PART 4

CREATIVE PEOPLE AND PLACES BUILDING HEALTH EQUITY IN HOUSING

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The Legal Levers for Health Equity through Housing Report Series

This is the fourth in a series of reports exploring the role of law in housing equity and innovative uses of law to improve health equity through housing. The reports are based on extensive literature scans and semi-structured interviews with people who are taking action in housing policy and practice. The full series includes: Report I: A Vision of Health Equity in Housing; Report II: Legal Levers for Health Equity in Housing: A Systems Approach; Report III: Health Equity in Housing: Evidence and Evidence Gaps; Report V: Governing Health Equity in Housing; and Report VI: Health Equity through Housing: A Blueprint for Systematic Legal Action.

CREATIVE PEOPLE AND PLACES BUILDING HEALTH EQUITY IN HOUSING

"People can make healthier choices if they live in neighborhoods that are safe, free from violence, and designed to promote health. Ensuring opportunities for residents to make healthy choices should be a key component of all community and neighborhood development initiatives. Where we live, learn, work, and play really does matter to our health. Creating healthy communities will require a broad range of players—urban planning, education, housing, transportation, public health, health care, nutrition and others—to work together routinely and understand each other's goals and skills."

— Robert Wood Johnson Foundation Commission to Build a Healthier America (Robert Wood Johnson Foundation Commission to Build a Healthier America, 2014)

Introduction

In the third report in this series, we reviewed evidence on the impact of legal levers for health equity in housing. After assessing the state of the evidence, we wanted to learn what practitioners in the field and leading researchers thought about the use of legal levers for health equity in housing (HEIH): what works, what doesn't, what might be tried next? We interviewed leading housing professionals and summarize the key themes in this report.

Methods

Based on our initial research on the use of law as a tool for health equity in housing, we generated a list of people who were active in one or more important roles in the field. For this sample, we aimed for a breadth of expertise, including people with experience in government, research, housing-related legal practice, and housing advocacy. We added additional people as our work progressed, drawing on published literature, organizational contacts, advisory board suggestions, and suggestions from people we interviewed. We ultimately interviewed 50 people.

The interviews were designed to allow views about the law to initially emerge on their own, without specific legal prompts (Engel & Munger, 1996). Once the participants were talking explicitly about legal levers, our semi-structured protocol directed the

conversation to their view of where law was working, where it was falling short, and how it might be used more effectively.

All but one of the interviews were conducted by phone. The typical duration was one hour. An audio recording was made of each interview with the consent of the informant. Each interview was transcribed, and coded into legal lever categories by at least two team members according to a pre-developed taxonomy using qualitative analysis software (Dedoose). Three researchers reviewed the coded transcripts to identify major themes.

Emerging Themes

The people we interviewed are all accomplished in one aspect or another of housing law, policy, and research. Our interviewees include lawyers, researchers, civil rights advocates, community development executives, and affordable housing professionals. Most of them work in a specific subset of housing (e.g., fair housing, affordable housing, housing stability), but they generally seek to be part of a broader, cross-sectoral, approach to housing: putting the pieces together. Our interviewees had many ideas about ways to improve the housing system in the U.S., and we will discuss some of those ideas in our sixth report, which presents recommendations for research and action. In this report we discuss the major themes that emerged from the interviews.

Theme One: Housing is Connected to Everything

Housing is extremely complicated on its own and because it is so deeply enmeshed with other complex matters, including transportation, education, and community development. At the community level, assuring equitable housing also implicates other challenges — and deeply embedded social attitudes about race, class, and immigration.

> "That's why home matters, because home is the bedrock of success. And so whether it's multifamily, single family, ownership, rental, even from [the] aspect of a shelter — to be able to have that stability allows for benefits in health, education, and economic development."
>
> – Lou Tisler, National NeighborWorks Association (formerly Director of Housing Counseling Network, National Community Reinvestment Coalition)

Placing health at the center of housing policy means understanding that people do not just have housing problems. Housing is important to many aspects of health and well-being. Danya Keene, an assistant professor of public health at Yale Medical School, noted that many people she spoke to who moved from a waiting list into subsidized housing experienced a "dramatic turnaround and feeling that their lives were under control. That they could now focus on their health and more long-term goals, on finding a job and all these things that could cascade into other improvements. That house, getting that resource really provided a foundation for them to manage other aspects of their life, including their health" (Keene).

Looking at housing in isolation can lead to laws with toxic side-effects. Several interviewees pointed to the example of nuisance property ordinances, which were meant to set a higher standard of care for landlords to prevent unsafe behavior and conditions, but ended up hurting tenants who legitimately needed help

from the police. Shamus Roller, the executive director at the National Housing Law Project, explained that nuisance property ordinances "force landlords to evict survivors of domestic violence who call the police because their abuser has hurt them. And then, they're often used discriminatorily against people of color in predominantly white jurisdictions" (Roller).

The complexity and need to look at housing holistically was highlighted by Rasheedah Phillips, former managing attorney at Community Legal Services of Philadelphia, when she said, "I think we, to our detriment, really silo housing as its own issue, as opposed to seeing [it] as a part of all of the other issues that low-income folks are experiencing. So, low wages, accessibility to education. All of those things need to be part of the same conversation" (Phillips). Tim Evans, director of research at New Jersey Future, was one participant who connected housing policy and school policy. In states with many small towns and school districts, he explained,

> every municipality has an incentive to try to minimize the number of housing units that it provides because your average housing unit does not pay for itself from a property tax standpoint. The property tax revenue that's generated by a house will not come close to covering the cost of educating the kids that move into that house if a family with kids moves in. … Each town is on the hook to pay for its own school system and not sharing the cost or the benefit with the neighboring municipality. There is that incentive to minimize the number of housing units and to make sure that what housing does get built is of the expensive variety that'll generate more property tax revenue (Evans).

Interviewees mentioned how important it is to place affordable housing close to public transportation. This is particularly important for low-income families who may not be able to afford a car to commute, but it should matter to everyone. Employers need workers, cities need taxpayers, and commuters need less congestion and more options. Diana Yazzie Devine, president and chief executive officer at Native American Connections, talked about how important transit-oriented development has been in her community: "People utilize the light rail as an affordable option to get to work, help their children get to good schools, and make use of all the community amenities such as parks and libraries. Eliminating the expense of car ownership helps families have money available for other household expenses; families without a car can recognize a yearly cost savings of as much as $10,000." (Devine).

"Because the housing market is intensely complex," Shamus Roller explained. "You can't pass any law that doesn't have an impact on something else. There's not just one thing that will fix our housing problems" (Roller).

These connections make it essential to approach health equity in housing solutions from a systems perspective:

> I think we would need a multi-part solution. One part of it is changing the zoning laws in the suburbs because exclusionary zoning in the suburbs is directly connected with a lack of access to suburban communities by low-income people and people of color. So, increasing residential density would be part of it – a variety of local law changes that make it more affordable and more feasible to both build and preserve affordable housing – and then, right to counsel for tenants in landlord-tenant hearings and an actual, funded right to housing, so determining what's the income level below which we think that people just plain need and get a housing subsidy and fully funding that at the federal level (Brennan).

> Increasingly, people are sophisticated about the intersection between not just housing and traditional health equity outcomes, but I think more explicitly about things like educational outcomes, economic opportunity outcomes, aspects of integration that have more to do with social capital, all of those things. So, I think the more sophisticated people in housing policy recognize that a roof over someone's head is only one small input to an outcome or a set of outcomes that are much, much broader (Davidson).

Theme Two: Segregation Won

Many of our respondents pointed to the problem of racial segregation as a basic social determinant of housing outcomes, and to the overall and long-term failure of law to eliminate or even substantially reduce it.

Interviewees had strong opinions as to why segregation persists: "We and everyone else who do this work are up against a very entrenched racism, and really a sense that people should be able to tell other people that they should not live in their town, even if they're working in their town …" (Gordon). Adam Gordon, associate director at the Fair Share Housing Center, also explained, "This is stuff that's very politically challenging. It really deals with core issues of race and class that divide America in many ways. And it's not easy. … There's a lot of people, even though we've had these laws in place for 40 plus years, who continue to fight very hard against allowing affordable housing in their communities" (Gordon). Alexander Polikoff, a co-director for public housing and senior staff council at Business and Professional People for the Public Interest, emphasizes this point, "Any time even the most minor affordable housing development is proposed in a white suburb, there are oppositions — it's going to [cause] too much traffic, there are all sorts of excuses — and the real excuse is: we don't want to share our neighborhood with poor blacks" (Polikoff).

Interviewee Richard Rothstein, a distinguished fellow at Economic Policy Institute, wrote a powerful history of the deliberate use of law to create a segregated America, and in his view the effects of those policies are on-going (Rothstein, 2017). "No African American today can go into court and say, even though it's true, 'Because my great grandfather was denied an opportunity to move to single family homes in the suburbs, I now have less income than I otherwise would, and don't have wealth.' … The solution has to be policy" (Rothstein).

Housing laws fail to protect the most vulnerable Americans, perpetuating segregation and unaffordability in communities across the country. Photo via Pixabay.

Rothstein discussed multiple examples of the deliberate use of legal levers to perpetuate segregation during his interview, including the Low Income Housing Tax Credit program (LIHTC):

> The other program, the low income housing tax credit, subsidizes builders of apartments for low income families with a federal tax credit. That also reinforces segregation, because most builders who take this tax credit use it in already segregated neighborhoods. They do so because land is cheaper there, because there's no community opposition they have to face, and it's easy to rent apartments. … We could de-emphasize the use of the low income housing tax credit in already segregated communities. At the very least, we should create incentives for them to place these developments in higher opportunity, in middle-class, communities. That could easily be fixed (Rothstein).

Racism and the effects of racist policies persist in attitudes that tie affordable housing with poverty and disorder.

> When people hear something like housing, they think, public housing. And, when they think, public housing, they think, the deliberately ghettoized public housing units of the 1960s and 70s, which were purposefully placed in high poverty neighborhoods. You know, disproportionally people of color. This was done deliberately by the state. So, it's no accident then, that when people think of public housing, they think about entrenched poverty, and then they on top of that, they layer a perception of race onto it. … Part of the work is also to dismantle that racism that's embedded in people's collective memory, and then, more actively, just to actively dismantle the racism, and the politics of fear around integration (Albright).

Segregation lives on in small decisions by individual actors that end up perpetuating the problem. Rob Breymaier, chief operations officer at Heartland Housing, for example, explained what happened in Chicago when real estate agencies hired Latino realtors: "They basically sell homes in already Latino identified neighborhoods, with mostly Latino clients, and there's really no effort in any way, shape, or form to sort of promote the idea that, 'Well, actually, you could live in these other communities, as well. Let me show you some of the houses in those places'" (Breymaier). Roshanak Mehdipanah, an assistant professor of health behavior and health education at the University of Michigan School of Public Health, talked about "poor doors" in mixed-income developments as a way to maintain segregation at a micro-level. She explained that those paying the subsidized rates had separate entrances and amenities from those paying the market rate (Mehdipanah).

Fundamentally, though, respondents suggested that major change in social attitudes will be needed. Segregation persists

> because people just have not conceptualized the problem as being a collective problem. They've seen the problem as a 'them' problem. A problem about that neighborhood down there, and not a problem that we all have in terms of the process and the laws and the assumptions that we make, that where every day, we're building new units and we're building them in the segregated and segregation-enhancing pattern. Until we actually see that, then segregation is going to continue (Jargowsky).

"Within metro areas, it's about racial segregation, to the point where I call it a meta-problem, essentially. So … it's the problem that causes or has a significant effect on all the other problems that we're trying to address, but we fail to recognize that we can't come up with a solution unless we deal with segregation."

– Rob Breymaier, Heartland Alliance (formerly Executive Director, Oak Park Regional Housing Center)

Despite the prevalence of racism and segregation, some of our interviewees expressed sentiments of hope. "On the one hand, we're having more open, white supremacist [sentiment], and on the other hand, we're having more frank and honest and passionate conversation about our racial history and obligations than ever before. So, I hope that the latter will prevail" (Rothstein). "In *Climbing Mount Laurel*,"[1] Len Albright, a former assitant professor of sociology and public policy at Northeastern University and now user experience researcher at Facebook, told us, "we talk about some of the meetings, the planning meetings, for the Ethel Lawrence homes, and, you know, what is

disheartening, is the explicit classes in racism. But, what is heartening, were the number of people that said that this was the right thing do. That they thought that, being an affirmative program, around special integration and school integration, was the right thing to do" (Albright).

Theme Three: The Problem of Land-Use Law

While many legal levers are not being pulled often or vigorously enough for our respondents, one specific lever came up again and again as a commonly used lever that makes achieving HEIH harder: zoning. The power of local governments to define what can be built and where has been used to exclude multifamily affordable housing in many communities.

Use and area restrictions — including prohibitions on multifamily housing, minimum lot sizes, and requirements for specific amounts of land to be available for parking — limit the development of multifamily housing, which is more likely than single-family homes to be affordable. In order for money that is allocated for affordable housing, either through LIHTC, housing trust funds, or other programs, to actually be used to increase the number of affordable homes, zoning laws must allow the development of multifamily housing. "There are two things you need for affordable housing or subsidized housing to occur: You need the funding for it, so, you need the federal or the state resources, but even if you have the money, you then need the land-use laws that allow it. There's a lot of exclusionary zoning that does not allow it at the local level" (Aurand).

By hindering the development of affordable housing, zoning acts as an impediment to integration. "There's a lot of research that shows that arguably the biggest correlation between … the level of racial segregation in metropolitan areas is the level of the exclusionary zoning." (Gordon). As Michael Allen, partner at the civil rights law firm Relman, Dane and Colfax, noted, "the absence of land that is available by right to build multifamily housing means housing prices are going to go up, and people who can't pay the price won't be there. And that, almost inevitably in just about every community, means that you'll have white people included, and people of color excluded" (Allen). Interviewees also reminded us that the areas where affordable multifamily housing is built tend to be the places that are also zoned for unhealthy uses, such as environmentally toxic sites and payday loan stores.

Legal mechanisms to address exclusionary zoning — the *Mount Laurel* doctrine, California's housing element law, Massachusetts 40B — have had some success, but overall their impact on producing HEIH has been limited. It is just very difficult when the power to set land-use policy is vested in many independent local government units. There may be economic incentives, such as concern over school costs, to limit multifamily developments; and small but vocal groups within a community can use the zoning lever to stop affordable housing. While some NIMBY ("not in my backyard") attitudes are based in racism, concern about personal wealth is another factor that can drive opposition to affordable housing.

> The tide that you're swimming against with any of these types of programs, is NIMBY. You know, folks may politically agree with the goals of things like residential integration and school integration, but [what] they're wary of, is the impact of things primarily on their housing values. The majority of Americans' wealth is held in their home equity, so, any threat to their home equity is going to impact their politics. People feel, like, affordable housing comes to town, and it's going to hit their bottom line on their housing values, they're going to reject it (Albright).

Of course, the fear that integration is bad for the local economy may itself be a symptom of biased attitudes, and in any case, it is factually dubious. Len Albright

1 Massey, D. S., Albright, L., Casciano, R., Derickson, E., & Kinsey, D. N. (2013). *Climbing Mount Laurel: The struggle for affordable housing and social mobility in an American suburb*. Princeton, NJ: Princeton University Press.

noted that concerns that increasing affordable housing in a community would result in higher taxes and crime rates, or declining property values and school quality, were unfounded in Mount Laurel.

> We measured all these things. We compared Mount Laurel to a number of other suburban towns in south Jersey with similar demographic characteristics, similar built environment, similar transportation infrastructure. And, we found that, in this case, taxes did not increase. Crime rates did not go up. And, property values didn't go down. In some cases, actually, property values went up" (Albright).

Montgomery County, Maryland, which was highlighted by multiple respondents as an affordable housing bright spot, has been successful in part because land-use is governed at the county level. "The politics are different when decisions about homes and land-use [are made] at a different level of government [such that] a county of one million people is not going to say, 'We don't want any homes anywhere'" (Gordon).

States can do more, either by providing Mount Laurel-style remedies for local zoning resistance, or by substantially limiting or even taking away local zoning authority. Our interviewees, however, saw problems at the state level, too. While inclusionary zoning laws of the kind deployed in Montgomery County can be a positive land-use mechanism, state preemption can be an obstacle to the localities that want to open up their zoning in this way. "Certainly, on anything that sets rent levels, which of course inclusionary zoning can, that's been an area of serious tension between states and local governments" (Davidson). States that do not enable localities to enact inclusionary zoning laws, or that allow local governments to prohibit inclusionary zoning, create barriers to use of this lever.

There is some sense that a different approach to zoning — one that affirmatively furthered HEIH — could produce results.

> We are already controlling what gets built where. We're just doing it in a very counterproductive and segregation-enhancing way. And we need to turn that around. If we're going to have government intervention in the housing market, which we have, then let's do it in a way that makes sense and helps us to build a society that works (Jargowsky).

The Affirmatively Furthering Fair Housing (AFFH) rule was identified as one mechanism that, if implemented and enforced, could enable local governments to be held accountable for their land-use decisions, and to encourage action on a regional level. Tim Iglesias, a professor at University of San Francisco School of Law, noted that the AFFH rule "is a lever, if you will, that enables local communities — or could enable local communities — to hold their local government accountable for the land-use decisions and policies they have that both create unaffordable and unhealthy communities, and then maintain them as well" (Iglesias).

Given the barrier to affordable housing and integrated communities that zoning creates, and the potential solutions available for evaluation and deployment, addressing zoning and land-use issues was identified in our interviews as a crucial element for achieving health equity in housing.

Theme Four: Litigation – Of course … and yet

Litigation was a frequently mentioned legal lever. Using the power to sue as a way to organize, cajole, threaten, and claim a seat at the table is the epitome of using the tools one has as well as one can: it produces victories and can help overcome poor government enforcement. Still, interviewees saw it as hard work and not enough on its own.

Large-scale impact litigation under fair housing laws, the Americans with Disabilities Act, or environmental law can be a powerful lever for systems change in localities and regions. Examples of success include *Thompson v. HUD*, *Gautreaux v. Chicago Housing Authority*, *Walker v. HUD*, *Inclusive Communities Project v. HUD*, and *Baez v. NYC Housing Authority*. In addition

to lawsuits, many fair housing cases are resolved through the U.S. Department of Housing and Urban Development (HUD) administrative complaint process. Through these lawsuits and complaints, advocates have achieved remarkable outcomes that include: successful mobility programs in Baltimore, Chicago, and Dallas; required use of Small Area Fair Market Rents to calculate voucher subsidies in some cities; mold remediation for housing authority tenants; changes to procedures for handling reasonable accommodation requests for tenants with disabilities; repeal of a local approval requirement for LIHTC properties; policy changes to address discriminatory practices in large financial institutions; and settlements for millions of dollars to be devoted to community development. Sometimes even the threat of litigation is enough to change policies. Demetria McCain, president of the Inclusive Communities Project, explained how the Inclusive Communities Project prompted a Texas town to modify its policy of prohibiting apartment owners from renting to voucher holders by sending the town letters written with the assistance of attorneys (McCain).

In addition to being a powerful tool on its own, litigation is also an important element of broader strategic efforts to bring about policy change. It can instigate legislation, and, as we have seen in the long history of social activism, it is and must be closely tied to lobbying and community organizing. Lawyers working hard to successfully litigate claims noted the importance of community members and local advocacy groups in affecting change — either as part of, or in addition to, litigation. Michael Allen described a case that was resolved against a city for not building affordable housing in a way that was accessible for people with disabilities. He noted that "when the case resolved, it was for well over $200 million to fix the problem. But that began with some advocates, and the fair housing group, and some disability groups noticing what had happened to their constituents, to their members" (Allen). Sandra Park, a senior staff attorney at ACLU Women's Rights Project, explained how the ACLU engages communities around the issue of nuisance ordinances, meeting with community members to hear about their experiences and learn about issues surrounding these ordinances. Park explained,

> When the level of knowledge in the community about this issue is raised, it's often also become a political issue and [in] some of the places I've worked is actually a campaign issue, whether or not the city council member supported the nuisance ordinance. We have seen in some places that candidates specifically campaign on the fact that they opposed the ordinance. I think I really look at it as a multi-faceted strategy and litigation as a big component of it. It often can be the most effective component but I think that there [are] a lot of other things that we need to do along with it (Park).

Litigation must be integrated into a movement rather than being isolated if it is to support mobilization and long-term empowerment to strive for health equity in housing. "There are good examples of people who are doing the community organizing that's necessary to move policy. … Ultimately, I think the answer is more people caring and making that point in the political process or in the grass roots process" (Allen).

Notwithstanding the many successful outcomes that have been accomplished through litigation, this is hard and slow work, and doesn't always go well. For example, the Westchester County and Mount Laurel cases show that even after successful court rulings and groundbreaking settlement agreements, lack of compliance can lead to court battles that span decades.

> Litigation takes years and years to bear fruit. So, it's never the first thing we look towards. … It's important as you talk about litigation that there are no final victories. … Everything requires constant vigilance. People get amnesia. There's no institutional recollection. New people become decision makers who had different interests. … Litigation certainly helps with longer lasting remedies, you might say, as opposed to policy, which could be changed based on any voting body. But no, there are no final victories (McCain).

There are also times when the remedy obtained may be inadequate.

> Even the sizable settlements the Department of Justice secured in the wake of the foreclosure crisis against these large institutions [didn't] fully compensate the communities that were impacted by the discriminatory lending practices that were challenged. The impacts of the predatory lending practices were deep, stripping communities of color of significant amounts of wealth through targeted toxic loans, and the relief DOJ and others ultimately secured in funds for victims and other penalties is not commensurate with that harm, by and large (Williams).

Despite its limits, litigation remains a proven and important part of a systematic approach to achieving health equity in housing. "No question but the leverage of *Gautreaux* has enabled us to play the role we're playing in the siting of public housing in the mixed-income context" (Polikoff).

Theme Five: We're Not Enforcing the Laws We Have

There are many legal "solutions" in place but often, as documented in the third report in this series, we do not have good evidence of whether or how they work. Our respondents generally knew one thing for sure: across the board, many of the laws they use or rely on are not being properly enforced. Respondents noted a lack of enforcement regarding multiple levers including lead laws, fair housing litigation, the AFFH rule, housing codes, and LIHTC. Generally, respondents highlighted the need for more resources, and political will, to increase enforcement efforts and to make enforcement smarter and more responsive to actual community needs and conditions.

Insufficient enforcement of the Fair Housing Act was cited many times in our interviews. Respondents expressed frustration that there seemed to be no real consequences to deter housing providers from violating fair housing rules. Michael Allen explained that the lack of enforcement of the Fair Housing Act is both an issue of resources and political will. He noted that resources change based on politics and

> it's nonprofit groups and agencies at local government or state government that are applying for the federal fair housing money to do enforcement. And there's just not enough of that to go around. The grants to those entities are anemic, and there's only so much that they can do. People are just inundated with complaints. And the results are that typically they're not getting the kind of attention and zeal that they really need to come to good outcomes (Allen).

Many respondents discussed the AFFH rule, noting overall that the rule could be effective if it was properly enforced by HUD. Allen said, "in the entire field of civil rights certifications, but particularly the AFFH piece, it is the inaction and non-enforcement by the federal government that I think was the biggest obstacle" (Allen).

Tim Iglesias pointed to a string of reports revealing that HUD had not been implementing or enforcing lead exposure rules. The lack of proper enforcement of lead laws related to housing could have a direct health impact on those living in homes with lead hazards, particularly children (Iglesias). Of course, in a resource-poor environment, strict enforcement can also cause problems. Matt Kreis, counsel for programs and administration at the Center for Community Progress, gave the example of assessing fines for failure to comply with housing codes. He explained that fines could hinder the ability of someone to make needed repairs. "Laws that are purely punitive in nature and focus simply on fines can definitely have an inequitable effect in those [low income] types of communities" (Kreis). Although it would be ideal for every family to live in housing maintained at the highest levels of the housing maintenance code, there are people who would not be able to afford to maintain that level of housing, and thus strict housing code enforcement could restrict the supply of affordable housing. Using enforcement discretion to focus on health rather than aesthetic violations, and finding ways to support remediation, are crucial. Iglesias explained,

> What some cities have done is what's called Smart Code Enforcement where what they tried to do is exercise their discretion a little bit more carefully to anticipate and take into account what these tradeoffs [between enforcing housing codes and reducing existing affordable housing] are and then to have programs where they make available grants or low-cost loans to owners of housing that is in substandard condition that would otherwise be subject to being closed to help them bring it up (Iglesias).

Enforcement issues in the LIHTC program arise in the context of affordability requirements. The builder's commitment to maintaining the agreed number of affordable units lasts for 30 years. However, as Lan Deng, associate professor of urban and regional planning at the Taubman College of Architecture and Urban Planning at the University of Michigan, explained,

> The problem is that … in the first 15 years, [the] IRS was going to be monitoring the project to ensure compliance but after year 15 there is no federal role ensuring that this affordability will be met. … Basically, IRS would be no longer involved and also, there's also no financial consequence. So, basically, investors, they only need to maintain their projects for 15 years in order to get their tax credit but after year 15, even if something went wrong with this project, [the] investor will not be held accountable since all the tax credits have been claimed and most of them would have exited from the property ownership at year 15 (Deng).

Theme Six: The Devil in the Legal Details

Lawyers add value beyond bringing suits. Legal rules create barriers and opportunities and the successful learn how to use legal technicalities so as to avoid the former and exploit the later. (This is not to say that all the detailed rules are helpful or necessary — see Theme Seven). We heard many stories of the fine print and its importance to how big programs actually operate.

The LIHTC program is a good example. The detailed rules and contractual provisions provide opportunities for promoting HEIH. Strings can be attached to funding to make the housing fairer, for instance the federal statute authorizing LIHTC prohibits housing providers that participate in the program from refusing a housing voucher (McCain). Qualified Allocation Plans (QAP) can set aside credits for permanent supportive housing or award points for developments near public transportation (Devine). Diana Yazzie Devine described successful use of the QAP in Arizona, where a set-aside for permanent supportive housing for individuals experiencing homelessness "made a big difference by encouraging developers to consider permanent supportive housing. The QAP was really helpful and served to increase the number of housing units dedicated to individuals transitioning from homelessness thereby helping to reduce the number of people on the streets" (Devine).

Other legal details, such as requirements in some states that LIHTC developers obtain approval from a municipality before building housing, can be exploited for purposes of political manipulation. Such provisions allow NIMBY attitudes to prevent the development of new affordable housing in certain areas. Demetria McCain explains that it is "a huge invitation to [NIMBY] when you have a program that invites the local community to say yay or nay whether or not development should be built. It's a real problem here in Texas, specifically in the Dallas metro area as well" (McCain). Michael Allen noted that these local approval requirements are not as prevalent as they once were, but that they "do exactly what you expect they would do, which is flood areas with more affordable housing without requiring there to be any kind of concerted revitalization plan and steer them away from the higher cost, high-opportunity areas where … [there are] better schools, safer streets, access to transportation, jobs, and [where] amenities would be much better" (Allen).

The Housing Choice Voucher program provides another example of legal details that create barriers to health equity in housing. Both the jurisdictional boundaries and the method for calculating subsidies

based on metropolitan area fair market rent may make it difficult for voucher holders to move to high opportunity areas. Barbara Samuels highlighted the jurisdictional boundary issue, explaining:

> The Housing Choice Voucher program is operated through thousands of local housing authorities, which for historic and outdated reasons operate within municipal or county boundaries that do not align with the actual housing market. This makes for a very balkanized program. Even though vouchers can, in theory, be used almost anywhere in the U.S., in practice the geography of housing choices for families is quite restricted. It reinforces segregation. HUD put out "portability" procedures as a work-around to allow families to transfer their voucher to a different jurisdiction. But the portability process itself is flawed because it is very cumbersome for both families and housing authorities to use and like most work-arounds, doesn't really solve the underlying problem. As a result, families generally remain tied to the housing authority that issued their voucher — often in high-poverty and racially segregated areas — and are unable to shop for housing throughout the housing market. In contrast, housing mobility programs, where available, help families navigate the portability barrier. And in some places, housing authorities are able to operate regionally. When combined, as in Baltimore, housing mobility counseling and regional administration dramatically expand the choices accessible to families and empower them to access very different environments (Samuels).

Megan Hatch, associate professor and PhD program director at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University, described the problem regarding voucher subsidy calculations, "Even if a city … [has] a source of income anti-discrimination law, if the average rent is so high that it's not within the fair market rent that HUD puts up, it doesn't matter … [then] voucher holders aren't going to be able to live there. … People still aren't going to be able to move into those neighborhoods" (Hatch). Voucher subsidies are calculated based on HUD's fair market rent (FMR), which traditionally has been set at the metropolitan level and may be different than the market rent in some areas within the metro region. In lower-rent areas, landlords are able to charge voucher holders more than renters without a voucher because HUD will pay based on the metropolitan FMR, which is greater than market rent (Desmond & Perkins, 2016; Rosen, 2014). Richard Rothstein explained that "[t]he average [subsidies] are too low to rent in high opportunity areas in middle-class neighborhoods and actually too high to rent in segregated neighborhoods. Landlords exploit the program by charging more to Section 8 voucher holders than the market actually requires" (Rothstein). Samuels discussed one of the problems with landlords overcharging voucher holders.

> Ultimately, the people hurt the most … are the unassisted renters who cannot compete. … It's inflating rent. We have rents going up even in areas where there is no market demand, so it's clearly being driven by the voucher program. And at the same time, the Housing Authority is in a panic over how are they're going to cut budget in the voucher program because of anticipated budget cuts and appropriations cut. And my sort of back of the envelope guesstimate as to what this over subsidization of landlords was costing was about $7 million to $8 million a year, which would have been the biggest cost-saving measure they could've done (Samuels).

Detailed legal expertise is an important part of the skill set needed for a movement for health equity in housing, both to use the loopholes for good and to work to eliminate exploitation.

Theme Seven: All that Red Tape

Litigation is a lawyer-heavy element of the housing project. It is law as the sword of righteous action, the defender of the little guy. It fits a powerful story of justice in America. Similarly, law as a complicated machine that legal experts can manipulate is another, mostly positive, story: legal details can be good and useful. But there is still another common legal story that came out in many interviews: law as red tape, as

unfair or pointless technicalities that snare regular people (Ewick & Silbey, 1998; Sarat, 1990). The housing system has many nit-picking rules that cost a lot to enforce and reflect the underlying idea that we are grudgingly meeting the needs of the undeserving rather than establishing a decent foundation for a resident's productive life. These are often punitive rules that police the recipients but work against the larger goal of providing housing for those in need.

Eligibility requirements for people seeking LIHTC housing are one example. "Because the rents are so regulated by the low-income housing tax credit program, a person working a retail job making minimum wage with seasonal overtime pay might wind up above the income limit even though the overage was the result of seasonal, and not permanent, pay. It's frustrating when somebody goes through the qualifying process and in the end, they're $50 over the income limit" (Devine).

Annie Harper explained how red tape can have a particular effect on people with disabilities. She relayed the story of a man living in subsidized housing who, after beginning to earn employment income, continued to receive disability benefits from the Social Security Administration (SSA) a few months beyond his eligibility due to slow administrative processes. Because his rent was calculated based on his income, the housing authority was charging him rent based on the total of his employment and disability income for those months, even though he later would have to repay the benefits income to SSA. This caused problems for the man who had used the disability benefits to pay his rent, then did not have the money to pay back to SSA. These issues may have been avoided by swifter administrative processes at SSA or better communication between SSA and the housing authority (Harper).

Until reforms in 2018, paperwork was killing a program to help poor Detroit homeowners reduce their property tax burden, and fueling a tax foreclosure and eviction crisis in the city. Alexa Eisenberg, a doctoral candidate at the University of Michigan School of Public Health, described the hurdles that were involved in the process in those days:

> You couldn't pick up the application. In order to apply you [had] to go downtown to the tax assessor's office to fill out an application for the application. Often when they sent you the application it would come with a due date that had already passed. So, people didn't feel like they could apply for it. … Everyone in your household who filed [a] tax return needs to include their full tax return with the application. If you don't file a tax return, you basically need everything that would be filed in a tax return, so every proof of income that you have for every single person in the house. You need all of your utility bills. If you have kids in the house, you need to show they're living there, so you need report cards. And then for a good application, it asks for you to show proof of your assets, so bank statements. It also asks for you to show proof of your expenses, so any other bills that you have in the house. You basically need this book of paperwork, and some of those things are essential. Your application won't get passed if you don't have them. Some of them are less essential, but a complete and likely successful application has to have all of these types of paperwork. And then you need to turn it in in-person because … [i]t's too risky to send it by mail. People who review these applications told us, "Don't mail them. We might not get them." (Eisenberg).

Several of these requirements were removed as a result of the settlement of a lawsuit alleging that Detroit administered the exemption policy in a way that violated residents' due process rights. In 2018 a city ordinance was passed that converted the settlement terms into law, but still required that the application be notarized (Eisenberg).

Theme Eight: We Just Don't Know

The third report in this series recounts how much we just don't know about the effects of legal levers in housing. Many of the people we interviewed echoed these findings, highlighting gaps in knowledge about the design, implementation and/or effects of key policies. Without this knowledge it is difficult to suggest policy reform.

Nora Lichtash, executive director at the Women's Community Revitalization Project, highlighted the high level issue of not having systematic evaluations for housing policies when she said, "I think one of the things that hurts us the most is trying to push for legislation when we don't know what we're talking about" (Lichtash). This is particularly a problem for housing advocates who are trying to influence policy and actually have some evidence to share. Maya Brennan, a senior policy associate at Urban Institute, highlighted the need for getting research into the hands of housing advocates and others who are pushing for changes in policies.

> In the housing policy world, we are constantly doing research and not necessarily having the researchers talk to the folks who are either making the policy or implementing the policy or operating in the direct service spaces. Those connections going back and forth are actually really helpful for both making sure that what we know from the research is better and that what we are actually doing in the field as policy advisors, as legal services providers etc., is built on the best understanding of the available evidence (Brennan).

Evidence of success can inspire action and spread successful models, but when asked to identify a jurisdiction in the U.S. that could be thought of as a housing success story in general, Sandra Park noted "[i]t's always hard with the success stories because I feel like you need the evaluation piece. For a lot of the things that I have seen develop, it hasn't necessarily been evaluated in a more formal way … it seems successful to me but I don't really know, because I haven't seen that evaluation" (Park).

Emily Benfer highlighted the connection between research and innovation,

> While the research on the effects of substandard housing and environment on health is widely accepted, the research on how to address these issues is still developing. The public health and medical fields are contributing fascinating and successful advances in technology to address health equity in housing. I think we need to encourage the creative minds and interdisciplinary teams coming to the table - not to mention fund their research. For example, the public health field is starting to use predictive modeling for lead poisoning and unhealthy housing conditions. The medical field has piloted adding alerts in the electronic medical records that flag past habitability violations tied to an address or city block. This is groundbreaking, and helps public health departments across the country identify where to target resources. (Benfer).

"An area that is of critical importance, that we need much more of, is research to determine the effect legal interventions and levers will have in the lives of low-income people. Qualitative and quantitative research can inform policy choices to ensure health and equity in housing."

– Emily A. Benfer, Columbia Law School

Interviewees also discussed the lack of research and evaluation of specific housing policies that may get popular without ever having been shown to be effective. One such policy was the right to legal counsel. While initial evaluation indicates that increasing efforts to provide legal counsel in New York City has been effective in increasing the representation of tenants in housing court and decreasing the eviction rate (Pollock), questions remain about the broader implications of this policy. Megan Hatch highlighted this, asking "Are rents going up … are landlords just not becoming landlords anymore? And, so, the housing supply goes down.

Those are valid concerns that need to be evaluated and looked at" (Hatch). Mark A. Willis, a senior policy fellow at NYU Furman Center, also emphasized the need for evaluation on this issue, "I don't believe we yet know how significant a difference legal help can make for the vast majority of people who are evicted, having to leave … or otherwise are prompted to turn over their units. We need to do more research to understand the extent of the short- and long-term benefits" (Willis). Willis indicated the importance of comparing the benefits from providing free legal representation versus the possibility of using the dollars in other ways to help those facing housing instability.

Research can inform *how* programs operate by exploring their implementation and identifying ways they could work better. The Earned Income Tax Credit program appears to be important for housing, but interviewees discussed their uncertainty about the ideal payout structure, and the advantages and disadvantages of a lump sum payment or payout over time. Sarah Halpern-Meekin, an associate professor at University of Wisconsin-Madison School of Human Ecology, described a policy proposal for a "rainy day EITC" to address this issue (Halpern-Meekin, Greene, Levin, & Edin, 2018):

> From the research we've done, we certainly see that families have a lot of financial needs through the year. But we also see that families experience a lot of benefits from getting a lump sum. And we wanted to think about whether there was a way we could have our cake and eat it too, as it were: have some of the lump sum, yet still distribute some of the financial gains from the tax break throughout the year (Halpern-Meekin).

Like funding for legal counsel, rent control is again on the legislative agenda and again posing big questions about overall impact. There are known but hard to measure benefits. Marc Janowitz explained that as a result of rent control tenants feel as though they will be able to stay in their housing longer and thus take more ownership of their community, similar to home owners. Additionally, Janowitz highlighted that rent control helps to maintain that allotment of affordable housing for some amount of time. In contrast, Janowitz explained that an unintended consequence of rent control is that people living in rent controlled units may become targets for landlords whose interests are primarily financial (Janowitz). As legislatures try new flavors of rent control, the need for thorough evaluation is more urgent than ever.

Nestor Davidson, the Albert A. Walsh Chair in Real Estate, Land Use and Property Law and Faculty Director at the Urban Law Center Fordham University School of Law, pointed to health research as both a model and a resource for housing:

> At least the health people have been thinking for a long time about how to use data to improve both medical outcomes and public health. Housing people have … I mean, we're in the horse and buggy era in housing. So, really … the very few initiatives that are actually in any kind of a sophisticated way trying to use data. We too often don't even ask most of these questions. … So, we make allocation choices about population, about location. And we generally do it in a very visceral, like, "Wouldn't it be great to have more access to opportunity? Wouldn't it be great to have a concentrated community revitalization in a neighborhood like this?" But we often have no idea if the interventions we're doing work. So, I remain vehemently optimistic and vehemently realistic that we're just not close yet (Davidson).

Theme Nine: Show Me the Money

Across all of the levers, funding was identified as a big driver. Whether it was enforcement (not enough qualified staff) or vouchers (most who need them cannot get them), effectiveness can depend on the degree to which the necessary investment in success has been made. We have already reported concerns about the levels of housing law enforcement and underfunded housing programs, but the problem of inadequate resources is not limited to housing-specific levers. It can be found in other areas related to housing such as employment, infrastructure,

transportation, and education. It is about money for housing development, schools and transportation – and money for rent.

Multiple interviewees discussed the lack of resources related to specific levers. Housing Choice Voucher (HCV) programs and rental assistance programs generally were frequently cited. "If you think about low-income households," said Andrew Aurand, vice president for research at the National Low Income Housing Coalition, "those whose incomes are below 80 percent of AMI [Area Median Income], about 25 percent of them get assistance, one-in-four" (Aurand). Insufficient funding for rental assistance programs results in the closure of waiting lists in some places. This not only causes a deficiency in affordable housing for many people, but also prevents cities from having a grasp on the actual need. Beth McConnell, policy director for the Philadelphia Association of Community Development Corporations, reported that the Philadelphia Housing Authority's "waiting list closed in 2013. We've had a significant growth in population since then in particular, significant growth in Latina, Latinx populations, and some growth in Asian population as well. They can't even get on the waiting list. So, the waiting list really does not represent the need, in terms of … the racial and ethnic demographic of the city" (McConnell).

Aurand noted that even for those households who are lucky enough to receive a voucher, there are still financial hurdles.

> Actually, one barrier, presented by the voucher program, is that vouchers don't cover security deposits or moving costs. An extremely low-income family who has applied for and has been fortunate enough to receive a voucher may not have the resources to put down a security deposit on a rental unit. So, where do they get the security deposit? (Aurand).

Housing trust funds are seen as beneficial, but lacking in sufficient funding. Beth McConnell and Diana Yazzie Devine highlighted a lack of adequate funds as a barrier to housing trust funds' full success. McConnell pointed out that there are three-to-four times more applications than the fund can support. Devine noted the trust fund in Arizona "had previously generated $30 million to $40 million from unclaimed property but was swept during the economic downturn in 2008. At that time, the trust was reduced to just $2.5 million and despite economic recovery, has not yet been increased back to pre-downturn levels." (Devine). Devine pointed to refunding the housing trust fund as an important component of future efforts to build affordable housing in her community.

Interviewees at the Center for Community Progress noted that funding is a challenge faced by almost all land banks. "There are probably about 180 land banks operating across the country. When we ask them in a national scan, funding is the major challenge" (Abdelazim). An exception was land banks in Ohio, which can be funded in part through delinquent tax fees. Tarik Abdelazim, associate director of national technical assistance at the Center for Community Progress, noted that this reliable, recurring source of funding "allows [land banks] to be far more innovative and impactful in their work" (Abdelazim).

As we reported above, lack of enforcement prevents many levers from being fully successful. Michael Allen said, "[s]trengthening enforcement at the governmental level is two things. It's both resources. So, the budget for HUD's Fair Housing and Equal Opportunity should be larger so that it can do more enforcement. It's also constrained by what political will is in place in either at the federal level or the state and local level" (Allen). Tarik Abdelazim also discussed the issue of enforcing housing codes and said, "the challenge, of course, is capacity, staff and resources" (Abdelazim).

Another element in this theme is just how misguided it is to scrimp on the legal protections that help people get and remain in healthy housing. In the end, cities, states, and the federal government all pay — and incur huge opportunity costs — when people are not properly housed. Shamus Roller described the role

"I think a lot of the housing problems we have is basically a resource issue. It is basically just lack of political capital to provide significant resources to address those problems. So, as a result, both state and local government, and even the federal government, have to make all these difficult choices on how to use the limited resources. Honestly, I really think that is a fundamental problem."

– Lan Deng, Taubman College of Architecture and Urban Planning at the University of Michigan

that healthcare companies in California are taking in the housing sector because of the undeniable connection between health and housing.

> Healthcare companies are being forced to reckon with the costs of housing instability. And I think this is one of the central reasons why you see so much more support for housing in Europe, and in more federalist countries. The societal and healthcare costs of housing instability are so very high … and I think what we've done in the United States is essentially force the costs of housing instability to so many different governmental and private entities. So, the cost of housing instability is borne partially by the federal government, partially by the state government, partially by the county government, partially by city government, and then borne by private healthcare entities on top of that (Roller).

The problem is not that there is an insufficient amount of money overall to spend on housing levers. The U.S. has the wealth to properly house its entire population. Rather, the problem is how money in the U.S. is spent. Even within the overall housing "budget," respondents pointed to room for improvement: "We do spend money on housing. We spend it in the wrong way, like a mortgage deduction … and things that basically subsidize the other end of the market… we really need to see a massive reallocation of our priorities into funding affordable housing as well" (Jargowsky). Danya Keene, like many others, criticized the home mortgage interest deduction: it "is really a benefit to wealthy or upper middle-class homeowners that it is extraordinarily expensive, and just those funds could pay for rental vouchers for everybody who is on the waiting list. That is really a place where it's not about resources, it's about policy decisions" (Keene).

In conversations about housing supply, interviewees also talked about demand. They talked about a need for jobs and increased wages, so households are not spending so big a share of their income on housing. For these experts, the issue of affordable housing is also a wage issue.

> Our view is that there's definitely a housing problem, there's a lack of affordable rental housing for low-income households. … There's also a wage issue, which is wages are too low in some occupations for workers to afford housing. There's a point at which workers' incomes are just too low. If you're an extremely low-income family, your income is probably below the poverty guidelines, and what you can afford to pay in rent often does not cover the costs of operating rental housing (Aurand).

> Even when we stop evictions … in some percentage of the eviction cases, the real problem is that the tenant can't afford the unit. And the attorney can do something to try to mitigate that temporarily, or they can try to relocate them. But when a tenant's life situation has changed, and they can no longer afford the unit, the only permanent solution to that is to have more affordable housing or to increase people's income. The right to counsel doesn't solve those problems; it just stops the bleeding (Pollock).

> When it comes to actually having enough affordable housing for low-income people, we need a ton of money to build more. We also need to address the education, job, and family support systems so that people can have the money that they need to live in areas with different market conditions (Walker Lee).

Theme Ten: The Law is Failing to Protect People Most in Need

Our conversations with housing experts confirm that the United States is currently in a housing crisis. This crisis means that millions of Americans struggle on a daily basis to meet their basic needs. As Paul Jargowsky explains, "You have this tremendous affordability crisis … And [people with] lower incomes are just not able to find units they can afford. You see the daily reports coming out about the number of people who are paying more than 30 percent or more than 50 percent of their income to try to get affordable units. And it's really concentrated at the lower end of the income distribution" (Jargowsky). Although policies exist to try to help, many housing laws are not effective in protecting access to stable housing, particularly for those with low incomes.

One type of law that is failing to protect tenants is landlord-tenant law. On paper, the law seems to attempt to balance landlord and tenant rights, but in practice, renters, especially poor renters, are at the mercy of landlords and an often indifferent housing court system. Rasheedah Phillips explained that in Pennsylvania, although the law says a landlord must give a tenant notice of eviction, there is also a provision in the law that allows landlords to use leases stating that tenants waive their right to notice. Landlords often include such provisions in their leases, and tenants either lack the leverage to reject these clauses or do not realize that they may be evicted without notice and brought to court without knowing the reason (Phillips).

John Pollock explained how landlord-tenant law in Alabama is not working for the people it is supposed to protect:

> In Alabama, a tenant isn't allowed to withhold rent, or do repair and deduct, or anything like that, if they have problems with the unit. They have to vacate or sue, neither of which are really options for an unrepresented tenant. And so, if they wind up with an eviction, and they weren't paying rent, the fact that there weren't repairs is not a defense to the fact that they didn't pay rent. They're essentially unconnected. And that kind of legal problem, the problem that the law creates, is a real issue in terms of protecting tenants (Pollock).

The purpose of landlord-tenant law is to set fair rules for the legal relationship, and dispute-resolution procedures that achieve a reasonable balance of fairness and efficiency. Some people argue that the law is now failing landlords, too. A Seattle housing activist and Forbes blogger we spoke to after publicizing our earlier reports was emphatic that "rules governing the relationship between landlord and tenant are bewildering to both tenants and landlords. … For people who rent and manage property the myriad of rules makes management more expensive, a cost passed through to tenants, and riskier creating the potential of liability for a mistake" (Valdez, 2019).

"There is a deep affordable housing crisis that persists in many cities across the country, which is unfolding in metropolitan landscapes segregated by race, ethnicity, income, and otherwise. This overlay of segregation and desperately limited affordable housing both perpetuates entrenched residential segregation and extends the extent to which affordable housing subsidies are sited in areas without community amenities like grocery stores, banks, employment opportunities, schools, and other neighborhood resources."

– Morgan Williams, National Fair Housing Alliance

Fair housing laws are another example of the failure of law to fully protect those it intends to safeguard. Despite the remarkable enforcement work by many fair housing advocates, Morgan Williams, general counsel for the National Fair Housing Alliance, explained, "Annual fair housing trend reports indicate there are 28,000+ complaints filled a year with private fair housing centers, HUD, [FHAPs], and DOJ. One rough figure from some time ago [(U.S. Department of Housing and Urban Development, 2006)] calculated in the rental and sales market on the basis of [just race and national origin] discrimination, there were over four million instances of discrimination in the US per year" (Williams). When segregation and unaffordability persist, the law is just not doing its job.

Multiple interviewees discussed ways in which the law fails to protect individuals with criminal backgrounds from a life-time of punishment in the housing market. Housing policies related to a tenant's criminal history may present barriers particularly for renters seeking or residing in subsidized housing. Blanket policies that deny housing to people with any type of criminal history, regardless of how far in the past it may be, fail to protect those who may need stable housing the most. As Liza Cristol-Deman, an attorney at Brancart & Brancart, noted "[the] use of criminal history to disqualify people for housing is huge. I think there has been quite a bit of progress on that with HUD regulations. … but I think that's also another place where we can see some gains in equity if there were prohibitions on the use of criminal history, at least in most circumstances, to rent housing" (Cristol-Deman). Demetria McCain helped explain the HUD guidance (U.S. Department of Housing and Urban Development, 2016) stating,

> The April before the Obama administration left, they created that new rule that you need to make sure that you're only going to screen out crimes that cause a safety concern … and look at people on an individual basis. So, hopefully that helps. I'm not sure if we've realized how helpful that new regulation is yet. … I don't think that we should stop looking at people's criminal backgrounds

> at all. That's still important on some level. It's what you do with that information that I think is the question (McCain).

Code enforcement is another area of law that does not always protect people from the harms it aims to address. Beth McConnell explained, "The problem is that if you come to enforce the code, you risk displacing the tenants, and we don't have anywhere else to send them, because our system is so backlogged already. And also, the tenants are afraid to complain because they're afraid they'll get evicted and they will have nowhere else to go" (McConnell).

It is not just renters that the law fails to protect. People with low incomes who own their homes often struggle to keep them; instead of helping, some cities go after their deeds for small amount of unpaid taxes in the form of tax liens. Tarik Abdelazim explained "in Baltimore, there was [a] 2014 report done [(Jacobson, 2014)] that analyzed the sale of tax liens and have found that many African American homeowners that have been homeowners for 30, 40 years are actually losing their properties to tax lien investors over a couple hundred dollars of the delinquent water bill" (Abdelazim). The loss of a home to tax liens has huge consequences for that household and for the community at large. Not only are people losing their home, but those properties can become abandoned and a hazard to the community.

Landlord-tenant laws intend to set fair rules for the relationship, but the laws appear to be failing both landlords and tenants. Photo via Unsplash.

Interviewees were frustrated with the lack of protections the law provides to ensure housing, a basic need for everyone. Many interviewees touched on the idea of making housing a human right in order to achieve health equity in housing. Phillips summed up the idea expressed by many when she said, "I think what actually is needed above all, is … the shift towards seeing housing as a human right as a country. Until we get there, we're not getting anywhere. If nobody believes that people deserve and are required to have a roof over their head and we see that as a necessity, we're talking around the actual issue" (Phillips).

Our Next Report

The housing system is a complex web of laws, individuals, organizations, and government at the federal, state, and local level. In order to produce health equity in housing, these actors must work together using multiple levers and strategies to achieve the desired results. In our fifth report, which is informed in part by these interviews, we explore governance as an approach to the challenge of attaining health equity in housing. ⌂

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