

# The Complexities and Processes of Racial Housing Discrimination

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*Housing represents an important arena within which racial inequalities continue to manifest—a fact highlighted in housing audit studies and the substantial literature on racial residential segregation. In this article, we extend the insights of prior work by: (1) denoting the wide range of “exclusionary” discriminatory practices that transpire at distinct stages of the rental/sales process and that are too varied to be captured by any singular audit design; (2) analyzing something that audits simply cannot, namely discrimination that occurs within already established housing arrangements (i.e., nonexclusionary discrimination). We draw from qualitative and quantitative data truly unique to the literature, reflecting approximately 750 instances of housing discrimination—discrimination verified by civil rights investigators following state and federal guidelines. Quantitative patterns denote unique and disparate vulnerability, especially for African American women, and the centrality of powerful institutional (i.e., banks, realtors, insurance companies, etc.) and more proximate actors (i.e., landlords and neighbors) in reifying racial disadvantage. Landlords are clearly on the “front line” with regard to both exclusionary and nonexclusionary forms. Neighbors, realtors, banks, and mortgage companies play a role as well, more or less, depending on the form of discrimination being examined. Qualitative immersion into case materials offers important insight on relevant processes pertaining to victim vulnerability and status, and how discriminatory actions themselves occur. We conclude by discussing the implications of our arguments and findings for future analyses of race and housing inequality, and for understanding stratification and its microinteractions generally. Keywords: discrimination, housing, race, inequality, social closure.*

Black-white inequality remains a lingering social problem in the United States, and this is partly reflected in the housing arena (Charles 2003; Massey and Denton 1993). Several explanations for ongoing segregation have been posited, ranging from persistent economic disparities to race-specific housing preferences. The most convincing analytical evidence, however, points to the prevalence of discrimination in housing markets. Central here are audit analyses—analyses that have effectively delineated minority vulnerability and gatekeeper discretion in enacting housing exclusion (Massey and Lundy 2001; Yinger 1995, 1998a).

In this article, we build on housing audit and racial stratification literatures in two important ways. First, we highlight the wide range of potential exclusionary practices—practices often occurring at various stages of the rental/sales process—that a singular audit study simply can not. Secondly, and no less important, our data and analyses shed light on “nonexclusionary” forms of housing discrimination that traditional audit methodology is unable to capture. Here we are referring specifically to forms of discrimination (e.g., racial harassment, differential treatment, and discriminatory terms and conditions on current leases, insurance arrangements, and mortgages terms and refinancing) within already established and existing housing arrangements.

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Following background discussion pertaining to racial discrimination in housing and what audit analyses have revealed, we embed our focus on discriminatory processes in classic sociological concerns pertaining to social closure, power and status, and the interactional foundations of inequality (e.g., Blau 1964; Parkin 1979; Tomaskovic-Devey 1993). The aim, both in conception and analyses, is to address the call for “mechanism-oriented” analyses of stratification and its origins (Reskin 2000, 2003) by highlighting the multiple processes of housing discrimination that contribute to inequitable outcomes—a call that has been clearly echoed in recent overviews of the housing inequality literature (e.g., see especially Charles 2003; Ondrich, Ross, and Yinger 2003; Massey 2005).

Drawing on unique quantitative and qualitative data, comprised of over 750 verified housing discrimination cases, we ask how the discrimination revealed in these data aligns with the results of housing audits. Are there particular vulnerabilities among victims in terms of race, gender, and/or familial status, and who are most often the agents of discrimination? And finally, how do processes of exclusionary and nonexclusionary housing discrimination play out in real residential settings and what are the implications for victims? These questions, particularly those pertaining to victim and perpetrator status and the complexity and diversity of discriminatory forms, are addressed using conventional quantitative comparative techniques. Insights on relevant processes and how precisely discrimination is carried out are derived from qualitative immersion and analyses of case materials themselves. We conclude by discussing the implications of our analyses for the housing literature and more general conceptions of social stratification, interaction, and status-based social closure.

### **Racial Housing Discrimination in the United States**

The latest U.S. Census reveals that blacks, compared to Hispanics and Asians, continue to experience relatively high levels of residential segregation. According to Camille Zubrinsky Charles (2003), black-white segregation is extreme in 29 of the 50 largest metropolitan areas of the United States, while remaining areas have seen little to no change over the last two decades. Though Hispanic and Asian segregation rates continue to rise, black segregation remains disproportionately higher (Charles 2003; Iceland 2004).

How does one make sense of high and persistent segregation levels, even 40 years after passage of the Fair Housing Act? The most compelling evidence, derived from historical case analyses of residential turnover and contemporary audit designs, points to discrimination. Douglas Massey and Nancy Denton (1993), credited with bringing racial residential segregation to the forefront of scholarly debates surrounding the plight of the black urban underclass with their publication *American Apartheid*, certainly concur that discriminatory action is to blame. They describe the maintenance of the black ghetto through purposeful discrimination towards blacks by individuals, organizations, public policy, the real estate industry, and various lending institutions (see also Farley and Frey 1994). Similarly notable is Kevin Gotham's (2002) analyses of neighborhood racial transition in the 1950s through 1970s and Edward Orser's (1994) analyses of Baltimore from 1955 through 1965. In addition, Arnold Hirsch's (1998) historical analysis of Chicago's South Side demonstrates the role of political elites, including government agencies and local businesses, in resisting the in-migration of blacks from the South from 1940 through 1960. Indeed, and historically speaking, organized resistance has often been shaped by homeowner's associations, tenants' councils, and parent-teacher groups, as well as city coder enforcement agencies, real estate companies, and public school officials (Seligman 2005).

Consistent with case-specific historical treatments are the results of contemporary housing audits. Housing audit (or racial testing) studies have been used for some time by fair housing groups as a systematic means of uncovering actual discrimination. Characterized by two racially distinct, though similarly situated, individuals (one minority and one white), testers

are sent into similar circumstances in the housing market. With efforts to control for social and human capital characteristics, such tests have served as an effective way to uncover discrimination and, thus, violations of the law. Although the intent is typically to provide a legal foundation for discrimination suits, audits can provide excellent quantitative and qualitative information on discriminatory practices—practices that are, by their nature, difficult to observe (Yinger 1995).

Beginning in 1977, HUD launched the Housing Market Practices Survey (HMPS), which conducted 3,264 tests in 40 metropolitan areas. The study provided evidence of significant discrimination against African Americans in sales and rental markets. The results of HMPS played a role in the passage of the 1988 amendment to the Fair Housing Act and demonstrated the need for a second national study (The Housing Discrimination Study) which was launched in 1989 and covered 25 metropolitan areas. A comparison of the two nationwide studies demonstrated that discrimination had not decreased between 1977 and 1989 (Yinger 1995). Initial analyses from the most recent nationwide HUD audit indicate that African Americans and Hispanics continue to face significant discriminatory barriers when searching for a home to rent or buy. Rates of overall discrimination may have decreased somewhat between 1989 and 2000, with the exception of racial steering of African Americans and limitations in the financing opportunities and access to rental units for Hispanics (Ross and Turner 2005).<sup>1</sup>

As noted by Massey (2005), interpreting any declines as straightforward “decreases in housing discrimination” is potentially problematic inasmuch as such audit testing can only gauge housing *exclusion*. Audits do not and cannot capture what we refer to in this article as nonexclusionary forms of housing discrimination—forms that entail harassment and differential treatment *once an individual is housed*. It may very well be the case that prevailing forms of housing discrimination may simply be shifting over time and that housing discrimination has consequently become a “moving target” as realtors, landlords, etc. have become more astute to exclusion and its illegalities. Declines may also be a function of changes in state and federal policy that affect the number of complaints filed and/or processed, changes in the overall political climate of the United States, or budget and funding cuts that have impacted fair housing enforcing agencies. Our data, discussed momentarily, are not constrained to one particular discriminatory form and, thus, help circumvent potential blind spots. And, although our analytic intent lies largely in delineating “processes” rather than predicting precisely how much discrimination occurs in the real world, our over-time data do reveal a subtle shift from exclusion toward nonexclusionary forms.

Audits are a useful method for assessing levels of discrimination faced by potential residents. Indeed, they can capture discrimination in face-to-face interactions, and allow scholars to match testers on similar characteristics relevant to discrimination in the housing market (Fischer and Massey 2004; Yinger 1986, 1998b). The comparative nature of the audit design itself also importantly reveals discrimination otherwise difficult to detect (as the discrimination is only uncovered by comparing the experiences of each of the testers). It is not surprising, then, that some have extended the methodology to potential discrimination prior to face-to-face interaction, such as telephone audits that capture linguistic profiling (Fischer and Massey 2004; Massey and Lundy 2001).

There are, however, important limitations. Some argue, for instance, that audit testers are predisposed to find discrimination (Fix and Struyk 1992), that testers’ characteristics (e.g., work experience, education, etc.) and behavior impact the test itself (Heckman and Seigelman 1993),

1. Since the original study, numerous other housing market audit studies have been conducted in specific cities (Galster 1990a, 1990b; Yinger 1998a). Like national studies, these studies reveal that most blacks and Hispanics encounter discrimination revolving around housing availability and access to the housing sales and rental markets (Ondrich, Stricker, and Yinger 1999; Yinger 1991, 1995). Similar evidence is reported from analyses of rental inquiries by phone (Massey and Lundy 2001), and interactions with mortgage lenders and homeowner’s insurance agents (Smith and Cloud 1996; Squires 2003; Squires and Velez 1988).

and that testing samples do not effectively capture the various forms of discrimination that manifest in the housing market (Ross and Turner 2005). This includes nonexclusionary forms, noted previously, but also less-proximate, institutionalized forms such as lending.<sup>2</sup> Audit studies are also arguably constrained by the sampling frame of the study (i.e., units advertised in major metropolitan newspapers), and may not be as useful for studying complex transactions, such as those involving interaction at later stages and those having to do with adverse impact rather than disparate treatment (Fix and Struyk 1992; Yinger 1998b). In fact, some scholars argue that audits do not provide a direct measure of discrimination, but rather provide a measure of discrimination among qualified minorities who actively seek units advertised in the newspaper (Ross and Turner 2005).

No less important than the limitations noted above, social scientists have seldom drawn from the significant body of audits focusing on other forms of discriminatory housing practices, such as federal protections based on family status (e.g., a single mother with children)—an issue that, given complexities of family poverty, single parenthood, and preexistent racial stereotypes, may be especially pronounced for African American women. In this regard, evidence suggests that black and Hispanic couples with children face more discrimination than minorities without children (Page 1995; Yinger 1995), and that white resistance is even more pronounced among white families with children under eighteen (Emerson, Chai, and Yancey 2001). It is for this reason that our own analyses considers victim status, not only in terms of race and gender, but also in terms of familial status and potential vulnerabilities that may be related.

### Processes and Dimensions of Housing Discrimination

A focus on both exclusionary and nonexclusionary forms of racial discrimination, and the status-based and interactional processes involved, helps advance our understanding of this particular form of inequality while also informing broader sociological conceptions surrounding the microinteractional foundations of group disadvantage. By exclusionary, we are referring to *actions and practices that exclude an individual or family from obtaining the housing of their choosing*. Nonexclusionary discrimination, in contrast, refers to *discriminatory actions and practices that occur within an already established housing arrangement, most often entailing racial harassment, differential treatment of tenants, or disparate application of contractual terms and conditions of residency*. Our intent in delineating between the two is not to construct a mutually-exclusive typology. Indeed, periodically they are mutually reinforcing—a point we return to in our conclusion. Rather, empirically disentangling the two offers insight into the heterogeneity of discriminatory processes, actors implicated, and vulnerabilities and consequences for victims.

Our analytic interest in *processes* of discrimination is consistent with classical theory pertaining to “social closure” and the ways in which it may be activated in the course of interaction. Social closure—a term utilized by Weber to denote the process or processes by which actors seek to maximize advantage by restricting access and privileges to others—often occurs through institutional exclusion and dominant group positioning. It also comes about, consciously and unconsciously, within the context of everyday interaction—interaction that, through language, symbolic acts, and/or physical control or force, has as its aim status-hierarchy preservation and the various advantages/disadvantages that hierarchy affords (Roscigno 2007).

2. This is not to suggest, of course, that scholars have completely neglected nonexclusionary forms of housing discrimination. Some important work has been undertaken in this regard, most often case or survey centered, dealing with racial harassment and intimidation (Feagin and Sikes 1994), discrimination or violence directed at “pioneer” black residents in predominantly white neighborhoods (Massey and Denton 1993; Orfield and Ashkinaze 1991), and crimes associated with “defending” one’s neighborhood against racial transition (Buell 1980; Green, Strolovitch and Wong 1998; Suttles 1972).

As an orienting lens through which to study inequality, social closure directs us toward an in-depth understanding of the processes through which stratification hierarchies, including those pertaining to race and housing, are both defined and maintained. Especially central are status and power and the ways in which they: (1) shape vulnerabilities to inequality and, in our case, discrimination, and; (2) are enacted by gatekeepers (i.e., realtors, landlords, banks, etc.) within the course of interaction—gatekeepers who may have *status-based power* derived from their race (and gender) but, perhaps more notably, *position-based power* derived from their location within an institution or organization. In terms of victims or likely victims, all African Americans may be vulnerable owing to their racial status. Yet, it is more than plausible that African American women will be more at risk owing to the compounding nature of race, gender, disproportionate single-parenthood, and even economic status. Our analyses empirically examine this question.

Status and power differentials are arguably central to understanding *who the perpetrators are* and *how the discrimination is enacted*. Mortgage brokers, for instance, with significant institutional (or position-based) power, can shape exclusion in profound ways for minority groups whether or not minority group members are aware of such effects. Residential neighbors, in contrast, who may have status-based power derived from their race, can harass and intimidate black tenants despite a lack of institutionalized exclusionary power. Although such action may not be systematic or aggregate in its consequences, it will nevertheless hold important implications for the day-to-day experiences and social-psychological well-being of minorities in their current residential contexts. Residential landlords are likely an interesting case in point, with some institutional power to exclude. Yet, they may also attempt to reify the prevailing racial hierarchy and draw from status-based power when engaging in nonexclusionary forms of discrimination (i.e., differential treatment or harassment)—a point on which our analyses concur.

Racially discriminatory action is, of course, officially constrained by both law and organizational mandates. Yet, it would be naïve to assume that there is not significant discretion even in the most formalized, bureaucratic environments, or that informal subcultures do not play a role in shaping either individual behavior or the impact of diversity policies (in this regard, also see Vaughn 1992; Coleman 2006; Kalev, Kelly, and Dobbin 2006). Indeed, gate keeping actors likely exert flexibility in defining, rather informally, what attributes would make the best client or resident. Moreover, they often have the power to ignore or invoke formal procedures and rules—procedures and rules that are arguably neutral but that may, in fact, be discriminatorily applied or used in targeted, detrimental ways toward a particular group (Roscigno 2007; Roscigno, Garcia, and Bobbitt-Zeher 2007). Our analyses speak to these very possibilities.

## Data

Data were obtained from the Ohio Civil Rights Commission (OCRC). We include as the main sampling frame all cases of racial discrimination in housing filed in the state for the period of 1988 through 2003. The OCRC is mandated to enforce civil rights laws pertaining to employment, housing, credit, and places of public accommodation. The OCRC maintains a data set of basic case information for each instance of housing discrimination filed at any of the six regional offices located throughout Ohio. Ohio's law prohibiting housing discrimination (O.C.R.C. 4112) is "substantially equivalent" to federal laws (Title VIII of the Civil Rights Act of 1968) and, because of this, the OCRC has had, since 1988, a work-share agreement with the U.S. Department of Housing and Urban Development (HUD). As a result of this agreement, and after investigation, OCRC determinations are adopted and enforced by HUD. Thus, these data provide a rich body of discrimination suits from a state that, given the overlap

with federal law, the heterogeneity in housing and neighborhood types, degree of urbanicity, and significant minority composition in quite large cities (i.e., Cincinnati, Akron, Cleveland, Toledo, Dayton, Columbus), is a reasonably generalizable case in point.<sup>3</sup>

Such case data, rarely used in research beyond aggregate descriptive patterns of case filings, reflect instances whereby an individual, family, or group had the knowledge that their rights may have been violated and that their grievances might be addressed through a formal political agency. As such, levels of actual discrimination throughout the state during the 15-year time period, though not our particular focus, are unquestionably underestimated (Galster 1987). There are numerous, unreported acts of race discrimination in housing every year—unreported due to lack of knowledge of one's rights, fear of retaliation, or lack of knowledge that certain behaviors are, in fact, discriminatory under the law. Consequently, no population data of all discrimination episodes exists, nor will it ever. While our case data certainly do not capture all discriminatory events and experiences, and potentially miss cases of discrimination uncovered through testing of randomly sampled advertisements of available housing units in audits, the diverse range of discrimination represented expand significantly upon the traditional exclusionary focus of the housing audit literature.

The data in this study represent a range of discriminatory actors—from landlords and neighbors to lenders and real estate agents—that could not be captured within a single audit study. Moreover, the richness of detail in our case data provides significant qualitative analytic leverage on questions of discriminatory forms, actors, and processes. Such qualitative data includes the alleged discriminator's position (e.g., bank, owner, landlord, co-resident, etc.), information about outside actors or representatives (i.e., complainant's and respondent's representatives, if representatives were involved), the OCRC's case activity log (i.e., a record of the activity that occurred during the investigation), witness statements, audit/testing reports provided by fair housing groups, transcripts from depositions of various actors involved (i.e., witnesses, the charging party, the respondent, etc.), and other documents related to the case investigation from the charging party, the respondent, their representatives, and OCRC staff. Despite potential biases,<sup>4</sup> the depth offered with such data allows us to capture important interactional processes and dynamics between various actors that quantitative data simply cannot.<sup>5</sup>

It would, of course, be erroneous to assume that a discrimination *claim* necessarily implies that discrimination occurred. OCRC's case determination helps distinguish cases with little supporting evidence from those with significant and supporting evidence in favor of the charging party's claim. OCRC acts as a neutral third party whose job it is to collect evidence, eyewitness accounts, and case histories, and to weigh the preponderance of all evidence following HUD and federal civil rights law guidelines. We use this third party evaluation of evidence, and a probable cause finding in particular, to distinguish *verified* cases from those that are either frivolous or lacking corroborating evidence. Along with probable cause findings, we also include among verified cases those settled in the charging party's favor prior to litigation. Settlement prior to litigation is often deemed as supporting evidence from the point of view of legal scholars who both study and testify in discrimination suits. While the

3. The use of case materials in sociological analyses of discrimination is not entirely unique. Burstein (1991), for instance, analyzed published case decisions by the federal appellate courts based on Title VII, the Equal Pay Act, and other laws prohibiting discrimination in employment. Citing Zemans (1983), he argues that laws like Title VII are intentionally designed so that individuals who file charges of discrimination, based on their own personal experience, are also effectively acting on behalf of others within the same protected class (age, race, sex, etc.). Like Burstein's (1991) study, our analyses make use of discrimination cases based on laws designed to protect individuals within a protected class, as well as the protected class as a whole.

4. It is likely, for instance, that more cases will be reported in black and integrated neighborhoods than in white neighborhoods given that African Americans are more likely to search in these neighborhoods. And, more easily detected forms of discrimination, such as an inflated rent or security deposit, may be overrepresented in the data while forms of discrimination that are harder to detect, such as steering, may be underrepresented (Galster 1987).

5. These data are also useful for investigating processes that audit studies are unable to investigate, such as transactions occurring later in the process and negotiations about the final sales price (Yinger 1998a, b).

**Table 1 • Cases of Racial Housing Discrimination**

	<i>All Cases Filed</i>		<i>Verified Cases</i>	
	N	%	N	%
Black females	1,110	51	431	57
Black males	631	29	220	29
White females	152	7	30	4
White males	152	7	8	1
Other females	44	2	38	5
Other males	87	4	30	4
Total	2,176	100	757	100

analyses of only verified cases certainly underestimates discrimination by excluding those where there simply was not enough evidence and by including only those where a charge was filed in the first place, it bolsters confidence and the ability to conclude that the processes discussed pertain directly to serious cases of discrimination (rather than alleged or perceived discrimination).<sup>6</sup>

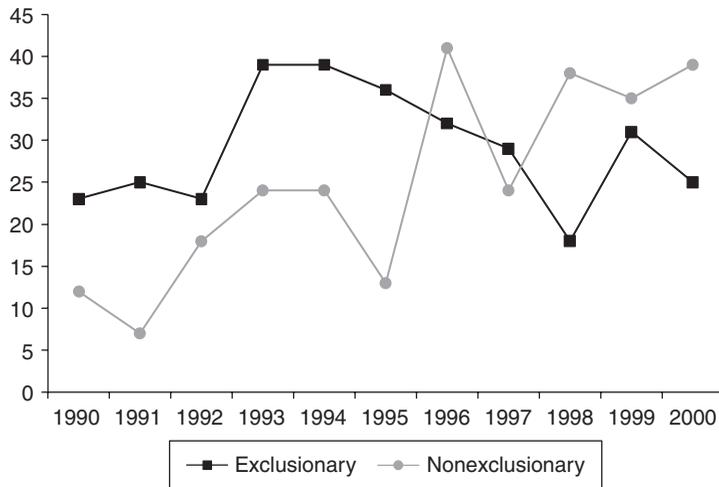
Over the 15-year time period, approximately 2,176 cases of racial discrimination in housing were filed. Of these, and using the criteria noted above, 757 or approximately 35 percent were verified by the Civil Rights Commission. Table 1 reports breakdowns of all 2,176 cases alongside the subset of those verified. Given the somewhat limited population of Asians, Hispanics, and other race/ethnic minorities within these cases and in the state of Ohio more generally, these groups are combined into the category of “other.”

Notably, the distributional patterns are relatively parallel between all cases and those verified, with African American men and women making up the preponderance of those filing. Also noteworthy is lower overall verification of white cases—an artifact perhaps of the seriousness with which OCRC takes white claims, but much more likely (given neutral investigative criteria) the consequence of limited evidence and frivolous “reverse discrimination” claims.

Recent discussions of discrimination trends, driven by audit findings on exclusion in particular, have pointed out the possibility that discrimination may be a “moving target.” The argument here is that old exclusionary practices have become too easily recognizable. Discriminatory actors correspondingly may adjust behaviors (in this regard, see especially Massey 2005). Since the most systematic analyses to date have only been able to capture exclusionary discrimination via audit tests, however, it remains difficult to assess whether shifts have, in fact, occurred. Our data, with both exclusionary and nonexclusionary types, provides some leverage in this regard. Figure 1 provides a plot of the distribution of verified exclusionary and nonexclusionary cases between 1990 and 2000.<sup>7</sup> Notably, whereas exclusion represents the greatest portion of verified cases in the first half of the decade, nonexclusionary cases increase over time and become the more common form. Although our data by no means capture all discrimination occurring in the “real world,” this pattern seems to suggest that prevalent discriminatory patterns may indeed be shifting.

6. There is undoubtedly some underestimation here as well. Specifically, discrimination may have indeed occurred in cases that do receive a probable cause determination when and if corroborating evidence was simply unavailable (thus shaping the investigator’s determinations which are bound by evidentiary criteria). Moreover, charging parties may not have the financial and emotional resources to see cases to completion. Thus, while nonverified cases may be capturing false or frivolous charges, they are much more likely to be a mix of cases, some more serious than others.

7. We limit the time range considered here to the decade of 1990 through 2000, even though some of our cases fall into the wider time range of 1988 through 2003. We do this for several reasons, the principal of which is an underreporting and underrecording of cases at the tail ends. OCRC only entered a work share agreement and thus began processing the preponderance of housing cases around 1988, which explains why less overall cases are reported in these early years. Many cases post-2000 are still being processed, and at multiple investigative and legal levels. As such, they have yet to be recorded in the overall data set and were not made available to the authors.



**Figure 1 • Verified Exclusionary and Nonexclusionary Cases: 1990–2000**

Table 2 reports race and gender breakdowns of verified exclusionary versus nonexclusionary cases. Verified cases appear to be quite evenly split. Further analyses, using Chi-square and independent samples mean tests, reveal that patterns by race and gender are nearly identical. The one exception appears to be black women, who are most highly represented overall, but especially in terms of exclusionary discrimination. This likely indicates the conflated reality of race, gender, and social class disadvantage that black women, especially those with children, face in the housing market. Our qualitative analyses, presented below, confirm this.

Given the distributions reported, and the fact that housing discrimination against African American men, women, and families accounts for between 80 and 90 percent of all verified claims over the 15-year period, we center attention primarily on the processes, actors, and consequences within these cases in our qualitative analyses. Qualitative case file material for the

**Table 2 • Verified Cases of Housing Discrimination: Race and Sex of Victims**

	<i>Exclusionary</i>		<i>Nonexclusionary</i>	
	N	%	N	%
Black females	197	55	164	47*
Black males	79	22	77	22
Black household	47	13	42	12
White females	4	1	17	5
White males	4	1	7	2
White household	0	0	3	1
Other females	11	3	17	5
Other males	11	3	14	4
Other household	7	2	7	2
Total	360	100	348	100

Notes: For 49 verified cases, qualitative material was unavailable or inadequate to determine exclusion versus nonexclusion. Thus, the cases reported in this table are limited to 708 rather than the original 757 cases.

\* denotes statistically significant within-group difference in distribution of exclusionary versus nonexclusionary forms.

verified cases was content coded by the authors specifically on the type of discrimination and injury that occurred, and who the perpetrator was. Many forms of housing discrimination are noted in the case material. These include exclusion and efforts toward exclusion, unfair practices in lending and insuring, and various forms of harassment, differential treatment, and intimidation. Key actors include banks, insurance companies, realtors, landlords, building complex owners, and neighbors. Variations in discriminatory actors and processes across exclusionary and nonexclusionary discrimination cases are discussed below.

### Exclusion and Housing Discrimination

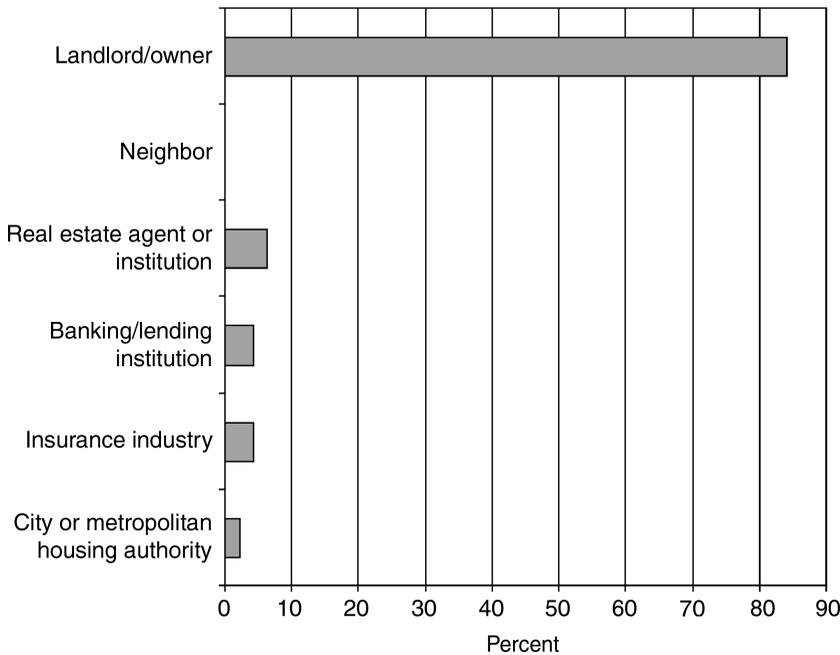
As noted earlier in Table 2, African Americans are by far the most impacted by exclusion. African American women, men, and households represent 90 percent of these cases. This is particularly noteworthy, given that African Americans constitute only about 18 percent of the entire population of the state. Consistent with Massey and Garvey Lundy's (2001) finding, derived from a housing search telephone audit, African American women appear to be especially vulnerable, representing 55 percent of the total number. African American males constitute 22 percent and other minorities represent 8 percent, while whites represent just 2 percent.

One benefit of having access to case-specific data is that it allows for deeper inspection of the processes involved, including statements from witnesses and defense statements from perpetrators. Table 3 reports the most prevalent and general forms of exclusion noted in the case material. It is clear that the majority of cases of exclusionary discrimination (82 percent) entail various forms of outright exclusion, such as a direct refusal to rent or even negotiate a rental with a prospective tenant (70 percent), refusal to sell or negotiate the sale of a property (6 percent), or the false denial or representation of apartments or homes actually available for rent or sale (6 percent). Outright exclusion is sometimes characterized by the use of overt racial slurs and verbal refusal to rent out an apartment, yet more often consists of subtle actions, such as lying about apartment availability, or relaying differential standards for rental qualification that immediately disqualifies certain individuals.

An additional 17 percent of exclusionary cases are characterized by discriminatory terms and conditions pertaining to the rental or sale of a home, in which the final outcome is a denial of access. Such discrimination, which prevents minority home seekers from obtaining housing, includes: unfair financing or loan qualifications or terms (6 percent), steering or restricting the choices of home seekers (1 percent), differential terms and conditions to qualify to rent a home (8 percent), and refusing to provide insurance, which prevents the acquisition of a home (2 percent). Perpetrators typically utilize legitimate appearing processes to exclude

**Table 3 • Distribution of Exclusionary Discrimination Cases by Major Issue and Subcategories of Charge**

	<i>Percent</i>
Advertising	1
Terms and conditions	17
Discriminatory financing/making of loans	(6%)
Steering/Restriction of choices	(1%)
Differential terms/conditions/privileges relating to rental requirements	(8%)
Refuse to provide insurance	(2%)
Outright exclusion	82
Refuse to rent and negotiate for rental	(70%)
Refuse to sell and negotiate for sale	(6%)
False denial/representation of availability	(6%)



**Figure 2 • Perpetrator in Verified Cases of Exclusionary Discrimination in Housing by Race**

minorities from gaining access to housing. Applicants, for instance, may go through several steps of the rental or sales process—steps auditors are often unable to take because of their fictitious role as a potential renter/buyer—and spend significant time and resources with the hopes of gaining housing. Yet, they are participating in a false process, tainted with discriminatory practices and conditions that ultimately result in exclusion. Discriminatory advertising is represented in 1 percent of exclusionary cases. Notable is the fact that most cases of exclusion, approximately 84.5 percent, are in rental compared to housing sales.

We speculated earlier that the principal perpetrators of exclusion would largely be institutional actors—actors with positional power to impede or outright exclude. Figure 2 denotes the distribution of perpetrator status. Notably, landlords and owners are most likely to exclude individuals from housing, comprising 84 percent of the cases. Other actors or institutions responsible for exclusion include real estate agents or institutions (6 percent), banking/lending agents or institutions (4 percent), and insurance agents or institutions (4 percent). Whereas owners and landlords tend to exclude outright, banks are largely implicated in exclusion by refusal to provide loans. For their part, insurance agents can reject applications for homeowner's insurance, while realtors in our data either steer or refuse service to potential African American clients. City and metropolitan housing authorities are the perpetrator in only 2 percent of cases. Neighbors, who have no real institutional power to exclude, are predictably absent.

That landlords and complex owners are, by and far, most often implicated in exclusionary discrimination should not come as a surprise. These agents are often the most proximate to potential tenants. Indeed, they may act in a manner that signals to prospective tenants that there may be biases, and that discrimination is occurring. Consistent with this point, research in the sociology of grievance framing and resistance suggests grievance formation that invokes action often requires an understanding and interpretation that puts a malicious face on the inequality that is occurring (Gamson 1995). Such a causal interpretation provides those

experiencing inequality with not only a more concrete target, but also an essentially moral justification for acts of contention (Snow and Benford 1992). Such is likely the case here, as denoted by the qualitative data reported momentarily. One important implication, however, is that exclusionary actions undertaken by institutional actors not so proximate to the targets are less often observed, felt, or challenged. Correspondingly, although much of discriminatory exclusion is likely to be undertaken by landlords and owners, that enacted by other, more distant institutional agents (e.g., banks, insurance companies, etc.) will often be unrealized and, thus, significantly underreported (see Massey 2005).

Our qualitative immersion reveals that the overrepresentation of African American women among victims of exclusionary discrimination is, to a considerable extent, a function of the intersections of familial status, race, and sex.<sup>8</sup> Take, for instance, the case of Susan<sup>9</sup>, an African American female with children. She entered the office of a small apartment complex to inquire about an available apartment, and was told that she had too many kids and to “get your black ass out.” The following is taken from her deposition with the attorney general.

Q: Tell me about your efforts to look for another place to live?

A: Every time I tried to find a place, they would tell me I had too many children.

Q: Okay.

A: And that being a single mother and having all those children I was not accepted anywhere.

Q: What type of place were you looking to move to?

A: A three-bedroom home or apartment or whatever, in a decent area for what income I could afford to pay. (After saying she was told by a person on the phone that they would not rent to her.)

Q: Okay, what was your reaction after hearing that news?

A: I got off the phone and I cried to my mom because I couldn't find a home for my children. I was afraid I was going to end up homeless with four children, all because of my husband beating me up. I'm—nobody would take me because I didn't have a husband.

In this case, Susan was repeatedly denied the opportunity to rent an apartment when prospective landlords learned that she had children. She had reasonable hope that she would find a place “in a decent area for what income I could afford to pay,” yet was still illegally denied access as a result of her status as an African American mother with “too many children.” This was all the more troublesome, given her efforts to escape an abusive situation. The tremendous stress and psychological turmoil she experienced as a result of this process is evident in her stated fear of becoming homeless.

Discriminatory exclusion on the basis of familial status—the presence of children under 18 years of age—is related to stereotypes about single women, especially single African American mothers, and may be impacting the larger patterns we find in these data. Indeed, a significant amount of case materials reveal a similar tendency. For example, in one case, a sales agent asked an African American woman with children if she “was going to operate a day care center from her home,” despite the fact that the woman had never operated a day care center before and said nothing to infer she would if the apartment was rented to her. In other cases, the roots of exclusion and its relation to family status are explicit:

Anna Miller, a black female with children, was told by the landlord that he would not rent to her because “there were too many in my family.” When Anna asked if her race had anything to do with his decision the landlord became belligerent . . .

8. It is also illegal to discriminate against a housing seeker's sex and to discriminate against families with children. In addition, charges can be filed on multiple bases—race and familial status. However, all the cases in our analyses include race as at least one of the bases and the investigative finding was, at least in part, based on race.

9. All names have been changed in our reporting of qualitative materials.

A witness in this particular case, who is also a black female with one child, testified that when she asked the landlord if she could have pets he said no. When she asked the landlord why, he told her that she had “no business taking care of pets when she had her hands full taking care of her child.” The case investigator interviewed other residents and found that white tenants with children were permitted to have pets. Margaret Sims, a white female tenant, told the investigator that it was her fault that the landlord did not rent to Anna Miller because she (Sims) had asked him “not to rent the downstairs unit to anymore niggers” because the black family that lived there previously “were terrible.” The landlord told Margaret Sims that he “would do his best to find her a good neighbor.” Here, the landlord is certainly the culpable party, although a white neighbor is also partially to blame. Additionally, although Anna appeared to suspect that her race was a factor in the landlord’s decision from the initial interaction, it was evidence garnered after this interaction, during the investigation, from residents and the landlord himself that made it clear that race was a factor in the decision. In fact, considering that the landlord initially said he would not rent to Anna because the number of children in her family (which is also illegal) and that there were African Americans living in the rental complex, some prospective tenants may not have thought that their race was a factor from such an initial interaction with the landlord.

Exclusion of African Americans occurs not only in rental markets, but also in sales markets, as is evidenced by 14 percent of the cases. Here, the perpetrator is more often than not an agent within a real estate, insurance, or banking/lending institution. Although such discrimination tends to be characterized by subtle and difficult to detect processes, such as application of differential criteria to qualify for loans or for a low interest rate, more blatant actions are also evident. Take, for instance, the case of Patricia, an African American female attempting to purchase a home. When initially meeting with her realtor to discuss qualifying for an apartment, the realtor “asked me what made me think I could afford a home costing \$190,000.” When Patricia complained to the company, she was assigned a new agent, who asked her similar questions. Patricia then directly complained to the new agent that such behavior was inappropriate, yet was told “It’s you people who get on my nerves.” The investigation revealed that white housing seekers were not subject to such rude, blatant questions in their intake meetings.

In a similar case, Terry, an African American male, made a \$239,000 offer on a house. That same day, after Terry’s offer was received, the white seller accepted a \$4,000 lower offer from a white family. During the investigation, the seller told the OCRC that she “seriously doubted [Terry’s] ability to obtain financing.” In addition to dealing with hurtful and rude statements and stereotypes, Patricia’s and Terry’s housing searches were delayed. Instead of moving forward with her housing search by viewing homes in her price range, Patricia was forced to find a new company. As for Terry, instead of moving into the home he had wanted, he was forced to continue looking.

African American couples are clearly vulnerable to exclusionary treatment as well. Michael and Tyree, for instance, were continually asked to verify their income and the source of their income because the lending agent stated that he had to “make sure that their money was not made illegally or from drugs.” Like the prior cases discussed, the lending agent here delayed the application process by subjecting the couple to more stringent screening standards than similarly situated white loan applicants, due to stereotypes about their race. The dearth of qualitative case materials, including but not limited to the examples reported here, demonstrate delays in the loan application process—delays resulting in the loss of loan closing “specials” and lower interest rates. Case material also demonstrates that some lenders target African American borrowers with teaser rates that allow people on fixed incomes to borrow more money than they can afford to pay back.

A somewhat unexpected dynamic of housing exclusion that emerged is the denial of housing to interracial couples. Indeed, immersion into the case material wherein the charging party is either white or African American revealed that discrimination sometimes centers on disapproval of interracial coupling. Desmond, an African American male, for instance, suggests that:

I was approved to rent on February 22, 1996 a two-bedroom apartment. However, when management found out that Teresa Landon, Caucasian female, was moving in with me we were both denied occupancy. We were denied occupancy due to being perceived as an interracial couple.

The investigation revealed that Teresa and her children had been living with a different person at the same complex for four months (a Caucasian male), with the landlord's knowledge, without being on the lease. However, when the manager learned Teresa would be moving in with Desmond, the landlord required that her name be placed on the lease and that she apply for rental. After claiming that Teresa did not qualify to rent the apartment, both Desmond and Teresa were denied rental. What is particularly interesting here is that the African American charging party (Desmond) was not excluded until after the initial interaction with management, when he was identified as part of an interracial couple. Also notable is the subtle and legitimate-appearing means by which the discrimination was carried out (i.e., claiming that Teresa did not qualify to rent the apartment). The investigation, however, revealed that this standard of qualification was not utilized for other white tenants in the complex. Desmond and Teresa were both placed in the uncomfortable position of having to find a new place to live on short notice despite their prior understanding of having secured a place to live. Other cases of exclusionary discrimination, filed by Caucasian males and females, similarly revealed that the foundations of the discriminatory treatment revolved around interracial coupling.

Importantly, and relative to what audits might reveal, other prospective tenants in our case materials were excluded from housing *after* their initial interactions with landlords. For example, a few days after Robert and Hazel, an African American couple, were told that they had gotten the apartment they had applied for, the landlord called back to inform them that they could not move in because he found another tenant with a better income. The tenant who actually obtained the apartment was white, and the investigation revealed that Robert and Hazel's income was more than enough to cover the monthly rent. Similarly, after being told she could move into the apartment and paying the rental deposit, Norma, an African American, was told by the landlord that he could not let her move in because a friend of the family wanted the apartment. As Norma stated and the OCRC verified, the "for rent" sign remained in the window of the apartment long after she was informed she could not move in. During the investigation, the landlord told the OCRC investigator that the friend of the family who expressed interest in the apartment changed his mind and that he did not think to contact Norma. The temporal nature of these exclusionary processes might have very well been missed had the victims in these cases been audit testers.

Exclusionary discrimination remains an important part of contemporary stratification, with implications for housing segregation patterns highlighted in much prior work. African American women seem to be especially vulnerable in the arena of housing searches due to their sex and especially their familial status—statuses that may be providing institutional actors, such as landlords, with shorthand information that can be enacted in discriminatory ways. Whether directed toward African American mothers, African Americans generally, or interracial couples, the qualitative material on exclusion also reveals that the costs of exclusion do not revolve solely around housing access. Rather, in much of the qualitative material, including the specific cases reported here, individuals are not only denied access to housing options of choice, but also must spend significantly more time in housing searches.

### **Nonexclusionary Discrimination**

Racial discrimination discourages attempts to garner housing, often resulting in insult and distress for victims. Such distress is perhaps even more evident in instances of nonexclusionary discrimination, wherein an individual, couple, or family who are already housed

**Table 4 • Distribution of Nonexclusionary Cases by Major Issue and Subcategories of Charge**

	<i>Percent</i>
Harassment/intimidation/coercion	16
Terms and conditions	84
Discriminatory financing/loans/appraisals	(16%)
Failure to provide insurance	(3%)
Unfavorable services/facilities	(13%)
Rental terms/conditions/privileges	(52%)

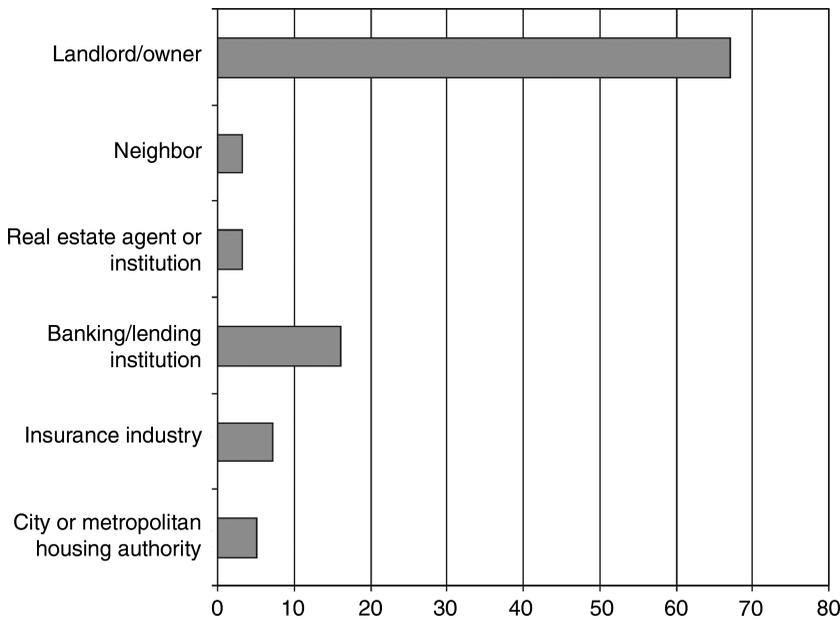
experience ongoing differential treatment, harassment, and intimidation. Such discrimination is especially problematic given that the residential victim is often legally bound to a rental agreement or lease, and is often in direct interactional contact with the perpetrator on an ongoing basis, especially in the case of neighbors and landlords. Given what would arguably be significant implications for minority victims' overall sense of safety and well-being, it is surprising that so little attention has centered explicitly on this type of discrimination.

As with exclusionary forms, African Americans (females, males, and households) are most highly represented, representing 81 percent of the nonexclusionary cases (see Table 2). African American women are, again, the most likely to be victimized, as they are the primary victim 47 percent of the time. However, with nonexclusionary discrimination, other minorities (11 percent) and Caucasians (8 percent) make up a slightly higher percentage of the total (19 percent compared to only 10 percent for exclusion). In-depth examination of qualitative material reveals that much of these verified discriminatory actions against whites are triggered by disapproval of interracial coupling (i.e., the Caucasian charging party is harassed or intimidated after the landlord or neighbor discovers that the charging party's boyfriend or girlfriend is black).

Table 4 reports the distribution of nonexclusionary cases represented in our data. Whereas exclusionary cases are characterized largely by outright processes of exclusion, nonexclusionary cases entail unfair or differential terms, treatment, and conditions. Indeed, 84 percent of nonexclusionary cases involve the application of discriminatory terms and conditions *within the current residential setting of the victim*. The majority of these cases, 52 percent, involve terms, conditions, and privileges relating to a current rental arrangement. Examples include differential enforcement of pet policies within a rental complex, unfairly raising the rent of a select group of tenants, or only allowing certain tenants privileges (e.g., using the pool after hours, having parties, etc.). Thirteen percent of terms and conditions cases involve failure to provide equal access to services and facilities. This is typically characterized by purposeful neglect of service needs, such as refusing to fix a leaking bathtub or broken water heater.

An additional 16 percent of terms and conditions encompass discriminatory financing, loans, and appraisals of one's current property, while 3 percent involve inequitable failure to provide homeowner's insurance. In these cases, perpetrators often utilize subtle, financially lucrative tactics that take advantage of minority homeowners in predominantly African American neighborhoods. Finally, and certainly noteworthy, 16 percent of nonexclusionary cases in our data reflect the direct use of harassment, intimidation, and coercion toward blacks and other minorities. Examples include the ongoing use of racial slurs toward black residents in an apartment complex, or personal racial threats of violence, rape, or even death. Certainly illegal, this form of discrimination creates a racially tainted environment that victims are forced to navigate, and sometimes on a daily basis.

Who is doing the discriminating? As with exclusionary forms of discrimination, landlords and owners are the largest group of perpetrators represented (Figure 3). Notably, though, they are responsible for 17 percent less of these discriminatory actions relative to exclusion.



**Figure 3 • Perpetrator in Verified Cases of Nonexclusionary Discrimination by Race Percent**

Through coercion or intimidation, neighbors represent 3 percent of the perpetrators of non-exclusionary discrimination cases. Interestingly, actors embedded in more formal institutions, such as banks or insurance agencies, also appear in these cases. Banking and insurance institutions are the perpetrator 16 and 7 percent of the time, respectively. Qualitative materials suggest that such institutions engage in differential and/or unfavorable terms and conditions in the refinancing of an individual's current home, or the refusal to provide or renew home owner's insurance for individuals living in predominantly African American neighborhoods. Hence, while these victims are not directly excluded from housing, they often suffer financial loss and/or excessive anxiety and stress as a result of illegal actions of the perpetrator. Finally, city or metropolitan housing authorities and real estate companies represent 5 and 3 percent of cases, respectively.

Qualitative immersion offers some insight into the patterns identified above, and especially the nature of nonexclusionary discrimination and its social-psychological consequences. Nonexclusionary housing discrimination takes many forms, ranging from racial slurs to responding differently or more quickly to whites who report maintenance problems. And, as denoted by the example below, the same individual may experience multiple types of such discriminatory treatment. Alvin, an African American male, claimed he had been subject to housing discrimination by the owner of the boarding house in which he lived. Specifically, he notes how the owner of the house raised his rent, but not the rent of white tenants.

Since my first day at respondent's facility I have been subject to racial slurs and different rules not imposed on other white tenants . . . Gordon said he was raising my rent because I was the only one who cooked, and this was causing the electric bill to go up. I informed Gordon that the electric was going up because other white tenants were using space saver heaters. Gordon said, "You lying nigger." After I could not use the cooking facility, Gordon gave me permission to cook on a grill. I came home and discovered that Steve (a white manager) threw my grill away. Steve has been known on numerous occasions to refer to me as "nigger."

The evidence collected by the civil rights investigator substantiated the charging party's claim. Indeed, after interviewing the manager, the investigator notes that, "The manager admits to using derogatory racial slurs while in the complainant's presence, but he claims that he used such words 'in fun,' and that he did not mean it derogatorily." In addition, numerous witnesses provided statements stating that Alvin, the only black resident, was treated differently than other residents and that white residents who interacted with Alvin were also sometimes treated differently. One witness commented that the owner told him that, "we get this nigger out of here and we'll be back to an all-white building." Thus, although Alvin successfully acquired housing at a point in the past, the antagonistic racial slurs and differential treatment he was subject to within this setting resulted in a less than ideal, safe, or secure situation. Undoubtedly, the impact of this experience on the victim's sense of well-being and security is as consequential, if not more, than that which might have been caused had he been excluded from the housing initially.

The breadth of discriminatory processes is no less extensive in nonexclusionary cases. Bertha and Howard, an African American couple renting an apartment in one of the state's largest cities, filed a charge of discrimination based on repeated harassment from their neighbor who also happened to be the complex's rental agent. They describe what occurred, as well as their interpretation of it as being racially motivated.

Since October, we have been subject to ongoing harassment from our next door neighbor and rental agent Julia Reynolds. An example of this harassment includes Ms. Reynolds placing trash on our property. We have complained about this harassment to Brian Anderson, Ms. Reynold's supervisor; however, no action has been taken to address our concerns. The neighbor who lives on the other side of Ms. Reynolds is white and has not been subject to such harassment.

A neutral investigation by the Civil Rights Commission found probable cause that the harassment experienced by Bertha and Howard was racially motivated. Though one might conclude this to be a less severe case of discrimination, the mental anxiety, stress, and compromised aesthetic enjoyment of their property over a long period of time, in this case by a neighbor, was quite consequential for this couple. Bertha and Howard paid their rent on time each month and were entitled to the same privileges and standards of treatment as other tenants.

Many cases of nonexclusionary discrimination do take on an even more severe form, such as intimidation and physical threat. Such was the experience of Alicia, an African American mother renting an apartment in a large complex. After several altercations, the boyfriend of her white neighbor (Betty) made several threats. According to the qualitative material and investigative documents:

Brian Stanley, who is Betty's boyfriend and who is moving on to the property, has harassed Complainant and has threatened to kill Complainant, Complainant's boyfriend, and their "Nigger" baby because of their allegations against Betty. The property manager, Jason Short, has been aware of the harassment and threats since April, and is still allowing Brian Stanley to move on to the property. Jason Short is good friends with Betty.

Though not all cases are this extreme, the powerlessness and lack of ability to get help from individuals who hold authority (i.e., the landlord/manager) is common among nonexclusionary discrimination cases. In fact, in many of the cases, if the harassment does not cease, the victim must either move (exclude themselves) or seek outside assistance (i.e., from the Civil Rights Commission, an attorney, or a fair housing group). For example, Sandy, a Caucasian female states:

that she and her children, four white and one bi-racial, have been subjected to harassment, racial slurs, and physical confrontations by other, Caucasian residents. Sandy states that the landlord has failed to take any action to stop the harassment. Evidence indicates that Sandy, her children, and other African American residents and their children were subjected to a racially charged, tainted environment.

Cases such as these suggest quite clearly that conceptualization of housing discrimination need to be broadened to include discriminatory acts that occur within residential settings. In many cases minorities may gain access to housing, yet their daily experiences are far from comfortable. Clearly, housing discrimination is a multi-dimensional phenomenon characterized by dynamic and interactional processes between multiple actors. Moreover, while certainly a large portion of discriminatory actions are aimed at institutional exclusion altogether, others seem more geared toward preserving status and maintaining racial hierarchy.

To date, the preponderance of the racial stratification and housing literature has been concerned with residential segregation, and to some extent the exclusion that may be driving it. Yet, there may be a connection between the prevalence of nonexclusionary discrimination in the housing arena, in the form of differential treatment, intimidation, and harassment, and persistent patterns of residential segregation or the avoidance of certain neighborhoods, areas, and complexes. It is certainly plausible that nonexclusionary forms of housing discrimination, such as in the cases reported above, either through personal experience or through communication within the broader minority community, may push individuals, families, and interracial couples to seek housing in predominately minority neighborhoods. Indeed, we found several complex cases that provide an initial glimpse of this process. The following case in point revolves around a Jamaican immigrant who experiences various nonexclusionary forms of discrimination and who is clearly embedded in the broader immigrant community where housing information and experiences are exchanged.

This new manager does not welcome Jamaican citizens to this property. I am here as a student and I have friends who are Jamaican who were told nothing was available. Other persons not of Jamaican origin called and were told there were units available. Jamaican residents who live here are moving out because of the lack of services. The most recent incident occurred when I reported I had no hot water in my shower. I called both offices and was assured the repair would be made. When I called the main office, I could never speak to the person in charge . . . I spoke to a white resident who told me he is not having a problem with his hot water and he has had no problem with repairs being made.

Such a case—and this is but one among many—demonstrates the complex, and perhaps interconnected, nature of nonexclusionary and exclusionary forms of discrimination. Indeed, to the extent that nonexclusionary discrimination is ongoing at a particular location, impacting several minority residents over time, it may very well lead to information sharing and, correspondingly, avoidance by the minority community generally. In essence, persistent harassment, intimidation, or differential treatment may, by default or design, may very well impact exclusion and segregation levels.

## Conclusions

Over the past two decades audit methodology research has contributed greatly to our understanding of discrimination in housing and to the role of discrimination in the creation and maintenance of residential segregation of minorities within and across U.S. cities. In this article, we have expanded on this literature by: (1) highlighting exclusionary forms of discrimination that occur at various stages of the rental/sales processes, some of which audits are unable to capture, as well as more complex processes, such as home sales transactions, and; (2) denoting a broad range of nonexclusionary discriminatory processes and consequences that simply cannot be analyzed using an audit design. Admittedly, we cannot make claims about the magnitude of nonexclusionary and exclusionary discrimination in the United States with these data. We nevertheless believe, given the heterogeneity of discriminatory forms evidenced in our data, that future research should take on the methodological challenge of accurately assessing the extent of *both* exclusionary and nonexclusionary housing

discrimination in the United States. Failure to do so may result in biased or skewed perceptions of discrimination and patterns of change in U.S. housing markets.

Our findings highlight aggregate patterns pertaining to both victims and perpetrators, and reveal the sometimes complex, sometimes explicit, and sometimes more subtle forms of racial discrimination that minorities are likely to encounter. African American women are most likely to face both exclusionary and nonexclusionary types of housing discrimination—a pattern we interpret as a function of several factors, including their gender and class status as well as their status as mothers. It is no doubt the case that stereotypical notions of the single black mother are playing a part in these relations, shaping landlords' willingness to rent, banks' willingness to provide mortgages, and neighbors' levels of civility. Alongside African American women, African American men, families, and even interracial couples face discrimination that is both exclusive in nature and aimed at differential treatment, harassment, and intimidation.

Findings pertaining to exclusion speak to, and indeed are consistent with, the large body of audit research on housing discrimination. At the same time, however, our findings demonstrate that discriminatory forms uncovered by audit methods are present at *multiple* stages of the rental and sales process. Furthermore, our data highlight the actual experiences of minority tenants as they navigate the sales and rental markets—experiences of discrimination that were investigated and verified by civil rights investigators and usually confirmed by witnesses. Findings on exclusion also reveal the ways in which less or more proximate institutional actors play a role. Landlords and owners of housing units are on the front line, accounting for over 80 percent of all exclusionary discrimination cases in our data. We expect that this is actually an overestimate, given that discriminatory actions in lending and insurance are more covert in nature and possibly even unintended. Nevertheless, the institutional power of landlords and owners—power to allow access or not—combined with the face-to-face interactions they have with prospective tenants, sets up the most prevalent situation in which discrimination is both explicit and experienced by minorities. The consequences, as witnessed in some of the exemplary material reported, include exclusion (and the associated costs in resources and delayed time to securing housing), but also stress, anxiety, anger, and despair.

Less often directly studied are forms of discrimination that occur once minorities are actually housed, something we have referred to in this article as nonexclusionary discrimination. Such discrimination entails, most generally, differential treatment, harassment, and intimidation and has as its explicit intent the expression of intolerance, the reification of status on a social-interactional level, and even psychological and physical intimidation. Neighbors play a part, as revealed in our examples of biracial couples and families with biracial children, wherein the victims were harassed, threatened, and in some cases eventually evicted from their dwellings.

Interestingly, and somewhat contrary to what we expected, institutional actors (i.e., again, disproportionately landlords) continue to play a quite obvious role in nonexclusionary forms, most often by denying equal treatment to minority persons who are already residing in housing units. Massey (2005) argues that discrimination is a moving target: as “federal anti-discrimination policies become more effective in overcoming certain forms of racial bias in housing, new forms have emerged to perpetuate residential segregation” (p. 149). While we are not suggesting that nonexclusionary forms of discrimination are necessarily “new,” this form of discrimination may become more prevalent as awareness and enforcement increases about, what Massey (2005) calls “the classic discriminatory mechanisms” (i.e., exclusion) (p. 149). Housing providers, out of fear of prosecution, may provide minorities access to housing but that does not necessarily mean that they will be treated fairly, as Alvin's experience discussed earlier illustrated. Furthermore, exposure to harassment and intimidation in and around the home or neighborhood on a daily basis may impact minority preferences over time, as the literature on transitioning neighborhoods and neighborhood preferences highlights (for a helpful discussion and overview of this process, see Yinger 1995). The interaction between

experiences with discrimination and minority preferences, and the relationship between the two with aggregate patterns of segregation, may only be fully disentangled if scholars incorporate nonexclusionary forms of discrimination into their conceptualizations and research agendas.

Housing discrimination continues to be a social problem in the United States for racial minorities, although the processes of inequality and closure we have highlighted are not merely characteristic of housing. As many of our qualitative materials attest, gatekeeping actors exercise considerable discretion in their decision making, and invoke a relatively flexible set of filters when determining institutional access. Such discretion is also activated in day-to-day treatment and monitoring. This is no less true of other institutional arenas, such as employment, where minorities as well as women face numerous inequalities pertaining to both access (e.g., hiring and firing) and mobility and harassment (e.g., Huffman and Cohen 2004; McBrier and Wilson 2004; Padavic and Reskin 2002; Pager 2003). Discretion, even within bureaucratic or legal bounds, is part and parcel of stratification maintenance, creation, and challenge. As the qualitative materials so poignantly suggest, human beings actively engage in reifying inequality, and victims of inequality are much more than mere recipients of differential treatment. Victims, instead, often go through a series of steps to try to counter the inequality they are experiencing, including negotiation, avoidance, confrontation, and in the case of filing a discrimination suit, politically and legally fighting what is unjust.

Obviously there is an interplay between status, power, discretion, and the environments within which they are embedded. And, it is at the crux of this interplay where the most interesting sociological questions lie. How does the structure of neighborhoods, for instance, alter the nature of individual and group interactions in a manner that reifies or mitigates prevailing stratification arrangements and social status hierarchies? Or, how might microlevel interactions reinforce or alter structural arrangements themselves? Whether one builds one's research question from micro to macro or from macro to micro, or defines the question itself in terms of agency to structure or structure to agency, does not really matter. What is more paramount is that theorists and researchers alike make explicit the ways in which human action, conditioned and constrained to some degree by structure, is responsible for the patterns they describe.

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