



## Gender and Racial Justice in Housing

Fair access to safe, accessible, and affordable housing in integrated neighborhoods is vital to the wellbeing of women and girls. Where we live is at the very core of our daily lives.

And yet, women—and in particular women facing intersecting forms of discrimination—are significantly more likely than men to face housing instability due to both lower incomes and more challenges in securing an affordable and accessible place to live in a neighborhood of their choosing.

The COVID-19 pandemic and resulting “she-cession”<sup>1</sup> have widened these longstanding gender and racial inequities. Between February and April 2020, women lost 12.1 million jobs.<sup>2</sup> As of the end of March 2021, there are still over 4.6 million net jobs lost by women.<sup>3</sup> Throughout this recession, just as pre-COVID, Black women, Latinas, and women with disabilities continue to face especially high unemployment.<sup>4</sup> In September 2020, women were four times more likely than men to be forced out of the labor force.<sup>5</sup> Asian, Black, and Latina women also are more likely to be behind on their rent or mortgage payments,<sup>6</sup> and Black mothers in particular are disproportionately likely to face eviction.<sup>7</sup>

This issue brief will underscore the centrality of racial and gender justice in achieving affordable and fair housing for all. We need significant public investments and structural changes in housing to ensure an equitable economy that works for everyone.

## Discrimination and Economic Inequities Make It Harder For Women To Afford Housing

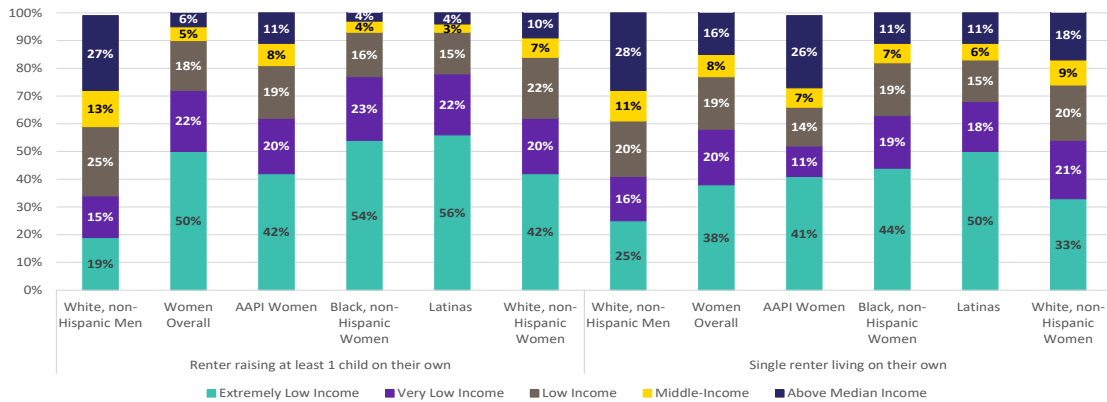
Women, particularly women facing multiple forms of discrimination, disproportionately face economic insecurity, which in turn, undermines their ability to afford housing.

The U.S. employment system produces vast gender and racial disparities. The women’s wage gap continues—women in the United States working full-time are typically paid 82 cents for every dollar men are paid. That gap increases for Black women (63 cents), Latinas (55 cents), Native Hawaiian and Pacific Islander women (63 cents), Native American women (60 cents), and some subgroups of Asian women.<sup>8</sup> In addition, women are disproportionately represented in the low-paid workforce, making up 64 percent of the workforce in the 40 lowest paying jobs (typically paying less than \$12 per hour) before the COVID-19 pandemic, with starker disproportionate representation from women of color.<sup>9</sup> In 2019, 13.9 million women lived below the Federal Poverty Level (FPL); women were 35 percent more likely to live below the FPL than men.<sup>10</sup>

These unjust outcomes are the product of systemic injustice. For example, women are systematically discouraged from entering higher-paid jobs and employers are less likely to hire women than men for high-wage jobs.<sup>11</sup> Employers’ negative stereotypes about mothers and their ability and commitment to execute higher-level work also contribute to mothers’

overrepresentation in the low-paid workforce.<sup>12</sup> Gender and racial discrimination, combined with policymakers' failure to increase the minimum wage, negatively impact women's economic security. Consequently, single women, and particularly women of color, who are renting are more likely to have low incomes than single white, non-Hispanic men who are renting.

### Gender Analysis of Income Distribution for Renters



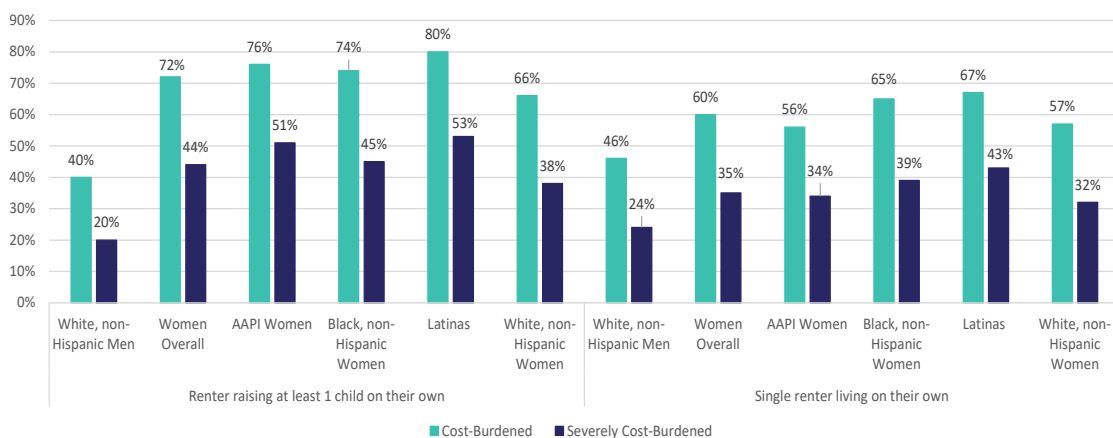
Source: NLIHC tabulations of 2019 ACS PUMS data. Rates do not always add to 100 percent because of rounding.

#### Definitions:

- **Area Median Income (AMI):** The median family income in the metropolitan or nonmetropolitan area
- **Extremely Low-Income (ELI):** Households with income at or below the Poverty Guideline or 30 percent of AMI, whichever is higher
- **Very Low-Income (VLI):** Households with income between ELI and 50 percent of AMI
- **Low-Income (LI):** Households with income between 51 percent and 80 percent of AMI
- **Middle-Income (MI):** Households with income between 81 percent and 100 percent of AMI
- **Above Median Income:** Households with income above 100 percent of AMI

In addition, there is a shortage of at least 6.8 million rental homes affordable and available to extremely low-income renters.<sup>13</sup> These economic injustices make it hard for women to afford rent. In order to afford a modest, two-bedroom apartment at fair market rent without being cost-burdened (spending more than 30 percent of their income on rent), a full-time worker in the United States needs to make \$23.96 per hour. Women paid minimum wage would have to work 97 hours per week (13 hours a day, seven days a week) to afford a two-bedroom rental home.<sup>14</sup> Women paid \$12 per hour would have to work 80 hours per week. Gender and racial income disparities, and the insufficient supply of affordable housing, make single women, particularly women of color, who are renting more likely than single white, non-Hispanic men who are renting to be cost-burdened or severely cost-burdened (spending more than 50 percent of their income on rent).

### Gender Analysis of Cost-Burdened Renters



Source: NLIHC tabulations of 2019 ACS PUMS data.

The gap in the supply of housing affordable and available to families with the lowest incomes has persisted for decades,<sup>15</sup> and there is not a single state or congressional district in the country with enough deeply affordable homes to meet demand. Years of federal disinvestment from affordable housing programs has severely constrained both the supply of affordable housing and the quality of existing affordable housing stock, and the private market cannot, on its own, build and maintain housing deeply affordable enough for the lowest-income renters. Consequently, strong public investments are needed to help solve the affordable housing crisis.

These employment inequities, along with discriminatory lending practices, also make it hard for women, especially women of color, to become homeowners and build wealth. Many creditors drive women of color to subprime mortgages, which in turn leave them more susceptible to foreclosure and debt.<sup>16</sup> In 2013, median wealth for working-age men (ages 18 to 64) was \$10,150, three times the median wealth for single working-age women (\$3,210).<sup>17</sup> Women of color face an even greater wealth gap:

- In 2016, the median wealth of white households (\$171,000) was almost 10 times greater than that of Black households (\$17,600) and over eight times greater than that of Latinx households (\$20,700).<sup>18</sup>
- White households living near the poverty line typically have about \$18,000 in wealth, while Black households in similar economic conditions typically have a median wealth close to zero.<sup>19</sup>
- Single women of color face a staggering gap in wealth because of the compounded effects of race and gender—the median net wealth of single, working-age, white, non-Hispanic men was \$28,900 in 2013, compared to \$100 for single, working-age Latinas and \$200 for single, working-age Black women.<sup>20</sup>

## **Lack of Affordable Housing Undermines the Health, Education, Nutrition, and Employment of Women and the Children and Families Who Depend on Them**

### **Housing and Health**

The pandemic has underscored the inextricable link between housing and health. Safe, decent, accessible, and affordable housing is key to health and well-being.<sup>21</sup> No one should need to choose between housing and health care.

- **When women and families spend too much on housing, they have insufficient resources for other essential needs, including food, health insurance, and health care.** Women faced with unaffordable housing costs are more likely to skip health care treatments and not fill a prescription as a result of cost. When families with low incomes spend high portions of their income on their rent, they struggle to afford nutritious food.
- **Housing instability can harm women's health.** Women evicted or threatened with eviction are more likely to experience depression, anxiety, and high blood pressure than people with stable housing. Lack of stable housing can make proper storage of medications difficult or impossible for women who need prescription medication, which can have negative health consequences, and evictions can disrupt care for chronically ill women. Furthermore, the lack of affordable housing available to survivors of domestic violence, dating violence, sexual assault, and stalking deters survivors from leaving abusive partners out of fear of facing the challenges of homelessness.
- **When access to stable and affordable housing is limited, more women are forced to live in highly segregated and/or substandard housing.** Housing segregation widens health disparities by determining access to schools, jobs, health care, grocery stores with nutritious foods, and safe spaces to exercise. Substandard housing conditions such as water leaks, poor ventilation, dirty carpets, lead-based paint, and pest infestation are associated with poor health outcomes, most notably those related to asthma.

### **Housing and Education**

Gender justice, access to fair housing opportunities, and educational equity are deeply intertwined.<sup>22</sup>

- **Housing instability has negative impacts on education.** Children who experience housing instability are more likely to have behavioral problems and struggle in school. Being homeless is a traumatic experience that manifests in many ways in the classroom—including ways that are coded as disruptive and can trigger a punitive response from educators. As such, housing instability contributes to high suspension rates, school turnover, truancy, and expulsions. In addition, housing instability directly correlates to decreased academic achievement and retention. Conversely, educational attainment is linked to positive health outcomes and longer lives.
- **The neighborhoods in which children live typically determine the schools they attend, and the more**

**racially segregated our neighborhoods, the more racially segregated our schools.** Segregated neighborhoods isolate communities of color in environments that are often poorly resourced and economically disinvested. These disparities are mirrored in our schools, resulting in disparate educational opportunities and outcomes for students of color. Today, schools serving the highest concentrations of Black and Latinx children routinely have less experienced teachers, offer less challenging courses, and invest less in their physical space and facilities. By providing fewer resources and opportunities for growth, these schools perpetuate intergenerational poverty and disproportionately harm students of color. In contrast, integration improves educational outcomes for children of all races.

- **Allowing for the continued concentration of poverty in communities limits the resources available to schools.** Because of the decentralized nature of education funding and the reliance on local property taxes, low-wealth communities are less able to provide sufficient funding for their schools, even when tax rates are high.

## Housing and Nutrition

When families with low incomes spend high portions of their income on rent, they struggle to pay for nutritious food. Indeed, food insecurity increases with housing costs.<sup>23</sup> One study shows that low-income households with children that pay over half of their monthly income on rent spend considerably less on other basic necessities, including about \$200 less per month on food.<sup>24</sup> In addition, historical residential segregation has restricted neighborhood access to healthy foods and inhibits a family's ability to engage in healthy eating behaviors, increasing the risk of obesity and negative health outcomes.<sup>25</sup>

## Housing and Women's Employment

Access to fair housing impacts women's employment outcomes.<sup>26</sup> For example, eviction and involuntary displacement due to unjust and discriminatory housing policies make it harder for workers to be present during scheduled work hours and may lead to job loss and prolonged unemployment. Poor credit caused by predatory lending, evictions, and other unjust housing policies and practices creates barriers for women seeking employment. Integrated communities also provide more employment opportunities for women of color than segregated communities.

## Affordable Housing Is Critical for Women, Children, and Families

Because women face higher rates of economic insecurity, housing assistance is critical for women, children, and families to access affordable housing. Women head 75 percent of households served by U.S. Department of Housing and Urban Development (HUD) rental assistance programs.<sup>27</sup> Unfortunately, because of chronic underfunding of HUD rental assistance programs, only 1 out of 4 eligible households receive rental assistance from HUD,<sup>28</sup> leading to millions of women and families in this country—especially women of color, women with disabilities, LGBTQ individuals, and immigrant women—struggling to find and keep a roof over their heads. This, in turn, undermines the health and well-being of women and the families who depend on them.

## Housing Assistance Helps Women of Color

Housing assistance helps prevent high rates of eviction for women of color. In 2018, 55 percent of Black renters and 53 percent of Latinx renters were rent burdened—spending more than 30 percent of their income on rent and utilities—compared to 43 percent of white renters. The pandemic and resulting financial crisis have exacerbated this problem, causing Asian, Black, and Latina women to face higher levels of housing insecurity and fall behind on rent and mortgage payments at a higher rate than white women.<sup>29</sup>

Before the pandemic, Black women renters with low incomes were nine times as likely to be evicted as low-income white women renters.<sup>30</sup> In the context of a pandemic where our collective health depends on our ability to stay at home, preventing evictions is both a moral imperative and a public health necessity. Emergency rental assistance can help all women stay in their homes, and longer-term housing assistance such as housing choice vouchers and public housing help women of color afford housing in other times of economic insecurity.

## Housing Assistance Helps Survivors

Housing assistance reduces domestic violence and is a critical support for survivors.

- Parents who receive a housing voucher are one-third less likely to experience domestic violence.<sup>31</sup>
- Survivors of domestic violence are more likely to leave their abusive partner when receiving a long-term housing subsidy.<sup>32</sup>
- Domestic violence is a significant cause of homelessness for women in this country: 63 percent of women experiencing homelessness are survivors of

domestic or sexual violence.<sup>33</sup>

- Access to safe and affordable housing is a primary barrier for survivors when choosing to leave an abusive partner. One nationwide study found that half of survivors who identified a need for housing services did not receive them.<sup>34</sup>

### Access to Housing Assistance Helps LGBTQ People

Equitable access to housing assistance helps minimize rate at which LGBTQ people—and particularly LGBTQ youth—experience homelessness.

- LGBTQ youth face 2.2 times the relative risk of experiencing homelessness.<sup>35</sup> Forty percent of all homeless youth identify as LGBTQ, and nearly one-third of transgender and gender non-binary people have experienced homelessness in their lifetime.<sup>36</sup>
- Housing discrimination against LGBTQ people is pervasive, and is worse for LGBTQ people of color and older LGBTQ people due to bias and animus based on their multiple identities.<sup>37</sup> One study found that 48 percent of older same sex couples applying for senior housing were subjected to discrimination.<sup>38</sup>
- Discrimination based on gender identity is the most commonly reported reason that trans domestic violence survivors are denied access to shelter services.<sup>39</sup> Transgender people more generally find it hard to find an alternative provider if turned away from a shelter.<sup>40</sup>

### Housing Assistance Decreases Homelessness

In 2019, 224,528 women, girls, transgender people, and gender non-conforming people experienced homelessness.<sup>41</sup>

Housing assistance can decrease the likelihood that women and families with low incomes experience homelessness. One study showed that long-term permanent housing subsidies reduced the proportion of families experiencing homelessness or doubling-up with others by 50 percent.<sup>42</sup> Studies have also shown that families leaving homeless shelters for subsidized housing are less likely to return to a shelter than families who do not receive housing assistance.<sup>43</sup> Experiencing homelessness also makes it difficult to engage in the protective measures recommended by the Centers for Disease Control and Prevention (CDC) to curb coronavirus transmission and infection, like social distancing, sheltering in place, and regular handwashing.

### Housing Assistance Helps Women With Disabilities

In 2019, disability continued to be the basis for the majority of all complaints filed under the Fair Housing Act (FHA).<sup>44</sup> Housing assistance helps women with disabilities access affordable and accessible housing and ensures women with disabilities can live in non-congregate housing, which increases independence and community integration while also cutting down on transmission of communicable diseases, including COVID-19.

- Women with disabilities typically have lower incomes and face a higher risk of poverty and economic hardship than those without disabilities, and they are therefore more likely to require rental assistance. In 2018, just 31 percent of women with a disability were in the labor force—compared to 71 percent of women without a disability.<sup>45</sup> COVID-19 exacerbated this, with an average of only 17.5 percent of women with a disability in the labor force in 2020, compared to 61.4 percent of non-disabled women.<sup>46</sup>
- Women with disabilities unable to work and receiving Supplemental Security Income (SSI) as their sole source of income cannot afford a safe, decent unit in any U.S. housing market without rental assistance.<sup>47</sup>
- One study found that public housing and privately-owned subsidized rental units were 2.5 times more likely to be livable for people with mobility issues than owner-occupied units.<sup>48</sup>

### Discrimination in Housing Further Limits Housing Options for Women and Their Families

Housing's impact on all aspects of the lives of women and girls makes fair access to safe, accessible, and affordable housing critical. Passed in 1968 shortly after Dr. Martin Luther King, Jr. was assassinated, the FHA prohibits discrimination in housing and housing-related services on the basis of race, color, national origin, religion, sex, familial status, and disability. The FHA also imposes a duty on all federal agencies and their funding recipients to affirmatively further fair housing, including working to undo segregated neighborhoods, which government policies created and have perpetuated, and to overcome barriers to fair housing for the protected classes under the FHA. While the FHA has played a critical role in helping more people access fair housing, much work remains.

For example, sexual harassment in housing—such as a landlord asking a tenant to engage in sexual conduct as a condition of obtaining or maintain housing—though illegal, is a widespread and underreported problem. Women often either have no other affordable options or are required to list

their current landlord as a reference for a new unit.<sup>49</sup> Reports indicate that this harassment is increasing as a result of the COVID-19 pandemic, as more women face economic hardship and request rent deferrals.<sup>50</sup>

Policies and practices that have discriminatory impacts (“disparate impacts”) also make it harder for women facing multiple forms of discrimination to obtain or maintain housing.

- **Women of color:** City zoning laws limiting the construction of affordable housing, such as multi-family dwellings, often have a disparate impact on people of color.<sup>51</sup> Some cities also refuse to build affordable housing units in predominantly white areas, which blocks access for people of color to quality jobs and/or good schools and perpetuates racial segregation.<sup>52</sup> Redevelopment plans can displace low-income renters, who, depending on the proposed area for redevelopment, may be disproportionately people of color.<sup>53</sup> In addition, some landlords engage in practices such as dramatically raising rents, creating new rental criteria, and discontinuing participation in the Section 8 program that can disproportionately displace renters of color.<sup>54</sup> Furthermore, several lending policies and algorithmic models can lead to costlier loans for people of color, making it harder for women of color to become homeowners and perpetuating the racial wealth gap.<sup>55</sup>
- **Pregnant women and families with children:** Policies that impose overly restrictive occupancy requirements disproportionately harm families with children, and often have the harshest consequences for women of color with low incomes. Landlords who implement these policies can issue vacate notices to pregnant women or parents who do not have a separate bedroom for their infant.<sup>56</sup> These policies have a disparate impact on pregnant Black and Latinx women because they are disproportionately represented in poorly-paid jobs and likely cannot afford to rent an apartment with an additional bedroom for their infant.<sup>57</sup>
- **Survivors:** Housing discrimination against domestic violence survivors is a significant fair housing issue. Cities across the United States enforce nuisance and crime-free ordinances that encourage or require landlords to punish tenants when alleged nuisance conduct (including assault, harassment, stalking, and disorderly conduct) or a certain number of calls for police occur at a property. Because these ordinances do not provide exceptions to emergency service calls made as a result of domestic abuse, women experiencing domestic violence often must make a

choice between seeking safety or remaining housed.<sup>58</sup> Domestic violence survivors can also face obstacles from property owners and housing providers when they request emergency transfers within housing units to escape their abusers and are denied.<sup>59</sup>

- **Households headed by women:** Some lenders create and implement policies against originating loans under \$100,000. This restricts homeownership access and has a disparate impact on households headed by women, who are more likely to have lower incomes and thus lower loan amounts. Landlords in the private market may also refuse to accept housing vouchers, a practice that has a disproportionate impact on households headed by women, who make up 83 percent of all housing choice voucher participants.<sup>60</sup>
- **Women with a criminal record:** Women who have been involved with the criminal or juvenile legal system face tremendous barriers to successfully reintegrating into their communities, including profound housing insecurity. As a result, these women—who, because of racism in the criminal legal system, are disproportionately Black or Latina—are at an increased risk of homelessness and recidivism.<sup>61</sup> Overly broad tenant screening policies and “one strike” or “no fault” eviction policies can create *de facto* bans on people with a criminal history from accessing safe, stable housing.

## Trump Administration Rulemakings Threatened Safe, Accessible, and Affordable Housing for Women, Children, and Families

The Trump administration repeatedly attacked fair access to housing. The Biden administration has reversed many of these harmful actions.

### Public Charge

In 2019, the Trump administration drastically changed the “public charge” test applied when an immigrant seeks to enter the U.S. or become a permanent resident. Under the previous test based on 1999 field guidance, immigration officials considered whether the majority of the applicant’s financial support comes from federal cash assistance or long-term institutional care.<sup>62</sup> The Department of Homeland Security (DHS) made this draconian test harsher with a rule that counts the receipt of housing assistance, as well as other non-cash-based assistance such as the Supplemental Nutrition Assistance Program, when making a public charge determination. This rulemaking chilled immigrant families’

participation in public benefits out of fear of risking their eligibility for permanent residence.

Numerous organizations challenged this rule in the courts. Under the Biden administration, DHS stopped defending the 2019 rule in the courts.<sup>63</sup> As of March 9, 2021, DHS stopped applying the 2019 public charge rule and instead started applying the test based on the 1999 field guidance.<sup>64</sup>

### “Mixed-Status” Families

In addition, under the Trump administration, HUD proposed a rule that would force about 25,000 immigrant families—in which some members of the family are eligible for HUD assistance and others are not—to make the impossible decision to either separate or lose all their housing assistance and face eviction. The proposed rule would also create unnecessary red tape that would threaten the housing security of 9.5 million people currently receiving HUD assistance, including 55,000 U.S. citizen children. This proposed rule would disproportionately harm women and girls, as well as people of color.

Under the Biden administration, HUD withdrew this proposed rule on April 2, 2021.<sup>65</sup>

### Affirmatively Furthering Fair Housing

In July 2020, the Trump administration promulgated a rule gutting the 2015 Affirmatively Furthering Fair Housing (AFFH) rule, a critical tool to integrating neighborhoods and eliminating other barriers to fair housing access for people of color, women, LGBTQ people, people with disabilities, and other protected classes under the FHA. The Trump administration’s rule represents a complete retreat from efforts to undo historic, government-driven patterns of discrimination and segregation throughout the United States, and would allow communities to ignore the essential desegregation obligations of fair housing law.

Under the Biden administration, HUD is seeking to promulgate an interim final rule to restore the 2015 rule.<sup>66</sup>

### Disparate Impact

In September 2020, the Trump administration published a final HUD rule weakening the ability to challenge policies and practices with discriminatory disparate impacts. Implementing this rule would have harmful impacts on women’s ability to access fair rental and homeownership opportunities.<sup>67</sup> Civil rights and fair housing groups challenged this rule in court, and a district court issued a preliminary injunction to stop the rule from going into effect.<sup>68</sup> In February 2021, under the Biden administration, the Department of Justice withdrew HUD’s appeal of the

preliminary injunction.<sup>69</sup> This restores the 2013 Obama administration disparate impact standard.

In the spring of 2020, the Taskforce on Federal Consumer Financial Law within the Consumer Financial Protection Bureau (CFPB) sought comments related to federal consumer financial laws, including disparate impact under the Equal Credit Opportunity Act (ECOA). Just as disparate impact is a critical tool to combat housing policies and practices that have a discriminatory impact under the FHA, disparate impact under the ECOA helps challenge lending practices, such as mortgage lending practices, that have a discriminatory impact on women, people of color, and other protected classes.<sup>70</sup>

### Equal Access to Shelter

The Obama administration’s Equal Access Rule requires HUD-funded shelters to provide access to shelter based on someone’s gender identity, providing a critical protection from discrimination for trans people experiencing homelessness, including those seeking access to shelter to escape violence, family rejection, or natural disasters.

Unfortunately, under the Trump administration, HUD proposed a rule that would gut the Equal Access Rule and promote sex discrimination on multiple fronts.<sup>71</sup> First, the proposed rule would allow HUD-funded single-sex shelters to establish an accommodations policy based on biological sex, without regard to one’s gender identity. This would encourage widespread discrimination when trans people need help the most, when they are without a roof over their heads. Second, the proposed rule would let shelters make a “good faith” assessment of an individual’s sex based on sex stereotyping—considering physical characteristics like the presence of facial hair, height, and the presence of an Adam’s apple. This would lead to discrimination against transgender people and anyone who does not conform to the shelter’s sex stereotypes of what a woman “should” look like.

Under the Biden administration, HUD announced that it will apply the reasoning of *Bostock v. Clayton County*,<sup>72</sup> that a statutory prohibition on sex discrimination includes a prohibition on discrimination based on sexual orientation and gender identity, to the Fair Housing Act.<sup>73</sup> HUD also formally withdrew the Trump administration rulemaking<sup>74</sup> and released training and other resources to help shelters implement the Equal Access Rule.<sup>75</sup>

## Recommendations

Meaningfully and purposefully addressing gender and racial disparities in housing will also help alleviate inequities in wealth, education, health, and more. Large-scale, sustained investments and reforms are necessary to begin addressing the lasting legacy of racist and sexist policies and historical disinvestment, and to ensure all people have a safe, affordable place to call home. These investments and reforms include:

- **Continuing to roll back harmful administrative actions.** This includes reinstating the Obama administration’s Affirmatively Furthering Fair Housing rule and ensuring the CFPB maintains disparate impact under the ECOA.
- **Providing emergency relief in response to the COVID-19 crisis.** Congress has provided nearly \$85 billion in housing relief through several COVID relief packages, including over \$50 billion in emergency rental and utility assistance.<sup>76</sup> This funding will go far in helping renters and homeowners catch up on payments. Congress must continue to track back rent and mortgage payments<sup>77</sup> and provide additional rental, mortgage, and/or utility assistance to meet any needs remaining after existing relief funds have been spent.
- **Increasing funding for housing assistance so every woman, child, and family can access safe, accessible, and affordable housing.** This includes fully funding Section 8 housing choice vouchers so every eligible family can get the assistance needed to pay their rent; providing \$70 billion in funding for public housing to maintain existing units; providing at least \$45 billion for the national Housing Trust Fund to increase the stock of affordable and accessible housing, including \$26 billion to help states and localities convert and maintain hotels, motels, and other non-traditional properties into permanent, supportive housing for people experiencing homelessness; providing significant investments in resources to prevent homelessness and respond to the needs of people experiencing homelessness; providing at least \$20 million in funding for emergency transfer vouchers for VAWA survivors; and providing dedicated funding for a cross-agency collaboration on housing for survivors.
- **Creating a permanent National Housing Stabilization Fund (NHSF) to keep families stably housed after experiencing a financial shock.** The COVID-19 pandemic and resulting “she-cession” only exacerbated the eviction crisis that already existed. A permanent NHSF would provide short-term financial assistance and stability services to help women and families with low incomes overcome a sudden financial shock that jeopardizes their ability to remain stably housed.
- **Creating a refundable renter’s tax credit for individuals.** A refundable tax credit will help make housing more affordable for families who do not qualify for HUD assistance but who are not paid enough to reasonably afford fair market rent.
- **Mitigating evictions and their subsequent impact to protect tenants from unfair eviction screening policies that disproportionately impact women of color.** This could include funding eviction diversion programs, ensuring the right to counsel for tenants facing eviction, excluding eviction records of cases dismissed or decided in the tenant’s favor, and prohibiting the denial of housing on the basis of COVID-related evictions.
- **Strengthening the FHA.** As noted above, the FHA laid the foundation to confront housing discrimination in the United States, but it should be strengthened to combat more instances of discrimination. For example, Congress could amend the FHA to add survivor status and source of income as protected classes. Congress could make HUD’s application of the *Bostock* rationale to the FHA more concrete by amending the FHA to more explicitly add sexual orientation and gender identity as protected classes. In addition, protections against sexual harassment in housing could be strengthened, funding for testing to detect discrimination under the FHA can be increased, and policy makers can institute changes to improve fair housing access for people with disabilities and formerly incarcerated people.
- **Increasing homeownership opportunities, particularly for women of color.** This could include rent to own programs, a first-time homeowner refundable tax credit, and strengthening the ECOA through stronger enforcement against discriminatory lending practices.



- 1 Audrey Andrews, *The Coronavirus Recession is a “She-cession,”* Ms. (May 15, 2020), <https://msmagazine.com/2020/05/15/covid19-women-unemployment-economy-coronavirus-recession-is-a-she-cession/>.
- 2 Claire Ewing-Nelson, Nat’l Women’s Law Ctr., *Four Times More Women Than Men Dropped Out of the Labor Force in September* (Oct. 2020), <https://nwlc.org/resources/four-times-more-women-than-men-dropped-out-of-the-labor-force-in-september/>.
- 3 Claire Ewing Nelson & Jasmine Tucker, Nat’l Women’s Law Ctr., *Only About One Third of the 916,000 Jobs Gained Last Month Went to Women* (Apr. 2021), <https://nwlc.org/resources/march-jobs-2021/>.
- 4 Ewing-Nelson, *supra* note 2. In February 2020, before the pandemic, the unemployment rate was 4.8 percent for Black women, 4.9 percent for Latinas, and 7.4 percent for women with disabilities. *Id.* This compares to an unemployment rate of 3.3 percent for men and 2.9 percent for white men. Bureau of Labor Stats., Labor Force Statistics from the Current Population Survey, (Seas) Unemployment Rate – 20 yrs. & over, Men, <https://beta.bls.gov/dataViewer/view/timeseries/LNS14000025>; Bureau of Labor Stats., Labor Force Statistics from the Current Population Survey, (Seas) Unemployment Rate – 20 yrs. & over, White Men, <https://beta.bls.gov/dataViewer/view/timeseries/LNS14000028>. See also Nat’l Women’s Law Ctr., COVID-19 Jobs Day Reports (Sept. 4, 2020), <https://nwlc.org/resources/2020-jobs-day-reports/> (providing monthly fact sheets on Jobs Data during the pandemic).
- 5 Ewing-Nelson, *supra* note 2.
- 6 Nat’l Women’s Law Ctr., NWLC Analysis of U.S. Census Bureau COVID-19 Household Pulse Surveys, <https://nwlc.org/resources/nwlc-analysis-of-u-s-census-bureau-covid-19-household-pulse-surveys/> (last visited Apr. 28, 2021) [hereinafter NWLC Analysis of Census Pulse Surveys].
- 7 Legal Servs. Corp., *The Eviction Crisis Is Already Here and It’s Crushing Black Moms* (July 27, 2020), <https://www.lsc.gov/media-center/blog/2020/07/27/eviction-crisis-already-here-and-its-crushing-black-moms>.
- 8 Nat’l Women’s Law Ctr., *The Wage Gap: The Who, How, Why, and What to Do* (Oct. 2020), <https://nwlc.org/resources/the-wage-gap-the-who-how-why-and-what-to-do/> [hereinafter *The Wage Gap*].
- 9 Jasmine Tucker & Julie Vogtman, Nat’l Women’s Law Ctr., *When Hard Work Is Not Enough: Women in Low-Paid Jobs* (Apr. 2020), [https://nwlc-ciw49tixgw5lbbab.stackpathdns.com/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report\\_pp04-FINAL-4.2.pdf](https://nwlc-ciw49tixgw5lbbab.stackpathdns.com/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report_pp04-FINAL-4.2.pdf).
- 10 Amanda Fins, Nat’l Women’s Law Ctr., *National Snapshot: Poverty among Women & Families, 2020* (Dec. 2020), <https://nwlc.org/resources/national-snapshot-poverty-among-women-families-2020/>.
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