



# Legal Levers for Health Equity in Housing Building and Maintaining Safe and Affordable Homes

Presenters:

Katie Moran-McCabe, Center for Public Health Law Research  
Andrew Aurand, National Low Income Housing Coalition  
Greg Miao, ChangeLab Solutions



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Public Health Law  
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**HEALTHY HOUSING**



National Low Income  
Housing Coalition

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# A Few Notes



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Stability >

Quality & Safety >

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HEALTH OUTCOMES

&

HEALTH CARE COSTS



**CRISIS**



**SOLUTION**

# Presenters



**Katie Moran-McCabe**  
**Special Projects Manager**  
**Center for Public Health Law Research**



**Andrew Aurand**  
**Vice President for Research,**  
**National Low Income Housing Coalition**



**Gregory Miao**  
**Senior Attorney**  
**ChangeLab Solutions**



# Katie Moran-McCabe

## Center for Public Health Law Research

Katie Moran-McCabe is a Special Projects Manager with the Center for Public Health Law Research at Temple University's Beasley School of Law. She has managed several housing projects for the Center, including the development of the *Legal Levers for Health Equity in Housing* report series, and the creation of the City Nuisance Property Ordinances dataset. Katie has been closely involved with the creation of several of the Center's other legal datasets, including the recent State COVID-19: Emergency Declarations and Mitigation Policies dataset.



# Legal Levers for Health Equity in Housing

Katie Moran-McCabe, JD, Temple University Beasley School of Law, Center for Public Health Law Research



The Robert Wood Johnson Foundation's Policies for Action program supported research reported in this presentation. The content is solely the responsibility of the author and does not necessarily represent views of the Robert Wood Johnson Foundation.

# What Has Our “Housing System” Produced in the Past Half Century?

## **A chronic inequitable affordability gap:**

- More than 10 million renter households spend more than half of their income on housing costs\*
- 20% of Black households are extremely low-income renters, while only 6% of white non-Hispanic households are extremely low-income renters\*

## **Persistently unhealthy conditions:**

- 24 million homes have deteriorated lead-based paint and elevated levels of lead-contaminated dust\*\*

\* National Low Income Housing Coalition. (2020). *The Gap: A Shortage of Affordable Homes*. Washington, DC

\*\* Centers for Disease Control and Prevention. (2019). <https://www.cdc.gov/nceh/lead/infographic.htm>

# What Should the System Produce?



# A Legal Levers Model for HEIH



# Affordability - Increasing the Supply of New Affordable Housing

- **Low Income Housing Tax Credit Program (LIHTC)**
  - Largest program for subsidizing the development of affordable housing in the U.S.
  - But, developments may not be affordable to people with extremely low incomes, and are often sited in high-poverty areas
- **Land Use Regulation (Zoning)**
  - Reform is needed to remove zoning barriers to affordable housing
  - Barriers can include minimum lot sizes or prohibition of multifamily housing

# Affordability - Enhancing Economic Choice for the Poor

- **Rental Assistance Programs**
  - Housing Choice Voucher program has never been fully funded to meet the level of need
- **Minimum Wage**
  - An average minimum wage earner would have to work 79 hours per week to afford a one-bedroom home at fair market rent\*

\* National Low Income Housing Coalition. (2020). *Out of Reach 2020*. Washington, DC

# Increasing Housing Quality

- **Lead Laws**

- Most state laws addressing lead-based paint in homes are based on secondary prevention (high blood lead levels identified through blood screening programs)
- Some cities and states require lead inspection prior to occupancy of private rental housing (e.g., Rochester, NY, and Maryland)

- **Housing Code Enforcement**

- Some cities have proactive rental inspection policies that could be used to improve housing quality

# Change is Essential to Achieving HEIH



Image: Pixabay



## HEIH Requires Systemic Change



- The goal is to balance the levers to achieve “the perfect sound” – equity
- E.g., LIHTC housing that is affordable to those with extremely low incomes, combined with proactive housing code enforcement

# Housing is a Fundamental Need

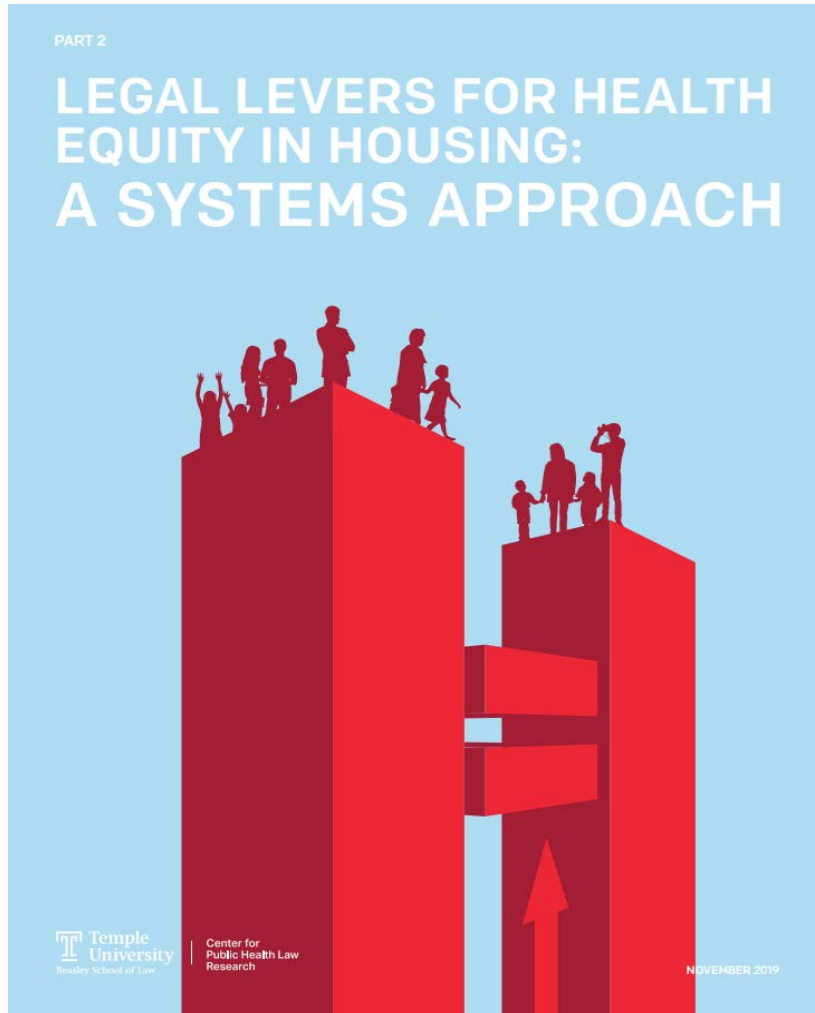
“It is hard to argue that housing is not a fundamental human need. Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.”

– Desmond, M. (2016). *Evicted: Poverty and Profit in the American City*. Crown Publishers.



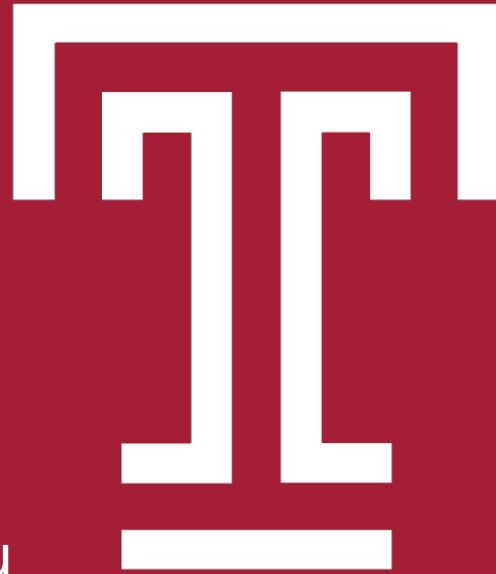
Image: Pixabay

# HEIH Report Series



- Six-part report series on Legal Levers for HEIH
- Available at:  
<http://publichealthlawresearch.org/product/housingreports>

# Thank You!



Contact Information:

Email: [kathleen.mccabe@temple.edu](mailto:kathleen.mccabe@temple.edu)

Call: 215.204.5786

Visit: <http://publichealthlawresearch.org/> and

<http://LawAtlas.org>

Twitter: @LawAtlas

Youtube: [YouTube.com/LawAtlasorgTemple](https://www.youtube.com/LawAtlasorgTemple)

# Andrew Aurand

## National Low Income Housing Coalition

Andrew Aurand is Vice President for Research at the National Low Income Housing Coalition (NLIHC), a national research, policy, and advocacy organization whose mission is dedicated to achieving socially just public policy that ensures people with the lowest incomes have affordable and decent homes. Andrew leads NLIHC's research team that annually documents the housing needs of low-income renters (published in *The Gap* and *Out of Reach*) and conducts research to improve policy. NLIHC's recent reports have examined the long-term recovery of affordable rental housing after Superstorm Sandy as well as preservation risks facing our affordable housing stock. The research team also co-manages the National Housing Preservation Database to support the preservation of publicly subsidized affordable housing.





National Low Income  
Housing Coalition

# Legal Levers for Health Equity in Housing: Building and Maintaining Safe and Affordable Homes

Andrew Aurand, *Vice President for Research*  
National Low Income Housing Coalition

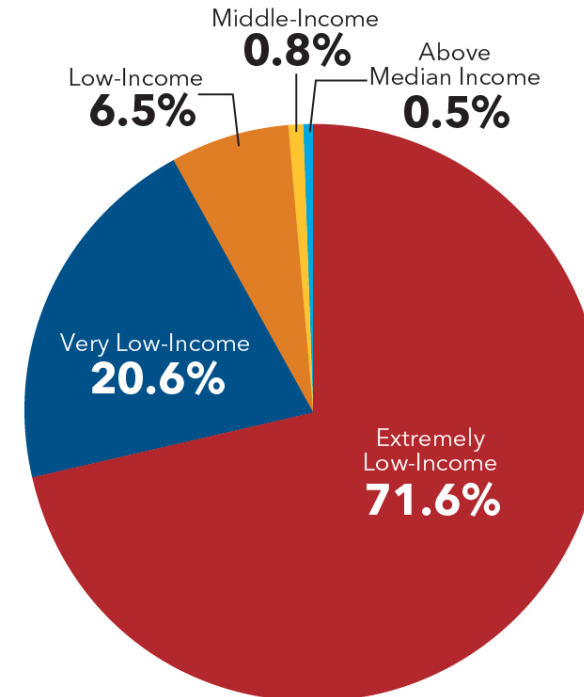
# Extremely low-income renters face the greatest challenge

Nearly 11 million renters are severely housing cost-burdened

72% of them have extremely low incomes

Shortage of 7 million affordable and available rental homes

**THE GAP**  
SEVERELY HOUSING COST-BURDENED RENTERS BY INCOME, 2018

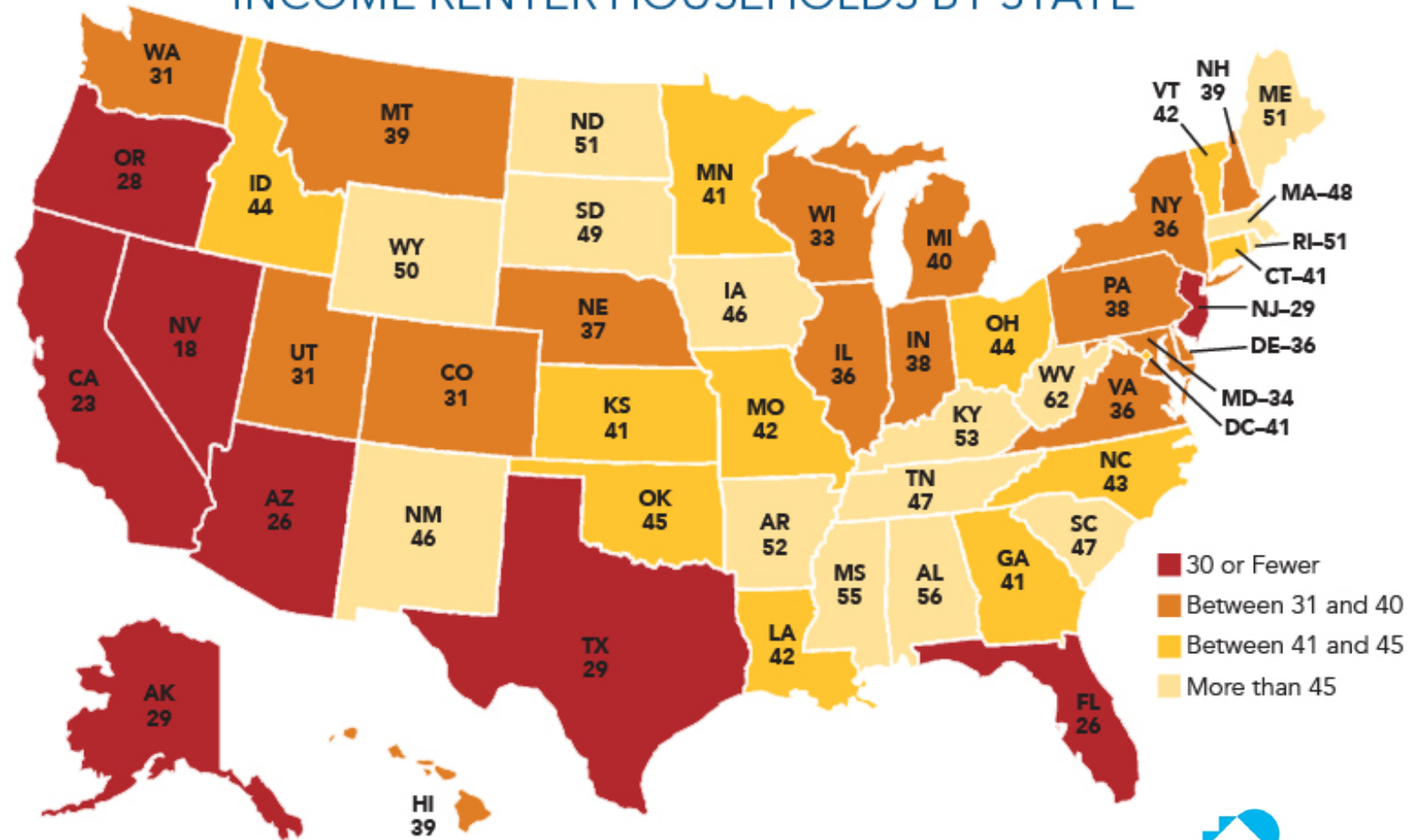


AMI = Area Median Income.  
Source: NLIHC tabulations of 2018 ACS PUMS data.  
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<https://nlihc.org/gap>

# THE GAP

## RENTAL HOMES AFFORDABLE AND AVAILABLE PER 100 EXTREMELY LOW INCOME RENTER HOUSEHOLDS BY STATE



Note: Extremely low income (ELI) renter households have incomes at or below the poverty level or 30% of the area median income. Source: NLIHC tabulations of 2018 ACS PUMS Data. ©2020 National Low Income Housing Coalition

<https://nlihc.org/gap>



# Need to preserve the existing affordable housing stock



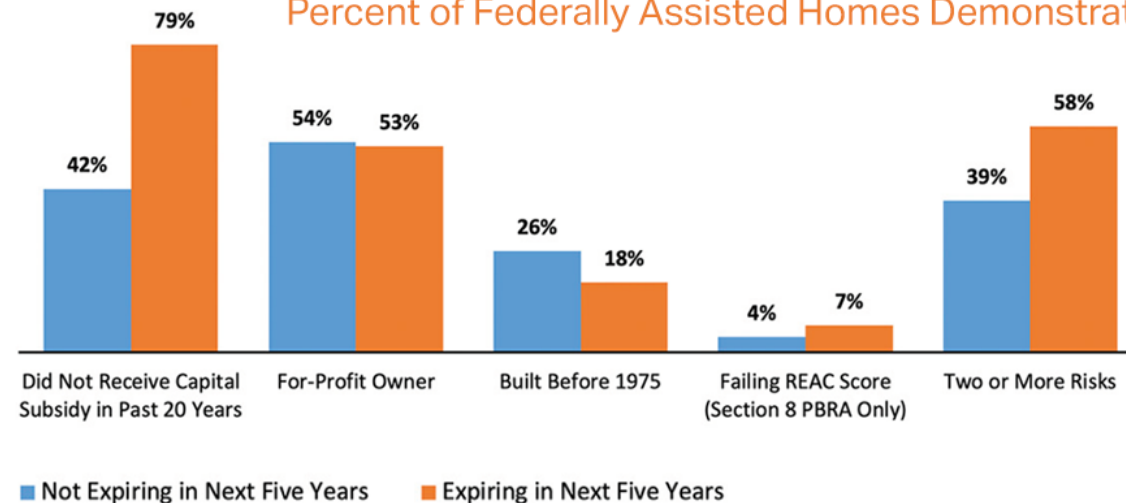
Current rent restrictions expire on nearly 300,000 federally supported rental homes within next five years

Affordability will be preserved for most, but some are at risk

Need for capital investment

Many federally assisted homes expiring in the next five years demonstrate factors that can increase exit risk

Percent of Federally Assisted Homes Demonstrating Exit Risk Factors



PAHRC and NLIHC tabulation of NHPD, retrieved January 2020.

Note: REAC scores are only available for properties assisted by Section 8 PBRA contracts. Properties classified as having a for-profit owner if one of their owners was a for-profit organization.



## Capital investments to create and preserve affordable rental homes

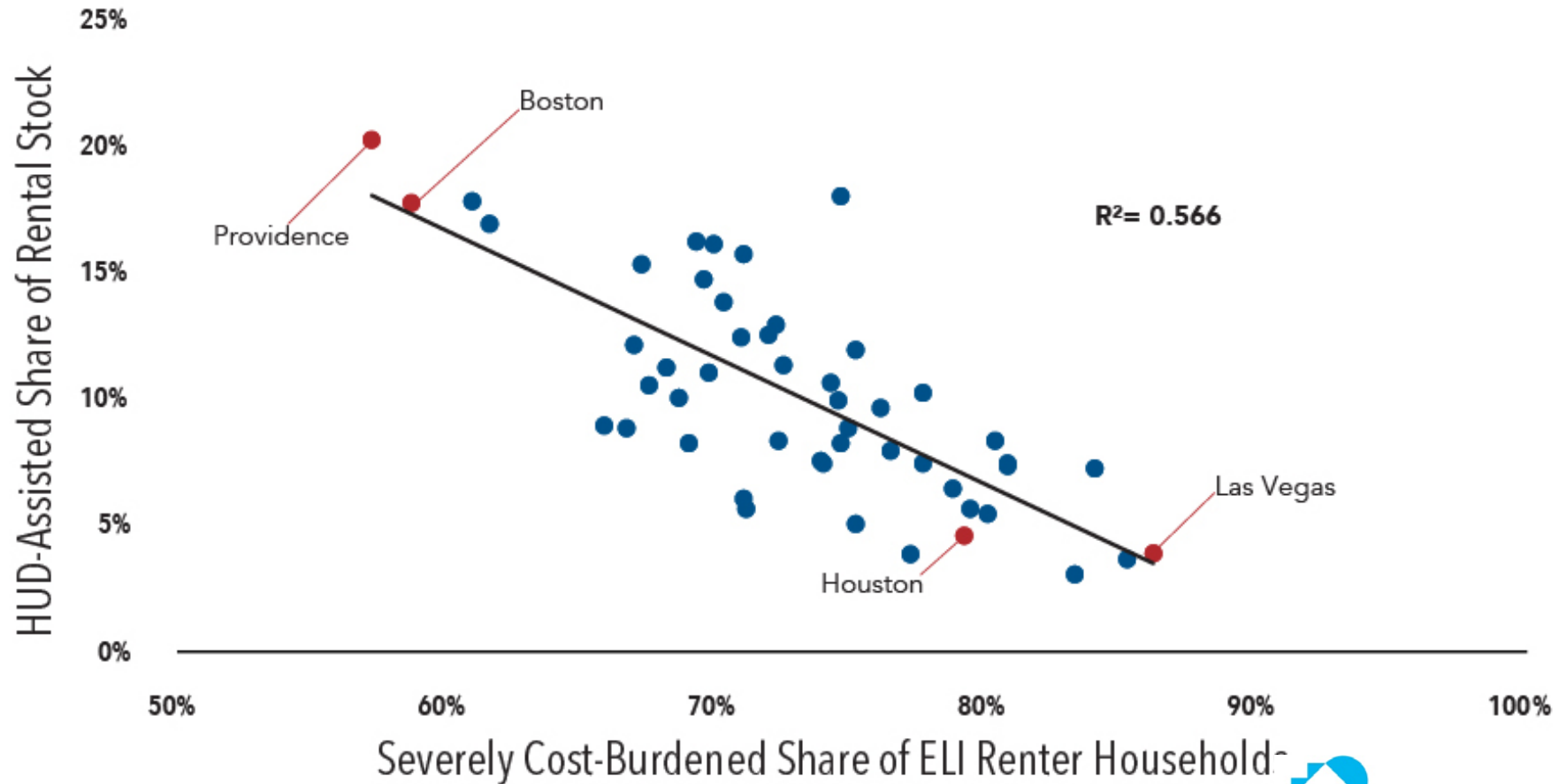
- Public Housing
- National Housing Trust Fund
- Low Income Housing Tax Credit (LIHTC)

## Rental assistance and mobility programs

- Small Area Fair Market Rents (voucher payment standards)
- Reduce barriers to mobility through landlord recruitment, search counseling, and moving/security deposit assistance

# THE GAP

## HUD-ASSISTED SHARE OF RENTAL STOCK AND SHARE OF SEVERELY COST-BURDENED RENTER HOUSEHOLDS IN TOP 50 METROS



AMI = Area Median Income.  
Source: NLIHC tabulations of 2018 ACS PUMS and HUD Picture of Subsidized Households data.  
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<https://nlihc.org/gap>

## Emergency rental assistance

- Resources to keep families stably housed during short-term crisis

## State Qualified Allocation Plans (LIHTC)

- Influence patterns of development
- Ensure program serves those with greatest need

# Levers for Building and Maintaining Affordable Homes



## Fair Housing

- Ban source-of-income discrimination
- Affirmatively Furthering Fair Housing

# Gregory Miao

## ChangeLab Solutions

Gregory Miao is a senior attorney at ChangeLab Solutions, where he leads the organization's work to make safe, stable, and affordable housing a reality for everyone. In addition to housing, Gregory also works on other manners by which land use laws can be used to promote health equity, whether through the control of harmful substances or the promotion of active, accessible, and green communities.

Prior to joining ChangeLab Solutions, he worked on developing regional cooperative agreements in the Greater Boston Region with the Metropolitan Area Planning Council and represented several Massachusetts communities as a municipal attorney. Gregory graduated from St. Lawrence University and holds a JD from Case Western Reserve University and a master's in urban and regional policy from Northeastern University.



# Legal Levers for Health Equity in Housing:

Maintaining Safe and  
Affordable Housing Through  
Code Enforcement

September 2, 2020

**Gregory Miao**  
Senior Attorney

ChangeLab Solutions

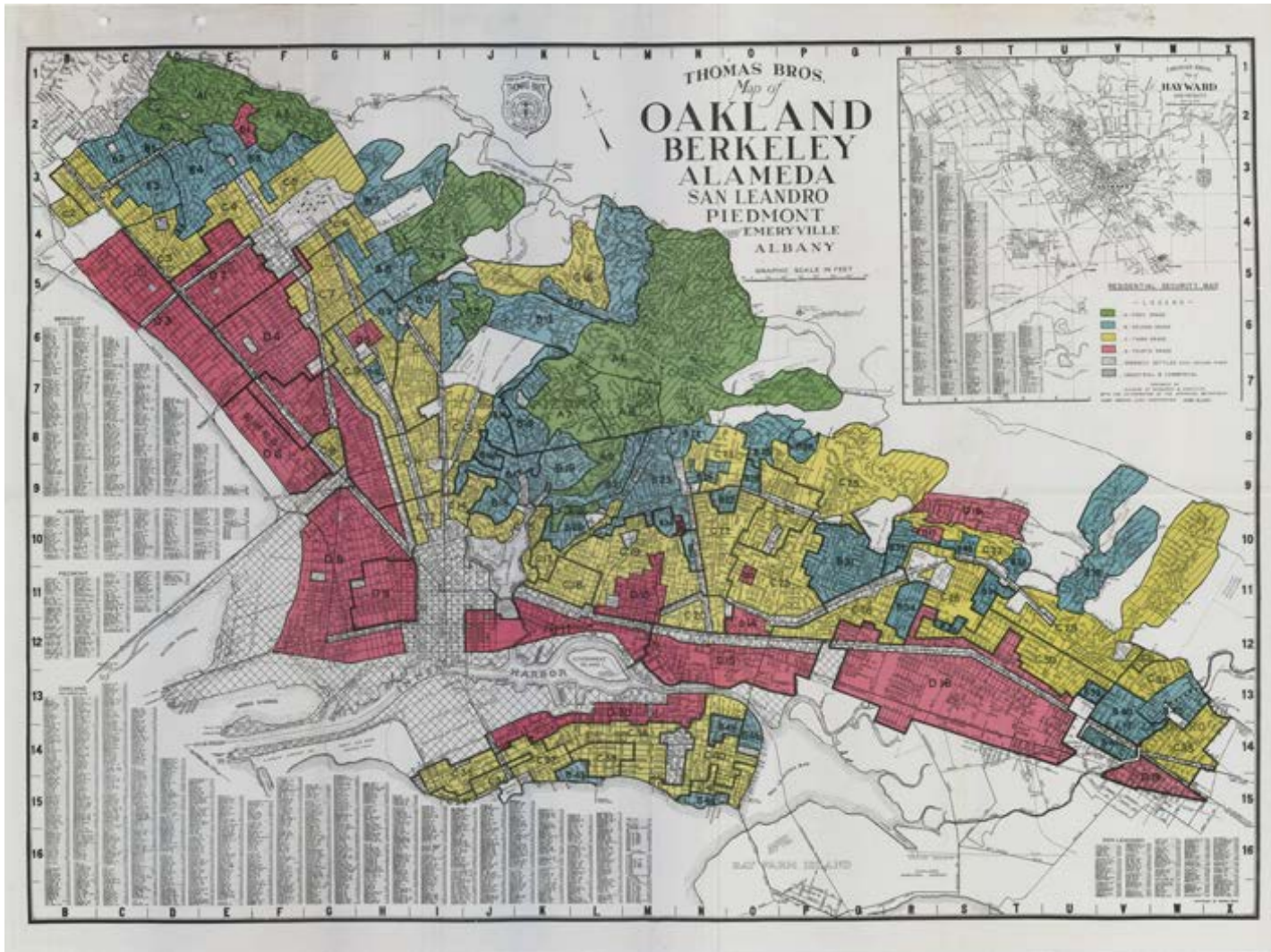


# The Importance of Housing





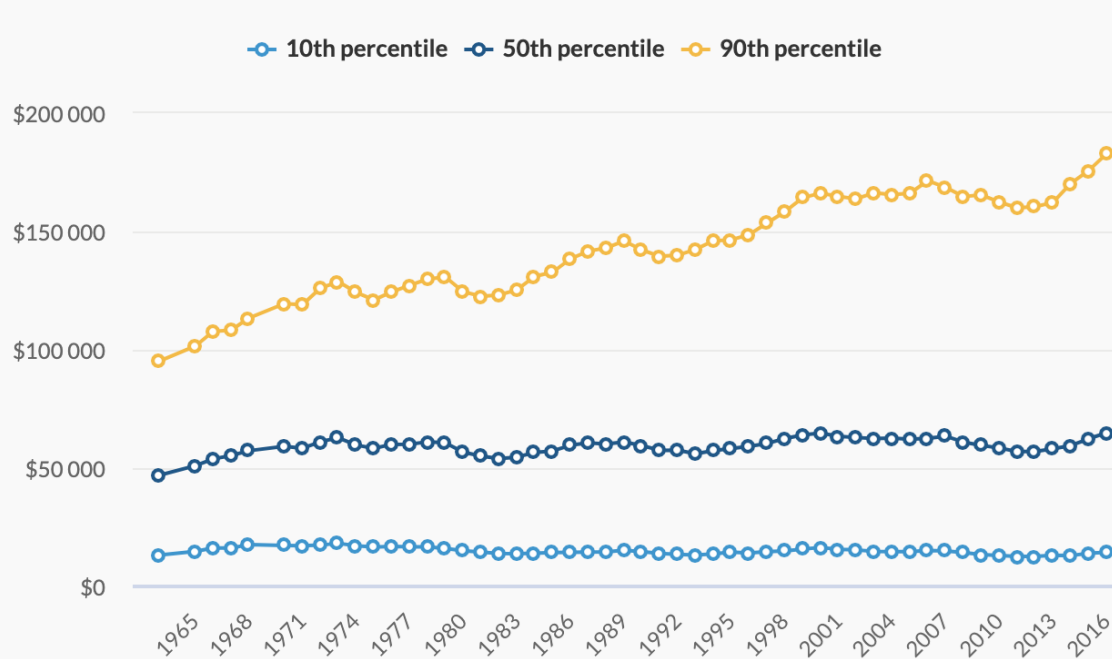
# Systemic and Institutionalized Racism



Race- and place-based health disparities are the direct consequences of our past discriminatory housing policies (e.g., redlining, restrictive covenants, blight and appraisal guidelines) that are still evident in most American cities (frequently in the form of exclusionary zoning).

# The Racial Wealth Gap

Distribution of Family Income, 1963–2016

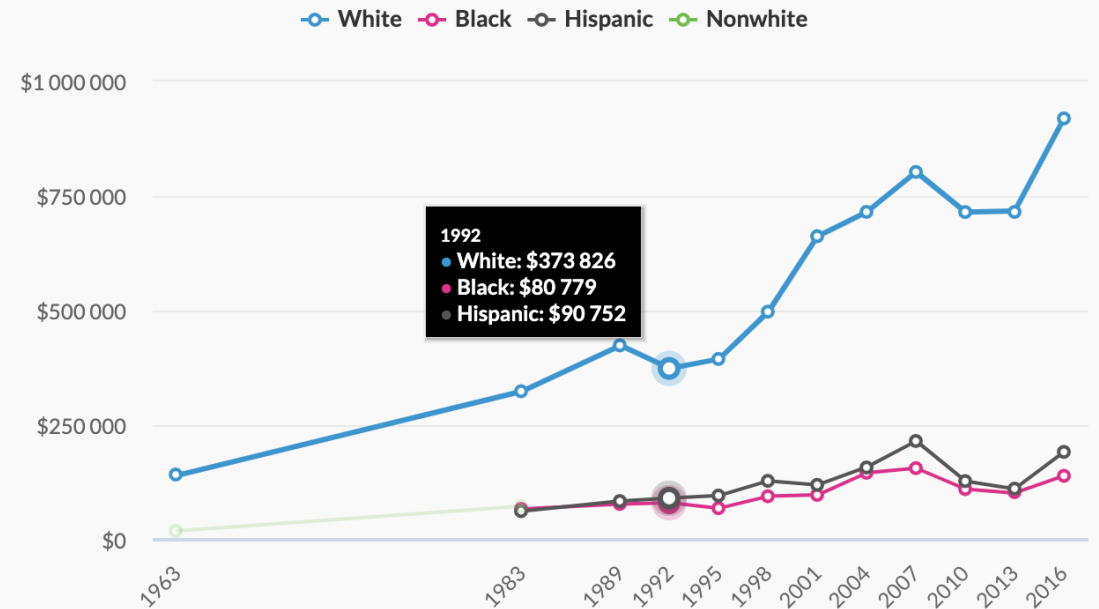


[DATA](#) [SAVE CHART](#)

**Sources:** Karen Smith, Urban Institute's tabulations from the Current Population Survey 1963–2017.

**Notes:** 2016 dollars. Income here is measured as private income (e.g., earnings and dividends) plus cash government benefits. [Income differences narrow](#) when all taxes and transfers—such as health insurance and in-kind government benefits—are included, but private wealth does not change.

Average Family Wealth by Race/Ethnicity, 1963–2016



[SHOW MEDIAN](#)

[DATA](#)

[SAVE CHART](#)

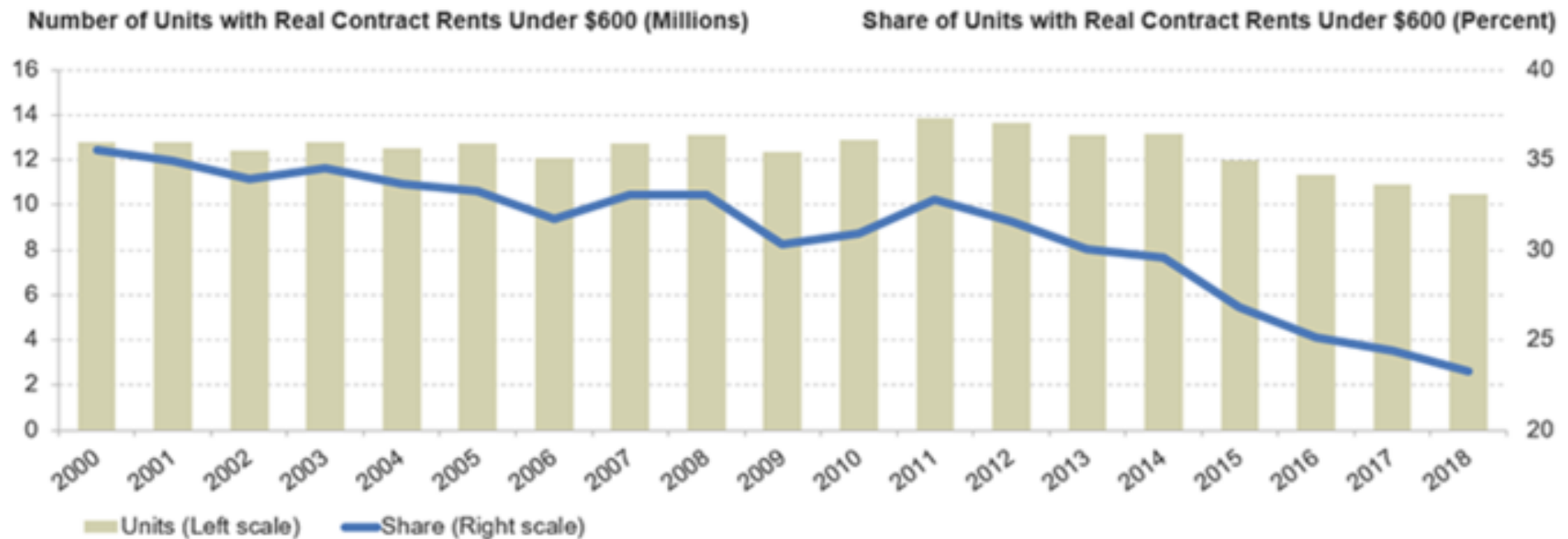
*Median wealth by race and ethnicity is lower than average wealth, but the trends stay the same. Both measures are important because average wealth indicates how a group is prospering as a whole relative to other groups, while median wealth shows how the “typical” family is doing.*

**Source:** Urban Institute calculations from Survey of Financial Characteristics of Consumers 1962 (December 31), Survey of Changes in Family Finances 1963, and Survey of Consumer Finances 1983–2016.

**Notes:** 2016 dollars. No comparable data are available between 1963 and 1983. Black/Hispanic distinction within nonwhite population available only in 1983 and later.

# Lack of Affordable Housing

**FIGURE 1: LOW-COST UNITS ACCOUNT FOR A SHRINKING SHARE OF THE NATION'S RENTAL STOCK**



*Notes: Rental units may be occupied, vacant for rent, or rented but unoccupied; exclude those occupied without cash rent. Dollar values adjusted for inflation using the CPI-U for All Items Less Shelter. Contract rents exclude utility costs paid separately.*

*Source: JCHS tabulations of US Census Bureau, American Community Survey 1-Year Estimates via IPUMS USA.*

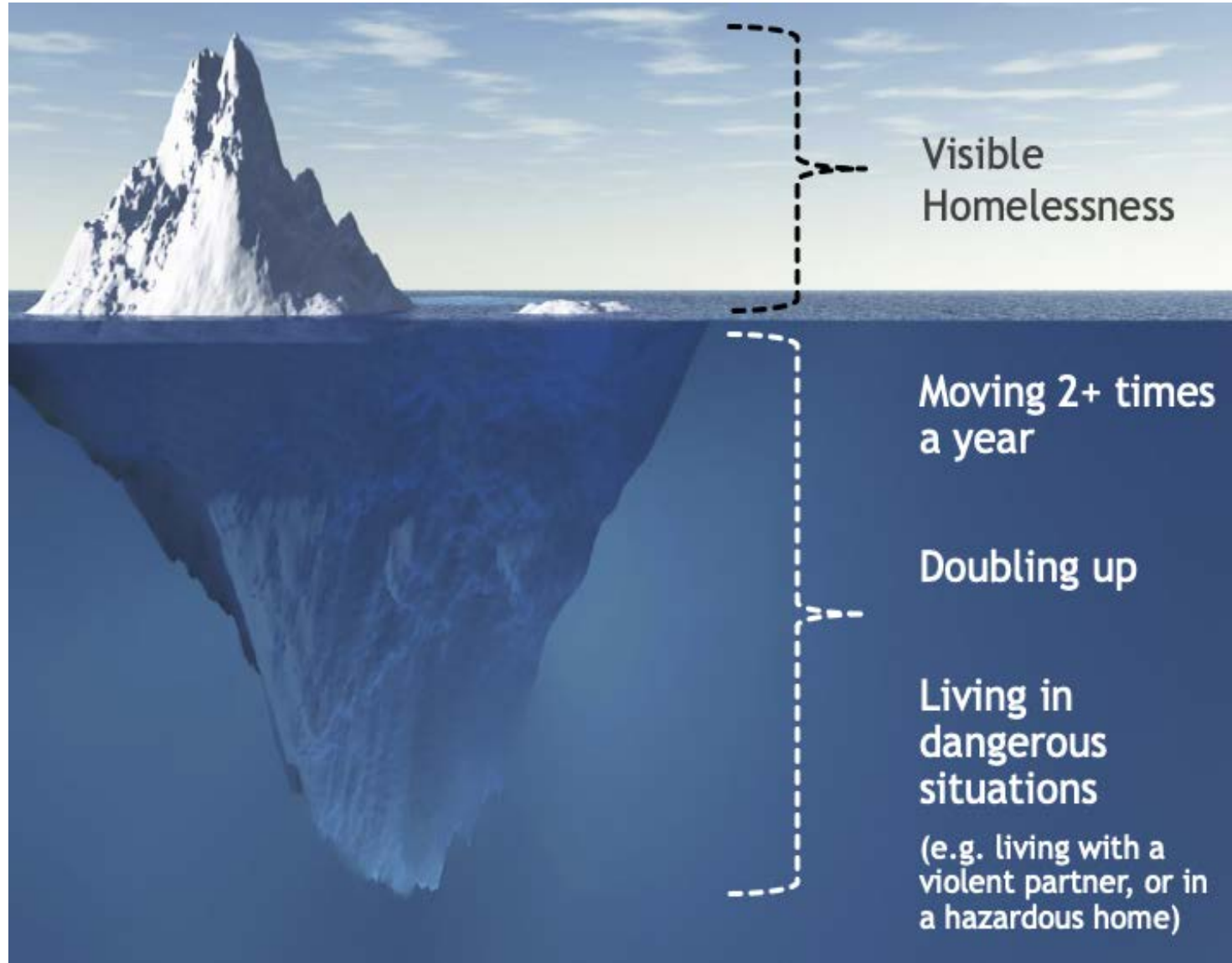
# Poor Housing Quality

## Housing Hazards include:

- Unsafe structures
- Overcrowding
- Poor ventilation and climate control
- Exposure to pesticides and other toxics
- Exposure to lead
- Exposure to radon



# Housing Instability



# COVID-19

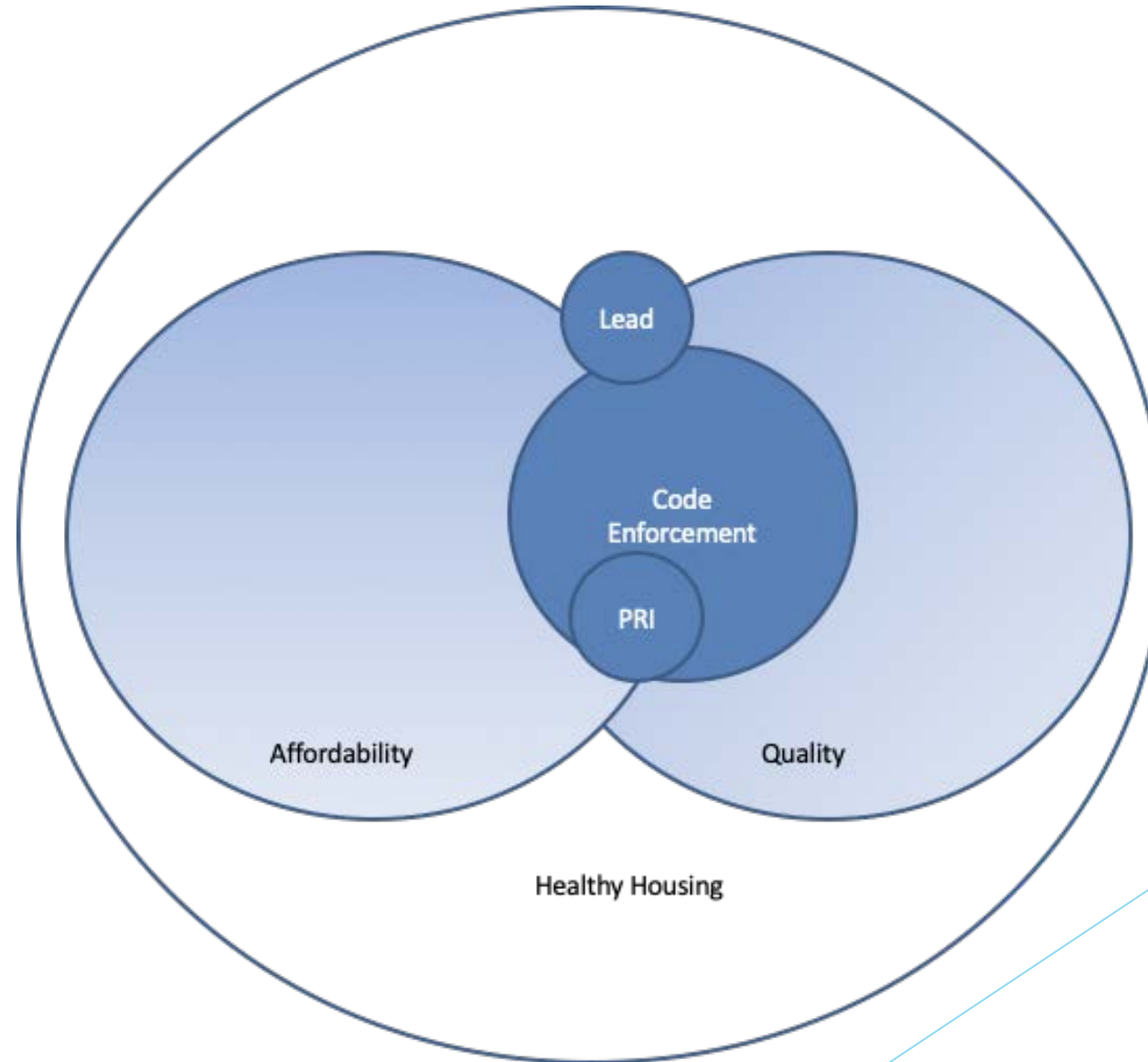
1. Systemic Racism
2. Wealth Gap
3. Housing Affordability
4. Housing Quality
5. Housing Instability



# Legal Levers for Health Equity in Housing



# The Role of Code Enforcement





# Proactive Rental Inspections

- Also known as systematic or periodic code enforcement
- Not complaint-based
- Generally include:
  - Registration of rental properties
  - Regular, periodic inspections of rental properties
  - Enforcement designed to incentivize compliance rather than displacement

# Why PRI? Preserve Safe and Healthy Rental Housing and Keep People Healthy

- PRI ensures all covered rental housing in a jurisdiction is subject to periodic inspections
- PRI brings a prevention approach to code enforcement
- PRI ensures regular, ongoing dialogue with landlords, helping shift the dynamic from ignoring code enforcement to cooperation & compliance

# Why PRI? Community Stability

- To preserve safe and healthy rental housing stock
- To preserve neighborhood stability, property values, and the property tax base
- PRI helps localities know what rental properties exist and who owns them

# Why PRI? Protect Vulnerable Tenants

- In a complaint-based system, substandard housing can fall through the cracks
  - Vulnerable tenant communities are often less likely to report substandard housing conditions
  - Vulnerable tenants are more likely to live in substandard housing

# Why PRI? Social Justice

- PRI can help ensure that code enforcement resources are spent equitably and that can raise the quality of housing for all residents

# *PRI in Action*

## Rochester, NY

- Population: 208,046
- Inspection for lead via Certificate of Occupancy requirements or after a filed complaint
- Enforcement via fines
- Use of data for evaluation
- Prohibition of retaliatory action



## *Other examples include:*

### Boston, MA

- Population: 685,094

### Toppenish, WA

- Population: 8,906

# PRI Health and Equity Challenges

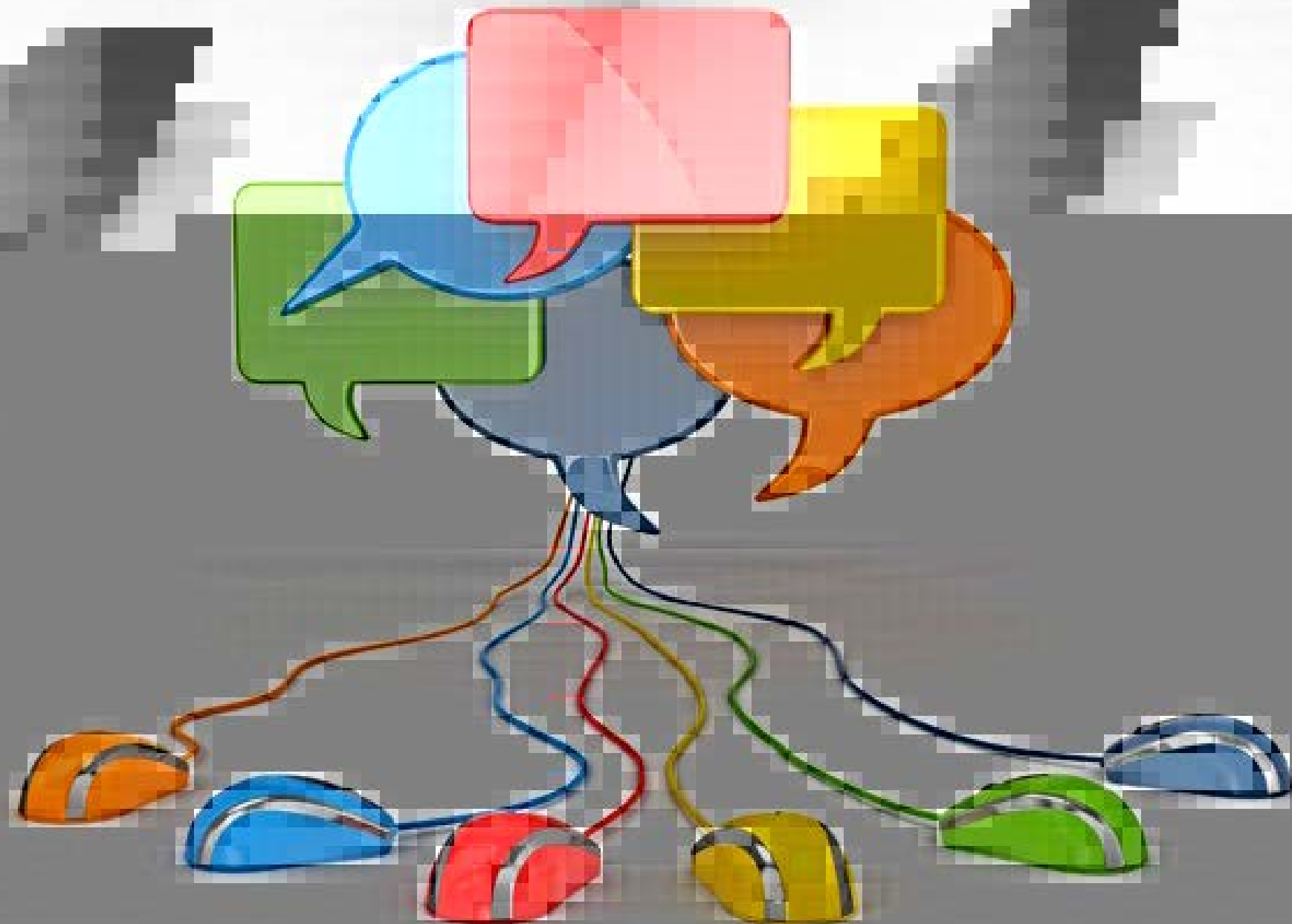
- Rent increases
- Tenant violations
- Uninhabitable and illegal units
- Funding and financing



# Contact

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*Please enter your questions in either the chat or Q&A boxes (likely on the right side of your screen)*



**National Low Income  
Housing Coalition**



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[www.opportunityhome.org](http://www.opportunityhome.org)



**OPPORTUNITY  
STARTS AT HOME**

**Mike Koprowski, Campaign Director**  
*[mkoprowski@nlihc.org](mailto:mkoprowski@nlihc.org)*

# Join the National Safe and Healthy Housing Coalition



National Safe and Healthy  
Housing Coalition

[bit.ly/NSHHC](http://bit.ly/NSHHC)

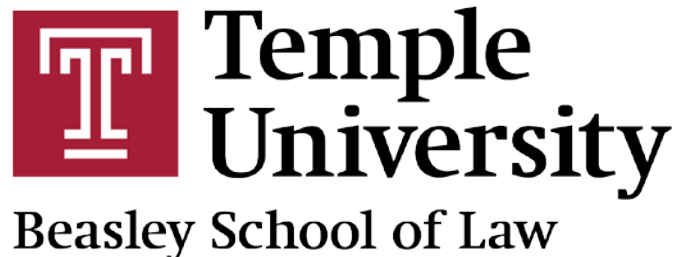


[sarah@nshhcoalition.org](mailto:sarah@nshhcoalition.org) • [nshhcoalition.org](http://nshhcoalition.org)

# Center for Public Health Law Research

## Philadelphia, Pennsylvania

Based at the Temple University Beasley School of Law, the Center for Public Health Law Research supports the widespread adoption of scientific tools and methods for mapping and evaluating the impact of law on health. The Center works by developing and teaching public health law research and legal epidemiology methods (including legal mapping and policy surveillance); researching laws and policies that improve health, increase access to care, and create or remove barriers to health (e.g., laws or policies that create or remove inequity); and communicating and disseminating evidence to facilitate innovation. The Center celebrated its 10th anniversary in 2019.



Center for  
Public Health Law  
Research

# ChangeLab Solutions

## Oakland, California

ChangeLab Solutions is a national organization that advances equitable laws and policies to ensure healthy lives for all, prioritizing communities whose residents are at highest risk for poor health. Our multidisciplinary team of lawyers, planners, policy analysts, and other professionals works with state and local governments, advocacy organizations, and anchor institutions to create thriving communities. ChangeLab Solutions helps implement solutions that bolster all aspects of community health, working in many interconnected issue areas, including access to healthy food, tobacco control, housing and transportation, schools and child care, and the built environment. By analyzing existing policies, ChangeLab Solutions helps to identify which innovative approaches will yield the most improvement in health and equity. ChangeLab Solutions' unique method, backed by research and evidence, seeks to undo the harms of structural racism and other forms of institutionalized discrimination that encumber underserved communities.



# ChangeLab Solutions

<https://www.changelabsolutions.org/>



# National Center for Healthy Housing

## Columbia, Maryland

The National Center for Healthy Housing (NCHH) is the preeminent national nonprofit dedicated to securing healthy homes for all. Since 1992, NCHH has served as a highly regarded and credible change agent, successfully integrating healthy housing advocacy, research, and capacity building under one roof to reduce health disparities nationwide. With more than six million families living in substandard housing, NCHH equips leaders in the public health, housing, and environmental sectors with the data, tools, policies, and best practices they need to improve housing quality in their communities.

National Center for  
**HEALTHY HOUSING**



# National Low Income Housing Coalition

## Washington, District of Columbia

Founded in 1974 by Cushing N. Dolbeare, the National Low Income Housing Coalition (NLIHC) educates, organizes, and advocates to ensure decent, affordable housing for everyone. NLIHC's goals are to preserve existing federally assisted homes and housing resources, expand the supply of low-income housing, and establish housing stability as the primary purpose of federal low-income housing policy. NLIHC's staff teams work together to achieve its advocacy goals. Its research team studies trends and analyzes data to create a picture of the need for low-income housing across the country. Its policy team educates lawmakers about housing need and analyzes and shapes public policy.

Its field team mobilizes members and supporters across the country to advocate for good housing policy. Its communications team shapes public opinion of low-income housing issues. And its administration team works to ensure NLIHC remains a sustainable, high-capacity organization.



**National Low Income  
Housing Coalition**

# Legal Levers for Health Equity in Housing: Next in This Series

## Part 3: An Experimental Approach to Building Health Equity in Housing

What we don't know about how laws and policies impact health equity in housing is far greater than what we do know. So, how do we build health equity in housing with a lack of evidence? The Center for Public Health Law Research has proposed that a bold, systematic experimental approach is the best way forward: We need to work together to try new things—and study them—so we can begin to make a more substantial dent on the U.S. housing crisis. This final webinar will discuss a few experiments the Center identifies as being among the most promising, based on existing evidence and past implementation: proactive lead inspection, and tweaks to levers to increase the availability of affordable housing. Attendees will hear from experts who have worked on the ground addressing these issues across the United States and gain insight into how they might begin to experiment in their own communities.