

Though they are often overlooked, struggles over housing have been at the center of many moments of social upheaval. For the people who experienced these events at the time, a lack of adequate housing was cited as the major cause of the Zoot Suit riots, the Watts riots, and the Detroit riots of 1967. Rent strikes were a tactic during the Great Depression, and protests of segregated housing were as integral to Civil Rights era strategies as the more famous protests of segregated buses and lunch counters. Frederick Engels wrote that “all oppressed classes in all periods suffered more or less uniformly” from lack of adequate housing (Engels 1872). Whether it is a cause or an effect of inequality, housing is one of the many human necessities that is distributed unequally, and yet it is profoundly different from most other goods.

Even the concept of a housing market is problematic. Economists have pointed to the concurrence of three features that make the housing market unique: durability, heterogeneity, and spatial fixity (Maclennan 1979). Housing can be useful much longer than other consumer goods, and may not depreciate with age, thus it is durable. Housing units vary greatly in all their characteristics, even similarly priced units, thus it is heterogenous. And of course housing is located in a particular space, and cannot travel. We could add that housing is necessary for human beings and has high transaction costs for moving and transferring (Arnott 1987). Other goods in the economy may have these features, but housing is differentiated by having all of these features together.

Analysis that seeks to be relevant to policy will typically focus on either home buying, renting, homelessness, or racial disparities. In what follows, I will attempt a broad overview of

all four perspectives, focusing on the United States. Though most people in the US own their homes, there is an increasingly large share of the population that does not. It is also striking that in the most populous US cities (New York, Los Angeles, Chicago, and Houston are the top four) the majority of residents rent rather than own. The most up to date data can be found through the United States Census website (US Census Bureau) but useful summaries are often created by real estate companies, for example (Szekely 2018).¹ Section 1 will summarize the problems that exist and the rest of the chapter will survey proposed solutions. Sections 2, 3, and 4 will discuss the case for increasing the supply of housing through what is known as “upzoning.” Sections 5 will discuss controlling the price of housing. Section 6 will discuss using zoning to combat racial segregation. Section 7 will discuss democratic control of housing, and section 8 will discuss the case for making housing more available by preventing it from being bought, sold, or rented for profit on the private market. Ultimately, we would benefit from treating housing as a collective resource, which would require reducing the ability of private actors to profit from it.

1. Injustices in Housing

In the late 1970s in the US, homelessness as we think of it today became much more common. Prior to this, unsheltered homelessness had been considered a problem confined to the past. The federal definition of homelessness in the US included people living in boarding houses or single-room occupancy hotels (SROs), and the homeless were thought to be only single men with mental illness and/or severe alcoholism. But in the late 1970s and through the 1980s, it became obvious that more and more people were sleeping in the streets, and a larger proportion of them were women and families. Measurements of homelessness have been contentious since this time, though perhaps less so since the 1990s. Since 2003, The US Department of Housing

and Urban Development (HUD) has tracked homelessness, and these numbers are now widely accepted in the media as the official record of homelessness in the US, though there are also now records of homeless students provided by the Department of Education. According to HUD, there are at least a half a million people who are homeless, but according to the DoE there are at least one million homeless students (US Department of Education, 2020). The DoE records students living with friends as homeless, while HUD excludes anyone in this situation as long as they are permitted to stay longer than 14 days. HUD measures unsheltered homelessness using an annual “point in time” count, or PIT, conducted largely by volunteers and administered by local authorities, that is required to take place in the last two weeks of January. (The January 2021 count was cancelled due to COVID.) HUD PIT counts are clearly flawed in their methodology and execution, but they are unlikely to report an overcount, so they can at least provide a baseline number. According to HUD, the number of people experiencing homelessness fell slightly between 2007-2016, but has subsequently increased slightly since 2016 (Henry et al. 2020, 6). Most of this increase has been driven by increases in California.

Eviction and other forms of involuntary displacement are even more understudied than homelessness. This is because of the differences between the way records are kept and made available to the public. Some of the best data we have nationally comes from The Eviction Lab, which has since 2017 maintained a national database of evictions and has data going back to 2000 (*The Eviction Lab*). The Eviction Lab reports close to a million evictions per year nationally, but these numbers are far from complete. For example, in California many eviction records are not public. Eviction Lab has a record of 47,079 eviction filings in CA in 2016, but in the same year the CA Judicial Council reported 156,515 eviction filings (*Court Statistics Report*).² Even beyond the need for accurate numbers of how many evictions are processed in

courts, we have reason to study informal evictions that never make it to court. One study of forced moves in Milwaukee found that half of all forced moves are informal evictions, and only 24% are formal evictions that would have appeared in Eviction Lab data (Desmond and Shollenberger 2015).

Interrelated with problems of unequal distribution of housing are problems of racist exclusion and exploitation. In a larger sense, this is connected to the original colonization of the US territory. But much more study has focused on the after effects of slavery, or more accurately how housing policy has often shifted to maintain the status quo when civil rights have advanced in other areas. Early attempts to regulate land use in the US through zoning were often ways to confine immigrants into particular areas. The first attempt to separate an area zoned for industrial use (as opposed to residential use) was a restriction on where laundries could operate, these laws were passed in various cities in California as part of a host of restrictions on Chinese businesses in the late 1880s. Zoning began to be used in the north to separate different types of land use, but zoning was used in the south to designate where whites and non-whites were allowed to own property and to keep these areas separate. When this type of racial zoning was found unconstitutional in *Buchanan v. Warley* (1917), it was on the grounds of the property owners' right to sell to anyone, regardless of their race. One response to this ruling was the use of racial covenants, which were contracts between the seller and buyer of homes that forbid the new buyer from ever selling to a non-white person. Since it was a private contract, this kind of restriction was considered constitutional. Another response to *Buchanan v. Warley* was forms of zoning that segregated housing based on socioeconomic status and not race. Economic zoning was also an effective tool for segregation. Some cities merely took the same maps which had designated the zoning according to race but took out the reference to race and instead designated all of the white

neighborhoods exclusively zoned for single-family homes, rather than multifamily apartments (Rothstein 2017). At this time, few black families could afford to live in single-family homes.

As single-family homes became more numerous and more affordable for more people in the post war economic boom, the Supreme Court found racial covenants to be unconstitutional in *Shelley v Kraemer* (1948). This was one of the most important victories won by the NAACP in their anti-segregation legal strategy. Unfortunately, this did not sway the Federal Housing Authority (FHA) from their belief that racial integration brought down property values, and thus that mortgages should not be given for black buyers in white neighborhoods. They used maps that outlined areas where mortgages were especially risky as red, thus the practice is called “redlining.” Redlining became technically illegal with the passing of the Fair Housing Act in 1968.

As explicit racism in the housing market became outlawed, single-family home zoning became more and more popular. Beginning in the 1920s, single-family home zoning was promoted as a solution to the “encroachment” of black people into white neighborhoods. But since it does not explicitly forbid anyone from living in an area based on race, it has always been upheld by courts. As homeownership became more widespread, restrictions that limited the number of multifamily dwellings, specified large minimum lot sizes, or simply forbid any construction that wasn’t a single-family home, became more popular. Many developers at the time considered this kind of zoning an effective way to increase the value of their developments, and homeowners considered it important to protecting their largest asset.

The value of suburban single-family homes rose in the 1970s, just as the supply of urban multifamily housing was becoming run down and cities could no longer afford to invest in infrastructure because their tax base had moved to the suburbs. Many cities undertook “slum

clearance” initiatives that never replaced the cleared slum housing with improved housing stock. Some temporary increased funding for low-income home mortgages in the HUD Act of 1968 simply incentivized mortgage lenders to buy cheap inner-city property and sell to black buyers who had few options. Because low income home buyers didn’t have the extra income for the necessary home repairs, these arrangements often ended in foreclosure, and sometimes the selling of the house to another desperate buyer (Taylor 2019). There was a brief increase in funding for public housing as part of the HUD Act, but it was not enough to make up for the public housing lost over the same period. The Section 8 program, which provides rental subsidies to low-income Americans, was developed as an alternative to public housing, but it has never had enough funding to provide for even half of all the families that qualify for the subsidy. The difference in the quality and value of white and black housing was already too great by the end of legal redlining for the civil rights programs of the latter half of the 20th century to overcome. And many within and outside the government resisted these programs so they were never implemented as fully as would have been necessary. Today, residential segregation remains high, and is particularly acute for black people. The level of segregation that blacks experience does not significantly reduce as their income rises, whereas the same is not true of other racial groups (Massey 1993).

2. Upzoning: Removing Regulations

Now that I have outlined these problems I will survey some of the proposed solutions. One solution calls for less governmental regulation of the housing market, and specifically eliminating most zoning that would restrict the size or density of residential development. Eliminating this kind of zoning is often referred to as “upzoning” because it would allow taller

buildings and more units within each building. Some who advocate for upzoning do not oppose all forms of governmental regulation, but I will begin with the case that sees the problem as too much regulation. This view is primarily influenced by the work of Edward Glaeser and Joseph Gyourko (as the best example, see Glaeser and Gyourko 2003). They believe that housing costs should be evaluated separately from poverty. For them, we can identify a distinct crisis in the affordability of housing only when the costs of housing greatly exceed its costs of production. If the cost of housing exceeds what people can afford to pay, this may be a problem of the labor market, not a problem of the housing market necessarily. They point out that the cost of housing is either below or similar to the cost of construction in most of the US. So for them, there is only a “housing affordability crisis” in those areas where the cost of housing greatly exceeds the cost of construction, which are mostly in California, Manhattan, and a few other cities. To show that zoning is driving up housing costs, they assume that if there would be a substantial profit in subdividing land into smaller units, then someone would do this. So, the extent to which land is not optimally subdivided shows that there is some sort of regulation preventing this or making it less profitable. They also point out that highly regulated areas tend to also have high housing costs. In these places, large lot sizes coexist with high prices, but generally high prices should lead to smaller lots, so they conclude that regulation is likely preventing this response.

But, while this is suggestive, their work does not justify the policy response they recommend. First, they cannot rule out the possibility that people who live in more expensive areas demand more land use regulation, so high prices cause more restrictive zoning rather than the other way around (Quigley and Rosenthal 2005). They have designed their analysis to rule out the theory that land is scarce in urban areas, so the lack of available land is what drives homes prices up. They assume if they rule out land scarcity as the explanation, the next best

explanation for high prices is the extensive regulation on home building. That would mean that they do not consider that people are willing to pay more to live in a particular location. They model all land as interchangeable, no matter where it is. Using their method, you would find that zoning contributed to price, even in areas where we know it has not because zoning was absent (Murray 2021). So, they have not shown that regulation drives housing prices up, however the idea that zoning raises the price of housing remains influential. And its influence is not confined to economists who are skeptical of regulation in general. Democratic politicians are increasingly promoting the idea that decreasing land-use regulations is a good idea. It may be the one belief that unites the Obama administration, Elizabeth Warren, the Trump administration, and many members of the California state legislature. As of this writing a bipartisan bill has been introduced in Congress, known as the YIMBY Act, which would require recipients of Community Development Block Grants to report on their progress in removing density restrictions and other land use regulations that have been known as “exclusionary zoning.”

3. Upzoning: Defeat NIMBYS

The influence of the YIMBY, or Yes in My Backyard, movement has been climbing. YIMBYs believe that their movement provides an antidote to NIMBYs, who are thought to dominate local politics and who are able to delay or stop anything from being built with their “not in my backyard” ethos. NIMBY was first used to describe opponents to landfills and nuclear waste dumps, the implication being that these people were not opposed to hazards generally they just wanted them next to someone else. The modern usage in housing debates is the same, the person accused of being a NIMBY is not necessarily opposed to more housing, they just don’t want it located near them, thus they are selfish. The YIMBY movement will often portray

themselves as the underdogs, but this overestimates the power of NIMBYs. It is true that homeowners are more likely to vote, and local politics can seem dominated by voices of those who don't want anything to change. However, this obscures the fact that individual homeowners don't have the authority to stop particular developments that aren't on land that they own. In a system where most housing is privatized, private money will build what it perceives to be profitable, whether the neighbors like it or not.

It is possible that homeowners exert influence over zoning, and they use this influence to increase exclusionary zoning. But the history of zoning does not support the view that NIMBYs have been powerful actors. When single-family zoning was first popularized, developers themselves often advocated for it. As the suburbs were first being built, developers wanted to guarantee to their buyers that the empty land around the new development was not in danger of becoming tenement apartment buildings in the future. In Houston, which stands out as a rare example of an American city that never adopted almost any zoning, early zoning advocates tried to promote zoning as a method for racial segregation, but real estate interests consistently defeated their efforts because they felt it was an infringement on their property rights (Kaplan 1980).

Many who believe in the undue power of NIMBYs are influenced on this point by William Fischel's "homevoter hypothesis" which holds that zoning comes from the demands of homeowners looking to protect their assets (Fischel 2005). However, Fischel's own work does not purport to rule out alternative hypotheses. An attempt to empirically test his hypothesis using parcels in New York City between 2003-2009 did find that higher rates of homeowners voting lead to more "downzones", and downzoning was strongly correlated with white neighborhoods (Been, Madar and McDonnell 2014). Though the homevoter hypothesis would also expect to

find that high-value parcels are more likely to be downzoned, in fact they found that high-value parcels are more likely to change zoning in general. They are more likely to be upzoned and more likely to be downzoned, though the downzoning was even more likely than the upzoning. The authors did not expect an effect in favor of the homevoter hypothesis in a large metropolis with low homeownership rates like New York, so one interpretation is that finding any effect is good evidence for the homevoter hypothesis. But given that homeownership is out of reach for all but the wealthiest New Yorkers, this is also consistent with the view that a NIMBY needs to be particularly wealthy to exert significant power over local land use. Most examples of NIMBY power in California also can be described as the power of the wealthy. When real estate developers and homeowners were united in preferring single-family zoning they made a powerful coalition, but when their interests diverge, the homeowner, qua homeowner, does not have much of a chance.

4. Upzoning: Housing Costs

But what of the YIMBY claim that building more housing will bring down housing costs? There is some evidence that particular regulations, like parking requirements, may increase the cost of housing (Shoup 2011). But the overall case that zoning raises housing prices remains tenuous. (For a good sympathetic overview of the case against regulations see Ikeda, 2018). The case against regulations relies heavily on analytic work, but accurate modeling of housing prices is known to be difficult because of the previously stated ways that housing is a unique commodity. The empirical literature on upzoning does not paint a clear picture. Kuhlmann recently found, studying a recent ban on single-family zoning in Milwaukee, that upzoning is associated with a rise in prices, particularly for smaller properties in inexpensive

neighborhoods (Kuhlmann 2021). This would make sense, because allowing more units to be built on the same parcel makes the parcel more valuable to property developers. Some argue that upzoning is giving away value that should be “captured,” and so they advocate for measures that would tax development in some way or for countering exclusionary zoning with inclusionary zoning that requires a certain amount of developments remain affordable.

But what of the impact of upzoning on rents? So far I have been discussing home prices, but renting is now more common than owning in America’s largest cities, and rents have been rising faster than wages with the number of Americans paying more than half their income in rent growing. When new housing is built, it is typically nicer than existing housing stock, both simply because it is new and because developers often build what is most profitable. So this expands supply only in the higher tier submarket, and lowers rents within that submarket. Ideally then, some housing which was previously available only to the highest earners, becomes available for tenants in the lower submarket, in a process known as filtering. However, filtering can have inter-submarket repercussions that are not ideal (Galster 1996). It is also generally inefficient at helping lower income tenants, given how long it takes to filter down even in the best case scenario (Zuk and Chapple 2016; Smith-Heimer 1990). One recent empirical study found that construction of market rate apartments was associated with higher rents for nearby cheaper units along with lower rents for more expensive units for at least two years after new construction (Damiano and Frenier). In the cities with extremely tight housing markets, filtering tends to move up rather than down, as higher income tenants take over older housing stock.

Moreover, getting rid of regulations may not actually increase supply. In some cases it may, and Dong finds that it does using a quasi-experimental method (Dong 2021). However, there are simply many parcels that aren’t developed to their full capacity. It is true that expensive

cities tend to have less of this capacity, but we can't be sure that developers will always want to build to the full capacity, as their decisions would naturally be based more on their expected profits than simply what they are legally allowed to build. One possibility is that if it is true that increasing supply will lower the prices of homes, or if developers believe that this will happen, then they have an obvious incentive not to build too much lest they threaten the value of other developments. A good strategy would be for large developers to withhold some land from the market, and wait for potentially higher returns later. There is some evidence that this is exactly what they do (Murray 2020). Housing is also an asset, and the more housing prices rise the more incentive there is to hold on to land with capacity for more housing until it becomes even more profitable.

5. Price Controls

In any case, whether zoning is likely to work or not, it is not an efficient tool if the problem we aim to solve is that housing is too expensive. One way to look at the issue would see it mainly as a labor market problem, with the lack of adequate wages being the main culprit (Rodríguez-Pose and Storper 2020). But even if we do not take that view, a more direct way to approach the problem would be rent control. Rent control enjoyed a brief period of popularity in the 1970s, Nixon instituted a short-lived federal rent freeze as part of his price controls in 1971, and a few cities with a tenant population that was large enough to demand it began to pass local rent control ordinances. But in the 1990s, Massachusetts passed a statewide law eliminating their local rent control, and California passed statewide limits to rent control that constrained what the local ordinances could do. Mostly the rent control laws that remain in the US are in California, New York, and New Jersey. New York City has the strongest rent controls in the US, and it is

also the only city in the US where the majority of rental housing is subject to the controls.

However even in New York, rent is allowed to rise every year in the majority of units.

It is hard to study the effects of rent control, because we have so little of it. In general, price controls are often frowned upon by economists, because they are thought to limit supply. However, when there is a monopoly over some crucial thing, a price regulation does make sense according to classical theory. Many people don't see housing as controlled by a monopoly, since there are many different owners. And yet, no two owners can own the same exact house, and two houses in two different locations are probably not as interchangeable as two different brands of some other good. (It should also not be underestimated the extent to which housing could become controlled by a literal monopoly – Blackstone is currently the world's largest real estate company, and at one point its subsidiary, Invitation Homes, owned the majority of rental housing in parts of Atlanta and Sacramento.)

One potential problem with rent control is that it can incentivize owners to convert their rental properties to condos, and this can limit the overall supply of rental housing (Diamond, McQuade and Qian 2019). But just as rising prices can be dealt with directly by controlling the price of rents, so too can supply issues be dealt with by directly building public housing, rather than waiting for the private market to provide the necessary supply. The move towards vouchers that allow low income tenants to pay rent to private landlords and away from public housing has been unable to meet the housing needs of the most vulnerable. For one, Congress has never appropriated even close to enough funds to provide vouchers for everyone that would qualify for them (this is in stark contrast to other welfare program like food assistance that do attempt to provide for everyone that qualifies). But also, in urban areas with rising rent, it can be difficult to find units cheap enough. And then finally, when there are units available, landlords are not

required to take the voucher. It was only last year that California made it illegal to discriminate against tenants who use Section 8 vouchers. Still, discrimination of all kinds is common in housing, as it is very difficult to enforce. In expensive cities, where rent far exceeds the cost of maintaining the property, it would be cheaper for the state to provide low income housing itself, rather than pay the private landlord.

In general, landlords are inefficient. Building and maintaining residential dwellings is important and necessary work, but landlords typically do not do this work. That means that rent (the money one pays to lease housing) is also economic rent (which is what economists call the money that one pays in excess of what is necessary for the owner to make some resource productive). Rent-seeking would normally be considered a bad thing for a free market, because it wastes resources on unproductive activity. In so far as one believes that there is a good case for nationalizing things like healthcare and utilities, there is a similar case to be made for nationalizing housing.

6. Exclusionary zoning and segregation

Returning to the question of zoning, what about the argument that single-family zoning contributes to segregation? It is increasingly common for YIMBYs to argue that exclusionary zoning is motivated by racism, and that should be eliminated on that basis (Hendrix 2019). However, there is no evidence that low density zoning causes segregation apart from the hypothesis that low density zoning increases prices. Rothwell and Massey are the most prominent proponents of the argument that single-family zoning contributes to segregation and they base their conclusions on the correlation between single-family zoning and high prices, which is unable to show the necessary causation with segregation (Rothwell and Massey 2009).

A better case is made by Trounstine, who details the way that wealthy white neighborhoods use restrictive land use policies to prevent their neighborhoods from diversifying (Trounstine 2020). Richard Rothstein has also been influential on this debate, and he details the way that segregation was enforced as explicit policy in not only zoning but also public housing and federal mortgage lending (Rothstein 2017). In the book, one of his policy recommendations is to eliminate exclusionary zoning. However, Rothstein's argument about zoning in particular sits uncomfortably with the thesis of the rest of his book, which is that because segregation was government policy it requires positive government action to undo. Though Rothstein now seems to acknowledge that more action is needed, he was publicly supportive of a controversial proposal for upzoning in the California state legislature in 2018. When the bill failed and was re-written the following year, he changed his position and noted that the bill did not increase housing opportunities for all simply by allowing more market-rate apartments (Dillon 2019).

It should be acknowledged that exclusionary zoning in the US is motivated by racism – certainly historically but this is arguably the case today (Trounstine 2018). However, it would not follow that upzoning is anti-racist. Much of the denser urban centers in the US have seen substantial displacement of black and latinx residents as these neighborhoods have gentrified. So, black and brown people were once confined to dense housing that they could not move away from, and they are now being excluded from that same housing. Keeanga-Yamahtta Taylor has argued that the history of black exclusion from the suburbs set the stage for the extraction of wealth from inner city black communities in the 1970s that she calls “predatory inclusion” (Taylor 2019). Following her logic, after this period of predatory mortgage lending, which ended in foreclosure for black residents of inner cities, the stage was set for another period of racist exclusion as this cheap land was now available to be re-sold to white residents. Black residents

are then priced out as the neighborhood becomes more desirable. This process is entirely independent of changes in density zoning, except in so far as upzoning may be associated with an increase in luxury development, and this may increase wealthy residents, and thus also increase white residents (Davis 2021).

Some would say this is reason to think of upzoning as one part of a larger plan, so we could support both upzoning and increased protections for long term tenants like rent control and other rules limiting evictions. But there are two reasons against this view – one is that the order of how things are done matters. If upzoning has the potential to contribute to gentrification, then protections for existing residents need to be instituted and enforced before upzoning goes into effect. So, these are not policies we can pursue separately. Secondly, under the current status quo, building higher or denser than the zoning code allows can usually be done in what is known as “spot zoning.” But spot zoning requires some kind of special approval from elected officials and/or planning departments, and the need for developers to ask for approval for these projects means that citizens, in theory, have some leverage over these projects. This is one of the only opportunities for most people to have any say over what is built in their community. Eliminating zoning restrictions would eliminate this small amount of control.

7. Democratic control

Ideally, we would have much greater democratic control over land use than these zoning codes allow. But a truly democratic system would also need to be more inclusive, and thus would need to secure a level of housing that allows for people to relate to each other as equals. There are strong environmental reasons for greater density in urban areas, one of them being that it reduces the need for driving. But this goal cannot be pursued separately from the goal of

inclusion, lest we create or perpetuate wealthy city centers in which the rich walk to restaurants that their staff drive miles to reach. (For a look at how “transit-oriented development” affects driving, and is affected by gentrification, see Chatman *et al.* 2019).

In a larger sense, housing policy influences who is considered a member of what political territory. In the apartment that I live in, the man who lived here before me was evicted. I’ve been here for 10 years. Every election, I receive his sample ballot. The optimistic version of this story is that he was taken in by friends or relatives that live in another state. If he had registered to vote in another state, California would likely have no record of that, so they send him his ballot dutifully. The much more likely version of this story is that a man who had no one to help him avoid a complete eviction became homeless and never re-registered to vote. In losing his apartment, he also effectively lost part of his citizenship. Even if he did take up citizenship in another place, it seems deeply unfair that because he couldn’t afford to live here, he is no longer eligible to vote on our local policies. In this case, housing policy determined who was included in future decisions about housing policy.

Unfortunately, there is not enough work that connects theoretical debates about democracy, inclusion and territorial rights with housing. There is the idea of the “right to the city” which is perhaps the most influential way to conceptualize these debates among activists. But as it was originally proposed by Henri Lefebvre, it is in the context of thinking about the city dweller as a new political subject, someone who has a right to the city because they are who creates it (Lefebvre 1996). But it isn’t clear whether this theoretical orientation gets us very far in articulating what the right to the city means to those who use the phrase in the real world. And even if it does, there is a lot left to be done. Some promising recent work that connects housing with democracy or lack of it includes Ananya Roy’s work on “propertied citizenship” (Roy

2003). Huber and Wolkenstein have connected Anna Stiltz's work on a right to occupancy with gentrification (Huber and Wolkenstein 2018). Cara Nine has explored the importance of the home as a form of "the extended mind" as a way to describe the wrong of displacement (Nine 2018). And Schafran, Smith, and Hall have written about the normative significance of the built environment as a "spatial contract" which provides a theoretical grounding for bringing housing policy and theories of collective agreement together (Schafran *et al.* 2020).

8. Taking housing off the market

Marxist approaches to theorizing about housing typically begin with the idea that surpluses of labor and capital need to be absorbed by opening up new markets or new resources in new places – this is what David Harvey calls the spatial fix (Harvey 2004). As applied to housing markets, this is a way of looking at why real estate became a bigger part of the economy over the course of the 20th century and why housing is increasingly financialized. For example, we can describe the post-2008 creation of single-family homes as an asset class for larger investors this way (Fields 2017). In 2016 it was estimated that global real estate made up 60% of the world's assets (Tostevin 2016). This perspective is a necessary corrective to the increasing attention to zoning in policy debates. Often those debates start from the perspective that expensive US cities have a great deal of government regulation in housing markets, because there are so many specific zoning restrictions that developers must follow. But the bigger picture is that real estate speculation is growing and there are not many protections in place to keep some places for people to live safe from the market. Sam Stein has emphasized the way that any rezoning can produce enormous value for landowners, either by increasing the amount of units they can build, a form of "privatizing the air above," or by raising the value of existing buildings

when downzoning (Stein 2019). From this perspective zoning is a battlefield for different types of real estate interests and property owners. The solution from this perspective is to de-commodify housing (Marcuse and Madden 2016).

Nationalizing housing is an option that is often neglected in policy debates within the US. Even many market advocates might agree that we could stand to have more public housing than we do, which is substantially out of line with many other developed countries. Maintenance of publicly owned housing would be easier to pay for if we allowed mixed income housing, in which the higher rents paid by the richer tenants subsidize the lower rents paid by other tenants. Many municipalities already own a good deal of land, the challenge would be funding the initial development. Some non-profits and community groups have experimented with community land trusts, co-opts, and limited equity cooperatives, which all provide various ways that non-state actors can own and maintain housing as a group, and keep it off the speculative market. However, given the cost of land in large US cities, these solutions are not able to provide the necessary scale without a very large amount of funding to buy more land. Expanding rent control is another smaller scale solution, as is taxing second homes and vacant homes.

9. Conclusion

Apart from these debates about the amount of regulation to introduce into housing markets, there are smaller scale reforms that are badly needed and that both advocates and critics of markets could possibly find common ground on. These are rental registries, or other sunshine laws that would allow citizens to know who owns and operates their housing. The proliferation of LLCs in housing markets increasingly means that many tenants do not know who their landlord is (Glantz 2019). A right to counsel for tenants facing eviction would make sure there is

a baseline level of protection from exploitative landlords. We could also reform the fines and penalties for eviction. Having an eviction on one's record makes it so much harder to find a rental property in the future (especially in those tight markets where landlords can pick and choose their tenants) and this incentivizes tenants to leave at the slightest threat from the landlord rather than try to fight their case in court.

It is important to remember that there are more vacant homes than there are homeless people. The reason that this is important is not that vacancy is too high necessarily, a certain amount of vacancy allows people to move if they want to. But it is important to highlight that the current situation has prioritized profit over housing, so much so that we tolerate some people having nowhere to go. The privatization of housing has steep costs, and there are many benefits to thinking of housing, and the land that it sits on, as a collective resource that we could choose to use in a different way.³

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¹ However, 2020 data from the American Community Survey, which is the portion of the census that collects housing information, will not be released for the first time since it was created in 2005. This is because the response rate was too low, and responses were too heavily biased towards higher incomes and homeownership, to make the data reliable. Census problems like this could have serious long term impacts on research in this area."

² The California Judicial Council is required to report annually on the condition of the courts, mostly with regard to how quickly cases move through, they do not publish more details on these eviction cases.

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