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Thank you for having me testify today on Housing Scarcity and Contemporary Homelessness. I am the Anti-Poverty Fellow at the Villanova University Charles Widger School of Law, and the Founder and Executive Director of Student-Run Emergency Housing Unit of Philadelphia, also known as SREHUP. I have worked as a housing advocate in Philadelphia for over a decade but was recently called to the suburbs to work on housing and homelessness in pockets of our state that have been long under-resourced. I am in the process of opening a homeless shelter in Upper Darby, Delaware County and in fact, I settle on my shelter's new building this week. Working to open this shelter has exposed me to the massive gaps in housing and homeless resources in Philadelphia's suburbs.

1. **Homelessness is Increasing, and the Homeless Census Deflates the Real Numbers**

The pandemic led to a ten-fold rise in tent encampments, which were already up over 1,342% in the last decade.¹ Shelters are at maximum capacity, evictions have skyrocketed since the end of the rent moratorium, and signs of growing homelessness are ubiquitous. Nonetheless, governments use the homeless count to assert that homelessness is on the decline. The undercount is a lie, masking the devastating truth that we are not living up to our ideals and values. In Philadelphia, more than 56% of school-age children live in poverty - yet the Philadelphia district identified just 4.4% students experiencing homelessness.² High poverty rates indicate increased numbers of students experiencing homelessness. But Philadelphia isn't just undercounting its students. It's undercounting all homeless. Philadelphia's Office of Homeless Services claimed that in 2021, both sheltered and unsheltered populations saw 24% decline as compared to the 2020 homeless count.³ This is during a time when a quarter of all Philadelphians live below the poverty line. According to Pew Research, Philadelphia's poverty rates have

¹ Tars, Eric. 2017. "TENT CITY, USA: The Growth of America's Homeless Encampments and How Communities Are Responding." The National Law Center on Homelessness & Poverty. 2017. https://homelesslaw.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

² Lubrano, Alfred. n.d. "The School District Of Philadelphia Does A Lackluster Job Identifying Homeless Kids, A Report Says." <https://www.inquirer.com/news/under-identifying-homeless-students-school-district-of-philadelphia-20210401.html>.

³ "FY2021 Data Snapshot." 2021. City of Philadelphia Office of Homeless Services. 2021. <http://philadelphiaofficeofhomelesservices.org/wp-content/uploads/2021/10/FY2021-Data-Snapshot.pdf>.

remained largely unchanged over the last five years.⁴ Despite persistent levels of poverty, the United States Department of Housing and Urban Development (HUD) reports that nationwide, homelessness has decreased by nearly 10% over the last decade- the same decade that has seen housing costs increase by 70% while wages have remained stagnant.⁵ HUD oversees an annual count of the country's homeless population every winter. This count determines how much federal funding it will give the city for various outreach programs. The count takes place at night, relying on thousands of volunteers nationwide who are often equipped with nothing more sophisticated than clipboards, pencils, and flashlights. It takes place in the last 10 days of January across the country every other year- when many homeless people are huddled for warmth under freeway underpasses or inside cars. This naturally leads to an undercount. Further contributing to the undercount are the count methods. Volunteer counters are often instructed to ONLY count people who are asleep or "bedded" at 11pm, and who were not engaged in any illicit activity, such as public urination or drug consumption. The count also misses the people who are hiding in abandoned buildings, cars, or couch-surfing, which is most homeless families. In 2021, Philadelphia's Office of Homelessness circulated flyers throughout the city asking people who were homeless to "call in" to a hotline to be counted. These call-ins were the main conduit for the city to "estimate" its rate of homelessness. Experts believe that the real number of unhoused is up to 100 times higher than the number the homeless count yields.⁶

The count was, in fact, never meant to be accurate. The national homeless count emerged at the same time as Ronald Reagan weakened the safety net – the budget for low-income housing assistance was cut in half during his first year in office. The count was not only created during a time of cuts to services and an increase in homelessness, it has endured in the years since- when there has been a rise in the number of Americans living on less than \$2 a day.⁷ The count has been used to cover up these cuts, and to convince the public that the problem is not nearly as immense as it is. The undercount enables us to cut back on services. If we were given the information- that homelessness is a national pandemic, that it is rising for every group, especially working families, that there are not enough shelter beds for all unhoused people, we would be forced to do something about this. But when we are told that the numbers are decreasing, we have more beds than we have homeless individuals- then we can justify criminalizing the unhoused and giving out fines for sleeping outside. We can claim that street homeless are "shelter resistant" and that sleeping outside is their choice. This is the mechanism used for "sweeping" homeless encampments, for criminalizing the unhoused, and for not making the necessary changes. An epidemic of homelessness shows us the gap between publicly-held values and the truth that's hiding in plain sight. The real rate of homelessness tells us that there is something fundamentally broken with our systems. Homelessness to the extent we have it now has not always been with us, and it is not inevitable. It is a consequence of our systems and policy decisions.

⁴ Lowe, Elizabeth. 2019. "The State of Philadelphians Living in Poverty, 2019." Pewtrusts.Org/Philaresearch. April 2019. https://www.pewtrusts.org/-/media/assets/2019/05/state_of_poverty.pdf.

⁵ VinZant, Nick. 2021. "Unaffordable Housing: Housing Costs Race Ahead of Income." QuoteWizard by Lending Tree. April 14, 2021. <https://quotewizard.com/news/posts/americas-unaffordable-housing-costs>.

⁶ LeGras, Christopher. 2019. "U.S. Undercounts Homeless Population, By A Lot | Newgeography.Com." August 1, 2019. <https://www.newgeography.com/content/006371-us-undercounts-homeless-population-by-a-lot>.

⁷ Edin, Kathryn. 2015. *\$2.00 a Day*. Houghton Mifflin Harcourt.

2. Shelter as Gateway to Housing.

In 2002, University of Pennsylvania released a study comparing 5,000 people with mental illness who were homeless and living on the streets of NYC with 5,000 people in the same condition who had been provided with housing through a joint city and state program known as New York/New York.⁸ The results of the study changed the landscape for homelessness prevention policy throughout the country. The study's author, Dennis Culhane revealed that the average US cities spend \$62 million a year on 2,500 people living in chronic homelessness. Cities are paying \$24,800 per person per year on emergency costs such as homeless shelters. Permanent supportive housing can yield a cost savings averaging more than \$7,700 per person annually. It is less expensive to give a person an apartment, case manager, and wrap-around services, than to allow people to live and die on the streets.

The study's findings triggered a series of policy changes that shifted funding and support away from shelter and transitional housing- known as linear approach, and towards rapid rehousing. Rapid Rehousing is the term used to refer to the solution of placing homeless individuals and families into housing quickly- usually within 30 days of entering a homeless shelter. This assistance comes in the form of housing vouchers- a rent subsidy that covers a provides a portion of the tenant's rent and utilities directly to a private landlord. Publicly subsidized rent vouchers in the private market have replaced public housing and have become the dominate affordable housing mechanism over the past several decades. Rapid Rehousing further fuels the demand for the voucher model of supportive housing. The voucher's financial assistance is short term- between four and six months. This is not nearly long enough to re-stabilize people who had been homeless into permanent housing, especially given stagnant wages and rising living and housing costs. There are three main components of the rapid-rehousing model: housing identification assistance, rent and move-in assistance, and case management and services.

Investment in housing vouchers and supportive housing service costs have not kept up with demand. Rapid Rehousing Aid is not nearly long enough or abundant enough to make a dent in our homeless crisis. A HUD study that examined 2,307 families in 12 communities depending on the rapid rehousing model reported that the rapid rehousing was causing more homelessness.⁹ In New York between 2005-2011, a 6-year period in which rapid-rehousing became the dominant model for ending homelessness, the number of families served in shelter increased from 8,986 in 2005 to 13,543 in 2011. This is because the voucher system increases shelter demand when shelter is one of the main gateways for accessing housing and supportive services. Many people who were doubled up in rooming homes- which is illegal in most US cities, as well as people living in substandard living quarters, were pushed into the shelter with the promise of a housing voucher. But the housing vouchers they received did not lead to an end to their homelessness. In fact, recidivism rates climbed from 26% in 2005 to 49% in 2011. In those 6 years alone, New York city spent \$1.05 billion on sheltering families who re-entered the shelter system after receiving a rapid-rehousing voucher.

⁸ Culhane P. Dennis, Metraux Stephen, Hadley R. Trevor: The Impact of Supportive Housing for Homeless People with Severe Mental Illness on the Utilization of the Public Health, Corrections, and Emergency Shelter Systems: The New York-New York Initiative, *Housing Policy Debate* (2002)

⁹ Institute for Children, Poverty, and Homelessness: Rapidly Rehousing Homeless Families: New York City—a Case Study, policy opinion brief from ICPH, April 2013.

That equates to \$1.75 million a year. New York was not the only community with data that pointed to the failures and holes in the rapid-rehousing model. In Mercer County, New Jersey, between 2012-2013, 53% of families re-entered shelter after their housing subsidy ended. This puts a strain on shelters, which are already underfunded, and over utilized.

Over the last few years, as we have shifted ownership of affordable housing away from public housing agencies, and towards the private market, rents have continued to rise. As rent increase, there has been no equivalent investment in government funding of rent subsidies. And it's not a matter of not having these resources- we currently publicly subsidize housing owners through homeownership tax credits such as the Mortgage Interest Deduction.¹⁰ In 2015, public spending on housing vouchers for our nation's low-income renters was \$22 Billion a year, while spending on homeowner subsidies was \$134 Billion a year. According to *Evicted: Poverty and Profit in the American City* author, and principal investigator for the Eviction Lab, Matthew Desmond, we spend more on homeowner subsidies than the entire budgets of the Departments of Education, Justice and Energy combined.¹¹ If we redirected the homeownership subsidies- essentially welfare benefits we give the middle and upper classes – towards our most vulnerable low-income renters- home ownership would rise by 5%, home prices would decrease by 4%, and mortgage balance would drop by 30%.

While we publicly invest in homeownership for the middle and upper-class, low-income renters struggle with housing insecurity. According to a report from the National Low Income Housing Coalition and the Public and Affordable Housing Research Corporation, only 37 affordable and available homes exist for every 100 extremely low-income renter households.¹² 70% of the nation's 10.8 million extremely low-income renter households are severely housing cost-burdened, spending more than half of their incomes on rent and utilities. 48% of extremely low-income renter households are seniors or disabled, and another 43% are in the labor force, in school, or are single-adult caregivers. Without adequate public investment in housing voucher subsidies, the United States is at risk of losing 312,000 units of affordable housing over the next decade. In Philadelphia, 10% of all the federally-assisted housing units in the city are potentially at risk- which equates to 12% of the entire inventory of rental housing stock.¹³ When the affordability requirements run out, the housing can be leased at market rates, sold, or redeveloped.

¹⁰ Desmond, Matthew. 2017. "How Homeownership Became The Engine Of American Inequality (Published 2017)." The New York Times. May 9, 2017. <https://www.nytimes.com/2017/05/09/magazine/how-homeownership-became-the-engine-of-american-inequality.html>.

¹¹ Desmond, Matthew. 2017a. *Evicted*. New York, USA: Crown.

¹² Aurand, Andrew Aurand. 2021. "The Gap: A Shortage of Affordable Homes." NATIONAL LOW INCOME HOUSING COALITION. March 2021. https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2021.pdf.

¹³ Briggs, Ryan. 2021. "1,700 Units Of Housing Are Set To Vanish In The Next 5 Years. There's Little Philly Officials Can Do." WHYY. November 11, 2021. <https://whyy.org/articles/1700-units-of-housing-are-set-to-vanish-in-the-next-5-years-theres-little-philly-officials-can-do/>.

3. Barriers to Shelter and Housing Access in Delaware County

The main conduit through which low-income renters access affordable housing in Delaware County is the homeless shelter system. But the county does not have enough shelter beds to meet the need of its unhoused population. As a result, Community Action Agency of Delaware County (CAADC), the County's non-profit Homeless Shelter Intake Provider, has been rationing beds, and sending people in need of shelter to the state of Delaware. Beds are rationed through intake barriers that are used to deny people access to beds and resources. Over the last few weeks, I have had firsthand experience with this rationing of public aid.

- On Saturday, Feb. 5th I found a mother and her three-year-old baby sleeping in a car with broken windows. The mother expressed a desire to go into shelter. I advised the mother to go to a CAADC centralized shelter intake provider, so she could be placed in a shelter.
- CAADC shelter intake staff told the mother that there were no beds available in the Delaware County family shelters.
- I called the director of Delaware County's shelter outreach who made some calls and was able to get a room reserved for the mother and her son at Delco's Family Promise shelter (FP), which is a privately-funded shelter.
- When the mother returned to CAADC she was eventually told that indeed FP Shelter did have space, and the mother and her three-year-old son would be placed there.
- At 4:15pm, I received a call from the mother at FP Shelter who told me she was being denied admission into Family Promise.
- The mother put me on the phone with staff at FP Shelter and the staff member confirmed the mother and son were not admitted into the shelter despite having beds available for them.
- The staff member told me there were two reasons that the mother was being denied entry: 1. The mother had outstanding fines totaling \$850 which needed to be paid to remove the warrants on her record. and 2. She was given a urine test which showed marijuana in her system.
- The staff member told me these are shelter-wide policies that come from shelter management and the board of directors. I later spoke to the shelter management and board who confirmed this policy.
- I asked the staff person to send the mother back to the CAADC Shelter Intake so she could at least get a motel voucher for the night, but by that time CAADC was closed.
- FP Shelter discharged this mother and three-year-old baby to the streets.

- The next day, I went online and paid off all her fines and warrants- totaling \$850, which FP Shelter staff told me was the financial barrier to accessing shelter.
- This mother and her baby are still unhoused and sleeping in a car.
- When I asked the county director of shelter services about the county's homeless shelter intake policies I was told "The shelters we fund do screen for substances and warrants at entry. If a person tests for more than three substances, marijuana not included, the person is referred to treatment and shelter is not provided. If it is a person with a child, Child and Youth Services is contacted. All positive urine screenings, including marijuana, require a person to attend a drug and alcohol assessment and to follow through with treatment. A person would not be denied admission if they had active warrants, but they would be required to actively resolve the warrants through a payment plan and/or if necessary, turning themselves in."

Denying access to public aid in homeless shelters for a positive drug test criminalizes a status – the status of having a narcotic in one's blood system or being addicted to narcotics- rather than a behavior- such as the behavior of consuming drugs or alcohol inside a shelter. This Supreme Court makes the distinction in status versus behavior and ruled the punishment of status unconstitutional in the 1962 case *Robinson versus California*.¹⁴

CAADC Shelter Intake also denies people access to shelter beds if they do not have proof of Delaware County residency. Requiring residency proof as stipulation for providing public shelter assistance is a violation of the law under Article 4 Privileges and Immunities Clause, The Commerce Clause, a corollary of national citizenship, the Equal Protection Clause, and the Due Process Clause. Residency requirements are also a violation of the 1969 Supreme Court decision *Shapiro versus Thompson*, which held that US citizens have the right to travel and re-locate, and therefore cannot be denied public assistance based on residency requirements.

When homeless shelters have high barriers to access, housing access, which largely depends on shelter access, is nearly impossible. If homeless shelters are gateways to family removal, incarceration, or forced treatment our most vulnerable neighbors will avoid accessing shelter and remain on the streets. The policy leads to death and chronic homelessness.

The director of Community Action Agency, the non-profit that oversees Delaware County's centralized homeless intake center, told me that their funders demand strict drug screening policies. He also told me that there are often not enough beds to meet the need, so unhoused people are often sent to the State of Delaware. This was confirmed to me by two other people, including a person who works for the county and is responsible for driving unhoused people over the state border. The outreach worker told me they drop people off at the front door of Sunday Breakfast Mission in Wilmington Delaware. I asked the outreach county worker if Sunday Breakfast Mission minds sheltering unhoused people from out of state, and they responded that

¹⁴ Rudin, David. n.d. "‘You Can’t Be Here’: The Homeless And The Right To Remain In Public Space | N.Y.U. Review Of Law & Social Change." N.Y.U. Review Of Law & Social Change . <https://socialchangenyu.com/review/you-cant-be-here-the-homeless-and-the-right-to-remain-in-public-space/>.

they don't interface with staff of the Wilmington shelter because their county supervisor directs them to drop people off at the front door and leave.

After speaking to the outreach worker, I encountered a family who had experienced displacement through Delco's system of unhoused re-location. The director of a non-profit food pantry in Delco took her daughter to CAADC when she became homeless and in need of shelter and housing services. They were told that there were no beds available in Delaware County. The county re-located her daughter to Wilmington Delaware. At the end of the day, there were no shelter beds available in Wilmington for her daughter, and she was stuck far from her home with no transportation back to Delco.

I once again witnessed the farming out of Delco's vulnerable and unhoused population last weekend. I found a stray dog running in traffic in Chester City, Delaware County. I called Delco Animal Control to pick up the pup but was told that Delco Animal Control is a private non-profit, the county doesn't have animal control, and the nonprofit animal control does not serve Chester City, despite it being within the county borders. The person at Delco Animal Control told me to call the police for assistance with stray dogs. When the police arrived, they told me that when they find stray animals, they drive them over the state line into Delaware.

Delaware County has systematically been shipping both unhoused people and animals out of state. The county can avoid providing necessary homeless and supportive housing services when the unhoused are someone else's problem. New leadership in Delaware County is determined to reverse the decades'-long trend of underfunding supportive services and aid, but the gap between provision and need remains immense, and the county requires state and federal assistance to narrow that gap.

4. The Key to Ending Homelessness is Reinvesting in Public Housing and Lowering Housing Barriers

The key to ending homelessness is reinvesting in public social housing, rather than subsidizing the inflated real estate market. Government has disinvested in public housing since the Reagan administration. Today's public housing agencies use the demolition and sale of public affordable housing to developers as a tool for gentrification.

The Delaware Housing Authority, like most of the country's housing authorities, has a waitlist in the thousands. Many people in need -such as individuals with prior drug convictions- don't even make the waitlist because of strict barriers to public housing. In 1996, the federal government passed H.R.3734 - Personal Responsibility and Work Opportunity Reconciliation Act of 1996, also known as Welfare Reform, which dumped hundreds of thousands of low-income individuals off government aid by instituting bans for people convicted of drug crimes. PA can and should opt out of these bans for felony drug convictions.¹⁵ While many states are lifting the bans on access

¹⁵ THE GENERAL ASSEMBLY OF PENNSYLVANIA. 2018. "SENATE BILL No. 6 Session of 2017." THE GENERAL ASSEMBLY OF PENNSYLVANIA. October 16, 2018. https://sn.lexisnexis.com/archsymtree/xmlbill/PA/2017000/S/6/BILLTEXT_20181016_0_A.pdf.

to aid, PA reinstated its ban in 2018.¹⁶

In response to growing need for housing access, the Obama Administration attempted to ease conviction-related housing barriers.¹⁷ In 2015, HUD released rule PIH 2015-19 to ensure Public Housing Authorities could not automatically bar people with criminal activity from federally subsidized housing.¹⁸ The Obama administration also passed the “disparate impact rule” that grants authority to denied public housing applicants to sue housing providers under violation of the Fair Housing Act if the screening policy has a disparate impact on a protected class. African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, they are more likely to experience lengthy prison sentences. African American adults are 5.9 times as likely to be incarcerated than whites and Hispanics are 3.1 times as likely. This, despite federal data that illustrate there are five times more white drug users than black. In 2016, 27% of all individuals arrested in the United States were African Americans. This rate is double their share of the total population.¹⁹ While 8% of the entire adult population has a felony conviction, 33% of the entire black population has a felony conviction.²⁰ The racial disparities in incarceration are a result of over-policing and under-investing in poor neighborhoods of color. Therefore, the exclusion of people with prior drug felonies disproportionately discriminates against people of color.

Despite HUD guidelines that ease barriers to access, HUD provides little guidance on screening and leaves the process up to the discretion of each Public Housing Authority. Public Housing Authorities are evaluated on their ability to lower levels of crime in their housing, and privately managed public and subsidized housing agencies often utilize third-party tenant screenings. These screenings exclude people and families who are most in need of housing. The Delaware County Housing Authority denies housing to individuals with any criminal activity in the past decade.²¹ Trespassing or shoplifting is treated the same as violent crime when an individual with a criminal record is being denied housing. In 2015, HUD passed guidance that states that housing authorities should not deny housing or evict tenants solely based on arrest records, and that housing authorities are obligated to protect the due-process rights of applicants and tenants. Where there is a disconnect between HUD guidance and public housing authority practices, states can act to lower barriers to housing access.²² In 2015, Illinois passed a law

¹⁶ Mauer, Marc. 2013. “A Lifetime Of Punishment: The Impact Of The Felony Drug Ban On Welfare Benefits | The Sentencing Project.” The Sentencing Project. November 14, 2013. <https://www.sentencingproject.org/publications/a-lifetime-of-punishment-the-impact-of-the-felony-drug-ban-on-welfare-benefits/>.

¹⁷ “Public Housing Bans.” 2020. National Low Income Housing Coalition. February 26, 2020. <https://nlihc.org/resource/public-housing-bans>.

¹⁸ “Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions.” 2015. U.S. Department of Housing and Urban Development Office of Public and Indian Housing. November 2, 2015. <https://www.hud.gov/sites/documents/PIH2015-19.PDF>.

¹⁹ FBI Uniform Crime Reporting Program. [Crime in the United States 2016](https://www.fbi.gov/ucr/crime-in-the-united-states).

²⁰ “Report To The United Nations On Racial Disparities In The U.S. Criminal Justice System | The Sentencing Project.” 2018. The Sentencing Project. April 19, 2018. <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>.

²¹ See, e.g., 2021 DCHA Tenant Selection Plan at 15, available at https://www.dcha1.org/_files/ugd/d9ed4f_213c752b943f48049adab891a3fbf1f6.pdf

²² Polkey, Chesterfield. 2019. “Most States Have Ended SNAP Ban For Convicted Drug Felons › National Conference

preventing local governments from enforcing ordinances that punish tenants from calling 911 in response to crimes committed against them. A similar law was passed in Minnesota in 2019. Pennsylvania State Senate can create second-chance protections through passage of bills to protect applicants and tenants for being denied housing or evicted from their housing based on nuisance abatement ordinances or drug convictions.

The rationing of housing to low-income applicants is a side effect of decreased inventory of affordable housing throughout the country. The US has demolished over 100,000 public housing units since 2006. Philadelphia's Housing Authority has been selling off land and resources at an alarming rate. In 2015, Philadelphia's city council gave PHA permission to take eminent domain over 1,300 properties in North Philadelphia.²³ Most of these properties were somebody's home. Somebody like Arthur Deleaver, and his wife Betsy. Arthur Deleaver's parents bought the home in the 1930s. This enabled the Deleaver family to transition from renting the first floor to owning the two-story, 900-square-foot rowhouse. Arthur hoped to pass the home on to his own children, but that dream was dashed when the PHA took over the home and displaced the Deleaver family. PHA offered the family \$22,000 for its family home even though the city had assessed the value at \$53,000. The Deleaver's had been paying taxes to the city based on that value. While the family continued to fight for fair compensation, the home sat vacant, a new home for vandals who returned frequently to strip the home for parts. The Deleaver's were not the family to not receive full compensation for their homes.²⁴ PHA compensated most people only half of the value of their homes. Some homeowners had to wait years before a payment was even made. As of 2017, PHA has only provided compensation for 10% of 800 parcels it seized through eminent domain in 2015.

Meanwhile, as Philadelphia Housing Authority continues to sell or demolish affordable housing, it invests in the building of its grand headquarters, executive salaries, and a private police force. The Philadelphia Housing Authority's new headquarters sits on 300 parcels of land that PHA had taken by eminent domain from North Philadelphia's poorest residents.²⁵ The building has modern design, large glass windows, beautiful landscaping, and spacious rooftop deck.²⁶ The building is surrounded by vacant blighted public housing. These houses were once home to Philadelphia's Sharswood residents. The proximity of the expensive new headquarters to the blighted homes illustrates the gap in wealth between PHA executives, and the people the agency is tasked with housing. Mayor Kenney described the headquarters as a jewel of a building- in fact, it is a diamond in the rough.

Of State Legislatures." National Conference on State Legislatures. 2019. <https://www.ncsl.org/blog/2019/07/30/most-states-have-ended-snap-ban-for-convicted-drug-felons.aspx>.

²³ Gelb, Matt. 2015. "Eminent Domain Turns N. Philly Dream Into Nightmare." <https://www.inquirer.com>. July 23, 2015.

https://www.inquirer.com/philly/news/20150723_Eminent_domain_turns_N_Philly_dream_into_nightmare.html.

²⁴ Vargas, Claudia. 2017. "Philly Housing Authority Took Their Homes Two Years Ago. They Are Still Waiting To Get Paid." <https://www.inquirer.com>. December 7, 2017. <https://www.inquirer.com/philly/news/sharswood-redevelopment-philly-housing-authority-eminant-domain-owners-waiting-for-money-20171207.html>.

²⁵ Moselle, Aaron. 2015. "'New PHA' Lays Out Ambitious Plans To Redevelop Pocket Of North Philly - WHYY." WHYY. June 3, 2015. <https://whyy.org/articles/new-pha-lays-out-ambitious-plans-to-redevelop-pocket-of-north-philly/>.

²⁶ "PHA Celebrates Move to New Headquarters on Ridge Avenue Commercial Corridor." 2019. Philadelphia Housing Authority. January 22, 2019. <http://www.pha.phila.gov/pha-news/pha-news/2019/pha-hq-grand-opening.aspx>.

PHA has 40,000 people on its waitlist and closed its waitlist to new applicants in 2013.²⁷ Families who live in public housing are usually crammed into small, unsafe spaces. PHA resident, Regina Cureton had been voicing concerns for two years about the lack of fire escapes in her PHA owned property. If one of the overcrowded rowhomes caught fire, there are not enough fire escapes to allow all inhabitants to safely exit the building. She worried this would lead to fatalities. When she asked a PHA official what she should do if she needed to escape fire in her crowded PHA home that lacked enough fire exits, the official ²⁸ told her to “jump.”

There has been a steady re-allocation of public resources away from families who need safe and affordable housing and to executive headquarters, their salaries, and their developer cronies. This leads to tragedy, such as one that happened recently in Philadelphia.

Only a mile from the PHA jewel of a headquarters, and a few blocks from Regina Cureton’s PHA house, sat a PHA home that housed 26 people.²⁹ The 8-bedroom house was bursting at the seams. There were only two fire exits. The house - as Regina Cureton had been warning- was unprepared for a fire. The two families that crowded into this PHA house were a tight knit bunch with limited resources. Still, they did their best to decorate their cramped home for Christmas.

But then tragedy struck.

It was the three-year anniversary of the grand opening of the PHA’s Jewel.

While the headquarters sat mostly empty, the two families cramped in the PHA home were rendered helpless when their Christmas tree caught fire.

The fire engulfed the entire duplex.

13 people perished.

8 of them were children, the youngest was a 2-year-old baby. These people were unable to just jump to safety.

These deaths were preventable. When a PHA representative was asked why 26 people were crowded into a home that was meant for half its occupancy, he replied that there just aren’t enough affordable houses to meet the need.

But PHA owns vacant houses, and they also have their own private police force. The money they spend keeping out squatters they could spend rehabbing their housing inventory and

²⁷ Moselle, Aaron. 2022. “Why Doesn’t Philly Have More Affordable Housing For Multigenerational Families?” WHYY. January 13, 2022. <https://whyy.org/articles/pha-has-few-homes-for-multigenerational-families-like-fairmount-fire-victims/>.

²⁸ Holden, Joe. 2022. “PHA Residents Sounded Alarm On Escape Routes Years Before Deadly Fairmount Fire.” January 5, 2022. <https://philadelphia.cbslocal.com/2022/01/05/philadelphia-housing-authority-escape-routes-complaints-philadelphia-fairmount-north-23rd-street/>.

²⁹ Marin, Max. 2022. “What We Know And Don’t Know About The Fairmount House Fire.” <https://www.inquirer.com/news/fairmount-house-fire-philadelphia-investigation-victims-20220105.html>.

placing families in them.

The lack of safe and affordable housing leads to preventable tragedies like Philadelphia's house fire that killed 13 people, as well as the premature deaths of hundreds of people experiencing homelessness on the streets. These tragedies are a result of national policy and legislation that frames housing as a commodity rather than a human right. We currently commodify everything we need to survive, except air. And if private equity firms could figure out how to sell air, they absolutely would. It wasn't always like this. From the 1940s, when President Franklin Roosevelt declared we had adopted a Second Bill of Rights, that included the right to a decent home, through the 1970s, affordable housing was within reach for all of us. Under the more recent framework of housing as a commodity, policy makers have demolished affordable housing and redistributed land to residents able to pay the ever-increasing market rate for housing. The Clinton Administration mandated that all new public housing projects be built for mixed-income use. The administration also oversaw the transfer of public housing development and administration to the private sector. Old housing projects were demolished, and new ones built. There was never a one-to-one replacement of housing for those who lived in the public housing, and as market-rate housing replaced affordable housing, those in need of affordable housing became displaced. Many former affordable housing residents ended up in sub-standard living conditions, doubled up in homes, living in vacant buildings or cars, and homeless on the streets. This trend was enshrined in the 2005 Supreme Court decision *Kelo Versus New London* which gave county councils the authority to acquire people's private homes, sometimes through force, and give it to private corporations for profit. US citizens were told that public good now included corporate profit, poor homeowners be damned. This is one recent law out of many that has contributed to a reallocation of housing away from the poor and to the rich.

While housing has become less affordable, wages have been stagnant for over a decade. Nearly half of all Americans make wages that don't cover their basic living expenses. It is now impossible for anyone in the US making the federal minimum wage to afford rent in a one-bedroom home. In the classic story of wealth inequality, *A Christmas Carol*, Bob Cratchit makes 15 shillings a week. Adjusted for inflation, that's \$13.50/hr. That's almost double today's federal minimum wage! On today's low wages, Bob Cratchit and his son Tiny Tim would likely be homeless. 5.7 million Cratchit families are housing insecure today. We need to increase minimum wage and protect our working-class families from housing insecurity.

In the United States we have 4.4 million families on Public and subsidized housing waitlists.³⁰ Wait times usually exceed a decade. Meanwhile, we have 33 vacant houses for every unhoused person.³¹ Most houses are consolidated in the hands of a few massive investment banks and equity firms. In Philadelphia, only 2% of all landlords own over half of all rental properties.³² When

³⁰ Acosta, Sonya. 2021. "Families Wait Years For Housing Vouchers Due To Inadequate Funding | Center On Budget And Policy Priorities." Center On Budget And Policy Priorities. July 20, 2021.

<https://www.cbpp.org/research/housing/families-wait-years-for-housing-vouchers-due-to-inadequate-funding>.

³¹ "Homelessness & Empty Homes: Trends Since 2010 | Self." 2020. April 20, 2020. <https://www.self.inc/info/empty-homes/>.

³² Haider, Elinor. 2021. "Who Are Philadelphia's Landlords?" PEW. February 4, 2021.

<https://www.pewtrusts.org/en/research-and-analysis/articles/2021/02/24/who-are-philadelphias->

we have 43% of the entire nation that is housing insecure while we have empty houses, we do not have a housing crisis, we have a profiteering crisis. When 53 cents on every federal dollar goes to war while 3 cents on every dollar goes to housing assistance for the poor, we don't have a resource shortage, we have a priority crisis. These priorities are not in crisis by accident – since Ronald Reagan's presidency and his introduction of the racist trope of the “welfare queen”, war spending has skyrocketed, while affordable housing funding has plummeted. It should be no surprise that housing and homelessness disparately impact BIPOC communities because of their historical (and current) exclusion from housing.

5. Ending Homelessness in Pennsylvania is Possible

Ending homelessness in Pennsylvania is possible if we shift our laws and policies away from housing as profit and towards housing as a right. We need the Right to Housing in our state policies. Housing as a right means freedom from the cruel or unusual punishment of criminalizing homeless encampments in the absence of adequate alternatives. Housing as a right will lead to better health outcomes because housed people are healthier people. It will lead to greater racial justice when disparately homeless and poor BIPOC are not thrown in jail or subjected to crippling fines and fees for simply trying to sleep or shelter themselves. Housing as a right means ensuring safe and affordable housing for all.

The right to housing has recently gained wide popularity. In fact, 3/4ths of Americans polled currently report that they believe housing is a human right, and 2/3s believe government programs need to be expanded to ensure the right to housing.³³ Once thought of as radical, a housing justice movement has normalized rights-based language of housing. Housing rights advocates and social movements have won hard fought battles across the world. These include getting international bodies such as The United Nations and religious bodies such as the US Conference on Catholic Bishops and Pope Frances to call on governments to immediately implement housing as a human right. Movements in countries such as France, South Africa, and Scotland, have won the adoption of housing rights language in their constitutions or legislation. In Scotland, this right's-based language has been the backbone of policies that have made homelessness in this country brief, rare, and non-recurring.

People are also fighting this battle in every US city today. Our numbers are growing, but to be successful we need your support and action. You can call on our housing authorities to direct their public funding toward home inspections and making repairs rather than building new multi-million-dollar headquarters. We can lower rents and raise wages. We can protect renters from eviction or foreclosure and provide tenants with legal representation in the courts to enforce these protections. We also need to fund public interest attorneys so that these legal protections exist. We can demand a just and fair allocation of our tax dollars- away from policing and profiteering and towards public housing and universal subsidized housing.

As we work to make housing a human right, there are other small fixes we can make right

[landlords?fbclid=IwAR0BCk27UvVvrGuTR8oIC2d7otCmZJwWqNn0QmsySql_rIxnrs1WlAeEv0.](#)

³³ Tars, Eric. 2018. “Housing as a Human Right.” National Low Income Housing Coalition. 2018. https://nlihc.org/sites/default/files/AG-2018/Ch01-S06_Housing-Human-Right_2018.pdf.

now to increase housing access for our most vulnerable neighbors.³⁴ We can mandate inclusionary zoning as a tool in transit-rich and well-resourced neighborhoods rather than low-income neighborhoods that are at risk of gentrification. We can mandate the inclusion of public housing into “special planned community preservation districts.” This would protect housing from demolition by making developers go through a public approval process and obtain a special permit before they tear down affordable housing. We can make it harder for developers to profit from the displacement of our low-income families.

The state can support community land trusts- a form of land and property tenure, where the land is owned by one not-for-profit entity, the buildings are owned cooperatively by the residents themselves; and long-term contracts restrict the sale of either the land, the buildings, or the apartments for much more than the original owners paid.¹⁰ In many cases, resale is restricted to households with equivalent or lower incomes than the original buyer.

We can use the tax system to make housing access more equitable and accessible. When property owners fail to pay taxes, PA’s cities can stop selling liens to speculators, and instead transfer tax-deficient properties into community land trust. PA can pass “right to sell” bills, giving households at risk of foreclosure the opportunity to sell their home to the state, which would operate it as public housing. We can also institute a “right of first refusal” on home sales, where the state has a first pass at any property for sale and can pay the seller market value for their home and convert it into social housing. Under the Maiden Lane program, the Federal Reserve purchased thousands of failing mortgages as part of its bank bailout. This was a massive, state-planned transfer of wealth to financial institutions. Wealth has been allocated away from low-income residents, but allocation can be reversed so that private housing can be redirected into public and social housing.

There are many policies that the PA Senate can adopt to increase housing access and make homelessness rare, brief, and non-recurring. This will bring our state in line with our stated values of equity and justice.



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³⁴ Stein, Samuel. 2019. *Capital City*. Verso Books.