CENTER FOR HOUSING POLICY

Ideas for Housing Policy and Practice

Reviewing State Housing Policy with a Child-Centered Lens: Opportunities for Engagement and Intervention

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EXECUTIVE SUMMARY

This analysis provides a broad overview of state housing policy with a particular focus on policies that help remediate child poverty, promote family and residential stability for children, and help families access communities of opportunity that offer good schools and other amenities that make them especially good places to raise children. The analysis is organized along three dimensions that are critical to improving child outcomes using a modified version of a framework developed by the Annie E. Casey Foundation,[1] a private charitable organization "dedicated to helping build better futures for disadvantaged children in the United States" and the funder of this review:[2]

- **Poverty – policies that help to offset the punishing impacts of poverty-level incomes on children.** By substantially reducing families' expenditures for shelter, affordable housing policies help free up resources to meet other essential family needs, such as nutritious food and health care. Affordable housing policies also help to mitigate the effects of lead paint, asthma, violence, and other pathways through which poverty harms children by improving housing quality and providing access to safe neighborhoods. In addition, affordable housing can provide an important platform for low-income families to build assets and increase their earnings.

- **Permanence/Residential Stability – policies to increase the permanence of a child's relationships and residential environment.** Some housing policies, such as the Family Unification Program, are designed specifically to help preserve intact families and to reunite families whose children are in the foster care system because the parent(s) lack(s) a decent home. More broadly, well-designed affordable housing policies help to strengthen the permanence of a child's residential environment by empowering families to determine when and under what circumstances they wish to move from one residence to another.

- **Place – policies that provide children with access to neighborhoods of opportunity.** Certain housing policies can help families move to neighborhoods providing better schools, greater safety, and improved job access for the parents.

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TABLE 1. State Housing Policies that Benefit Children

I. Poverty – Policies to make housing affordable to low- and moderate income families . . .

A. State funding for affordable housing
   1. State-funded rental assistance
   2. State housing trust funds (and facilitation of local trust funds)
   3. State housing bond issues
   4. State tax credits for affordable housing

B. State administration of federal multifamily rental programs
   1. Low-Income Housing Tax Credits
   2. Multifamily bonds
   3. Home and CDBG
   4. Section 8 and Public Housing
   5. Rental housing preservation

C. Affordable homeownership programs

. . . and policies to use housing as a platform for enhanced economic security

D. Affordable rental housing as a platform for asset-building and self-sufficiency

E. Resident ownership of manufactured housing parks

II. Permanence – Policies to promote family and residential stability

A. Family Unification Program

B. Eviction prevention

C. Homelessness programs

D. Foreclosure prevention

E. State authorization for local rent stabilization, good cause eviction, and condo conversion protection laws

F. State support for school stability policies

III. Place – policies to expand the availability affordable housing in areas of opportunity . . .

A. Fair share and builder's remedy policies

B. Policies to preserve and expand the availability of affordable housing near good schools

C. Policies to support the development of affordable housing near public transit stations, job centers, and other location-efficient areas

D. Housing mobility programs

E. Fair housing enforcement and supplemental state fair housing laws

F. Authorization for local inclusive housing policies

. . . and make housing healthier for children and families

G. Healthy housing initiatives

Table 1 provides a list of state housing policies that fall under each of these categories and are discussed in this review.

One obvious conclusion from this analysis is that there are numerous meaningful opportunities to strengthen state housing policy to promote the interests of children. In fact, there are so many opportunities that there is a danger of becoming paralyzed by the choices or spreading resources so thinly as to dilute one's effectiveness. On the other hand, sharp differences in the policy environment, advocacy infrastructure, and housing market conditions from state to state make it difficult to identify a single list of high priority policy initiatives that will apply everywhere. Ultimately, policy and advocacy priorities will need to be customized for each state to reflect the policies most likely to have an impact and achieve support from policymakers and advocates. Hopefully, this review will help stimulate thinking about the scope of possible policies to consider on these priority lists.

Another conclusion of this review is that the interests of children are not always front and center in the development and administration of housing policies that may have an impact on children. This is not surprising, given the multiple populations being served by housing agencies — most prominently including older adults and people with mental and physical disabilities, as well as families with children. But the problem runs deeper than this as there are some areas — such as promoting residential stability by preventing evictions — that seem to fall between the cracks of policy domains set up to deal with other closely related issues — in this case, providing a welfare safety net to help prevent extreme poverty and ending homelessness.

Preface

This review begins with a brief conceptual overview of how stable, affordable housing can help remediate child poverty, promote residential stability for children and families, and help families access opportunity neighborhoods that offer good schools and other amenities that make them particularly good places to raise children. It then describes state policy opportunities for achieving these goals, organized according to three categories relevant to children.

Given the diversity and breadth of these state policies, this is a rather daunting task. To keep the project manageable, this review takes a strategic approach, providing enough information to outline the opportunities presented by each policy to help children, but not seeking to catalog all the nuances of the policy choices available to states or to describe how each state is implementing each policy option.

Some policy areas require more detail than others to identify and describe the opportunity available to assist children. For this reason, the length of a description of any particular policy in this analysis is not necessarily commensurate with its importance. Indeed, for policy areas that are addressed extensively elsewhere — such as promoting affordable homeownership, preventing foreclosures, and addressing homelessness — this review includes only a brief overview of the policy opportunity, together with some strategic observations about the state role in advancing it.

The Role of Stable, Affordable Housing in Addressing Poverty, Permanence, and Place

Stable, affordable housing plays a critical role in helping children live better lives, acting on all three of the fronts identified by the Annie E. Casey Foundation as fundamental to child well-being: poverty, permanence, and place.

The influence on children of "poverty"-level incomes and "place" — in the sense of exposure to neighborhoods characterized by violence and concentrated poverty on the one hand, or safety and opportunity-rich schools on the other — are largely self-evident. The concept of "permanence" requires a bit more discussion. Under the Casey Foundation's rubric, permanence refers to a permanent connection to a strong family. There is little doubt that children benefit from stable and trusted relationships, but there may also be value in broadening the scope of "permanence" to consider the overall stability of a child's residential environment.

Consider, for example, the impact of homelessness on children. While a strong family environment may help to mitigate the adverse impacts of homelessness, there is little doubt that homelessness harms children. Less extreme forms of residential instability – for example, moving multiple times because one lacks stable and affordable housing – have been shown to negatively impact school performance and may also increase the stress level of children and parents.[3] Children benefit from stability of all kinds – especially of relationships and of place. For this reason, this review will focus both on a permanent attachment to a strong family and also on residential stability that ensures families have control over whether and under what circumstances to move.

The following is a brief summary of some of the many ways in which stable, affordable housing can help children by addressing problems related to poverty, permanence/residential stability, and place:[4]

Poverty

- **Housing subsidies provide essential income supports for poor children.** The average Section 8 housing voucher is worth nearly $8,000 per year[5] – a substantial amount that can lift many families out of poverty. Likely due to this "income effect," studies confirm that the children of families receiving housing assistance are more likely to have access to nutritious food and meet "well-child" criteria than families with similar incomes on the waiting list for assistance.[6] Housing subsidies also ensure that families live in decent-quality units free of lead-paint and other hazards, improving their quality of life and potentially their health as well.

- **The provision of safe, decent, and affordable housing helps offset several of the pathways through which poverty harms children.** Poor children are more likely to live in substandard housing that puts them at risk of lead poisoning, asthma, and injuries and more likely to live in areas where they may be the victims of crime.[7] The provision of safe, decent, and affordable housing helps ensure that families have access to better quality housing in safer neighborhoods, providing children with a safe and healthy living environment.

- **Affordable housing can provide an important platform for low-income families to build assets and increase their earnings, especially when combined with financial incentives for increased earnings and services to help families overcome barriers to work.**[8] In addition, sustainable homeownership programs offer opportunities for low- and moderate-income families to safely build assets through the pay-down of principal, the freezing of homeownership costs through fixed-rate mortgages, and any home price appreciation that may occur over the long-term.

Permanence/Residential Stability

- **Stable, affordable housing can help families stay together and reunite families whose children have entered the foster care system.** HUD's Family Unification Program provides vouchers to help reunite or prevent the separation of families whose lack of stable, affordable housing jeopardizes their ability to care for their children. The intentional use of housing assistance to help reunite families that would otherwise be unable to provide a stable home for their children underscores the broader role that stable, affordable housing plays in helping families care for their children.

- **Families living in stable, affordable housing are more likely to have meaningful choices about when and under what circumstances to move, improving stability for themselves and their children.** Residential stability benefits children in multiple ways, including through improved educational outcomes and reduced parental and child stress.[9] An experimental study of the effects of housing vouchers on families with children found that families offered vouchers moved less and were substantially less likely to be homeless than comparable families who were not offered vouchers.[10]

Place

- **Well-designed affordable housing programs provide opportunities for families with children to move out of areas of high poverty and high crime and into safer neighborhoods with better schools.**[11] An evaluation of an inclusionary housing program in Montgomery, Maryland, found substantial educational benefits for low-income children whose families moved into affordable units in low-poverty neighborhoods.[12]

- **Stable, affordable housing can help ensure that families who wish to stay in a community have the opportunity to do so, deepening their community ties.** Research from the Annie E. Casey Foundation's *Making Connections* initiative found very high rates of residential mobility, complicating efforts to build stronger communities.[13]

- As noted above, **the provision of safe, decent affordable housing provides a healthier living environment for children and families by reducing risks associated with lead poisoning, asthma, falls, and other home health hazards.**

I. Poverty – Policies to Bring Housing Costs Down to Levels Affordable to Low- and Moderate Income Families

To understand the state role in this area, it is essential first to understand the federal role because the federal government supplies the overwhelming majority of funding for housing programs that bring housing costs down to levels affordable to low- and moderate-income families. Federal assistance takes several forms:

- **Rental Assistance** provides a significant ongoing operating subsidy to help low-income families afford their rental costs. Families generally pay approximately 30 percent of their income for rent (though the rent can be higher in the voucher program if a family lives in a unit renting for higher than the basic payment standard). HUD provides rental assistance in three main forms:
  - Section 8 housing vouchers that subsidize the rents of units that families locate in the private market;
  - public housing that is owned and operated by local public housing agencies; and
  - privately-owned assisted housing.

In rural communities, Section 515 from the Rural Housing Service at USDA serves a similar function. HUD also offers specialized rental assistance programs for the elderly (Section 202), persons with disabilities (Section 811), and the homeless that combine affordable housing with services to help participants lead independent lives. A majority of families served by all of these programs have incomes below 30 percent of the area median income.

- **Low-Income Housing Tax Credits** cover a large portion of the capital costs of new and substantially rehabilitated rental developments. This program serves renters whose incomes, at time of admission, are no more than 60 percent of the area median. By layering on additional subsidies, such as rental assistance, many low-income housing tax credit developments serve families with substantially lower incomes.[14]

- **HOME and CDBG Block Grants** provide flexible funding to local and state governments to meet needs that they identify. HOME funds must be used on affordable housing activities, while CDBG funds may be used for a broad array of community development activities, including but not limited to affordable housing.

- **Mortgage Insurance Programs** through the Federal Housing Administration help reduce the costs of purchasing homes by moderate-income homeowners and help facilitate the development of market-rate and regulated affordable multifamily rental housing.

Against this backdrop of federal funding, states have two main roles to play. First, some states choose to supplement federal housing programs with state-funded programs of their own that provide rental assistance, tax credits, or other forms of support for affordable housing. Second, all states administer federal housing programs to one degree or another; the choices they make in administering these programs can have a profound effect on who receives affordable housing resources, where assisted housing is located, and what services are made available to assisted residents.

These two roles are addressed in the next two sections, followed by a brief overview of state support for affordable homeownership.

A. State Funding for Affordable Housing

This section briefly describes the major categories of state funding for affordable housing, with an emphasis on rental housing. (State Homeownership programs are addressed in section I-C, below.)

1. **State-Funded Rental Assistance.** A 2008 survey by the National Low-Income Housing Coalition (NLIHC) found 22 states that provided ongoing rental assistance to low-income families (some states offered more than one program for a total of 34 programs).[15] Many of these programs are similar to federal rental assistance, but often provide somewhat lower levels of assistance. For example, Connecticut's Rental Assistance Program requires families to pay 40 percent of their income for rent (vs. 30 percent in the federal Section 8 program). Unlike federal rental assistance, some of these programs have time limits.

   A number of states also offer transitional assistance that provides ongoing rental assistance for a limited period of time (no more than three years) – often to help prevent low-income families from becoming homeless. Seven of the 18 transitional state programs catalogued in the NLIHC report operate as "bridge programs" to provide assistance to families until they come to the top of the waiting list for federal rental assistance.

   Missing data prevent an exact count of how much funding is provided by these state programs, but the NLIHC report provides a rough estimate of about $650 million per year for the combined total of state funding for ongoing rental assistance, transitional rental assistance and a third category (short-term assistance) discussed below. This is equal to roughly two percent of the annual federal spending on rental assistance, underscoring the much larger impact of the federal programs.

2. **State Housing Trust Funds (and facilitation of local trust funds).** According to data compiled by the Center for Community Change, some 38 states have one or more trust funds designed to provide funding for affordable housing.[16] Ideally, housing trust funds are funded by a dedicated ongoing revenue source outside of the annual appropriations process, such as a document recording fee or a real estate transfer tax, but some trust funds are funded by general revenues.[17] Every state has a different approach to how it spends the funds in their housing trust fund, with some using the funds to cover the costs of ongoing rental assistance discussed in the prior section, while others use trust fund dollars to help fund newly developed rental developments or provide down payment assistance.

   In addition to directly funding state housing trust funds, some states have also adopted legislation to authorize local communities to establish their own trust funds. This is particularly important in states that follow the Dillon Rule, which limits the powers of local government to those specifically authorized by the state. Several states — California, Florida, and Iowa — also use state trust fund revenue to match or otherwise support local or county trust funds.

3. **State Housing Bond Issues.** A number of states have used their general obligation bond authority to float a bond to raise funds for affordable housing. Such bond issues can be repaid through general funds or through a small tax. Rhode Island, for example, passed a $50 million bond issue in 2007 that helped fund the rehabilitation or development of 1,255 affordable rental and for-sale homes over a four-year period.[18] California has also used general obligation bonds to fund state affordable housing programs – most recently passing a $2.85 billion bond issue in 2006.[19]

A bond issue can be used to fund a state housing trust fund or cover the costs of state-funded rental assistance — underscoring the overlap between the categories used in this memo. However, as discrete special-purpose transactions, housing bonds differ from the paradigmatic housing trust fund, which is funded through an ongoing dedicated revenue source. Rental assistance differs from both in that it is a specific form of housing assistance (i.e., a housing program), rather than a funding vehicle which can be used to fund any of a number of different programs.

4. **State Tax Credits for Affordable Housing.** States have adopted a range of different types of tax credits to help low- and moderate-income households afford their housing costs. Many states offer tax credits or rebates to help poor or near-poor households afford their property taxes. Some 28 states offer similar benefits to low-income renters who pay property taxes indirectly through their rent.[20] These programs are often restricted to certain populations, such as the elderly and persons with a disability. Most programs appear to provide annual assistance of less than $1,000 per household.

   Some states administer state tax credits designed to piggy-back on the federal low-income housing tax credit, essentially enhancing the funds available to support the development or substantial rehabilitation of rental housing for moderate-income renters.

B. State Administration of Federal Multifamily Rental Programs

1. **Low-Income Housing Tax Credits.** Each year, the low-income housing tax credit program funds the construction or substantial rehabilitation of approximately 90,000 to 120,000 affordable rental units, making it by far the largest affordable housing development subsidy. It is the responsibility of states to administer the program, and most have chosen to administer it at the state level. (A few states pass on allocating responsibility to local agencies.) The state policies governing the allocation of low-income housing tax credits may be found in each State's "qualified allocation plan."

   States make a number of important decisions in their qualified allocation plans that affect families with children, including decisions that affect the size of units that get built, the amenities that are provided with that housing, and the location of the housing relative to schools, transit, etc. Among other steps states could take to strengthen the availability and usefulness of low income housing tax credits for families with children are the following:

- ***Encourage the development of projects for families with children*** — either directly (through a set-aside or incentive)[21] or indirectly by encouraging the development of larger units with three or more bedrooms. In general, projects for older adults are easier to develop due to local political dynamics and a preference among developers for efficiency, one-, and two-bedroom units. In many markets, however, there is a shortage of units with three or more bedrooms, suggesting the merits of focusing a significant share of low-income housing tax credit resources on this housing type.

  Note: advocates for developing housing for older adults will likely point to the growing population of older adults as a rationale for targeting low-income housing tax credit properties on that population. Analyses that compare the available stock of affordable rental units with large numbers of bedrooms to the population in need of them (factoring in both income and assets) can help to identify imbalances that may be persuasive in the face of these arguments. Needs vary market-by-market, just as the proportions of older adults and children in the population vary.

- ***Encourage the project-basing of housing vouchers in low-income housing tax credit properties.*** The low-income housing tax credit is designed to produce rental housing affordable to households with incomes below 60 percent of the area median income. However, in many markets, a deeper level of affordability will be needed to reach the population of families with children that are most in need. Through the use of HOME, CDBG and other funding sources, tax credit rents can sometimes be lowered to levels affordable to families with incomes at 50 percent or even 40 percent of the area median income. But to reach the millions of families with incomes below that level, a deeper subsidy will be needed, such as a Section 8 housing voucher or a public housing subsidy.[22] State and local housing authorities have the ability to attach housing vouchers (and with more difficulty, public housing subsidies) to specific projects, facilitating this subsidy combination, but to take maximum advantage of this tool, it's important for states to encourage this activity in their qualified allocation plans. One approach that some states take is to give a preference for properties that include units affordable to families with incomes below 30 percent of the area median income. Others, like the state of Michigan, have included a specific preference for properties with project-based rental assistance.

- ***Encourage the use of low-income housing tax credits for preservation of existing affordable rental housing for families with children, particularly when well-located near strong schools***

or in gentrifying neighborhoods where the risk of properties opting out of affordable requirements is high. Affordable rental developments are often designed to stay affordable for a period of time, after which the owner has the option to raise the rents to market levels. Even properties committed to long-term affordability often require periodic infusions of capital for repairs and upgrades. By providing owners with an alternative source of capital for renovations, low-income housing tax credits can be an important tool for preserving the affordability of these units, helping to ensure continued affordability and stability for the occupants. Many of the preserved developments have a form of deep subsidy (such as a project-based Section 8 subsidy) that can be retained to assist very low- and extremely low-income households.

In some markets, a general focus on rental housing preservation (as opposed to new construction) will also tend to favor the use of low-income housing tax credits for families with children because older rental units are more likely than newer rental units to have three or more bedrooms. (This may not be true in all markets, however, so a case-by-case examination will be needed.) Because preservation tends to be less expensive than new construction, this approach also helps stretch scarce subsidy dollars further, enabling programs to help more families with a fixed amount of funding.

- ***Encourage the adoption of healthy homes standards for low-income housing tax credit rehabilitation and new construction.*** Poor physical conditions in older rental developments can impair child health, leading to lead poisoning, asthma and other respiratory ailments, and physical injuries. Low-income housing tax credits can be used to improve the conditions of older developments to provide a healthier environment for children.

- ***Encourage family properties to be developed in good school districts or in areas with good job access.*** Locational preferences can be tricky given the political pressures favoring the widespread distribution of low-income housing tax credits throughout a state and the frequent clash of competing priorities — e.g., environmental benefits of locating affordable housing near transit vs. deconcentration and educational benefits of locating affordable housing in wealthy suburbs. Given the evidence on the importance of location to child outcomes, however, it is worth examining this issue further to determine how to encourage the siting of housing for families with children in the optimal locations. One approach would be to give greater points in state qualified allocation plans for projects in school districts with top performance rankings,[23] a policy that has met with success in New Jersey.[24] In Massachusetts, the 2013 draft Qualified Allocation Plan proposes to provide up to eight points for family projects based on the strength of the public school system; the Plan also gives credit for access to employment and higher education.[25]

- ***Encourage the inclusion within family projects of amenities to support working families with children,*** such as day care centers, computer centers, and job training/placement services. The chief challenge here is cost, as the inclusion of these types of services will raise costs, making these properties more difficult to develop.

2. **Multifamily Bonds.** The most sought-after type of low-income housing tax credit — and the one in scarcest supply — is the competitively allocated 9 percent Low-Income Housing Tax Credit, which provides a subsidy equal to approximately 70 percent of the eligible basis for a project. There is a second type of low-income housing tax credit, however, the 4 percent credit, which can be used to cover the costs of purchasing a building for rehabilitation or for a multifamily project developed with tax-exempt bonds — a type of financing made available through state or local finance agencies. The 4 percent credit is worth a bit less than half of a 9 percent credit but has the considerable advantage of being capped only by the availability of bond authority under federal law. In other words, states can issue as many 4 percent low-income housing tax credits as they want, so long as they are willing to allocate tax-exempt bonds for multifamily rental housing and so long as the numbers work to ensure the properties can in fact be developed. In many states, 4 percent credits do not provide sufficient funding to support new construction, but do work well for properties produced through acquisition-rehab – an alternative approach for producing affordable

multifamily properties that is generally significantly less expensive than new construction.[26]

Due to the lingering effects of the financial meltdown of the late 2000s, tax-exempt bond financing is not as attractive as it once was, but nevertheless in 2010, states developed 33,560 units with tax-exempt multifamily bonds and 4 percent credits — about 60 percent as many units as the 56,614 units developed through the 9 percent credit program.[27] One silver lining of the financial crisis is that there is not as much competition as there had been previously for the limited amount of tax-exempt bonds available to states. (The bonds can be used for multiple purposes, including infrastructure and educational facilities.) As the market improves, this competition may return and it may become more difficult to access tax-exempt bonds for multifamily affordable housing. Advocacy to help states understand the benefits of allocating tax-exempt bond cap to multifamily affordable rental housing can be helpful in expanding access to this resource.[28]

Increasing the use of the 4 percent credit is one way to "expand the pie" of federal resources that are available to develop affordable rental housing. But it is not a panacea. Four percent credits are rarely enough by themselves to develop a new multifamily property and ensure the rents remain affordable to households at 60 percent of the area median income. And when it is used alone, it will rarely be able to produce units below the maximum allowable rents, meaning the units will be unaffordable to extremely low- and very low-income families. For these reasons, states that wish to derive maximum benefit from the 4 percent credits will need to identify other resources to layer onto it to make projects more feasible and produce lower rents. These resources can include implicit subsidies such as inclusionary zoning, as well as explicit subsidies such as HOME, CDBG, or state housing trust funds.

3. **Home and CDBG.** HOME and CDBG are two large block grants funded by HUD and allocated to local and state governments. HOME funds can only be used for affordable housing, while CDBG funds can be used for housing as well as a wide range of community development purposes. For FY 2012, the HOME program was funded at $1.0 billion and the CDBG formula grants were funded at $2.9 billion – sharp declines from the $1.8 billion and $3.9 billion allocated to these accounts in FY 2010, but nevertheless large sums that can have a big impact at the local level.

HUD allocates HOME and CDBG programs directly to larger cities and consortiums of smaller cities that choose to submit a common application in order to qualify for direct funding. Funding for the balance of each state is provided to the state government. For this reason, state-level advocacy around HOME and CDBG will have a direct impact only in smaller communities. However, an advocacy campaign to shift how a state allocates its CDBG or HOME funds could potentially support parallel efforts among local CDBG jurisdictions.

HOME is commonly used as gap financing to help make low-income housing tax credit projects feasible. This is also a common use of CDBG funds allocated to housing. It is relatively common to use these funding streams for downpayment assistance and other affordable homeownership programs. HOME funds can also be used to fund tenant-based rental assistance similar to Section 8 vouchers (though the HOME-funded variation can be made time limited by local agencies).

The main point from a conceptual point of view is that the rules governing use of these funds for housing are incredibly broad (though not unlimited) so they could potentially be allocated to support any housing program that one might devise to assist families with children (so long as assisted households have incomes below 65 or 80 percent of the area median income, depending on the program).

At the same time, given the sharp reductions in federal funding for HOME and CDBG in 2012, competition for the remaining dollars is likely to be fierce and advocates suggesting entirely new approaches may face an uphill battle. One avenue to explore is whether the sharp cuts lead some state agencies to be interested in rethinking their allocation procedures to increase efficiency, which may provide an opening for advocacy efforts.[29] A collaborative approach focused on working with a handful of state agencies open to this type of input might yield substantial benefits. (Of course, federal advocacy to restore funding for these programs would also be very useful.)

4. **Section 8 and Public Housing.** States play a number of roles in the Section 8 housing subsidy and public housing programs. Many (but not all) states administer a state Section 8 housing voucher program. Some also administer public housing programs and serve as contract administrators for the project-based Section 8 program.

   i. ***Section 8 Vouchers.*** In most states with voucher programs, this program is focused on the balance of the state not covered by local Section 8 voucher programs, but in other states (e.g., Alaska), the state is the primary Section 8 voucher administrator, and in still others (e.g., Massachusetts) the state programs overlap significantly with local programs.

As administrators of Section 8 housing vouchers, states have substantial control over how those vouchers are used. Among the many choices states can make that may impact children are the following:

- **Admissions preferences.** States are required to adopt admissions policies that ensure that at least 75 percent of newly awarded voucher holders have incomes below 30 percent of the area income (this amount varies from place to place but is fairly close to the poverty line for a family of three). So long as they meet this one requirement and do not violate anti-discrimination law, states can pretty much target their assistance however they like. For example, states could provide a preference for households that are working, households paying more than half their income for housing, households that are or were recently homeless, etc. They can also allocate a portion of their vouchers to be used for specific purposes, such as preserving or reuniting families whose unity is jeopardized by the lack of a suitable home; or helping families move from welfare to work.

- **Development of a Section 8 homeownership program.** Housing authorities have the option of allowing housing voucher participants to use their vouchers to purchase a home. Some states, like New York, have placed an emphasis on the homeownership option in their state program.

- **Development or expansion of a Family Self-Sufficiency program.** See Section I.D below.

- **Project-basing of Section 8 vouchers.** Housing authorities have the ability to attach a portion of their housing vouchers to specific structures. Among other uses, this can be a useful tool for facilitating access to housing located in high opportunity areas or in gentrifying areas near public transit stations or job centers.

- **Among the many other decisions** that can affect the quality of housing provided to families with children through state administered housing vouchers are: decisions regarding the maximum subsidy level (called a payment standard), which can influence the range of neighborhoods accessible to voucher-holders; the seriousness with which agencies enforce the requirement that rents be reasonable in light of market rents; the availability or lack of counseling to help families better understand their residential options; the setting of utility allowances that help families afford their utility costs; and the reliability and accuracy of the housing quality inspections administered as a prerequisite for voucher receipt.

ii. ***Public housing.*** Some states are also involved in administering the federal public housing program for the balance of state not covered by local housing authorities. States have even greater freedom to set admissions preferences in public housing than in housing voucher programs because the federal thresholds are lower – only 40 percent of newly admitted families must have incomes below 30 percent of the area median income. And like other public housing programs, state public housing programs are eligible to participate in the Family Self-Sufficiency program. They are also eligible to apply for HOPE VI or Choice Neighborhoods grants intended to transform blighted properties.

iii. ***Project-Based Section 8.*** Some state housing finance agencies are also "contract administrators" for a different type of Section 8 assistance (generally known as Section 8 project-based assistance) that is provided directly by HUD to private landlords. As contract administrators, they interface between the private landlords and HUD. This position provides a good opportunity to keep on top of local conditions and challenges – for example, to know which assisted properties are at risk of distress or opting out of the subsidy programs and may need to be preserved – but does not provide a lot of power for the states to make policy decisions regarding the admissions policies of these units. Recent moves by HUD to competitively award contract administration move this further toward a functional, rather than policymaking, role.

iv. ***Rental housing preservation.*** The challenge of preserving the affordability of properties that have reached the end of their affordability compliance period, are at risk of opting out of their subsidy obligations, or are physically deteriorating is an important one – both for ensuring that subsidies are not lost and for preserving residential stability for the households who live there. As noted above, the low-income housing tax credit is an important resource, as are HOME and CDBG and local resources, like tax abatements. Some states – such as Florida and New Jersey – have taken steps to be proactive in identifying properties at risk of loss or physical deterioration in order to reach out to them to identify solutions.[30] In Massachusetts, the state has enacted Chapter 40T, which gives the state or its designee the right to purchase expiring use properties at appraised market value if the owner otherwise intends to convert them to market rate.

C. Affordable Homeownership Programs

In addition to helping renters better afford their housing costs, many states play an active role in helping families access and sustain homeownership. This role ranges from offering lower-cost first mortgages backed by state mortgage revenue bonds (a program that is struggling right now because of low interest rates and challenges with the sale of bonds), to funding homeownership counseling to help renters better navigate the homeownership process, to providing "silent second" mortgages that require no payments until a home is resold. The latter type of mortgage – often accompanied by a provision that requires families to repay a share of home price appreciation – was particularly useful as a mechanism for providing deeper affordability during the run-up in housing prices during the late 1990s and first part of the 2000s.

With the emergence of the foreclosure crisis and the sharp decline in mobility and household formation, many states have shifted resources toward combating foreclosures. However, as the crisis abates and housing prices start to rise again, the role of state and local governments in promoting homeownership is likely to again rise in prominence. While mortgage revenue bond programs are generally administered at the state level, many of the deeper homeownership subsidy programs (like shared appreciation mortgages or the funding of community land trusts) are often administered at the local level. Some states, however, such as California, have promoted these policies at the state level.

Available data indicate that well-structured affordable homeownership programs have mostly performed quite well during the foreclosure crisis, with low default rates that are much closer to those of prime borrowers than subprime borrowers. The most commonly cited data examine the delinquency and foreclosure experiences of a portfolio of Community Reinvestment Loans overseen by Self-Help, but analyses of city- and state-run programs, as well as Community Land Trust loans, have found similarly positive results.[31] Among other potential explanations for these results: the programs work hard to ensure that total payments are at levels affordable to the borrowers; they often have a strong homeownership counseling component, which helps to educate people about the homeownership process, budgeting, and homeowner responsibilities; and some include a stewardship function that facilitates direct contact with borrowers after purchase to help identify and work through problems that might arise.

A complete review of policy options for promoting sustainable homeownership is beyond the scope of this paper.[32] But it's worth noting here that there could well be a positive state role in convening practitioners and policymakers at the local and state level to discuss how best to strengthen the ladder to sustainable homeownership for low-income families. An effective ladder would likely have multiple components and marry elements of asset-building policy with more traditional homeownership policies (both counseling and subsidy) as well as long-term affordability (to preserve the buying power of subsidy over time) and foreclosure prevention and post-purchase counseling (to help ensure sustainability).

. . . and Policies to Use Housing as a Platform for Enhanced Economic Security

The policies reviewed above focus primarily on the role of housing policy in reducing poverty by helping low-income families to meet their housing costs. But housing policy can also help address poverty by serving as a platform for enhanced economic security. The next two sections provide illustrations.

D. Affordable Rental Housing as a Platform for Asset-Building and Self-Sufficiency

Many housing practitioners believe that the stability of affordable housing contributes to efforts to help families make progress toward economic security. If an individual is worried about where his or her family is going to sleep each night, they argue, it seems likely it will be harder to focus on getting and keeping a job. On the other hand, standard economics would suggest that subsidized rental housing is likely to *reduce* work effort as a result of the rent policy that charges assisted households 30 percent of income for rent (increasing their marginal income tax rate) and the so-called "income effect" of receiving a monthly subsidy (which may cause some households to work fewer hours).

The available evidence base does not clearly support either position. While studies have found short-term drops in earnings and employment upon initial receipt of a housing subsidy – perhaps because of the dislocation of moving – that effect generally declines to the point of insignificance within a few years.[33] The research does not explain why the hypothesized effects tend to fade away, but one potential explanation is that after the short-term dislocation effects of moving have worn off, the positive and negative effects of housing assistance on employment more or less cancel each other out, leading to no lasting impact.

If this explanation is correct, it raises the intriguing question of whether it might be possible to offset those aspects of rental housing assistance that depress earnings – such as the 30 percent of income charge for rent – thereby allowing the positive effects of housing assistance to dominate and actually contribute to self-sufficiency efforts. Evidence from welfare reform demonstrations in Minnesota and Connecticut provide support for this hypothesis; in those studies, households with rental assistance benefitted much more from the welfare reform intervention than other households.[35] A demonstration of the Jobs Plus Initiative, a saturation initiative to provide self-sufficiency services to every adult within a public housing development, confirms that well-run self-sufficiency efforts can help increase earnings among families in subsidized rental housing.[35]

HUD currently offers a program known as the Family Self-Sufficiency (FSS) program that has shown significant promise for helping residents of subsidized rental housing to build assets and increase their earnings.[36] FSS combines the (a) residential stability of the housing voucher (or public housing) program[37] with (b) financial incentives for participants to increase their earnings in the form of an escrow account that grows as earnings grow and (c) case management or coaching to help families overcome barriers to increased work. FSS programs are common in larger Section 8 voucher programs but most are fairly small. Several state voucher programs (e.g., Michigan, New York, and Massachusetts) are notable exceptions, offering relatively large FSS programs.

HUD places no limits on the number of families that may participate in FSS. As a result, opportunities are available to entrepreneurial housing authorities — including those at both the state and local levels — to expand participation in FSS to assist additional families. One of the principal barriers to expansion rests in the limited supply of case management services. Because states control a number of sources of such services — particularly the Temporary Assistance for Needy Families (TANF) block grant — states represent a promising venue for facilitating this collaboration and expansion.

NOTE — This issue has bearing for other types of affordable properties as well, even if they are not eligible for FSS. For example, as noted above, some low-income housing tax credit properties include services designed to help support work among families with children, including on-site child care, computer centers, afterschool programs, and service coordinators to help families access services that might help them overcome barriers to work.

E. Resident Ownership of Manufactured Housing Parks

Another housing-based initiative that shows significant promise for helping low-income families to build assets is the conversion of manufactured housing parks from rental communities to resident-owned cooperatives. Pioneered initially by the New Hampshire Community Loan Fund, a nonprofit Community Development Financial Institution operating throughout New Hampshire, and now spearheaded by a national organization, ROC USA, the conversion of

manufactured housing parks helps residents of these parks achieve greater stability by reducing prospects for eviction. In light of data suggesting that manufactured homes are more likely to appreciate in value in a resident-owned park (as compared with homes on rented lots), this intervention is also likely to help low-income families retain and build assets.

A study by the Carsey Institute comparing resident-owned parks with more traditional rental parks found the following:

> The principal findings of this benchmark study are that residents who own their manufactured home communities, commonly referred to as mobile home parks, have consistent economic advantages over their counterparts in investor-owned communities, as evidenced by lower lot fees, higher average home sales prices, faster home sales, and access to fixed rate home financing. Additionally, residents who own their communities consistently perceive greater control over and stability in their lot rents and governance, and worry less about being displaced because of park closure for re-development.[38]

As a potential source of financing for the conversion of manufactured housing parks, state housing finance agencies are well positioned to contribute to these efforts. States also have important roles to play in educating communities about the benefits of resident ownership of manufactured housing parks and setting appropriate standards (and/or educating localities about appropriate standards) for safe and durable installation.

II. Permanence – Policies to Promote Family and Residential Stability

In addition to freeing up funds within the budgets of low-income families, effective housing policies can help to support stronger, unified families and improve residential stability. For example, HUD's Family Unification Program provides vouchers to families whose children have been placed in foster care due to the lack of a suitable home, or who are in danger of being separated for this reason. This allows the families to stay together or be re-united. Other policies — such as eviction prevention and foreclosure prevention — are specifically designed to help residents overcome crises that may affect their residential stability. Still other policies, such as the provision of affordable rental housing or the adoption of rent stabilization policies, seek to promote residential stability by reducing the stress on household budgets that undermine stability.

In evaluating policies related to residential stability, it is worth considering how the end goal of residential stability should be defined. In my view, residential stability is not the same as staying in one place; while some moves are harmful for children, others can actually be good for them — for example, when a family moves to a better school district or moves to access a good job opportunity. The key question is whether moves are planned moves – which will often lead to better outcomes for children – or moves that are unplanned (or involuntary), such as an eviction, foreclosure, or move due to serious financial hardship.[39] Understood this way, residential stability is the power to choose when and under what circumstances one wishes to move.

A. Family Unification Program

Family Unification is a HUD program that provides housing vouchers to help families stay together. One typical scenario it addresses is a family with a child in the child welfare system who cannot be reunited with their child due to the lack of stable, affordable housing. If the community has a Family Unification Program, the child welfare agency can notify their partner housing authority about the priority need of the family for a voucher, resulting in the award of a Family Unification Program voucher which enables the family to find affordable housing and allows the child to be returned to its family. Family Unification vouchers can also be used to help families who are in danger of losing a child to the child welfare system due to the lack of a stable, affordable home, and to help children aging out of the foster care system to avoid homelessness.

Nationwide, there are approximately 46,000 Family Unification Program vouchers,[40] awarded to local housing authorities between 1992 and 2001 and between 2009 and 2011. Family Unification has traditionally drawn bipartisan support and sometimes experienced funding increases even during challenging budgetary times. Nevertheless, given the immense pressure on federal discretionary appropriations, it is important not to see Congressional decisions to expand funding for the Family Unification Program as the only way to grow the program. Under reforms adopted in 1998, housing authorities have considerable discretion to adopt local admissions preferences that respond to local needs. Any housing authority could thus decide to implement a Family Unification Program – or expand an existing program – by adopting an admissions preference for households referred by the child welfare agency, giving these households first priority for available vouchers.

States can influence the initiation or expansion of Family Unification Programs in a number of ways. In addition to starting or expanding programs under the direct control of state housing authorities, states can foster relationships between child welfare and housing agencies through task forces or conferences and promote model program guidelines that make it easier for local agencies to start programs and understand their benefits. By collecting and publicizing data on the number of families and children assisted through these programs, states can also create positive reinforcement for existing programs to grow.

B. Eviction Prevention

Many states and localities administer programs to help families avoid eviction by providing back rent and/or short-term rental assistance. State welfare agencies have sometimes viewed eviction prevention programs in the context of helping families avoid the destitution that could lead them to apply for welfare cash assistance or to seek homelessness aid. Through Aid for Families with Dependent Children — the predecessor to today's TANF welfare program — families in crisis could access back rent once per year through the "emergency assistance" program. Under TANF, states are allowed to provide funding for one-time non-recurring needs without starting the five-year time-clock, allowing them to provide up to four months of assistance to help families avoid eviction.[41] The policies governing the use of TANF for this activity vary from state to state.

More recently, eviction prevention programs received a substantial infusion of funding from HUD's Homelessness Prevention and Rapid Re-Housing Program included in the American Recovery and Reinvestment Act of 2009. With the expiration of those funds in 2012, the federal funding available for this activity is greatly diminished. Congress recently broadened the scope of the Emergency Shelter Grant program (now renamed the Emergency Solutions Grant program) to include homelessness prevention as well as rapid re-housing activities, which will allow for the continuation of some homelessness prevention activities. But the lion's share (85 percent to 90 percent) of federal homelessness funding – the Continuum of Care competition — cannot be used for homelessness prevention activities except by a limited number of high-performing communities.[42]

Historically, eviction prevention programs have fallen between several toadstools. They are arguably a housing intervention, but without an ongoing subsidy payment to structure an ongoing relationship with a housing agency, their administration often falls to welfare agencies. Welfare agencies have many competing priorities, so these programs do not always rise to the top of funding priorities unless and to the extent they can help divert families from applying for cash benefits.

Homeless agencies, on the other hand, face the challenge of addressing the overwhelming challenge of homelessness with limited funds and are justifiably worried about diluting their effectiveness by expanding their attention to families that *might* become homeless. In this context, the question becomes whether a family facing eviction is likely to become homeless upon eviction or whether that family will end up finding other shelter. Since federal funding for homelessness is very limited, and many families in this circumstance will not actually end up homeless, policymakers have placed restrictions on the use of these funds for eviction prevention and other preventative services.

The questions being asked by welfare agencies and homeless agencies make sense within the context of those programs, but one has to wonder whether they are the right questions from the perspective of children. The child of a family evicted from its residence may still experience the dislocation of an unplanned move even if the family does not end up on the street or in a homeless shelter. For this reason, it is likely that children would benefit from more expansive efforts to promote residential stability, including the broader availability of eviction prevention programs. At the same time, it is important to acknowledge that there is much we need to learn about how families deal with housing crises and the types of aid that would be most beneficial for promoting residential stability. Not all families facing eviction will necessarily need the same type of assistance. Additional research could help the field better understand how families manage housing crises, what types of short-term assistance would be most helpful to improve residential stability, and how that assistance might be effectively targeted to households that are most likely to derive benefit.[43]

Given their involvement in both welfare and homelessness policy, states are well positioned to develop and adopt innovative policies to prevent eviction and study their effectiveness.

C. Homelessness Programs

While there are differences of opinion about the extent to which scarce resources should be allocated toward eviction prevention, there is broad agreement that families who are experiencing homelessness should be assisted to regain stable housing. The question is how. Some practitioners believe that short-term rental assistance — for example, for nine months to a year — can be effective in helping homeless families regain stability, especially if provided at the earliest possible time through a "rapid rehousing" program. Others believe that a large share of families provided with short-term assistance will need additional assistance once the initial assistance runs out due to systemic gaps between housing costs and what families can afford to pay.

In either event, efforts to help the homeless represent a large investment of governmental, philanthropic, and nonprofit resources in promoting residential stability. Plans to address homelessness are generally developed at the local or regional level through Continuums of Care (CoC) — a HUD mandated process for coordinating homelessness funding and programs. The state role in this process varies from state to state. In some states — such as Rhode Island and Wyoming — there is only one CoC for the whole state. In other states, such as Iowa and Idaho — the state's CoC covers most of the state, except for a handful of areas with their own CoCs. Other states — such as Massachusetts — have local or regional CoCs covering nearly the entire state, with the state CoC covering only the remaining areas that do not have their own CoC. But given the importance of state-controlled resources in addressing mental health, physical health, food security, and other essential services, state agencies have an important role to play in all CoCs, even if they are not directly administering them.

A full review of homelessness policy is beyond the scope of this paper. Suffice it to say that strengthening the system for helping homeless families with children regain residential stability is of critical importance for children and thus an important area to consider for enhanced state activity.

D. Foreclosure Prevention

The housing crisis has galvanized efforts at all levels of government to prevent foreclosures – another important activity that can help promote residential stability. States have played a number of roles in this process, including convening practitioners and policymakers to discuss how best to coordinate the policy response, providing supplementary funding for foreclosure prevention counseling, adopting laws to extend the foreclosure timeline for occupied properties to give families time to recover, and providing financial assistance to help families overcome short-term financial difficulties or restructure their mortgages to more affordable levels.[44]

In 2010, the 18 hardest-hit states, plus the District of Columbia, were allocated a total of $7.6 billion in federal funds to develop "locally-tailored programs to assist struggling homeowners in their communities." As of the third quarter of 2012, close to $1 billion had been spent, with about another $600 million committed but not yet spent, suggesting that additional efforts may be needed to foster more rapid deployment of these funds to benefit struggling homeowners.[45]

More recently, states have received $2.5 billion in funds from the landmark settlement with large mortgage servicers and are working on a state-by-state basis to determine how to use the funds. Many states plan to use these funds to boost support for foreclosure hotlines, homeownership counseling, and financial assistance for homeowners facing foreclosure, but others are applying the funds to other, non-housing uses. A recent report by Enterprise Community Partners[46] found that only 26 states planned to apply the entire sum received from the settlement for housing. Another nine states planned to spend the funds partially on housing, while the remaining states were either undecided or planning to divert the funds to other uses – most commonly to address state deficits. As of May 2012, the process of programming these funds was still unfolding, with only nine states having finalized their plans.

In addition to planning for the expenditure of hardest hit and foreclosure settlement funds and updating state policies to provide counseling and financial assistance to help prevent foreclosures, some states are involved in helping to support efforts to stabilize neighborhoods impacted by foreclosures. This can be an important issue for promoting the stability of the remaining residents as concentrations of foreclosures and other vacant properties can lead to a cycle of disinvestment that prompts otherwise stable households to leave a community. States received a share of HUD funding for several rounds of the Neighborhood Stabilization Program. Grants for the third and final round of NSP funding are expected to expire by early 2014. While the federal funding plays an important role, in many states, it is not large enough to fully address the needs, underscoring the importance of carefully targeting funds and identifying additional resources.

E. State Authorization for Local Rent Stabilization, Good Cause Eviction, and Condo Conversion Protection Laws

Rent stabilization policies are designed to provide renters with improved residential stability by limiting the size of annual rent increases and, in some cases, by providing them with a right to renew their leases. The rents of rent-stabilized units are generally allowed to float to market levels every time the unit is re-rented. This contrasts with older forms of rent control, which did not always allow units to rise to market levels.

Good cause eviction protections require landlords to have a "good cause" for eviction, such as nonpayment of rent or destruction of property. They help promote residential stability by reducing the likelihood that residents are evicted so a landlord can rent out the unit to a higher-paying tenant.

Condo conversion protection laws provide residents with protections in the event that an owner decides to convert a property from a rental property into a condo. These protections may include advance notice of the conversion – to facilitate a planned departure from the property – relocation benefits, and/or a right of first refusal for the residents to match a condominium conversion offer.

The laws governing these and other rent protections often reflect a mix of state and local provisions, with the state determining the scope of permitted local action — for example, authorizing or prohibiting the imposition of rent stabilization by local communities — and local communities determining whether, and if so, how, to authorize their discretionary authority.

F. State Support for School Stability Policies

Federal law requires states to develop policies to promote the educational stability of children in the foster care system. Federal law also requires that children forced to move into homeless shelters have the right to continue at their prior school if they so desire. Both policies are designed to mitigate the adverse impacts on children's educational progress of residential instability.

Some communities go further. In Fort Wayne, IN, for example, efforts are made to keep children in the same school during the school year, even if they move residences mid-year.[47] Other communities, such as Minneapolis, MN, use housing assistance to help promote school stability.[48]

States have an important role to play in implementing the federal laws that promote school stability and ensuring they are implemented effectively. States that have communities with high rates of student mobility can also help raise awareness of the challenges and promote innovative solutions that go beyond the minimums required by federal law.

III. Place – Policies to Expand the Availability of Affordable Housing in Areas of Opportunity . . . [49]

Housing policy plays a major role in determining where children of low- and moderate-income families can afford to live, determining the extent of their exposure to neighborhoods of concentrated poverty, on the one hand, or neighborhoods of opportunity, on the other. Policies that place subsidized housing in highly poor neighborhoods often contribute to the concentration of poverty, while scattered-site policies and housing vouchers can help to reduce it. Similarly, a community's decisions regarding its zoning rules can either exclude low- and moderate-income families or ensure their inclusion, directly affecting the quality of schools and the safety of neighborhoods accessed by their children.

Many of the most important decisions affecting the location of affordable housing are made at the local level. Local zoning policies, in particular, can be used to restrict or exclude the development of affordable housing in particular neighborhoods by, for example, prohibiting the construction of multifamily housing, severely restricting density, specifying a large minimum lot size that raises the cost of a building lot, prohibiting the development of accessory dwelling units, etc. By contrast, inclusionary zoning policies can help to expand the availability of affordable housing by creating incentives for or requiring the inclusion of affordable rental or for-sale homes within new development.

Despite the local nature of zoning and permitting decisions, there are many steps that can be taken at the state level to promote expanded access to neighborhoods of opportunity for low- and moderate-income families, including the following:

A. Fair Share and Builder's Remedy Policies

Through a series of court decisions beginning with the famous Mount Laurel decision, the New Jersey Supreme Court established the requirement that all municipalities "provide a realistic opportunity" for development of their "fair share" of low- and moderate-income housing. State legislation passed to comply with Mount Laurel created the Council on Affordable Housing (COAH) to set each jurisdiction's "fair share" requirement and evaluate plans submitted to meet it. Municipalities that fail to submit and obtain COAH-certification for a plan to achieve their fair-share goal are susceptible to "builder's remedy" lawsuits filed by developers who are denied approval for the construction of affordable homes. These lawsuits allow developers to obtain court approval for modifications to zoning rules necessary to allow the housing to be built.

A number of states have adopted similar "fair share" policies – often including a "builder's remedy" as an enforcement mechanism – by legislation (or a combination of legislation and court rulings) including Massachusetts, Connecticut, Rhode Island, Illinois, and New Hampshire.[50] The Massachusetts policy, Chapter 40B, allows builders to sue to override local zoning policies that prevent the development of housing that includes at least 20 to 25 percent affordable units. Communities can become exempt from the 40B process by ensuring that at least 10 percent of units in the community are affordable to low- or moderate-income households.

Other states require all localities to plan for the inclusion of affordable homes, but rely on state regulation for enforcement, rather than private suits by developers. For example, California state law requires all municipalities to prepare and submit a "housing element" for review by the Department of Housing and Community Development (HCD), as part of a long-term comprehensive planning process that is not otherwise subject to substantial state review. The housing element must include a housing needs analysis and site inventory, identification of government constraints to development of new homes and an action plan for achieving the local housing goals set by regional councils of governments. In particular, the housing element must address how the municipality will meet the projected housing needs of households at all income levels. HCD certifies local plans as compliant and, in theory, may challenge a non-complying municipality in court to prevent the issuance of building permits until adoption of a legally valid housing element.[51]

These type of state provisions provide an opening to develop affordable homes in wealthier communities that would otherwise remain inaccessible to low- and moderate-income families. Many of these communities are likely to have higher-performing schools and lower crime rates than communities with high proportions of low-income families. It is less clear, however, to what extent the units produced through these programs provide housing opportunities specifically for families with children, as opposed to older adults or younger adults without children.

This is an important but challenging issue. On the one hand, it seems clear that access to communities with high-performing schools is likely to be of greatest value for families with school-age children. On the other hand, a broad coalition is often needed to overcome resistance to fair share policies. Revising these policies to focus solely or primarily on families with children could fragment the coalition and complicate efforts to secure their passage or avoid repeal. One potential approach is to build a broad-based coalition to advocate for fair share policies that includes advocates of housing for older adults, persons with disabilities, and families with children, and then include specific requirements or sub-goals for the development of units with larger numbers of bedrooms, ensuring that a portion of the newly developed units are available for families. New Jersey, for example, has built such requirements into its state housing policy.[52]

B. Policies to Preserve and Expand the Availability of Affordable Housing Near Good Schools

In addition to state fair share policies, there are a number of strategies that states can take to promote the availability of affordable rental and for-sale homes in areas with good schools. These policies are often directed at preserving and expanding affordable housing in areas of "opportunity" — a broad concept defined in a number of different ways but generally demarking neighborhoods characterized by low levels of poverty, comparatively low proportions of racial and ethnic minorities (or a mix of races and ethnicities), comparatively low rates of crime, and high-performing schools.

Some strategies can be adopted directly by states. For example, states can modify their qualified allocation plans to promote the use of low-income housing tax credits in areas of high opportunity. A 2008 review by PRRAC found a number of states that discouraged development in areas of concentrated poverty, but relatively few policies that actively promoted development in high-opportunity areas.[53] But more recent developments suggest that momentum may be growing for more actively promoting the use of low-income housing tax credits in high-opportunity areas. In Texas, for example, a lawsuit alleging that the state had allocated low-income housing tax credits disproportionately in minority areas has led to a remedial order requiring the state to give priority to projects located in opportunity areas defined by low poverty and high-performing schools.[54] In Massachusetts, projects geared to families in opportunity areas represent one of four priority project types identified in the 2012 Qualified Allocation Plan.[55] In New Jersey, a 2003 lawsuit led to the doubling of family units (to 50 percent) developed in high-opportunity areas.[56]

Another strategy that can be directly adopted by states is the preservation of existing affordable rental housing located in areas of opportunity. Properties located in neighborhoods of opportunity often have a higher ability than other properties to attract market-rate tenants, increasing their incentives to opt-out or prepay their subsidized mortgage. In determining how to allocate limited resources for rental housing preservation, states may wish to prioritize properties for families with children in areas of opportunity.

In addition to acting directly using state resources, states can help to promote the adoption of local inclusive housing strategies that expand the availability of affordable housing for families with children in opportunity neighborhoods. Examples of such local policies include: inclusionary zoning requirements or incentives for new development to include a share of housing affordable to low- and moderate-income households; tax increment financing strategies with mandatory affordable housing set-asides that generate funding for affordable housing as property values rise;[57] housing trust funds funded through real estate transfer taxes (generating funds for affordable homes tied to sales of market-rate homes); and linkage fees that generate funds for affordable housing tied to commercial development.

C. Policies to Support the Development of Affordable Housing Near Public Transit Stations, Job Centers, and Other Location-Efficient Areas

In recent years, a new dimension of "opportunity" has begun to attract increased attention, focused on proximity to public transit stations (or high-frequency bus service), job centers, and other areas where transportation costs are low ("location-efficient" areas), such as walkable village and town centers. This interest stems in part from data showing that moderate-income households spend almost as much on transportation as housing and frequently trade-off between these two expenses.[58] The classic example is a household that moves further and further from employment centers to find a home it can afford. The household may finally achieve lower housing costs but now may need to acquire a second car and/or drive much longer distances, resulting in increased transportation costs that can equal or even exceed the housing cost savings. To the extent we care about families having enough disposable income remaining to afford nutritious food, adequate health care, a good education, and other basic needs, it's clear we need to focus on their ability to afford the full costs of place – housing, transportation, and utilities – rather than just housing costs alone.

The combined costs of place can be reduced in three main ways: by preserving and expanding affordable housing near transit, job centers, and other places where transportation costs are low; by reducing transportation costs in places where housing costs are low; or by simultaneously coordinating the development of affordable homes and the provision or expansion of transit service – for example in high-opportunity areas with access to good schools. In all cases, the optimal solutions set requires close coordination between housing and transportation agencies. The state role in determining how federal and state transportation and other infrastructure expenses are spent provides important leverage for states to achieve this goal. For example, states can give priority in awarding transportation and/or other infrastructure funds to communities that have adopted strategies to preserve and expand affordable housing near existing and planned transit stations, job centers, and village and town centers.[59] States can also act as a convener, bringing housing and transportation agencies together to discuss how to improve coordination, and fund planning efforts designed to encourage coordinated planning.

While this is still an emerging issue, there are already a number of state models to consider. Both Massachusetts and Connecticut, for example, provide financial incentives to local communities that create smart growth zones that allow for higher-density development and include housing affordable to low- and moderate-incomes households. Minnesota provides low-cost funds to acquire land for affordable housing in location-efficient places, and a growing number of states prioritize areas near transit (and other location-efficient areas) for receipt of low-income housing tax credits.[60]

Strategies to preserve and expand affordable housing in location-efficient places help children in more ways than simply increasing the amount of residual income available to meet basic needs. Location-efficient neighborhoods are often more walkable, which can help to reduce obesity and diabetes.[61] Access to a high-quality transit system can improve job access, and the development of affordable homes near job centers can shorten commutes, increasing the amount of time parents have to spend with their children.

On the other hand, some have raised concerns that policies focused on expanding the availability of affordable homes near transit may end up increasing the concentration of poverty and distract from the broader goal of helping low-income families access better school districts.[62] This concern has particular weight in the context of providing affordable housing for families with children, where the quality of schools looms large.

There is merit to both sides of the argument. It does not make sense to expand the number of affordable housing units for families with children in areas of highly concentrated poverty with poor schools and little prospects for revitalization. On the other hand, if we truly want to provide housing that is stable and affordable, we can't simply ignore the issue of transportation costs. The middle ground here is to say that transportation costs should be one of many factors considered, along with schools, safety and other factors, in determining where to locate affordable homes.

As this debate moves forward, it will be important to pay attention to the many ways in which neighborhoods are changing. In many large metro areas — including New York, San Francisco, Washington, DC, and Boston — there is growing demand for housing located near transit or other close-in neighborhoods. This demand has led to increased rents and home prices in some neighborhoods, along with fears of displacement of low- and moderate-income residents. By working to preserve existing affordable housing in these neighborhoods and ensure that a share of newly developed housing is affordable to low- and moderate-income households, communities can ensure that families of all incomes can afford to live in these changing neighborhoods.[63]

The jury is still out on whether the influx of comparatively higher-income residents in these neighborhoods will lead to improved schools, but it is certainly possible that this may be the outcome — especially if the demographics changes are matched with explicit efforts to revitalize neighborhood schools. Given expected changes in household composition in the coming decades — more older adults and more younger adults — and rising energy prices, demand for close-in neighborhoods is expected to grow significantly. This issue is thus likely to grow in importance over time, warranting further attention by advocates, practitioners, and policymakers working on family and housing issues.

D. Housing Mobility Programs

Housing mobility programs focus on helping participants in the Section 8 Housing Choice Voucher program access neighborhoods of opportunity – generally defined with respect to poverty concentration and/or concentrations of racial and ethnic minorities. The typical intervention features mobility counseling to help educate families about their residential choices, with a particular (or exclusive) focus on neighborhoods of opportunity. Other interventions may include transportation assistance (to help residents get to interviews in unfamiliar locations or areas that are not well served by public transit) or housing retention services to help residents who move to a new neighborhood overcome obstacles that may jeopardize their ability to stay in the neighborhood.

One of the best-known housing mobility programs was the Moving to Opportunity demonstration, which evaluated the impact of helping low-income residents of inner city public housing move to low-poverty areas. An evaluation of impacts after 10 to 15 years found reduced obesity and diabetes among the adults who had been offered an opportunity to move to low-poverty areas along with improvements in mental health (reduced depression and psychological distress). Among youth, there was improved mental health among girls, but not among boys. Hypothesized benefits in the areas of economic self-sufficiency and educational achievement did not materialize, perhaps because many families who initially moved to lower-poverty areas left and moved to areas of intermediate poverty, and because school choice policies allowed many children to remain in their old schools.[64] Other mobility programs, such as the program growing out of the Gautreaux litigation (a landmark civil rights suit in Chicago), appear to have had a stronger impact on employment and education, though they were not set up as research demonstrations and thus have a weaker overall research design.[65]

Housing mobility programs tend to focus on helping voucher-holders living in inner-city communities access neighborhoods in the surrounding region. They thus have dimensions that are both local and regional — but do not generally operate state-wide. Because mobility programs often cross city or county boundaries, however, there may be value in having state involvement. As with other policies implemented primarily by local housing authorities, states can provide resources to cover costs, as well as education, outreach, and perhaps even incentives to encourage local housing authorities to participate.[66]

E. Fair Housing Enforcement and Supplemental State Fair Housing Laws

Whether intentional or inadvertent, discrimination can reduce opportunities for minority families with children to access neighborhoods of opportunity. The last national housing discrimination study found a substantial decrease in the incidence of adverse treatment of African-American and Latino homebuyers between 1989 and 2000 across the 23 metropolitan areas studied, but only a modest decrease in the adverse treatment of African-American renters and no decrease in the incidence for Latino renters. Despite the declining trend, the level remains unacceptably high, with 22 percent of African-American renters and 26 percent of Latino renters – and 17 percent of African-American homebuyers and 20 percent of Latino homebuyers – experiencing adverse treatment.[67] Related studies found comparable levels of discrimination against Asian-American and Pacific Islander renters and homebuyers in the 11 metro areas studied and higher levels of discrimination against Native Americans in the metropolitan areas within the three states studied.[68]

There is less systemic information available regarding discrimination against families with children – which falls under the prohibited category of discrimination on the basis of familial status – but it is reasonable to assume that households at the nexus of the various discrimination categories –

specifically racial and ethnic minorities with children – face the highest levels of discrimination overall.

Fair housing enforcement efforts help individuals who have experienced adverse treatment to seek redress, while fair housing education efforts help increase awareness of fair housing provisions among landlords and real estate professionals. While there is a modest amount of federal funding available for these efforts, additional funding by states can be critical to ensuring robust enforcement and education programs.

Fair housing concerns can also be pursued at the systemic level. Prime examples include the Inclusive Communities Project litigation discussed above (focused on the low-income housing tax credit allocation system in Texas), and the Gautreaux (Chicago), Walker (Dallas), and Thompson (Baltimore) cases alleging discrimination by public housing authorities.[69] These cases typically take many years to resolve, but have the potential to help thousands of households access housing located in opportunity areas.

One of the most recent fair housing cases has breathed new life into the requirement that HUD and recipients of HUD funding "affirmatively further fair housing."[70] In 2007, the Anti-Discrimination Center of Metro New York sued the county of Westchester, alleging that the County had failed to affirmatively further fair housing, as it had promised to do in exchange for the receipt of HUD Community Development Block Grant funds. The Department of Justice intervened on behalf of HUD and helped negotiate a far-reaching settlement. In addition, HUD is developing new regulations clarifying the requirement to "affirmatively further fair housing," which are expected to be released shortly and is planning to release data designed to help communities and regions analyze impediments to fair housing and develop appropriate policies to address them.

Still another approach is for states to adopt state fair housing laws that go beyond the minimum protections provided in federal law. In eight states plus the District of Columbia, state law includes provisions that may prohibit discrimination against individuals participating in the Section 8 housing voucher program.[71] In some states, like Connecticut, this is accomplished by prohibiting discrimination based on the source of an individual's income (so long as the income is lawful). In other states, such as Massachusetts, the statute specifically provides that owners may not discriminate against renters participating in a rental subsidy program. Similar laws are on the books in a number of municipalities. The benefit of these supplements to federal fair housing protections is to expand opportunities for voucher-holders to obtain housing in areas of opportunity, where owners might otherwise choose not to rent to them.[72]

Given the ongoing challenge posed by housing discrimination and the fast-moving developments surrounding the affirmatively furthering doctrine, there will be many opportunities in the years ahead for states to help expand fair housing opportunities. In particular, communities and regions will likely need assistance analyzing and interpreting the newly released data from HUD and developing and implementing strategies for reducing barriers to fair housing.

F. Authorization for Local Inclusive Housing Policies[73]

In many states, explicit enabling legislation is needed at the state level to permit communities to adopt inclusive housing policies such as inclusionary zoning, tax increment financing with mandatory set-asides for affordable housing, or housing trust funds.

State control over municipal activity falls along a spectrum: at one end, states that actively enforce the "Dillon Rule" allow municipalities only the powers that are explicitly granted to them by the state legislature (in addition to those that are considered essential for the municipality to function). At the other end of the spectrum, Home Rule states give municipalities the authority to govern their own internal affairs (subject only to the restrictions and limitations specified in the state constitution or any state statute). In practice, most states adopt some hybrid of these two approaches, making it essential that states provide appropriate enabling legislation to authorize needed local action to expand opportunities for the development of affordable homes.

Well-designed enabling legislation: (a) ensures that state law does not pose a barrier to the enactment of important local tools for promoting affordable housing, such as tax abatements, tax increment financing, and inclusionary zoning; (b) reduces the likelihood that the policies that localities adopt will be vulnerable to court challenge; and (c) helps to reduce the learning curve for municipalities by specifying one or more sound program variants for their consideration.

State enabling legislation is particularly important in the area of inclusionary zoning. In Virginia, for example, Fairfax County adopted one of the country's earliest inclusionary zoning policies, but it was struck down by state courts in part because the state had not explicitly granted local authority to adopt an inclusionary zoning ordinance. In 1989, the Virginia state code was amended to address this objection, specifically allowing local jurisdictions to pass inclusionary zoning ordinances.

At the other end of the spectrum, Texas and Oregon explicitly prohibit mandatory inclusionary zoning ordinances and courts in several states, including California and Colorado, have interpreted state-wide prohibitions on rent control as prohibiting the application of inclusionary zoning to rental housing.[74] Communities wishing to adopt broadly applicable inclusionary zoning policies in these states would likely require changes to state law.

. . . and Make Housing Healthier for Children and Families

State policies can also help promote access to homes that are healthier for children, with reduced exposure to toxins and conditions that leave children vulnerable to injury.

G. Healthy Housing Initiatives

A growing body of evidence documents the many ways in which children are affected by their physical home environment. Lead paint is the most obvious of many home-based toxins that may affect child development or contribute to illness, which also include pesticides, radon, carbon monoxide, asbestos and mold. Children may also be affected by physical hazards such as stairwells without railings and by noise, crowding, and even poor lighting.[75]

States can promote healthy housing by adopting strong building codes, by conducting or funding code enforcement, by funding lead and asbestos remediation efforts, by funding home repair efforts to improve housing quality, and by conducting or funding (a) education for homeowners and renters and (b) training for rental housing owners and managers on how good management practices can promote healthy housing. Given the many different components of an effective plan to promote healthy housing, there is also a need for state leadership in charting an overall strategic direction and coordinating activities.[76]

CONCLUSION

As promised at the outset, this review covers a wide array of different housing policies affecting children. Despite its breadth, the review omits a number of important subjects – most notably, the question of how to strengthen the fabric of struggling communities to better serve the needs of children. While housing has an important role to play in such community development efforts, it is only one piece of a larger tapestry of interrelated interventions needed to strengthen communities. Among other sources, the broader topic of community development is addressed in a new book published by the Low-Income Investment Fund and the Federal Reserve Bank of San Francisco.[77]

The review also omits a discussion of the important issue of intergenerational housing, which holds promise for integrating older adults into the broader community, while also providing quality housing opportunities for low- and moderate-income families.

Even without these topics, it's clear from this review that there are numerous housing policies that affect the lives of children and numerous opportunities for state-level action to strengthen these policies and improve outcomes for children.

In fact, one of the biggest challenges facing the housing policy field is the sheer breadth of the subject matter. Few practitioners or advocates work in all of the areas covered by these policies. As a result, we tend to see somewhat distinct clusters of activity around issues of concern to specific subsets of practitioners, such as the Low-Income Housing Tax Credit, Fair Housing, Housing Trust Funds, Homelessness, or Healthy Housing. This fragmentation is not necessarily a fatal problem, but it does impair efforts to build larger and potentially more politically powerful coalitions.

Could the "interests of children" be a unifying force that permits the assembly of a broader and more comprehensive coalition of practitioners, advocates and policymakers, to build support for a series of coordinated efforts to strengthen the many housing policies that impact children? If so, what type of advocacy infrastructure would be needed to build, sustain, and leverage this coalition to generate measurable improvements in housing policy for children?

I do not know the answer to these questions, but I believe they are worth considering in evaluating how to strengthen the nation's housing policies to better serve the needs of children.

ENDNOTES

[1] See prepared remarks of Patrick McCarthy, 2011. Under Casey's framework, the second dimension focuses specifically on permanence of family relationships, rather than more broadly on permanence of relationships and residential stability, as is done here. See the main text for discussion of the rationale for this adaptation of the Casey framework.

[2] This research was funded by the Annie E. Casey Foundation. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the author alone, and do not necessarily reflect the opinions of the Foundation.

[3] See generally Rebecca Cohen and Keith Wardrip, 2011; Maya Brennan, 2011.

[4] To save space, the discussion here is highly condensed, with references to secondary literature that review the primary literature in greater depth.

[5] U.S. Department of Housing and Urban Development, n.d., *FY 2013 Budget Justifications for Tenant-Based Rental Assistance.* The value of other housing subsidy types varies depending on type.

[6] See generally, Rebecca Cohen, 2011, *The Impacts of Affordable Housing on Health*.

[7] Marice Ashe, et al., 2012.

[8] See generally Jeffrey Lubell, 2011, "Moving Forward;" Jeffrey Lubell, 2011, "Rental Assistance;" and Nandita Verma, et al., 2003.

[9] See generally Rebecca Cohen and Keith Wardrip, 2011; Maya Brennan, 2011.

[10] Gregory Mills, et al., 2006.

[11] See discussion of conflicting evidence from the Moving to Opportunity demonstration and Gautreaux program on page 5 in Maya Brennan, 2011.

[12] Heather Schwartz, 2010. A second report examined inclusionary housing programs in 11 jurisdictions and found that the neighborhoods in which inclusionary homes were located generally had higher-performing schools than other neighborhoods in the same jurisdiction. Heather L. Schwartz, et. al., 2012.

[13] Claudia Coulton, et al., 2009.

[14] An analysis of data on tenants in low-income housing tax credit properties in 16 states found that 43 percent had incomes below 30 percent of the area median income. This was due in large part to the layering of subsidies, with about two-thirds of these households also receiving rental assistance. See Moelis Institute for Affordable Housing Policy, 2012.

[15] Danilo Pelletiere, et. al., 2008.

[16] See Center for Community Change, 2008.

[17] See Center for Community Change, 2010. CCC's Housing Trust Fund project is the best single source of information on state and local trust funds. For an overview of the policy and a list of other resources, see Center for Housing Policy, n.d., "Housing Trust Funds: Overview."

[18] Housing Works Rhode Island, 2011. Rhode Island is presently considering a new $25 million bond issue.

[19] See Sharon Sprowls, et. al, 2011.

[20] Danilo Pelletiere, et. al., 2008.

[21] Further research is needed to clarify how the Fair Housing protections related to familial status (presence of children) apply to the allocation of low-income housing tax credits. One could argue that qualified allocation plan policies that produce only or mostly smaller housing units have a discriminatory impact on families with children.

[22] In most U.S. markets, a household with income at or below 30 percent or the area median cannot afford to pay the basic costs of operating a multifamily housing development. So even if capital subsidies were used to pay 100 percent of the acquisition and construction cost for affordable housing, an additional operating subsidy would still be needed to serve households in this income range.

[23] See, e.g., Seema Ramesh Shah, 2006.

[24] See Adam Gordon, 2012.

[25] Commonwealth of Massachusetts Department of Housing and Community Development, n.d.

[26] Maya Brennan et. al., 2013.

[27] Data compiled by the National Council of State Housing Agencies, 2012.

[28] See Center for Housing Policy, 2010, "4 Percent LIHTC: Overview."

[29] Among other strategies to consider for increasing efficiency are the use of shared equity homeownership (rather than grants or forgivable loans for downpayment assistance) and the use of lifecycle underwriting. For more information on these strategies, see the materials collected online at Center for Housing Policy, 2012, "Shared Equity, Powerful Results" and Center for Housing Policy, 2013, "Lifecycle Underwriting."

[30] See Center for Housing Policy, 2009, "Taking Stock."

[31] See David Abromowitz and Janneke Ratcliffe, 2010, Lei Ding et. al., 2010, Emily Thaden, 2011, *Regaining the Dream*, and Emily Thaden, 2011, *Stable Home Ownership*.

[32] For a discussion of one approach to this ladder, see the National Housing Conference, 2005. Note that this paper was prepared before the foreclosure crisis and thus does not reflect lessons learned from the crisis.

[33] For an overview of this issue, see Jeffrey Lubell, 2011, "Rental Assistance," and Jeffrey M. Lubell, et al., 2003.

[34] See Nandita Verma, et. al., 2003. A review of welfare reform data from Delaware and Indiana by Abt Associates told a different story, finding similar impacts for welfare reform among households with and without rental assistance. Wang Lee, et al., 2003. One potential explanation for the disparity is that the Minnesota and Connecticut programs did a better job explaining and marketing the financial incentives.

[35] Howard S. Bloom et. al., 2005.

[36] See Lalith De Silva et. al., 2011.

[37] Both the House and Senate considered bills in the prior session to expand eligibility for FSS to owners of project-based Section 8 housing, which include many entrepreneurial nonprofit organizations and mission-driven for-profit organizations that would likely be interested in taking advantage of the new authority. If enacted into law, this legislation would open up a wealth of new opportunities for expanding participation in FSS, assuming resources could be found to cover the costs of the case managers/coaches who administer the program.

[38] Sally K. Ward, et. al., 2006.

[39] See generally, Rebecca Cohen and Keith Wardrip, 2011.

[40] National Center for Housing and Child Welfare, 2012.

[41] Barbara Sard, 2001. See also Welfare Information Network, 2004.

[42] See U.S. Department of Housing and Urban Development, 2012; National Alliance to End Homelessness, 2012; U.S. Department of Housing and Urban Development, n.d., *Homelessness Prevention and Rapid Re-Housing Assistance*.

[43] See Jeffrey Lubell, 2012.

[44] This timeline describes the spectrum of activities that could be undertaken to help prevent foreclosures: Center for Housing Policy, 2012, "Foreclosure Prevention and Response Policy Timeline." States can play a role in coordinating, funding, or authorizing most of these activities.

[45] See U.S. Department of the Treasury, n.d, and Julie Schmit, 2012. More information is available from U.S. Department of the Treasury, 2012.

[46] Amanda Sheldon Robert, 2012.

[47] See Thomas Fowler-Finn, 2001.

[48] Alex Chi-Keung Chan, et. al., 2008.

[49] Portions of this section are excerpted or adapted, with permission, from HousingPolicy.org – an online guide to state and local housing policy developed by the Center for Housing Policy and National Housing Conference.

[50] Links to state policies available from the Center for Housing Policy, 2011.

[51] Some observers have argued that California's housing element law is honored more in the breach than in observance. See, e.g., Paul G. Lewis, 2003.

[52] The requirements for bedroom distribution are at New Jersey Administrative Code 5:80-26.3 and the requirements for family units are at New Jersey Administrative Code 5:97-3.9.

[53] Sarah Bookbinder et. al., 2008.

[54] See *Inclusive Communities Project*, 2012.

[55] Commonwealth of Massachusetts Department of Housing and Community Development, 2012.

[56] See Adam Gordon, 2012.

[57] For many years, California has had one of the leading policies in this area, requiring that 20 percent of the revenue from tax-increment financing (TIF) districts set up by redevelopment agencies be dedicated to affordable housing. In 2012, however, California dissolved the redevelopment agencies, greatly reducing the availability of funding for affordable housing. A similar policy, however, continues to be in effect in Utah. In other states, such as Massachusetts and Maine, TIFs can be set up expressly to generate funding for affordable housing. See Center for Housing Policy, 2012, "Tax Increment Financing: Overview."

[58] See Barbara Lipman, 2006, and Robert Hickey, et. al., 2012.

[59] For example, some states (such as Maryland and California) have taken steps to encourage communities to focus development on so-called "primary development areas." These efforts are still fairly new, however, and warrant further examination to assess their impacts. In particular, one question is whether they will include a strong focus on affordable housing.

[60] See, generally, Rebecca Cohen, 2011, "State Policy Options to Support Sustainable and Equitable Development." This is one of three related papers on this topic; the other two focus on local and regional policy options. Additional information on these strategies may be found in the online toolkit focused on promoting sustainable and equitable development. Center for Housing Policy, 2012, "Promote Sustainable and Equitable Development."

[61] See discussion in Marice Ashe, et. al., 2012.

[62] See Philip Tegeler, 2011.

[63] Another important question here is whether the units being developed in these neighborhoods can accommodate families with children. To the extent that developers focus on smaller units geared to older adults and younger adults without children, low- and moderate-income families with children may be left out of these changing neighborhoods.

[64] See National Bureau of Economic Research, 2011.

[65] See James E. Rosenbaum, 1995. A research study of an affordable housing development in Mount Laurel – the town whose name has become synonymous with the fair share policies adopted as a result of a series of rulings by the New Jersey Supreme Court –– has also found positive benefits for residents. See Douglas S. Massey, 2012.

[66] For more information on housing mobility programs, see the information prepared and collected by the Poverty & Race Research Action Council, n.d., "The Housing Mobility Initiative."

[67] Margery Austin Turner et. al., 2002. A new study is underway to update these results.

[68] See summary posted by the U.S. Department of Housing and Urban Development, 2005.

[69] See discussion by the Poverty & Race Research Action Council, 2005.

[70] For a helpful overall discussion of this principle and how it applies at the local level — as well as a good example of what states can do to promote fair housing through education — see Missouri Commission on Human Rights, 2012.

[71] For a compilation and discussion of these laws, see Poverty & Race Research Action Council, 2011.

[72] For more information, see the articles collected on the Source of Income Discrimination section of the National Housing Law Project website.

[73] This section is adapted, with permission from HousingPolicy.org's discussion of state enabling legislation, Center for Housing Policy, 2009, "Key State Roles: Enact Enabling Legislation to Authorize Local Action."

[74] The California decision is *Palmer/Sixth Street Properties v. City of Los Angeles*, 175 Cal. App.4th 1396 (2009). The Colorado Supreme Court similarly invalidated a local inclusionary ordinance on this basis, but found an exception for units owned by a local housing authority. *Town of Telluride v. Lot Thirty-Four Venture LC*, 3 P.3d 30 (Colo. 2000).

[75] See Marice Ashe, et. al., 2012.

[76] See, for example, the Connecticut Healthy Homes Team and the Inter-Organizational Working Groups, 2011.

[77] Nancy O. Andrews, et. al., eds. 2012.

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