

## SHELTER, MOBILITY, AND THE VOUCHER PROGRAM

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### INTRODUCTION

What is to be done about the poor and about poor neighborhoods? When it comes to housing policy, the current hope is that the Housing Choice Voucher Program (formerly the Section 8 Voucher Program) can provide an—or ambitiously—*the* answer to this perennial societal question. By piggybacking on the private rental market, the voucher program supposedly has numerous advantages over traditional, project-based, public housing. Not only is it less costly to house poor people in privately owned units compared to the cost of constructing and maintaining public housing,<sup>1</sup> but the voucher program also offers the possibility of deconcentrating the poor. Because vouchers can theoretically be placed anywhere, the poor can use them to move out of impoverished areas and into higher opportunity neighborhoods. At least in theory, vouchers thus offer a two-for-one punch: a more efficient way of providing housing support and a way to offer families a chance at economic mobility. A new book by Professor Eva Rosen offers a more nuanced appraisal of the ability of vouchers and voucher holders to live up to the multiple expectations placed upon them. *The Voucher Promise: “Section 8” and the Fate of an American Neighborhood* pulls back the curtain on the voucher program, letting readers into the lives of poor families and landlords whose lives are shaped by the program.<sup>2</sup> “Section 8” remains the popular name for the program in much the same way that people still refer to “food stamps” instead of the Supplemental Nutrition Assistance Program. As Rosen shows, even though the voucher program may fail to deliver

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1. For discussion of the high cost of building and maintaining housing projects, see Robert C. Ellickson, *The False Promise of the Mixed-Income Housing Project*, 57 UCLA L. REV. 983, 995–1001 (2010).

2. EVA ROSEN, *THE VOUCHER PROMISE: “SECTION 8” AND THE FATE OF AN AMERICAN NEIGHBORHOOD* 1–27 (2020).

on all of the mobility expectations associated with it, vouchers considerably improve the lives of recipients. Even as the stature of economic mobility within poverty law solidifies and the consequent need to include mobility appraisal in the evaluation of anti-poverty programs evolves, scholars and policymakers should not lose sight of welfare gains associated with programs, even if the same programs cannot support the weight of mobility-tied expectations.

Before going into details, it is worth providing, just as *The Voucher Promise* does in the introductory chapter, a summary of the voucher program and the forces that led to its ascendancy. Vouchers are a form of rental subsidy. Poor people lucky enough to get a voucher and find a private landlord willing to accept the voucher end up paying only a small fraction of their rent out of pocket, and the vast majority is paid for out of government funds.<sup>3</sup> However, unlike food stamps, no one has a right to a voucher; instead they are allocated by local housing authorities through complicated formulas that take into account applicant's personal characteristics (his or her need) as well as how long he or she has been waiting for assistance.<sup>4</sup> Indeed, across the country, one of the defining features of the voucher program is the wait-list. In some cities, the wait-list for a voucher is closed and has been for years.<sup>5</sup> The opening of the wait-lists, often for only brief periods of time, generates a flood of new applicants.<sup>6</sup> It can take years to get off the wait-list. Once someone gets off the wait-list, they have a limited amount of time to place the voucher—to find a landlord willing to have the recipient as a tenant and accept the voucher.<sup>7</sup> If they fail to place the voucher, it can be lost, given to the next person on the wait-list. Though comparisons across welfare programs are fraught with impossible value judgments (how can one compare food assistance to housing assistance), given the cost of even modest housing and the nature of the voucher subsidy, the voucher program provides a uniquely deep benefit. Though it reaches only a tiny fraction of those who need such support, getting off the wait-list can be truly transformative for poor individuals and families.<sup>8</sup>

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3. *Id.* at 14–16.

4. *See id.* at 102–03.

5. *Id.* at 104.

6. *Id.* at 103.

7. *Id.* at 115.

8. Only one-quarter of very low-income households receive any form of housing assistance.

Today, the voucher program is the largest housing assistance program serving poor people in the United States. (The largest housing assistance program in terms of overall expense, the mortgage interest deduction, primarily benefits the upper-middle class and the wealthy.<sup>9</sup>) The current iteration of the voucher program, the Housing Choice Voucher (“HCV”) Program, replaced the Section 8 Voucher Program, which began with the Housing Act of 1974 but took on added importance as the United States moved away from public housing.<sup>10</sup> The United States embarked on an ambitious effort to build public housing starting just before World War II and continuing beyond President Johnson’s War on Poverty.<sup>11</sup> The Housing Act of 1949 declared the federal goal as “a decent home and suitable living environment for every American family.”<sup>12</sup> But these efforts were beset with problems. Inadequate funding left local housing authorities unable to keep up with maintenance expenses.<sup>13</sup> Tenant selection at the time favored the neediest, which meant both that it was impossible to charge tenants to cover those expenses and that housing projects became sites of concentrated poverty.<sup>14</sup> Tall and dense concrete apartment buildings were not the only type of public housing built, but such complexes, including their very names—Robert Taylor Homes, Pruitt-Igoe, and Cabrini-Green—came to symbolize *all* public housing. Popular awareness of some of the problems prevalent in these large complexes, including gang and drug activity, together with academic research emphasizing the economic and cultural effects of concentrated poverty, pushed policymakers to look for ways

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JOINT CTR. FOR HOUS. STUD. OF HARVARD UNIV., *THE STATE OF THE NATION’S HOUSING 2020* 6 (2020). See also Abraham Gutman et al., *Health, Housing, and the Law*, 11 N.E. U. L. REV. 251, 298 (2019) (praising the program and noting, “the most obvious defect in the program is that it is chronically, and substantially, underfunded”).

9. For an excellent article on the inequities of the mortgage interest deduction (written before the Trump tax reform changed the calculus to lessen the overall reach of the deduction while also making it even more skewed towards the wealthy), see Matthew Desmond, *How Homeownership Became the Engine of American Inequality*, N.Y. TIMES (May 9, 2017), <https://www.nytimes.com/2017/05/09/magazine/how-homeownership-became-the-engine-of-american-inequality.html>.

10. ROSEN, *supra* note 2, at 14.

11. Ellickson, *supra* note 1, at 989.

12. Congressional Declaration of National Housing Policy, 42 U.S.C.S. § 1441 (2020).

13. See Cara Hendrickson, *Racial Desegregation and Income Deconcentration in Public Housing*, 9 GEO. J. ON POVERTY L. & POL’Y 35, 38–39 (2002) (discussing the problems caused by inadequate funding).

14. *Id.* at 40.

to fix public housing.<sup>15</sup> One solution, which began under President George H.W. Bush and became a central feature of housing policy under President Clinton, was to demolish existing housing projects and replace them with less dense projects built on the same sites.<sup>16</sup> Not only were these Hope VI projects nicer than stereotypical public housing, but housing authorities also moved away from populating these new units based on greatest need and instead prioritized a mixed-income approach when selecting tenants. The other reaction to problems, real and perceived, in public housing was to move away from government funding of brick-and-mortar construction and toward rental subsidies, i.e., vouchers.

Vouchers allow the government to get out of both the landlord business and the business of telling poor people where they must live. At least in theory, vouchers leverage the power of the private rental market, allowing poor people to look for housing within their budget (which in this case is determined by their budget and the applicable caps on the per month voucher payment) across the area serviced by the local housing authority and potentially across an even wider area. Studies demonstrate that on a per unit basis, vouchers are cheaper than public housing units over the same time period.<sup>17</sup> The economic attractiveness of vouchers is but part of the explanation for their rise. The other major factor was the belief that the ability to move to better neighborhoods would provide the poor

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15. The scholar whose work most advanced the idea that concentrated poverty is especially harmful is William J. Wilson. See WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (2d ed. 1987); WILLIAM J. WILSON, *WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR* (1996). For a short retrospective that highlights the troubled nature of these projects and looks at what happened after they were torn down, see Susan J. Popkin, *Hard Lessons from Chicago's Public Housing Reform*, BLOOMBERG CITYLAB (Feb. 7, 2017, 5:23 PM), <https://www.bloomberg.com/news/articles/2017-02-07/lessons-from-chicago-s-public-housing-reform>.

16. As Susan Bennett observed when discussing Hope VI, "Few raise their hands in support of public housing. People even like to blow it up." Susan Bennett, *"The Possibility of a Beloved Place": Residents and Placemaking in Public Housing Communities*, 19 ST. LOUIS UNIV. PUB. L. REV. 259, 264 (2000). For a critique of the Hope VI program, see NAT'L HOUS. L. PROJECT ET AL., *FALSE HOPE: A CRITICAL ASSESSMENT OF THE HOPE VI PUBLIC HOUSING REDEVELOPMENT PROGRAM* (2002), <https://www.nhlp.org/files/FalseHOPE.pdf>.

17. Ellickson, *supra* note 1, at 997–98 (comparing the cost of public housing projects with the cost of vouchers). See also U.S. GENERAL ACCOUNTING OFFICE, *FEDERAL HOUSING ASSISTANCE: COMPARING THE CHARACTERISTICS AND COSTS OF HOUSING PROGRAMS*, GAO-02-76 (2002) (finding vouchers are cheaper over a thirty-year period but noting that construction of larger complexes can lessen the gap between voucher costs and public housing costs).

with access to the sorts of benefits—in terms of everything from employment opportunities and quality education to reduced exposure to crime and increased social capital—that were and often are (rightly or wrong) associated with living in those wealthier areas.<sup>18</sup> The widely touted success of the *Gautreaux* settlement, which provided vouchers and support for poor, predominantly African-American recipients to move to lower-poverty neighborhoods, provided the push needed for the federal government to roll out the Moving to Opportunity (“MTO”) voucher experiment, which looked at the effect of mobility on recipient well-being.<sup>19</sup> At least since the MTO study, the rhetoric around vouchers embraces a dual purpose for these subsidies: a means of providing direct assistance in order to shelter the poor and a tool to enable the poor to relocate to higher-income neighborhoods.<sup>20</sup>

*The Voucher Promise* shows that though voucher programs provide invaluable support for families in need, recipients often place their vouchers in the type of low-income neighborhoods that theoretically vouchers should help recipients escape.<sup>21</sup> By focusing on a poor part of Baltimore with a relatively high portion of voucher-supported

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18. See Stacey Seicshnaydre, *Missed Opportunity: Furthering Fair Housing in the Housing Choice Voucher Program*, 79 L. & CONTEMP. PROBS. 173, 175 (2016) (“The HCV Program, as the current name suggests, provides the potential for greater housing choice and socioeconomic mobility for low-income families that participate. Vouchers create the possibility that families, armed with data and information, can exercise choices about where to live. By extension, such choices might open up areas of greater opportunity for families than traditionally available to them, such as neighborhoods with fewer environmental and health hazards, higher quality schools, and job growth.”).

19. See Jamie Alison Lee, *Poverty, Dignity, and Public Housing*, 47 COLUM. HUM. RTS. L. REV. 97, 143–48 (2015) (providing an overview of these voucher experiments and related research findings); David Schleicher, *Stuck! The Law and Economics of Residential Stagnation*, 127 YALE L.J. 78, 104–05 (2017) (summarizing these voucher experiments and collecting sources).

20. Tellingly, one summary of the Obama administration’s approach to urban poverty argues that it was founded on two principles: “first, that concentrated poverty—particularly racially concentrated poverty—is unacceptable and demands an affirmative response from the federal government; and second, that individuals living in ghettos deserve both an adequate physical place to live and the ability to live in a community of opportunity.” Sara Aronchick Solow, *Racial Justice at Home: The Case for Opportunity-Housing Vouchers*, 28 YALE L. & POL’Y REV. 481, 482 (2010). However, when it comes to the vouchers and mobility, “the HSV program has never fulfilled its promise of expanding housing choice for low-income families.” Sara Pratt, *Civil Rights Strategies to Increase Mobility*, 127 YALE L.J. F. 498, 513 (2017).

21. See also Gutman et al., *supra* note 8, at 299 (“while it is clear that the program achieves the goal of helping voucher holders pay rent, it is unclear whether the program allows for mobility”).

households, Rosen lets readers glimpse some of the messiness that complicates rosy predictions regarding the transformative potential of vouchers. Landlords whose business relies on voucher tenants steer recipients to poorer areas with high profit margins.<sup>22</sup> Legal and logistical barriers also keep recipients from fully exploring the possibility of moving to higher-income areas. But these areas, for all their faults, can also provide a sense of community. Rosen describes the bonds that can exist between tenants, as well as the ways homeowners sometimes exclude voucher holders from a community of long-term residents.<sup>23</sup> By bringing readers into the lives of those most impacted, tenants and landlords alike, *The Voucher Promise* contributes to a vibrant literature on vouchers and on the role neighborhood characteristics play on resident welfare and economic mobility.

Part I of this Article is devoted to *The Voucher Promise*. It brings out the major lessons Rosen drew from her field work and highlights a few areas left uncertain. As Part I's coverage hopefully makes clear, *The Voucher Promise* is worthy of careful consideration by anyone interested in housing policy and in the importance of place. Zooming out from Rosen's study of a Baltimore neighborhood to a more general perspective, Part II explores the relationship between location and opportunity. Drawing on the work of Raj Chetty and others, Part II discusses what is known and what remains unknown about this relationship, especially when it comes to moves by poor people. As will be shown, a growing pile of evidence supports the idea that location matters when it comes to economic opportunity. The Article ends by connecting this opportunity research with the question of whether the voucher program should have to bear the weight of both providing necessary public housing assistance and leading the poor to move to high-income areas. Ultimately, the voucher program should be recognized as a success and (massively) expanded, even if it does not meet the secondary mobility goal, because of the tremendous need among the poor for subsidized housing.

## I. LIVING WITH VOUCHERS

The *Voucher Promise* is a portrait of both people and a community. Rosen, now a professor at Georgetown, did the field work leading up

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22. ROSEN, *supra* note 2, at 140.

23. *Id.* at 170–74.

to the book as part of her PhD in Sociology from Harvard and it shows, in a good way. Following the introductory chapter's tightly written and thoughtful summary of how housing policy has changed over time, Chapter 1 provides a rich description of the Park Heights neighborhood that is reminiscent of past work by William J. Wilson and Richard B. Taub.<sup>24</sup> Told through a mix of quotes from neighborhood residents as well as statistics and the author's own observations, the reader is allowed entrance into the Park Heights community.<sup>25</sup> Many of the long-term homeowners arrived when the neighborhood was first opened up to African Americans.<sup>26</sup> Though some Jewish residents did not move out, real estate agents used blockbusting tactics to generate turnover and whites left the area for better-off areas in the Baltimore metropolitan region.<sup>27</sup> The neighborhood changed from white to black and has "stabilized as a black home-owning community with a newer renter population."<sup>28</sup> Long-term residents recall the Park Heights of the 1970s with fondness and nostalgia, but as time passed many of the businesses and community institutions disappeared.<sup>29</sup> Residents who introduced Park Heights to Rosen could point to visible reminders, such as dirt-filled swimming pools,<sup>30</sup> row homes now standing vacant,<sup>31</sup> and sites where schools once stood,<sup>32</sup> of what the community once was.

Residents in Park Heights experience the community differently. "[T]he feel of the neighborhood changed block by block," Rosen observed, with "three distinct ecological areas or 'microneighborhoods,' characterized by different patterns of residential status, length of residency, and geographic boundaries."<sup>33</sup> According to Rosen, Park Heights can be divided into *homeowner havens*, *transitional areas*, and *voucher enclaves*, and each type of neighborhood has distinct

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24. See WILLIAM JULIUS WILSON & RICHARD B. TAUB, *THERE GOES THE NEIGHBORHOOD: RACIAL, ETHNIC, AND CLASS TENSIONS IN FOUR CHICAGO NEIGHBORHOODS AND THEIR MEANING FOR AMERICA* 3–13 (2006).

25. *Id.*

26. ROSEN, *supra* note 2, at 30.

27. *Id.* at 30.

28. *Id.* at 237.

29. *Id.* at 34–36.

30. *Id.* at 54–56.

31. *Id.* at 38.

32. ROSEN, *supra* note 2, at 45.

33. *Id.* at 57.

characteristics.<sup>34</sup> For residents, differences across these neighborhood types matter because “social capital operates differently in different part of the [Park Heights] neighborhood,” as do “[m]echanisms of social control.”<sup>35</sup> The first of these, homeowner havens, are areas sheltered from other parts of the community, with “strict norms around trash collection, litter, loitering, and drug selling.”<sup>36</sup> Long-term homeowners, often older residents who bought into the neighborhood decades earlier, have tight relationships among themselves but “stigmatiz[e] voucher holders and blam[e] them” for negative changes in the neighborhood.<sup>37</sup> This “us versus them” dynamic is even more pronounced in transitional areas where homeowners believe “that these ‘Section eights’ are responsible for trashing the homes on [their] street” in ways that hurt property values.<sup>38</sup> As the name implies, transitional areas have “older homeowners, newer homeowners . . . , newer renters, and some vacant property,” and residents can have different levels of commitment to the neighborhood.<sup>39</sup> As Rosen notes, in transitional areas, “voucher status—or the perception of it—becomes a symbolic boundary that serves as a more distinction,” excluding voucher holders from full participation in the existing community.<sup>40</sup>

It is the third neighborhood category, voucher enclaves, that has an especially high concentration of voucher-supported households. The voucher enclave archetype is a low-income apartment complex owned by a landlord who actively seeks voucher holders as tenants. Lacking long-term homeowners to exercise informal community control over such areas, voucher enclaves rely on video surveillance and property managers to deal with everything from trash to the maintenance of safety.<sup>41</sup> In these apartment complexes, technology, professional management, and the police provide institutionalized oversight, but reliance on these “formal mechanisms of control . . . [works] to the

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34. *Id.* at 57–59.

35. *Id.* at 173.

36. *Id.* at 173.

37. *Id.* at 176. *See also id.* at 241 (“There is a widely pervasive myth that voucher holders bring with them crime and disorderliness. The stigma and myth surrounding housing vouchers is woven through our popular and even intellectual discourse.”).

38. ROSEN, *supra* note 2, at 177.

39. *Id.* at 177.

40. *Id.* at 180.

41. *Id.* at 198–200.

detriment of informal, ground-up forms of social control.”<sup>42</sup> In the apartment complex that Rosen studied in depth, Oakland Terrace, residents reported that while the surveillance cameras “made the complex safer overall, they have not promoted a sense of trust among residents.”<sup>43</sup> The sort of monitoring and correction that takes place in homeowner havens depends on social capital among residents, and in transitional areas as well as voucher enclaves, such informal policing is not available so colder alternatives act as substitutes.<sup>44</sup> Within this sliding scale of resident permanence, “division within the neighborhood is reinforced from the top down by neighborhood institutions and organizations” that serve homeowners and long-term residents but not voucher holders.<sup>45</sup>

But *The Voucher Promise* is not a detached theoretical work. Rosen brings readers along to meet the tenants who live in Park Heights. Destiny Stevens, for example, lives “in a modern-day rooming house,” with her fiancé and her boys, a five-year-old and a five-month-old.<sup>46</sup> Though the demise of the single room occupancy (“SRO”), especially YMCA housing, is a recurring observation among academics, Stevens’s family pays \$600 per month for a room in a single-family home that she shares with three other tenants.<sup>47</sup> As Rosen observes, by renting the house by the room, Stevens’ “landlord is bringing in \$1,800 a month for a house that . . . he would be hard-pressed to rent for more than \$1,000 to a single family.”<sup>48</sup> To further illustrate the hardships of insecure housing, Rosen introduces readers to Derrick Thomas and Marilyn No-Last-Name-Given. Thomas, his girlfriend Marlina, and their seven-week-old baby, Rose, rented an upstairs apartment from a known Baltimore drug kingpin who lived downstairs.<sup>49</sup> The couple made do through a combination of SSI, food stamps, odd jobs, and sex work; they tolerated periods without heat in their unit because the landlord was “lenient when they are late on rent” and because they did not have better options.<sup>50</sup> Marilyn’s housing

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42. *Id.* at 206.

43. *Id.* at 207.

44. ROSEN, *supra* note 2, at 168–69.

45. *Id.* at 207.

46. *Id.* at 63.

47. *Id.* at 62–63.

48. *Id.* at 63.

49. *Id.* at 70–74.

50. ROSEN, *supra* note 2, at 78–79.

situation—a heavily subsidized apartment in a Low-Income Housing Tax Credit (“LIHTC”) complex—was considerably better than Thomas’s, but her life had not been easy. Marilyn went from using drugs to spending three years in prison after she attempted to transport drugs taped to her body on a flight from Columbia.<sup>51</sup> After her release, she got a job at a clothing store in West Baltimore but then “tragedy struck . . . someone shot and killed her younger son.”<sup>52</sup> Drug use and rehabilitation followed, and Marilyn got off a wait-list for LIHTC apartments (her conviction disqualified her from vouchers but not from the LIHTC unit); ever since she moved into the subsidized space, “[t]hings have been very stable for Marilyn.”<sup>53</sup> Like most writing about poor people, the stories are not clean; there are messy parts.<sup>54</sup> But the humanity of the people Rosen got to know shines through, as does the tremendous impact affordable housing could have on their lives.

Housing vouchers can make a tremendous difference in the lives of the poor. Rosen notes, “[t]he receipt of a housing voucher can be transformative. Like a winning lottery ticket, a housing voucher radically changes lives, solving problems that can be intractable for unassisted renters.”<sup>55</sup> For some recipients, a voucher means the difference between being sheltered or not, but its meaning can take other forms as well: the ability to buy better food or cut back on double shifts.<sup>56</sup> For some parents, a voucher can allow family reunification by demonstrating that parents have “a suitable place for [their] children to live.”<sup>57</sup> Vouchers allow parents “to create a real home” for their kids, an invaluable improvement over couch surfing and doubling up with friends and relatives.<sup>58</sup> Studies of voucher recipients show that, not surprisingly, vouchers improve housing conditions and free up money so families can “avoid skipping meals”

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51. *Id.* at 82–87.

52. *Id.* at 87.

53. *Id.* at 88.

54. For one of the best books illustrating the structural as well as personal aspects of poverty, see generally JASON DEPARLE, *AMERICAN DREAM: THREE WOMEN, TEN KIDS, AND A NATION’S DRIVE TO END WELFARE* (2004).

55. ROSEN, *supra* note 2, at 94.

56. *Id.* at 94.

57. *Id.* at 97. See also Gutman et al., *supra* note 8, at 298 (“Children in homeless families that receive vouchers are 42% less likely to be placed into foster care.”).

58. ROSEN, *supra* note 2, at 108.

and “eat healthier food.”<sup>59</sup> Receipt of a voucher does not suddenly catapult families into the middle class but does provide stability, validation, and “a place to call home.”<sup>60</sup>

The positive impact vouchers have for poor recipients is only part of the story and *The Voucher Promise* dedicates equal space to some of the challenges. Following the model that helped lift Matthew Desmond’s *Evicted* from academic obscurity to a must-read book,<sup>61</sup> Rosen spent time not only with tenants but with their landlords, trying to understand the motivations and practices of those on the opposite side of the voucher relationship. As Rosen notes, although some cities have passed laws prohibiting sources of income discrimination, across much of the country, it is perfectly legal for a landlord to reject a tenant simply because the landlord does not want to accept a voucher.<sup>62</sup> Although there have been some programmatic changes to permit the maximum value of a voucher to vary by location so that they can be placed in areas with higher rents, in general, vouchers only cover 40 or 50 percent of the city’s fair market rent.<sup>63</sup> Landlords renting at the bottom of the market sometimes avoid vouchers because of the minimum quality standards and ongoing inspections tied to acceptance of voucher-holding tenants. But “cumbersome inspections” are not the only reason landlords discriminate against voucher holders; “others turn down vouchers for more insidious reasons.”<sup>64</sup> As Rosen observes, in areas where the majority of voucher holders are African-American, “race and voucher status often become conflated, and a landlord’s refusal to accept housing vouchers is effectively racial discrimination.”<sup>65</sup> Rental rates set below the average fair market rent, program inspections, landlord reticence about participating in the voucher program, and racism combine to limit the reach of vouchers into the private rental market and make it hard for recipients to place their vouchers.

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59. *Id.* at 111.

60. *Id.* at 113.

61. MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016).

62. See ROSEN, *supra* note 2, at 118–19 (discussing source of income discrimination in the Baltimore and Washington, D.C. area). For an extended treatment of source of income discrimination and the voucher program, see Robert G. Schwemm, *Source-of-Income Discrimination and the Fair Housing Act*, 70 CASE W. RESV. L. REV. 573, 584–616 (2020).

63. ROSEN, *supra* note 2, at 138–40.

64. *Id.* at 118.

65. *Id.* at 119.

Vouchers are government subsidies for both sides of the landlord-tenant relationship, so it is not surprising that some landlords build their business around vouchers. Although 40 percent of an area's fair market rent is not enough to afford a unit in a high-end part of town,<sup>66</sup> in poorer parts of town, such a government-guaranteed monthly payment is quite attractive for landlords who otherwise would have to settle for a lower monthly amount and greater payment uncertainty.<sup>67</sup> *The Voucher Promise* contributes to the public housing literature in part by highlighting the ways "landlords select tenants *in*—how they make decisions about desirable tenant characteristics and sort renters into neighborhoods across the city."<sup>68</sup> A recurring question when it comes to vouchers is why is it that "housing voucher recipients do not, by and large, move to the mixed-income, diverse communities that policymakers envisioned as a key outcome of the program"?<sup>69</sup> A partial answer is that landlords actively recruit tenants—going so far as to pass out fliers and offer drives to people after they leave the "Section 8" office—into vacant units in higher-poverty areas.<sup>70</sup> Those landlords who specialize in the voucher program buy up cheap properties, fix them up enough to pass inspections, and seek out voucher holders to fill their units.<sup>71</sup> Sometimes such units are scattered throughout a poor community; other times they take the form of an underperforming apartment complex.<sup>72</sup> Enticements, whether in the form of waived security deposits or cosmetic improvements such as upscale amenities, help persuade perspective tenants to move to poorer parts of town even though theoretically their voucher could take them to better-off areas.<sup>73</sup>

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66. Pratt, *supra* note 20, at 514 ("[A] voucher often does not cover enough of the high rents in many localities to provide meaningful assistance. Even with recent increases in payment standards, or Fair Market Rent calculations, individuals with vouchers are often priced out of markets other than those located in segregated and poor neighborhoods.")

67. ROSEN, *supra* note 2, at 134.

68. *Id.* at 132–33.

69. *Id.* at 126.

70. *Id.* at 130.

71. *Id.* at 135–36, 145–48. Notably the structure of the voucher program "theoretically enables overcharging," which means that in some markets a landlord can make more money renting to a voucher holder than to a tenant without a voucher. Gutman et al., *supra* note 8, at 302.

72. ROSEN, *supra* note 2, at 142–45.

73. *See id.* at 151–53.

Rosen's account of the role of landlords in the voucher program sheds new light on the program's limited success when it comes to mobility. Though vouchers theoretically enable recipients to move to lower-poverty areas and can help reduce concentrated poverty, in practice, holders often end up placing their vouchers in poor communities. Moreover, "[t]he voucher program's failure to move families to better neighborhoods is especially stark for minority renters."<sup>74</sup> This "failure" is relatively well-known. Less well-known is the role landlords play in preventing voucher holders from moving. Rosen shows how some landlords used tenants' unpaid debt as a way to "maintain control over their tenants" and, indirectly, over the voucher program.<sup>75</sup> While Desmond's work highlights the devastating consequences of eviction, Rosen found that "much of the time, landlords are not scheming of ways to rid themselves of tenants, but rather of ways to *hold on* to tenants."<sup>76</sup> Landlord recruitment and retention tactics, Rosen argues, often amount to discriminatory racial steering which "reinforces segregation across neighborhoods."<sup>77</sup> Although the voucher program is often celebrated as a way for recipients to get the advantages of the private market, "rather than tenants selecting homes and neighborhoods, landlords are selecting tenants."<sup>78</sup> It is this observation and argument that is perhaps the greatest contribution of *The Voucher Promise*.

What does it mean that voucher holders are not moving to dramatically higher-income communities? Poverty scholars have long struggled with the tension between simply identifying problems in a neighborhood and applying an overly broad label to a place where poor people live. Thus, even as poverty scholars highlighted the downsides of concentrated poverty, some public housing residents bristled at accounts that undervalued those same communities or that failed to appreciate the bonds between people even in, or especially in,

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74. *Id.* at 126.

75. *Id.* at 153. *See also id.* at 157–60 (describing how landlords use debt to trap tenants in place).

76. *Id.* at 155.

77. *Id.* at 162.

78. ROSEN, *supra* note 2, at 160. *See also* Emily Rees Brown, *Public-Private Partnerships: HUD's Lost Opportunities to Further Fair Housing*, 21 LEWIS & CLARK L. REV. 735, 767 (2017) (critiquing the voucher program because it fails to "do anything to prevent exploitive landlords from luring voucher holders to properties where the HCV subsidy meets or exceeds the fair market rent of the unit.").

poor areas. At one point, Rosen tackles this tension directly, asking one of the residents, “what makes a neighborhood a good neighborhood versus a bad neighborhood?”<sup>79</sup> The answer Roland, an interview subject, gives her is, “people,” adding that Park Heights is “in between.”<sup>80</sup> Rosen interprets this answer in a way that most academics do these days but resists the urge to apply a single label to neighborhoods.<sup>81</sup> Indeed, the poverty literature is full of “lower-income,” “high-crime,” and “disadvantaged” neighborhoods, but generally eschews value judgment words like “good” or “bad.” But *The Voucher Promise* itself gives reasons to question such scholarly hesitation.

Rosen dedicates a long section of the book to describing the coping strategies that voucher holders use to navigate the violence they encounter in Park Heights. As Rosen explains, even though crime has been on the decline nationwide and across Baltimore, Park Heights residents “bore indelible markers of the physical and symbolic violence that they witnessed or were victims of over their years in high-crime neighborhoods.”<sup>82</sup> During her field work, Rosen met a young man with a bullet in his brain and parents with long term drug addictions, people who lost siblings to gang violence and ugly encounters with the police.<sup>83</sup> The coping strategies residents employ vary from “complete social *and* physical withdrawal from the neighborhood” to reliance on knowing others in the community.<sup>84</sup> Roland, the resident who described Park Heights as “in between,” told Rosen, that he would feel safe if he or his wife was out and about in the neighborhood because “[i]t’s not that treacherous out there.”<sup>85</sup> But, if it is possible to put a value-laden label on the neighborhood—something Rosen never does—the stories of two of the residents suggest it would not be a “good” label. One resident, Raven, who put her faith in her neighbors to protect her, later decided to move after an intruder entered her apartment with her neighbors’ knowledge.<sup>86</sup> More tragically, Roland, despite his view of the neighborhood’s safety,

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79. ROSEN, *supra* note 2, at 225.

80. *Id.*

81. *Id.* at 225–26.

82. *Id.* at 212.

83. *Id.* at 213–14.

84. *Id.* at 217.

85. ROSEN, *supra* note 2, at 217.

86. *Id.* at 220–23.

was shot and killed by a robber with a gun as he walked his wife, Vivian, home from visiting a friend a few blocks from where they lived.<sup>87</sup> As Rosen reports, “Vivian, who believed that violence in the neighborhood was rare if she played her cards right, was confronted with an undeniable moment of truth in her husband’s death.”<sup>88</sup>

*The Voucher Promise* shows the need to be careful about how much is demanded of a single program when evaluating its effectiveness. Even after the most tragic of events, it was a voucher that gave Vivian the ability to move to a new home, and that move, even though it did not end up being to a better neighborhood and was, therefore, not a move as far as policymakers interested in deconcentrating poverty might have hoped for, was still valuable.<sup>89</sup> Voucher holders, unlike many poor people without such support, have “the chance to pick up and start fresh.”<sup>90</sup> Ultimately, vouchers can and should be supported (and their funding expanded dramatically) even if they do not accomplish every policy objective that they ideally would. As Rosen observes, “[w]hile policymakers discuss a number of potential benefits from vouchers, it is difficult to overstate the simple power of providing a home.”<sup>91</sup>

## II. LOCATION MATTERS

Arguably, the most important branch of poverty research today centers around the relationship between location and economic mobility. Desmond’s *Evicted*, along with other works such as H. Luke Shaefer and Kathryn Edin’s *\$2.00 a Day* and Andrea Elliott’s epic reporting about homelessness for the New York Times series *Invisible Child*,<sup>92</sup> helped raise popular consciousness of the hardships faced by the poor in the second half of the Obama administration. Since then, Raj Chetty and his co-authors have probably done the heavy lifting in pushing the academic and public policy needle

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87. *Id.* at 226.

88. *Id.* at 230.

89. *See id.* at 231.

90. *Id.* at 233. *See also id.* at 239 (“voucher holders are the only group with the ability—in theory, at least—to get unstuck . . . with the flexibility to respond to life events and crises”).

91. ROSEN, *supra* note 2, at 109.

92. KATHRYN EDIN & H. LUKE SHAEFER, *\$2.00 A DAY: LIVING ON ALMOST NOTHING IN AMERICA* (2015); Andrea Elliott, *Invisible Child*, N.Y. TIMES (Dec. 9, 2013), <https://www.nytimes.com/projects/2013/invisible-child/index.html#/?chapt=1>.

when it comes to poverty. Though Chetty, a professor of economics at Harvard, is not well known outside of academic circles, his team is on the cutting edge of poverty-related research. They have shown the ways in which economic mobility differs across neighborhoods and have applied their empirical and data-heavy approach to everything from racial disparities to housing policy.<sup>93</sup> Though legal academics have started to take note of Chetty's work, the richness of the data on the significance of location is such that its significance in the poverty law space could, *and should*, increase.

In 2015, Chetty, Nathaniel Hendren, and Lawrence Katz released the results of a study of the Moving to Opportunity ("MTO") program which found that younger children who move to lower-poverty areas as a result of a housing voucher have higher earnings as adults.<sup>94</sup> A randomized housing mobility experiment, MTO involved three recipient groups: "a group offered a housing voucher that could only be used to move to a low-poverty neighborhood, a group offered a traditional Section 8 housing voucher, and a control group."<sup>95</sup> By studying how participants in each group fared, researchers could use statistical methods to calculate the effects of moving on participant outcomes compared to the control group. Most of the MTO studies showed that moving to a better neighborhood was associated with health improvements and a greater sense of security, but the effects on children were more neutral. Some studies even showed a difference between boys and girls, with girls showing academic improvements in the new environment but boys not.<sup>96</sup> Chetty, Hendren, and Katz revisited the MTO data and showed that while "the gains from moving to lower-poverty areas decline steadily with the age of the child at the time of the move," for younger children the benefits of such moves could be substantial.<sup>97</sup> The three Harvard economists

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93. Important works by Raj Chetty's team, including papers and data visualizations, can be found on Chetty's personal website. *See generally* RAJ CHETTY, <http://www.rajchetty.com/> (last visited Sept. 22, 2021).

94. Raj Chetty, Nathaniel Hendren & Lawrence Katz, *The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment*, 106 AM. ECON. REV. 855, 855–56 (2016).

95. NAT'L BUREAU OF ECON. RSCH., *Moving to Opportunity*, <https://www.nber.org/programs-projects/projects-and-centers/moving-opportunity?page=1&perPage=50>.

96. Ellickson, *supra* note 1, at 1014.

97. Raj Chetty, Nathaniel Hendren & Lawrence Katz, *The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment*, OPPORTUNITY INSIGHTS (May 2015), <https://opportunityinsights.org/paper/newmto/>.

estimated that “moving a child out of public housing to a low-poverty area when young (at age 8 on average) using a subsidized voucher like the MTO experimental voucher will increase the child’s total lifetime earnings by about \$302,000.”<sup>98</sup> The beauty of the MTO experiment was that the policy intervention was deliberately designed so that academic conclusions about location and outcomes could be reached. A summary of the outcome study research is that “[c]hildren in families who willingly move from extremely poor neighborhoods to low-poverty neighborhoods fare better over time—both economically and academically—thus slowing, reducing, or eliminating the compounding effects of intergenerational poverty.”<sup>99</sup>

Moving beyond the MTO experiment, the Census Bureau’s Center for Economic studies, working with Chetty, Hendren, and Brown University economist John Friedman, created an “Opportunity Atlas” to explore the effect of location on economic mobility.<sup>100</sup> Drawing on 2000 and 2010 census data, federal tax returns, and American Community Surveys from 2005–2015, the team looked at the life trajectories of children born between 1978–1983.<sup>101</sup> While it is not surprising that their work confirmed that “neighborhoods play a key role in shaping children’s outcomes,”<sup>102</sup> quite a few of their findings were surprising. For example, they found, “substantial variance across tracts even within the same school catchment areas.”<sup>103</sup> This does not mean that schools are unimportant, only that neighborhood traits are as well. The study found “a positive correlation between the employment rates of adults who live in a tract and rates of upward mobility for children who grow up there,” leading the researchers to conclude, “what predicts upward mobility is not proximity to jobs, but growing up around people who have jobs.”<sup>104</sup> Not shying away from the cultural wars, the team also found “even stronger correlations between children’s outcomes and other socioeconomic

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98. *Id.*

99. Brown, *supra* note 78, at 747.

100. U.S. CENSUS BUREAU, *Opportunity Atlas*, <https://www.census.gov/programs-surveys/ces/data/analysis-visualization-tools/opportunity-atlas.html> (last updated Oct. 26, 2020).

101. *Id.*

102. Raj Chetty et al., *The Opportunity Atlas: Mapping the Childhood Roots of Social Mobility*, 1 (U.S. Census Bureau, Ctr. for Econ. Stud., CES 18-42R, Jan. 2020), available at <https://www2.census.gov/ces/wp/2018/CES-WP-18-42R.pdf>.

103. *Id.* at 3.

104. *Id.* at 3–4.

characteristics of adults in an area, such as mean incomes and the share of single-parent households.”<sup>105</sup> Indeed, in a related paper on intergenerational mobility and racial disparities that is based on the same data set, Chetty, Hendren, and two researchers with the Census Bureau, Maggie R. Jones and Sonya R. Porter, found, somewhat counter-intuitively, that “[b]lack father presence at the neighborhood level strongly predicts black boys’ outcomes irrespective of whether their own father is present or not.”<sup>106</sup> The presence or absence of fathers is not the whole story; as the authors conclude, “[b]lack boys do especially well in low-poverty neighborhoods with a large fraction of fathers at home in black families and low levels of racial bias among whites.”<sup>107</sup> Though the focus here is on neighborhood effects, it is worth pausing to highlight the significant role race and racism play in the economic trajectory of African-American boys born into wealthy households. As *New York Times* coverage of the team’s work noted, “[w]hite boys who grow up rich are likely to remain that way. Black boys raised at the top, however, are more likely to become poor than to stay wealthy in their own adult households.”<sup>108</sup> The story’s visualization of the differential rate of downward mobility by race is damning and underlines the fact that racial identity continues to play a major role in shaping economic mobility in ways that cannot be explained simply by isolating other factors.

What these two major studies demonstrate is that race and location matter. While such conclusions risk being dismissed as trivial—akin to a weather reporter saying it is raining outside right now—they offer real promise when it comes to housing policy. If small differences across neighborhoods, even geographically proximate areas, lead to different outcomes, then targeted interventions can potentially have

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105. *Id.* at 4.

106. Raj Chetty et al., *Race and Economic Opportunity in the United States: An Intergenerational Perspective*, 135 Q. J. ECON. 711, 717 (2020). Note that this quote is drawn from the version of the paper hosted on the Opportunity Insights website, which varies slightly from the published version, presumably due to updating. See Raj Chetty et al., *Race and Economic Opportunity in the United States: An Intergenerational Perspective*, OPPORTUNITY INSIGHTS (Dec. 2019) (manuscript at 5) [hereinafter Chetty et al., *Race and Economic Opportunity*], available at [https://opportunityinsights.org/wp-content/uploads/2018/04/race\\_paper.pdf](https://opportunityinsights.org/wp-content/uploads/2018/04/race_paper.pdf).

107. Chetty et al., *Race and Economic Opportunity*, *supra* note 106, at 776.

108. Emily Badger et al., *Extensive Data Shows Punishing Reach of Racism for Black Boys*, N.Y. TIMES (Mar. 19, 2018), <https://www.nytimes.com/interactive/2018/03/19/upshot/race-class-white-and-black-men.html>.

significant payoffs.<sup>109</sup> Continuing in the same vein as the MTO experiment, the Opportunity Insights team partnered with the Seattle and neighboring King County housing authorities to see if intervening right when voucher recipients start looking for where to place their voucher could make a difference in where recipients ultimately live.<sup>110</sup> Voucher recipients were randomly assigned to either a group that got standard briefings on how to use their voucher or to a group that got specialized assistance and information that focused on “high-opportunity areas.”<sup>111</sup> One way to think of this intervention is that half of the recipients were given assistance so that they did not have to rely upon those landlords, described by Rosen, standing outside of the housing authority office whose business involved matching new voucher holders with vacant units in poorer parts of town.

The study was informed by research showing that “children who grow up in low-income (25th percentile) families in the areas [study designers] designated as ‘high opportunity’ earn about 13.9% (\$6,800 per year) more as adults than those who grow up in low-opportunity areas in families with comparable incomes.”<sup>112</sup> Recipients could still place their vouchers anywhere—they didn’t have to move to a high-opportunity area—but the counseling and assistance such recipients received increased the percentage of families who placed their vouchers in high-opportunity neighborhoods by “37.9 percent, from 15.1% in the control group to 53.0% in the treatment group.”<sup>113</sup> These are significant results.<sup>114</sup> One possible explanation for why vouchers do not lead families to move to better areas is that recipients prefer what they know and their existing community, which would reduce

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109. See Seicshnaydre, *supra* note 18, at 181 (“The mobility research confirms what many already know about housing opportunity: it is linked to many other kinds of transformative life opportunities.”).

110. Dylan Matthews, *America Has a Housing Segregation Problem. Seattle May Just Have the Solution.*, VOX (Aug. 4, 2019, 7:00 AM), <https://www.vox.com/future-perfect/2019/8/4/20726427/raj-chetty-segregation-moving-opportunity-seattle-experiment>.

111. Peter Bergman et al., *Creating Moves to Opportunity: Experimental Evidence on Barriers to Neighborhood Choice 2* (Nat’l Bureau of Econ. Rsch., Working Paper No. 26164, 2020), available at <https://www.nber.org/papers/w26164>.

112. *Id.*

113. *Id.* at 2–3.

114. Similarly, “movers under a court-approved mobility program in Baltimore” who were given “specialized and supportive counseling” moved away from “deeply segregated and poor areas” and remained in their new communities after the initial move. Pratt, *supra* note 20, at 504.

mobility.<sup>115</sup> But the Seattle/King County results “imply that most low-income families do not have a strong preference to stay in low-opportunity areas; rather, barriers to moving to high-opportunity areas play a central role in explaining neighborhood choice and residential sorting patterns.”<sup>116</sup> Equally significant, the barriers are not all that high. The study involved providing the randomly selected group with additional information and limited supplemental financial assistance to cover security deposits and supplemental insurance to convince landlords to participate in the program.<sup>117</sup> The total additional cost of the supplemental services “was approximately \$2,660 per family: \$1,043 of financial assistance, \$1,500 of labor costs for the services, and \$118 in additional PHA expenses to administer the program.”<sup>118</sup> As *The Voucher Promise* emphasizes, vouchers do a good job on their first objective—providing housing assistance—but often fall short when it comes to mobility, in part because landlords are selecting tenants rather than tenants selecting neighborhoods. But if the mobility goal can be accomplished for less than \$3,000 per recipient, a relatively small supplemental expense for a program that covers the majority of each recipient’s monthly rent, it is worth scaling up this program nationwide so that all those who get off the wait-list receive such assistance.<sup>119</sup> Without such assistance and targeted counseling of the sort done in the Seattle/King County

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115. See Brown, *supra* note 78, at 776 (noting voucher holders considering moving to a new neighborhood “may have deep concerns about leaving their social and family networks behind for a new neighborhood where they may face discrimination, loneliness, and isolation and fears about higher costs of transportation, childcare, and groceries”). But see Seicshnaydre, *supra* note 18, at 184 (responding to this argument by noting that many minority poor will choose to live in better neighborhoods if given the choice, adding: “Expanding fair housing choice is aimed at reducing economic, racial, and social isolation; increasing freedom of movement; and creating a more balanced menu of housing options for all families. Fair housing is informed choice; it is not presumptive of any particular choice.”).

116. Bergman et al., *supra* note 111, at 4.

117. *Id.* at 14. This is exactly the sort of support, a “robust counseling program,” that Stacey Seicshnaydre includes as her first suggestion on how to reform the HCV program. Seicshnaydre, *supra* note 18, at 195.

118. Bergman et al., *supra* note 111, at 14.

119. See Kriston Capps, *How a Section 8 Experiment Could Reveal a Better Way to Escape Poverty*, BLOOMBERG CITYLAB (Aug. 4, 2019, 6:08 PM), <https://www.bloomberg.com/news/articles/2019-08-04/a-cheap-powerful-tool-to-beat-housing-segregation> (“The program cost is low—\$2,600 per family per voucher issued, on average. That’s just a fraction of the cost of the voucher itself. Given an average voucher tenure of 7 years for families with children, the cost of the program as a share of the overall lifetime cost of a voucher is 2.2 percent—a bargain, especially if you consider the massive benefit that families receive.”).

experiment, voucher programs are unlikely to lead to racial and economic integration.<sup>120</sup>

Although *The Voucher Promise* and the empirical work on voucher placement give strong support that counseling can further the mobility goal of the voucher program, it is important to address whether it should be a goal of the voucher program to deconcentrate poverty. Put differently, maybe the landlord-tenant matching that leads to vouchers being placed in poor communities is a good thing. Not only is such placement reflective of market forces responding efficiently to the voucher payment guidelines and perhaps to tenant preferences, but efforts to assist tenants in placing vouchers in higher-income areas will also exacerbate the disinvestment of the communities where vouchers are ordinarily placed absent government interference. While the celebration of market-force take is more of a conservative straw-man argument, the same cannot be said of the left-leaning concern that programs that prioritize neighborhoods that provide more opportunity and economic mobility are simply doubling down on tired views of minority poor communities.<sup>121</sup>

For example, after Minneapolis and St. Paul released a regional planning document that identified “opportunity areas” as well as “racially/ethnically concentrated areas of poverty,” a coalition organized under the “Equity in Place” banner pushed back.<sup>122</sup> The coalition argued that the cities were wrongly labeling “the region’s most diverse communities as problematic areas requiring improvement.”<sup>123</sup> As one unnamed activist told a reporter, “[t]he narratives about these neighborhoods usually focus on the negative: their poverty, low-performing schools, etc. Through our work and experience, however, we know that the people who live in these communities benefit from

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120. Hendrickson, *supra* note 13, at 63 (“Studies of the Section 8 program have repeatedly confirmed that housing assistance without counseling and support services does not improve racial and economic integration.”).

121. See generally Edward G. Goetz et al., *Changing the Narrative and Playbook on Racially Concentrated Areas of Poverty*, in WHAT WORKS TO PROMOTE INCLUSIVE, EQUITABLE MIXED-INCOME COMMUNITIES (Mark L. Joseph & Amy T. Khare eds., 2020), <https://case.edu/social-work/nimc/resources/what-works-volume> (critiquing opportunity-based anti-poverty efforts as reliant on a proximity to whiteness model and presenting a community-based alternative).

122. Edward G. Goetz et al., ‘Opportunity Areas’ Shouldn’t Just Be Places With A Lot of White People, SHELTERFORCE (Jan. 4, 2021) <https://shelterforce.org/2021/01/04/opportunity-areas-shouldnt-just-be-places-with-a-lot-of-white-people/>.

123. *Id.*

the cultural connections and social networks they create.”<sup>124</sup> Among Equity in Place’s beliefs are: “We must create genuine, authentic access to all forms of opportunity in every geography and with/for every cultural community in our region,” “Proximity does not equal access,” and “The inequities in our communities are not the result of the presence or concentration of people of color and low-wealth people, but rather due to structural and institutional racism and decades of disinvestment.”<sup>125</sup> Given such beliefs, it is perhaps not surprising that Equity in Place was initially founded to challenge a Fair Housing complaint which alleged that the “Twin Cities region was using federal housing funding to concentrate affordable housing in high-poverty communities” that had been filed by other faith-based and neighborhood organizations.<sup>126</sup> While superficially a desire to challenge one group of progressives fighting against concentrated poverty seems like an odd reason for a new progressive organization to spring up, the name, “Equity in Place,” helps explain this odd posture. Deconcentration and mobility efforts are a threat to the myriad place-based programs and organizations that serve minority poor communities.<sup>127</sup>

Moving beyond this one example, the anti-poverty community includes divergent views when it comes to people versus place. The panglossian view does not take scarcity or, more accurately, political opposition seriously. In an ideal world, government funds would ensure that all neighborhoods had the resources and support necessary to have strong schools, vibrant community centers, and good job opportunities. In such a world, there would be no need to deconcentrate poverty nor to encourage mobility—all neighborhoods would be opportunity areas. We do not live in such a world, so it is not surprising that conflict can arise between those who prioritize place (rebuilding communities, doing community economic development,

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124. *Id.*

125. EQUITY IN PLACE, *Our Beliefs and Narratives*, THE ALLIANCE, <http://thealliancetc.org/our-work/equity-in-place/#1578514718981-41dd8a91-b4fe>.

126. EQUITY IN PLACE, *Why Communities of Color Challenged a Fair Housing Complaint and What We Learned* 1, 1 (2016), <http://thealliancetc.org/wp-content/uploads/2016/06/FHAC-Story-Final.pdf>.

127. For an overview of place-based anti-poverty programs and strategies, see Edward W. De Barbieri, *Opportunism Zones* 97-125 (unpublished manuscript) (forthcoming YALE L. & POL’Y REV. 2021), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3548210](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3548210).

and strengthening place-based organizations) and those who emphasize people. Though it is possible to overstate this conflict, it is unrealistic to imagine that such a conflict does not exist. So how should voucher programs respond to this conflict? The answer that comes from Rosen and Chetty's work arguably is that this conflict should be resolved not by bureaucrats but by voucher recipients. Though additional counseling and support did lead to a significant increase in the percentage of voucher holders who moved to high-opportunity areas, some recipients, even with such counseling, chose to live in poorer neighborhoods. That seems appropriate; a voucher program that insisted that rental assistance depended on leaving behind one's community would impinge too far on the freedom recipients should have to choose the best option for themselves and their family. Inserting counseling assistance between recipients and landlords serves a corrective function. While a bit paternalistic, it is, to use a loaded term, a *nudge*, not a mandate and as such allows recipients to decide for themselves where to live.<sup>128</sup> Some residents will decide to stay in parts of town with people and resources (bus routes, jobs, etc.) that they know. Others, after learning about how location relates to economic mobility, will choose to move. But what is important is that the choice is being made by voucher recipients, not by landlords, place-based organizations, or social scientists.

## CONCLUSION

There is ample room to improve the voucher program. Source of income discrimination, although illegal in a select number of localities, continues to limit the ability of recipients to place their vouchers, making it harder for them to move to higher-opportunity neighborhoods.<sup>129</sup> Voucher portability exists in theory but moves require passing through bureaucratic hoops in order to move the voucher from one housing authority to the next, in practice limiting the areas recipients search when looking for housing. Payment tinkering has

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128. See generally RICHARD H. THALER & CASS R. SUNSTEIN, *NUDGE: IMPROVING DECISIONS ABOUT HEALTH, WEALTH, AND HAPPINESS* (2008) (arguing that policy should often “nudge” people towards particular decisions but not impose them).

129. Heather R. Abraham, *Fair Housing's Third Act: American Tragedy or Triumph?*, 39 *YALE L. & POL'Y REV.* (forthcoming 2021) (manuscript at 65–66), available at <https://digitalcommons.law.yale.edu/ylpr/vol39/iss1/1/>.

selectively responded to the need to offer enhanced vouchers if they are to be used to access lower-poverty areas, but the vouchers continue to offer the biggest subsidy to landlords with units in poorer areas where voucher payments can exceed market rents. There are ways to improve the voucher program in these and other areas,<sup>130</sup> but the biggest problems are political and societal. The rhetoric surrounding the voucher program emphasizes that its reliance on the private rental market will help provide both cost-effective shelter for those in need and flexible support for the physical and economic mobility of recipient families. But, as Eva Rosen's *The Voucher Promise* and the work done by Raj Chetty and his co-authors show, mobility cannot be taken as a given. Absent counseling programs and other forms of support that help open up areas associated with greater economic mobility, vouchers are often placed in low-income areas.

How to judge a program that largely fails in one of its two goals? *The Voucher Promise* makes a compelling case that, regardless of where they are placed, vouchers are transformative in the lives of those poor people lucky enough to get off the wait-list. They enable people to create homes, to better take care of their families, and, if necessary, to move away from bad circumstances. The tragedy with the voucher program is not that it does not accomplish all the goals layered upon it, but that our safety net is so frayed and our commitment to improve poor areas so shallow, that we place unreasonably high expectations on a single underfunded program. The work being done by Chetty and others shows that relatively small investments put toward helping recipients after they receive a voucher can open up higher-opportunity areas to poor families who want to live there.<sup>131</sup> The promising results from the Seattle/King County experiment should be celebrated by everyone, including people who tend to prioritize place over people, and, if extended nationwide, appear to offer a path towards greater mobility for many recipient families. Chetty's work is at the cutting edge of anti-poverty efforts. But such

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130. For a great overview and list of suggestions, see generally Philip Tegeler, *Housing Choice Voucher Reform: A Primer for 2021 and Beyond*, POVERTY & RACE RSCH. ACTION COUNCIL POL'Y BRIEF (Aug. 2020), <https://prrac.org/pdf/housing-choice-voucher-reform-agenda.pdf>.

131. See also URB. INST. & POVERTY & RACE RSCH. ACTION COUNCIL, EXPANDING CHOICE: PRACTICAL STRATEGIES FOR BUILDING A SUCCESSFUL HOUSING MOBILITY PROGRAM (2013), <https://www.urban.org/sites/default/files/publication/23301/412745-Expanding-Choice-Practical-Strategies-for-Building-a-Successful-Housing-Mobility-Program.PDF>.

successes cannot overshadow the larger story which is that vouchers are only given to a small subset of those in need of such assistance. The larger story—which comes through in the hardships endured by many of those presented in *The Voucher Promise*—is our society's indifference to the harms of poverty and our continued unwillingness to recognize housing as a right. Work on mobility matters, but the most important way of improving the voucher program is to massively ramp up funding so that it switches from being a lottery program to support that is provided as a matter of right.