1-1-1972

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Recommended Citation

The Foundation's View of the Lawyers for Housing Project, 4 Urb. Law. 235 (1972)

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The Foundation's View of the Lawyers for Housing Project

Christopher F. Edley

Government and Law Officer, the Ford Foundation

I will discuss the Lawyers for Housing project from the point of view of the Ford Foundation, and give the historical perspective of why we are involved. I can perhaps best give the perspective of the Foundation by reading the justification within the Foundation for the project.

Despite more liberal federal support legislation, the proliferation of private nonprofit housing sponsors, greater willingness of private lending institutions to invest in slum reconstruction and some signs of more enlightened attitudes on the part of private builders, housing construction for low income people continues to follow far behind need. There are many reasons for the snail's pace of progress in low income housing—the thin flow of subsidy funds, antiquated building codes and zoning laws, the bureaucratic delays inherent in the complicated regulations that govern federal, state and local programs, and the shortage of technical assistance to the many unsophisticated and inexperienced community groups which are trying to get housing projects underway, to mention only a few. The legal profession has an important role to play in easing each of the three latter blocks to progress. There is almost no step in the long process of generating construction of low and moderate income housing that does not need a lawyer's services. The real estate owner who wishes to develop his land, a developer-builder seeking an opportunity, a community group wishing to organize a neighborhood corporation to rehabilitate
houses, or a newly formed neighborhood corporation struggling with unfamiliar FHA regulations—all need a lawyer. Thus, the lawyer, particularly the local lawyer, has a better opportunity than any of the other persons dealing with housing problems to acquire an overall view of the total situation. This opportunity, combined with the influential position of the organized bar in local power structure, represents a powerful potential for helping to solve local housing problems.

When we spoke of “lawyers” in formulating this statement some two years ago, we fully realized that there was a sea of white lawyers working busily day-in and day-out in the housing field, but somehow not accomplishing very much in solving the low income housing problems of the nation. If white lawyers continue to work at the pace they’re working in the housing field, those in the inner cities are not going to receive any more benefit from this effort than they have in the past unless there is a new force and dimension in the picture. To the Ford Foundation in 1969, it appeared just possible that philanthropic risk capital might be invested in a long-shot gamble that the organized bar could make the difference. The most significant role played by private attorneys in the housing market results from profit incentive. It seemed that ultimately the viability of what we were talking about would turn on additional lawyers, particularly black lawyers, seeing a profit motive in stimulating housing—low and moderate income housing—in their neighborhoods. This is the prime reason that the Ford Foundation participated in this project. It meshed with the Ford Foundation’s five year goal of trying to increase the number of minority lawyers and to upgrade the skill and involvement of black lawyers.

Another Foundation program, Urban and Metropolitan Development, is also concerned with housing. The Lawyers for Housing project offered us a happy blending of our concern for involving minority lawyers in the housing process, and our concern for improving the total quantity of low and moderate income housing.

In the write-up, provided us by the American Bar Association, the second point was as follows: local offices funded under the program would provide all technical legal assistance needed to implement a low or moderate income project; they would seek out and train minority group lawyers in housing law and the intricacies of governmental assistance programs, and would call on the volunteer services of committee members. We believe that a local black lawyer who lives and breathes in the black community and who is thoroughly trained on how to handle the technical requirements under the housing assistance programs and learns how an entrepreneurial attorney earns a fee will eventually, over the next ten, fifteen, twenty years or more, have an opportunity to guide his clients and his friends into this vast field that for so long has been denied to black people. I, personally, do not believe that white lawyers can get that close to the black community. I, personally, do not believe that white attorneys will have the numerous day-in and day-out opportu-
nities to persuade the nonprofit organizations in the black community to go into a field that is foreign to them—that of housing sponsorship. In that sense, we believe the effort spent in training the black lawyers will pay off—or we have gambled our money unwisely. I should emphasize to you that foundations do not fund things that are certain. If there is no risk, no substantial risk, they should be funded by government. If there is such a degree of risk that the hard cash of the marketplace is not attracted to a project, then it’s proper for a foundation to consider it.

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QUESTION: In addition to the Ford Foundation, what other foundations make grants to foster housing?

MR. EDLEY: There is a Foundation Directory in almost every local library. In addition, there is a Foundations Center in New York City that seeks to announce all grants made by foundations in the United States and to classify them by subject matter.