Liability for Homelessness*

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Abstract

Homelessness is a major problem in many American cities, despite strong public support for government action. Billions of dollars have been spent on programs widely regarded as ineffective, reflecting uncertainty over the best strategies to address homelessness as well as the need for policymakers to expend effort if effective programs are to be pursued. Using a formal model, we show how existing institutions insufficiently motivate politicians to expend such effort, even with strong voter support. The basic problem is that the costs of politicians' failure are externalized. To remedy this, we propose a policy structure whereby wealthy citizens can reduce their tax liability by guaranteeing that all individuals are adequately housed, as judged by voters. This results in the rich internalizing both costs and benefits of policies to reduce homelessness and implies an incentive to discover the most efficient policies. We discuss broader implications for electoral accountability and redistribution.

Keywords: electoral accountability; homelessness; local government; redistribution

Work in progress

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Homelessness in the United States has been referred to as a "humanitarian disaster" (Currier 2021) and a "complex emergency" (Greenberg 2017). On a given night in 2023, an estimated 653,100 people were without housing, about 40% of whom were unsheltered—meaning that they were in cars, tents, or somewhere else "not meant for human habitation" (de Sousa et al. 2023). Though difficult to know due to the patchwork of programs across local, state, and federal levels of government, tens of billions of dollars have been spent over the last few years in efforts to prevent and remedy homelessness.[1] The persistence of homelessness alongside these extensive efforts raises the question of why American political institutions have been unable to produce effective policies to solve this problem.

One possibility is that American voters are generally opposed to the government spending money to help the homeless. Yet survey evidence demonstrates widespread public support for government action to end homelessness. In a 2022 YouGov survey of American adults, a majority of respondents said that homelessness is a very serious problem, and about two-thirds of respondents said that federal, state, and local governments should do more to address homelessness (Bialik and Orth 2022). Large portions of respondents supported a range of policies that involve spending more money to help people who are currently homeless and prevent others from becoming homeless, including funding to address mental illness (78%), funding to address addiction (74%), opening more homeless shelters (69%), emergency rental assistance (65%), and building housing for homeless people (63%). Existing scholarship in political science on homelessness (Clifford and Piston 2017; Gross and Wronski 2021; Laniyonu and Byerly 2021) focuses on public opinion and generally shows broad support for government action.

Our starting point in answering this puzzle is that homelessness policy is complicated.

1. See Watt (2023) for an estimate on spending in California alone. In 2023, HUD made $3.1 billion available in grants for homeless service organizations, larger than in prior years (U.S. Department of Housing and Urban Development 2023).

There is legitimate uncertainty over the best policies to address it. Historically, scholars and activists contrasted continuum of care (or "housing ready") and "housing first" approaches. The housing first approach has gained favor in recent years, but it still features much internal variation, including alternatives of rapid re-housing versus permanent supportive housing, whether housing should be located at a central location or scattered sites, and whether the government or non-profits should administer housing for people in need (Evans, Philips, and Ruffini 2019). In some cities, especially those with extreme weather, temporary shelters remain vital. The balance between preventing homelessness and helping those who are currently homeless is also a question, with some of the most efficacious policies, such as rapid rental assistance, appearing to be those that keep people out of homelessness in the first place (O'Flaherty 2019; O'Regan, Ellen, and House 2021). There are also political challenges, such as siting housing (whether temporary or permanent) in the face of nimby opposition, or forming a viable political coalition in support of effective policies (Hilber and Schöni 2022). Moreover, different policies may work better in different places. The extensive scholarship in economics and public policy attempting to evaluate alternative homelessness policies demonstrates the subtlety and uncertainty of these issues.

In this paper, we argue that existing institutions insufficiently motivate politicians to expend the requisite effort to learn about effective policies to reduce homelessness, despite strong voter support. The complexity of homelessness policy requires politicians to expend effort to learn which policies can succeed in light of their specific housing market, homeless population, and political context.[2] Yet the electoral tool that voters have available to moti-

2. While we share related substantive concerns with policy complexity as Callander (2011) and McCarty (2017), our modeling approach is different and much simpler. We do not explicitly model uncertainty and instead focus on the effort investment by an actor choosing policy, where this effort is interpreted as contributing to the actor learning about the best policy. Our approach connects to other principal-agent models analyzing how a principal can elicit effort from an agent, such as that on the bureaucracy (Turner 2017, 2021).

vate politicians is inadequate. Voters can threaten to deny the politician reelection, but the value of holding office for the politician is fixed and limited. This limited electoral incentive mechanism, next to the difficulty of finding effective homelessness policies, implies that the voter is unable to elicit sufficient effort by the politician to obtain a policy that satisfies the voter.

In the model we present, the core problem is how to redistribute from the wealthy to the homeless. We assume that redistribution is inevitably inefficient, but that this inefficiency can be reduced through costly effort. The voter supports redistribution and would like the policy to be implemented, in principle. But the voter also experiences an externality arising from the inefficiency of redistribution, such as lower levels of investment or economic activity that affects the voter. Redistribution itself is carried out through an administrator (reflecting government bureaucracies or non-profits), and the degree of redistribution depends upon the efficiency of the process. Effort can be understood as selection of a policy that corresponds to a certain level of efficiency. The more effort expended, the lower level of inefficiency at any given level of redistribution. We contrast two alternative institutions for eliciting effort: an *electoral accountability* regime and a *private liability* regime.[3]

We first analyze the electoral incentive for a politician to expend effort to reduce the cost of a redistributive policy. This effort is required to make the policy palatable to the voter, but it provides no intrinsic benefit to the politician. To focus on the electoral mechanism, the politician only cares about retaining office and minimizing effort. We utilize the electoral accountability framework (Ashworth 2012), specifically applying the Barro-Ferejohn model. In our model, voters evaluate effort from observing the level of redistribution, rather than forming beliefs over possible types of politicians.[4] The politician responsible for expending

3. Like Hirsch and Shotts (2018), we are concerned with accountability by a monopolistic policy developer, but we consider alternative institutions to incentivize effort investment beyond directly choosing policy.

4. To illustrate the problem, it is sufficient for the voter to have complete information about the type of official, and creating more challenges for the voter in this regard takes the spotlight off the core incentive

effort can be denied office, which has a fixed benefit.

For an alternative to electoral accountability, we draw upon scholarship in law and economics that contrasts government taxation and spending with legal rules as means of redistribution. Under the private liability regime, the wealthy are legally liable for providing a sufficient degree of redistribution, as judged by the voter. This implies that the economic "exposure" of the wealthy to the risks of bad policy is proportional to the needs of the homeless. By creating liability for the wealthy when a potentially homeless citizen falls beneath a certain threshold of housing set by the voter, the private liability regime incentivizes the rich to expend effort to find the most efficient policy to limit their exposure. In equilibrium, the resulting level of effort is always greater than that of the politician, and hence redistribution is more efficient under the private liability regime. In effect, increasing the cost of a policy can spur greater effort, which increases efficiency overall.[5] The contrast between the electoral accountability and private liability regimes demonstrates the shortcomings of the electoral mechanism as a tool for redistribution.

Alternative modes of redistribution

Our argument relates to a standard distinction between two mechanisms for economic redistribution in law and economics. The first is government taxation and spending, in which the government collects a certain amount of tax revenue and then allocates (some of) it to redistributive policies. The second operates through private law (esp. property, tort, or contract law) and involves legal rules that allocate private rights and liabilities, which may be redistributive to the extent that changing a rule on average shifts benefits from a wealthier

problem.

5. This relates to scholarship on executive constraints and the prevention of terrorism (Dragu 2011; Dragu and Polborn 2014).

group to a poorer group.

In the textbook law-and-economics view, redistribution through legal rules should be avoided, and policymakers should instead seek optimal levels of government taxation and spending.[6] The standard argument is as follows. Imagine some kind of risky behavior, such as speeding while driving. Should a legal rule to allow pedestrians to sue dangerous drivers incorporate redistributive considerations? Assuming that drivers are on average wealthier than pedestrians, tilting a legal rule toward pedestrians is redistributive. But this simultaneously increases the incentive for pedestrians to engage in risky behavior, reducing the efficiency of the rule. It is better to achieve redistribution through progressive taxation and government spending, according to the textbook logic.

Our approach differs from the classic model in two salient ways. First, legal rules are typically thought of as pertaining to something other than direct redistribution. Rather than a risky behavior like speeding, we build upon approaches to homelessness, and poverty more generally, that emphasize property rights (Essert 2016; Mancilla 2016). In the structure of rules here, the wealthy are liable if other individuals (the homeless) fall below a certain level of material well-being. This is independent of other behaviors.[7] Second, the classic model does not incorporate political incentives. Regardless of whether redistributive policies are implemented through taxes and spending or a legal rule, the variety of possible policies implies necessary choices, introducing potential incentive problems. And the incentives for the policymaker introduced by these two alternatives differ. Whereas government taxes are owed regardless of whether the government ultimately achieves its policy objective, a legal rule has the potential to operate more like a tax incentive based on a social outcome, since

6. For a literal textbook explanation, see Cooter and Ulen (2011, pp. 106-8). This argument is developed by Shavell (1981) and Kaplow and Shavell (1994, 2000). Blankfein-Tabachnick and Kordana (2017) and Fennell and McAdams (2015) provide a contrasting view.

7. Perhaps it distorts the behavior of the poor to exert effort to avoid homelessness, but that would be true of a government tax-and-spend scheme as well.

the wealthy can reduce the amount they owe by investing in good policy.[8]

The private liability regime we consider is, in effect, a legal right to housing. However, it differs from the standard way that a right to housing is understood. For example, some jurisdictions in the United States, most prominently New York City, contain a "right to shelter" (Bellafante 2023; Fieldman 2023). This right allows the homeless or their advocates to sue if New York City does not provide shelter space, and this has resulted in judges ordering the city to change policy. Nonetheless, New York City still has a large unsheltered population (Coalition for the Homeless; Hogan 2023; Marcius, Newman, and Ley 2022). Existing right to shelter policies are implemented by elected officials, with the resulting incentive problem intact. Individuals may sue the government, but the government then may or may not succeed in changing policy. By contrast, in the private liability regime we consider, individuals sue the wealthy, who are then required to pay for a redistributive policy no matter how expensive it is. This resolves the incentive problem in developing an efficient policy.

The political economy of homelessness

Local, state, and federal levels of government all play important roles in homelessness policy. Every US state has a housing finance agency to support affordable housing. The Department of Housing and Urban Development (HUD) provides federal grants to local Continuums of Care (CoCs) to plan and manage homeless assistance programs in a local area. Nonetheless, the most prominent level of government for addressing homelessness is the local level. Overall, much of housing policy is determined locally. Additionally, voters are most likely

8. Kogelmann and Ogden (2018) argue against one version of altering property rights based on the distribution of wealth, but this differs from our analysis because for them (following Locke) the allocation of property rights follows economic investment.

to vote on the basis of housing and homelessness in local elections. Even if state and federal governments provide financial assistance, local governments are ultimately responsible for homelessness as a problem of public health or public order.

Recent empirical work on local government accountability uses partisan and ideological variation across cities to show evidence of municipal policy responsiveness (Warshaw 2019), including for redistributive policies (Einstein and Glick 2018). However, a focus on ideological or partisan differences leaves out broad commonalities in policy outcomes across cities, especially on issues such as housing (Einstein, Glick, and Palmer 2019; Trounstine 2018). In essence, we seek to understand the component of this policy problem that does *not* vary across large US cities, and the resulting absence of empirical leverage suggests a theoretical investigation. Prior theoretical work on housing policy focuses on nimbyism (Foster and Warren 2022), and we extend this work to explore other barriers to effective homelessness policies.

As a policy problem, homelessness has several important characteristics. As observed above, there is broad public support for addressing homelessness, including by spending more money. This implies a valence aspect to homelessness. Additionally, the median voter is mostly not affected by the costs and benefits of homelessness policy. Roughly 0.2% of Americans are homeless on any given night (de Sousa et al. 2023), and therefore the median voter is only affected by homelessness policy indirectly (morally and aesthetically). In terms of costs, there is good reason to think that existing government spending could be directed in more efficient ways to successfully address the relatively small number of individuals who are homeless (O'Flaherty 2019). Raising taxes on the wealthy introduces the potential for inefficiencies due to capital flight, which is a relevant (though also indirect) consideration for voters. Yet this factor also depends on the degree of efficiency of the policy that the politician selects.[9]

9. Historically, many political scientists have seen capital mobility as foreclosing redistribution by local

Fundamentally, homelessness is a complex problem with a high degree of uncertainty over the best policy responses, and this requires effort by elected officials. A brief list of policies emphasizes the diversity of alternatives:

- Public and/or nonprofit housing development
- Affordability incentives for new for-profit developments (e.g., the Low Income Housing Tax Credit [LIHTC])
- Rental vouchers
- Temporary rental assistance
- Legal aid to help fight evictions
- Rapid Rehousing (temporary assistance for market housing)
- Supportive housing (typically permanent housing with supportive services)
- Emergency shelters

One can think of these alternatives as structured like a funnel, from broad preventions applying generally to low-income people, to preventative measures for high-risk households, to policies targeted at people who are already homeless (O'Regan, Ellen, and House 2021). At the top of the list, the most people are eligible, which increases the costs of these programs. Yet at the bottom of the list, recipients have the most severe and complex needs, also increasing costs. The optimal balance between policies targeting more, lower-needs versus fewer, higher-needs clients is a difficult empirical question.

Moreover, many of the above policy approaches imply additional questions. If government or non-profits are to provide housing, is it to be project-based (at a single location) or scattered site? What about the location of the new housing? Are the publicly provided units to be obtained through new developments or hotel conversions? How is the new housing going to be managed (through the government directly or a non-profit)? What spectrum of

governments (Peterson 1981), but this view has recently been challenged in light of existing redistributive policies at the local level (Craw 2010; Schragger 2016).

services is to be provided to the residents of the new housing? And who is to provide these services? How stringent will the rules be and who is eligible? Each of these questions must be answered by a policymaker, and the answers plausibly vary across contexts. Factors affecting optimal policies for addressing homelessness include the local housing market, attributes of the homeless population, and climate (Hilber and Schöni 2022). Insofar as the best policy is context dependent, local elected officials cannot simply copy best practices.

In addition to determining the best policy, understood as a technical question, an elected official also must identify a political coalition to support the policy. This problem has multiple aspects to it. One issue has to do with managing public sentiment, which is especially evident in the struggles over locating emergency shelters (Greenberg 2017). Another variable concerns the funding structure of redistribution, which may activate or forestall opposition. This is a problem evident in attempts to tax businesses to fund homeless services. Political hurdles may also arise due to conflicts between elected officials, such as the mayor and city council.[10] Beyond the municipal government, local officials must also coordinate with state governments and the local CoC in order to successfully address homelessness (Willison 2021).

These characteristics of homelessness policy imply an important problem facing voters. Voters desire a higher level of redistribution from the wealthy to the homeless. Yet the complexity of this policy area, both in technical and coalitional terms, implies that voters need the policymaker to expend effort to find efficient policies. Without excluding the possibility that other policy areas fit these criteria, we contend that they are especially relevant for homelessness. As we show in the next section, the electoral mechanism is inherently limited in motivating a politician to expend such effort. We make this argument by contrasting electoral accountability to an alternative institution in which redistribution is accomplished

10. For instance, in Anchorage, Alaska, the city spent $4.5 million on the mayor's plan for a mass emergency shelter, which the city council subsequently vetoed in favor of its own plan for small warming sites throughout the city, but neither plan was successfully implemented (Goodykoontz 2023; Baker 2023).

through legal rules. The latter, we argue, provides a more promising route to overcoming these challenges.

The model

We compare two different institutional mechanisms for producing housing policy. Under the *electoral accountability regime*, a politician P chooses whether to implement a redistributive policy for the homeless (denoted $r = 1$) and how much effort e to exert in order to reduce the inefficiency of r (experienced by others). This politician does not inherently benefit from producing good policy, and in fact, both $r = 1$ and $e > 0$ are costly. The motivation to do so is an electoral accountability relationship with a voter V who decides whether to reelect the politician.

Under the *private liability regime*, the rich R are in charge of choosing both r and e. They also find both r and e to be inherently costly, with e decreasing the cost of $r = 1$ as before. There are two important differences in this regime. First, instead of being subject to electoral accountability, the rich may face a dispute by the homeless, with the voter adjudicating. Second, the rich internalize the cost of redistribution, leading to a greater incentive to choose a large value of e to invest in good policy. Consequently, this regime may produce better outcomes for two reasons: first, we may have $r = 1$ rather than $r = 0$, if the politician's reelection motives were insufficiently large or if the voter is worried about inefficiency. Second, having $r = 1$ may correspond to a larger value of e, because the rich internalize the cost of implementing the policy and are more motivated to reduce it. This may actually motivate the voter to demand $r = 1$ when they previously settled for $r = 0$ because of the policy's inefficiency under electoral accountability.

Electoral accountability

We now analyze the electoral accountability regime. We show that a politician responsible for making policy efficient may be insufficiently motivated by office rents to want to exert effort. And even if the politician were willing to do so, the level of effort that he would pursue may be lower than that which would make the voter demand policy implementation.

Preliminaries

Players consist of a politician P, an administrator A, and a voter V. In each stage t of an infinitely repeated game, the politician decides how much effort e_t to invest in making redistribution less expensive, with this observed only by the administrator A. The administrator then decides whether to enact the redistributive policy, indicated by r_t. Finally, the voter observes r_t and decides whether to reelect the politician.

Utility functions

Utility in Stage t is as follows:

$$
\begin{aligned}
U_t^P &= \omega_t \, \rho - \eta \, e_t + \delta \, U_{t+1}^P, \\
U_t^A &= r_t \left(1 - \theta^A \, F(e_t)\right) + \delta \, U_{t+1}^A, \\
U_t^V &= r_t \left(1 - \theta^V \, F(e_t)\right) + \delta \, U_{t+1}^V.
\end{aligned}
$$

Here, ω_t indicates office-holding, $\rho > 0$ is office rents, $\eta > 0$ is a cost coefficient, $e_t \geq 0$ is effort reducing the cost of redistribution, $r_t \in \{0, 1\}$ indicates whether redistributive policy is implemented in Stage t, θ^I is the cost coefficient for $I \in \{A, V\}$, $F(e_t)$ is a cost function, and $\delta \in (0, 1)$ is the discount factor.

Sequence of moves

The sequence of moves in Stage t is as follows:

1. The politician chooses effort e_t, which only the administrator observes.
2. The administrator chooses whether to implement the redistributive policy, indicated by r_t.
3. The voter decides whether to reelect the politician.

Assumption

We assume that the cost function satisfies some Inada-like conditions:

Assumption 1 (Cost function)**.** *The function $F(e_t)$ is twice continuously differentiable, with $\lim_{e_t \downarrow 0} F(e_t) = \infty$, $\lim_{e_t \to \infty} F(e_t) = 0$, $F'(e_t) < 0$, and $F''(e_t) > 0$.*

That is to say, a small investment in effort e_t reduces the cost of policy by a large amount, but larger investments provide diminishing returns.[11]

Equilibrium

This is a sequential game of imperfect information. However, the voter's indifference renders beliefs inconsequential, so our equilibrium concept is subgame-perfect Nash equilibrium (SPNE). We focus on the pure-strategy equilibrium in stationary strategies that is best for the voter. An SPNE is a strategy profile such that players' strategies are sequentially rational.

11. An example of a possible $F(e_t)$ satisfying this assumption is $F(e_t) = {}^1/_{e_t}$. We intend to present results for this special case in an appendix.

Summary

The exogenous parameters are ρ, η, δ, θ^A, and θ^V. The endogenous choices are effort e_t, policy implementation r_t, and reelection. We focus exclusively on the pure-strategy SPNE in stationary strategies that is best for the voter.

Analysis

We examine an arbitrary stage t. First, we determine the minimum value of e_t that induces the administrator to implement policy, denoted $\underline{e}$. This is the e_t solving

$$U_t^A(r_t = 0, e_t) = U_t^A(r_t = 1, e_t),$$

which implies that

$$\underline{e} = F^{-1}\left(\frac{1}{\theta^A}\right).$$

As F is a decreasing function, so is F^{-1}, which maps a cost of redistribution (before multiplying by a specific player's own cost coefficient) to the choice of e_t that produces it. Then as θ^A increases (and the administrator's costs rise), the administrator requires more and more effort by the politician to be willing to implement the policy. Below we see that this has countervailing effects: while the voter likes the politician having to exert more effort, at some point he may give up and shirk.

Consequently, we ask whether the politician is willing to exert this quantity of effort if he would be reelected precisely when the policy is implemented.[12] The politician's continuation

12. If reelection always follows, never follows, or follows precisely when the policy is *not* implemented, the politician exerts zero effort.

value of holding office in stage $t+1$ (denoted v_O^P) satisfies

$$\begin{aligned} v_O^P &= \rho - \eta\,\underline{e} + \delta\, v_O^P \\ &= \rho - \eta\, F^{-1}\left(\frac{1}{\theta^A}\right) + \delta\, v_O^P, \end{aligned}$$

implying that

$$v_O^P = \frac{\eta\, F^{-1}\left(\frac{1}{\theta^A}\right) - \rho}{1-\delta}.$$

Of course, the continuation value of being out of office is zero. Then we require

$$\begin{aligned} \rho - \eta\,\underline{e} + \delta\, v_O^P \geq \rho - \eta\, 0 + \delta\, 0 &\iff \\ \rho &\geq \frac{\eta\, F^{-1}\left(\frac{1}{\theta^A}\right)}{\delta}. \end{aligned}$$

This condition is satisfied when office rents are large, the politician's cost of effort is low, the administrator's cost of implementing the policy is low, and the discount factor is large. Otherwise, the politician exerts zero effort, in which case we assume that the administrator's cost of policy implementation is infinite and we have $r = 0$.[13]

Finally, the voter is indifferent between reelecting and sacking. However, we ask which voter strategy and corresponding behavior by the politician and administrator constitute the best equilibrium for the voter. This corresponds to what the voter would demand upfront if required to set out a reelection rule in advance. What we must check is simple: does the voter prefer policy not to be implemented (with zero effort), or does she prefer policy to be implemented with the bare minimum of effort that induces implementation by the

13. In such case, with $0/0$ then appearing in the utility functions for the voter and administrator, we assume that utility is zero.

administrator (given that the unobservability of effort makes the voter unable to compel more)? This is the case when

$$\begin{gathered} U_t^V(r_t = 1, e_t = \underline{e}_t) \geq U_t^V(r_t = 0, e_t = 0) \iff \\ 1 - \frac{\theta^V}{\theta^A} \geq 0 \iff \\ \theta^A \geq \theta^V. \end{gathered}$$

That is, the administrator has a larger cost coefficient of redistribution compared to the voter. This is because a high cost for the administrator compels the politician to exert more effort to make the policy efficient, increasing the voter's preference for it.

Then in summary, there are two constraints on policy implementation. First, the politician must be willing to exert enough effort to induce the administrator to implement the policy, which requires office rents to be sufficiently large. Second, the voter must be satisfied with the level of policy efficiency that would follow, which requires the administrator's cost coefficient to be higher than that of the voter. Overall, equilibrium policy implementation r_t^* is summarized as follows:

Proposition 1 (Policy implementation under electoral accountability)**.** *Under the electoral accountability regime, equilibrium policy implementation is as follows:*

$$r_t^* = \begin{cases} 0 & \rho < \frac{\eta F^{-1}\left(\frac{1}{\theta^A}\right)}{\delta} \;\mid\; \theta^A < \theta^V, \\ 1 & \rho \geq \frac{\eta F^{-1}\left(\frac{1}{\theta^A}\right)}{\delta} \;\&\; \theta^A \geq \theta^V. \end{cases}$$

The voter's utility under this regime is summarized in parallel as follows:

Proposition 2 (Voter utility under electoral accountability)**.** *Under the electoral accountability regime, equilibrium voter utility is as follows:*

$$U_t^V = \begin{cases} 0 & \rho < \frac{\eta F^{-1}\left(\frac{1}{\theta^A}\right)}{\delta} \;\mid\; \theta^A < \theta^V, \\ \frac{1-\frac{\theta^V}{\theta^A}}{1-\delta} & \rho \geq \frac{\eta F^{-1}\left(\frac{1}{\theta^A}\right)}{\delta} \;\&\; \theta^A \geq \theta^V. \end{cases}$$

When ρ is small or θ^V is large, the policy is not implemented and the voter gets zero. Otherwise, the politician does just enough for the administrator to be indifferent over implementing the policy or not. Thus, in anticipation of the voter's demand for outcomes, the politician may at times increase the underlying efficiency of policy to induce its implementation, but the institutional environment is not overly conducive for incentivizing this effort. The voter receives some surplus, but not as much as if the politician had inherent motivation to reduce the cost of the redistributive policy.

Private liability

We turn to analyzing the private liability regime. We demonstrate salutary effects for policy implementation. In particular, the player responsible for exerting effort to reduce the cost of policy implementation (the rich) also internalizes the cost of inefficient policy. This leads to weakly greater exertion of effort compared to the politician above. Then even if policy were already being implemented under electoral accountability, the present regime may lead to more efficient policy. And if policy were *not* already being implemented, either because the politician was insufficiently motivated or because the voter anticipated policy implementation coming with low effort, the private liability regime may ameliorate both of these issues and enable implementation.

Preliminaries

The voter remains. However, the politician is eliminated. In place are two new players: the rich R and the homeless H. In stage t, the rich now decide how much effort e_t to invest in making redistribution less expensive to conduct. Then an administrator chooses whether the redistributive policy is implemented, as before. Following this, the homeless can formally demand that the rich induce policy implementation, with the outcome adjudicated by the voter. Before e_t and r_t are chosen, the voter commits to a rule for adjudicating disputes in terms of r_t.

Utility functions

The utility of the voter and administrator are as before. The politician no longer plays a role. Utility for other players in Stage t is as follows:

$$\begin{aligned} U_t^R &= -\eta\, e_t + r_t \left(-1 - \theta^R F(e_t) \right) + \delta\, U_{t+1}^R, \\ U_t^H &= r_t + \delta\, U_{t+1}^H. \end{aligned}$$

Here, utility for the rich is an amalgamation of that for the politician and the administrator. While there is no longer a sense of reelection, the rich are exposed to the consequences of bad policy. They experience the cost of its implementation like the administrator but also can exert effort to reduce it like the politician. Meanwhile, utility for the homeless consists solely of the amount of redistribution.

Sequence of moves

The sequence of moves in Stage t is now as follows:

1. The voter commits to an adjudication rule for disputes between the rich and homeless.
2. The rich choose effort e_t, which only the administrator observes.

3. The administrator chooses whether to implement the redistributive policy, indicated by r_t.
4. The homeless decide whether to initiate a dispute, in which case the adjudication rule is carried out.

Equilibrium

The equilibrium concept is as above.

Summary

The exogenous parameters are now η, δ, θ^A, and θ^V. The endogenous choices are now e_t, r_t, the homeless's decision of whether to initiate a dispute, and the voter's dispute adjudication rule. We focus on pure-strategy subgame-perfect Nash equilibria.

Analysis

We examine an arbitrary stage t. The voter has two options in choosing an adjudication rule, which is either to force the rich to provide $r_t = 0$ or $r_t = 1$. If the voter's rule is to force the rich to provide $r_t = 0$, then R exerts zero effort. If the voter's rule is to guarantee $r_t = 1$, then R needs to choose a level of e_t such that the administrator is willing to provide $r_t = 1$. If the policy were guaranteed to be implemented regardless of e_t, player R's optimal choice of e_t in this case (denoted $e_t^{R\circ}$) would be

$$e_t^{R\circ} = F'^{-1}\Big(-\frac{\eta}{\theta^R}\Big).$$

Remembering that F' is an increasing function, we know that F'^{-1} is also increasing in its argument. This latter function outputs the value of $e_t^{R\circ}$ at which the derivative of F equals the argument inputted into F'^{-1}. We can see then that effort is decreasing in η and increasing in θ^R, which should be intuitive. The higher the marginal cost of effort for the rich, the less effort they expend. And the higher policy cost they face, the more effort they exert to reduce that cost.

Next, we know from above that the administrator is willing to choose $r_t = 1$ when $e \geq \underline{e}$. Hence, R is compelled to choose at least this value and possibly more if desired. Thus, R's optimal choice of e_t (denoted e_t^{R*}) is

$$e_t^{R*} = \max\left\{F'^{-1}\Big(-\frac{\eta}{\theta^R}\Big), \underline{e}\right\}.$$

Thus, unlike the politician, the rich have two considerations when choosing a value of e_t. First, they seek to make the administrator willing to choose $r_t = 1$, the same as in the case of the politician when office rents are sufficiently large. However, there are important differences. First, while the politician can choose to forgo office rents and exert zero effort, the rich are subject to the dispute procedure. Second, the rich do not only exert effort but also provide the administrator's budget, implying a distinct channel of incentives to expend effort in order to minimize the budgetary expense of redistribution. For these reasons, the rich always choose e_t at least as large as would the politician. And because of this, the voter demands $r_t = 1$ in a wider set of circumstances. We conclude the following about policy implementation in equilibrium:

Proposition 3 (Policy implementation under private liability)**.** *If the policy would be implemented in the electoral accountability regime, it is always implemented in the private liability regime. Specifically, under private liability, we have the following:*

$$r_t^* = \begin{cases} 0 & F'^{-1}\Big(-\frac{\eta}{\theta^R}\Big) < F^{-1}\Big(\frac{1}{\theta^V}\Big) \ \& \ \theta^A < \theta^V, \\ 1 & F'^{-1}\Big(-\frac{\eta}{\theta^R}\Big) \geq F^{-1}\Big(\frac{1}{\theta^V}\Big) \ \mid \ \theta^A \geq \theta^V. \end{cases}$$

An obstacle that is now eliminated is the electoral accountability constraint. We look instead at whether the rich exert sufficiently higher effort compared to what the administrator would demand to implement the policy, *or* whether the administrator is sufficiently demanding compared to the voter. If either of these things is true, the policy is implemented: both must fail for implementation to fail. Importantly, effort is no less than under the politician, who always did the bare minimum. Because the voter knows this, she is potentially more willing to demand policy implementation, anticipating that this leads the rich to exert even more effort than the minimum that is necessary to induce the demanded policy. Thus, in this more favorable institutional environment, the voter's demand of observable policy outcomes induces private actions that ensure more efficient implementation.

Overall then, we have weakly higher utility for the voter, which is summarized as follows:

Proposition 4 (Voter utility under private liability)**.** *Under the private liability regime, equilibrium voter utility is weakly greater than under the electoral accountability regime. Specifically, it is as follows:*

$$U_t^V = \begin{cases} 0 & F'^{-1}\Big(-\frac{\eta}{\theta^R}\Big) < F^{-1}\Big(\frac{1}{\theta^V}\Big) \ \& \ \theta^A < \theta^V, \\ \frac{1-\frac{\theta^V}{\theta^A}}{1-\delta} & F'^{-1}\Big(-\frac{\eta}{\theta^R}\Big) < F^{-1}\Big(\frac{1}{\theta^V}\Big) \ \& \ \theta^A \geq \theta^V, \\ \frac{1-\theta^V F\left(F'^{-1}\left(-\frac{\eta}{\theta^R}\right)\right)}{1-\delta} & F'^{-1}\Big(-\frac{\eta}{\theta^R}\Big) \geq F^{-1}\Big(\frac{1}{\theta^V}\Big). \end{cases}$$

We see that there are two ways that utility might be strictly increased compared to the result of Proposition 2. First, we might have $\theta^A \geq \theta^V$ while ρ is small. That is, the binding constraint under the electoral accountability regime was the size of the politician's office rents. Second, conditional on the policy being induced, the rich might exert more effort compared to the politician, which not only makes the voter more willing to demand the policy but also improves utility even if it would happen anyway. There is thus movement along both the intensive and extensive margins, with improvements in the set of cases under which the policy is implemented as well as the efficiency with which implementation occurs. Therefore, we conclude that utility is weakly greater than under the electoral accountability regime.

Extensions

We briefly outline some extensions to the model. Overall, we point to additional challenges to the electoral accountability regime in producing policy implementation and doing so efficiently. In contrast, the private liability regime avoids these difficulties and continues to produce better policy outcomes. Private liability can provide information about implementation to the voter if there would otherwise be uncertainty, circumvent influence by the rich on the politician, and ensure that homelessness is addressed even when many other policy areas compete with it for attention.

Uncertainty over policy implementation

We have assumed that the voter can perfectly observe whether the policy is implemented, indicated by r. But in actuality, the voter may face difficulty in observing it. This could be modeled by introducing noise, which would make electoral accountability more difficult. Specifically, the politician would now face a chance of being sacked even if he satisfied the voter's demand, simply because the voter sometimes cannot see policy implementation even when it is successful. This further reduces the magnitude of demands that the voter can place on the politician. In contrast, the dispute procedure under the private liability regime may present an opportunity for the homeless (who perfectly observe r) to present verifiable information in support of their case, allowing the voter to observe r and increasing prospects for policy implementation.

Rich influence on the politician

Another challenge to electoral accountability is the ability of wealthy interests to crowd out the voter's demands through lobbying or campaign contributions. Modeling this as a take-it-or-leave-it bribe, the rich would only need to make up the politician's payoff difference between enacting the policy and shirking. An arbitrarily small positive difference can lead to policy enactment, but preventing this with a bribe in equal measure can save the rich a large amount of money. This thus worsens the performance of electoral accountability compared to private liability, which removes the politician's authority.

Competing policy demands

In the electoral accountability regime, the voter might actually want to make demands across a number of different policy areas that vary in voter benefits and politician costs. The voter would first prioritize those demands that yield the highest benefits per unit of cost, moving down the list until one additional demand would make the politician prefer shirking over reelection. We have argued that homelessness is a policy area characterized by high politician costs, while voter benefits are lower than policies providing direct and tangible benefits (e.g., effective street plowing). Therefore, homelessness policy may be sacrificed under the electoral accountability regime, once again a victim of office rents that cannot accommodate the wide range of policies that need attention. By taking responsibility away from the politician, the private liability regime allows an alternative venue through which policy enactment may be induced.

Policy implications

In cities including Los Angeles, San Francisco, Phoenix, and Seattle, voters in the last few years have supported ballot referendums to increase taxes to address homelessness. But city governments have been unable accomplish their goals so far. Frustrated homelessness advocates have sought legal guarantees. For instance, in 2023 in California, a proposed constitutional amendment to guarantee a right to housing has been introduced in the state assembly (ACA 10). Yet if the experience of jurisdictions like New York City (with an existing legal right to shelter) provide a guide, then proposals like ACA 10 are unlikely to fundamentally alter the political challenge of addressing homelessness even were they to pass. Assuming that voters support spending more money on policies to address homelessness, and some kind of legal right is on the table, our argument implies an alternative approach.

Rather than structuring a right to housing as creating a cause of action against the government, we suggest making wealthy taxpayers (or those who would be taxpayers upon the government raising revenue to address homelessness) legally liable for homelessness. We argue that the core barrier to successful policies to reduce homelessness is not an inherent lack of support among voters, but rather the limitations of the electoral mechanism for motivating effort by elected officials. The existing approach to a right to housing preserves this basic problem. By contrast, a right to directly sue the wealthy circumvents the electoral accountability failure. It operates like a tax incentive contingent on a social outcome. In order to reduce their tax burden, wealthy individuals may expend effort to discover more efficient policies. And as the model shows, the difference between a legal rule and electoral accountability as motivators can mean the difference between policy success and failure.

Private liability operates as an alternative to electoral accountability in two respects. First, as we have emphasized, it is an alternative means to motivate effort from a policy developer (politician or wealthy). Second, it is an alternative mechanism for democratic decision-making. In the electoral accountability regime, the voter must act through the politician, which creates problems. But in the private liability regime, the voter decides whether the social outcome (the desired quantity of redistribution received by the homeless) has been achieved. This enables the incentives to operate as intended, since the social outcome must be judged by someone, and on the basis of democratic quality, we suggest the voter.[14]

While the model simplifies by having the voter directly decide whether the social outcome has been achieved, across many disputes it would be inconvenient to hold a referendum for each dispute. For pragmatic reasons, then, representation is still valuable, and we follow a number of prior scholars in suggesting sortition as an alternative to elections for selecting representatives (Guerrero 2014; Landemore 2020).[15] This would involve a randomly selected jury to determine whether the wealthy fulfilled their legal obligation to provide adequate housing, with jurors deciding what "adequate" means in specific cases.[16] The policy proposal that we suggest contributes to existing proposals for "extra-electoral" accountability mechanisms to address economic inequality (Arlen 2022; McCormick 2001). Two additional points are worth highlighting.

14. In our model, there is no reason why the voter would benefit from an actor with different preferences deciding the dispute between the wealthy and the homeless.

15. For a critique of sortition on the basis of official accountability, see Landa and Pevnick (2021). Our analysis demonstrates a specific downside to elections in the context of redistribution, which has not been considered in the political theory debate.

16. To ensure representativeness, the juries should be large along the model of Athenian juries (Cammack 2022).

First, in the private liability regime, the homeless are directly involved as disputants in a case. This has a potential informational advantage. As considered in the first extension to the model, voters plausibly face informational hurdles in terms of knowing the extent of homelessness. While street homelessness has become increasingly visibly in many US cities, many forms of homelessness (sheltered or unsheltered) are hidden from the public (Chicago Coalition for the Homeless 2023). As the extension shows, voter uncertainty over the extent of homelessness diminishes the incentive of the politician to exert effort under electoral accountability. Because homeless individuals present themselves and have an opportunity to explain their situation under the private liability regime, this plausibly results in more informed decisions. Directly involving the homeless in setting homelessness policy aligns with prior recommendations from scholars and advocates.

The second point, however, contrasts with prior recommendations in the homelessness literature. Because homelessness policy is especially fragmented across levels of government, including municipalities, states, and CoCs, scholars have supported centralizing decision-making over homelessness policy (Willison 2021). Against this view, we see private liability as a means to preserve decentralization while guaranteeing a better policy outcome. Though outside our formal framework, the liability regime facilitates a potential pluralism in the administration of redistribution, where identifying cost-effective organizations to administer a redistributive policy is part of the effort expended by the wealthy. A diversity of administering organizations could also facilitate efficiency by matching policies to local contexts and populations.

Conclusion

Addressing homelessness requires redistributive policies for which there is strong public support. Yet in this policy area, the range of actors and organizations involved as well as the needs of the population to be assisted present complex challenges that necessitate policymakers expend effort to overcome technical and political barriers. This paper argues that the electoral accountability mechanism for translating public demands into government policy is insufficient, given that politicians' benefit to retaining office is fixed and cannot be scaled according to the extent of the problem to be solved. As a result, the necessary effort is not devoted to finding the right policy and homelessness appears to be an intractable problem.

The model contrasts alternative institutional regimes for selecting policies to address homelessness. In the electoral accountability regime, a politician expends effort in light of the voter's threat to deny them reelection. The politician's effort is based on their value of holding office. When this value of office is too low, then the voter is unable to incentivize the politician to expend effort to choose an effective policy to achieve redistribution. By contrast, in the private liability regime, the rich are responsible for guaranteeing that a sufficient level of housing is received by the homeless. Given that the rich must pay for redistribution regardless of how efficient or inefficient it is, they have an incentive to expend the effort necessary to determine the most efficient policy.

This argument yields a few implications. First, the failure of electoral accountability in the context of homelessness ought to lead policy advocates to consider alternative channels for voters to influence policy. We suggest housing juries in which voters can directly decide a level of redistribution from the wealthy to homeless individuals. Second, due to incentives to expend effort to develop good policy, legal rights can be a more efficient means of achieving redistribution than government taxes and spending, in contrast to the prevalent view in law and economics. Third, the aspects of homeless policy that lead private liability to be superior to electoral accountability in this case might be present in other select policy areas, such as healthcare, with complex and poorly understood challenges and a substantial redistributive component.

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