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**THE ROOTS OF
DISCRIMINATORY
HOUSING POLICY:
MOVING TOWARD
GENDER JUSTICE IN
OUR ECONOMY**

By Sammi Aibinder, Andrea Flynn, Richelle Gernan, Sarah Hassmer, Rakeen Mabud

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The National Women's Law Center fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—especially women of color, LGBTQ people, and low-income women and families. For 50 years, we have been on the leading edge of every major legal and policy victory for women.



The Insight Center drives structural, transformative change across three pillars of work, all focused on building economic inclusion and racial equity for people of color, women, immigrants, and marginalized families in the US.



The Groundwork Collaborative's mission is to advance an economic vision for strong, broadly shared prosperity and true opportunity for all.

FOREWORD

Maya Angelou wrote, “the ache for home lives in all of us, the safe place where we can go as we are and not be questioned.”

It’s a beautiful way to capture a universally human feeling about a universally human right. But for far too many people in this country, that feeling and access to that right are out of reach. And for generations, the prevailing narrative has falsely pointed to a “personal failing” here or a “wrong turn” there—decidedly individual actions that could easily be solved by a better choice.

But we know better. As this report so expertly lays out, it’s no coincidence that so many women lack access to a safe, stable, accessible, and affordable home—and it’s not because they all made bad personal decisions. Instead, women facing multiple and intersecting forms of discrimination face higher housing insecurity because the proverbial deck has been stacked against them from the start. Centuries of discriminatory policies have explicitly or functionally excluded women of color, pushing them to the margins of our inequitable housing system.

I see the effects of this every day, both in my role as president and CEO of the National Women’s Law Center, a co-author of this report, and right in front of my eyes in the places that I myself have called home—from Detroit to Oakland to Washington, DC. Women have always taken on the heaviest burden of a socioeconomic system that was designed to profit from their underpaid and undervalued labor. And yet, at every turn, women have experienced sustained and worsening economic precarity, while wealth and market power have been built for and concentrated with those who already had an abundance of it (predominantly white men).

I have also seen the transformative effects of gender justice-forward housing policies that *do* work. Opportunities for employment, education, health, transportation, and caregiving vastly improve and not only enrich the lives of women, but exponentially impact their families, children, communities, and our country as a whole.

In this powerful collaboration with the Insight Center and Groundwork Collaborative, my colleagues at the Law Center discuss the harmful housing policy decisions that litter our history and created the mess we face today. And, importantly, remind us of the better policy choices and sensible solutions that can put us on a path to a more equitable tomorrow, where “the ache for home” is satisfied for all.



FATIMA GOSS GRAVES

President and CEO

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METHODOLOGY AND DEFINITIONS

The data cited throughout this report comes from multiple sources, including the U.S. Census Bureau, data from other federal agencies, numerous surveys, as well as analyses of these and other data conducted by other individuals and organizations. Within these multiple data sources, moreover, there are a wide range of terms used to refer to people of different racial or ethnic groups. In this paper, the “AAPI” race category includes those who identified themselves as Asian American or Pacific Islander. The “Black” race category includes those who identified themselves as Black or African American. The “Latina” category includes women of any race who identified themselves to be of Hispanic, Latino, or Spanish origin. We use the term “Latinx” to discuss people of any race who are of Hispanic, Latino, or Spanish origin because this term allows for more gender inclusivity.

Please refer to each individual source note for more information on racial and ethnic categories.

- **Area Median Income (AMI):** The median family income in the metropolitan or nonmetropolitan area
- **Extremely Low Income (ELI):** Households with income at or below the Poverty Guideline or 30 percent of area median income, whichever is higher
- **Very Low-Income (VLI):** Households with income between extremely low income and 50 percent of area median income
- **Low-Income (LI):** Households with income between 51 percent and 80 percent of area median income
- **Middle-Income (MI):** Households with income between 81 percent and 100 percent of area median income
- **Above Median Income:** Households with income above 100 percent of area median income
- **Gender justice:** This paper recognizes that we will not achieve gender justice by focusing solely on discrimination against women, but rather, by also addressing broader gender injustices that include discrimination against LGBTQ+ people and forms of discrimination that intersect with gender injustices, including racism, ableism, xenophobia, and more



INTRODUCTION

Safe, accessible, and affordable housing is a human right, and as such must be considered and invested in not as a commodity, but as a public good. Housing shapes opportunities for employment, education, health, transportation, and caregiving. A safe home, in a community full of opportunity, is a prerequisite to human flourishing and economic security.

Housing insecurity threatens the health, safety, and financial security of millions of women in the United States, and particularly women of color.

**Over the course of their lifetime, one in five Black women—
compared to one in 15 white women—experience eviction.¹**

The percentage of women facing housing uncertainty has increased significantly since March 2020, a direct result of women’s historic job and income losses and the public policies that have pushed and kept them out of the labor market. As of early December 2021, more than 8 million women were behind on rent or mortgage payments, with Black non-Hispanic and Latina women being most likely to be behind.² Among renters, 30.9 percent of Black, non-Hispanic women and 19.6 percent of Latinas were behind on their rent, compared to 8.6 percent of white, non-Hispanic men and 10.5 percent of white, non-Hispanic women.³ Among homeowners with mortgages, 14.9 percent of Black, non-Hispanic women and 10.5 percent of Latinas reported being behind on their mortgage payments, compared to 4.1 percent of white, non-Hispanic men and 4.9 percent of white, non-Hispanic women.⁴

For much of the last two years, pandemic-related eviction moratoria were the last safeguard for people at risk of losing their homes. However, these moratoria provided a patchwork of protections that failed to prevent many families from being evicted or facing exorbitant fees to avoid eviction proceedings.⁵ With many of those protections now expired, women and

their families are facing an exacerbated housing crisis that will have rippling effects for their communities and our entire economy.

The increasing housing insecurity among women, particularly those located at multiple intersections of race, gender (including sexual orientation and gender identity), disability, and immigration status is a reflection of how women are situated in the economy more broadly. Low wages, unstable employment, a lack of wealth, high debt burdens, and barriers to credit make it difficult for women—and specifically women of color—to purchase homes or secure safe, accessible, and affordable rentals. These economic barriers lead to lower incomes for single women, particularly women of color, who rent or own a home as compared to single, white, non-Hispanic men (See Figures A and B).

At the same time, women who live in unsafe, unstable, or inaccessible housing—particularly women who are the primary or sole caretakers in their families—experience countless cascading effects, including loss of employment and income,⁶ health challenges,⁷ and disruptions in their children’s development and education.⁸ Housing insecurity functions both as a

FIGURE A Income Distribution of Single Homeowners in 2019, By Selected Demographics

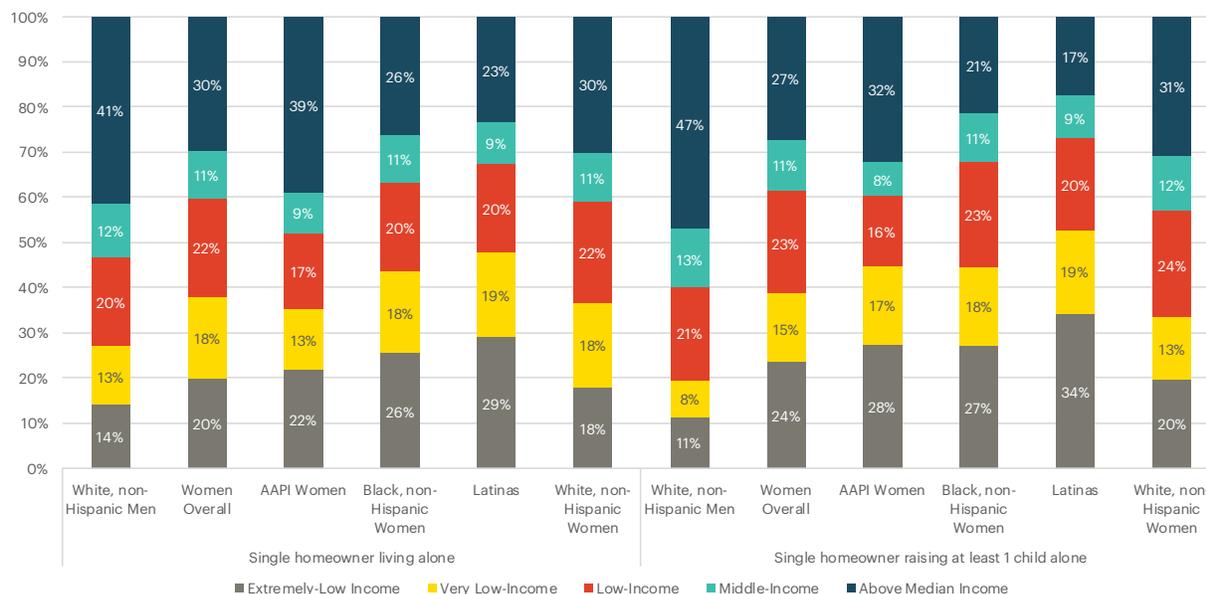
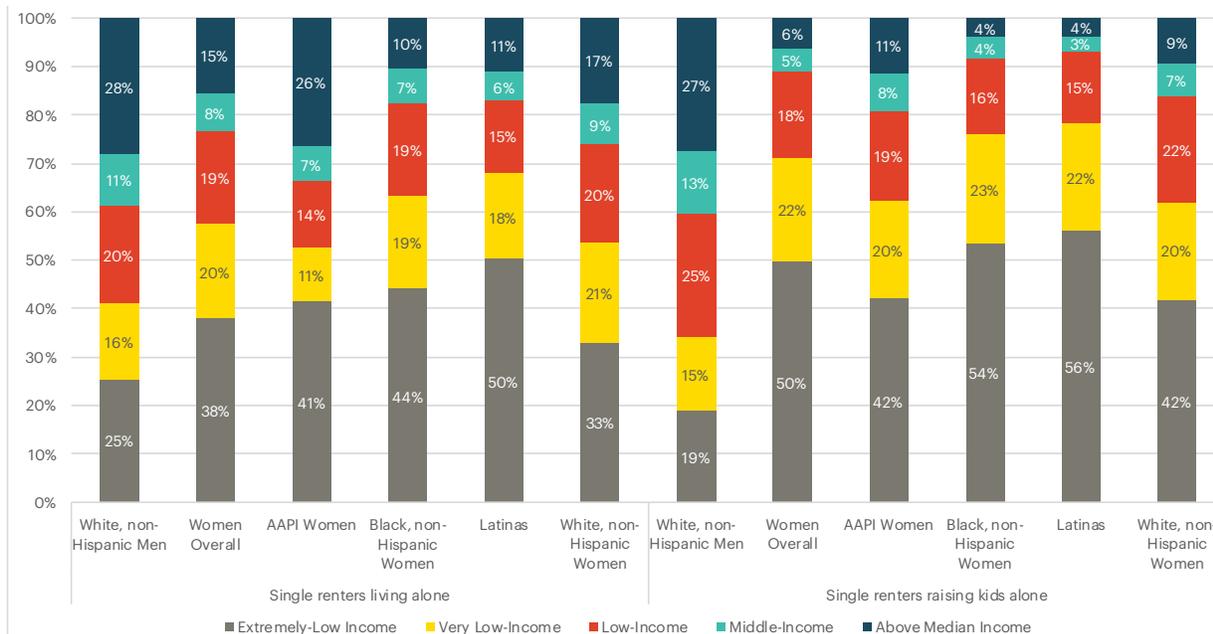


FIGURE B Income Distribution of Single Renters in 2019, By Selected Demographics



Source: National Women’s Law Center calculations of 2019 American Community Survey (ACS) Public Use Microdata Sample (PUMS) data, weighted to be nationally representative

result and reinforcer of deeper, long-standing social and economic inequities.

In public debates, housing insecurity—like other forms of economic insecurity and poverty more broadly—is often described as a personal failure, a result of preventable income loss or employment precarity. However, the

fact that anyone in this country experiences housing insecurity is a systemic, not an individual, failure. The roots of our present-day housing crisis can be found in our highly discriminatory systems and racialized, gendered, ableist, and xenophobic norms for both our homes and our public spaces, running much deeper than the United States’ current crisis.⁹

Since the 1970s, deregulation and financialization of housing markets—coupled with major divestments in public housing and rental assistance—functionally targeted women of color and made them especially susceptible to the housing and economic insecurity worsened by the 2008 recession and the COVID-19 pandemic. These trends in housing mirror the broader deregulation across markets as corporations and wealthy people have amassed unchecked decision-making power, influence, and wealth over the last several decades. At the same time, coordinated attacks on worker and public power have resulted in stagnant wages, a sharp decline in job quality, and the dismantling of our social infrastructure. As a result, women of color, who have always taken on the heaviest burden of a socioeconomic system that was designed to profit from their underpaid and undervalued labor, have experienced sustained and worsening economic precarity. Reforming U.S. housing policies—and their resulting downstream effects—requires addressing the stark power imbalances baked into our economy as a whole.

BUILDING ON THE BLACK WOMEN BEST FRAMEWORK¹⁰

This paper begins by outlining the contours of the U.S. housing crisis in a historical context as experienced by women, particularly Black women. The legacy of gendered racism, rooted in slavery and the Jim Crow era that followed, is built into our current socioeconomic systems and has had intergenerational impacts on Black women and their families.¹¹ We begin by examining the long history of housing discrimination against women and people of color, the Civil Rights era efforts to counter that history, and how the pitfalls of and backlash to those efforts precipitated the deregulation and financialization of housing markets in the decades to follow. These structural changes to our housing system—and the whole economy—from the 1970s onward served to build wealth and concentrate market power for those (predominantly white men) who already had an abundance of it, while profiting from the financial instability of Black and

brown homeowners and renters.

We then examine the current housing crises, including how housing discrimination contributed to the Great Recession of 2008, caused the economic crisis to have a unique and disproportionate impact on women of color, and how our government's inadequate response left women of color even more susceptible to the pandemic and ongoing economic challenges. The discrimination Black women have experienced—and continue to experience—in housing has extended to other groups of women facing discrimination, functioning as the “miner’s canary” signaling the broader threats posed by our economic system.¹²

Lastly, we propose a range of policy options to advance gender justice across our housing policies and to create a more equitable economy for all. These policies are twofold. First, they are meant to invest an unprecedented amount of funding to address the housing needs of women of color, disabled women, and other women facing discrimination. Secondly, they are intended to build a new regulatory infrastructure for the public provision and protection of housing, and to curb private power and wealth extraction in the housing market. By nearly every measure, Black women have some of the most unfavorable social and economic outcomes. **As the Black Women Best framework—developed by Janelle Jones, Kendra Bozarth, and Grace Western—lays out, centering Black women and women of color in our policy analysis and solutions is essential to building an equitable society and economy for all of us.**¹³

Our economy is not working when our policies and programs are designed to leave millions of people unhoused or one financial emergency away from being pushed from their homes. This widespread insecurity, particularly damaging for women of color who are already pushed to the margins of each and every measure of economic security, makes our whole economy acutely susceptible to disaster and undermines real prosperity. Investing in stable housing for all is investing in everyone’s capacity to thrive.



WHY HOUSING MATTERS

Housing is foundational to the lives of women, children, and families and can serve as a case study for other gender-based inequities in our economic systems. In recent years, housing—both in terms of ownership and renting—has become increasingly out of reach for many. The U.S. private housing market cannot on its own provide safe, accessible, and affordable housing to all who need it—and our failure to invest in public and social housing¹⁴ forces many individuals and families to live in unsafe, inaccessible, substandard shelter, drives them into homelessness, or causes churning in and out of homes.

Fair access—or lack thereof—to safe, accessible, and affordable housing impacts health, food security, access to quality jobs and affordable child care, safety, education, and more.

“Housing intersects with other issues [such as health equity]. It’s all pretty systemic. It impacts all areas of our lives. Tenant rights are reproductive rights especially when you have mostly women, immigrant women fighting for a habitable place for their families.”

LUPE ARREOLA

Executive Director of Tenants Together¹⁵

HOUSING AND ECONOMIC SECURITY

For women of color in particular, high housing costs strip wealth and income: the more women and families are forced to spend on housing, the fewer resources they have for food, child care, health care, and other essential goods and services, not to mention the less they have to save for times of crisis or for opportunities to invest in themselves and their families.¹⁶ High and increasing housing costs mean women's incomes, shaped by ongoing occupational segregation,¹⁷ stark racial and gender wage gaps¹⁸ and employment disparities in segregated neighborhoods,¹⁹ need to stretch impossibly far. This has far-reaching effects on the health and well-being of women and their families.

“Working with folks who work hard every day and seeing how their labor is not valued at their jobs and their effort to keep their housing is not valued, especially because they’re from working class communities, is pretty infuriating.”

LUPE ARREOLA

Executive Director of Tenants Together

In the United States, homes are often a person's most valuable asset and source of equity—they can be used to help families weather financial emergencies, pay for college, and more. Public policies, such as those instituted through the New Deal,²⁰ facilitated the homeownership of white families, and particularly white men.²¹ The very same policies that built wealth over multiple generations for white families were designed to lock Black and brown families out of homeownership. Other policies, such as redlining, locked Black families out of well-resourced neighborhoods and ensured that their return on investment in homeownership would be far inferior to that of white families.

These historical and deeply racialized trends in homeownership are central to racial wealth gaps today. For centuries, a lack of protections from sex discrimination in lending has driven gender wealth gaps as well, and Black women faced the compounding effects of these racial and gender inequities. **Because of ongoing structural racism in our society and economy, simply increasing homeownership among Black and brown families cannot result in the same levels of economic security and wealth-building as it does for white families.**²² Additionally, New Deal programs perpetuated the institutionalization of disabled people²³ and created the Subsection 14(c) subminimum wage based on the productivity of each disabled worker compared to the productivity of a non-disabled worker paid an hourly wage.²⁴

Present-day trends exacerbate these historical practices. Recent research has illustrated the ways in which the appraisal industry deflates home values in neighborhoods of color, driving ongoing racialized inequities in housing and economic security.²⁵ One recent California study showed that people of color lost millions of dollars as a result of the higher fees and interest rates they were charged for consumer lending products, even when accounting for the use of artificial intelligence in financial technology companies.²⁶ Furthermore, the United States' persistent race, gender, and disability pay gaps result in less wealth among families of color, and particularly among single women of color and disabled women of color, making it difficult for them to have enough money saved for a down payment for a home purchase. This is just one example of how wealth begets wealth, and how a lack of wealth fuels economic precarity.

Centuries of anti-Blackness—in addition to other forms of racism, sexism, and ableism—in the U.S. economy and housing policy have enabled discrimination in the private market to endure. In 2021, the National Fair Housing Alliance estimated that there are more than four million annual instances of housing discrimination (across all protected classes), a number that likely significantly

underrepresents the prevalence of discrimination, given how many instances go unreported and unrecorded.²⁷ Discrimination based on disability, race, familial status, sex, and national origin were the five most common types of complaints.²⁸ In the rental market, ongoing discrimination based on type of employment and source of income is acutely harmful to women of color, who comprise a disproportionate share of households who receive rental assistance, and to disabled people receiving rental assistance or disability benefits.

“Individuals having access to safe housing is the first entry point to having stability in life, but that should not be the end of the road. If individuals see themselves having a life outside of affordable housing, opportunities should exist in order for them to be able to actualize that life. What we see a lot of the time, particularly in the South, is that there’s no yellow brick road out—once individuals get to affordable housing, that’s it. They are sort of stuck.

There’s no pathway out, and for a lot of families the dream is to get to market-rate [rentals] or homeownership. The way our system is set up is not designed to help you do that. For [Springboard], our entire way we operate is to really help families accomplish their goals.”

AISHA NYANDORO

CEO of Springboard to Opportunities²⁹

The appreciation of land value has been the driving force behind wealth-building through homeownership for white families. The value of white-owned property has for centuries been predicated on the devaluation of property—and persistent concentrated poverty—in Black and brown communities. These dynamics have resulted in homeowners’ perception that the existence or expansion of affordable housing is inherently threatening to their own property values and broader economic security.³⁰ In other words, **the guiding principles of our housing system have turned discrimination, exclusion, and exploitation into assets.** While our policies have changed over the last century—some even with the intention of preventing the replication of historic wrongs—the racism, sexism, and ableism that continue to undergird our present-day economy make it impossible for Black people to use homeownership as a tool to build wealth in the same ways white people do.³¹



“Housing for profit is the worst idea ever! Housing is something you need to live and be healthy.

It should not be subject to the highest bidder and should not be subject to fluctuation in price based on somebody else who wants to make money.”

LUPE ARREOLA

Executive Director of Tenants Together

HOUSING AND HEALTH

Housing is central to the overall health of women and families, impacting health access and outcomes both directly and indirectly. Women and families facing housing insecurity, particularly those facing eviction, are at risk of a range of negative health outcomes. They are more likely than people who are housing secure to experience mental health conditions and high blood pressure.³² Pregnant people facing eviction, or the threat of it, experience a heightened risk of premature birth and low birth weight.³³ And loss of housing threatens access to a regular and trusted source of care.³⁴ Furthermore, when women cannot access safe, stable, accessible, and affordable housing, they are forced to live in substandard conditions—housing with lead or mold—that lead to negative health effects.³⁵

Investing in safe, stable, accessible, and affordable housing is not just the right thing to do, it is also the smart thing to do. Researchers estimate that housing instability could lead to billions of avoidable health care costs if effective interventions are not implemented.³⁶

Housing insecurity also threatens the physical safety of women and transgender people. The United States’ inadequate investment in housing assistance has forced many women to enter or stay in dangerous circumstances. There is a cyclical relationship between housing instability and domestic abuse: most women experiencing homelessness have experienced violence, such as severe physical or sexual abuse or intimate-partner violence.³⁷ Research shows that a lack of housing assistance has contributed to 38 percent of domestic abuse survivors experiencing homelessness, while other survivors feel forced to stay with, or return to, their abuser to have a roof over their head.³⁸ Transgender people, particularly trans people of color, also face a high risk of housing insecurity. They are often denied access to shelters, experience harassment or assault when they do gain access, and frequently lack alternative housing options.³⁹ This leads to high rates of unsheltered homelessness for transgender people amidst an epidemic of violence, particularly for trans women of color.⁴⁰

Additionally, low-income individuals—particularly women of color and LGBTQ+ tenants—disproportionately experience sexual harassment by their landlords.⁴¹ These trends are exacerbated during times of economic crisis, such as the COVID-19 pandemic and related “she-cession,”⁴² in which millions of women lost income and fell behind on rent.⁴³ Furthermore, because of nuisance ordinances implemented at the local level—also known as disorderly house ordinances or crime free ordinances—law enforcement officials often give citations to homes that have required police interaction because of assault, harassment, stalking, and disorderly conduct. If the “nuisance” does not cease, residents are threatened with penalties. As a result, many landlords evict tenants, refuse to renew their lease, or instruct them not to call the authorities in the case of an emergency, putting survivors at even greater risk.⁴⁴

HOUSING AND CHILDREN

The lack of stable, accessible, and affordable housing has significant effects on children of all ages.⁴⁵ Among single renters raising children on their own, women of all races/ethnicities are more likely than white, non-Hispanic men to be spending the majority of their income on rent.⁴⁶ Families spending more than half of their income on housing have fewer resources to invest in their children's development.⁴⁷ Young children who are housing insecure face a higher risk of delays in their social, emotional, motor or cognitive development.⁴⁸ For school-aged children, the trauma of housing instability, particularly experiencing homelessness, manifests in a multitude of ways, including decreased academic achievement and retention; behavioral problems that can trigger punitive responses from educators, such as suspension or expulsion; and lower graduation rates and employment outcomes.⁴⁹ Additionally, the decentralized nature of education funding and the reliance on local property taxes leads to schools in low-wealth communities—often communities of color because of the history of racist housing policies in the United States—lacking sufficient funding.⁵⁰ A shortage of resources in these schools results in disparate educational opportunities for the students of color attending these schools and perpetuates intergenerational poverty.⁵¹



INTERSECTING INEQUITIES IN RENTING AND HOMEOWNERSHIP

Racist and sexist homeownership policies have led to more single women of color renting than owning a home, while more single white, non-Hispanic men own homes than rent.⁵² Thus, it is no surprise that in 2013, the median net wealth was \$100 for single, working-age Latinas and \$200 for single, working-age Black, non-Hispanic women—compared to \$28,900 for their white, non-Hispanic male peers.⁵³ Further, among renters, single women of color are about two times more likely than single, white non-Hispanic men to spend the majority of their income on rent.⁵⁴ Women of color receiving disability benefits such as Supplemental Security Income (SSI) face further discrimination, as there is no private housing market in the country where someone whose only income is SSI can afford a decent apartment.⁵⁵ Barriers to accessing homeownership programs for disabled people, such as minimum credit score requirements and the need to produce thousands of dollars for down payments or closing costs, make it exceedingly difficult—if not virtually impossible—for SSI recipients, and other disabled people on fixed incomes, to buy a home.⁵⁶ These inequities for renting and homeownership have lasted for decades and will only worsen unless we start recognizing housing as a public good that benefits us all and deeply invest in solutions centering women of color.

THE ROOTS OF DISCRIMINATORY HOUSING POLICY

The inception of the United States itself, grounded in colonization and dispossession of indigenous communities and land, is inextricable from the concentrations of private power and wealth controlling our housing policies and markets today. The scope of this historical analysis will touch on the deep roots of housing inequality and broad-based housing insecurity in the racialized, gendered capitalism that drives our economy, from slavery to Jim and Jane Crow,⁵⁷ and move in more detail through the Civil Rights era and its legislative and cultural legacies.

Pauli Murray originally coined the term “Jane Crow”

to highlight the intersections of racism and sexism Black women face.⁵⁸

THE FOUNDATION OF AN INEQUITABLE HOUSING SYSTEM

The explicit anti-Black racism and sexism of slavery seeded our current racial and gender wealth gaps and our very definitions of real estate and property. Black people and other people of color in the United States were systematically denied access to land and homeownership after the formal end of slavery. The government failed to fulfill the promise of 40 acres and a mule to formerly enslaved families, often seizing land from the few Black families who had it.⁵⁹ For more than a century, white communities enforced racially restrictive covenants in order to prevent neighborhood integration—often violently so.⁶⁰ Meanwhile, homeownership served as a major pathway to the middle class for millions of white people, building wealth that would be passed through generations. Explicitly segregationist rules guided the federal housing

programs created in the early 20th century through the New Deal. The Housing Act of 1937 created the federal public housing program—a massive investment in creating shelter for white middle- and working-class families—but it also perpetuated segregation by prohibiting integrated projects and relegating Black communities to inferior housing.⁶¹

In addition, the Home Owners Loan Corporation (HOLC), established to prevent mass foreclosures during the Great Depression, established the financial system known today as “redlining” that enabled federal lenders and private lenders alike to deny Black communities home loans.⁶² The U.S. Housing Authority (USHA) awarded subsidies on the premise that the new publicly funded housing would “respect existing neighborhood racial characteristics,” and the Federal Housing Authority’s appraisal standards for mortgage insurance included a whites-only requirement.⁶³ Barred

from obtaining traditional mortgages and subject to practices like the contract sale system and restrictive covenants, Black individuals and families seeking housing in these eras were forced to pay exorbitant housing costs and were often displaced from their neighborhoods by being priced out or through “slum clearance” tools like highway-building.⁶⁴ Recent research finds that HOLC-appraised cities across the country, large and small, are more segregated today than those that were not appraised,⁶⁵ and that redlining has incurred negative health impacts for Black women over many generations.⁶⁶

CIVIL RIGHTS ERA

During the Civil Rights movement, policymakers aimed to address the inequities solidified by New Deal era policies by dismantling this *de jure* (legal) segregation. Lawmakers expanded opportunities for homeownership and fortified fair housing laws that would protect tenants from discrimination.

Housing legislation enacted in the Civil Rights era recognized, at least to some extent, the role that

the federal government played in creating unequal housing conditions throughout the 20th century and should play in creating a more equitable playing field. Nevertheless, the politics undergirding this wave of legislative action continued to pathologize Black families—especially Black women; white government leaders proffered moralistic solutions to addressing structural racism and sexism in housing and economic policy, for example, the 1965 Moynihan Report (or, “The Negro Family: The Case for National Action”).⁶⁷

The 1968 Fair Housing Act (FHA) banned discrimination in housing based on race, color, religion, and national origin. The FHA formally ended redlining practices that government agencies had at minimum allowed—and often actively endorsed—for decades. The FHA’s application to private actors also went further than the 1948 Supreme Court ruling in *Shelley v. Kraemer*, which declared it unconstitutional for state courts to enforce racially restrictive covenants (but permitted the private covenants to continue).⁶⁸ Congress amended the FHA to add sex as a protected trait in 1974 and added disability and familial status as protected traits in 1988.

HOUSING REGULATION, SEGREGATION, AND DISCRIMINATION

Discrimination based on sex and race are only two of many forms of discrimination Black women face. Overly restrictive occupancy requirements can have a disparate impact on Black women with children.⁶⁹ In addition, inaccessible or segregated housing discriminates against disabled Black women. Lois Curtis, a Black woman with mental and intellectual disabilities, fought for her freedom from institutionalization in the courts. She challenged the decision by the commissioner of Georgia’s Department of Human Resources, Tommy Olmstead, to keep her in the mental institution instead of allowing her to live in an integrated community setting.⁷⁰ This led to the 1999 *Olmstead v. Lois Curtis* Supreme Court decision declaring unjustified segregation based on disability a violation of the Americans with Disabilities Act.⁷¹ Moreover, only recently has the government formally recognized that the FHA’s sex discrimination prohibition includes discrimination based on sexual orientation or gender identity.⁷²

In 1974, Congress passed the Equal Credit Opportunity Act (ECOA), prohibiting credit discrimination based on sex or marital status to remove more barriers to homeownership for women. Before the ECOA, women of all races were largely blocked from having access to credit lines or otherwise undermined in applications for credit because of their marital or maternal status.⁷³ Lenders who did approve credit for women before the ECOA subjected women to explicit discrimination, for example, by requiring higher income than male applicants; refusing to count child support, alimony, and other sources of income not from employment; requiring a husband's approval for a loan to a married woman; and asking invasive questions about birth control practices.⁷⁴

These legislative milestones set up principally reactive laws to address discrete acts of discrimination. The FHA provides for disparate impact liability, which is a critical tool for challenging policies such as city zoning laws, redevelopment plans, nuisance ordinances, and other policies and practices with effects that discriminate based on sex, race, and other protected characteristics under the FHA.⁷⁵ However, an inadequate enforcement infrastructure has made it impossible to challenge all discriminatory policies and practices, and the FHA has not met its full potential to serve as a proactive method to prevent discrimination. For example, Congress did not give the U.S. Department of Housing and Urban Development (HUD) the authority to act as more than a mediator in its administrative complaint process until the 1988 Fair Housing Amendments Act. The Act enabled HUD to take its own enforcement actions and set up a referral process to the Department of Justice when probable cause was determined.⁷⁶ Further, despite decades of evidence that targeted harassment against women in housing was occurring, the HUD only promulgated a quid pro quo harassment and hostile environment harassment regulation for the FHA during the Obama administration.⁷⁷

In addition, while the FHA imposed a duty on federal

housing funding recipients to affirmatively further fair housing,⁷⁸ including by addressing segregation and removing barriers to fair housing for protected classes, decades passed without meaningful and effective guidance for how grantees could meet this statutory obligation or adequate investment for proactively removing barriers to quality housing for those individuals and communities who faced housing discrimination for centuries.⁷⁹ The nondiscrimination intentions behind the legislation have been stymied by issues of weak or absent enforcement as a result, indicative of an overall failure to sufficiently move beyond challenging discrimination as a matter of individual action.

Moreover, while these legislative changes made it illegal to discriminate against Black potential homebuyers and tenants, there were many ways Civil Rights era legislation fell short of implementing the changes needed to redress the inherently unequal structures and historical disadvantages wrought by our housing system and the racist and sexist capitalism at its foundation. **The policies that prohibit legal discrimination in the housing market failed to prevent powerful state and private actors from finding more insidious ways of extracting and disinvesting from communities of color, especially Black women.** These new laws failed to dismantle the existing tax and property valuation advantages for white homeowners, as Dorothy Brown's work has highlighted.⁸⁰ Barriers to using disparate impact legal liability under the FHA have enabled high-income, largely white communities to wield exclusionary zoning regulations to inhibit any construction of housing that low-income, largely Black and brown families can actually afford.⁸¹ Shifts in housing policy in the Civil Rights era also enshrined the power and responsibility of private real estate market and financial sector actors in the provision of housing.⁸² In the decades to follow, these shifts set the stage for immense federal disinvestment in public housing and genuinely affordable housing programs, as well as privatization across the U.S. housing market—and the entire U.S. economy—at the expense of the housing needs of women and families.



DEREGULATION AND FINANCIALIZATION OF THE HOUSING MARKET

The U.S. economy underwent extensive structural changes after the Civil Rights era, driven in large part by the rise of neoliberal, market-first ideology and the Nixon administration's backlash to the sweeping progressive policies championed by grassroots movements and the Johnson administration's Great Society programs.

Understanding these shifts is integral to understanding the housing insecurity and housing inequality experienced by Black women, and women and people of color more generally, today. From the 1970s onward, lawmakers enacted policies that deregulated and financialized the housing market.⁸³ These laws were designed for the wealthy (predominantly white individuals)—from individual homeowners, to investors, to developers—to profit off Black and brown homeowners' and renters' financial instability, as well as others' indifference to it. The austerity-driven economics of the past half-century ensured that Black and brown women would be most deeply impacted by persistent underfunding and privatization of public goods.

This racial and economic stratification is predicated on both exclusion and “predatory inclusion,” the latter defined by author and activist Keeanga-Yamahtta Taylor as efforts by the state and other institutional actors in housing and financial markets to include marginalized people in their products on inferior terms.⁸⁴ Residents of historically redlined neighborhoods fought for equal-rights legislation like the 1975 Home Mortgage Disclosure Act and the 1977 Community Reinvestment Act (CRA), calling for equal access to homeownership, credit, and economic investment that had been denied to their communities for centuries. Despite the original purpose of the law, though, the CRA does not explicitly mention race, leading CRA oversight to historically neglect any material racial discrimination examination and enabling banks to obtain superior ratings even while having FHA or ECOA-based lawsuits against them.⁸⁵ Similar to policies from the Civil Rights era, these new laws were subject to the real estate and credit industries exploiting new legal frameworks to actively target Black individuals and families for low-quality housing opportunities and financing traps in the private market.⁸⁶

The exploitation of Black and brown communities throughout this period, via exclusion and inclusion alike, is especially apparent in the intersections of the criminal-legal and housing systems. Ballooning investments in urban police forces ushered in fresh approaches to maintaining (and extending) segregation in metropolitan areas across the country. Overpolicing of poor and low-wealth communities of color was backstopped by burgeoning—highly racialized—housing policies that focused on past criminal-legal system involvement as grounds to deny access to housing (both privately and publicly owned) and even prevent friends and family members from being present on a given property (whether through background checks, trespass policies, or “crime-free” ordinances).⁸⁷ And as geographer Samuel Stein has noted, contemporary policing politics are inextricable

from the financialization of housing and use of real estate as a means of economic extraction from low-income Black and brown tenants: aggressively policing urban areas that are ripe for gentrification “clears the terrain for future investment and makes wealthier households more comfortable with the idea of living among poorer people.”⁸⁸ **The choice to allocate budgets toward criminalization of Black and brown neighborhoods, rather than the housing and other community investments integral to economic security and stability, valued maximizing real estate value and concentrating private power (and property) over public need.**

Further, in 1999, Congress largely repealed the Banking Act of 1933, or the Glass-Steagall Act, which was enacted in response to the financial crisis of 1929 and served to curtail high-risk behavior in the financial market (by separating commercial banks from investment banks and prohibiting commercial bankers from high risk investments). As a result, mortgage-backed securities—individual mortgages that are packaged together and sold off as assets to investors—experienced unchecked growth as an increasingly profitable product in financial markets. While state and local officials filed more than 9,000 legal, regulatory, and policy actions to try to stop the predatory lenders that were devastating their communities and their tax bases, national lawmakers failed to act.⁸⁹ The federal government’s disregard for these practices—while the finance sector ballooned into the most profitable of the U.S. economy—led to women, especially Black women, being disproportionately represented in the high-cost mortgage market leading into the 2008 financial crisis, as further discussed in the next section.

The onslaught of deregulatory policies and the neoliberal mindset after the Civil Rights era took place amidst decades of disinvestment in public housing and housing assistance for low-income renters. We cannot analyze the underfunding and dismantling of rental assistance and public housing programs in isolation from the tenants at their center: women of color, particularly Black women, who have been deemed undeserving of public investment at every turn and who are disadvantaged by every aspect of our economy.

From 1996 to 2014, federal spending on housing assistance relative to gross domestic product (GDP) fell by 30 percent.⁹⁰

While federal rental assistance served nearly 6 million women and girls in 2018,⁹¹ that constitutes only a fraction of those eligible for help. Today, only about one in four eligible renters receive rental assistance, and the majority of renters receiving a Section 8 housing choice voucher waited years to receive one.⁹² In the many areas of the country without a law banning source of income (SOI) discrimination, households that do receive a voucher must still overcome the barrier of finding a landlord in

the private market who will accept vouchers, as many landlords only accept income from employment. Rental assistance programs are particularly important for Black, non-Hispanic women—75 percent of households receiving HUD assistance are headed by women, and 43 percent are Black, non-Hispanic⁹³—as well as LGBTQ+ people and disabled people.⁹⁴ Consequently, legal protections such as bans on SOI discrimination help reduce discrimination against Black women, LGBTQ+ people, and disabled people.⁹⁵

Public housing, in particular, has suffered profound funding losses: in the last 20 years only three annual budgets have met operations needs for public housing across the country, and funding for repairs has been cut in half.⁹⁶ Coupled with the Faircloth Amendment, which has prohibited any increase to public housing stock since its passage in 1998, this chronic underfunding of public housing has led to a loss of some 10,000 units of public housing every year.⁹⁷ In 2019, the Capital Fund backlog was about \$70 billion.⁹⁸ Further, the chronic underfunding of public housing limits the stock of accessible public housing, harming tenants with permanent or temporary disabilities and compounding the issue of HUD's inadequate policies and procedures for processing reasonable accommodation requests.⁹⁹ Central to this disinvestment is the fact that Black households comprise over four in 10 households residing in public housing (43 percent), and 74 percent of households in public housing are headed by women.¹⁰⁰



“We need to change the waiting list for medical [situations]. . . . We had one [young adult] resident who all of a sudden got in a health situation [so] she was not able to walk again. . . . Her whole life was changed. That was back in 2019. She was on the third level and struggling so hard with health and safety issues. [It was hard] for her husband, her brother, or someone else to take her down the stairs with the wheelchair. . . . We were asking to get a ground-level apartment [for her], and that took. . . . almost two years because of this waiting list. I was advocating for [this move] to be quicker because it impacts her safety.

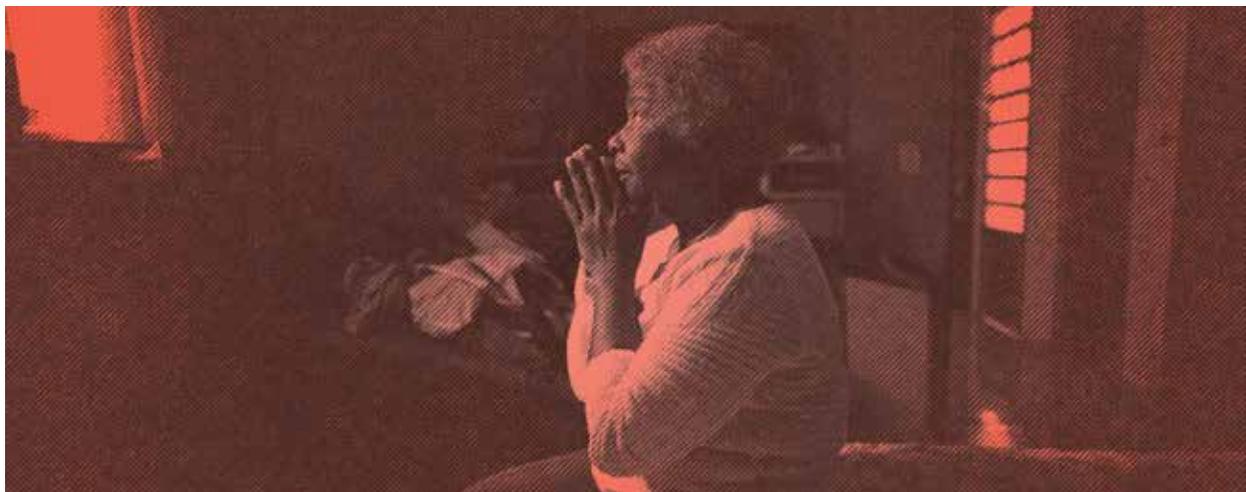
We need to rethink the policy of these waiting lists and prioritize based on how urgent the situation is.”

LUBNA MOHAMMED
Neighborhood Ambassador¹⁰¹

Once the federal government relinquished its responsibility for building and maintaining accessible and affordable rental housing in the public sector, policymakers turned to cajoling private market actors to do so—ceding power over public resources in the process.

The most significant rental housing policy interventions from the Nixon administration onward include vouchers to support renting in the private market, tax credits for housing developers, and the conversion of formerly public housing into private units subject to long-term

rental assistance.¹⁰² These market-first policies have enabled real estate developers to siphon off public funds while not even coming close to meeting the housing needs for millions of people, particularly women of color and their families and disabled people. This solidifies a housing commodification system designed to put profit over public good and capitalize on renters’ housing insecurity.¹⁰³ Nowhere is this clearer than in the fallout of wealth and housing loss during the Great Recession and the suffering and widespread housing instability wrought by the COVID-19 pandemic.





WHERE WE ARE— WEALTH AND HOUSING LOSS IN THE GREAT RECESSION TO TODAY

THE GREAT RECESSION

The Great Recession of 2008 and the subsequent housing crisis had a disproportionate impact on women—particularly low-income women, single women, and women of color—and exacerbated preexisting race and gender wealth gaps. The loss of housing and wealth during and after the 2008 recession made women more susceptible to the public health and economic crises that continue to unfold during the COVID-19 pandemic.

Throughout much of the 20th century, women were locked out of homeownership opportunities. However, between 1993 and 2005, homeownership lending dramatically expanded, with growing homeownership rates among women, people of color, and low-income borrowers. Unfortunately, while lenders were lending to people who had long been excluded from the market—creating what Amy Castro Baker describes as a “mirage of opportunity”—inadequate regulations on lending practices and loan products enabled financial institutions to prey on single women, and particularly women of color.¹⁰⁴

Stacia West, Amy Castro Baker, Chenyi Ma, and Stacy Elliott found in a study that “[o]lder women homeowners—particularly older women of color—were targeted for subprime lending, reverse redlining, and fringe financial products during the housing crisis, even when they qualified for safer products.”¹⁰⁵ A significant proportion of lending to women and people of color during this period was in the form of subprime mortgages. In 2006, only 26 percent of home purchases among white people were financed through subprime loans, compared to 53 percent for Black people and 47 percent for Latinx people.¹⁰⁶ Black women were 256 percent more likely to have a subprime mortgage than white male borrowers of similar economic circumstances.¹⁰⁷

The preponderance of subprime lending to women of color was the result of structural and interpersonal racism, not a reflection of the borrowers’ creditworthiness. In a case brought by the state of Illinois against Wells Fargo, former bank employees reported “a consistent pattern of steering Black loan

Subprime lending happens when a lender provides a loan to a borrower (supposedly with lower credit scores, but extensive evidence of lending discrimination shows that this is not always the case) at a higher interest rate than borrowers with higher credit scores.

Subprime mortgages are one form of subprime lending.

In **reverse redlining**, rather than outright denying loans for homes in targeted neighborhoods (i.e., neighborhoods of color), lenders target these neighborhoods for predatory lending.

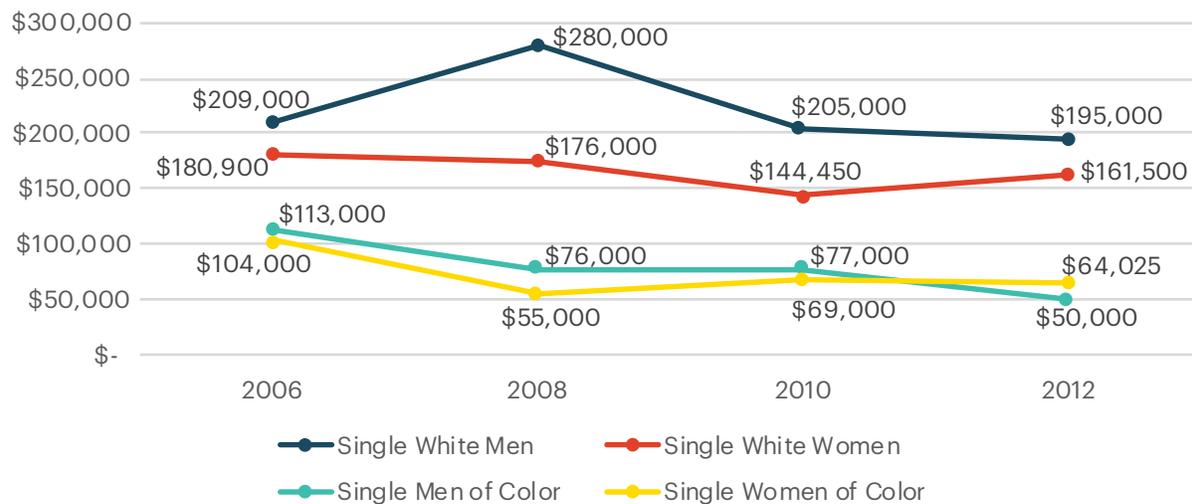
applicants to subprime loans, even though they may have qualified for conventional loans at lower interest rates.”¹⁰⁸ Some banks with cultures dominated by subprime lending set quotas for the number of subprime or high-cost loans and scored managers according to their subprime loan tallies.¹⁰⁹



This housing crisis deteriorated wealth among people of color. Between 2006 and 2012, single women of color homeowners born in the early Baby Boomer years experienced a 48 percent decline in their wealth, more

than four times the decline in wealth experienced by white women (11 percent).¹¹⁰ Figure C shows the changes in their median total wealth in 2006, 2008, 2010, and 2012.

FIGURE C Median Total Wealth Among Single Early Baby Boomer Homeowners, By Selected Demographics



Source: National Women’s Law Center calculations of 2010 American Community Survey (ACS) Public Use Microdata Sample (PUMS) data, weighted to be nationally representative

Older single Black women pushed out of homeownership between 2006 and 2012 lost 96 percent of their total non-housing financial wealth.¹¹¹ The proliferation of these toxic lending trends among women and people of color owning homes created “concentrated patterns of default, foreclosure, and asset depletion” among older women and those near retirement age in the years leading up to and after the Great Recession.¹¹²

Women trapped in the subprime lending and foreclosure crisis—who already faced the steep economic cost of living through decades of gender

and racial wage and wealth gaps—were left with little to no cushion to deal with the aftermath of the crisis. The government’s post-Great Recession focus on bailing out banking institutions and its failure to aid or protect foreclosed and evicted residents left women of color in deeper housing insecurity with negative equity, depleted savings, and even greater debt.¹¹³ The loss of housing and assets among older women of color reverberates through their entire families and communities and has an impact across generations, given that women of color are disproportionately likely to provide financial support for family members and extended kin networks.¹¹⁴



More broadly, the recovery from the Great Recession was far from equitable, and many women of color never fully recovered. Black women were disproportionately impacted by the fallout in public sector employment triggered by the Great Recession and the federal government's inadequate response to state budgetary crises.¹¹⁵ Those jobs were slow to be gained back, leading to long-term income and employment gaps for women and a decline in the quality of jobs for women who were once employed in unionized public sector jobs that delivered stability and critical benefits. Economic recovery for women of color was even further dampened by the proliferation of algorithmic-based systems for credit, mortgage-lending, and renting, and more, whose implicitly biased programming has allowed for exclusion and steering of different opportunities based on race, sex, and other protected-class factors.¹¹⁶

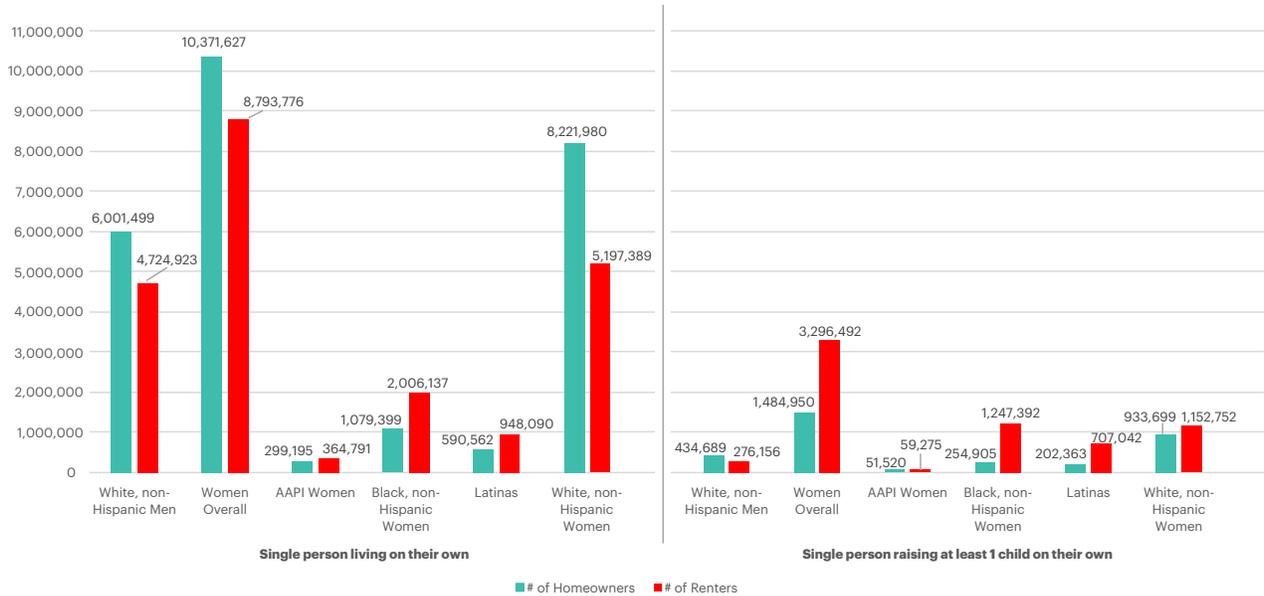
In addition, the outsized influence of post-Great Recession investors in the real estate market made low-income, largely Black and brown families more

susceptible to displacement, especially as millions of former homeowners became renters. Global investment firms capitalized on the foreclosure crisis to buy up tens of thousands of single-family homes, spurring an emergent power bloc of corporate landlords in the rental market.¹¹⁷ The boom of real estate investment trusts (REITs) and similar house-rental ventures has crowded out many would-be first-time homebuyers from opportunities to build their own economic security through home equity, and grown a landlord class that is especially unabashed in its exploitation of renters through exorbitant residential fees and evictions (which fall more heavily on majority-Black communities)—all while wealthy investors profit substantially.¹¹⁸ Firms behind these real estate deals have also orchestrated extensive means of shielding said profits from U.S. tax collection, exacerbating the racial and economic extraction at the heart of our housing markets even further.

2019 TO TODAY

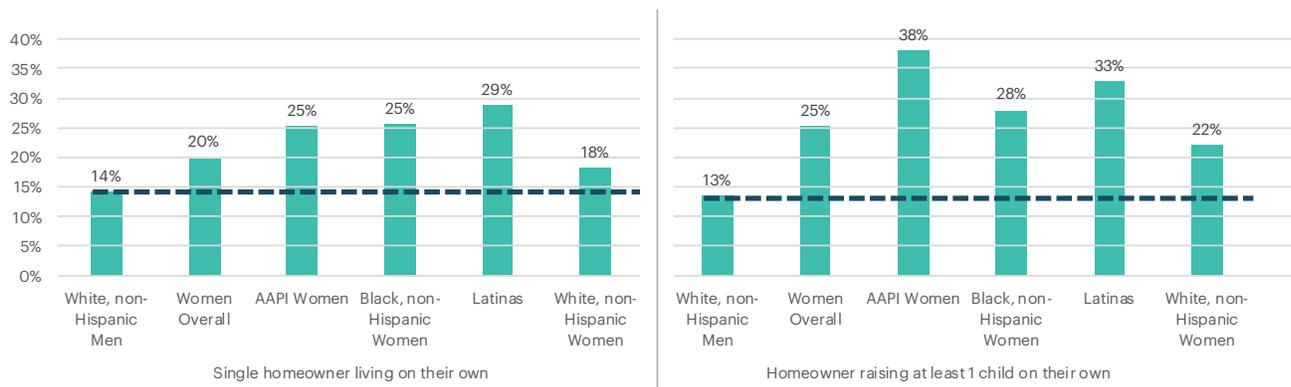
Years later, there are still gender and racial homeownership gaps. In 2019, more single women of color—regardless of whether they are raising children on their own or not—as well as single, white-non-Hispanic women raising children on their own, rented than owned a home (See Figure D).

FIGURE D Number of Homeowners and Renters in 2019, by Selected Demographics



Further, among single homeowners in 2019, women of all races were more likely than white, non-Hispanic men to be severely cost-burdened, spending the majority of their income on housing (See Figure E).

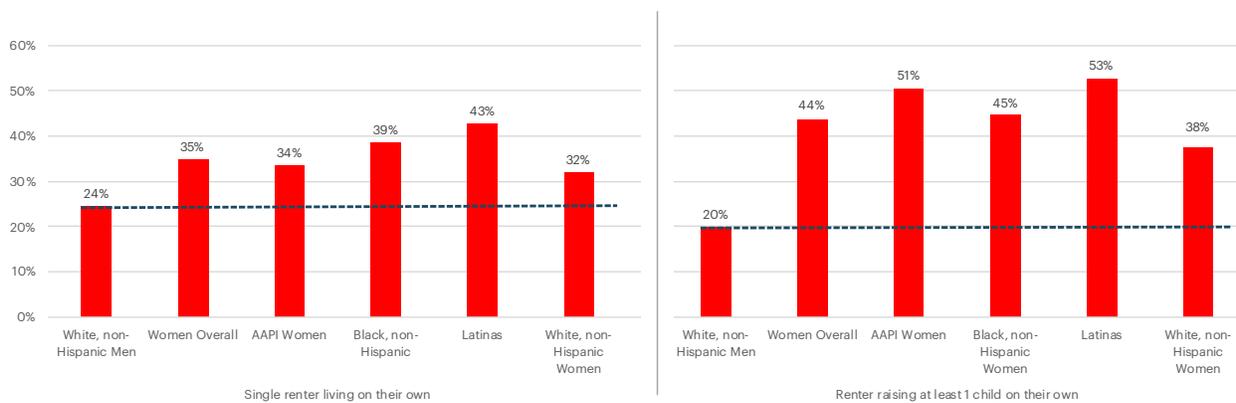
FIGURE E Shares of Severely Cost-Burdened Homeowners in 2019, by Selected Demographics



The barriers to homeownership for women of color places more stress on the grossly inadequate supply of affordable housing in the rental market, which already existed because of inadequate government investments. The largest supply gap exists for extremely low-income households. In 2014, for every 100 extremely low-income households, there were only 31 rental units affordable and available.¹¹⁹ Over

the next five years, this supply gap barely moved from 31 out of 100 and 37 out of 100.¹²⁰ Because of this supply gap and the gender and racial inequities in our economic systems, among single renters, women of color and white, non-Hispanic women raising children on their own are about twice more likely than white, non-Hispanic men to be severely cost-burdened (See Figure F).

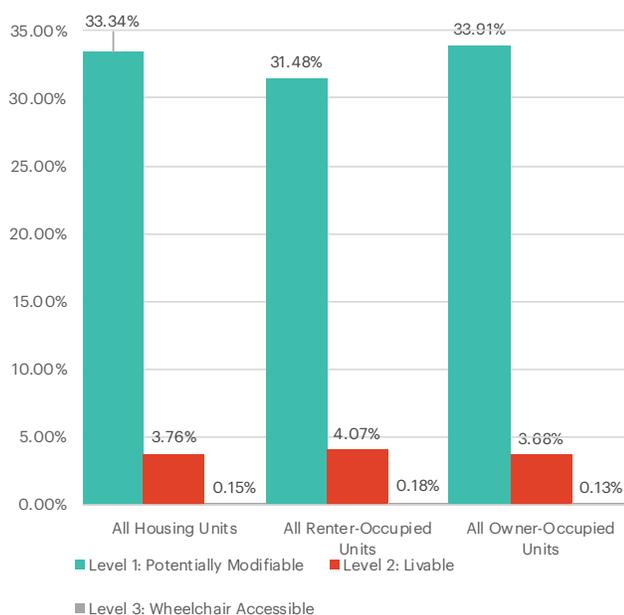
FIGURE F Shares of Severely Cost-Burdened Renters in 2019, by Selected Demographics



The housing supply gap is even deeper for disabled women, who are more likely to experience poverty and need housing affordable to people with extremely low incomes but may also have accessibility needs.

Apartment List analyzed 2011 Census Bureau data and found that there were about 6.6 million housing units accessible to people with mobility disabilities, but about 15.2 million households with someone who has a physical disability.¹²¹ Mismatches between accessible homes and the presence of a household member needing the accessibility feature(s) deepens this supply gap.¹²² HUD contracted with researchers for a more comprehensive analysis of the accessibility supply gap in the 2011 U.S. housing stock, finding “that fewer than five percent of units [were] livable for individuals with moderate mobility difficulties” and “far less than one percent” of units were wheelchair accessible (see Figure G).¹²³ The study found that about one-third of U.S. housing units could be made accessible,¹²⁴ but the onus to create accessible housing should not be placed on disabled people.

FIGURE G Accessible Housing Supply Gap in 2011



Source: *U.S. Department of Housing and Urban Development, 2015*

The historical racial and gender wealth gaps exacerbated by the 2008 crisis, combined with the lack of accessible and affordable rental housing and ongoing disinvestment in federal support for tenants and public housing residents, resulted in declines in overall economic security; this meant that women facing unemployment during the pandemic were in even more precarious economic circumstances than they were a decade earlier.

The majority of people impacted by the loss of jobs [during COVID-19] was the service sector—tourism, hotels, and restaurants jobs—majority of those folks are women of color, working class people, low-income people (because they’re not paid enough).

There’s an additional layer to [the challenges during COVID-19]: a lot of single parents, who are mostly women, have to then make tough choices: going to work to be able to provide for their families or staying home. They have to make these added choices during this time.”

LUPE ARREOLA

Executive Director of Tenants Together

Throughout the pandemic, women of color have consistently been more likely than white, non-Hispanic men to be behind on rent and mortgage payments.¹²⁵ As of early December 2021, more than 8 million women were behind on rent or mortgage payments.¹²⁶ As eviction protections phase out, more women of color face this risk. While the Emergency Rental Assistance Program (ERAP) Congress passed as part of COVID relief bills has paid the back rent for thousands of women of color impacted by the pandemic, many states and localities have been slow to issue payments to landlords and

tenants.¹²⁷ Despite persistent need, many ERA programs have stopped or paused accepting applications, often because they have run out of funding.¹²⁸ Congress also passed a homeowner assistance fund to help homeowners behind on mortgage payments because of the pandemic, but this program is taking even longer to start. Further, these are temporary programs. Unless Congress increases funding for long-term housing assistance, there may still be millions of women facing housing insecurity in the years to come.

“During COVID, we were not able to go to the office. . . . If [a tenant] had an income change, we needed to get a specific form for income change and verification. . . . Most of the residents here, when the resident fills out the paper form, the management office asks them to put the form in the drop box. But most of the time, [the management office] said, ‘We didn’t find it.’ . . . More than half of our residents have issues [with recertification processing taking so long], and so residents end up with thousands of dollars of rent that they need to pay. I know that there is [an emergency] rental assistance program that can help people with the rent, but. . . why do we need to exhaust that fund if we had the right paperwork, if we had someone. . . with a more organized system that can keep all these files in place, and make sure people had the right amount of rent that they could pay. If residents can’t pay after that, then the [emergency] rental assistance could come in. . . . Residents now don’t know how much they should pay. Before, when they did annual recertification to calculate the new rent, they had [residents] sign a notice about how much they should pay from now on. Now, they just mark the full amount of rent, which is stressful.”

LUBNA MOHAMMED
Neighborhood Ambassador



CENTERING GENDER JUSTICE IN HOUSING

Since the founding of the United States, housing has been largely considered a commodity available only to some (specifically, white, non-disabled, wealthy men). The challenge before us is to recognize that housing is about people, first and foremost: we all need shelter to live. We can reverse the policy choices that have focused on shelter as an investment vehicle above all else—building a housing system, and an economy, centered around human flourishing and public good. Furthermore, we must acknowledge that the failures in our housing sector are inextricably linked to the broader structural economic trends and policy choices of recent decades, particularly the unchecked growth of corporate power and the erosion of public power.

“Housing is a human right not a commodity.

For us as a human species to exist we need water, clean air, food, and shelter.”

VICTORIA ZACARIAS

Community Leadership Director at Tenants Together¹²⁹

PROPOSED PRINCIPLES

Building on the scholarship and organizing of Black-centered organizations,¹³⁰ we recommend this working list of proposed principles for people engaging in housing justice—whether via policymaking, tenant organizing, community development, or other areas:

1

Housing is a human right and as such should be regarded as a public good. Make safe, accessible, and affordable housing available to everyone, without preconditions, so we all thrive. Give every person the autonomy to choose between renting and homeownership.

2

Decommodify housing, including by investing in public or collective ownership models for land and shelter. Housing markets should no longer be a site of racial exclusion and wealthy corporate extraction from low-wealth communities.

3

Push back on austerity mindsets and policies that deem some people as “worthy” and others as “unworthy” of public investment, which create and perpetuate gender, racial, disability, and other inequities.¹³² The reality is that we have an abundance of resources, but a plethora of unjust systems that lead to inequitable distributions of those resources.

“I wish that all residents get suitable services and resources that meet their needs. One thing to remember also is that safe housing is supposed to be the number one priority for policymakers, residents have to feel safe where they live and raise their kids. Policymakers don’t live in the same neighborhood as their respected residents so a lot of time they neglect the fact that those residents don’t have a lot of the resources, services, facilities, and utilities that the policymakers enjoy in their respected neighborhood. The policymakers need to be in the resident’s shoes when making or deciding on new or an existing policy, regulation and/or rules and be understanding of the residents’ situations.”

LIMYA ELSHAZLI

Neighborhood Ambassador¹³¹



4

Center gender justice. Just as using an overall unemployment rate to describe the state of our economy masks racial, gender, disability, and other disparities in employment, analyzing figures such as overall homeownership rates and overall housing supply masks disparities in our housing systems based on multiple identities. Centering gender justice should include, but is not limited to, examining how gender (including sexual orientation and gender identity), race, disability, class, immigration, and survivor status come together to shape lived experience. Collect data that permits disaggregation to

better identify disparities in programs and policies, and design solutions addressing those disparities. HUD grantees conducting analysis and action planning as part of their statutory duty to affirmatively further fair housing should include these intersections in their analysis of barriers to fair housing. Fair housing enforcement agencies should pursue complaints based on intersecting forms of discrimination—rather than only pursuing discrimination complaints based on one protected trait. This deeper and more intentional focus will bring us closer to fair housing for all.

CASE STUDIES

Tenants have power—we need to listen to them.

Opportunity Neighborhoods is a Fairfax, Virginia county-wide initiative that envisions a future where, from cradle to career, all children, youth, and their families have the resources they need to thrive and achieve their dreams. Driven by resident voice, Opportunity Neighborhoods elevates the lived experiences of community members to implement collaborative programming, policies, and practices based on a collective impact model, and fuel systems change at the local, regional, and state levels.

“We feel that we are . . . positively impacting our people, our community, our neighbors.”

LUBNA MOHAMMED

Neighborhood Ambassador

“Officials and policymakers need to be understanding of the residents themselves and be truthful in helping them and making sure that they receive all the resources and all the information that they need— not to hide or conceal resources. Make sure that all the resources are visible to all residents.”

LIMYA ELSHAZLI

Neighborhood Ambassador



Springboard to Opportunities “is a resident service provider working with families that live in federally subsidized affordable housing. . . . Our tagline, ‘Radically Resident Driven,’ means that resident voices are included in the evaluation, design, implementation, and budgeting of everything that we do. We have a culture of doing feedback loops, where residents know that they have access and that their voices are heard—it’s not just them saying something that goes into a void that is never acted upon. If enough of them ask for something, it is our responsibility. . . to ensure that those things are provided.”

AISHA NYANDORO

Chief Executive Officer of Springboard to Opportunities

Tenants Together is a coalition of local tenant organizations from across California—the only statewide coalition in the state—working together to defend and advance tenant housing through capacity-building, movement-building, and statewide advocacy.

“One of my favorite quotes is from June Jordan, ‘We’re the ones we’ve been waiting for.’ We don’t need saviors. We are our own saviors.”

LUPE ARREOLA

Executive Director of Tenants Together

“One of my favorite heroes, Ella Baker, says, ‘Strong people don’t need strong leaders.’ I just really resonate with that. If you’re able to give people the resources, the tools, the knowledge to be able to define their own problems and advocate around it, that’s powerful.”

VICTORIA ZACARIAS

Community Leadership Director at Tenants Together

5**Center the needs and experiences of those most affected.**

This includes listening to, recognizing, and honoring the power, expertise, and autonomy of impacted people: tenants, residents of public/subsidized housing, people who are or have experienced homelessness, and first-generation homebuyers. Ask what impacted people need, rather than make assumptions. Recognize that what people in one area want may differ from what people in other areas need. Use human-centered design,¹³³ centering and including impacted people throughout the design process, whether for a policy, program, housing complex, system, experience, or any other response to people’s real needs.

“[We need to] uphold officials and the workers in the field, hold them responsible for their mistakes, failures, or lack of help that they’re supposed to provide to the residents. They should perform their duties and give them the help and resources that they need.”

LIMYA ELSHAZLI*Neighborhood Ambassador***6****Don’t examine housing in isolation.**

Housing impacts every aspect of our lives, including employment, education, health, transportation, and caregiving, and impacts every community’s infrastructure. Create and maintain cross-sector engagement and solidarity.

“The processing for everything is long. . . . [O]ne resident told me that they called for rental assistance, the lady was super nice, . . . but said that she needed to be on the waiting list until her name came up to the top. After two or three months, they asked for [the resident] to send in a lot of paperwork. After more than three months when her name came to the top, within one or two days, she had to provide another paperwork, and there was not enough time to provide that paperwork. . . . They told her that her case is closed because she did not submit all the documents that had been requested. . . and she had to start all over again.”

LUBNA MOHAMMED*Neighborhood Ambassador***7**

Be flexible. Reject the belief that there is “one right way” to do something.¹³⁴

POLICY OPTIONS

For decades, the solutions that policymakers have pursued to address housing scarcity and insecurity have largely focused on subsidizing private development, ownership, and management of land and shelter. This commodification of housing benefits landlords and real estate developers, while millions of people, particularly women of color, are still priced out of housing and stuck on waiting lists for years.

The challenge before us is to shift from a commodity model to a model of housing as a public good and develop new housing policies and institutions that aim to provide access for all people to safe, accessible, and affordable housing, with a specific focus on ensuring housing security for women of color, disabled women, and LGBTQ+ people who have been forced to take on the heaviest burden of our discriminatory systems. Achieving gender, racial, disability, and economic justice in housing will require shifting power and redistributing resources in our economy more broadly.¹³⁵ That includes making significant, sustained investments to address the housing needs of women of color and their communities, especially in ownership models designed to strengthen the public provision and protection of housing that remains permanently affordable outside of the private market. It also entails strict enforcement of existing private market regulations, as well as strong efforts to combat racial, gender, and disability-based discrimination across all areas of our society.

Community-Based Policymaking

Genuine housing justice starts with committing to policymaking with the tenants and communities most impacted by historical and present-day housing insecurity. Community Change and its landmark Housing Playbook Project developed a number of measures by which the federal government can start with the visions of tenants, grassroots movement leaders, civil rights

organizations, and many more relevant stakeholders in advancing anti-racist housing policy.¹³⁶ Adopting co-governance approaches to policymaking, setting standards nationwide for letting impacted people and communities lead decision-making at the local level, and creating Presidential Commissions on reparations to Black communities and on social housing are all essential steps that the administration can take toward leveling the power imbalances in housing policy.

“We’ve learned the hard way that we can’t depend on our legislators to make the best decisions. We can’t depend on the bosses, property owners, or business owners sometimes to make the best decisions for their employees or their tenants. We need to have self-determination to create our laws and fight [harmful laws], and be able to fight for ourselves.”

LUPE ARREOLA

Executive Director of Tenants Together

One potential opportunity for community-based policymaking is that state and municipal governments can also allocate resources, such as those received through the American Rescue Plan Act, toward acquisition funds that communities can utilize to purchase vacant or underutilized properties to convert to temporary or permanent housing.¹³⁷ Beyond the context of the COVID-19 pandemic and its related tenant and homeowner protections, the national Homes Guarantee campaign frames this financial structure as a Community Control and Anti-Displacement fund that continuously invests in community-based economic development.¹³⁸

Investing in Public Power, Social Housing, and Housing Assistance

Policymakers must also commit to resourcing publicly- and socially-owned housing and land. Fully realizing the affirmative fair housing mandate under the FHA requires a cultural shift: both acknowledging and relinquishing historical gendered and racialized norms for our homes and moving toward the decommodification of housing through fair housing planning.¹³⁹ This certainly starts with the \$65 billion reinvestment in public housing funding laid out in the House-passed Build Back Better Act, but making up for the failures of the private market and repairing for the harm of decades of disinvestment in public housing and other forms of rental assistance—a key driver of racialized housing inequality—requires more in the short- and long-term.¹⁴⁰ Policies to do this include immediately repealing the Faircloth Amendment, providing rental assistance to all eligible families, and funding critically needed rehabilitation for public housing units. Directing public procurement toward climate resilient construction and rehabilitation can stimulate quality jobs for low-income communities of color in which new public and social housing is developed.¹⁴¹



“We need [big public housing investments]. The floor in my apartment has many pieces. . . broken. [We need to fix that] so that our kids are not hurt, or anyone else gets wounded because it’s broken. The floor is very, very old. The countertop is very, very old. Every time I need to get wallpaper in order to cover it because it’s in a horrible situation. We are trying to work by ourselves just to improve it, but other people may not be able to do that. We are bringing our own paint because if I want to put my name on the waiting list for painting, I have to paint every four or five months, and it’s very low-quality painting. So the apartment needs a lot of work.”

LUBNA MOHAMMED

Neighborhood Ambassador

Increasing long-term rental assistance so that every eligible household receives it can ensure no family spends the majority of their income on rent. Investing in first-generation down payment assistance will address a major barrier to homeownership for people of color who are much more likely to lack the intergenerational wealth to have a down payment to begin with.¹⁴²

The federal government can also work with states, municipalities, and nonprofit housing providers to fund collective ownership models like limited equity cooperatives, in which member-tenants jointly own their building, or community land trusts, under which

a nonprofit organization holds land that can include non-market housing; through the Federal Reserve’s municipal lending facility, the federal government could also aid in scaling up financially self-sufficient social housing in markets across localities.¹⁴³ By adequately resourcing the National Housing Trust Fund, the government could finance this strategy at a national scale. Public and collective ownership can improve affordability and access in both disinvested housing markets and expensive housing markets across the country.¹⁴⁴

Building just and equitable housing policy necessitates a rethinking of private versus public mechanisms for long-term financial security, including the role of homeownership in our housing system today. In addition to offering greater, more permanent affordability for more people, shared-equity homeownership is a more stable asset-building opportunity for the long-term.

Strong Legal Protections and Services

Women of color are disproportionately subject to evictions, foreclosures, and the instability wrought by displacement and rising housing costs across the country, exacerbating the precarity and disinvestment they face in our economy as a whole. Enacting strong legal protections for renters and low-income homeowners is critical for ensuring stable, accessible, and affordable housing for all. Additionally, policymakers and the philanthropic community must prioritize and fund communities’ capacity to build power and organize for the housing they deserve.

“Laws are supposed to be for the people. So, they should be accessible to everyone if they’re available to protect people—the fact is that so many people didn’t know that they had tenant rights. It shouldn’t only be for people who have hundreds of thousands of dollars to get a law degree—it should be accessible for people to enforce themselves.”

VICTORIA ZACARIAS

Community Leadership Director at Tenants Together

In the past decade, a number of state and local jurisdictions have enshrined “Tenant Bill of Rights” laws that codify affordability provisions, protections against displacement and discrimination, and the right to healthy and accessible housing. Some of these laws expand rent control and rent stabilization, limiting potential increases to rent (often allowing exceptions for capital improvements) and curbing the excess profits that landlords reap across housing markets where their power is highly concentrated—and even monopolistic—due to severely limited affordable housing supply.¹⁴⁵ Legislation to protect tenants and shift the balance of power in local housing markets and court systems also includes the right to legal representation¹⁴⁶ in eviction proceedings in several cities across the country. New York¹⁴⁷ and Washington, D.C.,¹⁴⁸ have implemented the right for tenants to renew their leases or remain in their home indefinitely until landlords properly offer a lease renewal.¹⁴⁹ Funding for eviction diversion programs, expunging eviction records of cases dismissed or decided in the tenant’s favor, and pursuing broader “good cause” eviction legislation—including a National Tenants’ Bill of Rights law—are all key paths forward in reinforcing the right to housing in the United States.

Moreover, legal action under the Fair Housing Act (FHA) can be expanded and strengthened. Congress can amend the FHA to include survivor status and SOI as protected traits, as well as more explicitly include sexual orientation and gender identity as protected traits. More states and localities can include these protections in their own fair housing laws. HUD must also promulgate a robust Affirmatively Furthering Fair Housing rule¹⁵⁰ that requires jurisdictions receiving funding to analyze barriers to fair housing for protected classes and perform robust fair housing planning, which should include proactive plans to address discriminatory housing, land use, zoning, and development policies.

In addition to FHA-based protections, Congress should ensure that leaders at the Federal Reserve take a harder line on evidence of lending discrimination on the part of their covered institutions, and that these leaders have proactive, reparative plans for their fair lending oversight responsibilities.¹⁵¹ Further, banning the box on housing applications¹⁵² is one example of a policy governments can enact to reduce barriers to fair housing for people of color, who face unjust disparities in the criminal legal system.

Writing Racism and Sexism Out of the Tax Code

A critical component of a more just economy will be enacting a more equitable tax code, the provisions of which would serve to both raise revenues in support of broad public investments, including housing and income supports,¹⁵³ and break up the concentrations of private power and wealth that are undermining democratic control over our collective resources.¹⁵⁴ But housing assistance in the tax code should also be reexamined. For example, the United States provides housing assistance to homeowners through the mortgage interest deduction (MID), which mostly benefits higher-income and white families and communities—rewarding those who can already afford homeownership rather than incentivizing it for those who cannot.¹⁵⁵ The vast majority of benefits from the

MID have gone to the wealthiest of households, among whom women-headed households and families of color are underrepresented, and most Black and brown families have been excluded entirely from receiving the MID.¹⁵⁶ The MID constitutes a significant portion of our government’s total spending on housing—and when considered along with other forms of housing assistance, high-income households received four times the amount of housing benefits that low-income households did in 2015.¹⁵⁷

Making the tax code more equitable for women of color should include reforming or eliminating the MID; more equitable tax assistance for housing could take a number of forms, from a refundable tax credit for renters or a deduction for losses when homes are sold.¹⁵⁸ The Homes Guarantee campaign also identifies a number of tax initiatives aimed at disincentivizing speculation in the real estate market, including a land value uplift tax (a long-term tax at the point-of-sale); the taxing of non-owner-occupied properties, so that investors are dissuaded from buying properties just to flip a profit on them; and blight and vacancy taxes to penalize speculators who leave properties empty for long periods of time.¹⁵⁹





CONCLUSION

Centuries of racist and sexist housing policies have benefitted wealthy white families and property investors at the expense of women of color, with Black women facing a particularly heavy burden of that discrimination. By treating housing solely as a commodity and an individual responsibility, our policies and unchecked concentrations of wealth have led us to the inequitable and unsustainable housing crisis of today.

In order to make housing a human right for all, we must fight for policy changes based on the principle that housing is a public good and center Black women in the creation and implementation of solutions. Centering gender justice in housing policies and our economy will support strong communities and an economy that works for everyone.

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