

COVID-19, Structural Inequality, and the Past and Future of Low-Income Latinx Construction Workers in Austin, Texas

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About the Rapoport Center:

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The perspectives explored in this report do not necessarily reflect the institutional perspectives of the University of Texas at Austin, the Workers Defense Project, or the institutions with which the authors are additionally affiliated.

TABLE OF CONTENTS

Executive Summary- page 4

I. Introduction- page 6

- A. A Hotspot Emerges in Austin: Latinx Construction Workers and COVID-19- page 6
- B. Incorporating Latinx Construction Worker Voices- page 9

II. Worker Precarity and the Construction Industry in Austin- page 10

III. Political and Legal Structural Drivers of COVID-19 Worker Vulnerability- page 13

- A. Preemption: Multi-level Authority and Responsibility - page 13
- B. Immigration Law and Anti-Immigrant Climate - page 16
- C. Housing Conditions and Household-Level Economic Security - page 19
- D. Urban-Regional Growth Politics and Law - page 21

IV. Pathways Forward- page 26

- A. Reframing Pathways for Action by Thinking through Drivers Together – page 26
- B. Avenues for Future Research – page 28

Executive Summary

The Austin, Texas region is among the fastest growing major metropolitan areas in the country. It is home to some 69,000 construction workers, many of whom earn low wages and are Latinx. On March 31, 2020, Texas Governor Greg Abbott declared all construction work state-wide “essential,” reversing local orders in Austin that had previously exempted only limited construction projects. In the months to follow, clinical data, media reporting, and, ultimately, public health modeling, would point toward the construction sector as an early COVID-19 hotspot in Austin. This report examines structural legal and political drivers of unequal risk and precarity that contributed to this scenario.

Given that Austin has long been hamstrung in its efforts to fight racial injustice, particularly on behalf of low-income (often undocumented) Latinx workers, the report situates its findings as part of a larger conversation on the future of the social determinants of health approach, urban-regional growth politics, and worker advocacy and organizing in a post-pandemic world. The report includes responses from a pilot set of interviews with Latinx construction workers in the Austin region.

Construction and COVID-19 in Austin

Analyses of the construction industry in Texas, and by extension Austin, as well as comparative analysis of construction industry configurations globally, consistently indicate key structural factors in the sector that participate in the production of general conditions of worker vulnerability. Such factors include: 1) wide reliance on subcontractors and the challenge of regulating safety across dispersed, small-scale work sites; 2) the prevalence of a US model of low investment in worker skills and safety training, resulting in high turnover due lack of sustainable career paths, as well as injury and burnout; 3) the general industry posture of deferring safety-net costs onto society at large; and 4) the cutting of labor costs to enhance profit margins.

Many of these structural factors interact directly with current pandemic conditions. Worker responses indicate, for instance, that the health and economic risks that Latinx construction workers face from COVID-19 can vary widely, depending in part on whether workers are on large sites, with stricter safety protocols but with potential exposure to many more people, or on small sites where enforcement of safety protocols is potentially less consistent but the overall number of people on a site is fairly small. They also depend upon whether workers are direct employees of companies that provide employee benefits such as sick leave and health care or whether they work for small sub-contractors (or are independent contractors) without such benefits.

Key Legal and Political Structural Drivers

State preemption of local government attempts to mandate minimum wage and sick leave, provide affordable housing policy tools, and craft sensitive immigration policies yield *cumulative* social and economic effects that compound low-income Latinx worker precarity in the Austin region.

Immigration law, policy, and enforcement combine to complicate the ability and willingness of Latinx workers to seek testing, medical care, and emergency relief support.

Housing conditions and household economic security are negatively affected by rising housing costs in the region—amidst displacement and development pressure—creating conditions that potentially compel multiple members of a household to work outside of the home, even during the pandemic. If workers are displaced to jurisdictions outside of the City of Austin or Travis County, they may have less access to local public aid and could face greater risk of immigration enforcement.

Urban-regional growth politics and law in the Austin region are structured in ways that consistently subsidize corporate interests at the expense of low-income workers and artificially truncate analysis of how worker vulnerability is entangled with the claims of local growth boosters, namely around the region’s “low cost of living” and “progressive identity.” Early interview responses suggest mixed worker perspectives on growth and economic opportunity.

Pathways Forward

The City of Austin brands itself as a progressive city, albeit in a conservative state that preempts broad areas of law and policy that might otherwise have some favorable distributive effects for workers, including low-income Latinx construction workers. Yet that same preemption, alongside conservative state policies, also allows the Austin region to promote itself as an area with low-regulatory burdens and low-taxes, as well as to underemphasize the extent to which it produces public subsidies for particular kinds of industry and workers. The report recommends that, at a minimum, large corporate players that specifically benefit from Austin’s urban-regional economic configuration and identity be made to carry a greater share of the total costs necessary to sustain public investment in broad processes of urban-regional social reproduction to ensure that all segments of the workforce, not only “high-skilled” workers, can thrive.

The pandemic, as a moment of unusually broad-based crisis (though still experienced in dramatically unequal ways along lines of race, class, and gender), may create openings for particular policy debates and responses, both nationally and at the urban-regional scale, that did not previously seem politically possible. The idea of “building back better” might offer a galvanizing starting point for such conversations, but only if we interrogate the meaning of “better” and directly confront both the aims of that effort and the distribution of the costs and benefits associated with it.

I. Introduction

A. *A Hotspot Emerges in Austin: Latinx Construction Workers and COVID-19*

Latinx communities in the United States have been affected by COVID-19 at higher and deadlier rates than white, non-Hispanic populations.¹ The same has been true in the Austin, Texas region. As of October 9, 2020, despite accounting for only 34% of the population in the City of Austin and surrounding Travis County, Latinx individuals make up 50% of those who have tested positive for coronavirus, 54% of COVID-related hospitalizations, and 51% of COVID-related deaths.² This report explores the legal and political drivers that contribute to such racialized health disparities, using the specific case of low-income Latinx construction workers in the Austin region³ to better understand the structural drivers and manifestations of unequal risk and precarity in an era of COVID-19.

In the Austin region, a specific model of economic growth has combined with COVID-19 to exacerbate pre-existing socioeconomic inequalities, particularly among the region's most precariously situated workers.⁴ The region has been one of the fastest growing metropolitan areas in the United States over the last decade and construction has been booming.⁵ Latinx workers make up as much as 70% of the 950,000-strong construction workforce across Texas, and it is estimated that more than half of that population is undocumented.⁶ In the Austin region specifically, the construction industry employs more than 69,000 workers.⁷ When, in response to COVID-19, the City of Austin and Travis County first issued stay-at-home orders for all but "essential" workers, they considered only construction workers on some limited projects as "essential."⁸ On March 31, 2020, however, Texas Governor Greg Abbott issued an executive

¹ RA Oppel, R Gebeloff, and KKR Lai, "The Fullest Look Yet at the Racial Inequity of Coronavirus" *The New York Times*, July 5, 2020; T Ford, S Reber, and RV Reeves, "Race gaps in COVID-19 deaths are even bigger than they appear" *Brookings Institution*, June 16, 2020; M Godoy and D Wood "What Do Coronavirus Racial Disparities Look Like State by State?" *National Public Radio*, May 30, 2020.

² Austin Public Health, "COVID-19 Surveillance Dashboard," *AustinTexas.gov*, accessed October 9, 2020, <https://www.austintexas.gov/page/covid-19-dashboards>.

³ For the purposes of this report, the "Austin region" is understood as the larger five-county region that makes up the Austin-Round Rock Metropolitan Statistical Area. When making reference to specific jurisdictional action, or to data that correspond to a particular geographic area, we attempt to specify the sub-regional unit in question, such as the City of Austin or Travis County.

⁴ R Torres et al., "Building Austin, Building Justice: Immigrant construction workers, precarious labor regimes and social citizenship," *Geoforum*, 45, (2013), 145-55; Workers Defense Project, *Build a Better Nation: A Case for Comprehensive Immigration Reform* (Austin: 2013), available at <https://www.workersdefense.org/IMMIGRATION%20wdp%20color%20FINAL.pdf>; Workers Defense Project, *Build a Better Texas: Construction Working Conditions in the Lone Star State* (Austin: 2013), available at https://www.workersdefense.org/Build%20a%20Better%20Texas_FINAL.pdf.

⁵ US Census Bureau, "Most of the Counties with the Largest Population Gains Since 2010 are in Texas," *Census.gov*, March 26, 2020, <https://www.census.gov/newsroom/press-releases/2020/pop-estimates-county-metro.html>. Austin Chamber of Commerce, "Job Growth & Unemployment," *AustinChamber.com*, March 17, 2020, <https://www.austinchamber.com/blog/03-17-2020-job-growth-unemployment>.

⁶ Workers Defense Project, *Build a Better Texas*.

⁷ Texas Workforce Commission, "Quarterly Census of Employment and Wages (QCEW) Report," <https://texaslmi.com/LMIbyCategory/QCEW>. First quarter 2020 average employment for "Construction" NAICS Code 23 in the Austin-Round Rock Metro.

⁸ City of Austin, Tex, Order 20200324-007 (March 24, 2020), available at <http://www.austintexas.gov/sites/default/files/files/GUIDANCE%20-%20Response%20to%20GA->

order establishing the construction sector, including all private residential and commercial construction work, an “essential” industry, superseding local orders.⁹ Suddenly, some of the most expendable workers in the region also became “essential.”

Early in the pandemic, surveillance testing for coronavirus among construction workers yielded positive rates at approximately 3.5 times the average rate at drive-through surveillance testing sites,¹⁰ and clusters of COVID-19 were identified among construction workers.¹¹ Clinicians at Dell-Seton Medical Center at the University of Texas at Austin also began noticing alarming trends in occupational data from the COVID-19 patients they were treating, approximately 85% of whom are Latinx. Between late March 2020 and late May 2020, some 37% of COVID-19 patients at Dell-Seton Medical Center reported working in construction, far surpassing other large occupational categories from sectors including cleaning and hotel workers (10%), healthcare workers (10%), or food service workers (14%).¹² Simultaneously, media reporting from multiple metropolitan areas across the US, including the Austin region, began to identify construction sites as early “hotspots” of COVID-19 outbreak clusters.¹³ Epidemiological analysis of COVID-19 hospitalization risk for workers in the Austin region released in late October 2020 demonstrates that the decision to allow “unrestricted construction work” is associated with construction workers being five times more likely than other workers to be hospitalized for COVID-19.¹⁴ Against this local and national backdrop, general interest in the overrepresentation of Black and brown workers in “frontline” and “high contact” occupations is emerging as a key area of COVID-19 research nationally among clinicians and researchers dedicated to studying racial disparities in social determinants of health.¹⁵

14%20%20FINAL(1).PDF; Travis County, Tex, County Judge Order 2020-5 (March 24, 2020), available at <https://www.austintexas.gov/sites/default/files/files/20200324%20Judge's%20Order.pdf>.

⁹ State of Texas, Exec. Order No GA14 (March 31, 2020), available at https://gov.texas.gov/uploads/files/press/EO-GA-14_Statewide_Essential_Service_and_Activity_COVID-19_IMAGE_03-31-2020.pdf.

¹⁰ Mark Escott, “COVID-19: Austin-Area Contact Tracing & Clusters” (presentation, *Travis County Medical Society*, Austin, TX, May 14, 2020), available at <https://dellmed.utexas.edu/virtual-town-hall-for-the-medical-community>.

¹¹ Mark Escott, “Work Session of the Austin City Council, Item B001 – Briefing on matters related to COVID-19” (presentation, Austin City Council, Austin, TX, May 19, 2020), available at <https://www.austintexas.gov/department/city-council/2020/20200519-wrk.htm>; Mark Wilson and Lori Hawkins, “Coronavirus in Austin: Virus clusters showing up in construction, other industries,” *Austin American-Statesman*, May 19, 2020.

¹² COVID-19 patient data by occupation type 3/29/2020-5/17/2020 for patients seen at Dell-Seton Medical Center in Austin, TX. Provided by Snehal Patel, M.D. of the University of Texas at Austin Dell Medical School.

¹³ Mark Wilson, “Many construction workers testing positive for coronavirus, Austin health officials say,” *Austin American-Statesman*, May 5, 2020; H Adeni and B Streicher, “Austin health officials seeing spike in COVID-19 cases among construction workers,” *KVUE*, May 6, 2020; Y Choo, “Austin has six COVID-19 clusters in construction industry, new safety measures now in place,” *KXAN*, July 15, 2020; For examples of similar media reports across the country, see L Hansen, “Coronavirus: Workers at a dozen South Bay construction sites test positive,” *Bay Area News Group*, June 12, 2020; S Harrison, “Mecklenburg Says COVID Outbreaks Are Hitting Construction Sites As Latino Cases Rise,” *WFAE.org*, May 19, 2020; J Hettinger, “Construction site in Big Sky generates more than 100 COVID-19 cases,” *Montana Free Press*, July 30, 2020.

¹⁴ Remy Pasco, Spencer Fox, Claiborne Johnston et al., “Estimated Association of Construction Work with Risks of COVID-19 Infection and Hospitalization in Texas,” *JAMA Network Open* 3, no. 10 (2020), doi:10.1001/jamanetworkopen.2020.26373.

¹⁵ ES McClure et al., “Racial Capitalism within Public Health: How Occupational Settings Drive COVID-

To understand the structural mechanisms that might be at play as part of this larger situation,¹⁶ researchers from the Rapoport Center and the Dell Medical School began to develop a research project to put the above data in a larger context. Specifically, they aimed to identify possible political and legal drivers structuring Latinx construction worker vulnerability and risk in an era of COVID-19. The conversation quickly expanded to engage policy advocates from the Workers Defense Project, a membership-based worker advocacy organization in Austin, in part to ensure the incorporation of worker voices and experiences. This research took shape in conversation with a multi-institution collaborative research project considering “structural determinants of COVID-19 hotspots” across various industry sites nationwide and globally, building and deploying shared intellectual scaffolding as part of a broader conversation on the nature (and future) of work, as well as experiences of inequality under contemporary conditions of economic and health crisis.¹⁷ Core questions for the Austin-specific analysis of Latinx construction workers during COVID-19 include: How have laws, regulations, and policies—at the local, state, national, industry, and worksite level—affected the economic and social wellbeing of these workers, both prior to and during the pandemic? How have they restricted labor market pathways for undocumented workers and limited their ability to access social safety nets? How might we unpack the paradox whereby the same group of workers deemed “essential” also face reduced access to work and security? What alternative safety nets might they find and develop in this environment?

This report considers these questions by analyzing four broad (and intersecting) frames of political and legal drivers shaping Latinx vulnerability to COVID-19 and the economic crisis it has spawned, each of which calls attention to different facets of grossly unequal background conditions that long predate the pandemic:

1. Legal preemption doctrines and practices that limit the ability of local governments to enact certain policies, particularly around labor and immigration;
2. Immigration law and enforcement that not only exclude undocumented workers from many social protections and access to provisioning but lead to fears of heightened surveillance that affect workplace safety and access to emergency relief services;
3. Household-level living conditions and economic (in)security that exacerbate worker vulnerability;
4. Urban-regional growth politics and regulation that subsidize corporations, often at the expense of low-income workers.

19 Disparities” *American Journal of Epidemiology*, 2020, <https://doi.org/10.1093/aje/kwaa126>; DP Bui et al., “Racial and Ethnic Disparities Among COVID-19 Cases in Workplace Outbreaks by Industry Sector — Utah, March 6–June 5, 2020,” *Morbidity and Mortality Weekly Report*, 69, (2020), 1133–38, <http://dx.doi.org/10.15585/mmwr.mm6933e3>.

¹⁶ O Solar and A Irwin, *A Conceptual Framework for Action on the Social Determinants of Health* (Geneva: World Health Organization, 2010), 5, available at https://www.who.int/sdhconference/resources/ConceptualframeworkforactiononSDH_eng.pdf. (“Structural mechanisms are those that generate stratification and social class divisions in the society and that define individual socioeconomic position within hierarchies of power, prestige and access to resources. Structural mechanisms are rooted in the key institutions and processes of the socioeconomic and political context.”)

¹⁷ Bernard and Audre Rapoport Center for Human Rights and Justice, “The Persistence of Inequality: ‘Essential’ Work and COVID-19,” <https://law.utexas.edu/humanrights/covid19/>.

The goal of exploring these drivers is to deepen or perhaps even challenge contemporary policy analysis approaches that often circumvent larger histories of racialization, labor exploitation, urban growth politics, cumulative economic insecurity, and concerns of distributed governance responsibility. The report also provides a more granular account of the lived experiences of these drivers of inequality, in part by including initial responses to a pilot set of interviews with Latinx construction workers.

B. Incorporating Latinx Construction Worker Voices

Throughout, this report incorporates early interview findings from a set of pilot interviews with low-income, Latinx construction workers in the Austin area designed to capture worker perspectives via an informant interview protocol developed and implemented in collaboration with the Rapoport Center and the Workers Defense Project.

While the present sample is limited (n=8), the granular experiential information generated by what we hope will be a larger set of interviews will inform the societal questions at the core of this analysis, even in noting their limitations.¹⁸ Early results from the pilot demonstrate the capacity of interviews to generate detailed information about:

1. How workers make complex assessments of personal prosperity/precarity in relation to a previously booming regional economy, wherein strong demand for construction has shaped worker understandings of economic opportunity;
2. How workers and households are economically affected by the pandemic, and how this impact is evolving over the course of the pandemic (e.g. lost jobs, changing hours, increased/decreased pay, mandated quarantine due to exposure/infection, processes of returning to work);
3. When and how workers and their families access certain types of emergency economic support/relief across public and private sources, as well as what that experience has been like procedurally and personally;
4. Workers' ability to make decisions about whether and how to continue working;
5. Workers' ability to continue supporting extended family members outside of the US via remittances;
6. How complex employment configurations in the construction industry affect wide variation in worker experiences of on-site safety and risk dynamics (including compliance with personal protective equipment requirements, social distancing protocols, and testing);
7. Household living conditions for workers and overall exposure when multiple household members engage in "essential work."

¹⁸ The Workers Defense Project provided contact information for a pilot set of ten interviewees. The criteria for interviewee selection included that the person lives in the greater Austin region, works in the construction industry, and identifies as Latinx. Out of a universe of ten pilot interviewees identified, eight agreed to be interviewed. All interviewees were men. Interviews were conducted in Spanish via telephone or online video call and lasted between 45 and 60 minutes.

While we do not consider the interview responses to be determinative, they help concretize the discussion and serve to complicate any potentially too-simple explanations of drivers or policy responses.

II. Worker Precarity and the Construction Industry in Austin

Our initial framing of Latinx worker precarity in the construction industry in Texas draws heavily from an existing body of advocacy work and policy analysis carried out by the Workers Defense Project.¹⁹ Acknowledging this standing body of work, we understand the COVID-19 pandemic as *an* entry point for understanding and further confronting the high levels of Latinx construction worker exploitation that have persisted in the City of Austin, the larger Austin region, and the State of Texas generally.

Analyses of the construction industry in Texas, and by extension Austin, as well as comparative analysis of construction industry configurations globally, consistently point to key structural factors in the industry that participate in the production of general conditions of worker vulnerability. We consider a number of these issues throughout:

Subcontracting and dispersed, small-scale work sites: The fragmentation associated with an industry that relies heavily on subcontracting, where a substantial amount of work is spread across small-scale and dispersed worksites, presents a challenge for regulatory enforcement around worker safety and labor protections.²⁰ Safety enforcement is exacerbated in Texas, which has no state Occupational Safety and Health Administration (OSHA) plan, meaning that the federal enforcement capacity is significantly limited. Estimates show that while California has an OSHA inspector for every 52,400 workers, Texas has one inspector for every 104,000 workers.²¹

US model of low investment in worker skills and safety training, high turnover: Relative to global construction industry configurations, particularly in Europe and Australia, the US model is premised on low investment in worker skills and safety training, which has implications for wages as well as for the tenure of workers with companies and in the sector as a whole, increasing worker turnover due to serious injury and burnout.²²

Deferred safety-net costs: Low investment in worker skill and safety leads to deferred social safety-net costs borne by society.²³ Specifically, public funds are often needed to cover catastrophic medical expenses accrued by uninsured or underinsured workers on unsafe worksites. Low wages often result in the need for social services to provide support for economically insecure workers (both current and retired) and the families who depend upon them.

¹⁹ Workers Defense Project, *Build a Better Texas*; Workers Defense Project, *Build a Better Nation*; Torres et al., “*Building Austin*.”

²⁰ G Bosch and P Phillips eds., *Building Chaos: an international comparison of deregulation in the construction industry* (New York: Routledge, 2003); Workers Defense Project, *Build a Better Texas*.

²¹ Workers Defense Project, *Build a Better Texas*.

²² Bosch and Phillips eds., *Building Chaos*.

²³ *Ibid*; Workers Defense Project. *Build a Better Texas*.

Cutting labor costs to enhance profit margins: Labor costs are seen as an obvious place to reduce overall project costs, which is especially problematic under conditions where Texas law does not require an employer to provide worker’s compensation coverage to its workers, instead making the decision to incur the cost of extending such protections to workers optional.²⁴

Regarding COVID-19 specifically, many of the industry-wide structural characteristics reviewed above interact directly with current pandemic conditions. The challenge of regulating safety compliance across not only large sites, but also small-scale and dispersed sites is particularly salient.

In supplemental guidance offered by the City of Austin in early April 2020, in response to Governor Abbott declaring *all* construction work to be “essential,” city officials outlined safety requirements for construction sites with more than ten workers, including: pre-work health screenings, worker sign-in documentation, handwashing station requirements, a ban on community water coolers, cleaning requirements for tools and “collective touchpoints” between use, and physical distancing requirements.²⁵ Construction site safety requirements were further updated by the Austin-Travis County Public Health Authority in July 2020 providing for additional measures including masking for all work sites (in response to capitulation by the governor allowing local leaders to establish their own mask mandates based on the advice of health experts) and for larger sites specifically, staggered shifts, additional provision and placement of restrooms and hand washing facilities, and the designation of a site safety monitor.²⁶

Interview responses from the workers we spoke to make it clear that there is wide variation across works sites in terms of specific COVID-19 precautionary measures and protections. Workers on larger sites and who are the direct employees of the companies they work for have reported relatively robust safety protocols and precautions being in place—including temperature checks, social distancing measures, glove and mask requirements (though not necessarily provided by the company), hand washing stations, hand sanitizer dispensers etc. They reported these COVID-specific requirements as more or less layering on to existing infrastructures of worksite safety enforcement that are already generally in place on larger sites, with designated managers and safety officials monitoring compliance. Workers on such sites reported that compliance could be mixed. They also reported relatively straightforward processes around what happens when someone on-site tests positive for the coronavirus, with any workers who had been in close contact with the individual who tested positive being sent for testing themselves and being asked to preemptively quarantine until results come back. Two workers we spoke with who worked on larger sites and who themselves tested positive for the coronavirus reported that they received at least partial pay for the time that they were out sick. Those workers also

²⁴ Workers Defense Project. *Build a Better Texas*.

²⁵ City of Austin, Tex, Order 20200324-007, “Supplemental Guidance Based on Executive Order No.GA-14,” (April 2, 2020), available at [http://www.austintexas.gov/sites/default/files/files/GUIDANCE%20-%20Response%20to%20GA-14%20%20FINAL\(1\).PDF](http://www.austintexas.gov/sites/default/files/files/GUIDANCE%20-%20Response%20to%20GA-14%20%20FINAL(1).PDF).

²⁶ City of Austin, Tex, “Notice of Emergency Rules Adoption,” (July 14, 2020), available at <http://www.austintexas.gov/edims/document.cfm?id=343206>.

ultimately reported that the process of returning to work, once they were no longer sick, was relatively straightforward.

Not all workers on large sites, though, are directly employed by the principal company managing the site. Some workers are employed by sub-contractors who contract with the principal company to bring in “rented workers” and some are themselves independent contractors. While these workers are governed by the same formal safety protocols applicable to the site as a whole, workers reported that those not directly employed by the company generally have to bring some of their own personal protective equipment and they do not necessarily have access to the same level of benefits (e.g. health insurance, full or partial paid sick leave) that workers for a larger principal company might have.

Workers on smaller sites—largely independent contractors or those who work for small work teams—reported being largely responsible for their own safety protections and precautions. The workers we spoke with reported working on small residential and commercial remodeling projects, doing a variety of jobs both indoor and outdoor. Much of this work involves direct contracting with a property owner. Workers mostly reported buying their own personal protective equipment, sometimes pooling their resources with co-workers to jointly purchase supplies of masks and hand sanitizer. Workers on smaller sites reported mixed levels of compliance with general safety protocols. While some smaller work sites stayed open, others were voluntarily shut down by property owners, sometimes out of a concerns for safety, for example, for jobs that required working on a home that people were otherwise living in (e.g. additions, renovations etc.), while others were shut down due to financial concerns amidst the larger economic downturn. None of the workers on smaller sites we spoke to reported being offered or specifically sent for COVID-19 testing by their employers. When asked about possible benefits or sick pay they might be entitled to in the event they tested positive, most workers on small sites reported not having access to such benefits. As one worker put it, the boss of a small work team might help out with medical costs or immediate needs if something happens, as much as possible, but that a small-time boss would not be able to continue paying workers if they in fact were not working.

The different experiences workers noted across large and small sites appear to track with general trends in the industry, where it is challenging to regulate and monitor compliance with safety protocols and protections across dispersed and small-scale worksites. That said, it is difficult to reach any firm conclusion as to the overall risk stemming from COVID-19 faced on large as opposed to small sites, and not only because of the limited sample size of workers interviewed so far. While formal compliance with relatively robust, locally mandated precautions might be higher on large sites, those sites ultimately have the potential to put many more workers in proximity to each other, simply by virtue of having more people working on one site. Moreover, large sites appear to have stayed open throughout the pandemic. Although it’s possible small sites on the whole might exhibit greater variability in terms of compliance with safety precautions, by definition they have fewer people working on them at a given time. Moreover, most of the workers who had been working on small sites spoke of dramatic *decreases* in overall work starting in late March and early April due to the voluntary decisions of property owners to postpone or cancel work, resulting in potentially less exposure overall. This latter scenario, though, has resulted in serious exposure to economic challenges for affected workers.

III. Political and Legal Structural Drivers of COVID-19 Worker Vulnerability

We isolated four sets of legal and political structural drivers of the health impacts of COVID-19 on low-income Latinx construction workers in the Austin region. Although we discuss each driver separately, we also pay attention to interacting dynamics across the drivers.

A. *Preemption: Multi-level Authority and Responsibility*

Preemption refers to when a higher government authority supersedes lower and local government authority. In recent years, states have increasingly invoked preemption to limit cities, towns, counties and other lower-level jurisdictions from legislating on a broad array of issues.²⁷ The state of Texas has claimed pre-emptive power in a number of ways that affect low-income Latinx construction workers, some of which we detail below.

1. “Essential Work” Designation

As discussed in the introduction, the Texas governor designated the entire construction industry as “essential” in the early stages of the pandemic.²⁸ Through this executive order, the state preempted stay-at-home orders by the City of Austin and Travis County that had excluded most construction work from “essential” work categories, leading the them to issue supplemental guidance.²⁹ As with other local entities who had sought to prevent the spread of COVID-19 in construction sites by closing them, they were prohibited from doing so.

2. *Minimum Wage*

In 2003, Texas enacted the Texas Minimum Wage Act (TMWA), which barred local governments from establishing a mandatory minimum wage higher than the federal minimum wage.³⁰ Any increase in the mandatory minimum wage must therefore come from the state legislature. Taking away power from cities to tailor the minimum wage to cost-of-living significantly curtailed context-driven policy responsiveness.³¹ It effectively offers a subsidy to

²⁷ See generally CP Gillette, *Preemption and Entrenchment of the State/Local Divide* (Paper No. 20-41, New York University Law and Economics Research, April 2020); L Riverstone-Newell, “State Preemption as Scalpel and Sword,” *Home Rule Be Damned: Exploring Policy Conflicts between the Statehouse and City Hall* (Politics Spotlight, American Political Science Association, 2017); LE Phillips “Impeding Innovation: State Preemption of Progressive Local Regulations,” *Columbia Law Review*, 117, no.8 (2017), 2225-64; L Riverstone-Newell, “The Rise of State Preemption Laws in Response to Local Policy Innovation,” *The Journal of Federalism*, 47, no. 3 (2017), 403-25.

²⁸ State of Texas, Exec. Order No GA14 (March 31, 2020), available at https://gov.texas.gov/uploads/files/press/EO-GA-14_Statewide_Essential_Service_and_Activity_COVID-19_IMAGE_03-31-2020.pdf. The governor based his order on the Version 2.0 of non-binding Homeland Security guidelines that included “workers performing housing and commercial construction related activities” in a range of critical infrastructure sectors.

²⁹ City of Austin, Tex., Order No. 20200324-007 (Apr. 2, 2020).

³⁰ Tex Labor Code § 62.051 (West 2003); Tex. Labor Code Ann. § 62.0515 (West 2003).

³¹ See generally, L Huizar and Y Lathrop, *Fighting Wage Preemption: How Workers Have Lost Billions in Wages and How We Can Restore Local Democracy*, (New York: National Employment Law Project, July 2019), available at <https://www.nelp.org/publication/fighting-wage-preemption/>. See also, R Barker, “The battle to block state preemption of local minimum wage laws,” *Facing South Magazine*, August 2, 2019.

employers who might otherwise be compelled to pay living wages appropriate for their urban-regional context, which in the Austin region is currently identified as a wage of at least \$15/hour, though many community advocates contend that \$15/hour is still well below what is necessary to meet basic costs of living in the region.

The preemption extends beyond minimum wage laws in ways that have particularly affected the City of Austin. After the city passed an ordinance for paid sick leave and safe leave in February 2018, the state successfully intervened in a private group’s challenge to the ordinance’s constitutionality.³² Texas argued that the ordinance was preempted by the TMWA.³³ Overturning a lower court ruling, the Third District Texas Court of Appeals agreed with the state.³⁴ The court reasoned that the ordinance’s establishment of minimum work benefits constituted a “wage” increase.³⁵ As a result, it found that the benefits violated the TMWA by raising the minimum wage in Austin above the federal minimum wage.³⁶

3. Affordable Housing Policy Tools

In 2015, Governor Abbot signed Senate Bill 267, which prohibited municipalities from adopting or enforcing housing laws that prohibit, in the leasing or renting of housing, discrimination against individuals who would pay rent with federal housing assistance.³⁷ That law preempted a portion of Austin’s then-recently passed “source of income” ordinance that outlawed such discrimination.³⁸

Low income workers in general have a difficult time finding housing when source of income discrimination is permitted. While undocumented immigrants are formally excluded from receiving federal housing assistance, and therefore not directly affected, overall housing affordability programs and policy designs might nevertheless affect them indirectly. Undocumented immigrants often live, either in moments of acute need or on a semi-permanent basis, in mixed status households that also include citizens or lawful residents.³⁹

Additional affordable housing tools that are regularly used by local governments in other states, but which are banned by Texas law and thus are not available as policy levers to local officials in the Austin region, include so-called “linkage fees” wherein a developer is charged fees as part of the development approval process to be used in the creation of local affordable housing supply; inclusionary zoning for homeownership units (not applicable to rental units) requiring that a certain percentage of units of a given project must be priced at below market rate; and laws that

³² *Texas Association of Business v. Austin*, 565 S.W.3d 425 (Tex. App—Austin 2018, pet. denied.).

³³ *Id.* at 439.

³⁴ *Id.*

³⁵ *Id.* at 440.

³⁶ *Id.*

³⁷ Texas Local Gov’t Code Sec. 250.007 (West 2017).

³⁸ Austin, Tex., Code 5-1-13 (2015) (defining source of income as “lawful, regular, and verifiable income including, but not limited to, housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance, but does not include future gifts”).

³⁹ See Section III. C on “Housing Conditions and Household-Level Economic Security” for an expanded discussion of mixed-status households and housing affordability.

are designed to limit the conversion of rental units to condominiums.⁴⁰ Again, there is potential cumulative impact stemming from the broad preemption of such policy instruments in ways that directly affect housing affordability for low-income workers, including Latinx construction workers.

4. Local Sanctuary Policies and Texas Senate Bill 4

In 2017, the Texas legislature passed Senate Bill 4 (SB 4), aimed at ensuring that local entities and campus police departments cooperate with federal immigration enforcement.⁴¹ Specifically, SB4 prohibits city and county officials from passing laws or policies that prevent local cooperation with Immigration and Customs Enforcement (ICE) and other Federal immigration enforcement agencies.⁴² In addition, it required local jails to comply with ICE detainers, meaning a local sheriff's office has to hold a person with an ICE warrant in custody until ICE executes the warrant.⁴³ The law imposes stiff civil penalties on counties and cities that refuse to comply and provides for criminal liability for individuals who, in their capacity as local officials, fail to cooperate with ICE detainers.⁴⁴

SB 4 specifically targeted, and in effect preempted, sanctuary policies passed by local entities including Travis County.⁴⁵ Prior to SB 4, Travis County Sheriff Sally Hernandez campaigned on a promise to protect immigrant communities from federal immigration enforcement.⁴⁶ Once in office, she put in place a policy against complying with ICE detainers placed on individuals who were not charged with serious offenses.⁴⁷

A number of ultimately unsuccessful legal challenges have been brought against SB 4. Among them, the city of Austin and Travis County, in joining a suit brought by the city of El Cenizo,

⁴⁰ H Way, E Mueller, and J Wegmann, *Uprooted: Displacement in Austin's Gentrifying Neighborhoods and What Can Be Done About It* (Austin: Center for Sustainable Development, University of Texas at Austin School of Architecture and the Entrepreneurship and Community Development Clinic, University of Texas at Austin School of Law, 2018), available at <https://sites.utexas.edu/gentrificationproject/..austin-uprooted-report-maps/>.

⁴¹ The bill is codified at Tex. Gov. Code Ann. 752.051–057, (West 2017); Tex. Gov. Code Ann. 772.0073 (West 2017); Tex. Gov. Code Ann. 402.0241; Tex. Code Crim. Proc. Ann. art. 2.251; Tex. Code Crim. Proc. Ann. art. 42.039; Tex. Code Crim. Proc. Ann. art. 17.16 (West 2017); Tex. Code Crim. Proc. Ann. art. 2.13 (West 2017); Tex. Loc. Gov't Code Ann. art. § 87.031 (West 2017); and Tex. Penal Code Ann. § 39.07 (Wes 2017).

⁴² Tex. Gov't Code Ann. § 752.053.

⁴³ Tex. Code Crim. Proc. Ann art. 2.251.

⁴⁴ Tex. Gov't Code Ann. § 752.056(a)-(b) (providing for fines up to \$1,500 for the first violation and \$25,500 for subsequent violations, with each day of a continuing violation treated as a separate violation); Tex. Penal Code Ann. § 39.07. (stating that any public official who knowingly fails to comply with an ICE detainer can be charged with a Class A misdemeanor).

⁴⁵ The law was passed after President Trump and Governor Abbott had both threatened to withdraw funds from local entities that had sanctuary policies. See M Kaste, "Trump Threatens 'Sanctuary' Cities with Loss of Federal Funds," *National Public Radio*, January 26, 2017; S Renee, "Texas Gov. Abbot Halts Travis County Funding over Sanctuary Policy," *NBC News*, February 2, 2017.

⁴⁶ Julián Aguilar, "Travis County Sheriff Announces New 'Sanctuary' Policy," *The Texas Tribune*. January 20, 2017.

⁴⁷ Specifically, Hernandez stated that she would not honor ICE detainers unless the person was charged or convicted of capital murder, murder, aggravated sexual assault, or human trafficking. See Audrey McGlinchy, "Here's What we Learned about Requests from ICE to pick up Travis County Inmates," *Austin Monitor*, June 1, 2017.

contested the law by arguing, somewhat ironically, that Congress had, through the passage of the Immigration and Nationality Act, precluded states from regulating immigration enforcement.⁴⁸ Further, they contended that SB 4 prevented cities and counties from complying with specific provisions of the Immigration and Nationality Act and violated the US Constitution.⁴⁹ In 2018, the Fifth Circuit disagreed and largely left the law in place.⁵⁰

After SB 4 was upheld in court, Sheriff Hernandez announced she would comply with all detainees.⁵¹ As a result, the number of ICE detainees honored by Travis County has grown by 82%.⁵² Cooperation between the Austin Police Department and ICE also increased, notwithstanding two ordinances passed by the Austin City Council to attempt to reduce SB 4's impact.⁵³ The first, in an effort to reduce police contact with undocumented immigrants, directs the Austin Police Department to avoid arresting individuals for misdemeanors, such as low level drug possession and petty theft.⁵⁴ The second requires police officers to inform the persons they are interrogating that they do not have to answer questions about their immigration status.⁵⁵ While SB 4 prevents local entities from preventing officers from asking about a person's immigration status, this second ordinance attempts to alleviate some of the harm such questions might have.

SB 4 continues to cast a shadow of fear on Austin's Latinx communities, including on construction workers.⁵⁶ Indeed, some, including Sheriff Hernandez, attribute to SB 4 a decrease in Latinx victim complaints to city and county law enforcement.⁵⁷

B. Immigration Law and Anti-Immigrant Climate

SB 4 is part of a larger anti-immigrant climate in much of the US that looms over even those cities or regions that claim to be safe zones for migrants, including those who are undocumented. At the same time, the US economy has long depended upon undocumented migration, particularly from the south, to fill low-paying jobs, with push-pull dynamics difficult to disentangle from larger projects of US imperialism, as well as underlying narratives of white

⁴⁸ *City of El Cenizo v. Texas*, 890 F.3d 164, 176 (5th Cir. 2018) (explaining that “field preemption occurs when ‘States are precluded from regulating conduct in a field Congress, acting within its proper authority, has determined must be regulated by its exclusive governance’” (quotations and citations omitted)).

⁴⁹ For these arguments, see *City of El Cenizo v. Texas*, 890 F.3d 164, 176–81 (5th Cir. 2018).

⁵⁰ An additional provision of SB 4 prohibiting local officials from “endorsing” sanctuary policies in their private lives was struck down. *City of El Cenizo v. Texas*, 890 F.3d 164, 185 (5th Cir. 2018).

⁵¹ Philip Jankowski, “Sheriff will Enforce Immigration Detainers after SB 4 Court Ruling,” *Austin American-Statesman* September 26, 2017.

⁵² M Tuma, “Austin Struggles to Adjust as SB 4 Takes its Toll on Immigrants,” *Austin Chronicle*, April 5, 2019.

⁵³ *Ibid.*

⁵⁴ Austin, Tex., Ordinance 73 (June 14, 2018).

⁵⁵ Austin, Tex., Ordinance 74 (June 14, 2018). For discussion of both ordinances 73 and 74, see Jaweed Kaleem, “‘Freedom city’? Going beyond ‘sanctuary,’ Austin, Texas, Vows to Curtail Arrests,” *Los Angeles Times*, June 19, 2018.

⁵⁶ M Tuma, “Austin Struggles to Adjust as SB 4 Takes its Toll on Immigrants,” *Austin Chronicle*. Apr. 5, 2019.

⁵⁷ *Ibid.*

supremacy and racial capitalism.⁵⁸ National and transnational immigration regime dynamics, strategic regulatory and enforcement ambiguity, and employee exploitation as a result of workers' irregular immigration status interact with long-standing patterns of particular national trajectories of labor force racialization. These patterns manifest themselves in the construction sector at the global, national, and local levels.⁵⁹ As already noted, the construction industry in Texas is an important site for such jobs, with as much as 70% of construction workers in the state's construction sector identifying as Latinx, and with an estimated 50% of those workers being undocumented⁶⁰, largely hailing from Mexico and Central America.

Although undocumented workers are protected by most US labor and employment laws, even under non-crisis conditions, they face the possibility of employer exploitation as a result of their undocumented status. Workers are therefore less likely to express concerns about unsafe working conditions or wage theft.⁶¹ Dramatic and high-profile escalations of federal immigration enforcement actions nationwide under the Trump Administration, along with state actions like SB 4, have heightened those risks.

The fear of immigration surveillance and enforcement intersects with pandemic response efforts by complicating the decisions of undocumented immigrants to seek medical testing and care. The People's Community Clinic in Austin, for example, has stated that the number of no-shows in undocumented patients increased since the pandemic began.⁶² A 2011 standing directive from the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) should prevent immigration enforcement at "sensitive locations," including clinics and hospitals.⁶³ Yet, the Trump administration's escalations and departures from precedent on immigration enforcement,⁶⁴ as well as recent instances of more generalized deployment of federal law enforcement and paramilitary forces nationwide against the express wishes of local leaders,⁶⁵ leaves little reason for immigrant communities to believe that the administration might not deviate from standing policy directives at a moment's notice, notwithstanding public

⁵⁸ For but one discussion of US recruitment and deportation of Mexican labor – depending upon economic need— in in the 20th century, see Mae M Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*. (Princeton: Princeton University Press, 2004).

⁵⁹ Workers Defense Project. *Build a Better Texas*; Torres et al., "Building Austin"; M Buckley, "On the Work of Urbanization: Migration, Construction Labor, and the Commodity Moment," *Annals of the Association of American Geographers*, 104, no. 2, (2014), 338-47.

⁶⁰ Workers Defense Project. *Build a Better Texas*.

⁶¹ Ibid.

⁶² Miriam Jordan, "We're Petrified': Immigrants Afraid to Seek Medical Care for Coronavirus." *New York Times*, March 18, 2020.

⁶³ US Immigration and Customs Enforcement, "Enforcement Actions at or Focused on Sensitive Locations. Policy Number 10029.2, FEA Number 306-112-002b," (October 24, 2011), available at <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

⁶⁴ S Pierce and J Bolter, *Dismantling and Reconstructing the US Immigration System: A Catalog of Changes under the Trump Presidency* (Washington DC: Migration Policy Institute, 2020), available at https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Presidency-Final.pdf.

⁶⁵ P Baker, K Kanno-Youngs, and M Davey, "Trump Threatens to Send Federal Law Enforcement Forces to More Cities," *The New York Times*, July 20, 2020; T Jackman et al., "Trump announces surge of federal law enforcement in more US cities to fight crime," *The Washington Post*, July 22, 2020.

statements from ICE declaring its intention to honor the sensitive locations policy during the pandemic.⁶⁶

If in principle protected by labor law, undocumented immigrants are not entitled to federal emergency relief or social services. Due to COVID-19, a number of states (though not Texas) and local governments (including City of Austin and Travis County) have made available emergency relief funds for those who did not qualify for federal relief, such as undocumented immigrants. Residents of Travis County, for instance, are entitled to apply for RISE (Relief in a State of Emergency) funds, which provide up to \$2000 to eligible households. Out of concern that undocumented immigrants might not learn about the funds or might be reticent to seek assistance directly from the government, the City of Austin, which managed the RISE funds, distributed the first round (\$15 million) through direct grants to local nonprofit community-based and advocacy organizations. Those organizations then administered the application and distribution process for eligible households.⁶⁷ The Workers Defense Project is among the organizations that received such a grant to distribute emergency relief aid.

At least for our interviewees who accessed funds in the first cycle of applications, the city and county's efforts in this regard were relatively successful. All stated that the process was easy and straightforward. None mentioned immigration surveillance and enforcement concerns associated with the data collection required to apply for and receive such funds, although we believe that is likely because most had a standing relationship with the Workers Defense Project, through which many sought relief funds. That said, it was clear that their immigration status plays a significant role in their relationship to their employment and in their lives more generally. Indeed, even though the Workers Defense Project facilitated the connection between the research team and interviewees, a number of the interviewees understandably expressed initial hesitation about participating in the interview for fear that their responses might affect their immigration status.

When a second round of RISE funding (\$10 million) became available in fall 2020, the City of Austin decided that city government, rather than community-based organizations, would run the application and disbursement process directly. It remains to be seen what effect this decision will have on the program's ability to reach undocumented workers and families who might be in need.⁶⁸

Even documented immigrants have not been immune to the effects of immigration law on access to relief and medical care. The Trump administration's "public charge rule," which took effect in February 2020, has significantly complicated that access.⁶⁹ The rule formally permits

⁶⁶ US Customs and Immigration Enforcement, "ICE Guidance on COVID-19," *Ice.gov*, accessed, Sept. 12, 2020, <https://www.ice.gov/coronavirus>.

⁶⁷ City of Austin, "COVID-19 Relief in a State of Emergency (RISE)," *AustinTexas.gov*, accessed October 25, 2020. <http://austintexas.gov/article/covid-19-relief-state-emergency-rise-fund>; City of Austin, Tex, RESOLUTION NO. 20200409-081 (April 9, 2020).

⁶⁸ RISE 2.0 funds (September/October 2020) were distributed according to a lottery system among eligible households who applied, again with a maximum grant of \$2000 per household. City of Austin, "COVID-19 Relief in a State of Emergency (RISE)," *AustinTexas.gov*, accessed October 25, 2020, <https://www.austintexas.gov/article/covid-19-relief-state-emergency-rise-fund>.

⁶⁹ See generally JF Figueroa, F Molina, and BJ Sommers, "The Trump administration's 'public charge' rule and Covid-19: bad policy at the worst time," *Stat*, August 21, 2020; H Bernstein, D Gonzalez, M Karpman, and S

immigration officials to consider whether an individual is likely to access public benefits—becoming a so-called “public charge”—as a reason for denying entry to the United States or to deny a favorable adjustment to permanent residency status.⁷⁰ Notwithstanding that the rule only applies to “lawfully present” immigrants or those applying for entry via formal channels, it has generated widespread confusion and had significant “chilling effects.”⁷¹ Even before COVID-19, for example, it was leading some immigrants, including those in mixed-status households, to forgo access to benefits that they or their family members are otherwise entitled to, out of fear of inadvertently attracting scrutiny.⁷² Moreover, even though COVID-19 testing and care in emergency rooms or free clinics has no bearing on public charge evaluations, there is substantial confusion on this point, in part, because of statements issued by the US Citizenship and Immigration Services suggesting that applicants will still need to submit “evidence of any benefits used for such testing or treatment.”⁷³

C. *Housing Conditions and Household-Level Economic Security*

A legacy of historical anti-Black and anti-Latinx segregation in the City of Austin continues to be felt today as displacement pressure due to gentrification and an increasingly high cost of living has driven communities of color from the City of Austin, particularly from neighborhoods of central east Austin.⁷⁴ Such displacement pressures are now extending to the city’s larger “eastern crescent,” which had long been seen as a more affordable and relatively close-in part of town.⁷⁵ Less well explored are similar processes of displacement affecting more recently formed immigrant enclave neighborhoods, such as those around the Riverside Drive corridor just southeast of downtown, which are under intense development pressure.⁷⁶

Zuckerman, *Amid Confusion over the Public Charge Rule, Immigrant Families Continued Avoiding Public Benefits in 2019* (Washington DC: Urban Institute, May 2020).

⁷⁰ US Citizenship and Immigration Services, “Public Charge Fact Sheet,” *USCIS.gov*, accessed Sept. 12, 2020, <https://www.uscis.gov/news/public-charge-fact-sheet>.

⁷¹ See generally J Batalova, M. Fix, and M. Greenberg, “Millions Will Feel Chilling Effects of US Public-Charge Rule That Is Also Likely to Reshape Legal Immigration.” *Migration Policy Institute*, August 2019; K Capps, “The Chilling Effect of the ‘Public Charge’ Rule,” *Bloomberg City Lab*, May 20, 2020.

⁷² See O Khazan, “Some Immigrants Choose Between Food Stamps and a Green Card,” *The Atlantic*, April 25, 2019; See also H Branswell, “Federal rules threaten to discourage undocumented immigrants from vaccinating children,” *Stat*, August 26, 2019.

⁷³ M Chishti and S Pierce, “Crisis within a Crisis: Immigration in the United States in a Time of COVID-19,” *Migration Policy Institute*, March 26, 2020.

⁷⁴ For a general discussion of historical anti-Black and anti-Latinx redlining and segregation in Austin, see EM Tretter and MA Sounny-Slitine, *Austin Restricted: Progressivism, Zoning, Private Racial Covenants, and the Making of a Segregated City* (Austin: Institute for Urban Policy Research and Analysis, University of Texas at Austin, 2012). For a discussion of historical segregation intersecting with contemporary concerns of racial inequality in Austin, see D Zher et al., “Inheriting Inequality,” *Austin American-Statesmen*, 2015, <https://projects.statesman.com/news/economic-mobility/>; For detailed treatment of gentrification and displacement pressure in contemporary Austin, see E Tang and B Falola, *Those Who Left: Austin’s Declining African American Population* (Austin: Institute for Urban Policy Research and Analysis, University of Texas at Austin, 2016), available at https://liberalarts.utexas.edu/iupra/_files/pdf/those-who-left-austin.pdf; E Tang and B Falola, *Those Who Stayed: The Impact of Gentrification on Longstanding Residents of East Austin* (Austin: Institute for Urban Policy Research and Analysis, University of Texas at Austin, 2018), available at https://liberalarts.utexas.edu/iupra/_files/Those-Who-Stayed.pdf; Way, Mueller, and Wegmann, *Uprooted*.

⁷⁵ Way, Mueller, and Wegmann, *Uprooted*.

⁷⁶ E Pagano, “Council OKs ‘Domain on Riverside,’” *Austin Monitor*, October 21, 2019; H Way, E Mueller, and J Wegmann, “Halting Displacement on the East Riverside Corridor Must Become City Priority,” *UT News, Texas*

The threat of displacement—due to demolition for new development as well as rising housing costs, including higher rent, sale prices, and property tax increases from rising assessed values—negatively affect the well-being and housing stability of low-income residents. State-level preemption of both minimum wage laws and housing affordability policy tools discussed above exacerbate the negative effects. Further, while federal affordable housing funds explicitly exclude undocumented immigrants as direct beneficiaries, the role of such funds in maintaining housing stability can be critical for those in mixed-status families, such as citizen children living with one or more undocumented parent or other family member. The current law permits those families to live together in subsidized housing, simply prorating the subsidy to ensure that undocumented or other ineligible persons do not receive it. Yet, the Trump Administration has proposed a rule, referred to as the “mixed status rule,” that would not allow undocumented individuals to live in federally subsidized housing.⁷⁷ As the ACLU explains, “if finalized, HUD’s new rule will force affected families to make an agonizing choice: either break up to allow eligible members to keep their benefits—a decision that the agency itself characterizes as “ruthless”— or forgo assistance to allow the family to stay together.”⁷⁸

These historical and contemporary housing market and policy trends potentially compound the impact of COVID-19 on low income Latinx construction workers in a variety of ways. Housing and household-related concerns include: 1) multi-generational households and the exposure risk presented to older, high-risk household members living in relatively close quarters with younger working-age household members; 2) multiple “essential” or “frontline” workers in the same household facing economic pressure to continue to work, thus increasing the total potential exposure of the household, as well as creating conditions of possible cross-sector exposure in the same household (e.g. one household member works in construction and the other works in another “essential” or “frontline” sector); and 3) insufficient space for self-isolation and/or social distancing in the event someone in the household tests positive or has reason to believe they have been in close contact with someone who has tested positive.⁷⁹ While these housing factors are broadly cited as making Latinx families more vulnerable to COVID-19,⁸⁰ detailed accounts of how these living conditions affect those in different occupations is needed.

The workers we interviewed reported a variety of household configurations including: 1) single nuclear family units; 2) extended-family households with multiple nuclear families of related individuals living together (such as the respective nuclear families of a brother and sister); and 3)

Perspectives, October 23, 2019; M King, “On the Edges of Gentrification, Planning a Different East Riverside Drive,” *Austin Chronicle*, February 15, 2019.

⁷⁷ US Department of Housing and Urban Development, 84 FR 20589, “Proposed Rule: Housing and Community Development Act of 1980: Verification of Eligible Status,” (May 10, 2019), *available at* <https://www.federalregister.gov/documents/2019/05/10/2019-09566/housing-and-community-development-act-of-1980-verification-of-eligible-status>.

⁷⁸ M Cueva-Dabkoski and L Morris, “The Trump Administration’s Proposed ‘Mixed Status’ Housing Rule is Another Form of Family Separation,” *American Civil Liberties Union*, July 10, 2019, *available at* <https://www.aclu.org/blog/immigrants-rights/trump-administrations-proposed-mixed-status-housing-rule-another-form-family>.

⁷⁹ R Brehm, “Austin’s segregation mirrored in the devastating burden COVID-19 imposes on city’s poor, uninsured and yet ‘essential,’” *UrbanitUS*, July 15, 2020.

⁸⁰ E Yu, “Extended Families Living Together Raise Risks For COVID-19 Transmission,” *National Public Radio*, August 8, 2020.

non-traditional family units with a mix of related and unrelated people living in a long-term stable household arrangement. In virtually all of these households, more than one person regularly worked outside of the house pre-pandemic. The effect of the pandemic on job stability of different members of the household varied widely. Some households had members that continued to work early in the pandemic only to lose work or hours later on, others had members who lost work from the outset, while still others had returned to work after having lost work early on or after having “taken a break” due to their overall sense of risk. Household members’ jobs included construction work, household or office cleaning, retail, and babysitting, among others.

Physical living arrangements spanned attached apartments or condos, detached single family homes, and mobile homes. Worker responses were mixed regarding whether they have sufficient space for self-isolation in the event that someone in the household were to get sick. Multiple responses noted that at least some space at home was available for self-isolation if necessary, while others noted that isolation would be challenging given their situation, for example in a small apartment with a young family. One worker suggested that his car seemed to be the most readily available option for self-isolation. Another worker who, along with his wife, tested positive for the coronavirus reported that they sent their small children to live with family members to avoid transmission while he and his wife quarantined at home during their recovery.

Many workers discussed the issue of housing affordability as a challenge associated with growth in the region. Workers spoke of rising rents and home prices in Austin proper. Although, a number of them live outside Austin – in Travis County, Bastrop County, or Williamson County, when we asked those in Austin if and where they might consider moving, most of the potential relocation destinations they named were still within the Austin region. They were simply in more outlying areas where housing and larger plots of land are generally more affordable.

The preemption and immigration law drivers discussed in the previous two sections intersect with concerns of displacement when considering jurisdictional fragmentation across a wider metropolitan region. For example, if low-income Latinx construction workers are pushed by economic factors to relocate to an area outside of the City of Austin or Travis County, they may be moving to jurisdictions with substantially different public provisioning capacity or ethos in terms of both the services and support the jurisdiction is willing to provide to lower-income and undocumented workers, as well as the positions local law enforcement agencies assume vis-à-vis collaboration and cooperation with federal immigration authorities.

D. Urban-Regional Growth Politics and Law

Between 2010 and 2019, Austin was the fastest growing major metropolitan area in the country.⁸¹ The transformation of the built environment via a robust construction sector constitutes one of the most significant physical effects of this growth. Over that same period,

⁸¹ US Census Bureau, “Most of the Counties with the Largest Population Gains Since 2010 are in Texas,” *Census.gov*, March 26, 2020, <https://www.census.gov/newsroom/press-releases/2020/pop-estimates-county-metro.html>.

employment in the construction sector in the Austin region grew by some 28,000 jobs, with more than 69,000 construction workers employed in the region by the first quarter of 2020.⁸²

Amidst this growth, the region actively claims a “progressive identity” as part of its competitive advantage. The Austin Chamber of Commerce, for example, answers the question it poses on its website, “Why the Austin region?”, with the following: “Austin is a one-of-a-kind place that defies stereotypes. It is progressive and fiercely entrepreneurial; pro-business and pro-environment; easy going and hardworking.”⁸³ This message interacts with related narratives around Austin being a “creative city” and “high skilled knowledge economy.”⁸⁴ Austin is not alone in this strategy. Detailed academic literature charts mutually reinforcing relationships across such narratives and how they are used to establish urban-regional competitive economic advantage.⁸⁵

The Austin Chamber of Commerce also boasts that the region has an “affordable cost of living” that is “significantly lower than many major markets”, at the same time that cost of living relative to local benchmarks is rising dramatically.⁸⁶ But who is paying the costs associated with the social and economic arrangements that make any so-called regional “low-cost of living” possible? This question is fundamentally about the distribution of the externalized and internalized costs of growth. Some of those costs are borne by low-income workers, including those who put their labor toward the physical construction involved in growth, when – due to lack of individual or social safety nets – they have an economic imperative to work even amidst dangerous conditions. At the same time, a number of “subsidy” mechanisms ensure that private businesses actively benefit from, but are only minimally saddled with responsibility for supporting, broader conditions of urban-regional social reproduction. In addition to a low minimum wage (due to state preemption) discussed above, here we provide a non-exhaustive review of key examples of such “subsidy” measures, largely built into the tax code and wider regulatory environment.

Low tax burden: The individual tax burden in the Austin region is roughly 15 to 18% less than the national average. The Austin Chamber of Commerce touts Texas’ lack of a state personal income tax as an enticing proposition for corporations wanting to court

⁸² Texas Workforce Commission, “Quarterly Census of Employment and Wages (QCEW) Report,” <https://texaslmi.com/LMIbyCategory/QCEW>. First quarter 2020 average employment for “Construction” NAICS Code 23 in the Austin-Round Rock Metro compared against first quarter 2010 average employment.

⁸³ Austin Chamber of Commerce, “Why the Austin Region?” *AustinChamber.com*, Accessed July 27, 2020. <https://www.austinchamber.com/economic-development/why-austin>.

⁸⁴ For academic treatment of the role of intersecting “progressive”, “creative city” and “knowledge economy” identities at play in constructing an understanding of the Austin region’s urban competitive advantage, see A Busch, “Building ‘A City of Upper-Middle Class Citizens’: Labor Markets, Segregation, and Growth in Austin, Texas, 1950–1973,” *Journal of Urban History*, 39, no. 5 (2013), 975-96; E McCann, “Livable City/Unequal City: The Politics of Policy-Making in a Creative Boomtown,” *Political Economy*, 37 (2008), <https://doi.org/10.4000/interventionseconomiques.489>.

⁸⁵ See generally R Florida, *Cities and the Creative Class* (New York: Routledge, 2005); AJ Scott, “Creative Cities: Conceptual Issue and Policy Questions,” *Journal of Urban Affairs*, 28, no. 1 (2006), 1-17; AC Pratt, “The cultural contradictions of the creative city,” *City, Culture and Society*, 2, no. 3 (2011), 123-30.

⁸⁶ Austin Chamber of Commerce. “Why the Austin Region?” *AustinChamber.com*, accessed October 10, 2020, <https://www.austinchamber.com/economic-development/why-austin>; A Raven, “Cost of 'living comfortably' in Austin nearly \$20k more expensive than previous year,” *CBS Austin*, December 10, 2018.

employees.⁸⁷ The state also has no direct corporate income tax, instead relying on a “franchise,” or “margin” tax as the primary tax on businesses operating in the state. In recent history, that tax accounts for only 4 to 11% of overall state tax collected.⁸⁸ Consequently, sales and property tax provide most of the public tax revenue in Texas, with property tax accounting for more than 43% of total state and local taxes collected across the state in 2016⁸⁹ and sales taxes accounting for just over 35%.⁹⁰ This share of property tax reliance is among the top five nationally, and for sales tax reliance, it is among the top ten. Sales taxes represent a particularly regressive form of taxation, meaning that the poor generally pay more of a share of their income in sales tax than do the wealthy.

Corporations are particularly well positioned to reduce their property tax liability, as Texas law favors those who challenge the assessed value of their property by not requiring sales disclosure information to establish objective market value and by making local governments liable for the attorney costs of challengers who succeed. The law thus creates strong incentives for local governments to settle such proceedings, resulting in corporations being able to achieve assessed values of corporate land and property holdings well below their market value in an otherwise high-priced regional property market.⁹¹ While property tax assessment challenge processes are common nation-wide and are seen by some as a key relief valve for individual home owners overwhelmed by potentially dramatic increases in property taxes associated with fast rising home values, they offer an easy mechanism for large corporations (and often wealthy homeowners) to reduce their contributions to the tax base that supports the public infrastructures on which a thriving urban-regional economy, from which they benefit, is based.

Incentives for corporate investment/relocation: Related to overall tax burden, local governments throughout the region provide a variety of incentives – from tax abatement and fee waivers to financing and expedited processing, to property tax reimbursement – to encourage businesses to relocate to the area.⁹² Such incentives, particularly large tax incentives, are controversial, with academic and policy analysis casting doubt on their effectiveness.⁹³ To be sure, incentives offered by both Travis County and the City of

⁸⁷ Austin Chamber of Commerce, “State & Local Taxes & Incentives” *AustinChamber.com*, accessed July 27, 2020, <https://www.austinchamber.com/economic-development/taxes-incentives>.

⁸⁸ State of Texas Office of the Comptroller, “The History of the Texas Franchise Tax: The Complex Evolution of Our Main Business Tax,” *Fiscal Notes*, May 2015.

⁸⁹ J Cammenga, “To What Extent Does Your State Rely on Property Taxes?” *Tax Foundation*, May 1, 2019.

⁹⁰ J Cammenga, “To What Extent Does Your State Rely on Sales Taxes?” *Tax Foundation*, May 22, 2019.

⁹¹ S Najmabadi, “When big businesses want to fight their property tax bills, Texas Law Hands them an Easy Way, Critics Say,” *Texas Tribune*, March 26, 2019.

⁹² Austin Chamber of Commerce, “Local Incentives Summary.” *AustinChamber.com*, accessed October 10, 2020, <https://www.austinchamber.com/economic-development/taxes-incentives/local-incentives>; City of Austin, “Business Expansion Incentive Program.” *AustinTexas.gov*, accessed October 16, 2020, <https://austintexas.gov/departments/business-expansion-incentive-program>.

⁹³ See for example RL Perkins, “The Need for a New Political Playbook Which Mitigates the Public Harm Caused by Tax Incentives,” *Mississippi College Law Review*, 38, no. 1 (2019); SJ Goetz, MD Partridge, DS Rickman, and S Majumdar, “Sharing the Gains of Local Economic Growth: Race-to-the-Top versus Race-to-the-Bottom Economic Development,” *Environment and Planning C: Politics and Space*, 29, no. 3 (2011), 428-56; Workers Defense Project, *The Failed Promise of the Texas Miracle: Corporate Subsidies in the Lone Star State* (Austin: 2016).

Austin are generally contingent on the corporation meeting certain living wage and community benefit conditions, with implications for first-order worker protections, e.g. for workers directly involved in constructing a company's new site as well as for employees that will eventually hold jobs with the company directly.⁹⁴

In a recent high-profile example, in July 2020, Travis County and the Del Valle School District offered \$60 million in combined tax breaks to entice Tesla to locate a manufacturing plant for its future Cybertruck in the area. Property tax rebates from Travis County account for \$14 million of this overall incentive package, while an additional \$46 million comes from property tax breaks approved by the Del Valle School District.⁹⁵ Proponents of the project tout the manufacturing jobs that the project promises to bring to one of the poorest parts of Travis County, with Travis County Court Commissioner Jeff Travillion characterizing the project as “transformational” and saying that it will “address poverty and opportunity in [Del Valle] for generations.”⁹⁶ Opponents, however, point to Tesla's mixed record on worker protections and safety, even those required by deals the company reached with other local governments where it has operations.⁹⁷

Public comments before the Travis County Commissioners Court—with speakers representing community development organizations, labor advocacy organizations, industry groups, inter-faith community representatives, individual workers and Travis County residents, among others—generally spoke in favor of the project and its capacity to provide relatively high-paying jobs, particularly for workers without a college degree. While many speakers pushed the commissioners to ensure robust labor and living wage protections, as well as other community benefits and assurances, as part of any potential agreement reached with the company, relatively few over the course of multiple public hearings directly challenged the use of multi-million-dollar tax incentives and their appropriateness as a public policy tool in the first place.⁹⁸ The agreement eventually

⁹⁴ Travis County, “Economic Development,” *TravisCountyTX.gov*, accessed July 28, 2020, <https://www.traviscountytexas.gov/planning-budget/economic-development>.

⁹⁵ B Sechler, “Travis County gives thumbs-up to Tesla tax breaks,” *Austin American-Statesman*, July 14, 2020; J Mass, “Del Valle ISD Approves Tesla's Proposed Property Tax Break,” *KUT.org*, July 9, 2020. The Travis County Commissioners Court lifted the county's own general moratorium on such incentives that had been in place since 2019 (due to concerns of conflict with a new state law) in order to provide the incentive. Travis County Government, “Chapter 28 Economic Development Incentives Program.” *TravisCountyTX.gov*, accessed July 27, 2020, <https://www.traviscountytexas.gov/planning-budget/economic-development-strategic-investments/chapter-28>. (“...Travis County Commissioners Court approved a moratorium on accepting new applications under this program on July 30, 2019. On May 26, 2020, the Travis County Commissioners Court approved lifting the moratorium on Chapter 28 applications specifically to accept the Tesla application. The County will begin working on a revised policy in 2020.”)

⁹⁶ Sechler, “Thumbs Up.”

⁹⁷ B Sechler, “In Austin, What Kind of Corporate Citizen Would Tesla Be?” *Austin American-Statesman*, July 10, 2020.

⁹⁸ Travis County Commissioners Court, “Voting Session 6/23/2020, X Planning and Budget, Agenda Item 24461,” *TravisCountyTX.gov*, accessed October 27, 2020, http://traviscountytexas.iqm2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=2018&MediaPosition=17287.069&ID=24461&CssClass=; Travis County Commissioners Court, “Voting Session 6/30/2020, IX Planning and Budget, Agenda Item 24508,” *TravisCountyTX.gov*, accessed October 27, 2020, <http://traviscountytexas.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2019&Format=Minutes>; Travis County Commissioners Court, “Voting Session 7/14/2020, XI Planning and Budget, Agenda Item 24610,”

approved by the Court includes provisions that the project create as least 1,999 new full time jobs with a minimum wage of \$15, and with the average annual salary for employees at the plant totaling at least \$47,147, before benefits. The \$15 minimum wage requirement applies to construction contractors and subcontractors, as well as to janitorial and food service workers contracted by the company.⁹⁹

Notwithstanding broader concerns of fair-share distributional apportionment in sustaining even basic conditions of urban-regional social reproduction, let alone conditions that might be described as broadly just or equitable, very little discussion directly addressed the potential impact of such an incentive package on public expenditure for emergency relief in times of both sustained and acute crisis. That general lack of attention is striking, given that when Travis County announced an allocation of \$10 million in emergency funds specifically for rental and mortgage assistance in May 2020, community advocates and county economic development staff alike acknowledged that allocated funds would represent only “a drop in the bucket” of overall community need across the county, with Commissioner Brigid Shea acknowledging a “tsunami of need” even pre-pandemic.¹⁰⁰

Sustained public investment in a high-skilled knowledge economy: The region’s “knowledge economy” credentials rest on foundations built by decades of public investment and subsidy from the state and federal government in the University of Texas at Austin and in the larger region’s high-tech research and development industries.¹⁰¹ While such patterns of public investment certainly generate broader social benefits in terms of the social mobility that investment in public institutions of higher education can yield, in addition to the larger contributions to knowledge advancement and fundamental science that such investments enable, they should also be clearly understood as a major boon for private companies seeking to access a high skilled workforce and to benefit from the locational economic agglomeration benefits of Austin’s particular style of high-skilled urban-regional economy.¹⁰²

Our discussions with workers about their perceptions of growth and the economy in Austin, and about whether they see themselves as having benefited from the region’s growth, revealed a complicated picture of worker assessments regarding economic security and prosperity. Nearly

TravisCountyTx.gov, accessed October 27, 2020,

<http://traviscountytx.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=2025&MinutesItemID=72462&Format=Minutes#>.

⁹⁹ Travis County Commissioner’s Court, “Economic Development Performance Agreement Colorado River Project, LLC,” (July 15, 2020), available at <https://www.kxan.com/wp-content/uploads/sites/40/2020/07/Tesla-Performance-Agreement.pdf>.

¹⁰⁰ J Devenyns, “Travis County approves \$10M for direct rental and mortgage assistance,” *Austin Monitor*, May 13, 2020.

¹⁰¹ See generally KD Butler and D Meyers, “Boomtime in Austin, Texas: Negotiated Growth Management,” *Journal of the American Planning Association*, 50, no. 4 (1984), 447-458; L Hartenberge, Z Tufecki, and S Davis, “A History of High Tech and the Technopolis in Austin,” *Inequity in the Technopolis: Race, Class, Gender, and the Digital Divide in Austin*, eds. J Straubhaar, J Spence, Z Tufecki, and RG Lentz, (Austin: University of Texas Press, 2012); Busch, “City of Upper-Middle Class Citizens.”

¹⁰² For discussion of agglomeration economics generally, see D Puga, “The magnitude and causes of agglomeration economics,” *Journal of Regional Science*, 50, no. 1 (2010), 203-19; R Florida, “Why US Tech Inventors Are So Highly Clustered,” *CityLab*, October 1, 2019.

all the interviewees associated growth in the region with a strong employment market for construction workers. They spoke of plentiful work, and in more limited instances, of rising wages, but often while acknowledging challenges around dramatically rising costs of living. Multiple respondents noted feeling, both pre- and mid-pandemic, as though they are working paycheck to paycheck, unable to get ahead or build foundations of economic security. Some responses were, however, unequivocally positive. In these responses, workers based their favorable assessment almost entirely in reference to the plentiful availability of work that characterized the pre-pandemic economy in Austin.

In follow up questions about whether workers see a future for themselves (and their families) in the region, as well as whether they have considered moving, none of the respondents indicated that they were thinking of immanently leaving the region. Some workers noted a desire to move outside the City of Austin to find less congested areas where land is more affordable, but even the possible destinations noted in these responses were still located within the Austin region. Overall, the responses arguably complicate any straightforward assessment of pro-growth policy agendas as being unequivocally bad for low-income construction workers. Worker responses seem to suggest that whatever level of economic security they might hope to cultivate or hold onto is directly tied to a robust construction employment market, which, in turn, they linked to regional economic growth. At the same time, our questions only probed the current landscape. We did not ask the workers about alternative policies that might also lead to higher wages, greater security of income, and safer working conditions.

IV. Pathways Forward

A. Reframing Pathways for Action by Thinking through Drivers Together

“Did someone die while building your office space or condo? Was the person who built your home actually paid for their work?”

-Workers Defense Project 2019 Annual Report¹⁰³

The City of Austin brands itself as a progressive city, albeit in a conservative state that preempts broad areas of law and policy that might otherwise have some favorable distributive effects for workers, including low-income Latinx construction workers. Yet that same preemption, alongside conservative state policies, also allows Austin to promote low-regulatory burdens and low-taxes, as well as to underemphasize the extent to which it produces public subsidies for particular kinds of industry and workers. Consideration of low-income Latinx construction workers offers both a stark example of and a particularly fruitful inquiry into the Austin growth economy, specifically into who reaps the benefits and bears the burden of growth. In our current political economy, construction workers literally depend upon growth for their jobs and economic security, even as they perform some of the most precarious work that facilitates that growth. State preemption, federal immigration law, and lack of social provisioning thus combine with urban growth policies to drive the unequal health and economic consequences of COVID-19 that these workers bear.

¹⁰³ Workers Defense Project, *2019 Annual Report* (Austin: Workers Defense Project, 2019), available at <https://www.workersdefense.org/2019-annual-report/>.

Our analysis of these drivers calls forth many potential structural changes, at the local, state and national levels. But we focus in this final section on the local, as it is where we are, at least at present, most likely to encounter political will. We hope that any local interventions will consider the larger set of drivers, though, and the ways in which they might better illuminate the issues to be addressed as well as facilitate or impede local efforts. Our study suggests that, at a minimum, large corporate players that specifically benefit from Austin’s urban-regional economic configuration and identity should be made to carry a greater share of the costs of urban-regional social reproduction – to ensure that all segments of the workforce, not only “high-skilled” workers, thrive.¹⁰⁴ As such we call for explicit consideration of how public investments in growth, particularly through subsidies for corporate relocations, participate in multiple orders of worker vulnerability. While mechanisms to account for first-order vulnerability in incentive-based agreements with corporations (living wage and benefits requirements for workers directly employed or contracted by corporations) are key, an exclusive emphasis on these types of protections is insufficient when considering a given corporation’s role in the larger regional economy. Local leaders should connect the dots between the growth generated by major corporate relocations and expansions and the types of social, economic, and labor protections that exist (or do not) for those who build the apartments and houses that a given corporation’s employees will inevitably live in as well as for the low-wage service workers who will provide labor in the larger regional economy in which a corporation’s employees will be enjoying a “lower cost of living” relative to national averages. And they should engage meaningfully not only with the question of how to incentivize growth but with the issue of how to share more equitably both prosperity and burden at the urban-regional scale.

These questions around equitable burden and benefit sharing assume particularly acute urgency amid national and regional conversations about the need for social safety net provisioning and other responses to economic precarity during and after the COVID-19 pandemic. In an environment characterized by overwhelming concern for economic recovery, any effort to mobilize support for policies that can be portrayed as constraining growth could face substantial political opposition. Yet, such a moment of unusually broad-based crisis (though still experienced in dramatically unequal ways along lines of race, class, and gender) may create openings for particular policy debates, both nationally and at the urban-regional scale, that did not previously seem politically possible. The idea of “building back better,” for example, might offer a galvanizing starting point for such conversations, but only if we interrogate the meaning

¹⁰⁴ For academic treatment of general debates around social reproduction in urban-regional or city-regional contexts, see AEG Jonas and K Ward, “Introduction to a Debate on City-Regions: New Geographies of Governance, Democracy and Social Reproduction,” *International Journal of Urban and Regional Research*, 31, no. 1 (2007), 169-78; A Harding, “Taking City Regions Seriously? Response to Debate on ‘City-Regions: New Geographies of Governance, Democracy and Social Reproduction’” *International Journal of Urban and Regional Research*, 31, no. 2 (2007), 443-458. For discussion of such dynamics in Austin specifically, see E McCann, “Inequality and Politics in the Creative City-Region: Questions of Livability and State Strategy,” *International Journal of Urban and Regional Research*, 31, no. 1 (2007), 188-96. For academic treatment of strategies around “progressive” regionalism generally, see J Clark and S Christopherson, “Integrating Investment and Equity: A Critical Regionalist Agenda for a Progressive Regionalism,” *Journal of Planning Education and Research*, 28, no. 3, (2009), 341-54; C Brenner and M Pastor, “Collaboration, Conflict, and Community Building at the Regional Scale: Implications for Advocacy Planning,” *Journal of Planning Education and Research*, 35, no. 3 (2015), 307-22.

of “better” and directly confront both the aims of that effort and the distribution of the costs and benefits associated with it.

B. *Avenues for Future Research*

With the pandemic and its economic consequences still unfolding, likely to define life in the US and globally for some time, the research and analysis we have begun here need to be ongoing. We hope that the analysis we have introduced offers potential framings for shaping that ongoing research task, particularly with respect to the structural legal and political drivers of the disproportionate impact of COVID-19 on low income Latinx construction workers in the region.

To conclude, we identify three broad areas of inquiry and debate that we see as implicated by this study. These areas, which are not unique to the Austin region or to low-income Latinx workers, involve social determinants of health, the politics of regional growth, and worker advocacy. Targeted interventions in these debates would benefit from interviews with medical professionals and public health officials, real estate developers and builders, growth champions and critics, community development organizers, and progressive policy advocates.

- 1) *The Future of the Social Determinants of Health Approach*: What are the matters of concern that will and should preoccupy medical and public health practice and policy in a post-pandemic world? What constitutes a sufficiently broad aperture for a social determinants of health analysis? How might such an analysis be informed by the legal and political drivers of inequality and precarity considered in this report as well as respond to ongoing dominant narratives of white supremacy, colonialism, and capitalism?
- 2) *The Future of Growth Politics*: How much do tax and other relocation and investment incentives as well as light-touch regulatory environments (across worker safety conditions, affordable housing policy, worker pay, and social safety nets) actually affect the ways in which corporations, developers, and builders qualitatively understand conditions of “acceptable” profit, growth, and demand in an urban-region? How might conceptual norms around expectations of profitability and corporate entitlement change during the COVID-19 pandemic and its aftermath? What strategies are available to advocates and local entities to mobilize political will at the urban-regional scale (and beyond) in support of legal and policy interventions that more equitably distribute risks, costs and benefits? How might they reframe debate in ways that make explicit the externalized costs of growth and “pro-business” environments?
- 3) *The Future of Worker Advocacy and Organizing*: What does the future of worker advocacy look like in a late or post-pandemic world, where there is broad-based understanding of what it means to talk about “essential” or “frontline” workers? Is a commitment to broadly pro-growth positions a political necessity for worker advocacy and organizing efforts? Are there ways in which more assertive challenges to pro-growth boosterism might align with the goals of worker advocacy efforts? What do workers themselves think of such challenges and the alternative visions on which they might be based?

Ultimately, these questions speak to broader society-wide conversations that need to be had about the nature of work and precarity under contemporary conditions of economic and health crisis. While the broad motivating impulses behind these questions are certainly relevant to the COVID-19 era, they well predate the pandemic and will likely persist long after it is over. We hope that this study will facilitate more structural, yet grounded, ways of researching, advocating for, and shaping more just futures – in the Austin region and beyond.