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### Article

## \*188 OPPORTUNITY-BASED HOUSING

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### Introduction

Significant changes in our metropolitan regions require new frameworks for civil rights advocacy, particularly in the creation of fair housing. Demographic shifts, declines in private housing stock, and the altered federal role in housing, including reduced housing production and increased demolition of housing without adequate replacement, have led to a crisis in affordable housing. This crisis has affected not just cities but entire metropolitan regions, and is national in scale.

According to the 2000 census, whites make up the majority of residents in only fifty-two of the nation's one hundred largest cities, compared to seventy of the one hundred largest cities ten years ago. [\[FN1\]](#) At the same time, nonwhite populations have continued to grow, with particularly notable increases in the Latino population. [\[FN2\]](#) The ongoing departure of whites from the city is now accompanied by the movement of Latino and black households to the suburbs. This change has not resulted in economic equilibrium, however. The nonwhite suburbs tend to be economically declining as well. As a result, whites and people of color are experiencing different levels of access to important opportunities such as public education, employment, transportation, childcare, homeownership, and wealth accumulation. This isolation is not simply the result of differing income levels among whites and people of color, but is the product of a host of discriminatory and subordinating practices and policies. [\[FN3\]](#) In this more complicated pattern, entire metropolitan regions are divided by both race and income. Indeed, the operative divide is no longer city versus suburb; it is one of access to opportunity versus isolation from opportunity.

The landscape for advocacy on housing and other racial justice issues is also textured by gentrification of city neighborhoods or, in some cases, entire cities. Gentrification, with its displacement of low-income residents and concentrated poverty, is not an opposite trend, but operates similarly in pushing low-income people of color away from resources and vital institutions. Displaced low-income families are given no other option in today's housing market than to relocate to other areas where affordable housing exists, areas that are more often than not, as a result of regional forces, also unstable, declining, and economically isolated.

As civil rights advocates confront the laws, policies, and practices that isolate people of color from opportunity, fair housing remains a critical \*189 problem. I assert here that housing is an important element within a web of other opportunity structures that impact the life outcomes of metropolitan residents. While providing shelter is a vital function of housing, housing can mean much more than this. By its location and mix, it can enhance or impede access to other opportunity structures. Accessing stable, affordable housing in a vibrant area contributes greatly to improvements in other key life areas, such as employment, health, education, civic engagement, and wealth creation. Unfortunately, low-income people of color have largely been denied this access.

A model that I propose for moving forward in the coming years on fair housing is **opportunity-based housing**. It is driven by the reality that ensuring housing throughout a metropolitan area results in improvements in other life areas. This model suggests that the creation and preservation of affordable housing must be deliberately and intelligently connected on a regional scale to high-performing schools, sustaining employment, necessary transportation infrastructure, childcare, and institutions that facilitate civic and political activity. This means both pursuing housing policies that create the potential for low-income people to live near existing opportunity and pursuing policies that tie opportunity creation in other areas to existing and potential affordable housing. Simply put, in recognizing that opportunity is not evenly distributed,

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**opportunity-based housing** deliberately connects housing with the other opportunities throughout a metropolitan region. As Darshan Johal asserts:

Housing is treated by many policy-makers simply as another commodity to be provided by the market, but this misses the point .... Housing has much wider economic, social, cultural and personal significance. Decent housing contributes much to personal health and well-being, confidence and security; the ways in which housing is produced and exchanged have an impact over development goals such as equity and poverty-eradication[.] In all these areas, housing stands in reciprocal relationship with wider issues--both influencing and being influenced by the pursuit of economic growth, sustainable development and human security. Policy towards housing can only be effective when it is integrated into a wider development policy framework which can ensure coherence between different levels, sectors and instruments. [\[FN4\]](#)

I want to be clear that by articulating the need for affordable housing throughout metropolitan regions, I am not merely advocating a housing dispersal strategy. That is, I do not advocate the forced relocation of families to new neighborhoods or cities. There are significant costs to forcing people to move and these costs are extremely high when people have inadequate opportunity to find housing elsewhere. When a community is disrupted, the resulting costs can include the loss of political power and a sense of place. This does not mean that we simply accept the status quo and endorse the current residential models based on individual choice. Prioritizing this notion of "choice" can obscure the legacy and persistence of racial discrimination in housing and falsely suggest that there is now a \*190 "level playing field" in the housing market rather than one that actually coerces impoverished people of color. As such, the defining principle of a regional housing strategy should not be choice but, rather, racial and economic justice.

In the history of this nation, there has never been a meaningful, national commitment to connecting affordable housing with other opportunities throughout a metropolitan region. But the central goal of civil rights advocacy--giving full citizenship to all members of this society--demands that we strive for the realization of this commitment. In this article, I contribute to this effort by explaining **opportunity-based housing**, exploring its relationship to the web of other life opportunities, and outlining some regional strategies necessary for its creation.

### Explaining Opportunity-Based Housing

The central principle of **opportunity-based housing** is that residents of metropolitan regions are situated within a complex, interconnected web of opportunity structures (or lack thereof) that significantly shape their quality of life.

The term "opportunity structures" refers to those resources and services that contribute to individual and family stability and advancement. Conceived narrowly, opportunity structures are those minimum requirements or supports needed for people to achieve an acceptable level of health and stability. For example, shelter is a minimum requirement for stability. More expansively, opportunity structures are the vehicles for racial and economic fairness for all residents of the region. If all children were able to access an education that prepares them for full participation in society, for example, ours would be a more participatory and racially just nation.

Murtaza Syed has articulated the need to see poverty as operating within a web of opportunity:

Poverty is a multi-dimensional concept. Poverty is more than just a lack of money. It is a state of deprivation of multiple needs, all of which are essential for a full and meaningful existence. Any single measure of poverty will never fully capture all of the dimensions in which poverty manifests itself.

Poverty in its broader, and perhaps truer, sense refers to a denial of opportunity. The most basic human choices are to lead a long and healthy life, to be educated and to achieve a certain level of material well-being [.] The denial of these basic human choices diminishes the opportunities that are available for the betterment of human lives--it is this very denial that both makes and keeps people poor. [\[FN5\]](#)

Similarly, George Galster asserts that the forces that contribute to poverty act in combination with and reinforce each other. These forces include segregation in housing, discrimination in the labor market, and the fragmentation of metropolitan areas into many separate units of government. [\[FN6\]](#) The isolation from opportunity, then, is a result of what he calls "cumulative" causation. [\[FN7\]](#)

\*191 A second principle of **opportunity-based housing** is that opportunity structures are tied to metropolitan space. That is,

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the geographical distribution of these structures within a metropolitan region is strongly linked to the degree to which residents can access them.

An analysis of opportunities must therefore recognize the reality of economic and racial segregation. Segregation functions differently for different communities of color. Latinos and other groups do not experience the severity of residential segregation that blacks do, although they are still segregated in the nation's metropolitan regions. Blacks are also more likely to live in public housing than other racial groups. It is important to note, however, that access to opportunity is determined not only by physical proximity to sources of opportunity, but also by the interconnection of the unique characteristics of the residents of any one region. Given this reality, general trends of regional well-being must be evaluated in light of the particular needs, capabilities, and limitations of different populations.

With these principles in mind, I assert that the reforms derived from an **opportunity-based housing** analysis must be responsive to more than housing concerns. Creating **opportunity-based housing** means extending the campaign beyond improvements in the affordable housing sphere and advocating reform of the full set of structures that create impediments to opportunity. One example would be to seek affordable and quality childcare so those children who have stable housing are able to develop important learning and social skills. Again, I turn to Darshan Johal:

Poverty cannot be eradicated by the implementation of appropriate housing policy alone, but housing and poverty are related. Inadequate housing is one of the factors that makes an individual more vulnerable to poverty and ill- health, and impoverishment usually dictates a trading down in the housing market (along with other coping strategies). Conversely, inadequate housing cannot be solved through economic growth alone[.] It is here that good policy can make a difference. The right measures can lead to improved housing conditions for even the poorest groups, and even help to lift them out of poverty in the process. [\[FN8\]](#)

The best approach will involve adopting policies that recognize that isolation from and access to opportunity have multiple, interlocking causes and, therefore, any effective approach must anticipate the effects of these relationships and be multipronged. Establishing a model of **opportunity-based housing**, then, could begin with the following (nonexhaustive) set of questions:

1. Is housing available? Is it affordable?
2. Does the housing support the creation of wealth? Does it allow for the savings that could lead to home purchase?
3. Is the housing located near sustainable employment opportunities? Is it near safe, affordable public transportation and childcare options?
4. Does the housing support school readiness and regular attendance? Is the housing located near schools that produce positive student outcomes?
- \*192 5. Does the housing support the health of occupants? Is it safe and is it located in a safe neighborhood, free of health hazards and near recreational space?

In sum, the analysis and the creation of a model for **opportunity-based housing** should involve creating, connecting, and distributing opportunity structures throughout a metropolitan region. Importantly, this task is not static, but must be assessed and tracked over time. But before I describe other strategies needed to make **opportunity-based housing** a reality, I review the current forces that constrain the attainment of **opportunity-based housing**, and consider more closely the dynamics of other opportunity structures related to housing.

### **Current Forces That Constrain Opportunity-Based Housing**

#### Affordable Housing Crisis and Ineffective Housing Policies

At present, the nation faces a growing affordable housing shortage. [\[FN9\]](#) As of the mid-1990s, according to the Center on Budget and Policy Priorities, the number of low-income households exceeds the number of affordable rental units in the United States by 4.4 million, with nearly two low-income renters for every low-cost unit. [\[FN10\]](#) Family units with sufficient numbers of bedrooms are also greatly lacking. [\[FN11\]](#) This deficit, along with federal policies that favor owning over renting, [\[FN12\]](#) profoundly hampers the ability of low-income families to access housing and other opportunity structures.

To illustrate this crisis, one need only examine the national "housing wage"--the amount that a full-time worker has to earn to

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be able to obtain affordable housing. For 2002, this wage increased to \$14.66, 5 percent greater than the previous year. [\[FN13\]](#) For over 2.24 million Americans, 60 percent of whom are family heads or their spouses, the gap between housing costs and incomes renders housing almost completely out of reach. [\[FN14\]](#) Furthermore, although fifteen million households qualify for federal housing assistance, only 4.5 million actually receive aid, many after a wait of over two years. [\[FN15\]](#) Meanwhile, other forms of federal housing assistance flourish, two-thirds of which benefits families with incomes over \$75,000. [\[FN16\]](#)

HOPE VI, [\[FN17\]](#) the federal housing policy that replaces public housing developments with mixed-income communities of apartments and town-houses, is partly responsible for this affordable housing crisis. Although its goals are admirable, its methods are the cause of considerable debate and legitimate concern. HOPE VI developments destroy far more units than they create. As a result, many displaced families cannot afford other housing even with federal Section 8 housing vouchers. Furthermore, displacement disadvantages impoverished people of color more than those with greater economic means.

In general, vouchers have proven to be an insufficient substitute for public housing. [\[FN18\]](#) At a time when emphasis is being placed on subsidizing the private rental market rather than on creating new housing, voucher users face low vacancy rates and escalating rents in a "tight" housing market. \*193 [\[FN19\]](#) For example, New York City lost more than half of its low-rent apartments, or 500,000 units, in the 1990s. [\[FN20\]](#) Private developers of subsidized housing also seek tenants with the highest eligible income levels, squeezing out those who are impoverished. [\[FN21\]](#) As such, assisted housing programs neither bridge the affordable housing gap nor give low-income families access to opportunity-rich areas. Moving forward on **opportunity-based housing** requires that we contend with these shifts in public and subsidized housing policy. [\[FN22\]](#)

#### Racial Discrimination and Concentrated Poverty

While a tight housing market constrains access to housing opportunity for all residents of a region, it has a particularly pernicious effect on residents of color where it intersects with racist practices and with concentrated poverty. Since people of color are overrepresented in the public housing and voucher populations, racial discrimination is particularly persistent. [\[FN23\]](#) Nationally, people of color comprise 68 percent of public housing residents and 58 percent of Section 8 voucher and certificate users, [\[FN24\]](#) although they represent only 23 percent of the total population. [\[FN25\]](#) Specifically, voucher holders can be frustrated in their efforts to secure housing by credit checks and hidden costs. [\[FN26\]](#)

But racism manifests itself in systemic ways as well, segregating people of color away from opportunity in pockets of concentrated poverty. Research shows that housing units accessed by participants in housing assistance programs are located in predominantly black areas. [\[FN27\]](#) In fact, 80 percent of Section 8 recipients reside in census tracts that are at least 50 percent black. [\[FN28\]](#) Even those families who relocate from public housing to private rental housing live in areas that are 90 percent black. [\[FN29\]](#) Further, 85 percent of Section 8 participants live in areas characterized by median incomes under \$15,000. [\[FN30\]](#) This suggests that HOPE VI and other voucher-driven programs are increasing racial isolation and concentration of poverty.

Like systemic racism, poverty also limits housing opportunities. Some 54 percent of renters in the nation have incomes below 50 percent of the area median income, compared to 20 percent of homeowners. [\[FN31\]](#) People of color also tend to be disproportionately cost burdened. In a recent analysis, 27 percent and 28 percent of black and Latino households, respectively, were found to experience severe housing problems, compared to only 19 percent of whites. [\[FN32\]](#) When housing costs are high, low-income families are forced to make cuts in other areas of need, such as food and health care, which negatively affects their well-being. Nationally, as of the late 1990s, 40 percent of all renters had high housing cost burdens, and 20 percent had severe burdens, meaning that they were paying over 50 percent of their income on rent. [\[FN33\]](#) High housing costs can even result in families losing their housing altogether.

#### Jurisdictional Fragmentation

Isolation from opportunity structures is also created by the concentration of existing affordable housing in the central city and inner-ring suburbs. \*194 [\[FN34\]](#) The relocation of opportunities to the outer-ring suburbs, subsidized largely by tax breaks and grant programs, [\[FN35\]](#) exacerbates this spatial divide. The resulting jurisdictional fragmentation has very negative implications for the creation and siting of affordable housing. Fragmentation is a term that refers to the proliferation of

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separate political jurisdictions, with autonomous control over zoning and planning, among other issues, in a metropolitan region. In fragmented regions, jurisdictions often reduce the overall affordable housing supply and limit the access of low-income residents to other important opportunity structures. [\[FN36\]](#) One study found that higher levels of political fragmentation result in less collaboration between municipalities on public housing and community social services as well. [\[FN37\]](#)

In fragmented regions, affordable housing is relegated to the municipalities with lower tax bases and a higher-need population--municipalities that lose out in this metropolitan competition for high property values. The result of fragmentation and exclusionary policies is that regions with higher degrees of fragmentation have higher levels of racial and economic segregation. [\[FN38\]](#) This suggests that any one jurisdiction alone cannot respond to the housing needs of the metropolitan region and that a regional approach to fair housing is necessary.

### Gentrification

Gentrification is another force that constrains the development of **opportunity-based housing**. Although the meaning of the term is contested and interchanged with the term revitalization, in reality gentrification is a process by which low-income families are priced and pushed out of their housing, typically by higher-income whites. [\[FN39\]](#) This pricing-out can take the form of rapidly increased rents, evictions, and rising property taxes that make homes unaffordable for low-income residents. Gentrification often destroys affordable housing without adequately replacing it.

As a result, neighborhoods that are gentrifying are not on the pathway to being stable, mixed income, and multiracial. Rather, they are areas in which racial and economic changes occur rapidly, often fueled by various governmental policies and actions. In addition to including the demolition of existing low-income and public housing, these policies can include tax incentives for middle-class homebuyers and exclusionary zoning that limits the quantity and location of affordable housing in an area. [\[FN40\]](#) As a result, gentrification limits efforts to achieve **opportunity-based housing** by driving low-income residents away from emerging opportunities and relocating them to isolated areas. [\[FN41\]](#) Revitalization of a community, on the other hand, means that residents are able to experience the benefits of these new opportunities.

Oftentimes, public policymakers view gentrification as an antidote to concentrated poverty. After all, gentrification can transform a neighborhood into one characterized by a strong commercial base, high-value housing, and low rates of crime. But low-income families, often of color, will more than likely not be living there to enjoy the new amenities and investments. \*195 Rather, they will have relocated to other areas where affordable or subsidized housing exists, most often areas that are isolated from the opportunities of high-performing schools, employment growth, and a strong municipal tax base. Moreover, these relocations will adversely affect low-income families to a greater degree than they would for those with more economic resources. As Iris Young observes:

[S]ome groups are better able than others to adjust to change in the urban environment. Thus, one group's adjustment often lags behind another's, usually increasing inequity between them. Sometimes the disparity is caused by different levels of material resources. Just as often however, the differences in ability to adjust have their sources in culture or life style. Poverty, exploitation, marginalization and cultural imperialism often determine that those less able to adapt to urban changes are more often required to do so. [\[FN42\]](#)

### Housing and Other Key Opportunity Structures

As just suggested, housing plays a key role in determining access to other opportunity structures, including self-sustaining employment, a high level of educational attainment, good health, and the capacity to engage in political and civic processes. Conversely, as Darshan Johal argues:

[I]nadequate housing and unequal access to housing inputs reinforce discrimination based on social characteristics, but getting social policy right contributes to the ability of disadvantaged groups to play a full part in housing production and to ensure that housing meets their distinctive needs. Substandard housing is one factor in producing crime, violence, insecurity and alienation in cities; just as social breakdown is likely to make housing delivery systems less efficient in serving the most vulnerable. [\[FN43\]](#)

I turn now to an examination of the ways in which housing interrelates with the opportunity structures of wealth,

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employment, transportation, childcare, education, health, and democratic participation. I conduct this analysis in order to show how the connections between these structures are often broken or made tenuous for low-income families, particularly low-income families of color, and to clarify the need for a coordinated, multidimensional, regional approach to creating **opportunity-based housing**.

#### Housing and Wealth Accumulation

The link between housing and wealth accumulation is well documented. In addition to education, occupation, and income, accumulated assets affect a family's well-being and its children's life chances. [\[FN44\]](#) Homeownership is the primary source of wealth for most Americans and can enhance economic opportunity. [\[FN45\]](#) Access to other opportunity structures, such as employment and education, can affect the ability of individuals to purchase homes and gain home equity. Homeownership and home equity, in turn, can open the door to other opportunities by providing access to capital. Lack of housing assets, on the other hand, may produce (or may act as proxy for) "neighborhood effects" such as inferior schools, inequalities **\*196** between school districts, lack of economic resources of a wealthier neighborhood, and environmental hazards such as violence, drug abuse, and pollution. [\[FN46\]](#)

The link between housing, wealth accumulation, and race is also well documented. According to one study, in 1994 the median white family held assets worth more than seven times those of the median nonwhite family. [\[FN47\]](#) In the case of blacks, in the nineteenth century, lack of land redistribution, constraints on capital, and laws against black business ownership limited asset accumulation. [\[FN48\]](#) In the twentieth century, the virtual exclusion of blacks from eligibility for Social Security in 1935, combined with redlining, Home Owner Loan Corporation discrimination, and the channeling of Federal Housing Administration and Veterans Administration home loans to the suburbs also limited asset accumulation. [\[FN49\]](#)

Today's racial dynamics perpetuate these historical inequalities. For wealth to be created, and homeownership to be a means of accessing other opportunity structures, homes must be located in economically vibrant areas. Not only is it less likely that blacks will own their homes, but white flight and residential segregation render their properties less valuable than those in nonblack neighborhoods. [\[FN50\]](#) This is true in Gary, Detroit, Chicago, and other highly segregated regions. By contrast, in the least segregated metropolitan regions, black home values are much closer to those of whites. As a result of these dynamics, more whites own homes, and of greater value, than do blacks. When home values are combined with mortgage payment [\[FN51\]](#) and local property tax [\[FN52\]](#) deductions, whites accumulate wealth faster and access other opportunities with greater ease. [\[FN53\]](#)

#### Housing, Employment, Transportation, and Childcare

The lack of affordable housing in a community affects its economic development. Businesses do not locate where workers cannot live. In fact, housing is a proven economic stimulus. [\[FN54\]](#) Research also shows that over the past several decades there has been a movement of jobs away from the central city. Consequently, where people live in the metropolitan region plays a significant role in their employment prospects as well. Because long distances and traveling time restrain the ability of people to gain and keep jobs, people tend to choose housing or to relocate in proximity to employment sites. This is true when there is a choice in housing, but when affordable housing is not present near job growth, this choice dissolves.

A growing body of evidence supports the theory that this "spatial mismatch" affects the employment and earnings of residents of central cities. [\[FN55\]](#) Barriers to affordable housing in areas where employment is growing, and the resultant distance between city residents and jobs, limit what should be a strong relationship between housing and employment. According to one report, the decentralization of jobs inhibits the flow of information about job opportunities, because information regarding job opportunities decreases with distance. Many jobs are discovered through informal social networks and much hiring is done on the **\*197** basis of personal knowledge of job candidates or referrals. Because inner city residents do not live near suburban jobs, they may have more difficulty getting vital information about openings, as well as support during the application process. [\[FN56\]](#)

Increased competition for jobs relocated in developing areas also results in longer terms of unemployment among blacks and lower wages among city or inner-ring suburban employees. [\[FN57\]](#) This reduction in income, in turn, limits the ability of

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blacks to access housing. Although many jobs remain in central business districts that are spatially accessible to both blacks and Latinos, these jobs are out of reach to many because of a skills mismatch. [\[FN58\]](#)

Research done with participants in the Gautreaux mobility program in the Chicago area demonstrates the importance of location to job attainment. In the early 1990s, it was found that participants who were randomly relocated in the suburbs were 13 percent more likely to be employed than participants who were randomly located in the central city. [\[FN59\]](#) One lesson that could be taken from that research is that tying housing to employment growth produces improved life conditions. Similarly, increasing access to meaningful, adequately paying employment can improve access to housing.

**Opportunity-based housing** also requires assessing the ways in which proximity to and the cost and quality of transportation affect access to employment and other opportunities. The overemphasis on funding highway construction has reduced access to job opportunities for low-income households. [\[FN60\]](#) It has also benefited suburbs, encouraged longer commutes from auto-dependent communities, and provided hidden subsidies to motorists. Nationally, people of color tend to rely on public transportation far more than whites, and the distances that they must travel to new jobs under a fragmented metropolitan scheme can hurt their employment prospects. [\[FN61\]](#)

Similarly, childcare is an essential opportunity structure related to both housing and employment. Childcare demands have greatly increased throughout the last two decades. [\[FN62\]](#) Between 1972 and 1999, the percentage of working mothers with children under six doubled and the percentage of working mothers with children over six increased by more than 25 percent. [\[FN63\]](#)

Despite these demands, many low-income families are unable to access quality childcare. Agencies' costs, locations, and hours often do not match parents' needs and ability to pay. Consequently, low-income families may find their housing and employment opportunities significantly limited when they attempt to meet their childcare needs. For example, homeless families often cite childcare problems as a barrier to work more so than skills, transportation, or health issues. [\[FN64\]](#) Childcare costs in particular are prohibitively expensive for many low-income families. Nationally, childcare costs have risen by 20 percent since 1986, and the national average cost for full-time care for a four-year-old child exceeds \$3,000. [\[FN65\]](#) Such prohibitive costs clearly affect parents' ability to gain and retain employment. \*198 Indeed, parents with no childcare support are seven times more likely to rely on public assistance than employed parents who receive a subsidy. [\[FN66\]](#)

Childcare locations can also prevent low-income families from accessing employment. Many low-income families are restricted in terms of transportation, and thus can only utilize childcare agencies that are near their home or work. As a result, employment stability can be undermined.

The unavailability of childcare services during nontraditional hours can also burden low-income parents as they increasingly take low-skill jobs that offer nontraditional hours. [\[FN67\]](#)

Even when childcare is available, studies show that the quality of care is inconsistent. Nearly 80 percent of all centers are mediocre at best and very little quality care is available for infants and toddlers. [\[FN68\]](#) Furthermore, only ten states meet national recommendations for child-staff ratios. [\[FN69\]](#) Studies have also shown that the children of low-income families are more vulnerable to low-quality care and react more positively to high-quality care. [\[FN70\]](#) What all of this suggests is that access to childcare is very important for employment stability and child development, both of which have implications for accessing housing opportunities. Therefore, an analysis of **opportunity-based housing** must incorporate an accounting of the cost, location, availability, and quality of childcare in a metropolitan region.

#### Housing and Education

The availability and the condition of housing affect the quality of children's education as well. Access to educational opportunity is most limited by homelessness. Seventy-five percent of homeless children under the age of five have at least one major developmental deviation or delay, usually in the areas of impulsivity or speech. Homeless children are four times more likely than other children to score at or below the tenth percentile in reading and vocabulary. [\[FN71\]](#) Further, because low-income families often have to move as rental rates change, the lack of affordable housing can result in increases in student transfers. [\[FN72\]](#) These increases make it significantly more likely that students will fail grades and have behavioral problems in school. [\[FN73\]](#) This is an area of particular concern for students of color. Furthermore, frequent student transfers

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cause disruption of education not just for the student, but for the whole school. Finally, if housing is substandard, student outcomes can be reduced. For example, lead poisoning can delay development and decrease IQ points. [\[FN74\]](#)

A wealth of research also shows that students educated in economically and racially segregated schools receive substandard educations. When a large number of students in a school face these challenges, the cumulative effect is that the ability of the school to provide a quality education is significantly impeded. According to Gary Orfield, "High poverty schools have to devote far more time and resources to family and health crises, security, children who come to school not speaking standard English, seriously disturbed children, children with no educational materials in their homes, and many children with very weak educational preparation." [\[FN75\]](#) As a result, William Trent has found that there is a "consistent negative effect of high poverty concentrations in school on students' academic achievement." [\[FN76\]](#) It is the poverty of the school, far more than the poverty of the individual, that determines educational outcomes. In fact, impoverished students do better if they live in middle-class neighborhoods or attend more affluent schools. [\[FN77\]](#)

It is important to note that students of color are far more likely than whites to attend schools with larger populations of students in poverty. The average white student attends a school in which 19.6 percent of students are impoverished, while the average Latino student attends a school in which 44.0 percent of students are impoverished. [\[FN78\]](#) Given these inequalities, it is inevitable that racial segregation in the public schools has devastating implications for the educational environment. Racially segregated schools more often rely upon transitory teachers and have curricula with greater emphasis on remedial courses, higher rates of tardiness and unexcused absence, and lower rates of extracurricular involvement. [\[FN79\]](#) As a result, educational achievement is highly racialized. By the end of the fourth grade, black, Latino, and students in poverty in the nation are already two years behind other students; by eighth grade, they are three years behind; and by twelfth grade, they are four years behind. [\[FN80\]](#)

By contrast, a wealth of research also shows that students of color who attend more integrated schools enjoy increased academic achievement levels and higher test scores, especially if they begin at an early age. [\[FN81\]](#) In fact, the desegregation era (roughly the 1960s through the mid-1980s) is largely credited for reducing the achievement gap, despite the fact that poverty, single-parent families, and unemployment worsened during the same period. Intergeneration gains also ensue for students of color who have attended desegregated schools. [\[FN82\]](#) One study concludes that "improving economic and educational opportunities for one generation of minority individuals raises the socioeconomic status of the next generation, so that those who follow are more apt to begin school at the same starting point as their nonminority classmates." [\[FN83\]](#) Attending a more desegregated school also translates into higher goals for future educational attainment and occupational choices [\[FN84\]](#) and improved social networks. [\[FN85\]](#)

In the context of developing **opportunity-based housing**, it is essential to note that diverse educational settings contribute to students' ability to participate in a pluralistic society. [\[FN86\]](#) Indeed, a 2000 study by the Harvard Civil Rights Project explicitly shows that the "diversity" of a desegregated school greatly benefits students of all races, not just whites. [\[FN87\]](#) Both blacks and whites who attend desegregated schools are more likely to attend a desegregated college, live in a desegregated neighborhood, work in a desegregated environment, and possess higher career aspirations. [\[FN88\]](#) Chicago's Gautreaux program is often cited in support of this. [\[FN89\]](#) In fact, districts that have experienced desegregation over the longest period of time have the lowest levels of housing segregation as well. [\[FN90\]](#) Furthermore, higher educational attainment levels are associated with an increased likelihood of homeownership for all residents of the region. [\[FN91\]](#)

#### Housing and Health

The location of affordable housing and the opportunity to live a healthy life are related in multiple ways. To begin with, environmental hazards abound in segregated areas of concentrated poverty. The more blacks and Latinos living in a community, the more likely it is to have commercial hazardous waste facilities, sewer treatment centers, and chemical plants. [\[FN92\]](#) Toxic eyesores disfigure black neighborhoods, degrade property values, discourage public and private investment, and harm the health of residents. In fact, the Centers for Disease Control and Prevention has repeatedly found that blacks are more likely than whites to live in neighborhoods with higher air pollution levels and suffer higher rates of respiratory and blood ailments. As one critic has put it:

Corporate and industrial polluters get away with their toxic assault on low-income, black neighborhoods by skillfully twisting the jobs versus environment issue. Their economic black mail works since few politicians will risk being tagged as

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anti-business. They gamble that poor, blacks and Latinos, many of whom do not own their homes, and vote in far smaller numbers, are less likely than politically connected white, middle-class homeowners to squawk at putting a hazardous plant or toxic waste site in their neighborhood. Many officials will eagerly waive requirements for environmental reports, provide special tax breaks, and even alter zoning and land use requirements to allow them to set up shop in these under-served neighborhoods. [\[FN93\]](#)

Other spatial, racial, and economic factors influence a broad array of opportunities, exposures, decisions, and behaviors that threaten the health of these same neighborhoods. [\[FN94\]](#) For example, the presence of liquor stores, fast-food restaurants, and corner markets that sell cheap, unhealthy food at marked-up prices compromise dietary health. Also, increased levels of isolation, chronic stress, crime, and drug, alcohol, and domestic abuse compromise mental health. Discrimination also compromises the availability and quality of standard medical care.

### Housing and Democratic Participation

Safe, stable, **opportunity-based housing** cannot only lead to healthier living, it can also increase the capacity to partake in democratic structures. As mentioned earlier, full and meaningful participation in our society is the essential goal of civil rights, to which all other efforts, in employment, housing, and other opportunity areas, correspond and relate. According to *More Than Bricks and Mortar: Housing That Builds Community*, a report on efforts to increase homeownership in Santa Fe: An effective housing strategy does more than build buildings. If it is developed thoughtfully and implemented creatively, a housing strategy can have \*201 deeper implications, transforming both citizens and communities and the ties that bind each to the other.

A democracy depends on the capacity and willingness of people to play a civil role. Homeownership strengthens a democracy by giving people a stake in their community. When the number of stakeholders decreases rather than increases, the civic connections that create and sustain community are weakened. [\[FN95\]](#)

The web of opportunities associated with housing impacts voting rights in particular. The voices excluded from the 2000 presidential election, for example, are the same voices excluded from our Constitution, wealth, and ultimately participatory citizenship. While the Voting Rights Act of 1965 [\[FN96\]](#) and its subsequent amendments have remedied many of the most egregious forms of disenfranchisement such as literacy tests, poll taxes, and voter registration barriers, more subtle forms remain. Certainly, persistent economic inequality negatively impacts political participation. More than two-thirds of people in the United States with incomes greater than \$50,000 vote, compared with one-third of those with incomes under \$10,000. This differential turnout is far greater than in Europe. [\[FN97\]](#)

Political fragmentation and urban sprawl also limit participation and are particularly harmful. Persons of color, concentrated in pockets of poverty within a fragmented metropolitan region, do not have the resources to build the political clout necessary to participate meaningfully in the democratic process. Even where segregation enables residents to elect representatives of color (or white representatives responsive to their needs), "legislative racism" ensues. That is, elected officials from more privileged areas vote down the interests of these jurisdictions in a self-interested "us against them" manner that exacerbates their isolation even further.

Our current political system perpetuates this struggle. Almost all major elections in the United States are based on "first-past-post," "winner-take-all" principles. Voters for the candidate who receives the most votes win representation. Voters for the other candidates win nothing. This system precludes minorities from being represented and undermines the concept of fair representation. It also distorts democracy by allowing a single group to monopolize power.

Our current campaign finance system, which is based on private wealth, also distorts our democracy. It disadvantages noncontributors, who are far more likely to be low-income persons of color. As a result, legislation fails impoverished communities of color in key areas, including affordable housing.

### Creating Opportunity-Based Housing

When attempting to meet the need for affordable housing, it is important to consider strategies that will both increase its supply and improve upon its connection to opportunity structures. If attention to location is absent, the potential for exacerbating concentrated poverty and further limiting\*202 opportunity is heightened. Rather, strategies must account for the

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unique experiences of the various racial and ethnic groups that stem from economic status, language or cultural issues, current residential patterns, and so on. For example, addressing the needs of black communities will differ from doing so with Latinos because blacks are more segregated and more likely to live in public housing. Successful interventions must also consider how otherwise neutral policies will affect these various communities. I begin my discussion of how to create **opportunity-based housing** with the essential unifying approach called regionalism.

#### Regionalism as the Unifying Approach

As mentioned earlier in the discussion of jurisdictional fragmentation, most metropolitan areas across the nation contain an urban core that is growing increasingly poor and segregated. This concentration negatively affects the education, economics, and quality of life of the area. Meanwhile, at the outer rings, developing, largely white communities maintain their advantage through restrictive, low-density patterns of land use. In between these two areas lie the inner-ring suburbs, which suffer from both the exclusive development of the outer rings and the increased isolation of the urban core.

While in-place strategies of reinvestment in inner cities are meritorious, in order to reduce polarization, stabilize the urban core and its immediate surroundings, and equalize the web of opportunities linked to housing, a regional approach to policy-making is required. [\[FN98\]](#)

Regionalism offers policymakers a way to reconceptualize metropolitan areas for the common good of all residents. Instead of calling upon each jurisdiction within a region to take responsibility for itself, regionalism views the entire region as an organic system of interdependent parts. The whole will prosper only if all jurisdictions are able to. The surest way to equalize opportunities throughout the total metropolitan area is to create effective, visionary metropolitan governments or, if the region is too large, to require that all local governments pursue common policies. [\[FN99\]](#)

A regionalist approach traditionally fosters several policies, some of which I elaborate upon below, including land use reform that stems urban sprawl and provides adequate funding to older areas; "fair share" housing policies that encourage or, better yet, require the construction and maintenance of low- and moderate-income housing in all jurisdictions; housing assistance policies to disperse low-income families to small-unit, scattered-site housing projects and to rent-subsidized private rental housing throughout a diversified metropolitan housing market; fair employment and housing policies that ensure full access by persons of color to the job and housing markets; tax-based sharing arrangements between the central city and its suburbs; [\[FN100\]](#) welfare reform focusing on job creation and readiness; and, until affordable housing is available on a regionwide basis, \*203 lawsuits calling for adequate education in the inner- ring schools and for metropolitanwide desegregation.

Federal and state governments can also foster regionalism, [\[FN101\]](#) but effective local regional bodies require the building of enduring political coalitions between the urban core and the inner-ring suburbs. They also require the active participation of communities of color. Yet, regionalism often meets resistance from these very communities who fear that dispersal of their members throughout an area will weaken their political and cultural power and do little to disrupt the existing white, suburban opportunity structures. [\[FN102\]](#) Proponents of regionalism must present metropolitan efforts, not as competition for resources and power, but as complementary to them. They must also convince these communities that regional **opportunity-based housing** strategies do not force minority communities to disperse but allow individuals a real choice to remain and find increased opportunities or to seek opportunities elsewhere. [\[FN103\]](#)

Adopting this frame of analysis and applying political pressure can result in policies and laws that promote **opportunity-based housing** throughout a metropolitan area. In the Twin Cities, for example, jurisdictions that receive Community Development Block Grant funding from the Department of Housing and Urban Development (HUD) came together in 2001 to produce a regional analysis of the impediments to fair housing choice. In the past, each jurisdiction receiving these funds prepared a separate assessment. By coordinating their efforts and seeking community input, individual jurisdictions are beginning to think of fair housing from a regional perspective. In the following section, I describe in greater detail how assessment tools like this one can assist in achieving regional equity.

#### Regional Opportunity-Based Impact Assessment

Developing a set of racial and economic impact assessment tools can facilitate the engagement of communities of color in the region and inform a regional plan for **opportunity-based housing**. This process, fashioned after environmental and other

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impact processes, can be applied to specific projects or developments or can be used to guide the overall mission and activities of public and private actors engaged in housing and land use planning.

When a new development or policy is proposed, an impact assessment can be made of the racial and economic status of the area to be impacted. The particular needs and priorities of existing community members can be gathered through data analyses and qualitative methods, such as in-depth interviews with focus groups and public hearings. A nuanced determination, informed by impacted communities, can then be made of the "match" or disconnect between projected outcomes of the proposal and the unique needs of community members. For example, if a mixed-income development made up of a certain number of units affordable at 50 percent of the \*204 median income is proposed, whether this level of affordability will genuinely be accessible to the existing residents can be determined. Whether it is linked to, or will lead to the creation of, other life opportunities can also be assessed. Alternative proposals must be allowed, along with discussion of the direct and indirect effects of each option throughout the region.

Because the location of opportunity structures, or the lack thereof, is geographical and socially situated in different ways throughout a metropolitan area, taking space into account is critical to this assessment process. That is, different racial, ethnic, and income groups experience opportunities differently and should be given the chance to determine which opportunities are critical to them and whether there is any growth in these areas over time. One way for these communities to assess and track these relationships is to map the location of affordable housing in relation to multiple opportunities across the metropolitan landscape. [FN104] "Opportunity maps" can also capture the unique characteristics and experiences of residents both within individual jurisdictions as well as in relation to entire regions, which can improve long-term regional planning. Finally, these maps can empower impoverished communities of color by providing them with convincing visual indicators of whether progress is being made.

California provides us with one example of an assessment process currently in use. There, state law provides that a "regional housing needs assessment" be conducted by the state department of housing that identifies each locality's share of the regional housing need. [FN105] Localities are then required to respond to that allocation by developing appropriate plans for housing, including "land use plans and regulatory systems, which provide opportunities for, and do not unduly constrain, housing development." [FN106] The strength of this approach lies in the need for municipalities to consider regional employment and transportation dynamics, among other opportunity structures, when calculating their share of the housing need and planning their development. [FN107] Municipalities must also plan for housing across a range of incomes. [FN108] Although there have been enforcement and implementation problems, this is a sound framework for creating **opportunity-based housing** throughout a region.

Another assessment tool utilized by the Urban Habitat Program in the San Francisco Bay Area called for a regional report on gentrification. [FN109] The report involved a historical analysis of forces driving gentrification; a highly comprehensible breakdown of the phases of neighborhood change; a close examination of those sectors of the region affected by it (as well as those likely to receive displaced tenants); and a careful analysis of the policy and legal implications behind it. Urban Habitat's study is a very valuable tool for assessing key trends and creating a baseline for informed decision making.

While regional analysis is essential, efforts must not stop there. Once stakeholders and community members are given the chance to assess housing needs, all levels of government should then employ tools to link opportunity structures to affordable housing in meaningful ways.

### **\*205 Increasing Affordable Housing within a Regional Framework**

#### Fair Share Housing

One approach that government can take is to enact a law mandating that each municipality account for its "fair share" of the regional affordable housing need. "Fair share" is generally based upon the percentage of the region's population that lives within the municipality. The assumption is that, absent exclusivist practices, this would be the same as the percentage of the region's poor population that lives in the municipality. The fair share is then adjusted for things such as environmental concerns, the presence of developable land, and so on.

At its best, fair share legislation can compel meaningful regionwide participation and the provision of genuine housing choice

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to those most in need of adequate affordable housing (low-income people of color living in central city neighborhoods, not divorcees, students, or newlyweds); insist on race- based goals so that municipalities cannot meet their obligations by catering to poor whites; require municipalities to affirmatively market their units in communities of color or low-income central city neighborhoods; prohibit suburbs from paying central cities to bear up to 50 percent of their obligations; require that each municipality provide an equitable balance of scattered-site and clustered-unit housing so as to avoid concentrating affordable housing; create a funding pool to provide financial incentives to communities that achieve greater racial and income diversity in their housing stock; and affirmatively encourage nonprofit developers, through this same funding pool.

In New Jersey, for example, every jurisdiction within a region is allocated its fair share of the regional housing need. But New Jersey law provides that one jurisdiction may sell its share to another through a "regional contribution agreement." I examined racial and economic data on those municipalities "sending" their affordable housing and those "receiving" housing in the 1990s. The result in New Jersey has been that predominantly white cities with low poverty rates are paying cities that are racially and economically isolated to take on more affordable housing. [\[FN110\]](#) For this reason, the New Jersey model, without revision, cannot be endorsed.

#### Inclusionary Zoning and Density Bonuses

Another approach that has proven very successful at creating housing throughout a metropolitan region is inclusionary zoning. A typical inclusionary zoning ordinance enables municipalities to create affordable housing by requiring that new developments, particularly those with larger numbers of housing units, set aside a portion of units for low-income tenants. In return, developers are then offered density bonuses or exemption from certain municipal fees. In this way, affordable housing is created wherever new housing is created and developers are not overly burdened. Good ordinances also provide for restrictions on the resale of affordable units [\[FN111\]](#) and include measures to keep the designated units affordable for \*206 a substantial period of time. If the goal is to create housing tied to opportunities throughout the region, a mandatory law, such as the one in place in Montgomery County, Maryland, is preferable to a voluntary or incentives-based one.

Of regions that have enacted inclusionary zoning legislation, Montgomery County stands out for its success in providing housing that has been accessed by low-income families and families of color. The county's Moderately Priced Dwelling Unit Program requires developers and owners to set aside for moderate pricing between 12.5 and 15 percent of the total number of units in developments that have fifty or more housing units, whether rental or owner- occupied housing. [\[FN112\]](#) In exchange for making these housing units affordable, developers receive a density bonus of 22.0 percent--that is, they are able to build a development at a density 22 percent greater than that normally permitted under the jurisdiction's zoning laws. [\[FN113\]](#) The county also ensures that the designated units remain affordable for twenty years, [\[FN114\]](#) and regulates occupancy and the rents charged for the affordable units.

The success of this program is measurable, first, in the quantity of affordable housing that has been produced since its enactment, which, as of 1996, was over 10,000 units. [\[FN115\]](#) More importantly, the program also has increased housing choice for people of color. Twenty-two percent of affordable home purchasers alone were black in the 1990s. [\[FN116\]](#) This is particularly remarkable given the fact that as of 1970 the county was 92 percent white. [\[FN117\]](#)

It is also significant that elected officials view the program favorably. This is in part because every jurisdiction within Montgomery County is impacted by the policy and because creating the affordable housing is not financially burdensome to local governments. [\[FN118\]](#) These aspects of the program could mean that it is politically feasible to replicate it in other regions where municipalities resist affordable housing because they claim that they are being unfairly targeted or that it would be too costly.

It is important to note that increasing the density of development does not always equate to increasing affordability, a lesson to take from the Portland, Oregon, region. Oregon's Metropolitan Housing Rule [\[FN119\]](#) mandates that all jurisdictions within the Portland region develop at certain minimum densities. [\[FN120\]](#) Additionally, the rule requires that new development be 50 percent multifamily or attached single-family homes. [\[FN121\]](#) Unlike a mandatory inclusionary zoning law, however, this heightened density rule does not incorporate requirements on the affordability of the multifamily units. Although the Portland region may have developed more multifamily units since the enactment of the rule in 1981 than would have been developed, the region was found to be the eighth-least-affordable housing market in the nation in 1999. [\[FN122\]](#)

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### Linkage Fees

Yet another mechanism for generating affordable housing in a region is through commercial development linkage fees. Here, municipalities assess \*207 fees on commercial or market-rate residential developments and use this funding to create affordable housing. [\[FN123\]](#) Linkage fees are assessed in Boston [\[FN124\]](#) and Florida, [\[FN125\]](#) as well as in a number of municipalities in California. [\[FN126\]](#) The rationales behind linking these types of developments to affordable housing are that market-rate residential developments have the potential to displace low-income tenants, and so fees to mitigate this effect should be assessed, and that commercial developments create jobs and so can create affordable housing needs. [\[FN127\]](#) However, linkage fees are only a source of funding, which means that civil rights advocates still have to ensure that governments exacting these fees actually create affordable housing.

In fact, one criticism made of this approach in the context of California cities is that the fees are not substantial enough to meaningfully contribute to the creation of affordable housing. [\[FN128\]](#) Moreover, current legal standards hold generally that unless the relationship between the assessment (i.e., the fee) and the impact of the development (e.g., its effect on affordable housing needs) is shown to be reasonable, the fee will be considered a taking that requires governmental compensation. [\[FN129\]](#) This suggests a need for deliberate planning but does not create a prohibitive obstacle.

### Other Strategies

Affordable housing can also be created when local governments permit tandem housing or accessory dwelling housing. Tandem housing is a "second unit" that is attached to an already existing unit of housing. [\[FN130\]](#) This kind of housing can be relatively easy to create, may not require local governmental funding, [\[FN131\]](#) and can be done so that the character of the community is not substantially altered by the introduction of the housing. A tandem housing law passed in Daly City, California, resulted in the creation of 400 affordable units within ten years. [\[FN132\]](#) Orlando, Florida, and Babylon, New York, also permit such creation. [\[FN133\]](#) This is a model that should be introduced in areas of the region where affordable housing is needed, but should be only one piece of a more substantial approach. The success or failure of a tandem housing program also hinges on the role that each local government takes in promoting or resisting this policy. A truly regional program is better suited to the goal of **opportunity-based housing**.

Another way to increase affordable housing is to create a housing trust fund. More than 280 state and local funds currently exist and have produced hundreds of thousands of affordable housing units across the country. Bipartisan support in Congress also exists for a national housing trust as well. [\[FN134\]](#)

Civil rights advocates can also promote the municipal adoption of fast-track review processes for affordable housing development proposals that decrease the time and expense associated with standard zoning review processes, and the municipal waiver of fees in order to spur affordable housing development. For example, were municipalities to adopt an ordinance similar to that in place in Orange County, North Carolina, which \*208 provides a \$3,000 rebate per unit on school construction impact costs, this might increase the capacity of developers to pass savings on to renters. [\[FN135\]](#)

Lastly, along different lines, planners could seek to classify affordable housing as infrastructure. The Affordable Housing Study Commission in Florida proposed that the state's Growth Management Act be amended to reflect the fact that affordable housing, which is "integral to the operation of a healthy community," be considered necessary infrastructure to the same extent that sewer lines and roads are infrastructure. [\[FN136\]](#)

### Creatively Linking Housing to Other Opportunity Structures

It is not enough to increase affordable housing without considering where it is located within a region in relation to opportunity structures and to the particular needs of the various communities that it serves. As mentioned earlier, no one jurisdiction can provide the affordable housing needs of the region alone and survive (in terms of maintaining the necessary tax base, providing quality education, and ensuring employment of residents). Instead, housing must be created across the landscape, and be deliberately tied to other opportunities.

### Managing Gentrification and Smart Growth

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In order to facilitate this equalizing of opportunities throughout a metropolitan region, it is necessary to mitigate gentrification and refine smart growth policies. I argue that this must be done in an integrated fashion if it is to have meaning and coherence.

To begin with, regional policies that mitigate gentrification and prevent isolation from opportunity structures need to be developed and coordinated with fair housing policies.

I have suggested that different regions experience gentrification differently, and so the response to these trends must differ. [\[FN137\]](#) The framework for analysis that I suggest is a consideration of whether a city is rich, poor, or middle class.

Rich cities are those that are closely comparable to or even exceed the surrounding region in terms of per-capita income, property values, poverty rates, vacant land, and populations of color. Examples of rich cities include San Francisco and Seattle. These cities have not experienced depopulation and job loss, nor do they contain many concentrated poverty census tracts; they are economically thriving. But they are also very tight housing markets. In these cities, gentrification results in the pricing out, or displacement, of low-income residents from the central city and possibly from the region as a whole into areas that are economically isolated. This is the most devastating form of gentrification and calls for regional antidisplacement strategies and increased affordable housing opportunities within the central cities.

Poor cities compare negatively to their surrounding region with respect to the indicators listed above. They are cities with low property values, larger quantities of concentrated poverty tracts, and oftentimes large \*209 amounts of vacant land. Examples of poor cities are Cleveland and Detroit. [\[FN138\]](#) These cities need some influx of middle-class residents in order to attain economic viability. Moreover, because there is sufficient available land in the city to accommodate the influx of higher-income residents, displacement need not occur. Instead, new and rehabilitated housing can fill in the gaps created by the depopulation of poor cities. In this type of city, revitalization can occur without the displacement of low-income residents to other areas that are economically isolated, particularly if the right planning is conducted and communities of color are engaged in the revitalization process. If there is displacement within a poor city, it is likely to be on a limited basis and there will usually be ample opportunity for relocating displaced residents within the city.

The third type of city is the middle-class city, the category in which, for example, Chicago best fits. Middle-class cities have a median per-capita income and fiscal capacity that is roughly 60 to 90 percent of the regional average. They fall between rich and poor cities in terms of their degrees of racial segregation and concentrated poverty. For example, in Chicago, the percentage of blacks living in concentrated poverty merely doubled from 1970 to 1990, while in Detroit the percentage increased fivefold. These middle-class cities also have experienced greater job decentralization than rich cities, but at lower rates than poor cities.

A balance between revitalization and displacement of low-income residents must be struck in middle-class cities if **opportunity-based housing** is to be developed. In Chicago and other similar cities, middle-class in-fill projects are still valuable to low-income neighborhoods that contain many vacant lots. [\[FN139\]](#) Yet, middle-class cities must also watch carefully to ensure that gentrification and displacement do not occur on a large scale. Public housing demolition and mixed-income housing programs in the city, billed as the panaceas for concentrated poverty in the city, can only be successful if planning protects against displacement of low-income residents and if **opportunity-based housing** is created. [\[FN140\]](#)

When gentrification occurs in a middle-class city it is likely to be a city-level phenomenon. For example, a survey of housing stakeholders in the Chicago region revealed that those areas experiencing increased investment, rehabilitation of properties, and an influx of higher-income residents were neighborhoods within the city of Chicago. [\[FN141\]](#) What this city-level change means is that those residents who are displaced will find it very difficult to find housing within the city, and they may be forced to relocate to poor areas outside of the central city, often on the periphery, yet still, largely, within the region itself. Such trends can relocate areas of isolation, disrupt communities, and create segregation on an interjurisdictional level. This segregation is more problematic than neighborhood-level segregation because of the consequences that it can have for the tax base and public services of an area. But neither can a middle-class city address the need for affordable housing alone. In part this is due to the fact that few cities, if any, possess the resources necessary to meet their region's need. Beyond \*210 that, an attempt to do so will set such a city in the direction of becoming a poor city with limited resources and growing

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public service needs. Gentrification is clearly not the solution to the problem of concentrated poverty. By the same token, placing the burden of affordable housing production on the central city alone is not the cure. Creating **opportunity-based housing** means confronting the ways in which gentrification constrains the availability of housing and operates like concentrated poverty in isolating low-income residents from other opportunity structures throughout an entire region.

In addition to framing the issue in this way, there are a few other strategies that can be employed to mitigate gentrification. For example, property assessment appeals can be facilitated and institutionalized to keep original residents from being priced out of their neighborhoods and being dislocated from opportunities. They can also garner significant reductions in property assessments for property owners that provide affordable rental housing. Other tools that could be deployed include rent control laws that would mitigate the effect of gentrification on residents of neighborhoods experiencing dramatic rent increases; [\[FN142\]](#) requirements that landlords pay relocation expenses when they take units out of the rental market, which could serve as a deterrent; [\[FN143\]](#) and the opening of greater opportunities for nonprofit organizations to own rental properties and commit to long-term affordability agreements. [\[FN144\]](#)

It is likely that no single initiative can prevent gentrification from displacing low-income residents from neighborhoods experiencing an influx of middle-income residents. Rather, a comprehensive set of strategies must be deployed. For example, the Kirkwood neighborhood community development corporation in the Atlanta region has successfully responded to an influx of middle-income residents by identifying vacant lots and other areas that could benefit from redevelopment, ensuring that city-financed housing is marketed and made available to subsidized tenants, and greatly increasing homeownership rates among original residents through a variety of outreach methods, including down-payment assistance and education programs. [\[FN145\]](#)

All of these efforts I have just described could also be helpful when mitigating the negative effects of HOPE VI in gentrifying areas, especially in rich cities. [\[FN146\]](#) If HUD overcompensates for concentrated poverty, low-income residents experience drastically reduced access to their former neighborhoods, much less any other neighborhood. [\[FN147\]](#) Furthermore, local public housing authorities also experience the draining of funds away from their other affordable housing needs. The adverse effects of deconcentration outweigh the benefits, particularly those that allow continued access to housing and neighborhood support networks. [\[FN148\]](#) Rather, HOPE VI and similar deconcentration strategies could be altered in key ways to foster true opportunity.

First, to increase housing availability, HUD could require applying public housing authorities to show that demolition is the best way to achieve **\*211** this goal. [\[FN149\]](#) In addition, HUD could alter its scoring system to allow for 100 percent public housing in a particular renovation site where the overall gentrifying area shows a mixed-income end result. [\[FN150\]](#) Proposals that provide affordable housing indefinitely could also be rewarded. More regionally speaking, HUD could consider strategies that deconcentrate wealthy neighborhoods beyond specific target sites. [\[FN151\]](#)

Second, to increase opportunity structures, HUD could focus more on management, community building, and supportive social services rather than just on demolition and rebuilding. [\[FN152\]](#) While HOPE VI's authorizing legislation calls for efforts leading to "self-sufficiency" and "education achievement," the vast majority of funding goes to the program's architectural goals. [\[FN153\]](#) This change in particular has the greatest potential to achieve **opportunity-based housing**.

#### Refining Smart Growth

Smart growth policies can be also refined to lure investment into the communities most affected by the sprawl that they attempt to control. [\[FN154\]](#) The benefits from luring development back to abandoned urban cores have been dubbed the "urban competitive" advantage. [\[FN155\]](#) As one scholar puts it, "the effects of current inequitable practices and policies could be reversed by smart growth policies that direct resources back to underutilized infrastructure, avert greenfield redevelopment, clean up abandoned industrial properties and redevelop poorly-maintained properties." [\[FN156\]](#) Through greater transit and housing choice and fair and cost-effective development decisions, smart growth can be a useful tool in the achievement of **opportunity-based housing**. [\[FN157\]](#)

Portland, Oregon, has emerged as a model for regional planning and smart growth with its urban growth boundaries, which attempt to steer investment toward the center of the city, creating jobs, affordable housing, and economically integrated

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neighborhoods. [FN158] Similarly, Maryland's Smart Growth and Neighborhood Conservation Initiative [FN159] has been recognized as the nation's first statewide, incentive-based program to reduce the impact of urban sprawl. This program attempts to encourage economic growth while at the same time channeling it to those areas of the state where infrastructure and services are already in place to support it. [FN160] Under this program, location of opportunity matters. For example, the state is developing a more balanced transportation system that limits new highway construction and expands nonautomobile transit. [FN161] Older public schools now receive 80 percent of new state school construction funds, almost double that of a decade ago. [FN162] In the end, the goal of the initiative is to foster inclusion and economically and racially diverse communities, not perpetuate gentrification and segregation. [FN163]

#### Making Race-Conscious Plans

However much we mitigate gentrification or refine smart growth, we will be unable to achieve regional equity without making race-conscious \*212 plans to integrate both housing and opportunities. Cara Hendrickson effectively argues this point by demonstrating how HUD's race-neutral Rule to Deconcentrate Poverty and Promote Integration in Public Housing [FN164] neither promotes fair housing nor addresses segregation. [FN165] The rule attempts to deconcentrate poverty by assigning higher-income tenants to lower-income buildings and lower-income tenants to higher-income buildings. [FN166] Like HOPE VI, however, this type of deconcentration effort is inadequate because of the dearth of moderate-income residents interested in the program and the plethora of low-income residents excluded from it. [FN167] Furthermore, the desired "rub-off" effect of higher-income neighbors remains unproven. Hendrickson argues that mixing income within a building alters neither the segregated, resource-depleted nature of the neighborhood nor the disparities between urban and suburban opportunity. Rather, a race-conscious, metropolitanwide approach would be more effective.

To drive her point home, Hendrickson compares HUD's race-neutral Moving to Opportunity program to the highly successful race-conscious Gautreaux mobility program after which it was modeled. [FN168] Unlike the Gautreaux program, however, the "freedom of choice" strategy resulted in participants moving from one segregated neighborhood to another. Although a detailed analysis of the program is forthcoming, Congress terminated the project in 1995. As Aurie Pennick, president of the Leadership Council for Metropolitan Open Communities, noted, "When you take race out of the mix, in the long term you have not solved any problems." [FN169] Hendrickson recommends that HUD adapt the Gautreaux mobility model to its effort to deconcentrate public housing units. This would entail creating smaller public housing developments in moderate-income areas with integrated housing patterns and access to jobs and support services. Although residents fiercely resist scattered-site public housing, it has been shown that integrated communities are economically and racially stable and becoming more common. [FN170] The need to create housing for entry-level workers may even persuade some local leaders to approve such affordable housing developments, according to Hendrickson.

#### Linking Affordable Housing to Accessible Employment

To create the type of **opportunity-based housing** that Hendrickson describes, it is essential to link it directly to accessible employment. One way to do this is to target low-income tax credits to private developers willing to locate housing near employment and within transit-oriented areas. States could enact a new policy to direct the incentives available under the Low-Income Housing Tax Credit [FN171] program to support an improved housing-to-jobs balance and provide greater efficiencies for businesses that need an available, proximate labor pool. Just such an approach is being piloted in Chicago and two of its suburban counties. [FN172] Entitled the Regional Housing Initiative, this initiative's goal is to support the development or rehabilitation of well-managed, well-designed, safe, mixed-income \*213 housing located near jobs and transit. Specifically, it attempts to meet the need for affordable housing for very-low-income households in areas of high job growth. To do so, it provides subsidies and tax credits to apartments that rent to these households within a broader mixed-income community. In its pilot phase, resources have been committed to finance 328 apartments within mixed-income or supportive housing developments. [FN173]

An alternative way of increasing employment opportunity for low-income households is to create jobs where affordable housing currently exists. Smart growth efforts to lure businesses back into the inner cities, as discussed above, can be accompanied by assessment, cleanup, and reuse of contaminated brownfields. According to the U.S. Conference of Mayors, over half a million jobs could be created and up to \$2.4 billion in additional tax revenues could be generated through this redevelopment. [FN174]

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Another mechanism that merits consideration is employer-assisted housing. Whether voluntary or provided for under municipal law, employer-assisted housing involves expanding the role of the employer in helping lower-income households to access affordable housing close to the job site. Typically, an employer may provide financial assistance to employees purchasing homes nearby or directly provide affordable housing to employees. In Minnesota, for example, one employer that recognized a lack of affordable housing near one of its job sites provided a construction loan to a developer to build a 48-unit structure accessible to company employees. [FN175] In the Chicago region, participants in the Regional Employer-Assisted Collaboration for Housing program provide a grant to employees toward a down payment on a home located near job sites, and organizations supporting this collaboration provide homeownership counseling. [FN176] It is unclear what impact voluntary employer-assisted housing can have on the regional affordable housing need, but these efforts should be supported and strengthened by laws that require each sector of the region to provide its share of the regional affordable housing need. Importantly, employer-assisted housing should be guided by government and the civil rights community to reach the housing needs of all workers, and not exclusively moderate- and high-income workers, if **opportunity-based housing** is to be achieved.

Further assistance to purchase homes can be provided with federal subsidies that give priority to "location efficient mortgages." Under such mortgages, the amount available to be loaned is a function of the degree to which the home is located in a transit-oriented area and not dependent on cars. This leaves owners with more disposable income and a greater capacity to make mortgage payments. [FN177] Increasing the minimum wage to make it a "liveable wage" would also greatly improve the ability of families to secure safe, affordable housing.

Strategies that deal specifically with transportation could include allocating more federal funding for inner-city light-rail systems, trolleys, and street cars instead of interstate highway spending. [FN178] and instituting a grant program to enable community transit agencies to prepare for higher-density and more mixed-use developments around transit stations. [FN179] The availability and quality of childcare must also be addressed when attempting to link housing to employment and transportation.

#### Linking Education Opportunities

As Maryland's smart growth initiative acknowledges, increasing economic investment requires not only adequate housing but adequate schools as well. In addition to investing in the renovation of urban school buildings, regional governments should recognize that states generally have an obligation under their constitutions to provide all students with an adequate education. Suits can be brought to ensure that this obligation is met. Regional governments should also attempt to achieve integration in the schools through mandatory metropolitanwide efforts. If school desegregation between 1968 and 1973 doubled the rate of housing integration in twenty-five central cities with a black population of at least 100,000, [FN180] then to alter residential patterns and equalize affordable housing opportunities throughout entire regions, school desegregation efforts should remain a priority. [FN181] When combined with smart growth and other regional efforts to locate housing near opportunity structures, these strategies could alleviate homelessness and inadequate schools and foster true integration.

#### Improving Health Opportunities

Good health enables us to lead productive, fulfilling lives. While a comprehensive model for achieving good health is beyond the scope of this article, we can identify strategies that attempt to address the social, spatial, and economic factors that impact health (e.g., income, housing, education, isolation, and transportation). Indeed, the National Institutes of Health has declared the relationship among social status, race, and health to be one of its top concerns. Responding to this, the Minnesota Department of Health constituted a Social Conditions and Health Action Team to identify the ways in which settings and systems outside the health sector impact health. [FN182]

Recognizing the impact of inequalities throughout various regions, the team developed several action steps that are highly replicable. The first step is to conduct "health impact assessments" of policies, programs, and projects that potentially affect health, including community revitalization, public transportation, resource allocation, capital investment, and community participation. The aim is to gain an understanding of the likely health impacts (e.g., environmental risks such as air quality) and their links with health status (e.g., higher mortality rates). Traditional health indicators are required in this assessment in order to capture socioeconomic and spatial determinants. [FN183]

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Other recommended action steps link economic and community development to health improvement, including fostering civic engagement and social capital; increasing the availability of safe and convenient parks to encourage recreation and neighborhood connections; improving family \*215 leave and quality childcare efforts; reorienting funding to support innovative, long-term collaborative efforts; and training more representative, culturally competent health care workforces. The team also calls for measures to remedy the discrimination and racism that limit access to unbiased medical care. This holistic approach to improving health could make great strides in increasing **opportunity-based housing** and full participation in society.

#### Increasing Democratic Opportunities

To increase democratic opportunities even further, we need to reform our election system. Some countries like Germany and New Zealand have adopted proportional representation, whereby parties win legislative seats in proportion to their share of the vote. Another approach, cumulative voting, permits each voter to have as many votes as there are seats to be filled. Voters are not limited to casting only one vote for the candidate of their choice, but can "plump" or cast all of their votes on one candidate if such an intense preference for that candidate exists. This allows minority groups greater opportunity to win representation--even without being geographically districted together. [FN184] Instead, voters "district" themselves by the way they cast their votes. [FN185] If adopted in the United States, either system would open up the political process, not just to impoverished racial minorities, but to women, environmentalists, and all those with common interests who could then vote strategically. Either system would also preserve the political power of minority groups no matter where they chose to live.

Furthermore, cumulative voting models a form of regional governance called "federated regionalism." Federated regionalism allows minorities to stay in their communities and strive for more equitable regional plans that will improve their neighborhoods, as well as the entire region, or to move from their communities and retain their political power through a pooling of interests. As such, it provides for a decision-making process and approach to metropolitan planning that is more dynamic. [FN186] Furthermore, no matter where they reside, minority groups can remain politically cohesive. [FN187] As a result, they may become more politically active where they were once alienated by their lack of power to work within, much less transform, the system. [FN188]

In addition to voting reforms, increasing access to housing opportunity can have meaningful results for democratic participation. For example, the collaborative effort in the Santa Fe region to create affordable housing, increase homeownership rates, and improve the physical condition of homes owned by low-income households resulted in not only enhanced assets for participants but, according to a survey of participants, increased participation in neighborhood and civic structures.

#### Community Involvement and Alliance Building

From a civil rights perspective, it is vital that community members have input when assessing and planning any of the strategies described above. \*216 In the past, communities of color did not have the opportunity to inform decisions on development and land use and the result was that their interests were often undermined. Certainly, the urban renewal policies implemented in cities across the nation beginning in the 1950s are glaring examples of this type of exclusion and its devastating effects on the lives and neighborhoods of communities of color. One example of community involvement is the regional housing needs assessment conducted by the Association of Bay Area Governments in the San Francisco region. There, along with planners, representatives from each governmental jurisdiction participated in the determination of the housing needs aided by housing advocates working in the region. [FN189] This model of decision making could be improved by establishing a process for direct community input as well.

Thinking regionally on housing opportunity also requires forging alliances with other constituencies--such as environmental groups--that have complementary interests in sound regional planning. The forces of fragmentation, segregation, and economic isolation are of such a scale in the region that addressing opportunity concerns requires not only combining forces, but building on and expanding beyond the existing power base of advocates, communities, intermediaries and academics, other sectors of civil society, and local government.

Fair housing advocates once stood alone in the fight for equality of housing opportunity. Now, fair and affordable housing is

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an issue that is being addressed in meaningful ways by a true cross section of groups, perhaps more so than ever before. Faith-based organizations, community-based organizations, business groups, and the civil rights community hold certain common aspirations. [FN190] Additionally, antisprawl groups such as the Open-lands Project have voiced concern over the dearth of housing opportunity and its segregative effects. Each of these groups has had its vision frustrated by the larger forces of relocation of resources to the periphery, fragmentation of governance, and racial and economic segregation. These organizations, although pursuing distinct missions and representing different constituencies, could be strong partners in a coalition to demand that housing be tied to opportunity structures throughout the region.

One example of such an alliance is in the San Francisco region where housing advocates have joined with environmental and transportation organizations in forming the Bay Area Transportation and Land Use Coalition. This coalition is demanding that cities in the region create affordable housing through mechanisms such as in-fill development and expedited zoning reviews. [FN191] In the Twin Cities region, a coalition of more than twenty-six organizations, including faith-based organizations, environmental groups, and transit advocates, lobbied for a state mandatory inclusionary zoning law. While the coalition did not achieve this objective, it succeeded in attaining the passage of voluntary inclusionary housing legislation in Minnesota, demonstrating the potential of cross-interest alliances on the issue of affordable housing creation. [FN192]

\*217 Additionally, I have attempted to show in this article that the interests of a broader base of stakeholders are impacted by housing policy, and these other players can be engaged in and become resources for a movement toward **opportunity-based housing**. Because housing as an opportunity structure interrelates with the structures of education, employment, transportation, and childcare, among others, policymakers, advocates, and community organizations working in these areas can be brought into the discussion and made allies in the movement. In order to make the necessary connections between these structures, and improve life chances for all residents of a region, it is necessary to build bridges beyond the housing sphere.

### Conclusion

The inadequate supply of affordable housing and the siting of that housing continue to be serious concerns. But the environment in which these issues have to be addressed has changed and become more textured. We cannot simply assume that the suburbs will be the location of opportunity or that the central city will be the location of decline. The operative divide, then, is not city versus suburb but opportunity versus isolation. As I have tried to demonstrate in this article, where and how opportunity structures are being developed is largely an empirical question. This suggests a number of things both for regional governing bodies and housing advocates and providers.

First, there must be a careful examination of the region and how opportunity is distributed and developing. Policies should be motivated by the goal of effectively linking up affordable housing with opportunity structures. In a fractured metropolitan area, this means that attention must be paid to jurisdictional isolation even more so than neighborhood isolation. What is needed is a comprehensive and dynamic tool or set of tools for tracking and anticipating trends in the location of and relationships between opportunity structures.

Second, there must be an effort to develop mechanisms that work on a regional level. One jurisdiction cannot go it alone and sustain itself. There is also a powerful disincentive for a jurisdiction to increase its supply of affordable housing in a fragmented region unless others are doing the same. Regional coordination on housing is requisite to achieving **opportunity-based housing**.

Third, while it is appropriate to try to develop new housing opportunities and to safeguard against isolation, mass destruction of existing public housing without mechanisms beyond vouchers for its replacement and an increase of the overall housing supply raises serious issues. On the other hand, this does not suggest that the other stakeholders should be sanguine about the existing location of affordable housing and public housing. Instead, there must be a commitment to creating **opportunity-based housing** throughout the region.

\*218 Fourth, given the changing demographics and the different experiences of the many racial and ethnic populations within areas of varying opportunity, the Council should develop a way to track what is happening to them in terms of racial and economic segregation. Part of the weakness of Hope VI, for example, was its failure to consider these unique obstacles to

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attaining fair housing. [\[FN193\]](#)

Ultimately, clarity must be brought to an agenda to equalize the web of opportunity structures necessary for fully participatory lives throughout our nation's metropolitan areas. Tensions between jurisdictions, stakeholders, and constituencies must be recognized and addressed. What is apparent is that no single jurisdiction can solve the housing problems, and no single organization can halt the forces of segregation, concentration of poverty, fragmentation, and gentrification. Instead, we must work together on a regional level to achieve racial and economic equality in the form of **opportunity-based housing**.

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[\[FN1\]](#). See Eric Schmitt, Whites in Minority in Largest Cities, the Census Shows, N.Y. TIMES (Apr. 30, 2001).

[\[FN2\]](#). See Ann B. Schnare, Racial Change in the Nation's Largest Cities: Evidence from the 2000 Census (2001), available at [www.brook.edu](http://www.brook.edu) (discussion paper prepared for the Brookings Institution Center on Urban & Metropolitan Policy and Harvard Joint Center for Housing Studies).

[\[FN3\]](#). For a discussion of the ways in which governmental policies have produced segregation, see generally DOUGLAS MASSEY & NANCY DENTON, AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS (1993).

[\[FN4\]](#). See Darshan Johal, Shelter for All: The Potential of Housing Policy in the Implementation of the Habitat Agenda (paper of the Second U.N. Conference on Human Settlements), available at [www.unchs.org/unchs/english/shelter/shelt2.htm#poverty](http://www.unchs.org/unchs/english/shelter/shelt2.htm#poverty).

[\[FN5\]](#). See Murtaza Syed, The Human Face of Poverty, in A PROFILE OF POVERTY IN PAKISTAN (Feb. 1999) (report in collaboration with the U.N. Development Programme).

[\[FN6\]](#). See George Galster and Mark Keeney, Race, Residence, Discrimination, and Economic Opportunity: Modeling the Nexus of Urban Racial Phenomena, 24 URB. AFF. REV. 87 (1998).

[\[FN7\]](#). See George C. Galster, A Cumulative Causation Model of the Underclass: Implications for Urban Economic Development Policy, in THE METROPOLIS IN BLACK AND WHITE: PLACE, POWER, AND POLARIZATION 190-215 (George C. Galster & Edward W. Hill eds., 1992).

[\[FN8\]](#). See Johal, *supra* note 4.

[\[FN9\]](#). According to the U.S. Department of Housing and Urban Development (HUD), housing is affordable when all housing costs (rent or mortgage, utilities, property taxes, and insurance) do not exceed 30 percent of total household income. This standard applies to any person or household regardless of their source or level of income. See U.S. DEPT OF HOUS. AND URBAN DEV., FISCAL YEAR 1990 HUD FOUR-PERSON VERY LOW & LOWER INCOME LIMITS AND AREA MEDIAN FAMILY INCOME (Sept. 15, 2000), available at [www.huduser.org/datasets/il/fmrold/S8lims90.txt](http://www.huduser.org/datasets/il/fmrold/S8lims90.txt).

HUD defines income levels as follows:

Middle Income: 80 to 120% of median metropolitan income; Low Income: 50 to 80% of median metropolitan income; Very Low Income: 30 to 50% of median metropolitan income; Extremely Low Income: 0 to 30% of median metropolitan income.

Id.

[\[FN10\]](#). See NATIONAL LOW-INCOME HOUSING COALITION, 2000 ADVOCATE'S GUIDE TO HOUSING AND COMMUNITY DEVELOPMENT POLICY, available at [www.nlihc.org/advocates/04.htm](http://www.nlihc.org/advocates/04.htm).

[\[FN11\]](#). See, e.g., Susan J. Popkin and Mary J. Cunningham, CHAC Section 8 Program: Barriers to Leasing Up (Apr. 1999) (paper of the Urban Institute), available at [www.urban.org/housing/chac.pdf](http://www.urban.org/housing/chac.pdf); see also Lynn E. Cunningham, Managing Assets/Managing Families: Reconceptualizing Affordable Housing Solutions for Extended Families, 11 J. AFF. HOUS. &

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COMM. DEV. L. 390 (2002).

[FN12]. One-third of America's households are renters, yet our commitment to ensuring decent, safe, and affordable housing for every family has waned. NATIONAL LOW INCOME HOUSING COALITION, OUT OF REACH 2002, at 4 (2002), available at [www.nlihc.org](http://www.nlihc.org). The coalition can also be reached at [kim@nlihc.org](mailto:kim@nlihc.org).

[FN13]. Press Release, Out of Reach 2003, National Low Income Housing Coalition (Sept. 18, 2002). The least affordable Metropolitan Statistical Areas (MSAs) and their housing wages are San Francisco, \$37.31; San Jose, \$33.85; Stamford-Norwalk (Connecticut), \$27.62; Oakland (California), \$26.42; Boston, \$25.83. For a complete report for every jurisdiction, see the coalition's website at [www.nlihc.org](http://www.nlihc.org).

[FN14]. *Id.*

[FN15]. Cara Hendrickson, [Racial Desegregation and Income Deconcentration in Public Housing](#), 9 *GEO. J. ON POVERTY L. & POLY* 35, 55 (2002).

[FN16]. *Id.* at 56. As an example, the government spends about two and a half times as much on mortgage interest and property tax deductions (\$66 billion a year) as it does on low-income housing (\$26 billion a year). *Id.*

[FN17]. See Homeownership and Opportunity for People Everywhere, Quality Housing and Work Responsibility Act of 1998, *Pub. L. No. 105-276, § 35, 112 Stat.* 2641 (1998) (authorizing HUD to carry out HOPE VI) [hereinafter HOPE VI].

[FN18]. See Winton Pitcoff, New Hope for Public Housing?, *SHELTERFORCE ONLINE* (Mar./Apr. 1999), available at [www.nhi.org/online/issues/104/pitcoff.html](http://www.nhi.org/online/issues/104/pitcoff.html).

[FN19]. HUD's threshold for a tight market is 6 percent.

[FN20]. Jonathan L. Hafetz, Almost Homeless, *LEGAL AFF.*, July/Aug. 2002, available at [www.legalaffairs.org/july\\_august2002/july\\_august2002\\_scenes.html](http://www.legalaffairs.org/july_august2002/july_august2002_scenes.html).

[FN21]. Peter W. Salsich Jr., Will the "Free Market" Solve the Affordable Housing Crisis?, 35 *CLEARINGHOUSE REV.* 573, 577 (2002).

[FN22]. In Chicago, the need for housing is increasing (now estimated at 113,000 units) even as the number of units is falling. More than 13,000 Chicago Housing Authority units are slated for reduction in the next decade. It is predicted that 300,000 new units will be required to accommodate the growth in workers anticipated by the year 2020. See MICHAEL LEACHMAN, PHIL NYDEN, BILL PETERMAN, & DARNELL COLEMAN, *BLACK, WHITE, AND SHADES OF BROWN* 25 (1998); METROPOLITAN PLANNING COUNCIL, *FOR RENT: HOUSING OPTIONS IN THE CHICAGO REGION 7* (1999); CHICAGO METROPOLIS 2020, *REGIONAL REALITIES: MEASURING PROGRESS TOWARD SHARED REGIONAL GOALS* 32 (2001), available at [www.chicagometropolis2020.org/indicators/cm-2020/toc.htm](http://www.chicagometropolis2020.org/indicators/cm-2020/toc.htm).

[FN23]. See Stacie Young, Proxy for Discrimination: Vouchers in the Section 8 Housing Program, 2 *CHI. POL'Y REV.* 47, 47-61 (1998) (voucher holders of color in Chicago area experience discrimination at higher rates than whites who have vouchers); Susan J. Popkin and Mary K. Cunningham, Searching for Rental Housing with Section 8 in the Chicago Region (2000) (paper prepared for the Urban Institute).

[FN24]. See U.S. DEP'T OF HOUS. AND URBAN DEV., 1997 PICTURE OF SUBSIDIZED HOUSEHOLDS, available at [www.huduser.org](http://www.huduser.org).

[FN25]. See U.S. Census Bureau, Profile of General Demographic Characteristics for the U.S. (2000), available at [www.census.gov/Press-Release/www/2001/tables/dp\\_us\\_2000.pdf](http://www.census.gov/Press-Release/www/2001/tables/dp_us_2000.pdf).

[FN26]. See Popkin and Cunningham, *supra* note 11.

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[FN27]. See Paul Fischer, Section 8 and the Public Housing Revolution: Where Will the Families Go? 2 (July 1999) (on file with author).

[FN28]. See id.

[FN29]. See id.

[FN30]. See id.

[FN31]. See ADVOCATE'S GUIDE, supra note 10.

[FN32]. See id.

[FN33]. See id.

[FN34]. See id.

[FN35]. An estimated \$250 billion in federal, state, and local funds have been invested in new water and sewer facilities since 1970, a factor that favors ex-urban development for private real estate expansion. Daniel J. Hutch, [The Rationale for Including Disadvantaged Communities in the Smart Growth Metropolitan Development Framework](#), 20 *YALE L. & POL'Y REV.* 353, 359 (2002).

[FN36]. See CAMERON Y. YEE ET AL., THERE GOES THE NEIGHBORHOOD: A REGIONAL ANALYSIS OF GENTRIFICATION AND COMMUNITY STABILITY IN THE SAN FRANCISCO BAY AREA 17 (1999) (published by the Urban Habitat Program; see [www.urbanhabitat.org/Publications.htm](http://www.urbanhabitat.org/Publications.htm) for ordering information).

[FN37]. See Stephanie Shirley Post, Metropolitan Area Governance Structure and Intergovernmental Cooperation: Can Local Governments in Fragmented Metropolitan Areas Cooperate? 13 (2000) (paper delivered at the American Political Science Association annual meeting).

[FN38]. See generally DAVID RUSK, CITIES WITHOUT SUBURBS (1993); GOVERNANCE AND OPPORTUNITY IN METROPOLITAN AMERICA 31 (Alan Altshuler, William Morrill, Harold Wolman, & Faith Mitchell eds., 1999). In the Chicago MSA alone, there are over 265 communities and 1,200 local taxing districts. See JULIA PARZEN, THE CHICAGO METROPOLITAN REGION AT THE CROSSROADS (Apr. 1997), available at [http://info.cnt.org/mi/ch\\_briefing.htm](http://info.cnt.org/mi/ch_briefing.htm).

[FN39]. See john a. powell, Sprawl, Fragmentation and the Persistence of Racial Inequality: Limiting Civil Rights by Fragmenting Space, in URBAN SPRAWL: CAUSES, CONSEQUENCES, AND POLICY (Gregory Squires ed. forthcoming).

[FN40]. See id. (citing Maureen Kennedy and Paul Leonard, Dealing with Neighborhood Change: A Primer on Gentrification and Policy Choices (Apr. 2001)) (paper prepared for the Brookings Institution Center on Urban & Metropolitan Policy and PolicyLink, available at [www.brook.edu/dybdocroot/es/urban/gentrification/gentrification.pdf](http://www.brook.edu/dybdocroot/es/urban/gentrification/gentrification.pdf)).

[FN41]. See id.

[FN42]. IRIS YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE 245 (1990).

[FN43]. See Johal, supra note 4.

[FN44]. DALTON CONLEY, BEING BLACK, LIVING IN THE RED: RACE, WEALTH, AND SOCIAL POLICY IN AMERICA 17 (1999).

[FN45]. See, e.g., George C. Galster, [Polarization, Place, and Race](#), 71 *N.C. L. REV.* 1421 (1993).

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[FN46]. CONLEY, *supra* note 44, at 61.

[FN47]. *Id.* For example, in the "less than \$15,000/year" income bracket, blacks held no assets, while whites held \$10,000.

[FN48]. *Id.* at 35.

[FN49]. *Id.* at 36.

[FN50]. *Id.* at 41.

[FN51]. See [I.R.C. § 163\(a\) \(1994\)](#).

[FN52]. See [I.R.C. § 25\(a\)-\(b\) \(1994\)](#).

[FN53]. See U.S. CENSUS BUREAU, HOUSING IN METROPOLITAN AREAS -- BLACK HOUSING (1995). The U.S. Census Bureau publishes a number of statistical briefs on housing issues. For those covering blacks, see [http://landview.census.gov/apspd/www/statbrief/sb95\\_5.pdf](http://landview.census.gov/apspd/www/statbrief/sb95_5.pdf) (1990); see also [http://ferret.bls.census.gov/macro/031997/faminc/02\\_001.htm#pg3](http://ferret.bls.census.gov/macro/031997/faminc/02_001.htm#pg3) (breakdown of housing types and costs by race and ethnic group).

[FN54]. A \$5 billion investment in housing production would initially create more than 180,000 jobs. When leveraged, this investment could result in up to 1.8 million jobs and \$50 billion in wages. NATIONAL HOUSING TRUST FUND CAMPAIGN, 2000-2002, ABOUT THE TRUST FUND CAMPAIGN, available at [www.nhtf.org/](http://www.nhtf.org/).

[FN55]. See, e.g., Richard Price and Edwin S. Mills, Race and Residence in Earnings Determination, 17 J. URB. ECON. 1-18 (1985); Mark Alan Hughes, Misspeak Truth to Power: A Geographical Perspective on the "Underclass" Fallacy, 65 ECON. GEOGRAPHY 187 (1989); Harry J. Holtzer, The Spatial Mismatch Hypothesis: What Has the Evidence Shown?, 28 URB. STUDIES 105 (1991); J.F. Kain, The Spatial Mismatch Hypothesis: Three Decades Later, 3 HOUSING POL'Y DEB. 371 (1992).

[FN56]. See CONGRESSIONAL OFFICE OF TECHNOLOGY ASSESSMENT, THE TECHNOLOGICAL RESHAPING OF METROPOLITAN AMERICA 222 (1995).

[FN57]. See *id.*

[FN58]. These jobs require college degrees more often than do jobs in any submetropolitan area. See Michael Stoll, Harry Holtzer, and Keith Ihlanfeldt, Within Cities and Suburbs: Racial Residential Concentration and the Spatial Distribution of Employment Opportunities Across Submetropolitan Areas (1999), available at <http://econpapers.hhs.se/paper/wopwispod/1189-99.htm>.

[FN59]. See JAMES E. ROSENBAUM & SUSAN POPKIN, EMPLOYMENT AND EARNINGS OF LOW-INCOME BLACKS WHO MOVE TO MIDDLE-CLASS SUBURBS IN THE URBAN UNDERCLASS (1991).

[FN60]. Hutch, *supra* note 35, at 358.

[FN61]. "[T]he time spent traveling per mile for black central city residents is twice that of suburban whites, partly because more whites use their own car to get to work than do blacks (69 percent for whites versus 43 percent for blacks) who are more dependent on public transportation." See TECHNOLOGICAL RESHAPING, *supra* note 56, at 221-22.

[FN62]. See J. LEE KREADER, JESSICA BRICKMAN PIECYK, & ANN COLLINS, SCANT INCREASES AFTER WELFARE REFORM: REGULATED CHILDCARE SUPPLY IN ILLINOIS AND MARYLAND, 1996-1998 (National Center for Children in Poverty 2000).

[FN63]. In 1999, 60 percent of working women had children under six and 78 percent of working women had children over

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six. See National Council of Jewish Women, NCJW's Campaign for Quality, Affordable Childcare, available at [www.ncjw.org/news/childcare/childcarechart.htm](http://www.ncjw.org/news/childcare/childcarechart.htm). The availability of childcare enables the parents of 13 million children to work. See Sandra Hofferth, Child Care in the U.S. Today, 6 FUTURE OF CHILDREN 41 (1996) (study considering only those children under the age of six).

[FN64]. See, e.g., Chicago Coalition for the Homeless, Families Hardest Hit: Effects of Welfare Reform on Homeless Families (Sept. 2000), available at <http://www.chicagohomeless.org/factsfigures/hardesthit.pdf> (report prepared with National Welfare Monitoring and Advocacy Partnership).

[FN65]. See U.S. TREASURY DEPT, INVESTING IN CHILD CARE: CHALLENGES FACING WORKING PARENTS AND THE PRIVATE SECTOR RESPONSE (1997), available at <http://www.ustreas.gov/press/releases/docs/chdcare.pdf>.

[FN66]. See HHS News, New Statistics Show Only Small Percentage of Eligible Families Receive Childcare Help (2000) (U.S. Dep't of Health and Human Services), available at <http://aspe.hhs.gov/hsp/cyp/ccresinv.htm> (useful website of HHS-funded research on childcare).

[FN67]. See U.S. GEN. ACCT. OFFICE, WELFARE REFORM: IMPLICATIONS OF INCREASED WORK PARTICIPATION FOR CHILDCARE, GAO-HEHS 97-75 (1997), available at [www.conginst.org/resultsact/pdf/HE97075.pdf](http://www.conginst.org/resultsact/pdf/HE97075.pdf).

[FN68]. See National Council of Jewish Women, *supra* note 63. One four-state study found that 40 percent of the infant rooms in childcare centers are of poor quality and consequently jeopardize the infants' health, safety, and development. See Children's Defense Fund, Issue Basics, Childcare and Early Education Basics, available at [www.cdfactioncouncil.org/child%20care%20basics.htm](http://www.cdfactioncouncil.org/child%20care%20basics.htm) (citing S. Helburn et al., Cost, Quality, and Child Outcomes Study: Executive Summary (1995)).

[FN69]. See Children's Defense Fund, New Investments for Child Care Needed, available at [www.cdfactioncouncil.org/New%20Investments.htm](http://www.cdfactioncouncil.org/New%20Investments.htm).

[FN70]. See MARCY WHITEBOOK, C. HOWES, & DEBORAH PHILLIPS, WHO CARES? CHILDCARE TEACHERS AND THE QUALITY OF CARE IN AMERICA: FINAL REPORT, NATIONAL CHILDCARE STAFFING STUDY (Center for the Childcare Workforce, Wash., D.C. 1990).

[FN71]. See Ellen Hart-Shegos, Homelessness and Its Effect on Children (1999) (paper of the Family Housing Fund), available at [www.fhfund.org/Research/Supportive%20Children.pdf.pdf](http://www.fhfund.org/Research/Supportive%20Children.pdf.pdf); see also Family Housing Fund, Children Pay the Price of Homelessness, available at [www.fhfund.org/Research/familyhomelessness.htm](http://www.fhfund.org/Research/familyhomelessness.htm).

[FN72]. See MEGAN SANDEL, JOSHUA SHARFSTEIN, & RANDY SHAW, THERE'S NO PLACE LIKE HOME: HOW AMERICA'S HOUSING CRISIS THREATENS OUR CHILDREN (1997).

[FN73]. See *id.*

[FN74]. See *id.*

[FN75]. See GARY ORFIELD ET AL., DEEPENING SEGREGATION IN AMERICAN PUBLIC SCHOOLS, HARVARD PROJECT ON SCHOOL DESEGREGATION (1997).

[FN76]. See William T. Trent, Outcomes of School Desegregation: Findings from Longitudinal Research, 66 J. NEGRO ED. 255 (1997).

[FN77]. Stephen J. Schellenberg, Concentration of Poverty and the Ongoing Need for Title I, in HARD WORK FOR GOOD SCHOOLS: FACTS NOT FADS IN TITLE I REFORM 130, 137 (Gary Orfield & Elizabeth H. DeBray eds., 1999).

[FN78]. See Gary Orfield, Schools More Separate: Consequence of a Decade of Resegregation 39 (July 2001) (report of the

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Civil Rights Project of Harvard University).

[FN79]. See WHAT MATTERS MOST: TEACHING FOR AMERICA'S FUTURE, A REPORT OF THE NATIONAL COMMISSION ON TEACHING AMERICA'S FUTURE, SUMMARY REPORT (Spring 1996).

[FN80]. See Kati Haycock, Craig Jerald, and Sandra Huang, Closing the Gap: Done in a Decade, THINKING K-16 (Spring 2001), available at [http://64.224.125.0/main/documents/k16\\_spring01.pdf](http://64.224.125.0/main/documents/k16_spring01.pdf).

[FN81]. See MICHAL KURLAENDER & JOHN T. YUN, IS DIVERSITY A COMPELLING EDUCATIONAL INTEREST? EVIDENCE FROM METROPOLITAN LOUISVILLE (Harvard Civil Rights Project), available at [www.law.civilrightsproject.harvard.edu](http://www.law.civilrightsproject.harvard.edu).

[FN82]. See Trent, *supra* note 76, at 255-57.

[FN83]. See *id.*

[FN84]. See KURLAENDER & YUN, *supra* note 81.

[FN85]. Amy Stuart Wells, The "Consequences" of School Desegregation: The Mismatch Between the Research and the Rationale, 28 HASTINGS CONST'L L. Q. 771, 773 (2001).

[FN86]. See KURLAENDER & YUN, *supra* note 81.

[FN87]. *Id.*

[FN88]. Amy Stuart Wells and Robert L. Crain, Perpetuation Theory and the Long-Term Effects of Schools Desegregation, 4 REV. OF EDUC. RES. 531(1994); M. Dawkins and J.H. Braddock, The Continuing Significance of Desegregation: School Racial Composition and African American Inclusion in American Society, 53 J. NEGRO ED. 394 (1994).

[FN89]. James E. Rosenbaum et al., [Can the Kerner Commission's Housing Strategy Improve Employment, Education, and Social Integration for Low-Income Blacks?](#), 71 N.C. L. REV. 1519 (1993).

[FN90]. School desegregation between 1968 and 1973 doubled the rate of housing integration in twenty-five central cities with a black population of at least 100,000. See Diana Pearce, Robert L. Crain, and R. Farley, Lessons Not Lost: The Impact of School Desegregation on the Racial Ecology of Large American Central Cities (Center for National Policy Review 1984) (paper presented at the Am. Educ. Res. Ass'n annual meeting in New Orleans, (Apr. 1984).

[FN91]. Data from the Current Population Survey show that in the central city, black and Latino homeownership rates (survey includes only married-couple households under age forty-five and averages over the period of 1996 to 1998) increase significantly with a high school degree, and more so with a bachelor's degree, although homeownership rates are lower for people of color than for whites with the same level of education. See Joint Center for Housing Studies of Harvard University, The State of the Nation's Housing (1999), available at [www.jchs.harvard.edu/publications/markets/Son2002.pdf](http://www.jchs.harvard.edu/publications/markets/Son2002.pdf).

[FN92]. Juanita Marie Holland, Touring Cancer Alley, *Africana.com*, BLACK WORLD (June 21, 2001), available at [www.africana.com/DailyArticles/index\\_20010621.htm](http://www.africana.com/DailyArticles/index_20010621.htm).

[FN93]. Earl Ofari Hutchinson, Put It in Blacks' Backyard, HUTCHINSON REP. (June 25, 2001), available at [www.thehutchinsonreport.com/index.html](http://www.thehutchinsonreport.com/index.html).

[FN94]. MINN. DEPT OF HEALTH, CALL TO ACTION: ADVANCING HEALTH FOR ALL THROUGH SOCIAL AND ECONOMIC CHANGE, EXECUTIVE SUMMARY 3 (2001), available at [www.health.state.mn.us/divs/chs/mhip/action.pdf](http://www.health.state.mn.us/divs/chs/mhip/action.pdf).

[FN95]. See MORE THAN BRICKS AND MORTAR: HOUSING THAT BUILDS COMMUNITY, available at

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<http://www.pew-partnership.org/pubs/bricksmortar/bricksmortar.html> (report of the Pew Partnership).

[FN96]. 43 U.S.C.A. §§ 1973 et seq.

[FN97]. Lani Guinier, Making Every Vote Count, NATION (Dec. 4, 2000). Professor Guinier's article is available on several websites, including [www.minerscanary.org/articles/every\\_vote\\_count.htm](http://www.minerscanary.org/articles/every_vote_count.htm).

[FN98]. See MYRON ORFIELD, METROPOLITICS, A REGIONAL AGENDA FOR COMMUNITY AND STABILITY (1997). For publication information, see the Brookings Institution website at [www.brook.edu/dybdocroot/press/books/metrop.htm](http://www.brook.edu/dybdocroot/press/books/metrop.htm).

[FN99]. Myron Orfield, a Minnesota legislator, calls this process of achieving regionalism "metropolitics." See generally id. at 104-55. Numerous metropolitan regions across the country acknowledge the regional nature of the housing market and the affordable housing need. For example, stakeholders in the Chicago region have taken important steps, including the regional analyses of affordable housing needs. See METROPOLITAN PLANNING COUNCIL, supra note 22; CHICAGO METROPOLIS 2020, supra note 22.

[FN100]. See ORFIELD, supra note 98, at 11, 87-90; RUSK, supra note 38, at 85-87, 123.

[FN101]. RUSK, supra note 38, at 90-115. The federal government can provide incentives to promote the formation of these metropolitan governments and provide them with bonuses in grants-in-aid formulas. State governments can facilitate city-county consolidation, require all local governments to have "fair share" affordable housing laws, utilize state aid as a revenue-equalizing mechanism, and require a minimum guaranteed income or minimum living wage. Community collaboratives can also tackle the problem of regional equity. PolicyLink, for example, advocates targeting public funding for infrastructure, transportation systems, education, and brownfields redevelopment, and services to support equitable outcomes for areas affected by disinvestments. Chicago 2020, a coalition of business leaders, is also a promising collaborative.

[FN102]. CORNEL WEST, KEEPING FAITH: PHILOSOPHY AND RACE IN AMERICAN 282 (1993); ORFIELD, supra note 98, at 169; Lani Guinier, More Democracy, 1995 U. CHI. LEGAL F. 16-22.

[FN103]. ORFIELD, supra note 98, at 169.

[FN104]. For a more detailed explanation of "opportunity mapping," visit <http://www.umn.edu/irp>.

[FN105]. See Brian Augusta, [Building Affordable Housing from the Ground Up: Strengthening California Law to Ensure Adequate Locations for Affordable Housing](#), 39 SANTA CLARA L. REV. 503, 509 (1999).

[FN106]. See Cal. Dep't of Housing and Com. Dev., Housing Elements, available at <http://www.hcd.ca.gov/hpd/hrc/plan/he>.

[FN107]. See Augusta, supra note 105, at 510.

[FN108]. See id.

[FN109]. See YEE ET AL., supra note 36.

[FN110]. According to data collected by the New Jersey Council on Affordable Housing for the period 1992-2000, the top five cities "sending" their affordable housing were Wayne, Holmdel, Bernardsborough, Par-Troy, and Warren. The top five "receivers," those municipalities receiving funds from other municipalities with which they then created affordable housing, were New Brunswick, Newark, Trenton, Paterson, and Phillipsburg. By "top," I am ranking the cities in terms of quantity of housing units sent or received. Census data (1990) on the black population and the percentage of people in poverty in these cities showed that senders had much smaller black populations and percentages of people in poverty, while receivers had a much greater percentage of people in poverty and black residents.

[FN111]. See e.g., California Land Use Planning Network (LUPIN), available at

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[http://ceres.ca.gov/planning/pzd/2000\\_web/pzd2000\\_plan4\\_3.html#anchor83104](http://ceres.ca.gov/planning/pzd/2000_web/pzd2000_plan4_3.html#anchor83104).

[FN112]. See Montgomery County, Maryland's Inclusionary Zoning Ordinance, available at <http://www.inhousing.org/InclusionaryZoning/zonelaws.htm>.

[FN113]. Those families earning less than 65 percent of the area median income are eligible to apply for the moderately priced units in Montgomery County. See *id.* Similarly, under California law, municipalities can permit developers to increase the density of housing to 25 percent over the housing density normally permitted under zoning laws in exchange for a set-aside of one of the following: 20 percent of units for low-income households, defined as households with incomes between 50 and 80 percent of the median income; 10 percent for very-low-income households, defined as less than 50 percent of the median income; or 50 percent for senior households. See Marc T. Smith, Charles J. Delaney, and Thomas Liou, *Inclusionary Housing Programs: Issues and Outcomes*, 25 REAL ESTATE L. REV. 55, 165 (1999).

[FN114]. See David Rusk, *America's Urban Problem/America's Race Problem*, 19 URB. GEOGRAPHY 757, 773 (1998).

[FN115]. See *Inclusionary Zoning Ordinance*, *supra* note 112.

[FN116]. See Rusk, *supra* note 114, at 773.

[FN117]. See *id.*

[FN118]. See *Inclusionary Zoning Ordinance*, *supra* note 112.

[FN119]. [Or. Rev. Stat. § 197.296 \(2001\)](#).

[FN120]. Ten units per acre in the six largest cities; eight units per acre in the majority of cities; and six units per acre in the smallest cities.

[FN121]. See FLORIDA DEPT OF COMMUNITY AFFAIRS, *AFFORDABLE HOUSING COMMISSION, FINAL REPORT* (released July 15, 2002), available at [www.dca.state.fl.us/fhcd/ahsc/ahsc\\_reports.htm](http://www.dca.state.fl.us/fhcd/ahsc/ahsc_reports.htm).

[FN122]. See *Regional Affordable Housing Strategy 27* (June 22, 2000), available at [www.metro-region.org/article.cfm?articleidW417](http://www.metro-region.org/article.cfm?articleidW417).

[FN123]. See Jaimie Ross, *Affordable Housing Production: Don't Just Think Money--Think Land Use* (2000); see also National Low Income Housing Coalition, *NIMBY: Smart Growth and Affordable Housing* (Jaimie Ross ed., June 2001), available at <http://www.nlihc.org/nimby/spring2001.pdf>.

[FN124]. See Richard Tustian, *Inclusionary Zoning and Affordable Housing*, NEW CENTURY HOUS. 25 (Oct. 2000), available at <http://www.inhousing.org/NHC-Report/NHC-5.htm>.

[FN125]. See Ross, *supra* note 123.

[FN126]. See Nico Calavita, *How to Build Affordable Housing for Low-Wage Workers*, L.A. TIMES, July 28, 2000, at 6 (on file with author).

[FN127]. See Ross, *supra* note 123.

[FN128]. See Calavita, *supra* note 126.

[FN129]. See [Nolan v. Cal. Coastal Comm'n](#), 483 U.S. 825 (1987); [Dolan v. City of Tigard](#), 512 U.S. 374 (1994). Illinois case law provides a more stringent standard, i.e., the fee must be "specifically and uniquely attributable" to the need created by the development. See also [O.L. Krughoff v. Naperville](#), 369 N.E.2d 892 (Ill. 1977).

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[FN130]. See MUNICIPAL RESEARCH AND SERVICES CENTER, AFFORDABLE HOUSING TECHNIQUES: A PRIMER FOR LOCAL GOVERNMENT OFFICIALS (Mar. 1992), available at [www.mrsc.org/textaht.htm](http://www.mrsc.org/textaht.htm).

[FN131]. See id.

[FN132]. See TOWN OF CARY (NORTH CAROLINA) AFFORDABLE HOUSING TOOL KIT (1999), available at [www.townofcary.org/agenda/ds00113C2.htm](http://www.townofcary.org/agenda/ds00113C2.htm).

[FN133]. See id.

[FN134]. In the House, H.R. 2349 was introduced on June 27, 2001, with forty-seven original co-sponsors from both parties. In the Senate, S. 1248 was introduced on July 25, 2001, with seventeen original co-sponsors from both parties.

[FN135]. See id.

[FN136].

[FN137]. See powell, supra note 39.

[FN138]. Detroit has more than 44,000 vacant land parcels and between 10,000 and 12,000 abandoned buildings. See Cameron McWhirter, Detroit Banks on Empty Lots, DETROIT NEWS, Feb. 15, 2001.

[FN139]. For example, if only two-thirds of Chicago's 9,800 acres of vacant land were redeveloped for housing, it would enable an additional 203,636 persons to live in the city. See OPENLANDS PROJECT, UNDER PRESSURE: LAND CONSUMPTION IN THE CHICAGO REGION 1990-2028, 25 (Jan. 1999), available at [www.openlands.org/reports/pages1-8.pdf](http://www.openlands.org/reports/pages1-8.pdf). This figure assumes a relatively low urban density of twelve units per acre and 2.6 persons per household. Also, the total quantity of acres of vacant land in Chicago is actually higher than the average for cities in the Midwest, according to a recent study by the Brookings Institution. See Michael A. Pagano and Ann O'M. Bowman, Vacant Land in Cities: An Urban Resource 6 (Dec. 2000) (paper prepared for the Brookings Institution Center on Urban & Metropolitan Policy), available at <http://www.brook.edu/dybdocroot/es/urban/pagano/paganoexsum.htm>.

[FN140]. See powell, supra note 39.

[FN141]. See THOMAS J. LENZ & JAMES COLES, HOUSING TRENDS AND THE GEOGRAPHY OF RACE, POVERTY, AND NEIGHBORHOOD RENEWAL (1999), available at [www.metroplanning.org](http://www.metroplanning.org). These neighborhoods include the Near West Side and Kenwood-Oakland.

[FN142]. See POLICYLINK, HOUSING TOOLS, available at [www.policylink.org](http://www.policylink.org).

[FN143]. See Kennedy and Leonard, supra note 40.

[FN144]. See HOUSING TOOLS, supra note 142.

[FN145]. See Kennedy and Leonard, supra note 40.

[FN146]. Lynn E. Cunningham, Islands of Affordability in a Sea of Gentrification: Lessons Learned from the D.C. Housing Authority's HOPE VI Projects, 10 J. AFFOR. HOUS. & COMMUNITY DEV. L. 353 (2001).

[FN147]. Id. at 357.

[FN148]. Id. at 361.

[FN149]. Id. at 365.

[FN150]. Id. at 363.

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[FN151]. Id. at 362.

[FN152]. Id. at 362-63.

[FN153]. See HOPE VI, supra note 17, at 5.

[FN154]. Hutch, supra note 35, at 362.

[FN155]. One study found that inner-city communities have an unmet market potential of \$85 billion. Id. at 363.

[FN156]. Id.

[FN157]. For a more detailed account of the use of current federal statutes and executive orders to implement this type of smart growth, see Id. at 363 ff.

[FN158]. Portland Cited as Model for Regional Planning, Smart Growth, 30 HDR Current Developments CD-6, at 9 (July 22, 2002).

[FN159]. The 1997 smart growth legislation included the following bills: Brownfields--Voluntary Cleanup and Revitalization Programs, 1997 Md. Laws 1; Job Creation Tax Credit Act, 1997 Md. Laws 756; Smart Growth and Neighborhood Conservation--Rural Legacy Program, 1997 Md. Laws 758; Smart Growth and Neighborhood Conservation--Smart Growth Areas, 1997 Md. Laws 759.

[FN160]. Parris N. Glendening, [Maryland's Smart Growth Initiative: The Next Steps](#), 29 FORDHAM URB. L. J., 1493, 1495 (2002).

[FN161]. Id. at 1495, 1500.

[FN162]. Id. at 1499.

[FN163]. Id. at 1503.

[FN164]. 24 C.F.R. § 903 (2001).

[FN165]. Hendrickson, supra note 15, at 36.

[FN166]. 24 C.F.R. § 903.2(a)-(c) (2001).

[FN167]. Hendrickson, supra note 15, at 76.

[FN168]. Id. at 67.

[FN169]. Id.

[FN170]. Id. at 87 (citing Ingrid Gould Ellen, Stable Racial Integration in the Contemporary U.S.: An Empirical Overview, 20 J. URB. AFF. 27, 28 (1998)).

[FN171]. First created by the Tax Reform Act of 1986, LIHTCs were increased by 40 percent in 2001. [26 U.S.C. § 42 \(2002\)](#). The full text of [§ 42](#) appears at <http://www.fourmilab.ch/ustax/www/t26-A-1-A-IV-D-42.html>.

[FN172]. Cook and Lake Counties. MarySue Barrett, President, Metropolitan Planning Council (MPC), Peter Dwars, Executive Director, Illinois Housing Development Authority, Letter to Colleagues, 2002. For more information, contact Robin Snyderman, MPC Housing Director, at (312) 663-6007.

[FN173]. Id.

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[FN174]. Hutch, *supra* note 35, at 364 (citing U.S. Conference of Mayors, Press Release, City Report Shows Effects of Brownfields in America (Feb. 24, 2000), available at [www.usmayors.org/uscm/news/press\\_releases/documents/brownfields022400\\_final.asp](http://www.usmayors.org/uscm/news/press_releases/documents/brownfields022400_final.asp)). A copy of the complete report, Recycling America's Land: A National Report on Brownfields Redevelopment, is available on the USCM website at [www.usmayors.org/uscm/brownfields/full\\_report\\_rev3.pdf](http://www.usmayors.org/uscm/brownfields/full_report_rev3.pdf).

[FN175]. See Greater Minnesota Housing Fund, Employer Assisted Housing: Minnesota Examples, available at [www.gmhf.com/Pages/eahmexamples.htm](http://www.gmhf.com/Pages/eahmexamples.htm).

[FN176]. See METROPOLITAN PLANNING COUNCIL, EMPLOYER-ASSISTED HOUSING MID- YEAR REPORTT (Oct. 2, 2002) (includes information on MPC programs, including the Regional Employer-Assisted Collaboration for Housing, available at <http://www.metroplanning.org/resource.asp?objectIDW1283&categoryIDW2>).

[FN177]. Hutch, *supra* note 35, at 365.

[FN178]. Portland, *supra* note 158, at 9. This may be possible under the reauthorization of the Surface Transportation Program, [23 U.S.C. § 133](#).

[FN179]. *Id.* This may be possible under the reauthorization of the Transportation Equity Act for the 21st Century (or TEA 21), [Pub. L. No. 105- 206, Title IX 112](#) Stat. 834 (July 22, 1998).

[FN180]. See Pearce, Crain, and Farley, *supra* note 90.

[FN181]. It is important to note that desegregation efforts, which are assimilative, do not always lead to true integration, which is transformative. Additional efforts must be taken to alter regional, local, and school-level structures that perpetuate assimilation.

[FN182]. MINN. DEPT OF HEALTH, *supra* note 94, at 1-3.

[FN183]. *Id.* at 3-8.

[FN184]. Richard L. Engstrom and Robert R. Brischetto, Is [Cumulative Voting Too Complex? Evidence from Exit Polls](#), [27 STET. L. R. 813, 815 \(1998\)](#). Engstrom and Brischetto conclude that cumulative voting is actually easier than other forms of election.

[FN185]. LANI GUINIER, THE TYRANNY OF THE MAJORITY 15 (1994). Cumulative voting has been and continues to be successfully employed. Thirty states either require or permit corporations to use cumulative voting to protect minority shareholders. *Id.* It is also known to have been adopted by thirty-two school districts, fifteen municipalities, and one hospital district in Texas; four municipalities, one county, and one school district in Alabama; one municipality in Illinois; one municipality in New Mexico; and one school district in South Dakota. Engstrom and Brischetto, *supra* note 184, at 814 n.10.

[FN186]. GUINIER, *supra* note 185, at 17.

[FN187]. *Id.* at 97.

[FN188]. *Id.* at 111.

[FN189]. See Association of Bay Area Housing Advocates, 1999-2006 Regional Housing Needs Determinations (Executive Summary), available at [www.abag.ca.gov/planning/housingneeds/execsumm.htm](http://www.abag.ca.gov/planning/housingneeds/execsumm.htm).

[FN190]. In the Chicago area, for example, the Metropolitan Alliance of Congregations, West Town Leadership United, Chicago Affordable Housing Coalition, Chicago ACORN, Latinos United, and Metropolis 2020 are just a few examples of the diverse body of groups that have demonstrated a commitment to affordability and fairness in housing.

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[\[FN191\]](#). See Press Release, Greenbelt Alliance Launches Campaign for Affordable Housing (Nov. 16, 2000) (copy on file with author).

[\[FN192\]](#). See [Minn. Stat. Ann. § 473.255](#).

[\[FN193\]](#). See Rolf Pendall, Why Voucher and Certificate Users Live in Distressed Neighborhoods, 11 HOUS. POL'Y DEBATE 881, 906 (2000) ("Without systematic tenant counseling and placement assistance, these public housing tenants will likely end up in distressed neighborhoods, displaced from [the structures] that comprise a large part of their social network." (citing Lawrence J. Vale, Empathological Places: Residents' Ambivalence Toward Remaining in Public Housing, 16 J. EDUC. PLANNING & RESEARCH 3, 159-75 (1997))).

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