

For many poor Americans, having a decent home and suitable living environment remains a dream. This lack of adequate housing is not only a burden for many of the poor, but it is harmful to the larger society as well, because of the adverse effects of inadequate housing on public health.

Not only is the failure to provide adequate housing shortsighted from a policy perspective, but it is also a failure to live up to societal obligations. There is a societal obligation to meet the housing needs of everyone, including the most disadvantaged. Housing assistance must become a federally-funded entitlement.

AMERICA HAS BOTH AN IMPLICIT and an explicit social contract to provide adequate housing for its entire population. To date, this is a contract whose obligations remain unfulfilled. Evidence of this failure abounds in the vast numbers of homeless families on city streets, in the large numbers of families that have to live doubled and even tripled up with other families, and in the crushingly high rent burdens that many low-income families have to endure. Less transparent but no less important are the pernicious effects of this unfulfilled contract on the health of the disadvantaged, as has been described elsewhere.¹

The explicit nature of the societal contract to meet the housing needs of all is spelled out in the Housing Act of 1949 (42 USC §§ 1441–1490r [1994]), which stipulates the “realization as soon as feasible of the goal of a decent home and suitable living environment for every American family.” But the Housing Act of 1949 was passed more than a half century ago by different politicians representing a different population. One could argue that this contract is no longer binding. Yet there is substantial evidence that the American polity still views a decent home as a minimal right in America. This is evidenced by the numerous state and local policies that mandate a minimal level of housing. As will be shown below, however, these mandates are insufficient to meet the housing needs of our most disadvantaged citizens.

Through the enactment of building codes and other regulations, we have deemed that housing below minimal standards is unacceptable and unfit for human occupation. The cost of producing housing that meets even minimal standards, however, is above what many low-income households can afford. Consequently, such households are priced out of the market in many places—owing, in part, to society's consensus that housing below a certain level is not acceptable.

Of course, most housing occupied by the poor, and by most other people, for that matter, is not new but previously occupied housing. But in many expensive urban centers even used housing is beyond the means of many low-income households. If maintenance costs required to keep housing from falling below standards exceed what

low-income families can afford to pay, landlords may try to upgrade their units to attract more affluent and profitable tenants, or they may simply walk away from the property. Both gentrification and abandonment may occur in low-income neighborhoods if low-income families lack the purchasing power to make the provision of affordable housing profitable to landlords.

Owing to transformations in technology, overseas competition, and other factors that are not completely understood, the American economy over the past few decades has increasingly bifurcated into a highly skilled and well-paid sector and a low-paying service sector.² Jobs in the low-paying service sector often leave households without sufficient income to afford housing that meets even minimal standards. A growing proportion of the populace simply earn too little to afford what society deems decent housing.

Further exacerbating the affordable housing shortage is the enactment of exclusionary zoning policies by many suburban communities. These policies typically exclude multifamily units or require large parcels of land for each unit, driving up the price of housing and making it virtually impossible for affordable housing to be located in the community. Entire swaths of communities are off limits to the poor because of local land use policies.

The enactment of building codes and zoning policies is *prima facie* evidence that America has deemed a certain standard of housing a basic requirement of a civilized society. If this were not so, we would allow the poor and homeless to build shantytowns, as is done in many cities of the Third World. Yet simply legislating out of existence housing deemed unacceptable does nothing to ensure everyone access to housing. If we are going to mandate a certain quality of housing, we are obligated to provide everyone with the means to obtain that housing.