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HOW EXCLUSIONARY HOUSING POLICIES IMPACT CHILDRENS' HEALTH, EDUCATION, AND GENERAL DEVELOPMENT

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Many studies have been done of ways that housing conditions may affect children's development. This memorandum summarizes existing studies and describes how exclusionary housing policies aggravate housing problems that have been linked to adverse effects on low-income children's development—including their health (physical, mental and emotional), safety, educational achievement, and general cognitive and behavioral development.

EXCLUSIONARY HOUSING POLICIES GENERALLY— THEIR FORMS, EFFECTS, AND REMEDIES FOR THEM

Exclusionary housing policies (a/k/a regulatory barriers to housing availability, adequacy and affordability) are government regulations and other policies (usually local) that inhibit the production and preservation of needed housing for low- and moderate-income people.¹ Exclusionary housing policies include:

- a) inadequate or fiscally-motivated government land use planning, which frequently underestimates housing needs;
- b) exclusionary zoning—undue prohibitions or restrictions on where and how moderately-priced and/or multi-family housing may be built or preserved; and
- c) other unwarranted restrictions on development or preservation of affordable units—such as excessive impact fees and subdivision restrictions, unnecessary moratoriums and caps on development of such housing, and overly restrictive building requirements for construction and renovation of such housing.

The effects of exclusionary policies on housing include:

- substantially increasing the number of low- and moderate-income people who must live in unsafe, unhealthful, and/or overcrowded housing conditions, and in decaying and/or unsafe neighborhoods;

¹ “Low-income people” refers to persons in households that have incomes of 80 percent or less of area median income. “Moderate-income people” refers to persons in households that have incomes between 80 and 120 percent of area median income.

- isolating many such people, and their neighborhoods, from most economic opportunities, and from high-performing schools and health facilities; and
- raising housing prices (by 20 to 50 percent in many major metropolitan areas), making them unaffordable to low- and moderate-income people—thus causing economic instability in families with children, and many involuntary, disruptive moves (usually to poorer neighborhoods).

All those housing problems have been linked to adverse effects on important aspects of child development—as discussed below.

Remedies

There is mounting legal authority that exclusionary housing policies are unlawful. The highest courts of at least seven states have declared exclusionary zoning illegal.² One landmark judicial decision (*Mount Laurel II*) holds that all exclusionary housing policies are illegal, for the same reasons.³ Also, numerous states have enacted legislation explicitly designed to counteract the effects of exclusionary zoning and other exclusionary housing policies.⁴

Despite some successes, the judicial decisions and limited statutory measures to date have not resulted in eliminating exclusionary housing policies. However, EHI believes that those policies can be defeated through education of public officials and concerned citizens as to their illegality and adverse consequences, and through stronger, more widespread statutory remedies.

EHI has made substantial progress on those subjects since being organized in 2008. For example, EHI helped educate public officials in its home area (Fairfax County, Virginia) about the actual consequences of the inadequate planning for housing supply near numerous future commuter rail stations. EHI also explained the illegality of exclusionary zoning (which generally flows from such inadequate planning). As a result, the amount of housing planned for those station areas more than doubled after EHI became involved in 2011, over a year into the planning process.

In all, more than 15,000 housing units were added to the plans, including between 1,900 and 2,778 additional units affordable to low- and moderate-income people (depending on the ultimate height of residential buildings). Those affordable units (required under the County’s inclusionary zoning provisions) amounted to more than one affordable unit per

² The highest courts of Virginia, Pennsylvania, New Jersey, California, New York, Connecticut, and New Hampshire have so held. Our organization’s (“EHI’s”) website provides details, under “Exclusionary housing policies,” posted at: <http://www.equitablehousing.org/exclusionary-housing-policies.html>.

³ *Southern Burlington Co. NAACP v. Mount Laurel*, 92 N.J. 158, 456 A.2d 390, 441-42 (1983) (“*Mount Laurel II*”) (municipalities “at the very least, must remove all municipally created barriers to the construction of their fair share of lower income housing,” such as “subdivision restrictions and exactions that are not necessary to protect health and safety.”)

⁴ Massachusetts, Oregon, California, New Jersey, Connecticut, Rhode Island, and Illinois have such statutes. EHI’s website provides specifics, in summarizing its law clerks’ reports in 2010 and 2011, posted at: <http://www.equitablehousing.org/news/117-law-clerks.html>.

day during EHI's first five years (2008-2013). In the three Reston station areas, enough housing units were planned to offset completely the number of new, future workers that are anticipated as a result of the massive commercial redevelopment there.

EHI also has prepared extensive draft reports on existing federal and state statutory attempts to rein in on exclusionary housing policies. It is laying the groundwork for the creation of truly effective statutes to prohibit those policies.

FINDINGS REGARDING EFFECTS OF HOUSING PROBLEMS ON CHILD DEVELOPMENT; ROLE OF EXCLUSIONARY HOUSING POLICIES

The existing studies of how various dimensions of housing may affect aspects of child development were discussed in a 2014 report by the U.S. Department of Housing and Urban Development (HUD). (HUD PD&R, *Evidence Matters: Housing's and Neighborhoods' Role in Shaping Children's Future* (Fall 2014) ("*HUD 2014*"), posted at: http://www.huduser.org/portal/periodicals/em/EM_Newsletter_fall_2014.pdf)

Although methodological challenges in many of the studies limit their ability to definitively inform policy decisions (*HUD 2014*, 1), overall the studies strongly support the importance of achieving a basic, long-standing goal of federal housing policy. That goal, first stated as such in the Housing Act of 1949, is "a decent home and suitable living environment for every American family." (42 U.S.C. § 1441, 63 Stat. 413)

Here, we will quote or paraphrase portions of the *HUD 2014* report and add EHI's analysis of how exclusionary housing policies contribute to the problems discussed there. We will not mention all the studies discussed in *HUD 2014* or all the findings of the studies we mention. We will focus on what appear to be the most specific, concrete findings discussed in *HUD 2014* that tend to show a link—or the absence of a link—between particular housing problems and children's development.

A. Unsafe/unhealthful housing conditions

Housing is deemed inadequate if it has severe or moderate physical problems that present health or safety hazards. Examples are plumbing and heating deficiencies; rodent and cockroach infestations; lead-based paint; mold and moisture problems; and structural issues such as cracks and holes in walls and ceilings, water leaks, broken windows, and crumbling foundations. As of 2011:

- Households with children and less than \$40,000 in annual income were more than twice as likely (13.4%) to live in inadequate housing, compared with such families with annual incomes between \$40,000-\$80,000 (5.6%);
- Black households with children were almost three times more likely to live in inadequate housing (7.1%) than White households (2.6%); and
- Latinx households were almost twice as likely to live in inadequate housing (5.0%), compared to White households.

(HUD 2014 at 3-4 and Figure 1, summarizing U.S. Census Bureau, 2011 American Housing Survey data) Children living in inadequate housing are at increased risk of behavioral and developmental problems in addition to infectious disease, chronic disease, and injury. (HUD 2014, 4)

i. Effects on physical health

Among the most widespread problems associated with inadequate housing are lead poisoning of young children, due to ingesting lead-based paint, and respiratory illnesses.

- *Lead-based paint:* Highly toxic, especially to young children, lead-based paint causes damage to the brain, kidneys, nerves, and blood and impairing cognitive and socio-emotional development. (“About Lead-Based Paint,” HUD website (portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/healthyhomes/lead), accessed April 15, 2015) Early childhood exposure to lead has been linked to IQ deficits in children as young as three, visual-motor integration problems, poor school performance and lower levels of proficiency in reading and math, attention and behavioral problems, juvenile delinquency, and an increased likelihood of dropping out of high school. (Evans 2006)

Despite great progress since such paint was banned in residential structures about 35 years ago, more than one million low-income children under age 6 live in homes with lead-based paint hazards today. Overall, about 29 percent of low-income households have lead-based paint hazards in their homes, compared to 18 percent of households with higher incomes—(HUD 2011, “American Healthy Homes Survey: Lead and Arsenic Findings,” 4)

- *Respiratory illnesses:* Diseases such as asthma have been linked to poor housing conditions, such as inadequate heating and ventilation, pest infestation, and moisture problems. Of the 7 million U.S. children with asthma, poor minority children are disproportionately afflicted. While “the nation’s overall asthma rate is 9.4 percent, the prevalence among black children is 16 percent and 12.2 percent for children in poverty.” (Ashley 2012) Asthma is a leading cause of childhood disability and illness as well as higher rates of school absenteeism. (Federal Healthy Homes Work Group 2013; Evans 2006, 434)

ii. Effects on emotional, behavioral, and general development

- *Emotional and behavioral problems:* A recent, comprehensive analysis of the impact of different housing conditions on child development found that children living in homes with leaking roofs, broken windows, rodents, non-functioning heaters or stoves, peeling paint, exposed wiring, or unsafe or unclean environments were more likely to have emotional and behavioral problems, and in greater quantity, than children in better-quality homes. (Coley *et al.* 2013) And if those housing problems worsened during the period of the study, the emotional and behavioral difficulties also increased (although no causality was established). (*Id.*)

- *General functioning*: Although the Coley study found that reading and math skills were not strongly linked to housing quality, family processes were adversely affected by low-quality housing. Prof. Coley explained that housing quality is associated with children’s functioning, in part, through its association with the mother’s functioning. “Mothers in poor housing show higher levels of emotional and psychological distress and parenting stress that in turn are partly responsible for the association between housing quality and child outcomes.”

(HUD 2014, 3-5, including interview with Prof. Rebekah Levine Coley, 3 July 2014).

iii. Role of exclusionary housing policies

Many low-income families with children effectively are forced to live in housing with severe or moderate physical problems, due to exclusionary housing policies, in metropolitan areas across America. Exclusionary policies prevent sufficient amounts of new housing being built in many areas—especially in and near high-opportunity communities.

By limiting the land available for and density of new development, as well as imposing impact fees and subdivision requirements that raise production costs, state and local governments make it difficult to build affordable housing.

(Harvard *SONH* 2007, 28) Also, by pushing housing prices up, those policies prevent many low-income families with children from accessing adequate housing units reasonably near jobs. Leading housing economists find that housing prices have risen unreasonably above the fundamental costs of housing production in a large and growing number of major metropolitan areas over the past 40 years. (Those fundamental costs are construction costs and the intrinsic value of the land to purchasers.)

Rigorous studies show that exclusionary housing policies raise prices by 20 to 50 percent in many major metropolitan areas. (Glaeser, *et al.*, 2003 & 2005) The “evidence points toward a man-made scarcity of housing in the sense that the housing supply has been constrained by government regulation as opposed to fundamental geographic limitations.” (Glaeser *et al.* 2005, 8-9)

The disconnect between prices and fundamental production costs in many major metropolitan areas on the East and West Coasts (such as New York City, Boston, Los Angeles and San Francisco) has become extreme. However, the data also indicates that regulatory constraints on basic, single-family housing have caused excessive price increases in many major interior markets. Examples are Albuquerque, NM, Austin, TX, Charlotte, NC, Denver, CO, Nashville, TN, Raleigh, NC, and Salt Lake City, UT. (Glaeser, *et al.*, 2003 & 2005)

B. Overcrowding

Definitions of overcrowding vary, but “more than one person per room” is commonly used. (*HUD 2014*, 7) Although overcrowded conditions for children have declined since 1975, an estimated 10.8 percent of U.S. children lived in overcrowded homes in 2005. The rates were higher for poor (21.2%) and near-poor (17.9%) children. (*Id.*)

By 2012, the percentage of children living in overcrowded conditions was estimated to be 14 percent—suggesting that this problem may have worsened since 2005. (Holupka and Newman 2011 (overcrowding defined as average of more than two persons per room); Annie E. Casey Foundation. 2014 (overcrowding defined as average of more than one person per room))

Child development studies have noted the heightened stress, noise levels, and lack of privacy that overcrowding can create—and related psychological distress, detached parenting, family turmoil, poor school adjustment, and reduced social and cognitive competency. (Evans 2006) Some studies have linked crowded housing to physical health, including the transmission of infectious disease, and to higher rates of mental health issues. (Leventhal and Newman 2010; Evans 2006)

Two studies—one national and one of Los Angeles—found that living in crowded conditions appeared to negatively affect math and reading achievement, which have implications for the adult socioeconomic status of children. (Solari and Mare 2012) A large study of 15-year-olds in France found that the probability of one being held back a grade in primary or junior high rose significantly as the number of persons per room in the home increased, regardless of family size or socioeconomic status. (Goux and Maurin 2005) (*see HUD 2014*, 7)

Exclusionary housing policies aggravate overcrowding problems by restricting the housing supply and pushing housing prices up to the point where some families cannot afford housing units of their own.

C. Lack of affordability

Lack of housing affordability long has been a leading cause of homelessness and poverty in America. (*E.g.*, U.S. Conference of Mayors, *Hunger and Homelessness Surveys, December 2004-2014*, available at <http://usmayors.org/publications/>) In 2012, almost 20 million American households were paying more than 50 percent of their income on housing costs—a 41 percent increase over ten years earlier. (Harvard Univ. JCHS, *State of the Nation’s Housing (“SONH”) 2014*, 28 Fig. 29) Almost all of those households were low-income.

About 65 percent of children in low-income families live in households that are “housing cost burdened.” (Annie E. Casey Foundation. 2014) (“Housing cost burdened” means that housing costs exceed 30 percent of the low- or moderate-income household’s income; “severely cost burdened.” means that housing costs exceed 50 percent of that household’s income.)

In 2012, severely cost-burdened households in the bottom expenditure quartile (a proxy for income) spent on average 39 percent less on food and 65 percent less on healthcare compared with otherwise similar households living in affordable housing. The extent of these cutbacks is similar across a broad range of household types, although families with children spent significantly less on healthcare. Households that are severely cost burdened and living in rural areas also make particularly steep cuts in both nutrition and healthcare expenditures.

(Harvard *SONH 2014*, 31) Transportation costs are increasingly being considered another “cost of place.” Between 2006 and 2010, those costs amounted to an average of 27 percent of household income, for households earning 50-100 percent of median income in the nation’s 25 largest metropolitan areas. The combination of housing and transportation costs for those people averaged 59 percent of household income. (Hickey *et al.* 2012, 1, 9; *see HUD 2014*, 7)⁵

i. Effects on cognitive development and general well-being

The limited number of studies that have focused on the effects of housing affordability on children generally support the hypothesis that affordability has a positive influence on their cognitive development and well-being.

- One exploratory study in 2005 found that affordable housing favorably affects older children, raising the question of whether the effect might be cumulative. (Harkness and Newman 2005)
- Research published in 2009 indicates that children in higher-priced housing experienced no differential impact in behavior, health, or school performance compared with those in lower-priced markets, and parents in higher-priced housing did not experience more stress. (Harkness *et al.*, 2009)
- However, a study published in 2014 indicated that although housing affordability did not seem to affect children’s behavior or health, a significant relationship existed between housing affordability and cognitive performance. Better cognitive achievement of the children studied occurred when housing costs were near the 30 percent affordability threshold. Cognitive achievement was lower at both low and high levels of housing cost burden. (Newman and Holupka 2014-1)
- Still more recently, the same authors extended their investigation to child enrichment spending. Again, they found that spending by low- and moderate-income households on child enrichment increased by an average of \$170 as housing costs increased from 10 to 30 percent of household income. However, as housing costs continued to rise from 30 to 60 percent of household income, child

⁵ For purposes of the Hickey study:

Transportation costs encompass all the trips that households make as part of their daily routine, including commuting, errands, and other travel. For car owners this includes the full costs of auto ownership, such as car payments, insurance, maintenance, and gas. For transit riders it includes the price of transit.

(Hickey *et al.* 2012, 3)

enrichment expenditures decreased by an average of \$98. The authors hypothesize that child-related expenditures, particularly for enrichment, may be one way in which housing affordability influences children's cognitive development and well-being. (Newman and Holupka 2014-2)

(HUD 2014, 8)

ii. Effects of involuntary moves due to excessive housing costs

Studies find that poor and near-poor households with children move more often than other households with children, and their reasons for relocating were frequently associated with housing cost burdens and changes in income. Some studies have found that:

with multiple moves children face a higher likelihood of having to repeat a grade, being suspended or expelled, and performing academically near the bottom of the class. For frequent movers, each move can intensify the odds of having problems in school; children and adolescents in families with a higher than average number of moves experience more emotional and behavioral problems than do those who move less often.

(HUD 2014, 10) On initial receipt of a subsidy, households were more likely to move — to better housing or to a public housing unit — than families without a subsidy. But households that lose a housing subsidy are 10 times more likely to change neighborhoods than those without subsidies. (Cohen and Wardrip 2011)

- In general, moving is associated negatively with school performance, heightened stress levels, and socio-emotional functioning for children and their parents. (Leventhal and Newman 2010; Coley et al. 2013) (Kessler, *et al.* 2014) Certain studies indicate that although children have some resilience and are seemingly able to recover from a single move and close any resultant achievement gaps, the effects of frequent relocating appear to be cumulative and increasingly difficult to surmount. (Cohen and Wardrip 2011; Coley et al. 2013)
- Studies of participants in HUD's Moving to Opportunity (MTO) demonstration program found that adults and girls who moved out of high-poverty neighborhoods experienced less depression and fewer conduct disorders 10 to 15 years after moving to low-poverty neighborhoods. By contrast, boys who moved under MTO experienced higher rates of posttraumatic stress disorder, depression, and conduct disorders. (Kessler, *et al.* 2014; *see HUD 2014, 10*)

iii. Effects on school performance

RAND Corporation scholar Heather Schwartz found a strong connection between lower mobility, school quality, and the academic performance of low-income children in Montgomery County, Maryland. (Schwartz 2010)

Families in Schwartz’s sample had been living in public housing in low-poverty neighborhoods for an average of eight years and attending academically high-ranking schools. This residential stability, concluded Schwartz, allowed the children to garner the longer-term benefit of attending low-poverty schools that led to improved academic outcomes. The longer that public housing children attended the better schools, the more the initial math and reading achievement gaps between them and their non-poor peers narrowed. In weighing the relative benefits of these findings, Schwartz posits a ripple effect that starts with housing.

(*HUD 2014*, 11) By contrast, even though children in the MTO low-poverty voucher group relocated to neighborhoods with schools that were a little better than those of the control group, the schools were not *sufficiently* better. Average test scores in these schools were still in the lowest quarter of state rankings; the marginal improvements were not enough to make a difference in children’s academic achievement. (*Id.*)

The children that Schwartz studied benefited from living in low-poverty neighborhoods, but less so than from attending low-poverty schools, which had twice as large an effect on low-income children’s academic performance. This outcome, Schwartz stresses, is specific to a locality with a low prevailing rate of neighborhood poverty. Still, “in general, though the research isn’t firm, poverty in schools has more influence on academic performance than neighborhood poverty.”

(*Id.*, quoting interview with Heather Schwartz, 2 July 2014)

iv. Role of exclusionary housing policies

“State and local regulations are among the principal culprits behind the nation’s persistent affordability problems.” (Harvard *SONH 2007*, 28) As discussed above, exclusionary housing policies create affordability issues by: (1) restricting housing growth—especially in the multi-family housing sector and near high-opportunity areas; and (2) imposing unnecessary impact fees, gentrified subdivision and building code requirements, and other cost factors that often raise housing prices a great deal.

The hyperinflation that exclusionary housing policies promote has led at times to housing market collapse and massive foreclosure problems for low- and moderate-income families. Those problems were a notable feature of the severe, prolonged economic downturn beginning in 2007. Also, in gentrifying communities, local government tax policies that fail to protect long-term, low-income families with children from rapidly rising real estate taxes have exclusionary effects, forcing some to move to poorer neighborhoods.

D. Strain on government housing assistance

Various studies suggest that low-income children living in subsidized households experience certain benefits compared to children in similar families on a waiting list for housing assistance. Those benefits include a greater likelihood of being adequately

nourished and physically healthy, favorable educational outcomes, the stability and social connections that support academic success, self-sufficiency, and future economic attainment. (*HUD 2014*, 9, citing Massey *et al.* 2013)

Federal housing assistance is available to only about one-fourth of those who qualify for it.⁶ Exclusionary housing policies increase the need for housing assistance by pushing housing prices up and limiting housing supply.

E. Restricted home ownership opportunities

Researchers presently see “little conclusive evidence about the effect of homeownership on children’s cognitive achievement, behavior problems, or health.” (*HUD 2014*, 9, citing Holupka and Newman 2012) “Nevertheless, the existence of a connection between homeownership and stability, regarded as a good outcome for children, continues to be inferred from other studies such as [one which] found children who remained in the same school (40%) during a three-year period were likelier than those who changed schools (34%) to live in an owner-occupied home.” (*Id.*, citing Theodus *et al.* 2014)

Exclusionary housing policies reduce opportunities for low- and moderate-income people to purchase their own homes, by restricting the housing supply and pushing prices up.

F. Neighborhood decay and/or disorder

Based on his study of the “neighborhood effect,” urban affairs expert George Galster of Wayne State University concludes: “There are aspects we know aren’t good for kids.” Concentrations of households with multiple disadvantages, “concentrations of crime and violence and concentrations of toxins and pollutants are not healthy places to raise kids.” (*HUD 2014*, 15, quoting interview with George Galster)

Community development policies that try to improve the physical quality of neighborhoods where disadvantaged people live are certainly to be commended. And policies that allow some low-income people who have an inclination to do so to move to better quality neighborhoods through vouchers or some other kind of affordable housing policy is the other side of that coin.

(*Id.*) Eliminating exclusionary housing policies is crucial to:

- increasing the amount of housing in better-quality neighborhoods;
- de-concentrating poverty by increasing housing opportunities in better-quality neighborhoods for low-income families with children—through inclusionary zoning programs, for example; and
- reducing housing prices overall.

⁶ B. Steffan, *et al.* (2011), *Worst case housing needs 2009: report to Congress*. Washington, D.C.: HUD.

Conclusions

Exclusionary housing policies are among the principal culprits behind the nation's persistent housing affordability problems. They inflate housing costs 20 to 50 percent in many major metropolitan areas, by unduly restricting housing production and preservation. They relegate many low-income children to housing problems that have been linked to adverse effects on children's development, including:

- unsafe, unhealthful, and/or overcrowded housing conditions;
- decaying and/or unsafe neighborhoods;
- neighborhoods isolated from high-performing schools and health facilities; and
- economic instability in the family, leading to involuntary moves (sometimes frequent, and usually to poorer neighborhoods), and/or lack of family resources to afford adequate food, medicine, and other crucial aspects of proper child development.

The adverse effects found on children's development related to their health (physical, mental and emotional), safety, educational achievement, general cognitive development, and behavioral adjustment. Eliminating exclusionary housing policies is a crucial aspect of improving low-income children's development.

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