



THE JOHN MARSHALL LAW SCHOOL  
FAIR & AFFORDABLE HOUSING  
COMMENTARY

## FORWARD

This marks the fourth issue of The John Marshall Law School Fair & Affordable Housing Commentary. The Commentary publishes articles of current concern to the fair and affordable housing communities. As in past issues, the Commentary publishes new articles and also reprints of older articles that are still relevant but may not be easily accessible to fair housing and affordable housing advocates.

In this issue, we republish an article first published in the Connecticut Law Review in 2006 by Kathleen C. Engel, on the standing of cities to sue for predatory home lending practices. This is a matter of current concern due to the financial crisis now being experienced in this country and around the world. The suggestion made by Professor Engel has been implemented in a lawsuit filed by the City of Baltimore against the Wells Fargo Bank for alleged predatory practices of that institution that the City maintains injured the City directly.

We also publish a new contribution by Illinois attorney Grant Nyhammer on the problems of defaulting tenants and their right to notice. Mr. Nyhammer provides a practical discussion to a problem that affects defaulting tenants in Illinois.

I have provided two contributions. My short article on standing in administrative investigations is not meant to be a scholarly discussion of standing in the courts. Rather it is a reexamination of whether the same standards to determine standing in judicial actions apply to administrative complaints filed with the United States Department of Housing and Urban Development and substantially equivalent state and local human rights agencies. My conclusion is that the 1988 Fair Housing Amendments Act provides an autonomous administrative procedure and that the complex legal determination of standing should not be made by investigators in determining the merits of an administrative complaint.

My article on the Cairo experience first appeared in the Oregon Law Review in 1982. I think it is of more than historical significance. We view the courts and judicial remedies very differently today than we did forty years ago. Perhaps we are more realistic or perhaps we are

just tired. In any event, we are now eight years into the new millennium and many of the problems that faced us in the 1950s, 60s, and 70s are still with us. We need to look at what we did then and consider what remedies are still viable and where we should search for new approaches. What is clear is that despite some impressive gains at the top, those at the bottom of our society are often as bad off as they were a generation ago.

Professor Robert G. Schwemm's article published in *The John Marshall Law Review* in 2007 on why landlords still discriminate and what can be done about it raises another call to action. The concerns of the proponents of the Fair Housing Act are still with us. Can the Fair Housing Act provide a remedy? What really is our Nation's commitment to fair housing.

Each of these articles offer new ways of thinking about old problems. Their messages are timely to the current housing situation.

I would again like to thank Frank Young, a recent John Marshall Law School graduate and attorney, who has organized and formatted every issue of the commentary. Frank's hard work is much appreciated.