

Comment on Chester Hartman's "The Case for a Right to Housing": The Right to "Poverty with a Roof"—A Response to Hartman

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Abstract

While the goal of establishing a right to decent, affordable housing is noble, a right to housing alone ignores the variety of underlying processes that concentrate certain types of households in conditions of poverty. A right that simply makes surviving poverty marginally more bearable is a troubling notion. That approach to problem solving addresses the symptom and not the cause. Rather, government should focus on enforcing existing individual rights and creating opportunities where possible and feasible so as to aid every American to achieve his or her full productive potential as a human being.

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Introduction

America is arguably the most well housed nation in the world. Almost two-thirds of all households own their own homes. On average, those homes are of good quality construction with generous amenities, located in safe communities with good schools. Those who do not own, on average, occupy decent affordable homes with at least adequate living space, located in safe environments also in proximity to good-quality schools and other amenities and conveniences.

At the same time, America has many severe housing problems. Many low-income and very low income and minority households, in particular, live in physically inadequate structures, pay an excessive amount of their meager incomes for rent, and/or live in socially and physically distressed neighborhoods suffering from concentrated poverty, segregation, drug abuse, violent crime, and a host of other negative influences. Others have no home at all.

The deplorable housing conditions that many of the nation's most vulnerable citizens face have led some policy experts to argue for a right to housing. This policy recommendation is flawed in that it implicitly accepts the economic status quo of households trapped at

the bottom of America's economic ladder and simply proposes to make that position in life a little more bearable. A closer examination of this issue reveals that a better solution would be one that not only benefits households at the bottom of the economic ladder but also improves society as a whole.

A similar argument could be made against other policies, such as the federal Food Stamp program, which also simply seek to improve the well-being of the disadvantaged. Clearly there is a need for such programs, as there is a need for housing subsidies. So long as artificial impediments continue to prevent people from achieving their full potential and providing for themselves independently, some social program support will be needed. The point of this article is that declaring a "right to housing" and pursuing that right as the primary goal for a branch of social policy ignores the underlying causes behind concentrations of shelter poverty among certain populations and residents of certain geographic areas. As such, government programs developed to ensure the "right to housing" would encourage greater concentrations of certain populations in shelter poverty.

This comment argues that the focus for policy makers and activists concerned with shelter poverty or any other type of poverty should instead be on eradicating the systematic forces that concentrate poverty among certain populations. As these forces are removed, far greater proportions of families will be able to acquire housing and other necessities independently via the private market. In the meantime, there remains a need for government housing subsidies, food stamps, and other forms of assistance to help poverty-stricken families persevere until they are able to be self-supporting. Focusing on a "right to housing" threatens to distract attention from this deeper goal that will have far more important implications.

Focusing on the "wrong" right

Hartman uses "shelter poverty," a concept borrowed from Michael Stone, as an indicator of the need for a right to housing. But this indicator focuses on only one aspect of poverty. Shelter poverty is actually an outcome of differential access in a number of somewhat nested allocation processes including education, transportation, and employment. Differential access to social and economic resources has resulted in current patterns wherein minority households disproportionately experience shelter poverty. Providing decent, affordable housing to families in shelter poverty merely creates sheltered poverty, or "poverty with a roof." Unless substantial changes are made to alter the underlying processes shaping housing demand, a policy of "poverty with a roof" would be concentrated among minority-renter households and as such is unacceptable.

Decent, affordable housing has eluded millions of Americans for as long as records have been maintained on housing conditions. Since the late-nineteenth-century housing reform movement, housing conditions in poor tenement neighborhoods have been well documented. They periodically make newspaper headlines but are constantly a focus of academic and activist attention.

A number of initiatives have attempted to combat the enduring low-income housing crisis:

1. The implementation (and periodic enforcement) of housing codes has vastly improved the quality of housing available for most lower-income Americans, although a substantial number of units remain with substandard plumbing and heating systems or with structural problems.
2. Various housing subsidy programs have been in place since the 1930s to create additional affordable housing and make existing housing more affordable for renters and owners.
3. The Fair Housing Act of 1968 and its amendments substantially reduced the level of discrimination practiced by those who sell or rent out housing units. Such discrimination still exists but is usually more subtle than in the past.
4. Similarly, the Home Mortgage Disclosure Act of 1975 and the Community Reinvestment Act (CRA) of 1977 brought the lending patterns of mortgage lenders under public scrutiny. CRA enforcement greatly increased the availability of mortgage financing to residents of minority and lower-income (MLI) areas as well as to MLI households seeking financing for properties in moderate-income and upper-income areas.

Repeated efforts by policy makers and activists have often partially succeeded in treating the specific symptoms at which they were targeted, but they have not completely eradicated the disease. Nor have they solved the housing affordability crisis.

There are many reasons why specific programs have failed to achieve their intended goals. High on the list, as noted by Hartman, are the insufficient funding levels for housing subsidy programs to serve even the majority of qualifying households. In addition, there exists a lack of political will to fully enforce regulations in the face of the politically powerful real estate and financial interests. Residents of affluent communities have also generally thwarted efforts toward economic or racial integration. Finally, changing policy and program priorities that occur as control of Congress and the White

House shifts from one political party to the other can also undermine even the best of programs.

The reasons the housing affordability crisis persists, however, are much deeper than obstacles created by those who oppose specific programs or shifting political priorities. Access to decent and affordable housing is an outcome of a number of resource allocation processes, of which the housing market is perhaps the most superficial. The approach that would ensure the greatest and most cost effective allocation of decent, affordable housing is one that is free of discriminatory barriers to broader societal opportunities that ultimately shape access to the housing market. Included are such areas as education, transportation, and employment.

Unless all households have equal opportunities to receive an education that prepares them for the labor market, people with similar aptitudes for a given occupation will have different abilities with which to compete for specific jobs. Because public education in the United States is funded primarily through local property taxes, and affluent households and employers have migrated in large numbers out of central cities and into the suburbs, central-city school districts are often underfunded. At the same time, many of these districts have schools with deteriorating infrastructure and students with systemic social problems resulting from concentrated poverty. Understandably, central-city school districts face a particularly challenging task in providing quality education.

Due in large part to the economic restructuring of U.S. cities, quality jobs requiring moderate education and skill levels have largely migrated to the suburbs. Meanwhile, minority populations have concentrated in central cities due partly to past and present discrimination in the housing market. This “spatial mismatch,” further complicated by the low priority U.S. metropolitan areas have given to public transit systems and the high costs of automobile ownership in central cities relative to other areas in the United States, results in many residents lacking access to quality jobs.

Finally, people with similar aptitudes, education, and access to transportation have different levels of access to certain jobs due to discriminatory hiring practices. Negative stereotypes affect workers from the inner city in general and minority workers in particular, creating further impediments in accessing quality jobs.

Clearly, these types of inequities will always be at work at some level and sometimes will be driven by chance rather than systematic variation. Certain truths also rule:

1. School systems in different areas will never be equal. One student's access to a phenomenal science teacher may lay the groundwork for a career in the medical field while another student with similar aptitude but without such a teacher may never realize his or her potential.
2. There will always be some locational determination in employment because all humans are somewhat transportation-constrained. If a particular job opens up in one suburban area, the job will be more accessible to qualified applicants in nearby areas than it will be to qualified applicants living in more distant areas.
3. Personal bias favoring one person over another is inevitable. An employer choosing between two job applicants with identical education and aptitude levels may choose one over the other because she shares a common lifestyle, class interest, or other affinity with that person.

Until society evolves to the point where poverty is solely the result of chance misfortune or actual inability to provide for oneself, the right to housing will be a premature policy option as a remedy to the problem of shelter poverty.

However, as described above, the allocation of education, access to transportation, and quality employment is not determined solely by a person's aptitude or other attributes or even by chance. Rather, these factors are all too often shaped by structural and systematic forces that concentrate lower levels of opportunity among certain populations. Many of these forces stem from past discriminatory practices that are illegal and less frequent at present, but whose legacy ensures that specific subpopulations are systematically forced into shelter poverty in hugely disproportionate numbers.

This concentration is illustrated by recent statistics on renter households that qualify for housing assistance programs. Note that these numbers ignore the discrepancies in homeownership rates, which result in proportionally more minorities being renters in the first place. Table 1 displays the race and Hispanic origin of households that were income-eligible for housing assistance in 1993. As these data show, 39 percent of non-Hispanic white renters qualify for housing assistance, compared with 67 percent of black renters, 59 percent of Hispanic renters, and 53 percent of "other" renters.

Supporting Hartman's call to action, table 1 shows that the great majority of renter households eligible for housing assistance of all race and Hispanic-origin categories do not receive assistance. About one-third of eligible renter households are categorized as having

Table 1. Characteristics of Renter Householders by Income-Eligibility and Housing Assistance Receipt, 1993

Characteristic	Income-Eligible Renters								
	Total Renters (thousands)	Total (thousands)	Percent of Total Renters	Unassisted			Assisted		
				Total (thousands)	Percent of Total Eligible Renters	Worst- Case Needs (thousands)	Percent of Total Eligible Renters	Total (thousands)	Percent of Total Eligible Renters
Total households	33,472	15,795	47.19	11,741	74.33	4,849	30.70	4,054	25.67
Race and Hispanic Origin									
White	25,151	10,462	41.60	8,279	79.13	3,354	32.06	2,183	20.87
Non-Hispanic	22,001	8,594	39.06	6,725	78.25	2,644	39.77	1,869	21.75
Hispanic	3,151	1,869	59.31	1,555	83.20	710	37.99	314	16.80
Black	6,340	4,281	67.52	2,656	62.04	1,104	25.79	1,625	37.96
Other	1,981	1,052	53.10	805	76.52	391	37.17	246	23.38
Total Hispanic	3,826	2,270	59.33	1,852	81.59	871	38.37	418	18.41

Source: U.S. Department of Housing and Urban Development (1996).

"worst-case needs," indicating that they remain unassisted and are either paying more than 50 percent of their income for housing or are living in severely substandard housing. However, responding to these statistics with the call for establishing a "right to housing" implicitly accepts the distribution of housing need.

If only 39 percent of minority-renter households had incomes low enough to qualify for housing assistance (the rate for non-Hispanic white households), the total number of households qualifying for housing assistance would be reduced by 2.7 million, a 17.2 percent reduction. This would leave approximately 13 million U.S. households qualifying for housing assistance.

Many of these 13 million households, most of whom are non-Hispanic whites, would suffer from barriers created by limited access to education, transportation, and employment because they live in central cities or in isolated rural areas. Roughly two-thirds of households qualifying for housing assistance in 1993 lived in central cities or outside of metropolitan statistical areas (U.S. Department of Housing and Urban Development 1997). Geographic inequities in public services distribution and economic development patterns help to shape U.S. households' access to housing even after accounting for racial and ethnic discrimination.

Given that there is no inherent difference between non-Hispanic whites and minorities that should result in lower income among minorities, the U.S. economy and service-allocation systems must be functioning in a way to deny opportunities disproportionately to members of minority households. Of course, many non-Hispanic white households also suffer shelter poverty. As a result, more should also be done to enhance or create access to opportunities for all lower-income households, regardless of race or ethnicity. Empowering households to improve their standard of living, which includes obtaining better housing, should always be preferable to providing lifelong subsidies for them to remain at the bottom.

Creating more reliance on government

A secondary problem in addressing shelter poverty with housing policy and a restructuring of the housing market, as Hartman advocates, is that when housing is affordable due only to government subsidy, residents of that housing grow dependent. This dependency has a number of drawbacks.

As households become dependent on the government for decent, affordable housing, the government increasingly determines what attributes constitute decent, affordable housing. How many bedrooms

and bathrooms would this entail? What building materials would be sufficient? What sort of heating and cooling systems would be acceptable? These decisions are particularly difficult because standards constantly change as society and technology develop. Currently perceived necessities such as hot water and private bathrooms would have been luxuries earlier in this century. The private market is better equipped than are government policy makers to incorporate these developments into housing standards.

Beyond the characteristics of the housing unit itself, housing providers must also determine what sort of neighborhood resources would be necessary, such as laundry facilities, day-care providers, and supermarkets. When pursuing housing on the private market, households make these decisions themselves, albeit in a budget-constrained decision process. As government becomes more involved with the allocation of housing, households receiving housing via the government lose much of this ability to choose.

This dependency also can lead to behavioral control by the government, as was historically the case with the eviction of female public housing tenants who became pregnant out of wedlock in the 1950s (Steiner 1971, cited in Hays 1995, 100) and at present with the prohibition of pets in many public housing developments. Although many multifamily housing structures in the private market are also governed with rules to facilitate high-density living, these rules are generally less onerous. Furthermore, housing seekers on the private market can choose between different housing opportunities with different rule structures. Project-based subsidy recipients cannot choose. Tenant-based subsidy recipients are constrained in their choices by a dual rental housing market created by the ability of landlords to opt out of participating in subsidy programs and, particularly for minority families, by discrimination in the housing market.

Even when such behavioral control does not emerge, dependence on the government for housing (or any other basic need) necessarily creates an atmosphere of uncertainty, as changing political forces can have major effects on household stability. This situation is illustrated in the recent experience of households undergoing the change from welfare to workfare.

The dependency scenario becomes less abhorrent in cases where households are dependent on the government for housing because of chance misfortune or disabilities. As a society, we have accepted responsibility for providing at least a minimal standard of living for those physically or mentally unable to provide for themselves (as seen with the exemption of disabled populations from workfare-type programs). Many disabled persons will be dependent in multiple as-

pects of their lives by necessity; housing dependency will only negligibly compound the situation. On the other hand, households in economic hard times through chance occurrence can be expected to pull themselves back up, or at least their children can be expected to have a fair chance given equal access to education, transportation, and employment. Housing subsidies in these cases serve a temporary need. This is not the situation, unfortunately, for many households currently facing shelter poverty.

The negative impacts from the government's past role in housing suggest additional problems with the concept of enacting a "right to housing":

1. Place-based housing programs, including full-scale community development initiatives and urban renewal, have helped create some of the most isolated, segregated, and desperate communities in this nation.
2. Tenant-based subsidies do little to allay the existing forces maintaining segregated housing markets and concentrated poverty. Although assisted tenants have greater mobility than do those with project-based subsidies, they must still confront landlords and potential neighbors hostile to households of different race and socioeconomic status than themselves.
3. Political debates over the types of housing and/or subsidies that should be provided, combined with the excessive bureaucracy that accompanies today's government's limited role in housing, tend to weaken and distort the good intentions of housing policy proponents.
4. Housing codes have developed to the point that units meeting code requirements are often prohibitively expensive. In the pursuit of higher-quality housing, policy has ensured that most new units will be inaccessible to lower-income families (Downs 1997).

Pursuing the "right to housing" would immediately require a host of new housing regulations. Instead, reducing the impact of certain regulations might have a more beneficial impact on the provision of accessible and affordable housing.

The private market provides the bulk of low-income housing in the United States (Listokin 1991). Although this housing is often not ideal, the goal advocated here is to work toward a situation in which members of lower-income families have the opportunity to improve their socioeconomic situation. This improvement would then allow them to upgrade their housing. In the current situation,

and in the proposed “right to housing” scenario where the government becomes more involved with housing provision, existing forces will continue to concentrate poverty among certain populations. These forces depress the ability of impacted individuals to take advantage of opportunities for socioeconomic advancement. This not only degrades current housing choice but also ensures that future housing choices for these individuals and their families will be similarly constrained. As a result, a housing solution that relies on the power of the private market is immensely more desirable than a government-driven solution. Underlying this solution must be a concerted effort to remove existing impediments to full and equal opportunity to transportation, education, and employment.

Conclusion

“Poverty with a roof” is at best a Band-Aid for one of the many symptoms of systemic poverty facing millions of Americans. Guaranteeing the right to shelter for all Americans would, in theory, improve the conditions of households living in poverty, but it would not address the underlying problems that cause concentrations of poverty in certain populations. The danger of these superficial solutions is that they are frequently treated as the cure, with the problem ignored once it is covered. Problems, like wounds, have a tendency to fester, however, if more holistic treatment regimes are not pursued. The experiences of cities torn by riots through the 1960s give testimony to this truth.

Hartman argues that the nation requires only the desire and the political will to make decent, affordable housing a right, given the current level of expenditures for military equipment and other government programs. This argument can also be made for improving housing conditions by pursuing equity in the underlying processes allocating education, transportation, and employment.

If politicians and private actors turn their attention to ensuring an equal starting point for Americans, then the incidence of shelter poverty would decrease and be less concentrated in certain subpopulations. At that point, more reliable support to help people in unavoidably unfortunate circumstances would be reasonable. Currently, however, a right to housing would merely concentrate minorities and the urban and rural poor, already affected by systematic differential treatment, into a housing situation that perpetuates dependency on the government and vulnerability to shifting political tides.

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