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Taking Gautreaux National: The Polikoff Proposal

Elizabeth K. Julian

INTRODUCTION

My charge is to offer a response to Alex Polikoff's proposal for a Gautreaux-style mobility program on a national scale.¹ Polikoff's assessment of the dire conditions facing low-income African Americans in ghettos, and the corresponding attitudes of white Americans (and others) who are at best indifferent and at worst hostile to these Americans and their plight, set the stage for such a proposal.² Polikoff does not overstate the problem.³

Section I of this response to Polikoff's proposal finds that taking Gautreaux national is an achievable goal. Section II finds that a basic mobility program would be affordable even within current budgetary constraints, but argues that it would be more effective with the engagement of non-profit organizations and the philanthropic community. Section III examines some of the indicators of success in other housing mobility programs, and argues that the health and security indicators alone support the conclusion that housing mobility is an effective ghetto escape strategy. Support of a national housing mobility program, as discussed in Section IV, would undoubtedly be met with political and legal challenges. However, these challenges would not be

¹ Alexander Polikoff, *A Vision for the Future: Bringing Gautreaux to Scale*, in POVERTY & RACE RESEARCH ACTION COUNCIL, *KEEPING THE PROMISE* 137 (Phillip Tegeler et al. eds., 2005), available at <http://www.prrac.org/pdf/KeepingPromise.pdf>.

² *Id.* at 138–39.

³ See generally ALEX KOTLOWITZ, *THERE ARE NO CHILDREN HERE* (1987) (reporting on the effects of the poor conditions of Chicago's black ghetto and the Henry Horner projects through the lives of two pre-teen African American boys); see also Xavier de Souza Briggs, *Politics and Policy: Changing the Geography of Opportunity*, in *THE GEOGRAPHY OF OPPORTUNITY* 310 (Xavier de Souza Briggs ed., 2005) (discussing communities' indifferences to immigrants and minorities); SHERYLL CASHIN, *THE FAILURE OF INTEGRATION* 290 (2004) (stating that "the exclusion impulse was and continues to be borne of an antipathy by many non-blacks to living among or near large numbers of black people.").

insurmountable, and the benefits to both the individuals who choose to participate, as well as to society at large, make it worth the commitment to try.

I. A National Gautreaux Program is Achievable

There are currently a little over two million Housing Choice Vouchers in use nationwide,⁴ about 11% of which “turn-over” each year due to participants leaving the program.⁵ Polikoff’s hypothetical program would take about one fourth of the vouchers that are “turned-over” out of the existing pot each year and redirect them to black families living in the extreme poverty of urban ghettos.⁶ This “targeting” is in line with other programmatic practice, and could be achieved in the context of the normal administration of the voucher. This is a pragmatic nod to the current political/budgetary environment.⁷ It also builds on Polikoff’s experience with the Moving to Opportunity Demonstration, a more “boutique” program that became itself both a political and budgetary “target” of an unreceptive Congress.

It is important to note that the Section 8 Voucher Program (now known as the Housing Choice Voucher Program) is and always has been a limited resource, not an “entitlement” program.⁸ Policymakers have never had trouble “targeting” vouchers to address particular problems or to benefit particular populations based upon an assessment of relative “need” and

⁴ See CTR. ON BUDGET AND POLICY PRIORITIES, INTRODUCTION TO THE HOUSING VOUCHER PROGRAM (2003), <http://www.cbpp.org/5-15-03hous.pdf>.

⁵ Polikoff, *supra* note 1, at 142.

⁶ *Id.* at 143 (stating that “[c]urrently, about 2.1 million vouchers are in circulation. The annual ‘turnover rate’ is about 11 percent, meaning that for various reasons (for example, a family’s income rises above the eligibility ceiling) some 230,000 vouchers are turned back to housing authorities each year for reissuance to other families. A Congressional enactment could direct 50,000 of these turnover vouchers to the hypothetical program.”). *Id.* at 142–43.

⁷ See CTR. ON BUDGET AND POLICY PRIORITIES, PRESIDENT’S 2007 BUDGET RENEWS SAME NUMBER OF HOUSING VOUCHERS FUNDED IN 2006 BUT MANY LOCAL PROGRAMS COULD FACE CUTS DUE TO FLAWED FUNDING FORMULA (2006), <http://www.cbpp.org/3-13-06hous.htm>.

⁸ CTR. ON BUDGET AND POLICY PRIORITIES, *supra* note 4, at 2;

other important public policy considerations.⁹ In this context, it is perfectly rational to argue that the allocation of that limited benefit should achieve benefits for society as a whole as well as the individuals being helped. The Polikoff proposal makes a compelling case for why a limited number of vouchers should be targeted the way he argues.¹⁰

The Polikoff proposal accepts the notion that a great number of whites in the communities that offer the most opportunity to low-income residents from the Black Ghetto are afraid of them and will resist their “entry” into those communities.¹¹ Experience would say he is right. Whether it is the Moving to Opportunity Program (MTO) in Baltimore,¹² a small scattered site program in Allegheny County, Pennsylvania, or a litigation-driven mobility program in New Haven,¹³ reaction to government initiatives which seek to provide access to housing to low income African American families in more affluent whiter communities has not been positive. While no doubt grounded to an extent in pure racism and bigotry, the opposition also reflects the belief by “receiving” communities that it is government that is “imposing harm” on “their” communities and that they have a right to resist it. That fear/belief must be addressed up front in any national program design if it is to be successful.

⁹ *Id.* at 4.

¹⁰ Polikoff, *supra* note 1, at 143.

¹¹ *Id.* at 141.

¹² See David Moberg, *No Vacancy!: Denial, Fear and the Rumor Mill Waged a War Against Moving to Opportunity in Baltimore's Suburbs*, 79 SHELTERFORCE ONLINE (Jan./Feb. 1995), <http://www.nhi.org/online/issues/79/novacancy.html>. MTO was authorized under § 152 of the Housing & Community Development Act of 1992 and jointly administered by the Office of Policy Development and Research, the Office of Fair Housing and Equal Opportunity, and the Office of Public and Indian Housing. Housing and Community Development Act of 1992 § 152, Pub. L. No. 102-550, 106 Stat. 3672, 3716–17 (1992).

¹³ See Matthew Bloom, *The Mobility Myth: Housing as a Tool for Desegregation in New Haven*, THE POLITIC, Dec. 24, 2004, http://www.thepolitic.org/home/index.cfm?event=displayArticlePrinterFriendly&uStory_id=5d2cad0b-98b8-4f2d-85b2-88511ad9e8e9.

In that regard, Polikoff suggests some sort of limit on the number of voucher holders who would be allowed to move into a particular community in a given year under the program.¹⁴ This concern may be better addressed in terms of a goal rather than a guarantee, and should be structured to address concerns about “re-concentration” in new communities, as well as animosity. Moreover, this will obviously not mean that regular voucher holders cannot move wherever they choose and find a landlord who will take them. Indeed, the evidence suggests they are doing just that.¹⁵ However, without the sort of provision Polikoff is proposing, some communities will continue be viewed as getting more than their “fair share” of low-income movers and be seen as “losers,” and some will continue to be able to exclude such families and be seen as “winners.” Polikoff’s proposal seeks to change that dynamic, and I support it.

II. Involvement of the Philanthropic/Non-Profit Sector Would Increase a National Program’s Affordability and Effectiveness

Given current domestic federal-spending constraints, the affordability of a national housing mobility program ranks high on the list of qualifiers.

Polikoff’s comparison to the military budget is, as he points out, somewhat disingenuous, but he is right in saying that it would be worth it.¹⁶ Under Polikoff’s approach, only already funded vouchers would be used, so the primary “new” cost would be for the pre-move and post-move mobility assistance that Gautreaux and other programs suggest is essential to real success. Polikoff estimates costs to be about four thousand dollars.¹⁷ Who can seriously argue that allowing a family to escape the terror of a Robert Taylor Homes and its ilk is not worth a one-

¹⁴ Polikoff, *supra* note 1, at 141.

¹⁵ See U.S. Dep’t of Hous. & Urban Dev., VOUCHER RECIPIENTS ENJOY MUCH GREATER CHOICE ABOUT WHERE TO LIVE THAN RESIDENTS OF PUBLIC HOUSING AND ARE LESS LIKELY TO BE CONCENTRATED IN DISTRESSED NEIGHBORHOODS (2000), available at <http://www.huduser.org/publications/polleg/voucher.html>.

¹⁶ Polikoff, *supra* note 1, at 143.

¹⁷ *Id.*

time investment of four thousand dollars?¹⁸ The challenge is to make a forceful case for these funds to the political forces that control the Department of Housing and Urban Development (HUD) budget, and not be shy about asserting the value of these expenditures when stacked up against other valuable programs.

However, there are also other resources that can and should be brought to the table. To fully implement a successful national program, certainly HUD would provide the voucher, as well as money for first-move mobility counseling and support. There must be explicit programmatic language which requires that the program be administered in a manner that more overtly furthers fair housing by insuring that rules governing the program do not sabotage families who make a mobility choice. HUD currently is supporting legislation and regulatory policies that inhibit the effectiveness of the voucher in providing housing choice and access to opportunity.¹⁹

However, for the longer term post-move counseling and support which is increasingly acknowledged as essential to the long-term success of the families who relocate, I would argue that mobility advocates should look not just to HUD but to the private philanthropic sector to insure that families receive the wide range of necessary support to make their moves successful over the long run.

By using private philanthropic resources, effective counseling and supportive post-move programs that deal with the important issues related to the housing choice (i.e. education,

¹⁸ The Robert Taylor Homes comprise a group of high-rise projects, in Chicago's Black Ghetto, that have become synonymous with blight. ALEXANDER POLIKOFF, *WAITING FOR GAUTREAUX: A STORY OF SEGREGATION, HOUSING, AND THE BLACK GHETTO* 254 (2006) (quoting a former resident who called the project a "concentration camp").

¹⁹ See generally MARGERY AUSTIN TURNER, URBAN INSTITUTE, *PRESERVING THE STRENGTHS OF THE HOUSING CHOICE VOUCHER PROGRAM* 1–6 (2005), http://www.urban.org/UploadedPDF/900809_Turner_051705.pdf; POVERTY & RACE RESEARCH ACTION COUNCIL, *KEEPING THE PROMISE: PRESERVING AND ENHANCING HOUSING MOBILITY IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM* 55–76 (Phillip Tegeler et al. eds., 2005), <http://www.prrac.org/pdf/KeepingPromise.pdf>.

employment, transportation, day care, health) could be designed, funded and implemented with greater flexibility and attention to localized conditions and with more commitment to the overarching mission of creating access to opportunity through housing choice. Mission-driven organizations are better suited to partner with local non-profits and community based organizations to help connect the families to their new communities. And they could be better advocates on behalf of the families and the policies that support them if they are independent of a government agency. One need only look to the wide range of community development activities and initiatives that the private foundation community has funded over the years to see the benefits of not having a “one size fits all” approach to such an effort.²⁰

Conversely, any HUD administered post-move counseling program would bring with it the baggage, stifling uniformity and mediocrity of a national bureaucratic program, as well as the political vulnerability that goes with such efforts.²¹ I am not saying that one would not have to deal with political issues with any approach, but taking Gautreaux “national” in the private as well as public sector would build important constituencies and get the best thinking applied to the task.

One might accurately observe that funding for such individually focused assistance which encourages regional housing opportunity is simply not the sort of thing the major foundations have any history of supporting on any significant scale. Indeed, to the contrary, major foundation support for anti-poverty strategies has been overwhelmingly characterized by funding for “place-based” community development activities.²² Polikoff makes a clear eyed, honest, and fair assessment of the successes of those efforts, particularly in the communities that are the focus of

²⁰ See FRANKLIN A. THOMAS, FORD FOUNDATION, URBAN COMMUNITY DEVELOPMENT: PARTNERSHIPS FOR RESTORATION (1987), <http://www.fordfound.org/elibrary/documents/0321/normal/low/0321norm-low.pdf>.

²¹ The author served as one of the attorneys-of-record for the plaintiff class during the earlier years of the litigation.

²² See generally Thomas, *supra* note 20.

his proposal—the Black Ghettos.²³ For all of the reasons he offers, I would urge that the case be made for post-move housing mobility counseling and support programs as necessary components of every major foundation’s anti-poverty, race and social justice docket.

Indeed, I would argue that this should be undertaken even without a national Gautreaux initiative. Over approximately twenty years there have been a significant number of African American voucher families who have used their voucher to move out of the ghetto into more diverse and less isolated environments.²⁴ In Dallas, for example, there are currently over five thousand African American families who have moved into lower poverty, less minority concentrated “target” areas.²⁵ Some of these families have had the bells and whistles of an effective mobility program, but many have not.

I have come to my view of the need for more privately funded non-profit involvement in mobility after years of watching the programs that have come and gone as housing mobility falls in and out of favor at HUD.²⁶ Currently, I am fortunate to be the president and executive director of the Inclusive Communities Project (ICP), a small non-profit organization in Dallas, Texas.²⁷ ICP gets its financial support from funds that are independent of a government funded

²³ Polikoff, *supra* note 1, at 147–48.

²⁴ *See* HUD, *supra* note 15.

²⁵ Dallas Hous. Auth., Report of Housing Choice Voucher Families in Targeted Areas – S8R2850A (Feb. 23, 2006) (unpublished report) (on file with author).

²⁶ The Moving to Opportunity (MTO) Demonstration Program, authorized during the Kemp administration at HUD, and supported by the Cisneros administration, was effectively killed by Senator Mukulski in 1994 when the Baltimore MTO program was the object of intense local political opposition. The Regional Opportunity Counseling Program was a programmatic housing mobility initiative of the Clinton Administration operating in thirteen cities, which died for lack of continued support either within or without HUD.

²⁷ Walker v. HUD, No. 3:85-CV-1210-R (N.D. Tex. Dec. 21, 2004) (Agreed Order Granting Plaintiffs’ Motion to Name ICP Housing Fund Administrator); *see also* Inclusive Communities Project (2006), <http://www.inclusivecommunities.net/about.php>.

program.²⁸ The Walker Housing Fund Charitable Trust came about in 2005 and was funded with money provided under the Walker Consent Decree to create housing opportunities, primarily in the suburban areas of Dallas, for low-income African American families.²⁹ The Walker Fund was initially envisioned as a source of funds to incentivize development of affordable housing for very low-income families by providing a deep subsidy as an aspect of a financing deal.³⁰ However, over the past twenty years the plaintiffs came to realize that the enormous increase in the number of vouchers administered by the Dallas Housing Authority dictated an updated view of *how* “housing opportunities” are created in the suburban areas, where housing is being developed that, at least theoretically, voucher holders can access.³¹ The Walker Settlement Voucher (WSV) gives the families much of the deep subsidy they need to access housing outside of the ghetto,³² but other barriers remain. That is where a well run, creative, and aggressive post-move mobility program can truly add value.

The high “up front” costs of moving into higher opportunity areas in the form of higher rents, security deposits, application fees, etc., coupled with the need to convince skeptical landlords to participate in the program and housing developers to include “affordable units” in the market rate developments, all offer opportunities for mobility-support approaches pioneered by the Gautreaux program and others. There are a number of people and organizations with significant experience and commitment to this issue. Many of them are not functioning today

²⁸ Funds stem from a housing desegregation law suit that was brought in 1985 by six African American women who represented a class of Dallas public housing residents and Section 8 certificate holders. *See Walker v. HUD*, 734 F. Supp. 1231 (N.D. Tex. 1989).

²⁹ Walker, No. 3:85-CV-1210-R (order approving creation of charitable trust and transfer of funds).

³⁰ The author served as one of the attorneys-of-record for the plaintiff class during the earlier years of the litigation.

³¹ Interview with Mike Daniel, Counsel for Walker Plaintiffs, Daniel & Beshara, in Dallas, Tex. (Feb. 20, 2006).

³² Walker, No. 3:85-CV-1210-R at 4 (settlement stipulation and order, setting the Section 8 payment standard for Walker Settlement Vouchers at one hundred and 25% of the fair market rent (FMR), which is a higher rate than regular vouchers).

because the funding has dried up, not because they are unneeded, underutilized and ineffective. If there were funding available, I predict there would be even more organizations working in this area.

It is my sincere hope, certainly if we are successful in getting Gautreaux taken national, that the proponents of such a program will aggressively seek to engage the private philanthropic community. It is time for the foundation community that is concerned about social justice and the intersection of race and poverty to make the success of these courageous families who seek to escape the ghetto through use of the voucher program a priority.

III. A National Gautreaux Program Would Be Effective

One need only examine the lives of various participants from smaller housing mobility programs in order to predict whether a national program would be effective.

The research shows us that things are better, on a number of indicators, for families who leave the ghetto and get to areas of higher opportunity.³³ I believe the indicators of physical and mental health are enough to justify this program, and I invite comparisons with the physical and mental health of those who have been subjected to long stays in a public housing ghetto.³⁴

The research also tells us where our problems are. The findings regarding adolescent boys in MTO are the ones that concerns everyone, but there are others.³⁵ The answer is, I would argue, not to send those boys back to the ghetto, but to figure out how to address their issues effectively. Programs run by non-governmental organizations are going to be best suited to come up with ways of doing that. I will not restate the research, or give my own very real anecdotal

³³ PRRAC, *supra* note 19, at 9–24, 25–42.

³⁴ *Id.* at 16.

³⁵ *Id.* at 17 (discussing research that shows behavioral improvements and decreases in arrests for teenage girl participants, but no significant decrease for teenage boys, who may be victims of racial profiling in their new neighborhoods).

examples of what it means to a family to escape life in the ghetto, even in the short term, and even with the downsides. But the real progress, if we do this right, will be most evident a generation or more from now. And proponents of mobility should not have to “prove” housing mobility will solve all of life’s problems before people can move. It will not, but it may keep kids alive long enough to figure out how to deal with their problems.

IV. Is it Legal?

It should be. But in the current environment, and realizing that we will not have the support of the left that other progressive efforts command, it is very likely that any effort to limit the participants to poor African Americans living in the Black Ghetto will be the subject of a protracted and very distracting legal challenge. Such a challenge could more easily be overcome if HUD would admit the federal government’s role in creating and maintaining the Black Ghetto, but even then, the burden would be on the proponents of this sort of “race based” remedy to show: (i) that it is narrowly tailored (which is probably doable) and (ii) that there are no non-race conscious alternatives that would be as effective.³⁶

As an alternative, we might just describe the conditions and characteristics that would entitle someone to participate in the program and see where that gets us. The criteria should not be limited to poverty, even concentrated poverty because, as advocates so often point out, there are well functioning low-income communities whose existence reflects a true choice to be there. However, the Black Ghetto was not created, and has not been perpetuated, by the choice of poor African Americans. The Polikoff proposal seeks to address the specific and documentable harm which the ghetto visits upon those who are forced to live within its confines, and the greater society which shuns them. Perhaps we could say that the program is designed for people living

³⁶ See *Walker v. Mesquite*, 169 F.3d 973, 988 (5th Cir. 1999) (noting that the court’s decision “does not preclude the construction or acquisition of additional public housing if sites are selected by means of nonracial criteria.”).

in racially concentrated, high-poverty census tracts whose ancestors were brought here against their will as enslaved Africans, and subjected to over one hundred years of overt racial discrimination and segregation as it relates to education, employment, housing and health care. Who ever meets that criteria would be eligible to participate. In any event, we should design the program to insure that the limited resources committed to addressing the problem which gives rise to this proposal are efficiently used, while avoiding, if possible, an esoteric fight about race conscious classifications.

CONCLUSION

There will be obstacles. There will be, as there always has been, political resistance from the right and the left to housing mobility.³⁷ Polikoff addresses those issues forthrightly and effectively. There will be the never-ending competition for limited resources among legitimate and equally well-intended programs, which will require sophisticated, hard-ball advocacy at every level, and in every forum. There is the danger that the effort will fall victim to impatience and be abandoned too early, demanding unrealistic “results” in political rather than social time-frames (four years versus a generation). To those who have a million reasons why *not* a national mobility program, as *one* way to address the intractable problems of the isolated Black Ghetto, I would simply urge that we give the Polikoff proposal at least as much time, money, and belief in its inherent value as have been given the community development movement over the past thirty years.

³⁷ See generally Moberg, *supra* note 12; Bloom, *supra* note 13.