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**The Biopolitics and Structural Violence of Housing: Tenants' Rights in New York City/Library Research Award**

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UNIVERSITY OF  
NOTRE DAME

**The Biopolitics and Structural Violence of Housing:**  
**Tenants' Rights in New York City**

By: Jackson Oxler  
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A senior thesis submitted for Honors with  
the Department of Anthropology

*Dedicated to my dad, Jude, and my mom, Tracy:*

*Thank you for giving me the gift of  
a Notre Dame education. I hope I made you proud.*

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**I. Abstract**

The relationship that exists between a tenant and their landlord has the potential to dramatically harm the well-being of a renter if adequate tenant protections are not in place. When such protections do not exist, landlords use political tools and legislation to adversely impact their tenants. In doing so, they exploit systems of structural violence to control tenants' lives. In New York City, landlords have long participated in the creation of a housing landscape that harms vulnerable tenants. When evictions without cause occur, and landlords actively create houseless humans, property owners act violently against their tenants.

This thesis is based on an ethnography of housing advocacy organizations, tenants' unions, and current renters in New York City. I interviewed housing workers and tenants to understand the current structural barriers facing New York City's tenants. My research occurred during a critical period in the City's housing industry. As the pandemic's impacts continued, the housing workers I interviewed were advocating for the passage of Good Cause Eviction, a bill that would provide extended protections for the City's tenants. Through their experiences, and those of renters currently struggling with their landlord relationships, my research underscores the importance of providing adequate tenant protections to prevent structural violence. Overall, I use a theoretical framework that integrates Foucault's ideas of biopower and biopolitics with Galtung's theory of structural violence.

Beginning first with an exploration of the history of tenants' rights in New York City, then turning to my ethnography of the current landscape of tenant protections and the fight for Good Cause Eviction, this thesis explores how landlords use biopower to dictate the lives of their tenants, how they manipulate housing policy to create imbalanced power dynamics and houseless humans, and finally, how the resulting housing industry is structurally violent for tenants. My ethnography demonstrates the dire need to provide stronger tenant protections.

## **II. Introduction**

When an individual is evicted from their apartment, when a home becomes an empty house and a person finds themselves searching for a new place to live, an act of violence occurs. Tenants, when evicted, become victims of a socially accepted form of violence. However, despite the harm that evictions cause, the violence of evictions has become socially acceptable through political encodement and systems of legal authority. Landlord and tenant relations operate through imbalanced power dynamics that allow a landlord to violently, despite legally, evict renters without cause that are occupying their units. These “no cause” evictions, namely those that occur without valid justification to evict, or those that happen due to unforeseen circumstances of the renter such as job loss, are particularly harmful housing practices in their long-term and systemic impacts. Further, it is through such power dynamics that landlords not only control the lives of their tenants but also participate in the production of houseless populations by eviction.

Governmental policies and actions that have allowed evictions to occur are based on the premise that an individual’s right to property holds no exceptions or violations. If an individual does not meet the expectations of a property owner, then the policies of the housing industry provide such a property owner the right to do with the renter how they please. However, although evictions have long stood to be socially acceptable acts of violence, the COVID-19 pandemic has dramatically challenged perceived notions of an individual’s right to a home. When the virus upended the housing industry and caused rampant unemployment, a societal recognition of the importance of stable housing, more so than the importance of property rights, manifested itself in governmental response. Actions like the Emergency Rental Assistance Program, which provided rental payments to needy tenants, or the eviction moratorium, which

prevented an eviction from taking place, demonstrated a shift in our collective understanding of housing.

However, despite a more conscious recognition of the importance of an individual's home, the power relations that exist between tenants and landlords have persisted, maintaining a system of violence that tenants find themselves in. Michele Foucault developed theories on biopolitics and biopower that, in applying to the relationships between tenants and landlords, provide an important understanding of how landlords have shaped a housing industry whereby their political action controls the lives of their tenants (Foucault 1976). Biopower, namely the power focused on the administration of life and the control of bodies and populations, exists in relations of domination where tenants are at the mercy of their property owners. And when the control landlords maintain becomes integrated into social institutions and governmental policies, the structural violence of housing emerges. Put forth by the sociologist Johan Galtung, structural violence demarcates violence that occurs not by the direct action of one person against another. Rather, it is violence that exists in the very social forces that perpetuate the harm to certain individuals and populations (Galtung 1969). When housing policies of a locality dramatically favor landlords at the expense of tenants, the system becomes structurally violent.

There is perhaps no place where these relations of power are more prominent than in New York City. In the United States' largest city, the majority of the population are renters. In the City overall, 61.8% of households were renters as of 2019. However, this is skewed downwards due to home ownership rates in Staten Island. In the Bronx, Manhattan, and Brooklyn, renter rates are over 70% (NYU Furman Center 2019). For these tenants, New York City has experienced some of the most dramatic and detrimental effects of the pandemic's effects on daily life. With unemployment still at nearly ten percent of the population, many tenants in

New York City are still exceedingly vulnerable to the violence of evictions. However, despite such circumstances, politicians refused to extend the State's eviction moratorium to protect tenants in the city. Without governmental action interfering with the violence that tenants might face if their landlords chose to evict them, apartment dwellers in New York City find themselves at a critical juncture between being in a home and finding themselves homeless.

Recognizing the critical importance of the current moment in the housing industry, my thesis, conducted as an ethnography of the housing crisis in New York City, explores how power relations between tenants and landlords shape the rights a tenant maintains. To understand how tenants understand the system of violence they operate in, I interviewed renters themselves, workers at tenants' unions, and volunteers at housing organizations. With the many structural vulnerabilities facing tenants, these stakeholders in the housing industry were, and still are today, fighting for the passage of Good Cause Eviction legislation in New York. Although not a panacea for the structural violence facing tenants, the bill would provide critical protections tenants currently need. Throughout my ethnographic research, my interlocutors dedicated to fighting for tenant protections consistently identified Good Cause protections as a step in the right protection to guaranteeing a right to housing.

Based on the findings of this ethnographic research, this thesis explores the current state of tenant protections in New York City through a critical analysis of the biopower relations landlords have with their renters. I argue that the history of tenants' rights has immensely favored landlords, allowing them to disguise the violence of evictions as legal actions. Further, when the legality and acceptability of eviction violence become embedded in the very social fabric of the housing industry, tenants are forced to operate in a system of structural violence.



My thesis, using anthropological ethnographic methods, conducts a biopolitical analysis of the relationships between tenants and landlords, analyzes the protections and rights a tenant has, and understands how tenants face structural violence in the housing industry. Tenants in New York City are currently finding themselves in a housing landscape that generates domineering relationships through which landlords, in using their biopower, create houseless humans. Property owners are directly responsible for generating tenants without access to protections and without access to stable and affordable housing. This violence that occurs against renters is entirely avoidable. It is a form of social suffering that society has the ability to mitigate through political and societal action that pays careful attention to an individual's right to a home.

**Background**

On January 10th, 2022, housing justice advocates and members of the New York State government placed 2,150 individual candles on the front steps of the New York State Capitol building. Each candle represented 1,000 families that were set to face eviction proceedings when the New York State eviction moratorium expired on January 15th, 2022. Assemblyman Al Taylor released a statement saying, “Over 90,000 New Yorkers are already unhoused. We need to act now to prevent an even greater crisis” (Taylor 2022). The eviction moratorium was one of a few protections New York governing bodies put in place to protect tenants’ rights in the midst of a global pandemic. However, without an extension of the moratorium, and city rents ever-increasing, New York City renters found themselves in a structurally violent housing system where landlords held immense power over their tenants.

By the end of 2021, New York City rents skyrocketed to a median asking price of \$2,700 per unit. That price represented an 11.6% rent increase from the beginning of 2021, granting the city the largest annual rent increase in recent history (McDonald 2022). There is a common adage that an individual’s rent payment should be equal to no more than one-third of their income. As of March 2022, the median rental price for a one-bedroom apartment across all of New York City’s five boroughs was \$3,450 per unit (Rahmanan 2022). With this median rent, a person needs to be making \$124,200 a year to remain financially stable while renting an apartment. That salary would put a renter in the top five percent of incomes in the United States (Von Dam 2016). In New York City, the median income for an individual is \$50,825. This means that, for the vast majority of New Yorkers, finding and affording a quality apartment is oftentimes a near-impossible feat. For families with multiple children in need of multiple bedrooms, this situation proves ever more dire.

High rent prices in New York City constantly put tenants at risk of being evicted from their homes, with no recourse from the government. When the COVID-19 pandemic ravaged the city, renters' risk of eviction was exacerbated even further. Recognizing the need to protect lower-income tenants in New York, protections including the previously mentioned eviction moratorium and emergency rent assistance were put in place. These protections helped mitigate the economic and health crisis the world still faces. Nationally, the American economy has begun the long recovery journey from COVID's impact. In February 2022, U.S. unemployment fell to a new low of 3.8%, compared to 3.5% right before the pandemic began (Bureau of Labor Statistics 2022). In response to this economic growth, Federal and State governments have rolled back pandemic protections such as unemployment subsidies. This pullback in protections is also occurring in the housing industry. The Center for Disease Control and Prevention's eviction ban expired in August 2021; the federal Emergency Rental Assistance Program (ERAP) has not been given any more funding. The eviction moratorium did not relieve renters of their back owed rent. They still owed set money to their landlords, however, the moratorium meant they could not be removed from their homes due to said back rent.

While large parts of the United States have had a fast pandemic recovery, the same cannot be said for New York City. At the conclusion of 2021, New York City had only regained fewer than six out of every ten jobs lost since the beginning of the pandemic, and the city's unemployment rate remains at nearly ten percent (Haag 2021). These detrimental economic effects make it hard for tenants to remain up to date on rent payments. Without housing protections like the eviction moratorium, New York's government and housing policies are failing to protect the city's most economically vulnerable. When Kathy Hochul, the Governor of New York, let the state-wide eviction moratorium expire, an estimated 830,000 households in

New York City were still behind on rent payments (Zaveri 2021). That makes up the majority of New York renters. With COVID-19 impacts still being dramatically strong in the city, our communal need to protect renters is stronger than ever.

Tenants' rights are critical in a city like New York, where nearly 70% of people rent (NYU Furman Center). Historically, an analysis of rent laws shows that State and City Governments have favored wealthy landlords, who have successfully lobbied politicians to weaken tenant protections. Government bodies have repeatedly weakened said housing laws despite the immense demonstrated need of the City's poorest renters. This dichotic relationship between tenants and their landlords is at the heart of housing structural violence in New York City. Structural violence occurs when societal institutions and structures harm individuals and prevent them from meeting their most basic needs. This violence is not caused by an actor harming a victim, but rather, structural violence becomes embedded in the very institutions themselves (Galtung 1969, Farmer 2004, Farmer et al. 2006). When housing and governmental institutions allow landlords, through relational power, to dictate the lives of their tenants, structural violence emerges in housing policies that causes extensive, unnecessary suffering for New York's tenants. Michel Foucault used such power relations to explore the concept of biopower. Biopower can be understood as the many tools, bureaucracies, and relationships that are used to control and govern the lives of individuals.

## Literature Review

### ***A) Power, Biopower, and Power Relations***

Many anthropological theorists have studied power and its impact on the human experience, however, Michel Foucault's understanding of power, population control, and biopower are most relevant to this thesis. Before putting words to biopower theory, Foucault first approached population governance with a more general approach. He came to understand the general ways in which communities organize and rule themselves through governmentality theory. Governmentality expands the notion of government to include the governed. Rather than just thinking about state actors governing their citizens, governmentality widens the scope to identify how positive means of governing can occur when the general public actively participates in ruling themselves (Foucault 1991, Lemke 2015). When the manifestations of governmentality expand, and power flows between those governing and those governed emerge, they can result in the state becoming the main source of power and influence (Muller 2011). In the housing industry, such is the case, where state institutions control all of the protections and capabilities a tenant has.

He focused on the concepts of biopolitics and biopower. Biopolitics is the political rationality that governments leverage in order to take on the administration of life and populations as its subject (Adams 2017). Biopower directly stems from biopolitics, as it is the power that is used to make biopolitics operate in society. Foucault demarcates the concept of biopower, defining it as the "numerous and diverse techniques for achieving the subjugation of bodies and the control of populations" (Foucault 1976). Here, Foucault understands the use of biopower to be a "profound transformation" in the ways governments manage their respective populations (Foucault 1976).

Before putting words to how populations are managed, Foucault came to better understand how rule itself occurs through governmentality theory. Governmentality expands the notion of government to include the governed. Rather than just thinking about state actors governing their citizens, governmentality widens the scope to identify how positive means of governing can occur when the general public actively participates in ruling themselves (Foucault 1991, Lemke 2015). When the manifestations of governmentality expand, and power flows between those governing and those governed emerge, they can result in the state becoming the main source of power and influence (Muller 2011). In the housing industry, such is the case, where state institutions control all of the protections and capabilities a tenant has.

Here, it is important to further develop Foucault's complex understanding of power, and the possibilities accorded to those who hold it. Unlike many understandings of power as a negative force through which individuals are controlled by those in power, Foucault had a morally neutral understanding of power. He viewed power as "the ability to bring about a desired result" (Ferryhough 2021). In his theoretical orientation, an individual has power if they can do the things that they want to do. This neutral disposition to power, however, only exists if the power is being used in a neutral way. When power dynamics are wielded to subjugate populations, power has the capacity to be a harmful force. This harmful capacity of power often results when power dynamics are enshrined in social institutions.

For Foucault, social institutions, like those governing tenants' rights and their relationships with landlords, are based on discourses of power that impact all levels of social relations (Erickson & Murphy 2017). In housing, biopower exists in the relationships between tenants and landlords; tenant populations are controlled through numerous policies and bureaucratic institutions that create landlord-favorable power dynamics. However, this is not a

phenomenon limited to just housing, as the power dynamics Foucault discusses are present across society.

Theories of biopower are useful because they challenge preconceived notions of what power is. Biopower exposes “the structures, relations, and practices by which political subjects are constituted and deployed, along with the forces that have shaped and continue to shape modernity” (Cisney & Morar 2015). Further, a biopolitical interpretive grid sheds light on the complex interrelations between government and governance. Cisney & Morar argue that the word “power” often causes us to think of individuals *with* power telling those *without* power what they can and cannot do. While this is part of power, fully understanding how power influences society requires first an understanding of how power dynamics make domination possible.

Power is a generative force; it is through human relationships that the power Cisney and Moar describe emerges. When landlords deregulate rental units in New York City, they utilize governmentally granted authority to generate a power dynamic over their renters. Further, when tenants themselves are able to fight back against a landlord, they too generate power. Currently, in New York, tenants are actively fighting to regain power in their relationships with their property owners through the push to pass Good Cause legislation. This legislative agenda became central to my ethnographic results.

Ethnographic understandings of domination through biopower have emerged across societal manifestations. Penne and Kirby theorize a “biopolitics of control” that is emerging with the dawn of surveillance and database technologies. In their analysis, such forms of technology that are meant to minimize social disorder actually increase social disorder by limiting an individual’s ability to form a subjective identity (Penna & Kirby 2009). In limiting identity

formation in favor of identification, social order technologies control the populations they are meant to monitor.

However, the strength of the biopolitical realm of society is not only limited to domination in relationships. Biopower is also present in determining what a society deems to be true. An example of this is found in Foucault's longitudinal exploration of insanity in *Madness and Civilization*. People considered to be "insane" in modern society were granted prestigious positions of power in medieval society on a theological basis, as they were believed to be close to God. This occurred because the ruling paradigm of medieval society was theology. However, when the "Age of Reason" and modern science began to emerge, the societal conception of insanity changed, and "insane" individuals' bodies became controlled through institutionalization (Foucault 1961). When science replaced theology as the ruling societal paradigm, and studies in psychology and psychiatry emerged, "insane" individuals were deemed unfit to live amongst society. Further, their lives became controlled by the authoritative discourse of power in modern society.

Bodily control through power dynamics has been studied across topics and physical geographies. Zeiderman utilized ethnographic research in Bogotá, Colombia to explore how governmental institutions use the imperative of security to justify intervening in the lives of poor and vulnerable populations. In Zeiderman's ethnography, he states that poorer Colombians must be made recognizable by the state as individuals that are in need so that the state can then intervene and provide assistance. He argues that this security-based conceptualization of biopolitics allows states to reconfigure the rights of their poorest citizens (Zeiderman 2013). This description of a people's interaction with their government shows how power relations are used to biopolitically control bodies through governmental action.



These demonstrative examples from Penne and Kirby, Foucault himself, and Zeiderman serve to show how biopolitics and biopower can serve as lenses to analyze, understand, and critique social forces. Specifically related to tenants' rights and housing in my thesis, the biopolitics of housing has historically been immensely controlled by landlords and their financial donations. As a result of property owners leveraging capital resources to lobby government officials, resulting legislation has allowed said landlords to dictate the existence of their renters. The "numerous and diverse techniques" that Foucault discusses that are used "for achieving the subjugation of bodies" exist in such policies and the generative power relationships between tenants and landlords. When landlords deregulate rent-controlled units, when they dramatically increase the rent of a unit, and ultimately, when they evict vulnerable tenants, they utilize biopower to generate houseless individuals.

### ***B) Structural Violence***

The topic of structural violence was first explored by the sociologist Johan Galtung, but it has now become a solidified and well-studied concept in anthropological research. As a lens to critique society, structural violence provides a framework to analyze and understand the ways in which social systems and structures produce, promulgate, and expand power disparities and injustices. Lee defined this violence as that which "refers to the avoidable limitations that society places on groups of people that constrain them from meeting their basic needs and achieving the quality of life that would otherwise be possible" (Lee 2019). These avoidable limitations, for the housing industry, present themselves in the greater emphasis placed on property rights compared to housing rights.

Structural violence describes acts of violence that are embedded in the assemblage of social life: in government, in health, in (in)access to basic needs, etc. However, unlike hot or

direct violence, structural violence happens without a direct actor harming another. Structural violence theorists define the concept as “the avoidable disparity between the potential ability to fulfill basic needs and their actual fulfillment” (Ho 2007). Relating to biopolitics, when imbalanced power relations become embedded into social institutions, structural violence occurs against those being controlled.

The recently passed Dr. Paul Farmer used the term to describe social structures rife with poverty and profound social inequality including gender disparity and racism (Farmer 2004). Farmer’s ethnography of modern epidemics in Haiti highlights how structural violence, rooted in a colonial history bound with racism and slavery is actively killing Haitians. Kathleen Ho utilizes a structural violence argument to highlight how global governing bodies fail to provide agency for individuals to fully realize their human rights (Ho 2007). Although these ethnographic studies are not orientationally connected to housing policy and tenants’ rights, they demonstrate the ways in which a structural violence critical framework can shed light to societal challenges.

Regarding the intersection between structural violence and tenants’ rights, the book *Evicted: Poverty and Profit in the American City*, by Matthew Desmond, is foundational to understanding the structural violence renters face in the United States. Through a series of ethnographic stories of renters and their landlords, Desmond presents a poignant description of power imbalances that exist in renting relationships. One character we follow throughout Desmond’s book is named Arleen, a Black mother of four kids who repeatedly struggles to maintain stable housing for her family. Just one of the many examples of housing violence Arleen endures occurs when her son, Jori, is playing in the snow. Jori and his cousin had a snowball fight when one snowball hit a passing car. The driver followed the kids to Arleen’s house in anger and broke down her door. When the landlord found out what had occurred, they

evicted Arlene and her children. Although it was no fault of her own, the imbalanced power and control her landlord had over her made her particularly vulnerable to eviction violence. Throughout the story, she continues to face such structural barriers to maintaining housing (Desmond 2016).

Utilizing structural violence to view the housing industry, many anthropologists and other researchers have considered how past and present housing policies have resulted in violence. In *The Color of Law*, Richard Rothstein analyzed how America's housing became racially segregated through government policies specifically designed to disadvantage minority Americans. Rothstein convincingly argues that the United States Federal, State, and Local governments used political tools to prevent communities of color from accessing the same housing resources as white Americans (Rothstein 2017). As a result, housing programs, subsidies, and opportunities have all been impacted by structural violence.

More recently, theorists have been drawing the connections between structural violence and Foucault's ideas of biopolitics and biopower. Demirbaş highlights this connection through another element of Foucault's theory: biopower seeks to enhance the quality of life for a so-called "chosen" population (Foucault 1976). If biopower only exerts a positive influence on the chosen group of people, those left out of the selected group are deemed disposable by biopolitics and the ruling governing bodies. Underscoring the dichotic existence between the chosen and disregarded populations, he writes "The disposable 'other,' which may be an ethnicity, a minority, another nation, or simply everybody else, may also pose a threat to the biological existence of the 'chosen' population" (Demirbaş 2019). It is at this critical juncture that the theoretical orientation of Foucault's biopower merges with Galtung's ideas of structural

violence; when the bodies of populations are deemed disposable, the social structures and institutions such populations interact with become structurally violent towards their existence.

### **C) Social Suffering**

Theories of social suffering connect to the above theoretical publications at this intersection between biopower and structural violence. In an edited volume titled *Social Suffering* academics published diverse essays on the topic of social suffering. They defined such suffering as that which “results from what political, economic, and institutional power does to people and, reciprocally, from how these forms of power themselves influence responses to social problems” (Kleinman et al. 1997). This suffering is an assemblage of human problems that occurs on interpersonal grounds, meaning personal problems and suffering are often, if not always, a result of societal problems and suffering. To restate, this means that the problems that individuals face do not result from inherent problems of the self, but these acts of harm come from the society we have collectively constructed. Further, this theory underscores how suffering is a social experience, as it results from social apparatuses. Given social suffering connects to societal causes, the suffering individuals face is often, if not always, shared by others. As such, when enough individuals are suffering together, they can collectively realize the harm being done to them in order to fight the structures harming them (*ibid*).

Much has been written utilizing a social suffering approach in research. Bjertrup et al. interviewed immigrants entering the European Union during the refugee “crisis” of 2016. When the borders of Macedonia closed in March 2016, an estimated 60,000 migrants were left stranded across Greece. Their team of researchers conducted in-depth interviews with some of these stranded migrants to understand their suffering impacts of immobility in a foreign country. Nearly 100% of these refugees reported suffering from anxiety disorders; these diagnoses were a

result of experiences of violence, stress from the border closing, and the lack of a pathway forward in their refugee applications (Bjertrup et al. 2018). The suffering of these refugees occurred as a result of social institutional action: bureaucratic action left said individuals stranded without aid. As a result, their suffering was social suffering, resulting from social apparatuses that could have been avoided.

This refugee study is one demonstrative example of the theoretical orientation provided by social suffering positions. However, the applications of Bjertrup's research transcend disciplinary boundaries.

To bring this section all together, these three theoretical approaches- biopower, structural violence, and social suffering- highlight the interconnected relationship that exists between social power, the ways power violently manifests in social institutions, and the effects such violence has on individuals on the periphery of societal power. When biopolitical relations of imbalanced power lead to structural violence, the resulting structural vulnerabilities become embedded in social institutions and structures. When this violence is a result of structural apparatuses, the resulting suffering can therefore be considered social suffering. Namely, it can be understood as suffering that could be ameliorated.

### **History of Tenants' Rights in New York City**

Looking at tenants' rights longitudinally, there have historically been many ways landlords have been able to avoid the renter protections put in place through laws and policies. Such loopholes and protection avoidances have contributed to the long-standing housing norms of landlords controlling the power dynamics within their tenant relationships. While this is reflective of the general trends that have occurred throughout the history of tenant protections, there are a few noteworthy bills, housing policies, and industry-wide practices that have prevented tenants from maintaining control of their relationships with landlords.

Critical to understanding the history of tenants' rights in New York City is a stipulation put into place by the New York State Government after the city went bankrupt a few decades ago. As part of the agreement to manage the city's debt, the New York State government took over control of the bulk of New York's housing policy. Referred to as the Urstadt Law, this provision took away New York City's authority to regulate rents within its own jurisdiction (Peters 2009). The bill was named after Charles Urstadt, who orchestrated the bill's passing. The policy stipulated that New York City could never pass any rent regulations that were "more stringent or restrictive than those presently in effect," even as housing needs in the city deepened (Schaeffer). This means that whatever the housing policies were that the State government decided to create, the New York City government would never be able to pass stronger or stricter protections or rent regulations. Despite having more renters, and poorer renters, than the rest of New York state, City officials were barred from passing laws to protect them.

As a result, housing authorities in New York City had to bend to the will of State authorities in Albany to meet the needs of vulnerable renters. Although there is proposed

legislation in the New York State Senate to repeal the Urstadt Law, the bill has seen little success, leaving rent regulations in an abysmal state (nysenate.gov).

Rent regulations, although not controlled by the state, were critical in maintaining relatively affordable rates for thousands of New York City renters that could find regulated units. However, landlords maintained control by two very critical loopholes to rent regulation policy: vacancy decontrol and high-income deregulation. From 1993 onwards, these two regulatory escapes allowed landlords to deregulate more than 152,000 apartments in the city; at least 130,000 more rent-regulated apartments were lost to co-op and condo conversions (Barker 2018). Rent-controlled units- referred to as “the scourge of landlords and the salvation of struggling New Yorkers”- have been critical to longstanding renters’ abilities to stay in their units while landlords tried to raise rent prices (*ibid*).

Vacancy decontrol is a process whereby landlords deregulate an apartment by increasing a unit’s rent to a predetermined amount by State housing policy. Rent-regulated apartments can still have rent increases, however, the amount a landlord can increase in a time period is limited to a certain amount. When these small rent increases accumulate, they can reach the threshold rent price of \$2,774 per month. If the rent for a rent-controlled unit ever reaches this number, and a vacancy in the unit occurs, the unit loses its regulated status, and the landlord may set rent to market rates.

Aiding landlords in increasing rent to reach the deregulation threshold, a policy often referred to as the “vacancy bonus” allows landlords to reach said threshold even faster. When a unit was vacated, landlords could increase the rent by twenty percent of the previous rent, often passing \$2,774 per month for a unit. Vacancy bonuses are an inherently problematic approach to housing policies, because of the ways they incentivize landlords to evict their tenants. By

violently removing individuals from an apartment, a property owner financially benefits from the harm of a tenant's life. This is a blatant example of structural violence is primarily harmful towards tenants, as the housing system capitalizes on and encourages the generation of houseless bodies. In the power relations between tenants and landlords, vacancy bonuses motivate evictions to occur even if there is no reason to do so, leading to dynamics of domination over renters by their landlords.

Similarly, high-income deregulation meant that if a tenant in a rent-stabilized unit was earning more than \$200,000 for two consecutive years, then the landlord could deregulate the unit and charge market-rate rents in the unit. The inherent flaw in the high-income deregulation policy is that there is no income qualification to rent a regulated unit. Therefore, low-income New Yorkers were actively losing affordable units to wealthier families that could afford market-rate rents in non-regulated units.

While these are the two main ways through which landlords raised rents and exploited lower-income families, vacancy decontrol and high-income deregulation were not the only tools in a landlord's arsenal to dictate the existence of their renters. Other policies, like the "owner use" stipulation, also allowed for the removal of regulated units. If a landlord and their family wanted to use multiple units in a regulated building for their personal residences, they could remove rent-regulated tenants from the apartments. Landlords could also utilize "hardship rent increase" tools by declaring an increase in the costs of operating a building, and therefore increasing the rents of the building as well.

This entire, albeit brief, detailing of how landlords manipulate the housing landscape to disadvantage tenants is inherently connected to the previously mentioned Urstadt Law. When control over rental laws was shifted from New York City to the State level, it meant that any



dollar spent on lobbying efforts became immensely more powerful. State Senators and Assemblymen and women from across the state of New York, politicians not living in New York City, gained control of the City's housing policies. Therefore, politicians who are not familiar with the City's housing landscape, and are not beholden to the City's renters, now actively get to shape its housing policy. Without a sense of accountability to tenants, they are able and willing to take in vast amounts of donations from the coffers of landlords lobbying the legislation. Given said politicians are not held accountable by actual New York City renters, they have been consistently susceptible to landlords' lobbying efforts.

One housing worker I interviewed stated, "the industry of New York City is real estate." Given that's the City's industry, it also controls large amounts of wealth. It is, and always has been, a dominant force in the state's politics. New York State housing policies have to be periodically revisited and edited due to sunset provisions- a topic to be addressed later on. A study analyzing political spending by the real estate industry in comparison to individual donors revealed that housing lobbying efforts consistently and exponentially outspend individual donations. In the 2015 rewriting of housing laws, the real estate industry outspent individual donors by a factor of seven-to-one (Galbraith 2019). Further, the same study found that this immense outspending resulted in laws that "introduced and extended loopholes that have allowed and incentivized landlords to hike rents, evict tenants, and remove apartments from rent control" (*ibid*).

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Outside of rent regulation, and the loopholes landlords utilize to deregulate, the history of tenants' protections has also granted property owners numerous other ways to control the existence of their renters. New York State housing policy has always been created with legal

sunsetting provisions. These clauses stipulate an automatic repeal of a law, forcing the bill to be revisited by a governing body. By sunsetting housing policies every four years, the lobbying and capital influence discussed above was further exacerbated.

A particularly structurally violent practice has emerged through the use of a “tenant blacklist” that landlords have used to disadvantage any renters with a history of eviction. Similar to individuals with criminal pasts having to check a box indicating such on a job application, if a tenant has ever had a case brought against them in housing court, their name is likely to be added to tenant blacklists. These are not actual lists, but rather they are collections of names that are amassed by reporting service agencies who then sell the information to landlords across New York City. Given that housing court information is public record, screening companies collect the information to sell to landlords. If a tenant is on the list, they are subjected to being denied from many units, as landlords will refuse to rent their units to them (Myers 2021). Even though these lists were recently banned in 2019, housing advocates worry that the ban is not being properly enforced, and renters that have appeared in housing courts still face discrimination (Trangle 2019).

A critical problem with tenant blacklists is that tenants join the list regardless of why they are in housing court. Tenants, when in particularly contested relationships with their landlords, might refrain from making a rent payment to try and coerce a landlord into making repairs or fixing a rental’s errors. As it is a criminal offense to withhold rent payments, such a renter can have a housing court case levied against them and end up on the blacklist (Myers 2021).

Andres Correa was a victim of a tenant blacklist; he was sued for living in an illegal sublease that he was never alerted was illegal. When the landlord of the property brought a lawsuit against the primary tenant as well as against Andres, his name appeared in the court

settlement documentation. As a result, he told reporters he was “unable to sign a lease and had moved eight times in the past two years” (Satow 2014). He eventually had to hire a lawyer to try and permanently get his name removed from public housing court records.

The problems made visible through practices like the tenant blacklist and housing deregulation connect to a larger issue in the field of tenants’ rights. They are demonstrative manifestations of the biopolitical power that landlords have over tenants. If biopower is, as Foucault states, the “numerous and diverse techniques for achieving the subjugation of bodies and the control of populations,” then these policies and practices present in the housing industry provide landlords the biopolitical agency needed to subjugate the lives- and further, bodies- of their tenants (Foucault 1976). A more accurate understanding of the power relations between landlords and tenants becomes intelligible by connecting the ways in which political donations transpire into policies designed to equip landlords with the ability to determine which bodies remain housed and which do not. As a result of deregulated units, the Urstadt law, and sunseting policies, property owners subordinate the possible actions a tenant might take.

In the lives of renters in New York City, they largely remain at the mercy of the biopolitics established by landlord interests at the state level. When these interests become encoded into the policies dictating the housing industry, landlords quickly become the “chosen population” Foucault discusses- the population that benefits from the governmentality and use of biopower (Foucault 1976). However, the problem society is then confronted with is that the “chosen population” is not selected for the betterment of society, or chosen by a body representative of the general population.

Despite being the individuals directly impacted by the housing policies the New York State government legislates, tenants remain unable to shape them. Instead, landlords have

constructed a political arena whereby their own capital and actions grant their own controlling capabilities. When the actions of New York City's property owners begin to negatively affect the survival of tenants, the system becomes structurally violent towards the poorest and most vulnerable of New York's renters.

Structural violence harms select members of society by perpetuating inequality and ill-being for those unable to design a system in their favor. For violence to embody a structural element, the harm to some must occur as a result of discriminatory actions becoming embedded in the assemblage of governmental and social rule. In regard to structural violence facing New York's tenants, the actions landlords take to governmentalize the power they wield in the housing industry make the violence tenants face structural. Rather than personally and directly harm the tenants a landlord owns, they create a one-way, impermeable, and structural divide between the landlord and the tenant.

The divide, embodied in the expanse of biopolitical tools available to property owners, not only makes the housing industry structurally violent, but it also serves to validate the actions landlords take against tenants. By generating houseless bodies, landlords are directly harming society. However, they legitimize the violence they create by concealing the harm as simply following housing policy. When societal reflections bring light to the injustices of homelessness and the unaffordability of housing, blame is placed on homeless individuals or tenants that have found themselves in housing court, not on the predatory system that generates such living circumstances.

Despite the historical success landlords have had in generating political outcomes conducive to power dynamics of domination over their renters, the most recent rewriting of housing policies in New York strengthened tenant protections for the first time in decades. As

previously mentioned, housing policy in New York state has been subject to the presence of sunseting clauses. The most recent rewriting of the housing statutes brought about many needed adjustments to the biopolitics governing tenant and landlord relations.

In June of 2019, the New York State Government passed the Housing Stability and Tenant Protection Act of 2019 (HSTPA). On top of removing the sunseting requirement to rent laws, thereby making these changes permanent, HSTPA included the following protections for tenants:

- Rent regulation for rent-stabilized and rent-controlled apartments was made permanent, closing the loopholes landlords utilized to remove limitations to rent increases
- High Rent Vacancy Deregulation and Luxury Deregulation were both made illegal
- Tenants in rent-stabilized units can no longer lose their preferential rents during a tenancy
- For market-rate apartments, tenants must be given a minimum of thirty days' notice of any rent increases over 5% of the current rent
- A limit of \$20 for the amount a landlord can charge as an application fee to rent a unit
- Names of tenants who have had an eviction case in housing court can no longer be sold to reporting services, eliminating the "Tenant Blacklist" that landlords have used
- Landlords must not refuse to rent a unit to someone based on a tenant's past disputes with a landlord
- Security deposits and move-in expenses are limited to one month's rent<sup>1</sup>

These protections provided much needed improvements to the structural vulnerabilities that apartment dwellers in New York were facing. The passage of HSTPA makes the power that tenants themselves have over landlords intelligible. Whereas landlord control is typically common, as demonstrated in the paragraphs above, this bill attempted to grant tenants institutionalized power to maintain control of their housing arrangements. While the bill created

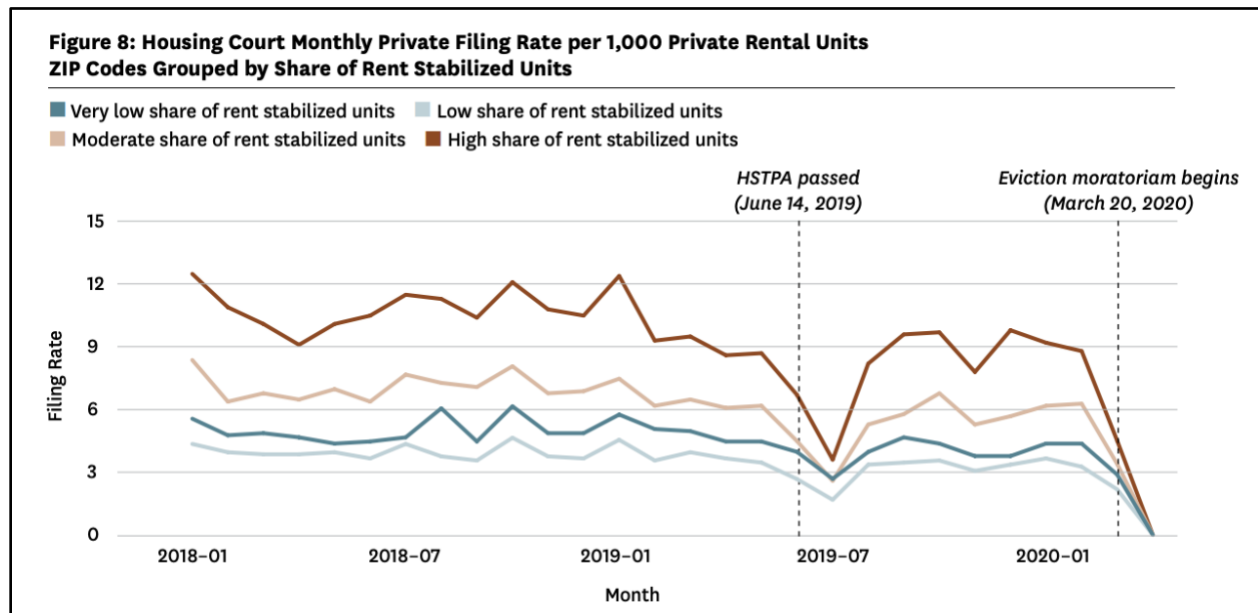
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<sup>1</sup> This list of rights is taken from the City Bar Justice Center (Schwartz) and the New York State Department of State: <https://dos.ny.gov/system/files/documents/2021/05/dos-guidance-tenant-protection-act-rev.5.25.2021.pdf>

many critical changes to the housing political landscape, the overall success of the bill to protect tenants has remained contested.

The Furman Center at New York University, a research institution focused on housing and urban policy, conducted a longitudinal analysis of the short-term impacts of the Housing Stability and Tenant Protection Act. The long-term impacts of the bill have been difficult to fully understand given the dramatic impact the COVID-19 pandemic has had on the housing industry. Focusing on the time period from the passage of the bill up until March 2020, the beginning of the pandemic, their analysis found that some of the goals of the bill failed to manifest.

The New York City Department of Housing Preservation and Development publishes statistical information on complaints made by tenants as well as violations of housing codes. Further, the New York State Office of Court Administration publishes information on eviction filings within New York City. Analyzing the temporal trends in these data sources, the Furman



Center found that evictions of tenants in the City fell shortly after the bill passed, but they soon returned to levels comparable to before the passage of HSTPA (Furman Center 2021).

The chart above shows the trends in the number of cases filed in eviction court. Each line is representative of the share of rent-stabilized units in a given geographical area. After the bill passed, the sharp fall in court filings is followed by a return to higher levels. The Furman Center stated that this could occur as “landlords’ attorneys adjusted to the updated regulations,” needing time to evaluate legal changes impacting their ability to govern tenants’ lives (*ibid*). This means that the fall in violent evictions was not because the bill actually covered tenant vulnerabilities and extended the protections that tenants needed. Rather, these statistics show that landlords needed only to slightly shift the legality of how they generated houseless bodies, of how they maintained dominant power over their renters.

However, the full extent of the impact of HSTPA has not yet fully been understood. The resulting housing landscape from the bill is an under-researched topic in need of further exploration. While the Furman Center’s study importantly demonstrates continuing problems in the wake of the legislation, the repeated vulnerabilities that tenants continue to face prove that, although there are strengthened protections in place, landlords continue to have the legal and capital means needed to get their way.

Therefore, although the HSTPA bill was regarded as “the greatest victory for housing rights since the creation of rent-stabilization in the early 1970’s” (Giller & Berger 2019), the structural violence facing tenants persisted, nevertheless. Despite being hailed as such a victory, its passage has continually failed to protect tenants from predatory and violent landlords that have long been present in the housing industry. As a result of its shortcomings, and on top of the eviction moratorium expiring, housing justice advocates and tenants’ groups shifted their advocacy in the housing industry to lobby for the passage of an additional bill designed to stem harmful eviction practices: Good Cause Eviction.

## **VII. Ethnography: The Fight for Good Cause Eviction**

This recognition of the need to fight back against these harmful power dynamics that tenants face in New York City presents the onset of my ethnographic research. Tenants' unions, housing advocacy groups, and progressive politicians have been pushing the New York State Government to pass legislation to require landlords to have "good cause" to evict a tenant. This legislation, referred to as Good Cause Eviction, is part of a larger movement in housing policy. Good Cause Eviction laws have recently increased in popularity across the country. Oregon, California, and New Jersey all require landlords to have cause before evicting a tenant (Seal et al. 2022). And in New York, several cities have passed Good Cause including Newburgh, Albany, Hudson, and Poughkeepsie, meanwhile, other localities are actively pursuing this legislation to become codified, including Rochester (National Low Income Housing Coalition 2021).

Following this direction within housing policy, Assemblymember Pamela Hunter from Syracuse and Senator Julia Salazar from Brooklyn introduced Senate Bill S2892B, or the "Good Cause Eviction Bill" to the State legislature. The bill has amassed great support from tenants' unions, housing coalitions, and organizations that work in the housing industry. As of the spring of 2022, the bill is still in committee, and the State Government has been holding hearings and meetings before bringing the bill to the Assembly and Senate floors.

If passed, the bill would prevent landlords from evicting tenants who pay rent on time, who currently hold leases in a landlord's units, and who face "no-fault evictions." These no-fault evictions occur when a tenant's lease is not renewed due to no wrongdoing on the tenant (Mench 2022). This type of eviction occurs when a landlord wants to reset a base rent, retake possession of a unit, or simply get a new tenant into their unit. By preventing a landlord from evicting a



tenant without good cause, renters who follow lease guidelines would be able to automatically renew their leases- an important protection many housing justice advocates stressed the need for.

Importantly, the bill would also limit the amount a landlord can increase a unit's rent over a calendar year. There are two ways a rent increase is determined to be unreasonable according to the bill: by percentage and by Consumer Price Index (CPI). Unreasonable rent increases by percentage occur if a tenant's rent increases by more than three percent during a calendar year. Utilizing the Consumer Price Index, rent increases are illegal if they are above one-hundred and fifty percent of the annual percentage change in the index of an apartment's region. Whichever of these two statistics is higher is the ceiling of a rent increase.

The bill establishes a "rebuttable presumption" in regard to the illegality of said rent increases (New York State Senate S2829B). This means that the rent increase is, by default, considered to be illegal if above these thresholds. If a landlord experiences a dramatic increase in operating costs or an immense hardship, they can demonstrate such to approve a larger rent increase. However, if Good Cause Eviction were to pass, this rebuttable presumption stipulation represents the first major codified example of tenants receiving the default power relation from the overall housing legislation. In all the previous legislative actions discussed in the previous sections, landlord power further entrenched a legal and political system designed in their favor. Good Cause seeks to shift this power paradigm. Recognizing the significance of such political action, this bill was at the heart of my ethnographic study.

During the winter of 2022, I conducted both a virtual and in-person ethnography, interviewing individuals connected to the housing industry and tenants' rights. Given the timing of my ethnography, the interconnected network of tenants' groups and housing organizations were in the middle of their fight for Good Cause Eviction laws in New York. Working as a type

of case study, this exploration of the housing industry from tenants' perspectives proved demonstrative of the larger power dynamics that renters face vis-à-vis the landlords they rent from.

To understand the milieu that tenants are currently operating in, I interviewed and met with tenants' union workers and housing organizers, I sat in on governmental hearings and meetings on the bill, and I attended organizing meetings of housing organizations and tenants' unions. This ethnography serves to analyze and understand the ways in which tenants dictate, understand, and comprehend their own experiences of structural violence in housing, and to study the reasons and positionalities of community organizers that are advocating for Good Cause. Finally, my work sought to research how government policy, law, and bureaucracy have been used by landlords as sources of power to minimize tenant protections and control the renting landscape.

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The housing organizational landscape of New York City is comprised of numerous neighborhood- or area-based groups that advocate for the renters in a specific area. These localized groups specialize in particular communities to understand the ways landlords take advantage of renters, as well as to recognize where community needs fail to be met by governmental action. An example of one such group is the Cooper Square Committee which works in the Lower East Side community. Given their focus in one particular area, the majority of the Cooper Square Committee's work surrounds tenant relations. With tenant hotlines and open walk-in hours, housing advocates at the organization work to provide housing advice and assistance to renters struggling with predatory landlords. Tenants come to Cooper Square Committee with questions on how they can fight eviction proceedings and ways in which they

can prevent harassment from their landlord with construction. To help their tenants meet their demonstrated need, they also work with low-income workers to apply for income support, health care benefits, or housing assistance.

In addition to these geographic organizations, there are also city-wide organizations that understand and advocate for general trends and needs in New York City housing. These groups tend to be more politically oriented, putting more effort into lobbying and policy changes at both the city and state levels. An example of this type of organization is the Metropolitan Council on Housing. The Met Council is New York City's oldest tenant union, and its mission statement emphasizes the desire to "fight for a city where everyone has access to safe, decent, affordable housing" (Met Council on Housing). The Met Council's work is similar to the Cooper Square Committee's as they also have tenant hotline services and walk-in housing assistance availability. However, given their city-wide presence, the Met Council also conducts a lot of advocacy and housing justice work.

Bridging together both neighborhood and city-wide groups, there are a few collectives in advocacy work that seek to unify messaging, resources, and power to benefit New York's renters. Housing Justice for All is a New York state-wide collaborative effort to unite housing advocacy at all levels of government. This housing coalition brings together more than eighty different housing groups for political actions like protesting and advocacy, as well as for trainings and workshops to help tenants know their rights and opportunities. By bringing together housing advocacy groups from different localities, groups like Housing Justice for All serve to unify messaging and advocacy, as well as share knowledge and awareness of housing injustices.

My interviews and observations spanned all levels within the housing advocacy field to better understand the ways in which tenants engage in the discourses related to their ability to

maintain housing. I also attended meetings and workshops from different organizations at each level of advocacy.

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In an interview with a tenant that lived in Bushwick, Brooklyn, a middle-aged mother, whose children had long ago moved out, told me she feared complaining about rent violations because her “landlord would just use that as an excuse to kick me out.” The fear this tenant expressed was a common sentiment expressed across my interviewees in New York City’s housing landscape. A community organizer at a tenant union spoke to me about these reticent sentiments stating, “[Tenants] are afraid to stand up for their rights, and they put up with conditions that are poor and violate housing rights because they worry if they make trouble, they won’t get their lease renewed or they’ll be evicted.”

This fear, rather representative of the relationship between tenants and landlords, was a major galvanizing force in the fight for Good Cause legislation for New York City. Senator Salazar, at a Town Hall meeting in support of the Good Cause Bill she proposed to the State Senate, referred to the legislation as the needed “long-term, sustainable” solution to New York’s ongoing housing crises. The New York City Comptroller, Brad Lander, was also at the town hall meeting. His speech underscored the same thematic fear tenants face, maintaining that “tenants in the city...feel afraid to even complain about [landlord] violations, lest they wind up evicted.” Everyone that spoke at the meeting, however, emphasized that the housing crises- the lack of affordability, the dearth of available units, and the control landlords have over tenants- was not a new problem for New York City. However, it was one in need of a new solution.

In 2019, there were nearly 17,000 evictions in the City, which averages out to be “nearly 50 families forced out of their homes every single day,” as stated by Brad Lander. Although the

HSTPA law improved tenant protections, there are still a great number of vulnerabilities present in the housing market. These vulnerabilities manifest themselves in power relations and structural violence in many ways.

Multiple interviewees expressed that, because many tenants fear the power their landlords have over them, tenants fail to stand up for the rights they have or utilize the protections that are currently in place. “Landlords can get away with a lot. And renters are willing to put up with a lot of bad things because they don’t want to lose a unit that is affordable to them by complaining to a landlord and getting evicted,” stated a worker at a tenants’ union. Another community organizer that worked at a housing organization in the Lower East Side neighborhood told me that, “a renter hears the word ‘eviction’ from their landlord, and they just assume that’s what is going to happen to them as a result of their previous relationships between them and their landlords.”

A director at Housing Justice for All, the large coalition of housing groups in New York state, summarized the need for Good Cause by stating, “Landlords are forcing people to leave their homes for no reason other than the lease is up. This legislation gives tenants a right to remain in their homes unless landlords have a good reason to force them out” (Lam 2022). Without strengthened tenant protections, New York City’s vulnerable renters will continue to be housed at the will of the landlords they pay rent to.

In my discussions with the relevant stakeholders and actual tenants about New York City’s housing crisis, the quotes and stories above demonstrate how evictions- and the violence they inflict on a renter’s life- are central to the challenges tenants face with their landlords. However, many of my interviews also brought to light other structural barriers that tenants face on a daily basis if they find themselves in the units of a hostile landlord.

Many housing justice advocates underscored the hostility and imbalance of power present between landlord and tenant relations when property owners use construction to disturb the apartments of tenants they want to remove from a unit. Construction harassment, essentially, occurs when a landlord uses construction within a building to make a unit become an undesirable place to live. By causing excess noise, damaging common spaces and hallways within a building, and increasing nuisances for residents, landlords use their systemic power to create unwelcoming environments for their tenants. The New York City Housing Preservation & Development department defines harassment as “any act or omission by or on behalf of an owner that causes or is intended to cause a tenant to surrender or waive any rights in relations to the occupancy of their unit” (NYC Housing Preservation and Development, *Tenant Harassment*).

Many of the organizational workers I interviewed discussed construction harassment as a particularly present form of structural violence in the housing industry. A recent trend in the New York City housing industry has arisen where commercial real estate developers have bought up expansive amounts of units to control pricing and maintain dominance in the market. When they do so, many of these developers and companies are using construction harassment to remove tenants from units in the middle of signed lease agreements. When a developer buys a more affordable building in the hopes of renovating it into a luxury apartment complex, construction harassment allows them to quickly remove leased tenants that are legally guaranteed to stay for several months. With units empties and tenants forcefully removed, developers are free to renovate and sign higher-rate leases as they desire.

One worker at a neighborhood-based housing organization in Manhattan described the process of construction harassment by stating “landlords can join two apartments together or create new walls between units to change the perimeter [of an apartment] and then reset their

rents at a much higher rent than before. This allows landlords to use construction in the buildings to harass their tenants if they want someone to move out.” The New York Times published an article in 2018 discussing a building in the West Village on Grove Street. After a new owner bought the building, tenants were greeted by “construction workers, who gutted empty units and sent a dust cocktail of lead-based paint...throughout the building” (Barker 2018). Temma, a woman who had lived in the building for 34 years told a story about how she woke up to a loud banging sound, and then walked into her kitchen to see a leg hanging from a hole in her apartment ceiling- caused by the construction on the floor above (*ibid*). These actions, directly harming the safety and wellbeing of residents in the building, are a direct manifestation of the imbalanced power landlords maintain. Construction harassment presents one example of landlord biopower dictating a tenant’s life.

Recognizing the harm and systemic problems made manifest with construction harassment, the New York City Council created a program that would deny construction permits to landlords and property developers that had a history of complaints of tenant harassment. In theory, the program was designed to mitigate construction harassment by removing construction capabilities from hostile landlords. The Certificate of No Harassment Program can require property owners to prove that they have not historically harassed tenants in their past apartment renovations (Brand 2021).

However, despite the City Council’s efforts to legislate a panacea to construction harassment, a recent report published by the Stand for Tenant Safety organization proved tenant harassment from construction was still an immense problem for vulnerable tenants in New York City. In “*Unfinished Business at the Department of Buildings*,” the authors showed that 97% of surveyed tenants experiences at least one form of disruption to essential services (heating,

cooling, hot water, electricity, etc.) during the most recent construction of their respective building. Further, 62% of tenants felt personally targeted by their landlord or management company (Stand for Tenant Safety Coalition 2022).

As previously mentioned, large, commercial real estate developers have recently begun purchasing huge numbers of apartments in a locality, leading to many other manifestations of structural violence and biopower control of landlords in the City. This purchasing trend, in conjunction with construction harassment, has proven to greatly frustrate many of the individuals I interviewed in New York. This occurs given recent property buyers do so as an investment, hoping to massively renovate buildings to charge exorbitantly higher rental rates. These new, large-scale property owners have become immensely hostile to the tenants in the buildings they own.

A renter in Brooklyn talked at a housing organizational meeting about his experience with one of these commercial landlords. Philip (alias) had been living in his apartment with five years with his roommates and had never missed a payment. He told those of us at the meeting that he had “a pretty good relationship with his landlords, until a private equity firm bought the entire building.” With plans to renovate, they evicted the tenants that they could, and pressured others to break leases. Out of the seventeen units in Philip’s building, he and his roommates were one of seven remaining renters. Philip shared with our group that he was unable to afford looking for a new apartment at the time and felt he needed to renegotiate a lease agreement with the new landlords. When they presented him with their lease terms, his rent had increased by 40%.

Sadly, Philip was not the only tenant that shared stories of structural and eviction violence occurring at the hands of commercial landlords. Cecilia (alias) lived in the Greenpoint neighborhood for more than a decade. She lived with her family in the same unit until a



commercial landlord bought multiple buildings in their complex. Cecilia and her family were presented with a new lease agreement from the property managers with a 200% increase in the rent. Left with no possibility to stay in their unit, they were forced to move.

Displacing, and indirectly evicting, tenants through massive rent raises and construction nuisances is central to the operations of landlords seeking to dictate the lives of their tenants. At an advocacy meeting for Good Cause Eviction held on January 11, 2021, one worker described the business operations of such landlords by stating that their “very business strategy is displacing tenants” from their buildings. Further, figures presented at the meeting showed that corporate and large-scale landlords are statistically twice as likely to evict their tenants than small landlords are.

One example of this type of landlords is Greenbrook Partners. This organization is a privately-owned real estate investment company based in New York City. From 2019 onward, the investment firm has focused their efforts on buying more than 80 apartment buildings across the Brooklyn borough, spending hundreds of millions of dollars to do so (Brachfeld 2022). When they successfully purchase a building, historically, they have cancelled leases, increased rents by upwards of 300%, and alerted long-term tenants that their leases would not be renewed for no reason (Brachfeld 2022, Brendlen 2022, Verde 2021). Cecilia, the previously mentioned tenant in Greenpoint, Brooklyn, was one of the victims of Greenbrook Partners’ actions.

In systematically displacing tenants across the borough, and illegally using construction harassment to do so, Greenbrook Partners has become representative of structural inequalities present when landlords control the bodies of renters in their buildings. However, many of the tenants living in buildings being purchased by the group have refused to give up on their homes. Several Brooklynites have bonded together to form the Greenbrook Tenants Coalition, with

support from numerous local, state, and national politicians. New York City Council Member Lincoln Restler stated their business model was “sickening,” and that the community needed to fight back (Brendlen 2022). The Greenbrook Tenants Coalition’s goal is to canvass and engage with renters in Greenbrook Partners buildings so that they are aware of the practices of the landlord group. Their tenants’ union, often lauded as an inspiring story from my interlocutors, provides an example of how power flows between landlords and tenants in the housing industry. Although power dynamics immensely favor property owners, tenants can organize to wield power against their landlords.

In discussing Greenbrook Partners and their practices and actions in Brooklyn, a worker at Housing Justice for All told me a story about a young, pregnant woman being evicted by the company. When the property managers found out that their tenant was pregnant, she was violently evicted without cause because the owners did not want a crying baby to result in noise complaints from other residents. The housing worker emphasized that these examples- these stories of the lives of real individuals- are the reason why Good Cause Eviction has become critically important to housing in New York City. She stated, “it levels the playing field, so that tenants and landlords can fight on a fair turf.”

The above stories about construction harassment, no cause evictions, and predatory corporate landlords all demonstrate the pertinent need to pass Good Cause Eviction. By requiring an adequate reason to evict a tenant, while also limiting how high landlords can increase a tenants’ rent, the legislation would mitigate some of the structural violence and imbalanced biopower that actively plagues the lives of tenants in New York City. Although many politicians, with lobbying interests and intransigent views on housing policy, refuse to advocate for New York City’s most vulnerable tenants, change is being advocated for.

At the end of each of my interviews with workers at tenants' unions, with housing organizations, or with community organizers, I asked them one final question about what they thought is the most important and most needed change in the housing industry to protect tenants. While all answers certainly differed slightly, they all had a common theme. All of my interlocutors believed that one issue was at the root of the problems present in New York City's housing market: the control and power of landlords over their tenants.

An organizer with the Metropolitan Council on Housing stated, "the biggest problems that tenants have is simply the power dynamic that landlords have over them. People want to stay in their neighborhood, in their home, they don't want to move because it's expensive and hard." A housing advocate that worked with the Interfaith Assembly on Homelessness and Housing for decades told me, "That's the number one challenge that tenants face- whether it's ERAP money, getting repairs made, how much rent is, or whatever- landlords get to control everything."

Present in these answers is the fact that my interlocutors repeatedly stressed the need to pass Good Cause Eviction to alter these dangerous relationships and power between renters and property owners. Their emphasis on the power dynamics, and the resulting, systemic problems said dynamics cause, provided the impetus to bring into discussion Foucault's biopower and the ensuing structural violence that it creates. In the previous section, I emphasized how the history of tenant protections has long encoded eviction violence into legality and provided landlords with the agency to act violently against their renters. Without the passage of bills like Good Cause, these excerpts and results of my ethnography show that housing structural violence is continuing today through the power landlords wield.

## **VII. Conclusion: A Solution to Social Suffering**

Throughout dialoguing and interacting with these stakeholders in housing advocacy, I was told time and time again how critical it is to pass Good Cause Eviction to protect New York City's most vulnerable tenants. These experienced and dedicated interlocutors emphasized that the bill would help shift control away from landlords so that fewer tenants will have to face the immense violence that occurs in an eviction proceeding. By guaranteeing a tenant the right to remain housed, and further, to not be removed from their home without a just reason, part of the structural violence present in the housing industry might be mitigated. This violence results in immense suffering for individuals and families when their home is taken away. Studies have shown that eviction causes dramatic deleterious effects on children; after an eviction occurs, children have an increased likelihood to suffer from physical and mental health problems, as well as poor performance in schools (Gartland 2021). For adults, an eviction increases the probability of experiencing homelessness as well as increases the time an individual would spend being homeless (Desmond & Himmelstein 2021). When young adults are evicted, at a critically important part of their life's development, the negative impacts are long-lasting "and possibly irreversible effects on health and well-being" after being removed from a home (Asiedu-Frimpong 2021).

On April 1st, 2022, 14,637 children woke up in a New York City homeless shelter. Including adults, 30,681 individuals were living in sheltered housing (NYC Department of Homeless Services). While accurate counts rarely occur, there are an estimated 45,000 more individuals that are homeless and living on the streets of the City, many of whom are children or families (Brand 2022). This suffering, perpetuated by the violence of evictions, presents us with

a moral obligation to do better for our most vulnerable populations. This suffering is one manifestation of social suffering occurring across the country.

Social suffering is a form of harm that stems directly from social apparatuses, meaning the suffering that we experience is a direct result of “political, economic, and institutional power” apparatuses (Keinman et al, 1997). Because social suffering occurs from social apparatuses and not inherent human problems, it means that this suffering and pain is entirely avoidable. We, collectively, have the power and capabilities to stem the harm that our institutions perpetuate against vulnerable populations. Landlords currently have the biopower needed to dictate, control, and generate houseless individuals. However, if we are willing to reframe the interpretive lens through which we analyze tenants’ rights, a right to housing, and homelessness, this does not have to be the case.

In a New York City Council report from 2020, the speaker stated that “homelessness has become an *accepted reality* that the City treats as a crisis to be managed” (emphasis added) (NY City Council 2020). If eviction and its systemic effects are viewed as a crisis for managing rather than a problem to be solved, the solutions we create for the housing crisis will not, and do not, bear witness to the possibilities we have. If we approach the housing crisis as social suffering we can fix, our solutions can become more radical. Critical to manifesting such a reality, we must reframe our approach to care for the homeless.

Before the COVID-19 pandemic hit, New York City spent more than \$3.2 billion in 2019 on the care of homeless individuals in shelters and hotels. This cost accounts for the total amount being spent on shelters themselves and care for individuals in the shelters (West 2019). While the apartment vacancy rate in New York City regularly shifts, there are largely enough empty units to house all of these individuals and families that the City’s shelters (Kallos & Shack 2020).

However, not only could we relocate many of these individuals from shelters to apartments, but it would also be cheaper for New York City to provide apartments rather than shelter beds.

On average, it costs more than \$6,000 per month to shelter a family in New York City. Meanwhile, the median rent for an apartment in Manhattan, the most expensive of the five boroughs, was only \$3,700 per month as of early 2022 (Morris 2022). That means, in comparison, the City could directly rent apartments throughout itself and provide stabilized, affordable housing to houseless individuals (Kallós & Shack 2020). With the extra money, the City could cover other social support services needed to rehabilitate victims of housing violence back into our social fabric.

This is merely one suggestion out of many solutions that could stem the social suffering present in New York City's housing industry. While such a pathway forward could dramatically improve the livelihoods of homeless individuals, we also have an obligation to address the structural violence tenants are facing from the biopower their landlords wield against them. As discussed above, Good Cause Eviction protections are a critically important and demonstrated need in the housing industry. The housing advocates and workers that I interviewed highlighted that passing Good Cause will allow tenants to reclaim power in the dynamics that exist between landlords and renters. When landlords are able to evict tenants without any reason, not only does the social suffering and violence of eviction and homelessness continue, but we also condition ourselves to view rights to property as more important than rights to housing.

The structure of housing policy in New York State has long favored landlords and their lobbying capabilities to design and redesign housing legislation that allows them to control the populations they rent to. When their authoritative biopower becomes legislated and encoded, the violence of eviction is no longer viewed as violent. Rather, a landlord evicting their tenant

without cause is just a mere act of following the law. In doing so, we have socially accepted the direct harm we carry out upon thousands of individuals and families every single year.

The housing industry, by constructing a landlord as an individual with endless authority, has perpetuated structural violence against tenants. The social institutions that allow evictions and violence, therefore, must be reshaped to mitigate this social suffering. This ethnographic understanding of New York City's housing crisis has shown that Good Cause will help provide needed assistance to tenants. However, it is only one step to a long and complex solution. We must reframe our understanding of what it means to live in a community with others, and of what it means to be accepted in society. We all have a right to a safe, stable, and affordable home. While the current social suffering in the housing industry does not provide such a right to all of New York City's tenants, we have the collective ability to construct a world where homelessness and violent evictions no longer occur.

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