Source of Income Discrimination and Fair Housing Policy

J. Rosie Tighe¹, Megan E. Hatch¹, and Joseph Mead¹

Abstract
The housing choice voucher program was designed with two main goals in mind: to eliminate concentrations of poverty and the social problems it causes and to provide poor households with greater access to higher-opportunity neighborhoods. However, research suggests that voucher holders would like to move to higher-opportunity neighborhoods, but often are unable to do so. One of the most prominent reasons for this is that, in most cities and states, local law allows landlords to discriminate against potential tenants on the grounds of their "source of income" (SOI). This article reviews the literature on discrimination of voucher recipients and the potential for SOI antidiscrimination laws to mitigate some of these negative outcomes.

Keywords
discrimination, housing, poverty

Seeking a fundamental departure from the large-scale public housing developments that dominated housing provision for the nation’s neediest households through the 1960s, housing policy over the past thirty years has promoted poverty deconcentration (Galster 2013; Goetz 2003; Turner et al. 2004; Vale 2013; von Hoffman, Belsky, and Lee 2006; Williamson, Smith, and Strambi-Kramer 2009). The housing choice voucher (HCV) program (originating in 1975 as the Section 8 Existing Housing Certificate Program) was designed with two main goals in mind: to eliminate concentrations of poverty and the social problems it causes and to provide poor households with greater access to higher-opportunity neighborhoods (Basolo and Nguyen 2005; Hays 1985; Marcuse and Keating 2006; Pendall 2000a). Furthermore, vouchers were appealing because they, “Involve[d] less active interference in the production of housing by the private market than any other type of public subsidy” (Hays 1985, 140). Thus, vouchers provided a suitable alternative to the costly and unpopular government-sponsored production programs of the 1960s (Burchell and Listoken 1995; Krumholz 2004). Vouchers continue to enjoy popularity because they are recipient based, take advantage of private-sector housing, and eliminate the necessity of direct construction and management of housing by the government (Crump 2002; Johnson 2016; Matthews 1998; Orlebeke 2000; Turner 2003; von Hoffman 1996).

Numerous studies evaluate how well the voucher approach has succeeded in attaining its dual goals of mobility and poverty deconcentration. Primarily, these studies indicate that voucher holders have only limited success in the realm of poverty deconcentration and access to opportunity (Carlson et al. 2008; McClure 2008; McClure and Johnson 2015; Varady et al. 2010). While theoretically, voucher holders can settle anywhere in the metropolitan area, research shows that recipients “are no more likely than nonsubsidized households to penetrate discriminatory market barriers and find rental accommodations in integrated living environments” (Carr 1999, 143). Furthermore, though many voucher holders end up living in moderate-income areas, most do not move far from their previous neighborhoods (Varady and Walker 1999). Moreover, there are deep racial divides regarding which households are more successful in finding housing in nonpoor neighborhoods (Basolo and Nguyen 2005; Briggs and Keys 2009; Pendall 2000a). Finally, nonwhite participants move to areas with greater concentrations of voucher holders and poverty (Basolo and Nguyen 2005; Guhathakurta and Mushkatel 2000; Lahr and Gibbs 2002).

While such patterns could be a result of choice on the part of the voucher holder to stay in familiar areas (Feins and Patterson 2005; McClure 2008), it has also been shown to be a response to discriminatory actions made by landlords (Charles 2003; Gilderbloom 1985; Pendall 2000a; Schwemm 2007; Turner 2003). The latter point is bolstered by analyses of voucher holders’ neighborhood preferences, which demonstrate that tenants’ stated desires conflict with their eventual choices (Wang 2016). Overall, the research suggests voucher holders would like to move to higher-opportunity neighborhoods but often are unable to do so (Bruin and Cook 1997; Kleit and Galvez 2011; Patterson and Yoo 2012; Pendall 2000a; Ross, Shlay, and P icon 2012; Turner and Ross 2005). One of the most

¹ Cleveland State University, Cleveland, OH, USA

Corresponding Author:
J. Rosie Tighe, Cleveland State University, 2121 Euclid Ave, Cleveland, OH 44115, USA.
Email: rosie.tighe@gmail.com
prominent reasons for this is that, in most cities and states, local law does not require landlords to accept vouchers, thus allowing landlords to discriminate against potential tenants on the grounds of their “source of income” (SOI; Freeman 2012; Johnson-Spratt 1998). SOI discrimination has recently gained much attention in the fields of urban planning, public policy, and housing law, as cities and states struggle with how to deal with the problems of concentrated poverty, and advocates press for more protections against such discrimination (Turner 2015). This article reviews the literature on discrimination against voucher recipients and the potential for SOI antidiscrimination laws to mitigate some of these negative outcomes.

**Desegregation, Poverty Deconcentration, and US Housing Policy**

Segregation along race and wealth lines has a long history in the United States, and the stain of policies from decades ago—including the public housing program and Federal Housing Administration lending policies—continues to mar American cities (Briggs 2005; Collins and Margo 2000; Squires and Kubrin 2005). Institutional and governmental rules promoted investment in communities only available to whites, while divesting from low-income and minority neighborhoods (Jargowsky 2006; Squires and Kubrin 2005). Furthermore, “this isolation is perpetuated not only by the concentration of existing affordable housing in central cities and older suburbs, but by the barriers to developing affordable housing in most outlying suburbs” (Orfield 2006, 102). These patterns of segregation resulted in limited contact, and therefore increased mistrust, between different classes and races (Young 1999).

The limited legal tools available to promote inclusionary policies stymied efforts to remedy historical patterns of segregation. Over the past thirty years, the courts have grown increasingly hostile to compulsory school desegregation plans (Anderson 2002; Orfield 1995–1996, 2004). These changes in tone and content indicate that “the courts have turned away from racial integration as a positive ideal for civil society, narrowing their focus merely to remediing discrimination. This narrowing of vision ignores the ways segregation operates as an independent race-based barrier to equality of opportunity that is properly addressed by state intervention” (Anderson 2002, 1198). As a result, residential integration remains the most promising method of promoting equality of opportunity (Cashin 2004; Ellen 2000; Rivkin 1994). However, just as de facto school segregation continues, residential integration also faces considerable legal obstacles (Charles 2003; Pendall 2000a), primarily due to the fact that segregation does not raise constitutional issues unless it can be tied directly to a discriminatory act. Consequently, racial segregation remains a barrier to equal opportunity and the legal mechanisms available for dismantling it are steadily disappearing.

Yet, some policy mechanisms for facilitating desegregation do remain available. Federal housing policy has a strong formal position favoring the dispersal of affordable housing options throughout regions (Goetz 2003; McClure 2008; Schwartz 2014; Tighe and Mueller 2013). Two programs—Chicago’s court-ordered Gautreaux program and the Department of Housing and Urban Development (HUD) demonstration program, Moving to Opportunity (MTO)—tested the effects of moving poor families into nonpoor neighborhoods. Gautreaux and MTO provided low-income people with access to better schools and services in nonpoor neighborhoods and of exposure to middle-class peers and social norms (Galster and Killen 1995; Jencks and Mayer 1990; Levanthal and Brooks-Gunn 2000). The programs, while limited in scope, illustrated that improved neighborhood conditions do often result in benefits for many families (Galster 2005; Kleit 2001; Krumholz 2004; Rosenbaum 1995; Rosenbaum and Popkin 1991).

Housing policies increasingly seek to limit concentration of poverty and racial segregation through mixed income development strategies and vouchers (Imbroscio 2008; Squires and Kubrin 2005). Thus, “housing policy can be a tool for enhancing families’ economic opportunities” (Shlay 1995, 490). Conversely, poor-quality and unaffordable housing presents a significant barrier to educational achievement and self-sufficiency (Bratt 2002; Mueller and Tighe 2007; Shlay 1995). By improving the housing of low-income families, both adults and children can achieve greater success in work and in school activities (Braconi 1999; Bratt 2002; Morra 1994; Rumberger 2003; Sanborn et al. 2003; Turner et al. 2003; Wilson 1991; Young 2001).

**Challenges for Voucher Holders Seeking Housing**

Numerous factors limit voucher holders’ ability to find adequate housing. The foremost of these include market constraints (Devine et al. 2013; Kleit and Galvez 2011; Turner et al. 2000), use of information (Kleit and Galvez 2011; Pendall 2000b), and discrimination (Nguyen, Basolo, and Tiwari 2013; Tighe 2012). Yet all of these factors are intermingled: discrimination on the part of landlords will influence market constraints, expected or perceived discrimination will affect personal preferences, and access to information is dependent upon where landlords choose to advertise (or not) as well as how households hear about potential units. Each of these factors is shaped by real and perceived SOI discrimination.

**Market Constraints and Vouchers**

Of the 2,320 public housing authorities (PHAs) that offer HCV, all of them employ waitlists (Layfield 2016). At last check, approximately 75 percent of those PHA HCV waitlists are closed (Layfield 2016). While this number can vary due to region and housing market, this estimate is in line with what has been reported in other studies. A recent analysis of 83 “shrinking” cities found 80 percent of those cities had closed voucher waitlists (Tighe and Gunning 2016) and in Illinois, “51, or 72 percent, have closed voucher waitlists” (Fortino 2015, 1). While no systematic data are available regarding length of time an individual or family may stay on a waitlist,
one study observes that in a number of large cities, individuals can wait on a list for a voucher for more than a decade (Tighe forthcoming). More than 5 million people in 2.2 million low-income families benefit from the HCV program (Center on Budget and Policies Priorities 2015), yet more than 10 million who do not receive any subsidy qualify.

As a result, in 2015, nearly half of all renter households were “cost-burdened”—meaning they pay more than 30 percent of their income toward housing (Joint Center for Housing Studies 2015, 30). This is especially challenging for low-income households: “In 98 of the 100 largest metros, more than three-quarters of households with incomes below $15,000, and more than half of those with incomes between $15,000 and $29,999, were housing cost burdened in 2013” (Joint Center for Housing Studies 2015, 31). Furthermore, the number of very low-income tenants who qualify for subsidies continues to grow, increasing by 18 percent between 2003 and 2013, so that only, “just over a quarter (26 percent) of eligible very low-income households received rental assistance” (Joint Center for Housing Studies 2015, 33) in 2013.

Numerous studies focus on the market constraints facing voucher recipients (Pendall 2000a; Williamson, Smith, and Strambi-Kramer 2009). Williamson, Smith, and Strambi-Kramer (2009, 120–21) discuss these constraints at length, concluding, “achieving the dispersal goal has been limited in some areas by shortages of available, affordable rental housing.” The same study estimates that 30 percent of voucher holders reside in units that are subsidized through another mechanism (typically the low income housing tax credit; Williamson, Smith, and Strambi-Kramer 2009). These data are bolstered by a report from HUD, which observes “In terms of units, we found that nearly half the units (44 percent) across all study properties either have project-based Section 8 or are occupied by voucher or certificate holders” (Burton et al. 2000, 40). These findings suggest that voucher holders, who are free to reside in any neighborhood or unit that accepts them, choose a unit in a subsidized development because few alternatives exist for them in the private sector.

Further complicating the process of renting a home using a voucher is the constrained time line placed on the tenant. HUD requires that a household finds a rental unit within sixty days of receiving their voucher. Failure to do so may result in forfeit of the voucher. While many PHAs employ more generous time lines (e.g., Chicago allows ninety days [Bowen 2016]), nearly all PHAs give voucher holders some sort of time limit in which they must find an apartment or risk losing their subsidy. Furthermore, HUD rates PHAs on their utilization rates. According to HUD guidelines, PHAs are expected to hold 98 percent utilization rates. Those that fall below 95 percent may lose the ability to add new vouchers, and those falling below 90 percent face fee increases (US HUD 2001, chap 24).

Thus, for those households lucky enough to have surmounted all of the obstacles discussed previously, which have made it off of the waitlist and obtained a housing voucher, there remains the difficulty of finding a unit which they can actually rent in a timely manner. This reality combined with the burden (perceived or real) that the inspection process places on landlords, has prompted Malaspina (1996) to criticize the role that PHAs play in the rental process, arguing that these agencies were created to operate supply-side housing, but now “inappropriate[ly] use supply-side housing policies in a demand-side program” (p. 289). Regardless of which element of the program is most onerous, it is clear HCV recipients face both market and program-level barriers to using their vouchers to relocate successfully to high-opportunity, desegregated neighborhoods.

**Information Use and Misuse**

For all tenants, but especially subsidized ones, choosing a rental home is replete with challenges. The rental market is characterized by imperfect information on all sides (Miron 1990; Raess and von Ungern-Sternberg 2002)—a tenant does not truly know the quality of potential homes or landlords and landlords do not truly know what kind of tenant the applicant will be. One way to address such information problems is by providing counseling. Studies demonstrate that voucher holders move to better neighborhoods more often when they receive counseling (Ladd and Ludwig 1997; Rosenbaum 1995). Yet counseling is not a required element of the HCV program, and thus many households may be at a disadvantage when seeking housing due to lack of information (Goetz 2003; Popkin et al. 2002; Powell 2005; Turner 2003). As Popkin et al. (2009) state, “While emphasizing vouchers, HUD should also require housing authorities to offer meaningful relocation counseling to help residents make informed choices and provide long-term support to help more families succeed in the private market” (p. 496).

Furthermore, some landlords use misinformation to limit the ability of voucher-holding tenants to rent from them. According to a study of race/ethnicity, age, disability, familial status, and HCV-status discrimination among HCV holders in Chicago, misinformation was one of the most robust tools used to discriminate (Chicago Lawyers’ Committee for Civil Rights Under Law, Inc. 2014). Voucher holders seeking housing found it difficult to get accurate information from owners or property managers when inquiring about housing. Furthermore, voucher holders also commonly encountered an unwillingness to make accommodations for a disability or children—both of which are protected classes under the Fair Housing Act of 1968.

Pendall (2000a) discusses how constrained markets and limited information often lead to a voucher holder choosing a distressed neighborhood, asking whether voucher holders “Should… confront discrimination by trying to move to one of the relatively limited number of rental dwellings in better neighborhoods? Or should they move to a rental in a distressed neighborhood, where landlords advertise that they welcome Section 8 tenants and where a higher proportion of residents are likely to be black?” (p. 26). A lack of information, therefore, leads to the potential for landlords to take advantage of tenants and tenants to choose what they know (their current
neighborhood or a similar one), rather than risk moving to a new, higher-opportunity neighborhood where the outcome is less certain.

**Discrimination**

The literature on social policy preferences has long recognized that misconceptions, stereotypes, and ideology regarding the poor contribute to public support for or opposition to public policies, including refusal to accept or Insure vouchers. This research suggests negative attitudes are often based on misperceptions and stereotypes of the people who may live there (Nguyen, Basolo, and Tiwari 2013; Pendall 1999; Somerman 1993; Takahashi 1997; Tighe 2010, 2012; Wilton 2002) and on assumptions made regarding the character of subsidized housing’s residents (Dear 1992; Tighe 2010, 2012; Wilton 2002). Often, the extent to which these residents are perceived as undesirable strongly shapes support or opposition to such housing (Dear 1992; Takahashi 1997; Wilton 2002). Research on attitudes people have about subsidized housing (and those living in such housing) indicates that they are most often not based on any reliable evidence, nor on the realities of subsidized housing today, but rather on stereotypes derived from past experiences with “project-based” housing (Dear 1992; Pendall 1999; Takahashi 1997; Tighe 2010, 2012; Wilton 2002).

Many Americans are not familiar with the considerable changes to “public housing” that have taken place during the last thirty years and, thus, do not understand the difference, for example, between public housing complexes and housing vouchers. Nguyen, Basolo, and Tiwari (2013) observe, “misunderstandings and misperceptions about affordable housing may exist, such as when affordable housing is mistakenly equated with public housing . . . Using the term ‘public housing’ is derogatory and elicits fears typically associated with older, high density and blighted housing developments that concentrate poverty” (p. 14). This lack of information and misconception of the goals and realities of housing programs furthers negative perceptions of subsidized rental housing tenants and can lead to discrimination.

In addition to discrimination based on stereotypes, families that receive a voucher often face challenges finding a rental unit due to legal discrimination against voucher holders—a practice termed “Source of Income Discrimination.” Federal law does not require landlords to accept HCVs, but many states, counties, and cities ban discrimination based on legal SOI, as discussed in greater detail below.

The result is that most voucher holders face lawful discrimination from landlords, leading to calls from some commentators for additional protections for this population, typically by an amendment to federal housing law (Beck 1996; Flagg 2011; Johnson-Spratta 1998). However, while discriminating based on SOI is legal in most jurisdictions in the United States, those who receive vouchers are disproportionately members of protected classes under the federal Fair Housing Act (which protects against discrimination based on race, national origin, gender, familial status, disability, and age) and similar state laws, suggesting discrimination against HCV recipients may be linked to a disparate impact against protected classes.

The US HUD has taken the position that defendants may be held responsible for the discriminatory effect of their actions that have a disproportionate adverse impact on a protected class, “even if the practice was not motivated by a discriminatory intent” (24 C.F.R. § 100.500). In 2015, the Supreme Court confirmed that the Fair Housing Act prohibited decisions that have a disparate impact on members of protected classes.1 The current demographic breakdown of voucher holders is as follows: 38 percent adults with children, 21 percent elderly, 20 percent disabled adults, 12 percent childless adults, 8 percent disabled adults with children, and 1 percent elderly with children (Center on Budget and Policy Priorities 2015). Families, the elderly, and the disabled are all protected from discrimination under the Fair Housing Act. Thus, when discriminating against those with vouchers, there is often a disproportionate impact based on the tenant’s familial status, disability, or age.

Litigation arguing that landlords refusing to accept HCVs creates an unlawful disparate impact on protected classes have been met with mixed results, as tenants sometimes struggle with issues of proof (Hampton 2009; Rotem 2010). Yet lawsuits have been highly impactful in forcing local governments to adopt laws banning SOI discrimination in order to reverse racially disparate housing practices (Benning 2014).2 This trend seems likely to continue as HUD implements its latest affirmatively furthering fair housing regulation when allocating federal funding to local governments (King 2013; Tegeler, Haberle, and Gayles 2013).3

It is not only landlords who discriminate against voucher holders. A number of recent cases have accused insurers of discrimination that results in a disparate impact. One analysis completed by Dr. Calvin Bradford in the Jones v. Travelers case concluded, “A policy that restricts the provision of insurance to properties that do not rent to Section 8 (Voucher) households has a clear and consistent disparate impact on African-American households, households that are female-headed, female-headed households with children, and households where the head is 62 years of age or older” (Bradford 2015, 15). In denying a motion for summary judgment in the Jones v. Travelers case, the Court concluded that the insurer’s policy was motivated by stereotypes, and this policy fell disproportionately on protected classes of racial minorities, single mothers, the elderly, and the disabled.4 This case was eventually settled, but the same insurer now faces a new lawsuit based on the same theory (Lee 2016). Therefore, there is a growing legal movement toward acknowledging the detriment discrimination against HCV recipients cause for protected classes.

**SOI Antidiscrimination Laws**

One policy solution for addressing the market constraints, information, and discrimination problems HCV tenants face is SOI antidiscrimination laws. Twelve states, Washington,
DC, and many local governments have an SOI antidiscrimination law (Hatch in press; Poverty and Race Research Action Center 2016); however, the language of these laws vary. For example, Washington, DC, explicitly names voucher holders as a protected class (D.C. Official Code § 2–1402.31), New Jersey simply protects “source of lawful income” without defining the phrase (New Jersey Stat. § 10:5-12), while California protects SOI but excludes vouchers as a protected SOI (Cal. Gov. Code § 12955(p)(1)). While Oregon has outlawed SOI discrimination since 1995, this protection explicitly excluded HCV recipients until 2014, when the exemption was repealed (Ore. Rev. Stat. § 659A.421). Conversely, in recent years, at least two states—Indiana and Texas—have explicitly prohibited cities from passing SOI discrimination ordinances. Table 1 contains a list of states with legislation addressing SOI discrimination. Dozens of local governments have also passed ordinances protecting SOI discrimination, including Chicago, New York City, and Seattle. A lengthy list of local ordinances has been compiled by Poverty and Race Research Action Center (Knapp v. Eagle Property Management Corp., 54 F.3d 1272, 1282 (7th Cir. 1995)).

| States with Legislation Addressing Source of Income Discrimination. | Laws that prohibit discrimination based on source of income, including receipt of housing choice vouchers | Laws that prohibit discrimination based on source of income but do not include housing vouchers | Laws that preempt local governments from protecting housing voucher recipients |
|---|---|---|---|
| Connecticut (1989) | Connecticut (1989) | Connecticut (1989) | Connecticut (1989) |
| Conn. Stat. Sec. 46b-64c | Conn. Stat. Sec. 46b-64c | Conn. Stat. Sec. 46b-64c | Conn. Stat. Sec. 46b-64c |
| District of Columbia (1977) | District of Columbia (1977) | District of Columbia (1977) | District of Columbia (1977) |
| D.C. Law 2-48, D.C. Official Code § 2-1402.31 | D.C. Law 2-48, D.C. Official Code § 2-1402.31 | D.C. Law 2-48, D.C. Official Code § 2-1402.31 | D.C. Law 2-48, D.C. Official Code § 2-1402.31 |
| Maine (1975) | Maine (1975) | Maine (1975) | Maine (1975) |
| Maine St. § 4581-A | Maine St. § 4581-A | Maine St. § 4581-A | Maine St. § 4581-A |
| Massachusetts (1971) | Massachusetts (1971) | Massachusetts (1971) | Massachusetts (1971) |
| Mass St. 151B § 4 | Mass St. 151B § 4 | Mass St. 151B § 4 | Mass St. 151B § 4 |
| Minnesota (1973) | Minnesota (1973) | Minnesota (1973) | Minnesota (1973) |
| Minn. Stat. 363A.09 | Minn. Stat. 363A.09 | Minn. Stat. 363A.09 | Minn. Stat. 363A.09 |
| New Jersey (1981) | New Jersey (1981) | New Jersey (1981) | New Jersey (1981) |
| New Jersey Stat. 10.5-12. | New Jersey Stat. 10.5-12. | New Jersey Stat. 10.5-12. | New Jersey Stat. 10.5-12. |
| North Dakota (1983) | North Dakota (1983) | North Dakota (1983) | North Dakota (1983) |
| Oregon (2014) | Oregon (2014) | Oregon (2014) | Oregon (2014) |
| Ore. Rev. Stat. § 659A.421 | Ore. Rev. Stat. § 659A.421 | Ore. Rev. Stat. § 659A.421 | Ore. Rev. Stat. § 659A.421 |
| Utah (1989) | Utah (1989) | Utah (1989) | Utah (1989) |
| Utah St. § 57-21-5 | Utah St. § 57-21-5 | Utah St. § 57-21-5 | Utah St. § 57-21-5 |
| Vermont (2012) | Vermont (2012) | Vermont (2012) | Vermont (2012) |
| VT Title 9 chapter 139 § 4503 | VT Title 9 chapter 139 § 4503 | VT Title 9 chapter 139 § 4503 | VT Title 9 chapter 139 § 4503 |

Note: HCV = housing choice voucher.

Oklahoma’s law makes it illegal “To refuse to consider as a valid source of income any public assistance, alimony, or child support, awarded by a court, when that source can be verified as to its amount, length of time received, regularity, or receipt because of race, color, religion, gender, national origin, age, familial status, or disability.” This law is somewhat ambiguous, and could be interpreted to only apply when the support is “awarded by the court,” or when the refusal to accept is "because of" a characteristic that is already protected.

Wisconsin prohibits discrimination on the basis of "lawful source of income," and a longstanding administrative interpretation provides that: "Lawful source of income" includes, but is not limited to, lawful compensation or lawful remuneration in exchange for goods or services provided; profit from financial investments; any negotiable draft, coupon or voucher representing monetary value such as food stamps; social security; public assistance; unemployment compensation or worker’s compensation payments." Wisc. Admin. Code DWD 220.02. Notwithstanding the seemingly clear language, since 1995, the courts have followed a judicial interpretation that held that housing choice vouchers are not included within the scope of the protection (Knapp v. Eagle Property Management Corp., 54 F.3d 1272, 1282 (7th Cir. 1995)).
Act, to limit confusion and ambiguity in language and interpretation and to offer uniform protections for all HCV recipients.

The arguments for SOI antidiscrimination laws center on the idea that they help the HCV program achieve its goals of mobility and poverty deconcentration. Such policies may eliminate barriers to matching HCV recipients with their preferred neighborhoods. Wang (2016) finds that while HCV recipients claim they prefer to live in safe neighborhoods in high-quality homes, their actual choices do not reflect these preferences. According to his survey, this is due at least in part to time limits, pricing, and landlords rejecting voucher holders. An SOI antidiscrimination law, therefore, would eliminate landlords’ ability to deny housing based on voucher status and increase the likelihood of success of finding a home in a desirable neighborhood (Daniel 2009).

Given the overrepresentation of racial minorities among HCV recipients, some have pointed to SOI protections as a mechanism for integrating neighborhoods (Beck 1996; Johnson-Spratt 1998; Krzewinski 2001). These questions have also been weighed in the courts: two prominent cases alleging that the government was not doing enough to combat racial segregation—one against Dallas, Texas, and one against Westchester County, New York—were resolved when the government defendants agreed to adopt SOI antidiscrimination laws (Benning 2014; see footnote 2). Thus, SOI antidiscrimination laws could serve to prevent disparate impact against protected classes while also decreasing segregation.

As Greenlee (2014, 11) explains, “voucher tenant selection is a landlord-driven process.” That means potential landlords have more information than tenants, and given this scenario, voucher holders are more likely to lose, for example, not locate housing. Through his interviews with landlords, Greenlee (2014) finds that landlords often have a hard time evaluating voucher recipients as potential tenants because they do not directly compare to market-rate tenants in terms of previous landlord references and the ability to pay. Given this difficulty, some landlords will take the more risk-averse path and not rent to HCV recipients. However, an SOI antidiscrimination law would prevent landlords from being able to take this path of least resistance, thus giving HCV tenants an opportunity to compete with market-rate tenants for units.

On the other hand, both economists and landlords raise objections to the spread of SOI antidiscrimination laws. In their review of the literature on the relationship between regulation and housing, Gyourko and Molloy (2014) present evidence that housing market regulation increases housing prices and rents. While these authors do not specifically mention SOI antidiscrimination regulations, these laws, like zoning, limit housing suppliers’ ability to provide housing in their preferred manner, and thus may lead to price distortions. Landlords and their advocates also argue against SOI antidiscrimination policies on the basis of free choice and equity. Landlords often claim they do not want to deal with the bureaucratic burden of being forced to take voucher recipients (Fernandez 2007; Marr 2005; Rotem 2010). They also express concern that they will lose money waiting for inspections to be complete and may have to accept lower rents than they would receive in the open market (Greenlee 2014). However, recent research from Milwaukee suggests that, conversely, landlords may actually overcharge voucher holders (Desmond and Perkins 2016). Sterken (2009) argues that, in some cases, accepting vouchers may pose an undue burden on a landlord, and, in very specific and rare situations, some landlords should receive exemptions from regulations forcing them to accept vouchers.

SOI antidiscrimination laws, therefore, are controversial. While advocates claim such policies will lead to better tenant outcomes, opponents express concerns about distorting the rental market through additional regulation. The evidence to support any of these claims is only in its infancy, and therefore, much more research is needed to evaluate their validity.

What We Know

Early research shows promise for SOI antidiscrimination laws both increasing the likelihood of HCV recipients finding a place to live and moving to a higher-opportunity neighborhood. In one of the only evaluations of these laws, Finkel and Buron (2001, 3–17) study forty-eight PHAs and 2,600 voucher households finding that, all else equal, the probability of successfully using one’s voucher within the program time frame (their definition of program success) was twelve percentage points higher in jurisdictions with an SOI antidiscrimination law. Freeman (2012) concurs, estimating voucher utilization rates increase by five to twelve percentage points when there is an SOI antidiscrimination law.

The effect of these laws on neighborhood quality, while also positive, is somewhat more moderate. Freeman and Li (2014) use a difference-in-differences approach and a border methodology to test whether voucher holders are more likely to move to low-poverty areas when they live in a municipality with an SOI antidiscrimination policy. These authors observe that between 1995 and 2008, voucher holders in places with SOI antidiscriminations laws were more likely to move to a neighborhood with a lower-poverty rate and a larger white population than recipients living in areas without an SOI law. This provides further evidence for Freeman’s (2011, viii) claim that “SOI law[s] do facilitate movement into more advantaged neighborhoods.” However, Freeman and Li (2014) caution they do not detect a decrease in the concentration of voucher holders in areas with SOI antidiscrimination laws. Why this is the case has not yet been studied.

Even in areas where there are SOI antidiscrimination laws, there is concern that nonexistent or unequal policy enforcement tempers potential positive outcomes. Nonprofit and watchdog agencies find discrimination against voucher holders still exist in places like Washington, DC (The Equal Rights Center 2005, 2008, 2013) and Chicago (Chicago Lawyers’ Committee for Civil Rights Under Law, Inc. 2014), even when there are local
SOI antidiscrimination laws. For example, the Chicago Lawyers’ Committee for Civil Rights Under Law, Inc. (2014), performed fifty matched pair tests in suburban Cook County, Illinois, where there is an SOI antidiscrimination law. In 32 percent of the cases, landlords refused to rent to HCV participants. In addition, 18 percent of the time landlords only discriminated against blacks but not whites, HCV participants indicating the intersectionality of discrimination based on race and SOI. The Equal Rights Center (2013), through testing between 2005 and 2012, observe incidence of SOI discrimination is decreasing, positing that education and outreach can reduce discrimination over time. Therefore, like most antidiscrimination policies, there persist deep concerns regarding how to enforce them effectively.

**What We Do Not Know**

Given the paucity of studies surrounding SOI discrimination and antidiscrimination policies, it is unsurprising that there is a lot we do not know. Based on our review, we suggest four primary areas for future research. First, more studies are needed on how SOI discrimination, both actual and perceived, affects the housing search process for voucher holders. Perceived (rather than actual) discrimination may be enough to alter HCV recipient behavior when searching for and choosing a place to live. We also need more qualitative and quantitative research on the effects of SOI antidiscrimination policies, especially in cases where there is strict law enforcement.

Second, while paired testing is often used to determine if landlords discriminate based on SOI (The Equal Rights Center 2013; Chicago Lawyers’ Committee for Civil Rights Under Law, Inc. 2014), this is complicated by the close relationship between SOI and racial discrimination (Galvez 2010). It is still difficult to distinguish whether broader patterns of discrimination and segregation are due to SOI, race, children, or another protected class. Further research needs to quantify and disentangle the effects of these various types of discrimination. This is an important first step to understanding both the scope of the problem and the effectiveness of public policy to address discrimination against HCV recipients.

Third, it is not at all clear how familiar either landlords or tenants are with SOI antidiscrimination laws. A cursory search of Craigslist advertising in a Midwest City with an SOI antidiscrimination law found that ten of the first seventeen non-duplicative advertisements stated “No Section 8” or a similar sentiment in violation of that municipality’s law—an observation corroborated by Freeman’s findings (2012). It is not clear whether landlords were aware they were violating local regulations, or whether enforcement is so lax or penalties so minor that they were comfortable flouting these regulations. Furthermore, it is unlikely outcomes will change unless knowledge of such laws is widespread. We have no evidence that municipalities that pass SOI antidiscrimination laws do any marketing or educating of landlords to promote compliance. Even if knowledge about SOI antidiscrimination laws is widespread, we do not know to what extent these laws are enforced, nor what penalties are levied.

Finally, while early studies (Finkel and Buron 2001; Freeman 2012; Freeman and Li 2014) indicate SOI antidiscrimination laws increase voucher utilization, especially to higher opportunity neighborhoods, more research in other contexts is needed to confirm these results. Why HCV recipients in areas with SOI antidiscrimination laws move to lower-poverty neighborhoods yet voucher concentration levels do not change (Freeman and Li 2014) remains unexplored. Furthermore, there are significant concerns about requiring voucher acceptance in very high-rent areas where the maximum rent allowances do not coincide with realities of the housing market. However, some municipalities have requested and secured higher maximum rent ceilings from HUD so voucher holders can remain competitive in the market and landlords will not be penalized for accepting them as payment (City of Santa Monica 2015). HUD is currently proposing changing the HCV rent determination from the current county level to the metropolitan area, what is called small area fair market rent, in certain locations (United States HUD 2016b). This would allow PHAs to pay higher rents in certain high-rent and high-opportunity neighborhoods. If HUD adopts this proposed rule change, large-scale evaluations will be necessary to determine the effect of more localized rent determination, and thus expanded opportunities in some neighborhoods, on the prevalence of SOI discrimination.

While literature on SOI discrimination is still in its infancy, it seems clear it is not a panacea for many of the problems faced by HCV participants discussed in this article. “Overt discrimination at lease-up represents only one of several ways in which landlords treat voucher tenants differently from market-rate ones” (Greenlee 2014, 19). There are still other market conditions and information problems that SOI antidiscrimination laws do not address. However, these policies may offer a starting point for policy makers concerned with helping voucher recipients find housing in low-poverty neighborhoods.

**Conclusion**

According to the US HUD, “The [Housing Choice Voucher] participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects” (US HUD 2016a, n.p.) Furthermore, all units, whether subsidized or not, “must meet minimum standards of health and safety” (US HUD 2016a, n.p.). Buildings must be certified as being in compliance with all building codes in the city. Thus, the only distinction between housing that HCV and nonsubsidized tenants live in is the method of payment—in this case, partial payment is made via a voucher provided by the government. Despite evidence that subsidized housing residents cause no more problems than market-rate tenants; that the units rented to HCV tenants are certified as being up to code and located in and near other market-rate units and developments; and that overall, there is little to distinguish properties that rent to HCV
recipients besides a willingness on the part of the landlord to do so, there is considerable evidence of discrimination against voucher holders (Bacon 2005; Galvez 2010; Krzewinski 2001; McClure 2008; Roisman 2004; Sard 2001). Housing researchers have committed considerable time and money to study the evidence supporting or refuting claims by those opposing subsidized housing—including both project-based housing and vouchers. For the most part, the research demonstrates that well-managed housing that fits the scale of the neighborhood seldom produces negative impacts (Freeman and Botein 2002; Galster et al. 2002; Nguyen 2005; Schaffer and Saraf 2003; Werwath 2004). Santiago, Galster, and Tatian (2001) specifically find that scattered-site housing (e.g., the type of housing where individual landlords accept vouchers) largely has a positive effect on neighboring property values.

However, most Americans do not know very much about subsidized housing, and are certainly not familiar with the changes in policy over time, nor the research demonstrating the lack of ill effects emanating from nearby subsidized housing (Nguyen, Basolo, and Tivari 2013; Tighe 2012). When people do not have a lot of information about something—such as subsidized housing—they rely on cognitive shortcuts to make decisions (Lippmann 1922; McConahay 1982; Sears et al. 1997). A lack of information creates the need to infer from limited knowledge. One of the most pervasive cognitive shortcuts is stereotypes—particularly about different races and classes of people (Gilens 1996; Krysan 2000; Soss 1999). When people rely on stereotypes as cognitive shortcuts in their decision-making, it can result in discrimination and other action that limits or excludes subsidized housing (Tighe 2012).

Furthermore, the rules and regulations governing the HCV program limit the ability of tenants to find adequate housing. The sixty-day limit allowed by HUD is extremely short, given the market constraints and discrimination facing voucher holders. Enacting SOI discrimination bans can eliminate some of these barriers, although the effects may be small (Freeman and Li 2014). SOI antidiscrimination laws alone will not instantly eliminate all of the barriers facing low-income households; however, early research is promising that these policies may improve outcomes for HCV participants. We call for more research on these policies to evaluate whether they represent effective mechanisms for improving low-income housing.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

1. Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc., 135 S. Ct. 2507 (2015).
2. United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, N.Y., 712 F.3d 761, 771 (2d Cir. 2013).
3. County of Westchester v. U.S. Dept. of Housing and Urban Development, 802 F.3d 413 (2d Cir. 2015).
4. Jones v. Travelers Casualty Insurance Company of America, 2015 WL 5091908, at *2 (N.D.Cal., 2015).
5. Bernstein (2010) maintains these local source of income protections are preempted by federal law, an argument federal and state courts have consistently rejected (Austin Apartment Ass’n v. City of Austin, 89 F. Supp. 3d 886, 895 [W.D. Tex. 2015]; Bourbeau v. Jonathan Woodner Co., 549 F. Supp. 2d 78 [D.D.C. 2008]; Commission on Human Rights and Opportunities v. Sullivan Associates, 739 A.2d 238, 250 Conn. 763 [Conn. 1999]). Other scholars, in contrast, analyze the processes and substance of the forms of protection enacted by different state and local governments (Claussen 2015; Merjiana 2015; Readler 1997).

References

Anderson, Elizabeth S. 2002. “Integration, Affirmative Action, and Strict Scrutiny.” New York University Law Review 77:1195–271.
Bacon, L. 2005. “Godinez v. Sullivan-Lackey: Creating a Meaningful Choice for Housing Choice Voucher Holders.” DePaul Law Review 55:1273.
Basolo, Victoria, and Mai Thi Nguyen. 2005. “Does Mobility Matter? The Neighborhood Conditions of Housing Voucher Holders by Race and Ethnicity.” Housing Policy Debate 16:297–324.
Beck, Paula. 1996. “Fighting Section 8 Discrimination: The Fair Housing Act’s New Frontier.” Harvard Civil Rights-civil Liberties Law Review 31:155–86.
Benning, Tom. 2014. “Reverberations from City of Dallas’ HUD Discrimination Case to Be Felt.” Dallas Morning News, November 6. Accessed February 25, 2016. http://www.dallasnews.com/news/metro/20141106-reverberations-from-city-of-dallas-hud-discrimination-case-to-be-felt.ece.
Bernstein, Jenna. 2010. “Section 8, Source of Income Discrimination, and Federal Preemption: Setting the Record Straight.” Cardozo Law Review 31:1407–36.
Bowean, Lolly. 2016. “CHA Voucher Deadline Costs Hundreds a Home: ‘In a Blink, All Hope Was Snatched from Me’” Chicago Tribune, February 26, 2016. Accessed June 10, 2016. http://www.chicagotribune.com/news/et-housing-voucher-deadlines-met-20160224-story.html.
Braconi, Frank. 1999. “Health Housing and Work.” The Urban Prospect: Housing, Planning, and Economic Development in New York 5(2).
Bradford, Calvin D. 2015. Supplement to Disparate Impact Report. Attached as Exhibit 9 to Plaintiffs’ Omnibus Motion to Exclude Declarations of Conflicting Interests attached as Exhibit 9 to Plaintiffs’ Omnibus Motion to Exclude Certain Opinions and Testimony of Plaintiffs’ Experts, Jones et al. v. Travelers Casualty Insurance Company of America, Case No. 5:13-cv-02390, ECF No. 217-10 (N.D. Ohio).
Bratt, Rachel G. 2002. “Housing and Family Well-being.” Housing Studies 17:13–26.
Briggs, Xavier de Souza, and Benjamin J. Keys. 2009. “Has Exposure to Poor Neighbourhoods Changed in America? Race, Risk and Housing Locations in Two Decades.” Urban Studies 46:429–58.
Briggs, Xavier de Souza, ed. 2005. The Geography of Opportunity, James A Johnson Metro Series. Washington, DC: Brookings Institution Press.
Galvez, Martha M. 2010. “The Impact of Supportive Housing on Neighborhood Crime Rates.” Journal of Urban Affairs 24:289–315.

Galster, George, Kathryn Pettit, Anna Santiago, and Peter Tatian. 2002. “Social Factors Affecting Landlords in the Determination of Rent.” Journal of Contemporary Ethnography 14:155–79.

Gilderbloom, John I. 1985. “Race and Poverty in America Public Misperceptions and the American News Media.” Public Opinion Quarterly 60:515–41.

Goetz, Edward Glenn. 2003. Clearing the Way: Deconcentrating the Poor in Urban America. Washington, DC: The Urban Institute.

Greenlee, Andrew J. 2014. “More than Meets the Market? Landlord Agency in the Illinois Housing Choice Voucher Program.” Housing Policy Debate 24:500–24.

Guha-thakurta, Subhrajit, and Alvin H. Mushkatel. 2000. “Does Localized Choice Matter? A Comparison of Different Subsidized Housing Programs in Phoenix, Arizona.” Urban Affairs Review 35:520–40.

Gyorko, Joseph, and Raven Molloy. 2014. Regulation and Housing Supply. No. w20536. Cambridge, MA: National Bureau of Economic Research.

Hampton, Austin K. 2009. “Vouchers as Veils.” University of Chicago Legal Forum 1:503–27.

Hatch, Megan E. in press. “Statutory Protection for Renters: Classification of State Landlord–tenant Policy Approaches.” Housing Policy Debate:1–22. Accessed April 24, 2016. http://www.tandfonline.com/doi/abs/10.1080/10511482.2016.1155073?journalCode%E2%81%84hpd20.

Hays, R. Allen. 1985. The Federal Government and Urban Housing: Ideology and Change in Public Policy, edited by Anonymous. Albany, NY: State University of New York Press.

Imbroscio, David. 2008. “United and Actuated by Some Common Impulse of Passion: Challenging the Dispersal Consensus in American Housing Policy Research.” Journal of Urban Affairs 30: 111–30.

Jargowsky, Paul. 2006. “Concentration of Poverty and Metropolitan Development.” Paper read at Concentrated Poverty: What, Where and Why, at Dallas, TX. Dallas, TX: Federal Reserve Bank of Dallas Policy Forum.

Jencks, Christopher, and C. Mayer. 1990. “The Social Consequences of Growing up in a Poor Neighborhood.” In Inner City Poverty in the United States, edited by L. Lynn and M. McGeary. Washington, DC: National Academy Press.

Johnson, Jeremy. 2016. “Housing Vouchers: A Case Study of the Partisan Policy Cycle.” Social Science History 40:63–91.

Johnson-Spratta, Kim. 1998. “Housing Discrimination and Source of Income: A Tenant’s Losing Battle.” Indiana Law Review 32: 457–80.

Joint Center for Housing Studies, Harvard University. 2015. State of the Nation’s Housing. Cambridge, MA: Harvard University.

King, Austin W. 2013. “Affirmatively Further: Reviving the Fair Housing Act’s Integrationist Purpose.” New York University Law Review 88:2183–219.

Kleit, Rachel Garshick. 2001. “The Role of Neighborhood Social Networks in Scattered-site Public Housing Residents’ Search for Jobs.” Housing Policy Debate 12:541–73.

Kleit, Rachel Garshick, and Martha Galvez. 2011. “The Location Choices of Public Housing Residents Displaced by Redevelopment: Market Constraints, Personal Preferences, or Social Information?” Journal of Urban Affairs 33:375–407.

Krumholz, Norman. 2004. “The Reluctant Hand: Privatization of Public Housing in the U.S.” Paper read at City Futures, at Chicago, IL, Chicago, IL: City Futures Conference.

Krysan, Maria. 2000. “Prejudice, Politics, and Public Opinion: Understanding the Sources of Racial Policy Attitudes.” Annual Review of Sociology 26:135–68.

Krzewinski, Lisa M. 2001. “Section 8’s Failure to Integrate: The Interaction of Class-Based and Racial Discrimination: As long as They Don’t Move Next Door. By Stephen Grant Meyer.” Boston College Third World Law Journal 21:315.

Ladd, Helen F., and Jens Ludwig. 1997. “Federal Housing Assistance, Residential Relocation, and Educational Opportunities: Evidence from Baltimore.” The American Economic Review 87:272–77.

Lahr, Michael L., and Robert M. Gibbs. 2002. “Mobility of Section 8 Families in Alameda County.” Journal of Housing Economics 11: 187–213.

Layfield, D. 2016. “Section 8 Waiting Lists.” Accessed June 15, 2016. http://affordablehousingonline.com.

Lee, Suevon. 2016. “Travelers Sued over Discriminatory Voucher-tied Practices.” Accessed May 31, 2016. http://www.law360.com/articles/797254/travelers-sued-over-discriminatory-voucher-tied-practices.

Levanthal, T., and J. Brooks-Gunn. 2000. “The Neighborhoods They Live in: The Effects of Neighborhoods Residence on Child and Adolescent Outcomes.” Psychological Bulletin 126:309–37.

Lippmann, Walter. 1922. Public Opinion, Free Press Paperbacks Edition. New York: Simon and Schuster.

Malaspina, Mark A. 1996. “Demanding the Best: How to Restructure the Section 8 Household-based Rental Assistance Program.” Yale Law & Policy Review 14:287–351.

Marcuse, Peter, and Dennis Keating. 2006. “The Permanent Housing Crisis: The Failures of Conservatism and the Limits of Liberalism,” In A Right to Housing: Foundation of a New Social Agenda, edited by R. Bratt, M. Stone, and C. Hartman, 139–62. Philadelphia, PA: Temple University Press.

Marr, Matthew D. 2005. “Mitigating Apprehension about Section 8 Vouchers: The Positive Role of Housing Specialists in Search and Placement.” Housing Policy Debate 16:85–111.

Matthews, Jr, M. 1998. “Vouchers Come Home.” Policy Review 92:7.

McClure, Kirk. 2008. “Deconcentrating Poverty with Housing Programs.” Journal of the American Planning Association 92:7.

McClure, Kirk, and Bonnie Johnson. 2015. “Housing Programs Fail to Deliver on Neighborhood Quality, Reexamined.” Housing Policy Debate 25:463–96.
McConahay, John B. 1982. “Self-interest versus Racial Attitudes as Correlates of Anti-busing Attitudes in Louisville: Is It the Buses or the Blacks?” The Journal of Politics 44:692.

Merjiana, Armen H. 2015. “Attempted Nullification: The Administrative Burden of Defense in Source of Income Discrimination Cases.” Georgetown Journal on Poverty Law and Policy 22: 211–47.

Miron, John R. 1990. “Security of Tenure, Costly Tenants and Rent Regulation.” Urban Studies 27:167–83.

Morra, Linda. 1994. Elementary School Children: Many Change Schools Frequently, Harming Their Education. Washington, DC: United States General Accounting Office.

Mueller, Elizabeth J., and J. Rosie Tighe. 2007. “Making the Case for Affordable Housing: Connecting Housing with Health and Education Outcomes.” Journal of Planning Literature 21: 371–85.

Nguyen, Mai Thi. 2005. “Does Affordable Housing Detrimentally Affect Property Values? A Review of the Literature.” Journal of Planning Literature 20:15–26.

Nguyen, Mai Thi, Victoria Basolo, and Abhishek Tiwari. 2013. “Opposition to Affordable Housing in the USA: Debate Framing and the Responses of Local Actors.” Housing, Theory and Society 30:107–30.

Orfield, Gary. 1995-1996. “Metropolitan School Desegregation: Impacts on Metropolitan Society.” Minnesota Law Review 80: 825–74.

Orfield, Gary. 2004. “Why Segregation Is Inherently Unequal: The Abandonment of Brown and the Continuing Failure of Plessy.” New York Law School Law Review 49:1041–52.

Orfield, Myron. 2006. “Land Use and Housing Policies to Reduce Concentrated Poverty and Racial Segregation.” Fordham Urban Law Journal 33:101–59.

Orlebeke, Charles J. 2000. “The Evolution of Low-income Housing Policy, 1949 to 1999.” Housing Policy Debate 11:489–520.

Patterson, Kelly L., and Eun-Hye Enki Yoo. 2012. “Trapped in Poor Places? An Assessment of the Residential Spatial Patterns of Housing Choice Voucher Holders in 2004 and 2008.” Journal of Social Service Research 38:637–55.

Pendall, Rolf. 1999. “Opposition to Housing: Nimby and Beyond.” Urban Affairs Review 35:112–36.

Pendall, Rolf. 2000a. “Why Voucher and Certificate Users Live in Distressed Neighborhoods.” Housing Policy Debate 11:881–910.

Pendall, Rolf. 2000b. “Local Land Use Regulation and the Chain of Exclusion.” Journal of the American Planning Association 66: 125–42.

Popkin, Susan J., Mary K. Cunningham, Erin Godfrey, Beata Bednarz, Alicia Lewis, J. Smith, Anne Knepler, and Doug Schenkkleberg. 2002. “CHA Relocation Counseling Assessment.” Washington DC: Urban Institute.

Popkin, Susan J., Mary K. Cunningham, Erin Godfrey, Beata Bednarz, Alicia Lewis, J. Smith, Anne Knepler, and Doug Schenkkleberg. 2009. “CHA Relocation Counseling Assessment.” Final Report. Washington, DC: Urban Institute.

Poverty and Race Research Action Center. 2016. Expanding Choice: Practical Strategies For Building a Successful Housing Mobility Program APPENDIX B: State, Local, and Federal Laws Barring Source-of-income Discrimination. Accessed June 01, 2016. http://www.prrac.org/pdf/AppendixB.pdf.

Powell, John A. 2005. “Remedial Phase Expert Rebuttal Report.” In The Affordable Housing Reader, edited by Tighe and Mueller, 122. Routledge.

Raess, Pascal, and Thomas von Ungern-Sternberg. 2002. “A Model of Regulation in the Rental Housing Market.” Regional Science and Urban Economics 32:475–500.

Reader, Chad A. 1997. “Local Government Anti-discrimination Laws: Do They Make a Difference.” University of Michigan Journal of Law Reform 31:777.

Rivkin, Steven G. 1994. “Residential Segregation and School Integration.” Sociology of Education 67:279–92.

Roisman, Florence Wagman. 2004. “Keeping the Promise: Ending Racial Discrimination and Segregation in Federally Financed Housing.” Howard Law Journal 48:913.

Rosenbaum, J. 1995. “Replacing the Geography of Opportunity by Expanding Residential Choice: Lessons from the Gautreaux Program.” Housing Policy Debate 6:231–69.

Rosenbaum, J., and S. Popkin. 1991. “Social Integration of Low-income Black Adults in Middle-class White Suburbs.” Social Problems 38:448–61.

Ross, Lauren M., Anne B. Shlay, and Mario G. Picon. 2012. “You Can’t Always Get What You Want: The Role of Public Housing and Vouchers in Achieving Residential Satisfaction.” Cityscape 14 (1): 35–53.

Rotem, Rebecca Tracy. 2010. “Using Disparate Impact Analysis in Fair Housing Act Claims: Landlord Withdrawal from the Section 8 Voucher Program.” Fordham Law Review 78: 1971–2008.

Rumberger, Russell W. 2003. “The Causes and Consequences of Student Mobility.” The Journal of Negro Education 72:6–21.

Sanborn, Peter, Judith Barrett, John Connelly, Karen Byron, and Mary Coolidge. 2003. Housing the Commonwealth’s School-age Children: The Implications of Multi-family Housing Development for Municipal and School Expenditures. Boston, MA: Citizens’ Housing and Planning Association.

Santiago, Anna, George Galster, and Peter Tatian. 2001. “Assessing the Property Value Impacts of the Dispersed Housing Subsidy Program in Denver.” Journal of Policy Analysis and Management 20:65–88.

Sard, Barbara. 2001. “Housing Vouchers Should Be a Major Component of Future Housing Policy for the Lowest Income Families.” Cityscape 5 (2): 89–110.

Schaffer, Kim, and Irene Basloe Saraf. 2003. “The Numbers Say Yes.” The NIMBY Report. Washington DC: National Low Income Housing Coalition.

Schwartz, Alex F. 2014. Housing Policy in the United States. New York, NY: Routledge.

Schwemm, Robert G. 2007. “Why Do Landlords Still Discriminate (And What Can Be Done About It)?” John Marshall Law Review 40: 455–505.

Sears, David O.; Colette Van Laar, Mary Carrillo, and Rick Kosterman. 1997. “Is It Really Racism?: The Origins of White
Americans’ Opposition to Race-targeted Policies.” The Public Opinion Quarterly 61:16–53.

Shlay, Anne B. 1995. “Housing in the Broader Context in the United States.” Housing Policy Debate 6:695–720.

Somerman, Frances B. 1993. “Value, Attitude, and Belief Determinants of Willingness to Accept a Facility for the Homeless.” Journal of Social Distress and the Homeless 2:177–92.

Soss, Joe. 1999. “Lessons of Welfare: Policy Design, Political Learning, and Political Action.” The American Political Science Review 93:363–80.

Squires, Gregory, and Charis Kubrin. 2005. “Privileged Places: Race, Uneven Development and the Geography of Opportunity in Urban America.” Urban Studies 42:47–68.

Sterken, Krista. 2009. “Different Type of Housing Crisis: Allocating Costs Fairly and Encouraging Landlord Participation in Section 8, A.” Columbia Journal of Law and Social Problems 43:215.

Takahashi, Lois M. 1997. “The Socio-spatial Stigmatization of Homelessness and HIV/AIDS: Toward an Explanation of the NIMBY Syndrome.” Social Science & Medicine 45:903–14.

Tegeler, Philip, Megan Haberle, and Ebony Gayles. 2013. “Affirmatively Furthering Fair Housing in HUD Housing Programs: A First Term Report Card.” Journal of Affordable Housing and Community Development Law 22:27–60.

The Equal Rights Center. 2005. In Search of Decent Housing in the D.C. Metropolitan Area: The Affordable Housing Crisis for Section 8 Voucher Holders. Washington, DC: The Equal Rights Center.

The Equal Rights Center. 2008. A Step Away from Homelessness: Housing Choice Voucher Holders Denied Housing in Montgomery County, MD. Washington, DC: The Equal Rights Center.

The Equal Rights Center. 2013. Will You Take My Voucher?: An Update on Housing Choice Voucher Discrimination in the District of Columbia. Washington, DC: The Equal Rights Center.

Tighe, Rosie. 2010. “Public Opinion and Affordable Housing: A Review of the Literature” Journal of Planning Literature 25:2.

Tighe, Rosie. 2012. “How Race and Class Stereotyping Shapes Attitudes toward Affordable Housing.” Housing Studies 27:962–83.

Tighe, Rosie. forthcoming. “Affordable Housing in Legacy Cities.” University of San Francisco Law Review 51.

Tighe, Rosie, and Joanna P. Ganning. 2016. “Do Shrinking Cities Allow Redevelopment Without Displacement? An Analysis of Affordability Based on Housing and Transportation Costs for Redeveloping, Declining, and Stable Neighborhoods.” Housing Policy Debate 1–16 (4-5): 785–800.

Tighe, Rosie, and Elizabeth J. Mueller. 2013. The Affordable Housing Reader. New York, NY: Routledge.

Turner, M. A. 2003. “Strength and Weaknesses of the Housing Voucher Program.” Congressional Testimony prepared for the Subcommittee on Housing and Community Opportunity, Committee on Financial Services, United States House of Representatives. Accessed June 17, 2003. http://www.urban.org/url.cfm?ID1/4900635&renderforprint1/41&CFID1/43293810&CFTOKEN1/427062450&jsessionid1/4f03608737dd11e2f5554b4d1a153a351a.

Turner, M. A. 2015. “Other Protected Classes: Extending Estimates of Housing Discrimination.” Cityscape 17:123.

Turner, M. A., K. D. Brown, M. Cunningham, and N. Sawyer. 2003. Rethinking Local Affordable Housing Strategies: Lessons from 70 Years of Policy and Practice. Washington, DC: Brookings Institution Center on Urban and Metropolitan Policy.

Turner, M. A., S. J. Popkin, and M. K. Cunningham. 2000. Section 8 Mobility and Neighborhood Health. Washington, DC: The Urban Institute.

Turner, M. A., and Steven L. Ross. 2005. “How Racial Discrimination Affects the Search for Housing.” In The Geography of Opportunity: Race and Housing Choice in Metropolitan America, edited by Xavier de Souza Briggs, , 81–100. Washington, DC: Brookings Institution Press.

Turner, M. A., G. Thomas Kingsley, Susan J. Popkin, and Martin D. Abravanel. 2004. What Next for Distressed Public Housing? Washington, DC: Urban Institute, Center on Metropolitan Housing and Communities.

United States Department of Housing and Urban Development. 2001. Housing Choice Voucher Program Guidebook. Accessed August 17, 2016. https://portal.hud.gov/hudportal/documents/hud/35634.pdf.

United States Department of Housing and Urban Development. 2016a. Housing Choice Vouchers Fact Sheet. Accessed 06/01/2016. http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about/fact_sheet.

United States Department of Housing and Urban Development. 2016b. “Proposed Rule: Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs.” Federal Register 81:39218–34.

Vale, Lawrence J. 2013. Purging the Poorest: Public Housing and the Design Politics of Twice-cleared Communities. Chicago, IL: University of Chicago Press.

Varady, David P., and Carole C. Walker. 1999. “Vouchering out Distressed Subsidized Developments Does Moving Lead to Enhanced Feelings of Safety?” Environment and Behavior 31:3–27.

Varady, David P., Xinhao Wang, Yimei Wang, and Patrick Duhaney. 2010. “The Geographic Concentration of Housing Vouchers, Blacks, and Poverty over Time: A Study of Cincinnati, Ohio, USA.” Urban Research & Practice 3:39–62.

von Hoffman, Alexander. 1996. “High Ambitions: The Past and Future of American Low-income Housing Policy.” Housing Policy Debate 7:423–46.

von Hoffman, Alexander, Eric S. Belsky, and Kwan Lee. 2006. The Impact of Housing on Community: A Review of Scholarly Theories and Empirical Research. Cambridge, MA: Joint Center for Housing Studies, Graduate School of Design [and] John F. Kennedy School of Government, Harvard University.

Wang, Ruoniu. 2016. “Tracking “Choice” in the Housing Choice Voucher Program The Relationship Between Neighborhood Preference and Locational Outcome.” Urban Affairs Review. doi:10.1177/1078087416646205.
Werwath, Peter. 2004. Affordable Housing and Property Values. Columbia, MD: The Enterprise Foundation 1996.

Williamson, Anne R., Marc T. Smith, and Marta Strambi-Kramer. 2009. “Housing Choice Vouchers, the Low-income Housing Tax Credit, and the Federal Poverty Deconcentration Goal.” Urban Affairs Review 45:119–32.

Wilson, William Julius. 1991. “Another Look at the Truly Disadvantaged.” Political Science Quarterly 106:639–56.

Wilton, Robert D. 2002. “Colouring Special Needs: Locating Whiteness in NIMBY Conflicts.” Social & Cultural Geography 3:303–21.

Young, Iris Marion. 1999. “Residential Segregation and Differentiated Citizenship.” Citizenship Studies 3:237–52.

Young, Peter. 2001. “Housing for Children: A Case for Non-shelter Policy Drivers in Housing Assistance.” Paper read at Housing Imaginations, at Cardiff, UK.

Author Biographies

J. Rosie Tighe is an assistant professor of urban planning and public policy at Cleveland State University. Her work focuses on issues related to affordable housing, social justice, and equitable urban development.

Megan E. Hatch is an assistant professor of urban policy and city management at Cleveland State University. Her research focuses on the intersection of government redistribution, social policy, and inequality.

Joseph Mead is an assistant professor at Cleveland State University, where he holds a joint appointment with the Maxine Goodman Levin College of Urban Affairs and the Cleveland–Marshall College of Law. He currently serves as the interim director of the University’s Master of Nonprofit Administration and Leadership degree program.