

**“Down With the Landlords”: Tenant Activism in New York
City, 1917 - 1920**

by

Sara Katherine Copeland

Submitted to the Department of Urban Studies and Planning
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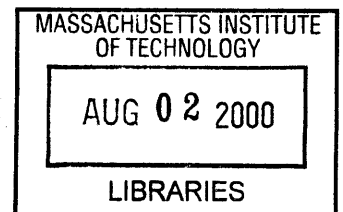
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Abstract

In 1920, the state of New York enacted the first rent control laws in the nation. Leading up to these laws were three years of tenant agitation and activism during a housing crisis of unprecedented proportions. Tenants worked collectively, employed the techniques of labor unions, and lobbied their state legislature, governor, and even the president for relief. This thesis examines in more detail the tenant activism of this period, through informal groups of tenants, city-wide associations, action in court and in front of city bodies, and on the state and federal level.

Thesis Supervisor: Robert M. Fogelson

Title: Professor of Urban Studies and History

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Chapter 1

Introduction

In 1920, the State of New York passed a variety of laws which radically redefined the relationship between landlords and tenants. These laws were not drafted and debated in a vacuum; they were accompanied by years of activism by a wide variety of interest groups. Of particular interest is the activism undertaken by tenants, who began their fight with a minimum of power over their own situations. Working individually and collectively, tenants were able to make amazing strides in advocating for reform in rent laws.

As a housing crisis began to grow in New York City at the beginning of 1917, tenants faced a precarious legal situation. Few tenants had written leases for the occupancy of their apartments. The prevalence of oral leases brought with it the usual risk of a disagreement between the landlord and tenant about the lease itself. However, this drawback was overshadowed by the passage of the Ottinger law in 1918. The Ottinger law established that oral leases could not extend for a full year, as was allowed previously, but were valid for monthly leases only. In addition to this, monthly leases allowed the landlord to evict a tenant with only five days notice. Thus, most working-class tenants lived in a precarious legal position, although this eviction notice requirement was lengthened to twenty days in 1919.

While tenants with written leases were immune from the worst effects of the Ottinger law, they were still vulnerable. As municipal court judge Edgar Lauer and attorney Victor House wrote in their book *The Tenant and His Landlord*, “if the lease, as was often the case, gave the landlord the right to terminate on notice if he so deemed the tenant objectionable, the landlord’s decision was final, whether reasonable or no.”¹ As a result, no tenant was safe from sudden eviction, whether or not he held a written lease.

In this grim atmosphere, the fact that tenants became activists at all is surprising. This transformation from powerless pawns of the landlord to powerful opponents raises many questions for

¹Lauer & House page 40.

investigation.

First, why did tenants refuse to pay? In a legal atmosphere that favored the landlords, it is surprising that tenants chose to flout them by refusing to pay rent. Understanding the motivating factors to this refusal will clarify the genesis of tenant activism.

Where did tenants learn organizational skills and the protest techniques employed? Some of the techniques used were clearly influenced by the union movement, such as the picket lines, but it is not clear how those techniques moved from the factories where working class tenants were employed into their homes.

How did women gain such prominence in this struggle? This period of activism corresponds to the final years of activism before the passage of the Nineteenth Amendment to the US Constitution, which gave women equality under the law and was ratified in August, 1920. Even though women were not able to vote during this period, they played an important role in tenant activism.

Why did the tenants choose rent strikes over another form of protest? The protest techniques used by the tenants all carried some form of risk, such as retaliation by the landlord or eviction by the courts.

What effect did rent strikes have on landlords? Besides the obvious financial effects, rent strikes surely affected the landlords attitude toward tenants and willingness or unwillingness to negotiate with dissidents.

How did public officials respond to tenant discontent? Because most of the tenants involved in the housing crisis, particularly at the beginning, were working class, they did not have much political influence. Identifying the ways in which public officials responded to the crisis will help illustrate the ways in which the tenants generated political power and influence as they worked collectively.

What effect did judges have on this crisis? Municipal judges were on the forefront of disputes between landlords and tenants, adjudicating legal disputes. Their opinions on the housing crisis became increasingly important as the magnitude of the crisis increased, and so they had the opportunity to help or hinder tenants in their crusade.

What role did the Mayor's Committee on Rent Profiteering play in the entire process? The Committee was highly visible and active. As such, it had an important role in the crisis, especially as it interacted with tenants.

What happened to the tenants' organizations after the Emergency Rent Laws? Most of these organizations gradually faded from public view, and understanding why this happened will illustrate their strengths and weaknesses.

Before the housing crisis that occurred at the end of World War I, New York City had endured other periods of tenant unrest, particularly in 1904 and 1908. Both of these episodes included rent strikes and the organization of tenants in attempts to force landlords to limit or reduce rent increases.

One writer described the organization of tenants into large scale associations during the rent

uprisings of 1904 as an ineffective undertaking. He reported that these tenant organizations were not able to accomplish much due to their own internal troubles. Instead, tenant organizations became an opportunity for other political groups to gain members, as "... the men and women of the section who are striving for a different social order grasped the opportunity to make converts, each to his particular social faith."²

Both supply and demand factors caused the housing crisis of 1908. A decreased supply of housing was available in the city, particularly on the Lower East Side, thanks to the razing of hundreds of buildings for the construction of new bridges into and out of Manhattan. Demand continued to increase thanks to immigration into the city.³ New transit options were available for those who wished to flee the overcrowded conditions in Manhattan for other, less crowded boroughs. One writer declared "The population of Manhattan has burst its chains."⁴ However, few of the residents of crowded Lower East Side tenements were willing to move off the island: "Race cohesiveness, social and family ties, difficulty of living at a distance from work under present transit conditions together with long hours of work, combine with ignorance and timidity to keep them in their present neighborhood; yet they find it impossible to meet the present rents."⁵

As landlords increased rents, strike agitators began organizing tenants to fight the increases. The scale of the struggle quickly surpassed that of the 1904 strikes.⁶ At least two tenant associations, the Tenants' Union and the Anti-High Rent League, were formed, with the purpose of fighting exorbitant rents.⁷ Strikes spread from the lower East Side to the upper East and West sides, the Bronx, and Brooklyn.

While these periods of tenant unrest were not as pervasive as the unrest between 1917 and 1920 and did not grip the imagination of the entire city and state in the same way, they set the stage for later tenant activism. They also foreshadowed the techniques tenants would employ when greater housing problems emerged.

As tenant organization movements began again in New York City in 1917, tenants faced difficult choices, exacerbated by economic conditions. The cost of living in New York City increased steadily throughout the years around World War I. Between 1914 and 1919, the cost of living increased 65%.⁸ Although rent increased less than other costs incurred by working families, incomes did not increase to match these costs and so a dollar purchased less than it had before. Landlords often left tenants to supply their own heat and hot water. Legal circumstances favored the landlords, and tenants recognized this. In this environment, tenants began a campaign for lower rents and better

²Hill 1908.

³Maily 1908.

⁴Rousseau 1908.

⁵Dinwiddie 1908.

⁶Dinwiddie 1908.

⁷"The Rent Strike Grows" 1908.

⁸Jackson page 156.

conditions.

While rent was increasing less than other items, rent increases became an important issue to working-class families. Housewives could find ways to economize on other necessities. Newspapers even ran columns with tips for the economizing housewife: darning clothes and substituting cheaper foods in meals, for example. However, there was no good substitute for housing, and it was difficult for families to find a way to economize on this necessity. In the past, families might have dealt with a rent increase by moving to a cheaper apartment. When rent was increasing for every unit, this method was no longer feasible. Additionally, vacancy rates were plummeting, from 5.6 percent in 1916 to 0.36 percent in 1920.⁹ Soon, it was nearly impossible for tenants to find any vacant apartment, much less a cheaper one. These conditions prompted tenants to abandon efforts to economize or deal with rent increases. They decided to fight.

The campaign began on New Years Day, 1917. The *New York Call*, a socialist newspaper, reported that tenants in Crotona Park in the Bronx were meeting to vote on a rent strike.¹⁰ These tenants were facing a third rent increase in four months, to take effect on January 1, 1917, and received no heat or hot water from their landlord. Between 500 and 1,000 tenants approved the strike, and began to withhold their rents from the landlords, the firms of Gruenstein & Mayer and Gruenstein, Mayer, & Gordon.

The strike did not last long. On the eleventh of January, most tenants were ordered by the courts to pay their rents or leave the building. However, this strike began four years of tenant organization that would lead to city and state action to curb increasing rents.

Little occurred during the rest of 1917. In 1918, tenant organization emerged from dormancy to reach larger numbers of tenants. In May, over 1,000 families participated in rent strikes.¹¹ Widespread rent strikes developed in August as well, and the tenants seemed to be gaining power as more mobilized against high rents.¹² Many times, settlements were reached with landlords that included only striking tenants, and not “scabs,” tenants who refused to join their striking neighbors.

Public officials were slow to face the housing crisis. In August of 1918 the Greater New York Tenants League had a highly unsatisfactory meeting with the governor.¹³ Most public officials did not turn their attention to the housing problems of the city until 1919, when the situation began to affect not just working-class people, but also the upper classes. Judge Harry Robitzek, who was to become well known for his handling of tenant-landlord cases in the Second District Court of the Bronx, received notice of a 10% increase in his rent in May of 1919, illustrating the widespread nature of the problem.¹⁴

⁹Spencer page 53.

¹⁰*New York Call* 12/31/16.

¹¹*New York Call* 5/28/18.

¹²*New York Call* 9/4/18.

¹³*New York Call* 8/29/18.

¹⁴*New York Times* 5/10/19.

Many public officials then began to make statements against the perceived Bolshevism and radicalism of tenants organizations, which were mainly organized by Socialists. In April, Mayor Hylan formed the Mayor's Committee on Rent Profiteering, under pressure from tenant groups and municipal judges. This committee was dedicated to finding settlements between landlords and tenants that would prevent the unrest and chaos of rent strikes and other kinds of tenant agitation. The committee received over 200 letters on its third day of existence.¹⁵

Despite an up-welling of support for beleaguered tenants and outrage over poor conditions, landlords also received support and many continued to raise rents. Many landlords associations formed during this time in response to tenant organization, such as the Bronx Federation of Real Estate Owners, the Bronx Landlords Protective Association, the Brownsville Taxpayers, and the Real Estate Owners Association. Some groups of landlords worked to pressure others to raise rents, such as a group in the Bronx.¹⁶ Landlords also received support from the general public and conservative organizations such as the *New York Times*, which on April 23, 1919 printed an editorial defending landlords for acting just as other merchants did.

The May 1 Moving Day in 1919 brought chaos to the city. Traditionally, May Day was synonymous with Moving Day for hundreds of households in New York City, as more families moved from one dwelling to another on that day than on any other. The main reason for this mass exodus laid with the real estate laws of New York, which established that when a tenant moved into a dwelling without specifying the duration of occupancy then the tenancy expired on the May 1 following.¹⁷

Thousands of families moved on this particular Moving Day: many because their leases had expired, some because they had lost court cases and been ordered to move. Since the rent laws provided special rules for Moving Day, some tenants were evicted with as little as three hours notice. Churches began opening their doors to the homeless and dispossessed, and the government pitched in by providing cots and tents.

Rent disputes and tenant agitation continued throughout the summer. Many disputes between landlord and tenant became quite heated. One naval officer, brought to the Mayor's Committee in an attempt to settle with his landlord, became so enraged that he "offered to fight it out at any convenient place and to take the landlord aboard ship and throw him overboard."¹⁸ A few weeks later, a meeting of the Mayor's Committee on Rent Profiteering was similarly exciting. When it was discovered that the meeting hall originally planned for the meeting was not large enough, an impromptu parade occurred as tenants marched to a nearby school for the committee meeting.¹⁹ The usual chairman of the committee, Captain Goldsmith did not attend, and in his absence Cornelius

¹⁵ *New York Times* 4/18/19.

¹⁶ Spencer page 57; *New York Times* 4/19/19.

¹⁷ Chaplin page 98.

¹⁸ *New York Times* September 6, 1919.

¹⁹ *New York Times* September 24, 1919.

O'Brien acted as the chair. One tenant grew so irate in insisting his case be heard first that he struck O'Brien several times in the face. The committee meeting eventually adjourned without making much progress in negotiating settlements between landlords and tenants, as the tenants made such a "hue and cry" by heckling landlords in attendance.

This period of American history corresponds with the Red Scare, and tenant organizers faced the effects of anti-communist hysteria as well. Many tenant organizers were accused of being Bolsheviks, or of forming "tenant Soviets" within buildings, taking over the rent collection and building management from the landlord. In 1920, this hysteria grew into widespread fear of a "Red Revolution" by tenants on May 1.²⁰ No such revolution ever occurred.

Finally, in April of 1920, the state of New York passed rent reform laws in an effort to halt rising rents and provide relief to the city. These laws were helpful to many tenants, but did not accomplish much to really settle the problems between landlords and tenants. In October, the legislature passed the Emergency Rent Laws, allowing municipal judges to determine whether rent increases were reasonable and restricting the rights of landlords to refuse to renew leases.²¹ The credit for these laws belongs mainly to the successful activism of tenants and their leaders. However, these laws also brought an end to most tenant organizing. They were the first state laws establishing rent control in the United States.

The mass protests carried out by tenants during this time were an amazing display of the public's refusal to continue to live under the status quo. Tenants overcame a variety of barriers in order to challenge their landlords and the legal system, fundamentally changing the landlord-tenant relationship. The following chapters will explain how tenants worked to facilitate these changes.

²⁰ *New York Times* 4/20/20, 4/25/20, 4/29/20, 5/2/20.

²¹ Spencer page 75.

Chapter 2

Tenant Activism by Building and Block

Increased rents and poor conditions forced tenants to consider action. The housing crisis in New York City prevented them from moving from apartments with high rents to apartments with lower rents – there were few vacant apartments available, and rents were increasing all over the city. Tenants who chose to fight their landlord individually soon discovered how difficult that strategy was. Landlords held the upper-hand over tenants in many ways, and tenants had a hard time in court, especially at the beginning of the crisis.

The beleaguered tenant soon found, however, that he was not alone. When landlords raised rents, they often raised the rent on every unit in a building or complex, not on an individual unit. The first rent strikes during this period, the Bronx New Years Day strikes, occurred after building-wide rent increases at the beginning of October, December, and January. A total of four houses went on strike together; the landlord eventually settled with the tenants of two houses, while the strikers from the two other houses went to court.¹

The Organization of Fellow Tenants

As tenants banded together within their buildings, each building organized itself in a different way. Some buildings appointed “protest committees” to decide on protest methods for the entire building, to deal with the landlord on a collective basis, or to act as representatives of all the tenants. A protest committee was appointed by the wealthy residents of 860 Riverside Drive when they chose to fight their landlord’s attempt to annul the tenants’ leases and raise rents in March, 1919. This protest committee, which included four lawyers and one state Assemblyman, requested an investigation by

¹Call 1/1/17; Times 1/3/17, 1/6/17.

the district attorney, who assigned two assistant district attorneys to the case; made an appeal against rent increases to the city Board of Aldermen and the state legislature; and received an order to show cause from a state Supreme Court justice, which effectively postponed the rent increase.²

Most tenant protest committees were not staffed by such illustrious members of society, and were unable to generate such immediate and beneficial results. When the tenants at 1060 Sheridan Avenue in the Bronx decided to protest a rent increase a month after their Riverside Drive counterparts, they also formed a special committee to fight their landlord in court.³ The committee appealed to the New York State Reconstruction Commission, the Board of Aldermen, and the Mayor's Committee on Taxation for assistance. Although contemporary accounts do not reveal the outcome of this committee's actions, it is unlikely they received the same outcome as the Riverside Drive committee. They certainly did not receive the same press coverage.

The tenants serving on protest or leadership committees also faced increased attention from their landlords. Many landlords began to target tenant leaders for eviction, believing that removing these families from their buildings would bring an end to protests without the need for a total house-cleaning. In one such case, Aaron Zbinoski and his family faced eviction after the landlord raised their rent in response to the organizational efforts of Mrs. Zbinoski. In this case, the increase was small – 50 cents. However, the family was unable to pay. Julius Feinberg, the landlord, treasurer of the Greater New York Taxpayers' Association and member of the Board of Directors of the United Realty Association, attempted to justify the increase as a direct result of the activity of Mrs. Zbinoski. "Yes, she was holding meetings in the house and telling the other tenants not to pay. Then I started proceedings against her to put her out. It was not the 50 cents I wanted, it was the principle of the thing."⁴

While some tenants organized within their buildings or along their blocks in this more formal manner, others formed looser alliances. In some houses, tenants agreed to go to court together or to withhold the rent, but did not form the formal ties that bound other organized houses together. In addition, taking in an evicted friend or neighborhood did not require a formal commitment to other tenants, but was an important act in the broader housing struggle of the time.

Strikers and their sympathizers continued to spread the gospel of the benefits of collective tenant activism as the housing crisis continued. Articles in the *New York Call* about rent strikes emphasized that organized tenants were more effective against the landlords than individuals, urged tenants to stick together, and pointed out that it was too expensive for a landlord to evict a whole building full of striking tenants.⁵

²Real Estate Record 3/29/19; Times 3/22/19, 3/27/19.

³Home News 4/20/19.

⁴Call 4/20/19.

⁵Call 8/20/18, 9/4/18.

Formation of Protest Techniques

As tenants began to organize themselves, they faced the need to choose tactics. Tenants did not just form a building support group to discuss their grievances; they plotted strategies to prevent rent increases and often to visit their wrath upon the landlord. As they thought about strategy, they adopted the techniques which were familiar and field-tested. They chose the techniques of the labor unions.

It is not surprising that tenants used techniques such as the strike and picket line. Most tenant activists were working-class people, familiar with unions through their own experience or that of a family member. A late April, 1918 rent strike involved a number of striking shoemakers, bakers, and barbers,⁶ and a January 21, 1919 issue of the *New York Call*, describing a rent strike involving 32 families, reported that “many of the occupants are clothing factory workers who have been or are now on strike.”

Annelise Orleck’s collective biography of four women organizers describes how the union spirit permeated everyday life of working-class people, especially the Jewish immigrants who made up a majority of this group. One of those women, Clara Lemlich Shavelson, left the factory when she married but couldn’t leave behind the political ideas developed by her working years. Instead, she brought her fiery ideology to her fellow housewives.⁷ The three other women made careers in trade unions and were major proponents of reaching beyond the shops to organize the families of union members.⁸ Although their ideas were largely ignored by male union leadership, these women were indicative of the spread of union ideas into the homes of union members.

Tenants also worked to inform others about their strikes, particularly in an effort to keep away families who might cross the picket lines and rent apartments which were being struck. One method was to post signs in the windows of buildings on strike such as “Down with the landlords,” “Strike here in this house,” “Don’t scab,” “We demand 10 percent decrease in rent,” and “No reduction, no pay.”⁹ Landlords were understandably displeased with these signs and often pressured tenants to remove them. For the tenants, the signs were an important method of advancing their cause and maintaining a strike.

The impact of the labor unions and their influence on the protest techniques of the tenants was of utmost importance. Labor union experience enabled the working-class people at the heart of this movement to become leaders in their neighborhoods. They practiced and learned about protest techniques while at work in the factories; they applied and used these techniques while protesting at home.

Without this experience, the informal associations that were so vital to the beginning of the

⁶Spencer page 56.

⁷Orleck pages 219-20.

⁸Orleck page 217.

⁹Times 5/6/19.

tenant organization movement would have been much weaker. It is unlikely that tenants would have banded together in alliances outside the walls of their own buildings without the experience of unionism, which taught them that alliances with people doing the same job at another factory were essential for success. Additionally, few other influences in the lives of working class people gave them the opportunity to see victory as a direct result of their own actions. The labor movement earned the confidence of those involved, and the workers demonstrated that confidence by carrying its techniques into their homes.

The Importance of Women

Women were definitely at the head of tenant activism on the building and block level. During the Bronx New Years Day rent strike, women played an important part in nearly every activity. Women organized the tenant action, were the main picketers, and kept a keen eye on dispossess process servers who visited the buildings. The *New York Call* reported that “only the huskiest women were picked out” to watch these dreaded visitors.¹⁰

As rent strikes resumed in 1918, women were again important participants. Of the seven rent strikers arrested in Brownsville and charged with making threats to destroy tenements, three were women.¹¹ Two women were arrested for assaulting a man crossing the picket line by moving into a house on strike. The women struck him, threw him to the ground, blackened his eye, and were held on \$500 bail.¹² Women also worked to publicize the strikes and the plight of the tenants, by wearing sashes proclaiming that they were on strike or giving the address of striking buildings and holding open air meetings. The *New York Call* vividly described this social atmosphere:

On almost every block there is a procession of women wheeling baby carriages back and forth, in front of a “struck” house or a row of them. Groups of women congregate on the corners “to talk it over.” The court houses are filled with women with dispossess notices in their hands. Many times the number inside remain outside the court room to greet their women folk and encourage them as they come out.¹³

These public tactics eventually brought the attention of the police, who tried to prevent the wearing of sashes as disturbing the peace¹⁴ and refused to grant permits for open air meetings for fear of violence. In at least one instance, thugs attacked women pickets in an attempt to provoke a riot.¹⁵ Ultimately, they were unsuccessful.

¹⁰Call 12/31/16 through 1/2/17.

¹¹Call 5/28/18.

¹²Call 3/13/18.

¹³Call 4/30/18.

¹⁴Call 4/30/18.

¹⁵Call 5/21/18.

During one rent dispute, the *New York Call* reported “the evicted woman is the hero in Brownsville today,” and her status was partially due to her occupation as a housewife. Women were often responsible for all aspects of running their household. They budgeted the money earned by the workers in their families, paid the bills, did the shopping, and found a wide variety of ways to economize in order to make a dollar stretch as far as possible. While husbands, fathers, and children were at work, women were also the guardians of their households. During the widespread rent strikes in the Brownsville section of Brooklyn, twelve to fifteen families were evicted per day. Evicted women found themselves on the sidewalk, surrounded by their household goods. They were usually offered temporary asylum in neighboring apartments by other women who were not targeted by the city marshalls, independent businessmen who were hired by landlords to carry out evictions, and by the moving men that day.¹⁶

Housewives had also been organized and taught protest tactics through a variety of other initiatives. The US War Department organized housewives into Community Councils for National Defense during World War I.¹⁷ Many housewives had participated in the recent food strikes and riots. The female leadership of tenant groups also built on the traditional Eastern European Jewish women’s charitable groups.¹⁸

Women continued their central role in the housing crisis throughout its time. During the summer of 1919, landlord Abraham Levow complained to the Harlem Court that three of his tenants had taken over his building. He charged that his tenants had elected Sarah Wieser, Mollie Brietman and Fannie Belzer as officers of the building’s tenant organization. A parade occurred in the building, which culminated with tenants marching into the apartment of the janitor proclaiming “the Bolsheviki are in control!” Levow alleged that since that time, the three women leaders had been collecting rents, managing the building, and refusing him entrance to the building.¹⁹

Tenant Activism as a Social Movement

The working class tenants who began the uprising against high rents were making an enormous change in their behavior toward landlords and their attitude toward their own situation. They began to stand up to people who were widely perceived as more powerful than they, and to take responsibility for their individual circumstances. Frances Fox Piven and Richard Cloward, in their book *Poor People’s Movements* contend that “the emergence of a protest movement entails a transformation both of consciousness and of behavior.” The change in consciousness has three phases: the system loses legitimacy, people demand change, and people begin to believe that they have the

¹⁶Call 4/30/18.

¹⁷Orleck page 221.

¹⁸Orleck page 221.

¹⁹Times 8/30/19.

power to cause change.²⁰ These three phases can be clearly seen in the tenant activism of this period.

First, the housing system of the city lost its legitimacy as tenants began to experience the squeeze of increasing prices. It is important to remember that the increase in rents was accompanied by increases in the prices of other consumer goods, and so the meager salaries of working class tenants were stretched as never before. This problem also reached to the homes of middle and upper class tenants, including some on Riverside Drive, a more exclusive neighborhood. Tenants were aware of the breadth of this problem through newspaper reports. In addition, tenants experienced increasingly uncomfortable living conditions as landlords attempted to economize by withdrawing services. The combination of personal misery and broad scope destroyed whatever legitimacy the system had in the eyes of the tenants.

Second, tenants began to demand change, first by demanding rent reductions for a lack of heat or building repairs, and then by demanding rent reductions based on social justice. One important feature of these demands was the absence of outsiders in guiding the tenants. Tenants led themselves from the beginning, when these disputes were mostly confined to individual buildings, and Socialist party activists involved were usually tenants as well. While there were surely some tenants who entered this period of conflict innocently, believing that their landlord was concerned about their welfare, most entered the fight out of desperation, hoping to keep a roof over their families' heads and food in their mouths.

Whatever naviete tenants might have had at the beginning of this conflict was surely lost as tenants began to battle their landlords. Many landlords were resistant to the tenants' demands, even to the point where they weren't interested in listening to the tenants' requests. For example, Sam Jacobs did not increase his tenants' rents, but refused to give them the written leases they wanted. He told a reporter from the *Bronx Home News* that "his tenants were not the kind of people to have any" when asked for an explanation.²¹ In this atmosphere, tenants undertook a task of gigantic proportions.

Last, tenants began to believe that they had the power to cause change as they saw landlords capitulating to tenant demands and judges arbitrating many of the disputes entering the courts.²² As tenants witnessed the power of their demands they became more confident in their ability to effect the system.

These three characteristics – a loss of system legitimacy, the demand for change, and the belief that the people can cause change – were also strong in the labor movement, an important force in the lives of the working class tenants. In that respect, the important part of the change of consciousness and behavior of the tenants is the extent to which these changes occurred within working class

²⁰Piven & Cloward pages 3-4.

²¹Home News 10/16/19.

²²See Chapter 4 for more on tenants and the court system.

families and homelife.

Along with transformed consciousness, tenants also exhibited two elements of changed behavior mentioned by Piven and Cloward: people became defiant, and this defiance was acted out collectively. The defiance was evident in the withholding of rent, picketing of houses, and attempts to turn away potential new tenants from the buildings being struck.

It is important to point out that the defiance of the tenants did not involve violence. Despite some landlord efforts to provoke riots among the tenants and the use of intimidation tactics, tenants remained remarkably peaceful through this episode. There were some exceptions. Osias Auster, after attending a meeting of the Brownsville Landlords' Protective Association, was attacked by a mob who tore his clothing and beat him until he was rescued by police. Another landlord was showered with water by a tenant when he arrived at his building for an inspection.²³ Despite these episodes, tenants did not engage in widespread violence or mob action, a remarkable feat given the hardships they endured at this time.

This peacefulness was probably due to the fact that this movement was centered around the homes of working class families. Protestors may have more carefully considered their actions when those actions had the potential to effect their spouses and children. Additionally, tenants did not want to attract reprisals from the police. During this period, the police were not sympathetic to the plight of the tenants, and followed orders from city officials to maintain order and prevent tenant strikes and disturbances.

Tenants acted collectively in two ways: by forming informal alliances and by joining in the activities of formal associations. The informal alliances were an important precedent to the formal associations that continued to advance the tenants' demands.

²³Times 5/9/19.

Chapter 3

City-wide Tenant Associations

Tenants were not content to suffer in silence or to band together with only the others in their building or block. Tenant associations began to blossom all over the city, bringing together tenants from disparate neighborhoods who otherwise would not have worked together.

Often, newspaper accounts of early rent strikes include a notice about the formation of a tenant association by the striking tenants. However, these spontaneous associations often did not flourish, especially after either party had reached a “victory” and the main conflict was over. Occasionally, these weaker associations were absorbed into another group.

One of the most powerful tenants associations was the Greater New York Tenants League, a city-wide organization which hired organizers and opened offices in the Bronx, Brooklyn, and Manhattan. The GNYTL engaged in a variety of activities. It lobbied the mayor, the governor, state legislators, and even the president. It provided support for rent strikes and other tenant activities. It employed attorneys who negotiated with landlords and represented tenant groups in court. Finally, it worked to publicize the plight of tenants in the city who were the prey of predatory landlords and lessees. These four basic functions were undertaken not just by the GNYTL, but by most of the tenant associations. This chapter focuses on the latter three: supporting tenants, negotiating with landlords, and publicizing the crisis.

Supporting Tenant Activities

Tenant associations grew from the initial organization of tenants within their own buildings and blocks. The first rent strike of this period, the Bronx New Years Day strike, resulted in the formation of a tenants league for renters in that area. The purpose of the league was outlined by its organizer, Hyman Cohn, in the *New York Call*. Its goals included: “to afford its members legal aid in case of need . . . to initiate a campaign of education for better housing conditions and regulations in the

fixing of rents . . . to create a fund with which to assist those members in danger of dispossession.”¹ This organization, named the Bronx Tenants’ Protective Association, also raised an initial “war fund” of \$500 to be “used to take care of the families . . . put out on the street.”²

Later in January, the first city-wide tenants’ league formed. Its organizers envisioned a league which would spread throughout the city, with separately organized branches in each borough working together through a central body, and called it the Bronx Tenants’ League, Inc. The goals of this organization included:

. . . to promote cooperation among the tenants, secure lower rentals and better sanitary conditions, enforce all health and tenement house laws, study conditions affecting tenants and secure proper legislation, cooperate with the municipal authorities for better and cleaner streets, parks, and schools, relieve distress among members of the organization, and furnish legal assistance whenever necessary.³

Despite their ancillary goals, the main purpose of these associations at their inception was the support of tenant action against landlords. In order to do this, many of these associations, such as the Brooklyn Tenants Union, were directly modeled on the principals of trade unionism. While unionism infused the tactics tenants used in the more informal associations among the buildings and blocks, these techniques were even stronger in the associations. Members carried union cards, walked picket lines, and spoke the language of class conflict.⁴ Orleck writes, “in the neighborhoods where they lived, as in the shops where they worked, the point of forming unions was to gain a measure of control.”

Beyond providing a feeling of confidence, association members occasionally wielded their control as well. Union ties through tenant association membership gave members access to New York’s strong union network. On September 5, 1919, the *New York Times* ran a story headlined “Union ‘Schleppers’ Balk 450 Evictions.” Unionized moving-men hired by a realty company attempting to evict 450 families refused to move the belongings of families belonging to the Williamsburg Tenants’ League when the women on the picket line produced their league membership cards. Their action earned the women and their families at least a short respite from the threat of eviction; the following day the *New York Times* reported that the landlord was unable to find new “schleppers” because of the high prices they demanded for the job. In the meantime, “women rent strikers continued to parade the district yesterday with banners inscribed in English and Hebrew with the words, ‘Rent Strike.’ ”⁵

While “union membership” offered some privileges, it also offered a vivid and useful language to

¹Call 1/1/17.

²Call 1/2/17.

³Call 1/18/17.

⁴Orleck, page 221.

⁵Times 9/6/19.

tenants. Tenants were quick to call those who refused to join strikes “scabs.” Additionally, union tactics gave the tenant associations their own methods for protest, such as picket lines and mass demonstrations.

Just as unions employed full-time organizers to organize workers and carry out union work, the tenant associations in New York also began to employ organizers to work with tenants, carry the association message to those who didn’t attend meetings, and rally the troops against the landlords. The GNYTL’s chief organizer for the Bronx was Mrs. Mary Mardfin, a former executive secretary of the league.

The tenant associations also found other ways to support the protests of the tenants. In April of 1919, the GNYTL called a meeting of all striking tenants in the Bronx, and intended to take up a collection from those attending to support the “ways and means” of the strikes.⁶ During the same month, the Workmen’s Consumers’ League of Brownsville was making plans for tenants to live in tents during the warm summer months, rather than paying the exorbitant rents demanded.⁷ In March of 1920, the Brownsville Tenants League employed expressmen to move the belongings of evicted tenants into their new homes or into storage.⁸

Other groups provided support to striking tenants as well. These allied organizations included such groups as the Socialist Consumers’ League and various trade unions. During the Bronx New Years Day strikes, the Socialist Consumers’ League, “an organization consisting exclusively of Socialist housewives” according to the *New York Call*, mobilized its members and other women to march on the picket lines.⁹

With these methods, the associations encouraged, prolonged, and strengthened the efforts of tenants protesting high rents. In many ways, the associations were a megaphone through which the voices of the tenants were amplified and broadcast.

Negotiating with Landlords

While the tenant associations worked to support the activities of tenants protesting high rents, they also worked with landlords to resolve these disputes. Many landlord-tenant disputes wound up in court or before the Mayor’s Committee on Rent Profiteering, and are the topics of the next two chapters. However, many disputes were also settled outside of those two bodies, through negotiations undertaken directly by the associations.

Often, negotiations with a landlord were preceded by a rent strike. Tenants often had no other way to force their landlords to the table. The rent strikes thus gave tenants something to bargain

⁶Call 4/16/19.

⁷Call 4/9/19.

⁸Call 3/5/20.

⁹Call 1/4/17.

with – a decrease in the high rents in exchange for peace within the building. In one case, the Brownsville Consumers' League was able to help negotiate a settlement between a landlord and striking tenants that called for a smaller rent increase than originally requested and a promise for building repairs and no further rent increase for 8 months in exchange for the end of a strike.¹⁰ In another case, the landlord agreed that future rent disputes would be taken directly to a panel of tenants' league members.¹¹

Publicizing the Housing Crisis

Associations also worked to publicize the breadth and depth of the housing crisis, in order to mobilize sympathizers of all social levels. The publicity took many different forms. One forum for tenant associations was the *New York Call*, the Socialist newspaper, which printed many articles about the work of the tenant associations, the horrible conditions faced by tenants, and the severity of the housing crisis. The *Bronx Home News* was also very sympathetic to the plight of tenants. It printed many supportive articles, publicizing the accomplishments of organized tenants and urging tenants to work against high rents.

Another method of publicity was the holding of public meetings. The Williamsburg Tenants' League held a public meeting in Brooklyn featuring six speakers giving half hour talks about the condition of tenements and the tactics of landlords.¹² During this time, mass meetings were a common method of disseminating information and building consensus. The tenant associations used them to publicize the housing crisis to both outsiders and to tenants, who often learned about the status of rent strikes at these meetings.

The Life of the Tenant Associations

Because the first tenants associations grew out of rent strikes, they were often unstable organizations. When the tenants settled their dispute with the landlord or were evicted, the fledgling association often died away. The first tenant association, formed from the Bronx New Years Day rent strikes of 1917, did not survive long.

The beginning of the Red Scare ushered in hard times for many tenants' associations, especially for those with strong ties to the Socialist Party. While most tenant actions were subject to cries of "Bolshevik!", the associations with legitimate Socialist influences were even more vulnerable to the Bolshevik paranoia growing in the United States.

¹⁰Call 8/20/18.

¹¹Call 9/9/18.

¹²Call, 4/9/18.

In addition, the tenants associations were not immune from the more mundane risks of any organization. A former organizer for the Greater New York Tenants League sued the league in 1919 for paying too much money to a lawyer it hired.¹³

Later, associations were investigated for conspiracy in bilking tenants out of their money. These proceedings, instigated by Nathan Hirsch, chair of the Mayor's Committee on Rent Profiteering, were very damaging to the associations, especially because they resulted in the imprisonment of some organizers.¹⁴

After the passage of the Emergency Rent Laws in the fall of 1920, a transformation in tenant associations was evident. Many of the socialist-led tenant organizations fell into decline, and "there is no evidence of Socialist-led tenant activity after early 1921."¹⁵ In the place of these early tenant associations, other more conservative organizations were born. These organizations had a much different philosophy than their predecessors. They discouraged rent strikes, preferring to concentrate their efforts on assisting tenants in understanding and dealing with the 1920 Emergency Rent Laws, extending and amending these laws, and lobbying for other, legal methods of alleviating housing problems in New York. For example, the Melrose Community Council held tenants' education classes to teach tenants in the Melrose and Morrisania sections of the Bronx about the Emergency Rent Laws. The goal was to explain the laws and help the tenants understand their options in dealing with the landlords.¹⁶

The conservative tenant associations covered mainly the Bronx and the northwest part of Manhattan, leaving out the areas previously represented by the Socialist-influenced organizations.¹⁷ Some of these organizations were particularly strong. The Washington Heights Tenants Association organized in late 1919 and consistently maintained a membership above seven thousand. The Bronx was particularly well organized. It was represented by the South Bronx Tenant and Civic League, the Tremont League, the Fair Play Rent Association, the University Heights League, and several others. In addition, many groups united in umbrella organizations, such as the Bronx Council of Tenant Leagues and the city-wide Federation of Tenant Associations. The FTA became a key lobbying force for middle-class tenants into the late 1920s.¹⁸

While tenant associations were an important force for working class tenants throughout the housing crisis between 1917 and 1920, after that time working class people were without real representation. As the conservative tenants' groups shifted the attention and political wrangling to issues of middle class tenants and away from the needs and neighborhoods of the neediest tenants, the working class tenants who were the first to organize and strike lost the benefits of association which

¹³Home News 10/23/19.

¹⁴See Chapter 5.

¹⁵Spencer page 77.

¹⁶Home News 10/3/20.

¹⁷Spencer page 77.

¹⁸Spencer pages 77-8.

they had enjoyed earlier.

The Impact of the Associations

One way to evaluate the effectiveness of the tenant associations is to examine the disruptive effects among landlords, their main target. In *Poor People's Movements*, Piven and Cloward write "... the most useful way to think about the effectiveness of protest is to examine the disruptive effects on institutions of different forms of mass defiance, and then to examine the political reverberations of those disruptions."¹⁹

The mass defiance of tenants took on one major form, the withholding of rent, and several minor forms, such as the picket line, negative publicity, and mass demonstrations. Evidence for the effectiveness of these protests among landlords can be found in a variety of forms. One is the level of interest this issue generated among the general public in New York. The number of articles in the *New York Times* on this subject increased steadily between 1917 and 1920.

While the political reverberations of this mass defiance will be further examined with the Mayor's Committee on Rent Profiteering, an initial examination shows that they had a serious impact.

One of the most important lessons of the associations is the power of widespread organization. Because many smaller organizations banded together under the umbrella of the GNYTL, the tenants had a more powerful voice when speaking about their interests. Pooling the resources of the different associations resulted in a strong group that had more money, more contacts, and was more able to reach the few tenant sympathizers in the beginning of the conflict and build on their base throughout. If the smaller associations had remained separate, they would have been more vulnerable to the hostility of judges, lack of interest by elected officials, and low level of resources of their constituents. The strength of the tenant associations advanced the agenda of the tenants beyond the abilities of the tenants on their own.

¹⁹Piven & Cloward, page 24.

Chapter 4

Tenants in Court

To the poor immigrant tenants who were victims of rapidly increasing rents, the courts might not have seemed like a place of refuge. The courts were not especially sympathetic to the tribulations of tenants as the number of dispossess cases began to increase in 1917. Judges were on the front lines of the housing crisis as they watched a trickle of landlord-tenant court cases swell to a mighty flood that threatened to paralyze the court system throughout the city. Because of this, judges were the first public officials to speak out for some type of remedy to the housing crisis, making them an important advocate for tenants, even though these two groups did not always agree on the causes of and proper remedies for the housing crisis.

Conditions in Court

When tenants responded to rent increases and poor housing conditions by withholding rent, landlords often responded by beginning dispossess proceedings, evictions in municipal court. This was the case for the Bronx tenants involved in the New Years Day strikes of 1917. The tenants complained that the steam heat and hot water promised to them by the landlord in their oral leases were missing, and so refused to pay the rent. On January 5, Justice Michael Scanlan of the Bronx municipal court ordered 296 tenants to “pay the rent demanded by [the landlords] for their cold, uncomfortable flats, or get out on the street.”¹

Initial court cases on the issue of rent strikes continued to address the issue of landlords supplying heat to the tenants. In another case, decided in July, the municipal court found on behalf of the tenants, who had refused to pay their May rent unless a reduction was made to account for the lack of heat.²

¹Call 1/6/17.

²Times 7/8/17.

Tenants soon discovered that health issues such as a lack of heat were useful for winning decreases in rent through the courts. However, they were hampered by an uneven interpretation by the municipal judges of the vague laws covering this area.³ Some landlords allowed tenants to deduct the cost of heaters from their rent, while others did not. Others applied partial deductions of one sort or another. All together, it was a confusing issue for the tenants, who were mostly reduced to hoping for a friendly judge.

Tenants used the heat issue as a way to pressure landlords about rent increases as long as they could. In December of 1918, the city health commissioner, Royal Copeland, amended the city health code so that landlords were required to maintain heat in apartments they rented, effectively removing this issue from the courts.⁴

Some judges began arbitrating landlord-tenant cases that came before them, using their own sense of justice instead of the vague laws on the books. Judge Harry Robitzek of the Bronx Municipal Court saw nearly 350 cases on April 10, 1919, and decided to disregard the statutes for what he called “the law of common sense.” He dismissed those cases that seemed to be clear cases of the landlord taking advantage of a tenant, such as one landlord who raised rents from \$18 to \$50 over 4 months, and advised other tenants to pay their rent when the increase seemed reasonable. After court the judge said that the housing crisis “is a condition that ought to be remedied and that as soon as possible.”⁵

The sheer volume of landlord-tenant cases was difficult for the courts to handle. They often experienced days in which the parties were unable to fit into the courtroom. During one particularly crowded day in the Bronx Municipal Court, the courtroom doors were locked from the inside to keep tenants standing outside. As cases were called, the crowd passed back the name of the parties involved, and they then worked their way through the crowd to reach the courtroom. The fire escapes were used for exits on that day, as the crowd of mothers, policemen, firemen, and mail carriers was too packed to allow passage through the normal exits.⁶

The atmosphere was difficult for both tenants and landlords. At least one landlord decided to flout a judge’s decision, when he felt that he had not been given the chance to present his case for an increased rental.⁷ Tenants felt the same frustration with the lack of attention given to each case. As one speaker at a Fair Play Rent Association mass meeting stated, when 700 to 800 cases were heard by a single judge in the course of a seven hour day, it was nearly impossible for every case to receive the judge’s full attention. “It is a physical impossibility... I asked a judge why he did not take up each case as he would a civil suit, hearing both sides of the question, and his answer was

³Spencer page 55.

⁴Day page 109.

⁵Times 4/11/19.

⁶Times 9/9/19.

⁷Home News 8/12/20.

that it could not be done with the court calendar as it is.”⁸ At the end of September, 1920, the judges decided to hear only 125 dispossess cases per day, in order to give each case the hearing it deserved.⁹

With the passage of the April, 1920 rent laws, tenants were authorized to bring suit against their landlords for rent increases that they felt were unjust or unreasonable. Tenants bore the burden of proof for rent increases less than 25 percent; landlords for increases more than 25 percent. Judges were thus given the job of determining whether the increase was just or not. Judges had different opinions about the validity of 25 percent increases in rent. Judge William Morris, of the Bronx Municipal Court, stated in court that it was “poppycock for landlords to think they were entitled to an increase of 25 per cent. You are welcome to it if you can prove it, but you’ll have to do some tall proving to convince yours truly.”¹⁰

Unfortunately for tenants, Judge Morris’s opinions were not held by every magistrate. A group of tenants from 946 East 167th Street prepared a table of figures for the court showing that their landlord was receiving a 44 percent return on his investment before he asked them for a rent increase. Despite their preparation, Judge Sheil granted small increases to their landlord. The tenants protested to a reporter “because the laws allow landlords a justifiable increase in rents to allow them a reasonable profit on their investment, it is no reason why courts should allow the final penny when landlords like ours are getting such big returns.”¹¹

The actions of the judges were not always popular. Judge Morris of the Bronx court began receiving “poison pen” letters from landlords who were unhappy with his decisions in August, 1920.¹²

The Activism of Judges

As city judges became more aware of the housing crisis threatening the city, they began to do more than simply hear the cases that came to their courtrooms. In April of 1919, the municipal judges from the Bronx met with the state legislators of the Bronx to discuss and reach an agreement on bills to alleviate the housing problems.¹³

On May 7, 1919, twelve of the forty-seven municipal judges meet with the Mayor’s Committee on Rent Profiteering to discuss their perspective of the situation.¹⁴ While most of the discussion focused on the judges’ ideas for legislative remedies to the housing problems of the city, one result of this meeting was a general agreement to treat tenants as leniently as possible.¹⁵

⁸Home News, 8/12/20.

⁹Home News 9/21/20.

¹⁰Home News 8/15/20.

¹¹Home News 7/11/20.

¹²Home News 8/17/20.

¹³Times 4/14/19.

¹⁴Times, 5/7/19, 5/18/19.

¹⁵Times 5/8/19.

In general, judges sympathized with the tenants, against the property rights claims of the landlords. As Judge Robitzek stated in his courtroom, “When this government was founded the only thing taken into consideration was human rights. It was not until later that property rights were considered at all. It is necessary for those who have the best interests of this country at heart at this time to keep the human rights to the foreground and all property rights remain in the background.”¹⁶

Judge William Morris, addressing a mass meeting of the Fair Play Rent Association, clearly showed his sympathy for the tenants, attempting to soothe their fears and encouraging them to work to amend the April rent laws. “Don’t be afraid of court proceedings,” he said. “The judges are all human. I believe that they all try to do their best and administer justice.”¹⁷

After the passage of the April rent laws, judges continued to press for amendments in order to eliminate the weaknesses in the laws which they dealt with in their courtrooms. Undoubtedly, they also hoped for legislative assistance in stemming the flood of landlord-tenant cases into the courts, something that was not accomplished by the April laws.¹⁸ The Joint Legislative Committee on Housing, commonly called the Lockwood Committee after its chair, State Senator Charles Lockwood of Brooklyn, held hearings about how to improve the laws, and held one hearing session in the Bronx in order to have busy judges present. Judge Robitzek appeared, and urged the committee to consider amendments to the rent laws that would give judges more power to investigate both tenants and landlords and to extend stays in these cases more than one year.¹⁹

On the other hand, Judge Michael Scanlan testified before the Lockwood Committee that he did not believe changes to the April laws were needed. Judge Scanlan testified that “these rent laws were absolutely necessary, and I think as they are administered in the Bronx they have worked out very well. The rent laws have stopped speculation.”²⁰

Judges who did believe the rent laws needed amendment pressed their case at any opportunity. During July, 1920, Assemblyman Joseph McKee appeared before Judge Robitzek as the attorney for a group of tenants protesting oppressive rent increases. The judge ruled that the landlord could have a 25 percent increase in rent and gave the tenants a stay of one year. When the assemblyman protested, the judge told him “You are no doubt going back to the Assembly, Mr. McKee. There’s where you can help. Work to change the rent laws . . .”²¹

¹⁶Home News 8/8/20.

¹⁷Home News 8/15/20.

¹⁸Home News 7/11/20.

¹⁹Home News 8/1/20.

²⁰Home News 7/20/20.

²¹Home News 7/25/20.

Prosecution of Tenant Organizers

In the fall of 1919, tenants appeared in court not only for their own dispossession cases, but also as part of a John Doe inquiry begun by Nathan Hirsch, chair of the Mayor's Committee on Rent Profiteering. The targets of this inquiry, the purpose of which was to enter facts of the cases on the official record of the court, were tenant organizers who were believed to have formed "fake tenants' associations, particularly on the east side."²² The charges made in the press against these conspirators included taking the tenants' money, fomenting strikes, and stirring up dissension. Many were believed to be Bolsheviks, as well.

Conclusions

Throughout the housing crisis, the court system remained a difficult venue for tenants, mainly due to the barriers tenants faced while dealing with the courts. Most tenants, particularly at the beginning of the crisis, had little education, no money to hire a lawyer, and no familiarity with legal proceedings. Additionally, new immigrants may have been inexperienced with the English language, complicating their ability to deal with the court. As a result, the main actors in the court were the judges and lawyers. Tenants had the greatest influence over judges through the court of public opinion and over lawyers through the hiring decisions of the tenant associations.

Despite these barriers, judges were one of tenants' best allies through their promotion of the tenants' agenda. While judges viewed the housing crisis from the bench, not from the intense atmosphere of the tenements, they became well versed in the difficulties faced by tenants through testimony and intimate with the scope of the problem by trying to manage their overwhelming caseloads.

Unfortunately, the courts also hampered the tenant movement by facilitating the proceedings which jailed some tenant organizers. Although tenants often faced difficulties in court, overall it was an important venue for the housing crisis and tenant activists. The judges proved to be important advocates within the state government for reforming laws dealing with the crisis.

²²Times 10/8/19.

Chapter 5

Tenant Activism and the Mayor's Committee on Rent Profiteering

As the housing crisis in New York escalated, more and more pressure was placed on elected officials at the state and city levels to take some positive action. For Mayor Hylan of New York City, this pressure was particularly acute. Eventually, he responded by forming the Mayor's Committee on Rent Profiteering, which left a deep mark on the period. The Committee's 1919 report stated that "in sum and substance, the Committee's mission was, if possible, to get at the root of an evil which is causing widespread unrest in this city, and which is making excellent propaganda for agitators."¹ In progressing towards this goal, the Committee undertook the settlement of many rent disputes and other activities to assist tenants. However, instead of isolating and attacking the causes of the housing crisis, the Committee chose the Socialist-led tenant associations as the evil which it determined to attack and destroy.

Formation of the Mayor's Committee

The Mayor's Committee on Rent Profiteering was not the mayor's idea. In the spring of 1919, a committee from the Greater New York Tenants League first visited Nathan Hirsch, chair of the Mayor's Committee on Liens and Taxes, and then the mayor to discuss the formation of an investigatory body.² The visiting committee included Mrs. Mary Mardfin, a GNYTL organizer, and Reverend A. Ray Petty, the pastor of Judson Memorial Church.

When much time passed without action by the mayor, the GNYTL began to publicly doubt that Hylan would form the committee, despite the assurances he had given them. On April 13, above

¹Report of the Mayor's Committee on Rent Profiteering 1919.

²New York Call 4/6/19.

the article in the *New York Call* announcing the new Mayor's Committee on Rent Profiteering, the headline read "Mayor Would Stop Rent Profiteering – 'Appoint an Investigating Committee,' Says Wonderful Being Now Ruling New York."³

With such fanfare, the Mayor's Committee on Rent Profiteering formed on April 14, 1919, as a subcommittee of the Committee on Taxation and Investigation of Mortgage Loans. Its stated purpose was "...determining whether profiteering existed, and if so to aid the tenants in every possible way and to suggest remedies."⁴ Three days after its formation, the *Times* reported that the Committee had received 200 letters from tenants.⁵

Original members of the committee included Nathan Hirsch as the chairman, Edward I. Hannah from the Central Federated Unions, Henry Bloch, a lawyer, Peter Brady, president of the Allied Printing Trades Council of the State of New York, and Dr. A. Ray Petty.

Soon after the formation of the committee, the Executive Committee of the Democratic organization of New York, popularly known as Tammany Hall, volunteered members of its Law Department to assist with legal work. In 1919, over 150 lawyers worked for the committee as arbitrators between landlords and tenants and as counsel to tenants appearing in municipal courts in Manhattan. The *New York Sun* noted that "Tammany Hall saw the possibility of making friends with oppressed rent payers and offered to aid the committee in its work."⁶

The committee worked with a very simple method. Tenants brought complaints to the committee, which were written on a white card. The reply of the landlord was written on a blue card. After investigation by an attorney, cases of injustice were brought to the committee; others were dropped, with notice to the complaining tenant. The workload was often heavy; during the last week of September, 1919, the committee received 892 complaints, divided among the Bronx, Brooklyn, and Manhattan.⁷ The committee mainly strove to affect compromise between landlords and tenants, stating in its 1919 report: "Mediation, conciliation, and arbitration have been the watchwords of this Committee, which fully realizes that except in a few isolated cases the law cannot aid those suffering at the hands of profiteers."

While the committee embarked on a variety of projects, including working with New York churches to secure temporary shelter for the evicted and taking a survey of vacant housing units in the city, its main purpose remained working with tenants and landlords to settle cases. To many who were not intimately involved in the housing crisis, the Committee seemed like a fine solution to the housing crisis facing the city. Alderman Clarence Y. Palitz wrote a letter to Hirsch stating "I cannot think of any other committee or agency which is doing a work more serviceable to the residents of our city, to the suffering masses, which are burdened with the high cost of living, than

³Call 4/13/19.

⁴Report of the Mayor's Committee on Rent Profiteering, 1919.

⁵New York Times 4/18/19.

⁶Day page 113.

⁷Bronx Home News 9/30/19.

your committee. I may say that your committee has acted as a brake in the landlord and tenant disputes, and if it were not for your excellent work we would have had untold disturbances and a great deal of consternation.”⁸ However, both tenants and landlords soon became well aware of the shortcomings of the Committee, which hampered its efforts to alleviate the housing crisis.

Tenants and the Committee

Meetings of the Mayor’s Committee on Rent Profiteering were much like court cases, with members of the committee asking questions of the tenants or landlords presenting their dilemmas. With the overriding goal of settling rent disputes, the Committee was soon handling a heavy caseload. During one week in June, 1919, the Committee settled 1,437 rent disputes, divided nearly evenly between the Bronx, Brooklyn, and Manhattan.⁹

Committee hearings could be raucous events. At one, protesting tenants marched into the hearings behind a jazz band playing “The Homesick Blues.”¹⁰ Later, a member of the committee, in response to some testimony, stated “The tenants had the place for too cheap from the first day . . .” and nearly caused a riot among assembled tenants. Tenants generally felt free to applaud, hiss, shout, and protest during hearings. At one meeting, tenants hissed at a landlord attempting to evict a woman with seven children, and then applauded when the committee’s assistant counsel, who was presiding, threatened the unnaturalized landlord with investigation by the Attorney General.¹¹

Initially, tenants viewed the Committee with relief, pleased to have an ally in their fight against increased rents. However, the limitations of the Committee were soon plain.

One of the main limitations of the Committee was the same as one crippling the court system – a lack of capacity to deal with the scope of the housing crisis. The press commonly reported that the Committee successfully concluded approximately 1,500 cases in a given week, and this number did not include those cases in which a settlement was not reached.¹² Just three months after the formation of the Committee, the number of cases “in which it has been impossible to reach a satisfactory agreement” was 17,000.¹³

A second limitation of the Committee was its inability to protect tenants from harassment by the landlord if they brought a complaint. Tenants feared not only requesting the Committee to arbitrate the amount of their rent but also even repairs to their apartments, “in the belief that the rents might be increased or that they might receive eviction notices.”¹⁴

⁸Times 10/5/19.

⁹Times 6/22/19. Rent disputes were not always so evenly divided. Usually, the number of cases from Manhattan outnumbered those from the other two boroughs.

¹⁰Home News 9/11/19.

¹¹Home News 8/31/19.

¹²For example, Times 8/3/19, 8/24/19, and 8/31/19, the latter of which reported that 1,991 cases had been settled.

¹³Times 7/29/19.

¹⁴Home News 8/3/20.

Finally, tenants were frustrated by the Committee's limited legal powers. One tenant lawyer stated:

In the beginning we accepted the loudly proclaimed offer of the Mayor's committee to assist the tenants and referred all matters to the Mayor's committee for investigation. I have attended many hearings of the committee, and I must say that Captain Goldsmith and myself have adjusted many disputes. This was, however, only where the landlord was willing to make a concession. In many instances the landlords refused to appear before the Mayor's committee, and when I appeared in court to answer to dispossess proceedings begun by the landlord and requested adjournment of the cases so as to enable the Mayor's committee to investigate, the landlords refused on the ground that the Mayor's committee had no power to do anything. This statement was confirmed by the courts, and the judges invariably held that the adjustments must be made either by the court or by agreement between the landlord and the tenants.¹⁵

By late summer of 1920, the *Bronx Home News* reported that the Committee had "ceased to function, so far as the Bronx is concerned."¹⁶

Landlords and the Committee

Despite their different circumstances, landlords had the same perspective on the work of the committee as the tenants. Regardless of its pledge to be fair to the landlord as well as the tenant,¹⁷ many landlords distrusted the committee, seeing it mainly as a body set up to appease disgruntled tenants. This belief was reinforced by the committee's lack of legal authority, which prevented it from enforcing the arbitration agreements reached between landlords and tenants.

At the beginning of the Committee's tenure, it reached agreements with some landlords to bring their rent disputes directly to the Committee. One major agreement was made with the Brownsville Landlords' Protective Association, stating that all disputes involving landlords in the association would be brought before the committee. This agreement covered "practically all the landlords in the neighborhood"¹⁸ and was considered a great step toward preventing more rent disputes and additional court cases in the area.

The committee also attempted to use the tool of publicity to its advantage in encouraging landlords to deal with the committee when in dispute with tenants. Publicity about the Committee grew immediately after its formation, and the percentage of landlord-tenant disputes which it was

¹⁵Day page 117, quoted from Call 10/18/19.

¹⁶Home News 8/1/20.

¹⁷Times 4/19/19.

¹⁸Times 5/10/19.

able to to settle increased.¹⁹

Despite these encouraging marks, the Committee mainly operated by attempting to force landlords into agreements, rather than attempting to identify and address the underlying causes of the housing crisis. This method quickly alienated landlords, especially those who did not feel they were “profiteering.”

From the beginning, many landlords were recalcitrant, refusing to answer questions about their business practices, refusing to arbitrate with their tenants, and refusing to recognize the Committee’s authority. Some ignored summonses from the Committee, failing to show up or to respond in any way. Absenteeism started at 40 percent immediately after the Committee’s formation, and continued to be a problem throughout the life of the Committee.²⁰ Even when landlords appeared, they were often obstinate. Landlord Anthony O’Brien told the Committee that “he could do as he liked, and that no one could make him do anything he didn’t want to do.”²¹

As landlords continued to ignore the Committee, Hirsch tried to strengthen his position by pulling together power from various city committees, including the Health Department, the Buildings Department, the Fire and Tenement House Departments, and the Department of Water Supply, Gas, and Electricity.²² The threat of various inspectors hounding a landlord continually about code violations was often enough to insure compliance with the settlement reached by the Committee. However, Hirsch’s ties to the Tax Department, which threatened to reassess the property taxes of buildings whose landlords refused to arbitrate, remained his most effective threat against profiteers. Commissioner of Taxation David Hirshfield assisted Hirsch by investigating profiteering landlords and increasing their tax assessment.²³

Tenant Associations and the Committee

While many outsiders came to view the Mayor’s Committee on Rent Profiteering as an attempt to aid tenants and hold down skyrocketing rents, the Mayor and the chair of the Committee had different views. They believed the role of the Committee was to stem the influence of the Socialist party over tenants. In a letter to the Mayor, Hirsch wrote “The spirit of unrest, by many called ‘Bolshevism,’ is gaining very rapidly and will soon, if not checked, be a great and grave source of danger to the republic ... I have come to the conclusion that ‘Bolshevism’ is the result of a misunderstanding which, by proper education, mediation, publicity, and conciliation, could be overcome.”²⁴

On October 2, 1919, he wrote a letter to Mayor Hylan, asking the mayor’s support for “John

¹⁹Times 5/14/19.

²⁰Day page 115.

²¹Home News 9/18/19.

²²Day page 115.

²³Times 5/15/19.

²⁴Day page 112.

Doe” proceedings to investigate the tenants associations in the city. Hirsch stated that “these conditions are hampering the efforts of the Mayor’s Committee on Rent Profiteering and are breeding Bolshevism, unrest and anarchy at an alarming rate.” He received the Mayor’s support, and a few days later the district attorney assigned one of his assistants to conduct the inquiry in an attempt to place facts about “certain east side organizations which have been operating on Bolshevik and Soviet lines” on the record.²⁵

The Committee’s John Doe proceedings were a clear attempt to undermine the influence of various city-wide associations over tenants. These efforts are also evidence of the organizational strength of the tenant associations. If the associations had not been so strong, the Committee would not have expended its energies in trying to undermine the associations and replace them in the lives of the tenants.

For city officials, the associations were a powerful threat. The mainly Socialist leaders of these associations had managed to channel the outrage and despair of a large group of people. It is doubtful that these groups would have been able to take over the city through the ballot box, thanks to continuing wariness of the Socialist party among some tenants. However, with the news of the Russian Revolution fresh in their minds, city officials worried about violent rebellion within the city. The hysteria about a Red Revolution on May 1, 1920 is evidence of the depth of fear among city officials; the fact that this revolution never occurred is evidence of the non-violent foundation of these feared associations.

The Significance of the Mayor’s Committee

Overall, the Mayor’s Committee on Rent Profiteering had an important impact on the housing crisis. One effect of the Committee was to publicize the scope of the problem to those who were not intimately involved. The statements of city and state officials and the rising number of settled disputes coming from the Committee were more widely reported by the mainstream press than the similar activities of the tenant associations were. In way, the Committee helped spread the message about the importance of this issue to people who were not directly involved in rent strikes or tenant organizing.

The Committee also brought a number of cases to a settlement, preventing a greater backlog in the court system. This effect might have kept the court system from collapsing under the weight of so many landlord-tenant cases by removing a large number of relatively less serious cases from the courts. This result would also have kept serious, difficult cases in front of the judges, which might have influenced the judges’ willingness to act as advocates for rent law reform.

Finally, the Committee acted as a forum for officials who wished to learn more about the housing

²⁵Times 10/4/19, 10/8/19.

crisis and its effects. City and state officials were always welcome to sit in on sessions of the Committee, and from that vantage point learned a great deal about the tribulations facing tenants with little money but great rent bills. This education was to prove important as tenants took their demands to Albany.

Chapter 6

Activism at the State and Federal Level

Tenant groups began lobbying in the state capital in 1918, when the Greater New York Tenants League had an unsatisfactory meeting with Governor Whitman. After that, associations, unions, and individuals all took their turn lobbying state legislators and leaders in Washington about various methods to ease the housing crisis. The Greater New York Tenants League even sent a letter to President Wilson asking him to appoint a national rent administrator and to support rent legislation. As the housing crisis continued, it became clear to many tenant leaders that rent strikes targeting individual buildings could not stop the hardships facing so many tenants. State or federal legislation was needed. To achieve this goal, tenants carried their fight to Albany and to Washington.

Again on August 29, 1918, the *New York Call* reported that the Greater New York Tenants League, unable to gain the support of Governor Whitman in the face of his “unsatisfactory attitude,” had determined to write to President Wilson, asking him for a second time to appoint a national rent administrator who would be able to protect tenants from gouging landlords.

Early in 1919, the GNYTL became holding mass meetings in order to get the signatures of tenants on petitions urging the legislature to pass laws protecting tenants. At the same time, the GNYTL urged tenants to write to the chair and members of the House Ways and Means committee and endorsed a bill before the legislature.¹

Tenants knew and understood that legislative leaders controlled their chances at getting relief from the housing crisis through lawmaking. To influence these men, tenants held protest meetings to demand new laws, and were prepared to punish both individual legislators and political parties who did not heed their demands.² Tenants also took their demands to Albany in person. That

¹Call 1/31/19.

²Home News 3/9/20.

spring, the *Bronx Home News* reported about a “monster delegation” which planned to visit the state capitol for hearings on a set of rent bills.³ Three hundred tenants visited the capitol on that day; the delegation was three times as great as the group of landlords which also attended the hearings.⁴ Tenant associations continued to send delegations of tenants to Albany through the spring to pressure legislators to pass rent reform laws.⁵

The tenants were urged to continue their efforts to influence state law by figures such as Fiorello La Guardia, then president of the city Board of Aldermen. La Guardia, speaking before a joint meeting of the Concourse Community Council and the Fair Play Rent Association, stated “If your legislators do not pass adequate laws and do so immediately, for the protection of the rent-payer, kick them out of office and elect those who will.”⁶

The April Rent Laws

In April, 1920, the state legislature finally acknowledged the housing crisis in the state and passed the first series of state laws that revolutionized the landlord-tenant relationship. These laws were intended to give tenants some respite from rent increases and harsh eviction proceedings.⁷

Chapter 130 repealed the Ottinger law, which had stipulated that oral leases would be monthly leases only, which carried fewer legal protections. The Ottinger law had been widely blamed for exacerbating the housing crisis in New York. Chapter 130, in the words of Judge Edgar Lauer and US Attorney Victor House, “re-established the operative effect of the old [pre-Ottinger] statute permitting oral leases of a year, and added the provision that in the case of a letting of unspecified duration, the term shall be deemed to continue till the October first following the taking of possession, thus changing the New York ‘moving day,’ so-called, from May first to October first.”⁸

Chapter 131 prevented landlords from harrasing tenants by withholding services which were normally provided, such as heat and hot water.

Chapter 132 allowed the court to provide relief for the tenant without requiring the tenant to file a separate motion for such relief. Thus, a landlord taking a tenant to court over non-payment of rent ran the risk of the judge making a ruling for the tenant without requiring the tenant to prepare a motion. “The law, as it is amended, now permits the court to adjudicate what rent is due and render judgment for such rent, or, if the counterclaim [of the tenant] exceeds the rent found due, to

³Home News 3/16/20.

⁴Home News 3/25/20.

⁵Home News 3/18/20.

⁶Home News 3/18/20.

⁷Edgar J. Lauer and Victor House provide a detailed explanation of the 1920 laws, their effects, and their motivation in the book *The Tenant and His Landlord*. Lauer was a Municipal Court judge in New York City and House was Assistant US Attorney for the Southern District of New York. Additional information may be found in Day’s *Urban Castles*, pages 134-5, and Spencer pages 72 and 92.

⁸Lauer & House page 38.

give affirmative judgment for the tenant for such excess.”⁹

Chapter 133 required a landlord attempting to evict an “objectionable” tenant to prove to the court that the tenant was in fact objectionable, regardless of any authority given to the landlord by a written lease.

Chapter 135 allowed tenants to make an oral answer before the court, eliminating the need for a tenant to hire a lawyer.

Chapter 136 authorized tenants to protest rent increases as “unjust, unreasonable, and oppressive.” If the increase were less than 25 percent, then the burden of proof was borne by the tenant; if it were 25 percent or more, the landlord was required to show the increase was just, reasonable, and not oppressive. It applied only to certain cities, namely New York City and those immediately adjacent.

Chapter 137 gave municipal judges the right to grant stays of up to one year when tenants were unable to find a comparable apartment at the same level of rent.

Chapter 165 required that legal actions involving rent, rental value, or the recovery of possession of a rental property be brought in the district where the property was located. This law prevented landlords from bringing tenants into courts at a distance from where they lived in an effort to harrass them.

Chapter 209 eliminated the legal distinctions between monthly and month-to-month tenancies, and established a requirement of 30 days notice for the termination of a tenancy.

Chapter 210 applied only to New York City. It gave municipal court judges the ability to grant stays of 5 days to tenants without requirements and stays of up to 30 days if the tenant deposited the rent with the court.

Chapter 298 made it a misdemeanor punishable by a fine to refuse to rent a dwelling to a tenant based solely on the fact that the tenant had children.

Some of these laws made permanent changes to the legal relationship between landlords and tenants, while others were temporary measures. The major problem with the temporary laws was that they covered only current tenants. If a landlord were able to take a new tenant after these laws were signed, the new tenant was not covered by these laws and could therefore be charged much higher rents.¹⁰ The temporary laws also included a definite expiration date, in November, 1922, and applied only to certain kinds of buildings.

While the laws restricted the power of landlords in some areas, they also provided new methods of intimidation. Under Chapter 137, although judges could grant stays of up to one year to tenants, they were also required to issue eviction warrants at the same time. Thus, while tenants knew that they had another year in their apartment, the landlord was able to evict them almost immediately upon

⁹Lauer & House page 39.

¹⁰Spencer page 73.

the completion of the yearlong stay.¹¹ These warrants, as Judge Robitzek noted in his courtroom, were “a club to hold over the heads of these tenants.”¹² While Judge Robitzek attempted to assist the tenants by writing the warrants for one year from the day the landlord requested them, thereby giving them a few extra months in their apartments, the laws still required him to issue the warrants.

Landlords were frustrated by the erosion of their authority over tenants and the loss of their ability to set whatever rent they desired. Stewart Browne, leader of the United Real Estate Owners Association, expressed the sentiments of landlords: “The tenant has the right of remaining as long as he pleases and can vacate when he pleases without notice, and, when in possession, his apartment is his castle to fill it and do with it as he pleases and he has the right to pay rent in amount and when he pleases, and he hasn’t a single obligation in the world, except the contingency to pay rent in amount as and when he pleases.”¹³

Tenants harbored similar feelings to those of their landlords. The *Bronx Home News* urged its readership to support “the campaign to protect the interests of the tenants of this county,” saying

While laws that were placed on the statute books on April 1st did curb the profiteering landlords to some extent, still it is the duty of the Governor and members of the State Legislature to place additional laws on the books that will break the strangle hold once and for all, the gouging landlords of this Borough have on their tenants who are completely at their mercy.¹⁴

The Emergency Rent Laws

While tenants and landlords did take some time to adjust to the new legal atmosphere in the courts, their frustrations were not mere annoyances. Soon, tenant associations, including newer organizations such as the Fair Play Rent Association, were advocating for a special session of the state legislature for the purpose of passing more rent reform laws.¹⁵

For the municipal judges, it was also soon clear that the April Rent Laws were inadequate to deal with the severity of the housing crisis in New York City. They became extremely anxious about their caseloads, and the president of the Board of Municipal Court Judges warned that the number of dispossess proceedings during the month of October threatened to exceed those heard during the entire year of 1919.¹⁶ Pressure from the municipal judges was largely responsible for pushing the state legislature back into a special session, where the Emergency Rent Laws were passed in seven days.

¹¹Day page 140.

¹²Home News 8/5/20.

¹³Day page 136-7.

¹⁴Home News 8/3/20.

¹⁵Home News, 8/15/20.

¹⁶Spencer page 75.

Chapter 942 restricted the right of landlords to deny lease renewals to tenants whose leases were to expire on October 1. It was mainly intended to protect those tenants whose leases were soon to expire and to prevent a glut of new cases from entering the court system.

Chapter 944 eliminated the 25 percent clause of chapter 136, and gave the burden of proof for a rent increase to the landlord, who was required to submit an invoice of expenses when requesting a rent increase.¹⁷

Chapter 952 extended the amount of time given to tenants to make an answer in a summary proceeding from not less than three nor more than five days to not less than five nor more than ten days.¹⁸

The most surprising aspect of the new laws was the continued removal of authority from landlords. The landlords of New York wielded a considerable amount of political power, and it is surprising that they were unable to prevent this erosion of their property rights.

A second surprise was the failure of the state legislature to establish an administrative body to oversee the implementation of these laws. A body of this type was established in Washington DC shortly before these laws were passed, and a similar body was established in New York City after World War II, when New York encountered another housing crisis. However, no such body was established in 1920. One reason this is particularly surprising is that the landlords of New York were a powerful group and might have approved of such a board as a way to re-establish their control of the rental situation. Instead, the implementation of these laws was left, by default, to the municipal judges.

Coming at the heels of the Red Scare, turning the setting of rents over to the courts and not the property owners was a dramatic step, and perhaps indicative of the extent to which lawmakers were worried about chaos in New York without some kind of relief for tenants.

Conclusions

In many respects, the Emergency Rent Laws were a victory for tenants and their organizing efforts. Under these laws, judges soon came to agree that an 8 percent profit on the market value of property was a reasonable return to the landlord. Although this standard encouraged landlords to make “paper exchanges” of buildings in order to drive up the market value, eight percent was a much lower mark than the 10 to 20 percent raises tenants had become used to.¹⁹

In this atmosphere, many tenants rejoiced, and they rejoiced for good reason. There were two main groups of people working for rent law reform: tenants themselves, and the New York City municipal judges. However, the effect of the tenants was the greatest because they caused the

¹⁷Spencer page 75.

¹⁸Lauer & House page 45.

¹⁹Spencer page 76.

judges to become more involved in this issue. If tenants had not protested, struck, and gone to court against their landlords, the judges would not have become advocates for rent law reform. Thus, tenants were ultimately responsible for the lobbying efforts encouraging the state legislature to reform the rent laws.

However, these laws dealt only with the effects of the housing shortage, and failed to address its root causes. This is partly due to the lack of agreement on the true causes of the housing crisis. While many builders, landlords, and officials believed the housing shortage was due to a cessation of building during the war and the following cost inflation of materials, others argued that the shortage was in fact caused by tenants themselves, who wanted better apartments than they could afford.²⁰. Whatever the reasons, this failure prevented the rent laws from effecting more than the outlying effects of the problem.

Despite their shortcomings, the package of reforms passed during 1920 made amazing changes in the landlord-tenant relationship. The transformation of this relationship happened over a relatively short period of time, and so the process undertaken by tenant activists provides interesting information.

Tenants refused to pay their rents because they lost all faith in the housing system of the city and decided to demand some change in the situation.

Tenants learned organizational skills and protest techniques from the labor unions, which were a major part of working-class life. Strikes were well known and practiced by these tenants. Women gained prominence in the struggle thanks to their role as manager of the household. Tenants chose rent strikes initially related to the provision of heat in their apartments. This seemed like the best legal option at the time. They continued using rent strikes because they were successful and dramatic.

Public officials were slow to respond to the housing crisis because it initially affected only working-class people who had less political influence. As the crisis spread and the Socialist party became more involved in providing assistance in working-class neighborhoods, public officials began to respond, mainly with investigatory bodies and by introducing bills in Albany, as a way to keep the Socialists from establishing full control over the issue.

Judges played an especially important role by becoming active both on the bench and in public, urging action on housing issues. The Mayor's Committee on Rent Profiteering also played an important role in urging public officials to act on these issues. By providing arbitration services to tenants, the Committee also assisted the courts, which were already overloaded with a glut of cases.

The years between the New Years Eve rent strikes in the Bronx and the passage of the Emergency Rent Laws were tumultuous and exciting. However, even while tenants were rejoicing over their

²⁰For more on this theory, see Samuel McCune Lindsay's book *Some Economic Aspects of the Recent Emergency Housing Legislation in New York*

victory, they were losing their ability to influence laws and policies around this issue. With the decline of the tenant associations led by the Socialist party and working-class tenants and the rise of the conservative tenant associations, the working-class tenants who had been at the forefront of activism between 1917 and 1920 had less influence. While the story of tenant activism in this period is an exciting one, it is also a story with a definite ending. Unable to extend their influence and activity, as the year 1920 came to an end, so did the story of working-class tenant activism.

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