



## **On Our Own: Protecting and Developing Social Housing in the Trump Era**

**John Krinsky**

*In response to a tense post-election moment in the US, the Metropolitix editorial committee has initiated Rapid-Response Peer Review, with a commitment to quickly reviewing and publishing articles that examine organizing and activism around crucial urban issues. Our second call was for papers related to housing policy. John Krinsky argues for a sustained public commitment to housing at the state and local level—a “progressive federalism”—in order to prevent the worsening of New York City’s current housing crisis. Joshua Akers profiles Detroit Eviction Defense, a coalition that has successfully combined a judicial strategy with direct protest. And Elora Raymond deploys unique research on the location of underwater mortgages to suggest that housing, not jobs, may hold the key to reigniting progressive politics in the Rust Belt.*

### **It’s time to get serious about housing**

Tenants in New York City’s public housing—some of the most consistently habitable and in-demand in the country (Dagen Bloom 2009)—live with black mold, holes in walls and ceilings, vermin, and other unsafe conditions (Anzilotti 2016; Smith 2014). People are getting sick, even dying, because the New York City Housing Authority has a 10-year, \$17 billion capital budget deficit. In spite of this, people aren’t moving out; in fact, public housing still has a more than quarter-million-family-long waiting list, with just 5,000 apartments among its 177,666 total becoming available each year (Gastelbaum and Edev 2016). And because really affordable housing is so scarce, even conservative estimates suggest that the tenancy of public housing is more than 25% higher than it is according to its leases: people who already have few resources at their disposal are putting up friends and relatives by the hundred thousand.

Even that’s not enough: There are also upwards of 60,000 New Yorkers in homeless shelters, with more than 100,000 experiencing homelessness each year (Coalition for the Homeless 2016). This past December, two baby girls were killed by an exploding radiator valve in a building converted by a well-known slumlord into an emergency homeless shelter, in spite of a history of documented complaints about the building’s safety. The city pays upwards of \$3,600 per month to house homeless people in these “scatter site” shelters, which are often run by notoriously exploitative landlords.

And though evictions were down in 2015 to 22,000 across the city (from almost 27,000 the year before), the number of nonpayment cases filed in housing court was almost 10 times that number (Navarro 2016). More than a third of the city’s residents pay more than 30% of their incomes on housing, so any emergency could mean having to skip a rent payment (Furman Center 2016).

These are just some indications of the housing crisis in New York City. And it’s going to get worse unless we act soon.

### **HUD, Trumped**

Since President-elect Donald Trump’s appointment of Dr. Ben Carson as secretary of the federal Department of Housing and Urban Development (HUD), housing advocacy organizations have

been unanimous in their concern. Carson, even by his own admission, has no relevant experience except for having grown up for a time in a poor neighborhood. More clearly, however, he has come out against fair-housing laws as part of a “failed socialist experiment” (Carson 2015).

To be sure, there have been other HUD secretaries without deep experience in housing. Carson’s inexperience in what is often a dizzyingly complex field of federal, state, and local subsidy programs is actually the least concerning thing. Instead, what is gravely worrying is the prospect of Carson—who believes that assistance to the poor deepens, rather than alleviates poverty—at the helm of a department that is bound to be targeted by Congress for deep cuts (Goldenberg and Cheney 2016).

Even through the Clinton and Obama years, Democratic administrations have not seen fit to bring HUD back to its pre-Reagan funding. In 1982, Reagan nearly halved the HUD budget for housing assistance and in real terms, it has only increased 14% since then, in spite of steeply growing needs and a larger population concentrated in cities (Dreier 2004). In the last several years, HUD has deepened a commitment to doing “more” with less public funding, and has thrown its weight behind privatization schemes that are meant to give public housing authorities access to private capital through partnering with developers to make repairs (Department of Housing and Urban Development n.d.; see also Angotti and Morse 2014).

That HUD is still at Reagan-era levels of funding and that it has embraced privatization of public housing means that federally subsidized tenants—who number well over *half a million* people in New York City—are in both short- and long-term danger. And therefore, so is the city. It is realistic to think that the federal subsidies for tenants in public housing and Section 8 will be slashed in the coming years. The right-wing Heritage Foundation, a think tank with the Trump administration’s ear, has long advocated cutting HUD altogether, but also for time-limiting Section 8 vouchers, much as federal welfare was time-limited under President Clinton and Newt Gingrich’s Congress in 1996 (Gray, Michel and Sargent 2015). In New York, under Mayor Bloomberg, experiments in time-limiting vouchers for homeless families simply churned many people through the system, increased instability, and led to spikes in the homeless population when the vouchers were eventually withdrawn (see, for example, Surico 2014).

Before the election, there were a number of proposals making the rounds among housing advocates and scholars. One was to expand Section 8 into a means-tested entitlement, so that tenants could have security even when their incomes dropped below the poverty line, and landlords would have a guaranteed income stream. This, at least, would likely stem evictions (Blumgart 2016). And yet, even now, landlords discriminate against Section 8 voucher-holders, and many voucher-holders have a hard time finding suitable housing as a result. In any case, it is unlikely that, even with landlord support, a Republican administration and congress, committed as they have been to *cutting* subsidies for the poor, would do an about-face now. Instead, cities and states have to put money—both operating and capital funds—into permanently affordable housing itself.

## **Take our opportunities**

States and cities will need to find money to repair and build new homes and prevent tenants against eviction. In the era of federal austerity we know is coming, we also have to do more than find money; we have to spend it better. This means breaking with 20-year-old preferences for reliance on private, for-profit developers who have little interest in developing affordable housing for very poor people, and keeping those units permanently affordable. Depending on “private market” actors has not worked until now; deference to developers and landlords will not work any better when federal money is slashed.

So, what to do?

The first step, even in famously fractious New York, as well as in other cities and states around the country, will be to come up with funds—both from bonds and from regular budgets. Some of

this money can be diverted, over time, from ineffective and wasteful programs. Some will have to be new funding.

We need to fully fund public housing's capital needs, and probably subsidize its operations, too. With federal subsidies endangered, we need to find money—through bond issues, through more transparent spending, and by cutting back on developer tax-giveaways such as the 421-a abatement program—to do what will no longer be done by the federal government. Using bond proceeds, together with the property taxes recovered by ending programs like 421-a (soon slated to be worth over \$2 billion a year) the city and state could fund more than 100,000 Section-8–like rental vouchers (Waters and Bach 2015).

Why do this with public money? Because private money entails private partners, and history shows that when public money is given over to partnerships, investor return takes precedence over providing truly affordable homes for people who need them most. New York City Mayor Bill de Blasio has vowed to create 200,000 units of affordable housing, and to put public housing on a firmer financial footing. Unfortunately, his administration has embraced private, for-profit developers to implement these plans. For public housing, de Blasio has adapted Bloomberg-era plans to lease land on public-housing sites to private developers to build a mix of luxury and affordable housing. Typically, even the so-called affordable units won't be affordable to public-housing residents (Angotti and Morse 2014).<sup>1</sup> These plans, while depriving public-housing residents of their old community centers, playgrounds and parking lots, will also not generate anywhere near the needed income to compensate for the capital deficits.

The model is similar with the de Blasio administration's other housing plans. The administration argues—rightly—that we need more housing to meet the needs of a growing city. Like his predecessor, Michael Bloomberg, he has advocated rezoning areas of the city to increase the allowable density of residential housing. This is a boon for developers and for existing landlords: the former can develop more rentable and sellable space; the latter can anticipate higher rents from owning housing in up-and-coming areas. De Blasio has linked this rezoning to affordable housing development: developers in these newly zoned areas must provide affordable housing, though it is rarely affordable to residents of the neighborhoods in which it is located. Similarly, net of the rezonings, the de Blasio administration has given vacant city-owned land to developers so that they will build housing which, again, will not be affordable to most neighborhood residents, but will qualify as “affordable” according to a formula everyone knows is faulty. The housing developed under the rezonings is meant to be “permanently affordable,” but in other cases, where zoning changes were not part of the deal, affordability often lasts for a contract term, usually 30 years. In the current approach, developers gain significantly, while poor tenants gain little and are put at risk by rising rents and landlord harassment when their neighborhoods are rezoned. It is not a formula for stability at any time, and less still when the federal government cuts back subsidies.

In some ways, the de Blasio administration recognizes the dangers. It has increased funding for legal help for tenants facing landlord harassment and eviction, which probably accounts for the drop in eviction proceedings in the past year. But it has to go further. We need to pass and fully fund a right-to-counsel law for tenants in housing court. As it stands now, nearly 90% of tenants do not go to housing court with legal representation, while landlords have lawyers nearly all the time. That only about 10% of cases end in eviction, combined with the high success rates of lawyered-up tenants in staving off eviction, suggests that some significant portion of initial legal proceedings would never be brought if landlords did not think that they could get away with it. This is money well spent, especially in light of the savings it would likely bring about, which amount to \$40,000 a year per household in avoided shelter costs for families who would otherwise have been evicted.

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<sup>1</sup> This is because the formulas by which “affordable” is determined—“area median income”—are set according to an “area” including New York City as a whole and three suburban counties with much higher incomes than those of city residents. But private developers typically adhere to the guidelines by marketing the affordable apartments to the top of each “affordable” income range.

Similarly, if we more aggressively provide housing for very poor people, we will rely less on privately owned “scatter-site” shelters that charge the city exorbitant rents, and which are often desperately undermaintained, such as the one in which the two babies died in December. There is already a lot of money in the system. But the system is rotten.

### **Wanted: a progressive federalism**

Mayor de Blasio, like other big-city mayors, has committed New York City to be a “sanctuary city” for immigrants—regardless of their status—so that the local police are held back from enforcing or cooperating with federal authorities enforcing immigration law. His team clearly knows that federalism cuts both ways. They know that state and local governments retain a great deal of power to act as they wish despite federal directives. Governor Cuomo knows this, too. And there is precedent: in the 1980s and 1990s, the city funded a strong program of nonprofit affordable housing development through its capital budget, and the city and state cooperated on a now multiple-generation agreement to produce supportive housing, even as federal policy stalled.

Though they have been at odds over who will claim the “progressive mantle” throughout the past three years, neither de Blasio nor Cuomo has done enough to merit it: both have embraced different forms of privatization in order to provide public services and goods, even while indulging developers with staggeringly expensive tax breaks. Even their squabbles betoken a cozy relationship; they are comfortable fighting when they should be addressing themselves seriously to what will happen once the federal government stops supporting public housing and cuts back on vouchers. In New York, the state and city must assume that it will need to fully fund public housing repairs and operations. It should pass and fund the right to counsel in housing court. And it should use its public subsidies, land-use power, and taxing power (including *not* extending billions of inefficient subsidies to developers for not-very-affordable housing) to cultivate an extensive network of nonprofit options for the very-low- and extremely-low-income households who now stand at the precipice. Any privatization of public land should go into these efforts, and be secured by long-term, enforceable ground leases, as are possible with community- and resident-controlled models like community land trusts. This would ensure the long-term stewardship and integrity of what are now public assets, and put them at the service of those who are in greatest need and correspondingly under greatest threat.

In the decades after the Civil Rights era, federalism has largely been the province of the right, with proposals to block-grant federal programs to the states, with little federal oversight, being the principal way for conservatives in both parties to pare back welfare-state programs. This will continue, if recent congressional proposals for Medicare are any indication. But a progressive federalism may be possible, as well: Governor Jerry Brown has pledged that California will lead on climate-change solutions even without federal help. New York can—and must—lead the way on housing.

Anything else is fiddling.

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### **Further reading**

The following are links to organizations in New York City that are leading on several of the issues mentioned above. The essay represents only the views of the author.

#### ***Public Housing:***

Community Voices Heard – [www.cvhaction.org](http://www.cvhaction.org)

Families United for Racial and Economic Equality (FUREE) – [www.furee.org](http://www.furee.org)

CAAAY: Organizing Asian Communities – [www.caaav.org](http://www.caaav.org)

Good Old Lower East Side – [www.goles.org](http://www.goles.org)

Community Service Society of New York – [www.cssny.org](http://www.cssny.org)

#### ***421-a:***

Community Service Society of New York – [www.cssny.org](http://www.cssny.org)

Association for Neighborhood and Housing Development – [www.anhd.org](http://www.anhd.org)

#### ***Right to Counsel:***

Right to Counsel Coalition – [www.righttocounselnyc.org](http://www.righttocounselnyc.org)

Community Action for Safe Apartments (CASA) – [www.casapower.org](http://www.casapower.org)

#### ***Homelessness:***

Picture the Homeless – [www.picturethehomeless.org](http://www.picturethehomeless.org)

#### ***Community Land Trusts:***

New York City Community Land Initiative – [www.nyccli.org](http://www.nyccli.org)

Coalition for Affordable Homes – [www.coalitionforaffordablehomes.org](http://www.coalitionforaffordablehomes.org)

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His publications include *Free Labor: Workfare and the Contested Language of Neoliberalism* (Chicago: University of Chicago Press, 2008) and a co-edited volume, *Marxism and Social Movements* (with Colin Barker, Laurence Cox, and Alf Gunvald Nilsen; Leiden: Brill, 2013). He is finishing a book with Maud Simonet, *Who Cleans Your Park? The Transformation of Work in the Public Sector in New York City*.

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