RACIAL PROFILING, INSURANCE STYLE: INSURANCE REDLINING AND THE UNEVEN DEVELOPMENT OF METROPOLITAN AREAS

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ABSTRACT: Racial profiling has emerged as a highly contentious practice in a range of social settings. This article examines the role of racial profiling in the property insurance industry and how such practices, grounded in negative racial stereotyping, have contributed to racial segregation and uneven metropolitan development. From a review of industry underwriting and marketing materials, court documents, and research by government agencies, industry and community groups, and academics, it is clear that race hasTJ0-1.2988TD{oster}325{nore}318.1{quitable}323.4{ommunity}327 article examines the historical and ongoing practices of racial profiling and related discriminatory actions on the part of the property insurance industry in the US. These practices are hardly unique to any particular industry. In fact, they reflect longstanding racial stereotypes

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that have stigmatized racial minorities throughout much of American society, and continue to do so at great expense to minority communities and metropolitan areas generally. Remedies may be available and directions for future policy initiatives are explored.

INSURANCE, HOME OWNERSHIP, AND URBAN DEVELOPMENT

The property insurance industry has a long and continuing tradition of racial profiling. If such practices were once considered sound, professional business practices and explicitly endorsed by the industry, few publicly defend them today. Yet they persist. While redlining

returns, insurers need to determine whether a given applicant is eligible for a policy, and if so, how much to charge.

The insurance industry has one major problem: It does not know the actual cost of its

substantially less than its replacement cost. The fear is that such an insured has an incentive to burn their house down for the insurance money.

A morale hazard refers to a situation where an insured simply becomes less careful once their property is covered. Though no fraud is intended, knowing that an insurance policy is in force may cause some to be less careful in preventing loss than would otherwise be the case. This problem can be dealt with, at least in part, by offering incentives to take preventive action. For example, discounts can be offered for the installation of smoke alarms or security systems. Deductibles are often included whereby the insured is responsible for at least the first few hundred or thousand dollars of any loss (Heimer, 1982, 1985).

So the challenge for the insurance industry is to identify those characteristics of individual properties and people that are conducive to loss and either avoid them or charge higher premiums. The overriding problem confronting insurers remains the fact that they still do not know the cost of its product when it is sold to the consumer. Race has been used as part of the effort to solve that problem. That is, in addition to the tools noted above, a longstanding practice of the industry has been to use race—both the race of individual applicants and the racial co

The following statement by one marketing consultant illustrates the importance of race, and the link between character and race that was widely and openly expressed at least through the 1950s:

It is difficult to draw a definite line between the acceptable and the undesirable colored or cheap mixed white areas; the near west side (Madison Street) and near north side (Clark Street) still attract the derelict or floating elements with "honky tonk," mercantiles and flop houses. Any liability in the areas described should be carefully scrutinized and, in case of Negro dwellings, usually only the better maintained, owner occupied risks are considered acceptable for profitable underwriting (National Inspection Company, 1958).

This statement makes it clear that one of the keys to profitable underwriting was racial discrimination. Apparently, where there are colored or mixed areas it is difficult to determine acceptable from unacceptable areas. And it is the racial composition of such neighborhoods that raises the initial question. What is it about race that matters? Apparently it is the association with derelict behavior. If there is profitable business to be written for "Negroes" (but apparently not for whites) only well maintained properties in which the owner resides are acceptable.

More recently, through the early 1990s, at least one major insurer used explicit racial stereotypes to identify neighborhoods in Richmond, Virginia where it avoided writing insurance. Among the neighborhood descriptions found in that company's marketing guidelines were the following: "Difficult Times—Black Urbanite households with many children...they do watch situation comedies and read T.V. guide. Metro Minority Families ... mostly black families with school children ... they enjoy listening to news/talk radio, and watching prime time soap operas" (National Fair Housing Advocate Online, 1998, para. 4). In part because of such marketing practices, a jury ruled that Nationwide Insurance Company violated the Virginia Fair Housing Act (Housing Opportunities Made Equal, Inc. v. Nationwide Mutual Insurance Company, 1998).

Other labels recently employed by various consultants to characterize different types of neighborhoods that have guided insurers and other financial service providers in their marketing include "Low Income Southern Blacks," "Middle Class Black Families," and "Urban Hispanics." At least one of these firms has dropped the race and ethnic labels but in ways that reflect a downgrading of those neighborhood clusters. "Middle Class Black Families" was changed to "Working Class Families," and "Low Income Southern Blacks" was replaced with "Hard Times" (Metzger, 2001). The primary result is that many residents of such areas are offered less attractive products than are available in other communities, in part for reasons that are unrelated to the actual risk they pose. The American Family sales manager quoted at the opening makes it clear that race is important and why—whites work. Again, the role of race in identifying underlying character traits is indicated.

In a 1995 survey of insurance agents in the Lehigh Valley in southeastern Pennsylvania, 3% stated that an applicant's race was a factor in their decision to insure a home. When asked to agree or disagree with the statement "The race of a homeowner is never a factor when deciding whether or not to insure a home," 94% said they "Completely Agree." When asked about "the racial mix of a neighborhood" 88% "Completely Agree" it is never a factor. The vast majority, in other words, state that race or racial composition is never a factor (Community Action Committee of the Lehigh Valley Inc., 1995). Yet more than 25 years after the Fair Housing Act was passed, at least some agents continue to openly

endorse the use of race in the underwriting of insurance policies. This finding may well understate the number of agents who explicitly take race into account. Survey respondents often give what they perceive to be socially acceptable responses to interviewers that may differ from their true beliefs. When questions are related to race, this generally means providing answers that reflect a more liberal or tolerant attitude than some respondents actually hold (Schuman, et al., 1997).

In a confidential conversation in 2002, an insurance broker said he was often asked the following two questions in what he referred to as "verbal underwriting" for multi-family dwellings: 1) is there any Section 8 at these properties and 2) are the kids in this neighborhood more likely to play hockey or basketball. Both of these questions were understood by this broker and by others to be subtle code words to elicit information on the race of the tenants (Luquetta, personal communication, March 29, 2002). Much of this evidence is anecdotal. But there is also quantitative evidence of the systematic use of race, and of practices that have a disparate impact on racial minorities. Some of this evidence is quite recent.

The National Association of Insurance Commissioners, a trade association of state law enforcement officials who regulate the insurance industry, examined the distribution and costs of homeowners' insurance policies across 33 metropolitan areas in 25 states in the mid-1990s. Researchers found that the racial composition of the neighborhood remained statistically significantly associated with the number and cost of policies even after controlling on loss experience and other demographic factors (Klein, 1995, 1997). (For contradictory findings in Texas where the effect of race was not significant see Grace & Klein, 1999.)

Some of the reasons for these disparities have been uncovered by fair housing organizations in audit or paired-testing studies. In these experiments, white and non-white mystery shoppers (or shoppers from white and non-white neighborhoods) are assigned the same relevant individual, home, and neighborhood characteristics, and they contact various insurance agents in their communities posing as householders interested in purchasing a policy for their homes. The only difference in each pair is their race or the racial

Between 1992 and 1994 the National Fair Housing Alliance tested major insurers in nine cities and found evidence of unlawful discrimination in the following shares of tests in the respective cities: Chicago (83%), Atlanta (67%), Toledo (62%), Milwaukee (58%), Louisville (56%), Cincinnati (44%), Los Angeles (44%), Akron (37%), and Memphis (32%) (Smith & Cloud, 1997).

Similar disparate treatment has been found in approximately half the tests conducted of major insurers by several fair housing organizations (National Fair Housing Alliance v. Travelers Property Casualty Corporation, Aetna Casualty & Surety Company, and Citigroup, Inc., 2000; Smith & Cloud, 1997; Toledo Fair Housing Center v. Farmers Insurance Groups of Companies, 1999). The one study that attempted to assess the extent of racial discrimination market-wide (rather than among particular insurers as has been the case with most of the insurance testing) did not find differences in terms of access to insurance. Researchers with the Urban Institute examined the Phoenix and New York City markets and found that quotes were offered to the vast majority of white, black, and Hispanic testers. But in Phoenix, Hispanics were slightly less likely to be offered full replacement coverage on the contents of their homes than were whites (92% versus 95%) and were more likely to be told the quote would not be guaranteed without an inspection of the home (3% compared to 0.4% among testers who contacted the same agents). Quotes were also 12% higher for Hispanics, though in line with rates filed with the state insurance commissioner for different rating territories, which raises questions about the validity of those state-approved delineations. And in New York white testers were slightly more likely to receive both a written and verbal quote (18.1%) compared to 11.8% for blacks who were more likely to receive only a verbal quote. Though not large, these differences were statistically significant (Galster, et al., 2001; Wissoker, et al., 1998).

Many insurers market their products in ways that, by intent or effect, favor white neighborhoods. The location of agents is one key indicator of where an insurer intends to do business. A study of agent location and underwriting activity in the Milwaukee metropolitan area found that two-thirds of all policies these agents sold covered homes within the zip code or one that bordered the zip code in which their office was located. Coupled with the fact that the proportion of insurance agents in metropolitan areas located in central cities has consistently declined as their numbers have increased in suburban communities, the location (and relocation) of agents has had an adverse disparate impact on the service available in minority communities. In Milwaukee, for example, the number of suburban agents increased from 32 to 297 between 1960 and 1980 while the number in the city initially grew from 113 to 157 during the 1960s but then dropped to 125 by 1980. The ratio of agents per 1000 owner-occupied dwellings remained virtually constant in the city (1.01 and 1.09) while increasing from .34 to 1.25 in the suburbs (Squires, Velez, & Taeuber, 1991). A study of two major insurers within the city of Chicago also revealed a concentration of agents in predominantly white neighborhoods and an avoidance of non-white neighborhoods (Illinois Public Action 1993). Housing values, loss experience, and other economic and demographic changes might account for some of this movement. But studies of agent location in the St. Louis and Milwaukee metropolitan areas found that racial composition of neighborhoods was associated with the number of agents and agencies even after controlling for various socio-economic characteristics including loss experience, income, housing value, and age of housing (Schultz, 1995, 1997; Squires, et al., 1991).

Underwriting guidelines utilized by many insurers have an adverse disparate impact on non-white communities. Restrictions associated with credit history, lifestyle (e.g., prohibitions against more than one family in a dwelling, references to morality and stability),

employment history, and marital status are frequently utilized though no business necessity has been demonstrated (Powers, 1997). Two commonly utilized underwriting guidelines are maximum age and minimum value requirements. For example, insurers often reject or limit coverage for homes that were built prior to 1950 or are valued at less than \$100,000. The disparate impact of maximum age and minimum value guidelines is most evident. In 1999, 23.6% of owner-occupied housing units nationwide were built prior to 1950. But 30.6% of black owner-occupied housing units and 41.7% of Hispanic units were

not provide the same level of care for minorities	s and, therefore, such claimants could not

state legislators who are members of insurance committees in ten large states found that almost one-fifth either own or are agents for an insurance business or are attorneys with law firms that have large insurance practices (Hunter & Sissons, 1995). Many state insurance commissioners came from and went to the industry prior to and after their public service as their state's chief law enforcement officer (Paltrow, 1998). And the resources available at the state level to regulate what are increasingly global corporations are insufficient. To illustrate, as of 1998, 13 state insurance commissioners offices employed no actuaries to examine the fairness of rates that companies charged, and the states approved. Indiana received 5,278 consumer complaints in 1997 bringing the total

Opportunities Made Equal Inc. v. Nationwide Mutual Insurance Company, 1998; Millen & Chamberlain, 2001). American Family negotiated a \$14.5 million agreement that included \$5 million for plaintiffs and \$9.5 million to subsidize loans and grants for home purchase and repair (United States v. American Family Mutual Insurance Company, 1995; NAACP v. American Family Mutual Insurance Company, 1992). Discussions are currently going on with insurers in several cities and more settlements are likely.

An emerging point of contention is the industry's use of mathematical formulas in which credit scores are systematically used in determining eligibility for, and the price of, insurance policies. While credit information has been used by some insurers for selected applications in the past, now approximately 90% of property insurers use credit scores systematically in their underwriting or pricing activities (Ford, 2003). Insurers claim that people with better credit scores are less likely to file claims. It is argued that those who are more careful in the management of their financial assets will also be more careful in their

needs of the communities they serve, including low- and moderate-income neighborhoods. (For more detailed information on the Fair Housing Act see the Web site of the U.S. Department of Housing and Urban Development [http://www.hud.gov/]. For information on HMDA and CRA see the Web sites of the Federal Financial Institutions Examination Council [http://www.ffiec.gov/] and the National Community Reinvestment Coalition [http://www.ncrc.org/].)

These statutes are widely credited for increasing lending activity in low- and moderate-income communities and for racial minorities in particular (Gramlich, 1998, 2002; Joint Center for Housing Studies, 2002; Meyer, 1998). Between 1993 (when the coverage of HMDA was expanded to include independent mortgage companies not previously covered) and 2000 the share of single-family home-purchase loans going to blacks increased from 3.8% to 6.6%. For Hispanics the share grew from 4.0% to 6.9%. And the share of such mortgage loans going to low- and moderate-income borrowers went from 19% to 29% (National Community Reinvestment Coalition, 2001a). Disclosure, coupled with federal prohibitions, appear to have had the intended effect. No comparable requirements exist for property insurers. The limited disclosure data available have had some salutary effects. A broader, nationwide proposal might do for insurance what HMDA has done for mortgage lending.

A recent survey of all state insurance commissioners solicited information on HMDA-like disclosure requirements that were currently in place. Just eight states had some

From a public policy perspective, the next logical step is to enact a federal disclosure requirement for property insurers modeled on HMDA. Such a requirement would call for insurers to publicly report, on an annual basis, information on applicants, properties, and neighborhoods including: the race, gender, and income of applicants; type of policy and amount of coverage applied for; replacement value of home; disposition of those applications; price of policy; census tract in which the property is located; structure (e.g., brick or frame) and age of home; number of rooms and square feet of home; number and severity of claims; and distance to nearest fire hydrant. Such disclosure would allow for far more comprehensive understanding of which, if

any, markets were underserved and would facilitate, in particular, understanding the extent to which race remains a factor. This information could assist insurers in their marketing strategies. It would help state insurance commissioners target scarce enforcement resources. And it would help community organizations identify potential partners for reinvestment initiatives. As John Taylor, Executive Director of the National Community Reinvestment Coalition, observed regarding disclosure in mortgagee o'c'Te

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Research on racial attitudes demonstrates that white Americans continue to view blacks as being less intelligent, less hardworking, and more prone to criminal behavior than whites (Feagin, 2000). When asked to account for racial disparities, lack of motivation on the part of blacks is the argument with the greatest appeal among whites. Their problems would be largely solved if they worked harder, according to this dominant perspective. Whites exhibit little recognition of past or present discrimination as a factor blocking black progress (Schuman, et al., 1997). Such beliefs reflect and reinforce patterns of inequality leading to structured or institutionalized racial inequalities that often appear to be inevitable if not natural outcomes of intrinsic cultural characteristics (Bobo & Massagli, 2001). Concerns with work and morality on the part of insurance agents, underwriters, and others simply reflect stereotypical attitudes that transcend any one industry.

Once formed, stereotypes, and the structured inequalities they generate, change slowly. If there is a kernel of truth to stereotypes (e.g., black unemployment is higher than white unemployment) there is a tendency to paint everyone in the group with the same broad brush. People respond to labels and their stereotypical images of those to whom the label has been attached, rather than to individuals in those groups. This results in sweeping misjudgments that have critical racial and spatial consequences (Bobo & Massagli, 2001). Racial segregation, the uneven development of metropolitan areas characterized by urban sprawl and concentrated poverty, and the associated social costs are just some of those consequences (Orfield, 1997, 2002; Rusk, 1999). For an industry like insurance that depends on risk classifications and the categorization (influenced by stereotypes) that this entails, the negative consequences are magnified.

One kernel of truth may well be that some urban neighborhoods pose greater risks to insurers than other neighborhoods that are not underserved. Insurers may well be responding to signals of the marketplace in their underwriting and pricing decisions. But to the extent that objective measures of risk explain the industry's behavior, a key question is why various neighborhoods pose different levels of risk. To the industry, such uneven development is largely a reflection of the culture, morality, and behavior of residents with race being a major determinant. Rarely does the industry point to disinvestment by private industry, fiscal crises of municipalities, public policy decisions that have long favored suburban over urban communities (e.g., federal highway construction, exclusionary zoning laws, mortgage deductions and other subsidies for home ownership), steering by real estate agents, subjective and discriminatory property appraisals, and many others (Gotham, 2002; Jackson, 1985, 2000; Massey & Denton, 1993). Given these structural realities and subjective stereotypes of the industry, eventually the prophecy becomes selffulfilling. So it becomes rational to avoid some minority communities. But this reflects the crackpot realism Mills wrote about more than 40 years ago (Mills, 1958). Such behavior is rational, only given the larger irrationality of private practices and public policies that have nurtured uneven development (Dreier, Mollenkopf, & Swanstrom, 2001). But as the evidence cited earlier indicates, the industry is not responding just to risk. Race appears to have an independent and adverse impact even after loss experience, risk, and other objective measures are taken into account (Klein, 1997; Schultz, 1995, 1997).

Racial profiling persists in the insurance industry and it leads to unlawful disparate treatment and disparate impact discrimination. This dynamic is grounded in unflattering racial stereotypes that reinforce structural dimensions of racial inequality and uneven development of metropolitan areas. Profiling and discrimination may be less pervasive today than in previous decades, or these practices may simply be more subtle. Progress appears to have been made in recent years in part from universalistic approaches like loss

mitigation and other educational efforts directed at urban consumers and insurers generally. But racial disparities resulting from both objective economic factors and subjective discriminatory practices continue and, to be effective, proposed remedies should be mindful of the overt and subtle racial dynamics.

The necessary data do not exist to draw precise conclusions regarding the extent to which objective and subjective considerations drive these decisions. Insurers will always face the problem of not knowing the actual costs of its product when that product is sold. But steps can be taken to maximize the extent to which such decision-making is predicated on actual risk and minimize the role of race.

ACKNOWLEDGEMENT: I would like to thank the many people who provided helpful comments on earlier drafts of this article including William Chambliss, George Galster, John Goering, Samantha Friedman, Stephen Steinberg, Ron Weitzer, and three anonymous reviewers.

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Privileged Places: Race, Uneven Development and the Geography of Opportunity in Urban America

G D.S adCa E.Kb

[Paper first received, 20 April 2004; in final form, July 2004]

Summary. David Rusk, former Mayor of Albuquerque, New Mexico, has observed that "bad neighborhoods defeat good programs". This paper identifies the underlying causes of bad neighbourhoods along with their costs to local residents and residents throughout the region. It is a critical essay that traces recent patternshiftidual/emittatvepthitelligeercelopapenteride social forces generating these patterns, their manydcodis thedelpotential friendins.capitale monstrates how the interrelated processes of sprawl, condevituation in population. In so doing, it draws on recenquistebolarly pleiterating when the wholist industry satisfies the third that and documents, researchindissiduals chapteristids the throughout the paper focuses on public policy decisions and related private-sector activities in determining how place and race shape the opportunity structure

about the factors' that determine virtually any aspect of the good life and people's access to it in metropolitan America. Place matters. Neighbourhood counts. Access to decent housing, safe neighbourhoods, good schools, useful contacts and other benefits is largely inflenced by the community in which one is born, raised and currently resides.

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