

Introduction

Civil rights advocates have long recognized that housing segregation creates inequality in living conditions related to housing, like access to clean drinking water, the type and condition of homes, and exposure to pollution. Residential segregation also undermines equal access to education, public services, and employment, and frustrates democracy at every level. Despite this relationship, most advocates address these issues piecemeal. Schools may be integrated for a time, but as segregated housing patterns persist they tend to resegregate. A community may successfully fight off one polluter but lack the political power to prevent the next. Few victories stay won.

One impediment to integration is an individualistic legal framework where civil rights are perceived as individual rights and racial discrimination as a personal experience. The opposite is true. Housing segregation operates at a neighborhood level. When a neighborhood is overwhelmingly one race, all of the residents face impacts of that segregation, regardless of their own race or circumstances. Individuals face other forms of racial discrimination personally, for example in employment or access to higher education, but even these types of discrimination are reinforced and perpetuated by segregated communities.

What follows is a brief summary of the *State of Exclusion* report. The full report measures and maps several potential impacts of community exclusion in five areas: environmental justice, voting rights, housing, municipal services, and education. Only a sample of that information is presented here; all of the data, maps, citations and report are available at www.uncinclusionproject.org.

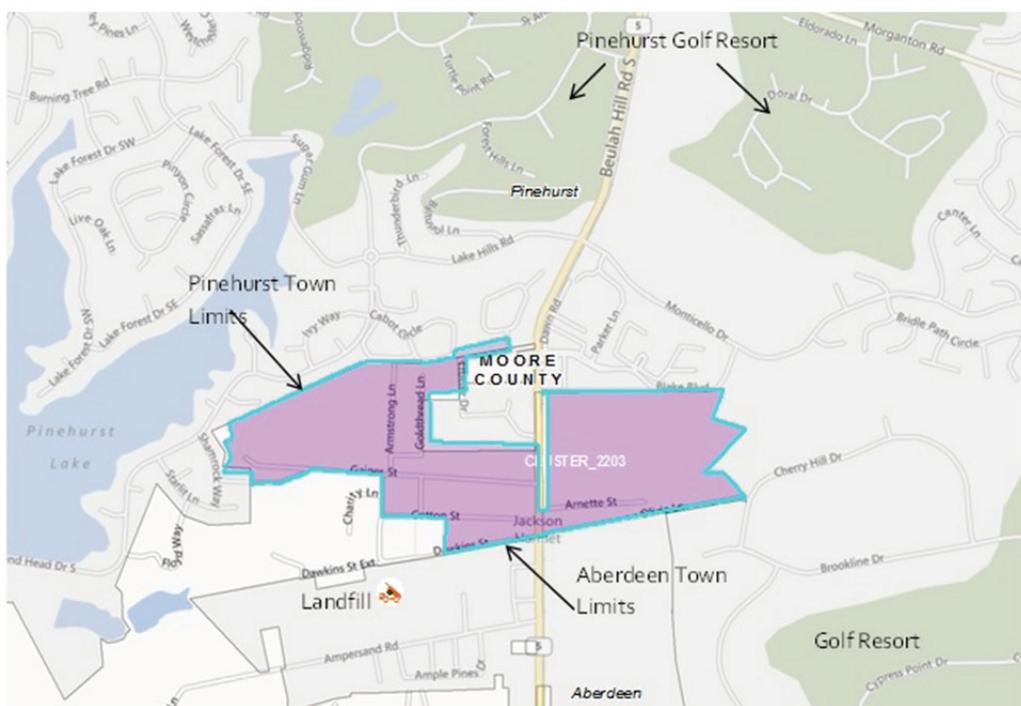


Figure 1: Jackson Hamlet, an African American community sandwiched between Pinehurst and Aberdeen.

This report studies impacts of exclusion tied to super-majority non-white neighborhoods in North Carolina. The smallest geographic unit for which data is available is a census block, which is roughly equivalent to an urban city block, but is of no set area or population. Data in this report are based on every census block in North Carolina where at least 75% of the population self-identified as some race other than white only, or identified as Latino.

Those census blocks were then grouped together into clusters comprising all immediately adjacent similar blocks. These clusters ranged from a single census block to dozens of blocks and were the best approximation for communities that we hypothesized would show manifestations of exclusion. Nearly 3,200 clusters were studied.

One particular form of exclusion this report analyzes is the phenomenon of municipal underbounding. Underbounding occurs where a municipality’s limits exclude a neighborhood that would otherwise be within the municipal limits based upon its location, density, and history.

Our goal is to provide communities, advocates, funders, and policy makers with an understanding of the shared causes of the overlapping challenges facing excluded communities, provide them with data on the seriousness of the issues, and to suggest where additional data is needed. While some of the results are startling, especially with respect to educational disparities and environmental justice issues, ultimately this report may raise more questions than provide answers.

Failing Schools

Access to quality schools depends directly on where one lives. Most N.C. school districts are county-wide, but not all schools in a county are equal in quality, nor does everyone have equal access to the community’s best schools due to school assignment policies. Some counties have multiple school districts, a situation which often aggravates disparities based upon spatial segregation.

Because school assignment data were not available for all districts, the report studied the closest elementary school to a cluster in the same county. Data for the schools, as well as the county averages they are compared to, are based on schools with a third grade as reported by the North Carolina Department of Public Instruction.

In this study, educational outcomes are measured by the passing rates for third grade combined reading and math end-of-grade tests. The percentages given are of the population where the nearest elementary school has a combined passing rate of less than 50%, a “failing” school.

Table 1: Proximity of Cluster Residents to Failing Schools by Region

	All Clusters		General Population		Unincorporated Clusters near Municipalities		All Unincorporated Census Blocks near Municipalities	
	POPULATION	%	POPULATION	%	POPULATION	%	POPULATION	%
COASTAL PLAIN	439,729	44.48%	2,504,184	23.24%	155,565	52.41%	272,194	21.56%
MOUNTAIN	17,177	18.50%	1,110,320	2.90%	3,298	66.95%	172,456	2.37%
PIEDMONT	852,167	46.96%	5,920,979	19.45%	52,933	43.52%	630,924	13.76%
STATEWIDE	1,309,073	45.75%	9,535,483	18.52%	211,796	50.41%	1,075,574	13.91%

Across North Carolina, only 19% of residents live where the closest elementary school has a less than 50% passing rate, but for all clusters, near municipalities or not, the chance that the closest school is failing more than doubles. Disparities are even worse when comparing unincorporated clusters near a municipality (clusters that may be underbounded) with other census blocks bordering municipalities, 50.41% versus only 13.91%.

High-Poverty Schools

The number of students in a school eligible for the free or reduced lunch program is a common measure of the socio-economic demographics of a school. Table 2 shows the percent of the population where the nearest

elementary school has at least 10% more students qualifying for free or reduced lunch than the county average. These high-poverty schools are often racially identifiable and frequently have worse educational outcomes.

For 33.12% of all residents of North Carolina, the closest elementary school is a high-poverty school. Residents of Latino and African American clusters overall have twice the likelihood that their nearest elementary school is high-poverty as the state average.

Table 2: Proximity of Cluster Residents to High-Poverty Schools by Race

	All Clusters		Unincorporated Clusters near any Municipality		Unincorporated Clusters near a Majority-White Municipality	
	POPULATION	%	POPULATION	%	POPULATION	%
LATINO	140,120	63.10%	12,425	65.59%	6,495	57.17%
ASIAN	9,478	26.02%	407	0.00%	407	0.00%
AFRICAN AMERICAN	1,097,755	67.58%	152,864	47.54%	40,296	38.82%
NATIVE AMERICAN	61,720	12.27%	46,100	11.87%	33	100.00%
TOTAL	1,309,073	64.19%	211,796	40.74%	47,231	41.05%

Solid Waste Facilities

Excluded communities are particularly vulnerable to being burdened with the solid waste facilities of nearby municipalities due to the combination of their depressed property values, lack of political voice, proximity to a municipality, and racial discrimination. Several of the Center's existing clients, including the Rogers Eubanks community, Lincoln Heights, Royal Oak, and Jackson Hamlet, host one or more solid waste facilities that primarily serve the adjacent majority-white towns.

The scope of this phenomenon is plotted in terms of exposure rates to open or closed solid waste facilities, including landfills of all types, waste transfer stations, incinerators, and recycling facilities. Exposure rates are determined by the percentage of the population within one mile of each facility. Multiple facilities are often in the same location, which has a cumulative impact on the community. Therefore an area that hosts multiple facilities could have an exposure rate of over 100%.

Table 3: Proximity of Cluster Residents to Solid Waste Facilities by Region

	All Clusters		General Population		Unincorporated Clusters near Municipalities		All Unincorporated Census Blocks near Municipalities	
	POPULATION	%	POPULATION	%	POPULATION	%	POPULATION	%
COASTAL PLAIN	439,729	5.25%	2,504,184	4.17%	155,565	4.10%	272,194	6.16%
MOUNTAIN	17,177	4.55%	1,110,320	5.19%	3,298	10.79%	172,456	9.01%
PIEDMONT	852,167	11.60%	5,920,979	5.86%	52,933	6.44%	630,924	5.58%
STATEWIDE	1,309,073	9.37%	9,535,483	5.34%	211,796	4.79%	1,075,574	6.28%

For all of North Carolina the exposure rate is only 5.34%; in other words, an average of 509,177 people live within one mile of these facilities. *Residents of majority-African American clusters are nearly twice as likely to live within one mile of a solid waste facility*; exposure rates are 10.36% for residents of these clusters. This phenomenon is

especially pronounced in the Piedmont Region of North Carolina, where the residents of clusters are much more likely to live near solid waste facilities.

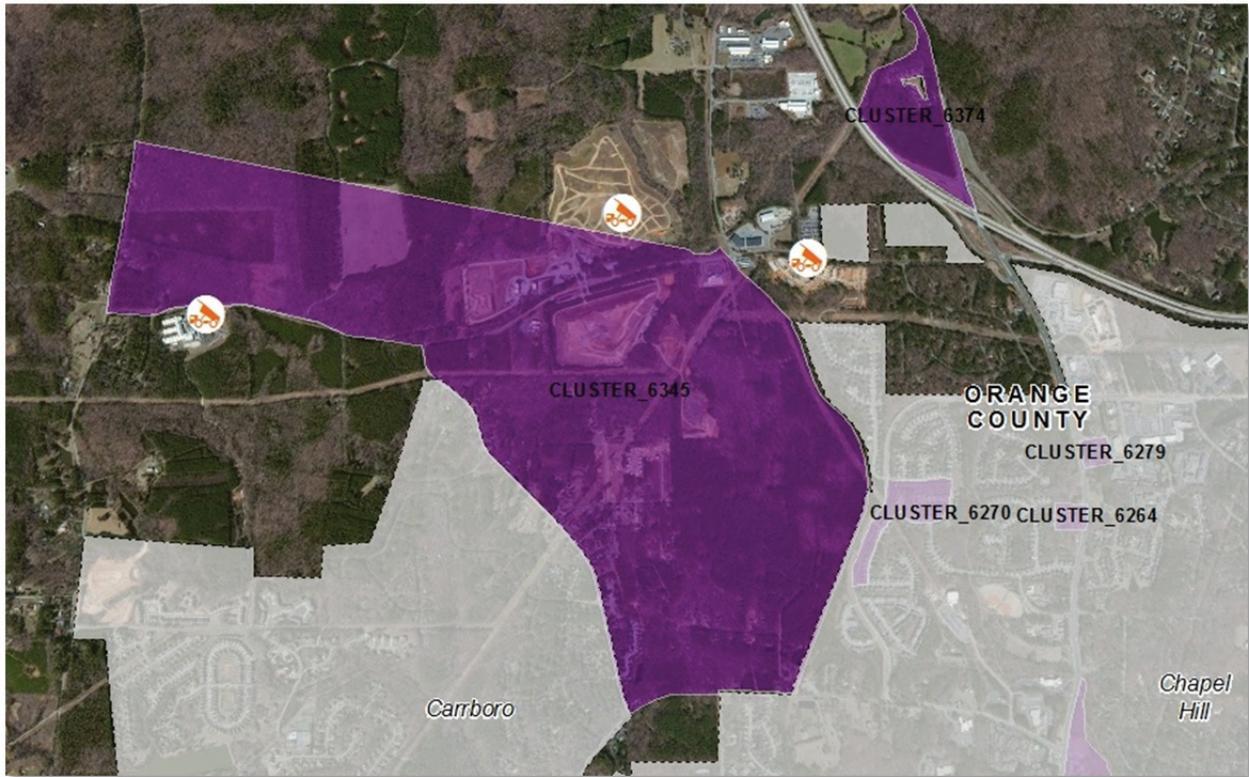


Figure 2: The Rogers Eubanks Community in Orange County, North Carolina, is partially in the Town of Carrboro. The remainder is adjacent to Chapel Hill and is subject to Chapel Hill’s planning and zoning authority (similar to ETJ). For forty years the community has hosted the landfill that serves both towns and the county. While all three governments profess their intent to provide the necessary sewer service, the divided jurisdiction has been used to justify decades of passing the buck on paying for the needed services.

Rental Population

While rental units may not necessarily reflect substandard or inadequate housing, the percentage of people who rent is inversely correlated to home ownership, a crucial indicator of wealth. While statewide less than one-third of people live in rental housing, more than half of all cluster residents do. Disparities are greatest in the Piedmont Region.

Table 4: Cluster residents in rental housing by Region

	All Clusters		General Population		Unincorporated Clusters near Municipalities		All Unincorporated Census Blocks near Municipalities	
	POPULATION	%	POPULATION	%	POPULATION	%	POPULATION	%
COASTAL PLAIN	439,729	47.35%	2,504,184	35.37%	155,565	37.87%	272,194	30.00%
MOUNTAIN	17,177	49.78%	1,110,320	27.68%	3,298	42.90%	172,456	26.73%
PIEDMONT	852,167	58.27%	5,920,979	31.79%	52,933	37.48%	630,924	21.02%
STATEWIDE	1,309,073	54.49%	9,535,483	32.25%	211,796	37.85%	1,075,574	24.21%

County Commissioners and Section Five of the Voting Rights Act

The racial representation on a county board of commissioners, compared to the racial demographics of the county as a whole and of the cluster population, allows an approximation for political exclusion. This method is not cluster specific, but it does allow analysis of the effectiveness of various election methods and Section Five of the Voting Rights Act. On June 25, 2013, the U.S. Supreme Court voided section 4(b) of the Voting Rights Act which determined which states and counties were covered by Section 5. *Shelby County v. Holder*, 570 U.S. ___, 133 S.Ct. 2612 (2013). At the time of publication of this report the N.C. counties listed are no longer by Section 5. An African American elected official does not necessarily represent the will of an African American community, nor is an African American choice candidate necessarily herself African American, but the racial makeup of elected officials overall reflects access to government. The race of candidates for elected office and their success is probative of racial discrimination in elections or districting, and a candidate's race may be evidence to support a claim under the Voting Rights Act.

Table 5: The Ten Counties with the Largest Disparity between the Racial Makeup of the County and Its Board of Commissioners

	Population	Non-White Cluster Residents	% Differential between Non-White Members on the Board of Commissioners and the Entire County	Voting Rights Act Section 5 County (2012)	Election Method of Board of Commissioners	
HYDE	5,810	40.9%	6.8%	-40.9%	no	Residency Districts
JONES	10,153	38.8%	11.4%	-38.8%	no	At-large
SWAIN	13,981	34.4%	8.9%	-34.4%	no	At-large
GREENE	21,362	53.0%	21.0%	-33.0%	yes	At-large
ALAMANCE	151,131	32.7%	11.0%	-32.7%	no	At-large
ONSLow	177,772	31.1%	1.7%	-31.1%	yes	At-large
PASQUOTANK	40,661	45.0%	20.9%	-30.7%	yes	Combined Residency Districts and At-Large
JOHNSTON	168,878	30.2%	6.4%	-30.2%	no	Residency Districts
CHATHAM	63,505	28.8%	11.0%	-28.8%	no	Residency Districts
CABARRUS	178,011	28.4%	6.0%	-28.4%	no	At-large

All of the ten counties with the greatest gap between the percentage of people of color residing in the county and the percentage of people of color on their board of commissioners elect commissioners either at large or through a mixture of at large and residency districts; five of the top six counties with the biggest gaps elect commissioners at large.

Of the forty North Carolina counties covered by Section Five of the Voting Rights Act, twenty-two have a negative gap of more than 10%; their board of commissioners is at least 10% whiter than the county as a whole. The other eighteen counties have smaller gaps, suggesting that Section Five was helping for about half the counties where it applies, but did not adequately protect all forty counties. Of the ten counties with the worst gap, only three are covered by Section Five. Greene, Onslow, and Pasquotank counties have negative differentials of more than 30%; all three are covered by Section Five and either conduct their elections at large or have only residency districts. These counties are perhaps the most ripe for some form of voting rights challenge.

Conclusions

Of the five areas of exclusion examined, dramatic disparate impacts were found in three: environmental justice, education, and housing; in two others, infrastructure and political exclusion, there was insufficient available data to reach strong conclusions about exclusion based on clusters. It is expected that additional data and analysis on infrastructure and political exclusion will be available during the next phase of study. The chances that cluster residents lived within one mile of an environmental hazard, or that their closest school was failing, racially identifiable, or high-poverty, were even higher than expected. The odds almost double for most categories for cluster residents compared to state averages. Similarly, rental rates for cluster residents were 54% as opposed to 32% across the state.

Overall, African American and Latino communities seem to experience largely the same disparate impacts of exclusion despite their variant roots. African American and Latino communities both generally show higher negative impacts than average, but African American communities appear to experience most of the measured impacts at higher rates. The available data may not reflect the true impacts on Latino communities because they are frequently smaller and may not appear as separate clusters. At other times, the relative newness of the Latino communities may explain lower rates, as compared to entrenched and historic housing patterns for African American neighborhoods.

This study also attempted to measure whether exclusionary impacts were worse in communities that were underbounded. Unfortunately, the best model for determining which clusters were underbounded was to approximate underbounding with unincorporated clusters near municipalities, a model that was both over- and under-inclusive. This model suggested underbounding was more common in the poorest counties and in the Coastal Plain for majority-African American clusters.

Remarkable patterns also emerged when dividing North Carolina counties by wealth and region. In particular, despite their overall wealth, the 20 wealthiest counties showed the worst absolute impacts, and the worst disparities between cluster residents and county averages. The only impacts where wealthy counties were not measurably worse were manufactured housing rates and non-white representation in county government.

In almost every area the wealthiest and most densely populated counties leave excluded communities out of their overall prosperity. These counties are also home to more clusters and cluster residents; they contains only 51% of North Carolina's population but 66% of residents of majority-Latino clusters and 58% of residents of majority-African American clusters.

Most of all, this study revealed the substantial lack of comprehensive data needed to document the full legacy of community-based racial segregation and to guide efforts to overcome this injustice. The lack of statewide data on the availability of basic utilities cannot be excused, especially when state funding for such utilities may direct funding away from those counties where it is most needed. The lack of data on infrastructure and housing quality is an impediment to fair housing; government funds may not be reaching racially excluded communities or residents most in need.

The conclusions of this study are inherently limited by its nature. Common struggles facing excluded communities in the areas of environmental justice, home ownership, political exclusion, and education can be documented by statistics, but these tables and charts cannot replace the insight into the underlying causes and flexible solutions associated with particular communities. The next phases of the Inclusion Project will narrow in geographic scope, but deepen the analysis through greater direct community engagement.

About the Center for Civil Rights

Housed within the University of North Carolina School of Law, the Center for Civil Rights strives to make America's promise of justice and opportunity a reality by helping excluded communities transcend institutionalized boundaries of race, class and place. Through legal representation, outreach, research, and, when necessary, litigation, the Center has implemented strategies to address the discrimination that limits opportunities for African American and low wealth individuals, families and communities. While the Center's work is primarily directed toward providing legal support for grassroots advocacy, it is also designed to achieve broad impact by concentrating on the connections between these critical issues at the local, state and national levels.

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