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### Laying the Foundation: The Private Rental Market and Affordable Housing

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# LAYING THE FOUNDATION: THE PRIVATE RENTAL MARKET AND AFFORDABLE HOUSING

Ezra Rosser\*

## ABSTRACT

*The private rental housing market plays a critical, and often overlooked, role in shaping the lives of the poor and the surrounding community. This brief Article presents Matthew Desmond's rich portrayal of low-income tenants and their landlords in his groundbreaking new book, Evicted, which shows how poor housing conditions and cycles of eviction impact poor families. The Article, which also draws upon Courtney Anderson's work connecting housing instability with problematic student turnover at an elementary school, highlights the importance of story-telling. Without some sort of subsidy to cover the gap between the ability of the poor to pay for housing and the costs of construction and maintenance, the private market cannot supply additional affordable housing. Arguably, in such a reality, it is imperative that scholars make the choice Desmond made: to deliberately de-emphasize empirical studies and instead rely on stories to put human faces on the suffering connected to the existing structure of low-income private rental housing.*

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### INTRODUCTION

Most poor people live in private housing, despite the fact that poverty is strongly associated with public housing in the public imagination. The promise and ambition of massive projects in cities like New York and Chicago quickly came to represent dysfunction and unchecked criminality.<sup>1</sup> During the 1980s and 1990s, movies and academic studies alike presented the poor in such projects as living in a dystopia at considerable distance from the experience of ordinary Americans.<sup>2</sup> The focus then as now was on the problems experienced by the poor living in government housing. And the solution—breaking up concentrated poverty so that the poor are less isolated—found policy expression in the mixed housing of Hope VI and, more recently, in the requirement that local housing authorities affirmatively further fair housing.<sup>3</sup> No wonder that many people assume that the poor generally live in public or subsidized housing when in fact most poor people do not receive public support and rely wholly on the private housing market.<sup>4</sup> Whether it is because the narrative that public housing is hopelessly broken has been so powerful or because the focus of policy-makers often is on programs tied to particularly funding streams,

1. See, e.g., Michael H. Schill, *Distressed Public Housing: Where Do We Go From Here?*, 60 U. CHI. L. REV. 497, 507-22 (1993); NAT'L COMM'N ON SEVERELY DISTRESSED PUB. HOUS., THE FINAL REP. (1992), [https://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_9836.pdf](https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_9836.pdf) [<https://perma.cc/V3AV-BK22>]. For more on Chicago's public housing, see D. BRADFORD HUNT, *BLUEPRINT FOR DISASTER: THE UNRAVELING OF CHICAGO PUBLIC HOUSING* (2009) and SUSAN J. POPKIN ET AL., *THE HIDDEN WAR: CRIME AND THE TRAGEDY OF PUBLIC HOUSING IN CHICAGO* (2000).

2. See, e.g., *NEW JACK CITY* (Warner Bros. 1991). For the classic account of the separation of the urban poor from the rest of society, see WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (1st ed. 1990).

3. See *Affirmatively Furthering Fair Housing*, 80 Fed. Reg. 42,272-42,371 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, & 903); Robert C. Ellickson, *The False Promise of the Mixed-Income Housing Project*, 57 UCLA L. REV. 983, 992-95 (2010) (giving a history of the rise of mixed-income public housing); James J. Kelly, Jr., *Affirmatively Furthering Neighborhood Choice: Vacant Property Strategies and Fair Housing*, 46 U. MEM. L. REV. 1009, 1013-26 (2016) (providing an overview of the affirmatively furthering fair housing rule).

4. Bandon M. Weiss, *Residual Value Capture in Subsidized Housing*, 10 HARV. L. & POL'Y REV. 521, 522-23 (2016) ("fewer than one in four eligible households in the United States receives housing assistance due to funding shortfalls"); Andrew Flowers, *Why So Many Poor Americans Don't Get Help Paying For Housing*, FIVETHIRTYEIGHT (Sept. 16, 2016, 7:00 AM), <https://fivethirtyeight.com/features/why-so-many-poor-americans-dont-get-help-paying-for-housing/> [<https://perma.cc/YER2-Q82X>] ("Two-thirds of families at or below the poverty guideline receive no assistance at all.").

work on low-income housing tends to gravitate toward subsidized housing programs. But if the goal is to use research and policy to improve the lives of the poor, it is time to direct more attention to how the poor actually live by ending the neglect of the private low-income housing market.

Fortunately, there are indications that we are entering a period of greater engagement with the struggles of the poor and of tenants dependent on the private low-income housing market. The Great Recession's origins in the housing market and the widespread vulnerability of owners and tenants that the crisis revealed brought increased attention to the housing market, which previously had been largely taken for granted.<sup>5</sup> As inequality in the United States has skyrocketed to levels not seen since the Gilded Age, scholars, advocacy groups, and even the larger public have begun the process of recognizing the significance of class.<sup>6</sup> Whereas prior to the Great Recession politicians on the right were quick to accuse progressives of engaging in class warfare, more recently poverty and the decline of the middle class have been issues taken up by Republican and Democrat politicians alike.<sup>7</sup> Despite its faults—and there were many, especially around matters of race, religion, gender, and immigration—the 2016 Presidential election also witnessed lively debates about the nature of capitalism that were based in part on a growing popular belief that the system was rigged against ordinary Americans by privileged elites. Though there is considerable room for nervousness that we are entering a dark period when it comes to government anti-poverty efforts,<sup>8</sup> it is safe to say that the revealed vulnerability of the Great Recession and the continued

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5. See generally Nestor M. Davidson & Rashmi Dyal-Chand, *Property in Crisis*, 78 *FORDHAM L. REV.* 1607 (2010).

6. For more on what makes this the New Gilded Age, see Jared Bernstein & Ben Spielberg, *Inequality Matters*, *ATLANTIC* (June 5, 2015), <http://www.theatlantic.com/business/archive/2015/06/what-matters-inequality-or-opportunity/393272/> [<https://perma.cc/4JJU-YXVQ>] (discussing the connection between inequality and economic mobility); Paul Krugman, *Why We Are In a New Gilded Age*, *N.Y. TIMES* (May 8, 2014). See also Joseph Bankman & Daniel Shaviro, Symposium, *Piketty in America: A Tale of Two Literatures*, 68 *TAX L. REV.* 453 (2015).

7. With the election of Donald Trump as President, Paul Ryan's conservative block grant plans are likely to play a significant role in the how the federal government approaches poverty. See PAUL RYAN, *POVERTY, OPPORTUNITY, AND UPWARD MOBILITY* (2016), [http://abetterway.speaker.gov/\\_assets/pdf/ABetterWay-Poverty-PolicyPaper.pdf](http://abetterway.speaker.gov/_assets/pdf/ABetterWay-Poverty-PolicyPaper.pdf) [<https://perma.cc/6XKK-GLCA>].

8. See, e.g., Dylan Matthews, *The War on the Poor: Donald Trump's Win Opens the Door to Paul Ryan's Vision for America*, *VOX.COM* (Nov. 22, 2016), <http://www.vox.com/policy-and-politics/2016/11/22/13641654/paul-ryan-trump-poverty-safety-net> [<https://perma.cc/GDH7-RTXE>]; Derek Thompson, *Things Are About to Get Much Worse for Poor Americans*, *ATLANTIC* (Nov. 9, 2016), <http://www.theatlantic.com/business/archive/2016/11/things-are-about-to-get-much-worse-for-poor-americans/507143/> [<https://perma.cc/LV4J-49YU>].

rise in economic inequality together are elevating poverty as a matter of national attention and public debate.

Much the same can be said about the private housing market. When the bottom fell out of the housing market and many homeowners found themselves underwater, the clean line dividing public housing policy from the private housing market grew murky. It was not just that the government had to bail out private banks and two government-sponsored enterprises, Fannie Mae and Freddie Mac, but there were also public calls to extend government bailouts directly to homeowners.<sup>9</sup> The idea that the housing market is independent of government policy eroded further by the observable shifts of housing units from private resident owners to banks through foreclosure where they then either languished on the market because credit for new buyers had dried up or were snatched up at bargain basement prices by investors fortunate enough to enjoy liquidity in a moment of financial contractions.<sup>10</sup> Tenants were not unscathed by the turmoil in the ownership market. Foreclosures and indifferent banks left tenants in a legal limbo as legal advocates struggled to make sense of the crisis. Suddenly the notion that private housing policy could be relegated to a private law backwater seemed naïve. That is not to say that courts and politicians previously treated the private rental market as entirely beyond the scope of public interest and regulation. Formal legal doctrines that put a thumb on the scale in favor of tenants—rent control, the implied warranty of habitability, tenant purchase rights, etcetera—show that the rental market has long been about more than just a series of private agreements between landlords and tenants. But the challenges revealed by the housing crisis put an exclamation mark on the public nature of private housing.

This Article focuses on the experiences of the poor at the bottom of the private rental market. It uses the stories of a select group of poor tenants and their landlords—as beautifully told in a powerful new book by Matthew Desmond, *Evicted: Poverty and Profit in the American City*—to better understand the ways housing vulnerability impacts the lives of the

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9. For a useful breakdown and overview of the various bailouts of the financial crisis, see Anthony J. Casey & Eric A. Posner, *A Framework for Bailout Regulation*, 91 NOTRE DAME L. REV. 479, 506-22 (2015).

10. See, e.g., CHRISTOPHER E. HERBERT ET AL., THE ROLE OF INVESTORS IN ACQUIRING FORECLOSED PROPERTIES IN BOSTON (2013), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412927-The-Role-of-Investors-in-Acquiring-Foreclosed-Properties-in-Boston.PDF> [<https://perma.cc/Q7KL-K3Z6>] (focusing on the same transition cycle for housing units in Boston); DAN IMMERGLUCK, THE ROLE OF INVESTORS IN THE SINGLE-FAMILY MARKET IN DISTRESSED NEIGHBORHOODS: THE CASE OF ATLANTA (2013), [http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/w13-2\\_immergluck.pdf](http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/w13-2_immergluck.pdf) [<https://perma.cc/TA2S-62GQ>] (focusing on the increase in single family homes transitioning through foreclosure from individual to bank to investor ownership in Atlanta neighborhoods hit hard by the housing crisis).

poor.<sup>11</sup> Though *Evicted* refers occasionally to the wealth of empirical data on evictions that Desmond collected leading up to the book, the narrative is driven by the stories of individual landlords and tenants. The importance of story-telling in *Evicted* can also be seen in Professor Courtney Anderson's exploration of the impact of housing displacement on a local elementary school. The hope of Desmond's book, and this Article, is that a better understanding of the housing struggles of particular poor individuals and families will lead to greater political commitment to affordable housing and more empathy for those living from eviction to eviction.

This Article proceeds in three parts. Part I gives a summary of *Evicted*, presenting the stories of four tenants and their landlords. Part II discusses Desmond's choice to emphasize the experiences of poor individuals over empirics and to limit his extensive empirical study results to a supporting role. Part III links *Evicted* with Professor Anderson's exploration in *You Cannot Afford to Live Here* of the connection between problems that affect the poor in the low-income rental housing market and the impact of student turnover on surrounding public schools. Ultimately, Professors Anderson and Desmond are engaged in a similar project of broadening our understanding of housing for the poor to include both public and private housing. Put differently, *Evicted* and *You Cannot Afford to Live Here* are helping lay the foundation of understanding that will be necessary for anti-poverty advocates to tackle the poor conditions, power imbalances, and inherent limitations that in many ways define the private affordable housing market.

The story of housing construction in many ways is a story of economics: how much can buyers afford to pay, what infrastructure is there to support such housing, and how much does it cost to build given the costs of materials, labor, and regulatory limits on development. But the story of affordable housing must become the story of people. Given that the poor cannot pay enough to cover the cost of constructing and maintaining even basic housing, the economic story by itself is a dead-end for affordable housing advocates. It is only by listening to the poor—paying close attention to their hardships and the suffering of poor families struggling to put food on the table and a roof over their heads—that progress is going to be made on affordable housing. After all, it is all too easy for the non-poor to opt out of concern for the poor; telling the stories of the poor at the bottom of the housing market is a necessary first step if the country is to recognize the moral demands connected with the shared humanity of poor families.

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11. MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016) [hereinafter *EVICTED*].

### I. TENANTS AND THEIR LANDLORDS

At the end of last year, the New York Times named Matthew Desmond's *Evicted* one of the ten best books of 2016.<sup>12</sup> It was a well-deserved honor. *Evicted* is both academically significant and beautifully written, conveying in rich detail what life is like for those struggling to afford housing. If anything, *Evicted* reads less as the work of an academic and more as a journalistic series of intimate, and often heart-breaking, accounts of the choices and pressures that lead to evictions. *Evicted* is by no means the first book that tells the story of the struggles of poor people, and though evictions represent a new angle, it joins books about the working poor,<sup>13</sup> poor single mothers,<sup>14</sup> the urban poor,<sup>15</sup> and poor immigrants,<sup>16</sup> among others. What makes *Evicted* different from other poverty books is that Desmond contextualizes the lives of the poor by paring their stories with the perspectives of landlords operating at the low end of Milwaukee's rental market. By showing the way that evictions are both a consequence and a cause of poverty, Desmond succeeds in improving our understanding of poverty and of the low end of the private rental market. Readers and advocates cannot help but hope that the country will recommit itself to fighting poverty—and recovering our basic humanity—if enough people truly appreciate the stories in Desmond's masterpiece.

Poor people and poor families are the heart and soul of *Evicted*. Rather than being mere anecdotes used to illustrate broader empirical claims, the book presents fully fleshed-out portraits of people with unique personalities and histories struggling to find, afford, and remain in decent housing. Even though Desmond studiously avoids inserting himself into the text of a book which is based on time he spent living and interacting with poor residents in both white and black neighborhoods of Milwaukee, the writing is remarkably intimate and empathic. We meet Arleen, a single mother of

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12. See *The 10 Best Books of 2016*, N.Y. TIMES, (Dec. 1, 2016), <https://www.nytimes.com/interactive/2016/books/review/best-books.html> [<https://perma.cc/RJE2-QQRR>].

13. See, e.g., BARBARA EHRENREICH, NICKEL AND DIMED: ON (NOT) GETTING BY IN AMERICA (2001); DAVID SHIPLER, THE WORKING POOR: INVISIBLE IN AMERICA (2004).

14. See, e.g., KATHRYN EDIN & MARIA J. KEFALAS, PROMISES I CAN KEEP: WHY POOR WOMEN PUT MOTHERHOOD BEFORE MARRIAGE (2005); JUDITH LEVINE, AIN'T NO TRUST: HOW BOSSES, BOYFRIENDS, AND BUREAUCRATS FAIL LOW-INCOME MOTHERS AND WHY IT MATTERS (2013).

15. See, e.g., KARL ALEXANDER ET AL., THE LONG SHADOW: FAMILY BACKGROUND, DISADVANTAGED URBAN YOUTH, AND THE TRANSITION TO ADULTHOOD (2014); WILLIAM JULIUS WILSON, WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR (1996).

16. See, e.g., EDIBERTO ROMÁN, THOSE DAMNED IMMIGRANTS: AMERICA'S HYSTERIA OVER UNDOCUMENTED IMMIGRATION (2013).

two boys, who over the course of the book is forced to move constantly—cycling in and out of shelters and dilapidated housing—in an ongoing effort to find shelter. We get to know Scott, an addict who alternates between periods of recovery and regression and whose path leads from the trailer park to couch surfing at his Alcoholic Anonymous sponsor’s house and later back to the trailer park until finally landing a subsidized apartment. Those presented in *Evicted* put a human face on evictions. Their lives are presented fully, which is to say with warts and all. The ever-present temptation to judge the poor, which lies at the heart of much of the nation’s welfare policy, finds some support in stories of poor tenants in *Evicted*.<sup>17</sup> But readers, even if they fault some of the tenants for particular “bad” decisions, are presented with the often impossible choices and terrible compromises tenants are forced to make. It is hard not to have one’s heart break for Jafaris and Jori who constantly missed school because of housing problems and who are told by their mother to “[s]hut up” for complaining about being hungry.<sup>18</sup> Similarly heartbreaking is the moment when a mother of three being evicted had to watch as workers moved her possessions to the curb because she could not afford to pay for storage, much less a place to stay that night.<sup>19</sup>

But *Evicted* does not romanticize the poor. It includes plenty of moments that are heartbreaking for other, less sympathetic, reasons, such as when tensions between Crystal and Arleen, who are sharing a crowded apartment, flare into nasty, often violent, fights,<sup>20</sup> or when Vanetta participates in an armed robbery of two women entering a Blockbuster.<sup>21</sup> Those portrayed in *Evicted* are decidedly human; they cannot be reduced to stereotypes of poor people. They are three-dimensional—at times sympathetic and at times frustrating—people struggling with the often crippling challenges of poverty. And it is the window into the world of the poor—rendered in rich, evocative language—that is perhaps the most impactful part of the book.<sup>22</sup>

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17. See Barbara Ehrenreich, *Matthew Desmond’s ‘Evicted: Poverty and Profit in the American City,’* N.Y. TIMES (Feb. 26, 2016), <https://www.nytimes.com/2016/02/28/books/review/matthew-desmonds-evicted-poverty-and-profit-in-the-american-city.html> [<https://perma.cc/U232-X2U3>] (“Many of Desmond’s informants make or have made ‘bad choices’ of the kind that have become conservatives’ universal explanation for poverty.”).

18. *EVICTED*, *supra* note 11, at 240.

19. *Id.* at 125.

20. *Id.* at 212-14.

21. *Id.* at 244.

22. See Jennifer Senior, *Review: In ‘Evicted,’ Home Is an Elusive Goal for America’s Poor,* N.Y. TIMES (Feb. 21, 2016), <https://www.nytimes.com/2016/02/22/books/evicted-book-review-matthew-desmond.html> [<https://perma.cc/W9TP-KJ6B>] (“‘Evicted’ is most memorable for its characters, rendered in such high-resolution detail that their ghost images linger if you shut your eyes.”).



The book is driven by the stories of tenants and, to a lesser extent, those of their landlords. Readers ride along with Sherrena as she complains about damage tenants have done to her buildings and accompany her to housing court so that she can obtain eviction orders.<sup>23</sup> We sit in the trailer park office that Tobin uses when deciding whether to evict someone from a rundown trailer or to allow back rent to pile up in anticipation of collecting when the trailer park residents are flush with tax refund checks.<sup>24</sup> Desmond explains the inclusion of the perspective of landlords was quite deliberate. He wanted to “write a book about poverty that didn’t focus exclusively on poor people or poor places . . . . This sent [him] searching for a process that bound poor and rich people together in mutual dependence and struggle. Eviction was such a process.”<sup>25</sup> Desmond uses his impressive empirical studies of evictions, conducted in the years since he lived among the poor in Milwaukee, to inform but not overwhelm the relationship narrative.<sup>26</sup>

### A. The Tenants

Readers of *Evicted* get to know the struggles of a wide-range of tenants. The tenants have their own challenges and many of them their own demons. But by presenting their stories together, Desmond unites their struggles into a common narrative, establishing the structural nature of their individual housing problems.

#### 1. Arleen

*Evicted* begins by describing how a snowball thrown at a passing car by Arleen’s son, Jori, leads to the family’s eviction and a temporary stay at a homeless shelter.<sup>27</sup> Despite perceptions to the contrary, as Desmond notes, “[m]ost poor people in America were like Arleen: they did not live in public housing or apartments subsidized by vouchers. Three in four families who qualified for assistance received nothing.”<sup>28</sup> When Arleen later finds housing for herself and her two boys, in an apartment owned by

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23. EVICTED, *supra* note 11, at 107.

24. *Id.* at 46-50.

25. *Id.* at 317. See also Kevin Nance, *Matthew Desmond’s ‘Evicted’ Details Cost of Evictions on Milwaukee’s Poor*, CHI. TRIB. (Mar. 10, 2016), <http://www.chicagotribune.com/lifestyles/books/ct-prj-evicted-matthew-desmond-20160310-story.html> [<https://perma.cc/7KD3-C5UP>] (in which Desmond makes the same point).

26. See, e.g., Matthew Desmond et al., *Forced Relocation and Residential Instability Among Urban Renters*, 89 SOC. SCI. REV. 227 (2015).

27. EVICTED, *supra* note 11, at 1-2.

28. *Id.* at 59. See also Senior, *supra* note 22 (“What makes ‘Evicted’ so eye-opening and original is its emphasis. Most examinations of the poorest poor look at those in public housing, not those who’ve been brutally cast into the private rental market. Yet this is precisely where most of the impoverished must live.”).

Sherrena, she does her best to make it a home—repainting the walls and later adopting a cat.<sup>29</sup> But after Arleen spends money on the funeral of a close friend rather than on rent, Sherrena moves to evict her, only to watch as the incoming tenant for the same unit, Crystal, allows Arleen to temporarily stay with her.<sup>30</sup>

The arrangement is fraught with the tension of living in an overcrowded apartment with little money or food.<sup>31</sup> When Crystal calls the police to protect an upstairs neighbor from domestic violence, Sherrena—unhappy with the police attention and concerned about being cited for nuisance activity at her property—issues an ultimatum: either Arleen leaves and Crystal moves to a different unit or they would both be evicted.<sup>32</sup> Although Arleen and Crystal briefly reconcile over their shared trauma of having been molested as children,<sup>33</sup> Crystal ends up throwing Arleen’s stuff out the front door, screaming “[g]et out of my house!” at her and her two boys.<sup>34</sup>

For the poor, kids make an already difficult quest to find affordable housing much harder. After Sherrena evicts her, Arleen engages in an epic search for housing. Calling more than eighty listings, she kept getting turned away, in part because landlords strongly prefer tenants without children.<sup>35</sup> Desmond reports, “[f]amilies with children were turned away in as many as 7 in 10 housing searches.”<sup>36</sup> In Arleen’s case, at the end of *Evicted*, she has to move once more when her new landlord finds out that police came to her apartment after Jori kicked a teacher in the shin.<sup>37</sup> This episode shows both the precariousness of Arleen’s housing and how an event that occurs at school can force an entire family to move. As Desmond explains, “[c]hildren didn’t shield families from eviction; they

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29. EVICTED, *supra* note 11, at 54-55.

30. *Id.* at 158-60.

31. *Id.* at 162-66.

32. *Id.* at 188-89, 193. Arleen would run into a similar problem with an apartment she rented later that year: a landlord threatened to evict her in part for calling 911, in response to her youngest son having an asthma attack, because the building was known to have a lot of nuisance activity. *Id.* at 285. Owners of properties associated with excessive 911 calls or other complaints that involve police are at risk of being given eleven nuisance property citations. See Matthew Desmond & Nicol Valdez, *Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women*, 78 AM. SOC. REV. 117, 119-20 (2012).

33. EVICTED, *supra* note 11, at 194-96.

34. *Id.* at 212 (emphasis in original). For more on the formation and limits of such friendships, see Matthew Desmond, *Disposable Ties and the Urban Poor*, 117 AM. J. SOC. 1295 (2012).

35. EVICTED, *supra* note 11, at 231.

36. *Id.* at 231.

37. *Id.* at 287.

exposed them to it.”<sup>38</sup> The human toll of the eviction cycle is perhaps best understood not through Arleen but through her boys, Jori and Jafaris. According to Desmond:

Arleen’s children did not always have a home. They did not always have food. Arleen was not always able to offer them stability; stability cost too much. She was not always able to protect them from dangerous streets; those streets were her streets. Arleen sacrificed for her boys, fed them as best as she could, clothed them with what she had. But when they wanted more than she could give, she had ways, some subtle, others not, of telling them they didn’t deserve it.<sup>39</sup>

Desmond also notes that over a two year period Jori “had attended five different schools—when he went at all . . . . Arleen saw school as a higher-order need, something to worry about after she found a house.”<sup>40</sup> Throughout *Evicted*, many readers will ask themselves, could Arleen have done more, could she have made better decisions? These are all legitimate questions—though they are the sort of questions and judgments that poor people are subjected to in ways that the middle and upper classes are usually not—but they do not apply to children. The most heartbreaking parts of the book involve kids who, despite everything, hope for a better life. *Evicted* ends with Jafaris asking his mom to look for “some cakes” at the food pantry and Jori dreaming about “becom[ing] a carpenter so he could build Arleen a house.”<sup>41</sup>

## 2. Scott

An on-again, off-again drug addict, Scott defies attempts to pigeonhole him. He is a nurse who lost his license, a heroin addict capable of long dry spells, and a person who lives under the roofs of others until the very end of *Evicted*. A college graduate whose addiction destroyed his career when he was caught stealing drugs from patients, Scott lives in Teddy’s trailer until the landlord, Tobin, decides to evict them.<sup>42</sup>

Scott and Teddy met at a homeless shelter and decided to become roommates, and Tobin gave them a trailer in return for a lot rent of \$420.<sup>43</sup> Their combined income—Teddy received \$632 in Supplemental Security Income (“SSI”) payments monthly and Scott received food stamps—

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38. *Id.* at 287. See also Matthew Desmond et al., *Evicting Children*, 92 SOC. FORCES 303 (2013).

39. *EVICTED*, *supra* note 11, at 240.

40. *Id.* at 283. See also Matthew Desmond, *Tipping the Scales in Housing Court*, N.Y. TIMES, Nov. 30, 2012, at A35 (“Sociological research affirms what anyone who teaches poor children knows: that residential instability is the enemy of school success.”).

41. *EVICTED*, *supra* note 11, at 291.

42. *Id.* at 84.

43. *Id.* at 84-85.

covered the rent, though it left little money for other necessities.<sup>44</sup> The reason for the eviction notice was simple: Scott and Teddy were allowing two drug-addicted friends, a couple Tobin had previously evicted, to live with them in their trailer.<sup>45</sup> Teddy needed Scott to help take care of him when they moved in together and things got worse after a drunken fall left him partially paralyzed.<sup>46</sup> Unfortunately for Scott, Teddy took the eviction notice as a sign he should return to his family in Tennessee, leaving Scott on his own.<sup>47</sup>

Scott tried to make the best of things. He found work cleaning out foreclosed homes and found a new roommate, D.P., to share a different apartment that also cost \$420 per month.<sup>48</sup> Even when his new boss found a group of crack addicts willing to work for twenty-five dollars per day and Scott got fired, Scott tried to find a way to bounce back.<sup>49</sup> He went to check into rehab, only to be told that there were not enough spots available to treat him.<sup>50</sup> This rejection sent Scott on a “three-day bender”, but when he emerged, he got help from two new friends, David and Anna Aldea, former addicts committed to helping others in recovery.<sup>51</sup> When his new landlord evicted Scott and D.P. three weeks later, David and Anna allowed Scott to crash on their couch and Scott found work cleaning an Alcoholics Anonymous club.<sup>52</sup> But within the year, Scott was back to using on a regular basis and was kicked out of David and Anna’s house. His next effort at self-improvement was methadone treatment, but, unable to “afford both methadone and rent,” Scott had to stay at a homeless shelter.<sup>53</sup> This time things worked out. Scott stayed off drugs and, after a year working as a custodian for a shelter, was given subsidized housing.<sup>54</sup> Scott only had to pay one-third of his income towards rent: “[t]he apartment rented for \$775 a month; Scott only paid \$141.”<sup>55</sup> It was the life raft Scott needed. As Desmond reports in the epilogue, “When Scott was provided with an affordable apartment . . . he was able to stay off heroin, find meaningful

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44. *Id.* at 85.

45. *Id.* at 52.

46. *Id.* at 80-81, 84-85.

47. *Id.* at 91.

48. *Id.* at 91, 177.

49. *Id.* at 182.

50. *Id.* at 182, 184-85.

51. *Id.* at 185, 270-71.

52. *Id.* at 271-72.

53. *Id.* at 275-76, 279.

54. *Id.* at 279.

55. *Id.* at 280.

work . . . and begin striving for independence. He remains stably housed and sober.”<sup>56</sup>

### 3. Doreen

When Patrice Hinkston and her three kids were evicted from an upstairs unit by their landlord, Sherrena, they did not have to go far; they simply moved downstairs and began living once again with Patrice’s mother, Doreen, and Patrice’s three younger siblings.<sup>57</sup> Thus, “all eight Hinkstons (and Coco [the dog]) found themselves living together in a small, cramped space.”<sup>58</sup> The details are painful: Doreen shared a bed with her nineteen year old daughter, Doreen’s thirteen year old daughter slept in a chair, a fourteen year old uncle, Doreen’s son, slept on a single mattress with his ten year old nephew in the living room, and Patrice’s two daughters shared a torn single mattress in the dining room.<sup>59</sup> The apartment’s conditions were similarly appalling, with roaches everywhere, no electricity for months, and large holes in the walls.<sup>60</sup> Doreen first rented the apartment out of desperation following an earlier eviction.<sup>61</sup> As Desmond notes, “Poor families were often compelled to accept substandard housing in the harried aftermath of eviction . . . . Eviction had a way of causing not one move but two: a forced move into degrading and sometimes dangerous housing and an intentional move out of it.”<sup>62</sup> Doreen staved off eviction only by agreeing to pay Sherrena more rent.<sup>63</sup>

In the epilogue, Desmond shares the good news that Doreen’s family did manage to escape their “rat hole” apartment, moving to “a nice three-bedroom place” in Tennessee where their lives improved.<sup>64</sup> But it is worth pausing to note the hardship along the way. For Doreen and Patrice, who split the monthly payment with her mother, “[r]ent was their biggest expense by far, and they wanted a decent and functional home in return.”<sup>65</sup> That Sherrena could ignore Doreen’s requests to fix the plumbing reflected the powerless position Doreen was in because she had fallen behind on rent

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56. *Id.* at 294.

57. *Id.* at 14, 26.

58. *Id.* at 64.

59. *Id.* at 65.

60. *Id.* 65-66, 72.

61. *Id.* at 68-69.

62. *Id.* at 69. For more on the series of moves following an eviction, see Desmond et al., *Forced Relocation and Residential Instability Among Urban Renters*, *supra* note 26.

63. EVICTED, *supra* note 11, at 157.

64. *Id.* at 258, 294.

65. *Id.* at 256.

and had allowed her daughter to move back in with her in violation of the lease.<sup>66</sup> As Desmond explains:

Tenants able to pay their rent in full each month could take advantage of legal protections designed to keep their housing safe and decent. Not only could they summon a building inspector without fear of eviction, but they also had the right to withhold rent until certain repairs were made. But when tenants fell behind, these protections dissolved. Tenants in arrears were barred from withholding or escrowing rent; and they tempted eviction if they filed a report with a building inspector. It was not that low-income renters didn't know their rights. They just knew those rights would cost them.<sup>67</sup>

For Doreen's family, the poor conditions contributed to depression and other negative consequences.<sup>68</sup> Given the near impossibility of a kid doing homework in the midst of such overcrowding, it is no wonder that Patrice's oldest child, Mikey, was in danger of having to repeat a grade.<sup>69</sup> Nor perhaps should it be surprising that Doreen's second oldest daughter, Natasha, age nineteen, "was devastated" by the news she got pregnant and by the possibility—later realized—that she would have to "bring her baby into that house."<sup>70</sup> To escape the house, the older children spent time at the public library, where Ruby created a virtual house online. Ruby's real house was roach infested and did not have a working toilet, but her imaginary house "had clean, light-reflecting floors, a bed with sheets *and* pillowcases, and a desk for doing schoolwork."<sup>71</sup>

#### 4. Lamar

A double amputee who lost the bottom half of his legs to frostbite following a drug binge,<sup>72</sup> Lamar did his best to care for his two teenage boys. Lamar rented the lower unit of a building owned by Sherrena, on the same lot as the unit Doreen rented and directly below the unit Patrice

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66. *Id.* at 72.

67. *Id.* at 75.

68. See Emily Badger, *Why Losing a Home Means Losing Everything*, WASH. POST (Feb. 29, 2016), <https://www.washingtonpost.com/news/wonk/wp/2016/02/29/how-the-housing-market-exploits-the-poor-and-keeps-them-in-poverty/> [https://perma.cc/4PFN-MVVP] ("The deteriorating scene in Doreen's cramped apartment—later the pots pile up, and the roaches come, and the cooking stops, and the kids' grades fall and the depression sets in—builds up to the central insight of Desmond's research: Eviction isn't just a condition of poverty; it's a cause of it. When stable housing is elusive, everything else falls apart.").

69. EVICTED, *supra* note 11, at 257. See also *id.* at 154-55 (describing Mikey's efforts to do his homework).

70. *Id.* at 76-77, 258.

71. *Id.* at 257 (emphasis in original).

72. *Id.* at 27.

rented briefly before being evicted. Lamar's two-bedroom unit cost \$550; each of his boys got a room and Lamar slept in the living room.<sup>73</sup> Wisconsin's welfare program gave \$628 per month to those who could not work because of disability.<sup>74</sup> Lamar quickly fell behind on his rent and, without a job or other source of income, his only chance to stay in his apartment was to do odd jobs for Sherrena in the hopes such work would count towards his rent. Lamar worked for a week, "until his stubs grew too sore," cleaning the building's trashed out basement, with the expectation that Sherrena would give him \$250 credit towards his rent, but she only credited him \$50.<sup>75</sup> Lamar's apartment was a hangout place for not only his boys but also for many others in the neighborhood,<sup>76</sup> so he next enlisted the "neighborhood boys who had come to see Lamar's home as their own" to help paint the upstairs unit.<sup>77</sup> Upon inspection, Sherrena, to put it mildly, was not impressed with the quality of the paint job.<sup>78</sup> With no other option, Lamar "strapped on his legs," went upstairs and went to work retouching the paint job, crawling on the floor without his prosthetic legs when doing work low on the walls.<sup>79</sup> But it was all for naught: Lamar was given zero credit for his paint job and Sherrena decided Lamar "would have to be evicted."<sup>80</sup>

Ultimately, Lamar was not evicted; instead, fire ended his tenancy and took the life of a baby girl.<sup>81</sup> While Sherrena and her husband Quentin made \$100 bets at a nearby casino, a slow game of spades took place at Lamar's place.<sup>82</sup> The new upstairs tenant, Kamala, a mother of three young girls—a three year old, a two year old, and an eight month old—had joined them for the game, leaving her daughters upstairs as they slept.<sup>83</sup> During the spades game, one of Kamala's daughters knocked over a lamp climbing out of bed, starting a large house fire that destroyed the building and killed Kamala's eight month-old daughter.<sup>84</sup> Though Sherrena expected to "get a huge chunk of money," both Kamala and Lamar's families lost their homes.<sup>85</sup> Closing the chapter on Lamar, Desmond notes that Sherrena

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73. *Id.* at 23, 25.

74. *Id.* at 25.

75. *Id.* at 26.

76. *Id.* at 20.

77. *Id.* at 27.

78. *Id.* at 134.

79. *Id.* at 135.

80. *Id.* at 197.

81. *Id.* at 200-03.

82. *Id.* at 198.

83. *Id.* at 137, 198.

84. *Id.* at 200-03.

85. *Id.* at 203.

identified two good things to come out of the devastating fire: the expected insurance payout and her “getting rid of Lamar” without having to go through an eviction process.<sup>86</sup>

## B. The Landlords

Had *Evicted* only depicted poor tenants, it would have contributed to the literature and had a comfortable place alongside existing ethnographies of poor people, but it would be a less original and insightful book. Desmond presents the personalities, motivations, and practices of the two landlords who owned Arleen, Scott, Doreen, and Lamar’s rental housing. By showing both sides of the landlord-tenant relationship, *Evicted* avoids the trap of treating landlords as outside forces striking poor people from above. As with the depiction of poor tenants, the landlords portrayed in *Evicted* are neither saints nor sinners; they are complex actors whose behavior toward their tenants and their units ranges from charitable to callous. When it comes to low-income rental housing, landlords and tenants often occupy the same space and are participants in an intricate dance revolving around rent payments, housing quality, and evictions.

### 1. Tobin

Desmond’s depiction of Tobin, the owner of the poorest trailer park in Milwaukee, shows the humanity as well as the tremendous and sometimes arbitrary power of landlords.<sup>87</sup> College Mobile Trailer Park consists of 131 trailers, some owned by Tobin and some owner-occupied, that mark the bottom of Milwaukee’s South Side, predominantly white, rental market.<sup>88</sup> In many ways, seventy-one year old Tobin fit the landlord stereotype: “He was not chummy with his tenants or amused by them; he did not pause to ruffle their children’s hair.”<sup>89</sup> Though he lived an hour away, Tobin worked six days a week at his trailer park and would personally demand his money when tenants fell behind on their rent.<sup>90</sup> Tobin was also quite successful; after expenses, “Tobin took home roughly \$447,000 each year . . . Tobin belonged to the top 1 percent of income earners. Most of his tenants belonged to the bottom 10 percent.”<sup>91</sup> At the time Desmond lived there, College Mobile Home Park was in danger of being shut down by the city. The park had received seventy code violations in two years, 260 police calls in the past year, and was described as “a haven for drugs,

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86. *Id.* at 202-03.

87. *Id.* at 38.

88. *Id.* at 33, 36, 47.

89. *Id.* at 36.

90. *Id.* at 36, 38.

91. *Id.* at 175-76.



prostitution, and violence” by a member of the Council that would decide its fate.<sup>92</sup> To prevent the park from being shut down, Tobin agreed to improvements, including evicting nuisance tenants, addressing property code violations, and selling the park within one year.<sup>93</sup>

Desmond’s portrayal of Tobin is largely gathered from how others viewed Tobin. Unlike the tenants portrayed in *Evicted*, we do not hear Tobin’s voice in the text. Instead Desmond gives a range of perspectives on Tobin as a person and as a businessman. Tobin’s most notable trait as a landlord is his flexibility.<sup>94</sup> Based on Tobin’s practice of not immediately evicting those behind on rent, one tenant argued, “This is no slumlord. This is not a bad man.”<sup>95</sup> Such flexibility does not mean Tobin forgave back rent, only that tenants could negotiate with him. As Desmond explains:

When tenants fell behind, [Tobin] had three options. He could let it slide and watch his income fall, he could begin eviction proceedings, or he could start a conversation. . . . Option one was a non-option. Tobin was a landlord to make a living, and if he was too lenient he could lose his business. But Tobin also did not evict most tenants who owed him. Pushing tenants out and pulling new ones in cost money too. In an average month, forty of Tobin’s tenants were behind—nearly one-third of the trailer park. The average tenant owed \$340. But Tobin only evicted a handful of tenants each month. A landlord could be too soft or too hard; the money was in the middle, with the third route, and his tenants were grateful for it, though often not at first.<sup>96</sup>

Negotiations could lead to different outcomes for different tenants. Tobin allowed some tenants to do odd jobs—such as cleaning out trailers following an eviction—around the park to pay off some of what they owed.<sup>97</sup> But with other tenants he was much less flexible. When Pam received a \$1200 stimulus check from the government, she signed it over to Tobin who accepted it “but moved forward with the eviction anyway.”<sup>98</sup> As Desmond highlights, “The power to dictate who could stay and who must go; the power to expel or forgive: it was an old power, and it was not without caprice. Tobin’s decision to work with tenants could be arbitrary, his generosity unevenly dispensed. But at least you had a chance.”<sup>99</sup> While it is true that had Pam and others like her kept up with their rent,

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92. *Id.* at 36.

93. *Id.* at 44.

94. *Id.* at 38.

95. *Id.*

96. *Id.* at 39.

97. *Id.* at 39-40.

98. *Id.* at 46.

99. *Id.* at 129-30.

Tobin would not have been able to evict them; it is also the case that the rental market structure gave Tobin a remarkable degree of control over the fate of his tenants.

## 2. *Sherrena*

Readers first meet Sherrena when she brings groceries—purchased with her own money and gathered from a food bank—as a welcome present when Arleen moves into one of her units.<sup>100</sup> Over the course of *Evicted*, we get to know Sherrena and see her at her best and at her worst. With the assistance of her husband, Quentin, Sherrena operates an expanding portfolio of rental units.<sup>101</sup> Like most of her tenants, Sherrena is black, which helps her navigate Milwaukee’s North Side, buying distressed properties that she quickly converts into rental income. By collecting \$20,000 per month—often in cash, since most of their tenants do not have bank accounts—in rent and clearing half that, Sherrena and Quentin achieved the American Dream.<sup>102</sup> They own a large house in a good neighborhood in Milwaukee and a vacation condo in Florida, take vacations to Jamaica, and have a net worth of roughly two million dollars.<sup>103</sup> The money is not without its challenges; Sherrena and Quentin clean up the blood after someone is killed in one of their properties, deal with the utility company after a tenant is caught stealing electricity, and evict tenants for non-payment even when the tenant’s family has nowhere else to go.<sup>104</sup> Yet, as Sherrena explains, “The ‘hood is good. There’s a lot of money there.”<sup>105</sup>

*Evicted* explores the tension for individual landlords between doing good and making money most fully in its portrayal of Sherrena. After Sherrena rented an apartment to an abused woman and her children and they ended up costing her “a few thousand dollars,” Sherrena thought to herself, “There’s me having a heart again.”<sup>106</sup> Similarly, when she decides to evict her handicapped tenant, Lamar, Sherrena justifies her decisions, “I feel bad for the kids. Lamar’s got them little boys in there . . . And I love Lamar. But love don’t pay the bills.”<sup>107</sup> And when a tenant’s mother calls a housing inspector because of a broken window that was making her granddaughter cold, Sherrena does not hesitate to use the fact that the

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100. *Id.* at 3.

101. In the wake of the financial crisis of 2008, Sherrena and Quentin were purchasing roughly one property every month. *Id.* at 150.

102. *Id.* at 152.

103. *Id.* at 18, 72, 144, 152.

104. *Id.* at 14-15.

105. *Id.* at 152.

106. *Id.* at 16.

107. *Id.* at 11.

tenant owed back rent as an excuse for an otherwise illegal retaliatory eviction.<sup>108</sup> As a black landlord to poor black tenants, Sherrena occupies an unusual space both in the lives of her tenants and in the Milwaukee rental market. At a gathering of landlords in which Sherrena was one of only two black people in the room and one of only a few women,<sup>109</sup> Sherrena deliberately asked the presenter if she could intercept tenants' tax refunds, even though she already knew that doing so was not allowed. As Desmond explains:

Her question wasn't a question; it was a message to . . . everyone else in the room that she would do almost anything to get the rent. Many white landlords knew money could be made in the inner city, where property was cheap, but the thought of collecting payments on the North Side, let alone passing out eviction notices, made them nervous. Sherrena wanted them to know that she could help. For the right price, she would manage their property or consult with them about where to buy in the ghetto; she would be their broker to black Milwaukee.<sup>110</sup>

Sherrena did more than just signal to other landlords that she was tough. Her actions—not making basic repairs to Doreen's apartment because she was behind on rent, not giving Lamar credit for painting one of her units—often were tough on her tenants. The most extreme example of Sherrena's cutthroat approach is when she decided to keep the rent money that Lamar and Kamala paid her a few days before the fire that killed Kamala's baby girl and destroyed both apartments.<sup>111</sup> Financially, Sherrena actually benefitted from the fire, as she was able to buy two new duplexes with the insurance payout.<sup>112</sup> Through her struggles with difficult tenants and government officials, Desmond shows Sherrena's humanity, but we also see just how differently situated Sherrena is from her tenants. Disaster for her tenants, whether it takes the form of a fire or an eviction, it is just part of the business Sherrena loves.<sup>113</sup>

## II. ANECDOTES AND EMPIRICS

Desmond quite deliberately wrote *Evicted* as a book of stories and of people. It would have been one thing if all Desmond had to work with was the ethnographic data from his time living in Milwaukee's North and South Sides. In that case, the choice to focus on the stories of landlords and tenants would have been Desmond's only option. But after Desmond's

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108. *Id.* at 18.

109. *Id.* at 28.

110. *Id.* at 29-30.

111. *Id.* at 202.

112. *Id.* at 255.

113. *Id.* at 320.

qualitative fieldwork, he spent nearly a decade gathering empirical data to better understand evictions and urban poverty in Milwaukee. In other words, Desmond had the tools to write a more typical scholarly exploration of the problems of low-income housing and evictions. He did so repeatedly in articles preceding the book, yet in *Evicted* he deliberately *chose* to focus on the stories of a select group of tenants and on their landlords.<sup>114</sup> This choice of approach raises a host of questions: What do stories offer that empirical studies do not? Is this collection of stories transformative or merely anecdotal? And was Desmond's decision to focus on the stories of individuals and families the right choice?

After doing the qualitative research that provides the bulk of the substance in *Evicted*, Desmond—with the support of various foundations and institutions—hired an army of researchers, engaged in deep explorations of public records, and ran quantitative surveys.<sup>115</sup> As principal investigator of the Milwaukee Area Renters Study (“MARS”), Desmond gathered survey data on more than 250 items from more than 1000 households through in-person interviews.<sup>116</sup> Through a series of articles, Desmond and an assortment of co-authors reported the findings of the MARS study. In an article published by the *Social Service Review*, they reported that “involuntary displacement drives heightened mobility rates among the most financially insecure renters in Milwaukee,”<sup>117</sup> and that “forced relocation not only accounts for a significant portion of moves experienced by poor renters, but is itself associated with heightened residential mobility among low-income renters.”<sup>118</sup> A separate article reported that those forced to move end up moving “to a poorer and more dangerous neighborhood than we would expect had the move been

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114. *Id.* at 335. See also Jennifer Schuessler, *A Harvard Sociologist on Watching Families Lose Their Homes*, N.Y. TIMES (Feb. 19, 2016), <https://www.nytimes.com/2016/02/20/books/a-harvard-sociologist-on-watching-families-lose-their-homes.html> [<https://perma.cc/7F4D-8HRN>] (“‘Evicted,’ which closely follows eight families and their landlords, both black and white, mostly keeps the data to the endnotes. Written with the vividness of a novel, it offers a dark mirror of middle-class America’s obsession with real estate, laying bare the workings of the low end of the market, where evictions have become just another part of an often lucrative business model.”).

115. The scholarly publications that flowed from this original research helped propel Desmond, a professor at Harvard and MacArthur “Genius” Award recipient, to the heights of academia.

116. See Desmond et al., *Forced Relocation and Residential Instability Among Urban Renters*, *supra* note 26, at 234. For a full list of the members of the research team, see Matthew Desmond, *The Milwaukee Area Renters Study (MARS)*, HARV., <http://scholar.harvard.edu/mdesmond/mars-data> [<https://perma.cc/6E5C-8QDC>].

117. Desmond et al., *Forced Relocation and Residential Instability Among Urban Renters*, *supra* note 26, at 254.

118. *Id.* at 255.

voluntary.”<sup>119</sup> In another article looking at the connection between housing and employment, researchers found “evidence that housing loss leads to a substantial increase in the probability of job loss.”<sup>120</sup> Using the MARS data, researchers also “found that voucher holders were charged significantly more rent,” suggesting that landlords were gaming the voucher program.<sup>121</sup>

In addition to the MARS, Desmond delved deeply into the significance of evictions in other ways. The related Milwaukee Eviction Court Study combined surveys of tenants appearing in housing court with records of court-ordered evictions over a five year period to gain a better understanding of the role of the courts.<sup>122</sup> Desmond concluded that “in inner-city black communities, women are the ones who disproportionately bear the blemish of eviction and its consequences. In poor black neighborhoods, what incarceration is to men, eviction is to women: a typical but severely consequential occurrence contributing to the reproduction of urban poverty.”<sup>123</sup> Based on the Milwaukee Eviction Court Study and additional court records, Desmond and three co-authors made the troublesome finding “that among tenants who appear in eviction court, the likelihood of receiving an eviction judgment increases significantly if tenants live with children, a finding that remains after accounting for household income, family status, the amount of back rent owed, and the propensity to have children.”<sup>124</sup>

Along with Nicol Valdez, Desmond in another study collected the records for every property nuisance citation issued by the Milwaukee Police Department over a two year period, from which they observed that “[n]uisance-eligible properties in black neighborhoods were more likely to receive citations.”<sup>125</sup> They found that because of nuisance property enforcement by police and by landlords, black women facing domestic violence had to “choose between calling the police on their abusers (only to risk eviction) or staying in their apartments (only to risk more abuse).”<sup>126</sup>

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119. Matthew Desmond & Tracey Shollenberger, *Forced Displacement From Rental Housing: Prevalence and Neighborhood Characteristics*, 52 DEMOGRAPHY 1751, 1768 (2015).

120. Matthew Desmond & Carl Gershenson, *Housing and Employment Insecurity among the Working Poor*, 63 SOC. PROBS. 46, 59 (2016).

121. Matthew Desmond & Kristin L. Perkins, *Are Landlords Overcharging Housing Voucher Holders?*, 15 CITY & CMTY. 137, 155 (2016).

122. Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, 118 AM. J. SOC. 88 (2012).

123. *Id.* at 120.

124. Desmond et al., *Evicting Children*, *supra* note 38, at 319.

125. Desmond & Valdez, *supra* note 32, at 125.

126. *Id.* at 137.

Using data from Princeton's Fragile Families and Child Wellbeing Study, Desmond and Rachel Tolbert Kimbro found that evictions have significant negative impacts on the material and mental wellbeing of mothers that can last years after the eviction.<sup>127</sup> Together with the publications that came out of the MARS, these studies represent a considerable investment of time, scholarly attention, and money. Collectively this wealth of quantitative studies clearly informs *Evicted*, which includes many of the big picture lessons from them throughout the book. But the casual reader who does not turn to the endnotes is likely to miss the extent of Desmond's rigorous research to better understand and contextualize the personal stories depicted in *Evicted*.

Desmond's choice to put the stories of tenants and landlords in the foreground and to keep the findings from his many quantitative studies in the background is not without precedent. Among ethnographers, there is a rich tradition of qualitative work driven by the researcher's observations of the lives and choices of the studied community.<sup>128</sup> While some legal scholars have questioned the place and significance of story-telling,<sup>129</sup> many in the legal academy embrace narrative as a way of getting at deeper truths and as a tool to help bring the struggles of outsiders—racial minorities, women, and other vulnerable groups—to the surface.<sup>130</sup> Whether it is because such a large gap exists between poor people and everyone else means that interpreters are needed or because readers intuitively understand that poverty cannot be reduced to numbers and is fundamentally about the stories of individual lives, stories are a central feature of works about poverty. As I explained elsewhere:

The shared characteristic[] of such works – whether written primarily for an academic audience or the general public – [is] a reliance on the voices of the poor, coupled with rich descriptions of the physical environment occupied by the poor, to paint a portrait of lives impacted by poverty and limited opportunities.<sup>131</sup>

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127. Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing Hardship, and Health*, 94 SOC. FORCES 295-324, 316-17 (2015).

128. For classic works in this genre, see JAY MACLEOD, *AIN'T NO MAKING IT: LEVELED ASPIRATIONS IN A LOW-INCOME NEIGHBORHOOD* (1987); WILLIAM FOOTE WHYTE, *STREET CORNER SOCIETY: THE SOCIAL STRUCTURE OF AN ITALIAN SLUM* (1943).

129. See, e.g., Daniel A. Farber & Suzanna Sherry, *Telling Stories Out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807 (1992).

130. See, e.g., Mary I. Coombs, *Outsider Scholarship: The Law Review Stories*, 63 U. COLO. L. REV. 683 (1992); Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1988). See also Arthur Austin, *Evaluating Storytelling as a Type of Nontraditional Scholarship*, 74 NEB. L. REV. 479 (1995) (giving an overview of storytelling in legal scholarship and suggesting ways of evaluating its merits).

131. Ezra Rosser, *Getting to Know the Poor*, 14 YALE HUM. RTS. & DEV. L.J. 66, 68 (2011).

What *Evicted* manages to do, unlike many works that either attack or defend the poor, is to present the poor in an empathetic yet authentic way. Those portrayed in *Evicted* are depicted as fully human, neither valorized nor demonized, and their voices carry the book and flesh out the nature and impact of evictions.<sup>132</sup>

By combining portrayals of the poor buttressed by a scholar's ability to place their challenges into the context of the larger forces they are facing, *Evicted* is reminiscent of one of the best journalistic books about poverty, Jason DeParle's *American Dream*.<sup>133</sup> Both *American Dream* and *Evicted* focus on Milwaukee and both are rooted in the politics of their day. Whereas the animating poverty issue of the period leading up to *American Dream* was welfare reform, a decade later Desmond makes a compelling case that anti-poverty advocates should prioritize housing.<sup>134</sup> Perhaps more importantly, Desmond's focus on low-income tenants and their landlords serves as an assertion that the struggles of poor individuals and families are worthy of serious attention.

### III. AFFORDABILITY, CONDITIONS, AND SPILLOVER EFFECTS

Very much in line with the central thrust of Desmond's *Evicted*, Professor Courtney Lauren Anderson's article, *You Cannot Afford to Live Here*, helps open space for greater scholarly engagement with the struggles of poor who live in substandard private rental housing. For a number of reasons, the housing available to tenants at the low end of the market is rife with problems that reflect in part their limited purchasing power.<sup>135</sup> As Anderson explains:

The lack of affordable housing forces families into housing that fails to meet basic quality standards and that is not part of a comprehensive government affordable housing policy. These housing units are examples of "unprotected affordable housing." Unprotected affordable housing is

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132. See Senior, *supra* note 22 ("But 'Evicted' is most memorable for its characters, rendered in such high-resolution detail that their ghost images linger if you shut your eyes.").

133. See generally JASON DEPARLE, *AMERICAN DREAM: THREE WOMEN, TEN KIDS, AND A NATION'S DRIVE TO END WELFARE* (2004).

134. See Senior, *supra* note 22 ("The result is an exhaustively researched, vividly realized and, above all, unignorable book—after "Evicted," it will no longer be possible to have a serious discussion about poverty without having a serious discussion about housing. Like Jonathan Kozol's 'Savage Inequalities,' or Barbara Ehrenreich's 'Nickel and Dimed,' or Michelle Alexander's 'The New Jim Crow,' this sweeping, years-long project makes us consider inequality and economic justice in ways we previously had not.").

135. See also Ezra Rosser, *Exploiting the Poor: Housing, Markets, and Vulnerability*, 126 YALE L.J. FORUM 458 (2017) (reviewing MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016)) (exploring whether landlords at the bottom of the housing market are exploiting, directly or through the market, poor tenants).

housing that meets the income-based definition of affordable housing, but only because the housing units lack basic amenities or have unsanitary or unsafe elements that explain the private landlord's lowering of the price. Unprotected affordable housing contrasts sharply with "protected affordable housing."<sup>136</sup>

Anderson's use of the term "unprotected affordable housing" to describe the low-end rental housing forces an acknowledgment that such housing is part of the affordable housing stock even though it is operated not by the government but by private landlords.<sup>137</sup> What often gets lost in the many critiques of public housing is that public housing residents or beneficiaries of other forms of subsidized housing are relatively fortunate compared to the poor whose only option is the private rental housing.<sup>138</sup> Tenants in publicly supported affordable housing have a degree of power through public housing regulations and inspections tied to vouchers to demand housing that is "safe, clean, and fit for human habitation."<sup>139</sup> But for those whose only option is the private rental housing, tenants are often unable to insist that landlords make necessary repairs or even ensure that basic utilities are provided. As Anderson writes, "[t]he vicious cycle of unavailable affordable housing continues with horrific substandard conditions in which residents typically live."<sup>140</sup> In markets in which demand for affordable housing sharply outstrips supply, tenants who make too many demands on their landlords risk eviction, even if their grievances are legitimate. In such markets, poor tenants have few alternative shelter possibilities, and consequently, have little choice but to live in conditions that are difficult for the non-poor to comprehend.

If the stories of tenants and their landlords lie at the heart of *Evicted*, at the center of Anderson's *You Cannot Afford to Live Here* is a study of the spillover effects of housing problems on Thomasville Heights Elementary School.<sup>141</sup> *You Cannot Afford to Live Here* covers a tremendous amount of territory, looking at the low-income rental housing market first from a macro level and then delving down to look at how lack of affordable housing impacts the area surrounding a single Atlanta elementary school.<sup>142</sup>

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136. Courtney L. Anderson, *You Cannot Afford to Live Here*, 44 *FORDHAM URB. L.J.* 247, 250 (2017).

137. *Id.*

138. See Jaime Allison Lee, *Rights at Risk in Privatized Public Housing*, 50 *TULSA L. REV.* 759, 775 (2015) (comparing the greater security of tenure and participation rights available to public housing residents with the lack of security and participation rights available to those living in unsubsidized private rental housing).

139. *Hilder v. St. Peter*, 478 A.2d 202, 208 (Vt. 1984).

140. Anderson, *supra* note 136, at 264.

141. *Id.* at 270-73.

142. See generally *id.*



As Professor Anderson shows, housing instability, poor housing conditions, and other neighborhood stressors impose significant educational costs on children and on schools in poor areas.<sup>143</sup> Just as the low-income housing depicted in *Evicted* is representative of low-income housing in many other parts of the country, the housing-related headwinds pushing against Thomasville Heights are felt by public schools in many other poor communities. But it is noteworthy that both Desmond and Anderson include and build out from local experiences. Though Anderson's approach is broad—covering everything from the new Affirmatively Furthering Fair Housing rule and lead exposure to charter schools and social impact bonds<sup>144</sup>—her coverage of housing impacts on a single elementary school provides a sense of place and grounding that is often missing from broad policy pieces.

Entire schools can be affected when the kids in low-income area schools lose their housing or live in sub-standard housing. Housing instability can result in kids missing class as their parents desperately search for housing, forcing frequent school changes. Not only does housing instability harm those kids directly impacted, it also can adversely affect the overall quality of education at schools that suffer from high turnover rates.<sup>145</sup> Just as Desmond describes how Jafaris and Jori bounced from school to school, Anderson presents the results of a study of Thomasville Heights Elementary School that highlights the consequences such forced moves by poor families can have on a school in a low-income area. As she notes, low-income residents of private rental housing are differently situated and more prone to instability than the minority of poor families who receive public housing assistance.<sup>146</sup> Those working in affordable housing have to take into account all forms of affordable housing, not just public housing, if progress is going to be made on segregation and on the resources available to those living at the bottom of the housing market.

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143. *See generally id.*

144. *See generally id.*

145. *See* CLAUDIA COULTON ET AL., LEVERAGING INTEGRATED DATA SYSTEMS TO EXAMINE THE EFFECT OF HOUSING AND NEIGHBORHOOD CONDITIONS ON KINDERGARTEN READINESS (2016), [http://povertycenter.case.edu/wp-content/uploads/2016/04/Coulton\\_et\\_all\\_2016\\_Leveraging\\_Integrated\\_Data.pdf](http://povertycenter.case.edu/wp-content/uploads/2016/04/Coulton_et_all_2016_Leveraging_Integrated_Data.pdf) [<https://perma.cc/A6FM-DX58>]; MARTHA GALVEZ & JESSICA LUNA, HOMELESSNESS AND HOUSING INSTABILITY: THE IMPACT ON EDUCATION OUTCOMES 5 (2014), [https://tacomahousing.net/sites/default/files/print\\_pdf/Education/Urban%20Institute%20THA%20Homelessness%20and%20Education%202014-12-22.pdf](https://tacomahousing.net/sites/default/files/print_pdf/Education/Urban%20Institute%20THA%20Homelessness%20and%20Education%202014-12-22.pdf) [<https://perma.cc/3WCB-UFKT>]. *See generally* ALEXANDRA BEATTY ET AL., STUDENT MOBILITY: EXPLORING THE IMPACTS OF FREQUENT MOVES ON ACHIEVEMENT (2010), <https://www.nap.edu/catalog/12853/student-mobility-exploring-the-impacts-of-frequent-moves-on-achievement> [<https://perma.cc/8QHF-U4DG>].

146. *See* Anderson, *supra* note 136, at 274.

Such large structural problems cannot be solved by the private housing market alone. This is not to say that more could not be done to better protect residents in unprotected affordable housing. For example, making the implied warranty of habitability—the requirement that landlords provide and maintain decent housing for their tenants—more meaningful, could help lessen the prevalence of sub-standard housing and the frequency of evictions. Initially, the implied warranty of habitability was thought to work a grand new bargain between landlords and tenants, empowering tenants to demand improved conditions and resist evictions by using the implied warranty of habitability as a defense. But it has not lived up to its initial promise. Tenants’ lack of legal representation generally and a rise in jurisdictions imposing escrow requirements for the implied warranty to be raised too often combine to make the implied warranty of habitability more of a paper right than a meaningful check on the power of landlords. And there are perhaps additional ways of tweaking the law to support poor tenants. In his review of *Evicted*, Professor David Dana raises the possibility of helping tenants by sealing their eviction records for their first and possibly second eviction and by strengthening tenant protections against retaliatory evictions.<sup>147</sup> But these are all regulatory band aids on the larger problem: the hard economic facts of the private rental housing market’s structure undercut the notion changes in the law by itself will be enough. It is impossible to get around the fact that deep housing subsidies are necessary if the country is to adequately address the affordable housing crisis.

For a variety of reasons—some amenable to reform and some not—the private market cannot produce housing that is affordable to the poor.<sup>148</sup> Or, seen from another perspective, the poor do not make enough money to cover the production of low-income housing.<sup>149</sup> The amount the poor can pay for housing is not adequate to properly maintain rental housing units, much less construction costs or developer profits.<sup>150</sup> As a recent White House report highlights, easing land use restrictions would help lower

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147. David A. Dana, *An Invisible Crisis in Plain Sight: The Emergence of the “the Eviction Economy,” its Causes, and The Possibilities for Reform in Legal Regulation and Education*, at 10-14 (Dec. 7, 2016) (unpublished manuscript) (on file with author), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2882364](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2882364) [<https://perma.cc/YR8K-82WA>].

148. Weiss, *supra* note 4, at 533; ALEX F. SCHWARTZ, *HOUSING POLICY IN THE UNITED STATES* 47 (3rd ed., 2015). See generally George Sternlieb & James W. Hughes, *Private Market Provision of Low-Income Housing: Historical Perspective and Future Prospects*, 2 HOUS. POL’Y DEBATE 123 (2010).

149. SCHWARTZ, *supra* note 148, at 43-48.

150. *Id.* at 47.

existing barriers to developing affordable housing.<sup>151</sup> But as the Mt. Laurel litigation reflects, this is not a new observation or challenge.<sup>152</sup>

But the biggest barrier to affordable housing is not local exclusionary practices but building costs generally. There are accordingly two ways of tackling this affordability crisis: (1) raise the incomes of the poor sufficiently to cover housing or (2) subsidize the creation and maintenance of affordable housing.<sup>153</sup> The U.S. approach to poverty includes traces of both approaches. On the income side, everything from the minimum wage to the earned income tax credit arguably reflects a realization that the poor, especially the working poor, should make enough money to cover their basic needs, including housing.<sup>154</sup> And on the housing side, the history of housing policy is peppered with various subsidies. Rental housing vouchers under different names—Gautreaux, Section 8, Moving to Opportunity—have subsidized tenants.<sup>155</sup> Additionally, an expansive array of programs—including traditional public housing and more recently the low-income housing tax credit—have subsidized the construction of affordable housing units.<sup>156</sup> What is missing on both the income and on the

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151. See generally WHITE HOUSE, HOUSING DEVELOPMENT TOOLKIT (2016), [https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing\\_Development\\_Toolkit%20f.2.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing_Development_Toolkit%20f.2.pdf) [<https://perma.cc/39L4-VRRM>].

152. The New Jersey Supreme Court, in two path-breaking cases, held first that Mt. Laurel Township, which is located near the larger city of Camden, could not use its zoning authority to effectively block the construction of affordable housing within its borders and later held that the Township had an affirmative duty to provide housing. See *S. Burlington Cty. NAACP v. Twp. of Mt. Laurel*, 336 A.2d 713 (N.J. 1975); *S. Burlington Cty. NAACP v. Twp. of Mt. Laurel*, 456 A.2d 390 (N.J. 1983). For more on the history and aftermath of the Mt. Laurel Township affordable housing fight, see DAVID L. KIRP ET AL., *OUR TOWN: RACE, HOUSING, AND THE SOUL OF SUBURBIA* (1996); DOUGLAS S. MASSEY ET AL., *CLIMBING MOUNT LAUREL: THE STRUGGLE FOR AFFORDABLE HOUSING AND SOCIAL MOBILITY IN AN AMERICAN SUBURB* (2013).

153. SCHWARTZ, *supra* note 148, at 32.

154. As Professor Joel Handler notes about the politics of poverty, “[t]he most fundamental test of the difference between the deserving and undeserving poor is work.” Joel F. Handler, “Constructing the Political Spectacle:” *The Interpretation of Entitlements, Legalization, and Obligations in Social Welfare History*, 56 BROOK. L. REV. 899, 923-24 (1990). The living wage movement reflects a similar view of a minimum standard for market morality. See generally William Quigley, *Full-Time Workers Should Not Be Poor: The Living Wage Movement*, 70 MISS. L.J. 889 (2001).

155. For more on federal rental assistance programs, see MAGGIE MCCARTY ET AL., CONGRESSIONAL RESEARCH SERVICE, OVERVIEW OF FEDERAL HOUSING ASSISTANCE PROGRAMS AND POLICY, 8-14 (2014), <https://www.hsdl.org/?view&did=752738> [<https://perma.cc/WZC3-PUGL>]. See also John J. Infranca, *Housing Resource Bundles: Distributive Justice and Federal Low-Income Housing Policy*, 49 U. RICH. L. REV. 1071, 1085-90 (2015); SCHWARTZ, *supra* note 148, at 227-64.

156. See SCHWARTZ, *supra* note 148, at 135-226.

housing side is a full commitment to improving the conditions of the poor. That seems unlikely to change during the Trump administration.<sup>157</sup>

The newest *Star Wars* movie, *Rogue One*, dramatically tells the audience, “[r]ebellions are built on hope.”<sup>158</sup> But when it comes to solving the problems of affordable housing, protected and unprotected, there is little room for hope. Though the rich enjoy both a system of private rewards tied to public risk<sup>159</sup> and tax advantages in the form of the mortgage tax deductions that are treated as natural and politically untouchable,<sup>160</sup> neither a universal basic income nor a right to housing are acceptable politically.<sup>161</sup> Meaningful change may require a foundation of public awareness before hope can take root. Desmond and Anderson’s works help build this foundation by exposing how housing instability and substandard conditions impact poor families and low-income neighborhoods.

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157. See Matt Flegenheimer & Yamiche Alcindor, *Ben Carson Urges Ending Reliance on Welfare in Bid to Be Housing Chief*, N.Y. TIMES (Jan. 12, 2017), <https://www.nytimes.com/2017/01/12/us/politics/ben-carsons-hud-housing-nominee-hearing> [<https://perma.cc/65D3-MY58>].

158. Notably, the line is delivered twice. Once by Cassian Andor to Jyn Erso and then repeated by Jyn Erso to the Rebel Council. *ROGUE ONE: A STAR WARS STORY* (Disney 2016).

159. See Charles W. Murdock, *The Big Banks: Background, Deregulation, Financial Innovation, and “Too Big to Fail”*, 90 DENV. U. L. REV. 505, 507 (2012); Steven A. Ramirez, *Lessons from the Subprime Debacle: Stress Testing CEO Autonomy*, 54 ST. LOUIS U. L.J. 1, 5 (2009). See also Emily Badger & Christopher Ingraham, *The Rich Get Government Handouts Just Like the Poor. Here Are 10 of Them*, WASH. POST (Apr. 9, 2015), <https://www.washingtonpost.com/news/wonk/wp/2015/04/09/the-rich-get-government-handouts-just-like-the-poor-here-are-10-of-them/> [<https://perma.cc/BRC6-UZCK>].

160. See, e.g., Elizabeth Garrett, *Harnessing Politics: The Dynamics of Offset Requirements in the Tax Legislative Process*, 65 U. CHI. L. REV. 501, 518 (1998) (calling the home interest deduction “virtually untouchable”); Roberta F. Mann, *The (Not So) Little House on the Prairie: The Hidden Costs of the Home Mortgage Interest Deduction*, 32 ARIZ. ST. L.J. 1347, 1359-60 (2000) (highlighting that the deduction primarily benefits the wealthy). See also Bonnie Sinnock & Jacob Passy, *Mortgage Interest Deduction Safe from Trump, Adviser Says*, AM. BANKER (Nov. 11, 2016, 2:06 PM), <https://www.americanbanker.com/news/mortgage-interest-deduction-safe-from-trump-adviser-says> [<https://perma.cc/J6MX-TBM4>].

161. See Sara K. Rankin, *A Homeless Bill of Rights (Revolution)*, 45 SETON HALL L. REV. 383, 419-20 (2015) (highlighting the political obstacles facing homeless rights advocates). See also Lisa T. Alexander, *Occupying the Constitutional Right to Housing*, 94 NEB. L. REV. 245, 257-60 (2015) (discussing the failure of U.S. courts to recognize a right to housing). For a recent critique of universal basic income, see Eduardo Porter, *A Universal Basic Income Is a Poor Tool to Fight Poverty*, N.Y. TIMES (May 31, 2016), <https://www.nytimes.com/2016/06/01/business/economy/universal-basic-income-poverty.html> [<https://perma.cc/RW9K-88AK>].

There is a rich tradition of looking to the local lived experiences of the poor in order to craft policies that better address their challenges.<sup>162</sup> The need for scholars to describe the lives of the poor is driven in part by the separation that exists between policymakers and the poor.<sup>163</sup> In the affordable housing arena, the housing first movement reflects in part knowledge that the poor already had but which had yet to reach policymakers.<sup>164</sup> The idea behind housing first initiatives is that for people facing a range of challenges, including unemployment, drug addiction, and the demands of child care, their ability to deal with those challenges may depend on first getting adequate and affordable housing.<sup>165</sup> Housing first is something housing advocates can, of course, get behind, but the nation only started pushing rapid rehousing programs after advocates were able to show—in part through the stories of poor people who are harmed by lack

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162. See, e.g., Wendy A. Bach, *Mobilization and Poverty Law: Searching for Participatory Democracy Amid the Ashes of the War on Poverty*, 20 VA. J. SOC. POL'Y & L. 96 (2012) (highlighting the success some activists had in mobilizing poor communities as part of the War on Poverty's maximum feasible participation requirement); Scott L. Cummings, *Community Economic Development as Progressive Politics: Toward a Grassroots Movement for Economic Justice*, 54 STAN. L. REV. 399, 409-57 (2001) (summarizing community economic development and critiquing narrow-minded localism).

163. Elsewhere, I have labeled the rise in works dedicated to telling stories of the poor from their perspective as the "poor voices" literature. See Rosser, *Getting to Know the Poor*, *supra* note 131, at 68.

164. The organization Pathways to Housing DC includes the stories of four participants in their housing first program that attest to the power housing can play in the lives of those struggling with multiple challenges. See PATHWAYS TO HOUSING DC, <https://www.pathwaystohousingdc.org/> [<https://perma.cc/D5RJ-AZP9>]. See also Tianna Gaines-Turner, *Three Steps We Can Take to Solve Poverty From Someone Who Knows Firsthand*, MOYERS & CO. (July 11, 2014), <http://billmoyers.com/2014/07/11/three-steps-we-can-take-to-solve-poverty-from-someone-who-knows-firsthand/> [<https://perma.cc/7NLL-423S>] (including housing among the recommendations shared by Ms. Gaines-Turner with the House Budget Committee during its hearings on poverty).

165. For more on the housing first movement, see DEBORAH PADGETT ET AL., HOUSING FIRST: ENDING HOMELESSNESS, TRANSFORMING SYSTEMS, AND CHANGING LIVES (2015); Nestor Davidson, *Rights as a Functional Guide for Service Provision in Homeless Advocacy*, 26 ST. LOUIS U. PUB. L. REV. 45, 56-58 (2007). See also Tim Aubry et al., *One-Year Outcomes of a Randomized Controlled Trial of Housing First with ACT in Five Canadian Cities*, 66 PSYCHIATRIC SERV. 463 (2015) (finding that housing first programs had a positive impact on housing stability, quality of life, and community functioning after one year of enrollment for beneficiaries); Maritt Kirst et al., *The Impact of a Housing First Randomized Controlled Trial on Substance Use Problems Among Homeless Individuals with Mental Illness*, 146 DRUG & ALCOHOL DEPENDENCE 24, 26-28 (2015) (finding that housing first programs had a positive impact on alcohol abuse and a neutral impact on drug abuse); Julia R. Woodhall-Melnik & James R. Dunn, *A Systematic Review of Outcomes Associated with Participation in Housing First Programs*, 31 HOUS. STUD. 287 (2015) (reviewing the literature on housing first outcomes); MARY CUNNINGHAM ET AL., RAPID REHOUSING: WHAT THE RESEARCH SAYS (2015), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000265-Rapid-Re-housing-What-the-Research-Says.pdf> [<https://perma.cc/MYV4-GEED>] (reviewing the rapid rehousing program).

of secure housing or who have benefitted from the approach when it is implemented—the many housing *and* non-housing benefits of a housing first approach.<sup>166</sup> From the perspective of many poor families, housing first might be intuitively obvious; it is hard to make progress on other things, including looking for a job, dealing with addiction, or taking good care of children, when finding shelter is all-consuming. Though wonkish attention to whether overall social costs are lower with a housing first approach compared with approaches that place pre-conditions on housing assistance is necessary, so too are the stories that allow policymakers to see the real world impact of particular practices. Desmond and Anderson both contribute to our understanding of affordable housing by showing, at different levels of detail, how housing instability plays out in Milwaukee and in the Thomasville Elementary School.

### CONCLUSION

As much as the issue is dressed up in acronyms or theory, at its core the issue of affordable housing is about whether or not the country chooses to recognize the humanity of those struggling to provide basic shelter to themselves and to their families. In his description of the effects that the terrible conditions in Doreen's house had on her family, Desmond highlights the crippling effect of such housing:

Substandard housing was a blow to your psychological health: not only because things like dampness, mold, and overcrowding could bring about depression but also because of what living in awful conditions told you about yourself . . . . People who were repulsed by their home, who felt they had no control over it, and yet had to give most of their income to it—they thought less of themselves.<sup>167</sup>

Housing is more than just a roof and four walls. Housing also provides the foundation for many other aspects of life, including education, health, work, and social connection. Fragility when it comes to housing translates to fragility across those other aspects. A telling moment in *Evicted* is when Sherrena drove Arleen home from an eviction proceeding in which Arleen agreed to vacate her unit. Desmond describes how “[b]oth women had splitting headaches. Sherrena attributed hers to how court had gone. She was still fuming that [the Commissioner] had reduced her money judgment. Arleen’s was from hunger. She hadn’t eaten all day.”<sup>168</sup> The imbalance could hardly be more striking, yet later in the same ride back from court,

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166. For a compelling serial account of the human costs of housing instability and the powerful role rapid rehousing can have on children, see Andrea Elliot, *Invisible Child*, N.Y. TIMES (Dec. 9, 2013), <http://nytimes.com/invisiblechild>.

167. *EVICTED*, *supra* note 11, at 257.

168. *Id.* at 106.

Sherrena, unaware of the irony, advises Arleen not to become a landlord, arguing, “It’s a bad deal. Get the short end of the stick every time.”<sup>169</sup> It was a statement that Arleen greets with silence. The gap in Sherrena and Arleen’s experiences and in perspectives is tied in part to a societal belief in markets that treats inequality as inevitable and does not recognize a right to affordable housing.<sup>170</sup> Desmond and Anderson’s shared assertion that the private rental market is an integral part of the affordable housing landscape helps create a bit more space for the country to act upon the idea that all people deserve decent, stable housing. Only by breaking that silence and pointing out the injustice of not ensuring everyone has access to affordable housing, can scholars help create space for positive political change.

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169. *Id.* at 107.

170. For more on the role faith in markets plays in normalizing inequality as it relates to housing, see Rosser, *Exploiting the Poor*, *supra* note 135.