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Transcript: Eviction: More Questions

Announcer: Welcome to Civil Discourse. This podcast will use government documents to illuminate the workings of the American government and offer context around the effects of government agencies in your everyday life. Now your host, Nia Rogers, public affairs librarian, and Dr. John Aughenbaugh, political science professor.

N Rodgers: We're going to continue in the second part of our Civil Discourse. Sorry, moving things around here, making noise, making a racket, because I have some follow up questions about this eviction thing. The first thing I'd like to follow up on is something that you said Dr. Howell, which was the... Oh no, wait, I'm sorry. It might've been you, Dr. Teresa. I'm not sure now. Somebody was talking about the engagement in the neighborhood. That's one of the things that's mentioned in the book is there was a woman who was very engaged in her previous neighborhood, but when she was evicted, she was thrown into a neighborhood where she didn't connect with the neighbors.

N Rodgers: A lot of them were there, either short term or not as involved in the neighborhood, and so it was very hard for her to feel emotional attachment. Is that a common experience with eviction? Is that as you move around from place to place, you become less and less connected with the neighborhoods that you're living in or the people that you're living around?

B Teresa: I think that's a really good question. I think the book does a good job of painting that picture of what instability means in a lot of different dimensions of life. I think it's absolutely the case that you're going to lose a lot from eviction, and the instability it produces, so moving multiple times, having to find housing very quickly in an emergency situation.

N Rodgers: Well, then you mentioned lesser housing, I think, because-

B Teresa: Absolutely.

N Rodgers: ... as you're looking for landlords that are less and less interested in your background or your conviction... or eviction stay on your record for-

K Howell: No, somebody described it as it's like having a criminal conviction on your record.

N Rodgers: That's strong.

K Howell: No, landlords can absolutely just say, "I'm not renting to anyone who's had an eviction."

N Rodgers: That's legal? They can say that?

K Howell: That's legal. They can say that because they're trying to screen.

N Rodgers: Any landlord can say it.

K Howell: Any landlord can say that. I mean, you could potentially make some sort of a fair housing case about it, but it would be really hard unless you said the impact of eviction falls most heavily on African Americans, therefore there is a fair housing case to be made, but-

N Rodgers: Is that true that it falls more heavily on African Americans?

K Howell: Yeah. We found in our research that the biggest predictor of neighborhood eviction rate is race.

N Rodgers: Really? More than class or income?

K Howell: Double the impact of any other indicator.

N Rodgers: Wow.

K Howell: What we know, and so this gets into this neighborhood piece, is that we know that the same places in Richmond where we're seeing significant eviction rates, the highest eviction rates in the city, north side, east and south side are areas that have experienced instability over the last hundred years of Richmond's history. Whether it is through slum clearance and urban renewal and highway projects, red lining, foreclosure, all these things have hit in the same communities and have continually destabilized the same populations in the same areas.

K Howell: Really, we're seeing this history of dispossession in Richmond that how can you possibly engage politically? How can you possibly engage with your neighbors? How can you really take control over your own community if you're just trying to keep your home together? We see that over a period of decades. It's not just eviction. Eviction is just the latest form of this dispossession of people.

N Rodgers: That's horrible. I'm trying to find this... There's this mental place that I have where part of me thinks people should be able to make a living as a landlord. They have to pay mortgages so they have to get rents, but then at least in the book, some of the houses were in horrific condition and people were living in those conditions and still paying for it, which, of course, I think there's gotta be laws against that. I'm sure there are, but then if you call those people to say, "Hey, we haven't had a working toilet in a month," the landlord throws you out because you were late on the rent last month because you had a problem with...

N Rodgers: Your hours got cut at work. Sorry. As a personal aside, somebody who lives near me or in my same apartment complex got evicted about a week ago. I guess they'd gone to court and gotten a court notice that they were evicted, and it took a couple of months for that to work its way through the system. They knew it was coming, but the problem was he works a full time job

but in order to make the rent, he also works a part-time job. They cut the hours at the part-time job, and that's all it took. They were running so close to the edge.

N Rodgers: They have two small children. They were running so close to the edge that it tipped them over. You were talking earlier, Dr. Teresa, about the causes of running into those sort of a medical problem or you blow a tire on the car, and tires are not cheap, but you have to have a car to get to work. If you lose your job, you don't have money. You can't pay the rent, but you also can't feed your kids, so what are you going to do? It just seems like there ought to be something we can do about it. Is there anything that...? I mean, now I feel like I should walk in the streets and yell things and throw things.

N Rodgers: I mean, what can we do? What can we do to help or is there anything? I mean, obviously, you guys are doing something huge by studying and bringing together all that data and saying, "Look, there is a discernible problem here. We can point to specific problems," but for instance, people who are studying public administration, people who are studying urban planning, what can they do to help?

B Teresa: I think the first thing maybe to point out and just be clear about is that we have a pretty good idea of a lot of different things that could make a big impact. We have a range of policies and solutions. I don't think the question... Just to preface, I don't think that the question is what can we do? The question is more are we willing? How do we actually mobilize to put those solutions into place? That's where Desmond finishes the book *Evicted* talking about the solution of providing more housing assistance to the lowest income renters and to your question about being a landlord as a business and the imperatives of running a business in terms of collecting rent.

B Teresa: The reality is that we need to understand that there are going to be a range where that kind of running a housing as a business is going to be successful like a range of incomes for people, where that's going to work. Then there's going to be a range of incomes and situations where that model is not going to work. The consequences of what we're faced with here is where the rental business for low income people is highly unstable because lower income peoples' for all the reasons that we've outlined here. Then the solutions are going to be creating really different kinds of housing solutions that go beyond just this market, if you will, the rental housing market.

B Teresa: For example, one idea was expanding vouchers and the housing assistance that people perceive. Most people who would qualify for housing assistance, to housing vouchers don't receive it. Many of those who do get that kind of subsidy can't use it because they can't actually find a landlord willing to rent to them.

N Rodgers: Is that what's commonly called section eight?

K Howell: Yes.

B Teresa: It is.

K Howell: It's the section eight, the voucher that you take with you. You take your voucher, and you go to a landlord and say, "Okay, I have a voucher." The landlord says, "Okay, well the rent is X number of dollars." Then they go to the housing authority, and the housing authority says, "Okay great, you qualify, and so you're gonna pay 30% of your income for rent or whatever that is." Let's say that the rent is \$1,200, so you would pay that \$400 as the tenant. 30% of your income, by the way, is what's considered affordable.

N Rodgers: I was going to ask. Is that the standard?

K Howell: Yes. That's the standard. It's the rule of thumb, if you will. That standard says, "Okay, that's what's affordable to you." You pay 30% of your income for rent. Beyond that, your what's called rent burdened, and then the housing authority with the federal government funding picks up the difference between what is 30% of your income for rent. That \$400 that the tenant could pay, and the balance.

N Rodgers: The market rate of the apartment.

K Howell: The market rate of the apartment. The landlord gets the market rate. The landlord gets the rent they want up to a certain amount. There are caps so you couldn't go into the fancy west end and get the finest apartment that there is. Within that, what's called fair market rent, you can get an apartment, and they will pay the gap. But in Virginia and in many places across the country, landlords are allowed to refuse you based on you having a voucher. That's what's called source of income discrimination, which is legal in the state of Virginia and in many other places. I mean, it really limits your options.

N Rodgers: Can I follow up a question on that?

K Howell: Yeah.

N Rodgers: That doesn't make any sense to me because they would be guaranteed \$800 from the government, which... I mean, it's possible the government is going to go under, but it's unlikely.

K Howell: It's less likely.

N Rodgers: I mean, it's not impossible, but it's unlikely we seem to be chugging along pretty decently as a country. You're going to get at least 800 that guaranteed regardless of the other four. If you have what I think of is non-voucher tenants, they may not be able to pay one month and they can't pay anything. You at least have 800, so why would you not take... Is it some social discrimination like, "Oh, you're not our kind of people?" Is that-

K Howell: There's a mix. Say you're a landlord in one of those buildings that we talked about before, that maybe you're in a down market area. The market rent you can get from anybody else might be \$1,000, but maybe the HUD standard is \$1,200. You actually want voucher tenants, because you can actually have a higher rent standard for voucher tenants so you can actually benefit from that difference. For them, they're looking at this exactly how you are. They're saying, "Yup, I get standard amount of money. By and large, it pays mostly on time."

K Howell: I mean, a part of our eviction data is finding that there are some issues with timely payments from the housing authority.

N Rodgers: That can throw you into eviction.

K Howell: Correct because your rent's not being paid.

N Rodgers: Even though you have no control over that.

K Howell: Correct.

N Rodgers: Nice. That's not fair.

K Howell: No, not at all. Not at all.

N Rodgers: A lot of this is not fair but okay.

K Howell: It's like a whole bucket of not fair. We deal with housing. We deal with buckets of not fair. In that case, yes. Then on the other side, some of that is the social discrimination. Vouchers have a reputation of being it's those people kind of thing. People are judgy, discriminatory, sometimes just racist. Then sometimes, there's also a bit of an administrative burden when you're first starting out with vouchers because the unit has to be inspected. It's because HUD doesn't want to house people in units that are crummy.

N Rodgers: Which is good. I mean, we want that. We want that.

K Howell: I'm a big fan of that. I'm a big fan, a big fan. But that is one more thing. Then in cases where the housing authority is not functioning at its optimal, we'll say, then you can also make... There's the complaint that we aren't getting paid on time and so it's not worth it, but a lot more of it... I mean, more research has said if you do outreach to landlords, it's powerful. If the Housing Authority actually goes out, several studies that have come out recently that have talked about the power of landlord outreach to really get them into taking vouchers, but it's definitely an issue here in the city.

K Howell: The vouchers people want them to be the de-concentration of poverty. You can go anywhere. It's the power of the market, but that's not what's happening. In fact, our vouchers are

very concentrated in the east end, the north side and the south side. There really is no concentration in the west end. I'll go ahead and just say that right now. It's not like we can see this big pocket of vouchers anywhere west of Monroe park.

N Rodgers: Interesting, not even the near west. All of that is okay. Then that's because landlords are generally making the choice not to accept them.

K Howell: Or the rents are too high. There's those two things.

N Rodgers: That's true. If the rent was 1,500, now you've got to pay \$500 that you're starting to get. I mean, that's a lot more money. The more that goes up, the more the tenant is responsible for. Even if they would accept the voucher, you're now looking at somebody who probably is making minimum wage trying to cover it. In a \$3,000 apartment, \$1,000 a month, we might as well be living without a voucher.

B Teresa: Well, the voucher is always tied to the income of the tenant, so it's 30%.

N Rodgers: I see.

B Teresa: The tenant pays 30% of their income.

N Rodgers: Oh, it's not 30% of the rent.

B Teresa: No.

K Howell: No, no, sorry, 30% of their income, sorry.

N Rodgers: I see.

B Teresa: But the difference is for those areas that do command a higher than average like if you imagine a regional median rent or a city median rent, there are areas like the west end where it's higher than the median rent.

N Rodgers: I'm sorry. And their limit is 1200, that rent is 1900 there's no way to make-

K Howell: That's correct.

N Rodgers: I see. I'm sorry.

B Teresa: No that's okay.

N Rodgers: I was slow to follow.

K Howell: It's complex.

N Rodgers: But okay, so let's just build like a zillion apartments. That'll fix it. Right?

K Howell: Ah, interesting. Interesting question. Right? It sounds logical, right? Supply and demand.

N Rodgers: We'll just build lots of apartments and then that way-

K Howell: Yeah. We all learn this in economics-

N Rodgers: The rents will all drop and everybody will be happy.

K Howell: Yeah. I mean there's sort of two things and then I'll let Ben take this one because he really enjoys going on this one. One, I've never met a developer, who builds past his profit, right? "I'm going to build more units. Even though the market is flooded, I'm going to make no money." Right, nobody's going to do that.

N Rodgers: Well, that's true.

K Howell: And then the second piece is that there's another concept in economics, if you all are going to take it, I recommend it, is called market failure. And market failure happens when the market literally just does not provide that particular service. And so that is units that are for very low income tenants, the market cannot provide this. And so government has to step in and make them affordable. So if you're earning 50% of the median income, chances are you're going to need some sort of government subsidy to make that affordable, because otherwise you can't operate on any margin that makes sense.

N Rodgers: So, but the government could build lots and lots and lots of units. Right?

B Teresa: Right. So I think the answer of building more housing is correct, and yet that's at a level, abstract level, to not be particularly useful. So we need to, of course, we need to build more housing. And we need to build and we need to make it legal to build more housing. So in a lot of parts of our city and region, it's not legal to build multifamily housing. Only what's legal is single detached single family housing.

N Rodgers: Okay. So zoning is a huge issue then.

B Teresa: Zoning is an important piece. And what we often talk about as exclusionary zoning, right?

N Rodgers: Oh we don't want their apartments here. Because that'll mean more people on our streets, and more noise and more whatever.

B Teresa: The reality is, if you take one of the denser neighborhoods like the Fan, in Richmond, for example, which already has two flats, four flats, these small apartment buildings. You cannot build that now according to the zoning. Right? And so just kind of restoring that basic mix of, yes you have single family homes and you have two, unit four unit, maybe some six units as well. And a smattering of some larger apartment buildings. But that mix, kind of allowing that mix in other neighborhoods, particularly in the higher rent, more expensive neighborhoods, getting rid of the exclusionary aspect of zoning would be beneficial. It's not going to, again, it's not going to reach ... I mean just by kind of undoing that exclusionary zoning, it's not going to mean that this segment of low income folks are going to be able to ... then apartments are going to be built to that income range.

B Teresa: That's not possible. And so that's where these other solutions come in, like vouchers. And so expanding vouchers and making it so that landlords cannot discriminate on the presence of a voucher. Streamlining that administrative process. But also yes, building public provision of housing which comes in the forms of public housing, but also some kind of a subsidy for you know, nonprofit, privately owned but publicly subsidized affordable housing that can reach those lower incomes. Which would never, by the market failure, which would never, and the market has never historically housed the poorest decently, we could say. I mean there have been housing solutions over the past hundred years as the US has urbanized that house the poorest, but we would not consider them a decent or-

K Howell: Those are actually just called tenements.

B Teresa: Yeah.

K Howell: Yeah. We didn't like that. It didn't go well

N Rodgers: And some of the public housing that's been built. I mean, I've seen pictures of some of the public housing in some of the larger cities, Chicago and so, that are just terrible. I mean, they're concrete bunker. Like people wouldn't want to live ... It's not a kind place to live. I mean, part of what you're talking about too is integrating people into the community, and the community integrating itself in a lot of ways so that people have a decent life.

B Teresa: Right.

N Rodgers: Right? Because what you want is a decent life. You don't just want a place to sleep. I mean, if you want that, we can build giant dorms, and we could give everybody a giant dorm room. I mean a little dorm room. But that's not how people want to live, right? They want to live where there's green space, and they want to live where there's parks, and where their kids can walk safely on the sidewalk, and stuff like that.

K Howell: Right. And I think it's important to be clear about public housing, is that there was an implementation problem, right? So we all know what happens when you know there are ... Okay, so let's get something everyone's going to understand. We're going to Ikea. Okay. So there's a lot of different things at Ikea, right? There's like the things that you look at and you're like, "Wow, if that gets wet, that is going to fall apart." Right? We all know, we've seen it happen on the side of the street. You know, we've all owned it. We've all been there.

N Rodgers: Or your apartment where you put a wet beer down on your table, right? It warps almost immediately, and you think, "Oh, that was a mistake."

K Howell: "How did I spill that pitcher of water all over my coffee table? Now it's sawdust." Okay. So we know, right? We know that happens. But we also know at Ikea, you can walk in and you're like, there's the things that you kind of squint and you're like, "Wow, I don't think that's Ikea." Right? And I promise folks, students who are listening, one day you'll get there. I recently bought a thing that doesn't look like Ikea, but it belonged to Ikea, and I was so proud.

N Rodgers: Yay!

K Howell: But right, there's a wide range of things, right? And so there's a wide range of ways that you can do public housing. Right? And we built a lot of our public housing, particularly in the sixties and seventies in that sort of sawdust way. Right. And in the way that we used poor materials. The design we can talk about. I, you know, that's ... We don't seem to have a problem with high rises on the Upper West Side or Upper East Side, wherever that is in New York.

B Teresa: Both.

K Howell: Both places. Right. We don't have problems with high rises in New York that have a doorman and actually are maintained. So, right? I mean we talk about like, "Oh my God, it's the design." Well, but like that doesn't seem to be a problem when you're actually maintaining the buildings, and you built them with good materials. So we built public housing on the cheap because ultimately we were dragging people kicking and screaming to building public housing in the first place. And we thought, "Well, that's cool, but you get what you pay for." And we haven't been paying for the maintenance of our public housing because the only funds that go into the public housing is for basic operating, is to keep the lights on, and pay the gap between what it should cost to run the building and what the tenants can pay.

K Howell: That's all that we're putting in there. And the federal government hasn't put in significant capital, which is what you do to actually do renovations, large scale things like replacing the boiler, making sure that there's air conditioning, making sure that there's a good new roof, right. All the issues we've had-

N Rodgers: Making sure the elevator works.

K Howell: Make sure the elevator works, and the trash compactor works, or whatever else is going on. And when you don't do that, we all know what happens, right? I didn't change the oil on my car for five years. "I can't believe my engine died." Like this is not a surprise, right? We all know what happens.

N Rodgers: Dilapidated conditions are because you made them that way.

K Howell: Right? Right.

N Rodgers: And because you didn't upkeep.

K Howell: Right. And so this lack of investment in public and affordable housing, we shouldn't be surprised this is where we are. Right? So we can't, saying that it's because it's public housing. When you look at some of the courts here in Richmond, and they look like, from a just blind, you look at it and you're like ... take it out of the public housing context. They've got front porches, they're fourplexes. They are built with ... There's huge old trees in some of these developments. It looks in some ways, many ways, like new urbanism, which is the thing that the planters really like. You get eyes on the street, you get people outside. It's a thing. And so I think that we have to kind of let go of some of these things about what the design, is versus like you didn't maintain it, right? Like you didn't replace your tires and now your rims are shot. "Oh, huh."

B Teresa: Yeah. And I'd also say, the other thing about the connection between public housing and eviction, is certainly like this supply of apartments, but it's also Richmond ... I mean there's a broader transformation of public housing over the past 20, 30 years in the United States, which has been a move away from the family apartments, complexes, the complexes of public housing. Demolishing those and doing mixed income developments or other transformations of those large scale public housing projects that you were talking about. But I mean, part of the eviction project has been to document almost exactly during this period of this explosion in eviction. And a lot of people who were in public housing in cities like Chicago or Atlanta, that then move from public housing to even a subsidized private apartment, private housing subsidized.

B Teresa: We see the eviction rates, now we understand how pervasive eviction is, coinciding with this transformation of public housing in the United States. And Richmond still has its public housing developments, but has been considering for a number of years and now has a new CEO of its public housing authority, they're developing a plan for transformation of some of its major housing complexes. Or they're in the early stages. And so this comes back around to eviction. We can't eviction rates to go down or any meaningful reduction in eviction if we're simultaneously undermining public housing, or turning those residents if those housing complexes are demolished to the private market. That's not going to be a helpful transformation in terms of eviction. So those things are connected in that way as well.

N Rodgers: Well, so I went looking for an apartment because I was curious, right? About whether I could find something that was better than where I was living. I actually was trying to

live on the bus line. That is impossible if you are below a certain income. And I was noticing, I am fortunate that I am middle-income. So there were things I was able to afford. But I thought if I had to live in certain parts of the city that I could afford, if I made less money, I would have a two to three hour bus ride to get to VCU to go to work. That's-

B Teresa: I think that's a really important observation.

N Rodgers: I mean that's a huge problem, right?

B Teresa: And I think that's exactly why we need to couple ... So, if you're talking about the pulse line, the BRT line, there were a series of rezonings. And actually what we call upzoning, which is allowing denser, more apartments, essentially to be built around those pulse stations. Which is exactly what you want. But at the same time there has to be protections. Well, there has to be a commitment to affordable housing, protections for tenants so that it's not just the higher income. We're not just producing, middle or higher income housing in those really accessible places, which is exactly what people who depend on the transit need.

N Rodgers: Exactly. I mean, I'm fortunate that I have a car that's in working condition, knock wood for now. And so I can live off the line and still get to work. But if I needed the line, you're now looking at more than 30% of my income to live in a lot of those places. So then we're back to your 50, 60% of your income's going to ... and then it's one problem away from, "Now I'm in trouble again." Right. So it seems to me like there is no, I know that earlier I was like, "Build more apartments, that'll solve everything." I see that it's all, pull a string here and it bunches up on the other side of a sweater. Right?

K Howell: Right.

N Rodgers: Because somehow strings manage to do that in your sweaters. So can we say though that it would be, I think ... Tell me what's wrong with this idea.

B Teresa: Mm-hmm (affirmative).

N Rodgers: That maybe what we should say is you can't be a landlord and not accept the voucher.

K Howell: Well that that's definitely what-

Nia Rodgers: I mean, shouldn't that just be?

K Howell: Right. And that's definitely, they've had legislation at the state level several times to try to do that. And it's failed every time-

N Rodgers: Because the powerful real estate moguls.

K Howell: Right. Well, and just powerful people, they don't want to be told what to do. Right. That's part of it, is that they don't want to be told what to do, and who they have to accept. And it puts boundaries for them. But it's definitely something that local a organization that work statewide, Housing Opportunities Made Equal, or HOME, they have been advocating for this for a very long time, along with adding LGBTQ to the fair housing in Virginia so that you can't discriminate in housing based on your gender identity or sexual orientation.

N Rodgers: Wait, you can currently?

K Howell: You can. Yes.

B Teresa: Absolutely.

K Howell: You absolutely can.

N Rodgers: Okay. So I shouldn't have gotten out of bed this morning.

K Howell: Well, like I said, we are here to depress you.

N Rodgers: Well, I mean-

K Howell: Just take our classes.

N Rodgers: It sounds like though that there are ways we can work towards solutions, right? If we can at least get, I don't know, maybe you can't make every landlord do that, but maybe you can have some sort of threshold, where if your apartments are I don't know, in certain parts of the city, or along the bus lines or whatever, then you have to accept a certain number of vouchers. Maybe not all of them. But maybe you have to say, 10% of my housing has to be available to people who have a legitimate source of paying the rent.

K Howell: And that's sort of what we call a inclusionary zoning.

N Rodgers: Ah.

K Howell: Which says, if you're going to develop a building in the city of Richmond, right? For example. It's illegal in Virginia, so this is not actually law here. But it is law in some of our neighboring jurisdictions, and Arlington as well, I believe has an inclusionary zoning law. But it says, "Okay, you want to build here? Okay, great. We will give you some more density so you can add some more apartments to the building. Maybe another floor ..."

K Howell: ... more density so you can add some more apartments to the building, maybe another floor, but in exchange, percentage of your units have to be affordable, and they set affordability

levels. And this is also something that advocates in Richmond have been really trying to push as well with limited success because, again, it's the state has to enable. Because it's a Dillon Rule state, more education, I know, all the time. It's a Dillon rule state which means that everything the jurisdictions want to do has to be enabled by the state government. So you have to be enabled to get an inclusionary zoning law.

N Rodgers: Okay, so the first thing we have to do is get rid of the Dillon rule.

K Howell: Well, right, yes. That would just ... that's one of those ... I have three wishes. I have three wishes in Virginia.

N Rodgers: Is it one those things if I say it to an urban planner, they're going to go, "[inaudible 00:30:47]."

K Howell: [crosstalk 00:30:48]. No, no, no. We're all like, "Yes."

N Rodgers: No, no. I mean the Dillon rule. If I say those words, they spit.

K Howell: Yeah, yeah, yeah, we're all sort of putting up the crosses.

N Rodgers: They spit and they hiss.

B Teresa: Or say it to a city council member.

K Howell: They really hate it, right? Because it limits really what they can do.

N Rodgers: Okay.

K Howell: Yeah. So, yeah.

N Rodgers: So the community could want it, but the general legislature could say ...

K Howell: Right, correct.

N Rodgers: ...we don't want it and that's all that matters.

K Howell: Exactly and that's ...

N Rodgers: That's not okay. I need to be governor.

K Howell: Yeah, absolutely.

N Rodgers: I've got some things to change.

K Howell: Absolutely. And that's what's happened. So getting LGBTQ on the fair housing has been ... the fair housing law in Virginia has been part of the legislative agenda for advocates for about seven or eight years and it's come up multiple times, all those years. And it's increasingly getting more support at the legislature, but it has never gotten passed in both houses. This year, it got passed, I think, in one side but not the other. I'm blanking on which side that is. But it'll cross over and then get killed. So that's happened the past two years and I think more people understand that you can be illegally discriminated against based on your gender expression and your sexual orientation. To me, that's a problem. But I think more people understand that and understand that we can change it by calling our representatives. That, I think, is a big piece of things.

N Rodgers: Yeah. The next time that comes up for a vote, make your voice heard because ...

K Howell: Yeah.

N Rodgers: And the thing is, it's weird to me because money is money. Who cares who's paying ... The landlord shouldn't give a flying flip what your sexual orientation or your gender representation or anything else. That shouldn't matter because your money is your money.

B Teresa: Exactly. I think what you're hinting at, though, is that while we have this rational model from economics about money is money, right, what you're talking about is power. And tenant landlord relationship is a power relationship. The tenant and the landlord are in conflict, not always, but it's also about power. So landlords want to be able to exert control over what they own. And the question is, what are the limits to that? And are there limits that we can place or not place and what are we willing to accept the consequences of not putting limits on the, circumscribing the power in that relationship? Because right now, we don't have the limits that we're talking about in terms of these kinds of protections and we see the discrimination and we see the effects of how the market works.

N Rodgers: Well, and to bring it back to the book, if you fall behind in the rent, you lose any sense of power that you had as a person who pays the rent.

B Teresa: Absolutely.

N Rodgers: I've been very fortunate to be able to pay my rent monthly, on time. So when I call over to the office and I say, "Hey, the sink is making weird noises," they send somebody to fix it because I have a certain amount of power in the relationship in that I can say, if I have to call the plumber because I'm even on the rent, I'm going to have to dispute paying you the full rent because I'm going to have to pay the plumber. And that is enough. That discussion is enough for them to say, "No, no, no. We'll send somebody over. And they come over and they fix it. But the instant you fall behind, you lose any sense of power in that relationship because now you owe. And now there's sort of an embarrassment factor, but there's also ... They'll say, "Well, I'll fix

that when you pay the rent." Is that legal for them to do that? Can they say that or is it just one of those, 'it's not legal but to fight it is worse than leaving it alone?'

B Teresa: If you're behind on rent, if you haven't paid that rent, then really it's kind of like ... you're out of luck on pretty much every front. I mean, that's the reality. And so that ... yes. So that's legal. But there's another question which is, if things aren't being fixed, and let's say you ended up paying for that plumber because the landlord wouldn't and you were having flooding or you couldn't take a shower, whatever, and you ended up fronting that bill, then they're actually right now, at least in Virginia, there's no legal mechanism to withhold what ... You might withhold that rent, right?

N Rodgers: Oh.

K Howell: Without going to court.

B Teresa: Without going to court.

N Rodgers: Oh, okay.

B Teresa: And so any time that you withhold that rent, that actually turns towards the landlord's favor in that legal process.

N Rodgers: So it's all in the landlord's favor.

K Howell: Yeah. If you have ... Say your toilet hasn't been working however long and you call the plumber and you say, "Okay, my rent is \$1,200. It cost me \$300 to get the plumber out here and fix this, I'm only paying you \$900." Well, that just triggered ... That means that you just didn't pay your rent, unless you went to the court and went through a process to put it in Escrow.

N Rodgers: Wow.

K Howell: We see that. The nonpayment of rent, it can cover the whole host of things, right? You can say, "Well, you didn't provide heat for me. I'm not paying my rent until you provide heat," because it is required in the State of Virginia to provide heat. Thank god.

N Rodgers: Oh, is it?

K Howell: It is required.

B Teresa: Okay, so there's a few basic things that are, yeah.

N Rodgers: Can you name them?

B Teresa: I mean, generally, we talk about a warranty of habitability, in the legal term, which means livable conditions, which has come to mean things like hot water, heat ...

K Howell: At least between November and March.

B Teresa: Right. So there's just a certain set of things that come now ...

N Rodgers: The stairs can't have holes in them, things like that. You have to be able to walk across the room.

B Teresa: It has to be safe to live in.

N Rodgers: Okay.

B Teresa: Right.

N Rodgers: I'm sorry. Anyway, you were saying ...

K Howell: No, no, no. That's ...

N Rodgers: So you have to go to a court in order to be able to ...

K Howell: Right. And so we see people who are actually getting evicted because they withheld rent because ...

N Rodgers: They had to pay for something like that.

K Howell: Right. But when they go up in front of the judge, that's not a legal defense.

B Teresa: Yeah, that's right.

K Howell: So you can't say, "Well, but they didn't provide me heat." Well, you had to go and document it at the court. And you talked about your neighbor who had a full-time job and another part-time job. When's he going to go up and say, "Hey, my landlord didn't provide heat?"

N Rodgers: Never.

K Howell: Right. He doesn't have time for that.

N Rodgers: I think he slept 20 minutes in his car each night. He was really struggling to cover all of their bills. There's no way he could've ...

K Howell: Right. Because it has to be during the middle of the day.

N Rodgers: Frankly, I'm not trying to cast dispersions because I would not know how to do that either. You also have to know the system. You have to understand that you have to go to a court and you have to get that judgment. And if you're a person who either your experiences with court have all been negative ... I mean, I've been to traffic court once. It was not a happy thing. So my experiences have been relatively negative, but you also, if you're afraid of the system because the system has generally not been good to you, that would be really hard to know what you needed to do in order to that legally.

K Howell: Right. And just to put another layer, speaking of systems, you put another layer of that of people who are undocumented or who have unclear immigration status, what kind of power do they have? None, right?

N Rodgers: Right.

K Howell: Because what are you going to do? You're going to call somebody on your landlord? You might get immigration called on you. You have a lot of risk to being thrown out of the unit, to being housing unstable. So we find that that is another layer to this power dynamic that Ben talked about.

N Rodgers: Wow.

K Howell: Yeah. So again, buckets full of sadness.

N Rodgers: Depressing, yeah. Okay.

K Howell: Sorry. We'll come up with something about puppies and unicorns later.

N Rodgers: We'll give everyone in public housing a unicorn. That would be marvelous. It seems like to me, though, that there are a lot of fronts that we can attack this on.

K Howell: Yeah.

N Rodgers: So if you're interested in doing something, there's probably something in the subject area you're studying, students, or community members, the things you're passionate about, there's probably something that you can do that would pull one of those strings that will help. In the long run, it's not just housing. It's also better paying jobs and it's also better access to public transportation, to cheap public transportation. When you start adding up bus tickets, that can get kind of steep in some cities. And some cities, riding the train is impossible, it's so expensive. So there's all kinds of strings that people can pull and work on.

N Rodgers: Would you mind if I put the link to the eviction lab?

K Howell: Oh, please do.

N Rodgers: Okay. On this so that people can get more information and so they can contact you if there's something that they want to try to do ...

B Teresa: Sure, absolutely. That would be great.

N Rodgers: ... if they're feeling like me and they're feeling sort of impotent rage and they want to do something about it.

K Howell: Well, I will say the two easiest things you can do, and just in general you should do these things, is register to vote and call your local state and federal representatives and ask why they're not doing anything, because that's really key and really sort of demanding action. That's the easiest thing, believe it or not, that you can do. And then you can start to look at all the other things you can do within your career field, which VCU has got a lot of really great community engagement that's dealing with social determinants of health and all these other really great pieces. So then you can start engaging on campus.

N Rodgers: Thank you, because we do talk, again, I talk a lot about voting and how you need to get out and vote. We also, just as a side note for the listeners, geek out on going to council meetings.

K Howell: Yes.

N Rodgers: You can go to city council meetings. And because so few people go, you probably will get to talk.

K Howell: Oh, absolutely.

N Rodgers: And so you can stand up and say we need better housing at all income levels, we need better public transportation, we need bike routes on ... I can't remember, Brook Road, right? That was one of the big fights here lately is to having a bike lane. And that seems to be ... I mean, they respond. They respond because you're there and it's really hard to ignore you when you look them in the eye and you say, "This is what I want and I'm a voter." And so for our students, new students especially who are listening to this, you can register to vote here on campus. It's not hard to do. If you get confused, you can email me and I will help you out in figuring that out. Thank you both so much for coming today. I really appreciate it.

B Teresa: Thank you.

K Howell: Thanks for the invite.

N Rodgers: I appreciate you being available to us to talk about this. And I'm going to go lay down and put a cold compress on my head and then I'm going to go yell at people [inaudible 00:42:03].

B Teresa: Thank you.

N Rodgers: Thank you.

K Howell: Thanks.

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