

***Village of Arlington Heights v. Metropolitan Housing Development Corporation (1977)***

429 U.S. 252

*The Metropolitan Housing Development Corporation (MHDC) contracted to purchase a tract of land within the boundaries of the village of Arlington Heights, Illinois, a suburb of Chicago, in order to build racially integrated low and moderate-income housing. The contract was contingent upon securing rezoning, and the MHDC applied to the village for the necessary rezoning from a single-family to a multiple-family (R—5) classification. The village denied the MHDC application, stressing that the location in question had always been zoned for single-family residences and that the village apartment policy called for limited use of R—5 zoning, primarily as a buffer between single-family development and commercial or manufacturing districts, none of which adjoined the project's proposed location. Following the village's denial, the MHDC and individual minority respondents filed suit in federal district court for injunctive and declaratory relief, alleging that the village's denial was racially discriminatory and violated the Equal Protection clause of the Fourteenth Amendment. The district court rejected these claims, holding that the village's rezoning denial was motivated not by racial discrimination but by a desire to protect property values and maintain the village's zoning plan. The Court of Appeals for the Seventh Circuit reversed, finding the "ultimate effect" of the rezoning denial was racially discriminatory and observing that the denial would disproportionately affect blacks, particularly in view of the fact that suburban areas continued to be marked by residential segregation. The Supreme Court granted certiorari, using this case to explain further its "purpose and intent" holding in *Washington v. Davis*.*

Majority opinion: Powell, Blackmun, Burger, Rehnquist, Stewart.

Concurring in part and dissenting in part: Marshall, Brennan.

Dissenting opinion: White.

Not participating: Stevens.

**MR. JUSTICE POWELL delivered the opinion of the Court. . . .**

Our decision last Term in *Washington v. Davis* (1976) . . . made it clear that official action will not be held unconstitutional solely because it results in a racially disproportionate impact. "Disproportionate impact is not irrelevant, but it is not the sole touchstone of an invidious racial discrimination." . . . Proof of racially discriminatory intent or purpose is required to show a violation of the Equal Protection Clause. . . .

*Davis* does not require a plaintiff to prove that the challenged action rested solely on racially discriminatory purposes. Rarely can it be said that a legislature or administrative body operating under a broad mandate made a decision motivated solely by a single concern, or even that a particular purpose was the "dominant" or "primary" one. In fact, it is because legislators and administrators are properly concerned with balancing numerous competing considerations that courts refrain from reviewing the merits of their decisions, absent a showing of arbitrariness or irrationality. But racial discrimination is not just another competing consideration. When there is a proof that a discriminatory purpose has been a motivating factor in the decision, this judicial deference is no longer justified.

Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available. The impact of official action—whether it “bears more heavily on one race than another” ... may provide an important starting point. Sometimes a clear pattern, unexplainable on grounds other than race, emerges from the effect of the state action even when the governing legislation appears guilty on its face.... The evidentiary inquiry is then relatively easy. But such cases are rare. Absent a pattern as stark as that ... impact alone is not determinative, and the Court must look to other evidence.

The historical background of the decision one evidentiary source, particularly if it reveals a series of official actions taken for invidious purposes. . . . The specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker's purposes....For example, if the property involved here always had been zoned R—5 but suddenly was changed to R—3 when the town learned of MHDC's plans to erect integrated housing, we would have a far different case. Departures from the normal procedural sequence also might afford evidence that improper purposes are playing a role. Substantive departures too may be relevant particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached.

The legislative or administrative history may be highly relevant, especially where there are contemporary statements by members of the decisionmaking body, minutes of its meetings, or reports. In some extraordinary instances the members might be called to the stand at trial to testify concerning the purpose of the official action, although even then such testimony frequently will be barred by privilege. . . .

The foregoing summary identifies, without purporting to be exhaustive, subjects of proper inquiry in determining whether racially discriminatory intent existed. . . .