Housing and Urban Development, 2005). The database indicates the alleged type of discrimination; whether a federal, state, or local agency processed the complaint; when the complaint was filed and closed; whether conciliation was attempted; and the ultimate resolution.

The dependent variable is whether the enforcement process results in an outcome favorable to the alleged victim of discrimination or, alternatively, whether an outcome leaves the complainant in essentially the same situation as if he or she had not filed a complaint. Of the five possible Title VIII complaint outcomes, two favor the complainant (see U.S. Department of Housing and Urban Development, 2012). The first is when a civil rights agency engages in conciliation between the complainant and the respondent with the goal of reaching a settlement. The second is when the processing agency finds reasonable cause to believe that Title VIII has been violated and recommends that the complaint be submitted to an administrative law judge or another appropriate court for adjudication (see Seabrook, Wilk, and Lamb, 2013). The three outcomes that are not favorable to the complainant are (1) finding the claim to be unrelated to Title VIII, (2) finding that Title VIII was not violated, or (3) closing the case because the complainant could not be located. The dependent variable is coded as 1 if the outcome is favorable and 0 otherwise. If discrimination persists in the South at a higher level than in the rest of the country, victims from the South will less often succeed regardless of whether a federal, state, or local agency handles the complaints.

A series of dummy variables control for the South and type of processing agency and differentiate between the Deep South and Peripheral South. Dummy variables distinguish among complaints handled by state agencies or local agencies and those handled by HUD. Another dummy variable identifies complaints resolved by HUD but initially handled by state or local agencies. These returned claims cannot be classified as complaints solely processed by any single type of government agency.

In order to compare southern agencies directly to HUD and agencies outside the South, a model is estimated separately for the South and non-South. An alternative approach would run the model on the entire sample but include a southern dummy and interactions between each level of agency and the South. Because the two approaches yield comparable results, we estimate separate models for simplicity of interpretation and explanation.

Discrimination frequently involves the terms and conditions associated with renting or buying housing, advertising for rentals and sales, obtaining loans from lending institutions, refusal to rent or sell, or false representations of whether a property is indeed available for

rent or purchase. Complaints may also claim coercion or intimidation, threats, interference, or retaliation (Lamb and Wilk, 2010). To control for these various issues, a dummy variable is created for each, along with an “other” variable. The dummy variable trap does not apply here because the categories are not mutually exclusive—that is, more than one issue can be raised in a complaint.

Examination of the data at the state level reveals two other variables that need to be taken into account. The number of complaints per capita in a state and the percentage of whites in a state’s population both have a positive and significant effect on a state’s favorability rate.⁵ We add a variable that controls for the number of complaints per 10,000 persons in the state by dividing the number of race-based complaints filed in a state by the 1990 population (U.S. Department of Commerce, 2001). We also add a variable that measures the diversity of the state in which a complaint is filed using the percentage of whites.

Finally, the Fair Housing Acts authorize the Justice Department to file suit in federal court if the respondent is believed to have engaged in a pattern or continuing practice of housing discrimination. Although pattern or practice complaints are relatively uncommon (less than a half of a percent of all complaints), given their complexity and increased likelihood of producing a pro-complainant outcome, a dummy variable identifies complaints addressing a pattern or practice of discrimination. Note that HUD ultimately processes all pattern or practice complaints, so the variable drops out of models that do not include HUD-processed complaints. In light of their unique nature, failing to control for these particular complaints would bias the results of complaints handled by HUD.

Title VIII complaints may allege discrimination based on race, color, national origin, sex, religion, disability, and family status. Research reported here focuses just on how issues of race are dealt with. Some complaints contain multiple claims; when that occurs, only the racial complaint is included in the analysis.

Because the dependent variable is dichotomous, we employ a logistic regression model using a fixed effects approach to account for any changes from year to year. The logit coefficients are presented for all models along with a percent change coefficient that indicates the change in probability of the dependent variable being a favorable outcome if the independent variable is increased from its minimum value to its maximum (Long and Freese, 2006). Robust standard errors clustered on the state in which a complaint is filed are presented in parentheses. Cluster-correlated standard errors are used to account for possible underestimation of variance that might occur when using microdata in conjunction with aggregate variables. McKelvey and Zavoina’s R^2 provides a measure of fit because different types of outcomes are categorized as favorable (DeMaris, 2004). The chi-square statistic is also included as a test that all coefficients are different from zero.

⁵We set up a simple ordinary least squares regression model, where the states serve as the units of analysis. The District of Columbia is also included, yielding an N of 51. The dependent variable is each state’s favorability rate in racial discrimination complaints. This is regressed on the number of race-based complaints per 10,000 people and represents the main independent variable of interest (X_1). We also control for the racial diversity of each state by calculating the percentage of each state’s population that is white according to the 1990 Census (X_2). The regression yields the following results:

$$\text{Percentage of favorable outcome} = 0.116 + 0.015X_1 + 0.116X_2$$

$$\text{SE} = (0.052), (0.007), (0.058)$$

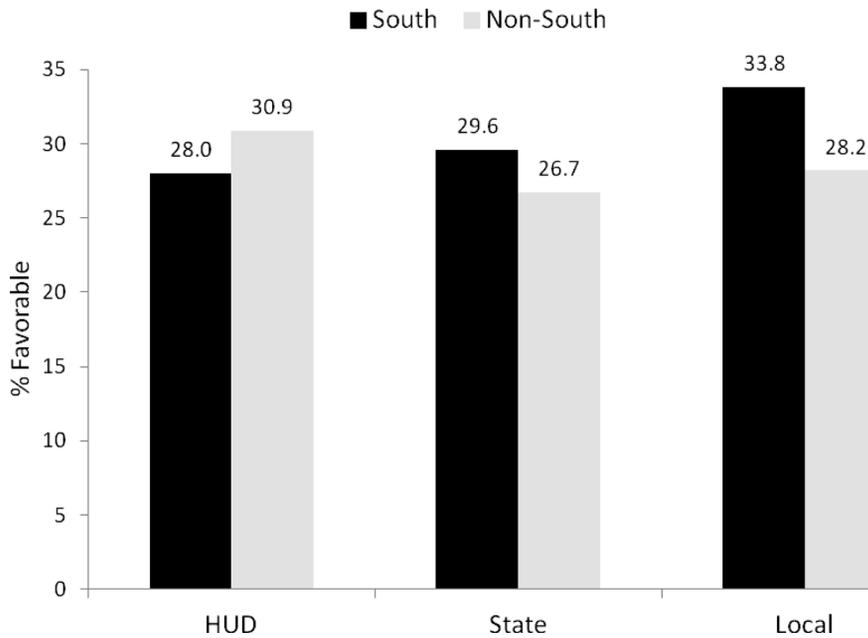
$$p = 0.029, 0.051, 0.010$$

$$N = 51, R^2 = 0.18; F(2, 48) 5.40; p = 0.008$$

The results reveal a positive relationship between the number of race-based complaints filed in a state and that state’s favorability rate in those types of cases. The effect comes very close to achieving significance at the 95 percent level. Given these results, we believe that both of these variables should be taken into account.

FIGURE 1

Percentage of Favorable Outcome by Agency and Region in Race-Based Complaints, 1989–2004*



*Number of observations for each category: HUD South: 7,889; HUD non-South: 16,115; state South: 1,504; state non-South: 10,386; local South: 2,538; and local non-South: 3,442.

Results

Figure 1 shows the percentage of favorable outcomes by processing agency for the South and non-South. Less than a third of the claims of racial discrimination result in favorable outcomes.⁶ Race-based claims most often have a favorable outcome if filed in the South and processed by a local FHAP agency. Ranking next are complaints filed outside the South and processed by HUD, followed by complaints processed by southern state agencies. State agencies outside of the South least often reach a favorable outcome. Figure 1 provides initial evidence that southern FHAP agencies outperform their nonsouthern counterparts. We now proceed to a more systematic comparison of southern agencies to FHAP agencies outside the South.

Tables 1–3 present the results of the multivariate models used to test our hypotheses. The first model in Table 1 includes all racial discrimination Title VIII complaints filed from 1989 through 2004. In order to assess the effect that a complaint being filed in the South has on the probability of a favorable outcome, the type of processing agency is not included.

Table 1 shows that the southern dummy variable has a positive impact, meaning that race-based complaints in the South more often result in a favorable outcome; however, the effect is very minor and fails to achieve significance even at the 0.10 level. These results

⁶The overall rate of favorable outcomes for racial discrimination complaints is 27.1 percent, compared to 36.8 percent for all complaints not citing race (U.S. Department of Housing and Urban Development, 2005).

TABLE 1

Probability of a Favorable Outcome in Race-Based Title VIII Complaints by Region (South vs. Non-South) for All Types of Agencies, 1989–2004^a

	β (SE)	pr Δ
South	0.031 (0.094)	—
Issue		
Terms and conditions	−0.064 (0.049)	—
Advertising	0.288* (0.123)	0.06
Financing	0.051 (0.082)	—
Refusal to rent	0.071* (0.033)	0.01
Refusal to sell	−0.348*** (0.071)	−0.06
Coercion	−0.002 (0.063)	—
False representation	0.101 (0.065)	—
Other	0.272** (0.097)	0.06
State pct white	0.719 (0.422)	—
Race complaints per 1,000	0.053** (0.020)	0.06
Pattern or practice	1.257*** (0.863)	0.29
Constant	−1.969*** (0.400)	
<i>N</i>	54,929	
χ^2	886.221	
R^2	0.023	

^aFixed effects model with coefficients for years omitted from Table 1.
 *** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$.

lead to rejection of Hypothesis 1 but do not necessarily constitute counterevidence to the expectation of southern resistance to federal civil rights initiatives. For example, HUD could be generating a greater proportion of favorable outcomes in the South than in the rest of the country by placing more emphasis on enforcing Title VIII in the South. The results also do not shed light on the performance of southern FHAP agencies relative to HUD. For a more complete picture of southern enforcement, southern agencies will be compared directly to HUD and then to their nonsouthern counterparts.

The state and local agency dummies in Table 2 directly test Hypothesis 2 and, in the southern sample, will indicate whether southern state and local agencies are less likely to provide favorable outcomes than does HUD, which is the excluded category. Column (a) presents the results for southern complaints and column (b) includes complaints processed outside the South. The difference between state agencies and HUD in either region fails to achieve statistical significance although the sign is positive in the southern sample and negative for those complaints outside the South. The local agency variable's effect

TABLE 2

Probability of a Favorable Outcome in Race-Based Title VIII Complaints by Region (South vs. Non-South) and Processing Agency, 1989–2004^a

	South (a)		Non-South (b)	
	β (SE)	pr Δ	β (SE)	pr Δ
Agency ^b				
State agency	0.125 (0.174)	—	-0.143 (0.101)	—
Local agency	0.330* (0.158)	0.07	-0.318* (0.138)	-0.06
Returned	-0.608*** (0.111)	-0.11	-0.436*** (0.099)	-0.08
Issue				
Terms and conditions	-0.116 (0.075)	—	-0.037 (0.056)	—
Advertising	0.263 (0.138)	—	0.351** (0.133)	0.07
Financing	-0.135*** (0.035)	-0.03	0.126 (0.085)	—
Refusal to rent	0.056 (0.050)	—	0.128*** (0.038)	0.03
Refusal to sell	-0.451*** (0.138)	-0.08	-0.223** (0.085)	-0.04
Coercion	-0.160*** (0.041)	-0.03	0.036*** (0.073)	—
False representation	0.029 (0.083)	—	0.215** (0.068)	0.04
Other	0.037 (0.096)	—	0.326** (0.121)	0.07
State pct white	0.343 (0.607)	—	0.645 (0.433)	—
Race complaints per 1,000	-0.055 (0.101)	—	0.090*** (0.019)	0.10
Pattern or practice	4.223*** (1.325)	0.70	0.270 (0.861)	—
Constant	-1.342*** (0.495)		-1.904*** (0.402)	
<i>N</i>	16,585		38,344	
χ^2	672.187		966.437	
<i>R</i> ²	0.063		0.038	

^aFixed effects model with coefficients for years omitted from Table 2.

^bComplaints processed by HUD outside of the South represent the base category.

*** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$.

runs counter to expectations. Racial complaints processed by southern local civil rights agencies are actually *more* likely to produce a favorable outcome than if processed by HUD. Substantively, the magnitudes of the differences are notable for southern local agencies. The change in predicted probabilities indicates that, holding all other variables at their means, a racial complaint filed in the South is 7 percent more likely to result in a favorable outcome if handled by a local agency rather than HUD. Based on these findings, we reject Hypothesis 2, which predicted that southern state and local agencies would be less

TABLE 3

Probability of a Favorable Outcome in Race-Based Title VIII Complaints by Location (South vs. Non-South) and Processing Agency, 1989–2004^a

	HUD (a)		States (b)		Localities (c)	
	β (SE)	pr Δ	β (SE)	pr Δ	β (SE)	pr Δ
South	-0.078 (0.065)	—	0.164 (0.186)	—	0.756*** (0.167)	0.16
Issue						
Terms and conditions	-0.126 (0.067)	—	0.021 (0.115)	—	-0.016 (0.104)	—
Advertising	0.244 (0.143)	—	0.495 (0.275)	—	0.447* (0.226)	0.10
Financing	0.006 (0.081)	—	0.301 (0.305)	—	-0.066 (0.234)	—
Refusal to rent	0.120* (0.049)	0.03	0.194 (0.110)	—	-0.042 (0.075)	—
Refusal to sell	-0.601*** (0.093)	-0.11	-0.116 (0.126)	—	0.409 (0.381)	—
Coercion	0.045 (0.069)	—	-0.146 (0.087)	—	-0.291* (0.132)	-0.06
False representation	0.222* (0.095)	0.05	0.045 (0.143)	—	0.274* (0.138)	0.06
Other	0.368*** (0.114)	0.08	0.191 (0.174)	—	0.010 (0.110)	—
State pct white	0.624 (0.353)	—	0.547 (0.726)	—	4.188*** (1.225)	0.19
Race complaints per 1,000	0.122*** (0.022)	0.15	-0.021 (0.089)	—	0.030 (0.093)	—
Pattern or practice	0.968 (0.911)	—	—	—	—	—
Constant	-1.786*** (0.284)		-1.967*** (0.564)		-5.200*** (1.171)	
<i>N</i>	23,989		11,890		5,980	
χ^2	769.941		252.927		176.271	
<i>R</i> ²	0.044		0.030		0.042	

^aFixed effects model with coefficients for years omitted from Table 3.

****p* < 0.001; ***p* < 0.01; **p* < 0.05.

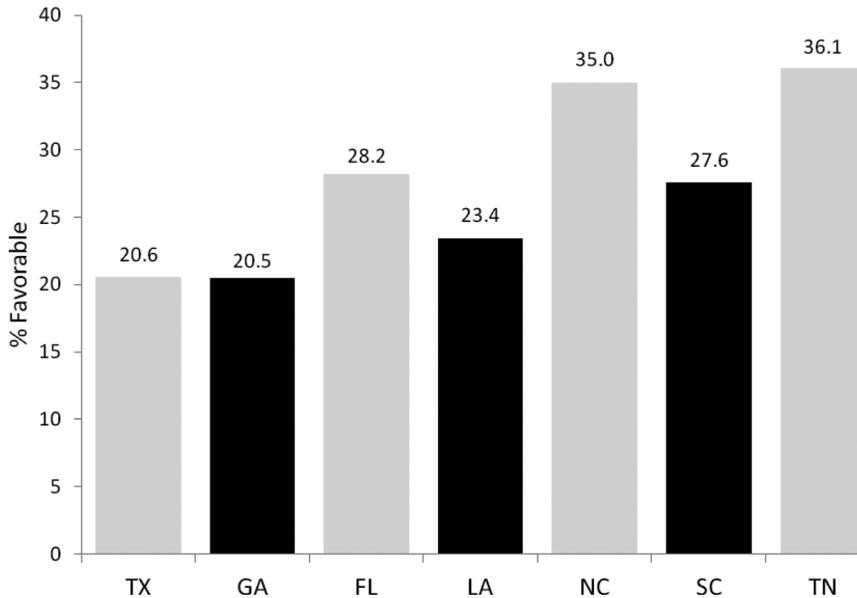
likely to produce favorable outcomes in racial discrimination complaints. The local agency variable in column (b) reveals that, in contrast to their southern counterparts, nonsouthern local civil rights agencies produce a favorable outcome *less* often than does HUD.

Although Table 2 indicates that southern local agencies outperform their nonsouthern counterparts relative to HUD, it does not directly compare southern and nonsouthern FHAP agencies. We now turn to this comparison. Table 3 separates racial discrimination complaints into three distinct samples: those handled by HUD (a), states (b), and local agencies (c). A dummy variable is included in order to compare each type of agency's propensity to grant outcomes favorable to the complainant depending on whether the agency is located in the South. Models under (b) and (c) afford a direct comparison between southern and nonsouthern FHAP agencies.

The southern variable fails to achieve significance in the first column, indicating that HUD is no more successful at generating favorable outcomes outside the South than it is

FIGURE 2

Percent Favorable Outcome by Southern State and Local FHAP Agencies, 1989–2004



in the southern states. More central to our analysis are the coefficients for the state and local models. The sign for the southern coefficient fails to achieve significance in column (b) and is in the unanticipated direction, running counter to Hypothesis 3. The effect of the southern variable in column (c) is also in the opposite direction but does achieve statistical significance at the 0.001 level. The substantive effect is rather large, as race-based complaints processed by local agencies in the South are 16 percent more likely to result in an outcome favorable for the complainant compared to those processed by nonsouthern local agencies.

Taken together, the findings in columns (b) and (c) reject Hypothesis 3. The results of the local agency models are particularly surprising and go beyond rejecting Hypothesis 3; they contradict the view that southern local agencies have abdicated their enforcement role regarding race, suggesting instead that they have embraced it.⁷

Southern State and Local Variation

These unexpected findings require further analysis. One explanation could be that large variations and uneven performance exist across the South. If highly favorable outcomes in some states inflate the overall rate for the South, the region as a whole could appear relatively progressive. Figure 2 presents the descriptive statistics exploring this possibility by combining the percentage of favorable outcomes provided by any state and/or local FHAP

⁷The total number of Title VIII complaints filed in the South is lower than would be expected given the overall population distribution in the United States, primarily because of a relatively low number of filings in the Deep South. Averaging census figures for 1990 and 2000 shows that 8.4 percent of the nation's population resided in the Deep South during those years, yet the Deep South states accounted for only 5.6 percent of all Title VIII complaints filed between 1989 and 2004.

agency in the southern states. We can also use Figure 2 to emphasize differences between FHAP agencies (both state and local) in each individual state. Of the six states having state agencies, North Carolina FHAP agencies have the highest rate of favorable outcomes (40.0 percent), whereas Georgia has the lowest rate (21.9 percent). Falling in between are Louisiana (37.3 percent), South Carolina (31.4 percent), Texas (29.7 percent), and Florida (25.0 percent). Only four states, none in the Deep South, have local agencies. Tennessee's local FHAP agencies are the most likely to yield favorable outcomes (40.1 percent), followed by Florida (35.5 percent), North Carolina (35.4 percent), and Texas (26.9 percent). Thus, the likelihood of favorable outcomes is higher in the Peripheral South, particularly in North Carolina and Tennessee. With the exception of Texas, Peripheral South states outperform Deep South states. The average in the Peripheral South is 30 percent, compared to an average of 23.8 percent in the Deep South. In addition, Alabama and Mississippi have never had a certified FHAP agency; this reinforces the conclusion that the Deep South lags behind the Peripheral South.

Table 4 compares the likelihood of a favorable outcome depending on where FHAP agencies are located—in the Deep South, or in the Peripheral South, with the non-South the excluded category. The results indicate no difference between FHAP agencies in the Deep South and the non-South, whereas FHAP agencies in the Peripheral South outperform both. The magnitude of the difference is nontrivial: race-based complaints processed by Peripheral South FHAP agencies have an 8 percent greater probability of providing a favorable outcome than FHAP agencies in the Deep South and outside the South. The earlier evidence of greater complainant success in the South results from favorable outcomes obtained by FHAP agencies in the Peripheral South; however, even Deep South agencies do as well as those outside the South.⁸

Discussion and Conclusion

Our findings suggest that southern state and local agencies have not abdicated their civil rights enforcement responsibilities. Southern local FHAP agencies are actually more likely to provide favorable outcomes in race-based Title VIII complaints filed in the South than is HUD, and southern local agencies hand down a higher proportion of favorable outcomes in racial discrimination complaints than do nonsouthern agencies. Southern state FHAP agencies are statistically indistinguishable from HUD and their nonsouthern counterparts, a result that also runs counter to expectations. Given the South's resistance to school desegregation in the 1950s and 1960s, together with its opposition to the Civil Rights Act of 1964, Voting Rights Act of 1965, and Fair Housing Act of 1968, we expected that southern state and local agencies would be less likely to decide in favor of Title VIII complainants. Yet, southern agencies were most likely to find in favor of alleged victims of racial discrimination.

⁸Saying that the proportion of civil rights agency outcomes is equally favorable across regions is quite different from saying that there are equal per capita incidences of housing discrimination across regions or that instances of discrimination are more or less severe in some regions than others. These kinds of questions cannot be tested using our data sets. Our data provide information on Title VIII complaints, some of which did involve discrimination as defined by Title VIII whereas others did not (Lamb and Wilk, 2010; Wilk and Lamb, 2011). Knowing how often housing discrimination actually occurred or that it was more severe in some cases than in others is entirely different from knowing whether a federal, state, or local civil rights agency concluded that discrimination occurred. For purposes of this study, we can only know the latter because of the limitations of the data.

TABLE 4

Probability of a Favorable Outcome in Race-Based Title VIII Complaints by Region (Non-South, Deep South, and Peripheral South) for FHAP Agencies, 1989–2004^a

	β (SE)	pr Δ
Region ^b		
Deep South	0.061 (0.212)	—
Peripheral South	0.376** (0.120)	0.08
Issue		
Terms and conditions	0.034 (0.091)	—
Advertising	0.496* (0.232)	0.11
Financing	0.221 (0.248)	—
Refusal to rent	0.129 (0.080)	—
Refusal to sell	-0.051 (0.133)	—
Coercion	-0.228*** (0.068)	-0.04
False representation	0.155 (0.112)	—
Other	0.167 (0.146)	—
State pct white	0.832 (0.689)	—
Race complaints per 1,000	0.002 (0.072)	—
Constant	-1.815*** (0.550)	
<i>N</i>	17,870	
χ^2	361.364	
R^2	0.029	

^aFixed effects model with coefficients for years omitted from Table 4.

^bNon-South serves as base category.

*** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$.

Relatively high levels of favorable outcomes by a small number of FHAP agencies in North Carolina and Tennessee partly explain these unexpected findings. These high rates of favorable outcomes inflate the appearance that southern agencies are more likely to decide in favor of racial discrimination claims than either agencies outside the South or HUD. However, other partial explanations exist for the findings. One may involve changing white racial attitudes in the South, particularly as public opinion polls have indicated white southerners' growing tendency to recognize African Americans' right to purchase homes in predominantly white neighborhoods (Schuman et al., 1997). Another explanation involves the substantial equivalency requirement: southern agencies that try to maintain substantial equivalency are particularly aware of the South's civil rights reputation and may be sensitive to and vigilant toward issues of racial discrimination when compared to HUD or substantially equivalent agencies outside the South (Wilk and Lamb, 2011).

Third, those who work at southern FHAP agencies with high rates of favorable outcomes may influence the findings. Proximity to or knowledge of racial discrimination in the South in the past may motivate racial minorities, as well as women and civil rights proponents generally, to seek employment at southern agencies. This, in turn, may make those agencies more sensitive to state and local civil rights considerations and more inclined to find racial discrimination than would those who work for nonsouthern agencies or HUD. Or, greater efforts to socialize employees to support fair housing may be undertaken at state and local agencies than at the federal level. Fourth, geographical proximity may help to explain differences in rates of favorable outcomes from southern FHAP agencies when compared to HUD. Southern state and local FHAP officials are likely to be closer geographically to discrimination in the southern housing market than are HUD officials assigned to the agency's district or regional Fair Housing and Equal Opportunity (FHEO) offices or to FHEO at HUD headquarters. Having intimate knowledge of past discrimination in a locality may increase the number of favorable outcomes from southern agencies.

In the final analysis, this research suggests that progressive changes in fair housing enforcement have emerged in the South, although they are occurring in an uneven fashion. We do not conclude that the evidence of progress in fair housing is as great as is apparent in voting rights (see Bullock and Gaddie, 2009), but this remains reasonably strong evidence nonetheless, depending on the state or locality.

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